



## **AGENDA**

### **City of Lucas**

### **Board of Adjustments Meeting**

**August 13, 2019**

**6:00 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 August 13, 2019 at 6:00 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 the variance request by Cary and Sharon Cobb from the 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 for the property located at 2020 East Lucas Road, Abs A0115 Montgomery Birch Survey, Tract 19, being all of a 10.696 acres. **(Development Services Director Joe Hilbourn)**
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing
  - C. Take action on the variance request

### **Regular Agenda**

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2. Consider approval of the minutes of the December 12, 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.*

3. 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 August 9, 2019 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 972-912-1211 or send an email to Stacy Henderson at [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us).*



# City of Lucas

## Board of Adjustments Agenda Request

### August 13, 2019

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Public hearing to consider the variance request by Cary and Sharon Cobb from the 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 for the property located at 2020 East Lucas Road, Abs A0115 Montgomery Birch Survey, Tract 19, being all of a 10.696 acres.

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

#### **Background Information**

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The variance request is 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 property owner is requesting a privacy fence on all sides of his property, more specifically 150 feet on the east side, 135 feet on the north, 660 feet on the southwest, and 515 feet on the northwest side of their property. In doing so, some of 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:

- (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**

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- 1. Public hearing notice
- 2. Map depicting fence location
- 3. Application including reasons for variance

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

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NA



**City of Lucas**  
**Board of Adjustments Agenda Request**  
**August 13, 2019**

**Recommendation**

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Staff is in favor of this variance request. There is a lot of traffic moving at high speeds along East Lucas Road. A privacy fence would help with noise and vehicle headlights at night as the project is located at an intersection on a slight curve.

**Motion**

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I make a motion to approve/deny the variance request by Cary and Sharon Cobb from the 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 for the property located at 2020 East Lucas Road.



## 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 August 13, 2019 at 6:00 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 Cary and Sharon Cobb for a parcel of land located in Abs A0115 Montgomery Birch Survey, Tract 19, 10.696 Acres, being all of a 10.696 acre tract of land, otherwise known as 2020 E Lucas Rd, 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.

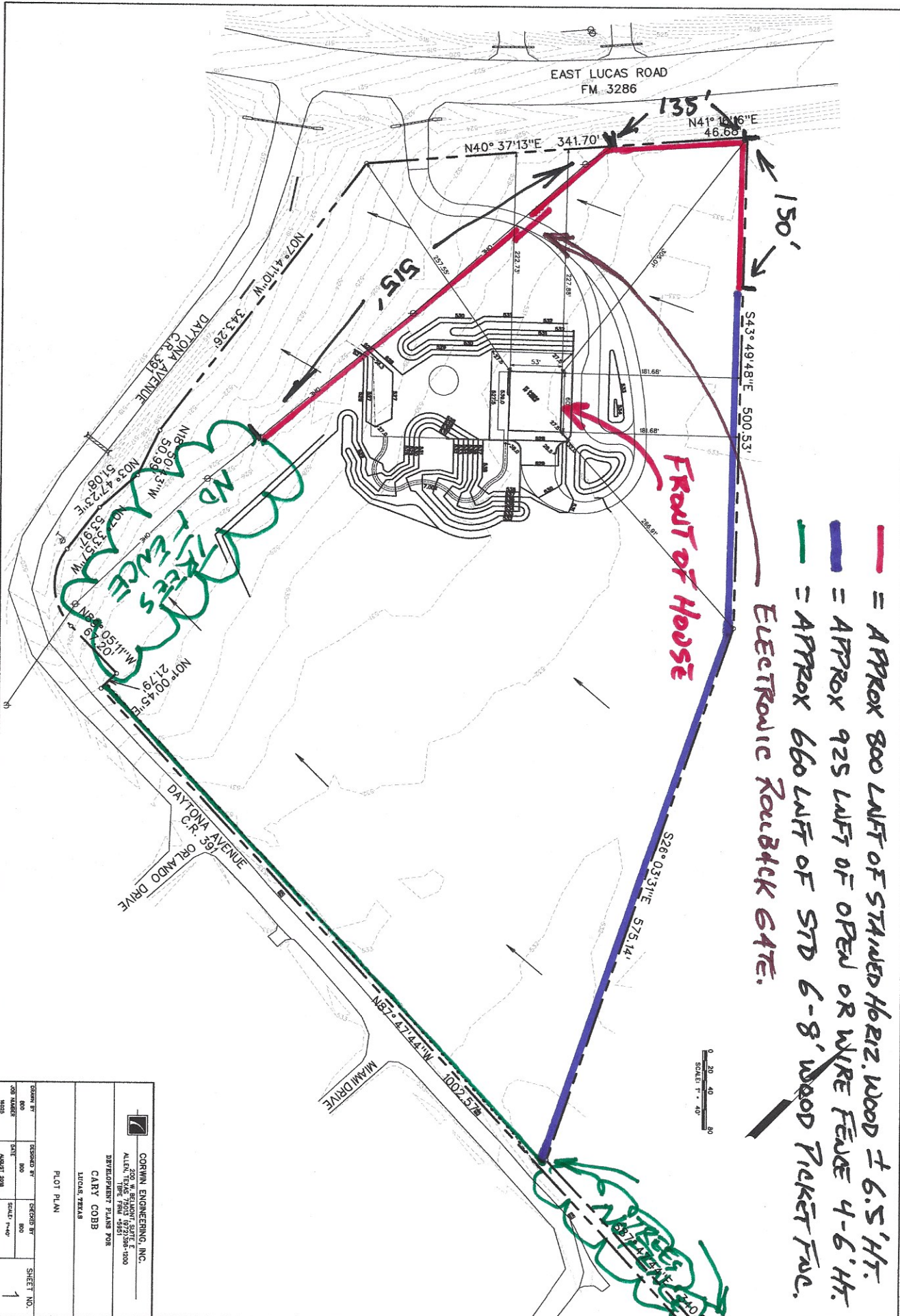
The City's Code of Ordinances, Chapter 3, Article 3.18, Section 3.19.002 – Residential, agricultural and estate districts states the following:

(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).

2020 EAST LUCAS RD.

- = APPROX 800 LFT OF STAINED HOE12. WOOD ± 6.5' HT.
  - = APPROX 925 LFT OF OPEN OR WIRE FENCE 4-6' HT.
  - = APPROX 660 LFT OF STD 6-8' WOOD PICKET FENCE.
- ELECTRICAL RAINBOW GATE.



**CORWIN ENGINEERING, INC.**  
 200 W. BELMONT, SUITE E  
 ALLEN, TEXAS 75001 (972) 398-1200  
 DEVELOPMENT PLANS FOR  
**CARY COBB**  
 LUCAS, TEXAS

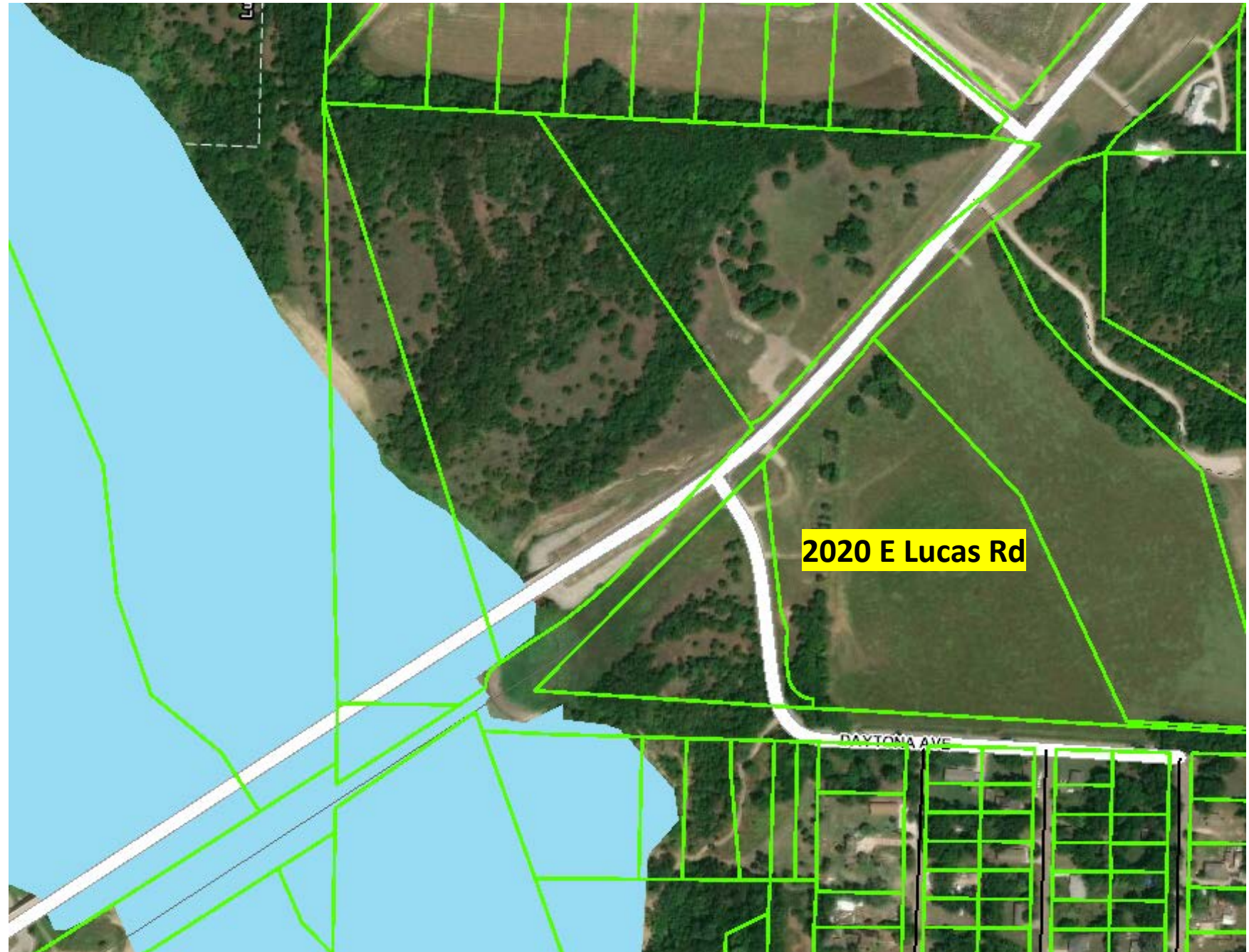
DESIGN BY	REVISION BY	REVISION BY	SHEET NO.
NO. 1	NO. 1	NO. 1	1
DATE	DATE	SCALE	
APRIL 2018		1"=40'	



### 2020 East Lucas Road

- 60 miles per hour speed limit
- Slight curve in road
- Current traffic count on East Lucas road is 8068 cars.

The traffic load in this area is set to drastically increase with the addition of 2100 home in Branch.





# APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

July 8, 2019

DATE: \_\_\_\_\_

FEE: \$450.00

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

**SUBMITTED BY:** Name: Cary and Sharon Cobb for the construction at 2020 East Lucas Road  
Address: \_\_\_\_\_  
City: Plano State: TX Zip: 75025  
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:**

With respect, we are requesting a variance from the applicable fencing requirements to enable us to build the fence shown on the attached at the locations shown on the attached Site Plan. Great care was taken to design an aesthetically pleasing, yet effective road noise barrier for all fenced areas along or near East Lucas Road or within its sight line. The remaining borders of the property will be fenced with either standard 6' or 8' wood fencing or wire ranch or game fencing applications.

We had planned for the fence along E Lucas Road to be on the property line as an assist to dampen road noise. We believe that placing the fence any distance from the property line will lessen some of the noise-dampening aspects of the fence and could probably cause the need to increase the height and expense of an already expensive design. Placing the fence any distance from the property line will also place many of the property's few existing trees on the outside of the fence.

As the attached pictures help illustrate, the property line is located approximately 4 to 5 feet above the elevation of the road. In addition, as the attached Plot Plan shows, at its closest point, the property line is already approximately 47' from the edge of road pavement to accommodate the large borrow ditch.

We're doing our best to create something very special out there..something the City of Lucas can be proud of..please don't hesitate to contact me with questions or for further direction on this submittal.



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:

  
7-9-19

DECISION OF THE BOARD: \_\_\_\_\_

DATE: \_\_\_\_\_

If not granted by the Board, state reason why:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

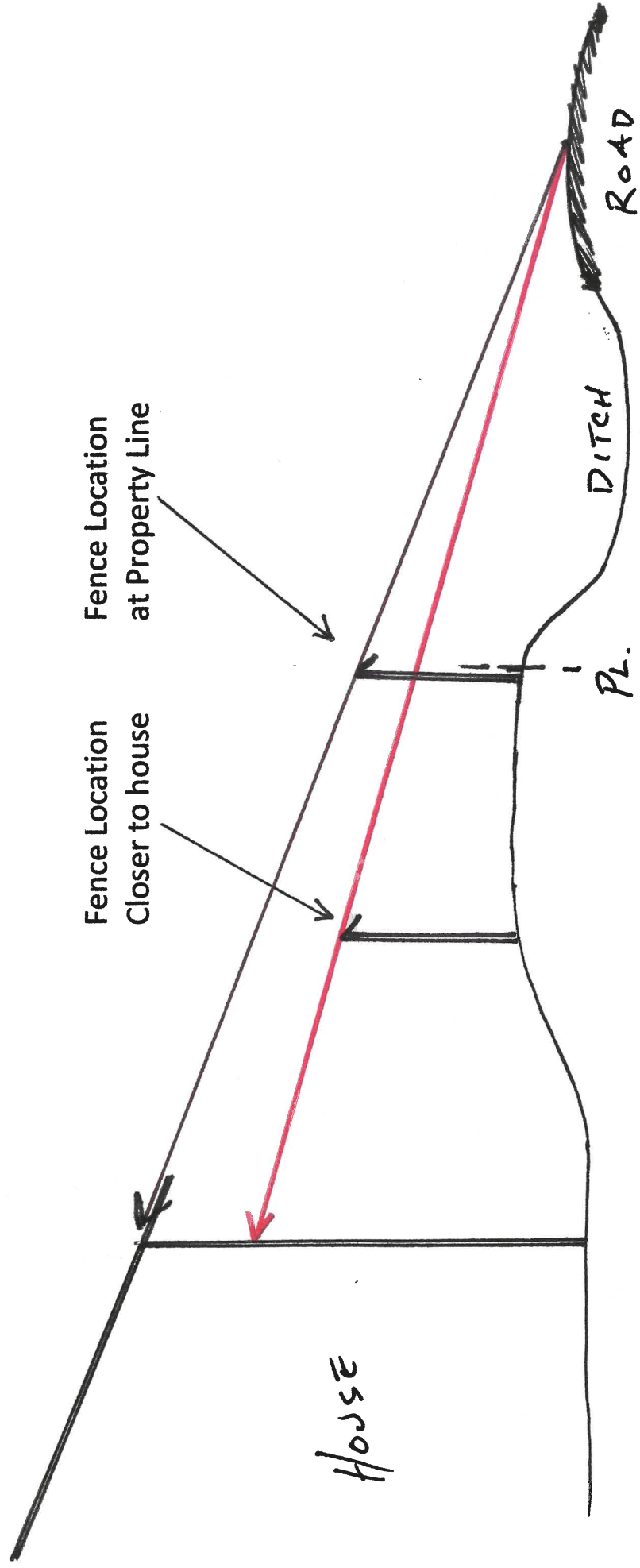
\_\_\_\_\_

CHAIRMAN



## 2020 East Lucas Rd – Fence Design and Appeal Submittal

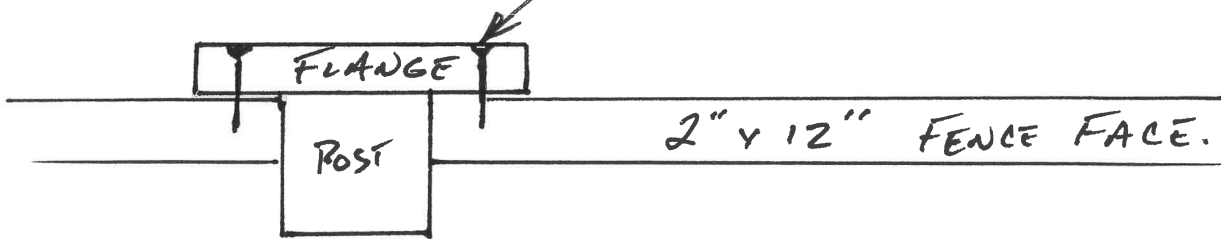
**EXAMPLE:** This general example shows how, in this case, the closer the fence is pulled toward the house, the more road noise the house is subjected to.



# 2020 E. LUCAS ROAD - FENCING.

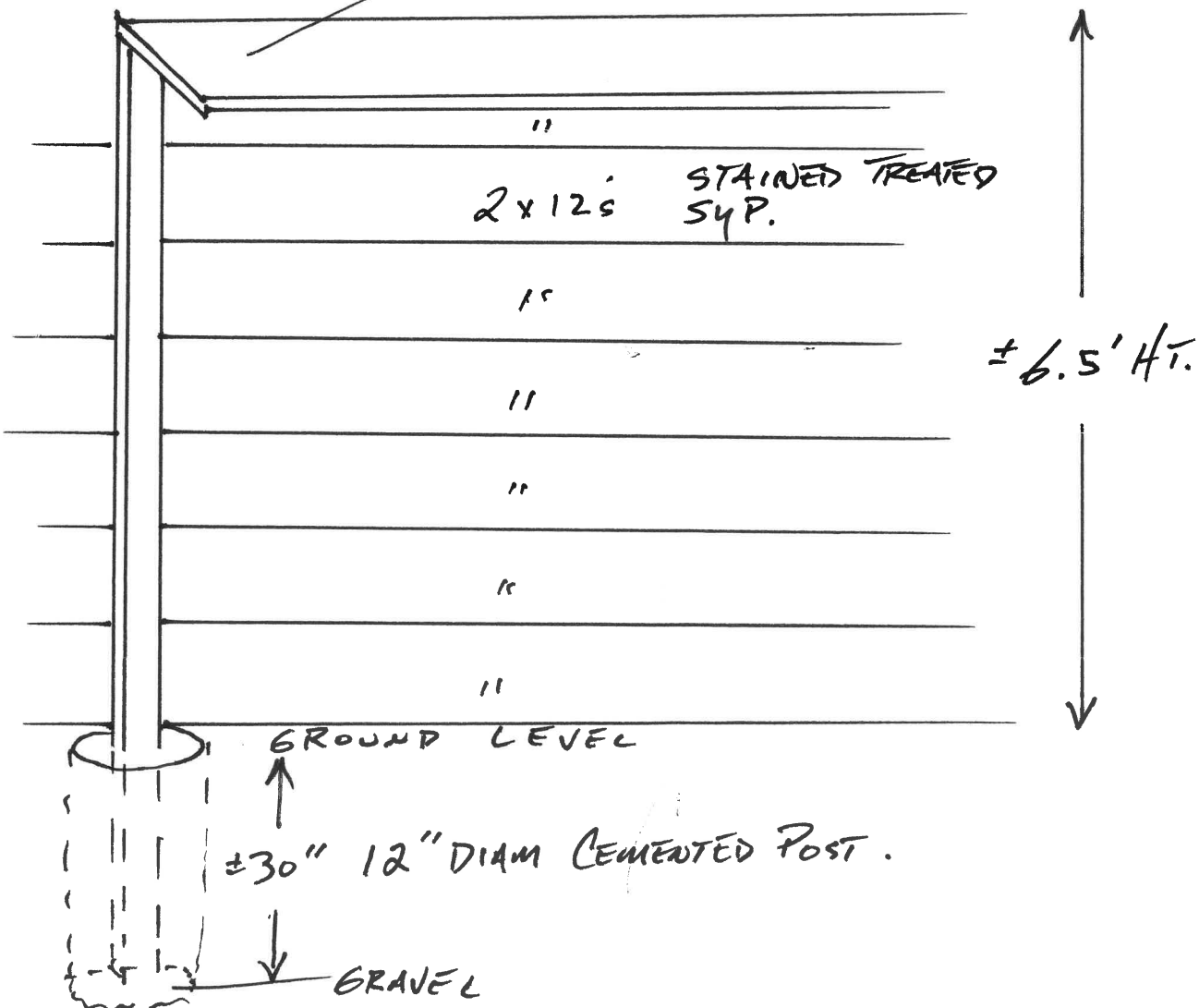
## TOP VIEW - POST/FENCE

POST: 3.5" x 3.5" CUMARU 108" LONG (BURIED 30")  
1.0" x 8.0" CUMARU REAR FLANGE



## FACE VIEW

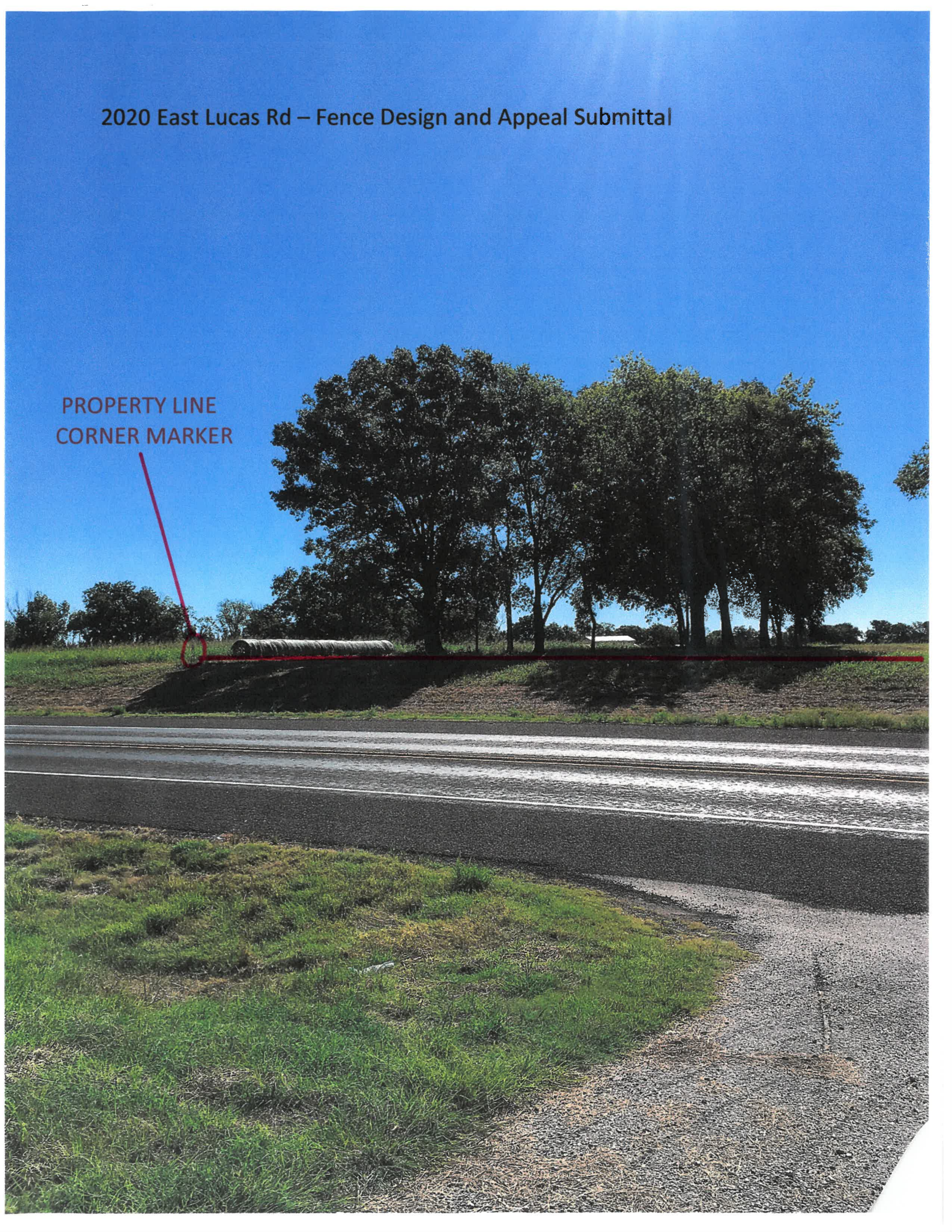
ANGLED (30-45°) TOP CAP. 2x10





# 2020 East Lucas Rd – Fence Design and Appeal Submittal

PROPERTY LINE  
CORNER MARKER





## 2020 East Lucas Rd – Fence Design and Appeal Submittal

An example of a similar style but a less “Beefy” version of the planned fence we’ve used in some of our communities in Austin/San Antonio areas.



2020 East Lucas Rd – Fence Design and Appeal Submittal

Another example .. similar style .. less “Beefy”.





**City of Lucas**  
**Board of Adjustments Agenda Request**  
**August 13, 2019**

Item No. 02

Requester: City Secretary Stacy Henderson

**Agenda Item Request**

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Consider approval of the minutes of the December 12, 2018 Board of Adjustments meeting.

**Background Information**

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NA

**Attachments/Supporting Documentation**

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1. Minutes from the December 12, 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 December 12, 2018 Board of Adjustments meeting as presented.





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**

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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**

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- 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**

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### **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**

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### **3. Executive Session.**

An Executive Session did not occur at this meeting.

### **4. Adjournment.**

Chairman Bierman adjourned the meeting at 7:14 pm.

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Chris Bierman, Chairman

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Stacy Henderson, City Secretary