



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, March 9, 2022 at 7:00 PM

Notice is hereby given that the Board of Adjustment (BOA) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 9th day of March 2022 at 7:00 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS:

Due to the COVID-19 Stage 3 status in Travis County, any citizens or applicants that wish to speak at the meeting are encouraged to attend virtually, as the number of people in the chambers will be limited due to physical distancing. Facial Coverings are not required, but highly recommended, and will be available for any that need one.

Join Zoom Meeting: Copy and Paste the link below:

Meeting ID: 834 5622 7447
Passcode: 500658

If you wish to listen to the meeting via telephone: Dial (346) 248-7799, Meeting ID 834 5622 7447, Password: 500658.

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to citysec@westlakehills.gov by 1:00 P.M. on March 9, 2022.

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing citysec@westlakehills.gov. Comments must be received by 1:00 P.M. on March 9, 2022.

1. **Call to Order**
2. **Citizen Communications** The City Council Welcomes Public Comments at this Point on any Issue. If the Issue is Listed on the Agenda, the Speaker May Choose to Comment During the Public Comment Period or When the Specific Agenda item is Taken Up by the Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each
3. **Consent Agenda** All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action

on any of the Items is Necessary Unless Desired by a Council Member or Citizen

a. Approval of the February 9, 2022 Regular Meeting Minutes

4. **Land Use 499 Rocky River Road:** Discussion/decision on an application for a variance to encroach in a front setback (West Lake Hills Code Section 22.03.281). Applicant Alice Arterberry.
5. **Land Use 107 Reveille Road:** Discussion/recommendation on an application for variances to remove two trees with trunk diameters of greater than 14 inches and encroach a side driveway setback (West Lake Hills Code Section 22.03.175 and 22.03.304). Applicant William Rodriguez.

DUAL ACTION ITEM

6. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the March 9, 2022 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, March 4, 2022 by 5:00 pm and will remain posted continuously until said meeting is convened.

Signed by: Stephanie Mills, City Secretary

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

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

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, February 9, 2022 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:01 p.m. Members in attendance were Mayor Linda Anthony, Mayor Pro Tem Walker, Councilmembers Rhonda McCollough, Brian Plunkett, Beth South, and Gordon Bowman

2. Citizen Communications The City Council Welcomes Public Comments at this Point on any Issue. If the Issue is Listed on the Agenda, the Speaker May Choose to Comment During the Public Comment Period or When the Specific Agenda item is Taken Up by the Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each

Mayor Anthony opened the meeting for public comments. Hearing none, the public comment section was closed

3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen
- a. Approval of the December 8, 2021 Regular Meeting Minutes
 - b. **313 Eanes School Road:** Adopt an Ordinance for a Special Use Permit Request to Allow a Guest Quarters for a property zoned R-1 – One Family Residential (West Lake Hills Code Sec. 38.03.032). Applicant Jenny Walker.

A Motion for Approval was made by Councilmember Bowman with a Second by Councilmember Plunkett.

The Motion for Approval carried unanimously by a vote of 6 ayes to 0 nays

4. Land Use 1109 Yaupon Valley Road: Discuss and Consider Action 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.

A Motion for Denial with Conditions was made by Councilmember Bowman, with no Second, Motion fails.

A Motion for Denial was made by Councilmember Plunkett with a Second by Mayor Pro Tem Walker.

The Motion for Denial carried unanimously by a vote of 6 ayes to 0 nays

5. Adjournment

A Motion to adjourn the meeting was made at 7:28 p.m. by Mayor Pro Tem Walker with a Second by Councilmember Bowman.

The Motion to Adjourn carried unanimously by a vote of 6 ayes to 0 nays

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on _____, 2022.



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, February 16, 2022 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

Chairman Meisel calls the meeting to Order at 6:31 p.m.

2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.

- a. Approval of the January 19, 2021 Regular Meeting Minutes.

VICE-CHAIRMAN PLEDGER MOVES TO APPROVE THE MINUTES. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (3-0) APPROVAL.

- b. City Council and Board of Adjustment Results

Vice-Chairman Pledger states the information is very helpful.

3. 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.

Director Grundman gives the Staff Briefing. Staff Recommendation: Denial due to being design driven.

Presentation by Applicant

Nina Sterrett and David Cancialosi are present to explain the application.

David Cancialosi: This is a fairly older 1970's structure. The lot behind has a sliver of property that is on Rocky River Road. The rear lot offsets the property line setback. That configuration creates a hardship. We have to design a certain way by maintaining a 30' setback off of Rocky River and make the front to Reveille. It's a unique circumstance. There is no impact to surrounding properties by keeping 30' along Rocky River.

Public Hearing

Jed Fogdall lives at 305 Reveille. It would have a negative impact to be 10' away from the property line. It would reduce our enjoyment of our property.

Gary Henderson lives at 7 Las Brisas. This does not conform the Master Plan. We chose West Lake Hills and we complied to the rules to conform. They knew the rules. The setback

will not leave us in the same position. No justification in reducing the setback.

Dave Kroll lives at 314 Reveille. The setbacks are the issue. We built our home to comply and the 10' setback is egregious. Regarding the trees, we removed zero. We re-designed and kept the Oaks. This is an oversized home for this lot.

Jane Henderson lives at 7 Las Brisas. The Master Plan has buffer zones. We try to protect the trees. I'm against all setback variances.

Mindy Vescovo lives at 604 Rocky River. They are proposing a 4,500 sq. ft. house, but the entire project would be 7,000 sq. ft. and with a garage would be 8,000 sq. ft. The lot is too small for this design. I didn't have to remove a tree or variances for my house.

Duke Kimbrough lives at 509 Rocky River. I've lived here since 1992. That sliver is not an easement. I support staff's recommendation.

Lynn Dodson lives at 501 Rocky River which is adjacent to the property. You need a lot that allows the density. The tree request is puzzling. We built around two heritage Oaks. You have to conform. These trees cannot be replaced.

Kevin Leede lives at 6 Las Brisas. I agree with the neighbors. I'm against the setback requests.

Pat Epstein lives at 505 Rocky Ledge. I built a garage and a tree is in the middle of my driveway. Why are you asking to be closer to the street when you can build around the tree?

Bob Gutermuth lives at 405 Buena Vista. I was held to setbacks without variances. I've been here 30 years and know everyone on this call. This is not an average house for our neighborhood.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

Deliberation and Action

Vice-Chairman Pledger: The comments are appropriate. I oppose the application.

Commissioner Bartoletti: I agree.

Chairman Meisel: All neighbors gave good presentations. We don't grant setbacks to create space.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL DUE TO BEING DESIGN DRIVEN. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (3-0) DENIAL.

4. Land Use 107 Reveille Road: Discussion/recommendation on an application for variances to remove four trees with trunk diameters of greater than 14 inches and encroach a side driveway setback (West Lake Hills Code Section 22.03.175 and 22.03.304). Applicant William Rodriguez.

Director Grundman gives the Staff Briefing: The applicant reduced the variances requested.

Staff Recommendation: Approval of the driveway request but recommends the location of the pool could be moved.

Presentation by Applicant

Michael Stouse and Charlotte Cotera are the architects.

Michael: Ashby Grundman did a great job explaining the request. The driveway encroachment is adjacent to Lake Reville. There are more than 50 trees on the property. We are reducing the impact. Four are the casualties of the design. 24 New trees will be added to the lot.

Public Hearing

Duke Kimbrough: I appreciate the staff's evaluation. I wasn't aware the driveway was previously approved.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

Deliberation and Action

Commissioner Maccini: I live at 202 Reville for 26 years. My concern is, the driveway is okay. I do have concerns about the trees. Parking on Reville is an issue.

Chairman Meisel: Tree variances are design driven. Re-orient the pool. Concerning Lake Reville, That is a re-charge port for the Edward's Aquifer.

Vice-Chairman Pledger: I concur the pool be re-oriented and the pavilion deleted. The impervious adjustment is a positive. It is minimization.

Chairman Meisel: Master Plan does mention garages not face the street.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL ON THE DRIVEWAY BUT DENAL ON THE TREE LOSS, CONDITIONED TO THE RECHARGE ZONE. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (3-0).

5. **Land Use 300 Westlake Drive:** Discussion/recommendation on an application for a variance request to remove one tree with a trunk diameter of 14 inches or greater (West Lake Hills Code Section 22.03.279 and 22.03.304). Applicant Nicolas Bustamonte.

Director Grundman gives the Staff Briefing: Recommends approval with 26.25 inch replacement.

Presentation by Applicant

Applicant is not present.

Public Hearing

Deliberation and Action

Item is postponed until the March 16, 2022 meeting.

6. **Land Use 112 Bluff Park Circle:** Discussion/decision on an After-the-Fact variance request for a fence with the finished side on the interior. (West Lake Hills Code Sec. 22.03.173). Applicant David Hebert.

Director Grundman gives Staff Briefing: Denial due to lack of hardship.

Presentation by Applicant

Anne Marie McCombs is an attorney representing the applicant. The Hebert's had trees removed without consent by 7 Old Stable. Those trees were a barrier. Other fences look the same way. This is a 170' long fence. The City is asking for compliance. When first contacted, the neighbors were consulted and there were no objections.

Public Hearing

Nancy Dickelman lives at 114 Bluff Park Circle. E-mails and photos were sent to the City.

What has been told is not true. Financial hardship cannot be because he can afford a lawyer. There are two fences; the one on the side was an issue. He said financial hardship because of health. He knew the code on the fence. There is no reasonable alternatives. It should be done properly. It is not consistent with the neighbors. My husband and I didn't object? That's nonsense. The fence was built 2' on our property. He told them to do that.

Chairman Meisel closes the Public Hearing and reconvenes the meeting.

Deliberation and Action

Commissioner Bartoletti: I question the financial hardship.

Director Grundman: It may be considered by not required.

Commissioner Bartoletti: How much to correct it?

Anne Marie: \$5,000.00.

Chairman Meisel: The permit was issued by code but it wasn't done correctly. Did they get a violation?

Commissioner Bartoletti: I don't see hardship for variance.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (3-0) DENIAL.

7. Adjournment. Chairman Robert Meisel.

Chairman Meisel adjourns the meeting at 7:52 p.m.



**TREE AND SETBACK VARIANCES
STAFF REPORT**

MARCH 9, 2022

Project Address: 499 Rocky River

Project Number: 2021-1018

Agenda Item: Land Use: **499 Rocky River Road:** Discussion/decision on an application for variances to encroach in a front setback (West Lake Hills Code Section 22.03.281). Applicant Alice Arterberry.

Applicant Information: Alice Arterberry

Hearing Dates:

February 16, 2022 ZAPCO

March 9, 2022 Board of Adjustment

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~~ **6,000 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.

The applicant has adjusted the plans to reduce the number of variances requested. The original application asked for three setback encroachments and four trees. The current proposed application is now seeking only one variance, for a front setback encroachment along the Rocky River Road frontage. They are coming close to the 1/2 CRZ for a few trees but are proposing to save the trees.

~~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.

Zoning and Planning Commission Recommendation

ZAPCO voted to recommend denial (3-0).

Staff Recommendation

Based on the efforts of minimization and code compliance, staff recommends APPROVAL of the front setback encroachment request.

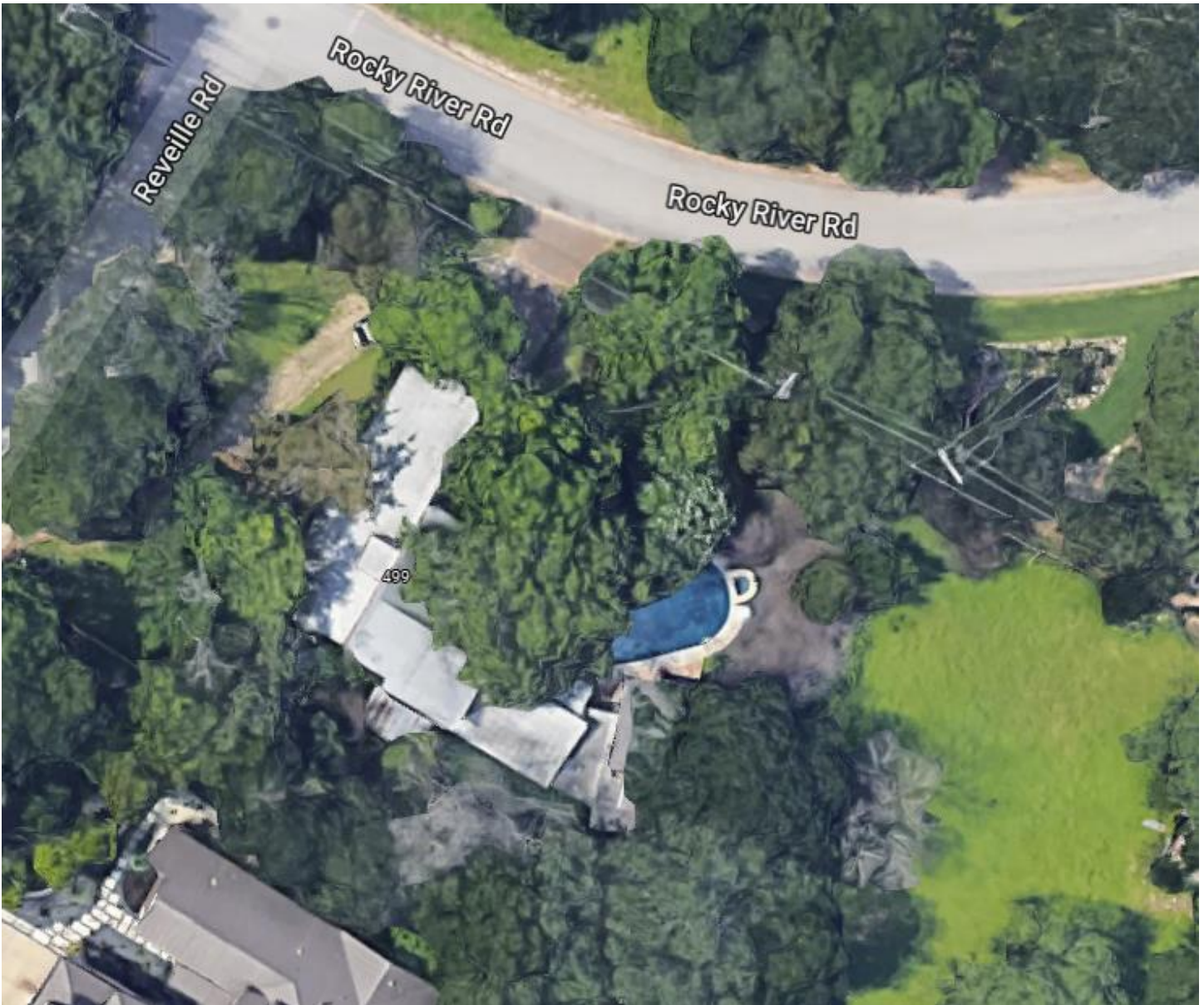
Links to Relevant Code:

- [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: _____

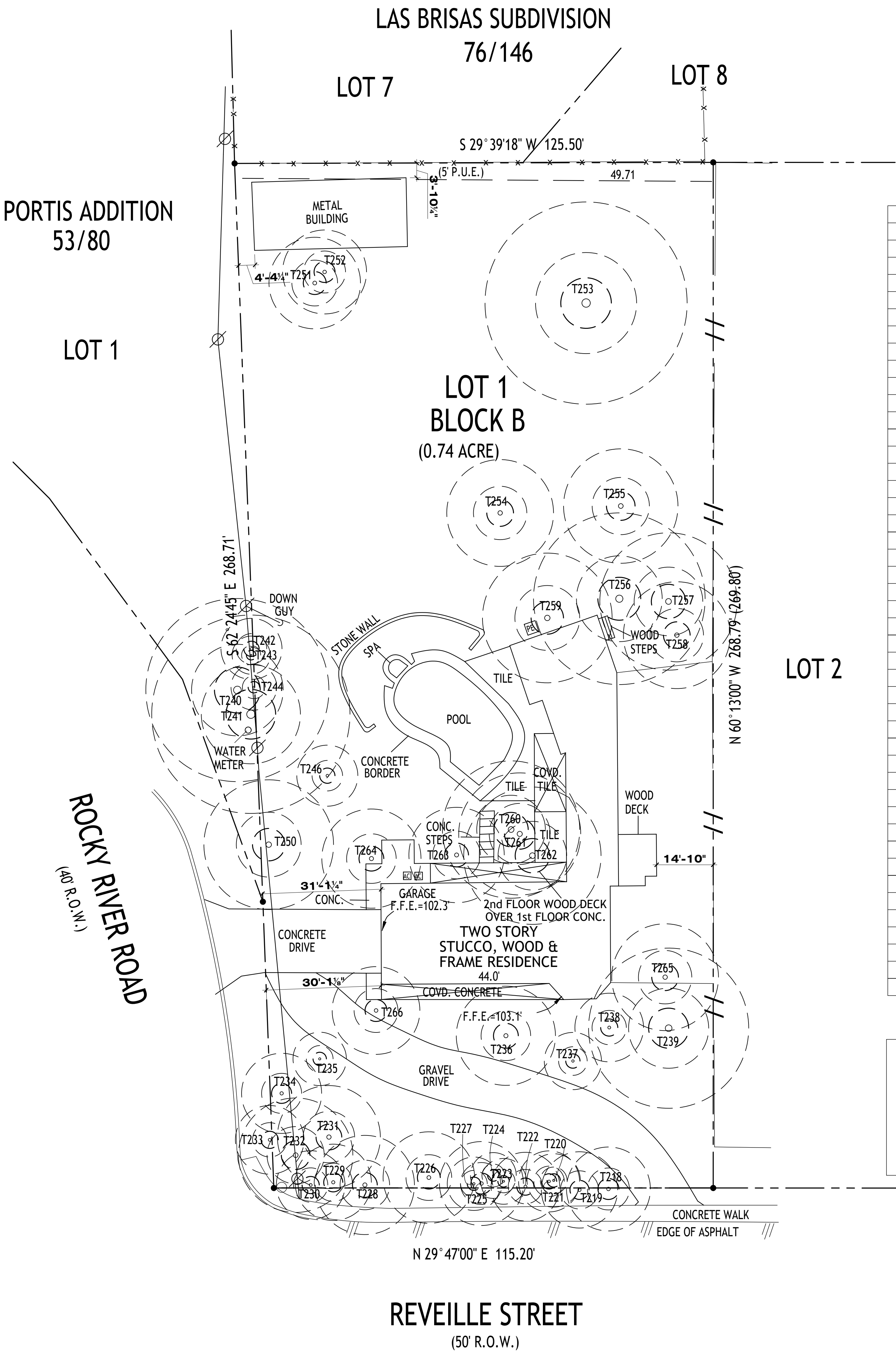
ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:



TREE LEGEND

TAG NO.	TREE DESCRIPTION
T218	11.0" HACKBERRY
T219	10.0" OAK
T220	7.0" OAK
T221	8.0" OAK
T222	9.0" OAK
T223	6.0" OAK
T224	6.0" OAK
T225	11.0" OAK
T226	12.0" CHINABERRY
T227	7.0" OAK
T228	M.S.= 13.0" OAK
T229	M.S.= 10.0" OAK
T230	9.0" OAK
T231	13.5" CEDAR
T232	15.0" CEDAR
T233	9.0" OAK
T234	10.5" CEDAR
T235	7.0" OAK
T236	13.0" PINE
T237	7.5" MAPLE
T238	9.0" OAK
T239	21.0" CHINABERRY
T240	24.0" OAK
T241	26.0" CEDAR
T242	8.0" OAK
T243	5.0" OAK
T244	6.0" OAK
T246	8.0" PECAN
T250	17.0" PECAN
T251	12.0" OAK
T252	11.0" OAK
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
T261	16.0" OAK
T262	18.0" OAK
T263	12.5" PECAN
T264	13.0" PECAN
T265	14.0" OAK
T266	11.5" PECAN

M.S.=MULTI-STEMMED

This tree location survey certifies the size and location of the trees depicted hereon. B&G Surveying, LLC, nor the undersigned, certify the Species/Genus of these trees. For exact Species/Genus contact a Certified Arborist.

drawn by: NF
checked by: AA
scale: 1/16" = 1'-0"
first issue:
plot date: 11/26/2021

EXISTING SITE PLAN

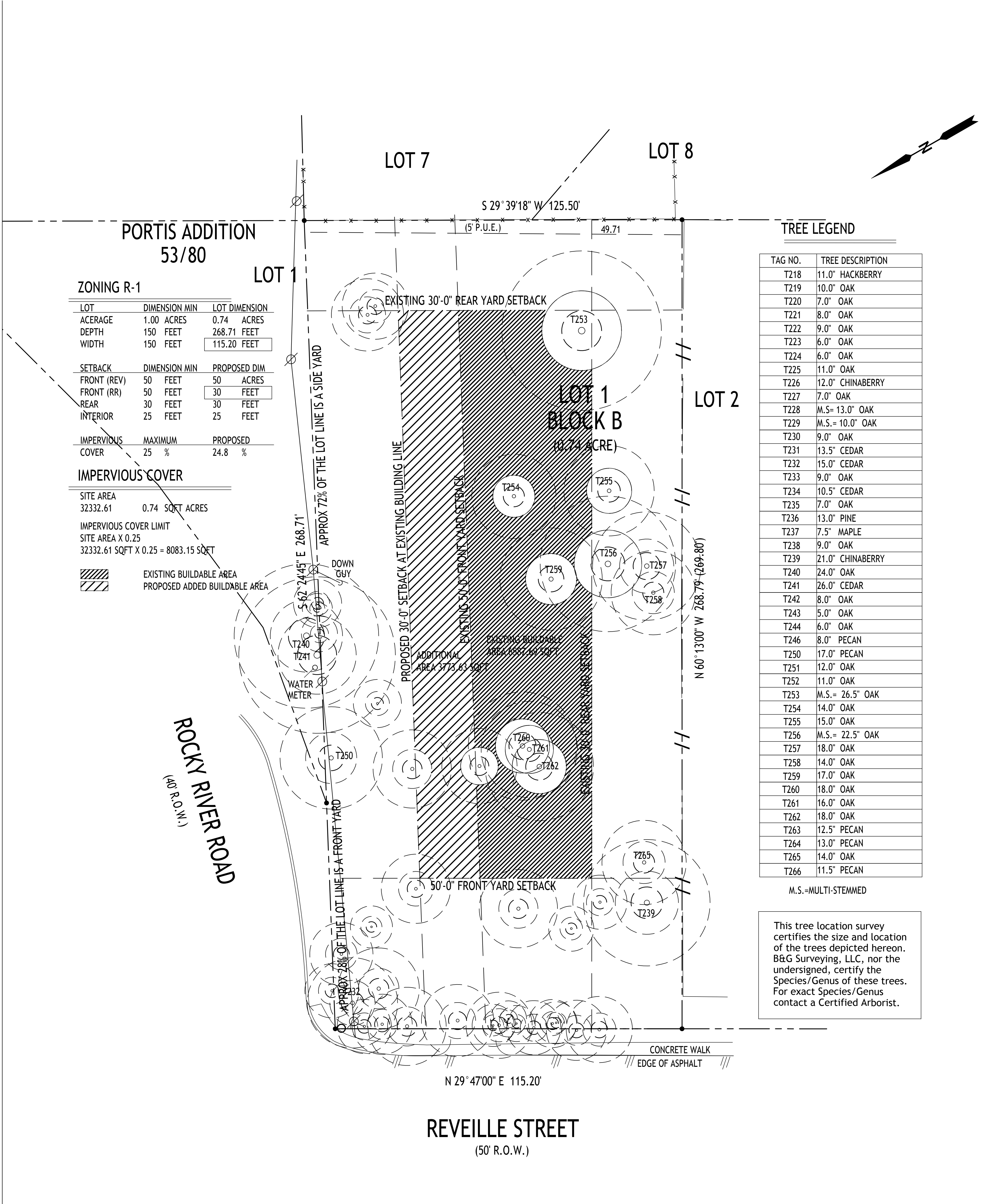
Project Owner:

Project Address:

Architect:
Alice Arterberry
2416 Vista Lane
Austin, TX 78703
alice@arterberrycooke.com
512.256.5162

ARTERBERRY COOKE ARCHITECTURE

Revisions By



ZONING R-1

LOT	DIMENSION MIN	LOT DIMENSION
ACERAGE	1.00 ACRES	0.74 ACRES
DEPTH	150 FEET	268.71 FEET
WIDTH	150 FEET	115.20 FEET

SETBACK	DIMENSION MIN	PROPOSED DIM
FRONT (REV)	50 FEET	50 ACRES
FRONT (RR)	50 FEET	30 FEET
REAR	30 FEET	30 FEET
INTERIOR	25 FEET	25 FEET

IMPERVIOUS COVER	MAXIMUM	PROPOSED
COVER	25 %	24.8 %

IMPERVIOUS COVER

SITE AREA
32332.61 0.74 SQFT ACRES

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

EXISTING BUILDABLE AREA
PROPOSED ADDED BUILDABLE AREA

TREE LEGEND

TAG NO.	TREE DESCRIPTION
T218	11.0" HACKBERRY
T219	10.0" OAK
T220	7.0" OAK
T221	8.0" OAK
T222	9.0" OAK
T223	6.0" OAK
T224	6.0" OAK
T225	11.0" OAK
T226	12.0" CHINABERRY
T227	7.0" OAK
T228	M.S.= 13.0" OAK
T229	M.S.= 10.0" OAK
T230	9.0" OAK
T231	13.5" CEDAR
T232	15.0" CEDAR
T233	9.0" OAK
T234	10.5" CEDAR
T235	7.0" OAK
T236	13.0" PINE
T237	7.5" MAPLE
T238	9.0" OAK
T239	21.0" CHINABERRY
T240	24.0" OAK
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T264	13.0" PECAN
T265	14.0" OAK
T266	11.5" PECAN

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drawn by: NF
checked by: AA
scale: 1/16" = 1'-0"
first issue:
plot date: 11/26/2021

SETBACK EXHIBIT

Project Owner:
Project Address:

Architect:
Alice Arberry
2416 Vista Lane
Austin, TX 78703
alice@arterberrycooke.com
512.255.5162

ARTERBERRY COOKE ARCHITECTURE

Revisions By

LAS BRISAS SUBDIVISION

76/146

LOT 7

LOT 8

PORTIS ADDITION

53/80

LOT 1

ZONING R-1

LOT	DIMENSION MIN	LOT DIMENSION
ACERAGE	1.00 ACRES	0.74 ACRES
DEPTH	150 FEET	268.71 FEET
WIDTH	150 FEET	115.20 FEET
SETBACK	DIMENSION MIN	PROPOSED DIM
FRONT (REV)	50 FEET	50 ACRES
FRONT (RR)	50 FEET	30 FEET
REAR	30 FEET	30 FEET
INTERIOR	25 FEET	25 FEET
IMPERVIOUS COVER	MAXIMUM	PROPOSED
	25 %	24.8 %

IMPERVIOUS COVER

SITE AREA
32332.61 SQFT 0.74 ACRES

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

RESIDENCE	4148.53 SQFT
CONCRETE DRIVE	2025.09 SQFT
BREEZEWAY	200.20 SQFT
PATIO	196.33 SQFT
POOL DECK	399.24 SQFT
POOL SURFACE	386.73 SQFT
GARAGE	666.00 SQFT
AC/MISC	12.00 SQFT
TOTAL	8034.12 SQFT

PROPOSED IMPERVIOUS COVER
IC AREA / SITE AREA = P IMPERVIOUS COVER
8081.76 SQFT / 32332.61 SQFT = .248

CONDITIONED AREA

FIRST FLOOR	4148.53 SQFT
SECOND FLOOR	1851.47 SQFT
TOTAL AREA	6000 SQFT

TREE LEGEND

TAG NO.	TREE DESCRIPTION
T218	11.0" HACKBERRY
T219	10.0" OAK
T220	7.0" OAK
T221	8.0" OAK
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REVEILLE STREET

(50' R.O.W.)

ROCKY RIVER ROAD
(40' R.O.W.)

PROPOSED SITE PLAN

ARTERBERRY COOKE ARCHITECTURE

Revisions By

Project Owner:
Project Address:

Architect:
Alice Arterberry
2416 Vista Lane
Austin, TX 78703
alice@arterberrycooke.com
512.255.5162

drawn by: NF
checked by: AA
scale: 1/16" = 1'-0"
first issue:
plot date: 03/03/2022

Ashby Grundman

From: Mark Littrell (PZSec)
Sent: Wednesday, February 16, 2022 3:03 PM
To: Jim Pledger; Karen Bartoletti; Laurie Maccini; Robert Meisel
Cc: Ashby Grundman
Subject: FW: 499 Rocky River Road requested variances -Feb. 16, 2022

FYI (Item #3)

From: Kevin Leede [REDACTED]
Sent: Wednesday, February 16, 2022 3:00 PM
To: Mark Littrell (PZSec) <pzsec@westlakehills.gov>
Subject: Fwd: 499 Rocky River Road requested variances -Feb. 16, 2022

Begin forwarded message:

From: Kevin Leede [REDACTED]
Subject: 499 Rocky River Road requested variances -Jan 19, 2022
Date: January 19, 2022 at 11:05:52 AM CST
To: pzsec@westlakehills.gov

Dear Planning and Zoning Commissioners,

We have lived at 6 Las Brisas Dr., West Lake Hills, TX since 1994 and agree with the ZAPCO Staff Recommendation in the Staff Report for 499 Rocky River Road that states “**Staff recommends DENIAL of the requested variances...**”

The potential encroachment into property setbacks is not in keeping with historic West Lake Hills policies and any such encroachment would adversely affect the privacy, enjoyment and property values of adjacent and other West Lake Hills neighbors.

Thank you.

Best,

Kevin Leede
6 Las Brisas Dr.
West Lake Hills, TX 78746
[REDACTED]



PERMIT PARTNERS

300 E Highland Mall Blvd. | Suite 207 | Austin, Texas 78752

Office: 512.593.5361

info@permit-partners.com

March 4, 2022

City of Westlake Hills
Westlake Hills, Texas 78746
Attn: Board of Adjustments

RE: 499 Rocky River variance request

To Whom It May Concern,

The request before you is to maintain a 30 foot setback measured from the property line adjacent to Rocky River Rd. The intent is to re-develop this site via demolition of the existing structure and new construction of an approximately 6000 square-foot sized single-family residence. The existing residence was constructed in 1970 and was allowed a 30 foot setback from Rocky River Rd. There's no evidence of any variance or plat note allowing this setback that we can find, nor has staff indicated as such. The lot was originally created via 1961 plat titled "Joe Smith Subdivision of lots 37, 38, 39, and west ½ of 40, Barton Springs Estates". That plat was resubdivided into the current configuration in 1978. Yet TCAD indicates the house was built in 1970. A subsequent plat was filed, however; there are no exhibits or data available to substantiate how the configuration lot changed, if at all. I have limited records to offer on this sequence. Worth noting, the subject site, Lot 1 Block B at .75 acres was not changed from its 1961 location or size. What has yet to be determined, is when the Portis Lot 1 addition appeared behind the subject site and between Rocky River Rd or how that configuration was approved and by whom. This is a key hardship to the this variance request. Suffice to say, my client wants to maintain the 30 foot setback for the new construction and we believe that request is substantiated by a number of hardships as we are unclear how that lot shape came into being nor whom approved the 30' setback from Rocky River Rd.

This case appeared before ZAPCO in February 2022. The board's recommendation was to deny the applicant's request, which consisted of several variances at that time. Since then, my client has substantially amended his application to remove all variances with the exception of the singular setback reduction of the required 50 feet along Rocky River Rd. to maintain the existing 30 feet setback. Essentially we want to maintain what's been in place for approximately 50 years.

At the ZAPCO hearing we heard from a number of neighbors who opposed this single-family project. I can attest there was not a single indication from City Hall or any concerned citizens that anyone had any issues, questions, or concerns about this application whatsoever. As a professional, I absolutely would have reached out to any individual who voiced any concern about this project, but I was not afforded that opportunity since I did not know there was any issue until the actual hearing. I think it's important to substantiate that for the record given the context in which the opposition was heard yet the applicant was not allowed equitable discourse. We hope the BOA hearing allows a more balanced discussion.



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At that hearing I introduced myself and provided a fairly layman's summary of my client's request. I fully expected I would surely have an opportunity to provide rebuttal to any opposition, and perhaps participate in any question and answer discussion with the commission as per reasonable procedures. That did not occur. After my fairly short summary the commission heard the opposition - which was numerous. I support anyone's right to speak up and express their position on any matter. As such I was fully expecting the ZAPCO to allow me the opportunity to provide a healthy rebuttal to the numerous individuals who had signed up to complain about everything from leaking facets to a general dislike of the variance requests.

Once the last opposition speaker was heard the ZAPCO chairman simply took a vote and recommended to this body that our variance requests be summarily denied. There was zero discussion. As a professional in the land-use consulting and development field who has presented to multiple jurisdictions in excess of 250 times, specifically to variance commissions in and around the central Texas region over the past 20 years, I was shocked. I've never seen anything like it. I am familiar with Robert's Rules of Order, but there also exists discretion for equitable voices to be heard.

Since that hearing I have not been provided any information by City Hall as to the opposition names or emails or phone numbers. I have no way of contacting anybody aside from randomly knocking on doors which I'm not sure is the safest thing to do given our Covid -19 environment. If there was a neighborhood association or a neighborhood group of sorts, I would gladly attend that zoom meeting should they desire me to explain and walk through any of the concerns the opposition voiced at February's hearing. But again, I have not been afforded the opportunity to offer that discourse because I have not been provided access to the contact information for said parties.

That said, my client and his architect team have worked extremely hard to provide an amended site plan. My hope is that 1) the removal of the side yard setback variance, 2) the rear yard setback variance, 3) the three tree variances, and the current request to maintain 30 foot rocky river setback is enough to assure the surrounding neighbors that the intended single-family residence will comply with all applicable statutes except for the currently amended 30 foot setback request. This essentially maintains the same standards which have been in place since 1970 without drawing ire from neighbors until now.

Touching back on the concerns heard at February's meeting, one, in particular, was the size of the house. At that time the proposed size was about 7000 ft.² and the garage was about 1000 ft.², so approximately 8000 ft.² of HVAC/non-HVAC was being proposed. We reduced that to about 6000 ft.² total HVAC. This was no small feat given the design constraints existing on the lot.

Lot 1 block B, the subject site, is .74 acres. This is a substandard lot because it fails to meet the required minimum size of 1 acre in R1 zoning. It fails to meet the requirement by a quarter acre – this is no small amount of land. Despite the lot size, the city zoned this lot R1 and created a substandard lot. The trees were certainly in place and Rocky River and Reveille were certainly in place during the 1961 plat.

The unique hardship for this particular substandard lot is that the Portis addition, Lot 1 has a land area of approximately .25 acres adjacent to this subject site and the Rocky River ROW. The applicant does not have the benefit of measuring from a property line that is reasonably adjacent to a ROW, thus the buildable area is substantially effected on this lot. In other words, the width of lot 1 block B at the frontage is 115 feet. If the Portis addition lot was not wedged in between Rocky River and the subject site, then our measurement of the 50 front setback requirement would start far closer to the Rocky River ROW than we



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are currently afforded. The Portis edition consumes approximately 75% of the area adjacent to the subject site. That is not an insignificant hardship nor (small) piece of land.

The city compounded the non compliance when they zoned the lot R-1, which requires 2 separate 50ft “front” setbacks for a corner lot. The city did this, knowing there was a unique situation, which would cause the 50’ measurement to further encroach into the lot, more so than regular corner lots. As a result of the Portis addition location between Rocky River ROW and subject site’s property line, which has been moved inward as a result of the Portis addition.

The applicant acknowledges there are many corner lots in Westlake Hills. I ask you to consider this hardship because it is specifically unique to Lot 1 Block B at 499 Rocky River Rd. Additionally, Lot 1 Block B is a substandard lot – a hardship created by the city when they knowingly zoned a corner lot R1 and placed the two “front” setbacks on the lot when they knew a ¼ acre of the Portis Addition was wedged between the subject site and Rocky River ROW. Suffice to say this lot could not be platted today.

The current house was built in 1970. It is an L-shaped house that essentially wraps around the existing trees and then hugs the side yard setback along the interior lot line. It is reasonable to replace a house in such condition and age. And certainly my client is proposing construction consistent with many projects found throughout the city. Requiring my client to comply with the 50 foot setback measured from Rocky River Road as well as the 50 foot front setback measured from Reveille Road as well as the 25 foot side yard setback creates an incredibly narrow building envelope. It’s unreasonably small as almost nothing resembling contemporary construction would be constructed on a lot of this small size and high value. When you take the tree regulations into account for the three protected trees as well as the remainder trees in the middle and rear parts of the lot, it makes for an exceptionally difficult lot to design on. Our opinion is that the existing residence is not of contemporary design nor aesthetics. Demolishing the existing house and rebuilding a replacement structure utilizing the 30 foot setback measured from Rocky River Road’s lot line is a reasonable and just request given the unique hardships found on this lot. The architect worked extremely hard to create a newly designed footprint that accommodates the city’s requirements, but also the opinions we heard at the ZAPCO meeting.

The applicant believes the request is just in reasonable. He also believes any subsequent redevelopment of the lot by another owner will result in the same if not other variance requests due to the existing site constraints. We do not believe anyone is going to build an L-shaped house in the manner in which the existing one sits. Having said that, the amended proposed design is of a similar L-shaped nature. It is flipped so that the house sits more in the middle of the lot as opposed to the right side property line.

As stated we believe the house is generally in keeping with the sizes of contemporary homes found in the city. Amending the variance request to the current reduced request of only maintaining a 30 foot setback along Rocky River Road is the absolute very best we can do given the circumstances. Realistically speaking nobody is going to build an approximately 2500 square-foot house given contemporary designs and aesthetics as well as the current state of the real estate market which we all live in. The new house will take access from Reveille Road and avoid the dangerous rear egress driveway currently located on Rocky River Road. We feel the re-orientation of the proposed single-family house and driveway is in keeping with Reveille Road homes which also take access from Reveille Road. Taking access from Rocky River is dangerous and does not suit contemporary design much less allow for a design that accommodates numerous City regulations such as driveway length and curvature requirements, etc.



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In closing I asked the board to consider the hardship placed on this site due to its substandard size and status created by the city of Austin Westlake Hills. I also ask the Board consider the substantial loss of land created by the Portis addition squeezing in between the right of way and the subject site to the tune of a quarter acre in size, substantially amending the point from which the 50 foot setback would normally be measured from. I do not know for sure, but it seems to me the 30 foot was either administratively approved or there is some lost paperwork from the 1970's approving the 30 foot allowance along Rocky River for this very reason. I am not 100% sure about this since I have not had access to any city records.

I understand this will be posted on the agenda along with the site plan. I invite and encourage any individual who has questions, concerns or general opposition to email me or call me. My information is in my letterhead and I look forward to a positive discourse at our March 9 hearing.

I am happy to provide any additional information or documents as requested.

David C. Cancialosi, President
Permit Partners LLC



**TREE REMOVAL AND DRIVEWAY SETBACK VARIANCE
STAFF REPORT**

MARCH 9, 2022

Project Address: 107 Reveille Road

Project Number: 2021-1015

Agenda Item: Land Use: **107 Reveille Road**: Discussion/decision on an application for variances to remove two trees with trunk diameters of greater than 14 inches and encroach in a side driveway setback (West Lake Hills Code Section 22.03.175 and 22.03.304). Applicant William Rodriguez.

Applicant Information: William Rodriguez

Hearing Dates:

February 16, 2022,

ZAPCO

March 9, 2022,

Board of Adjustment/City Council (Dual Action)

Location: The subject property is located along the east side of Reveille Road, north of Bee Cave Road.

Zoning & Site Characteristics:

The subject property is zoned R1 Family Residential.

The site is surrounded by a single-family residential properties on three sides, and Lake Reveille, which is owned by the City of West Lake Hills to the north.

Background & Analysis:

Currently there is a single-family residential house on the property with a large driveway. The owner is proposing to demolish the existing residence and construct a new one.

There are two variance trees requested as part of this application:

T38 – 14-Inch Cedar Elm

T39 – 16-Inch Cedar Elm

T41 – 19.5-Inch Cedar Elm (withdrawn from request based on redesign)

T42 – 19.5-Inch Live Oak (withdrawn from request based on redesign)

The other variance requested is to allow the driveway to encroach in the side setback. The code requires a side driveway setback of 10 feet and the applicant has requested an encroachment on the north side setback of 233 square feet, a reduction in the encroach of 1,415 total square feet. The property to the north is Lake Reveille, which is owned by the City of West Lake Hills and will never be developed.

As part of this proposal, there are several nonconforming elements that will be removed, including a second driveway cut, further encroachment in the driveway setback, and building setback encroachments. There is also a net reduction of 2,412 square feet of impervious cover with this proposed residence.

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 – *“Inability to conform to the architectural design which takes into consideration critical root zones of all existing trees. The variances/permits being applied for are those necessary after numerous re-designs with current landscape in mind. Any changes from original design will potentially affect critical root zones already considered.”*
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – *“Every measure was taken in good faith effort to align the new structure to minimize the impact of existing trees. The construction project is being overseen by seasoned project managers: Brian Fuchs (BRF Homes), Michael Stouse (lead architect at Stouse Design), Vincent Debrock (Arborist at Tx. Heritage Tree).”*
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – *“Multiple configurations and re-designs were employed by the architect when overlapping the structure onto the current landscape of existing lot. The current structural design accounts for the least amount of trees needing to be removed. Home design and construction genuinely takes into account existing architecture in the neighborhood and street.”*
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – *“The total inches of mitigation required by West lake Hills Code of Ordinance is 120.75 inches (based on current specs); however in an effort to exceed full compliance, I have planned a total of 127 inches of mitigation.”*
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states – *“City inspectors and General Contractors coordinated on-site to facilitate demolition and tree removal recommendations. All efforts applied are for purposes of keeping the intent of the ordinances/plans for the City of Westlake.”*
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – *“We have no neighbors to the north side of our property (protected water reserve); we have been keeping the neighbors to our south updated with plans in mind.”*

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.

Zoning and Planning Commission Recommendation

ZAPCO voted to recommend approval of the driveway setback encroachment variance, but denial of the tree variances (3-0).

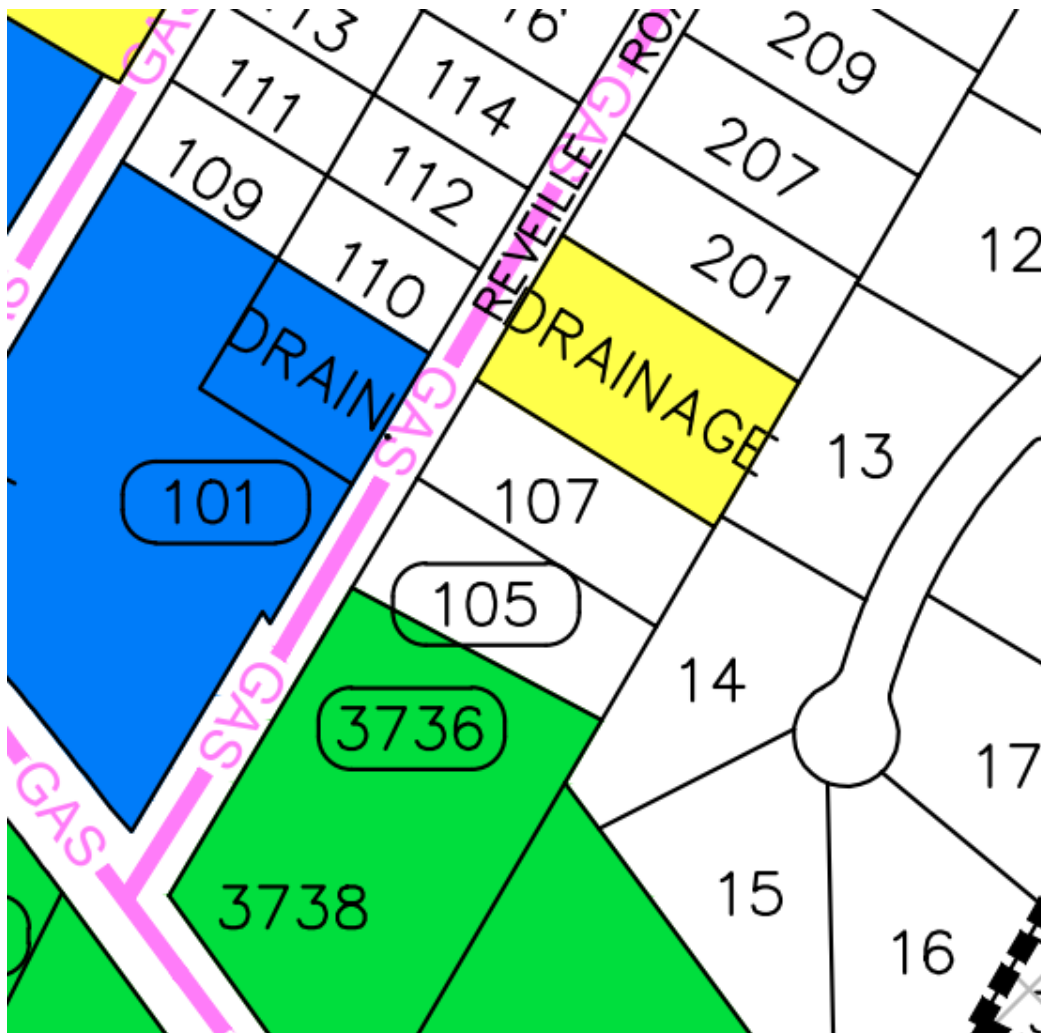
Staff Recommendation

Staff recommends: APPROVAL of the requested variances based on the applicants' efforts of minimization, they have reduced the number of total variances down from six (6) to three (3) and they are attempting to stay within the existing development footprint to reduce site disturbance. The applicant and architect have made efforts towards minimization by reducing many of the nonconforming elements and reducing the impervious cover on the site.

Links to Relevant Code:

- [Sec. 22.03.281](#) [Schedule of Regulations](#)
- [Sec. 22.03.514](#) [Criteria and process required for granting variance](#)
- [Sec. 22.03.304](#) [Tree and vegetation removal and replacement](#)
- [Sec. 22.03.175](#) [Off-street parking and parking pad requirements in residential areas](#)

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: _____ **Phone:** _____

Email: _____

Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Agent*: _____ **Phone:** _____

Email: _____

Address: _____ **City:** _____ **State:** _____ **Zip:** _____

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

Property Information

Subdivision Name: _____

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

Current Zoning Classification: _____ **Total Lot Size (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) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____



VARIANCE APPLICATION

- 6) #39. 16" cedar elm sits between the pool house and the spa (applying for a variance to remove) Total circumference 24"-> replacing with 4x6"-24
- 7) #40. 10" cedar elm is part of that same area near the carport (applying for a permit to remove) Total circumference 7.5"-> replacing with (3) 3"-9
- 8) #41. 19.5" cedar elm must be removed to build the pool house. (applying for a variance to remove) Total circumference 29.25"-> replacing with (5) 6"-30
- 9) #42. 19.5" live oak, pool house encroaches on the 1/2 critical root zone of this tree (applying for a variance to remove) Total circum 29.25"-> replacing with 5 (6")=30
- 10) House height is 34' 4", the style of architecture we have chosen is not be compatible with a lower pitch; steeper pitched roof will drain better/faster and absorb less solar radiation

Brief Description of project/why variances are needed: Variances being applied for...

1. Remove 4 out of 50 trees (2 of the 6 we plan to remove do not require variances)
2. Allow 233 SF of existing driveway to continue to encroach upon the driveway setback adjoining city-owned property

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.

Inability to conform to the architectural design which takes into consideration critical root zones of all existing trees. The variances/permits being applied for are those necessary after numerous re-designs with current landscape in mind.

Any changes from original design will potentially affect critical root zones already considered.

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?

Every measure was taken in good faith effort to align the new structure to minimize the impact of existing trees. The construction project is being overseen by seasoned project managers: Brian Fuchs (BRF Homes), Michael Stouse (lead architect at Stouse Design), Vincent Debrock (Arborist at Tx. Heritage Tree)

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

Multiple configurations and re-designs were employed by the architect when overlapping the structure onto the current landscape of existing lot. The current structural design accounts for the least amount of trees needing to be removed.

Home design and construction genuinely takes into account existing architecture in the neighborhood and street.

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

The total inches of mitigation required by West lake Hills Code of Ordinance is 120.75 inches (based on current specs); however in an effort to exceed full compliance, I have planned a total of 127 inches of mitigation.



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?

- Driveway: We moved the guest parking so that it does not encroach upon the setback. We do intend to request a variance for the portion of driveway that is in the driveway setback adjacent to the land which is City owned and will not be developed for residential use (where the existing driveway is, and the lot next to it will never be developed). Any other location would mean removing more trees, needlessly increasing impervious cover, backing out onto a busy street, and/or having garage doors that face the road.
- Accessory Structure: We redesigned so that the pool house function is attached to the main house. We may do a stand-alone covered pavilion, but it will be open-air on all sides.
- Height: We redesigned (minimized our plans) so that we no longer need to apply for a variance. We reduced both plate heights and roof slopes to comply.

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

We have no neighbors to the north side of our property (protected water reserve); we have been keeping the neighbors to our south (105 Reveille) updated with no resistance or concerns.

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).

 Digitally signed by William Rodriguez
Date: 2021.12.04 17:39:10 -06'00'

Signature

12/4/21

Date

William Rodriguez

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:

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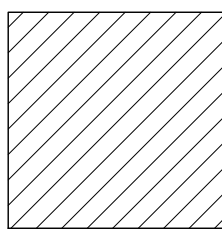
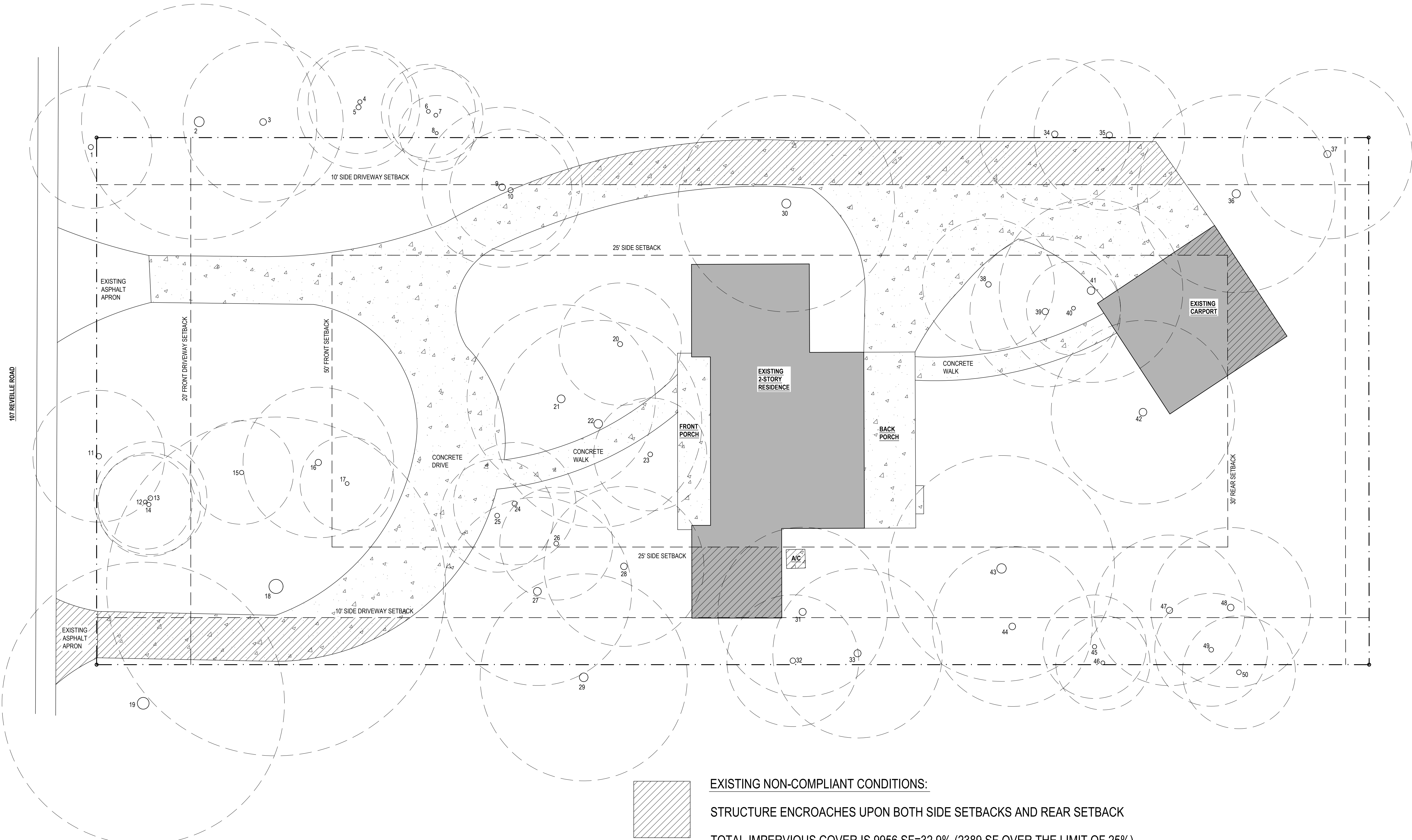
01.16.22

RODRIGUEZ RESIDENCE
NEW CONSTRUCTION
107 Reveille Road
West Lake Hills, Texas 78746

date FEBRUARY 25, 2022
scale AS NOTED

drawing number

A1.0



EXISTING NON-COMPLIANT CONDITIONS:

STRUCTURE ENCROACHES UPON BOTH SIDE SETBACKS AND REAR SETBACK

TOTAL IMPERVIOUS COVER IS 9956 SF=32.9% (2389 SF OVER THE LIMIT OF 25%)

2 CURB CUTS

EXISTING DRIVEWAY ENCROACHES UPON BOTH SIDE DRIVEWAY SETBACKS BY 1648 SF

1 EXISTING SITE PLAN
SCALE: 3/32" = 1'-0"
SCALE: 3/64" = 1'-0"
WHEN PRINTED AT HALF SIZE

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scale AS NOTED

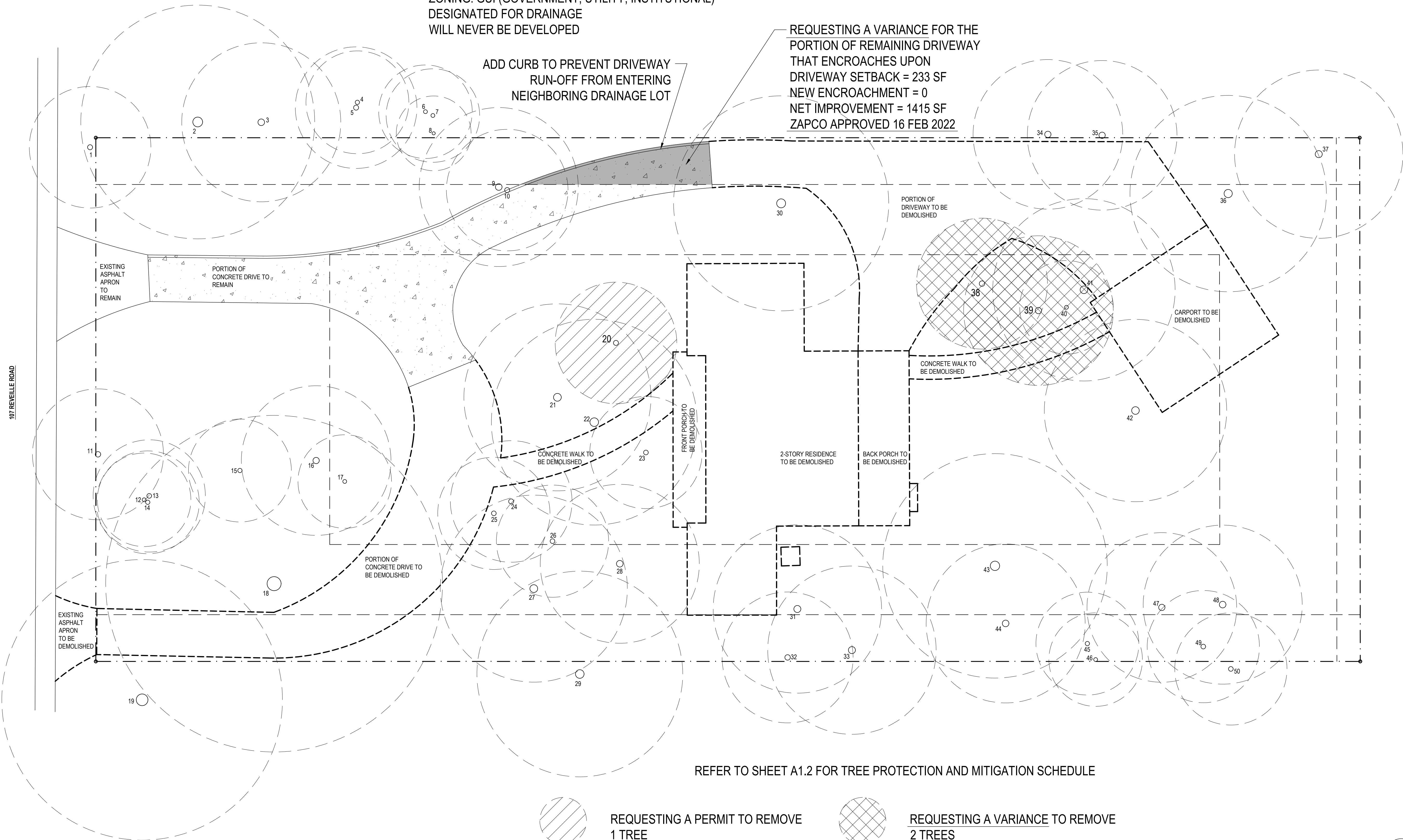
drawing number

A1.1

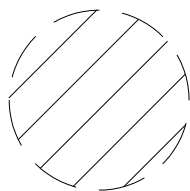
ADJACENT LOT
OWNER: CITY OF WEST LAKE HILLS
LOT 13 BLK B SMITH JOE RESUB
ZONING: GUI (GOVERNMENT, UTILITY, INSTITUTIONAL)
DESIGNATED FOR DRAINAGE
WILL NEVER BE DEVELOPED

REQUESTING A VARIANCE FOR THE
PORTION OF REMAINING DRIVEWAY
THAT ENCROACHES UPON
DRIVEWAY SETBACK = 233 SF
NEW ENCROACHMENT = 0
NET IMPROVEMENT = 1415 SF
ZAPCO APPROVED 16 FEB 2022

ADD CURB TO PREVENT DRIVEWAY
RUN-OFF FROM ENTERING
NEIGHBORING DRAINAGE LOT

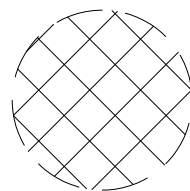


REFER TO SHEET A1.2 FOR TREE PROTECTION AND MITIGATION SCHEDULE



REQUESTING A PERMIT TO REMOVE
1 TREE
NO VARIANCE REQUIRED

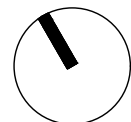
ID 20: 13" CEDAR ELM



REQUESTING A VARIANCE TO REMOVE
2 TREES

ID 38: 14" CEDAR ELM

ID 39: 16" CEDAR ELM



1 DEMO SITE PLAN
SCALE: 3/32" = 1'-0"
SCALE: 3/64" = 1'-0"
WHEN PRINTED AT HALF SIZE

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NEW CONSTRUCTION
107 Reveille Road
West Lake Hills, Texas 78746

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drawing number
A1.2

TREE TABLE		
TREE ID	TRUNK DIAMETER	SPECIES
1	13"	LIVE OAK
2	25"	LIVE OAK
3	11"	LIVE OAK
4	11"	LIVE OAK
5	13"	LIVE OAK
6	10"	LIVE OAK
7	10"	LIVE OAK
8	8"	LIVE OAK
9	7"	CEDAR ELM
10	13"	CEDAR ELM
11	14"	CEDAR ELM
12	10"	CEDAR ELM
13	19"	CEDAR ELM
14	11"	CEDAR ELM
15	11"	CEDAR ELM
16	16"	CEDAR ELM
17	10"	CEDAR ELM
18	36"	CEDAR ELM
19	30"	CEDAR ELM
20	13"	CEDAR ELM
21	20"	CEDAR ELM
22	22"	CEDAR ELM
23	19"	CEDAR ELM
24	15"	CEDAR ELM
25	12"	CEDAR ELM
26	12"	CEDAR ELM
27	20"	CEDAR ELM
28	17"	CEDAR ELM
29	22"	CEDAR ELM
30	23"	CEDAR ELM
31	18"	CEDAR ELM
32	14"	LIVE OAK
33	18"	CEDAR ELM
34	16"	HACKBERRY
35	16"	HACKBERRY
36	21"	LIVE OAK
37	18"	LIGUSTRUM
38	14"	CEDAR ELM
39	10"	CEDAR ELM
40	10"	CEDAR ELM
41	19.5"	CEDAR ELM
42	19.5"	LIVE OAK
43	24"	LIVE OAK
44	17"	CEDAR ELM
45	11"	CEDAR ELM
46	10"	CEDAR ELM
47	16"	CEDAR ELM
48	17"	LIVE OAK
49	12"	CEDAR ELM
50	12"	LIVE OAK

REQUESTING A VARIANCE TO REMOVE 2 TREES:
14" AND 16" CEDAR ELM

WE ARE PRESERVING 26 OUT OF 28 VARIANCE TREES
WE ARE PRESERVING 47 OUT OF 50 TOTAL TREES
END RESULT = 58 TREES

MITIGATION SCHEDULE						
TREE ID TO REMOVE	TRUNK DIAMETER	SPECIES	PROPOSED ACTION	MITIGATION REQUIREMENT	PROPOSED REPLACEMENT	TREE ID TO ADD
20	13"	CEDAR ELM	REQUEST PERMIT TO REMOVE	75% OF 13" = 9.75" (3" MIN)	2 X 3" x 1 X 4" = 10"	51-53
38	14"	CEDAR ELM	REQUEST VARIANCE TO REMOVE	150% OF 14" = 21" (6" MIN)	4 X 6" = 24"	54-57
39	16"	CEDAR ELM	REQUEST VARIANCE TO REMOVE	150% OF 16" = 24" (6" MIN)	4 X 6" = 24"	58-61

43" = TOTAL DIAMETER TO REMOVE
3 = TOTAL TREES TO REMOVE

58" = TOTAL DIAMETER TO ADD
11 = TOTAL TREES TO ADD

ACCEPTABLE TREE SPECIES FOR REPLACEMENT:			
BURR OAK	MEXICAN REDBUD	ARIZONA CYPRESS	DESERT WILLOW
CHINQUAPIN OAK	MEXICAN OLIVE	LACEY OAK	ANACACHO ORCHID
TEXAS RED OAK	MEXICAN PLUM	HUISACHE	TEXAS MOUNTAIN LAUREL
	POMEGRANATE	EVE'S NECKLACE	BLACK CHERRY
	TEXAS PERSIMMON	KIDNEYWOOD	CHERRY LAUREL
	SOUTHERN LIVE OAK	BIGTOOTH MAPLE	

NOTES CONCERNING TREE PROTECTION:

- 5' MIN CHAIN LINK MESH TREE FENCING IS REQUIRED ALONG ALL FULL CRITICAL ROOT ZONES. WHERE UNACHIEVABLE, FENCE AS MUCH OF THE CRZ AS PRACTICAL. WHERE THE TREE PROTECTION FENCING CANNOT INCORPORATE ALL OF THE ½" CRZ, 8 INCHES OF MULCH IS REQUIRED IN THE FULL CRZ. TREE PROTECTION FENCING MUST BE ON GRADE (FLAT POST BASES WEIGHTED DOWN WITH SAND BAGS) AND MUST ENCOMPASS THE ½ CRZ AT MINIMUM. 2X4 OR GREATER SIZE PLANKS (6" TALL MINIMUM) TO BE STRAPPED SECURELY AROUND PROTECTED TREE TRUNKS AND ROOT FLARES WHEN PROTECTIVE FENCING DOES NOT INCORPORATE THE ENTIRE ½ CRZ FOR ANY REASON AT ANY TIME IN THE PROJECT.

- NO MATERIAL STAGING, DUMPSTER AND SPOILS PLACEMENT, OR ACCESS ROUTE IN THE ½" CRZ. WHEN NOT POSSIBLE, MINIMIZE IMPACT AND PROTECT WITH 8 INCHES OF MULCH IN THE FULL CRZ OF IMPACTED TREE.

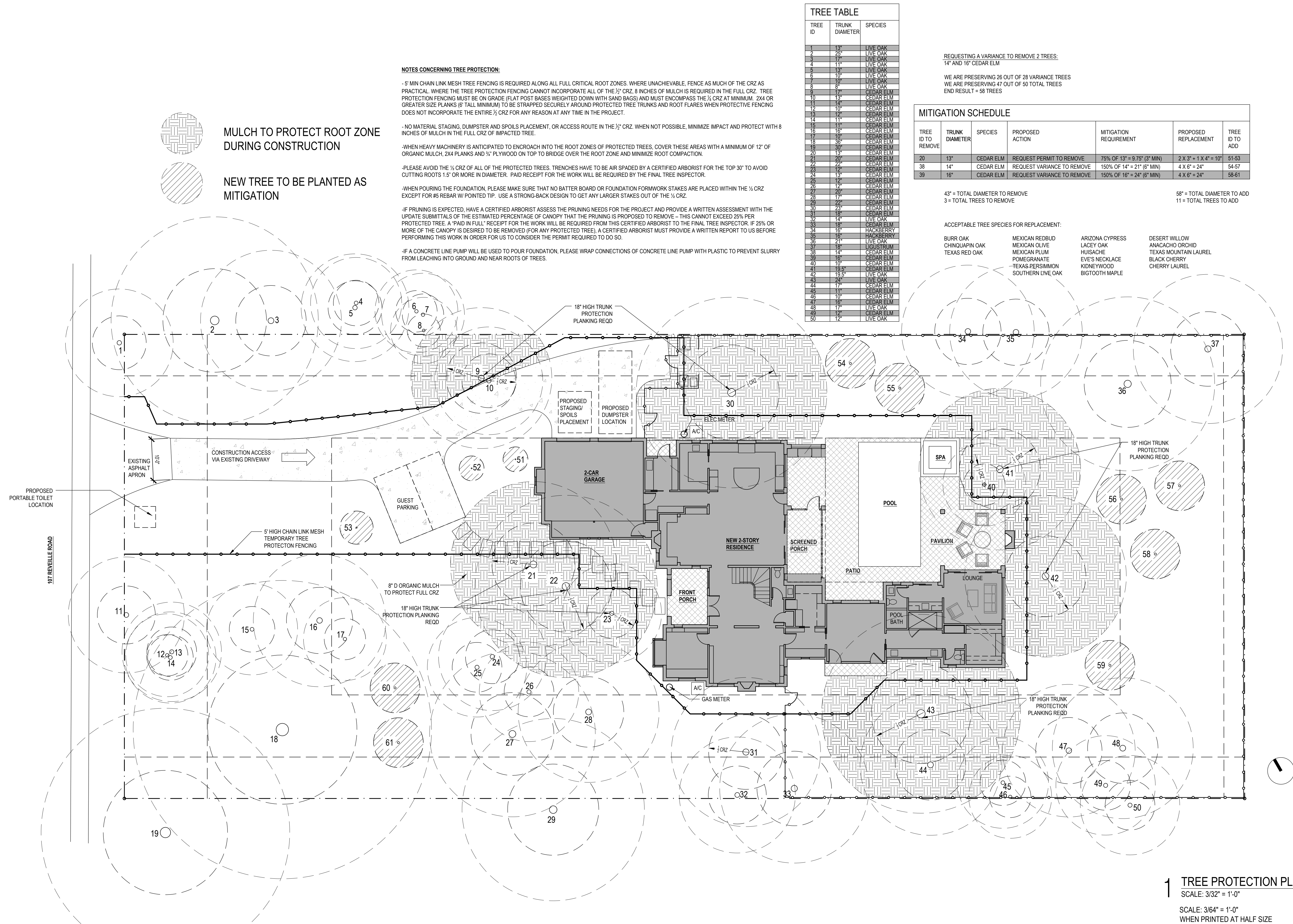
- WHEN HEAVY MACHINERY IS ANTICIPATED TO ENCRGOACH INTO THE ROOT ZONES OF PROTECTED TREES, COVER THESE AREAS WITH A MINIMUM OF 12" OF ORGANIC MULCH, 2X4 PLANKS AND ¾" PLYWOOD ON TOP TO BRIDGE OVER THE ROOT ZONE AND MINIMIZE ROOT COMPACTION.

- PLEASE AVOID THE ½ CRZ OF ALL OF THE PROTECTED TREES. TRENCHES HAVE TO BE AIR SPADED BY A CERTIFIED ARBORIST FOR THE TOP 30" TO AVOID CUTTING ROOTS 1.5" OR MORE IN DIAMETER. PAID RECEIPT FOR THE WORK WILL BE REQUIRED BY THE FINAL TREE INSPECTOR.

- WHEN POURING THE FOUNDATION, PLEASE MAKE SURE THAT NO BATTER BOARD OR FOUNDATION FORMWORK STAKES ARE PLACED WITHIN THE ½ CRZ EXCEPT FOR #5 REBAR W/ POINTED TIP. USE A STRONG-BACK DESIGN TO GET ANY LARGER STAKES OUT OF THE ½ CRZ.

- IF PRUNING IS EXPECTED, HAVE A CERTIFIED ARBORIST ASSESS THE PRUNING NEEDS FOR THE PROJECT AND PROVIDE A WRITTEN ASSESSMENT WITH THE UPDATE SUBMITTALS OF THE ESTIMATED PERCENTAGE OF CANOPY THAT THE PRUNING IS PROPOSED TO REMOVE - THIS CANNOT EXCEED 25% PER PROTECTED TREE. A "PAID IN FULL" RECEIPT FOR THE WORK WILL BE REQUIRED FROM THIS CERTIFIED ARBORIST TO THE FINAL TREE INSPECTOR. IF 25% OR MORE OF THE CANOPY IS DESIRED TO BE REMOVED (FOR ANY PROTECTED TREE), A CERTIFIED ARBORIST MUST PROVIDE A WRITTEN REPORT TO US BEFORE PERFORMING THIS WORK IN ORDER FOR US TO CONSIDER THE PERMIT REQUIRED TO DO SO.

- IF A CONCRETE LINE PUMP WILL BE USED TO POUR FOUNDATION, PLEASE WRAP CONNECTIONS OF CONCRETE LINE PUMP WITH PLASTIC TO PREVENT SLURRY FROM LEACHING INTO GROUND AND NEAR ROOTS OF TREES.

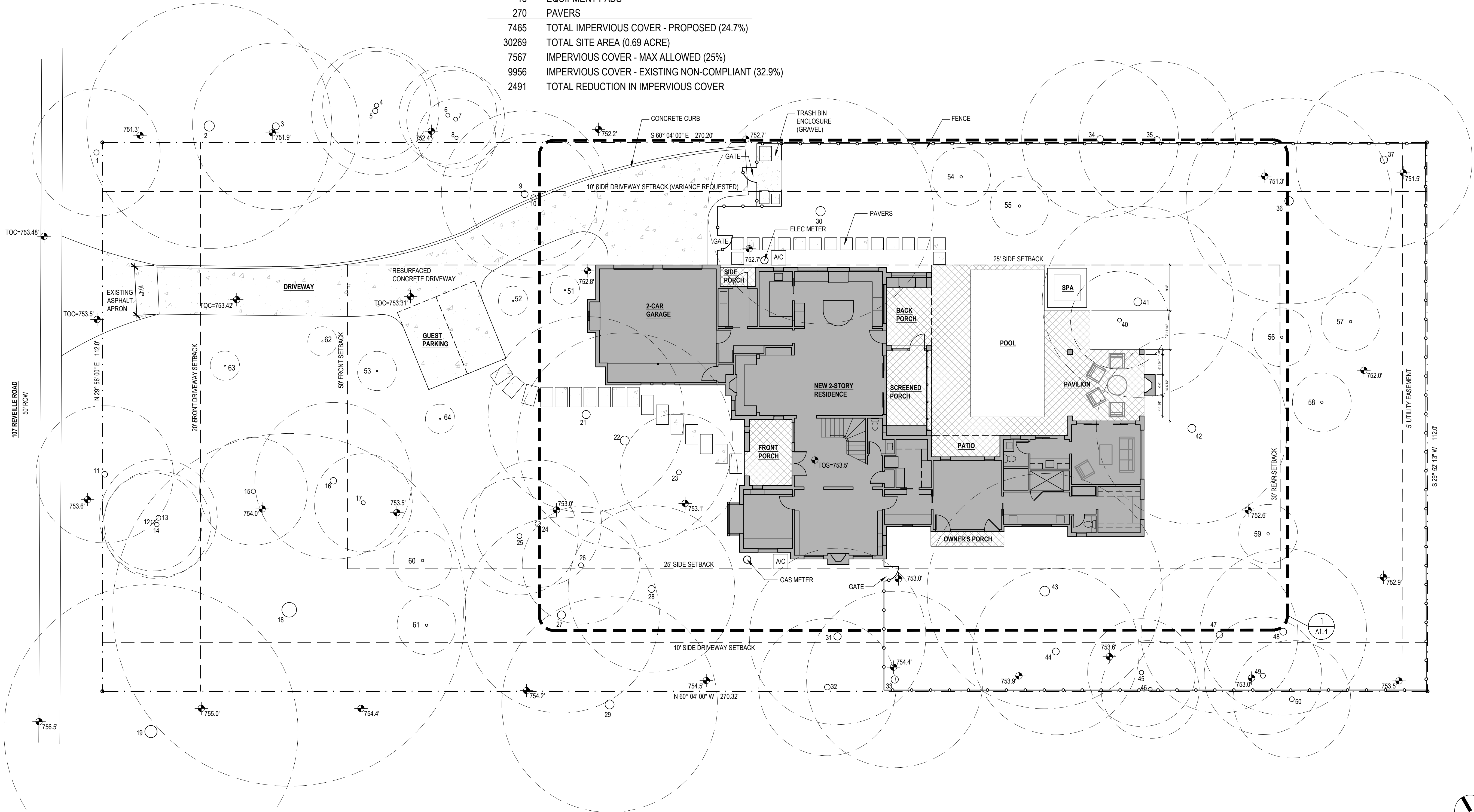


1 TREE PROTECTION PLAN
SCALE: 3/32" = 1'-0"
SCALE: 3/64" = 1'-0"
WHEN PRINTED AT HALF SIZE

LEGAL DESCRIPTION

LOT 14
BLOCK B
SMITH, JOE RESUBDIVISION
OF LOTS 37, 38 AND 39 AND THE WEST 1/2 OF LOT 40
BARTON SPRINGS ESTATES
RECORDED VOLUME 13, PAGE 77 PLAT RECORDS
TRAVIS COUNTY, TEXAS

SQ FT	IMPERVIOUS COVER
2734	MAIN HOUSE GROUND FLOOR
627	GARAGE
131	FRONT PORCH
27	SIDE PORCH
137	BACK PORCH
169	SCREENED PORCH
45	OWNER'S PORCH
450	POOL
87	SPA
805	PAVILION + POOL PATIOS
1965	DRIVEWAY + PARKING
18	EQUIPMENT PADS
270	PAVERS
7465	TOTAL IMPERVIOUS COVER - PROPOSED (24.7%)
30269	TOTAL SITE AREA (0.69 ACRE)
7567	IMPERVIOUS COVER - MAX ALLOWED (25%)
9956	IMPERVIOUS COVER - EXISTING NON-COMPLIANT (32.9%)
2491	TOTAL REDUCTION IN IMPERVIOUS COVER



1 PROPOSED SITE PLAN
SCALE: 3/32" = 1'-0"
SCALE: 3/64" = 1'-0"
WHEN PRINTED AT HALF SIZE

PERMIT SET
FOR REGULATORY
APPROVAL

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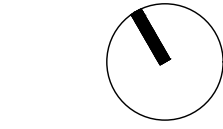
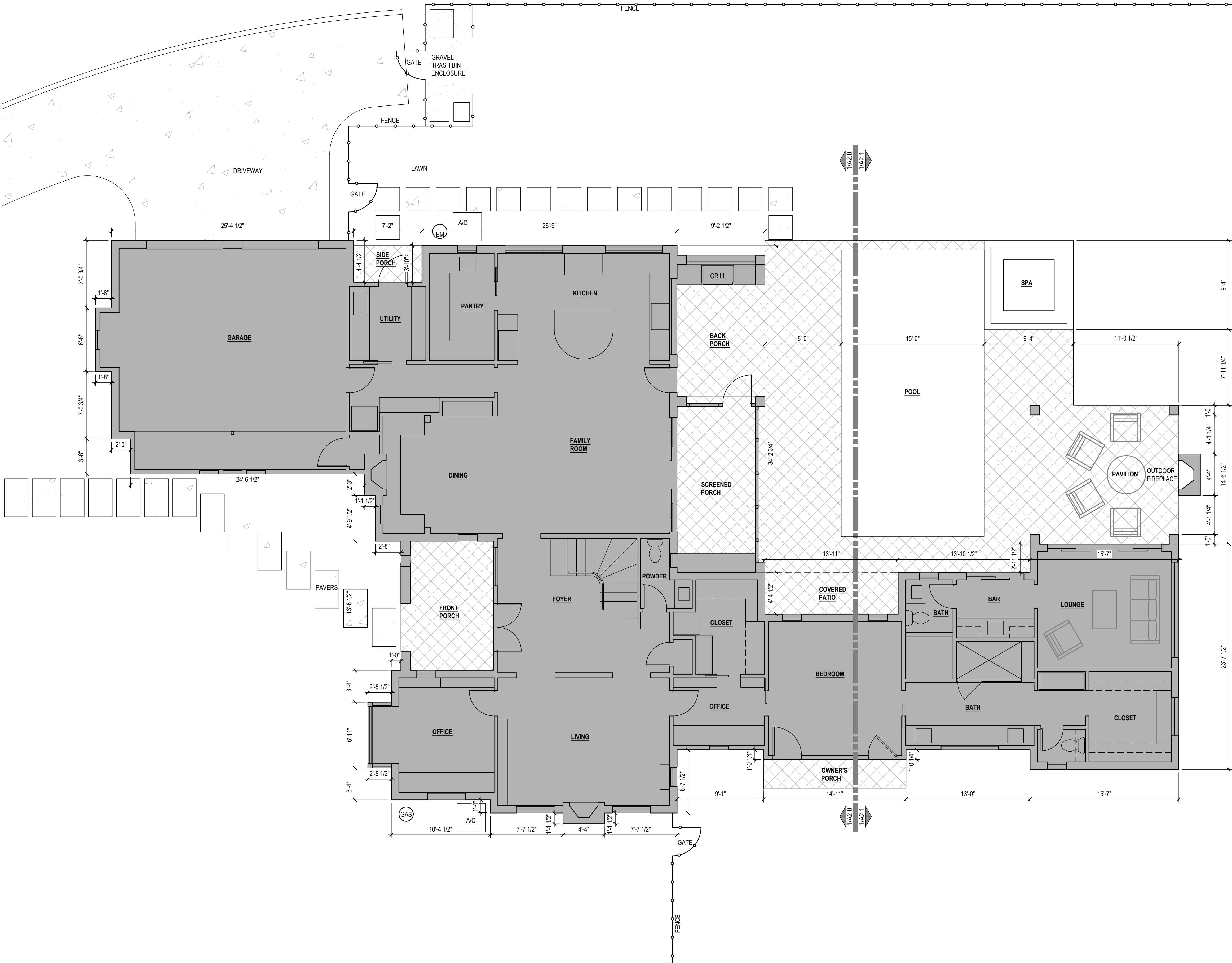


RODRIGUEZ RESIDENCE
NEW CONSTRUCTION
107 Reveille Road
West Lake Hills, Texas 78746

date FEBRUARY 25, 2022
scale AS NOTED

drawing number

A1.3



1 SITE PLAN DETAIL
SCALE: 3/16" = 1'-0"
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01.16.22

RODRIGUEZ RESIDENCE
NEW CONSTRUCTION
107 Reveille Road
West Lake Hills, Texas 78746

date JANUARY 28, 2022
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A3.0



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

SCALE: 1/8" = 1'-0"
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NEW CONSTRUCTION
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date JANUARY 28, 2022
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A3.1



1 RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

SCALE: 3/32" = 1'-0"
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107 Reveille Road
West Lake Hills, Texas 78746

Date JANUARY 28, 2022
Scale AS NOTED

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A3.2



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

SCALE: 1/8" = 1'-0"
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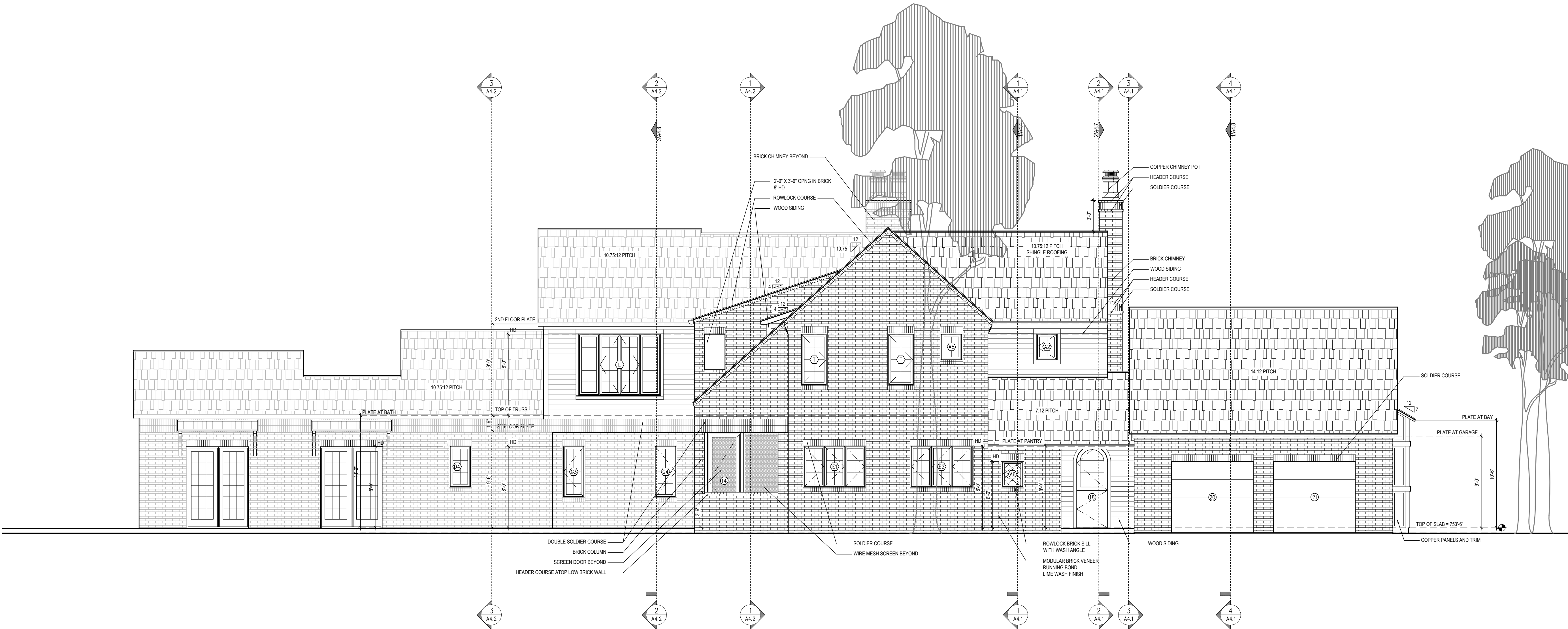
01.16.22

RODRIGUEZ RESIDENCE
NEW CONSTRUCTION
107 Reveille Road
West Lake Hills, Texas 78746

Date JANUARY 28, 2022
Scale AS NOTED

Drawing number

A3.3



1 LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

SCALE: 3/32" = 1'-0"
WHEN PRINTED AT HALF SIZE

December 4, 2021

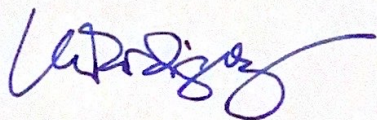
Dear ZAPCO Chairperson and fellow members,

This letter is intended to notify the board of a request for a tree removal variance for purposes of starting new construction. The residential construction project is located at 107 Reveille Rd and will be overseen by project specialists Brian Fuchs (BRF Homes), Michael Stouse (lead architect Stouse Design) and Vincent Debrock (Arborist at Texas Heritage Tree).

Please see enclosed application with supporting documents.

My family and I sincerely appreciate your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'William Rodriguez', with a stylized flourish extending to the right.

William Rodriguez and Susan Rodriguez (homeowner)

Ashby Grundman

From: Charlotte Cotera [REDACTED]
Sent: Monday, February 28, 2022 11:17 AM
To: Ashby Grundman
Cc: Michael Stouse; William Rodriguez; Susan Hines
Subject: Rodriguez-Reveille
Attachments: 220228 Rodriguez-Reveille for city.pdf

Good morning, Ashby.

I have one small update on the 107 Reveille project that does not change anything about our variance request but might be of interest to BOA. We managed to preserve one additional tree. It is tree #40 (a 10" cedar elm). Although this tree does not require a variance to remove, it might help to point out that we are proposing to remove only one non-variance tree.

Total existing trees on lot = 50 (792" total caliper)
-Total existing variance trees = 28 (543" total caliper)
-Total existing non-variance trees = 22 (249" total caliper)

Total trees to remove = 3 (43" total caliper)
-Variance trees to remove = 2 (30" total caliper)
-Non-variance tree to remove = 1 (13" caliper)

Remaining trees on lot = 47 (749" total caliper)
-Remaining variance trees = 26 (513" total caliper)
-Remaining non-variance trees = 21 (236" total caliper)

Trees to add = 11 (58" total caliper)
Net total trees = 58 (807" total caliper)
Net improvement = 8 trees (15" total caliper)

Charlotte Cotera
5125670118

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architecture interiors

Ashby Grundman

From: Charlotte Cotera [REDACTED]
Sent: Friday, February 25, 2022 4:38 PM
To: Ashby Grundman
Cc: Michael Stouse; William Rodriguez; Susan Hines
Subject: RE: 107 Reveille
Attachments: 220225 Rodriguez-Reveille for city.pdf

Wonderful. I have attached revised site plans to illustrate how we have minimized our request.

Outline of efforts to date:

- We originally requested a height variance as well as a side driveway setback variance and a variance to remove 4 trees. We had also designed a detached pool house which did not meet code because of the small (by West Lake standards) lot size.
- Upon your suggestion, we delayed presenting by a month to reduce our requests. We changed both the plate heights and roof pitches in order to reduce the building height by more than four feet. That variance request was, therefore, eliminated. We redesigned the pool house function to be attached to the main house as advised.
- We presented at ZAPCO in February to request the driveway setback variance and the 4-tree variance. ZAPCO approved the driveway but rejected the trees.
- We have now redesigned to save the larger two of the four variance trees in question. Our revised request is to remove only two variance trees. One is a 14" cedar elm and the other is a 16" cedar elm. There are 50 total trees on the lot. Of those, 28 are variance trees. We are saving 26 of the 28. We are preserving every oak on the property. We designed the house with tree preservation as a top priority. Hopefully you can tell from all the "ins-and-outs" of the exterior walls that this is a home that was conceived in response to the existing canopy. It is entirely site specific. A private arborist was engaged to assess the health of all trees. We have outlined measures to be taken during construction to prevent damage to root zones. Once mitigation is complete, there will be a total of 60 trees on this < ¾ acre lot. We are reducing overall impervious cover by a total of 2491 square feet. We honestly feel that we have arrived at the best possible solution for all parties.
- We would like to be included on the agenda for the March 9th BOA meeting. Thank you for your assistance. Please let me know if there are other drawings or forms you need.

Charlotte Cotera
Stouse Design

From: Ashby Grundman <AGrundman@westlakehills.gov>
Sent: Friday, February 25, 2022 12:34 PM
To: Charlotte Cotera [REDACTED]
Cc: Michael Stouse [REDACTED] William Rodriguez [REDACTED] Susan Hines [REDACTED]
Subject: RE: 107 Reveille

Hi Charlotte,

Thank you for the efforts on adjusting and minimizing the request.

The next step is to move forward with BOA/Council on March 9th. Please submit the revised plans to me ASAP so I can get my staff report updated. I think it would be helpful for either you or Mr. Rodriguez to draft a letter outlining all of the efforts that have been made to move the project closer to code compliance.

Thank you.

Ashby Grundman, AICP
Interim City Administrator
City of West Lake Hills
grundman@westlakehills.gov
(512) 327-3628

From: Charlotte Cotera [REDACTED]
Sent: Friday, February 25, 2022 10:13 AM
To: Ashby Grundman <AGrundman@westlakehills.gov>
[REDACTED]

Subject: RE: 107 Reveille

Ashby,

We went back to the drawing board and came up with a design that I hope will satisfy everyone. Instead of requesting a variance to remove 4 trees, we have reduced our request to 2 trees. We preserved the two larger trees of the original four. In the end we would be asking to remove a 14" and a 16" cedar elm. We are preserving 26 out of 28 variance trees and 48 out of 50 total trees on the lot. Of course we will mitigate for those two trees we intend to remove. What are our next steps? Do we go back to ZAPCO with the proposed change? Do we move on to Council? What do I need to send you (and by when) to make sure we are on the agenda for the next round?

Tree #9 will have no additional impact at all. The driveway that encroaches upon its root zone is existing. During construction we will fence off half of the full CRZ, we will protect the trunk with planking, and we will mulch the root zone as shown on the tree protection plan. All construction access will be limited to the existing driveway surface.

Thanks very much,
Charlotte Cotera
Stouse Design

From: Ashby Grundman <AGrundman@westlakehills.gov>
Sent: Monday, February 21, 2022 2:05 PM
[REDACTED]

Hi Charlotte,

I am happy to provide my input of the trees.

My recommendation is to limit the tree removal. You are asking for 4 trees variances, but make sure you point out to the Board how many variance trees you are preserving. Highlight why you designed the pool and house the way you did. Demonstrate

Tree Protection:
https://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=westlakehillssset&collection=westlakehills&doccode=z2Code_z20000502

Critical Root Zone:

[https://www.austintexas.gov/page/tree-and-natural-area-preservation#:~:text=The%20Critical%20Root%20Zone&text=A%20minimum%20of%2050%25%20of,40%2Dfoot%20dia meter%20circle\).](https://www.austintexas.gov/page/tree-and-natural-area-preservation#:~:text=The%20Critical%20Root%20Zone&text=A%20minimum%20of%2050%25%20of,40%2Dfoot%20dia meter%20circle).)

I think there is some flexibility especially when it involves vertical improvements because of the nature of trees and how their limbs, especially the major limbs can vary.

Are y'all willing to further reduce the variances requested by redesigning? Also, make sure you reference how T9 will be protected as that is a variance tree you are proposing to save.

Happy to jump on a call if that is preferable.

Thank you.

Ashby Grundman, AICP
Interim City Administrator
City of West Lake Hills
agrundman@westlakehills.gov
(512) 327-3628

Sent: Monday, February 21, 2022 10:15 AM
To: Ashby Grundman <AGrundman@westlakehills.gov>

Subject: 107 Reveille

Good morning, Ashby,

We are trying to regroup after last week's ZAPCO meeting. We are thankful to have support on the driveway variance. Our plan is to present a revised layout for the pool at the March council meeting. Is that how it would work? Or do we have to sign up for ZAPCO again?

Since everything hinges on the trees, I wanted to ask you some more specific questions about the tree ordinance. Of course I read the code. It is clear that the goal is wide protection. What I couldn't find were any specifics about how to protect trees in terms of critical root zones. My first call was to the city arborist. He indicated that it is somewhat subjective. He shared his rules of thumb as:

- avoid the half CRZ entirely
- encroach upon only one quadrant of the full CRZ with anything but flatwork

These are the parameters we used when designing the house. Are those the rules we should follow when redesigning the pool or is there some flexibility? In the ZAPCO meeting, a citizen spoke of keeping a tree in the middle of her driveway. I'd like to understand how (if following the above guidelines) a tree could be preserved with vehicles parked on its root zone. Is each tree considered on a case-by-case basis? Could we work with an arborist to preserve a tree that is impacted more than the above guidelines allow? On this lot, there is an existing carport that encroaches upon the root zones (including the half CRZ) of the trees in question. How should we think about that impact? If we build within the area of the existing impact, is that allowed? Is it possible to "trade" impact? What if the pool impacts two quadrants of the full CRZ but avoids the half? Is there some percentage of CRZ impact you are shooting for? Thanks for any specifics you can provide.

Charlotte Cotera
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STOUSEDESIGN

