



AGENDA

Board of Adjustment Meeting

December 18, 2024 | 6:35 PM or immediately following the

Building Standards Commission Meeting

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a regular meeting of the Board of Adjustment of the City of Lucas will be held on Wednesday, December 18, 2024, at 6:35 pm or immediately following the Building Standards and Commission meeting at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the Board of Adjustment may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/departments/public-meetings/>.

How to Provide Input at a Meeting:

Speak In Person: Request to Speak forms will be available at the meeting. Please fill out the form and give to the City Secretary prior to the start of the meeting. This form will also allow a place for comments.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email City Secretary Toshia Kimball at tkimball@lucastexas.us by no later than 3:30 pm the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. Any requests received after 3:30 pm will not be included at the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Citizen Input

1. Citizen Input.

Public Hearing

2. Conduct a public hearing and consider the request by Conrad Feagin for a variance from the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 1055 Country Club, EDWARDS ADDITION, BLK A, LOT 1 being all of a 3.934-acre tract of land. (Presenter: Development Services Director Joe Hilbourn)
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct public hearing
 - C. Take action on the variance request

Regular Agenda

3. Consider the appointment of a Chair and Vice-Chair of the Board of Adjustment to serve for a period of one (1) year with a term ending on December 31, 2025. **(Board of Adjustment)**
4. Consider approval of the minutes of the October 25, 2023, Board of Adjustment meeting. **(City Secretary Toshia Kimball)**

Executive Agenda

As authorized by Section 551.071 of the Texas Government Code, the Board of Adjustment may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

5. Executive Session: An Executive Session is not scheduled for this meeting.
6. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on December 13, 2024.

Toshia Kimball, City Secretary

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Toshia Kimball at 972-912-1211 or by email at tkimball@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

Board of Adjustment Agenda Request

December 18, 2024

Item No. 01

Requester: Chairman Tom Redman

Agenda Item Request

Citizen Input.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

NA



City of Lucas

Board of Adjustment Agenda Request

December 18, 2024

Item No. 02

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Conduct a public hearing and consider the request by Conrad Feagin for a variance from the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 1055 Country Club, EDWARDS ADDITION, BLK A, LOT 1 being all of a 3.934-acre tract of land.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action on the variance request

Background Information

The City of Lucas Board of Adjustment has received a request for a variance from the literal interpretation of the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 1055 Country Club. The applicant would like to install a 10 foot fence around a sports court, the City currently allows an 8 foot fence.

The City's Code of Ordinances, Chapter 3, Building Regulations, Article 3.19, Fencing Requirements states the following:

3.19.001. Applicability.

This article shall apply to all fences that are erected in the city for the purpose of creating a barrier and used to prevent entry and/or to confine or to mark a boundary provided such fence is greater than sixty (60) feet in length and greater than thirty-six (36) inches in height.

3.19.002. Residential, agricultural and estate districts.

(a) Height.

- (1) Maximum height of 6 feet (6') for front yards.
- (2) Maximum height of 8 feet (8') for side and rear yards.

Attachments/Supporting Documentation

- 1. Public Hearing Notice
- 2. Location Map
- 3. Permit Application
- 4. Variance Application



City of Lucas
Board of Adjustment Agenda Request
December 18, 2024

Item No. 02

Budget/Financial Impact

NA

Recommendation

Staff has no recommendation on this item. This is a Board of Adjustment decision.

Motion

I make a motion to approve/deny the request by Conrad Feagin for a variance from the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 1055 Country Club, EDWARDS ADDITION, BLK A, LOT 1 being all of a 3.934-acre tract of land.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Adjustments of the City of Lucas, Texas will conduct a public hearing on December 18, 2024, at 6:30 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider a request for a variance from the literal interpretation of the City's Code of Ordinances more particularly described as follows:

An application submitted by Conrad Feagin for a parcel of land, EDWARDS ADDITION, BLK A, LOT 1, being all of a 3.9340-acre tract of land, otherwise known as 1055 Country Club Rd, Lucas, Texas. The request is for variance from the literal interpretation of the City's Code of Ordinance to allow a fence over 8' tall around a sports court in the backyard.

The City's Code of Ordinances, Chapter 3, Building Regulations, states the following:

ARTICLE 3.19. Fencing Requirements

3.19.001. Applicability.

This article shall apply to all fences that are erected in the city for the purpose of creating a barrier and used to prevent entry and/or to confine or to mark a boundary provided such fence is greater than sixty (60) feet in length and greater than thirty-six (36) inches in height.
(Ordinance 2015-01-00808 adopted 4/2/15)

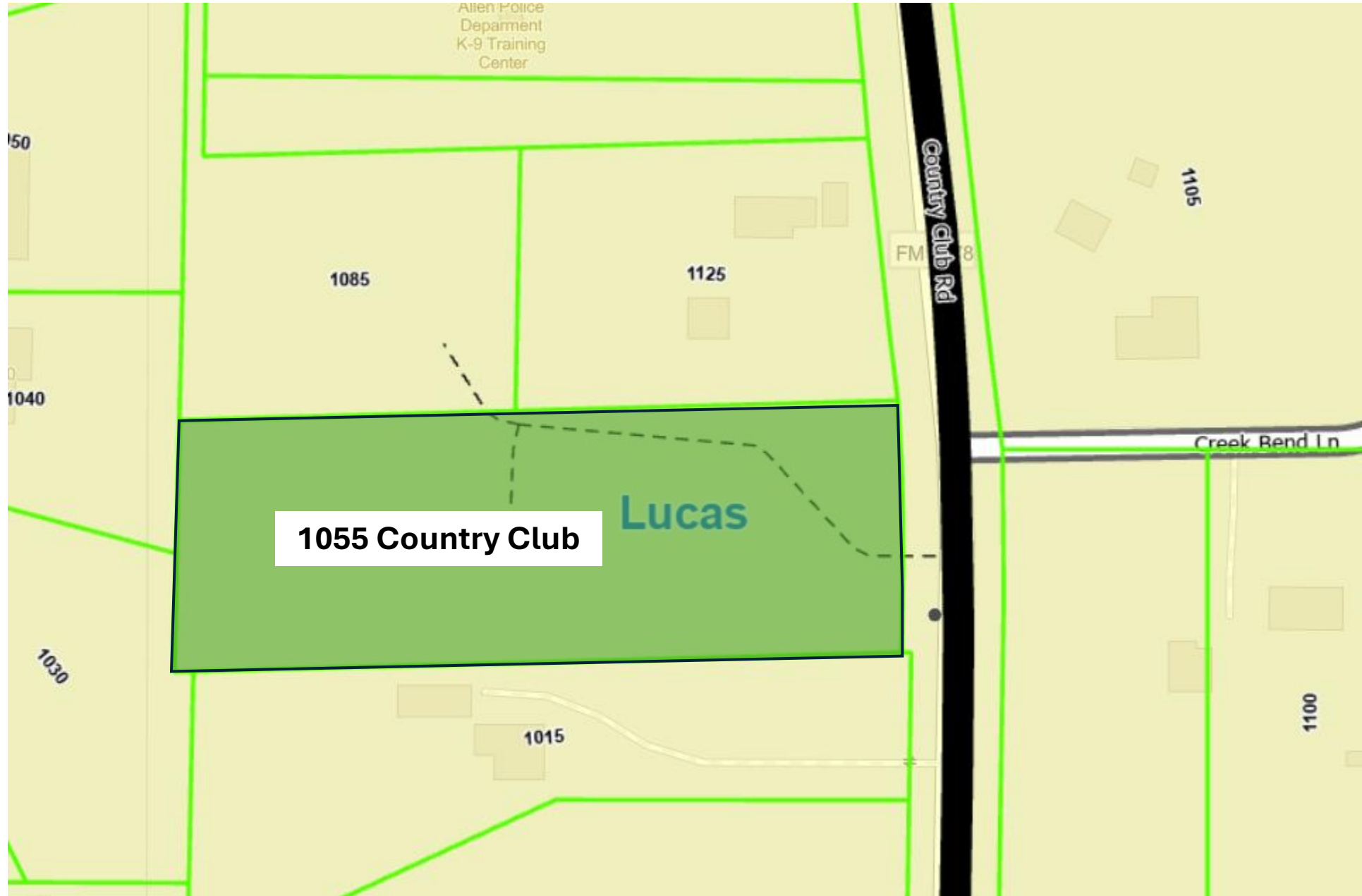
3.19.002. Residential, agricultural and estate districts.

(a) Height.

- (1) Maximum height of 6 feet (6') for front yards.
- (2) Maximum height of 8 feet (8') for side and rear yards.

Those wishing to speak **FOR** or **AGAINST** the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, 665 Country Club Road, Lucas, Texas 75002, or email tkimball@lucastexas.us and it will be presented at the hearing. If you have any questions about the request please contact Development Services Director Joe Hilbourn at jhilbourn@lucastexas.us.

1055 Country Club ~ Location Map





MISCELLANEOUS BUILDING PERMIT

INSPECTION REQUEST LINE
214-644-0779

PERMIT #

City of Lucas
665 Country Club
Lucas, TX 75002
Phone: 972-912-1206
EMAIL: PERMITS@LUCASTEXAS.US

Project Address: 1055 Country Club Rd Zoning: _____

Subdivision: Edwards Addition Lot: 1 Block: A

Property Owner Name: Joseph Paul Homes Phone: 972-310-0791

(General) Contractor Name & Address: All Texas Fence 4000 S. Stemmons Frey Phone: 940-321-2174

(Elec) Contractor Name & Address: Lake Dallas TX 75065 Phone: _____

(Plumb) Contractor Name & Address: _____ Phone: _____

(HVAC) Contractor Name & Address: _____ Phone: _____

Type of Permit:

- | | | |
|---|--|--|
| ☐ HVAC | ☐ ELECTRICAL | ☐ POOL/ SPA/HOT TUB |
| ☐ ACCESSORY BUILDING | ☒ POOL BARRIER FENCE | ☐ PLUMBING |
| ☐ CULVERT/APPROACH | ☐ SIGN | ☐ IRRIGATION |
| ☐ FIRE SUPPRESSION | ☐ CERTIFICATE OF OCCUPANCY | ☐ ROOFING |
| ☐ OTHER _____ | ☐ PLAN REVIEW | ☐ ALARM |

BUILDING INFORMATION

BRIEF DESCRIPTION OF PROJECT: 191' of 4' iron fence, 210' of 12' tall chain link around tennis court

ESTIMATED SQUARE FOOTAGE OF PROJECT: 401 linear feet ESTIMATED VALUE: \$ 20,143.00

NOTICE TO APPLICANT: UNDER PENALTY OF INTENTIONAL MISREPRESENTATION AND/OR PERJURY, I DECLARE that I have examined and/or made this application and it is true and correct to the best of my knowledge and belief. I agree to construct said improvement in compliance with all provisions of the Ordinances of the City of Lucas. I realize that the information that I have stated hereon forms a basis for the issuance of the Building Permit herein applied for and approval of any plans in connection therewith shall not be construed to permit any construction upon said premises or use thereof in violation of any provision of the Lucas City Code or any other ordinance or to excuse the owner or his successors in from complying therewith. WHERE NO WORK HAS BEEN STARTED WITHIN 180 DAYS AFTER THE ISSUANCE OF A PERMIT OR WHEN MORE THAN 180 DAYS LAPSES BETWEEN APPROVAL OF REQUIRED INSPECTIONS, SUCH PERMIT SHALL BE VOID.

I hereby certify that I am the OWNER at this address or that for the purposes of obtaining this approval, I am acting on behalf of the owner. All contract work on this project will be done by a contractor holding a valid privilege tax license and contractor's license issued by the State of Texas and the City of Lucas.

SIGNED: [Signature]
Owner or Agent

DATE: 8-28-24

FINAL INSPECTION REQUIREMENTS:

All final reports and paperwork need to be on site for final inspection, including but not limited to: backflow report, final energy report, final termite report, final grade report, septic report or other reports that may be necessary.

Official Use Only

Signature: _____ Date: _____

Received By

Signature: _____ Date: _____

Building Official

From: _____ Check# _____ Cash _____ CC _____

Official Use Only:

Permit Fees

Permit Fee: _____

Weight Permit: _____

Contractor Reg: _____

Other: _____

Total Amount Due: _____

PROPERTY DESCRIPTION:
 1055 Country Club Road, Being Lot 1, in Block A, of First Plat of Lot 1, Block A, of Edwards Addition in Addition to the City of Austin,
 Collin County, Texas, according to the original survey recorded in Volume 2014, Page 137 of the Map Records in said County, Texas.

SEE MAP OF Original Survey File Survey



12' tall
 black chain link
 4' tall
 Iron

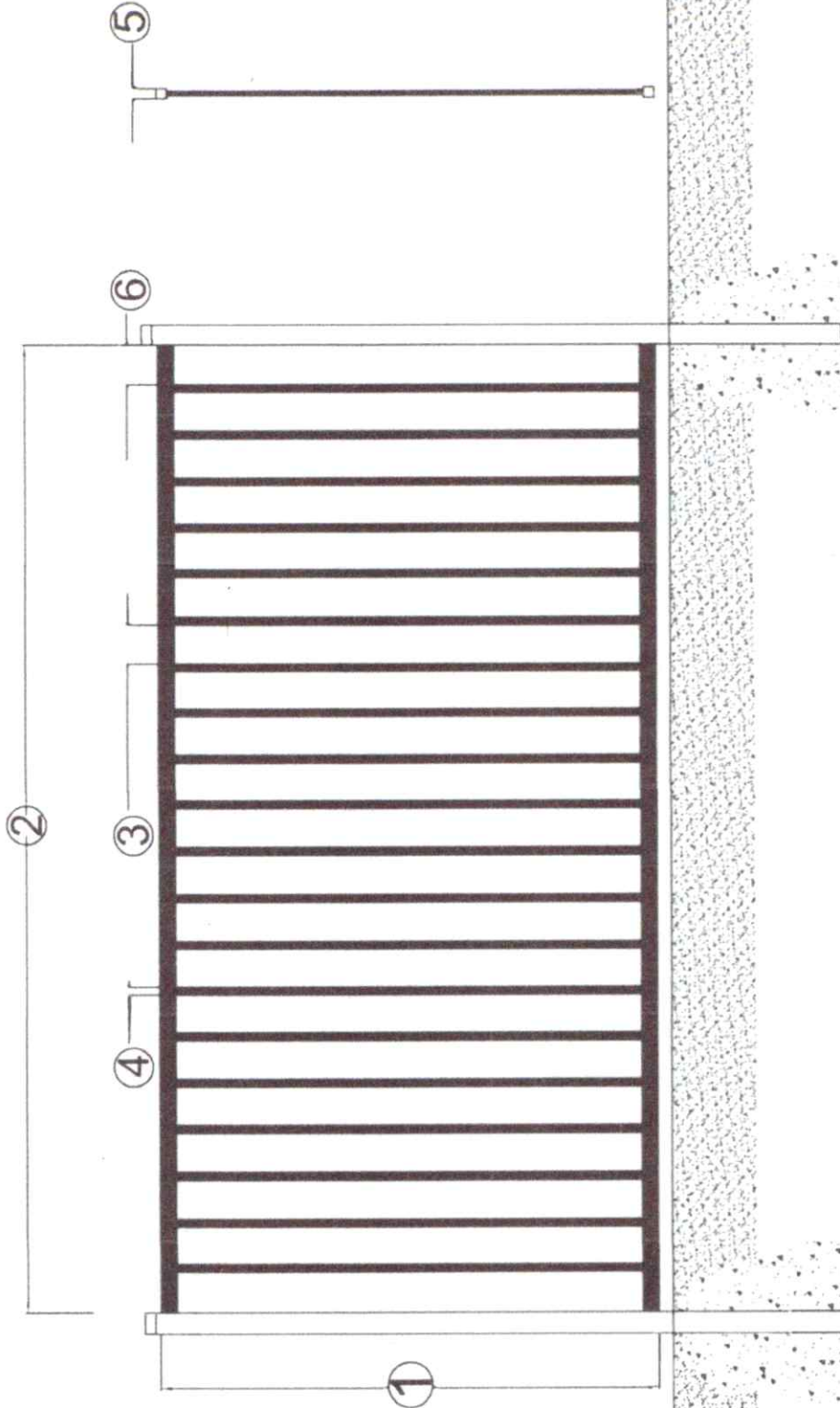
NOTES: (1) Source bearing is based on recorded 2001 survey, otherwise noted. (2) (3) - Controlling monument. (4) Surveyor's signature will appear in red ink on original copies. (5) Drainage arrows, if shown, were determined by inspection, shown herein. (6) Subject property is affected by any & all maps, orders, easements, & other matters that are shown on or as part of the recorded plat. (7) Survey performed as a lot or lots, as shown, or other matters, not shown.

CERTIFICATION:
 On the basis of my knowledge, information & belief, I certify that Joseph Paul Hones is a duly qualified and licensed surveyor in the State of Texas. I have not been convicted of a crime involving moral turpitude, nor have I been convicted of a crime involving dishonesty or fraud, and I am not under any legal disability from practicing as a surveyor. I am duly licensed as a surveyor in the State of Texas, and I am duly licensed as a surveyor in the State of Texas.



Form Survey
Edwards Addition
1055 Country Club Road
James Snider Survey, Abstract No. 824
Collin County, Texas

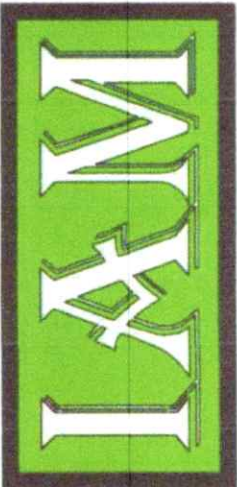
Roome
Land Surveying
 2000 Avenue L, Suite 310
 Dallas, Texas 75244
 Phone: 972.421.4372 Fax: 972.421.7621
 www.roomsurveying.com





**I
A
M**

**INTERNATIONAL
ARCHITECTURAL
METALS**



Ornamental Fencing

<i>Strength</i> ISAI AH 40.29-31		PRODUCT: FLAT TOP PANEL PRODUCT NUMBER: FT48X8-12	
① 48"	⑤ 1"x 16 Ga	② 7'-10"	⑥ 2 7/16"
③ 3 15/16"	⑦	④ 1/2" 18Ga	⑧
DRAWING REVISION DATE:	MISC NOTES:	206 East. Hwy 80 Phone: (972)564-3388 Forney, Texas, 75126 Fax: (972)564-3001 WWW.IAM-METALS.COM	



APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 11/4/24 FEE: \$450.00 APPEAL # _____

SUBMITTED BY: Name: Conrad Feagin
Address: 1055 Country Club Rd.
City: Lucas State: TX Zip: 75002
Phone: 469-396-8263

FILING DEADLINE: An appeal shall be filed with the Board within ten (10) days after the date of decision of the Enforcing Officer. Every appeal shall be filed with the City Secretary no later than fifteen (15) days prior to the scheduled Board meeting. When the filing deadline falls on a holiday, the following workday shall be observed as the filing deadline.

TYPES OF APPEALS: Please check the type of appeal you are filing. The Board shall consider two types of appeals authorized under Article 1011G, Revised Civil Statutes of Texas, as amended:

- ☐ 1. For a special exception for use or development of property on which the Board is required to act.
- ☒ 2. For a variance from the literal enforcement of the Ordinance in order to achieve a reasonable development of property.

BRIEFLY DESCRIBE YOUR APPEAL:

see attached.

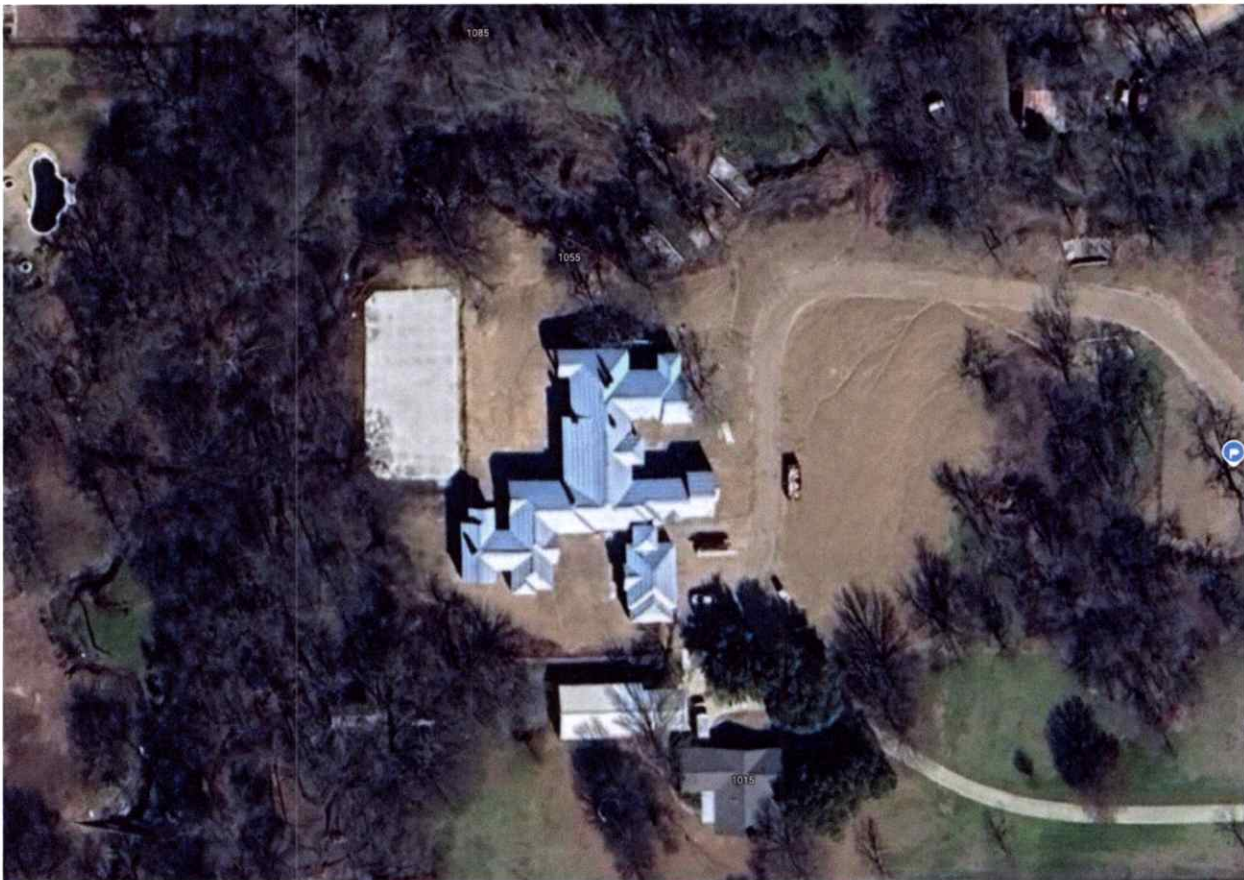
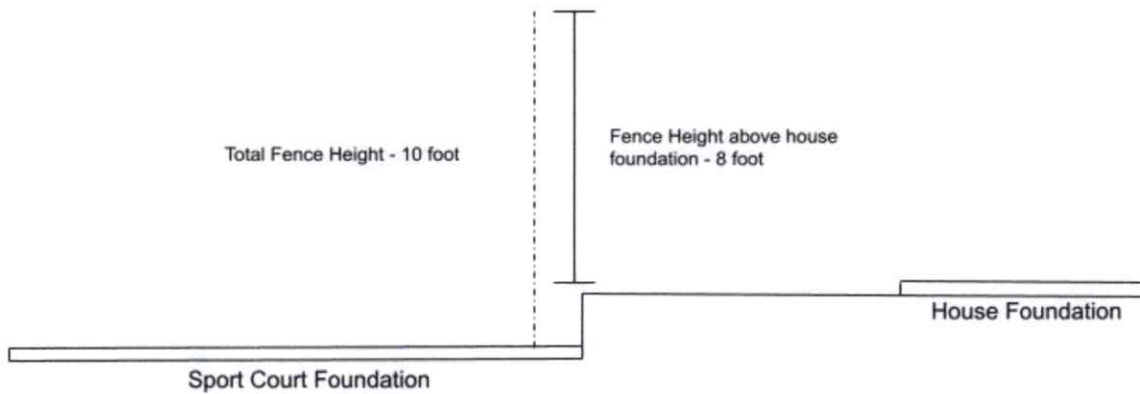
1055 Country Club

We are requesting a variance from the maximum height for fencing around a sport court. Our sport court is 2 feet below the slab of our house. So the final elevation of the top of the fence will be 8 feet above the slab of the house.

Additionally, the sport court is in the back of a 4 acre property and is surrounded by trees. The fence does not obstruct the view of adjacent neighbors.

Thank you for your consideration,

Conrad Feagin





City of Lucas

Board of Adjustment Request

December 18, 2024

Item No. 03

Requester: Board of Adjustment

Agenda Item Request

Consider the appointment of a Chairman and Vice Chairman of the Board of Adjustment to serve for a period of one (1) year with a term ending on December 31, 2025.

Background Information

Brian Stubblefield previously served as the Vice Chairman of the Board of Adjustment and now serves on the City Council. The Chairman is currently Tom Redman.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to appoint _____ as Chairman of the Board of Adjustment for a period of one (1) year with a term ending on December 31, 2025.

I make a motion to appoint _____ as Vice Chairman of the Board of Adjustment for a period of one (1) year with a term ending on December 31, 2025.



City of Lucas
Board of Adjustment Agenda Request
December 18, 2024

Item No. 04

Requester: City Secretary Toshia Kimball

Agenda Item Request

Consider approval of the minutes of the October 25, 2023, Board of Adjustment meeting.

Background Information

NA

Attachments/Supporting Documentation

1. October 25, 2023, Board of Adjustment meeting minutes

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve/deny the minutes of the October 25, 2023, Board of Adjustment meeting.



MINUTES

BOARD OF ADJUSTMENT MEETING

October 25, 2023 | 5:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Call to Order

The meeting was called to order at 5:33 pm. It was determined that a quorum was present, and the Pledge of Allegiance was recited.

Members Present:

Chairman Tom Redman
Member Brian Stubblefield
Member Brian Dale
Alternate Member Sean Watts
Member Brenda Rizos
Member Charles Corporon

Staff Present:

City Manager Joni Clarke
City Secretary Toshia Kimball
Development Services Director Joe Hilbourn
City Attorney Courtney Morris
Deputy Daniel Gillespie

Members Absent:

Alternate Member Helene Langer

City Council Members Present:

Mayor Pro Tem Kathleen Peele

Chairman Redman conducted the swearing in process for all witnesses.

Agenda

1. **Board of Adjustment training to be conducted with City Attorney Courtney Morris.**

City Attorney Courtney Morris conducted training.

Public Hearing Agenda

2. **Conduct a public hearing and consider the request by Eric and Misty Lambert for a variance from the City of Lucas Code of Ordinances for lot size, lot width and to allow an accessory building to be located within the required rear and side yard setbacks for a parcel of land located in ABS A0354 JAS GRAYUM SURVEY, TRACT 93, being all of a 1.2-acre tract of land, currently zoned R2, otherwise known as 2075 Country Club, Lucas, Texas.**

Chairman Redman identified the witnesses on record:

Aurora Loeza
Emilio Loeza
Braulio Loeza
Eric Lambert
Misty Lambert
Robert Farrow
Steve Watten

Airaj Waheed

Chairman Redman conducted the swearing in process for all witnesses.

Development Services Director Joe Hilbourn provided presentation highlighting the history of this variance request, basic timeline for the variance request, photos of the original infringement and the section of the code relating to the original code infringement.

Chairman Redman opened the Public Hearing at 7:06 pm.

Auora Loeza, 1529 Cross Bend Road, Plano, TX, 75023. Her father owns four tracts of land adjacent to the Lamberts property lots 5 through lot 8 and owner of 0.8 acres of land that the Lamberts are claiming to own. She spoke in opposition of this item.

Emilio and Braulio Loeza, 1529 Cross Bend Road, Plano, TX, 75023 did not wish to speak but are in opposition of this item.

Airaj Waheed, 2050 New Castle Ct., Lucas, Texas, 75002 investor in Lot 4 spoke in opposition of this item.

Steve Watten, 1600 North Dallas Parkway, Frisco, TX, 75078 attorney to Eric and Misty Lambert made an attempt to provide insight and spoke in favor of this item.

Eric Lambert, 2075 Country Club Road, Lucas, TX, 75002 spoke in favor of this item.

Misty Lambert, 2075 Country Club Road, Lucas, TX, 75002 spoke in favor of this item.

Robert Farrow, 10406 Royal Club Lane, Dallas, TX, 75229 did not wish to speak but is in support of this item.

Chairman Redman read correspondence from Janie Ridgway, 8 Graham Lane, Lucas, Texas, 75002. She is in opposition of the variance request. She believes approving a variance to the City's Code of Ordinance sets a dangerous precedent and erosion of animal friendly zoning regulations in our city.

Chairman Redman read correspondence from Airaj Waheed, 2050 New Castle Ct., Lucas, Texas, 75002. Mr. Waheed is in opposition of the variance request. He believes that the acceptance of this variance will create a precedent to allow other similar properties nearby to illegally divide their landing knowing they will have an opportunity with the City of Lucas Board of Adjustments to get a variance.

Chairman Redman read correspondence from Mahendra Patel, Managing Member/Director, New Castle Estates HOA, P.O.Box 860284, Plano, TX 75023. Ms. Patel stated that the acceptance of this variance will create a precedent to allow other similar properties nearby to pursue similar variances, which will affect the overall housing developments in the area.

Chairman Redman closed the Public Hearing at 7:33 pm.

Chairman Redman stated that it's a cut and dry noncompliance.

MOTION: A motion was made by Chairman Redman, seconded by Brenda Rizos to deny the request by Eric and Misty Lambert for a variance from the City of Lucas Code of Ordinances for lot size, lot width and to allow an accessory building to be located within the required rear and side yard setbacks for a parcel of land located in ABS A0354 JAS GRAYUM SURVEY, TRACT 93, being all of a 1.2-acre tract of land, currently zoned R2, otherwise known as 2075 Country Club, Lucas, Texas.

The motion passed unanimously by a 6 to 0 vote.

Regular Agenda

3. Consider the appointment of a Vice-Chair of the Board of Adjustment to serve for a term ending December 31, 2024.

Chairman Redman nominated Brian Stubblefield

MOTION: A motion was made by Chairman Redman, seconded by Brenda Rizos to appoint Brian Stubblefield as Vice Chairman of the Board of Adjustment to serve for a term ending December 31, 2024.

The motion passed unanimously by a 6 to 0 vote.

4. Consider approval of the minutes of the July 26, 2023 Board of Adjustment meeting.

MOTION: A motion was made by Brian Stubblefield, seconded by Charles Corporon to approve the minutes of the July 26, 2023 Board of Adjustment meeting. The motion passed unanimously by a 6 to 0 vote.

5. Adjournment.

Chairman Redman adjourned the meeting at 7:37 pm.

Tom Redman, Chairman

Toshia Kimball, City Secretary