



City of Lucas  
**Board of Adjustment Meeting**

August 13, 2019

6:00 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 6:02 p.m.

**Members Present:**

Chairman Chris Bierman  
Brian Blythe  
Tom Redman  
James Foster  
Ron Poteete  
Brenda Rizos, Alternate 1  
Michael Dunn, Alternate 2

**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 City staff members, and conducted the swearing in process for all witnesses.

### 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 Estates 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 reviewed the request explaining that a variance was being requested to allow a fence located within the side and rear yard setbacks that is less than 50% see through. The property owner would like to place 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. Mr. Hilbourn stated that the privacy fence would be located within the required setbacks.

Mr. Hilbourn cited the City's Code of Ordinances, Chapter 3, Article 3.18, Section 3.19.002 – Residential, Agricultural and Estate Districts which 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.

Mr. Hilbourn stated that staff recommends approval of the variance request due to the traffic volume moving at high speeds along East Lucas Road that would assist in alleviating noise and vehicle headlights at night as the property is located at an intersection with a slight curve.

Cary Cobb, property owner, noted that because the property line was 4.5 feet above grade, the closer the fence was to the roadway the smaller in height it could be, and would assist in moving the noise upward and away from the home. If the fence were placed further in on the property, the fence would have to be 10.5 feet tall to assist in alleviating the street noise.

Mr. Cobb distributed an email from the adjoining property owner in favor of his request and pictures of homes in the area that have fencing near the street.

Mr. Redman asked why the fence needed to be placed along the property line on Daytona Avenue.

Mr. Cobb explained that the property was used for farming hay and if the fence were placed 25 feet inside the property line, that would leave additional land that could not be utilized.

Chairman Bierman opened the public hearing at 6:22pm, there being no one wishing to speak, the public hearing was closed.

Chairman Bierman read into the record the email received from Gene Pattassery in support of the fence request.

Mr. Blythe expressed his concern related to elevations of the roadway and noise from traffic on Parker Road.

Chairman Bierman noted that this property did not back up to another subdivision and no other neighbors would be affected by the fence given its location.

The Board discussed surrounding property on Daytona Avenue as well as Parker Road, fence placement on the property that would not require a variance, and whether the criteria for a hardship was being met by the request.

Chairman Bierman stated that the property was unique given its location and surrounding area and met hardship requirements.

Mr. Poteete stated that the privacy fencing didn't represent the City and there were other ways to accomplish having a privacy fence within the required setbacks and not require a variance.

Mr. Redman and Mr. Dunn stated they did not believe there was a hardship for the fence being requested along Daytona Avenue.

Mr. Cobb stated that they City had been called various times regarding debris and illegal dumping near his property along Daytona Avenue. The debris was an eyesore and placing the fence 25 feet from the property line would allow more debris to be illegally dumped near his residence.

**MOTION:** A motion was made by Mr. Blythe, seconded by Mr. Foster to approve 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 Estates Districts, to add a privacy fence within the required setback for the property located at 2020 East Lucas Road. The motion failed by a 3 to 2 vote as it was not approved by a majority of the members, being four or more. Mr. Poteete and Mr. Redman voted in opposition.

The Board discussed at length the placement of the fence, other options available to the applicant to be in compliance, traffic noise along Parker Road, and whether a hardship existed.

**MOTION:** A motion was made by Chairman Bierman, seconded by Mr. Poteete to approve a variance for 660 feet of fencing at the southwest portion of the property along Daytona Avenue only. The variance approval did not include the 130 feet of fencing north on Daytona and East Lucas Road or 150 feet of fencing on the east side of the property. The motion passed by a 4 to 1 vote with Mr. Redman voting in opposition.

### **Regular Agenda**

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

**MOTION:** A motion was made by Mr. Blythe, seconded by Mr. Redman to approve the minutes as submitted. The motion passed unanimously by a 5 to 0 vote.

### **Executive Session Agenda**

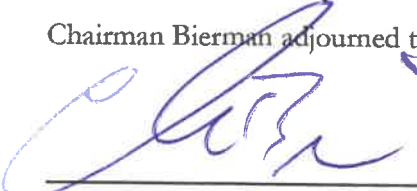
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3. **Executive Session.**

An Executive Session did not occur at this meeting.

4. **Adjournment.**

Chairman Bierman adjourned the meeting at 7:10 pm.

  
Chris Bierman, Chairman

  
Stacy Henderson, City Secretary