
MEETING NOTICE

The Tree Board of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Monday, December 18, 2023 at 4:30 PM.

The public may watch this meeting live at the following link:

<https://zoom.us/j/95129393784?pwd=cDcveCtndmxyaUpYNU1hT21xcnplQT09>

Meeting ID: 951 2939 3784; Passcode: 047450

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

It is anticipated that members of other City Boards, Commissions, Panels and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, Panels and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, Panels and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, Panels and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but no action will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, Panel and/or Committee subject to the Texas Open Meetings Act.

The City Council may retire to Executive Session any time during this meeting, under Texas Government Code, Subchapter D.

Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Governing Body in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Governing Body's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific, factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042

*Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda upon which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for **three (3) minutes** per person and shall be allowed more time at the Mayor or Chair's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names individuals present in the audience who wish to yield their three(3) minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).*

*Submit written comments by email to woodcreek@woodcreektx.gov by **NOON**, the day prior to the meeting. Please include your full name, home or work address, and the agenda item number. Written comments will be part of the official written record only.*

AGENDA

CALL TO ORDER

ROLL CALL and ESTABLISH QUORUM

PUBLIC COMMENTS

CONSENT CALENDAR- None

REPORTS FROM OFFICERS AND COUNCIL LIAISONS - None

REPORT OF SPECIAL (Select or Ad Hoc) Committees - None

SPECIAL ORDERS – None

UNFINISHED BUSINESS AND GENERAL ORDERS

1. The City of Woodcreek has received an application from Joe Gambino of 1 Pro Lane, Woodcreek, Texas 78676 requesting a Variance to the City of Woodcreek, Ordinance 91.07(B)(3) that states: " Property Owners, residents, and developers who wish to remove a Heritage Tree must request a variance. They must show proof that there is substantial reason to remove a Heritage Tree and placement of a desire structure is not considered to be reason enough to remove a Heritage Tree."

NEW BUSINESS – None

ANNOUNCEMENTS

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **13th day of December, 2023 at 3:00PM**

By: 

Suzanne J. MacKenzie, City Secretary

The City of Woodcreek

IN THE MIST OF THE TEXAS HILL COUNTRY

City of Woodcreek Application for Variance

Please provide the following items with the completed Application for Variance for a variance request:

- One paper copy and one digital copy of the survey or site plan with the requested area for the variance clouded to indicate the location.
- A filing fee of \$500.00 (Applicant will also be charged the cost of postage and publication).
- If requesting a variance of an existing structure, please include 2-3 photographs that will show the structure placement in relation to your property and adjacent structures.
- If requesting a variance in impervious cover limits, please include calculations showing current impervious cover (as of date of application) and proposed impervious cover.

Following receipt of the completed Application for Variance, along with the required items and filing fee, Woodcreek will schedule your request for consideration at a future Board of Adjustment meeting. You will be notified of the Board of Adjustment meeting date.

Woodcreek will prepare and send notices via the USPS to property owners within two hundred (200) feet of the property before the Board of Adjustment scheduled meeting date. The notice will also be published in the newspaper of record.

Application Information

Date of Application Submission: 12/06/23

Petitioner's Name: Joseph Gambino Jr.

Mailing Address: [REDACTED]

Email Address(s): [REDACTED]

Telephone Number(s): [REDACTED] : ()

Description and Location of Property for which Variance is Requested.

Property Owner's Name: JAGJR LLC

Property Owner's Mailing Address: [REDACTED]

Section Location, Lot Number, & Zoning Designation: PHASE 1 UNPLATTED PT OF TR 894 46.299 AC WC PARCEL #3 PT OF FAIRWAY & GREENS 9& 18

Property Address: 1 Pro Lane, Woodcreek, TX. 78676



As per § 30.57 of the Woodcreek Code of Ordinances, a Variance is defined as “An adjustment or deviation in the application of specific regulations of Ch. 50, 154 and 156 of this code of ordinances or other applicable ordinances under the purview of the city and applicable to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owner from being deprived rights and privileges, enjoyed by other owners of similarly situated parcels in the same vicinity and district.”

No variance shall be granted unless the Board finds that each of the following provisions are met.

State how your request meets each provision:

1. There are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of Ch. 50 or Ch. 154 or Ch. 156 would deprive the applicant of the reasonable use of the involved land.
JAGJR LLC is requesting a variance to cut down 2 trees on our property. The land will be used to build an event center and the trees are blocking the area necessary for the building
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
JAGJR LLC is creating an event center for the enjoyment of the residents and visitors of Woodcreek, TX.
3. The granting of the variance will neither be detrimental to the public health, safety or welfare, nor injurious to other property in the area.
The variance will not be detrimental to the public health, safety or welfare to other properties in the area.
4. The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter.
The granting of the variance will not prevent the development of other land in the area.

Variance Requested – Please be specific. Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.

Woodcreek

IN THE MIST OF THE TEXAS HILL COUNTRY

Granting the variance will allow the continued development of the land. JAGJR LLC is creating not only an event center, but a destination for residents and visitors. DJRGC LLC will be generating sales which equates to additional sales tax revenue for the city. We are also requesting the removal fee to cut down the trees be waived. The money for the fee will be reallocated to plant a minimum of 20 replacement trees in and around the area.

Applicant Signature: _____
Date: December 4, 2023

For City Use Only:
 Application, required information, and fee received:
 Date: 12/5/23 Check # 500 Initials: SM
 Referred to Board of Adjustment:
 Date: _____ Initials: _____
 Publication of Public Hearing by Board of Adjustment:
 Date: _____ Initials: _____
 Action by Board of Adjustment:
 Approved: _____ Denied: _____
 Date: _____ Initials: _____
 Notes:



City of Woodcreek Acknowledgment of Code of Ordinances

Property Address: 1 PRO LANE, WOODCREEK, TX 78676 Date: 12/04/2023

Project Name: _____

Applicants requesting review of submitted construction drawings and a building permit for construction in the City of Woodcreek must read and acknowledge the following items relating to the City's Code of Ordinances. All references to the City's Code of Ordinances can be found on the City's website at www.woodcreektx.gov

Instructions: All three parties are asked to confirm their understanding of the code requirements listed below where applicable. The Architect (when applicable) should initial in section A, the contractor/builder should initial in section B, and the property owner/client in Section C. If the item is not relevant to the proposed project, check "Not Applicable," and still initial. If your project is not compliant with the item and you intend to request a variance to that requirement, check "Requesting A Variance," (with separate form) and also initial. All three parties should print and sign their name at the bottom of the form.

1. Impervious cover: (Woodcreek Code Sections 50.37 and 156.063)

- a) Impervious cover varies with the lot size. For your project, have you correctly determined the allowable percentage of impervious cover?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) Have you correctly determined what various materials/conditions constitute impervious cover: concrete, asphalt, pavers, swimming pools, crushed gravel and granite, decking materials, etc.?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

2. Setbacks: (Woodcreek Code Sections 155.43 (SF Residential), 156.057, -.062, -.063, and -.064)

- a) Setbacks are determined by the lot size. Have you correctly determined the setbacks for your project?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) If the property fronts one or more streets, each setback along those streets must conform to the 155.43 setback requirements. Have you checked your project for this condition?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- c) Roof eaves and overhangs are not allowed in the building setbacks. Have you verified that the project's roof eaves and overhangs are not within the setbacks?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- d) Have you insured that no building, accessory building, or structure is located within the setback? This requirement includes but is not limited to retaining walls, patios, fountains, air conditioning pads, pool equipment, pergolas and arbors.
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- e) Do your project's driveways meet the driveway setback requirements?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- f) Do you understand that no site disturbance (cutting, filling, grading, etc.) is allowed in the setback?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

3. Structure height: (Woodcreek Code Sections 156.062, -.063, and -.064)

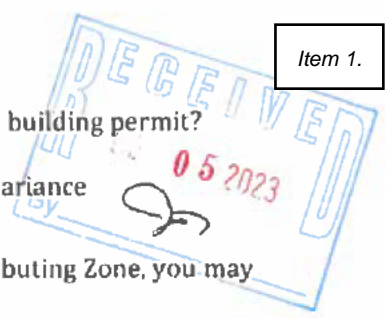
- a) Has a current, topographic ground survey with 1-foot contour lines produced by a licensed surveyor been submitted? Your height calculations must be determined from this survey.
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) Has the correct methodology as defined in the code, been used to calculate the height of your project?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- c) Do you understand that the height restriction includes all roof appurtenances and building materials?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

4. Trees and vegetation: (Woodcreek Codes Chapters 50, 91, 154 & 156. Staff can offer to assist.)

- a) Has a current and certified tree survey been submitted to the City?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) Do you understand that no site clearing, brush/undergrowth removal, or tree removal can be done until a tree permit and building permit have been issued by the City?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- c) Do you understand that NO tree with a diameter greater than or equal to 19 inches can be removed without first obtaining a variance from the City?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- d) Do you understand that all tree replacement must be completed before a certificate of occupancy will be issued?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

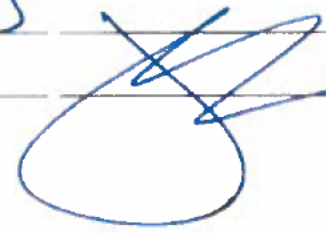
5. Additional considerations:

- a) If required, have you reviewed the steep slope restriction for construction? (Woodcreek Code Section 50.42 (Non-Residential))
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- b) If required, will your septic system comply with State minimum standards to obtain a permit? (Woodcreek Code Section 151.05)
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- c) Does your site plan show all of the structures, hardscape elements such as retaining walls and planters, patios, decks, sidewalks, driveways, water tanks, pool equipment and other items? Please note that such items are not allowed in the setbacks and may not be installed later without City approval.?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- d) Do you understand that no work (including but not limited to mailbox construction or placement, planting, grading, landscaping, etc.) may be done in the City Right of Way without City approval?
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- e) Do you understand that a certification letter from a septic designer must be submitted if an existing septic system is being utilize
A: _____ B: _____ C: _____ Not Applicable Requesting A Variance



- f) Do you understand that your project may require a tree permit in addition to a building permit? (Woodcreek Code Chapter 91)
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- g) Do you understand that if your project is in an Aquifer Recharge and/or Contributing Zone, you may be required to submit a Water Pollution Abatement Plan? (State requirement)
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- h) Do you understand that a separate permit must be obtained for fence construction and that the requirements in Woodcreek Code Chapters 151, 154 & 156 must be followed? Do you understand that unique or irregularly-shaped yards with fences have special requirements?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- i) Do you understand that a variance and separate permit may be required for a swimming pool and that the requirements of Woodcreek Code must be followed?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- j) Do you understand that if any professional services (attorneys, engineers, surveyors, etc.) are required to be used by the city that those fees will be passed-through and will be the responsibility of the applicant?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- k) Do you understand and have correctly identified any and all nonconforming uses and structures through a meeting with City staff?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- l) Have you correctly verified if you project is located within the floodplain and obtained the necessary permits if it is?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance
- m) Have you correctly verified that the proposal conforms to any variance and site plan approvals if applicable?
 A: _____ B: _____ C: _____ Not Applicable Requesting A Variance

I hereby acknowledge that I have read and understand the requirements listed above. I further understand that nothing in this document relieves me of my legal responsibility to comply with any and all relevant City of Woodcreek Ordinances regarding this project including the requirements referenced in this document.

	<u>NAME</u>	<u>SIGNATURE</u>	<u>DATE</u>
A: Architect:	_____	_____	_____
B: Builder/Contractor:	BAENS + BUILDINGS		_____
C: Property Owner/Client:	Joe Gansino	_____	Dec. 4 / 2023

allpaid



Item 1.

AllPaid
7820 Innovation Boulevard Suite 250
Indianapolis, IN 46278
24hr. Customer Service #: 888-604-7888

Application Fees Payment Confirmation (Ref #: 40590445)

PLC: City Of Woodcreek
A00473 41 Champions Circle
Woodcreek, Texas 78676
For: Application Fees

Date: 12/05/2023 12:27 EST

TRANSACTION INFORMATION

Name: Joseph Gambino
Street Address: [Redacted]
Phone Number: [Redacted]
Mailing Address: [Redacted]
Email Address: [Redacted]
Application Fees: Variance Application (\$500)

Transaction Reference #: 40590445
Transaction Date/Time: 12/05/2023 12:27 EST

BILLING INFORMATION

Name: Joseph Gambino
Address: [Redacted]
City, State Zip: [Redacted]
Phone #: [Redacted]
Card #: [Redacted]

PAYMENT INFORMATION

Approval #: 289924
Payment Amount: \$500.00
Service Fee: \$14.75
Total Amount: \$514.75

The service fee is not refundable.

ATTENTION CARDHOLDER

If you have questions about the processing of your payment, please call AllPaid at 888-604-7888.

Thank you for using AllPaid

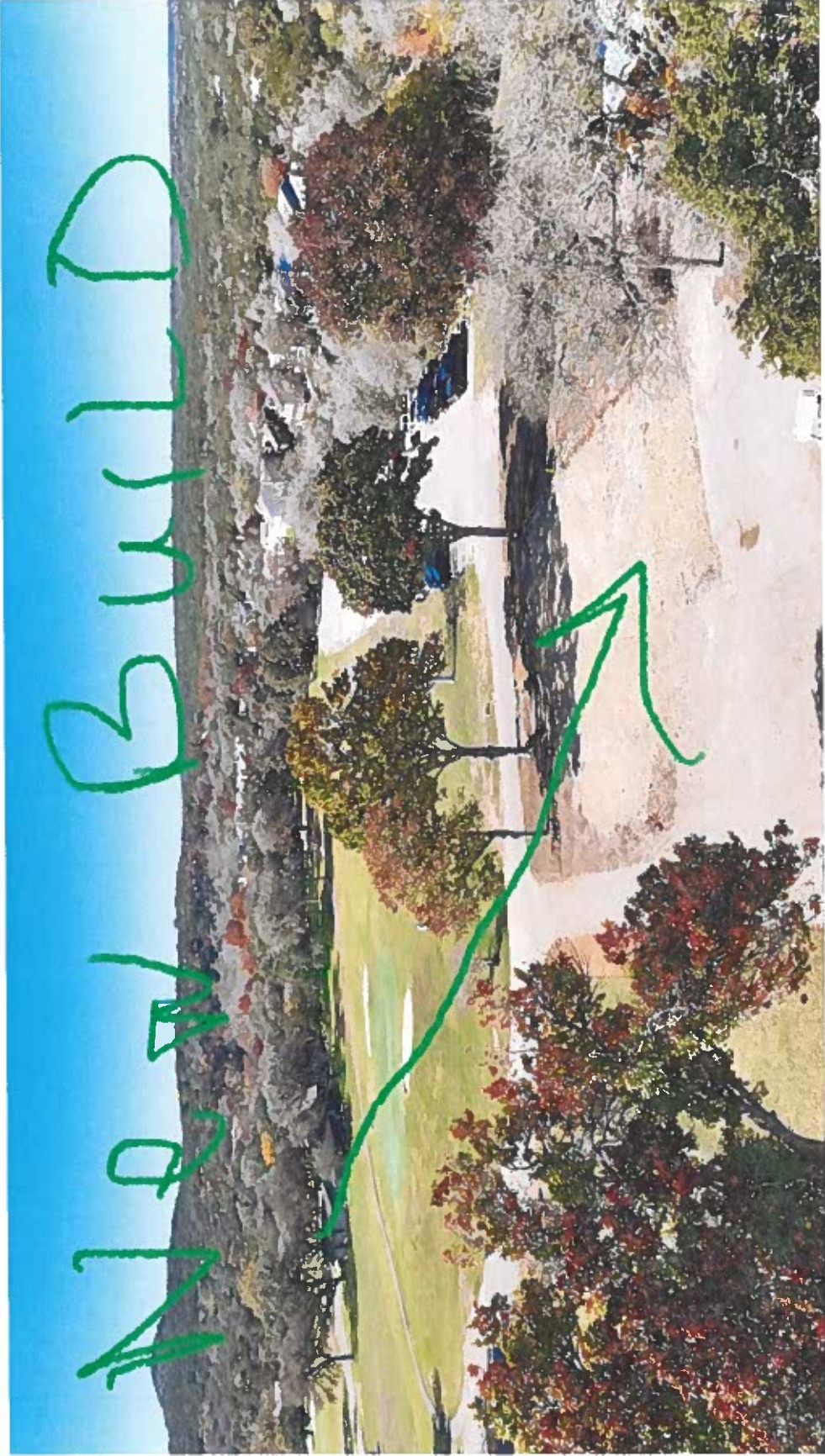
Wilson







1 Pro Lane, Tree Variance Pictures, Submitted 12/10/2023



1 Pro Lane, Tree Variance Pictures, Submitted 12/10/2023



1 Pro Lane, Tree Variance Pictures, Submitted 12/10/2023