

..Title

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Robert and Michelle Idzi for consideration of a special exception to allow a fence up to a maximum height of 8'6" from the allowed fence height of 6'8" for the property located at **3000 Hartford Court, Lot 14, Block B Eldorado Crossing Addition, McKinney, Texas.**

BOARD OF ADJUSTMENT CASE NUMBER: BOA21-04

MEETING DATE: May 26, 2021

DEPARTMENT: Development Services-Building Inspections

CONTACT: Jeffrey Harris, Chief Plans Examiner

RECOMMEND BOARD ACTION: Consider this special exception request based on the applicant statement on the Board of Adjustment (BOA) application.

ITEM SUMMARY:

- **ZONING:** PD – Planned Development
- **EXISTING CONDITIONS:** Current 4.5' fence is on top of a 2.5' retaining wall.
- **SPECIAL EXCEPTION REQUESTED:**

FENCE ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	CHANGE FROM ORDINANCE
Homeowner fence to match height of adjacent required Subdivision Screen wall	8'6"	Homeowner fence to exceed the height of the adjacent required Subdivision Screen wall

APPLICANT'S BASIS FOR VARIANCE: The applicant is requesting additional fence height to increase privacy, security, and to combat excessive noise along Hardin Blvd.

PUBLIC SUPPORT/OPPOSITION OREQUEST: To date, no letters of support and no letters of opposition have been submitted.

BOARD AUTHORITY:

Section 1. Section 122-178(d) of the Code of Ordinances, City of McKinney, Texas, is hereby established and shall read as follows:

(d) The board of adjustment may grant a special exception allowing side and/or rear yard fences in the historic overlay district up to a maximum height of eight feet six inches (8½ feet), provided that the board finds that:

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; or
2. All of the following provisions have been met:
 - a. The lot shall have an existing residential structure on it or a building permit to construct a residential structure has been issued;
 - b. The proposed fence does not negatively impact the health, safety and welfare of the public;
 - c. The proposed fence's design is complimentary to other existing fences in the area; and
 - d. The proposed fence's design, location and height is appropriate for the context of the area.

BUILDING OFFICIAL STATEMENT: The request has been validated and the Board has the authority to consider this special exception as stated in the Fence Ordinance.

SUPPORTING MATERIALS:

BOA 21-04 – 3000 Hartford Ct– Packet. To include:

- Zoning Exhibit
- GIS map of Hartford houses and setbacks
- Board of Adjustment (BOA) Application
- Survey Site Plan with location of proposed fence
- Newspaper notice and 200' notice with Locator Map

ACTION:	Approved	Denied	Tabled
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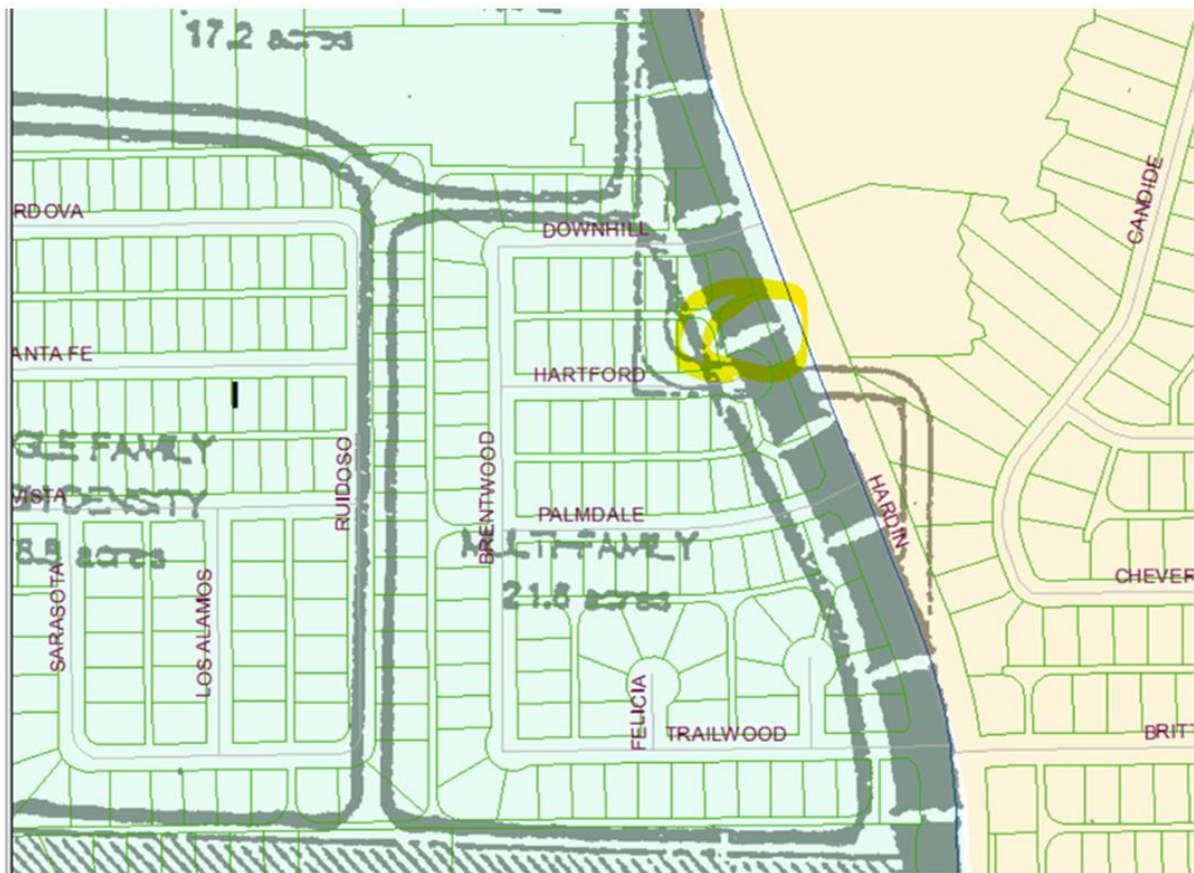
3000 Hartford Ct

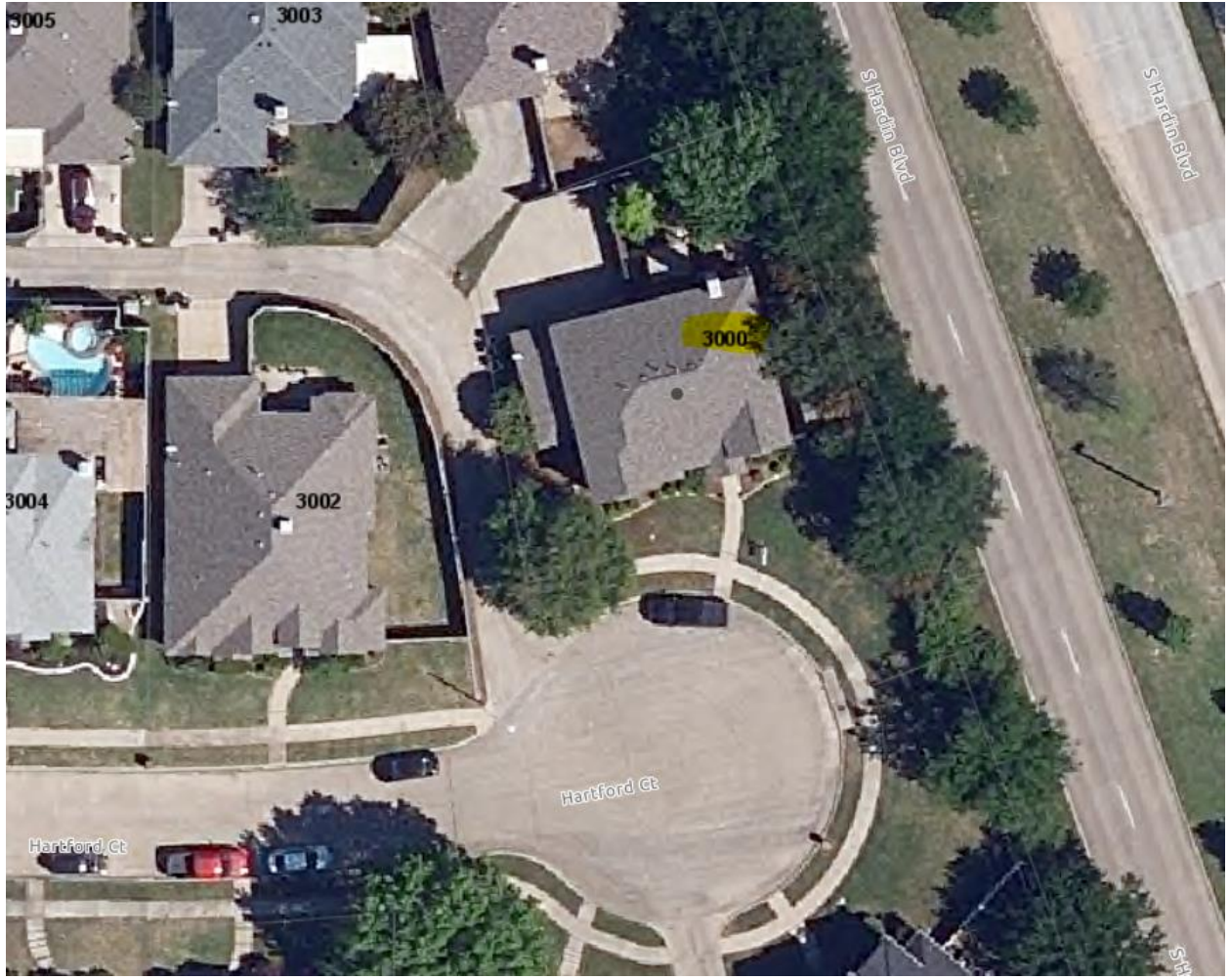
Legal Description: ELDORADO CROSSING, BLK B, LOT 14

GEO ID: R-3186-00B-0140-1

Setbacks: N/A

Zoned: PD for multi-family, which also allows for single family residential

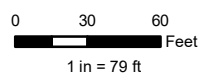






- Front Yard Setback
- Lot Line
- ROW - Alley
- ROW - Road
- Rear Yard Setback
- Side Yard Setback Corner
- Side Yard Setback Interior

Variance Requested



Board of Adjustment 3000 Hartford Ct

Source: City of McKinney GIS
Date: 5/5/2021

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.





BOARD OF ADJUSTMENT APPLICATION

*Application not applicable in the ETJ (Extra Territorial Jurisdiction)

☐ APPEAL ☒ SPECIAL EXCEPTION ☐ VARIANCE TODAY'S DATE: 5/4/2021

CONTACT INFORMATION

PROPERTY LOCATION (Street Address):

3000 Hartford Ct, McKinney, TX 75070

Subdivision: Eldorado Crossing Lot: 14 Block: B

Property Owner: Robert & Michelle Idzi 3000 Hartford Court McKinney, TX 75070

(Name) (Address) (City, State, & Zip Code)

Bob@Idzi.Net

903-274-5711

(Email)

(Phone)

Property Owner is giving (Self) authority to represent him/her at meeting.
(Applicant Name)

Property Owner Printed Name: Robert Idzi

Property Owner Signature: _____

Applicant: Robert Idzi 3000 Hartford Court McKinney, TX 75070

(Name)

(Address)

(City, State, & Zip Code)

Bob@Idzi.Net

903-274-5711

(Email)

(Phone)

REQUEST

Please list types requested: Special exception to allow a fence adjacent to required subdivision wall per Sec. 122-178

Description	Ordinance Requirements	Requested Dimensions	Variance from Ordinance
Lot Size	N/A	N/A	N/A
Lot Width	N/A	N/A	N/A
Lot Depth	N/A	N/A	N/A
Side Yard	N/A	N/A	N/A
Side Yard	N/A	N/A	N/A
Side at Corner	N/A	N/A	N/A
Front Yard	N/A	N/A	N/A
Rear Yard	N/A	N/A	N/A
Driveway	N/A	N/A	N/A
Other			

PLEASE DESCRIBE THE REASON(S) YOU ARE REQUESTING TO BE HEARD BY THE BOARD OF ADJUSTMENT. YOU MAY ATTACH ADDITIONAL INFORMATION TO SUPPORT YOUR REQUEST.

APPEAL -

SPECIAL EXCEPTION -

Erect a stain wood fence up to 8 1/2' high adjacent to the existing and required subdivision wall, on top of an existing property retaining wall.

House was constructed in 1997. The property is along the eastern border of the Eldorado Crossing subdivision (along Hardin Blvd) with an elevation of 30" above Hardin Blvd. The 7' subdivision wall was constructed at the the Hardin Blvd elevation, not at the level of the property (on top of the retaining wall). As a result, the subdivision wall is only 54" (4'8") above the property level. Taking into consideration the elevation of the property and community fence height, passing traffic has full view of the back yard above approximately 3'.

Further, due to the unobstructed level, the back yard is subjected to road and traffic noises which are unimpeded by a fence and make the back yard loud and unusable with levels not predicted when the house was built 24 years ago. At the property line, during the day, un-deflected (on top of subdivision wall) sound readings fluctuate from 50.7dB to 87.3dB, with levels periodically reaching 97.4-106.2dB as loud vehicles pass on Hardin Blvd. By comparison, behind the community wall, sound levels range from 49.6-75.1dB. (For perspective, OSHA uses 85dB as an action level for instituting hearing protection in work environments - 1910.95).

Other community walls along this subdivision and others had been erected in conjunction with and on top of the retaining wall. Similar like sized and shaped lots (even immediately adjacent to our property, have erected fences on top of retaining walls for privacy.

Property is an existing residential structure, not located within the historic overlay district, and fence would be of stained board-on-board construction.

Supplemental information attached.

VARIANCE -

Items Submitted: ☒ Completed application and fee ☒ Plot/Site Plan or Survey drawn to scale

I hereby certify that the above statements are true and correct to the best of my knowledge.

Property Owner Signature (If different from Applicant)

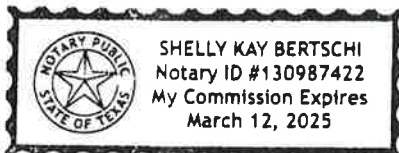
(Same as property owner)

Applicant's Signature

STATE OF TEXAS

COUNTY OF Collin

Subscribed and sworn to before me this 4 day of May, 20 21



Notary Public

My Commission expires: 3/12/25

(seal)

NOTICE:

This publication can be made available upon request in alternative formats, such as, Braille, large print, audiotape or computer disk. Requests can be made by calling 972-547-2694 (Voice) or email contact-adacompliance@mckinneytexas.org Please allow at least 48 hours for your request to be processed.

OFFICE USE ONLY

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No:

BOA Number:

TOTAL FEE DUE: \$50.00 (non- refundable)

Received by:

Signature:

Date:

3000 Hartford Court

Special Exception – Narrative

BACKGROUND:

The house was built in 1997. The community is bordered by a 7' vinyl fence along the east side bordering Hardin Blvd. The property has an existing 28"-30" retaining wall just behind the fence. Other sides of the rear property already have existing 8' fences. The fence on the Hardin Blvd-side, due to the retaining wall, is only an approximate 55" over the property ground level.

My wife and I, along with our 4 school-age children and 2 dogs live at the residence. We are simply seeking a more enjoyable environment at our home.

Residential guidelines allow an 8' fence throughout the neighborhood. In the past, because of the community fence in place, there had not been much of an interest to incur the expense to construct an additional fence along this side, but conditions are changing.

Existing Fence:

From Hardin Blvd. side:





From Property side (note positioning of middle runner):





DISCUSSION:

Due to the increasing road noise and traffic along Hardin Blvd, I am seeking to add a fence along the retaining wall parallel to the existing community fencing for 3 reasons/purposes.

1. Increase the height to help limit traffic noise coming from Hardin Blvd.
1. Using a Risepro Decible Meter (accuracy w/in 1.5dB), I also took measurements at the property line both at a level of 4'7" (the top of the community fence) and at the ground level for comparison in approximate 10-15 minute intervals:
 - a. At a level of 4'7":
 - i. Morning, between 9:30 am and 10:00am, readings had a low of 50.7 and 53.8 dB and high of 83.6-84.6 dB
 - ii. Evening, between 9:30pm (and for a change nobody was racing cars down Hardin during this interval), the readings consistently read a low of 46.2-46.8 dB and a high of 82.1-87.3 dB.
 - b. At ground level, behind the existing community fence:
 - i. Morning readings, between 10:00am and 10:30am, readings had a low of 50.3 and 51.0 and highs of 71.1 and 77.4.
 - ii. Evening between 9:30pm and 10:30pm, the readings consistently read a low of 49.6-51.4 dB and a high of 70.06-75.1 dB (not including several loud vehicles that passed in the interim which recorded 88.6 and 96.8 dB, respectfully).

Noise levels without a privacy fence barrier are 6.2 to 13.5 times louder than with a privacy fence. Although levels have exceeded 100 dB at times in the evening due to loud cars/motorcycles, my focus at this time is on the general noise levels, not the exceptions.

The undeflected noise levels significantly detract from an outdoor enjoyment of our house and yard. Even OSHA standard 1910.95 uses 85 dB as an action level for instituting hearing protection and required hearing protection for prolonged exposures... we are not far from that threshold if we have not already exceeded it.

(<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.95>)

2. Increased security for our children and their activities.

With 4 school-aged children (aged 9, 11, 14, and 15), the 55" height (4'7") of the community fence, not only exposes our back yard to strangers outside of our back yard (3 of the 4 kids are 55" or taller), but limit activities in our yard where a ball, toy, etc. may inadvertently pass over the wall into traffic passing on Hardin.

In addition, due to the elevated level of our house, passing traffic has near full visibility, not only into our back yard, but into the back windows of the 1st floor of our house.

3. Our pets are able to jump over the 55" height of the fence (not realizing that the opposing side is 84").

OTHER CONSIDERATIONS:

The prior owners had planted some Red-Tipped Photinias decorative scrubs, but over the years to try to block the sounds. They have since fully grown, are currently dying from a significant case of Black Leaf Fungus, and were planted close enough to the retaining wall, they risk damaging it and the neighborhood wall if not addressed. Although they had dampened the level of sound, as the Black Leaf Fungus progresses, they will die. Additionally, they have reached their maximum height and risk being a danger to the property and/or neighborhood fence due to crosswinds.

(FYI - Red-Tipped Photinias are not part of the Quality Tree list managed by the McKinney Arborist.)

Due to reaching full mature height, advanced blackspot fungal disease, and their position within 1 foot of the retaining wall, these were going to have to be removed anyway due to safety concerns. The event of (2) of them collapsing inwards with the heavy rains/winds during the week of 3/21/21 only accelerated the timing of the removals.



3000 Hartford Court

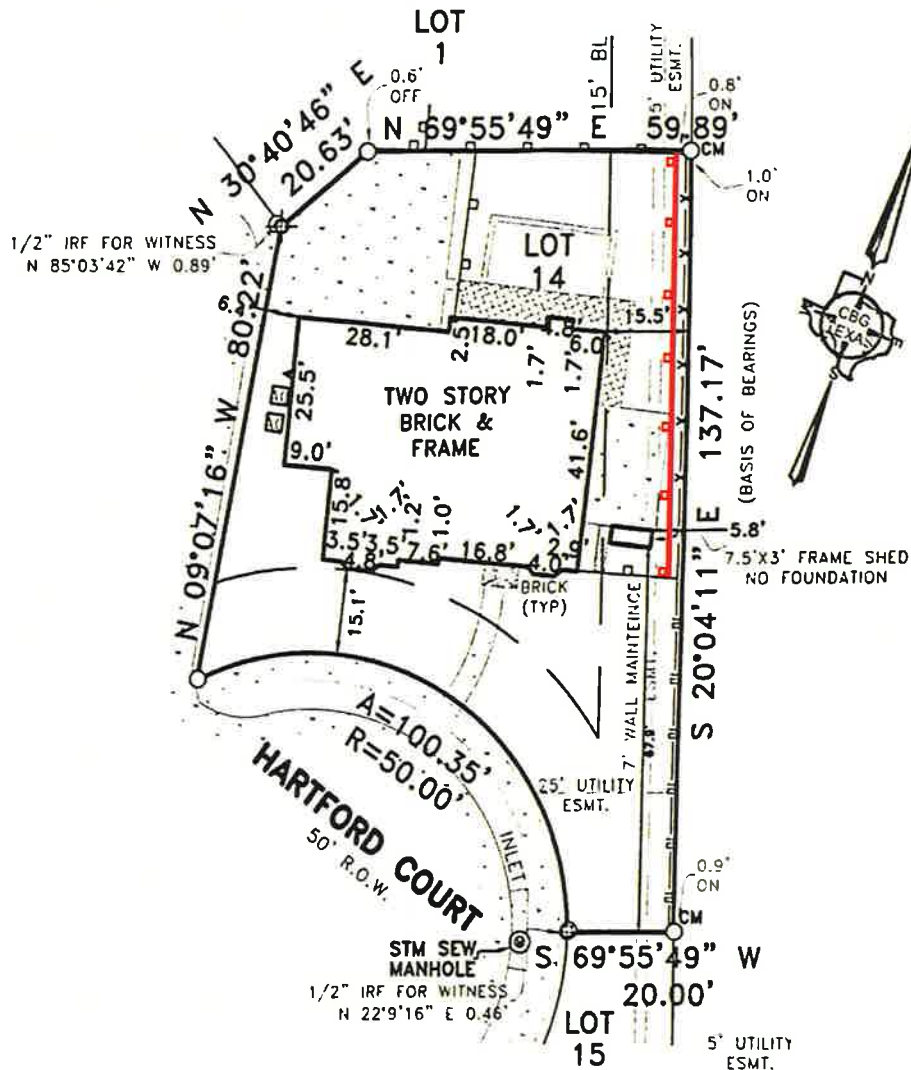
Being Lot 14, Block B, ELDORADO CROSSING, an addition to the City of McKinney, Collin County, Texas, according to the Map or Plat thereof recorded in Volume 1, Page 608, of the Map Records of Collin County, Texas.



Capital Title.

LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 1" PIPE FOUND
- ⊗ "X" FOUND/SET
- ⊗ 5/8" ROD FOUND
- ★ POINT FOR CORNER
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER PAD
- COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- IRON FENCE
- X— VINYL FENCE
- DOUBLE SIDED WOOD FENCE
- //— EDGE OF ASPHALT
- ▲— EDGE OF GRAVEL
- CONCRETE
- COVERED AREA



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN C.C.F.N. 95-0038079, 96-0015919, 96-0016019

NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48085C0270K, this property does lie in Zone X and does not lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Capital Title Company. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: TEB

Scale: 1" = 30'

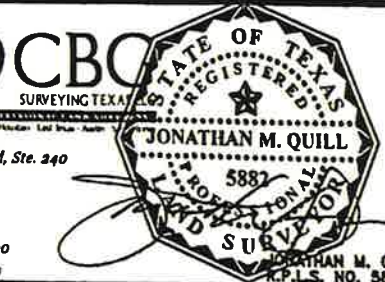
Date: 05/07/18

GF No.: 18-355467-WB

Job No. 1809216

Accepted by: Purchaser

Date: Purchaser



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**Be Published in the
McKINNEY COURIER-GAZETTE
SUNDAY, May 9, 2021
ONE (1) TIME**

**NOTICE OF REQUEST FOR SPECIAL EXCEPTION
THE BOARD OF ADJUSTMENT**

BOARD OF ADJUSTMENT CASE NO. 21-04

Request by Applicant/Owner Robert and Michelle Idzi, to Consider/Discuss/Act on the Request of Special Exception to the Fence ordinance allowing a fence up to a maximum height of 8' 6" for a fence that is adjacent to a required subdivision wall, located at **3000 Hartford Ct, Lot 14 of Block B of the Eldorado Crossing addition to the City of McKinney, Texas.**

NOTE:

A PUBLIC HEARING HAS BEEN SCHEDULED AND WILL BE HELD PURSUANT TO THIS REQUEST IN THE CITY COUNCIL CHAMBERS, 222 N. TENNESSEE STREET MCKINNEY TEXAS.

WEDNESDAY, May 26, 2021 - 6:00 P.M.

The Agenda and Meeting Details for the Board of Adjustment meeting will be posted for viewing on the City of McKinney website, at least 72 hours before the meeting. Website link - <http://mckinney.legistar.com/Calendar.aspx>. Select Calendar tab. List view tab, drop down box, Board of Adjustment.

WITNESS MY HAND AND SEAL OF OFFICE ON THIS THE 23RD DAY OF JANUARY, 2020.

EMPRESS DRANE
City Secretary

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NOTICE OF REQUEST FOR SPECIAL EXCEPTION THE BOARD OF ADJUSTMENT

Request by Applicant/Owner Robert and Michelle Idzi, to Consider/Discuss/Act on the Request of Special Exception to the Fence ordinance allowing a fence up to a maximum height of 8' 6" for a fence that is adjacent to a required subdivision wall, located at **3000 Hartford Ct, Lot 14 of Block B of the Eldorado Crossing addition to the City of McKinney, Texas.**

NOTE:

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WEDNESDAY, MAY 26, 2021 - 6:00 P.M.

As an interested property owner, if you wish to make your views known, you may do so by attending the hearing or express your views on this Request by completing and returning the form below via mail or email. The Agenda and Meeting Details for the Board of Adjustment meeting will be posted for viewing on the City of McKinney website, at least 72 hours before the meeting. Website link - <http://mckinney.legistar.com/Calendar.aspx>. Select Calendar tab. List view tab, drop down box, Board of Adjustment.

Return to:

BOA No. 21-04

3000 Hartford Ct, McKinney Texas

City of McKinney Texas
Building Inspections
Dolores Boardman
P.O. Box 517
McKinney, TX 75070
dboardman@mckinneytexas.org

I PROTEST___APPROVE___ of the Request for a Variance for the following reason (s) –

You may attach a letter describing your protest or approval.

Printed Name: _____

Signature: _____

Address: _____



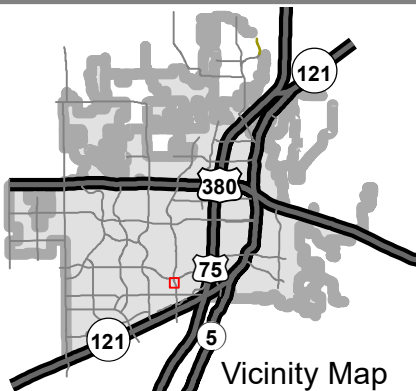
Board of Adjustments Map

3000 HARTFORD CT

--- 200' Buffer



0 100 200
Feet
1 in = 217 ft



Vicinity Map

Source: City of McKinney GIS
Date: 5/5/2021

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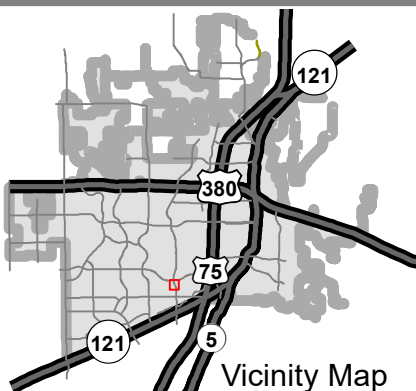
Board of Adjustments Map

3000 HARTFORD CT

--- 200' Buffer



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