



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, May 20, 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 20th day of May 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 349 954 9035, Password: 387042**

If you wish to speak during the meeting, please submit your **name, phone number and the item #** you wish to speak on at least 6 hours prior to the meeting (12:30 p.m. on Wednesday May 20th) by emailing planner@westlakehills.org or pzsec@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 or pzsec@westlakehills.org. **Comments must be received by 12:30 P.M. on May 20th.**

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 April 15, 2020 Regular Meeting Minutes.

3. **Land Use 4609 Bee Cave Road:** Discussion/recommendation of a sign application for two (2) projecting/wall numerical street address signs at Creekside at the Hills (Chapter 32 of the West Lake Hills Code). Applicant CND Signs.
 - 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 901 Forest View Drive:** Discussion/recommendation of a variance request for a fence to exceed the maximum allowed height in order to install privacy panels to a section of an existing fence. (City of West Lake Hills Code Sec. 22.03.173). Owner/Applicant June Janes.
 - 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. **Land Use 917 Calithea Road:** Discussion/recommendation of two variance requests in order to construct a swimming pool and yard area: 1) retaining wall that encroaches the side building setback (West Lake Hills Code Sec. 22.03.281); and 2) retaining wall exceeds 6 feet in height (West Lake Hills Code Sec.22.03.170). Owners/Applicants Cortney & Patrick Johnson.
 - 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
6. **Land Use 301 Buckeye Trail:** Discussion/recommendation of variance requests for the construction of a new garage: 1) removal of Tree # 217 - 14" Cedar (West Lake Hills Code Sec. 22.03.304); 2) removal of Tree # 218 - 16" double Live Oak (West Lake Hills Code Sec. 22.03.304); 3) encroachment of a new structure into side and rear building setbacks (West Lake Hills Code Sec. 22.03.281); and 4) exceed maximum impervious cover up to 30.5% (West Lake Hills Code Sec. 22.03.281). 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

7. Land Use 119 Redbud Trail: Discussion/recommendation of four variance requests for the construction of a second driveway: 1) construct a second driveway entrance/exit (West Lake Hills Code Sec. 22.03.175; 2) site disturbance/excavation up to 24 inches for a retaining wall in a setback (West Lake Hills Code Sec. 22.03.170); 3) removal of Tree # 35 - 18" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304); 4) removal of Tree # 38 - 19" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304). Owner Charles Holley/Applicant Scott Cassel.
 - 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
8. Adjournment. Chairman Robert Meisel.

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

Certificate

I certify that the above Notice of the May 20, 2020 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, May 15, 2020 by 5:00 pm. and will remain posted continuously until said meeting is convened.

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, April 15, 2020 at 6:30 PM



1. Call to Order. Chairman Robert Meisel.

Chairman Meisel calls the meeting to Order at 6:32 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 February 19, 2020 Regular Meeting Minutes

Motion for Approval made by Vice-chairman Pledger with a second by Commissioner Harwell.

Motion carried unanimously by a vote of 5 ayes to 0 nays

- 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).

Same as previous approval.

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

Planner Naini gives her Staff Briefing. States the lots is an irregular shape but should be taken into consideration by the Commissioners. Staff Recommendation: Denial.

- b. Presentation by applicant

Ben Brieger is the applicant. Hardship: Only feasible location and the neighbors are aware of the application. No impact on the neighbors.

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

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

- d. Deliberation and Action

Commissioner Vandersteel recommends moving to the left or to the front with the two bays that are requested.

**Commissioner Harwell asks if any of the vehicles were to be sold or just a hobby?
Answer: No; strictly a hobby.**

Commissioner Pledger had questions about the impervious cover.

Commissioner Maccini there was no hardship and had tree concerns.

Commissioner Vaughan recommended getting written letters of support from the neighbors.

Ben Brieger request to postpone to May meeting.

Unanimous approval to accept postponement.

No action was taken.

- 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

City Planner Naini gives the Staff Briefing. Staff Recommendation: Approval due to pre-existing non-conforming structure.

- b. Presentation by applicant

Jim Schallon is the designer and speaking for the application. Jim describes the conditioned space and the possible use for gatherings of children.

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

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

d. Deliberation and Action

Commissioner Harwell asked about the size of the gatherings and generation of traffic.

Jim Schallon points out there is a large driveway along the side of the property so parking is not an issue.

Commissioner Maccini states the first story is at street level and also that the deck is already there. Requesting a gathering space is no hardship.

Commissioner Vandersteel states there is plenty of space and the hardship is design driven.

Vice-chairman Pledger asks about the hardship. The space is already encroaching.

Jim Schallon requests to postpone to the May meeting.

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

City Planner Naini gives the staff briefing. Staff Recommendation: Approval.

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

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

c. Deliberation and Action

Commissioners discuss concerns about distances from the roadway and safety.

Assistant City Attorney Rosas-Grillet clarifies the concerns relating to the distance to the roadway.

6. Adjournment. Chairman Robert Meisel.

Chairman Meisel adjourns the meeting at 7:54 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.



SIGN APPLICATION STAFF REPORT

MAY 20, 2020

Project Name: 4609 Bee Cave Road – Creekside at the Hills– Sign Application

Requested Action: The applicant is seeking approval of projecting/wall-mounted address numeral signs on a new commercial building.

Agenda Item: Land Use: **4609 Bee Cave Road**: A sign application for two (2) projecting/wall numerical street address signs at Creekside at the Hills (Chapter 32 of the West Lake Hills Code). Applicant CND Signs.

Applicant Information: CND Signs – Paul DiBernardini

Location: The property is located south of Bee Cave Road, west of Buckeye Trail and east of Sundown Parkway.

Zoning & Site Characteristics:

The property is zoned B – 2 – Business 2 District. The property includes a newly constructed commercial building and is approximately 6.56 acres.

Hearing Dates:

May 6, 2020	Building Design Committee
May 20, 2020	Zoning and Planning Commission
May 27, 2020	City Council

Background/Analysis:

The Creekside at the Hills building has recently completed construction (site plan and building permits were approved by the City in 2019). The project is now going through the sign permitting process. The applicant is currently applying for address numeral signs that will be wall-mounted on the building. The signs generally comply with the Sign Ordinance (see analysis below).

The signs were reviewed by the Building Design Committee on May 6, 2020 and the Committee motioned to move the application forward to ZAPCO.

Code Analysis (Reviewed under Chapter 32, Sec. 32.03.006 – Bee Cave Road and Loop 360 Corridor Street Number)

- 1) Purpose. To identify the numerical street address of a multitenant shopping or office complex. | **Complies**
- 2) Size. A maximum of four numbers, and each number with a vertical dimension of no greater than 24 inches and a horizontal dimension of no greater than 12 inches. | **Please provide dimensions of individual numerals**
- 3) Height. No part of the numbers shall extend above the roof line of the building. | **Complies**
- 4) Number. One set of numbers facing the westbound lane of Bee Cave Road or Loop 360 and one set of numbers facing the east lane of Bee Cave Road or Loop 360. | **Site plan showing locations provided and locations appear to meet requirements.**
- 5) Location. On the building complex at the corner of the complex closest to the street. | **See comment above.**
- 6) Design. The sign shall contain only the number of the street address (e.g., 3415). | **Please verify if sign will have shiny or matte/brushed finish (See Code Sec. 38.01.013). Otherwise design complies.**
- 7) Lighting. None. | **Complies, no lighting proposed.**
- 8) Landscaping. None. | **Not applicable**

Traffic/Transportation

Not expected to have an impact on traffic.

Lighting

The signs will not be illuminated.

Building Code

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

Subdivision

This will not impact the subdivision.

Comprehensive Planning Analysis

The use with the Master Plan in terms of existing and future land use.

Staff Recommendation

Staff recommends approval of the signs since they comply with the Code.

Code of Ordinances:

Chapter 32 – Signs

Sec. 32.01.001 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator. A member of the city staff appointed by the city administrator, designated to administer and enforce this chapter.

Average grade. The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, if the sign is attached to the structure.

Billboard. Any sign that is freestanding or attached to or part of a building and is an off-premises sign.

Building design committee (BDC). A subcommittee of the zoning and planning commission consisting of three members.

City. The City of West Lake Hills, Travis County, Texas, and its area of extraterritorial jurisdiction as defined by V.T.C.A., Local Government Code chapter 42.

Commercial sign. A sign which directs the attention of the general public to a place of business that sells goods or services, or other contains commercial or business activity.

Commission or zoning and planning commission. The zoning and planning commission (ZAPCO) of the city.

Compensable cost. Those costs for which the owner of a nonconforming sign required to be relocated, reconstructed or removed by this chapter is entitled to be compensated pursuant to V.T.C.A., Local Government Code chapter 216, which costs, if required to be paid by the statute, shall be calculated in accordance with the formula set forth in the statute.

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or super graphics, or any physical operation on the premises which is required for the construction of a sign, including excavation, site clearance, landfill, and the like.

Freestanding sign. Any sign which is not attached to or on the walls, face, or exterior of a building.

Government sign. A government sign is a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by a property owner as mandated by the federal, state, or local government either directly or to enforce a property owner's rights.

Handheld sign. Any sign held by a person.

Indirect lighting. A light source from a shielded and hooded fixture mounted to the top of the sign, pointed towards the ground and that is diffused to provide an even illumination without glare. This type of lighting must conform with the lighting requirements in [article 24.03](#).

Landscaping. To change the natural features by adding trees, bushes, flowers, etc.

Manual on Uniform Traffic-Control Devices (MUTCD). The state publication for streets and highways.

Notice. Actual notice or written notice sent by registered or certified mail.

Office complex. Two or more offices and/or office establishments, sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership, or on separate tracts or lots of land.

Official sign. Any sign erected by or at the direction of any governmental body.

Off-premises sign. Any sign other than an on-premises sign.

On-premises sign. A commercial sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

Premises. A lot or tract within the city, and contiguous lands in the same ownership, which is not divided by any public highway, street or alley, or right-of-way therefor.

Projecting or hanging sign. Any sign attached to a building and extending in whole or in part more than nine inches beyond the building line. Allowable size does not include supporting structure.

Reflective surface. Any material or device which has the effect of intensifying reflected light, such as scotch light, day glow, glass beads and luminous paint.

Restoration. The routine maintenance and painting of existing, approved signs that do not change the approved design and color in any way.

Shopping center. Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking area, regardless of whether such stores and/or establishments occupy separate structures or are under separate ownership or on separate lots on tracts of land.

Sign. A name, identification, image, light device, figure, painting, drawing, message, plaque, poster, billboard, description, display, or illustration which is affixed to, painted or represented directly or indirectly upon a building, picture, window (attached inside or outside), or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Displays of merchandise customarily sold at the site without illumination or lettering which are placed behind a store window are not signs or parts of signs.

Surface area of a sign. The total surface including frame and mounting. The actual area of the sign shall be calculated using trigonometric methods when the sign is not a simple rectangle. The allowed area of the sign as stated in the ordinance equals one side of a freestanding back-to-back sign, provided the freestanding sign's sides are back to back or angled with no greater separation between sides at its widest point than four feet and provided that both sides have the identical sign. Frame and mounting shall not exceed 30 percent of the total surface area of sign.

Temporary sign. A banner, pennant, poster, or advertising display constructed of papers, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that appears to be intended or is determined by the city planner to be displayed for a limited period of time.

Traffic-control sign. A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

Wall sign. A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall and not projecting more than nine inches from the face of the wall at any point.

Zone. A zoning district as shown on the official zoning map of the city.

Sec. 32.01.013 Design review guidelines

- (a) Harmonious with city scale. Sign location, configuration, design, materials, and colors should be harmonious with the Hill Country setting and the rural scale of the city.
- (b) Materials. Sign materials shall be predominantly natural, such as native stone, rough cedar, pine or other types of wood. Other materials may be substituted when in the opinion of the building design committee they meet the design criteria of the city.
- (c) Architectural harmony. The sign and its supporting structure shall be in architectural harmony with the surrounding structures.
- (d) Colors. Black and earth tones shall be favored and bright colors shall be used only as accent colors. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks. Many earth tones originate from clay earth pigments such as umber, ochre, and sienna.
- (e) Landscaping. Landscaping is required and shall be designed to harmonize with the building and surrounding natural landforms and native plants, as reflected in specific requirements contained herein.
- (f) Reflective surfaces. Glare-producing surfaces on signs are not allowed.
- (g) Lighting. All lighting of signs shall be indirect lighting as defined herein and all floodlights shall be shielded. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity from time to time. The use of searchlights is prohibited. Changeable electronic variable message signs (CEVMS), digital signs, and light emitting diode (LED) signs are prohibited.
- (h) Moving parts. No sign shall contain any moving parts.

(i) Commercial logo/logograms. Graphic symbols, used to represent or identify a business entity or organizations, are permitted to be displayed on signs only under the following conditions:

- (1) The design and materials comprising the logo shall be consistent with the guidelines in this section;
- (2) Commercial logos shall be permitted only on sign categories set forth in section 32.03.001(b)(4), (6), (7), and (9); and
- (3) Commercial logos shall be consistent with those generally utilized by applicant on business cards, stationery, and other similar uses.

Sec. 32.03.006 Bee Cave Road and Loop 360 corridor street number

Numerical street address for multitenant center or office complex on Bee Cave Road or Loop 360 shall be regulated as follows:

- (1) Purpose. To identify the numerical street address of a multitenant shopping or office complex.
- (2) Size. A maximum of four numbers, and each number with a vertical dimension of no greater than 24 inches and a horizontal dimension of no greater than 12 inches.
- (3) Height. No part of the numbers shall extend above the roof line of the building.
- (4) Number. One set of numbers facing the westbound lane of Bee Cave Road or Loop 360 and one set of numbers facing the east lane of Bee Cave Road or Loop 360.
- (5) Location. On the building complex at the corner of the complex closest to the street.
- (6) Design. The sign shall contain only the number of the street address (e.g., 3415).
- (7) Lighting. None.
- (8) Landscaping. None.

Sec. 32.03.008 Projecting, wall and hanging commercial signs

Projecting, wall, and hanging commercial signs, individual business within a multitenant shopping center or office complex for tenants who have their own separate exterior entrances, shall be regulated as follows:

- (1) Purpose. To identify a business or organization which has its own separate exterior public entrance within a multitenant building.
- (2) Size. Four square feet for each five front linear feet of the individual business for an organization having its own exterior public entrance in a multitenant building, with a maximum length of ten feet and area of 12 square feet. A minimum area of six square feet will be allowed if a business has insufficient frontage. The size of a multipaneled sign shall be determined by dividing the maximum size allowed by the number of panels. Combined maximum area for more than one sign shall not exceed 12 square feet.
- (3) Height. Minimum clearance of eight feet to bottom of sign above pedestrian walkways.
- (4) Number. One sign per pedestrian way on which the building abuts, as determined by the administrator with a maximum of two signs, subject to review by the zoning and planning commission.
- (5) Location. Perpendicular to, hung from, or attached to a projecting structural element of the exterior wall of the individual business or organization, adjacent to the street, parking lot or major pedestrian walkway which the building abuts.
- (6) Design. The sign shall contain only the name of the business, its address and logo or nature of business, and, if desired, hours of operation. Except for those in B-3 districts, no additional fee shall be required for new signs in a multitenant shopping center or office complex where the zoning and planning commission has approved a uniform design for every sign in the entire complex and the city administrator certifies that the proposed new sign meets the uniform design approved by the city.
- (7) Lighting. Indirect.
- (8) Landscaping. Not applicable.
- (9) Special provisions. Shall be as follows:
 - (A) A joint directory sign is permitted subject to the provisions of this chapter;

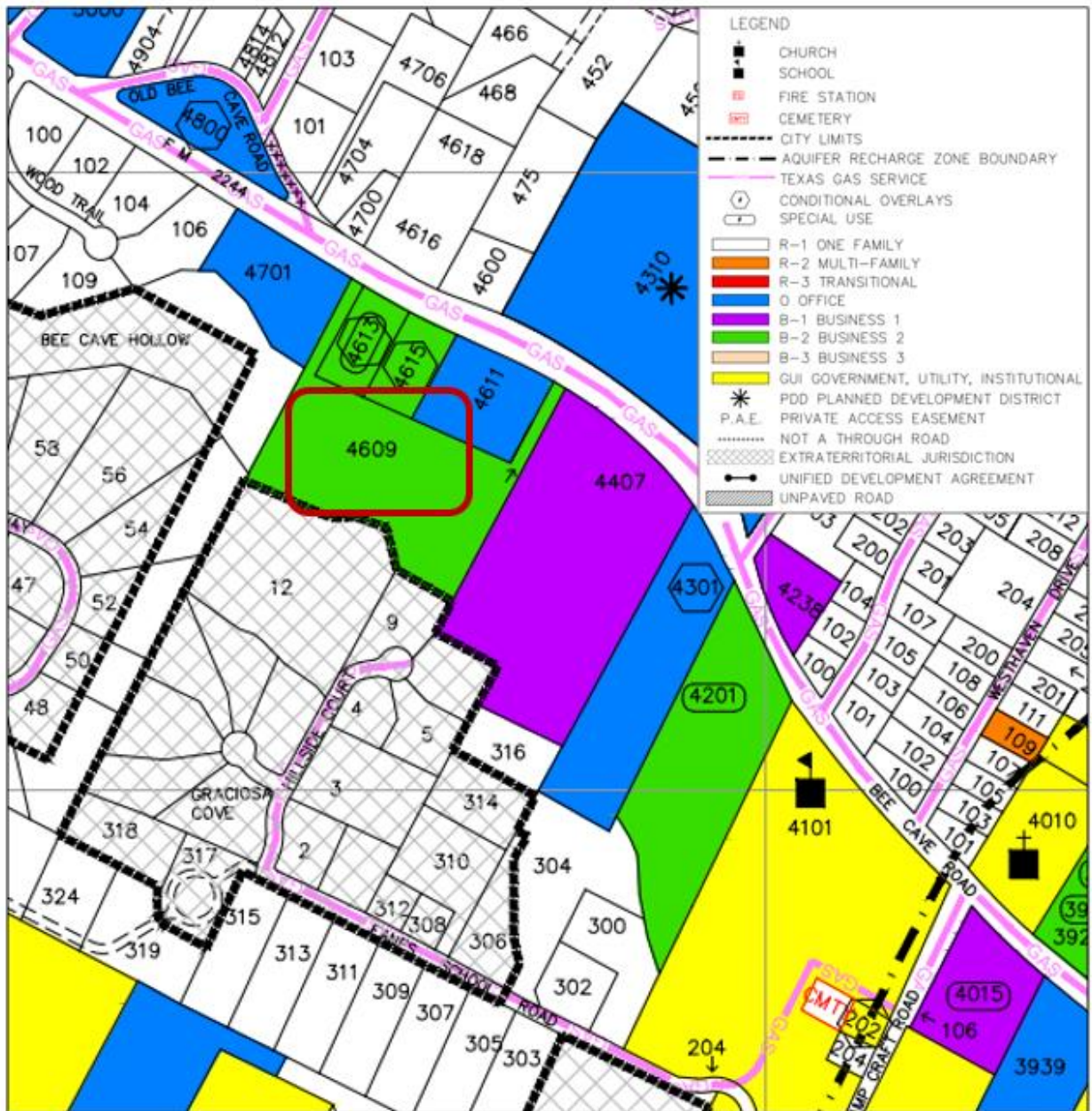
(B) A business or organization having a projecting or hanging sign is not excluded from participating in a joint directory;

(C) Businesses or organizations not having exterior public entrances are subject to the provisions of the joint directory signs for multitenant building, in [section 32.03.009](#); and

(D) An individual business with a basement entrance with no calculable frontage may have one sign with a maximum area of six square feet.

(10) Increase of size, number. Notwithstanding the foregoing, the maximum size of a projecting, wall or hanging commercial internal sign for a business within a shopping center designated B-3 may be increased to 24 square feet for a retail store with less than 20,000 square feet of retail use floor area, and to 36 square feet for a retail store with more than 20,000 square feet but less than 35,000 square feet of retail use floor area, and to 48 square feet for a retail store with more than 35,000 square feet of retail use. If site conditions permit two sides of a retail store to be visible from the interior of the site, a sign may be approved for each of the two sides.

Zoning:



Aerial:





SIGN PERMIT APPLICATION

Date of Receipt: 4/27/2020 Permit Fees: _____
Collected By: _____ Date Permit Issued: _____

APPLICANT INFORMATION

Property Address: 4609 Bee Caves Road, West Lake, Texas 78746
Street City State Zip

Block: _____ Lot: _____ Tax Parcel ID: _____ Zoning District: _____

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

Property Owner: _____ Phone: _____ Email: vero@cndsigns.com

Address: 4609 Bee Caves Road, West Lake, Texas 78746 City: _____ State: _____ Zip: _____

Agent (with written approval from Owner):

Name: _____ Phone: _____ Email: vero@cndsigns.com

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

Signature: _____ Date: _____

Sign Contractor: CND Signs LLC Phone: 512-888-9788 Email: vero@cndsigns.com

Address: 5213 Tucker Hill Lane City: Cedar Creek State: TX Zip: 78612

SIGN SPECIFICATIONS*

Check one option below:
☒ Permanent Sign ☐ Temporary Sign ☐ Uniform Sign Agreement Amendment

Sign Category (*refer to Code, Sec. 32.03*): _____

Is the property subject to a Uniform Sign Agreement? ☐ Y ☐ N

Dimensions: 5'3" x 1'9" Total Square Feet: 9.39 Each # of Signs Proposed: 2

Type of Material: Aluminum Sign Colors: Dark Bronze

Method of Attachment: Pin Mounted

Type of Sign Lighting (if applicable): Non-illuminated

Width of Storefront: _____ Linear Frontage of Business: _____

Sign Message: 4609 (1 on the North elevation and 1 on on East elvation)

Temporary Signs Only:



SIGN PERMIT APPLICATION

Duration – Start Date: _____ End Date: _____

*Application must include sign renderings showing sign dimensions, letter dimensions, color, material, location, lighting specifications (refer to Chapter 24, Article 24.03 & Chapter 32), landscaping plans if applicable, and any other details required by staff. Commercial sign applications should include an Assumed Name Certificate/DBA for Business. If sign is under a Uniform Sign Agreement, sign must comply with the Agreement or else applicant must request an Amendment to the Uniform Sign Agreement.

VARIANCES & AMENDMENTS TO UNIFORM SIGN AGREEMENT

Variance

Are you applying for a variance to the Sign Ordinance? ☐ Yes ☐ No
(If yes, you will also need to submit a separate variance application and fee)

Amendment to Uniform Sign Agreement

Name/Address of Uniform Sign Agreement: _____

Reason for Amendment: _____

Please attach a separate sheet describing the sign specifications applicant is requesting to change/remove/add to the Uniform Sign Agreement. Please also submit a cover letter addressed to the ZAPCO Chairperson explaining your project.

APPROVAL NOTES – FOR COMPLETION BY STAFF ONLY

Administrative Approval Sign Meets Requirements: ☐ Yes ☐ No

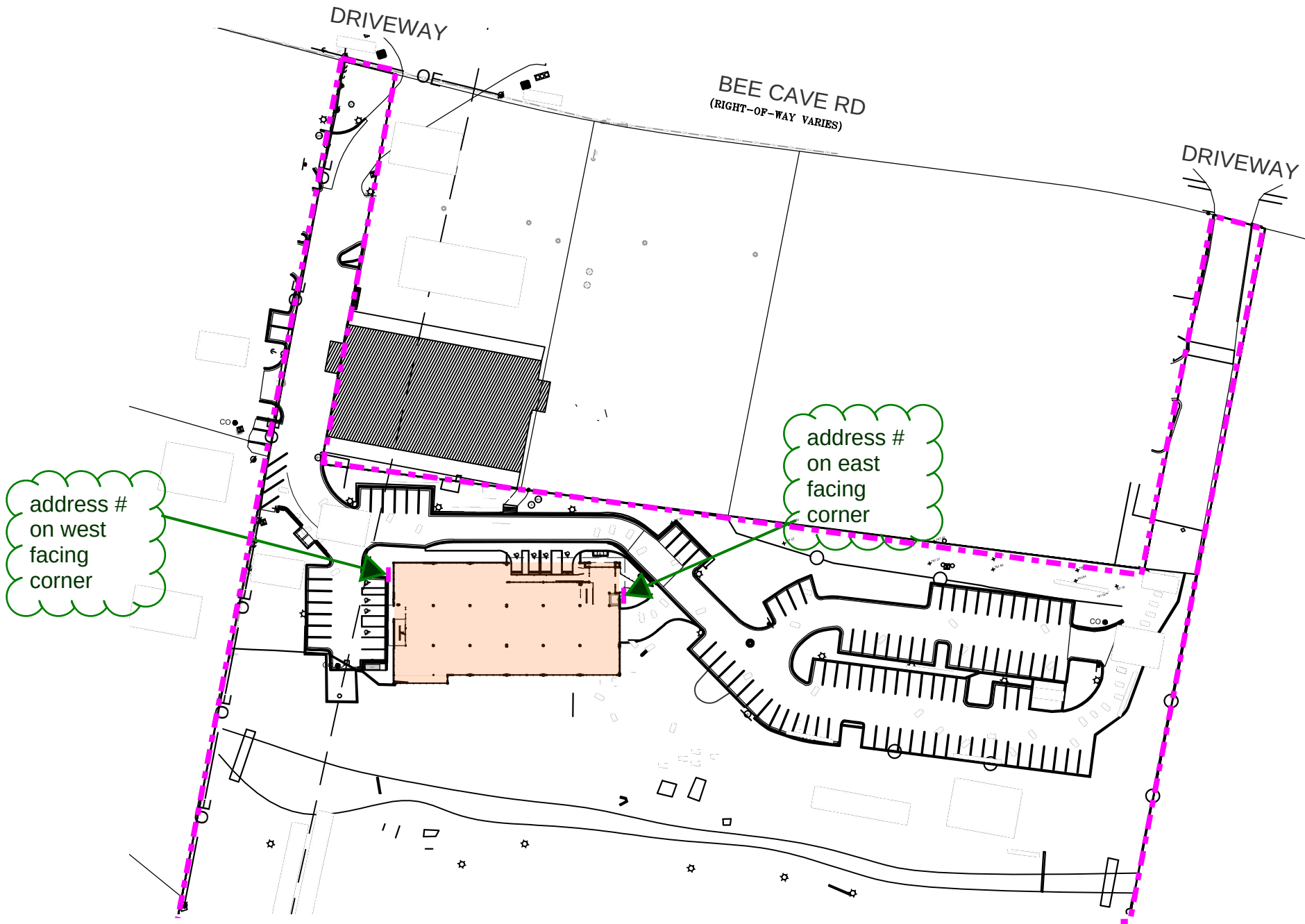
Approved by City Administrator: _____ Date: _____

City Council Approval (Non-Administrative Approval)

BDC Date and Comments: _____

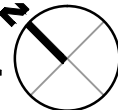
ZAPCO Date & Recommendation: _____

City Council Date & Action: _____



1 OVERALL SITE PLAN

1" = 100'





CREEKSIDE AT THE HILLS

512.888.9788 | 5213 Tucker Hill Ln., Cedar Creek TX 78612 | www.CNDSigns.com



Creekside at The Hills

4609 Bee Caves Rd
West Lake, TX 78746

PAGE 2 OF 3

ART
VERSION 190550-6

DATE 04/23/19

SALES Paul

PM PM

DESIGN Capo

04/21/20 REMOVE ILLUMINATION
ON BUILDING NUMEBRS

CONCEPTUAL DESIGN ONLY FINAL
DIMENSIONS DETERMINED AT
PRODUCTION.

ALL DESIGNS ARE PROPERTY OF AND FOR
THE SOLE USE OF CND SIGNS. CND SIGNS
RETAINS RIGHTS TO ALL ARTWORK,
DESIGNS AND LAYOUTS UNTIL FURTHER
ARRANGEMENTS ARE MADE IN A
WRITTEN CONTRACTUAL AGREEMENT.
CND SIGNS DOES NOT HESITATE TO
PROSECUTE FOR UNAUTHORIZED
REPRODUCTION OF ITS DESIGNS UPON
DISCOVERY THAT A DESIGN HAS BEEN
SHARED, RECREATED OR REPRODUCED
WITHOUT APPROPRIATE PERMISSIONS.

A/ NON ILLUMINATED WALL SIGN (NORTH ELEVATION)

FONT: APPLE CHANCERY & CENTURY GOTHIC BOLD

SQ. FT: 9.39

SCALE: 1:100

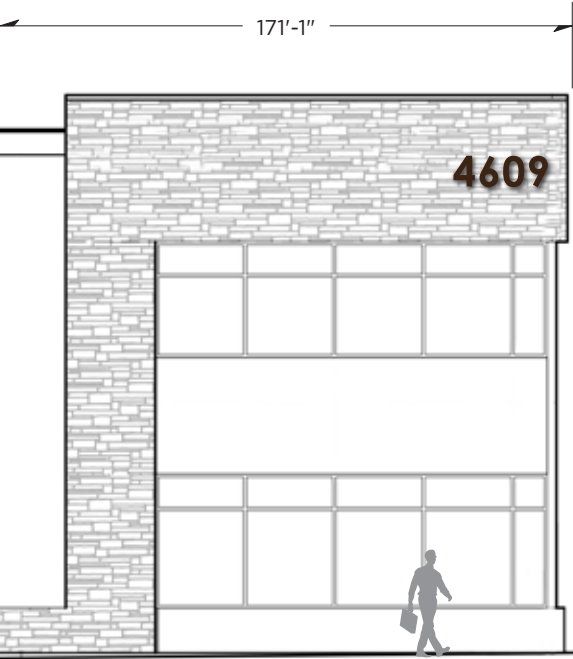
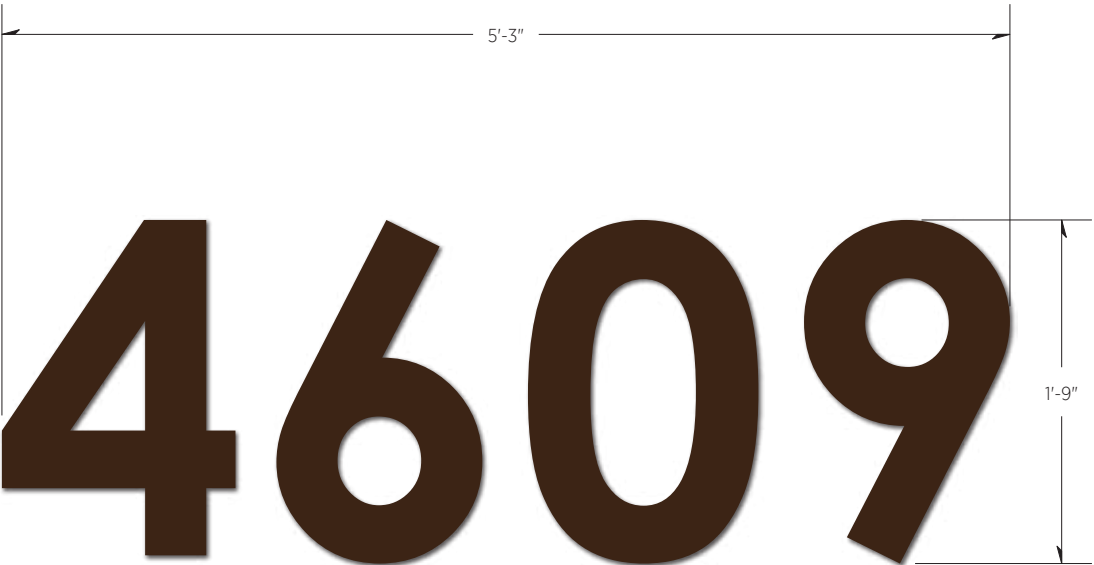
SCOPE OF WORK: FABRICATE AND INSTALL **ONE (1)** SIGN TO SPECIFICATIONS

ADDRESS NUMBERS:

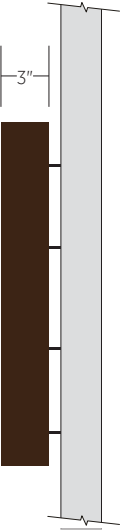
- .090" ALUMINUM FACES FINISHED TO MATCH DARK BRONZE
- .063" RETURNS FINISHED TO MATCH DARK BRONZE
- PIN MOUNTED



COLOR TO MATCH DARK BRONZE



PROPOSED





5213 Tucker Hill Ln.
Cedar Creek, TX 78612
512.888.9788
WWW.CNDSIGNS.COM

Creekside at The Hills

4609 Bee Caves Rd
West Lake, TX 78746

PAGE 3 OF 3

ART VERSION 190550-6

DATE 04/23/19

SALES Paul

PM PM

DESIGN Capo

04/21/20 REMOVE ILLUMINATION
ON BUILDING NUMEBRS

CONCEPTUAL DESIGN ONLY FINAL
DIMENSIONS DETERMINED AT
PRODUCTION.

ALL DESIGNS ARE PROPERTY OF AND FOR
THE SOLE USE OF CND SIGNS. CND SIGNS
RETAINS RIGHTS TO ALL ARTWORK,
DESIGNS AND LAYOUTS UNTIL FURTHER
ARRANGEMENTS ARE MADE IN A
WRITTEN CONTRACTUAL AGREEMENT.
CND SIGNS DOES NOT HESITATE TO
PROSECUTE FOR UNAUTHORIZED
REPRODUCTION OF ITS DESIGNS UPON
DISCOVERY THAT A DESIGN HAS BEEN
SHARED, RECREATED OR REPRODUCED
WITHOUT APPROPRIATE PERMISSIONS.

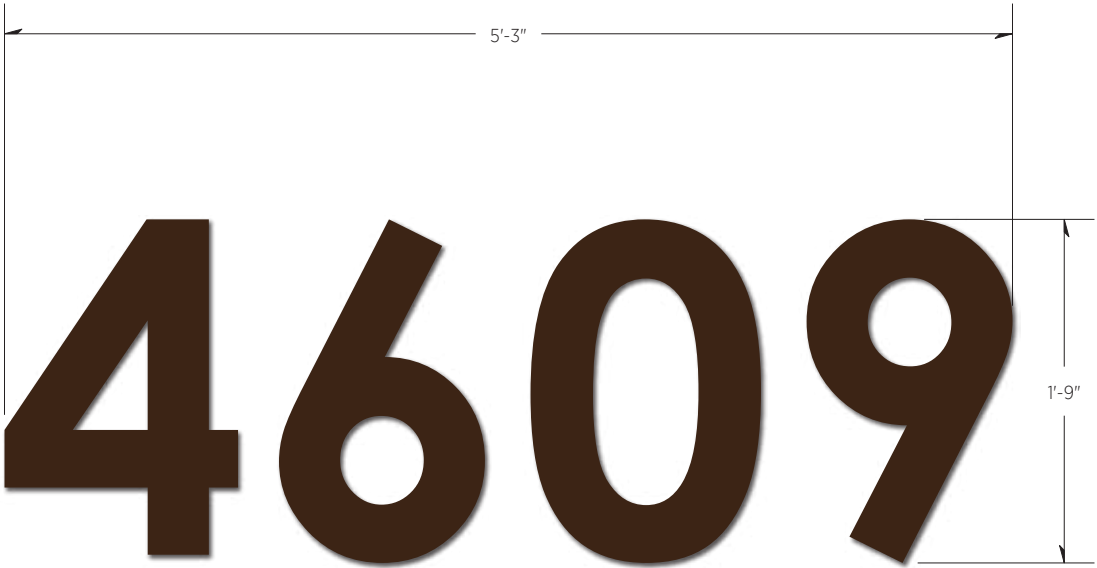
B/ NON ILLUMINATED WALL SIGN (EAST ELEVATION)

FONT: APPLE CHANCERY & CENTURY GOTHIC BOLD
SQ. FT: 9.39
SCALE: 1:100

SCOPE OF WORK: FABRICATE AND INSTALL ONE (1) SIGN TO SPECIFICATIONS

ADDRESS NUMBERS:

- .090" ALUMINUM FACES FINISHED TO MATCH DARK BRONZE
- .063" RETURNS FINISHED TO MATCH DARK BRONZE
- PIN MOUNTED





FENCE VARIANCE STAFF REPORT

MAY 20, 2020

Project Name: 901 Forest View Drive – Variance request to exceed maximum allowed fence height for the addition of privacy panels

Agenda Item: Land Use: **901 Forest View Drive:** Discussion/recommendation of a variance request for a fence to exceed the maximum allowed height in order to install privacy panels to a section of an existing fence. (City of West Lake Hills Code Sec. 22.03.173). Owner/Applicant June Janes.

Applicant Information: Owner June James

Hearing Dates:

May 20, 2020	ZAPCO
May 27, 2020	City Council

Location: The subject property is located on the corner of Forest View Drive and Cedar Park Drive, east of Westlake Drive, west of Rocky Creek Drive, and south of Redbud Trail.

Zoning & Site Characteristics:

The tract is zoned R-1 – One-Family Residential. The immediately adjacent properties also zoned R-1, and a property across the street is zoned R-2 – Two-Family Residential. The property has an existing home. The size of the property is 0.4962 acre per Travis County Appraisal District records.

Background & Analysis:

Ms. Janes is replacing an existing fence and requesting a variance for the height to exceed the maximum allowed 6ft for a 24ft section of the fence. Lattice panels are proposed to be added to a 24ft section of the fence. The panels are 4ft tall, bringing the fence to 10ft tall for the affected section only. The original fence height for the affected 24ft section is 12ft 9in. In 2000, Mr. Janes was approved for a permit to replace it at the same height. The proposed 10ft height will be shorter than the existing fence.

Ms. Janes has explored other options in lieu of a taller fence, including growing additional vegetation, but has not been able to achieve the desired height needed to provide privacy.

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 applicant states – “When the house was built in 1960 a tall section of fence was not needed since there was not another house behind it until 1980. Our home is only 16ft from the back property line where the fence is located.”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The applicant states – “...no existing flora or natural terrain will be impacted.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states – “I have considered shrubs that will grow in the heavy shade of our backyard and have tried elaeagnus, wax myrtles and Houston yaupons but they didn’t grow tall and dense enough to provide privacy at 10ft. For environmental reasons I won’t plan ligustrums.”
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
The applicant states – “The proposed lattice panels will rise to the top of our neighbor’s windows. That height affords us both some privacy while still allowing light and breeze into our backyards.”
5. The variance does not violate the intent of the Zoning Ordinance or the goals of the City’s Comprehensive Plan.
The application states – “No trees or existing flora or terrain will be disturbed as a result of these lattice panels since taller lattice panels exist there now.”
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 end result is to continue to enjoy some privacy in our backyards and in our homes even though this section of fence will be 2ft 9in shorter than is now.”

Traffic/Transportation

No impact expected.

Lighting

Outdoor lighting is not part of the variance or fence application.

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

This property is located in Area 1 (Residential). The property complies with the Master Plan regarding current and future land use.

Staff Recommendation

Staff recommends approval of the variance request. The applicant wishes to maintain privacy that the existing nonconforming fence provides, and has explored other alternatives that were not feasible.

Code Analysis:

Sec. 22.03.173 Fences

- (a) In approving permits to construct fences, the city shall be guided by their appropriateness to the character of the neighborhood and the rights of adjacent landowners to views and prevailing breezes.
- (b) Unless required by an applicable international, national, or uniform code adopted by the city, fences in general, and “front-yard” fences in particular, are discouraged or limited by the city with due regard to the rights of privacy and security inherent in the ownership of property. This policy derives from the desire to preserve the rural nature and aesthetic attractiveness of the environs and to facilitate the safe movement of people, wildlife, and vehicles about the city.
- (c) Definitions.

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

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

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

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

Security access box. A small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and sometimes police to retrieve in emergency situations. Local fire companies can hold master keys to all boxes in their response area, so that they can quickly enter a building without having to force entry or find individual keys held in deposit at the station. Also known as a Knox Box® Rapid Entry System. (Ordinance 227A adopted 10/12/11)

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

(d) Requirements.

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

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

(3) Subdivision fence. A subdivision fence/wall or one designed to enclose more than one lot is prohibited unless there is common ownership of the lots or parcels of land sought to be fenced. Fencing of subdivisions or of more than one lot prior to the sale of individual lots is prohibited also.

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

(5) Gated driveways. Gated driveways shall be constructed so that entering/exiting vehicles will be completely off the street when stopped to open/close the gate. Driveway gates shall open parallel to, or away from, the street and shall comply with the setback distances provided for in subsection (7) below. Electric or electronically controlled driveway gates shall have an emergency power source as an integral component of the system. All gates that are capable of being locked, and that are constructed after the effective date of this section shall be equipped with a security access box approved by the county emergency services district No. 9. All gates that are capable of being locked and that are in existence on or prior to the effective date of this section must be retrofitted to be equipped with a security access box approved by the county emergency services district No. 9 within 6 months of the effective date of this section.

Front-yard fence requirements (6)–(7).

(6) Front-yard fences shall:

(A) Be landscaped on the side(s) facing the street(s) with native vegetation from the city's recommended plant list so that a minimum of 80% of the total

area of the front-yard fence exposed to the streetscape is effectively screened from view;

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

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

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

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

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

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

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

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

(9) Walls. Walls are considered a type of fence. Walls used as front-yard fences are treated as accessory structures and shall:

(A) Have the same front setback requirements as a principal building under the appropriate category in section 22.03.281;

(B) Meet all front-yard fence requirements stated in subsection (6) of this section, except for subsection (6)(B).

Height of fences (10)–(11).

(10) Fences shall not exceed of 6 feet in height per side on or parallel to each property line measured from existing natural ground level.

(11) A fence that is electrified shall be no more than 4 feet in height measured from existing natural ground level.

Fence permit (12)–(14).

(12) Front-yard fences that comply with the front-yard fence criteria may be approved by the city administrator. The city administrator may approve permits for “side-yard” or “rear-yard” fences, i.e. those that are behind the front-yard fence setback and that are on or parallel to side or rear property lines. The city administrator may also approve the use of temporary fences for limited and specific purposes for time periods of a year or less. All fence applications not approved by the city administrator or fences that require variances require ZAPCO review and city council approval.

(13) Applications for a permit to erect a fence, besides a front-yard fence, shall include a site plan, a detailed description and dimensions of the proposed fence. Front-yard fence permit applications shall include:

(A) A street-view elevation drawing at one-quarter scale equals one foot, showing the proposed fence and related improvements, the entire street frontage, and any related structures;

(B) A site/landscape plan, at no less than ten scale, showing all structures, existing and proposed vegetation, and the materials and colors of the proposed fence;

(C) A depiction of the growth and size of the vegetation three years from planting;

(D) A scale drawing of a typical elevation of fence from post to post, showing the support structure, picket/slat size and shape, the amount of visible space between each picket/slat, and any other design details or features that will be visible from the exterior or street frontage side of the fence.

(14) A permit for a fence and associated screening vegetation shall expire if construction of the fence and the planting of the associated screening vegetation has not commenced within 90 days or a date specified by the city council to accommodate the next favorable growing season, whichever is later. Notwithstanding the preceding sentence, a permit for a fence and associated screening vegetation expires if the fence is not completed and the screening vegetation is not entirely established according to the approved plans and specifications within 12 months of the approval date of the

permit. Before resuming work, a new permit must be obtained in accordance with section 22.03.137(b).

(15) Reconstruction of fence. Should 50% or more of any fence, as determined by the city inspector, be destroyed by any means, reconstruction of such fence shall conform to the provisions of this section.

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

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

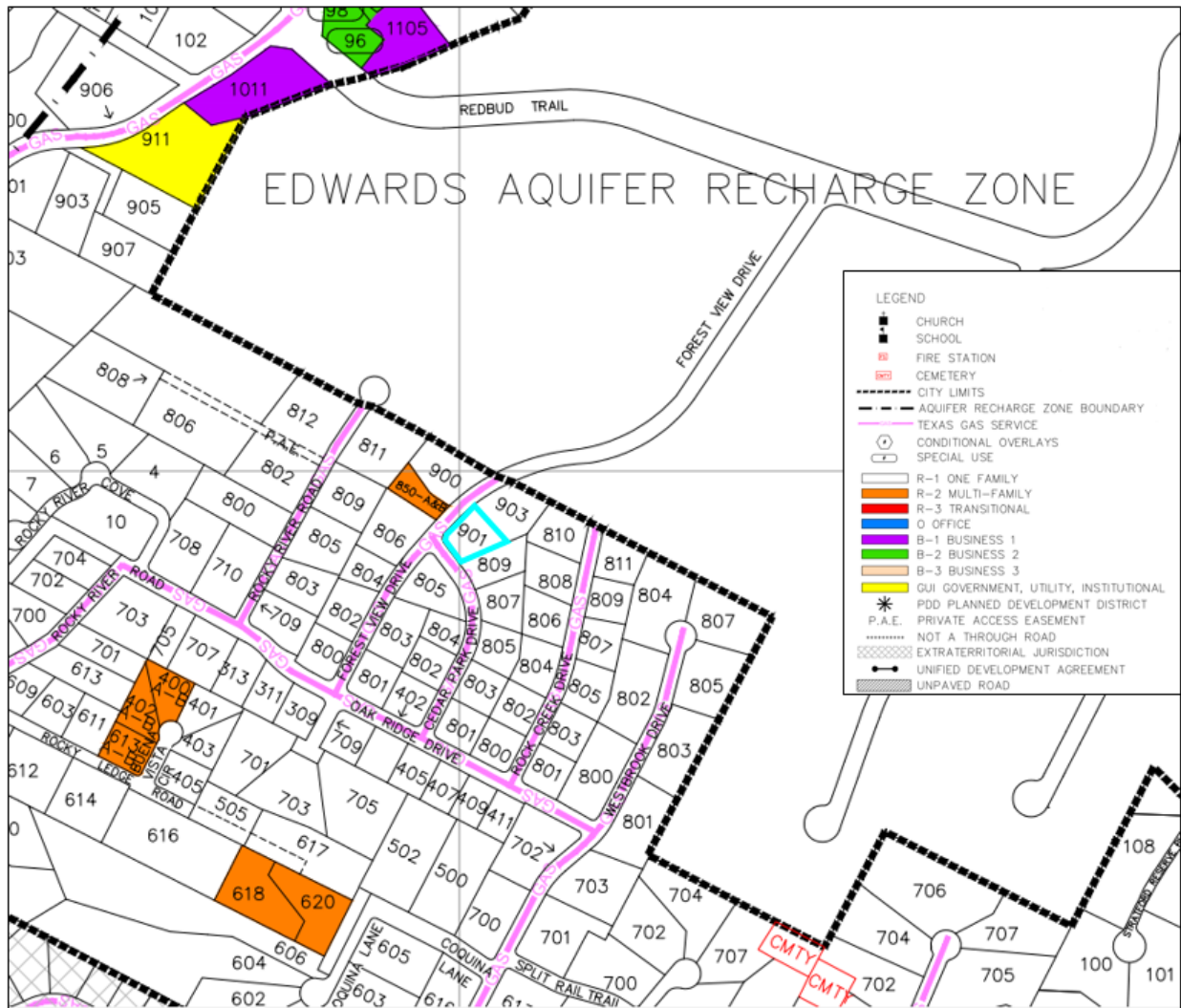
(C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified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



15707

City of West Lake
Received
MAR 20 2020**APPLICATION COVER SHEET**

Property Address: 901 Forest View Dr.
 Applicant Name: June B. Jones
 Designated Agent (if any, Power of Attorney Required):
 Applicant Phone Number: 512/587-7528 Email Address: [REDACTED]
 Date Application was Submitted: March 20, 2020
 Variance(s) Requested:

**Request to exceed maximum allowed fence height
for a 24' long section of fence.**

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

Variance File Number: 15707 [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: \$ 400.00 ck 2444 ☒ Fees Received on 3/20/20 by [Signature]

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: 5/20/20
 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: 5/27/20
 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: _____

March 20, 2020

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 West Lake Hills Dr.

Dear Mr. Chairman:

We are seeking a variance to exceed the 6' fence height limit with the addition of 4' lattice privacy panels at the top of a section of our backyard fence. When we purchased this home in 1992, the fence height in this section was 12' 9". With a permit in 2000, we replaced that section at the same height.

Our home was built in 1960 and sits far back on the lot close to the property line. It has 4 large windows with 4 clerestory windows above, 3 sets of French doors and 3 other windows across the back. Our existing wooden lattice privacy panels keep us and our neighbors from seeing directly into each others' homes.

The 4' tall lattice panels would create a 24' long section of fence that is 10' total height instead of the 12' 9" height we have had since 1992. We feel that at 10', the shorter fence as proposed is more attractive while still giving us and our neighbors some privacy.

The option of planting tall shrubs has been considered. However due to the heavy shade provided by large live oaks, I have not been able to grow environmentally acceptable shrubs that are 10' tall and full at the top. I have tried elaeagnus, wax myrtles and Houston yaupons. For environmental reasons I won't plant ligustrums even though they grow tall and dense.

We believe that our proposed fence consisting of EPE wood, steel posts with the steel lattice privacy panels will be functional and aesthetically pleasing. And even though it is almost 3' shorter than what exists now, it will still provide almost the same privacy that we and our neighbors are used to.

Sincerely,

June B. Janes

June B. Janes
901 Forest View Dr.
[REDACTED]

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. *If the fence height ordinance is strictly enforced, part of our backyard fence would not be possible. When the house was built in 1960 a tall section of fence was not needed since there was not another house behind it until 1980. Our home is only 26' from the back property line where the fence is located.*

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

The proposed lattice panels bring the total fence height in that area to 10' for a length of 24'. The current height of this section of fence is 12' 9" so no existing flora or natural terrain will be impacted.

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

I have considered shrubs that will grow in the heavy shade of our backyard. I have tried eleagnus, wax myrtles and Houston yacoupons but they didn't grow tall and dense enough to provide privacy at 10'. For environmental reasons I won't plant ligustrum.

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

The proposed lattice panels will rise to the top of our neighbor's windows. That height affords us both some privacy while still allowing light and breeze into our backyards.

(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?

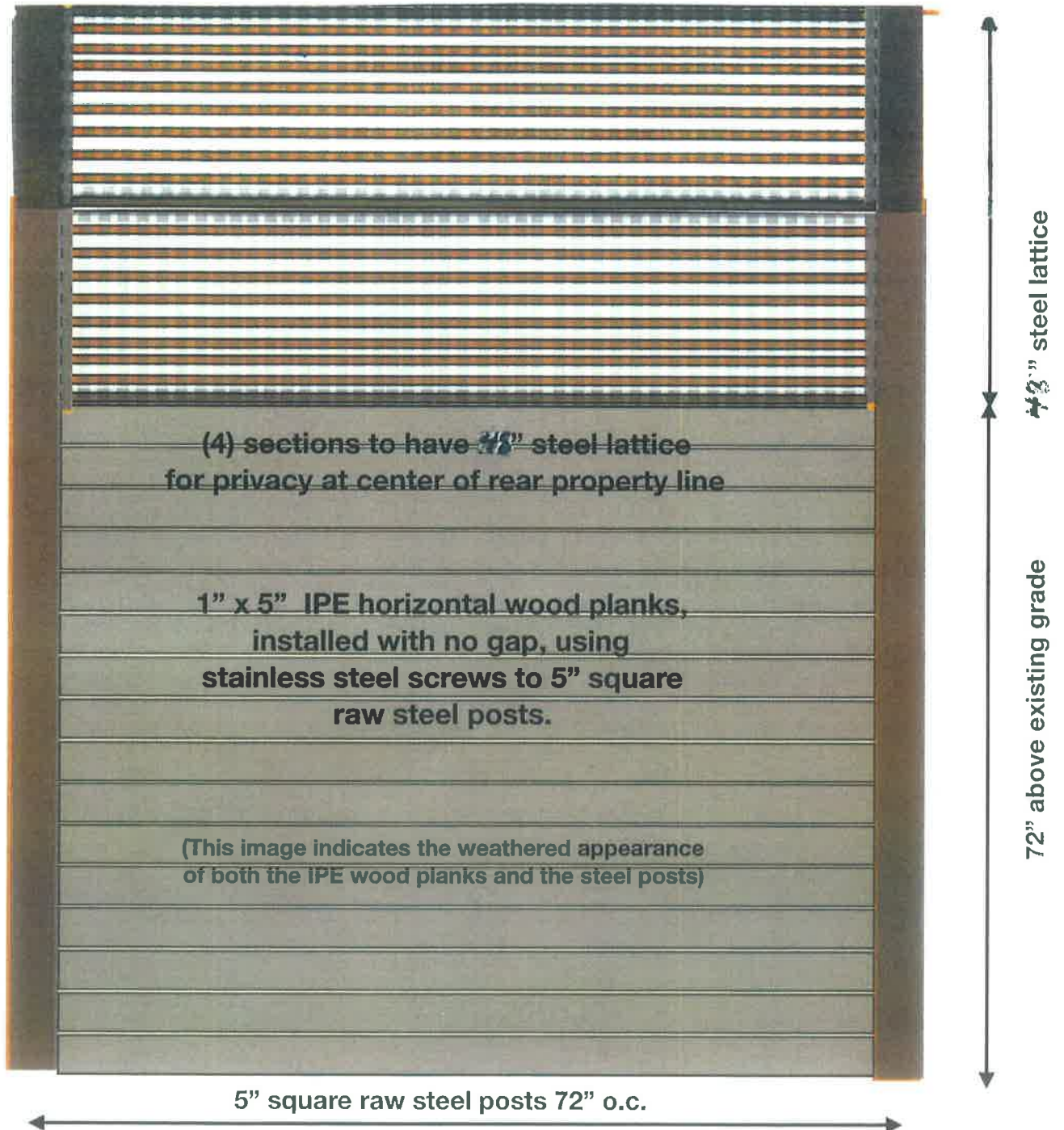
No trees or existing flora or terrain will be disturbed as a result of these lattice panels since taller lattice panels exist there now.

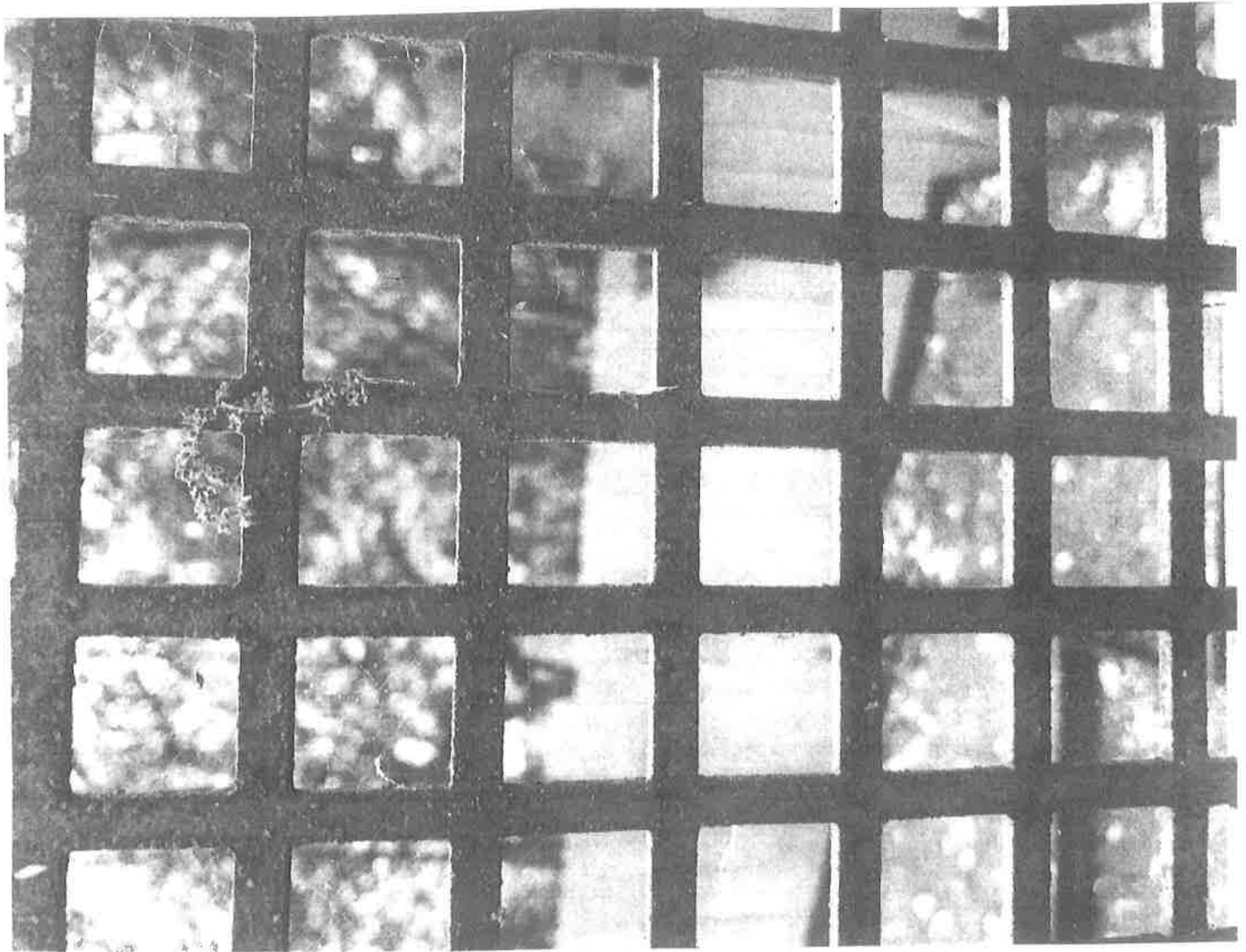
(6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The proposed end result is to continue to enjoy some privacy in our backyards and in our homes even though this section of fence will be 2' 9" shorter than it is now.

Property Address: 901 Forest View Dr.

**Janes Fence
901 Forest View Drive
Side elevation 2**





Example of lattice
3/4" squares

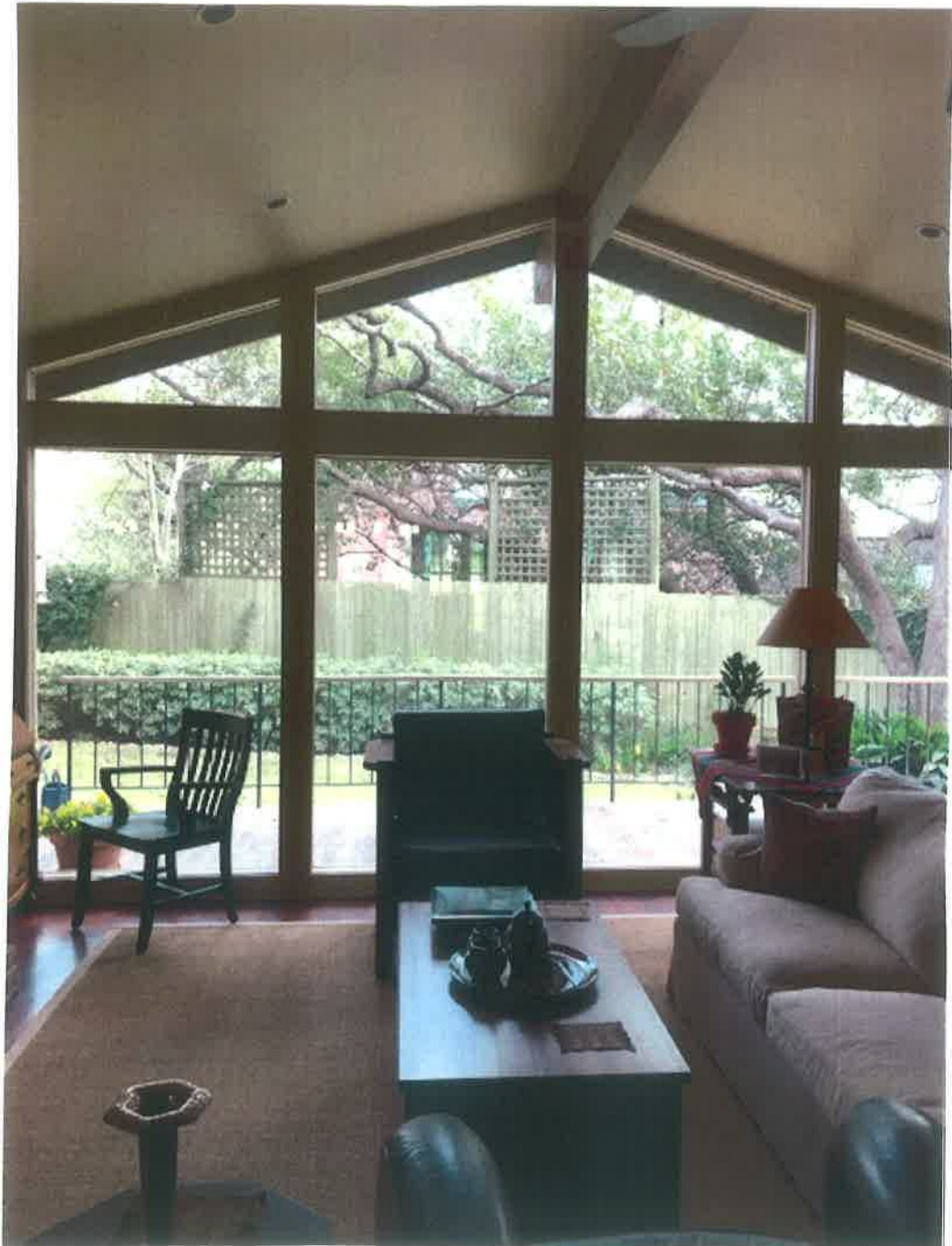


Fence 1992

**Janes Fence
901 Forest View Drive**

Images of existing fence and raised lattice privacy panels (center one removed);





View of fence and neighbor's home
from inside Janes home

NOTE: IF PLANNED CONSTRUCTION OR CLEARING IS OVER THE EDWARDS AQUIFER RECHARGE ZONE (Check map in City office determine), property owner must, under Title 31 Texas Water Commission Edwards Rules 313, submit and gain approval of a Water Pollution Abatement Plan prior to obtaining a City of West Lake Hills Building Permit. To obtain a application, checklist and fee schedule, you may write or call Bobb Nelms, District 14, Texas Water Commission, 1111 Lamar, Bldg. 1, Suite 101, Austin, Texas 78704 - Phone (512) 463-7803.

APPLICATION FOR RESIDENTIAL BUILDING PERMIT
CITY OF WEST LAKE HILLS, TEXAS

RECEIVED
JUN 16 2000
CITY OF WEST LAKE HILLS

APPLICATION is hereby made to the City of West Lake Hills for a permit to REPAIR WOODEN FENCE, in accordance with plans (attach, please) and specifications submitted herewith, and in full conformity with provisions and regulations of all ordinances of the City of West Lake Hills, whether specified herein or not.

STREET NO. 901 Forest View ZONED R-1 BLDG. PERMIT NO. NONE

NAME OF SUBDIVISION Live Oak Terrace BLOCK _____ LOT _____ SIZE _____ AC _____

LIABILITY/PROPERTY DAMAGE INSURANCE ATTACHED _____ SURETY BOND ATTACHED _____

THREE COPIES OF PLANS & SPECIFICATIONS ATTACHED _____ WATER TAP APPROVED _____

OWNER OF GROUND Brandon & June Jones PHONE 328-4611
(NAME) (ADDRESS & ZIP CODE)

ARCHITECT/DESIGNER Gregory Free PHONE _____
(NAME) (ADDRESS & ZIP CODE)

GENERAL CONTR. Danne ~~Connor~~ Cranor PHONE 244-6681
(NAME) (ADDRESS & ZIP CODE)

PLUMBING CONTR. _____ LIC. TYPE & NO. _____ PHONE _____
(IN EFFECT NOW)

ELECTRIC CONTR. _____ LIC. TYPE & NO. _____ PHONE _____
(IN EFFECT NOW)

PRIVATE SEWAGE FACILITY PERMIT ATTACHED _____ LOT IN 100 YR. FLOOD PLAIN _____

FT. OF: LIVING AREA _____ WALKS & DRIVES/PARKING _____ GARAGE _____ POOL _____

DECKS/BALCONIES _____ STORAGE _____ TOTAL SQ. FOOTAGE _____ TOTAL ESTIMATED COST \$ 3,865

TOTAL FEE COLLECTED: \$ _____ BY _____ DATE _____

I, THE UNDERSIGNED HEREBY DOES SOLEMNLY SWEAR that to the best of their knowledge the above statements concerning this application are true and correct and that all licenses for subcontractors have been checked by General Contractor and are determined to be presently active under State law. I have read and understand applicable portions of Building Code in Ordinance 56 as amended.

Signature of Applicant: June B. Jones Date 6/16/2000

Approval of City Administrator or Building Official: [Signature] Date 6/16/2000

BY _____

Certificate of Occupancy issued _____

CITY OF WEST LAKE HILLS
(512) 327-3628

REC#: 00060301 3/23/2020 10:01 AM
OPER: PZSEC TERM: 008
REF#: 2444

TRAN: 104.0000 BUILDING PERMIT
 15727 400.00CR
 JANES, BRANDON & JUNE
 901 FOREST VIEW DR
 PZ 400.00CR

TENDERED: 400.00 CHECK
APPLIED: 400.00-

CHANGE: 0.00



**Janes Fence
901 Forest View Drive**

General style of the fence, only with much wider posts (5" square) and evenly weathered LPE wood instead of natural cedar.



NOTICE TO NEIGHBORS OF VARIANCE REQUEST

DATE OF NOTICE: April 17, 2020

Greetings. You are hereby notified that **June Janes**, the recorded owner of a property located at **901 Forest View Drive** in the City of West Lake Hills, Texas has filed a Variance Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

- **Section 22.03.173 - Fences.**

The request is so that the property owners may: **Exceed maximum allowed fence height of 6ft to add privacy lattice panels to a 24ft long section of a fence.**

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 **May 20, 2020** at **6:30** p.m. and the City Council on **May 27, 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 if you have any questions.

Mark Littrell, Zoning & Planning Secretary



RETAINING WALL VARIANCES STAFF REPORT

MAY 20, 2020

Project Name: 917 Calithea Road – retaining wall variances

Requested Action: Construct a retaining wall that encroaches the side setback and is taller than the 6ft maximum height in order to extend the yard and build a new swimming pool

Agenda Item: Land Use: **917 Calithea Road:** Discussion/recommendation of two variance requests in order to construct a swimming pool and yard area: 1) retaining wall that encroaches the side building setback (West Lake Hills Code Sec. 22.03.281); and 2) retaining wall exceeds 6 feet in height (West Lake Hills Code Sec.22.03.170). Owners/Applicants Cortney & Patrick Johnson.

Applicant Information: Cortney and Patrick Johnson (Owners)

Hearing Dates:

May 20, 2020 ZAPCO

June 10, 2020 Board of Adjustment

Location: The subject property is located north of Redbud Trail, south of Wild Basin Ledge, and west of Westlake Drive.

Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R-1 – One-Family Residential and is 2.109 acres. There is currently an existing house on the property.

Background & Analysis:

The homeowners, Cortney and Patrick Johnson, are requesting variances to construct a retaining wall behind their house that encroaches the side setback and portions of which exceed the 6ft maximum height. The proposed retaining wall extends the full width of the side setback to the property line. The retaining wall is in connection with the construction of a new swimming pool and is meant to a) provide structural support for the pool; b) replace the need for a fence at the top of the property; and c) expands the usable backyard/garden space.

Though the property is a little over two acres, it is steeply sloped and the backyard drops off close to the rear of the house. Due to the steep topography and location of the house, the proposed retaining wall won't be visible from the street. Other locations for the pool and

retaining wall were considered, but the location of the existing septic field in the small grassy area behind the house and the steep slopes limits other feasible locations.

The Johnsons communicated with their immediately adjacent neighbors regarding the variance requests and their neighbors are supportive of the application. Emails of support are included in the agenda packet.

Variance Criteria Review:

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

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
The application states –
“A. The grade of our lot is severe...Building a pool on our property requires that we ensure the reasonable safety of others. We have no other location on our property in which to build a pool except on the steepest topography of our lot...”
“B. There are no improvements affected by the requested side setback variance, and the owner of the adjoining side property has consented to and supports our setback variance request.”
“C. Given our house sits on a hill with a severe grade, we believe the retaining wall and pool will protect our home from fire risk”
“D. The severity of the topography has created a wildlife refuge between our home and a wet weather creek in the canyon. We plan to ensure that habitat is preserved...”
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
The application states –
“A. The addition of the retaining wall and garden space is 1% of the footprint of our 91, 868.04 sq. ft. lot.”
“B. Constructing another set of fences or leaving the restrictive deer fencing that exists would be more limiting to the movement of wildlife, and it is our intention to landscape using predominantly native plants and grasses to minimize the use and impact of pesticides, herbicides and fertilizers and further enhance the natural habitat.”
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The application states –
“A. Augmenting the existing or building a fence within the setback would also require a variance and could be an eye sore for our neighbors and restrict the movement of wildlife.”
“B. Constructing a subgrade retaining wall is the alternative that least interferes with our neighbors, is most consistent with the intent of existing applicable ordinances

and provides the greatest safety around our home and the pool we are constructing.”

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

The application states –

“A. For the reasons stated above, it is the least invasive variance of any alternative.”

“B. The wall has been designed to be as low as possible but to accomplish our goals, given the severe topography, to minimize the size of the variance.”

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

The application states –

“A. It is the most consistent with that intent of all alternatives for the reasons stated.”

“B. Our home is right at the urban/wildlife interface. Constructing a stone retaining wall, planted with small flowering natives, will dramatically enhance fire safety in addition to the safety around the pool we are constructing that is connected to it.”

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

The application states –

“A. For all the reasons stated above, it is the only option that will not interfere with our neighbors on either side, or their enjoyment of their own property. Our neighbors on both sides of our house as well as across the street support our application for a variance and have provided that in an email to the City.”

“B. Our neighbors next door have a similar retaining wall both at our property lines as well as on the rear of their home.”

“C. Similar retaining walls can be seen from our house of our neighbor’s retaining walls on Windsong (other side of the same valley we live on) who have constructed pools and yards that adhere to the cliff as this variance requests...”

Traffic/Transportation

No impact on traffic is expected.

Lighting

Outdoor lighting will be reviewed separately with the swimming pool permit application.

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

This property is located in Area 1 (Residential). The existing and future land use comply with the Master Plan.

Staff Recommendation

Staff recommends approval of the requested variances due to the steep topography.

Code Analysis:

Sec. 22.03.170 Site disturbance (excavation, grading or filling)

- (a) Excavating, grading or filling shall minimize the negative impacts of development on natural slopes and interfere as little as possible with the natural landscape by minimizing the alteration of the natural terrain.
- (b) The minimum site disturbance standards for earth cuts and fills are included in the drainage and erosion control design manual.
- (c) Finished open cuts of an excavation shall not exceed the 1.5H:1V ratio in undisturbed earth, 2H:1V ratio in earth fill.
- (d) Excavation shall not interfere with public or private utility systems and shall not create or aggravate any condition detrimental to the public health and safety.
- (e) Excavation and removal of excavated material, and filling shall be permitted without a permit provided such operation is clearly incidental to improvement of the property, consists of less than six cubic yards of material and the area is graded and covered by revegetation or other suitable means to prevent erosion.
- (f) No excavation, grading or filling shall be permitted in setbacks except for up to 18 inches in height or depth.
- (g) Any wall shall not exceed six (6) feet in height above natural grade.
- (h) Walls shall either incorporate the use of native materials or be earth-tone colors to match native soils.
- (i) All walls of three (3) feet or more shall require shrubbery and/or vines of healthy stock and of a minimum of two (2) feet in height immediately after planting in front of the retaining wall. All shrubbery and/or vines shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will grow to the same height or more of the retaining wall.

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:

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)/ 20	15 (F, E)/ 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)/ 20	15 (F, E)/ 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:

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

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

$P = 37.5\%$ 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:

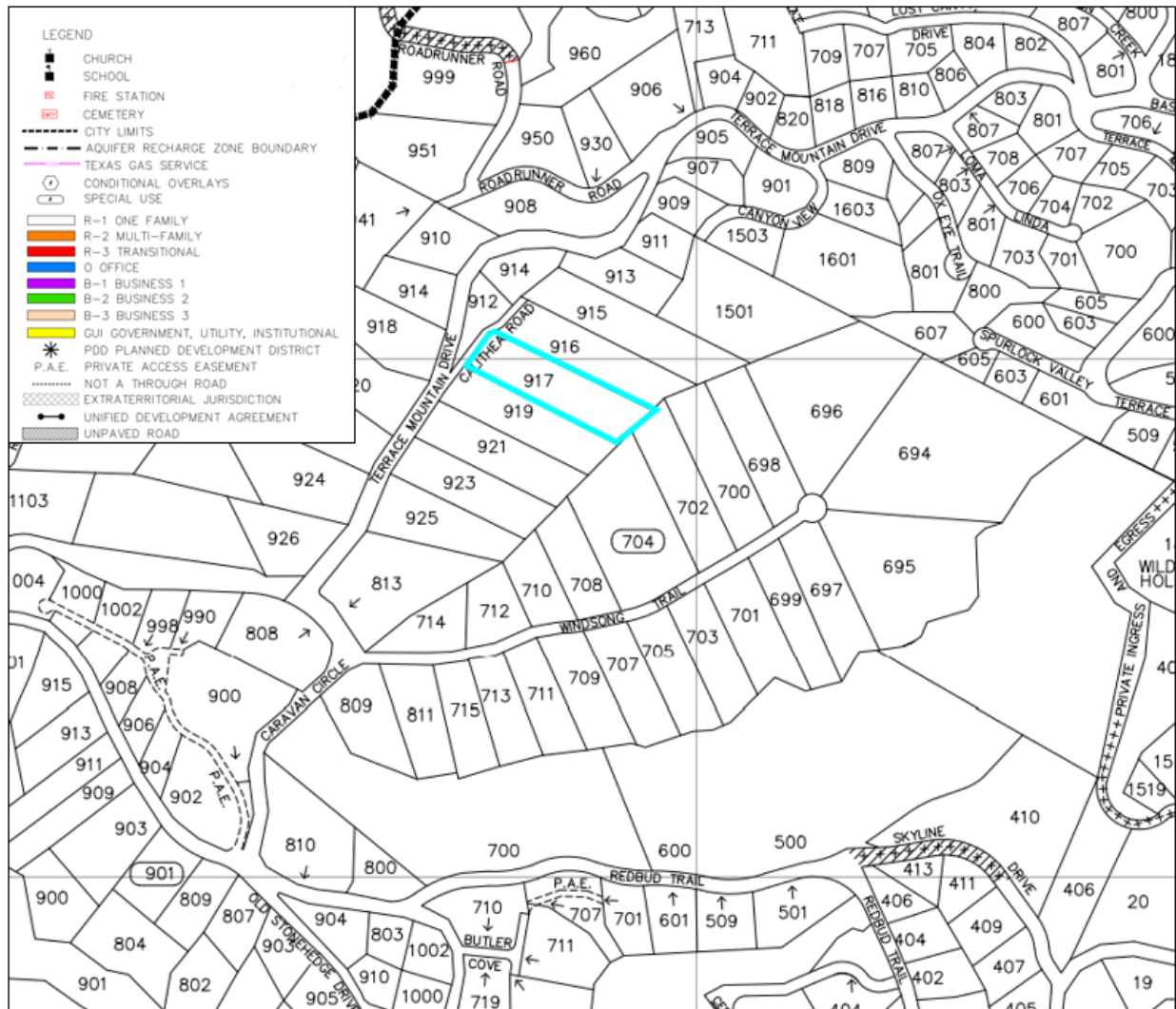
(1) Findings. The applicant has established by competent evidence that:

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

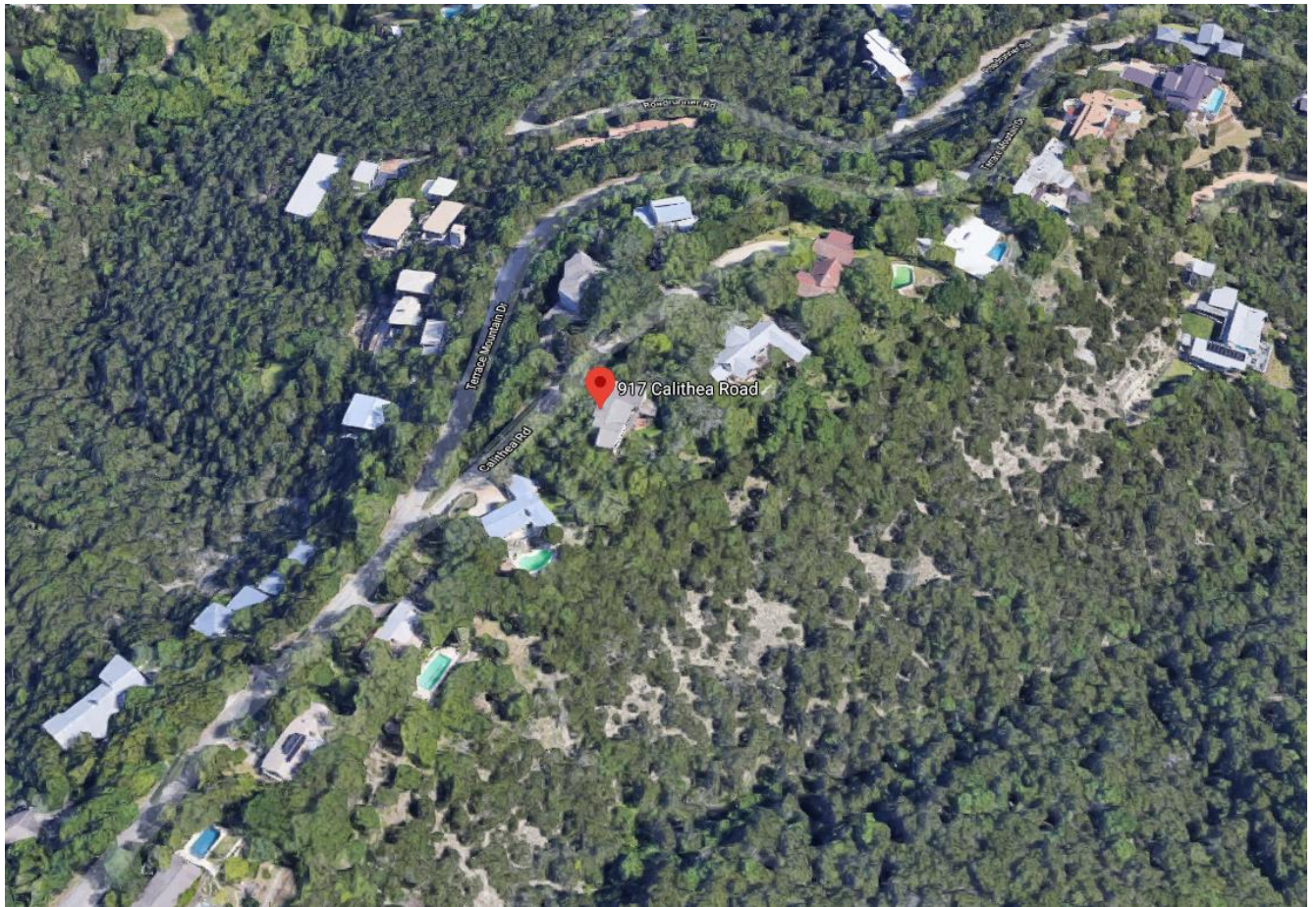
- (B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
 - (C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
 - (D) The variance will not be greater than the minimum 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: 917 Calithea Road
Applicant Name: Cortney and Patrick Johnson
Designated Agent (if any, Power of Attorney Required): Trey Jones
Applicant Phone Number: 512-507-2750 Email Address: [REDACTED]
Date Application was Submitted: 4/16/2020
Variance(s) Requested: retaining wall above 18" in 25' setback; retaining wall exceeding 6'

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: April 16, 2020

Chairman Robert Meisel

West Lake Hills Zoning and Planning Commissions

911 Westlake Drive

West Lake Hills, Texas 78746

Dear Mr. Chairman,

My husband and I have lived in West Lake Hills for more than a decade. Two years ago, we purchased a house at 917 Calithea Road to accommodate our expanding young family. We aspire to build a pool at our new house for our children to grow up in a similar environment to the way that my husband and I were both raised, with a love of the outdoors

Our property at 917 Calithea is on the side of a cliff and presents a hardship for us to be able to construct a pool as well as safeguard against entrants to the property from that pool. We envisioned utilizing retaining walls to both expand our small yard space and as an element of the pool design to ensure safety in the pool space.

We have considered constructing a series of fences, which we believe would be an eye sore for us and our neighbors and substantially interrupt the flow of wildlife on the property. It is with this in mind that we are seeking this variance.

Sincerely,
Cortney & Patrick Johnson

Project Name: 917 Calithea Road

Variance

Requested Action: Construct a stone retaining wall higher than 18" within one side setback, which also scales to a point higher than 6' for a portion of the wall

Applicant Information: Patrick and Cortney Johnson (owners)

Location: The subject property is located on a side street off Terrace Mountain Drive: LOT 5 BLK O TERRACE MOUNTAIN BLK O. Property ID: 119935, Geographic ID: 0119150205.

Zoning & Characteristics: The subject property and surrounding neighborhood are zoned R-1—One-Family Residential. Our family home is located on the property. The property is 2.1090 acres of land (91,868.04 sq. ft. per TCAD), where most of the portion of the lot (outside of the footprint of the house) is on a very steep cliff. The lot is ~160 feet wide (front) and ~600 feet deep (side) (per survey), essentially a very long, but narrow lot, where most of the lot is a cliff that is not occupied by our home (See EXHIBIT A and PICTURE 1).

Background & Analysis:

Patrick and I are requesting variances to construct a retaining wall in substitution of a fence at the top of our lot related to safety in connection with the construction of a pool on our property as well as a component of the expansion of a small garden space for our three children. We purchased our home at 917 Calithea Road two years ago with the intention of adding a pool. After welcoming a third child to our family, we are also increasingly concerned with their safety balanced with the desire to continue preserving the openness and movement of wildlife in the area.

Our goal is to utilize a native-planted subgrade retaining wall to limit access to the pool and provide safety from the cliff behind our house (See marked survey in EXHIBIT A). This would entail adding a flowerbed "steppe" retaining wall, with a second one 30" above it (at grade). Our vision is to allow deer, foxes, bobcats, and other animals to continue to access the property through an existing deer trail on the other side of our property that we wish to keep intact as well as through a portion of the retaining walls, which are low enough at various points for animals to scale. Given the steep terrain, this is similar to the current access they have (See PICTURES 3/4). We currently have a parameter deer fence that spans most of the width of the lot that we could remove if the retaining walls are approved to encourage the flow of wildlife.

The specific variances we are seeking are:

- 1.) to construct a retaining wall in excess of 18" within one of the 25' side setbacks and

- 2.) to allow that retaining wall to exceed the 6' maximum wall height for a portion of the retaining wall that is not connected to the pool, due to the severe topography of the narrow lot.

The retaining wall we are requesting a variance on is similar in construction to the retaining walls required for our pool. Because the pool is outside the setback and the walls are necessary to hold up the pool, they are not included in this variance request but rather are part of the pool permit that we are seeking separately.

Our next door neighbors, Jerry and Diana Vandel, at 915 Calithea Road (the side of our lot where we are requesting the variance), constructed a similar retaining wall between our properties about 10 years ago to extend their yard space, essentially a similar request as this variance, which requests an extension of their existing retaining wall (See PICTURE 2) but one that is subgrade to both of our properties to minimize the disruption that would be created by adding a series of fences. Our neighbors at 915 have provided a letter of support for our project.

We have considered other locations for our swimming pool and small garden space, including the other side of the residence, front yard, and rear. The right, side and existing small patch of grass in the back are all occupied by our septic field, which we have engineered a pool and space to preserve. The rear of our property is a cliff starting about five feet from the back of our house (See PICTURES 5/6/7).

We have received written support from all three surrounding neighbors. We have also lived in West Lake Hills for over 14 years and remain the owners of our previous family home at 818 Terrace Mountain that we outgrew with the addition of another child. Our commitment to ensuring the natural beauty that surrounds this area is reflected in the 2+ acres that will remain a lush sanctuary for animals. We have taken great care to plant butterfly and bird-attracting native species, and the variance we are requesting does not seek to destroy the natural habitat we value so much.

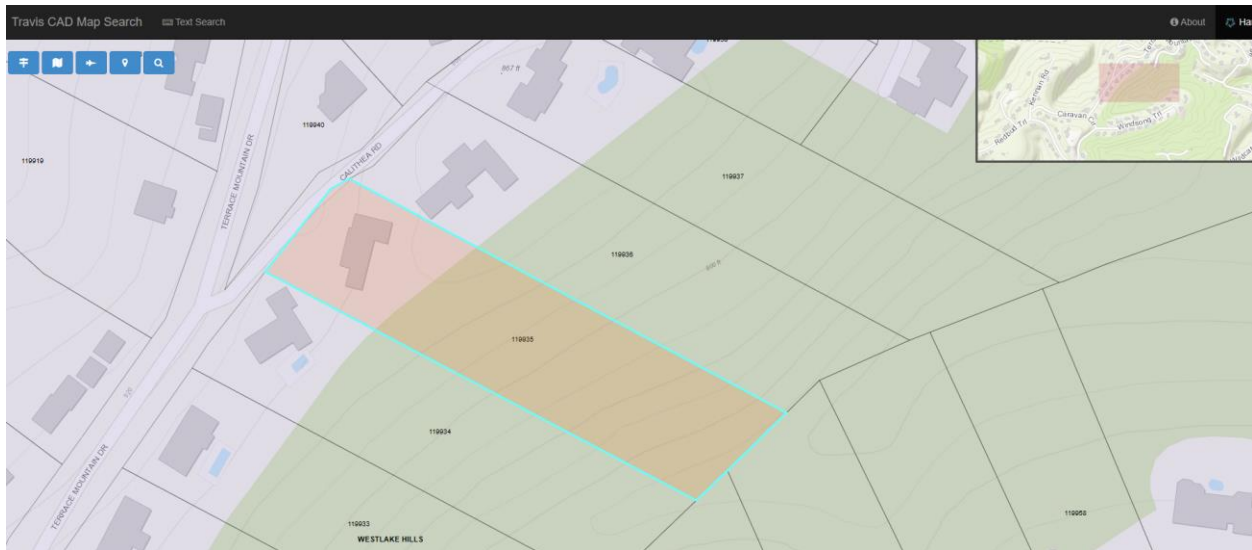
Variance Criteria Review:

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:
 - A. The grade of our lot is severe (See EXHIBIT A and PICTURE 1). Building a pool on our property requires that we ensure the reasonable safety of others. We have no other location on our property in which to build a pool except on the steepest topography of our lot. We would want to install a fence to code (42"), if we are unable to install a retaining wall. We have an existing deer fence that we hoped to be able to remove the lower portion of by adding the retaining wall to allow the animals to move more freely.

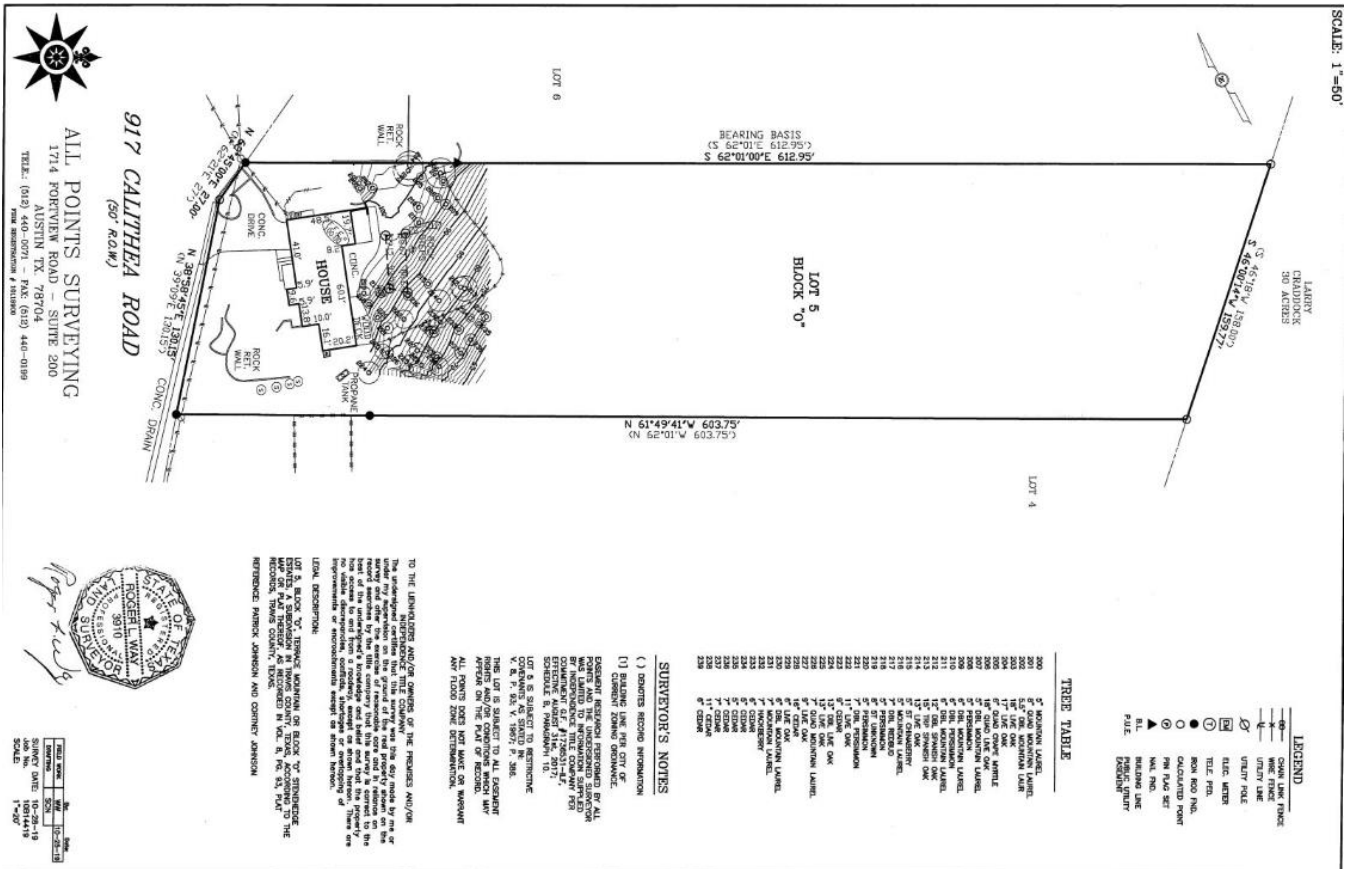
Given our topography, we would likely still require a new fence variance to augment or replace the existing one and ensure safety.

- B. There are no improvements affected by the requested side setback variance, and the owner of the adjoining side property has consented to and supports our setback variance request.
- C. Given our house sits on a hill with a severe grade, we believe the retaining wall and pool will protect our home from fire risk.
- D. The severity of the topography has created a wildlife refuge between our home and a wet weather creek in the canyon. We plan to ensure that habitat is preserved. Below is a reflection of the lot and topography. A survey is included in EXHIBIT A.69+6



- 2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
 - A. The addition of the retaining wall and garden space is 1% of the footprint of our 91,868.04 sq. ft. lot.
 - B. Constructing another set of fences or leaving the restrictive deer fencing that exists would be more limiting to the movement of wildlife, and it is our intention to landscape using predominantly native plants and grasses to minimize the use and impact of pesticides, herbicides and fertilizers and further enhance the natural habitat.
- 3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
 - A. Augmenting the existing or building a fence within the setback would also require a variance and could be an eye sore for our neighbors and restrict the movement of wildlife.

- B. Constructing a subgrade retaining wall is the alternative that least interferes with our neighbors, is most consistent with the intent of existing applicable ordinances and provides the greatest safety around our home and the pool we are constructing.
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- A. For the reasons stated above, it is the least invasive variance of any alternative.
 - B. The wall has been designed to be as low as possible but to accomplish our goals, given the severe topography, to minimize the size of the variance.
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
- A. It is the most consistent with that intent of all alternatives for the reasons stated.
 - B. Our home is right at the urban/wildlife interface. Constructing a stone retaining wall, planted with small flowering natives, will dramatically enhance fire safety in addition to the safety around the pool we are constructing that is connected to it.
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
- A. For all of the reasons stated above, it is the only option that will not interfere with our neighbors on either side, or their enjoyment of their own property. Our neighbors on both sides of our house as well as across the street support our application for a variance and have provided that in email to the City.
 - B. Our neighbors next door have a similar retaining wall both at our property line as well as on the rear of their home.
 - C. Similar retaining walls can be seen from our house of our neighbor's retaining walls on Windsong (other side of the same valley we live on) who have constructed pools and yards that adhere to the cliff as this variance requests (see example PICTURE 8).



PICTURE 1: PICTURE OF CLIFF



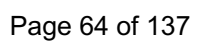
PICTURE 2: EXISTING RETAINING WALLS BETWEEN US AND NEIGHBORS AT 915 CALITHEA ROAD

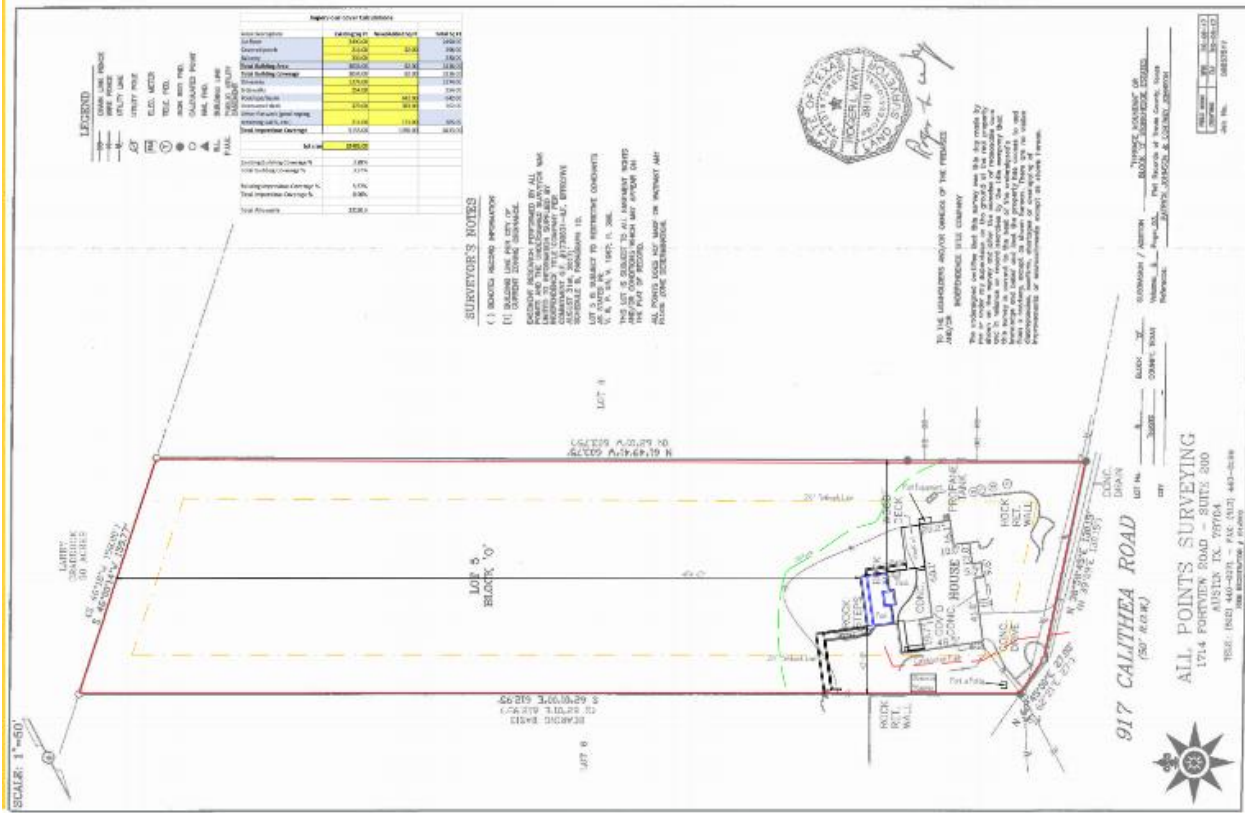


PICTURES 3/4: EXISTING SPACE WHERE WE WOULD LIKE TO ADD THE RETAINING WALL-
CURRENT GRASSY AREA IS A SMALL PATCH OF THE SEPTIC FIELD



Construction Plan





PICTURE 8: EXAMPLE OF NEIGHBORS ON OTHER SIDE OF VALLEY (ON WINDSONG) AND HOW THEY HAVE CONSTRUCTED SIMILAR RETAINING



Construction Plan



Calithea Residence

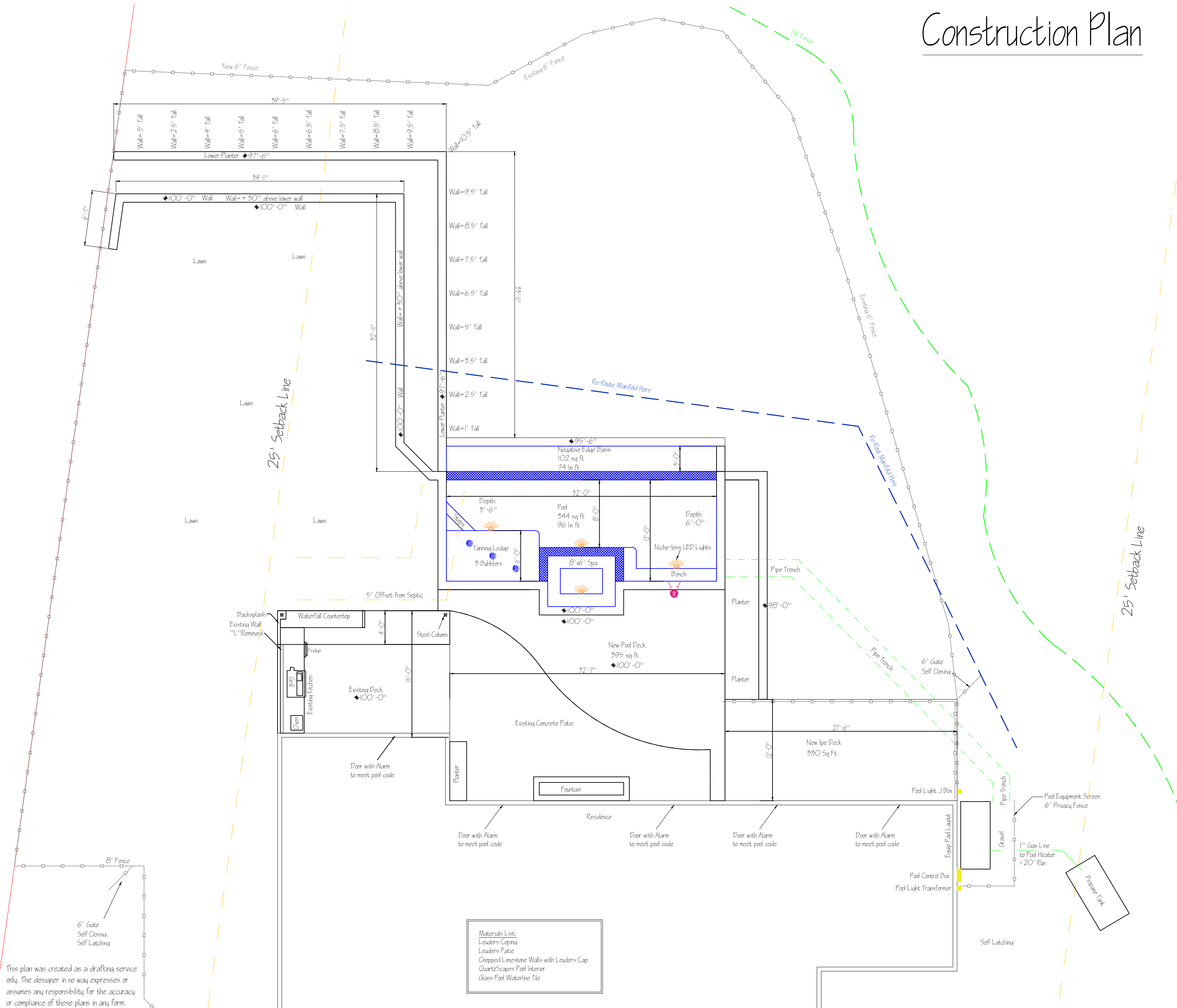
Address: 917 Calithea Rd West Lake Hills, TX 78746

Job: 2018/P.D.G. View: C-Sheet (1 Plan)

Date: 05/06/2020 File: Calitheadwg

Scale: 1/8" = 1'-0"

Drawn By: CEE



Site Plan



File: Calithea.dwg

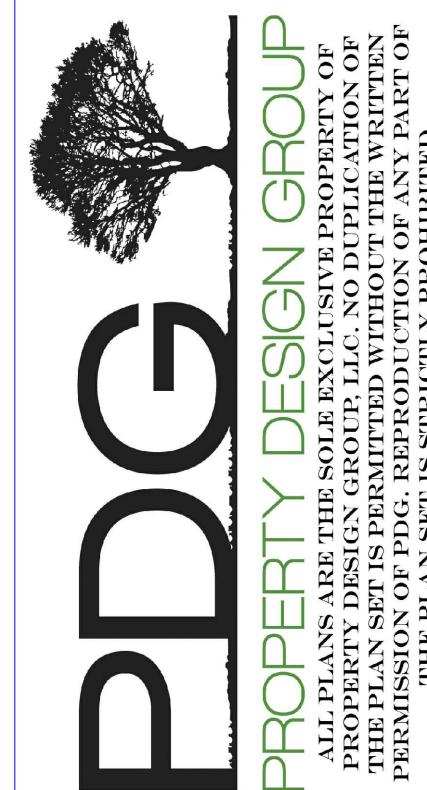
Drawn By: CEE

Trees to Remove:

Trees to Protect:

—●—●—●— Tree Protection Fence

Tree Protection includes putting orange safety fence around protected trees to keep construction from affecting the root zone of the tree.



Address: 917 Calithea Rd West Lake Hills, TX 78746

Job: 2018/P.D.G.

File: Calithea.dwg	Date: 05/06/2020
--------------------	------------------

Scale: $3/32'' = 1'-0''$

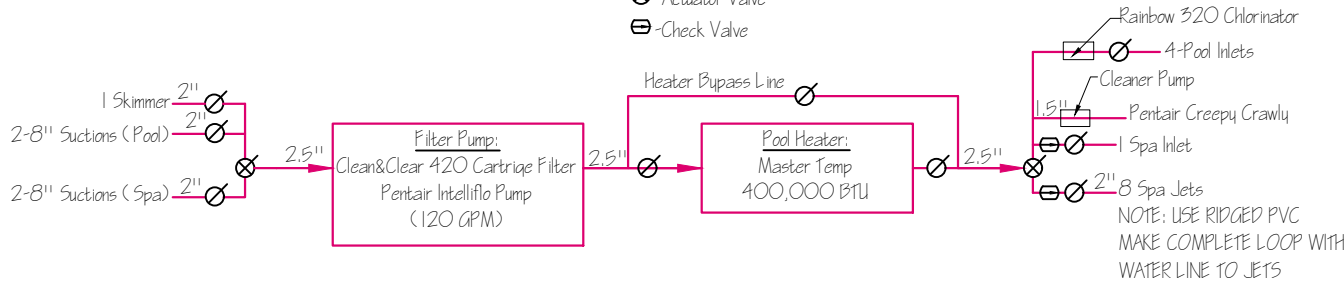
Drawn By: CEE

Pool Equipment Layout

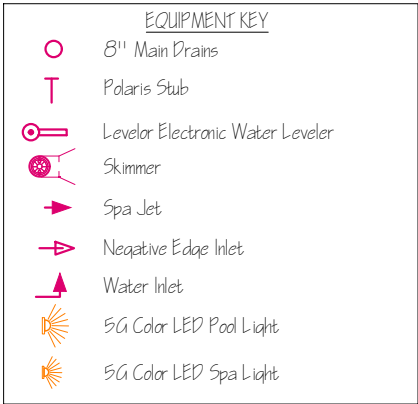
Scale: 1/8"=1'-0"

Pool Equipment Layout

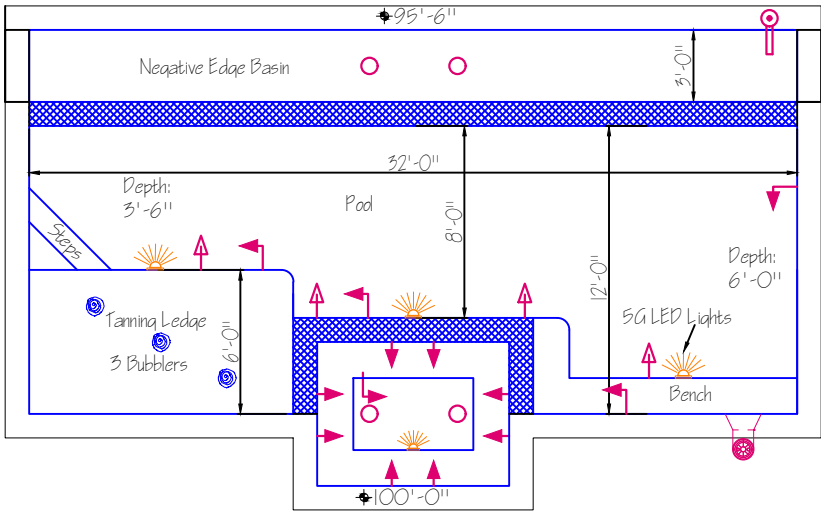
- Manual Valve
- Actuator Valve
- Check Valve



Pool Perimeter is 96 lin ft
5-Pentair IntelliBrite SG 12v LED RGB Pool Lights - 1000 lumens each
Spa Perimeter is 28 lin ft
1-Pentair IntelliBrite SG 12v LED RGB Spa Light - 400 lumens each



NOTE: For specific instructions on equipment installation, please see manufacturers instruction manuals.
NOTE: Pool Light need to be routed to a J-Box 9" above water level and then over to the transformer at the pool equipment.
NOTE: Bond all metal objects within 5' of the pool water.
I.E. Metal Handrails, diving boards, slide components, ect...
NOTE: Pool and Spa drains will be VGMA compliant.
NOTE: Negative Edge wier wall must be level to a tolerance of 1/8".



11,000 gallons ÷ Clean&Clear 420 Filter (120 gpm capacity) = 1.5 hr turnover rate

Pool Equipment:

- 2-8" Main Drains
- 400K Pod Heater
- Pentair IntelliFlo Filter Pump
- Pentair 480 Cartridge Filter
- 1-Skimmer
- 1-Pentair Cleaner Pump
- 1-Creapy Crawly Cleaner
- Chlorine Tab Feeder
- 4-Pool Inlets
- 4-Negative Edge Overflow Inlets
- 3-Nicheless LED Pool Lights
- 1-Intermatic 100w transformer
- EasyTouch PSL4 w/ Screen-o-gic Bundle

Spa Equipment:

- 2-8" Main Drains
- 1-Nicheless LED Pool Light
- 1-Intermatic 100w transformer
- 8-Spa Jets
- 1-Spa Inlet
- 1-Polaris Air Blower

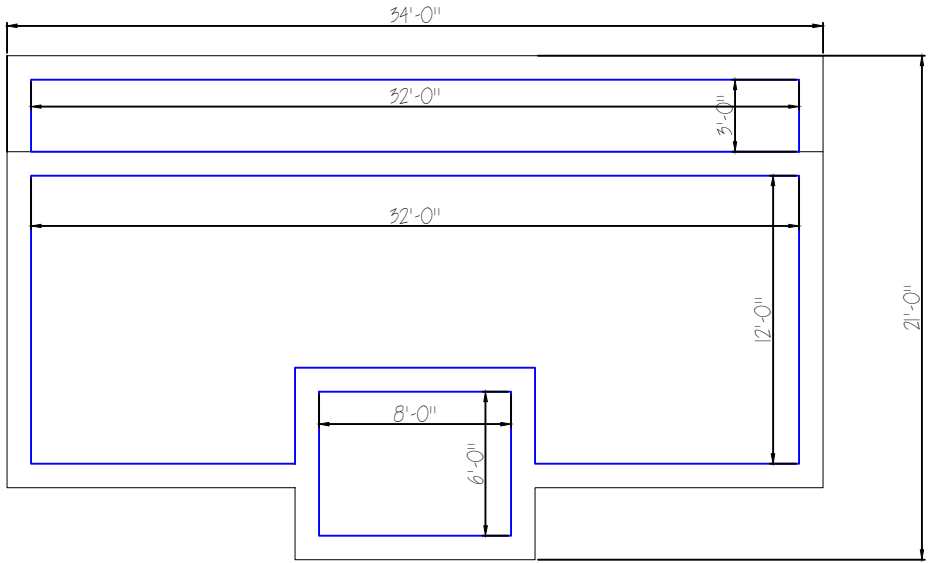
Basin Equipment:

- 2-8" Main Drains
- 1-Electronic Water Leveler

Pool Dimensions

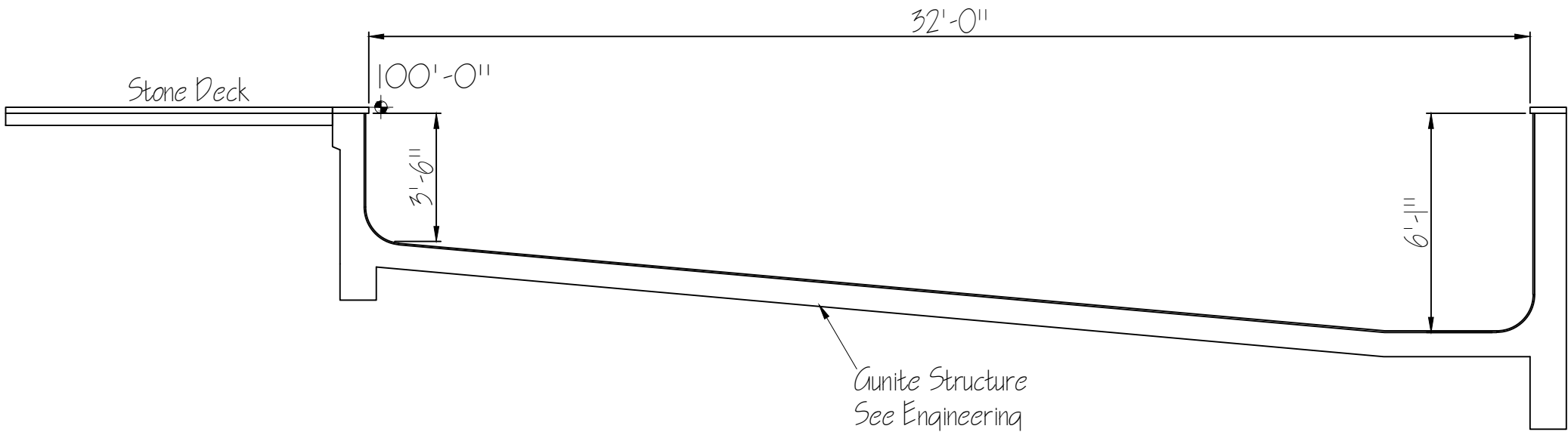
Scale: 1/8"=1'-0"

Pool Details Plan



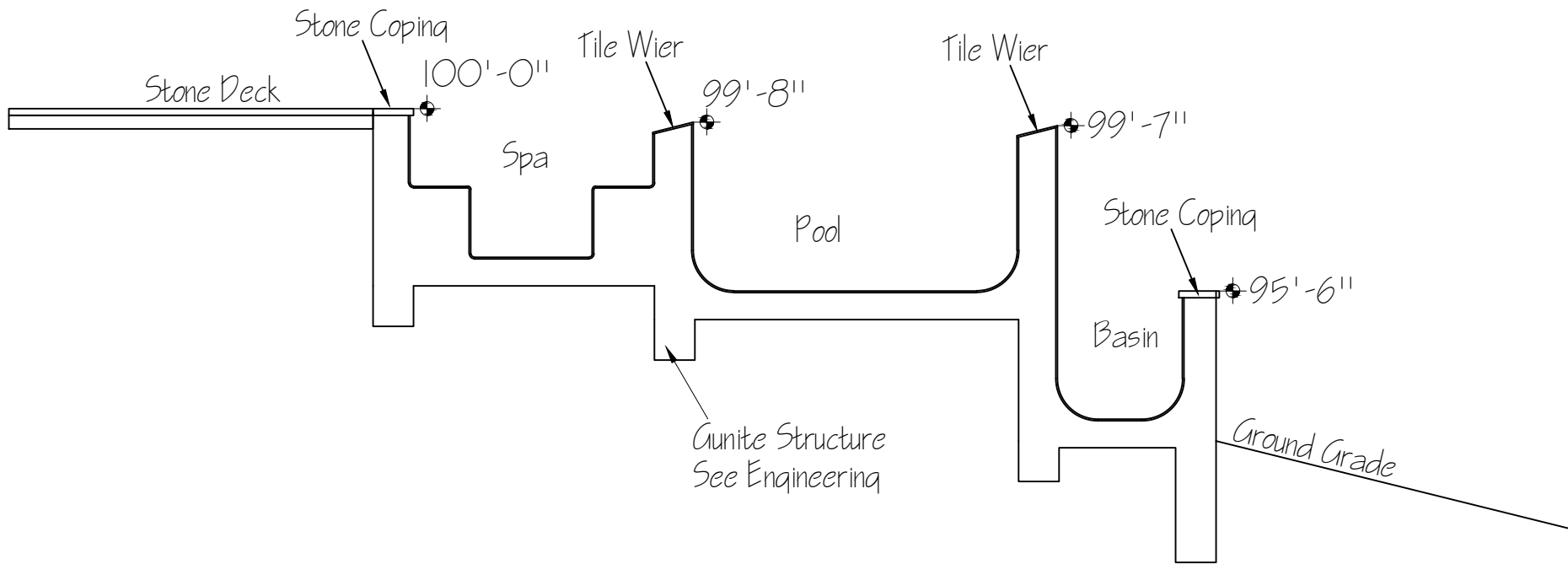
Pool Depth Profile

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



Pool Edge Detial

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



This plan was created as a drafting service only. The designer in no way expresses or assumes any responsibility for the accuracy or compliance of these plans in any form.



Calithea Residence

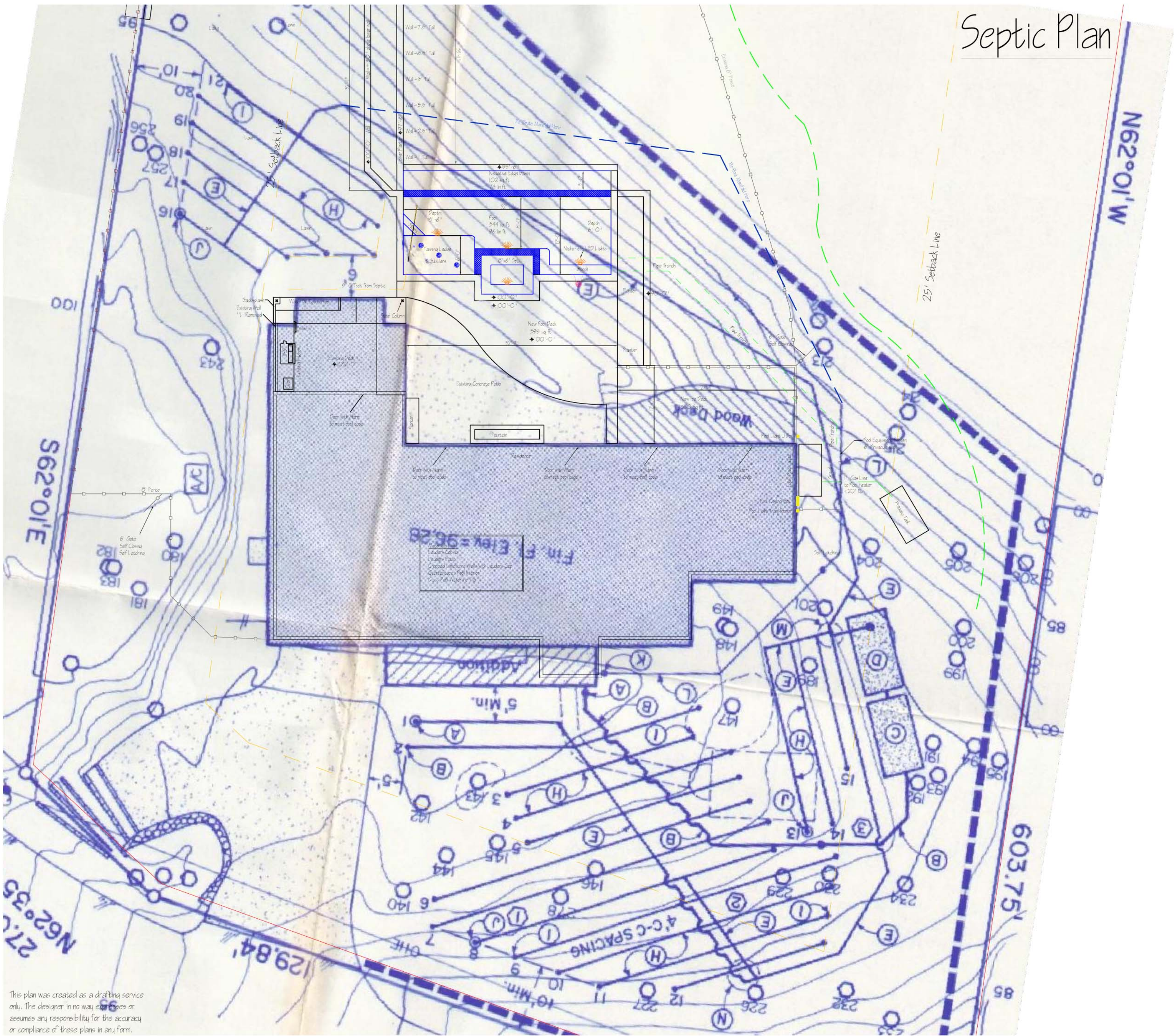
Address: 917 Calithea Rd West Lake Hills, TX 78746

Job: 2018/P.D.G. View: C-Sheet (4 Pool Details)

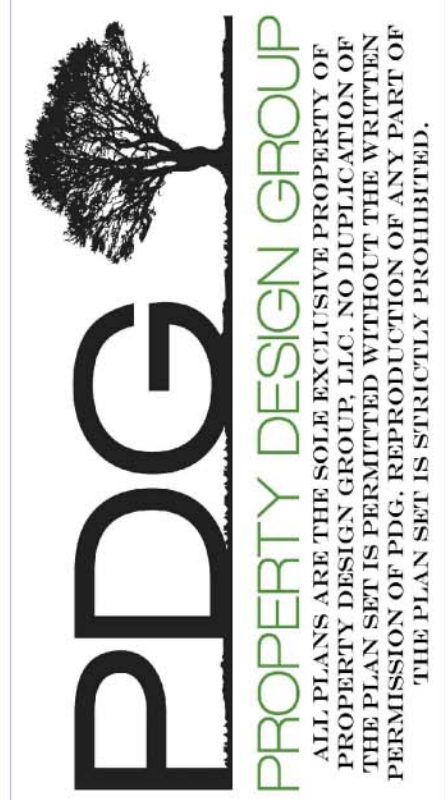
File: Calitheadwg Date: 05 / 06 / 2020

Scale: Per Viewport

Drawn By: CEE



This plan was created as a drafting service only. The designer in no way endorses or assumes any responsibility for the accuracy or compliance of these plans in any form.



Calithea Residence

Address: 917 Calithea Rd West Lake Hills, TX 78746

Job: 2018/P.D.G.

View: C-Sheet (5 Septic Plan)

File: Calitheadwg

Date: 05 / 05 / 2020

Scale: 3/32" = 1'-0"
Drawn By: CEE









SCALE: 1"=60'

LARRY
CRADDOCK
30 ACRES

S 46°18'4" W 158.00'
S 46°00'14" W 159.77'

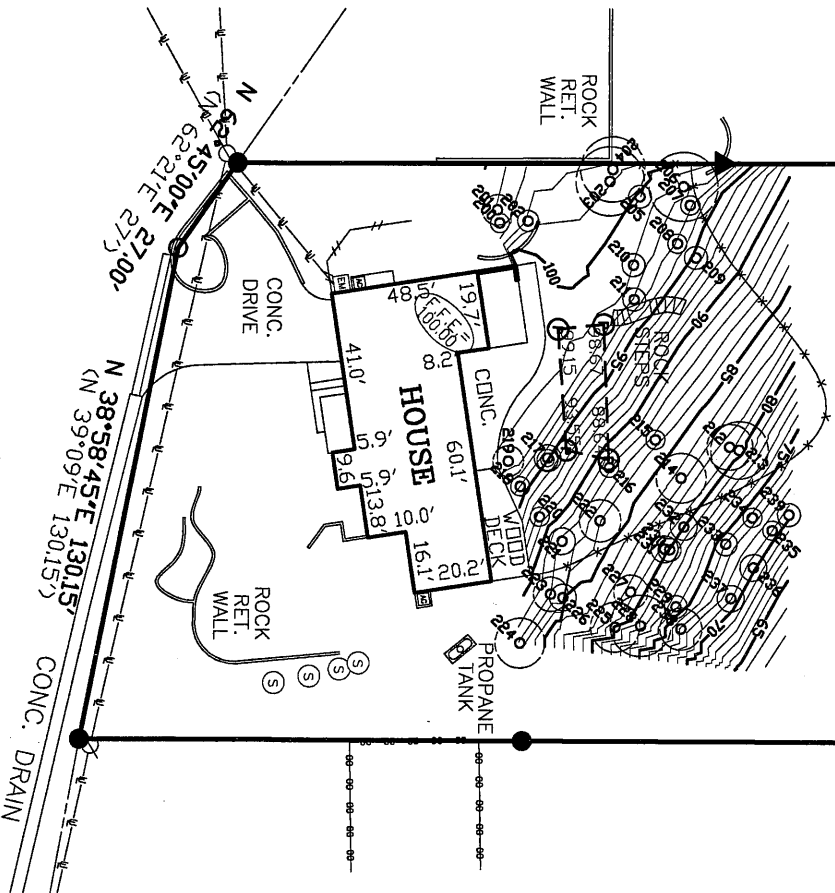
LOT 4

LOT 5
BLOCK "O"

BEARING BASIS
(S 62°01'E 612.95')
S 62°01'00"E 612.95'

N 61°49'41"W 603.75'
(N 62°01'W 603.75')

LOT 6



LEGEND

- CHAIN LINK FENCE
- WIRE FENCE
- UTILITY LINE
- UTILITY POLE
- ELEC. METER
- TELE. PED.
- IRON ROD FND.
- CALCULATED POINT
- PIN FLAG SET
- NAIL FND.
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT

TREE TABLE

200	5" MOUNTAIN LAUREL
201	8" QUAD MOUNTAIN LAUREL
202	5.5" DBL MOUNTAIN LAUR
203	18" LIVE OAK
204	17" LIVE OAK
205	6" QUAD GRAPE MYRTLE
206	18" QUAD LIVE OAK
207	5" DBL MOUNTAIN LAUREL
208	5" PERSIMON
209	6" DBL MOUNTAIN LAUREL
210	6" DBL PERSIMON
211	6" DBL MOUNTAIN LAUREL
212	12" DBL SPANISH OAK
213	15" TRP SPANISH OAK
214	13" LIVE OAK
215	5" ST CHINA BERRY
216	5" MOUNTAIN LAUREL
217	7" DBL REDBUD
218	5" PERSIMON
219	8" ST UNKNOWN
220	5" PERSIMON
221	7" DBL PERSIMON
222	11" LIVE OAK
223	9" CEDAR
224	13" DBL LIVE OAK
225	13" LIVE OAK
226	7" QUAD MOUNTAIN LAUREL
227	9" LIVE OAK
228	16" CEDAR
229	6" LIVE OAK
230	6" DBL MOUNTAIN LAUREL
231	7" MOUNTAIN LAUREL
232	7" HACKBERRY
233	6" CEDAR
234	5" CEDAR
235	5" CEDAR
236	7" CEDAR
237	7" CEDAR
238	11" CEDAR
239	6" CEDAR

SURVEYOR'S NOTES

- () DENOTES RECORD INFORMATION
- [1] BUILDING LINE PER CITY OF CURRENT ZONING ORDINANCE.

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY INDEPENDENCE TITLE COMPANY PER COMMITMENT G.F. #1736531-LLF, EFFECTIVE AUGUST 31st, 2017; SCHEDULE B, PARAGRAPH 10.

LOT 5 IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: V. 8, P. 93; V. 1967, P. 386.

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.

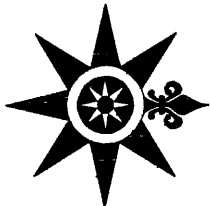
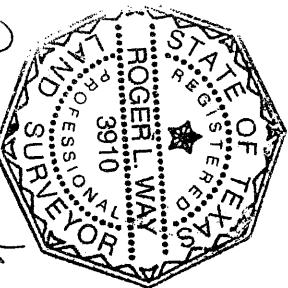
TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR INDEPENDENCE TITLE COMPANY

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.

LEGAL DESCRIPTION:

LOT 5, BLOCK "O", TERRACE MOUNTAIN OR BLOCK "O" STENEGEDGE ESTATES, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN VOL. 8, PG. 93, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

REFERENCE: PATRICK JOHNSON AND CORTNEY JOHNSON



917 CALITHEA ROAD
(50' R.O.W.)

ALL POINTS SURVEYING

1714 FORVIEW ROAD - SUITE 200

AUSTIN TX. 78704

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

FIRM REGISTRATION # 10118600

By:		Date:
FIELD WORK	WW	10-25-19
DRAFTING	SCN	

SURVEY DATE: 10-28-19
Job No. 10814419
SCALE: 1"=20'



Thu 4/30/2020 9:54 AM

Re: 917 Calithea Variance

To: [REDACTED] Anjali Naini; [REDACTED]

Cc: [REDACTED]

 This message is part of a tracked conversation. [Click here to find all related messages or to open the original flagged message.](#)
[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Anjali,
I fully support the variance requested by Patrick and Courtney Johnson in constructing a retaining wall in the area of their pool and play area.
If any additional assistance is needed, please do not hesitate to contact me.

Frank Phillips
919 Terrace Mountain Dr. (aka; 919 Calithea)
(512) 328-5424

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

From: Patrick Johnson <[REDACTED]>
To: [REDACTED] <[REDACTED]>; Anjali Naini <planner@westlakehills.org>; Courtney Johnson <[REDACTED]>
Sent: Wed, Apr 29, 2020 6:07 pm
Subject: 917 Calithea Variance

Frank

Thanks for taking my call today and expressing support for our retaining wall as part of our pool and play area for the kids. It was nice to see you even though we were social distancing!

Anjali,

Frank Phillips is our neighbor on the other side of our house from Jerry and Diana. His address is 919 Terrace Mountain Dr (at the corner of Calithea and Terrace Mountain).

Frank, if you could please reply to this email that you are in support of our variance request, it would help us get through the process. Anjali has expressed a simple email reply is the most efficient way to go for you and the City of WLH vs. writing a letter.

With our best,

Patrick and Courtney Johnson
917 Calithea
Patrick: cell 512-784-4819
Courtney: cell 512-507-2750



Wed 4/29/2020 6:09 PM

Patrick Johnson <[REDACTED]>

Support from Jerry and Diana Vandel: 917 Calithea variance

To: Anjali Naini; Courtney Johnson

i Follow up. Start by Wednesday, April 29, 2020. Due by Wednesday, April 29, 2020.
You replied to this message on 4/30/2020 3:38 PM.

First and most important supporter. This is our 'setback' neighbor.

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

From: Jerry Vandel <[REDACTED]>

Sent: Wednesday, April 29, 2020 6:00 PM

To: Patrick Johnson <[REDACTED]>

Subject: Re: 917 Calithea variance

Hi Patrick,

As we discussed, Diana and I are supportive of your variance request.
We have no issues that concern us with regard to the variance.

Jerry and Diana Vandel

On Wed, Apr 29, 2020 at 5:54 PM Patrick Johnson <[REDACTED]> wrote:

>

> Jerry,

>

>

>

> Thanks for taking my call yesterday and expressing support for our retaining wall as part of our pool and play area for the kids. It was nice to see you even though we were social distancing!

>

>

>

> Anjali,

>

>

>

> Jerry and Diane Vandel are our neighbors closest to the proposed variance. Their address is 915 Calithea.

>



Thu 4/30/2020 4:06 PM

John Howard <[REDACTED]>

Re: 917 Calithea Variance request

To [REDACTED]

Cc Anjali Naini; Charlotte Howard; Cortney Johnson; [REDACTED]

Hi Patrick, and anyone concerned, Charlotte and I are in support of the variance and have no objections. I am copying her on this email. Thank you

On Wed, Apr 29, 2020 at 6:17 PM Patrick Johnson <[REDACTED]> wrote:

John and Charlotte,

John and Charlotte

Thanks for taking my call yesterday and expressing support for our retaining wall as part of our pool and play area for the kids. It was nice to see you even though we were social distancing!

Anjali,

John and Charlotte Howard are our neighbors across the street to the proposed variance. Their address is 912 Terrace Mountain (at the corner of Calithea and Terrace Mountain).

John, if you could please reply to this email that y'all are in support of our variance request, it would help us get through the process. Anjali has expressed a simple email reply is the most efficient way to go for you and the City of WLH vs. writing a letter.

With our best,

NOTICE TO NEIGHBORS OF VARIANCE REQUEST

DATE OF NOTICE: April 17, 2020

Greetings. You are hereby notified that **Cortney and Patrick Johnson**, the recorded owners of a property located at **917 Calithea Road** in the City of West Lake Hills, Texas have filed a Variance Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

- **Section 22.03.170 – Site disturbance (excavation, grading or filling)**
 - **Retaining wall exceeding 6ft**
- **Sec. 22.03.281 – Schedule of regulations**
 - **Encroachment of a retaining wall into a side setback**

The request is so that the property owners may: **Construct a retaining wall that exceeds 6ft and encroaches the 25ft side setback in order to build a new swimming pool and expanded yard space.**

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 **May 20, 2020** at **6:30** p.m. and the Board of Adjustment/City Council on **June 10, 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 if you have any questions.

Mark Littrell, Zoning & Planning Secretary



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

MAY 20, 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 - <i>Postponed</i>
May 20, 2020	ZAPCO
June 10, 2020	Board of Adjustment/City Council

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:

Update: After being postponed on April 15, 2020, the homeowner, Ben Brieger, still wishes to pursue the same variance requests with the proposed layout reviewed by ZAPCO during the April meeting. Additional design layouts were considered and are included in the packet, but do not meet Dr. Brieger’s needs. Emails from neighbors supporting the variance requests were received by the City in early May and are also included in the packet.

The homeowner, Ben Brieger, submitted variance requests in order to construct a new garage where he plans to pursue his hobby of working on old cars. Currently, Dr. 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. Dr. 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.

Code Analysis:

Sec. 22.03.304 Tree and vegetation removal and replacement

(a) Removal policy.

(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.

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. 22.03.281 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)/ 20	15 (F, E)/ 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)/ 20	15 (F, E)/ 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:

$P = (.25 \text{ acres}) (.5) = .125$

$P = (.125) \div .5 = .25$

$P = 25\%$ 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

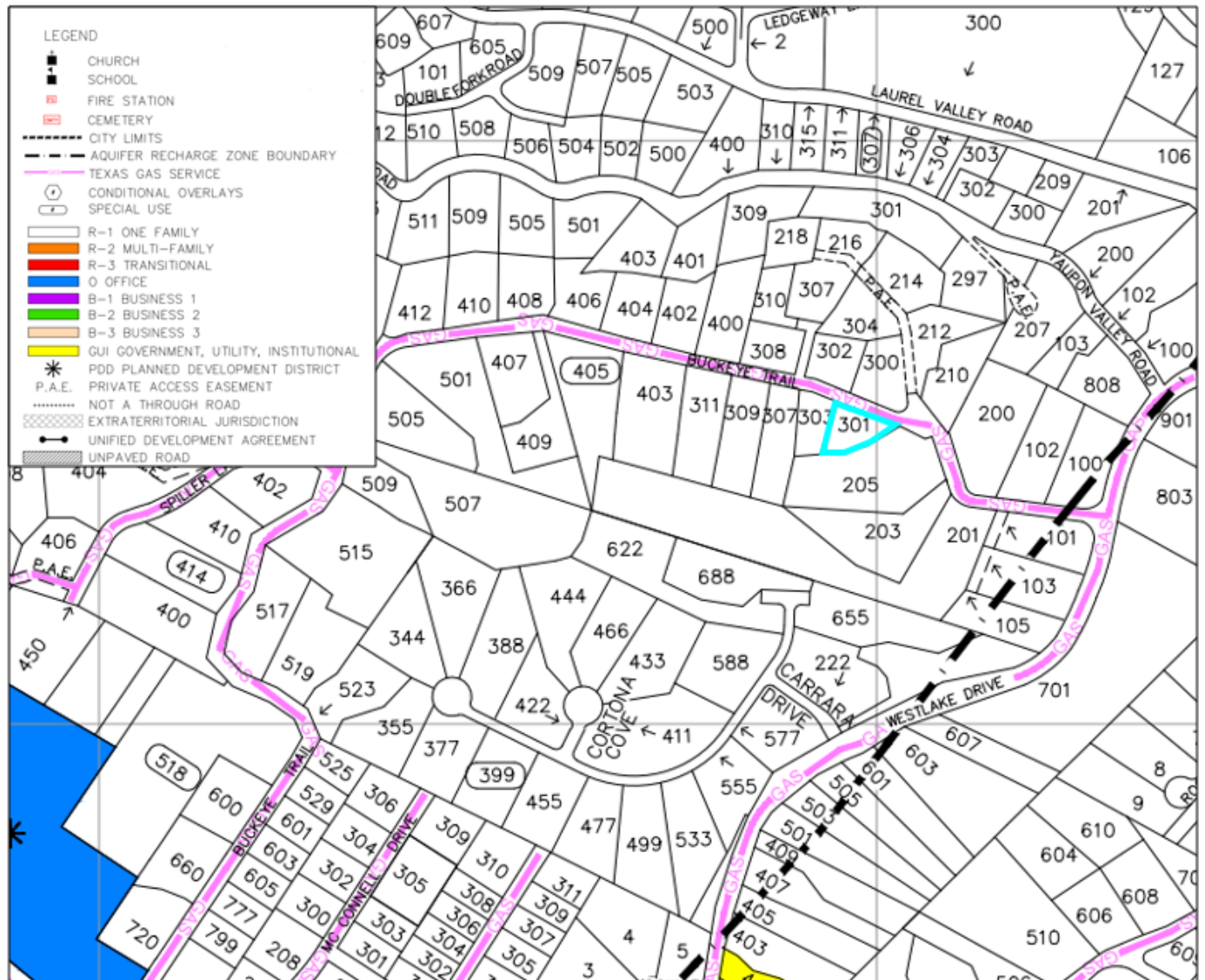
(C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified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

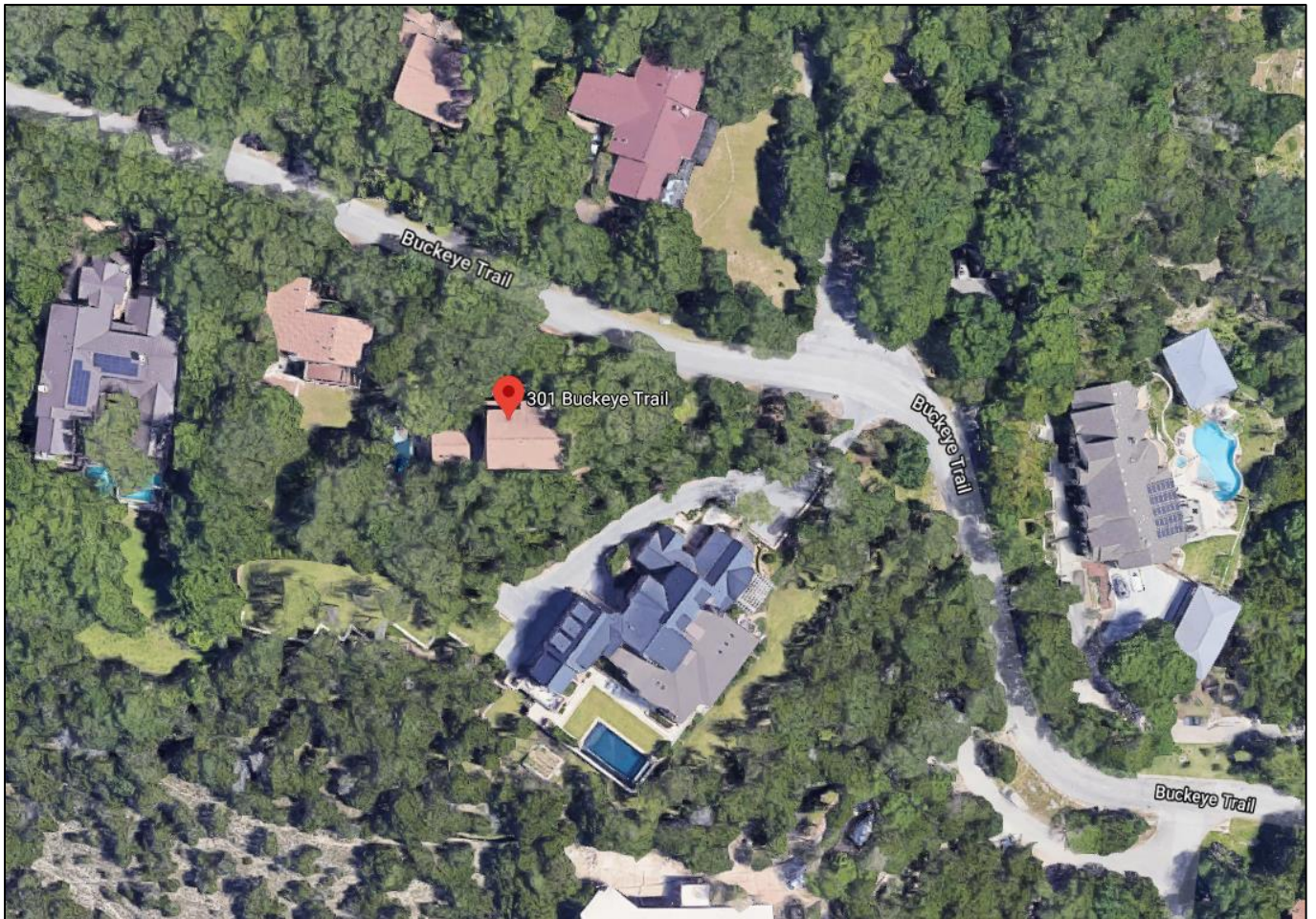
(Ordinance 137, att. A, adopted 9/15/08)

(Maps to follow)

Zoning:



Aerial:



APPLICATION COVER SHEET

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 GUARANTEE AS TO THE ACCURACY OF THE RECORDS AND BUILDING LINES SHOWN ON THE RECORDED PLAT. SURVEYOR ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS AND REMAINS NOT RESPONSIBLE FOR ANY DAMAGE TO ANY PROPERTY OR PERSONS OR ANY OTHER LOSS OR INJURY THAT MAY BE CAUSED BY ANY ERROR OR OMISSION.

THE OVERLOOK
AT WESTLAKE
BK. 90, PG. 341

LOT AREA SUMMARY

TOTAL LOT AREA: 20949 SQ. FT.

SURVEYOR'S NOTES

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

- 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
 - PERM. P.D.
 - UTILITY POLE
 - BUILDING LINE
 - DRAINAGE
 - ELECTRIC UTILITY
 - PUBLIC UTILITY
 - P.U.L.



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

TREE TABLE

NO.	DATE	TYPE	SIZE	LOCATION
101	200	RED	14"	W. OF LOT
102	100	RED	14"	W. OF LOT
103	100	RED	14"	W. OF LOT
104	100	RED	14"	W. OF LOT
105	100	RED	14"	W. OF LOT
106	100	RED	14"	W. OF LOT
107	100	RED	14"	W. OF LOT
108	100	RED	14"	W. OF LOT
109	100	RED	14"	W. OF LOT
110	100	RED	14"	W. OF LOT
111	100	RED	14"	W. OF LOT
112	100	RED	14"	W. OF LOT
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114	100	RED	14"	W. OF LOT
115	100	RED	14"	W. OF LOT
116	100	RED	14"	W. OF LOT
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118	100	RED	14"	W. OF LOT
119	100	RED	14"	W. OF LOT
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121	100	RED	14"	W. OF LOT
122	100	RED	14"	W. OF LOT
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164	100	RED	14"	W. OF LOT
165	100	RED	14"	W. OF LOT
166	100	RED	14"	W. OF LOT
167	100	RED	14"	W. OF LOT
168	100	RED	14"	W. OF LOT
169	100	RED	14"	W. OF LOT
170	100	RED	14"	W. OF LOT
171	100	RED	14"	W. OF LOT
172	100	RED	14"	W. OF LOT

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: WANC MAPS

FILE NO.	DATE	BY
100	08-12-10	SW
101	08-12-10	SW
102	08-12-10	SW
103	08-12-10	SW
104	08-12-10	SW
105	08-12-10	SW
106	08-12-10	SW
107	08-12-10	SW
108	08-12-10	SW
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164	08-12-10	SW
165	08-12-10	SW
166	08-12-10	SW
167	08-12-10	SW
168	08-12-10	SW
169	08-12-10	SW
170	08-12-10	SW
171	08-12-10	SW
172	08-12-10	SW



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): _____
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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

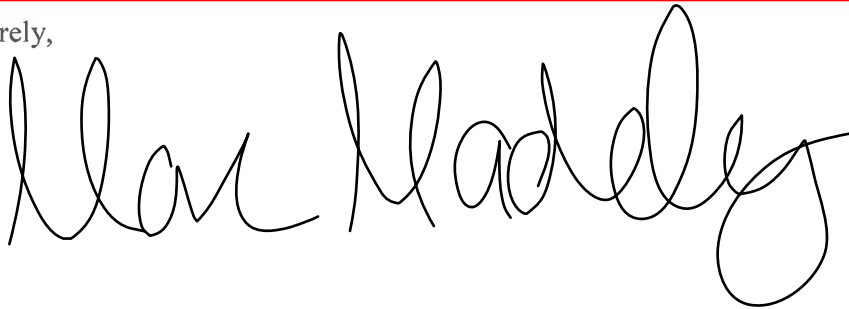
DATE:

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 fluid and cursive, with the first name "Alan" and last name "Haddy" clearly distinguishable.

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.

- (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: _____

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

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☐ Elevation Views and Floor Plans (new structures only)

☐ Septic Assessment (new structures only)

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Staff Analysis sent to Applicant on by

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ZAPCO Recommendation:

Conditions/Comments (if any):

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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

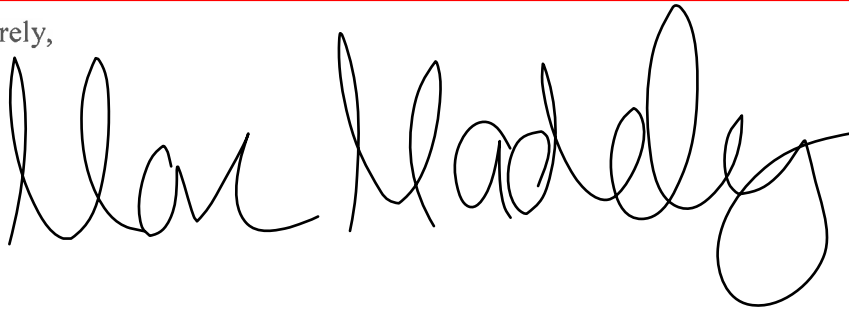
DATE:

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, appearing to read "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

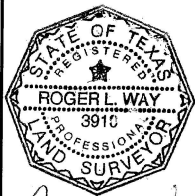
- CHAIN LINK FENCE
- UTILITY LINE
- WROUGHT IRON FENCE
- A/C UNIT
- ELEC. METER
- GAS METER
- SEPTIC LID
- AIR VALVE
- TELE. PED.
- ELECTRIC MANHOLE
- IRON ROD FND.
- BOAT SPIKE
- PIPE FND.
- UTILITY POLE
- BUILDING LINE
- DRAINAGE EASEMENT
- PUBLIC UTILITY EASEMENT

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" LIVE OAK	199	14" LIVE OAK
127	3" MOUNTAIN LAUREL	200	3" MOUNTAIN LAUREL
128	15" LIVE OAK	201	6" TRP MOUNTAIN LAUREL
129	3" PERSIMMON	202	6" QUAD MOUNTAIN LAUREL
130	14" LIVE OAK	203	5" DBL MOUNTAIN LAUREL
131	3" MOUNTAIN LAUREL	204	4" 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

By:		Date:
FIELD WORK	WW	08-11-19
DRAFTING	SCN	

SURVEY DATE: 08-12-19
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.)

SPINDLE SET IN P.P. BENCHMARK-B44.82'

5'-0"

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

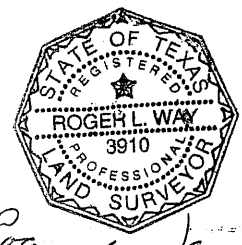
TOTAL LOT AREA.....20648 SQ.FT.

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

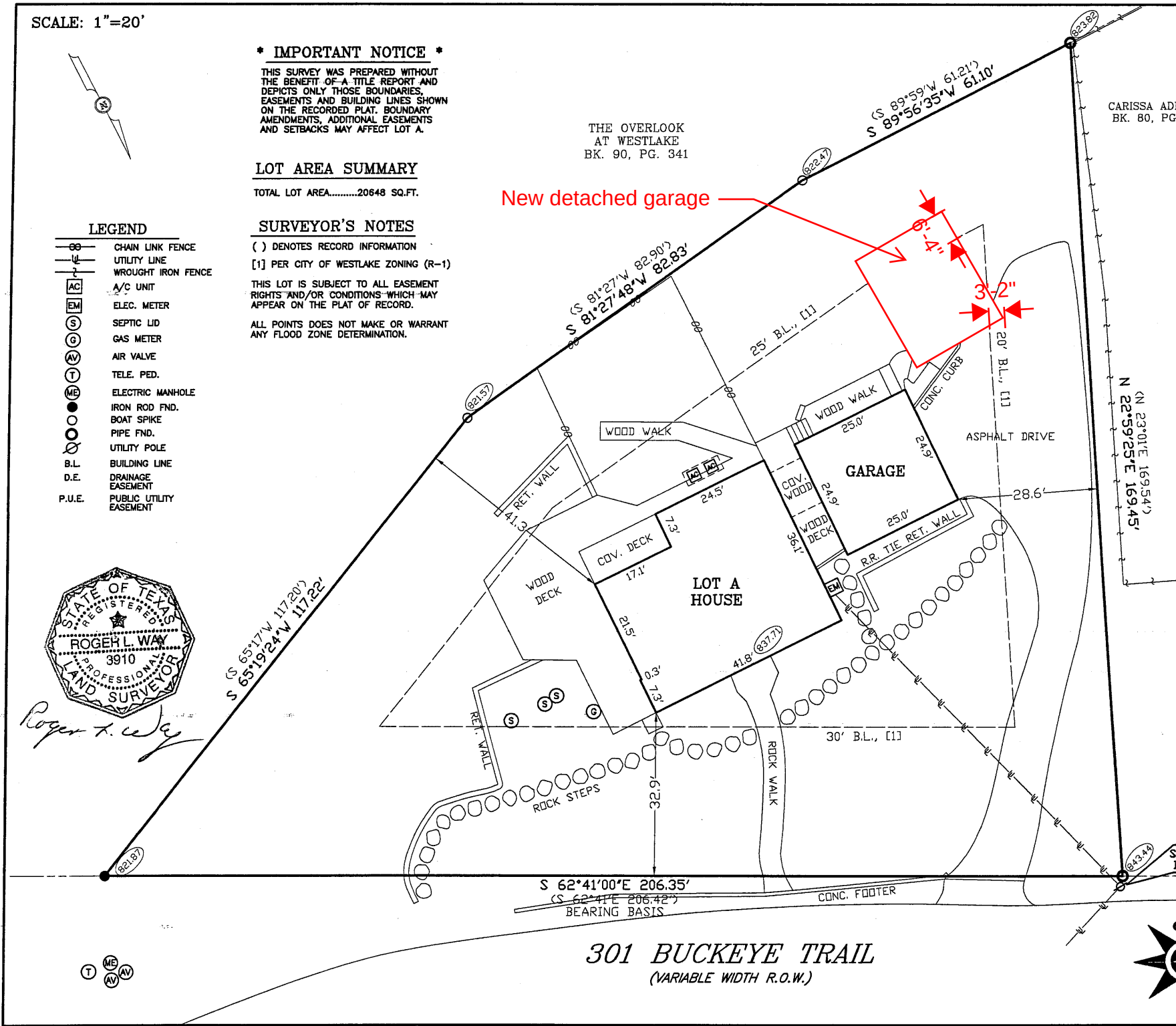
- CHAIN LINK FENCE
- UTILITY LINE
- WROUGHT IRON FENCE
- A/C UNIT
- ELEC. METER
- SEPTIC LID
- GAS METER
- AIR VALVE
- TELE. PED.
- ELECTRIC MANHOLE
- IRON ROD FND.
- BOAT SPIKE
- PIPE FND.
- UTILITY POLE
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT



Roger L. Wagg

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
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	12" 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	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 YAUJON	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
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	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	10" 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
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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

FIELD WORK	By: WW	Date: 08-11-18
DRAFTING	SCN	
SURVEY DATE:	09-06-19	
Job No.	06814719	
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.)



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
 - IR0 IRON FENCE
 - IPF 1/2" IRON PIPE FOUND

PROPERTY SURVEY AND





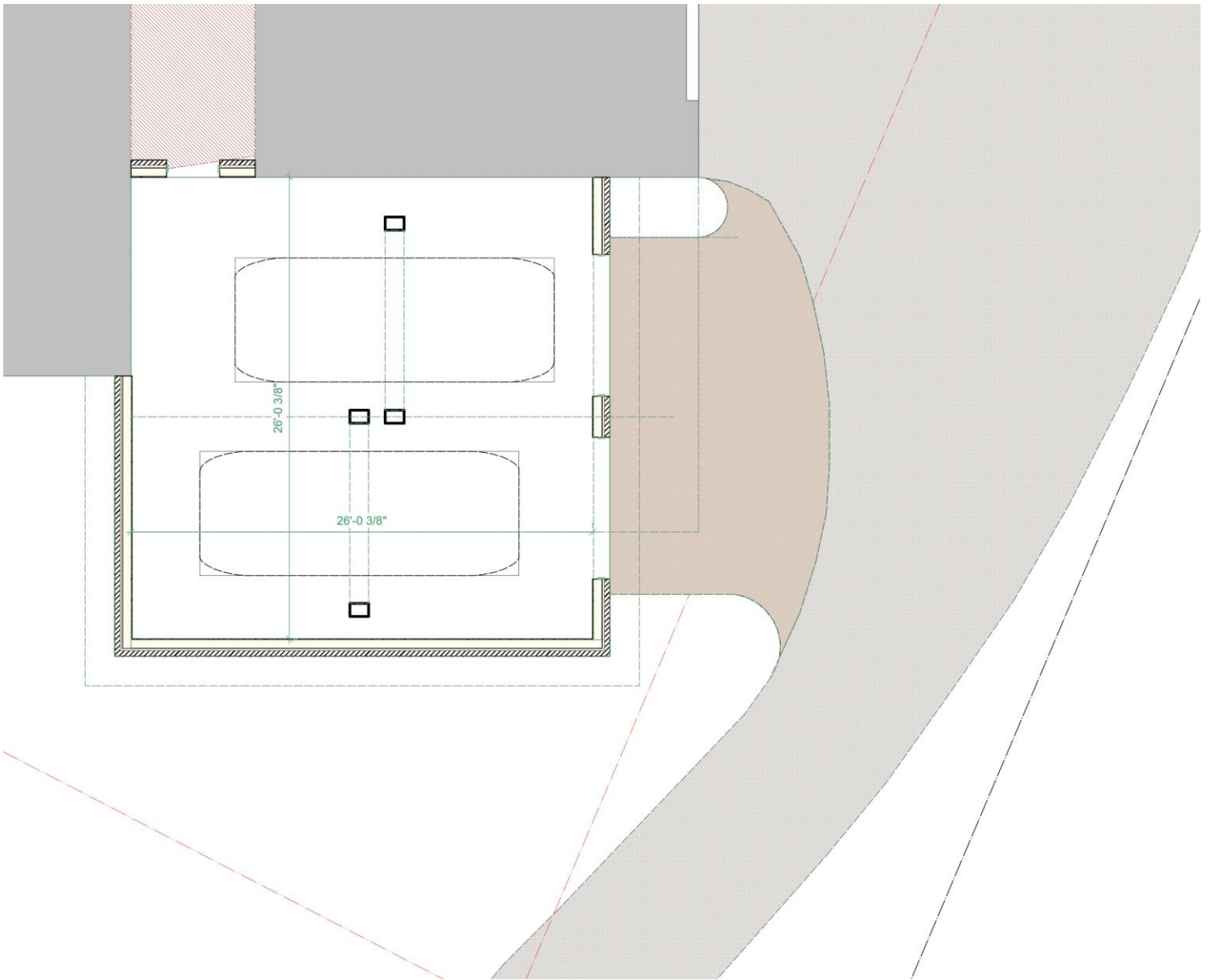
Hi Anjali,

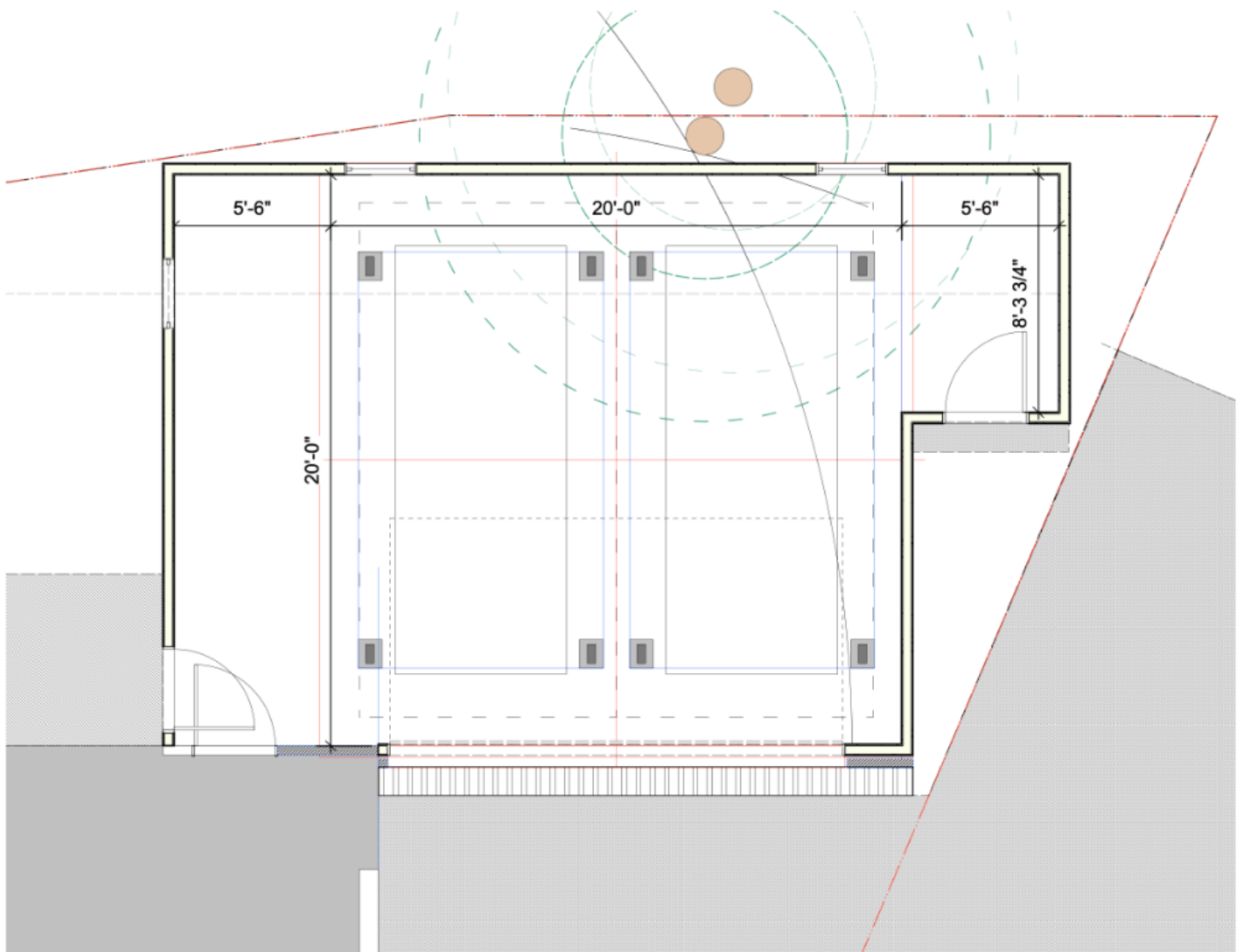
I am still applying for the same variances. As much as I appreciate Bill Vandersteel's generosity with his time and expertise, the solutions still wouldn't quite accommodate what I would need; to fit the type of car lifts I need, it would require at least 26-28ft wide rectangle which would still put me over the build back line on the side by 5-10 ft and several feet on the downhill side. If the build back lines were where they were on my old survey, none of this would be a problem. Also, the proposed solution would delete my back walkway which is the main dry, non-slippery entrance to my house. The other alternative solution to put it in my front yard would yield the size structure I would need, but it would endanger two very large oak trees and put the structure facing street side. I feel like this would defeat the mission of preserving the visual sanctity of the neighborhood. The trees that would be felled for my proposed plan are far less visually consequential and practically invisible from the street. The other solution that Mr. Vandersteel came up with would solve the variance for impermeable cover by changing the top of the driveway to gravel and to have french drains around the structure.

I don't want to come across as difficult or ungrateful for everybody's help, especially Mr. Vandersteel's, but I still want to build this garage so I can safely work on my cars. In the ER I have seen more people than I care to remember who have been crushed by cars slipping off jack stands (which is what I am using now). I feel that sticking points have been addressed:

- 1) One hardship is my physical safety. Also, that alternatives have been explored, but because of the build back line driven design, these would not yield enough space to make the project practical.
- 2) One of the reasons for build back lines is to protect neighbors from impositions near their property; the 2 affected neighbors are OK with the variances with the proviso that I landscape around any concrete, which I agree to do.
- 3) The variance for impervious cover could easily be remedied by making the driveway permeable.
- 4) The few trees I would have to fell are not visually important to the neighborhood. One is dead, the other is a cedar and the third would open up my neighbors' downtown view. Protection of vital root zones could be accomplished using stilts rather than concrete slab.
- 5) We must also consider the circumstances of this unique time, with the economy at a near standstill, every little endeavor that employs people will help. This would be an ancillary benefit of making exceptions for variances and moving ahead with this project.

Thanks,
Ben
512 431-6683







Thu 5/7/2020 5:52 PM

Scott Dunaway <[REDACTED]>

Brieger Project

To Anjali Naini

Cc ben

i Follow up. Start by Friday, May 8, 2020. Due by Friday, May 8, 2020.
You replied to this message on 5/8/2020 10:12 AM.

Anjali,

My name is Scott Dunaway. I live at 205 Buckeye Trail and am Dr. Ben Brieger's neighbor. I spoke with Ben recently regarding his proposed construction project of a single structure garage addition. I understand that he will require a variance for encroaching on the setback line to our property. While I am unclear on how much the structure will encroach on the property line (we don't have a survey that places the structure, only a few markers), we believe it will be 2-3 feet.

I spoke with Ben regarding my concerns, specifically the roof height from grade and the encroachment. We agreed that during construction, he would put in place erosion barriers and a construction fence to control debris. We also agreed that once complete, he would landscape the backside of the structure to mask the exposed foundation and part of the wall. With these agreements in place, I would like to voice my support for Dr. Brieger to proceed with his plans to the ZAPCO.

If you have any questions, please contact me directly. Thank you.

- Scott Dunaway



Scott Dunaway | Partner
O (512) 344-2601 | M (512) 870-7212

[REDACTED]
www.themonumentgroup.com



Fri 5/8/2020 10:08 PM

Eric Huang <[REDACTED]>

301 Buckeye Trail Variance Request

To Anjali Naini

i Follow up. Start by Monday, May 11, 2020. Due by Monday, May 11, 2020.
You replied to this message on 5/11/2020 10:48 AM.

Hi Anjali,

My name is Eric Huang, the owner of 303 Buckeye Trail. I am writing to support my neighbor, Dr. Ben Brieger's variance request for his new garage plan.

Ben is a thoughtful neighbor and always keeps his property well maintained. He has communicated with me about his new garage plan. Not only I have no concerns about his plan but also think it can increase the value of nearby properties. Having additional space for his vehicles will also make adjacent areas in between Ben and my property more organized.

In conclusion, Dr. Brieger's has my full support for his new garage plan application. Please feel free to reach out to me if there is any questions.

Best regards,

-Eric Huang.
303 Buckeye Trail.
858-876-5614

NOTICE TO NEIGHBORS OF VARIANCE REQUESTS

DATE OF NOTICE: March 13, 2020

Greetings. You are hereby notified that **Benjamin Brieger**, the recorded owner of a property located at **301 Buckeye Trail** in the City of West Lake Hills, Texas has 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 – Exceed allowable impervious cover up to 30.5%**
- **Section 22.03.304 – Vegetation and Tree Removal;**
 - **Tree #217 – 14" Cedar**
 - **Tree #218 – 16" double Live Oak**
- **Section 22.03.281 – Encroachment into a building setback**

The request is so that the property owner may: **construct a new 900sf detached garage.**

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 **April 15, 2020** at **6:30** p.m. and the City Council/Board of Adjustment on **May 13, 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 if you have any questions.

Mark Littrell, Zoning & Planning Secretary



**DRIVEWAY, SITE DISTURBANCE,
& TREE VARIANCES
STAFF REPORT**

MAY 20, 2020

Project Name: 119 Redbud Trail – Driveway, site disturbance, and tree/vegetation variances

Requested Action: Construct a driveway extension with second driveway entrance, which requires variances: 1) second driveway entrance (Code only allows one); 2) site disturbance over 18" in the setback; 3) removal of two trees greater than 14" in diameter

Agenda Item: Land Use: **119 Redbud Trail:** Discussion/consideration of four variance requests for the construction of a second driveway: 1) construct a second driveway entrance/exit (West Lake Hills Code Sec. 22.03.175; 2) site disturbance/excavation up to 24 inches for a retaining wall in a setback (West Lake Hills Code Sec. 22.03.170); 3) removal of Tree # 35 - 18" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304); 4) removal of Tree # 38 - 19" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304). Owners Charles and Shannon Holley/Applicant Scott Cassel.

Applicant Information: Owners Charles and Shannon Holley/Applicant Scott Cassel

Hearing Dates:

May 20, 2020	ZAPCO
June 10, 2020	Board of Adjustment/City Council

Location: The subject property is located south of Skyline Drive, north of Laurel Valley Road, and west of Westlake Drive.

Zoning & Site Characteristics:

The subject property and surrounding neighborhood are zoned R-1 – One-Family Residential and is approximately 1.86 acres.

Background & Analysis:

The homeowners, Charles and Shannon Holley, are requesting variances in order to construct a second driveway entrance to add an extension to the existing driveway so that cars are able to safely exit the garage without backing out onto Redbud Trail.

The City's Code Section 22.03.175 only allows one driveway for residential properties. The application states that the current driveway, "...which extends straight uphill from the garage onto Redbud Trail, is impossible to turn around in and is unsafe to exit due to poor view of oncoming traffic."

The City's Code also requires driveways to be designed in a manner that would allow adequate space for vehicles to enter/exit so they will not have to back out directly onto a public street (Code Sec. 22.03.175 (d)).

In order to construct the second driveway entrance and driveway extension, additional variances are required for the removal of two Crepe Myrtle trees that are greater than 14" in diameter and excavation of 24" in the setback, which is greater than the maximum allowed 18" in a setback. The owners explored a different location for the proposed driveway extension and second entrance, but that would require the removal of native oak and cedar trees.

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 explains that there is not adequate room for the homeowners or visitors to exit the driveway safely onto Redbud Trail. In particular, the issues include:

"-The lack of room to turn around on the driveway or the 'hammerhead' put in by the previous owners. As mentioned, there is not sufficient room for larger vehicles to safely turnaround in the hammerhead. This results in vehicles backing up out of the driveway and onto Redbud Trail, which is not safe and contrary to City code."

"-Due to the angle of Redbud Trail as it approaches our property from the east, it is impossible to know whether a vehicle is about to come around the corner. Due to the speed of most vehicles on Redbud Trail, those leaving our driveway or those coming on the road have insufficient time to react and adjust."

"-The existing grade in the front yard requires a short wall on the uphill and short wall on the downhill side to create a safe driveway that will not exacerbate drainage. We only require a few additional inches to excavate underground to ensure a properly constructed and safe wall is installed adjacent to our driveway."

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

The application states – "The removal of non-native crape myrtle trees should have relatively minor implications for the local, native ecology, especially as we intend to replace them with three or four native trees."

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

The application states – "We have attempted to use the 'hammerhead' turn around area put in by the previous owner and found it unusable. We have also considered simply relocating the driveway entrance/exit onto Redbud Trail by removing the portion of the existing driveway within the 10' driveway boundary setback and 20'

Right of Way street setback, but unfortunately this leaves insufficient room for vehicles to backup out of our garage or turnaround.”

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

The application states – “The proximity of the curve in Redbud Trail to the existing driveway is not something that we can address –the only remedy is to add an extension off of our existing driveway for another exit.”

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

The application states – “Our goal is to minimize any ecological impact while ensuring our safety, together with that of visitors to our house and those driving on Redbud Trail. Were we able to have sufficient visibility down Redbud Trail to see oncoming traffic, for such traffic to see our driveway, and to have sufficient room to turn around and not back out onto Redbud Trail, we would not be seeking this variance.”

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 driveway extension and additional exit would help to ensure the safety of our neighbors and fellow West Lake residents driving on Redbud Trail. Moreover, the proposed exit is farther away from the driveway of our neighbor directly across the street (our existing entrance/exit is almost directly across from their driveway) and the neighbor at 123 Redbud Trail.”

Traffic/Transportation

If the variance is approved, the proposed project may have a positive impact on Redbud Trail by reducing a safety hazard for the homeowners of the subject property as well as other drivers.

Lighting

No outdoor lighting is proposed with 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

This property is located in Area 1 (Residential). The existing and future land use comply with the Master Plan.

Staff Recommendation

Staff recommends approval of the requested variances as the proposed driveway configuration and second entrance help alleviate a safety hazard. The application demonstrates a lack of other feasible options to reconfigure the existing driveway.

Code:

Sec. 22.03.170 Site disturbance (excavation, grading or filling)

- (a) Excavating, grading or filling shall minimize the negative impacts of development on natural slopes and interfere as little as possible with the natural landscape by minimizing the alteration of the natural terrain.
- (b) The minimum site disturbance standards for earth cuts and fills are included in the drainage and erosion control design manual.
- (c) Finished open cuts of an excavation shall not exceed the 1.5H:1V ratio in undisturbed earth, 2H:1V ratio in earth fill.
- (d) Excavation shall not interfere with public or private utility systems and shall not create or aggravate any condition detrimental to the public health and safety.
- (e) Excavation and removal of excavated material, and filling shall be permitted without a permit provided such operation is clearly incidental to improvement of the property, consists of less than six cubic yards of material and the area is graded and covered by revegetation or other suitable means to prevent erosion.
- (f) No excavation, grading or filling shall be permitted in setbacks except for up to 18 inches in height or depth.
- (g) Any wall shall not exceed six (6) feet in height above natural grade.
- (h) Walls shall either incorporate the use of native materials or be earth-tone colors to match native soils.
- (i) All walls of three (3) feet or more shall require shrubbery and/or vines of healthy stock and of a minimum of two (2) feet in height immediately after planting in front of the retaining wall. All shrubbery and/or vines shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will grow to the same height or more of the retaining wall.

Sec. 22.03.175 Off-street parking and parking pad requirements in residential areas

- (a) Off-street parking and loading areas, including parking pads, shall be located no closer to street right-of-way lines and to lot boundary lines than the applicable minimum distances prescribed in the following schedules:
 - (1) The minimum setback distance for driveways and parking areas from street right-of-way lines shall be 20 feet. Excluded from this setback is the first 20 feet of the driveway that connects to the adjacent street.
 - (2) The minimum setback distance for driveways and parking areas from boundary lines shall be 10 feet. Excluded from this setback is the first 10 feet of the driveway that connects to the adjacent street.
- (b) Driveway entrances shall be set back at least 35 feet from the point of tangency of the curb at any intersecting street.
- (c) Adequate culverts shall be provided per the drainage and erosion control design manual.

- (d) All driveways shall be designed so as to provide safe vehicular entrance and exit without the necessity of backing out into a public street.
- (e) Every driveway entrance/exit shall be at roadway grade level where the driveway intersects the city's right-of-way except as otherwise approved by the city inspector.
- (1) Each dwelling shall be on a lot abutting a public street or having access to an improved public street, and all structures shall be so located on lots as to provide safe, convenient access for servicing, police protection, fire protection and required off-street parking. Driveways shall not exceed a maximum of 20 percent grade at any point after construction.
- (2) Only one driveway is allowed per primary dwelling unit, regardless of the number of lots, frontage on more than one roadway, or character of accessory structures. The driveway entrance/exit shall not exceed 20 feet in width. The location of all driveways shall be approved by the city inspector. The parking spaces and driveway surfaces shall be those required in [sections 22.03.241](#), [22.03.242](#), [22.03.244](#) and [22.03.247](#).
- (3) No residential structure shall be erected or enlarged by an increase in floor area unless the minimum number of off-street parking spaces specified in the following schedule is provided. Adequate aisles and driveways shall also be provided to permit proper maneuvering within the parking area and for safe and orderly entry and exit. Parking area design is included as an integral part of the site plan development.

Sec. 22.03.304 Tree and vegetation removal and replacement

(a) Removal policy.

- (1) Existing vegetation shall be left undisturbed to the maximum extent possible. In most circumstances, if a tree must be removed, it shall be replaced with a native, non-invasive species so that the native, natural landscape of the city is preserved for future generations.
- (2) Trees less than ten (10) inches in diameter measured at a point fifty-four (54) inches above the ground may be removed with a permit in accordance with [section 22.03.303\(b\)](#).
- (3) Trees greater than or equal to ten (10) inches and less than fourteen (14) inches in diameter measured at a point fifty-four (54) inches above the ground may be removed with a permit in accordance with [section 22.03.303\(b\)\(4\)](#). If a tree greater than or equal to ten (10) inches and less than fourteen (14) inches in diameter does not meet the requirements of [section 22.03.303\(b\)\(4\)](#) then the removal shall be requested through a variance as described by subsection (a)(4) of this section.
- (4) The removal of trees greater than or equal to fourteen (14) inches in diameter measured at a point fifty-four (54) inches above the ground, or a tree greater or equal to ten (10) inches and less than fourteen (14) inches in diameter that does not meet the requirements of [section 22.03.303\(b\)\(4\)](#), is prohibited except as allowed under [section 22.03.303\(b\)\(7\)](#) and therefore such removal requires a variance from the city council as outlined in section 22.03.308.

(b) Removal procedure.

(1) Tree survey.

- (A) For all new construction on an undeveloped lot without existing structures, the property owner must provide the city inspector with a tree survey of the entire property.
- (B) For all new construction on a developed lot with existing structures, the city administrator at his sole discretion may allow the property owner to submit a tree survey of less than the entire property.

(C) All tree surveys must be conducted by a state-registered surveyor or engineer prior to a permit being issued and must include all trees with trunk diameters of three (3) inches or greater at twelve (12) inches above the ground.

(D) All trees to be removed must be highlighted or marked on the survey.

(2) Trunk diameters of the trees that the property owner proposes to remove shall be measured at a point fifty-four (54) inches above the ground. If a tree trunk splits at a height of less than fifty-four (54) inches, the tree diameter shall be calculated by adding the sum of the diameter of the largest stalk, plus one-half (1/2) of the diameter of all remaining smaller stalks all measured at a point fifty-four (54) inches above the ground.

(c) Violation of removal procedure.

(1) No person shall remove a tree in violation of this division.

(2) The diameter of trees removed in violation of this division shall be measured at the widest portion of the exposed base of the trunk for purposes of calculating replacement requirements. If no exposed base of trunk exists, then the city inspector shall estimate the diameter of trees that were removed for purposes of calculating replacement requirements.

(3) Any person removing tree(s) or vegetation in violation of the regulations provided in this division shall replace the tree(s) removed with tree(s) of equivalent species and size (caliper inches and canopy diameter). If tree(s) removed are not exhibit A tree(s), then exhibit A tree(s) must be used as replacements.

(4) Any person violating any of the provisions of this division shall be deemed guilty of a class C misdemeanor, and such offense shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00) per offense. Each tree removed in violation of this division shall be considered a separate offense. A person does not commit an offense under this section unless the person intentionally, knowingly, recklessly, or with criminal negligence engages in conduct as the definition of the offense requires.

(5) It is a separate offense to fail to replace trees or vegetation, or remit to the city cash-in lieu, as provided in this code, within 601 days of issuance of a final order by the city.

(6) Criminal fines imposed under this code are in addition to replacement requirements and any other remedies available at law or in equity.

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)

LEGEND

- CHURCH
- SCHOOL
- FIRE STATION
- CEMETERY
- CITY LIMITS
- AQUIFER RECHARGE ZONE BOUNDARY
- TEXAS GAS SERVICE
- CONDITIONAL OVERLAYS
- SPECIAL USE
- R-1 ONE FAMILY
- R-2 MULTI-FAMILY
- R-3 TRANSITIONAL
- O OFFICE
- B-1 BUSINESS 1
- B-2 BUSINESS 2
- B-3 BUSINESS 3
- GUI GOVERNMENT, UTILITY, INSTITUTIONAL
- PDD PLANNED DEVELOPMENT DISTRICT
- PRIVATE ACCESS EASEMENT
- P.A.E.
- NOT A THROUGH ROAD
- EXTRATERRITORIAL JURISDICTION
- UNIFIED DEVELOPMENT AGREEMENT
- UNPAVED ROAD

EDWARDS AQUIFER RECHARGE ZONE

Aerial:



APPLICATION COVER SHEET

Property Address: 119 Redbud Trail West Lake Hills, TX 78746
Applicant Name: Charles Holley
Designated Agent (if any, Power of Attorney Required): Scott Cassel
Applicant Phone Number: 479-586-7771 Email Address: [REDACTED]
Date Application was Submitted: 04/03/20

Variance(s) Requested: A variance to City of West Lake Hills Code 22.03.175 Off Street Parking and Parking Pad Requirements in Residential Areas, Section (e) (2), which limits each dwelling unit to "only one driveway." For safety reasons, we seek to install a second entrance/exit off of the existing driveway. A second variance of Code 22.03.170(f), which states "No excavation, grading or filling shall be permitted in setbacks except for up to 18 inches in height or depth", is requested so that we can excavate up to 24" for proper footings and drainage for a retaining wall necessary to level the proposed driveway. The wall will not exceed 18" above grade (fill) at any point. The third variance is for the removal of a 19" non-native Crape Myrtle, which is located where the new driveway exit is proposed (all other possible locations would require the removal of native oak and cedar trees); the fourth variance is for the removal of another non-native Crape Myrtle tree, 18" in caliper, located near a retaining wall necessary for the proposed driveway.

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: _____

April 3, 2020

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

Dear Mr. Chairman:

This letter is in support of our request for four (4) variances. The first is to City of West Lake Hills Code 22.03.175 Off Street Parking and Parking Pad Requirements in Residential Areas, Section (e) (2), which limits each dwelling unit to "only one driveway." The existing driveway, which extends straight uphill from the garage onto Redbud Trail, is impossible to turn around in and is unsafe to exit due to poor views of oncoming traffic. This presents a danger to us, visitors, as well as other drivers on Redbud Trail. A second variance of Code 22.03.170(f), which states "No excavation, grading or filling shall be permitted in setbacks except for up to 18 inches in height or depth", is requested so that we can excavate up to 24" for proper footings and drainage for a retaining wall necessary to level the proposed driveway. The wall will not exceed a height of 18" above grade (fill) at any point.

The proposed alternative driveway layout, for which we are seeking this variance and which is illustrated in the attached site plan, would provide sufficient room for us to back out of the garage, turn onto a proposed extension of the driveway that extends to the eastern portion of our property and a safer driveway exit, where cars leaving our property can be seen and where we can see other drivers.

The original driveway appears to be in contradiction of 22.03.175 (d), which states that "All driveways shall be designed so as to provide safe vehicular entrance and exit without the necessity of backing out into a public street." That driveway extended straight from the house, up a steep incline, and onto Redbud Trail. It is unclear why this driveway was allowed during the original house construction. A 'hammerhead'-shaped extension to this driveway was, we understand, approved by the City and installed prior to our purchase of the home last December 2019. Unfortunately, this 'hammerhead' addition does not provide sufficient room for larger cars and vehicles to turn around.

We have considered removing those portions of the existing driveway within the 10' driveway boundary setback and 20' Right of Way street setback, but unfortunately this leaves insufficient room for vehicles to backup out of our garage or turnaround. Due to setback restrictions as well as the proximity of the house to Redbud Trail, the only completely safe option is for the existing driveway to serve as an entrance and the proposed driveway extension to serve as an exit.

Additionally, numerous driveways within West Lake municipal limits have driveways with more than a single entrance/exit, including the four properties directly to the west of ours: 123 Redbud Trail, 125 Redbud Trail, 127 Redbud Trail and 129 Redbud Trail. We are assuming our neighbors have these driveways with multiple exits due to the same safety issues we seek to remedy here.

The second variance concerns the limit on excavation/fill/grading of more than 18" in the front setback (Sec 22.03.170(f)). Due to the slope in the front yard, short retaining walls are necessary to level grade properly; they will not exceed 18" above grade, but will require footings 6" below grade, resulting in excavation of 24", exceeding the code limit of 18" of excavation. The two crape myrtles trees for the third and fourth variances are located at the location of the driveway exit and a retaining wall, respectively. Unfortunately, moving the driveway elsewhere would require the removal of native oak or cedar trees, which we would prefer not to do.

Thank you,
Charles and Shannon Holley

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.

There are a number of special conditions which result in unnecessary hardship - that is, a driveway that is unsafe for us and our visitors to exit from and, in turn, for drivers on Redbud Trail. These include:

- The lack of room to turn around on the driveway or the 'hammerhead' put in by the previous owners. As mentioned, there is not sufficient room for larger vehicles to safely turnaround in the hammerhead. This results in vehicles backing up out of the driveway and onto Redbud Trail, which is not safe and contrary to City code.
- Due to the angle of Redbud Trail as it approaches our property from the east, it is impossible to know whether a vehicle is about to come around the corner. Due to the speed of most vehicles on Redbud Trail, those leaving our driveway or those coming on the road have insufficient time to react and adjust.
- The existing grade in the front yard requires a short wall on the uphill and short wall on the downhill side to create a safe driveway that will not exacerbate drainage. We only require a few additional inches to excavate underground to ensure a properly constructed and safe wall is installed adjacent to our driveway.

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

The proposed driveway extension and exit onto Redbud Trail would extend over only existing turf and between the root zones of existing oak trees. The driveway extension runs parallel to the front of the house and along the contours there, meaning we are avoiding significant cuts or filling and maintaining existing drainage patterns. Only a single crape myrtle tree, planted by the previous owners, would need to be removed to accommodate this work. Moreover, the installation of the driveway will remove turf grass from the front lawn, reducing water use for the property. Excavating an additional 6" down for the wall footing will not impact any flora, etc. It will merely ensure the wall is properly built and protect the property and its inhabitants.

The removal of non-native crape myrtle trees should have relatively minor implications for the local, native ecology, especially as we intend to replace them with three or four native trees.

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

We have attempted to use the 'hammerhead' turn around area put in by the previous owner and found it unusable. We have also considered simply relocating the driveway entrance/exit onto Redbud Trail by removing the portion of the existing driveway within the 10' driveway boundary setback and 20' Right of Way street setback, but unfortunately this leaves insufficient room for vehicles to backup out of our garage or turnaround. Due to setback restrictions as well as the proximity of the house to Redbud Trail, the only completely safe option is for the existing driveway to serve as an entrance and the proposed driveway extension to serve as an exit.

Concerning the second variance, unfortunately, we have to manage the slope in the front yard and ensure the walls are properly built, and so ask for a small increase in the maximum limit. As regards the Crape Myrtle removal, moving the proposed additional driveway exit to another location would require removal of, or significant impact on the critical root zone of, native oak and cedar trees.

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

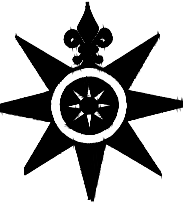
The proximity of the curve in Redbud Trail to the existing driveway is not something that we can address - the only remedy is to add an extension off of our existing driveway for another exit.

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

Our goal is to minimize any ecological impact while ensuring our safety, together with that of visitors to our house and those driving on Redbud Trail. Were we able to have sufficient visibility down Redbud Trail to see oncoming traffic, for such traffic to see our driveway, and to have sufficient room to turn around and not back out onto Redbud Trail, we would not be seeking this variance. We believe the safety of West Lake Hills residents and visitors is of paramount importance to the City. The requested additional front setback excavation is minimal and will not result in above grade fill exceeding 18"; and the trees are non-native ornamentals planted by a previous homeowner. We intend to plant native trees in different locations.

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

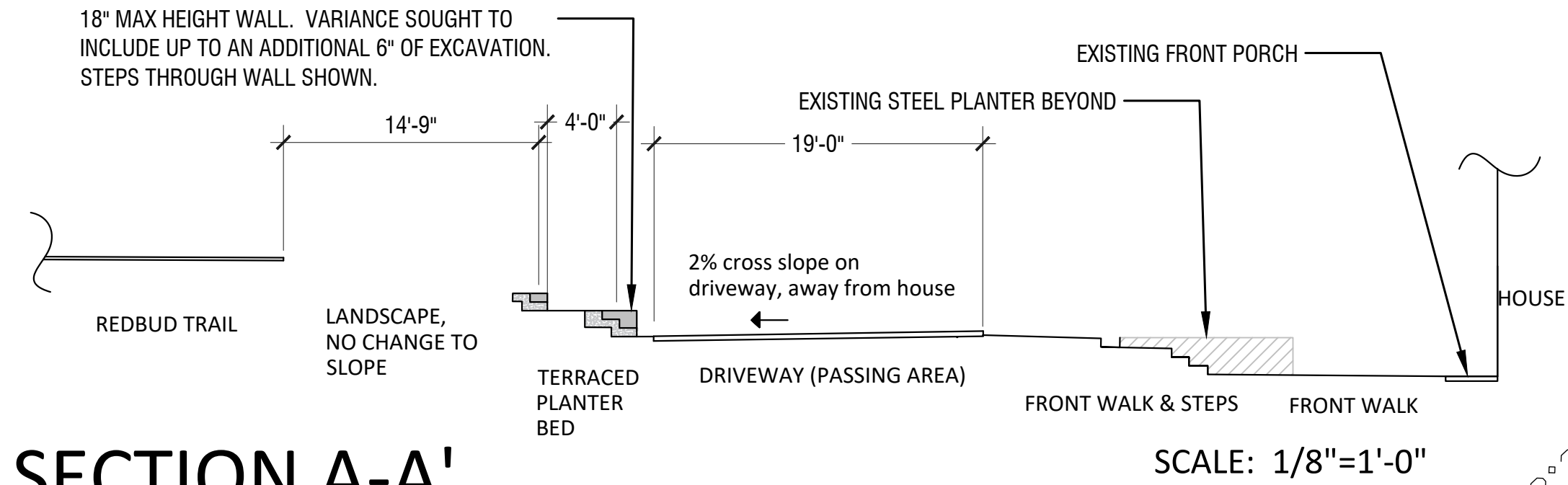
The proposed driveway extension and additional exit would help to ensure the safety of our neighbors and fellow West Lake residents driving on Redbud Trail. Moreover, the proposed exit is farther away from the driveway of our neighbor directly across the street (our existing entrance/exit is almost directly across from their driveway) and the neighbor at 123 Redbud Trail.



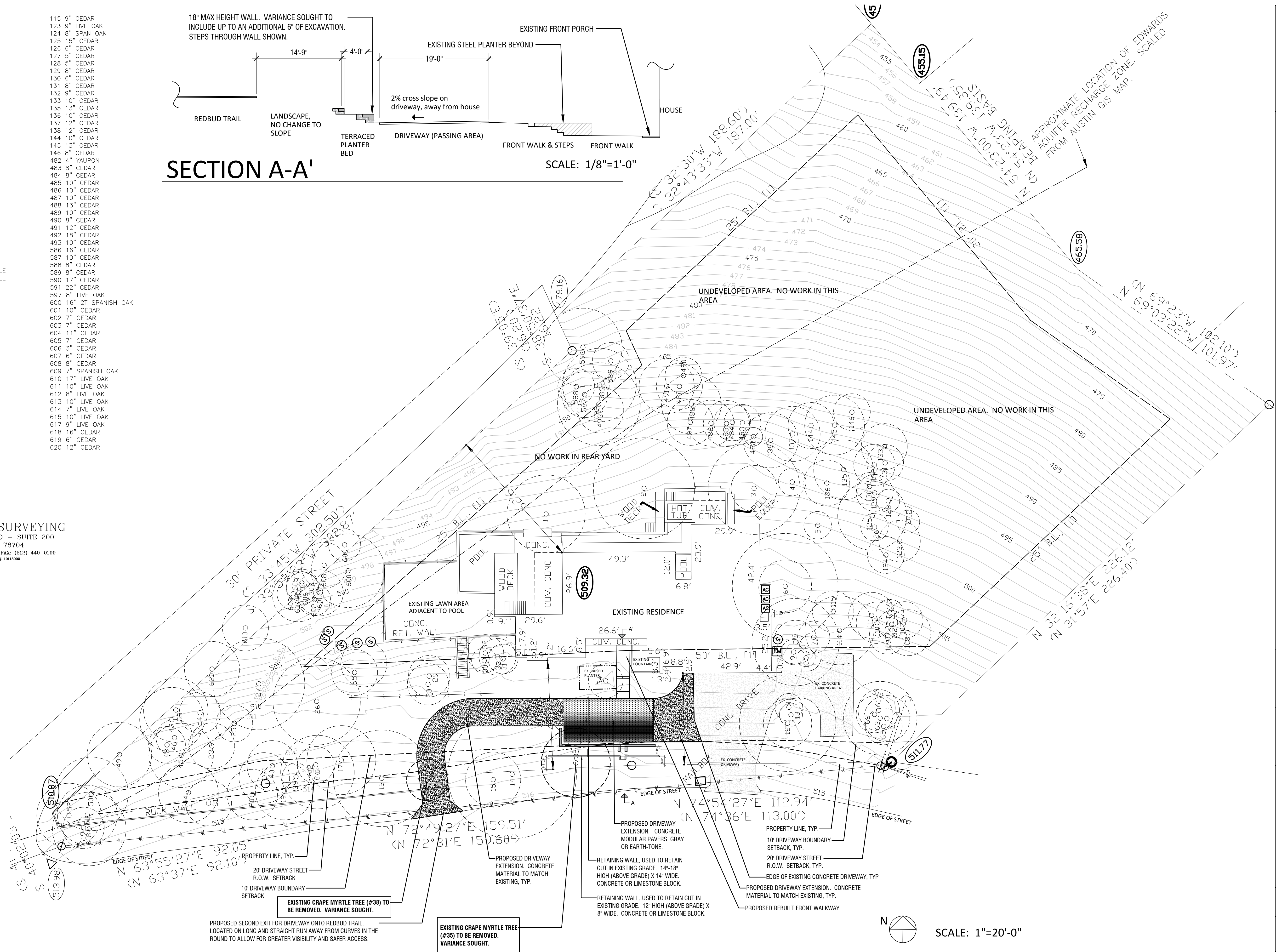
TAG	DESCRIPTION	
1	17" LIVE OAK	115 9" CEDAR
2	22" PECAN	123 9" LIVE OAK
3	19" SPANISH OAK	124 8" SPAN OAK
4	11" LIVE OAK	125 15" CEDAR
5	10" LIVE OAK	126 6" CEDAR
6	21" LIVE OAK	127 5" CEDAR
7	12" LIVE OAK	128 5" CEDAR
8	14" LIVE OAK	129 8" CEDAR
9	12" LIVE OAK	130 6" CEDAR
10	11" LIVE OAK	131 8" CEDAR
11	11" LIVE OAK	132 9" CEDAR
12	21" LIVE OAK	133 10" CEDAR
13	11" LIVE OAK	135 13" CEDAR
14	28" LIVE OAK	136 10" CEDAR
15	12" LIVE OAK	137 12" CEDAR
16	21" CEDAR	138 12" CEDAR
17	15" CEDAR	144 10" CEDAR
18	16" CEDAR	145 13" CEDAR
19	13" CEDAR	146 8" CEDAR
20	12" CEDAR	482 4" YAUPON
21	10" CEDAR	483 8" CEDAR
22	9" LIVE OAK	484 8" CEDAR
23	10" LIVE OAK	485 10" CEDAR
25	15" LIVE OAK	486 10" CEDAR
26	19" LIVE OAK	487 10" CEDAR
27	20" LIVE OAK	488 13" CEDAR
28	18" LIVE OAK	489 10" CEDAR
29	18" LIVE OAK	490 8" CEDAR
30	11" LIVE OAK	491 12" CEDAR
31	13" LIVE OAK	492 18" CEDAR
32	16" LIVE OAK	493 10" CEDAR
33	16" LIVE OAK	586 16" CEDAR
34	15" MT CB	587 10" CEDAR
35	18" CREPE MYRTLE	588 8" CEDAR
38	19" CREPE MYRTLE	589 8" CEDAR
39	6" CEDAR	590 17" CEDAR
40	11" CEDAR	591 22" CEDAR
41	11" CEDAR	597 8" LIVE OAK
42	8" CEDAR	600 16" 21" SPANISH OAK
43	11" CEDAR	601 10" CEDAR
44	13" CEDAR	602 7" CEDAR
45	14" CEDAR	603 7" CEDAR
46	8" CEDAR	604 11" CEDAR
47	14" CEDAR	605 7" CEDAR
48	8" CEDAR	606 3" CEDAR
49	14" CEDAR	607 6" CEDAR
50	14" CEDAR	608 8" CEDAR
51	13" CEDAR	609 7" SPANISH OAK
52	14" CEDAR	610 17" LIVE OAK
53	14" CEDAR	611 10" LIVE OAK
54	9" LIVE OAK	612 8" LIVE OAK
55	10" CEDAR	613 10" LIVE OAK
61	9" CEDAR	614 7" LIVE OAK
62	8" CEDAR	615 10" LIVE OAK
63	8" CEDAR	617 9" LIVE OAK
64	10" CEDAR	618 16" CEDAR
65	8" CEDAR	619 6" CEDAR
106	11" CEDAR	620 12" CEDAR
107	8" CEDAR	
108	10" CEDAR	
109	8" CEDAR	
110	9" CEDAR	
111	10" CEDAR	
112	6" CEDAR	
113	6" CEDAR	
114	15" CEDAR	

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

SECTION A-A'



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



SITE PLAN

FOR VARIANCE APPLICATION ONLY

CASSEL

L A N D S C A P E A R C H I T E C T S

HOLLEY RESIDENCE
119 Redbud Trail
Austin, TX 78746

Issue Record
04/16/20
Revision Record
2

Project ID
Project Title
119 REDBUD TRAIL

Drawn By
AC / SC
File Name
Sheet #

Checked By
AC / SC
Project Address
L1.0

SITE PLAN

Page 129 of 137

* Charles m. and

present.

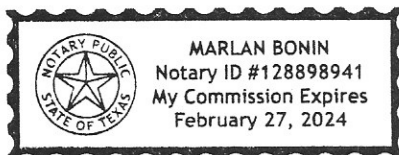
Chris M. Hocking Shannon B. Hocking
Property Owner/Applicant's Signature

479-586-7771

Phone Number

Notary Public in and for the State of Texas

* - Co-trustees



119 Redbud Trail - This shows the existing driveway and the curve in Redbud Trail that limits visibility and creates a dangerous situation for the us, visitors and those driving on the road. Due to the slope and size of the existing driveway it is impossible for all but small vehicles to turn around, requiring drivers must back up onto Redbud Trail.



Image capture: Feb 2019 © 2020 Google

123 Redbud Trail - It is the norm in this area along Redbud Trail to have two driveway entrances/exits. This picture shows that our immediate neighbor to the west, 123 Redbud Trail, has two driveway entrances/exits.



Image capture: Feb 2019 © 2020 Google

125 Redbud Trail also has two entrances/exits.



Image capture: Feb 2019 © 2020 Google



127 Redbud Trail also has two entrances/exits.



Image capture: Feb 2019 © 2020 Google



129 Redbud Trail also has two entrances/exits.



Image capture: Feb 2019 © 2020 Google



NOTICE TO NEIGHBORS OF VARIANCE REQUEST

DATE OF NOTICE: April 17, 2020

Greetings. You are hereby notified that **Charles Holley**, the recorded owner of a property located at **119 Redbud Trail** in the City of West Lake Hills, Texas has filed a Variance Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

- **Section 22.03.175 – Off-street parking and parking pad requirements in residential areas**
 - **Construct a second driveway entrance/exit**
- **Section 22.03.170 – Site disturbance (excavation, grading or filling)**
 - **Excavate up to 24" for retaining wall and footings related to driveway construction**
- **Section 22.033.304 – Tree and vegetation removal and replacement**
 - **Tree # 35 – 18" Crepe Myrtle**
 - **Tree # 38 – 19" Crepe Myrtle**

The request is so that the property owners may: **Construct a second driveway entrance/exit including excavation over maximum allowed 18" in the setback and removal of two trees over 14"**.

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 **May 20, 2020** at **6:30** p.m. and the Board of Adjustment/City Council on **June 10, 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 if you have any questions.

Mark Littrell, Zoning & Planning Secretary

