



AGENDA

City of Lucas

Board of Adjustments Meeting

June 4, 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 June 4, 2018 at 6:30pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas at which time the following agenda will be discussed.

Call to Order

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

Regular Agenda

1. Consider an application continued from the May 7, 2018 Board of Adjustment meeting 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)**
2. Consider approval of the minutes of the May 7, 2018 Board of Adjustments meeting. **(City Secretary Stacy Henderson)**

Executive Session Agenda

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.

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 May 30, 2018 as required in accordance with Government Code §551.041.

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.



City of Lucas

Board of Adjustments Agenda Request

June 4, 2018

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider an application continued from the May 7, 2018 Board of Adjustment meeting 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.

Background Information

This item was continued from the May 7, 2018 Board of Adjustment meeting to allow the applicant to place a sign 4 feet x 6 feet in area, in the proposed location the week of May 21, 2018 allowing the neighborhood to view the sign and determine if it would hinder visibility in the proposed location. The public hearing conducted at the May 7, 2018 meeting was opened and closed.

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

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



City of Lucas
Board of Adjustments Agenda Request
June 4, 2018

Budget/Financial Impact

NA

Recommendation

Staff is in favor of this variance request.

Motion

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 and it will be presented at the hearing. If you have any question about the request please contact Joe Hilbourn at 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. Bloylock, 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 88 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, along said North line of said Lot 1, and passing Lot 34, Brookhaven Ranch Estates, continuing along said North line of said Lot 2, and passing Lot 34, 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 an "old" 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 Skidmore Addition, and passing Matthew Addition, an addition to Collin County, Texas, according to the Plat thereof recorded in Volume 5, 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 33 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;

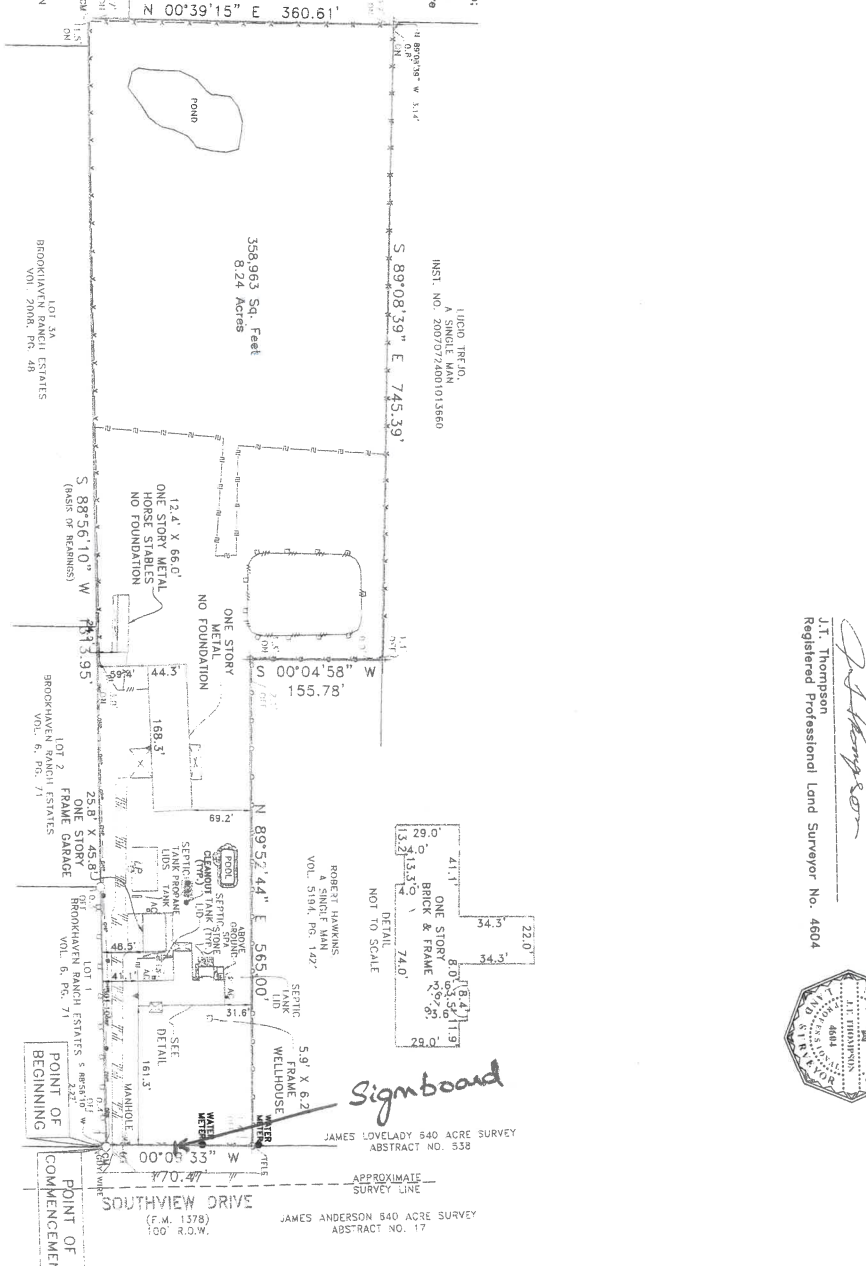
THENCE South 00 degrees 04 minutes 58 seconds West, along the West line of said Hawkins tract, a distance of 155.78 feet to a point for corner, said corner being the Southwest corner of said Hawkins tract;

THENCE North 89 degrees 52 minutes 44 seconds East, along the South line of said Hawkins tract, a distance of 585.00 feet to a point for corner, said corner being the Southeast corner of said Hawkins tract, 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.

MATTHEW ADDITION
VOL. 5, PG. 213

LOT 1, BLOCK A
SKIDMORE ADDITION
VOL. 1, PG. 420



The undersigned Registered Professional Land Surveyor J.T. Thompson hereby certifies to the underdesigned Registered Professional Land Surveyor J.T. Thompson with the transaction 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 thereof are correctly shown; Use of this survey by anyone other than the party to whom it is made shall be at the user's own risk and any loss is a correct and accurate representation of the property of the undersigned, and the Surveyor is a correct and accurate representation of the property of the undersigned; (d) any improvements or other structures are as shown; and 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



Signboard

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. UNLESS OTHERWISE NOTED.
2. BEARINGS AND DISTANCES LISTED ARE BY RECORDING PLAT UNLESS OTHERWISE NOTED.

DATE	BY	NOTES

LEGEND

- CONCRETE/CONCRETE MASONRY
- WOOD FRAME
- 1" IRON ROD FOUND
- 1" IRON ROD FOUND
- 1" IRON ROD FOUND
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- OVERHEAD ELECTRIC SERVICE
- ASPHALT PAVING
- GRAVEL/POICE ROAD ON STREET
- CHAIN LINK FENCE
- WOOD FENCE
- BARRIERS
- POLE
- POST
- COVERED WALKWAY OR CURBWAY
- OVERHEAD POWER LINE
- CONCRETE PILING
- WOOD PILING
- BARRIERS
- POST
- COVERED WALKWAY OR CURBWAY

CBG SURVEYING
12025 Smith Road, Ste. 230
Dallas, TX 75244
F 214.349.2216
M 214.349.2216
www.cbg-surveying.com

SCALE: 1" = 100'
DATE: 06/05/17
JOB NO.: 1710987
G.F. NO.:
DRAWN: JA

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

NOTE: According to the F.I.R.M. in Map No. 48085C04051, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

ACCEPTED BY: _____

Signature

Burkhardt

Side - 1

4'

Jacob's Ranch and Stables LLC.



PASTURE AND FULL CARE BOARDING AVAILABLE

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

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

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

Consider approval of the minutes of the May 7, 2018 Board of Adjustments meeting.

Background Information

NA

Attachments/Supporting Documentation

1. Minutes from the May 7, 2018 Board of Adjustments meeting.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve/deny the minutes from the May 7, 2018 Board of Adjustments meeting as presented.



City of Lucas
Board of Adjustment Meeting

May 7, 2018

6:30 PM

City Hall - 665 Country Club Road – Lucas, Texas

Minutes

Call to Order

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

Members Present:

Chairman Chris Bierman
Vice Chairman Adam Sussman
Robin Ahmadi, Alternate
Brenda Rizos, Alternate

Staff Present:

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

Members Absent:

Brian Blythe
James Foster

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

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 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 gave a presentation explaining that due to the irregular shape of the property, should the applicant locate the accessory building where required by ordinance, it would require trees to be removed and the property regraded, and would change the natural flow of water directing the flow to the neighbors property. Mr. Hilbourn stated that staff was in favor of granting the variance request.

John Dunaway, property owner of 120 McMillen distributed drawings depicting where the accessory building would be located. He explained that several trees would have to be removed on his property to locate the accessory building where required, and he did not want to cause drainage

problems to his neighbors property. Mr. Dunaway stated that he spoke with his neighbor and he was in support of the alternate location for the accessory building.

Chairman Bierman opened the public hearing at 6:41 pm.

Milton Gosney, 216 McMillen stated that if the new location of the accessory building did not change the flow of drainage on the property he was in favor of the request. Mr. Gosney asked if there were other properties on McMillen that had been granted variances, and if there were currently any violations in the area.

Mr. Hilbourn stated that he was not aware of any variances that had been granted in the last ten years on McMillan. He also explained that some buildings had a legal nonconforming status due to City code changes, but he was not aware of any current code violations.

Chairman Bierman closed the public hearing at 6:46 pm.

MOTION: A motion was made by Ms. Rizos, seconded by Mr. Ahmadi to grant 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. The motion passed unanimously by a 4 to 0 vote.

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 explained that the applicant was requesting to continue the use of a nonconforming sign but alter the message and characteristics of the sign. The applicant has requested the sign be 4 feet wide by 6 feet high. Mr. Hilbourn noted that a hardship was not required to grant the sign variance.

Joseph Parker, 630 Southview, part owner of the property, explained that the business being advertised was a horse boarding facility. The barn has been remodeled, along with a new fence constructed. Mr. Parker explained that he would like to locate the sign advertising the business approximately 25 feet from the roadway and would be setback approximately 45 feet from the center of the road.

Chairman Bierman opened the public hearing at 6:56 pm.

Holly Kellen, 220 Brookhaven, noted her concerns with the signage blocking a drivers line of vision when turning onto the roadway and concern with the business causing increased traffic in the area.

Jonathan Maashio, 200 Brookhaven, expressed his concern related to the parties that take place on the property, loud music, lighting on the property and the increased traffic with new signage.

Alis Brantl, 210 Brookhaven, expressed her concern with the increased business bringing more disruption to the neighborhood as well as the signage blocking the roadway.

The Board discussed the placement of the signage, site triangles as well as code enforcement items that could be addressed such as lighting and noise.

Mr. Parker stated that he would have the music turned off so it did not disturb the neighborhood.

Rich Adducci, 150 Brookhaven, noted his concern to the increased traffic to the area and asked that the sign not be placed in a location that would block the view of oncoming traffic.

Chairman Bierman read an email received into the record from Erica Carver, 630 Southview that expressed her concern related to the larger signage that would hinder the ability to view oncoming traffic.

The Board discussed other boarding facilities that have signage and the zoning district they were located within, which was R-2 zoning.

Chairman Bierman closed the public hearing at 7:15 pm.

The Board discussed placement of the sign closer to the fence area as to not obstruct the view and discussed whether the sign met the intent of the sign ordinance.

Vice Chairman Sussman expressed his concern related to the sign and its proposed placement. He noted that there were other ways to promote a business that did not require signage.

Development Services Director Joe Hilbourn suggested the applicant create a mock sign, 4 feet by 6 feet and place it in the proposed location for a week to give the neighborhood the opportunity to view the sign and if it causes any obstruction.

MOTION: A motion was made by Ms. Rizos, seconded by Vice Chairman Sussman to table this request to June 4, 2018 at 6:30 pm, and the applicant create a mock sign 4 feet by 6 feet in size and place it in the proposed location the week of May 21 to May 25. The motion to table passed unanimously by a 4 to 0 vote.

Regular Agenda

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

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

4. Adjournment.

Chairman Bierman adjourned the meeting at 7:31 pm.

Chris Bierman, Chairman

Stacy Henderson, City Secretary