



AGENDA
Board of Adjustments Meeting
March 10, 2015
7:00 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 Tuesday, March 10, 2015 at 7:00 PM at the City Hall, 665 Country Club, Lucas, Texas, at which time the following agenda will be discussed.

Call to Order

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

Public Hearings

1. Consider a variance request from Mary Feagin to reduce the required frontage from 200' to twenty feet eight and a half inches for a parcel of land situated in the Jas M Snider Survey Abs number A0824, Tract 41, being a 1.7 acre tract of land. The property borders 1125 Country Club Road.

Regular Agenda

2. Consider approval of the minutes from the October 29, 2014 Board of Adjustments meeting.

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.

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, March 6, 2015 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.

LUCAS BOARD OF ADJUSTMENTS

Meeting Date: March 10, 2015

AGENDA ITEM:

- Call to Order
 - Roll Call

	Present	Absent
Chairman Stuart Fink	<input type="checkbox"/>	<input type="checkbox"/>
Vice-Chairman Craig Williams	<input type="checkbox"/>	<input type="checkbox"/>
Member Randy Barnes	<input type="checkbox"/>	<input type="checkbox"/>
Member Chris Bierman	<input type="checkbox"/>	<input type="checkbox"/>
Member (VACANT)	<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 Joni Clarke | <input type="checkbox"/> |
| City Secretary, Stacy Henderson | <input type="checkbox"/> |
| Development Services Director Joe Hilbourn | <input type="checkbox"/> |
| Public Works Director Stanton Foerster | <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 Meeting
March 10, 2015**

Name & Title of Requestor: Development Services Director, Joe Hillbourn

Agenda Item:

Consider a variance request from Mary Feagin to reduce the required frontage from 200' to twenty feet eight and a half inches for a parcel of land situated in the Jas M Snider Survey Abs number A0824, Tract 41, being a 1.7 acre tract of land. The property borders 1125 Country Club Road.

Background Information:

1125 Country Club Road has a creek bisecting the lot at roughly the midpoint of the lot making the back half of the lot unusable from Country Club Road without the installation of a bridge. The natural lay of the land would make it difficult to install a bride without redirecting the natural water flow which is prohibited. The code section the applicant is seeking relief from is listed below, and the code section prohibiting redirecting the natural flow of water is also listed below.

Sec. 14.03.113: Area regulations (2) Lot width. The width of the lot shall be not less than two hundred feet (200') at the front street building line, nor shall its average width be less than two hundred forty feet (240'). The minimum width of a lot on a cul-de-sac shall be not less than forty feet (40') at the property line, nor shall its average width be less than two hundred forty feet (240').

Sec. 8.01.002: Diversion of flow of watercourse

(a) Prohibited acts. No person, firm, corporation, political subdivision or other entity shall construct any earthen or artificial structure that diverts or redirects the normal watercourse flow of any natural stream formed by a natural source which either enters, traverses, or originates within the boundaries of the city or its extraterritorial jurisdiction.

Attachments/Supporting Documentation:

1. Arial photo of the lot
2. Application and applicants supporting documents.

Budget/Financial Impact:

N/A

Recommendation:

Recommend approval.

Motion:

I make a motion to Approve/Deny an application for an adjustment to the cities literal interpretation of the code to reduce the required road frontage from 200' to twenty feet eight and a half inches on a tract of land situated in the Jas M Snider Survey Abs number A0824, Tract 41, being a 1.7 acre tract of land.

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

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

SUBMITTED BY: Name Mary Feagin
Address 575 N country Club
City Fairview State Tx Zip 75069
Phone 469.396.8280

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:

Please see attached letters & pictures.
(6 pages)

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:

A handwritten signature in black ink, consisting of several loops and flourishes, written over a horizontal line.

DECISION OF BOARD _____ DATE _____

If not granted by the Board, state reason why.

Chairman

**CITY SECRETARY CHECK LIST
BOARD OF ADJUSTMENT
APPLICATIONS FOR VARIANCE**

DATE

APPLICATION FILLED OUT

FEE COLLECTED - \$300.00

SET DATE FOR HEARING

PUBLISH NOTICE (10 DAYS PRIOR TO
HEARING DATE)

NOTIFY BOARD OF ADJUSTMENT
MEMBERS (MEMO)

NOTIFY APPROPRIATE CITY STAFF &
COUNCIL LAISON PERSON

PREPARE & SEND MEETING AGENDA,
LAST MEETING MINUTES & APPEAL
BACK-UP INFO TO MEMBERS

NOTIFY ADJACENT PROPERTY OWNERS
& APPLICANT

POST AGENDA 72 HOURS IN ADVANCE

HOLD HEARING

ADVISE APPROPRIATE PARTIES OF
RESULTS

PREPARE MINUTES

Addendum to Variance Request

January 31, 2015

Dear City of Lucas,

Based on a hardship, we are requesting a variance for the property listed at 1125 Country Club Rd., Lucas, TX 75002. Our hardship is caused by an existing creek and water flow, and the natural lay of the land will not allow use of the land from Country Club. The creek follows the direct line of a driveway, and it would need much more than just a bridge, but a complete redirection of the water flow of the creek, as well as cutting down hundreds of trees. It is because of this hardship that we are requesting a variance to reduce the required frontage from 200' to 20.76 feet.

Sincerely,

Mary Feagin

2014 Aerials

Layers

A0354

GLENBROOK ESTATES

ESTATES

Lovejoy ISD

EDWARDS

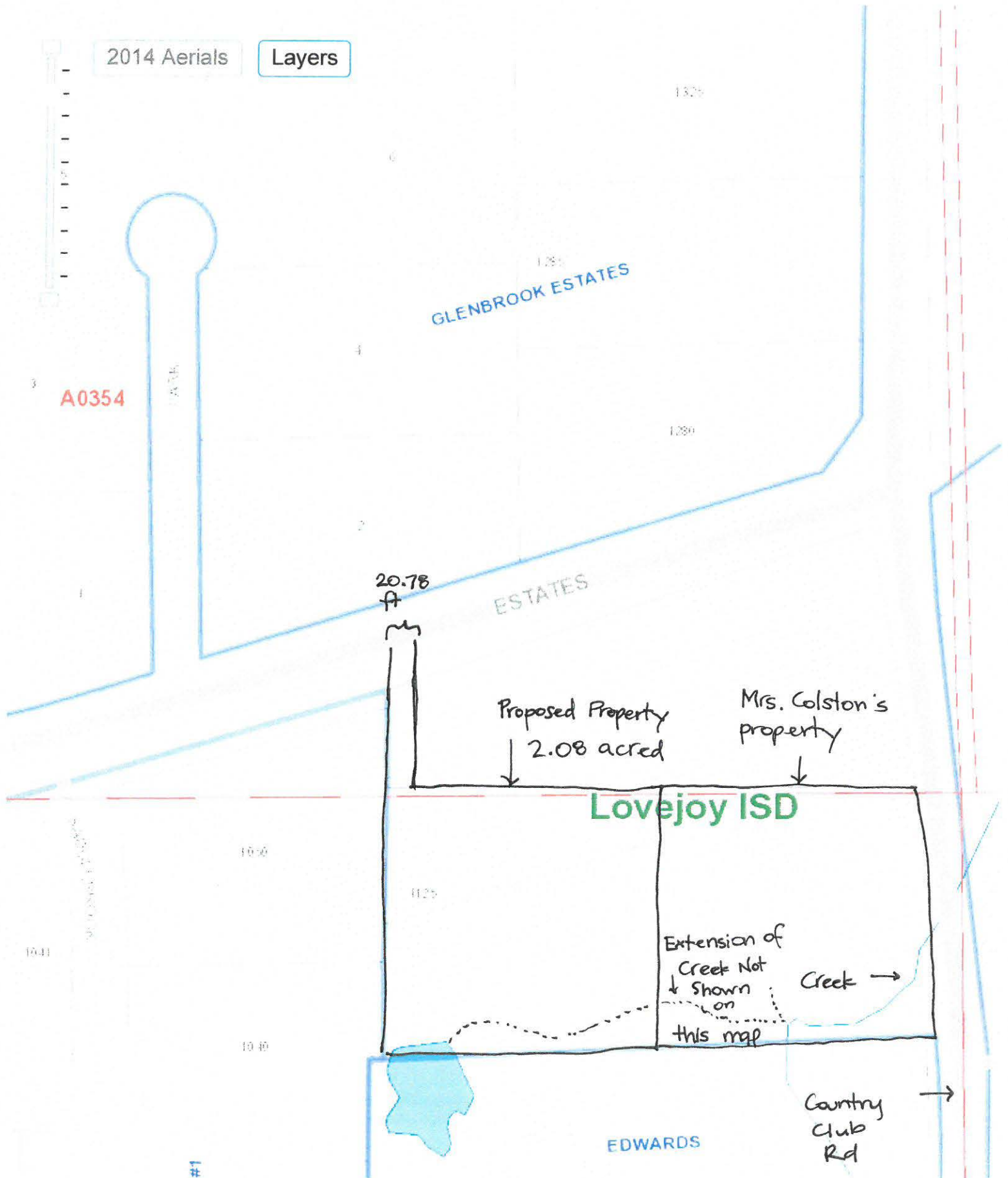
20.78 ft

Proposed Property
2.08 acres

Mrs. Colston's
property

Extension of
Creek Not
Shown
on
this map

Country
Club
Rd





Looking towards Country Club from further back on property

Creek & banks are wider than a driveway

Looking toward Country club

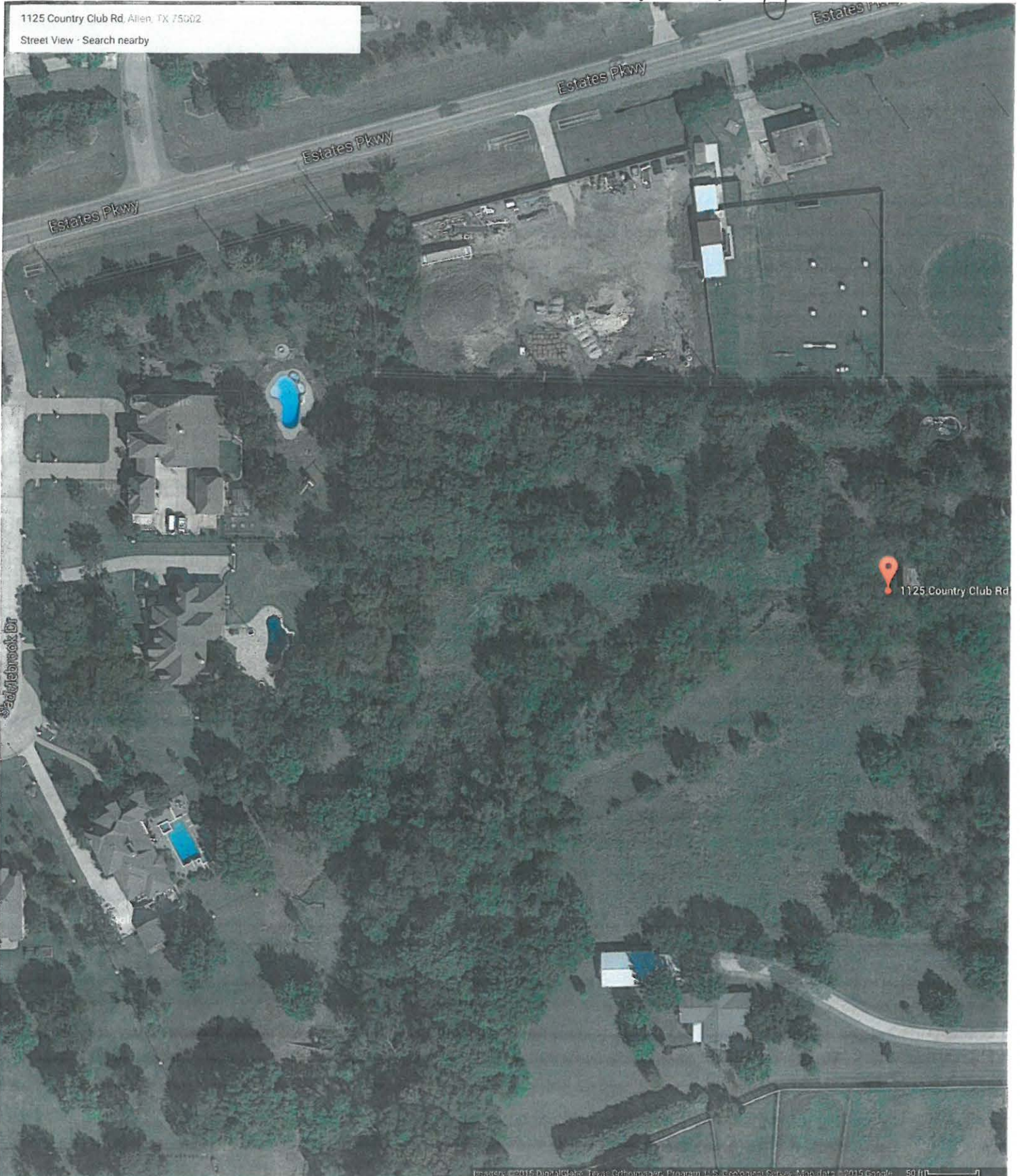


Narrower here, but lots of trees



The creek at Country Club

Arial View of Property



23. TERMINATION OPTION: For nominal consideration, the receipt of which is hereby acknowledged by Seller, and Buyer's agreement to pay Seller \$ 100 (Option Fee) which Seller or Listing Broker must receive within 3 days after the effective date of this contract, Seller grants Buyer the unrestricted right to terminate this contract by giving notice of termination to Seller within 60 days after the effective date of this contract (Option Period). If no dollar amount is stated as the Option Fee or if Buyer fails to pay the Option Fee to Seller within the time prescribed, this paragraph will not be a part of this contract and Buyer shall not have the unrestricted right to terminate this contract. If Buyer gives notice of termination within the time prescribed, the Option Fee will not be refunded; however, any earnest money will be refunded to Buyer. The Option Fee will will not be credited to the Sales Price at closing. **Time is of the essence for this paragraph and strict compliance with the time for performance is required.**

24. CONSULT AN ATTORNEY BEFORE SIGNING: TREC rules prohibit real estate licensees from giving legal advice. READ THIS CONTRACT CAREFULLY.

Buyer's Attorney is: _____

Seller's Attorney is: _____

Telephone: () _____

Telephone: () _____

Facsimile: () _____

Facsimile: () _____

E-mail: _____

E-mail: _____

**EXECUTED the _____ day of _____, 20____ (EFFECTIVE DATE).
(BROKER: FILL IN THE DATE OF FINAL ACCEPTANCE.)**

Sarah Coletan 1/30/15
Buyer

Dakota ARR LLC
Seller

Buyer

Seller

The form of this contract has been approved by the Texas Real Estate Commission. TREC forms are intended for use only by trained real estate licensees. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not intended for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, (512) 936-3000 (<http://www.trec.texas.gov>) TREC NO. 9-11. This form replaces TREC NO. 9-10.



**City of Lucas
Board of Adjustments Meeting
March 10, 2015**

Name & Title of Requestor: City Secretary, Stacy Henderson

Agenda Item:

Consider approval of the minutes from the October 29, 2014 Board of Adjustments meeting.

Background Information:

N/A

Attachments/Supporting Documentation:

1. Minutes from the October 29, 2014 Board of Adjustments meeting.

Budget/Financial Impact:

N/A

Recommendation:

Recommend approval.

Motion:

I make a Motion to approve/deny the minutes from the October 29, 2014 Board of Adjustments meeting as presented.



Board of Adjustments Meeting
October 29, 2014, 6:30 PM
City Hall - 665 Country Club Road
Minutes

Call to Order

Chairman Stuart Fink called the meeting to order at 6:30 p.m.

Present/(Absent):

Chairman Stuart Fink

Vice-Chairman Craig Williams

Member Chris Bierman (6:34)

Member Randy Barnes

Alternate Member Janean McLaughlin (Absent)

Newly Appointed Members (Terms begin November 1, 2014):

Cathey Bonczar

Andrew Sisson

Staff Present:

City Secretary Kathy Wingo

City Attorney Joe Gorfida

City Manager Joni Clarke

Development Services Director Joe Hilbourn

It was determined that a Quorum was present.

Everyone was reminded to turn off or silence cell phones.

Chairman Stuart Fink stated that Item 1 would be moved to the end of the agenda to accommodate those in attendance tonight.

Member Chris Bierman joined the meeting at 6:34 p.m.

Amended Agenda Item

- 1) Discussion regarding the responsibilities and authority pertaining to the Board of Adjustments and to provide training and guidance on

how to define hardships and determine adjustments and review on how to properly conduct a meeting.

City Attorney Joe Gorfida provided a training session to the members of the board to include roles of the board; membership and voting procedures; what are variances (giving examples); procedure for appeal; judicial review; special exceptions; how to conduct a meeting; public hearings; Open Meetings Act; secret deliberations; consultation with the attorney; executive session, procedures for closed, executive session; final action; violations; Public Information Act, time requirement, examples, email and text messages, information that may be withheld; and Open Government Training.

Public Hearings

- 2) A request submitted by Lenart Development Company, LLC, for a special variance from the literal enforcement to the City of Lucas' Code of Ordinance, for properties known as Lot 12, Block A; Lot 6, Block B and Lot 7, Block B, to reduce the front building line to 60 feet from the 140 foot, 135 foot, and 80 foot, respectively. The property is located along Southview Drive, next to the Kenneth R. Lewis Park.
 - a) Presentation by Development Services Director Joe Hilbourn
 - b) Conduct the Public Hearing.
 - c) Consider action to be taken.

The applicant, Steve Lenart, 520 Central Parkway East #120, Plano, Texas, presented the request to the members of the Board of Adjustments.

The Public Hearing was opened at 6:43 p.m.

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

The Public Hearing was closed at 6:43 p.m.

MOTION: Member Chris Bierman made a Motion to deny request submitted by Lenart Development Company, LLC, for a special variance from the literal enforcement to the City of Lucas' Code of Ordinance, for properties known as Lot 12, Block A; Lot 6, Block B and Lot 7, Block B, to reduce the front building line to 60 feet from the 140 foot, 135 foot, and 80 foot, respectively. The property is located along Southview Drive, next to the Kenneth R. Lewis Park. Member Randy Barnes seconded the Motion. Motion carried. Vote: 4-0.

- 3) A request submitted by E.H. Sullivan for a tract of land situated in ABS A0028 Calvin Boles Survey, Sheet 3, Tract 173, being an 8.0 acre tract of land, requesting a special variance from the literal enforcement of the Code of Ordinances Section 14.03.113 Area Regulations, Subsection (b)(2) titled Lot Width, reducing the required lot width at the road from 200 feet to 25 feet. The property is also known as 2555 Orr Road Lucas, Texas, 75002.
- a) Presentation by Development Services Director Joe Hilbourn
 - b) Conduct the Public Hearing.
 - c) Consider action to be taken.

E. H. (Jim) Sullivan, 2555 Orr Road, Lucas, Texas, came forward to speak FOR this item. Mr. Sullivan explained what is being proposed for the property.

Development Services Director Joe Hilbourn presented the request to the members of the Board of Adjustments.

The Public Hearing was opened at 6:56 p.m.

A letter received from Buford Ingram, a resident on Horseman Drive, was read into the record. Mr. Ingram states that he is AGAINST

changing the street frontage requirements of 200 feet to 25 feet. Mr. Ingram stated that his property could be affected in the future.

Alicia Hyde, resident of Melissa and daughter to E. H. Sullivan, came forward to speak FOR this item.

The Public Hearing was closed at 7:00 p.m.

MOTION: Chairman Stuart Fink made a Motion to approve the request submitted by E.H. Sullivan for a tract of land situated in ABS A0028 Calvin Boles Survey, Sheet 3, Tract 173, being an 8.0 acre tract of land, requesting a special variance from the literal enforcement of the Code of Ordinances Section 14.03.113 Area Regulations, Subsection (b)(2) titled Lot Width, reducing the required lot width at the road from 200 feet to 25 feet. The property is also known as 2555 Orr Road Lucas, Texas, 75002. Member Randy Barnes seconded the Motion. Motion carried. Vote: 4-0.

Regular Agenda

4) Consider the approval of the minutes from the December 4, 2013, Board of Adjustments meeting.

MOTION: Chairman Stuart Fink made a Motion to approve the minutes from the December 4, 2013, Board of Adjustments meeting. Member Chris Bierman seconded the Motion. Motion carried. Vote: 4-0.

Member Randy Barnes, Chairman Stuart Fink, and Vice-Chairman Craig Williams left the meeting at 7:05 p.m.

5) Adjournment.

Due to three members leaving the meeting at 7:05 p.m. the meeting adjourned.

Stuart Fink, Chairman

ATTEST:

Kathy Wingo, TRMC, MMC
City Secretary