



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, September 15, 2021 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 15th day of September, 2021 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:

REMOTE ACCESS:

Due to the COVID19 Stage 5 status in Travis County, any citizens or applicants that wish to speak at the meeting are encouraged to attend virtually, as the number of people in the chambers will be limited due to physical distancing.

Facial Coverings are not required, but highly recommended, and will be available for any that need one.

Join Zoom Meeting: Copy and Paste the link below:

<https://us02web.zoom.us/j/88129067350?pwd=V3pBUWtJMmpKNWhNVVk3TERNbkQyQT09>

If you wish to listen to the meeting via telephone: Dial (346) 2487799,

Meeting ID: 881 2906 7350

Passcode: 387042

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to pzsec@westlakehills.gov by 1:00 P.M. on September 15, 2021. All speakers that attend via Zoom are required to have their camera on while speaking.

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing pzsec@westlakehills.gov. Comments must be received by 1:00 P.M. on September 15, 2021.

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 August 18, 2021 Regular Meeting Minutes.
 - B. Approval of the September 1, 2021 Special Meeting Minutes.
3. Land Use Land Use: **622 Cortona Drive**: Discussion/recommendation on an application for a variance request to remove three trees with a trunk diameter of 14 inches or greater (West Lake Hills Code Sec. 22.03.304). David Bratton, agent for Steve and Cari Henry.
4. Land Use Land Use: **402 Camp Craft Road**: Discussion/recommendation on an application for a variance request the removal of a tree with a trunk diameter of greater than 14 inches (West Lake Hills Code Sec. 22.03.304). Robert and Tanja Lee.
5. Land Use Land Use: **910 Beaver Trail**: Discussion/recommendation on an application for a variance request to encroach a rear building setback (West Lake Hills Code Sec. 22.03.281& 22.03.275). Dunaway and Associates, agent for Scott Carr.
6. Adjournment. Chairman Robert Meisel.

Robert Meisel, Chairman
By Mark Littrell, Zoning & Planning
Secretary

Certificate

I certify that the above Notice of the September 15, 2021 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on 10th of September, 2021 no later than 5:00 pm. and will remain posted continuously until said meeting is convened.

By Mark Littrell, Zoning & Planning Secretary

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).

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) SPECIAL CALLED
MEETING
Wednesday, September 1, 2021 at 3:00 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Vice-Chairman Jim Pledger called the meeting to order at 3:00 p.m. Members in attendance were Vice-Chairman Jim Pledger, Commissioners Laurie Maccini, Karen Bartoletti and James Vaughan. Chairman Robert Meisel and Commissioner Bill Harwell were absent.

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.
3. Land Use 0 Wildcat Hollow - A proposed subdivision to be known as Wildcat Hollow Subdivision, consisting of eight (8) single-family residential lots described as Abstract 75 503 Bonham AD, 12.306 acres (West Lake Hills Code, Chapter 36 – Subdivisions). Applicant Wes Wigginton.

Director Grundman: Staff report given. Staff Recommendation: Approval as presented.

Commissioner Bartoletti: I apologize in advance. When you look at what is proposed and what came before, they are really different. Is the staff confident that the variance granted by council is still a valid variance and the council will stand behind that?

Director Grundman: I can't speak for how the council will react to the changes. The access is the same and the location is the same. They just changed some of the lot configurations. The nature of the request hasn't changed.

Commissioner Bartoletti: Is there a code meaning to the terms open spaced lot?

Director Grundman: It can never be built on. The applicant may have more to elaborate on that.

Commissioner Bartoletti: Is that somewhere in the plat notes?

Director Grundman: We don't get a lot of subdivision plats. If you're concerned about the open space, ask for clarification.

Commissioner Bartoletti: As I went down Section 36.01.006 I found references to restrictions and conditions. In thinking about these open space lots, who has access, who cares for those lots, if you think about it, there should be a document that sets that out.

Director Grundman: My understanding the open space lots will be maintained by the HOA. I would let the applicant present that.

Commissioner Bartoletti: A preliminary plat requires designation of any easement?

Director Grundman: The city can't regulate or enforce deed restrictions. They will be submitted with the final plat.

Commissioner Maccini: I appreciate you bringing this up and being diligent.

Vice-Chairman Pledger: It's exactly what we should be thinking.

Commissioner Bartoletti: It says this section of the proposed plat and site plan improvement data shall be submitted on all residential land use subdivisions over 5 acres and reviewed by staff before going before the commission and council. There is a lot of stuff in here. I don't know what that terminology means. Is the developer supposed to be providing that information at this point?

Director Grundman: The preliminary is the layout of the lots and then there's going to be a construction set that will show the improvements, roads, drainage, etc. The code outlines requirements for septic. They are connecting to sewer so they don't have to show the septic.

Presentation by Applicant

Wes Wigginton is the applicant. We'll try to keep this tight. We came before you all for the private access easement. In the review with Ashby we received comments which we have addressed. I'm happy to address some of those questions. With relation to the restrictions, we have a draft and those will be attached as we go through the process. After doing our tree and topo survey, we ended up with 8 lots instead of 7. We had an early meeting with city staff and Chief Lacey. I think we have all the boxes checked for the requirements and we are here for approval for the preliminary plat. Thank you for your time.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Commissioner Bartoletti: I'm disturbed by the preliminary plat. It is true the one that came before us and council, it said 4 or 6. The current is 6 of 8. In terms of overall density, the initial proposal talks about half of this being developed. That was the primary arguments before council. Now we're looking at 10 with 6 houses being there. I'm worry about whether or not that private road, this subdivision isn't close to me but it is on the end of a small narrow road. The private road doesn't look like what was approved by council. I worry about a fire emergency, or medical where vehicles have to get in that subdivision, this variance was granted by council.

Director Grundman: I wasn't on staff when the access variance was granted. I'm looking at a plan in the council packet.

Commissioner Bartoletti: There was a lot of conversation at the council meeting. The history is another complicated aspect. ZAPCO passed it onto council. Before that March meeting, there was a lot of neighborhood discussions and it was withdrawn. The April meeting was when it was approved.

Wes: The variance was the private access. In the process, as long as you have the turnaround or hammerhead works for the fire marshal. Those are in the current civil. We will be presenting what meets current code and what is developable and what is not.

Commissioner Bartoletti: I could be wrong on this but I'm positive council approved a private road in the April meeting. Chris Gunter spoke and agreed there would be a turnaround on that private road. I think it can be answered by council.

Wes: We received an e-mail that confirmed what was approved. It was private versus public.

Vice-Chairman Pledger: I recall conversations on how important it was to have the turnaround. There were comments from the public. Ashby, can you enlighten us on what council signed off on what was approved?

Director Grundman: Council voted to approve a private vs. public street. The approval letter references that. I got an e-mail from Mike Lacey that it conformed to the fire code.

Commissioner Bartoletti: I do think there is a difference from what conforms to code and what council was looking at when they approved the variance. I'm relying on what transpired at the council meeting. All this is a question for council. We don't have the stuff that is required under code. It has resulted in the neighbors not being engaged in this process. From another standpoint, that's just one more thing floating around that bothers me.

Vice-Chairman Pledger: I appreciate the points that you've made. There were folks

concerned about fire issues and I'm more comfortable that we've gotten feedback from the fire department that confirms the road configuration meets code requirements. Whether that is viewed by the folks expressing concerns, they still have the opportunity to address that with council. I agree with you that it is just disconcerting finding out some of this stuff at this point.

Commissioner Vaughan: There is no opportunity to address concerns?

Director Grundman: In order to stay in the statutory guidelines, we had to have this special meeting. The time started when the application was accepted.

Vice-Chairman Pledger: Even if it was accepted incomplete? We have to prevent that in the future. Is the road that goes through a one-way road?

Wes: Wildcat Hollow is a private access easement off of Terrace Mountain.

Commissioner Bartoletti: The private road runs from that extension to Terrace Mountain. There is not a legal easement for right-of-way. There is only one way out of that place.

Wes: Chief Lacey is okay with the plans. We meet all requirements that he needs to get fire trucks to the sites. We're taking the steps to meet the needs of his fire trucks and fire safety.

Commissioner Maccini: I appreciate everything that has been said. My biggest concern is coming back asking for variances. I hope that homes are built with no variances. I have a huge concern that we are going to have variances come back over and over. I don't know what else we can do.

Commissioner Vaughan: In theory should the deed restriction on these open space lots, should they be in the preliminary plats?

Director Grundman: That is correct. It will be part of the final plat. The city cannot enforce deed restrictions. The bigger concern is making sure the open space lots will not be developed. Plat notes will be needed to make that effect.

Commissioner Maccini: Where are the detention ponds and what area?

Wes: They should be on the back.

Director Grundman: Drainage map is Page 21 and 22 of the packet. The ponds are at the far end of the lots, The Northwest end.

Commissioner Vaughan: It seems like the plat notes solution.

Commissioner Bartoletti: I don't think I can support approval. I would be inclined to do a real yacky motion or simply say, can we forward without recommendation?

Vice-Chairman Pledger: That's not doing our job.

Commissioner Bartoletti: I would vote rejection based on the questionable variance on which the preliminary plat and I'm sorry Ashby, I think these conditions in plat notes are important to understand and the safety of the overall subdivision. If some of these items that are missing were available.

COMMISSIONER BARTOLETTI MOVE TO RECOMMEND DENIAL.

Commissioner Vaughan: Forwarding no recommendation is not good.

Commissioner Maccini: I also am concerned, if they followed the rules the preliminary plat and before a final is done, is it too late to say no, you may not develop these lots. I don't live close to it so I can vote free and clear.

Commissioner Vaughan: This is round one. The final will come before the committee.

Director Grundman: The way this will work, the preliminary is the first step. The final is nailing down the utilities, plat notes, finalizing any dedications that gets taken care of at final.

Vice-Chairman Pledger: A number of things need to be detailed in a preliminary for approval.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL SUBJECT TO THE REVIEW OF THE PREVIOUSLY APPROVED VARIANCE AND CONFORMITY AND SUBJECT TO PLAT NOTES BEING APPLIED TO CLARIFY THE OPEN SPACE LOTS WILL REMAIN OPEN SPACE AND NO PROPOSED VARIANCES FOR THE OPEN SPACE LOTS. COMMISSIONER MACCINI SECONDS. APPROVED (3-1) COMMISSIONER BARTOLETTI OPPOSES.

Commissioner Vaughan: Do we have any plat notes on other open space lots?

Director Grundman: I'll meet with the city attorney.

4. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting made at 4:10 p.m. by Vice-Chairman Pledger.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.

DRAFT

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, August 18, 2021 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Vice-Chairman Jim Pledger called the meeting to order at 6:33 p.m. Members in attendance were Commissioners Bill Harwell, Laurie Maccini, Karen Bartoletti and James Vaughan.

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 July 21, 2021 Regular Meeting Minutes

COMMISSIONER VAUGHAN MOVES TO APPROVE THE MINUTES. COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

3. Land Use 403 Skyline Drive: Discussion/recommendation on an application for a variance request to encroach a front building setback (West Lake Hills Code Sec. 22.03.281 & 22.03.275). Benito Keiderling.

- Section 22.03.275 – Building Setback Distances
- Section 22.03.281 – Encroachment in a Building Setback
- Section 22.03.281 – Impervious Cover

Director Grundman gives the Staff Report. Staff Recommendation: Denial due to lack of hardship. Three letters of support are attached.

Commissioner Harwell: The lot adjacent to this, 401 Skyline, has a garage that is very close to the street. Did they receive a variance for a setback?

Vice-Chairman: This is a very steep lot.

Director Grundman: The topography of the lot could play into it. I don't think there was minimization.

Presentation by Applicant

Benito Keiderling is the owner. The lot is a very steep slope. The house on either side are not far from the street for the same reason. It would actually line up with the other houses. The height is very challenging because of the slope. The final thing is the lot is just over half an acre. We will keep the landscape very beautiful. That's what we love about West Lake Hills.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments.

Eric Upton lives at 302 Redbud Trail which is immediately down the hill. We have lived here for 35 years. I'm philosophically against the height limit.

Vice-Chairman Pledger closes the Public Hearing and reconvenes the meeting.

Deliberation and Action

Commissioner Maccini: All the requests are design driven. I don't see the hardship. A 5,000 sq. ft. house is not mitigating with regards to impervious cover. They are all based on the house design and no hardship, in my opinion.

Commissioner Vaughan: On page 27 of the packet, the left side would be the front of the house?

Director Grundman: The left side is Skyline Drive.

Commissioner Vaughan: This does seem pretty complex to me. All the houses on Skyline have the same problems. The extra 11 feet, you could cut off the pool deck.

Director Grundman: The black line is the natural grade. The height has to be 30' max above that.

Commissioner Vaughan: Thank you for clarifying. A small section of a second story, correct?

Vice-Chairman Pledger: This is a design driven issue. There aren't very many hardships relative to height.

Commissioner Vaughan: I mis-interpreted this diagram.

Commissioner Bartoletti: I would recommend approval on the front setback but struggling with the other two.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL OF FRONT SET BACK BUT DENIAL OF THE OTHER TWO VARIANCE REQUESTS. COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

4. Land Use 613 Rock Park Drive: Discussion/recommendation on an application for a variance request related to density, building setbacks and tree removal (West Lake Hills Code Sec. 38.03.034, 22.03.281 and 22.03.304). Brad Walters agent for Christopher Crane.

- Section 38.03.034 – More than two (2) single-family dwelling units per acre;
- Section 22.03.281 – Encroachment in a building setback;
- Section 22.03.304 – Tree Removal

Commissioner Maccini requests going into Executive Session.

ZAPCO went into Executive Session at 7:00 p.m. and reconvened in Open Session at 7:13 p.m.

Director Grundman gives the Staff Briefing. Staff Recommendation: Approval as presented. No responses to notices.

Presentation by Applicant

Christopher Crane is the owner. I could give a history but would that be helpful? The first proposal was in 2017 to 12 units. I re-worked it so I came back with another proposal and really struggled with the process of getting permits. We kept reducing the size and I feel I made a great effort to be compliant and we are building really good homes for the area.

Commissioner Maccini: Did you consider a single family dwelling there?

Christopher Crane: I'm surrounded by multi-family and a bank.

Brad Walters: Duplexes are directly across.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Commissioner Vaughan: I'm in favor of all variances as presented. I think he did a favor for the city. I feel obligated to abide by that.

Commissioner Maccini: I do wish a single family dwelling but I understand.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL OF ALL VARIANCES AS REQUESTED. COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

5. **Land Use 3423 Bee Cave Road:** Discussion/recommendation on an application for a request for multiple variances to construct a new medical office building: 1) Removal of Six Trees 14 inches or greater (#5140, 15 Inch Live Oak, #5143, 14 Inch Live Oak, #5373, 14 Inch Cedar, #5374, 15 Inch Live Oak, #5385, 15 Inch Cedar and #5548, 15 Inch Cedar), 2) Building Height exceeds maximum permitted height, 3) Impervious Cover exceeds maximum permitted, 4) Cut and Fill exceeds maximum permitted; (West Lake Hills Code Sec. 22.03.170, 22.03.281, 22.03.249, 22.03.278 & 22.03.304). Peter Narvarte agent for KCBC LLC.

- Section 22.03.170 – Site Disturbance (Excavation, Grading or Filling)
- Section 22.03.281 – Schedule of Regulations. (Impervious Cover & Height)
- Section 22.03.249 – Driveway, Parking and Loading Area Setbacks
- Section 22.03.304 – Tree and Vegetation Removal and Replacement

Director Grundman gives the Staff Briefing. Staff Recommendation: Approval.

Vice-Chairman Pledger: If they meet the incentives they can eliminate the height?

Director Grundman: Council would have to make a ruling on that.

Commissioner Bartoletti: If our determination do we want the council to have the option to approve if incentives are met?

Director Grundman: You can have no recommendation.

Presentation by Applicant

Peter Narvarte is the applicant. After guidance we reduced the scale. We pushed it away from the schools and toward Shepherd of the Hills. We reduced the size to 20,000 sq. ft. We've tried to listen to everybody and address their concerns. I appreciate your time.

Commissioner Bartoletti: Could you address the parking issue?

Peter: The first time we had a garage; we removed that.

Commissioner Vaughan: About the schools, how long do those leases last?

Peter: We have the property under contract. I know they have an option to extend. Acton has another five years and Primrose has options.

Commissioner Harwell: Do you know the number of staff and clients that would use the parking?

Peter: 4 per 1,000. Employees, 25-30 people. There wouldn't be traffic on Friday or weekends.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments.

Jessica Blacklock: I'm a resident and business owner in Westlake. The new proposal is deeply concerning. There has been no effort to address the school concerns.

David Linton: We appreciate the opportunity, with wife Laura. We have two children that attend Acton. We've spoken at previous meetings against the proposal.

Mark Barrier: My property is immediately south of Bee Cave. I appreciate the effort the developer has made to bring it down. The building will actually move closer to my property. The impervious cover is an issue due to the increase. All the drainage runs off to our property. The package does mention drainage improvements but we don't know how this is going to happen. I feel we still need to oppose those.

Public hearing is closed.

Deliberation and Action

Commissioner Harwell: My biggest concern is the ingress and digress of the property. I can see the need for a new stop light to accommodate the cars that will be going to this property. That is a bigger concern than height or impervious cover.

Commissioner Vaughan: I still have a hard time with a hardship on this property. The hardship is a financial hardship which we cannot consider.

Commissioner Maccini: There aren't hardships. Flooding is a concern of the homeowners. This is purely design driven.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (4-0). DENIAL.

6. **Land Use 402 Spiller Lane:** Discussion/recommendation on an application for a minor subdivision plat for a property zoned R-1. (West Lake Hills Code Chapter 36). Agent Andrew Dodson for owner Robert Josey.

- Section 36.01.018 Minor Plat

Director Grundman gives the Staff Briefing. Staff Recommendation: Approval due to conforming to Code.

Presentation by Applicant

Andrew Dodson is the applicant for Dr. Josey. This is one item that needed to be cleaned up so we could move forward with the building permit.

Commissioner Maccini: The plat, it doesn't change the restriction for the home?

Director Grundman: No, it would have to conform to code.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

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

7. Adjournment. Chairman Robert Meisel.

Meeting is adjourned at 8:02 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Littrell

These minutes were approved on _____, 2021.



TREE VARIANCE
STAFF REPORT

September 15, 2021

Project Address: 622 Cortona

Project Number: 2021-1002

Agenda Item: Land Use: **622 Cortona Drive:** Discussion/recommendation on an application for a variance request to remove three trees with a trunk diameter of 14 inches or greater (West Lake Hills Code Sec. 22.03.304). David Bratton, agent for Steve and Cari Henry.

- Section 22.03.304 – Tree and Vegetation Removal and Replacement

Applicant Information: David Bratton, agent for Steve and Cari Henry

Hearing Dates:

September 15, 2021

ZAPCO

September 22, 2021

City Council

Location: The subject property is located at 622 Cortona Drive.

Zoning & Site Characteristics:

The subject property is zoned R1 Family Residential.

The site is surrounded by single-family residential lots.

Background & Analysis:

The applicant is requesting tree removal variances for the following trees:

- T7619 – Multi-Stem Cedar (15, 5, 4.5 and 3.5) – this tree is at the north end of the site just north of the courtyard.
- T7347 – Multi Stem Cedar (12.5, 6, 5, 4.5 and 3.5) – this tree is at the end of the driveway turnaround.
- T7454 – Multi-Stem Cedar (9, 8, 4.5, 3.5 and 3.5) – this tree is at the end of the drainage area just outside the edge of the driveway on the south side before the 2-car garage.

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 –

Tree #7619 (Location: Behind house) – Our drainage plan requires a swale in this area and it is difficult to create an adequate swale per the drainage plan without impacting the health of the tree.

Tree #7347 (Location: Emergency vehicle turnaround) – A turnaround is an important safety feature for this lot whose shape requires a very long driveway. The turnaround would be essential for larger trucks as well as emergency vehicles. Our initial submitted design extended the emergency vehicle turnaround to the edge of the $\frac{1}{4}$ root zone of tree #7347. Because the cuts at this site are deep, we were asked during the permitting process, to decrease the size of the vehicle turnaround to the edge of the $\frac{1}{2}$ root zone or obtain a variance for tree removal. We originally opted to decrease the size of the turnaround. However, once excavation began, it was evident that even at the $\frac{1}{2}$ root zone, the tree roots were significantly exposed, compromising the long-term health of the tree (please see included photos in document 10). Therefore, we are requesting tree removal and a return to the original plan. Not only will removal replace the compromised tree with ones that have a better chance at long term survival, the Emergency Vehicle Turnaround can be extended from 12 feet to 17.5 feet which would increase its usefulness by better accommodating larger emergency vehicles. Our initial impervious coverage calculations included the larger Emergency Vehicle Turnaround and thus impervious coverage is not a concern if this request is granted and the turnaround is extended.

Tree #7454 (Location: Edge of driveway near garage) – The driveway does not encroach on the $\frac{1}{4}$ root zone of tree #7454 and during the permitting process, it was felt the overlap on the $\frac{1}{2}$ root zone was acceptable since deep cuts would not be required at this location. However, we are now seeing it is difficult to protect the $\frac{1}{2}$ root zone during the excavation process. Furthermore, because the tree is multi-stem, some of the branches will interfere with the supporting wall of the driveway and also preclude the use of railings along this portion, which is a safety concern due to the elevation drop.

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

The application states –

Our goal for this lot has always been to maintain as much of its natural environment as possible; the trees and wet-weather creek were what attracted us to it in the first place. The lot originally contained 37 protected trees. 6 of these have been removed from previous variance grants and 1 was lost during the snowstorm in February. With the additional removal of these 3 trees, we would still have 27 protected trees. Additionally, the lot will continue to host ~350 of its original trees (in addition to trees added through mitigation) as greater than 75% of the lot will be left completely natural and undisturbed.

Furthermore, through mitigation, we believe we can positively impact the lot's natural environment. Over 90% of our trees are ashe juniper ("cedar"). Through the mitigation process, we will add additional variety with more native species while also preserving a large canopy of ashe junipers for a Golden Cheek Warbler habitat, should they ever decide to nest in our yard.

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

The application states –

For all 3 of the trees for which we are requesting removal, the alternative would be to build and excavate around them as previously planned. Construction will be more difficult and complicated, which we are willing to do, but even with these safeguards in place, we feel the trees would ultimately be compromised. We would rather replace the trees with strong, healthy ones that are planted in areas that allow for future growth and expansion.

In addition, for tree #7347, in order to avoid the ½ root zone, it would be necessary to keep the shorter turnaround (12 feet instead of 17.5 feet) which would limit its usefulness while still exposing and possibly compromising the health of the roots.

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

The application states –

Our proposed driveway and residence footprint have been carefully laid out to preserve the maximum number of trees and minimize tree removal.

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

The application states –

Given the property's size, 1.78 acres, natural undisturbed buffers of 25'-100' wide would exist upon completion of construction between the future building and the property lines. This, along with neighboring property setbacks and natural buffer zones, would maintain a natural and native Central Texas aesthetic on and around the property.

Additionally, even with the removal of these additional 3 trees, the new residence would be fully concealed from public view with no portion being visible from City of West Lake Hills' rights of way.

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

The application states –

Our site plan maintains substantial distance from neighboring residences, and this will not be altered with this variance. Additionally, given the aforementioned buffer zones, remaining tree canopy, additional trees to be added through mitigation, and shape of the lot, there would be minimal visual and acoustic connection between properties.

Extend from 12 feet deep to 17.5 which would take the turnaround up to the edge of the

¼ root zone. This we feel would compromise the tree. Impervious coverage ok. Even at the point where it is compromised.

Outdoor Lighting

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

Compliance with Adopted Uniform 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 is in conformance with the City of West Lake Hills Master Plan.

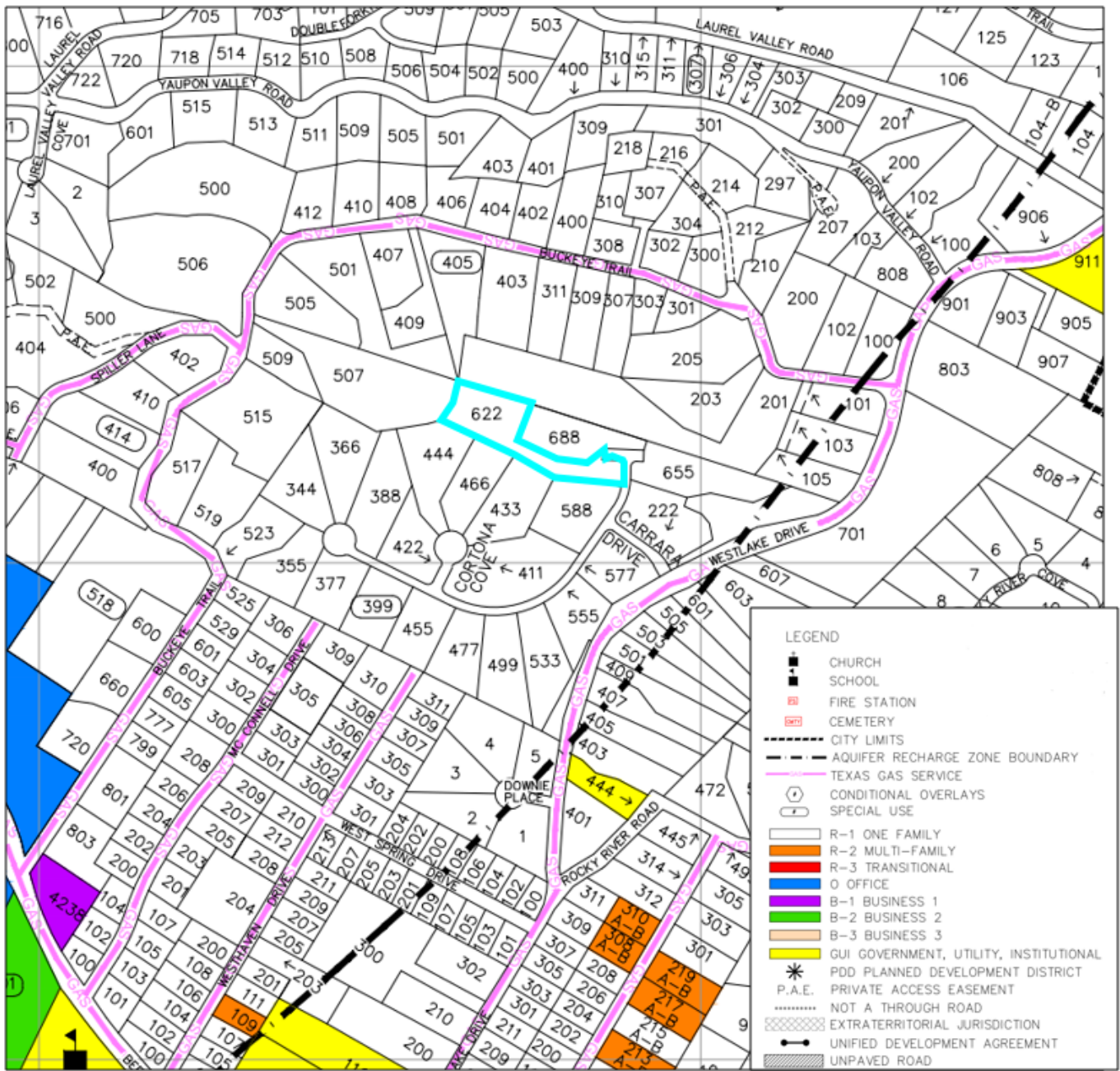
Staff Recommendation

Staff recommends DENIAL of the variance request based a lack of hardship. The lot is a challenging lot to develop, but these tree variances should have been sought with the original request and can be saved with some minor site adjustments.

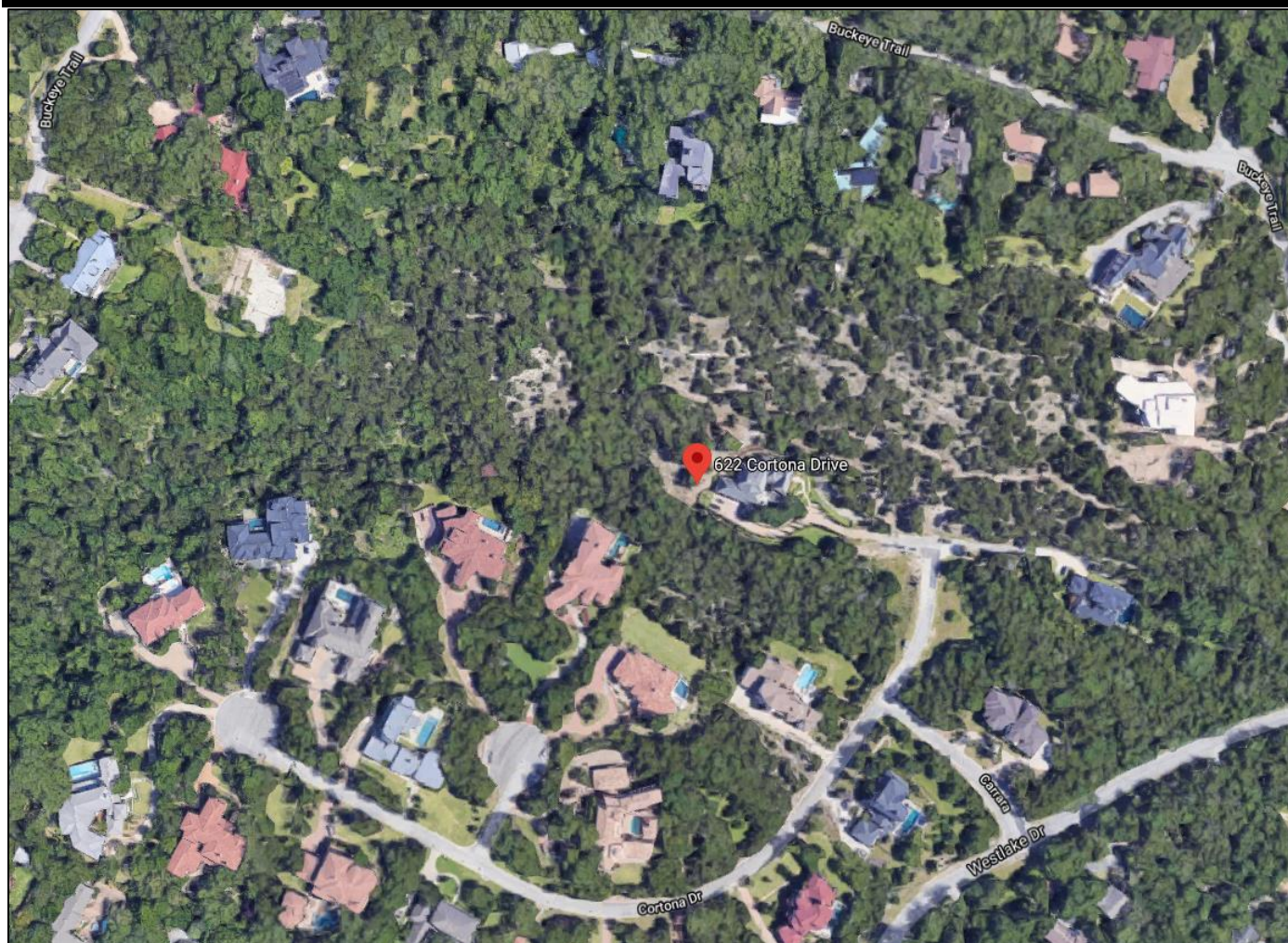
Links to Relevant Code:

- [Sec. 22.03.304 – Tree and Vegetation Removal and Replacement](#)

ZONING MAP



AERIAL PHOTO



VARIANCE APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit No: _____

****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org****

APPLICANT & PROPERTY INFORMATION

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: Steve & Cari Henry Phone: 512-484-2405

Email: [REDACTED]

Address: 402 Brookhaven Trail City: Austin State: TX Zip: 78746

David Bratton & Watermark Homes Assc

Agent*: _____ Phone: 512.233.9301

Email: [REDACTED]

Address: 4208 Avenue D City: Austin State: TX Zip: 78751

Property Address: 622 Cortona Drive City: Austin State: TX Zip: 78746

Property Information

Subdivision Name: Cortona Subdivision

Block: A Lot: 27 TCAD Tax Parcel ID: 01131501160000

Current Zoning Classification: Residential Total Lot Size (Acres): 1.78

*Please submit Power of Attorney form designating authorized agent.

PROJECT INFORMATION

Please list all variances being applied for: (Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)

- 1) Please see attached document 04 "Project information and variance questionnaire"
- 2) _____
- 3) _____
- 4) _____
- 5) _____



VARIANCE APPLICATION

- 6) _____
7) _____
8) _____
9) _____
10) _____

Brief Description of project/why variances are needed: _____

Please see attached document 04 "Project information and variance questionnaire"

Variance Questionnaire *(Applicant must demonstrate a hardship for variance request. The ZAPCO Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.)*

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.

Please see attached document 04 "Project information and variance questionnaire"

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

Please see attached document 04 "Project information and variance questionnaire"

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

Please see attached document 04 "Project information and variance questionnaire"

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

Please see attached document 04 "Project information and variance questionnaire"



VARIANCE APPLICATION

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?

Please see attached document 04 "Project information and variance questionnaire"

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

Please see attached document 04 "Project information and variance questionnaire"

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below is signed by the authorized agent of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form).

Cathy
Signature

7/27/2021
Date

Cari Henry
Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☒ 1 Completed, signed application
- ☒ 2 Power of Attorney form, if applicable
- ☒ 3 Proof of ownership of subject property
- ☒ 4 Completed Variance Hardship Questionnaire
- ☒ 5 Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☒ 6 Property survey
- ☒ 7 Proposed site plan with building setbacks clearly labeled
- ☐ Building elevations, if applicable
- ☒ 8 Tree and topo survey, if applicable
- ☒ 9 Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☒ 10 Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☐ Letters/emails of support from neighbors, if able to obtain
- ☒ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☒ 11 Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.
- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.



VARIANCE APPLICATION

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:

July 26, 2021

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

Dear Mr. Chairman:

We seek approval to remove 3 protected juniper ashe ("cedar") trees to accommodate the building of our home that is currently permitted and under construction at 622 Cortona Drive. These 3 trees are in addition to the 6 tree-removal variances requested and already granted in 2020 for the same lot.

The lot in question is difficult due to its "flag shape", requiring an extensive driveway and turnaround, as well as a limited building site due to the presence of a wet-weather creek, a drainage canal, and cliffside grading. The original 6 variances were necessary to accommodate the driveway (4 trees) and residence (2 trees). The 3 additional requests-for-removal are due to concern that the trees in question will be damaged even with the appropriate safeguards in place. The CRZ of one tree (#7619) intersects with a swale required by the drainage plan. Another tree (#7347) has a CRZ near the emergency vehicle turnaround. The third tree (#7454) has multi-stems that interfere with the support of the driveway and its railings. As we have begun to excavate the lot and these individual trees are more visible, the difficulty of protecting them has become more apparent.

Our intent for this future residence has always been to maintain as much of its natural environment as possible. The lot originally contained 37 protected trees, although we lost one in the snowstorm in February. Thus, if the additional 3 requests-for-removal are granted, we would still have 27 protected trees. Additionally, the lot will continue to host over 350 of its original trees (more than 75% of the square footage of the lot will be left completely natural and undisturbed), as well as the many trees added during mitigation. We believe the natural habitat could be enhanced by the removal of these cedars as they would be replaced with a variety of healthy and native trees. The mitigation process will provide some diversity to the canopy (currently >90% of the trees are cedar), and will also facilitate its long-term health by planting trees with root systems not compromised by close proximity to building structures.

Thank you for considering our variance request.

Sincerely,

Cari & Steve Henry, Owners
David Bratton, Builder, Watermark Homes

**VARIANCE APPLICATION
622 CORTONA DRIVE**

PROJECT INFORMATION

Please list all variances being applied for:

- 1) Request for protected tree removal – Tree #7619
 - a. Multi-stem cedar 15" 5" 4.5" 3.5" (21.5'R CRZ)
- 2) Request for protected tree removal – Tree #7347
 - a. Multi-stem cedar 12.5" 6" 5" 4.5" 3.5" (22'R CRZ)
- 3) Request for protected tree removal – Tree #7454
 - a. Multi-stem cedar 9" 8" 4.5" 4" 3.5" 3.5" (20.75'R CRZ)

Brief Description of project/why variances are needed:

Our lot at 622 Cortona Drive is currently under construction. In our pre-permit process, we asked for variances on 6 protected trees which were all granted due to the complexity of the lot ("flag shape" requiring a long driveway; limited building pad due to wet weather creek and drainage canal; and cliffside grading). However, as the building process ensued, we have found 3 additional protected trees that complicate the building of our home. While "on paper" our building plans accommodate maintaining all 3 of these trees, in reality, safeguarding them and all their multi-stems has proven difficult. We believe it would better serve the lot's canopy to remove them and mitigate them with additional trees whose roots will not be compromised by building structures, providing a more sustained canopy in the long term.

VARIANCE QUESTIONNAIRE
622 CORTONA DRIVE

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

***Tree #7619 (Location: Behind house)** – Our drainage plan requires a swale in this area and it is difficult to create an adequate swale per the drainage plan without impacting the health of the tree.*

***Tree #7347 (Location: Emergency vehicle turnaround)** – A turnaround is an important safety feature for this lot whose shape requires a very long driveway. The turnaround would be essential for larger trucks as well as emergency vehicles. Our initial submitted design extended the emergency vehicle turnaround to the edge of the $\frac{1}{4}$ root zone of tree #7347. Because the cuts at this site are deep, we were asked during the permitting process, to decrease the size of the vehicle turnaround to the edge of the $\frac{1}{2}$ root zone or obtain a variance for tree removal. We originally opted to decrease the size of the turnaround. However, once excavation began, it was evident that even at the $\frac{1}{2}$ root zone, the tree roots were significantly exposed, compromising the long-term health of the tree (please see included photos in document 10). Therefore, we are requesting tree removal and a return to the original plan. Not only will removal replace the compromised tree with ones that have a better chance at long term survival, the Emergency Vehicle Turnaround can be extended from 12 feet to 17.5 feet which would increase its usefulness by better accommodating larger emergency vehicles. Our initial impervious coverage calculations included the larger Emergency Vehicle Turnaround and thus impervious coverage is not a concern if this request is granted and the turnaround is extended.*

***Tree #7454 (Location: Edge of driveway near garage)** – The driveway does not encroach on the $\frac{1}{4}$ root zone of tree #7454 and during the permitting process, it was felt the overlap on the $\frac{1}{2}$ root zone was acceptable since deep cuts would not be required at this location. However, we are now seeing it is difficult to protect the $\frac{1}{2}$ root zone during the excavation process. Furthermore, because the tree is multi-stem, some of the branches will interfere with the supporting wall of the driveway and also preclude the use of railings along this portion, which is a safety concern due to the elevation drop.*

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

Our goal for this lot has always been to maintain as much of its natural environment as possible; the trees and wet-weather creek were what attracted us to it in the first place. The lot originally contained 37 protected trees. 6 of these have been removed from previous variance grants and 1 was lost during the snowstorm in February. With the additional removal of these 3 trees, we would still have 27 protected trees. Additionally,

the lot will continue to host ~350 of its original trees (in addition to trees added through mitigation) as greater than 75% of the lot will be left completely natural and undisturbed.

Furthermore, through mitigation, we believe we can positively impact the lot's natural environment. Over 90% of our trees are ashe juniper ("cedar"). Through the mitigation process, we will add additional variety with more native species while also preserving a large canopy of ashe junipers for a Golden Cheek Warbler habitat, should they ever decide to nest in our yard.

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

For all 3 of the trees for which we are requesting removal, the alternative would be to build and excavate around them as previously planned. Construction will be more difficult and complicated, which we are willing to do, but even with these safeguards in place, we feel the trees would ultimately be compromised. We would rather replace the trees with strong, healthy ones that are planted in areas that allow for future growth and expansion.

In addition, for tree #7347, in order to avoid the ½ root zone, it would be necessary to keep the shorter turnaround (12 feet instead of 17.5 feet) which would limit its usefulness while still exposing and possibly compromising the health of the roots.

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

Our proposed driveway and residence footprint have been carefully laid out to preserve the maximum number of trees and minimize tree removal.

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?

Given the property's size, 1.78 acres, natural undisturbed buffers of 25'-100' wide would exist upon completion of construction between the future building and the property lines. This, along with neighboring property setbacks and natural buffer zones, would maintain a natural and native Central Texas aesthetic on and around the property. Additionally, even with the removal of these additional 3 trees, the new residence would be fully concealed from public view with no portion being visible from City of West Lake Hills' rights of way.

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

Our site plan maintains substantial distance from neighboring residences, and this will not be altered with this variance. Additionally, given the aforementioned buffer zones, remaining tree canopy, additional trees to be added through mitigation, and shape of the lot, there would be minimal visual and acoustic connection between properties.

Extend from 12feet deep to 17.5 which would take the turnaround up to the edge of the $\frac{1}{4}$ root zone. This we feel would compromise the tree. Impervious coverage ok. Even at the point where it is it is compromised.



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Cari + Steve Henry
have made, constituted and appointed David Bratton & Associates
to be my duly authorized representative in connection with an application dated 7/28/21,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

CARI HENRY / STEVE HENRY
Property Owner/Applicant Name

Cari / Steve Henry
Property Owner/Applicant Signature

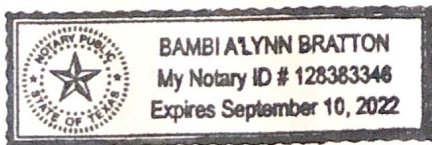
622 CORTONA DRIVE CITY OF WEST LAKE HILLS, TEXAS 78746
Street Address City State Zip Code

512-484-2405
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 28th day of July, 20 21.

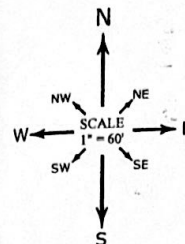
David Bratton

Notary Public in and for the State of Texas



BEARING BASIS:
BEARINGS ARE BASED TO THE TEXAS COORDINATE SYSTEM CENTRAL
TEXAS ZONE NAD83 HARN HORIZONTAL CONTROL AND ARE IN
SURFACE WITH A COMBINED SCALE FACTOR OF 0.999988

THE OVERLOOK AT WESTLAKE
(VOL. 90, PG. 341)



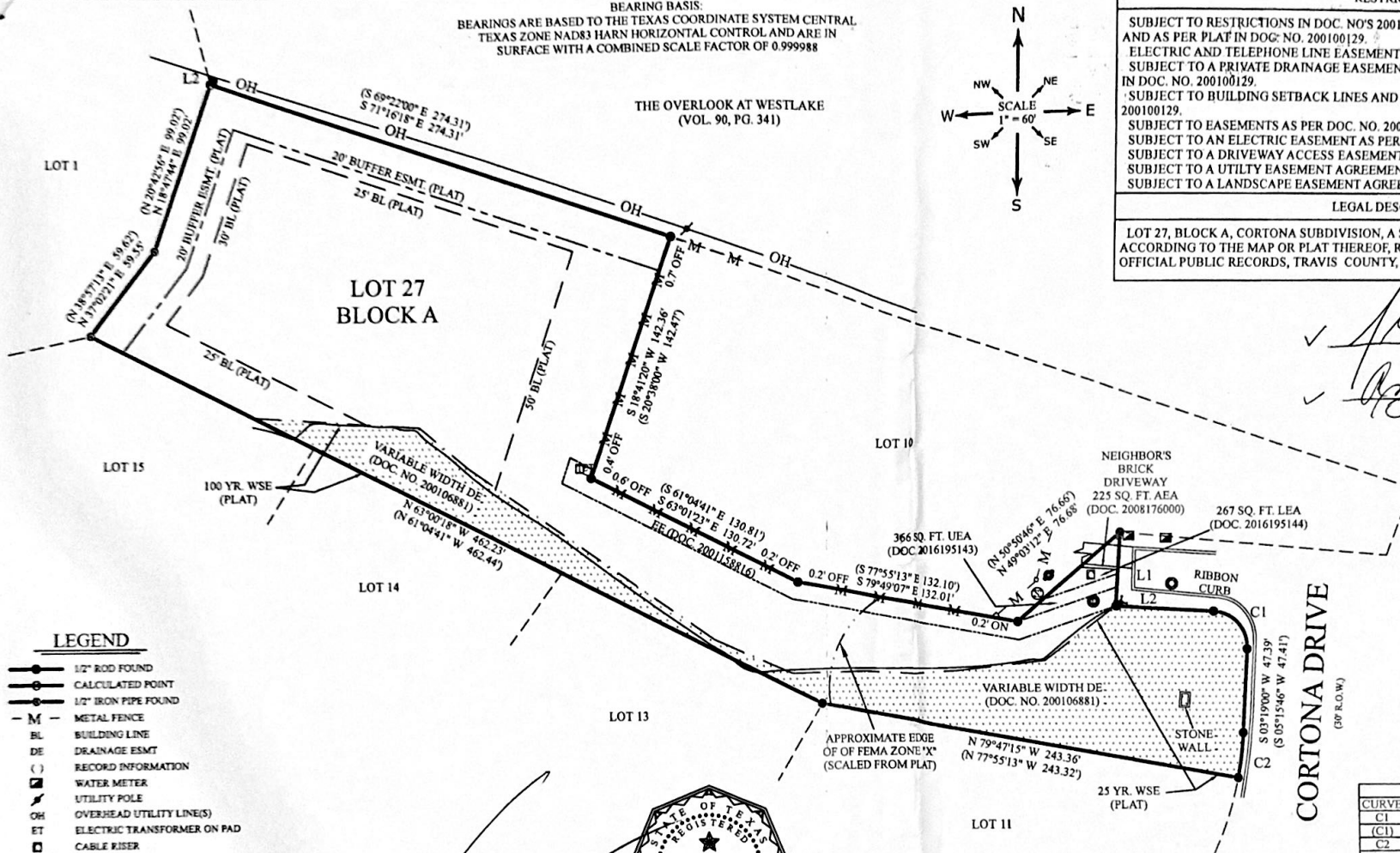
RESTRICTIONS

SUBJECT TO RESTRICTIONS IN DOC. NO'S 2001061880, 2009178763, 2012179389, 2013205864
AND AS PER PLAT IN DOC. NO. 200100129.
ELECTRIC AND TELEPHONE LINE EASEMENT PER VOL. 2128, PG. 220, DOES NOT AFFECT.
SUBJECT TO A PRIVATE DRAINAGE EASEMENT PER DOC. NO. 2001061881 AND AS PER PLAT
IN DOC. NO. 200100129.
SUBJECT TO BUILDING SETBACK LINES AND EASEMENTS AS PER PLAT IN DOC. NO.
200100129.
SUBJECT TO EASEMENTS AS PER DOC. NO. 2001061880.
SUBJECT TO AN ELECTRIC EASEMENT AS PER DOC. NO. 2001158816.
SUBJECT TO A DRIVEWAY ACCESS EASEMENT PER DOC. NO. 2008176000.
SUBJECT TO A UTILITY EASEMENT AGREEMENT PER DOC. NO. 2016195143.
SUBJECT TO A LANDSCAPE EASEMENT AGREEMENT PER DOC. NO. 2016195144.

LEGAL DESCRIPTION

LOT 27, BLOCK A, CORTONA SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS,
ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT NUMBER 200100129,
OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

LOT 27
BLOCK A



LEGEND

- 1/2" ROD FOUND
- CALCULATED POINT
- 1/2" IRON PIPE FOUND
- M - METAL FENCE
- BL - BUILDING LINE
- DE - DRAINAGE ESMT
- () - RECORD INFORMATION
- WATER METER
- UTILITY POLE
- OH - OVERHEAD UTILITY LINE(S)
- ET - ELECTRIC TRANSFORMER ON PAD
- CABLE RISER
- TELEPHONE RISER
- MANHOLE
- ELECTRIC MANHOLE
- GAS METER
- WATER VALVE
- SEPTIC
- ON - INSIDE OF SUBJECT BOUNDARY
- OFF - OUTSIDE OF SUBJECT BOUNDARY
- EE - ELECTRIC ESMT
- UEA - UTILITY EASEMENT AGREEMENT
- LEE - LANDSCAPE EASEMENT AGREEMENT
- AEA - ACCESS EASEMENT AGREEMENT
- WSE - UNKNOWN, NOT SHOWN ON PLAT

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 03°06'03" W	41.79'
(L1)	(S 05°15'46" W)	(42.00')
L2	S 86°41'43" E	54.75'
(L2)	(S 84°44'14" E)	(55.00')
L3	N 35°25'53" E	2.39'

CURVE TABLE			
CURVE	RADIUS	BEARING	CHORD
C1	20.00'	31.63°	S 41°18'06" E 28.43'
(C1)	(20.00')	(31.42°)	(S 39°44'14" E) (28.28')
C2	185.00'	25.61°	S 07°28'59" W 25.59'
(C2)	(185.00')	(25.57°)	



TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED AND TO:
HERITAGE TITLE COMPANY OF AUSTIN, INC.
I DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND
UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE OF THE
PROPERTY LEGALLY DESCRIBED HEREON AND THAT THERE ARE NO
BOUNDARY LINE CONFLICTS, ENCROACHMENTS OR LAPPING OF
IMPROVEMENTS, OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND
CERTIFIES ONLY TO THE LEGAL DESCRIPTION AND EASEMENTS SHOWN ON
THE REFERENCED TITLE COMMITMENT. THIS SURVEY WAS PERFORMED
WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

ALLSTAR
Land surveying
9020 ANDERSON MILL RD
AUSTIN, TEXAS 78729
(512) 249-8149 PHONE
(512) 331-5217 FAX
TBLA FIRM NO. 10135000

F.I.R.M. MAP INFORMATION

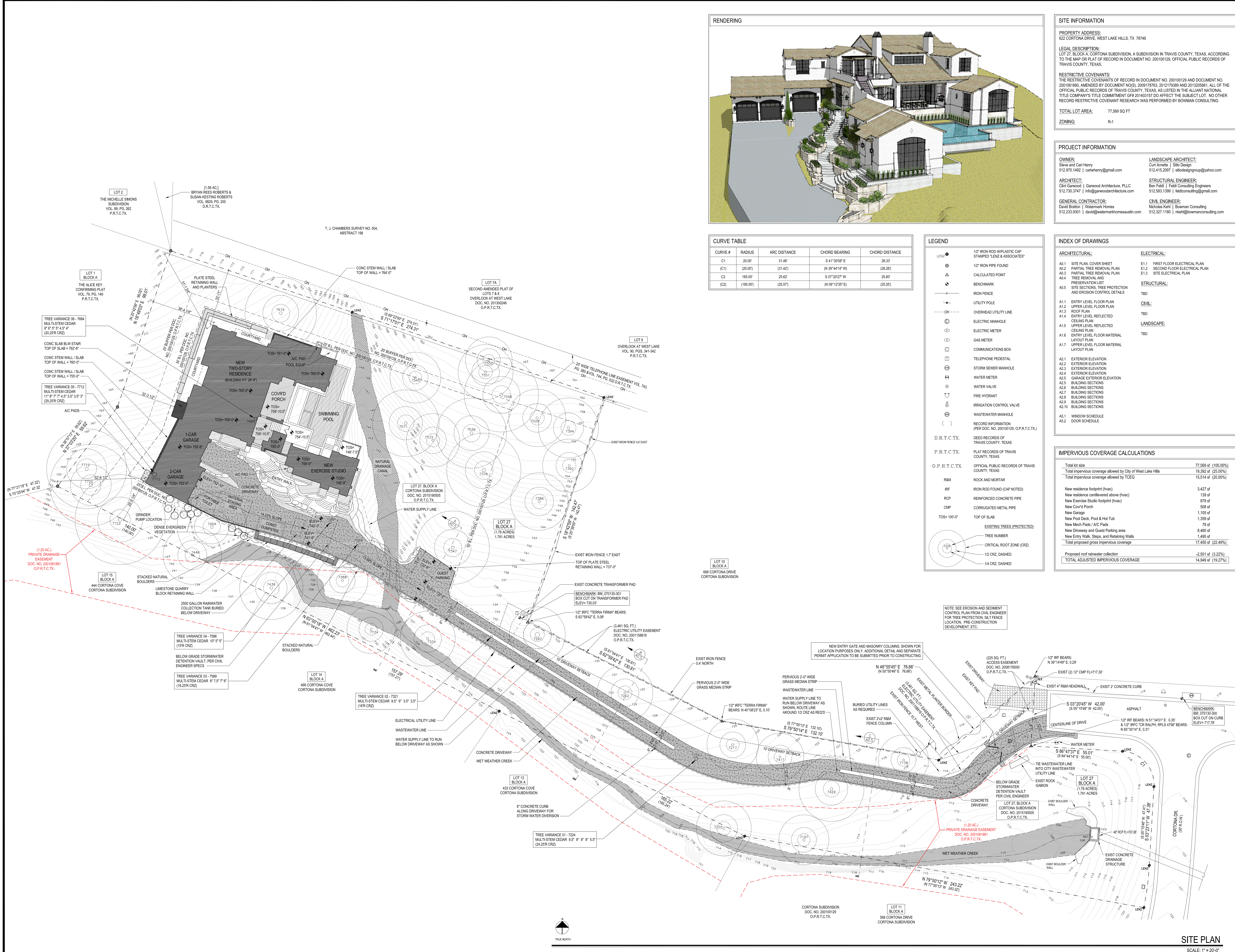
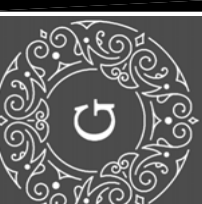
THIS PROPERTY DOES NOT LIE
WITHIN THE 100 YEAR FLOOD-
PLAIN, AND HAS A ZONE "X"
RATING AS SHOWN ON THE
FLOOD INSURANCE RATE MAPS
F.I.R.M. MAP NO. 48453C0445J
PANEL 0445J
DATED: JANUARY 6, 2016
THIS CERTIFICATION IS FOR
INSURANCE PURPOSES ONLY AND IS
NOT A GUARANTEE THAT THIS
PROPERTY WILL OR WILL NOT FLOOD.
CONTACT YOUR LOCAL FLOOD PLAIN
ADMINISTRATOR FOR THE CURRENT
STATUS OF THIS TRACT.

ADDRESS

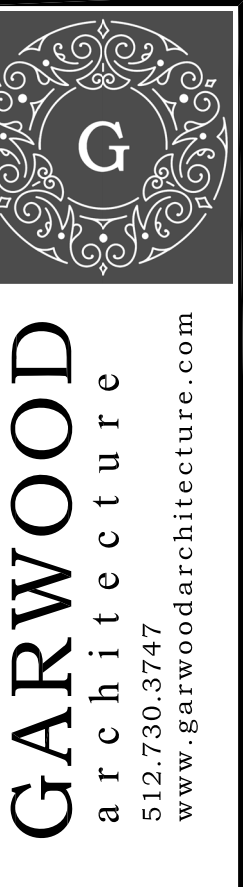
**JOSHUA BAER and
AMY BAER**
622 CORTONA DRIVE
AUSTIN, TRAVIS COUNTY, TEXAS

SURVEY DATE	DECEMBER 22, 2017	FILED BY	JONATHAN MOHR	12/21/2017
TITLE CO.	HERITAGE TITLE	CALC BY	CHRIS ZOTTER	12/22/2017
G.F. NO.	201703029	DRAWN BY	SEAN SUTTON	12/22/2017
JOB NO.	A1207617	RPLS CHECK	EDWARD RUMSEY	12/22/2017

SITE PLAN NOTES:
1.0 ALL CONSTRUCTION SHALL ADHERE TO THE REQUIREMENTS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE AND ALL OTHER LOCAL CODES AND ORDINANCES.
2.0 FINISH GRADING TO PROVIDE POSITIVE DRAINAGE AWAY FROM SLAB.
3.0 FINISH GRADING TO PROVIDE POSITIVE DRAINAGE AWAY FROM PATIOS.



REVIEW SET, NOT FOR CONSTRUCTION



© 2021
ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM GARWOOD ARCHITECTURE, P.L.L.C.
NOT FOR CONSTRUCTION
APPROVAL: [Signature]
OR CONSTRUCTION

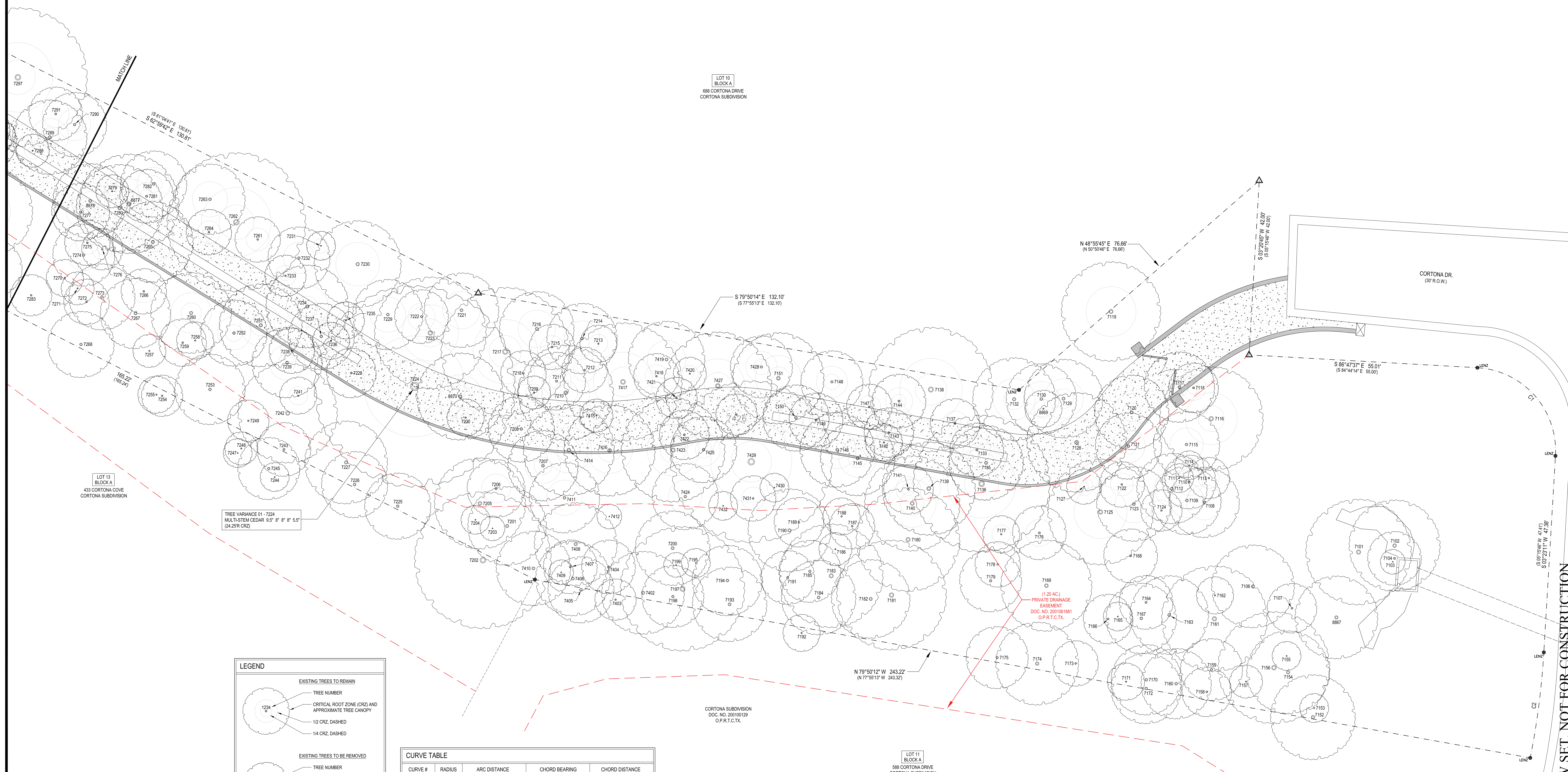
Henry Residence
622 Cortona Drive
West Lake Hills, Texas 78746

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LEGEND

The legend consists of two diagrams of a tree, each with a central circle labeled '1234' and a small 'o' in the center. The top diagram is titled 'EXISTING TREES TO REMAIN' and has three arrows pointing to different parts of the tree: 'TREE NUMBER' points to the central circle, 'CRITICAL ROOT ZONE (CRZ) AND APPROXIMATE TREE CANOPY' points to the outermost dashed line, and '1/2 CRZ, DASHED' points to the middle dashed line. The bottom diagram is titled 'EXISTING TREES TO BE REMOVED' and has two arrows: 'TREE NUMBER' points to the central circle, and 'CRITICAL ROOT ZONE (CRZ) AND APPROXIMATE TREE CROWN' points to the outermost dashed line.

EXISTING TREES TO REMAIN

- TREE NUMBER
- CRITICAL ROOT ZONE (CRZ) AND APPROXIMATE TREE CANOPY
- 1/2 CRZ, DASHED
- 1/4 CRZ, DASHED

EXISTING TREES TO BE REMOVED

- TREE NUMBER
- CRITICAL ROOT ZONE (CRZ) AND APPROXIMATE TREE CROWN

CURVE TABLE				
CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	20.00'	31.48'	S 41°30'08" E	28.33'
(C1)	(20.00')	(31.42')	(N 39°44'14" W)	(28.28')
C2	185.00'	25.62'	S 07°20'27" W	25.60'
(C2)	(185.00')	(25.57')	(N 09°12'35" E)	(25.55')

A compass rose with a circle and a vertical line. The top half is shaded black. The letter 'N' is at the top. Below the circle is the text 'TRUE NORTH'.

PARTIAL TREE REMOVAL PLAN

SCALE: 1" = 10'-0"

REVIEW SET. NOT FOR CONSTRUCTION

Henry Residence 622 Corona Drive West Lake Hills, TX 78746					
REV.	DESCRIPTION	DATE			
	ISSUED FOR REVIEW	02.26.2021			
					DRAWN BY: RD MB CG

SHEET TITLE
PARTIAL TREE
REMOVAL PLAN

SHEET
A0.3

SHEET 3 OF 4		
1	2	3
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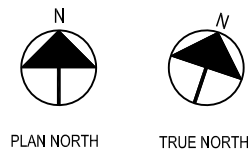
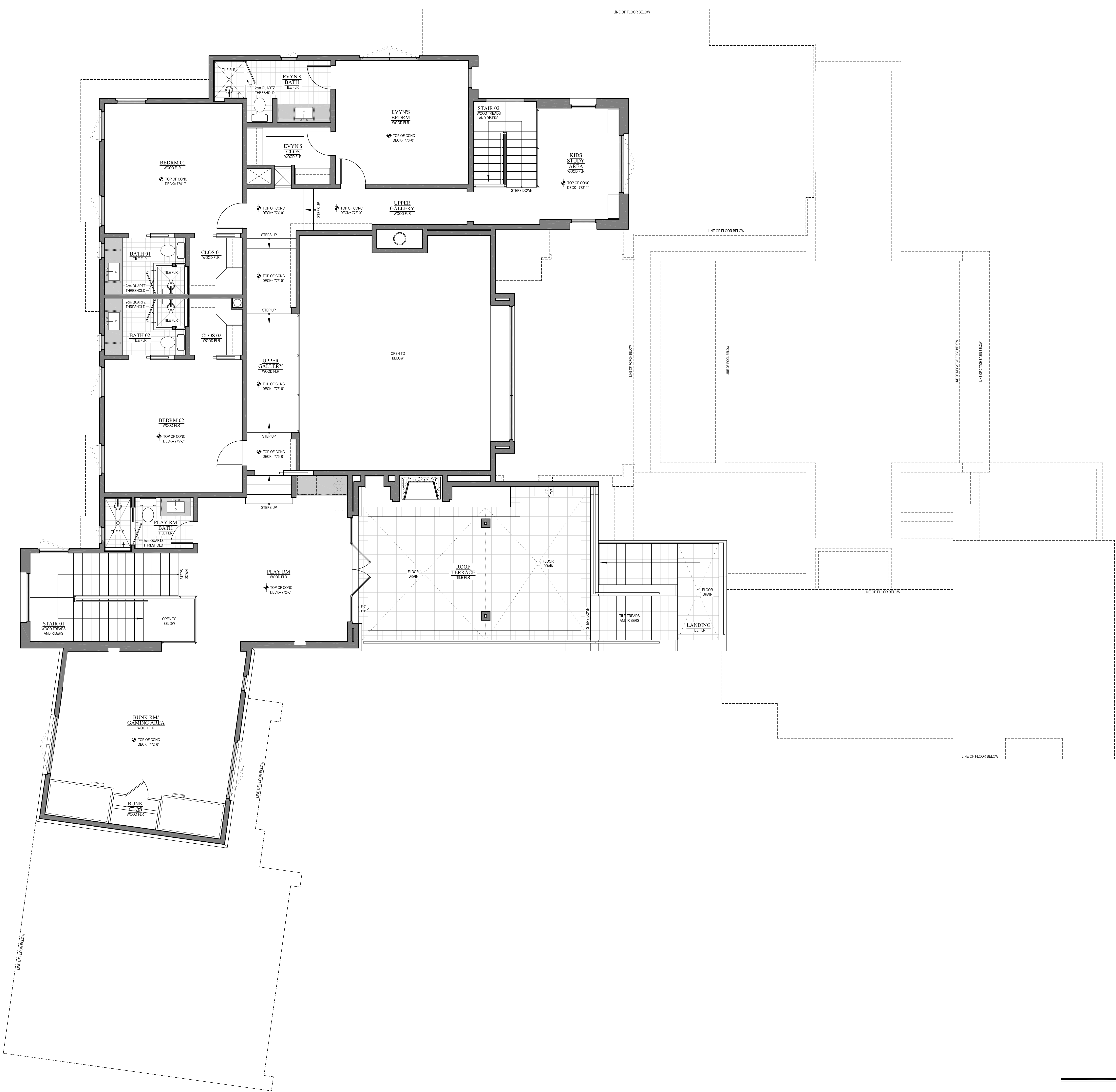
Bowman CONSULTING

BOWMAN, TREE & TOPOGRAPHIC SURVEY
CORTONA SUBDIVISION
TRAVIS COUNTY, TEXAS

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UPPER LEVEL FLOOR MATERIAL LAYOUT PLAN
SCALE: 1/4" = 1'-0"

Garwood Architecture

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NOT FOR REGULATORY
APPROVAL OR PERMITTING
OR CONSTRUCTION

Henry
Residence
622 Corona Drive
West Lake Hills, TX 78746

REV	DESCRIPTION	DATE
1	ISSUED FOR REVIEW	05/26/2021

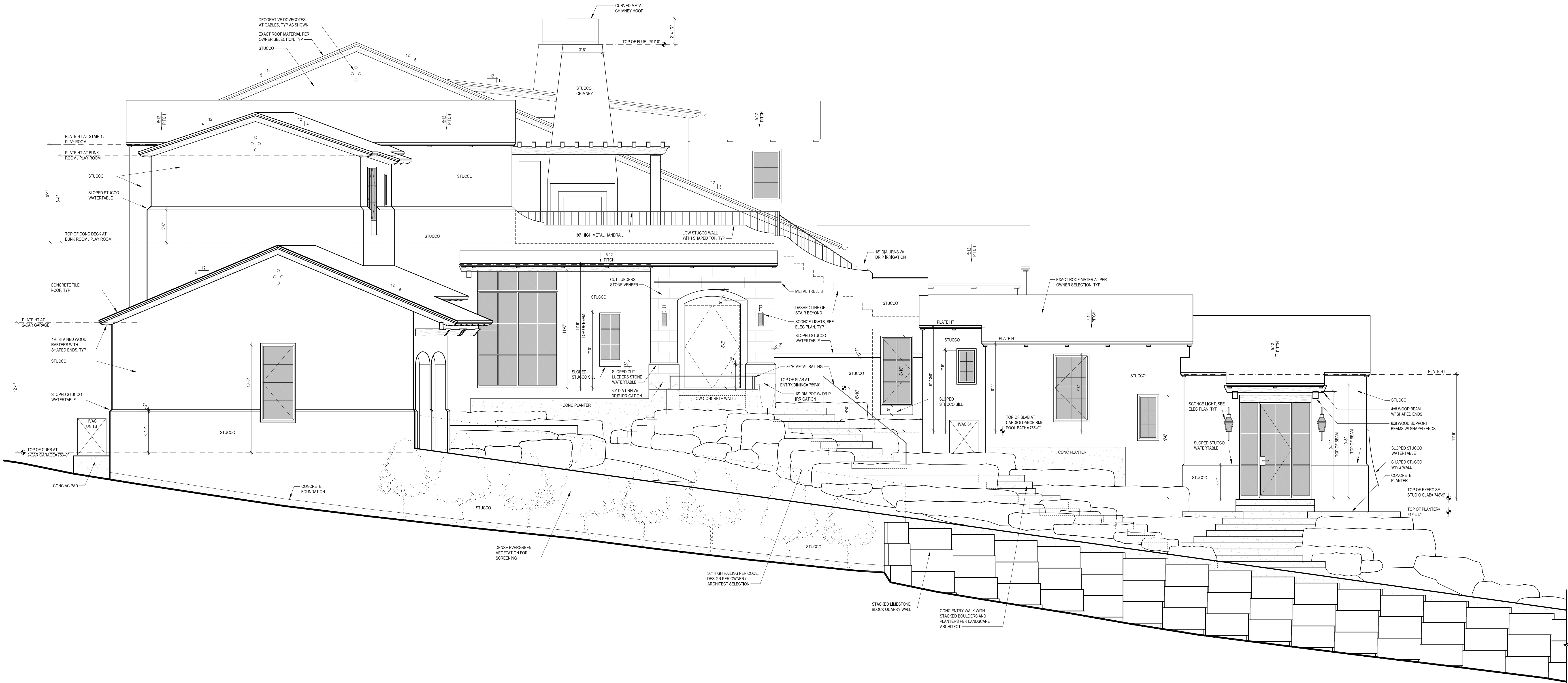
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SHEET TITLE
UPPER LEVEL
FLOOR MATERIAL
LAYOUT PLAN

SHEET
A1.7



SOUTH ELEVATION RENDERING



SOUTH EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"

REVIEW SET, NOT FOR CONSTRUCTION

Henry Residence		
622 Corona Drive West Lake Hills, TX 78746		
DATE	05.26.2023	
REVISION	DESCRIPTION	DRAWN BY: RBH, ABB, JCG
1	INITIALS FOR REVIEW	
SHEET TITLE		
SOUTH EXTERIOR ELEVATION		
SHEET		
A2.1		



SCALE: 1/4" = 1'-0"

REVIEW SET, NOT FOR CONSTRUCTION

Henry Residence	
822 Corona Drive West Lake Hills, TX 78746	
DRAWN BY: BB / MB / CG	
DATE:	05.26.2021
ISSUED FOR REVIEW	
DESIGNER TOTAL	
A/C #	

SHEET TITLE
NORTH
EXTERIOR
ELEVATION

SHEET
A2.3

Request for Tree Removal 01 - 7619
Multi-Stem Cedar 15" 5" 4.5" 3.5" (21.5'R CRZ)
Location: Behind House
Hardship: Drainage plan requires swale in close proximity



Request for Tree Removal 02 - 7347
Multi-Stem Cedar 12.5" 6" 5" 4.5" 3.5" (22'R CRZ)

Location: Emergency Vehicle Turnaround

*Hardship: Current grading plan adversely impacts critical root zone;
future root growth could damage emergency vehicle turnaround*



Tree
7347



Turnaround excavated
to edge of 1/2 root zone

Request for Tree Removal 03 - 7454
Multi-Stem Cedar 9" 8" 4.5" 4" 3.5" 3.5" (20.75'R CRZ)

Location: Edge of driveway near garage

Hardship: Difficulty protecting ½ root zone;

multi-stem branches interfere with supporting wall of driveway as well as railing

Red line indicates approximate level of final grade



Balcones Canyonlands Conservation Plan

PARTICIPATION CERTIFICATE

The following tract, 1.7798 acres known as LOT 27 BLK A CORTONA SUBD, located at 622 CORTONA DR., Austin, TX 78746; TCAD tax parcel ID# 521244/0113150116, has complied with requirements of the federal Endangered Species Act (16 U.S.C. §1531 et seq.) through the regional 10(a) permit issued by the U.S. Fish and Wildlife Service to the City of Austin and Travis County (permit number PRT 788841), issued on May 2, 1996, also known as the Balcones Canyonlands Conservation Plan. The bearer of this certificate, Cari and Steve Henry (application #0993), paid an assessment of \$4,950.00 to the Permit Holders on the 13th day of February, 2020 based on the following habitat determination from the June 1996 map:

_____ acres of golden-cheeked warbler habitat (zone 1) @ \$5500 per acre	_____ acres of karst habitat @ \$1000 per acre
<u>1.8</u> acres of golden-cheeked warbler habitat (zone 2) @ \$2750 per acre	_____ Single Family / Small Landowner
_____ acres of black-capped vireo habitat @ \$0 per acre	_____ Agricultural Building Construction

The bearer of this certificate entered into a Participation Contract with the Permit Holders on the _____ day of February, 2020. This contract is recorded in the Real Property Records of Travis County as Document # 2020029520 and the covenants therein run with the land. Participation in the Balcones Canyonlands Conservation Plan is subject to the terms and conditions of the Participation Contract.

Issued by:

Melinda Mallia

Date:

Feb 19, 2020

Melinda Mallia
Natural Resources Program Manager
Travis County Transportation and Natural Resources
Balcones Canyonlands Conservation Plan



*Balcones Canyonlands
Conservation Plan*

This Participation Certificate or a facsimile must be posted at the property site of the participating tract from the time vegetation clearing begins until the construction is completed. For more information about the certificate, contract or the permit, contact: Travis County Transportation and Natural Resources Department at (512) 854-9383, or the U.S. Fish and Wildlife Service, Ecological Services Field Office at (512) 490-0057. For information about the participating tract contact: Cari and Steve Henry, 402 Brook Haven Trail, Austin, TX 78746-5413.



TREE VARIANCE
STAFF REPORT

September 15, 2021

Project Address: 402 Camp Craft Road

Project Number: 2021-1003

Agenda Item: Land Use: **402 Camp Craft Road:** Discussion/recommendation on an application for a variance request the removal of a tree with a trunk diameter of greater than 14 inches (West Lake Hills Code Sec. 22.03.304). Robert and Tanja Lee.

- Section 22.03.304 – Tree Removal and Replacement

Applicant Information: Robert and Tanja Lee

Hearing Dates:

September 15, 2021

ZAPCO

September 22, 2021

City Council

Location: The subject property is located at 402 Camp Craft Road.

Zoning & Site Characteristics:

The subject property is zoned R1 Family Residential.

There were variances granted by the Board of Adjustment and City Council on October 14, 2020 for the following:

- Refurbish an existing non-conforming structure in the side setback;
- Refurbish an existing non-conforming structure in the rear setback;
- Enclose/refurbish an existing non-conforming structure in the rear and side setback;
- Allow an existing non-conforming driveway to be rehabilitated in the site setback;
- Removal of two trees with trunk diameters of greater than 14 inches

Surrounding Properties:

- North – GUI (Eanes ISD)
- East – Office
- South – Office
- West – ETJ (Residential)

Background & Analysis:

The applicant is requesting a variance to remove T167, a 17-Inch Hackberry.

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 previous variance was approve in order to maintain the existing sport court foundation. The foundation is more than 40 years old and is planned to be returned to use with the addition of a roof. The foundation is a substantial concrete slab. The 17" hackberry proposed for removal will allow the court to be enclosed. If the tree is not approved for removal the foundation will not be able to be enclosed.

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

The application states –

There are 250 trees on the lot, 221 of which are proposed to remain. Considering the number of trees on the lot we believe the removal of the hackberry is not an unreasonable disruption to the flora considering the scope of the proposed work. We are happy to provide mitigation for these trees as needed.

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

The application states –

The proposed addition and renovations were carefully designed to maintain the wooded lot of which 221 trees are proposed to remain. The 17" hackberry is too close to the existing concrete slab and should have been removed as a maintenance measure before it reached the size it is now.

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

The application states –

The proposed addition and renovations were carefully designed to maintain the wooded lot of which 221 trees are proposed to remain. The trees proposed for removal causes the least disruption for the property as a whole. The trees and their preservation was a key component to the proposed design for the property.

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

The application states –

Granting this variance is not in violation of the goals in that the highest priorities of the West Lake Hills' master plan is the preservation of flora, fauna, and natural terrain while respecting and protecting individuals' privacy in all building projects and land use. Granting this variance is in keeping with those goals.

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

The application states –

Removing the hackberry listed will not affect any neighboring properties as the lot is heavily wooded and the tree in question is both in the interior of the lot and due to poor health is not providing substantial shade or any screening.

Outdoor Lighting

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

Compliance with Adopted Uniform 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 is in conformance with the City of West Lake Hills Master Plan.

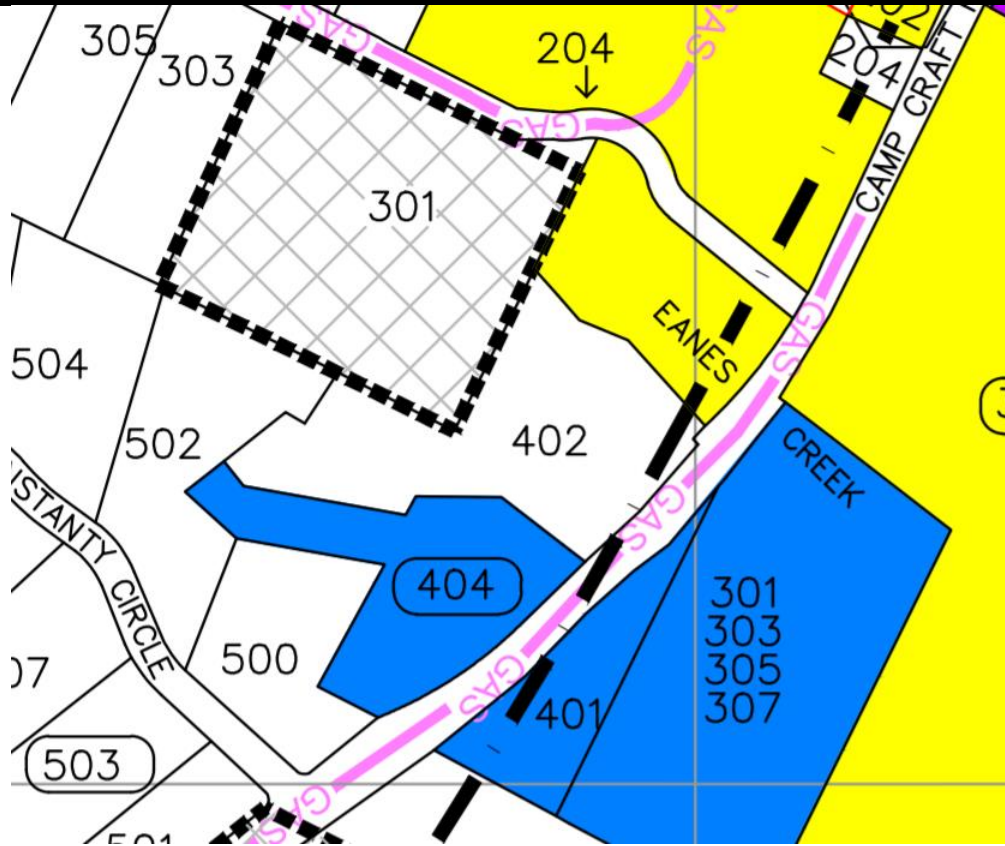
Staff Recommendation

Staff recommends APPROVAL of the variance request. The replacement required for this request is 25.5 inches.

Links to Relevant Code:

- [Sec. 22.03.304 – Tree and Vegetation Removal and Replacement](#)

ZONING MAP



AERIAL PHOTO



APPLICATION COVER SHEET

Property Address: 402 Camp Craft Rd. 78746
Applicant Name: Robert and Tanja Lee
Designated Agent (if any, Power of Attorney Required): _____
Applicant Phone Number: 312-479-5026 Email Address: _____
Date Application was Submitted: 7/30/2021
Variance(s) Requested: to allow for the removal of a 17" hackberry.

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: _____

Tanja and Robert Lee
402 Camp Craft Rd
West Lake Hills, Texas 78746

July 29, 2021

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

RE: REQUEST FOR VARIANCE – 402 CAMP CRAFT RD

Dear ZAPCO Chairman,

This is the second time we have requested a variance as the excited new owners of 402 Camp Craft Rd. It was almost a year ago to the day when we last wrote to ZAPCO about our property. This beautiful property with its historic buildings is on its way to becoming our quirky family home! Because of the peculiarities of the property and the the historic buildings, which we intend to preserve, we are applying for an additional variance to remove a 17” hackberry.

When we came to ZAPCO last year, a variance to preserve the existing sport court foundation for repurposing was approved. As we move toward a final plan for the property we have found that one of hackberry trees which has sprouted up around the edges of the existing court foundation is in need a variance in order to remove.

As well as sprouting in an untenable location the hackberry also appears to be in poor health. The tree can be located on the site plan to the left, or south, of the existing concrete slab. Photos have been included with this request.

It is our goal to keep as many as many trees as possible, and to utilizing the existing improvements as efficiently as possible. We sincerely hope and request that you will approve this request.

Thank you,

Two handwritten signatures in black ink. The first signature on the left is cursive and appears to read 'Tanja'. The second signature on the right is more stylized and appears to read 'Robert'.

Tanja and Robert Lee

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.

Please see separate document for answers.

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

Please see separate document for answers.

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

Please see separate document for answers.

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

Please see separate document for answers.

- (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?

Please see separate document for answers.

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

Please see separate document for answers.

Property Address: 402 Camp Craft Rd.

(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.

A previous variance was approved in order to maintain the existing sport court foundation. The foundation is more than 40 years old and is planned to be returned to use with the addition of a roof. The foundation is a substantial concrete slab. The 17" hackberry proposed for removal will allow the court to be enclosed. If the tree is not approved for removal the foundation will not be able to be enclosed.

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

There are 250 trees on the lot, 221 of which are proposed to remain. Considering the number of trees on the lot we believe the removal of the hackberry is not an unreasonable disruption to the flora considering the scope of the proposed work. We are happy to provide mitigation for these trees as needed.

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

The proposed addition and renovations were carefully designed to maintain the wooded lot of which 221 trees are proposed to remain. The 17" hackberry is too close to the existing concrete slab and should have been removed as a maintenance measure before it reached the size it is now.

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

The proposed addition and renovations were carefully designed to maintain the wooded lot of which 221 trees are proposed to remain. The trees proposed for removal causes the least disruption for the property as a whole. The trees and their preservation was a key component to the proposed design for the property.

(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?

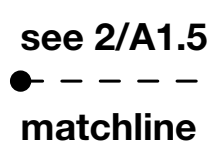
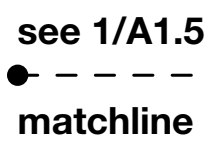
Granting this variance is not in violation of the goals in that the highest priorities of the West Lake Hills' master plan is the preservation of flora, fauna, and natural terrain while respecting and protecting individuals' privacy in all building projects and land use. Granting this variance is in keeping with those goals.

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

Removing the hackberry listed will not affect any neighboring properties as the lot is heavily wooded and the tree in question is both in the interior of the lot and due to poor health is not providing substantial shade or any screening.

[illegible]

note
Trees to be removed are shown on the site plan with the tree number **bolded and underlined**, and with tree trunk shaded.



FURMAN + KEIL ARCHITECTS

402 Camp Craft Road
West Lake Hills, Texas 78746

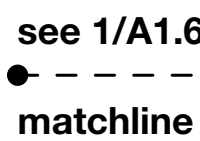
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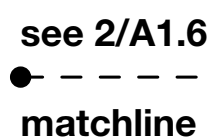
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MC NO.	TRF DESCRIPTION	MC NO.	TRF DESCRIPTION	MC NO.	TRF DESCRIPTION
1	"4" E/W	86	"0" W	174	"4" W/TALENT
2	"4" E/W	87	"0" W	175	"4" W/TALENT
3	"4" E/W	88	"1" W	176	"4" W/TALENT
4	"4" E/W	89	"1" W	177	"4" W/TALENT
5	"4" E/W	90	"1" W	178	"4" W/TALENT
6	"4" E/W	91	"1" W	179	"4" W/TALENT
7	"4" E/W	92	"1" W	180	"4" W/TALENT
8	"4" E/W	93	"1" W	181	"4" W/TALENT
9	"4" E/W	94	"1" W	182	"4" W/TALENT
10	"4" E/W	95	"1" W	183	"4" W/TALENT
11	"4" E/W	96	"1" W	184	"4" W/TALENT
12	"4" E/W	97	"1" W	185	"4" W/TALENT
13	"4" E/W	98	"4" E/W	186	"4" W/TALENT
14	"4" E/W	99	"4" E/W	187	"4" W/TALENT
15	"4" E/W	100	"4" E/W	188	"4" W/TALENT
16	"4" E/W	101	"4" E/W	189	"4" W/TALENT
17	"4" E/W	102	"4" E/W	190	"4" W/TALENT
18	"4" E/W	103	"4" E/W	191	"4" W/TALENT
19	"4" E/W	104	"4" E/W	192	"4" W/TALENT
20	"4" E/W	105	"4" E/W	193	"4" W/TALENT
21	"4" E/W	106	"4" E/W	194	"4" W/TALENT
22	"4" E/W	107	"4" E/W	195	"4" W/TALENT
23	"4" E/W	108	"4" E/W	196	"4" W/TALENT
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42	"4" E/W	127	"4" E/W	215	"4" W/TALENT
43	"4" E/W	128	"4" E/W	216	"4" W/TALENT
44	"4" E/W	129	"4" E/W	217	"4" W/TALENT
45	"4" E/W	130	"4" E/W	218	"4" W/TALENT
46	"4" E/W	131	"4" E/W	219	"4" W/TALENT
47	"4" E/W	132	"4" E/W	220	"4" W/TALENT
48	"4" E/W	133	"4" E/W	221	"4" W/TALENT
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210	"4" E/W	295	"4" E/W	383	"4" W/TALENT
211	"4" E/W	296	"4" E/W	384	"4" W/TALENT
212	"4" E/W	297	"4" E/W	385	"4" W/TALENT
213	"4" E/W	298	"4" E/W	386	"4" W/TALENT
214	"4" E/W	299	"4" E/W	387	"4" W/TALENT
215	"4" E/W	300	"4" E/W	388	"4" W/TALENT

see
series
eets



2



**see
B series
sheets**

see
A series
sheets

NOTE:

hardscape - see landscape architect's drawings for materials, details, and configurations of hardscape elements (planters, walkways, etc.).

pool - drawing for reference only; pool and pool deck not in the contract

planters - see landscape architect's drawings; provide irrigation for all planters.

site - see survey for additional site information.

1



Lee Residence

402 Camp Craft Road
West Lake Hills, Texas 78746

revisions	
date	description
1	--/--/----
2	--/--/----
3	--/--/----
4	--/--/----
5	--/--/----
6	--/--/----

2021 construction documents

7/29/21

site plan proposed

A1.6



SETBACK VARIANCE
STAFF REPORT

September 15, 2021

Project Address: 910 Beaver Trail

Project Number: 2021-1001

Agenda Item: Land Use: **910 Beaver Trail:** Discussion/recommendation on an application for a variance request to encroach a rear building setback (West Lake Hills Code Sec. 22.03.281 & 22.03.275). Dunaway and Associates, agent for Scott Carr.

- Section 22.03.275 – Building Setback Distances
- Section 22.03.281 – Encroachment in a Building Setback

Applicant Information: Dunaway and Associates, Agent for Scott Carr

Hearing Dates:

September 15, 2021

ZAPCO

October 13, 2021

Board of Adjustment

Location: The subject property is located at 910 Beaver Trail.

Zoning & Site Characteristics:

The subject property is zoned B1 Business One.

The site has B-2 Business 2 to the north, east and west, and Extraterritorial Jurisdiction (ETJ) to the south.

Background & Analysis:

The applicant is requesting a variance to encroach in the rear setback. The proposed request would reduce the rear setback from 40 feet per code to 10 feet.

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 – *“The special condition in this case is that the applicant is the owner of the property on both sides of the line of the requested setback would be the only party affected by the reduction of the setback on the subject lot. Strict application of the ordinance would add unnecessary site constraints which would result in site layout disadvantages detailed below.”*

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

The application states – *“The variance will allow siting the building such that tree preservation can be improved and the setback from the adjacent residential property can be increased. On the 0.48 acre subject tract, nine native trees with diameters greater than 14 inches will be preserved along with significant trees smaller than 14 inches.”*

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

The application states – *“The building can be sited without the variance but the setback from the adjacent residence to the south will be reduced and trees preserved less effectively.”*

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

The application states – *“The setback on the adjacent developed retail tract, also owned by the applicant will be preserved at 30 feet. The requested 10-foot setback on the adjacent lot will result in a minimum of 40 feet of separation of the two non-residential buildings which preserves a desirable vegetative screen. The proposed 10-foot setback provides adequate spacing will allowing the flexibility to increase the setback from the residential property and to better preserve the existing trees.”*

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

The application states – *“The purpose of setbacks is to provide a buffer for landowners/occupants from adjacent property over which they have no other control. In this case, the owner is the same, so they are in control of the adjacent development within the limits of the regulations. Further, the proposed variance will result in additional setback and buffer for adjacent residential property without any adverse public visual impact.”*

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

The application states – *“Excluding the applicant’s adjacent property, the drive through bank property to the north will not be adversely affected since the established setbacks will be observed. On the south, the existing residence will be positively affected with additional setback and buffer. From Beaver Trail, on the east the standard setback will be provided and not adversely affect the public view of the building.”*

Outdoor Lighting

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

Compliance with Adopted Uniform 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

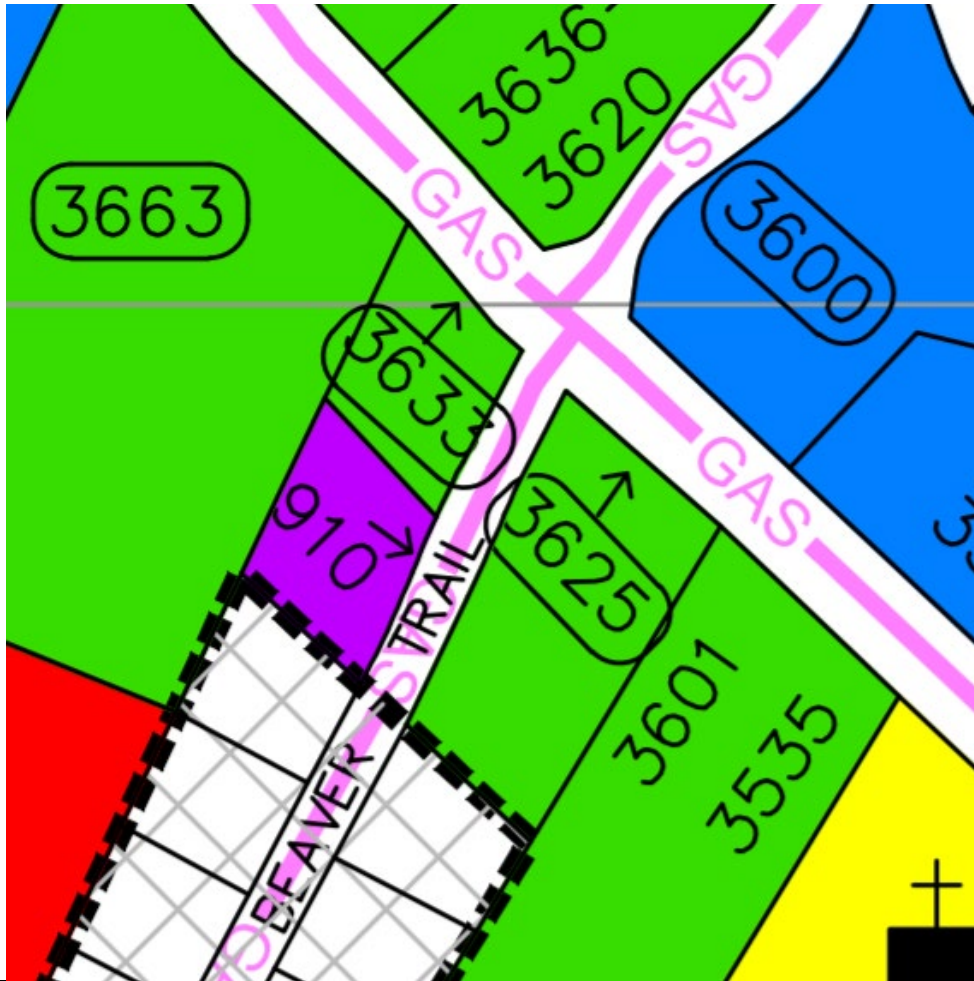
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Staff Recommendation

Staff recommends DENIAL of the variance request based a lack of hardship.

Links to Relevant Code:

- [Sec. 22.03.281](#) [Schedule of Regulations](#)
- [Sec. 22.03.275](#) [Building Setback Distances](#)
- [Sec. 22.03.514](#) [Criteria and process required for granting variance](#)



AERIAL PHOTO





July 27, 2021

Mark Littrell
Zoning & Planning Secretary
Building & Development Services
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

Re: Variance Application
910 Beaver Trail
Austin TX, 78746

Good day,

This submittal includes the following documents for staff review:

1. Application Cover Sheet
2. Answers to Variance Approval Criteria Questions
3. Letter addressed to ZAPCO Chairmen Robert Meisel
4. Power of Attorney Form
5. Exhibit: Site Layout Plan

Thank you,

Meg Greenfield
Graduate Planner
Dunaway Associates, LLC

APPLICATION COVER SHEET

Property Address: 910 Beaver Trail Austin TX, 78746
Applicant Name: Scott Carr
Designated Agent (if any, Power of Attorney Required): John Noell, PE
Applicant Phone Number: 512-306-1771 Email Address: [REDACTED]
Date Application was Submitted: _____
Variance(s) Requested: setback variance

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: _____

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.

The special condition in this case is that the applicant is the owner of the property on both sides of the line of the requested setback and would be the only party affected by the reduction of the setback on the subject lot. Strict application of the ordinance will add unnecessary site constraints which will result in site layout disadvantages detailed below.

- (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?

The variance will allow siting the building such that tree preservation can be improved and the setback from the only adjacent residential property can be increased. On the 0.48 acre subject tract, Nine native trees with diameters greater than 14" will be preserved along with four additional significant trees smaller than 14" in diameter.

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

The building can be sited without the variance but the setback from the adjacent residence to the south will be reduced and trees preserved less effectively.

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

The setback on the adjacent developed retail tract, also owned by the applicant, will be preserved at 30'. The requested 10' setback on the adjacent lot will result in a minimum of 40' of separation of the two non-residential buildings which preserves a desirable vegetative screen. The proposed 10' setback provides adequate spacing while allowing the flexibility to increase the setback from the residential property and to better preserve the existing trees.

- (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?

The purpose of setbacks is to provide a buffer for landowners/occupants from adjacent property over which they have no other control. In this case the owner is the same, so they are in control of the adjacent development within the limits of the regulations. Further the proposed variance will result in additional setback and buffer for adjacent residential property without any adverse public visual impact.

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

Excluding the applicant's adjacent property, the drive through bank property to the north will not be adversely affected since the established setback will be observed. On the south the existing residence will be positively affected with additional setback and buffer. From Beaver Trail on the east the standard setback will be provided and not adversely affect the public view of the building.

Property Address: 910 Beaver Trail Austin TX, 78746



July 15, 2021

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

Dear Mr. Chairman:

Our variance request is limited to the common lot line between 910 Beaver Trail, a 0.48 acre lot zoned B-1 and Lot 1, West Lake Court, the existing adjacent retail development. Both lots are owned by the applicant. The lot at 910 Beaver Trail is proposed to be an office building, the development plans for the retail lot and the office lot are to be integrated with shared parking.

The variance requested is to reduce the setback at the rear lot line of 910 Beaver Trail from 30 feet to 10 feet. The applicant is owner of the properties on both sides of said rear lot line and the variance will not adversely impact either property but will provide benefits to both as described in this application.

The applicant proposed to develop the office building shown on the attached plan which will be connected to the existing retail development with a pedestrian path such that some parking can be shared and the office occupants can walk to restaurants and shops in the retail center. The reduced rear setback at 910 Beaver Trail will allow the office building to be placed on the site such that the significant trees can be better preserved and additional setback can be provided for the residential use to the south of the lot. The alternative layout would reduce the setback from the residential use and have more impact on existing trees.

We request your positive review of the application and are available should you have questions.

Sincerely,



John Noell, PE
Civil Engineering Manager
Dunaway Associates, LLC



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Scott A. Carr
have made, constituted and appointed Dunaway Associates
to be my duly authorized representative in connection with an application dated _____,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

Scott A. Carr
West Lake Court Ltd.
Property Owner/Applicant Name

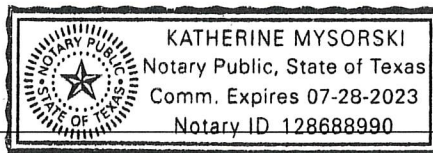
S.A.C.
Property Owner/Applicant Signature

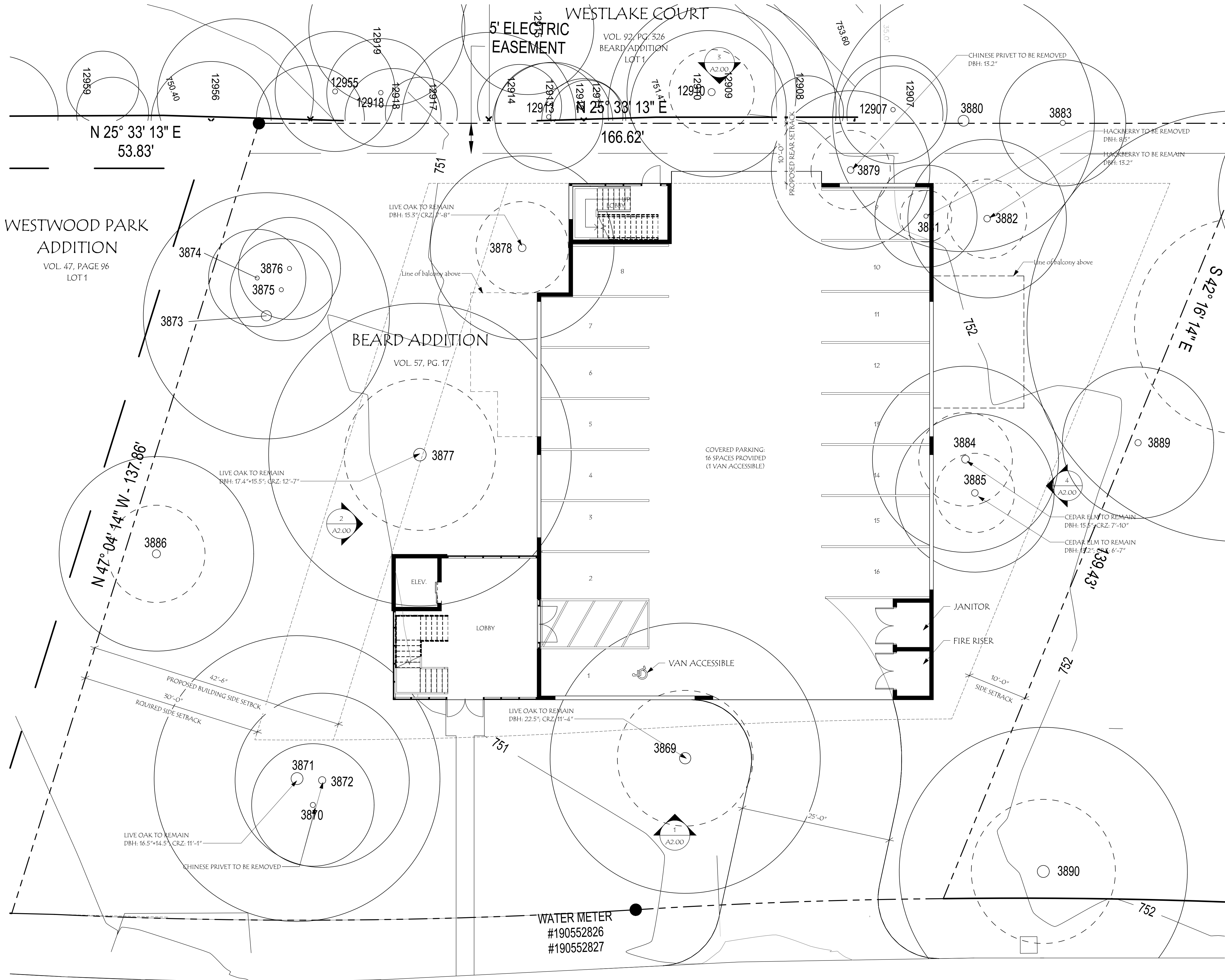
5121 Bee Cave Rd. #207 Austin, TX 78746
Street Address City State Zip Code

512.306.1771
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 14th day of July, 20 21.

K. Mysorski
Notary Public in and for the State of Texas





NOT FOR
CONSTRUCTION

WESTLAKE COURT OFFICES
PRELIMINARY SITE PLAN
910 BEAVER TRAIL
WEST LAKE HILLS, TX 78746

PROJECT INFORMATION

ADDRESS:	910 BEAVER TRAIL
PARCEL ID:	107815
LEGAL DESCRIPTION:	LOT A BEARD ADDN
SITE AREA:	21,078 SF
ZONING:	B-1 BUSINESS 1
NEIGHBORHOOD:	M5205
NEIGHBORHOOD CD:	M5205
EXISTING USE:	EXISTING DUPLEX TO BE DEMOLISHED
HEIGHT:	37'-0" MAXIMUM; 37'-0" PROPOSED
PARKING:	1 SPACE PER 250 SF OF BUSINESS USE 16 SPACES PROVIDED ON-SITE
NATURAL STATE MAINTAINED:	21,078 SF SITE AREA - 8,082 AREA IMPACTED BY NEW WORK = 12,990 SF 12,990 SF NATURAL STATE / 21,078 SF SITE AREA = 61.6% NATURAL STATE MAINTAINED
LOT COVERAGE:	LOT SF * 40% = 8,431.2 SF MAX LOT COVERAGE + (3% INCREASE FROM 40% NATURAL SITE RETAINED) (2% INCREASE FOR 75% OR MORE OF PARKING UNDERNEATH OR TO THE SIDE OR REAR OF BUILDING) 21,078 SF * 40% = 8,431.2 SF MAX COVERAGE PROPOSED LOT COVERAGE: 8,081.91 SF + 8,431.2 SF MAX; COMPLIES

TREE REQUIREMENTS:	ALL TREES EQUAL TO OR GREATER THAN 14" DIAMETER BREAST HEIGHT TO REMAIN.
SCOPE OF WORK:	EXISTING SINGLE FAMILY RESIDENCE TO BE DEMOLISHED, NEW OFFICE SPACE OVER COVERED PARKING

Revisions:	Date
#	Description

As indicated	LAS	TG	2020XXX	5/21/21
Scale:	Drawn By:	Checked By:	Project No.:	Date:

Title:
PROPOSED SITE
PLAN

A1.00