

MINUTES OF BOARD OF ADJUSTMENT (BOA)  
SPECIAL MEETING  
CITY OF WEST LAKE HILLS, TEXAS  
Wednesday, March 28, 2018  
7:00 p.m.

**PRESENT: BOA Chair Linda Anthony, BOA Members Rhonda McCollough, Jim O'Connor, Brian Plunkett, Beth South, and Darin Walker.**

**ABSENT: None.**

1. **Called to Order by Chair Linda Anthony at 7:05 pm, suspended at 8:00 pm, and reconvened at 8:07 pm.**
2. **CONSENT AGENDA:** The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of BOA Meetings, it is intended that these items will be acted upon by the BOA with a single motion because no public hearing or determination is necessary. However, a BOA Member or Citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the BOA voting on the consent agenda as a collective, singular item. Citizens requesting items be removed from the consent agenda must submit a written Speaker Card to the City Secretary before the meeting begins. Prior to voting on the consent agenda, the BOA may add additional items that are listed elsewhere on the same agenda.
  - a. Approval of the January 10, 2018 Regular Meeting Minutes. City Secretary Lacie Hale.

**BOA MEMBER WALKER MOTIONED TO APPROVE THE CONSENT AGENDA. BOA MEMBER McCOLLOUGH SECONDED THE MOTION AND IT PASSED BY 5-0-1 VOTE. BOA MEMBER PLUNKETT ABSTAINED.**

3. **Land Use:** Variance request to encroach in three driveway setbacks for the construction of a driveway at 22 Sugar Shack Drive. (Section 22.03.175 of the West Lake Hills Code.) Applicant Linda Sullivan.
  - a. **Staff Briefing. City Planner Ashby Grundman explained that the request is for three driveway setback encroachments. Council saw this property a few months ago for easement releases. There are three encroachments. One is an eight-foot encroachment into the side setback of Lot 20, the second is an either foot encroachment into the side setback for Lot 21, and the last encroachment is 10 feet into the rear side setback of Lot 20. There is an existing driveway but the applicant is working on making it more permanent. ZAPCO recommended approval unanimously. Staff also recommends approval.**
  - b. **Presentation by applicant. Applicant's representative Linda Sullivan shared that the City Planner explained the request.**
  - c. **Public Hearing: No one spoke.**
  - d. **Deliberation and action.**

**BOA asked about the current driveway and vegetation.**

**BOA MEMBER McCOLLOUGH MOTIONED TO APPROVE THE VARIANCE FOR THE THREE ENCROACHMENTS AT 22 SUGAR SHACK. BOA MEMBER McCOLLOUGH SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.**

4. **Land Use:** Variance request to renovate an existing nonconforming cabana and to exceed the allowable impervious cover at 310 Westhaven Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicant Sylvia Arabian.
- Staff Briefing. City Planner Ashby Grundman explained that the applicant is asking for a rear setback encroachment to renovate an existing structure. The applicant is reducing the impervious cover by 71 feet but since they are already over, a variance is required. ZAPCO recommended unanimous approval.
  - Presentation by applicant. Applicant Andrew Schwartz shared that they bought the house in 2003 and was built before the impervious cover rules were enforced. The hardship is the roofline of the cabana is low so Mr. Schwartz bumps his head, a lot. Existing patio will also be removed to make up the 71 feet.
  - Public Hearing: No one spoke.
  - Deliberation and action.

**BOA members shared their appreciation for the minimization that has been done in the past. Great efforts have been made to widdle the impervious cover down.**

**BOA MEMBER PLUNKETT MOTIONED TO APPROVE THE VARIANCE AS REQUESTED FOR 310 WESTHAVEN DRIVE. BOA MEMBER SOUTH SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.**

5. **Land Use:** Variances to remove two trees larger than 14 inches in diameter (T-171 – 14 inch Juniper and T-266 – 18 inch Juniper) and allow off-street parking for the renovation of an existing residence at 1406 Circle Ridge Drive. (Sections 22.03.304 and 22.03.175 of the West Lake Hills Code.) Applicant Kathryn Stevens.
- Staff Briefing. City Planner Ashby Grundman shared that the request is to remove two trees, T-171 and T-266, allow a second driveway cut, and front setback encroachment for the driveway. The trees require 48 inches of replacement. There is an existing house the applicant would like to remodel. They are also proposing a new swimming pool in the back; it is driving the tree variance. ZAPCO recommended approval for tree T-171 and recommended denial for tree T-266 and the driveway variance.
  - Presentation by applicant. Applicant Kathryn Stevens explained that she is requesting a half circle driveway. She would like to extend the existing inadequate driveway in the front setback. This will improve safety, ingress and egress. She has received multiple letter of support from the neighbors. The hardship is the based on the current lot and driveway configuration, with safety as the primary motivation for the variance request. Mrs. Stevens then shared that they are requesting two tree variances. Tree T-171, 14-inch cedar, in the fire safety buffer zone of the house. It prevents access to the backyard for heavy excavation machinery. The septic system will be replaced then a pool will be installed. Tree T-266 is an 18-inch cedar. It is in the pool location and the critical root zone will be compromised with the excavation. With the 32 inches that will be removed, they will be replacing the required 48 inches with five 4-inch Monterrey oaks, four 30-gallon yaupon hollies and three 30 gallon Texas mountain laurels.
  - Public Hearing: No one spoke.
  - Deliberation and action.  
*(Note: This item requires dual action. BOA action on the driveway parking variance and City Council action on the tree variance.)*

**BOA Members shared their concerns about affecting critical root zones, by extending the driveway. They also asked about what material will be used for the driveway and who will be parking in the extended driveway. BOA**



Members also shared the safety concern for pulling out of the driveway. Regarding the trees, BOA members asked why the backyard could not be accessed on the other side of the house.

BOA Member O'Connor shared, regarding the driveway, that he did not see a safety issue but a parking capacity issue. BOA Chair Anthony explained that the width of the road is narrow and how it could be a safety issue. BOA Member South agreed with BOA Chair Anthony that the hardship is safety.

**BOA MEMBER WALKER MOTIONED TO APPROVE THE SECOND DRIVEWAY CUT AND FRONT DRIVEWAY SETBACK AS PROPOSED. BOA MEMBER SOUTH SECONDED THE MOTION AND IT PASSED BY 5-1 VOTE. BOA MEMBER O'CONNOR OPPOSED.**

6. Land Use: Variance request for a driveway setback encroachment and the removal of one tree larger than 14 inches in diameter (Tree #34, a 19-inch Live Oak) for the construction of a new residence at 405 Buena Vista Circle. (Sections 22.03.175 and 22.03.304 of the West Lake Hills Code.) Applicant David Kilpatrick.
  - a. **Staff Briefing.** City Planner Ashby Grundman briefed that this is a proposal for a new residence. The applicant is requesting the removal of tree T-34, a 19-inch live oak and a front driveway setback encroachment. Proposed turnaround is 11 feet from the property line. It is a 9 feet encroachment into the front driveway setback. Tree T-34 requires 29 inches of replacement. ZAPCO voted to recommend approval unanimously.
  - b. **Presentation by applicant.** Applicant David Kilpatrick explained the tree is in the available buildable area on the site. Tree T-34 represents 19 of 1,225 inches of tree caliber on site. The existing non-conforming structure will be removed to build a conforming structure. Additionally, the location of the tree and canopy is creating a hardship, to build a structure of equal size to the non-conforming structure. The alternate side conforming driveway negatively contributes to the perceived building mass and provides a blight of sorts for the neighbor. It is also the best spot to plant shade trees, as recommended by the arborist.
  - c. Public Hearing: Homeowner Bob Gutermuth has been at this location for 20 years shared the supportive feedback he has received from the neighbors. The new proposed house will not be four stories, as it currently is. There are structural issues with the current house and a remodel will be an undertaking.
  - d. **Deliberation and action.**  
*(Note: This item requires dual action. BOA action on the driveway setback and City Council action on the tree variance.)*

**BOA Members appreciated that this will be a positive impact on the neighbors, consider it a great project, think the location of the tree is unfortunate, and appreciate that the house will be lowered.**

**BOA MEMBER PLUNKETT MOTIONED TO APPROVE THE VARIANCE FOR THE DRIVEWAY SETBACK ENCROACHMENT FOR THE PROPOSED DRIVEWAY. BOA MEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.**

7. **Adjourned by Chair Linda Anthony at 8:20 pm.**

Certificate

*Linda Anthony*  
LINDA ANTHONY, CHAIR

ATTEST:

*Lacie Hale*  
LACIE HALE, CITY SECRETARY

