



**NOTICE OF  
REGULAR MEETING OF THE BOARD OF ADJUSTMENTS  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065  
TUESDAY, APRIL 18, 2023, 6:30 PM**

**AGENDA**

**Call to Order**

**Roll Call**

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

**Invocation**

**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.](#) February 21, 2023 Meeting Minutes

**Regular Agenda**

- [2.](#) Conduct a public hearing regarding a request from Dallas and Amanda Long for a variance of Ordinance 2011-11-675 establishing a zoning designation of Planned Development for the Steeplechase South Addition, Exhibit B, Planned Developments District Standards (2) minimum side yard setback and Chapter 14, Article IV, Classification of Districts, Section 3 (10) for the construction of a shed and consider and act on the same. The property is located at 213 Thoroughbred Drive and is legally described as Steeplechase South Addition, Block B, Lot 33.
- [3.](#) Conduct a public hearing regarding a request from Reigen & Richard Lox for a variance of Ordinance No. 98-03-224 establishing a zoning designation of Planned Development for the Lakeview at Point Vista Addition, Area Requirements (2 & 3) for the construction of a patio in the required side and rear yards and consider and act on the same. The property is located at 101 Shasta Drive and legally is described as Lakeview at Point Vista Ph 1 Blk B Lot 4.

**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 April 3, 2023 at 1:30 p.m..

Chris Chaudoir  
Town of Hickory Creek

**REGULAR MEETING OF THE BOARD OF ADJUSTMENTS  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN, HICKORY CREEK, TEXAS  
TUESDAY, FEBRUARY 21, 2023**

**MINUTES**

**Call to Order**

Meeting was called to order at 6:50 p.m. by Chairman Crawford.

**Roll Call**

**PRESENT**

Chairman Larry Crawford

Member David Jones

Member Jan Bowman

Member Brian Engle

Alternate 2 Dennis Day

**ABSENT**

Vice-Chairman Joey Hernandez

Alternate 1 Alex Valderrey

**ALSO PRESENT**

Trey Sargent, Town Attorney

Ian Theodore, Council Liaison

Chris Chaudoir, Administrative Assistant

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

Pledge of Allegiance to the U.S. And Texas Flags led by Chairman Crawford.

**Invocation**

Invocation given by Councilman Theodore.

**Public Comment**

No Public Comment

**Consent Agenda**

**1. January 17, 2023 Meeting Minutes**

Motion to accept the minutes made by Member Bowman, Seconded by Member Engle.  
Voting Yea: Chairman Crawford, Member Jones, Member Bowman, Member Engle, Member Day. Motion passed unanimously.

**Regular Agenda**

**2. Conduct a public hearing regarding a request from Tony Dierolf for a variance of Chapter 14, Article VIII, SF-2 Residential District, Section 3, Area Requirements (2&3) to permit the construction of a patio and remodel of a dwelling in the required rear and side yard setbacks**

on the property located at 225 Lake Street and consider and act on the same. The property is legally described as A1075a Ramsey Tract 4, 0.42 acres.

Public Hearing opened at 6:58 p.m.

Tony Dierolf, 225 Lake Street, gave an overview of the property and the proposed renovations.

Chairman Crawford asked why the house was up to the property line in the rear. Mr. Dierolf stated the architect had designed it before they were aware of the setbacks. Member Bowman asked if the Corps of Engineers was aware of the variance. Ms. Chaudoir explained a notice was sent to the Corps Lewisville office, but she had not received any calls from them.

Tressa Baker, 235 Lake Street, stated she owned the neighboring property and was attending to get more information on the variance. Once she understood the proposal, she had no objection.

Eric Greggerson, 228 Meadow Lane, stated he had come out of curiosity but had no objections.

Public Hearing closed at 7:08 p.m.

The Board discussed with the applicant and Ms. Chaudoir the zoning requirements, history of the property and neighborhood and the proximity to the Corps.

Member Jones motioned to grant approval with a 15-foot rear setback. Motion died due to lack of a 2nd and was withdrawn.

Motion made to grant the variance with an 8-foot rear setback by Member Engle, Seconded by Member Jones.

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

### **Adjournment**

Motion to adjourn made by Member Day, Seconded by Member Engle.

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

Meeting Adjourned at 7:15 p.m.

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

AREA CALCULATIONS	
LOT AREA	19434 SF
SLAB COVERAGE	3514 SF
% BUILDING COVERAGE	18.1 % COVERAGE
TOTAL IMP. COVERAGE	4615 SF
% TOTAL IMP. COVERAGE	23.7 % COVERAGE
DRIVEWAY COVERAGE	1085 SF
% DRIVEWAY COVERAGE	5.6 % COVERAGE
WALKWAY COVERAGE	0 SF
% WALKWAY COVERAGE	0 % COVERAGE
4"X4" A.C. PAD COVERAGE	16 SF
% 4"X4" A.C. PAD COVERAGE	0.08 % COVERAGE
FLAT WORK	0 SF
SOD GRASS	1713 SQ YARD
SIDEWALK COVERAGE	0 SF
APPROACH COVERAGE	121 SF
LOT FRONTAGE	722 SF
FENCE	349 LINEAR SF

\* THE PERCENT CALCULATION IS A REFERENCE TO THE COVERAGE AS A PERCENT ESTIMATION OF THE SQ. FT. COVERAGE OF ANY GIVEN STRUCTURE FROM THE TOTAL SQ. FOOT OF THE LOT AREA.

213 THOROUGHbred DR

LOT: 33 BLOCK: B



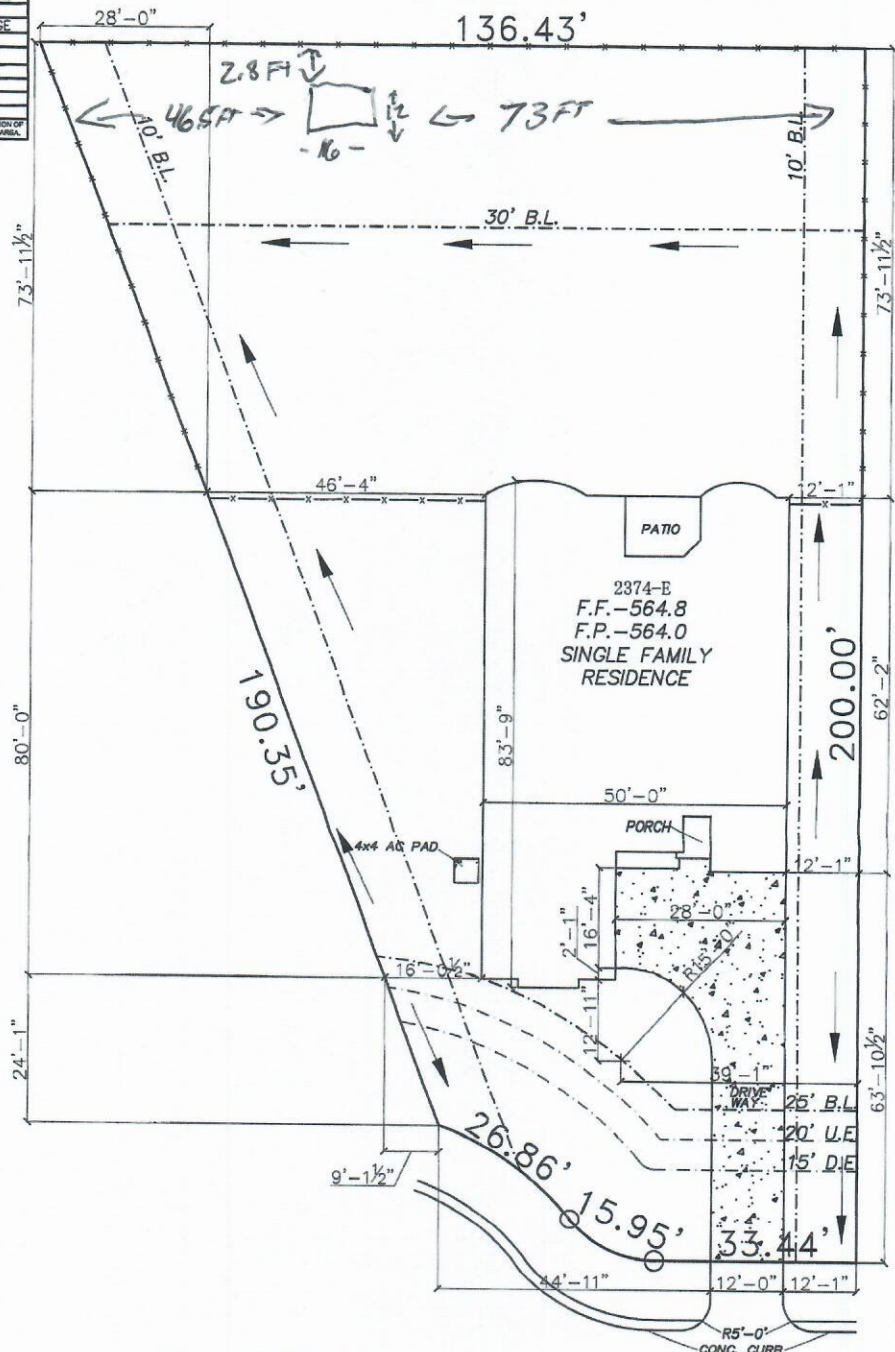
NORTH

SCALE: 1" = 20'-0"

CUSTOMER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTES: \_\_\_\_\_



THOROUGHbred DRIVE

- LEGEND**
- DRAINAGE FLOW
  - PROPOSED FENCE
  - EXISTING FENCE
  - CURLEX
  - RETAINING WALL
  - REQUIRED TREE PLANTING
  - REQUIRED BUSH

B.L. - BUILDING LINE  
D.E. - DRAINAGE EASEMENT  
P.A.E. - PEDESTRIAN ACCESS EASEMENT  
S.S.E. - SANITARY SEWER EASEMENT  
T.E. - TRANSFORMER EASEMENT  
U.E. - UTILITY EASEMENT  
W.M.E. - WALL MAINT. EASEMENT  
M.E. - MAINTENANCE EASEMENT  
V.E. - VISIBILITY EASEMENT  
A. - EXPOSED AGGREGATE CONCRETE

BUILDER: MEGATEL HOMES  
ADDITION: STEEPLECHASE SOUTH  
ADDRESS: 213 THOROUGHbred DRIVE  
LOT: 33 BLOCK: B  
PHASE: 1  
OPTION: GAME ROOM + BEDROOM 4 W/  
CARDS ROOM

DATE: 11-01-16  
DRAWN BY: N. L.  
CITY: HICKORY CREEK, TX.  
PLAN: 2374 ELEVATION: E  
SWING: LEFT



PLOT PLAN

NOTE: ARCHITECTURAL PLANS TAKE PRECEDENCE OVER ALL DRAWINGS. ALL FINAL DECISIONS REFER TO PLANS PROVIDED BY MEGATEL. ARCHITECTURAL DEPARTMENT. PLOT PLAN IS APPROPRIATE PLACEMENT ONLY. BUILDER CAN VARY DUE TO ACTUAL BUILDING CONDITIONS. BUILDER IS FULLY RESPONSIBLE FOR ADHERING TO ANY AND ALL BUILDING LINES OR EASEMENTS OF RECORD OR THAT MAY NOT BE NOTED ON THE RECORDED PLAT. BUILDER TO CONFIRM THAT THIS LAYOUT HAS NO CONFLICTS WITH THE INLETS OF UTILITY SERVICES. FINAL SURVEY WILL SHOW PLACEMENT OF HOUSE AND ALL FLATWORK, SUCH AS SIDEWALKS AS PRESCRIBED BY THE BUILDER. FLATWORK IS ONLY A REPRESENTATION.























**TOWN OF HICKORY CREEK, TEXAS**

**ORDINANCE NO. 2011-11-675**

**AN ORDINANCE OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING AS HERETOFORE AMENDED, ITS COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN BY CHANGING THE ZONING ON A CERTAIN TRACT OF LAND DESCRIBED AS AN APPROXIMATELY 117.0413 ACRE TRACT OF LAND LOCATED GENERALLY ADJACENT TO THE SOUTH SIDE OF TURBEVILLE ROAD BETWEEN HARBOR LANE AND SYCAMORE BEND ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN, FROM ITS CURRENT ZONING OF SF-2 RESIDENTIAL DISTRICT AND SF-3 RESIDENTIAL DISTRICT TO PD (PLANNED DEVELOPMENT); PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE TOWN; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PLANNED DEVELOPMENT ZONING DISTRICT DESIGNATION FOR THE SUBJECT PROPERTY; PROVIDING A PRELIMINARY SITE PLAN; PROVIDING DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE TOWN OF HICKORY CREEK TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the owner/representative of an approximately 117.0413-acre tract of land described on Exhibit "A" attached hereto and incorporated herein (the "Property"), generally located adjacent to the south side of Turbeville Road between Sycamore Bend Road and Harbor Lane, has applied for a zoning change from its current zoning of SF-2 Residential District and SF-3 Residential District to PD (Planned Development); and

**WHEREAS,** such application further requested an amendment to the official Zoning District Map of the Town in accordance with the zoning ordinance of the Town; and

**WHEREAS,** after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the

Comprehensive Zoning Ordinance of the Town, and after considering the information submitted at that public hearing and all other relevant information and materials, the Planning and Zoning Commission of the Town has forwarded to the Town Council its favorable recommendation regarding the adoption of the amendment to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

**WHEREAS**, after public notices were given, legal notices and other requirements were satisfied, and a public hearing was conducted, all in accordance with State law and the Comprehensive Zoning Ordinance of this Town, and after considering the information submitted at that public hearing and all other relevant information and materials, including the character of the Property and its suitability for particular uses and development, with a view of encouraging the most appropriate use of the Property, the Town Council made a finding that the rezoning approved hereby accomplishes such objectives; and

**WHEREAS**, the Town Council has determined that there is a necessity and need for the change in zoning and that the proposed change is consistent with the Comprehensive Land Use Plan of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:**

**SECTION 1.**  
**INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.**  
**FINDINGS**

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas, and of the public health, safety, and welfare.

**SECTION 3.**  
**REZONING**

The zoning ordinance of the Town of Hickory Creek, Texas, the same being the Town's Comprehensive Zoning Ordinance, as it exists on the date of the adoption of this Ordinance (the "Comprehensive Zoning Ordinance") is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words are not amended but are hereby ratified and affirmed:

- A. The zoning of the Property is hereby changed from its current zoning of SF-2 Residential District and SF-3 Residential District to PD (Planned Development) for use in accordance

with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the Town. Requirements of this Ordinance are more specifically described and set forth in Exhibits "B" and "C", which are attached hereto and incorporated herein for all purposes, and shall apply to the "PD" Planned Development unless otherwise specified in such Exhibits.

- B. The development standards for this Planned Development are attached hereto as Exhibit "B" and are incorporated herein as if copied in their entirety. Such development standards shall be adhered to in carrying out the development of the Property in accordance with this Ordinance, and shall individually and collectively constitute conditions precedent to the granting of any Certificate of Occupancy and building permit for all structures within this Planned Development.
- C. A preliminary site plan for the Property is attached hereto as Exhibit "C" and incorporated herein as if copied in its entirety.

#### **SECTION 4.** **APPLICABLE REGULATIONS**

Except as otherwise provided in this Ordinance, the Property shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the Town, including, but not limited to, the Town's subdivision ordinance, building codes, requirements concerning preliminary and comprehensive site plans, and landscape plans. It shall be unlawful for any person, firm, or corporation to make sure of said premises in some manner other than as outlined by this Ordinance.

#### **SECTION 5.** **ZONING MAP**

The Town Secretary is hereby directed to mark and indicate on the official Zoning District Map of the Town the zoning change herein made.

#### **SECTION 6.** **CUMULATIVE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

#### **SECTION 7.** **SAVINGS**

All rights and remedies of the Town of Hickory Creek, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning of land which have secured at the time of the effective date of this

Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 8.** **SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

#### **SECTION 9.** **PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

#### **SECTION 10.** **PUBLICATION**

The Town Secretary of the Town of Hickory Creek is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

#### **SECTION 11.** **ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty, and Effective Date of this Ordinance in the minutes of the Town Council and by filing this Ordinance in the ordinance records of the Town.

#### **SECTION 12.** **EFFECTIVE DATE**

This ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED** by the Town Council of the Town of Hickory Creek,  
Texas, this 15<sup>th</sup> day of November, 2011.

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John M. Smith, Jr., Mayor  
Town of Hickory Creek, Texas

ATTEST:

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Kristi K. Rogers, Town Secretary  
Town of Hickory Creek, Texas

{SEAL}

APPROVED AS TO FORM:

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Lance Vanzant, Town Attorney  
Town of Hickory Creek, Texas



**Exhibit "A"**  
**Description of the Property**

117.0413 ACRE PARCEL  
DENTON COUNTY, TEXAS

**BEING** all that certain lot, tract or parcel of land situated in the M.E.P. and P.R.R. Company Survey, Abstract No. 915 in the Town of Hickory Creek, Denton County, Texas, and being property described in deed from Alan H. Goldfield and wife, Shirley M. Goldfield to AS Gold, L.P. as recorded under County Clerk File No. 99-R-0094877 and property contained in deed to Alan H. Goldfield and wife, Shirley M. Goldfield as recorded In County Clerk File No. 95-0064015 of the Deed Records of Denton County, Texas, and being more described by metes and bounds as follows;

**BEGINNING** at a point for the Southeast corner of said AS Gold, L.P. property called Tract II as described in said deed recorded under County Clerk File No. 99-R-0094877 of the Deed Records of Denton County, Texas in the center of Harbor Lane (called 60 foot right of way) at its intersection in the North line of Harbor Grove Estates, an addition to the Town of Hickory Creek, Texas, as recorded in Cabinet A at Slide 28 of the Plat Records of Denton County, Texas;

**THENCE** South 89° 47' 55" West along the North line of said Harbor Grove Estates common with the South line of said AS Gold, L.P. tract for a distance of 666.64 feet to the Northwest corner of said Harbor Grove Estates, same being the Northeast corner of a tract of land conveyed to United States of America by deed recorded in Volume 383 at Page 375 of the Deed Records of Denton County, Texas;

**THENCE** North 88° 51' 13" West along the common line of said United States of America tract and the AS Gold, L.P. tract, for a distance of 658.88 feet to the Northwest corner of said United States of America tract, same being the Northeast corner of a called 32.455 acre tract of land conveyed to Sally Budd Holkar Irrevocable Trust by deed recorded under County Clerk File No. 2007-127619 of the Deed Records of Denton County, Texas;

**THENCE** South 89° 46' 12" West for a distance of 478.46 feet to a point for corner in Sycamore Bend Road (undedicated variable width roadway)

**THENCE** North 03° 50' 37" West along the approximate center of said Sycamore Bend Road for a distance of 502.49 feet to a point for corner;

**THENCE** North 05° 22' 06" West and continuing along the approximate center of said Sycamore Bend Road for a distance of 254.96 feet to a point for corner;

**THENCE** North 06° 25' 21" West and continuing along the approximate center of said Sycamore Bend Road for a distance of 259.59 feet to a point for corner;

**THENCE** North 07° 52' 58" West and continuing along the approximate center of said Sycamore Bend Road for a distance of 361.37 feet to a point for corner;

**THENCE** North 07° 01' 29" West and continuing along the approximate center of said Sycamore Bend Road for a distance of 448.45 feet to a point for corner;

**THENCE North 10° 09' 53" West and continuing along the approximate center of said Sycamore Bend Road for a distance of 139.03 feet to a point for corner;**

**THENCE North 12° 10' 59" West and continuing along the approximate center of said Sycamore Bend Road for a distance of 706.84 feet to a point for corner in Turbeville Road (variable width right of way);**

**THENCE South 89° 13' 35" East in Turbeville Road and following along the North line of said AS Gold, L.P. Tract II for a distance of 2142.75 feet to a point for corner at its intersection with the center of the aforementioned Harbor Lane and the Northeast corner of said AS Gold, L.P. Tract II;**

**THENCE South 00° 33' 59" East and following along the center of said Harbor Lane for a distance of 2627.94 feet to the POINT OF BEGINNING and CONTAINING 117.0413 ACRES OF LAND, more or less.**



**Exhibit "B"**  
**Planned Development District Standards**

- 1) Except as otherwise provided in this Ordinance, the Property shall be used and developed in accordance with the regulations applicable to property within the SF-3 Residential District, as set forth in the Comprehensive Zoning Ordinance in effect on the date of the adoption of this Ordinance (the "Zoning Ordinance").
- 2) The minimum side yard setback shall be ten feet, except that a reduced side yard setback of six feet is permitted on irregularly shaped lots identified on the preliminary or comprehensive site plan.
- 3) The minimum lot width shall be 90 feet, measured at the minimum front yard setback line, for all lots other than irregularly shaped lots identified on the preliminary or comprehensive site plan, which shall have a minimum lot width of 60 feet, measured at the minimum front yard setback line. All lots shall have a minimum width of 30 feet at the front property line.
- 4) The average lot size within the planned development shall be 15,000 square feet. No lot shall be less than 12,000 square feet in area.
- 5) Each dwelling unit shall have a minimum of 2,500 square feet of air conditioned living space.
- 6) Additional uses permitted in this planned development are as follows:
  - a) Equestrian center.
  - b) Private open space.
  - c) Accessory buildings.
  - d) Retention and detention ponds. Each pond shall include a fountain or other feature to aerate the water.
  - e) Servant's quarters on lots that are four acres or larger.
- 7) Gas drilling and related activities are prohibited on the Property except within the existing, permitted gas well pad site identified in Exhibit "C".
- 8) Prior to the issuance of a building permit, a comprehensive site plan must be approved in accordance with Article XVII and Article XXVII of the Zoning Ordinance. The landscape plan required by Article XXVII shall only be required to show landscaping along the perimeter of the subdivision, and shall not be required to show landscaping of individual lots. If a building permit has not been issued within one year of the approval of the comprehensive site plan, approval of the comprehensive site plan shall expire.

- 9) All new buildings shall be constructed according to the Standard Masonry Construction requirements as defined in the Zoning Ordinance.



**Exhibit "C"**  
**Preliminary Site Development Plan**

Presentation from Dunaway Associates regarding professional consulting services for parks, recreation and open space master plan.

## Chapter 14

### Article IV Classification of Districts

#### SECTION 3:

Except as hereinafter provided:

- (1) No building shall be constructed, erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.
- (2) No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such lot is located.
- (3) No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building nor shall the yard or open space on an adjoining property be considered as providing a yard or open space on a lot wherein a building is to be located.
- (4) Except as herein provided, every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building and its accessory buildings on the lot.
- (5) In every building, each room used for living or sleeping purposes shall not have less than one window opening directly upon a street or alley, or upon a rear yard, front yard, side yard or court located upon the same lot and conforming to the requirements prescribed herein.
- (6) In every dwelling unit, the density of occupation shall be regulated in accordance with those rules set forth in the International Property Maintenance Code as amended.
- (7) With prior approval from the Town Council and Planning and Zoning Commission, down zoning shall be allowed for any land use or district unless specifically excepted under a particular district.
- (8) Except as otherwise provided herein, the exterior walls of all main buildings shall be of Standard Masonry Construction as defined in article III, section 1, (88).
- (9) Except as otherwise provided herein, all accessory buildings must comply with front and side yard setbacks as provided in each respective zoning district, as described in article IV, section 1.
- (10) Except as otherwise provided herein, accessory buildings larger than 120 square feet shall maintain a rear setback equal to or greater than the side setback as provided for in each respective zoning district. At no time shall any accessory building be located any closer than 18 inches to the rear property line in any zoning district.
- (11) Prior to the issuance of any permit by the Building Official, the owner of the property must be in compliance with all Town ordinances and building regulations, and current on all fees, including, but not limited to court fines, privileged liens, and local taxes, on all property owned or operated within the corporate limits of the Town of Hickory Creek.
- (12) Except as otherwise provided in the Code of Ordinances, agricultural uses, as defined herein, shall be allowed in all zoning districts except SF-2, SF-3, TH-1 and MF-1. The slaughter of animals or processing of any animal product shall be prohibited in all zoning districts within the Town of Hickory Creek.
- (13) In all residential zoning districts, individual lots for development must have at least one direct access to a publicly dedicated street. The minimum width of the street frontage shall be 30 feet.

(Ord. 86-10-114; Ord. 87-06-123; Ord. 99-02-446, 2/16/99; Ord. 2008-02-610, 2/19/08; Ord. 2008-04-615, § 3.03, 4/15/08)

(Ord. No. 2018-03-791 , § 3.01, 3-20-2018; Ord. No. 2018-04-793 , § 1, 4-17-2018)



## IAS Roofing & Construction

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14800 Quorum Dr. Suite #300  
Dallas, TX 75254  
214.402.5171  
aadame@iasconstruction.com

Attention City of Hickory Creek.

Attached is a scope of work along with the overview of variance building lines.. IAS is a General Contractor and a GAF Certified Roofing Installer. IAS has been hired to install a 14'x16' Pergola over the existing concrete. The Pergola fits with in the **20' variance lines.**

IAS understands the homeowners had concrete installed by a local concrete company. The Co. installed the concrete past the **20' building line.** This is the reason the homeowner is requesting a **variance** and if your do approve IAS will proceed with filing permits.

The enclosed pergola will be 16' (15' from the end of the property) x 13.9' tied into the existing support by installing a 2' x 6" across the existing rafters and additionally supported by laying the joists on top of the house exterior walls. The 2x6 joists will be 18' apart and supported by a 3' x 12" header and 2, 8" x 8" cedar posts installed onto the existing 7.6" concrete deck. The roof will be 1- sloped and 3" x 1" x 6' cedar slats will be nailed to the joists leaving a cedar look from the ground view. The cedar slats will be covered using GAF storm guard ice water shield, GAF Felt buster 30lb synthetic felt and GAF HDZ shingles.

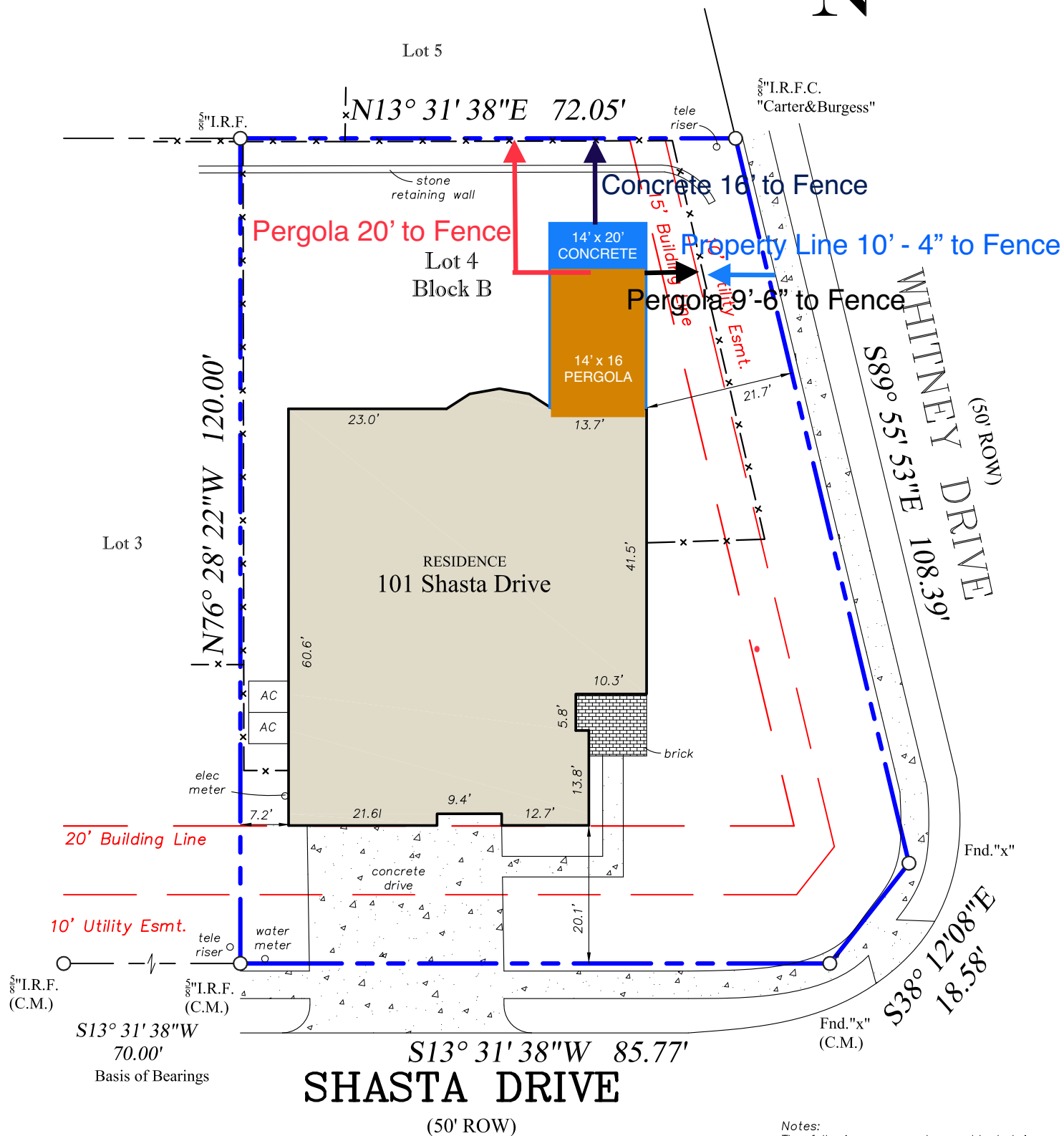
If there are any questions or if you would like additional pictures I will assist you with any questions you may have.

Thank you,

**Aaron Adame**  
**214.402.5171 - Direct**  
**IAS Roofing & Construction**

101 Shasta Drive

PROPERTY DESCRIPTION: Lot Four (4), in Block B, of an Amended Final Plat of Lakeview At Point Vista Phase 1, an Addition to the Town of Hickory Creek, Denton County, Texas, according to the Map or Plat thereof recorded in/under Cabinet Q, Slide 347, of the Plat Records of Denton County, Texas.



Notes:  
The following easements are blanket in nature and include this tract:  
Vol. 142, Pg. 188; Vol. 231, Pg. 592.  
The following easements do not affect this tract:  
Vol. 330, Pg. 569; Vol. 415, Pg. 21; Vol. 4069, Pg. 1096.

FLOOD NOTE: It is my opinion that the property described hereon is not within the 100-year flood zone area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel No. 481150 0535G, present Effective Date of map April 18, 2011, herein property situated within Zone "X" (Unshaded).

LEGEND:

	~ Boundary Line	C.M.
	~ Overhead Utility Line	Controlling Monument
	~ Fence Line	1/2" Iron Rod Found (unless otherwise noted)
Basis of Bearings: Bearings shown hereon are based on the above mentioned record plat unless otherwise noted.		I.P.F.
		1/2" Iron Pipe Found
		I.R.S.
		1/2" Iron Rod Set
		"Old Town Surveying" (blue cap)



101 Shasta Drive  
Hickory Creek, Texas

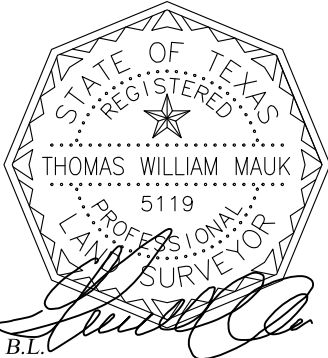


3370 Long Prairie Road,  
Suite 500  
Flower Mound, Texas 75022  
Ph.: 469.240.6020  
Fax: 469.240.6531

SURVEYORS CERTIFICATION:  
The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct and to the best of my knowledge there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon. Use of this document is solely intended for the transaction reflected by the G.F. Number referenced hereon. Any other use is prohibited and at user's risk.

June 29, 2021

Revised: March 6, 2023 - North B.L.



Old Town Surveying, LLC  
Professional Land Surveyors



579 N. Valley Pkwy., Ste. 120, Lewisville, Texas, 75067  
Ph. 469-293-8079 info@oldtownsurveying.com  
TFRN Number: 10194611

Stewart Title Co. G.F. No. 1225788

Fieldwork Date: 06/28/2021 Party Chief: A.B.

Job No.: 202106148 Tech: T2

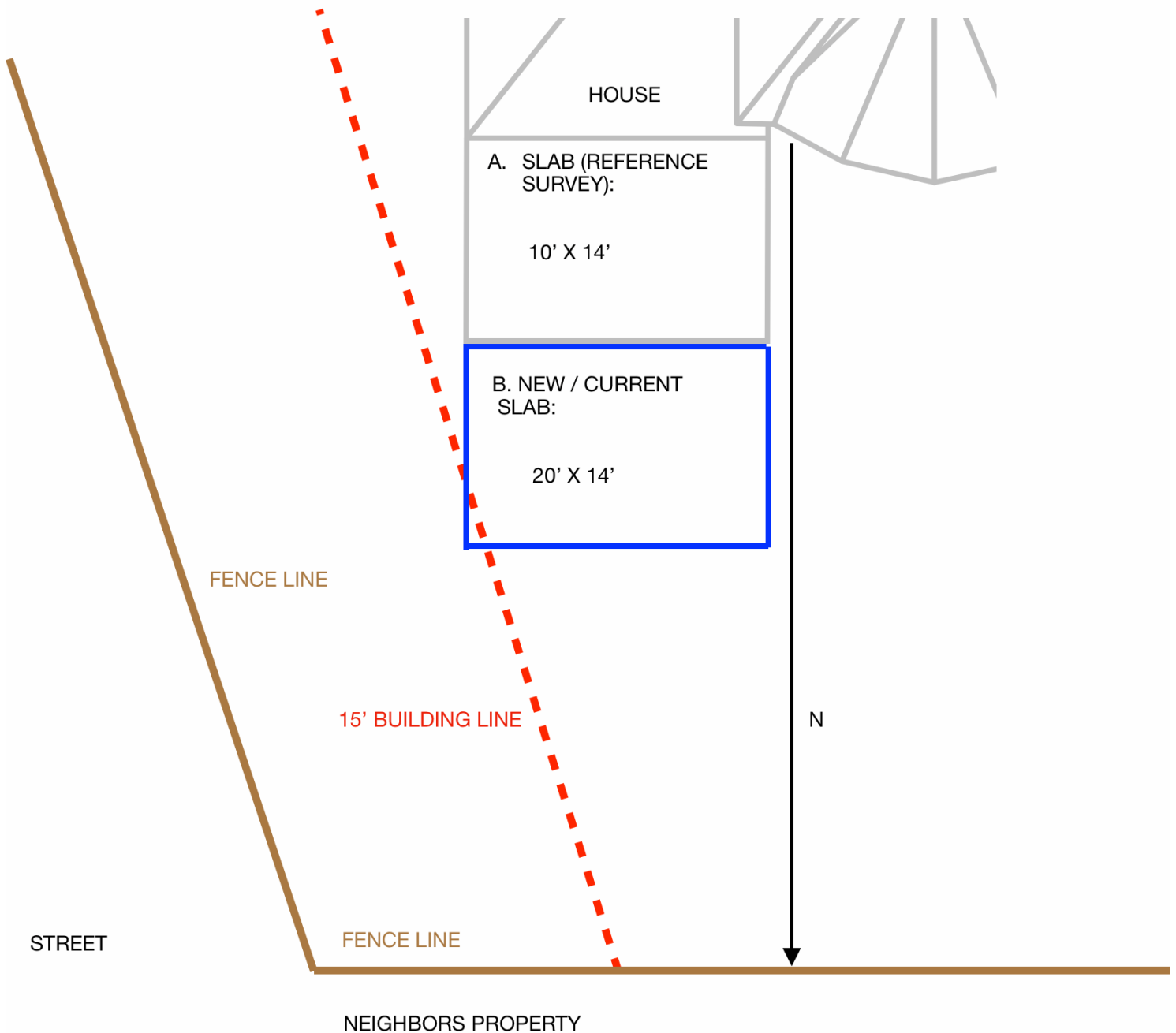




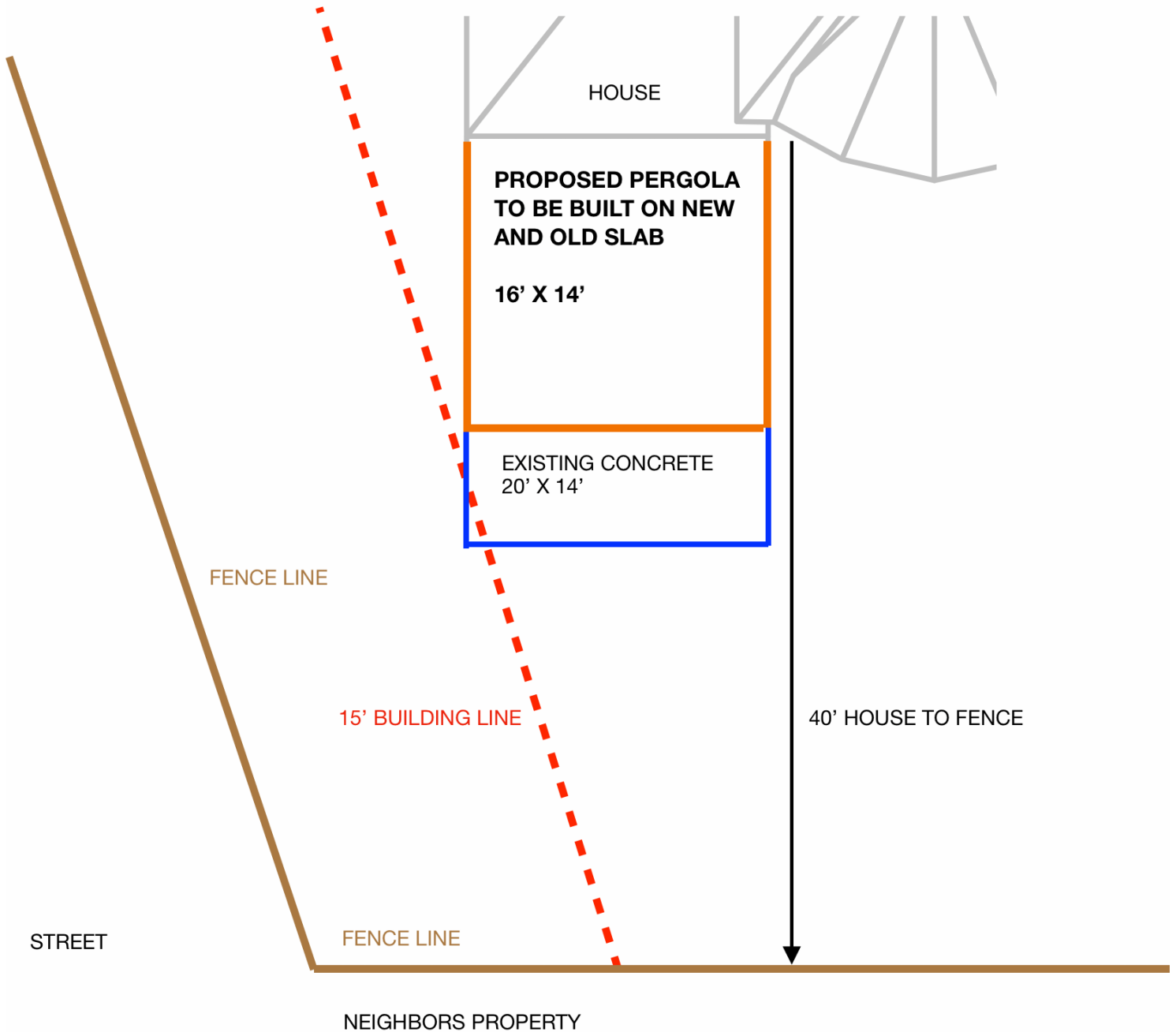


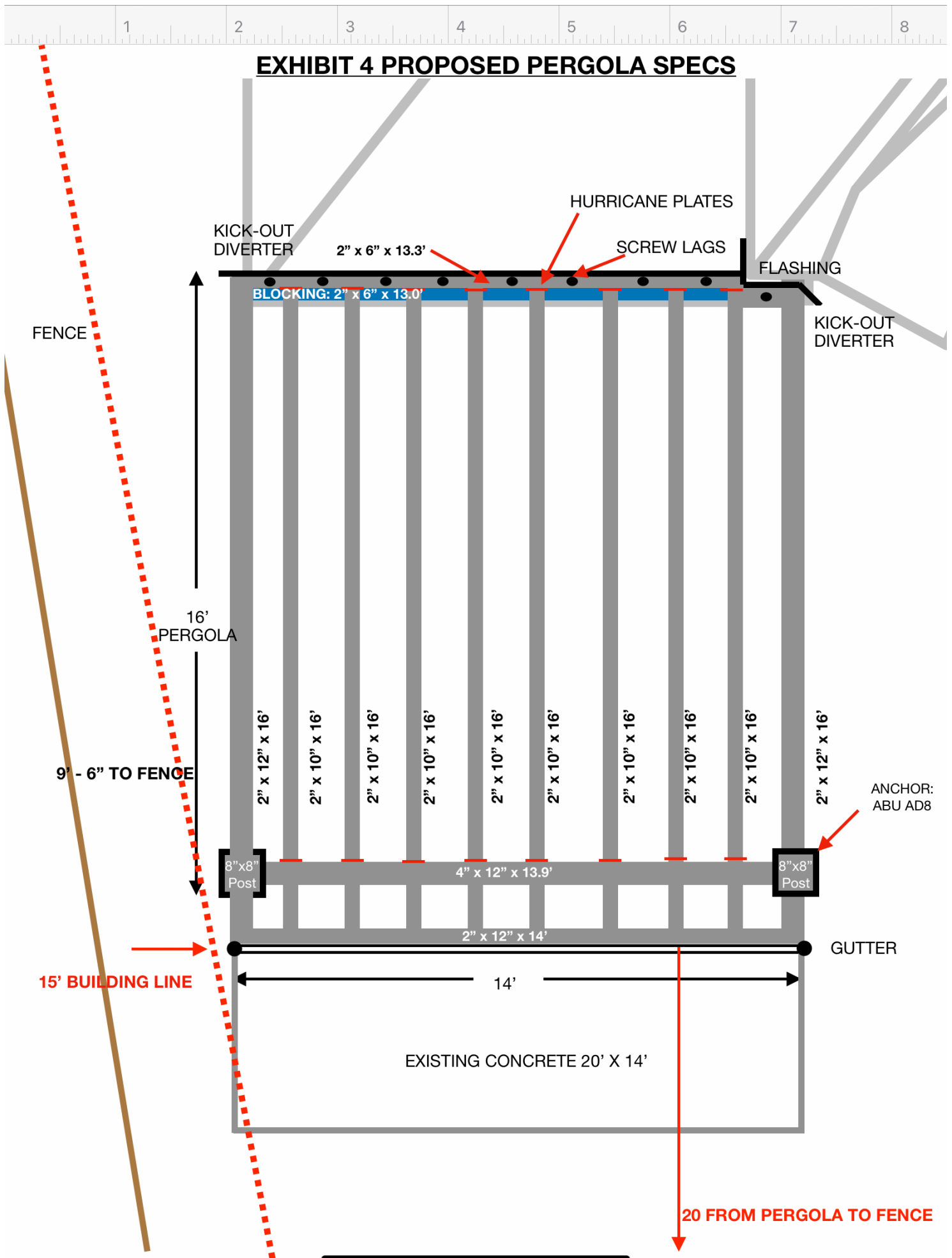
Ex. 1\_Exist...

## EXHIBIT 2: EXISTING SLAB



## EXHIBIT 3 PROPOSED PERGOLA







## IAS Roofing & Construction

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14800 Quorum Dr. Suite #300  
Dallas, TX 75254  
214.402.5171  
aadame@iasconstruction.com



1 Pergola Outdoor Living Space - 1- Date Taken: 9/9/2022  
Pergola Overview



## IAS Roofing & Construction

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14800 Quorum Dr. Suite #300  
Dallas, TX 75254  
214.402.5171  
aadame@iasconstruction.com



2 Pergola Outdoor Living Space - 2- Date Taken: 9/9/2022  
Exterior Before





## IAS Roofing & Construction

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14800 Quorum Dr. Suite #300  
Dallas, TX 75254  
214.402.5171  
aadame@iasconstruction.com

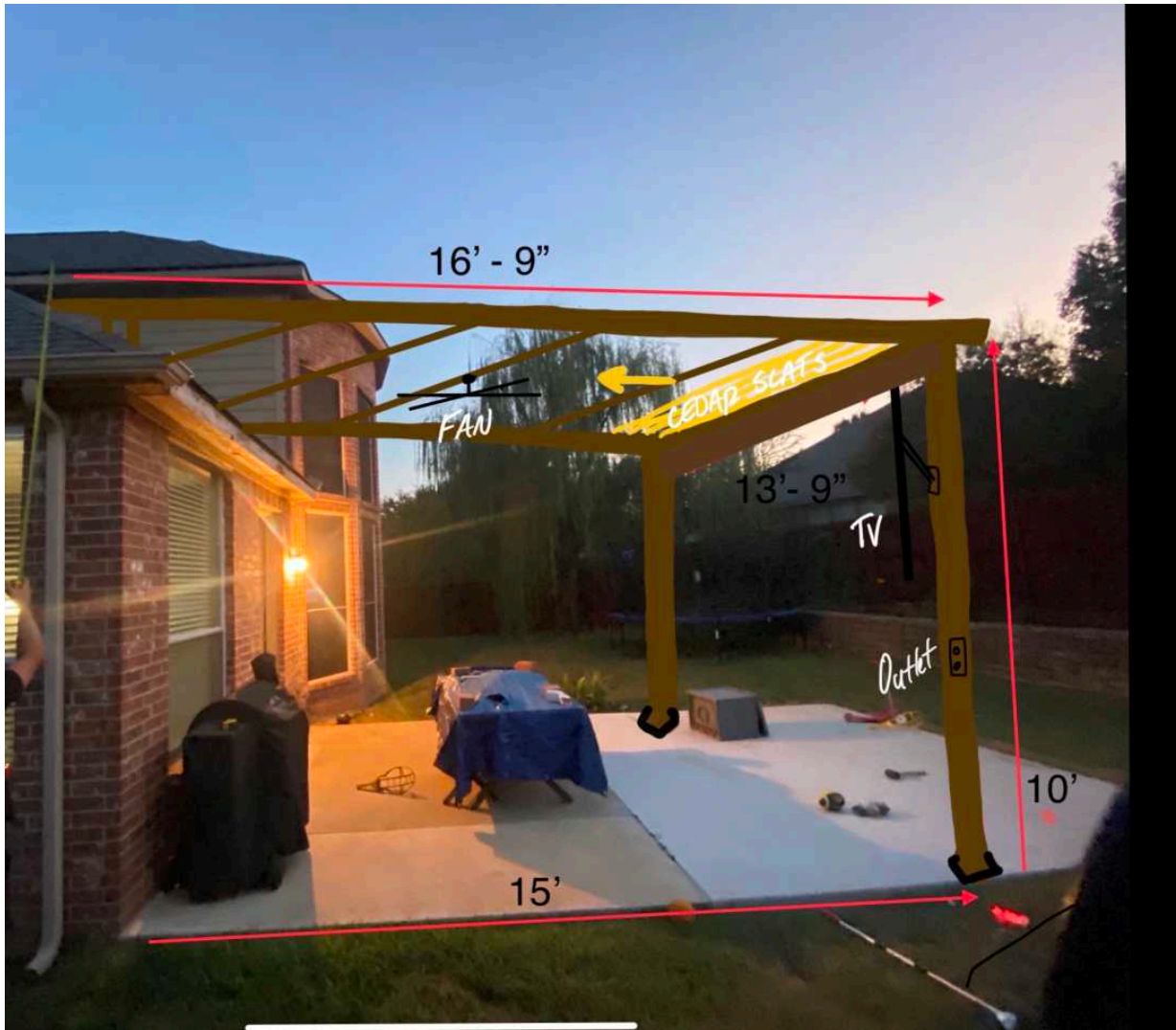


3 Pergola Outdoor Living Space - 3- Date Taken: 9/9/2022  
Exterior Before



## IAS Roofing & Construction

14800 Quorum Dr. Suite #300  
Dallas, TX 75254  
214.402.5171  
aadame@iasconstruction.com



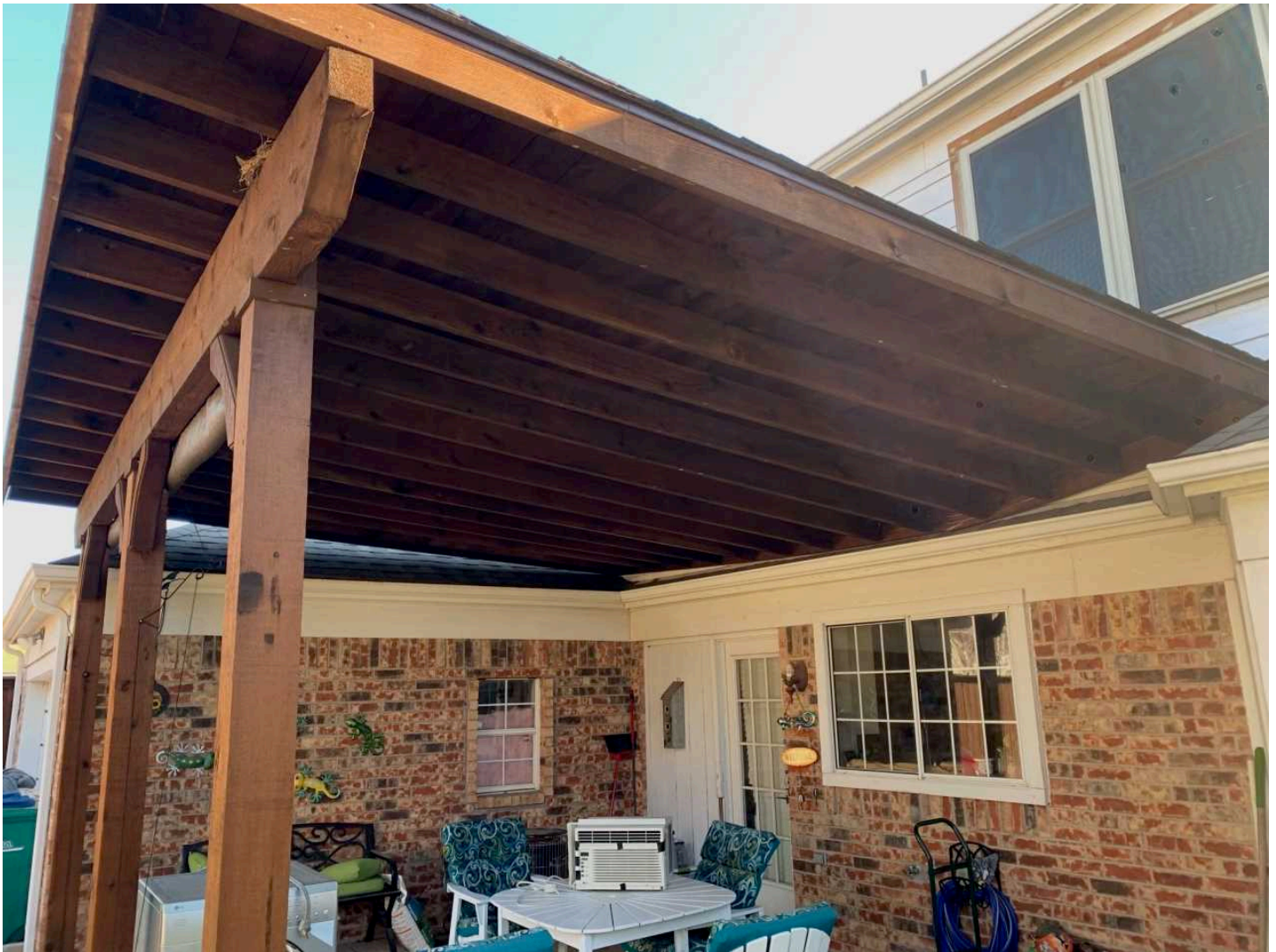
4 Pergola Outdoor Living Space - 6- Date Taken: 10/15/2022  
Pergola Drawing





## IAS Roofing & Construction

14800 Quorum Dr. Suite #300  
Dallas, TX 75254  
214.402.5171  
aadame@iasconstruction.com



5 Pergola Outdoor Living Space - 7- Date Taken: 3/23/2022  
Pergola Example



**ORDINANCE NO. 98-03-224**

**AN ORDINANCE OF THE TOWN OF HICKORY CREEK AMENDING THE COMPREHENSIVE ZONING ORDINANCE #86-10-114, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY TO THE NEW ZONING CLASSIFICATION HEREIN STATED, PROVIDING A SEVERABILITY CLAUSE, ESTABLISHING PENALTIES FOR VIOLATION OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Town Council of the Town of Hickory Creek, Texas finds that the requisite notices by publication and otherwise, in compliance with the laws of the State of Texas, have been given in regard to said zoning change; and

**WHEREAS**, two (2) full and fair separate hearings were afforded to all property owners generally and, to the persons interested and situated in the area. The first being held at 7:30 p.m. on the 4<sup>th</sup> day of March, 1998, at Town Hall Hickory Creek, Texas; and the second being held at 7:00 p.m. on the 17<sup>th</sup> day of March, 1998 at Town Hall, Hickory Creek, Texas and

**WHEREAS**, the Town Council of the Town of Hickory Creek, Texas, is of the opinion that said change of zoning which initiated by the Town Council of Hickory Creek which was previously before the Planning and Zoning Commission, should be granted and the Comprehensive Zoning Ordinance of the Town of Hickory Creek should be amended in the exercise of the Town Council's legislative discretion:

**NOW THEREFORE, BE IT ORDAINED THAT:**

Section 1. That the Comprehensive Zoning Ordinance of the Town of Hickory Creek, Texas be and the same is hereby amended by amending the Zoning Map of the Town of Hickory Creek to give the hereinafter describe property the new zoning district classification as set forth below to wit:

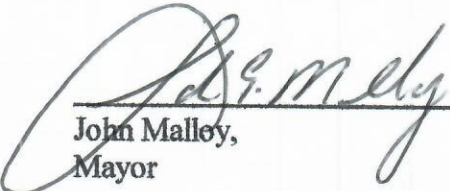
- A. From SF-3 Residential District to P.D. - Planned Development District for SF-1 District uses with special conditions for the property described below in Exhibit "A" to wit:

Section 2. That should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional and, shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

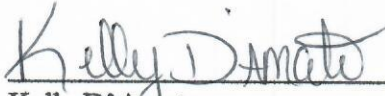
Section 3. That any person, firm or coporation violating any of the provisions or terms of this ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each day and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense.

Section 4. The fact that it is necessary to give the property described herein the above mentioned zoning classification in order to permits its proper development and in order to protect the public interest, comfort and general welfare of the Town creates all urgency and an emergency and requires that it take effect upon its passage and publication.

**PASSED AND APPROVED** this 17th day of March, 1998.

  
\_\_\_\_\_  
John Malley,  
Mayor

Attest:

  
\_\_\_\_\_  
Kelly D'Amato,  
Town Secretary



Approved As To Form:

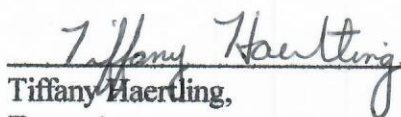
  
\_\_\_\_\_  
Tiffany Haertling,  
Town Attorney



Exhibit "A"

**TRACT 1**

BEING a 53.729 acre tract of land out of the S.A. Jones Survey, Abstract No. 1598, Denton County, Texas, and being all of a tract of land owned by Robert Penn, as recorded in Volume 2650, Page 104, Real Property Records, Denton County, Texas. Said 53.716 acres of land being more particularly described as follows:

**BEGINNING** at a set 1/2 inch iron rod, located within Hickory Creek Road and Point Vista Road and also being the northwest corner of said Penn tract;

**THENCE** North 89°31'04" East, following along said Hickory Creek Road, for a distance of 934.00 feet to a set 1/2 inch iron rod;

**THENCE** South 00°34' 09" East, leaving said Hickory Creek Road, for a distance of 1,041.13 feet to a found 1/2 inch iron rod;

**THENCE** South 16°58'30" West, for a distance of 209.79 feet to a found 1/2 inch rod;

**THENCE** South 05°28'27" West, for a distance of 204.91 feet to a found 1/2 inch rod;

**THENCE** North 89°32'02" East, for a distance of 355.55 feet to a found 1/2 inch iron rod;

**THENCE** South 04°09'45" West, for a distance of 329.53 feet to a found Corp. of Engineers monument;

**THENCE** South 80°32'15" East, for a distance of 142.55 feet to a found Corp. of Engineers monument;

**THENCE** South 00°38'17" West, for a distance of 858.00 feet to a found 1/2 inch iron rod;

**THENCE** South 89°35'08" West, for a distance of 456.59 feet, to a found Corp. of Engineers monument;

**THENCE** North 13°07'41" West, for a distance of 439.50 feet to a found Corp. of Engineers monument;

**THENCE** North 88°47'19" West, for a distance of 750.22 feet to a found Corp. of Engineers monument;

THENCE North  $00^{\circ}07'43''$  East, for a distance of 415.17 feet to a found Corp. of Engineers monument;

THENCE North  $52^{\circ}37'17''$  East, for a distance of 561.55 feet to a Corp. of Engineers monument;

THENCE North  $47^{\circ}10'16''$  West, for a distance of 615.65 feet to a Corp. of Engineers monument;

THENCE North  $00^{\circ}51'32''$  West, for a distance of 1,025.00 feet to the POINT OF BEGINNING and CONTAINING 2,340,442 square feet or 53.729 acres of land, more or less.

## TRACT 2

BEING a 58.896 acre tract of land out of the Susan McCarroll Survey, Abstract No. 1598, Denton County, Texas and also being a portion of a tract of land owned by Robert Penn, as recorded in Volume 2650, Page 99, Real Property Records, Denton County, Texas. Said 59.814 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a set 1/2 inch iron rod, located at the southwest corner of said Penn tract, said point also being located within Point Vista Road and Hickory Creek Road;

THENCE North  $00^{\circ}25'30''$  East, following along said Point Vista Road, for a distance of 1,325.36 feet to a set 1/2 inch iron rod;

THENCE South  $89^{\circ}56'01''$  East, leaving said Point Vista Road, for a distance of 1,329.20 feet to a found 1/2 inch iron rod;

THENCE South  $86^{\circ}37'25''$  East, for a distance of 213.76 feet to the point of curvature of a non-tangent curve to the left, having a delta of  $03^{\circ}30'30''$ , a radius of 11,908.22 feet and chord bearing and distance of South  $31^{\circ}05'45''$  East, 729.06 feet;

THENCE along said curve, an arc distance of 729.18 feet to a set 1/2 inch iron rod and the point of tangency of said curve;

THENCE South  $32^{\circ}51'00''$  East, for a distance of 413.42 feet to a set 1/2 inch iron rod;

THENCE South  $00^{\circ}03'19''$  West, for a distance of 366.31 feet to a set 1/2 inch iron rod, located in said Hickory Creek Road;

THENCE North  $89^{\circ}17'19''$  West, following along said Hickory Creek Road, for a distance of 2,153.02 feet to the POINT OF BEGINNING and CONTAINING 2,565.523 square feet or 58.896 acres of land, more or less.



## **PERMITTED USES:**

All uses permitted in the SF-1 Residential District.

## **BUILDING REGULATIONS:**

1. The minimum floor area of the main building shall be 2000 square feet, exclusive of breezeways, garages and servants quarters.
2. Exterior walls for the main building shall have a minimum of seventy-five percent (75%) of standard masonry construction, excluding windows and doors, below the 1st floor ceiling plate line.

## **AREA REGULATIONS:**

1. Front yard: There shall be a front yard having a depth of not less than twenty (20) feet. Garage entrances shall be not less than twenty (20) feet from the lot line it faces.
2. Side yard: There shall be a side yard on each side of the lot having a minimum width of five (5) feet without any projections on appendages, except roof eaves and cornices may extend into the side yard a distance of two (2) feet. The side yard of a corner lot adjacent to a side street shall be not less than fifteen (15) feet. A chimney of not more than ten (10) feet in width may extend into the required side yard a distance of not more than two (2) feet. Air conditioning compressor units may be located in the required side yard.
3. Rear yard: There shall be a rear yard having a depth of not less than twenty (20) feet.
4. Width of lot: The minimum width of the lot shall be sixty (60) feet at the front and rear building lines.
5. Depth of lot: The minimum lot depth shall be not less than one hundred fifteen (115) feet at the average distance between the front and rear lot lines.
6. Area of lot: The minimum area of the lot shall be seven thousand (7,000) square feet.
7. Lot coverage: The lot coverage of all buildings shall not exceed fifty-five (55) percent of the area of the lot on which said buildings are located.

## **SPECIAL PROVISIONS:**

1. Identity features: Entrance from I-35 at subdivision will have masonry monument sign and landscaping. Sign shall either be free standing within median or insert in screening wall on both sides of entry street.
2. Neighborhood parks: Development will include three (3) neighborhood parks and trails as shown on site plan.

3. **Amienity center:** Development will include recreation area that shall consist of at minimum, a swimming pool, restrooms and covered patio area.
4. **All other regulations** relative to the development of this tract not specifically addressed herein shall be in accordance with the provisions of the SF-1 Residential District.



