



**NOTICE OF
REGULAR MEETING OF THE BOARD OF ADJUSTMENTS
REMOTE MEETING
1-888-475-4499 MEETING ID: 884 6651 5655
TUESDAY, JULY 21, 2020, 6:30 PM**

AGENDA

In response to the coronavirus pandemic, effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location. [Remote Meeting Participation Information](#).

Call to Order

Roll Call

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

Invocation

Public Comment

This item allows the public an opportunity to address the Board of Adjustments. To comply with the provisions of the Open Meetings Act, the board cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the board. Comments will be limited to three minutes. Please submit a [Public Comment Form](#) at least five minutes prior to the meeting.

Consent Agenda

Items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the Board of Adjustments.

- [1.](#) June 16, 2020 Meeting Minutes

Regular Agenda

- [2.](#) Conduct a public hearing regarding a request from Kenneth Wright for a variance of Chapter 14, Exhibit A, Article IX SF-3 Residential District, Section 2 (b) for a 2000 square foot garage / shop and consider and act on the same. The property is located at 1120 Ellard Drive and is legally described as Country Oaks Addition, Block A, Lot 7A.

3. Conduct a public hearing regarding a request from Reginald Edwards for a variance of Chapter 3, Article 3.06 Fence Construction, Section 3.06.005 (j) for a 6 foot wood fence within the required front yard and consider and act on the same. The property is located at 974 Main Street and is legally described as A1075A Ramsey, Tract 39A.

Adjournment

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact Town Hall at 940-497-2528 or by fax 940-497-3531 so that appropriate arrangements can be made.

I, Chris Chaudoir, do hereby certify, that this meeting notice was posted on the bulletin board at Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas on July 16, 2020 at 12:00 pm.

A handwritten signature in cursive script that reads "C Chaudoir". The signature is written in black ink and is positioned above a horizontal line.

Chris Chaudoir
Town of Hickory Creek

**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.

TOWN OF HICKORY CREEK BOARD OF ADJUSTMENTS

June 16, 2020

Page 3

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.

TOWN OF HICKORY CREEK BOARD OF ADJUSTMENTS

June 16, 2020

Page 4

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 came out after a permit was 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.

TOWN OF HICKORY CREEK BOARD OF ADJUSTMENTS

June 16, 2020

Page 5

Approved:

Attest:

Larry Crawford, Chairman
Position 2
Board of Adjustments

Chris Chaudoir,
Administrative Assistant
Board of Adjustments

Please attach a copy of the deed to the property. If you are currently purchasing the property, please include a copy of the contract for the purchase of the property. Also include a copy of any and all restrictive covenants pertaining to any property to be developed or rezoned.

Appeals and Zoning Changes

What is the proposed use?

Aprox 40x50 Garage Shop addition. Need Covered Storage
for vehicles, equipment, EV etc, n 12.5' build line off the
South Side

Why do you believe that the approval of the request would be in harmony with the character of the neighborhood?

Yes

Why do you believe that the approval of this request would not be detrimental to the property or persons in the neighborhood?

It will be similar to existing home in looks plus add value to lot
which increases comps for other homes

Why do you believe that there is a need in this area for the uses that would be allowed under this proposed zoning change?

Right now I dont have enough covered storage and need ability
to work on stuff inside a shop vs open air in the weather

Lien holder:

Is the property burdened by a lien of any nature? ~~Yes~~ ☒ No

If so, describe the lien and give the name and address of lien holder and secure their consent to the requested zoning change with their signature.

Other:

Approximate cost of work involved? \$100k

Include a schematic drawing of the site.

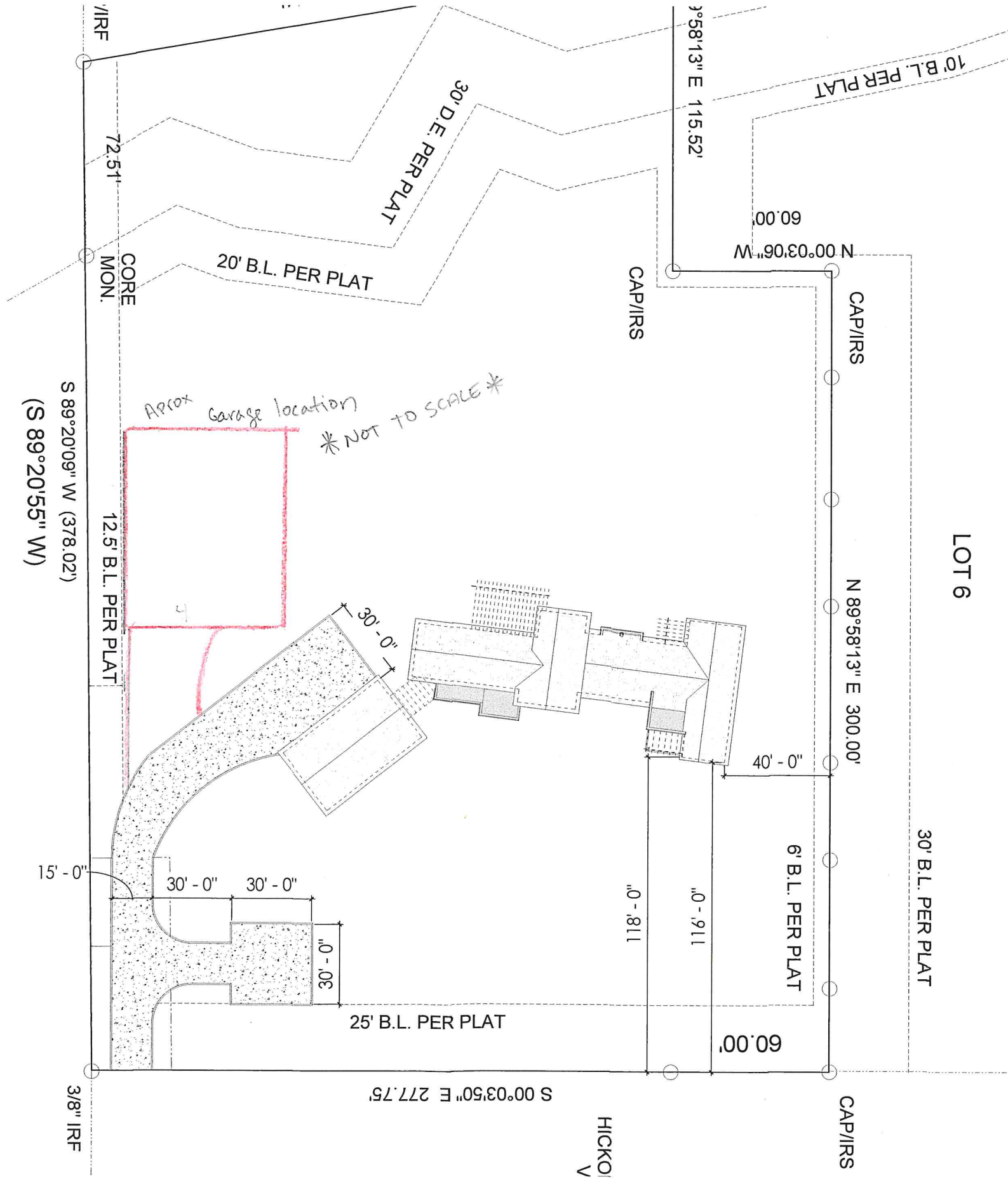


WRIGHT RESIDENCE
1120 ELLARD CREEK DRIVE HICKORY CREEK, TX

Issued
Project
Number
Checked
By

04/16/17
00.000

A100
SITE PLAN



01 SITE PLAN
SCALE: 1" = 20'-0"

ARTICLE IX. - SF-3 RESIDENTIAL DISTRICT

SECTION 1:

Regulations set forth in this section [article] are the district regulations in the SF-3 Residential District, Harbor Grove, Lakewood Gardens, Royal Oaks and Hickory Hills Additions.

SECTION 2:

Uses. Buildings may be erected, altered, or used and land may be used for any of the following purposes:

- (1) For all uses permitted in SF-1 and SF-2 Residential District except as modified herein.
- (2) Only the following accessory buildings and uses:
 - (a) One private garage when located no less than 20 feet back from any other street line, or located in a compartment as an integral part of the main building; provided, however, that each entrance to such garage shall be not less than 25 feet back from the lot line it faces.
 - (b) A private garage shall not have a ground floor area of more than 750 square feet.
 - (c) Hobby shops as an accessory use.
 - (d) Uses customarily incident to any other above uses situated in the same dwelling, when not involving the conduct of a business or industry.
 - (e) Unilluminated signs not exceeding 12 square feet in area pertaining to the sale or rental of property on which they are located; provided, however, that no advertising sign of any other character shall be permitted in SF-3 Residential District. Temporary signs may be an exception with prior approval by the Town Council.
 - (f) Accessory Building: In a residential district, a subordinate building, attached or detached, and used for a purpose customarily incidental to the main Structure, such as a private garage for automobile storage, tool house, lath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business.
 - (g) SF3 portable accessory buildings shall not exceed 200 square feet with a plate height of eight feet. The building must be securely anchored to the ground to withstand winds up to 75 miles per hour.
- (3) Every use not hereby specifically authorized and permitted is expressly prohibited in SF-3 Residential District.

(Ord. 86-10-114; Ord. 99-02-446, 2/16/99)

SECTION 3:

Area regulations.

- (1) *Front Yard.* There shall be a front yard having a depth of not less than 25 feet.
- (2) *Side Yard.* The minimum distance from any side building line to the property line at any point shall not be less than six feet.

In the case of a corner lot where the side of a lot faces the other intersecting street, there shall be a side yard of not less than 100 percent of the front yard. This regulation shall not be so interpreted as to reduce the buildable width after providing the required minimum side yard of a corner lot.

- (3) *Rear Yard.* There shall be a rear yard having a depth of not less than 30 percent of the depth of the lot, provided such yard need not exceed 30 feet.
- (4) *Width of Lot.* The minimum width of the lot shall be 80 feet at the building line and 30 feet at the front property line.
- (5) *Depth of Lot.* The minimum lot depth shall be not less than 100 feet at the average distance between the front and rear lot lines.
- (6) *Area of Lot.* Every lot shall have an area of not less than 9,000 square feet, except for lots already platted in Harbor Grove, Lakewood Gardens, Royal Oaks and Hickory Hills Additions. The minimum floor area of the main building shall not be in the aggregate less than 1,750 square feet, exclusive of porches, garages and accessory buildings.
- (7) *Height Regulations.* The limits shall be two and one-half stories, but not to exceed 35 feet per dwelling, provided that the dwelling or other building or portions of building other than accessory buildings may be erected higher than 35 feet if above said 35 feet limits of said building or portions of building are set back from all required yard lines two feet for each one foot in height above said 35 feet limit; provided, however, that no building shall have a height of more than 50 feet. Height limit for any accessory building shall be 25 feet.
- (8) *Garage Regulations.* All new homes not yet under construction shall have at least a two-car enclosed garage, attached or detached, per dwelling unit.
- (9) *Driveways.* All Single-Family Districts of three acres or less shall have paved driveways.
- (10) *Construction.* All buildings shall be constructed according to the Standard Masonry Construction requirements as defined herein.

Please attach a copy of the deed to the property. If you are currently purchasing the property, please include a copy of the contract for the purchase of the property. Also include a copy of any and all restrictive covenants pertaining to any property to be developed or rezoned.

Appeals and Zoning Changes

What is the proposed use?

Wood fence for privacy in the back yard. We are requesting a variance of 15 ft. (10 ft from property line to the fence) because 25 ft is too close to house and A/C unit + mature trees

Why do you believe that the approval of the request would be in harmony with the character of the neighborhood?

Several homes on main street have fences and ours will be similar.

Why do you believe that the approval of this request would not be detrimental to the property or persons in the neighborhood?

The fence is an enhancement to the property & has no negative impact on the neighborhood.

Why do you believe that there is a need in this area for the uses that would be allowed under this proposed zoning change?

Because there is so much traffic to the lake we believe the added privacy fence in the back provides safety for the home.

Lien holder:

Is the property burdened by a lien of any nature? () Yes (✓) No

If so, describe the lien and give the name and address of lien holder and secure their consent to the requested zoning change with their signature.

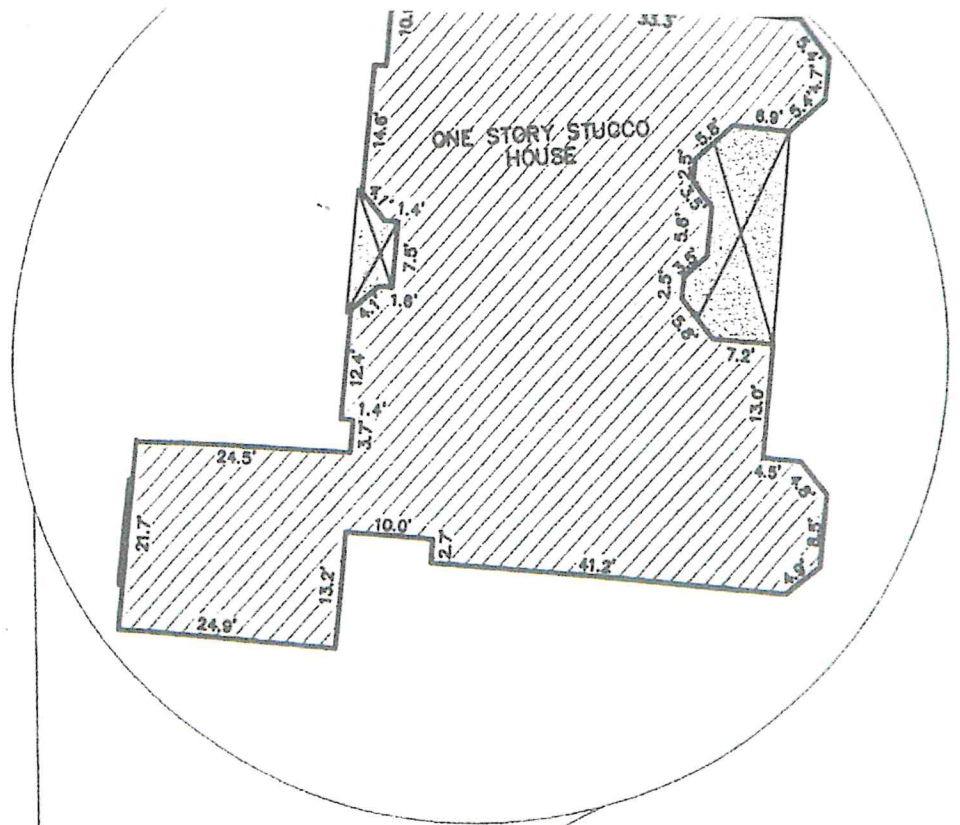
Other:

Approximate cost of work involved? \$ 7,000

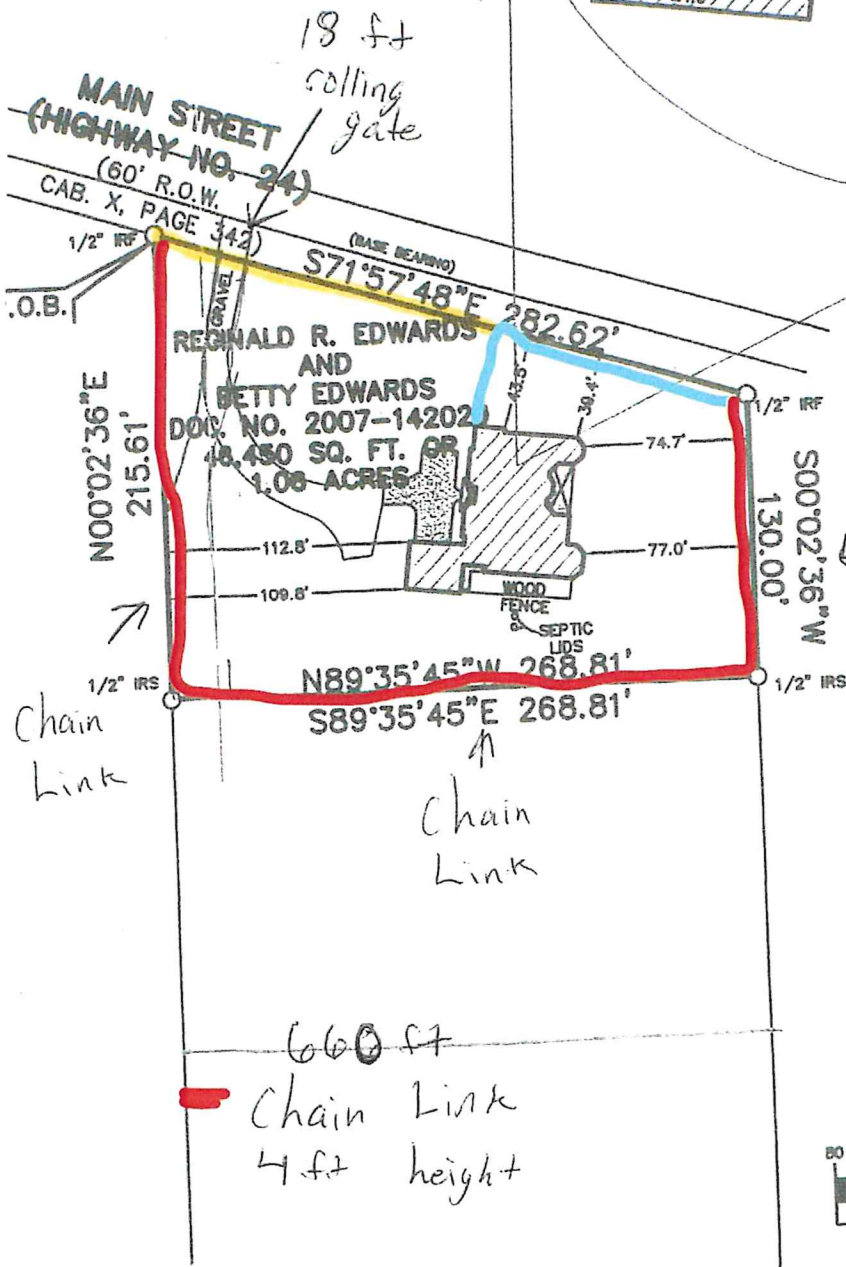
Include a schematic drawing of the site.

wood fence
6 ft height

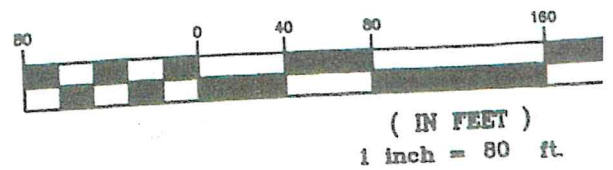
Iron fence
6 ft + height



25 ft
from the edge
street to
the fence.



GRAPHIC SCALE



Sec. 3.06.005. - General requirements and restrictions.

- (a) Fences constructed on any lot, and specifically corner lots, will be subject to and shall conform to the visibility triangle requirements as follows:
 - (1) Residential zoning districts. 25 feet × 25 feet visibility triangle on corner lots at the intersection of two streets; five feet setback from alley pavement.
 - (2) Nonresidential zoning districts. 40 feet × 40 feet visibility triangle on corner lots at the intersection of two streets.
 - (3) All zoning districts. Teen feet visibility triangle on corner lots at the intersection of an alley and street.
 - (4) Reverse frontage lots. On all reverse frontage lots it shall be unlawful to construct, maintain, suffer or permit a fence within the required side yard area that is adjacent to a front yard area at a distance closer than 15 feet from and perpendicular to the side property line.
 - (5) The owner of property adjoining a reverse frontage lot may have a fence that meets the requirements in subsection (4) above at the adjoining property line.
 - (6) Additional clear zone may be required by the town engineer.
- (b) No fence, guy wire, brace or post of any fence shall be constructed upon or extend over property over which the town has control, owns or has an easement over or under, except for utility easements which are permitted to be fenced if written permission is granted.
- (c) No fence shall exceed eight feet in height, measured from the finished grade of the lot or property upon which the fence is being erected. Any permanent trim or attachment(s) shall be counted toward the height calculation.
- (d) No fence erected within the town limits shall be electrically charged in any manner except for agricultural use.
- (e) No fence shall be constructed of barbed wire on any property zoned residential or used for residential purposes, except for agricultural use.
- (f) All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of any gate shall be three feet.
- (g) In C-1, C-2, and PBD zoning districts, fences with a base of eight feet in height may be constructed with additional angle arms at the top, and such angle arms may be armed with barbed wire. Such arms shall not exceed two feet above the eight-foot base and shall not extend over public property, town, county or state rights-of-way, easements or private property belonging to others. Any property that requires a screening device shall conform to the zoning ordinance.
- (h) Fence construction material may be wood, chain link, masonry, vinyl or wrought iron except in the case of a sight barrier fence, then masonry shall be required. In all such cases the zoning ordinance shall prevail. No fence may be constructed of, including but not limited to, deteriorated or damaged wood; wood such as plywood or scrap lumber; slats of any nature or material; wire or mesh products except for agricultural use; sheet metal; corrugated or fiberglass panels; rope; string, or other materials not manufactured or intended as fence materials.
- (i) All swimming pools and spas, whether private (single family) or public (hotel, motel, apartment, etc.) shall be fenced or enclosed. The fence or enclosure shall extend around the entire pool or spa and have a minimum height of four feet. The fence or enclosure shall be equipped with self-closing and self-latching gates or doors that will close and latch when released from an open position six inches from the gatepost. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least six inches below the top of the gate, and the gate and the barrier shall not have

an opening greater than one-half inch within 18 inches of the release mechanism. Such fence and gates shall be so constructed as to have no openings, holes or gaps in or under larger than four inches in any dimension. All horizontal members and supports shall be on the interior of the fence, smooth side out. No water shall be placed in any swimming pool within the town by any person unless and until there shall be erected and in place a fence which meets these specifications.

- (j) No fence shall be constructed in the required front yard area of any lot in an SF-1, SF-2, or SF-3 zoning district, except that a decorative fence may be constructed to a height no more than three feet above the finished lot grade and the solid area of such fence shall not exceed 50 percent of the total. This prohibition shall not apply in the event a property's front yard adjoins the backyard of a neighbor's property. In such a case the regulations for backyard fences shall apply. Properties in excess of one acre may erect a perimeter fence of 50 percent visibility, including in the required front yard, to a height greater than three feet but no more than ten feet in height.
- (k) No fence shall be constructed so as to encroach past any adjacent lot's front building line except as defined in subsection (j) above or in the case of a reverse frontage lot.
- (l) Fences shall be of solid color and shall be limited to the following colors only: White; black; or earth tones of brown, gray, green, rust or natural wood.
- (m) All fences shall be constructed with the smooth side facing out.
- (n) A masonry fence or retaining wall exceeding four feet in height shall require a design submitted by a registered engineer or registered architect.
- (o) All fences and retaining walls shall be a minimum of one foot from all property lines adjacent to public right-of-ways or easements. Plans for all fences and retaining walls adjacent to public property must be submitted to the town for review, regardless of height, prior to the start of any new construction or the repair of previously existing structures.
- (p) No fence adjacent to a required subdivision screening wall, whether parallel or perpendicular to the wall, may be constructed higher than the height of the subdivision screening wall.