

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**JANUARY 24, 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, January 24, 2024, at 6:00 P.M.

Board Members Present: Chairman Eric Roberts, Vice Chairman Larry Jagours, and Members Randall Wilder, Deanna Kuykendall, and James Jenkins.

City Staff members present: Chief Building Official Suzanne Arnold, and Administrative Assistant Brittany Sprague.

Chairman Eric Roberts called the meeting to order at 6:00 P.M. after determining a quorum was present.

24-1097 Minutes of the Board of Adjustment Meeting of December 13, 2023. The motion was made by Board Vice Chairman Larry Jagours to approve the minutes, seconded by Board member Deanna Kuykendall. The Minutes of the Board of Adjustment Meeting on December 13, 2023, were unanimously approved and referred to the City Council for approval.

24-1098 Minutes of the Board of Adjustment Meeting of August 24, 2022 (AMENDED). The motion was made by Board member Randall Wilder Larry to approve the minutes, seconded by Board Vice Chairman Larry Jagours. The Minutes of the Board of Adjustment Meeting on August 24, 2022 (AMENDED), were unanimously approved and referred to the City Council for approval.

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BOA24-01 Conduct a Public hearing to Consider/Discuss/Act on the request by Owner's Representative Eddie Seals, regarding the Appeal of the Building Official's decision for the consideration of a Special Exception to the zoning ordinance to reinstate nonconforming rights to allow for the reconstruction a church that was destroyed by fire, to the same site and building design as existed prior to the fire. The reconstruction would be in violation of multiple current provisions of the Unified Development Code, including building setbacks, residential adjacency buffer, landscaping, screening, and parking. This Special Exception would not exempt the construction from complying with all current, adopted building codes. This property is the New Outreach Church of McKinney located at 506 Wilcox St., Lots 3 and 4B of Block 17 of the Shorts Addition to the City of McKinney, Texas.

A motion was made by Vice Chairman Larry Jagours to open the public hearing, seconded by Board member James Jenkins.

The floor was open to the public for comment. Owner Eddie Seals, Chief Building Official Suzanne Arnold, and community residents Cecilia Mack, Beth Bentley, Scott Woodruff, Charles Wattley, and Paster Dennis Green were sworn in by Chairman Eric Roberts.

Chief Building Official Suzanne Arnold provided her statement. Mrs. Arnold stated that the applicant is seeking to reinstate legal nonconforming rights to reconstruct the New Outreach Church that was destroyed by fire. The reconstruction would violate multiple current provisions of the Unified Development Code, including building setbacks, residential adjacency buffer, landscaping, screening, and parking.

The church was constructed in the 1940s and altered in the 1960s. The property consisted of two wood frame buildings, one of which was partially bricked. There is an asphalt

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parking lot. On the night of October 24, 2022, the church buildings were destroyed by fire. The charred remains were bulldozed for safety shortly after that. The church was not designated as historic. Since the original construction of the church, multiple zoning ordinances have been adopted that would restrict the buildable area on this property.

Options for redeveloping this lot include (1) following all of the guidelines listed above and staying within the legally buildable area; (2) redesigning the building and seeking specific concessions from the Planning and Zoning Commission; or (3) pursuing this Special Exception through the Board of Adjustment to reconstruct the buildings exactly as they were, which would summarily provide relief for all of the zoning ordinances being violated provided the buildings match their prior legal-nonconforming form.

Eddie Seals, owner of New Outreach Church at 506 Wilcox Steet, spoke on his behalf. He stated that McKinney is his home, he has been here his whole life. He started pastoring in 1994 and this was the first church he ever bought. Unexpectedly, 15 months ago he received the troubling news that his church was on fire. The devastation of the fire took his home away. The goal is to rebuild and bring the community back together.

Community residents: Cecilia Mack, Beth Bentley, Scott Woodruff, Charles Wattley, and Paster Dennis Green, spoke on the profound outreach the church had. The church was a family that poured everything it had into giving back to the community. They took aid in helping residents with food, clothing, financial support, and prayers.

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Specifics on location, safety, building capabilities, building standards, and letters related to the agenda were requested by Board Chairman Eric Roberts, Vice Chairman Larry Jagours, and members Deanna Kuykendall, James Jenkins, and Randall Wilder.

A total of 28 letters were sent out and zero letters were received for the case at the time of the meeting.

A motion was made by Board Vice Chairman Larry Jagours to close the Public Hearing, seconded by board member Randall Wilder, and unanimously approved.

Board Member Deanna Kuykendall made a motion, seconded by Vice Chairman Larry Jagours to approve BOA24-01 A Public hearing to Consider/Discuss/Act on the request by Owner's Representative Eddie Seals, regarding the Appeal of the Building Official's decision for the consideration of a Special Exception to the zoning ordinance to reinstate nonconforming rights to allow for the reconstruction a church that was destroyed by fire, to the same site and building design as existed prior to the fire. The reconstruction would be in violation of multiple current provisions of the Unified Development Code, including building setbacks, residential adjacency buffer, landscaping, screening, and parking. This Special Exception would not exempt the construction from complying with all current, adopted building codes. This property is the New Outreach Church of McKinney located at 506 Wilcox St., Lots 3 and 4B of Block 17 of the Shorts Addition to the City of McKinney, Texas.

Board members approved the motion 5 to 0. Ayes from Board member's Chairman Eric Roberts, Vice Chairman Larry Jagours members James Jenkins, Randall Wilder, and Deanna Kuykendall.

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Board member James Jenkins made a motion to adjourn, seconded by Board Vice  
Chairman Larry Jagours at 6:40 P.M.

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Eric Roberts  
Chairman