

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**MARCH 10, 2021**

The Board of Adjustment met in regular session in the McKinney City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, March 10, 2021 at 6:00 p.m.

**21-0200** Oath of Office - Neal Prevost

Board members Present: Chair, David Riche, Vice Chair, Eric Roberts, Larry Jagours (member), Tonya Dangerfield and Patrick Geddes (Alternates).

Absent: Larry Macy and Jon Neal Prevost (Members).

City Staff members Present: Chief Building Official, Rick Herzberger, and Accreditation and Reporting Specialist, Erika Roberts.

David Riche called the meeting to order at 6:01 p.m. after determining a quorum was present.

**21-0201** Minutes of the Board of Adjustment Meeting of September 30, 2020. Board members unanimously approved the motion by Board member Eric Roberts, seconded by Board member Larry Jagours, to Approved and Referred 21-0201 Minutes of the Board of Adjustment Meeting of September 30, 2020.

**21-0202** Minutes of the Board of Adjustment Meeting of November 11, 2020. Board members unanimously approved the motion by Board member Larry Jagours, seconded by Board member Patrick Geddes, to Approved and Referred 21-0202 Minutes of the Board of Adjustment Meeting of November 11, 2020.

**BOA 21-01** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Applicant James West, representing Owners Susan and Eugene Johnson, to Consider/Discuss/Act a Variance request to allow a 10' rear yard setback to the zoning ordinance requirement of 20' rear setback

and to allow a 13' side at corner setback to the zoning ordinance requirement of 20' side at corner setback, for the property located at 617 W. Hunt Street, Lot 579B of the McKinney Outlets, shown as Abstract No. 88, T.T. Bradley Survey, an addition to the City of McKinney, Texas. Board members unanimously approved the motion by Board member, Eric Roberts and seconded by Larry Jagours, to approve Opening the Public Hearing BOA 21-0.

Chief Building Official, Rick Herzberger, provided his statement. Mr. Herzberger stated the applicant/owner desires to construct a single-family home on this existing lot, yet due to some lot non-conformity concerns, a variance is requested for consideration by the Board. The placement of the structure meets the front setback of 20' but the rear setback of 20' restricts the placement of the structure, thus a request for 10' rear setback. Since this is a corner lot with double frontage street access, the side setback of 20' restricts the placement of the structure, thus a request of a 13' setback from the side at corner. The intent in the zoning ordinance for a side at corner 20' setback, as opposed to a 15' setback, is to recognize the setbacks on structures facing this side street. A GIS rendering of these other 4 structures (204-210 Bradley) facing the side street is provided and shows the varied front setbacks. The input of the 200' property owners should be reviewed to determine if such variance will not seriously affect the adjoining property or the general welfare.

James West, 504 Tucker Street Mckinney, Texas. Mr. West stated the house includes an art studio in the back. Property line setback is unusually further back than the other houses because of the corner lot situation. Chairman Riche asked how many square feet the studio would be. Mr. West stated it would be 200 square feet. Chairman Riche asked if the art studio was not attached then would the house fit properly on the lot. Mr. West stated no. Chairman Riche asked how many square feet

the house will be. Mr. West stated the house will be a 4,500 square feet home with 2 stories, a single story in the back and it covers 44.5% of the lot area. Chairman Riche asked if the studio could not be in the house. Mr. West stated the option was explored, but it would not work anywhere else. Board member Geddes stated that even without the artist studio, the owners are asking for a variance.

Eugene Johnson, 4913 Shore Crest Drive McKinney, Texas, stated he is the owner and is available for any questions the Board may have. Three letters were received in favor of this variance request; no protest has been submitted. Board members unanimously approved the motion by Board member Larry Jagours, seconded by Vice Chair Eric Roberts, to Close the Public Hearing. Chairman Riche stated he is concerned about safety since this is a corner lot. Vice Chair Eric Roberts stated that there is already a telephone pole on the sidewalk of the corner so there is not much of a safety issue if the variance is approved.

Board members unanimously approved the motion by Board member Larry Jagours, seconded by Board member Tonya Dangerfield, to approve BOA 21-01 the Request by Applicant James West, representing Owners Susan and Eugene Johnson, to Consider/Discuss/Act a Variance request to allow a 10' rear yard setback to the zoning ordinance requirement of 20' rear setback and to allow a 13' side at corner setback to the zoning ordinance requirement of 20' side at corner setback, for the property located at 617 W. Hunt Street, Lot 579B of the McKinney Outlets, shown as Abstract No. 88, T.T. Bradley Survey, an addition to the City of McKinney, Texas.

Board members unanimously approved the motion by Vice Chair Eric Roberts, seconded by Board member Patrick Geddes, to Adjourn the meeting at 6:33 p.m.

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DAVID RICHE  
Chairman