



# AGENDA

## Board of Adjustments Meeting April 13, 2016

**6:00 PM**

**City Hall - 665 Country Club Road – Lucas, Texas**

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*Notice is hereby given that a regular meeting of the Board of Adjustments of the City of Lucas will be held on Wednesday, April 13, 2016 at 6:00 PM at the City Hall, 665 Country Club, Lucas, Texas, at which time the following agenda will be discussed.*

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### Call to Order

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

### Public Hearing(s)

1. Consider a variance request by Robert Tusing from the City's Code of Ordinance to reduce the required roadway frontage on three lots from 200 feet wide to 25 feet wide on two lots and reduce the roadway frontage to 80 feet wide on the third lot for the property located at 3520 Aztec Trail. (**Development Services Director Joe Hilbourn**)
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct Public Hearing
  - C. Take Action

### Regular Agenda

2. Consider approval of the minutes of the February 10, 2016 Board of Adjustments meeting. (**City Secretary Stacy Henderson**)
3. Consider the appointment of a Chairman and Vice Chairman with the term ending December 31, 2016 (**Chairman Stuart Fink**)

### Executive Session

The Board of Adjustments may convene into a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code.

An Executive Session is not scheduled for this meeting.

4. Adjournment.

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| <b>Certification</b> |
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*I hereby certify that the above notice of meeting was posted on the bulletin board at Lucas City Hall by 5:00 p.m. on or before Friday, April 1, 2016 as required in accordance with Government Code §551.041.*

\_\_\_\_\_  
Stacy Henderson, City Secretary

*This building is wheelchair accessible. Any requests for sign interpretive services or other special requests for assistance of the hearing impaired must be made 48 hours in advance of the meeting. To make such arrangements, please call 972-727-8999 or send email to [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us).*



**City of Lucas**  
**Board of Adjustments Agenda Request**  
**April 13, 2016**

**Requester:** Development Services Director Joe Hilbourn

**Agenda Item:**

Consider a variance request by Robert Tusing from the City's Code of Ordinance to reduce the required roadway frontage on three lots from 200 feet wide to 25 feet wide on two lots and reduce the roadway frontage to 80 feet wide on the third lot for the property located at 3520 Aztec Trail.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take Action

**Background Information:**

Mr. Tusing would like to subdivide his property into four 2-acre lots with one tract currently meeting all City requirements. This tract of land has a significant slope of approximately 20 percent from east to west and north to south and creates difficulty when building roads. The maximum slope of a road is 10 percent. Mr. Tusing's lot was annexed August, 2012.

**Attachments/Supporting Documentation:**

- 1. Application, including a map showing the property
- 2. Public Hearing Notice

**Budget/Financial Impact:**

N/A

**Recommendation:**

Approve as presented

**Motion:**

I make a motion to approve/deny the variance request by Robert Tusing from the City's Code of Ordinance to reduce the required roadway frontage on three lots from 200 feet wide to 25 feet wide on two lots and reduce the roadway frontage to 80 feet wide on the third lot for the property located at 3520 Aztec Trail.

**APPEAL TO THE BOARD OF ADJUSTMENT  
CITY OF LUCAS, TEXAS**

DATE: 3-3-16 FEE: \$300.00 APPEAL # \_\_\_\_\_

SUBMITTED BY: Name Robert Tusing  
Address 3520 AZTEC TRAIL  
City Wylie State Tx Zip 75098  
Phone [REDACTED]

**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:

A VARIANCE is needed to be able to sub divide the back 4 acres into two 2 ACRE FLAG LOTS

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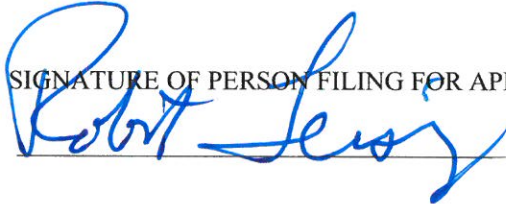
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PLEASE NOTE: Contact City Secretary for proper filing procedures. If applicant fails to appear without notice, the Board may require the applicant to re-file appeal.

EXPIRATION OF GRANDTED APPEAL: Approval of any appeal shall expire 90 days after the Board's decision unless authorized construction or occupancy permits have been obtained, or unless a greater time is requested in the application and is authorized by the Board. Any approval may be granted one extension of an additional 90 days on written request filed with the Board before expiration of original approval. The time limit for every granted appeal shall commence on the first day of the month succeeding the month in which the Board renders its decision.

SIGNATURE OF PERSON FILING FOR APPEAL:  


DECISION OF BOARD \_\_\_\_\_ DATE \_\_\_\_\_

If not granted by the Board, state reason why.

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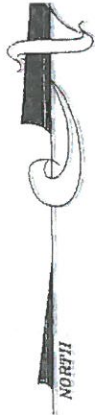
\_\_\_\_\_  
Chairman

**Donna Bradshaw**

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**From:** ROBERT TUSING [REDACTED]  
**Sent:** Wednesday, March 09, 2016 10:00 AM  
**To:** Donna Bradshaw  
**Subject:** Reason for requesting variance

Dear Donna,  
The reason I am asking for a variance on my property on Aztec Trail, this that the natural lay of the land will not allow for the installation of a road.  
Thank You,  
Robert Tusing



1" = 60'

LEGEND:

- CHAIN LINK FENCE
- WOOD FENCE
- BARBED WIRE FENCE
- OVERHEAD POWER LINE

JAMES V. DEKOKER & WIFE  
WILLIAM B. DEKOKER  
VOL. 1107, PG. 658  
D.I.R.C.D.T.

15" UTILITY EGMT. TO  
WILE NORTHEAST WATER SUPPLY CORP.  
VOL. 3195, PG. 974

N 00°36'05" E 632.17'

N 00°36'05" E 275.04'

1/2" IRF

M.L. MORRIS SURVEY ABST. NO. 561  
LEROY FARMER SURVEY ABST. NO. 334

TRACT 1  
7.282 ACRES

ROBERT H. TILGUS & WIFE  
BRENDA TILGUS  
VOL. 1945, PG. 807  
D.I.R.C.D.T.

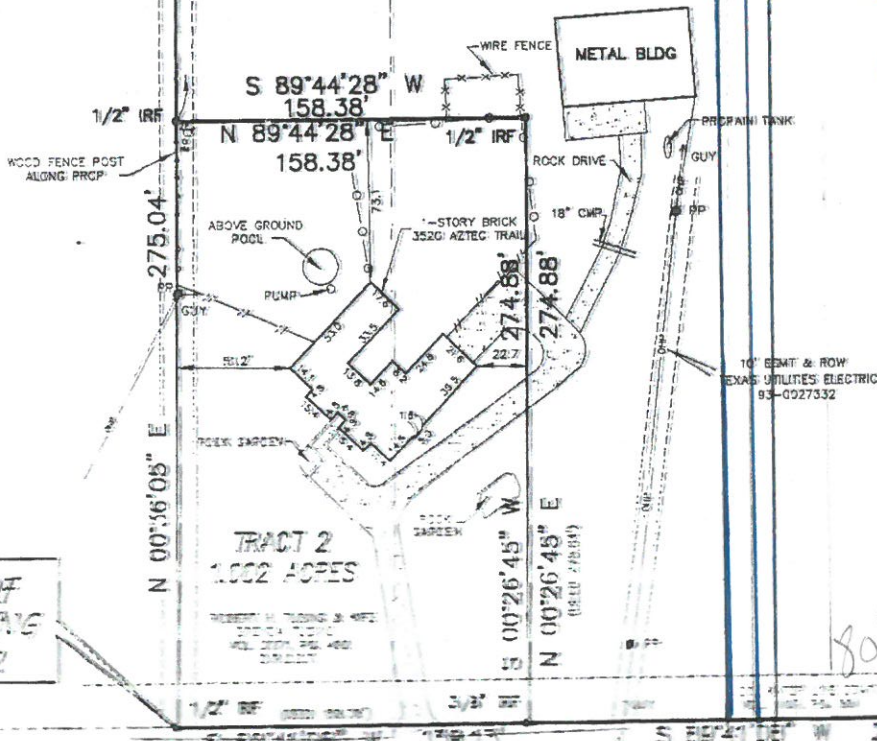
TRACT  
2 ACRES

TRACT 3  
2 ACRES

S 00°39'44" W 908.11'

11' PGST. ALONG PROP.

NEEL H. BOSTON & WIFE  
TERRE L. BOSTON  
VOL. 1378, PG. 181  
D.I.R.C.D.T.



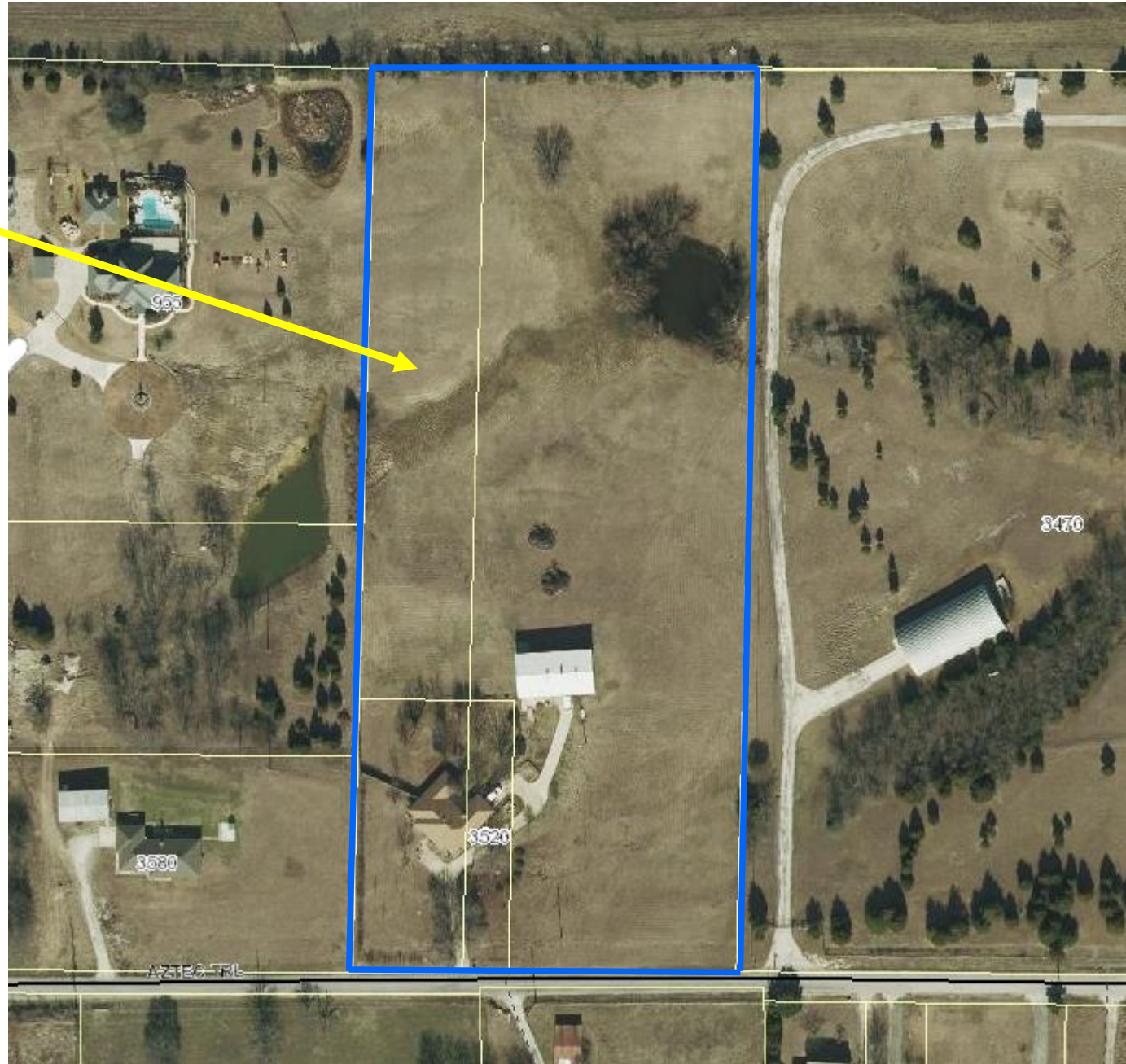
POINT OF BEGINNING TRACT 2

POINT BEGINNA TRACT

AZTEC TRAIL

11' PGST

**3520 AZTEC TRAIL**







## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Adjustments of the City of Lucas, Texas (the "City"), will conduct a Public Hearing on April 13, 2016 at 6:00 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider a request for a variance by Robert Tusing for a variance from the City's Code of Ordinance to reduce the frontage requirements on three lots from the required 200 feet of roadway frontage to 25 feet of roadway frontage on two lots and reduce the roadway frontage to 80 feet wide on the third lot for the property located at 3520 Aztec Trail.

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, email [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us), or Fax 972-727-0091 and it will be presented at the Hearing. If you have any question about the request please contact Joe Hilbourn at [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).



**City of Lucas  
Board of Adjustments Agenda Request  
April 13, 2016**

**Requestor: City Secretary, Stacy Henderson**

**Agenda Item:**

Consider approval of the minutes of the February 10, 2016 Board of Adjustments meeting.

**Background Information:**

N/A

**Attachments/Supporting Documentation:**

1. Minutes from the February 10, 2016 Board of Adjustments meeting.

**Budget/Financial Impact:**

N/A

**Recommendation:**

N/A

**Motion:**

I make a motion to approve/deny the minutes from the February 10, 2016 Board of Adjustments meeting as presented.



## Board of Adjustments Meeting

February 10, 2016

6:00 PM

City Hall - 665 Country Club Road – Lucas, Texas

### Minutes

#### Call to Order

Chairman Fink called the meeting to order at 6:00 p.m.

**Present:**

Vice Chairman Craig Williams  
Member Andrew Sisson  
Member Chris Bierman  
Alternate Member Tommy Tolson  
Alternate Member Adam Sussman

**Absent:**

Chairman Stuart Fink  
Member Randy Barnes

**Staff Present:**

City Manager Joni Clarke  
City Attorney Julie Doshier  
Development Services Director Joe Hilbourn  
City Secretary Stacy Henderson

It was determined that a Quorum was present. Everyone was reminded to turn off or silence cell phones. Vice Chairman Williams led the Pledge of Allegiance.

#### Public Hearing

1. **Consider the variance request by Veronica Aquirre to allow a fence to be located within the side and rear yard setbacks that is less than 50% see through, for the property located at 1 Santa Fe Trail located in the Kirkland Estates West, Lot 43, being 1.76 acres.**
  - A. **Presentation by Development Services Director Joe Hilbourn**
  - B. **Conduct Public Hearing**
  - C. **Take Action**

Development Services Director Joe Hilbourn briefed the Board on the variance request noting that the proposed fence would be 8 feet in height and constructed of stamped concrete material. Mr. Hilbourn stated that the property line would be moved from its existing location because of improvements being made to Parker Road. The applicant has stated that her hardship relates to the noise and traffic volumes associated with the widening of Parker Road.

Board Member Tolson asked the length of the proposed fence.

Mr. Hilbourn stated the fence was proposed to be 63 feet in length and natural vegetation was proposed along the property line abutting the creek.

The board discussed the number of homes along Parker Road and the potential of more variances coming forward. Board Member Sussman expressed his concern relating to solid fencing along Parker Road and the potential for other variances coming forward due to the widening of Parker Road.

Board Member Sisson asked to see a sample of the proposed material being used.

Mr. Hilbourn stated that the applicant was not present and she would have a sample of the material being proposed.

Vice Chairman Williams opened the public hearing at 6:10 p.m.

Cynthia Moore, 2 Santa Fe Trail, spoke in favor of the variance request stating a buffer was needed between Parker Road and the residential neighborhood. Ms. Moore discussed safety concerns relating to vehicles hitting her fence and the noise from the traffic. Ms. Moore also noted that trees and shrubs were being removed as part of the widening of Parker Road.

Vice Chairman Williams read two emails into the record stating they were in favor of the request from:

Matt Davis, property owner of 7051 and 7081 E. Parker Road  
Michael and Vickie Willmarth, 6 Santa Fe Trail

Vice Chairman Williams closed the public hearing at 6:15 p.m.

Board Member Tolson noted that the fence should be limited to 63 feet in length only.

The Board also discussed the uniformity that would be needed in fencing materials should other variances be granted along Parker Road.

The Board also discussed the need to review further details regarding the fence and material proposed, and given that the applicant was not present, the Board did not want to discuss this item further.

**MOTION:** *A motion was made by Member Sisson, seconded by Member Bierman to deny the variance request to allow a fence to be located within the side and rear yard setbacks that is less than 50% see through, for the property located at 1 Santa Fe Trail. The motion for denial passed unanimously by a 5 to 0 vote.*

**2. Consider the variance request by Elaine Ford on behalf Brockdale Estates, LLC., to allow an off-site development sign on the southwest corner of the intersection at East Lucas Road and Brockdale Park Road.**

- A. Presentation by Development Services Director Joe Hilbourn**
- B. Conduct Public Hearing**
- C. Take Action**

Development Services Director Joe Hilbourn briefed the Board on the history of off-site signage requests for this property. He stated that in 2013 a variance was granted at the southwest corner of Brockdale Park Road and the request for additional signage on E. Lucas Road was denied. On August 27, 2015, Brockdale Estates requested to locate an off-site development sign at the intersection of East and West Lucas Road which was also denied.

Mr. Hilbourn stated that the signage request proposed was a new style of sign at the southwest corner of Brockdale Park Road and E. Lucas Road, that would be 32 square feet in area and less than 8 feet tall and a variance had been approved for this location previously.

Vice Chairman Williams opened the public hearing at 6:25 p.m.

Elaine Ford with Hillwood Communities, representing Brockdale Estates LLC, stated that the existing signage was too wordy and with its current setback location was difficult to read and was requesting to update the signage so that it was easier to read.

There being no one else wishing to speak, Vice Chairman Williams closed the public hearing at 6:28 p.m.

Member Bierman stated that the proposed sign was not as visually appealing as the existing signage and would like the same materials used as other signage in Lucas.

The Board discussed how long the sign would be at that location, which would be no longer than 3 years.

**MOTION:** *A motion was made by Member Bierman, seconded by Member Tolson to approve the variance for an off-site development sign on the southwest corner of the intersection at East Lucas Road and Brockdale Park Road. The motion passed by a 4 to 1 vote with Member Sisson voting in opposition.*

**3. Consider approval of the minutes of the November 17, 2015 Board of Adjustments meeting.**

**MOTION:** *A motion was made by Member Sisson, seconded by Member Bierman to approve the minutes of the November 17, 2015 Board of Adjustments meeting as presented. The motion passed unanimously by a 5 to 0 vote.*

**4. Consider the appointment of a Chairman and Vice Chairman to serve for a period of one (1) year with the term ending December 31, 2016**

The Board noted that two members were absent at this meeting and would like to defer nominations until the next regular meeting.

**MOTION:** *A motion was made by Vice Chairman Williams, seconded by Member Sussman to table this item to the next regularly scheduled meeting. The motion passed unanimously by a 5 to 0 vote.*

**5. Adjournment.**

**MOTION:** *A motion was made by Member Sisson, seconded by Member Tolson to adjourn the meeting at 6:41 p.m. The motion passed unanimously by a 5 to 0 vote.*

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Craig Williams, Vice Chairman

ATTEST:

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Stacy Henderson, City Secretary



# City of Lucas

## Board of Adjustment Agenda Request

### April 13, 2016

**Requester:** City Secretary Stacy Henderson

**Agenda Item:**

Consider the appointment of a Chairman and Vice Chairman with a term ending December 31, 2016.

**Background Information:**

NA

**Attachments/Supporting Documentation:**

NA

**Budget/Financial Impact:**

NA

**Recommendation:**

NA

**Motion:**

I make a motion to appoint \_\_\_\_\_ as Chairman of the Board of Adjustment with a term ending December 31, 2016.

I make a motion to appoint \_\_\_\_\_ as Vice Chairman of the Board of Adjustment with a term ending on December 31, 2016.

