



**NOTICE OF
REGULAR MEETING OF THE BOARD OF ADJUSTMENTS
REMOTE MEETING
1-888-475-4499
MEETING ID: 865 7359 2354
TUESDAY, NOVEMBER 17, 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 member 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 commission cannot discuss or take action on items brought before them not posted on the agenda. Please submit a [Public Comment Form](#) at least five minutes prior to the meeting 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. July 21, 2020 Meeting Minutes

Regular Agenda

- [2.](#) Conduct a public hearing regarding a request from Loyed Ezzell for a variance of Chapter 14, Exhibit A, Article VIII SF-2 Residential District, Section 2 (2)(b) for a 1750 square foot detached garage and consider and act on the same. The property is located at 121 Woody Trail and is legally described as Hundley Area of Hickory Estates Addition, lot 7R.

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 November 12, 2020 at 4:15 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, JULY 21, 2020**

MINUTES

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.

Call to Order

Meeting was called to order at 6:35 p.m. by Chairman Crawford.

Roll Call

PRESENT

Chairman Larry Crawford

Vice-Chairman Joey Hernandez

Member David Jones

Member Jan Bowman

Member Brian Engle

Alternate Dennis Day

ALSO PRESENT

Ian Theodore, Council Liaison

Chris Chaudoir, Administrative Assistant

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

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

Invocation

Invocation given by Councilman Theodore.

Public Comment

No Public Comment

Consent Agenda

1. June 16, 2020 Meeting Minutes

Chairman Crawford had one correction to make to the wording on page 4 of the minutes.

Motion to approve the minutes with the correction on page 4 made by Member Jones, Seconded by Vice-Chairman Hernandez.

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

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.

Public Hearing opened at 6:42 p.m.

Kenneth Wright, 1120 Ellard Drive, explained he wished to construct a shop/storage area to have a place for his RV and to store some of his construction equipment as well as having a place to work.

Chairman Crawford clarified that the applicant is the owner of a construction business and noted that the property is currently zones SF-3 which allows up to a 750 square foot garage. There is currently a 1200 square foot garage attached to the house and he is adding the equivalent of a 4 car garage. Mr. Wright stated he had plenty of room on his lot and did not see an issue as other people are trying to add garages without sufficient lot area.

Member Jones asked if the new garage would be directly across from the current garage. He also confirmed that the property was a total of 2.5 acres and there is no visibility with any of the neighboring properties.

Member Engle asked what the height of the garage would be. Mr. Wright responded he did not have building plans yet but, as his RV was 14 feet tall, it would probably be 18 to 20 feet. The house is taller. Member Engle asked if trees would be removed. Mr. Wright said there were only 2 trees that would be removed.

Chairman Crawford confirmed with Ms. Chaudoir that letters had been sent to the neighbors. She stated they were sent and there were no responses. She also confirmed the absence of an HOA for the subdivision.

Jack Sprague, 1104 Ellard, spoke in favor of the project.

Mr. Wright stated the building would be metal with materials similar to the house. Chairman Crawford asked about the zoning for the property. Ms. Chaudoir

TOWN OF HICKORY CREEK BOARD OF ADJUSTMENTS

July 21, 2020

Page 3

explained the SF-3 zoning classification and the setup of the Country Oaks Estates neighborhood. Mr. Wright stated he has not tried to change the zoning.

Public Hearing closed at 6:51 p.m.

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

Voting Yea: Vice-Chairman Hernandez, Member Jones, Member Bowman, and Member Engle.

Voting Nay: Chairman Crawford. Motion passed.

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.

Public Hearing opened at 6:54 p.m.

Reginald Edward, 974 Main Street, stated they were requesting a 6 foot cedar fence on the Main Street side of his house attached to a wrought iron fence for privacy and aesthetics. The wrought iron will constitute approximately 70 percent of the fence.

Chairman Crawford clarified that the gate will need to be setback far enough to allow a vehicle to pull into the driveway to open the gate. Mr Edwards stated there would be room for almost 2 cars at the gate. Chairman Crawford asked if the wood fence would be offset from the wrought iron or would the line be straight. Mr. Edwards said there would be a slight angle.

Councilman Theodore stated he walked the area by Mr. Edwards' house frequently and there is no privacy. All traffic to Westlake Park passes directly in front of the house. Members Hernandez and Bowman concurred.

Member Bowman asked if the property to the east was Corps property with vacant land to the west. Mr. Edwards agreed and said he had spoken to the property owner to the west who had no issues.

Mr. Edwards asked that the setback be amended from 12.5 feet to the property line to 10.5 feet so there would be additional space for his air conditioning units and 2 mature trees in the 12 foot line.

Public Hearing closed at 7:05 p.m.

Motion made by Vice-Chairman Hernandez to approve the variance with a 10.5 foot setback, Seconded by Member Engle.

TOWN OF HICKORY CREEK BOARD OF ADJUSTMENTS

July 21, 2020

Page 4

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

Adjournment

Motion to adjourn made by Vice-Chairman Hernandez, Seconded by Member Jones. Voting Yea: Chairman Crawford, Vice-Chairman Hernandez, Member Jones, Member Bowman, and Member Engle. Motion passed unanimously.

Meeting Adjourned at 7:07 p.m.

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?

Detached garage 35' x 50' (1750 sq ft.)
Storage for vehicles, RV, + boat

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

It would allow me to store my vehicle, RV, + boat out of site
And make my property look a lot nicer.

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

~~It~~ It would make my property look a lot better and be similar
to my neighbor to the north of my property.

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

It would make my street look much better by not having
my vehicle, RV, and boat parked in the open.

Lien holder:

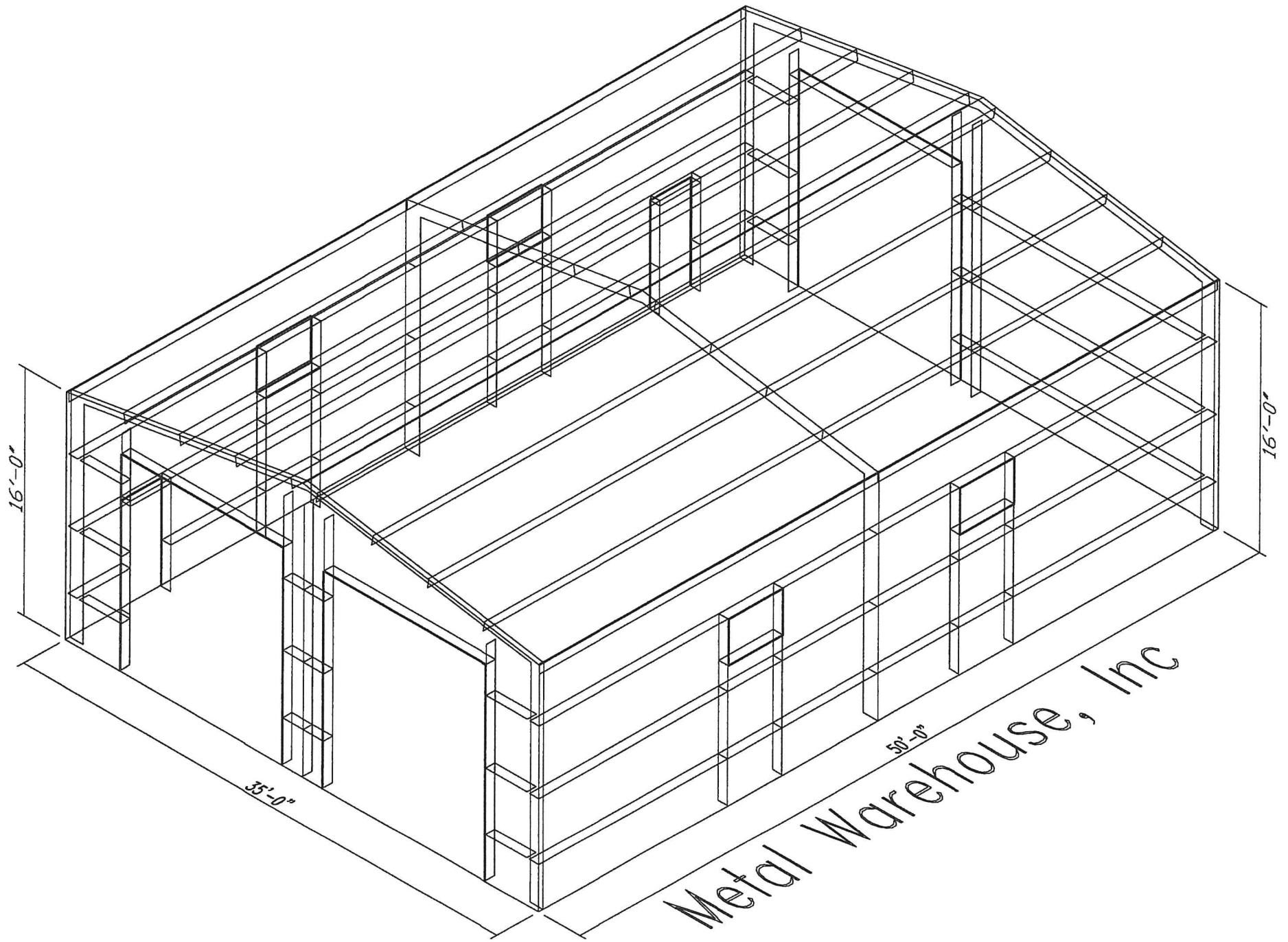
Is the property burdened by a lien of any nature? Yes No

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.

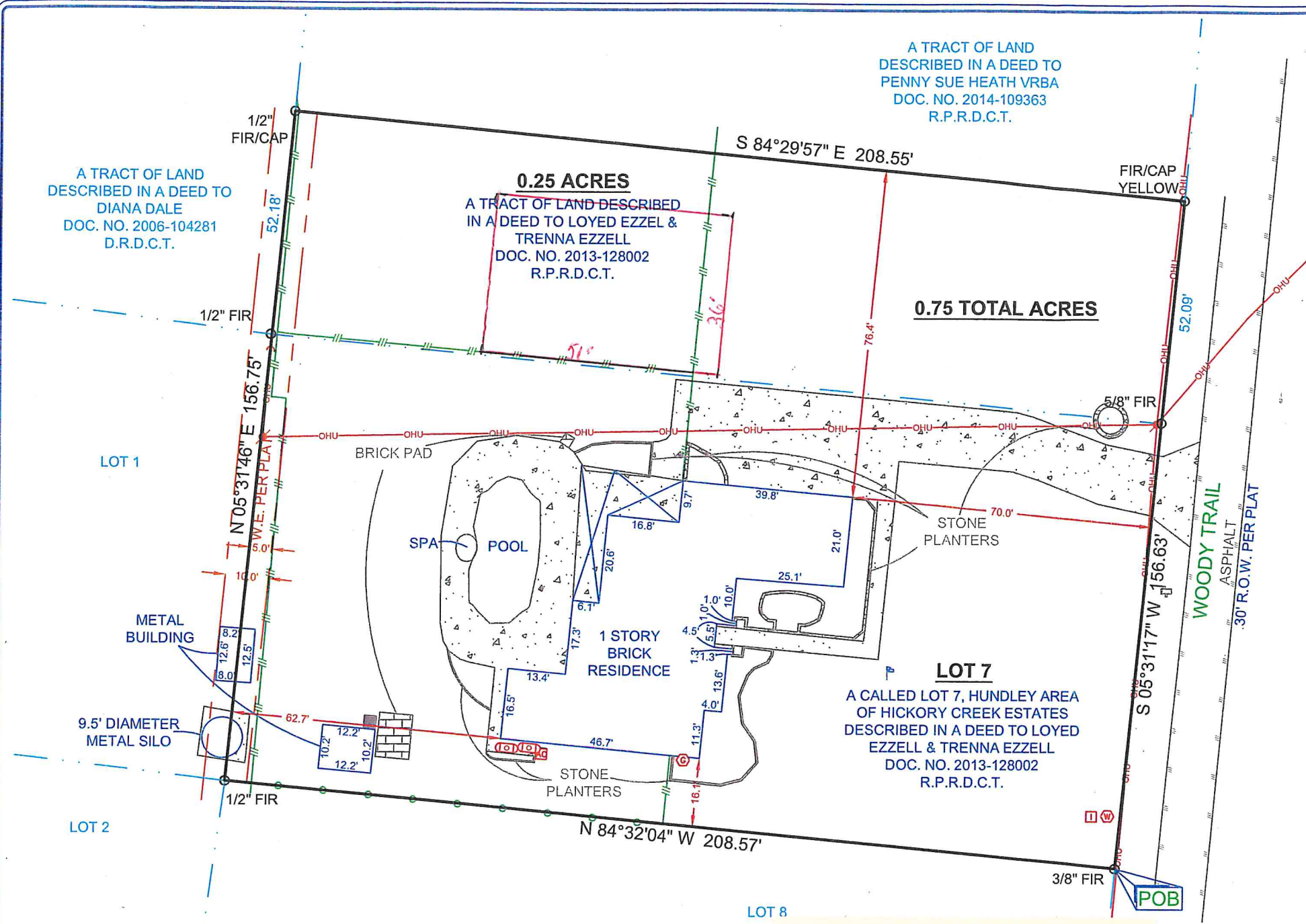
Other:

Approximate cost of work involved? \$ 75,000.00

Include a schematic drawing of the site.



Metal Warehouse, Inc



A TRACT OF LAND DESCRIBED IN A DEED TO PENNY SUE HEATH VRBA DOC. NO. 2014-109363 R.P.R.D.C.T.

A TRACT OF LAND DESCRIBED IN A DEED TO DIANA DALE DOC. NO. 2006-104281 D.R.D.C.T.

0.25 ACRES
A TRACT OF LAND DESCRIBED IN A DEED TO LOYED EZZELL & TRENNNA EZZELL DOC. NO. 2013-128002 R.P.R.D.C.T.

0.75 TOTAL ACRES

LOT 7
A CALLED LOT 7, HUNDLEY AREA OF HICKORY CREEK ESTATES DESCRIBED IN A DEED TO LOYED EZZELL & TRENNNA EZZELL DOC. NO. 2013-128002 R.P.R.D.C.T.

Being all that certain lot tract or parcel of land lying and being situated in Denton County, Texas, and being all of Lot 7 of Hundley Area of Hickory Creek Estates, an addition to Denton County, Texas, according to the Plat thereof recorded in Volume 6, Page 9, Map Records of Denton County, Texas, and being all of that 0.25 of an acre tract of land described in a deed to Loyed Ezzell and Trenna Ezzell, Document Number 2013-128002, Real Property Records of Denton County, Texas, and being more fully described by metes and bounds as follows;

BEGINNING at a 3/8 inch iron rod found in the West line of Woody Trail, a 30 foot right-of-way, and also being the Northeast corner of a Lot 8 of said Hundley Area of Hickory Creek Estates Addition;

THENCE along the common line of said Lot 7 and said Lot 8, North 84 degrees 32 minutes 04 seconds West, a distance of 208.57 feet to a 1/2 inch iron rod found, being the Northwest corner of said Lot 8, and also being the Southeast corner of Lot 1 of said Hundley Area;

THENCE along the common line of said Lot 7 and said Lot 1, North 05 degrees 31 minutes 46 seconds East, passing a 1/2 inch iron rod found at 105.57 feet, being the Southeast corner of a tract of land described in a deed to Diana Dale, Document Number 2006-104281, Deed Records of Denton County, Texas, and continuing along the same course for a total distance of 156.75 feet to a 1/2 inch capped iron rod found;

THENCE along the common line of this and a tract of land described in a deed to Penny Sue Heath VRBA, Document Number 2014-109363, Real Property Records of Denton County, Texas, South 84 degrees 29 minutes 57 seconds East, a distance of 208.55 feet to a capped iron rod found in the West line of said Woody Trail, being the Southeast corner of said Penny Sue Heath VRBA tract;

THENCE along said West line of Woody Trail, South 05 degrees 31 minutes 17 seconds West, passing a 5/8 inch iron rod found at 52.09 feet, being the Northeast corner of said Lot 7, and continuing for a total distance of 156.63 feet to the PLACE OF BEGINNING and containing 0.75 of an acre of land more or less;

FLOOD STATEMENT: I have reviewed the F.E.M.A. Flood Insurance Rate Map for the Town of Hickory Creek, Community Number 481150 effective date 4-18-2011 and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as " Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 535 G of said map.

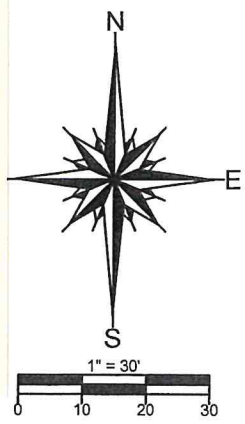
SURVEYORS CERTIFICATION

Certified to Loyed Ezzell

This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 07-29-2020, and substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, Condition II Survey. There are no apparent encroachments, intrusions or protrusions except as shown hereon.

103' Front set back
54' Back set back
15' North side set back
Building is 35'x50'
with a 6" brick ledge

LEGEND			
	= POWER POLE		= CONCRETE
	= FLAG POLE		= BRICK
	= ELECTRIC METER		= STONE
	= GAS METER		
	= WATER METER		
	= IRRIGATION CONTROL		
	= POOL EQUIPMENT		
	= AIR CONDITIONER		
	= MAILBOX		
	POB = POINT OF BEGINNING		
	FIR = FOUND IRON ROD		
	FIR/CAP = FOUND IRON ROD W/CAPPED		
	SIR = SET IRON ROD W/CAPPED		
	W.E. = WATERLINE EASEMENT		
	= CHAIN LINK FENCE		
	= WOOD FENCE		
	= ASPHALT		
	= OVERHEAD UTILITIES		



1720 WESTMINSTER
DENTON, TX 76205
(940)382-3446

JOB NUMBER: 200535
DRAWN BY: TMM
DATE: 07-31-2020
R.P.L.S.

KENNETH A. ZOLLINGER

TX FIRM REGISTRATION # 10002100

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. 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 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.