



**NOTICE OF
REGULAR MEETING OF THE BOARD OF ADJUSTMENTS
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
TUESDAY, JANUARY 17, 2023, 6:30 PM**

AGENDA

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 Adjustment. 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. Open Forum is for information only. No charges and/or complaints will be heard against any elected official, board member, the Town, or employee of the Town that are prohibited by law.

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.](#) December 13, 2022 Minutes

Regular Agenda

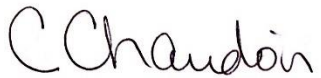
- [2.](#) Reconvene a public hearing continued from December 13, 2022 regarding a request from Hal and Laura Baker for a variance of Chapter 14, Article XI SF-5ac Residential District, Section 2 (8)(a) and (b) and Section 3 (2) for the construction of an oversized garage with porch in the required side yard and consider and act on the same. The property is located at 1101 Ellard Drive and legally is described as Hickory Park Estates, Lot 6, Acres 5.000.

3. Conduct a public hearing regarding a request from Andy Hughes and Melanie Deleon for a variance of Chapter 14, Exhibit A, Article VIII SF-2 Residential District, Section 3 Area Regulations, (2 & 3) to permit the construction of a swimming pool in the required rear and side yard setbacks on the property located at 300 Lake Drive, legally described as A1075A Ramsey, Tracts 8, 9, .211 Acres, Old DCAD TR #2 and consider and act on the same.

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 January 9, 2023 at 3:30 p.m.

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

Chris Chaudoir
Town of Hickory Creek

**SPECIAL MEETING OF THE BOARD OF ADJUSTMENTS
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, DECEMBER 13, 2022**

MINUTES

Call to Order

Meeting called to order at 6:30 p.m. by Chairman Crawford.

Roll Call

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
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 Chairman Crawford.

Public Comment

No Public Comment

Consent Agenda

1. November 15, 2022 Meeting Minutes
2. Discuss, consider and act on a motion to ratify the appointment of the Chairman and Vice-Chairman from the November 15, 2022 meeting.

Motion to approve made by Member Jones, Seconded by Member Bowman.
Voting Yea: Chairman Crawford, Member Jones, Member Bowman, Member Engle,
Member Day. Motion Passed Unanimously.

Regular Agenda

3. Conduct a public hearing regarding a request from Hal and Laura Baker for a variance of Chapter 14, Article XI SF-5ac Residential District, Section 2 (8)(a) and (b) and Section 3 (2) for the construction of an oversized garage with porch in the required side yard and consider and act on the same. The property is located at 1101 Ellard Drive and legally is described as Hickory Park Estates, Lot 6, Acres 5.000.

Public Hearing opened at 6:36 p.m. With no one wishing to speak and the applicants not present, motion to continue made on Mr. Sargent's recommendation.

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

4. Conduct a public hearing regarding a request from TriPointe Homes for a variance of Ordinance No. 2020-08-857 establishing a zoning designation of Planned Development for the Lennon Creek Addition, Exhibit B Minimum Lot Requirements for the construction of a dwelling in the required front, rear and side yards and consider and act on the same. The property is located at 300 Glen Drive and legally is described as Lennon Creek Addition, Block B, Lot 33.

Public Hearing opened at 6:38 p.m.

Bruce French, Vice President of TriPointe Homes, owner and developer of the Lennon Creek Addition, gave a brief overview of the addition. Because of the lot's shape, the rear of the proposed house is approximately 18 inches into the required 20-foot rear yard on an irregularly shaped elbow lot. They are requesting a variance from 20 to 15 feet for the rear yard.

Chairman Crawford complimented the design of the addition and drainage, stating he did not see any other way to position the house on the property.

Member Bowman asked if the lot had been sold. Mr. French explained TriPointe owned the lot but has had interest in it. Because of the curvature of the road, the lots were tight, but, with the variance, this lot will still have a large side yard and is beside the 20-foot drainage easement. It also backs up to an area that will not be developed. Member Bowman inquired about the number of available floor plans. Mr. French explained there are 8 floor plans in the neighborhood each with 3 to 4 front elevations. Each floorplan is 40 feet wide, but the depths vary by plan and number of stories. There are 2 different plans under consideration for the lot, but each would need a variance.

Member Engle asked if the lot was in a flood zone and about the drainage lot. Mr. French explained that Lot 2x is covered in river rock and is owned and would be maintained by the HOA. There is a storm drainpipe underground discharging from the street to the drainage area. It also acts as an overflow if needed.

Public Hearing closed at 6:49 p.m.

Motion made to approve as presented by Member Engle, Seconded by Chairman Crawford.
Voting Yea: Chairman Crawford, Member Bowman, Member Engle, Member Day.
Voting Abstaining: Member Jones. Motion passed.

Adjournment

Motion to adjourn made by Member Jones, Seconded by Member Bowman.

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

Meeting adjourned at 6:50 p.m.

Approved:

Attest:

Larry Crawford, Chairman
Position 2
Board of Adjustments

Chris Chaudoir,
Administrative Assistant
Board of Adjustments



SHEET

SP = |

OF SP SHEETS

BAKER RESIDENCE
101 ELLARD DRIVE HICKORY CREEK, TEXAS

BLAKE ARCHITECTS
1202 S. White Chapel Blvd. • Suite A
Southlake, Texas 76092 • 817-488-9397

JOB #2243
29/SEP/202

09-29-2022



FILE NAME: 2243-SITE30TH (06-25-2022) HW

ARTICLE XI. SF-5AC RESIDENTIAL DISTRICT

SECTION 1:

Regulations set forth in this section [article] are the district regulations in the SF-5AC Residential District.

SECTION 2:

Uses. In the SF-5AC Residential District, no building or land shall be used and no building shall be hereafter erected, reconstructed or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

- (1) One-Family dwellings.
- (2) Churches.
- (3) Public schools, elementary and high; institutions of higher learning.
- (4) Museums, libraries, parks, playgrounds, or community centers, owned and operated by the Town of Hickory Creek, Texas.
- (5) Telephone exchanges where no public business office and no repair or storage facilities are maintained.
- (6) Temporary buildings accessory to new construction provided such are razed within 30 days after substantial completion of such new construction to which they are accessory, or failing completion of new construction, within 60 days after start of such temporary construction.
- (7) Fire Stations.
- (8) Only the following accessory buildings and uses:

(a) ~~One private garage when located not less than 100 feet back from the front lot line and no less than 20 feet back from any other street line nor less than 18 inches from the side 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.~~ One private garage when located not less than 50 feet back from the front lot line and no less than 25 feet back from any other street line nor less than 25 feet from the side 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. (Modified 11/21/22)

(b) A private garage shall not have a ground floor area of more than 1,200 square feet.

- (c) Servant's quarters, or other accessory buildings when located on the ground or erected over a private garage, shall not have a total height of more than 25 feet, including such quarters and the total enclosed area of such quarters shall not exceed 900 square feet in the aggregate.
- (d) However, nothing herein shall authorize or be construed to permit the occupancy or the use of an accessory building as a place of abode or dwelling by anyone other than a bona fide servant actually then regularly employed by the occupant of the main structure on such lot, estate or land. Utility services to servant's quarters shall be metered by the same meter as those serving the main building on the premises. Accessory building may be constructed as a part of the main building, in which case, the regulations controlling the main building shall apply.
- (e) Hobby shops as an accessory use.
- (f) Uses customarily incident to any other above uses situated in the same dwelling, when not involving the conduct of a business or industry.

- (g) 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-5AC Residential District. Temporary signs may be an exception with prior approval by the Planning and Zoning Commission.
- (9) Every use not hereby specifically authorized and permitted is expressly prohibited in SF-5AC Residential District.

SECTION 3:

Area regulations.

- (1) *Front Yard.* There shall be a front yard having a depth of not less than 40 feet.
- (2) *Side Yard.* The minimum distance from any side building line to the property line at any point shall not be less than 25 feet. Minimum roof overhang on gable or hip roof shall be at least two feet. The sum of the side yard dimensions on any lot measured along the front building line shall be not less than 25 percent of the total width of the lot at the building line, but in no case shall the width be required to be greater than [than] 25 feet on any one side. The sum of the side yards for this criteria need be considered only to the nearest foot.

On corner lots the side yard regulations shall be the same as for the interior lots, except in the case of reverse frontage where the corner abuts the side of a lot facing the other intersecting street, in which case there shall be a side yard on the corner lot of not less than 100 percent of the front yard required on the lot abutting the rear of the corner lot or separated only by an alley, provided that this regulation shall not be so interpreted as to reduce the buildable width after providing the required minimum side yard of a corner lot of record and in separate ownership at the time of passage of this ordinance to less than 25 feet. No accessory building of said corner lots shall project beyond the front yard line of the lots in the rear, nor shall a building be erected, reconstructed, altered, or enlarged closer than 25 feet to the line of the abutting lot to the rear.

- (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 100 feet.
- (4) *Width of Lot.* The minimum width of the lot shall be 250 feet at the front property line.
- (5) *Depth of Lot.* The minimum lot depth shall be not less than 150 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 five acres. The minimum floor area of the main building shall not be in the aggregate less than 3,000 square feet, exclusive of porches, garages and accessory buildings as defined in the code but including only HVAC space and the building area shall not exceed five percent of the lot area, and the outside walls shall be constructed of standard masonry construction.
- (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) *Construction.* All buildings shall be constructed according to the Standard Masonry Construction requirements defined herein.



This to remain grass (not concrete)

FIELD NOTE DESCRIPTION:

BEING all that certain lot, tract, or parcel of land situated in the J. Ramsey Survey, Abstract Number 1075, in the City of Hickory Creek, Denton County, Texas, and being the remainder of that tract of land described by deed to William A. Matthews and wife, Lourinda Marvourene Matthews, herein after referred to as "Matthews", as recorded under Volume 1027, Page 659, Deed Records of Denton County, Texas, (D.R.D.C.T.), said remainder including all of that tract of land described by deed to said "Matthews" as recorded under Volume 823, Page 15, (D.R.D.C.T.), and together and with all of that tract of land described by deed to said "Matthews" as recorded under Volume 820, Page 63, (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a Corps. Of Engineers monument labeled "1125-4" found for a southerly corner of the herein described tract, same being the common south corner of said "Matthews" tract(s) (823/15, 1027/659, & 820/63), said point also being in a north line of a tract of land owned by the United States of America, (U.S.A.);

THENCE North 87 degrees 35 minutes 57 seconds West, with a north line of said U.S.A. tract, a distance of 89.87 feet to a "PK" nail set in asphalt for corner, same being the southernmost southeast corner of a tract of land described by deed to Oscar Del Aguila as recorded under Instrument Number 2002-19364, (D.R.D.C.T.), said point also being within a public road known as "Lake Drive";

THENCE North 03 degrees 45 minutes 25 seconds West, over and across said Lake Drive, and with an east line of said Aguila tract, a distance of 18.15 feet to a 1/2 inch rod with yellow cap stamped, "Arthur Surveying Company" (ASC) set for corner;

THENCE North 71 degrees 37 minutes 47 seconds East, with a southerly line of said Aguila tract, a distance of 33.03 feet to a 1/2 inch rod with ASC cap set for corner;

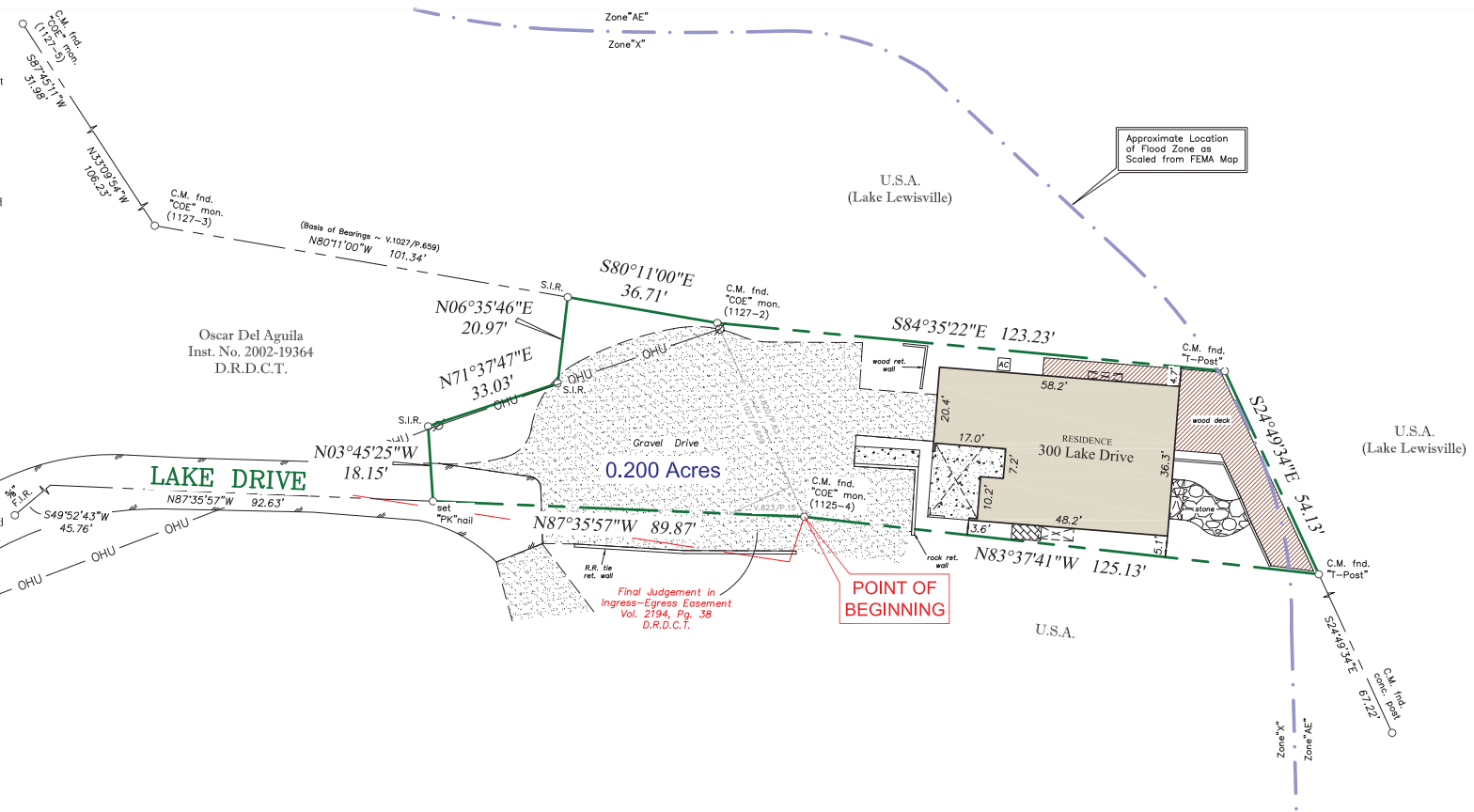
THENCE North 06 degrees 35 minutes 46 seconds East, with an east line of said Aguila tract, a distance of 20.97 feet to a 1/2 inch rod with ASC cap set for corner, same being a northeast corner thereof, said point also being in a south line of Lake Lewisville;

THENCE South 80 degrees 11 minutes 00 seconds East, with a south line of said Lake Lewisville, a distance of 36.71 feet to a Corps. Of Engineers monument labeled "1127-2" found for corner, same being the common north corner of said "Matthews" tract(s) (1027/659 & 820/63);

THENCE South 84 degrees 35 minutes 22 seconds East, with a south line of said Lake Lewisville, a distance of 123.23 feet to a "T-Post" found for corner, same being the northeast corner of said "Matthews" tract (820/63);

THENCE South 24 degrees 49 minutes 34 seconds East, with a southwesterly line of said Lake Lewisville, and with an easterly line of said "Matthews" tract (820/63), a distance of 54.13 feet to a "T-Post" found for corner, same being the southeast corner thereof, from which a concrete monument found bears South 24 degrees 49 minutes 34 seconds East a distance of 67.22 feet;

THENCE North 83 degrees 37 minutes 41 seconds West, with a north line of said U.S.A. tract, and with the south line of said "Matthews" tract (820/63), a distance of 125.13 feet to **THE POINT OF BEGINNING** and containing 0.200 acres of land, more or less.



LEGEND

	FENCE (AT CENTER OF FENCE POST)
	OVERHEAD POWER
	POWER POLE
	LIGHT POLE
	GULLY (WIPES)
	FOUND IRON ROD
	SET IRON ROD
	TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT
	FENCE CORNER POST
	FOUND IRON PIPE
	FIRE HYDRANT
	SANITARY SEWER CLEAN-OUT
	SANITARY SEWER/STORM SEWER MANHOLE
	WATER METER
	WATER VALVE
	IRRIGATION CONTROL VALVE
	NUMBER OF PARKING SPACES
	TELEPHONE MANHOLE
	CABLE TELEVISION SUB-SURFACE BOX
	CONCRETE
	EDGE OF ASPHALT
	COVERED AREA
NOTE: ALL IRON RODS FOUND ARE 1/2" UNLESS OTHERWISE NOTED. ALL IRON RODS SET ARE 1/2" WITH YELLOW CAP STAMPED "ARTHUR SURVEYING COMPANY"	

NOTES:

- Easement as recorded under Vol. 235, Pg. 558 is blanket in nature & includes the subject property.
- Easement as recorded under Vol. 265, Pg. 106 is blanket in nature & includes the subject property.
- Easement as recorded under Vol. 285, Pg. 288 is blanket in nature & includes the subject property.



300 Lake Drive
Hickory Creek, Texas

The undersigned have/has received and reviewed a copy of this survey.

X _____
X _____
X _____
Date: _____



NOTE:

- Bearings are based on deed to William A. Matthews and wife, Lourinda Marvourene Matthews, Vol. 1027, Pg. 659, D.R.D.C.T.

SURVEYOR'S CERTIFICATION: The undersigned does hereby certify to Title Resources Company (C.F. No. 184087) 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.

FLOOD NOTE: It is my opinion that the property described hereon lies partially within the 100-year flood zone area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel No. 481150 0533 G, present effective date of map, April 18, 2011, herein property situated within Zone "AE" & Zone "X" (Shaded & Unshaded).

BOUNDARY SURVEY

3 Tracts of Land out of the
J. Ramsey Survey, Abstract No. 1075
City of Hickory Creek
Denton County, Texas

P.C. / Tech: B.H. / G.C. DATE: 04-27-2018 SCALE: 1"=20' ASC NO.: A-0420181103



220 Elm St., # 200 - Lewisville, TX 75057
Ph. 972.221.9439 - TFRN# 10063800
arthursurveying.com Established 1986



ARTICLE VIII. SF-2 RESIDENTIAL DISTRICT

SECTION 1:

Regulations set forth in this section [article] are the district regulations in the SF-2 Residential District.

SECTION 2:

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

- (1) For all purposes permitted in SF-1 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 900 square feet.
 - (c) Servant's quarters, or other accessory buildings when located on the ground or erected over a private garage, shall not have a total height of more than 25 feet, including such quarters and the total enclosed area of such quarters shall not exceed 600 square feet in the aggregate.
 - (d) However, nothing herein shall authorize or be construed to permit the occupancy or the use of an accessory building as a place of abode or dwelling by anyone other than a bona fide servant actually then regularly employed by the occupant of the main structure on such lot, estate or land. Utility services to servant's quarters shall be metered by the same meter as those serving the main building on the premises. Accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.
 - (e) Hobby shops as an accessory use.
 - (f) Uses customarily incident to any other above uses situated in the same dwelling, when not involving the conduct of a business or industry.
 - (g) 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-2 Residential District. Temporary signs may be an exception with prior approval by the Planning and Zoning Commission.
 - (h) 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.
 - (i) SF2 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.

(Ord. No. 86-10-114; Ord. No. 99-02-446, 2-16-1999)

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 15 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 100 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 110 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 14,000 square feet. The minimum floor area of the main building shall not be in the aggregate less than 2,000 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.
- (11) *Impervious Surface Limit:* The total impervious surface installed upon any front yard or corner side yard shall not exceed 40 percent.

(Ord. No. 2022-03-899 , § 3.02, 3-28-2022)