

Oak Point Zoning Board of Adjustment  
Special Meeting

Oak Point City Hall  
100 Naylor Road  
Oak Point, Texas 75068

Wednesday, July 10, 2019  
6:00 P.M.



**1. Call to order and announce a quorum is present**

Chairperson Maynard called the meeting to order at 6:05 p.m. with the following roll call:

Leslie Maynard	Chairperson	Present
Lee Ann Keener	Vice Chairperson	Present
Suzanne Glorioso	Board Member	Present
Thom Tremblay	Board Member	Present
Nancy Tremblay	Alternate	Present

**City staff present:**

Stephen Ashley	City Manager
Joni Vaughn	City Secretary
Jeff Moore	City Attorney
Michael Coker	City Planner

And with a quorum present the following items were addressed:

**2. Pledge of Allegiance and Pledge to the Texas Flag**

Chairperson Leslie Maynard led the Pledge of Allegiance and Pledge to the Texas Flag.

**3. Consider and act upon the minutes of the February 18, 2019 Board of Adjustment meeting**

Board Member Suzanne Glorioso made a motion to approve the minutes of the February 18, 2018 Board of Adjustment meeting; motion seconded by Vice Chairperson Lee Ann Keener.

**Motion passed with a vote of 5-0.**

**4. Consider and act upon a resolution to adopt Rules of Procedure for the Zoning Board of Adjustment**

Vice Chairperson Lee Ann Keener made a motion to approve a resolution adopting the Rules of Procedure for the Zoning Board of Adjustment; motion seconded by Board Member Suzanne Glorioso.

**Motion passed with a vote of 5-0.**

**5. Public Hearing for the purpose of obtaining public input regarding a request for a variance for the property generally located at 212 Martingale Trail, Block A, Lot 4 of the Hunters Ridge Estates Subdivision, an addition to the City of Oak Point, Denton County, Texas. The property owner has requested a variance to place an accessory building six feet (6') from the side property line where a 25-foot setback is required.**

Chairperson Leslie Maynard opened the Public Hearing at 6:10 pm. The following people spoke during the Public Hearing:

The following people spoke or submitted written comment in support of the request for variance:

Mike Maciejack, 312 Onyx, Oak Point.

Tiffany Maciejack, 312 Onyx, Oak Point  
Pamela Brinkman, 5320 N Colony Blvd., The Colony  
Joshua Barber, 931 Emerald Sound Blvd., Oak Point

The following people spoke or submitted written comment in opposition of the request for variance:

Colleen Wigley, 321 Onyx, Oak Point  
Scott Dufford, 841 Oak View, Oak Point  
Robert Payne, Jr, Little Elm, adjacent property owner

Michael Coker, City Planner, explained this is an application for a variance to the accessory building setback standards. Mr. Coker explained that the property is zoned PD-5 which requires a 50-foot side yard setback for accessory buildings unless they are located more than 90 feet from the front property line, then a 25-foot setback is required for an interior lot. Mr. Coker explained to the Board the issue with the variance request is that the Robinsons' accessory building is set 210 feet north of the southern property line, but only 6 feet east of the west property line and should be 25 feet east of the west property line.

Julianna and Joshua Robinson, property owners, explained that their accessory building was delivered and set up sooner than they had expected and before they had gone to the City for a permit, so Mr. Robinson did not realize his setback requirement was 25 feet.

**6. Consider and act upon a request for variance at 212 Martingale Trail, Block A, Lot 4 of the Hunters Ridge Estates Subdivision, an addition to the City of Oak Point, Denton County, Texas**

Board Member Thom Trembley made a motion to approve the variance; Board Member Lee Ann Keener seconded the motions.

**Motion denied with a vote of 0-5.**

**7. Public hearing for the purpose of obtaining public input regarding a request for a variance for the property generally located at 312 Onyx Drive, Lot 199 of the Emerald Sound at Lake Lewisville Subdivision, an addition to the City of Oak Point, Denton County, Texas. The property owner has requested a variance to erect a fence with approximately a 5-foot setback where a 50-foot setback is required.**

Chairperson Leslie Maynard opened the Public Hearing at 6:33 pm.

Michael Coker, City Planner, explained this is an application for a variance to the fence standards to place a 7-foot cedar board on board privacy fence 5 feet from the property line on Turquoise Lane. Mr. Coker further explained to the Board the issues with the variance request being: 1) the lot is a key lot and 2) the fence poles have been placed in a utility easement.

Tiffany and Mike Maciejack, applicants, presented the reasons they believe they meet the criteria for a fence variance. Tiffany Maciejack indicated they had already installed at least 20 poles. She also indicated she did not know about the utility easement. She also indicated the City had approved the relocating the construction of their home to 50' off the side of the property. She also indicated the lot was a corner lot not a key lot. Tiffany indicated that her family had been bullied and threatened and that neighbors have gone after her and her family. Tiffany indicated the home owner's association has approved the fence. That it was completely approved.

The following people spoke or submitted written comment in support of the request for variance:

Emma Barber, 931 Emerald Sound Blvd., Oak Point

Joshua Barber, 931 Emerald Sound Blvd., Oak Point

Pamela Brinkman, 5320 N. Colony Blvd., The Colony. Ms. Brinkman indicated she believed the Maciejacks had received a legal permit and was in favor of the variance.

Erin Burke, Emerald Sound, Oak Point

Dianna DeCicco, 1051 Turquoise, Oak Point

Pat Kindell, 1051 Turquoise, Oak Point, indicated the fence looked fine, and did not know why they should not have the fence.

Tabitha Sullivan, 811 Limestone, Prosper. She indicated she is Tiffany Maciejack's sister and is also a real estate agent. She indicated the variance is a moot point. This is an error on the City. She suggested the City change the ordinance to allow the fence. She also indicated this was a Fair Housing issue.

The following people spoke or submitted written comment in opposition of the request for variance:

Deborah Armstrong, Emerald Sound, Oak Point

Elisa Beasley, 920 Sapphire Ridge, Oak Point. Spoke against the variance and indicated people should follow the law.

Trey Braswell, 1021 Turquoise, Oak Point

Larry Garner, 320 Onyx, Oak Point

Yvonne Garrand, 1090 Turquoise, Oak Point

Laura Gretler, 1081 Turquoise, Oak Point

Chris Lang, Emerald Sound, Oak Point

Lynne Lang, Emerald Sound, Oak Point

James Hanway, 249 Aquamarine, Oak Point

Dawn Hix, 1020 Coral Cove, Oak Point. Ms. Hicks asked "did the rules change?" "Why was the fence being allowed?" It is about the aesthetics of the neighborhood.

Jason Hix, 1020 Coral Cove, Oak Point. Mr. Hicks indicated he did not want a business run out of the home. "The rules are the rules." I am asking the rules are the rules and the Board should vote that way.

Gerry Hoenig, 931 Coral Cove, Oak Point

Jill Hoenig, 931 Coral Cove, Oak Point

Candy Jerden, 301 Onyx, Oak Point

Mike Jerden, 301 Onyx, Oak Point. Spoke against the variance. He indicated he lives directly across the street from the Maciejacks. He indicated he was opposed to a privacy fence 5 feet from the property line. He also indicated there was nothing unique to the fence, and that it would adversely affect properties. He also indicated there is no value to the community to have a fence five feet off the property line.

David McBeth, 950 Coral Cove, Oak Point

Theresa McBeth, 950 Coral Cove, Oak Point

Austin Pickens, 970 Coral Cove, Oak Point

Mona Pickens, 970 Coral Cove, Oak Point

Mark Rakestraw, 931 Sapphire Ridge, Oak Point

Patricia Rakestraw, 931 Sapphire Ridge, Oak Point

Pamela Shine, Emerald Sound, Oak Point

Daryl Smith, 316 Onyx, Oak Point. Mr. Smith indicated it was news to him that he was a threat to the Maciejacks or that he was harassing his neighbors.

Diane Smith, 316 Onyx, Oak Point

Cody Vanderford, 1000 Coral Cove, Oak Point

Shirley Vanderfor, 1000 Coral Cove, Oak Point

Drew Wigley, 321 Onyx, Oak Point

Colleen Wigley, 321 Onyx, Oak Point. Ms. Wigley indicated she opposed the fence. She likes privacy fences in general but it should not be 5 feet from the property line.

Mike Coker, City Planner, further explained the fence as constructed is in utility easement. Further, there is no argument that the property is a key lot. Section 3.10.004(b) provides that no fence shall be constructed within the required side yard. Mr. Coker also explained the City did not issue the permit in error.

Tiffany Maciejack indicated the City permit clearly indicated 50' side yard setback and the City put a comment about the 50' side yard setback. Yet, felt the City should have further explained the issue. She also indicated it is the neighbors she is worried about. If I hire may attorney tomorrow, we will be several months from getting the fence. She indicated we do not want to sue anyone, but I will protect the kids.

Chairperson Leslie Maynard closed the Public Hearing at 7:50 pm.

**8. Consider and act upon a request for a variance at 312 Onyx Drive, Lot 199 of the Emerald Sound at Lake Lewisville Subdivision, an addition to the City of Oak Point, Denton County, Texas.**

Board Member Thom Trembley made a motion to approve the variance; motion seconded by Board Member Suzanne Glorioso.

Chairperson Leslie Maynard recessed the meeting at 7:58 pm to convene an executive session to receive legal advice pursuant to Section 551.071 of the Texas Government Code.

Chairperson Leslie Maynard reconvened the meeting in Open Session at 8:15 pm.

Board Member Thom Trembley moved to rescind his original motion to approve and Board Member Suzanne Glorioso approved.

Board Member Thom Trembley made a motion to deny the fence variance as presented because the fence would be located in public-right-of-way or necessary easements, and because the variance does not meet three of the four criteria contained in section 3.10.009 of the Code of Ordinance, and in particular: (1) that the proposed fence is not of unique design or configuration and does not serve a unique function; and (2) that the variance is not needed due to restricted areas, shape, topography, physical features, or conditions that are unique to the property because the lot is basically a rectangular or square lot; motion seconded by Board Member Suzanne Glorioso. Board Member Nancy Trembley abstained from voting.

**Motion passed with a vote of 4-0.**

**9. Adjourn**

Chairperson Leslie Maynard motioned to adjourn; motion seconded by Board Member Thom Trembley.

**Motion passed with a vote of 5-0.**

**The meeting adjourned at 8:20 p.m.**

  
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Leslie Maynard, Chairperson



ATTEST:

  
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Joni Vaughn, City Secretary