

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**NOVEMBER 11, 2020**

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, November 11, 2020 at 6:00 p.m.

Board members Present: David Riche, Chair, Eric Roberts, Vice Chair, Larry Jagours, Larry Macy, Patrick Geddes (Alternate) and Tonya Dangerfield (Alternate).

Absent members: Jon N Prevost.

City staff Present: Rick Herzberger, Chief Building Official, Erika Roberts, Administrative Assistant and Alan Lathrom, City Attorney.

David Riche, Chair, called the meeting to order at 6:03 p.m. after determining a quorum was present.

**20-0998** Minutes of the Board of Adjustment meeting of October 28, 2020. Board members unanimously approved the motion by Board member Eric Roberts, seconded by Board member Patrick Geddes, to Approve and Referred 20-0998 Minutes of the Board of Adjustment meeting of October 28, 2020.

**BOA20-08** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Israel Cardona, representing the Owner Osiel Salinas, for the consideration of a 12 foot variance to the zoning ordinance requirement of 20 feet to allow an 8 feet rear setback for a proposed home located at 1209 Gough Street, Lot 16R Block 4 of W.J.S. Russell's Third Addition, an addition to the City of McKinney, Texas. Board members unanimously approved the motion by Board member Larry Macy and seconded by Board member Larry Jagours to approve Opening the Public Hearing BOA20-08. Chief Building Official, Rick Herzberger, provided his statement. He stated the request has been field validated and agrees that the Board has the implied authority to consider this Variance Request by the Applicant/Owner. This is due to the land locked non-conforming lot condition reflects an unusual and practical

difficulty or hardship not caused by the landowner. Israel Cardona, 921 Lake Grove Drive, Little Elm, Texas 75068, representing the owner, Osiel Salinas, stated they are applying for a variance to build a decent sized house. Board member Larry Macy asked if the new construction would be 1600 square feet. Mr. Cardona stated yes. Chairman David Riche asked if his client always owned both lots, or if that was something he purchased. Mr. Cardona stated they purchased it that way, but at the time they tried to apply for a permit and with the new ordinance, they were required to combine two lots. Chairman David Riche asked if Mr. Cardona's client knew the sizes of the lots at the time of the purchase. Mr. Cardona stated sometimes they do know and sometimes they do not know. Board member Larry Macy asked if there has ever been a house on the property before. Mr. Cardona stated there is an existing water meter there. Chairman David Riche asked if this would be the only house without a 20-foot setback. Mr. Herzberger stated this would be a 20-foot setback as well. Chairman David Riche asked what size house he could build if the variance is not granted. Mr. Cardona stated that would leave them with no option to build and they will have to sell the lot. No letters were received for this property. Board members unanimously approved the motion by Board member Larry Macy and seconded by Vice Chair Eric Roberts to approve Closing the Public Hearing BOA20-08 on the Request by Israel Cardona, representing the Owner Osiel Salinas, for the consideration of a 12 foot variance to the zoning ordinance requirement of 20 feet to allow an 8 foot rear setback for a proposed home located at 1209 Gough Street, Lot 16R Block 4 of W.J.S. Russell's Third Addition, an addition to the City of McKinney, Texas. Board member Larry Macy asked if there were more new home builds in that area. Mr. Herzberger stated there are a few. Board members unanimously approved the motion by Board member Larry Jagours, seconded by Vice Chair Eric Roberts to Approve BOA20-08 the Request by Israel Cardona, representing the Owner Osiel Salinas, for the consideration of a 12 feet

variance to the zoning ordinance requirement of 20 feet to allow an 8 feet rear setback for a proposed home located at 1209 Gough Street, Lot 16R Block 4 of W.J.S. Russell's Third Addition, an addition to the City of McKinney, Texas.

**20-0999** Board of Adjustment Training by Legal - Alan Lathrom.

Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member, Larry Jagours, to Adjourn the meeting at 8:09 p.m.

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DAVID RICHE  
Board of Adjustment Chair