

**REGULAR MEETING OF THE BOARD OF ADJUSTMENTS  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
TUESDAY, JUNE 16, 2020**

**MINUTES**

**Call to Order**

Meeting called to order by Chairman Crawford at 6:12 pm.

**Roll Call**

PRESENT

Chairman Larry Crawford  
Vice-Chairman Joey Hernandez  
Member Jan Bowman  
Member Brian Engle  
Alternate Dennis Day

ABSENT

Member David Jones

ALSO PRESENT

Trey Sargent, Town Attorney  
Ian Theodore, Liaison  
Chris Chaudoir, Administrative Assistant

**Pledge of Allegiance to the U.S. And Texas Flags**

Pledge of Allegiance to the US and Texas flags led by Chairman Crawford.

**Invocation**

Invocation given by Councilman Theodore.

**Public Comment**

No Public Comment

**Consent Agenda**

1. April 21, 2020 Meeting Minutes

Motion to accept the minutes as presented made by Member Bowman, Seconded by Member Engle.

Voting Yea: Chairman Crawford, Vice-Chairman Hernandez, Member Bowman, Member Engle, Member Day. Motion passed unanimously.

**Regular Agenda**

2. Discuss, consider and act on the appointment of a Board Chairman and Vice-Chairman.

Member Crawford was voted Chairman and Member Hernandez Vice Chairman.

Motion to accept the appointments made by Member Day, Seconded by Member Bowman.

Voting Yea: Chairman Crawford, Vice-Chairman Hernandez, Member Bowman, Member Engle, Member Day. Motion passed unanimously.

3. Discuss, consider and act on the continuation of a request by Matthew Gilliland for a variance of Chapter 14, Exhibit A, Article VIII SF-2 Residential District, Section 3 Area Regulations, (3) for a detached garage within the required rear yard and (9) paved driveways and consider and act on the same. The property is located at 207 Woody Trail and is legally described as Lovett Estate 1(EPT).

Chairman Crawford thanked Mr. Gilliland for the additional information supplied and gave an overview of the project.

Member Day questioned the need for the variance and Ms. Chaudoir explained the required setbacks.

Motion made to approve the variance to the setback and driveway by Member Bowman, Seconded by Vice-Chairman Hernandez.

Voting Yea: Chairman Crawford, Vice-Chairman Hernandez, Member Bowman, Member Engle, Member Day. Motion passed unanimously.

4. Conduct a public hearing regarding a request by Fred Sammet for a variance of Chapter 14, Exhibit A, Article VII SF-1 Residential District, Section 3 Area Regulations (2 & 3) for a swimming pool and decking within the required side and rear yards and consider and act on the same. The property is located at 3 Eagles Aerie Court and is legally described as Eagles Aerie, Block A, Lot 3.

Public Hearing opened at 6:30 p.m.

Fred Sammet, 3 Eagles Aerie Court, stated he has lived at the location for 22 years and has always wanted a pool. He explained that the property is very steep in the front, rear and on one side with the other fairly level. The only place for the pool is directly behind the house, which abuts the rear property line. He has contacted the neighbors and the HOA and they have no problems. The pool has fencing to screen it from the neighbors on the either side. The LDISD Ag barn is directly behind him in a valley. Member Hernandez asked for copies of the approvals from the neighbors. The copies presented area compilation of the responses to the HOA president rather than the individual comments.

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Chairman Crawford asked about the rear and side utility easements. Mr. Sammet explained the pool is 1 foot 6 inches off the easement to the rear and 15 feet from the side. Chairman Crawford also expressed concern for the proximity to the LDISD property and asked if there was any contact with them. Ms. Chaudoir assured him a letter was sent to the school district about the hearing.

Member Day asked for the reasoning for the pool being perpendicular to the house. Mr. Sammet explained it was a combination of function and aesthetics due to the shape of the lot and the surrounding views.

Public Hearing closed at 6:40 pm.

Motion made to accept the variance as presented by Vice-Chairman Hernandez, Seconded by Member Engle.

Voting Yea: Chairman Crawford, Vice-Chairman Hernandez, Member Bowman, Member Engle, Member Day. Motion passed unanimously.

5. Conduct a public hearing regarding a request by Lance and Carmen White for a variance of Chapter 14, Exhibit A, Article VII SF-1 Residential District, Section 2 (10) Accessory Buildings and Uses and Section 3 Area Regulations (2) for a 1500 square foot barn within the required side yard and consider and act on the same. The property is located at 147 Garth Lane and is legally described as Sexton Addition, Block A, Lot 3.

Public Hearing opened at 6:45 pm.

Lance White, 147 Garth Lane, explained they own 8 acres on Garth Lane with Corps property on 2 sides, 2 neighbors to the north and a vacant lot to the west. He is in the construction business but did not get a permit prior to beginning the project, thinking that an accessory building or shed would not require one. The barn is 50 x 30 or 1500 square feet with a 240 square foot porch and is for storage only. Zoning for the property requires a 30 foot setback and the barn is 7 feet from the property line on the west side. The rear of the property is in the flood plain and there is a 2 acre pond on the property with serious drainage issues. Fall across the property is about 2 inches. There is one trench supplying all 3 lots in the subdivision and the building cannot go anywhere else unless the trench is removed. His property begins 700 feet south of Garth and the barn is 1000 feet from the street. The barn is metal with brown trim and a green roof and is intended to store equipment. He has tried to contact the property owner to west without success.

Member Day asked for a clarification of the size of the building. He also questioned why two areas were paved and the remainder gravel. Mr. White explained one area will be gravel for storage of tractors and 4 wheelers and the rest will be storage of trailers and equipment.

Chairman Crawford asked about the foundation being poured without an inspection. Mr. White explained the foundation is not engineered because he considered it a shed and, if it falls apart, that is on him and will not affect anyone else. Chairman Crawford is concerned it will not meet code. Mr. White is not concerned about not meeting code and welcomes inspections. The barn is warrantied.

Vice-Chairman Hernandez asked about the encroachment on the setback. Mr. White explained he did not consider the side yard when he began but the building is on an angle and only one corner is 7 feet from the west property line. He has attempted to contact the owner on that side and would be willing to buy that property. Vice-Chairman Hernandez asked if he had sent certified letters with a receipt signature, expressing concerns about repercussions. Mr. White has not sent them a letter about this variance but has been sending them letters for years without any return contact. Mrs. White said they had sent a certified letter approximately 2 years before to them and had also tried to make phone contact without success.

Member Bowman recused herself from the vote and exited the room at 7 pm.

Member Engle asked if the property was located in Hickory Creek. Ms. Chaudoir confirmed all the properties discussed were but the property owners to the west were located in California. She sent a letter to about the hearing and has also sent other letters in the past without response.

Robert Majecki, 145 Garth Lane, stated he had no issues with the project.

Public Hearing closed at 7:02 pm.

Member Day asked if it would be prudent to have the town inspector inspect the progress to date for any code violations before granting a variance. Chairman Crawford confirmed with Ms. Chaudoir that the inspector will come out after a permit has been issued. It will have to meet all building requirements during the permitting and inspection process.

Motion made by Vice-Chairman Hernandez to approve the variance, Seconded by Member Engle.

Voting Yea: Chairman Crawford, Vice-Chairman Hernandez, Member Engle, Member Day. Motion passed.

### **Adjournment**

Motion to adjourn made by Vice-Chairman Hernandez, Seconded by Member Day.

Voting Yea: Chairman Crawford, Vice-Chairman Hernandez, Member Bowman, Member Engle, Member Day. Motion passed unanimously.

Meeting adjourned at 7:06 pm.

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Approved:

Attest:

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Larry Crawford, Chairman  
Position 2  
Board of Adjustments

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Chris Chaudoir,  
Administrative Assistant  
Board of Adjustments