



**AGENDA**  
**City of Lucas**  
**Board of Adjustments Meeting**  
**November 18, 2020**  
**6:30 PM**  
**Lucas City Hall and**  
**Video Conference**  
**665 Country Club Road – Lucas, Texas**

*Notice is hereby given that a regular meeting of the Board of Adjustments of the City of Lucas will be held on Wednesday, November 18, 2020 at 6:30 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. In order to practice safe distancing, Lucas Board of Adjustments meetings will be open to on-site visitors in a limited capacity of 15 audience members. Board of Adjustments meetings will also be available through Zoom Webinar from your computer or smartphone. To join the meeting, please click this URL <https://zoom.us/j/92980946752?pwd=Q1FLSGFzbWtLZG1oNUludVpuUGNldz09> and enter your name and email address. To join by phone: 1-346-248-7799 Webinar ID: 929 8094 6752 Passcode: 141510

### **Call to Order**

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- Roll Call
- Determination of Quorum
- Reminder to Silence Electronic Devices
- Pledge of Allegiance

### **Public Hearing Agenda**

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1. Public hearing to consider an application submitted by Charles and Tiffany Glover for a variance from Section 14.04.304(3)(B) of the City's Code of Ordinance to reduce the required side yard setback for an in-ground pool from 20 feet to 10 feet and one-inch for a parcel of land located at 200 Stanford Drive in Stonegate, Blk C, Lot 2, being all of a one-acre tract of land. **(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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2. Consider approval of the minutes of the September 21, 2020 Board of Adjustments meeting.  
(City Secretary Stacy Henderson)

## **Executive Session Agenda**

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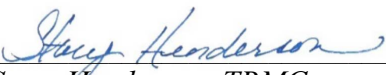
*The Board of Adjustment may convene into a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting.*

3. Executive Session: An Executive Session is not scheduled for this meeting.
4. Adjournment.

## **Certification**

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*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 November 12, 2020 as required in accordance with Government Code §551.041.*

  
\_\_\_\_\_  
Stacy Henderson, TRMC

*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).*



Item No. 01

**City of Lucas**  
**Board of Adjustments Agenda Request**  
**November 18, 2020**

Requester: Development Services Director Joe Hilbourn

### **Agenda Item Request**

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Public hearing to consider an application submitted by Charles and Tiffany Glover for a variance from Section 14.04.304(3)(B) of the City's Code of Ordinance to reduce the required side yard setback for an in-ground pool from 20 feet to 10 feet and one-inch for a parcel of land located at 200 Stanford Drive in Stonegate, Blk C, Lot 2, being all of a one-acre tract of land.

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

### **Background Information**

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The applicant would like to deviate from the ordinance due to avoid cutting down trees and wanting the ability to view the pool from the back porch and create an aesthetic/logical walkway from the house to the pool.

The City's Code of Ordinances, Chapter 14, Zoning Section 14.04.304(3)(B) General accessory buildings and structures regulations requires the following:

- (3) Setbacks.
  - (B) In-ground swimming pools, sports courts, tennis courts and similar uses shall maintain a minimum rear yard setback of 25 feet, a minimum side yard setback of 20 feet and if the in-ground pool is in front of the main building it shall maintain a front setback of 300 feet. In-ground swimming pool setbacks shall be measured from the inside wall of said pool.

### **Attachments/Supporting Documentation**

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- 1. Public Hearing Notice
- 2. Application and depiction of proposed pool
- 3. Glover Tree Map
- 4. Location Map

### **Budget/Financial Impact**

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NA



**City of Lucas**  
**Board of Adjustments Agenda Request**  
**November 18, 2020**

**Recommendation**

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Staff recommends denying the variance request as presented. A variance of this nature requires a legal hardship, staff is unaware of any legal hardship.

**Motion**

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I make a motion to approve/deny the variance from Section 14.04.304(3) of the City's Code of Ordinances requested by Charles and Tiffany Glover to reduce the required in-ground pool side yard setback from 20 feet to 10 feet and one inch for the property located at 200 Stanford Drive, 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 November 18, 2020 at 6:30 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 Cody and Tiffany Glover for a parcel of land located in Stonegate, Blk C, Lot 2, being all of a 1-acre tract of land, otherwise known as 200 Stanford Drive, Lucas Texas. The request is for a variance from the literal interpretation of the City's Code of Ordinance to reduce the required side yard set back from 20' to 10'1" for an in-ground pool.

The relevant portions of City's Code of Ordinances, Chapter 14, Zoning Sec. 14.04.304 General accessory buildings and structures regulations, read as follows:

“(3) Setbacks.

(B) In-ground swimming pools, sports courts, tennis courts and similar uses shall maintain a minimum rear yard setback of 25 feet, a minimum side yard setback of 20 feet and if the in-ground pool is in front of the main building it shall maintain a front setback of 300 feet. In-ground swimming pool setbacks shall be measured from the inside wall of said pool.”

Those wishing to speak **FOR** or **AGAINST** the above item are invited to attend via Zoom. 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: 10/14/2020

FEE: \$450.00

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

SUBMITTED BY: Name: CHARLES R. & TIFFANY GLOVER

Address: 200 STANFORD DRIVE

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:

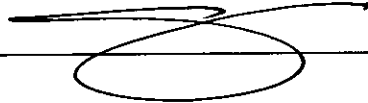
WE ARE APPEALING TO BE ABLE TO BUILD OUR POOL 10' 1" FROM  
OUR SIDEYARD THAT ADJUTS TO OUR NEIGHBORS BACKYARD.  
We are trying not to cut down any trees and  
this placement allows preservation of trees,  
ability to view the pool from the back porch for  
safety, and a asethetic/logical walkway from the  
house to the pool.

trglover13@yahoo.com - Tiffany  
arglover@ymail.com - Cody

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:



A handwritten signature in black ink, consisting of a large, stylized loop and a horizontal stroke, is written over a solid horizontal line.

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

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

If not granted by the Board, state reason why:

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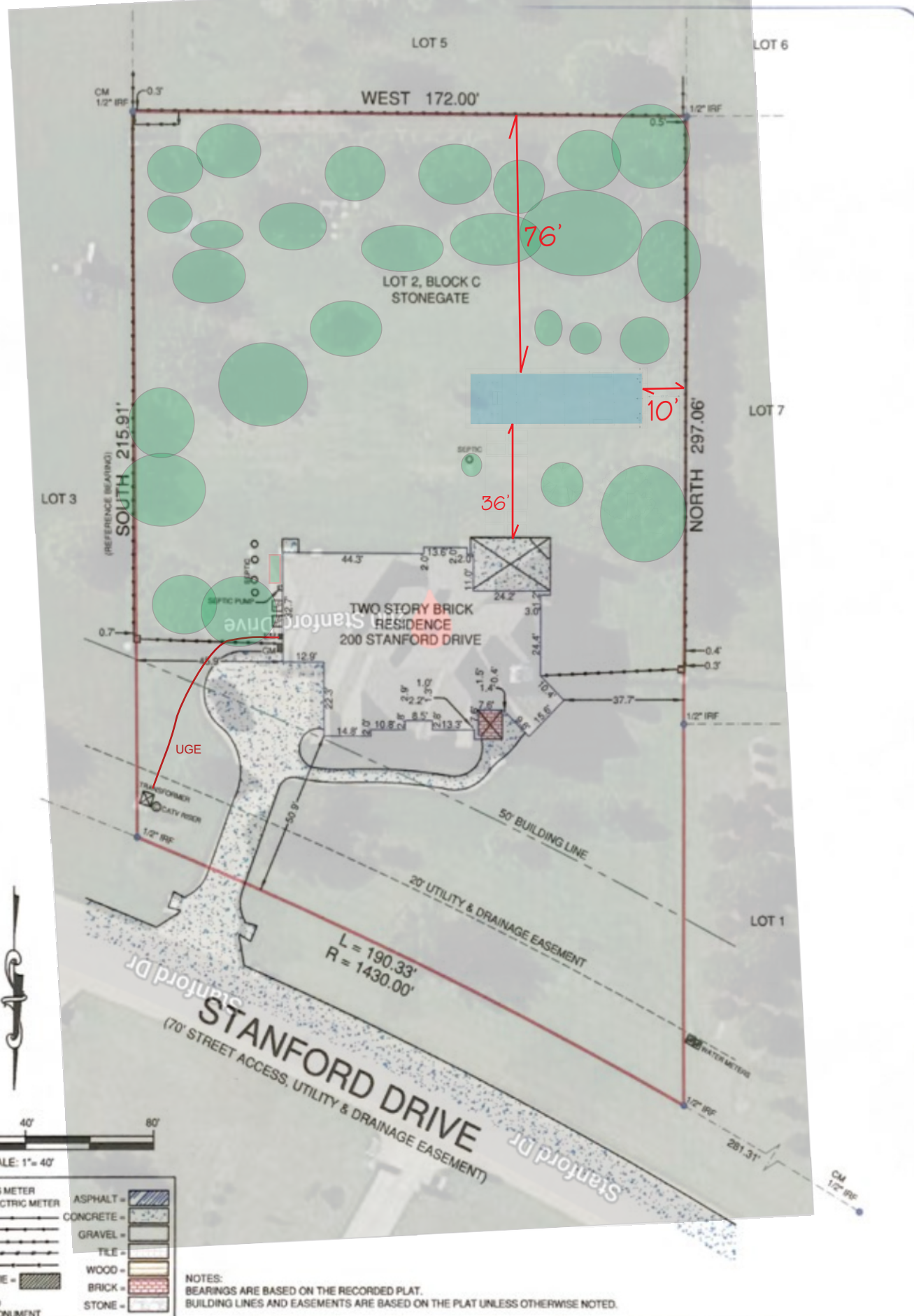
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CHAIRMAN







**LEGEND:**

GM - GAS METER	ASPHALT =
EM - ELECTRIC METER	CONCRETE =
WIRE FENCE	GRAVEL =
CHAIN LINK FENCE	TILE =
WROUGHT IRON FENCE	WOOD =
WOOD FENCE	BRICK =
ELECTRIC LINE	STONE =
RAILROAD (WOOD) TIE =	
IRS - IRON ROD SET	
IRF - IRON ROD FOUND	
CM - CONTROLLING MONUMENT	

**NOTES:**  
 BEARINGS ARE BASED ON THE RECORDED PLAT.  
 BUILDING LINES AND EASEMENTS ARE BASED ON THE PLAT UNLESS OTHERWISE NOTED.

**LEGAL DESCRIPTION:**  
 BEING LOT 2, BLOCK C, STONEGATE, AN ADDITION TO THE CITY OF LUCAS, COLLIN COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME O, PAGE 433, OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS.

**SURVEYOR'S CERTIFICATION:**  
 THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION. THAT THE SURVEY REFLECTS A TRUE AND CORRECT REPRESENTATION AS TO THE DIMENSIONS AND CALLS OF PROPERTY LINES; LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER, MORTGAGE COMPANY, AND TITLE COMPANY AND THIS SURVEY IS MADE PURSUANT TO THAT CERTAIN TITLE COMMITMENT UNDER THE GF NUMBER SHOWN HEREON, PROVIDED BY THE TITLE COMPANY NAMED HEREON AND THAT THIS DATE, THE EASEMENTS, RIGHTS-OF-WAY, OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON.

GF. NO.	NSX002171
BORROWER	CHARLES RUSSELL GLOVER III & TIFFANY RENEE GLOVER
TECH	CHH
FIELD	CC

**FLOOD INFORMATION:**  
 THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 48085C0405 J, DATED JUNE 2, 2009.

DATE: 02/03/2015    JOB NO.: 15-00621  
 FIELD DATE: 02/02/2015

200 STANFORD DRIVE, LUCAS, TX 75002  
 LOT 2, BLOCK C, STONEGATE



**Premier Surveying LLC**  
 5700 W. Plano Parkway  
 Suite 2700  
 Plano, Texas 75093  
 972.612.3601 Office | 972.964.7021 Fax  
[www.premiersurveying.com](http://www.premiersurveying.com)

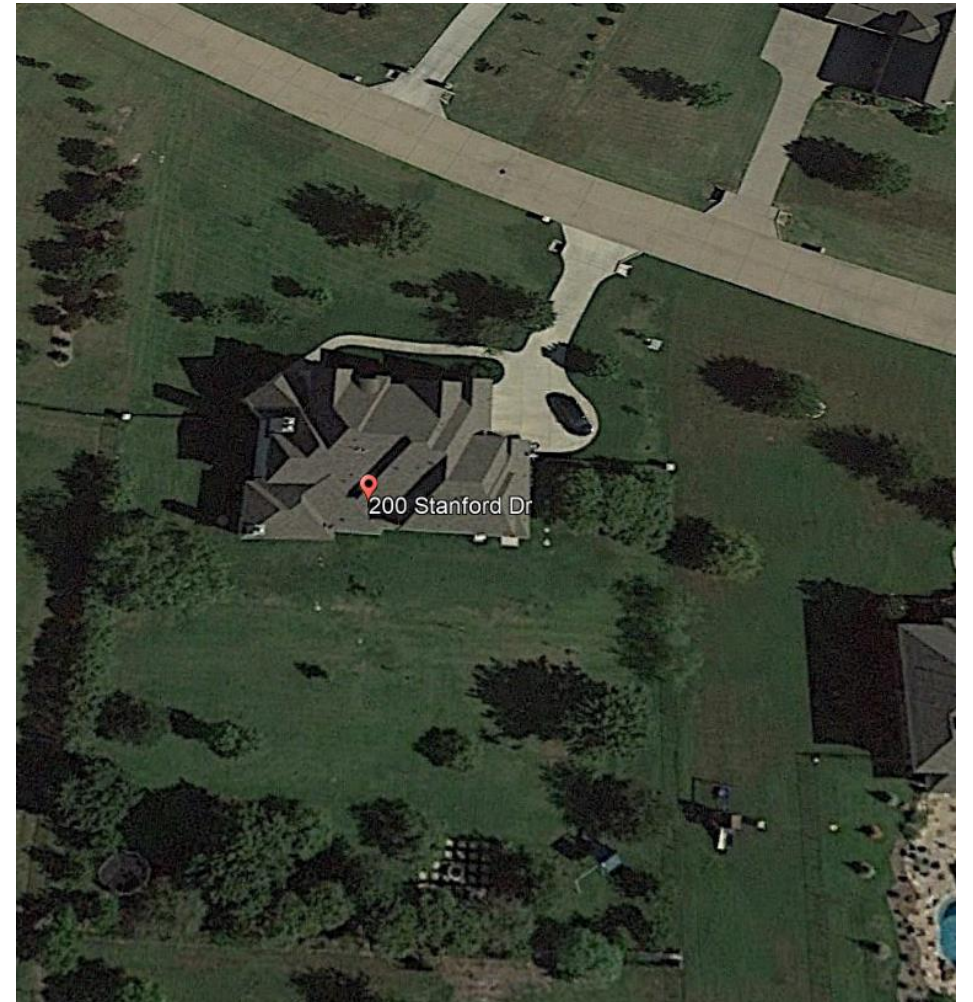
DATE: \_\_\_\_\_  
 ACCEPTED BY: \_\_\_\_\_

**Premier Surveying LLC**  
 5700 W. Plano Parkway  
 Suite 2700  
 Plano, Texas 75093  
 Office: 972-612-3601  
 Fax: 972-964-7021

*Robert T. Paul, Jr.*  
 REGISTERED PROFESSIONAL LAND SURVEYOR



**200 Stanford Drive**





**City of Lucas**  
**Board of Adjustments Agenda Request**  
**November 18, 2020**

Item No. 02

Requester: City Secretary Stacy Henderson

**Agenda Item Request**

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Consider approval of the minutes of the September 21, 2020 Board of Adjustments meeting.

**Background Information**

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NA

**Attachments/Supporting Documentation**

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1. Minutes from the September 21, 2020 Board of Adjustments meeting.

**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 from the September 21, 2020 Board of Adjustments meeting as presented.



**City of Lucas  
Board of Adjustment  
Video Conference Meeting  
September 21, 2020  
6:30 PM**

**City Hall – 665 Country Club Road – Lucas, Texas**

**Minutes**

**Call to Order**

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In the absence of Chairman Bierman, a motion was made by Mr. Foster calling for Mr. Blythe to act as Committee Chairman for the evening. The motion was seconded by Mr. Redman and passed unanimously with a vote of 4 to 0.

Acting Chairman Blythe called the meeting to order at 6:30 p.m. and noted that Alternate Member Michael Dunn would be serving as a voting member. Acting Chairman Blythe led the Pledge of Allegiance.

**Members Present:**

James Foster  
Brian Blythe  
Tom Redman

**Present via Teleconference:**

Michael Dunn

**Absent:**

Chairman Chris Bierman  
Ron Poteete  
Brenda Rizos

**Staff Present:**

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

Acting Chairman Blythe identified all witnesses that would be presenting before the Board, including City staff members, residents Teagon Counts, Tom Tolson and Kent Poteet, and conducted the swearing in process for all witnesses.

## Public Hearing Agenda

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- 1. Public hearing to consider an application submitted by Teagan Counts for a variance from the literal interpretation of Section 14.04.304(3) of the City's Code of Ordinances to reduce the required side yard setback for an accessory building from 20 feet to 16 feet for a parcel of land located at 511 Oakbrook in the Forest Creek Estates, Blk 4, Lot 3, being all of a 2.0520-acre tract of land.**

Development Services Director Joe Hilbourn gave a presentation noting that the applicant had applied for a variance from Section 14.04.0304(3) of the City's Code of Ordinances to reduce the required side yard setback for an accessory building from 20 feet to 16 feet for the property located at 511 Oakbrook in the Forest Creek Estates. Mr. Hilbourn noted that the applicant was requesting to deviate from the ordinance due to not having adequate space to get into his garage with the 20-foot setback and being forced to conduct a three-point turn to get into the proposed detached garage.

Mr. Hilbourn noted that City staff was recommending denial of the variance request as presented, as there was not a legal hardship.

The applicant, Teagan Counts, explained that he had approached the homeowners association to alter the plans for placement of the garage with the garage doors facing another direction, but was denied. With the garage doors having to be placed towards the home, per the homeowners association requirements, garage access was more difficult, and a three-point turn was required. The Board discussed possible alternatives for placement of the garage on the property as well as continuing to work with the homeowners association to receive accommodations for an alternate plan.

Acting Chairman Blythe opened the public hearing at 6:35 pm and read letters into the record from the following individuals:

Tommy Tolson: opposed to the request.

Kent Barnes: opposed to the request.

There being no one wishing to speak, the public hearing was closed at 6:45 pm.

**MOTION:** A motion was made by Mr. Foster, seconded by Mr. Redman to deny the variance from Section 14.04.304(3) of the City's Code of Ordinances requested by Teagan Counts to reduce the required side yard setback from 20 feet to 16 feet for the property located at 511 Oakbrook, Lucas, Texas. The motion to deny passed unanimously by a 4 to 0 vote.

## Regular Agenda

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- 2. Consider approval of the minutes of the August 25, 2020 Board of Adjustments meeting.**

**MOTION:** A motion was made by Mr. Foster, seconded by Mr. Dunn to approve the minutes as presented. The motion passed unanimously by a 4 to 0 vote.

**3. Consider setting a monthly meeting day and time to hold Board of Adjustment meetings.**

**MOTION:** A motion was made by Mr. Redman, seconded by Mr. Foster to establish the 4<sup>th</sup> Wednesday of each month at 6:30 pm as the regular day and time for Board of Adjustment meetings. 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.**

A motion was made by Mr. Foster, seconded by Mr. Redman to adjourn the meeting at 6:51 pm. The motion passed unanimously by a 4 to 0 vote.

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Brian Blythe, Acting Chairman

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Stacy Henderson, City Secretary