

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**FEBRUARY 13, 2019**

The Board of Adjustment met in regular session in the 2<sup>nd</sup> Floor Conference Room, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, February 13, 2019 at 5:30 p.m.

Board members Present: Chairmain, Betty Petkovsek, Vice Chairman, Louise Holubar, Brian White, David Riche, Larry Macy, Eric Roberts and Randall Wilder.

City Staff members Present: Chief Plans Examiner, Jeff Harris and Administrative Assistant, Dee Boardman.

**19-0099** Minutes of the Board of Adjustment Meeting on January 30, 2019. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member David Riche, to Approved and Referred 19-0099 Minutes of the Board of Adjustment Meeting on January 30, 2019.

**19-0100** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Javier Hernandez, Representing the Owner Martin Vega, for the Consideration of a 5' (foot) Variance to the Front Yard Required Setback of 25' (feet) for the Proposed New Structure House and a 10' (foot) Variance to the Rear Yard Required Setback of 25' (feet) for the Proposed New Structure House for Property Located at 613 Fenet Street, Lot 1, Block 1 of the Wanda H. Addition, McKinney, Texas. Chief Plans Examiner, Jeff Harris provided his statement to the Board to consider the requested setback variances based on the non-conforming lot depth of the lot of record. Javier Hernandez, 32 Dupree Drive, McKinney, Texas, 75069 stated the house on the corner of Fenet and Throckmorton Street may have a possible rear setback of 10 feet from the fence. He is unsure who owns the lots behind his property. He believes there to be a large drainage area which may be owned by the City of McKinney or a private individual because they are being maintained. One letter was received in

protest by Larry Crosby, Safari, Development Company, 5250 Hwy 78, Suite 750-326, Sachse, Texas 75048. Mr. Crosby wrote he strongly opposes any action, variance or any permit issued to construct on the subject property without the subject property providing access to his property. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Louise Holubar, to close the Public Hearing 19-0100 on the Request by Javier Hernandez, Representing the Owner Martin Vega, for the Consideration of a 5' (foot) Variance to the Front Yard Required Setback of 25' (feet) for the Proposed New Structure House and a 10' (foot) Variance to the Rear Yard Required Setback of 25' (feet) for the Proposed New Structure House for Property Located at 613 Fenet Street, Lot 1, Block 1 of the Wanda H. Addition, McKinney, Texas. Chairman Petkovsek asked if the notification letter received needs to be discussed by the Board. Mr. Harris stated the subject property that is being discussed is not required to provide access to Safari Development. Mr. Harris also stated the conditions of the Safari Development lot is existing and non-confirming. Meaning, the lot is vacant, does not conform to the 100' required lot depth in the Zoning district and the rear of the lot backs up to a non-buildable drainage easement. Chairman Petkovsek asked what the size and setbacks of the lots across the street from the subject property. Mr. Harris stated the Zoning district is the same as the subject property. The houses on the lots across the street seem fairly new and consistent with the front setbacks of 25'. Mr. Harris does not have the information on the size of the lots. Chairman Petkovsek and Member White asked what the front setback was on the corner lot at Fenet and Throckmorton Street. Mr. Harris stated he does have the information. Mr. Hernandez stated it may be setback at 10'. Member Riche asked Mr. Hernandez what is the hardship. Mr. Hernandez stated the designer assumed and designed the plans similar to the houses across the street provided the lot width was

100'. Member Riche asked City Staff if the corner lot on Fenet and Throckmorton Street received a variance because the front setback is very close to the road and does not appear to be 25'. Administrative Assistant Dee Boardman stated she will look into it. Member Riche asked if the lot behind the subject property is buildable. Mr. Harris stated no if they don't have immediate street access. This agenda item was not voted on due to Member White's request to re-open Public Hearing for additional questions and comments. Board members unanimously approved the motion by Board member Brian White, seconded by Board member David Riche to Reopen the Public Hearing 19-0100 on the Request by Javier Hernandez, Representing the Owner Martin Vega, for the Consideration of a 5' (foot) Variance to the Front Yard Required Setback of 25' (feet) for the Proposed New Structure House and a 10' (foot) Variance to the Rear Yard Required Setback of 25' (feet) for the Proposed New Structure House for Property Located at 613 Fenet Street, Lot 1, Block 1 of the Wanda H. Addition, McKinney, Texas. Member White stated that while he understands the situation he asked Mr. Hernandez would another plan be possible to build without the variance. Mr. Hernandez stated yes, however Mr. Vega had already spent a lot of money on the plans and to change it would cost even more money. The only reason for this request is because of the house on the corner, no neighbors on the rear and the lot not being 100'. Mr. Lawrence Greer, 812 Maples Ave, McKinney, Texas 75069, stated he is in favor of the subject property. Board members unanimously approved the motion by Board member David Riche, seconded by Board member Brian White, to Close the Public Hearing 19-0100 on the Request by Javier Hernandez, Representing the Owner Martin Vega, for the Consideration of a 5' (foot) Variance to the Front Yard Required Setback of 25' (feet) for the Proposed New Structure/House and a 10' (foot) Variance to the Rear Yard Required Setback of 25' (feet) for the Proposed New Structure

House for Property Located at 613 Fenet Street, Lot 1, Block 1 of the Wanda H. Addition, McKinney, Texas. Board members opposed the current motion to approve the agenda item 19-0100. Board members unanimously approved the motion by Board member Brian White, seconded by Board member Larry Macy, to Table the agenda item to Another Meeting for 19-0100 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Javier Hernandez, Representing the Owner Martin Vega, for the Consideration of a 5' (foot) Variance to the Front Yard Required Setback of 25' (feet) for the Proposed New Structure House and a 10' (foot) Variance to the Rear Yard Required Setback of 25' (feet) for the Proposed New Structure House for Property Located at 613 Fenet Street, Lot 1, Block 1 of the Wanda H. Addition, McKinney, Texas. The Board agreed that additional information is needed from City Staff in order to provide a vote. The following items requested were:

1. The size and setback requirements of all the lots on Fenet Street;
2. If a variance request was granted for the property on the corner of Fenet and Throckmorton Street and what those variances) are;
3. Drainage location in relation to the subject property and Safari Development.

The Item was tabled for next meeting on Wednesday, February 27, 2019 at 5:30 p.m.

#### ADJOURN

Board members unanimously approved the motion by Board member Brian White, seconded by Board member David Riche, to adjourn the meeting at 6:10 p.m.

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BETTY PETKOVSEK  
Chairman