

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**DECEMBER 12, 2018**

The Board of Adjustment met in regular session in the 2<sup>nd</sup> Floor Conference Room, 222 N. Tennessee Street, McKinney, Texas, on December 12, 2018 at 5:30 p.m.

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

City Staff Present: Rick Herzberger, Building Official, Dee Boardman, Administrative Assistant

**18-1034** Minutes of the Board of Adjustment Meeting on November 14, 2018. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Louise Holubar, to approve 18-1034 Minutes of the Board of Adjustment Meeting on November 14, 2018.

**18-1035** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Thad Halsey (representing owner Habitat for Humanity Collin County) for the Consideration of a .5' (foot) variance to allow a 4.5' foot, side setback, to the Zoning Ordinance requirement of a 5' foot, side setback, for Property Located at 902 N. Throckmorton Street, Lot 1R Block 2, Habitat No. 2 Addition, McKinney, Texas. Rick Herzberger, Building Official provided his statement. Mr. Herzberger stated this request was field validated. He also stated that anytime you have a house that is less than five feet to the property line, the building code requires you to provide a one hour fire protection. Both houses currently meet the calculated one hour fire resistance requirement based on the materials used. All future remodels, must meet the prescriptive requirements per the building code. Thad Halsey, 1650 W Virginia St, Suite 102, McKinney Texas 75069, spoke on behalf of the owner and stated that this variance request stemmed from an inaccurate old survey on 904 Throckmorton Street.

Back then, surveyors took a piece of land and cut them up and then filed with the County with no oversight. So, when 902 Throckmorton Street home was built, they followed the required current setbacks not knowing 904 Throckmorton Street would have setback issues in the future. This variance request will satisfy both properties legally. George Fuller stated that this variance request is extremely appropriate considering all the circumstances. No notification letters received. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Eric Roberts, to close the public hearing to Consider/Discuss/Act on the Request by Thad Halsey (representing owner Habitat for Humanity Collin County) for the Consideration of a .5' (foot) variance to allow a 4.5' foot, side setback, to the Zoning Ordinance requirement of a 5' foot, side setback, for Property Located at 902 N. Throckmorton Street, Lot 1R Block 2, Habitat No. 2 Addition, McKinney, Texas. Member Macy asked Mr. Halsey if currently both houses are existing and essentially stated that the amended plat will reflect moving the property line. Mr. Halsey said yes. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member David Riche, to Approve the request by Thad Halsey (representing owner Habitat for Humanity Collin County) for the Consideration of a .5' (foot) variance to allow a 4.5' foot, side setback, to the Zoning Ordinance requirement of a 5' foot, side setback, for Property Located at 902 N. Throckmorton Street, Lot 1R Block 2, Habitat No. 2 Addition, McKinney, Texas.

**18-1036** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Thad Halsey (representing owner Julia Evans) for the Consideration of a .3' (foot) variance to allow a 4.7' foot, side setback, to the Zoning Ordinance requirement of a 5' foot, side setback, for Property Located at

904 N. Throckmorton Street, Lot 2R Block 2, Habitat No. 2 Addition, McKinney, Texas. Rick Herzberger, Building Official provided his statement. Mr. Herzberger stated this is the same item summary as case 18-1035, 902 Throckmorton Street. Thad Halsey, 1650 W Virginia St, Suite 102, McKinney Texas 75069, spoke on behalf of the owner and stated that this is the other property relating to case 18-1035, 902 Throckmorton Street. No letters received. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Louise Holubar, to Approve to close the Public Hearing 18-1036 on the Request by Thad Halsey (representing owner Julia Evans) for the Consideration of a .3' (foot) variance to allow a 4.7' foot, side setback, to the Zoning Ordinance requirement of a 5' foot, side setback, for Property Located at 904 N. Throckmorton Street, Lot 2R Block 2, Habitat No. 2 Addition, McKinney, Texas. Member Macy asked Mr. Halsey about the location of the abandoned alley. Mr. Halsey stated the abandoned alley was never paved and was a grass alley located on the north side of the house at 904 Throckmorton Street. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Eric Roberts, to Approve the request by Thad Halsey (representing owner Julia Evans) for the Consideration of a .3' (foot) variance to allow a 4.7' foot, side setback, to the Zoning Ordinance requirement of a 5' foot, side setback, for Property Located at 904 N. Throckmorton Street, Lot 2R Block 2, Habitat No. 2 Addition, McKinney, Texas.

Board members unanimously approved the motion by Board member David Riche, seconded by Board member Louise Holubar, to adjourn the meeting at 5:48 p.m.

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BETTY PETKOVSEK  
Chairman