



**PUBLIC NOTICE**  
**Board of Adjustment Meeting**  
**January 7, 2013, 6:30 PM**  
**City Hall - 665 Country Club Road**

**Notice is hereby given that a Regular Meeting of the Board of Adjustments of the City of Lucas will be held on Monday, January 7, 2013, 6:30 PM at the City Hall, 665 Country Club Road, Lucas, Texas, at which time the following Agenda will be discussed.**

## Agenda

### Call to Order

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

### Public Hearings

The Public Hearing agenda is provided for the purpose of allowing citizens to ask specific questions regarding only the subject posted for the Public Hearing. Generally the Public Hearing is required by State Law and a record of those attending the Public Hearing is maintained as part of the official record of the proceedings.

- 1) Public Hearing/Discuss and Consider a request from Rudy Rivas, authorized representative for David Strain and Marian Strain Foust, requesting a variance to the City of Lucas' Code of Ordinance, Chapter 14: Zoning, Division 7, CB Commercial Business District, Section 14.03.353 Development Regulations, asking for a variance for the front, rear and side yard setbacks. The property is commonly known as Tract 7 (0.57 acre) James Anderson Survey, Abstract No. 17; Tract 55 (.50 acre) James Lovelady Survey, Abstract No. 538; Tract 26 (2,918 square feet) James Lovelady Survey, Abstract No. 538; and Tract 27 (1.06 acres) James Lovelady Survey, Abstract No. 538 or 120 W. Lucas Road, Lucas, Texas.

### Routine Business

- 2) Discuss and Consider the approval of the minutes from the November 12, 2012 Board of Adjustments meeting.
- 3) Adjournment.

### Certification

*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, January 4, 2013, as required in accordance with Government Code §551.041.*

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Kathy Wingo, TRMC, MMC City Secretary

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**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 [secretary@lucastexas.us](mailto:secretary@lucastexas.us).**

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# LUCAS BOARD OF ADJUSTMENTS

Meeting Date: January 7, 2013

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## AGENDA ITEM:

- Call to Order
  - Roll Call

	Present	Absent
Chairman Kathy Morris	<input type="checkbox"/>	<input type="checkbox"/>
Vice-Chairman Craig Williams	<input type="checkbox"/>	<input type="checkbox"/>
Member Stuart Fink	<input type="checkbox"/>	<input type="checkbox"/>
Member Cathey Bonczar	<input type="checkbox"/>	<input type="checkbox"/>
Member Randy Barnes	<input type="checkbox"/>	<input type="checkbox"/>
Alternate Member Janean McLaughlin	<input type="checkbox"/>	<input type="checkbox"/>
  - Determination of Quorum
  - Reminder to silence cell phones
  - Pledge of Allegiance
- 

## Informational Purposes

- |  |                          |
|--|--------------------------|
| City Manager Jeff Jenkins                  | <input type="checkbox"/> |
| City Secretary Kathy Wingo                 | <input type="checkbox"/> |
| Development Services Director Joe Hilbourn | <input type="checkbox"/> |
| Code Enforcement Adam Bravo                | <input type="checkbox"/> |
| Public Works Director Stacy Caudell        | <input type="checkbox"/> |
| Fire Chief Jim Kitchens                    | <input type="checkbox"/> |
| City Attorney Joe Gorfida, Jr.             | <input type="checkbox"/> |
| Mayor Pro Tem Kathleen Peele               | <input type="checkbox"/> |



## City of Lucas Board of Adjustments

BOA Meeting: January 7, 2013

Requestor: Joe Hilbourn

Prepared by: Kathy Wingo

Account Code #: N/A

Date Prepared: December 13, 2012

Budgeted Amount: \$ N/A

Exhibits:  Yes  No

### AGENDA SUBJECT:

Public Hearing/Discuss and Consider a request from Rudy Rivas, authorized representative for David Strain and Marian Strain Foust, requesting a variance to the City of Lucas' Code of Ordinance, Chapter 14: Zoning, Division 7, CB Commercial Business District, Section 14.03.353 Development Regulations, asking for a variance for the front, rear and side yard setbacks. The property is commonly known as Tract 7 (0.57 acre) James Anderson Survey, Abstract No. 17; Tract 55 (.50 acre) James Lovelady Survey, Abstract No. 538; Tract 26 (2,918 square feet) James Lovelady Survey, Abstract No. 538; and Tract 27 (1.06 acres) James Lovelady Survey, Abstract No. 538 or 120 W. Lucas Road, Lucas, Texas.

### RECOMMENDED ACTION:

### SUMMARY:

### MOTION:

I make a Motion to (**approve or deny**) the request from Rudy Rivas, authorized representative for David Strain and Marian Strain Foust, requesting a variance to the City of Lucas' Code of Ordinance, Chapter 14: Zoning, Division 7, CB Commercial Business District, Section 14.03.353 Development Regulations, asking for a variance for the front, rear and side yard setbacks. The property is commonly known as Tract 7 (0.57 acre) James Anderson Survey, Abstract No. 17; Tract 55 (.50 acre) James Lovelady Survey, Abstract No. 538; Tract 26 (2,918 square feet) James Lovelady Survey, Abstract No. 538; and Tract 27 (1.06 acres) James Lovelady Survey, Abstract No. 538 or 120 W. Lucas Road, Lucas, Texas.

APPROVED BY: \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_  
City Manager: \_\_\_\_\_ / \_\_\_\_\_

November 29, 2012

Mr. Joe Hilbourn  
Development Services Director  
City of Lucas  
665 Country Club Road  
Lucas, Texas 75002

RE: *Application for Setback Variances; Tract 7 (0.57 Acre); James Anderson Survey, Abstract No. 17.*

Dear Mr. Hilbourn:

In connection with an application to the Board of Adjustment for certain variances to the setback regulations of Sec. 14.03.353 of the City of Lucas Zoning Ordinance for the above-described property, enclosed with this letter please find the following items:

1. Originally executed Appeal to the Board of Adjustment;
2. Attachment to the Appeal to the Board of Adjustment form;
3. Originally-executed authorization of the property owner;
4. Survey of the subject property; and
5. Filing fee check, payable to the City of Lucas, in the amount of \$300.00.

If you need anything else in connection with this application, please don't hesitate to let us know, and we will supply it to you. Thank you very much for your assistance with this.

Sincerely yours,



Rudy Rivas

REC'D DEC 06 2012

November 29, 2012

Mr. Joe Hilbourn  
Development Services Director  
City of Lucas  
665 Country Club Road  
Lucas, Texas 75002

RE: *Application to City of Lucas Board of Adjustment for Setback Variances; Tract 7 (0.57 acre), James Anderson Survey, Abstract No. 17.*

Dear Mr. Hilbourn:

As the Owner of the subject property, this letter will authorize Mr. Rudy Rivas to act as my representative in connection with filing and processing the above-referenced application to the City of Lucas Board of Adjustment for certain setback variances at the above-referenced location.

OWNER:

Helen Strain

By: 

David Strain

By: 

Marian Strain Foust

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

**DATE:** \_\_\_\_\_ **FEE: \$300.00** **APPEAL #** \_\_\_\_\_

**SUBMITTED BY:** Name: Helen Strain, Owner, by David Strain and Marian Strain Foust  
Address: 120 West Lucas Road  
City: Lucas State: Texas Zip 75002  
Phone: 972-835-1902

**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 1011 G, 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:**

(Please see attached explanation of request and discussion of how the applicable standards are met)

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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 GRANTED 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:

David Strain  
David Strain

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

If not granted by the Board, state reason why.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairman

BRIEFLY DESCRIBE YOUR APPEAL:

The subject property is currently zoned CB Commercial Business District. Section 14.03.353 of the City's Code of Ordinances provides the following development regulations for the CB District:

(2) Setbacks. The following setbacks are required in the commercial business district:

(A) Front yard setbacks shall be a minimum of fifty feet (50') from the street right-of-way.

(B) Side yard setbacks shall be a minimum of twenty feet (20'). Where a CB zone abuts on the side of a property zoned as single-family residential, each portion of a building in excess of ten feet (10') in height shall be set back two (2) additional feet for each additional one (1) foot in height.

(C) Rear yards shall be a minimum of twenty-five feet (25') except where the lot abuts property zoned as single-family residential where there shall be a minimum rear yard of not less than one hundred feet (100') and not separated by a street or public right-of-way.

(D) Rear yard setbacks abutting property zoned as single-family residential shall include at least fifty feet (50') of green space adjacent to the residential district. Green space includes landscaping and turf grass.

The subject property is of such configuration that providing the prescribed setbacks renders the property as undevelopable. Further, the property may be subject to floodplain that could potentially inhibit the development of the property. A literal enforcement of these provisions would result in the unnecessary hardship of not being able to develop the property. Therefore, the Applicant requests the following variances because, due to special conditions, a literal enforcement of the referenced provisions would result in unnecessary hardship, and granting the variances would result in the spirit of the zoning regulations being observed and substantial justice is done:

1. Allow for required rear yard set backyard of 25' without the required 50' green space or district separation requirement of 100' between districts required in Sec. **14.03.353, "Development Regulations", Subsection (2)(C)**.
2. Allow for a side yard setback of 20', without the additional 2' setback for each additional foot in height above 10 feet required in Sec. **14.03.353, "Development Regulations", Subsection (2)(B)**.
3. Complete Relief from Sec. **14.03.353, "Development Regulations", Subsection (2)(D)**.

4. Allow for a front yard setback of 35' reduced from the required 50' front yard setback required by **Sec. 14.03.353, "Development Regulations", Subsection (1)(A).**

Authorization of these variances, in this specific case, from the terms of the referenced provisions is not contrary to the public interest. The purpose of the Commercial Business District is as follows;

This is a general commercial zoning district for areas that provide the greatest number and mix of retail and commercial uses. This zoning district is designed and intended to serve as the commercial support zone of the entire community. It should be located in such a manner as to have reasonable access to arterial roadways so that ingress and egress to the CB area may be managed in a safe and controlled manner.

Granting the variances will allow the property to be developed in accordance with these purposes. Further, the Future Land Use Map of the City's Comprehensive Plan designates the property as "Commercial". The factors identified in the Comprehensive Plan for the designation of commercial land use are,

1. Commercial areas must be located to maximize the use of major roadways while minimizing excessive traffic impacts on residential areas.
2. Commercial areas should be limited and compact.
3. Commercial areas must allow for safe automobile/pedestrian circulation.
4. Commercial areas must be designed to avoid the blighting effects on adjacent residential land uses and must be kept from encroaching on other land uses.

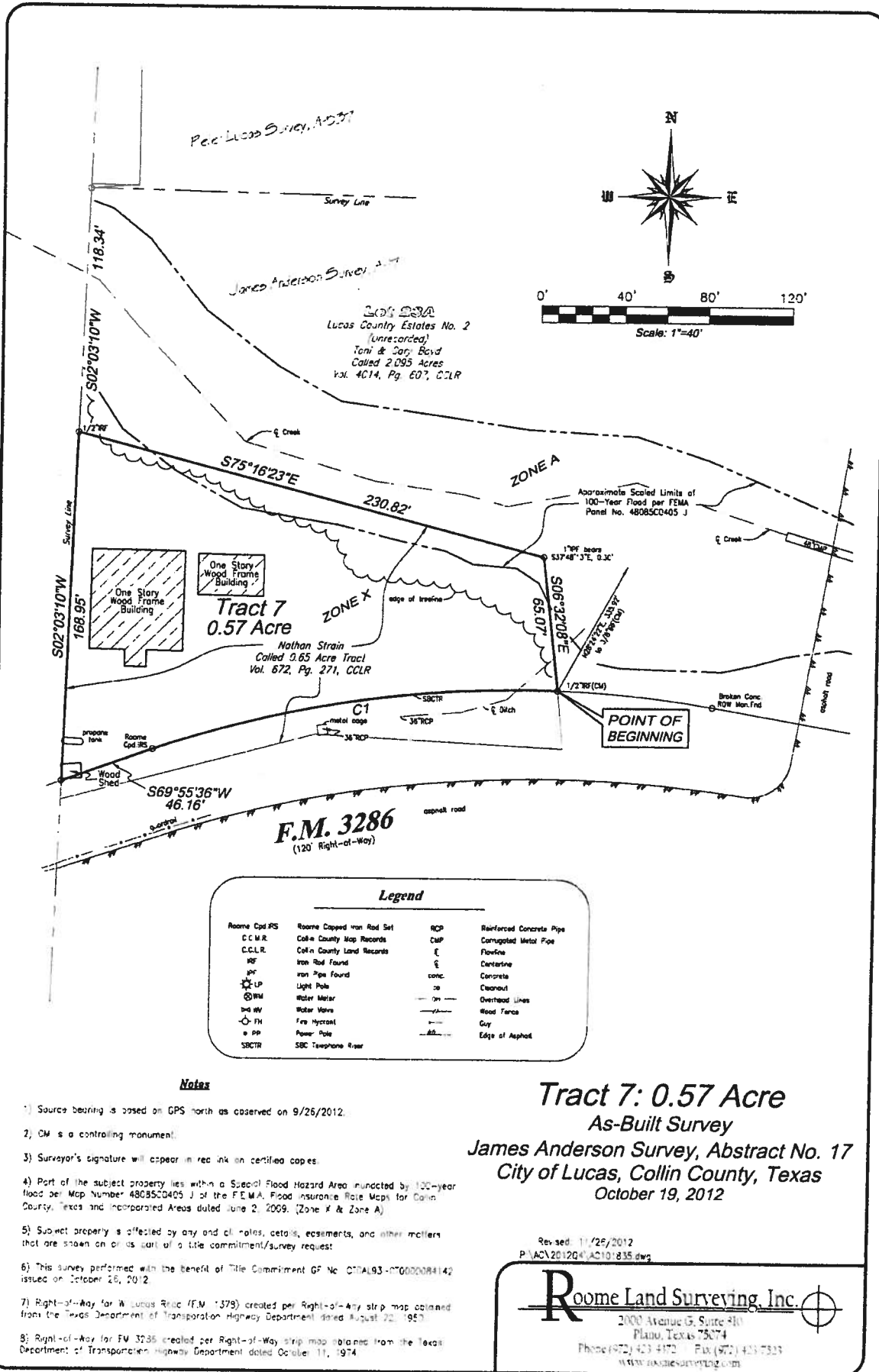
The subject property is bounded by two Major Arterials as identified on the Future Land Use Map. Further, the property has no vehicular connection to adjacent residential areas. Vehicular access is exceptional from the major arterials and does not interfere with traffic within the residential subdivisions. Additionally, the request would not expand the commercial area nor would new development result in blighting effects on or encroaching into the adjacent residential land uses. Therefore, the proposed development of the subject property is supported by the City's Comprehensive Plan and furthers the sound public interest set forth in the Comprehensive Plan as well as the Zoning Chapter of the City's Code of Ordinances.

Special conditions unique to this Property are that the Property is of such a restrictive area and shape that the Property cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. The shape and area of the Property are irregular such that the prescribed setbacks and a building pad cannot both be provided. Additionally, as stated above, the Property may be subject to floodplain that impacts the development potential of the site. Granting the variances would provide the relief to develop the Property in accordance with the zoning regulations and would further the principles of the Comprehensive Plan and, therefore, substantial justice would be done.

The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only. The unnecessary hardships are the result of physical constraints over which the Applicant has no control. The variances would not permit the Applicant a privilege in developing a parcel of land not permitted by zoning regulations to other parcels of land with the same zoning. On the contrary, granting the variances would allow the Applicant to develop the Property I the same manner as other parcels of land within the same zoning.

Therefore, the Applicant respectfully requests approval of the referenced variances having established the following:

- 1) The variances are not contrary to the public interest when, owing to special conditions cited, a literal enforcement of the referenced zoning regulations would result in unnecessary hardship, and the spirit of the ordinance will be observed and substantial justice done;
- 2) The variances are necessary to permit development of the subject property which differs from other parcels of land because of the noted restrictive area and shape, as well as other factors, that the subject property cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- 3) The variances would not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by zoning regulations to other parcels of land with the same zoning.



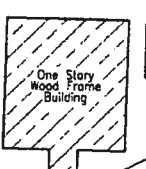
Rec. Lucas Survey, A.D. 1771

Jared Anderson Survey

Lucas County Estates No. 2  
(Unrecorded)  
Toni & Gary Boyd  
Called 2.095 Acres  
Vol. 4614, Pg. 607, CCLR



Scale: 1"=40'



One Story Wood Frame Building

Tract 7  
0.57 Acre

Nathan Strain  
Called 0.65 Acre Tract  
Vol. 672, Pg. 271, CCLR

ZONE A

Approximate Scaled Limits of  
100-Year Flood per FEMA  
Panel No. 48085C0405 J

170' Years  
S37°48'3"E, 0.30'

ZONE X

edge of leveine

POINT OF BEGINNING

F.M. 3286  
(120' Right-of-Way)

**Legend**

Roome Cpd RS	Roome Capped Iron Rod Set	RCP	Reinforced Concrete Pipe
C.C.M.R.	Collin County Map Records	CdP	Corrugated Metal Pipe
C.C.L.R.	Collin County Land Records	€	Flowline
RF	Iron Rod Found	€	Centerline
RF	Iron Pipe Found	conc.	Concrete
LP	Light Pole	ca	Clearcut
MM	Water Meter	OH	Overhead Lines
WM	Water Meter	WF	Wood Fence
WH	Water Valve	Guy	Guy
HT	Fire Hydrant	Asph	Edge of Asphalt
RP	Rubber Pipe		
SBCTR	SBC Telephone River		

**Notes**

- 1) Source bearing is based on GPS north as observed on 9/26/2012.
- 2) CM is a controlling monument.
- 3) Surveyor's signature will appear in red ink on certified copies.
- 4) Part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C0405 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas and Incorporated Areas dated June 2, 2009. (Zone X & Zone A)
- 5) Subject property is affected by any and all taxes, details, easements, and other matters that are shown on or is part of a title commitment/survey request.
- 6) This survey performed with the benefit of Title Commitment GP No. C77A193-0000084142 issued on October 28, 2012.
- 7) Right-of-Way for W Lucas Road (F.M. 1378) created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated August 22, 1957.
- 8) Right-of-Way for FM 3286 created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated October 11, 1974.

**Tract 7: 0.57 Acre**  
As-Built Survey  
James Anderson Survey, Abstract No. 17  
City of Lucas, Collin County, Texas  
October 19, 2012

Revised: 11/26/2012  
P:\ACV201204\AC101835.dwg

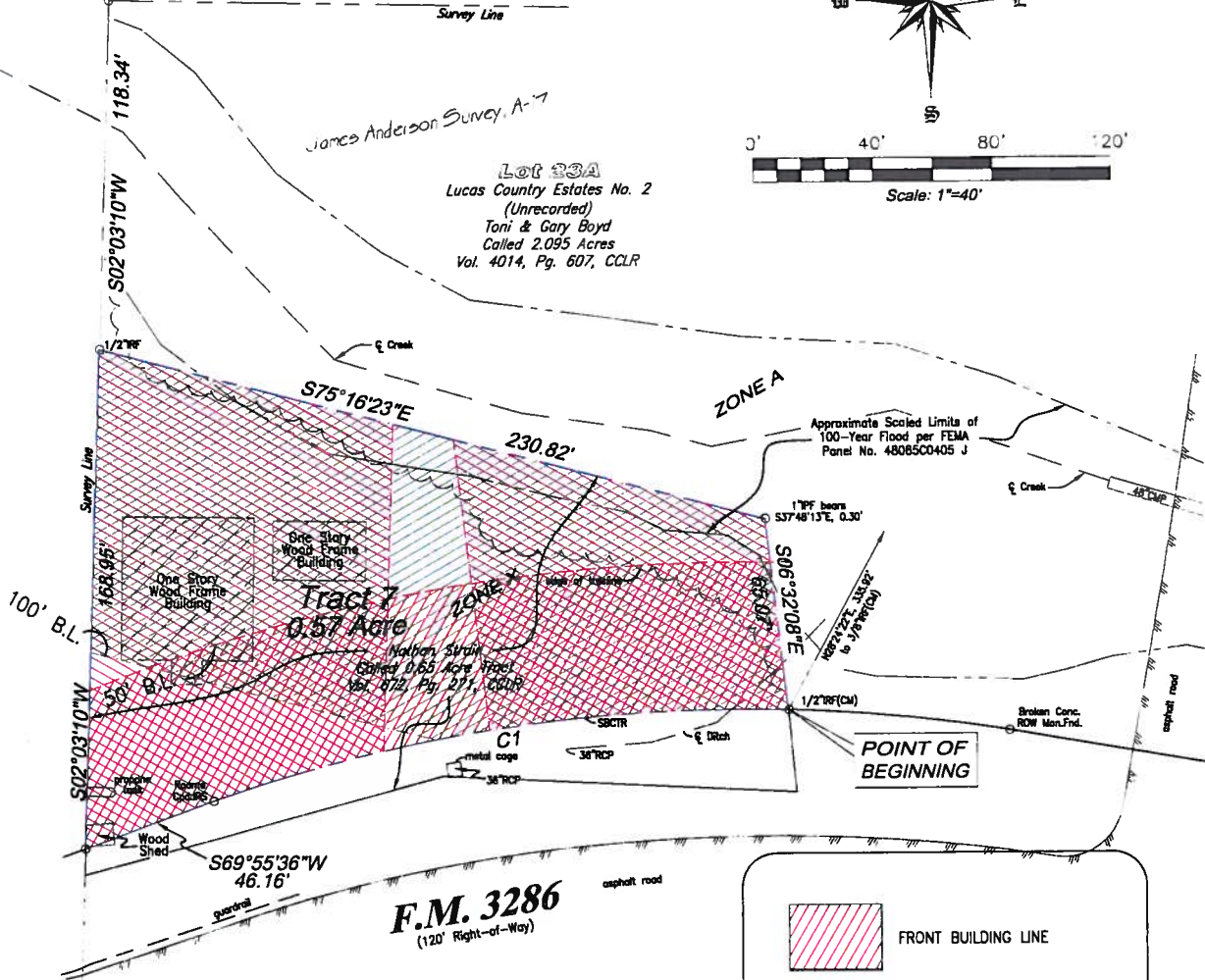
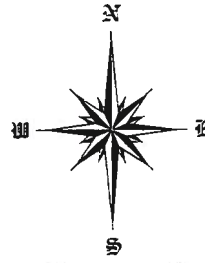
**Roome Land Surveying, Inc.**

2000 Avenue G, Suite #10  
Plano, Texas 75074  
Phone (972) 423-4172 Fax (972) 423-7323  
www.roomesurveying.com

Peter Lucas Survey, A-537

James Anderson Survey, A-7

Lot 33A  
Lucas Country Estates No. 2  
(Unrecorded)  
Toni & Gary Boyd  
Called 2.095 Acres  
Vol. 4014, Pg. 607, CCLR

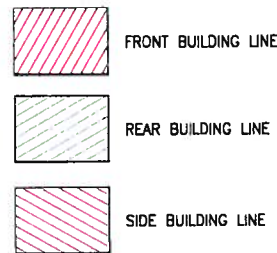


**Legend**

Roome Opt. IRS	Roome Capped Iron Rod Set	RCP	Reinforced Concrete Pipe
C.C.M.R.	Collin County Map Records	CM	Corrugated Metal Pipe
C.C.L.R.	Collin County Land Records	℄	Flowline
RF	Iron Rod Found	℄	Centerline
PF	Iron Pipe Found	conc.	Concrete
LP	Light Pole	ca	Clearcut
WM	Water Meter	OH	Overhead Lines
WV	Water Valve	WF	Wood Fence
FH	Fire Hydrant	Guy	Guy
PP	Power Pole	EA	Edge of Asphalt
SBCTR	SBC Telephone Riser		

Notes

- 1) Source bearing is based on GPS north as observed on 9/26/2012.
- 2) CM is a controlling monument.
- 3) Surveyor's signature will appear in red ink on certified copies.
- 4) Part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C0405 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas and Incorporated Areas dated June 2, 2009. (Zone X & Zone A)
- 5) Subject property is affected by any and all notes, details, easements, and other matters that are shown on or as part of a title commitment/survey request.
- 6) This survey performed with the benefit of Title Commitment GF No. CTDAL93-CT0000084142 issued on October 26, 2012.
- 7) Right-of-Way for W Lucas Road (F.M. 1378) created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated August 22, 1950.
- 8) Right-of-Way for FM 3286 created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated October 11, 1974.



MAXIMUM BUILDING AREA  
0 S.F.

**Tract 7: 0.57 Acre  
As-Built Survey**

**James Anderson Survey, Abstract No. 17  
City of Lucas, Collin County, Texas  
October 19, 2012**

Revised: 11/26/2012  
P:\AC\201204\AC101835.dwg

**Roome Land Surveying, Inc.**

2000 Avenue G, Suite 810  
Plano, Texas 75074  
Phone (972) 423-4372 / Fax (972) 423-7523  
www.roomesurveying.com

November 29, 2012

Mr. Joe Hilbourn  
Development Services Director  
City of Lucas  
665 Country Club Road  
Lucas, Texas 75002

**RE: *Application for Setback Variances; Tract 55 (.50 Acres); James Lovelady Survey, Abstract No. 538 .***

Dear Mr. Hilbourn:

In connection with an application to the Board of Adjustment for certain variances to the setback regulations of Sec. 14.03.353 of the City of Lucas Zoning Ordinance for the above-described property, enclosed with this letter please find the following items:

1. Originally executed Appeal to the Board of Adjustment;
2. Attachment to the Appeal to the Board of Adjustment form;
3. Originally-executed authorization of the property owner;
4. Survey of the subject property; and
5. Filing fee check, payable to the City of Lucas, in the amount of \$300.00.

If you need anything else in connection with this application, please don't hesitate to let us know, and we will supply it to you. Thank you very much for your assistance with this.

Sincerely yours,



Rudy Rivas

REC'D DEC 06 2012

November 29, 2012

Mr. Joe Hilbourn  
Development Services Director  
City of Lucas  
665 Country Club Road  
Lucas, Texas 75002

**RE: *Application to City of Lucas Board of Adjustment for Setback Variances; Tract 55 (.50 acres), James Lovelady Survey, Abstract No. 538.***

Dear Mr. Hilbourn:

As the Owner of the subject property, this letter will authorize Mr. Rudy Rivas to act as my representative in connection with filing and processing the above-referenced application to the City of Lucas Board of Adjustment for certain setback variances at the above-referenced location.

OWNER:

Helen Strain

By: 

David Strain

By: 

Marian Strain Foust



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

DATE: \_\_\_\_\_ FEE: **\$300.00** \_\_\_\_\_ APPEAL # \_\_\_\_\_

SUBMITTED BY: Name: Helen Strain, Owner, by David Strain and Marian Strain Foust  
Address: 120 West Lucas Road  
City: Lucas State: Texas Zip 75002  
Phone: 972-835-1902

**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 1011 G, Revised Civil Statutes of Texas, as amended:

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2. For a variance from the literal enforcement of the Ordinance in order to achieve a reasonable development of property.

**BRIEFLY DESCRIBE YOUR APPEAL:**

(Please see attached explanation of request and discussion of how the applicable standards are met)

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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 GRANTED 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:

Maryann Strain Trust  
Dai Strain

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

If not granted by the Board, state reason why.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairman

BRIEFLY DESCRIBE YOUR APPEAL:

The subject property is currently zoned CB Commercial Business District. Section 14.03.353 of the City's Code of Ordinances provides the following development regulations for the CB District:

(2) Setbacks. The following setbacks are required in the commercial business district:

(A) Front yard setbacks shall be a minimum of fifty feet (50') from the street right-of-way.

(B) Side yard setbacks shall be a minimum of twenty feet (20'). Where a CB zone abuts on the side of a property zoned as single-family residential, each portion of a building in excess of ten feet (10') in height shall be set back two (2) additional feet for each additional one (1) foot in height.

(C) Rear yards shall be a minimum of twenty-five feet (25') except where the lot abuts property zoned as single-family residential where there shall be a minimum rear yard of not less than one hundred feet (100') and not separated by a street or public right-of-way.

(D) Rear yard setbacks abutting property zoned as single-family residential shall include at least fifty feet (50') of green space adjacent to the residential district. Green space includes landscaping and turf grass.

The subject property is of such configuration that providing the prescribed setbacks renders the property as undevelopable. Further, the property may be subject to floodplain that could potentially inhibit the development of the property. A literal enforcement of these provisions would result in the unnecessary hardship of not being able to develop the property. Therefore, the Applicant requests the following variances because, due to special conditions, a literal enforcement of the referenced provisions would result in unnecessary hardship, and granting the variances would result in the spirit of the zoning regulations being observed and substantial justice is done:

1. Allow for required rear yard set backyard of 25' without the required 50' green space or district separation requirement of 100' between districts required in **Sec. 14.03.353, "Development Regulations", Subsection (2)(C)**.
2. Allow for a side yard setback of 20', without the additional 2' setback for each additional foot in height above 10 feet required in **Sec. 14.03.353, "Development Regulations", Subsection (2)(B)**.
3. Complete Relief from **Sec. 14.03.353, "Development Regulations", Subsection (2)(D)**.

4. Allow for a front yard setback of 35' reduced from the required 50' front yard setback required by **Sec. 14.03.353, "Development Regulations", Subsection (1)(A).**

Authorization of these variances, in this specific case, from the terms of the referenced provisions is not contrary to the public interest. The purpose of the Commercial Business District is as follows;

This is a general commercial zoning district for areas that provide the greatest number and mix of retail and commercial uses. This zoning district is designed and intended to serve as the commercial support zone of the entire community. It should be located in such a manner as to have reasonable access to arterial roadways so that ingress and egress to the CB area may be managed in a safe and controlled manner.

Granting the variances will allow the property to be developed in accordance with these purposes. Further, the Future Land Use Map of the City's Comprehensive Plan designates the property as "Commercial". The factors identified in the Comprehensive Plan for the designation of commercial land use are,

1. Commercial areas must be located to maximize the use of major roadways while minimizing excessive traffic impacts on residential areas.
2. Commercial areas should be limited and compact.
3. Commercial areas must allow for safe automobile/pedestrian circulation.
4. Commercial areas must be designed to avoid the blighting effects on adjacent residential land uses and must be kept from encroaching on other land uses.

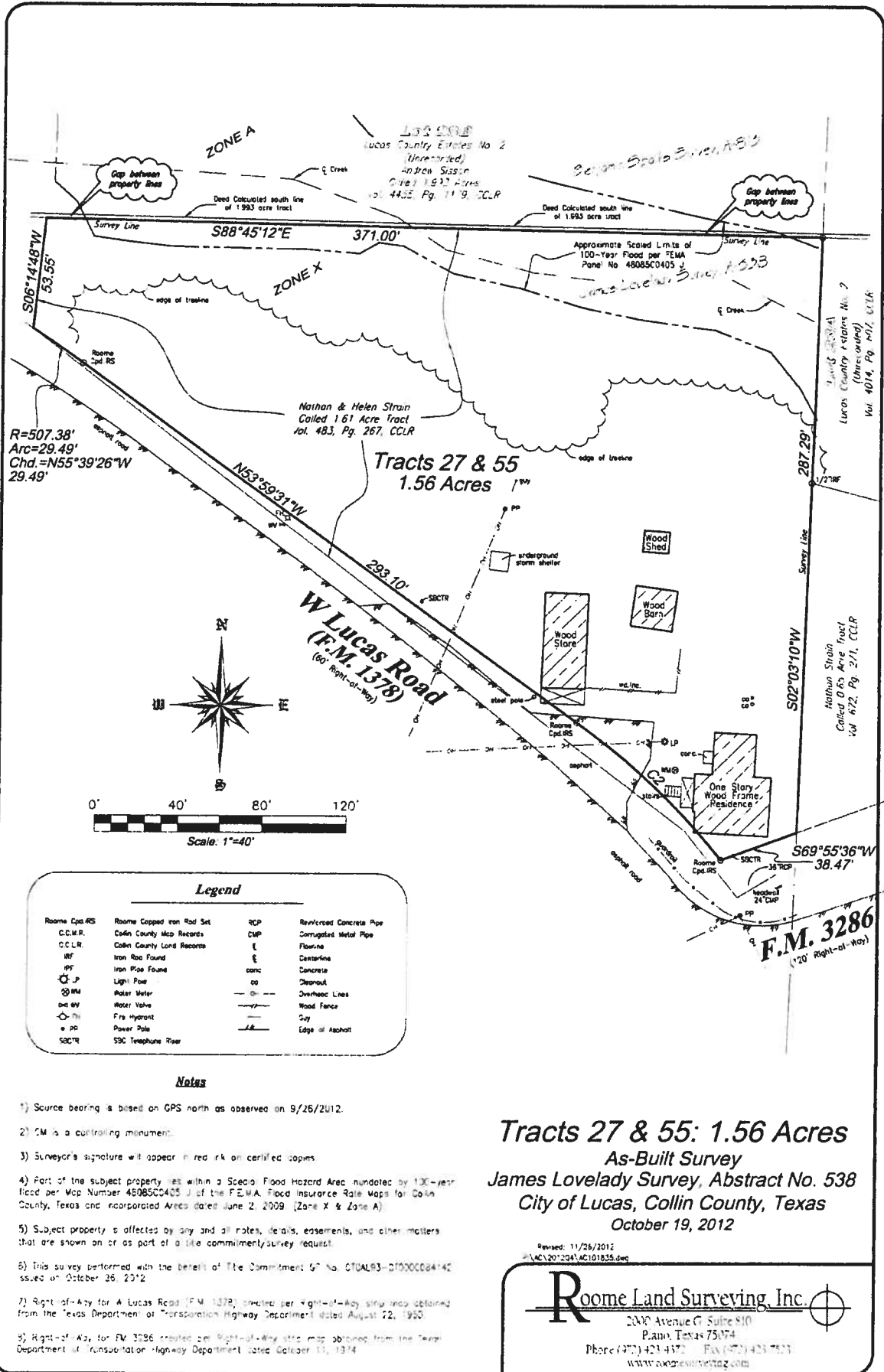
The subject property is bounded by two Major Arterials as identified on the Future Land Use Map. Further, the property has no vehicular connection to adjacent residential areas. Vehicular access is exceptional from the major arterials and does not interfere with traffic within the residential subdivisions. Additionally, the request would not expand the commercial area nor would new development result in blighting effects on or encroaching into the adjacent residential land uses. Therefore, the proposed development of the subject property is supported by the City's Comprehensive Plan and furthers the sound public interest set forth in the Comprehensive Plan as well as the Zoning Chapter of the City's Code of Ordinances.

Special conditions unique to this Property are that the Property is of such a restrictive area and shape that the Property cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. The shape and area of the Property are irregular such that the prescribed setbacks and a building pad cannot both be provided. Additionally, as stated above, the Property may be subject to floodplain that impacts the development potential of the site. Granting the variances would provide the relief to develop the Property in accordance with the zoning regulations and would further the principles of the Comprehensive Plan and, therefore, substantial justice would be done.

The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only. The unnecessary hardships are the result of physical constraints over which the Applicant has no control. The variances would not permit the Applicant a privilege in developing a parcel of land not permitted by zoning regulations to other parcels of land with the same zoning. On the contrary, granting the variances would allow the Applicant to develop the Property I the same manner as other parcels of land within the same zoning.

Therefore, the Applicant respectfully requests approval of the referenced variances having established the following:

- 1) The variances are not contrary to the public interest when, owing to special conditions cited, a literal enforcement of the referenced zoning regulations would result in unnecessary hardship, and the spirit of the ordinance will be observed and substantial justice done;
- 2) The variances are necessary to permit development of the subject property which differs from other parcels of land because of the noted restrictive area and shape, as well as other factors, that the subject property cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- 3) The variances would not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by zoning regulations to other parcels of land with the same zoning.



**ZONE A**  
 Deed Calculated south line of 1.993 acre tract  
 Survey Line  
 $S88^{\circ}45'12''E$  371.00'  
 Deed Calculated south line of 1.993 acre tract  
**ZONE X**  
 Approximate Scaled Limits of 100-Year Flood per FEMA Panel No. 48085C0405  
 Nathan & Helen Strain Called 1.61 Acre Tract Vol. 483, Pg. 267, CCLR  
 Tracts 27 & 55 1.56 Acres  
 Nathan Strain Called 0.65 Acre Tract Vol. 612, Pg. 271, CCLR  
 Lucas County Estates No. 2 (Unrecorded) City of Lucas 1913 Annex Vol. 4432, Pg. 119, CCLR  
 Lucas County Estates No. 2 (Unrecorded) Vol. 4014, Pg. 107, CCLR  
 Nathan Strain Called 0.65 Acre Tract Vol. 612, Pg. 271, CCLR

$R=507.38'$   
 $Arc=29.49'$   
 $Chd.=N55^{\circ}39'26''W$   
 $29.49'$



**Legend**


Roome Cpt. RS	Roome Capped Iron Rod Set	RCP	Reinforced Concrete Pole
C.C.M.R.	Collin County Map Records	CMP	Corrugated Metal Pipe
C.C.L.R.	Collin County Land Records	F	Floorline
IRF	Iron Rod Found	E	Centerline
IPF	Iron Pipe Found	conc	Concrete
LP	Light Pole	ca	Clearcut
M	Water Meter	---	Overhead Lines
val. WV	Water Valve	---	Wood Fence
Hy	Fire Hydrant	---	Spy
PP	Power Pole	---	Edge of Asphalt
SCTR	SVC Telephone Riser		

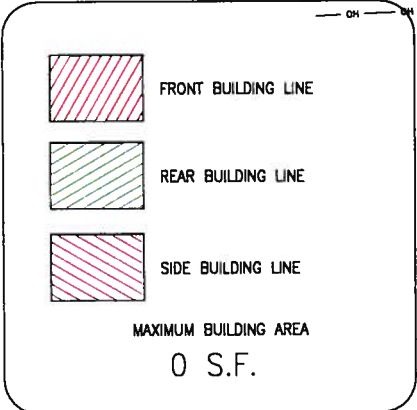
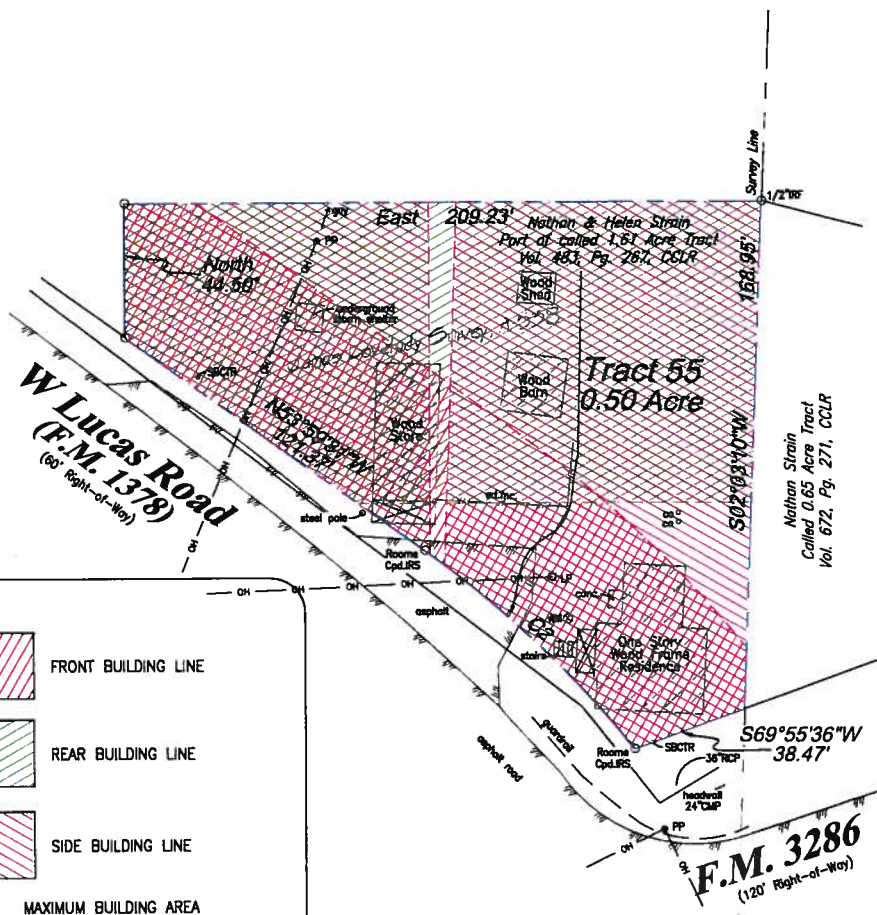
**Notes**

- 1) Source bearing is based on GPS north as observed on 9/26/2012.
- 2) CM is a correlative monument.
- 3) Surveyor's signature will appear in red ink on certified copies.
- 4) Part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C0405 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas and incorporated Areas dated June 2, 2009 (Zone X & Zone A).
- 5) Subject property is affected by any and all notes, details, easements, and other matters that are shown on or as part of a title commitment/survey request.
- 6) This survey performed with the benefit of Title Commitment 67 No. CTUAL93-01000084142 issued on October 26, 2012.
- 7) Right-of-Way for W Lucas Road (F.M. 1378), created per Right-of-Way map obtained from the Texas Department of Transportation Highway Department dated August 22, 1990.
- 8) Right-of-Way for F.M. 3286 created per Right-of-Way title map obtained from the Texas Department of Transportation Highway Department dated October 11, 1974.

**Tracts 27 & 55: 1.56 Acres**  
**As-Built Survey**  
**James Lovelady Survey, Abstract No. 538**  
**City of Lucas, Collin County, Texas**  
**October 19, 2012**

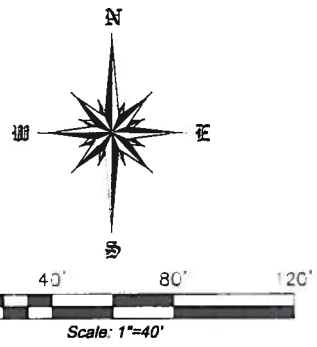
Revised: 11/26/2012  
 \\AC1207204\AC101835.dwg

**Roome Land Surveying, Inc.**   
 2000 Avenue G Suite 810  
 Plano, Texas 75074  
 Phone (972) 421-4172 Fax (972) 421-7831  
 www.roomeandsurveying.com



**Legend**

Roome Cpl.RS	Roome Capped Iron Rod Set	RCP	Reinforced Concrete Pipe
C.C.M.R.	Collin County Map Records	CMF	Corrugated Metal Pipe
C.C.L.R.	Collin County Land Records	ℓ	Flowline
IRF	Iron Rod Found	⊕	Centerline
IPF	Iron Pipe Found	conc.	Concrete
⊙LP	Light Pole	ca	Cleanout
⊙WM	Water Meter	— OH —	Overhead Lines
⊙WV	Water Valve	— W —	Wood Fence
⊙FH	Fire Hydrant	— G —	Guy
⊙PP	Power Pole	— A —	Edge of Asphalt
SBCTR	SBC Telephone Riser		



**Notes**

- 1) Source bearing is based on GPS north as observed on 9/26/2012.
- 2) CM is a controlling monument.
- 3) Surveyor's signature will appear in red ink on certified copies.
- 4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C0405 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas and Incorporated Areas dated June 2, 2009 (Zone X).
- 5) Subject property is affected by any and all notes, details, easements, and other matters that are shown on or as part of a title commitment/survey request.
- 6) This survey performed with the benefit of Title Commitment GF No. CTDAL93-CT000008+142 issued on October 26, 2012.
- 7) Right-of-Way for W Lucas Road (F.M. 1378) created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated August 22, 1950.
- 8) Right-of-Way for FM 3286 created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated October 11, 1974.

**Tract 55: 0.50 Acre**  
**As-Built Survey**  
**James Lovelady Survey, Abstract No. 538**  
**City of Lucas, Collin County, Texas**  
**October 19, 2012**

Revised: 11/30/2012  
P:\AC\201204\AC101835.dwg

**Roome Land Surveying, Inc.**

2000 Avenue G, Suite 810  
Plano, Texas 75074  
Phone (972) 423-4372 / Fax (972) 423 7523  
www.roomesurveying.com

November 29, 2012

Mr. Joe Hilbourn  
Development Services Director  
City of Lucas  
665 Country Club Road  
Lucas, Texas 75002

RE: *Application for Setback Variance; Tract 26 (2,918 square feet); James Lovelady Survey, Abstract No. 538 .*

Dear Mr. Hilbourn:

In connection with an application to the Board of Adjustment for certain variances to the setback regulations of Sec. 14.03.353 of the City of Lucas Zoning Ordinance for the above-described property, enclosed with this letter please find the following items:

1. Originally executed Appeal to the Board of Adjustment;
2. Attachment to the Appeal to the Board of Adjustment form;
3. Originally-executed authorization by the property owner;
4. Survey of the subject property; and
5. Filing fee check, payable to the City of Lucas, in the amount of \$300.00.

If you need anything else in connection with this application, please don't hesitate to let us know, and we will supply it to you. Thank you very much for your assistance with this.

Sincerely yours,



Rudy Rivas

REC'D DEC 06 2012



November 29, 2012

Mr. Joe Hilbourn  
Development Services Director  
City of Lucas  
665 Country Club Road  
Lucas, Texas 75002

RE: *Application to City of Lucas Board of Adjustment for Setback Variances; Tract  
26 (2,948 square feet) James Lovelady Survey, Abstract No. 538.*

Dear Mr. Hilbourn:

As the Owner of the subject property, this letter will authorize Mr. Rudy Rivas to act as my representative in connection with filing and processing the above-referenced application to the City of Lucas Board of Adjustment for certain setback variances at the above-referenced location.

OWNER:

Helen Strain

By: 

David Strain

By: 

Marian Strain Foust

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

**DATE:** \_\_\_\_\_ **FEE:** \$300.00 **APPEAL #** \_\_\_\_\_

**SUBMITTED BY:** Name: Helen Strain, Owner, by David Strain and Marian Strain Foust  
Address: 120 West Lucas Road  
City: Lucas State: Texas Zip 75002  
Phone: 972-835-1902

**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 1011 G, 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:**

(Please see attached explanation of request and discussion of how the applicable standards are met)

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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 GRANTED 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

*Marvin Strain Frost*  
*Dail Strain*

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

If not granted by the Board, state reason why.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairman

BRIEFLY DESCRIBE YOUR APPEAL:

The subject property is currently zoned CB Commercial Business District. Section 14.03.353 of the City's Code of Ordinances provides the following development regulations for the CB District:

(2) Setbacks. The following setbacks are required in the commercial business district:

(A) Front yard setbacks shall be a minimum of fifty feet (50') from the street right-of-way.

(B) Side yard setbacks shall be a minimum of twenty feet (20'). Where a CB zone abuts on the side of a property zoned as single-family residential, each portion of a building in excess of ten feet (10') in height shall be set back two (2) additional feet for each additional one (1) foot in height.

(C) Rear yards shall be a minimum of twenty-five feet (25') except where the lot abuts property zoned as single-family residential where there shall be a minimum rear yard of not less than one hundred feet (100') and not separated by a street or public right-of-way.

(D) Rear yard setbacks abutting property zoned as single-family residential shall include at least fifty feet (50') of green space adjacent to the residential district. Green space includes landscaping and turf grass.

The subject property is of such configuration that providing the prescribed setbacks renders the property as undevelopable. Further, the property may be subject to floodplain that could potentially inhibit the development of the property. A literal enforcement of these provisions would result in the unnecessary hardship of not being able to develop the property. Therefore, the Applicant requests the following variances because, due to special conditions, a literal enforcement of the referenced provisions would result in unnecessary hardship, and granting the variances would result in the spirit of the zoning regulations being observed and substantial justice is done:

1. Allow for required rear yard set backyard of 25' without the required 50' green space or district separation requirement of 100' between districts required in **Sec. 14.03.353, "Development Regulations", Subsection (2)(C)**.
2. Allow for a side yard setback of 20', without the additional 2' setback for each additional foot in height above 10 feet required in **Sec. 14.03.353, "Development Regulations", Subsection (2)(B)**.
3. Complete Relief from **Sec. 14.03.353, "Development Regulations", Subsection (2)(D)**.

4. Allow for a front yard setback of 35' reduced from the required 50' front yard setback required by **Sec. 14.03.353, "Development Regulations", Subsection (1)(A).**

Authorization of these variances, in this specific case, from the terms of the referenced provisions is not contrary to the public interest. The purpose of the Commercial Business District is as follows;

This is a general commercial zoning district for areas that provide the greatest number and mix of retail and commercial uses. This zoning district is designed and intended to serve as the commercial support zone of the entire community. It should be located in such a manner as to have reasonable access to arterial roadways so that ingress and egress to the CB area may be managed in a safe and controlled manner.

Granting the variances will allow the property to be developed in accordance with these purposes. Further, the Future Land Use Map of the City's Comprehensive Plan designates the property as "Commercial". The factors identified in the Comprehensive Plan for the designation of commercial land use are,

1. Commercial areas must be located to maximize the use of major roadways while minimizing excessive traffic impacts on residential areas.
2. Commercial areas should be limited and compact.
3. Commercial areas must allow for safe automobile/pedestrian circulation.
4. Commercial areas must be designed to avoid the blighting effects on adjacent residential land uses and must be kept from encroaching on other land uses.

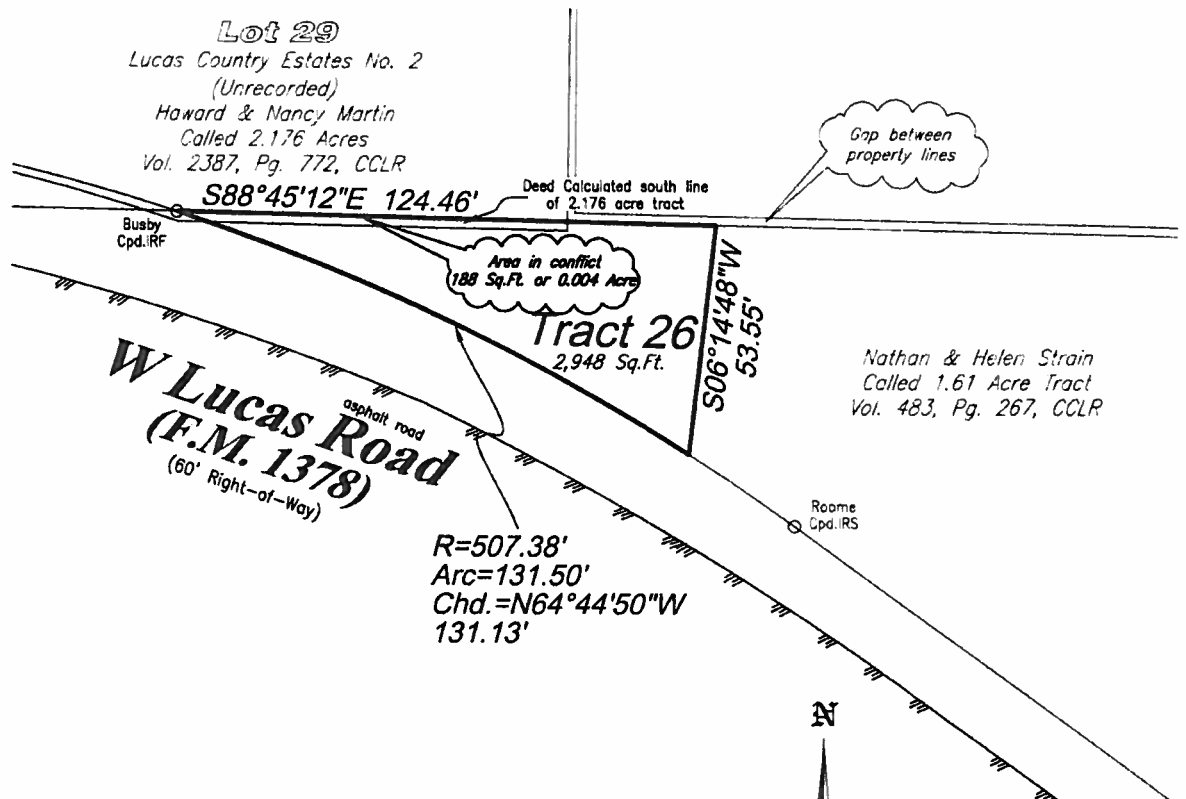
The subject property is bounded by two Major Arterials as identified on the Future Land Use Map. Further, the property has no vehicular connection to adjacent residential areas. Vehicular access is exceptional from the major arterials and does not interfere with traffic within the residential subdivisions. Additionally, the request would not expand the commercial area nor would new development result in blighting effects on or encroaching into the adjacent residential land uses. Therefore, the proposed development of the subject property is supported by the City's Comprehensive Plan and furthers the sound public interest set forth in the Comprehensive Plan as well as the Zoning Chapter of the City's Code of Ordinances.

Special conditions unique to this Property are that the Property is of such a restrictive area and shape that the Property cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. The shape and area of the Property are irregular such that the prescribed setbacks and a building pad cannot both be provided. Additionally, as stated above, the Property may be subject to floodplain that impacts the development potential of the site. Granting the variances would provide the relief to develop the Property in accordance with the zoning regulations and would further the principles of the Comprehensive Plan and, therefore, substantial justice would be done.

The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only. The unnecessary hardships are the result of physical constraints over which the Applicant has no control. The variances would not permit the Applicant a privilege in developing a parcel of land not permitted by zoning regulations to other parcels of land with the same zoning. On the contrary, granting the variances would allow the Applicant to develop the Property I the same manner as other parcels of land within the same zoning.

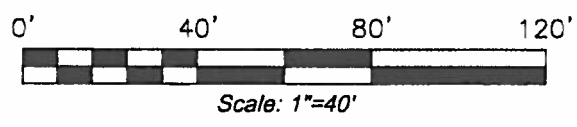
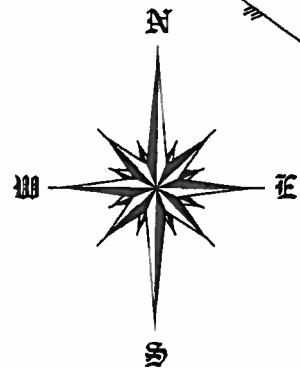
Therefore, the Applicant respectfully requests approval of the referenced variances having established the following:

- 1) The variances are not contrary to the public interest when, owing to special conditions cited, a literal enforcement of the referenced zoning regulations would result in unnecessary hardship, and the spirit of the ordinance will be observed and substantial justice done;
- 2) The variances are necessary to permit development of the subject property which differs from other parcels of land because of the noted restrictive area and shape, as well as other factors, that the subject property cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- 3) The variances would not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by zoning regulations to other parcels of land with the same zoning.



**Notes**

- 1) Source bearing is based on GPS north as observed on 9/26/2012.
- 2) CM is a controlling monument.
- 3) Surveyor's signature will appear in red ink on certified copies.
- 4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C0405 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas and Incorporated Areas dated June 2, 2009. (Zone X & Zone A)
- 5) Subject property is affected by any and all notes, details, easements, and other matters that are shown on or as part of a title commitment/survey request.
- 6) This survey performed with the benefit of Title Commitment GF No. CTDAL93-CT0000084142 issued on October 26, 2012.
- 7) Right-of-Way for W Lucas Road (F.M. 1378) created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated August 22, 1950.
- 8) Right-of-Way for FM 3286 created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated October 11, 1974.



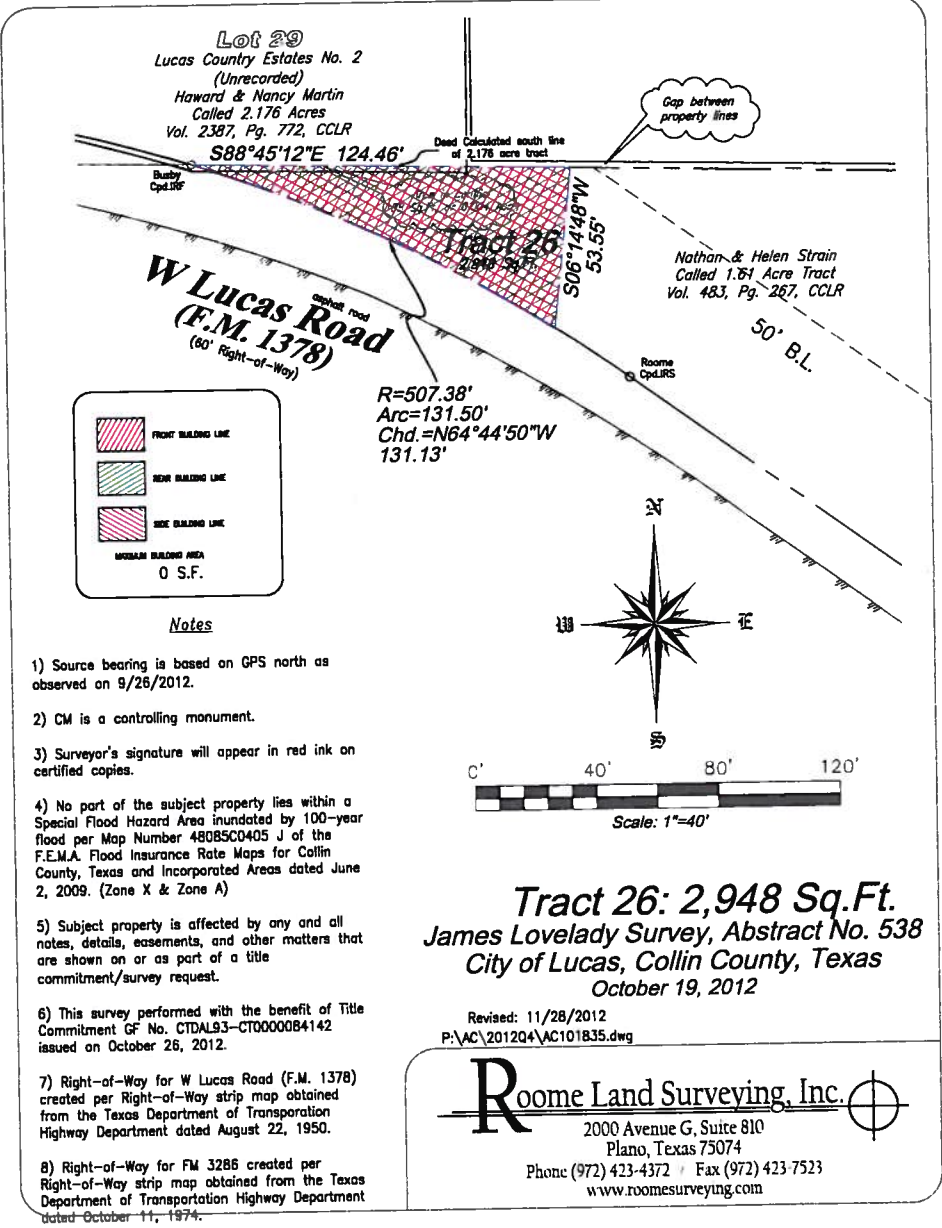
**Tract 26: 2,948 Sq.Ft.**  
**James Lovelady Survey, Abstract No. 538**  
**City of Lucas, Collin County, Texas**  
**October 19, 2012**

Revised: 11/28/2012  
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Roome Land Surveying, Inc.

2000 Avenue G, Suite 810  
Plano, Texas 75074  
Phone (972) 423 4372 / Fax (972) 423-7523  
[www.roomesurveying.com](http://www.roomesurveying.com)





November 29, 2012

Mr. Joe Hilbourn  
Development Services Director  
City of Lucas  
665 Country Club Road  
Lucas, Texas 75002

RE: *Application for Setback Variances; Tract 27 (1.06 Acres); James Lovelady Survey, Abstract No. 538 .*

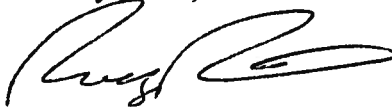
Dear Mr. Hilbourn:

In connection with an application to the Board of Adjustment for certain variances to the setback regulations of Sec. 14.03.353 of the City of Lucas Zoning Ordinance for the above-described property, enclosed with this letter please find the following items:

1. Originally executed Appeal to the Board of Adjustment;
2. Attachment to the Appeal to the Board of Adjustment form;
3. Originally-executed authorization of the property owner;
4. Survey of the subject property; and
5. Filing fee check, payable to the City of Lucas, in the amount of \$300.00.

If you need anything else in connection with this application, please don't hesitate to let us know, and we will supply it to you. Thank you very much for your assistance with this.

Sincerely yours,



Rudy Rivas

REC'D DEC 06 2012

November 29, 2012

Mr. Joe Hilbourn  
Development Services Director  
City of Lucas  
665 Country Club Road  
Lucas, Texas 75002

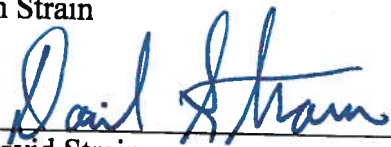
RE: *Application to City of Lucas Board of Adjustment for Setback Variances; Tract 27 (1.06 acres), James Lovelady Survey, Abstract No. 538.*

Dear Mr. Hilbourn:

As the Owner of the subject property, this letter will authorize Mr. Rudy Rivas to act as my representative in connection with filing and processing the above-referenced application to the City of Lucas Board of Adjustment for certain setback variances at the above-referenced location.

OWNER:

Helen Strain

By:   
David Strain

By:   
Marian Strain Foust

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

**DATE:** \_\_\_\_\_ **FEE: \$300.00** **APPEAL #** \_\_\_\_\_

**SUBMITTED BY:** Name: Helen Strain, Owner, by David Strain and Marian Strain Foust  
Address: 120 West Lucas Road  
City: Lucas State: Texas Zip 75002  
Phone: 972-835-1902

**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 1011 G, 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:**

(Please see attached explanation of request and discussion of how the applicable standards are met)

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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 GRANTED 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:

Mary Frost  
Dan Stran

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

If not granted by the Board, state reason why.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairman

BRIEFLY DESCRIBE YOUR APPEAL:

The subject property is currently zoned CB Commercial Business District. Section 14.03.353 of the City's Code of Ordinances provides the following development regulations for the CB District:

(2) Setbacks. The following setbacks are required in the commercial business district:

(A) Front yard setbacks shall be a minimum of fifty feet (50') from the street right-of-way.

(B) Side yard setbacks shall be a minimum of twenty feet (20'). Where a CB zone abuts on the side of a property zoned as single-family residential, each portion of a building in excess of ten feet (10') in height shall be set back two (2) additional feet for each additional one (1) foot in height.

(C) Rear yards shall be a minimum of twenty-five feet (25') except where the lot abuts property zoned as single-family residential where there shall be a minimum rear yard of not less than one hundred feet (100') and not separated by a street or public right-of-way.

(D) Rear yard setbacks abutting property zoned as single-family residential shall include at least fifty feet (50') of green space adjacent to the residential district. Green space includes landscaping and turf grass.

The subject property is of such configuration that providing the prescribed setbacks renders the property as undevelopable. Further, the property may be subject to floodplain that could potentially inhibit the development of the property. A literal enforcement of these provisions would result in the unnecessary hardship of not being able to develop the property. Therefore, the Applicant requests the following variances because, due to special conditions, a literal enforcement of the referenced provisions would result in unnecessary hardship, and granting the variances would result in the spirit of the zoning regulations being observed and substantial justice is done:

1. Allow for required rear yard set backyard of 25' without the required 50' green space or district separation requirement of 100' between districts required in **Sec. 14.03.353, "Development Regulations", Subsection (2)(C)**.
2. Allow for a side yard setback of 20', without the additional 2' setback for each additional foot in height above 10 feet required in **Sec. 14.03.353, "Development Regulations", Subsection (2)(B)**.
3. Complete Relief from **Sec. 14.03.353, "Development Regulations", Subsection (2)(D)**.

4. Allow for a front yard setback of 35' reduced from the required 50' front yard setback required by **Sec. 14.03.353, "Development Regulations", Subsection (1)(A).**

Authorization of these variances, in this specific case, from the terms of the referenced provisions is not contrary to the public interest. The purpose of the Commercial Business District is as follows;

This is a general commercial zoning district for areas that provide the greatest number and mix of retail and commercial uses. This zoning district is designed and intended to serve as the commercial support zone of the entire community. It should be located in such a manner as to have reasonable access to arterial roadways so that ingress and egress to the CB area may be managed in a safe and controlled manner.

Granting the variances will allow the property to be developed in accordance with these purposes. Further, the Future Land Use Map of the City's Comprehensive Plan designates the property as "Commercial". The factors identified in the Comprehensive Plan for the designation of commercial land use are,

1. Commercial areas must be located to maximize the use of major roadways while minimizing excessive traffic impacts on residential areas.
2. Commercial areas should be limited and compact.
3. Commercial areas must allow for safe automobile/pedestrian circulation.
4. Commercial areas must be designed to avoid the blighting effects on adjacent residential land uses and must be kept from encroaching on other land uses.

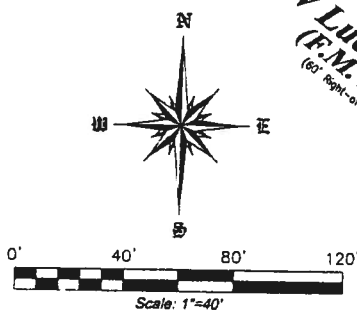
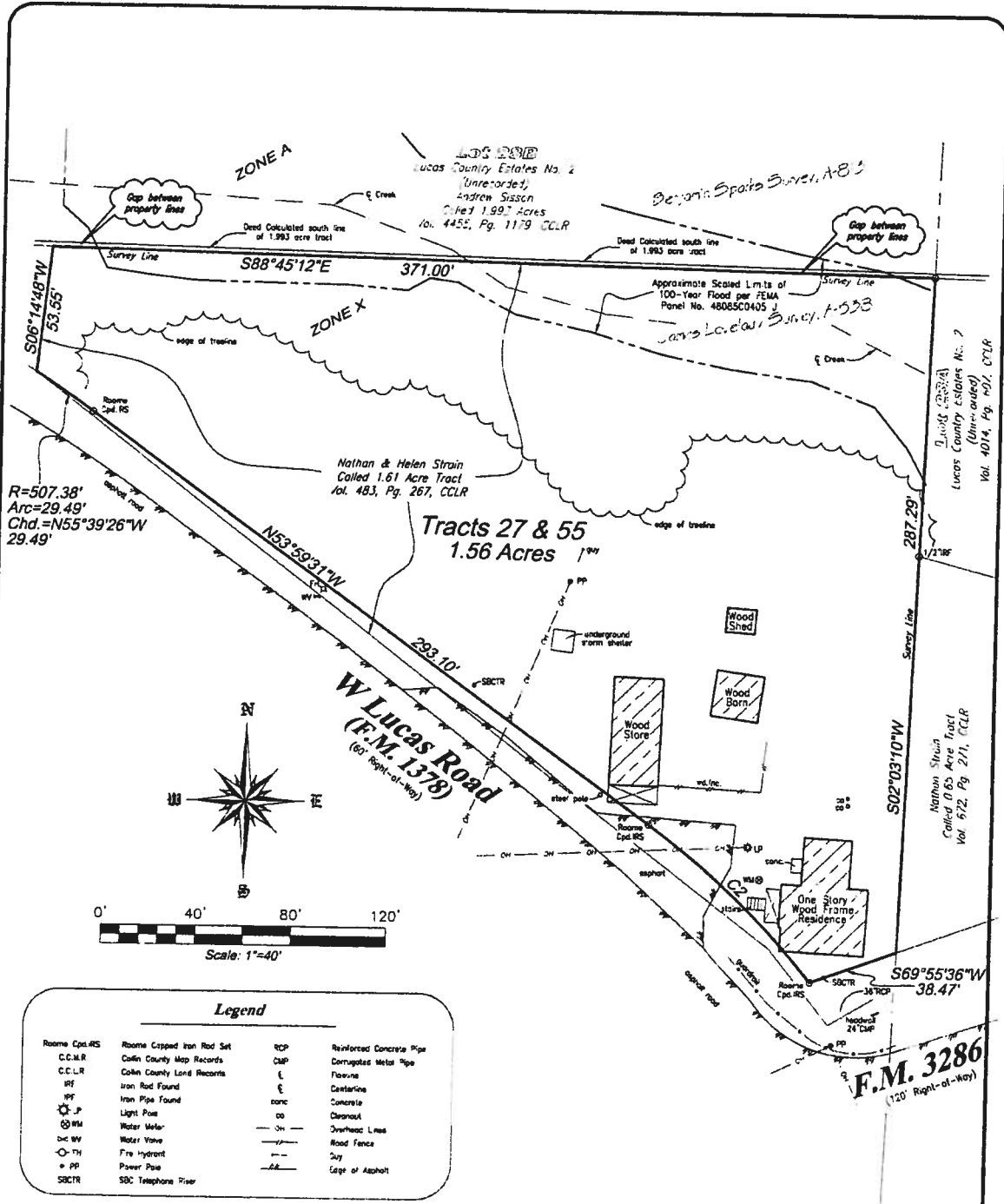
The subject property is bounded by two Major Arterials as identified on the Future Land Use Map. Further, the property has no vehicular connection to adjacent residential areas. Vehicular access is exceptional from the major arterials and does not interfere with traffic within the residential subdivisions. Additionally, the request would not expand the commercial area nor would new development result in blighting effects on or encroaching into the adjacent residential land uses. Therefore, the proposed development of the subject property is supported by the City's Comprehensive Plan and furthers the sound public interest set forth in the Comprehensive Plan as well as the Zoning Chapter of the City's Code of Ordinances.

Special conditions unique to this Property are that the Property is of such a restrictive area and shape that the Property cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. The shape and area of the Property are irregular such that the prescribed setbacks and a building pad cannot both be provided. Additionally, as stated above, the Property may be subject to floodplain that impacts the development potential of the site. Granting the variances would provide the relief to develop the Property in accordance with the zoning regulations and would further the principles of the Comprehensive Plan and, therefore, substantial justice would be done.

The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only. The unnecessary hardships are the result of physical constraints over which the Applicant has no control. The variances would not permit the Applicant a privilege in developing a parcel of land not permitted by zoning regulations to other parcels of land with the same zoning. On the contrary, granting the variances would allow the Applicant to develop the Property I the same manner as other parcels of land within the same zoning.

Therefore, the Applicant respectfully requests approval of the referenced variances having established the following:

- 1) The variances are not contrary to the public interest when, owing to special conditions cited, a literal enforcement of the referenced zoning regulations would result in unnecessary hardship, and the spirit of the ordinance will be observed and substantial justice done;
- 2) The variances are necessary to permit development of the subject property which differs from other parcels of land because of the noted restrictive area and shape, as well as other factors, that the subject property cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- 3) The variances would not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by zoning regulations to other parcels of land with the same zoning.



**Legend**

Roome Cpt.RS	Roome Capped Iron Rod Set	RCR	Reinforced Concrete Pipe
C.C.M.R.	Collin County Map Records	CMP	Corrugated Metal Pipe
C.C.L.R.	Collin County Land Records	ℓ	Fluorine
IRF	Iron Rod Found	ℰ	Centerline
IPF	Iron Pipe Found	conc	Concrete
⊙-P	Light Pole	oo	Clearcut
⊙-M	Water Meter	—OH—	Overhead Lines
⊙-WV	Water Valve	—/—/—	Road Fence
⊙-TH	Fire Hydrant	---	Ditch
• PP	Power Pole	---A---	Edge of Asphalt
SBCTR	SBC Telephone Poles		

**Notes**

- 1) Source bearing is based on GPS north as observed on 9/26/2012.
- 2) CM is a controlling monument.
- 3) Surveyor's signature will appear in red ink on certified copies.
- 4) Part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C0405 J of the F.E.M.A Flood Insurance Rate Maps for Collin County, Texas and incorporated Areas dated June 2, 2009. (Zone X & Zone A)
- 5) Subject property is affected by any and all rules, details, easements, and other matters that are shown on or as part of a title commitment/survey request.
- 6) This survey performed with the benefit of Title Commitment of No. CTDAL93-010000084142 issued on October 26, 2012.
- 7) Right-of-Way for W Lucas Road (F.M. 1378) created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated August 22, 1950.
- 8) Right-of-Way for F.M. 3286 created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated October 11, 1974.

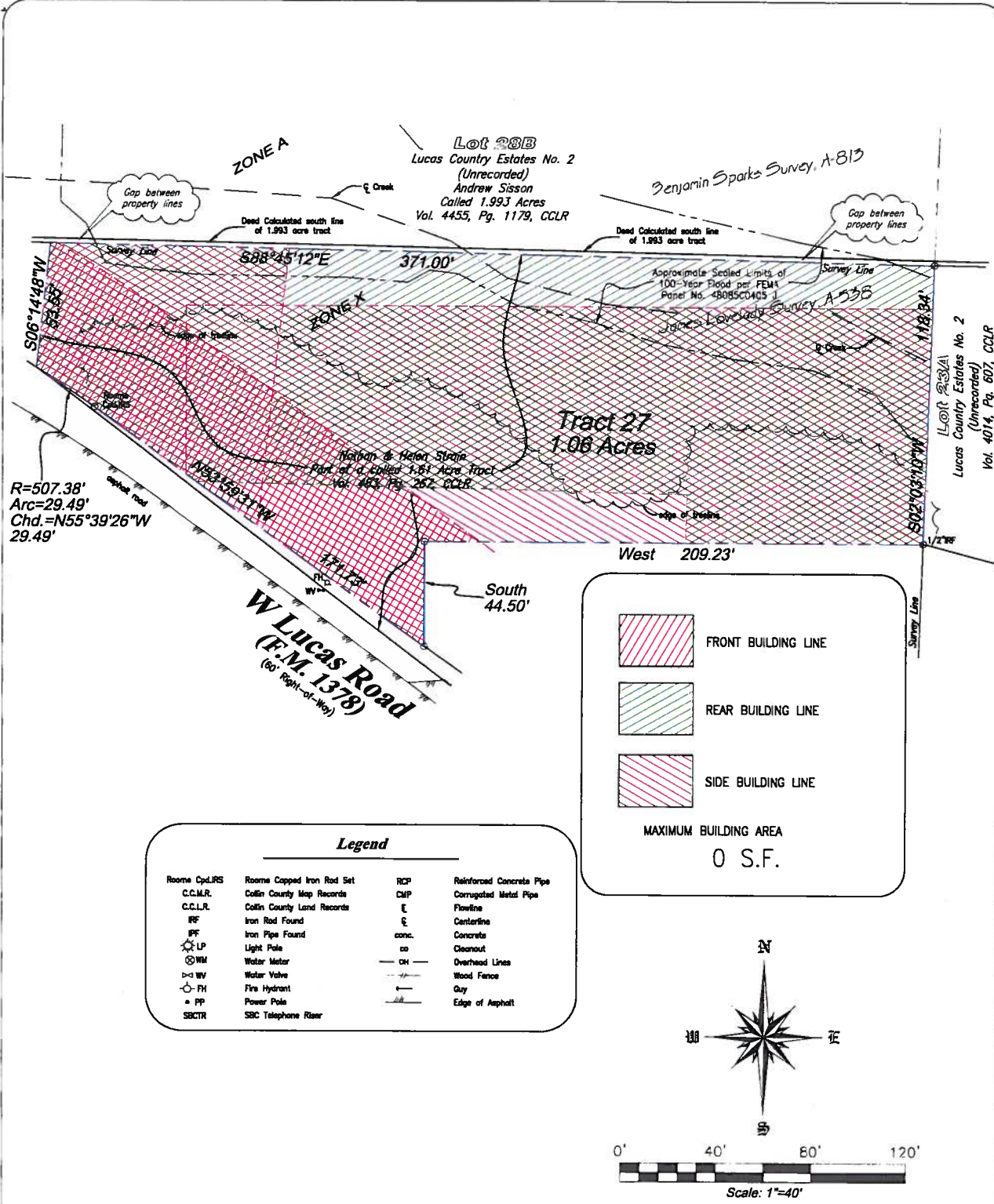
**Tracts 27 & 55: 1.56 Acres**  
**As-Built Survey**  
**James Lovelady Survey, Abstract No. 538**  
**City of Lucas, Collin County, Texas**  
**October 19, 2012**

Revised: 11/26/2012  
 P:\VCI\2012\04\AC101825.dwg

**R**oome Land Surveying, Inc.

2000 Avenue G, Suite 810  
 Plano, Texas 75074  
 Phone (972) 423-4372 Fax (972) 423-7518  
 www.roomesurveying.com





**Legend**

Roome Cpl. I.R.S.	Roome Capped Iron Rod Set	RCP	Reinforced Concrete Pipe
C.C.M.R.	Collin County Map Records	CMP	Corrugated Metal Pipe
C.C.L.R.	Collin County Land Records	℄	Flowline
IRF	Iron Rod Found	℄	Centerline
IPF	Iron Pipe Found	conc.	Concrete
LP	Light Pole	∞	Cleanout
WM	Water Meter	OH	Overhead Lines
WV	Water Valve	WF	Wood Fence
FH	Fire Hydrant	G	Guy
PP	Power Pole	EA	Edge of Asphalt
SBCTR	SBC Telephone Riser		

West 209.23'

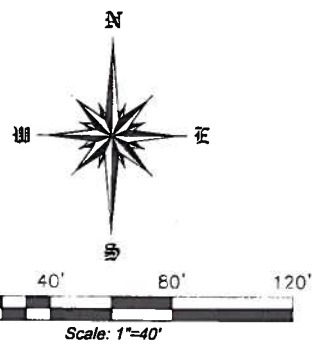
South 44.50'

FRONT BUILDING LINE

REAR BUILDING LINE

SIDE BUILDING LINE

MAXIMUM BUILDING AREA  
0 S.F.



**Notes**

- 1) Source bearing is based on GPS north as observed on 9/26/2012.
- 2) CM is a controlling monument.
- 3) Surveyor's signature will appear in red ink on certified copies.
- 4) Part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48085C0405 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas and Incorporated Areas dated June 2, 2009. (Zone X & Zone A)
- 5) Subject property is affected by any and all notes, details, easements, and other matters that are shown on or as part of a title commitment/survey request.
- 6) This survey performed with the benefit of Title Commitment GF No. CTDAL93-CTD000084142 issued on October 26, 2012.
- 7) Right-of-Way for W Lucas Road (F.M. 1378) created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated August 22, 1950.
- 8) Right-of-Way for FM 3286 created per Right-of-Way strip map obtained from the Texas Department of Transportation Highway Department dated October 11, 1974.

**Tracts 27: 1.06 Acres**

**As-Built Survey**  
**James Lovelady Survey, Abstract No. 538**  
**City of Lucas, Collin County, Texas**  
**October 19, 2012**

Revised: 11/30/2012  
P:\AC\201204\AC101835.dwg

**Roome Land Surveying, Inc.**

2000 Avenue G, Suite 810  
Plano, Texas 75074  
Phone (972) 423-4372 Fax (972) 423-7523  
www.roomesurveying.com



## **PUBLIC HEARING NOTICE**

NOTICE is hereby given that the Board of Adjustments, of the City of Lucas, Texas, will conduct a Public Hearing on Monday, January 7, 2013, at 6:30 p.m. at the Lucas City Hall, 665 Country Club Rd., Lucas, Texas, for the purpose of hearing a request(s) submitted by:

Rudy Rivas, authorized representative for David Strain and Marian Strain Foust, request a variance to the City of Lucas' Code of Ordinance, Chapter 14: Zoning, Division 7, CB Commercial Business District, Section 14.03.353 Development Regulations, asking for a variance for the front, rear and side yard setbacks. The property is commonly known as Tract 7 (0.57 acre) James Anderson Survey, Abstract No. 17; Tract 55 (.50 acre) James Lovelady Survey, Abstract No. 538; Tract 26 (2,918 square feet) James Lovelady Survey, Abstract No. 538; and Tract 27 (1.06 acres) James Lovelady Survey, Abstract No. 538 or 120 W. Lucas Road, Lucas, Texas.

Those wishing to speak FOR or AGAINST this variance are invited to attend. If you are unable to attend and have any comments you may send them to City Hall, Attn: City Secretary and they will be presented at the Public Hearing. For further information please contact Lucas City Hall at 972-727-8999.

*Kathy Wingo*, TRMC, MMC  
City Secretary



**City of Lucas  
Board of Adjustments**

BOA Meeting: January 7, 2013

Requestor: Kathy Wingo

Prepared by: Kathy Wingo

Account Code #: N/A

Date Prepared: December 10, 2012

Budgeted Amount: \$ N/A

Exhibits:  Yes     No

**AGENDA SUBJECT:**

Discuss and Consider the approval of the minutes from the November 12, 2012, Board of Adjustments meeting.

**RECOMMENDED ACTION:**

Approve as submitted.

**SUMMARY:**

See attached.

**MOTION:**

I make a Motion to approve the minutes from the November 12, 2012, Board of Adjustments meeting as presented.

**APPROVED BY:** \_\_\_\_\_ Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_  
City Manager: \_\_\_\_\_ / \_\_\_\_\_



Board of Adjustment Meeting  
November 12, 2012, 6:30 PM  
City Hall - 665 Country Club Road

## Minutes

### Call to Order

Member Kathy Morris called the meeting to order at 6:31 p.m.

Present:

Member Kathy Morris

Member Cathey Bonczar

Member Randy Barnes (6:34)

City Attorney Joe Gorfida

Development Services Director Joe Hilbourn

Mayor Pro Tem Kathleen Peele

Member Stuart Fink

Member Craig Williams

Alternate Member Janean McLaughlin

City Secretary Kathy Wingo

City Manager Jeff Jenkins

It was determined that a Quorum was present.

Everyone was reminder to turn off or silence cell phones.

Everyone joined in together to say the Pledge of Allegiance.

### Routine Business

- 1) City Secretary Kathy Wingo will administer the Oath of Office to newly appointed members.

City Secretary Kathy Wingo stated that on November 1, 2012, the Lucas City Council appointed Member Stuart Fink, Member Randy Barnes and Alternate Member Janean McLaughlin to serve on the Board of Adjustments with term ending October 31, 2014. City Secretary Wingo administered the Oath of Office to the newly appointed members.

- 2) Discuss and Consider the appointment of a Chairman.

Craig Williams nominated Kathy Morris, Kathy Morris nominated Craig Williams.

**MOTION:** Member Craig Williams made a Motion to appoint Kathy Morris as the Chairman for the Board of Adjustments to serve for a period of one (1) year, term ending October 31, 2013. Member Stuart Fink seconded the Motion. Motion carried. Vote: 4-1, Member Kathy Morris voting NAY.

- 3) Discuss and Consider the appointment of a Vice-Chairman.

**MOTION:** Chairman Kathy Morris made a Motion to appoint Craig Williams to serve as the Vice-Chairman for a period of one (1) year, term ending October 31, 2013. Member Cathey Bonczar seconded the Motion. Motion carried. Vote: 5-0.

- 4) Discuss the roles and responsibilities of the members of the Board of Adjustments.

The Board of Adjustments is made up of five members and two alternates. All cases must be heard by a minimum of 75% of the members. The concurring vote of at least 75% of the members is required to reverse administrative decisions, grant special exceptions, authorize variances, and take any other actions.

The Board of Adjustment shall review the application and the recommendation of the Building Official and shall conduct a Public Hearing on the application. The Board may decide to permit such variance of the front setback, side setback, rear setback, lot width, lot depth, minimum setback standards, off-street parking or off-street loading regulations where the literal enforcement of the provisions of his ordinance would result in an unnecessary hardship, and where such variance is necessary to permit a specific lot which differs from other lots in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other lots in the same district. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the same district. Following the Public Hearing, the Board will reach a final decision granting a variance only if the applicant demonstrates:

- That the request is not contrary to the public interest so that the spirit of the ordinance is observed and substantial justice done.
- That there are some unique characteristics associated with the site.
- That the hardship is not self-created or personal, nor is solely based on financial reasons.

The Board of Adjustments is considered a judiciary board. The decision of the board should be based on the body of evidence presented during the hearing, members should not view the site, visit with neighbors, take pictures, etc. prior to the hearing.

The Board of Adjustments decision on whether or not the applicant demonstrated that one or more of the criteria has been met. At the conclusion of the hearing members should not discuss their vote with the applicant, Council representative, city employees, or one another. The primary obligation of the board is to uphold the City's ordinances and zoning, whether members agree with them or not, and base decisions on whether to grant the variance request, or not, based on the legal requirements and definitions.

- 5) Presentation by City Attorney Joe Gorfida concerning the Public Information Act and Open Meetings Act.

**The Open Meetings Act:**

- Every meeting of the BOA is open to the public unless a close meeting is authorized by the Act.
- Governing body includes quasi-judicial boards and commissions but not advisory board.
- Act requires 72 hour posted notice of meeting.

Bodies subject to the Open Meetings Act include City Council, Planning & Zoning Commission, Board of Adjustments, as well as any advisory board, commission or committee i.e., Parks and Open Space Board.

Meetings subject to the Act would be any discussion or deliberation between a quorum (majority) or between a quorum and another person regarding public business or policy which the Board controls or supervises or during which formal action is taken. Deliberation is defined as a verbal exchange during a meeting between a quorum or between a quorum and another person regarding public business or policy.

72 hours prior written notice of the date, hour, place and subject of each meeting, including authorized closed meetings with the exception of a closed meeting for consultation with an attorney. Notice must be sufficient to inform the public of the subject matter that will be considered in an open or closed meeting. The more critical the topic, the more specific the notice. General descriptions are insufficient.

If a City maintains an internet web site, the City is required to post notice of its meetings on the web site. As an alternative to posting notice on a physical bulletin board, the notice may be posted on an electronic bulletin board at a place convenient to the public in City Hall; or, a perpetually illuminated screen on which the City can post viewable notices or messages that cannot be manipulated by the public.

The Open Meetings Act does not apply to conventions, seminars, or workshops if no formal action is taken and any discussion of public business is incidental, social meetings unrelated to public business and testimony before legislature and agencies.

Secret deliberations, members may not contact other members by telephone for the purpose of arriving at a decision or consensus concerning public business. Members may not use email or voice mail to arrive at a decision. Members may not meet in numbers less than a quorum for the purpose of secret deliberations. Members may not meet or conspire to meet in numbers that do not physically constitute a quorum at any one time, but through successive gatherings secretly to discuss a public matter with a quorum.

The Golden Rule – if the public is deprived of the opportunity to see deliberations or officials in action, then such telephone/email exchange or other gatherings should be avoided.

Consultation with attorney may be done by using a telephone or video conference call or internet communication to consult with the attorney in open or closed meeting, if the attorney is not an employee of the City. If the situation arises during the course of the meeting that requires the board seek legal advice, the board may convene a closed meeting to preserve the attorney/client privilege.

Executive Sessions are for limited specific purposes. Notice must be posted that sets forth the specific section of the Government Code with a brief description. Requesting the attorney's advice is a common example of a closed meeting.

There are specific procedures for Executive Sessions that must be followed. The quorum first convenes in open meeting for which proper notice has been given. The presiding officer announces that a closed meeting will be held and states the applicable sections of the Government Code and subject matter.

It is not necessary to make a motion to go into the closed session or return to the open session.

A certified agenda or tape recording must be kept and must include: announcement at beginning and end of meeting stating the date and time, subject matter and any action taken.

Attendance in a closed session should be limited to persons necessary for the purpose of an executive session and whose interest is not adverse to the City's.

Any final decision must be made in public, no voting in closed session or by secret ballot. The board may disclose the matter(s) discussed in closed session, but may not disclose certified agenda or tape from closed meeting.

The public has a right, subject to reasonable access, to tape or videotape of any open meeting.

Action taken in violation of the Act is voidable. Action may be set aside by a court but can be cured by a subsequent meeting. Members who knowingly conspire to circumvent the Act by meeting in numbers less than a quorum for the purpose of secret deliberations are in violation of the Act and have committed a misdemeanor. Members who knowingly call or aid in calling or organizing an illegal closed meeting or participate in an illegal closed meeting or close or aid in closing the meeting to the public have committed a misdemeanor.

Disclosure of the certified agenda or take recording of a closed meeting is a misdemeanor.

### **The Public Information Act:**

The Public Information Act is similar to the Freedom of Information Act and applies to information that is collected, assembled or maintained under a law or ordinance or in connection with the transaction of City business. It includes information that the City owns or has a right of access, every form of information.

The information must be in existence. The City is not required to conduct research, collect data, or create new records to provide information to the public. A citizen may request copies of information or to inspect information on-site. The City may not inquire into the requestor's motives but may require that the request be in writing.

Public information must be made available to the requestor during normal business hours within ten (10) business days after the request is made. If the City is unable to provide the information within the allowable time, it must notify the requestor and establish a reasonable date for production.

The requestor and City must comply with copyright laws. Certain information is protected by statute or other law and may not be disclosed to the public. Other information may be withheld from disclosure; however, the City must request an opinion from the Texas Attorney General (AG) within ten (10) business days from receipt of the request as to whether the requested information may be withheld.

The City must submit comments and sample materials within 15 business days and notify the requestor that an opinion from the Texas AG was requested. Information is not released until the Texas AG issues a written opinion requiring the disclosure of the requested information. Lawsuit may be filed if City disagrees.

There is information that may be withheld: confidential informant; information relating to litigation in which the City is, or may be, a party; trade secrets, certain commercial or financial information; social security numbers, driver's license numbers, license plate, certain motor vehicle information, credit card, debit card,



charge card, and access number. Information relating to economic development negotiations between the City and business prospects, home addresses, email addresses, cell and home telephone numbers of elected City officials and City employees, email address of members of the public unless consent to disclose, audit working papers, and certain law enforcement records may be withheld.

Current and former City employees or officials who choose not to allow access to emergency contact information or any photocopy or other copy of an identification badge issued to a City employee or official may be withheld.

E-mail communications of City staff and Council members; and, personal notes of City staff and Council members can be considered public information. Home emails on personal computers are public records if City employee or official transacts City business in such manner. A home email address is exempted from public disclosure if the City employee or official elected to keep information confidential.

The City designates a public information coordinator to satisfy the open records training requirement for City officials. This requirement has been met by the City Secretary.

## Public Hearings

- 6) Public Hearing/Discuss and Consider a request submitted by Mark & Vicki Enloe for a variance to the City of Lucas' Code of Ordinance, Chapter 14: Zoning, Division 3, R-2 Single Family Residential District, Section 14.03.113 (b) size of lot, (2) lot width, the width of the lot shall be not less than 200' at the front street building line, nor shall its average width be less than 240'. The variance being requested is for 50' street frontage. The property is located at 255 E. Blondy Jhune Road, Lucas, Texas.

Development Services Director Joe Hilbourn came forward to review the request with the members of the Board of Adjustments.

The City has received a request from Mark & Vicki Enloe requesting an adjustment to the front yard requirements for a parcel of land located at 255 Blondy Jhune Road, Lucas, Collin County, Texas.

The City's Code of Ordinances does require a 200' of road frontage in R-2 zoning. The applicant is requesting an adjustment to allow for a 50' of road frontage.

Due to the topography of the parcel, Staff feels that there is a true hardship to the property. The natural lay of the land has a 2 foot slope about every 8 feet.

The Public Hearing was opened at 7:24 p.m.

Amber Silverio, 511 Lone Ridge Way, Murphy, is the potential purchaser of the property and is very flexible in the easement being required by the City. It is not their intention to inconvenience any of the neighbors or tear out the existing tree line.

Lorie Hillen, neighboring resident, asked if the existing driveway would be moved and which direction. Ms. Hillen also asked how far from the property line would the home be built.

Doyle Bailey, 440 Collinwood Drive, Fairview is working with the Enloe Family to sell their property. The property is currently in two school districts. The Lovejoy ISD side of the property does not have access to the Blondy Jhune Road.

There was no one present who wished to speak AGAINST this item.

The Public Hearing was closed at 7:31 p.m.

The required setbacks do not comply with the ordinance and nothing has been put in front of Planning & Zoning Commission or City Council as of this date.

**MOTION:** Member Stuart Fink made the Motion to grant the request submitted by Mark & Vicki Enloe for a variance to the City of Lucas' Code of Ordinance, from the 200' street frontage requirement to a 50' street frontage. The property is located at 255 E. Blondy Jhune Road, Lucas, Texas. Member Cathey Bonczar seconded the Motion. Motion carried. Vote: 5-0.

- 7) Public Hearing/Discuss and Consider a request Helen Strain by Marian Strain Foust for a variance to the City of Lucas' Code of Ordinance, Chapter 14: Zoning, Division 7, CB Commercial Business District, Section 14.03.353 Development Regulations, asking for a variance for the front, rear and side yard setbacks. The property is located at 120 W. Lucas Road, Lucas, Texas.

Development Services Director Joe Hilbourn came forward to review the request with the members of the Board of Adjustments.

David and Marion Strain have submitted an application to the City requesting an adjustment to the front, rear, and side yard setbacks for a parcel of land located at 120 W. Lucas Road. The said parcel is zoned commercial and currently house some older structures; home, store and church.

Mr. Rudy Rivas, M. Christopher Homes, is currently seeking to purchase the property but needs the adjustments on the following four (4) separate issues regarding the three (3) legal lots of record. The variance requests are as follows:

1. Allow for required rear yard setback of 25' without the required 50' green space or district separation requirement of 100' between districts required in Section 14.03.353 Development Regulations Subsection 2C.
2. Allow for a side yard setback of 20', without the additional 2' setback for each additional foot in height above 10 feet required in Section 14.03.353 Development Regulations Subsection 2B.
3. Complete relief from Section 14.03.353 Development Regulations Subsection 2D.
4. Allow for a front yard setback of 35' reduced from the required 50' front yard setback required in Section 14.03.353 Development Regulations Subsection 1A.

The lots in question are located across the street from the existing Lucas Food Mart, and are more commonly known as the Strain property. The site formerly was a Baptist church, country store with gas pumps, and a post office.

The Public Hearing was opened at 7:48 p.m.

Brian Reed, M. Christopher Custom Homes, is proposing that the new construction on the site would be similar to that of the Village Center.

Charlie Gaines, 24 Brookhaven, wished to speak AGAINST this item. With the parking and proposed building it appears that there is not a place for the septic.

Andrew Sission, 22 Cedar Bend Circle came forward to speak AGAINST this item. There is a creek between his property, located directly behind, and the proposed site. With the variance as proposed it appears to call for the clear cutting of the trees and residents would have to look at the building and the road.

Mark Gaines, 26 Cedar Bend Circle is worried about the lights and the noise from the proposed office building.

The Public Hearing was closed at 7:53 p.m.

**MOTION:** Vice-Chairman Craig Williams made a Motion to deny the request of a variance for the front, rear and side yard setbacks. The property is located at 120 W. Lucas Road, Lucas, Texas. Member Stuart Fink seconded the Motion. Motion carried. Vote: 5-0.

## Routine Business

- 8) Discuss and Consider the approval of the minutes from the June 25, 2012 Board of Adjustments meeting.

**MOTION:** Vice-Chairman Craig Williams made a Motion to approve of the minutes from the June 25, 2012 Board of Adjustments meeting.

DRAFT, MINUTES HAVE NOT BEEN APPROVED, SUBJECT TO CHANGES

Member Cathey Bonczar seconded the Motion. Motion carried. Vote: 5-0.

9) Adjournment.

**MOTION:** Member Stuart Fink made a Motion to adjourn the meeting at 7:56 p.m. Vice-Chairman Craig Williams seconded the Motion. Motion carried. Vote: 5-0.

These minutes were approved by a majority vote of the members of the Board of Adjustments on XXXXX xx, 2013.

---

Kathy Morris, Chairman

ATTEST:

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Kathy Wingo, TRMC, MMC City Secretary



**City of Lucas  
Board of Adjustments**

BOA Meeting: January 7, 2013

Requestor: Kathy Wingo

Prepared by: Kathy Wingo

Account Code #: N/A

Date Prepared: December 10, 2012

Budgeted Amount: \$ N/A

Exhibits:  Yes  No

**AGENDA SUBJECT:**

Adjournment.

**RECOMMENDED ACTION:**

N/A

**SUMMARY:**

N/A

**MOTION:**

I make a Motion to adjourn the meeting at \_\_\_\_\_ p.m.

**APPROVED BY:** \_\_\_\_\_

Initial/Date

Department Director: \_\_\_\_\_ / \_\_\_\_\_

City Manager: \_\_\_\_\_ / \_\_\_\_\_