



AGENDA

Board of Adjustment Meeting

December 14, 2022 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a regular meeting of the Board of Adjustment of the City of Lucas will be held on Wednesday, December 14, 2022, at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651 at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the Board of Adjustment 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.

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.

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 eday@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 Joshua Maberry for a variance from the City's Code of Ordinances to allow an accessory building to be located within the required side yard setbacks located at 32 Woodmoor Drive, Woodmoor Addition Second Section, Lot 17. (**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 May 25, 2022 Board of Adjustment meeting. (**City Secretary Erin Day**)

Executive Agenda

As authorized by Section 551.071 of the Texas Government Code, the Board of Adjustment 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 December 9, 2022.

Erin Day, 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 Erin Day at 972-912-1211 or by email at eday@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

Board of Adjustments Agenda Request

December 14, 2022

Requester: Building Inspector Scott DeJong

Agenda Item Request

Public hearing to consider the request by Joshua Maberry for a variance from the City's Code of Ordinances to allow an accessory building to be located within the required side yard setbacks located at 32 Woodmoor Drive, Woodmoor Addition Second Section, Lot 17.

- 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 Adjustment has received a request for a variance from the literal interpretation of the City's Code of Ordinances to allow an accessory building to be located within the required side yard setbacks.

The City's Code of Ordinances, Chapter 14, Division 8, Accessory Buildings, Structures and Uses, 14.04.304 General accessory building and structures regulations, states the following:

- (3) Setbacks.
- (A) Accessory buildings.
 - (i) Front yard setback, a minimum of ten feet behind the rear build line of the main structure unless the building is attached and is designed to be architecturally compatible with the main building and constructed of similar materials as the main building. Then a fifty-foot front yard setback is required.
 - (ii) Rear yard setback, a minimum of twenty feet.
 - (iii) Side yard setbacks, a minimum of twenty feet.

Attachments/Supporting Documentation

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

Budget/Financial Impact

NA

Recommendation

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



City of Lucas
Board of Adjustments Agenda Request
December 14, 2022

Motion

I make a motion to approve/deny the request by Joshua Maberry for a variance from the City's Code of Ordinances to allow an accessory building to be located within the required side yard setbacks located at 32 Woodmoor Drive, Woodmoor Addition Second Section, Lot 17.



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 14, 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 Joshua Maberry for a parcel of land located in Woodmoor Addition Second Section, Lot 17 being all of a 1.93-acre tract of land, otherwise known as 32 Woodmoor, Lucas Texas. The request is for variance from the literal interpretation of the City's Code of Ordinance to allow an accessory building to be located within the required side yard setbacks.

The City's Code of Ordinances, Chapter 14, Division 8, Accessory Buildings, Structures and Uses, 14.04.304 General accessory building and structures regulations, states the following:

(3)

Setbacks.

(A)

Accessory buildings.

(i)

Front yard setback, a minimum of ten feet behind the rear build line of the main structure unless the building is attached and is designed to be architecturally compatible with the main building and constructed of similar materials as the main building. Then a fifty-foot front yard setback is required.

(ii)

Rear yard setback, a minimum of twenty feet.

(iii)

Side yard setbacks, a minimum of twenty 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 eday@lucastexas.us and it will be presented at the hearing. If you have any question about the request please contact Joe Hilbourn at jhilbourn@lucastexas.us.



LOCATION MAP: 32 WOODMOOR CIRCLE





NEW RESIDENTIAL & COMMERCIAL

INSPECTION REQUEST LINE
214-644-0779
PERMIT #

CITY OF LUCAS
665 Country Club Road
Lucas, TX 75002
Phone: 972-912-1206
Fax: 972-727-0091

Project Address: 32 Woodmoore Lucas Tx. Zoning: _____

Subdivision: _____ Lot: _____ Block: _____

Property Owner Name & Address: Joshua Mayberry Phone: _____

General Contractor: ISAAC MARTINEZ - CSD Exteriors Install Group Phone: 214-607-8803

Electrical Contractor: Gene Williams - DBA Phone: 977-750-8968

Plumbing Contractor: _____ Phone: _____

Mechanical Contractor: _____ Phone: _____

BUILDING INFORMATION

WORK BEING DONE		AREA IN SQUARE FEET		TYPE	
<input checked="" type="checkbox"/> NEW BLDG.	<input type="checkbox"/> INT. REMODEL	FLOOR AREA: <u>600</u>	SF	<input checked="" type="checkbox"/> SINGLE FAMILY	<input type="checkbox"/> INDUSTRIAL/WHSE.
<input type="checkbox"/> NEW BLDG. (SHELL ONLY)	<input type="checkbox"/> EXT. REMODEL	GARAGE: <u>600</u>	SF	<input type="checkbox"/> CHURCH	<input type="checkbox"/> COMMERCIAL
<input type="checkbox"/> INT. COMPLETION	<input type="checkbox"/> OTHER	PORCH: <u>0</u>	SF	<input type="checkbox"/> SCHOOL	<input type="checkbox"/> OHER
<input type="checkbox"/> ADDITION		PATIO: <u>0</u>	SF		
		TOTAL: <u>1200</u>	SF	ESTIMATED VALUE: _____	

REMARKS: _____

NOTICE TO APPLICANT: UNDER PENALTY OF INTENTIONAL MISREPRESENTATION AND/OR PERJURY, I DECLARE that I have examined and/or made this application and it is true and correct to the best of my knowledge and belief. I agree to construct said improvement in compliance with all provisions of the Ordinances of the City of Lucas, I realize that the information that I have stated hereon forms a basis for the issuance of the Building Permit herein applied for and approval of any plans in connection therewith shall not be construed to permit any construction upon said premises or use thereof in violation of any provision of the Lucas City Code or any other ordinance or to excuse the owner or his successors in from complying therewith. **WHERE NO WORK HAS BEEN STARTED WITHIN 180 DAYS AFTER THE ISSUANCE OF A PERMIT OR WHEN MORE THAN 180 DAYS LAPSES BETWEEN APPROVAL OF REQUIRED INSPECTIONS, SUCH PERMIT SHALL BE VOID.** I hereby certify that I am the OWNER at this address or that for the purposes of obtaining this approval, I am acting on behalf of the owner. All contract work on this project will be done by a contractor holding a valid privilege tax license and contractor's license issued by the State of Texas and the City of Lucas.

SIGNED: [Signature] DATE: 9-21-2022
Owner or Agent

SCOPE OF PERMIT: For new buildings and for additions to existing buildings, this permit authorizes all structural, plumbing, electrical, mechanical, work to be performed in the construction of the building or structure at this address, if done at the same time of initial construction. No separate subcontractor permits are needed for those trades. However, the permit holder is required to use only subcontractors registered with the City of Lucas where such a requirement is applicable. If this permit is obtained for work other than new buildings and additions, separate permits must be obtained by all subcontractors.

FINAL INSPECTION REQUIREMENTS: All final reports and paperwork need to be on site for final inspection, including but not limited to: backflow report, final energy report, final termite report, final grade report, septic report or other reports that may be necessary.

Subject property is _____ or is not _____ within the flood hazard area.
Required lowest floor elevation is _____.

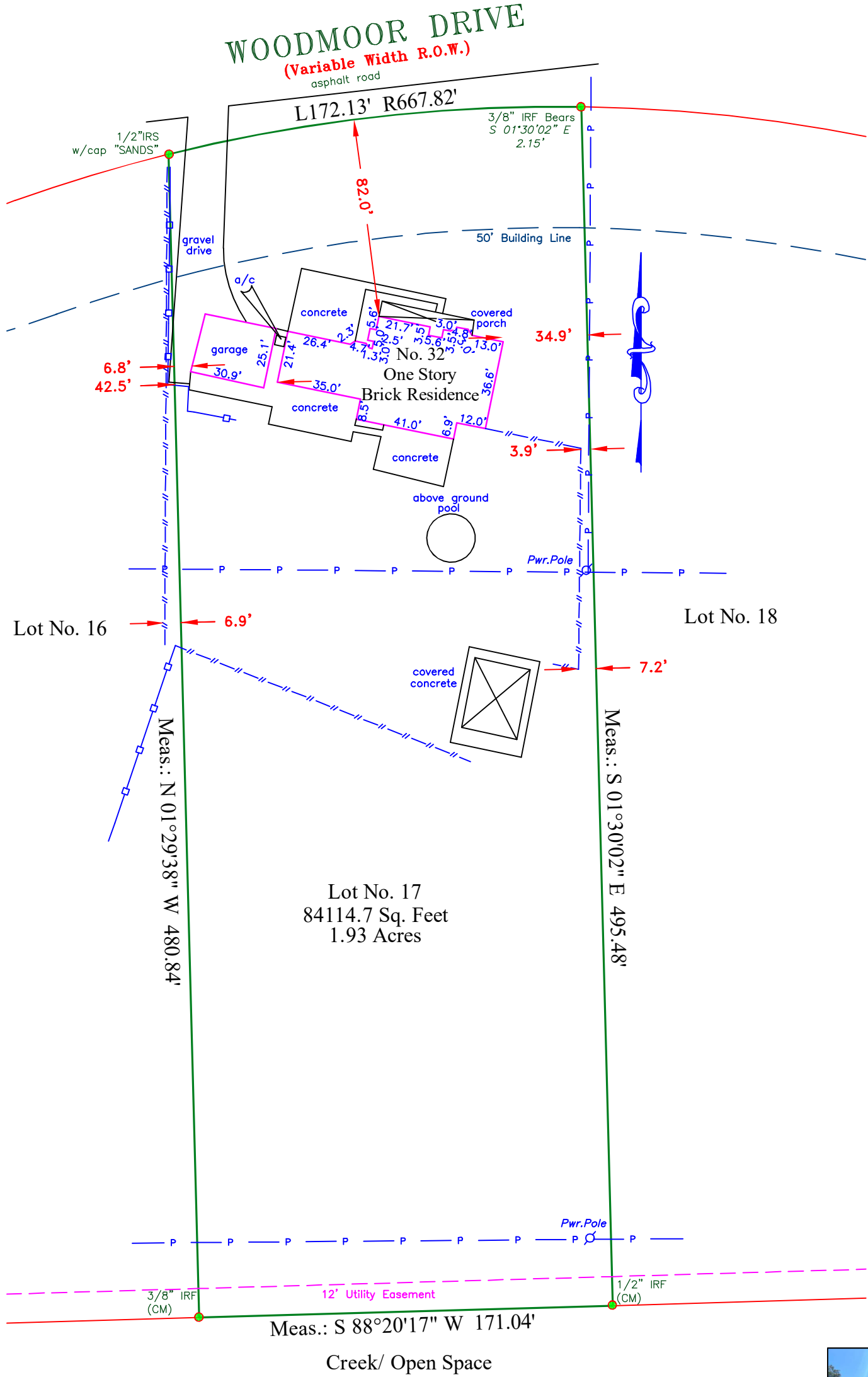
Official Use Only:	
Signature: _____	Date: _____
Received By	
Signature: _____	Date: _____
Building Official	
From: _____	Check # _____ Cash _____

For Official Use:	
Permit Fees	
Building Permit:	_____
Water Meter & Install:	_____
Water Impact Fee:	_____
Street Impact Fee:	_____
Weight Permit:	_____
Other:	_____
Total Amount Due:	_____



SURVEY PLAT

Being Lot 17, of the Woodmoor Addition Second Section, an Addition to the City of Lucas, Collin County, Texas, according to the Map or Plat thereof recorded in Volume 1285, Page 1, of the Map or Plat Records of Collin County, Texas.



G.F. No: No Title Provided

[Signature] Date: 10/14/2022

I, J. Scott Cole, Registered Professional Land Surveyor No. 5411, do hereby certify that this plat is the result of a survey made by me or under my direction on the ground of the property shown hereon, the lines and dimensions of said property being as indicated by this plat. The size, location and types of buildings and improvements are as shown, set back from the property lines the distances indicated. This survey was performed without the benefit of a current title commitment. There may be matters affecting this property that only a current title commitment would reveal. Undersigned assumes no liability for such matters. Visible and Apparent Easements, if any, are as shown. Bearing Source: All bearings are based on Texas State Plane Coordinate System, North Central Zone.



1/2 F.I.R. C.M. at the Northwest corner of Lot 15

LEGEND OF SYMBOLS & ABBREVIATIONS		
CIRS	Capped Iron Rod Set	Electric Meter
Water Meter	⊗	Electric Control Box
Fire Hydrant	⊕	Property Line
Oncor Underground Elec.	----	Adjoiner Property Line
Light Pole	⊙	Iron Fence
Power Pole	⊙	Wood Fence
Sanitary Sewer Manhole	⊙	Chain Link Fence
Concrete	▭	Barbed Wire Fence
Gas Meter	⊙	Overhead Powerline



2221 Justin Road, #119-466 Flower Mound, TX 75028
 Texas Firm Registration No. 10014600
 PH: (214) 919-7883
 www.ssctx.net



APPEAL TO THE BOARD OF ADJUSTMENT

CITY OF LUCAS

DATE: _____

FEE: \$450.00

APPEAL # _____

SUBMITTED BY: Name: Joshua Maberry
Address: 32 Woodmoor Cir
City: Lucas State: TX Zip: 75002
Phone: 214-870-6307

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 am requesting approval on my new garage
being 7'7" from the back corner to the property
line. The front is approx. 16'9" from the property
line. My neighbor has stated that he is
ok with the new building

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 of Lucas

Board of Adjustment Agenda Request

December 14, 2022

Requester: City Secretary Erin Day

Agenda Item Request

Consider approval of the minutes of the May 25, 2022 Board of Adjustment meeting.

Background Information

NA

Attachments/Supporting Documentation

1. May 25, 2022 Board of Adjustment minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the May 25, 2022 Board of Adjustment meeting.



MINUTES

BOARD OF ADJUSTMENT MEETING

May 25, 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 6:30 pm. It was determined that a quorum was present, and the Pledge of Allegiance was recited. Due to the absence of a regular member, Alternate Member Michael Dunn served as a voting member.

Members Present:

Chairman Tom Redman
Vice Chairman Ron Poteete
Member Brenda Rizos (*attended remotely*)
Member Brian Stubblefield
Alternate Member Michael Dunn (*voting member*)
Alternate Member Sean Watts

Staff Present:

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

Member Absent:

Member Brian Dale

Chairman 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 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 briefed the Board on the variance request noting that the Texas Department of Transportation was widening the intersection in front of the Lucas Food Mart, thereby requiring the applicant to move his septic system from its current location across Southview Drive to behind the Lucas Food Mart. Moving the septic system would require additional land and replatting of the property. Mr. DeJong noted that the Lucas Food Mart property does not meet current Commercial zoning requirements and are requesting a variance from the minimum lot standards.

Development Services Director Joe Hilbourn advised that to plat the property, the applicant must come into compliance with the City's regulations, and in order to do that he has to have this variance. Chairman Redman asked if there would be a health issue with the septic system being on a smaller lot. Mr. Hilbourn advised there would not be an issue.

The public hearing was opened at 6:45 p.m.

Mohammad Dezfoolian, Lucas Food Mart, 175 Southview Drive explained that the Texas Department of Transportation was widening the roadway in front of his store and forcing him to move his septic system. Mr. Dezfoolian stated a hardship existed as the widening of the roadway and septic system relocation was out of his control.

The public hearing was closed at 6:50 pm.

MOTION: A motion was made by Vice Chairman Poteete seconded by Alternate Member Dunn to approve the variance request by Mohammad Dezfoolian 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. The motion passed unanimously by a 5 to 0 vote.

Regular Agenda

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

MOTION: A motion was made by Alternate Member Dunn, seconded by Vice Chairman Poteete to approve the minutes as presented. The motion passed unanimously by a 5 to 0 vote.

3. Adjournment.

Chairman Redman adjourned the meeting at 6:54 pm.

Tom Redman, Chairman

Erin Day, City Secretary