



CITY OF WEST LAKE HILLS, TEXAS  
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING  
Wednesday, April 15, 2020 at 6:30 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 15th day of April 2020 at 6:30 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

**REMOTE ACCESS ONLY:**

In accordance with the order of the Office of the Governor issued March 16, 2020, the Zoning & Planning Commission of the City of West Lake Hills will conduct a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The public may participate in this meeting by dialing in to the following toll-free number **1-346-248-7799, Meeting ID 575 746 445, Password: 993803**

If you wish to speak during the meeting, please submit your **name, phone number and the item #** you wish to speak on at least 2 hours prior to the meeting (4:30 p.m. on Wednesday April 15th) by emailing [planner@westlakehills.org](mailto:planner@westlakehills.org).

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing [planner@westlakehills.org](mailto:planner@westlakehills.org). **Comments must be received by 4:30 P.M. on April 15th.**

The meeting will be live streamed here: <http://mixlr.com/city-of-west-lake-hills/> and the audio will be available on the City’s website the day after the meeting.

1. Call to Order. Chairman Robert Meisel.
2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
  - a. Approval of the February 19, 2020 Regular Meeting Minutes

- b. Request for Postponement to May 20, 2020 Regular ZAPCO Meeting: Land Use: 110 Westlake Drive: Discussion/recommendation of an ordinance and zoning map amendment to rezone 110 Westlake Drive, a City-owned property under an Agreement for Sale, from Government, Utility, Institution - GUI, to Planned Development District with a base zoning district of One-Family Residential - R-1. Applicant Legacy DCS (Representative Paul Sheperd).
3. **Land Use 301 Buckeye Trail:** Discussion/recommendation of variance requests for the construction of a new garage: 1) removal of Tree # 217 (14" Cedar); 2) removal of Tree # 218 (16" double Live Oak); 3) encroachment of a new structure into side and rear building setbacks; and 4) exceed maximum impervious cover up to 30.5%. (Owner Ben Brieger/Applicant Marc Madely).
  - a. Staff Briefing
  - b. Presentation by applicant
  - c. Public Hearing: All persons wishing to speak for or against shall be heard.
  - d. Deliberation and Action
4. **Land Use 311 Westhaven Drive:** Discussion/recommendation of a variance request for proposed rear structures (additional conditioned space and deck/staircase) to encroach the side setback. (Owners John and Chrissy Trapp/Applicant Jim Odom).
  - a. Staff Briefing
  - b. Presentation by applicant
  - c. Public Hearing: All persons wishing to speak for or against shall be heard.
  - d. Deliberation and Action
5. **Ordinance** Discussion/recommendation of an Ordinance amending the City of West Lake Hills Code Chapter 22: Building Regulations, Article 22.03, Construction Code, Division 1, Generally and Division 8, Dimensional Regulations for changes related to the Railroad Commission of Texas Liquefied Petroleum Gas Safety Rules regulating the location and placement of propane tanks.
  - a. Staff Briefing
  - b. Public Hearing: All persons wishing to speak for or against shall be heard.
  - c. Deliberation and Action
6. Adjournment. Chairman Robert Meisel.

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

### Certificate

I certify that the above Notice of the April 15, 2020 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, April 10, 2020 at 5:00 pm. and will remain posted continuously until said meeting is convened.

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By Anjali Naini, Director of Building &  
Development Services

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

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

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

PRESENT: ZAPCO Chairman Robert Meisel, Vice-Chair James Pledger, Commissioners Laurie Maccini, Bill Vandersteel, and James Vaughan.

ABSENT: Commissioner Bill Harwell

1. Call to Order. Chairman Robert Meisel.

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

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

- a. Approval of the January 15, 2020 Meeting Minutes.

**Commissioner Vaughan moves to approve the minutes. Commissioner Maccini seconds.**

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

- a. Staff Briefing

**City Planner Anjali Naini reads her Staff Report in detail. Staff Recommendation: Approval.**

- b. Presentation by applicant

**Denise Burke is the property owner and is present. We can't build out because of the flood zone. We can only build over the garage because of the slope. This is our only option to stay here.**

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

**Colleen Galvan lives at 504 Yaupon Valley Road. Some of the lots are non-conforming. They could probably move it back a little bit. I don't think it's the best look. I'm against them pushing further into the front setback.**

**Ghislaine DeRegge lives at 510 Yaupon Valley. My lot faces Double Fork Road. I'm**

concerned it would affect our view. What are the limitations or expectations?

**City Planner Naini:** Height is measured from natural ground grade and 30' is the maximum.

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

- d. Deliberation and Action

**Chairman Meisel:** The measurement is from the ground.

**Commissioner Vandersteel:** The house was built in 1974?

**Colleen:** The setbacks have been the same for the past 25 years.

**Chairman Meisel moves to recommend approval with the condition that the new roof eave cannot extend past the existing roof eave. Vice-Chairman Pledger seconds. Approved unanimously by a vote of 4 – 0.**

- 4. Adjournment. Chairman Robert Meisel.

**Chairman Meisel moves to adjourn the meeting at 6:55 p.m.**



## **SETBACK ENCOACHMENT, IMPERVIOUS COVER & TREE VARIANCE REQUESTS STAFF REPORT**

**APRIL 15, 2020**

**Project Name:** 301 Buckeye Trail – Tree Variances and Setback Encroachment Variance

**Requested Action:** Remove two trees 14” or greater (Tree # 217 – 14” Cedar and Tree # 218 – 16” Double Live Oak); encroachment into side and rear setbacks; and impervious cover variance in order to construct a new detached garage

**Agenda Item:** Land Use: **301 Buckeye Trail**: Discussion/recommendation of variance requests for the construction of a new garage: 1) removal of Tree # 217 (14" Cedar); 2) removal of Tree # 218 (16" double Live Oak); 3) encroachment of a new structure into building setbacks; and 4) exceed maximum impervious cover up to 30.5%. (Owner Ben Brieger/Applicant Marc Madely).

**Applicant Information:** Ben Brieger (owner); Marc Madeley – Allegiant Contractors (applicant)

### **Hearing Dates:**

|                |                                  |
|----------------|----------------------------------|
| April 15, 2020 | ZAPCO                            |
| May 13, 2020   | City Council/Board of Adjustment |

**Location:** The subject property is located north of Bee Cave Road, west of Westlake Drive, and south of Yaupon Valley Road.

### **Zoning & Site Characteristics:**

The subject property and surrounding neighborhood are zoned R-1 – One-Family Residential. The property is an irregular triangular-shaped lot and is approximately 0.48 acre. There are existing structures on the property including a single-family home, driveway, garage, and patio.

### **Background & Analysis:**

The homeowner, Benjamin Brieger, submitted variance requests in order to construct a new garage where he plans to pursue his hobby of working on old cars. Currently, Mr. Brieger works on the cars in his driveway, which is sloped and poses a danger to him. It is further explained in the application that the proposed garage would also benefit the neighbors by removing the cars out of sight. Mr. Brieger proposes to construct the new garage mostly in the same footprint as a previous garage that has been demolished. The dimensions of the proposed garage are 30ft x 30ft, totaling 900sf.

Due to the site conditions, the homeowner is requesting variances for setback encroachment (6' 4" into the rear setback and 3' 2" into the side setback); impervious cover (requesting up to 30.5%); and removal of two trees 14" or greater (Tree 217 – 14" Cedar and Tree 218 – 16" Double Live Oak). According to the survey provided, there are 144 trees on the property, including several that are 14" or greater.

The maximum amount of impervious cover permitted is 25%, and per the application, the property is currently at 26.2% impervious cover and the applicant is requesting an increase up to 30.5%.

The property is an irregular, triangular-shape with a limited buildable area. There is little remaining buildable area due to existing structures, building setbacks, sloping topography toward the rear of the property, and trees 14" or greater.

#### 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 – "Without the proposed garage I am forced to work outside on a sloping driveway using a floor jack and jack stands. This is an unsafe and potentially deadly practice...By building a garage I would be able to use 4 point hydraulic lifts which would eliminate this safety threat."
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.  
The application states – "In the proposed site there was a pre-existing structure so I would minimize the number of plants that would need to be removed. I would replant new ones elsewhere on the property."
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.  
The application states – "To continue to work outdoors, but for the reasons above, I would prefer not to."
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.  
The application states – "It would be a garage about the size of existing structures. I would like a much larger structure, but I think this would be the minimum needed."
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.  
The application states – "This variance would be in keeping with the spirit of the ordinance in that it would only minimally impact the environment and would not be

readily visible from the street. Also it would improve the visual environment of the immediate neighbors as it would clean up my driveway and there would (be) no cars parked outside under car covers.”

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

The application states – “As mentioned above, moving the cars indoors would clear the visual clutter in the driveway. Also, building the structure would remove (the) tree that is blocking the immediate neighbors’ downtown view; they would have 2 visual advantages.”

#### **Traffic/Transportation**

No impact on traffic is expected.

#### **Lighting**

Outdoor lighting is not proposed for this project.

#### **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 residential land use complies with the Master Plan.

#### **Staff Recommendation**

The application does not demonstrate hardship, which usually relates to the physical aspects of a property that pose undue hardship in complying with the City’s Code. The application also does not demonstrate other alternative locations for the proposed structure to minimize the number of variances requested. Staff therefore recommends denial.

However, due to the unique, irregular shape of the lot, ZAPCO may want to consider each variance differently.

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#### **Code Analysis:**

##### **Sec. 22.03.304 Tree and vegetation removal and replacement**

- (a) Removal policy.

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- (4) The removal of trees greater than or equal to 14 inches in diameter measured at a point 54 inches above the ground is prohibited except as allowed under section 22.03.303(b)(7) and therefore such removal requires a variance from the city council. (Ordinance 223 adopted 9/14/11)

(d) Calculating tree replacement requirements.

(1) Trees of any species with a trunk diameter of less than 6 inches do not require replacement.

(2) Conifer and Juniper trees (commonly referred to as “cedars”) with a trunk diameter of less than 12 inches that are removed to establish a fire safety buffer zone in accordance with section 22.03.303(b)(5) do not require replacement.

(3) Conifer and Juniper trees (commonly referred to as “cedars”) with a trunk diameter of 3 inches or less that are removed as a fire prevention measure in accordance with section 22.03.303(b)(6) do not require replacement.

(4) To compensate for the removal of live trees that are not diseased, dying or dead (as defined in accordance with section 22.03.303(b)(7)) and that are removed in accordance with this section, the property owner must install replacement trees according to the following requirements:

(A) All trees with trunk diameters equal to or greater than six inches and less than 14 inches must be replaced on a 75% basis. In such cases, the replacement trees planted must have trunk diameters of at least 3 inches. For example, if a 12-inch tree is removed, then a total of 9 replacement inches must be planted using trees with a minimum trunk diameter of 3 inches.

(B) All trees with trunk diameters greater than or equal to 14 inches require a variance to subsection (a)(4) above and must be replaced on a 150% basis. For example, if a 16-inch tree is removed, then a total of 24 replacement inches must be planted using single-trunk trees with a minimum trunk diameter of at least 3 inches.

Trunk diameter <6 inches: No replacement required.

From 6 inches to <14 inches: 75% replacement required: Must use replacement trees with trunk diameters of at least 3 inches.

14 inches and larger: Requires variance; 150% replacement required: Must use replacement single-trunk trees with trunk diameters of at least 3 inches.

(5) To compensate for the loss of diseased or dying trees removed in accordance with this section and with section 22.03.303(b)(7), the property owner must install replacement trees on a 50% basis. In such cases, the replacement trees planted must have trunk diameters of at least 1-1/2 inches. For example, if a 9-inch tree is removed, then a total of 4-1/2 replacement inches must be planted using trees with a minimum trunk diameter of 1-1/2 inches.

(6) In the case of dead trees removed in accordance with this section and with section 22.03.303(b)(7), no replacement is required.

(7) For purposes of calculating the replacement inches as required above, the trunk diameters of all replacement trees shall be measured at a point 12 inches above the ground.

(8) Replacement trees shall count on an inch-for-inch basis.

(9) When using a species with multiple trunks (e.g., Texas Mountain-Laurel, Yaupon Holly, etc.) for replacement purposes, the following chart shall be used to convert the planting container measurement to the equivalent trunk diameter for the purposes of this section:

| <u>Planting Container Size</u> | <u>Equivalent Trunk Diameter</u> |
|--------------------------------|----------------------------------|
| 20 gallons                     | 3 inches                         |
| 30 gallons                     | 4 inches                         |

40 gallons

5 inches

(10) The planting of native grasses or ground cover is encouraged, but shall not satisfy any tree replacement requirement.

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**Sec. 22.03.275 Building setback distances**

(a) (1) No principal building shall have any front, side or rear setback distance less than that shown on the schedule of regulations as being required in the district in which the building is located, except that the minimum setback distance from Bee Cave Road shall be 50 feet regardless of which direction the building is facing. The setback distance from the Capital of Texas Highway shall be a minimum of 75 feet.

(2) Unroofed steps and ramps shall not be considered as part of the principal building when measuring the setback distance of such building.

(3) Buildings, including overhangs and eaves, shall not encroach into setbacks.

(Ordinance 211, sec. 6, adopted 1/26/11)

(b) Yards are the open areas between building setback lines and lot lines. Structures shall not be permitted in yards except as otherwise provided herein.

(1) Front yards. Front yards extend the full width of the lot. Their depth is measured from the edge of the right-of-way line of the street to the minimum front setback line.

(2) Rear yards. Rear yards extend the full width of the lot. Their depth is measured from the rear lot line to the minimum rear setback line.

(3) Side yards. Side yards extend from the front yard to the rear yard. Their depth is measured from the side lot line to the nearest minimum side setback line.

(c) In the case of lots abutting on more than one street, the full width of the front yard shall be provided from each street.

(Ordinance 152, att. A, adopted 4/29/09)

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**Sec. 22.03.281 Schedule of regulations**

(a) Where the slope gradient exceeds 25 percent nonresidential development is not permitted.

(b) Dimensional regulations for listed zoning districts:

| Dimensional Minimums of Lots |     |     |     |     |     |     |     |     |      |
|------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|------|
| Dimension/Zoning             | R-1 | R-2 | R-3 | O   | GUI | B-1 | B-2 | B-3 | MU-1 |
| Acreage (acres) (A)          | 1   | 1   | 2   | 1.5 | 2   | 1.5 | 2   | 20  | 30   |
| Depth (feet)                 | 150 | 150 | 400 | 200 | 200 | 200 | 200 | 500 | (C)  |
| Width (feet) (B)             | 150 | 150 | 400 | 150 | 150 | 150 | 150 | 500 | (C)  |

(1996 Code, sec. 14-295)

| Minimum Building Setback Distance in Feet From Front Lot Line |
|---------------------------------------------------------------|
|---------------------------------------------------------------|

| Lot Size/Zoning                  | R-1 | R-2 | R-3 | O  | GUI | B-1 | B-2 | B-3     | MU-1 |
|----------------------------------|-----|-----|-----|----|-----|-----|-----|---------|------|
| Greater than or equal to .5 acre | 50  | 50  | 50  | 50 | 50  | 50  | 50  | (IV)(a) | (C)  |
| Less than .5 acres               | 30  | 30  | N/A | 30 | 30  | 30  | 30  | N/A     | N/A  |

**Minimum Building Setback Distance in Feet From Rear Lot Line**

| Lot Size/Zoning                                         | R-1              | R-2              | R-3 | O  | GUI | B-1 | B-2 | B-3     | MU-1 |
|---------------------------------------------------------|------------------|------------------|-----|----|-----|-----|-----|---------|------|
| Greater than or equal to .5 acre                        | 30               | 30               | 50  | 40 | 40  | 40  | 40  | (IV)(c) | (C)  |
| Less than .5 acres, greater than or equal to .375 acres | 25               | 25               | N/A | 30 | 30  | 30  | 30  | N/A     | N/A  |
| Less than .375 acres—zero                               | 15 (F, E)/<br>20 | 15 (F, E)/<br>20 | N/A | 30 | 30  | 30  | 30  | N/A     | N/A  |

**Minimum Building Setback Distance in Feet From Side Lot Lines**

| Lot Size/Zoning                                         | R-1              | R-2              | R-3 | O    | GUI  | B-1  | B-2  | B-3     | MU-1 |
|---------------------------------------------------------|------------------|------------------|-----|------|------|------|------|---------|------|
| Greater than or equal to .5 acre                        | 25               | 25               | 50  | (I)  | (I)  | (I)  | (I)  | (IV)(c) | (C)  |
| Less than .5 acres, greater than or equal to .375 acres | 20               | 20               | N/A | (II) | (II) | (II) | (II) | N/A     | N/A  |
| Less than .375 acres—zero                               | 15 (F, E)/<br>20 | 15 (F, E)/<br>20 | N/A | (II) | (II) | (II) | (II) | N/A     | N/A  |

**Maximum Impervious Cover in Percent of Lot Area**

| Lot Size/Zoning                                       | R-1  | R-2  | R-3 | O    | GUI   | B-1   | B-2   | B-3 | MU-1 |
|-------------------------------------------------------|------|------|-----|------|-------|-------|-------|-----|------|
| Greater than or equal to .5 acre                      | 25%  | 25%  | 25% | (IX) | (III) | (III) | (III) | (V) | (C)  |
| Less than .5 acres, greater than or equal to .2 acres | *, † | *, † | 25% | (IX) | (III) | (III) | (III) | (V) | (C)  |

\* The following formula applies:

$$P = (\text{size of acre expressed as a whole number and decimal}) \times (.5) - (.5)$$

Example:

$$P = (.25 \text{ acres}) (.5) - .5$$

$$P = (.125) - .5 = -.375\%$$

$$P = 37.5\% \text{ allowable impervious cover for a .25 acre lot}$$

† In order to receive and increase in allowable impervious cover over 25%, the property must be connected to the city's wastewater service.

(A) Land donated/dedicated to and accepted by the city shall be credited to the area of the lot/tract from which the donated land originated.

(B) For residential lots on culs-de-sac, the minimum lot width at the front street property line shall be 33 feet measured along the chord of the arc.

(C) See section 38.03.040 et seq.

(D) Residential 30 feet; nonresidential 37 feet.

(E) No portion of the structure in an extended setback shall be taller than 16' above natural grade.

(F) If the proposed building is a one-story structure, the lesser setback distance applies. If any portion of the building is a two-story structure, the greater setback distance applies.

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**Sec. 22.03.514 Criteria required for granting variance**

No variance shall be granted under this chapter unless the following criteria are fulfilled:

(1) Findings. The applicant has established by competent evidence that:

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

(B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

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

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

(2) ZAPCO. The recommendation of zoning and planning commission shall include an analysis of whether:

(A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan; and

(B) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof; and

(C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

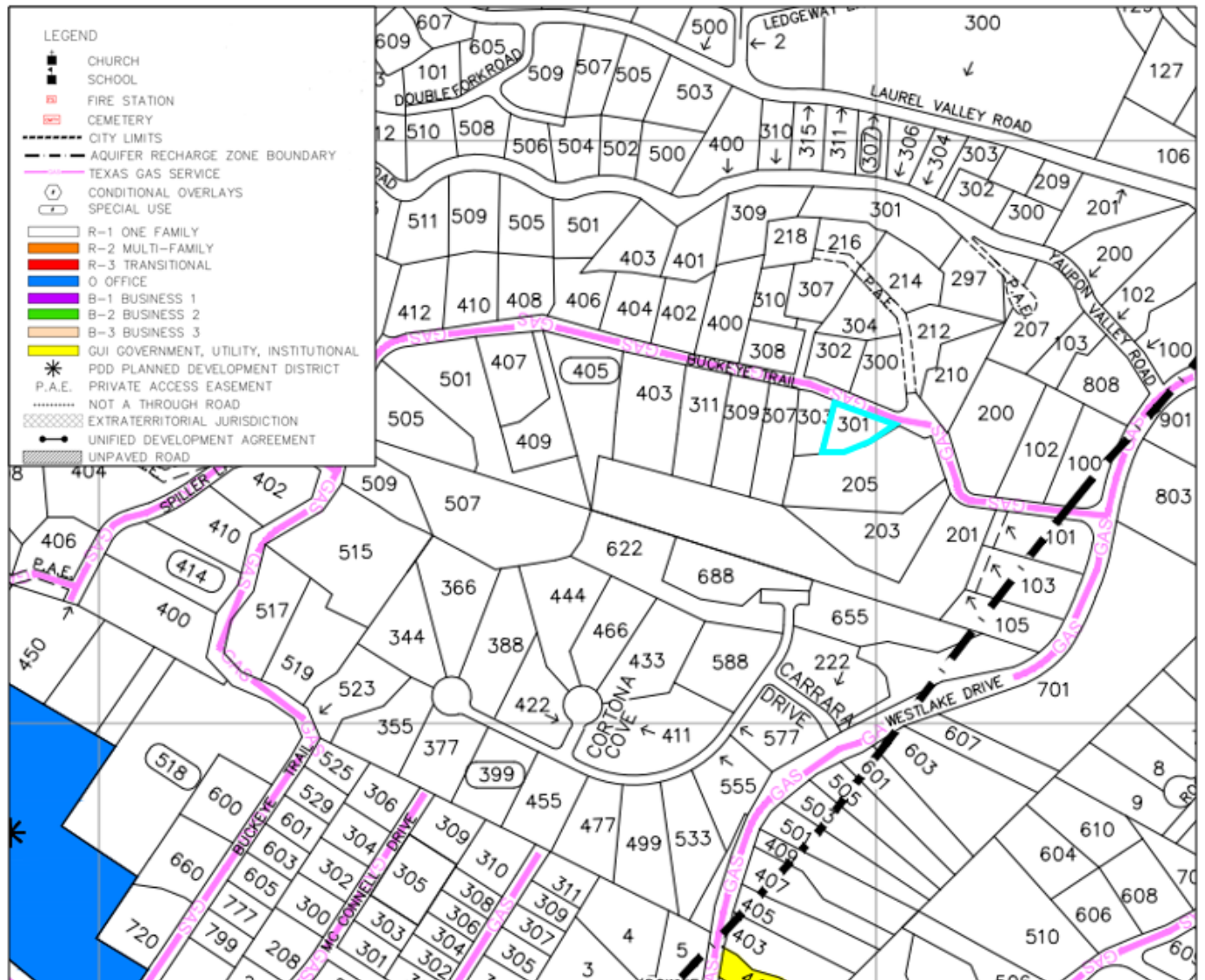
(3) Conditions. The city council can impose, and the zoning and planning commission can recommend imposition of, reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects in the Commercial Overlay District are necessary to achieve one or more of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

(Ordinance 137, att. A, adopted 9/15/08)

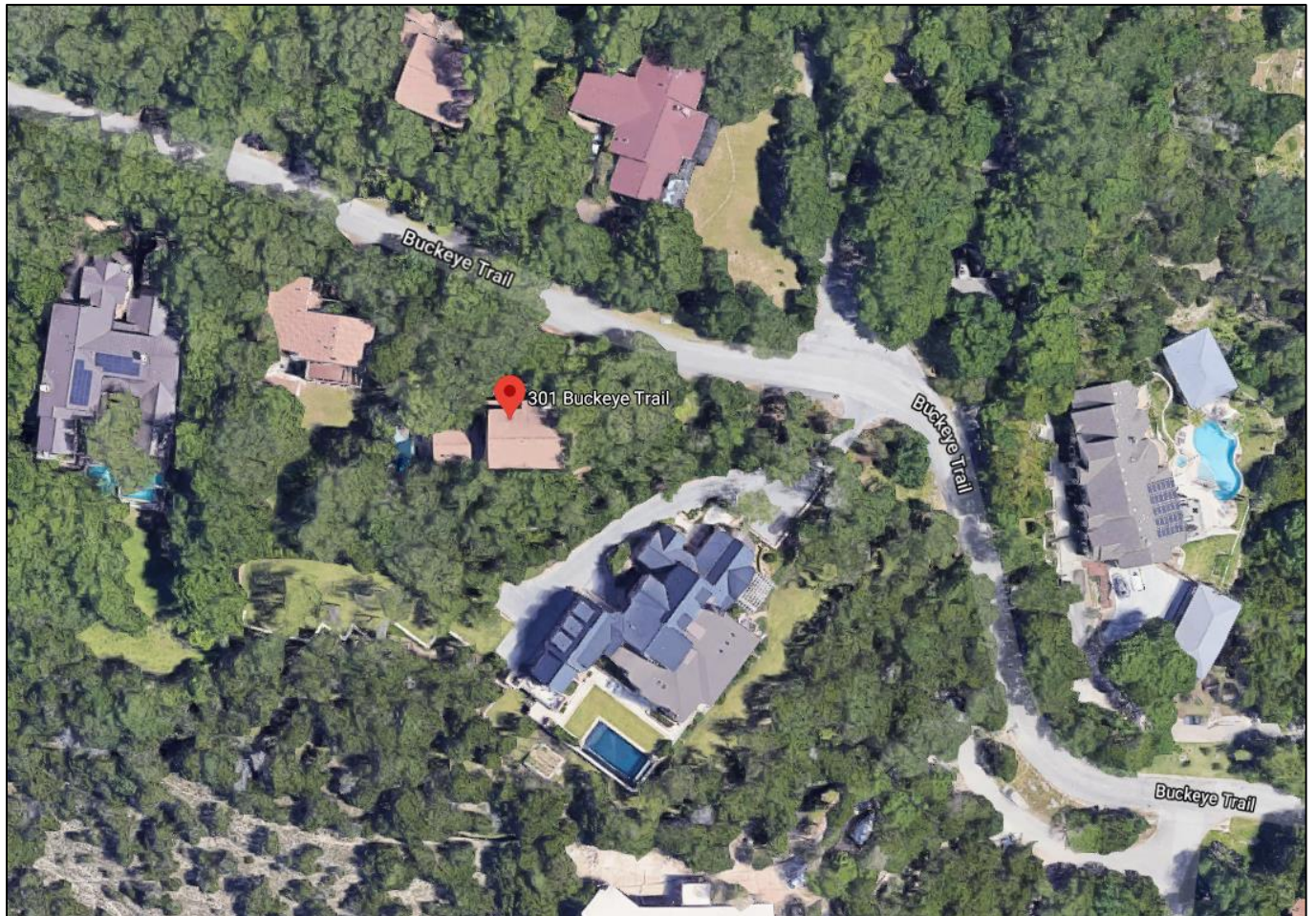
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*(Maps to follow)*

## Zoning:



Aerial:



**APPLICATION COVER SHEET**

City of West Lake Hills  
Received  
JAN 10 2020

Property Address: 301 Buckeye  
Applicant Name: Ben Breiger  
Designated Agent (if any, Power of Attorney Required): \_\_\_\_\_  
Applicant Phone Number: (512) 431-6683 Email Address: \_\_\_\_\_  
Date Application was Submitted: \_\_\_\_\_  
Variance(s) Requested: Building beyond buildback lines

*Applicant completes above section; City Staff completes the section below:*

Variance File Number: \_\_\_\_\_ [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ \_\_\_\_\_ ☐ Fees Received on \_\_\_\_\_ by \_\_\_\_\_

**DRAFT APPLICATION PACKET MATERIALS**

Draft Application Packet Received on \_\_\_\_\_ by \_\_\_\_\_  
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers  
☐ Site Plan Coversheet ☐ Site Plan Drawings  
☐ Elevation Views and Floor Plans (new structures only)  
☐ Septic Assessment (new structures only)  
☐ Additional Support Materials (if any): \_\_\_\_\_  
☐ Power of Attorney (if any) – Designated Representative: \_\_\_\_\_  
Staff Analysis completed on \_\_\_\_\_ by \_\_\_\_\_  
Staff Analysis sent to Applicant on \_\_\_\_\_ by \_\_\_\_\_

**FINAL APPLICATION PACKET**

Final Application Packet Reviewed and Approved on \_\_\_\_\_ by \_\_\_\_\_  
Notice to Proceed Letter sent to Applicant on \_\_\_\_\_ by \_\_\_\_\_  
• Notification Letter must be postmarked by \_\_\_\_\_ ☐ Confirmed by \_\_\_\_\_  
• Sign must be posted by \_\_\_\_\_ ☐ Confirmed by \_\_\_\_\_  
15 Copies of Final Packet received on \_\_\_\_\_ ☐ Confirmed by \_\_\_\_\_

**ZAPCO**

Scheduled for ZAPCO Hearing on: \_\_\_\_\_  
ZAPCO Action Letter sent on \_\_\_\_\_ by \_\_\_\_\_  
ZAPCO Recommendation: \_\_\_\_\_  
Conditions/Comments (if any): \_\_\_\_\_  
Modified application and materials (if any) received on \_\_\_\_\_ by \_\_\_\_\_

**BOA/CITY COUNCIL**

Scheduled for BOA/Council Hearing on: \_\_\_\_\_  
BOA/Council Action: \_\_\_\_\_  
Conditions/Comments (if any): \_\_\_\_\_  
BOA/Council Action Letter sent on \_\_\_\_\_ by \_\_\_\_\_

**FOLLOW-UP**

Follow-up dates (vegetative screening installed, survival verification, etc.): \_\_\_\_\_  
• Notifications added to Incode on \_\_\_\_\_ by \_\_\_\_\_

Postponement History (if any): \_\_\_\_\_  
Notes: \_\_\_\_\_

## LETTER TO ZAPCO CHAIRPERSON

12/8/19

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

Dear Mr. Chairman:

I would like to build a garage at the end of my driveway. My hobby is working on old cars (it was my first job after graduating college, but is now just a hobby). I need a garage in order to safely store and work on these cars. Currently I am resorting to getting under these cars on a sloping driveway which is a very unsafe practice as they could fall and crush me. Furthermore, the cars are stored outside in the driveway where they are an eyesore and exposed to the elements.

Because of the build back lines it would require variances. I don't think it would cause much environmental impact, as there was a structure in this location in the past and it is now weeds and crumbling asphalt and concrete. The two trees I would have to remove would be replaced somewhere else on the property. Their removal would also significantly improve my neighbors' view of downtown. Also, the cars would be out of sight as well.

Allowing me to complete this project would greatly enhance my safety as well as my enjoyment of the property. It would also have a positive effect on the aesthetics of the properties and have minimal impact on the environment. Thank you for your consideration,

Ben Brieger  
301 Buckeye Trail  
(512) 431-6683

## ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

### 1) CONDITIONS THAT WOULD RESULT IN UNNECESSARY HARDSHIP IF THIS ORDINANCE IS STRICTLY ENFORCED.

Safety! Without the proposed garage I am forced to work outside on a sloping driveway using a floor jack and jack stands. This is an unsafe and potentially deadly practice. I have seen this unfortunate mishap more than I care to remember, whereby a car slips off the jack stands and crushes the person underneath. By building a garage I would be able to use 4 point hydraulic lifts which would eliminate this safety threat. Also, since this hobby involves older cars, leaving them outside in the elements also leads to their demise by corrosion.

### 2) WHY NATURAL TERRAIN AND FLORA BE UNREASONABLY DISRUPTED OR DESTROYED.

In the proposed site there was a pre-existing structure so I would minimize the number of plants that would need to be removed. I would replant new ones elsewhere on the property.

### 3) WHAT OTHER REASONABLE ALTERNATIVES HAVE I CONSIDERED.

To continue to work outdoors, but for the reasons above, I would prefer not to.

**4) WHY IS THE VARIANCE REQUESTED THE MINIMUM REQUIRED TO ALLEVIATE THE HARDSHIP.**

It would be a garage about the size of existing structures. I would like a much larger structure, but I think this would be the minimum needed.

**5) WHY DO I BELIEVE THE VARIANCE DOES NOT VIOLATE THE INTENT OF THE ZONING ORDINANCE.**

This variance would be in keeping with the spirit of the ordinance in that it would only minimally impact the environment and would not be readily visible from the street. Also it would improve the visual environment of the immediate neighbors as it would clean up my driveway and there would no cars parked outside under car covers.

**6) WHY WOULD THE VARIANCE NOT ADVERSELY AFFECT THE NEIGHBORING PROPERTIES.**

As mentioned above, moving the cars indoors would clear the visual clutter in the driveway. Also, building the structure would remove tree that is blocking the immediate neighbors' downtown view; they would have 2 visual advantages.

SCALE: 1"=20'



**IMPORTANT NOTICE**

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND WITHOUT ANY FIELD RESEARCH AND EXAMINATION OF RECORDS. THE SURVEYOR HAS NO KNOWLEDGE OF ANY UNRECORDED INTERESTS, EASEMENTS, OR RIGHTS IN THE PROPERTY. THE SURVEYOR'S LIABILITY FOR NEGLIGENCE OR OTHER PROFESSIONAL MALPRACTICE SHALL NOT BE LIMITED BY THIS NOTICE.

THE OVERLOOK  
AT WESTLAKE  
BK. 90, PG. 341

CARRISA ADDITION  
BK. 80, PG. 366

**TREE TABLE**

| NO. | DESCRIPTION       | DATE | STATUS |
|-----|-------------------|------|--------|
| 101 | 20' HIL. LIVE OAK | 1/78 | 10'    |
| 102 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 103 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 104 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 105 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 106 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 107 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 108 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 109 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 110 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 111 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 112 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 113 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 114 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 115 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 116 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 117 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 118 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 119 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 120 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 121 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 122 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 123 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 124 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 125 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 126 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 127 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 128 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 129 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 130 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 131 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 132 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 133 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 134 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 135 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 136 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 137 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 138 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 139 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 140 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 141 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 142 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 143 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 144 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 145 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 146 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 147 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 148 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 149 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 150 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 151 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 152 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 153 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 154 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 155 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 156 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 157 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 158 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 159 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 160 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 161 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 162 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 163 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 164 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 165 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 166 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 167 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 168 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 169 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 170 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 171 | 10' HIL. LIVE OAK | 1/78 | 10'    |
| 172 | 10' HIL. LIVE OAK | 1/78 | 10'    |

proposed location of  
new detached garage

**LEGEND**

- CHAIN LINK FENCE
- UTILITY LINE
- W/OUT REM FENCE
- A/C UNIT
- BLK. METER
- SEPT. LID
- ONS. METER
- AIR VALVE
- TILE PVL.
- ELECTRIC W/OUT
- IRON ROD P.D.
- ROCK SPRING
- PER. P.D.
- UTILITY POLE
- BUILDING LINE
- DRAINAGE
- ELECTRIC UTILITY
- PUBLIC UTILITY
- P.U.L.

**SURVEYOR'S NOTES**

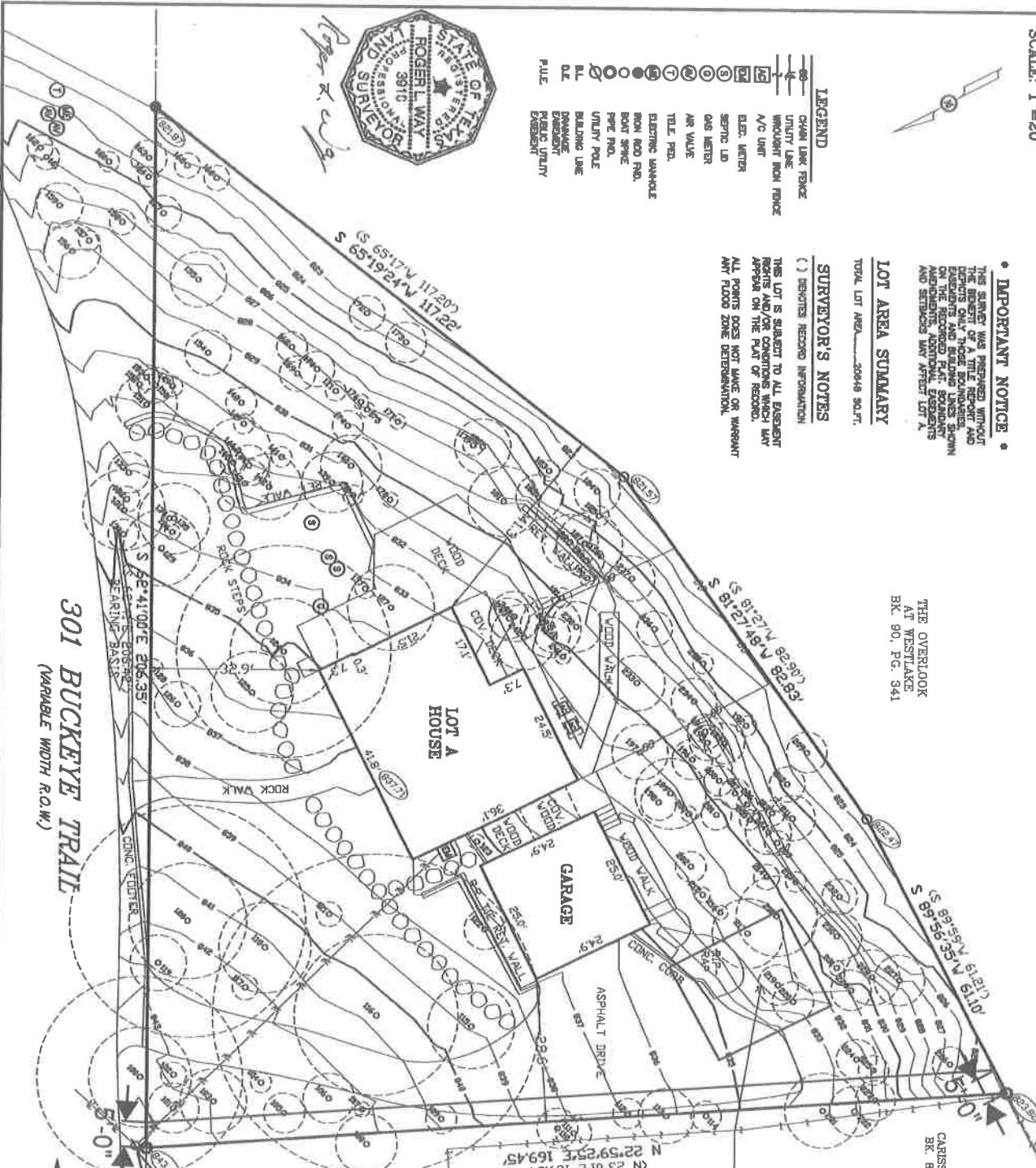
(1) DENOTES RECORD INFORMATION  
THIS LOT IS SUBJECT TO ALL EASEMENTS RIGHTS AND COVENANTS WHICH MAY APPEAR ON THE PLAT OF RECORD.  
ALL POINTS DOGS NOT HAVE OR WARRANT ANY FLOOD ZONE DETERMINATION.

**LOT AREA SUMMARY**

TOTAL LOT AREA: 20646 SQ. FT.



Roger L. Way



301 BUCKEYE TRAIL  
(VARIABLE WIDTH R.O.W.)



ALL POINTS SURVEYING  
1714 FORTVIEW ROAD - SUITE 200  
AUSTIN TX 78704  
TEL: (512) 440-0071 - FAX: (512) 440-0189  
TIN REGISTRATION # 1015890

| FILE NO. | DATE     | SCALE  |
|----------|----------|--------|
| 101      | 08-12-19 | 1"=20' |
| 102      | 08-12-19 | 1"=20' |
| 103      | 08-12-19 | 1"=20' |
| 104      | 08-12-19 | 1"=20' |
| 105      | 08-12-19 | 1"=20' |
| 106      | 08-12-19 | 1"=20' |
| 107      | 08-12-19 | 1"=20' |
| 108      | 08-12-19 | 1"=20' |
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| 115      | 08-12-19 | 1"=20' |
| 116      | 08-12-19 | 1"=20' |
| 117      | 08-12-19 | 1"=20' |
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| 120      | 08-12-19 | 1"=20' |
| 121      | 08-12-19 | 1"=20' |
| 122      | 08-12-19 | 1"=20' |
| 123      | 08-12-19 | 1"=20' |
| 124      | 08-12-19 | 1"=20' |
| 125      | 08-12-19 | 1"=20' |
| 126      | 08-12-19 | 1"=20' |
| 127      | 08-12-19 | 1"=20' |
| 128      | 08-12-19 | 1"=20' |
| 129      | 08-12-19 | 1"=20' |
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| 135      | 08-12-19 | 1"=20' |
| 136      | 08-12-19 | 1"=20' |
| 137      | 08-12-19 | 1"=20' |
| 138      | 08-12-19 | 1"=20' |
| 139      | 08-12-19 | 1"=20' |
| 140      | 08-12-19 | 1"=20' |
| 141      | 08-12-19 | 1"=20' |
| 142      | 08-12-19 | 1"=20' |
| 143      | 08-12-19 | 1"=20' |
| 144      | 08-12-19 | 1"=20' |
| 145      | 08-12-19 | 1"=20' |
| 146      | 08-12-19 | 1"=20' |
| 147      | 08-12-19 | 1"=20' |
| 148      | 08-12-19 | 1"=20' |
| 149      | 08-12-19 | 1"=20' |
| 150      | 08-12-19 | 1"=20' |
| 151      | 08-12-19 | 1"=20' |
| 152      | 08-12-19 | 1"=20' |
| 153      | 08-12-19 | 1"=20' |
| 154      | 08-12-19 | 1"=20' |
| 155      | 08-12-19 | 1"=20' |
| 156      | 08-12-19 | 1"=20' |
| 157      | 08-12-19 | 1"=20' |
| 158      | 08-12-19 | 1"=20' |
| 159      | 08-12-19 | 1"=20' |
| 160      | 08-12-19 | 1"=20' |
| 161      | 08-12-19 | 1"=20' |
| 162      | 08-12-19 | 1"=20' |
| 163      | 08-12-19 | 1"=20' |
| 164      | 08-12-19 | 1"=20' |
| 165      | 08-12-19 | 1"=20' |
| 166      | 08-12-19 | 1"=20' |
| 167      | 08-12-19 | 1"=20' |
| 168      | 08-12-19 | 1"=20' |
| 169      | 08-12-19 | 1"=20' |
| 170      | 08-12-19 | 1"=20' |
| 171      | 08-12-19 | 1"=20' |
| 172      | 08-12-19 | 1"=20' |

**LEGAL DESCRIPTION:**  
LOT 4, PHASE 2, PHILLIPS ADDITION, A SUBDIVISION IN WEST LAKE HILLS, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP ON PLAT THEREOF, AS RECORDED IN VOL. 88, PG. 41, PLAT RECORDS, TRAVIS COUNTY, TEXAS.  
REFERENCE: WMC MAPS

THE ABOVE WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED P.L.G. BOUNDARY ADJUSTMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOT A.

CARLSSA ADDITION  
BK. 80, PG. 388

## TOTAL LOT AREA.....20649 SQ.FT

TOTAL LOT AREA.....20649 SQ.FT

( ) DENOTES REPORTED INFORMATION

( ) DENOTES REPORTED INFORMATION

THIS LOT IS SUBJECT TO ALL EXISTENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

1000

- [illegible]

[illegible]

LOT A, FRANK S. PHILLIPS ADDITION, A SUBDIVISION IN WEST LAKE HILLS TOWNSHIP, TEXAS, ACCORDING TO THE MAP OF PLAT THEREOF AS RECORDED IN VOL. 68, P. 41, PLAT RECORDS, TARRANT COUNTY, TEXAS.

ALL POINTS SURVEYING  
1714 FORTVIEW ROAD - SUITE 200

AUSTIN TX. 78704  
 TELE.: (512) 440-0071 - FAX: (512) 440-0189  
 TOLL FREE 1-800-451-1000

FROM INFORMATION # 10411000



## APPLICATION COVER SHEET

Property Address: 301 Buckeye Trail  
Applicant Name: Ben Brieger  
Designated Agent (if any, Power of Attorney Required): Allegiant Contractors (Marc Madeley)  
Applicant Phone Number: (512) 431-6683 Email Address: [REDACTED]  
Date Application was Submitted: 2/12/2020  
Variance(s) Requested: Need to remove several trees in order to build detached garage. Tree number 217 14" Cedar and tree number 218 16" Double Live Oak would both need to be removed in order to build the requested detached garage.

*Applicant completes above section; City Staff completes the section below:*

Variance File Number: \_\_\_\_\_ [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ \_\_\_\_\_ ☐ Fees Received on \_\_\_\_\_ by \_\_\_\_\_

### DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on \_\_\_\_\_ by \_\_\_\_\_  
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers  
☐ Site Plan Coversheet ☐ Site Plan Drawings  
☐ Elevation Views and Floor Plans (new structures only)  
☐ Septic Assessment (new structures only)  
☐ Additional Support Materials (if any): \_\_\_\_\_  
☐ Power of Attorney (if any) – Designated Representative: \_\_\_\_\_  
Staff Analysis completed on \_\_\_\_\_ by \_\_\_\_\_  
Staff Analysis sent to Applicant on \_\_\_\_\_ by \_\_\_\_\_

### FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on \_\_\_\_\_ by \_\_\_\_\_  
Notice to Proceed Letter sent to Applicant on \_\_\_\_\_ by \_\_\_\_\_  
• Notification Letter must be postmarked by \_\_\_\_\_ ☐ Confirmed by \_\_\_\_\_  
• Sign must be posted by \_\_\_\_\_ ☐ Confirmed by \_\_\_\_\_  
15 Copies of Final Packet received on \_\_\_\_\_ ☐ Confirmed by \_\_\_\_\_

### ZAPCO

Scheduled for ZAPCO Hearing on: \_\_\_\_\_  
ZAPCO Action Letter sent on \_\_\_\_\_ by \_\_\_\_\_  
ZAPCO Recommendation: \_\_\_\_\_  
Conditions/Comments (if any): \_\_\_\_\_  
Modified application and materials (if any) received on \_\_\_\_\_ by \_\_\_\_\_

### BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: \_\_\_\_\_  
BOA/Council Action: \_\_\_\_\_  
Conditions/Comments (if any): \_\_\_\_\_  
BOA/Council Action Letter sent on \_\_\_\_\_ by \_\_\_\_\_

### FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): \_\_\_\_\_  
• Notifications added to Incode on \_\_\_\_\_ by \_\_\_\_\_  
Postponement History (if any): \_\_\_\_\_  
Notes: \_\_\_\_\_

LETTER TO ZAPCO CHAIRPERSON

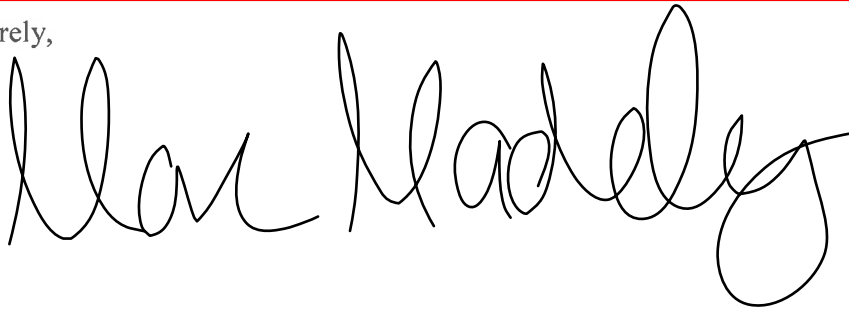
DATE:

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

Dear Mr. Chairman:

We've already applied for variance to build a detached garage, but also need to apply for a variance to remove two protected trees. We would need to remove tree 217 14" Cedar & 218 16" Double Live Oak.

Sincerely,

A handwritten signature in black ink, reading "Alan Haddy". The signature is written in a cursive, flowing style with large loops and a long horizontal stroke at the end.

## ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

West Lake Hills City Code requires applicants to answer each of the following questions. The ZAPCO Commissioners, Board of Adjustment and City Council Members consider your answers to these questions when evaluating your application. *(Feel free to respond to these questions on a separate page or document.)*

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

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

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

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

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- (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?

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

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Property Address: \_\_\_\_\_

## APPLICATION COVER SHEET

Property Address: 301 Buckeye Trail

Applicant Name: Ben Brieger

Designated Agent (if any, Power of Attorney Required): Allegiant Contractors (Marc Madeley)

Applicant Phone Number: (512) 431-6683

Email Address:

Date Application was Submitted: 3/12/2020

Variance(s) Requested: Requesting variance to increase impervious coverage from 26.2% to 30.5% with the addition of 30x30 (900 sqft) detached garage.

*Applicant completes above section; City Staff completes the section below:*

Variance File Number:  [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$  ☐ Fees Received on  by

### DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on  by

☐ Letter to ZAPCO Chairperson

☐ Variance Approval Criteria Answers

☐ Site Plan Coversheet

☐ Site Plan Drawings

☐ Elevation Views and Floor Plans (new structures only)

☐ Septic Assessment (new structures only)

☐ Additional Support Materials (if any):

☐ Power of Attorney (if any) – Designated Representative:

Staff Analysis completed on  by

Staff Analysis sent to Applicant on  by

### FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on  by

Notice to Proceed Letter sent to Applicant on  by

• Notification Letter must be postmarked by  ☐ Confirmed by

• Sign must be posted by  ☐ Confirmed by

15 Copies of Final Packet received on  ☐ Confirmed by

### ZAPCO

Scheduled for ZAPCO Hearing on:

ZAPCO Action Letter sent on  by

ZAPCO Recommendation:

Conditions/Comments (if any):

Modified application and materials (if any) received on  by

### BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on:

BOA/Council Action:

Conditions/Comments (if any):

BOA/Council Action Letter sent on  by

### FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.):

• Notifications added to Incode on  by

Postponement History (if any):

Notes:

LETTER TO ZAPCO CHAIRPERSON

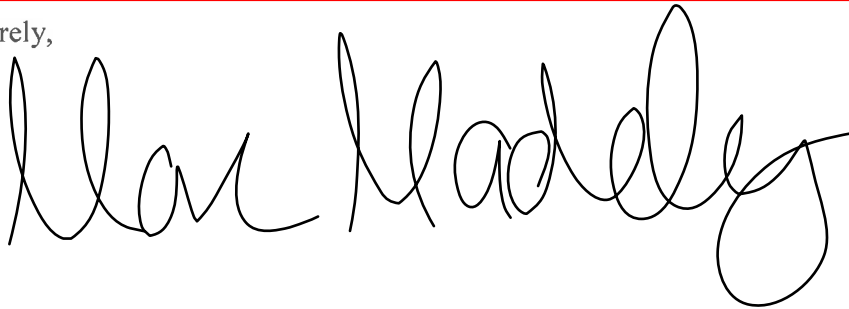
DATE:

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

Dear Mr. Chairman:

We've already applied for variance to build a detached garage, but also need to apply for a variance to increase impervious coverage. Answers to the questions listed below are on the original application that we turned in for the detached garage variance.

Sincerely,

A handwritten signature in black ink, reading "Alan Haddy". The signature is fluid and cursive, with a large loop at the end of the last name.

## ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

West Lake Hills City Code requires applicants to answer each of the following questions. The ZAPCO Commissioners, Board of Adjustment and City Council Members consider your answers to these questions when evaluating your application. *(Feel free to respond to these questions on a separate page or document.)*

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

See answers on the original variance request for the detached garage. Same for the below answers.

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

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

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

- (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?

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

Property Address: \_\_\_\_\_



**SPECIAL POWER OF ATTORNEY FORM**

KNOW ALL PERSONS BY THIS DOCUMENT that I, Benjamin Briege  
have made, constituted and appointed Mark Madely  
to be my duly authorized representative in connection with an application dated 2/12/20,  
to be heard by the Building Design Committee, Zoning & Planning Commission, and City  
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether  
oral or written, made by the representative in support of the request have the full force and effect  
of the applicant's approval. I do by this document constitute the above named representative as  
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act  
in connection with such application which I myself might perform or do if I was personally present.

Benjamin Briege  
Property Owner/Applicant Name  
301 Buckeye Trail West Lake Hills TX 78746  
Street Address City State Zip Code

512 431-6683  
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 27 day of February, 2020.

Mark Lehman Littrell  
Notary Public in and for the State of Texas



SCALE: 1"=20'



**\* IMPORTANT NOTICE \***

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DEPICTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOT A.

**LOT AREA SUMMARY**

TOTAL LOT AREA.....20648 SQ.FT.

**LEGEND**

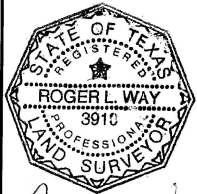
- CHAIN LINK FENCE
- UTILITY LINE
- WROUGHT IRON FENCE
- A/C UNIT
- ELEC. METER
- GAS METER
- AIR VALVE
- TELE. PED.
- ELECTRIC MANHOLE
- IRON ROD FND.
- BOAT SPIKE
- PIPE FND.
- UTILITY POLE
- BUILDING LINE
- DRAINAGE EASEMENT
- PUBLIC UTILITY EASEMENT

**SURVEYOR'S NOTES**

( ) DENOTES RECORD INFORMATION

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.



*Roger L. Way*

Variance to remove two protected trees.

THE OVERLOOK AT WESTLAKE BK. 90, PG. 341

**TREE TABLE**

|     |                         |     |                         |
|-----|-------------------------|-----|-------------------------|
| 100 | 20" DBL LIVE OAK        | 173 | 8" CEDAR                |
| 101 | 10" CEDAR               | 174 | 6" TRP MOUNTAIN LAUREL  |
| 102 | 5" MOUNTAIN LAUREL      | 175 | 3" MOUNTAIN LAUREL      |
| 103 | 13" CEDAR               | 176 | 3" MOUNTAIN LAUREL      |
| 104 | 4" MOUNTAIN LAUREL      | 177 | 3" CHINABERRY           |
| 105 | 8" CEDAR                | 178 | 3" MOUNTAIN LAUREL      |
| 106 | 10" LIVE OAK            | 179 | 4" PERSIMMON            |
| 107 | 3" LIVE OAK             | 180 | 11" LIVE OAK            |
| 108 | 12" CEDAR               | 181 | 14" LIVE OAK            |
| 109 | 6" MOUNTAIN LAUREL      | 182 | 3" CEDAR                |
| 110 | 8" TRP PERSIMMON        | 183 | 4" DBL PERSIMMON        |
| 111 | 7" DBL PERSIMMON        | 184 | 9" CEDAR                |
| 112 | 6" DBL MOUNTAIN LAUREL  | 185 | 4" BLUEWOOD             |
| 113 | 11" CEDAR               | 186 | 13" LIVE OAK            |
| 114 | 6" QUAD MOUNTAIN LAUREL | 187 | 3" PERSIMMON            |
| 115 | 17" LIVE OAK            | 188 | 11" LIVE OAK            |
| 116 | 32" DBL LIVE OAK        | 189 | 7" LIVE OAK             |
| 117 | 5" LIVE OAK             | 190 | 3" MOUNTAIN LAUREL      |
| 118 | 18" TRP LIVE OAK        | 191 | 4" DBL MOUNTAIN LAUREL  |
| 119 | 11" LIVE OAK            | 192 | 4" BLUEWOOD             |
| 120 | 23" LIVE OAK            | 193 | 8" LIVE OAK             |
| 121 | 5" PERSIMMON            | 194 | 7" LIVE OAK             |
| 122 | 8" TRP PERSIMMON        | 195 | 7" LIVE OAK             |
| 123 | 3" MOUNTAIN LAUREL      | 196 | 8" LIVE OAK             |
| 124 | 21" LIVE OAK            | 197 | 11" LIVE OAK            |
| 125 | 16" LIVE OAK            | 198 | 7" LIVE OAK             |
| 126 | 15" MOUNTAIN LAUREL     | 199 | 14" LIVE OAK            |
| 127 | 15" LIVE OAK            | 200 | 3" MOUNTAIN LAUREL      |
| 128 | 3" PERSIMMON            | 201 | 6" TRP MOUNTAIN LAUREL  |
| 129 | 14" LIVE OAK            | 202 | 6" QUAD MOUNTAIN LAUREL |
| 130 | 3" MOUNTAIN LAUREL      | 203 | 5" DBL MOUNTAIN LAUREL  |
| 131 | 4" TRP MOUNTAIN LAUREL  | 204 | 3" MOUNTAIN LAUREL      |
| 132 | 5" BLUEWOOD             | 205 | 4" MOUNTAIN LAUREL      |
| 133 | 8" LIVE OAK             | 206 | 4" LIVE OAK             |
| 134 | 3" PERSIMMON            | 207 | 6" LIVE OAK             |
| 135 | 14" LIVE OAK            | 208 | 6" LIVE OAK             |
| 136 | 3" MOUNTAIN LAUREL      | 209 | 8" DBL CEDAR            |
| 137 | 4" TRP MOUNTAIN LAUREL  | 210 | 7" ST MOUNTAIN LAUREL   |
| 138 | 4" MOUNTAIN LAUREL      | 211 | 9" CEDAR                |
| 139 | 12" LIVE OAK            | 212 | 5" DBL MOUNTAIN LAUREL  |
| 140 | 12" LIVE OAK            | 213 | 4" LIVE OAK             |
| 141 | 4" LIVE OAK             | 214 | 5" DBL MOUNTAIN LAUREL  |
| 142 | 13" LIVE OAK            | 215 | 3" SPANISH OAK          |
| 143 | 10" LIVE OAK            | 216 | 3" SPANISH OAK          |
| 144 | 8" LIVE OAK             | 217 | 14" CEDAR               |
| 145 | 5" LIVE OAK             | 218 | 16" DBL LIVE OAK        |
| 146 | 13" LIVE OAK            | 219 | 8" CEDAR                |
| 147 | 4" LIVE OAK             | 220 | 8" ASH                  |
| 148 | 6" TRP PERSIMMON        | 221 | 15" LIVE OAK            |
| 149 | 4" MOUNTAIN LAUREL      | 222 | 10" LIVE OAK            |
| 150 | 7" TRP MOUNTAIN LAUREL  | 223 | 8" LIVE OAK             |
| 151 | 12" ST MOUNTAIN LAUREL  | 224 | 8" LIVE OAK             |
| 152 | 4" MOUNTAIN LAUREL      | 225 | 6" LIVE OAK             |
| 153 | 5" DBL LIVE OAK         | 226 | 7" CEDAR                |
| 154 | 9" CEDAR                | 227 | 10" DBL CEDAR           |
| 155 | 11" CEDAR               | 228 | 11" DBL LIVE OAK        |
| 156 | 11" ST MOUNTAIN LAUREL  | 229 | 8" SPANISH OAK          |
| 157 | 4" DBL MOUNTAIN LAUREL  | 230 | 1" LIVE OAK             |
| 158 | 5" MOUNTAIN LAUREL      | 231 | 3" LIVE OAK             |
| 159 | 9" ST MOUNTAIN LAUREL   | 232 | 7" LIVE OAK             |
| 160 | 4" DBL PERSIMMON        | 233 | 11" LIVE OAK            |
| 161 | 5" TRP MOUNTAIN LAUREL  | 234 | 9" DBL CEDAR            |
| 162 | 5" DBL MOUNTAIN LAUREL  | 235 | 4" LIVE OAK             |
| 163 | 7" HACKBERRY            | 236 | 7" QUAD MOUNTAIN LAUREL |
| 164 | 4" BLUEWOOD             | 237 | 9" CEDAR                |
| 165 | 5" CEDAR                | 238 | 10" LIVE OAK            |
| 166 | 5" CEDAR                | 239 | 12" LIVE OAK            |
| 167 | 7" DBL PERSIMMON        | 240 | 7" LIVE OAK             |
| 168 | 6" TRP MOUNTAIN LAUREL  | 241 | 3" SPANISH OAK          |
| 169 | 7" TRP MOUNTAIN LAUREL  | 242 | 13" DBL LIVE OAK        |
| 170 | 7" DBL PERSIMMON        | 243 | 8" LIVE OAK             |
| 171 | 4" MOUNTAIN LAUREL      | 244 | 10" LIVE OAK            |
| 172 | 7" CEDAR                |     |                         |

proposed location of new detached garage

**LEGAL DESCRIPTION:**

LOT A, FRANK S. PHILLIPS ADDITION, A SUBDIVISION IN WEST LAKE HILLS, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN VOL. 68, PG. 41, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

REFERENCE: MARC MADELEY

SPINDLE SET IN P.P. BENCHMARK-844.82'

| By           | Date        |
|--------------|-------------|
| FIELD WORK   | WW 08-11-13 |
| DRAFTING     | SCN         |
| SURVEY DATE: | 08-12-19    |
| Job No.      | 06814719    |
| SCALE:       | 1"=20'      |

301 BUCKEYE TRAIL  
(VARIABLE WIDTH R.O.W.)

ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200

AUSTIN TX. 78704

TELE.: (512) 440-0071 - FAX: (512) 440-0199

FIRM REGISTRATION # 10118900



SCALE: 1"=20'



**\* IMPORTANT NOTICE \***

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DEPICTS ONLY THOSE BOUNDARIES, EASEMENTS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. BOUNDARY AMENDMENTS, ADDITIONAL EASEMENTS AND SETBACKS MAY AFFECT LOT A.

**LOT AREA SUMMARY**

TOTAL LOT AREA.....20648 SQ.FT.

**SURVEYOR'S NOTES**

( ) DENOTES RECORD INFORMATION

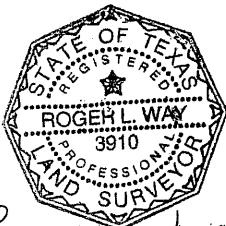
[1] PER CITY OF WESTLAKE ZONING (R-1)

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

**LEGEND**

- CHAIN LINK FENCE
- UTILITY LINE
- WROUGHT IRON FENCE
- A/C UNIT
- ELEC. METER
- SEPTIC LID
- GAS METER
- AIR VALVE
- TELE. PED.
- ELECTRIC MANHOLE
- IRON ROD FND.
- BOAT SPIKE
- PIPE FND.
- UTILITY POLE
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT



*Roger L. Wade*

THE OVERLOOK  
AT WESTLAKE  
BK. 90, PG. 341

New detached garage

**TREE TABLE**

|     |                         |     |                         |
|-----|-------------------------|-----|-------------------------|
| 100 | 20" DBL LIVE OAK        | 173 | 8" CEDAR                |
| 101 | 10" CEDAR               | 174 | 6" TRP MOUNTAIN LAUREL  |
| 102 | 5" MOUNTAIN LAUREL      | 175 | 3" MOUNTAIN LAUREL      |
| 103 | 13" CEDAR               | 176 | 3" MOUNTAIN LAUREL      |
| 104 | 4" MOUNTAIN LAUREL      | 177 | 3" CHINABERRY           |
| 105 | 8" CEDAR                | 178 | 3" MOUNTAIN LAUREL      |
| 106 | 10" LIVE OAK            | 179 | 4" PERSIMMON            |
| 107 | 3" LIVE OAK             | 180 | 11" LIVE OAK            |
| 108 | 12" CEDAR               | 181 | 14" LIVE OAK            |
| 109 | 6" MOUNTAIN LAUREL      | 182 | 9" CEDAR                |
| 110 | 8" TRP PERSIMMON        | 183 | 4" DBL PERSIMMON        |
| 111 | 7" DBL PERSIMMON        | 184 | 9" CEDAR                |
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| 125 | 16" LIVE OAK            | 198 | 7" LIVE OAK             |
| 126 | 9" ASH                  | 199 | 14" LIVE OAK            |
| 127 | 17" LIVE OAK            | 200 | 3" MOUNTAIN LAUREL      |
| 128 | 4" DBL MOUNTAIN LAUREL  | 201 | 6" TRP MOUNTAIN LAUREL  |
| 129 | 15" LIVE OAK            | 202 | 6" QUAD MOUNTAIN LAUREL |
| 130 | 6" TRP YAUPEON          | 203 | 5" DBL MOUNTAIN LAUREL  |
| 131 | 16" LIVE OAK            | 204 | 5" LIVE OAK             |
| 132 | 5" BLUEWOOD             | 205 | 4" MOUNTAIN LAUREL      |
| 133 | 8" LIVE OAK             | 206 | 4" LIVE OAK             |
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| 136 | 3" MOUNTAIN LAUREL      | 209 | 8" DBL CEDAR            |
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| 156 | 11" ST MOUNTAIN LAUREL  | 229 | 8" SPANISH OAK          |
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| 162 | 5" DBL MOUNTAIN LAUREL  | 235 | 4" LIVE OAK             |
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| 165 | 5" CEDAR                | 238 | 10" LIVE OAK            |
| 166 | 5" CEDAR                | 239 | 12" LIVE OAK            |
| 167 | 7" DBL PERSIMMON        | 240 | 7" LIVE OAK             |
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| 169 | 7" TRP MOUNTAIN LAUREL  | 242 | 13" DBL LIVE OAK        |
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| 171 | 4" MOUNTAIN LAUREL      | 244 | 10" LIVE OAK            |
| 172 | 7" CEDAR                |     |                         |

**LEGAL DESCRIPTION:**

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REFERENCE: MARC MADELEY

|              |          |                |
|--------------|----------|----------------|
| FIELD WORK   | By: WW   | Date: 08-11-18 |
| DRAFTING     | SCN      |                |
| SURVEY DATE: | 09-06-19 |                |
| Job No.      | 06B14719 |                |
| SCALE:       | 1"=20'   |                |

**ALL POINTS SURVEYING**  
1714 FORTVIEW ROAD - SUITE 200  
AUSTIN TX. 78704  
TELE.: (512) 440-0071 - FAX: (512) 440-0199  
FIRM REGISTRATION # 10118900



**301 BUCKEYE TRAIL**  
(VARIABLE WIDTH R.O.W.)

07/25/2006 14:37 512759R685

SNS ENGINEERING

PAGE 02

| LINE NO. | BEARING & DISTANCE          |
|----------|-----------------------------|
| L1       | ACTUAL N 89°57'38" W 81.25' |
|          | RECORD N 89°59'00" W 81.21' |



CAPSSA ADDITION  
301.80, PG. 389



**BUCKEYE TRAIL**  
(BUCK EYE TRAIL PER PLAT)  
(ROW VARIATION)

**LEGEND**

- PP0 POWER POLE
- ET- OVERHEAD ELEC./TELE. LINE
- CL- CHAIN LINK FENCE
- IR- IRON FENCE
- IPF0 1/2" IRON PIPE FOUND

PROPERTY SURVEY AND







## SETBACK ENCOACHMENT VARIANCE STAFF REPORT

APRIL 15, 2020

**Project Name:** 311 Westhaven Drive Setback Encroachment Variance Request

**Requested Action:** Build a rear structure that encroaches the side setback between the 15ft and 20ft setback lines

**Agenda Item:** Land Use: **311 Westhaven Drive:** A variance request for the construction of new conditioned space and outdoor staircase addition to an existing structure that encroaches into the 20' side setback. Owners John and Chrissy Trapp.

**Applicant Information:** John and Chrissy Trapp (owners)

### Hearing Dates:

|                |                          |
|----------------|--------------------------|
| March 18, 2020 | ZAPCO - <i>Cancelled</i> |
| April 15, 2020 | ZAPCO                    |
| May 13, 2020   | Board of Adjustment      |

**Location:** The subject property is located west of Westlake Drive, east of Buckeye Trail, and north of West Spring Drive.

### Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R-1 – One-Family Residential. The property is approximately 0.3356 acre. There is currently an existing house on the property.

### Background & Analysis:

The homeowners submitted a building permit application for the rebuilding of the rear deck and addition of conditioned space (12ft x 12ft) to the existing home. Per the City Code, the setback for two-story structures on lots less than 0.375 acre is 20ft, and for a one-story structure (no more than 16ft tall) the side setback is 15ft. The existing home is two-story and currently encroaches the side setback by approximately four (4) feet, located 16ft from the property line. The existing elevated deck is directly behind the house and also encroaches into the side setback.

The proposed building addition at the rear of the house would be keeping the same building line as the existing house and will be located in the same place as the existing rear deck. The existing deck runs the entire width of the house at the back. The homeowners state that the

deck is in poor shape and would like to rebuild it. A portion of the existing deck also encroaches into the side setback and the homeowners would like to rebuild it in the same location.

The homeowners state in the variance application– “As a Minister and Christian Counselor with five children, we are frequently hosting fellowships and youth activities at the house.”

Furthermore, they decided adding a third floor to the house was not a feasible option and the proposed location of the new room is the best solution.

#### 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 family requires some extended living space for fellowship and youth ministry and an extension of the home on the main level of the house is highly desirable. The existing deck is unsafe and a safety concern.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.  
The application states – “Maintaining the natural terrain is one of the best reasons for building the deck and room extensions elevated above grade.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.  
The application states – “The family has grown and need more space for social gatherings. The property is sloped such that the main living area is elevated. The house cannot go up or to either side. The only way to remodel the property is to the rear. It only makes sense to do this at the main living area.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.  
The application states – “The house is situated on the property such that the southwest side of the house sits on the 15’ setback. The main level of the house which is 8’ above grade actually violates the 20’ setback as defined by City Ordinance Sec. 22.03.281 (e) and (f).”
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.  
The application states – “The house, as it is, violates the setback requirements, as well as the current deck.”
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.  
The application states – “The proposed addition is an enclosed conditioned space just like the home and will be constructed in line with the southwest wall of the

house. The neighboring property has no issue with the proximity of the house to the property line and the extension is no different. The existing open deck actually interferes more because it is open and 13' above grade."

**Traffic/Transportation**

No impact on traffic is expected.

**Lighting**

Outdoor lighting is not proposed for this project.

**Building Code**

The property and future construction will have to comply with all applicable City codes.

**Subdivision**

This request will not change the subdivision.

**Comprehensive Planning Analysis**

The existing and future land use comply with the Master Plan.

**Staff Recommendation**

Staff recommends approval of the requested variance.

-----

**Code Analysis:**

**Sec. 22.03.275 Building setback distances**

(a) (1) No principal building shall have any front, side or rear setback distance less than that shown on the schedule of regulations as being required in the district in which the building is located, except that the minimum setback distance from Bee Cave Road shall be 50 feet regardless of which direction the building is facing. The setback distance from the Capital of Texas Highway shall be a minimum of 75 feet.

(2) Unroofed steps and ramps shall not be considered as part of the principal building when measuring the setback distance of such building.

(3) Buildings, including overhangs and eaves, shall not encroach into setbacks.

(Ordinance 211, sec. 6, adopted 1/26/11)

(b) Yards are the open areas between building setback lines and lot lines. Structures shall not be permitted in yards except as otherwise provided herein.

(1) Front yards. Front yards extend the full width of the lot. Their depth is measured from the edge of the right-of-way line of the street to the minimum front setback line.

(2) Rear yards. Rear yards extend the full width of the lot. Their depth is measured from the rear lot line to the minimum rear setback line.

(3) Side yards. Side yards extend from the front yard to the rear yard. Their depth is measured from the side lot line to the nearest minimum side setback line.

(c) In the case of lots abutting on more than one street, the full width of the front yard shall be provided from each street.

(Ordinance 152, att. A, adopted 4/29/09)

\*\*\*

#### **Sec. 22.03.276 Setbacks for accessory structures**

The minimum setback distances for accessory structures, other than unroofed steps, ramps, fences, walks, driveways, driveway gates, playscapes, and mailboxes, shall be the same as the setback distances applicable to a principal building under the appropriate category in section 22.03.281. Accessory structures, including overhangs and eaves, shall not encroach into setbacks.

\*\*\*

#### **Sec. 22.03.281 Schedule of regulations**

(a) Where the slope gradient exceeds 25 percent nonresidential development is not permitted.

(b) Dimensional regulations for listed zoning districts:

| <b>Dimensional Minimums of Lots</b> |            |            |            |          |            |            |            |            |             |
|-------------------------------------|------------|------------|------------|----------|------------|------------|------------|------------|-------------|
| <b>Dimension/Zoning</b>             | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>O</b> | <b>GUI</b> | <b>B-1</b> | <b>B-2</b> | <b>B-3</b> | <b>MU-1</b> |
| Acreage (acres) (A)                 | 1          | 1          | 2          | 1.5      | 2          | 1.5        | 2          | 20         | 30          |
| Depth (feet)                        | 150        | 150        | 400        | 200      | 200        | 200        | 200        | 500        | (C)         |
| Width (feet) (B)                    | 150        | 150        | 400        | 150      | 150        | 150        | 150        | 500        | (C)         |

(1996 Code, sec. 14-295)

| <b>Minimum Building Setback Distance in Feet From Front Lot Line</b> |                  |                  |            |          |            |            |            |            |             |
|----------------------------------------------------------------------|------------------|------------------|------------|----------|------------|------------|------------|------------|-------------|
| <b>Lot Size/Zoning</b>                                               | <b>R-1</b>       | <b>R-2</b>       | <b>R-3</b> | <b>O</b> | <b>GUI</b> | <b>B-1</b> | <b>B-2</b> | <b>B-3</b> | <b>MU-1</b> |
| Greater than or equal to .5 acre                                     | 50               | 50               | 50         | 50       | 50         | 50         | 50         | (IV)(a)    | (C)         |
| Less than .5 acres                                                   | 30               | 30               | N/A        | 30       | 30         | 30         | 30         | N/A        | N/A         |
| <b>Minimum Building Setback Distance in Feet From Rear Lot Line</b>  |                  |                  |            |          |            |            |            |            |             |
| <b>Lot Size/Zoning</b>                                               | <b>R-1</b>       | <b>R-2</b>       | <b>R-3</b> | <b>O</b> | <b>GUI</b> | <b>B-1</b> | <b>B-2</b> | <b>B-3</b> | <b>MU-1</b> |
| Greater than or equal to .5 acre                                     | 30               | 30               | 50         | 40       | 40         | 40         | 40         | (IV)(c)    | (C)         |
| Less than .5 acres, greater than or equal to .375 acres              | 25               | 25               | N/A        | 30       | 30         | 30         | 30         | N/A        | N/A         |
| Less than .375 acres—zero                                            | 15 (F, E)/<br>20 | 15 (F, E)/<br>20 | N/A        | 30       | 30         | 30         | 30         | N/A        | N/A         |
| <b>Minimum Building Setback Distance in Feet From Side Lot Lines</b> |                  |                  |            |          |            |            |            |            |             |
| <b>Lot Size/Zoning</b>                                               | <b>R-1</b>       | <b>R-2</b>       | <b>R-3</b> | <b>O</b> | <b>GUI</b> | <b>B-1</b> | <b>B-2</b> | <b>B-3</b> | <b>MU-1</b> |

|                                                         |                  |                  |            |          |            |            |            |            |             |
|---------------------------------------------------------|------------------|------------------|------------|----------|------------|------------|------------|------------|-------------|
| Greater than or equal to .5 acre                        | 25               | 25               | 50         | (I)      | (I)        | (I)        | (I)        | (IV)(c)    | (C)         |
| Less than .5 acres, greater than or equal to .375 acres | 20               | 20               | N/A        | (II)     | (II)       | (II)       | (II)       | N/A        | N/A         |
| Less than .375 acres—zero                               | 15 (F, E)/<br>20 | 15 (F, E)/<br>20 | N/A        | (II)     | (II)       | (II)       | (II)       | N/A        | N/A         |
| <b>Maximum Impervious Cover in Percent of Lot Area</b>  |                  |                  |            |          |            |            |            |            |             |
| <b>Lot Size/Zoning</b>                                  | <b>R-1</b>       | <b>R-2</b>       | <b>R-3</b> | <b>O</b> | <b>GUI</b> | <b>B-1</b> | <b>B-2</b> | <b>B-3</b> | <b>MU-1</b> |
| Greater than or equal to .5 acre                        | 25%              | 25%              | 25%        | (IX)     | (III)      | (III)      | (III)      | (V)        | (C)         |
| Less than .5 acres, greater than or equal to .2 acres   | *, †             | *, †             | 25%        | (IX)     | (III)      | (III)      | (III)      | (V)        | (C)         |

\* The following formula applies:

$P = (\text{size of acre expressed as a whole number and decimal}) \times (.5) - (.5)$

Example:

$P = (.25 \text{ acres}) (.5) - .5$

$P = (.125) - .5 = -0.375\%$

$P = 37.5\%$  allowable impervious cover for a .25 acre lot

† In order to receive and increase in allowable impervious cover over 25%, the property must be connected to the city's wastewater service.

(A) Land donated/dedicated to and accepted by the city shall be credited to the area of the lot/tract from which the donated land originated.

(B) For residential lots on culs-de-sac, the minimum lot width at the front street property line shall be 33 feet measured along the chord of the arc.

(C) See section 38.03.040 et seq.

(D) Residential 30 feet; nonresidential 37 feet.

(E) No portion of the structure in an extended setback shall be taller than 16' above natural grade.

(F) If the proposed building is a one-story structure, the lesser setback distance applies. If any portion of the building is a two-story structure, the greater setback distance applies.

\*\*\*

#### **Sec. 22.03.514 Criteria required for granting variance**

No variance shall be granted under this chapter unless the following criteria are fulfilled:

(1) Findings. The applicant has established by competent evidence that:

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

(B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

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

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

(2) ZAPCO. The recommendation of zoning and planning commission shall include an analysis of whether:

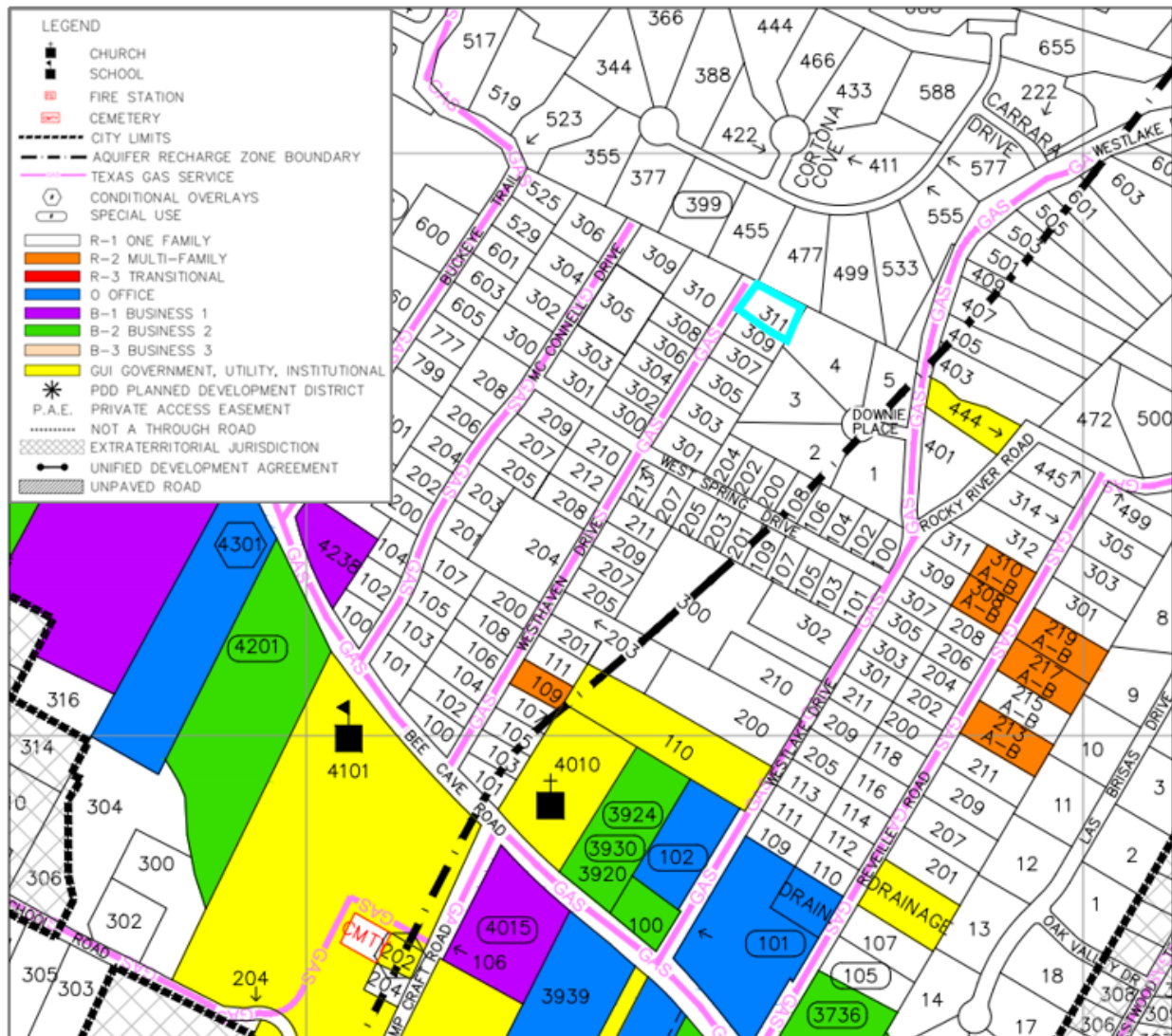
- (A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan; and
  - (B) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof; and
  - (C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.
- (3) Conditions. The city council can impose, and the zoning and planning commission can recommend imposition of, reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects in the Commercial Overlay District are necessary to achieve one or more of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.

(Ordinance 137, att. A, adopted 9/15/08)

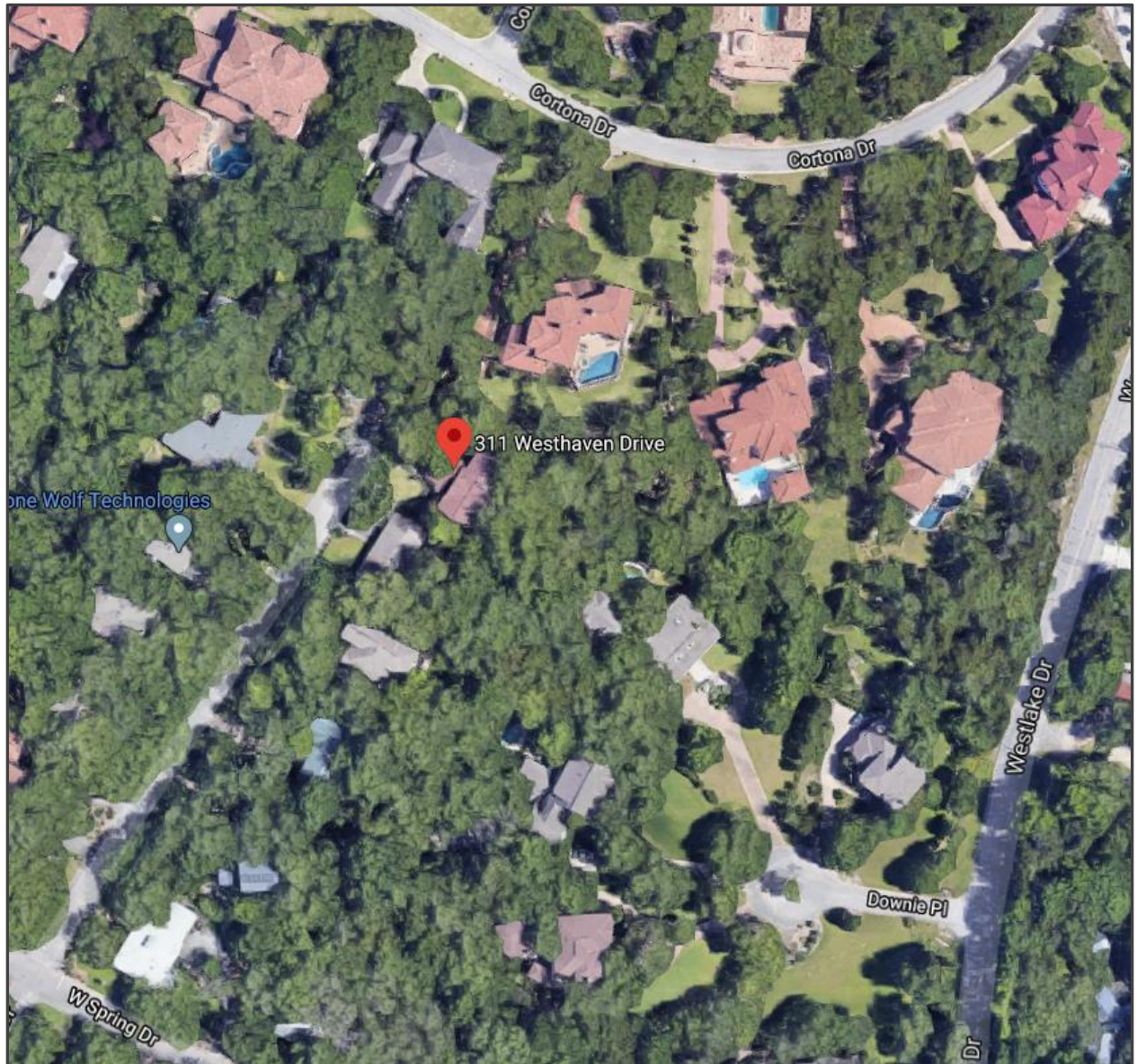
\*\*\*

*(Maps to follow)*

**Zoning:**



Aerial:



## APPLICATION COVER SHEET

Property Address: 311 Westhaven Dr, Westlake Hills, TX 78746  
Applicant Name: John and Chrissy Trapp  
Designated Agent (if any, Power of Attorney Required): Archadeck of Austin  
Applicant Phone Number: 512.657.8926 Email Address: [REDACTED]  
Date Application was Submitted: February 12, 2020 with regard to permit application #15343  
Variance(s) Requested: Proposed rear structure encroaching side setback between 15' and 20'

*Applicant completes above section; City Staff completes the section below:*

Variance File Number: \_\_\_\_\_ [A sequential identifier based on application date and noted in a Variance Application Log maintained by staff. Examples: 20110903A, 20110903B, 20111021A, etc.]

Application Fees Due: \$ \_\_\_\_\_ ☐ Fees Received on \_\_\_\_\_ by \_\_\_\_\_

### DRAFT APPLICATION PACKET MATERIALS

Draft Application Packet Received on \_\_\_\_\_ by \_\_\_\_\_  
☐ Letter to ZAPCO Chairperson ☐ Variance Approval Criteria Answers  
☐ Site Plan Coversheet ☐ Site Plan Drawings  
☐ Elevation Views and Floor Plans (new structures only)  
☐ Septic Assessment (new structures only)  
☐ Additional Support Materials (if any): \_\_\_\_\_  
☐ Power of Attorney (if any) – Designated Representative: \_\_\_\_\_  
Staff Analysis completed on \_\_\_\_\_ by \_\_\_\_\_  
Staff Analysis sent to Applicant on \_\_\_\_\_ by \_\_\_\_\_

### FINAL APPLICATION PACKET

Final Application Packet Reviewed and Approved on \_\_\_\_\_ by \_\_\_\_\_  
Notice to Proceed Letter sent to Applicant on \_\_\_\_\_ by \_\_\_\_\_  
• Notification Letter must be postmarked by \_\_\_\_\_ ☐ Confirmed by \_\_\_\_\_  
• Sign must be posted by \_\_\_\_\_ ☐ Confirmed by \_\_\_\_\_  
15 Copies of Final Packet received on \_\_\_\_\_ ☐ Confirmed by \_\_\_\_\_

### ZAPCO

Scheduled for ZAPCO Hearing on: \_\_\_\_\_  
ZAPCO Action Letter sent on \_\_\_\_\_ by \_\_\_\_\_  
ZAPCO Recommendation: \_\_\_\_\_  
Conditions/Comments (if any): \_\_\_\_\_  
Modified application and materials (if any) received on \_\_\_\_\_ by \_\_\_\_\_

### BOA/CITY COUNCIL

Scheduled for BOA/Council Hearing on: \_\_\_\_\_  
BOA/Council Action: \_\_\_\_\_  
Conditions/Comments (if any): \_\_\_\_\_  
BOA/Council Action Letter sent on \_\_\_\_\_ by \_\_\_\_\_

### FOLLOW-UP

Follow-up dates (vegetative screening installed, survival verification, etc.): \_\_\_\_\_  
• Notifications added to Incode on \_\_\_\_\_ by \_\_\_\_\_

Postponement History (if any): \_\_\_\_\_  
Notes: \_\_\_\_\_

# archadeck® | outdoor living

February 12, 2020

Chairman Robert Meisel  
West Lake Hill Zoning and Planning Commission  
911 Westlake Hills Dr  
West Lake Hills, TX 78746  
Regarding: 311 Westhaven Dr Permit Application-Permit No. 15343

On behalf of the Trapp family, we are requesting a variance request. The variance is to the side setback requirements as documented in Sec. 22.03.281 specifically notes (E) and (F), which stipulates a 15' side set back for a single story and 20' side setback for structures taller than 16'.

The proposed structure as shown in Attachment I is 19'8" above grade (grade to soffit) and 17'6" ft above the existing patio level. The structure is 16 ft from the property line.  
The existing house is a 2 story house and is also 16 ft from the property line and encroaches the 20 ft criteria for a structure over 16' tall.

Our house is a two-story wood/stone framed home and is 2755 SF with a wood deck in poor shape extending the width of the house. We have proposed rebuilding the deck and adding a 12x12 conditioned space on the Main level 19'8" above natural grade as measured to the soffit. The southwest wall of the proposed structure in a direct extension of the existing southwest wall of the house. The existing southwest wall of the house also encroaches on the 20' set back for structures >16' as it sits 16' from the property line. See Attachment II-survey and Attachment III photos of this side of property

As a Minister and Christian Counselor with five children, we are frequently hosting fellowships and youth activities at the house. We really need place to congregate on the main level of the house which is heated and cooled. We are kind of restricted where to add on this property. A third floor is not a good option. The width is restricted by the 15 ft setback on both sides of the property and are at the peak of impervious coverage. Adding this room is the only logical solution.

The original plan also includes a landing and stairs from the room to grade. The landing and stairs also encroach the 15ft set back. First, and most importantly, we would like the variance to encroach the 20ft setback for the room. If possible, we would also like the stairs which encroach the 15 ft set back only as a point of egress from the room to the yard.

Thank you in advance for your consideration

John and Crissy Trapp

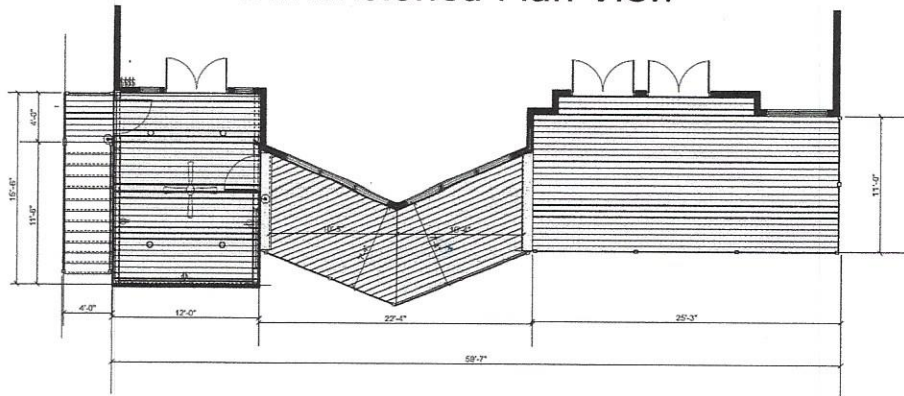
Jimmy Odom (for the Trapp's)  
President/Owner  
Archadeck of Austin  
402A W Palm Valley Blvd #309  
Round Rock, TX 78664

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**EXISTING PHOTO #2**

## Dimensioned Plan View



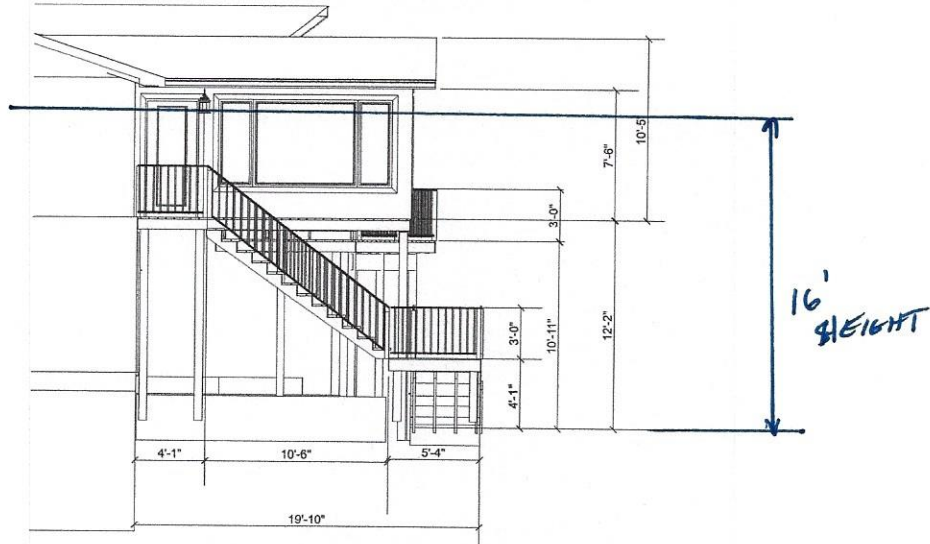
## Dimensioned Main Elevation



## Dimensioned Side Elevation

15' SIDE SB

20' SIDE SB



## ANSWERS TO VARIANCE APPROVAL CRITERIA QUESTIONS

West Lake Hills City Code requires applicants to answer each of the following questions. The ZAPCO Commissioners, Board of Adjustment and City Council Members consider your answers to these questions when evaluating your application. *(Feel free to respond to these questions on a separate page or document.)*

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

**The Trapp family is very active in religious affairs. John Trapp is a Minister and one of the principals at the RUF (Reformed University Fellowship) at the University of Texas. Chrissy Trapp is a Christian Counselor. The Trapp's also have 5 children. The family requires some extended living space for fellowship and youth ministry and an extension of the home on the main level of the house is highly desirable. The existing deck is unsafe and a safety concern. Time is of essence.**

- (2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed in the variance you are requesting is granted?  
**Maintaining the natural terrain is one of the best reasons for building the deck and room extension elevated above grade.**

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

**The Trapps love living in Westlake Hills. The family has grown and need more space for social gatherings. The property is sloped such that the main living area is elevated. The house can not go up or to either side. The only way to remodel the property is to the rear. It only makes sense to do this at the main living area.**

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

**The house is situated on the property such that the southwest side of the house sits on the 15' setback the main level of the house which is 8' above grade actually violate the 20' set back as defined by City Ordinance Sec. 22.03.281 (E) and (F)**

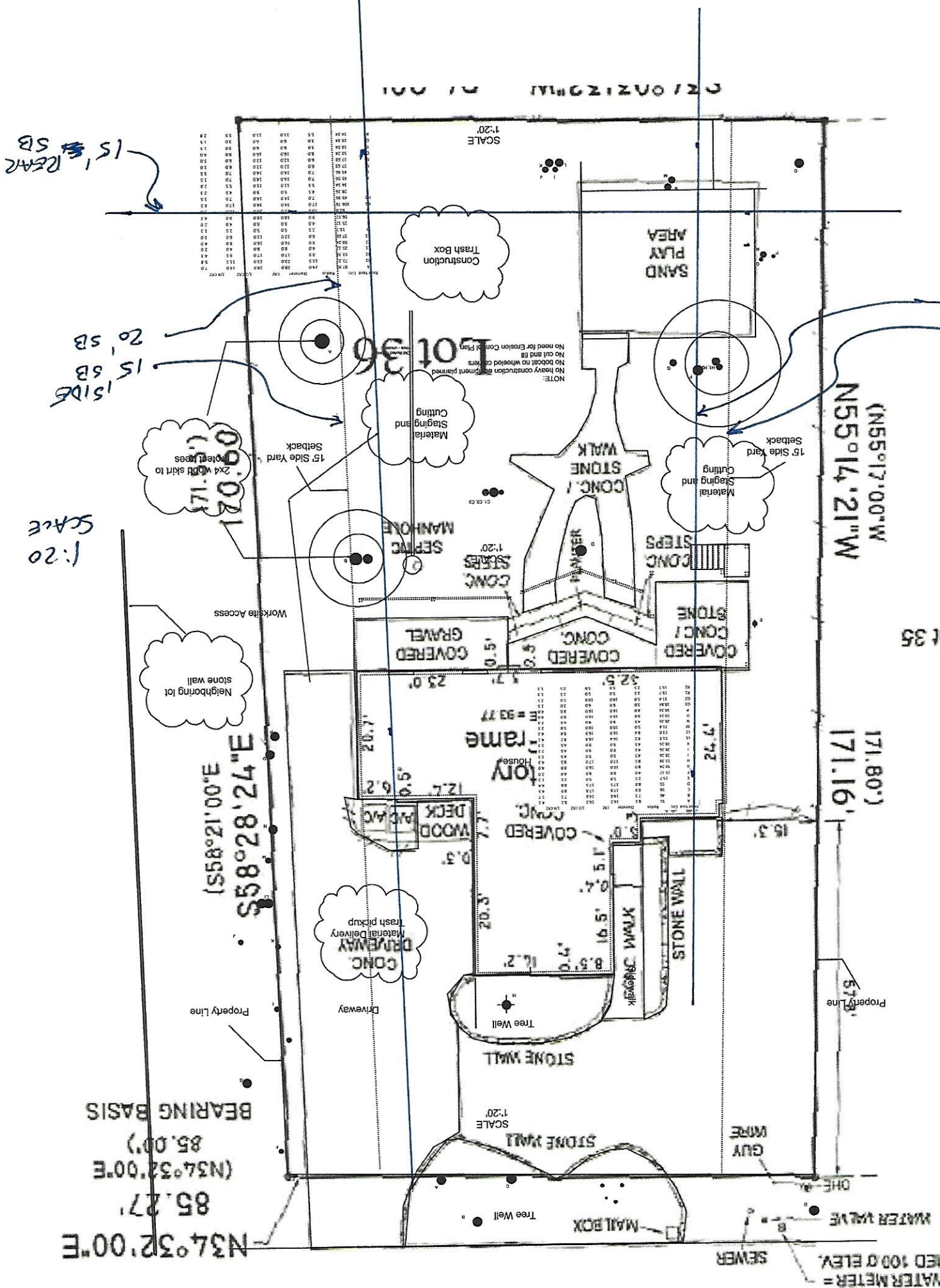
- (5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

**The house, as it is, violates the setback requirements, as well as the current deck.**

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

**The proposed addition is an enclosed conditioned space just like the home and will be constructed in line with the southwest wall of the house. The neighboring property has had no issue with the proximity of the house to the property line and the extension is no different. The existing open deck actually interferes more because it is open and 13' above grade.**

Property Address: 311 Westhaven Dr.





**SPECIAL POWER OF ATTORNEY FORM**

KNOW ALL PERSONS BY THIS DOCUMENT that I, Christine Trapp  
have made, constituted and appointed Archadeek of Austin- Jim Odom  
to be my duly authorized representative in connection with an application dated 2/12/20,  
to be heard by the Building Design Committee, Zoning & Planning Commission, and City  
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether  
oral or written, made by the representative in support of the request have the full force and effect  
of the applicant's approval. I do by this document constitute the above named representative as  
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act  
in connection with such application which I myself might perform or do if I was personally present.

Christine (Chrissy) Trapp  
Property Owner/Applicant Name

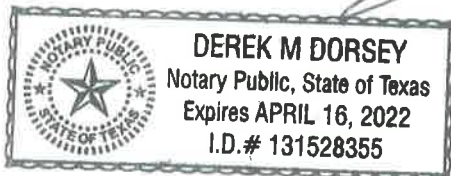
Chris  
Property Owner/Applicant Signature

311 Westhaven Dr. West Lake Hills, TX 78746  
Street Address City State Zip Code

(512) 657-8926  
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 12<sup>th</sup> day of Feb., 2020.

Derek M Dorsey  
Notary Public in and for the State of Texas





# **NOTICE TO NEIGHBORS OF VARIANCE REQUESTS**

**DATE OF NOTICE: February 12, 2020**

Greetings. You are hereby notified that **John and Chrissy Trapp**, the recorded owners of a property located at **311 Westhaven Drive** in the City of West Lake Hills, Texas have filed an Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

- **Section 22.03.281 – Structures encroachment in a side setback.**

The request is so that the property owners may: **Add conditioned space and stairs over an existing structure that encroaches the 20' side setback.**

The Application may be inspected at West Lake Hills City Hall, 911 Westlake Drive, West Lake Hills, Texas between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. This application is scheduled to be considered at a public hearing held by the Zoning and Planning Commission on **March 18, 2020** at **6:30** p.m. and the City Council/Board of Adjustment on **April 8, 2020** at **7:00** p.m. at West Lake Hills City Hall, located at 911 Westlake Drive, West Lake Hills, Texas. There shall include an opportunity for all interested persons to be heard. Please call City Hall at 512-327-3628 or email [planner@westlakehills.org](mailto:planner@westlakehills.org) if you have any questions.

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Mark Littrell, Zoning & Planning Secretary

City of West Lake Hills, Texas

**BUILDING REGULATIONS AMENDMENT**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 22: BUILDING REGULATIONS, ARTICLE 22.03, CONSTRUCTION CODE, DIVISION 1, GENERALLY, AND DIVISION 8, DIMENSIONAL REGULATIONS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance, rule, or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the Railroad Commission of Texas has adopted Liquified Petroleum Gas Safety Rules that regulate location and placement of propane tanks on a property; and

**WHEREAS**, the Building Regulations shall be updated to ensure clarity and compliance with the Railroad Commission of Texas's requirements regarding propane tanks; and

**WHEREAS**, after notice and hearing required by law, a public hearing was held before the West Lake Hills Zoning and Planning Commission on **March 18, 2020** to consider the proposed amendments and the Zoning and Planning Commission recommended approval of the proposed amendments; and

**WHEREAS**, after public hearing held by the City Council on **March 25, 2020** the City Council voted to accept the recommendation of the Zoning and Planning Commission; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City of West Lake Hills to adopt an ordinance amending Chapter 22: Building Regulations.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, THAT:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

## **2. ENACTMENT**

Chapter 22: Building Regulations, Division 1, Generally, and Division 8, Dimensional Regulations, of the West Lake Hills Code of Ordinances are hereby amended to read in accordance with *Attachment "A"* which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Underlined text shall be added and struck-through text shall be deleted as indicated in *Attachment "A"*.

## **3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

## **4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

## **5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

## **6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

## **7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED this, the \_\_\_\_ day of \_\_\_\_\_, 2020, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of West Lake Hills, Texas.**

**CITY OF WEST LAKE HILLS:**

*by:* \_\_\_\_\_  
Linda Anthony, Mayor

**ATTEST:**

\_\_\_\_\_  
Stephanie Mills, City Secretary

**City of West Lake Hills**  
**CODE OF ORDINANCES**  
**TITLE II: BUILDING AND DEVELOPMENT**  
**CHAPTER 22: BUILDING REGULATION**  
**ARTICLE 22.03 – CONSTRUCTION CODE**  
**DIVISION 1 – GENERALLY &**  
**DIVISION 8 – DIMENSIONAL REGULATIONS**

**Section 22.03.001 Definitions**

*Accessory building or accessory structure.* A building or structure, the activity or function of which is clearly integral to, or customarily incidental and subordinate to, the permitted use of the main or principal building/structure on the same lot, such as an air-conditioning and heating unit; cabana; carport; domestic quarters; a wall used as a front-yard fence; garage; greenhouse; guesthouse; sports court; swimming pool; tool shed; wood shed; workshop; and the like. This definition does not include propane tanks. (See also the definition of structure in this section).

\* \* \*

**Section 22.03.276 Setbacks for accessory structures**

The minimum setback distances for accessory structures, other than unroofed steps, ramps, fences, walks, driveways, driveway gates, playscapes, and mailboxes, shall be the same as the setback distances applicable to a principal building under the appropriate category in section 22.03.281. Accessory structures, including overhangs and eaves, shall not encroach into setbacks. Propane tanks shall not be required to meet the setback requirements of this Section so long as they are permitted and placed in accordance with the Liquefied Petroleum Gas Safety Rules adopted by the Railroad Commission of Texas in Title 16, Part 1, Chapter 9, of the Texas Administrative Code, including any and all future amendments thereto.

**PUBLIC NOTICE AMENDMENT TO THE  
BUILDING REGULATIONS ORDINANCE  
CHAPTER 22 OF THE CITY OF WEST  
LAKE HILLS CODE OF ORDINANCES**

Public hearings will be held at the City of West Lake Hills Zoning and Planning Commission meeting at 6:30 p.m. on March 18, 2020 and at the City Council meeting at 7:00 p.m. on March 25, 2020 at West Lake Hills City Hall, 911 Westlake Drive, West Lake Hills, Texas, to consider proposed amendments to Chapter 22 of the City of West Lake Hills Code of Ordinances. The proposed amendments will include changes related to setbacks for propane tanks.

The proposed amendment is available for viewing at West Lake Hills City Hall, 911 Westlake Drive, during regular business hours: 8:00 a.m. to 5:00 p.m., Monday through Friday. Comments regarding the proposed amendment may be emailed to [planner@westlakehills.org](mailto:planner@westlakehills.org) or mailed to 911 Westlake Drive, West Lake Hills, TX 78746. For more information please call City Hall at (512) 327-3628.

2/27/2020

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