



AGENDA
City of Lucas
Board of Adjustments Meeting
July 15, 2020
6:00 PM
Video Conference
665 Country Club Road – Lucas, Texas

On March 16, 2020 Governor Abbott suspended some provisions of the Open Meetings Act in response to the COVID-19 emergency. To comply with Governor Abbott's latest Executive Order, and to practice safe distancing, Lucas City Council meetings will not be open to on-site visitors. In the interim, City Council meetings will be available through Ring Central Webinar from your computer or smartphone. **To join the meeting, go to <https://webinar.ringcentral.com/j/1498823661?pwd=MGI0RndNUk13T0hJSU1ZWEFkWkF Mdz09> PASSWORD 9727278999** you will be asked for your name and email address to join the meeting.

If the public desires to speak during a specific agenda item, **they must email shenderson@lucastexas.us by 4:30 pm on the day of the meeting.** The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made.

Notice is hereby given that a regular meeting of the Board of Adjustment of the City of Lucas will be held on July 15, 2020 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

- 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 S. Taylor and Valerie Turnbow 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 percent see through for a parcel of land located at 550 Honeysuckle Lane, in Willow Creek Acres (Unrecorded), Lot 2 being all of a 2.083-acre tract of land in the City of Lucas Texas. **(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

2. Consider approval of the minutes of the March 9, 2020 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 July 9, 2020 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

July 15, 2020

Item No. 01

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider the variance request by S. Taylor and Valerie Turnbow 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 percent see through for a parcel of land located at 550 Honeysuckle Lane, in Willow Creek Acres (Unrecorded), Lot 2 being all of a 2.083-acre tract of land in the City of Lucas Texas.

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

Background Information

The City's Board of Adjustments has received a request for a reasonable accommodation 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.

Section 3.19.002 (b) of the City's Code of Ordinances, "Residential, agricultural and estate districts" states the following:

"Fencing located within the required front, side and rear yard setbacks shall be a minimum of 50% see through."

Attachments/Supporting Documentation

- 1. Public Hearing Notice
- 2. Location Map
- 3. Variance Application

Budget/Financial Impact

NA

Recommendation

This request does not comply with the City's regulations for fencing, and staff does not recommend approval of the variance request.



City of Lucas
Board of Adjustments Agenda Request
July 15, 2020

Motion

I make a motion to approve/deny the variance request by S. Taylor and Valerie Turnbow 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 percent see through for a parcel of land located at 550 Honeysuckle Lane, in Willow Creek Acres (Unrecorded), Lot 2 being all of a 2.083-acre tract of land in the City of Lucas Texas.



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 July 15, 2020 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 S. Taylor and Valerie Turnbow 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 percent see through for a parcel of land located at 550 Honeysuckle Lane, in Willow Creek Acres (Unrecorded), Lot 2 being all of a 2.083-acre tract of land in the City of Lucas Texas.

The City's Code of Ordinances, Chapter 3, Article 3.19, Section 3.19.002 – Residential, agricultural and estate districts state 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 questions about the request, contact Joe Hilbourn at jhilbourn@lucastexas.us.

550 Honeysuckle Lane





APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 6/17/2020

FEE: \$450.00

APPEAL # _____

SUBMITTED BY: Name: S. Taylor + Valerie Turnbow
Address: 550 Honeysuckle Lane
City: Lucas State: TX Zip: 75002
Phone: [REDACTED]

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:

Please see attached letter.

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:

S. Taylor Turbow
Valerie M. Surnbow

DECISION OF THE BOARD: _____

DATE: 6/17/2020

If not granted by the Board, state reason why:

CHAIRMAN

APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

June 17, 2020

TO: Chris Bierman, Chair
Ron Poteete
James Foster
Brian Blythe
Tom Redman

FR: Taylor & Valerie Turnbow – 550 Honeysuckle Lane, Lucas TX 75002

RE: Appeal for Fencing on residential property

Dear Sirs,

We are writing today to appeal the current ordinances for installation of a fence on our property. We would like to install a solid fence four feet from our property line in between our neighbors back yard and our side yard. This fence will not encroach or hinder any vehicular traffic and will be made of quality materials and aesthetically pleasing and would be appropriate for what has already been established in our neighborhood.

We have discussed installation of fencing with our immediate affected neighbor, Robert Morgan and have received his approval and support. While he and his family cannot afford to help bear the financial costs of the fence, he has offered to assist with labor and equipment resources.

Considerations for our request;

1. Privacy – Our home faces west and our neighbor to the south home faces south so their backyard faces directly into our side and back yard which we use the most.

Our neighbor has a pool which currently does not have privacy fencing around it, our proposed fencing would provide both neighbors with the privacy and security necessary and as required by ordinance. Also, if we decide to install a pool on our property, then we also would have privacy for our pool in the future. Currently, it is quite awkward for us to be working on our property or along our property line and having to look up to see the neighbors outside enjoying their back yard in swimsuits and/or carrying on. It is also just as bad that they have to watch us work on our property instead of having fun knowing that we are right there. We really need a fence so that we can both feel comfortable on our own properties, so we can both fully enjoy our properties, and so we can host family and friends on our properties without them also feeling like they are being “watched” by our neighbors.

2. Noise Abatement – By installing a privacy fence it would minimize the amount of noise that we receive and vice versa. Currently, we cannot sit in our backyard without hearing loud music, loud discussions, yelling and in general carrying on from get togethers or celebrations. A fence would ensure that our neighbors are also not inconvenienced when we too have family dinners or outside celebrations or when our children are loud when playing outside in our back and side yard.
3. Safety – We have had a situation where the Morgans dogs jumped over the current 4 ft fence, chased our 5th grade son (who had walked home from the bus drop at Estelle and was walking

down our front driveway in front of our home) and almost mauled him at our front door. The dogs have also jumped the fence several times since then into our yard and throughout the neighborhood. Thus, our immediate concern with installation of the fence on the east side of our home ASAP upon your approval.

Currently, we do not allow our children out of our home without an adult present and my wife also doesn't feel comfortable being outside or going for the mail alone because of the dogs and their propensity to continually escape their yard by jumping over the fence. Our sons are afraid of the rottweiler dog as well the other two large dogs a German Shephard and a Husky and are worried about what will happen next school year if we don't install the fence to keep the dogs from jumping into our yard to get to them.

4. Fencing – We have been researching various fencing options and fence pricing and have found that a panel steel fence to be the most economical and best long term quality option. The steel fencing will be customized to match our current vinyl fence that runs across our entire front yard so it would "match" and be aesthetically pleasing and appropriate to our area. The fence would also be appropriate as the east neighbor currently has a 7 foot solid vinyl fence on his west side of his property. Our steel fence would be 7 feet tall which falls within current ordinance. It is made of a Kynar 500 coating and has a 40 year limited finish warranty. This finish is made for use on applications where long term finish quality is critical therefore we can assure you that the product will look nice for a long time. There is similar solid metal fencing material utilized behind the Lucas City hall building between the back wall and the community center. Please see photos.

We have attached some photos for your review. We are available for any questions and to answer any concerns that you might have regarding our request. You can reach us as follows; Taylor (505) 250-6989 or Val (505-263-8558).

Therefore, we respectfully request your approval as soon as possible so we can install our fencing. Due to the COVID-19, we currently have the time and resources available to complete installation as soon as possible upon your approval.

Thank you so much for your consideration,

S. Taylor and Valerie Turnbow
550 Honeysuckle Lane, Lucas TX 75002

S. Taylor Turnbow
Valerie M Turnbow

550 Honeysuckle Lane, Lucas - Photos



The requested fence would be installed along this string across south fence line on our property. Four feet from our existing 4 ft fence and would allow space for us to trim trees as needed and provide adequate maintenance on fencing if needed in future.



Our south side yard



North view of our front yard



East view of our south fence line



Views south on our property along fencing into neighbors back yard with pool, current area rigged to keep dogs from jumping over and actual dog at fence when we are outside



View of our south front fencing that butts up to the already existing solid vinyl fencing that our neighbor has installed that faces west from their side yard along Honeysuckle Lane



Examples of fences at corner of Country Club/Estelle and Estelle/Honeysuckle with solid privacy fencing and our view across street from our home of the bus barn privacy steel fencing between them and our west neighbors and current privacy steel fencing installed at City Hall. The solid and steel or solid fencing is already installed in our area.



City of Lucas
Board of Adjustments Agenda Request
July 15, 2020

Item No. 02

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the March 9, 2020 Board of Adjustments meeting.

Background Information

NA

Attachments/Supporting Documentation

1. Minutes from the March 9, 2020 Board of Adjustments meeting.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve/deny the minutes from the March 9, 2020 Board of Adjustments meeting as presented.



**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

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

- 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

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

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