

BOARD OF ADJUSTMENT REGULAR MEETING

OCTOBER 9, 2024

The Board of Adjustment met in regular session in the McKinney City Hall second floor conference room, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, October 09, 2024, at 6:00 P.M.

Board Members Present: Vice Chairman Larry Jagours and Board Members Randall Wilder, Tonya Dangerfield, James Jenkins, and Neal Prevost.

City Staff members present: Chief Building Official Suzanne Arnold, Administrative Coordinator Brittany Long, and Administrative Coordinator Hannah Golden.

Vice Chairman Larry Jagours called the meeting to order at 6:00 P.M. after determining a quorum was present.

24-2036 Minutes of the Board of Adjustments Regular Meeting of September 11, 2024.

The motion was made by Board Member Tonya Dangerfield to approve the minutes, seconded by Randal Wilder. The Minutes of the Board of Adjustment Meeting on September 11, 2024, were unanimously approved and referred to the City Council for approval.

24-2037 Election of Board Chair and Vice Chair.

The motion was made by Board member Tonya Dangerfield to nominate Larry Jagours as Chairman, seconded by Neal Prevost, and unanimously approved by all members. The motion for Vice Chairman was made by Board member Neal Prevost to nominate Board member Tonya Dangerfield, seconded by James Jenkins, and unanimously approved by all members.

REGULAR AGENDA ITEM

BOA24-07

Conduct a Public hearing to Consider/Discuss/Act on the request by Owners Brian and Michelle AuBuchon, to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2, Section 206 A, requiring two canopy trees, including a canopy tree in the front yard, on all single-family properties in this zoning district. The applicants are requesting not to be required to replace one tree that has been removed from the

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front yard. This request is on the property located at **700 Setting Sun Trail, Lot 10 of Block F of the Greens of McKinney Phase 2 Addition to the City of McKinney, Texas.**

A motion was made by Board Member Neal Prevost to open the public hearing, seconded by Randall Wilder.

The floor was open to the public for comment. There were no members of the public nor applicants present for comment.

Chief Building Official Suzanne Arnold provided her statement. Mrs. Arnold began by outlining the powers and duties of the Board of Adjustment. She then reiterated the Variance Request by Owners Brian and Michelle Aubuchon as listed above. Mrs. Arnold briefly covered the History of the property as having received a complaint to Code Compliance, and having been issued a Notice of Violation letter June 27, 2024, ordering the owners to replace a tree that had been unlawfully removed from the front yard. Several exhibits were provided, including a copy of the aforementioned violation and photos of the lawn and bare spot where the tree was removed.

Article 2 of Zoning Regulations was referenced, including specific verbiage pertaining to Landscaping Standards, as well as Planting Requirements. Property was said to have a 7.5 Ft. Utility Easement across front. All properties in this subdivision are shown to have the same 7.5 Ft. Utility Easement per the plat. Having an easement is just an allotment of space for potential utilities. The city utility map shows water and sewer in right of way, not in private easement. In this case, the front setback is a little over 20 feet; having 12 feet off the house and four feet off the right of way works.

Mrs. Arnolds provided the original Board of Adjustments application, as well as the included letter, highlighting the following statement by the Applicants:

“The current ordinance, which applies uniform standards across all properties, presents challenges due to the varying sizes and characteristics of individual lots and yards. Strict adherence to these regulations is proving impractical given the diversity in lot dimensions and landscaping needs.”

Mrs. Arnolds accompanied this statement from a letter by a Foundation Repair company, noting the letter was not from a registered professional engineer. Following this Mrs. Arnold made note of Development Standards in regard to the recommendations referenced by the applicants, stating that the

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information provided by the applicant was not consistent with residential development trends, including lot sizes and setbacks, that have been prevalent in the last 20+ years. Adherence to these recommendations would result in a significant reduction in trees in residential neighborhoods. She also made note of the precedent set forth by this agenda item, noting that a 20-foot front setback is consistent throughout the neighborhood and throughout McKinney. The requirement of a front yard canopy tree applies throughout McKinney, and the condition is not unique to the property.

Mrs. Arnold's final statements clarified the following, that the tree was removed without permission and a notice was issued. UDC distances from the house and property lines can be met, and recommendations presented by the applicant are not engineered. Those recommendations are impractical for development in the City of McKinney, and approval of the agenda item could have widespread impact on the Board of Adjustments and development throughout McKinney.

A total of 39 notices were sent with 3 responses received, all in favor.

Motion set forward to vote on this agenda item by Jon N Prevost, seconded by Randall Wilder and unanimously approved.

Vote to Approve 24-2039 the request by Owners Brian and Michelle AuBuchon, to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2, Section 206 A, requiring two canopy trees, including a canopy tree in the front yard, on all single-family properties in this zoning district. The applicants are requesting not to be required to replace one tree that has been removed from the front yard. This request is on the property located at **700 Setting Sun Trail, Lot 10 of Block F of the Greens of McKinney Phase 2 Addition to the City of McKinney, Texas.**

Board members voted on this agenda item. The agenda item received 0 votes for approval. Agenda item failed.

ADJOURN

Board Members unanimously approved the motion by Board Member Randall Wilder, seconded by Tonya Dangerfield, to ADJOURN at 7:03 PM.

SIGNED:

LARRY JAGOURS, Board Chair
TONYA DANGERFIELD, Board Vice Chair