

**BOARD OF ADJUSTMENT REGULAR MEETING
MAY 15, 2019**

The Board of Adjustment met in regular session in the 2nd Floor Conference Room, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, May 15, 2019 at 5:30 p.m.

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

City Staff members Present: Rick Herzberger, Chief Building Official and Dee Boardman, Administrative Assistant.

Chair Betty Petkovsek called the meeting to order after determining a quorum was present.

19-0401 Minutes of the Board of Adjustment Meeting of March 13, 2019. Board members unanimously approved the motion by Board member Randall Wilder, seconded by Board member Louise Holubar, to Approve and Referred 19-0401 Minutes of the Board of Adjustment Meeting of March 13, 2019.

19-0402 Conduct a Public Hearing to Consider/Discuss/Act on the Request by owners Kelly and Kathleen Taylor for the consideration of a 4.35' (foot) variance to the rear yard required setback of 20' (feet) for the existing structure being a part of a proposed amended plat for Property Located at 1106 Tucker Street, Lot 2, Block 2 being a re-plat of G.W. Fox Addition, McKinney, Texas. Rick Herzberger, Chief Building Official Rick Herzberger stated the requested property, is in the TMN (Traditional McKinney Neighborhood) overlay district which allows older lots and in certain cases re-plats to have less of a width and depth setback. The TMN reduces the required setback from 25' to 20' thus the requested setback variance is 4.35' instead of 9.35'. Mr. Herzberger stated the Taylors have applied for a conditional amending plat meaning if the board does not find merit in granting the rear setback variance in this case then

the second case is null and void and cannot be heard. Mr. Herzberger then read aloud the Item Summary and Building Official Statement of the agenda for this case. Owner, Kelly Taylor, 1106 Tucker Street, McKinney, Texas 75069 stated in order to amend the plat without a variance, the pool will have to be demolished. A variance request would allow us to keep the pool and spare the expense of demolition and loss of use of the pool. Two letters were received in favor and read by Chair, Betty Perkovsek. Board members unanimously approved the motion by Board member Eric Roberts, seconded by Board member Larry Macy, to Close the public hearing 19-0402 Conduct a Public Hearing to Consider/Discuss/Act on the Request by owners Kelly and Kathleen Taylor for the consideration of a 4.35' (foot) variance to the rear yard required setback of 20' (feet) for the existing structure being a part of a proposed amended plat for Property Located at 1106 Tucker Street, Lot 2, Block 2 being a re-plat of G.W. Fox Addition, McKinney, Texas. Member Macy asked for clarification of where the current lot lines are and where the new lines will be with the amended plat. Member Wilder asked if the house was to be demolished at 1106 Tucker Street once the variance is approved. Mr. Taylor stated once the variance and plat is approved and the new house is built (1203 Bonner Street), he will list the house on 1106 Tucker Street for sale. Chair Petkovsek asked if approved, what will the new lot size will be. Mr. Herzberger stated the lot size will still be 6,000. Board members unanimously approved the motion by Board member Louise Holubar, seconded by Board member Randall Wilder, to Approved 19-0402 Conduct a Public Hearing to Consider/Discuss/Act on the Request by owners Kelly and Kathleen Taylor for the consideration of a 4.35' (foot) variance to the rear yard required setback of 20' (feet) for the existing structure being a part of a proposed amended plat for Property Located at 1106 Tucker Street, Lot 2, Block 2 being a re-plat of G.W. Fox Addition, McKinney, Texas.

19-0403 Conduct a Public Hearing to Consider/Discuss/Act on the Request by owners Kelly and Kathleen Taylor for the consideration of a variance to the zoning ordinance accessory use requirements, to allow the existing swimming pool structure to remain as an accessory use without a main use for a period of 12 months from the date of the proposed amended plat, being a part of a proposed amended plat for Property Located at 1203 Bonner Street, Lot 1, Block 2, being a re-plat of G.W. Fox Addition, McKinney, Texas. Building Official, Rick Herzberger read his statement. The Taylors will have 12 months from the date of the filing of the amended plat to apply for a new residential single family home and a remodel permit for the pool showing how to power up the pool as well as the discharge of the pool without crossing the two property lines once completed. Owner, Kelly Taylor, 1106 Tucker Street, McKinney, Texas 75069 stated once the variances and plat is approved, he will start immediately with the permit application submittal. He has already obtained a home designer and builder. Two letters were received in favor and read by Chair, Betty Perkovsek. Board members unanimously approved the motion by Board member Eric Roberts, seconded by Board member Louise Holubar, to Close the public hearing 19-0403 Conduct a Public Hearing to Consider/Discuss/Act on the Request by owners Kelly and Kathleen Taylor for the consideration of a variance to the zoning ordinance accessory use requirements, to allow the existing swimming pool structure to remain as an accessory use without a main use for a period of 12 months from the date of the proposed amended plat, being a part of a proposed amended plat for Property Located at 1203 Bonner Street, Lot 1, Block 2, being a re-plat of G.W. Fox Addition, McKinney, Texas. Member Macy asked for clarification if the rear property line from the pool was existing and had not changed. Mr. Herzberger stated the pool was in compliance at the time it was built. Member Roberts asked what happens if it takes longer than 12 months to build the house. Mr.

Herzberger stated approval of both variances will be null and void based on the conditions of the amending plat. Planning will act accordingly as well. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Eric Roberts, to Approved 19-0403 Conduct a Public Hearing to Consider/Discuss/Act on the Request by owners Kelly and Kathleen Taylor for the consideration of a variance to the zoning ordinance accessory use requirements, to allow the existing swimming pool structure to remain as an accessory use without a main use for a period of 12 months from the date of the proposed amended plat, being a part of a proposed amended plat for Property Located at 1203 Bonner Street, Lot 1, Block 2, being a re-plat of G.W. Fox Addition, McKinney, Texas.

Board members unanimously approved the motion by Board member Louise Holubar, seconded by Board member Larry Macy, to adjourn the meeting at 5:59 p.m.

BRIAN WHITE
Member