



Planning and Zoning Commission

Planning Department Staff Report

Planning and Zoning Commission Meeting: May 26, 2026
Project No: VAR2026-002
Project Planner: Sara Varvarigos, AICP, Senior Planner

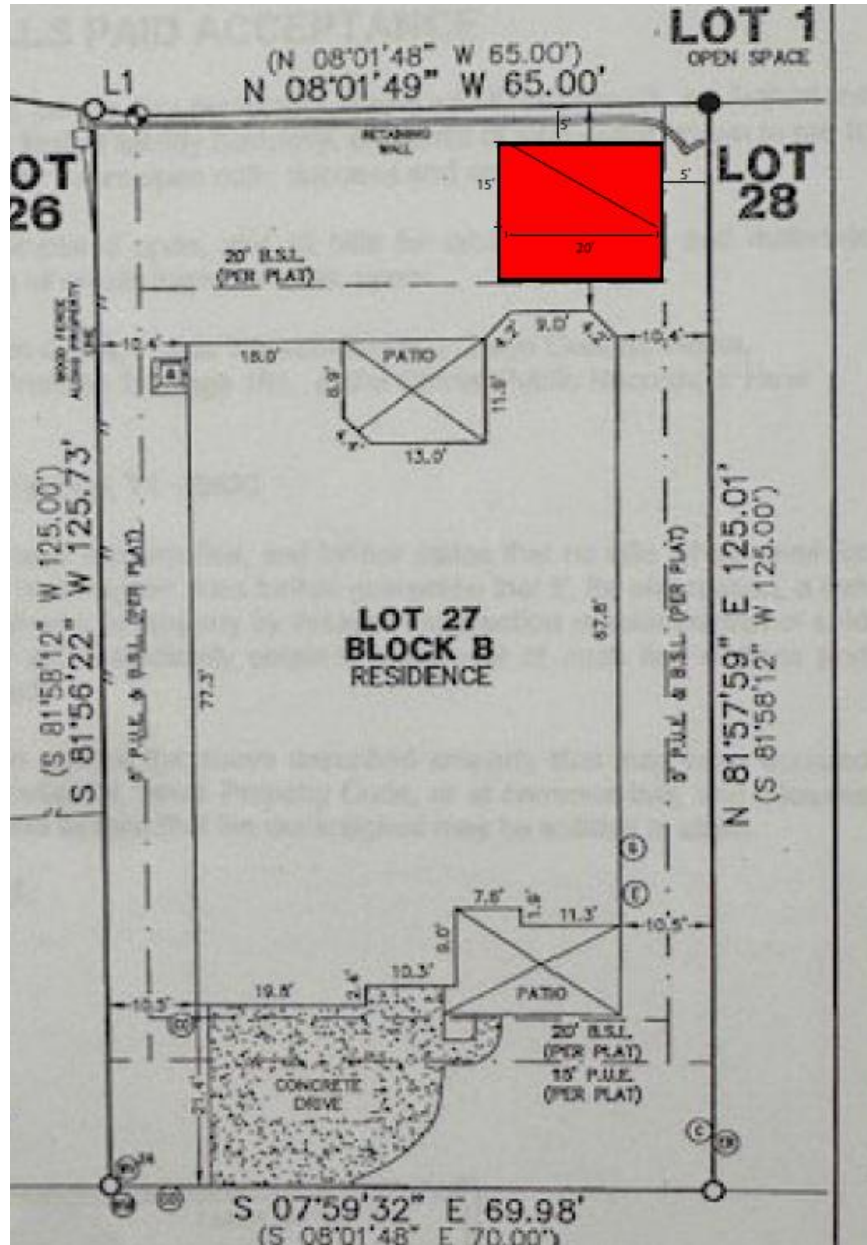
Item Details

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 porch shade canopy within the rear property setback and increase the maximum impervious cover permitted on site



Planning Department Staff Report

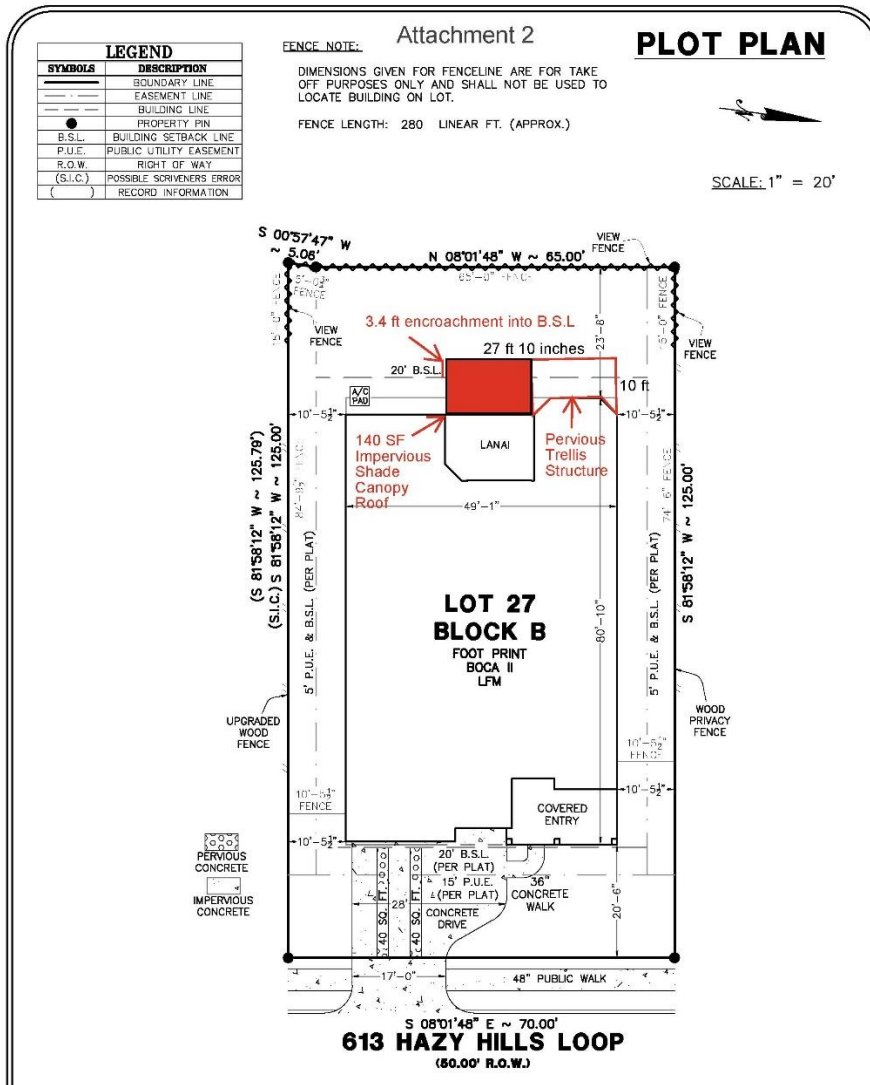
Original Pergola Design. The applicant was originally proposing to add a 1-story shade pergola measuring 20' wide x 15' deep x 10' height (refer to Attachment 1), which would have encroached 15' into the property's required 20' rear yard building setback, as shown in the proposed site plan exhibit below. It would also have added 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.



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

Planning Department Staff Report

Updated Pergola Design. Following a unanimous recommendation of denial by the Planning and Zoning Commission on February 24, 2026 and a request for a resubmittal by the City Council on April 7, 2026, the applicant resubmitted an updated design for consideration. The updated design consists of a hybrid 1-story shade canopy and trellis structure measuring 27'-10" wide x 10' deep x 10' height (refer to Attachment 2), which would encroach 3.4' into the property's required 20' rear yard building setback, as shown in the proposed site plan exhibit below. The shade canopy portion of the structure would also add approximately 140 SF of impervious cover to the 8,752 SF lot, increasing the impervious cover from 49.5% to 51.09%, which is over the maximum permitted impervious cover of 50% for residential lots. The trellis structure is considered 100% pervious as it does not have an enclosed roof and it will also have a gravel base.



Summary of Site Plan Elements	Site Area (SF)	Impervious Cover
Residential Lot	8,752	50% Max Imp. Cover
Existing Slab	3,818	43.6%
Existing Flat Work	513	5.9%
Total Existing Impervious Area	4,331	49.5% (Under 50% Max)
Proposed Porch Roof Addition	140	1.6%
Total Proposed Impervious Area	4,470	51.09% (Over 50% Max)

Planning Department Staff Report

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 a shade canopy and trellis structure that encroaches approximately 3.4' into the rear building setback line.	The proposed 3.4' encroachment is significantly less than the original proposed 15' encroachment into the required 20' rear setback line
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 51.09%	The proposed impervious cover will result in 1.09% increase over the maximum impervious cover permitted for residential lots, which is two thirds less than the original proposed 3% increase over the maximum impervious cover permitted for residential lots

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, and they are also bordered by green spaces.

Planning Department Staff Report

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.



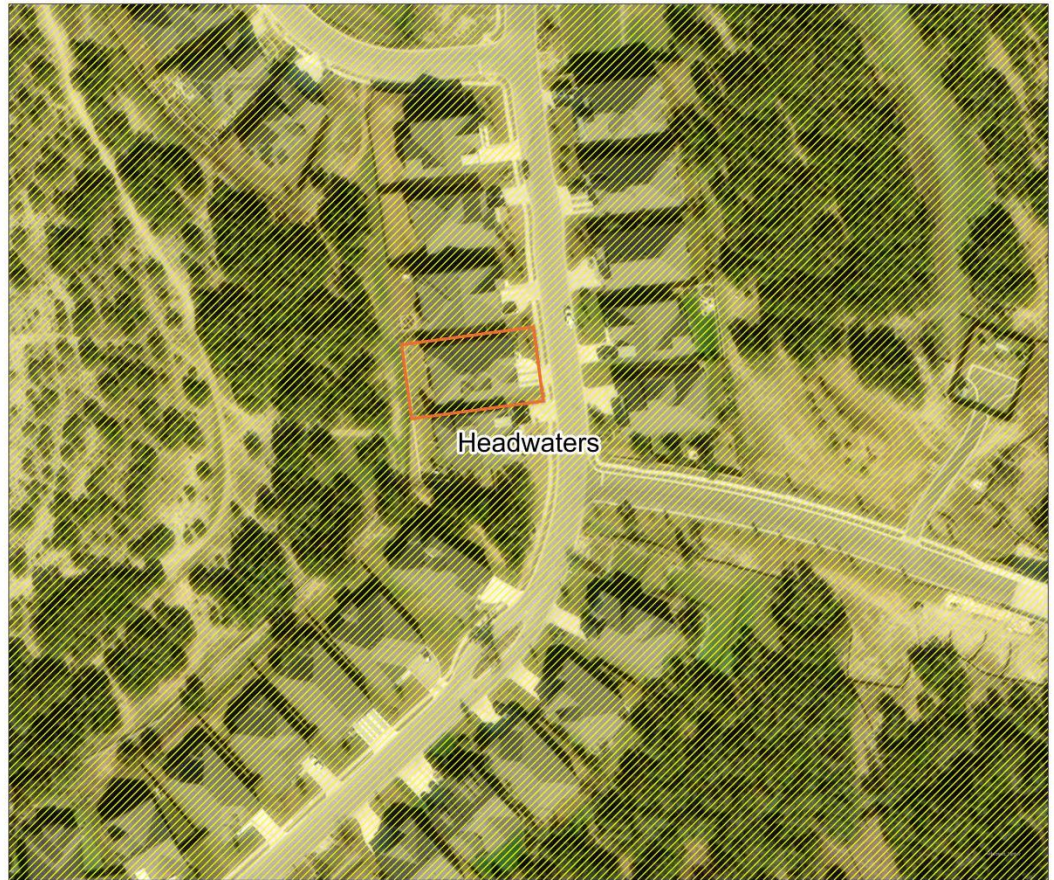
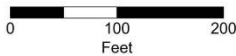
Zoning Map

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 in the table below.

Approval Criteria for Variance (2.22.2-Zoning Ordinance)

Variance Approval Criteria	Staff Analysis of Variance Application
<p>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</p>	<p>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, similar building layouts and lot sizes, and also back up onto green spaces.</p>

Planning Department Staff Report

<p>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</p>	<p>Staff does not consider placing a shade structure and trellis within the rear yard setback to be necessary for the preservation and enjoyment of a substantial property right of the applicant, nor does it contribute to preserving the natural features and topography of the land.</p>
<p>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</p>	<p>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:</p> <ol style="list-style-type: none"> 1. erode the overall character of the development (as caused by new structures encroaching into minimum building setbacks) 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.
<p>d. the granting of the variance constitutes a minimal departure from this Chapter; and</p>	<p>The granting of the variance would introduce an encroachment of 3.4 ' within a 20' rear yard setback. In addition, the impervious cover of the property would be increased to 51.09%, which is over the maximum permitted 50% for residential lots.</p>
<p>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</p>	<p>There are no apparent circumstances or conditions giving rise to a hardship on this property.</p>
<p>f. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that:</p> <ol style="list-style-type: none"> 1. the public health, safety and welfare may be secured; and 2. that substantial justice may be done. 	<p>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.</p>

Summary and Recommendation

Staff recommends denial of the variance request.

Planning Department Staff Report

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

Previous Meetings:

February 24, 2026, Planning & Zoning Commission (unanimous recommendation of denial)

April 7, 2026, Board of Adjustments (request for resubmittal and reconsideration by Planning & Zoning)

Upcoming Meetings:

July 7, 2026, Board of Adjustments

Attachments

Attachment 1 – Variance Application

Attachment 2 – Updated Design (resubmittal)

Attachment 3 – Headwaters at Barton Creek Phase 1 Plat

Attachment 4 – Headwaters at Barton Creek Development Agreement

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