



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, February 12, 2020 at 7:00 PM

Notice is hereby given that the Board of Adjustment of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 12th day of February at 7:00 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

1. Call to Order
2. Citizen Communications The City Council welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Citizens Communication agenda item or when the specific agenda item is taken up by the Council later in the meeting. The Council cannot respond to matters not listed on the agenda until a future meeting. Speakers shall limit their comments to five (5) minutes each.

3. Consent Agenda

The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. To enhance the efficiency of City Council Meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or Citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Citizens requesting items be removed from the consent agenda must submit a written Speaker Card to the City Secretary before the meeting begins. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.

- a. Approval of the January 22, 2020 Special Meeting Minutes

4. Land Use

801 Cedar Park Drive: Discuss and Consider Action on variance requests for a building to encroach into a setback; keep existing impervious cover to exceed the maximum allowable impervious cover; and for an existing swimming pool to encroach into the rear setback in order to reconstruct a non-conforming residence destroyed by fire. Owners/Applicants William and Lois Thomson.

- Variance for a building to encroach into a side setback (Sec. 22.03.281 of the West Lake Hills Code)
- Variance to keep existing impervious cover over maximum allowed (Sec. 22.03.281 of the West Lake Hills Code)
- Variance for existing swimming pool to encroach into rear setback (Sec. 22.03.281)

- a. Staff Briefing
- b. Presentation by Applicant
- c. Citizen Communications: All persons wishing to speak on this item shall be heard
- d. Deliberation and Action

5. Land Use

1 Hidden Cove: Discuss and Consider Action on a variance request for the construction of a new carport that encroaches into the front setback (Sec. 22.03.276 and Sec. 22.03.281 of the West Lake Hills Code). Applicants/Owners Criss Cloudt and Brian Plunkett

- a. Staff Briefing
- b. Presentation by Applicant
- c. Citizen Communications: All persons wishing to speak on this item shall be heard
- d. Deliberation and Action

6. Land Use

1801 Yaupon Valley Road: Discuss and Consider Action on variance requests for the construction of a swimming pool, patio, and concrete/stone wall within the rear setback. (Sec. 22.03.276 and Sec. 22.03.281 of the West Lake Hills Code). Owners/Applicants Mike and Luniece Schless (Power of Attorney Blake Moran).

- a. Staff Briefing
- b. Presentation by Applicant
- c. Citizen Communications: All persons wishing to speak on this item shall be heard
- d. Deliberation and Action

7. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the February 12, 2020 City Council Regular City Council Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, February 7th, 2020 and will remain posted continuously until said meeting is convened.

Signed: Stephanie Mills, City Secretary

All items on the agenda are for discussion and/or action. The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the City Secretary at 512-327-3628 at least 48 hours in advance.



CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A BOARD OF ADJUSTMENT (BOA)
SPECIAL MEETING
Wednesday, January 22, 2020

A Regular Meeting of the Board of Adjustment of the City of West Lake Hills, Texas was held on the 15th day of January 2020, at 7:00 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, for which proper notice was given.

1. With a quorum present, Chair Linda Anthony called the meeting to order at 7:03 p.m. Members in attendance were: Linda Anthony, Jim O'Connor, Brian Plunkett, Beth South,

Present for Staff: Vonda Ragsdale, Interim City Administrator, Stephanie Mills, City Secretary, Erin Higginbotham, Assistant City Attorney, and Anjali Naini, Director of Building and Development Services.

2. CONSENT AGENDA:

Motion: To approve the consent agenda as presented and listed below:

- a. Approval of the December 11, 2019 Regular Meeting Minutes
- b. Approval of variance application fee waiver for 707 Bulian Lane variance request

Motion for Approval made by Mayor Pro-Tem O'Connor with a Second by Councilmember Walker

Motion carried unanimously by a vote of 5 ayes to 0 nays

3. Land Use: 707 Bulian Lane: Discussion/action on a variance request for existing and new aerobic septic tanks to encroach into the building setback. (Sec. 22.03.281 of the West Lake Hills Code). Applicants/Owners Ronald & Sheila Paynter (Power of Attorney Derrick Lormand).

- a. Staff Briefing
 - Anjali Naini, Director of Building and Development Services gave a brief overview of the variance request
- b. Presentation by Applicant
 - Applicant Sheila Paynter along with Septic Engineer Derrick Lormand made a presentation of her variance request
- c. Public Hearing
 - There were no speakers on this item
- d. Deliberation and Action

Motion for Approval made by Councilmember Walker with a Second by Mayor Pro-Tem O'Connor

Motion carried unanimously by a vote of 5 ayes to 0 nays

4. Adjournment.

The Board of Adjustment Special Meeting was adjourned at 7:16 p.m.

Respectfully submitted,

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on _____, 2020.



SETBACK & IMPERVIOUS COVER VARIANCES STAFF REPORT

FEBRUARY 12, 2020

Project Name: 801 Cedar Park Drive Variance Requests

Requested Action: Variance requests for a building to encroach a side setback; maintain existing impervious cover that exceeds the percentage allowed by City Code; and maintain the existing swimming pool that partially encroaches the rear building setback in order to reconstruct a home that was significantly damaged by fire.

Agenda Item: Land Use: **801 Cedar Park Drive**: Discussion/recommendation of variance requests for a building to encroach into a setback; existing impervious cover to exceed the maximum allowable impervious cover; and encroachment into a setback for an existing swimming pool in order to reconstruct a non-conforming residence destroyed by fire. Owners/Applicants William and Lois Thomson.

Applicant Information: William and Lois Thomson (owners)

Hearing Dates:

January 15, 2020	ZAPCO
February 12, 2020	Board of Adjustment

Location: The subject property is located east of Westlake Drive, south of Redbud Trail, and north of Oak Ridge Drive.

Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R-1 – One-Family Residential. The property is approximately 0.4418 acre. There is currently an existing carport and swimming pool which will remain, and the fire-damaged house that will be demolished.

Background & Analysis:

The homeowners are requesting variances to rebuild their home that was significantly damaged by a fire on May 2, 2019. The home will have to be demolished and rebuilt. According to Travis County Appraisal District records, the home was built in 1971. Under current City regulations, the house and swimming pool are nonconforming structures that encroach into the building setbacks and the property overall has a higher amount of impervious cover than what is allowed by Code.

For lots smaller than 0.5 acre, the following calculation is utilized for determining the allowable maximum impervious cover:

Acre(s) x 0.5 – 0.5 (negative is changed to positive number)

0.4418 x 0.5 – 0.5 = -0.2791

Allowable Impervious Cover is 27.91%

The current impervious cover onsite is approximately 32.8%. Impervious cover will not be impacted and will remain the same. The homeowners plan on utilizing the same footprint and slab as the existing home.

When a nonconforming structure is significantly damaged (50% or more), the new structure to replace it must conform to current City Codes. Though the Thomsons plan on utilizing the same foundation slab that already encroaches into the side setback, rebuilding the house on the same footprint requires a variance. While impervious cover and the existing swimming pool are not being altered, the homeowners added those as variances to be extra cautious. The homeowners state that a previous variance was obtained in 1978 for the pool and deck.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
The application states – “Each of the variances being requested has existed since the 1970s. We are asking to rebuild our home on the same slab with the same footprint.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – “It will not be changed.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “There are no reasonable alternatives to be considered that we can think of. It would be a great hardship to demolish our previously permitted slab.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – “The hardship is being out of our home. We have lived there nearly 50 years and only want to rebuild on the same footprint.”
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – “It hasn’t violated it for nearly 50 years. Each variance was granted in the 1970s under the codes of the time.”

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – “We are not changing anything concerning our existing setback or impervious coverage.”

Traffic/Transportation

No impact on traffic is expected.

Lighting

Any new outdoor lighting will be reviewed during the building permitting stage and must comply with the City’s Outdoor Lighting Ordinance.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The existing and future land use comply with the Master Plan.

Zoning & Planning Commission Recommendation

During the January 15, 2020 ZAPCO meeting, the Commissioners unanimously recommended approval of the requested variances by a vote of 4 – 0 (Commissioner James Vaughan absent).

Staff Recommendation

Staff recommends approval of the requested variances. The homeowners are minimizing the impact of the variances by maintaining the same building footprint and impervious cover.

Code Analysis:

Sec. 22.03.275 Building setback distances

- (a) (1) No principal building shall have any front, side or rear setback distance less than that shown on the schedule of regulations as being required in the district in which the building is located, except that the minimum setback distance from Bee Cave Road shall be 50 feet regardless of which direction the building is facing. The setback distance from the Capital of Texas Highway shall be a minimum of 75 feet.
- (2) Unroofed steps and ramps shall not be considered as part of the principal building when measuring the setback distance of such building.
- (3) Buildings, including overhangs and eaves, shall not encroach into setbacks.

(Ordinance 211, sec. 6, adopted 1/26/11)

(b) Yards are the open areas between building setback lines and lot lines. Structures shall not be permitted in yards except as otherwise provided herein.

(1) Front yards. Front yards extend the full width of the lot. Their depth is measured from the edge of the right-of-way line of the street to the minimum front setback line.

(2) Rear yards. Rear yards extend the full width of the lot. Their depth is measured from the rear lot line to the minimum rear setback line.

(3) Side yards. Side yards extend from the front yard to the rear yard. Their depth is measured from the side lot line to the nearest minimum side setback line.

(c) In the case of lots abutting on more than one street, the full width of the front yard shall be provided from each street.

(Ordinance 152, att. A, adopted 4/29/09)

Sec. 22.03.276 Setbacks for accessory structures

The minimum setback distances for accessory structures, other than unroofed steps, ramps, fences, walks, driveways, driveway gates, playscapes, and mailboxes, shall be the same as the setback distances applicable to a principal building under the appropriate category in section 22.03.281. Accessory structures, including overhangs and eaves, shall not encroach into setbacks.

Sec. 22.03.281 Schedule of regulations

(a) Where the slope gradient exceeds 25 percent nonresidential development is not permitted.

(b) Dimensional regulations for listed zoning districts:

Dimensional Minimums of Lots									
Dimension/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Acreage (acres) (A)	1	1	2	1.5	2	1.5	2	20	30
Depth (feet)	150	150	400	200	200	200	200	500	(C)
Width (feet) (B)	150	150	400	150	150	150	150	500	(C)

(1996 Code, sec. 14-295)

Minimum Building Setback Distance in Feet From Front Lot Line									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	50	50	50	50	50	50	50	(IV)(a)	(C)
Less than .5 acres	30	30	N/A	30	30	30	30	N/A	N/A
Minimum Building Setback Distance in Feet From Rear Lot Line									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1

Greater than or equal to .5 acre	30	30	50	40	40	40	40	(IV)(c)	(C)
Less than .5 acres, greater than or equal to .375 acres	25	25	N/A	30	30	30	30	N/A	N/A
Less than .375 acres—zero	15 (F, E)/ 20	15 (F, E)/ 20	N/A	30	30	30	30	N/A	N/A
Minimum Building Setback Distance in Feet From Side Lot Lines									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	25	25	50	(I)	(I)	(I)	(I)	(IV)(c)	(C)
Less than .5 acres, greater than or equal to .375 acres	20	20	N/A	(II)	(II)	(II)	(II)	N/A	N/A
Less than .375 acres—zero	15 (F, E)/ 20	15 (F, E)/ 20	N/A	(II)	(II)	(II)	(II)	N/A	N/A
Maximum Impervious Cover in Percent of Lot Area									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	25%	25%	25%	(IX)	(III)	(III)	(III)	(V)	(C)
Less than .5 acres, greater than or equal to .2 acres	*, †	*, †	25%	(IX)	(III)	(III)	(III)	(V)	(C)

* The following formula applies:

$P = (\text{size of acre expressed as a whole number and decimal}) \times (.5) - (.5)$

Example:

$P = (.25 \text{ acres}) (.5) - .5$

$P = (.125) - .5 = -0.375\%$

$P = 37.5\%$ allowable impervious cover for a .25 acre lot

† In order to receive and increase in allowable impervious cover over 25%, the property must be connected to the city's wastewater service.

(A) Land donated/dedicated to and accepted by the city shall be credited to the area of the lot/tract from which the donated land originated.

(B) For residential lots on culs-de-sac, the minimum lot width at the front street property line shall be 33 feet measured along the chord of the arc.

(C) See section 38.03.040 et seq.

(D) Residential 30 feet; nonresidential 37 feet.

(E) No portion of the structure in an extended setback shall be taller than 16' above natural grade.

(F) If the proposed building is a one-story structure, the lesser setback distance applies. If any portion of the building is a two-story structure, the greater setback distance applies.

Sec. 22.03.514 Criteria required for granting variance

No variance shall be granted under this chapter unless the following criteria are fulfilled:

(1) Findings. The applicant has established by competent evidence that:

- (A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
- (B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
- (C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
- (D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- (2) ZAPCO. The recommendation of zoning and planning commission shall include an analysis of whether:
 - (A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan; and
 - (B) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof; and
 - (C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.
- (3) Conditions. The city council can impose, and the zoning and planning commission can recommend imposition of, reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects in the Commercial Overlay District are necessary to achieve one or more of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

(Ordinance 137, att. A, adopted 9/15/08)

Sec. 38.04.061 Nonconforming uses of land and structures

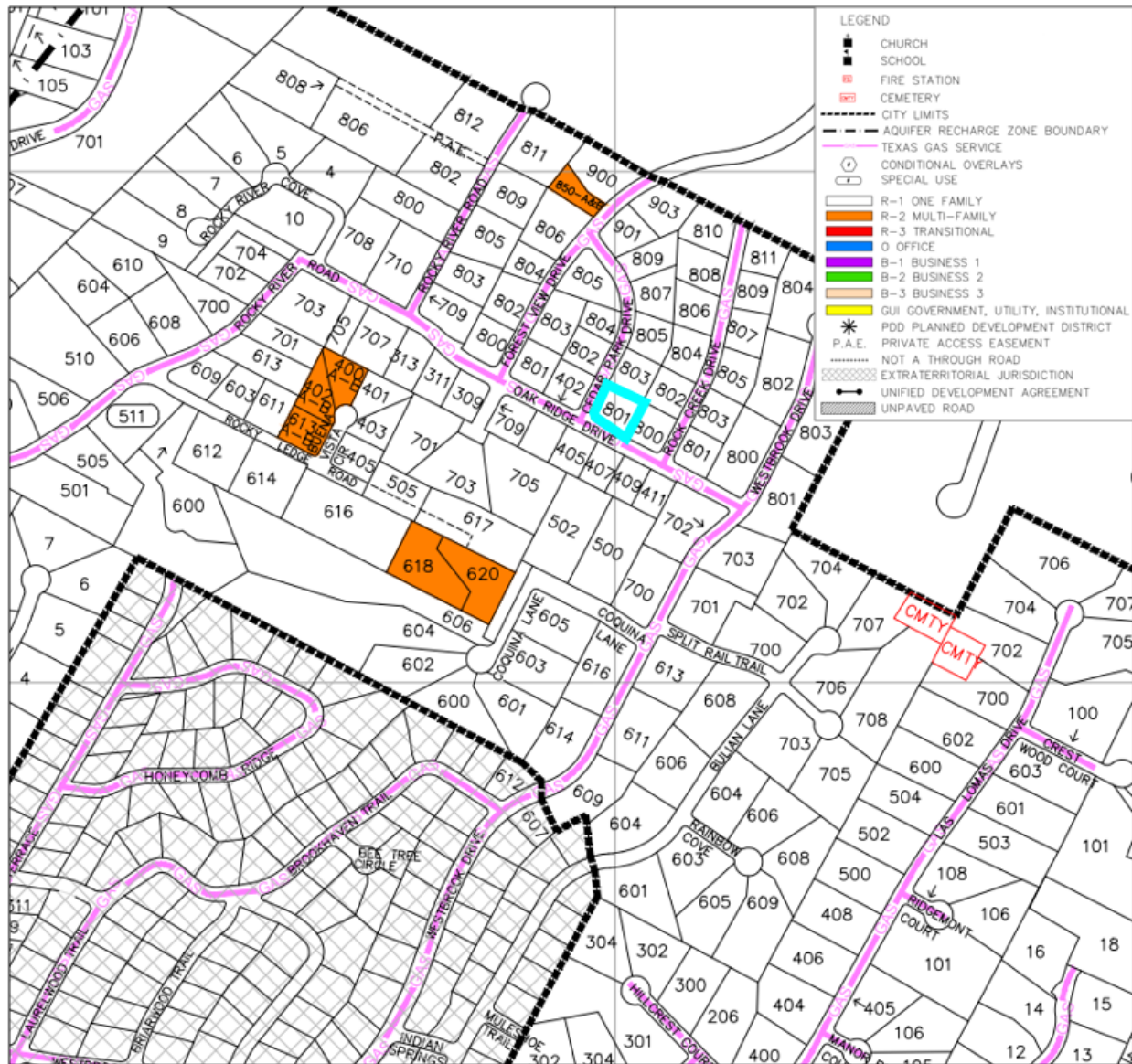
Any use of land or structures lawfully existing on the effective date of the ordinance from which this chapter is derived, or the effective date of any amendment to this chapter, that is not permitted in the district in which the use is located may be continued, subject to the following conditions:

- (1) No nonconforming use of land shall be extended to occupy a greater area of land than was occupied on April 15, 1990, or on the effective date of the ordinance from which this chapter is derived or the effective date of an amendment of this chapter.
- (2) No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment of this chapter.
- (3) When a nonconforming use of land is discontinued for a period of more than 90 consecutive days, it shall be deemed to be abandoned and subsequent use of such land shall conform to the regulations specified by this chapter for the district in which the land is located.
- (4) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

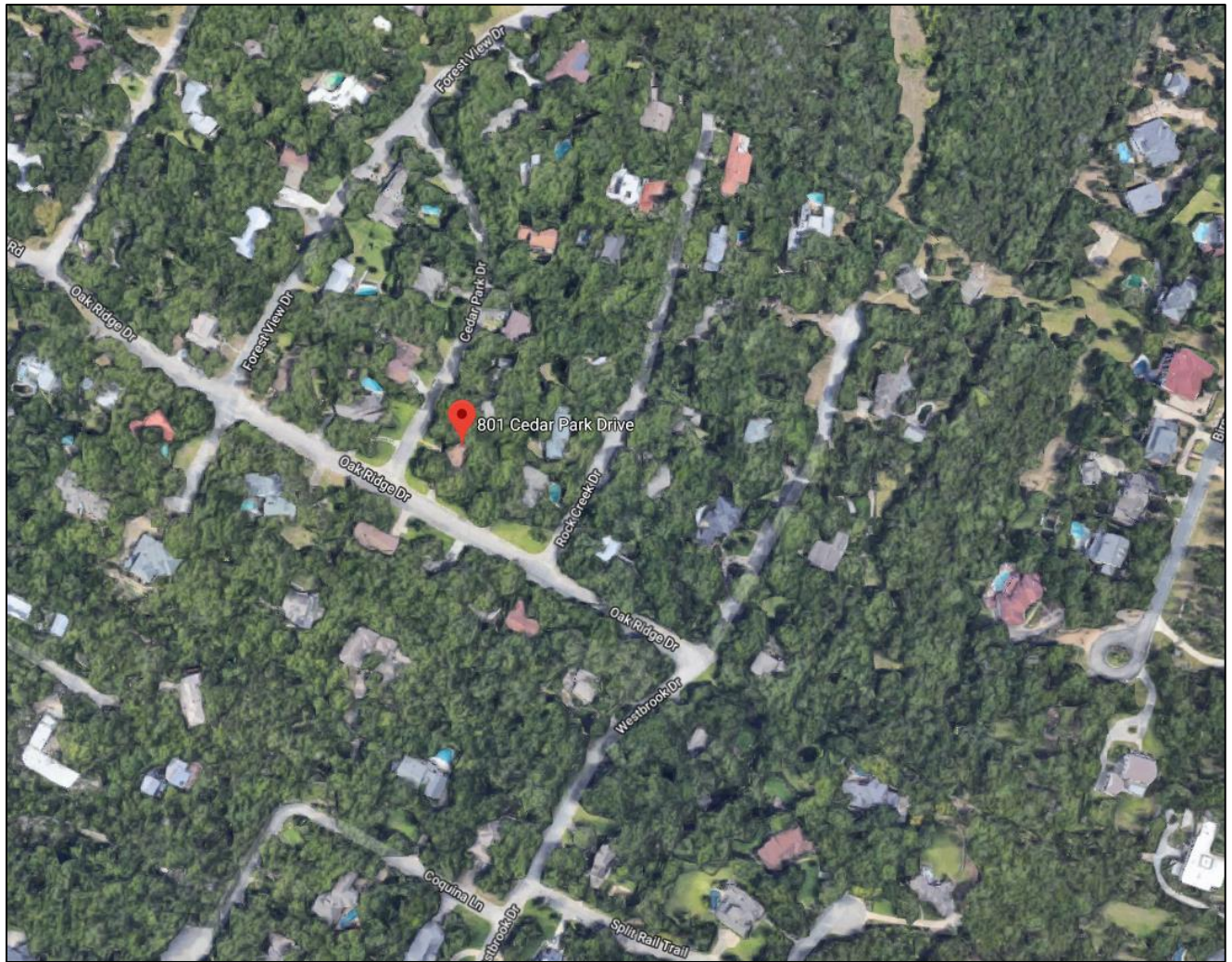
- (5) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (6) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- (7) When a nonconforming use of a structure, or structure and premises in combination, is discontinued for three consecutive months, except for repairs covered by an approved building permit, not exceeding six months, it shall be deemed to be abandoned, and the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (8) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.
- (9) The city council, after notice and hearing, may require that a nonconforming use be screened from view of the street or surrounding property, or may require the elimination of any nuisance factor caused by a nonconforming use.
- (10) The following nonconforming uses of land shall be entirely discontinued in all districts within one year from April 15, 1990, or the effective date of the ordinance from which this chapter is derived or the effective date of an amendment of this chapter, or from the date of annexation of land containing such uses:
- (A) Wrecking, junk, scrap or salvage yards.
 - (B) Automotive and other sales lots, and outdoor storage yards for lumber, building materials and contractor's equipment.
 - (C) Extraction or removal of stone, sand, gravel, caliche, minerals, earth, topsoil or other natural material for commercial purposes.
 - (D) Shooting ranges.
- (11) The following nonconforming uses of structures, or of structures and land in combination, shall be entirely discontinued within eight years after their inception, or within five years after becoming nonconforming under this chapter, or an amendment to this chapter, whichever is later:
- (A) All commercial uses in R districts; and
 - (B) All industrial uses in any district.

(Maps to follow)

Zoning:



Aerial:



Received
DEC - 9 2019

- revised

City of West Lake Hills
Received
DEC - 4 2019APPLICATION COVER SHEET

Property Address: 801 Cedar Park Dr
 Applicant Name: William K. and Lois R. Thomson
 Designated Agent (if any, Power of Attorney Required):
 Applicant Phone Number: 512-327-2513 Email Address: [REDACTED]
 Date Application was Submitted: 12/4/19
 Variance(s) Requested:

#1 side setback: existing 15' (per 1977 variance)
 #2 existing impervious coverage overage #3 (possibly) back setback with pool - permitted 1978
 Applicant completes above section; City Staff completes the section below:

Variance File Number: [REDACTED] [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ 650.00 ☒ Fees Received on _____ by _____

DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on _____ by _____
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers
☐ Site Plan Coversheet ☐ Site Plan Drawings
☐ Elevation Views and Floor Plans (new structures only)
☐ Septic Assessment (new structures only)
☐ Additional Support Materials (if any): _____
☐ Power of Attorney (if any) - Designated Representative: _____
 Staff Analysis completed on _____ by _____
 Staff Analysis sent to Applicant on _____ by _____

FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on _____ by _____
 Notice to Proceed Letter sent to Applicant on _____ by _____
 • Notification Letter must be postmarked by _____ ☐ Confirmed by _____
 • Sign must be posted by _____ ☐ Confirmed by _____
 15 Copies of Final Packet received on _____ ☐ Confirmed by _____

ZAPCO

Scheduled for ZAPCO Hearing on: _____
 ZAPCO Action Letter sent on _____ by _____
 ZAPCO Recommendation: _____
 Conditions/Comments (if any): _____
 Modified application and materials (if any) received on _____ by _____

BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: _____
 BOA/Council Action: _____
 Conditions/Comments (if any): _____
 BOA/Council Action Letter sent on _____ by _____

FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): _____
 • Notifications added to Incode on _____ by _____

Postponement History (if any): _____
 Notes: _____

Re: 801 Cedar Park Dr.

December 6, 2019

Dear Mr. Chairman,

Due to a fire on May 2, 2019, our house sustained extensive damage and will have to be torn down and rebuilt. We will be using the same slab and footprint.

The first variance we are requesting is for an existing side yard setback encroachment by the slab. This part of the slab was a permitted addition in 1977 when we added a bedroom.

The second variance is for existing impervious coverage. This is also coverage from years ago. We have no plans to increase the impervious coverage at all. Only the existing slab and footprint will be used to rebuild the house.

Thank you.

Lois R. Thomson

P.S. The existing swimming pool and deck encroach on the back setback. This

variance was permitted in 1978 when the pool was constructed. There was no fire damage to the pool area at that time. It was not being altered in any way.

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

West Lake Hills City Code requires applicants to answer each of the following questions. The ZAPCO Commissioners, Board of Adjustment and City Council Members consider your answers to these questions when evaluating your application. *(Feel free to respond to these questions on a separate page or document.)*

- (1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

Each of the variances being requested has existed since the 1970s. We are asking to rebuild our home on the same slab with the same foot print.

- (2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed in the variance you are requesting is granted?

It will not be changed

- (3) What other reasonable alternatives have you considered? Why won't these other options alleviate the difficulty or hardship that you think exists?

There are no reasonable alternatives

to be considered that we can think of. It would be a great hardship to demolish our previously

- (4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

of. It permitted slab.

The hardship is being out of our home.

We have lived there nearly 50 years and only want to rebuild on the same foot print.

- (5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

It hasn't violated it for nearly 50 yrs. Each variance was granted in the 1970s under the codes of the time.

- (6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

We are not changing anything concerning our existing setback or impervious coverage.

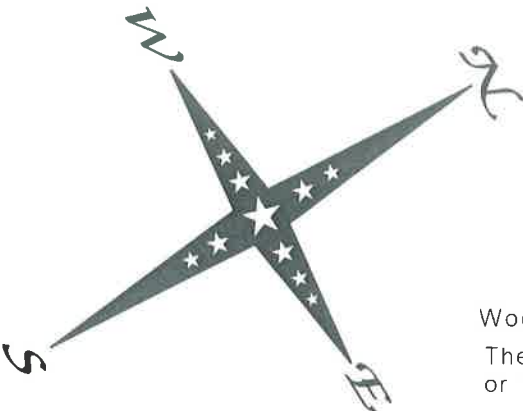
Property Address: 801 Cedar Park DR 78746

SCALE: 1" = 20'

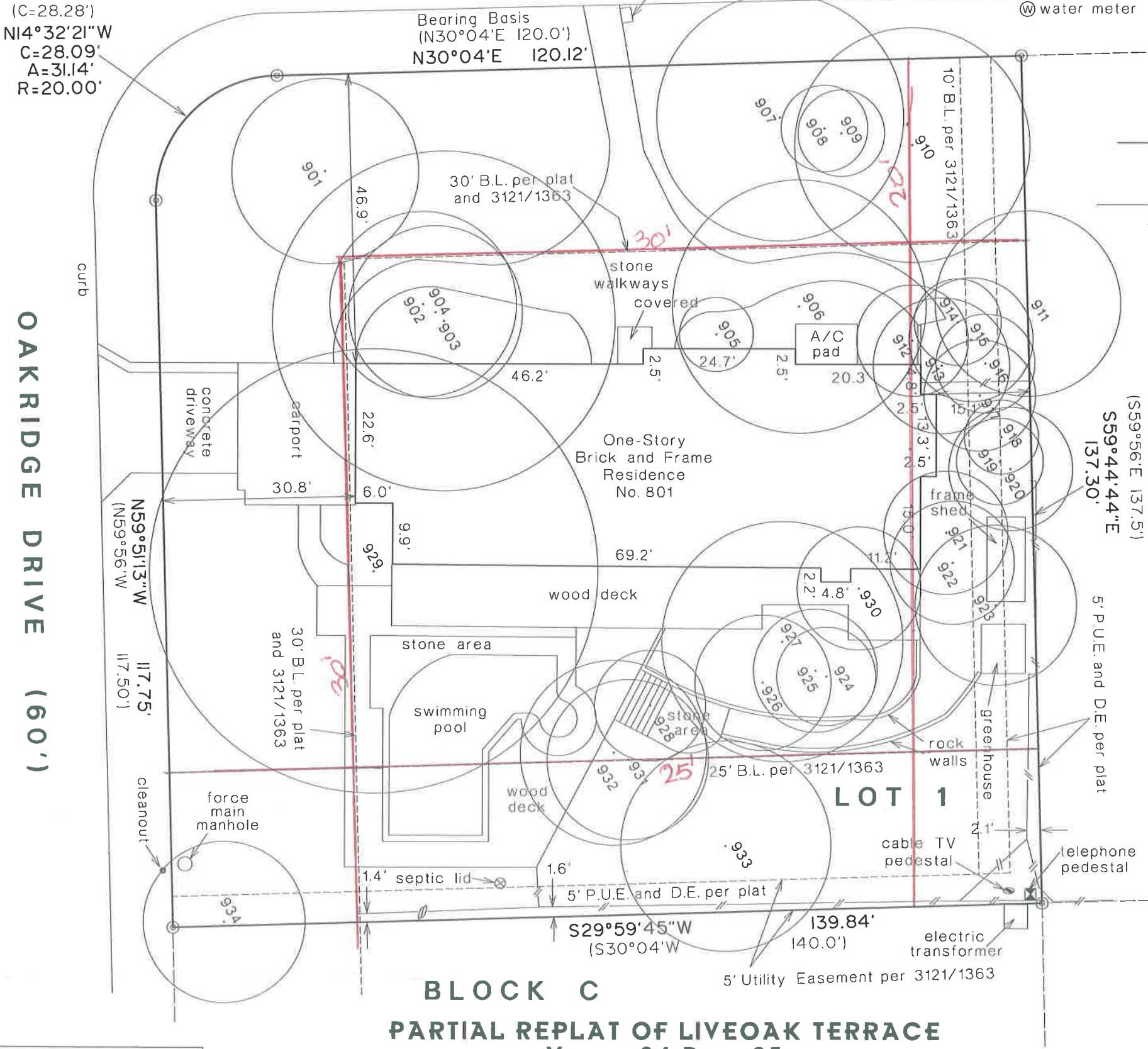
NOTES
1. This lot is subject to Restrictions of record in Volume 3121
Page 1363 and Volume 3473 Page 822, Travis County Deed Records.
2. This survey map was prepared without the benefit of a current
title commitment, therefore this lot may be subject to easements
and/or restrictions in addition to those shown hereon.

City of West Lake Hills
Received
DEC -9 2019

CEDAR PARK DRIVE (50')
801



LOT AREA = 19,143 Square Feet
House Footprint = 3,034 Square Feet
Swimming Pool = 559 Square Feet
Carport = 428 Square Feet
Concrete Areas = 350 Square Feet
Stone Areas = 1,180 Square Feet
Frame shed = 85 Square Feet
Greenhouse = 60 Square Feet
Rock Walls = 60 Square Feet
Wood Deck = 1,065 Square Feet x 50% = 532 Square Feet
The above listed improvements constitute 6,288 Square Feet
or 32.8% of the total lot area.



Legend

- ⊙ 1/2" Iron Rod Found
- Chain Link Fence
- Wood Board Fence (Record Bearing and Distance)

SURVEY MAP OF
LOT 1, BLOCK C, PARTIAL REPLAT OF
LIVEOAK TERRACE, A SUBDIVISION IN
TRAVIS COUNTY, TEXAS, ACCORDING TO
THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 24 PAGE 25 OF THE PLAT
RECORDS OF TRAVIS COUNTY, TEXAS.
LOCATED AT 801 CEDAR PARK DRIVE.

PREPARED: November 1, 2019

BY:
Holt Carson
Registered Professional Land Surveyor No. 5166
HOLT CARSON, INC.
Firm Registration 10050700

TREE LIST		TREE LIST	
TAG No.	DESCRIPTION	TAG No.	DESCRIPTION
901	15" Live Oak	918	6" Live Oak
902	15" Live Oak	919	7" Live Oak
903	17" and 19" Live Oak	920	10" Live Oak
904	14" Live Oak	921	10" Live Oak
905	4" and 4" Crapemyrtle	922	10" Live Oak
906	11" and 15" Cedar	923	13" Cedar Elm
907	20" Cedar	924	8" Live Oak
908	3", 3" and 4" Crapemyrtle	925	10" Live Oak
909	4" and 5" Crapemyrtle	926	11" Live Oak
910	12" and 13" Cedar	927	11" and 14" Live Oak
911	15" Live Oak	928	9" Live Oak
912	9" Live Oak	929	20" and 26" Live Oak
913	11" Live Oak	930	10" Live Oak
914	7" Live Oak	931	13" Live Oak
915	10" Live Oak	932	15" Live Oak
916	8" Live Oak	933	17" Live Oak
917	9" Live Oak	934	13" Ligustrum



SETBACK ENCOACHMENT VARIANCE STAFF REPORT

FEBRUARY 12, 2020

Project Name: 1 Hidden Cove Setback Encroachment Variance Request

Requested Action: Construct a carport that encroaches into the front yard setback

Agenda Item: Land Use: **1 Hidden Cove:** Discussion/recommendation of a variance request for the construction of a new carport that encroaches into the front setback (Sec. 22.03.276 and Sec. 22.03.281 of the West Lake Hills Code). Applicants/Owners Criss Cloudt and Brian Plunkett.

Applicant Information: Criss Cloudt and Brian Plunkett (owners)

Hearing Dates:

January 15, 2020

ZAPCO

February 12, 2020

Board of Adjustment

Location: The subject property is located northeast of Westlake Drive and north of Hull Circle.

Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R-1 – One-Family Residential. The property is approximately 0.2961 acre. There is currently an existing house on the property.

Background & Analysis:

The homeowners are requesting a variance to construct a carport that encroaches into the front yard setback. The home does not currently have any covered parking. The property is small and has a unique shape including a deep semi-circular cut. The sides of the property have steep grades and hillsides.

The proposed carport will be located at the front of the property within the 30-foot setback. The carport will be situated in a flat area that is already being utilized for uncovered parking by the homeowners. Due to the irregular lot shape and steep grades, the homeowners have identified the proposed carport location as the most feasible solution. Impervious cover will not change as the proposed carport will be located on top of an existing paved area.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

The application states – “One Hidden Cove is a small lot (0.2961 acres) and the lot itself is abnormally shaped. The front side of our property facing southeast contains a 30-foot deep semi-circular cut that is part of the private driveway, Hidden Cove, that runs from Westlake Drive and ends at our property. This deep semi-circular cut occupies a disproportionately large portion of the front of our home. Additionally, the other three sides of the property are bounded by hillsides with steep grades.”

“We wish to add a covered carport to protect our vehicles. We have had significant hail damage in the past to our vehicles due to the lack of a carport or garage (\$12,000 in one storm). All other homes on Hidden Cove have garages and we would like to have car protection as well. Strict or literal enforcement of the front setback would prohibit us from adding shelter for our vehicles.”

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

The application states – “The placement of the carport is in a location that is currently used for parking and its surface is already paved. No trees will be removed to add the carport. One shrub and one palm may need to be relocated. Additionally, the impervious cover requirements would not be increased because the carport is being placed over an area that is currently lined with pavers. This placement avoids disrupting any of the heavily wooded portions of our lot and mitigates erosion by placing the carport on the one area of the lot that has a flat grade.”

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states – “Given the special conditions of our lot described above, the front flat area of the fence that faces the front of our home is the only reasonable, practical, safe, and accessible place to build a carport. It is also the location that provides the least amount of disturbance to the natural terrain and flora and the minimum alteration needed to resolve the hardship.”

“One alternative would be to move the carport further to the north east toward Bee Creek, but still in front of the house. This would create the need for a second variance (to remove an 11” Red Oak tree) in addition to a variance from the front setback, and would also limit parking to one car to avoid blocking access to the front door of the home.”

“Another alternative would be to cut into the hillside between the two properties, 1 Hidden Cove and 2 Hidden Cove, build a significant retaining wall (8-10’ tall), and remove multiple native trees. This would still require a setback variance plus additional variances, e.g., tree removal, cut and fill and retaining wall.”

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The application states – “The proposed placement of the carport is on an existing unsheltered parking area covered with pavers. The variance requested preserves the natural terrain and existing flora of the property and does so in an area of the lot that avoids drainage and erosion issues. The variance requested maintains the wood areas of the lot and does not remove any trees. The proposed request provides a needed carport for the home on an existing flat area of the property that is currently covered with pavers and used for parking.”

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – “The variance request was drafted with the City’s Comprehensive Plan in mind and after review of the Zoning Ordinance. The lot will remain as wooded as it currently is. The wooded hillsides on the property will remain unspoiled, the foliage dense. The placement of the carport will maintain all existing trees on the property and not increase the impervious cover of the property. It is only the front currently paved parking area that will be impacted by the carport.”

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – “The plan does not impact the neighbors. The current area with pavers where the carport will be located is at the bottom of the driveway. This area is blocked from view and/or shielded by the relatively steep drop down to the parking area, the existing wooded hillsides, and an existing 6-foot privacy fence. The addition of a carport to this area should have minimal impact on the currently highly shielded views of the front parking area of our home from all sides of our lot.”

“Additionally, there are only three homes on Hidden Cove: 1 Hidden Cove, 2 Hidden Cove, and 1607 Westlake Drive...We are the owners of 1 and 2 Hidden Cove. Sharon Williams is the owner of 1607 Westlake Drive. We have discussed our plans for a carport as well as our plans to request a variance with her and she is supportive of our plans and request.”

Traffic/Transportation

No impact on traffic is expected.

Lighting

Outdoor lighting is not proposed for this project.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The existing and future land use comply with the Master Plan.

Zoning & Planning Commission Recommendation

During the January 15, 2020 ZAPCO meeting, the Commissioners unanimously recommended approval of the requested variance by a vote of 4 – 0 (Commissioner James Vaughan absent).

Staff Recommendation

Staff recommends approval of the requested variance due to the topography, irregular lot shape and small lot size.

Code Analysis:

Sec. 22.03.275 Building setback distances

(a) (1) No principal building shall have any front, side or rear setback distance less than that shown on the schedule of regulations as being required in the district in which the building is located, except that the minimum setback distance from Bee Cave Road shall be 50 feet regardless of which direction the building is facing. The setback distance from the Capital of Texas Highway shall be a minimum of 75 feet.

(2) Unroofed steps and ramps shall not be considered as part of the principal building when measuring the setback distance of such building.

(3) Buildings, including overhangs and eaves, shall not encroach into setbacks.

(Ordinance 211, sec. 6, adopted 1/26/11)

(b) Yards are the open areas between building setback lines and lot lines. Structures shall not be permitted in yards except as otherwise provided herein.

(1) Front yards. Front yards extend the full width of the lot. Their depth is measured from the edge of the right-of-way line of the street to the minimum front setback line.

(2) Rear yards. Rear yards extend the full width of the lot. Their depth is measured from the rear lot line to the minimum rear setback line.

(3) Side yards. Side yards extend from the front yard to the rear yard. Their depth is measured from the side lot line to the nearest minimum side setback line.

(c) In the case of lots abutting on more than one street, the full width of the front yard shall be provided from each street.

(Ordinance 152, att. A, adopted 4/29/09)

Sec. 22.03.276 Setbacks for accessory structures

The minimum setback distances for accessory structures, other than unroofed steps, ramps, fences, walks, driveways, driveway gates, playscapes, and mailboxes, shall be the same as the setback distances applicable to a principal building under the appropriate category in section

22.03.281. Accessory structures, including overhangs and eaves, shall not encroach into setbacks.

Sec. 22.03.281 Schedule of regulations

- (a) Where the slope gradient exceeds 25 percent nonresidential development is not permitted.
 (b) Dimensional regulations for listed zoning districts:

Dimensional Minimums of Lots									
Dimension/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Acreage (acres) (A)	1	1	2	1.5	2	1.5	2	20	30
Depth (feet)	150	150	400	200	200	200	200	500	(C)
Width (feet) (B)	150	150	400	150	150	150	150	500	(C)

(1996 Code, sec. 14-295)

Minimum Building Setback Distance in Feet From Front Lot Line									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	50	50	50	50	50	50	50	(IV)(a)	(C)
Less than .5 acres	30	30	N/A	30	30	30	30	N/A	N/A
Minimum Building Setback Distance in Feet From Rear Lot Line									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	30	30	50	40	40	40	40	(IV)(c)	(C)
Less than .5 acres, greater than or equal to .375 acres	25	25	N/A	30	30	30	30	N/A	N/A
Less than .375 acres—zero	15 (F, E)/ 20	15 (F, E)/ 20	N/A	30	30	30	30	N/A	N/A
Minimum Building Setback Distance in Feet From Side Lot Lines									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	25	25	50	(I)	(I)	(I)	(I)	(IV)(c)	(C)
Less than .5 acres, greater than or equal to .375 acres	20	20	N/A	(II)	(II)	(II)	(II)	N/A	N/A
Less than .375 acres—zero	15 (F, E)/ 20	15 (F, E)/ 20	N/A	(II)	(II)	(II)	(II)	N/A	N/A
Maximum Impervious Cover in Percent of Lot Area									

Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	25%	25%	25%	(IX)	(III)	(III)	(III)	(V)	(C)
Less than .5 acres, greater than or equal to .2 acres	*, †	*, †	25%	(IX)	(III)	(III)	(III)	(V)	(C)

* The following formula applies:

$P = (\text{size of acre expressed as a whole number and decimal}) \times (.5) - (.5)$

Example:

$P = (.25 \text{ acres}) (.5) - .5$

$P = (.125) - .5 = -.375\%$

$P = 37.5\%$ allowable impervious cover for a .25 acre lot

† In order to receive and increase in allowable impervious cover over 25%, the property must be connected to the city's wastewater service.

(A) Land donated/dedicated to and accepted by the city shall be credited to the area of the lot/tract from which the donated land originated.

(B) For residential lots on culs-de-sac, the minimum lot width at the front street property line shall be 33 feet measured along the chord of the arc.

(C) See section 38.03.040 et seq.

(D) Residential 30 feet; nonresidential 37 feet.

(E) No portion of the structure in an extended setback shall be taller than 16' above natural grade.

(F) If the proposed building is a one-story structure, the lesser setback distance applies. If any portion of the building is a two-story structure, the greater setback distance applies.

Sec. 22.03.514 Criteria required for granting variance

No variance shall be granted under this chapter unless the following criteria are fulfilled:

(1) Findings. The applicant has established by competent evidence that:

(A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

(B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

(C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

(D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

(2) ZAPCO. The recommendation of zoning and planning commission shall include an analysis of whether:

(A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan; and

(B) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof; and

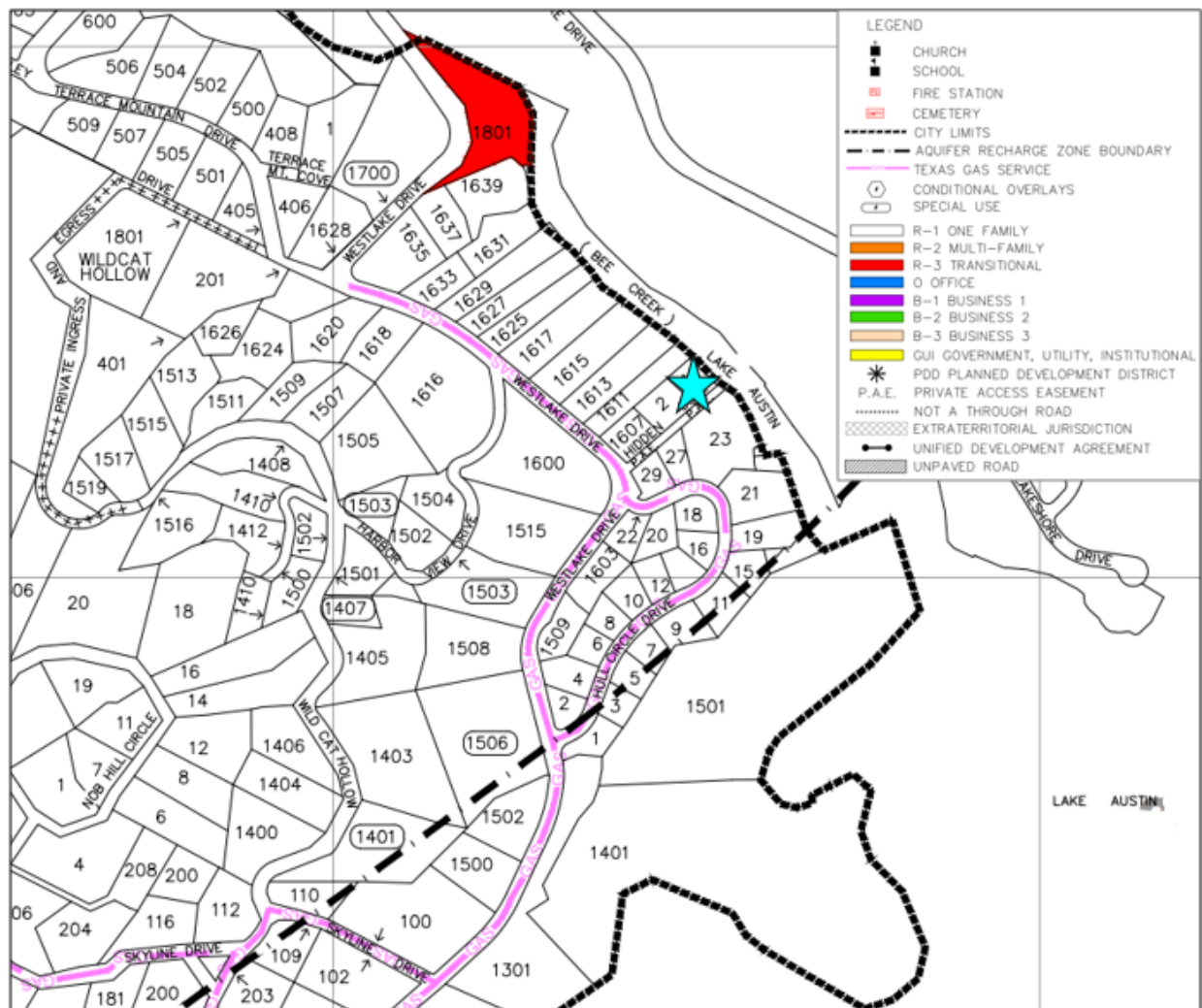
(C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

(3) Conditions. The city council can impose, and the zoning and planning commission can recommend imposition of, reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects in the Commercial Overlay District are necessary to achieve one or more of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

(Ordinance 137, att. A, adopted 9/15/08)

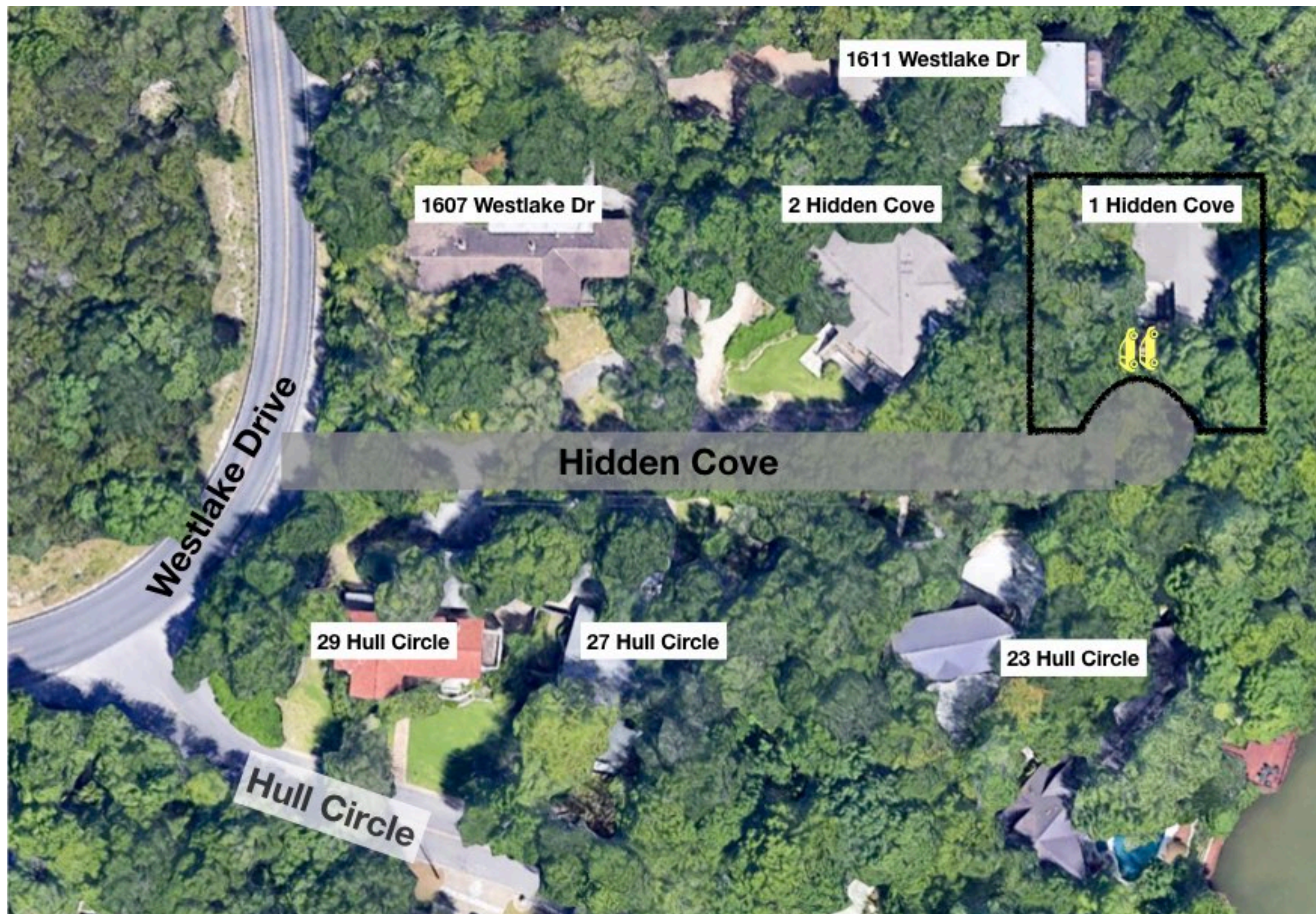
(Maps to follow)

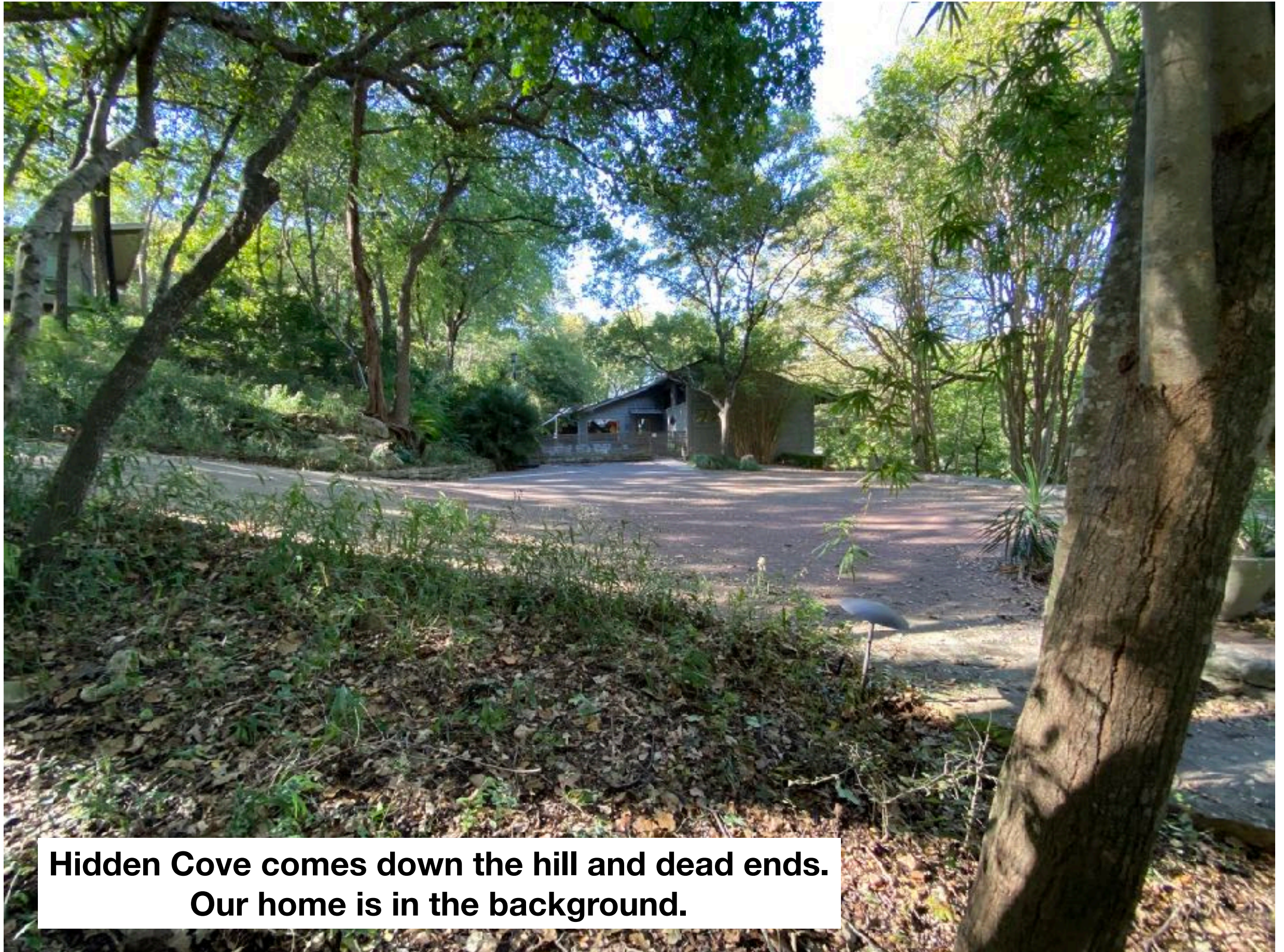
Zoning:



Aerial:







**Hidden Cove comes down the hill and dead ends.
Our home is in the background.**



This is a close up of the area in front of our home. The white PVC pipe indicates approximately where Hidden Cove cuts into the southeast side of our property. The blue tape is where the carport would end.



Covered parking would be located between the blue tape and the fence.

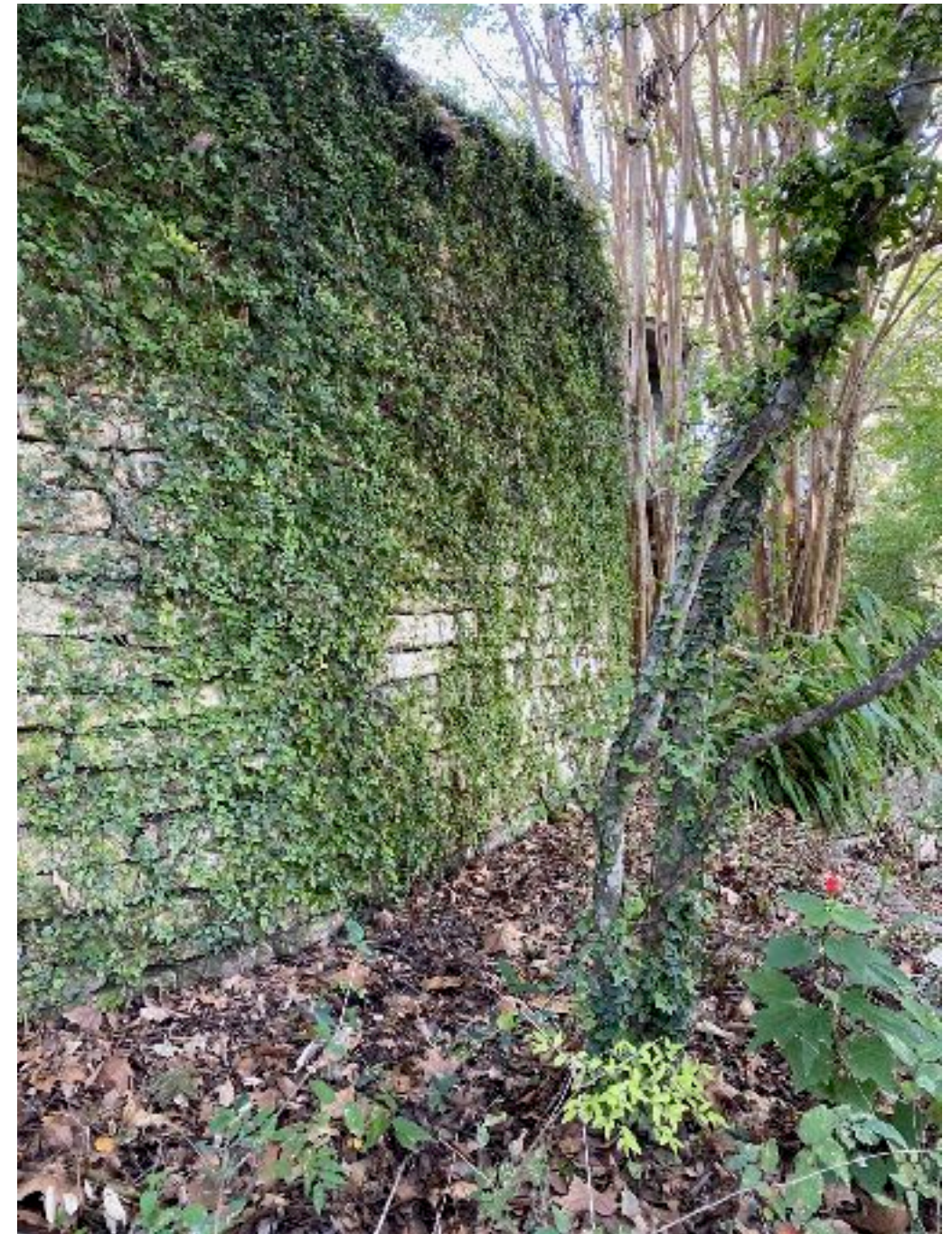
The next pictures show the areas on each side of the proposed carport.



This is the patio area between the house and the fence. This is the only yard for this property.







These pictures show the hillside to the right of the carport.



Cars parked in area of proposed carport.



ILLUSTRATIVE OF THE FOLLOWING ARCHITECT/DESIGN PARAMETERS

- Design a carport that integrates with the existing home's architecture, roofline, building materials, etc. We do not want a box that simply sits in front of the house.
- Create a minimal structure that is see through to the extent possible.
- Provide some roof cover for existing front door, front patio and walkway to front door that integrates with the roofline of the house and carport.
- Maximize the light entering the home through the front and side windows of the house that are adjacent to the patio and carport.

**NOT OUR HOUSE, NOT OUR PROPOSED CARPORT
CONCEPT ONLY**

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, TX 78746

Dear Mr. Chairman,

My husband and I are seeking a variance from the 30-foot front setback required by ordinance in order to build a carport. We have lived in our current residence at 1 Hidden Cove for over 20 years and have two children who were raised in West Lake Hills and completed all 12 years of their education in Eanes ISD.

Our home at 1 Hidden Cove is a 2,379 square foot home on 0.2961 acres. We bought the home in 1999 and the original footprint of the house since we bought it has not changed.

The house is located on a dead end, the end of Hidden Cove, a private driveway off of Westlake Drive. The private driveway, Hidden Cove, is a driveway created as part of the Holloway Coleman Subdivision that was platted in July 1965. It directly services the three houses that form the totality of the Holloway Coleman Subdivision: 1 Hidden Cove, 2 Hidden Cove, and 1617 Westlake Drive. Two residences on Hull Circle also now use Hidden Cove to access their garages in the rear of their properties, but Hidden Cove was not originally established for this purpose.

The private driveway, Hidden Cove, drops down a hill and ends at 1 Hidden Cove where the house and parking area in front of the home are located. We have a flat parking area in front of the home, but no sheltered parking for our cars.

One Hidden Cove is a small lot (0.2961 acres) and the lot itself is abnormally shaped. The side of our property facing Hidden Cove contains a 30-foot deep semi-circular cut that is part of the private driveway, Hidden Cove, that runs from Westlake Drive and ends at our property. This deep semi-circular cut occupies a disproportionately large portion of the front of our lot. Additionally, three sides of the property are bounded by hillsides with steep grades.

We are asking to build a carport in front of our house that will extend to the lot line due to the deep semi-circular cut that is part of Hidden Cove. This carport will be located on an existing parking area.

The request is limited to asking for a single variance to build in the 30-foot front setback. By going to the lot line we would be able to build a carport that provides 18 feet of coverage for our cars. This is shorter than the standard 20', but much better than no carport. All other locations for a carport on this property would disrupt the natural terrain and existing flora and/or would not be logical, practical, or desirable. In addition, alternatives would require asking for additional variances for tree removal, cut and fill and/or a retaining wall in addition to the 30-foot setback variance currently requested.

The hardship necessitating a variance arises from conditions that are unique to our lot. These conditions include the small size of our lot, the exceptionally irregular shape of our lot, and the lot topography—hillsides with steep grades on three sides of our lot.

We have identified a place on our lot where it would be feasible, logical, accessible and safe to build a two-car carport. This is a flat area directly in front of our home that is covered with pavers and is currently used for parking our vehicles. There are no trees in this location. It is also the location that provides the least amount of disturbance to the natural terrain and flora.

Our proposal to place the carport on an existing parking area was created with the intention of not removing any trees, not increasing the impervious cover on the property, requiring the fewest number of variances and mitigating erosion by placing the carport on the one area of the lot that has a flat grade and therefore, we believe is the minimum required to alleviate the difficulty or hardship of the property.

Sincerely,

Criss Cloudt & Brian Plunkett
1 Hidden Cove
West Lake Hills, TX 78746

Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

One Hidden Cove is a small lot (0.2961 acres) and the lot itself is abnormally shaped. The front side of our property facing southeast contains a 30-foot deep semi-circular cut that is part of the private driveway, Hidden Cove, that runs from Westlake Drive and ends at our property. This deep semi-circular cut occupies a disproportionately large portion of the front of our home. Additionally, the other three sides of the property are bounded by hillsides with steep grades.

Because of the size of the lot, the exceptional irregularity of the shape of the lot, and the grade issues related to the topography of the lot, any location for a carport is limited to the front of the home and provides the least amount of disturbance to the natural terrain and flora. These are conditions that are peculiar to this parcel of land, circumstances that are not shared generally by other parcels in the neighborhood, and, therefore, no other reasonable alternative is available.

We wish to add a covered carport to protect our vehicles. We have had significant hail damage in the past to our vehicles due to the lack of a carport or garage (\$12,000 in one storm). All other homes on Hidden Cove have garages and we would like to have car protection as well. Strict or literal enforcement of the front setback would prohibit us from adding shelter for our vehicles.

Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed in the variance you are requesting is granted?

The placement of the carport is in a location that is currently used for parking and its surface is already pavers. No trees will be removed to add the car port. One shrub and one palm may need to be relocated. Additionally, the impervious cover requirements would not be increased because the carport is being placed over an area that is currently lined with pavers. This placement avoids disrupting any of the heavily wooded portions of our lot and mitigates erosion by placing the carport on the one area of the lot that has a flat grade.

What other reasonable alternatives have you considered? Why won't these other options alleviate the difficulty or hardship that you think exists?

Given the special conditions of our lot described above, the front flat area in front of the fence that faces the front of our home is the only reasonable, practical, safe, and accessible place to build a carport. It is also the location that provides the least amount of disturbance to the natural terrain and flora and the minimum alteration needed to resolve the hardship.

One alternative would be to move the carport further to the north east toward Bee Creek, but still in front of the house. This would create the need for a second variance (to remove an 11" Red Oak tree) in addition to a variance from the front set back, and would also limit parking to one car to avoid blocking access to the front door of the home. Access to the carport would also be difficult and dangerous that close to the steep drop-off to Bee Creek and the existing stone wall and stone steps.

Another alternative would be to cut into the hillside between the two properties, 1 Hidden Cove and 2 Hidden Cove, build a significant retaining wall (8-10' tall), and remove multiple native trees. This would still require a setback variance plus additional variances, e.g., tree removal, cut and fill and retaining wall.

The variance requested is limited to asking for a single variance to encroach in the 30-foot front setback. All other locations for a carport on this property would disrupt the natural terrain and existing flora and/or would not be logical, practical, or desirable. Any alternatives would also require a variance from the 30-foot front setback requirement plus additional variances for tree removal and/or cutting into the hillside and building a large retaining wall.

Additionally, the City's Master Plan states that construction on slopes of more than 20% present special problems such as erosion and excessive runoff and should not be permitted. The site plan was designed with

this in mind to prevent the need for tree removal and to prevent damage from erosion and excessive runoff by building on an existing flat parking area that is already covered with pavers.

Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

The proposed placement of the carport is on an existing unsheltered parking area covered with pavers. The variance requested preserves the natural terrain and existing flora of the property and does so in an area of the lot that avoids drainage and erosion issues. The variance requested maintains the wooded areas of the lot and does not remove any trees. The proposed request provides a needed carport for the home on an existing flat area of the property that is currently covered with pavers and used for parking.

Our proposal to place the carport on an existing parking area was created with the intention of not removing any trees, not increasing the impervious cover on the property, requiring the fewest number of variances and mitigating erosion by placing the carport on the one area of the lot that has a flat grade and therefore, we believe is the minimum required to alleviate the difficulty or hardship of the property.

Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

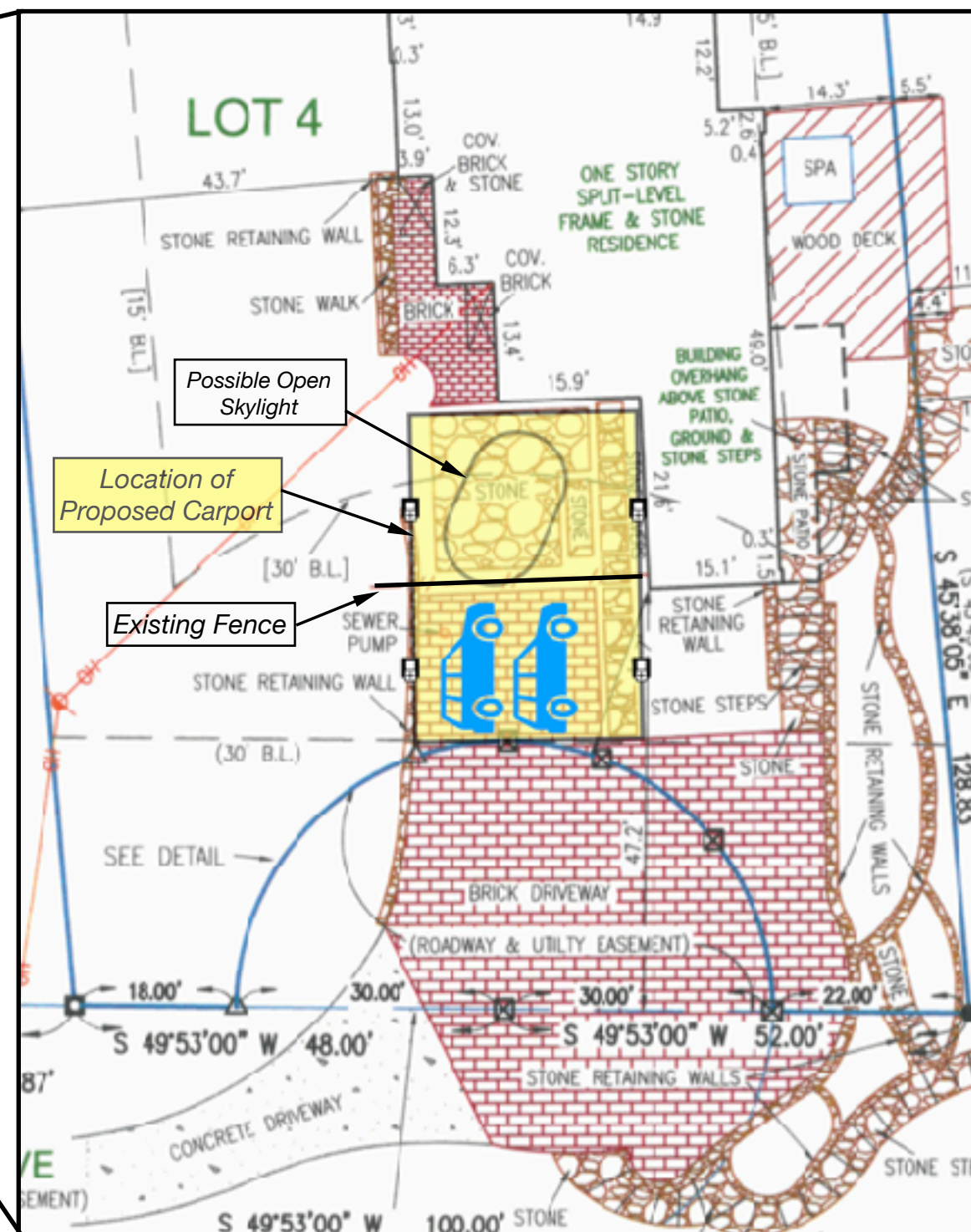
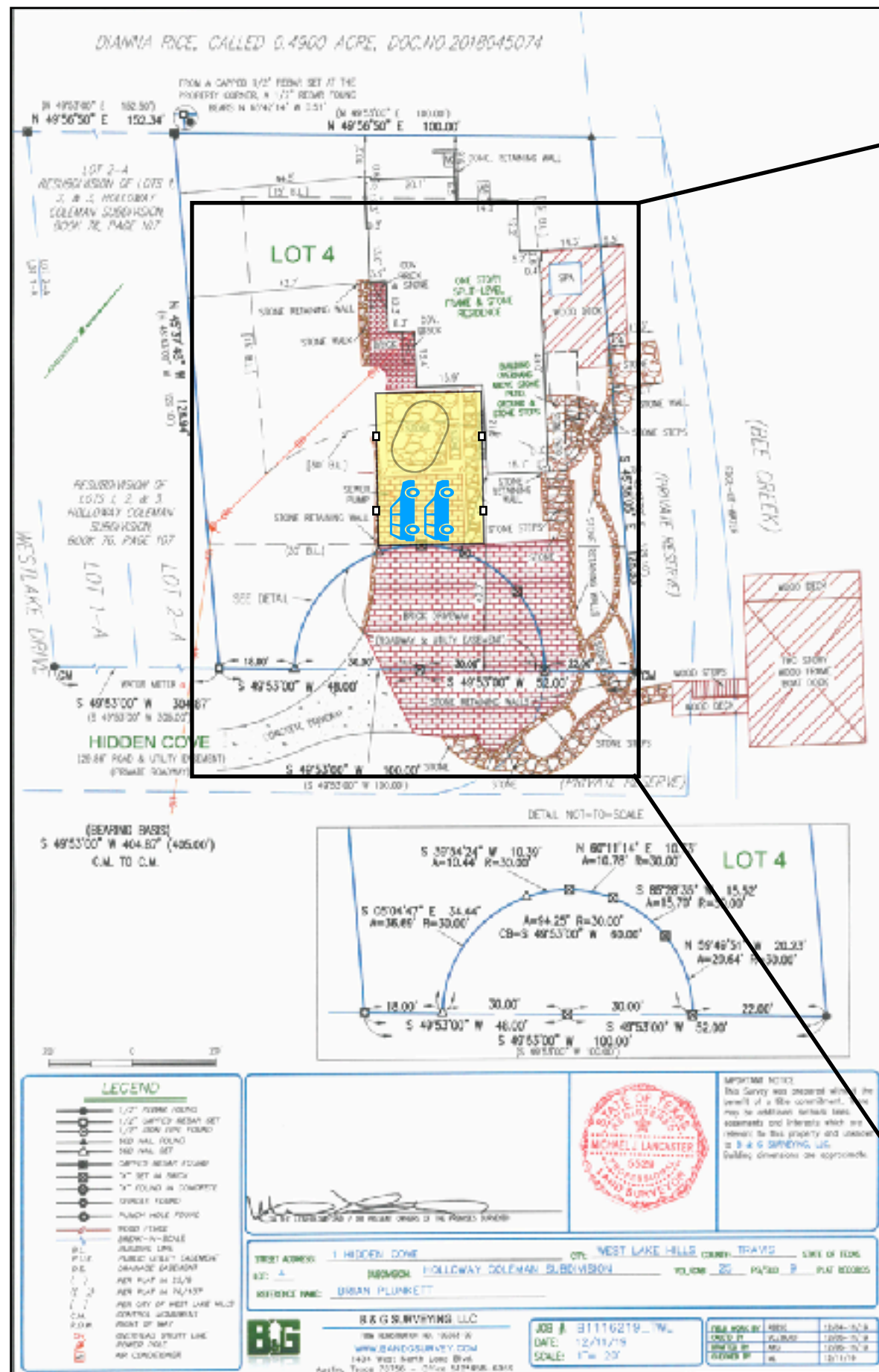
The variance request was drafted with the City's Comprehensive Plan in mind and after review of the Zoning Ordinance. The lot will remain as wooded as it currently is. The wooded hillsides on the property will remain unspoiled, the foliage dense. The placement of the carport will maintain all existing trees on the property and not increase the impervious cover of the property. It is only the front currently paved parking area that will be impacted by the carport.

The intention is to improve the functionality of the parking situation for the home and to make an improvement that is in line and reasonable for the neighborhood, neighbors, and the site. The placement of the carport will still allow a shielded view of the house because of its location and placement on the property. It is only the flat currently paved area at the bottom of the hill currently used for parking that will be used for the carport. It will preserve the natural, wooded, rural character of West Lake Hills and its wildlife, and the placement of the carport will promote reasonable and appropriate development.

Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The plan does not impact the neighbors. The current area with pavers where the carport will be located is at the bottom of the driveway. This area is blocked from view and/or shielded by the relatively steep drop down to the parking area, the existing wooded hillsides, and an existing 6-foot privacy fence. The addition of a carport to this area should have minimal impact on the current highly shielded views of the front parking area of our home from all sides of our lot.

Additionally, there are only three homes on Hidden Cove: 1 Hidden Cove, 2 Hidden Cove, and 1607 Westlake Drive. These three homes comprise the Holloway Coleman Subdivision, the subdivision that the Hidden Cove private driveway was built to service. We are the owners of 1 and 2 Hidden Cove. Sharon Williams is the owner of 1607 Westlake Drive. We have discussed our plans for a carport as well as our plans to request a variance with her and she is supportive of our plans and request.



Site Plan Drawing of Property With Proposed Carport

Diagram illustrating a closed traverse with a curve. The traverse consists of a blue line segment on the left, a curved blue line at the top, and a blue line segment on the right. The left segment has a bearing of S 05°04'47" E and a distance of 34.44'. The curved segment has a radius of 30.00' and a central angle of 94.25'. The right segment has a bearing of N 59°49'51" W and a distance of 20.23'. The traverse is closed by a horizontal line at the bottom with a bearing of S 49°53'00" W and a distance of 100.00'. Various other bearings and distances are labeled for the segments and the curve.



	1/2" REBAR FOUND
	1/2" CAPPED REBAR SET
	1/2" IRON PIPE FOUND
	60D NAIL FOUND
	60D NAIL SET
	CAPPED REBAR FOUND
	"X" SET IN BRICK
	"X" FOUND IN CONCRETE
	SPINDLE FOUND
	PUNCH HOLE FOUND
	WOOD FENCE
	BREAK-IN-SCALE
	BUILDING LINE
	PUBLIC UTILITY EASEMENT
	DRAINAGE EASEMENT
	() PER PLAT IN 25/9
	(()) PER PLAT IN 76/107
	[] PER CITY OF WEST LAKE HILLS
	C.M. CONTROL MONUMENT
	R.O.W. RIGHT OF WAY
	OVERHEAD UTILITY LINE
	POWER POLE
	AIR CONDITIONER

STATE OF TEXAS
REGISTERED
★
MICHAEL J. LANCASTER
5529
PROFESSIONAL
LAND SURVEYOR

STREET ADDRESS: 1 HIDDEN COVE CITY: WEST LAKE HILLS COUNTY: TRAVIS STATE OF TEXAS
LOT: 4 SUBDIVISION: HOLLOWAY COLEMAN SUBDIVISION VOL/CAB 25 PG/SLD 9 PLAT RECORDS
REFERENCE NAME: BRIAN PLUNKETT



Austin, Texas 78756 - Office 512*458-6969

JOB #: B1116219_TWL
DATE: 12/11/19
SCALE: 1" = 20'

FIELD WORK BY	REESE	12/04-11/19
CALC'D BY	VG/JR/GF	12/05-11/19
DRAFTED BY	AW3	12/05-11/19
CHECKED BY	ML	12/11/19

APPLICATION COVER SHEET

Property Address: **1 Hidden Cove**
Applicant Name: **Criss Cloudt and Brian Plunkett**
Designated Agent (if any, Power of Attorney Required): _____
Applicant Phone Number: **512-306-9349** Email Address: _____
Date Application was Submitted: **November 27, 2019**
Variance(s) Requested:
Thirty foot encroachment into the thirty foot front setback

Applicant completes above section; City Staff completes the section below:

Variance File Number: _____ [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ _____ ☐ Fees Received on _____ by _____

DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on _____ by _____
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers
☐ Site Plan Coversheet ☐ Site Plan Drawings
☐ Elevation Views and Floor Plans (new structures only)
☐ Septic Assessment (new structures only)
☐ Additional Support Materials (if any): _____
☐ Power of Attorney (if any) – Designated Representative: _____
Staff Analysis completed on _____ by _____
Staff Analysis sent to Applicant on _____ by _____

FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on _____ by _____
Notice to Proceed Letter sent to Applicant on _____ by _____
• Notification Letter must be postmarked by _____ ☐ Confirmed by _____
• Sign must be posted by _____ ☐ Confirmed by _____
15 Copies of Final Packet received on _____ ☐ Confirmed by _____

ZAPCO

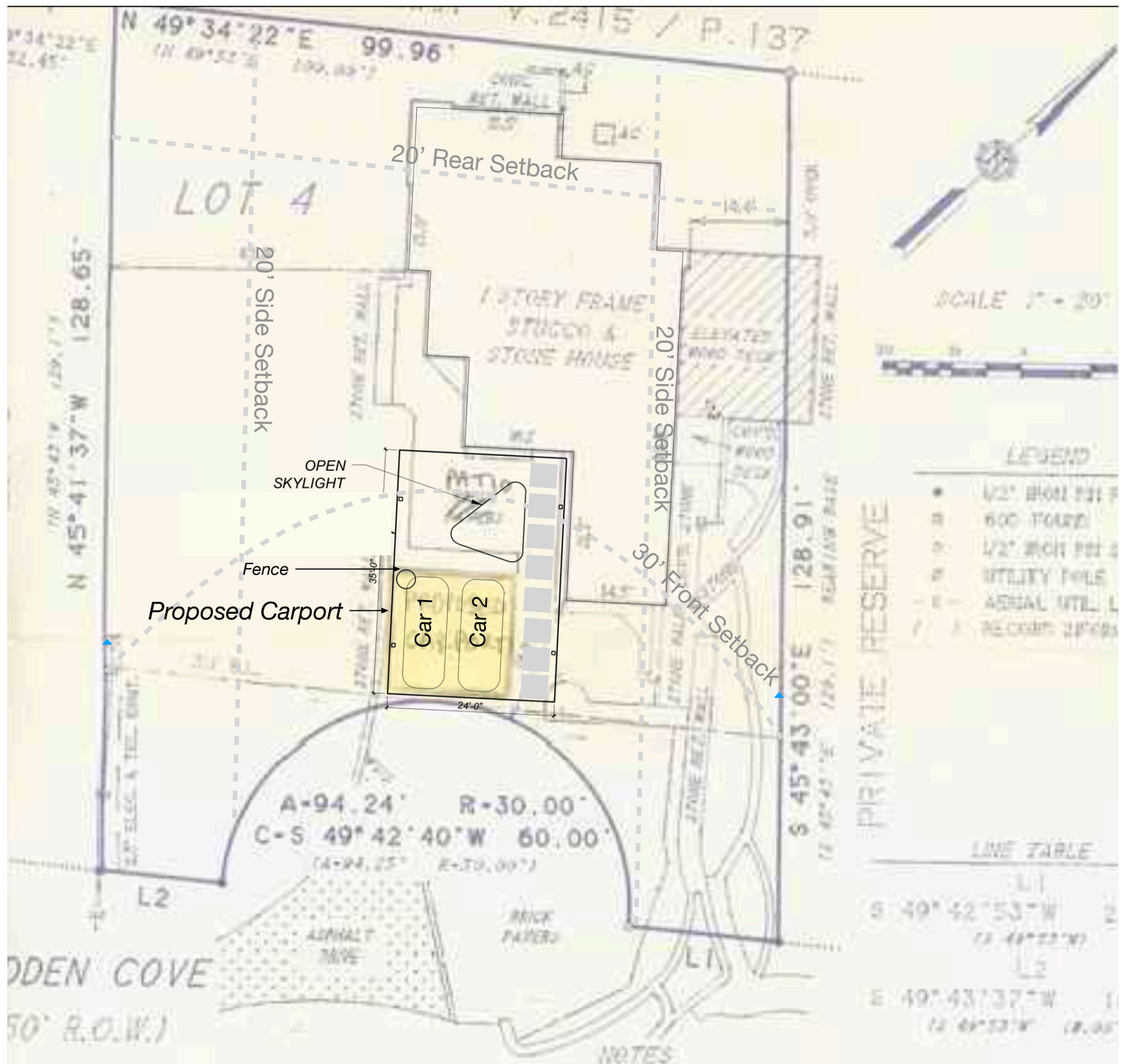
Scheduled for ZAPCO Hearing on: _____
ZAPCO Action Letter sent on _____ by _____
ZAPCO Recommendation: _____
Conditions/Comments (if any): _____
Modified application and materials (if any) received on _____ by _____

BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: _____
BOA/Council Action: _____
Conditions/Comments (if any): _____
BOA/Council Action Letter sent on _____ by _____

FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): _____
• Notifications added to Incode on _____ by _____
Postponement History (if any): _____
Notes: _____



West Lake Hills Construction Site Plan Submittal Cover Sheet

Property Address: 1 Hidden Cove **Date:** 11/27/19
Project Name: 1 Hidden Cove Carport

Applicants requesting review of submitted construction drawings and a building permit for construction in the City of West Lake Hills must read and acknowledge the following items relating to the City's Code of Ordinances. This cover sheet is intended to highlight the most common errors and omissions made during the approval process for new construction projects. All references to the City's Code of Ordinances can be found on the City's website at www.westlakehills.org.

Instructions: All three parties are asked to confirm their understanding of the code requirements listed below where applicable. The Architect should initial in section A, the contractor/builder should initial in section B, and the property owner/client in Section C. If the item is not relevant to the proposed project, check "Not Applicable," and still initial. If your project is not compliant with the item and you intend to request a variance to that requirement, check "Requesting A Variance," and also initial. All three parties should print and sign their name at the bottom of the form.

1. Impervious cover: (WLH Code Sections 22.03.001 and 22.03.281)

- a) Impervious cover varies with the lot size. For your project, have you correctly determined the allowable percentage of impervious cover?
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☐ Requesting A Variance
- b) Have you correctly determined what various materials/conditions constitute impervious cover: concrete, asphalt, pavers, swimming pools, crushed gravel and granite, decking materials, etc.?
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☐ Requesting A Variance

2. Setbacks: (WLH Code Sections 22.03.175 (Residential), 22.03.249 (Non-Residential), 22.03.275, 22.03.276, and 22.03.281)

- a) Setbacks are determined by the lot size. Have you correctly determined the setbacks for your project?
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☒ Requesting A Variance
- b) If your property fronts one or more streets, each setback along those streets must conform to front setback requirements. Have you checked your project for this condition?
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☒ Requesting A Variance
- c) ~~Roof eaves and overhangs~~ are not allowed in the building setbacks. Have you verified that the project's roof eaves and overhangs are not within the setbacks?
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☒ Requesting A Variance
- d) Have you insured that no building, accessory building, or structure is located within the setback? This requirement includes but is not limited to retaining walls, patios, fountains, air conditioning pads, pool equipment, pergolas and arbors.
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☒ Requesting A Variance
- e) Do your project's driveways meet the driveway setback requirements?
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☒ Requesting A Variance
- f) Do you understand that no site disturbance (cutting, filling, grading, etc.) is allowed in the setback?
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance

3. Structure height: (WLH Code Section 22.03.001 and 22.03.279)

- a) Has a current, topographic ground survey with 1-foot contour lines produced by a licensed surveyor been submitted? Your height calculations must be determined from this survey.
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☐ Requesting A Variance
- b) Has the correct methodology as defined in the code, been used to calculate the height of your project?
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☐ Requesting A Variance
- c) Do you understand that the height restriction includes all roof appurtenances and building materials?
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☐ Requesting A Variance

4. Trees and vegetation: (WLH Code Sections 22.03.301 to 22.03.305)

- a) Has a current and certified tree survey been submitted to the city inspector?
A: _____ B: _____ C: c/bcp ☒ Not Applicable ☐ Requesting A Variance
- b) Do you understand that no site clearing, brush/undergrowth removal, or tree removal can be done until a tree permit and building permit have been issued by the City?
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance
- c) Do you understand that NO tree with a diameter greater than or equal to 14 inches can be removed without obtaining a variance from the City Council?
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance
- d) Do you understand that all tree replacement must be completed before a certificate of occupancy will be issued?
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance

5. Additional considerations:

- a) If required, have you reviewed the slope/grade restrictions for driveways? (WLH Code Sections 22.03.175 (Residential) and 22.03.241 (Non-Residential))
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance
- b) If required, has a septic system design been submitted to the city inspector for approval? (WLH Code Section 18.03.067)
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance
- c) Does your site plan show all of the structures, hardscape elements such as retaining walls and planters, patios, decks, sidewalks, driveways, water tanks, pool equipment and other items? Please note that such items are not allowed in the setbacks and may not be installed later without City approval. ? (WLH Code Section 22.03.276 and 22.03.281)
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☐ Requesting A Variance
- d) Do you understand that no work (including but not limited to mailbox construction or placement, planting, grading, landscaping, etc.) may be done in the City Right of Way without City approval? (WLH Code Sections 22.03.484 and 22.03.485)
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance
- e) Do you understand that a certification letter from a septic designer must be submitted if an existing septic system is being utilized? (WLH Code Section 18.03.067)
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance

- f) Do you understand that your project may require a tree permit in addition to a building permit? (WLH Code Sections 22.03.301 to 22.03.305)
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance
- g) Do you understand that if your project is in the Edward's Aquifer Recharge and/or Contributing Zone, you may be required to submit a Water Pollution Abatement Plan? (State requirement)
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☐ Requesting A Variance
- h) Do you understand that a separate permit must be obtained for fence construction and that the requirements in WLH Code Section 22.03.173 must be followed? Do you understand that front yard fences (as defined in WLH Code Section 22.03.173) have special requirements?
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance
- i) Do you understand that a separate permit must be obtained for a swimming pool and that the requirements in WLH Code Section 22.03.167 and 22.03.207 must be followed?
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance
- j) Do you understand that if any professional services (attorneys, engineers, surveyors, etc.) are required to be used by the city that those fees will be passed-through and will be the responsibility of the applicant? (WLH Code Section A9.006).
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☐ Requesting A Variance
- k) Do you understand and have correctly identified any and all nonconforming uses and structures? (38.04.061)
A: _____ B: _____ C: cc/bcp ☐ Not Applicable ☐ Requesting A Variance
- l) Have you correctly verified if you project is located within the floodplain and obtained the necessary permits if it is?
A: _____ B: _____ C: cc/bcp ☒ Not Applicable ☐ Requesting A Variance

I hereby acknowledge that I have read and understand the requirements listed above. I further understand that nothing in this document relieves me of my legal responsibility to comply with any and all relevant West Lake Hills Ordinances regarding this project including the requirements referenced in this document.

NAME

SIGNATURE

DATE

A: Architect: _____

B: Builder/Contractor: _____

C: Property Owner/Client: Criss Cloudt/Brian Plunkett Criss Cloudt 11/27/19



SETBACK ENCOACHMENT VARIANCES STAFF REPORT

FEBRUARY 12, 2020

Project Name: 1801 Yaupon Valley Road Setback Encroachment Variances

Requested Action: Construct a swimming pool, deck and stone wall that encroach into the rear setback

Agenda Item: Land Use: **1801 Yaupon Valley Road**: Discussion/recommendation of variance requests for the construction of a swimming pool, patio, and concrete/stone wall within the rear setback. (Sec. 22.03.276 and Sec. 22.03.281 of the West Lake Hills Code). Owners/Applicants Mike and Luniece Schless (Power of Attorney Blake Moran).

Applicant Information: Mike and Luniece Schless (owners); Blake Moran with Cody Pools (Power of Attorney)

Hearing Dates:

January 15, 2020	ZAPCO
February 12, 2020	Board of Adjustment

Location: The subject property is located east of South Capital of Texas Highway, west of Old Wagon Road, and north of Flintridge Road. The rear of the property borders the Wild Basin Wilderness Preserve.

Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R-1 – One-Family Residential. The Wild Basin Wilderness Preserve adjacent to the rear of the property is zoned GUI – Government, Utility, Institutional. The property is 1 acre. There is currently an existing house on the property.

Background & Analysis:

The homeowners are requesting variances to construct a swimming pool with support wall and patio that encroach the rear 30ft building setback. The current home built in 1984 per Travis County Appraisal District records, and was constructed very close to the rear setback line. The homeowners would like to construct a lap pool to benefit their health. They were previously members of The Hills which has since sold. The proposed pool would be narrower than typical private swimming pools, and is designed for the purpose of lap swimming and exercise.

The homeowners considered other locations for the swimming pool, including the sides of the residence and front yard. The left side yard is occupied by the existing driveway; the front yard has numerous trees and has little privacy; and the right side yard is occupied by the septic field. The rear setback encroachment was determined to be the most feasible location.

Mr. and Mrs. Schless have received support from Travis County (who owns the Preserve) and neighboring homeowners for their variance request and proposed pool project.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

The application states –

“A. Building a pool on either side of our home would encroach on our neighbors’ improvements and still require a variance.

B. We cannot build pool on top of septic field on one side of our house.

C. Constructing pool in front would require much greater destruction of trees, and would put a pool in public view along Yaupon Valley Road.

D. There are no improvements affected by the requested rear setback variance, and the owner of the adjoining rear property (Travis County) has consented to our setback variance request.

E. Constructing a pool in back would enhance fire safety at our urban/wildlife interface.

F. Our physician has recommend swimming for the applicant’s health.”

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

The application states – “There will be greater destruction of existing flora if the pool is constructed in front, or on either side of our home.”

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states –

“A. Building pool in front outside the setback would require much more destruction of flora and thwart the intent of existing applicable ordinances.

B. Building a pool in the septic field is not physically or legally permissible.

C. Building pool on either side would still require a setback variance, but would be inferior to our plan because it would encroach more on our neighbor’s improvements.

D. There are no improvements to the rear. It is part of the Balcones Canyonlands Preserve owned by Travis County. Travis County has given its written consent to our variance request.

E. Placing the pool behind our house is the alternative that least interferes with our neighbors, is most consistent with the intent of existing applicable ordinances, and provides the greatest privacy.”

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The application states –

“A. For the reasons stated above, it is the least invasive variance of any alternative.

B. The pool is designed to be as narrow as possible to minimize the size of the variance.”

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states –

“A. It is the most consistent with that intent of all alternatives for the reasons stated.

B. Our home is right at the urban/wildlife interface. Constructing a pool with stone wall surrounding it directly behind our home will dramatically enhance fire safety.”

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states –

“For all of the reasons stated above, it is the only option that will not interfere with our neighbors on either side, or their enjoyment of their own property. They do not oppose our application for a variance.

B. The only neighbor affected by the proposed variance is the neighbor to the rear, Travis County. They do not oppose the variance and have given their written consent, in part because there are no improvements on their property, and our pool would not interfere with their use and enjoyment of their land.”

Traffic/Transportation

No impact on traffic is expected.

Lighting

Outdoor lighting will be reviewed separately with the swimming pool permit application.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The existing and future land use comply with the Master Plan.

Zoning & Planning Commission Recommendation

During the January 15, 2020 ZAPCO meeting, the Commissioners unanimously recommended approval of the variance requests by a vote of 4 – 0 with a condition that the patio area to the north of the pool be reduced to 4ft in width (Commissioner James Vaughan absent).

Staff Recommendation

Staff recommends approval of the requested variance with ZAPCO's condition. There is no other feasible location for the swimming pool, and the proposed swimming pool abuts the Wild Basin Preserve, which has minimum impact on neighbors and the surrounding neighborhood.

Code Analysis:

Sec. 22.03.275 Building setback distances

(a) (1) No principal building shall have any front, side or rear setback distance less than that shown on the schedule of regulations as being required in the district in which the building is located, except that the minimum setback distance from Bee Cave Road shall be 50 feet regardless of which direction the building is facing. The setback distance from the Capital of Texas Highway shall be a minimum of 75 feet.

(2) Unroofed steps and ramps shall not be considered as part of the principal building when measuring the setback distance of such building.

(3) Buildings, including overhangs and eaves, shall not encroach into setbacks.
(Ordinance 211, sec. 6, adopted 1/26/11)

(b) Yards are the open areas between building setback lines and lot lines. Structures shall not be permitted in yards except as otherwise provided herein.

(1) Front yards. Front yards extend the full width of the lot. Their depth is measured from the edge of the right-of-way line of the street to the minimum front setback line.

(2) Rear yards. Rear yards extend the full width of the lot. Their depth is measured from the rear lot line to the minimum rear setback line.

(3) Side yards. Side yards extend from the front yard to the rear yard. Their depth is measured from the side lot line to the nearest minimum side setback line.

(c) In the case of lots abutting on more than one street, the full width of the front yard shall be provided from each street.

(Ordinance 152, att. A, adopted 4/29/09)

Sec. 22.03.276 Setbacks for accessory structures

The minimum setback distances for accessory structures, other than unroofed steps, ramps, fences, walks, driveways, driveway gates, playscapes, and mailboxes, shall be the same as the setback distances applicable to a principal building under the appropriate category in section 22.03.281. Accessory structures, including overhangs and eaves, shall not encroach into setbacks.

Sec. 22.03.281 Schedule of regulations

- (a) Where the slope gradient exceeds 25 percent nonresidential development is not permitted.
- (b) Dimensional regulations for listed zoning districts:

Dimensional Minimums of Lots									
Dimension/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Acreage (acres) (A)	1	1	2	1.5	2	1.5	2	20	30
Depth (feet)	150	150	400	200	200	200	200	500	(C)
Width (feet) (B)	150	150	400	150	150	150	150	500	(C)

(1996 Code, sec. 14-295)

Minimum Building Setback Distance in Feet From Front Lot Line									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	50	50	50	50	50	50	50	(IV)(a)	(C)
Less than .5 acres	30	30	N/A	30	30	30	30	N/A	N/A
Minimum Building Setback Distance in Feet From Rear Lot Line									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	30	30	50	40	40	40	40	(IV)(c)	(C)
Less than .5 acres, greater than or equal to .375 acres	25	25	N/A	30	30	30	30	N/A	N/A
Less than .375 acres—zero	15 (F, E)/ 20	15 (F, E)/ 20	N/A	30	30	30	30	N/A	N/A
Minimum Building Setback Distance in Feet From Side Lot Lines									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	25	25	50	(I)	(I)	(I)	(I)	(IV)(c)	(C)
Less than .5 acres, greater than or equal to .375 acres	20	20	N/A	(II)	(II)	(II)	(II)	N/A	N/A
Less than .375 acres—zero	15 (F, E)/ 20	15 (F, E)/ 20	N/A	(II)	(II)	(II)	(II)	N/A	N/A
Maximum Impervious Cover in Percent of Lot Area									
Lot Size/Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	25%	25%	25%	(IX)	(III)	(III)	(III)	(V)	(C)
Less than .5 acres, greater than or equal to .2 acres	*, †	*, †	25%	(IX)	(III)	(III)	(III)	(V)	(C)

* The following formula applies:

$P = (\text{size of acre expressed as a whole number and decimal}) \times (.5) - (.5)$

Example:

$P = (.25 \text{ acres}) (.5) - .5$

$P = (.125) - .5 = -0.375\%$

$P = 37.5\%$ allowable impervious cover for a .25 acre lot

† In order to receive and increase in allowable impervious cover over 25%, the property must be connected to the city's wastewater service.

(A) Land donated/dedicated to and accepted by the city shall be credited to the area of the lot/tract from which the donated land originated.

(B) For residential lots on culs-de-sac, the minimum lot width at the front street property line shall be 33 feet measured along the chord of the arc.

(C) See section 38.03.040 et seq.

(D) Residential 30 feet; nonresidential 37 feet.

(E) No portion of the structure in an extended setback shall be taller than 16' above natural grade.

(F) If the proposed building is a one-story structure, the lesser setback distance applies. If any portion of the building is a two-story structure, the greater setback distance applies.

Sec. 22.03.514 Criteria required for granting variance

No variance shall be granted under this chapter unless the following criteria are fulfilled:

(1) Findings. The applicant has established by competent evidence that:

(A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

(B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

(C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

(D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

(2) ZAPCO. The recommendation of zoning and planning commission shall include an analysis of whether:

(A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan; and

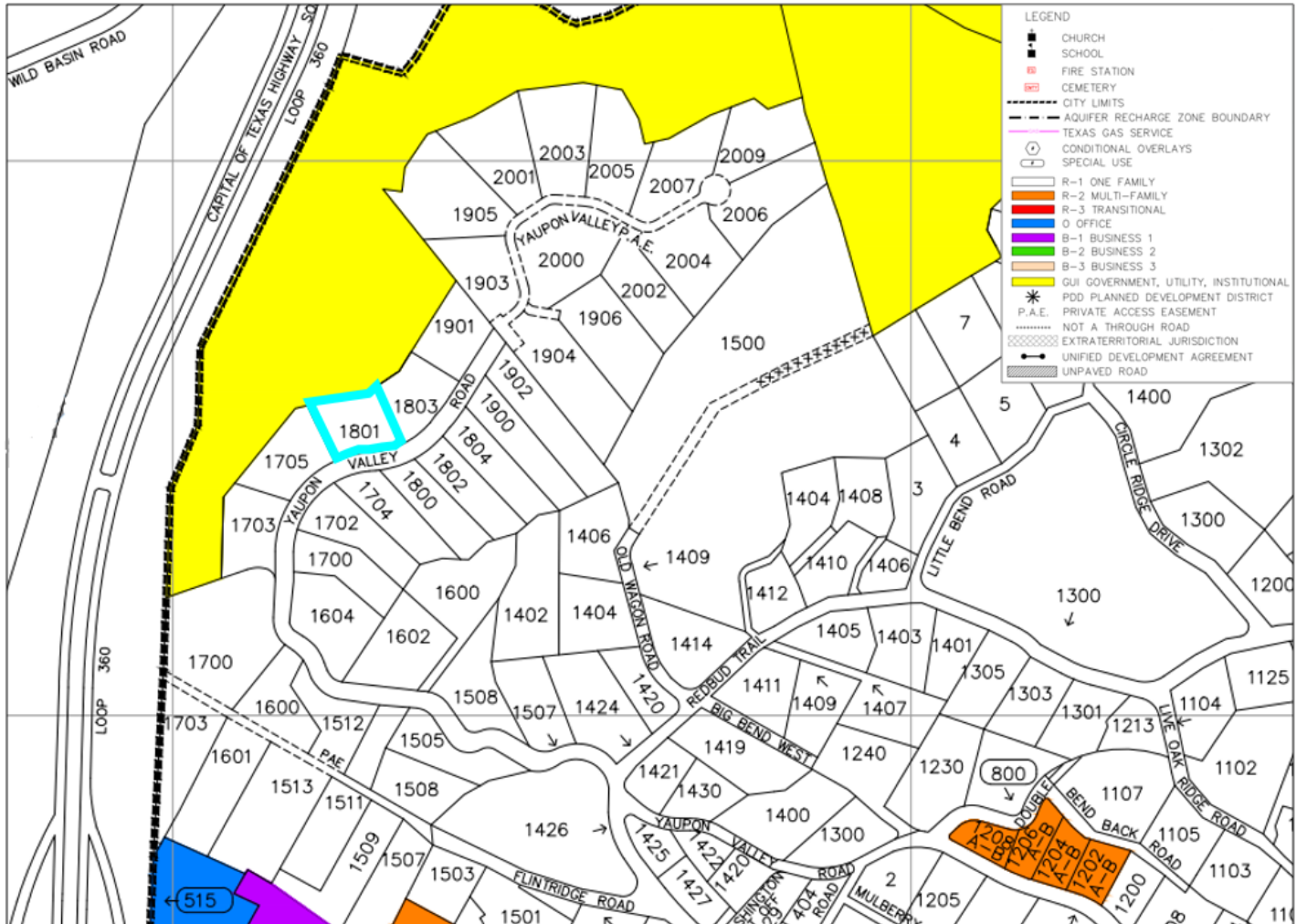
(B) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof; and

(C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

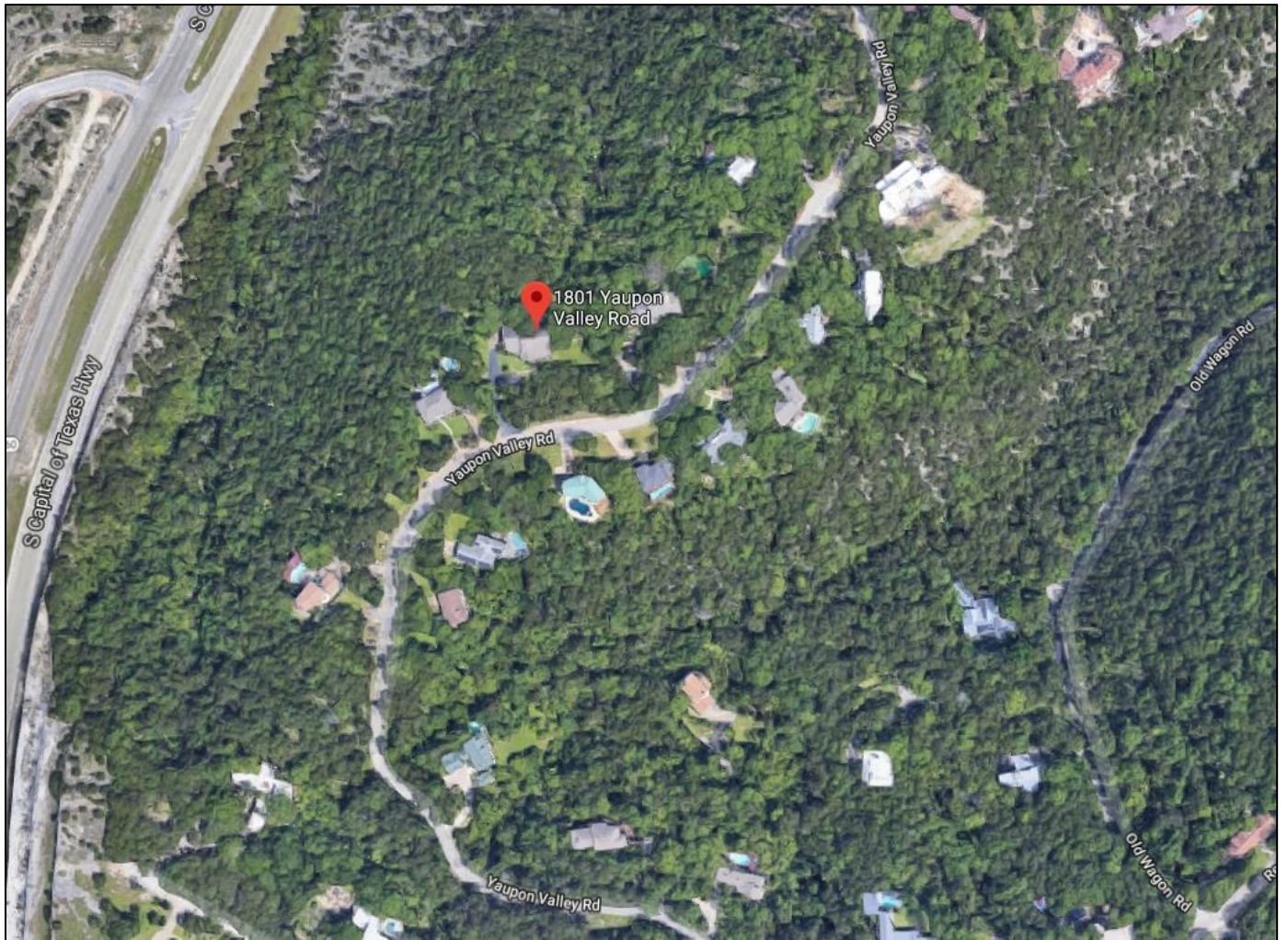
(3) Conditions. The city council can impose, and the zoning and planning commission can recommend imposition of, reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects in the Commercial Overlay District are necessary to achieve one or more of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

(Maps to follow)

Zoning:



Aerial:



SCHLESS PROJECT - VARIANCE PACKET

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4. Answers to Variance Approval Criteria Questions
5. Site Plan Coversheet
6. Survey with Improvements Shown – 40th Scale
7. Survey with Improvements Shown – 20th Scale
8. Construction Plan – Page 1
9. Construction Plan – Page 2
10. Paramount PV3 Infloor System Plan – Page 1
11. Paramount PV3 Infloor System Plan – Page 2
12. Rear Elevation
13. Certificate of Liability Insurance
14. Warranty Deed with Vendor's Lien
15. Letter from Travis County
16. Letter from adjacent neighbor
17. Letter from adjacent neighbor
18. (through 21) Pictures of Wild Basin behind property
19. Supplemental Materials: (these items are not currently included in this packet, but will be presented to the city ASAP, in advance of the ZAPCO meeting on 1/15/2020)
 - a. Topographical and Tree Survey
 - b. Letter from Certified Arborist
 - c. Updated Site Plan from Architect
 - d. Additional pictures of property

SCHLESS – CUSTOM SWIMMING POOL PROJECT



This project involves the construction of a custom gunite swimming pool. The interior finish with be Pebblesheen, with tile on the waterline and rectangular travertine coping. The pool decking / patio space will also be Travertine, in a Versailles or French Quarter pattern, and sand set (no concrete sub-deck).

There will be a steel reinforced gunite / concrete support wall along the perimeter of the improvements, connecting back to the house on each side. Upon this support wall will be a chopped block limestone wall with sawn limestone cap. 3 gates will be installed, all will comply with current IRC regulations. They will open out, self-close, self-latch, with the latch being a minimum of 54" above the ground.

No landscaping or irrigation are within the scope of Cody Pools and are not part of this application.

Cody Pools
A Texas Pool Builder Since 1994

Austin
(512) 835-4966
2300 W. Parmer Ln

Georgetown
(512) 948-0036
5115 S. IH-35

Lakeway/Bee Caves
(512) 835-6541
12307 Hwy 71

San Antonio-North
(210) 249-9129
19422 N. US 281

San Antonio-West
(210) 249-9129
21195 I-10 West

Houston-North
(713) 389-1150
26615 I-45 North

Houston-West
(281) 769-1020
24433 Katy Frwy, #200

Houston-South
(281) 769-1020
8700 Highway 6 #300

Commercial - Dallas/Frisco
(214) 593-8216
122 Rose Lane #502

PSN Top 50 BUILDERS
2018
Ranked #1 Nationally
for the 6th Year in Row

APSP
CBP
CERTIFIED
BUILDING PROFESSIONAL

CHALLENGER POOLS
A Cody Pools Company

Tampa, Florida
(813) 886-9119
6846 N Dale Mabry

FSPA
Florida Swimming Pool Association

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APPLICATION COVER SHEET

Property Address: 1801 ~~1801~~ Yaupon Valley Rd. West Lake Hills, TX 78646
Applicant Name: Blake Moran - Cody Pools ; On behalf of Mike & Luniece Schless
Designated Agent (if any, Power of Attorney Required): Blake Moran ** Only if Mike can't attend*
Applicant Phone Number: Blake: 512.801.9370 Mike: 512.658.3358 Luniece: 512.632.6721 Email Address: blake@codypools.com
Date Application was Submitted: 12 / 5 / 2019
Variance(s) Requested: Construction of custom swimming pool, patio, and concrete / stone wall within the 30' rear setback.

Applicant completes above section; City Staff completes the section below:
Variance File Number: _____ *[A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]*

Application Fees Due: \$ _____ ☐ Fees Received on _____ by _____

DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on _____ by _____
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers
☐ Site Plan Coversheet ☐ Site Plan Drawings
☐ Elevation Views and Floor Plans (new structures only)
☐ Septic Assessment (new structures only)
☐ Additional Support Materials (if any): _____
☐ Power of Attorney (if any) – Designated Representative: _____
Staff Analysis completed on _____ by _____
Staff Analysis sent to Applicant on _____ by _____

FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on _____ by _____
Notice to Proceed Letter sent to Applicant on _____ by _____
• Notification Letter must be postmarked by _____ ☐ Confirmed by _____
• Sign must be posted by _____ ☐ Confirmed by _____
15 Copies of Final Packet received on _____ ☐ Confirmed by _____

ZAPCO

Scheduled for ZAPCO Hearing on: _____
ZAPCO Action Letter sent on _____ by _____
ZAPCO Recommendation: _____
Conditions/Comments (if any): _____
Modified application and materials (if any) received on _____ by _____

BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: _____
BOA/Council Action: _____
Conditions/Comments (if any): _____
BOA/Council Action Letter sent on _____ by _____

FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): _____
• Notifications added to Incode on _____ by _____

Postponement History (if any): _____
Notes: _____



MICHAEL J. SCHLESS

ATTORNEY & COUNSELOR AT LAW • DISPUTE RESOLUTION

1301 WEST 25TH STREET, SUITE 550
AUSTIN, TEXAS 78705

E-MAIL • mjschless@cs.com
WEB • www.schlessadr.com
TELEPHONE • 512/476-5507
FACSIMILE • 512/476-4026

December 5, 2019

Robert Meisel, Chair
West Lake Hills Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

Dear Robert,

My wife Luniece and I seek a rear setback variance for the construction of a swimming pool at our home located at 1801 Yaupon Valley Rd. We have been working with Blake Moran, Designer for Cody Pools for two years to design and locate the pool in such a way as to minimize disruption to our natural environment and to our neighbors, while still allowing us to make allowable use of our property for our peaceable enjoyment.

In addition, we have been working with Davin Fillpot who, as you know, is a WLH code consultant; Don Gardner, a highly skilled and experienced consulting arborist; and Tom Buckle, whose firm Scanlan Buckle & Young formerly served as the city attorneys for WLH, and who has expertise in code compliance.

And of course we have been working with our neighbors: Ashish & Jennifer Bhagwanjee at 1705, and Ben and Lynae Peays at 1803 Yaupon Valley Rd.; and with Dr. Barbara Dugelby at the Wild Basin, and Melinda Mallia, Natural Resources Program Manager for Travis County, the owners of the parcel of the Balcones Canyonlands Preserves which abuts our rear property line. The application packet includes letters from each of our neighbors expressing no objection to our application for a variance, or for the construction of the pool as requested.

For reasons explained and depicted within this packet, the neighbors and experts listed above all agree that a variance for the desired location is not only the best, but also the only practical solution.

When the residence was constructed over 35 years ago, it was set back just about as far as it could go to the 30' rear setback. The "Existing Greenhouse" labelled on our construction drawings is less than 2 ft from the setback line. Without a setback variance, there would be no room for a swimming pool. We searched another suitable area on the property that would not encroach upon any setbacks and still retain practicality. There simply is not one.

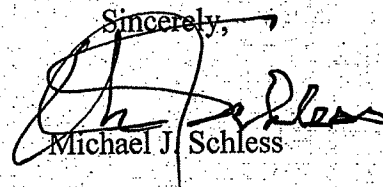
If facing the residence from Yaupon Valley Road:

- To the left of the residence, the area between the house and the setback line is mostly occupied by the driveway, which we cannot remove without eliminating garage access.
- To the front of the residence, removal of a greater number of existing trees and well-established natural landscaping would be required. In addition, locating a pool adjacent to and visible from the street is simply totally impractical
- To the right side of the property, the only open area is occupied by the septic field. Farther back on the property on this side features the most mature healthy trees on the property. This will be evident on the tree survey.

Furthermore, a stone wall surrounding the proposed construction will act chiefly as a very effective fire break. Pictures of the Wild Basin Preserve are included in this submittal. The trees that will be removed in the area proposed are not greater than 14 inches. Most are around 8 inches, as will be evident on the tree survey. Our arborist has confirmed they are all in poor condition and showing signs of decay. A written report from the Mr. Gardner will be included in our paperwork.

Finally, I have been advised by my physician and my cardiologist that swimming would be very beneficial to my health. We used to belong to The Hills where a great lap pool was a short drive away. Since it sold, there is not another suitable lap pool in the area. The pool is designed for lap swimming, and for purposes of exercise. This pool would be much narrower than average, and will encroach less into the setback than a pool of even just average dimensions.

Luniece and I are grateful for your careful consideration of our variance application. Please feel free to contact either of us if you would like to view the property in person. Otherwise, we look forward to working with you at the January 15 hearing.

Sincerely,

Michael J. Schless

ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

1. Conditions resulting in unnecessary hardship if ordinance terms are not strictly enforced.

- A. Building a pool on either side of our home would encroach on our neighbors' improvements and still require a variance.
- B. We cannot build pool on top of septic field on one side of our house.
- C. Constructing pool in front would require much greater destruction of trees, and would put a pool in public view along Yaupon Valley Road.
- D. There are no improvements affected by the requested rear setback variance, and the owner of the adjoining rear property (Travis County) has consented to our setback variance request.
- E. Constructing a pool in back would enhance fire safety at our urban/ wildlife interface.
- F. Our physician has recommended swimming for the applicant's health.

2. Why natural terrain and existing flora will not be unreasonably disturbed if variance granted.

There will be greater destruction of existing flora if the pool is constructed in front, or on either side of our home.

3. What other options were considered, and why would they not alleviate the hardship.

- A. Building pool in front outside the setback would require much more destruction of flora and thwart the intent of existing applicable ordinances.
- B. Building a pool in the septic field is not physically or legally permissible.
- C. Building pool on either side would still require a setback variance, but would be inferior to our plan because it would encroach more on our neighbors' improvements.
- D. There are no improvements to the rear. It is part of the Balcones Canyonlands Preserve owned by Travis County. Travis County has given its written consent to our variance request.
- E. Placing the pool behind our house is the alternative that least interferes with our neighbors, is most consistent with the intent of existing applicable ordinances, and provides the greatest privacy.

4. Why is the requested variance the minimum required to alleviate hardship.

- A. For the reasons stated above, it is the least invasive variance of any alternative.
- B. The pool is designed to be as narrow as possible to minimize the size of the variance.

5. Why does a variance not violate intent of Zoning Ordinance or Comprehensive Plan.

- A. It is the most consistent with that intent of all alternatives for the reasons stated.
- B. Our home is right at the urban/ wildlife interface. Constructing a pool with stone wall surrounding it directly behind our home will dramatically enhance fire safety.

6. Why a variance won't adversely affect neighboring properties or interfere with their enjoyment.

- A. For all the reasons stated above, it is the only option that will not interfere with our neighbors on either side, or their enjoyment of their own property. They do not oppose our application for a variance.
- B. The only neighbor affected by the proposed variance is the neighbor to the rear, Travis County. They do not oppose the variance and have given their written consent, in part because there are no improvements on their property, and our pool would not interfere with their use and enjoyment of their land.

WILD BASIN WILDERNESS

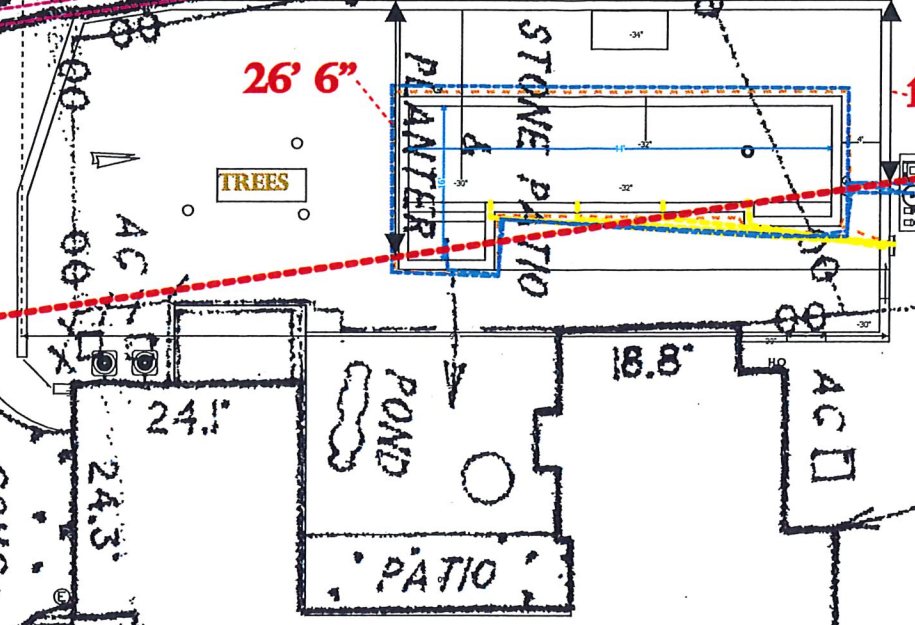
N 78° 52' 36" E 201.24'
 IN 78° 55' E 201.19'

EXISTING TREES
AND SHRUBS WILL
SCREEN POOL EQ
FROM NEIGHBORS

30' REAR SETBACK

SCALE:
1" = 20'

- SILT FENCE
- ELECTRICAL TO POOL LIGHTS:
- POOL PLUMBING:
- ELECTRICAL BONDING LOOP:



2 STORY STUCCO
& FRAME HOUSE

AREA OF
EXISTING
SEPTIC FIELD

LOT 3

50' FRONT SET

25' SIDE SETBACKS

IN 24° 05' W 200.00'
 N 24° 05' 00" W 199.93'
 BEARING BASE

NOTES

THE 25' FRONT BUILDING SETBACK LINE AND THE
 25' FRONT COLLECTION AREA ESMT. ALONG THE
 25' FRONT COLLECTION AREA ESMT. IN VOL. 93. PG.

5' X 15' POS
COLLECT

CUSTOMER INFORMATION	
LAST NAME:	SCHLESS
ADDRESS:	1801 YAUPON VALLEY ROAD
CITY/ZIP:	West Lake Hills, TX 78746
PHONE #:	512-632-6721
DESIGNER:	Blake Moran
BOND BEAM:	
GATE CODE:	
SUPER:	
FINISH:	

CONTRACT NOTE:
REMOVE (3) TREE / STUMP

CONTRACT NOTE:
FENCE REMOVE and REPLACE by CODY

CONSTRUCTION PLUMBING NOTE:
EACH VENTURI SKIMMER TO HAVE
INDEPENDENT RETURN LINE w/ VALVE

ELECTRIC NOTE:
(2) TRANSFORMERS INCLUDED

PLUMBING NOTE:
(1) ACTUATOR INCLUDED

DOUBLE STEEL APPLIED TO
ALL POOL SHEEL EXPOSED
GREATER THAN 36"

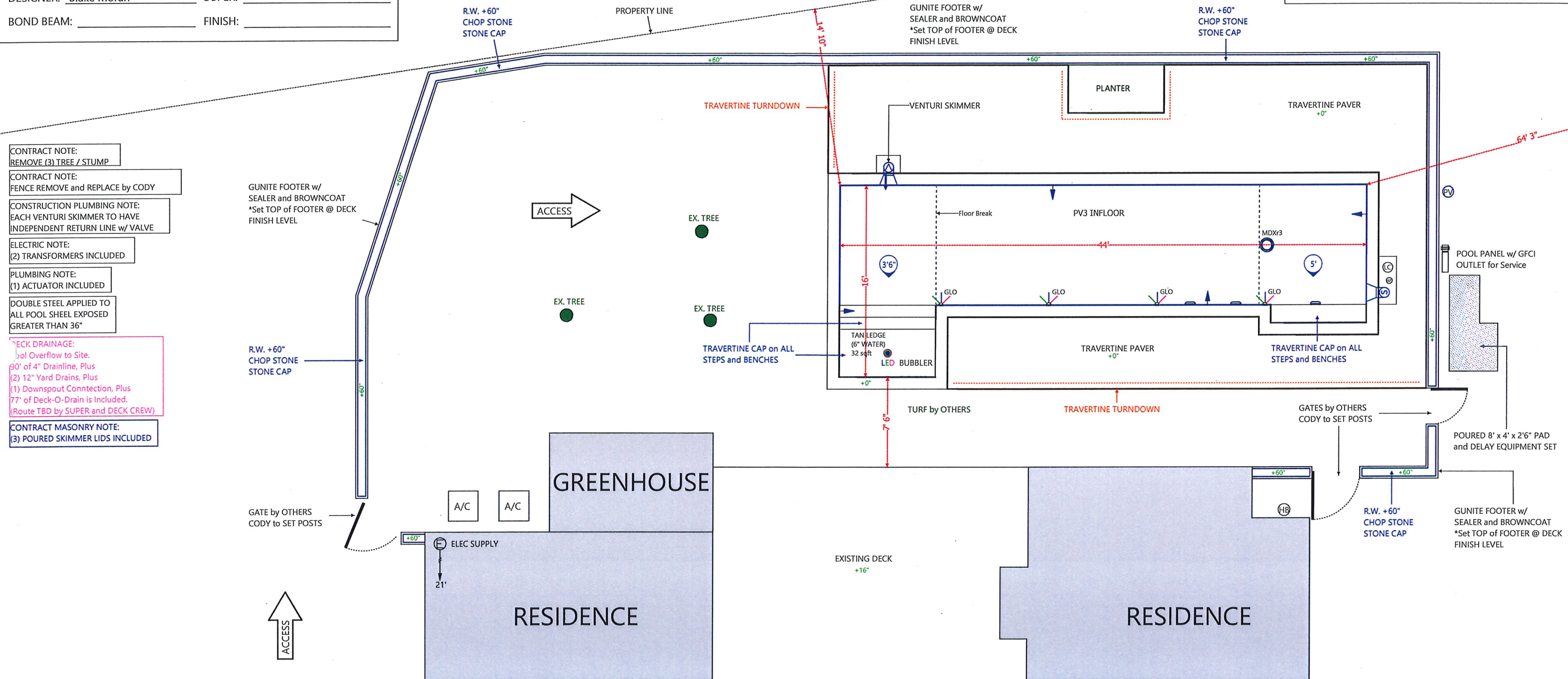
DECK DRAINAGE:
No Overflow to Site.
90' of 4" Drainline, Plus
(2) 12" Yard Drains, Plus
(1) Downspout Connection, Plus
77' of Deck-O-Drain is Included.
(Route TBD by SUPER and DECK CREW)

CONTRACT MASONRY NOTE:
(3) POURED SKIMMER LIDS INCLUDED

10'

SCALE: 1/8" = 1'-0"

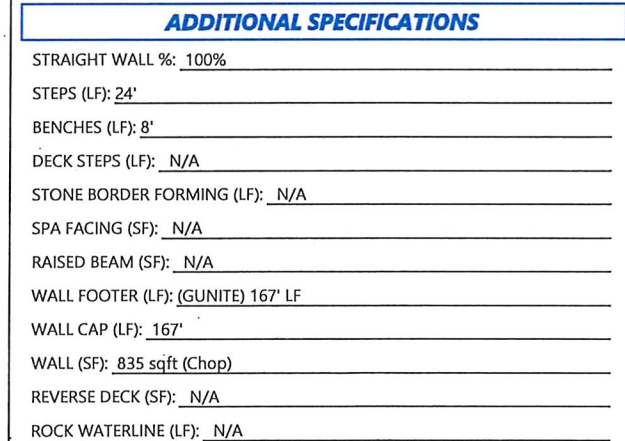
ORIGINAL



POOL SPECS PERIMETER: 123' AREA: 500 sqft DIMENSIONS: 44' x 16' LIONS: 15,107 TURNOVER: 2.10 HRS @ 120 GPM *** VGB ACT COMPLIANT *** ALL SUBMERGED SUCTION OUTLETS ARE EQUIPPED w/ DUAL DRAIN COVERS and/or SINGLE UNBLOCKABLE DRAINS WHICH ARE		DECK SPECS "A" TYPE: TRAVERTINE PAVER "A" AREA: 691 sqft "B" TYPE: N/A "B" AREA: N/A "C" TYPE: N/A "C" AREA: N/A TOP EX. TYPE: N/A TOP EX. AREA: N/A TURNDOWN TYPE: TRAVERTINE		EQUIPMENT SPECS CIRC PUMP: Intelliflo VSF PUMP #2: Whisperflo 1.5 HP PUMP #3: N/A FILTER: Quad DE 80 HEATER: UltraTemp 1200R Heat/Cool Pump CLEANER: Paramount PV3 Infloor POOL LIGHT: (4) GLO BRITE LED 12v SPA LIGHT: N/A OTHER: N/A CONTROL PANEL: EasyTouch P-4 REMOTE: N/A SANITIZER: INLINE + ULTRA UV BLOWER: N/A FILL LINE: Paralevel AutoFill w/RPZ Valve OTHER: (1) PARASKIM Venturi Skimmer OTHER: (1) LED BUBBLER OTHER: N/A OTHER: N/A		PLUMBING SPECS BASE SIZE: XL SKIMMER: 15' SPA: N/A Common Return: N/A FEATURE A: 60" (LED Bubbler) FEATURE B: N/A FEATURE C: N/A FEATURE D: N/A PV3 VALVE to EQ: 13" PV3 VALVE to POOL: 6" ELEC: 128' GAS: N/A		DEPTH PROFILE ((NOT to SCALE)) <i>*See Infloor Plan to Verify*</i> TYPE Ø - DIVING NOT PERMITTED 44'-0" WATER LINE 		 APPROVAL I (owner/s) have reviewed and approve this plan as correct within reasonable tolerance. I understand that any changes to shape or location may result in delay of project and additional cost. x _____ Page 67 of 8	
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APPROVAL

I (owner/s) have reviewed and approve this plan as correct within reasonable tolerance. I understand that any changes to shape or location may result in delay of project and additional cost.



ITEM:	Per DESIGNER	VERIFIED @ LAYOUT
POOL OUT OF GRADE:	39"	
DECK OUT OF GRADE:	40"	
ACCESS (Type):	DH	
TREES to be REMOVED:	3	
EX. CONCRETE REMOVAL:	N/A	
FENCE TYPE:	STD	
FENCE POSTS (Total Qty):	4	
ELEC METER to EQ:		
GAS METER to EQ:		
SKIMMER to EQ:		
SPA to EQ:		
POURED EQ PAD:		YES or NO
DELAY EQ SET:		YES or NO

COMPANY: CODY POOLS
CITY: AUSTIN
STATE: TX
CONTACT: PHILIP
CUSTOMER: SCHLESS
ADDRESS:
DATE IN: 10-9-2019
DATE OUT: 10-10-2019
FINISH: PEBBLE-SHEEN
SHEET: 1 OF 2

SEE PLUMBING NOTES FOR
ADDITIONAL INFORMATION
ON SEPARATE SHEET.



Order ☐

DRAWN BY: DLEONE

APPROVED:

Paramount
Pool Life. Simplified.

PHONE: 480.893.7607
800.621.5886

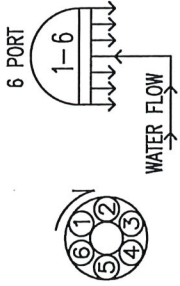
FAX: 480.893.7621

EMAIL: cad@1Paramount.com

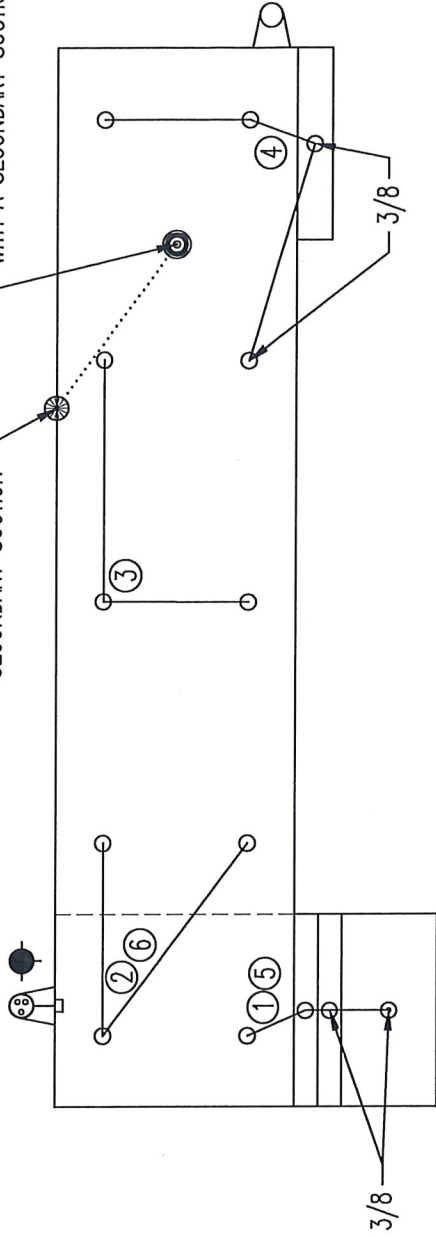
BILL OF MATERIALS	
○ ROT.NOZZ & BODIES	14
○ 6-PORT VALVE	1
● MDX-R3	1
● CANISTER	1
● VENTURI SKIM (ADD 10GPM PER VS)	1
● ULTRA UV2	1
● PARALEVEL	1

1.	2	5/8"	1/4"
2.	3	3/8"	1/4"
3.	3		
4.	2		
5.	2		
6.	3		

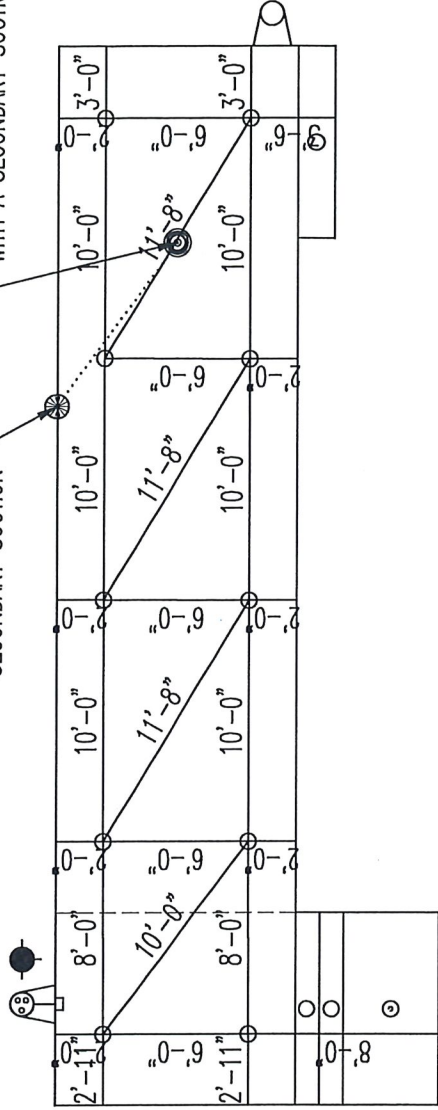
CLEANING SYSTEM
PUMP 60 G.P.M. @ 70' HD



MDX-R3 MUST BE PLUMBED
WITH A SECONDARY SUCTION



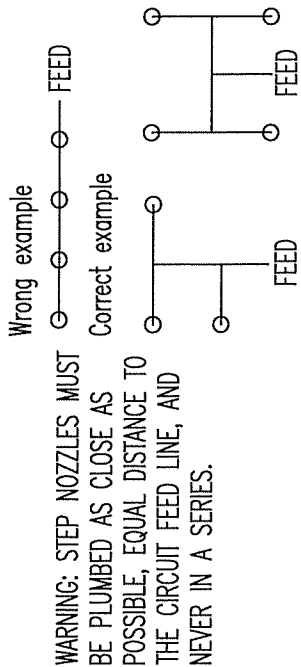
MDX-R3 MUST BE PLUMBED
WITH A SECONDARY SUCTION



PLUMBING INSTRUCTIONS

- *MDXR-3, SDX, and placement of the tee must be installed in accordance with Paramounts written instruction manual, and in conformity with applicable federal, state, local and swimming pool industry building and safety codes.
- *Only one directional skimmer to be used on a single pump system.
- *Multiple Venturi skimmers allowed with additional 10gpm for each.
- *Heaters must have bypass
- *Risers are 2" SCHD 40 PIPE
- *No 1-1/2" multiport backwash valves
- *Check valve is required on all raised features using the Paramount System.

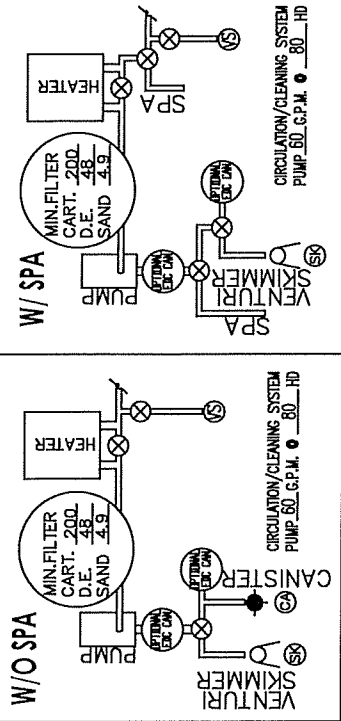
NOTE:
Location of canisters, skimmers, and secondary suction is optional and not imperative to the in-floor system.
All perimeter dimensions are from finished wall 1' radius shallow end and 2' deep end.



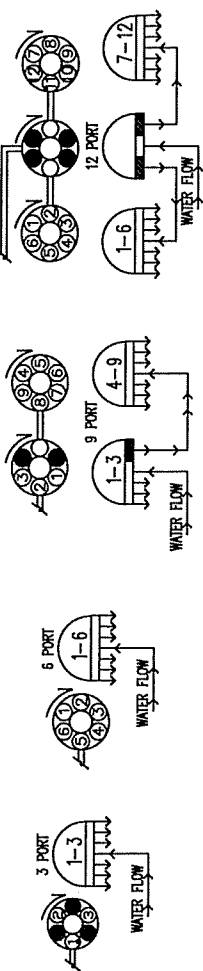
DRAWING NOTES

*The 99% Cleaning Guarantee will only qualify to AREAS of the pool and / or spa equipped with an MDXR3 and cleaning nozzles on the floor, steps, benches, sun decks, catch basins or any other design features of the pool or spa, and must be built to the specifications of this layout".

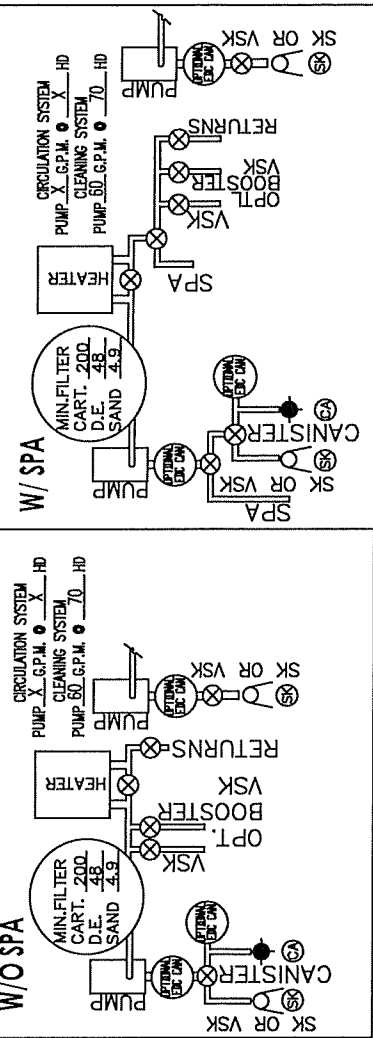
PLUMBING "GUIDE" FOR SINGLE PUMP SYSTEMS FOR ILLUSTRATION PURPOSES ONLY

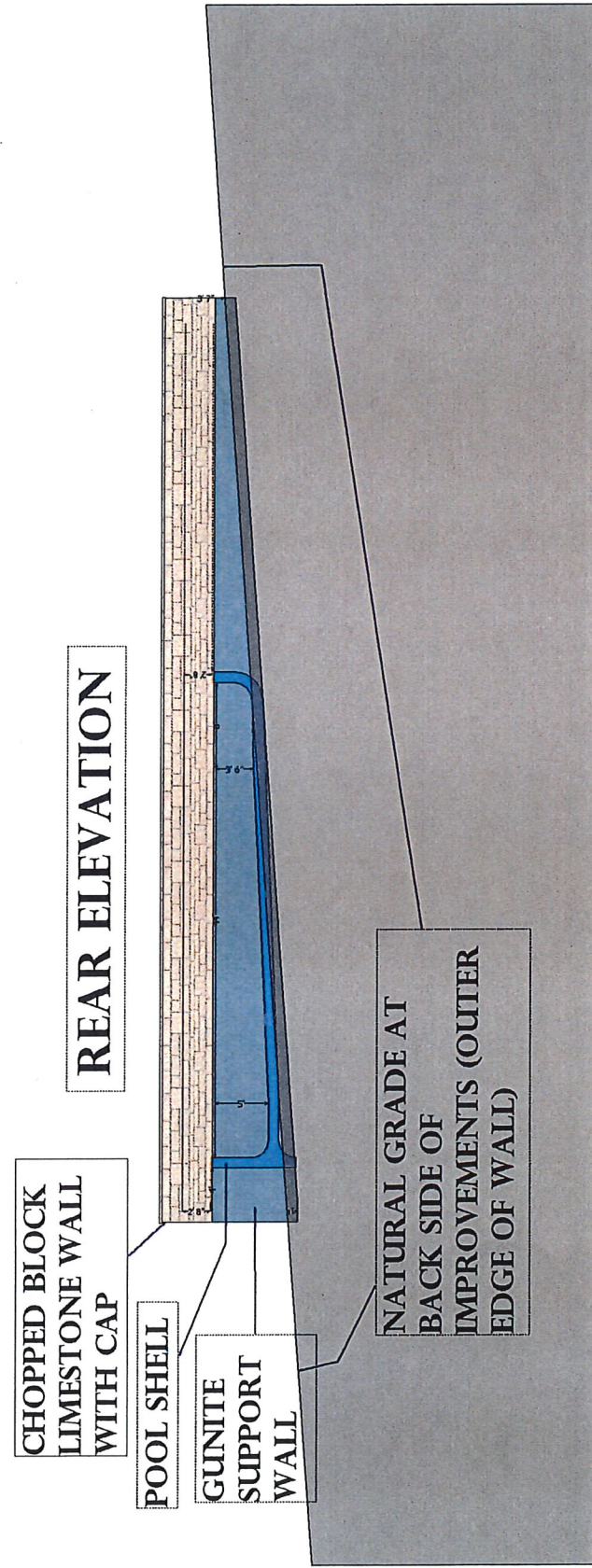


PLEASE REFER TO YOUR SPECIFIC DRAWING TO MATCH THE VALVE WITH THE CORRESPONDING VALVES.



PLUMBING "GUIDE" FOR BOOSTER PUMP SYSTEMS FOR ILLUSTRATION PURPOSES ONLY





Scale: 0.06 in. per ft.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/18/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 4682

Fort Worth, TX-Hub International Insurance Services
421 West Third Street, Suite 800
Fort Worth, TX 76102

CONTACT NAME:

PHONE (A/C, No, Ext): (817) 820-8100

FAX (A/C, No): (817) 870-0310

E-MAIL ADDRESS: ftw.service@hubinternational.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : Amerisure Insurance Company

19488

INSURER B : Amerisure Mutual Insurance Company

23396

INSURER C : Aspen American Insurance Company

43460

INSURER D :

INSURER E :

INSURER F :

INSURED

Cody Pools, Inc.
5117 S. IH-35
Georgetown, TX 78626

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.									
INSR LTR	TYPE OF INSURANCE		ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X	COMMERCIAL GENERAL LIABILITY			CPP20536351101	5/1/2019	5/1/2020	EACH OCCURRENCE	\$ 1,000,000
		CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
								MED EXP (Any one person)	\$ 10,000
								PERSONAL & ADV INJURY	\$ 1,000,000
								GENERAL AGGREGATE	\$ 2,000,000
								PRODUCTS - COMP/OP AGG	\$ 2,000,000
								EMPLOYEE BENEFIT	\$ 1,000,000
								COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
								BODILY INJURY (Per person)	\$
								BODILY INJURY (Per accident)	\$
A	X	AUTOMOBILE LIABILITY			CA 20536341102	5/1/2019	5/1/2020	PROPERTY DAMAGE (Per accident)	\$
		ANY AUTO OWNED AUTOS ONLY							\$
		SCHEDULED AUTOS							\$
		HIRED AUTOS ONLY							\$
		NON-OWNED AUTOS ONLY							\$
									\$
									\$
									\$
									\$
									\$
A	X	UMBRELLA LIAB			CU 20536361101	5/1/2019	5/1/2020	EACH OCCURRENCE	\$ 5,000,000
		EXCESS LIAB						AGGREGATE	\$ 5,000,000
		CLAIMS-MADE						Pr Comp Ops Agg	\$ 5,000,000
		DED ☒ RETENTION \$		0					
A	X	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC 206159410	5/1/2019	5/1/2020		
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A					
		If yes, describe under DESCRIPTION OF OPERATIONS below							
C	X	Commercial Umbrella			CX005Q219	5/1/2019	5/1/2020		

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The General Liability, Auto Liability and Umbrella Liability policies include a blanket automatic additional insured endorsement that provides additional insured status to the certificate holder only when there is a written contract between the named insured and the certificate holder that requires such status subject to policy terms and conditions. The General Liability policy, Workers Compensation, Auto Liability and Umbrella Liability policies includes a blanket automatic waiver of subrogation endorsement that provides this feature only when there is a written contract between the named insured and the certificate holder that requires it subject to policy terms and conditions. Umbrella follows form.

RE: 1901 Yaupon Valley

CERTIFICATE HOLDER

Mike & Lunience Schless

1901 Yaupon Valley Road

West Lake Hills, TX 78746

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: August 15, 2007

Grantor: Anne L. Beckner

Grantor's Mailing Address: 8701 Chalk Knoll Dr. Villa #1, Austin, Travis County, Texas 78735

Grantee: Michael L. Schless and wife, Lunice Obst Schless

Grantee's Mailing Address: 1801 Yaupon Valley Road, Austin, Travis County, Texas 78746

Consideration: Ten and No/100 Dollars (\$10.00) cash and two notes of even date executed by Grantee and referred to as the First Lien Note and the Second Lien Note. The First Lien Note is payable to the order of Mortgage Factory, Inc. (the "First Lien Lender") in the principal amount of FOUR HUNDRED SEVENTEEN THOUSAND AND NO/100 DOLLARS (\$417,000.00). The First Lien Note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of the First Lien Lender and by a first-lien deed of trust of even date from Grantee to Malcolm D. Gibson, Trustee. The Second Lien Note is payable to the order of Encore Bank, N.A. (the "Second Lien Lender") in the principal amount of FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00). The Second Lien Note is secured by a second and inferior vendor's lien against, and superior title to, the Property retained in this deed and is also secured by a second-lien deed of trust of even date from Grantee to L. Anderson Creel, Trustee.

Property (including any improvements): Lot 3 of YAUPON VALLEY AT WILD BASIN SECTION ONE, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 83, Pages 129A - 129B of the Plat Records of Travis County, Texas.

Reservations from Conveyance: None
Exceptions to

C:\Documents and Settings\clhornton\Local Settings\Temporary Internet Files\OLK144\Beckner A. Yaupon deed.doc



I, Dana DeBeauvoir, County Clerk of Travis County, certify this to be a true and correct copy as the same appears of record in my office. Witness my hand and seal of office on this date.

Date: 11/20/2019

By: Samantha Lopez, Dana DeBeauvoir, Travis County Clerk
Deputy Clerk

SAMANTHA LOPEZ

Conveyance and
Warranty:

Liens described as part of the Consideration; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2007, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's liens against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

The First Lien Lender, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the First Lien Note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of the First Lien Lender and are transferred to the First Lien Lender without recourse against Grantor to secure the First Lien Note. The Second Lien Lender, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the Second Lien Note. The second and inferior vendor's lien against and superior title to the Property are retained for the benefit of the Second Lien Lender and are transferred to the Second Lien Lender without recourse against Grantor to secure the Second Lien Note.

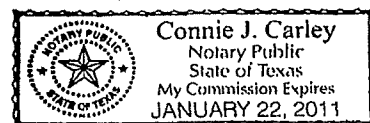
When the context requires, singular nouns and pronouns include the plural.

Anne L. Beckner
Anne L. Beckner

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 15th day of August 2007 by Anne L. Beckner.



Connie J. Carley
Notary Public in and for
the State of Texas

2

C:\Documents and Settings\thornton\Local Settings\Temporary Internet Files\OLK144\Beckner A. Yaupon deed.doc



I, Dana DeBeauvoir, County Clerk of Travis County, certify this to be a true and correct copy as the same appears of record in my office. Witness my hand and seal of office on this date..

Date: 11/20/2019

By: Samantha Lopez Dana DeBeauvoir, Travis County Clerk
Deputy Clerk

SAMANTHA LOPEZ

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2007 Aug 16 04:16 PM 2007153572

FERGUSONLL \$24.00

DIANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS



I, Dana DeBeauvoir, County Clerk of Travis County, certify this to be a true and correct copy as the same appears of record in my office. Witness my hand and seal of office on this date.

Date: 11/20/2019

Dana DeBeauvoir, Travis County Clerk

By: _____

Samantha Lopez

Deputy Clerk

SAMANTHA LOPEZ

TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE



700 Lavaca Street-5th Floor
Travis County Administration Building
PO Box 1748
Austin, Texas 78767
Phone: (512) 854-9383
Fax: (512) 854-4697

August 22, 2017

Mike Schless
1801 Yaupon Valley Rd
Westlake Hills, TX 78746

RE: Request for Travis County comment on proposed setback variance at 1801 Yaupon Valley Rd., Westlake Hills, TX 78747 (TCAD ID 117617).

Dear Mr. Schless:

Thank you for contacting Travis County regarding your efforts to secure a setback variance for the above-referenced tract. It is our understanding from your correspondence with Kayla Miloy that the City of Westlake Hills requires a variance for any construction within 30 feet of a back of lot property line. The proposal to build a pool on this property will require construction within this 30' setback.

This tract borders a Travis County-owned parcel of the Balcones Canyonlands Preserve (BCP). The preserve is comprised of sensitive habitat that is permanently protected and managed for eight endangered species. Travis County would like you to be aware that the draining of pool water into the Preserve (or any neighboring property) is prohibited. We would also like to draw your attention to the potential for a salt water pool to impact nearby vegetation. Trees on the BCP have been damaged and lost to the wind spray of salt water from a neighboring pool. The design you shared via email indicates a wall between the Preserve and the pool; we are hopeful that the wind movement of salt water will not be a problem in this situation.

As your neighbor, Travis County does not object to your request for a setback variance to construct a pool on the condition that you will never drain the pool water into the BCP and if damages from salt water evaporation are noted you will contact Travis County Natural Resources and work to remedy the situation.

Thank you for contacting Travis County Natural Resources; we appreciate your efforts to minimize impacts to this sensitive ecosystem.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melinda Mallia".

Melinda Mallia
Natural Resources Program Manager
Travis County Transportation and Natural Resources

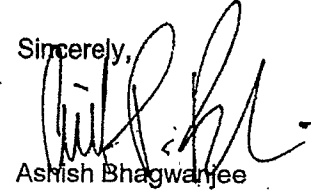
Ashish Bhagwanjee
1705 Yaupon Valley Road
Westlake Hills, TX 78746
[REDACTED]

November 18, 2019

To Whom It May Concern,

I understand Michael and Luniece Schless are applying for a variance from the rear setback line for the construction of a swimming pool at 1801 Yaupon Valley Road. Michael and Luniece have discussed their plans with me as I live directly next door to them. I do not oppose their request for a variance from the rear setback for their swimming pool. In addition, I do not oppose the construction of their swimming pool.

Sincerely,



Ashish Bhagwanjee

Ben Peays

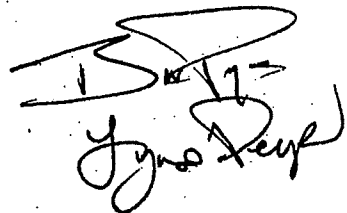
1803 Yaupon Valley Rd
West Lake Hills, TX 78746
512-327-4171
[REDACTED]

November 15, 2019

To Whom It May Concern

It has come to our attention that our dear neighbors, Luniece and Mike Schless are applying for a variance in order to build a pool in their backyard. We wanted to convey our support of the project and let you know that we do not oppose either the variance or the construction of the pool. We fully support what they are doing and believe it is a great decision for their family.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ben and Lynae Peays". The signature is stylized with a large, sweeping "B" and "L".

Ben and Lynae Peays

Neighbors at 1803 Yaupon Valley Rd

