



## AGENDA

### Board of Adjustment Meeting

October 25, 2023 | 5:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

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*Notice is hereby given that the Board of Adjustment will convene in the City Hall Council Chambers to take part in training with the City Attorney on Wednesday, October 25, 2023 at 5:30 pm. The public is invited to attend and observe the training session; however, no public comment will be taken. The Board of Adjustment will take no formal action during the training session.*

*Notice is hereby given that a regular meeting of the Board of Adjustment of the City of Lucas will be held on Wednesday, October 25, 2023, at 7:00 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the Board of Adjustment may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.*

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/departments/public-meetings/>.

#### **How to Provide Input at a Meeting:**

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**Speak In Person:** Request to Speak forms will be available at the meeting. Please fill out the form and give to the City Secretary prior to the start of the meeting. This form will also allow a place for comments.

**Submit Written Comments:** If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email City Secretary Toshia Kimball at [tkimball@lucastexas.us](mailto:tkimball@lucastexas.us) by no later than 3:30 pm 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. Any requests received after 3:30 pm will not be included at the meeting.

#### **Call to Order**

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- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

#### **Agenda**

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1. Board of Adjustment training to be conducted with the City Attorney Courtney Morris.

#### **Public Hearing**

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2. Conduct a public hearing and consider the request by Eric and Misty Lambert for a variance from the City of Lucas Code of Ordinances for lot size, lot width and to allow an accessory building to be located within the required rear and side yard setbacks for a parcel of land located in ABS A0354 JAS GRAYUM SURVEY, TRACT 93, being all of a 1.2-acre tract of land, currently zoned R2, otherwise known as 2075 Country Club, Lucas, Texas. (**Presenter: 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**

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- 3. Consider the appointment of a Vice-Chair of the Board of Adjustment to serve for a term ending December 31, 2024. **(Board of Adjustment)**
- 4. Consider approval of the minutes of the July 26, 2023 Board of Adjustment meeting. **(City Secretary Toshia Kimball)**

## **Executive Agenda**

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*As authorized by Section 551.071 of the Texas Government Code, the Board of Adjustment may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.*

- 5. Executive Session: An Executive Session is not scheduled for this meeting.
- 6. Adjournment.

## **Certification**

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*I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City's website at [www.lucastexas.us](http://www.lucastexas.us) on or before 5:00 p.m. on October 20, 2023.*

\_\_\_\_\_  
*Toshia Kimball, City Secretary*

*In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Toshia Kimball at 972-912-1211 or by email at [tkimball@lucastexas.us](mailto:tkimball@lucastexas.us) at least 48 hours prior to the meeting.*



# City of Lucas

## Board of Adjustment Agenda Request

### October 25, 2023

Requester: City Attorney Courtney Morris

### **Agenda Item Request**

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Provide training for the Board of Adjustment members and a refresh for the existing members.

### **Background Information**

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The role of the Board of Adjustment is to authorize, upon appeal in special cases, variances from the Zoning Ordinance and special variance exceptions to the City's sign ordinance determining if there is a hardship in each case. The Board of Adjustment also will hear and decide appeals regarding determinations made by an Administrative Official in the enforcement of the Zoning Ordinance. The following list of topics will be discussed:

- Authority
- Role of the Board
- Board Membership and Voting Procedures
- Variances: What are they?
- Undue Hardship
- Procedure for Appeals
- Conducting Meetings & Hearings
- Violations
- Public Information Act
- Open Government Training

### **Attachments/Supporting Documentation**

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NA

### **Budget/Financial Impact**

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NA



**City of Lucas**  
**Board of Adjustment Agenda Request**  
**October 25, 2023**

Item No. 01

**Recommendation**

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NA

**Motion**

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NA



Item No. 02

**City of Lucas**  
**Board of Adjustment Agenda Request**  
**October 25, 2023**

Requester: Development Services Director Joe Hilbourn

### **Agenda Item Request**

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Conduct a public hearing and consider the request by Eric and Misty Lambert for a variance from the City of Lucas Code of Ordinances for lot size, lot width and to allow an accessory building to be located within the required rear and side yard setbacks for a parcel of land located in ABS A0354 JAS GRAYUM SURVEY, TRACT 93, being all of a 1.2-acre tract of land, currently zoned R2, otherwise known as 2075 Country Club, Lucas, Texas.

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

### **Background Information**

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The Board of Adjustment has received a request for a variance from the literal interpretation of the City of Lucas Code of Ordinances for lot size, lot width and to allow an accessory building to be located within the required rear and side yard setbacks.

The lot is 1.2 acres and a minimum of 2 acres is required. The lot width is 137.53', 200' is required. The accessory building is 10' from the rear yard property line and 15' from the side yard property line. The minimum required is 20'.

Mr. Lambert purchased the property in August of 2014 from Mr. Bevins. Mr. Lambert purchased 1.2 acres of land and an easement that was .8 acres totaling 2 acres. Unknown to Mr. Lambert, Mr. Bivens sub-divided the land he purchased without going through the required platting process and sold a lot to Mr. Lambert and to others by meets and bounds avoiding the platting process. The problem is that makes the lot illegal non-conforming. The corrective measure for that is to plat the property.

In September of 2023, Mr. Lambert applied for a plat, a minor plat which staff denied because the lot does not meet the cities requirements for the R2 zoning district.

The City's Code of Ordinances, Chapter 14, Article 14.03 Districts, Division 3, R2 Single-Family Residential District, 14.03.113 Area Regulations states the following:

14.03.113. Area regulations.

(b) Size of lot.

- (1) Lot area. No building shall be constructed on any lot of less than two (2) acres (87,120 square feet).
- (2) Lot width. The width of the lot shall be not less than two hundred feet (200') at the front street property line, nor shall its average width be less than two hundred feet (200'). The minimum width of a lot on a cul-de-sac shall be not less than forty feet (40') at the property line, nor shall its average width be less than two hundred feet (200'). The



Item No. 02

**City of Lucas**  
**Board of Adjustment Agenda Request**  
**October 25, 2023**

minimum width of a lot on a curve exceeding thirty degrees shall be not less than one hundred feet (100') at the property line, nor shall its average width be less than two hundred feet (200').

- (4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership upon the effective date of this chapter (May 1, 1995), the above regulations shall not prohibit the erection of a one-family dwelling thereon.

The City's Code of Ordinances, Chapter 14, Article 14.04, Division 8 "Accessory Buildings, Structures and Uses", Section 14.04.304 "General accessory building and structures regulations" states the following:

(3) Setbacks.

(A) Accessory buildings:

- (ii) Rear yard setback: Accessory building and structures shall have a minimum setback of twenty feet (20').
- (iii) Side yard setbacks: Accessory building and structures shall be twenty feet (20') unless the side yard is adjacent to a street. Side yards adjacent to a street shall meet the required side yard setbacks as the principal building or structure.

**Attachments/Supporting Documentation**

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1. Public Hearing Notice
2. Location Map
3. Proposed plat
4. Variance Application

**Budget/Financial Impact**

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NA

**Recommendation**

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Staff has no recommendation on this item. This is a Board of Adjustment decision.

**Motion**

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I make a motion to approve/deny the request by Eric and Misty Lambert for a variance from the City of Lucas Code of Ordinances for lot size, lot width and to allow an accessory building to be located within the required rear and side yard setbacks for a parcel of land located in ABS A0354 JAS GRAYUM SURVEY, TRACT 93, 1.2 ACRES, being all of a 1.2-acre tract of land, currently zoned R2, otherwise known as 2075 Country Club, Lucas, Texas.



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Adjustment of the City of Lucas, Texas will conduct a public hearing on October 25, 2023, at 7:00 pm 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 Eric and Misty Lambert for a parcel of land located in ABS A0354 JAS GRAYUM SURVEY, TRACT 93, 1.2 ACRES, being all of a 1.2-acre tract of land, currently zoned R2, otherwise known as 2075 Country Club, Lucas, Texas. The request is for variance from the literal interpretation of the City's Code of Ordinance for lot size, lot width and to allow an accessory building to be located within the required rear and side yard setbacks. The lot is 1.2 acres and a minimum of 2 acres is required. The lot width is 137.53', 200' is required, The accessory building is 10' from the rear yard property line and 15' from the side yard property line. The minimum required is 20'.

The City's Code of Ordinances, Chapter 14, Article 14.03 Districts, Division 3, R2 Single Family-Family Residential District, 14.03.113 Area Regulations states the following:

14.03.113. Area regulations.

(b) Size of lot.

- (1) Lot area. No building shall be constructed on any lot of less than two (2) acres (87,120 square feet).
- (2) Lot width. The width of the lot shall be not less than two hundred feet (200') at the front street property line, nor shall its average width be less than two hundred feet (200'). The minimum width of a lot on a cul-de-sac shall be not less than forty feet (40') at the property line, nor shall its average width be less than two hundred feet (200'). The minimum width of a lot on a curve exceeding thirty degrees shall be not less than one hundred feet (100') at the property line, nor shall its average width be less than two hundred feet (200').
- (4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership upon the effective date of this chapter (May 1, 1995), the above regulations shall not prohibit the erection of a one-family dwelling thereon.

The City's Code of Ordinances, Chapter 14, Article 14.04, Division 8 "Accessory Buildings, Structures and Uses", Section 14.04.304 "General accessory building and structures regulations" states the following:

(3) Setbacks.

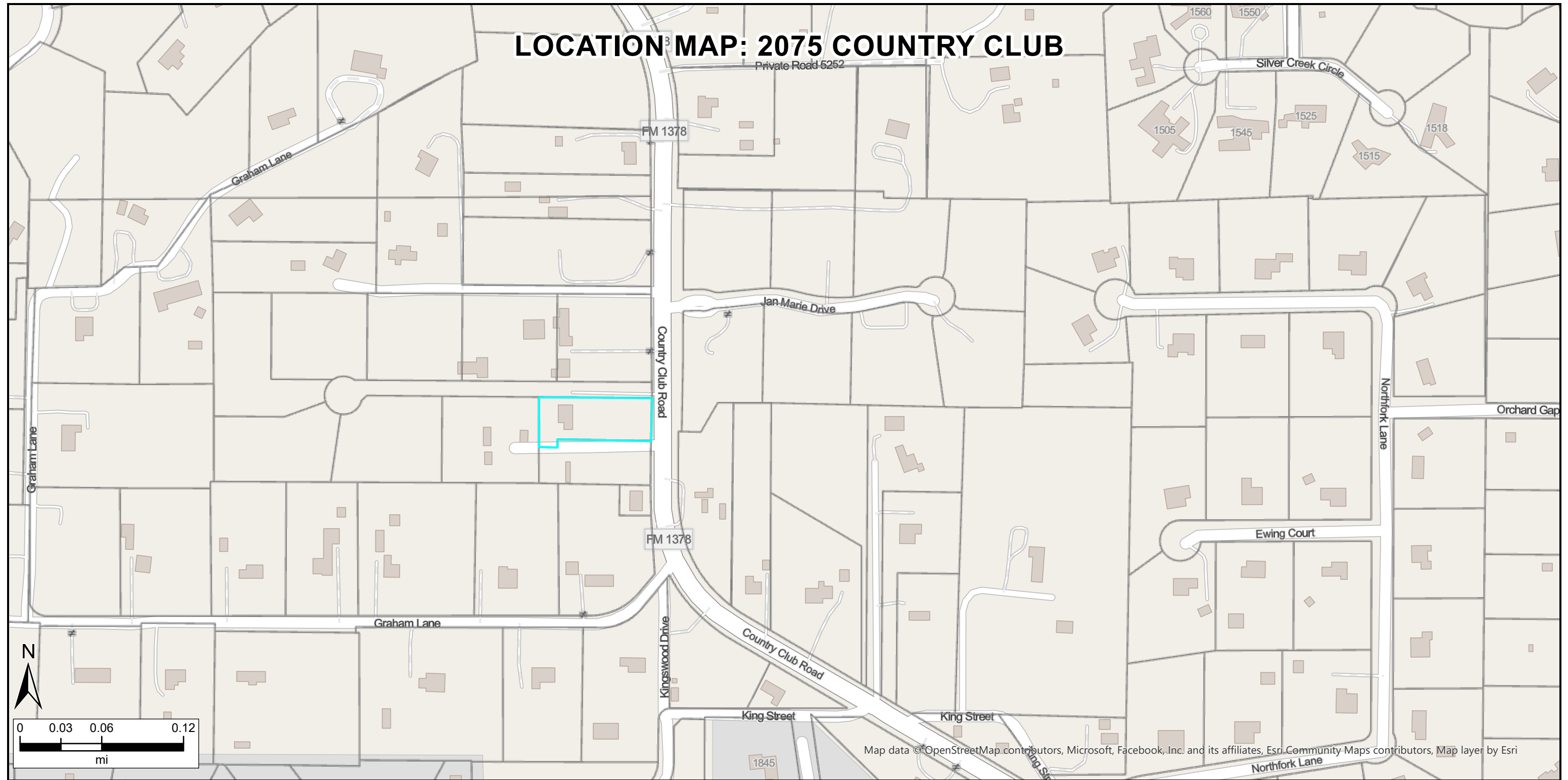
(A) Accessory buildings:

- (ii) Rear yard setback: Accessory building and structures shall have a minimum setback of twenty feet (20').
- (iii) Side yard setbacks: Accessory building and structures shall be twenty feet (20') unless the side yard is adjacent to a street. Side yards adjacent to a street shall meet the required side yard setbacks as the principal building or structure.

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 [tkimball@lucastexas.us](mailto:tkimball@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).



# LOCATION MAP: 2075 COUNTRY CLUB



**Legend**  
Lucas Parcels



Date: 10/12/2023





# APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 09/29/2023

FEE: \$450.00

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

**SUBMITTED BY:** Name: Eric and Misty Lambert

Address: 2075 Country Club Road

City: Lucas State: TX Zip: 75002

Phone: (214) 604-1282

**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:**

The Property in question is located in a area currently zoned R-2. We are asking for the following variances from the zoning ordinance in order to file a minor plat and be able to make modifications and repairs on the property.

1. Variance for lot size requirement. R-2 zoning requires 2 acres while our property is only 1.205 acres. However, when purchased, we were actually conveyed a total of 2 acres because we were also conveyed an additional 0.8 acre roadway easement (document number listed and location provided on minor plat) which abuts and is contiguous to the northern property line. The attached deed reflects the conveyance and that the roadway easement is for our sole and exclusive use as access to and from our property.
2. Variance for lot width and average lot width. Current zoning requires a lot width of 200' at front street property line (currently 137.53') and average width of 200'.
3. Variance for accessory building rear and side yard setbacks. Currently, R-2 zoning requires 20' and we are requesting a 10' rear yard and 15' side yard for existing shed in the southwest corner of the property.

Please see attached Minor Plat for additional information.

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:

*SLIC Lambert*

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

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

If not granted by the Board, state reason why:

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

\_\_\_\_\_

CHAIRMAN

CHICAGO TITLE  
GF# CTDA1A6/CT0000104304

**GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN FAVOR OF THIRD PARTY**  
**NOTICE OF CONFIDENTIALITY: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

Loan Number: 1404001152

THE STATE OF TEXAS  
  
COUNTY OF COLLIN

§  
§KNOW ALL MEN BY THESE PRESENTS:  
§

THAT DAVID W. BEVINS AND LIDONNA M. BEVINS (hereinafter called "GRANTORS" whether one or more), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations cash in hand paid by ERIC LAMBERT AND MISTY LAMBERT, HUSBAND AND WIFE whose address is 2075 COUNTRY CLUB ROAD, LUCAS, TX 75002 (hereinafter called "GRANTEES" whether one or more), the receipt and sufficiency of which are hereby acknowledged and confessed, and the further consideration of the advancement and payment in cash of all or part of the purchase price hereof by Beneficiary at the special instance and request of Grantee under that certain note in the principal sum of TWO HUNDRED NINETEEN THOUSAND SEVEN HUNDRED EIGHTY AND 00/100 (\$ 219,780.00 ) payable to the order of BAY EQUITY LLC (hereinafter referred to as "BENEFICIARY") of even date herewith, said note bearing interest at the rate therein provided, principal and interest being due and payable in monthly installments as therein set out, and providing for attorney's fees and acceleration of maturity at the rate and in the events therein set forth, which note is secured by the Vendor's Lien herein reserved and is additionally secured by a Deed of Trust of even date herewith, executed by the Grantees herein to ALLAN B. POLUNSKY, Trustee, reference to which is here made for all purposes; and in consideration of the payment of the sum above mentioned by the Beneficiary above mentioned, Grantors hereby transfer, set over, assign and convey unto said Beneficiary and assigns, the Vendor's Lien and Superior Title herein retained and reserved against the property and premises herein conveyed, in the same manner and to the same extent as if said note had been executed in Grantors' favor and by said Grantors assigned to the Beneficiary without recourse; have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto the said Grantees herein, the following described property, together with all improvements thereon, to-wit:

**SEE EXHIBIT 'A' ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES**



TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in any wise belonging, unto the said Grantees, their heirs and assigns forever. And Grantors do hereby bind themselves, their heirs, executors and administrators, to warrant and forever defend all and singular, the said premises unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. Taxes for the current year have been prorated and are assumed by Grantee. This conveyance is made and accepted subject to any and all validly existing restrictions, mineral reservations and interests, conditions, covenants, easements, and rights of way, if any, applicable to and enforceable against the above described property as now reflected by the records of the County Clerk in said County and State and to any applicable zoning laws or ordinances.

But it is expressly agreed and stipulated that the Vendor's Lien and the Superior Title are retained and reserved in favor of the payee in said note against the above described property, premises and improvements, until said note, and all interest thereon is fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

When this deed is executed by one person, or when the Grantee is one person, the instrument shall read as though pertinent verbs and pronouns were changed to correspond, and when executed by or to a corporation the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "Successors and assigns".



Dated this the 18th day of August, 2014.

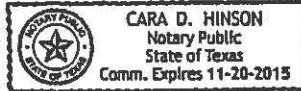
David W. Bevins Date: 8-18-14  
DAVID W. BEVINS

Lidonna M. Bevins Date: 8-18-14  
LIDONNA M. BEVINS

THE STATE OF TEXAS

COUNTY OF Collin

This instrument was acknowledged before me on 8-18-2014, by David W. Bevins  
and Lidonna M. Bevins.



Cara D. Hinson  
Notary Public, State of Texas

THE STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_ on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

RETURN TO:  
ERIC LAMBERT  
2075 COUNTRY CLUB ROAD, LUCAS, TX 75002



## LEGAL DESCRIPTION

Order No.: CT0000104304

### TRACT 1

Situated in the State of Texas and the County of Collin, being part of the James Grayson Survey, Abstract No. 354, being part of called Tracts 1 & 2 conveyed to Dave Bevins and wife, Lidonna Bevins by deed recorded in Volume 6036, Page 153 of the deed records of Collin County, Texas and being more particularly described by metes and bounds as follows:

Commencing at a found 1/2 inch iron capped in the West right of way line of F.M. 1378, marking the Northeast corner of said 1.0 acre tract as described in Volume 6036, Page 153 of said deed records and being the Northeast corner of a 25 foot roadway easement;

Thence South 00° 31' 00" East along the West line of said F.M. 1378, a distance of 25 feet to a set 1/2 inch iron rod for point of beginning and the Northeast corner of the herein described tract;

Thence South 00° 31' 00" East continuing along the West line of said F.M. 1378, a distance of 137.36 feet to a set 1/2 inch iron rod for the Southeast corner of the herein described tract;

Thence, West, with the South line of this tract a distance of 303.89 feet to a set 1/2 inch iron rod for an interior ell corner of the herein described tract;

Thence South 00° 31' 00" East, a distance of 26.09 feet to an interior ell corner of the herein described tract;

Thence, West, With the South line of this tract a distance of 65.34 feet to a set 1/2 inch iron rod for the Southwest corner of the herein described tract;

Thence North 00° 31' 00" West, with the West line of this tract a distance of 163.44 feet to a set 1/2 inch iron rod and being in the South line of roadway easement and the Northwest corner of the herein described tract;

Thence East, with the South line of said roadway easement and the North line of this tract a distance of 370.07 feet to the place of beginning and containing 1.20 acres of land;

### TOGETHER With A 25' Roadway EASEMENT

Being a 25 foot roadway easement and being situated in the State of Texas and the County of Collin, being part of the James Grayson Survey, Abstract No. 354, being part of a called 1.0 acre tract and a 8.0 acre tract of land conveyed to David Bevins and wife Ladonna Bevins by deed recorded in Volume 6036, Page 153 of the Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a found 1/2 inch iron in the West right of way line of F.M. 1378, marking the Northeast corner of said 1.0 acre tract, and being the Northeast corner of said 25 foot roadway easement;

Thence South 00° 31' 00" East along the West line of said F.M. 1378, a distance of 25 feet to a set 1/2 inch iron rod for the Southeast corner of said roadway easement;

Thence, West, with the South line of said roadway easement a distance of 1117.93 feet to the beginning of a non tangent curve to the right having a radius 50.0 feet;



## LEGAL DESCRIPTION

(continued)

Thence with a chord bearing of North 74° 57' 04" West, a chord distance of 96.34 feet, and an arc length of 184.22 feet to a set 1/2 inch iron rod at the end of said curve and being on the North line of said roadway easement common with the South line of that certain tract of land as described in a deed to Daniel Esqueda, Jr. and wife Lucinda S. Esqueda as recorded in Volume 4682, Page 2043 of said deed records;

Thence East along said common line a distance of 1210.75 feet to the point of beginning and containing 0.80 acres of land.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.



Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
08/26/2014 10:05:07 AM  
\$38.00 BVINCENT  
20140826000915220

*Stacey Kemp*



**City of Lucas**  
**Board of Adjustment Request**  
**October 25, 2023**

Item No. 03

Requester: Board of Adjustment

**Agenda Item Request**

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Consider the appointment of a Vice-Chair of the Board of Adjustment to serve for a term ending on December 31, 2024.

**Background Information**

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Ron Poteete previously served as the Vice-Chair of the Board of Adjustment but has resigned recently. There is a now a vacancy for the position of Vice-Chair.

**Attachments/Supporting Documentation**

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NA

**Budget/Financial Impact**

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NA

**Recommendation**

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NA

**Motion**

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I make a motion to appoint \_\_\_\_\_ as Vice-Chair of the Board of Adjustment for a term ending on December 31, 2024.



Item No. 04

**City of Lucas**  
**Board of Adjustment Agenda Request**  
**October 25, 2023**

Requester: City Secretary Toshia Kimball

**Agenda Item Request**

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Consider approval of the minutes of the July 26, 2023 Board of Adjustment meeting.

**Background Information**

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NA

**Attachments/Supporting Documentation**

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1. July 26, 2023 Board of Adjustment meeting minutes

**Budget/Financial Impact**

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NA

**Recommendation**

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NA

**Motion**

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I make a motion to approve/deny the minutes of the July 26, 2023 Board of Adjustment meeting.



## MINUTES

### BOARD OF ADJUSTMENT MEETING

July 26, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

#### Call to Order

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The meeting was called to order at 6:52 pm. It was determined that a quorum was present, and the Pledge of Allegiance was recited.

##### **Members Present:**

Chair Tom Redman  
Member Brian Stubblefield  
Member Brian Dale  
Alternate Member Sean Watts

##### **Members Absent:**

Member Brenda Rizos  
Alternate Member Helene Langer

##### **Staff Present:**

City Manager Joni Clarke  
Assistant City Manager Kent Souriyasak  
Development Services Director Joe Hilbourn  
City Attorney Courtney Morris  
Deputy Daniel Gillespie  
Management Analyst Joshua Menhennett

##### **City Council Members Absent:**

Mayor Pro Tem Kathleen Peele

Chairman Redman conducted the swearing in process for all witnesses.

#### Public Hearing Agenda

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- 1. Conduct a public hearing and consider the request by Richard and Linda Minor for a variance from the City of Lucas Code of Ordinances to allow an accessory building to be located within the required side yard setbacks for a parcel of land located in ABS A0426 Martin Hearne survey, tract 16, being all of a 1.5-acre tract of land, otherwise known as 4214 Lewis Lane, Lucas, Texas.**

Development Services Director Joe Hilbourn gave a presentation highlighting the history of this variance request, basic timeline for the variance request, photos of the original infringement and the section of the code relating to the original code infringement.

Chairman Redman asked if the new construction would need to be at least 20 feet from the property line to be in compliance. Development Services Director Joe Hilbourn advised that that is true. Alternate Member Watts asked whether the space on the north section of the map is flood zone. Mr. Hilbourn advised that it is not, but it is a significant creek that had been bought by Collin County via an easement in 1992.

Chairman Redman asked whether structures could be built up to the representation of the creek on the provided map. Development Services Director Joe Hilbourn advised that is not true as the easement is wider than the creek that is depicted. Mr. Hilbourn advised that an extra 5 feet on each side of the creek represents the easement. Chairman Redman asked where the owner could build on the north side of the existing structure and still meet easement setback requirements. Mr. Hilbourn advised that there is no place in that area to do so. Chairman Redman asked how far the edge of the easement is away from the edge of the house. Mr. Hilbourn advised that it is approximately 20 feet.

Chairman Redman asked where the septic would be located on the map. Development Services Director Joe Hilbourn advised that it is on the south side of the lot.

Chairman Tom Redman opened the Public Hearing at 7:05 pm.

Richard Minor, 4214 Lewis Lane advised the Board on the history of the easements on the property, along with additional information of how old the house his, how the topography effects their decision in construction, along with other details.

Chairman Redman asked when the house was built. Richard Minor approximated that it was constructed sometime in the 1960's. Chairman Redman asked if the moat mentioned by Mr. Minor circled the entirety of the house. Mr. Minor advised that the moat begins at the driveway and runs to the north and around the house. Chairman Redman asked if Mr. Minor has looked at moving the garage closer to the house. Mr. Minor said that the cost of more concrete made this a hard option.

Linda Minor, 4214 Lewis Lane spoke regarding how the property structures look across the creek on the property. Mrs. Minor described lateral lines, existing structures, and more details regarding Collin County's construction and work on the property easement.

Chairman Redman asked whether the owner has considered taking the garage, moving it behind the house, and facing the entry to the south. Linda Minor advised that on that side of the home the land begins to slop dramatically as a result of the moat around the house. Chairman Redman asked if there was a prohibition on filling or creating a drain for the moat. Ms. Minor advised that there is not but that the county did ask no one to fill it in as it would cause the property at 4214 Lewis Lane to begin holding water. Ms. Minor further described why the garage could not be moved further east behind the house as there was a grease trap, lateral lines, and change of ground height in the area.

Chairman Tom Redman closed the Public Hearing at 7:23 pm.

Chairman Tom Redman advised the applicant and the Board that there is a lot to consider in regards to the request. Chairman Redman advised that he wants to make sure all is done to ensure the structure be reconstructed while also being in compliance with City code.

Alternate Member Sean Watts advised that the guidelines for variance fit this request on every mark. Alternate Member Watts noted that the garage had been in the location for many years and that its reconstruction would not make any disparate impact on the City or any other residence, especially as the neighbor had already stated that it was fine to reconstruct it. Alternate Member Watts advised that the Board of Adjustment should move forward and grant the variance.

**MOTION:** A motion was made by Member Dale, seconded by Alternate Member Watts to approve the request by Richard and Linda Minor for a variance from the City of Lucas Code of Ordinances to allow an accessory building to be located within the required side yard setbacks for a parcel of land located in ABS A0426 Martin Hearne survey, tract 16, being all of a 1.5-acre tract of land, otherwise known as 4214 Lewis Lane, Lucas, Texas. The motion passed unanimously by a 4 to 0 vote.

## **Regular Agenda**

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- 2. Consider the appointment of a Vice-Chair of the Board of Adjustment to serve for a term ending December 31, 2024.**

**MOTION:** A motion was made by Chairman Tom Redman to table the appointment of a Vice-Chair for the next Board of Adjustment meeting. The motion did not receive a second. The motion failed.

Chairman Tom Redman asked if there were any members interested in serving as the Vice-Chair. Member Brian Stubblefield advised that he has not thought about who will serve in the capacity. City Attorney Courtney Morris advised that as the first motion died, there is no way to revisit the topic of the motion. Ms. Morris advised that the item could be administratively withdrawn and placed on the next regular agenda as there was no progress on the agenda item.

There was no nominations or actions taken by the Board on this item. It was withdrawn from the agenda.

**3. Consider approval of the minutes of the March 22, 2023 Board of Adjustment meeting.**

**MOTION:** A motion was made by Member Stubblefield, seconded by Alternate Member Sean Watts to approve the minutes of the March 22, 2023 Board of Adjustment meeting. The motion passed unanimously by a 4 to 0 vote.

**4. Adjournment.**

Chairman Redman adjourned the meeting at 6:56 pm.

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Tom Redman, Chairman

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Joshua Menhennett, Management Analyst



**City of Lucas**  
**Board of Adjustment Agenda**  
**Request**  
**October 25, 2023**

Item No. 05

Requester: Board of Adjustment

**Agenda Item Request**

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Executive Session: An Executive Session is not scheduled for this meeting.

As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

**Background Information**

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NA

**Attachments/Supporting Documentation**

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NA

**Budget/Financial Impact**

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NA

**Recommendation**

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NA

**Motion**

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NA