



City of Highland Haven
510 Highland Drive, Suite A
Highland Haven TX 78654-8269
Phone: 830-265-4366 Fax: 512-366-9721

AGENDA – PLANNING & ZONING COMMISSION MEETING

DATE: February 26, 2024
TIME: 3:00 PM
PLACE: Highland Haven City Hall

1. Open meeting and Roll Call to Establish Quorum

Marvin Filla	☐ Present	☐ Absent
Linda Enderlin	☐ Present	☐ Absent
Connie Smith	☐ Present	☐ Absent
Jackie Garrow	☐ Present	☐ Absent
Debbie Dahlstrom	☐ Present	☐ Absent

2. Pledge of Allegiance

3. Recognize visitors.

4. Public Comment

(At this time, any person with business before the P&Z Commission not scheduled on the agenda may speak to the Commission. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called.)

ACTION ITEMS

5. **Public Hearing -** Variance request to Ord. # 37, for Lot # 302A, known as 1402 Highland Dr. Requesting a variance to fencing height restrictions from 3' to 6' in front yard and fencing material requirements to use tubular steel and welded-wire fence around the perimeter.

Discussion with Possible Action – Variance request to Ord. # 37, for Lot # 302A, known as 1402 Highland Dr. Requesting a variance to fencing height restrictions from 3' to 6' in front yard and fencing material requirements to use tubular steel and welded-wire fence around the perimeter.

INFORMATION ITEMS

6. P&Z Commission Member Comments.
7. Next Regular Meeting date March 14, 2024, 6pm Highland Haven Community Center.
8. Items to be considered for the next agenda must be received by the Chair on or before 12 noon CDT, March 6, 2024.
9. Adjournment.

Agenda Posted on February 22, 2024.

CERTIFICATION OF POSTING

I, LEZLEY BAUM, CERTIFY THAT THE FOREGOING AGENDA HAS BEEN POSTED AT HIGHLAND HAVEN CITY HALL, 510 HIGHLAND DRIVE, SUITE A; HIGHLAND HAVEN, TX, ON THE INDOOR AND OUTDOOR NOTICE BOARDS OF CITY HALL, WHICH ARE CONVENIENTLY ACCESSIBLE TO THE PUBLIC AT ALL TIMES, AND THE CITY WEBSITE AT WWW. HIGHLANDHAVENTX.COM ON THE 22ND DAY OF FEBRUARY 2024 AND REMAINED SO POSTED FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.



 Lezley Baum, City Secretary



CITY OF HIGHLAND HAVEN
 510-A Highland Drive
 Highland Haven, Texas 78654-8269
 Phone: 830-265-4366 Fax: 512-366-9721

VARIANCE APPLICATION REQUEST FORM

Date: _____

Property Owner(s) or Agent(s) Name: MICHAEL CURTIN

Billing Address 1402 HIGHLAND DR.

City, State, Zip HH, TX 78654

Phone # 210-314-0410 Email Address: CHAOS26@HOTMAIL.COM

Variance Fee \$ _____

Property Location: Lot# (s) 1 302A HH Street Address: (SAME)

City Ordinance Reference: 37

Describe Reason or Anticipated Use for Variance: (SEE ATTACHED)

(Attach additional sheets if necessary)

Anticipated use of Property: RESIDENCE

IT IS THE RESPONSIBILITY OF THE OWNER TO PROVIDE THE CITY WITH MOST RECENT PROPERTY PLAT TO INCLUDE THE FOLLOWING:

1. Date of preparation; scale of plat; north arrow
2. Identification of any floodplain within variance area
3. Setback lines / easements / boundary lines
4. General Notes to reflect same

EXPLAIN how your request applies to EACH of the following: (attach additional sheets if necessary)

(a) What are the special circumstances or conditions affecting the land involved such as strict application of provisions of this Ordinance would deprive applicant of the reasonable use of the land:

I PURCHASED 3/4 ACRE TO ALLOW AMPLE SPACE FOR MY PETS TO RUN, PLAY, EXERCISE

(b) That granting of the variance will not create a Hardship to the Public Health, Safety or Welfare or be injurious to other property within the City:

IT WILL NOT. IN FACT, ^{IT WILL} KEEP THE PUBLIC HEALTH, SAFETY, & WELFARE BASED ON MY BUILDING PROCESS AS ITEMS DEEMED A PUBLIC SAFETY & HAZARD CONCERN, INCLUDING A POOL. NO HARDSHIP TO THE PUBLIC.

(c) That the granting of this variance will not have a negative effect on the surrounding properties:

IT WILL NOT. MY NEW CONSTRUCTION BUILD LIKELY INCREASED HOME VALUES / PROPERTY VALUES.

(d) That granting this variance constitutes a minimal departure from this ordinance:

THEN FENCE VARIANCE REQUEST IS MORE SOOTHING IN APPEARANCE AS COMPARED TO CHAIN-LINK, PRIVACY, OR WROUGHT IRON-LOOKING FENCING. ALSO MORE OF AN OPEN PRESENCE.

(e) That the circumstances or conditions are NOT self-imposed, are NOT based solely on economic gain or loss, and MOST important that they do NOT negatively affect properties in vicinity of applicant's property:

IT IS FOR MY PETS, MY SECURITY, PUBLIC SAFETY, & TO KEEP DEER, SKUNKS, ARMADILLOS, & FOXES AWAY FROM MY PETS, MYSELF, & MY PLANTS.

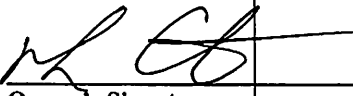
SUCH WRITTEN FINDINGS OF THE BOA, TOGETHER WITH THE SPECIFIC FACTS UPON WHICH FINDINGS ARE BASED, SHALL BE READ INTO THE OFFICIAL MINUTES OF THE BOA MEETING AT WHICH THE VARIANCE IS REVIEWED. VARIANCES SHOULD ONLY BE GRANTED WHEN THERE IS NO HARDSHIP CAUSED TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

Are ALL the checklist requirements being supplied? Yes ☐ No ☐

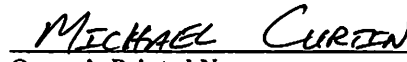
If NOT, explain why?

**IF TO BE SIGNED WITH ALTERNATE NAME OR AGENT OTHER THAN PROPERTY OWNER,
PROVIDE NAME & EXPLANATION.**

I certify that I am the owner or agent of the described property for purposes of this application. I respectfully request the processing and approval of the referenced plat and agree to comply any/all necessary information concerning this request. I also understand that any substantial modifications or additions to this submittal could mean the requirement of a revised plat. I hereby certify that I have been informed and understand the requirements regarding this process as specified by City Ordinance.



Owner's Signature



Owner's Printed Name

I hereby authorize the Agent indicated BELOW to act on my behalf during the process / presentation of this request. They are to be the principal contact with the City in processing this application.

Owner's Signature



Owner's Printed Name

Agent's Signature



Agent's Printed Name

OWNER/AGENT MUST BE PRESENT AT HEARINGS TO PRESENT PURPOSE OF VARIANCE.

I have two big dogs and purchased the property to allow them the full amount of space my lot has to offer to run and play and exercise. Not allowing the variance cuts my area in half. In addition, I plan on growing fruit trees and herbs in the front and do not want the over-populated deer to eat them.

SAFETY:

I have installed a pool and having the fence is a requirement (for the backyard at least). Fencing in my entire property also ensures better safety for my pets.

SECURITY:

I have expensive patio furniture and equipment that I do not want stolen. Having the type of fencing material proposed, limits the ability for someone to climb the fence and steal any outdoor property (including pets) and vehicles and limits the ability to break in to my home. I have noticed a lot more unusual activity of vehicles driving by my home slowly and sometimes parking out at the street in their vehicles. When approached they drive off. In addition, I secure 2 trailers on my driveway that I am unable to put inside my garage due to garage door height ordinance preventing it.

I have several PARTS to my variance request in order to speed the process of obtaining my fence and moving forward to install.

The fence posts (metal tubular steel) and fence material (wire, similar to chain-link but thinner and more transparent) requested for use in this variance goes with the style of the house (ranch-style). The currently ordinance-approved fencing (chain-link, privacy, and wrought iron-looking) does not go with the style of my house and actually clashes with it. Putting up a privacy fence in the backyard will obstruct the view of most of my neighbors and may upset them as their view is obstructed. I understand their view is not my concern, but I'm trying to be neighborly and chain-link and wrought-iron looks institutional.

Variance options for consideration:

PART A: Fence in the backyard with proposed above fencing material and gates (steel tubing and wire fence), 6 ft tall.

PART B: Fence in the backyard with: privacy or chain-link or wrought iron-looking fencing material and gates, 6ft tall.

PART C: Fence in the front yard with proposed above fencing material gates (steel tubing and wire fence) and gates, 6 ft tall, abiding by 20 ft street setback.

PART D: If part C fails to get approved, use wrought iron-looking fence panels, 6ft tall.



NOTES:

- 1) PORTIONS OF SUBJECT PROPERTY IS LOCATED WITHIN ZONE AE (AREAS OUTSIDE THE 100 YR FLOOD) AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 48053C0560F, EFFECTIVE 03/15/2012.
- 2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.
- 3) BUILDING SETBACKS AND EASEMENTS SHOWN HEREON ARE PER VOLUME 135, PAGE 150-D.R.B.C. OWNER TO CONFIRM ALL SETBACK, EASEMENT, AND DESIGN REGULATIONS PRIOR TO DESIGNING AND/OR CONSTRUCTION ON THIS PROPERTY WITH THE PROPER REGULATORY AGENCY.
- 4) OWNER TO CONFIRM ALL L.C.R.A. ON SITE SEWAGE FACILITY REGULATIONS ON THIS PROPERTY PRIOR TO DESIGNING AND/OR CONSTRUCTION.
- 5) OWNER TO CONFIRM ALL GROUNDWATER CONSERVATION AGENCY REQUIREMENTS PRIOR TO DESIGNING AND/OR CONSTRUCTION ON THIS PROPERTY.

CHANNEL TO
LAKE LYNDON B. JOHNSON

APPROPRIATE FLOOD PLAIN LINE
AS GRAPHICALLY SHOWN ON FEMA
MAP NO. 48053C0560F
DATED: 03/15/2012

LAND TITLE SURVEY

LEGAL DESCRIPTION: BEING LOT NO. 302A, REPLAT OF A PART OF LOT 172, LOT 173, LOT 302 AND PORTION OF CHANNEL, HIGHLAND HAVEN SECTION 3, A SUBDIVISION IN BURNET COUNTY, TEXAS, AS SHOWN ON PLAT RECORDED IN CABINET 3, SLIDE 77B, PLAT RECORDS OF BURNET COUNTY, TEXAS.

EXCLUSIVELY TO THE PARTIES INVOLVED IN THE TITLE COMMITMENT PREPARED BY: CAPITAL TITLE OF TEXAS NO.: 21-639718-WL EFFECTIVE DATE: NOVEMBER 17, 2021 ISSUED: NOVEMBER 22, 2021

SCHEDULE "B" ITEMS PER THE ABOVE REFERENCED TITLE COMMITMENT THAT PERTAIN TO EASEMENTS AND SETBACK RESTRICTIONS ARE LISTED AND SUBJECT TO THE FOLLOWING:

SUBJECT TO CURRENT TERMS AND CONDITIONS OF LAND USE AND SUBDIVISION REGULATIONS OF THE CITY OF HIGHLAND HAVEN, BURNET COUNTY, TEXAS.

RESTRICTIVE COVENANTS: 135/150-D.R.B.C.

RECORDED PLAT: 3/77B-P.R.B.C.

WATER WELL EASEMENT: 939/759, 939/763, 939/768-D.R.B.C.

EASEMENT TO PEDERNALES ELECTRIC COOPERATIVE, INC.: 135/310-D.R.B.C.

I HEREBY CERTIFY EXCLUSIVELY TO CAPITAL TITLE OF TEXAS AND MICHAEL JAMES CURTIN THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2023, CUPLIN & ASSOCIATES, INC. ©.

Danny J. Stark
DANNY J. STARK, P.L.S. NO. 5602

DATED 10/03/2023



NO PEC SETBACK
SINCE POWER POLE
REMOVED, PER PEC.

LINE	BEARING	DISTANCE
L1	N06°13'08"W	9.49'
(L1)	N04°42'00"W	9.49'
L2	N84°30'15"W	12.67'
(L2)	N82°59'07"W	12.92'
L3	N05°51'50"E	30.94'
(L3)	N07°16'49"E	31.00'
L4	S17°19'25"W	32.02'
(L4)	S18°57'01"W	31.92'



REVISIONS	DATE	NO.	DESCRIPTION
1	10/04	1	REVISE LEGAL DESC.

SCALE 1" = 40'	0	20	40
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1500 OLD F.L.S.E.
MARBLE FALLS, TX 76644
PH 254-388-1300 FAX 254-388-1315
WWW.CUPLINASSOCIATES.COM

PROJ. NO. 23251
PREPARED FOR: MICHAEL JAMES CURTIN
TIC: MAR
APPROVED: D. STARK
FIELDWORK PERFORMED ON: 9-28-23
COPYRIGHT 2023
PROFESSIONAL FIRM NO. 10120806

SHEET
1 of 1







CITY OF HIGHLAND HAVEN
510-A Highland Drive
Highland Haven, Texas 78654-8269
Phone: 830-265-4366 Fax: 512-366-9721

February 6, 2024

Re: Notice of Variance Request
Lot # 302A – known as 1402 Highland Drive

Dear Property Owner(s),

The owner of Lot # 302A – known as 1402 Highland Drive in Highland Haven, has requested a variance to Ordinance #37. Ordinance #37 states a front fence, including fence posts, shall be no higher than three (3) feet. It also states residential perimeter fences shall be a privacy fence, decorative fence, or constructed of wood, wrought iron, or wrought iron like material, brick or chain link and shall be no higher than six (6) feet.

The property owner(s) are requesting this variance to eliminate the required 3-foot height limit for front fence asking for a 6-foot-tall front fence, and a variance in fencing materials used to be tubular steel and welded-wire around the perimeter of the property.

You, as a property owner within a 200-foot radius of the property/properties for which a variance has been requested, are being notified per Texas Local Government Code 211.003, and per standard city procedure. The variance request will be discussed at a public hearing by the Planning & Zoning Commission on Monday, February 26, 2024, at 3:00 pm at the Roscoe E. Holt City Hall. A public hearing will also be conducted at the Roscoe E. Holt City Hall on Wednesday February 28, 2024, at 3 pm at the Board of Aldermen meeting to hear any public comments and to take action related to this request.

These meetings are open to the public, you are invited to attend these meetings and to provide public comment as you see it. Any formal comments regarding this variance request must be submitted in writing to City Hall prior to the close of the public hearings.

Sincerely,

Olan Kelley, Mayor
mayor@highlandhaventx.com
City of Highland Haven

I spoke with Mr. Dee Ellis at 9:45 am on 02/12/2024. He is the son of property owner Linda Singer of 316 Bluebird Circle.

He stated that he had received a letter along with photos of a proposed fence that Mr. Curtin was wanting to build at his home at 1402 Highland Dr. He also stated that it looked to him like he was going to be using “hog panels” and he felt that would be an eyesore. He stated that that type of fencing belonged on a farm not in a neighborhood.

Lezley Baum
City Secretary
02/12/24

FEB 12 2024

Received

1. Fence is not what I would expect to find in Highland Haven properties
2. Fence does Not help the appearance of property's lovely house.
3. What is going to be added to the fence in form of greenery - anything?
No info given - on this...
4. Answer is ~~NO~~ No

12 February 2024

RdH Stewart

FEB 16 2024

Received

February 14, 2024

RE: variance request lot # 302A 1402 Highland Haven Drive

Dear Planning & Zoning commission,

We strongly oppose allowing this variance to be passed. We bought our property four years ago in Highland Haven due to the clean, no clutter and well-kept subdivision with ordinances and rules to keep it this way. As If you drive around other subdivisions at the lake, they do not look like this.

The owner of this property should have bought it in another subdivision where he could do all these things he wants to do. For four years we have seen him try to skirt around, ask for variance or just do what he wants in regard to the ordinances. We now have to look at a huge barn that should be on a farm not a waterfront property, when we sit at the water, we have to look at his junk pile that also belongs on a farm.

He references the fence in his back yard to be what he wants to build in the front. This fence is used from somewhere else that he has torn down and wants to put up because it is cheap. This was not professionally installed, not painted and looks terrible. He also states it will be welded wire, but his example is just loose net wire.

He also states that his dogs need the room, dogs stay in back yards all over and do fine. We believe he can have them run and use the front if he builds the fence as the ordinance states.

Wade & Shirley Renken

1408 Highland Have Drive

210-372-5468

FEB 20 2024

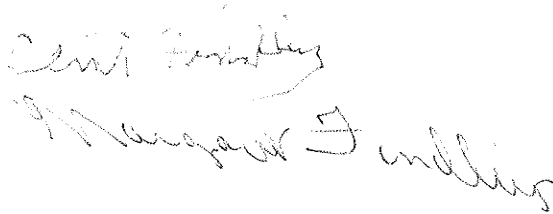
Received

February 20, 2024

City of Highland Haven Planning & Zoning Commission
510-A Highland Drive
Highland Haven, TX 78654

RE: Notice of Variance Request Lot #302A – know as 1402 Highland Drive

We live at 1406 Highland Drive -- next door to Michael Curtin. He has shown us his plans for fencing his lot and we have no problem with what he is planning to do.

Handwritten signatures of Clinton Findley and Margaret Findley.

Clinton and Margaret Findley
1406 Highland Dr.
Highland Haven, TX 78654