

**BOARD OF ADJUSTMENT REGULAR MEETING
JANUARY 30, 2019**

The Board of Adjustment met in regular session in the 2ND Floor Conference Room, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, January 30, 2019 at 5:31 p.m.

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

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

19-0070 Minutes of the Board of Adjustment Meeting of January 16, 2019. Board members unanimously approved the motion by Board member Louise Holubar, seconded by Board member Eric Roberts, to Approved and Referred 19-0070 Minutes of the Board of Adjustment Meeting of January 16, 2019.

19-0071 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Brian E. Lingle, representing the owner Salvador Sifuentes, for the consideration of a 10' (foot) variance to the side at corner yard required setback of 25' (feet) for the proposed new structure/house, a 6' (foot) variance to the side at corner yard setback of 25' (feet) for the proposed remodel and or addition of the detached garage and a 116 SF (square feet) variance to the detached garage maximum size of 500 SF (square feet), for Property Located at 708 First Avenue, College (CMC) Addition, Block 5, Lot 1B, McKinney, Texas. Rick Herzberger, Building Official provided his statement to the Board. The applicant for this property is under a Building Standards Commission Order to demolish the existing substandard house and wood framed garage and either upgrade or demolish the existing two-story structure. All 3 structures on the lot are non-conforming in relation to location on the lot and meeting the required

zoning setbacks. The owner intends to demolish the substandard house and build a new house and remodel the two story structure and seek variances. The request has been field validated and I agree that the Board has the implied authority to consider these setback variances based on -

1. The conditions created by a partial non-conforming lot (width on double frontage lots are currently being platted with 65' feet width to accommodate the double 25' setback) – current lot is 55' feet wide.
2. The owner is reducing the non-conformity for the new structure/house and converting the 2 story structure into a 2 vehicle garage and relocating the entry to this garage from First Avenue to Bradley Street.

Brian Lingle, 7002 Westchester Court, Suite 200, McKinney, Texas 75072. Mr. Lingle stated both the house and the old garage (293 square feet) have been demolished. The foundation on the remaining garage structure which is 17' deep and built in 1996 is still stable. There is no room lengthwise to fit a car. The proposed new home construction without the variance and the 25' setback will only be 25' wide and very long and narrow. We are finding ways to keep the mature trees. Chairman Petkovsek read only one letter in protest. Member Macy stated currently the non-conforming lot with the existing two story has a side at corner setback of 18' 11" and the request is 19'. The proposed new home will be setback to 15' from 5' 11". This will be further from the street. Mr. Herzberger stated because of the change in the zoning ordinance for setbacks on double fronting corner lots, they are required to be larger to account for visibility and uniformity on a street. Member White stated the existing garage is going to be quite large but sees the need due to importance of a stairway to the 2nd floor. Mr. Herzberger stated the parking requirement for a detached garage is 9 x 18 and only

one needs to be covered. Mr. Lingle asked is there a required minimum distance between the house and the garage. Mr. Herzberger stated the minimum setback is 5' between each structure on the same lot which will take care of the fire separation requirement. Member Macy asked if there is an existing slab that will be used for the new home. Mr. Lingle stated no, the proposed new home will all be new including the foundation. The only existing slab that to be used is on the existing two story garage, the two story addition on the existing garage will have a new foundation. Chairman Petkovsek had concerns about the safety issue with the house being so close on the corner. Mr. Herzberger stated the current site plan has a 20' front sight visibility triangle which was met. The proposed new site plan will also reflect the 20' if not more of the sight visibility triangle as well. Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Louise Holubar, to close Public Hearing 19-0071 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Brian E. Lingle, representing the owner Salvador Sifuentes, for the consideration of a 10' (foot) variance to the side at corner yard required setback of 25' (feet) for the proposed new structure/house, a 6' (foot) variance to the side at corner yard setback of 25' (feet) for the proposed remodel and or addition of the detached garage and a 116 SF (square feet) variance to the detached garage maximum size of 500 SF (square feet), for Property Located at 708 First Avenue, College (CMC) Addition, Block 5, Lot 1B, McKinney, Texas. Board members unanimously approved the motion by Board member Brian White, seconded by Board member Eric Roberts, to Approve the request by Brian E. Lingle, representing the owner Salvador Sifuentes, for the consideration of a 10' (foot) variance to the side at corner yard required setback of 25' (feet) for the proposed new structure/house, a 6' (foot) variance to the side at corner yard setback of 25' (feet) for the proposed remodel and or addition of the detached

garage and a 116 SF (square feet) variance to the detached garage maximum size of 500 SF (square feet), for Property Located at 708 First Avenue, College (CMC) Addition, Block 5, Lot 1B, McKinney, Texas.

Board members unanimously approved the motion by Board member Larry Macy, seconded by Board member Louise Holubar, to adjourn the meeting at 6:05 p.m.

BETTY PETKOVSEK
Chairman