



# City Council Planning Department Staff Report

**City Council:** June 7, 2022  
**Project No:** VAR2022-0003  
**Project Planner:** Tory Carpenter, AICP, Senior Planner

## Item Details

**Project Name:** Headwaters Pool Variance  
**Property Location:** 410 Hazy Hills Loop  
**Legal Description:** Headwaters at Barton Creek Phase 1, Block A, Lot 21  
**Applicant:** Renee Godinez  
**Property Owner:** Adam Kim  
**Request:** Applicant is requesting a variance to Section 3.2.5 of the Headwaters Development Agreement limiting impervious cover to 50% on a residential lot.



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## Overview

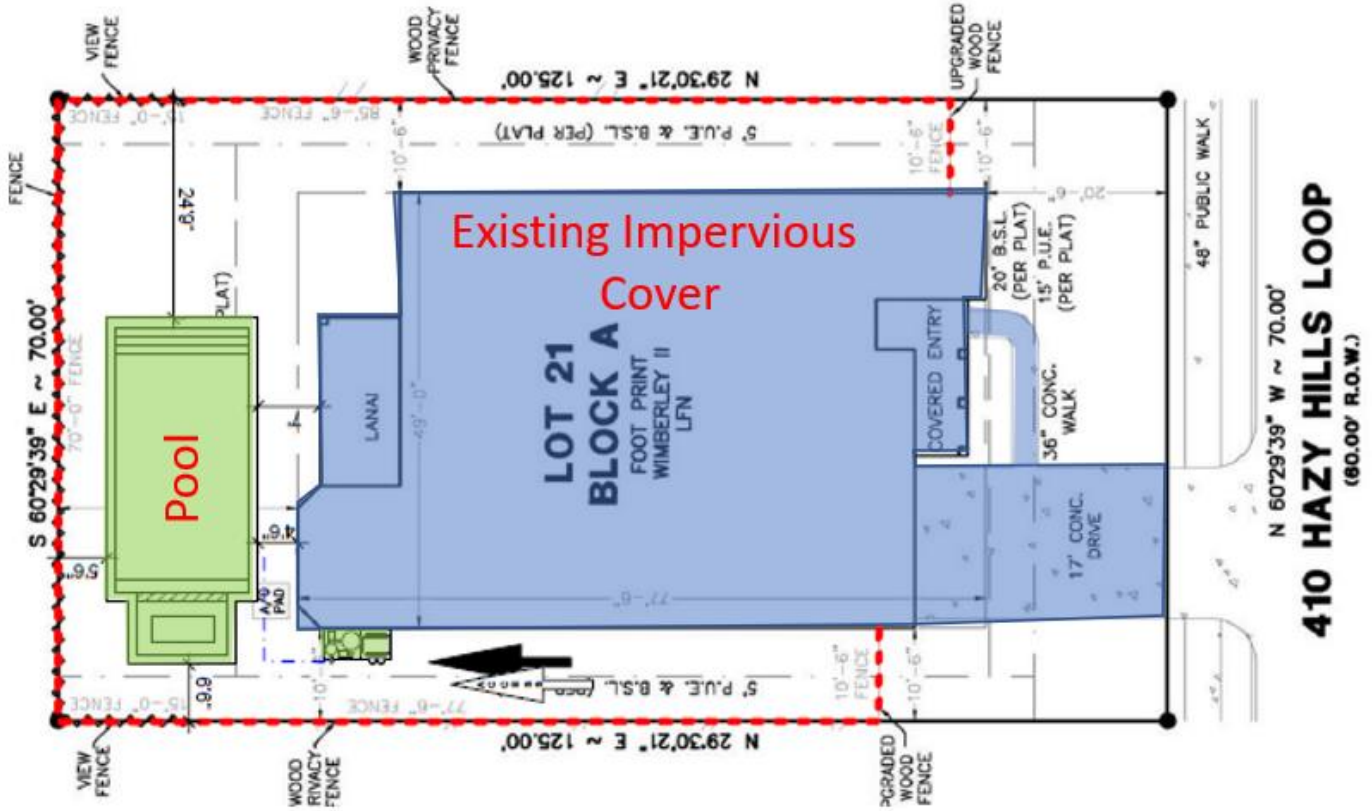
This variance request is associated with a permit for a pool on a single-family property in the Headwaters development. The applicant applied for and was granted an administrative pool encroachment variance to allow the pool to be within the building setback. This property is subject to the Headwaters Development Agreement which limits impervious cover to 50% on residential lots. The property is 8750 square feet.

The property owner provided the following description of the hardship and reason for this request:

1. *A pool is a reasonable accessory for a single-family residence and common development in the City of Dripping Springs.*
2. *The property has ample room in the backyard to hold a swimming pool/spa and there is an existing wall that can act as an erosion control to protect the surrounding land.*
3. *The extra 2% of impervious cover caused by surface water will not affect the property.*
4. *The pool and spa will be enclosed in the backyard, protected from the public by existing wood fencing and retaining walls.*
5. *We are not proposing to alter any existing structures.*
6. *The construction of the pool within this area would simply change the use of the portion of the lot, from a grass surface to a pool.*

Code Requirement	Applicant Request	Required Yard Deficit
No more than 50% impervious cover (4,375 sqft)	52.8% impervious cover (4,620 sqft)	<b>2.8%</b> <b>(245 sqft)</b>

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Surrounding Properties

Direction	Zoning District	Existing Use	Comprehensive Plan
North	ETJ	Single Family	The area is not shown on the city's comprehensive future land use plan.
East	ETJ	Single Family	
South	ETJ	Open Space	
West	ETJ	Single Family	

Approval Criteria for Variance (2.22.2-Zoning Ordinance)

Approval Criteria	Staff Comments
1. there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and	There are no special circumstances or conditions affecting the property.
2. the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and by preserving the natural features and topography of the land; and	Staff does not consider a private pool to be necessary for the preservation and enjoyment of a property. Additionally, the applicant can reduce the size of the pool by approximately 39% and meet the minimum impervious cover requirements.
3. the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious	Granting of the variance would not be detrimental to the public health, safety, welfare, or injurious to other property

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to other property within the area; and	within the area.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	This variance does not constitute the minimum departure from the impervious cover requirements. The applicant can reduce the size of the pool by approximately 39% and meet the minimum impervious cover requirements.
5. the subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and	There is no apparent hardship on this property. Similarly situated properties in the vicinity constructed smaller pools.
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ol style="list-style-type: none"> <li>a. the public health, safety and welfare may be secured; and</li> <li>b. that substantial justice may be done.</li> </ol>	This request is not consistent with the purpose of the impervious cover requirement.

### Summary and Recommendation

Staff recommends **denial** of the variance request.

At their meeting on May 24, the Planning & Zoning Commission voted unanimously to recommend **denial** of the request.

### Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Variance request.

### Meetings Schedule

May 24, 2022 Planning & Zoning Commission

June 7, 2022 Board of Adjustments

### Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Recommended Action	Recommend denial of the requested variance
Alternatives/Options	Recommend approval of the variance with no or alternate conditions.

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Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A