



## AGENDA

### Board of Adjustment Meeting

May 25, 2022 | 6:30 PM

Council Chambers | Video Conference

City Hall | 665 Country Club Road, Lucas, Texas

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*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 [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) by 3:30 pm noting 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](mailto: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**

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

## **Public Hearing**

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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**

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2. Consider approval of the minutes of the March 23, 2022, Board of Adjustment meeting. **(City Secretary Stacy Henderson)**

## **Executive Agenda**

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*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**

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*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](http://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](mailto:shenderson@lucastexas.us) at least 48 hours prior to the meeting.*



# City of Lucas

## Board of Adjustments Agenda Request

### May 25, 2022

Item No. 01

Requester: Building Inspector Scott DeJong

### **Agenda Item Request**

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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**

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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 walk-in 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**

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

### **Budget/Financial Impact**

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NA



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

**Recommendation**

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

**Motion**

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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.

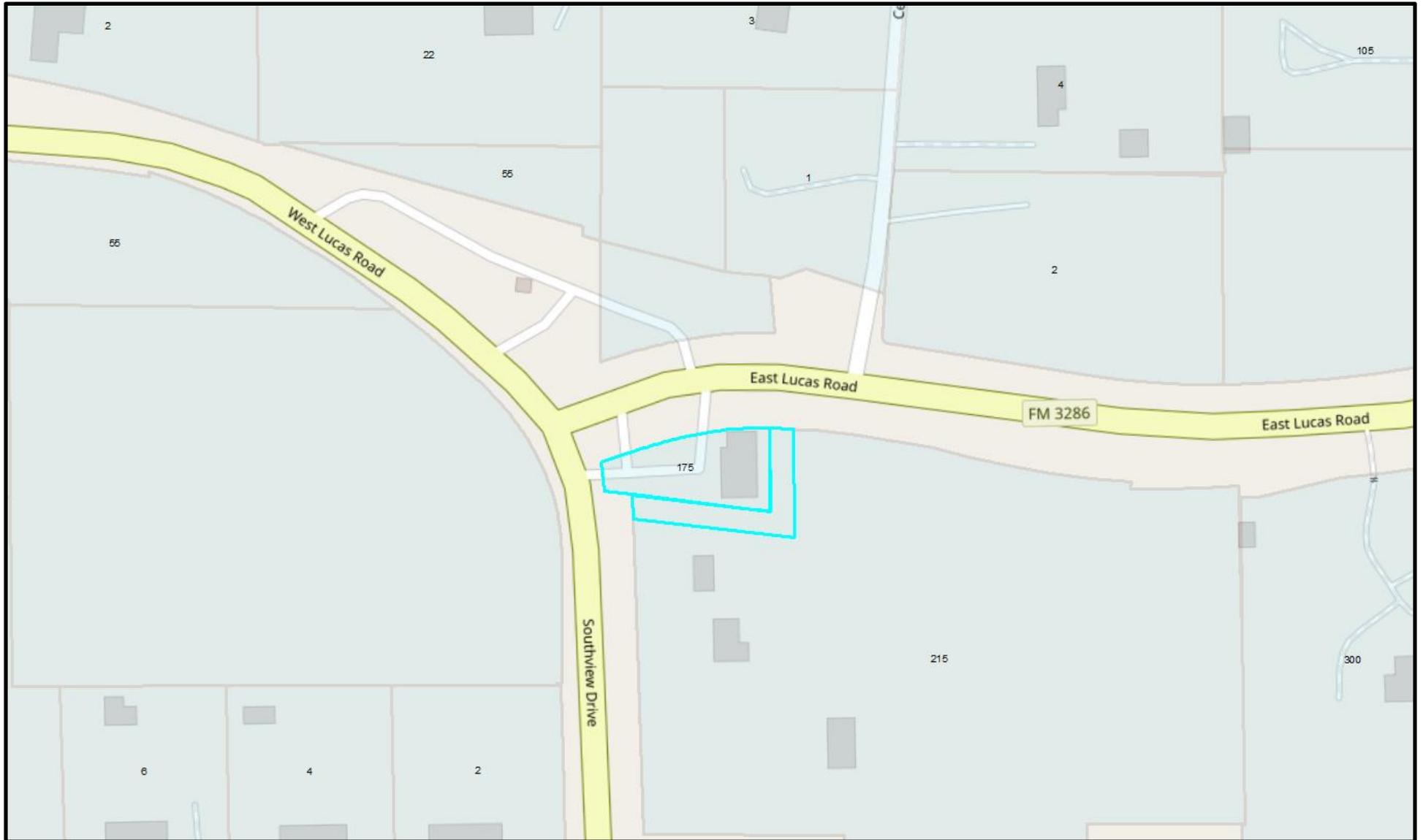
The City's Code of Ordinances Chapter 14, Article 14.03 Districts, Division 7, Commercial Business District, Sec. 14.03.353, Development regulations – state the following:

- (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.

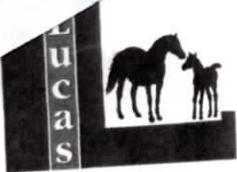
Those wishing to speak for or against the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, 665 Country Club Road, Lucas, Texas 75002, email [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) and it will be presented at the hearing. If you have any questions about the request, contact Joe Hilbourn at [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).



# LOCATION MAP: 175 Southview Dr



# APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS



DATE: 4-25-2022

FEE: \$450.00

APPEAL # \_\_\_\_\_

SUBMITTED BY: Name: Lucas Food Mart / Mohammad Dezfolian  
Address: 175 South View Dr  
City: Lucas, State: TX Zip: 75001  
Phone: 469-774-7313

**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.

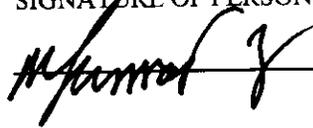
BRIEFLY DESCRIBE YOUR APPEAL:

Variance From lot Size. The Best Sandwich Shop is a legal lot of record that is smaller than the minimum lot size permitted in a Commercial District. The State is widening the Intersection of east & west Lucas road forcing the shop to move its septic system the move of the septic requires additional work requiring replat.

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

### May 25, 2022

Item No. 02

Requester: City Secretary Stacy Henderson

#### **Agenda Item Request**

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

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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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

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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

##### **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

##### **Members Absent:**

Member Brian Stubblefield  
Alternate Member Michael Dunn

##### **City Council Liaison Present:**

Mayor Pro Tem Kathleen Peele

#### Public Hearing Agenda

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- 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**

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**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.

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Tom Redman, Chairman

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Stacy Henderson, City Secretary