

BOARD OF ADJUSTMENT REGULAR MEETING

MAY 24, 2023

The Board of Adjustment met in regular session in the McKinney City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, May 24, 2023, at 6:00P.M. An audio recording of the meeting is available to members of the public through the City of McKinney meeting archive.

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

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

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

23-0411 Election of Board Chair and Vice Chair

Election of Board Chairman and Vice Chairman. The motion was made by Board member Jon N. Prevost to nominate Eric Roberts as Chairman, seconded by Larry Jagours, and unanimously approved by all members. The motion for Vice Chairman was made by Board member Mikhail Tutson to nominate Board member Larry Jagours, seconded by Chairman Eric Roberts, and unanimously approved by all members.

23-0409 Minutes of the Board of Adjustments Regular Meeting of August 24, 2022

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

23-0410 Update on 2023 McKinney Board & Commission Member Appointments

City Security Empress Drane provided a brief update to the Board Members on the City Council's process for appointing and reappointing members to the various city boards and commissions.

BOA22-01 Conduct a Public hearing to Consider/Discuss/Act on the request by Owner Brent McMurray, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to the zoning ordinance rear setback requirement of 15 feet to allow a rear setback of 5 feet and 4 inches, for an attached covered patio at **3713 Perkins Ln., Lot 9 of Block B of the Enclave at Hidden Creek 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 was sworn in by Chairman Eric Roberts.

Chief Building Official Suzanne Arnold provided her statement. Mrs. Arnold stated that the applicant is seeking to build an attached covered patio on the back of the house.

The zoning for this subdivision requires a 15' rear setback for this structure. The applicant is requesting a variance of 9' and 8" and the reduction of the rear set from 15' to 5'4". The lot conforms to the required dimensions by zoning, with no slope issues, no floodplain restrictions, no easements affecting zoning setbacks, and no large trees dictating footprint. The rear of the backyard backs up to an approximately 15' strip of landscape common area, followed by Kings Hollow Ln. The lot falls at a slight curve in Perkins and Kings Hollow Ln, resulting in irregularly shaped front and rear property lines.

Applicant referenced past Board of Adjustment case BOA17-12 for case support. The BOA17-12 case was approved by Board Members with the request for an 11' variance from the minimum rear setback of 15' to build an attached open patio. The property is in the same subdivision at 2651 Orchid Drive; however, the lot is not mid-block, it is oriented sideways and surrounded by common areas.

Brent McMurray, the homeowner at 3713 Perkins Ln, spoke on his behalf. He stated the curvature of the property creates a hardship due to the reduction of space. The property has rear-facing iron fencing so vehicles and pedestrians that pass

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by can see into their backyard. He only wants to create shade for his family and privacy from the nearby road. The project has been fully approved by the Hidden Creek HOA and will align with neighbors' homes.

Specifics on location, project materials, received letters related to the agenda, and Hidden Creek HOA ruling were requested by Board Chairman Eric Roberts, Vice Chairman Larry Jagours, and members Tonya Dangerfield, Jon N. Prevost, and Mikhail Tutson.

A total of 7 letters were received for the case at the time of the meeting.

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

Board Vice Chairman Larry Jagours made a motion, seconded by Mikhail Tutson to approve BOA23-01- A Public hearing to Consider/Discuss/Act on the request by Owner Brent McMurray, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to the zoning ordinance rear setback requirement of 15 feet to allow a rear setback of 5 feet and 4 inches, for an attached covered patio at **3713 Perkins Ln., Lot 9 of Block B of the Enclave at Hidden Creek 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 Jon N. Prevost, Tonya Dangerfield, and Mikhail Tutson.

Board Vice Chairman made a motion to adjourn, seconded by Board member Tonya Dangerfield at 6:41 P.M.

ERIC ROBERRS, Board Chair