



AGENDA
City of Lucas
Board of Adjustments Meeting
June 23, 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, June 23, 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. Board of Adjustment meetings are also available through Zoom 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

If you would like to watch the meeting live, and not participate via Zoom, you may go to the City's live streaming link at <https://www.lucastexas.us/live-streaming-videos/>.

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 Harry Villers from the literal interpretation of the City's Code of Ordinances to allow a parcel of land to be divided where one parcel will be less than the required size of two acres, for a parcel of land located at 2590 Rock Ridge Road, ABS A0318 Gabriel Fitzhugh Survey, Tract 50, being all of 3.9952-acres in the City of Lucas, Texas. **(Development Services Director Joe Hilbourn)**
 - A. Presentation by Building Inspector Scott DeJong
 - B. Conduct public hearing
 - C. Take action on the variance request

Regular Agenda

2. Consider approval of the minutes of the May 26, 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.

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 June 18, 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.



City of Lucas

Board of Adjustment Agenda Request

June 23, 2021

Item No. 01

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider a variance request by Harry Villers from the literal interpretation of the City's Code of Ordinances to allow a parcel of land to be divided where one parcel will be less than the required size of two acres, for a parcel of land located at 2590 Rock Ridge Road, ABS A0318 Gabriel Fitzhugh Survey, Tract 50, being all of 3.9952-acres in the City of Lucas, Texas.

- A. Presentation by Building Inspector Scott DeJong
- B. Conduct public hearing
- C. Take action on the variance request

Background Information

The applicant would like to subdivide a 3.9952-acre tract of land that is currently zoned R-2, is not platted, and there would be a right-of-way dedication required. One lot will meet the City's requirements for platting, the second lot would require a deviation from the City's Code of Ordinances. The lot requiring a variance would be 1.65 +/- acres after platting.

The City's Code of Ordinances, Chapter 14, Division 3, Article 14.03, Section 14.03.113 – Area regulations state the following:

(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).

Attachments/Supporting Documentation

- 1. Public hearing notice
- 2. Application for variance
- 3. Submitted depiction
- 4. Location map

Budget/Financial Impact

NA

Recommendation

Staff recommends denial. This request does not comply with the City's Code of Ordinances.



Item No. 01

City of Lucas
Board of Adjustment Agenda Request
June 23, 2021

Motion

I make a motion to approve/deny the variance request by Harry Villers to allow a parcel of land to be divided, where one parcel will be 1.65 +/- acres, less than the required size of two acres, for a parcel of land located at 2590 Rock Ridge Road, ABS A0318 Gabriel Fitzhugh Survey, Tract 50, being all of 3.9952-acres in the City of Lucas, Texas.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Adjustments of the City of Lucas, Texas will conduct a public hearing on June 23, 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 Harry Villers for a variance from the literal interpretation of the City's Code of Ordinances to allow a parcel of land to be divided where one parcel will be less than the required size, for a parcel of land located at 2590 Rock Ridge Road, ABS A0318 Gabriel Fitzhugh Survey, Tract 50, being all of a 3.9952-acre tract of land in the City of Lucas Texas.

The City's Code of Ordinances, Chapter 14, Division 3, Article 14.03, Section 14.03.113 – Area regulations state the following:

(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).

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.



APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 5-12-21

FEE: \$450.00

APPEAL # _____

SUBMITTED BY: Name: HARRY VILLERS

Address: 2590 ROCK RIDGE ROAD

City: LUCAS State: TX Zip: 75002

Phone: (214) 524-3871

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.

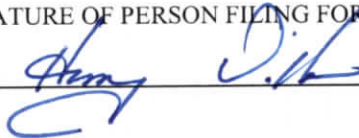
BRIEFLY DESCRIBE YOUR APPEAL:

I OWN AND LIVE ON A 3.995 ACRE PROPERTY (SEE ABOVE ADDRESS) AND WOULD LIKE TO SUB-DIVIDE THE PROPERTY AND SELL THE 1.995 ACRE PORTION FOR A NEW HOME DEVELOPMENT.

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: _____

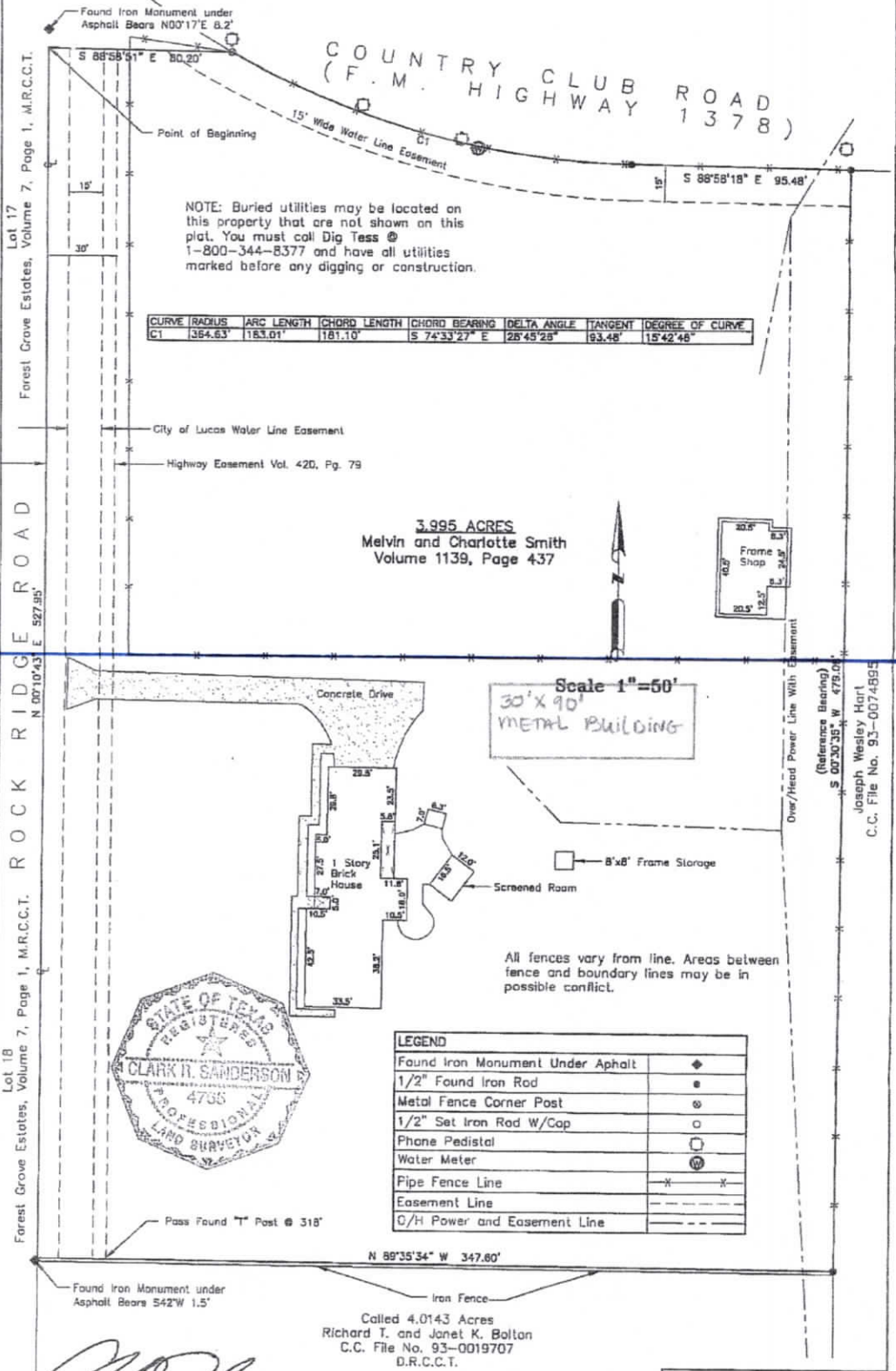
DATE: _____

If not granted by the Board, state reason why:

CHAIRMAN

SUB-DIVIDE HERE ...

SUB-DIVIDE HERE ...



Clark R. Sanderson
Clark R. Sanderson RPLS #4766

SANDERSON SURVEYING INC.
1874 SOUTH SH 121
BONHAM, TEXAS 75418
(903) 583-2969

Called 4.0143 Acres
Richard T. and Janet K. Bolton
C.C. File No. 93-0019707
D.R.C.C.T.

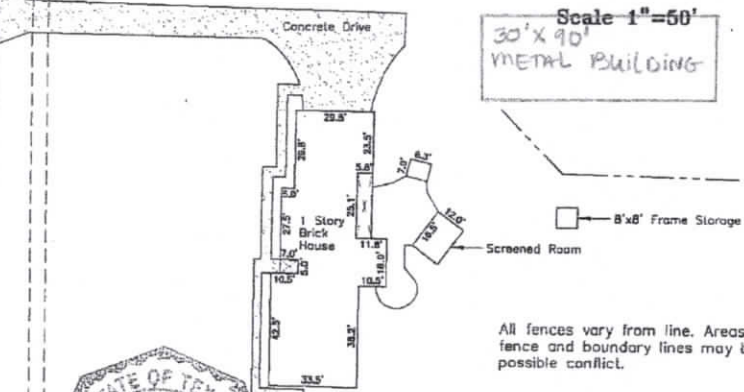
Over/Head Power Line With Easement
S 00°30'35" W 478.0'
Joseph Wesley Hart
C.C. File No. 93-0074895

Lot 17 Forest Grove Estates, Volume 7, Page 1, M.R.C.C.T.
Lot 18 Forest Grove Estates, Volume 7, Page 1, M.R.C.C.T.

Found Iron Monument under Asphalt Bears N00°17'E 8.2'

Found Iron Monument under Asphalt Bears S42°W 1.5'

Point of Beginning
15' Wide Water Line Easement
City of Lucas Water Line Easement
Highway Easement Vol. 420, Pg. 79



All fences vary from line. Areas between fence and boundary lines may be in possible conflict.

Location Map

2590 Rock Ridge Rd





City of Lucas

Board of Adjustment Agenda Request

June 23, 2021

Item No. 02

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the May 26, 2021 Board of Adjustment meeting.

Background Information

NA

Attachments/Supporting Documentation

1. May 26, 2021 Board of Adjustment minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the May 26, 2021 Board of Adjustment meeting.



**City of Lucas
Board of Adjustment**

Regular Meeting
May 26, 2021
6:30 PM

City Hall – 665 Country Club Road – Lucas, Texas

MINUTES

Call to Order

Due to the absence of the Chairman, a motion was made by Ms. Rizos, seconded by Mr. Poteete to appoint Tom Redman as the Interim Chairman to lead the meeting. The motion passed unanimously by a 5 to 0 vote.

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

Members Present:

Tom Redman
Ron Poteete
Brian Stubblefield
Brian Dale
Brenda Rizos, Alternate Member
Michael Dunn, Alternate Member

Staff Present:

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

City Council Liaison

Mayor Pro Tem Kathleen Peele

Interim Chairman Tom Redman 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 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.**

Interim Chairman Redman stated the applicant had requested the request be withdrawn.

MOTION: A motion was made by Mr. Stubblefield, seconded by Mr. Poteete to accept the request to withdrawal by the applicant. The motion passed unanimously by a 5 to 0 vote.

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 gave presentation regarding the variance request noting that the request did not comply with the City's regulations for fencing, but TxDOT created a significant hardship when Parker Road was expanded to the north into the applicants property.

The Board discussed with Staff where the fence would have to be located to be in compliance, which was on the other side of the accessory building. They also discussed other fence variances along Parker Road.

Interim Chairman Redman opened the public hearing at 6:45pm and called the following individuals forward that requested to speak:

Cindy Moore, the applicant, noted that 30 feet of her property was taken as part of the widening of Parker Road, and one building on her property had to be moved as well. Due to the noise from the traffic, trash, debris and lack of privacy, Ms. Moore requested the variance be approved.

Tim Mullen, Firehouse Roofing, spoke in favor of the request being granted.

Interim Chairman Redman read three emails received in support of request from the following individuals:

- Michael Aguirre, Santa Fe Trail
- Matt Davis, Santa Fe Trail
- Michael Willmarth, Santa Fe Trail

Interim Chairman Redman closed the public hearing at 6:58 pm.

MOTION: A motion was made by Ms. Rizos seconded by Mr. Stubblefield to approve the variance request 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. The motion passed unanimously by a 5 to 0 vote.

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

MOTION: A motion was made by Mr. Dale seconded by Ms. Rizos to appoint Tom Redman as Chairman of the Board of Adjustment with a term ending December 31, 2021. The motion passed unanimously by a 5 to 0 vote.

MOTION: A motion was made by Mr. Stubblefield seconded by Chairman Redman to appoint Ron Poteete as Vice Chairman of the Board of Adjustment with a term ending December 31, 2021. The motion passed unanimously by a 5 to 0 vote.

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

MOTION: A motion was made by Vice Chairman Poteete seconded by Mr. Dale to approve the minutes of the February 24, 2021 Board of Adjustment meeting. The motion passed unanimously by a 5 to 0 vote.

Executive Session Agenda

5. Executive Session.

An Executive Session was not held at this meeting.

6. Adjournment.

MOTION: A motion was made by Ms. Rizos, seconded by Mr. Dale to adjourn the meeting at 7:05 pm. The motion passed unanimously by a 5 to 0 vote.

Tom Redman, Chairman

Stacy Henderson, City Secretary