

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**JUNE 26, 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, June 26, 2024, at 6:00 P.M.

Board Members Present: Chairman Eric Roberts, and Members Randall Wilder, Neal Prevost, Tonya Dangerfield, and James Jenkins.

City Staff members present: Chief Building Official Suzanne Arnold, and Permit Technician Cheryl Clark.

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

24-1696 Minutes of the Board of Adjustments Regular Meeting of January 24, 2024. The motion was made by Board member James Jenkins to approve the minutes, seconded by Board member Tonya Dangerfield. The Minutes of the Board of Adjustment Meeting on January 24, 2023, were unanimously approved and referred to the City Council for approval.

BOA24-03 Conduct a Public hearing to Consider/Discuss/Act on the request by Owner Leodegario Rodriguez, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to permit the elimination of the required 10 foot front landscape buffer to allow for front parking at the west frontage; and variances to the zoning ordinance Residential Adjacency Setback requirement of 30 feet at the north side, south side, and rear/east property lines, to allow 10 foot north and east building setbacks, for the construction of a

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commercial building (an automotive upholstery shop doing business as Leo's Seat Covers), at 606 N. Kentucky Street, Lot 710, Block A of the McKinney Outlots Addition to the City of McKinney, Texas

A motion was made by Board member Randall Wilder to open the public hearing, seconded by Board member James Jenkins.

The floor was open to the public for comment. Owner representative, Rogelio Rodriguez and Chief Building Official Suzanne Arnold were sworn in by Chairman Eric Roberts.

Chief Building Official Suzanne Arnold provided her statement. Mrs. Arnold stated that the applicant is seeking to eliminate the required 10 ft. front landscape buffer and reduce the required 30 ft. Residential Adjacency Setback to 10 ft. at north, south, and east property lines. To construct a commercial automotive upholstery business d.b.a. Leo's Seat Covers.

The date of construction and date of prior occupancy is unknown. The owner states that the business was purchased in the 1980's and has been in business since 1991. However, there are no plans or certificate of occupancy documents available. The building burned to a point of total loss in August of 2023. They are seeking to rebuild in approximately the same footprint. This variance is *not* a direct reinstatement of nonconforming rights.

In reference to zoning, the building space is in the C2- Local Commercial zone. The purpose of the C2 zoning district is to allow for mid-sized, medium-intensity, commercial, retail, office, service oriented, professional uses, and accompanying accessory uses. Local Commercial areas are characterized by frequent visits of customers and clients and require access to good vehicular circulation so are typically located where arterial roads intersect other article roads.

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Automotive-related use is not allowed in this zoning district. Zoning changes must be approved by the Planning & Zoning Commission. Concessions to Residential Adjacency Setback and Landscape Buffer are requested through P&Z under the terms of the UDC. The Board of Adjustment can only approve property condition request, not the use

Rogelio Rodriguez, the owner's son, spoke on the history of the business. He stated that the plan was originally to build it exactly the way it was. However, through predevelopment meetings the city requested additional features to comply. Thus, resulting in the adjustments of the engineering drawings and replotting submissions.

Community resident, Jacob Gallardo, did not speak but shared his thoughts on the board considering a variance to permit the elimination of the 10' buffer to allow for parking in the front.

Specifics on location, setbacks, building capabilities, building standards, P&Z commissions, UDC guidelines and letters related to the agenda were requested by Board Chairman Eric Roberts, and members Randall Wilder, James Jenkins, Tonya Dangerfield and Neal Prevost.

A total of 33 letters were sent out and zero letters were received for the case at the time of the meeting.

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

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Board Member Tonya Dangerfield made a motion, seconded by Board member Randall Wilder to approve BOA24-03, Public hearing to Consider/Discuss/Act on the request by Owner Leodegario Rodriguez, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to permit the elimination of the required 10 foot front landscape buffer to allow for front parking at the west frontage; and variances to the zoning ordinance Residential Adjacency Setback requirement of 30 feet at the north side, south side, and rear/east property lines, to allow 10 foot north and east building setbacks, for the construction of a commercial building (an automotive upholstery shop doing business as Leo's Seat Covers), at 606 N. Kentucky Street, Lot 710, Block A of the McKinney Outlots Addition to the City of McKinney, Texas

Board members approved the motion 5 to 0. Ayes from Board member's Chairman Eric Roberts, members James Jenkins, Randall Wilder, Tonya Dangerfield and Neal Prevost

BOA24-04 Conduct a Public hearing to Consider/Discuss/Act on the request by Owner Victoria Senior Homes LLC, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a Meritorious Exception to the Sign Ordinance to allow a monument sign to be constructed without being framed in masonry, consisting of white wood columns with partial brick bases on the sides, topped with a white wood cross-beam, with a hanging sign panel, near the main entrance to the property located at 153 Enterprise Dr., Lot 2 of Block B of the Country Lane Addition to the City of McKinney, Texas

A motion was made by Board member James Jenkins to open the public hearing, seconded by Board member Neal Prevost.

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The floor was open to the public for comment., Building Architect, William French and Chief Building Official Suzanne Arnold 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 freestanding sign that differs in form and materials from what is described in the sign ordinance for monument signs.

In reference to Zoning, detached signs: Non-Residential Districts All detached grounds signs shall be framed and finish in materials used on the sign frame shall match or be complementary to exterior finishing materials of the primary structure on the site. A sign having a low profile, either made of or contained within stone, concrete, metal wood, brick, or similar material, that does not exceed size feet in height from adjacent ground level. The building is currently under construction.

Building Architect, William French spoke on the owner's behalf. The name of the development "the Victoria" was derived in part from Victorian architectural design elements found in the building and Porte Cochere. The use of red brick has been limited to the bottom floor of the building with white wood molding and surfaces being the primary focal point of the building and Porte Cochere. The architectural design and details found in the eight-column brick work and structure of the Porte Cochere directly influence the design of Monument A. Redesigning the monument with masonry on all sides would not be in keeping with the Victorian Architectural design or period details found throughout this new development and would detract overall from the feel of the property.

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Specifics on location, surroundings business, building plans, zoning restrictions and letters related to the agenda were requested by Board Chairman Eric Roberts, and members Randall Wilder, James Jenkins, Tonya Dangerfield and Neal Prevost.

A total of 33 letters were sent out and zero letters were received for the case at the time of the meeting.

A motion was made by Board member Neal Prevost to close the public hearing, seconded by Board member James Jenkins.

Board member Neal Prevost made a motion, seconded by Board member Tonya Dangerfield to approve BOA24-04, Public hearing to Consider/Discuss/Act on the request by Owner Victoria Senior Homes LLC, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a Meritorious Exception to the Sign Ordinance to allow a monument sign to be constructed without being framed in masonry, consisting of white wood columns with partial brick bases on the sides, topped with a white wood cross-beam, with a hanging sign panel, near the main entrance to the property located at 153 Enterprise Dr., Lot 2 of Block B of the Country Lane Addition to the City of McKinney, Texas

Board members approved the motion 5 to 0. Ayes from Board member's Chairman Eric Roberts, members James Jenkins, Randall Wilder, Tonya Dangerfield and Neal Prevost.

Board member Tonya Dangerfield made a motion to adjourn, seconded by Board member Randall Wilder at 6:52 P.M.

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Eric Roberts  
Chairman