

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**MAY 30, 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, May 30, 2018 at 5:30 p.m.

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

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

**18-451** Minutes of the Board of Adjustment Meeting of April 25, 2018. Board members unanimously approved the motion by Board member Petkovsek, seconded by Board member White, to approve the Minutes of the Board of Adjustment Meeting of April 25, 2018.

**18-452** Chairman Jacoby called for a Public Hearing to Consider/Discuss/Act on the Request by Bryant Knepp with Collin County Habitat for Humanity, Representing the Owner Celeste Cox, for the Consideration of Two (2) Variances to the Zoning Ordinance for Property Located at 703 Jefferson Street Lot 3 Block A of the Hamilton-Jefferson Addition, McKinney, Texas. Chief Building Official Rick Herzberger stated that the powers that the Board of Adjustment holds should be kept in mind when making a determination on each agenda item. Mr. Herzberger stated that this request has been field validated and the existing conditions indicate that this is a vacant lot that is part of a recent filed plat and is not a lot of record. The rear lot line is greater than the required 50' minimum and the front lot line is less than the required 50'. Applicant, Ms. Kimberly Kimmons, 2060 Couch Drive, McKinney stated they are requesting a variance for the front and the side at corner setback of 3' due to the nature of the way the lot is shaped and the floor plan the homeowner agreed upon. The other lots that will also be developed are also Habitat homes. Board member White requested clarification on the drawing that

showed the 25' setbacks in all directions as opposed to the 22' setback that is requested. Ms. Kimmons stated that the corner of Hamilton Street side where it is angled on the site plan will need the 3' variance because it is non-conforming. Chairman Jacoby stated that one letter was received and recommending approval of the variance. Chairman Jacoby asked for public citizen.

Mr. Jason Rose, 2120 Cosmos Way, Argyle asked if this request falls within the Traditional McKinney Neighborhood (TMN) district that gives the alleviation by right of the build lines. Mr. Herzberger stated that this does not fall within the TMN overlay district.

Mr. Ron Lustig, 733 Creek Valley Court, Allen stated the TMN overlay district exists all the way from Graves Street to the Airport.

Mr. Herzberger stated the setbacks were determined and given to him by Planning and Zoning. Mr. Herzberger also stated the policy is to submit the Board of Adjustment application to Planning and the Historic Preservation Officer for review. Board members unanimously approved the motion by Board member White, seconded by Board member Holubar, to close the public hearing. Board members unanimously approved the motion by Board member White, seconded by Board member Petkovsek, to approve the request by Bryant Knepp with Collin County Habitat for Humanity two (2) variances to the Zoning Ordinance for property located at 703 Jefferson Street Lot 3 Block A of the Hamilton-Jefferson Addition, McKinney, Texas. Chief Building Official, Rick Herzberger, started off by reminding the Board of the special power the Board holds and too keep in mind when making a determination on each agenda item that they understand the Board's authority and what the applicant is requesting. A question was brought up on if the Board is allowed to visit the site. Mr. Herzberger stated, per the City Attorney, you can drive by but if you feel compelled to go on site, don't drive by. Mr. Herzberger also stated in his building official statement that this request

has been field validated and the existing conditions are that this is a vacant lot that is part of a recent filed plat and is not a lot of record. The rear lot line is greater than the required 50' minimum and the front lot line is less than the required 50'. Kimberly Kimmons, 2060 Couch Drive, McKinney stated they are requesting a variance for the front and the side at corner setback of 3' due to the nature of the way the lot is shaped and the floor plan the homeowner agreed upon. The other lots that will also be developed and are Habitat homes as well. Member White needed clarification on the drawing that showed the 25' setbacks in all directions as opposed to the 22' setback that is requested. Ms. Kimmons stated that the Hamilton Street side at corner where it is angled on the site plan will need the 3' variance because it is non-conforming. Chairman Jacoby asked if there were any letters received. One was received and recommended approval of the variance. Public citizen, Jason Rose, 2120 Cosmos Way, Argyle asked if this request falls within the TMN district that gives the alleviation by right of the build lines. Mr. Herzberger stated this does not fall within that of the TMN (Traditional McKinney Neighborhood) overlay district. Public citizen, Ron Lustig, 733 Creek Valley Court, Allen stated the TMN overlay district exists all the way from Graves Street to the Airport. Mr. Herzberger stated the setbacks were determined and given to him by Planning and Zoning. Mr. Herzberger also stated the policy is to submit the Board of Adjustment application to Planning and the Historic Preservation Officer for review. Board members unanimously approved the motion by Board member Brian White, seconded by Board member Louise Holubar, to Close the public hearing 18-452 to Conduct a Public Hearing to Consider/Discuss/Act on the Request by Bryant Knepp with Collin County Habitat for Humanity, Representing the Owner Celeste Cox, for the Consideration of Two (2) Variances to the Zoning Ordinance for Property Located at 703 Jefferson Street Lot 3 Block A of the Hamilton-Jefferson Addition, McKinney,

Texas. Board members unanimously approved the motion by Board member Brian White, seconded by Board member Betty Petkovsek, to Approve the request by Bryant Knepp with Collin County Habitat for Humanity, Representing the Owner Celeste Cox, for the Consideration of Two (2) Variances to the Zoning Ordinance for Property Located at 703 Jefferson Street Lot 3 Block A of the Hamilton-Jefferson Addition, McKinney, Texas.

**18-359** Chairman Jacoby called for a Public Hearing to Consider/Discuss/Act on the Request by Jason Rose, Representing the Owner Terri Lustig, for the Consideration of Five (5) Variances to the Zoning Ordinance for Property Located at 208 S. Benge Street, Lot 218B, Block 55, McKinney, Texas. Chief Building Official Rick Herzberger reminded the Board that when the Historic Preservation Officer states in their report “shall”, this must be done and when he states “should”, it is a recommendation. Mr. Herzberger stated it Jefferson is an alley and that it does not matter on the zoning ordinance setback because the requirement states rear or corner side-entry garages shall adhere to a 20’ building setback in order to accommodate a 20’ driveway between the garage door and the alley or street right of way. Applicant Mr. Jason Rose, 2120 Cosmos Way, Argyle stated that when designing this project with the owner, Ron Lustig, determined that the lot was too small to build a home with a master bedroom downstairs. The floor plan was pulled back to the minimum footprint from the initial request from the last meeting on May 30, 2018 to accomplish all the factors. It was recommended at the last meeting to stake the house out. An elevation comparison of the house next door in terms of scale was created so you can see the scale of the proposed house in comparison to the scale of the house next door. Mr. Rose stated that as you can see on the plan showing the neighbor’s property line which is 18’, the porch will extend 3’ more and the façade will come back in a little bit. What we are asking for is the ability to have a porch. A lot of

the newer codes now have porch encroachments so that you are able to build 5' into the build line. Mr. Lustig summarized the major points from the last meeting and stated it is still subject the Historic Preservation Officer's Mr. Giersch's final approval. Chairman Jacoby stated one letter was received in support and one letter received was in opposition to the request. Board members unanimously approved the motion by Board member Wilder, seconded by Board member White, to close the public hearing. Board members unanimously approved the motion by Board member Holubar, seconded by Board member Wilder, to approve the request by Jason Rose, representing the owner Terri Lustig, for five (5) variances to the Zoning Ordinance for property located at 208 S. Benge Street, Lot 218B, Block 55, McKinney, Texas..

Board members unanimously approved the motion by Board member Petkovsek, seconded by Board member Holubar, to adjourn the meeting. Chairman Jacoby adjourned the meeting at 6:12 p.m.

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SCOTT JACOBY  
Chairman