



# City Council Planning Department Staff Report

Planning and Zoning  
Commission Meeting: April 7, 2026  
Project No: VAR2026-002  
Project Planner: Sara Varvarigos, AICP, Senior Planner

## Item Details

**Project Name:** N/A  
**Property Location:** 613 Hazy Hills Loop  
**Legal Description:** Headwaters at Barton Creek Phase 1, Block B, Lot 27, Acres 0.2009 (8,752 SF)  
**Applicant:** Carlos Castillo  
**Property Owner:** Cory King  
**Request:** Applicant is requesting a variance to allow a pergola within the rear property setback and increase the maximum impervious cover permitted on site  
**Recommendation:** Staff recommends **denial** of the variance request.



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## Overview

This variance request is associated with a requested building permit for a cantilevered pergola at 613 Hazy Hills Loop. This property is located in Phase 1 of the Headwaters subdivision. As such, it is subject to the Headwaters at Barton Creek Development Agreement and Phase 1 Plat development requirements. These documents establish a minimum rear yard setback of 20' and a side yard setback of 5', as well as a maximum impervious cover of 50% for all residential lots. The existing yard setbacks and impervious cover (49.5%) of 613 Hazy Hills Loop are shown in the Plot Plan below:

LEGEND	
SYMBOLS	DESCRIPTION
—	BOUNDARY LINE
- - -	EASEMENT LINE
—	BUILDING LINE
●	PROPERTY PIN
—	B.S.L. BUILDING SETBACK LINE
—	P.U.E. PUBLIC UTILITY EASEMENT
—	R.O.W. RIGHT OF WAY
( S.I.C. )	POSSIBLE SCRIBENERS ERROR
( )	RECORD INFORMATION

**FENCE NOTE:**

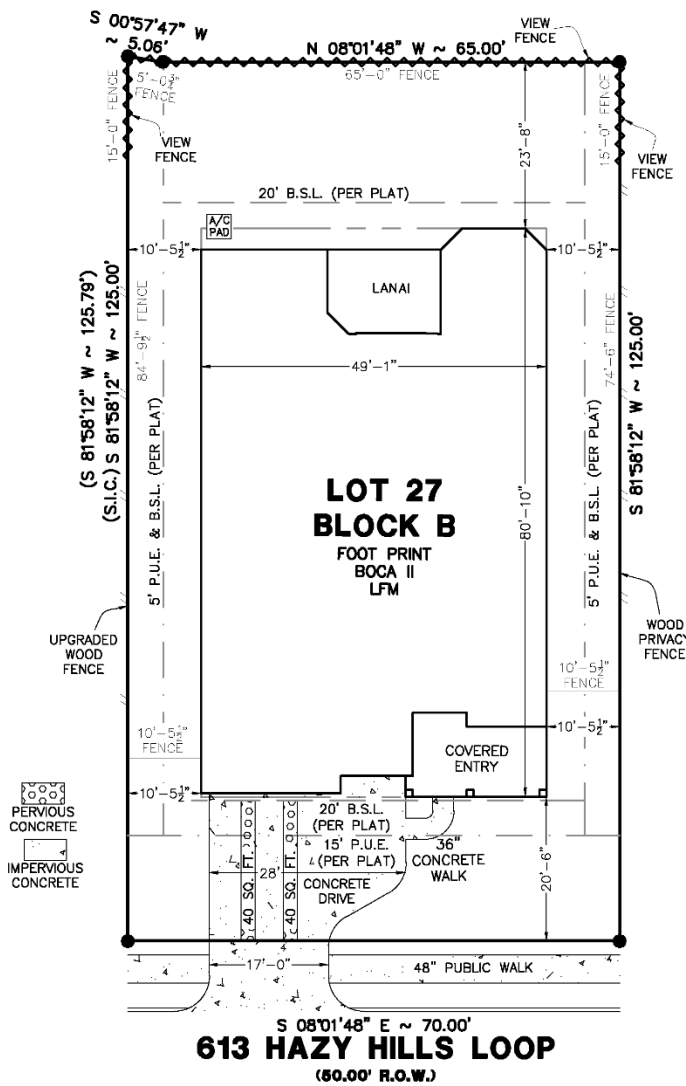
DIMENSIONS GIVEN FOR FENCELINE ARE FOR TAKE OFF PURPOSES ONLY AND SHALL NOT BE USED TO LOCATE BUILDING ON LOT.

FENCE LENGTH: 280 LINEAR FT. (APPROX.)

## PLOT PLAN



SCALE: 1" = 20'



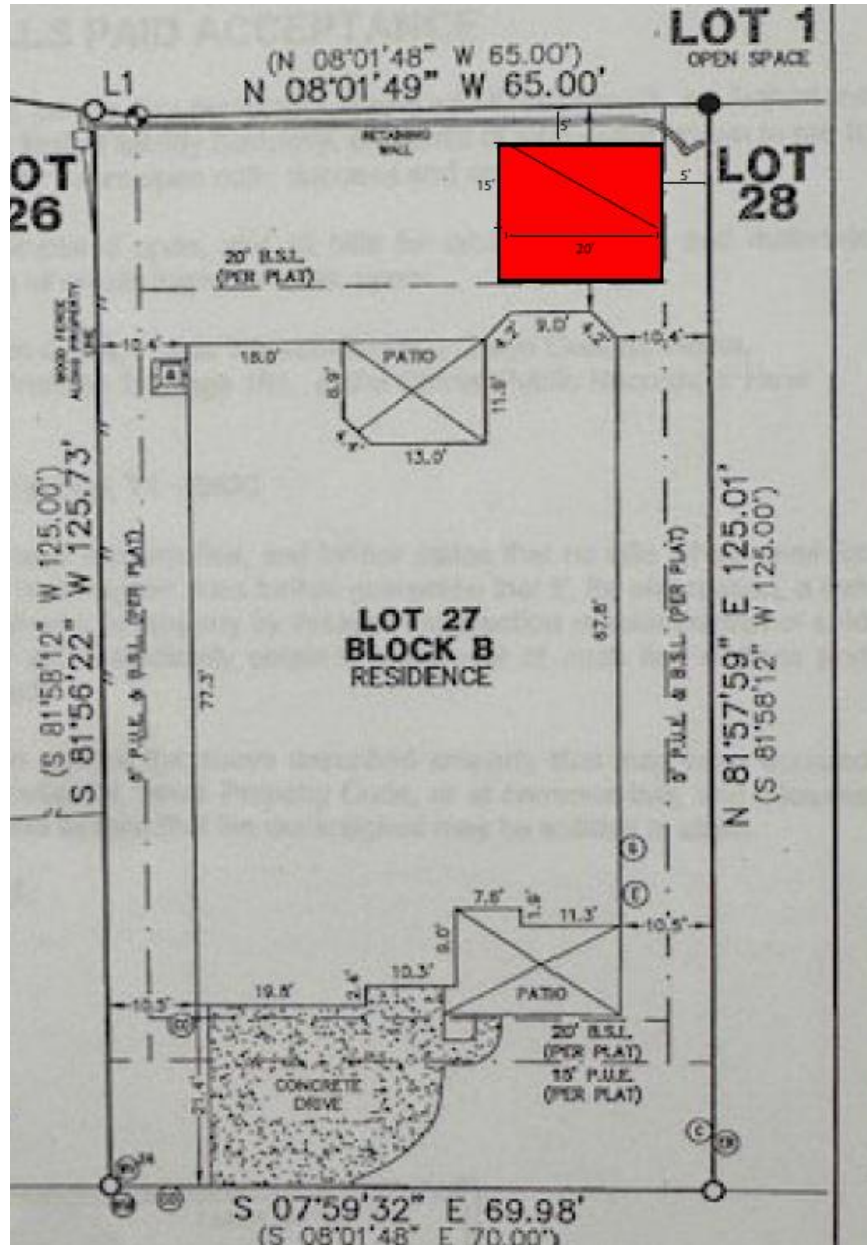
Item	Area (sq ft)	Percentage
Lot Area:	8752	Flt
Slab Area:	3818	Flt
Flat Work Area:	513	Flt
Total Concrete Area:	4331	Flt
Percentage of Impervious Cover:	49.49%	

Item	Area (sq ft)
Private Walk:	26
Private Drive:	475
A/C Pad:	12
Public Approach:	181
Public Walk:	212
TOTAL FLATWORK:	906 (Approx.)

Item	Area (sq ft)	Unit
Fence Length:	280	linear ft
Front Yard:	132	sq ft
Rear Yard (Approx.):	361	sq ft
Front R.O.W. (Approx.):	32	sq ft
TOTAL SOD:	524	sq ft

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The applicant is proposing to add a 1-story pergola measuring 20' wide x 15' deep x 10' height (refer to Attachment 1), which would encroach 15' into the property's required 20' rear yard building setback, as shown in the proposed site plan exhibit below. It would also add approximately 300 SF of impervious cover to the 8,752 SF lot, increasing the impervious cover from 49.5% to 53%, which is over the maximum permitted impervious cover of 50% for residential lots. In the building permit application for the proposed pergola, the applicant indicated that the property's impervious cover after the project would be 30%, which is incorrect.



Summary of Site Plan Elements	Site Area (SF)	Impervious Cover
<b>Residential Lot</b>	<b>8,752</b>	<b>50% Max Imp. Cover</b>
Existing Slab	3,818	43.6%
Existing Flat Work	513	5.9%
<b>Total Existing Impervious Area</b>	<b>4,331</b>	<b>49.5% (Under 50% Max)</b>
Proposed Pergola Addition	300	3.4%
<b>Total Proposed Impervious Area</b>	<b>4,631</b>	<b>53% (Over 50% Max)</b>

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The current residential development requirements for Phase 1 of the Headwaters development, and the requested variances for 613 Hazy Hills Loop are summarized in the table below:

Development Agreement and Plat Requirement for Residential Lots in Headwaters Phase 1	Applicant Variance Request	Difference
Structures must be set back at least 20' from the rear property line and 5' from the side yard property line (refer to attachment 2, Phase 1 Plat notes).	Applicant is proposing to place the accessory structure approximately 5' from the rear and side yard property lines.	<b>A 5' setback from the rear property line will result in a 15' encroachment into the required 20' rear setback line</b>
Residential lots must have a maximum permitted impervious cover of 50% (refer to attachment 3, section 3.2.5 of Headwaters at Barton Creek DA).	Applicant is proposing to increase the impervious cover of the lot to 53%	<b>The proposed impervious cover will result in a 3% increase over the maximum impervious cover permitted for residential lots</b>

In order to qualify for a variance, an applicant must identify unique conditions or constraints on their property that would result in undue hardship if the City's ordinance is applied to the property as-is. The applicant for 613 Hazy Hills Loop submitted the following description of the property's hardship and reason for this variance request:

"The hardship necessitating this variance arises from the unique physical constraints of the property, as the majority of the rear yard lies within the required building setback area, leaving only approximately 1-2 feet of usable building area. This condition is not self-created and results from the lot configuration and applicable zoning regulations, effectively preventing reasonable use of the backyard for customary accessory structures or outdoor improvements. Without variance relief, the property owner is deprived of the ability to utilize the rear yard in a manner consistent with similarly situated properties, and the requested variance represents the minimum relief required to alleviate this practical difficulty."

### Analysis of Surrounding Properties

The properties surrounding the site are primarily residential and located within Phase 1 of the Headwaters Development. As such, they are subject to the same impervious cover and building setback requirements as 613 Hazy Hills Loop. The surrounding properties' lot sizes, building footprints and layouts also appear to be consistent with the property located at 613 Hazy Hills Loop.

The property at 613 Hazy Hills Loop does not appear to embody any unique constraints or physical characteristics that would result in a hardship meriting a variance.

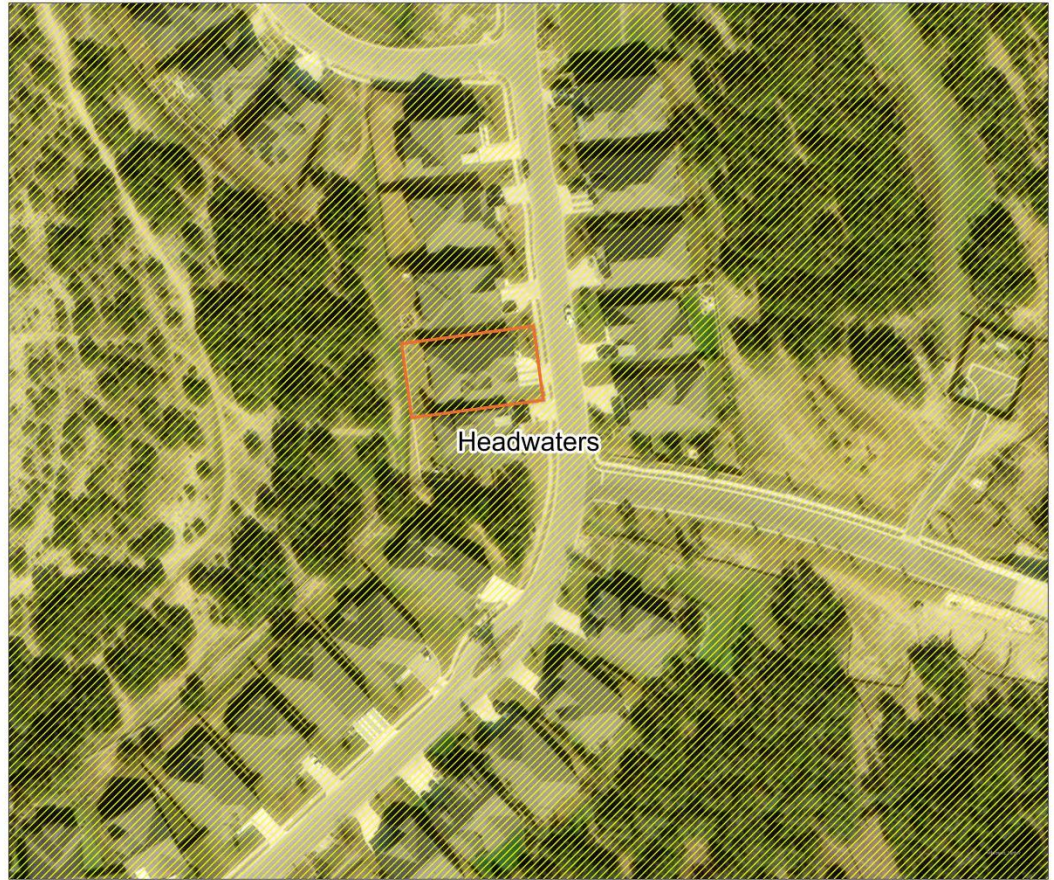
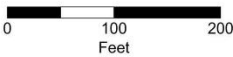
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**Zoning Map**  
VAR2026-002  
613 Hazy Hills Loop

**Legend**

	Roads
	Development Agreements



Direction	Zoning District	Existing Land Use
North	ETJ- Headwaters DA	Single Family
East	ETJ- Headwaters DA	Single Family
South	ETJ- Headwaters DA	Single Family
West	ETJ- Headwaters DA	Open Space

In order to meet the threshold for approval of a variance request, a variance application must meet the approval criteria set out in section 2.22.2 of the Zoning Ordinance. The variance approval criteria and staff analysis of the variance application are presented below.

**Approval Criteria for Variance (2.22.2-Zoning Ordinance)**

Variance Approval Criteria	Staff Analysis of Variance Application
a. 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 at 613 Hazy Hills Loop. All other residential properties in Phase 1 of Headwaters at Barton Creek Development have the same setbacks and maximum impervious cover requirements, and similar building layouts and lot sizes.
b. 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 placing a pergola within the rear yard setback to be necessary for the enjoyment of the property, nor would it contribute to preserving the natural features and topography of the land. The intent of

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	the current property setback lines is to maintain a lower density of development and a higher level of privacy between lots.
c. the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	Granting this variance will be detrimental as it may encourage significantly more variance applications that are inconsistent with the original intent of the ordinance, and will ultimately: <ol style="list-style-type: none"> <li>1. erode the overall character of the development (as caused by new buildings encroaching into minimum building setbacks)</li> <li>2. Undermine the water quality protections that are currently in place through the imposition of maximum impervious cover requirements for residential lots (50%) and the overall Headwaters development project (15%). Residential properties in Headwaters must individually respect the 50% maximum impervious cover for their lots, for the aggregated Headwaters development to cumulatively respect its overall 15% impervious requirement. Staying below these impervious cover limits is essential for the Headwaters community to continue to meet its water quality and drainage requirements and obligations. Maintaining water quality and drainage controls through the enforcement of impervious cover limits ultimately contributes to the public health, safety and welfare of Dripping Springs.</li> </ol>
d. the granting of the variance constitutes a minimal departure from this Chapter; and	The granting of the variance would introduce an encroachment of 15 ' within a 20' rear yard setback, which is significant. In addition, the impervious cover of the property would be increased to 53%, which is over the maximum permitted 50% for residential lots.
e. 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 are no apparent circumstances or conditions giving rise to a hardship on this property. The applicant may explore other shade structure alternatives such as installing a retractable awning on their residential building, as other property owners in Headwaters development have done.
f. 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>1. the public health, safety and welfare may be secured; and</li> <li>2. that substantial justice may be done.</li> </ol>	Granting this variance request would be inconsistent with the intent of the Ordinance variance chapter, as it does not ultimately contribute to securing public health, safety and welfare, and it does not reverse a substantial injustice on the property.

### Previous Actions

On February 24, 2026, the Planning and Zoning Commission unanimously voted to recommend denial of this variance request. The Commission also directed the applicants to revise the proposed design of the pergola to respect the

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property's building setbacks and impervious cover limits. However, the applicants did not provide any revised pergola designs or site plans at the time of posting of this report.

## Summary and Recommendation

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

## Required Vote Threshold

The concurring vote of at least 75% of the full Board of Adjustments is required to approve a variance request. This supermajority requirement applies to any decision under the Board's review authority.

## 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. No public comments were received as of the date of posting of this staff report.

## Meetings Schedule

February 24, 2026, Planning & Zoning Commission

April 7, 2026, Board of Adjustments

## Attachments

Attachment 1 – Variance Application

Attachment 2 – Headwaters Phase 1 Plat

Attachment 3 – Headwaters at Barton Creek Development Agreement

Attachment 4 – Existing Conditions Site Plan

Recommended Action	Recommend denial of the requested variance
Alternatives/Options	Recommend approval of the variance with no or alternate conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A