



AGENDA

Board of Adjustment Meeting

March 23, 2022 | 6:30 PM

Council Chambers | Video Conference

City Hall | 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, March 23, 2022, 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:

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

and enter your name and email address.

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 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 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

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

Public Hearing

1. Public hearing to consider the request by Aziz Aghayev for a variance from the City’s Code of Ordinances to reduce the 50-foot easement/lot dedication to a 30-foot width in a separate lot dedicated to the homeowners association with an additional 10-foot access, utility and drainage easement on both sides of the dedication to the homeowners association, and retain as part of the lot for a parcel of land located at 920 West Forest Grove Road (ABS A0506 John W. Kerby Survey, Tract 19, 2.385 acres) and 950 West Forest Grove Road (ABS A0506 John W. Kerby Survey, Tract 13, 7.333 acres) in the City of Lucas Texas. **(Building Inspector Scott DeJong)**
 - 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 December 15, 2021, Board of Adjustment meeting. **(City Secretary Stacy Henderson)**

Executive Agenda

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.

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

Certification

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 on or before 5:00 p.m. on March 18, 2022.

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 at least 48 hours prior to the meeting.



City of Lucas

Board of Adjustments Agenda Request

March 23, 2022

Requester: Building Inspector Scott DeJong

Agenda Item Request

Public hearing to consider the request by Aziz Aghayev for a variance from the City's Code of Ordinances to reduce the 50-foot easement/lot dedication to a 30-foot width in a separate lot dedicated to the homeowners association with an additional 10-foot access, utility and drainage easement on both sides of the dedication to the homeowners association, and retain as part of the lot for a parcel of land located at 920 West Forest Grove Road (ABS A0506 John W. Kerby Survey, Tract 19, 2.385 acres) and 950 West Forest Grove Road (ABS A0506 John W. Kerby Survey, Tract 13, 7.333 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 City's Board of Adjustments has received a request for a variance from the literal interpretation of the City's Code of Ordinances to reduce the 50-foot easement/lot dedication to a 30-foot width in a separate lot dedicated to the homeowners association with an additional 10-foot access, utility and drainage easement on both sides of the dedication to the homeowners association and retain as part of the lot.

The City's Code of Ordinances, Chapter 10 Subdivisions, Division 4. Standards and Requirements, Section 10.03.123 Streets and Drainage –state the following:

- (b) Private roads. The following are required for private roads:
 - (2) A minimum width of fifty (50) feet and contained within an access, drainage, and utility easement.
 - (3) Shall be in a separated lot dedicated to and maintained by a homeowners association.

Attachments/Supporting Documentation

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

Budget/Financial Impact

NA



City of Lucas
Board of Adjustments Agenda Request
March 23, 2022

Recommendation

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

Motion

I make a motion to approve/deny the request by Aziz Aghayev for a variance from the City's Code of Ordinances to reduce the 50-foot easement/lot dedication to a 30-foot width in a separate lot dedicated to the homeowners association with an additional 10-foot access, utility and drainage easement on both sides of the dedication to the homeowners association, and retain as part of the lot for a parcel of land located at 920 West Forest Grove Road (ABS A0506 John W. Kerby Survey, Tract 19, 2.385 acres) and 950 West Forest Grove Road (ABS A0506 John W. Kerby Survey, Tract 13, 7.333 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 March 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:

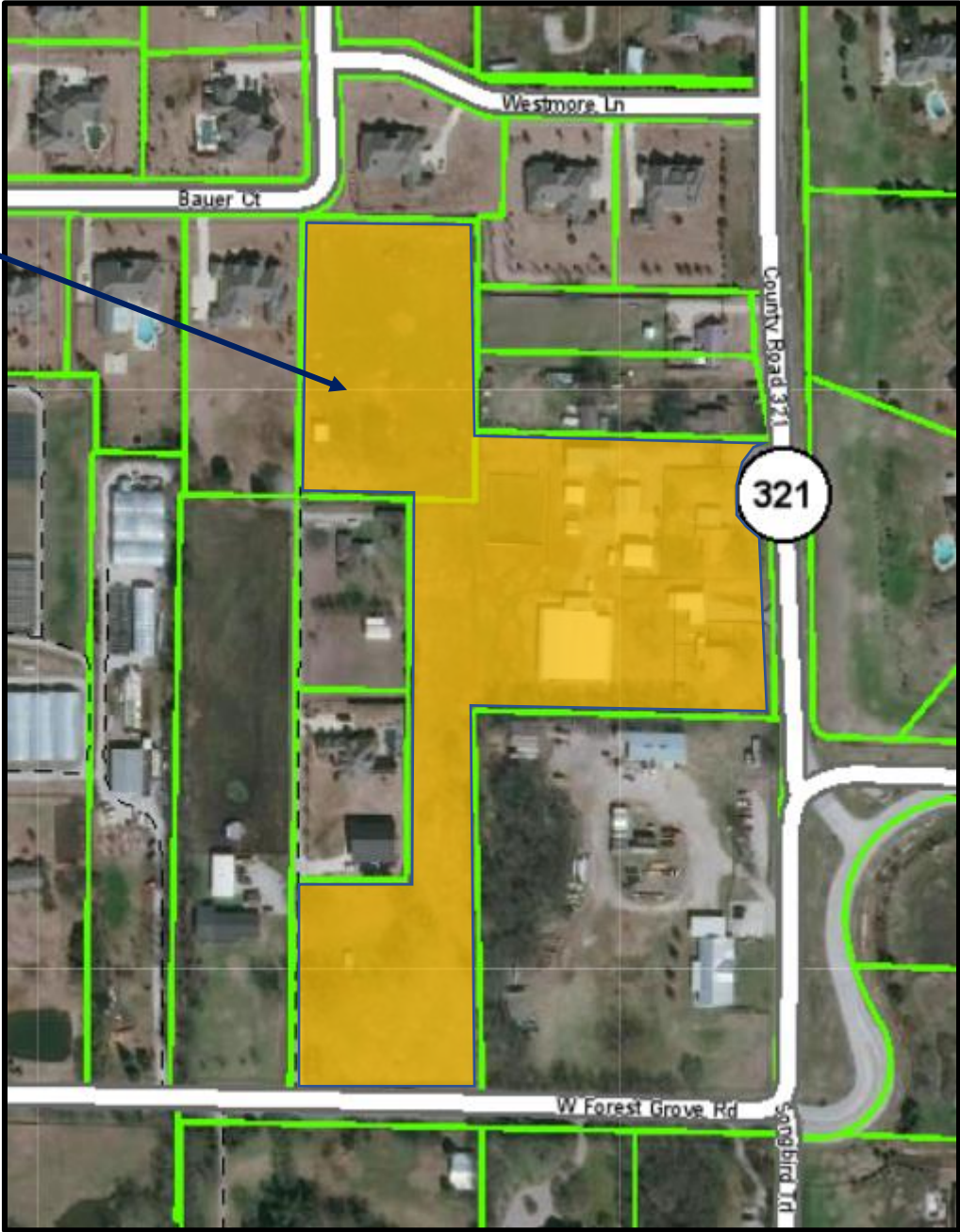
An application submitted by Aziz Aghayev for a variance from the literal interpretation of the City's Code of Ordinances to reduce the 50' easement/lot dedication to a 30' width in a separate lot dedicated to the HOA with an additional 10' access, utility and drainage easement on both sides of the dedication to the HOA, and retained as part of the lot for a parcel of land located at 920 W Forest Grove Road (ABS A0506 JOHN W KERBY SURVEY, TRACT 19, 2.385 ACRES) and 950 W Forest Grove Road (ABS A0506 JOHN W KERBY SURVEY, TRACT 13, 7.333 ACRES) in the City of Lucas Texas.

The City's Code of Ordinances, Chapter 10 Subdivisions, Division 4. Standards and Requirements, Section 10.03.123 Streets and Drainage –state the following:

- (b) Private roads. The following are required for private roads:
- (2) A minimum width of fifty (50) feet and contained within an access, drainage, and utility easement;
 - (3) Shall be in a separated lot dedicated to and maintained by an HOA;

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.

**Preliminary Concept Plan
Location Map**





APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 01/28/2022

FEE: \$450.00

APPEAL # _____

SUBMITTED BY: Name: Forest Grove Lucas LLC
Address: 3810 Marchwood Rd
City: Richardson State: TX Zip: 75082
Phone: 857-999-1234

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:

Requesting a variance to the Subdivision Ordinance, Section 10.03.123, "Streets and Drainage", Sub-Section B(2) and B(3), "Private Roads", requiring a minimum 50' easement and separate lot dedication to the HOA.

This tract has narrow frontage along CR 321, which, along with the road requirement, does not allow for reasonable development of the property. Our request is to reduce the 50' easement/lot dedication to a 30' width with an additional 10' access, utility and drainage easement on both sides of the dedication. This variance would allow the proposed single family lots to adhere to the size requirements within the R1 zoning category.

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:

Aziz Aghayev

DECISION OF THE BOARD: _____

DATE: _____

If not granted by the Board, state reason why:

CHAIRMAN



Planning & Zoning Application Fee Breakdown

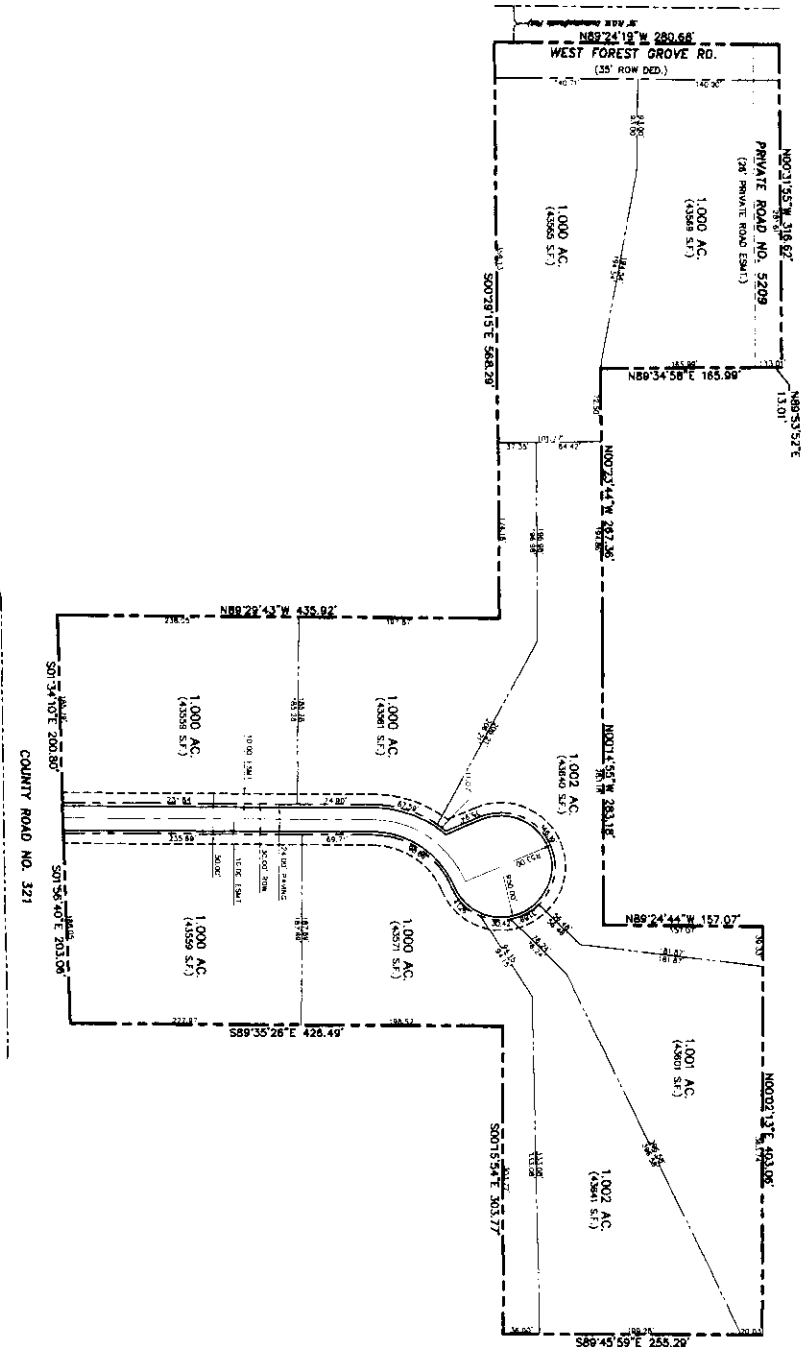
Development Name: Forest Grove LLC

Development Address: County Road 321

G/L	TRAN		\$	_____
4361	361.1	Initial Zoning	\$	_____
4361	361.2	Rezoning	\$	_____
4362	362	Specific Use Permit	\$	_____
4363	363	Waiver/Variance Request	\$	<u>450.00</u>
4390.1	390.1	Site Plan	\$	_____
4390.2	390.2	Tree Survey/Conservation Plan	\$	_____
4390.3	390.3	Architectural Plan	\$	_____
4390.4	390.4	Landscape Plan	\$	_____
4424	424.1	Preliminary Plat	\$	_____
4424	424.2	Final Plat	\$	_____
4424	424.3	Replat	\$	_____
4424	424.4	Vacation of Plat	\$	_____
4424	424.5	Optional Land Study	\$	_____
4424	424.6	Filing Fees	\$	_____
4427	427	Public Improvements/3% Construction	\$	_____
4980	980	Park ProRata/Dedication Fee	\$	_____

Total Amount Due \$ 450.00

Official Use Only: Received by: <u>DRB</u>	Date: <u>2/7/22</u>
Processed by: _____	Date: _____
Received Monies from: <u>Vibrant Builders</u>	Check # <u>1624</u> Cash _____ CC _____



PRELIMINARY CONCEPT PLAN 2

CANDOR BUILDERS
LUCAS, TEXAS

Middleton PROJECT ENGINEER & Associates, LLC.
CONSULTING CIVIL ENGINEERS & LAND PLANNERS
TYPE # 1-0000
10000 COUNTY ROAD 321, BOX 202
LUBBOCK, TEXAS 79601 (972) 952-8800

NO.	DATE	REVISION	BY

Drawing Title: 011000CONCEPT2.DWG
Project No.: 0111001

DATE: 1-31-22
SCALE: 1"=50'

DATE: 1-31-22
SCALE: 1"=50'

THIS PLAN IS THE PROPERTY OF MIDDLETON PROJECT ENGINEER & ASSOCIATES, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MIDDLETON PROJECT ENGINEER & ASSOCIATES, LLC.

NOTED:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



City of Lucas
Board of Adjustment Agenda Request
March 23, 2022

Item No. 02

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the December 15, 2021, Board of Adjustment meeting.

Background Information

NA

Attachments/Supporting Documentation

1. December 15, 2021, Board of Adjustment minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the December 15, 2021, Board of Adjustment meeting.



MINUTES

BOARD OF ADJUSTMENT MEETING

December 15, 2021 | 7:00 PM

Council Chambers | Video Conference

City Hall | 665 Country Club Road, Lucas, Texas

Call to Order

The meeting was called to order at 6:30 pm. It was determined that a quorum was present and the Pledge of Allegiance was recited.

Commissioners Present:

Vice Chairman Ron Poteete
Member Brian Stubblefield
Member Brian Dale
Member Brenda Rizos (*remote*)
Alternate Member Michael Dunn
Alternate Member Sean Watts

Staff Present:

Assistant to the City Manager Kent Souriyasak
Development Services Director Joe Hilbourn
City Secretary Stacy Henderson
City Attorney Courtney Morris (*remote*)
Building Inspector Scott DeJong

Members Absent:

Chairman Tom Redman

City Council Liaison Present:

Mayor Pro Tem Kathleen Peele

Public Hearing

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.**

Vice Chairman Ron Poteete stated that the applicant had requested that they withdraw their request.

MOTION: A motion was made by Alternate Member Michael Dunn, seconded by Member Brian Dale to approve the request for withdrawal by the property owner Michael Carnes. The motion passed unanimously by a 5 to 0 vote

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.**

Building Inspector Scott DeJong gave a presentation on the request for a variance of the City’s Code of Ordinances and informed the Board of Adjustment of the requirements laid out by the ordinances.

The Board Members asked for further clarification on the feet length on the property regarding the setbacks.

Chad Armstrong, 1155 Christian Lane, was speaking in favor of the request. Mr. Armstrong stated that the barn is used for horses, stalls, and hay. Mr. Armstrong stated that they would like to turn the barn into an area where they can have a living area, kitchen, and bedroom. Mr. Armstrong gave the board copies of the potential layout for the barn.

Craig Fisher, 1280 Christian Lane, was speaking in opposition of the request. Mr. Fisher stated that the request does not comply with the City's Code of Ordinances and spoke of the different ordinances that the building in question is in violation of.

Public comment closed at 6:54 pm.

Board Member Michael Dunn asked for clarification from City Staff on the Ordinance Sec. 14.04.176. Development Services Director Joe Hilbourn provided clarification and stated the ordinances as why the City Staff had denied the variance request.

Vice Chairman Ron Poteete went through the Guidelines for Granting a Variance and asked for the Board to give their opinions on the guidelines. City Attorney Courtney Morris went over legal information regarding Texas House Bill 1475 and how it may impact this item.

MOTION: A motion was made by Member Brian Stubblefield, seconded by Member Brian Dale to 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. The motion passed unanimously by a 5 to 0 vote

Regular Agenda

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

MOTION: A motion was made by Member Brian Dale, seconded by Member Brenda Rizo to approve the minutes as written. The motion passed unanimously by a 5 to 0 vote.

4. Adjournment.

No motion was made on this item. Vice Chairman Ron Poteete called to close the meeting at 7:06pm.

Peggy Rusterholtz, Chairman

Stacy Henderson, City Secretary