



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, January 19, 2022 at 6:30 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 19th day of January 2022 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 COVID-19 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.

City of West Lake Hills is inviting you to a scheduled Zoom meeting.

Topic: West Lake Hills Zoning and Planning Commission
Time: Jan 19, 2022 06:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85071022148?pwd=SXZEMm1scittVGhOSFRWYU1nQk1udz09>

Meeting ID: 850 7102 2148

Passcode: 105086

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 22, 2021.

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 January 19, 2022.

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 November 17, 2021 Regular Meeting Minutes.
3. Land Use 107 Reveille Road: PUBLIC HEARING ONLY on an application for variances to exceed the maximum allowed height and removal of seven trees with trunk diameters of greater than 14 inches (West Lake Hills Code Section 22.03.279 and 22.03.304). Applicant William Rodriguez.
4. Land Use 499 Rocky River Road: Discussion/recommendation on an application for variances to encroach in a front setback, rear setback and side setback and removal of three trees with trunk diameters of greater than 14 inches (West Lake Hills Code Section 22.03.281 and 22.03.304). Applicant Alice Arterberry.
5. Land Use 1205 Kennan Road: Discussion/recommendation on an application for variances to exceed the maximum cut/fill in a setback, exceed the maximum allowable height of a retaining wall, and removal of eight trees with trunk diameters of greater than 14 inches (West Lake Hills Code Section 22.03.170 and 22.03.304). Applicant John Fitzpatrick.
6. Land Use 1603 Canyon View: Discussion/recommendation on an application for a variance to encroach into a front setback.(West Lake Hills Code Sec. 22.03.281). Applicant Denisse Hudock.
7. Land Use 1109 Yaupon Valley Road: Discussion/recommendation on an application for an After-the-Fact variance to encroach into a side setback for a shed. (West Lake Hills Code Section 22.03.281). Applicant Jeffrey Taylor.
8. Adjournment. Chairman Robert Meisel.

Robert Meisel, Chairman
By Ashby Grundman, Interim City
Administrator

Certificate

I certify that the above Notice of the January 19, 2022 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on 14th of Janaury, 2022 by 5:00 pm. and will remain posted continuously until said meeting is convened.

By Ashby Grundman, Interim City Administrator

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) REGULAR MEETING
Wednesday, November 17, 2021 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Chairman Meisel called the meeting to order at 6:32 p.m.

Members in attendance were Chairman Meisel, Vice Chair James Pledger, and Commissioners Karen Bartoletti, and Laurie Maccini. Commissioner James Vaughn was 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.

- a. Approval of the October 20, 2021 Regular Meeting Minutes.

Motion for Approval made by Commissioner Maccini with a Second by Commissioner Bartoletti.

Motion for Approval carried by a vote of 3 ayes to 0 nays, with Commission Pledger Abstaining and Commissioner Vaughn absent.

3. Land Use 900 Forest View: Discussion/recommendation on a variance request to exceed the maximum allowed impervious cover to build a garage (West Lake Hills Code Sec. 22.03.281). Applicant Jorge Camargo.

Presentation by Applicant

Applicant Jorge Camargo spoke on this item.

Public Hearing

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Motion for Approval made by Commissioner Maccini with a Second by Commissioner

Pledger

Motion for Approval carried by a vote of 4 ayes to 0 nays, with Commissioner Vaughn absent.

4. Land Use 1801 Wildcat Hollow: Discussion/recommendation on an application for a variance for a second driveway cut (West Lake Hills Code Sec 22.03.175). Kim Power, Agent for Florian Aigrain.

Presentation by Applicant

Applicant Kim Power spoke on this item.

Public Hearing

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Motion for Denial made by Commissioner Maccini with a Second by Commissioner Pledger.

Motion for Denial carried by a vote of 4 ayes to 0 nays, with Commissioner Vaughn absent.

5. Land Use 902 Terrace Mountain: Discussion/recommendation on a variance request to construct a driveway that encroaches in the front and side driveway setbacks and exceeds the maximum allowed slope. (West Lake Hills Code Sec. 22.03.175). Stephen Breaux, Agent for Matt and Jennifer Vonderahe.

Presentation by Applicant

Applicant Matt Vonderahe spoke on this item.

Public Hearing

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Motion for Approval made by Commissioner Pledger with a Second by Commissioner Bartoletti.

Motion for Approval carried by a vote of 4 ayes to 0 nays, with Commissioner Vaughn

absent.

6. Land Use Wildcat Harbor Minor Plat: Discussion/recommendation on an application for a minor subdivision plat at 1501 Wildcat Hollow, 1.1426 acres of land, zoned One-Family Residential. (West Lake Hills Code Chapter 36 - Subdivisions). Davin Fillpot, Agent for Vincent and Heidi Restivo.

Presentation by Applicant

Applicant Davin Fillpot spoke on this item.

Public Hearing

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Motion for Approval made by Commissioner Bartoletti with a Second by Commissioner Pledger.

Motion for Approval carried by a vote of 4 ayes to 0 nays, with Commissioner Vaughn absent.

7. Adjournment. Chairman Robert Meisel.

Meeting was adjourned at 7:04 p.m. by Chairman Meisel.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Littrell

These minutes were approved on _____, 2021.



**TREE AND SETBACK VARIANCES
STAFF REPORT**

JANUARY 19, 2022

Project Address: 499 Rocky River

Project Number: 2021-1018

Agenda Item: Land Use: **499 Rocky River Road:** Discussion/recommendation on an application for variances to encroach in a front setback, rear setback and side setback and removal of three trees with trunk diameters of greater than 14 inches (West Lake Hills Code Section 22.03.281 and 22.03.304). Applicant Alice Arterberry.

Applicant Information: Alice Arterberry

Hearing Dates:

January 19, 2022

ZAPCO

February 9, 2022

Board of Adjustment/City Council (Dual Action)

Location: The subject property is located at the northeast corner of Reveille Road and Rocky River Road.

Zoning & Site Characteristics:

The subject property is zoned R1 Family Residential.

The site is surrounded by single-family residential properties.

Background & Analysis:

Currently there is a single-family residential house on the property that is existing nonconforming. The applicant is requesting variances for the construction of a new home. The applicant would demolish the existing home and obtain a building permit for the new one if the variances are approved. The proposed new residence is 7,276 SF with a large swimming pool located in between a cluster of large trees. The property is a corner lot, so there are front setbacks on two sides, and because it is over 0.5 acres, those setbacks are 50 feet.

They are requested variances to encroach into the 50-foot setback 20 feet, creating a 30-foot setback along Rocky River, and to encroach 15 feet into the side setback, creating a 10-foot setback along the southern property line. In addition, they are seeking variances for the removal of three trees with trunk diameters of 14 inches or greater. T260, T261 and T262. T260 is an 18-inch Oak, T261 is a 16-inch Oak and T262 is an 18-inch Oak, for a total removal of 52 inches, requiring a replacement of 78 inches. They have proposed 80 inches of replacement along the property lines.

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 configuration of this corner lot only partially fronts two roadways but is assigned two front yard setbacks which is overly burdensome. Its frontage with Rocky River is a segment of the lot line, the majority of which is shared with the oddly shaped neighboring lot at 501 Rocky River. The 50 ft setback along this lot line is excessive and unfairly limits 25% of the lot. If the existing setbacks were applied to the lot, the buildable area is reduced by almost 80% and is too small to build a home of adequate size for this neighborhood. Additionally, the existing trees on the lot further limit its buildable area.”*

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

The application states – *“The setback reductions do not affect the existing flora or natural terrain in any way. The 3 trees requested to be removed will allow for the preservation and protection of 8 other oak trees, including a large heritage oak.”*

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

The application states – *“Due to the limited buildable area of the lot and the existing trees, design options are very limited. We have submitted a proposed design that strategically avoids the majority of the trees and requires only two minor setback reductions that weren’t already allowed on this lot, previously.”*

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

The application states – *“The proposed design makes the best use of the space allotted by the existing trees and requests the least amount of reduction to the setback standards. It also requests the least amount of approvals for setbacks reductions, considering 1 front setback will be complied with and the other front setback was approved for the home previously built on the lot. Finally, the tree removal requests to remove 3 trees to save 8 other trees, one of which is a heritage tree.”*

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

The application states – *“The configuration of this corner lot, is a special circumstance creating two front yards. The lots partial frontage of Rocky River is insignificant compared to the length of that lot line that is shared with the neighboring property, the encroachment of which pushes the lots already excessive setback even further back, unnecessarily. The reduction we are requesting to 30ft was previously approved. The access the previous property took off Rocky River will be deleted. The removal of 3 small trees is proposed in order to save 8 large trees. The proposed variance maintains the intent of the previously approved plan and zoning compliance.”*

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

The application states – *“The changes proposed essentially maintain the setbacks and buildable area of the previous home. The neighbors, therefore, will enjoy essentially the same impact that they always have. The trees removed are on the interior of the lot and will not affect neighboring properties.”*

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 requested variances as the variances are design driven.

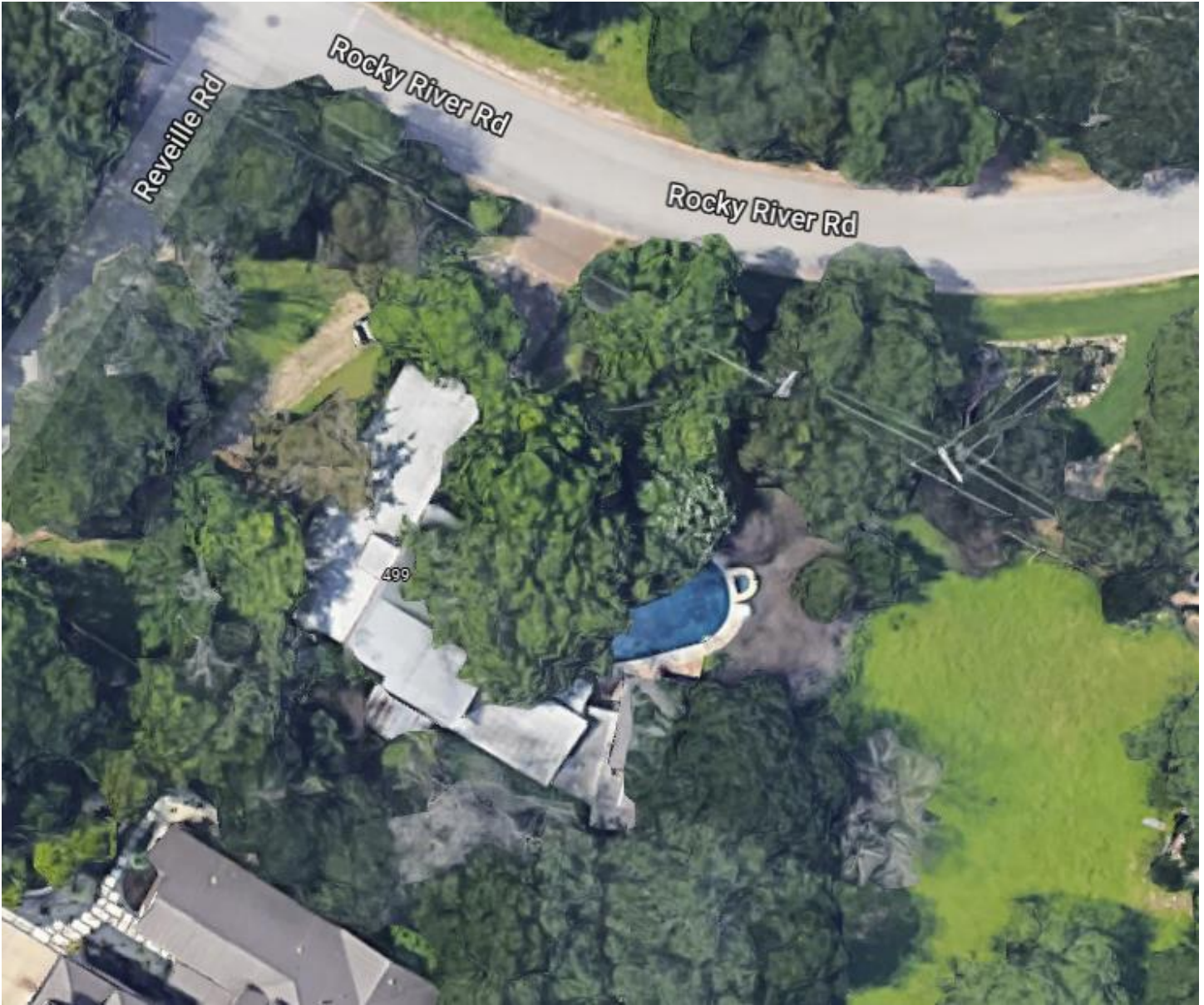
Links to Relevant Code:

- [Sec. 22.03.281 Schedule of Regulations](#)
- [Sec. 22.03.304 – Tree and Vegetation Removal and Replacement](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)

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: BPJK LLC Phone: 323.236.5182
Email: [REDACTED]
Address: 2105 Paseo Dorado City: La Jolla State: CA Zip: 92037
Agent*: David Cancialosi Phone: 512-799-2401
Email: [REDACTED]
Address: 92037 City: Austin State: TX Zip: 92037
Property Address: 499 Rocky River Rd City: West Lake Hills State: TX Zip: 78746

Property Information

Subdivision Name: Joe Smith Resub of Lots 37-39 & W 1/2 of Lot 40 O*
Block: B Lot: 1 TCAD Tax Parcel ID: 0113150705
Current Zoning Classification: NONE Total Lot Size (Acres): .6230

**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) Requesting a 10ft side yard setback, instead of what is considered a 30ft "rear yard" setback
- 2) Requesting a 10ft side yard setback, instead of the 25ft interior yard setback
- 3) Requesting a 30ft side yard setback off of Rocky River, which maintains what the original house was given, instead of what is considered the 50ft "front yard" Setback
- 4) Requesting the removal of tree T260 18" Oak
- 5) Requesting the removal of tree T261 16" Oak



VARIANCE APPLICATION

6) Requesting the removal of tree T262 18" Oak

7)

8)

9)

10)

Brief Description of project/why variances are needed: 499 Rocky River is a corner lot that fronts Rocky River and

Reveille Street, causing it to have two "front" yard setbacks of 50ft each, in addition to the 30ft "rear" yard setback and 25ft side yard setbacks. Due to the neighboring property that ~~encroaches on the lot's Rocky River frontage, that setback is additionally excessive and overly burdensome. If the existing setbacks were enforced now, they would reduce the~~ build-able area of the lot almost 80%, leaving a little over 20% of the lot to be built on. We are requesting the same 30ft setback off Rocky River that the previous home on this lot ~~enjoyed when it had access to Rocky River. We are requesting a reduction of the 30ft "rear" yard setback and 25ft interior yard setback to a 10ft setback each in order to collectively~~ increase the total build-able area of the lot, from 20% to 50%. We propose to delete the previously approved access off Rocky River and take access off of Reveille only to create 1 true front yard where the 50ft setback will be complied with. ~~We are also requesting the removal of a cluster of (3) oak trees less than 19" in diameter so that the new home can be~~ positioned to protect 8 other oak trees, including a heritage oak.

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.

~~The configuration of this corner lot only partially fronts two roadways but it is assigned two front yard setbacks which is overly burdensome. Its frontage with Rocky River is a segment of the lot line, the majority of which is shared with the oddly shaped neighboring lot at 501 Rocky River. The 50ft setback along this lot line is excessive and unfairly limits 25% of the lot. If the existing setbacks were applied to this lot, the build-able area is reduced by almost 80% and is too small to build a home of adequate size for this neighborhood. Additionally, the existing trees on the lot further limit its build-able area to be removed are in the middle of the build-able area.~~

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?

~~The setback reductions do not affect the existing flora or natural terrain in any way. The 3 trees requested to be removed will allow for the preservation and protection of 8 other oak trees, including a large heritage oak.~~

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

~~Due to the limited build-able area of the lot and the existing trees, design options are very limited. We have submitted a proposed design that stratigically avoids the majority of trees and requires only two minor setback reductions that weren't already allowed on this lot, previously.~~

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 design makes the best use of the space allotted by the existing trees and requests the least amount of reduction to the setback standards. It also requests the least amount of approvals for setback reductions, considering 1 front setback will be complied with and the other front setback was approved for the home previously built on the lot. Finally, the tree removal requests to remove 3 trees in order to save 8 other trees, one of which is a heritage tree.~~



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?

The configuration of this corner lot, is a special circumstance creating two front yards. The lot's partial frontage of Rocky River is insignificant compared to the length of that lot line that is shared with the neighboring property, the encroachment of which pushes the lot's already excessive setback even further back, unnecessarily. The reduction we are requesting to 30ft was previously approved. The access the previous property took off Rocky River will be deleted. The removal of 3 small trees is proposed in order to save 8 large trees. The proposed variance maintains the intent of the previously approved plan and Zoning compliance.

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

The changes proposed essentially maintain the setbacks and build-able area of the previous home. The neighbors, therefore, will enjoy essentially the same impact that they always have. The trees removed are on the interior of the lot and will not affect neighboring properties.

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).

DAVID CHACE CANCIALOSI

1/10/22

Signature

Date

DAVID CHACE CANCIALOSI

Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☒ Completed, signed application
- ☒ Power of Attorney form, if applicable
- ☒ Proof of ownership of subject property
- ☒ Completed Variance Hardship Questionnaire
- ☒ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☒ Property survey
- ☒ Proposed site plan with building setbacks clearly labeled
- ☒ Building elevations, if applicable
- ☒ Tree and topo survey, if applicable
- ☒ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☒ 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.*)
- ☒ 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: _____

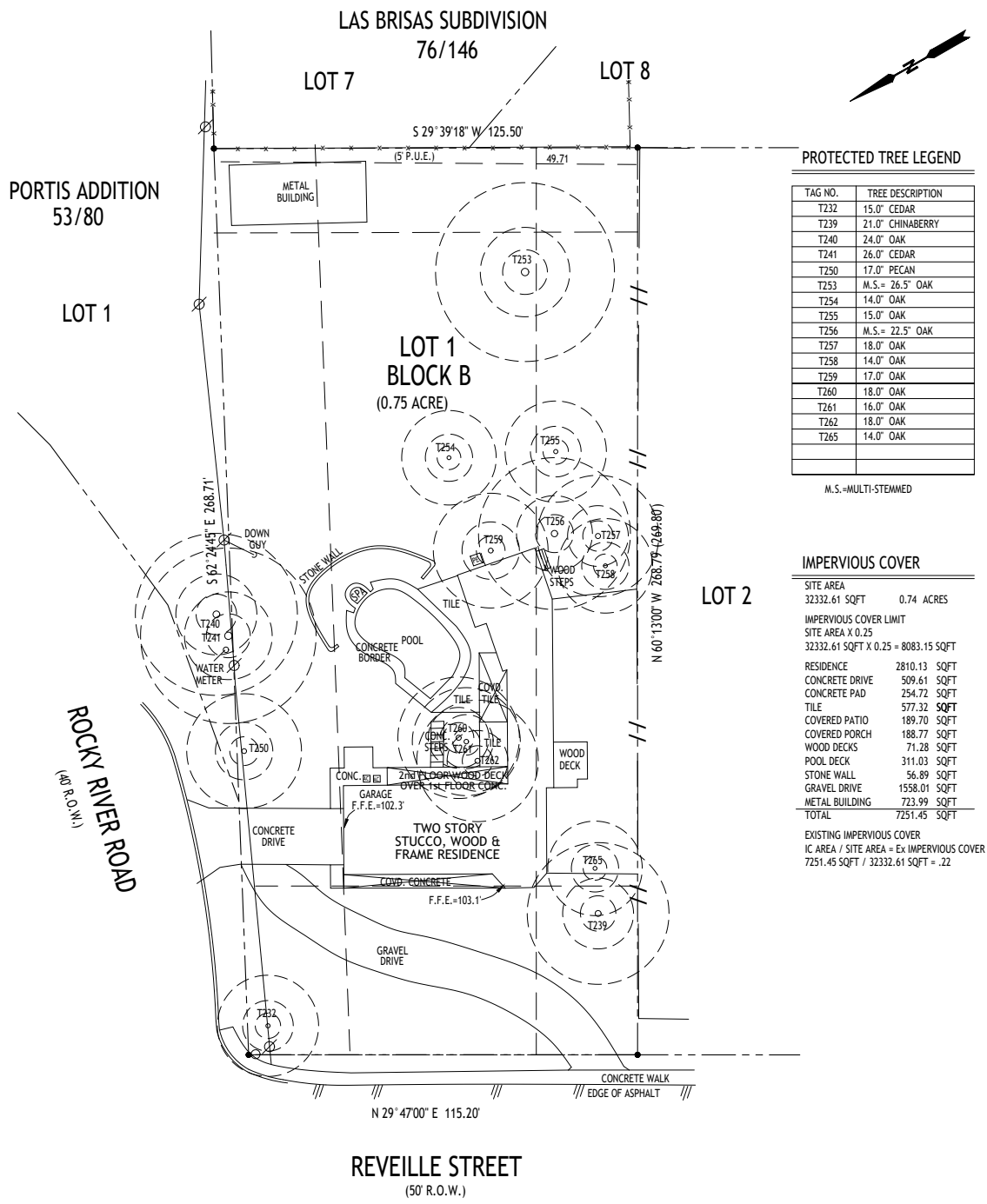
ZAPCO Recommendation: _____

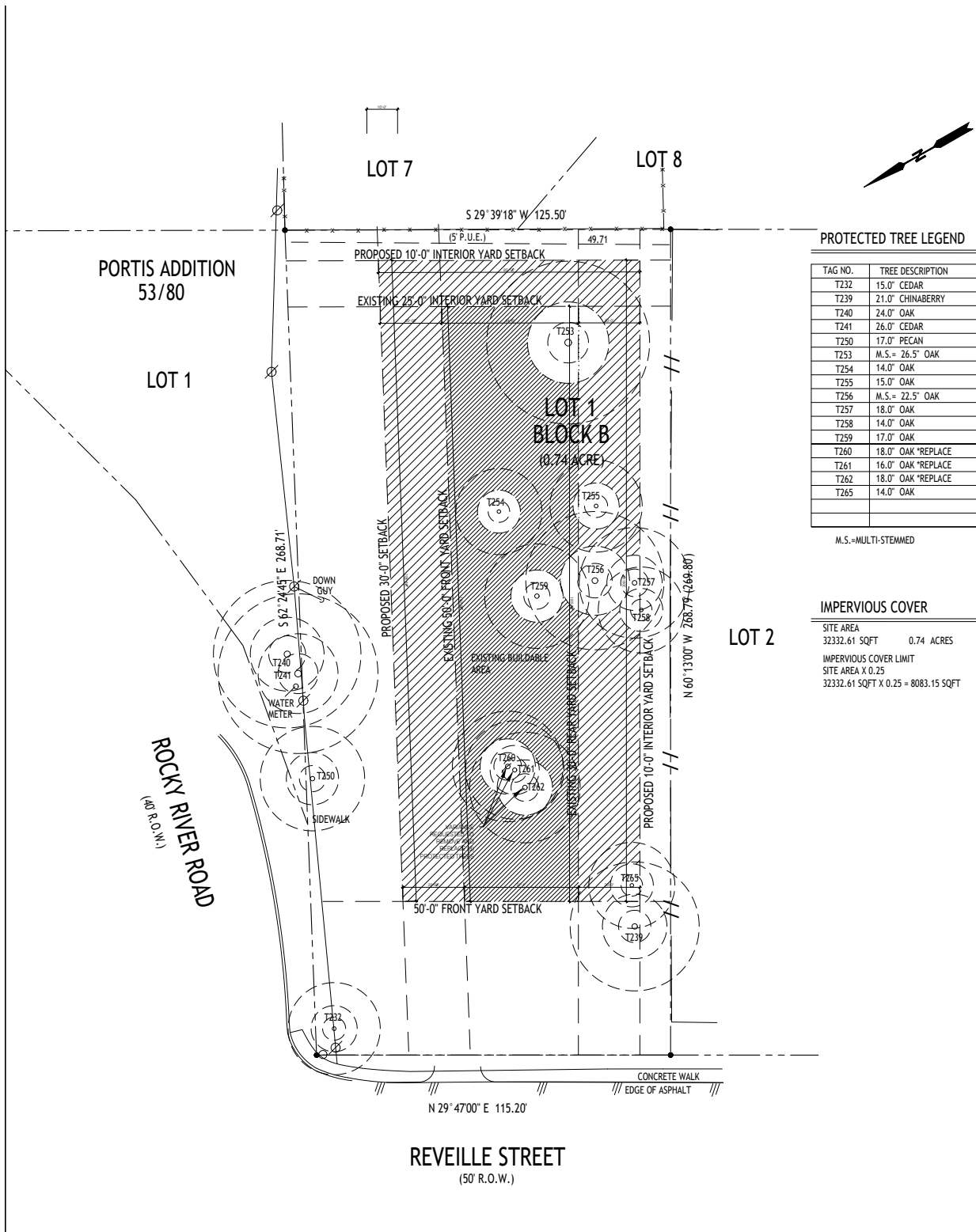
Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:





PROTECTED TREE LEGEND

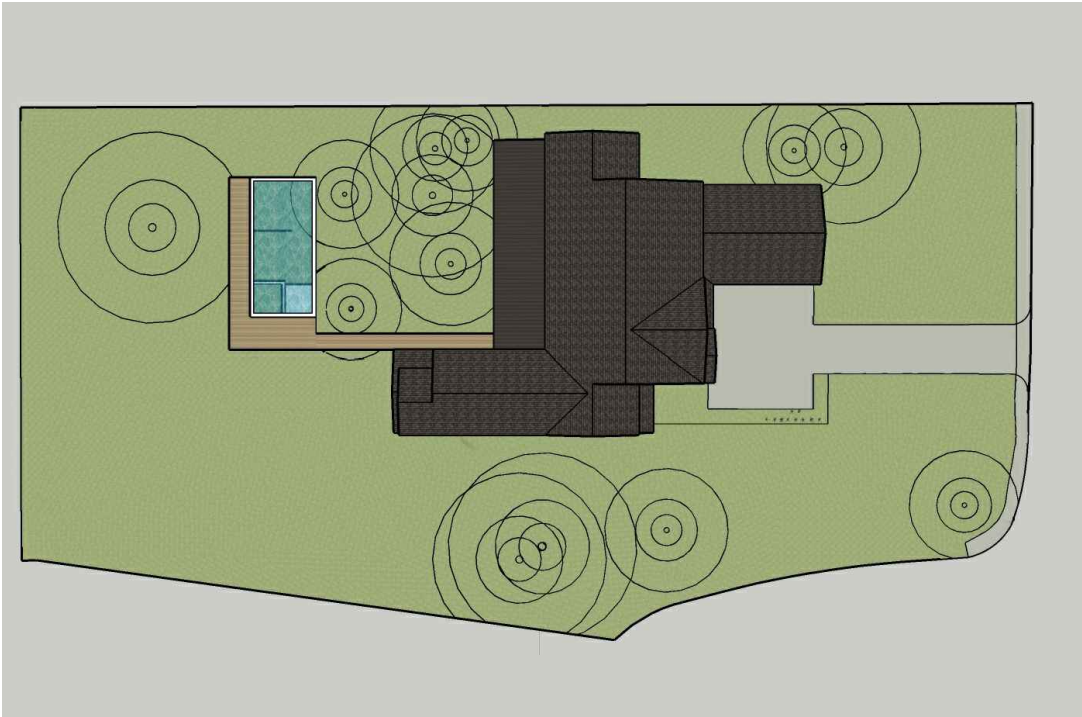
TAG NO.	TREE DESCRIPTION
T232	15.0" CEDAR
T239	21.0" CHINABERRY
T240	24.0" OAK
T241	26.0" CEDAR
T250	17.0" PECAN
T253	M.S. = 26.5" OAK
T254	14.0" OAK
T255	15.0" OAK
T256	M.S. = 22.5" OAK
T257	18.0" OAK
T258	14.0" OAK
T259	17.0" OAK
T260	18.0" OAK "REPLACE"
T261	16.0" OAK "REPLACE"
T262	18.0" OAK "REPLACE"
T265	14.0" OAK

M.S.=MULTI-STEMMED

IMPERVIOUS COVER

SITE AREA	0.74 ACRES
32332.61 SQFT	
IMPERVIOUS COVER LIMIT	
SITE AREA X 0.25	
32332.61 SQFT X 0.25 = 8083.15 SQFT	





SITE PLAN



PERSPECTIVE FROM REVILLE STREET AND ROCKY RIVER ROAD INTERSECTION



PROPOSED FRONT ELEVATION FROM REVILLE STREET

PROPOSED ELEVATIONS

drawn by: NF
checked by: AA
date: 01/09/2022
file: 1901092022

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF ARTERBERRY COOKE ARCHITECTS
COPYRIGHT © ARTERBERRY COOKE ARCHITECTS

Project Owner: *****
Project Address: *****

ARTERBERRY COOKE ARCHITECTS
2415 Vista Lane
Rocky River, OH 44131
303.286.5192
arterberrycooke.com

NO PART THEREOF SHALL BE COPIED OR USED IN CONNECTION WITH ANY WORK OTHER THAN THAT FOR WHICH THEY WERE PREPARED WITHOUT WRITTEN CONSENT OF ARTERBERRY COOKE ARCHITECTS

Revisions By

ARTERBERRY COOKE ARCHITECTURE



**MULTIPLE VARIANCES
STAFF REPORT**

JANUARY 19, 2022

Project Address: 1205 Kennan Road

Project Number: 2021-1016

Agenda Item: Land Use: **1205 Kennan Road:** Discussion/recommendation on an application for variances to exceed the maximum cut/fill in a setback, exceed the maximum allowable height of a retaining wall, and removal of eight trees with trunk diameters of greater than 14 inches (West Lake Hills Code Section 22.03.170 and 22.03.304). Applicant John Fitzpatrick.

Applicant Information: John Fitzpatrick

Hearing Dates:

January 19, 2022

ZAPCO

February 9, 2022

Board of Adjustment/City Council (Dual Action)

Location: The subject property is located along the east side of Kennan Road, at the north end of the road.

Zoning & Site Characteristics:

The subject property is zoned R1 Family Residential.

The site is surrounded by a single-family residential property on all sides.

Background & Analysis:

The applicant is seeking the removal of eight (8) trees with trunk diameters of 14-inches or greater, they are:

- T22 – a 17-Inch Cedar
- T31 – a 23-Inch Cedar
- T39 – a 17-Inch Cedar
- T62 – a 24-Inch Red Oak
- T74 – a 14-Inch Cedar
- T93 – a 14-Inch Cedar
- T96 – a 14-Inch Cedar
- T111 – a 14-Inch Cedar

Total removal is 137 inches, with a required replacement of 205.5 inches.

The applicant is also seeking a variance for a cut greater than 18 inches in a setback. There is also a variance request for a retaining wall that is greater than 6 feet above existing grade.

The proposed emergency vehicle parking on either side of the driveway is the basis for cut/fill and retaining wall variances. There is cut greater than 18 inches in the front setback on the south side of the driveway and a retaining wall over 6 feet tall on the north side of the driveway for the turnaround/parking area.

Variance Criteria Review:

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

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

The application states – “Tree variances are necessary since any location the house may be placed, protected trees 14” in diameter or greater would need to be removed. Several alternative designs and locations were studied, but these created additional hardships that would require a larger number of protected trees to be removed and would necessitate building on steep slopes that are existing on three sides of the property that would result in harm to the existing environment.

The dead-end existing access drive is narrow and does not allow any maneuvering or parking for fire and emergency vehicles and therefore presents a safety hardship. This emergency vehicle parking is partially located in a sloping grade area requiring a grade cut of greater than 18” in a setback (Sec. 22.03.170 (f) and the construction of a retaining wall greater than 6’ above existing grade (Sec. 22.03.170 (g)).”

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

The application states – “The property has grade slopes varying from 28% to 52% on three sides. By limiting the majority of the construction to the flatter part of the lot and in the area that contains the fewest trees, the design preserves the greatest amount of existing natural terrain and flora. ”

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

The application states – “Many design options were considered, but due to the limitations of building setback lines, steep terrain on three sides of the property and protected tree locations; any efficient layout and design that accommodates the owner’s needs would create additional variances and hardships. These hardships would include building into slopes greater than 28% to 52% causing environmental disruption of the topography and damage to existing flora, exceeding height restrictions, as well as removal of a greater number of protected trees requiring additional variances.”

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

The application states – “The variances requested are the minimum required to alleviate the difficulty or hardship since of the 329 existing trees on the property, 42 are protected trees with 14” diameters or greater, 8 of which we are requesting to be removed. - The house location also causes the least disruption of steep grades and is the largest open area containing the least number of trees. - The variances required for alleviating the hardship of having no fire and emergency vehicle access is the minimum required. We have conducted meetings with the Fire Marshall, and he agreed that lack of emergency access is a safety issue. He gave us guidance to determine the proper driveway design and instructed us to provide for an 80,000 lb. load limit for fire trucks. Please see the Fire Marshall Letter on pgs. 51 - 53 to review his statement regarding this property. An emergency turn out has also been provided to allow for emergency vehicles to park while allowing traffic to pass on the one-way access road. The Arborist has also made two references in his report regarding

lack of emergency vehicle provisions. The property is also subject to forest fires and the fuel ladder effect due to the steep terrain and undergrowth.

The Arborist stated in his report on pg. 45 that the property does not have sufficient clearance for emergency vehicles.”

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states – *“The design of the residence does not violate the intent of the Zoning Ordinance or goals of the City’s Comprehensive Plan since the property will maintain it’s natural wooded character and will provide the best solution to protect the existing environment. All improvements will be constructed in full compliance with all City ordinances (Sec. 22.03.300). Numerous beautiful new trees will be planted in accordance with the City’s tree mitigation replacement ordinance (Sec. 22.03.304 (d). The construction of the fire and emergency vehicles access and parking area are stipulated in the City’s “Building Regulations” (Sec. 22.03.175 (C)(1)” Safe access for police and fire protection”.*

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – *“There is little of no effect on adjacent properties since the entire neighborhood is heavily wooded. No neighbor will be able to see the majority of the proposed house because of the thick tree cover and all houses but one are up to 180’ away. None of the protected trees proposed to be removed by variances are visible to adjacent properties since they are located in the center of the lot. Even the closest neighbor will not be able to see most of the proposed house. We have located our outdoor activities area to the opposite side of the lot from this neighbor. The fire and emergency vehicle area will also not be seen by any neighbors and will actually be a benefit to the neighborhood since it will increase safety to the entire area by allowing easier access to first responders.”*

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.

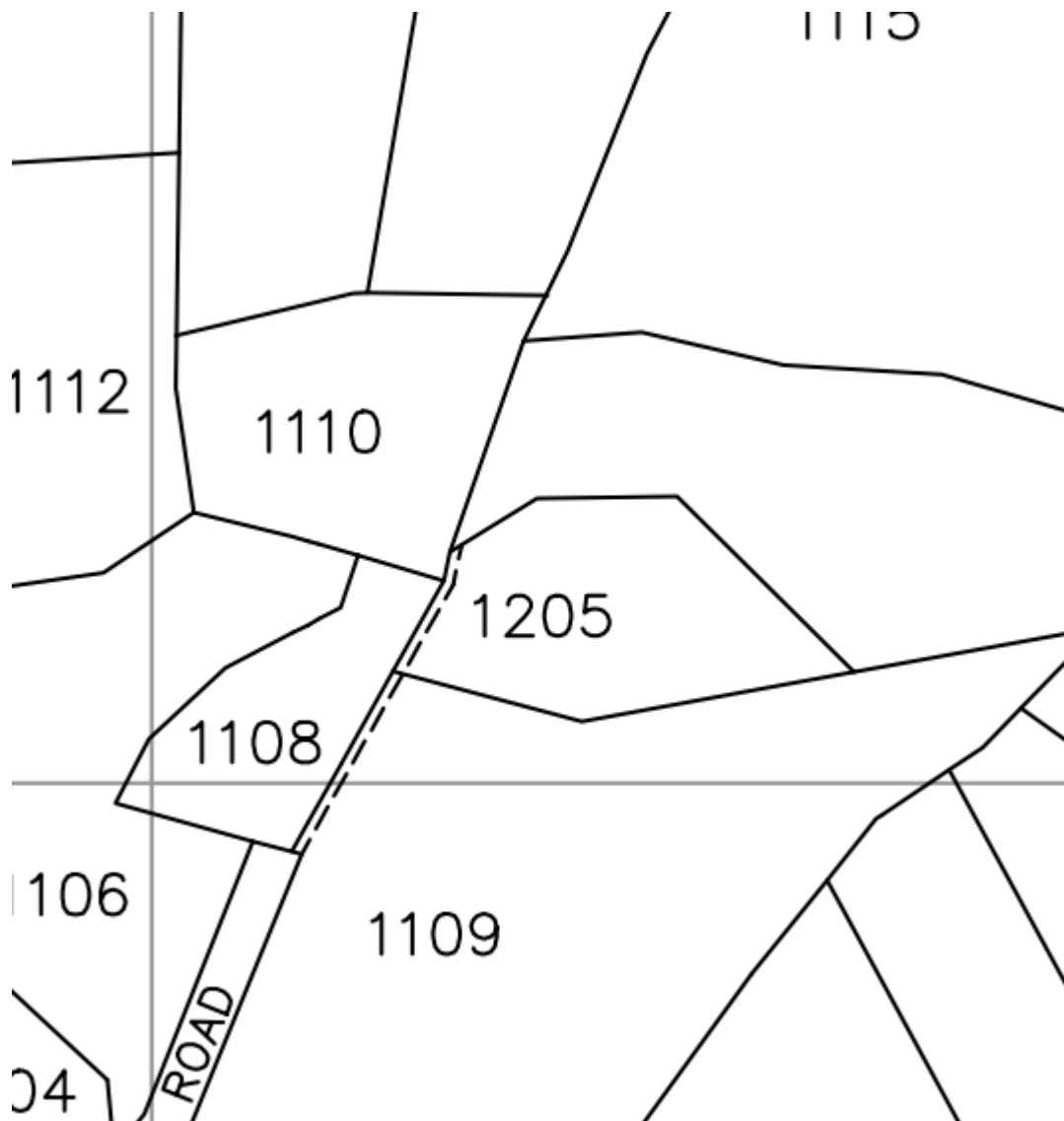
Staff Recommendation

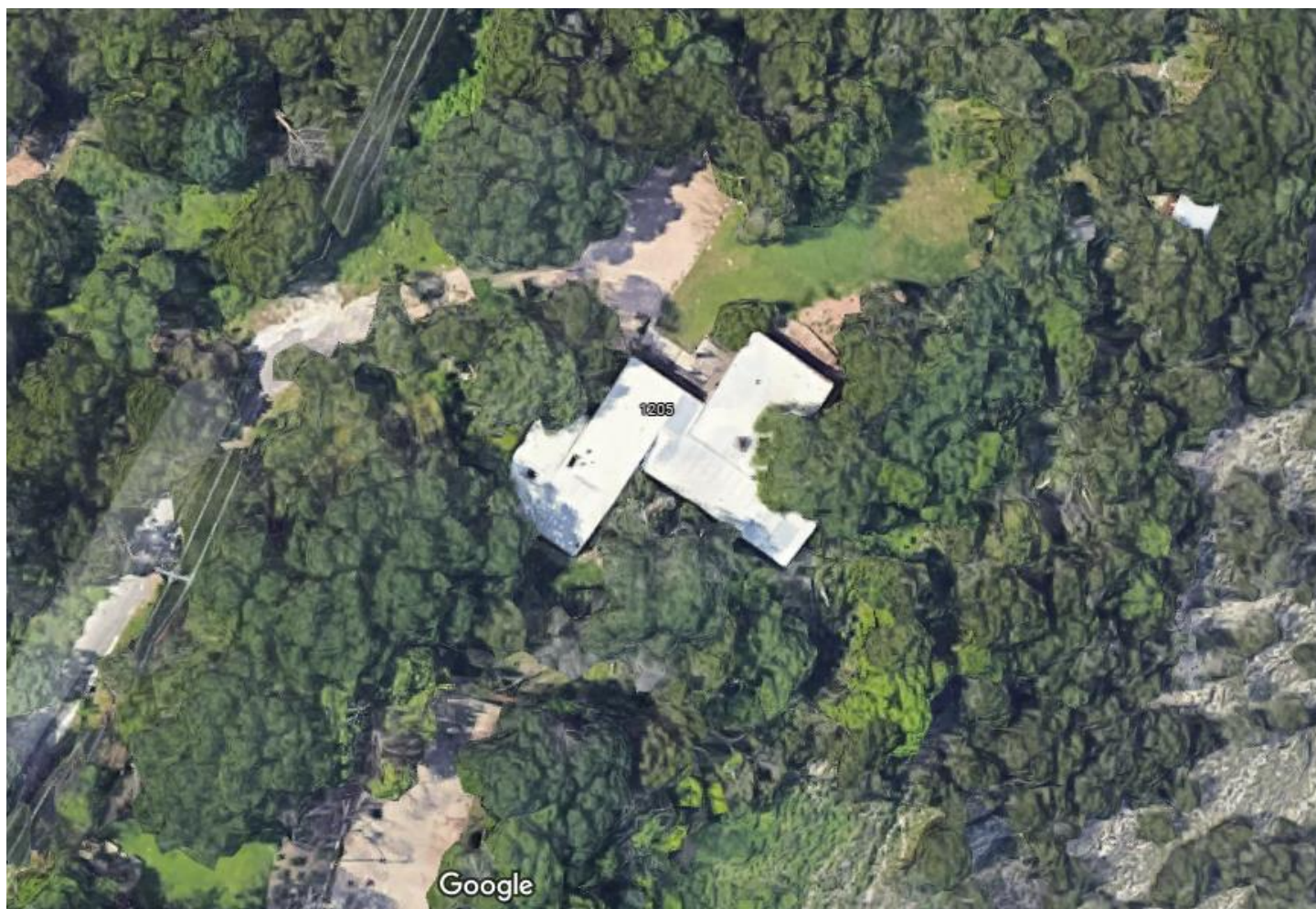
Staff recommends: DENIAL of the requested variances. Some of the tree variances can be supported, but the basis for the cut/fill and retaining wall is tied to the elevation needed for the house. While emergency vehicle access is important, there are less impactful options that need to be explored.

Links to Relevant Code:

- [Sec. 22.03.304 – Tree and Vegetation Removal and Replacement](#)
- [Sec. 22.03.170 – Site Disturbance \(excavation, grading or filling\)](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)

ZONING MAP





City of West Lake Hills Variance Application Packet
for the Property Located at 1205 Kennan Rd., West Lake Hills, Tx.

12-2-21

Table of Contents

AERIAL MAP 2

AERIAL PHOTO 3

LETTER TO ZAPCO CHAIRPERSON 4

VARIANCE APPLICATION 6

LIST OF VARIANCES BEING APPLIED FOR 11

BRIEF DESCRIPTION OF PROJECT/WHY VARIANCES ARE NEEDED..... 12

ANSWERS TO VARIANCE QUESTIONNAIRE 12

TREE VARIANCE PHOTOS AND DESCRIPTIONS 15

PROPERTY PHOTOS AND DESCRIPTIONS 19

ARCHITECT’S DESIGN CONSIDERATIONS OF TREE #32 AND TREE #62 27

ARBORIST TREE VARIANCE REPORT – VALUE STUDY OF TREES #32 & #62 30

ARBORIST ASSESMENT FOR TREE #31 41

ARBORIST TREE PROTECTION PLAN..... 42

ARBORIST WILDFIRE RISK ASSESSMENT & MITIGATION RECOMMENDATIONS 44

FIRE MARSHALL LETTER 51

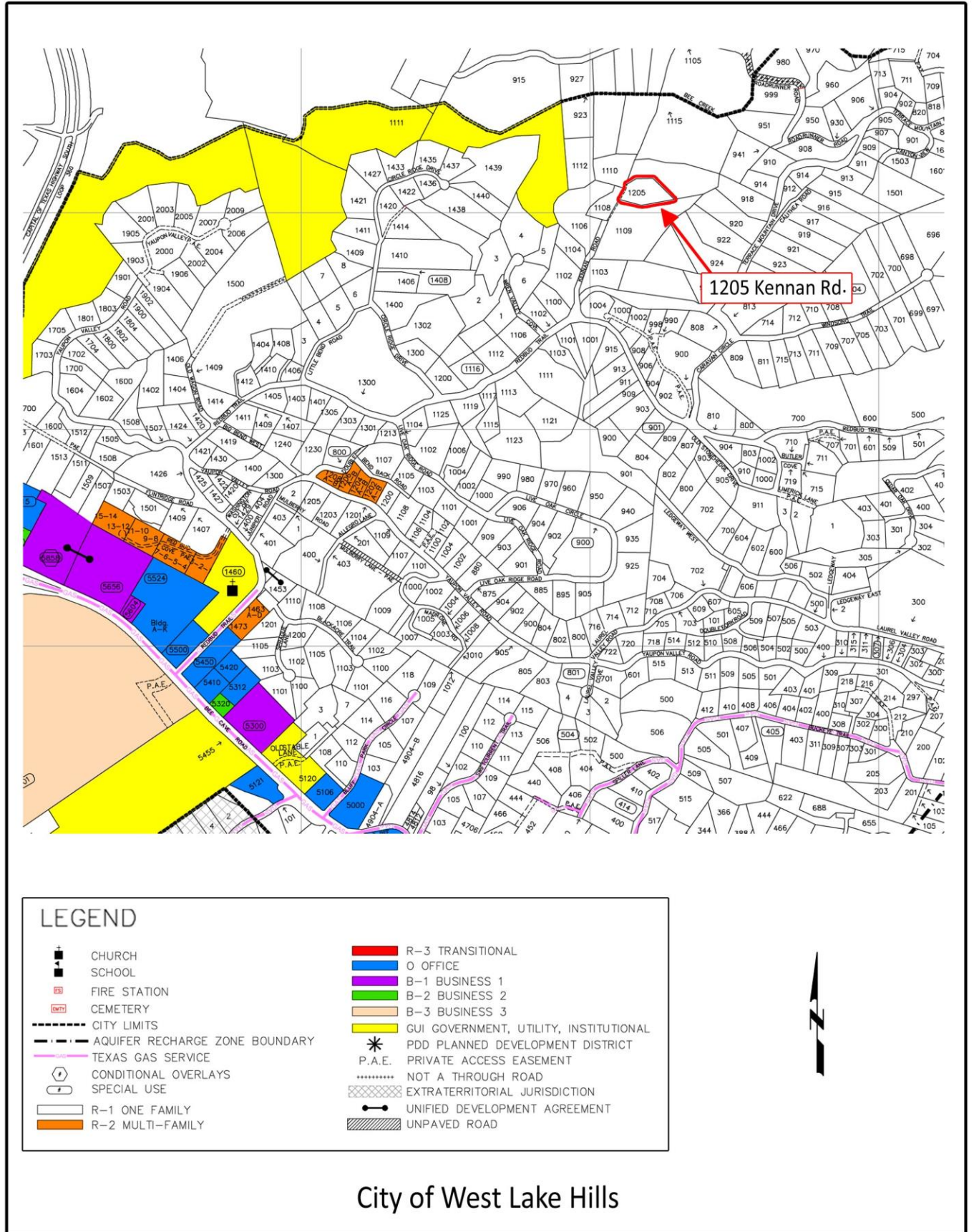
PROOF OF PROPERTY OWNERSHIP 54

POWER OF ATTORNEY DOCUMENT..... 59

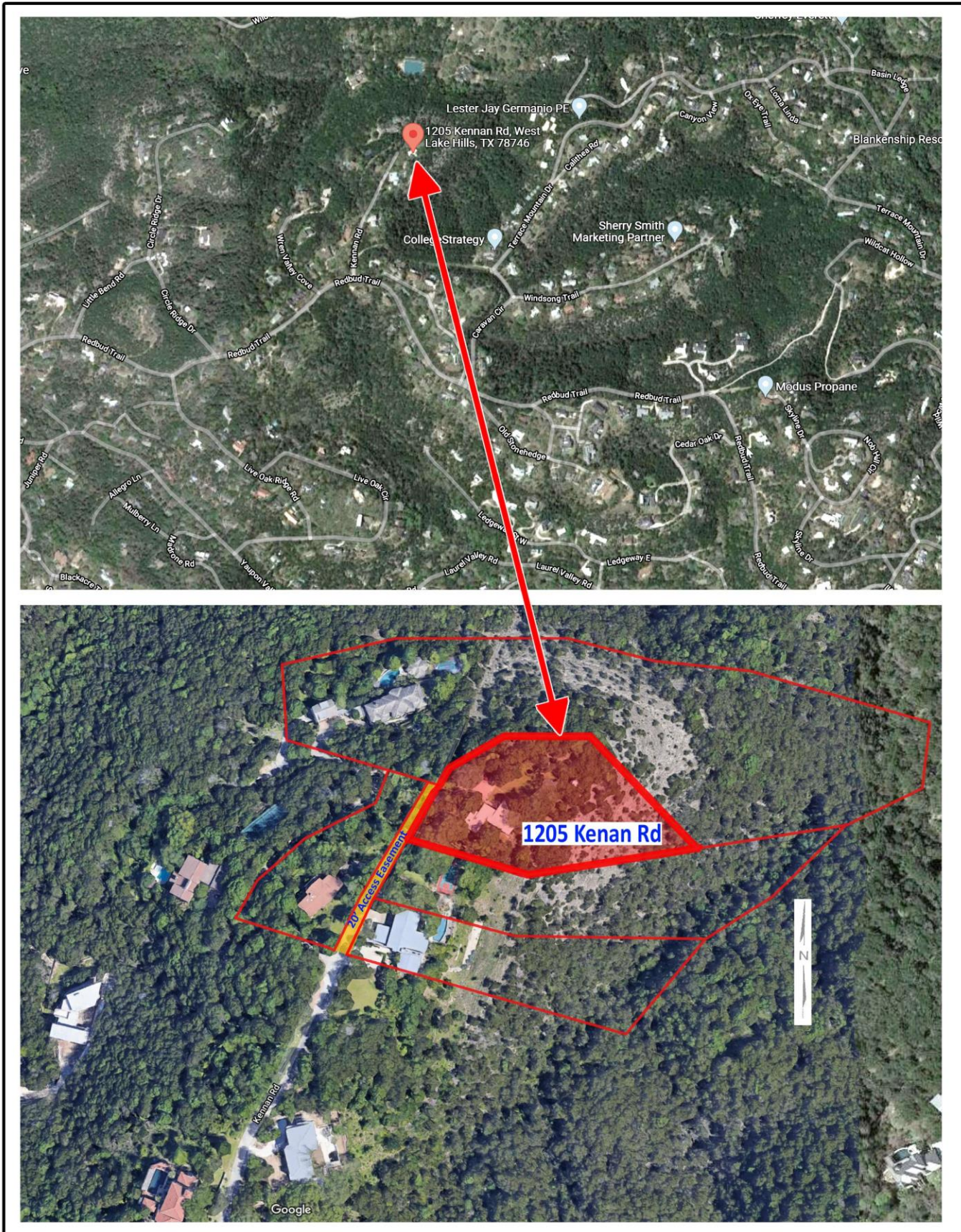
SUPPORT DRAWINGS

- SURVEY..... SURV-1
- SITE PLAN..... A-1
- SITE PLAN..... A-2
- SITE PLAN..... A-3
- SITE PLAN..... A-4
- RENDERINGS..... A-5
- 1ST FLOOR PLAN..... A-6
- 2ND FLOOR PLAN..... A-7
- ROOF PLAN..... A-8

AERIAL MAP



AERIAL PHOTO



LETTER TO ZAPCO CHAIRPERSON



November 2, 2021

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

We seek approval for the minimum variances necessary to construct a new residential project located at 1205 Kennan Road. The property is zoned R-1 and consists of approximately 1.539 acres. The lot is heavily wooded, contains steep slopes of 28% to 52% grades on three sides and has a relatively flat open area in the center that provides an ideal location for the proposed structure. A narrow one-way access drive provides the only access to the site. Proposed plans will include demolishing an existing 1950's house and building a new single family two-story residence.

* Please see Property Photos and Descriptions on pgs. 19 - 26 for property features and comments.

The property contains 329 trees including 42 protected trees of 14" in diameter or greater. We are requesting variances to remove 8 of these protected trees. Multiple designs were explored to preserve the greatest number of trees and the proposed design resulted in the removal of the least number protected trees which will best preserve the existing natural wooded environment.

Our hardship is that anywhere the structure is located on the property, several protected trees will have to be removed and there is a safety hardship if fire prone juniper trees were to remain in close proximity to the building. The protected trees proposed to be removed are in areas not visible from neighboring properties. All but one of the protected trees proposed to be removed are juniper trees. The natural flora could be enhanced by removal of juniper trees that will be replaced by other native trees through the City's mitigation ordinance.

The trees requiring variances under (Sec. 22.03.304 (a)(4) are: #22, 17" Juniper; #31, 23" Juniper; #39, 17" Juniper; #62, 26" Red Oak; #74, 14" Juniper; #93, 14" Juniper; #96, 14" Juniper; #111, 14" Juniper.

* Please see Tree Variance Photos and Descriptions on pgs. 15 - 18 for comments concerning each tree.

The only way to reach the property is by a narrow dead-end access road which provides no parking or any maneuvering area for fire and emergency vehicles. This is a safety hardship since the proposed residence will have very limited options for responders to provide service. The

proposed plan includes an improved driveway and two emergency vehicle parking areas which provide for multiple maneuvering and parking options. This plan has been reviewed during two meetings with Michael Lacey, the City Fire Marshall, who gave us guidance for the design. Please see the Fire Marshall Letter on pgs. 51 - 53.

These safety improvements are located in a sloping area requiring grade alterations.

Two variances are requested for the construction of the driveway safety improvements which are:

Making a cut greater than 18" into a setback. (Sec. 22.03.170 (f)).

Building a retaining wall greater than 6' above existing grade. (Sec. 22.03.170 (g))

Several designs of this project have been produced, but due to the limitations the property regarding building setback lines, protected tree locations, open spaces, major grade slopes and site topography, this building site location has been selected to accommodate and enhance the overall features of this property and to maintain the existing distinctive features of its natural environment.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink that reads "John B. Fitzpatrick". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

John Fitzpatrick, AIA

Fitzpatrick Architects P.C.

VARIANCE APPLICATION

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: Zack & Courtney Britton Phone: 661-618-7413

Email: [REDACTED]

Address: 8409 Chalk Knoll Dr City: Austin State: TX Zip: 78735

Agent*: John Fitzpatrick Phone: 512-306-9709

Email: [REDACTED]

Address: 9550 Savannah Ridge Dr. City: Austin State: TX Zip: 78726

Property Address: 1205 Kennan Rd. City: West Lake Hills State: TX Zip: 78746

Property Information

Subdivision Name: A 1.5391 acre tract situated in the A.L.D. Bonham
Survey No. 503, Abstract No 75.

Block: n/a Lot: n/a TCAD Tax Parcel ID: 119979

Current Zoning Classification: R-1 Total Lot Size (Acres): 1.5391

*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 pg. 11
- 2) _____
- 3) _____
- 4) _____
- 5) _____



VARIANCE APPLICATION

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

Brief Description of project/why variances are needed: Please see pg.12

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 pg.12

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 pg.12

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

Please see pg.13

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 pg.13



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 pg.14

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 pg.14

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).


Signature

12/2/2021
Date

John B. Fitzpatrick
Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☒ Completed, signed application
- ☐ Power of Attorney form, if applicable **(pending)**
- ☒ Proof of ownership of subject property
- ☒ Completed Variance Hardship Questionnaire
- ☒ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☒ Property survey
- ☒ Proposed site plan with building setbacks clearly labeled
- ☐ Building elevations, if applicable
- ☒ Tree and topo survey, if applicable
- ☒ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☒ 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.*)
- ☐ 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:

LIST OF VARIANCES BEING APPLIED FOR

A. TREES

Note: Of the 329 trees on the property, including 42 protected trees of 14" in diameter or greater, we are requesting variances to remove 8 of the trees 14" in diameter or greater.

Trees 14" in diameter or greater to be removed requiring variances - Sec. 22.03.304 (a)(4):

- Remove tree 14" or greater – Tree #22, 17" Juniper – Sec. 22.03.304(a)(4)
- Remove tree 14" or greater – Tree #31, 23" Juniper – Sec. 22.03.304(a)(4)
 - Please see Arborist Assessment for tree #31 on pg. 41 for removal of Tree # 31 which will restrict growth of Tree #37, 24" Live Oak
- Remove tree 14" or greater – Tree #39, 17" Juniper – Sec. 22.03.304(a)(4)
- Remove tree 14" or greater – Tree #62, 24" Red Oak – Sec. 22.03.304(a)(4)
 - Please see Arborist Tree Variance Report on pgs. 30 - 40 for the comparison of removing Tree # 62 and saving Tree #32
- Remove tree 14" or greater – Tree #74, 14" Juniper – Sec. 22.03.304(a)(4)
- Remove tree 14" or greater – Tree #93, 14" Juniper – Sec. 22.-3.304(a)(4)
- Remove tree 14" or greater – Tree #96, 14" Juniper – Sec. 22.03.304(a)(4)
- Remove tree 14" or greater – Tree #111, 14" Juniper – Sec. 22.03.304(a)(4)
 - Please see Tree Variance Photos and Descriptions on pgs. 15 - 18 for comments concerning each tree.
 - Please see Arborist Tree Variance Report on pgs. 30 – 40 for Tree #62 health vs. Tree #32.
 - Please see Arborist Tree Protection Plan on pgs. 42 – 43.
 - Please see Arborist Wildfire Risk Assessment and Mitigation Recommendations on pgs. 44 – 50.

B. CUT

- Making a cut greater than 18" into a setback. (Sec. 22.03.170 (f)).

C. RETAINING WALL

- Building a retaining wall greater than 6' above existing grade. (Sec. 22.03.170 (g))

BRIEF DESCRIPTION OF PROJECT/WHY VARIANCES ARE NEEDED

The property, located at 1205 Kennan Road, is approximately 1.5391 acres and is surrounded on three sides by steep grades with up to 52% slopes, and contains 329 trees, 42 of which are protected trees 14" in diameter or greater. Tree variances are necessary since it is a hardship that the property contains protected trees regardless of where the house may be located. We are requesting variances to remove 8 trees 14" in diameter or greater. (Sec. 22.03.304 (a)(4))

- Please see Tree Variance Photos and Descriptions on pgs. 15 - 18

Another hardship is that the lot is located at the dead end of a narrow private access road creating safety issues for fire and other emergency vehicles since there is no access, maneuvering or parking available. The variances requested for emergency vehicles access will require a cut greater than 18" in a setback (Sec. 22.03.170 (f) and building a retaining wall greater than 6' above existing grade (Sec. 22.03.170 (g)).

- Please see Property Photos and Descriptions on pgs. 21 – 22 and Site Plan on sheet A-4

Plans include demolishing an existing 1950's house and building a new two-story residence located in the only relative flat portion of the property to avoid the environmentally sensitive steep grades. This location also contains an open area requiring the least number of variances for protected tree removal. Impervious cover is calculated to be 20.6%.

ANSWERS TO VARIANCE QUESTIONNAIRE

(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.

- *Tree variances are necessary since any location the house may be placed, protected trees 14" in diameter or greater would need to be removed. Several alternative designs and locations were studied, but these created additional hardships that would require a larger number of protected trees to be removed and would necessitate building on steep slopes that are existing on three sides of the property that would result in harm to the existing environment.*
- *The dead-end existing access drive is narrow and does not allow any maneuvering or parking for fire and emergency vehicles and therefore presents a safety hardship. This emergency vehicle parking is partially located in a sloping grade area requiring a grade cut of greater than 18" in a setback (Sec. 22.03.170 (f) and the construction of a retaining wall greater than 6' above existing grade (Sec. 22.03.170 (g)).*

(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 property has grade slopes varying from 28% to 52% on three sides. By limiting the majority of the construction to the flatter part of the lot and in the area that contains the fewest trees, the design preserves the greatest amount of existing natural terrain and flora.*

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

- *Many design options were considered, but due to the limitations of building setback lines, steep terrain on three sides of the property and protected tree locations; any efficient layout and design that accommodates the owner's needs would create additional variances and hardships. These hardships would include building into slopes greater than 28% to 52% causing environmental disruption of the topography and damage to existing flora, exceeding height restrictions, as well as removal of a greater number of protected trees requiring additional variances.*

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

- *The variances requested are the minimum required to alleviate the difficulty or hardship since of the 329 existing trees on the property, 42 are protected trees with 14" diameters or greater, 8 of which we are requesting to be removed.*
- *The house location also causes the least disruption of steep grades and is the largest open area containing the least number of trees.*
- *The variances required for alleviating the hardship of having no fire and emergency vehicle access is the minimum required. We have conducted meetings with the Fire Marshall, and he agreed that lack of emergency access is a safety issue. He gave us guidance to determine the proper driveway design and instructed us to provide for an 80,000 lb. load limit for fire trucks. Please see the Fire Marshall Letter on pgs. 51 - 53 to review his statement regarding this property. An emergency turn out has also been provided to allow for emergency vehicles to park while allowing traffic to pass on the one-way access road. The Arborist has also made two references in his report regarding lack of emergency vehicle provisions. The property is also subject to forest fires and the fuel ladder effect due to the steep terrain and undergrowth.*
- *The Arborist stated in his report on pg. 45 that the property does not have sufficient clearance for emergency vehicles*

(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 design of the residence does not violate the intent of the Zoning Ordinance or goals of the City's Comprehensive Plan since the property will maintain its natural wooded character and will provide the best solution to protect the existing environment. All improvements will be constructed in full compliance with all City ordinances (Sec. 22.03.300).*
- *Numerous beautiful new trees will be planted in accordance with the City's tree mitigation replacement ordinance (Sec. 22.03.304 (d)).*
- *The construction of the fire and emergency vehicles access and parking area are stipulated in the City's "Building Regulations" (Sec. 22.03.175 (C)(1)) "Safe access for police and fire protection".*

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

- *There is little if no effect on adjacent properties since the entire neighborhood is heavily wooded. No neighbor will be able to see the majority of the proposed house because of the thick tree cover and all houses but one are up to 180' away. None of the protected trees proposed to be removed by variances are visible to adjacent properties since they are located in the center of the lot. Even the closest neighbor will not be able to see most of the proposed house. We have located our outdoor activities area to the opposite side of the lot from this neighbor.*
- *The fire and emergency vehicle area will also not be seen by any neighbors and will actually be a benefit to the neighborhood since it will increase safety to the entire area by allowing easier access to first responders.*

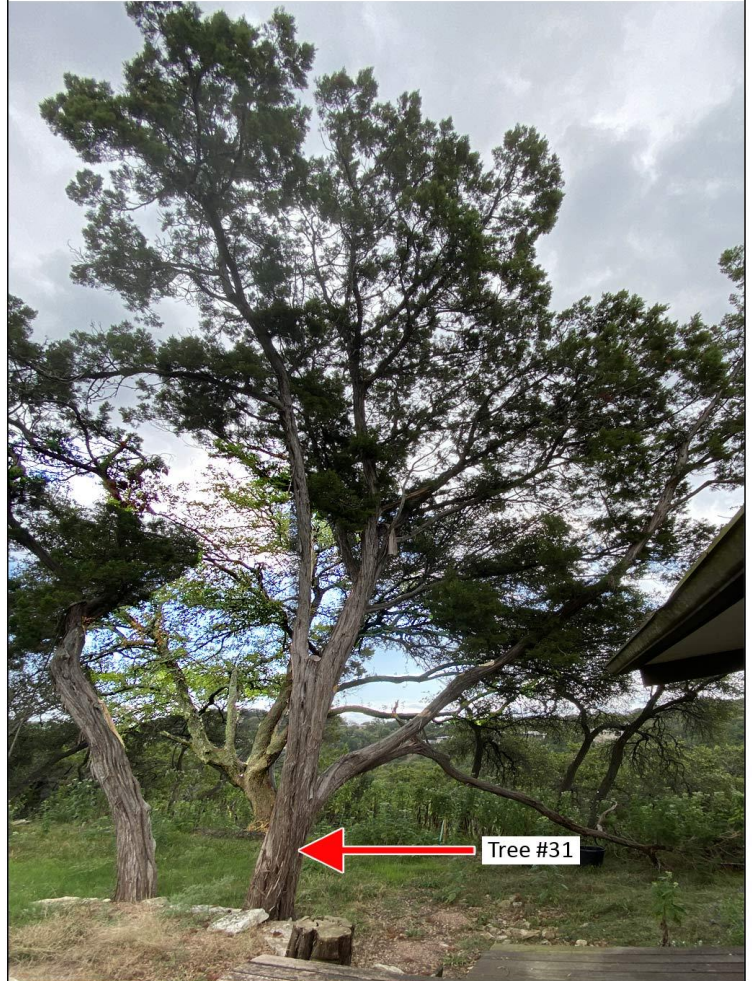
TREE VARIANCE PHOTOS AND DESCRIPTIONS

TREE # 22 - 17" Juniper



- This tree is in cluster of trees which have a steep 39% grade slope directly behind them. This slope creates a fuel ladder effect fire hazard. We are asking for a variance to remove this tree and we would also clear the rest of the area in order to reduce the fire risk.

TREE # 31 - 23" Juniper



- This tree is in close proximity to tree #37, a beautiful 24" live oak (24" live oak is seen directly behind and to the left of tree #31 on this picture). The Arborist that inspected the property commented in his report that #31 has a lower tree value than tree #37, and states that the juniper tree has a higher fire risk and will restrict the canopy growth of the live oak tree #37, therefore we are requesting to remove this tree. Please see Arborist Assessment for Tree #31 on pg. 41.

TREE # 39 - 17" Juniper



- This tree splits into three stems and is located in the rear portion at an open area of the lot which is not visible from other nearby properties.

TREE # 62 - 26" Red Oak



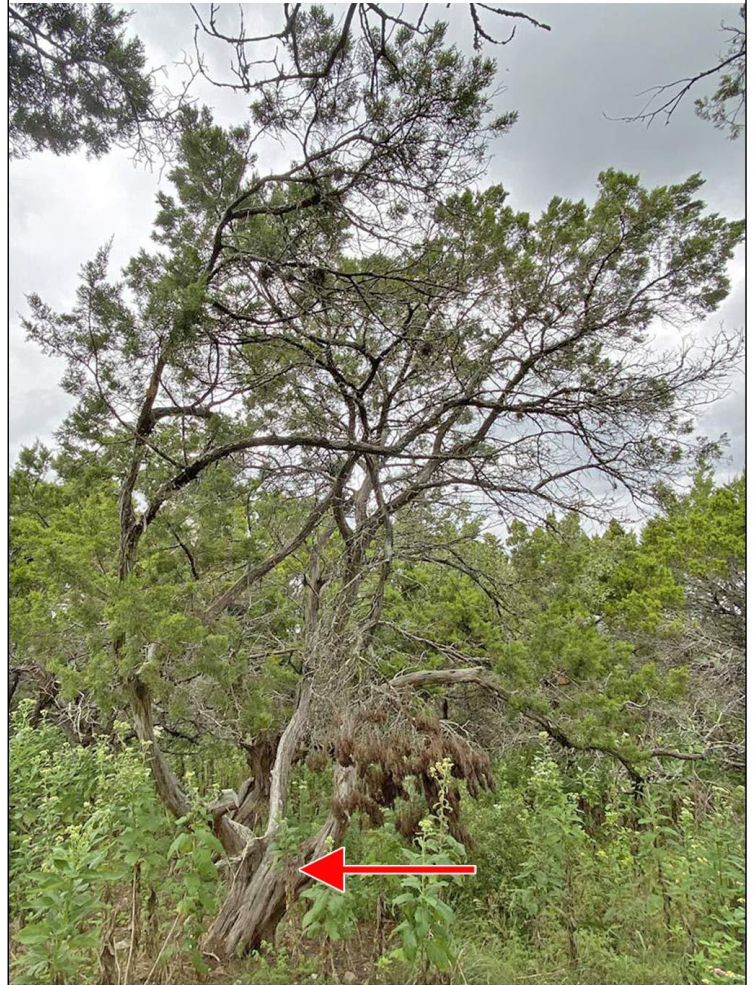
- This tree splits into 2 stems and the Arborist states that it has overextended branches, mistletoe damage, a thin canopy with significant tip dieback and very large dead wood that would overhang the new structure causing potential limb collapses. He also mentions this red oak is an over mature tree that has ceased to grow and has a limited future. Please see Architect's Design Consid. on pgs. 27-29 and Arborist report titled Tree Variance Report on pgs. 30-40. These documents describe the basis for saving the beautiful live oak tree #32 in lieu of saving the red oak tree #62.

TREE # 74 - 14" Juniper



- This tree is located in an interior portion of the lot not visible from nearby properties and is one of many similar nearby juniper trees.

TREE # 93 - 14" Juniper



- This tree splits into four stems, two of which are dead. There are also many dead limbs, and several rotten areas are visible.

TREE # 96 - 14" Juniper



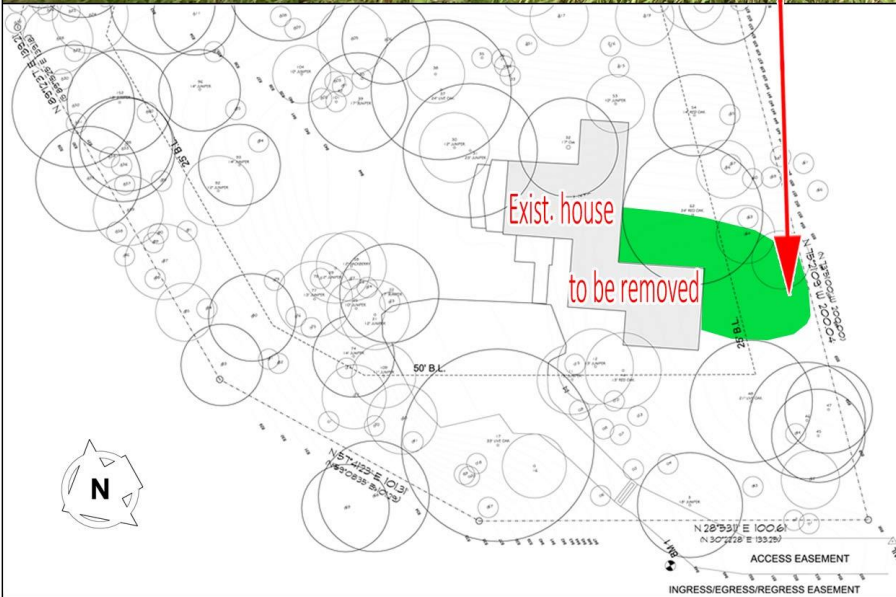
- This tree splits into 3 stems at its base giving it the appearance of three separate trees. This tree displays little aesthetic value.

TREE # 111 - 14" Juniper

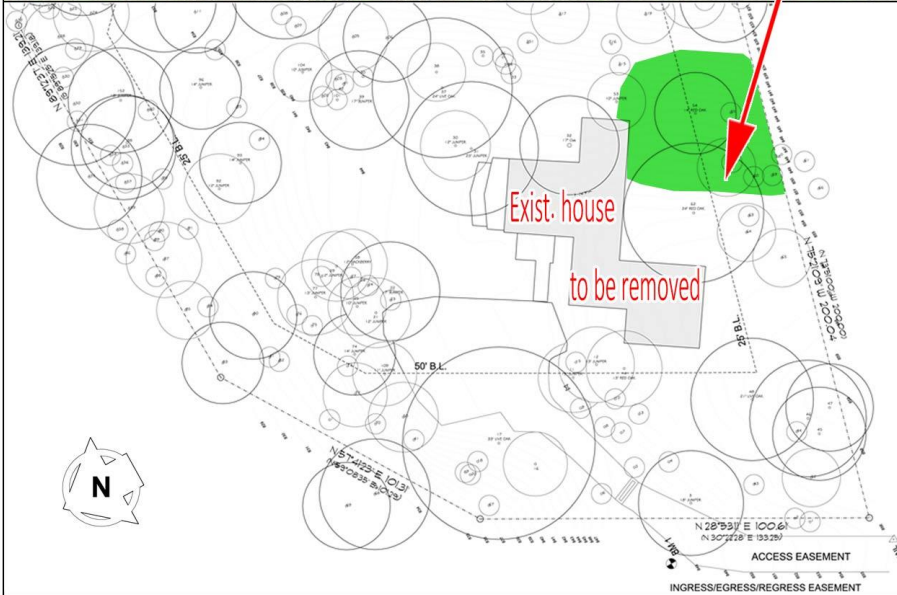


- This tree splits into 2 stems. Several branches have died and fallen off. It is located in an interior portion of the lot and is not visible from any nearby properties. It is one of many similar junipers on the lot.

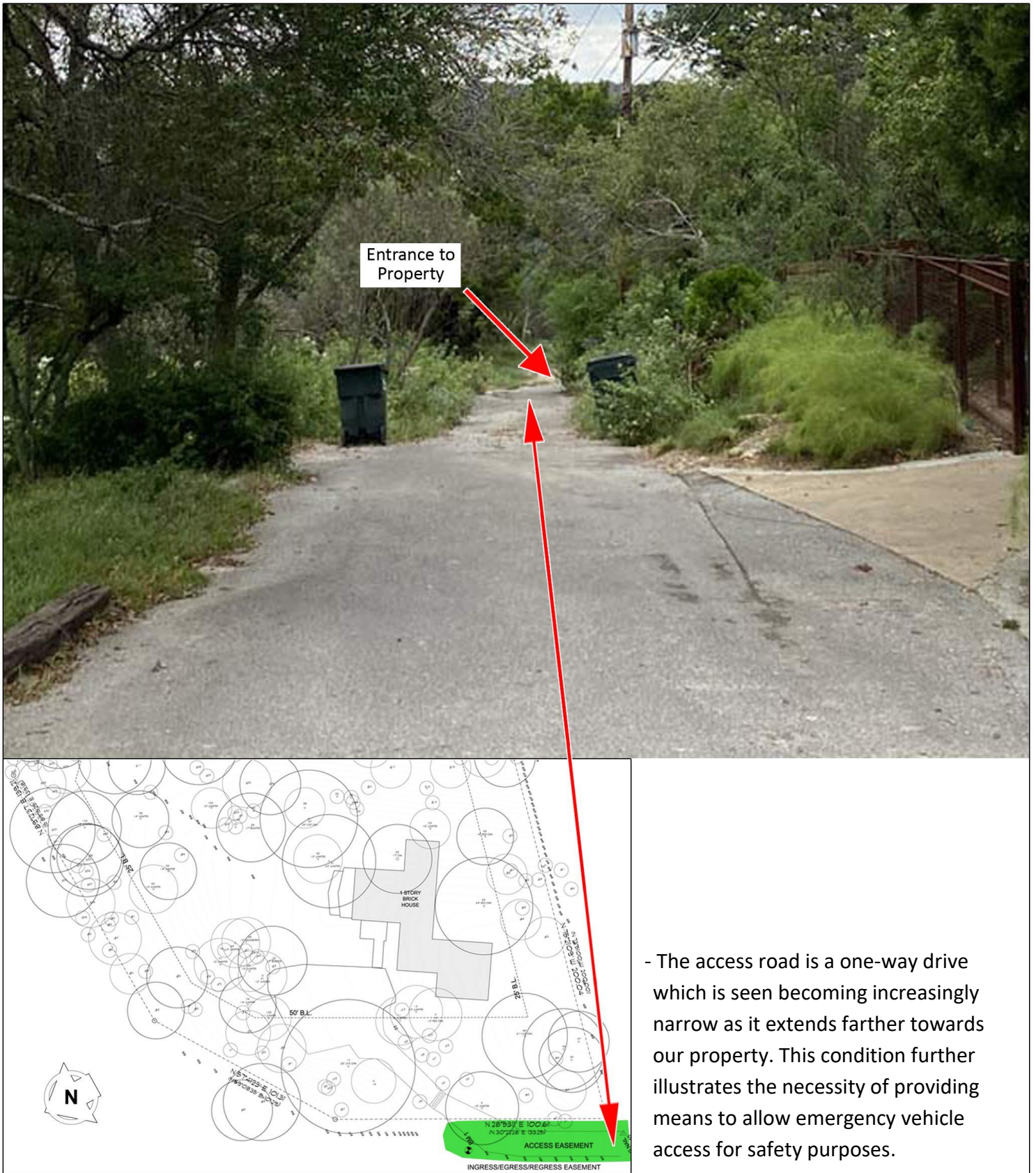
PROPERTY PHOTOS AND DESCRIPTIONS

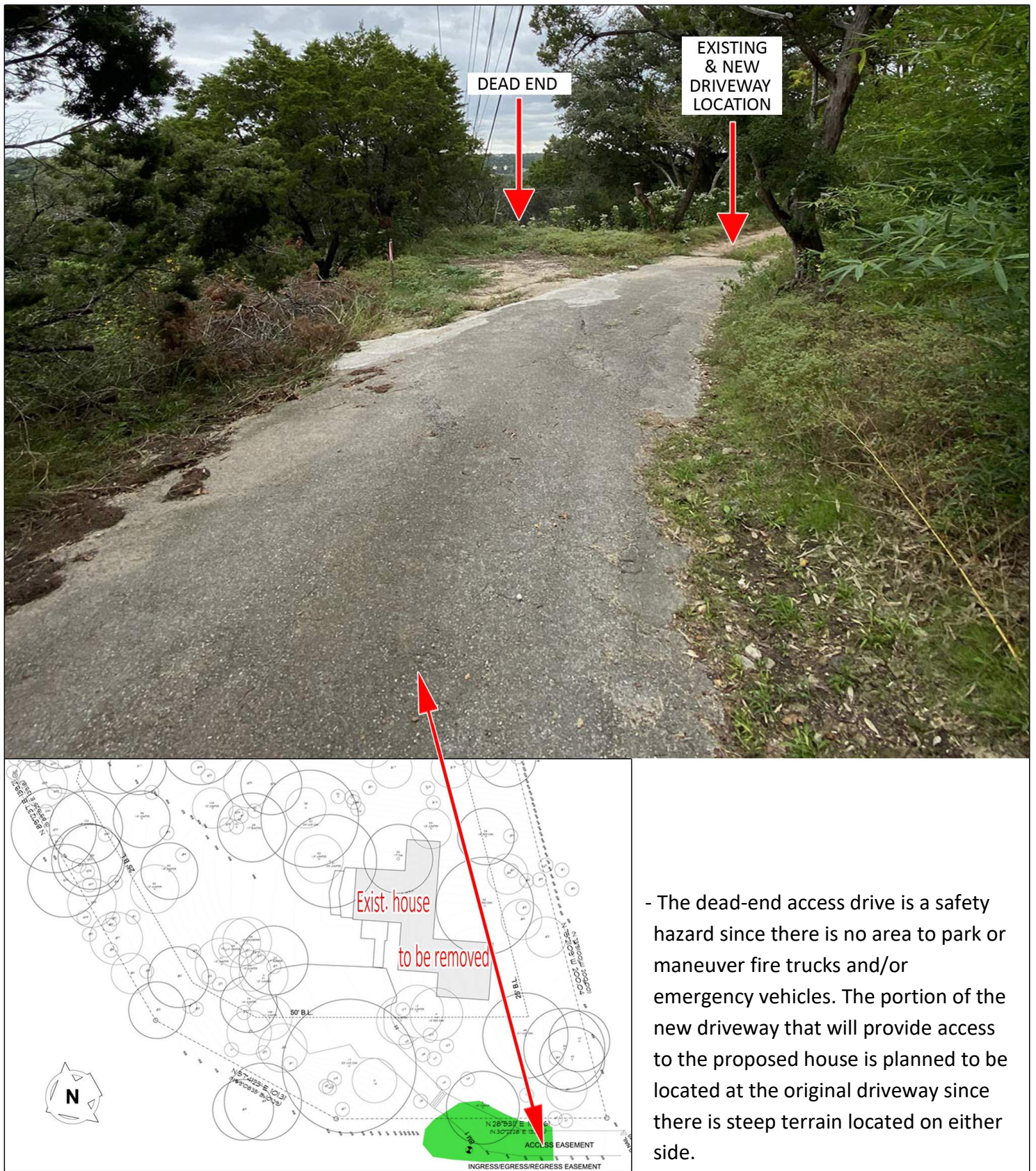


- This part of the property is located on the south side and has an available flat area with few trees.

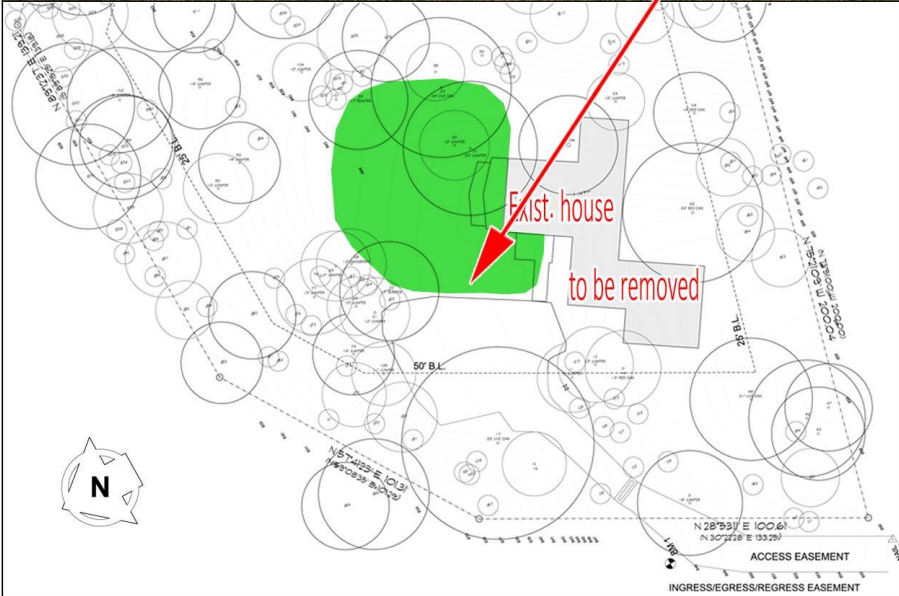


- This area of the lot is located to the southeast has a 34% grade slope as it shows on the right side of this photo. If the proposed house were to be redesigned to save tree #62, the only area available would be to extend the house into this portion of the lot which has a steep slope.

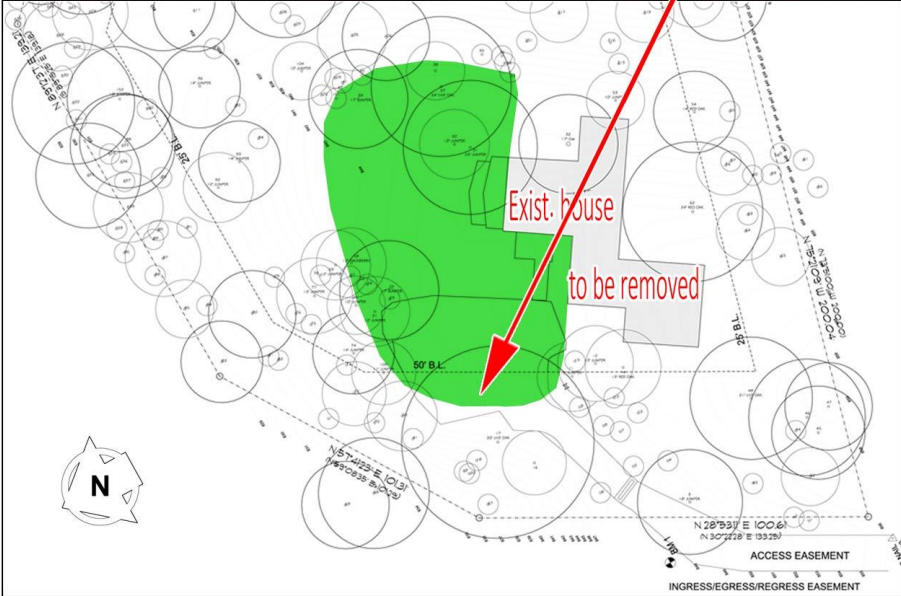




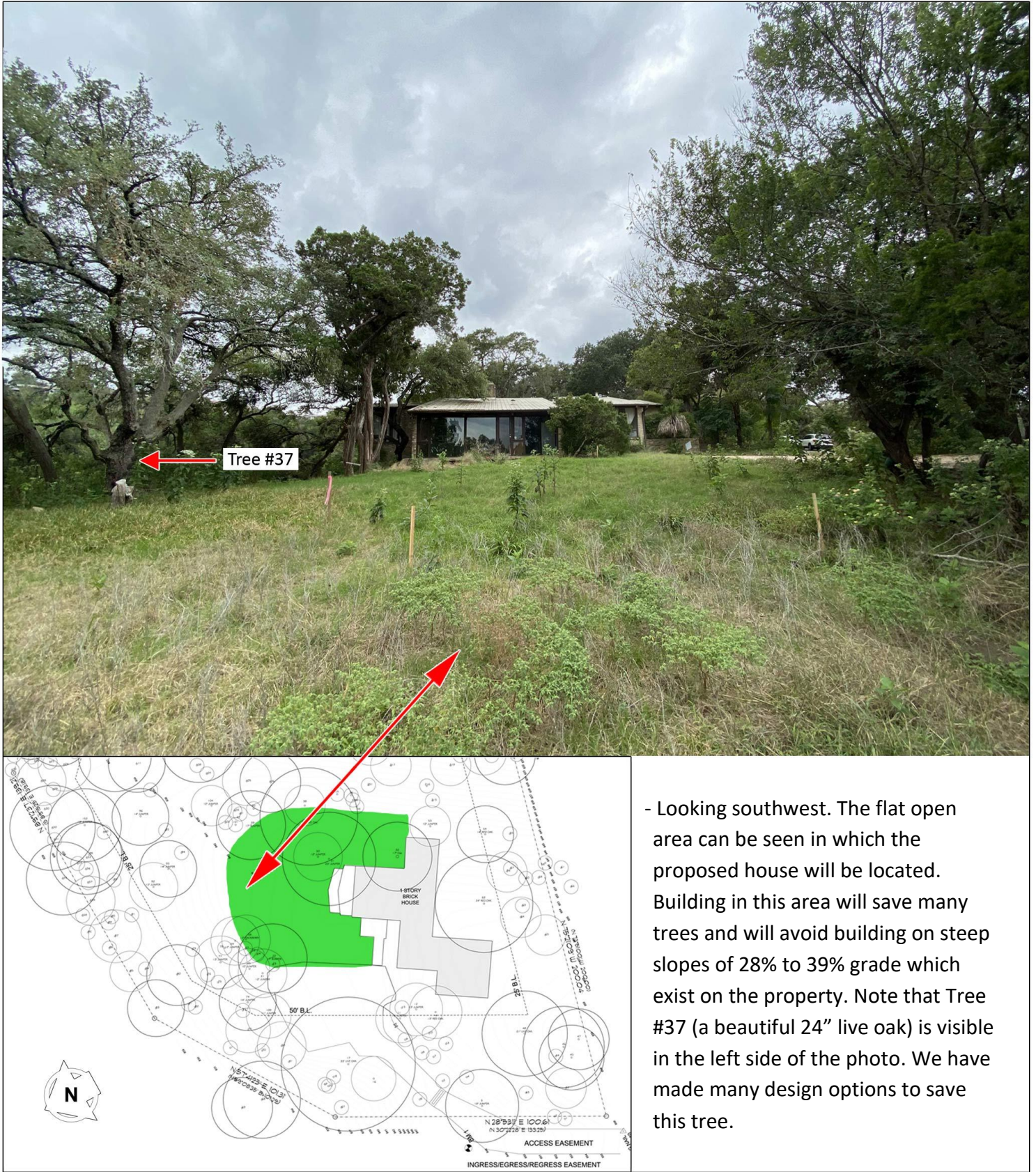
- The dead-end access drive is a safety hazard since there is no area to park or maneuver fire trucks and/or emergency vehicles. The portion of the new driveway that will provide access to the proposed house is planned to be located at the original driveway since there is steep terrain located on either side.



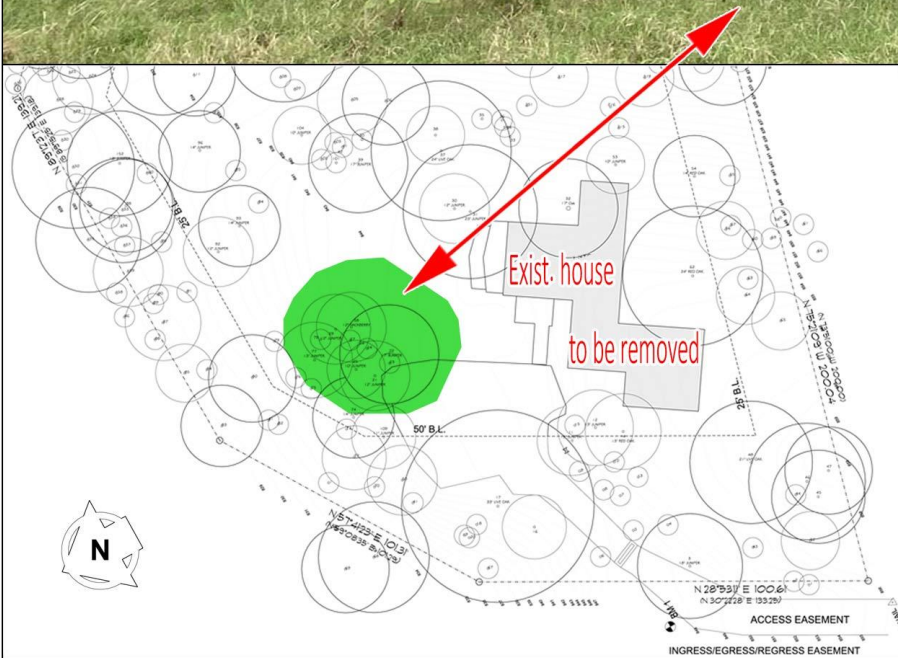
- Looking north-east, this flat open area can be seen. This space provides an ideal area to build the proposed house since it would save the greatest number of trees and would avoid building on most of the steep slopes which are present on three sides of the property.



- Looking southeast, a flat open area can be seen at the existing gravel area. There will also be a flat area where the existing house is to be removed. Utilizing both of these areas will save trees and avoid building on the existing steep slopes.



- Looking southwest. The flat open area can be seen in which the proposed house will be located. Building in this area will save many trees and will avoid building on steep slopes of 28% to 39% grade which exist on the property. Note that Tree #37 (a beautiful 24" live oak) is visible in the left side of the photo. We have made many design options to save this tree.



- This view shows the tree cluster around trees 22, 28 and 21. Immediately behind these trees a 39% grade slope is present. This is a good example of the fuel ladder effect hazard. It is proposed to remove these trees since they are a dangerous fire threat.

ARCHITECT'S DESIGN CONSIDERATIONS OF TREE #32 AND TREE #62

During the initial design option studies, tree #62, a 26" red oak, was planned to be saved and tree #32, a 17" live oak was planned to be removed. Due to other tree locations and an encroachment into a 34% grade slope, it was not practical to save both of these trees.



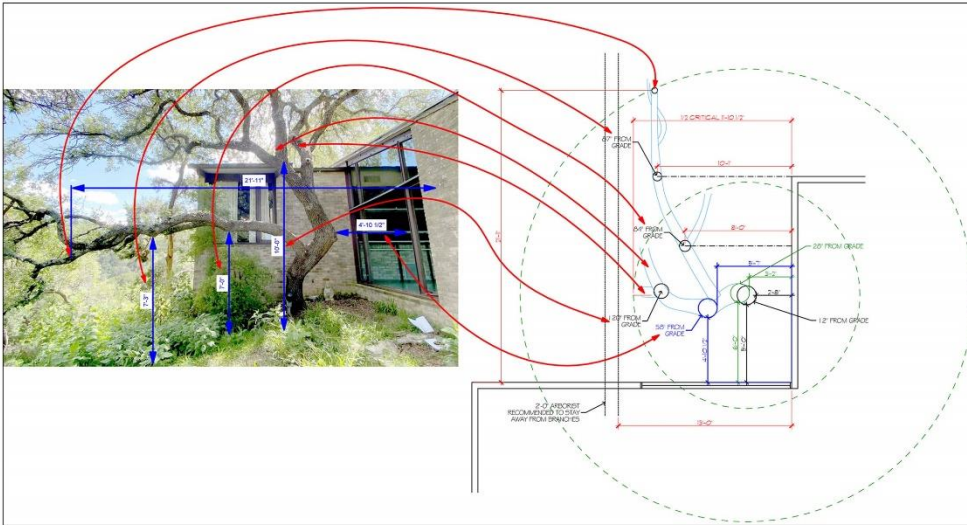
During a meeting on the property with Scott George, a registered Arborist, Mr. George thoroughly examined both trees, and concluded that tree #32 was in excellent condition, exhibits considerable new growth, has a dense healthy canopy and exhibits an attractive sweeping form.



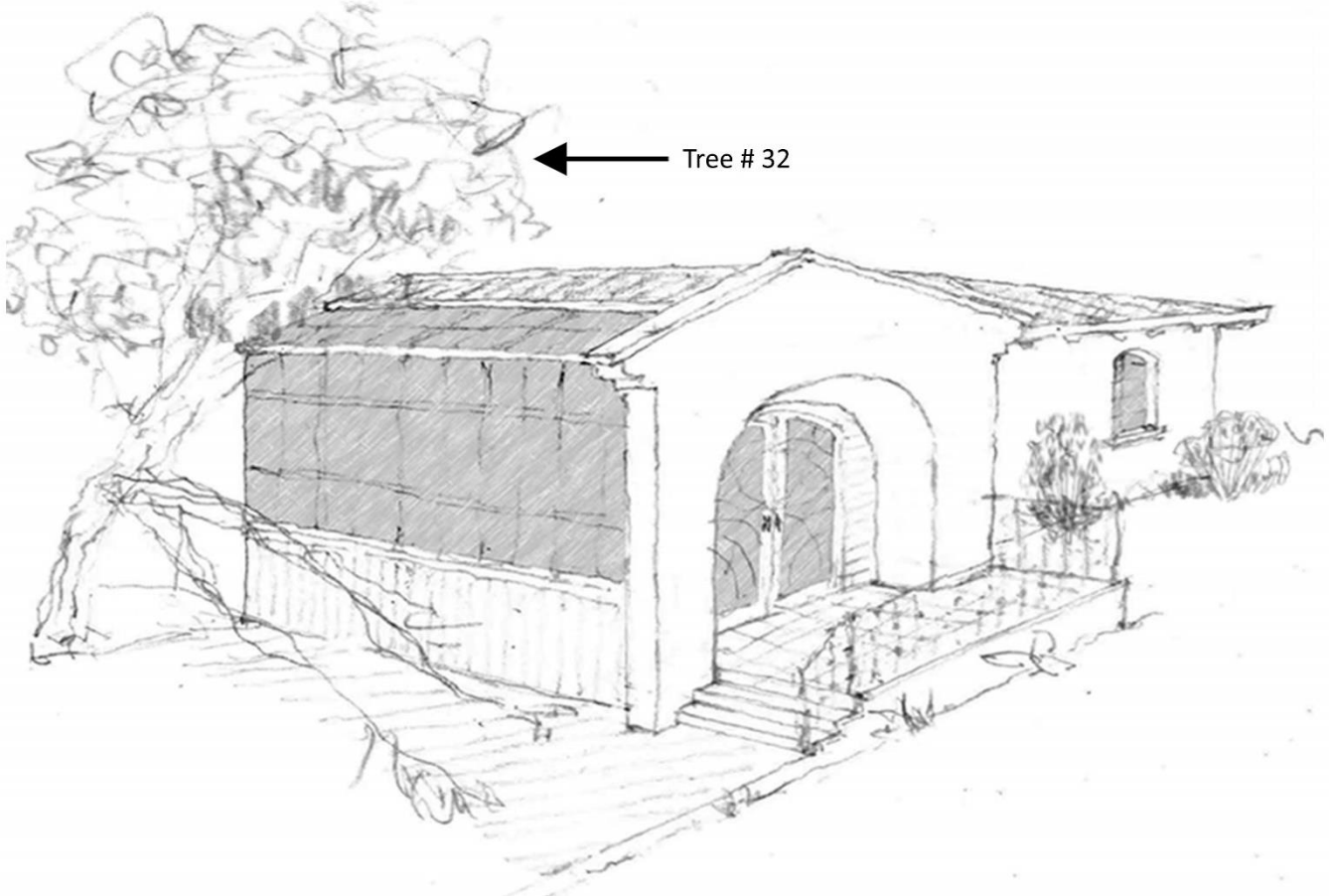
In contrast, he stated that the multi-stem tree #62 contains numerous long extended branches, multiple branches bloated by mistletoe damage, a thin canopy with significant tip dieback, very large dead wood that would overhang any nearby structure and shows poor tree vigor.

Initial designs that focused on saving tree #62, would have created a negative impact on the tree's health due to necessary grade changes near the outer half of the critical root zone. The Arborist stated that he considered tree #62 to be an over mature tree that has ceased to grow, is deteriorating and has a limited future. His recommendation stated that live oak #32 could contribute significant aesthetic value to the landscape and tree #32 should be favored even to the exclusion of the Spanish oak #62.

Please see the Arborist Tree Variance Report on pgs. 30 - 40 for a detailed and scientific study by the Arborist regarding these two trees.



In response to the Arborist's recommendations, the Architect studied several design options to save tree #32, and eventually developed a new plan with a room featuring an expansive view of the elegant and interesting live oak #32.





The existing 1950's house, due to be demolished, is built in an L-shape surrounding and very close to tree #32 and exists well into the $\frac{1}{4}$ critical root zone. In order to build the new residence without further damage to the tree, the Architect located the walls of the new structure in line and over the existing foundation. To provide further protection for the root system, plans call for saving the old foundation, keeping it in place where it is near to tree #32



= Existing foundation to remain for tree#32 root system protection



= Walls of new structure in line and over the existing foundation to remain.



Tree Variance Report

Summary

I met with Tim Hill (Risinger Homes) and Andrew Cardenas (Fitzpatrick Architects) at 1205 Kennan Rd., West Lake Hills, TX 78746, on Monday August 16, 2021. Mr. Hill asked for a consultation to help with tree preservation at the construction site. We reviewed the proposed architectural drawings and potential tree impacts at the site. Our tree review included many trees, but our primary focus was Spanish oak #62.

Spanish oak #62 measured twenty-six inches (dbh) and I observed numerous large and small dead branches in the canopy. I noted that the oak was in fair condition. We reviewed the drawings and potential impacts to the critical root zone. The plans called for significant grade changes and impacts to the Spanish oak and I expressed my concerns about the short and long-term impacts to tree health.

During our review, I noted that the plans called for removal of live oak #32, which I measured at seventeen inches (dbh). I observed that the tree was in excellent condition and had a lovely form. In my opinion, despite the difference in trunk diameter between Spanish oak #62 and live oak #32, live oak #32 was a higher value tree. I suggested changing the design to accommodate the live oak.

Subsequently Mr. Hill and I met several times with the homeowner, the architects, and West Lake City Arborist Les Davis to review revised drawings. Ultimately, it was determined that the greatest long-term benefits to the site resulted from preservation of live oak #32, even if it necessitated the removal of Spanish oak #62.

Assignment

My assignment was to:

- Formally evaluate the condition of Spanish oak #62 and live oak #32
- Determine the relative value of each tree
- Provide a written report with my conclusions

AUSTIN BEAUTIFUL TREES

Observations

I observed that Spanish oak #62 was a tall, upright tree with numerous long over-extended branches. (See Photo 1, Appendix A). I noted multiple branches bloated by mistletoe damage (See Photo 2, Appendix A). I noticed that the canopy was thin with significant tip dieback (See Photo 3, Appendix A). I saw several places in the canopy with very large dead wood that would overhang structure as well as poor wound response which indicated poor tree vigor (See Photo 4-7, Appendix A).

By contrast, I observed that live oak #32 showed considerable new growth at branch tips and had a dense healthy canopy (See Photo 8, Appendix A). Live oak #32 also had an attractive sweeping form with considerable long-term value as a shade tree. (See Photo 9, Appendix A).

Data

Condition ratings for live oak #32 and Spanish oak #62

Plateau live oak (Quercus fusiformis) #32				Spanish oak (Quercus texana) # 62			
Health	Excellent	90%	30	Health	Fair	50%	16.65
	High vigor, little or no dieback, little defoliation				Reduced vigor, considerable dieback, significant mistletoe damage, poor compartmentalization of wounds, high percentage of dead branches relative to size of canopy		
Structure	Excellent	90%	30	Structure	Good	70%	23.31
	Nearly ideal and free from defects				Defects are generally minor and correctable		
Form	Excellent	90%	30	Form	Fair	60%	19.98
	Generally symmetrical, consistent with intended use				Function and aesthetics are compromised		
Total	"Excellent" rating category		90	Total	"Fair" rating category		59.94



Relative Tree Value for live oak #32 and Spanish oak #62

Plateau live oak (Quercus fusiformis) #32				Spanish oak (Quercus texana) # 62			
Condition	Excellent	Score	4	Condition	Fair	Score	2
	Per condition rating on page of 3 of this variance report				Per condition rating on page of 3 of this variance report		
Type	Native 17" (dbh)	Score	3	Type	Native 19" (dbh)	Score	4
	The species of tree native, adaptable, overall generally accepted quality of tree, and diameter (dbh)				The species of tree native, adaptable, overall generally accepted quality of tree, and diameter (dbh)		
Size of tree trunk	14 – 18.9" (dbh)	Score	3	Size of tree trunk	19" (dbh) and larger	Score	4
	Tree sizes				Tree sizes		
Aesthetics	Excellent	Score	(4x2) 8	Aesthetics	Fair	Score	(2x2) 4
	Tree is in excellent condition and has good form, the home design features this tree				Tree does not serve as buffer or screen, does not have exemplary form and is only in fair condition, thin canopy, mistletoe damage		
Energy conservation	Excellent	Score	4	Energy conservation	Fair	Score	2
	Dense canopy and medium crown spread offers excellent shade potential				Sparse canopy but medium crown spread offers limited shade potential		
Safety	Not hazardous	Sore	4	Safety	Not hazardous	Sore	4
	The tree is not in a hazardous position relative to external (man-made) factors				The tree is not in a hazardous position relative to external (man-made) factors		
Adjacent trees	Many trees high retention value of adjacent trees	Score	1	Adjacent trees	Many trees low retention value of adjacent trees	Score	2
	Everything being equal a lone tree has higher value				Everything being equal a lone tree has higher value		
Water quality/soil conservation	Good	Score	(3x2) 6	Water quality/soil conservation	Fair	Score	(2x2) 4
	Ability to reduce stormwater runoff by breaking impact of raindrops and improving soil structure, this is a tree with dense crown				Ability to reduce stormwater runoff by breaking impact of raindrops and improving soil structure, this is a large tree with sparse crown and restricted root zone		
Wildlife Habitat	Good	Score	(3x2) 6	Wildlife Habitat	Fair	Score	(2x2) 4
	Intrinsic value of tree as food provider (acorns in this instance)				Intrinsic value of tree as food provider (acorns in this instance)		
Historical significance	40 – 80 years of age	Score	2	Historical significance	40 – 80 years of age	Score	2
	Largely a function of age				Largely a function of age		
Total	33-44 is considered a "high value tree"		41 points	Total	23 – 32 pts is considered a "medium value tree"		32 points

Variance Report for 1205 Kennan Rd, West Lake Hills, TX 78746

Page 4



Analysis

I used table 4.1 from the *Guide for Plant Appraisal, 10th edition* (ISA, p41), and I rated the overall condition of the Live oak tree #32 as "**Excellent**". I calculated the overall condition of the tree from a weighted average of tree health, structure, and form. I also used table 4.1 from the *Guide for Plant Appraisal, 10th edition* (ISA, p41) and rated the overall condition of the Spanish oak tree #62 as "**Fair**." I calculated the overall condition of the tree using a weighted average of tree health, structure, and form as well.

After I determined condition ratings for each tree, I used a ten-point system to determine the weighted average value of each tree. Trees were scored using a four-point system with scores ranging from poor to fair to good to excellent. Aesthetics, water quality protection, and wildlife habitat were weighted with double value. Spanish oak #62 received a relative value score of **thirty-two points**. Trees that receive a score between twenty-three and thirty-two points are considered "**Medium value**".

Live oak #32 received a relative value score of **forty-one points**. Trees that receive a score between thirty-three and forty-four points are considered "**High value**".

In my initial site visit, I reviewed planned construction impacts to Spanish oak #62. Although planned impacts were outside the half critical root zone, I was concerned about the short and long-term impacts to the tree's health and vigor. The tree would undoubtedly be negatively impacted by damage to the outer half of the critical root zone and other significant construction stresses.

Discussion

Spanish oak #62 would be widely considered as an over mature tree. An over mature tree is defined as a tree that has ceased to grow and is deteriorating. In my opinion, even under the best of conditions the Spanish oak has a limited future and construction seldom provides the best of conditions. On the other hand, with proper tree protections in place and maintained, live oak #32 should contribute to the landscape for a considerable time.



Recommendations

Since live oak #32 has a significantly higher relative value and brighter long-term prospects than Spanish oak #62, I would recommend favoring the live oak even to the exclusion of Spanish oak #62. It has significant value as a shade tree and in my opinion, could contribute significant aesthetic value to the landscape and lot. Architectural plans have been changed to highlight the beauty of live oak #32.

It will be critical for tree preservation that tree protections be implemented and maintained throughout the construction process.

Respectfully,

A handwritten signature in dark ink that reads "Scott E. George".

Scott E. George
Austin Beautiful Trees - President
American Society of Consulting Arborists – Registered Consulting Arborist # 752
International Society of Arboriculture Certified Arborist TX #3996-A
Risk Assessment Qualified Arborist
Oak Wilt Risk Assessment Qualified Arborist
Wildfire Risk Assessment Qualified Arborist



Appendix A - Photos

Photo 1 - Spanish oak #62 - tall, upright tree with numerous long over-extended branches





Appendix A - Photos

Photo 2 - Spanish oak #62 - multiple branches bloated by mistletoe damage





Appendix A - Photos

Photo 3 - Spanish oak #62 - thin canopy with significant tip dieback





Appendix A - Photos

Photo 4-7 - Spanish oak #62 - large dead wood and poor wound response indicating poor tree vigor



Variance Report for 1205 Kennan Rd, West Lake Hills, TX 78746
Page 10



Appendix A - Photos

Photo 8 - Live oak #32 - showed considerable new growth at branch tips and had a dense healthy canopy



AUSTIN BEAUTIFUL TREES

Appendix A - Photos

Photo 9 - Live oak #32 - attractive sweeping form with considerable long-term value as a shade tree



ARBORIST ASSESMENT FOR TREE #31



October 19, 2021

Tim Hill
Risinger Homes LP
9300 United Drive
Suite 100
Austin, TX 78758

Dear Mr. Hill,

In the early wildfire assessment and variance reports about 1205 Kennan Rd, we discussed removing a lower value tree in order to preserve a higher value tree. At our earlier site visits we had also discussed removing two ash junipers (tag #30 and tag #31) because they restricted canopy growth in a lovely 24" live oak (tag #37). The ash junipers have a higher fire risk and lower value than the 24"live oak. It is my recommendation that we remove the ash junipers tag #30 and #31.

Please feel free to discuss this recommendation and any questions you might have. Thank you for the opportunity to contribute to the preservation of a high value tree.

A handwritten signature in dark ink that reads "Scott E. George". The signature is written in a cursive, flowing style.

Scott E. George

Austin Beautiful Trees - President
American Society of Consulting Arborists – Registered Consulting Arborist # 752
International Society of Arboriculture Certified Arborist TX #3996-A
Risk Assessment Qualified Arborist
Oak Wilt Risk Assessment Qualified Arborist
Wildfire Risk Assessment Qualified Arborist

3112 Windsor Rd PMB 131, Austin, TX 78703. P: 512.655.9401. E:austinbeautifultrees@gmail.com

ARBORIST TREE PROTECTION PLAN



Tree Protection Plan
1205 Kennan Road
West Lake Hills, TX 78746

Pre-construction

Live oak tag #32

- Vertical composting in outer half of CRZ (where possible given existing structure).
- Apply top dressing of 7" of first grind mulch inside half critical root zone and avoid piling up on trunk and basal flares.
- Install protective batter boards around perimeter of tree from grade to 6'.
- Install heavy duty construction fencing at least 5' high around 1/4 CRZ.
- Dead wood pruning of branches larger than 2" in diameter. Additional pruning only to provide 3 – 5' clearance while maintaining integrity of canopy (not to exceed 25% of canopy). All pruning under the supervision of a Certified Arborist as needed.

Live oak tag #37, Red oak #54, Live oak #17, Live oak #48

- Vertical composting in outer half of CRZ (where possible given existing structure).
- Required pruning should not exceed 25% of the canopy and should meet industry pruning standards as supervised by a Certified Arborist.
- Install protective batter boards around perimeter of tree from grade to 6'.
- Install heavy duty construction fencing at least 5' high around 1/2 CRZ.
- Apply top dressing of 7" of first grind mulch inside half critical root zone and avoid piling up on trunk and basal flares.

Construction for all of the above protected trees

- Do not pile debris, slag, paint, or other materials within critical root zones.
- No grade changes or excavation within 1/2 critical root zones.
- Locate Porta-potty outside CRZ of protected trees.
- Clean out area for concrete and/or Gunitite shall be contained and protected from protected trees with minimum 10 ml poly to avoid lime poisoning of trees.
- Spoils from concrete pours shall be placed outside CRZ of protected trees.
- Best efforts to align new foundation and structure with angle of existing structure.

Tree Protection Plan for 1205 Kennan Rd, West Lake Hills, TX 78746

Page 2



- **Maintain foundation of existing structure within 1/2 CRZ of #32 live oak.**
- Maintain 7" top dressing of first grind mulch throughout build.
- Tree protection review quarterly by Certified Arborist to photo document that protections are in place.

Post Construction

- Apply a top dressing of certified organic compost such as Revitalizer™ Compost or equivalent approximately 1/2" depth to critical root zone of the protected trees noted above, post construction and reapply after approximately one year under supervision of Certified Arborist.
- Certified Arborist to review condition of protected trees post construction once annually for two years.

These protections do not warrant or guarantee the health or survival of these trees before, during, or after construction. The measures are intended to reduce the impact of construction stress but cannot eliminate stress for these or any of the trees in the areas impacted by construction.

Thank you for the opportunity to contribute to the preservation and protection of these trees.

Respectfully,

A handwritten signature in dark ink that reads "Scott E. George". The signature is written in a cursive, flowing style.

Scott E. George
Austin Beautiful Trees - President
American Society of Consulting Arborists – Registered Consulting Arborist # 752
International Society of Arboriculture Certified Arborist TX #3996-A
Risk Assessment Qualified Arborist
Oak Wilt Risk Assessment Qualified Arborist
Wildfire Risk Assessment Qualified ArboristMember



Wildfire Risk Assessment and Mitigation Recommendations

Property Owner: Courtney Britton

Date of
Assessment: August 31, 2021

Specifications: A visual assessment was performed using the NFPA 1144 Standard for Reducing Structure Ignition Hazards from Wildland Fire and in accordance with ANSI A300 Pruning Standards.

Extent: Review of Wildland fuel at
1205 Kennan Rd.
West Lake Hills, TX 78746

Scope: The Wildfire Risk Reduction Assessment will be limited to basis tools and knowledge from the Wildfire Risk Reduction Qualification (WRRQ) and conducted by foot from the immediate area surrounding the existing and proposed structures. The assessment will:

- Identify wildfire risks within the home ignition zone with obvious conditions of concerns
- Record aspects of wildfire risk
- Recommend mitigation
- Provide written report

Home Ignition Zone Assessment for Intermediate and Extended Zones

Intermediate zone assessment 5 - 30 feet

Vertical continuity of fuels present - **assessor noted:**

1. Ladder fuels growing into/near tree canopies
2. Tree limbs of combustible trees (Ash juniper) 0-6' from ground
3. Abundant dense foliage with high oil and resin content
4. Considerable landscape slope in excess of 15%



Horizontal continuity of fuels present - **assessor noted:**

1. One or more tree crowns touching this section of the home ignition zone (HIZ)
2. One or more combustible trees (ash juniper) within thirty feet of another tree
3. Accumulation of combustible brush
4. One or more combustible trees (ash juniper) with ten feet of proposed roof line

The extended zone 30 - 100 feet

Assessor noted: Property does not have sufficient clearance for emergency vehicles.

Vertical continuity of fuels present - **assessor noted:**

1. Ladder fuels growing into/near tree canopies
2. Tree limbs of combustible trees (Ash juniper) 0-6' from ground
3. Abundant dense foliage with high oil and resin content
4. Considerable landscape slope in excess of 15%

Horizontal continuity of fuels present - **assessor noted:**

1. One or more tree crowns touching this section of the home ignition zone (HIZ)
2. One or more combustible trees (ash juniper) within thirty feet of another tree
3. Accumulation of combustible brush

Wildfire Risk Assessment Mitigation suggestions for intermediate and extended zones of safety from 5 - 100 feet:

1. Widen entry drive to accommodate emergency vehicles.
2. Ladder fuels should be removed or pruned from beneath clusters of trees.
3. Brush piles should be removed.
4. Combustible trees like ash juniper should be pruned to height of 6-10 feet from ground. Provide spacing for yaupon holly trees and nandina plants.
5. Combustible trees like ash juniper should be thinned to eliminate or reduce overlapping canopies, although less space is required in extended zone than in intermediate zone. Combustible trees 30 - 60 feet from home should have at least 12 feet between canopy tops. Combustible trees within 60 - 100 feet from home should have at least 6 feet between canopy tops.
6. Small conifers growing under taller trees should be removed along with heavy accumulations of woody debris.
7. Remove dead plant and tree material particularly within intermediate zone.



Mitigation is not a one time activity. Ongoing vegetation health is critical to lowering your risk of home ignition from a wildfire. The immediate zone from 0 - 5 feet is a very important area of focus for reducing wildfire risk.

This assessment is designed to help determine how vulnerable a structure will be during a wildfire and to provide ways to enhance home survivability during a wildfire.

This report does not cover all possible landscape and structural weaknesses. No home can ever be 100% safe from wildfire.

Respectfully,

A handwritten signature in cursive script that reads "Scott E. George".

Scott E. George
Austin Beautiful Trees - President
American Society of Consulting Arborists – Registered Consulting Arborist # 752
International Society of Arboriculture Certified Arborist TX #3996-A
Risk Assessment Qualified Arborist
Oak Wilt Risk Assessment Qualified Arborist
Wildfire Risk Assessment Qualified Arborist



Appendix A - Photos

Ladder fuels in the form of dead branches growing into canopies



Smaller conifers growing into canopy



Wildfire Risk Assessment and Mitigation Report for 1205 Kennan Rd, West Lake Hills, TX 78746

Page 4

Appendix A - Photos

Ladder fuels



Dense adjacent combustible trees

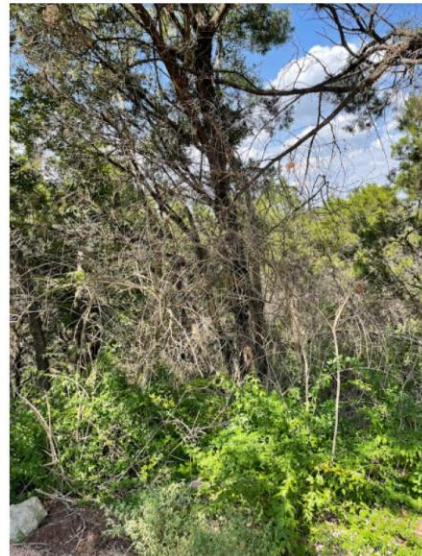


Appendix A - Photos

Dense combustible canopies and combustible ladder fuel



Dense combustible ladder fuel



Appendix A - Photos

Canopies of smaller understory trees growing into larger canopies



Large highly combustible brush pile



FIRE MARSHALL LETTER



EMERGENCY PREVENTION DIVISION

Travis County Emergency Services District No. 9 Headquarters 512-539-3400
1301 S. Capital of Texas Highway, Suite B-123 Facsimile 512-327-2780
West Lake Hills, TX 78746 P. O. Box 162170 Austin, TX 78716-2170
www.WestlakeFD.org

October 29th, 2021

Andrew Cardenas
Fitzpatrick Architects P.C.
512-306-9709
[REDACTED]

Re: 1205 Kennan Road – Site Access for Fire Department

Authority: Texas Health and Safety Code § 775.036, 2015 International Fire Code, and the National Fire Protection Association Life Safety 101 Code 2015.

Dear Mr. Cardenas,

I have reviewed the proposed site access plan you provided that is intended to be utilized by emergency responders. For reference, my comments are based only on the attached site access plan dated October 19th, 2021. The access proposed is intended to be utilized for the residential project at 1205 Kennan Road.

Based on the attached site access plan and discussions with your design team, the following items will need to be evaluated and incorporated into the future site development and building plans if the project moves forward:

- **FIRE FLOW** - The fire hydrant water supply shall meet the minimum standards as referenced in the 2015 International Fire Code, Appendix B.
 - A reduction in the required fire flow is granted when a residential fire sprinkler system is installed throughout the residence in an approved manner.
 - Additional fire flow reductions up to 65% are granted by the City of West Lake Hills when additional fire protection measures are provided as outlined in City Code.
- **FIRE HYDRANTS** – A fire hydrant (new or existing) will be required within 600 feet of the residence. This may require an additional fire hydrant to be provided near the start of the proposed driveway to the residence.
- **FIRE DEPARTMENT APPARATUS ACCESS ROADS (GRADE)** – Asphaltic hot mix concrete access roadways shall be engineered not to exceed 13 percent in grade. Concrete roadways shall be designed not to exceed 15 percent in grade. Maximum immediate grade change within 20 feet shall not exceed 10 percent.
- **DRIVEWAY ACCESS ROADS (WIDTH)** – The project proposes a minimum driveway access road width of 12 feet.

- **SECURITY GATES** – The project proposes a security gate installed across the fire department apparatus access driveway that will be required to be installed in an approved manner with an emergency Fire Department override “Knox” key switch. This key switch will allow responders to open the gates during emergency incidents and power failures. The gate installation will be required to meet all standards outlined in the Fire Code for security gates.
- **FIRE DEPARTMENT APPARATUS ACCESS ROADS (TURNING RADIUS)** – A minimum turning radius of inside 25 feet and outside 50 feet shall be provided as much as possible throughout the fire department access driveway in an approved manner.
- **TURN AROUNDS** – An emergency turnaround is proposed to be utilized by emergency responders. The proposed turnaround incorporates both a hammerhead and 3-point turn design. This will allow crews to turn around and turn around if an emergency vehicle is parked in one side of the turn around for fire suppression activities.
- **EMERGENCY VEHICLE WEIGHT LIMIT** – The proposed emergency turnaround that utilizes an elevated structure (bridge) shall be designed to support the weight of a fire apparatus (80,000 lbs.) if it is intended to be used by fire apparatus.
- **HEIGHT CLEARANCE** – The access driveway shall not have any overhead obstructions within 13’6” from the ground.
- **EMERGENCY VEHICLE TURNOUT** – The plans propose an emergency vehicle turnout per the International Wildland Urban Interface Code. This will help allow smaller brush fire trucks or command vehicles to stage off the driveway to allow larger emergency vehicles to pass.
- **RESIDENTIAL FIRE SPRINKLER SYSTEM** – A residential fire sprinkler system is required to be installed throughout the residence due to the fire sprinkler rule adopted by Water Control and Improvement District No. 10.
- **FIRE DEPARTMENT APPARATUS ACCESS ROADS (REQUIRED ACCESS TO STRUCTURE)** – A sufficient amount of fire department access driveways shall extend to and around the proposed structure so that hose lines can be extended within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the structure.
 - This measurement is permitted to be increased to 200 feet when the structure is protected throughout with approved automatic fire sprinklers.

Please Note: This letter does not constitute a formal site development or building plan review and/or approval. Upon completion of such a review, plan review comments will be issued, and formal recommendations will be made to the City of West Lake Hills when the project is determined to be in compliance with adopted codes and standards.

Based on the aforementioned review of the site access and an understanding that the future construction plans will be required to address the code compliance items noted above along with all applicable building and fire code regulations during the site development and building plan review phase, **I recommend to the City of West Lake Hills that the applicant continue to move forward with the project utilizing the proposed emergency vehicle site access plan.**

We look forward to working with you and your staff on the proposed project if it continues to move forward. If you have any questions or require any additional information, please do not hesitate letting me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Lacey", written in a cursive style.

District Chief Michael Lacey
Fire Marshal
Emergency Prevention Division
Travis County Emergency Services District No. 9

- Attachment: Site access plan – dated October 19th, 2021

PROOF OF PROPERTY OWNERSHIP

GF No. 9992-21-15836



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Dana DeBeauvoir, County Clerk
Travis County, Texas

Mar 26, 2021 10:48 AM Fee: \$34.00

2021065153

Electronically Recorded

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

Date: March 25, 2021

Grantor: Newell Vane Starks, Jr. and Nancy H. Starks, husband and wife

Grantee: CZ Ventures, LLC

Grantee's Mailing Address:

8409 Chalk Knoll Dr
Austin TX 78735

Consideration:

Ten and No/100 Dollars (\$10.00), good and other valuable consideration, the receipt of which is hereby acknowledged.

Property (including any improvements):

TRACT 1:

Being all that certain 1.54 acre tract or parcel of land situated in the A. L. D. Bonham Survey Number 503, Abstract Number 75 in Travis County, Texas and being a part of a called 4.85 acre tract of land of record in Volume 1564, Page 303, Travis County Deed Records (T.C.D.R.), furthermore being the same tract of land described in a deed of record in Volume 6187, Page 694, T.C.D.R. together with a 20 feet wide Ingress-Egress Roadway Easement of record in Volume 1595, Page 65 T.C.D.R., and is more particularly described as follows:

BEGINNING at a found 3/4" iron rod in the southeasterly line of said easement known as Kennan Road for the northwest corner of Lot 1 of The Gist and Penn Subdivision as recorded in Volume 101, Page 269, Travis County Plat Records (T.C.P.R.) and the west corner of this tract;

THENCE, N 30° 22' 28" E (N 30° 24' E 133.42'), with the said line of Kennan Road at 100.52 feet pass a found iron rod with cap marked "BSCI RPLS 4126" for the southeast corner of Lot 1A Amended Plat El Ojo De Agua Subdivision as recorded in Document No. 200000279, Travis County Official Public Records (T.C.O.P.R.) continuing in all a distance 133.25 feet to a found 1/2" iron rod for the southwest corner of Lot 2 El Ojo De Agua Subdivision as recorded in Volume 77, Page 218, T.C.P.R. and an angle corner of this tract;

THENCE, N 59° 08' 35" E, (N 59° 10' E 101.28'), with a southerly line of said Lot 2, a distance of 101.29 feet to a found 5/8" iron rod for an angle corner of said tract and of this tract;

THENCE, S 89° 15' 25" E, (S 89° 15' E 139.23'), with another south line of said Lot 2, a distance of 139.18 feet to a found 5/8" iron rod for another angle corner of said lot and this tract;

THENCE, S 43° 46' 27" E, (S 43° 47' E 247.62'), with another line of said Lot 2, a distance of 247.63 feet to a found 5/8" iron rod in a north line of Lot 1 of The Gist and Penn Subdivision, for an interior corner of said Lot 2 and the east corner of this tract;

THENCE, S 81° 15' 36" W (S 81° 15' W 276.12'), with the said line of Lot 1, a distance of 275.91 feet to a found 5/8" iron rod for an angle corner of Lot 1 and of this tract;

THENCE, N 73° 51' 00" W (N 73° 51' W 200.02'), with another line of said Lot 1, a distance of 200.00 feet to the Place of Beginning and containing 1.54 acres of land. This line was used as the bearing basis.

TRACT 2:

Easement Estate created by instrument recorded in Volume 1595, Page 65 of the Deed Records of Travis County, Texas over and across a 20 foot strip of land out of Tract 1, Clinton Willman Subdivision, a subdivision recorded in Volume 76, Page 62 of the Plat Records of Travis County, Texas and being more particularly described therein.

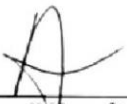
Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Subject to all easements, right-of-ways, mineral reservations and other matters of record.

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

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT THE EXPRESS WARRANTY OF TITLE STATED ABOVE. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

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



Newell Vane Starks, Jr.

Date: March 25, 2021



Nancy H. Starks

Date: March 25, 2021

GF No. 9992-21-15836

STATE OF TEXAS

§
§
§

COUNTY OF Travis

The foregoing instrument was acknowledged before me, the undersigned notary, on the 25 day of March, 2021 by **Newell Vane Starks, Jr.**




Notary Public, State of Texas

Printed Name of Notary

My Commission Expires

STATE OF TEXAS

§
§
§

COUNTY OF Travis

The foregoing instrument was acknowledged before me, the undersigned notary, on the 25 day of March, 2021 by **Nancy H. Starks.**




Notary Public, State of Texas

Printed Name of Notary

My Commission Expires

AFTER RECORDING RETURN TO:

CZ Ventures, LLC

8409 Crank Knoll Dr
Austin, TX 78735

Page 3 of 3

Corporations Section
P.O. Box 13697
Austin, Texas 78711-3697



David Whitley
Secretary of State

Office of the Secretary of State

CERTIFICATE OF FILING OF

CZ Ventures, LLC
File Number: 803241191

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Limited Liability Company (LLC) has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 02/19/2019

Effective: 02/19/2019



A handwritten signature in black ink, appearing to read "David Whitley".

David Whitley
Secretary of State

Phone: (512) 463-5555
Prepared by: Stacey Ybarra

Come visit us on the internet at <http://www.sos.state.tx.us/>
Fax: (512) 463-5709
TID: 10306

Dial: 7-1-1 for Relay Services
Document: 869022040003

#01

MEMBERSHIP CERTIFICATE

CZ VENTURES, LLC

KNOW ALL MEN BY THESE PRESENTS: That **The Britton Family Trust**, under agreement dated, October 30, 2017, Zackary Grant Antero Britton and Courtney Rae Leggett Britton, Trustees, is vested with One Thousand (1,000) Units of Membership Interest in **CZ VENTURES, LLC**, a Texas limited liability company. The stated equity interest is subject to change and is reflected in the books and records of the company which are prepared and kept in accordance with the Certificate of Formation and all Company Agreements as may be in force from time to time.

RESTRICTIONS:

The transfer of this membership interest evidenced by this certificate is subject to the restrictions contained in the Company Agreement.

Effective February 7, 2019



Courtney R. Britton, Manager

POWER OF ATTORNEY DOCUMENT (Pending)

SURV-1



- NOTES:
- THE INFORMATION CONTAINED HEREIN IS FOR USE AS BOTH A TOPOGRAPHIC SURVEY AND A BOUNDARY SURVEY.
 - SUBJECT PROPERTY IS OWNED BY CZ VENTURES, LLC. THIS SURVEY WAS PERFORMED AT THE OWNERS REQUEST TO OBTAIN SURFACE INFORMATION OF SUBJECT TRACT.
 - TITLE WAS NOT PROVIDED AT THE TIME OF SURVEY, NOR WAS TITLE COMMITMENT OR THE RESULTS OF A TITLE SEARCH. ADDITIONAL DOCUMENTS MAY BE APPLICABLE TO THIS PROPERTY WHICH WERE NOT TAKEN INTO CONSIDERATION.
 - BEARINGS AND COORDINATE VALUES ARE GRID REPRESENTATIONS AND REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83 DATUM, AS OBTAINED BY GPS OBSERVATIONS AND REFERENCED TO THE LEICA SMARTNET NETWORK OF NORTH AMERICA. COORDINATES CAN BE CONVERTED TO SURFACE MEASUREMENTS USING THE FOLLOWING TXDOT CALCULATED SCALE FACTOR: 1.0001
 - ELEVATIONS CORRESPOND TO NAVD 88 COORDINATES AND ARE DERIVED FROM GPS OBSERVATION.
 - THIS PROPERTY FALLS WITHIN ZONE X AND HAS LESS THAN A 1% ANNUAL CHANCE OF FLOOD HAZARD ACCORDING TO THE FEMA FIRM MAP FOR TRAVIS COUNTY, TEXAS, COMMUNITY MAP NO. 481026, PANEL NO. 0445K, MAP NO. 48453C0445K, REVISED EFFECTIVE DATE OF JANUARY 22, 2020.
 - SUBJECT TRACT LIES WITHIN THE R-1 ONE FAMILY ZONING DISTRICT ACCORDING TO THE CITY OF WEST LAKE HILLS ZONING DISTRICTS MAP.
 - BUILDING SETBACKS DERIVED FROM BOTH THE ZONING DISTRICT AND FROM THE WEST LAKE HILLS MUNICODIVISION 8 DIMENSIONAL REGULATIONS SECTION 22.03.281 SCHEDULE OF REGULATIONS.
- | FRONT SETBACKS | REAR SETBACKS | SIDE SETBACKS |
|----------------|---------------|---------------|
| 50 FEET | 30 FEET | 25 FEET |
- UTILITY MARKINGS SHOWN ON THIS SURVEY WERE MARKED ON THE GROUND IN RESPONSE TO TEXAS 811 TICKET REQUEST #2164441768. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON AND ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES.
 - BEARINGS AND DISTANCES IN PARENTHESES DENOTE RECORD DATA DEPICTED ON RELEVANT SUBDIVISION PLAT/ PARENT TRACT DEEDS.
 - TREE MEASUREMENTS WERE MADE AT BREAST HEIGHT.

CERTIFICATE OF SURVEYOR

I, DANIEL B. DAVIS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THIS PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF LAND AS SURVEYED ON THE GROUND UNDER MY SUPERVISION DIRECTION AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR BOTH A CATEGORY 1B, CONDITION II AND A CATEGORY 6, CONDITION I SURVEY.

DANIEL B. DAVIS R.P.L.S. NO. 6195



TREE TABLE														
TREE TAG	TYPE	DIAMETER (IN)	TREE TAG	TYPE	DIAMETER (IN)	TREE TAG	TYPE	DIAMETER (IN)	TREE TAG	TYPE	DIAMETER (IN)	TREE TAG	TYPE	DIAMETER (IN)
1	JUNIPER	9	61	JUNIPER	9	121	JUNIPER	9	181	JUNIPER	7	241	JUNIPER	9
2	JUNIPER	6	62	RED OAK	24	122	JUNIPER	6	182	JUNIPER	7	242	JUNIPER	7
3	JUNIPER	18	63	RED OAK	7	123	JUNIPER	7	183	JUNIPER	5	243	JUNIPER	10
4	JUNIPER	8	64	RED OAK	10	124	JUNIPER	13	184	JUNIPER	12	244	JUNIPER	7
5	JUNIPER	9	65	JUNIPER	10	125	JUNIPER	5	185	JUNIPER	10	245	JUNIPER	9
6	PERSIMMON	8	66	JUNIPER	8	126	JUNIPER	7	186	JUNIPER	10	246	JUNIPER	8
7	JUNIPER	6	67	DEAD	5	127	JUNIPER	5	187	JUNIPER	7	247	JUNIPER	5
8	JUNIPER	10	68	JUNIPER	19	128	LIVE OAK	12	188	JUNIPER	5	248	JUNIPER	5
9	CHINABERRY	8	69	JUNIPER	15	129	JUNIPER	13	189	JUNIPER	13	249	JUNIPER	7
10	JUNIPER	7	70	JUNIPER	8	130	JUNIPER	5	190	JUNIPER	15	250	JUNIPER	6
11	JUNIPER	12	71	JUNIPER	7	131	JUNIPER	9	191	JUNIPER	7	251	LIVE OAK	4
12	JUNIPER	13	72	GREEN ASH	11	132	JUNIPER	8	192	JUNIPER	9	252	JUNIPER	13
13	JUNIPER	6	73	JUNIPER	9	133	JUNIPER	6	193	JUNIPER	7	253	JUNIPER	9
14	RED OAK	12	74	JUNIPER	14	134	JUNIPER	5	194	JUNIPER	9	254	JUNIPER	7
15	CHINABERRY	8	75	JUNIPER	7	135	JUNIPER	6	195	JUNIPER	13	255	JUNIPER	5
16	JUNIPER	11	76	JUNIPER	7	136	JUNIPER	4	196	JUNIPER	4	256	JUNIPER	9
17	LIVE OAK	33	77	JUNIPER	13	137	JUNIPER	14	197	JUNIPER	11	257	JUNIPER	19
18	JUNIPER	6	78	JUNIPER	5	138	JUNIPER	6	198	JUNIPER	8	258	JUNIPER	6
19	JUNIPER	7	79	JUNIPER	9	139	JUNIPER	10	199	JUNIPER	4	259	JUNIPER	9
20	JUNIPER	6	80	JUNIPER	15	140	JUNIPER	8	200	JUNIPER	3	260	JUNIPER	9
21	JUNIPER	12	81	JUNIPER	8	141	JUNIPER	8	201	JUNIPER	8	261	JUNIPER	8
22	JUNIPER	17	82	JUNIPER	8	142	JUNIPER	5	202	JUNIPER	7	262	JUNIPER	10
23	HACKBERRY	6	83	JUNIPER	14	143	LIVE OAK	6	203	JUNIPER	20	263	JUNIPER	17
24	JUNIPER	5	84	JUNIPER	7	144	JUNIPER	3	204	LIVE OAK	6	264	JUNIPER	12
25	JUNIPER	10	85	JUNIPER	10	145	JUNIPER	8	205	JUNIPER	5	265	JUNIPER	10
26	JUNIPER	12	86	JUNIPER	4	146	JUNIPER	10	206	LIVE OAK	3	266	JUNIPER	13
27	HACKBERRY	4	87	JUNIPER	13	147	JUNIPER	6	207	JUNIPER	11	267	JUNIPER	10
28	HACKBERRY	12	88	JUNIPER	9	148	JUNIPER	8	208	JUNIPER	5	268	JUNIPER	11
29	JUNIPER	12	89	JUNIPER	7	149	JUNIPER	11	209	JUNIPER	3	269	JUNIPER	16
30	JUNIPER	12	90	LIVE OAK	9	150	JUNIPER	21	210	JUNIPER	13	270	JUNIPER	5
31	JUNIPER	23	91	JUNIPER	6	151	JUNIPER	7	211	JUNIPER	4	271	JUNIPER	3
32	LIVE OAK	16	92	JUNIPER	12	152	JUNIPER	18	212	JUNIPER	6	272	JUNIPER	6
33	LIVE OAK	8	93	JUNIPER	14	153	JUNIPER	18	213	JUNIPER	4	273	JUNIPER	3
34	LIVE OAK	8	94	JUNIPER	8	154	JUNIPER	3	214	JUNIPER	6	274	JUNIPER	7
35	LIVE OAK	8	95	LIVE OAK	8	155	JUNIPER	8	215	LIVE OAK	5	275	JUNIPER	2
36	LIVE OAK	5	96	JUNIPER	14	156	JUNIPER	7	216	LIVE OAK	8	276	JUNIPER	3
37	LIVE OAK	24	97	JUNIPER	6	157	JUNIPER	4	217	JUNIPER	10	277	JUNIPER	9
38	JUNIPER	10	98	JUNIPER	16	158	JUNIPER	6	218	JUNIPER	5	278	JUNIPER	4
39	JUNIPER	17	99	JUNIPER	6	159	JUNIPER	12	219	JUNIPER	10	279	JUNIPER	9
40	LIVE OAK	8	100	JUNIPER	9	160	JUNIPER	7	220	LIVE OAK	5	280	JUNIPER	8
41	LIVE OAK	4	101	LIVE OAK	9	161	JUNIPER	6	221	LIVE OAK	11	281	JUNIPER	10
42	LIVE OAK	7	102	LIVE OAK	4	162	JUNIPER	3	222	JUNIPER	7	282	LIVE OAK	4
43	PERSIMMON	7	103	LIVE OAK	4	163	JUNIPER	4	223	JUNIPER	15	283	LIVE OAK	5
44	LIVE OAK	8	104	JUNIPER	10	164	JUNIPER	5	224	JUNIPER	9	284	JUNIPER	10
45	LIVE OAK	16	105	JUNIPER	12	165	JUNIPER	3	225	JUNIPER	3	285	JUNIPER	5
46	LIVE OAK	20	106	JUNIPER	15	166	JUNIPER	4	226	JUNIPER	7	286	JUNIPER	12
47	LIVE OAK	15	107	JUNIPER	8	167	JUNIPER	3	227	JUNIPER	4	287	JUNIPER	6
48	LIVE OAK	18	108	JUNIPER	8	168	JUNIPER	16	228	JUNIPER	3	288	LIVE OAK	5
49	JUNIPER	24	109	JUNIPER	11	169	JUNIPER	6	229	JUNIPER	5	289	JUNIPER	7
50	JUNIPER	12	110	JUNIPER	12	170	JUNIPER	5	230	JUNIPER	13	290	LIVE OAK	4
51	HACKBERRY	7	111	JUNIPER	14	171	JUNIPER	5	231	JUNIPER	7	291	JUNIPER	8
52	JUNIPER	10	112	JUNIPER	6	172	JUNIPER	12	232	JUNIPER	7	292	JUNIPER	15
53	JUNIPER	10	113	JUNIPER	7	173	JUNIPER	9	233	JUNIPER	4	293	JUNIPER	7
54	RED OAK	14	114	JUNIPER	18	174	LIVE OAK	3	234	JUNIPER	4	294	JUNIPER	8
55	JUNIPER	6	115	JUNIPER	6	175	LIVE OAK	7	235	LIVE OAK	6	295	JUNIPER	6
56	JUNIPER	10	116	JUNIPER	14	176	JUNIPER	7	236	LIVE OAK	3	296	JUNIPER	8
57	JUNIPER	4	117	JUNIPER	12	177	JUNIPER	5	237	JUNIPER	5	297	JUNIPER	5
58	JUNIPER	8	118	JUNIPER	12	178	JUNIPER	2	238	JUNIPER	16	298	JUNIPER	4
59	JUNIPER	7	119	JUNIPER	12	179	JUNIPER	10	239	JUNIPER	7	299	JUNIPER	11
60	JUNIPER	5	120	JUNIPER	16	180	LIVE OAK	3	240	JUNIPER	11	300	LIVE OAK	5



CIVIL | CIVIL | GEOTECHNICAL
STRUCTURAL | SURVEY

CORPORATE OFFICE
401 W 26TH ST
BRYAN, TEXAS 77803
www.gessnerengineering.com

BRENNHAM 979.836.6855
BRYAN 979.680.8840
FORT WORTH 817.405.0774
GEORGETOWN 512.930.5832
SAN ANTONIO 210.305.4792
TBPLS FIRM REGISTRATION NUMBERS:
F-7451 & F-101914599

BOUNDARY AND
TOPOGRAPHIC SURVEY
EXHIBIT

ISSUE DATE: 06-21-2021

DRAWN BY: CK

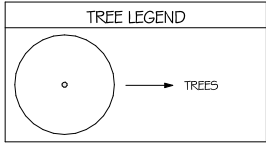
CHECKED BY: DD

PROJECT #: 21-0687

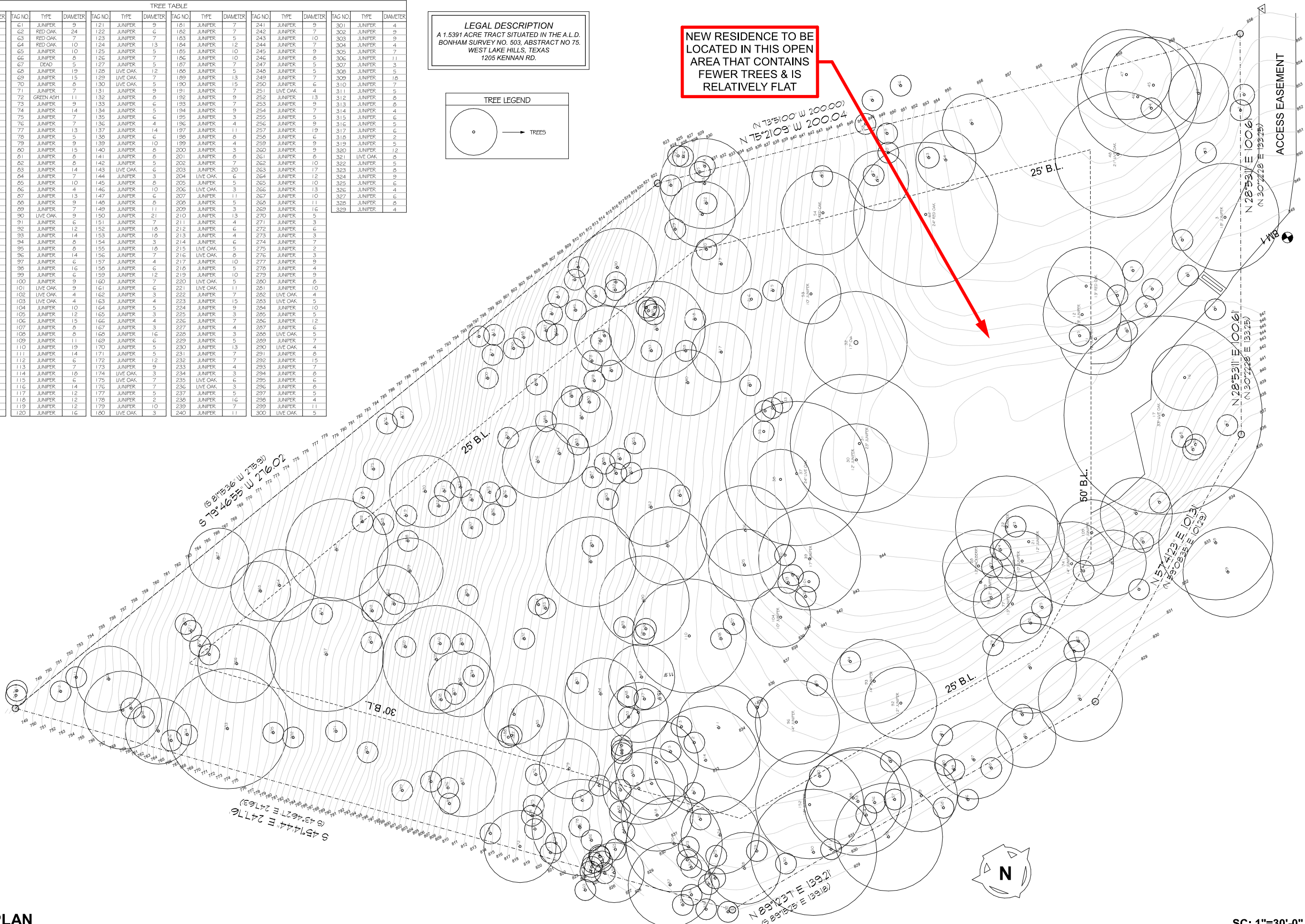
REVISED DATE: 10-19-21

TREE TABLE																	
TAG NO.	TYPE	DIAMETER	TAG NO.	TYPE	DIAMETER	TAG NO.	TYPE	DIAMETER	TAG NO.	TYPE	DIAMETER	TAG NO.	TYPE	DIAMETER	TAG NO.	TYPE	DIAMETER
1	JUNIPER	9	61	JUNIPER	9	121	JUNIPER	9	181	JUNIPER	7	241	JUNIPER	9	301	JUNIPER	4
2	JUNIPER	6	62	RED OAK	24	122	JUNIPER	6	182	JUNIPER	7	242	JUNIPER	9	302	JUNIPER	9
3	JUNIPER	16	63	RED OAK	7	123	JUNIPER	7	183	JUNIPER	5	243	JUNIPER	10	303	JUNIPER	9
4	JUNIPER	8	64	RED OAK	10	124	JUNIPER	13	184	JUNIPER	12	244	JUNIPER	7	304	JUNIPER	4
5	JUNIPER	9	65	JUNIPER	10	125	JUNIPER	5	185	JUNIPER	10	245	JUNIPER	9	305	JUNIPER	7
6	PERSIMMON	8	66	JUNIPER	8	126	JUNIPER	7	186	JUNIPER	10	246	JUNIPER	8	306	JUNIPER	11
7	JUNIPER	6	67	DEAD	5	127	JUNIPER	5	187	JUNIPER	7	247	JUNIPER	5	307	JUNIPER	3
8	JUNIPER	10	68	JUNIPER	19	128	LIVE OAK	12	188	JUNIPER	5	248	JUNIPER	5	308	JUNIPER	5
9	CHINADERRY	8	69	JUNIPER	15	129	LIVE OAK	7	189	JUNIPER	13	249	JUNIPER	7	309	JUNIPER	18
10	JUNIPER	7	70	JUNIPER	8	130	LIVE OAK	5	190	JUNIPER	15	250	JUNIPER	6	310	JUNIPER	7
11	JUNIPER	12	71	JUNIPER	7	131	JUNIPER	9	191	JUNIPER	7	251	LIVE OAK	4	311	JUNIPER	5
12	JUNIPER	13	72	GREEN ASH	11	132	JUNIPER	8	192	JUNIPER	9	252	JUNIPER	13	312	JUNIPER	8
13	JUNIPER	6	73	JUNIPER	9	133	JUNIPER	6	193	JUNIPER	7	253	JUNIPER	9	313	JUNIPER	8
14	RED OAK	12	74	JUNIPER	14	134	JUNIPER	5	194	JUNIPER	9	254	JUNIPER	7	314	JUNIPER	4
15	CHINADERRY	8	75	JUNIPER	7	135	JUNIPER	6	195	JUNIPER	3	255	JUNIPER	5	315	JUNIPER	6
16	JUNIPER	11	76	JUNIPER	7	136	JUNIPER	4	196	JUNIPER	4	256	JUNIPER	9	316	JUNIPER	5
17	LIVE OAK	33	77	JUNIPER	13	137	JUNIPER	14	197	JUNIPER	11	257	JUNIPER	19	317	JUNIPER	6
18	JUNIPER	6	78	JUNIPER	5	138	JUNIPER	6	198	JUNIPER	8	258	JUNIPER	6	318	JUNIPER	2
19	JUNIPER	7	79	JUNIPER	9	139	JUNIPER	10	199	JUNIPER	4	259	JUNIPER	9	319	JUNIPER	5
20	JUNIPER	6	80	JUNIPER	15	140	JUNIPER	8	200	JUNIPER	3	260	JUNIPER	9	320	JUNIPER	12
21	JUNIPER	12	81	JUNIPER	8	141	JUNIPER	8	201	JUNIPER	6	261	JUNIPER	8	321	LIVE OAK	8
22	JUNIPER	17	82	JUNIPER	8	142	JUNIPER	5	202	JUNIPER	7	262	JUNIPER	10	322	JUNIPER	5
23	HACKBERRY	6	83	JUNIPER	14	143	LIVE OAK	6	203	JUNIPER	20	263	JUNIPER	17	323	JUNIPER	8
24	JUNIPER	5	84	JUNIPER	7	144	JUNIPER	3	204	JUNIPER	6	264	JUNIPER	12	324	JUNIPER	9
25	JUNIPER	10	85	JUNIPER	10	145	JUNIPER	8	205	JUNIPER	5	265	JUNIPER	10	325	JUNIPER	6
26	JUNIPER	12	86	JUNIPER	4	146	JUNIPER	10	206	LIVE OAK	3	266	JUNIPER	13	326	JUNIPER	4
27	HACKBERRY	4	87	JUNIPER	13	147	JUNIPER	6	207	JUNIPER	11	267	JUNIPER	10	327	JUNIPER	6
28	HACKBERRY	12	88	JUNIPER	9	148	JUNIPER	8	208	JUNIPER	5	268	JUNIPER	11	328	JUNIPER	8
29	JUNIPER	12	89	JUNIPER	7	149	JUNIPER	11	209	JUNIPER	3	269	JUNIPER	16	317	JUNIPER	6
30	JUNIPER	12	90	LIVE OAK	9	150	JUNIPER	21	210	JUNIPER	13	270	JUNIPER	5	328	JUNIPER	4
31	JUNIPER	23	91	JUNIPER	6	151	JUNIPER	7	211	JUNIPER	4	271	JUNIPER	3			
32	LIVE OAK	16	92	JUNIPER	12	152	JUNIPER	18	212	JUNIPER	6	272	JUNIPER	6			
33	LIVE OAK	8	93	JUNIPER	14	153	JUNIPER	18	213	JUNIPER	4	273	JUNIPER	3			
34	LIVE OAK	8	94	JUNIPER	8	154	JUNIPER	3	214	JUNIPER	6	274	JUNIPER	7			
35	LIVE OAK	8	95	JUNIPER	8	155	JUNIPER	18	215	LIVE OAK	5	275	JUNIPER	2			
36	LIVE OAK	5	96	JUNIPER	14	156	JUNIPER	7	216	LIVE OAK	8	276	JUNIPER	3			
37	LIVE OAK	24	97	JUNIPER	6	157	JUNIPER	4	217	JUNIPER	10	277	JUNIPER	9			
38	JUNIPER	10	98	JUNIPER	16	158	JUNIPER	6	218	JUNIPER	5	278	JUNIPER	4			
39	JUNIPER	17	99	JUNIPER	6	159	JUNIPER	12	219	JUNIPER	10	279	JUNIPER	9			
40	LIVE OAK	8	100	JUNIPER	9	160	JUNIPER	7	220	LIVE OAK	5	280	JUNIPER	8			
41	LIVE OAK	4	101	LIVE OAK	9	161	JUNIPER	6	221	LIVE OAK	11	281	JUNIPER	10			
42	LIVE OAK	7	102	LIVE OAK	4	162	JUNIPER	3	222	JUNIPER	7	282	LIVE OAK	4			
43	PERSIMMON	7	103	LIVE OAK	4	163	JUNIPER	4	223	JUNIPER	15	283	LIVE OAK	5			
44	LIVE OAK	8	104	JUNIPER	10	164	JUNIPER	5	224	JUNIPER	9	284	JUNIPER	10			
45	LIVE OAK	16	105	JUNIPER	12	165	JUNIPER	3	225	JUNIPER	3	285	JUNIPER	5			
46	LIVE OAK	20	106	JUNIPER	15	166	JUNIPER	4	226	JUNIPER	7	286	JUNIPER	12			
47	LIVE OAK	15	107	JUNIPER	8	167	JUNIPER	3	227	JUNIPER	4	287	JUNIPER	6			
48	LIVE OAK	18	108	JUNIPER	8	168	JUNIPER	16	228	JUNIPER	3	288	LIVE OAK	5			
49	JUNIPER	24	109	JUNIPER	11	169	JUNIPER	6	229	JUNIPER	5	289	JUNIPER	7			
50	JUNIPER	12	110	JUNIPER	19	170	JUNIPER	5	230	JUNIPER	13	290	LIVE OAK	4			
51	HACKBERRY	7	111	JUNIPER	14	171	JUNIPER	5	231	JUNIPER	7	291	JUNIPER	8			
52	JUNIPER	10	112	JUNIPER	6	172	JUNIPER	12	232	JUNIPER	7	292	JUNIPER	15			
53	JUNIPER	10	113	JUNIPER	7	173	JUNIPER	9	233	JUNIPER	4	293	JUNIPER	7			
54	RED OAK	14	114	JUNIPER	18	174	LIVE OAK	3	234	JUNIPER	3	294	JUNIPER	8			
55	JUNIPER	6	115	JUNIPER	6	175	LIVE OAK	7	235	LIVE OAK	6	295	JUNIPER	6			
56	JUNIPER	10	116	JUNIPER	14	176	JUNIPER	7	236	LIVE OAK	3	296	JUNIPER	8			
57	JUNIPER	4	117	JUNIPER	12	177	JUNIPER	5	237	JUNIPER	5	297	JUNIPER	5			
58	JUNIPER	8	118	JUNIPER	12	178	JUNIPER	2	238	JUNIPER	16	298	JUNIPER	4			
59	JUNIPER	7	119	JUNIPER	12	179	JUNIPER	10	239	JUNIPER	7	299	JUNIPER	11			
60	JUNIPER	5	120	JUNIPER	16	180	LIVE OAK	3	240	JUNIPER	11	300	LIVE OAK	5			

LEGAL DESCRIPTION
A 1.5391 ACRE TRACT SITUATED IN THE A.L.D.
BONHAM SURVEY NO. 503, ABSTRACT NO 75.
WEST LAKE HILLS, TEXAS
1205 KENNAN RD.



NEW RESIDENCE TO BE
LOCATED IN THIS OPEN
AREA THAT CONTAINS
FEWER TREES & IS
RELATIVELY FLAT



SITE PLAN

SC: 1"=30'-0"

These Documents are incomplete
and may not be used for
construction, regulatory
approval, or permit.
JOHN FITZPATRICK ARCHITECT AIA
TX. REG. # 4052

BRITTON RESIDENCE
1205 KENNAN RD.

Site Plan

date 12/2/2021
drawn by ADC

A-1

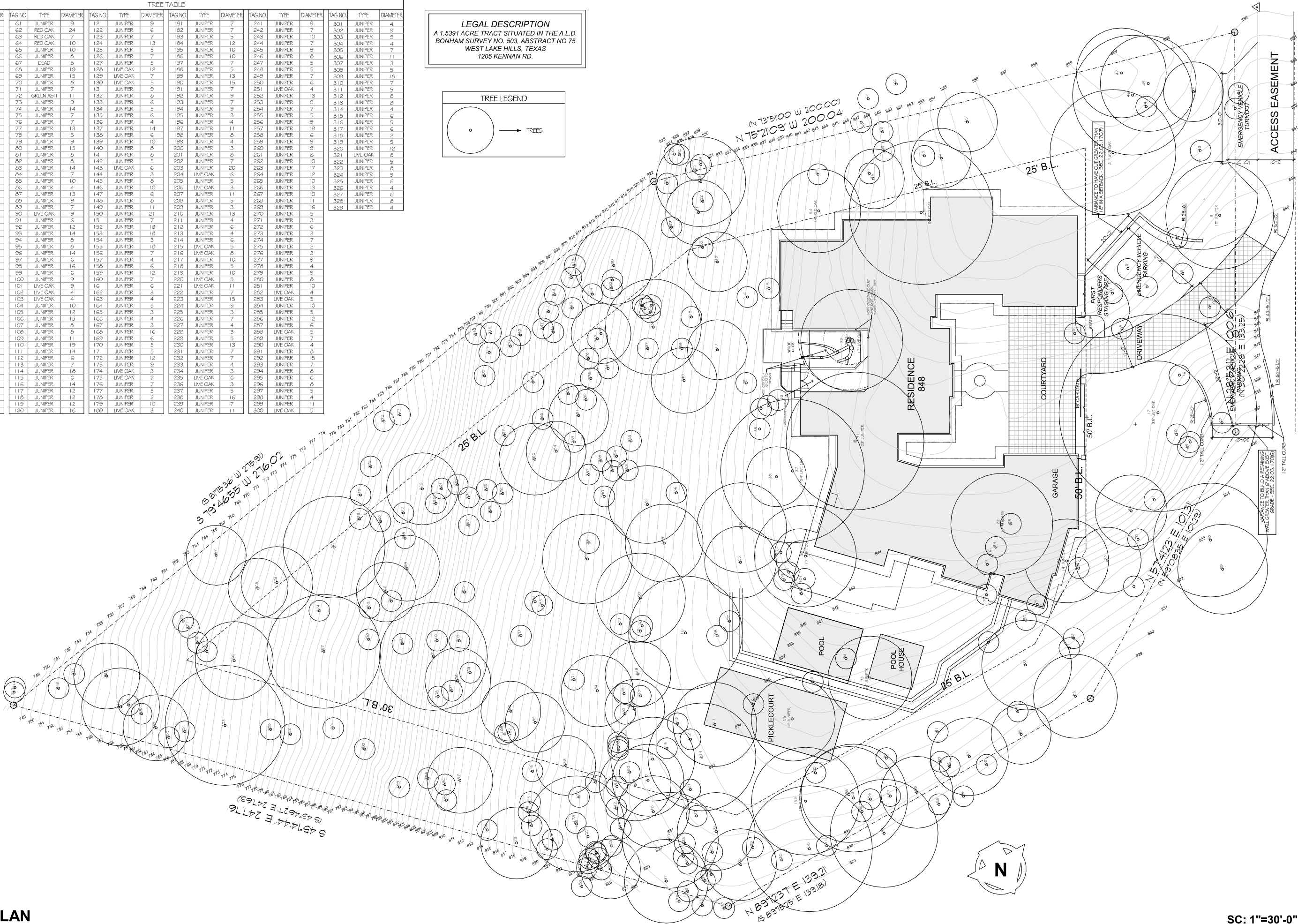
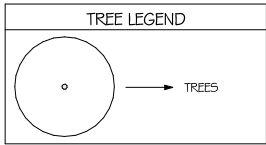
sheet 1 of 2

member of the american
institute of architects

AIA

TREE TABLE											
TAG NO.	TYPE	DIAMETER	TAG NO.	TYPE	DIAMETER	TAG NO.	TYPE	DIAMETER	TAG NO.	TYPE	DIAMETER
1	JUNIPER	9	61	JUNIPER	9	121	JUNIPER	9	241	JUNIPER	4
2	JUNIPER	6	62	RED OAK	24	122	JUNIPER	6	302	JUNIPER	9
3	JUNIPER	16	63	RED OAK	7	123	JUNIPER	7	303	JUNIPER	9
4	JUNIPER	8	64	RED OAK	10	124	JUNIPER	13	304	JUNIPER	4
5	JUNIPER	9	65	JUNIPER	10	125	JUNIPER	5	305	JUNIPER	7
6	PERSIMMON	8	66	JUNIPER	8	126	JUNIPER	7	306	JUNIPER	11
7	JUNIPER	6	67	DEAD	5	127	JUNIPER	5	307	JUNIPER	3
8	JUNIPER	10	68	JUNIPER	19	128	LIVE OAK	12	308	JUNIPER	5
9	CHINADERRY	8	69	JUNIPER	15	129	LIVE OAK	7	309	JUNIPER	18
10	JUNIPER	7	70	JUNIPER	8	130	LIVE OAK	5	310	JUNIPER	7
11	JUNIPER	12	71	JUNIPER	7	131	JUNIPER	9	311	JUNIPER	5
12	JUNIPER	13	72	GREEN ASH	11	132	JUNIPER	8	312	JUNIPER	8
13	JUNIPER	6	73	JUNIPER	9	133	JUNIPER	6	313	JUNIPER	8
14	RED OAK	12	74	JUNIPER	14	134	JUNIPER	5	314	JUNIPER	4
15	CHINADERRY	8	75	JUNIPER	7	135	JUNIPER	6	315	JUNIPER	6
16	JUNIPER	11	76	JUNIPER	7	136	JUNIPER	4	316	JUNIPER	5
17	LIVE OAK	33	77	JUNIPER	13	137	JUNIPER	14	317	JUNIPER	6
18	JUNIPER	6	78	JUNIPER	5	138	JUNIPER	6	318	JUNIPER	2
19	JUNIPER	7	79	JUNIPER	9	139	JUNIPER	10	319	JUNIPER	5
20	JUNIPER	6	80	JUNIPER	15	140	JUNIPER	8	320	JUNIPER	12
21	JUNIPER	12	81	JUNIPER	8	141	JUNIPER	8	321	LIVE OAK	8
22	JUNIPER	17	82	JUNIPER	8	142	JUNIPER	5	322	JUNIPER	5
23	HACKBERRY	6	83	JUNIPER	14	143	LIVE OAK	6	323	JUNIPER	8
24	JUNIPER	5	84	JUNIPER	7	144	JUNIPER	3	324	JUNIPER	9
25	JUNIPER	10	85	JUNIPER	10	145	JUNIPER	8	325	JUNIPER	6
26	JUNIPER	12	86	JUNIPER	4	146	JUNIPER	10	326	JUNIPER	4
27	HACKBERRY	4	87	JUNIPER	13	147	JUNIPER	6	327	JUNIPER	6
28	HACKBERRY	12	88	JUNIPER	9	148	JUNIPER	8	328	JUNIPER	4
29	JUNIPER	12	89	JUNIPER	7	149	JUNIPER	11	329	JUNIPER	8
30	JUNIPER	12	90	LIVE OAK	9	150	JUNIPER	21			
31	JUNIPER	23	91	JUNIPER	6	151	JUNIPER	7			
32	LIVE OAK	16	92	JUNIPER	12	152	JUNIPER	18			
33	LIVE OAK	8	93	JUNIPER	14	153	JUNIPER	18			
34	LIVE OAK	8	94	JUNIPER	8	154	JUNIPER	3			
35	LIVE OAK	8	95	JUNIPER	8	155	JUNIPER	18			
36	LIVE OAK	5	96	JUNIPER	14	156	JUNIPER	7			
37	LIVE OAK	24	97	JUNIPER	6	157	JUNIPER	4			
38	JUNIPER	10	98	JUNIPER	16	158	JUNIPER	6			
39	JUNIPER	17	99	JUNIPER	6	159	JUNIPER	12			
40	LIVE OAK	8	100	JUNIPER	9	160	JUNIPER	7			
41	LIVE OAK	4	101	LIVE OAK	9	161	JUNIPER	6			
42	LIVE OAK	7	102	LIVE OAK	4	162	JUNIPER	3			
43	PERSIMMON	7	103	LIVE OAK	4	163	JUNIPER	4			
44	LIVE OAK	8	104	JUNIPER	10	164	JUNIPER	5			
45	LIVE OAK	16	105	JUNIPER	12	165	JUNIPER	3			
46	LIVE OAK	20	106	JUNIPER	15	166	JUNIPER	4			
47	LIVE OAK	15	107	JUNIPER	8	167	JUNIPER	4			
48	LIVE OAK	18	108	JUNIPER	8	168	JUNIPER	16			
49	JUNIPER	24	109	JUNIPER	11	169	JUNIPER	6			
50	JUNIPER	12	110	JUNIPER	19	170	JUNIPER	5			
51	HACKBERRY	7	111	JUNIPER	14	171	JUNIPER	5			
52	JUNIPER	10	112	JUNIPER	6	172	JUNIPER	12			
53	JUNIPER	10	113	JUNIPER	7	173	JUNIPER	9			
54	RED OAK	14	114	JUNIPER	16	174	LIVE OAK	3			
55	JUNIPER	6	115	JUNIPER	6	175	LIVE OAK	7			
56	JUNIPER	10	116	JUNIPER	14	176	JUNIPER	7			
57	JUNIPER	4	117	JUNIPER	12	177	JUNIPER	5			
58	JUNIPER	8	118	JUNIPER	12	178	JUNIPER	2			
59	JUNIPER	7	119	JUNIPER	12	179	JUNIPER	10			
60	JUNIPER	5	120	JUNIPER	16	180	LIVE OAK	3			

LEGAL DESCRIPTION
A 1.5391 ACRE TRACT SITUATED IN THE A.L.D.
BONHAM SURVEY NO. 503, ABSTRACT NO 75.
WEST LAKE HILLS, TEXAS
1205 KENNAN RD.



SITE PLAN

SC: 1"=30'-0"

These Documents are incomplete
and may not be used for
construction, regulatory
approval, or permit.
JOHN FITZPATRICK ARCHITECT AIA
TX. REG. # 4052

BRITTON RESIDENCE
1205 KENNAN RD.

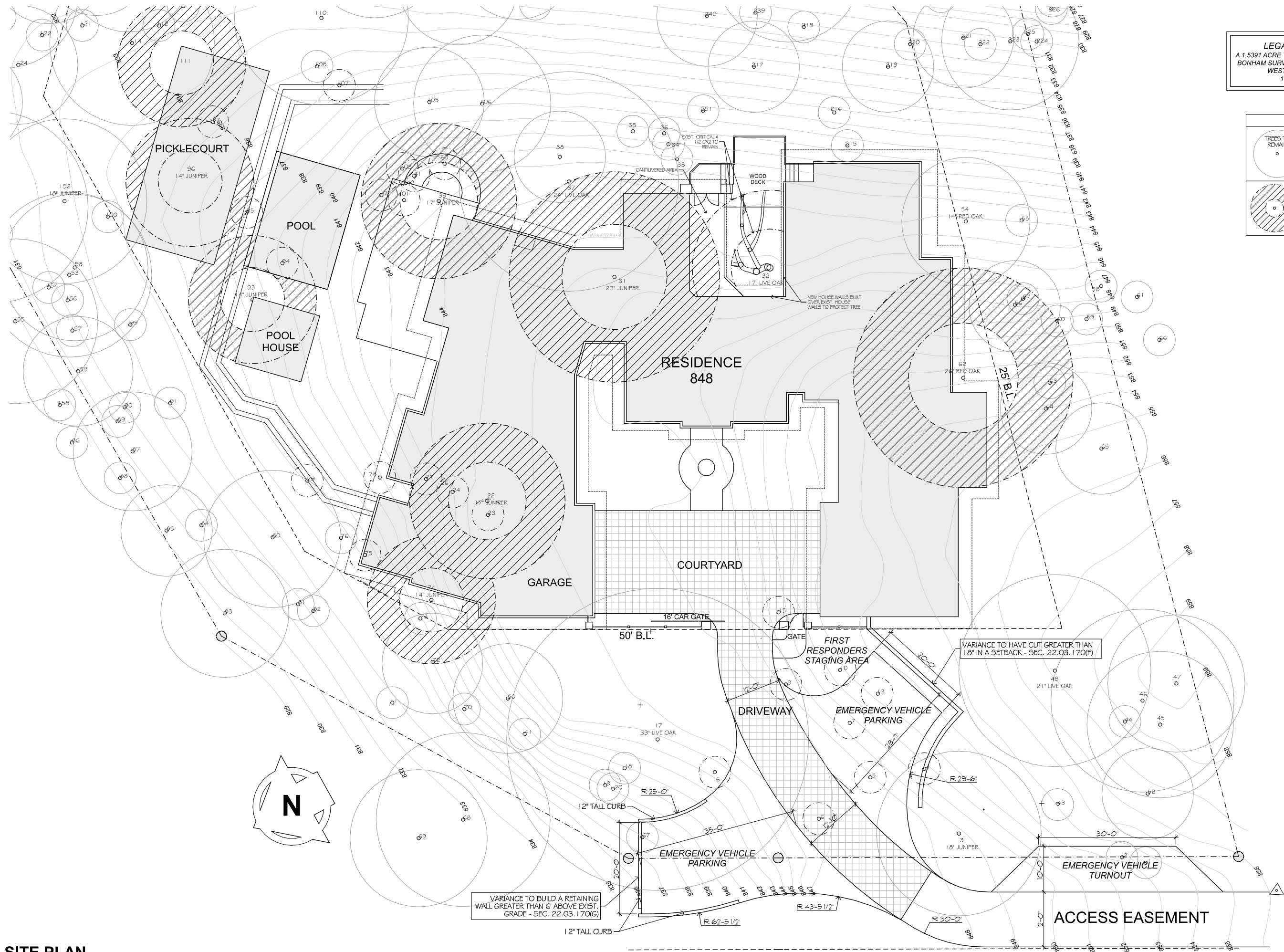
Site Plan

date 12/2/2021
drawn by ADC

A-3
sheet 3 of 8

member of the american
institute of architects

AIA



LEGAL DESCRIPTION
 A 1.5391 ACRE TRACT SITUATED IN THE A.L.D.
 BONHAM SURVEY NO. 503, ABSTRACT NO 75.
 WEST LAKE HILLS, TEXAS
 1205 KENNAN RD.

TREE LEGEND	
TREES TO REMAIN ○	TREES TO BE REMOVED (LESS THAN 14" DIA.) ○
TREE TO BE REMOVED (GREATER THAN 14" DIA.) ○	SEC. 22.03.304(A)(4)

JFitz

FITZPATRICK ARCHITECTS PC

These Documents are incomplete and may not be used for construction, regulatory approval, or permit.
 JOHN FITZPATRICK ARCHITECT AIA
 TX. REG. # 4052

BRITTON RESIDENCE
 1205 KENNAN RD.

Site Plan

date 12/2/2021
 drawn by ADC

A-4
 sheet 4 of 8

member of the american institute of architects

AIA

SITE PLAN

SC: 1"=20'-0"



BRITTON RESIDENCE
1205 KENNAN RD.

Renderings

date 12/2/2021
drawn by ADC

A-5

sheet 5 of 8

member of the american
institute of architects



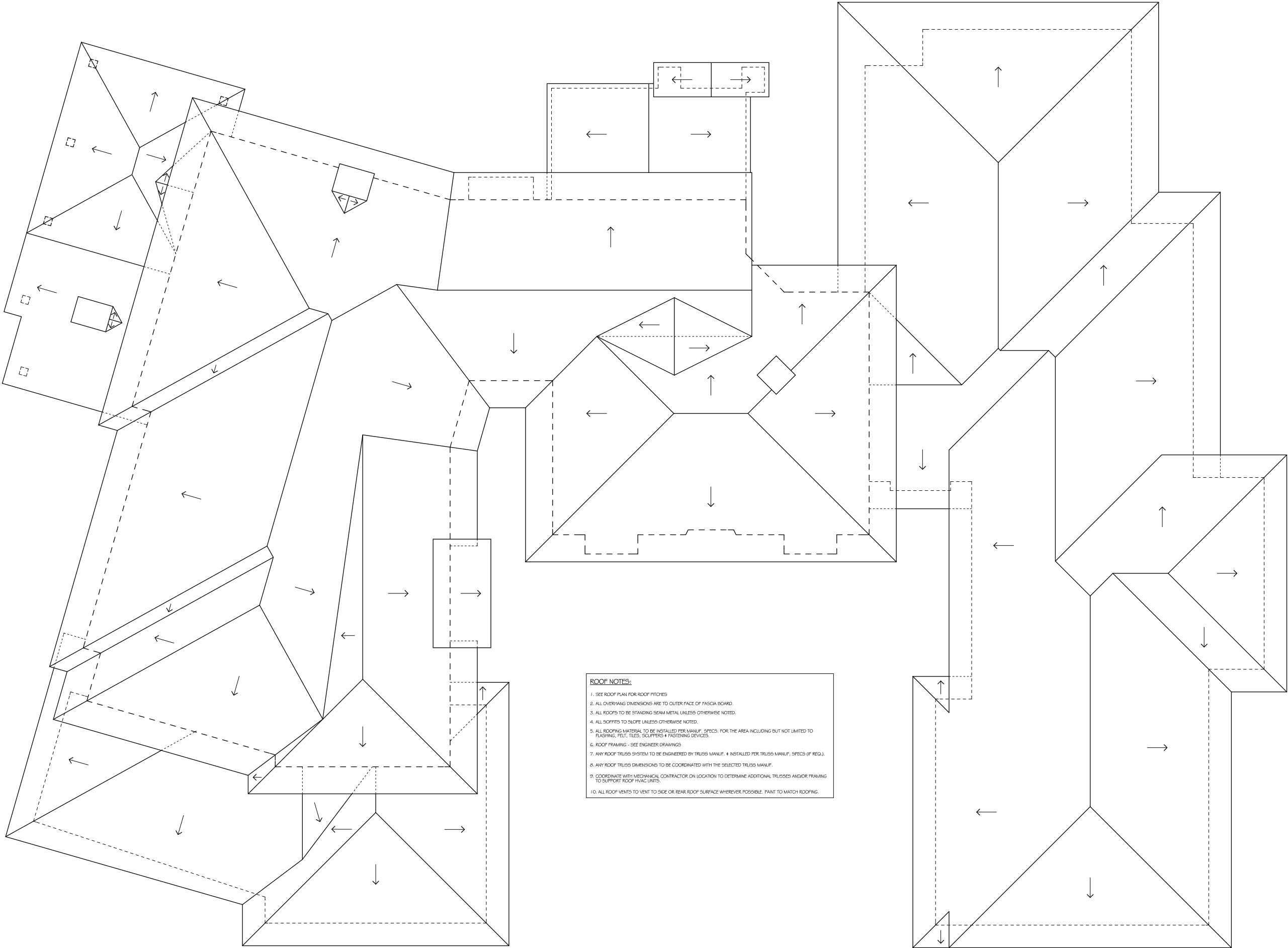
1ST FLOOR PLAN

SC: 3/32"=1'-0"

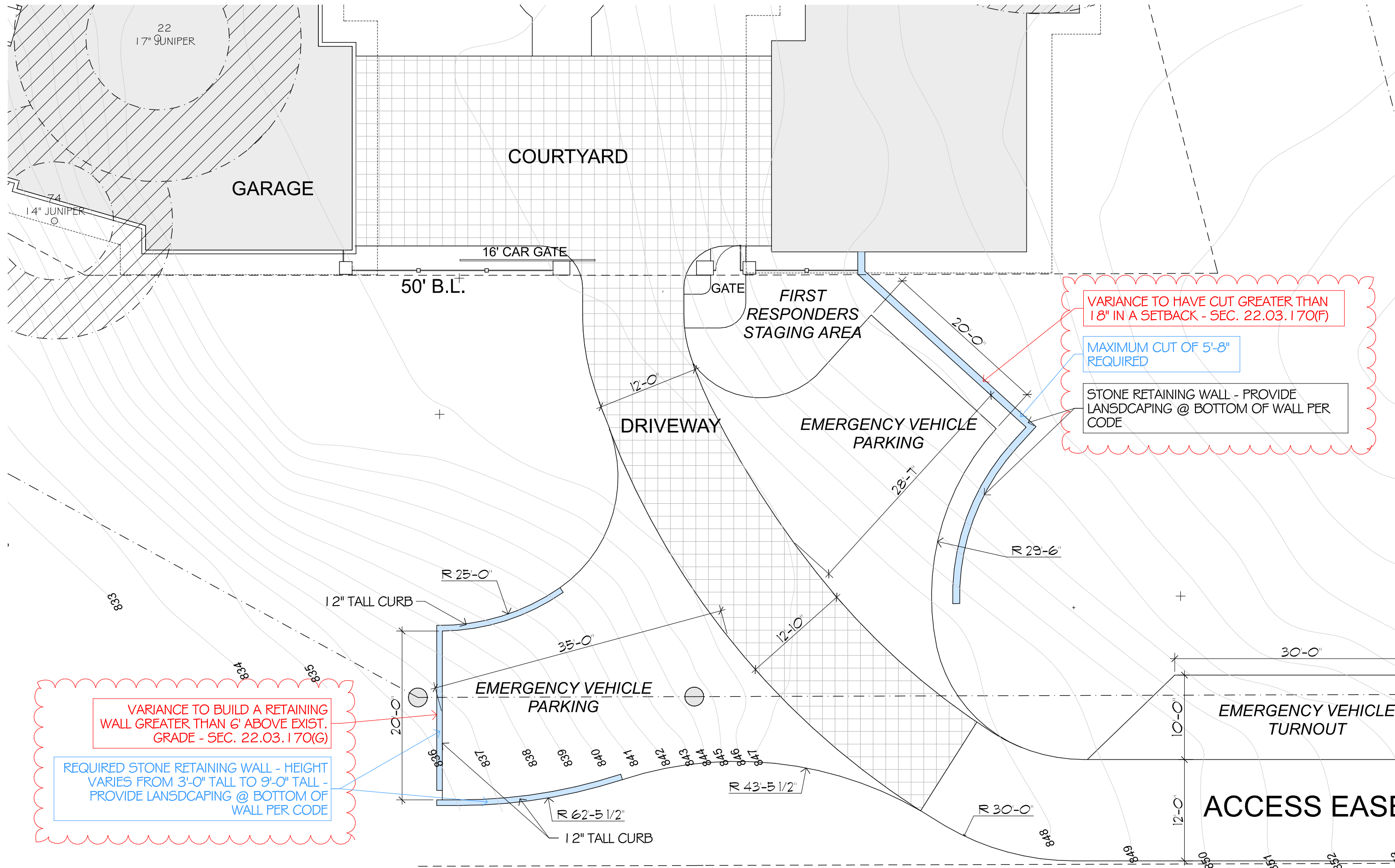


2ND FLOOR PLAN

SC: 3/32"=1'-0"



- ROOF NOTES:**
- 1. SEE ROOF PLAN FOR ROOF PITCHES
 - 2. ALL OVERHANG DIMENSIONS ARE TO OUTER FACE OF FASCIA BOARD.
 - 3. ALL ROOFS TO BE STANDING SEAM METAL UNLESS OTHERWISE NOTED.
 - 4. ALL SOFFITS TO SLOPE UNLESS OTHERWISE NOTED.
 - 5. ALL ROOFING MATERIAL TO BE INSTALLED PER MANUF. SPECS. FOR THE AREA INCLUDING BUT NOT LIMITED TO FLASHING, FELT, TILES, SCUPPERS & FASTENING DEVICES.
 - 6. ROOF FRAMING - SEE ENGINEER DRAWINGS
 - 7. ANY ROOF TRUSS SYSTEM TO BE ENGINEERED BY TRUSS MANUF. & INSTALLED PER TRUSS MANUF. SPECS (IF REQ.).
 - 8. ANY ROOF TRUSS DIMENSIONS TO BE COORDINATED WITH THE SELECTED TRUSS MANUF.
 - 9. COORDINATE WITH MECHANICAL CONTRACTOR ON LOCATION TO DETERMINE ADDITIONAL TRUSSES AND/OR FRAMING TO SUPPORT ROOF HVAC UNITS.
 - 10. ALL ROOF VENTS TO VENT TO SIDE OR REAR ROOF SURFACE WHEREVER POSSIBLE. PAINT TO MATCH ROOFING.



JFitz

FITZPATRICK ARCHITECTS PC

These Documents are incomplete and may not be used for construction, regulatory approval, or permit.

JOHN FITZPATRICK ARCHITECT AIA
TX. REG. # 4052

BRITTON RESIDENCE
1205 KENNAN RD.

Site Plan

date 1/12/2022

drawn by ADC

A-1

sheet 1 of 1

member of the american institute of architects

AIA

SITE PLAN - Questions regarding Cut & Retaining Wall

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

Page 93 of 118



**SETBACK ENCROACHMENT VARIANCE
STAFF REPORT**

JANUARY 19, 2022

Project Address: 1603 Canyon View Drive

Project Number: 2021-1017

Agenda Item: Land Use: **1603 Canyon View:** Discussion/recommendation on an application for a variance to encroach into a front setback. (West Lake Hills Code Sec. 22.03.281). Applicant Denisse Hudock.

Applicant Information: Denisse Hudock

Hearing Dates:

January 19, 2022

ZAPCO

February 9, 2022

Board of Adjustment

Location: The subject property is located along the east side of Canyon View Drive, south of Terrace Mountain Drive.

Zoning & Site Characteristics:

The subject property is zoned R1 Family Residential.

The site is surrounded by single-family residential properties on all sides.

Background & Analysis:

Currently there is a single-family home on the lot. The existing house is proposed for demolition with this application. The new proposed house reduces many nonconforming aspects on the lot including, multiple driveway cuts, encroachments into side setbacks and lessens the encroachment in the front setback.

The applicant is seeking a variance for a 10-foot encroachment into the front 50-foot setback. The existing house that is planned for demolition sits 11-feet closer than this house would sit, reducing the encroachment and coming closer into compliance.

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 – *“There is a steep drop in the original grade at the end of the proposed building footprint. If we were to maintain the 50 ft setback at the current finish floor elevation, the back side of the second story of the home would exceed the 30 ft height limitation. If we lower the entire home resulting in 7 additional feet of excavation, the back of the building footprint would sit at a grade exceeding 25 feet making the foundation*

extremely challenging, as well as creating a condition of extreme (+20%) slope for the driveway accessing the garage, likely needing an additional variance."

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

The application states – *"The proposed design will give back almost 20 feet of frontage considering the existing structure's location within the new setback. If we slide the building footprint back to respect the full 50 feet, we would be disturbing and considerably impacting the hillside in the back that would otherwise remain undisturbed."*

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

The application states – *"(Refer to question 1)*

We considered pushing back the proposed design, but it would result in a height variance. We considered lowering the entire structure to avoid a height variance and it would result in excessive excavation, a foundation at extreme slope, and disrupting the natural landscape in the back of the lot. This would also result in an access driveway at a challenging slope and another variance. We believe that a minimal encroachment into the front setback while trying to comply with the rest of the zoning guidelines would be the best and least impactful approach for the project."

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

The application states – *"We believe that all other options would trigger more invasive conditions to the landscape and view corridors, as well as additional variances for height and slope that further disrupt the fabric of the existing hillside. Our goal is to improve the existing conditions of the site while also trying to preserve the natural beauty of West Lake Hills and its surroundings."*

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

The application states – *"Our design improves the street frontage compared to the existing structure, allowing for a more generous landscape buffer at the street side. With this variance, we would still be able to revitalize this frontage, while also keeping the home within the height allowance, which we believe is critical to preserve existing view corridors and respecting other existing homes."*

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

The application states – *"The new design, with the proposed variance will improve the existing conditions on both neighboring properties by providing a more comfortable separation between them and avoiding a height or slope variance on this property."*

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.

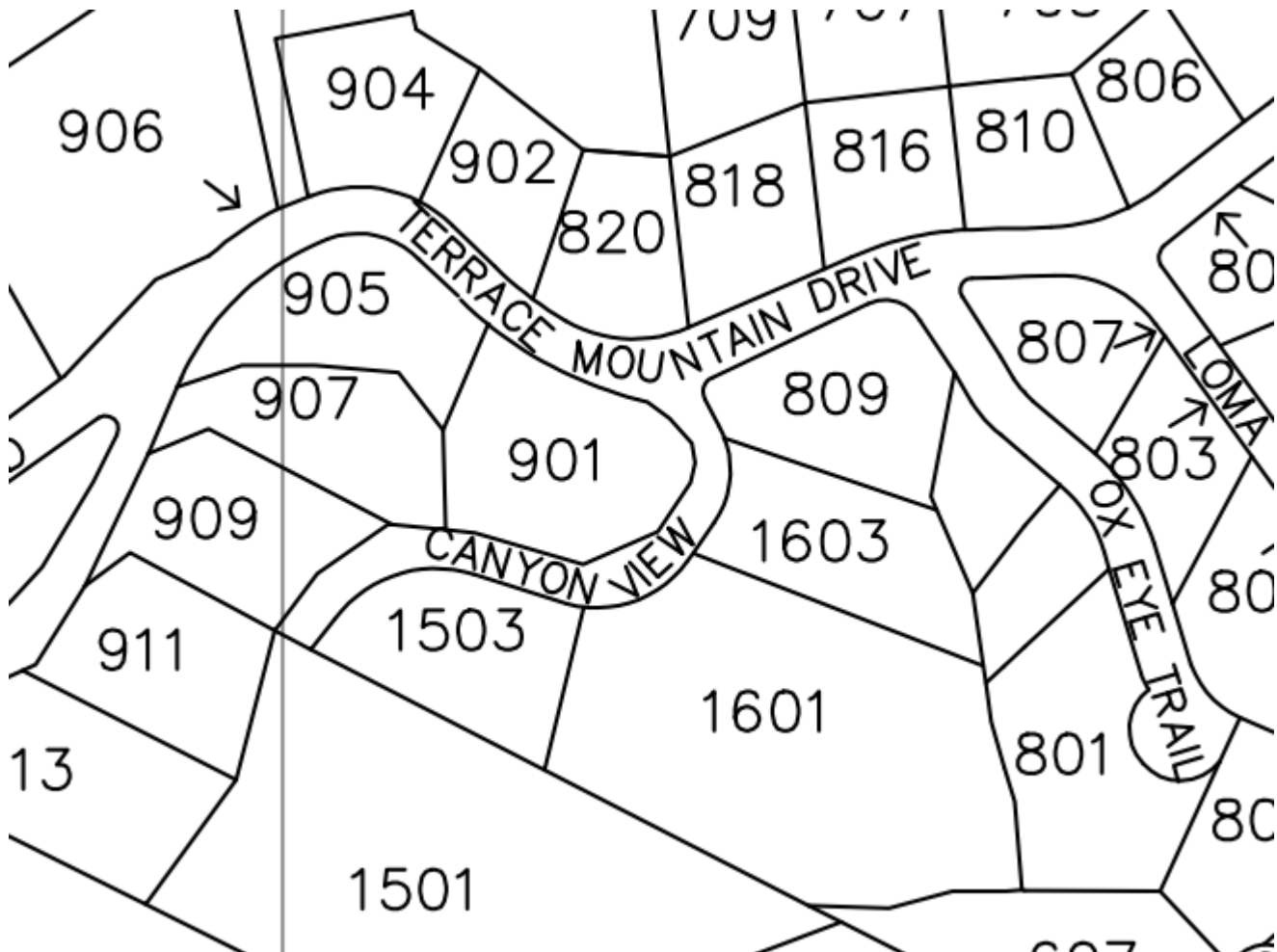
Staff Recommendation

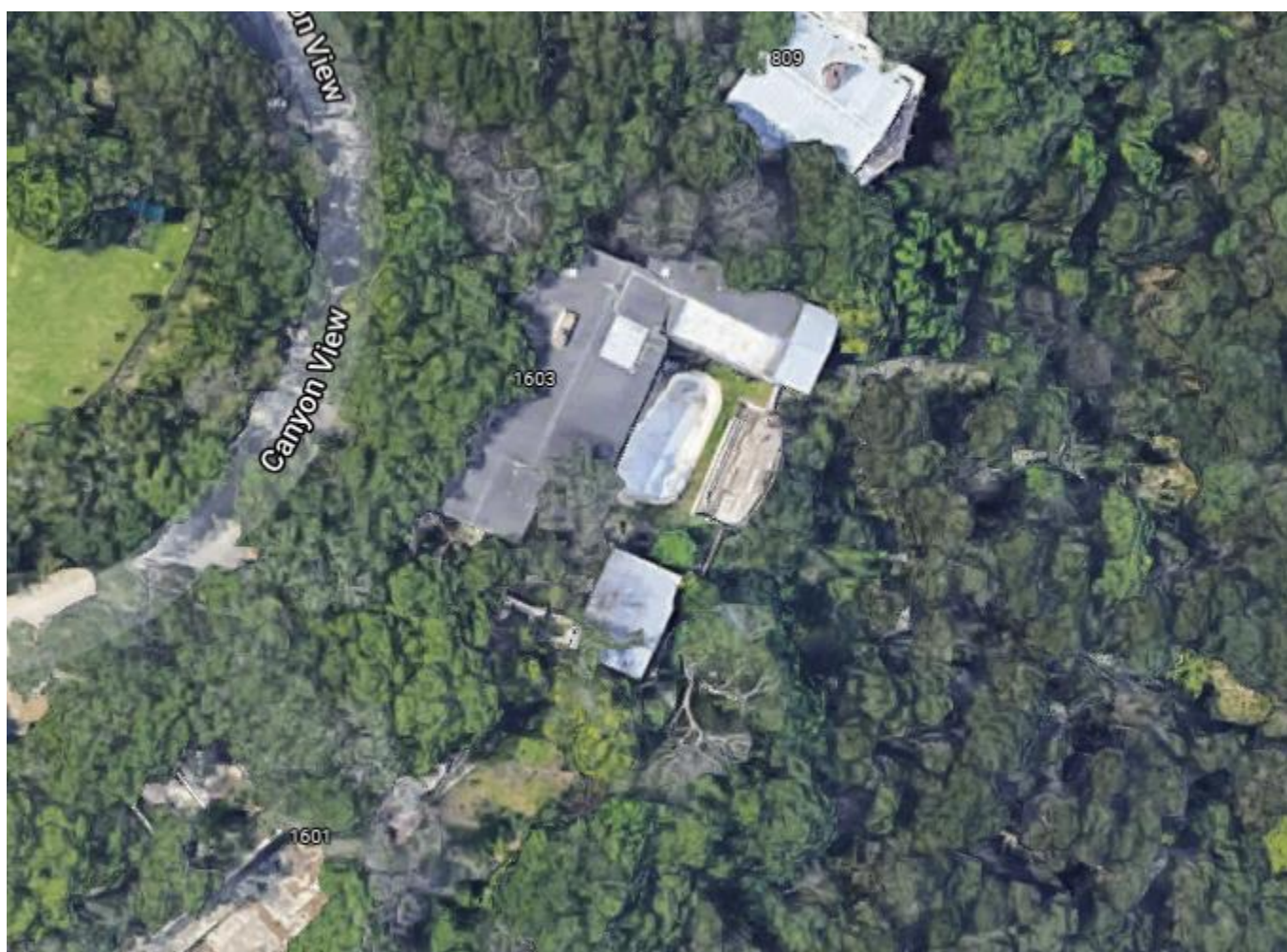
Staff recommends: APPROVAL based on the efforts at minimization and topography of the site.

Links to Relevant Code:

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

ZONING MAP





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: 1603 Canyon View LLC Phone: 512-922-7533

Email: _____

Address: 507 Walsh St. City: Austin State: TX Zip: 78703

Agent*: Ian Lee Phone: 314-277-9900

Email: _____

Address: 507 Walsh St. City: Austin State: TX Zip: 78703

Property Address: 1603 Canyon View City: Austin State: TX Zip: 78746

Property Information

Subdivision Name: STONEHEDGE ESTATES - BLK N

Block: BLK N Lot: LOT 3 TCAD Tax Parcel ID: 119949

Current Zoning Classification: R-1 Total Lot Size (Acres): .81 Acres

**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) Request a 10' encroachment into the 50' front setback
- 2) _____
- 3) _____
- 4) _____
- 5) _____



VARIANCE APPLICATION

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

Brief Description of project/why variances are needed:

The proposed design will replace the existing structure with a new single-family residence that better complies with the current guidelines. The existing structure encroaches in the 50 ft front setback by approximately 29 feet. The variance requested is to occupy only 10 ft of the prescribed 50 ft front setback. The new design looks to preserve the existing fabric and landscape of the hillside, improve the street frontage from existing conditions, and avoid additional extreme driveway slope, retention, and height variances in order to best meet the intent of the City of West Lake Hills Zoning ordinance. .

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.

There is a steep drop in the original grade at the end of the proposed building footprint. If we were to maintain the 50 ft setback at the current finish floor elevation, the back side of the second story of the home would exceed the 30 ft height limitation.

If we lower the entire home resulting in 7 additional feet of excavation, the back of the building footprint would sit at a grade exceeding 25 feet making the foundation extremely challenging, as well as creating a condition of extreme (+20%) slope for the driveway accessing the garage, likely needing an additional variance.

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?

The proposed design will give back almost 20 feet of frontage considering the existing structure's location within the new setback. If we slide the building footprint back to respect the full 50 feet, we would be disturbing and considerably impacting the hillside in the back that would otherwise remain undisturbed.

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

(Refer to question 1)

We considered pushing back the proposed design but it would result in a height variance.

We considered lowering the entire structure to avoid a height variance and it would result in excessive excavation, a foundation at extreme slope, and disrupting the natural landscape in the back of the lot. This would also result in an access driveway at a challenging slope and another variance.

We believe that a minimal encroachment into the front setback while trying to comply with the rest of the zoning guidelines would be the best and least impactful approach for the project.

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

We believe that all other options would trigger more invasive conditions to the landscape and view corridors, as well as additional variances for height and slope that further disrupt the fabric of the existing hillside.

Our goal is to improve the existing conditions of the site while also trying to preserve the natural beauty of West Lake Hills and its surroundings.



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?

Our design improves the street frontage compared to the existing structure, allowing for a more generous landscape buffer at the street side. With this variance, we would still be able to revitalize this frontage, while also keeping the home within the height allowance, which we believe is critical to preserve existing view corridors and respecting other existing homes.

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

The new design, with the proposed variance will improve the existing conditions on both neighboring properties by providing a more comfortable separation between them and avoiding a height or slope variance on this property.

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).

A handwritten signature in black ink, appearing to read "Ian Lee", is written over a horizontal line.

Signature

12/9/2021

Date

Ian Lee

Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☐ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Proof of ownership of subject property
- ☐ Completed Variance Hardship Questionnaire
- ☐ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☐ Property survey
- ☐ Proposed site plan with building setbacks clearly labeled
- ☐ Building elevations, if applicable
- ☐ Tree and topo survey, if applicable
- ☐ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☐ 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.*)
- ☐ 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:

December 9, 2021

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

Esteemed Chairman,

When the long-time owners and residents of 1603 Canyon View were ready to say goodbye to their home in order to travel more, we were excited at the opportunity to reimagine this property. It became evident that the existing home was built prior to many of today's current zoning guidelines, and it became a priority to come up with a new design that would meet the City of West Lake Hills intention for planned development and growth. After exploring all the viable options within the site's challenging constraints, we developed a proposed design that we believe honors the Commission's intent. This variance request will help us meet that intent.

The current ordinance requires a 50 ft setback from the front property line. The existing home encroaches approximately 29 ft, sitting at just 21 feet from the property line. We are requesting a variance to encroach only 10 feet into this 50 ft setback, still significantly improving the street frontage from its existing condition. The hardship we face, that requires us to request a variance, stems from the site's steep slope and extreme topography as it extends toward the back. This gives us a limited buildable area that allows us to stay within other important requirements such as maximum height allowance, excessive excavation and retention for foundation, and an access driveway at an extreme slope.

We tested sliding the home back to clear the entire 50 feet, and found it exceeded the 30 ft height limitation as natural grade started to drop at over 30% slope. This also would significantly disrupt the natural hillside for new and very challenging foundation. We looked at lowering the entire home from the proposed finish floor elevation and this would create excessively tall retention in different areas of the site, significant excavation of the natural grade, and ultimately a driveway with a slope too extreme which seemed to challenge reasonable accessibility for an everyday user, as well as trigger further variances.

As a design professional, my responsibility is to protect the health, safety, and welfare of my clients and every user that interacts with the design. As mentioned above, my team's priority has always been to meet your intent, respect the site and neighborhood, and improve the quality of life of everyone involved. We strongly believe that the new design along with this requested variance improves the existing context, creates a more generous buffer with all neighboring properties, enhances the street frontage, and honors all efforts to maintain the City of West Lake Hills the jewel it is.

Sincerely,

Denisse Valle Hudock, AIA, NOMA

A handwritten signature in black ink that reads "Denisse Valle Hudock". The signature is written in a cursive, flowing style with a large, stylized 'D' and 'H'.

CANYON VIEW
1603 CANYON VIEW, WEST LAKE HILLS 78746

Client: -

VARIANCE REQUEST

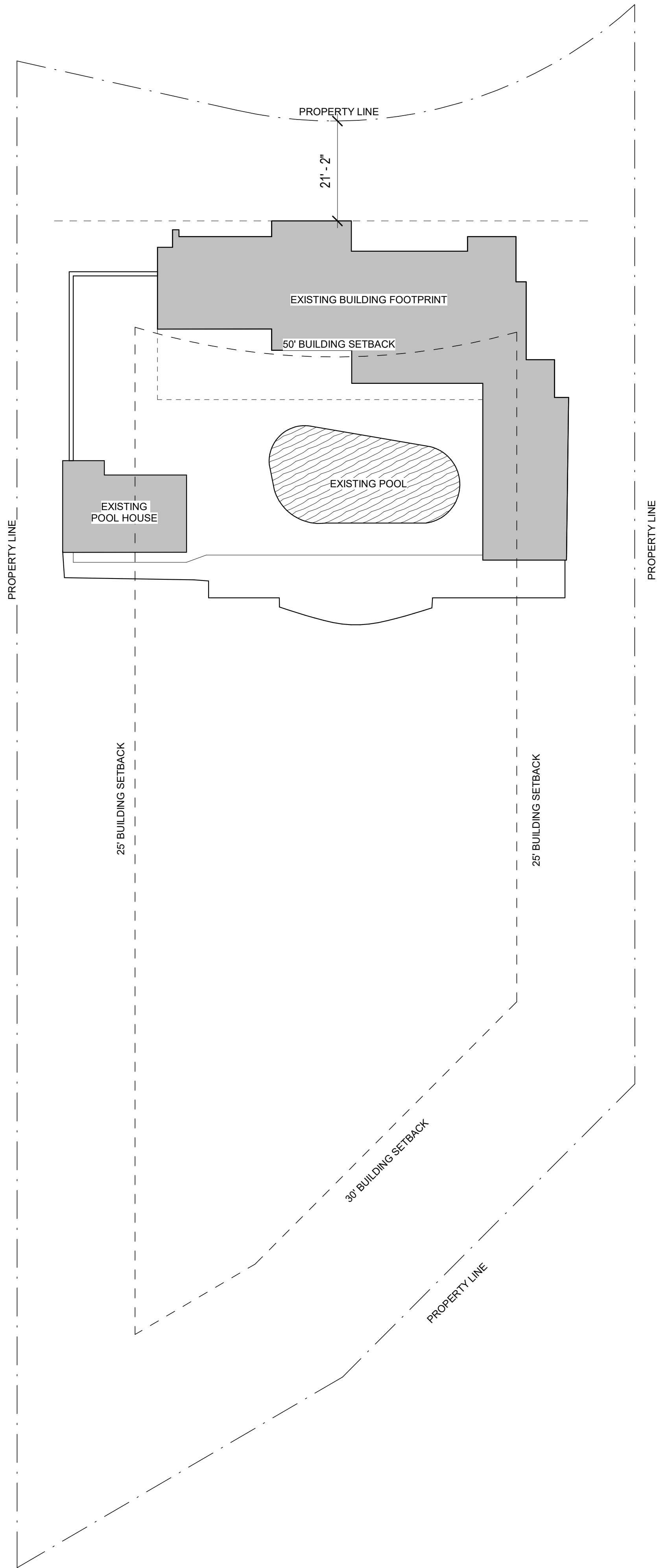
Date 11/17/21
Revisions

Drawn by Author
Checked by Checker

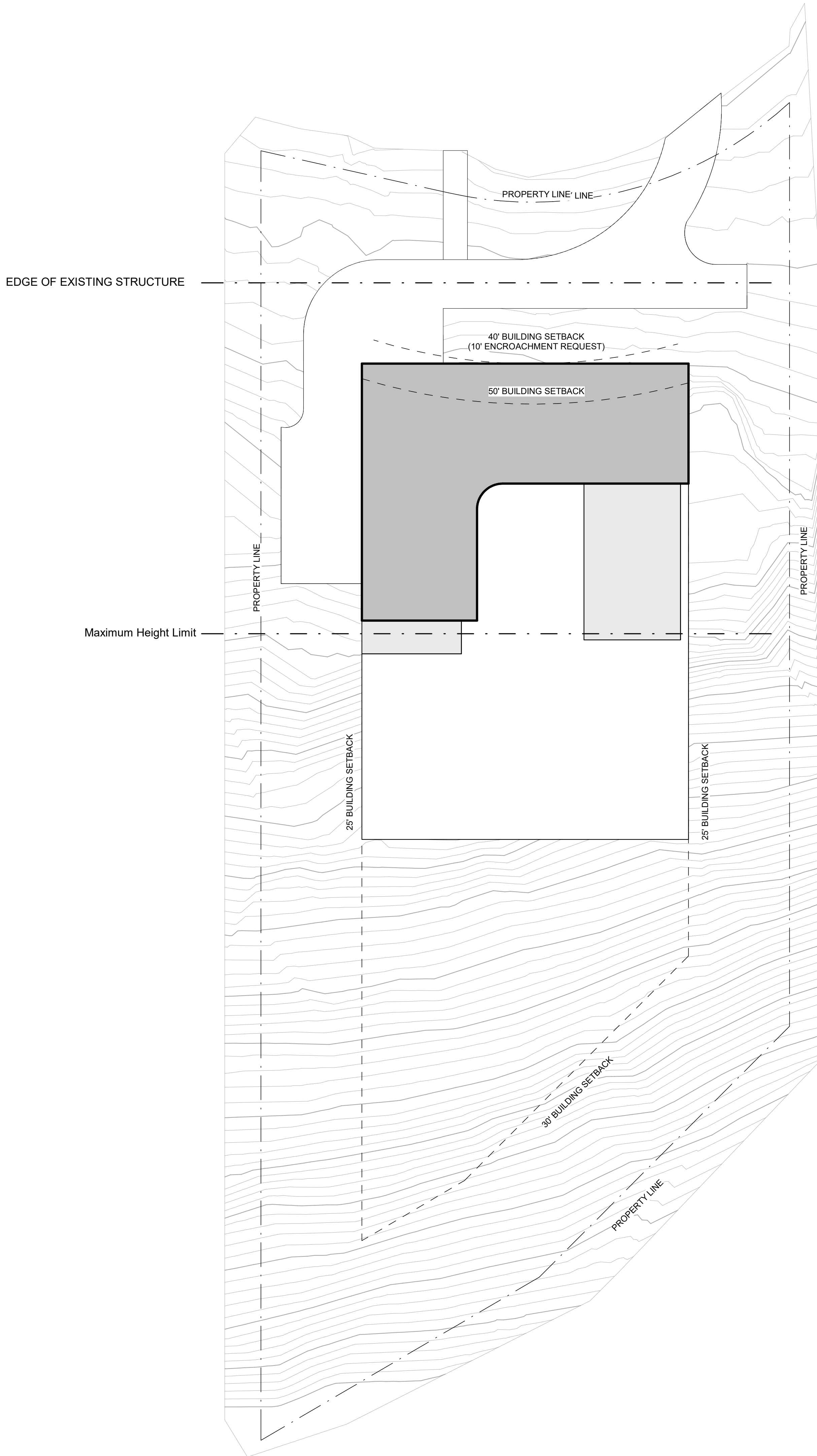
Any reproductions, alteration, modifications, usage or incorporation into other documents may not occur without the prior written permission of Michael + Wes & Co.

© 2021 Michael + Wes & Co.

EX-1
VARIANCE SITE
PLANS



2 EXISTING SITE PLAN - variance exhibit
1/16" = 1'-0"



1 SITE PLAN - variance exhibit
1/16" = 1'-0"

CANYON VIEW

1603 CANYON VIEW, WEST LAKE HILLS 78746

Client: -

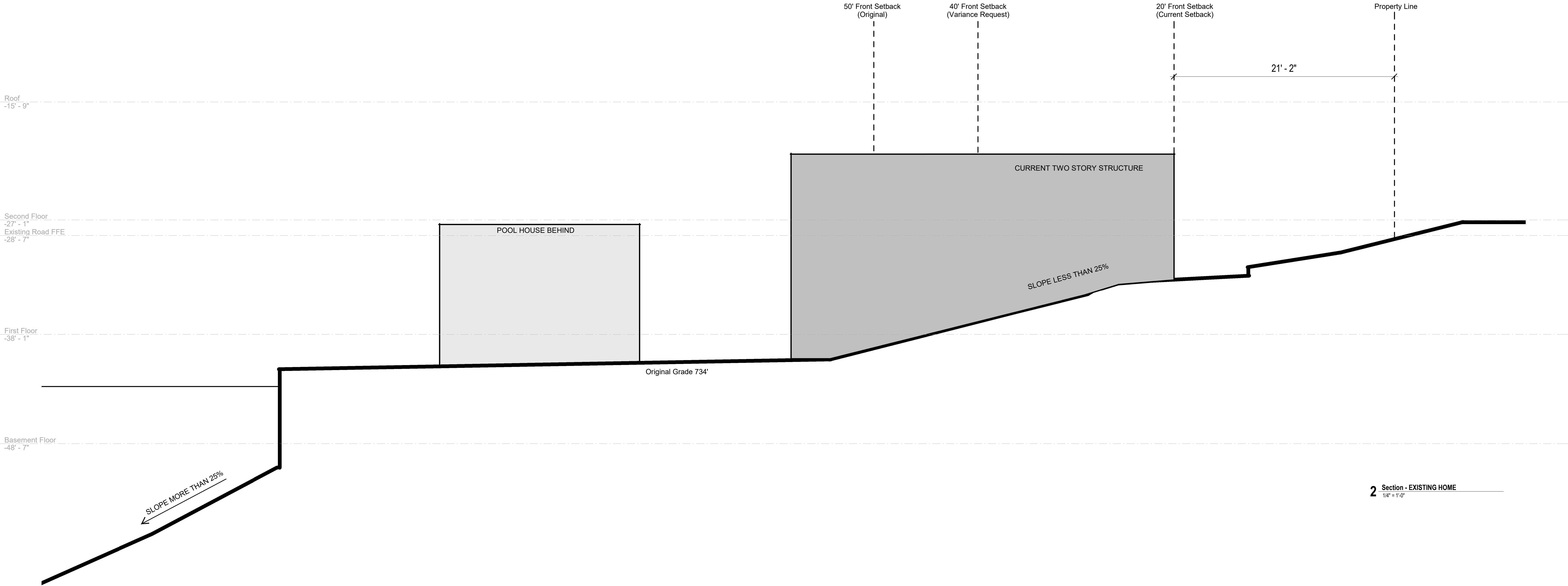
VARIANCE REQUEST	
Date	12/09/2021
Revisions	

Drawn by	Author
Checked by	Checker

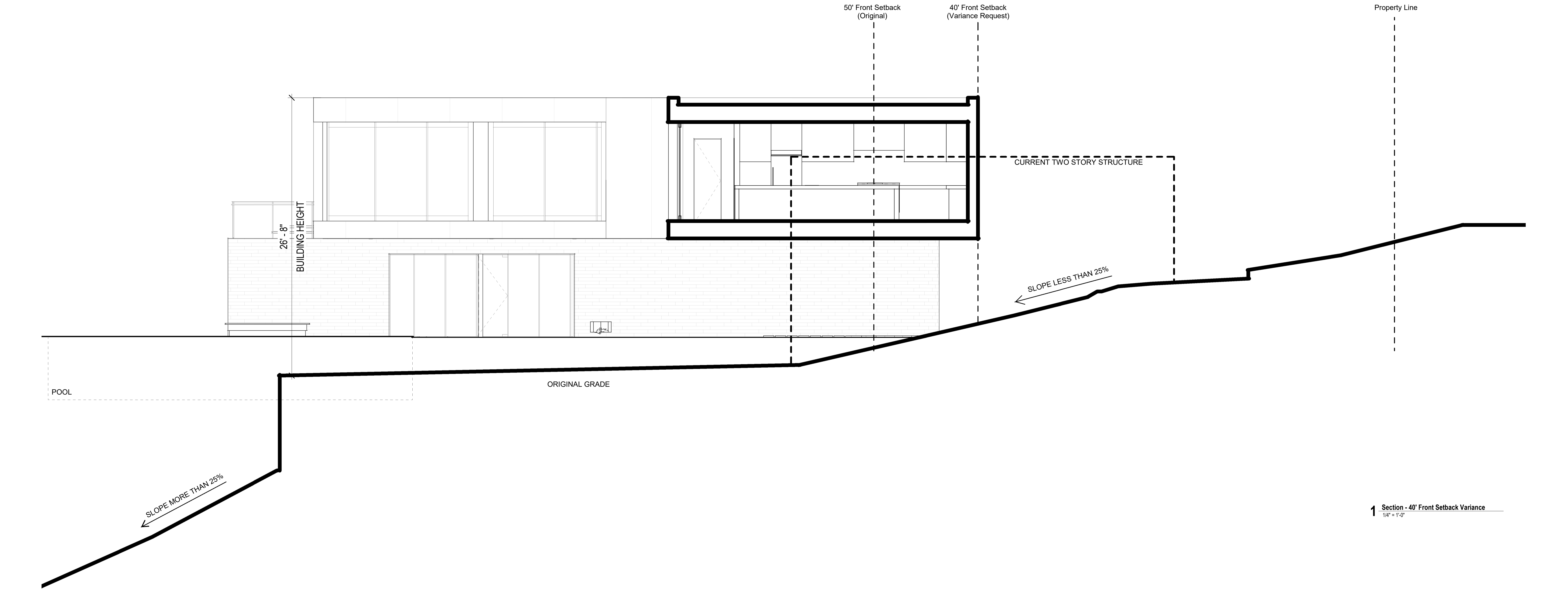
Any reproductions, alteration, modifications, usage or incorporation into other documents may not occur without the prior written permission of Michael + Wes & Co.

© 2021 Michael + Wes & Co.

EX-2
VARIANCE
SECTION/ELEVATION



2 Section - EXISTING HOME
1/4" = 1'-0"



1 Section - 40' Front Setback Variance
1/4" = 1'-0"

CANYON VIEW
1603 CANYON VIEW, WEST LAKE HILLS 78746

Client: -

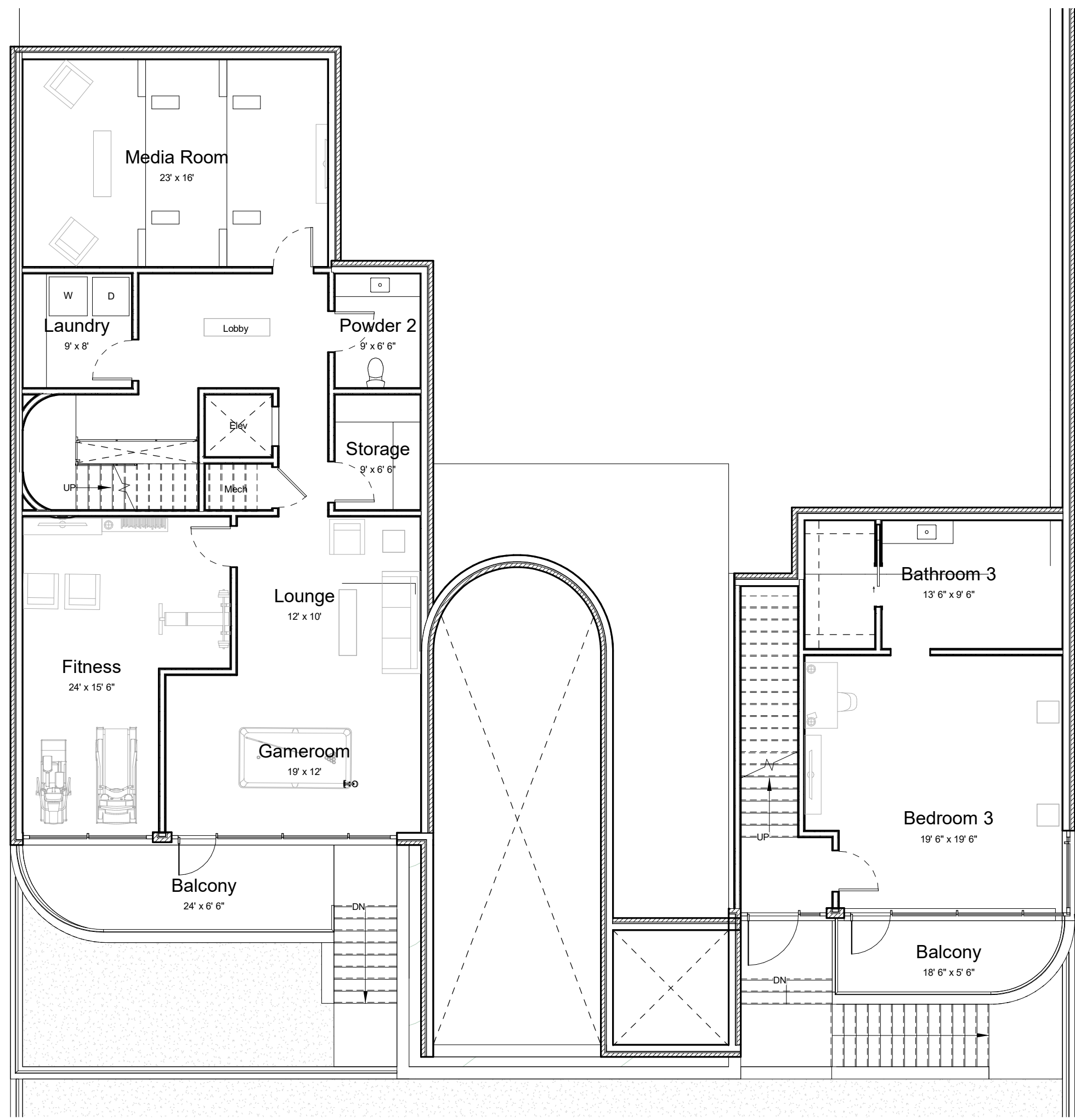
VARIANCE REQUEST	
Date	09.24.2020
Revisions	

Drawn by	Author
Checked by	Checker

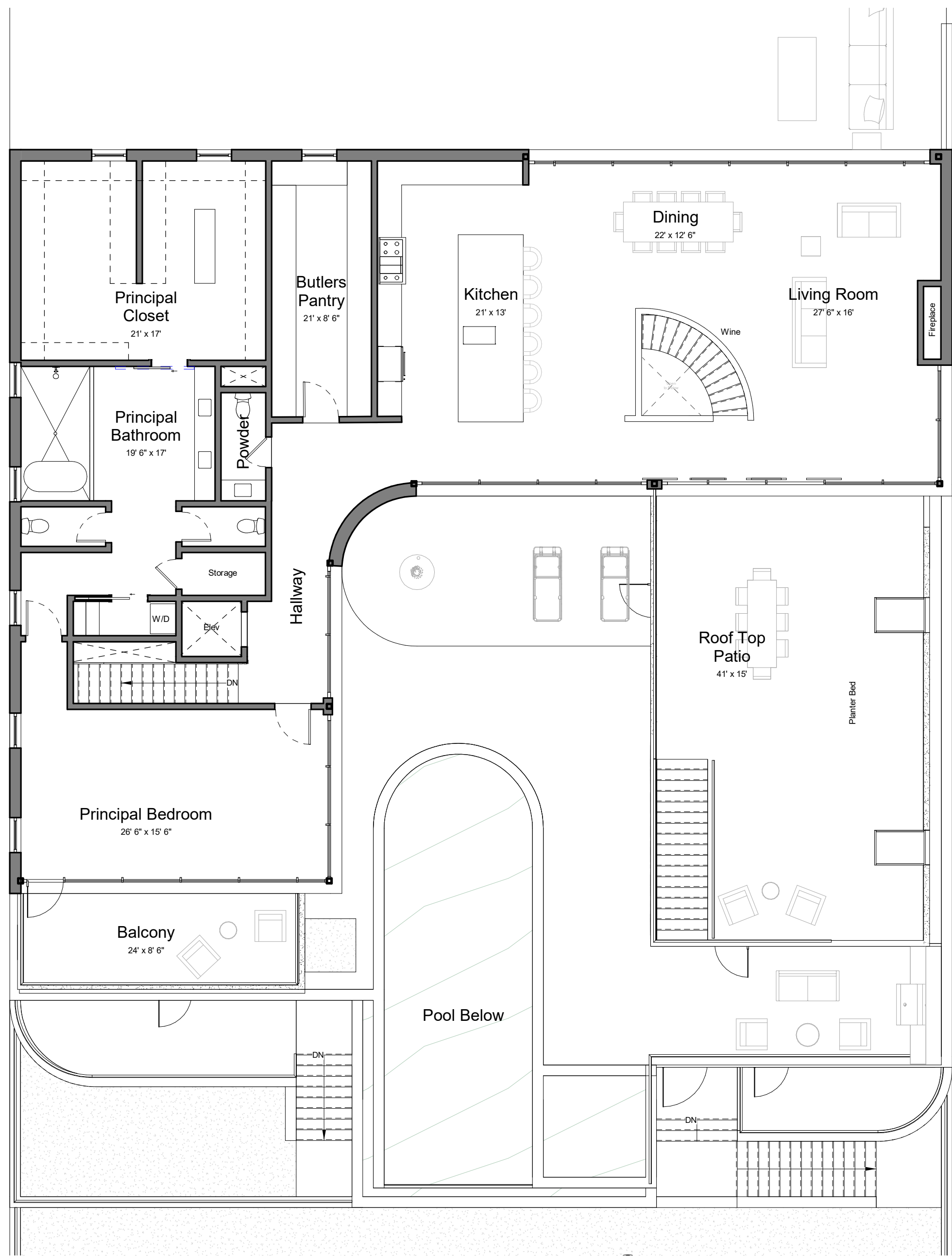
Any reproductions, alteration, modifications, usage or incorporation into other documents may not occur without the prior written permission of Michael + Wes & Co.

© 2021 Michael + Wes & Co.

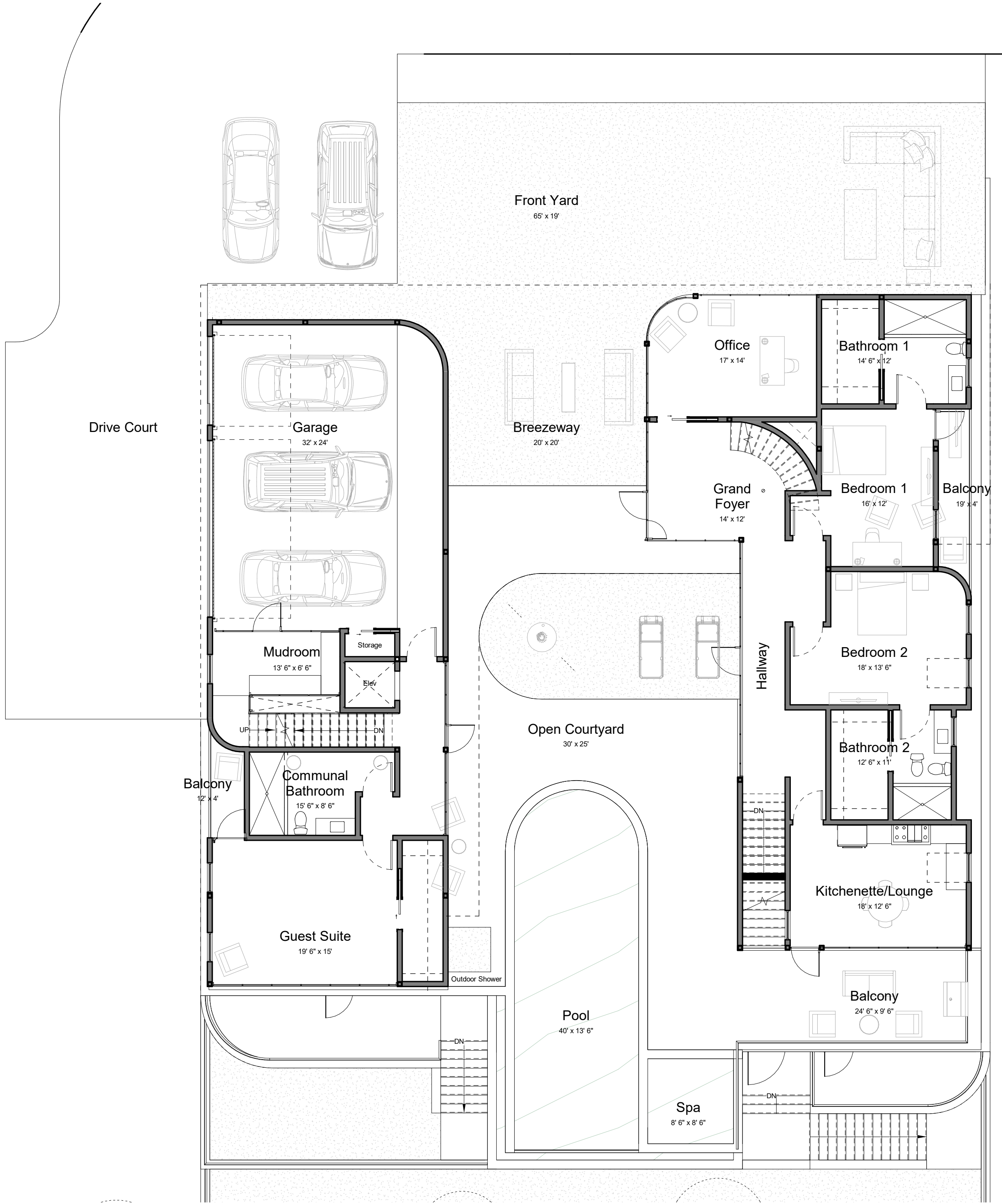
EX-3
FLOOR PLANS



3 Basement Floor
1/8" = 1'-0"



2 Second Floor
1/8" = 1'-0"



1 First Floor
1/8" = 1'-0"

PROPERTY DESCRIPTION:

BEING LOT 3, STONEHEDGE ESTATES-BLOCK N, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 8, PAGE 185, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



TBM = TEMPORARY BENCHMARK.
CONTOUR INTERVAL EQUALS ONE FOOT.
ELEVATIONS ARE BASED ON BENCHMARK "G-25-1002"
WITH AN ELEVATION OF 588.47' (NAVD 1988).

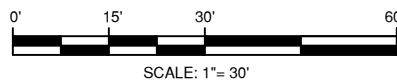
FEMA NOTE

FLOOD INFORMATION:
THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE
ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X"
RATING AS SHOWN BY MAP NO. 48453C0445 K, DATED JANUARY 22, 2020.

SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND
REFLECTS A TRUE AND CORRECT REPRESENTATION OF THE DIMENSIONS AND CALLS OF PROPERTY LINES AND
LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, CONFLICTS,
INTRUSIONS OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION
PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER, MORTGAGE COMPANY, AND
TITLE COMPANY ONLY AND THIS SURVEY IS MADE PURSUANT TO THAT CERTAIN TITLE COMMITMENT UNDER THE
GF NUMBER SHOWN HEREON, PROVIDED BY THE TITLE COMPANY NAMED HEREON AND THAT THIS DATE, THE
EASEMENTS, RIGHTS-OF-WAY, OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS
KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON. THIS SURVEY IS SUBJECT TO ANY AND
ALL COVENANTS AND RESTRICTIONS PERTAINING TO THE RECORDED PLAT REFERENCED HEREON.

GENERAL NOTES

- 1.) THE BASIS OF BEARINGS FOR THIS SURVEY WAS DERIVED FROM DATA PROVIDED ON THE RECORDED PLAT.
- 2.) THERE ARE NO VISIBLE CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN. FENCES MAY BE MEANDERING.
- 3.) THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE NAMED CLIENT, MORTGAGE COMPANY, TITLE COMPANY, OR OTHER, AND IS MADE PURSUANT TO THAT ONE CERTAIN TITLE COMMITMENT UNDER THE GF NUMBER LISTED HEREON.
- 4.) AS OF THIS DATE, ALL EASEMENTS, RIGHTS-OF-WAY OR OTHER LOCATABLE MATTERS OF RECORD SHOWN OR NOTED HEREON WERE DERIVED FROM THE RECORDED PLAT, THE VESTING DEED, OR THE TITLE REPORT AND SUPPORTING DOCUMENTS. ALL SUCH ITEMS WERE OBTAINED DURING THE RESEARCH PHASE OF THIS SURVEY OR PROVIDED BY THE CLIENT/TITLE COMPANY LISTED HEREON. PREMIER SURVEYING MAKES NO REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF SUCH ITEMS AND HAS MADE NO ATTEMPTS TO OBTAIN OR SHOW ANY ADDITIONAL RESTRICTIONS ON OR NEAR THIS PROPERTY PUT IN PLACE BY LOCAL MUNICIPALITIES OR ASSOCIATIONS.
- 5.) THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
- 6.) THIS SURVEY IS NOT INTENDED TO ADDRESS OR IDENTIFY WETLANDS, FAULT LINES, TOXIC OR HAZARDOUS WASTE AREAS, SUBSIDENCE OR ANY OTHER ENVIRONMENTAL OR GEOLOGICAL ISSUE.
- 7.) THE EXISTING UTILITIES DEPICTED HEREON ARE BASED ON FIELD LOCATION OF VISIBLE, ABOVE GROUND EVIDENCE. UTILITIES AND OTHER MINOR IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY. PREMIER SURVEYING IS NOT RESPONSIBLE FOR THE EXACT LOCATION OF SUBSURFACE UTILITIES, NOR FOR ANY DAMAGES BY ANY CONSTRUCTION OR EXCAVATION ON OR NEAR SAID UTILITIES.
- 8.) SYMBOLS AS SHOWN IN THE LEGEND ARE NOT TO SCALE AND MAY HAVE BEEN MOVED FROM THE ACTUAL HORIZONTAL LOCATION FOR CLARITY.



1603 CANYON VIEW
CITY OF WEST LAKE HILLS
TRAVIS COUNTY, TEXAS

GF#: 070645
BORROWER: MICHAEL + WES &
COMPANY LLC AND/OR ASSIGNS
TITLE CO.: PRESERVE TITLE
PREMIER JOB #: 21-04882TOPOTS
TECH: MSP DATE: 06/29/21
FIELD: TM FIELD DATE: 06/23/21



CONCRETE	WOOD FENCE
BRICK	CHAIN LINK FENCE
ASPHALT	WROUGHT IRON FENCE
WOOD	BARB WIRE FENCE
STONE	R.R. TIE RETAINING WALL
GRAVEL	BRICK WALL
COVERED AREA	STONE WALL
CM = CONTROLLING MONUMENT	OVERHEAD TELEPHONE LINE
	OVERHEAD ELECTRIC LINE
	IRF = IRON ROD FOUND
	IPF = IRON PIPE FOUND
	IRS = IRON ROD SET W/CAP
	STAMPED "PREMIER SURVEYING"
	WFCP = WOOD FENCE COR POST



5700 W. Plano Parkway
Suite 1200
Plano, Texas 75093
972-612-3601 (O) | 855-892-0468 (F)
www.premiersurveying.com
premierorders@premiersurveying.com

Premier
Surveying LLC
5700 W. Plano Parkway
Suite 1200
Plano, Texas 75093
Office: 972-612-3601
Fax: 855-892-0468
Firm Registration No. 10146200



ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

Wayne S. Hollingsworth
(512) 435-2306
whollingsworth@abaustin.com

January 13, 2022

VIA ELECTRONIC MAIL

Zoning and Planning Commission
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

Re: Protest to the 1603 Canyon View Variance Request (the "Property")

Dear Zoning and Planning Commission:

This firm represents and this letter is submitted on behalf of the property owner located at 901 Terrace Mountain Drive which is directly across the street from the above referenced Property. The purpose of this letter is to express concern with the variance request for the Property. The applicant is working with our client and providing additional information to help clarify the impact this variance request will have should it receive approval from the Board of Adjustment. In the event the facts provided by the applicant don't support an agreement with our client we would like to object to the variance request based on Section 38.05.032(D) due to the variance having an adverse effect on neighborhood properties and interfering with the owners' enjoyment of their property.

Respectfully,

ARMBRUST & BROWN, PLLC

/s/ Wayne S. Hollingsworth
Wayne S. Hollingsworth



**AFTER-THE-FACT SETBACK VARIANCE
STAFF REPORT**

JANUARY 19, 2022

Project Address: 1109 Yaupon Valley Road

Project Number: 2021-1014

Agenda Item: Land Use: **1109 Yaupon Valley Road:** Discussion/recommendation on an application for an After-the-Fact variance to encroach into a side setback for a shed. (West Lake Hills Code Section 22.03.281). Applicant Jeffrey Taylor.

Applicant Information: Jeffrey Taylor

Hearing Dates:

January 19, 2022
February 9, 2022

ZAPCO
Board of Adjustment

Location: The subject property is located along the south side of Yaupon Valley Road, at the southeastern corner of Yaupon Valley Road and Allegro Lane.

Zoning & Site Characteristics:

The subject property is zoned R1 Family Residential.

The site is surrounded by single-family residential on all sides.

Background & Analysis:

This is an After-the-Fact variance request. The shed was installed without a permit and upon permit application, it was discovered that it was installed in the setback. The property owner is seeking a variance to keep the shed in its current location.

The shed is installed inside of a 30-foot setback on the east side of the property.

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 – *"No other suitable location on the property; other locations require tree removal; this location shields the shed with foliage."*
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – *"Shed is already in place."*

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “*See #2 above.*”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – “*It is a very small storage shed, dark colored and does not stand out and is shielded by foliage.*”
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states – “*Because it preserves privacy, keeps existing flora in place, requires not altering of terrain.*”
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – “*Neighbors gain privacy as a result the placement of the shed. It fills a spot that is a gap between the properties. I have discussed it with the neighbors.*”

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.

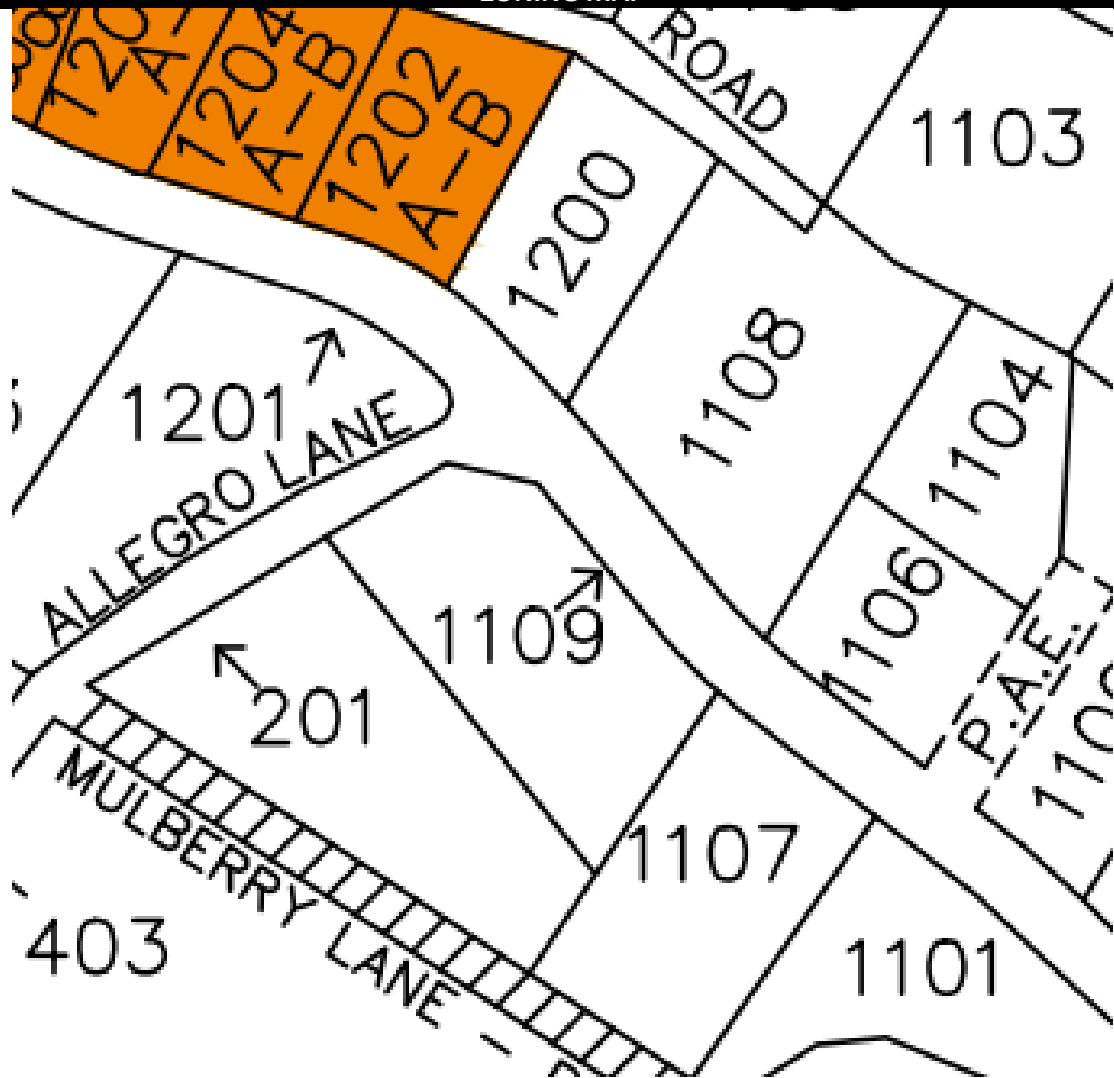
Staff Recommendation

Staff recommends: DENIAL of the variance as requested. There is no hardship for the location of the to be in the setback.

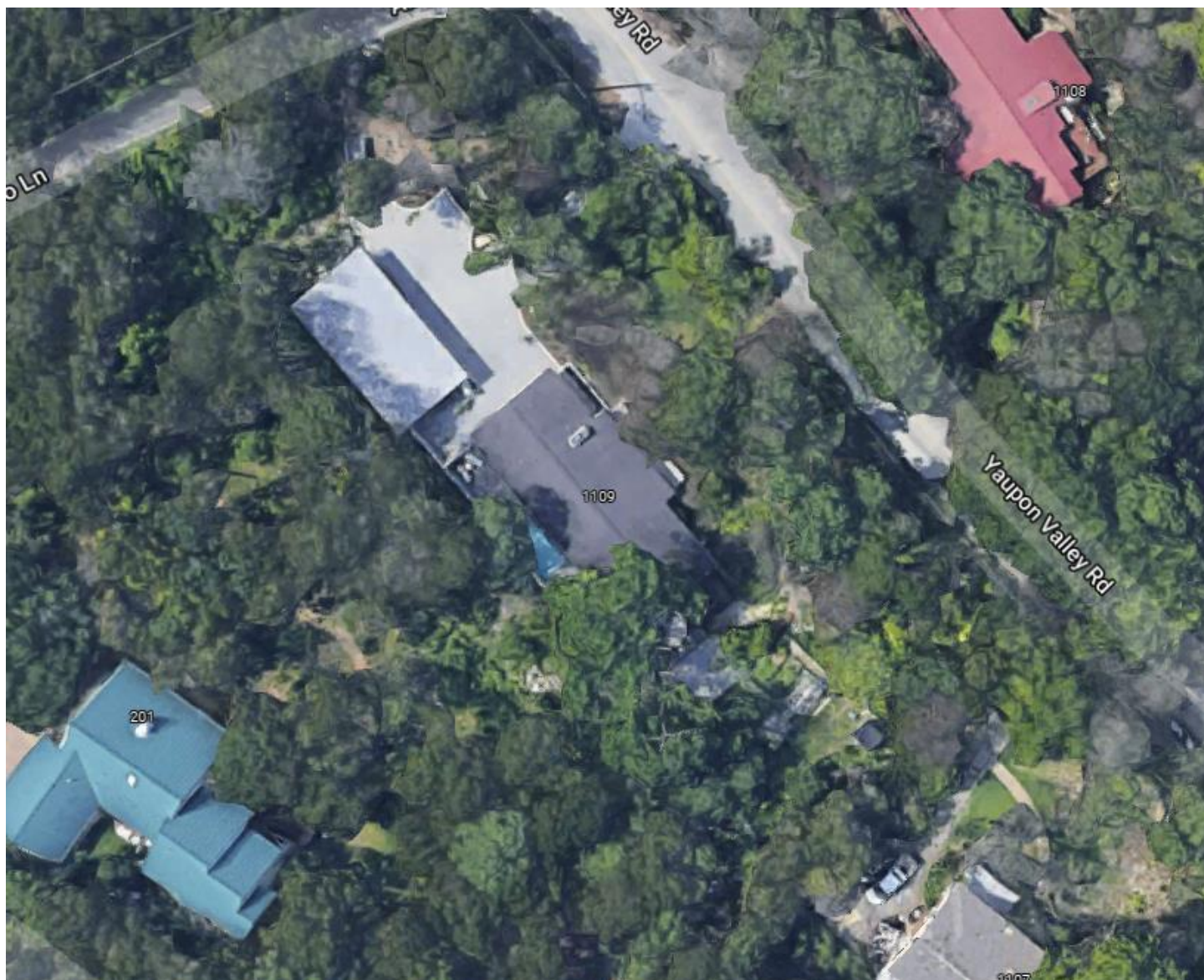
Links to Relevant Code:

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

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: Jeffrey Taylor Phone: 512-653-8362

Email: _____

Address: 1109 Yaupon Valley Rd. City: Austin State: TX Zip: 78746

Agent*: none Phone: _____

Email: _____

Address: _____ City: _____ State: _____ Zip: 78746

Property Address: _____ City: _____ State: _____ Zip: _____

Property Information

Subdivision Name: Stanley Graham Jr.

Block: _____ Lot: _____ TCAD Tax Parcel ID: _____

Current Zoning Classification: _____ Total Lot Size (Acres): 1.01

**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) 7' x 7' storage shed in side setback (25' setback - shed is on edge furthest from property line)
- 2) _____
- 3) _____
- 4) _____
- 5) _____



VARIANCE APPLICATION

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

Brief Description of project/why variances are needed: needed due to setback

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.

~~no other suitable location on property; other locations require tree removal; this location shields the shed with foliage~~

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?

~~shed is already in place~~

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

~~See #2 above.~~

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

~~It's a very small storage shed, dark colored, does not stand out, and is shielded by foliage~~



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?

~~Because it preserves privacy, keeps existing flora in place, requires not altering of terrain~~

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

~~Neighbors gain privacy as a result the placement of the shed. It fills a spot that is a gap between the properties. I have discussed it with the neighbors.~~

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).

Signature

Jeffrey Taylor

Printed Name

11/30/2021

Date



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☒ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Proof of ownership of subject property
- ☒ Completed Variance Hardship Questionnaire
- ☐ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☐ Property survey
- ☐ Proposed site plan with building setbacks clearly labeled
- ☐ Building elevations, if applicable
- ☐ Tree and topo survey, if applicable
- ☐ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☐ 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.*)
- ☐ 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:

