AGENDA



Board of Adjustment Meeting

May 25, 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, May 25, 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. As authorized by Section 551.071 of the Texas Government Code, the City Council may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting. Pursuant to Texas Government Code 551.127, one or more members of the governing body may appear via videoconference call.

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 shear.org shear.org would like to attend a meeting remotely and speak via Zoom, email the City Secretary at shear.org shear.org would like to attend a meeting the item you wish to speak on and noting your attendance will be remote. Please note, any requests received after 3:30 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 3:30 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 3:30 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 Mohammad Dezfoolian for a variance from the City's Code of Ordinances to reduce the lot size of a commercial business to less than required for the lot located at 175 Southview Drive, ABS A0017 James Anderson Survey, Sheet 1, Tract 41, 0.5399 acres. (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 March 23, 2022, 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 May 19, 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.

Item No. 01



City of Lucas Board of Adjustments Agenda Request May 25, 2022

Requester: Building Inspector Scott DeJong

Agenda Item Request

Public hearing to consider the request by Mohammad Dezfoolian for a variance from the City's Code of Ordinances to reduce the lot size of a commercial business to less than required for the lot located at 175 Southview Drive, ABS A0017 James Anderson Survey, Sheet 1, Tract 41, 0.5399 acres.

- 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 lot size of a commercial business located at 175 Southview, Lucas Food Mart. The Lucas Food Mart is a legal lot of record that is smaller than the minimum lot size permitted in a Commercial District. TxDOT is widening the intersection of East and West Lucas Road, forcing the septic system to be moved. The move of the septic system will require additional land, which will require replatting. In June of 2011, a variance was granted to reduce the south-side setback to allow for the installation of a new walkin cooler.

The City's Code of Ordinance Chapter 14, Article 14.03 Districts, Division 7, Commercial Business District, Section 14.03.353, Development regulations – states the following:

(3) Minimum lot area. The minimum area for lots in the commercial business district shall be thirty thousand (30,000) square feet on lots with access to city sewer, lots without access to city sewer shall be a minimum of 43,560 square feet exclusive of all street rights-of-way and the designated 100-year floodplain as determined by a registered survey. (Ordinance 2015-08-00816 adopted 8/20/15)

Attachments/Supporting Documentation

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

Budget/Financial Impact

Item No. 01



City of Lucas Board of Adjustments Agenda Request May 25, 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 Mohammad Dezfoolian for a variance from the City's Code of Ordinances to reduce the lot size of a commercial business to less than required for the lot located at 175 Southview Drive, ABS A0017 James Anderson Survey, Sheet 1, Tract 41, 0.5399 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 May 25, 2022, 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 Mohammad Dezfoolian for a variance from the City's Code of Ordinances reducing the required minimum lot size of 1 acre to .5300 acres for a lot located at 175 Southview Drive, ABS A0017 James Anderson Survey, Sheet 1, Tract 41 and more commonly known as 175 Southview Drive, Lucas, Texas.

The City's Code of Ordinances Chapter 14, Article 14.03 Districts, Division 7, Commercial Business District, Sec. 14.03.353, Development regulations – state the following:

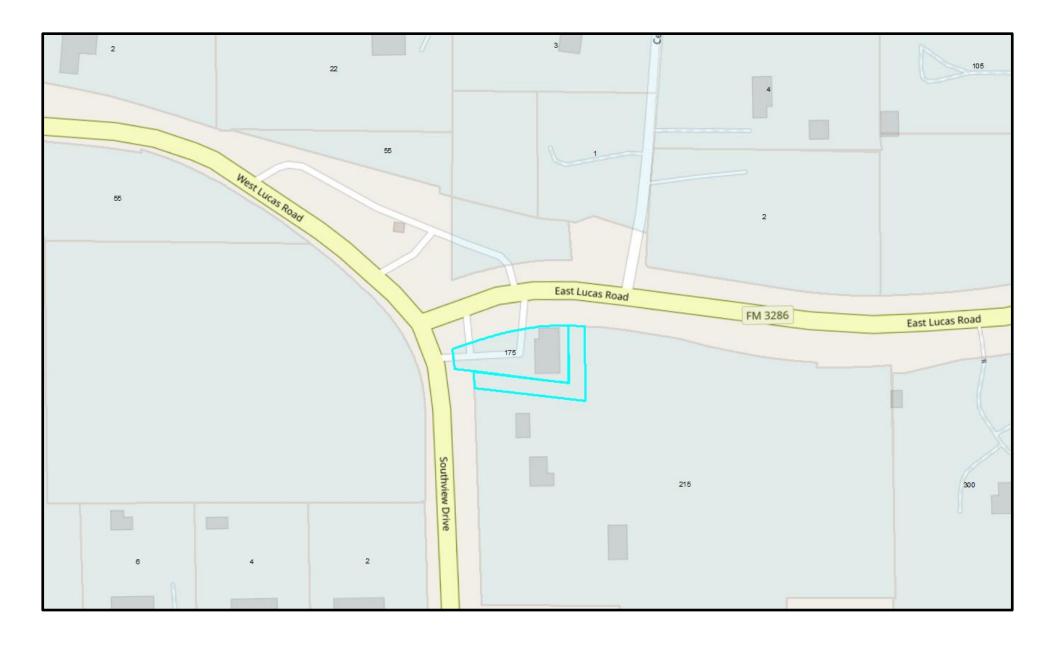
(3) Minimum lot area. The minimum area for lots in the commercial business district shall be thirty thousand (30,000) square feet on lots with access to city sewer, lots without access to city sewer shall be a minimum of 43,560 square feet exclusive of all street rights-of-way and the designated 100-year floodplain as determined by a registered survey.

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.



LOCATION MAP: 175 Southview Dr





APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS



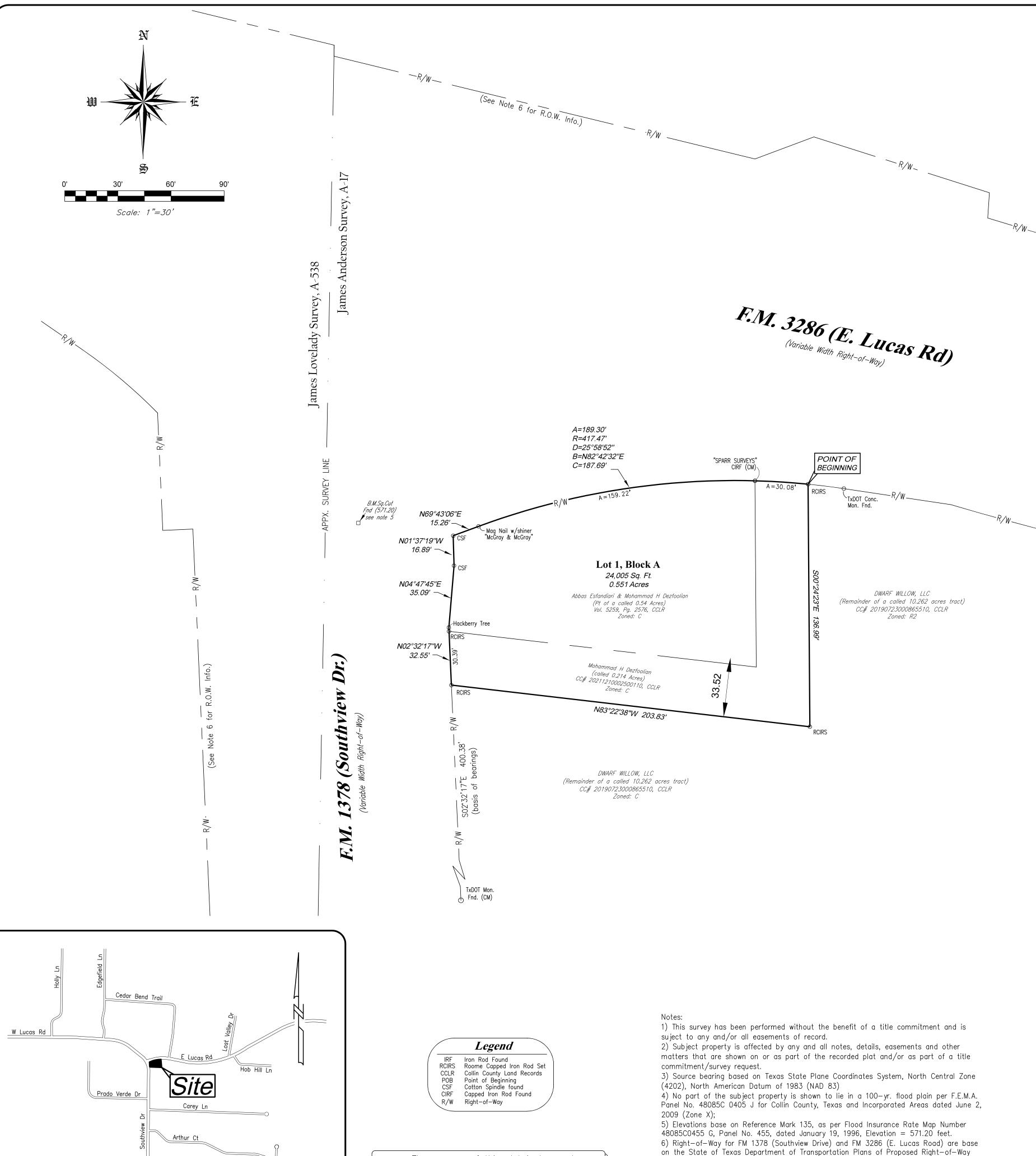
DATE: 4-25-222 FEE: \$450.00
SUBMITTED BY: Name: Luca) Food mart/ Mohammad Dezfoolian
Address: 175 South View 01
City: Luca State: TX Zip: 7500L
Phone: 469-774-7313
FILING DEADLINE: An appeal shall be filed with the Board within ten (10) days are the decision of the Enforcing Officer. Every appeal shall 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:
The special exception for use or development of property on which the Board is required to act. 1. For a special exception for use or development of property on which the Board is required to act.
1. For a special exception for use of development of the Ordinance in order to achieve a reasonable 2. For a variance from the literal enforcement of the Ordinance in order to achieve a reasonable development of property.
BRIEFLY DESCRIBE YOUR APPEAL:
Variance From lot Size. The Bast Sundwich
(OCOCC) TOWN
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Smaller than the minimum lot (the permitted in smaller than the minimum lot (the permitted in a smaller than the state is willowing a commercial District. The State is will any
a commercial District,
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requiring report.

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



The purpose of this plat is to create

one lot from two tracts of land.

VICINITY MAP

N.T.S.

OWNER'S CERTIFICATE

STATE OF TEXAS § COUNTY OF COLLIN §

> WHEREAS Abbas Esfandiari & Mohammad H Dezfoolian, are the owners of two tracts of land situated in the State of Texas, County of Collin and City of Lucas, being part of the James Anderson Survey, Abstract No. 17, being all of a called 0.214 acre tract of land as recorded under County Clerk No. 20211210002500110 of the Collin County Land Records, same being a part of a called 10.262 acre tract as recorded under County Clerk No. 20190723000865510 of the Collin County Land Records, and being the remainder of a called 0.54 acre tract of land as recorded in Volume 5259, Page 2576 of the Collin County Land Records with said premises being more particularly described as follows:

> BEGINNING at a Roome capped iron rod set in the curving southerly right—of—way line of F.M. 3286 (E Lucas Road, variable width right-of-way) the north line of a said 10.262 acre tract, marking the northeast corner of said 0.214 acre tract, and the northeast corner of the herein described premises, from which a "SPARR SURVEY" capped iron found marking the northwest corner of said 0.214 acre tract, and the northeast corner of said 0.54 acre tract, bears North 86°21'54" West, 30.07 feet;

> THENCE with the east line of said 0.214 acre tract, crossing through said 10.262 acre tract, same being the east line of said premises, South 00°24'23" East, 136.99 feet to a Roome capped iron rod set marking the southeast corner of said 0.214 acre tract, and said premises;

THENCE continuing to cross through said 10.262 acre tract, same being the south line of said 0.214 acre tract, and said premises, North 83°22'38" West, 203.83 feet to a Roome capped iron rod set in the east right—of—way line of F.M. 1378 (Southview Drive, Variable width right—of—way), marking the southwest corner of said 0.214 acre tract, and said premises, from which a TxDOT monument found for reference bears South 02°32'17" East, 400.38 feet, (basis of bearings);

THENCE continuing to cross through said 10.262 acre tract and said 0.54 acre tract, same being the east right—of—way line of F.M. 1378, the west line of said 0.214 acre tract, and said premises as follows: North 02°32'17" West, passing at 30.39 feet to a Roome capped iron rod found in the south line of said 0.54 acre tract, the north line of said 10.262 acre tract, and marking the most westerly northwest corner of said 0.214 acre tract, and continuing for a total distance 32.55 feet to a point in a Hackberry tree; North 04°47'45" East, 35.09 feet to a cotton spindle found for an angle break; North 01°37'19" West, 16.89 feet to a cotton spindle found for corner in the north line of said 0.54 acre tract, at the intersection of the east right-of-way line of F.M. 1378 with the south right—of—way line of F.M. 3286, and marking the northwest corner of said premises;

THENCE with the southerly right-of-way line of F.M. 3286, the north line of said 0.54, 0.214, and 10.262 acre tracts, same being the north line of said premises as follows:, North 69°43'06" East, 15.26 feet to a "McGray & McGray" Mag Nail with shiner found marking the beginning of a cure to the right; northeasterly along said curve having a central angle of 25°58'52", for an arc distance of 189.30 feet, with a radius of 417.47 feet (chord = North 82°42'32" East, 187.69 feet) to the place of beginning and containing 24,005 square feet or 0.551 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That We, Abbas Esfandiari & Mohammad H Dezfoolian, Owners, do hereby bind themselves and their heirs, assignees and successors of title this plat designating the hereinabove described property as a Final Plat of Lucas Food Store, Lot 1, Block A, an addition to the City of Lucas, and do hereby dedicate to the City of Lucas forever the streets, alleys, and right-of-way easements shown thereon, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any City of Lucas shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing. reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. Additionally, we certify that we are the sole owners of the dedicated property and that no other's interest are attached to this property unless otherwise indicated on the require Mortgage Holder Certification that is included on this plat. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas, Texas.

Witness our hands at LUCAS, Texas.

Abbas Esfandiari Mohammad H Dezfoolian

STATE OF TEXAS § COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Abbas Esfandiari, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2022.

Notary Public in and for the State of Texas

Printed Name

STATE OF TEXAS § COUNTY OF COLLIN §

Printed Name

Project number C.C.S.J.: 1392-01-044 / R.C.S.J.: 1392-01-049, (sheet No. 7).

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Mohammad H Dezfooliant, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2022.

Notary Public in and for the State of Texas

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, F. E. Bemenderfer, do hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission.

Not for Recording Purposes

F. E. Bemenderfer Jr. Registered Professional Land Surveyor No. 4051



STATE OF TEXAS § COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared F. E. Bemenderfer Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ___ day of _____, 2022.

Notary Public in and for the State of Texas

Printed Name

CITY APPROVAL CERTIFICATE

This plat is hereby approved by the Director of Planning and Community Development of the City of Lucas, Texas, in accordance with the Lucas Development Code, Review & Approval Procedures.

Director of Planning and Community Development Date

ATTEST:

Signature Date

Print Name & Title

The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Lucas Development Code and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his approval is required.

Director of Public Works Date

Final Plat Lucas Food Store Lot 1, Block A

Zoned : C

Being part of a called 0.54 Acre Tract Recorded in Volume 5259, Page 2576, & all of a 0.214 Acre Tract Recorded under CC# 20211210002500110, C.C.L.R James Anderson Survey, Abstract No. 17 City of Lucas, Collin County, Texas April 8, 2022

Abbas Esfandiari & Mohammad H Dezfoolian 175 Southview Drive Lucas, Tx 75002 469-774-7313 email: d91arian@yahoo.com

Roome Land Surveying 2000 Ave G, Suite 810 Plano, Tx 75074 (972) 423-4372 Attn: Fred Bemenderfer email:fredb@roomeinc.com P:/AC/2021Q1/AC873327.dwg

Roome Land Surveying 2000 Avenue G, Suite 810 Plano, Texas 75074 Phone (972) 423-4372 / Fax (972) 423-7523 www.roomesúrveying.com / Firm No. 10013100

Item No. 02



City of Lucas Board of Adjustment Agenda Request May 25, 2022

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the March 23, 2022, Board of Adjustment meeting.

Background Information

NA

Attachments/Supporting Documentation

1. March 23, 2022, Board of Adjustment minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the March 23, 2022, Board of Adjustment meeting.

MINUTES



BOARD OF ADJUSTMENT MEETING

March 23, 2022 | 6:30 PM

Council Chambers | Video Conference City Hall | 665 Country Club Road, Lucas, Texas

Call to Order

The meeting was called to order at 6:41 pm. It was determined that a quorum was present, and the Pledge of Allegiance was recited.

Members Present:

Chairman Tom Redman Vice Chairman Ron Poteete Member Brian Dale Member Brenda Rizos (attended remotely) Alternate Member Sean Watts

Members Absent:

Member Brian Stubblefield Alternate Member Michael Dunn

Staff Present:

City Manager Joni Clarke
Development Services Director Joe Hilbourn
City Secretary Stacy Henderson
City Attorney Courtney Morris (attended remotely)
Building Inspector Scott DeJong

City Council Liaison Present:

Mayor Pro Tem Kathleen Peele

Public Hearing Agenda

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 discussed the variance request noting that a 50-foot easement would be provided as part of the development, but the applicant was requesting only 30 feet be dedicated to the homeowners association.

The public hearing was opened at 6:50 pm and the following individuals came forward to speak:

- Roger Smith, 2750 Bauer Court, asked questions related to lot configuration and if the easement would be developed as a lot.
- Javier Vega, 960 Forest Grove Road, discussed drainage for the site.
- Jason Ellison, 755 Palomino, discussed location of the roadway entrance to the development.

Chairman Redman read an email into the record received from Holloway Welding and Piping; 820 Forest Grove Road stating no opposition to the request.

The public hearing was closed at 7:01 pm.

After discussion from the Board members, the following motion was made.

MOTION:

A motion was made by Ms. Rizos, seconded by Mr. Dale to 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. The motion to deny passed unanimously by a 4 to 0 vote.

Regular Agenda

- 2. Consider approval of the minutes of the December 15, 2021, Board of Adjustment meeting.
- **MOTION**: A motion was made by Mr. Dale, seconded by Vice Chairman Poteete to approve the minutes of the December 15, 2021, Board of Adjustment meeting. The motion passed unanimously by a 4 to 0 vote.
- 3. Adjournment.

MOTION:	A motion was made by Vice Chairman Poteete, seconded by Ms. Rizos to adjourn the meeting at 7:07 pm. The motion passed unanimously by a 4 to 0 vote.		
Tom Redman	, Chairman	Stacy Henderson, City Secretary	