



**AGENDA**  
**City of Lucas**  
**Board of Adjustments Meeting**  
**December 4, 2017**  
**7:00 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 Monday, December 4, 2017 at 7:00 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 Hearing(s)**

1. Public hearing to consider the variance request by Randy Cimprich, 14 Kingswood Drive from the City's Code of Ordinances, Chapter 3, Article 3.18, Section 3.19.002 – Residential, Agricultural and Estate Districts to add a privacy fence within the required setback. **(Development Services Director Joe Hilbourn)**
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct Public Hearing
  - C. Take Action

**Regular Agenda**

2. Consider approval of the minutes of the July 25, 2016 Board of Adjustments meeting. **(City Secretary Stacy Henderson)**

**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 Monday, November 27, 2017 as required in accordance with Government Code §551.041.*

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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 Agenda Request

### December 4, 2017

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item:**

Public hearing to consider the variance request by Randy Cimprich, 14 Kingswood Drive from the City's Code of Ordinances, Chapter 3, Article 3.18, Section 3.19.002 – Residential, Agricultural and Estate Districts to add a privacy fence within the required setback.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action

#### **Background Information:**

A privacy fence exists currently on the property located behind the barn. The applicant is requesting to extend the privacy fence to the existing barbwire fence located on the property line. In doing so, the proposed privacy fence would be located within the required setbacks.

The City's Code of Ordinances, Chapter 3, Article 3.18, Section 3.19.002 – Residential, agricultural and estate districts states the following:

- (a) Height.
  - (1) Maximum height of 6 feet (6') for front yards.
  - (2) Maximum height of 8 feet (8') for side and rear yards.
- (b) Fencing located within the required front, side and rear yard setbacks shall be a minimum of 50% see through.
- (c) If property is used to pasture or control livestock, for farming or other similar agricultural uses, and such uses are permitted, the fencing requirements in section 3.19.003(b) are permitted.
- (d) Fencing located outside of the required, rear and side yard setbacks may be privacy-style.

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

- 1. Application
- 2. Public Hearing Notice
- 3. Map showing fence location

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

NA



**City of Lucas**  
**Board of Adjustments Agenda Request**  
**December 4, 2017**

**Recommendation:**

Staff is not in favor of this variance request.

**Motion:**

I make a motion to approve/deny the variance request by Randy Cimprich, 14 Kingswood Drive from the City's Code of Ordinances, Chapter 3, Article 3.18, Section 3.19.002 – Residential, Agricultural and Estate Districts to add a privacy fence within the required setback.



# APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 11-7-17

FEE: \$450.00

APPEAL # \_\_\_\_\_

SUBMITTED BY: Name: Randy Cimprich  
Address: 14 Kingswood Dr.  
City: LUCAS State: TX Zip: 75002  
Phone: 469-371-6740

**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.

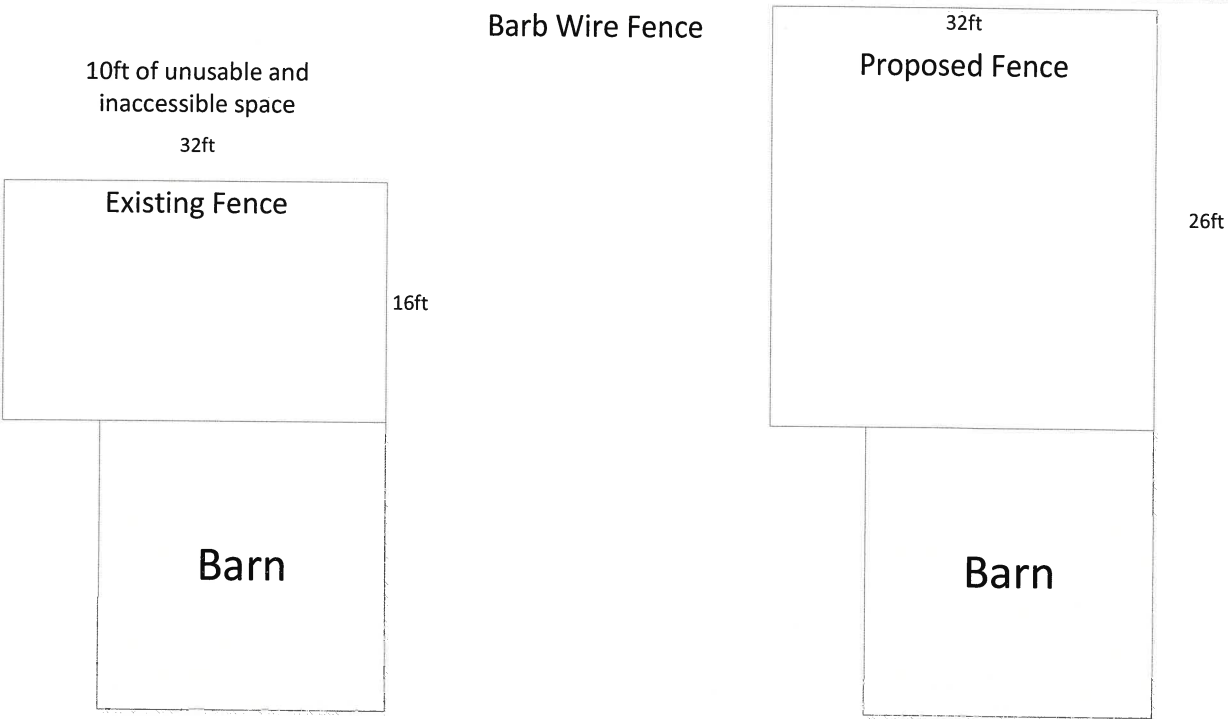
BRIEFLY DESCRIBE YOUR APPEAL:

Requesting a variance to construct a short privacy fence behind my barn up to the existing barbwire fence on my property. I currently have a privacy fence now behind my barn. There is a 10ft gap or space between that fence & the barbwire fence on my property. I only wish to extend the privacy fence to include that 10ft which is unaccessible now. I would like to meet on the property to show the BOA what I am talking about. This new fence will improve the view for my neighbors as it will hide my storage from their view. Please see attached sheets.

14 Kingswood Dr  
Lucas, Texas

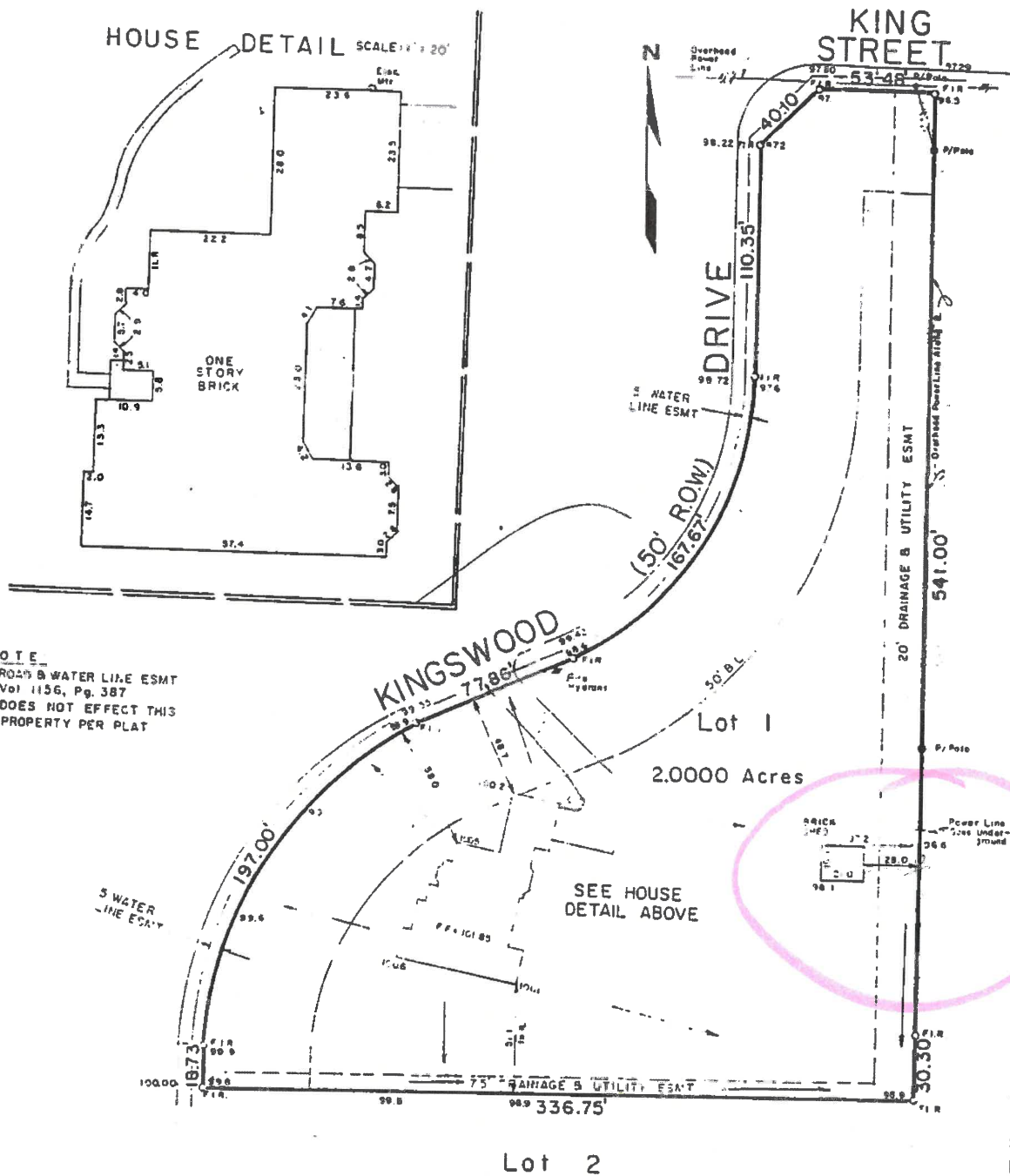
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Utility access 20ft



# SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:  
 This is to certify that I have this date, made a careful and accurate survey on the ground of the property located at  
14 KINGSWOOD DRIVE, in the City of LUCAS, Texas,  
 Int. No. \_\_\_\_\_ Block No. \_\_\_\_\_ City Block No. \_\_\_\_\_ of \_\_\_\_\_  
LUCAS KINGSWOOD ESTATES an addition to the City of  
LUCAS, Texas, according to the MAP Thruout recorded in Volume F  
 Page 240 MAP \_\_\_\_\_ Records, \_\_\_\_\_ COLLIN County, Texas.



### FLOOD CERTIFICATE

As determined by the Flood Insurance Rate Maps for the City of LUCAS, Texas, the above property **DOES NOT** lie within a 100 year Flood Zone Area. Date: 4-30-90. **NO MAP - LUCAS IS A NON-FLOOD PRONE COMMUNITY.**

The plat herein is a true, correct and accurate representation of the property as determined by survey, the lines and dimensions of said property being indicated by the plat, the size, location and type of buildings and improvements are shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated or the distance from the nearest intersection street or road is indicated on said plat. There are no apparent visible encroachments, defects, or protrusions except as shown.

Date: 7-22-93  
 L.S. No.: 94269  
 G.F. No.: 11955 J  
 Scale: 1" = 50'  
 Drawn by: BET

NOT FOR CONSTRUCTION

By: DAVID M. HENDERSON  
 State Registered Professional Surveyor No. 4485



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Adjustments of the City of Lucas, Texas will conduct a public hearing on December 4, 2017 at 7:00 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider a request for a variance from the literal interpretation of the city's code of ordinances more particularly described as follows:

An application submitted by Randy Cimprich for a parcel of land located in Kingswood Estates, Lot 1, being all of a 2.00 Acre tract of land, otherwise known as 14 Kingswood, Lucas Texas. The request is for variance from the literal interpretation of the City's Code of Ordinance to allow a fence located within the side and rear yard setbacks that is less than 50% see through.

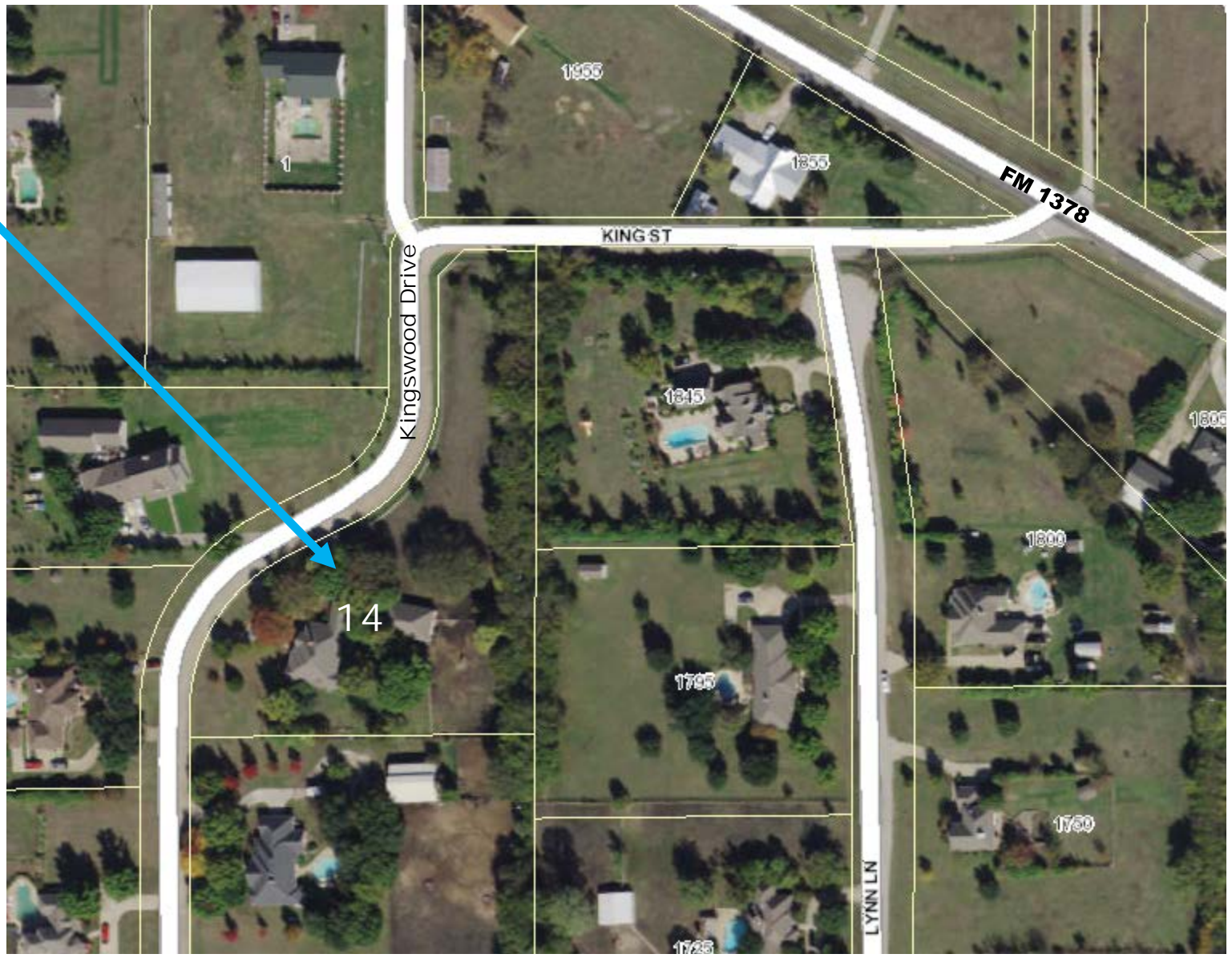
The City's Code of Ordinances, Chapter 3, Article 3.18, Section 3.19.002 – Residential, agricultural and estate districts states the following:

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

Those wishing to speak **FOR** or **AGAINST** the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, 665 Country Club Road, Lucas, Texas 75002, email [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) and it will be presented at the hearing. If you have any question about the request please contact Joe Hilbourn at [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).



14 Kingswood Dr





**City of Lucas**  
**Board of Adjustments Agenda Request**  
**December 4, 2017**

Item No. 02

Requester: City Secretary Stacy Henderson

**Agenda Item:**

Consider approval of the minutes of the July 25, 2016 Board of Adjustments meeting.

**Background Information:**

NA

**Attachments/Supporting Documentation:**

1. Minutes from the July 25, 2016 Board of Adjustments meeting.

**Budget/Financial Impact:**

NA

**Recommendation:**

NA

**Motion:**

I make a motion to approve/deny the minutes from the July 25, 2016 Board of Adjustments meeting as presented.



City of Lucas  
Board of Adjustments Meeting  
July 25, 2016  
7:00 PM

City Hall - 665 Country Club Road – Lucas, Texas

## Minutes

### Call to Order

Chairman Williams called the meeting to order at 7:00 p.m.

**Present:**

Chairman Craig Williams  
Vice Chairman Chris Bierman  
Adam Sussman  
Randy Barnes  
Alternate Member Tommy Tolson

**Absent:**

Stuart Fink  
Alternate Member Robin Ahmadi

**Staff Present:**

City Manager Joni Clarke  
City Attorney Julie Doshier  
Development Services Director Joe Hilbourn  
City Secretary Stacy Henderson

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

Chairman Williams identified all witnesses that would be presenting before the Board, including Development Services Director Joe Hilbourn, and conducted the swearing in process for all witnesses.

### Public Hearing

1. **Consider a variance request by Engineering Concepts on behalf of Lucas Christian Academy from the City's Code of Ordinances, Chapter 14, Article 14.04, Division 7 – Lighting, to add lights to the football field located at 505 W. Lucas Road.**
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct Public Hearing
  - C. Take Action

Development Services Director Joe Hilbourn gave a presentation noting that the applicant, Lucas Christian Academy, was requesting to add light poles around the football field of the school that

were approximately 60 feet tall with 1500 watt lights without full cut off fixtures. Mr. Hilbourn stated that the City's Code of Ordinances required pole-mounted lights be a maximum of 25 feet in height with a full cut off fixture not allowing any upward distribution of light, and bulbs over 150 watts were required to have full cut off light fixtures as well.

Mr. Hilbourn noted that Lovejoy High School has similar lights as to what Lucas Christian Academy was proposing; however, those lights were installed in 2004 prior to the adoption of the City's lighting ordinance in 2006. Mr. Hilbourn noted that Willow Springs Middle School also had similar lights, but at the time the middle school was constructed, it was located within the City's extraterritorial jurisdiction and the City could not enforce lighting requirements for property located within the County.

Mr. Hilbourn reminded the Board that this request does not require a hardship.

Todd Wintters, representing Lucas Christian Academy came forward and stated that Lucas Christian Academy operates a football program only, August through November. During that time, there would be approximately 5-6 games per season along with any play-off games. Mr. Wintters noted that the lights were needed in order to play games on Friday evenings and that currently students play on Saturdays during the day in the extremely hot weather. Mr. Wintters stated that Lucas Christian Academy hired a consultant to conduct a lighting study and how far the lights would extend beyond the field without cut off fixtures. The consultant found that lighting extended only slightly towards the east property line of the school and did not cross into any residential property.

Mr. Nathan Layman, Athletics Coach for Lucas Christian Academy stated that the school has a JV and Varsity football team, with JV beginning games at 5:00 pm and Varsity beginning games at 7:00 pm. He requested lighting be allowed until 11:00 pm.

Julie Montgomery, Principal of Lucas Christian Academy spoke regarding the history of the school, its limited growth through the years and the donation of funds for lighting on the field.

Chairman Williams opened the public hearing at 7:21pm.

The following individuals spoke or noted on comment cards their opposition to the lighting request discussing concerns related to light intruding into the residential neighborhood, creating more traffic congestion around the school on Friday evenings, and removing the country feel for the neighborhood:

Danelle Isakson, 19 Prado Verde Drive  
Molly Thornberg, 1 Edgefield Lane  
Sean Thornberg, 1 Edgefield Lane  
Judith Anderson, 425 Stinson Road  
Leon Luckey, 1065 Wendy  
Stephen Gunn, 5 Prado Verde Drive  
Kurtis Lawrence, 7 Prado Verde Drive  
Amy Lawrence, 7 Prado Verde Drive  
Tamara Gwnn, 5 Prado Verde Drive  
Nancy Frederick, 6 Prado Verde Drive

Chairman Williams also noted that three emails were received in opposition from the following citizens:

Matt Smith, 405 Stinson Road  
Kim Guest, 155 Holly Lane  
Laura McCarthy, 12 Prado Verde Drive

Chairman Williams closed the public hearing at 7:42 pm.

The Board discussed other alternatives available to Lucas Christian Academy, such as a facility agreement with neighboring schools to use their fields.

Various members of the Board discussed their opposition to the request due to the impact it would have on surrounding residential neighborhoods.

Mr. Tolson discussed the hardship the school was facing having to conduct their football program during the day in extremely hot weather. Mr. Tolson felt these limitations had a negative impact on the school and limitations could be put in place on when the lighting could be used.

**MOTION:** *A motion was made by Mr. Barnes, seconded by Vice Chairman Bierman to deny the request by Engineering Concepts on behalf of Lucas Christian Academy from the City's Code of Ordinances, Chapter 14, Article 14.04, Division 7 – Lighting, to add lights to the football field located at 505 W. Lucas Road. The motion for denial passed by a 4 to 1 vote with Mr. Tolson voting in opposition to the denial of the request.*

**2. Consider approval of the minutes of the April 13, 2016 Board of Adjustments meeting.**

**MOTION:** *A motion was made by Vice Chairman Bierman, seconded by Mr. Sussman to approve the minutes as submitted. The motion passed unanimously by a 5 to 0 vote.*

**3. Adjournment.**

Chairman Williams adjourned the meeting at 7:57 pm.

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Chris Bierman, Vice Chairman

ATTEST:

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Stacy Henderson, City Secretary