



MINUTES BOARD OF ADJUSTMENT MEETING

July 26, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Call to Order

The meeting was called to order at 6:52 pm. It was determined that a quorum was present, and the Pledge of Allegiance was recited.

Members Present:

Chair Tom Redman
Member Brian Stubblefield
Member Brian Dale
Alternate Member Sean Watts

Members Absent:

Member Brenda Rizos
Alternate Member Helene Langer

Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
Development Services Director Joe Hilbourn
City Attorney Courtney Morris
Deputy Daniel Gillespie
Management Analyst Joshua Menhennett

City Council Members Absent:

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 Richard and Linda Minor 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 for a parcel of land located in ABS A0426 Martin Hearne survey, tract 16, being all of a 1.5-acre tract of land, otherwise known as 4214 Lewis Lane, Lucas, Texas.**

Development Services Director Joe Hilbourn gave a presentation highlighting the history of this variance request, basic timeline for the variance request, photos of the original infringement and the section of the code relating to the original code infringement.

Chairman Redman asked if the new construction would need to be at least 20 feet from the property line to be in compliance. Development Services Director Joe Hilbourn advised that that is true. Alternate Member Watts asked whether the space on the north section of the map is flood zone. Mr. Hilbourn advised that it is not, but it is a significant creek that had been bought by Collin County via an easement in 1992.

Chairman Redman asked whether structures could be built up to the representation of the creek on the provided map. Development Services Director Joe Hilbourn advised that is not true as the easement is wider than the creek that is depicted. Mr. Hilbourn advised that an extra 5 feet on each side of the creek represents the easement. Chairman Redman asked where the owner could build on the north side of the existing structure and still meet easement setback requirements. Mr. Hilbourn advised that there is no place in that area to do so. Chairman Redman asked how far the edge of the easement is away from the edge of the house. Mr. Hilbourn advised that it is approximately 20 feet.

Chairman Redman asked where the septic would be located on the map. Development Services Director Joe Hilbourn advised that it is on the south side of the lot.

Chairman Tom Redman opened the Public Hearing at 7:05 pm.

Richard Minor, 4214 Lewis Lane advised the Board on the history of the easements on the property, along with additional information of how old the house his, how the topography effects their decision in construction, along with other details.

Chairman Redman asked when the house was built. Richard Minor approximated that it was constructed sometime in the 1960's. Chairman Redman asked if the moat mentioned by Mr. Minor circled the entirety of the house. Mr. Minor advised that the moat begins at the driveway and runs to the north and around the house. Chairman Redman asked if Mr. Minor has looked at moving the garage closer to the house. Mr. Minor said that the cost of more concrete made this a hard option.

Linda Minor, 4214 Lewis Lane spoke regarding how the property structures look across the creek on the property. Mrs. Minor described lateral lines, existing structures, and more details regarding Collin County's construction and work on the property easement.

Chairman Redman asked whether the owner has considered taking the garage, moving it behind the house, and facing the entry to the south. Linda Minor advised that on that side of the home the land begins to slop dramatically as a result of the moat around the house. Chairman Redman asked if there was a prohibition on filling or creating a drain for the moat. Ms. Minor advised that there is not but that the county did ask no one to fill it in as it would cause the property at 4214 Lewis Lane to begin holding water. Ms. Minor further described why the garage could not be moved further east behind the house as there was a grease trap, lateral lines, and change of ground height in the area.

Chairman Tom Redman closed the Public Hearing at 7:23 pm.

Chairman Tom Redman advised the applicant and the Board that there is a lot to consider in regards to the request. Chairman Redman advised that he wants to make sure all is done to ensure the structure be reconstructed while also being in compliance with City code.

Alternate Member Sean Watts advised that the guidelines for variance fit this request on every mark. Alternate Member Watts noted that the garage had been in the location for many years and that its reconstruction would not make any disparate impact on the City or any other residence, especially as the neighbor had already stated that it was fine to reconstruct it. Alternate Member Watts advised that the Board of Adjustment should move forward and grant the variance.

MOTION: A motion was made by Member Dale, seconded by Alternate Member Watts to approve the request by Richard and Linda Minor 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 for a parcel of land located in ABS A0426 Martin Hearne survey, tract 16, being all of a 1.5-acre tract of land, otherwise known as 4214 Lewis Lane, Lucas, Texas. The motion passed unanimously by a 4 to 0 vote.

Regular Agenda

- 2. Consider the appointment of a Vice-Chair of the Board of Adjustment to serve for a term ending December 31, 2024.**

MOTION: A motion was made by Chairman Tom Redman to table the appointment of a Vice-Chair for the next Board of Adjustment meeting. The motion did not receive a second. The motion failed.

Chairman Tom Redman asked if there were any members interested in serving as the Vice-Chair. Member Brian Stubblefield advised that he has not thought about who will serve in the capacity. City Attorney Courtney Morris advised that as the first motion died, there is no way to revisit the topic of the motion. Ms. Morris advised that the item could be administratively withdrawn and placed on the next regular agenda as there was no progress on the agenda item.

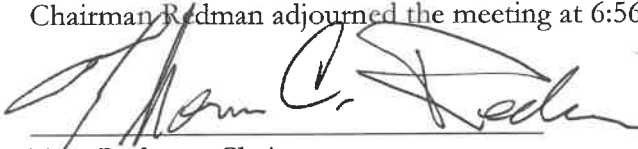
There was no nominations or actions taken by the Board on this item. It was withdrawn from the agenda.

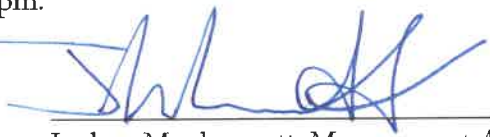
3. Consider approval of the minutes of the March 22, 2023 Board of Adjustment meeting.

MOTION: A motion was made by Member Stubblefield, seconded by Alternate Member Sean Watts to approve the minutes of the March 22, 2023 Board of Adjustment meeting. The motion passed unanimously by a 4 to 0 vote.

4. Adjournment.

Chairman Redman adjourned the meeting at 6:56 pm.


Tom Redman, Chairman


Joshua Menhennett, Management Analyst

