



AGENDA

City of Lucas

Board of Adjustments Meeting

December 12, 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 December 12, 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

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**)

Regular Agenda

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

3. Executive Session: An Executive Session is not scheduled for this meeting.
4. 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 December 6, 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 972-912-1211 or send an email to Stacy Henderson at shenderson@lucastexas.us.



City of Lucas

Board of Adjustments Agenda Request

December 12, 2018

Item No. 01

Requester: Building Inspector Jim Hurley

Agenda Item Request

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.

- A. Presentation by Building Inspector Jim Hurley
- B. Conduct public hearing
- C. Take action

Background Information

The property owner is requesting a privacy fence on the south and north side of their property adjoining the neighbor's fence. They are also requesting to add a privacy fence on the west side from both corners of the house to the north and south 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 requires 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. Public hearing notice
- 2. Map depicting fence location
- 3. Application including reasons for variance

Budget/Financial Impact

NA



City of Lucas
Board of Adjustments Agenda Request
December 12, 2018

Recommendation

Staff is not in favor of this variance request.

Motion

I make a motion to approve/deny 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.



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 12, 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 Dmitriy and Nady Bondarenko for a parcel of land located in Lucas Country Estates #1-e (Unrecorded), Lot 8, being all of a 2.08-acre tract of land, otherwise known as 440 Holly Lane, 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 and it will be presented at the hearing. If you have any question about the request please contact Jim Hurley at jhurley@lucastexas.us.

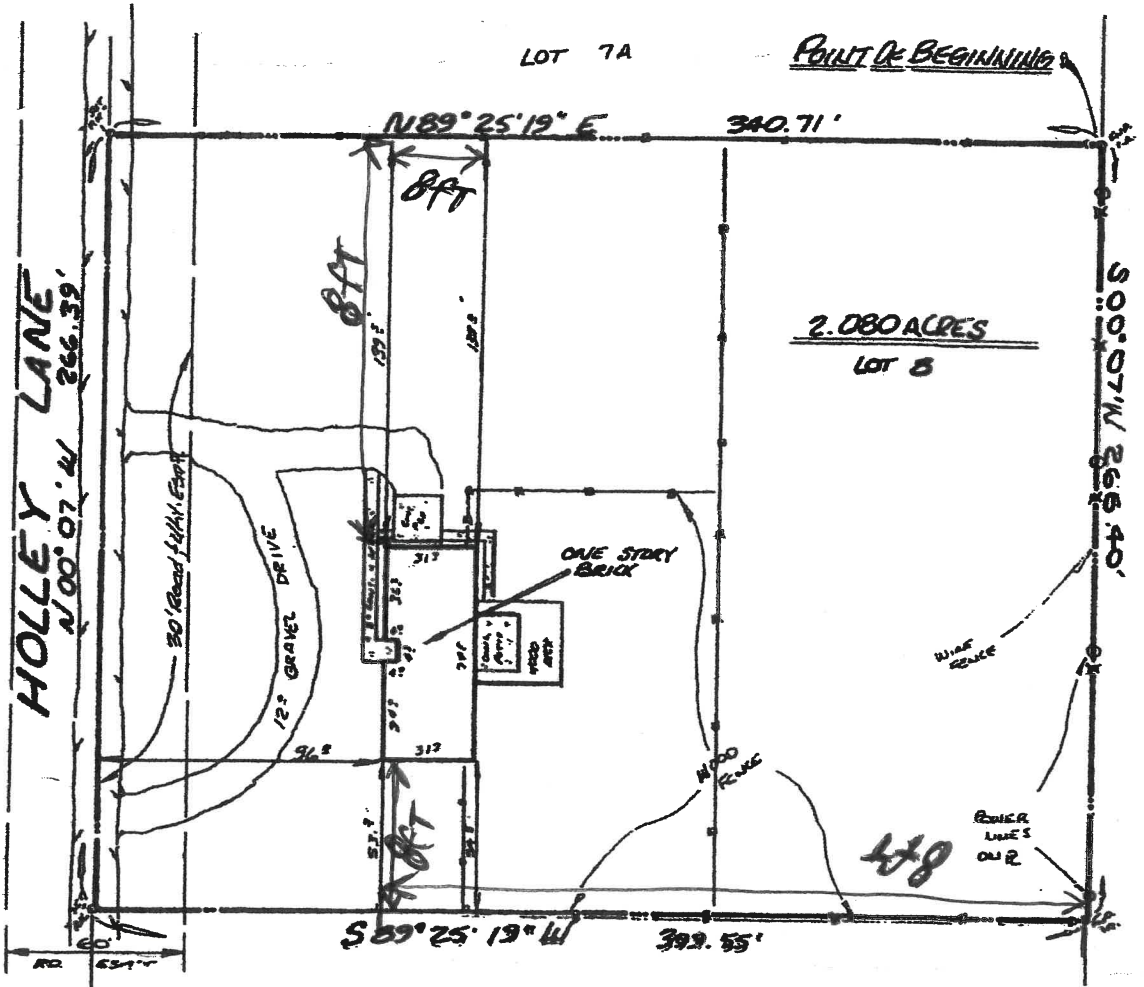
2.080 ACRE SURVEY

Qt. 7, Box 217-A
McKinney, Texas 75069



NOTE: This tract is not
within a designated 100
year flood plain.

Lucas Country Estates No. 1-E







APPEAL TO THE BOARD OF ADJUSTMENT
CITY OF LUCAS, TEXAS

DATE: 10-30-18 FEE: \$450.00 APPEAL # _____

SUBMITTED BY: Name Dmitriy & Nady Bondarenko
Address 440 Holly Lane
City Lucas State TX Zip 75002
Phone _____

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:

- 1) Our next-door neighbors always comes on our property without any notice, they also park their cars on our property without asking permission.
- 2) We have pool and we want to keep it safe for other neighbors, animals, and kids
- 3) We live in a neighborhood that has a dead end, which means that all our neighbors leaves during the fall seasons always end up on our property which makes it difficult to clean everytime.
- 4) Wild animals and next door animals come onto our property and we don't feel safe
- 5) Our neighbor from 500 Holly Lane, Lucas TX 75002 just recently build a privacy 8ft tall fence and

We did give our permission to him to do so.

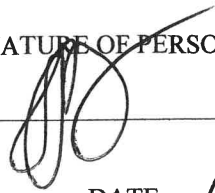
We kindly ask you to give us a permit to build a 8ft fence to cover less than 50% of our property.

Thank you.

PLEASE NOTE: Contact City Secretary for proper filing procedures. If applicant fails to appear without notice, the Board may require the applicant to re-file appeal.

EXPIRATION OF GRANDTED APPEAL: Approval of any appeal shall expire 90 days after the Board's decision unless authorized construction or occupancy permits have been obtained, or unless a greater time is requested in the application and is authorized by the Board. Any approval may be granted one extension of an additional 90 days on written request filed with the Board before expiration of original approval. The time limit for every granted appeal shall commence on the first day of the month succeeding the month in which the Board renders its decision.

SIGNATURE OF PERSON FILING FOR APPEAL:



DECISION OF BOARD _____ DATE 10-30-18

If not granted by the Board, state reason why.

Chairman



City of Lucas
Board of Adjustments Agenda Request
December 12, 2018

Item No. 02

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the June 4, 2018 Board of Adjustments meeting.

Background Information

NA

Attachments/Supporting Documentation

1. Minutes from the June 4, 2018 Board of Adjustments meeting.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve/deny the minutes from the June 4, 2018 Board of Adjustments meeting as presented.



City of Lucas
Board of Adjustment Meeting

June 4, 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
Brian Blythe
James Foster
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

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 Development Services Director Joe Hilbourn, 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.

Regular Agenda

- 1. 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 since the last meeting, the applicant had erected a mock sign that was the same dimensions proposed, 32 square feet, as well as placing the sign in its proposed location to allow the residents in the area to view the sign and determine if it would cause a distraction while driving or line of site concerns.

Joseph Parker, 630 Southview, part owner of the property, displayed several pictures of the sign in place from various directions noting its placement was approximately 45 feet from the roadway and that the sign did not cause a distraction or create a line of site concern.

Chairman Bierman asked if anyone in the audience wanted to speak regarding this item.

Holly Kellen, 220 Brookhaven, wanted to ensure that size of the sign and the proposed design would not change from what was originally proposed.

Mr. Hilbourn noted that the size and design had not changed from what was originally proposed at the first meeting.

Rich Adducci, 150 Brookhaven, noted that his concerns had been addressed with the mock sign and he did not feel that the sign in its current location would be a safety hazard.

Alternate Member Ahmadi asked Ms. Kellen if she felt the safety concerns had been addressed with the signage in its proposed location.

Ms. Kellen stated that as long as the sign remained in its proposed location, she did not feel it was a safety concern.

The Board discussed the proposed sign placement and the neighborhood concerns that had been addressed by the placement of the mock sign.

MOTION: A motion was made by Mr. Blythe, seconded by Vice Chairman Sussman to approve the variance request 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. The motion passed unanimously by a 5 to 0 vote.

3. Consider approval of the minutes of the May 7, 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 5 to 0 vote.

4. Adjournment.

Chairman Bierman adjourned the meeting at 6:51 pm.

Chris Bierman, Chairman

Stacy Henderson, City Secretary