

# PUBLIC NOTICE Board of Adjustment Meeting September 23, 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, September 23, 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 Harry Purdom requesting 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 Area Regulations (b) (2) Lot Width, requesting a variance from the requirement of not less than two hundred (200) feet at the front street building line to not less than one hundred (100) feet for the following properties: situated in the State of Texas, County of Collin and City of Lucas, being part of the Peter F. Lucas Survey, Abstract No. 537, being part of an 18.007 acre tract of land as recorded under County Clerk No. 2012060400059690 of the Collin County Land Records, being all of proposed Lots 5, 6 and 7, Block A of Winding Creek Reserve.

#### **Routine Business**

- 2) Discuss and Consider the approval of the minutes from the January 7, 2013, 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, September 20, 2013, as required in accordance with Government Code §551.041.

Kathy Wingo, TRMC, MMC 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 <a href="mailto:secretary@lucastexas.us">secretary@lucastexas.us</a>.

### **LUCAS BOARD OF ADJUSTMENTS**

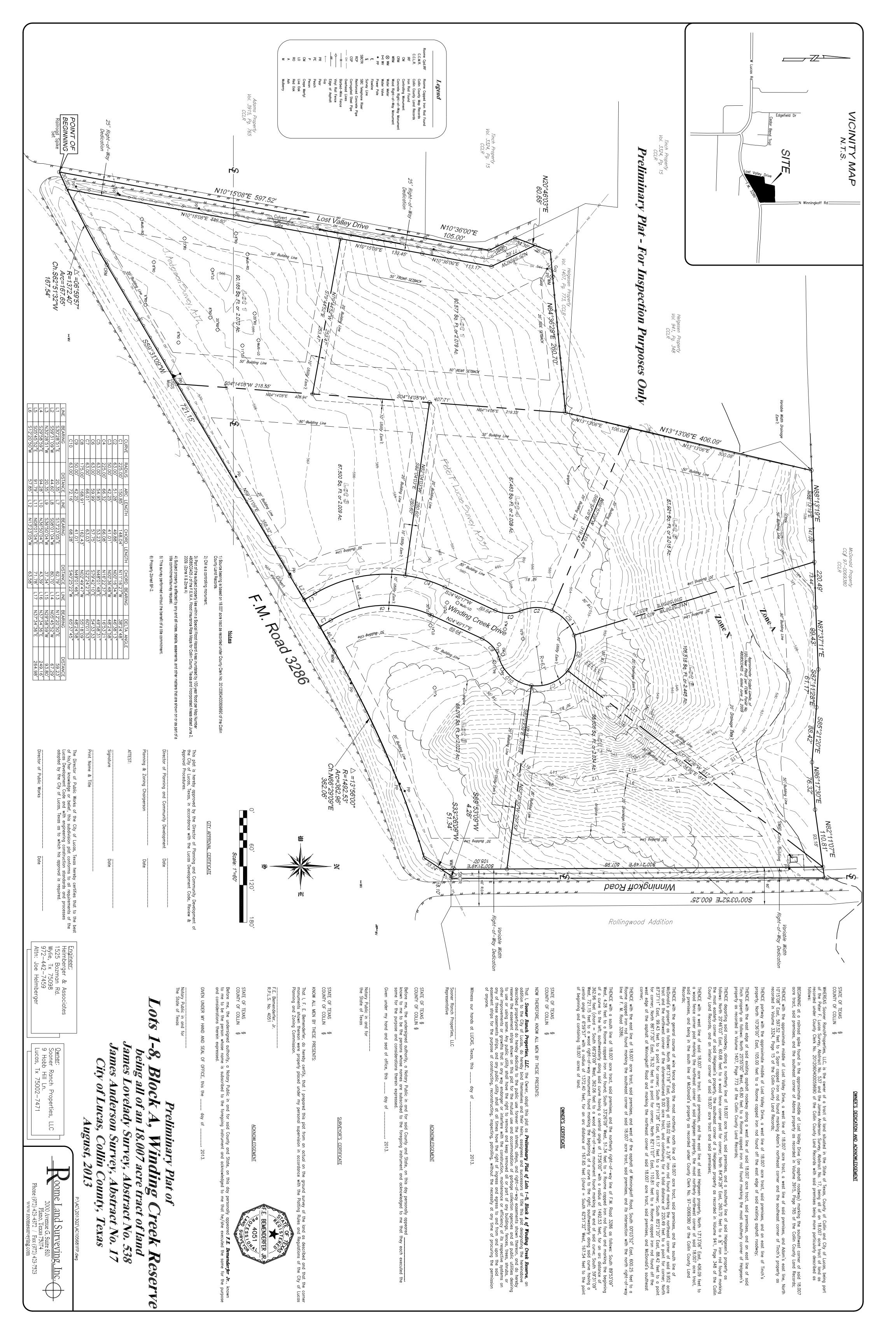
Meeting Date: September 23, 2013

A	GENDA ITEM:			
•	Call to Order Roll Call	Present	Absent	
	Chairman Kathy Morris			
	Vice-Chairman Craig Williams			
	Member Stuart Fink			
	Member (Vacant)			
	Member Randy Barnes			
	Alternate Member Janean McLaughlin			
•	Determination of Quorum Reminder to silence cell phones Pledge of Allegiance			
Inf	ormational Purposes			
	City Manager Jeff Jenkins			
	City Secretary Kathy Wingo			
	Development Services Director Joe Hilbo	ourn		
	Code Enforcement Adam Bravo			
	Public Works Director Stanton Foerster			
	Fire Chief Jim Kitchens			
	City Attorney Joe Gorfida, Jr.			
	Mayor Pro Tem Kathleen Peele			



# City of Lucas Board of Adjustments

BOA Meeting:	September 23, 2013	Requestor: Joe Hilbourn
		Prepared by: Kathy Wingo
Account Code #:	N/A	Date Prepared: September 5, 2013
Budgeted Amount:	\$ N/A	Exhibits: ☑ Yes ☐ No
AGENDA SUBJEC	Т:	
variance to the City Single Family Resid requesting a varian the front street buil properties: situated of the Peter F. Luc land as recorded un	of Lucas' Code of Ording lential District, Section 14 ce from the requirement ding line to not less that in the State of Texas, Cotas Survey, Abstract No. ander County Clerk No. 20	equest from Harry Purdom requesting ance, Chapter 14: Zoning, Division 3, R-2.03.113 Area Regulations (b) (2) Lot Width of not less than two hundred (200) feet an one hundred (100) feet for the following bunty of Collin and City of Lucas, being par 537, being part of an 18.007 acre tract of 12060400059690 of the Collin County Land 7, Block A of Winding Creek Reserve.
RECOMMENDED A	ACTION:	
SUMMARY:		
See attached.		
MOTION:		
two hundred (200) (100) feet for the for and City of Lucas, b of an 18.007 acre tr	feet at the front street belowing properties: situate being part of the Peter F. ract of land as recorded up Land Records, being a	iance from the requirement of not less than building line to not less than one hundred ed in the State of Texas, County of Collin Lucas Survey, Abstract No. 537, being parender County Clerk No. 2012060400059690 Il of proposed Lots 5, 6 and 7, Block A or
APPROVED BY:		Initial/Date
		t Director:



#### Property Description Winding Creek Reserve Proposed Lots 5, 6 & 7

SITUATED in the State of Texas, County of Collin and City of Lucas, being part of the Peter F. Lucas Survey, Abstract No. 537, being part of an 18.007 acre tract of land as recorded under County Clerk No. 2012060400059690 of the Collin County Land Records, being all of proposed Lots 5, 6 and 7, Block A of Winding Creek Reserve, with said premises being more particularly described as follows:

BEGINNING at a wood fence corner post marking the most northerly northwest corner of said 18.007 acre tract, said premises, the northwest corner of said proposed Lot 5, the northeast corner of Helgesen's property as recorded in Volume 941, Page 348 of the Collin County Land Records, and being in the south line of McDonald's property as recorded under County Clerk No. 97-0069380 of the Collin County Land Records;

THENCE with the general course of wire fence along the most northerly north line of 18.007 acre tract, said premises, the north line of proposed Lots 5 and 6, and the south line of McDonald's property as follows: North 88°13'19" East, passing at 159.02 feet a 3/8" iron rod found on line, and continuing for a total distance of 220.49 feet to a point for corner; North 87°37'11" East, 99.43 feet to a point for corner; South 87°11'28" East, 61.17 feet to a point for corner; South 85°21'20" East, 88.42 feet to a point for corner; North 86°17'30" East, 76.32 feet to a point for corner; North 82°11'07" East, 93.18 feet to a point in the dedicated west right-of-way line of Winningkoff Road marking the northeast corner of said premises and the northeast corner of proposed Lots 6 and 7;

THENCE with the dedicated west right-of-way line of Winningkoff Road, the east line of said premises, and the east line of proposed Lot 7, South 00°21'49" East, 507.98 feet to a point marking the southeast corner of said premises and the southeast corner of proposed Lot 7;

THENCE with a south line of said premises, and the south line of proposed Lot 7, North 82°23'30" West, 297.53 feet to a point in the curving right-of-way line of Winding Creek Drive (63 foot radius), and being the southwest corner of said premises and proposed Lot 7;

THENCE with said curving right-of-way line of Winding Creek Drive, a curving south line of said premises, and the curving south line of proposed Lots 5, 6 and 7, a curve to the left having a central angle of 164°33'57" with a radius of 63.00 feet, for an arc distance of 180.95 feet (chord = North 74°40'29" West, 124.86 feet to the southeast corner of proposed Lot 5;

THENCE departing said right-of-way line, along a south line of said premises and the south line of proposed Lot 5, North 66°57'28" West, 319.43 feet to the southwest corner of proposed Lot 5, the southwest corner of said premises, being in a west line of said 18.007 acre tract, and being in Helgesen's east line;

THENCE with a west line of said 18.007 acre tract, the west line of said premises, the west line of proposed Lot 5, and Helgesen's east line, North 13°13'06" East, 300.08 feet to the point of beginning and containing 283,043 square feet or 6.498 acres of land.



#### 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, September 23, 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:

Harry Purdom 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 Area Regulations (b) (2) Lot Width, requesting a variance from the requirement of not less than two hundred (200) feet at the front street building line to not less than one hundred (100) feet for the following properties:

SITUATED in the State of Texas, County of Collin and City of Lucas, being part of the Peter F. Lucas Survey, Abstract No. 537, being part of an 18.007 acre tract of land as recorded under County Clerk No. 2012060400059690 of the Collin County Land Records, being all of proposed Lots 5, 6 and 7, Block A of Winding Creek Reserve, with said premises being more particularly described as follows:

BEGINNING at a wood fence corner post marking the most northerly northwest corner of said 18.007 acre tract, said premises, the northwest corner of said proposed Lot 5, the northeast corner of Helgesen's property as recorded in Volume 941, Page 348 of the Collin County Land Records, and being in the south line of McDonald's property as recorded under County Clerk No. 97-0069380 of the Collin County Land Records;

THENCE with the general course of wire fence along the most northerly north line of 18.007 acre tract, said premises, the north line of proposed Lots 5 and 6, and the south line of McDonald's property as follows: North 88°13'19" East, passing at 159.02 feet a 3/8" iron rod found on line, and continuing for a total distance of 220.49 feet to a point for corner; North 87°37'11" East, 99.43 feet to a point for corner; South 87°11'28" East, 61.17 feet to a point for corner; South 85°21'20" East, 88.42 feet to a point

for corner; North 86°17'30" East, 76.32 feet to a point for corner; North 82°11'07" East, 93.18 feet to a point in the dedicated west right-of-way line of Winningkoff Road marking the northeast corner of said premises and the northeast corner of proposed Lots 6 and 7;

THENCE with the dedicated west right-of-way line of Winningkoff Road, the east line of said premises, and the east line of proposed Lot 7, South 00°21'49" East, 507.98 feet to a point marking the southeast corner of said premises and the southeast corner of proposed Lot 7;

THENCE with a south line of said premises, and the south line of proposed Lot 7, North 82°23'30" West, 297.53 feet to a point in the curving right-of-way line of Winding Creek Drive (63 foot radius), and being the southwest corner of said premises and proposed Lot 7;

THENCE with said curving right-of-way line of Winding Creek Drive, a curving south line of said premises, and the curving south line of proposed Lots 5, 6 and 7, a curve to the left having a central angle of 164°33'57" with a radius of 63.00 feet, for an arc distance of 180.95 feet (chord = North 74°40'29" West, 124.86 feet to the southeast corner of proposed Lot 5;

THENCE departing said right-of-way line, along a south line of said premises and the south line of proposed Lot 5, North 66°57'28" West, 319.43 feet to the southwest corner of proposed Lot 5, the southwest corner of said premises, being in a west line of said 18.007 acre tract, and being in Helgesen's east line;

THENCE with a west line of said 18.007 acre tract, the west line of said premises, the west line of proposed Lot 5, and Helgesen's east line, North 13°13'06" East, 300.08 feet to the point of beginning and containing 283,043 square feet or 6.498 acres of land.

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: Sep	tember 23, 2013	Requestor: Kath	ny Wingo
		Prepared by: <u>Kath</u>	ny Wingo
Account Code #:	N/A	Date Prepared: <u>S</u>	eptember 5, 2013
Budgeted Amount: \$	N/A	Exhibits: ☑ Yes	□ No
AGENDA SUBJECT: Discuss and Consider the Adjustments meeting.	ne approval of the n	ninutes from the Jan	uary 7, 2013, Board o
RECOMMENDED ACTION	ON:		
Approve as submitted.			
SUMMARY:			
See attached.			
MOTION:			
I make a Motion to a Adjustments meeting as	• •	es from the Januar	ry 7, 2013, Board o
APPROVED BY:		Initia	al/Date
	Departmer City Mana	nt Director: ger:	<u> </u>



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

#### **Minutes**

#### Call to Order

Vice-Chairman Craig Williams called the meeting to order at 6:37 p.m.

Present:

Member Kathy Morris (absent)
Member Cathey Bonczar
Member Randy Barnes (absent)
City Attorney Joe Gorfida
Development Services Director Joe Hilbourn
Mayor Pro Tem Kathleen Peele

Member Stuart Fink Member Craig Williams Alternate Member Janean McLaughlin Admin Asst. Jennifer Faircloth 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.

With the absence of Chairman Kathy Morris, and member Randy Barnes, Alternate Member Janean McLaughlin will be a voting member for tonight's meeting.

#### **Public Hearings**

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.

The Public Hearing was opened at 6:39 p.m.

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

Rudy Rivas with M. Christopher Homes on behalf of David and Marion Strain has submitted an application to the City requesting an adjustment to the front, rear, and side yard setbacks for three parcels of land located at 120 W. Lucas Road.

Originally this was brought forward to the Board of Adjustments and appeared to be a single lot in the presentation given, when in actuality it is three (3) lots.

The applicant has resubmitted their application showing the lots in their true condition and is asking for the same adjustments.

- 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 Section 14.03.353 Development Regulations Subsection 2C.
- 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.
- Complete Relief from 14.03.353 Development Regulations Subsection
   2D.
- 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 1A.
- Lot 1 ~ Zero SQ Feet available for development after setbacks.
- Lot 2 ~ Zero SQ Feet available for development after setbacks.
- Lot 3 ~ Zero SQ Feet available for development after setbacks.

There are hardships on Lots 1, 2 & 3.

This request meets the hardship requirement; Staff recommends a change to the request, change to 25' front yard setbacks and 35' rear yard set backs to create a little more separation between the residential district and the commercial district.

Mayor Pro Tem Kathleen Peele asked that Development Services Director Joe Hilbourn restate the change staff recommends. Staff is requesting a change to the front setback of 25' and originally they were asking for a reduction of 35'. In the rear setback they were asking 25' and staff is asking for 35' to get as much separation as possible in the back.

Alternate Member Janean McLaughlin asked the question with the 35' rear setback does that include the creek? Yes, the creek would be included it is to the property line. With the creek would that create enough barriers for the residents? The creek does creates a barrier yes.

Member Stuart Fink asked how long have the setbacks requirements been in place. The setbacks have been in place since the early 1990's.

Jonathon Vinson 901 Main Street came forward to address the board. Mr. Vinson is representing M. Christopher who is authorized to represent the owners. Mr. Vinson stated that he agrees with staff recommendation there defiantly is a hardship on the property. As the board is aware this is zoned CB, Commercial Business District. The setbacks that are currently in place right now render the properties undevelopable. In my experience the irregular shape of a lot is a classic case of a hardship. From an engineering stand point trying to develop a property adjacent to a creek again presents a property hardship characteristic. This Comprehensive Plan for the City calls for development of this area as commercial zoning without granting these variances this property would be undevelopable. It serves the public interests by permitting development of this property in accordance with the Comprehensive Plan and in accordance with the current zoning classification.

Bryon Reed, President of M. Christopher Homes, came forward to speak in FAVOR of the item. Mr. Reed agreed completely with the revised Staff recommendation of the 35' rear set back leaving the creek in place to provide the additional buffer the residents are looking for.

Joan Curtis, 3109 Lakeway Drive, came forward to speak in FAVOR of this item. Ms. Curtis spoke on behalf of the property owners and gave a brief history of the property. The original property owners were born in 1918 and 1919. This property was purchased after WWII in 1954. Due to illness and the ability to maintain the property, Ms. Foust has made the difficult decision to sell the property. Ms. Foust grew up on this property and wishes to keep with the small town atmosphere.

Andrew Sission, 22 Cedar Bend, came forward to speak AGAINST this item. The creek in discussion that is part of the 35' variance being requested is not 35' wide. Only part of the creek is on the Strain property. Mr. Sission understands that there are mature trees in the creek bed with high foliage and if some of the foliage is cleared, he is concerned with the increased road noise, traffic, and pollution.

Jeffery Dickens, 5 Cedar Bend, came forward to speak AGAINST this item. Mr. Dickens is concerned with the increased road noise that would be caused with the development of this property.

Gary Boyd, 1 Cedar Bend, came forward to speak AGAINST this item. Mr. Boyd's owns two lots, one is directly behind the property being discussed, and the other one is adjacent to the property on one side. The creek bottom does have a number mature trees that the roots systems are eroding and causing the trees to fall. If cleared, the buffer being between the two properties would no longer exist.

Christopher Roy, 3 Cedar Bend, came forward to speak AGAINST this item. Mr. Roy agrees with the neighbors and wanted to state my opposition to this variance.

The Public Hearing was closed at 7:03 p.m.

Member Stuart Fink asked for clarification on the change to the request. Is the board to consider the request on the table from Mr. Rivas and his attorney or are the members voting on what Staff has recommended?

City Attorney Joe Gorfida stated that the original recommendations were to allow for a required rear yard setback of 25' without the 50' green space. Staff has changed that to 35' rear yard setback and a front setback of originally 35' Staff has recommended 25' of which Mr. Rivas has agreed too.

MOTION: Member Cathey Bonczar made a Motion to approve the variance request with the recommendations that Staff recommends to which M. Christopher agrees. To allow for required rear yard set backyard of 35' without the required 50' green space or district separation requirement of 100' between districts required in section 14.03.353 Development regulations sub section 2 C. 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 sub section 2 B. Complete Relief from 14.03.353 Development regulations sub section 2 D. Allow for a front yard setback of 25' reduced from the required 50' front yard setback required by Sec. 14.03.353 Development regulations sub section A.1. Alternate Member Janean McLaughlin seconded the Motion. Motion carried. Vote: 4-0.

#### **Routine Business**

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

**MOTION**: Member Stuart Fink made a Motion to approve of the minutes from the November 12, 2012 Board of Adjustments meeting. Member Cathey Bonczar seconded the Motion. Motion carried. Vote: 4-0.

3) Adjournment.

**MOTION**: Member Cathey Bonczar made a Motion to adjourn the meeting at 7:13 p.m. Alternate Member Janean McLaughlin seconded the Motion. Motion carried. Vote: 4-0.

These minutes were approved by Adjustments on September 23, 2	y a majority vote of the members of the Board of 2013.
	Kathy Morris, Chairman
	ATTEST:
	Kathy Wingo, TRMC, MMC City Secretary



## City of Lucas Board of Adjustments

BOA Meeting:	September 23, 2013	Requestor: Kath	ny Wingo
		Prepared by: <u>Kath</u>	ny Wingo
Account Code #:	N/A	Date Prepared: <u>S</u>	eptember 5, 2013
Budgeted Amount:	\$ N/A	Exhibits: ☐ Yes	☑ No
AGENDA SUBJEC	CT:		
Adjournment.			
RECOMMENDED A	ACTION:		
N/A			
SUMMARY:			
N/A			
MOTION:			
I make a Motion to	adjourn the meeting at	p.m.	
APPROVED BY:_		Initia	al/Date
	Departmer City Mana	nt Director:	<u> </u>