

MINUTES OF ZONING AND PLANNING COMMISSION  
PUBLIC HEARINGS AND REGULAR MEETING  
CITY OF WEST LAKE HILLS, TEXAS  
June 20, 2018  
6:30 P.M.

PRESENT: Vice-Chairman Les Gage, Commissioners Kathy Tullos, Rhett Hoestenbach, Laurie Maccini and Sarah Swanson

ABSENT: Chairman Robert Meisel and Commissioner Bill Vandersteel

1. Call to Order. Vice-Chairman Les Gage.

**Vice-Chairman Gage calls the meeting to Order at 6:30 p.m.**

2. Consent Agenda: The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
  - a. Approval of the May 16, 2018 Regular Meeting Minutes.

**Commissioner Swanson: May I suggest the amendments I've handed out and, of course, Mark going through the tape to make sure it looks correct. Are there any other amendments?**

**COMMISSIONER SWANSON MOVES TO APPROVE THE MINUTES AS AMENDED. COMMISSIONER HOESTENBACH SECONDS. UNANIMOUS (4-0) APPROVAL.**

3. Land Use: Variances to encroach a front building setback, driveway setback, and removal of two trees with trunk diameters of 14 inches or greater (Tree 304 – multi-trunk Hackberry (11", 8", 8", 6" & 5"); and Tree 307 – 15" Cedar) for the construction of a new residence at ABS 21, SUR 1 W. Sparks .550 Tract (adjacent to 1519 Wild Cat Hollow (Southwest)). (Sections 22.03.281 and 22.03.304 of the West Lake Hills Code.) Applicants Scott and Laura Carpenter.
  - a. Staff Briefing.
  - b. Presentation by applicant.

**I'm Scott Carpenter and I'm under contract to purchase this piece of property at the end of Wild Cat Hollow. My wife Laura and I would like to build a modest 2,650 square foot structure on this lot with a two-car carport. In order to build this home we are requesting 5 variances. As you can see, this is a very challenging lot with lots of variables. I'd like to very briefly walk you through the challenges in developing this lot and clearly define what I believe are hardships and review my efforts of minimization with you all. This is a property that is a .57 acre tract of land located at the end of Wild Cat Hollow. As you can see, this lot has portions of steep downhill slopes that serve as a natural drainage for the**

land located above Nob Hill and Skyline Drive. Since the lot is over a ½ acre it is subject to a 50' front, 30' rear and 25' side setbacks, essentially restricting the buildable area to the steepest slopes on the lot in the middle of the drainage gully. The shaded areas indicate slopes greater than 30%. In the residential section of the City Code of the West Lake Hills Comprehensive Master Plan developing on slopes greater than 20% and building a structure in a flood or drainage area is strongly discouraged. I had the lot surveyed for significant trees of 14" or greater. They are indicated in red on this slide. The actual tree survey is included in your packet and indicating the tree locations and the critical root zone. Water District 10 needs a 15' wide easement dedicated to them for the purposes of extending their new water line behind the back side of Wild Cat Hollow. The proposed easement 4,120 square feet and exists on some of the flattest areas on this lot. I understand the need for their water line easement as it will greatly improve their fire flow rates in the surrounding areas. If my variances are approved and I close on the property, I will dedicate this easement to the Water District at no charge. The house I am proposing is a 2,650 sq. ft. structure. According to the septic engineers required a 2,650 sq. ft. drain field. West Lake Hills requires drain fields to exist on slopes of less than 30%. As you can see, the easement eats up a good chunk of the flattest portions of the property. The green shade indicates areas outside of the drainage easement to satisfy the square footage as well as to conform to the setbacks and drain field requirements. In order to conform to the goals of the Master Plan, the lower level of the house is only 1,650 sq. ft. footprint. I have a 1,000 sq. ft. second floor footprint that sits directly over the lower level footprint. The 420 sq. ft. two-car carport is located in the front of the home. Only a small portion of the driveway exists within the 20' setback. The remaining portions of the driveway conform to code, meeting all setbacks, slope, cut and fill requirements as well as the required vehicle turnaround. I purposely located this structure to conform to the 25' side setback and I tried to preserve some privacy between the adjacent homes as it was built within 10' of the property line and I intend to maintain heavy vegetation between the two structures where possible. I'm including this slide for context to show the proximity to the city street and the existing homes and structures. As you can see the lightly shaded area right here is the proposed driveway, carport and structure. Hardships as I see it is pre-existing non-conforming lot of .57 acres; 55% of the lot contains slopes greater than 30% mostly concentrated in the buildable area and a 15' wide easement for the Water District tap to extend their new water lines. My efforts of minimization are on my limiting a buildable footprint to 1,650 sq. ft. for a 2,650 sq. ft. total structure, as I said before. I'm limiting the site disturbance and proposed improvements for preserving and limited tree and vegetation removal by leaving the site in its natural state and proposing approximately 3,800 sq. ft. of impervious cover or 15% impervious cover. That's all I have.

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

I'm Tracy Fell and I represent 1519 Wild Cat Hollow right next door. Two e-mails were sent to you guys today. I just want to make sure that those are both given. We were told there were three variances, so I'm not sure what the other two were. We had the trees, the carport and the

driveway. I didn't know what the other two are. Those are a surprise to me.

**City Administrator Robert Wood:** There's actually only two. Ashby showed this to me. For anybody that doesn't know, Ashby left us yesterday for a new job and he told me that when he looked closely at your application one tree didn't require a variance.

**Scott:** I went ahead and requested the variance.

**Commissioner Tullos:** Is that Tree 305, the Elm?

**City Administrator Robert Wood:** Yes. When you add it up it comes out to like 12 ½" or 13 ½". Let me see if I can find it real quick. It's a three trunk. It's a 7", 6" and 5" and so the way you do the calculation, you take the largest trunk and then half of the sum of the other ones so it ended up being a 12 ½" tree and a variance is not required.

**Tracy:** I'm not talking about the trees. They seem like a lovely couple. On our street, most of the homes have large setbacks because they are larger lots. Mainly I want be sure if we decide to change and let people build up I do know that 1507 Wild Cat Hollow had requested a fence in the front, they had a dog and they wanted a fence in the front because it's really hard to get below our houses and they were turned down on the request for a fence in the front. Actually they didn't come before you guys. They came and they said you would have to get a variance and that would not be approved. So they were kind of turned down pre coming in here. I'm just kind of saying if we decide to let a carport go 6' from the street there may be a few of us that are going to come in and say, great, because I also would like to have a garage because we are all on small lots and I don't have a garage. If you do approve something like that, I would like to put a garage also in front on that lot line or I do have a dog like my neighbors at 1507 Wild Cat Hollow. I might like to put a wall in front of my house to hold my dog in. When I moved in 25 years ago dogs could run and then it got to be a little bit of an issue and dogs might not need to be loose. Our labs were not allowed to just kind of hang out in front yards. We were just loose out there. So, if you do decide to grant this, I do think there will be more people coming in and saying "good", we'd like to put a wall in our front yard, you don't seem to have a problem wanting a garage also. I know that with me it might be the only garage but others might want to put walls out front. Be aware, if you do decide to open this up, you may open it up to a flood gate to other people.

**Vice-Chairman Gage** closes the Public Hearing and reconvenes the meeting.

d. Deliberation and action.

**Commissioner Hoestenbach:** I have a question about the side setbacks. Normally we are looking at 25' side setbacks here, but because we're on a corner, they are having a 50' setback imposed on the side, is that correct?

**City Administrator Robert Wood:** They only have a 50' on one side.

**Commissioner Hoestenbach:** Which is the side where the carport is?

**City Administrator Robert Wood:** Yes.

**Commissioner Hoestenbach:** There's no other place on the lot that would impose the 50' setback line?

**City Administrator Robert Wood:** No. You see the way that it is drawn out the 50' is in the front which is there where the house is. There is a 25' side on the top of the site plan and then on the left side there is a 30' considered rear setback. Because of it being a triangle it's a little odd, there is a small side right where it talks about the proposed septic tank, I think that's the way, I wasn't there when they talked with Ashby, but I assume they decided that was the front. This little piece here area was the side. There is only one 50' setback.

**Commissioner Hoestenbach:** The side with the carport is considered the front?

**City Administrator Robert Wood:** Yes.

**Commissioner Swanson:** It's a hard situation. It's one of the smallest houses we've seen proposed in a long time. It is a small lot and it is a really difficult lot. The gully is pretty unusable building area. But that doesn't necessarily mean something gets to be built that are not conforming to the city's standard.

**Commissioner Tullos:** And they are asking to be very far in the setback and it sounds like that creates a lot of changes in the neighborhood. We had an e-mail about that and we had your presentation this evening. Some lots just aren't buildable.

**Commissioner Swanson:** Some lots really aren't buildable or it takes a different level of creativity with the design to be able to fit onto that lot. I'm glad you're coming here as someone who I assume has it under contract with conditions versus someone who has actually closed on it, because I think this is going to be a tough one.

**Scott:** We do have verbal neighbors that support the project as well.

**Commissioner Swanson:** That's the kind of thing, if you were to come back we would benefit from seeing and if they were willing to come and talk about that, but again, you're pretty far out of compliance. Neighbors have legitimate expectations what the City will allow and I think this would be a very hard one to make a recommendation for approval.

**Commissioner Maccini:** Well, I see that the staff has recommended approval for the structure of the house but not the carport. The driveway they are recommending approval but not the carport encroachment. It's a strange lot. It is just 6' from the street.

**Scott:** I do have another plan we tried with the carport in a different place if you want to see it?

**Vice-Chairman Gage:** I think we have to deal with this.

**Commissioner Hoestenbach:** The other thing is, in your application you did speak as to alternatives to the plan proposed and although there aren't specifics, as we sit here and look into the defined buildable box, I know in my mind what are those alternatives and why didn't they work. I don't think anybody is alarmed by the size of the house and you are doing something that would be consistent with the size of the lot. All those are good things. Maybe this is a buildable lot. I agree with the other commissioners when you have a carport that is almost sitting on the property line, that's a problem.

**Scott:** On the schematic, this is the asphalt, this is the carport; this is the right-of-way. It's not a road. It's in the front setback is considered off of that right-of-way designation. That's why the front is really the side; the side is really the front. If you look at the distance from the actual property. The marker for the property is right there. I actually inquired about purchasing the right-of-way from the city but the gentleman didn't want to sell it. The property line is actually right here. What Ashby told me was this was considered the front of the property. That is considered the 50' front setback.

**Commissioner Hoestenbach:** That right-of-way only accesses your property?

**Vice-Chairman Gage:** It's basically the side of the hill?

**Scott:** Yes.

**Commissioner Tullos:** Was one of the alternatives would you consider moving the carport farther up to be flush with the top of the house?

**Scott:** It would create an additional variance tree that we really didn't want to request. We actually wanted to move the carport right here. We would have to take down another tree shifting the structure down to give us privacy between the two. There is a really nice tree that we wanted to maintain and the Water District can maintain it with the easement.

**Commissioner Tullos:** Tree 303? Obviously I'm not communicating right, because I was talking about if you moved your carport and shoved it up towards the end of your house.

**Scott:** We would have to go pretty close to the property line to do that. We'd have to encroach pretty far into that side setback and we wanted to maintain some privacy and that's why we wanted to put it down there. Her yard is right here.

**Commissioner Hoestenbach:** Is that considered a 25' setback at the top? You said 30 on the left side, but the top is 25'?

**Commissioner Maccini:** You're kind of stuck. Regardless of what you do you still are going to be far into the 50' front setback, the other side is wildly expensive to develop?

**Commissioner Hoestenbach:** The water easement is how many feet?

**Scott:** 15' wide and the entire length of the property. You run into some erosion issues.

**Commissioner Maccini:** If the house got shoved into that triangular buildable area. It's doable but very, very expensive to do.

**City Administrator Robert Wood:** It would be hard to meet our drainage requirements to try to build further into the gully they would have a hard time meeting the drainage requirements. That was the idea not to build in these areas. It also seems like, I agree, Ashby's recommendation that he put together, he was using the same reasons that Sarah mentioned earlier, the carport gets close to the property line and I think that's why he did that. At the same time the alternative which would not be as severe if moved toward the top of the house, it would be more impactful to the neighboring property.

**Commissioner Tullos:** Robert, I'm not making myself clear. If you just stole a piece of the dotted area and move the garage up so it's flush with the house then you're not putting it on top of the house you're just moving it.

**Commissioner Swanson:** It would be closer to the neighbors.

**Commissioner Maccini:** Just moving that square and moving it further north.

**City Administrator Robert Wood:** It would be flush with the end of the house. This square would slide up and stop right here.

**Scott:** Wouldn't that be worse because it's closer to the street? You're talking about moving it right here.

**Commissioner Swanson:** Can you tell us about that in terms of the distances?

**Scott:** I can tell you anything you want to know.

**Commissioner Swanson:** I do want to know that.

**Scott:** You're talking about moving it right here?

**City Administrator Robert Wood:** You slide it about half the distance of the carport.

**Commissioner Swanson:** You're trying to be less impactful on the neighbors, aren't you?

**Scott:** This is beautiful right here. Tracy's door is right here. I don't want her to walk out and see a wall. We want to make it out of sight, out of mind.

**Commissioner Tullos:** This is a tough lot. You've done a lot of work on it.

**COMMISSIONER TULLOS MOVES TO RECOMMEND APPROVAL FOR ALL VARIANCES EXCEPT THE CARPORT. COMMISSIONER HOESTENBACH SECONDS.**

**Scott:** Is there a recommendation on the carport to kind of move it up?

**Commissioner Tullos:** We can't recommend. We just have what's in front of us and we can vote yes or no. The motion is on the table to no more discussion.

**City Administrator Robert Wood:** Before you move on, since you made the motion, if you want to put a condition on it you can do that. I don't know what your answer would be. Would you approve the carport encroachment if in the position you mentioned earlier?

**COMMISSION GOES INTO EXECUTIVE SESSION AT 7:00 P.M.**

**COMMISSION RETURNS FROM EXECUTIVE SESSION AT 7:06 P.M.**

**Vice-Chairman Gage:** Let me make a suggestion, we have a motion. We need to act on. There is one other possibility you could ask for postponement and visit with the neighbors and see if you can find another solution for the carport.

**Scott:** I request to postpone.

**COMMISSIONER TULLOS WITHDRAWS THE MOTION AND ACCEPTS THE REQUEST FOR POSTPONEMENT.**

**Commissioner Swanson:** Can I ask for a bit of information to be available for next time? I don't have a clear understanding, the distance of the carport from asphalt versus from the easement and that's something I'd to know next time.

**Commissioner Maccini:** It would be nice to know where the street ends if it's definable and how much it encroaches on your property. That would be important to know. I might suggest, I don't know the height of your proposed home, but if there is a way to multi-level the carport.

**Tracy:** When we moved in 25 years ago, we were told that needed to stay available for a fire truck. There is a walking path back there right now. We wanted to landscape the walking path for people. We asked if we could put bushes, we were told that a fire truck needed to be able to get through that area. I'd like to know what the Fire Department says on that. That was what we were told because of fire danger.

**City Administrator Robert Wood:** I don't think there is any easement there.

**Tracy: 25 years ago that's what we were told. Really there is not, the way to get to this area was here.**

**Commissioner Maccini: All the information that you can garner from the city things that restrict you from building on your lot and what's going on with that asphalt.**

4. Land Use: Proposed Monument Sign for Travis County Water District No. 10 at 5324 Bee Cave Road. (Section 32.03.007 of the West Lake Hills Code.) Applicant Rafael Beckman.

- a. Staff Briefing.

**None given.**

- b. Presentation by applicant.  
c. Public Hearing: All persons wishing to speak for or against shall be heard.  
d. Deliberation and action.

**City Administrator Robert Wood: We can discuss it if the board would like to. There are no variances and they meet the code.**

**COMMISSIONER SWANSON MOVES TO RECOMMEND APPROVAL.  
COMMISSIONER MACCINI SECONDS. UNANIMOUS (4-0)  
APPROVAL.**

5. Land Use: Amendment to The Village of Westlake Uniform Sign Agreement for a Wall Hanging Sign for the Joint Chiropractic at 701 South Capital of Texas Highway, Suite D-475. (Section 32.03.008 of the West Lake Hills Code.) Applicant Kevin Stutz.

- a. Staff Briefing.

**None given.**

- b. Presentation by applicant.

**Kevin Stutz is the owner. I've change the sign.**

**Commissioner Tullos: It's different from what's in the packet. What is in our packet is not current.**

**Kevin: I'm happy after waiting 5 years to put one of our stores in the Village. My understanding is you have an agreement. Two weeks ago my sign company was here. The criteria states that we have usable space of 24 sq. ft. With that we had proposed because of looking at our logo 3 words, it makes it difficult to work within the confines of this agreement with the village. We have one word "Joint" a little taller and "the" and "chiropractic" is lower. Last week my sign company proposed utilizing the 24 sq. ft. the word "Joint" would be 24" tall. The rules you have with the Village is that you would have it max of 15" tall. I'm asking for the one word Joint taller because "the" and "chiropractic" is extremely small. If you go to the very last page of the handout, that is the 15" letter with proportional on**

the building. The actual dimensions are one page before that. It is 15” letters and you can see. Total sq. ft. 9.58. When we actually do that you might say that’s in code. If you look at the other picture, you see next to European Wax, Joint not at 15” but 22”. The difference is just that. We tried to make sure it wasn’t overpowering to the building. If you see the second page we are using in this case 22 sq. ft. of our total. Here is the proposed. It is at this joint word, 22” tall. It kind of hinges on that word “Joint” that I’m attempt to get for visibility for the public.

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

**Vice-Chairman Gage closes the Public Hearing and reconvenes the meeting.**

- d. Deliberation and action.

**Commissioner Tullos:** One thing that we asked for at BDC was an explanation of why the ratio between “the” and “joint” and the word “chiropractic” had to be maintained as it was when ratio could be modified? I didn’t see that information in the packet.

**Kevin:** We have 437 stores across many states. From a corporate franchise, that would be changing the integrity of the logo. If we lowered the word “Joint” to 15” and tried to raise the word “chiropractic”, the throws the whole integrity of the logo off.

**Commissioner Tullos:** Fortunately none of the other 437 are next door.

**Kevin:** I have to get it approved. Our headquarters is in Arizona.

**Vice-Chairman Gage:** As long as you send the money they’ll approve it.

**Commissioner Tullos:** Yes. We do have a brown McDonald’s in our neighborhood.

**Kevin:** I don’t think it’s disproportionate to European Wax. We thought it was overpowering.

**Commissioner Tullos:** We actually also asked for recommendation proportionately to the European Wax sign at BDC and I also didn’t see that information in this packet. We requested proportions with your sign relative to the European Wax sign from your representative who said that would be provided in this meeting. That also didn’t make it into this packet.

**Commissioner Swanson:** I’ll be honest with you I don’t think it would be at all hard to find with the smaller letters. I don’t think I would have any trouble locating it so I don’t think it disadvantages you at all. I guess we hope when people decide that they want to move a business into this community they really want to be a part of this community which includes the look that we’ve created with the code here. I don’t think it would disadvantage you to have the small letters.

**Kevin:** According to the neighbors and their signs, the other two words are smaller, it is going to be disproportionate to the other signs.

**Commissioner Swanson: I think people will find you easily. It's a great looking sign. It's a small shopping center.**

**Commissioner Maccini: I find the smaller more elegant. I don't use the European Wax center, I don't find that as becoming a sign. The Joint sign is more elegant.**

**Kevin: I think it will be a little hard from that distance. As a business owner I'd like the public to be able to find where we are.**

**COMMISSIONER TULLOS MOVES TO RECOMMEND DENIAL. COMMISSIONER SWANSON SECONDS. UNANIMOUS (4-0) DENIAL.**

6. Adjournment by Vice-Chairman Les Gage.

**Vice-Chairman Gage adjourns the meeting at 7:25 p.m.**