



**AGENDA**  
**City of Lucas**  
**Board of Adjustments Meeting**  
**August 25, 2020**  
**6:00 PM**  
**Video Conference**  
**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 25, 2020 at 6:00 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas at which time the following agenda will be discussed.*

On March 16, 2020 Governor Abbott suspended some provisions of the Open Meetings Act in response to the COVID-19 emergency. To comply with Government 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 Zoom Webinar from your computer or smartphone. **To join the meeting, go to please click this URL to join.** <https://zoom.us/s/98599739332?pwd=OXhBazFvL2ZGdWNKbG12WHVBZUIIZz09> and enter your name and email address. To join by phone: 1-346-248-7799  
Webinar ID: 985 9973 9332 Passcode: 146197

If the public desires to speak during a specific agenda item, **they must email [shenderson@lucastexas.us](mailto: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.

## **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 request by Tommy and Wendy Adams to rebuild a home that was destroyed by fire that does not meet the City of Lucas Code of Ordinances and continue a nonconforming use, that includes (1) the number of homes permitted on a single family lot within the R-2 zoning district, (2) the minimum size of the home, and (3) the required side yard setbacks for a parcel of land located in the John S. Thompson Survey, Abs A0893, Tract 2, being all of a 5.0-acres, otherwise known as 1764 Shady Lane, 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 July 15, 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 August 18, 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](mailto:shenderson@lucastexas.us).*



# City of Lucas

## Board of Adjustments Agenda Request

### August 25, 2020

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

---

Public hearing to consider the request by Tommy and Wendy Adams to rebuild a home that was destroyed by fire that does not meet the City of Lucas Code of Ordinances and continue a nonconforming use, that includes (1) the number of homes permitted on a single family lot within the R-2 zoning district, (2) the minimum size of the home, and (3) the required side yard setbacks for a parcel of land located in the John S. Thompson Survey, Abs A0893, Tract 2, being all of a 5.0-acres, otherwise known as 1764 Shady Lane, Lucas Texas.

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

#### **Background Information**

---

The variance request is from the literal interpretation of the City's Code of Ordinances to allow a home to be rebuilt that was destroyed by fire in 2017 that does not meet the City's Code of Ordinances. The zoning for this property is R-2. This request is for a variance from the literal interpretation of the Code of Ordinances to continue a nonconforming use, that includes (1) the number of homes permitted on a single family lot within the R-2 zoning district, (2) the minimum size of the home, and (3) the required side yard setbacks. The R-2 zoning district permits one single family home on a residential lot, requires the minimum size of a home permitted to be 2,000 square feet, and a minimum side yard setback of 20 feet. The applicant would like to continue the nonconforming use by being allowed to (1) reconstruct the nonconforming residential structure, (2) construction of a nonconforming 1,368 square foot residential structure, and (3) be allowed to continue to use the nonconforming 10 foot side yard setback.

The relevant portions of City's Code of Ordinances, Chapter 14, Article 14.04 Supplementary Regulations Division Nonconforming Uses, read as follows:

##### **Sec. 14.04.176 Nonconforming use not to be extended or rebuilt**

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the building inspector shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) of its value, the board of adjustment may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this chapter. (1995 Code, sec. 9-185)

The relevant portions of City's Code of Ordinances, Chapter 14, Article 14.03 Districts, Division 3 R2 Single-Family Residential, Sec.14.03.113 Area regulations, read as follows:



# City of Lucas

## Board of Adjustments Agenda Request

### August 25, 2020

Item No. 01

#### **Sec. 14.03.113 Area regulations**

(a) Size of yards.

(2) Side yard. There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width, [or] twenty feet (20'), whichever is less. A side yard adjacent to a side street shall not be less than twenty-five feet (25'). No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be two thousand square feet (2,000 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.

#### **Attachments/Supporting Documentation**

---

1. Public hearing notice
2. Application including reasons for variance
3. Location map

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

---

NA

#### **Recommendation**

---

Staff is not favor of this variance request.

#### **Motion**

---

I make a motion to approve/deny the variance request by Tommy and Wendy Adams to rebuild a home that was destroyed by fire to allow the following:

(1) reconstruct the nonconforming residential structure, (2) construction of a nonconforming 1,368 square foot residential structure, and (3) be allowed to continue to use the nonconforming 10-foot side yard setback for the property located at 1764 Shady Lane, 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 August 25, 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 Tommy and Wendy Adams for a parcel of land located in John S. Thompson Survey, Abs A0893, Tract 2, being all of a 5.0-acre tract of land, otherwise known as 1764 Shady Lane, Lucas Texas. The zoning for this property is R-2. This request is for a variance from the literal interpretation of the City's Code of Ordinance to be allowed to reconstruct a home that was totally destroyed by fire in 2017, continuing a nonconforming use, a nonconforming use that includes (1) the number of homes permitted on a single family lot within the R-2 zoning district, (2) the minimum size of the home, and (3) the required side yard setbacks. The R-2 zoning district permits one single family home on a residential lot, requires the minimum size of a home permitted to be 2000 square feet, and a minimum side yard setback of 20'. Applicant would like to continue the nonconforming use by being allowed to (1) reconstruct the nonconforming residential structure, (2) construction of a nonconforming 1368 square foot residential structure, and (3) he would like to continue to use the nonconforming 10' side yard setback.

The relevant portions of City's Code of Ordinances, Chapter 14, Article 14.04 Supplementary Regulations Division Nonconforming Uses, read as follows:

### **Sec. 14.04.176 Nonconforming use not to be extended or rebuilt**

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the building inspector shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) of its value, the board of adjustment may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this chapter. (1995 Code, sec. 9-185)

The relevant portions of City's Code of Ordinances, Chapter 14, Article 14.03 Districts, Division 3 R2 Single-Family Residential, Sec.14.03.113 Area regulations, read as follows:

### **Sec. 14.03.113 Area regulations**

(a) Size of yards.

(2) Side yard. There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width, [or] twenty feet (20'), whichever is less. A side yard adjacent to a side street shall not be less than twenty-five feet (25'). No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be two thousand square feet (2,000 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.

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 questions about the request, please contact Joe Hilbourn at [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).



# APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 6-29-2020

FEE: \$450.00

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

SUBMITTED BY: Name: Tommy + Wendy Adams  
Address: [REDACTED]  
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:

dimensional/area variance on rebuild after  
house fire - 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:

  
\_\_\_\_\_

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

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

If not granted by the Board, state reason why:

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

\_\_\_\_\_

CHAIRMAN



Variance Request

[REDACTED]  
Tommy and Wendy Adams

We respectfully request a dimensional/area variance to rebuild the house at 1764 Shady Lane. The residential home at this address burned completely down in November, 2017. We request a variance that would have the replacement home be a 1368 square foot, 3 bedrooms, 2 bathrooms with an additional 1152 square foot 3-car garage. We have stretched the replacement home as much as possible to provide an updated home, with current zoning, the country family home appeal of Lucas, wheelchair accessibility and the addition of a garage.

The original home was approximately 1300 square, pier and beam, 3 bedrooms, one bath and no parking structure. The plot or placement of the original house is an area of 74 ft north to south by 140 ft east to west.

We are unable to extend the size of the home any further due to the constraints of the original area of the homestead. The north border is a fence/tree line with a neighbor's property. The south border is the driveway for the property that provides access for the length of the property. The east end of the plot is the original aerobic septic tank, with the spray field extending behind that septic tank. This septic tank will be reutilized for the new residence. The west end of the plot is the city street – Shady Lane. The easements from the street and the neighbor's property line and the constraints of the property's utilities, the homestead area is landlocked.

A two-story home is not feasible due to our age and health; consequently, we cannot build up to gain more square footage.

We considered all the possible conforming alternatives and we are not able to:

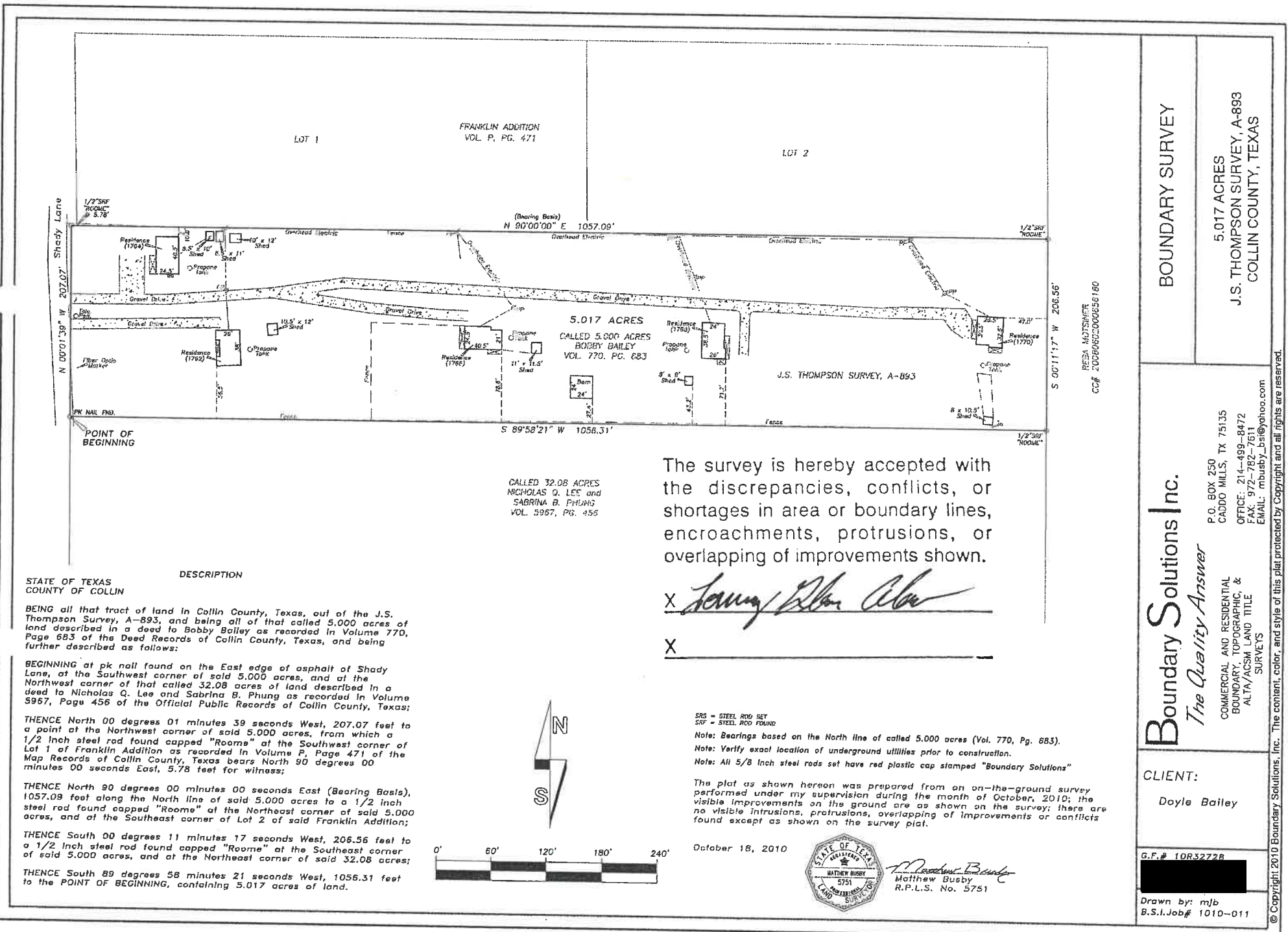
1. Redesign the structure because we are landlocked and need a wheelchair accessible residence.
2. Move the structure because we are replacing the original home that burnt down. There is no other feasible location on the property due to already existing structures.
3. Move lot lines or replat the property because this would encroach on areas not viable to move.
4. Acquire abutting property because our neighbors are not selling, nor would we be able to purchase. Plus, it would awkward property line adjustment.

In fact, we would also like to ask to be grandfathered on the placement of the house to accommodate these dimensions. The original structure sat 10 feet from the fence/neighbor's property line. If we place the house based on the new zoning ordinances of 20 feet, the house is on top of the driveway for the property. We respectfully ask for it to be 10 or 15 feet.

We appreciate your time and consideration.

Respectfully,

Tommy and Wendy Adams



BOUNDARY SURVEY

5.017 ACRES  
 J.S. THOMPSON SURVEY, A-893  
 COLLIN COUNTY, TEXAS

**Boundary Solutions Inc.**  
*The Quality Answer*

P.O. BOX 250  
 CADDO MILLS, TX 75135  
 OFFICE: 214-499-8472  
 FAX: 972-782-7611  
 EMAIL: mbusby\_bsl@yahoo.com

CLIENT:  
 Doyle Bailey

G.F.# 10R32728  
 Drawn by: mjb  
 B.S.I. Job# 1010-011

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

X *Tommy Elton*

X \_\_\_\_\_

CALLED 32.08 ACRES  
 NICHOLAS Q. LEE and  
 SABRINA B. PHUNG  
 VOL. 5967, PG. 456

DESCRIPTION

STATE OF TEXAS  
 COUNTY OF COLLIN

BEING all that tract of land in Collin County, Texas, out of the J.S. Thompson Survey, A-893, and being all of that called 5.000 acres of land described in a deed to Bobby Bailey as recorded in Volume 770, Page 683 of the Deed Records of Collin County, Texas, and being further described as follows:

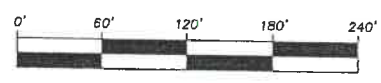
BEGINNING at pk nail found on the East edge of asphalt of Shady Lane, at the Southwest corner of said 5.000 acres, and at the Northwest corner of that called 32.08 acres of land described in a deed to Nicholas Q. Lee and Sabrina B. Phung as recorded in Volume 5967, Page 456 of the Official Public Records of Collin County, Texas;

THENCE North 00 degrees 01 minutes 39 seconds West, 207.07 feet to a point at the Northwest corner of said 5.000 acres, from which a 1/2 inch steel rod found capped "Roome" at the Southwest corner of Lot 1 of Franklin Addition as recorded in Volume P, Page 471 of the Map Records of Collin County, Texas bears North 90 degrees 00 minutes 00 seconds East, 5.78 feet for witness;

THENCE North 90 degrees 00 minutes 00 seconds East (Bearing Basis), 1057.09 feet along the North line of said 5.000 acres to a 1/2 inch steel rod found capped "Roome" at the Northeast corner of said 5.000 acres, and at the Southeast corner of Lot 2 of said Franklin Addition;

THENCE South 00 degrees 11 minutes 17 seconds West, 206.56 feet to a 1/2 inch steel rod found capped "Roome" at the Southeast corner of said 5.000 acres, and at the Northeast corner of said 32.08 acres;

THENCE South 89 degrees 58 minutes 21 seconds West, 1056.31 feet to the POINT OF BEGINNING, containing 5.017 acres of land.



SRS = STEEL ROD SET  
 SRF = STEEL ROD FOUND

Note: Bearings based on the North line of called 5.000 acres (Vol. 770, Pg. 683).  
 Note: Verify exact location of underground utilities prior to construction.

Note: All 5/8 inch steel rods set have red plastic cap stamped "Boundary Solutions"

The plat as shown hereon was prepared from an on-the-ground survey performed under my supervision during the month of October, 2010; the visible improvements on the ground are as shown on the survey; there are no visible intrusions, protrusions, overlapping of improvements or conflicts found except as shown on the survey plat.

October 18, 2010



*Matthew Busby*  
 Matthew Busby  
 R.P.L.S. No. 5751

# LOCATION MAP

1764 Shady Lane

1768 Shady Lane





**City of Lucas**  
**Board of Adjustments Agenda Request**  
**August 25, 2020**

Item No. 02

Requester: City Secretary Stacy Henderson

**Agenda Item Request**

---

Consider approval of the minutes of the July 15, 2020 Board of Adjustments meeting.

**Background Information**

---

NA

**Attachments/Supporting Documentation**

---

1. Minutes from the July 15, 2020 Board of Adjustments meeting.

**Budget/Financial Impact**

---

NA

**Recommendation**

---

NA

**Motion**

---

I make a motion to approve/deny the minutes from the July 15, 2020 Board of Adjustments meeting as presented.



**City of Lucas  
Board of Adjustment  
Video Conference Meeting  
July 15, 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  
Brian Blythe  
James Foster  
Ron Poteete  
Tom Redman  
Brenda Rizos, Alternate Member  
Michael Dunn, Alternate Member

**Staff Present:**

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

**City Council Liaison:**

Mayor Pro Tem Kathleen Peele

It was determined that a quorum was present and Chairman Bierman led the Pledge of Allegiance.

A brief delay occurred at the beginning of the meeting to assist the applicant with connecting remotely to the meeting.

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**

---

- 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 gave a presentation outlining the applicant's request for a 50 percent see through fence located along the south property line of 550 Honeysuckle, four

feet from the property line between 550 Honeysuckle and 950 Estelle Lane. The proposed fence would be seven feet tall and constructed of steel panels. Mr. Hilbourn stated that staff was not recommending approval of the variance request.

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

Valerie Turnbow, the applicant explained the unique circumstances of her property noting that the property to the south faced directly into their back yard, creating a lack of privacy. Ms. Turnbow noted that the property to the south also had large dogs that would jump the fence when they noticed anyone in the back yard, as well as noise concerns that occurred late into the evening. Ms. Turnbow stated that constructing the fence 20 feet from the property line would place the fence in their septic drainage field and there were also several large trees that would have to be removed in order to accommodate the fence in that location. Ms. Turnbow stated that all the surrounding neighbors were in favor of the proposed fence.

Robert Morgan, 950 Estelle, stated that his dogs do get out of the yard on occasion and he was not opposed to a fence being constructed in that location.

Mr. Redman asked how the fence would interfere with the drain field.

Taylor Turnbow, the applicant stated that the side yard was only 40 feet wide and the fence would be placed in the center of the septic area and he didn't believe that posts would withstand the moisture in that area.

The Board discussed several ways in which a 50 percent see through fence could be erected with additional landscaping that could provide the privacy needed and still meet the City's code.

Chairman Bierman read three emails into the record from the following individuals that were in favor of the fence variance request:

- Jason McLaughlin, 625 Honeysuckle
- Steve Booker, 600 Honeysuckle
- Dana Chaney

Chairman Bierman closed the public hearing at 6:42 pm.

Chairman Bierman stated that the Board was allowed to grant a variance based on hardships due to special conditions inherent to the property.

The Board expressed their views noting that the hardship was between the neighbors and there was nothing unique on the property that would meet the criteria for granting a variance. The Board members noted that alternative methods could be used to construct a fence that met the City's code requirements.

**MOTION:** A motion was made by Mr. Blythe, seconded by Mr. Foster to deny the variance request by S. Taylor and Valerie Turnbow to allow a fence located within the side and rear yard setbacks that was less than 50 percent see through for the property located at 550 Honeysuckle Lane. The motion to deny the request passed unanimously.

### **Regular Agenda**

---

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

**MOTION:** A motion was made by Chairman Bierman, seconded by Mr. Foster to approve the minutes as submitted. The motion passed unanimously by a 5 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 6:56 pm.

---

Chris Bierman, Chairman

---

Stacy Henderson, City Secretary