



**NOTICE OF
REGULAR MEETING OF THE BOARD OF ADJUSTMENTS
REMOTE MEETING
1-888-475-4499
MEETING ID: 848 8412 3944
TUESDAY, MARCH 16, 2021, 7:00 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.](#) December 15, 2020 Meeting Minutes

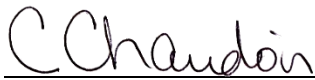
Regular Agenda

2. Conduct a public hearing regarding a request from BBBG Properties LLC for a variance of Chapter 14, Exhibit A, Article IX SF-3 Residential District, Section 2 (g) Accessory Building and Section 3 (2) and (3) Side and Rear Yard setback and consider and act on the same. The property is located at 203 Oak Tree Lane and is legally described as Harbor Grove Estates, block A, lot 7.

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 March 10, 2021 at 4:00 p.m.



Chris Chaudoir
Town of Hickory Creek

**REGULAR MEETING OF THE BOARD OF ADJUSTMENTS
REMOTE MEETING
TUESDAY, DECEMBER 15, 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 called to order at 6:34 pm by Chairman Crawford.

Roll Call

PRESENT

Chairman Larry Crawford
Member David Jones
Member Jan Bowman
Member Brian Engle

ABSENT

Vice-Chairman Joey Hernandez
Alternate 2 Dennis Day

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 U.S. and Texas Flags led by Chairman Crawford.

Invocation

Invocation given by Councilmember Theodore.

Public Comment

No Public Comment

Consent Agenda

1. November 17, 2020 Meeting Minutes

Motion to approve the minutes made by Member Jones, Seconded by Member Engle.

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

Regular Agenda

2. Conduct a public hearing regarding a request from Tiffany Haertling for a variance of Chapter 14, Exhibit A, Article IX SF-3 Residential District, Section 3 (3) Rear Yard and consider and act on the same. The property is located at 1245 Sycamore Bend Road and is legally described as Lost Sycamore Addition, lot 2.

Public Hearing opened at 6:40 p.m.

Tiffany Haertling, property owner 1245 Sycamore Bend Road, stated the property is located on Sycamore Bend Road and backs up to the Corps property. She is requesting a variance of the required rear 30-foot setback to a 10-foot setback. The property backs onto the Corps and will not encroach on the neighbors. The move will take the house further away from the Murray home on the south. They are also trying to stay as far away from the road as possible and to allow for a front circular drive. Chairman Crawford stated the site plan currently shows the house 31 to 40 feet from rear property line and asked if it was correct. Ms. Haertling said that was the original site plan but, when they put in the foundation forms, they realized there was not enough room and would like to move it back to 10 feet from the rear property line. The side yards will remain the same. Chairman Crawford wished for clarification on the reason 2 acres was not sufficient without the variance. Ms. Haertling explained the unusual shape of the lot makes it difficult.

Member Bowman asked if there was any issue with the Corps of Engineers. Ms. Chaudoir stated she had received a call from the Corps the previous week inquiring about the variance and they had no objections once the request was explained to them.

Member Jones asked for clarification the difficulty in getting cars into the property and the proximity to the road from Ms. Haertling.

Richard Hayes, 1225 Sycamore Bend Road, stated the shape of the lot makes the rear line more like a side setback. The eastern boundary has about 75 to 100 feet of heavily wooded land on Corps property so there would be no encroachment. They support the variance.

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Councilman Theodore stated the town has put a hiking trail on the Corps land behind the property, asked if she was comfortable with the public coming within 10 feet of the house and if there would be a fence installed. Ms. Haertling stated she was not planning on putting in a fence and felt the natural barrier created by the tree line was significant. She also thought the trail was further away from the property line. Councilman Theodore asked if there were plans for the clearing of any of the brush which the Corps considered natural habitat. Ms. Haertling stated they liked the brush and the natural barrier it created. Mr. Theodore expressed concern about the possibility of flooding in excess of the 100-year floodplain. Ms. Haertling stated they were prepared, and the rear of the property was built up in for that possibility. Councilman Theodore asked if they were considering any further development of rear of the property: i.e. pool, hot tub, gardening, etc. There are no plans for the rear of the property and any gardening can be done on the northern acreage.

Jim and Kerry Murray, 1301 Sycamore Bend Road, were unable to attend the meeting but sent in a letter which Ms. Chaudoir read.

"This will serve to inform the Board of Adjustments of the Town of Hickory Creek, that we are in support of the requested variance by Tiffany Haertling. The address of the property is 1245 Sycamore Bend Road, and is legally described as Lost Sycamore Addition, block A, lot 2. The variance is in connection to Chapter 14, Exhibit A, Article IX SF-3 Residential District, Section 3 (3) Rear Yard setback.

Please note that this letter should serve as our support for our new neighbors in this request in lieu of our absence at the public hearing via Zoom tonight, December 15th at 6:30 p.m."

Public Hearing closed at 6:55 p.m.

Motion made by Member Engle to approve the variance request with a 10-foot setback, Seconded by Member Bowman.

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

Adjournment

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

Meeting adjourned at 7:00 p.m.

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December 15, 2020

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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?

This Property has a work shop & CARPORT that have been in place when purchased and for at least 2 years prior to purchase which have now come into question regarding "code"

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

My belief is that these structures have been in place for a long time so that suggests "harmony" within neighborhood. Prior owner indicated that neighbors had assisted w/ remodel of 203 Oak Tree.

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

First, they are not visible to others @ road. Secondly, they have been there for a period of time that any detrimental effects should have been known prior to now.

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

I believe everyone needs a place to put yard equipment and tools. just basics for upkeep of the property

Lien holder:

Is the property burdened by a lien of any nature? () Yes (X) 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? UNKNOWN - would involve equipment

Include a schematic drawing of the site.

& removal of existing fence

To the Applicant:

I, BEN GERHAUSER, understand the above requirements and have read them thoroughly and my statements are true and correct.

[Signature]
Applicant

1.15.2021
Date

Lien holders (if any)

STATE OF TEXAS:
COUNTY OF DENTON: Dallas

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ben Gerhauser, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this 20th day of January, 2021

[Signature]
Notary Public, in and for the State of Texas

03/26/2023
My Commission Expires On:

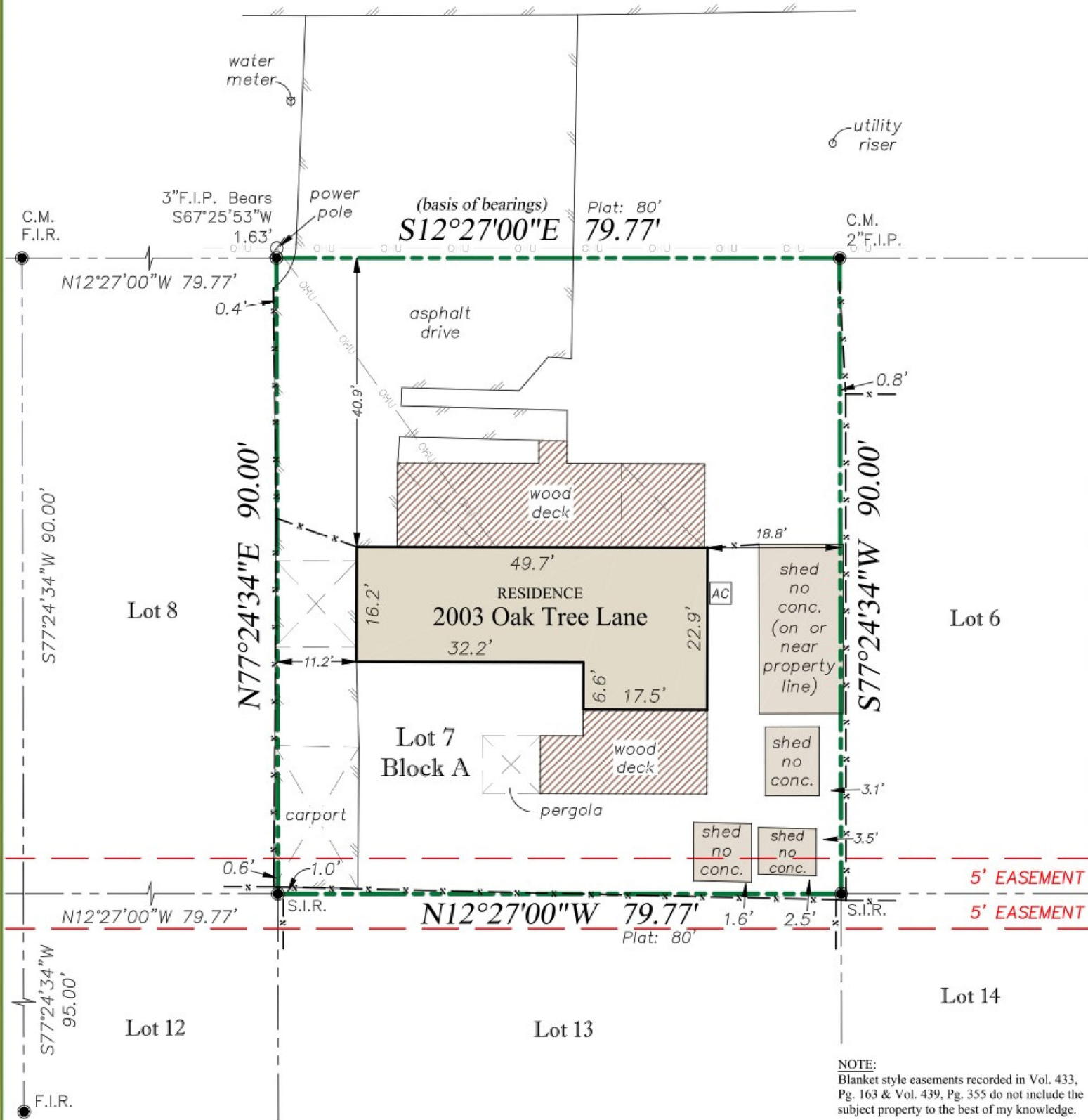


203 OAK TREE LANE

NOTE:
 Surveyor did not abstract subject property. This survey was prepared with information contained in Title Commitment GF No. 204229 of Title Resources, effective date of July 12, 2020, issued date of August 12, 2020, and is subject to the limitations of that commitment.



(60' ROW)
OAK TREE LANE



NOTE:
 Blanket style easements recorded in Vol. 433, Pg. 163 & Vol. 439, Pg. 355 do not include the subject property to the best of my knowledge.

PROPERTY DESCRIPTION:

BEING LOT 7, BLOCK A, OF HARBOR GROVE ESTATES, AN ADDITION TO THE CITY OF HICKORY CREEK, DENTON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET 2, PAGE 77, PLAT RECORDS OF DENTON COUNTY, TEXAS.

The undersigned have/has received and reviewed a copy of this survey.	<i>Field Date :</i>	8/3/2020
	<i>ASC No.</i>	D2007.8976
	<i>Buyer:</i>	
	<i>Client</i>	Title Resources - DEN 2438
	<i>G.F. No.</i>	204229
	<i>Drafter/Field Crew</i>	C.M. / F.C.

LEGEND - C.M. = Controlling Monument; F.I.R. = Found Iron Rod; F.I.P. = Found Iron Pipe; E.C.P. = Fence Corner Post; OHE = Overhead Electric; S.I.R. = Set Iron Rods 1/2" diameter with yellow cap stamped "Arthur Surveying Company". All found iron rods are 1/2" diameter unless otherwise noted.
 — X — (fence / post) — OHU — (overhead utility)

FLOOD NOTE:
 BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, PER 481150 0535G, DATED: APRIL 18, 2011.

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. The bearings shown hereon are based on the above referenced recorded map or plat unless otherwise noted.

ISSUE DATE: 8/5/2020



Title Resources - DEN 2438
 2438 Lillian Miller Pkwy
 Denton, Texas 76205



203 OAK TREE LANE
 Hickory Creek, Texas 75065



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 972-221-9439 TFRN# 10063800
 arthursurveying.com



Paul A. Jurica Jr.