



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, March 9, 2022 at 7:00 PM

Notice is hereby given that the City Council 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 23, 2021 Regular Meeting Minutes
 - b. Public Safety Participate in both the TEVA and ENDO Opioid Settlements
 - c. **4010 Bee Cave Road:** Approval of a Sign Permit Application to install a new face on a current free standing sign, Faith Bible Church (West Lake Hills Code Chapter 32). Applicant: Karole Fedrick, Faith Bible Church.
4. Land Use **107 Reveille Road:** Discuss and Consider Action 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
5. Land Use **112 Bluff Park Circle:** Discuss and Consider Action 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.
6. Executive Session Executive Session An Executive Session may be held in accordance with the contained in Texas Government Code, section 551.071 for:
 - a. Consultation with City Attorney under Section 551.071 of the Government Code regarding pending litigation in Cause No. D-1- GN-21-007357; Alvarez v. City of West Lake Hills Board of Adjustment, 200th District Court, Travis County, Texas – 1505 Wildcat Hollow
 - b. Consultation with City Attorney under Section 551.071 of the Government Code regarding pending litigation in Cause No D-1- GN-22-000843; Taylor v. City of West Lake Hills Board of Adjustment, 261st District Court, Travis County, Texas - 1109 Yaupon Valley Road
 - c. Deliberate the purchase, exchange, lease, or value of real property for new City Hall building. (Texas Government Code Section 551.072).
7. Administration Take any necessary or appropriate action on matters posted for consideration in closed/executive session
8. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the March 9, 2022 City Council 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 CITY COUNCIL REGULAR MEETING
Wednesday, February 23, 2022 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:00 p.m. Members in attendance were Mayor Linda Anthony, Councilmembers Rhonda McCollough, Brian Plunkett, Beth South, and Gordon Bowman. Mayor Pro Tem Walker was absent

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 February 9, 2022 Regular Meeting Minutes
 - b. Annual Racial Profiling Report
 - c. Approval of the Quarter One Building and Development Services Permit Report

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

The Motion for Approval carried by a vote of 4 ayes to 0 nays, with Mayor Pro Tem Walker absent.

4. Personnel Discussion/decision on an amendment to the Police Department Salary and Incentives Structure.

A Motion for Approval, with conditions, made by Councilmember Plunkett with a Second by Councilmember South.

The Motion for Approval carried by a vote of 4 ayes to 0 nays, with Mayor Pro Tem Walker absent.

Conditions:

Effective in March, 2022

- **Updated Salary matrix, as listed in the packet given to Council.**

- **Lateral transfer policy updated to allow an officer with 10 years of experience to transfer in at year 5 of the matrix. Return to Council in FY 2022-2023 with the approximate cost of a 1.5/1 lateral transfer rate for review.**

October, 2022

- **Bilingual Pay - \$100/month if they pass the test at an acceptable proficiency level for Spanish or ASL.**
- **Bonus of \$3,000 for new officers**
 - **\$1,000 at successful completion of field training**
 - **\$1,000 at end of year 2**
 - **\$1,000 at end of year 4**
- **Adding a new part-time sworn detective position.**
- **The above 3 items will be added to the upcoming 22/23 budget for review and approval by the City Council.**

October 2023

- **Adjust the matrix each year by 100% of the amount the Social Security Administration increases their Cost of Living Adjustment payments**
- **This item will be added to the 2023/2024 FY budget for review and approval by the City Council.**

5. Administration Discussion and Update Regarding the Timeline for Bond Items

No action was taken on this item

6. Administration Discussion and Update Regarding the City Administrator Recruitment Search.

No action was taken on this item

7. Executive Session An Executive Session may be held in accordance with the authority contained in Texas Government Code, section 551.071 for:
 - a. Consultation with Legal Counsel to discuss pending litigation in Cause No. 2019-03-28-01; City of West Lake Hills, Plaintiff, v. Jaff Ventures, LLC; Douglas Jaffe III, and 1405 Wild Cat Hollow, West Lake Hills, Texas, Defendants and Cause No. D-1-GN-19-007546; City of West Lake Hills, Plaintiff v. Jaff Ventures, LLC and Douglas Jaffe III
 - b. Consultation with City Attorney regarding pending litigation in Cause No. D-1-GN-21-007357; Alvarez v. City of West Lake Hills Board of Adjustment, 200th District Court, Travis County, Texas – 1505 Wildcat Hollow
 - c. Consultation with Legal Counsel to discuss pending litigation in Cause No. D-1-GN-21-002632; Moore et al. v. City of West Lake Hills, 98th Judicial District Court, Travis County, Texas (Project 16329 - 803 Westlake Drive) (Texas Government Code Section 551.071)

- d. Consultation with City Attorney regarding pending litigation in Cause No D-1-GN-22-000843; Taylor v. City of West Lake Hills Board of Adjustment, 261st District Court, Travis County, Texas - 1109 Yaupon Valley Road
- e. Deliberation regarding Real Property (Texas Government Code 551.072).

Council went into Executive Session at 7:53 p.m. and reconvened in Open Session at 8:32 p.m.

Item e: Deliberation regarding Real Property was removed from the Executive Session prior to the beginning of the session.

- 8. Administration Take any Necessary or Appropriate Action on Matters Posted for Consideration in Closed/Executive Session

No action was taken on this item

- 9. Adjournment

A Motion to adjourn the meeting was made at 8:32 p.m. by Councilmember Bowman with a Second by Councilmember Plunkett.

The Motion to Adjourn carried by a vote of 4 ayes to 0 nay, with Mayor Pro Tem Walker absent.

Respectfully submitted,

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on _____, 2022.

Exhibit B

TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORM

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss the

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: _____

Texas Subdivision Name: City of West Lake Hills

By: _____

Mayor Linda Anthony
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746
512-327-3628
Mayor@westlakehills.gov

Exhibit A

TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORM

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Endo/Par under the terms and conditions set forth in the Endo/Par Texas State-Wide Opioid Settlement Agreement between Endo/Par, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: _____

Texas Subdivision Name: City of West Lake Hills

By: _____

Mayor Linda Anthony
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746
512-327-3628
Mayor@westlakehills.gov



SIGN APPLICATION STAFF REPORT

March 9, 2022

Permit Number: 2022-10379

Agenda Item: 4010 Bee Cave Rd: Approval of a Sign Permit Application to install a new face on a current free standing sign, Faith Bible Church (West Lake Hills Code Chapter 32). Applicant: Karole Fedrick, Faith Bible Church.

Requested Action: The applicant is seeking approval of a sign permit application for Faith Bible Church. The sign is 22 sq feet.

Applicant Information: Karole Fedrick, Faith Bible Church

Location: The property is located at 4010 Bee Cave Road.

Zoning & Site Characteristics:
The property is zoned GUI.

Hearing Dates:
March 9 City Council

Background/Analysis:

Faith Bible Church submitted an application to install new faces on current freestanding sign, Westbank Bible Church. The sign is 22 square feet and is 6'-3" h. Sign is for the primary entrance on Bee Caves Rd. The location of the current sign will not be moved.

Sign Code Analysis (Reviewed under Chapter 32, Sec. 32.03.008– Freestanding commercial signs, single-business use

Freestanding commercial signs, single-business use, shall be regulated as follows:

- (1) **Purpose.** To identify a business or organization being the sole business occupant of a lot or tract. **/Complies**
- (2) **Size.** A maximum area of 24 square feet, with a horizontal dimension of no greater than 6 feet. **/Complies**
- (3) **Height.** No part of the sign shall extend above 8 feet from the average natural grade, including a base not greater than 18 inches tall. **/Complies**

- (4) Number. One sign on the major traffic street or main entrance. If a single-business use building has two or more public entrances, a separate sign is permitted on the subordinate driveway, such sign shall be limited to the name of the business and the street address and shall be limited in area to 12 square feet, and not part of this sign shall extend above 5 feet from average natural grade. **/Complies**
- (5) Location. On premises of the building and adjacent to major trafficway which the building abuts, between the right-of-way and the building setback lines so as not to create a traffic hazard. **/Complies**
- (6) Design. The sign shall contain only the name of the business, its address and logo. Lettering designating the name of the business and street address shall not exceed a maximum of 10 inches in height. **/Complies**
- (7) Lighting. Indirect lighting. **/NA**
- (8) Landscaping. Shall be as follows:
 - (A) A landscaped area of 120 square feet at the base of the sign;
 - (B) All landscaped areas shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and
 - (C) A plan showing the landscaping must be submitted to the city council by the applicant at the time of application. **/Will comply**

Staff Recommendation

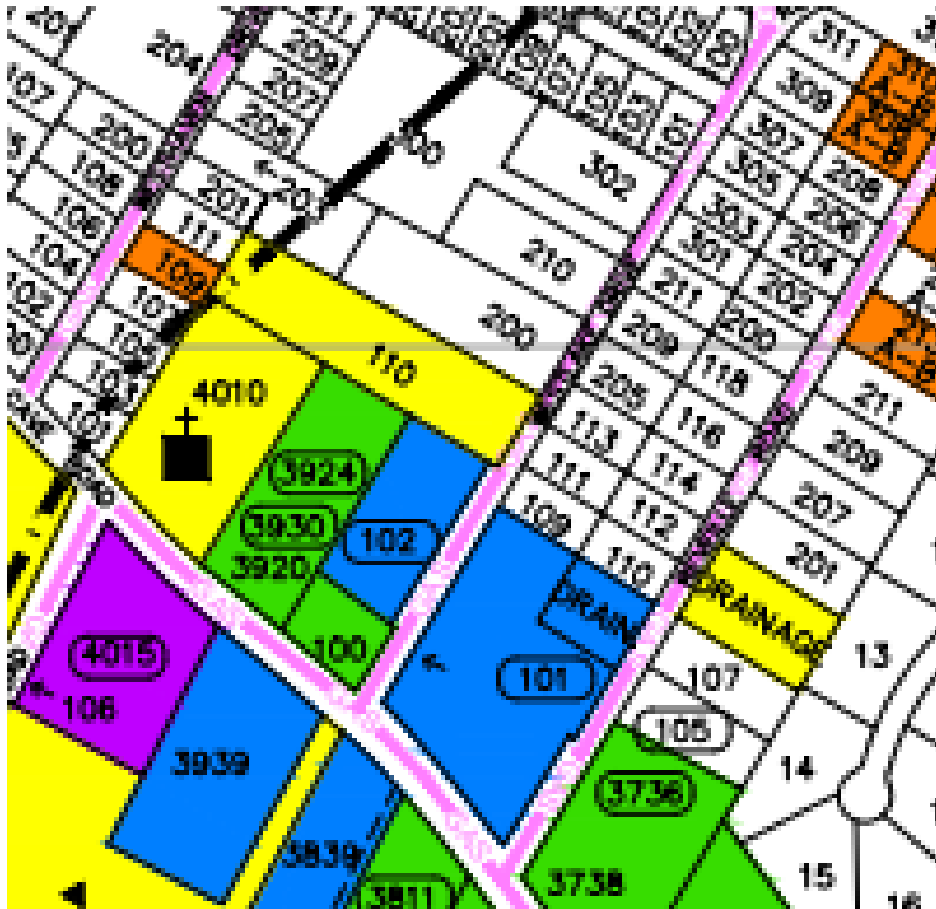
Staff recommends approval of the sign application.

Links to Code:

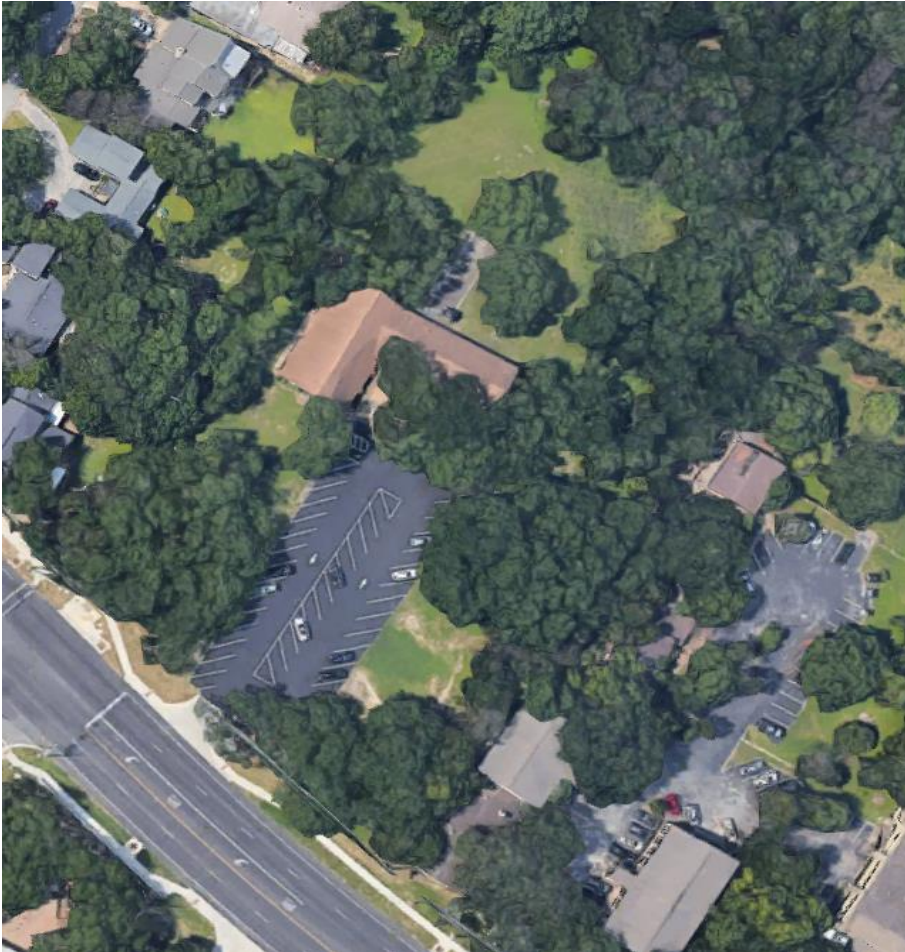
- [Sec. 32.01.001 Definitions](#)
- [Sec. 32.02.002 Application procedure for signs requiring permits](#)

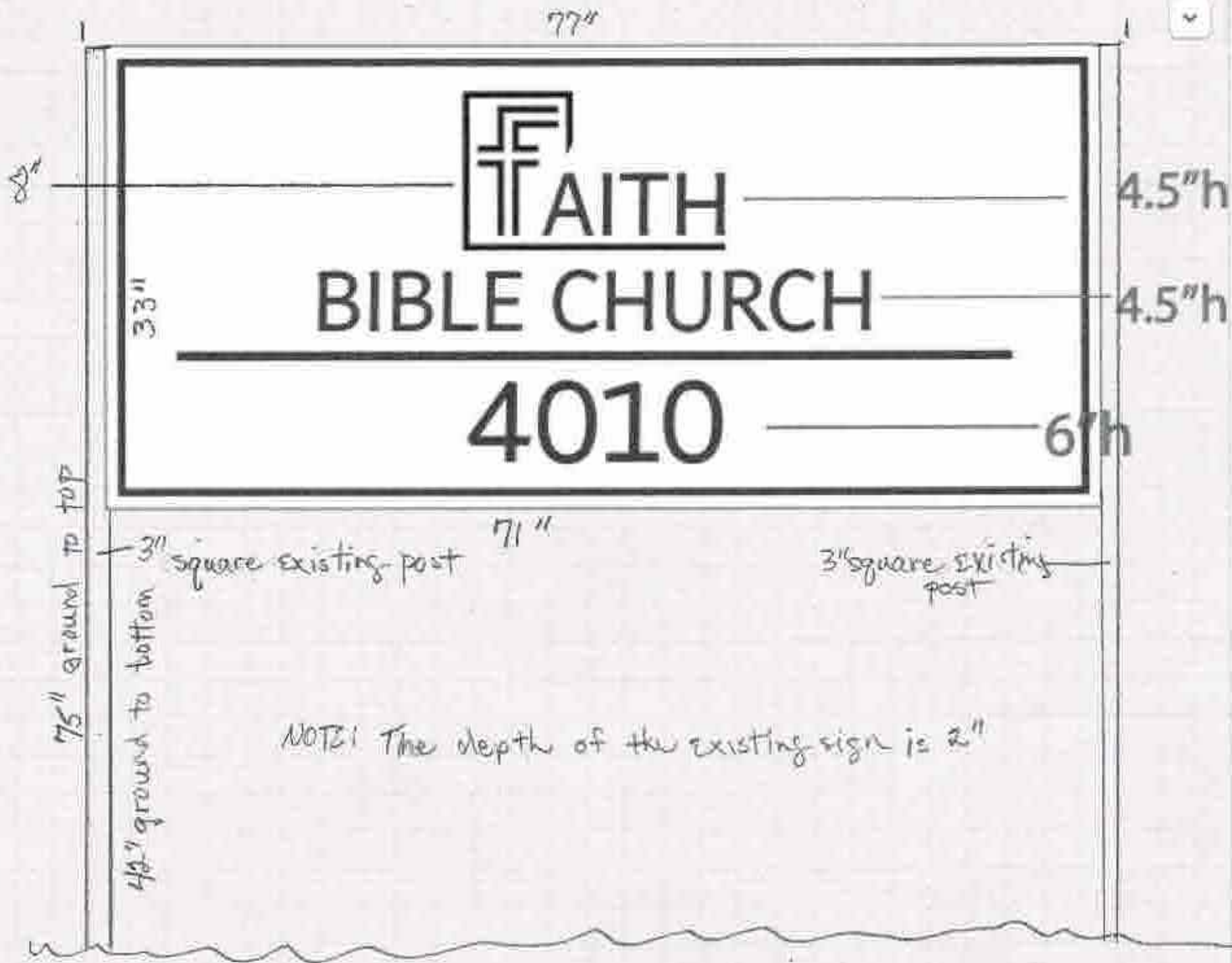
(Maps to follow)

Zoning:



Aerial:









WESTBANK BIBLE
CHURCH
4010

Carroll St

LEFT TURN
YIELD
ON GREEN



**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).

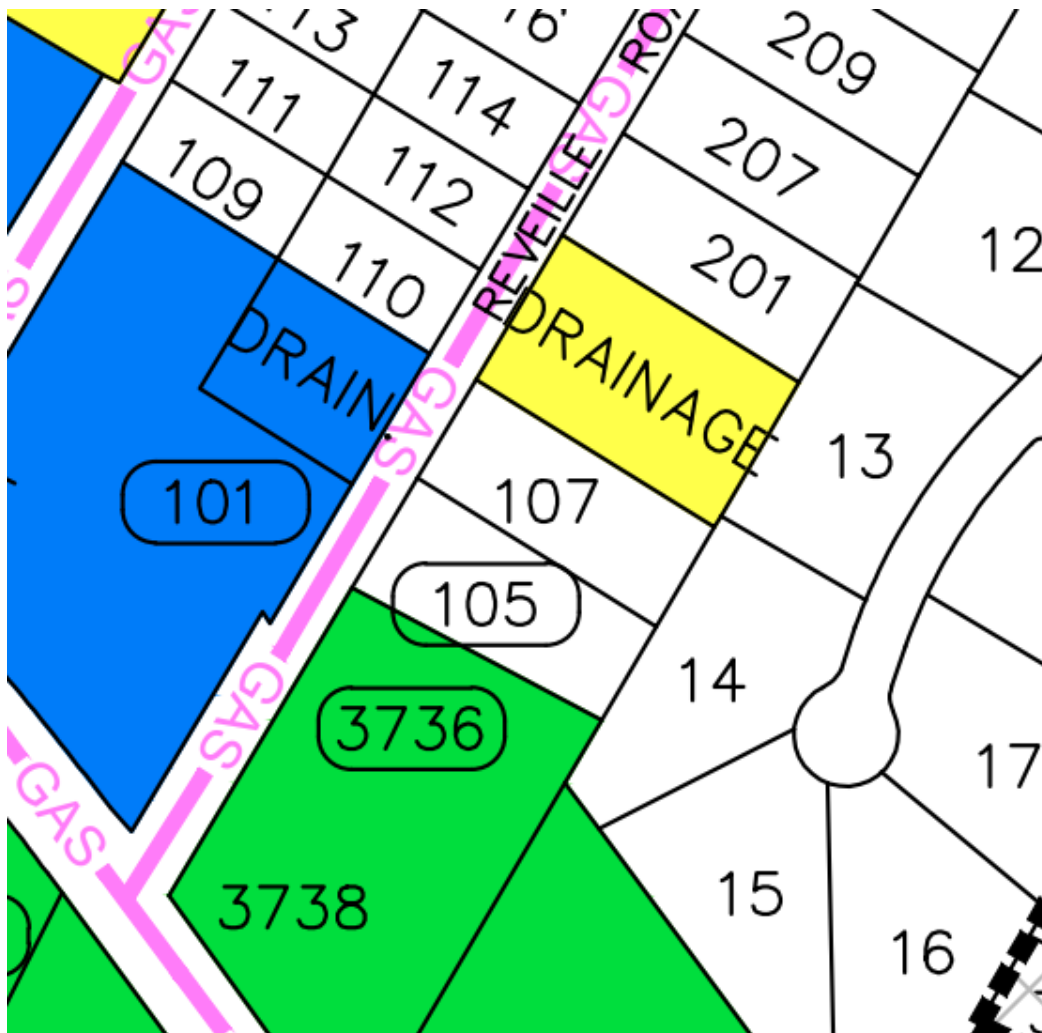
Staff Recommendation

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: William Rodriguez Phone: 512-731-4465

Email: _____

Address: 107 Reveille Rd. City: WestLake Hills State: Tx Zip: 78746

Agent*: _____ Phone: _____

Email: _____

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

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

Property Information

Subdivision Name: WestLake Hills

Block: B Lot: 14 TCAD Tax Parcel ID: _____

Current Zoning Classification: _____ Total Lot Size (Acres): 0.7062

***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) #20. 13" cedar elm that has to come out in order to build the garage (applying for a permit) Total circum 9.75"-> replacing with 2x3"+1x4"=10"
- 2) #21. 20" cedar elm is near the new garage; we designed with a 13" tree in mind that is in actuality 20" per an old survey (trying to save)
- 3) #30. 23" cedar elm; this tree is over matured per Arborist so may need to come down soon due to age (leaving tree alone)
- 4) #37. 18" Ligustrum that will be unaffected by construction but the tree is dead per Arborist
- 5) #38. 14" cedar elm sits where pool is located (applying for a variance to remove) Total circumference 21"-> replacing with 4x6"=24"



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/fast longer 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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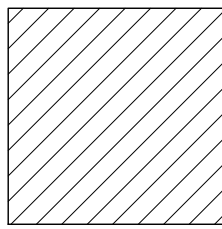
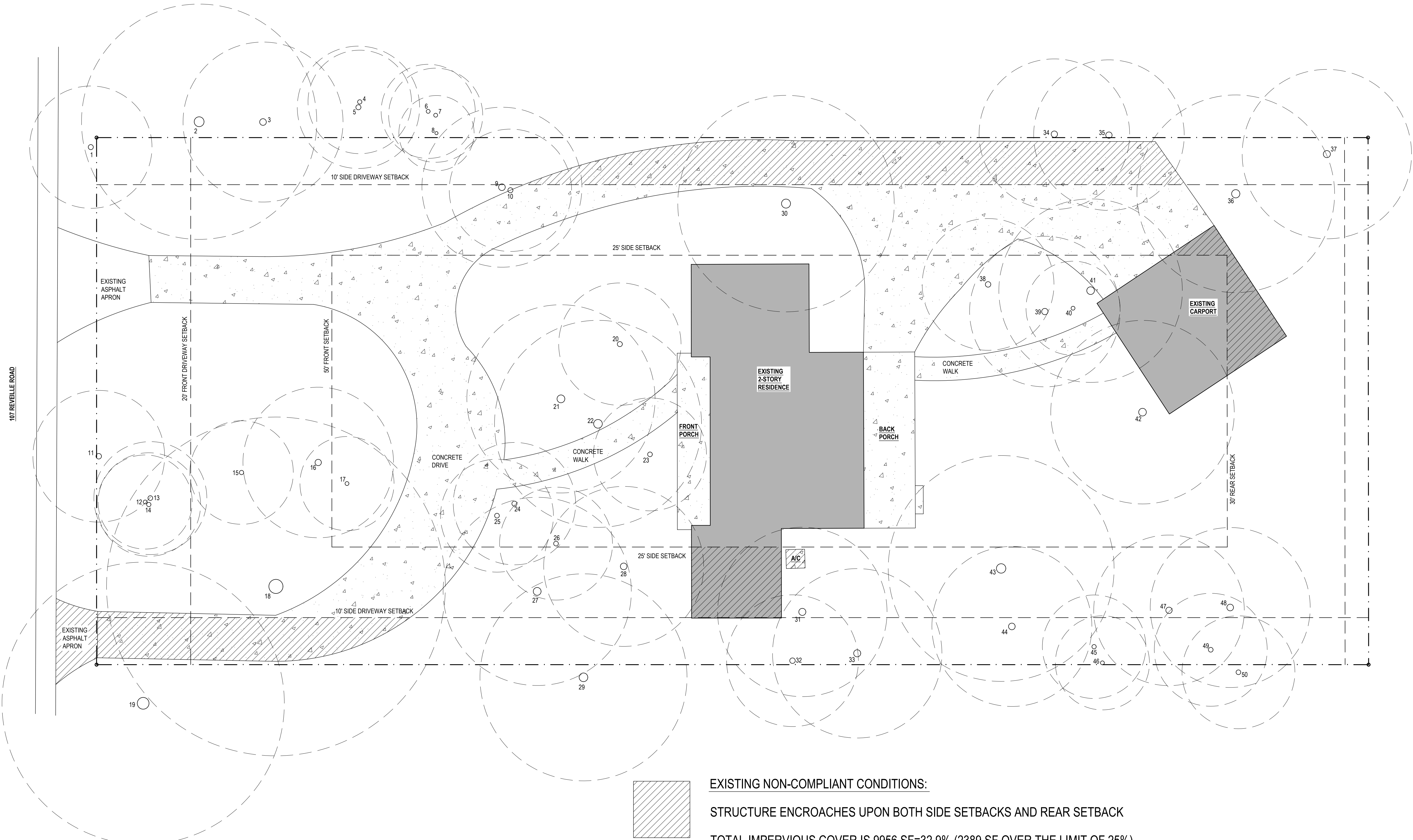
01.16.22

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

date FEBRUARY 25, 2022
scale AS NOTED

drawing number

A1.0



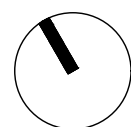
EXISTING NON-COMPLIANT CONDITIONS:

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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NEW CONSTRUCTION
107 Reveille Road
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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

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

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

PORTION OF
DRIVEWAY TO BE
DEMOLISHED

CARPORT TO BE
DEMOLISHED

CONCRETE WALK TO
BE DEMOLISHED

2-STORY RESIDENCE
TO BE DEMOLISHED

BACK PORCH TO
BE DEMOLISHED

FRONT PORCH TO
BE DEMOLISHED

CONCRETE WALK TO
BE DEMOLISHED

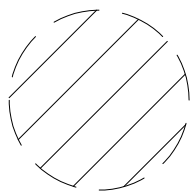
EXISTING
ASPHALT
APRON
TO
REMAIN

PORTION OF
CONCRETE DRIVE TO
REMAIN

PORTION OF
CONCRETE DRIVE TO
BE DEMOLISHED

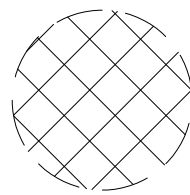
EXISTING
ASPHALT
APRON
TO BE
DEMOLISHED

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



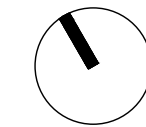
REQUESTING A PERMIT TO REMOVE
1 TREE
NO VARIANCE REQUIRED

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

date FEBRUARY 25, 2022
scale AS NOTED

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.

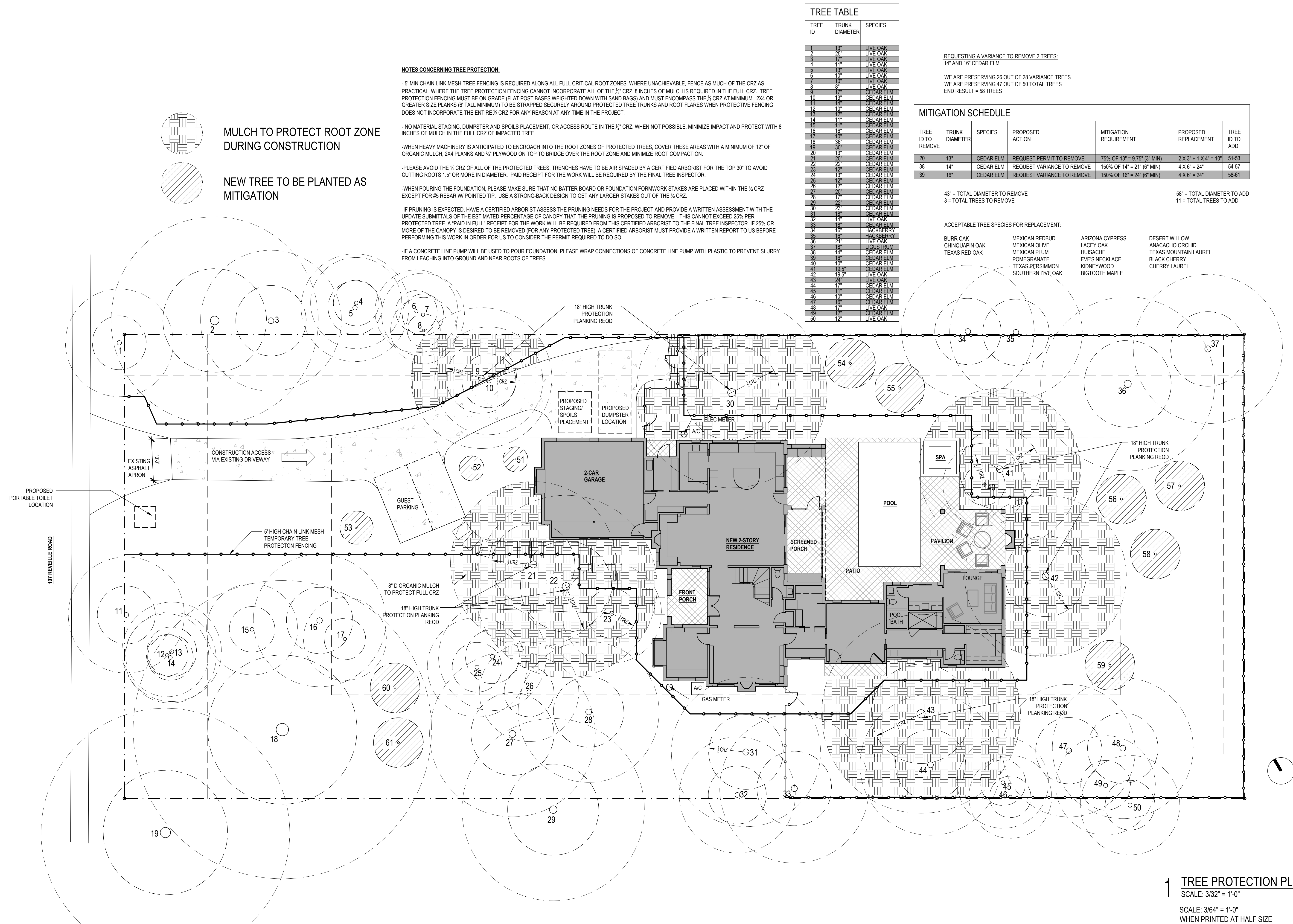
- WHEN HEAVY MACHINERY IS ANTICIPATED TO ENCRGOACH INTO THE ROOT ZONES OF PROTECTED TREES, COVER THESE AREAS WITH A MINIMUM OF 12" OF ORGANIC MULCH, 2X4 PLANKS AND ¾" PLYWOOD ON TOP TO BRIDGE OVER THE ROOT ZONE AND MINIMIZE ROOT COMPACTION.

- 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.

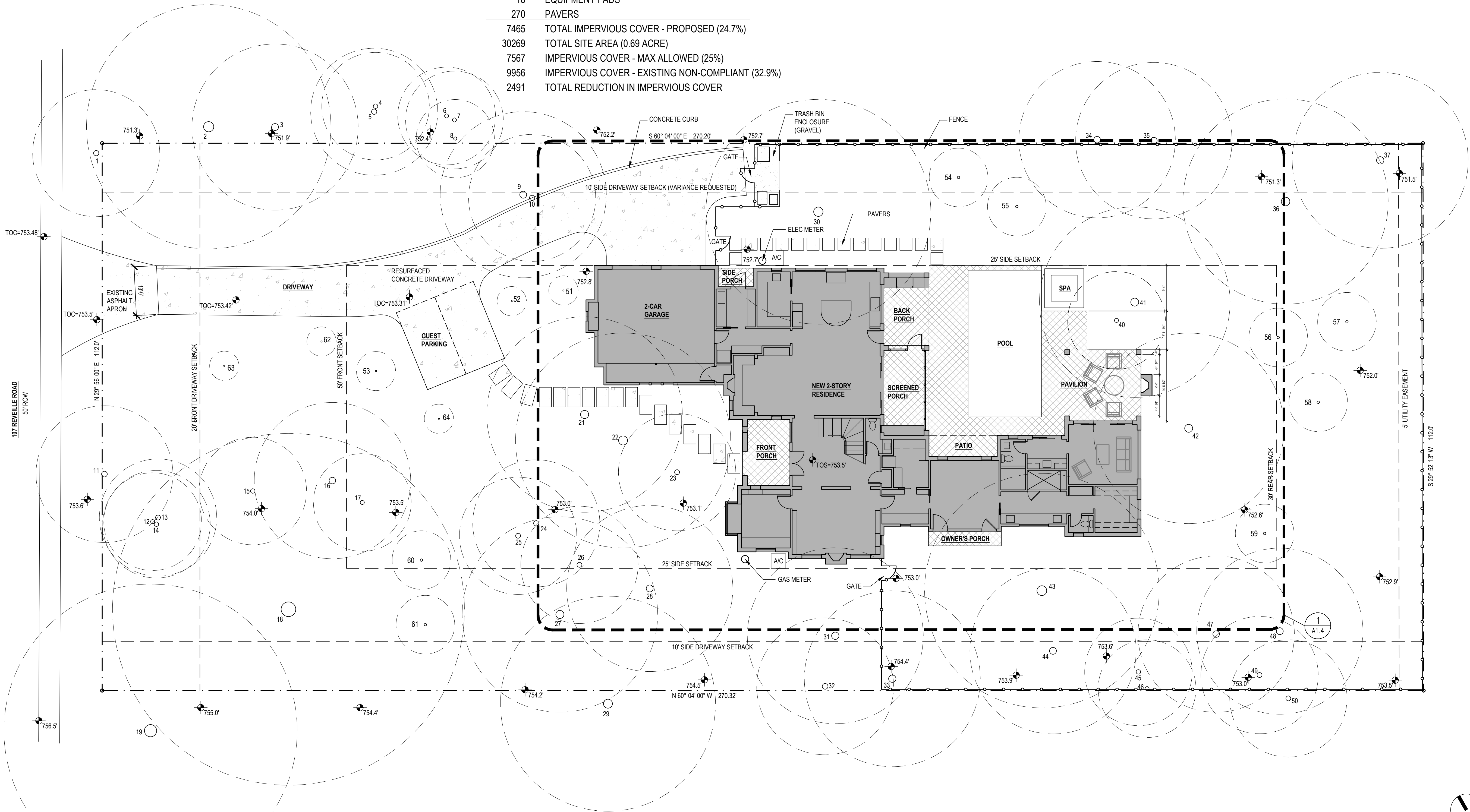


1 TREE PROTECTION PLAN
SCALE: 3/32" = 1'-0"
SCALE: 3/64" = 1'-0"
WHEN PRINTED AT HALF SIZE

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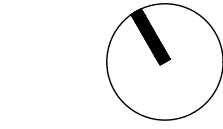
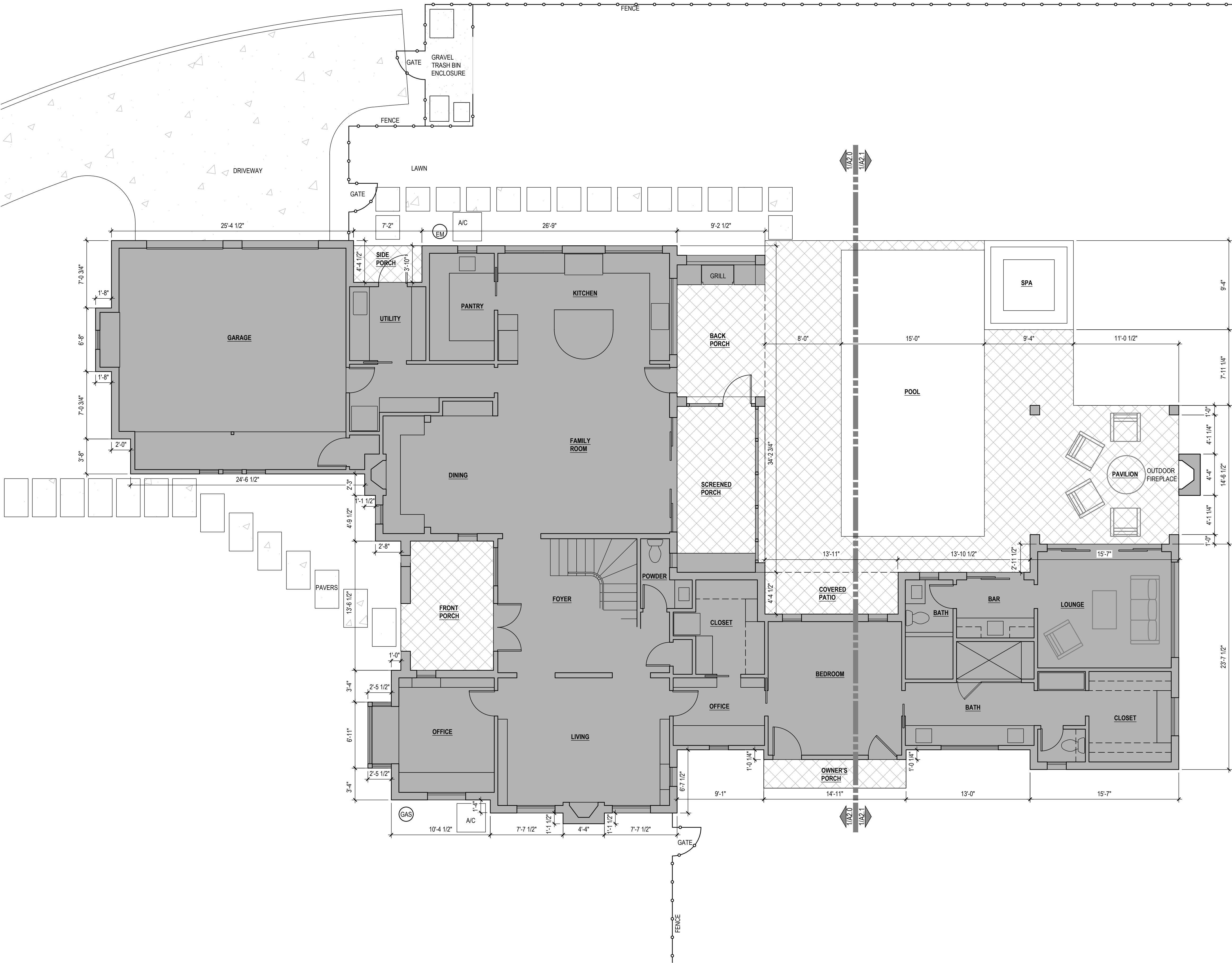
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RODRIGUEZ RESIDENCE
NEW CONSTRUCTION
107 Reveille Road
West Lake Hills, Texas 78746

date FEBRUARY 25, 2022
scale AS NOTED

drawing number

A1.3



1 SITE PLAN DETAIL
SCALE: 3/16" = 1'-0"
SCALE: 3/32" = 1'-0"
WHEN PRINTED AT HALF SIZE

PERMIT SET
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drawing number

A1.4

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NEW CONSTRUCTION
107 Reveille Road
West Lake Hills, Texas 78746

date JANUARY 28, 2022
scale AS NOTED

drawing number

A3.0

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

SCALE: 1/8" = 1'-0"
WHEN PRINTED AT HALF SIZE



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NEW CONSTRUCTION
107 Reveille Road
West Lake Hills, Texas 78746

Date JANUARY 28, 2022
Scale AS NOTED

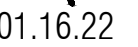
Drawing number

A3.1



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

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

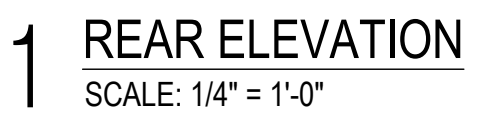


date JANUARY 28, 2022

scale AS NOTED

drawing number

Page 34 of 93



SCALE: 1/8" = 1'-0"
WHEN PRINTED AT HALF SIZE

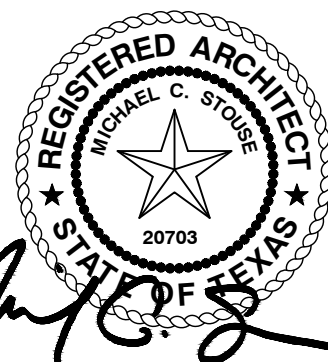
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NEW CONSTRUCTION

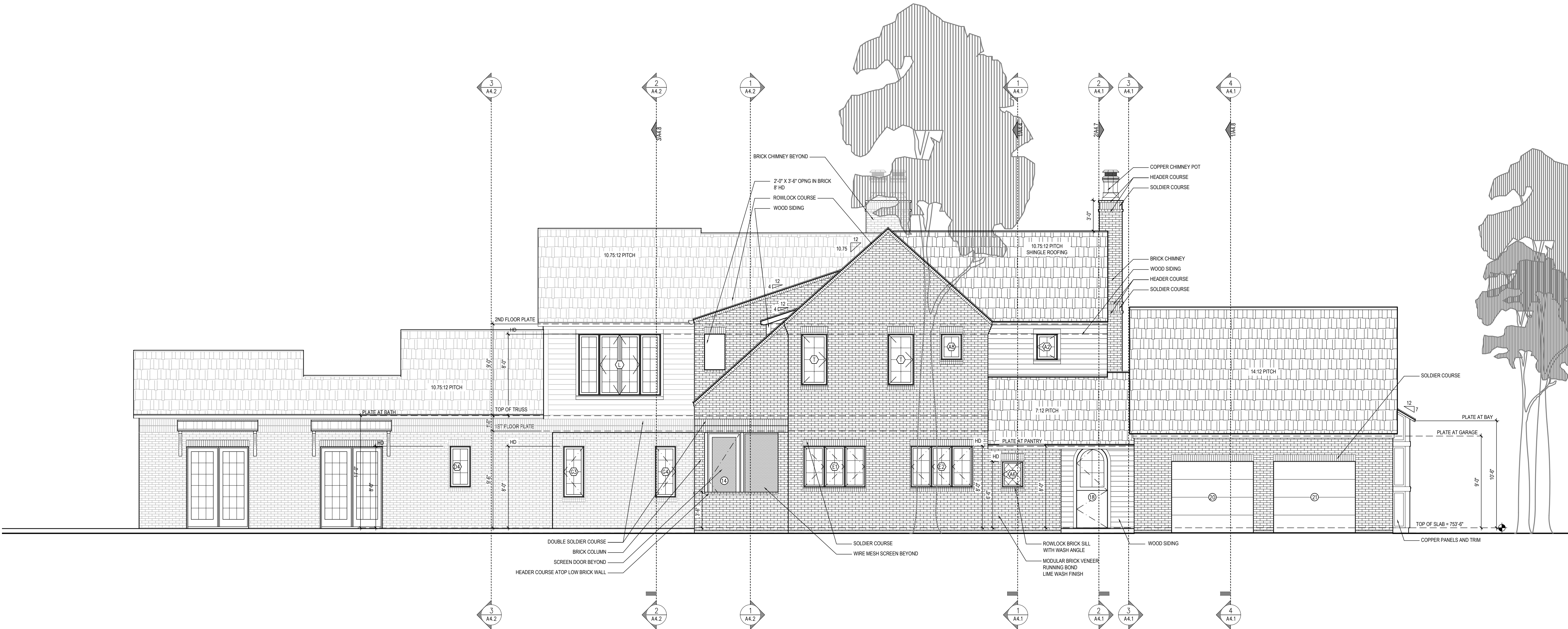
107 Reveille Road
West Lake Hills, Texas 78746

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

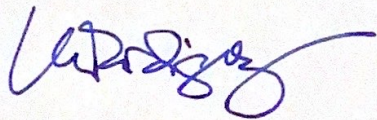
Dear ZAPCO Chairperson and fellow members,

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 at the end.

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
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
agrundman@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
5125670118

STOUSEDESIGN



**FENCE VARIANCE
STAFF REPORT**

MARCH 9, 2022

Project Address: 112 Bluff Park Circle

Project Number: 2022-1021

Agenda Item: 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.

Applicant Information: David Hebert

Hearing Dates:

February 16, 2022, ZAPCO
March 9, 2022, **City Council**

Location: The subject property is located along the west side of Bluff Park Circle, north of Bee Cave Road.

Zoning & Site Characteristics:

The subject property is zoned R1 Family Residential.

The site is surrounded by single-family residential properties on all four sides but has Office (O) zoned properties to the south that front on Bee Cave Road.

Background & Analysis:

Currently there is a single-family residential house on the property. A fence permit was issued on December 3, 2020, however the fence was installed with the finished side facing the interior, instead of facing the exterior.

The property owner was cited for the violation and had to pay a fine to the court. Part of that was correcting the noncompliant fence. The property decided to seek a variance for this.

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 fence is approx. 170 ft. The city wants the boards turned. This would be an expense I cannot absorb. I am disabled and under home health care for illness. I have lived at 112 Bluff Park Circle for 27 years and never wanted my property fenced. However the city allowed Michael Howey to harvest and alter trees on my property without a permit. When I questioned Russell Cain about this, he told me that some people in West Lake Hills are special and that permits are not required for special people of means.”*

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states – *“The adjacent homeowner destroyed my existing flora and trees in my woods. I have protected my trees from further destruction by third parties. Plans between the adjacent homeowner and the city never came to fruition. Granting this variance will have no effect on any further damage to any other trees and shrubs.”*
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – *“I considered all options presented. They all came to no avail. I have already absorbed hardship to solve this issue and protect my natural flora and privacy.”*
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The application states – *“The difficulty would be alleviated by granting this variance. The fence is already installed. There would be no further costs incurred or noise disruption with my neighbors. No trees or flora were damaged when installing the fence. I never wanted a fence but was forced to put one in because the city did not follow thru with commitments to me that they visual barrier would be restored. It was and the privacy in my yard was destroyed devaluing my home.”*
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
The application states – *“My fence is consistent with other fences in my neighborhood. Including the adjacent house, south of my property. The variance would follow the city plan of natural flow of wildlife and stopping further damage to my property of its natural trees and shrubs. I have lived in my house for 27 years but had to put one in to restore some privacy that the city allowed the Howey’s to do without a permit.”*
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
The application states – *“There are existing fences on the south side of my property. The fence I put in follows my property line along the driveway of property behind me. The property owner on the north side of my property sat with me and agreed the small length of fence facing his property was a good idea to deter loose dogs in our neighborhood. While the fence was being installed, he had no objections over the two days of installation.”*

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).

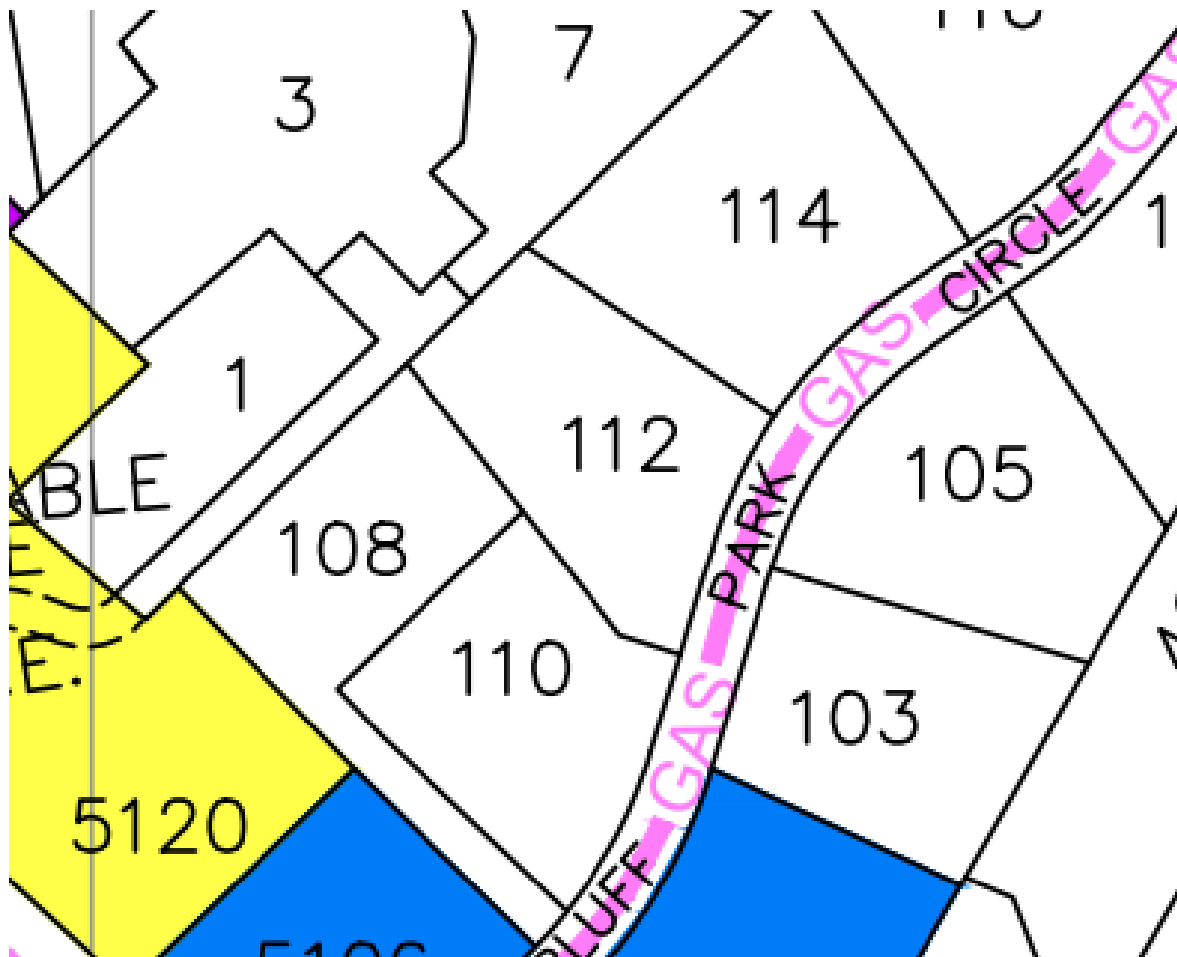
Staff Recommendation

Staff recommends: DENIAL. There is no hardship present for the request. Given that the fence is already installed, the owner could hire a contractor to place the boards on the exterior.

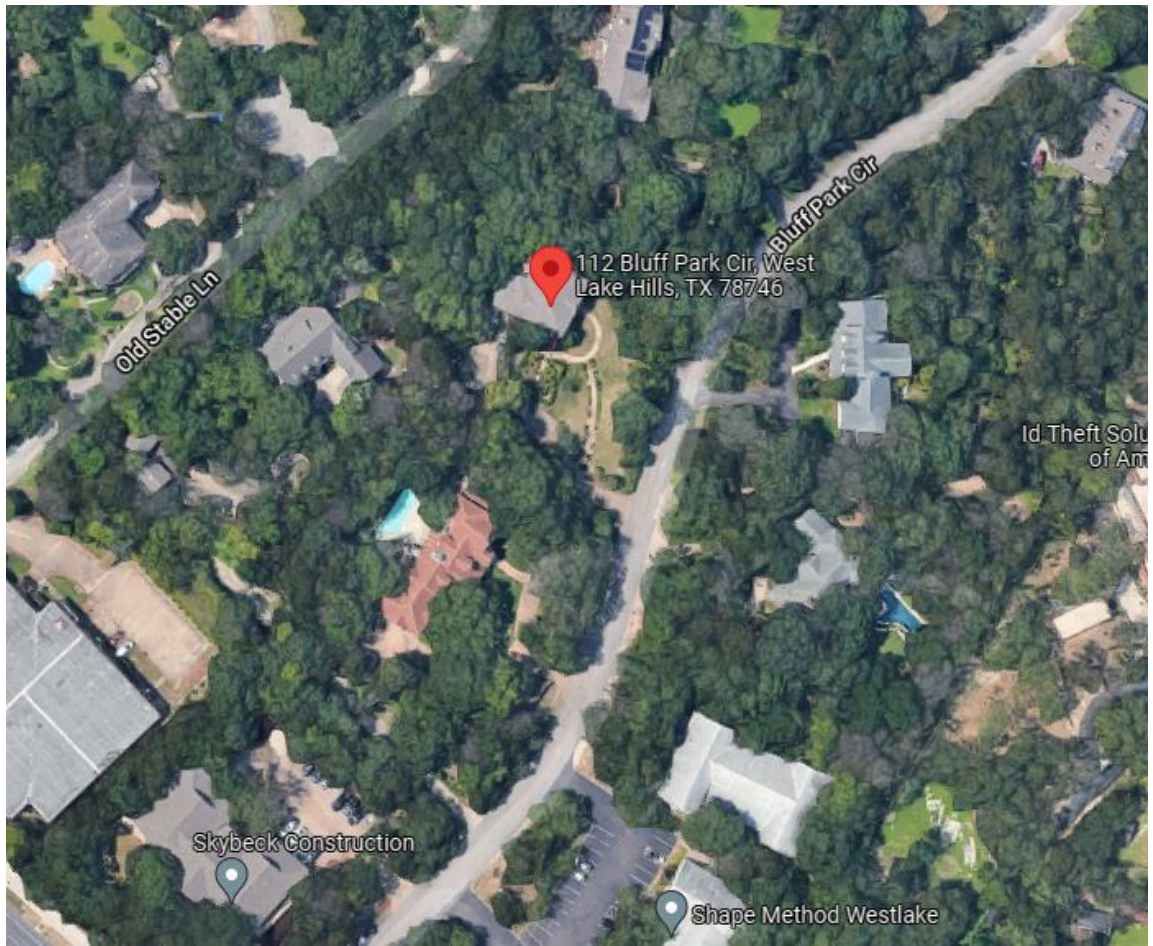
Links to Relevant Code:

- [Sec. 22.03.281](#) [Schedule of Regulations](#)
- [Sec. 22.03.514](#) [Criteria and process required for granting variance](#)
- [Sec. 22.03.175](#) [Fences](#)

ZONING MAP



AERIAL PHOTO



VARIANCE APPLICATION



Date Received: 12/31/21 Received By: _____
Amount Due \$ 0.00 Date Payment Received: 12/31/21
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: David Hebert (solely) Phone: 512-329-7038

Email: [REDACTED]

Address: 112 Bluff Park Circle City: West Lake Hills State: TX Zip: 78746

Agent*: _____ Phone: _____

Email: _____

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

Property Address: 112 Bluff Park Circle City: Austin (WLH) State: TX Zip: 78746

Property Information

Subdivision Name: The Bluff Above Bee Caves

Block: _____ Lot: 2 TCAD Tax Parcel ID: 01-1521-0207-0000

Current Zoning Classification: Residential Total Lot Size (Acres): 1.1

***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) Variance for the fence I had installed along my rear property line with a permit issued by the ci-ty.
- 2) Variance for a short fence built with a permit issued to me for short fence running inside the right rear property line.
- 3) The property to the rear of my property [7 Old Stable Lane] was bought by Michael Howey in 2018. In Jan 2019 I noticed
- 4) trees on my property being cut down by Howey's landscaping crew. The Howey's claimed that I did not know where my
- 5) property lines were. I asked to see their plat and they said they didn't have one. So after showing them my plat



VARIANCE APPLICATION

- 6) and their plat they acquiesced. _____
7) _____
8) _____
9) _____
10) _____

Brief Description of project/why variances are needed: _____

The fence was installed to restore some yard privacy. A variance is needed to leave the fence as is. If the homeowner who was responsible for the removal of many trees and shrubs had built the fence it would look just as it is today. That neighbor sold their home a few days after the lot was listed .

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 fence is approx 170 ft. The city wants the boards turned. This would be an expense I can not absorb. I am disabled and under home health care for illness.

I have lived at 112 Bluff Park Circle for 27 years and never wanted my property fenced. However the city allowed Michael Howey to harvest and alter trees on my property without a permit. When I questioned Russell Cain about this, he told me that some people in West Lake are "special" and that permits are not required for "special people of means."

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 adjacent homeowner destroyed my existing flora and trees in my woods. I have protected my trees from further destruction by third parties. Plans between the adjacent homeowner and the city never came to fruition. Granting this variance will have no effect on any further damage to any other trees and shrubs.

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

I considered all options presented. They all came to no avail. I have already absorbed hardship to solve this issue and protect my natural flora and privacy.

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

The difficulty would be alleviated by granting this variance. The fence is already installed. There would be no further costs incurred or noise disruption with my neighbors. No trees or flora were damaged when installing the fence. I never wanted a fence but was forced to put one in because the city did not follow thru with commitments to me that they visual barrier would be restored. It wasn't and the privacy in my yard was destroyed devaluing my home.



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?

My fence is consistent with other fences in my neighborhood. Including the adjacent house, south of my property. The variance would follow the city plan of natural flow of wildlife and stopping further damage to my property of its natural trees and shrubs. I have lived in my house for 27 years but had to put one in to restore some privacy that the city allowed the Howey's to do without a permit.

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 are existing fences on the south side of my property. The fence I put in follows my property line along the driveway of property behind me. The property owner on the north side of my property (David Craft spouse of Nancy Dickelman-Craft at 114 Bluff Park Circle of sat with me and agreed the small length of fence facing his property was a good idea to deter loose dogs in our neighborhood. While the fence was being installed, he had no objections over the two days of installation.

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

David Hebert

Printed Name

December 29, 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:



CITY OF WEST LAKE HILLS

911 Westlake Drive
West Lake Hills, TX 78746
512-327-3628 FAX 512-327-1863

FENCING PERMIT

PERMIT #:	16288	DATE ISSUED:	12/03/2020
JOB ADDRESS:	112 BLUFF PARK CIR	LOT #:	2
PARCEL ID:	115109	BLK #:	
SUBDIVISION:	BLUFF ABOVE BEE CAVE	ZONING:	R-1
ISSUED TO:	DAVID HEBERT	CONTRACTOR:	VIKING FENCE
ADDRESS:	112 BLUFF PARK CIR	ADDRESS:	9602 GRAY BLVD
CITY, STATE ZIP:	WEST LAKE HILLS TX 78746	CITY, STATE ZIP:	AUSTIN TX 78758
PHONE:		PHONE:	797-5480
WORK DESC:	FENCE	SETBACKS:	
VALUATION:	\$ 0.00	FRONT:	
SQ FT:	0.00	LEFT SIDE:	
OCCP TYPE:		RIGHT SIDE:	
CNST TYPE:		REAR:	

DESCRIPTION	CONTRACTOR	AMOUNT
FENCE	VIKING FENCE	\$ 0.00
TOTAL		\$ 0.00

NOTES: **WORKING HOURS ARE 7:00 a.m. to 6:00 p.m. MONDAY THROUGH SATURDAY.**

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 60 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 12 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

DATE

Brent Finney
(APPROVED BY)

12/3/2020
DATE

Re: Fence Installation Planned For The First Week Of December

From:

[REDACTED]

To: taskey@westlakehills.org

Cc: planner@westlakehills.org; bfinney@westlakehills.org; russell@westlakehills.org; pzsec@westlakehills.org; kroche@westlakehills.org

Date: Friday, November 20, 2020, 1:06 PM CST

Thank you. - David

On Friday, November 20, 2020, 07:27:04 AM CST, Travis Askey <taskey@westlakehills.org> wrote:

Good morning, Mr. Hebert –

Thank you for your call yesterday and your time on the phone. Mayor Anthony has approved your request for the fence permit fee waiver. Your selected contractor will need to register and submit the plan for review prior to issuance of the permit. Mr. Brent Finney will be calling you this afternoon and can address any additional details – have a good weekend.

Travis Askey
City of West Lake Hills
512-327-3628

From: Travis Askey

Sent: Thursday, November 19, 2020 9:15 AM

To:

[REDACTED]

Subject: RE: Fence Installation Planned For The First Week Of December

Good morning, sir –

Mr. Brent Finney will be giving you a call tomorrow afternoon. I'll follow up to ensure it's been done – enjoy the rest of your week.

Travis Askey
City of West Lake Hills
512-327-3628

From:

[REDACTED]

Sent: Thursday, November 19, 2020 9:05 AM

To: Travis Askey <TAskey@westlakehills.org>

Subject: Re: Fence Installation Planned For The First Week Of December

Hi Travis, Please have someone call me Friday afternoon after 1pm.

Thank you, David 329-7038

On Wednesday, November 18, 2020, 08:45:10 AM CST, Travis Askey <taskey@westlakehills.org> wrote:

Good morning, Mr. Hebert -

Thanks for your e-mail as always. Let me add to Mr. Cain's response as we've been redistributing work assignments. Mr. Brent Finney has joined our organization as a City Inspector, is familiar with your

location and has been providing historical information from Mr. Cain. Mr. Mark Littrell can also provide guidance to the forms located on the website required for this type of submittal.

That said, if you're engaging a company to perform the installation, it'd probably be easiest to have them register as a contractor (required) and provide the plan document (a quote they've provided for instance). We'll prioritize the review including issuance of the permit accordingly once complete. If you'd prefer a phone call to get started, I'll have someone get in touch with you today.

Travis Askey
City of West Lake Hills
512-327-3628

-----Original Message-----

From: Russell Cain <russell@westlakehills.org>

Sent: Wednesday, November 18, 2020 8:39 AM

To: [REDACTED]

Cc: Travis Askey <TAskey@westlakehills.org>; Brent Finney <BFinney@westlakehills.org>; Anjali Naini <planner@westlakehills.org>

Subject: RE: Fence Installation Planned For The First Week Of December

Greetings:

For fence permit information and assistance, I will forward your request to our department that is able to help with your request, Brent Finney and Anjali Naini. (Copied on this email).

Regards,

Russell Cain, R.S.
City Inspector
ISA Certified Arborist®, #TX-4551A, TOWQ#334 TDSHS Registered Sanitarian, #3296 TDLR Code Enforcement Officer, #6741 TCEQ Designated Representative, OS#7917 TCEQ Site Evaluator, OS#12133

City of West Lake Hills | 911 Westlake Dr. | West Lake Hills, TX. 78746
Tel: (512) 327-3628 | Fax: (512) 327-1863 | Cell: (512) 738-0627
www.westlakehills.org | Russell@westlakehills.org

-----Original Message-----

From: [REDACTED]

Sent: Wednesday, November 18, 2020 8:36 AM

To: Russell Cain <russell@westlakehills.org>

Cc: Travis Askey <TAskey@westlakehills.org>

Subject: Fence Installation Planned For The First Week Of December

Hi Russell, I need your help getting a permit to have a fence installed at the rear boundary of my property. This is to restore the privacy that I had before work was done at 7 Old Stable Lane.

Thank you.

David Hebert
512-329-7039

Sent: Wednesday, November 18, 2020 8:39 AM

To: [REDACTED]

Cc: Travis Askey <TAskey@westlakehills.org>; Brent Finney <BFinney@westlakehills.org>; Anjali Naini <planner@westlakehills.org>

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City Inspector

ISA Certified Arborist®, #TX-4551A, TOWQ#334 TDSHS Registered Sanitarian, #3296 TDLR Code

Enforcement Officer, #6741 TCEQ Designated Representative, OS#7917 TCEQ Site Evaluator, OS#12133

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City of West Lake Hills
512-327-3628

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Sent: Wednesday, November 18, 2020 8:39 AM
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Russell Cain, R.S.
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Thank you.

David Hebert
512-329-7039

----- Forwarded Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Tuesday, November 10, 2020, 8:22:34 PM CST
Subject: Fw: Public Information Request #2020-212

----- Forwarded Message -----

From: Russell Cain <russell@westlakehills.org>
To: [REDACTED]
Cc: Anjali Nair <planner@westlakehills.org>
Sent: Tuesday, November 10, 2020, 11:26:08 AM CST
Subject: RE: Public Information Request #2020-212

Greetings:

We have no map of removal trees on file for the #7 Old Stable Lane property.

Regards,

Russell Cain, R.S.



City Inspector

ISA Certified Arborist®, #TX-4551A, TOWQ#334

TDSHS Registered Sanitarian, #3296

TDLR Code Enforcement Officer, #6741

TCEQ Designated Representative, OS#7917

TCEQ Site Evaluator, OS#12133

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Tel: (512) 327-3628 | Fax: (512) 327-1863 | Cell: (512) 738-0627

www.westlakehills.org | Russell@westlakehills.org

From: [REDACTED]
Sent: Friday, October 30, 2020 7:37 PM
To: Russell Cain <russell@westlakehills.org>

Subject: Fw: Public Information Request #2020-212

Hi Russell, Can you provide me with the map of trees allowed by the city to be removed at 7 Old Stable Lane? I have the permits but no map and my understanding of the city ordinance for tree removal that a map of the trees to be removed on a property are supposed to be mapped out.

Thank you.

David Hebert

----- Forwarded Message -----

From: Stephanie Mills <smills@westlakehills.org>

To: [REDACTED]

Sent: Friday, October 30, 2020, 2:19:04 PM CDT

Subject: Re: Public Information Request #2020-212

There are no such documents in this property file.

You can contact our City Arborist, Russell Cain, for questions regarding what trees are allowed to be removed. His email is russell@westlakehills.org.

Office #: 512-610-6836

Stephanie Mills

City Secretary

Sent from my Sprint Samsung Galaxy S10+.

[Get Outlook for Android](#)

From: [REDACTED]

Sent: Friday, October 30, 2020 1:52:15 PM

To: Stephanie Mills <SMills@westlakehills.org>

Subject: Re: Public Information Request #2020-212

Thank you Stephanie. The document does not show the trees allowed to be removed on a map. Is such a map available and if so can I get a copy of the map? Regards, David Hebert

On Thursday, October 29, 2020, 07:08:18 AM CDT, Stephanie Mills <smills@westlakehills.org> wrote:

Attached are documents responsive to your request. These are all the tree permits for this address, this request is considered completed as of 10/20/2020.

Please let me know if you have any questions.

Sincerely,

Stephanie Mills

City Secretary

911 Westlake Drive

West Lake Hills, TX 78746

(512) 327-3628

<http://www.westlakehills.org/>

From: Stephanie Mills

Sent: Tuesday, October 20, 2020 8:18 AM

To: [REDACTED]

Subject: RE: Public Information Request #2020-212

See attached for documents responsive to your request #2020-212.

Sincerely,

Stephanie Mills

City Secretary

911 Westlake Drive

West Lake Hills, TX 78746

(512) 327-3628

<http://www.westlakehills.org/>

From: Stephanie Mills

Sent: Monday, October 19, 2020 10:28 AM

To: [REDACTED]

Subject: RE: Public Information Request #2020-212

Thank you for your interest in public records of the City of West Lake Hills, Texas. Your request has been received and is being processed in accordance with Chapter 552 of Texas Government Code, the Public Information Act. Your request was received in this office and given the log number 2020-212 for tracking purposes.

Records Requested: Permit issued to 7 Old Stable Drive - Tree Removal

Your request will be forwarded to the relevant City department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question on or before 10 Business Days from today.

PLEASE NOTE: The Texas Public Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

Sincerely,

Stephanie Mills

City Secretary

911 Westlake Drive

West Lake Hills, TX 78746

(512) 327-3628

<http://www.westlakehills.org/>

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Sunday, October 18, 2020 4:43 PM

To: Stephanie Mills <SMills@westlakehills.org>

Subject: Online Form Submittal: Public Information Request

Public Information Request

First Name	David
Last Name	Hebert
Phone Number	5122066557
Email Address	[REDACTED]
Address	3267 Bee Cave Rd #107-141
City	Austin
State	TX
Zip	78746

Hi Travis. Can you get back to me on what you are doing with this matter? Thank you. David Hebert
329-7038

----- Forwarded Message -----

From: [REDACTED]
To: "taskey@westlakehills.org" <taskey@westlakehills.org>
Sent: Wednesday, July 29, 2020, 3:48:30 PM CDT
Subject: Fw: It doesn't look like The Howey's are taking any of this seriously!

Hi Travis, My new neighbor at 7 Old Stable Rd destroyed the visual barrier between our properties. I am at 112 Bluff Park Circle. I have been dealing with Russell Cain for over a year about this. My neighbor has admitted fault but only done a small portion of the work needed to fix this. They have cleared trees and vegetation without a permit and violated city code. Russell has promised me that I could review a plan to fix the boundary and revegetate my woods. Yes, they cleared vegetation in my woods assuming it was theirs until I produced plats.

Russell pretty much avoids me now and last sent an email that he was on it last May. I have had an attorney try to mediate. The owner last wrote in early July that he would fix my woods per my proposal which is low cost. He started a few days later then wrote me staying he was done even though he is not done. My Atty mediating quit. I need your help - please!

Regards,

David Hebert
329-7038

----- Forwarded Message -----

From: Russell Cain <russell@westlakehills.org>
To: [REDACTED]
Cc: mayor@mayor <mayor@westlakehills.org>
Sent: Thursday, May 14, 2020, 12:08:55 PM CDT
Subject: RE: It doesn't look like The Howey's are taking any of this seriously!

Greetings:

I will stop by the Old Stable Road property to investigate your statements as soon as possible.

The Howie's do have a current tree permit that I will do a site check for compliance.

I will contact you soon to schedule another walk through of your lot to get an update on the vegetation restoration from your side of the property line.

Thank you again for your patience and concern.



Regards,

Russell Cain, R.S.

City Inspector

ISA Certified Arborist®, #TX-4551A

TDSHS Registered Sanitarian, #3296

TDLR Code Enforcement Officer, #6741

TCEQ Designated Representative, OS#7917

TCEQ Site Evaluator, OS#12133

City of West Lake Hills | 911 Westlake Dr. | West Lake Hills, TX. 78746

Tel: (512) 327-3628 | Fax: (512) 327-1863 | Cell: (512) 738-0627

www.westlakehills.org|Russell@westlakehills.org

From: [REDACTED]

Sent: Thursday, May 14, 2020 10:09 AM

To: Russell Cain <russell@westlakehills.org>

Cc: mayor@ mayor <mayor@westlakehills.org>

Subject: Re: It doesn't look like The Howey's are taking any of this seriously!

Hi Russell. It's been nearly 3 months since we last communicated.

I realize that with the Covid pandemic that things have been a bit disturbed.

The property privacy issue we began speaking about in Jan 2019 still has not been addressed. Does Mike Howdy really have "special" considerations that I do not have, even though I have lived here for 27 years while he just moved into 107 Old Stable Lane last Nov?

He has landscape people out there almost every day. This morning he has tree branches being mulched.

You promised me that the visual barrier between our properties.
that Howdy destroyed, would be restored. This is City of Westlake CODE!

Fifteen months later, nothing. Is preservation of visual screening between properties a city ordinance or not?

If all city residents are not being treated equally, as you told me, then why do we need a city government?

Even with the Covid "rules" a lot is being done on Howey's property. And I bet without a permit, as always. "He's" special afterall.

Please fix this. There is a nursery in Georgetown with 6 to 8 foot tall Texas mountain laurels. In stock. It's been communicated to Howey. No action. To price for delivery in installation of 25 scrubs is \$3.2k.

Pls act on this. My patience is wearing VERY thin.

Re: Public Information Request #2020-212

From: Travis Askey (taskey@westlakehills.org)
To: [REDACTED]
Cc: planner@westlakehills.org; smills@westlakehills.org
Date: Monday, November 2, 2020, 4:29 PM CST

I'll follow up on this and be back in touch with you, Mr. Hebert - thanks.
Travis Askey

From: [REDACTED]
Sent: Monday, November 2, 2020 3:58 PM
To: Travis Askey
Subject: Fw: Public Information Request #2020-212

----- Forwarded Message -----

From: [REDACTED]
To: "russell@westlakehills.org" <russell@westlakehills.org>
Cc: "taskey@westlakehills.org" <taskey@westlakehills.org>
Sent: Monday, November 2, 2020, 03:37:41 PM CST
Subject: Fw: Public Information Request #2020-212

----- Forwarded Message -----

From: [REDACTED]
To: russell@westlakehills.org <russell@westlakehills.org>
Sent: Friday, October 30, 2020, 07:36:53 PM CDT
Subject: Fw: Public Information Request #2020-212

Hi Russell, Can you provide me with the map of trees allowed by the city to be removed at 7 Old Stable Lane? I have the permits but no map and my understanding of the city ordinance for tree removal that a map of the trees to be removed on a property are supposed to be mapped out.

Thank you.

David Hebert

----- Forwarded Message -----

From: Stephanie Mills <smills@westlakehills.org>
To: [REDACTED]
Sent: Friday, October 30, 2020, 2:19:04 PM CDT
Subject: Re: Public Information Request #2020-212

There are no such documents in this property file.
You can contact our City Arborist, Russell Cain, for questions regarding what trees are allowed to be removed. His email is russell@westlakehills.org.
Office #: 512-610-6836

Stephanie Mills
City Secretary

RE: Fence Installation Planned For The First Week Of December

From: Travis Askey (taskey@westlakehills.org)

To: [REDACTED]

Cc: planner@westlakehills.org; bfinney@westlakehills.org; russell@westlakehills.org; pzsec@westlakehills.org; kroche@westlakehills.org

Date: Friday, November 20, 2020, 7:27 AM CST

Good morning, Mr. Hebert –

Thank you for your call yesterday and your time on the phone. Mayor Anthony has approved your request for the fence permit fee waiver. Your selected contractor will need to register and submit the plan for review prior to issuance of the permit. Mr. Brent Finney will be calling you this afternoon and can address any additional details – have a good weekend.

Travis Askey

City of West Lake Hills

512-327-3628

From: Travis Askey

Sent: Thursday, November 19, 2020 9:15 AM

To: [REDACTED]

Subject: RE: Fence Installation Planned For The First Week Of December

Good morning, sir –

Mr. Brent Finney will be giving you a call tomorrow afternoon. I'll follow up to ensure it's been done – enjoy the rest of your week.

Travis Askey

City of West Lake Hills

512-327-3628

From: [REDACTED]

Sent: Thursday, November 19, 2020 9:05 AM

To: Travis Askey <TAskey@westlakehills.org>

Subject: Re: Fence Installation Planned For The First Week Of December

Hi Travis, Please have someone call me Friday afternoon after 1pm.



PERMIT APPLICATION FOR FENCING

Date Application Received: _____
Received By: _____
Permit No. _____ Admin Completeness Date: _____

PERMIT TYPE:

Construction Type: ☐ New Construction ☐ Remodel

Permit Type: ☐ Fence ☐ Pool Enclosure ☐ Entry Gate

Will it include any of the front yard? Yes ☐ No ☐

PROJECT INFORMATION:

Project Name: HEBERT FENCE 1-2020

Property Address: 112 BLUFF PARK CIRCLE

Block: _____ Lot: _____ Tax Parcel ID: _____

Total Lot Area: 1.07 acres

Present use of Property: HOME

Additional Impervious Cover: 0 sf Total Impervious Cover: 0 %

Estimated Construction Cost: \$ 7200

*PROJECT NARRATIVE: (Please be descriptive):

NEED FENCE ALONG THE REAR OF MY PROPERTY AND PART OF MY SIDE YARD.
RESTORE VISUAL BARRIER BETWEEN PROPERTIES AT 7 OLD STABLE AND 114
BLUFF PARK CIRCLE,



PERMIT APPLICATION FOR FENCING

APPLICANT 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: DAVID HEBERT Phone: 329-7038 Email: [REDACTED]

Address: 112 BLUFF PARK CIRCLE City: AUSTIN State: TX Zip: 78746

Agent: _____ Phone: 329-7038 Email: [REDACTED]

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

Licensed Engineer/Surveyor: _____ Phone: 329-7038 Email: DHEBERT78746@SBCGLOBAL.NET

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

Contractor: _____ Phone: _____ Email: [REDACTED]

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

***For projects valued at \$25,000 or greater, General Contractor registration form is required and subject to City of West Lake Hills Code, Section 22.03.130**

1. Does the project require the removal of any regulatory trees? ☐ Yes ☐ No
If yes, a tree permit approval is required prior to permit issuance per Sec. 22.03.303.
2. Is the project located within any FEMA regulated floodplain? ☐ Yes ☐ No
If yes, a Floodplain permit approval is required prior to permit issuance

SUBMITTAL REQUIREMENTS

- ☐ Completed and signed application
- ☐ Completed and signed Acknowledgment of Code of Ordinances
- ☐ General Contractor Registration Form (required for projects valued at \$25,000 and greater)
- ☐ A survey / site plan showing all improvements on the property and all setbacks in accordance to West Lake Hills Code Sec. 22.03.281
- ☐ Location and dimensions of fence on property (can be included on the above site plan/survey)
- ☐ Elevations showing height of fence (measured from natural ground grade)
- ☐ Design details/renderings of proposed fence
- ☐ Pictures of existing site and pictures of existing fence, if applicable
- ☐ Landscape plan and depiction of growth and size of vegetation 3 years from planting, if applicable
- ☐ 1 hard copy of application submittal package
- ☐ PDFs of entire application submittal package
- ☐ Detailed Narrative of Work (including description of variances if applicable)
- ☐ Proof of ownership
- ☐ Copy of driver and state licenses for all contractors (general and sub)
- ☐ Proof of Liability Insurance (minimum \$600,000 unless otherwise specified)

Re: Hebert Plat

From: Brent Finney (bfinney@westlakehills.org)

To: [REDACTED]

Date: Monday, December 7, 2020, 11:45 AM CST

Received, thank you.

Brent Finney, T.S.B.P.E. #I-3745, TDLR C.E.O. #3134, I.C.C. Inspector/Plans Examiner #8453632
Building & Development Services Specialist
(Building Official, Code Enforcement, Public Works Supervisor & Flood Plain Manager)



City of West Lake Hills | 911 Westlake Dr.
West Lake Hills, TX 78746
Tel: (512) 610-6827 | Fax: (512) 327-1863
www.westlakehills.org | BFinney@westlakehills.org

From: [REDACTED]

Sent: Sunday, December 6, 2020 3:07 PM

To: Brent Finney <BFinney@westlakehills.org>

Subject: Hebert Plat

Hi Brent, I converted the plat to a .pdf file. Thank you for your help. - Dave 329-7038

The fence will go 135 feet along the rear property boundary and 100 feet from there down the right rear property boundary.

Re: Viking Fence Proposal

From: [REDACTED]

To: [REDACTED]

Date: Thursday, December 3, 2020, 1:53 PM CST

I called the city and spoke with Travis. He said Brent was OoO and would return my call shortly about dropping off the permit. I guess we are on my hold until then.

On Thursday, December 3, 2020, 01:25:45 PM CST, Ryan Frank [REDACTED] wrote:

Hi Ryan, Thank you for the quote. A few questions:

1) Westlake Hills requires the you be a registered contractor. Are you and if you are not, would you be willing to register as a contractor? It's free.

We're good to go here. We've done plenty of work in Westlake Hills and we're all set.

We're good to go, as in we will not need to register with the city.

2) Fence construction requires a permit. The fee for my permit is being waived. **I can pickup the permit. This is why I thought you had already taken care of the permit.**

Just need to make sure the permit is posted on the front door or window.

Permits are the responsibility of the customer and need to be posted on the front door or window and visible in case an inspector come by. The customer needs to apply for, acquire and post the permit.

From: [REDACTED]

Sent: Thursday, December 3, 2020 1:06 PM

To: [REDACTED]

Subject: Fw: Viking Fence Proposal

[EXTERNAL]

See the text in red you inserted on 12/1. - Dave

----- Forwarded Message -----

[REDACTED]

Sent: Tuesday, December 1, 2020, 01:36:21 PM CST

Subject: RE: Viking Fence Proposal

Yes to all. The pickets will be installed touching each other, but over time there might be some shrinkage and you will be able to see through the fence a little bit. It should never get bigger than 1/4" though.

I don't know if we accept ACH or not, but I will have the front desk let you know if we do so they can provide the needed information.

Ryan Frank

Viking Fence

Estimator & Project Manager

C: 512-294-3700

From: [REDACTED]
Sent: Tuesday, December 1, 2020 9:36 AM
To: Ryan Frank [REDACTED]
Subject: Re: Viking Fence Proposal

[EXTERNAL]

Hi Ryan, Thank you for the quick response. Will the posts be set in concrete approx 2 ft deep? Will the posts be galvanized? What is the board spacing? If the answers are "yes" "yes" and a quarter inch or less, I approve option 2 and appreciate you handling things with the city.

Regards,

David
329-7038

On Tuesday, December 1, 2020, 09:13:32 AM CST, Ryan Frank <rfrank@vikingfence.com> wrote:

Please see my replies below...

From: [REDACTED]
Sent: Tuesday, December 1, 2020 9:01 AM
To: Ryan Frank <[REDACTED]>
Subject: Re: Viking Fence Proposal

[EXTERNAL]

Hi Ryan, Thank you for the quote. A few questions:

1) Westlake Hills requires the you be a registered contractor. Are you and if you are not, would you be willing to register as a contractor? It's free.

We're good to go here. We've done plenty of work in Westlake Hills and we're all set.

2) Fence construction requires a permit. The fee for my permit is being waived. I can pickup the permit.

Just need to make sure the permit is posted on the front door or window.

3) When could you start? I am ready to go.

If we can get this wrapped up by Thursday I can likely get this started mid next week. I just need a reply to the email I sent with the proposal saying that you approve and which options you are approving. If we are taking care of the clearing then that option must be included. From there I can have my front desk give you a call to take your deposit over the phone with a credit card.

Looking forward to your response.

David
512-329-7038

On Wednesday, November 25, 2020, 08:08:17 AM CST, Ryan Frank <rfrank@vikingfence.com> wrote:

RE: Fence Installation Planned For The First Week Of December

From: Travis Askey (taskey@westlakehills.org)

To: [REDACTED]

Cc: planner@westlakehills.org; bfinney@westlakehills.org; russell@westlakehills.org; pzsec@westlakehills.org; kroche@westlakehills.org

Date: Friday, November 20, 2020, 7:27 AM CST

Good morning, Mr. Hebert –

Thank you for your call yesterday and your time on the phone. Mayor Anthony has approved your request for the fence permit fee waiver. Your selected contractor will need to register and submit the plan for review prior to issuance of the permit. Mr. Brent Finney will be calling you this afternoon and can address any additional details – have a good weekend.

Travis Askey

City of West Lake Hills

512-327-3628

From: Travis Askey

Sent: Thursday, November 19, 2020 9:15 AM

To: [REDACTED]

Subject: RE: Fence Installation Planned For The First Week Of December

Good morning, sir –

Mr. Brent Finney will be giving you a call tomorrow afternoon. I'll follow up to ensure it's been done – enjoy the rest of your week.

Travis Askey

City of West Lake Hills

512-327-3628

From: [REDACTED]

Sent: Thursday, November 19, 2020 9:05 AM

To: Travis Askey <TAskey@westlakehills.org>

Subject: Re: Fence Installation Planned For The First Week Of December

Hi Travis, Please have someone call me Friday afternoon after 1pm.

Jan 9 at 4:13 PM

David,

I didn't get back to you sooner as Russell is off on Mondays...which I think At some point I may have mentioned. I believe he said he expected to see a landscape plan from the Howes by next Monday. I thought the weeks of Christmas and New Years - given that the holidays fell mid-week - shouldn't be counted.

I am copying Russell on this email so he can see our correspondence and get back to us both on the status of the landscaping...linda

Sent from my iPad

3

10:mayor@ mayor

Jan 9 at 9:31 PM

Hi Linda,

True, but I heard from Michael Howey about him being ready to order trees/scrubs to restore the visual screening between our properties. I understand holiday scheduling. And I know Russel is OoO on Mondays. Today I saw flags go up possibly where replanting is to occur. I was not given the opportunity to review the proposed restoration plan as promised. I finally heard from Russel about ten minutes after I wrote you. He stopped by. We spoke. Another "plan" is supposed to be presented to me early next week.

Thank you again.

David Hebert

4

mayor@ mayor <mayor@westlakehills.org>

To: [REDACTED]



CITY OF WEST LAKE HILLS

911 Westlake Drive
West Lake Hills, TX 78746
512-327-3628 FAX 512-327-1863

FENCING PERMIT

PERMIT #:	16288	DATE ISSUED:	12/03/2020
JOB ADDRESS:	112 BLUFF PARK CIR	LOT #:	2
PARCEL ID:	115109	BLK #:	
SUBDIVISION:	BLUFF ABOVE BEE CAVE	ZONING:	R-1
ISSUED TO:	DAVID HEBERT	CONTRACTOR:	VIKING FENCE
ADDRESS:	112 BLUFF PARK CIR	ADDRESS:	9602 GRAY BLVD
CITY, STATE ZIP:	WEST LAKE HILLS TX 78746	CITY, STATE ZIP:	AUSTIN TX 78758
PHONE:		PHONE:	797-5480
WORK DESC:	FENCE	SETBACKS:	
VALUATION:	\$ 0.00	FRONT:	
SQ FT:	0.00	LEFT SIDE:	
OCCP TYPE:		RIGHT SIDE:	
CNST TYPE:		REAR:	

DESCRIPTION	CONTRACTOR	AMOUNT
FENCE	VIKING FENCE	\$ 0.00
TOTAL		\$ 0.00

NOTES: **WORKING HOURS ARE 7:00 a.m. to 6:00 p.m. MONDAY THROUGH SATURDAY.**

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 60 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 12 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

Burt Finney
(APPROVED BY)

____/____/____
DATE

12/3/2020
DATE

Jan 10 at 8:04 AM

You're most welcome, and I'm sure we all are looking forward to resolving this...linda
Sent from my iPad



To: Russell Cain

Jan 13 at 4:40 PM

Russell, Please contact me on Jan 15. Thank you. David Hebert

Russell Cain <russell@westlakehills.org>

Cc: mayor@mayor, Travis Askey

Jan 21 at 8:30 AM

Greetings:

Thank you for your email.

The city is continuing to monitor the revegetation process.

Regards,

Russell Cain, R.S.

City Inspector

To: Russell Cain Cc: mayor@westlakehills.org

Jan 21 at 1:13 PM

Russell,

You didn't answer my question about citing The Howey's for breaking city codes. It appears this can be done without even fining them. It sets a 60 day clock to ensure the work is done. Plus I have yet to see the project plan. I am supposed to have buy-in on the plan.

As I communicated before, I do not want to have to turn this into a legal matter.

Regards,

David Hebert 329-7038

----- Forwarded Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Tuesday, November 10, 2020, 8:22:34 PM CST
Subject: Fw: Public Information Request #2020-212

----- Forwarded Message -----

From: Russell Cain <russell@westlakehills.org>
To: [REDACTED]
Cc: Anjali Naini <planner@westlakehills.org>
Sent: Tuesday, November 10, 2020, 11:26:08 AM CST
Subject: RE: Public Information Request #2020-212

Greetings:

We have no map of removal trees on file for the #7 Old Stable Lane property.

Regards,

Russell Cain, R.S.



City Inspector

ISA Certified Arborist®, #TX-4551A, TOWQ#334

TDSHS Registered Sanitarian, #3296

TDLR Code Enforcement Officer, #6741

TCEQ Designated Representative, OS#7917

TCEQ Site Evaluator, OS#12133

City of West Lake Hills | 911 Westlake Dr. | West Lake Hills, TX. 78746

Tel: (512) 327-3628 | Fax: (512) 327-1863 | Cell: (512) 738-0627

www.westlakehills.org | Russell@westlakehills.org

From: David Hebert [mailto:[REDACTED]]
Sent: Friday, October 30, 2020 7:37 PM
To: Russell Cain <russell@westlakehills.org>

Public Information Request #2020-212 - Help Needed!

From: [REDACTED]
To: russell@westlakehills.org
Cc: taskey@westlakehills.org; planner@westlakehills.org; mayor@westlakehills.org
Date: Friday, November 13, 2020, 10:09 AM CST

Hi Russell, I appreciate your timely response.

You promised me at least 6 times a revegetation plan to review that would restore the visual barrier between my property and the Howey property at 7 Old Stable. No such plan was ever presented to me.

Now the Howey property is up for sale and my concern is that the new owner will consider my woods that Howey vandalized to be their property. I have gone through enough with this and the potential impact on my property value. It appears that the property was listed last friday and may have sold last tuesday (5 days later).

I want to install a fence. Can you help me with the paperwork? I am disabled and managing the city website is not that easy.

Thank you.
David Hebert
329-7038

Hi Russell, I appreciate your timely response.

You promised me at least 6 times a revegetation plan to review that would restore the visual barrier between my property and the Howey property at 7 Old Stable. No such plan was ever presented to me.

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Thank you.
David Hebert
329-7038

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I want to install a fence. Can you help me with the paperwork. I am disabled and managing the city website is not that easy.

Thank you.
David Hebert
329-7038

On Wednesday, November 11, 2020, 12:59:50 PM CST, David Hebert [REDACTED] wrote:

From: [REDACTED]
To: [REDACTED]
Sent: Tuesday, November 10, 2020, 8:22:34 PM CST
Subject: Fw: Public Information Request #2020-212

----- Forwarded Message -----

From: Russell Cain <russell@westlakehills.org>
To: [REDACTED]
Cc: Anjali Naini <planner@westlakehills.org>
Sent: Tuesday, November 10, 2020, 11:26:08 AM CST
Subject: RE: Public Information Request #2020-212

Greetings:

We have no map of removal trees on file for the #7 Old Stable Lane property.

Regards,

Russell Cain, R.S.



City Inspector

ISA Certified Arborist®, #TX-4551A, TOWQ#334

TDSHS Registered Sanitarian, #3296

TDLR Code Enforcement Officer, #6741

TCEQ Designated Representative, OS#7917

TCEQ Site Evaluator, OS#12133

City of West Lake Hills | 911 Westlake Dr. | West Lake Hills, TX. 78746

Tel: (512) 327-3628 | Fax: (512) 327-1863 | Cell: (512) 738-0627

www.westlakehills.org|Russell@westlakehills.org

From: David Hebert [mailto:[REDACTED]]
Sent: Friday, October 30, 2020 7:37 PM
To: Russell Cain <russell@westlakehills.org>



PERMIT APPLICATION FOR FENCING

- ☐ Outdoor lighting plan and manufacturer cut-sheets, if applicable
- ☐ Copy of recorded plat
- ☐ Tree and topo survey
- ☐ Property survey including building setbacks (platted setbacks and City Zoning setbacks)
- ☐ Location of septic fields and tanks, if property on septic
- ☐ Variance approval letter, if applicable
- ☐ Approval letter from ESD 9 for electronic gates, if applicable

IMPORTANT NOTE:

This permit or application for permit does not relieve the applicant from any construction requirements that may need to be addressed with outside agencies. It is highly recommended that a permit be submitted to any outside agencies prior to submitting this permit application.

I hereby confirm that this application is complete and all required information attached. I further agree to comply with all relevant code and policy requirements of the City of West Lake Hills. I understand that the permit will not be issued unless staff comments are satisfactorily addressed.

11/12/2020

Signature of Owner/Applicant

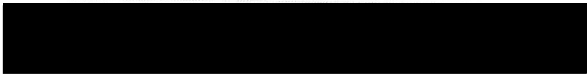
Date

DAVID HEBERT

Print Name & Title

Fw: Fence Permit Request

From:



To: planner@westlakehills.org

Date: Thursday, November 12, 2020, 2:55 PM CST

----- Forwarded Message -----

From:



To: Anjali Naini <planner@westlakehills.org>

Sent: Thursday, November 12, 2020, 02:53:10 PM CST

Subject: Fence Permit Request



WLH Fence Application 3-5-2020.pdf
630kB

11675 Jollyville Rd
Suite 300
Austin, Texas 78759



Phone: (512) 250-0411
Fax: (512) 250-0749
TexasMunicipalLawyers.com

January 29, 2021

To: David Hebert
112 Bluff Park Cir
West Lake Hills, TX 78746

ADDRESS OF VIOLATION:

112 Bluff Park Cir

Dear Mr. Hebert,

This firm serves as legal counsel to the City of West Lake Hills (hereinafter, the "City"). You are hereby notified that the above referenced property is in violation of the West Lake Hills Code of Ordinances Section 22.03.173.

Specifically, this property is in violation of Section 22.03.173(d) of the West Lake Hills Code of Ordinances which provides, in part, fences shall be constructed so that both sides are finished and identical or so that the finished side is the exterior side, that is, the side facing adjacent lots or streets. The fence installed at 112 Bluff Park Cir, authorized by Fencing Permit No. 16288, has been constructed in such a way that the unfinished side faces the adjacent lot and street.

You are notified that to comply with these provisions, you must correct the installation of the fence so that the finished side is the exterior side, or so that both sides are finished and identical. The violation must be corrected within ten (10) days of receiving this notice. If you believe you are unable to correct the violation within ten (10) days, please contact the City's Director of Building and Development Services to request an alternate time frame.

A copy of the ordinance at issue is attached hereto as **Exhibit A**.

Please note the City has received complaints regarding the noncompliant fence on your property. The City reserves all rights to choose other methods of enforcement including a citation, criminal complaint for violations of the City Code, a civil action for nuisance abatement, or any other legally permissible method.

If you claim that you are neither the owner nor the person in charge of the property, please inform the City of that fact as soon as possible. Should you have any questions, please contact Anjali Naini, Director of Building & Development Services at (512) 327-3628.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Cristian Rosas-Grillet', written in a cursive style.

Cristian Rosas-Grillet
Assistant City Attorney

Exhibit "A"

**West Lake Hills Code of Ordinances
Chapter 22
Article 22.03 Construction Code**

Sec. 22.03.173 Fences

(a) In approving permits to construct fences, the city shall be guided by their appropriateness to the character of the neighborhood and the rights of adjacent landowners to views and prevailing breezes.

(b) Unless required by an applicable international, national, or uniform code adopted by the city, fences in general, and "front-yard" fences in particular, are discouraged or limited by the city with due regard to the rights of privacy and security inherent in the ownership of property. This policy derives from the desire to preserve the rural nature and aesthetic attractiveness of the environs and to facilitate the safe movement of people, wildlife, and vehicles about the city.

(c) Definitions.

Fence. A barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

Front-yard fence. A fence that runs generally parallel to property lines abutting any public or private streets and is constructed or serves to prevent or hinder ingress onto or through a property from the direction of the public or private street.

Gate. A door or frame that closes an opening in a wall or fence.

Retaining wall. A wall for holding in place a mass of earth or the like, as at the edge of a terrace or excavation.

Security access box. A small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and sometimes police to retrieve in emergency situations. Local fire companies can hold master keys to all boxes in their response area, so that they can quickly enter a building without having to force entry or find individual keys held in deposit at the station.

Also known as a Knox Box® Rapid Entry System.

Walls. A masonry structure enclosing space (e.g., field, yard); for purposes of this section, a wall is considered a type of fence.

(d) Requirements.

(1) General requirements. All fences, especially and particularly those built along streets or on common property lines, shall be well maintained and pleasing to the eye. Fences shall be constructed so that both sides are finished and identical or so that the finished side is the exterior side, that is, the side facing adjacent lots or streets. For fences that have support posts or structures on only one side of the fence, that side shall be the interior side, that is, the side facing toward the property and structure. Fences shall be muted in color to prevent domination of the landscape or the structures they contain. Fences constructed of materials with a bright or shiny finish must be primed and painted a natural color to comply with this provision.

(2) Prohibited materials. The use of barbed wire or any other sharp, pointed, or penetrating materials to build new fences is prohibited. Existing fences made of barbed wire, or any sharp, pointed, or penetrating material may not be lengthened or altered except to redesign them in accordance with this regulation.

(3) Subdivision fence. A subdivision fence/wall or one designed to enclose more than one lot is prohibited unless there is common ownership of the lots or parcels of

land sought to be fenced. Fencing of subdivisions or of more than one lot prior to the sale of individual lots is prohibited also.

(4) Swimming pool barriers. Swimming pool barriers must conform to [sections 22.03.167, 22.03.207](#) and any applicable international, national, or uniform code adopted by the city.

(5) Gated driveways. Gated driveways shall be constructed so that entering/exiting vehicles will be completely off the street when stopped to open/close the gate. Driveway gates shall open parallel to, or away from, the street and shall comply with the setback distances provided for in subsection (6)(B) below. Electric or electronically controlled driveway gates shall have an emergency power source as an integral component of the system. All gates that are capable of being locked, and that are constructed after the effective date of this section shall be equipped with a security access box approved by the county emergency services district No. 9. All gates that are capable of being locked and that are in existence on or prior to the effective date of this section must be retrofitted to be equipped with a security access box approved by the county emergency services district No. 9 within 6 months of the effective date of this section.

(6) Front-yard fence requirements.

(A) Front-yard fences shall:

(i) Be landscaped on the side(s) facing the street(s) with native vegetation from the city's recommended plant list so that a minimum of 80% of the total area of the front-yard fence exposed to the streetscape is effectively screened from view;

(ii) Be constructed to allow a minimum of 80% visibility through the front-yard fence prior to the installation of the landscaping required in subsection (6)(A) above;

(iii) Blend in with their natural surroundings in both color (e.g., brown, black, rust, etc.) and texture and by means of landscaping.

(iv) Have columns, posts, supports, or other components that are made of metal (excepting chainlink), brick, rock, stone, or wood in order to complement the principal structure on the property and the natural surroundings.

(B) Except as may be required by subsection (5) above, the setback distance for a front-yard fence shall be determined as follows:

(i) For lots less than 0.75 acre, the minimum front setback distance for front-yard fences shall be 20 feet from the nearest pavement edge of the public or private street, provided that no fence shall be constructed in the right-of-way.

(ii) For lots 0.75 acre and larger, the minimum front setback distance for front-yard fences shall be 30 feet from the nearest pavement edge of the public or private street, provided, that no fence shall be constructed in the right-of-way.

(iii) Rear and side setbacks set forth in [section 22.03.281](#) do not apply to front-yard fences.

(7) Side and rear fences. Fences may be located on side and rear property lines that do not face or abut public or private streets. If a fence on a side property line extends toward a public or private street, the side yard fence shall end at a point along the side property line so as to conform to the setback distances stated in subsection (6)(B) above.

- (8) Walls. Walls are considered a type of fence. Walls used as front-yard fences are treated as accessory structures and shall:
- (A) Have the same front setback requirements as a principal building under the appropriate category in [section 22.03.281](#);
 - (B) Meet all front-yard fence requirements stated in subsection (6) of this section, except for subsection (6)(A)(ii).
- (9) Height of fences.
- (A) Fences shall not exceed of 6 feet in height per side on or parallel to each property line measured from existing natural ground level.
 - (B) A fence that is electrified shall be no more than 4 feet in height measured from existing natural ground level.
- (10) Fence permit.
- (A) Front-yard fences that comply with the front-yard fence criteria may be approved by the city administrator. The city administrator may approve permits for “side-yard” or “rear-yard” fences, i.e. those that are behind the front-yard fence setback and that are on or parallel to side or rear property lines. The city administrator may also approve the use of temporary fences for limited and specific purposes for time periods of a year or less. All fence applications not approved by the city administrator or fences that require variances require ZAPCO review and city council approval.
 - (B) Applications for a permit to erect a fence, besides a front-yard fence, shall include a site plan, a detailed description and dimensions of the proposed fence. Front-yard fence permit applications shall include:
 - (i) A street-view elevation drawing at one-quarter scale equals one foot, showing the proposed fence and related improvements, the entire street frontage, and any related structures;
 - (ii) A site/landscape plan, at no less than ten scale, showing all structures, existing and proposed vegetation, and the materials and colors of the proposed fence;
 - (iii) A depiction of the growth and size of the vegetation three years from planting;
 - (iv) A scale drawing of a typical elevation of fence from post to post, showing the support structure, picket/slat size and shape, the amount of visible space between each picket/slat, and any other design details or features that will be visible from the exterior or street frontage side of the fence.
 - (C) A permit for a fence and associated screening vegetation shall expire if construction of the fence and the planting of the associated screening vegetation has not commenced within 90 days or a date specified by the city council to accommodate the next favorable growing season, whichever is later. Notwithstanding the preceding sentence, a permit for a fence and associated screening vegetation expires if the fence is not completed and the screening vegetation is not entirely established according to the approved plans and specifications within 12 months of the approval date of the permit. Before resuming work, a new permit must be obtained in accordance with [section 22.03.137\(b\)](#).
- (11) Reconstruction of fence. Should 50% or more of any fence, as determined by the city inspector, be destroyed by any means, reconstruction of such fence shall conform to the provisions of this section.

(12) Vacant lot. Fences are prohibited on a vacant lot.

COMPLAINT

STATE OF TEXAS

§ IN THE MUNICIPAL COURT OF RECORD, No. 1

VS.

§

CITY OF WEST LAKE HILLS

DAVID HEBERT

§

TRAVIS COUNTY, TEXAS

CITATION # VP000051 - (01) / CAUSE NO. 2100125451-VCO FENCES 22.03.173

In the Name and by the Authority of the State of Texas,

I, JOHN L. "LES" DAVIS, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **David Hebert**, hereinafter called Defendant, on or about **the 6th day of January, 2021**, and before the making and filing of this complaint, in the territorial limits of the City of West Lake Hills, in the County of Travis, and the State of Texas, the Defendant, did then and there erect, construct, build or maintain along streets or on common property lines, to wit: 112 Bluff Park Circle, a fence that was not constructed in compliance with City Code regulations, to wit: it was constructed so that the unfinished side or the side of the fence that has the support posts and structures is the exterior side, that is, the side adjacent lots or streets in violation of the West Lake Hills Code of Ordinances section 22.03.173(d) and

Against the peace and dignity of the State.


JOHN L. "LES" DAVIS
Affiant

Sworn and subscribed before me this 12th day of October, 2021


Peace Officer or Clerk or Notary Public



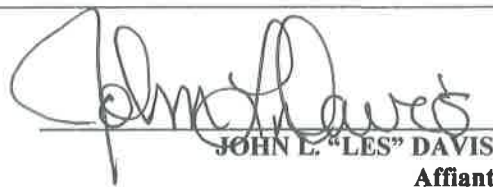
AFFIDAVIT FOR PROBABLE CAUSE

**CAUSE NO. 2100125451
CITATION # VP000051 - (01)
VCO FENCES 22.03.173**

STATE OF TEXAS § **IN THE MUNICIPAL COURT OF RECORD, No. 1**
VS. § **CITY OF WEST LAKE HILLS**
DAVID HEBERT § **TRAVIS COUNTY, TEXAS**

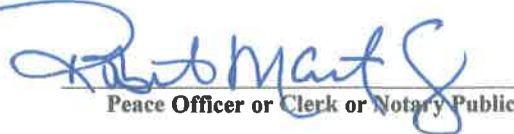
I, **JOHN L. "LES" DAVIS**, the undersigned Affiant, a certified code inspector employed by the City of West Lake Hills, Texas, being duly sworn on oath state that I have good reason to believe and do believe that on or about **the 6th day of January, 2021**, **David Hebert**, Defendant, committed the offense of: **VCO FENCES 22.03.173**, a misdemeanor. Affiant concluded that the Defendant committed the offense and executed the sworn complaint against the Defendant based on the following facts:

On or before January 6, 2021, Russell Cain, former Code Enforcement Officer, observed the fence erected at 112 Bluff Park Circle, West Lake Hills, Texas and confirmed that it was erected and maintained in violation of section 22.03.173(d) of the City Code of Ordinances because it was constructed so that the unfinished side or the side of the fence that has the support posts and structures is the exterior side, that is, the side of the fence facing adjacent lots or streets. He confirmed through Travis County property records that Mr. David Hebert is the property owner of record and confirmed through city records that Mr. Hebert was the individual issued a fence permit by the City of West Lake Hills and is therefore the individual responsible for the improperly installed fence. On October 12, 2021, I conducted a site visit to 112 Bluff Park Circle and observed the back yard fence that runs along Old Stable Lane. The finished side of the fence remains to the inside of the property, in violation of section 22.03.173(d) of the City Code of Ordinances. I have taken photos of the fence and attach them as exhibits to this affidavit.


JOHN L. "LES" DAVIS
Affiant

My belief of the above is based upon facts and information provided to me by JOHN L. "LES" DAVIS, a certified code inspector charging on complaint that the Defendant, committed such offense.

Sworn and subscribed before me this 12th day of October, 2021


Peace Officer or Clerk or Notary Public

ORDER

I examined the foregoing affidavit and have determined that probable cause DOES / DOES NOT exist for the issuance of an arrest warrant for the named above defendant.

Signed this _____ day of _____, 20____

Judge, Municipal Court of Record, NO. 1





November 15, 2021

David Hebert
112 Bluff Park Circle
West Lake Hills, TX 78746

Re: Non-Compliant Fence:

Dear Mr. Hebert:

Our records indicate that you are the property owner at the above listed address. This letter is to notify you that the non-compliant fence on the property needs to be brought into compliance. The code section that the fence is violating is Section [22.03.173](#).

Your options for compliance are to either remove the fence, obtain a permit for a new fence, and construct the new fence in compliance with code, or you can request a variance for the non-compliant fence. It is important to note that the variance process includes a public hearing and adjudication by the City Council, and you must show a hardship for them to grant the variance.

Please contact the City of West Lake Hills to obtain the necessary permits for compliance with the above sections of the Code of Ordinances by December 31, 2021. Should you fail to bring the property into compliance or obtain the necessary permit(s) as required by law a violation may be issued to you, which could result in a fine and/or costs being assessed against you.

If you have any questions regarding this letter, please contact me at (512) 327-3628 or agrundman@westlakehills.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "A Grundman", with a long horizontal flourish extending to the right.

Ashby Grundman. AICP
Director of Building and Development Services
City of West Lake Hills
911 Westlake Drive
West Lake Hills, Texas 78746

Ashby Grundman

From: Novert Morale [REDACTED]
Sent: Friday, February 18, 2022 11:54 AM
To: Ashby Grundman
Cc: [REDACTED]
Subject: 112 Bluff Park Circle - Objection

I would object to the following request for a Variance made by David Hebert. I am objecting to his request because the rough finish on the exterior is visible from the Homes on Old Stable Ln. and not visually appealing. Also I believe the fence was constructed without prior city approval and permitting. I am the property owner at 1 Old Stable Ln., Austin, Texas 78746.

- **Section 22.03.173(d)(1) – Fence**

The request is so that the property owner may: Allow a privacy fence finish on interior side only.

Thanks

Novert A. Morales
Attorney at Law
[REDACTED]

Austin Office:
1007 E. 7th St.
Austin, Texas 78702
Ph 512-474-1499

Midland Office
Ph 432-570-1499

MoralesLawOffice.com



Ashby Grundman

From: Mark Littrell (PZSec)
Sent: Wednesday, February 16, 2022 12:28 PM
To: Jim Pledger; Karen Bartoletti; Laurie Maccini; Robert Meisel
Cc: Ashby Grundman
Subject: FW: ZAPCO hearing - item #6
Attachments: Hebert fence case - ZAPCO Agenda #6.docx; Hebert fence case - ZAPCO Addendum #6.docx; Bluff Park Circle fence photos.docx

Importance: High

I'm forwarding this regarding the 112 Bluff Park variance (Item #6)

Thank you.

-----Original Message-----

From: David Craft [REDACTED]
Sent: Wednesday, February 16, 2022 12:24 PM
To: Mark Littrell (PZSec) <pzsec@westlakehills.gov>
Subject: Fwd: ZAPCO hearing - item #6
Importance: High

Please find attached three additional documents. I have only recently seen and reviewed the above-referenced application from Mr. Hebert, with the associated e-mails. He makes a number of somewhat disparaging remarks about both the City and the former owner of the property behind him, a Mr. Howey. I do not feel it is my place to address these, but it seems Mr. Hebert, specifically on Page 55, Item(6) of the agenda for to-day, makes some demonstrably false statements concerning my interaction with him on this matter, which I wish to correct and bring to the committee's attention.

The second document "... ZAPCO Addendum #6" is therefore an addendum to comments I already submitted on 14th February, to refute those false assertions.

I also took the opportunity to make some minor corrections to my original comments and correct a typo. The first document "...ZAPCO Agenda #6" is that revision. The third and final document "Bluff Park Circle fence photos" has some pictures that my wife, Nancy Dickelman has taken of other fences in our street, which she plans to refer to in her oral presentation.

In conclusion, I would add that as of noon, to-day, Mr. Hebert has still refused to display notice of his application for a variance, which I understand he is required to do. It is still lying down on his property, and seems to have been re-positioned so it is even less visible from the street than before.

Regards,

David Craft.

114, Bluff Park Circle. West Lake Hills, TX 78746-4300

Telephone - (512) 328-8191 E-mail [REDACTED]

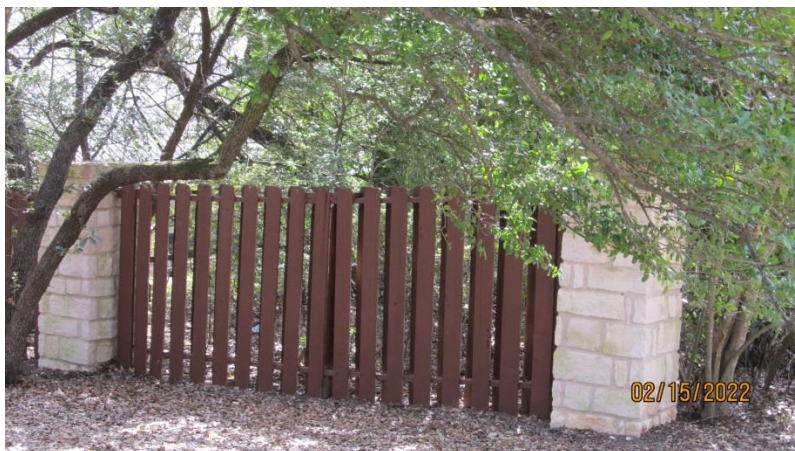
Bluff Park Circle fence photos

2 sided fences

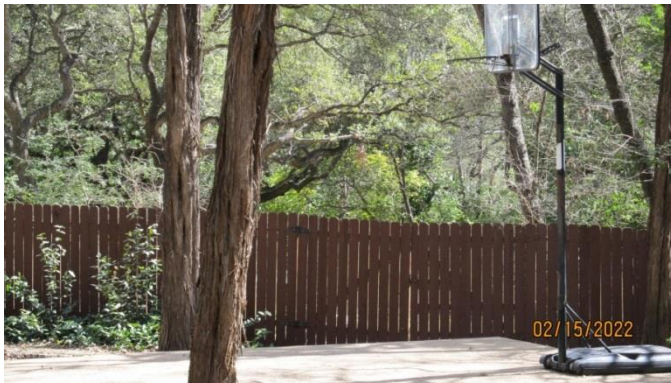
Following two photos show both sides of same fence between Mr. Hebert(112) and 110(to south)



2 sided between 103 and business park to south



One-sided at 103



One-sided front left 110



WROUGHT IRON

118



110

