



AGENDA

Board of Adjustment Meeting

March 22, 2023 | 5:30 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, March 22, 2023, at 5:30 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.

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/departments/public-meetings/>.

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.

Prior to the regular meeting, Baxter IT will conduct a workshop with the Board of Adjustment for the migration of city issued emails to Microsoft 365.

Call to Order

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

Public Hearing

1. Conduct a public hearing and consider the request by Wai Ho for a variance from the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 872 Bristol Park, Phase 2, Lot 21 being all of a 1.52-acre tract of land. (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 January 25, 2023 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 March 17, 2023.

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 Adjustment Agenda Request

March 22, 2023

Item No. 01

Requester: Building Inspector Scott DeJong

Agenda Item Request

Conduct a public hearing and consider the request by Wai Ho for a variance from the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 872 Bristol Park, Phase 2, Lot 21 being all of a 1.52-acre tract of land.

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

Background Information

The City of Lucas Board of Adjustment has received a request for a variance from the literal interpretation of the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 872 Bristol Park.

The City's Code of Ordinances, Chapter 3, Building Regulations, Article 3.19, Fencing Requirements states the following:

3.19.001. Applicability.

This article shall apply to all fences that are erected in the city for the purpose of creating a barrier and used to prevent entry and/or to confine or to mark a boundary provided such fence is greater than sixty (60) feet in length and greater than thirty-six (36) inches in height.

3.19.002. Residential, agricultural and estate districts.

(a) Height.

- (1) Maximum height of 6 feet (6') for front yards.
- (2) Maximum height of 8 feet (8') for side and rear yards.

This request was denied at the January 25, 2023 Board of Adjustment meeting. The applicant has reappealed with updated information regarding the landscape plan, the material being used for the fence, and evidence of approval from the Home Owner's Association.

Attachments/Supporting Documentation

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



City of Lucas
Board of Adjustment Agenda Request
March 22, 2023

Item No. 01

Budget/Financial Impact

NA

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 Wai Ho for a variance from the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 872 Bristol Park, Phase 2, Lot 21 being all of a 1.52-acre tract of land.



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 22, 2023, 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 Wai Ho for a parcel of land located in Bristol Park Phase 2, Lot 21 being all of a 1.52-acre tract of land, otherwise known as 872 Bristol Park, Lucas, Texas. The request is for variance from the literal interpretation of the City's Code of Ordinance to allow a fence over 8' tall around a sports court in the backyard.

The City's Code of Ordinances, Chapter 3, Building Regulations, states the following:

ARTICLE 3.19. Fencing Requirements

3.19.001. Applicability.

This article shall apply to all fences that are erected in the city for the purpose of creating a barrier and used to prevent entry and/or to confine or to mark a boundary provided such fence is greater than sixty (60) feet in length and greater than thirty-six (36) inches in height.
(Ordinance 2015-01-00808 adopted 4/2/15)

3.19.002. Residential, agricultural and estate districts.

(a) Height.

- (1) Maximum height of 6 feet (6') for front yards.
- (2) Maximum height of 8 feet (8') for side and rear yards.

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, or email eday@lucastexas.us and it will be presented at the hearing. If you have any questions about the request please contact Joe Hilbourn at jhilbourn@lucastexas.us.



MISCELLANEOUS BUILDING PERMIT

INSPECTION REQUEST LINE
214-644-0779

PERMIT #

City of Lucas
665 Country Club
Lucas, TX 75002
Phone: 972-912-1206
EMAIL: PERMITS@LUCASTEXAS.US

Project Address: 872 Bristol Park Zoning: Presidential
Subdivision: Bristol Park Lot: 21 Block: B
Property Owner Name: Wai Ho Phone: 469-820-1646
(General) Contractor Name & Address: Lifetime Fence Company Phone: 214 952 9158
(Elec) Contractor Name & Address: _____ Phone: _____
(Plumb) Contractor Name & Address: _____ Phone: _____
(HVAC) Contractor Name & Address: _____ Phone: _____

Type of Permit:

- | | | |
|---|---|--|
| <input type="checkbox"/> HVAC | <input type="checkbox"/> ELECTRICAL | <input type="checkbox"/> POOL/ SPA/HOT TUB |
| <input type="checkbox"/> ACCESSORY BUILDING | <input type="checkbox"/> POOL BARRIER FENCE | <input type="checkbox"/> PLUMBING |
| <input type="checkbox"/> CULVERT/APPROACH | <input type="checkbox"/> SIGN | <input type="checkbox"/> IRRIGATION |
| <input type="checkbox"/> FIRE SUPPRESSION | <input type="checkbox"/> CERTIFICATE OF OCCUPANCY | <input type="checkbox"/> ROOFING |
| <input checked="" type="checkbox"/> OTHER <u>194' of 10' tall chainlink around basketball court</u> | <input type="checkbox"/> PLAN REVIEW | <input type="checkbox"/> ALARM |

BUILDING INFORMATION

BRIEF DESCRIPTION OF PROJECT: 194' of 10' tall chainlink around basketball court
ESTIMATED SQUARE FOOTAGE OF PROJECT: 194' ESTIMATED VALUE: 13,917.64

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: Heather King DATE: 11/4/22
Owner or Agent

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.

Official Use Only

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

Official Use Only: Permit Fees

Permit Fee: _____
Weight Permit: _____
Contractor Reg: _____
Other: _____
Total Amount Due: _____



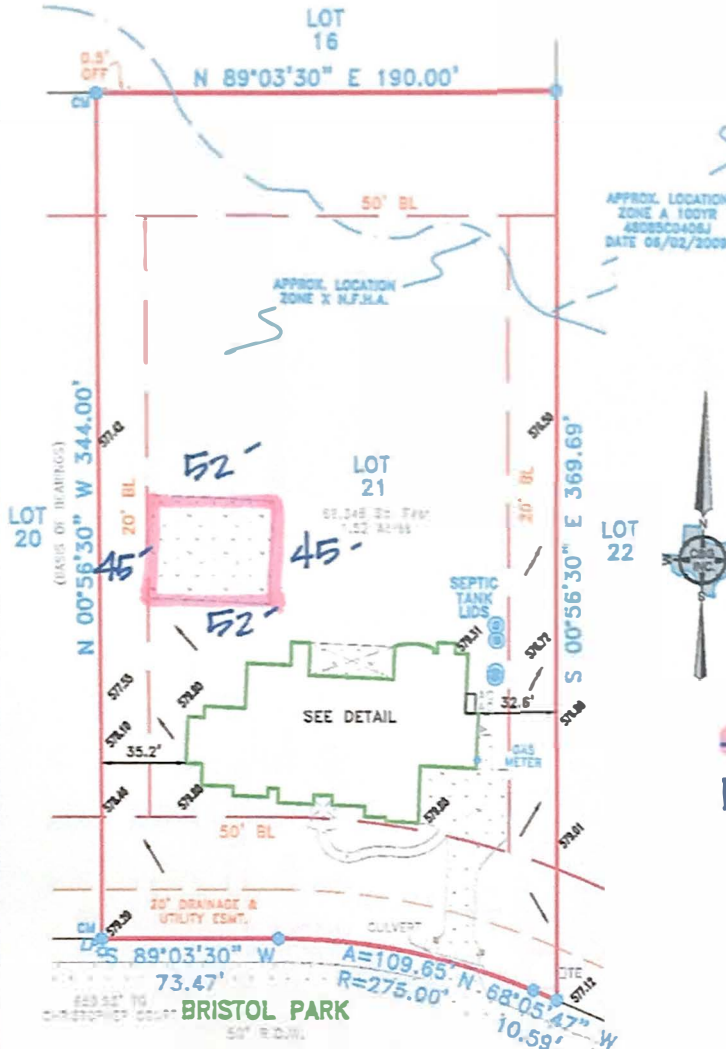
872 Bristol Park

Being Lot 21, Block B, of the Bristol Park Phase Two Addition, an addition to the City of Lucas, Collin County, Texas, according to the plat recorded under Document No. 2014-701, Plat Records, Collin County, Texas.

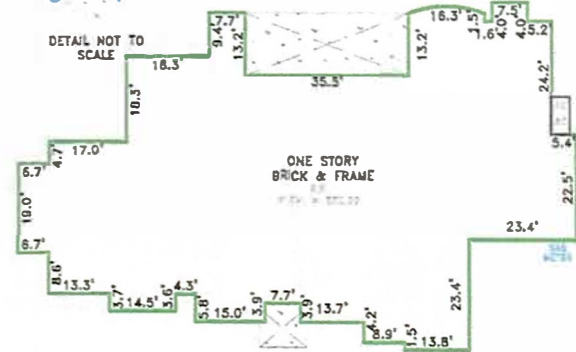


LEGEND

- 1/2" ROD FOUND
- ⊙ 1/2" ROD SET
- 1" PIPE FOUND
- ⊙ 1" PIPE FOUND/SET
- ⊙ 3/8" ROD FOUND
- ✦ POINT FOR CORNER
- ✦ FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PC POOL EQUIPMENT
- TE TRANSFORMER PAD
- COLLUM
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- ▲ OVERHEAD ELECTRIC
- OIP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 4" WIDE TYPICAL
- X— IRON FENCE
- X— BARNED WIRE
- DOUBLE SIDED WOOD FENCE
- /— EDGE OF ASPHALT
- /— EDGE OF GRAVEL
- /— CONCRETE
- /— COVERED AREA



194' of 10' tall Chainlink around Basketball Court



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN DOC. #'S 20141223001397E50, 20170407000447240

NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48085C0405J, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone. Except as shown.

This survey is made in conjunction with the information provided by Our Country Homes. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: JLA

Scale: 1" = 50'

Date: 07/13/18

GF No.: 18904DFW

Job No. 1716608-02



12025 Shiloh Road, Ste. 230
Dallas, TX 75229
P 214.349.9465
F 214.349.8356
Firm No. 10166800
www.cbgtx.com



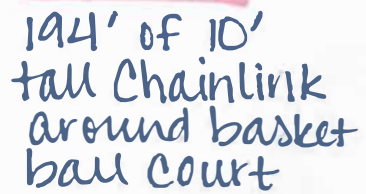
Date: _____

Accepted by: _____

Purchaser

Purchaser

Wm 1h 079 Bristol D.m



Wai Ho - 872 Bristol Park
<https://housecall-request-attachments-production.s3.us-west-1.amazonaws.com/convert>



APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 2/24/2023

FEE: \$450.00

APPEAL # _____

SUBMITTED BY: Name: Siow, Bee Toh
Address: 872 Bristol Park
City: Lucas State: TX Zip: 75002
Phone: 469-826-2624

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:

Please see attached.

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

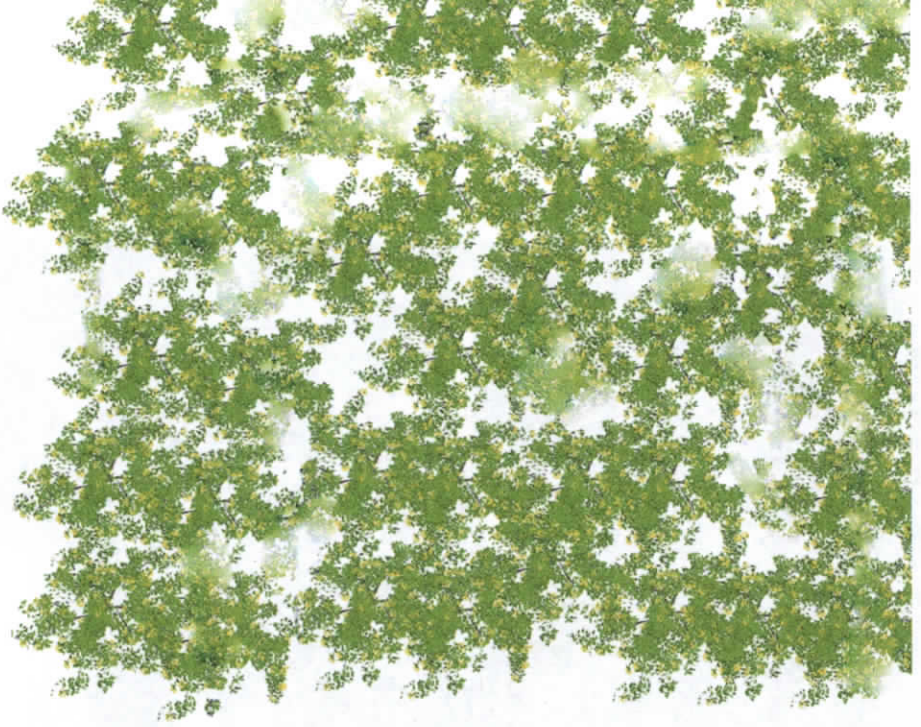
We are requesting permission to install 10-ft tall black vinyl chain link fence around a sports court at the backyard of 872 Bristol Park in Lucas.

We asked that you approve for the safety of the players and neighbors from stray basketballs, tennis balls, pickle balls.

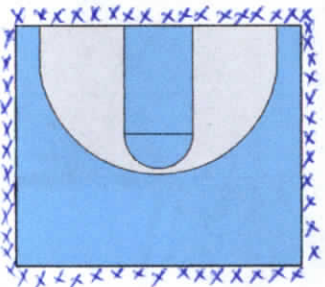
We didn't know we need to attend the hearing in person. We attended the hearing virtually but was not able to answer the questions asked unfortunately. The following are our responses to the questions asked during the hearing on 2/25/2023.

- The fence we are installing is not those industrial looking galvanized chain link fences, it's black vinyl chain link fence (see attached picture)
- The Bristol Park HOA has approved our proposed project (see approval letter attached)
- At the request of the HOA, we have planted screening trees around the court

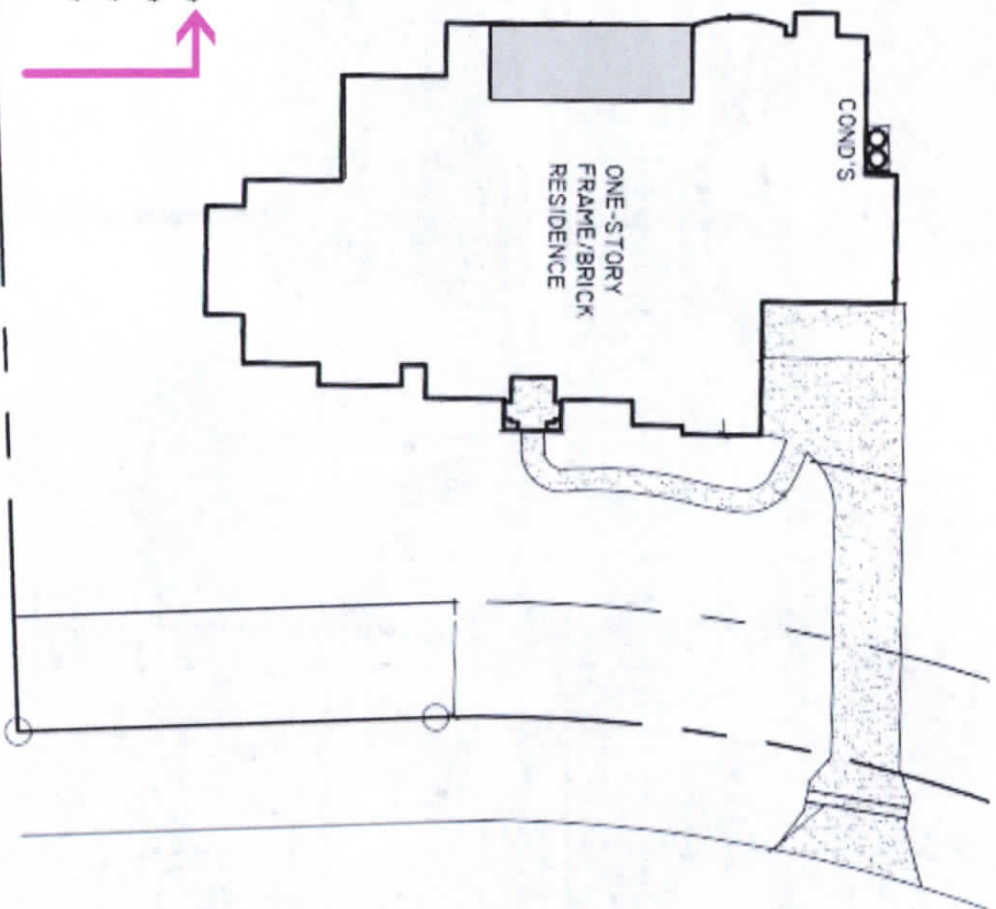
We hope the board of adjustment provide a second chance for us and will attend the hearing in person to answer any other questions you may have.



Existing Trees



Screening Trees
Planted





10340 Alta Vista Rd. #C, Fort Worth, TX 76248 www.propertymanagementgroup.org

October 21, 2022

Via email: btsiow99@yahoo.com

Bee Toh Siow & Wai Hoe Ho
872 Bristol Park
Lucas, TX 75002

Subject: Approval of ACC request for the installation of new Eagleston Hollies to be planted, the bush type full to the ground 10/19/2022 as well the fence installation around sports court per plans provided on 8/31/22 as requested and presented for property address: 872 Bristol Park

Dear Homeowners,

Thank you for submitting your ACC Request. Based on the information you provided this request has been approved with the following conditions:

- **Any deviations from the original request must be presented to the ACC committee.**

The following details are understood to be true on all ACC approvals:

- All changes have the required approved permits before work begins.
- No improvement shall impede on neighboring property, views, or enjoyment of their property.
- No improvement will require neighbors to make modifications to their properties to accommodate this ACC Request.

Any modification resulting in a drainage problem is strictly prohibited.

Changes made, resulting in any of the issues above, will require the responsible party to return the property back to the original state at the cost to the homeowner listed on this ACC request.

ACC approvals are applicable for six months. If your project is going to extend beyond six months an exception is required. Please send a message to dkelly@propertymanagementgroup.org explaining the exception.

This notification will serve as your official approval - please retain for your records.

Enjoy your home improvement and thank you for making Lucas Oak Brook Bristol Park a great place to live!

Thank you,
Dawn Kelly
Property Management, LLC
OFFICE: (817) 337-1221



City of Lucas
Board of Adjustment Agenda Request
March 22, 2023

Item No. 02

Requester: City Secretary Erin Day

Agenda Item Request

Consider approval of the minutes of the January 25, 2023 Board of Adjustment meeting.

Background Information

NA

Attachments/Supporting Documentation

1. January 25, 2023 Board of Adjustment meeting minutes

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve/deny the minutes of the January 25, 2023 Board of Adjustment meeting.



MINUTES

BOARD OF ADJUSTMENT MEETING

January 25, 2023 | 6:30 PM

Council Chambers

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.

Members Present:

Chair Tom Redman
Vice Chair Ron Poteete
Member Brenda Rizos
Member Brian Stubblefield
Member Brian Dale
Alternate Member Sean Watts
Alternate Member Frank Hise

Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
City Secretary Erin Day
Building Inspector Scott DeJong
City Attorney Courtney Morris
Deputy Daniel Gillespie

City Council Members Present:

Mayor Pro Tem Kathleen Peele

Chairman Redman conducted the swearing in process for all witnesses.

Public Hearing Agenda

- 1. Conduct a public hearing and consider the request by Wai Ho for a variance from the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 872 Bristol Park, Phase 2, Lot 21 being all of a 1.52-acre tract of land.**

Building Inspector Dejong gave a presentation explaining the timeline of what has taken place with the property, section of the code relating to fencing requirements, location, and permit application.

Member Rizos asked if any of the neighbors had made any comments. Mr. Dejong advised there have not been. Vice Chairman Poteete asked if there was any fencing around the property currently. Mr. Dejong advised to his knowledge there is not.

Chairman Redman opened the public hearing at 6:36 pm.

There were no members of the public wishing to address the Board of Adjustment.

The public hearing was closed at 6:37 pm.

Chairman Redman noted there was not any rationale for having a ten-foot fence, and that chain-link fence tends to look industrial. Member Rizos advised there should be a limit in the motion specifying a height.

Alternate Member Hise advised that there is a similar fence down the street from this address. Chairman Redman advised that every case is isolated and the Board will only consider the item in question.

MOTION: A motion was made by Vice Chairman Poteete, seconded by Member Stubblefield, to deny the request by Wai Ho for a variance from the City of Lucas Code of Ordinances to allow a fence over eight feet tall around a sports court in the backyard located at 872 Bristol Park, Phase 2, Lot 21 being all of a 1.52-acre tract of land. The motion passed unanimously by a 5 to 0 vote.

2. Conduct a public hearing and consider the request by Reynaldo and Karla Pena for a variance from the City of Lucas Code of Ordinances to allow an accessory building to be located within the required side yard setbacks located at 1100 Brockdale Park Road, Boatright Addition, Lot 2.

Building Inspector Dejong gave a presentation explaining the timeline of what has taken place with the property, section of the code relating to setback requirements, location, and pictures of the building.

Chairman Redman asked if the property owner requested a permit after the building was already built. Mr. Dejong confirmed that was correct.

Chairman Redman opened the public hearing at 6:45 pm.

There were no members of the public wishing to address the Board of Adjustment.

The public hearing was closed at 6:45 pm.

Chairman Redman opined that the request should be denied due to the applicant not requesting a permit prior to the construction of the building.

MOTION: A motion was made by Member Stubblefield, seconded by Member Dale, to deny the request by Reynaldo and Karla Pena for a variance from the City of Lucas Code of Ordinances to allow an accessory building to be located within the required side yard setbacks located at 1100 Brockdale Park Road, Boatright Addition, Lot 2. The motion passed unanimously by a 5 to 0 vote.

3. Conduct a public hearing and consider the request by Haiyan Zhan on behalf of homeowner Li Zhengquan for a variance from the City of Lucas Code of Ordinances to allow an accessory building to be located within the required side yard setbacks located at 1690 Lynn Lane, Glenbrook Estates, Lot 14.

Building Inspector Dejong gave a presentation explaining the timeline of what has taken place with the property, section of the code related to setback regulations, location, and pictures of the building.

Chairman Redman opened the public hearing at 6:52 pm.

There were no members of the public wishing to address the Board of Adjustment.

The public hearing was closed at 6:52 pm.

Chair Redman advised the property owner did not request a permit or go through the proper procedures, and opined that the request should be denied.

MOTION: A motion was made by Member Rizos, seconded by Member Stubblefield to deny the request by Haiyan Zhan on behalf of homeowner Li Zhengquan for a variance from the City of Lucas Code of Ordinances to allow an accessory building to be located within the required side yard setbacks located at 1690 Lynn Lane, Glenbrook Estates, Lot 14. The motion passed unanimously by a 5 to 0 vote.

Regular Agenda

4. Consider the appointment of a Chairman and Vice Chairman of the Board of Adjustment to serve for a period of one (1) year with terms ending December 31, 2023.

MOTION: A motion was made by Member Dale, seconded Member Stubblefield, to appoint Tom Redman as Chairman and Ron Poteete as Vice Chariman of the Board of Adjustment to serve for a period of one (1) year with a term ending December 31, 2023. The motion passed unanimously by a 5 to 0 vote.

5. Consider approval of the minutes of the December 14, 2022 Board of Adjustment meeting.

MOTION: A motion was made by Member Stubblefield, seconded by Member Rizos, to approve the minutes of the December 14, 2022 Board of Adjustment meeting. The motion passed unanimously by a 5 to 0 vote.

3. Adjournment.

Chairman Redman adjourned the meeting at 6:56 pm.

Tom Redman, Chairman

Erin Day, City Secretary