

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**JUNE 12, 2019**

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, June 12, 2019 at 5:30 p.m.

Board members Present: Brian White, David Riche, Larry Macy, Eric Roberts and Randall Wilder. Absent: Betty Petkovsek, Chair and Louise Holubar, Vice Chair

City Staff members Present: Rick Herzberger, Chief Building Official and Terra Bierschwale, Permit Technician Supervisor

Member Brian White called the meeting to order after determining a quorum was present.

**19-0478** Minutes of the Board of Adjustment Meeting of May 15, 2019. Board members unanimously approved the motion by Board member Randall Wilder, seconded by Board member David Riche, to Approved and Referred 19-0478 Minutes of the Board of Adjustment Meeting of May 15, 2019.

**19-0477** Conduct a Public Hearing to Consider/Discuss/Act on the Request by owner Osiel Salinas for the consideration of a Special Exception to the front yard fence, maximum height of four feet (4') as required by Section 122-176 (b) to allow a front yard fence with a maximum height of six feet (6') for Property Located at 914 Gerrish Street, part of Lots 43, 44, 45, Block 11 of the W.J.S. Russell 4th Addition, McKinney, Texas. Chief Building Official Rick Herzberger read aloud the Item Summary, Sec. 122-178 Special exceptions and Building Official Statement of the agenda for this case. Israel Cardona, 921 Lane Grove Drive, Little Elm, Texas 75068, representing Osiel Salinas. Mr Cardona stated there is no homeowners association in the area and the request is solely for security purposes. Mr. White read one approved notification letter by Hsu Chyan Tai, 1011 Healy Ave, McKinney, Texas, 75069. Board members

unanimously approved the motion by Board member Larry Macy, seconded by Board member Eric Roberts, to Close the public hearing 19-0477 Conduct a Public Hearing to Consider/Discuss/Act on the Request by owner Osiel Salinas for the consideration of a Special Exception to the front yard fence, maximum height of four feet (4') as required by Section 122-176 (b) to allow a front yard fence with a maximum height of six feet (6') for Property Located at 914 Gerrish Street, part of Lots 43, 44, 45, Block 11 of the W.J.S. Russell 4th Addition, McKinney, Texas. Member Wilder asked if the height will be 6' all around the property or just in the front. Mr. Herzberger confirmed the height will be 6' all around. Member Macy and Member Riche asked if there were any pictures of the existing and surrounding properties. Mr. Herzberger assumes based on the comprehensive plan that the lot next to the property will be part of Commercial Industrial Use in the future. Member Riche asked if there were any other fences in the front yard in the surrounding area. Mr. Herzberger stated he had conducted a visit to the requested address and stated there are some fences but the houses were facing east. There were some side yard fences but no front fences on the other side of the alley. Member White asked if the front of the house will be facing Gerrish Street. Mr. Herzberger stated yes, this will be the first on Gerrish Street that will have a fence in the front. Mr. Herzberger also stated that this request will set a precedence which was the intent of the ordinance. Member Riche stated he doesn't see a hardship with this case and with the fence being a wrought iron, it could still be easily accessible. Member Riche also stated as part of the special exceptions, number 5 (five), it states it has to be consistent with the area. Member Roberts stated with nothing else in the area this will start a precedence versus being the only one. Member Macy stated if there were some 4' fences that are existing then it would be different, but there were none. Member White stated the PD (Planned Development) property is surrounded by

an 8' - 10' chain link fence. Mr. Herzberger stated when looking at the comprehensive plan, he didn't see any plan for collector streets, looked like the tract will be industrial or part of the airport someday which I nearby. Member Wilder stated if you do not allow this request, then the only allowable height will be 4' for all future fence requests which would not be much security especially if you have young children. Member Riche asked if this lot is considered a corner lot. Mr. Herzberger stated the property is a corner lot on an alley which would require a visibility triangle. The wrought iron fence would meet this requirement. If the PD is developed as Commercial use as proposed, then the property owner is responsible for providing a screening fence which would be 8' that divides the residential and commercial properties. Board members approved the motion by Board member Randall Wilder, seconded by Board member Larry Macy, to Approved 19-0477 Conduct a Public Hearing to Consider/Discuss/Act on the Request by owner Osiel Salinas for the consideration of a Special Exception to the front yard fence, maximum height of four feet (4') as required by Section 122-176 (b) to allow a front yard fence with a maximum height of six feet (6') for Property Located at 914 Gerrish Street, part of Lots 43, 44, 45, Block 11 of the W.J.S. Russell 4th Addition, McKinney, Texas. with a vote of 4 - 1 - 0, David Riche voting no.

Board members unanimously approved the motion by Board member Eric Roberts, seconded by Board member David Riche, to adjourn the meeting at 5:58 p.m.

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LOUISE HOLUBAR  
Vice-Chair