

**BOARD OF ADJUSTMENT REGULAR MEETING
JULY 25, 2018**

The Board of Adjustment met in regular session in the 2ND Floor Conference Room, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, July 25, 2018 at 6:00 p.m.

Board members Present: Chairman Scott Jacoby, Vice Chairman Randall Wilder, Brad Taylor, Betty Petkovsek, Brian White. Absent: Louise Holubar, Anthony Salas. Alternate board member, Louise Holubar was present but was not needed at this meeting, she was excused.

Staff members present: Chief Plans Examiner Jeff Harris and Administrative Assistant Dee Boardman.

18-611 Minutes of the Board of Adjustment Meeting of May 30, 2018. Board members unanimously approved the motion by Board member Randall Wilder, seconded by Board member Brad Taylor, to approve 18-611 Minutes of the Board of Adjustment Meeting of May 30, 2018.

18-612 Chairman Jacoby called a Public Hearing to Consider/Discuss/Act on the Request by Ernest C. Prior, to Consider a 652 Square Foot Variance from the Zoning Ordinance Requirement of a Maximum 500 Square Foot for a Proposed 1,152 Square Foot Accessory Building / Detached Garage for the Property Located at 4412 Meadow Hill, Lot 11, Block B of the Horseshoe Bend Estates, McKinney, Texas. Chief Plans Examiner Jeff Harris stated the existing conditions of this request is the lot is conforming on lot size, width and depth per RED-2 zoning district. The lot is platted as one lot with 2.034 acres in size. The existing structures plus proposed detached garage will not exceed the maximum lot coverage of 35% of total lot size. The request has been validated and the Board has the authority to consider this variance request. Due to the condition of this being a conforming lot, the Board will need to consider the applicants request in light of the second condition of

variances, as described – “Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the zoning ordinance as established by this chapter, and at the same time, the surrounding property will be properly protected”. Applicant, Mr. Earnest C Prior, 4412 Meadow Hill, McKinney, Texas 75070, stated he is requesting to build a 1,152 square foot detached garage on his two acre property. The design will fit in with the neighborhood. The surrounding twenty five neighbors have large structures that also fit in with the neighborhood. Member Petkovsek asked if the existing accessory structure will remain. Mr. Prior stated this will be removed. Member Taylor asked if the design style will match the home. Mr. Prior stated it will have a hip roof, hardy board and similar paint color as the home. There were no notification letters received for this request. Board members unanimously approved the motion by Board member Brad Taylor, seconded by Board member Betty Petkovsek, to approve closing the Public Hearing on the request by Ernest C. Prior, to Consider a 652 Square Foot Variance from the Zoning Ordinance Requirement of a Maximum 500 Square Foot for a Proposed 1,152 Square Foot Accessory Building / Detached Garage for the Property Located at 4412 Meadow Hill, Lot 11, Block B of the Horseshoe Bend Estates, McKinney, Texas. Board members unanimously approved the motion by Board member Brian White, seconded by Board member Betty Petkovsek, to approve the request by Ernest C. Prior, to Consider a 652 Square Foot Variance

from the Zoning Ordinance Requirement of a Maximum 500 Square Foot for a Proposed 1,152 Square Foot Accessory Building / Detached Garage for the Property Located at 4412 Meadow Hill, Lot 11, Block B of the Horseshoe Bend Estates, McKinney, Texas.

18-613 Chairman Jacoby called for a Public Hearing to Consider/Discuss/Act on the Request by Joseph and Barbara Minei, to Consider a 400 Square Foot Variance from the Zoning Ordinance Requirement of a Maximum 200 Square Foot for a Proposed 600 Square Foot Accessory Building for the Property Located at 2840 Cedar Ridge Drive, Lot 22, Block A, Reserve at Eldorado, McKinney, Texas. Chief Plans Examiner Jeff Harris stated the existing conditions of this lot is conforming on lot size, width and depth per PD-Low Density SF – Large Lot zoning district. The existing structures plus proposed accessory building will not exceed the maximum lot coverage of 35% of total lot size. The request has been validated and the Board has the authority to consider this variance request. Due to the condition of this being a conforming lot, the Board will need to consider the applicants request in light of the second condition of variances, as described – “Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the zoning ordinance as established by this chapter, and at the same time, the surrounding property will be properly protected”. Applicant, Mr. Joseph Minei, 2840 Cedar Ridge Drive, McKinney, Texas

75072 is requesting to build a 600 square foot detached accessory building with electricity on his one acre lot. The construction of the accessory building will match the home with hardy board and paint color. Visibility of the accessory building will be minimal if none from the street. Chairman Jacoby read all five approved notification letters that were received. Board members unanimously approved the motion by Board member Brian White, seconded by Board member Randall Wilder, to approve closing the Public Hearing on the request by Joseph and Barbara Minei, to Consider a 400 Square Foot Variance from the Zoning Ordinance Requirement of a Maximum 200 Square Foot for a Proposed 600 Square Foot Accessory Building for the Property Located at 2840 Cedar Ridge Drive, Lot 22, Block A, Reserve at Eldorado, McKinney, Texas. Board members unanimously approved the motion by Board member Brad Taylor, seconded by Board member Betty Petkovsek, to approve the request by Joseph and Barbara Minei, to Consider a 400 Square Foot Variance from the Zoning Ordinance Requirement of a Maximum 200 Square Foot for a Proposed 600 Square Foot Accessory Building for the Property Located at 2840 Cedar Ridge Drive, Lot 22, Block A, Reserve at Eldorado, McKinney, Texas

- 18-614** Chairman Jacoby called for a Public Hearing to Consider/Discuss/Act on the Request by Osiel Salinas for the Consideration of Three (3) Variances to the Zoning Ordinance for Property Located at 820 Hamilton Street, Block D of Short's Addition, McKinney, Texas. Chief Plans Examiner, Jeff Harris stated the existing conditions of this request is a non-conforming vacant lot and applicant desires to build a new home on the lot. Railroad on east side (rear yard) and a no-build area on the south side (side yard). The request also has been field validated and the Board has the implied authority to consider these 3 variances, based on the undersized lot and conditions presented by the applicant, and is not

contrary to the public interest and general welfare of the adjacent property. Applicant, Mr. Osiel Salinas, 900 Hart Road, Fairview, Texas 75069, stated he owns the lot and is trying to build a single family, single story home for his daughter. The hand drawing presented is not necessarily going to represent what he is going to build, he is using it to portray the difficulty of what it is going to look like using the required setbacks. He then stated it is impossible to build anything on the lot because of the required setback of 25' on the front and rear yard and 15' on the side at corner. You can't even put a mobile home on it. He then drew a house using the requested setbacks and it looks like he can build a decent size home. More than half of the lot can't be used for anything because of a pie shape type of the lot. The house on the right at 702 Christian is an older home with a front setback of 15'. Chairman Jacoby asked if there is a minimum setback requirement set forth by the Texas Railroad Commission. Mr. Harris stated the railroad is an active railway and is considered private property. Mr. Salinas stated he is going to try and keep the square footage of the home within 2000 square feet. Chairman Jacoby asked if there are any notification letters submitted, there were none. Board members unanimously approved the motion by Board member Betty Petkovsek, seconded by Board member Brad Taylor, to approve closing the Public Hearing on the request by Osiel Salinas for the Consideration of Three (3) Variances to the Zoning Ordinance for Property Located at 820 Hamilton Street, Block D of Short's Addition, McKinney, Texas. Board members unanimously approved the motion by Board member Brad Taylor, seconded by Board member Randall Wilder, to approve the request by Osiel Salinas for the Consideration of Three (3) Variances to the Zoning Ordinance for Property Located at 820 Hamilton Street, Block D of Short's Addition, McKinney, Texas

18-615 Chairman Jacoby called a Public Hearing to Consider/Discuss/Act on the Request by Bryant Knepp with Habitat for Humanity - Collin County, for the Consideration of Ten (10') Variance to the Side at Corner Setback Requirement of Twenty Five Feet (25,) in the Zoning Ordinance, for Property Located at 701 Elm Street, Lot 10, Block 6, Gerris Addition, McKinney, Texas. Chief Plans Examiner Jeff Harris stated the existing conditions of this request is a conforming vacant corner lot and applicant desires to build a new home on the lot. The corner lot does show minimum 50' width by ordinance, yet newer platted subdivisions usually show a more than 50' wide side at corner lot to accommodate the 25' minimum setback for side at corner lot. The lot does have 125' depth which is 25' more than the minimum lot depth of 100'. The request also has been field validated and the Board has the implied authority to consider this variance, based on the lot and conditions presented by the applicant, and is not contrary to the public interest and general welfare of the adjacent property. Applicant, Mr. Bryant Knepp, 2060 Couch Drive, McKinney, Texas 75069 stated this is a request for a 10' variance from the side at corner with the minimum setback of 25'. The current setback requirement poses a challenge on the 50' lot, therefore this request is needed in order to build a four bedroom, 1,250 square feet Habitat for Humanity home. To the west is the parking area of a church and across is the old Cotton Mill. Member Taylor asked what is the minimum setback to the east at 703 Elm Street which happens to be the parents' home of the new homeowners. Mr. Knepp stated the 5' on the drawing is the proposed setback and would be within variance. Because of the depth of the lot, there will be a nice space between this lot and 1305 Hamilton Street. Member White was concerned about the line of sight for Elm Street as it is a busy street however this is will not be an issue. Chairman asked if there are any notification letters submitted. No letter received. Board members unanimously approved the motion by Board

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member Brian White, seconded by Board member Betty Petkovsek, to approve closing the Public Hearing on the request by Bryant Knepp with Habitat for Humanity - Collin County, for the Consideration of Ten (10') Variance to the Side at Corner Setback Requirement of Twenty Five Feet (25,) in the Zoning Ordinance, for Property Located at 701 Elm Street, Lot 10, Block 6, Gerris Addition, McKinney, Texas. Board members unanimously approved the motion by Board member Brian White, seconded by Board member Brad Taylor, to approve the request by Bryant Knepp with Habitat for Humanity - Collin County, for the Consideration of Ten (10') Variance to the Side at Corner Setback Requirement of Twenty Five Feet (25,) in the Zoning Ordinance, for Property Located at 701 Elm Street, Lot 10, Block 6, Gerris Addition, McKinney, Texas

Board members unanimously approved the motion by Board member Brad Taylor, seconded by Board member Randall Wilder, to adjourn the meeting at 6:28 p.m.

RANDALL WILDER
Vice Chairman