

BOARD OF ADJUSTMENT REGULAR MEETING

MARCH 29, 2017

The Board of Adjustment met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on March 29, 2017 at 5:30 p.m.

Board members Present: Scott Jacoby, Kimberly Davison, Randall Wilder, Patrick Cloutier and Board Alternate, Brian White. Board Alternate Present: Betty Petkovsek.

Absent: Brad Taylor

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

Chairman Jacoby called the meeting to order at 5:30 p.m. after determining a quorum was present.

17-291 Minutes of the Board of Adjustment Meeting of February 22, 2017

Board members unanimously approved the motion by Board member Wilder, seconded by Board member Davison, to approve the Minutes of the Board of Adjustment Meeting of February 22, 2017.

17-292 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sharon Scott for a 9' Variance from the Ordinance from the Minimum Side at Corner Setback of 15' for the Property Located at 315 N Waddill Street, McKinney Texas

Mr. Mark McReynolds, 2704 Elmwood Court, McKinney, was given five minutes to make comments about the item. Mr. McReynolds stated he was the designer for Ms. Scott, property owner. The intent is to put an addition on the backside of the kitchen. House was built in 1920's-1930's. Current zoning requires a 15' side setback at a side street which would not be enough square footage for her addition. History of the street revealed the property lost six feet due to widening/re-paving back then. The home on the property is a historic home and is on the City landmark list. Chairman Jacoby questioned whose driveway it was in relation to the proposed addition. It was the property owner's driveway. Member Kim Davison asked if the addition was to be shaped like a box at completion if

the variance was granted. Mr. McReynolds responded yes and part of the construction will include an enclosure of the porch. Sharon Scott, 315 N Waddill Street, property owner, mentioned that she will be adding a sun porch to the back of the house. In order to maintain the beauty and integrity of the 1926 home, both gables must be pulled out. Many improvements were done to the home. The Patterson House, as it is called, is deemed The House with Nine Gables, she says. Neighbor, Mavis Ramey who lives at 308 N Morris Street visited and discussed the notice and didn't have a problem with the variance request. She mentioned that she too had 6' of her property taken as well. This just confirms how many people were affected by the widening/re-paving that was done and she shouldn't be penalized for something that had been done so long ago. Ms. Scott also mentioned she has health issues particularly with her knees. With the new kitchen addition, she will be able to have more space instead of using a ladder which she is unable to use. The house across the street, 316 N Waddill Street, had received a variance for a porte-cochere which is much closer to the property line than what was designated. There is no reason to have one because they already have a two car driveway. Google maps were taken in 2013 that was submitted along with the application, in order to see this addition, you would have to be inside property. The shrubbery will hide the addition. Additional photos were submitted. Chairman Jacoby read a total of two letters that were received, both of them were in favor. Chief Building Official, Rick Herzberger read the Building Official Statement from Agenda Item 17-02. Board member Cloutier remarked that although the current Board was not involved at that time of the variance approval across the street, 316 N Waddill, it was based on their own merit and that the current Board does not have the benefit of what was said and done at that meeting but appreciated the applicant for being well prepared. The Board unanimously approved the motion by Board member Cloutier, seconded

by Board member White, to approve the request by Sharon Scott for a 9' variance from the Ordinance from the minimum side at corner setback of 15' for the property located at 315 N Waddill Street, McKinney Texas.

17-293 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Doug and Melissa Willmarth for an 18' Variance from the Ordinance from the Minimum Rear Yard Setback of 25' for the Property Located at 804 N College Street, McKinney Texas.

Mr. Doug Willmarth, 804 N College Street, is requesting a variance at the rear setback for a cover and screen in above an existing deck in order to provide shelter and privacy to get in and out of the home. Mr. Willmarth states he is unable to do the wrap around deck with the rear setback being 25'. The purpose was to keep improvements on the back of the house from bothering the neighbors. The dirt/paved alley behind the property has been a topic of conversation in the neighborhood, both for and against improvements or closure. It creates a 30' – 35' buffer zone between properties. A lot of care was taken when designing the plans for the addition in terms of style, architectural design and keeping with the aesthetics of the house within the neighborhood. With the requested variance and the alley, the back of the covered porch would be more than 35' away from adjoining lots. Photos were presented. Mr. Willmarth also stated that there was confusion when notification letters with maps were sent out depicting his request to build into the alley. Some of the letters that was sent in was for protest. After clarifying the request with his neighbors, one property owner retracted their decision and approved. Board member White asked how high is the roofline of this addition? The roofline is that of a single story. Mr. Kobey Seale, 403 Tucker Street, stated that in answer to the previous question, the addition is a single story. Looked at side yard, will be encroaching even further and to neighbor. Intent was to use the existing deck area and add a cover with all open air and screened in. Chair Jacoby referred to a protest letter

about the applicant's garage being open to the alley way, Mr. Willmarth says no it doesn't and may have been one of three property owners that do open to the alley. Chair Jacoby misread the letter. There was further discussion using photos presented particularly the back of the garage. The fence is to be adjusted to the property line. Chair Jacoby asked whether the existing deck was to be replaced and rebuilt. Mr. Seale mentioned some of the decking will be rebuilt and the height will be lowered 6". Christine Lindsey, 800 N. College Street, stated the notification letter she received was misleading, access is difficult and more detailed information should be on the notification letter of the request. Had she known this, she would have approved. Mr. Billy Simmons, 509 Heart Street, agreed with Ms. Lindsey's statement and says he is one of the three property owners that use the alley on a daily basis. Chief Building Official, Rick Herzberger read the Building Official Statement from Agenda Item 17-02. (Audio inaudible) Member Davison asked Mr. Herzberger if the City has plans to make it a City street. Mr. Herzberger says he thinks not in the next five years from what he understood. Mr. Simmons mentioned they would have to tear down two homes in order to make the alley into a street. One of the two homes is fairly new. He says he didn't think this will happen. Chairman Jacoby read a total of six letters that were received, five of them were in favor and one was protest. Property owners at 806 N. College Street mentioned because of the ground height of the addition, their yard privacy would be substantially compromised and the value of their property would be decreased. They also mentioned their garage also opens into the alley in addition to other three properties. Board members unanimously approved the motion by Board member Cloutier, seconded by Board member Davison, to approve the request by Doug and Melissa Willmarth for an 18' variance from the Ordinance from the minimum rear yard setback of 25' for the property located at 804 N. College Street, McKinney, Texas.

17-294 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Mathew J. Scott for a 5' Variance from the Ordinance from the Minimum Rear Yard Setback of 10' for the Property Located at 5100 Feather Crest, McKinney Texas. Administrative Assistant Dee Boardman stated a correction needed to be made to the property owner's name from Mathew J. Scott to Mathew J. Scow. Correction noted.

Mr. Mathew J. Scow, property owner, wants to create a backyard outdoor living space, remodel existing pool, create deck with cover for privacy. He submitted the remodel permit application and didn't realize there was a 10' rear setback. Because the property is on a corner lot, there is not a lot of space to work with. The only area to expand is in the rear yard toward the retaining wall and that will run in line with the pool and not the back door of the house. The cover will look like it was originally with the house and will fit in with the neighborhood and not detract from anybody. Chairman Jacoby asked about drainage. Mr. Scow says there is an existing French drain on the side property next to the neighbors. The proposed plan is to install drain pockets at the deck area to drain to the corner of the street. Chief Building Official, Rick Herzberger read the Building Official Statement from Agenda Item 17-04. Chairman Jacoby read two of three letters. One protest and two approved. Chairman Jacoby questioned Mr. Scow if the protest letter was from the property owner with the second story deck? (Audio in audible) Board member Wilder asked if construction was completed, would it be a hindrance to the Fire Department to gain access to the property in case of a fire. Chairman Jacoby stated the Fire Department is good at reaching things you don't think they can reach and in a very timely manner. Possibly the side of the property. Board members unanimously approved the motion by Board member White, seconded by Board member Wilder, to approve the request by Mathew J Scow for a 5' variance from the Ordinance from the minimum rear yard setback of 10' for the property located at 5100 Feather

Crest, McKinney, Texas. Board member Cloutier's only concern was the drainage and was pleased with the discussion.

Board members unanimously approved the motion by Board member Cloutier, seconded by Board member White, to adjourn.

Chairman Jacoby adjourned the meeting at 6:24 p.m.

SCOTT JACOBY
Chairman