



**CITY OF HIGHLAND HAVEN**  
**510 Highland Drive, Suite A**  
**Highland Haven, Texas 78654-8278**  
**Telephone: 830-265-4366**

**SPECIAL MEETING AGENDA – BOARD OF ALDERMAN MEETING**

**DATE:** Wednesday February 28, 2024

**TIME:** 3:00 pm

**PLACE:** Highland Haven City Hall

1. Open Meeting and Establish Quorum/Roll Call– Mayor

|                              |                                  |                                 |
|------------------------------|----------------------------------|---------------------------------|
| Mayor Pro Tem Terry Nuss     | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |
| Alderpersion Don Hagans      | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |
| Alderpersion Bruce Robertson | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |
| Alderpersion Lynn Smith      | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |
| Alderpersion Terry Smith     | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |

2. Pledge of Allegiance & Thought

3. Recognize Visitors

4. Announcements, Proclamations or Recognition

5. Public Comment

*(At this time, any person with business before the BOA not scheduled on the agenda may speak to the Board. 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**

6. **Discuss with possible action** – Certification of Unopposed Candidates for May 4, 2024, General Election.

7. **Discuss with possible action** – Order of Cancellation for May 4, 2024, General election.

8. **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.

Next regular meeting – Tuesday March 5, 2024, at 7:00 p.m., Roscoe E Holt City Hall

Adjourn

Posted: 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 ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THE CITY WEBSITE AT [WWW.HIGHLANDHAVENTX.COM](http://WWW.HIGHLANDHAVENTX.COM) ON THURSDAY FEBRUARY 22<sup>nd</sup>, 2024, BY 5:00 PM AND REMAINED SO POSTED FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.



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Lezley Baum, City Secretary

**THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE BOARD RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071 (Advice of Counsel), 551.072 (Real Property), 551.073 (Gifts or Donations), 551.074 (Personnel), 551.076 (Security), 551.087 (Economic Development) and/or 418.183 (Homeland Security).**

13-1

Prescribed by Secretary of State  
Section 2.051 – 2.053, Texas Election Code  
9/2023

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR  
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)  
CERTIFICACIÓN DE CANDIDATOS ÚNICOS  
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

**To: Presiding Officer of Governing Body**

*Al: Presidente de la entidad gobernante*

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 4, 2024.

*Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 4 de mayo de 2024.*

List offices and names of candidates:

*Lista de cargos y nombres de los candidatos:*

| Office(s) <i>Cargo(s)</i> | Candidate(s) <i>Candidato(s)</i> |
|---------------------------|----------------------------------|
| MAYOR                     | Incumbent, Olan Kelley           |
| ALDERPERSON               | Incumbent, Don Hagans            |
| ALDERPERSON               | Incumbent, Terry Nuss            |

\_\_\_\_\_  
Signature (*Firma*)

\_\_\_\_\_  
Printed name (*Nombre en letra de molde*)

\_\_\_\_\_  
(Seal) (*sello*)

\_\_\_\_\_  
Title (*Puesto*)

\_\_\_\_\_  
Date of signing (*Fecha de firma*)

ORDER OF CANCELLATION  
DE ORDEN DE CANCELACIÓN

The City of Highland Haven hereby cancels the election scheduled to be held on May 4, 2024 in accordance with Section 2.053(a) of the Texas Election Code.  
The following candidates have been certified as unopposed and are hereby elected as follows:

*El City of Highland Haven \_\_\_\_\_ por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 4 de mayo de 2024 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:*

| Candidate (Candidato)  | Office Sought (Cargo al que presenta candidatura) |
|------------------------|---------------------------------------------------|
| Incumbent, Olan Kelley | MAYOR                                             |
| Incumbent, Don Hagans  | ALDERPERSON                                       |
| Incumbent, Terry Nuss  | ALDERPERSON                                       |

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.*

\_\_\_\_\_  
Mayor (Alcalde)

\_\_\_\_\_  
City Secretary (Secretaria de la Ciudad)

(seal) (sello)

\_\_\_\_\_  
Date of signing (Fecha de firma)



**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, <sup>IT WILL</sup> 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.

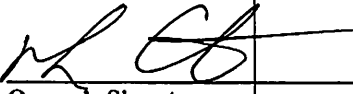
SUCH WRITTEN FINDINGS OF THE BOA, TOGETHER WITH THE SPECIFIC FACTS UPON WHICH FINDINGS ARE BASED, SHALL BE READ INTO THE OFFICIAL MINUTES OF THE BOA MEETING AT WHICH THE VARIANCE IS REVIEWED. VARIANCES SHOULD ONLY BE GRANTED WHEN THERE IS NO HARDSHIP CAUSED TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

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

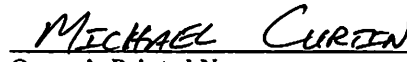
If NOT, explain why?

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 |
|----------------|---|----|----|

1500 OLD F.L.S.E.  
MARBLE FALLS, TX 76644  
PH 254-388-1300/846-924-8815  
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

| LEGEND     |                                       |
|------------|---------------------------------------|
| ●          | 3/8" IRON PIN FOUND                   |
| ○          | 1" IRON PIPE FOUND                    |
| ○          | (UNLESS NOTED)                        |
| ○          | SET 1/2" IRON PIN                     |
| ○          | WITH CUPLIN PROPERTY CAP              |
| ○          | CALC. POINT                           |
| ...        | VOLUME/PAGE                           |
| P.R.B.C.   | PLAT RECORDS BURNET CO.               |
| D.R.B.C.   | DEED RECORDS BURNET CO.               |
| R.P.R.B.C. | REAL PROPERTY RECORDS BURNET COUNTY   |
| O.P.R.B.C. | OFFICIAL PUBLIC RECORDS BURNET COUNTY |
| ( )        | RECORD INFO/SUBJECT                   |
| B.S.L.     | BLDG. SETBACK LINE                    |
| ✉          | MAILBOX                               |
| +          | UTILITY POLE                          |
| —          | GUY WIRE                              |
| —          | OVERHEAD UTILITY                      |
| —          | WATER METER                           |
| —          | ELECTRIC METER                        |
| —          | AIR CONDITIONER                       |
| —          | SANITARY                              |
| —          | CLEAN OUT                             |
| —          | EDGE/PAVEMENT/GRAVEL                  |
| —          | CHAIN LINK FENCE                      |
| —          | OVERHANG/COVERED AREA                 |







**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

RdHewitt

FEB 16 2024

*Received*

February 14, 2024

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

Dear Planning &amp; 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 &amp; Shirley Renken

1408 Highland Have Drive

210-372-5468

FEB 20 2024

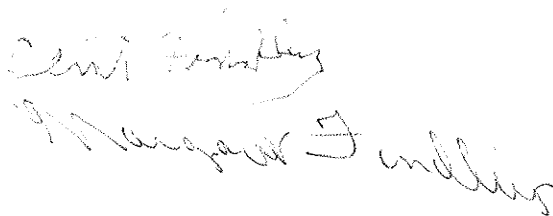
*Received*

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 and Margaret Findley in cursive script.

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