



AGENDA
City of Lucas
Board of Adjustments Meeting
September 22, 2021
6:30 PM
Lucas City Hall and Video Conference
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, September 22, 2021 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.

Pursuant to Texas Government Code Section 551.127, on a regular, non-emergency basis, members may attend and participate in a meeting remotely by video conference, a quorum of the members and the presiding officer will be physically present at the location noted above on this agenda.

Effective September 1, 2021, residents are allowed to use the Zoom link below to participate in a City Council meeting; however, audio-only is no longer allowed, and full-video will be required when speaking to the Board of Adjustments. To join the meeting, please click this URL:

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

enter your name and email address.

To 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. 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 Silence Electronic Devices
- Pledge of Allegiance

Public Hearing Agenda

1. Public hearing to consider the request by Ranysha and Jakeem Grant for a variance from the literal interpretation of the City's Code of Ordinances to allow a fence to be located within the side and rear yard setbacks that is less than 50 percent see through for a parcel of land located at 1090 Peppy San Trail, in Lakeview Downs, Block D, Lot 14 being a 1.3090-acre tract of land in the City of Lucas, Texas.
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct public hearing
 - C. Take action on the variance request

Regular Agenda

2. Consider approval of the minutes of the August 25, 2021 Board of Adjustment meeting. (City Secretary Stacy Henderson)

Executive Session Agenda

The Board of Adjustment may convene into a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting.

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

Certification

I hereby certify that the above notice of meeting was posted on the bulletin board at Lucas City Hall by 5:00 p.m. on September 16, 2021 as required in accordance with Government Code §551.041.

Stacy Henderson, TRMC

This building is wheelchair accessible. Any requests for sign interpretive services or other special requests for assistance of the hearing impaired must be made 48 hours in advance of the meeting. To make such arrangements, please call 972-912-1211 or send an email to Stacy Henderson at shenderson@lucastexas.us.



City of Lucas

Board of Adjustments Agenda Request

September 22, 2021

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider the request by Ranysha and Jakeem Grant for a variance from the literal interpretation of the City's Code of Ordinances to allow a fence to be located within the side and rear yard setbacks that is less than 50 percent see through for a parcel of land located at 1090 Peppy San Trail, in Lakeview Downs, Block D, Lot 14 being a 1.3090-acre tract of land in the City of Lucas, Texas.

- A. Presentation by Development Services Director Joe Hilbourn
- 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 allow a fence to be located within the side and rear yard setbacks that is less than 50% see through.

The City's Code of Ordinances, Article 3.19 Fencing Requirements requires the following related to fencing visibility:

Section 3.19.002 - Residential, agricultural and estate districts

- (b) Fencing located within the required front, side and rear yard setbacks shall be a minimum of 50% see through.

Attachments/Supporting Documentation

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

Budget/Financial Impact

NA

Recommendation

This request does not comply with the City's regulations for fencing, and City staff does not recommend approval of the variance request.



City of Lucas
Board of Adjustments Agenda Request
September 22, 2021

Motion

I make a motion to approve/deny the request by Ranysha and Jakeem Grant for a variance from the literal interpretation of the City's Code of Ordinances to allow a fence to be located within the side and rear yard setbacks that is less than 50 percent see through for a parcel of land located at 1090 Peppy San Trail, in Lakeview Downs, Block D, Lot 14 being all of a 1.3090-acre tract of land 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 September 22, 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 Ranysha & Jakeem Grant for a variance from the literal interpretation of the City's Code of Ordinances to allow a fence located within the side and rear yard setbacks that is less than 50 percent see through for a parcel of land located at 1090 Peppy San Trail, in Lakeview Downs, Block D, Lot 14 being all of a 1.3090-acre tract of land in the City of Lucas Texas.

The City's Code of Ordinances, Chapter 3, Article 3.19, Section 3.19.002 – Residential, agricultural and estate districts state the following:

- (b) Fencing located within the required front, side and rear yard setbacks shall be a minimum of 50% see through.

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

1090 Peppy San





APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 8/13/21

FEE: \$450.00

APPEAL # _____

SUBMITTED BY: Name: Ranysha & Jakcum Grant
Address: 1090 Peppy San Dr.
City: Lucas State: Tx Zip: 75002
Phone: 806-786-3574

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.

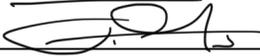
BRIEFLY DESCRIBE YOUR APPEAL:

We are asking for an appeal
to see if we are able to keep our Privacy fence.
Due to the fact of my occupation being a
Professional athlete I would like to keep my
family and I safe. We also have three Professionaly
trained Pitbulls that Guard our home and we
don't want them getting out.

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 SECRETARY CHECK LIST
BOARD OF ADJUSTMENT
APPLICATIONS FOR VARIANCE**

DATE

- APPLICATION FILLED OUT _____
- FEE COLLECTED - \$450.00 _____
- SET DATE FOR HEARING _____
- PUBLISH NOTICE (10 DAYS PRIOR TO HEARING DATE) _____
- NOTIFY BOARD OF ADJUSTMENT MEMBERS (MEMO) _____
- NOTIFY APPROPRIATE CITY STAFF & COUNCIL LAISON PERSON _____
- PREPARE & SEND MEETING AGENDA, LAST MEETING MINUTES &
APPEAL BACK-UP INFO TO MEMBERS _____
- NOTIFY ADJACENT PROPERTY OWNERS & APPLICANT _____
- POST AGENDA 72 HOURS IN ADVANCE _____
- HOLD HEARING _____
- ADVISE APPROPRIATE PARTIES OF RESULTS _____
- PREPARE MINUTES _____



City of Lucas

Board of Adjustment Agenda Request

September 22, 2021

Item No. 02

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the August 25, 2021 Board of Adjustment meeting.

Background Information

NA

Attachments/Supporting Documentation

1. August 25, 2021 Board of Adjustment minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the August 25, 2021 Board of Adjustment meeting.



**City of Lucas
Board of Adjustment**

Regular Meeting
August 25, 2021
6:30 PM

City Hall – 665 Country Club Road – Lucas, Texas

MINUTES

Call to Order

Chairman Redman called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

Members Present:

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

Staff Present:

City Manager Joni Clarke
Development Services Director Joe Hilbourn
City Secretary Stacy Henderson
City Attorney Courtney Morris

Members Absent:

Alternate Member Michael Dunn

Chairman Redman identified all witnesses that would be presenting before the Board, including City staff members and the applicants for each item and conducted the swearing in process for all witnesses.

Public Hearing Agenda

- 1. Public hearing to consider the variance request by Tractor Supply to permit an off-premise sign in an easement purchased by the applicant for the purpose of installing a sign on a parcel of land located south of the intersection of McGarity Lane and Angel Parkway, being 0.018 acres in the William Snider Survey, ABS #821 in the City of Lucas, Collin County.**

The public hearing was opened at 6:05 pm and Development Services Director Joe Hilbourn gave a presentation discussing sign details noting the sign would be of similar design and building materials to others along Angel Parkway.

Drew Donesky, Claymoore Engineering, representing the applicant, discussed the sign location noting that the sign was located five feet behind the sidewalk and behind the fire lane. The sign was

of the same configuration as Lucas Plaza and was in line with the existing parking spaces at Lucas Plaza.

After some discussion regarding sign location and details, the public hearing was closed at 6:47 pm.

MOTION: A motion was made by Ms. Rizos seconded by Mr. Stubblefield to approve the variance request by Tractor Supply to permit an off-premise sign in an easement purchased by the applicant located south of the intersection of McGarity Lane and Angel Parkway, being 0.018 acres in the William Snider Survey, ABS #821 in the City of Lucas. The motion passed unanimously by a 5 to 0 vote.

- 2. Public hearing to consider the request by Philip Cash, Jr. for two variances from the literal interpretation of the City's Code of Ordinances: 1) Decrease side yard setback from the required 25 feet to 5 feet; 2) Decrease lot size from the required minimum of 1.5 acres to a minimum of 1.2 acres on a parcel of land located at 2305 Toole Drive, lot 29 of Kirkland Estates.**

The public hearing was opened at 6:54 pm and the Development Services Director gave a presentation regarding the two proposed variances.

Amber Cash, 2305 Toole, stated that due to the legal nonconforming status of her property due to setbacks and lot size, she was unable to get a loan for the home and was requesting approval of her variance request.

There being no one else wishing to speak, the public hearing was closed at 7:02 pm.

MOTION: A motion was made by Mr. Stubblefield seconded by Mr. Dale to approve the variance request from the literal interpretation of the City's Code of Ordinances to decrease the side yard setback from the required 25 feet to 5 feet and decrease the lot size from the required minimum of 1.5 acres to a minimum of 1.2 acres at 2305 Toole Drive. The motion passed unanimously by a 5 to 0 vote.

Regular Agenda

- 3. Consider approval of the minutes of the June 23, 2021 Board of Adjustment meeting.**

MOTION: A motion was made by Mr. Dale seconded by Chairman Redman to approve the minutes of the June 23, 2021 Board of Adjustment meeting. The motion passed unanimously by a 5 to 0 vote.

Executive Session Agenda

- 3. Executive Session.**

An Executive Session was not held at this meeting.

4. Adjournment.

Chairman Redman adjourned the meeting at 7:08 pm.

Tom Redman, Chairman

Stacy Henderson, City Secretary