



Town of Westlake

1500 Solana Blvd
Building 7, Suite 7100
Westlake, TX 76262

Zoning Board of Adjustment Agenda - Final

Monday, February 3, 2025

4:00 PM

Council Chamber

NOTE: As authorized by Section 551.071 of the Texas Government Code, the Zoning Board of Adjustment may enter into closed Executive Session for the purpose of seeking confidential legal advice from the Town Attorney on any agenda item listed herein.

- A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT**
- B. NOMINATE AND ELECT CHAIR**
- C. PLEDGES OF ALLEGIANCE**
- D. CITIZEN COMMENTS**

An opportunity for citizens to address the Zoning Board of Adjustment on matters which are scheduled on this agenda for consideration by the Board, but not scheduled as a public hearing. In order to address the Zoning Board of Adjustment during public comments, a speaker request form must be completed and presented to the recording secretary prior to the start of the meeting.

E. GENERAL ITEMS

- E.1. [ZBA 2025-01](#)** Hold a public hearing, discuss, consider and act on request for a variance to reduce the minimum side yard setback allowed for a principal building under the Unified Development Code, located at 1706 Placid Oaks Lane, legally described as Lot 10, Block 7, The Estates of Quail Hollow, Town of Westlake, Tarrant County, Texas, zoned as R-1, estate residential district (ZBA Case No. 2025-01)

F. ADJOURNMENT

I certify that the above notice was posted on the bulletin board at Town of Westlake, Town Hall, located at 1500 Solana Blvd., Building 7, Suite 7100, Westlake, TX 76262, in compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.



Town Secretary

Disabilities Notice: If you plan to attend the meeting and have a disability that requires special needs, please contact the Town Secretary's Office 48 hours in advance at Ph. 817-490-5711 and reasonable accommodations will be made to assist you.



Town of Westlake

1500 Solana Blvd
Building 7, Suite 7100
Westlake, TX 76262

Staff Report

File #: ZBA 2025-01

Agenda Date: 2/3/2025

Agenda #: E.1.

TOWN STAFF REPORT RECOMMENDATIONS

Hold a public hearing, discuss, consider and act on request for a variance to reduce the minimum side yard setback allowed for a principal building under the Unified Development Code, located at 1706 Placid Oaks Lane, legally described as Lot 10, Block 7, The Estates of Quail Hollow, Town of Westlake, Tarrant County, Texas, zoned as R-1, estate residential district (ZBA Case No. 2025-01)

STAFF: Jason Alexander, AICP, CECD, Deputy Town Manager

BACKGROUND:

The Unified Development Code (the “UDC”) was adopted --- among other purposes --- “[t]o protect, promote, improve and provide for the public health, safety, and general welfare of the citizens of the town” and “[t]o ensure the safe, orderly and efficient development and expansion of the town in accordance with and pursuant to its Comprehensive Plan, Thoroughfare Plan, and Open Space Plan”. Accordingly, the UDC establishes development standards for residential, non-residential, and government zoning districts. These development standards regulate the use of land, parking, building setbacks, building height, et cetera.

This is a request for a variance --- to reduce the minimum setbacks for the R-1, estate residential district, as set forth in Sec. 102-124 of the UDC entitled “District development standards”. The development standards require minimum side setbacks for the R-1, estate residential district be 20 feet from the lot line. As presented, the property owner is requesting a reduction from the minimum side setback of 20 feet to 18 feet. This request is made to the Zoning Board of Adjustment because “the existing slope of the lot caused the necessary shift in the house”.

As this property is zoned R-1, estate residential district, and not PD, planned development district, a reduction in the minimum setbacks may not be reviewed and considered by the Town Planner; it requires action from the Zoning Board of Adjustment.

In making a determination on the variance request, the Zoning Board of Adjustment must find --- as set forth in Sec. 26-68 (d)(1)-(11) of the UDC:

- (1) Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;
- (2) Such variance will not adversely affect the health, safety or general welfare of the public;
- (3) Such variance will not be contrary to the public interest;
- (4) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located, except as provided in subsection (c) of this section;

- (5) Such variance will be in harmony with the spirit and purpose of the UDC;
- (6) Such variance will not alter the essential character of the district in which is located the property for which the variance is sought;
- (7) Such variance will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;
- (8) Due to special conditions, a literal enforcement of the UDC would result in unnecessary hardship;
- (9) The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, the area, shape or slope, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located;
- (10) The variance or exception is not a self-created hardship; and
- (11) The variance is clearly identified as a variance to the town's standards on the concept plan, site plan or text of chapter 102.

DISCUSSION:

The determination made by the Board of Zoning Adjustment must be consistent with the findings --- the parameters --- established by Sec. 26-68 (d)(1)-(11) of the UDC.

It should be noted that the Architectural Review Board for Quail Hollow recommends approval of the variance request --- and stated in Exhibit "A" that "[t]he Quail Hollow Architectural Review Board has reviewed the case for this residence and is aware that plans currently show the house to be located approximately 2'-0" into the side yard" and that "it is the opinion of the [Architectural Review Board] that granting a variance for this issue does not alter the character of the neighborhood."

It should be noted that Exhibit "C", entitled "1706 Placid Oaks Lane Survey", depicts that the building elevation encroaches up to 2'4" into the side setbacks.

DEPARTMENT OF PLANNING AND DEVELOPMENT RECOMMENDATION:

It is recommended that if the variance request is approved, that such request be approved to allow for an encroachment into the side setback of up to 2'4" (i.e., 2 feet and 4 inches).

ZONING BOARD OF ADJUSTMENT ACTION / OPTIONS:

- 1. Motion to approve;
- 2. Motion to approve with additional conditions (please state additional conditions in motion);
- 3. Motion to deny; OR
- 4. Motion to table (must table to a specific date).

ATTACHMENT(S):

- 1. Application
- 2. Exhibit "A" - Quail Hollow Architectural Review Board Consent

3. Exhibit "B.1." - Property Owner Variance Request (Justification)
4. Exhibit "B.2." - Property Owner Variance Request (Justification)
5. Exhibit "C" - 1706 Placid Oaks Lane Survey



VARIANCE APPLICATION

Planning and Development Department

Submittal Policy

Upon completion of a pre-application conference with town staff, application is due no later than 12:00pm on the application submittal deadline. All required fees, forms and supporting documents are due at the time of application submittal. Incomplete applications and/or application submitted without a prior pre-application conference will not be accepted.

All applications shall not be considered filed, and administratively complete, until town staff, including the Development Review Committee (DRC), determines that the application meets all requirements of applicable town regulations and/or all DRC comments have been addressed. Applications will not be scheduled for consideration by the Zoning Board of Adjustments until all comments have been addressed and required items submitted (in the Town of Westlake the Town Council acts as the Zoning Board). Therefore, meeting consideration dates on the [Development Review Calendar](#) are merely shown as guidelines and are subject to change for any given application pending the filing date and determination of administrative completeness by town staff for said application.

Any development related application, including any revisions responsive to staff comments, shall NOT be accepted at the front counter. Application and revisions will only be accepted through a **pre-scheduled** appointment with a pertinent member of Town development review staff. The purpose of the appointment requirement is to ensure all required items are included and/or addressed prior to acceptance by the Town.

Application Submittal Checklist

Applicants must submit the following information for the application to be deemed complete and accepted. An application missing any of the items below will be considered incomplete and cannot be processed until the missing items are provided. All information must be submitted following the specifications listed in the [Development Submittal Guidelines](#) document.

- Pre-Application Meeting Held
- Application fees furnished
 - **Payment is accepted by check, credit card (3% charge), or ACH. Pay by credit card at the front counter or online. Make checks out to Town of Westlake and mail or submit to the address below:**
1500 Solana Blvd. Bldg. 7 Suite 7200
Westlake, TX 76262
- One (1) PDF drawing of proposed improvements (**Plan-mm-dd-yyyy**)
- Statement of Approval or Consent (mm-dd-yyyy)**
 - Approval or consent adjacent property owners and any **HOA/POA**
- Written Justification (mm-dd-yyyy)**
 - Summary of variance or appeal request
 - Summary description of the zoning requirement for which the variance is requested
 - Summary justification/hardship. Explain why the requested is needed.
 - Summary statement regarding any negative impact on the neighborhood or public good.

1500 Solana Blvd, Bldg. 7, Ste 7200 | Westlake, TX 76262 | 817.430.0941 | www.westlake-tx.org

Email: planning@westlake-tx.org



VARIANCE APPLICATION

Planning and Development Department

** Town Staff Only **

<u>Item</u>	<u>Date</u>	<u>Staff Signature</u>
<input type="checkbox"/> Pre-Application Meeting:	_____	_____
<input checked="" type="checkbox"/> Application Submittal:	12-02-24	_____
<input checked="" type="checkbox"/> Application Fees Furnished:	12-02-24	_____
<input checked="" type="checkbox"/> Application Accepted for Review:	12-02-24	_____

Case Number: V- 12-02-24

Total Fees: \$2,500.00

Description of Property

Project Address: 1706 Placid Oaks
(e.g., 1234 Westlake Pkwy)

Tax Parcel IDs: _____

General Location: Culdisac in Quail Hollow near construction entrance
(e.g., Northeast Corner of Westlake Pkwy and SH 114)

Subdivision Name: Quail Hollow Lot(s): 10 Block(s): 7
(e.g., Entrada, Solana, Westlake Corners, etc...)

Survey Name(s): The Estates of Quail Hollow Abstract(s): _____ Tract(s): _____

Development Statistics

Current Zoning: ~~residential~~ R-1 Current Land Use: single family residential
(Zoning Map) (Land Use Map)

Current Lots: ~~single family residential~~ 1 Total Acres: 1.125



VARIANCE APPLICATION

Planning and Development Department

Designation of Agent Form

I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing and the representation of this request. The designated agent shall be the principal contact person with the Town of Westlake (and vice versa) in processing and responding to requirements, information requests or other issues relative to this request.

PROPERTY OWNER

Printed Name: ~~James Gianopoulos~~ Ross Stewart
Signature: Tess Stewart
Date: 12/2/2024

APPLICANT

Printed Name: ~~Stewart Cassandras~~ James Gianopoulos
Signature: [Signature]
Date: 12/2/2024

DESIGNATED AGENT

Printed Name: _____
Signature: _____
Date: _____
Property Address: _____
City, State, ZIP: _____
Email: _____
Phone: _____



Quail Hollow

Architectural Review Board

11/21/2024

Re: Gianopoulos Residence Setback Variance
Lot 10, Block 7 The Estates of Quail Hollow Phase I
1706 Placid Oaks Lane
Westlake, Texas 76262

To Whom it May Concern,

The Quail Hollow Architectural Review Board has reviewed the case for this residence and is aware that the plans currently show the house to be located approximately 2'-0" into the side yard building setback along the south property line. After reviewing the documents, it is the opinion of the ARB that granting a variance for this issue does not alter the character of the neighborhood, nor would it adversely impact the adjacent neighbors. Therefore, the ARB supports and grants its approval to issue a variance that would allow this residence to be constructed as documented.

Sincerely,

Chris R. Means, AIA, NCARB
ARB Administrative Architect

Exhibit B.1.

Questions from Nick Ford with answers

1. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district; **There is still ample room between structures of this property and the adjacent property.**
2. Such variance will not adversely affect the health, safety or general welfare of the public; **No, this does not effect anything for safety or public.**
3. Such variance will not be contrary to the public interest: **This is on private land with no public accesss.**
4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located, except as provided in subsection (c) of this section; **No, this does not change any land usage.**
5. Such variance will be in harmony with the spirit and purpose of the UDC; **Yes, this will comply.**
6. Such variance will not alter the essential character of the district in which is located the property for which the variance is sought; **No, this will not alter.**
7. Such variance will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; **No, there is still plenty of room for substantial landscaping..**
8. Due to special conditions, a literal enforcement of the UDC would result in unnecessary hardship; **Yes, the existing slope of the lot caused the necessary shift in the house by 24" resulting in the need for the variance.**
9. The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, the area, shape or slope, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located; **Yes, the need for the variance is due to the natural slop of the existing topography.**
10. The variance or exception is not a self-created hardship; a **The hardship was due to topography and soil types which caused the footer of the retaiing wall to be expanded 24", this caused the location of the house to move 24" to maintain structural integrity.**
11. The variance is clearly identified as a variance to the town's standards on the concept plan, site plan or text of chapter 102. **Yes**

Ross Stewart

From: Chris Means <chris@archhouseco.com>
Sent: Monday, November 25, 2024 1:28 PM
To: Ross Stewart
Cc: Quail Hollow ARB; Connie Stewart; pete@archhouseco.com; scott@archhouseco.com; Ryan Corcoran; Chase Dearing
Subject: Re: Variance Letter - 1706 Placid Oaks Lane

Ross, please see our answers to the questions below. Let me know if this works for you.

Written Justification (11/25/2024)

- Summary of variance or appeal request

We are applying for a variance for the property located at 1706 Placid Oaks Lane in Westlake, Texas. The architectural and landscape plans currently depict the house footprint located approximately 2'-0" into the side yard setback along the side of the property. We are seeking a variance to be allowed to build into this setback for reasons listed below.

- Summary description of the zoning requirement for which the variance is requested

The affected property is located in the Quail Hollow subdivision, which is a R-1 Estate Residential Zoning District according to the Town of Westlake Zoning Ordinance. Per the *Town of Westlake Zoning Ordinance Sec. 102-124 District Development Standards*, the side yard building setback in a R-1 district requires the building to be set a minimum of 20'-0" from the property line. Our plans show the building located at 18'-1" from the property line. This is the zoning requirement for which a variance is being requested.

- Summary justification/hardship. Explain why the requested variance is needed.

This variance is needed because due to special conditions, a literal enforcement of the UDC would result in an unnecessary hardship. The referenced hardship is that the natural slope of the existing topography of the lot caused the designed shift in the house by 2'-0". Specifically, the hardship was due to the aforementioned topography and soil types which caused the footer of the retaining wall to be expanded 24", thus causing the location of the house to move 2'-0" in order to maintain structural integrity. The shift in the house occurs in the side yard setback, not in the front yard or in a utility easement, so it would have a minimal impact on the neighborhood character or on adjacent properties.

- Summary statement regarding any negative impact on the neighborhood or public good.

The Quail Hollow Architectural Review Board (ARB) recently issued a letter on 11/21/2024 that explains its position on the requested variance for this property: *"After reviewing the documents, it is the opinion of the ARB that granting a variance for this issue does not alter the character of the neighborhood, nor would it adversely impact the adjacent neighbors. Therefore, the ARB supports and grants its approval to issue a variance that would allow this residence to be constructed as documented."*

On Thu, Nov 21, 2024 at 2:03 PM Ross Stewart <ross@stewartcustomhomes.build> wrote:

Hi Chris,

The city needs the following written information that is not included in the letter or in a separately prepared letter. Scott did provide very brief answers to questions the city had but mostly just one word answers and not what the city is needing. I'm sure it could be done pretty quick with Chat GBT or something, but I'm not very familiar with this subject matter to provide enough guidance.

Written Justification (mm-dd-yyyy)

- Summary of variance or appeal request
- Summary description of the zoning requirement for which the variance is requested
- Summary justification/hardship. Explain why the requested is needed.
- Summary statement regarding any negative impact on the neighborhood or public good.

Thank you,

Ross

From: Quail Hollow ARB <qhsubmittals@fwarchitects.com>

Sent: Thursday, November 21, 2024 12:15 PM

To: Connie Stewart <connie@stewartcustomhomes.build>; Ross Stewart <ross@stewartcustomhomes.build>

Cc: pete@archhouseco.com; scott@archhouseco.com; Ryan Corcoran <ryan@essexhoa.com>; Chase Dearing <chase@stewartcustomhomes.build>; Chris Means <chris@archhouseco.com>

Subject: Variance Letter - 1706 Placid Oaks Lane

Good Afternoon Connie and Ross,



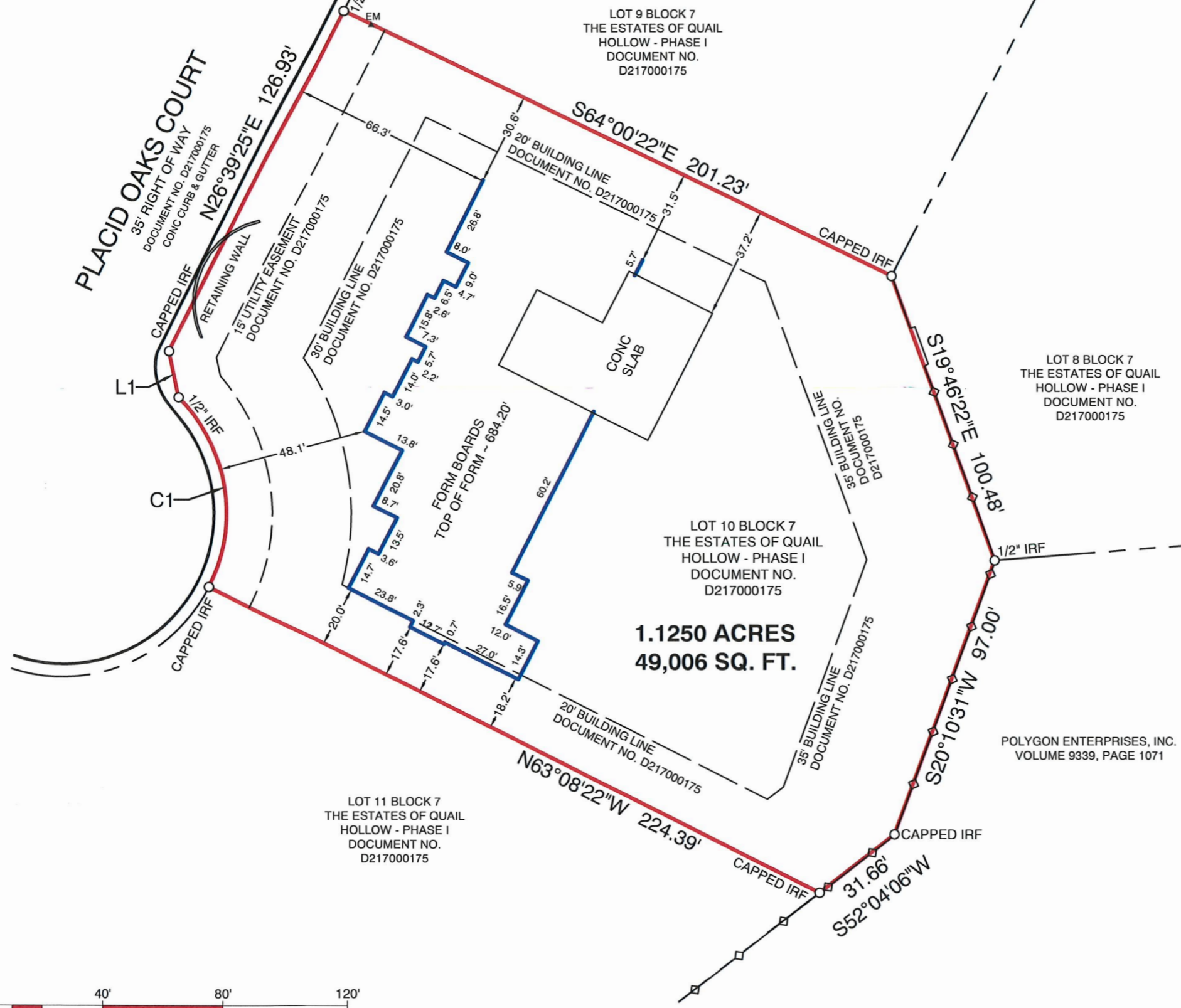
Exhibit C

ANY DECLARATION MADE HEREON OR HEREIN IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM OF THE NORTH AMERICAN DATUM OF 1983 (2011) EPOCH 2010, NORTH CENTRAL ZONE 4202 (US SURVEY FEET) FROM GPS OBSERVATIONS USING THE RTK COOPERATIVE NETWORK.

NO ABSTRACT OF TITLE OR TITLE COMMITMENT WAS PROVIDED TO THIS SURVEYOR. RECORD RESEARCH DONE BY THIS SURVEYOR WAS MADE ONLY FOR THE PURPOSE OF DETERMINING THE BOUNDARY OF THIS PROPERTY AND OF THE ADJOINING PARCELS. RECORD DOCUMENT OTHER THAN THOSE SHOWN ON THIS SURVEY MAY EXIST AND ENCUMBER THIS PROPERTY.

BUILDING LINES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORDED PLAT. THERE MAY BE OTHER RESTRICTIONS FILED WITH THE COUNTY THAT AFFECT THE SUBJECT PROPERTY AND ARE NOT SHOWN HEREON.



LEGEND

▲	EM	ELECTRIC METER	ET	ELECTRIC TRANSFORMER
○	WV	WATER VALVE	SS	SANITARY SEWER
■	WM	WATER METER	SSCO	SANITARY SEWER CLEANOUT
●	ICV	IRRIGATION CONTROL VALVE	MH	MANHOLE
○	GV	GAS VALVE	STSMH	STORM SEWER MANHOLE
○	GM	GAS METER	BLDG	BUILDING W/ PERMANENT FOUNDATION
○	SSMH	SANITARY SEWER MANHOLE	SHED	STRUCTURE WITH NO PERMANENT FOUNDATION
○	OSSF	ON SITE SEWER FACILITY	AC	AIR CONDITIONER
○	MH	MANHOLE	POSE	PUBLIC OPEN SPACE EASEMENT
○	PP	POWER POLE	IPF	IRON PIPE FOUND
○	LS	LIGHT STANDARD	IRF	IRON ROD FOUND
○	EB	ELEC BOX	IRS	5/8" IRON REBAR SET
○	TR	TELEPHONE RISER	MA	MARKED "A-WARD"
○	WF	WIRE FENCE	IRR	5/8" IRON REBAR RECOVERED
○	WF	WOOD FENCE	CM	MARKED "A-WARD"
○	CLF	CHAIN LINK FENCE	CM	CONTROL MONUMENT
○	IF	IRON FENCE		BEARINGS OR DISTANCE SHOWN IN (') ARE
○	UG	UNDERGROUND		PLAT OR DEED CALL
○	OHU	OVERHEAD UTILITY		ALL BLDG DIMENSIONS ARE REFERENCED TO
○	FH	FIRE HYDRANT		THE EXTERIOR FOOTPRINT

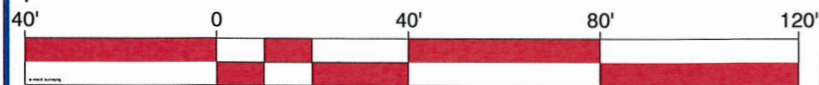
This survey substantially complies with the current Texas Society of Professional Surveyors Standard and Specifications for a Category 3, Condition II Survey. Surveyed on the ground October 10, 2024.

A-Ward Surveying

James Paul Ward
Registered Professional Land Surveyor, No. 5606



POLYGON ENTERPRISES, INC.
VOLUME 9339, PAGE 1071



GRAPHIC SCALE SCALE IN FEET 1" = 40'
A-WARD PROJECT NO: 2023-1998 PLACID OAKS-FB



LOCATIVE SURVEY
Lot 10, Block 7, **THE ESTATES OF QUAIL HOLLOW - PHASE I**, an addition to the Town of Westlake, Tarrant County, Texas, according to the Plat thereof recorded in Document No. D217000175, Official Public Records of Tarrant County, Texas.

A-WARD SURVEYING COMPANY
252 WEST MAIN STREET, SUITE F, AZLE TX 76020
817-33A-WARD (332-9273) survey@a-wardsurveying.com
TBPELS Firm No. 10194435