



## AGENDA

### Board of Adjustment Meeting

December 15, 2021 | 6:30 PM

Council Chambers | Video Conference

City Hall | 665 Country Club Road, Lucas, Texas

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*Notice is hereby given that a regular meeting of the Board of Adjustments of the City of Lucas will be held on Wednesday, December 15, 2021, at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651 and by video conference, at which time the following agenda will be discussed.*

To join the meeting, please click this URL:

and enter your name and email address.

<https://us06web.zoom.us/j/93183020358?pwd=aGpYVEpzWmZZNkNRb2QyT3NqTWFGQT09>

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](mailto:shenderson@lucastexas.us) by 4:00 pm noting the item you wish to speak on and noting your attendance will be remote. Please note, any requests received after 4:00 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](mailto:shenderson@lucastexas.us) by no later than 4:00 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 4:00 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

## Public Hearing

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1. Public hearing to consider the request by Michael Carnes for a variance from the literal interpretation of the City's Code of Ordinances to allow a no-climb horse fence to act as a pool barrier for a parcel of land located at 120 Winding Creek, in Winding Creek Reserve, Block A, Lot 8 being all of a 2.0220-acre tract of land in the City of Lucas Texas. **(Development Services Director Joe Hilbourn)**
  - A. Accept Applicant's Request for Withdrawal.
  
2. Public hearing to consider the request by Chad and Julie Armstrong for a variance from the City's Code of Ordinances front yard setbacks from the required 50 feet to 47 feet on a parcel of land located at 1155 Christian Lane, ABS A0231 F W Capps Survey, Tract 8, 4.03 acres. **(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 approval of the minutes of the September 22, 2021, Board of Adjustment meeting. **(City Secretary Stacy Henderson)**

## Executive Agenda

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*As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission 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.*

4. Executive Session: An Executive Session is not scheduled for this meeting.
5. 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 December 7, 2021.*

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*Stacy Henderson, 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 Stacy Henderson at 972-912-1211 or by email at [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) at least 48 hours prior to the meeting.*



# City of Lucas

## Board of Adjustments Agenda Request

### December 15, 2021

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Public hearing to consider the request by Michael Carnes for a variance from the literal interpretation of the City's Code of Ordinances to allow a no-climb horse fence to act as a pool barrier for a parcel of land located at 120 Winding Creek, in Winding Creek Reserve, Block A, Lot 8 being all of a 2.0220-acre tract of land in the City of Lucas Texas.

- A. Accept Applicant's Request for Withdrawal.

#### **Background Information**

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The applicant has requested this item be withdrawn from the agenda.

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

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NA

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

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NA

#### **Recommendation**

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Staff recommends accepting the applicant's request for withdrawal.

#### **Motion**

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I make a motion to approve the request for withdrawal by property owner Michael Carnes.



# City of Lucas

## Board of Adjustments Agenda Request

### December 15, 2021

Requester: Development Services Director Joe Hilbourn

### **Agenda Item Request**

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Public hearing to consider the request by Chad and Julie Armstrong for a variance from the City's Code of Ordinances front yard setbacks from the required 50 feet to 47 feet on a parcel of land located at 1155 Christian Lane, ABS A0231 F W Capps Survey, Tract 8, 4.03 acres.

- 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 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 reduction in front yard setbacks from the required 50 feet to 47 feet. The structure is currently legal non-conforming and located within the current setback and because alterations to the structure are being requested, the structure is required to come into compliance with setback regulations.

The City's Code of Ordinances, Division 3, R2 Single-Family Residential District states the following:

Sec.14.03.113 Area\_regulations

(A) Size of yards.

- (1) Front yard. There shall be a front yard having a depth of not less than fifty feet (50'). Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No required parking shall be allowed within the required front yard.

### **Attachments/Supporting Documentation**

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- 1. Public Hearing Notice
- 2. Location Map
- 3. Variance Application
- 4. Site Plan

### **Budget/Financial Impact**

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NA



**City of Lucas**  
**Board of Adjustments Agenda Request**  
**December 15, 2021**

**Recommendation**

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Staff recommends denial of the request as it does not meet current City regulations.

**Motion**

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I make a motion to approve/deny the request by Chad and Julie Armstrong for a variance from the City's Code of Ordinances front yard setbacks from the required 50 feet to 47 feet on a parcel of land located at 1155 Christian Lane, ABS A0231 F W Capps Survey, Tract 8, 4.03 acres.



## 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 December 15, 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 Chad and Julie Armstrong for a variance from the city's code of ordinances for front yard setbacks from the required 50' to 47' on a parcel of land located at 1155 Christian Lane, ABS A0231 F W Capps Survey, Tract 8, 4.03 acres.

### Sec.14.03.113 Area regulations

#### (A) Size of yards.

(1) Front yard. There shall be a front yard having a depth of not less than fifty feet (50'). Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No required parking shall be allowed within the required front yard.

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, contact Joe Hilbourn at [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).

# Location Map

1155 Christian Lane





# APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

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

FEE: \$450.00

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

SUBMITTED BY: Name: Chad & Julie Armstrong  
Address: 1155 Christie Lane  
City: Lucas State: TX Zip: 75002  
Phone: 214-802-2768

**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:

Conversion of existing accessory  
structure. Current structure is non-climate controlled  
pole barn. Property owner would like to convert a  
portion of the building to habitable space. The proposed  
square footage of this habitable space is less than the  
amount allowed by code. The ~~current~~ current veneer  
(barn wood) & roof will remain to maintain rustic appeal.  
Exterior modifications will be limited to doors & windows.  
Enhancement of ground maintenance may be needed.



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, appearing to be "John A. [unclear]", written over a horizontal line.

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

DATE: 11/10/21 \_\_\_\_\_

If not granted by the Board, state reason why:

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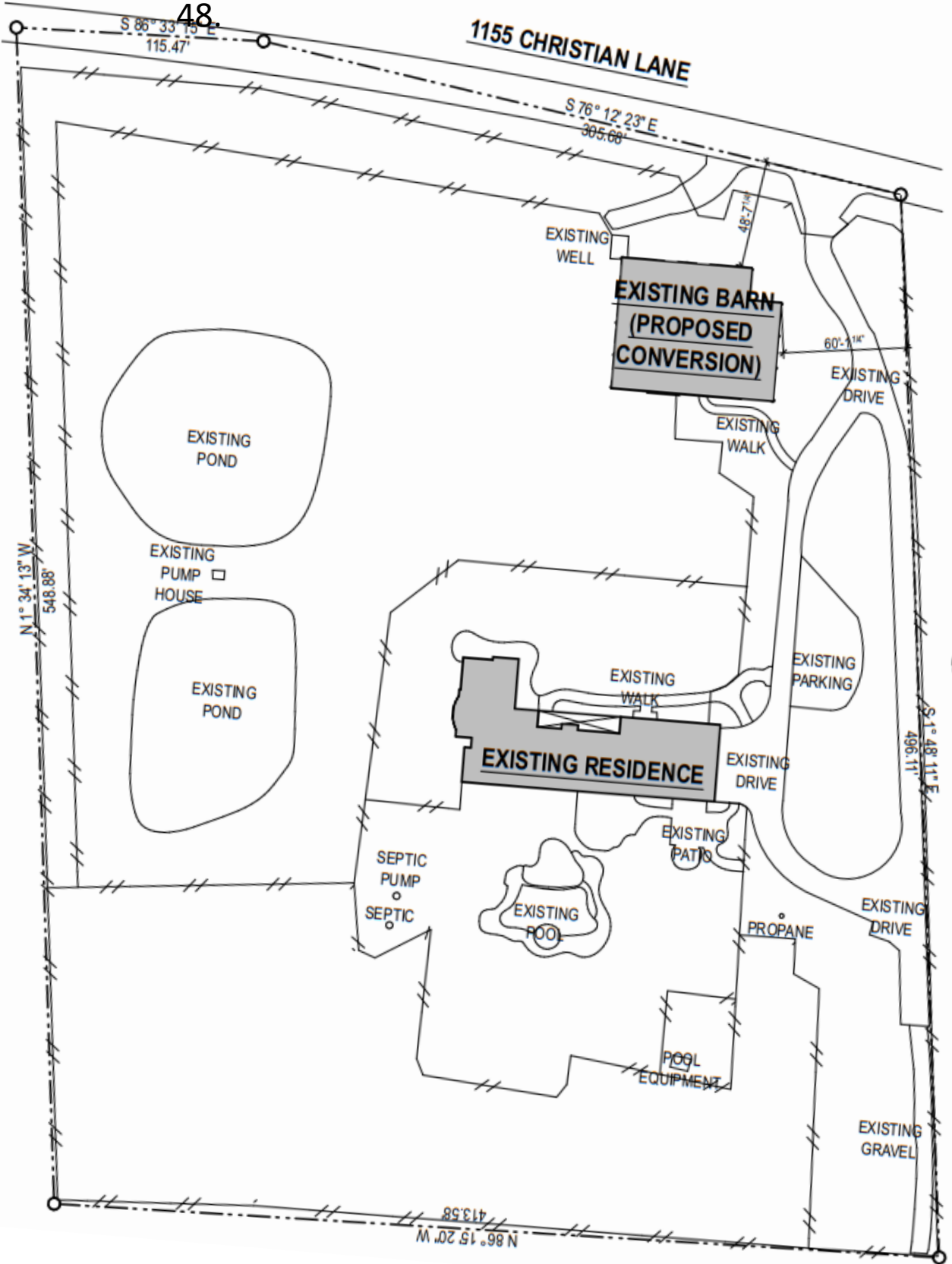
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CHAIRMAN

48.

1155 CHRISTIAN LANE





**City of Lucas**  
**Board of Adjustment Agenda Request**  
**December 15, 2021**

Item No. 03

Requester: City Secretary Stacy Henderson

**Agenda Item Request**

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Consider approval of the minutes of the September 22, 2021, Board of Adjustment meeting.

**Background Information**

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NA

**Attachments/Supporting Documentation**

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1. September 22, 2021, Board of Adjustment 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 the minutes of the September 22, 2021, Board of Adjustment meeting.



**City of Lucas  
Board of Adjustment**

Regular Meeting  
September 22, 2021  
6:30 PM

City Hall – 665 Country Club Road – Lucas, Texas

**MINUTES**

**Call to Order**

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Chairman Redman called the meeting to order at 6:30 pm and led the Pledge of Allegiance.

**Members Present:**

Chairman Tom Redman  
Brian Stubblefield  
Brian Dale  
Brenda Rizos (*attended remotely*)

**Staff Present:**

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

**Members Absent:**

Alternate Member Michael Dunn  
Alternate Member Sean Watts  
Vice Chairman Ron Potete

**Public Hearing Agenda**

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- 1. Public hearing to consider the request by Ranysha and Jakeem Grant 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 percent see through for a parcel of land located at 1090 Peppy San Trail, in Lakeview Downs, Block D, Lot 14 being a 1.3090-acre tract of land in the City of Lucas, Texas.**

Development Services Director Joe Hilbourn gave presentation, reviewed the timeline of the fence permitting process, and discussed the HOA guidelines submitted by Paul Taylor Homes for the Lakeview Downs subdivision. He noted the guidelines were not part of the permitting process.

Chairman Redman opened the public hearing at 6:40 pm, identified all witnesses that would be presenting before the Board, including City staff members, and conducted the swearing in process for all witnesses.

Rayysha Grant, 1090 Peppy San Drive, discussed approvals obtained from the HOA to build a fence prior to construction. After the fence was completed, she was informed by the HOA of the City's fencing requirements. Ms. Grant explained that they had trained dogs did not want to them to get loose and would like additional privacy.

The following individuals spoke or submitted comments regarding this request:

- Richard James, 1065 Peppy San Drive, noted his attendance to view the meeting, he had no comments opposed or in favor.
- Paul Taylor Homes submitted a letter of opposition.

The public hearing was closed at 6:45 pm.

After some discussion the following motion was made.

**MOTION:** A motion was made by Mr. Dale seconded by Ms. Rizos to deny the variance request from 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 percent see through for a parcel of land located at 1090 Peppy San Trail, in Lakeview Downs, Block D, Lot 14 being a 1.3090-acre tract of land in the City of Lucas, Texas. The motion to deny the variance request passed unanimously by a 4 to 0 vote.

## **Regular Agenda**

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### **2. Consider approval of the minutes of the August 25, 2021, Board of Adjustment meeting.**

**MOTION:** A motion was made by Ms. Rizos seconded by Mr. Stubblefield to approve the minutes of the August 25, 2021, Board of Adjustment meeting. The motion passed unanimously by a 4 to 0 vote.

## **Executive Session Agenda**

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### **3. Executive Session.**

An Executive Session was not held at this meeting.

### **4. Adjournment.**

Chairman Redman adjourned the meeting at 6:50 pm.

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Tom Redman, Chairman

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Stacy Henderson, City Secretary