

BOARD OF ADJUSTMENT REGULAR MEETING

JULY 27, 2017

The Board of Adjustment met in regular session in the 2nd Floor Conference Room, 222 N. Tennessee Street, McKinney, Texas, on July 27, 2017 at 5:30 p.m.

Board members Present: Chairman Scott Jacoby; Board members: Kimberly Davison, Randall Wilder, Brad Taylor, and Betty Petkovsek and Alternate Brian White was in attendance. Absent: Board member Patrick Cloutier.

Staff present: Chief Building Official Rick Herzberger and Administrative Assistant Dee Boardman.

- 17-735** Minutes of the Board of Adjustment Meeting of May 31, 2017. Board members unanimously approved the motion by Board member Wilder, seconded by Board member Taylor, to approve the Minutes of the Board of Adjustment Meeting of May 31, 2017 in transcript form.
- 17-736** Minutes of the Board of Adjustment Meeting of June 28, 2017. Board members unanimously approved the motion by Board member Petkovsek, seconded by Board member Wilder, to approve the Minutes of the Board of Adjustment Meeting of June 28, 2017.
- 17-737** Chairman Jacoby called for a Public Hearing to Consider/Discuss/Act on the Request by Robert (Mike) Evertson, to Consider a 380 Square Foot Variance from the Zoning Ordinance Requirement of a Maximum 500 Square Foot for a Proposed 880 Square Foot Accessory Building / Detached Garage for the Property Located at 109 Westwood Circle, McKinney, Texas. Applicant, Mr. Evertson stated that the property is a little more than an acre lot and located in the middle of town. The impact of the requested size will be non-existent to the neighbors due to the building location which can't be seen from the street. Mr. Evertson had previously contacted the City to see if an outbuilding can be built on the lot prior to purchasing. He failed to ask the City of the size requirement. He will not build the building if his application is denied. Chief Building

Official Herzberger stated that square footage is set by the Zoning Ordinance. Chairman Jacoby stated that there has to be a hardship for his variance to be granted. Chairman Jacoby received two letters to support. Chairman Jacoby stated that the Board is extremely limited to what they can and cannot do. Chairman Jacoby asks Mr. Herzberger for clarification if you can put two buildings side by side or you just can't go over 500 square feet at all? Mr. Herzberger stated that it applies to each lot. Board member Davison had a question regarding Appendix F - Schedules of the Zoning Regulations regarding the area to calculate the square footage. Mr. Herzberger stated that it wouldn't matter on his land area because it is limited to 500 square feet per dwelling, per lot. Board member Davison asked what if it was an attached garage, can he expand his house? Mr. Herzberger stated that he can build as much as he wants if it was attached, the detached then becomes an accessory building. Mr. Evertson stated that the use is for a parking garage (boat, trailer, lawn mowers and tractor). Mr. Herzberger stated that this is not classified as a hardship based on the Zoning Ordinance. Mr. Herzberger read the definition of hardship from Assistant City Attorney Alan Latham. Mr. Herzberger stated that the Board follows the guidelines of the Zoning Ordinance and the intent is to not go over 500 square feet. Mr. Herzberger stated that the Board has the discretion to look at the hardship the applicant is presenting and look at the over square footage. Chairman Jacoby called for public comment and there was none. Board members unanimously approved the motion by Board member Taylor, seconded by Board member Petkovsek, to close the public hearing. Board members unanimously approved the motion by Board member Davison, seconded by Board member Wilder, to approve the request by Robert (Mike) Evertson, to consider a 380 square foot variance from the Zoning Ordinance requirement of a maximum 500 square foot for a proposed 880 square foot accessory building / detached garage for the

property located at 109 Westwood Circle, McKinney, Texas.

Board members unanimously approved the motion by Board member Taylor, seconded by Board member Davison, to adjourn. Chairman Jacoby adjourned the meeting at 5:54 p.m.

SCOTT JACOBY
Chairman