

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

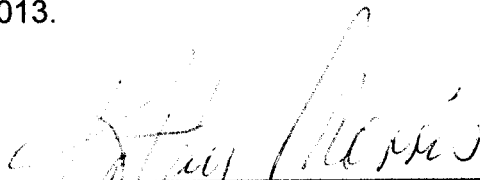
- 2) Discuss and Consider the approval of the minutes from the November 12, 2012 Board of Adjustments meeting.

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 a majority vote of the members of the Board of Adjustments on September 23, 2013.


Kathy Morris, Chairman



ATTEST:


Kathy Wingo, TRMC, MMC City Secretary