



## AGENDA

### Board of Adjustment Meeting

July 26, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

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*Notice is hereby given that a regular meeting of the Board of Adjustment of the City of Lucas will be held on Wednesday, July 26, 2023, 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.*

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:**

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**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 Management Analyst Joshua Menhennett at [jmenhennett@lucastexas.us](mailto:jmenhennett@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. 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)**
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing
  - C. Take action on the variance request

#### **Regular Agenda**

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

3. Consider approval of the minutes of the March 22, 2023 Board of Adjustment meeting.  
(Management Analyst Joshua Menhennett)

## **Executive Agenda**

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*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.*

4. Executive Session: An Executive Session is not scheduled for this meeting.
5. 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 July 21, 2023.*

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*Joshua Menhennett, Management Analyst*

*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 Joshua Menhennett at 972-912-1214 or by email at [jmenhennett@lucastexas.us](mailto:jmenhennett@lucastexas.us) at least 48 hours prior to the meeting.*



Item No. 01

**City of Lucas**  
**Board of Adjustment Agenda Request**  
**July 26, 2023**

Requester: Development Services Director Joe Hilbourn

### **Agenda Item Request**

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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.

- A. Presentation by Joe Hilbourn
- B. Conduct public hearing
- C. Take action on the variance request

### **Background Information**

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The Board of Adjustment has received a request for a variance from the literal interpretation of the City of Lucas Code of Ordinances to allow an accessory building in the required side yard setback.

4214 Lewis Lane started out as a code compliance case. The property had an existing detached garage that was dilapidated. The property owner was sent notice to either remove the structure or bring it into compliance. The property owner removed the building then applied for a permit to build a new structure in the same location as the previous structure. The application was denied because it fell in the required side yard setback.

The City's Code of Ordinances, Chapter 14, Article 14.04, Division 8 "Accessory Buildings, Structures and Uses", Section 14.04.304 "General accessory building and structures regulations" states the following:

(3) Setbacks.

(A) Accessory buildings:

- (i) Front yard setback: Attached accessory buildings or structures shall meet the required setback of the principal building or structure. Detached accessory buildings or structures shall be setback a minimum of ten feet (10') behind the rear build line of the principal building, structure or dwelling. A specific use permit may be granted to allow a detached accessory building or structure to be located in front of the principal building, structure or dwelling in AO and R-2 (Residential 2-acre) zoned districts and shall require a three-hundred foot (300') front yard setback.
- (ii) Rear yard setback: Accessory building and structures shall have a minimum setback of twenty feet (20').
- (iii) Side yard setbacks: Accessory building and structures shall be twenty feet (20') unless the side yard is adjacent to a street. Side yards adjacent to a street shall meet the required side yard setbacks as the principal building or structure.
- (iv) Where a build line is established on a plat, which is not consistent with this article, the build line that is the greater distance from the front property line shall be observed.
- (v) No required parking shall be allowed within the required front yard setback.



Item No. 01

**City of Lucas**  
**Board of Adjustment Agenda Request**  
**July 26, 2023**

**Attachments/Supporting Documentation**

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1. Public Hearing Notice
2. Code Enforcement Letter
3. Code Enforcement Picture
4. Site Pictures
5. Location Map
6. Variance Application

**Budget/Financial Impact**

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NA

**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 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.



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Adjustment of the City of Lucas, Texas will conduct a public hearing on July 26, 2023, at 6:30 pm 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 Richard and Linda Minor 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 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, Article 14.04, Division 8 "Accessory Buildings, Structures and Uses", Section 14.04.304 "General accessory building and structures regulations" states the following:

(3) Setbacks.

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- (ii) Rear yard setback: Accessory building and structures shall have a minimum setback of twenty feet (20').
- (iii) Side yard setbacks: Accessory building and structures shall be twenty feet (20') unless the side yard is adjacent to a street. Side yards adjacent to a street shall meet the required side yard setbacks as the principal building or structure.
- (iv) Where a build line is established on a plat, which is not consistent with this article, the build line that is the greater distance from the front property line shall be observed.
- (v) No required parking shall be allowed within the required front yard setback.

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: Management Analyst, 665 Country Club Road, Lucas, Texas 75002, email [jmenhennett@lucastexas.us](mailto:jmenhennett@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](mailto:jhilbourn@lucastexas.us).



City of Lucas  
665 Country Club Road  
Lucas, Texas 75002  
972.727.8999  
[www.lucastexas.us](http://www.lucastexas.us)

February 8, 2023

Richard & Linda Minor  
4214 Lewis Lane  
Allen, TX 75002-6848

Re: Notice of Violation located at **4214 Lewis Lane**

Dear Property Owner:

This letter is to inform you of a violation(s) of the City of Lucas Code of Ordinances at the above-referenced property. An investigation which may have included an inspection was conducted by a City of Lucas Code Enforcement Officer on **February 8, 2023** which confirmed that the following conditions exist at your property which may present a health and safety nuisance:

The detached garage at 4214 Lewis Lane is in a state of severe disrepair. Exterior walls show the grout has separated, bricks are missing and there appears to be damage to the foundation. There is a pile of unpermitted trash/rubbish/debris behind the garage. To bring the trash violation into compliance, all trash/rubbish/debris must be cleaned up and disposed of off-premises. There are 2 options to bring the structure into compliance, 1) structurally repair the brick/grout, walls and foundation, or 2) demolish the structure.

**The above-described conditions (trash/rubbish/debris) behind the structure represent a violation of Sections 6.02.002 and 6.02.003 (Dumping or Depositing Garbage, Junk or Refuse) of the City of Lucas Code of Ordinances which states:**

**§ 6.02.002 Prohibited acts.**

**(a)** It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property in the city, including any adjacent and contiguous rights-of-way or easements, to permit, allow, or dump any objectionable, unsightly, or unsanitary refuse, garbage, rubbish or junk, as defined herein, on any real property in the city, including any contiguous right-of-way or easement, or to permit or allow the accumulation of any objectionable, unsanitary, hazardous or unsightly refuse, garbage, rubbish or junk, as defined herein, on any real property in the city, including any adjacent and contiguous rights-of-way or easements. The unlawful acts described in this section are declared by the city to be a nuisance per se unless such refuse, garbage, rubbish or junk is deposited in a properly maintained landfill.

**(e)** The unlawful acts described in this section are declared by the city to be a nuisance per se unless such refuse, garbage, rubbish or junk is deposited in a properly maintained landfill, or in the case of drainage issues, unless the premises is graded and maintained to prevent soil erosion and accumulation of stagnant water.

**§ 6.02.003 Abatement.**

**(a)** In the event that any person owning, claiming, occupying, or having supervision or control of any lot, tract, or parcel of land or portion thereof shall fail to comply with section **6.02.002**, then said person may be charged with violation of this article and/or be given notice to comply with the same. The notice shall be given:

- (1)** Personally to the owner in writing;
- (2)** By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (3)** If personal service cannot be obtained:
  - (A)** By publication at least once;
  - (B)** By posting the notice on or near the front door of each building on the property to which the violation relates; or
  - (C)** By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

If the city mails a notice to a property owner in accordance with subsection **(a)**, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

**(b)** If, after the expiration of ten (10) days after notification, there has remained the nuisance prohibited in section **6.02.002** of this code, the city may do or cause to be done the work necessary to obtain compliance with this section, including but not limited to the removal of dumped, abandoned or discarded refuse, garbage, rubbish, or junk. Draining, filling or re-grading any lots, cleaning/repairing/replacing driveway culverts, ground, or yards which have standing or stagnant water thereon. The expense incurred in correcting the condition of such property, including a one hundred dollar (\$100.00) administration fee, shall be charged to the owner of such property, and the city may cause the expense thereof to be assessed on the real estate or lot or lots upon which such expense is incurred. On filing with the county clerk a statement by the official designated by the Mayor of the expense incurred in correcting the condition on the property, the city shall have a privileged lien on such property, second only to tax liens for street improvements, to secure the payment of the amount so expended. Such amount shall bear interest at the rate of ten percent (10%) from the date the city incurs the expense. For any such expenditures and interest, suit may be instituted, and recovery and foreclosure had by the city. The statement of expense filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended as specified in chapter 342 of the Health and Safety Code, or as subsequently amended or codified, which is hereby adopted by reference.

**(c)** In a notice provided under this section, the city may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted and assess its expenses as provided by V.T.C.A., Health and Safety Code, section 342.007.

**The condition of the structure itself represents a violation of Article 3.22 (Minimum Maintenance Standards) of the City of Lucas Code of Ordinances which states:**

**Sec. 3.22. 003. Owner' s, occupants, and other responsible persons general responsibilities.**

The owner, owner' s authorized agent, occupant or other person responsible for the premises shall maintain the structures and premises in compliance with these minimum standards. A person shall not occupy or permit another person to occupy premises which are not in a sanitary and safe condition, and which do not comply with the requirements of this article. The standards of this article are intended to complement the requirements of any other applicable code or ordinance of the City of Lucas and shall not be deemed to lower any more restrictive standard required by the codes at time of original construction or subsequent remodeling. The duty of an owner, owner' s authorized agent, occupant or other person responsible to maintain premises in compliance with this article is not affected by any duty this article creates upon the occupants thereof, even if the owner or manager has, by agreement, imposed upon the occupants the duty of maintaining the premises and complying with this article.

**Sec. 3.22. 004. All structures and premises.**

**b) Exterior of structures.**

1) The owner, owner' s authorized agent, occupant, or other person responsible for the premises shall maintain the exterior of all structures and equipment thereon in good condition, structurally sound, and in a sanitary condition, so as not to pose a threat to the public health, safety, or welfare including, but not limited to, as follows:

- i. Maintain all exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion;
- ii. Maintain all structural members free from deterioration, and capable of safely supporting the imposed dead and live loads;
- iii. Maintain all foundation walls plumb and free from open cracks and breaks in such condition so as to prevent the entry of rodents and other pests and capable of safely supporting the imposed dead and live loads;
- iv. Maintain all exterior walls free from holes, breaks, and loose or rotting materials and capable of safely supporting the imposed dead and live loads;

**Sec. 3. 22.005. Substandard structures.**

a) A structure does not meet the minimum standards of this article if it is in violation of any applicable law, or:

- 1) Is dilapidated, substandard, or a hazard to the public health, safety, and welfare;
- 5) There exist conditions caused by accumulations or refuse, vegetation, or other matter that create breeding and living places for insects and rodents; or
- 6) The condition, use, or appearance of property is in violation of The Code of Ordinances of the City of Lucas, Texas.

b) A structure is unsafe and dangerous if its structural condition presents a substantial hazard to its occupants, adjoining property, or other persons by not providing minimum safeguards to protect or

warn occupants in the event of fire, or because the structure contains unsafe equipment or is so damaged decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible or that has any of the structural deficiencies listed in Sec. 3. 11. 001.

c) The fire chief, building official, or other authorized law enforcement personnel shall be authorized to order the immediate evacuation of any structure which in his or her opinion is unsafe due to hazardous conditions that present imminent danger to the structure's occupants.

d) Upon failure of the owner, owner's authorized agent or person responsible to comply with the provisions requiring a substandard or dangerous structure to be repaired, demolished the Code Official shall post on the premises of the substandard or dangerous structure a placard bearing the word " Condemned" and a statement of the penalties for occupying the premises or removing the placard.

You must take the corrective action(s) listed to comply with the above-referenced regulations by **March 10, 2023** to avoid further action.

Failure to correct the stated violation(s) by the date indicated may result in Class C misdemeanor charges being brought against you. Failure to correct the stated violation(s) by the deadline may also result in the City of Lucas correcting the violation at your expense and assessing this expense as a lien against your property.

If you commit another violation of the same kind or nature on or before **February 13, 2023**, the City of Lucas may correct the violation at your expense without further notice and assess this expense as a lien against your property.

If you have any questions, please do not hesitate to contact me during regular business hours.

Sincerely,

Jose Quiles  
Code Enforcement Officer  
972-912-1215  
jqviles@lucastexas.us



## CODE ENFORCEMENT PICTURE



**SITE PICTURES**



Front of truck at the end of driveway, old garage was right there. See how far house is away from us.



2 / Back of truck at edge of driveway.

See how far house is away from us.

3/ Truck and two cars at end of driveway and straight back from where truck is.



4/ You see exactly where garage is to be up to tree stump.



5/ Our driveway to road



6/ Backyard - ground starts going down  
about 15' from house going to moat.

Notice by bridge the ground is higher.



7/ Backyard where garage will be,

Notice the ground and the moats



8 / Backyard - notice moat down  
low in front of trees, ground higher  
to the left of trees



9 / Backyard where old garage was,  
notice higher ground at top of  
picture. Garage was up to sidewalk.



10 / Front yard, notice the low area  
for moat and higher going towards  
road.



11 / Front yard, notice big tree in front of house - to the left of tree ground starts going down for moat.



12/ Front yard- notice low area for  
meat in front of big tree and  
smaller tree.



13 / Front yard - notice ground at road  
and by house is high compared to  
low area for moat.

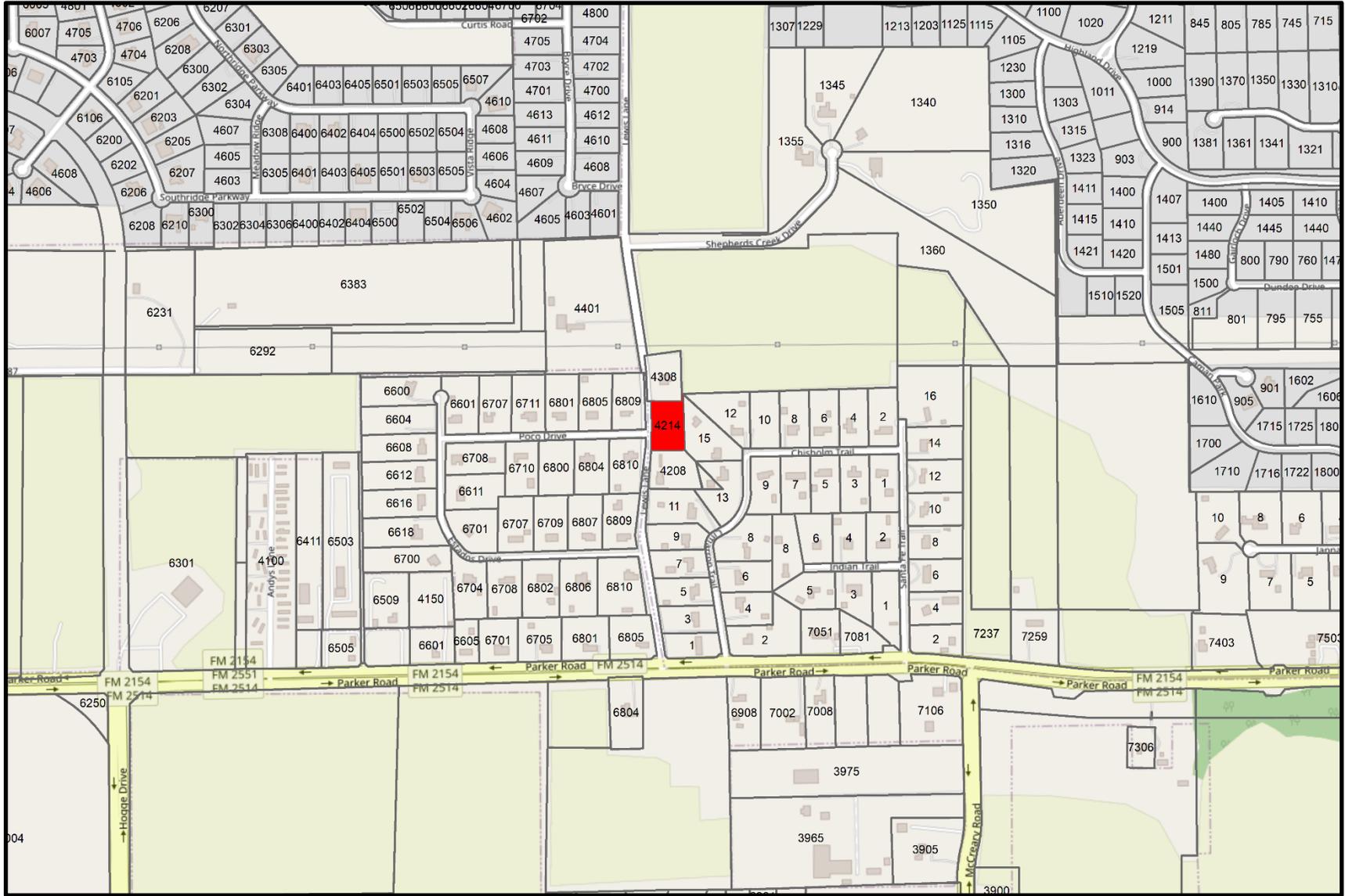


14/ Front yard-ditch area near road,





# LOCATION MAP: 4214 LEWIS LANE





# APPEAL TO THE BOARD OF ADJUSTMENT CITY OF LUCAS

DATE: 6.16.2023

FEE: \$450.00

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

SUBMITTED BY: Name: Richard Minor or Linda Minor  
Address: 4214 Lewis Lane  
City: Lucas State: Texas Zip: 75002  
Phone: 972-442-0173

**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 to be allowed to have our new garage in the exact place where our old garage was at the end of our driveway which is 5' from house. The city wanted us to repair or demolish the old garage so we had it taken down and to put another garage up in the exact place and size. We are now being told we can't because it's too close to property line. We would please like an exception being made so we can put our new garage in the same exact place. Please we need a garage so please allow us to put new garage in the same place at the end of our driveway.

Please look at pictures.

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:

*Rachel Minor Linda Minor*

DECISION OF THE BOARD: \_\_\_\_\_

DATE: \_\_\_\_\_

If not granted by the Board, state reason why:

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\_\_\_\_\_

CHAIRMAN



**City of Lucas**  
**Board of Adjustment Request**  
**July 26, 2023**

Item No. 02

Requester: Board of Adjustment

**Agenda Item Request**

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

**Background Information**

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Ron Poteete previously served as the Vice-Chair of the Board of Adjustment but has resigned recently. There is a now a vacancy for the position of Vice-Chair.

**Attachments/Supporting Documentation**

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NA

**Budget/Financial Impact**

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NA

**Recommendation**

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NA

**Motion**

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I make a motion to appoint \_\_\_\_\_ as Vice-Chair of the Board of Adjustment for a term ending on December 31, 2024.



Item No. 03

**City of Lucas**  
**Board of Adjustment Agenda Request**  
**July 26, 2023**

Requester: Management Analyst Joshua Menhennett

**Agenda Item Request**

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

**Background Information**

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NA

**Attachments/Supporting Documentation**

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1. March 22, 2023 Board of Adjustment meeting 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/deny the minutes of the March 22, 2023 Board of Adjustment meeting.



## MINUTES

### BOARD OF ADJUSTMENT MEETING

March 22, 2023 | 5:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Prior to the regular meeting, there was a workshop with Baxter IT for the migration of City issued emails to Microsoft 365. Members of the Board of Adjustment present were:

- Chairman Tom Redman
- Vice-Chairman Ron Poteete
- Member Brian Stubblefield

### Call to Order

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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-Chairman Ron Poteete  
Member Brenda Rizos  
Member Brian Stubblefield

#### Members Absent:

Member Brian Dale  
Alternate Member Sean Watts  
Alternate Member Frank Hise

#### Staff Present:

City Manager Joni Clarke  
Assistant City Manager Kent Souriyasak  
Development Services Director Joe Hilbourn  
City Secretary Erin Day  
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

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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.**

Development Services Director Joe Hilbourn gave a presentation highlighting the history of this variance request, basic timeline for the variance request, section of the code relating to fencing requirements, location of the property, submitted plans, and examples of the fencing material of the request and the screen materials.

Chairman Redman asked if there was any representation made that screening was a requirement. Mr. Hilbourn advised that was a homeowner's association requirement. Chairman Redman asked if the plan was resubmitted to the city. Mr. Hilbourn advised it was with more detailed information. Chairman Redman asked if there was any differentiation in the code of ordinances on what a fence is being used for.

Chairman Redman opened the public hearing at 6:38 pm.

Wai Ho, 872 Bristol Park, spoke advising she is there to answer any questions. Vice-Chairman Poteete asked why the applicant wanted a 10-foot fence. Mrs. Ho responded advising they intend to play pickleball and the balls may fly out.

Chairman Redman read an email submitted from the public from Mrs. Jennie Tissing, 1190 Stenson Road, advising that the code should be consistently applied, and a sport court should not be exempt.

Chairman Redman closed the public hearing at 6:41 pm.

Chairman Redman advised the code is clear and it limits the fence height, and that the reason for using the fence is for recreational use and that granting this variance would set a bad precedent.

Member Rizos advised the city ordinances are there for a reason and once they are undercut, they lose their authority. Vice-Chairman Poteete agreed.

Chairman Redman reopened the public hearing at 6:44 pm to allow the applicant to speak.

Wai Ho, 872 Bristol Park, advised the 10-foot fence is because the hoop is 10-foot high and will prevent the ball from flying out, and that the ball unrestrained could cause a safety hazard for cars in the street.

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

Chairman Redman advised that if there is an existing fence of 10 feet then they are in violation and could perhaps be remedied.

**MOTION:** A motion was made by Vice-Chairman Poteete, seconded by Member Rizos 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 4 to 0 vote. Member Dale, Alternate Member Watts, and Alternate Member Hise were not present.

## **Regular Agenda**

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

**MOTION:** A motion was made by Chairman Redman, seconded by Vice-Chairman Poteete, to approve the minutes of the January 25, 2023 Board of Adjustment meeting. The motion passed unanimously by a 4 to 0 vote.

### **3. Adjournment.**

**MOTION:** A motion was made by Chairman Redman, seconded by Member Rizos, to adjourn the meeting. The motion passed unanimously by a 4 to 0 vote.

Chairman Redman adjourned the meeting at 6:49 pm.

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Tom Redman, Chairman

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Joshua Menhennett, Management Analyst