

## McKINNEY BOARD OF ADJUSTMENT

**JULY 22, 2015**

The McKinney Board of Adjustment met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas on July 22, 2015 at 5:30 p.m.

CALL TO ORDER

CONSENT ITEMS

Board members unanimously approved the motion by Scott Jacoby, seconded by Randall Wilder, to Approve CONSENT ITEM

**15-656** Minutes of the Board of Adjustment Special Meeting of May 6, 2015

REGULAR AGENDA

**BOA 15-04** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Francisco Frias for a Variance to the Minimum Side Yard at Corner Setbacks for the Property Located at 302 Pearson Street.

Rick Herzberger, Chief Building Official, addressed the Board. He explained that the lot as well as the lot on the following Agenda Item was a double frontage lot. He explained what that entailed and presented photos of the lot. He advised the Board that the property behind the subject property was a commercial building and sits 45' back.

Next, the applicant, Francisco Frias addressed the Board. He stated that he did not know about the 25' side yard at the corner setback until he applied for his building permit. He would like a variance to allow a 15' side yard at the corner

After a short discussion, Board members unanimously approved the motion by Jim D'Emidio, seconded by Randall Wilder, to Approved BOA 15-04 a 10' variance to the minimum side yard at corner setback for the property located at 302 Pearson Street.

**BOA 15-05** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Donald and Jennifer Spak for a Variance to the Minimum Side Yard at Corner Setback and the Minimum Rear Yard Setback (Detached Garage) for the Property Located at 316 N. Waddill.

Rick Herzberger, Chief Building Official, addressed the Board. He instructed the Board that they can act separately on the two variance requests if they wish. He advised that the existing garage in the rear is dilapidated. If the owner's tear down the garage, they will lose the nonconforming status, and must follow the current requirements to rebuild. The applicant wishes to rebuild a new garage with the same 3' rear setback with the entrance being on Lamar Street. He also explained that this is a double frontage lot requiring a 25' side yard setback at the corner.

Kimberly Davison, Chair, read the Board's Authority as a reminder to the Board.

Don Spak, applicant, addressed the Board. He explained the traffic problems on Waddill Street and Lamar Street. He stated that he believed his plan would alleviate some of those problems with cars parking on the street. He wants to put a circular drive at the side yard and a porte-cochere with an enter and exit side on each end for safety.

Rick Herzberger advised the Board that he had spoken to the City's Traffic Department and they had no problem with proposed plan. However there was a pole that would have to be removed at the owner's expense. Mr. Spak stated that he would do whatever was needed to comply.

Kimberly Davison, stated that there were several letter of support and of opposition by the neighbors. She asked if there was any one else there to speak on this item. She read the names and addresses of those interested parties.

Linda Dyer, who lives on Lamar Street, addressed the Board. She stated she did not understand exactly what the plan entailed because she could not see the documents and photos that the Board had access to. Kimberly Davison informed Ms. Dyer that all the information was on-line at the City's Website for the public. Ms. Davison then provided the web address.

After hearing the concerns of the individuals present, the Board discussed tabling the variance request and providing the neighbors with more information regarding the porte-cochere, circle drive, and the traffic concerns.

Board members unanimously approved the motion by Randall Wilder, seconded by Jim D'Emidio, to Approve BOA 15-05, the request for a 7' variance to the minimum rear yard setback only, (Detached Garage) for the property located at 316 N. Waddill.

Board members unanimously approved the motion by Randall Wilder, seconded by Scott Jacoby, to table BOA 15-05 the request for a 10' variance to the minimum side yard at corner setback for the property located at 316 N. Waddill.

ADJOURN

Board members unanimously approved the motion by Randall Wilder, seconded by Scott Jacoby, to adjourn. The meeting adjourned at 6:35 p.m.

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KIMBERLY DAVISON  
Chair