

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**JANUARY 31, 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 Wednesday, January 31, 2018 at 5:45 p.m.

Board members Present: Chairman Scott Jacoby, Vice Chairman Randall Wilder, Betty Petkovsek, Brian White, and Louise Holubar. Board members Absent: Board members Brad Taylor and Anthony Salas.

City Staff members Present: Chief Building Official Rick Herzberger and Administrative Assistant Dee Boardman.

Chairman Jacoby called the meeting to order at 5:45 p.m. after determining a quorum was present.

**18-088** Minutes of the Board of Adjustment Meeting of October 25, 2017. Board members unanimously approved the motion by Board member White, seconded by Board member Petkovsek, to approve the Minutes of the Board of Adjustment Meeting of October 25, 2017.

**18-089** Chairman Jacoby called for a Public Hearing to Consider/Discuss/Act on the Request by Timothy and Erika McWilliams for Consideration of a Special Exception to Allow a Fence to a Height of 8' 6" from the Allowed Fence Height of 6' 8" for the Property Located at 504 W. Virginia Street, Lot 1, Huggins Addition, McKinney, Texas. Chief Building Official Rick Herzberger provided his statement on behalf of the City. Applicants Timothy and Erica McWilliams presented their request. Mr. McWilliams stated that the street side elevation is slightly elevated above the bottom fence line and is falling down. This would not deter from the historic neighborhood look and feel. Board member White asked if Herndon is an alley or a street. Mr. McWilliams said it is a public right of way and basically an alley. Board member Petkovsek stated that living in the historic district is all about the open feeling; however, she understands the fence request for the privacy and safety of their young children.

Board member White asked how the current sides of the fence are going to connect to the requested higher fence. Mr. McWilliams stated that they can clip the corners to create a gradual stepdown for the sides. Board member Petkovsek inquired about the wrought iron fence on Virginia Street. Mrs. McWilliams stated that the fence starts at the carport and stops at the garage. Chairman Jacoby read the Boards authority (Section 1. Section 122-178 (d) of the Code of Ordinances, City of McKinney, Texas). Board member Petkovsek asked if the Historic Preservation Officer Guy Giersch approved this request. Chief Building Official Rick Herzberger stated that Mr. Giersch provided a letter of approval; however, Building Inspections cannot issue the permit yet. Chairman Jacoby read the submitted five notification letters (four that approved the request and one that protested the request). Chairman Jacoby called for public comment and there was none. Board members unanimously approved the motion by Board member Petkovsek, seconded by Board member Holubar, to close the public hearing and approve the request by Timothy and Erika McWilliams for a Special Exception to allow a fence height of 8' 6" from the allowed fence height of 6' 8" for the property located at 504 W. Virginia Street, Lot 1, Huggins Addition, McKinney, Texas.

**18-090** Chairman Jacoby called a Public Hearing to Consider/Discuss/Act on the Request by Kelsey Larson for Consideration of a Special Exception to Allow a Fence to a Height of 8' 0" from the Allowed Fence Height of 6' 8" for the Property Located at 1104 W. Hunt Street, Lot 4C, Block 7 of the Waddill Addition, McKinney, Texas. Chief Building Official Rick Herzberger noted that the applicant, Mr. Kelsey Larson, started the installation of the fence then stopped. Mr. Larson didn't realize there was a height restriction in the area and looked at 8' 6' as the height requirement for the whole City. The Board cannot consider his violation of starting a project without a permit. Applicant Mr. Kelsey Larson stated

that he did not get a permit. There are different types and heights of fences around his property. The main reason for the fence is for privacy between him and his neighbor on the back side of his property. There is a bit of a slope between the two properties. Vice Chairman Wilder asked if Mr. Larson will continue with the same height throughout the entire length on the west side of his property. Mr. Larson stated that his concern is the approval of the fence that is already up and he would like to continue building the fence. Chairman Jacoby read the submitted four letters of support of the request. Chairman Jacoby called for public comment and there was none. Board members unanimously approved the motion by Board member White, seconded by Board member Holubar, to close the public hearing and approve the request by Kelsey Larson for a Special Exception to allow a fence to a height of 8' 0" from the allowed fence height of 6' 8" for the property located at 1104 W. Hunt Street, Lot 4C, Block 7 of the Waddill Addition, McKinney, Texas.

Board members unanimously approved the motion by Board member Petkovsek, seconded by Vice Chairman Wilder, to adjourn the meeting. Chairman Jacoby adjourned the meeting at 6:18 p.m.

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SCOTT JACOBY  
Chairman