



# AGENDA

## Board of Adjustments Meeting

November 17, 2015

6:00 PM

City Hall - 665 Country Club Road – Lucas, Texas

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*Notice is hereby given that a regular meeting of the Board of Adjustments of the City of Lucas will be held on Tuesday, November 17, 2015 at 6:00 PM at the City Hall, 665 Country Club, Lucas, Texas, at which time the following agenda will be discussed.*

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### Call to Order

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

### Public Hearings

1. Public Hearing: Consider the request by Oak Crest Custom Homes for a variance from the literal interpretation of the City's Code of Ordinances to allow a fence exceeding 8 feet in height and within the required front and side yard setbacks, and that is not 50% see through for the property located at 13 Manor Lane.
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct Public Hearing
  - C. Take Action

### Regular Agenda

2. Consider approval of the minutes from the August 27, 2015 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, November 13, 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](mailto:shenderson@lucastexas.us).*



# City of Lucas

## Board of Adjustments Request

### November 17, 2015

**Requester:** Development Services Director Joe Hilbourn

#### **Agenda Item:**

Public Hearing: Consider the request by Oak Crest Custom Homes for a variance from the literal interpretation of the City's Code of Ordinances to allow a fence exceeding 8 feet in height and within the required front and side yard setbacks, and that is not 50% see through for the property located at 13 Manor Lane.

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

#### **Background Information:**

**Sec. 3.19.002 - Residential, agricultural and estate districts states:**

Fencing located within the required front, side and rear yard setbacks shall be a minimum of 50% see through.

**Sec. 3.19.004 (f) - General fencing requirements states:**

Any request for the construction of a fence over eight feet (8') in height shall be considered for approval by the Board of Adjustments. The Board of Adjustments decision shall not require finding of a hardship and there shall be no application fee.

#### **Attachments/Supporting Documentation:**

- 1. Application
- 2. Site Plan

#### **Budget/Financial Impact:**

N/A

#### **Recommendation:**

None

#### **Motion:**

I make a motion to approve/deny the request by Oak Crest Custom Homes for a variance from the literal interpretation of the City's Code of Ordinances to allow a fence exceeding 8 feet in height and within the required front and side yard setbacks and is not 50% see through for the property located at 13 Manor Lane.

APPEAL TO THE BOARD OF ADJUSTMENT  
CITY OF LUCAS, TEXAS

DATE: 10-12-15 FEE: \$300.00 APPEAL # \_\_\_\_\_

SUBMITTED BY: Name Oak Crest Custom Homes  
Address 3940 Camino Dr.  
City Plano State TX Zip 75074  
Phone 214-302-5007

**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:

We respectfully request an exception to the 8' fence ordinance of the City of Lucas. The property is a twelve acre tract of land known as 13 Manor Lane. The eastern border of the property is approximately 1000' in length. We propose to construct a fence which will occupy only 180' of this 1000' border. The fence will be constructed with the highest attention to detail and quality. Materials that will be utilized are stamped concrete with a cedar finish and board on board cedar. The fence will begin at the 300' setback at a height of 9' and, following the contour of the land and maintaining a consistent and level flow, it will culminate at its highest point at 15'. The fence will provide privacy by both homeowners whose respective properties border the proposed fence. Both homeowners desire to have this fence constructed since they both have pools and outdoor living areas. There was already in place an 8' board on board cedar fence in the proposed location, however, since the new property is at a higher elevation, a taller fence is necessary to maintain an adequate degree of privacy.

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

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

SIGNATURE OF PERSON FILING FOR APPEAL:

\_\_\_\_\_

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

If not granted by the Board, state reason why.

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

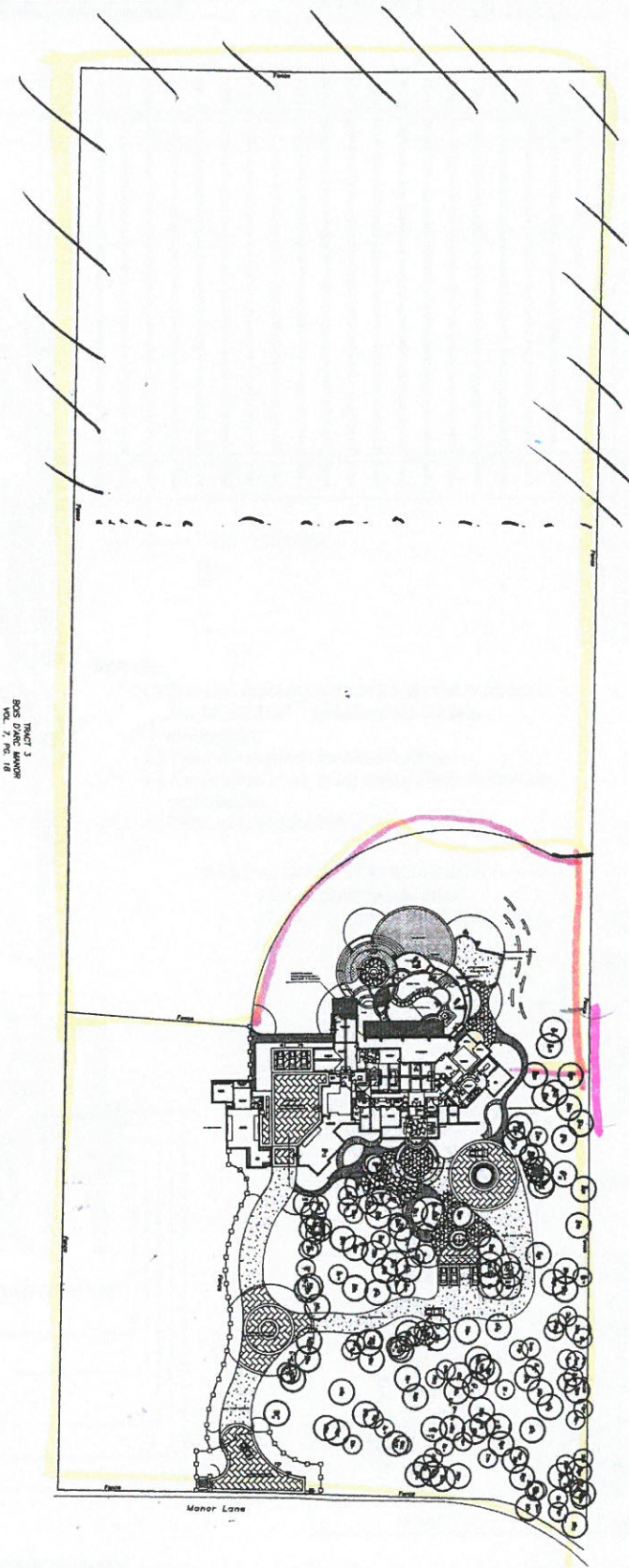
\_\_\_\_\_  
Chairman

**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	_____

2"=400' Site Plan



TRACT 6D  
BOS D'ARC ADJOINING  
VOL. 7, PG. 522

TRACT 5  
BOS D'ARC MANOR  
VOL. 7, PG. 18

TRACT 6C  
BOS D'ARC ADJOINING  
VOL. 1, PG. 522

*pink - pool barrier*

Manor Lane



L2.01

**OSBURN RESIDENCE**  
13 MANOR LN  
LUCAS, TX  
OAKCREST HOMES

PROPERTY OF HANSON DESIGN  
This plan is prepared for the use of the client and is not to be used for any other purpose without the written consent of Hanson Design. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. Hanson Design is not responsible for any errors or omissions in this plan. All dimensions are in feet unless otherwise noted. All measurements are to the centerline of the structure unless otherwise noted. All measurements are to the centerline of the structure unless otherwise noted. All measurements are to the centerline of the structure unless otherwise noted.

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**City of Lucas  
Board of Adjustments Meeting  
November 17, 2015**

**Name & Title of Requestor:** City Secretary, Stacy Henderson

**Agenda Item:**

Consider approval of the minutes of the August 27, 2015 Board of Adjustments meeting.

**Background Information:**

N/A

**Attachments/Supporting Documentation:**

1. Minutes from the August 27, 2015 Board of Adjustments meeting.

**Budget/Financial Impact:**

N/A

**Recommendation:**

Recommend approval.

**Motion:**

I make a Motion to approve/deny the minutes from the August 27, 2015 Board of Adjustments meeting as presented.





## Board of Adjustments Meeting

August 27, 2015

6:30 PM

City Hall - 665 Country Club Road – Lucas, Texas

### Minutes

#### Call to Order

Chairman Fink called the meeting to order at 6:31 p.m.

**Present:**

Chairman Stuart Fink  
Member Craig Williams  
Member Andrew Sisson

**Absent:**

Member Randy Barnes  
Member Chris Bierman

**Staff Present:**

Development Services Director Joe Hilbourn  
City Secretary Stacy Henderson

**City Council Liaison:**

Kathleen Peele

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

#### Public Hearing

**1. Consider the request by Elaine Ford on behalf of Hillwood Communities for a variance from the City's Code of Ordinances for an off-site sign located at the Brockdale Estates Subdivision at the intersection of East and West Lucas Road.**

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

A presentation was given by Development Services Director Joe Hilbourn stating that the applicant had requested the same variance approximately one year ago that was denied. Mr. Hilbourn stated that approving off-premise signage would give the applicant an unfair advantage over other businesses and that should an off-premise sign be desirable for their community, then a change to the City's Code of Ordinances should be made.

Chairman Fink opened public hearing at 6:34 p.m. and asked if anyone in the audience wanted to speak regarding this request.

Elaine Ford representing Hillwood Communities stated that sales had been very slow for this subdivision to build out because the property was located at the end of a dead-end road with no major thoroughfares nearby. Ms. Ford stated that sixteen home had sold in the last eighteen months with only half of the subdivision being built out. Ms. Ford stated they were asking for a second sign for one year to assist with the build out of this community.

Mr. Clark Dunland, representing Standard Pacific Homes stated that the community needs assistance with getting more traffic to the area.

There being no one else wanting to speak, Chairman Fink closed the public hearing at 6:41 p.m.

**MOTION:** *A motion was made by Chairman Fink, seconded by Mr. Williams to deny the request for off-site sign located at the Brockdale Estates Subdivision at the intersection of East and West Lucas Road. The motion passed unanimously by a 3-0 vote.*

**2. Consider approval of the minutes of the May 27, 2015 Board of Adjustment meeting.**

**MOTION:** *A motion was made by Chairman Fink, seconded by Mr. Sisson to approve the minutes as submitted. The motion passed unanimously by a 3 to 0 vote.*

**3. Adjournment.**

**MOTION:** *A motion was made by Chairman Fink, seconded by Member Williams to adjourn the meeting at 6:42pm. The motion passed unanimously by a 3-0 vote.*

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Stuart Fink, Chairman

ATTEST:

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Stacy Henderson, City Secretary