

## BOARD OF ADJUSTMENT REGULAR MEETING

OCTOBER 11, 2023

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 11, 2023, at 6:00P.M.

Board Members Present: Chairman Eric Roberts, Vice Chair Larry Jagours, and Members Tonya Dangerfield, Deanna Kuykendall, and Jon N. Prevost.

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.

23-0814 Election of Board Chairman and Vice Chairman. The motion was made by Board member Deanna Kuykendall to nominate Eric Roberts as Chairman, seconded by Neal Prevost, and unanimously approved by all members. The motion for Vice Chairman was made by Board member Deanna Kuykendall to nominate Board member Larry Jagours, seconded by Chairman Neal Prevost, and unanimously approved by all members.

23-0815 Minutes of the Board of Adjustment Meeting of May 24, 2023. The motion was made by Board member Tonya Dangerfield to approve the minutes, seconded by Vice-Chairman Larry Jagours. The Minutes of the Board of Adjustment Meeting on May 24, 2023, were unanimously approved and referred to the City Council for approval.

BOA23-02 Conduct a Public hearing to Consider/Discuss/Act on the request by Owners Joseph Skotnik & Katherine Robinson, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to the zoning ordinance corner fence setback requirement of 7 feet to allow a 6 foot wood fence to be constructed at the side property line at **7901 Boulder River Trail, Lot 9 of Block N of the Craig Ranch North Phase 10 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 Tonya Dangerfield.

The floor was open to the public for comment. Homeowner, Brent McMurray, Chief Building Official Suzanne Arnold, and community resident Patrick Cloutier were sworn in by Chairman Eric Roberts.

Chief Building Official Suzanne Arnold provided her statement. Mrs. Arnold stated that the applicant is seeking to construct a new 6-foot-tall wood fence at the side property line adjacent to Sunglow Trail. In accordance with Article 7, Section 704 (B), of the Unified Development Code, side fences on corner lots must meet the required front yard setback, which is 7 feet for a solid wood fence over 4 feet in height.

This lot is at the corner of Boulder River Trail and Sunglow Trail. Sunglow Trail is noted to be a one-way street. The existing wood fence complies with the required street-side setback, which is 7 feet in this area. The lot conforms to required dimensions by zoning. There are no slope issues, floodplain restrictions, no large trees dictating footprint and no easements affecting the fence setback.

Applicant cited multiple corner houses in their subdivision where there were wood fences in violation of the 7ft side setback. City staff researched their addresses and found no record of building permits to do so. There is no precedent for approval in this neighborhood.

Joseph Skotnik, the homeowner at 7901 Boulder Rive Trail, spoke on his behalf. He stated the fence was approved by the HOA and his neighbor prior to the BOA application submission. He argued that there would be no line-of-sight or safety issues since Sunglow Trail is a one-way street. The community's aesthetics would not be hindered since a large percentage of the community is comprised of wood like fences. He stated that the need for the large setback aside from more outdoor living space was due to their red oak tree that would be enclosed within the fence line. He adhered to the advice of his current arborist that stated that the fence would need to place on the outer side of the drip line to ensure that the trees root system is not disturb.

Katherine Robinson, the homeowner at 7901 Boulder Rive Trail, spoke on her behalf. She stated that there are additional homes within the community aside from the ones already notated that have extended their fence lines out. The fences in nature look new and old. Which concludes that many were constructed some time ago. The community HOA drives for

infractions regularly and sends out notices accordingly. I would strongly assume that the other homeowners did receive approval from the HOA board prior to construction.

Patrick Cloutier, community resident at 3114 St. German Dr, spoke in support of agenda item 23-0813. He stated that the homeowners did approach him for his opinion and support of their BOA request. He shared that after verifying the facts and details of the case he was in favor of the request. He shared a photo of the street view of the home, making sure to point out the one-way street Sunglow trail. He stated that taking into consideration the location of the home and the intersection there would not be any mitigating factors that would come into play.

Specifics on location, safety, sight of line details, Hoa rulings and letters related to agenda were requested by Board Chairman Eric Roberts. Vice Chairman Larry Jagours, and members Deanna Kuykendall, Tonya Dangerfield, Neal Prevost.

A total of 26 letters were sent out and zero letters were received for the case at the time of the meeting.

A motion was made by Board Chairman Larry Jagours to close the Public Hearing, seconded by Board member Tonya Dangerfield, and unanimously approved.

Board Member Deanna Kuykendall made a motion, seconded by Vice Chairman Tonya Dangerfield to approve BOA23-02- A Public hearing to Consider/Discuss/Act on the request by Owners Joseph Skotnik & Katherine Robinson, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to the zoning ordinance corner fence setback requirement of 7 feet to allow a 6 foot wood fence to be constructed at the side property line at **7901 Boulder River Trail, Lot 9 of Block N of the Craig Ranch North Phase 10 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 Jagour members Jon N. Prevost, Tonya Dangerfield, and Deanna Kuykendall.

Board Vice Chairman Larry Jagours made a motion to adjourn, seconded by Board member Neal Prevost at 6:41 P.M.

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Eric Roberts  
Chairman