

**BOARD OF ADJUSTMENT**

**FEBRUARY 12, 2020**

The City of McKinney Board of Adjustment met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, February 12, 2020 at 6:00 p.m.

Board members Present: Board Chair Louise Holubar, Board Vice Chair David Riche, and Members Larry Macy, Eric Roberts, and Larry Jagours

City of McKinney Staff Present: Chief Building Official Rick Herzberger, Permit Technician Supervisor Terra Bierschwale, Construction Inspections Administrative Assistant Erika Roberts, and City Secretary Empress Drane

There were approximately 15 members of the public present.

Board Chair Louise Holubar called the meeting to order at 6:01 p.m. after determining a quorum of the Board was present.

Board Chair Louise Holubar called for the following agenda items:

**20-0131** Minutes of the Board of Adjustment Meeting of July 31, 2019

The Board unanimously approved the motion by Board member Eric Roberts, seconded by Vice Chair David Riche, to approve the Minutes of the Board of Adjustment Meeting of July 31, 2019.

**20-0132** Minutes of the Board of Adjustment Meeting of October 16, 2019

The Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Larry Jagours, to approve the Minutes of the Board of Adjustment Meeting of October 16, 2019.

**20-01BOA** Conduct a Public Hearing to Consider/Discuss/Act on the Appeal of the Building Official's decision by Teresa Orahod, representing the owner Kelly Brown, for the consideration of a variance to the zoning ordinance side at corner setback requirement of 15' feet to allow a side at corner setback of 7'6" for the construction of an open accessory structure, located at 4902 Jamestown Lane, Lot 10 of Block B of the Virginia Woods Phase 2, an addition to the City of McKinney, Texas.

Chief Building Official Rick Herzberger read the statement Item Summary: The applicant/owner desires to construct an open accessory structure in the rear yard and locate the structure within the required side at corner setback of 15' feet. The Building Official determined that the applicant/owner can locate the structure in the rear yard and meet the required 15' side at corner setback. The applicant/owner feels like they can present conditions that qualify under the variance requirements in the zoning ordinance. Zoning: PD – Planned Development Ordinance 1993-06-015 SF-2 setback regulations. Existing Conditions: This is a conforming lot and the rear yard has space to locate the structure within the required setback. Building Official Statement: The request has been field validated and I agree that the Board has the implied authority to consider the Appeal by the Applicant/Owner.

Theresa Orahood, 4902 Jamestown Lane, McKinney, Texas 75071, spoke on behalf of the homeowner: the property is unique in that there is a significant elevation drop in the yard and placing the structure in that area would keep the proposed structure out of sight of the community pool located behind the property.

Homeowner, Kelly Brown, 4902 Jamestown Lane, McKinney, Texas 75071 stated the privacy from the community pool is an issue and the elevation adds to that problem. Brown stated no neighbor has expressed concern, and all spoken to have given support. Virginia Woods Property Owner Association President John Hicks, 4802 Jamestown Lane, McKinney, Texas 75071 stated support for the appeal. Two letters were received, approved by Ronnie Gilbert, 4807 Jamestown Lane, McKinney, Texas 75071 and John and Sammie Hicks, 4802 Jamestown Lane, McKinney, Texas 75071.

Board members unanimously approved the motion by Board member Eric Roberts, seconded by Board member Larry Macy, to close the public hearing.

Vice Chair Riche asked Mr. Brown how long he has lived at the residence. Mr. Brown stated since 2003. Vice chair Richie asked Mr. Brown if he was aware of the elevation drop when he moved in. Mr. Brown stated yes. Board member Roberts asked if a variance request for a taller fence would be available in this case. Mr. Herzberger stated it would be a possibility he would investigate.

Board members unanimously approved the motion by Vice Chair David Riche,

seconded by Board member Eric Roberts, to deny the appeal.

**20-0133** Conduct a Public Hearing to Consider/Discuss/Act on whether to Conduct a Second Public Hearing to Determine an Amortization Period and Establish a Compliance Date for the Nonconforming Concrete Batch Plant Use (TXI Operations, LP / Martin Marietta Redi-Mix), at the Request of the City Council (Resolution No. 2019-12-145 R), for Property Located at 2005 South McDonald Street, McKinney, Texas.

Board members unanimously approved the motion by Vice Chair David Riche, and seconded by Board member Larry Macy, to Open the Public Hearing.

Board members unanimously approved the motion by Board member David Riche, seconded by Board member Larry Jagours, to table the public hearing and decision regarding until the Board of Adjustment meeting of February 26, 2020.

**20-0134** Conduct a Public Hearing to Consider/Discuss/Act on whether to Conduct a Second Public Hearing to Determine an Amortization Period and Establish a Compliance Date for the Nonconforming Concrete Batch Plant Use (Cowtown Redi-Mix), at the Request of the City Council (Resolution No. 2019-12-144 R), for Property Located at 2015 South McDonald Street, McKinney, Texas.

Board members unanimously approved the motion by Board member Larry Macy, and seconded by Board member Larry Jagours, to Open the Public Hearing.

Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Larry Jagours, to table the public hearing and decision until the Board of Adjustment meeting of February 26, 2020.

Board members unanimously approved the motion by Board member Eric Roberts, seconded by Board member Larry Macy, to adjourn. Board Chair Louise Holubar adjourned the meeting at 6:28 p.m.

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Louise Holubar  
Board Chair