

BOARD OF ADJUSTMENT REGULAR MEETING

OCTOBER 25, 2017

The Board of Adjustment met in regular session in the 2nd Floor Conference Room, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, October 25, 2017 at 5:30 p.m.

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

Staff present: Chief Building Official Rick Herzberger, City Secretary Sandy Hart and Administrative Assistant Dee Boardman.

17-1057 Oaths of Office

City Secretary Sandy Hart administered the Oaths of Office to Brian White, Betty Petkovsek and Anthony Salas.

17-1058 Election of Officers

Board members approved the motion by Board member White, seconded by Board member Wilder, to elect Scott Jacoby as Chairman.

Board members approved the motion by Board member White, seconded by Board member Petkovsek, to elect Randall Wilder as Vice Chairman.

17-1059 Minutes of the Board of Adjustment Meeting of September 27, 2017

Board members approved the motion by Board member Taylor, seconded by Board member Petkovsek, to approve the minutes of the Board of Adjustment meeting of September 27, 2017.

17-1060 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Dave and Jenny Foster 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 501 N. Byrne Street, Lot 1, Block A of the Byrne-Hill Addition, McKinney, Texas. Chief Building Official Rick Herzberger provided his statement on behalf of the City.

Richard Zercher of Integrity Custom represented property owner Dave Foster. Prior to building the two story house, the lot was uneven. A lot of

dirt had to be brought in, as much as possible, to level the lot. This caused the lot to be a little high from the original elevation. Now that the house is built, the property owners (Johnsons) behind the lot on Tucker Street, feel that the Fosters will be impeding on their privacy in their back yard a great deal. The Fosters are able to see directly into their house. Mr. Zercher wants to take down the existing fence which faces the Johnsons at the back corner and replace it with a two tiered fence using metal posts at a height of 8'6" and 60'- 65" in length. The remainder of the 100' lot length will be in a step down height fashion as it reaches the road. Because the lot was uneven, drainage was problematic with the Johnsons. The City had installed a storm inlet. Board member Petkovsek appreciates the Board taking applications on a case by case basis for fence height especially in the Historic District. The fence on Hill Street will not be replaced. A picket fence will be installed in the future in the front of the house. Board member Petkovsek asked if the Historic Preservation Officer (Guy Giersch) provides a recommendation to applications that are in the Historic District. Chief Building Official Rick Herzberger says that in July, City Council amended the Fence Ordinance to allow special exceptions under the Board of Adjustment to look at it on a case by case basis. Yes, Mr. Giersch did approve this request. Chairman Jacoby read Request for a Special Exception letters. Four letters were received approved and none in protest. Board members approved the motion by Board member Taylor, seconded by Board member White, to close the public hearing and approve the request by Dave and Jenny Foster for a Special Exception which meets the following recommendation:

1. The lot has unusual topographical conditions that distinguish it from other similarly sized and shaped lots, and where such conditions create a hardship that renders privacy and security inadequate without such relief

to allow a fence to a height of 8'6" from the allowed fence height of 6'8" for the property located at 501 N. Byrne Street, Lot 1, Block A of the Byrne-Hill Addition, McKinney, Texas.

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Board members approved the motion by Board member White, seconded by Vice Chairman Wilder, to adjourn. Chairman Jacoby adjourned the meeting at 5:54 p.m.

SCOTT JACOBY
Chairman