

City of Lucas
Board of Adjustment Meeting
December 18, 2019
6:00 PM
City Hall – 665 Country Club Road – Lucas, Texas

Minutes

Call to Order

Chairman Bierman called the meeting to order at 6:04 p.m.

Members Present:

Chairman Chris Bierman
James Foster
Brian Blythe
Ron Poteete
Brenda Rizos, Alternate
Michael Dunn, Alternate

Staff Present:

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

City Council Liaison:

Mayor Pro Tem Kathleen Peele

Member Absent:

Tom Redman

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 Brenda Rizos would be serving as a voting member due to the vacancy of a regular member position.

Public Hearing Agenda

1. **Public hearing to consider the variance request by Michael Bailey, 5 Edgefield Lane for a variance from the literal interpretation of the City's Code of Ordinances to allow a fence located within the side and rear yard setbacks that is less than 50% see through for a parcel of land located at 5 Edgefield Lane, located in Lucas Country Estates #2 (Unrecorded), Lot 3 being all of a 2-acre tract of land in the City of Lucas, Texas.**

Development Services Director Joe Hilbourn reviewed the request explaining that per the City's Code of Ordinances, Section 14.104.176 there was no requirement to prove a hardship when requesting a variance for a fence. Mr. Hilbourn noted that a fence was on the property previously and was dilapidated. The property owner is requesting to replace that portion of the fence as there is a concern about keeping the children safe from the pond on the neighboring property. Mr. Hilbourn stated that the Board of Adjustment may not grant an adjustment for an ADA accommodation;

however, the Board may grant a variance if they choose based on replacing more than 50% of a dilapidated fence. For that reason, staff would recommend approval of the fence variance.

Chairman Bierman opened the public hearing at 6:10 pm.

The following individuals came forward to speak:

Michael Bailey, property owner at 5 Edgefield advised the Board that there was previously a fence between properties that was constructed of barbed wire and metal posts, that had fallen into disrepair and become dilapidated. Mr. Bailey removed the dilapidated fence and desired to build a new privacy fence to improve aesthetic value, property value, and to address safety concerns because of an exposed pond on the neighboring property. Mr. Bailey stated that a fence was needed as his home directly faces the neighbor's property and the existing pond. Mr. Bailey stated that the primary reason for requesting the variance was to accommodate the safety of his children.

The Board discussed with Mr. Bailey the location of the fence, setback location and height.

Brad Tucker, 3 Edgefield stated that the pond was located on his property and he was in favor of the variance request as it would add more privacy to their property since the front of Mr. Bailey's faces their home and a separation between the properties was needed.

David Eberwine, 270 Holly Lane expressed concerns with changing flow of water. He stated that currently water flows onto his property from the two neighbors during heavy rain and he did not want to create additional concerns.

Chairman Bierman read into the record emails received from Larry Bowman and Diane Grisham, neighbors of 5 Edgefield that were in favor of the variance request.

There being no further public comment, the public hearing was closed at 6:34 pm.

The Board discussed the unique layout of the home on the lot, as well as the front setback and side yard setbacks, with the front yard setback being 50 feet, and the side yard setback being 20 feet.

MOTION: A motion was made by Chairman Bierman, seconded by Mr. Poteete to approve the variance requested by Michael Bailey of 5 Edgefield Lane to allow a fence located within the side and rear yard setbacks on the south property lines that is less than 50% see through for a parcel of land located at 5 Edgefield Lane. The motion to approve passed unanimously by a 6 to 0 vote.

Regular Agenda

2. Consider approval of the minutes of the August 13, 2019 Board of Adjustments meeting.

MOTION: A motion was made by Ms. Rizos, seconded by Mr. Foster to approve the minutes as submitted. The motion passed unanimously by a 6 to 0 vote.

Executive Session Agenda

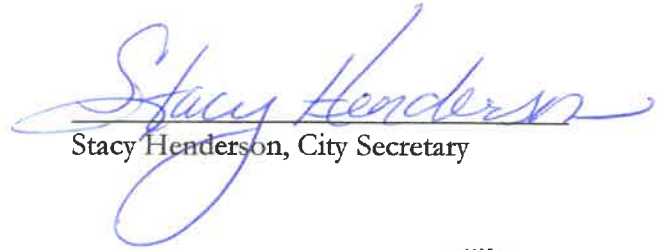
3. Executive Session.

An Executive Session did not occur at this meeting.

4. Adjournment.

Chairman Bierman adjourned the meeting at 6:46 pm.


Chris Bierman, Chairman


Stacy Henderson, City Secretary

