



**City of Lucas  
Board of Adjustment Meeting  
March 9, 2020  
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 6:00 p.m.

**Members Present:**

Chairman Chris Bierman  
Ron Poteete  
Tom Redman  
Brenda Rizos, Alternate Member

**Staff Present:**

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

**Member Absent:**

Brian Blythe  
James Foster  
Michael Dunn, Alternate

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

**Public Hearing Agenda**

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- 1. Public hearing to consider the request by Brian and Christi Murphy for a variance from the Code of Ordinances, Chapter 3, Article 3.21, Swimming Pool and Spa Code to install a pool barrier fence that does not meet the City's code requirements for the property located at 650 West Blondy Jhune Road, Abs A0506, John W Kerby Survey, Tract 39, being all of a 14.95 acres.**

Development Services Director Joe Hilbourn gave a presentation explaining that the property owner applied for a pool barrier permit to construct a four-foot, six-inch aluminum fence which would be

code compliant. Upon inspection, a no-climb horse fence consisting of posts and wire mesh had been installed. The applicant is requesting a variance for the installed fence to remain. Mr. Hilbourn stated that staff was not in favor of this request.

Chairman Bierman opened the public hearing at 6:06 pm.

Christy Murphy, property owner of 650 West Blondy Jhune Road stated she changed the fencing from what was on the application to match the existing fence in the back yard. Ms. Murphy explained that the no climb horse fence was professionally installed and thought it would be more difficult for someone to climb. Ms. Murphy discussed issues she had with animals coming into her back yard and the installed fence as a better option than wrought iron.

There being no one else wanting to speak, Chairman Bierman closed the public hearing at 6:13 pm.

Chairman Bierman stated that the Board must follow the code and cannot consider what fencing material may be more aesthetically pleasing, which doesn't meet the requirements of a hardship. Chairman Bierman stated that he was not in favor of granting this variance.

Mr. Poteete stated that the Board cannot take into account economic cost, and the current fencing does not meet code standards.

Mr. Redman stated that he would like for the fence to be brought into compliance with existing codes.

Ms. Rizos stated that the horse fence is more attractive, but the chain link fencing is easier to climb, and code changes should be considered as it relates to chain link as a pool barrier.

Chairman Bierman reopened the public hearing at 6:18 pm.

Ms. Murphy stated that she was not aware of the code requirements before changing the type of fencing, was there a way that she could sign a liability waiver to remove any liability from the city.

City Attorney Joe Gorfida stated that the City does not have liability in this situation, they are required to follow code.

Chairman Bierman closed the public hearing at 6:19 pm.

**MOTION:** A motion was made by Mr. Redman, seconded by Chairman Bierman to deny the request for a variance from the Code of Ordinances, Chapter 3, Article 3.21, Swimming Pool and Spa Code to install a pool barrier fence that does not meet the City's code requirements for the property located at 650 West Blondy Jhune Road. The motion passed unanimously by a 4 to 0 vote.

2. **Public hearing to consider the request by Robin and Joan Phillips, for a variance from the literal interpretation of the City's Code of Ordinances to allow an accessory building located within the side yard setbacks for a parcel of land located in the**

**Montgomery Birch Survey, Abs A0115, Tract 6, being all of a 3.226 acre tract of land, otherwise known as 2020 Snider Lane.**

Development Services Director Joe Hilbourn gave a presentation explaining that an accessory structure located at 2020 Snider Lane on the west side of the property was destroyed by more than 50 percent recently by a fallen tree and is located within the side yard setback. The applicant is requesting to repair the legal nonconforming structure and in doing so, with the structure located within the required setbacks, the building must meet the side yard setback requirements when it is reconstructed. Mr. Hilbourn stated that City staff recommends approval of the request.

Mr. Redman asked if the structure was originally constructed in accordance with code at that time.

Mr. Hilbourn stated that the structure was built within regulations when it was constructed.

The Board discussed the tree line on the property and the subdivision on the other side of the tree line.

Chairman Bierman opened the public hearing at 6:28 pm.

Patsy Black, 2180 Snider, stated that she had spoken with three of the four property owners on the street and no one had a concern with rebuilding the carport. Ms. Black stated that she was in favor of approving the variance request.

Robin Philips, property owner of 2020 Snider, stated that there was a large drainage ditch behind their property, and a majority of the trees are located on his property as well. He stated that he was not able to move the carport from its current location due to a telephone pole and powerlines that go through his property. Mr. Philips reviewed pictures he submitted to the board of the existing carport.

Mr. Poteete asked what would occur if the variance request was not granted.

Mr. Philips stated that he would not be able to rebuild as there were no other places on his property to move the carport.

Chairman Bierman closed the public hearing at 6:35 pm.

Mr. Redman stated that in order for the carport to be moved, the driveway would have to be relocated and a telephone pole removed. Mr. Redman stated that a hardship exists for this request.

**MOTION:** A motion was made by Ms. Rizos, seconded by Mr. Redman to approve the variance request from the literal interpretation of the City's Code of Ordinances to allow an accessory building located within the side yard setbacks for a parcel of land located at 2020 Snider Lane.

### **Regular Agenda**

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- 3. Consider approval of the minutes of the December 18, 2019 Board of Adjustments meeting.**

**MOTION:** A motion was made by Chairman Bierman, seconded by Mr. Poteete to approve the minutes as submitted. The motion passed unanimously by a 4 to 0 vote.

**Executive Session Agenda**

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**4. Executive Session.**

An Executive Session did not occur at this meeting.

**5. Adjournment.**

Chairman Bierman adjourned the meeting at 6:44 pm.

  
Chris Bierman, Chairman

  
Stacy Henderson, City Secretary

