



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, February 19, 2020 at 6:30 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 19th day of February 2020 at 6:30 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. Chairman Robert Meisel.
2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
 - a. Approval of the January 15, 2020 Meeting Minutes.
3. Land Use 101 Double Fork Road: Discussion/recommendation of a variance request for a building encroachment into a front setback in order to construct a second floor addition on top of an existing structure that encroaches into the front setback. (Section 22.03.281 of the West Lake Hills Code of Ordinances). Owners/Applicants Denise & Anthony Burke.
 - a. Staff Briefing
 - b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.
 - d. Deliberation and Action
4. Adjournment. Chairman Robert Meisel.

Robert Meisel, Chairman
By Anjali Naini, Director of Building &
Development Services

Certificate

I certify that the above Notice of the February 19, 2020 Zoning & Planning Commission Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on February 14, 2020 at 5:00 pm. and will remain posted continuously until said meeting is convened.

By Anjali Naini, Director of Building &
Development Services

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. ZAPCO 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).



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MINUTES OF ZONING AND PLANNING COMMISSION
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
January 15, 2020
6:30 P.M.

PRESENT: ZAPCO Chairman Robert Meisel, Commissioners Jim Pledger, Bill Harwell, Bill Vandersteel and Laurie Maccini,

ABSENT: Commissioner James Vaughan

1. Call to Order. Chairman Robert Meisel.

Chairman Meisel calls the meeting to Order at 6:30 p.m.

2. Appointment of a ZAPCO Vice-Chairperson. Chairman Robert Meisel.

Chairman Meisel appoints Jim. Pledger as Vice-Chairman.

3. Consent Agenda: The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
 - a. Approval of the November 20, 2019 Meeting Minutes.

COMMISSIONER MACCINI MOVES TO APPROVE.

Commissioner Pledger: Page 6 Item d, 3rd paragraph from the bottom, “trees that you want to project, should be protect”.

COMMISSIONER PLEDGER SECONDS. UNANIMOUS (4-0) APPROVAL.

4. 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.
 - 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.

Planner Naini: This is for a building to encroach to maintain impervious cover and encroachments to reconstruct a home damaged by fire. Zone R-1, .44 acres. The current is 32.8%, allowable is 27.9%. The homeowners are utilizing the same footprint. They are not effecting the impervious cover. The house will be re-built but will lose the grandfathering. Out of caution they added the variances for the pool. The application states they already existed. This will not be changed. There is no reasonable alternative. The hardship is being out of our home and have been there 50 years. It hasn't

violated these ordinances for 50 years and had been granted variances during that time. We are not changing setback or impervious cover. **Staff Recommendation:** Approval, maintaining the footprint and not changing impervious cover.

Commissioner Maccini: Is the A/C pad requiring a variance?

Commissioner Vandersteel: ON the drawing, the carport is in the setback?

Planner Naini: That's not changing.

- b. Presentation by applicant.

William and Lois Thomson are present. We want the previous approved variances to remain and rebuild in the same footprint. We'd like to get back in our house.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Maccini: It's not a new variance had they not had a fire. That's reasonable.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL. COMMISSIONER PLEDGER SECONDS. UNANIMOUS (4-0) APPROVAL.

- 5. Land Use: 707 Bulian Lane: Discussion/recommendation of a variance request for existing and new aerobic septic tanks to encroach into the front 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.

Planner Naini: They are installing a new septic tank in the setback. 1 acre R-1. They are asking to keep existing encroachment. It was originally built in 1991. The 50' didn't apply at that time. Relocating the tanks are not possible. The tanks must be at least 4' from a retaining wall. 1. Replacing the tank in the back would be a hardship and replace the pump tank. 2. There is 3 existing tanks in the area but the proposed location for the unit would go in the same area and is almost flat. 3. We have looked at placing it in the back but would be more difficult to unload. 4. This variance will install our problem and will fit in the space and most disruptive. 5. Placing in that location won't harm any trees. 6. The tanks are underground and will not affect neighbors. **Staff Recommendation:** Approval.

Commissioner Vandersteel: The house over the front setback lines, a correct front setback line is well outside the setback. It's more like 75'.

Chairman Meisel: This is a pie shaped lot. The setback is further back because of the width.

Commissioner Vandersteel: The specific ordinance, I thought septic could be in the setbacks?

Planner Naini: It's an accessory structure.

Chairman Meisel: When was it built?

Planner Naini: 1991. They want to keep the existing tanks in the same area.

Sheila: We are not eligible for sewer.

b. **Presentation by applicant.**

Sheila Paynter. Christi Shull came out in 2017. We hired an architect and we were given wrong information. We are putting in a pool and requires a different system.

Derrick is showing a slideshow.

Commissioner Vandersteel: Surveyors have the wrong information and we have to correct that.

Planner Naini: That is what the subdivision plat requires.

Commissioner Pledger: Is the front an issue?

Planner Naini: I'll have to double check.

Derrick: There is some confusing with the setback lines. The existing system is a non-aerobic system. The sewer exits the front. The existing drain field is back here. This requires aerobic treatment so we have to adjust to cleanse the water before being released. Our request is for the tank here because all the reasons. To get it in the back yard the CRZ of this oak would be impacted. Traffic to deliver to this location would be an issue. It allows us to gravity feed from these tanks and back to the existing pump. If in the back that tree becomes a problem and that's too far. That's pretty much it. I have photos, too.

Commissioner Harwell: Is there a grinder pump?

Derrick: No. It's pumped out into the drain field.

Commissioner Vandersteel: What is the reason for this project?

Derrick: The existing drain field, with the expansion we will add the aerobic system.

Chairman Meisel: If the expansion were not being done, is it being triggered being done by work on the system?

Derrick: It's due to adding the pool.

c. **Public Hearing:** All persons wishing to speak for or against shall be heard.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

d. Deliberation and action.

Commissioner Vandersteel: The tank does not present a hazard and underground. I don't see an issue with any of this.

Chairman Meisel: Hardship would be configuration of the lot and tree protection?

Commissioner Vandersteel: Yes. It was well presented in the application.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL. COMMISSIONER HARWELL SECONDS. APPROVED (3-1) COMMISSIONER MACCINI OPPOSED.

6. 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.

a. Staff Briefing.

Planner Naini: They are zoned R-1, .296 acres. There is an existing house. They are constructing a carport and does not have a garage or covered parking. The sides have steep grades and slopes. It will be in a flat area already utilized by the homeowners. 1. It is a small lot, the front contains a 30' cut and occupies a large portion of the home. 2. Its surface is already paved. The impervious cover will not be increased and does not disrupt. 3. Given the special conditions of the lot, the front flat area is the only safe place and location that provides the least amount of disturbance. Another alternative is to cut into the hillside but would require a retaining wall and remove trees which require variances. 4. The proposed placement is on pavers and preserves the flora. 5. It was drafted with the comprehensive plan mind. 6. The plan will not affect the neighbors. It is at the bottom of the driveway and is shielded. The addition should have minimal impact on the front parking area. Staff Rec. is approval due to the typography and shape and small lot size.

b. Presentation by applicant.

Criss Cloudt is one of the property owners. We purchased in 1999 and have lived there for over 20 years. We have not changed the footprint. Hidden Cove is a private driveway that was created with the subdivision in 1965. 1, 2 and 1607 Westlake Drive. .2961 acres and is abnormally shaped. This deep cut occupies a large portion of our lot. We are asking to build a carport that will extend to the lot line due to the steep cut. It is also the location that provides the least amount of disturbance. Our request is limited to a single variance. By going to the lot line would give us 18' of covered parking. This location is the only practical place. Alternatives would require tree removal. Hardship arises are small size of lot, irregular shape of the lot. We have had hail damage due to the lack of covered parking. All homes near us have garages. We are proposing over an existing parking area and it would place

it in the lot where there is a flat grade. The plan does not impact the neighbors. It is at the bottom of the driveway. The addition should have minimal impact. There are 3 homes on Hidden Cove. Sharon Williams owns 1607 Westlake Drive and she is supportive. I'd like to show you the property with slides.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Maccini: The packet was very complete. They have a unique situation with the hill and circular drive.

Chairman Meisel: There is a hardship issue and being deprived of a minimal expectation in our area is a hardship. Certainly some kind of covered space is a norm or our city. This is certainly a way to achieve that. No increase in imp cover.

Commissioner Vandersteel: A well designed carport would improve the look by not seeing just cars parked. It can often be an improvement.

COMMISSIONER PLEDGER MOVES TO RECOMMEND APPROVAL OF THE APPLICATION ACKNOWLEDGING THE REASONABLENESS AND NECESSITY OF HAVING COVERED PARKING. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (4-0) APPROVAL.

- 7. 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).

- a. Staff Briefing.

Planner Naini: Additional information is passed out. The property is R-1, 1 acre. The home was built in the mid 80's. They would like a lap pool for their health. The owners considered other locations. The front has numerous trees and no privacy. The rear was the most feasible. They have received support from Travis County and letters are included. 1. They cannot build the pool on the septic field. The front would affect trees. 2. There would be greater destruction in the front. 3. Building outside the setback would affect flora. On either side would create variances. No improvements to the rear of the property. 4. For reasons stated above, the pool is designed to be narrow. 5. Most consistent with intent. 6. For all the reasons above, it won't interfere with the neighbors or their property. Staff rec. Approval. There is no other location for the pool as it abuts the wildlife preserve.

Commissioner Maccini: Did you ask about drainage?

Planner Naini: It cannot drain into the preserve but will be addressed at the application stage.

- b. Presentation by applicant.

Mike Schless is one of the two owners of the property. First, in response about drainage. I have with me **Blake Moran** with **Cody Pools** he can address that when I finish. In addition, I would add I obtained the opinion of a well-recognized arborist as to the conditions of the trees that would need to be removed to build the pool. All the red oaks are rotted and fell on our roof and caused damage to our roof. We follow that recommendation even if the variance is not granted. I believe **Anjali** well advocated and I will make myself available for questions. **Mr. Buckle** is well familiar with the ordinances. **Davin Fillpot** created the plat and I'd be happy to answer any questions.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Davin Fillpot is at 404 Redbud Trail. I was put in touch with **Mike** from **Rhett** when he was on this committee. I was expecting to see a leisure pool but having sat down and met with them and saw their plan, the design was extremely minimal. There are over 20 trees on site that are protected trees. The location that they are proposing is right up against **Wild Basin** right behind the property. The impervious cover they are 2 ½% under the allowable. I felt comfortable enough in their application and approach if they were going to ask, the footprint is minimized into the encroachment.

Blake Moran is with **Cody Pools** and have worked with the **Schless'**. It a little less elaborate. As far as draining the pool, certain chemicals are drained and disbursed on the property. I don't see a reason to drain half every 6 years. **Mike** and **Davin** covered everything but I can answer any questions.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Maccini: Drainage, I don't know about the drainage if you pump it in the front how do you know it won't go to the back. How do you mitigate that cleaning?

Mike: With respect to saltwater and chlorine, **Travis County** concern was salt water. We're not having a saltwater pool. We wanted to satisfy their concern. I can assure you it won't drain into the wild basin.

Commissioner Maccini: **Wild Basin** is unique. I appreciate you for your concern with that.

Mike: It's not easy to go to **Travis County** because we want to be good neighbors.

Commissioner Vandersteel: Looking at the planning of the pool, but given there are no houses back there, the location has the least impact is exactly where you put it. This is a good answer. This is a reasonable request.

Bill Harwell: The pavers on the park side, it looks bigger than it needs to be. Is this a patio area or for the lap pool?

Mike: We do have a patio existing for living purposes. The pavers made it in the plan from Blake's design. We didn't want too much impervious cover to have grass in-between. That's strictly to get around the pool.

Commissioner Maccini: How many feet?

Blake: 11'.

Commissioner Harwell: That would be my only comment.

Commissioner Pledger: One of the considerations with respect is the minimization of the variance, if we turn the pool 90 degrees and pulled it closer to the house. Is that even feasible?

Blake: 39 ½' from the corner of the house to the property line, we have to be a safe distance.

Commissioner Pledger: My question, why you didn't decide to move it there for minimization. If you put it up next to the septic field. Is that a feasible alternative?

Mike: If I'm understanding what you're talking about, that big tree is right outside the window, that is an enormous ash and there is not enough room to put the pool there. The other probably the most slope on the entire property is right there. Putting it there is going to be a bigger slope of the natural drainage of the property and would impact Wild Basin. It would be much closer to the neighbor to the right. Finally, minimally you'll see that there is a rectangle on that right side and that is an existing fence. Walking out toward the left is the outdoor shower.

Commissioner Vandersteel: The minimization aspect shows the patio is excessive. I'd rather not see all this patio to the north. I agree having a walk around for cleaning. Why is there a raised wall?

Blake: It's a privacy fence and a barrier.

Chairman Meisel: Do you need 11' of decking on the outside edge of the pool? From a point of minimization. It's an option that needs to be explored.

Mike: We'd be happy to consider that in the plan and welcome the input.

Chairman: Recommend approval conditioned the deck not be more than 4' wide.

Commissioner Maccini: What about safety?

Chairman Meisel: You could do that in 4'. We'll make a recommendation.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL OF THE POOL LOCATION IN THE SETBACK WITH CONDITION MINIMIZATION OF THE PATIO AREA TO THE NORTH OF THE POOL BE REDUCED IN ENCROACHMENT TO 4' WIDTH. COMMISSIONER PLEDGER SECONDS. UNANIMOUS (4-0) APPROVAL.

8. Land Use: 110 Westlake Drive: Discussion/recommendation of an ordinance and zoning map amendment to rezone 110 Westlake Drive, a City-owned property under an Agreement for Sale, from Government, Utility, Institution – GUI, to Planned Development District with a based zoning district of One-Family Residential – R-1. Applicant Legacy DCS (Representative Paul Shepherd).

- a. Staff Briefing.

Planner Naini: The City issued a request for proposals. In the agreement included zoning and permit approvals. August 1, 2019 we received PDD. Only residential uses with max of 5 homes or two two-family residents. Westlake Drive would have one driveway. It will be subdivided at a later time after the PDD. The property must follow all city rules and regulations. Five residences are proposed. Code deviations are: 1. Chimney cannot exceed 4'. 2. Max imp cover. Code is 25%. They are wanting to look at the total area at 45%. 3. Lot width minimum, 50' for non-buildable, 80' buildable. 4. Setback distances. Rear 25', code is 30'. They are asking pools in setbacks. 5. Setback from side. 20' are asking 7 ½'. Pools and patios no more than 5' from the property line. 6. 7. Residential driveway width. Code 12', asking 10'. 8. Removal of 8 trees. These are for subdivision improvements that need to be made. 9. Swimming, patios and landscaping no closer than 5' from the property line. There is a draft PDD in your packets. This has been under review. Staff Rec. Action approval with conditions, postponement, denial or forward without recommendation. More information is in the report.

Commissioner Vandersteel: In the ordinance, page 2, 2/3 down whereas, January 15, 2019 is in error.

- b. Presentation by applicant.

Paul Shepherd is with Legacy. Anjali did a great job. I would like to say there is discussion to make your finding. I do have a larger version of what is in your packets. It would be its own zoned community. We have one lot that we could do five lots. One will be for water quality and a common area. There is a common drive that was tricky on how best to plat this. Chris Stewart is here with me to help put this together.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Chairman Meisel: This has fallen in a void in our administration. We just hired a new city administrator. He has not had an opportunity to look this over. On that point by itself, I'd like to postpone this application and get

feedback from our city administrator. On something this big, it is a significant departure from what we're used to. You've raised a lot of things here. Zoning a PDD in anticipation of a subdivision plat and we haven't looked at that at all. We're being asked to approve the right half without knowing about the left half. We need to review this proposal with the requirements. I know you want to get this done. It needs to be looked at more carefully.

Commissioner Vandersteel: There was an overall development on this property, besides a series of whereas, the intent of what this is to accomplish. My technical question, you're reducing the requirements.

Chairman Meisel: I'm not comfortable. I suggest postponement.

Commissioner Pledger: We see references on Exhibit b that talks about lots, are those lot sizes commemorated in this ordinance? The decision in the ordinance would reduce the minimize lot size?

Chairman Meisel: We're changing zoning but our property owners. At 2.6 acres under our current ordinances, you get two houses. We can discuss if anybody wants to be next to the kennel.

Commissioner Pledger: Your suggestion about getting the new city administrator's input is valid. I have concerns lot size, setbacks adjacent to residential properties.

Chairman Meisel: When you say 5', its 5'. That is very concerning. This needs a lot more work on our end.

Chris Stewart: The question came up about the driveway. The dimensions are 20' wide all the way to the back and 25' at the turnaround. We put that in there originally to help us to preserve trees. The bulk design is about trying to preserve the trees that are there. That's just the drive leading up to each house and have the flexibility to go to 10' to save a tree. I just wanted to address that.

Commissioner Vandersteel: The setbacks, if we look at the entire lot, the north line is currently a side line.

Chris: We tried to route a road in along the long boundary. That dictated where the building lots were going to be.

Commissioner Vandersteel: Any building size restrictions?

Commissioner Harwell: 7500 conditioned space.

Commissioner Maccini: That's huge.

Commissioner Pledger: I'm confused about it. I'm looking at this property and I see the setbacks. That's not what you're asking for like pools within 5' of the property line.

Commissioner Maccini: I know we're asking about the new city manager, is this for more affordable housing? I would love to hear what the new manager has to say. A small traffic impact. I would like that to be looked at.

Chairman Meisel: The busiest intersection in the entire city.

Commissioner Maccini: To me that's not a small traffic impact.

Commissioner Pledger: From counsel, is that consistent with your understanding?

Assistant City Attorney Higginbottom: Yes.

Darrell: We're more than happy to sit with the new city administrator. Anjali has done a fabulous job. We'll get good feedback from you tonight. We're not trying to get the cart before the horse. We're going to work with the city.

Chairman Meisel: I have the authority to table and will recall it in February.

Commissioner Maccini: I'm uncomfortable with the impervious cover on these lots. I would like to see that minimized.

9. Land Use: 3520 Bee Cave Road (American Bank): Discussion/recommendation of a commercial building permit application for an exterior remodel to construct a new terrace. (Article 22.03 of the West Lake Hills Code). Applicant Jonathan Perlstein, Aus-Tex Building Consultants.

- a. Staff Briefing.

Planner Naini: Staff recommends approval pending staff comments.

- b. Presentation by applicant.

Chairman calls for the applicant but none present.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

- d. Deliberation and action.

Commissioner Maccini: I'm not comfortable with this. There are apartments right behind this. As long as they can't use it in the evening, I don't want to disturb the residents.

Commissioner Pledger: Banks do allow people to use their facilities.

Commissioner Harwell: Doctored pictures should not be allowed.

CHAIRMAN MEISEL MOVES FORWARDING WITHOUT RECOMMENDATION. COMMISSIONER VANDERSTEEL SECONDS. UNANIMOUS (4-0) APPROVAL TO MOVE WITHOUT RECOMMENDATION.

10. Administration: Discussion on the implementation of CivicClerk (agenda management program) and date to begin use of iPads for Zoning & Planning Commission, Building Design Committee, City Council and Board of Adjustment.
 - a. Staff Briefing.
 - b. Public Hearing: All persons wishing to speak for or against shall be heard.
11. Adjournment. Chairman Robert Meisel.

Chairman Meisel adjourns the meeting at 8:42 p.m.

APPLICATION COVER SHEET

Property Address: 101 Double Fork Road West Lake Hills, TX 78746

Applicant Name: Denise and Anthony Burke

Designated Agent (if any, Power of Attorney Required): _____

Applicant Phone Number: 914-703-2699 Email Address: [REDACTED]

Date Application was Submitted: 1/6/2020

Variance(s) Requested:

We are submitting plans for an extension to our current home and the area in which to build is limited due to flood zone, so we need to go up (vs. out) and the corner of the addition is above the main house which is grandfathered in, so we didn't know when we did the plans, it is part of an encroachment due to updated laws for property over .5 acreage.

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: _____

LETTER TO ZAPCO CHAIRPERSON

DATE: January 6, 2020

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

Dear Mr. Chairman:

[Please briefly provide an overview of your variance request, the need for variance, your efforts to minimize the requested variance, alternatives you considered and your reasons for deciding on the proposed course of action. Please limit this letter to one page in length.]

Sincerely,

We, Anthony and Denise Burke, are homeowners of 101 Double Fork Road in West Lake Hills. We began renting this home in April 2017 and purchased the home soon after in February 2018. We fell in love with the neighborhood, the old world charm of the home, and the surrounding nature of the creek and nearby streets.

Due to the fact that we need more space for our growing family, we decided to build and add square footage rather than relocate.

As such, due to flood zone constraints and challenging sloped terrain, we are required to build up rather than out, which requires a variance for the current setback laws.

We are hoping that since it is only the corner of the addition, coupled with the fact that the existent home is grandfathered in and we are only .06 of acreage beyond the encroachment setback, we will be granted the opportunity to build on the existing architectural plans set forth herein.

Thank you for your consideration.

Sincerely,

Denise and Anthony Burke

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.

If the city determines that our variance request is denied, we will not be able to increase our house square footage to accommodate our growing family (nor our extending family when our elderly parents come to visit from out of state).

As such, we need more space and this plan addition request was the best solution to fit our needs as our lot terrain

is difficult to add square footage on.

- (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?

Our architect took exceptional care to create very little new ground disturbance. New addition area disturbed is

only 81 sq ft. and is over the most level part of our sloped yard.

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

We and our architect reviewed other addition alternatives, but would have disturbed more of our scarce level back

yard. This new planned addition was the optimal solution in avoiding lot and septic disturbance.

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

Our addition is built directly over the existing garage. The garage is angled to the home in such a way that the front

corner goes over the front setback plane. We designed our 2nd floor plan to cover the original garage corner and roof edge.

Our 2nd floor roof extends over the wall 2'-6" like the original home design.

- (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?

Our lot is .56 acres. The West Lake Hill's code separates the front yard setbacks from 25' for less than .5 acres to

50' for over .5 acres. Our lot is only .06 acres over the limit for a 25' set back. We are at an extreme disadvantage

due to the excessive 50' setback and the fact that we have a flood plane very close to the back of our existing home.

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

Our property is on a 2 house short street. there are no houses across the street to obstruct. Our property has a steep

slope down hill from Double Fork Road. so therefore, the new 2nd floor height has little effect on any lost visuals.

Property Address: 101 Double Fork Road West lake Hills, TX 78746

KEYED NOTES

- 1
- NEW CONSTRUCTION AT THIS CROSS-HATCHED AREA OF CONCRETE PAINT SHOWN, TYP..
- 2
- SEE NEW FOUNDATION PLAN FOR THIS AREA, TYP..
- 3
- DRAIN CONCRETE OUT OF AREA SHOWN HATCH, JUST DEMO CONCRETE UP TO THE STONE RETAINING WALL IN STEP AREA, NOT THE STONE WORK.
- 4
- NEW 2ND FLOOR OVERHANG 2'-8" EXISTING EXTERIOR WALL.
- 5
- 1250 TWO COMPARTMENT SEPTIC TANK, INSTALLED IN 2003, AGGREGATION 546 SQUARE FEET. LOCATION NEEDS TO BE VERIFIED IN THE FIELD BEFORE WORK COMMENCES, TYP..
- 6
- SEPTIC TANK CLEAN OUT LOCATION APPROXIMATE, PLEASE VERIFY IN FIELD
- 7
- EROSION CONTROL WITH Silt FENCING PER LOCAL ENVIRONMENTAL CODE RECOMMENDATIONS

DRAWING INDEX:

ARCHITECTURAL:	
1 OF 13 CO.1	COVER SHEET- SITE PLAN, CODE INFORMATION
2 OF 13 CO.1	DEMOLITION PLAN @ 1/4"= 1'-0"
3 OF 13 CO.1	1ST FLOOR PLAN @ 1/4"= 1'-0"
4 OF 13 CO.1	2ND FLOOR PLAN @ 1/4"= 1'-0"
5 OF 13 CO.1	ROOF PLAN @ 1/4"= 1'-0"
6 OF 13 CO.1	EXTERIOR ELEVATIONS @ 1/4"= 1'-0"
7 OF 13 CO.1	EXTERIOR ELEVATIONS @ 1/4"= 1'-0"
8 OF 13 CO.1	WALL SECTIONS/ DETAILS @ 1/2"= 1'-0"
9 OF 13 CO.1	INTERIOR ELEVATIONS @ 3/8"= 1'-0"
10 OF 13 CO.1	INTERIOR ELEVATIONS @ 3/8"= 1'-0"
11 OF 13 CO.1	FINISH SCHEDULE AND DOOR SCHEDULE @ 1/4"= 1'-0"

12 OF 13 E1.1	1ST FLOOR ELECTRICAL PLAN @ 1/4"= 1'-0"
13 OF 13 E1.2	2ND FLOOR ELECTRICAL PLAN @ 1/4"= 1'-0"

STRUCTURAL:

1 OF 10	- S1.1 STRUCTURAL DESIGN INFORMATION
2 OF 10	- S1.2 STRUCTURAL DESIGN INFORMATION
3 OF 10	- S2.1 FOUNDATION PLAN
4 OF 10	- S2.2 SECOND FLOOR FRAMING PLAN
5 OF 10	- S2.3 ROOF FRAMING PLAN
6 OF 10	- S3.1 FOUNDATION DETAILS
7 OF 10	- S5.1 SHEAR WALL DETAILS
8 OF 10	- S5.2 FRAMING DETAILS
9 OF 10	- S5.3 FRAMING DETAILS
10 OF 10	- S5.4 FRAMING DETAILS

BUILDING AND PROPERTY INFORMATION:

LEGAL DESCRIPTION:	SITE R (56 AC±) BLOCK W STONEEDGE ESTATES, BLOCK W
OWNER:	ANTHONY AND DENISE BURKE
ADDRESS:	101 DOUBLE FORK RD., WEST LAKE HILLS, TX 78746
LOT SIZE:	566 ACRES
APPLICABLE CODE:	IRC, 2015
NEIGHBORHOOD PLAN:	
HISTORIC DISTRICT:	NA

CROSS FLOOR AREA: (-)

	EXISTING:	NEW:	EXEMPTION:	TOTAL:
1ST FLOOR:	149 S.F.	166 S.F.	NA	315 S.F.
2ND FLOOR:	0 S.F.	899 S.F.	NA	899 S.F.
1ST CEILING:	0 S.F.	0 S.F.	0 S.F.	0 S.F.
GROUND FLOOR PORCH/ PATIO:	0 S.F.	0 S.F.	0 S.F.	0 S.F.
BASEMENT:	0 S.F.	0 S.F.	0 S.F.	0 S.F.
ATTACHED GARAGE:	602 S.F.	0 S.F.	0 S.F.	602 S.F.
ADJACENT BUILDING:	0 S.F.	0 S.F.	0 S.F.	0 S.F.
CROSS FLOOR AREA:	751 S.F.	1025 S.F.	0 S.F.	1776 S.F.
LOT AREA:				24,394 S.F.
FLOOR AREA RATIO:				0.8%
TOTAL ALLOWABLE FLOOR AREA: (MAXIMUM ALLOWABLE)				6000 SF

BUILDING AND SITE AREA:

	EXISTING:	NEW:	TOTAL:
1ST FLOOR CONTIGNED:	149 S.F.	166 S.F.	315 S.F.
2ND FLOOR CONTIGNED:	0 S.F.	899 S.F.	899 S.F.
3RD FLOOR CONTIGNED:	0 S.F.	0 S.F.	0 S.F.
BASEMENT:	0 S.F.	0 S.F.	0 S.F.
ATTACHED COVERED PARKING:	591 S.F.	0 S.F.	591 S.F.
DETACHED COVERED PARKING:	0 S.F.	0 S.F.	0 S.F.
COVERED WOOD DECKS:	0 S.F.	0 S.F.	0 S.F.
COVERED PORCH:	0 S.F.	0 S.F.	0 S.F.
BALCONY:	34 S.F.	90 S.F.	124 S.F.
OTHER 2ND FLOOR DECK:	0 S.F.	0 S.F.	0 S.F.
TOTAL BUILDING AREA:	0 S.F.	0 S.F.	4277 S.F.
BUILDING COVERAGE CALCULATED:	0 S.F.	0 S.F.	0 S.F.
BUILDING COVERAGE ALLOWED AS PER BASE TYPE R-1 ZONING:	0 S.F.	0 S.F.	0 S.F.
DRIVEWAY:	1174 S.F.	0 S.F.	1174 S.F.
SIDEWALKS:	172 S.F.	0 S.F.	172 S.F.
UNCOVERED PATIOS:	816 S.F.	0 S.F.	816 S.F.
OTHER:	0 S.F.	0 S.F.	0 S.F.
UNCOVERED WOOD DECK (COUNTS AT 50%):	0 S.F.	0 S.F.	0 S.F.
AC PATIOS AND CONCRETE FLAMINGK:	0 S.F.	0 S.F.	0 S.F.
OTHER POOL COVERING, RETAINING WALLS:	0 S.F.	0 S.F.	0 S.F.
TOTAL SITE COVERAGE:	0 S.F.	0 S.F.	0 S.F.
POOL:	0 S.F.	0 S.F.	0 S.F.
SPR:	0 S.F.	0 S.F.	0 S.F.
LOT AREA:	5986 S.F.	5986 S.F.	24.8%
IMPERVIOUS COVERAGE CALCULATED:	0 S.F.	0 S.F.	0.7%
IMPERVIOUS COVERAGE ALLOWED:	0 S.F.	0 S.F.	0.7%

RELEVANT ZONING DETAILS and EXEMPTIONS:

TREE ORDINANCE PERMIT:
- NO PROTECTED TREES AREA IN THE NEW CONSTRUCTION AREA;
SPRINKLER REQUIREMENTS:
- NO SPRINKLER SYSTEM IS REQUIRED FOR THIS PROJECT.

GENERAL NOTE FOR PERMIT SETS :

- 1
- FULL SIZE DRAWINGS ARE 24" X 36" SIZES AND ARE DRAWN AT THE SCALE SHOWN.
- 2
- HAIF SIZE DRAWINGS ARE 11" X 17" SIZES AND ARE DRAWN AT ONE HALF THE SCALE SHOWN.



SOWARD ARCHITECTS, PLLC

2720 BEE CAVE RD., SUITE 121
Austin, Texas 78746
Tel.: (512)-497-4629

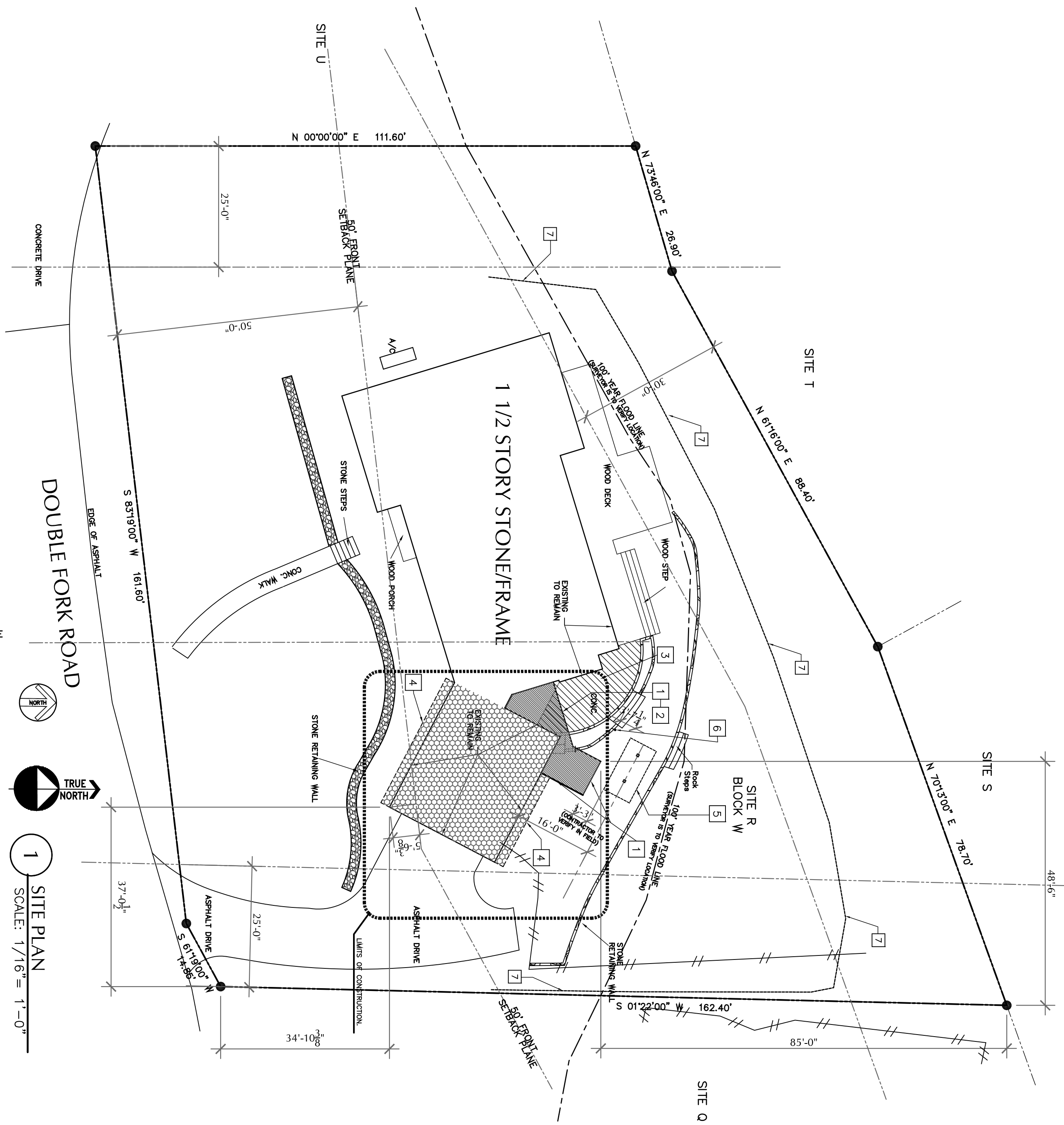
New House Addition
For
Anthony and Denise Burke
101 Double Fork Rd.
West Lake Hills, Texas 78746

PRELIMINARY
FOR
PERMITTING,
REGULATORY
APPROVAL
ONLY

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1	Reg# ISSUE	000000

DRAWN: CHECKED:
R.G. S.S.
DATE: 12-10-19
SCALE:
JOB NO.:
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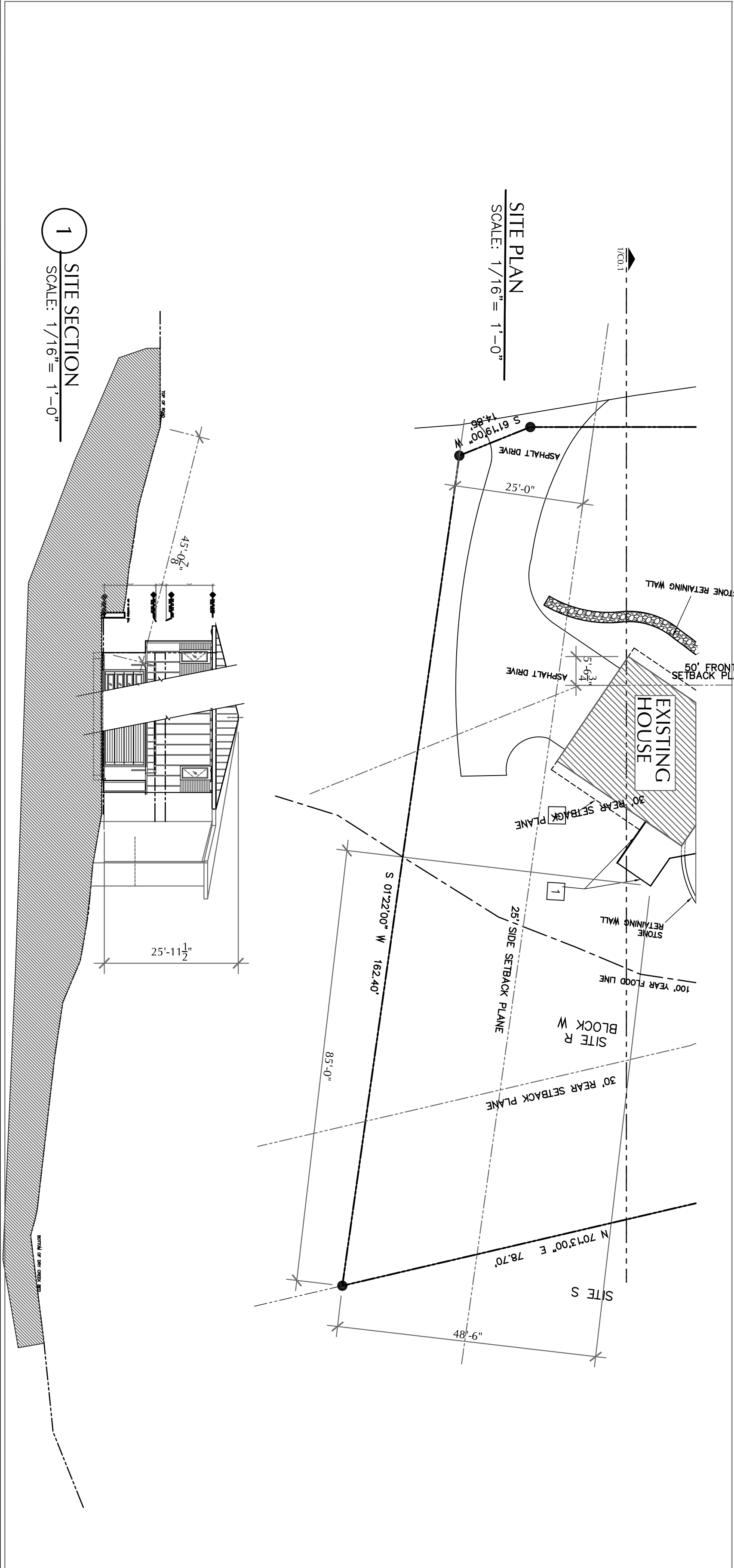
CO.1



- LEGEND
- DENOTES AREA WHERE EXISTING AND NEW CONSTRUCTION OCCURS FOR HOME REMODEL AND ADDITION
 - DENOTES NEW CONSTRUCTION FOR HOME ADDITION
 - DENOTES EXISTING PLAYWORK DEMO AT PATIO, SEE DEMO PLAN
- GENERAL NOTES
- SEE STRUCTURAL PLANS FOR FOUNDATION FRAMING NOTES AND SPECS.
 - ALL DIMENSIONS SHOWN ARE FROM EDGE OF WOOD STUD.
 - WHERE COLUMNS AND FINISHERS ARE SHOWN DIMENSIONS ARE TO CENTERLINE. ALL VENERES ARE SHOWN DIMENSIONS ARE TO CENTERLINE.
 - CONTRACTOR IS TO USE ALL STANDARD CONSTRUCTION PRACTICES DURING THE BUILDING OF THIS PROJECT. IF ANY DIMENSIONAL DISCREPANCY ARE NOTICED ON THE PLANS OR BETWEEN FIELD MEASUREMENTS AND THE PLANS, NOTIFY THE ARCHITECT IMMEDIATELY.
 - OWNER/ CONTRACTOR IS TO REFER TO FOUNDATION PLAN, NOTE: IF ANY UNUSUAL SITE CHARACTERISTICS APPEAR CONTRADICTORY TO WHAT IS SHOWN IN THE ARCHITECT'S PLAN, PLEASE CONSULT THE ARCHITECT OR A STRUCTURAL ENGINEER.
 - THERE ARE NO TREES TO PROTECT THAT ARE NEAR TO OUR NEW CONSTRUCTION.

1 SITE PLAN
SCALE: 1/16" = 1'-0"

1 SITE SECTION
SCALE: 1/16" = 1'-0"



KEYED NOTES

- 1

NEW CONSTRUCTION AT THIS CROSS HATCHED AREA OF CONCRETE PAVO SHOWN, TYP..
- 2

SEE NEW FOUNDATION PLAN FOR THIS AREA, TYP..
- 3

SEE NEW FOUNDATION PLAN FOR THIS AREA, TYP..
- 4

REMOVE CONCRETE OUT OF AREA SHOWN HATCH, JUST DEMO CONCRETE UP TO THE STONE RETAINING WALL IN STEP AREA, NOT THE STONE WORK.
- 5

NEW 2ND FLOOR OVERHANG 2'-8" EXISTING EXTERIOR WALL.
- 6

1250 TWO COMPARTMENT SEPTIC TANK, INSTALLED IN 2003, ABSORPTION 546 SQUARE FEET. LOCATION NEEDS TO BE VERIFIED IN THE FIELD BEFORE WORK COMMENCES, TYP..
- 7

SEPTIC TANK CLEAN OUT LOCATION, APPROXIMATE. PLEASE VERIFY IN FIELD RECOMMENDATIONS, TYP..
- 8

EROSION CONTROL, WITH SILT FENCING PER LOCAL ENVIRONMENTAL CODE RECOMMENDATIONS, TYP..
- 9

DUMPSTER LOCATION NEXT TO ROAD.
- 10

RECOMMENDATIONS, TYP..
- 11

PORTA POTTY LOCATION, TYP..
- 12

RECOMMENDATIONS, TYP..
- 13

RECOMMENDATIONS, TYP..
- 14

RECOMMENDATIONS, TYP..
- 15

CONSTRUCTION MATERIALS STAGING AREA, TYP..
- 16

RECOMMENDATIONS, TYP..

TREE PROTECTION NOTES:

- 1

EACH TREE SHOWN IN THE CONSTRUCTION WORK AREA IS TO BE PROTECTED WITH VERTICAL 2 X 4'S, SIDE BY SIDE, AND TIED WITH #9 WIRE FROM THE GROUND TO A MINIMUM OF 9'-0" FOR THE DURATION OF CONSTRUCTION, TYP..
- 2

NO TREES ARE TO BE REMOVED, TYP..

LEGEND

- DENOTES AREA WHERE EXISTING AND NEW CONSTRUCTION OCCURS FOR HOME, REMODEL, AND ADDITION
- DENOTES NEW CONSTRUCTION FOR HOME ADDITION
- DENOTES EXISTING PLAYWORK DEMO AT PATIO, SEE DEMO PLAN
- DENOTES CONSTRUCTION MATERIALS STAGING AREA, TYP..
- DENOTES THE 1/2 GRZ ZONE FOR THE TREES ON THE LOT, TYP..

GENERAL NOTES

- 1

SEE STRUCTURAL PLANS FOR FOUNDATION FRAMING NOTES AND SPECS.
- 2

ALL DIMENSIONS SHOWN ARE FROM EDGE OF WOOD STUD TO CENTERLINE. ALL VENEERS AND FINISHES WILL BE OUTSIDE OF THESE DIMENSIONS. TYPICAL CONSTRUCTION PRACTICES DURING THE BUILDING OF THIS PROJECT. IF ANY DIMENSIONAL DISCREPANCY ARE NOTICED ON THE PLANS OR BETWEEN THE FIELD MEASUREMENTS AND THE PLANS, NOTIFY THE ARCHITECT IMMEDIATELY. THE ARCHITECT'S FIELD MEASUREMENTS SHALL PREVAIL.
- 3

OWNER / CONTRACTOR IS TO REFER TO FOUNDATION PLAN, NOTE: IF ANY UNUSUAL SITE CHARACTERISTICS APPEAR CONTRADICTORY TO WHAT IS SHOWN IN THE ARCHITECT'S PLAN, PLEASE CONSULT THE ARCHITECT OR A STRUCTURAL ENGINEER.
- 4

ALL TREES ARE TO BE PROTECTED NEAR TO OUR NEW CONSTRUCTION AREA.

EXISTING IMPERVIOUS COVERAGE CALCULATED: 24,600.33 S.F.

PERCENTAGE OF IMPERVIOUS ON LOT AREA: .25 OR 25%

HOUSE:	3,323.35 S.F.
COVERED CONCRETE:	51,189 S.F.
CONCRETE AREA:	22,557 S.F.
WOOD DECK AND STEPS- (50%) OF AREA	28,849 S.F.
A/C PAD:	18,253 S.F.
COVERED TILE	23,940 S.F.
WOOD PORCH- (50%) OF AREA	16,713 S.F.
CONCRETE WALK	1,193.84 S.F.
ASPHALT DRIVEWAY	1,193.84 S.F.
ROCK WALLS AND STEPS	367.98 S.F.

TOTAL EXISTING IMPERVIOUS COVERAGE: 5,557.16 S.F.

NEW ADDITION IMPERVIOUS COVERAGE CALCULATED:

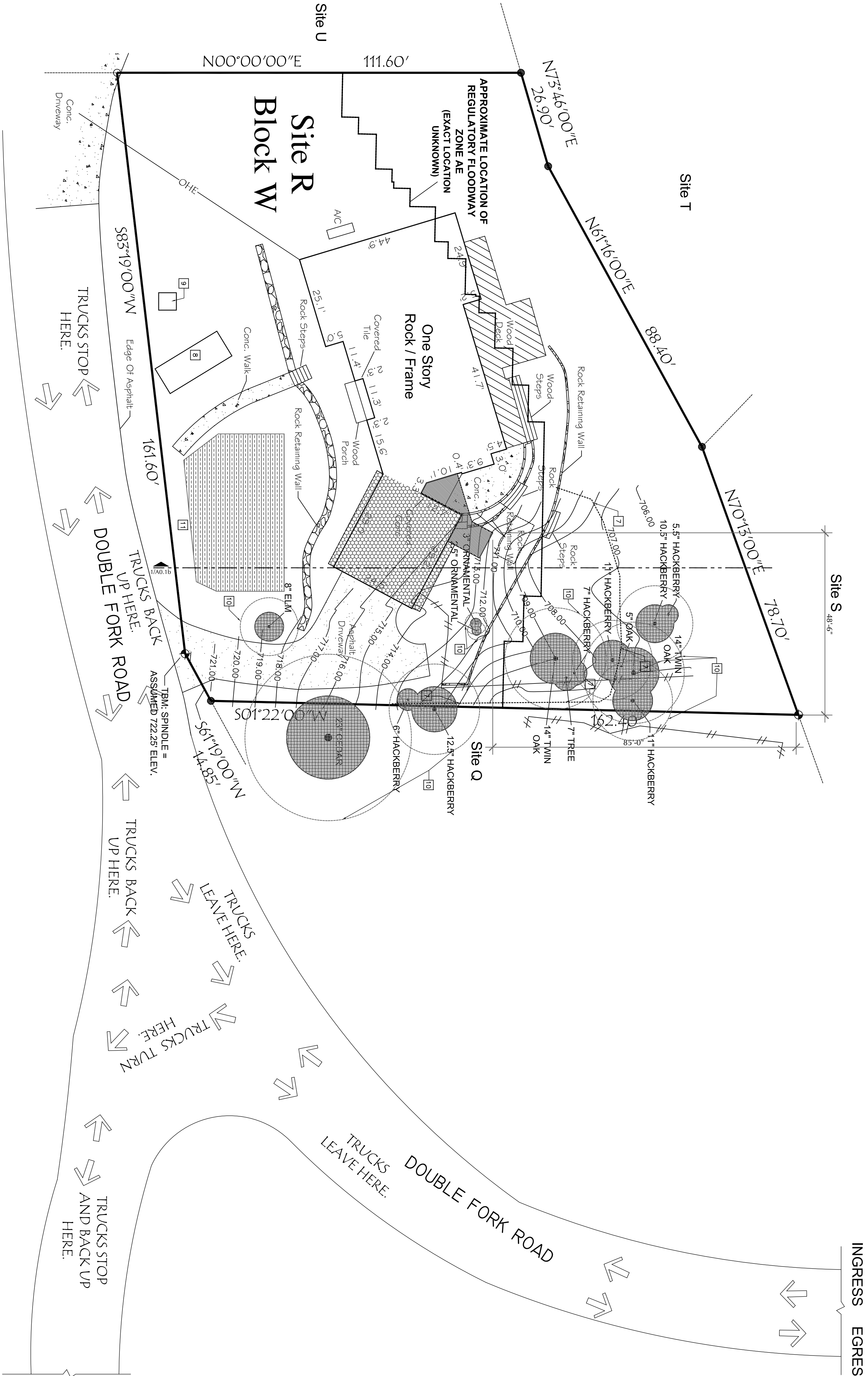
1ST FLOOR SLAB AND VESTIBULE	161.6 S.F.
2ND FLOOR AND ROOF OVERHANG (2'-6" ROOF WIDTH)	428 S.F.
TOTAL EXISTING IMPERVIOUS COVERAGE:	5891.6 S.F.

TOTAL EXISTING/ NEW IMPERVIOUS COVERAGE CALCULATED:

TOTAL EXISTING IMPERVIOUS COVERAGE:	5,557.16 S.F.
TOTAL EXISTING IMPERVIOUS COVERAGE:	5891.6 S.F.
TOTAL EXISTING IMPERVIOUS COVERAGE:	6,146.0 S.F.

NEW ADDITION IMPERVIOUS COVERAGE CALCULATED: (%)

LOT AREA	24,600.3 S.F.
TOTAL EXISTING AND NEW IMPERVIOUS COVER:	6,146 S.F.
PERCENTAGE OF IMPERVIOUS ON LOT AREA:	.25 OR 25%



SOWARD ARCHITECTS, PLLC

2720 BEE CAVE RD., SUITE 121
Austin, Texas 78746
Tel.: (512)-497-4629

New House Addition
For
Anthony and Denise Burke
101 Double Fork Rd.
West Lake Hills, Texas 78746

PRELIMINARY
FOR
PERMITTING,
REGULATORY
APPROVAL
ONLY

1	TDAR ISSUE	000000
1	Reg# ISSUE	000000

DRAWN: CHECKED:	R.G. S.S.
DATE: 2-10-20	
SCALE:	
JOB NO.:	
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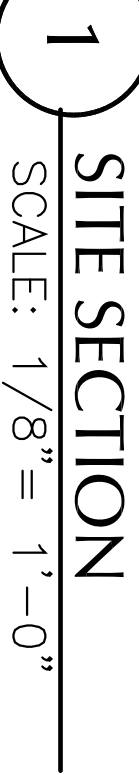
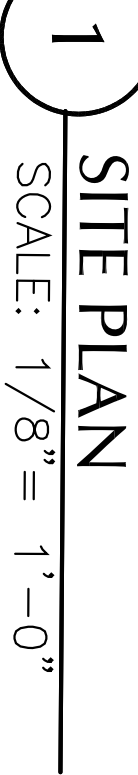
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PRELIMINARY
FOR
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APPROVAL
ONLY

DRAWN: R.G.	CHECKED: S.S.
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A0.1b

- 1 NEW CONSTRUCTION AT THIS CROSS HATCHED AREA OF CONCRETE PAVEMENT SHOWN, TYP.
- 2 SEE NEW FOUNDATION PLAN FOR THIS AREA, TYP.
- 3 DEMO CONCRETE OUT OF AREA SHOWN HATCH, JUST DEMO CONCRETE UP TO THE STONE RETAINING WALL IN STEP AREA, NOT THE STONE WORK.
- 4 1200 TPO GARMENTMENT SEPTIC TANK, INSTALLED IN 2013, ABSORPTION.
- 5 640 SQUARE FEET, LOCATION NEEDS TO BE VERIFIED IN THE FIELD BEFORE WORK COMMENCES, TYP.
- 6 SEPTIC TANK CLEAN OUT LOCATION, APPROXIMATE, PLEASE VERIFY IN FIELD.
- 7 EROSION CONTROL, WITH SLOPE FINING PER LOCAL ENVIRONMENTAL CODE RECOMMENDATIONS.



1. SEE TECHNICAL SPECS FOR FOUNDATION FRAMING NOTES AND SPEC'S.
2. ALL DIMENSIONS SHOWN ARE FROM EDGE OF WOOD STUD.
3. WHERE COLLARS AND ENTITIES ARE SHOWN, DIMENSIONS ARE TO CENTER OF STUD AND CHANNEL WILL BE ADJUSTED TO THESE DIMENSIONS. TYPICAL.
4. CONTRACTOR IS TO USE ALL STANDARD CONSTRUCTION PRACTICES DURING THE BUILDING OF THIS PROJECT. ALL DIMENSIONS SHOWN ARE TO FACE UNLESS NOTED OTHERWISE.
5. ON BEHALF OF THE ARCHITECT, THE ARCHITECT HAS REVIEWED THE PLANS AND SPECIFICATIONS OR BETWEEN THE FIELD MEASUREMENTS AND THE PLANS, NOTIFY THE ARCHITECT IMMEDIATELY BEFORE PROCEEDING WITH THE WORK.
6. OWNER/ARCHITECT IS TO REFER TO FOUNDATION FRAMING NOTES, PLAN, AND INSTALL ARCHITECT'S PLAN, PLEASE CONSULT THE ARCHITECT FOR A STRUCTURAL ENGINEER.
7. THERE ARE NO NOTES TO PROTECT THAT ARE NEAR TO OUR NEW CONSTRUCTION.

1. ELEVATION AT THE HOUSE SLAB IS THE ARCHITECTS BEST GUESS BY WORKING BACK FROM THE DRIVEWAY TO THE HOUSE SLAB. CONTRACTOR AND OWNER ARE TO VERIFY WITH NEW SURVEY, TYP..







NOTICE TO NEIGHBORS OF VARIANCE REQUEST

DATE OF NOTICE: January 17, 2020

Greetings. You are hereby notified that **Denise and Anthony Burke**, the recorded owners of a property located at **101 Double Fork Road** in the City of West Lake Hills, Texas have filed an Application with the City of West Lake Hills, Texas requesting a variance according to the following Section of the City's Code of Ordinances:

- **Section 22.03.281 – Encroachment into a front setback.**

The request is so that the property owners may: **Construct a second floor addition on top of an existing structure that encroaches into the front setback.**

The Application may be inspected at West Lake Hills City Hall, 911 Westlake Drive, West Lake Hills, Texas between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. This application is scheduled to be considered at a public hearing held by the Zoning and Planning Commission on **February 19, 2020** at **6:30** p.m. and the City Council/Board of Adjustment on **March 11, 2020** at **7:00** p.m. at West Lake Hills City Hall, located at 911 Westlake Drive, West Lake Hills, Texas. There shall include an opportunity for all interested persons to be heard. Please call City Hall at 512-327-3628 or email planner@westlakehills.org if you have any questions.

Mark Littrell, Zoning & Planning Secretary



SETBACK ENCOACHMENT VARIANCE STAFF REPORT

FEBRUARY 19, 2020

Project Name: 101 Double Fork Setback Encroachment Variance Request

Requested Action: Construct a second floor addition on top of an existing structure that encroaches into the front setback.

Agenda Item: Land Use: **101 Double Fork Road:** Discussion/recommendation of a variance request for a building encroachment into a front setback in order to construct a second floor addition on top of an existing structure that encroaches into the front setback. (Section 22.03.281 of the West Lake Hills Code of Ordinances). Owners/Applicants Denise & Anthony Burke.

Applicant Information: Denise and Anthony Burke

Hearing Dates:0

February 19, 2020

ZAPCO

March 11, 2020

Board of Adjustment

Location: The subject property is located south of Laurel Valley Road; north of Yaupon Valley Road; and west of Westlake Drive.

Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R-1 – One-Family Residential. The property is approximately 0.56 acre. There is currently an existing house on the property.

Background & Analysis:

The homeowners, Denise and Anthony Burke, recently submitted a building permit to construct an addition to their existing home to meet the needs of their growing family. Due to site constraints, including terrain and location of the existing building, the addition will be built upwards on top of the existing house rather than expanding the footprint horizontally.

Part of the existing home encroaches the front setback, and a corner of the proposed second floor addition will be encroaching into the front setback by approximately 5ft 6in. Although the second floor addition does not change the footprint of the home and is located directly on top of the existing structure, a variance is required because it increases the amount of structure encroaching into the setback.

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 – “If the city determines that our variance request is denied, we will not be able to increase our house square footage to accommodate our growing family (nor our extended family when our elderly parents come to visit from out of state). As such, we need more space and this plan addition request was the best solution to fit our needs as our lot terrain is difficult to add square footage on.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – “Our architect took exceptional care to create very little ground disturbance. New addition area disturbed is only 81 sq ft. and is over the most level part of our sloped yard.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “We and our architect reviewed other addition alternatives, but would have disturbed more of our scarce level back yard. This new planned addition was the optimal solution in avoiding lot and septic disturbance.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – “Our addition is built directly over the existing garage. The garage is angled to the home in such a way that the front corner goes over the front setback plane. We designed our 2nd floor plan to cover the original garage and roof edge.”
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states – “Our lot is 0.56 acres. The West Lake Hills’ code separates the front yard setbacks from 25’ for less than 0.5 acres to 50’ for over 0.5 acres. Our lot is only 0.06 acres over the limit for a 25’ setback. We are at an extreme disadvantage due to the excessive 50’ setback and the fact that we have a flood plain very close to the back of our existing home.” *[Note: the front yard setback for lots under 0.5 acre is 30’, not 25’ as stated by the applicants]*
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – “Our property is on a 2 house short street. There are no houses across the street to obstruct. Our property has a steep slope downhill from

Double Fork Road. So therefore, the new 2nd floor height has little effect on any lot visuals.”

Traffic/Transportation

There may be an impact on traffic in that area during construction process.

Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City’s Code.

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.

Staff Recommendation

Staff recommends approval of the requested variance.

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.

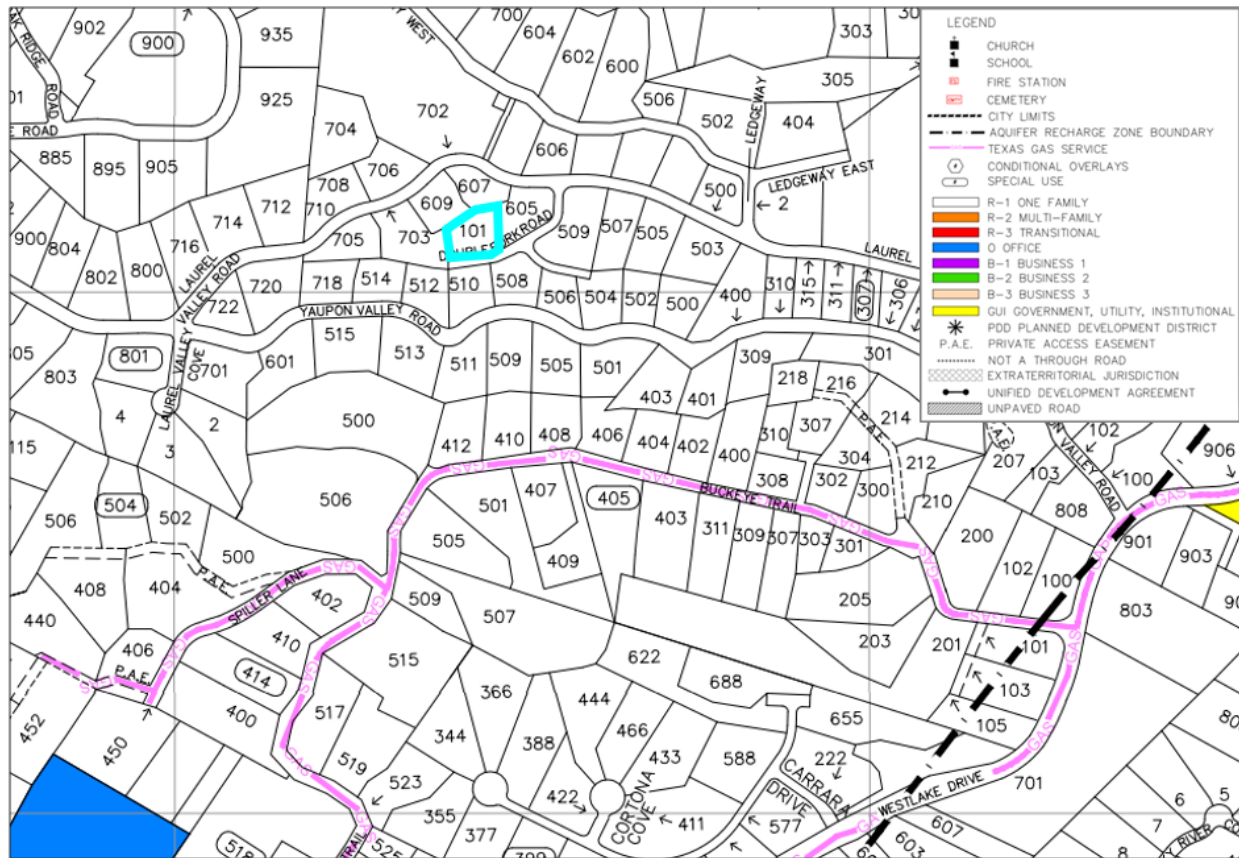
(11) The following nonconforming uses of structures, or of structures and land in combination, shall be entirely discontinued within eight years after their inception, or within five years after becoming nonconforming under this chapter, or an amendment to this chapter, whichever is later:

(A) All commercial uses in R districts; and

(B) All industrial uses in any district.

(Maps to follow)

Zoning:



Aerial:

