



City of Lucas
Board of Adjustment Meeting
December 12, 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
Brian Blythe
Tom Redman
Robin Ahmadi, Alternate

Staff Present:

City Manager Joni Clarke
Development Services Director Joe Hilbourn
City Secretary Stacy Henderson
City Attorney Julie Doshier
Building Inspector Jim Hurley

Members Absent:

James Foster
Vice Chairman Adam Sussman
Brenda Rizos

City Council Liaison:

Mayor Pro Tem Kathleen Peele

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 City staff members, and conducted the swearing in process for all witnesses. Chairman Bierman also noted that Alternate Member Robin Ahmadi would be serving as a voting member due the vacancy of a regular member position.

Public Hearing Agenda

- 1. Public hearing to consider the variance request by Dmitriy and Nady Bondarenko, 440 Holly Lane 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.**

Building Inspector Jim Hurley explained that the property owner was requesting a variance because they would like to place a privacy fence on the property line. The City's Code of Ordinances requires a fence located on the property line to be 50 percent see through. Mr. Hurley stated that because the property owner was requesting a privacy fence to be placed on the property line, a variance was required. Mr. Hurley noted that if the fence were placed 20 feet from the property line, the property owner could have a privacy fence in that location. Mr. Hurley stated that the reasons outlined by

the property owner for the privacy fence located on the property line do not meet hardship requirements; and therefore, staff is recommending denial of the request.

Chairman Bierman asked for clarification regarding what defines a hardship.

City Attorney Julie Doshier stated that the following items should be taken into consideration when considering a variance request. A hardship was based on unique physical features of the property that were unique to that property only. Ms. Doshier stated that a hardship could not be self-imposed or personal in nature, such as trouble with a neighbor was not considered a hardship, and a hardship cannot be financial in nature.

Chairman Bierman opened the public hearing at 6:45pm and asked if the applicant would like to speak.

Ms. Bondarenko stated she would speak after everyone else has spoken.

Linda Tenhoopen, 340 Holly Lane, stated that she was opposed to a privacy fence being constructed as she didn't want junk to be able to accumulate as was previously, and not allow the fire department to have access to the property or respond accordingly if needed.

Bryan Capps, 13 Edgefield asked why the fence was needed.

Chairman Bierman swore in property owner, Nady Bondarenko before she spoke to the board.

Ms. Bondarenko, 440 Holly Lane, stated that they would provide gates on the fence so that the fire department had access to their property. She also noted that their vehicles in the yard were safe and operable. Ms. Bondarenko stated that the fence was needed for safety reasons as they have a pool and there were animals that come into their yard. She also noted that neighbors complained about how the yard looks and having a fence would alleviate that concern.

Chairman Bierman swore in Mr. Tenhoopen before he spoke with the Board.

Frank Tenhoopen, 340 Holly Lane, stated that a 50 percent see through fence was adequate for what they needed. Mr. Tenhoopen stated that there was nothing unique about the property that would require granting a variance.

Chairman Bierman noted that three emails had been received in opposition to the request.

Chairman Bierman stated that in reviewing the hardship requirements for a variance, there were not unique attributes to the property that would fulfill a hardship. Chairman Bierman said that the variance being requested was for personal reasons, which does not constitute a hardship, and placing a 50 percent see through fence on the property would satisfy the reasons they were requesting the variance. Chairman Bierman stated that he was not in favor of granting the variance.

Ms. Bondarenko stated that neighbors complain about their yard which was the main reason they were asking for a variance.

City Attorney Julie Doshier said that was a separate item from the fence variance request that needed to be addressed through other avenues.

Mr. Redman stated that he could not find any evidence of a hardship and believed that the property owners could find a way to place their fence on the property and be in compliance with City regulations.

Building Inspector Jim Hurley discussed with the Board where the privacy fence could be placed on the property and be in compliance with City regulations, which was approximately 20 feet from the property line.

MOTION: A motion was made by Mr. Redman, seconded by Mr. Blythe to deny the request for a privacy fence within the required setback because a hardship was not found based on the evidence presented. The motion to deny passed unanimously by a 4 to 0 vote.

Regular Agenda

2. Consider approval of the minutes of the June 4, 2018 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.

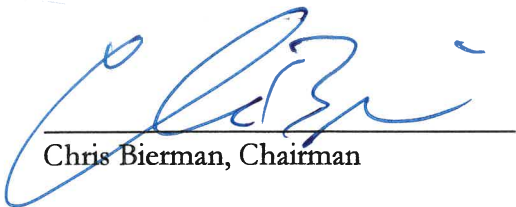
Executive Session Agenda

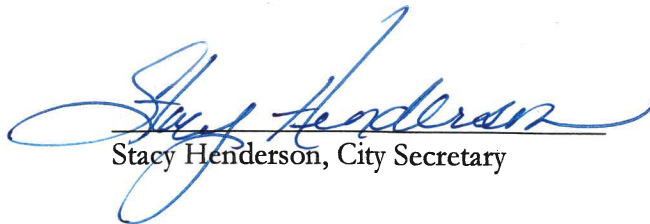
3. Executive Session.

An Executive Session did not occur at this meeting.

4. Adjournment.

Chairman Bierman adjourned the meeting at 7:14 pm.


Chris Bierman, Chairman


Stacy Henderson, City Secretary

