

**REGULAR MEETING OF THE BOARD OF ADJUSTMENTS
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, JULY 20, 2021**

MINUTES

Roll Call

Meeting called to order at 6:01 p.m. by Chairman Crawford.

PRESENT

Chairman Larry Crawford

Member David Jones

Member Jan Bowman

Alternate Member Dennis Day

ABSENT

Vice-Chairman Joey Hernandez

Member Brian Engle

Alternate Member Alex Valderrey

ALSO PRESENT

David Kruger, Town Attorney

Randy Gibbons, Council Liaison

Chris Chaudoir, Administrative Assistant

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

Pledge of Allegiance to U.S. and Texas flags led by Chairman Crawford.

Invocation

Invocation given by Councilman Gibbons.

Consent Agenda

1. June 15, 2021 Meeting Minutes

Motion to accept the minutes made by Member Day, Seconded by Member Jones.

Voting Yea: Chairman Crawford, Member Jones, Member Bowman, Member Day. Motion passed unanimously.

Regular Agenda

2. Conduct a public hearing regarding a request from Jonathan Iverson for a variance of Chapter 14, Article IX SF-3 Residential District, Section 2 (2) (a) and Section 3 (3) for the construction of a detached garage in the required rear yard and consider and act on the same. The property is located at 46 Lakewood Drive and legally is described as Lakewood Gardens, Block A, Lot 23.

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Public Hearing opened at 6:04 p.m.

Jonathan Iverson, 46 Lakewood Drive, explained that he had drawn the drawings provided as his previous builder had the garage in the wrong place and he was looking for a new contractor. He provided photos with the area of the garage marked on the site. He would like a 20 by 24-foot garage with a 10-foot area behind. The area of the garage has a gentle slope to the corner where the ground is swampy. He will level out the backyard to create the pad and create concrete stairs to the upper pool area. The driveway is at an approximate 38-degree slope with a bulge in it and is dangerous. His daughter has run into a tree stump on the Corps land behind attempting to get out of the drive and his wife and daughter refuse to use it. The only one truck has been able to get up the driveway without a wheel leaving the ground. The original garage was unusable and has been converted into living space. This will be the family's "forever house" and the proposed garage will match the house and have steel studs. It will be setback at an angle so there will be space for an additional car without blocking the alley. The retaining wall will be replaced and waterflow will be directed behind the garage where it currently flows.

Member Jones asked if he had talked to the neighbors and if they had any comments. Mr. Iverson explained that the Corps land was behind him. The northwest neighbor talked about adding a carport on his own driveway. Member Jones asked Ms. Chaudoir if the neighbors had been notified. She had sent out letters to everyone within 200 feet and had gotten no responses.

Public hearing closed at 6:14 p.m.

Member Bowman stated she had driven by the property it was hard to tell the topography of the site due to the fences. Mr. Iverson said he had marked the concrete to show where the drive would be. There is a blind corner at the end of the fence, but the angle of the garage will make it easier to see any traffic.

Chairman Crawford stated he had driven by and did not see any other place to put a garage. Member Bowman asked if the alley was one way, stating that she was concerned about the blind curve when she drove through. Mr. Iverson stated he had always had to approach his property from one direction only because of the driveway angle.

Motion made by Member Bowman to approve the variance, Seconded by Member Day.

Voting Yea: Chairman Crawford, Member Jones, Member Bowman, Member Day. Motion passed unanimously.

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3. Conduct a public hearing regarding a request from Jonathan Davidson for a variance of Chapter 14, Article IX SF-3 Residential District, Section 3 (2) and (3) for the construction of a carport in the required rear and side yards and consider and act on the same. The property is located at 20 Red Oak Circle and legally is described as Red Oak Addition, Block L, Lot 10.

Public Hearing opened at 6:14 p.m.

Jonathan Davidson, 20 Red Oak Circle, stated they bought the house in 2007. They have built a part of the structure of a carport. They have purchased a boat and want to pull it underneath to protect it from the elements. A pool has also been added so the extra side cover is for pool floats, a grill and more coverage. The carport is 10 feet tall and is wide enough to get the boat under with his truck behind it. The structure has metal posts and roof and is visible if driving past the property. He visited several of the neighbors and got them to sign letters of support for the project. His next door neighbor joked that he wished the carport was farther over so he could get some of the shade. Mr. Davidson did reach out to Ms. Chaudoir about permitting before the project was started and was told it would be \$1 a square foot. His "mental math" was awful and multiplied the fee by 10 so he thought it would cost as much to permit as to build. He wondered if that was why Ms. Chaudoir had come by the property and she replied that it had been reported to her. The neighbors he spoke to seemed fine with the carport.

Member Jones commented that there were 9 letters from 8 houses on all sides of the property and stated the applicant had made a good effort to contact the neighbors. Ms. Chaudoir confirmed she had sent out the required letters and had not gotten any responses. Mr. Davidson stated the only neighbor he talked to who did not sign a letter was Councilman Dupree who felt he should not take a side on the matter.

Chairman Crawford confirmed the property was purchased in 2007, a boat was purchased last year and the carport was built without a permit. Chairman Crawford asked if the carport had been built for convenience of storing the boat and Mr. Davidson responded it was for the storing of the boat on site and to save on paying monthly fees for storage. Chairman Crawford asked Ms. Chaudoir if the engineering plans showed how the carport was bolted to the concrete. She responded that plans had not been received by the town but, depending on the Board's decision, plan review and inspections would need to be done.

Member Day affirmed the structure was 6 inches from the fence and 10 feet tall as indicated and asked about drainage on the property. Mr. Davidson replied the carport was sloped toward the interior of the backyard and would have gutters on the lower sides, not the high side. Ms. Chaudoir pointed out the carport is also located within the side 10-foot utility easement and partially in the rear utility easement explaining that, if the utilities needed to be in that area, they would have the ability to move the structure. Mr. Davidson confirmed that they were aware of

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the easement due to the construction of their pool. He and his wife, in 2020, had decided to do the projects that would make them happy, so they bought the boat, put in the pool, etc.

Public Hearing closed at 6:23 p.m.

Chairman Crawford read Article XXXII, Sections 3(2) and 4(2)(c) of the Code of Ordinances and explained this was why he had asked the earlier questions about the boat. He stated he could not consider granting the variance based on the ordinance.

Member Bowman stated she agreed with his statements based on the ordinance. She thought the statements from the neighbors were nice. Driving by the property she could see the fence and the carport over it but did not feel aesthetically it brought down the neighborhood.

Member Jones asked Mr. Kruger if, in light of the ordinance read by Chairman Crawford, they were precluded from approving the variance or could the Board make a call in their decision. Mr. Kruger stated he would lean toward the second option, the Board perception of the request. If the Board determines the carport is a convenience, to follow the guidelines, if it is something else, to follow their judgement.

Motion to approve made by Member Bowman, Seconded by Member Jones. Voting Yea: Member Jones, Member Bowman, Member Day.

Voting Nay: Chairman Crawford. Motion denied due to lack of supermajority vote.

On Chairman Crawford's request Ms. Chaudoir explained that the Board of Adjustments was a supermajority board requiring an affirmative vote of at least 4 members. With one nay, the motion was denied.

Adjournment

Motion to adjourn made by Member Jones, Seconded by Member Bowman. Voting Yea: Chairman Crawford, Member Jones, Member Bowman, Member Day. Motion passed unanimously.

Meeting adjourned at 6:32 p.m.

Approved:

Attest:

Larry Crawford, Chairman
Position 2
Board of Adjustments

Chris Chaudoir,
Administrative Assistant
Board of Adjustments