



## **AGENDA**

### **City of Lucas**

### **Board of Adjustments Meeting**

**May 7, 2018**

**6:30 PM**

**City Hall - 665 Country Club Road – Lucas, Texas**

*Notice is hereby given that a regular meeting of the Board of Adjustment of the City of Lucas will be held on May 7, 2018 at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas at which time the following agenda will be discussed.*

### **Call to Order**

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

### **Public Hearing Agenda**

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1. Public hearing to consider an application submitted by John Dunaway for a variance from the literal interpretation of Section 14.04.304(3) of the City's Code of Ordinance to reduce the required side yard setback for an accessory building from 20 feet to 10 feet for a parcel of land located at 120 McMillen in the McMillen 2 Addition, Block A, Lot 1, being all of a 2.4-acre tract of land. **(Development Services Director Joe Hilbourn)**
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing
  - C. Take action
2. Public hearing to consider an application submitted by Sinichan Jacob for a variance from the literal interpretation of Section 3.16.011(c) of the City's Code of Ordinances to allow a sign to be replaced after a change of business or activity to which the sign pertains, on property located at 630 Southview, a parcel of land located in the Jas Lovelady Survey, Abstract A0538, Tract 28, 8.240 acres, being all of a 8.24 acre tract of land. **(Development Services Director Joe Hilbourn)**
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing
  - C. Take action

### **Regular Agenda**

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3. Consider approval of the minutes of the February 20, 2018 Board of Adjustments meeting. **(City Secretary Stacy Henderson)**

## **Executive Session Agenda**

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*The Board of Adjustment may convene into a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting.*

Executive Session: An Executive Session is not scheduled for this meeting.

4. Adjournment.

## **Certification**

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*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 May 1, 2018 as required in accordance with Government Code §551.041.*

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Stacy Henderson

*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 972-912-1207 or send an email to [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).*



# City of Lucas

## Board of Adjustments Agenda Request

### May 7, 2018

Requester: Development Services Director Joe Hilbourn

### **Agenda Item Request**

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Public hearing to consider an application submitted by John Dunaway for a variance from the literal interpretation of Section 14.04.304(3) of the City's Code of Ordinance to reduce the required side yard setback for an accessory building from 20 feet to 10 feet for a parcel of land located at 120 McMillen in the McMillen 2 Addition, Block A, Lot 1, being all of a 2.4-acre tract of land.

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

### **Background Information**

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The applicant would like to deviate from the ordinance due to the irregular shape of his property. The location dictated by ordinance for an accessory structure would require many of his trees to be removed and regrading, changing the natural flow of water and directing the flow to his neighbor's property.

The City's Code of Ordinances, Chapter 14, Zoning Section 14.04.304(3) General accessory buildings and structures regulations requires the following:

- (3) Setbacks.
  - (A) Accessory buildings.
    - (i) Front yard setback, a minimum of ten feet behind the rear build line of the main structure unless the building is designed to be architecturally compatible with the main building and constructed of similar materials as the main building. Then a fifty-foot front yard setback is required.
    - (ii) Rear yard setback, a minimum of twenty feet.
    - (iii) Side yard setbacks, a minimum of twenty feet.

### **Attachments/Supporting Documentation**

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- 1. Public Hearing Notice
- 2. Map showing applicant's property

### **Budget/Financial Impact**

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NA

### **Recommendation**

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Staff is in favor of this variance request.



**City of Lucas**  
**Board of Adjustments Agenda Request**  
**May 7, 2018**

**Motion**

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I make a motion to approve/deny the variance from Section 14.04.304(3) of the City's Code of Ordinances requested by John Dunaway to reduce the required accessory structure side yard setback from 20 feet to 10 feet for the property located at 120 McMillen, Lucas Texas.



## 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 May 7, 2018 at 6:30 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 John Dunaway for a parcel of land located in McMillen 2 Addition, McMillen 2 Addition, Blk A, Lot 1, being all of a 2.4-acre tract of land, otherwise known as 120 McMillen, Lucas Texas. The request is for a variance from the literal interpretation of the City's Code of Ordinance to reduce the required side yard set back from 20' to 10'

The relevant portions of City's Code of Ordinances, Chapter 14, Zoning Sec. 14.04.304 General accessory buildings and structures regulations, read as follows:

“(3) Setbacks.

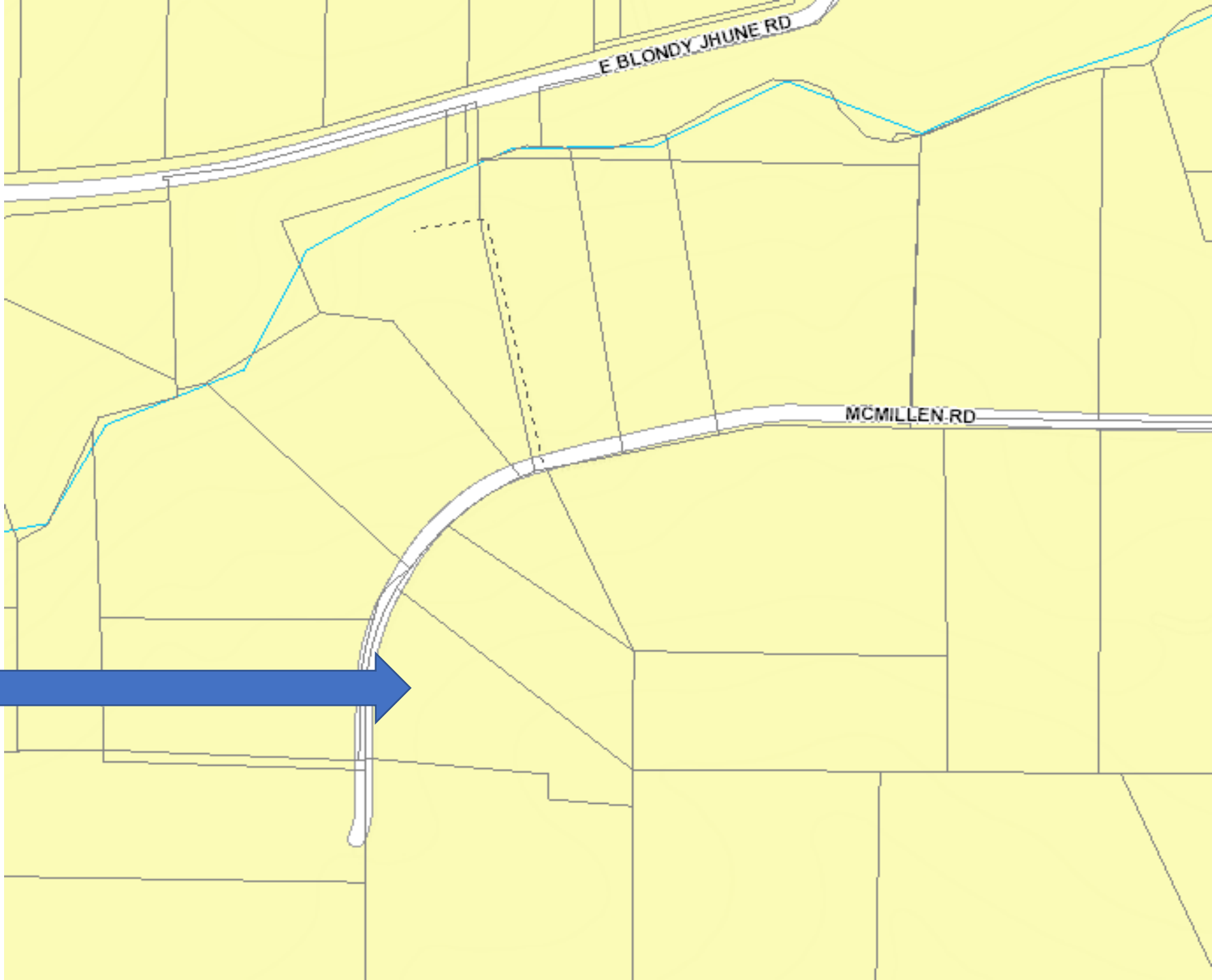
(A) Accessory buildings.

(i) Front yard setback, a minimum of ten feet behind the rear build line of the main structure unless the building is designed to be architecturally compatible with the main building and constructed of similar materials as the main building. Then a fifty-foot front yard setback is required.

(ii) Rear yard setback, a minimum of twenty feet.

(iii) Side yard setbacks, a minimum of twenty feet.”

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 questions about the request, please contact Joe Hilbourn at [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).



120 McMillen



# City of Lucas

## Board of Adjustments Agenda Request

### May 7, 2018

Item No. 02

Requester: Development Services Director Joe Hilbourn

### Agenda Item Request

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Public hearing to consider an application submitted by Sinichan Jacob for a variance from the literal interpretation of Section 3.16.011(c) of the City's Code of Ordinances to allow a sign to be replaced after a change of business or activity to which the sign pertains, on property located at 630 Southview, a parcel of land located in the Jas Lovelady Survey, Abstract A0538, Tract 28, 8.240 acres, being all of a 8.24 acre tract of land.

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

### Background Information

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Mr. Jacob has made application for a special variance to continue to use a non-conforming sign and alter the message and characteristics of the sign.

Mr. Jacob purchased a Horse Boarding facility at 630 Southview Drive and would like to be permitted to have a sign similar to the one that was at the horse boarding facility when he purchased the property. The City's Code of Ordinance does not permit this type of sign in a residential district, but the City's Code of Ordinances does permit horse boarding and training. Staff feels the sign request meets the spirit of the Code of Ordinances, the codes intent was to permit horse boarding, training facilities and signage as a natural part of this type of business.

The City's Code of Ordinances states the following:

#### **Sec. 3.16.011 Nonconforming signs**

(c) A nonconforming sign shall not be permitted to remain after cessation or change of the business or activity to which the sign pertains

#### **Sec. 3.16.012 Variances**

The board of adjustments shall have authority to grant special variance exceptions from the provisions of this article on proper application. Special exceptions may be granted when circumstances permit and when the proposed exception does not violate the spirit or intent of this article, on such conditions and requirements as may reasonably be required by the board.

### Attachments/Supporting Documentation

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1. Public Hearing Notice
2. Map showing proposed sign location
3. Sign drawing



**City of Lucas**  
**Board of Adjustments Agenda Request**  
**May 7, 2018**

**Budget/Financial Impact**

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NA

**Recommendation**

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Staff is in favor of this variance request.

**Motion**

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I make a motion to approve/deny the variance from Section 3.16.011(c) of the Code of Ordinances requested by Sinichan Jacob to allow a sign to be replaced after a change of the business or activity to which the sign pertains on a parcel of land located at 630 Southview, Lucas Texas.





## 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 May 7, 2018 at 6:30 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 for a variance submitted by Sinichan Jacob for a parcel of land located in Jas Lovelady Survey, Abs A0538 Jas Lovelady Survey, Tract 28, 8.240 Acres, being all of an 8.24 acre tract of land, located at 630 Southview, Lucas Texas. The request is for variance from the literal interpretation of the City's Code of Ordinance to allow a nonconforming sign to be replaced after a change of the business or activity to which the sign pertains.

The relevant portions of the City's Code of Ordinances read as follows:

### **“Sec. 3.16.011 Nonconforming signs**

(c) A nonconforming sign shall not be permitted to remain after cessation or change of the business or activity to which the sign pertains

### **Sec. 3.16.012 Variances**

The board of adjustments shall have authority to grant special variance exceptions from the provisions of this article on proper application. Special exceptions may be granted when circumstances permit and when the proposed exception does not violate the spirit or intent of this article, on such conditions and requirements as may reasonably be required by the board.”

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).

630 Southview Drive

Being a tract of land situated in the James Lovelady 640 acre Survey, Abstract No. 538, Collin County, Texas, some being that tract of land conveyed to Charles C. Blylock, a married man, by deed recorded in Volume 5928, Page 2874, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for corner, said corner being the Northeast corner of Lot 1, Brookhaven Ranch Estates, an addition to Collin County, Texas, according to the Plat thereof recorded in Volume 6, Page 71, Plat Records, Collin County, Texas, and being along the West line of Southview Drive (100 Foot Right-of-Way):

THENCE South 83 degrees 56 minutes 10 seconds West, along the North line of said Lot 1 of said Brookhaven Ranch Estates, passing rod being the Northwest corner of said Lot 1, and being along the North line of said Lot 2 of said Brookhaven Ranch Estates, continuing along said North line of said Lot 2, and passing Lot 3A, Brookhaven Ranch Estates, an addition to Collin County, Texas, according to the Plat thereof recorded in Volume 2008, Page 48, Plat Records, Collin County, Texas, a total distance of 1313.95 feet to a 1/2 inch iron rod found for corner, said corner being on 'air' corner of Lot 1, Block A, of Skidmore Addition, an addition to Collin County, Texas, according to the Plat thereof recorded in Volume 1, Page 420, Plat Records, Collin County, Texas;

THENCE North 00 degrees 39 minutes 15 seconds East, along the East line of said Lot 1 of said Skidmore Addition, and passing Anthony Addition, an addition to Collin County, Texas, according to the Plat thereof recorded in Volume 6, Page 213, Plat Records, Collin County, Texas, a distance of 380.61 feet to a point for corner, said corner being along the South line of that tract of land conveyed to Lucio Trejo, a single man, by deed recorded in Instrument No. 2007072400103660, Official Public Records, Collin County, Texas, from which a 1/2 inch iron rod found, said rod bearing North 89 degrees 08 minutes 39 seconds West, a distance of 3.14 feet from the Northwest corner of subject tract, said rod found being the Southwest corner of said Trejo tract;

THENCE South 89 degrees 08 minutes 39 seconds East, along the South line of said Trejo tract, a distance of 745.39 feet to a point for corner, said corner being the Northwest corner of that tract of land conveyed to Robert Hawkins, a single man, by deed recorded in Volume 5194, Page 1421, Deed Records, Collin County, Texas;

THENCE South 04 degrees 04 minutes 58 seconds West, along the West line of said Hawkins tract, a distance of 135.78 feet to a point for corner, said corner being the Southwest corner of said Hawkins tract;

THENCE North 89 degrees 52 minutes 44 seconds East, along the South line of said Hawkins tract, a distance of 585.00 feet, and being along said West line of Southview Drive; THENCE South 00 degrees 09 minutes 33 seconds West, along said West line of Southview Drive, a distance of 170.47 feet to the POINT OF BEGINNING and containing 358,963 square feet or 8.24 acres of land.

Secured Title of Texas

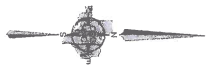
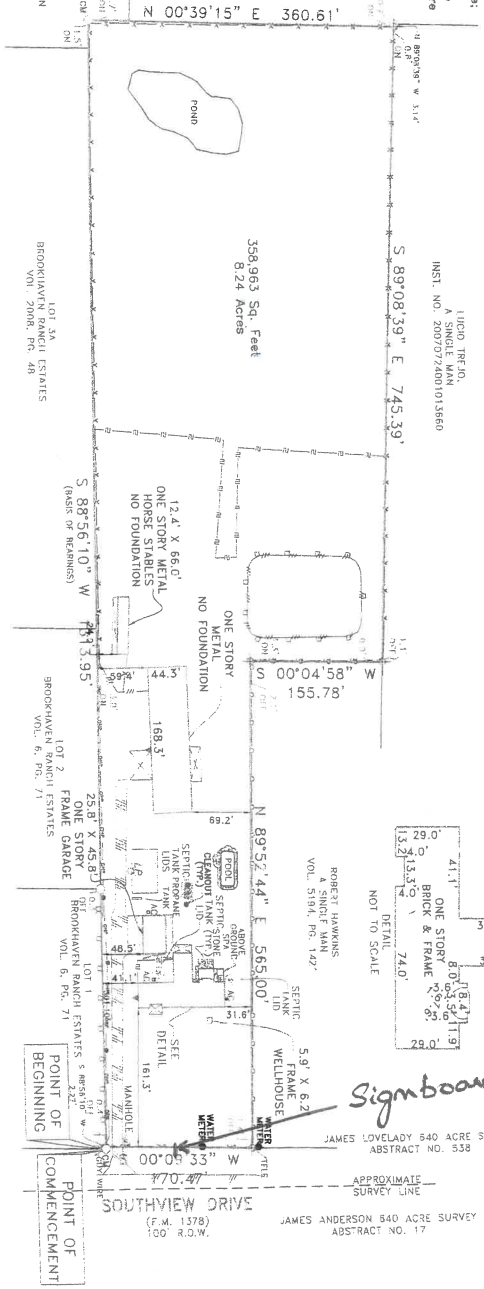


NOTES:  
1) BEARINGS ARE BASED ON SOUTH LINE OF SUBJECT TRACT RECORDED IN VOLUME 5928, PAGE 2874, DEED RECORDS, COLLIN COUNTY, TEXAS.  
2) BEARINGS AND DISTANCES ARE BY RECORDING PLAT UNLESS OTHERWISE NOTED.

Table with columns: DATE, BY, REVISIONS, NOTES. Includes handwritten notes like 'Burkhardt 10.1.17'.

NOTE: According to the F.I.R.M. in Map No. 4808SC04051, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

LEGEND section detailing symbols for various survey features: CONTINUOUS LUMBER, 1/2" IRON ROD FOUND, FENCE, UNDERGROUND ELECTRIC, etc.



SURVEYOR'S CERTIFICATE  
The undersigned Registered Professional Land Surveyor J.T. Thompson hereby certifies to the underwritten Registered Professional Land Surveyor J.T. Thompson with the information described in G.F. NSK0005445 that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) size and type of material theretofore existing on the date of the survey, and the other parties and/or for other purposes shall be correctly shown; Use of this survey by any party other than the Surveyor shall not be the responsibility of the Surveyor, but shall be the responsibility of the user of the survey. It is a general and accurate representation of the property as shown on the plat hereon. It is a general and accurate representation of the property as shown, EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.  
Executed this 5th day of June, 2017  
J.T. Thompson  
Registered Professional Land Surveyor No. 4604



CBG SURVEYING & CONSULTING logo and contact information: 12025 Smith Road, Ste. 230, Dallas, TX 75244, F 214.349.2216, M 214.349.2216, www.cbgsurveying.com

METES & BOUNDS  
JAMES LOVELADY 640 ACRE SURVEY, ABSTRACT NO. 538  
COLLIN COUNTY, TEXAS  
630 SOUTHVIEW DRIVE

Signboard

**Side - 1**

4'

Jacob's Ranch and Stables LLC.



PASTURE AND FULL CARE BOARDING AVAILABLE

Contact:  
Joseph: 214-803-2000  
Jacob: 214-727-8487

8'

6"  
6"  
6'  
6"  
6"  
6"  
6"

**Side - 2**

4'

Jacob's Ranch and Stables LLC.



PASTURE AND FULL CARE BOARDING AVAILABLE

Contact:  
Joseph: 214-803-2000  
Jacob: 214-727-8487

8'

6"  
6"  
6'  
6"  
6"  
6"  
6"



**City of Lucas**  
**Board of Adjustments Agenda Request**  
**May 7, 2018**

Item No. 03

Requester: City Secretary Stacy Henderson

**Agenda Item Request**

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Consider approval of the minutes of the February 20, 2018 Board of Adjustments meeting.

**Background Information**

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NA

**Attachments/Supporting Documentation**

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1. Minutes from the February 20, 2018 Board of Adjustments meeting.

**Budget/Financial Impact**

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NA

**Recommendation**

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NA

**Motion**

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I make a motion to approve/deny the minutes from the February 20, 2018 Board of Adjustments meeting as presented.



City of Lucas  
Board of Adjustment Meeting  
February 20, 2018  
6:30 PM

City Hall - 665 Country Club Road – Lucas, Texas

## Minutes

### Call to Order

Vice Chairman Bierman called the meeting to order at 6:32 p.m.

**Members Present:**

Vice Chairman Chris Bierman  
Brian Blythe  
Robin Ahmadi, Alternate  
Brenda Rizos, Alternate

**Members Absent:**

Adam Sussman  
James Foster

**Staff Present:**

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

**City Council Liaison:**

Mayor Pro Tem Kathleen Peele

It was determined that a quorum was present and Vice Chairman Bierman led the Pledge of Allegiance.

Vice Chairman Bierman noted that Alternate Members Robin Ahmadi and Brenda Rizos would serve as voting members due to the absence of two regular members.

Vice Chairman Bierman 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. Public Hearing to consider the variance request by Robert and Boris Rapin, 500 Holly Lane from the City's Code of Ordinances, Chapter 3, Article 3.18, Section 3.19.002 – Residential, Agricultural and Estates Districts, to add a privacy fence within the required front setback.**

Development Services Director Joe Hilbourn explained that a portion of the privacy fence at 500 Holly Lane on the south side of the property was destroyed in a fire. The applicant was requesting to be able to repair the privacy fence to match the remaining portion that was not burned. Mr. Hilbourn stated that the existing Codes of Ordinances does not allow for a privacy fence, but a

hardship does exist due to the recent fire. Mr. Hillbourn stated if the fence variance were approved, it would be a legal nonconforming use.

City Attorney Julie Doshier explained that if more than 50 percent of the fence needed to be replaced, a variance could not be requested, and the fence would have to be brought up to code standards. Because less than 50 percent of the fence required replacement, a variance can be requested, and would be considered legal nonconforming.

Boris Rapin, 500 Holly Lane, came forward and shared pictures with the Board of the fence condition. Mr. Rapin explained that he would like to replace the portion of the fence that burned and use the same materials to match the portion of the fence that remains. Mr. Rapin explained that he would like to keep his antique vehicles located on his property from public view.

Vice Chairman Bierman opened the public hearing at 6:44pm and asked if anyone in the audience wanted to speak regarding this request. There being none, the public hearing was closed.

Vice Chairman Bierman read into the record an email received from Robert & Joy Meyerowitz, residing at 505 Holly Lane that were in favor of the fence variance request.

**MOTION:** A motion was made by Mr. Blythe, seconded by Mr. Ahmadi to approve the variance request by Robert and Boris Rapin for the property located at 500 Holly Lane from the City's Code of Ordinances, Chapter 3, Article 3.18, Section 3.19.002 – Residential, Agricultural and Estates Districts, to add a privacy fence within the required front setback. The motion passed unanimously by a 4 to 0 vote.

**2. Consider approval of the minutes of the December 4, 2017 Board of Adjustments meeting.**

**MOTION:** A motion was made by Mr. Blythe, seconded by Mr. Ahmadi to approve the minutes as submitted. The motion passed unanimously by a 4 to 0 vote.

**3. Consider the appointment of Chairman and Vice Chairman to serve for a period of one (1) year with a term ending December 31, 2018.**

**MOTION:** A motion was made by Mr. Blythe, seconded by Ms. Rizos to nominate Chris Bierman as Chairman of the Board of Adjustment to serve for a one-year period with a term ending December 31, 2018. The motion passed unanimously by a 4 to 0 vote.

**MOTION:** A motion was made by Chairman Bierman, seconded by Mr. Blythe to nominate Adam Sussman as Vice Chairman of the Board of Adjustment to serve for a one-year period with a term ending December 31, 2018. The motion passed unanimously by a 4 to 0 vote.

**4. Adjournment.**

Chairman Bierman adjourned the meeting at 6:50 pm.

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Chris Bierman, Chairman

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Stacy Henderson, City Secretary