



AGENDA
City of Lucas
Board of Adjustments Meeting
May 26, 2021
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, May 26, 2021 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/93183020358?pwd=aGpYVEpzWmZZNkNRb2QyT3NqTWFGQT09> enter your name and email address.

To join by phone: 1-346-248-7799

Webinar ID: 931 8302 0358

Passcode: 445112

How to Provide Input at a Meeting:

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.

Speak Remotely Via Zoom: If you would like to attend a meeting remotely and speak via Zoom, email the City Secretary at shenderson@lucastexas.us by 5:00 pm noting the item you wish to speak on and noting your attendance will be remote. Any requests received after 5:00 pm will not be included at the meeting.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email the City Secretary at shenderson@lucastexas.us by no later than 5:00 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 5:00 pm will not be included at the meeting.

Call to Order

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

Public Hearing Agenda

1. Public hearing to consider a variance request by Lisa Flaggert for a parcel of land located in the Jas Grayum Survey, ABS A0354, Tract 84, being 1.2755 acres, located at 5 Skyview Drive, Lucas, Texas to allow an existing lot to maintain 0 road frontage from the required 200 lineal feet, lot width requirements of 200 lineal feet to the existing 88 lineal feet, and lot size requirement of 2 acres to existing 1.2755 acres. **(Development Services Director Joe Hilbourn)**
 - A. Take action on accepting withdrawal from applicant
2. Public hearing to consider the request by Cindy Moore 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 2 Santa Fe Trail, in Kirkland Estates West, Lot 23 being all of a 1.4386-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

3. Consider the appointment of a Chairman and Vice Chairman of the Board of Adjustments to serve for a term ending December 31, 2021. **(Board of Adjustments Members)**
4. Consider approval of the minutes of the February 24, 2021 Board of Adjustment 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.

5. Executive Session: An Executive Session is not scheduled for this meeting.
6. 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 May 20, 2021 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.



Item No. 01

City of Lucas
Board of Adjustments Agenda Request
May 26, 2021

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider a variance request by Lisa Flaggert for a parcel of land located in the Jas Grayum Survey, ABS A0354, Tract 84, being 1.2755 acres, located at 5 Skyview Drive, Lucas, Texas to allow an existing lot to maintain 0 road frontage from the required 200 lineal feet, lot width requirements of 200 lineal feet to the existing 88 lineal feet, and lot size requirement of 2 acres to existing 1.2755 acres.

A. Take action on accepting withdrawal from applicant

Background Information

The applicant has requested to withdraw this request. Since the request was publicly noticed, action is required to accept the withdrawal request.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to accept the withdrawal of the variance request by Lisa Flaggert for 5 Skyview Drive, Lucas, Texas.



City of Lucas

Board of Adjustments Agenda Request

May 26, 2021

Item No. 02

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider the request by Cindy Moore 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 2 Santa Fe Trail, in Kirkland Estates West, Lot 23 being all of a 1.4386-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 variance from the literal interpretation of the City's Code of Ordinances to allow a fence to be located within the side and rear yard setbacks that is less than 50% see through. The fence will be located along Parker Road and will assist with providing a buffer from traffic noise.

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

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.



Item No. 02

City of Lucas
Board of Adjustments Agenda Request
May 26, 2021

Motion

I make a motion to approve/deny the variance request by Cindy Moore 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 2 Santa Fe Trail in the City of Lucas Texas.



APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: April 7 2021 FEE: \$450.00 APPEAL # _____

SUBMITTED BY: Name: CINDY MOORE
Address: 2 SANTA FE TRAIL
City: LUCAS State: TX Zip: 75002
Phone: (214) 797 3752

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:

Privacy Fence Parker Rd. Due to TXDOT taking
Land up to Driveway, Need to Eliminate Noise
and trash blowing onto yard. She is also
needs Privacy since she is a widow when
she works in yard

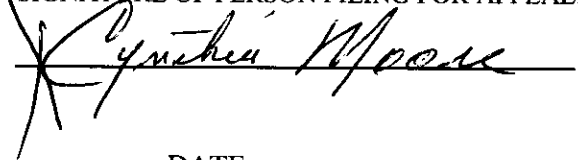
Please Copy all Correspondence to me Tim Muller

214 557 5080
Tim@firehouserooting
.com

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

**CITY SECRETARY CHECK LIST
BOARD OF ADJUSTMENT
APPLICATIONS FOR VARIANCE**

DATE

APPLICATION FILLED OUT

FEE COLLECTED - \$300.00

SET DATE FOR HEARING

PUBLISH NOTICE (10 DAYS PRIOR TO HEARING DATE)

NOTIFY BOARD OF ADJUSTMENT MEMBERS (MEMO)

NOTIFY APPROPRIATE CITY STAFF & COUNCIL LAISON PERSON

PREPARE & SEND MEETING AGENDA, LAST MEETING MINUTES &
APPEAL BACK-UP INFO TO MEMBERS

NOTIFY ADJACENT PROPERTY OWNERS & APPLICANT

POST AGENDA 72 HOURS IN ADVANCE

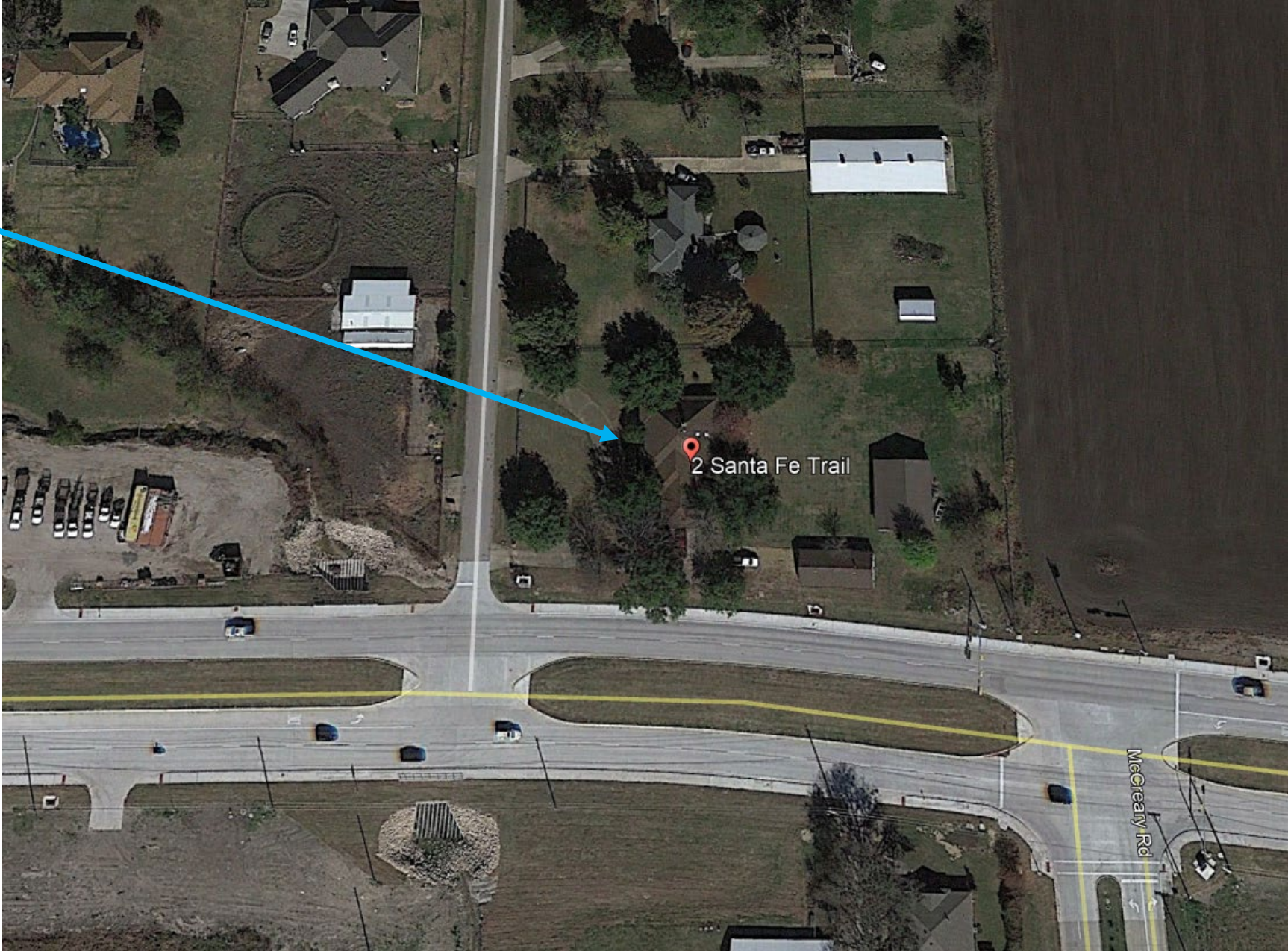
HOLD HEARING

ADVISE APPROPRIATE PARTIES OF RESULTS

PREPARE MINUTES

Location Map

2 Santa Fe Trail





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 May 26, 2021 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 Cindy Moore 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 2 Santa Fe Trail, in Kirkland Estates West, Lot 23 being all of a 1.4386-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.



City of Lucas
Board of Adjustments Agenda Request
May 26, 2021

Item No. 03

Requester: Board of Adjustments Members

Agenda Item Request

Consider the appointment of a Chairman and Vice Chairman of the Board of Adjustments to serve for a term ending December 31, 2021.

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to appoint _____ as Chairman of the Board of Adjustments for a term ending December 31, 2021.

I make a motion to appoint _____ as Vice Chairman of the Board of Adjustments for a term ending December 31, 2021.



City of Lucas

Board of Adjustment Agenda Request

May 26, 2021

Item No. 04

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the February 24, 2021 Board of Adjustment meeting.

Background Information

NA

Attachments/Supporting Documentation

1. February 24, 2021 Board of Adjustment minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the February 24, 2021 Board of Adjustment meeting.



**City of Lucas
Board of Adjustment**

Regular Meeting
February 24, 2021
6:30 PM

City Hall – 665 Country Club Road – Lucas, Texas

MINUTES

Call to Order

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

Members Present:

Chairman Chris Bierman
Ron Poteete
Brian Stubblefield
Brian Dale
Brenda Rizos, Alternate Member

Staff Present:

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

Members Absent:

Tom Redman
Michael Dunn, Alternate Member

Chairman Bierman identified all witnesses that would be presenting before the Board, including City staff members and the applicant, Ryan Davis and conducted the swearing in process for all witnesses.

Public Hearing Agenda

- 1. Public hearing to consider an application submitted by Ryan Davis for a variance from Section 14.04.304(3)(A) of the City's Code of Ordinance to construct an accessory building even with the front build line of the main residence for a parcel of land located at 600 East Lucas Road in the Woodmoor Addition, Lot 1A, being all of a 1.74-acre tract of land.**

Development Services Director Joe Hilbourn gave a presentation regarding the proposed request.

Chairman Bierman opened the public hearing at 6:39 pm with the following individuals speaking regarding the request.

- Ryan Davis, the applicant, 600 East Lucas Road, spoke in favor of the request noting the lack of turning radii to navigate a trailer out his property.
- Justin Himmelreich, 10 Hobb Hill, Lucas had concerns regarding the aesthetics of the building and that it matched the materials with the surrounding homes.

Chairman Bierman read an email into the record from Kimberly Reitmajer, 3 Glen Cove Circle, noting they were in favor of the request.

Chairman Bierman closed the public hearing 6:58 pm.

The Board deliberated the variance request for an accessory building.

MOTION: A motion was made by Mr. Poteete seconded by Chairman Bierman to deny the request for a variance from Section 14.04.304(3)(A) of the City's Code of Ordinance to construct an accessory building even with the front build line of the main residence for a parcel of land located at 600 East Lucas Road. The motion to deny passed unanimously by a 5 to 0 vote.

Regular Agenda

2. **Consider approval of the minutes of the December 16, 2020 Board of Adjustment meeting.**

MOTION: A motion was made by Mr. Poteete seconded by Mr. Stubblefield to approve the minutes of the December 16, 2020 Board of Adjustment meeting. The motion passed unanimously by a 5 to 0 vote.

Executive Session Agenda

3. **Executive Session.**

An Executive Session was not held at this meeting.

4. **Adjournment.**

Chairman Bierman adjourned the meeting at 7:09 pm. The motion passed unanimously by a 5 to 0 vote.

Chris Bierman, Chairman

Stacy Henderson, City Secretary