

BOARD OF ADJUSTMENT REGULAR MEETING

JUNE 26, 2019

The Board of Adjustment met in regular session in the 2nd Floor Conference Room, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, June 26, 2019 at 5:30 p.m.

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

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

Vice Chair Louise Holubar called the meeting to order after determining a quorum was present.

19-0523 Minutes of the Board of Adjustment Meeting of June 12, 2019. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Eric Roberts, to Approved and Referred 19-0523 Minutes of the Board of Adjustment Meeting of June 12, 2019.

19-0524 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Owners Alexander and Margaret Maxwell for the Consideration of a Variance to the Zoning Ordinance Rear Yard Setback Requirement of 20' to Allow a Rear Lot Setback of 15' for an Attached Patio Cover located at 3301 Smoke Tree Lane, Lot 6, Block H of the Eldorado Heights Section 111, Phase IV, McKinney, Texas. Chief Building Official, Rick Herzberger read aloud the Item Summary, Zoning, Existing Conditions and Building Official Statement of the agenda for this case. Homeowner, Alex Maxwell, 3301 Smoke Tree Lane, McKinney, Texas 75070 stated the patio is existing and was built in line with the house which is at an angle due to the shape of the lot. The stone patio faces west and is in direct sunlight and gets extremely hot as early as 11:00 a.m. A lot of

consideration and exploration went into finding ways to build a cover without encroaching into the build line. There were no notification letters received. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member David Riche, to Close the public hearing 19-0524 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Owners Alexander and Margaret Maxwell for the Consideration of a Variance to the Zoning Ordinance Rear Yard Setback Requirement of 20' to Allow a Rear Lot Setback of 15' for an Attached Patio Cover located at 3301 Smoke Tree Lane, Lot 6, Block H of the Eldorado Heights Section 111, Phase IV, McKinney, Texas. Member Macy stated due to the irregular size of the lot, he would approve this request. Member Roberts agrees. Member Riche asked how much of the cover will be encroaching into the build line. Mr. Maxwell stated 45 square feet of the patio cover will be encroaching. Member Riche asked if the size of cover can be reduced. Mr. Maxwell stated the posts would be in the middle of the existing patio rather than along the lines of the existing two (2') foot patio wall. Member Macy asked why not cover up to the house. Mr. Maxwell stated because of the pitch notch that was built with the home and the required free draft area for the fire place per the building code as stated by Mr. Herzberger, it could not be done. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Brian White, to Approved 19-0524 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Owners Alexander and Margaret Maxwell for the Consideration of a Variance to the Zoning Ordinance Rear Yard Setback Requirement of 20' to Allow a Rear Lot Setback of 15' for an Attached Patio Cover located at 3301 Smoke Tree Lane, Lot 6, Block H of the Eldorado Heights Section 111, Phase IV, McKinney, Texas.

19-0525 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Owner Jim Wilson for the Consideration of a Variance to the Zoning Ordinance Rear Yard Setback Requirement of 20' to Allow a Rear Lot Setback of 10' for the Remodel of an Existing Detached Carport to Allow for the Construction of a Fully Enclosed, Brick Veneer, 2 Vehicle Garage with Living Space Above the Garage, for Property Located at 416 W. Louisiana Street, Lot 524C of the McKinney Outlets (CMC), McKinney, Texas. Chief Building Official read aloud the Item Summary, Zoning, Existing Conditions and Applicant's Basis for Variance and Building Official Statement of this agenda for this case. Mr. Herzberger stated the updated Zoning ordinance allows duplexes and single family. Mr. Herzberger stated in the past, GIS map drawings were presented and used as a reference but reminded the Board when looking at these cases, they must stand on their own merit. Homeowner, Jim Wilson, 416 W Louisiana Street, McKinney, Texas 75069 stated he would like to improve his property by replacing the existing detached carport with a fully enclosed two car garage and living space above. Mr. Wilson stated he would like to attach the new garage to the existing house but in doing so, the setback requirements from a detached to an attach structure changes thus the request for a variance. The access and maneuverability of the driveway will be difficult as well. Four (4) notification letters received. All were in approval of the variance request. Board members unanimously approved the motion by Board member Brian White, seconded by Board member Eric Roberts, to Close the public hearing 19-0525 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Owner Jim Wilson for the Consideration of a Variance to the Zoning Ordinance Rear Yard Setback Requirement of 20' to Allow a Rear Lot Setback of 10' for the Remodel of an Existing Detached Carport to Allow for the Construction of a Fully

Enclosed, Brick Veneer, 2 Vehicle Garage with Living Space Above the Garage, for Property Located at 416 W. Louisiana Street, Lot 524C of the McKinney Outlets (CMC), McKinney, Texas. Member Riche asked if the second story addition will intrude on the privacy of the surrounding neighbors. Mr. Wilson stated the addition will have a bedroom on the south side which will face into the property and a closet with no windows on the north side facing Virginia Street. The east side will have another closet and a bathroom. Mr. Riche asked if this request will have to go through the Historic District for review and approval. Mr. Herzberger stated yes this variance request stemmed from a review with Mr. Guy Giersch from the Historic District and will be part of the review requirements for future Board of Adjustment applications. Board members unanimously approved the motion by Board member Eric Roberts, seconded by Board member David Riche, to Approved 19-0525 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Owner Jim Wilson for the Consideration of a Variance to the Zoning Ordinance Rear Yard Setback Requirement of 20' to Allow a Rear Lot Setback of 10' for the Remodel of an Existing Detached Carport to Allow for the Construction of a Fully Enclosed, Brick Veneer, 2 Vehicle Garage with Living Space Above the Garage, for Property Located at 416 W. Louisiana Street, Lot 524C of the McKinney Outlets (CMC), McKinney, Texas.

Board members unanimously approved the motion by Board member Brian White, seconded by Board member Larry Macy, to adjourn the meeting at 6:11 p.m.

BETTY PETKOVSEK
Chair