

BOARD OF ADJUSTMENT REGULAR MEETING

SEPTEMBER 24, 2025

The Board of Adjustment met in regular session at the McKinney City Hall Council Chamber, 401 E. Virginia Street, McKinney, Texas, on Wednesday, September 24, at 6:00 p.m. An audio recording of the meeting is available to members of the public through the City of McKinney meeting archive.

Board Chairman Larry Jagours called the meeting to order at 6:00pm upon determining a quorum consisting of Chairman Jagours and the following board members.

Board Members Present: Chairman Larry Jagours, Vice Chairman Tonya Dangerfield, Eric Roberts, Randall Wilder and later joined by Deanna Kuykendall.

Board Members Absent: James Jenkins & Jon Neal Prevost.

City Staff Members present: Chief Building Official Suzanne Arnold, Administrative Coordinator Monica Castilleja, Administrative Assistant Destiny Gracia, Code Compliance Supervisor Vernon Woods Jr, Director of Code Services Phillip Hubbard, Code Compliance Manager Chris Smith & Code Officer Kris Wallace

There were 5 members of the public present in the audience including the applicants.

CONSENT ITEMS

- 25-3199** Minutes of the Board of Adjustment Regular Meeting of September 10, 2025. The motion was made by Vice Chairman Tonya Dangerfield to approve the minutes, seconded by Board Member Eric Roberts. The minutes of the Board of Adjustment Meeting on September 10, 2025, were unanimously approved and referred to the City Council for approval.

REGULAR AGENDA ITEMS

- 25-3194** Conduct a Public hearing to Consider/Discuss/Act on the request by Applicants Brian and Jennifer Powers to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC

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Article 2 Section 206 A.3.a.VII, prohibiting artificial turf in the front yard of single-family dwellings. The applicants are requesting to keep the artificial turf already installed in portions of their front yard. This request is on the property located at 907 West Virginia Street, Lot 547C of the McKinney Outlots (CMC) Addition to the City of McKinney, Texas.

A motion was made by Board Member Eric Roberts to open the public hearing, seconded by Randall Wilder. The Board voted unanimously in favor of the motion. The floor was open to public hearing.

Chief Building Official Suzanne Arnold, 4 staff members from the code department, and 5 members in the audience were sworn in by Chairman Larry Jagours.

Board and Manager comments relating to items of public interest: Chief Building Official Suzanne Arnold presented the ordinance, a map, photos and information from the application to the Board. Ms. Arnold also mentioned the history of the yard being disturbed by the ADA Sidewalk project on W. Virginia St. Chairman Jagours asked the public if anyone had any comments regarding the case including the applicant Jennifer Powers in which she stated no. Chairman Jagours then asked Ms. Arnold what caused the grass to deteriorate prior to the sidewalk being completed. Ms. Arnold stated the application was not sufficiently clear on that. Vice Chairman Dangerfield proceeded to then ask the applicant if there were any issues with the grass thriving prior to the sidewalk installation. Applicant Powers approached the stand and mentioned to the board that her and her husband tried to grow the grass 3-4 years ago while also spending close to 10 thousand dollars and still not having any success on it growing. She also mentions they tried Bermuda and St. Augustine as well as extensive care for the grass. Ms. Powers also mentioned when the sidewalk was placed by the City their decision to build up on the grading caused significant erosion. Ms. Powers and her husband met with the City about the sidewalk location and were told it was part of the plans to be able to avoid the telephone pole. Ms. Powers does mention her property

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taxes decreased by 25% due to the City understanding the significant change in her lot size. Ms. Powers also mentioned that she does not live in a neighborhood with an HOA and admits not being aware of artificial turf being a violation. Chairman Jagours proceeded to ask the rest of the members if they had any questions and they said no. Board Member Wilder gave his opinion on the violation while taking in consideration past cases with similar ruling to this nature. Mr. Roberts agreed with Mr. Wilder. Mr. Roberts proceeded to ask Ms. Arnold if there is a list of alternate grass options other than St. Augustine. Ms. Arnold mentions alternate planting is not specifically addressed in this passage, simply the prohibition of artificial turf. The members then reviewed the notices that were received. 5 approvals and 2 against.

A motion to close the public hearing was made by Board Member Roberts and seconded by Vice Chairman Tonya Dangerfield. The Board voted unanimously in favor of the motion to close the public hearing.

The members then discussed their individual opinions regarding the case. Vice Chairman Dangerfield does not believe this case has anything that can support granting the variance. Board Member Robert states that he does not see a hardship to approve of this variance. Vice Chairman Dangerfield asked Ms. Arnold what the process was for reviewing the ordinance regarding artificial turf since it is a reoccurring case. Ms. Arnold mentioned there were discussions about addressing it, however the decision was not known at this time and is currently not on the table for UDC revision.

Board Member Eric Roberts made a motion to approve the variance as it was requested. Vice Chairman Dangerfield made a motion to deny the variance. Board Member Wilder seconded the motion to deny. When Chairman Jagours asked who was in favor of denying the variance Board Members Wilder, Dangerfield & Roberts responded I. Chairman asked if anyone opposed in which he responded I. Ms. Arnold proceeded to confirm with the Chairman if the final unanimous vote was to deny. In which Chairman Jagours confirms. Ms. Arnold reminds the Board that in the counseling

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of our City Attorney it was said that a motion needed to be made on the affirmative and then vote against. Ms. Arnold asks the Board Members to please consider a motion in the affirmative and vote on it. The Board Members acknowledge and corrected their voting. Board Member Roberts proceeds to make a motion to approve the variance as it is written. Seconded by Chairman Jagours. Chairman Jagours asks for all in favor in which he responds I. Chairman Jagours then ask if anyone is opposed to approving the variance, Vice Chairman Dangerfield & Board Members Roberts and Wilder respond I.

The motion to Approve the Public hearing to Consider/Discuss/Act on the request by Applicants Brian and Jennifer Powers to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2 Section 206 A.3.a.VII, prohibiting artificial turf in the front yard of single-family dwellings. The applicants are requesting to keep the artificial turf already installed in portions of their front yard. This request is on the property located at 907 West Virginia Street, Lot 547C of the McKinney Outlots (CMC) Addition to the City of McKinney, Texas, resulted in a vote of 1 in favor and 3 opposed. The motion did not carry, and the variance request is denied.

25-3195 Conduct a Public hearing to Consider/Discuss/Act on the request by Applicant Rebecca Bartelme to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2 Section 206 A.3.a.VII, prohibiting artificial turf in the front yard of single-family dwellings. The applicant is requesting to keep the artificial turf already installed in portions of their front and side yard. This request is on the property located at 909 West Virginia Street, Lot 547B of the McKinney Outlots (CMC) Addition to the City of McKinney, Texas.

A motion was by Board Member Randall Wilder and seconded by

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Vice Chairman Tonya Dangerfield to open the public hearing. The Board voted unanimously in favor of the motion. The floor was open for the public hearing.

Chief Building Official Suzanne Arnold presented the ordinance, a map, photos and information from the application to the Board. Ms. Arnold also mentioned a code compliance officer noticed the installation of turf in progress and advised the owner that artificial turf is not allowed. The owner, however, proceeded and received a Notice of Violation May 16th, 2025. Neighbor Jennifer Powers read a letter on behalf of the applicant to the Board stating why she felt the variance should be approved. Board Member Wilder then questioned the applicant why she proceeded to complete the installation of the turf, knowing it was a violation. The applicant Ms. Bartelme stated the turf was already 90% completed when she was notified. Board Member Deanna Kuykendall questioned how much of the property was torn up by the City to create the sidewalk. In which she gets no answer due to it being a job completed by a private contractor through the Public Works Department. Ms. Bartelme does mention to the board she has pictures of the work that was done. Ms. Bartelme showed the Board Members in a previous picture the total amount of the property that was utilized to create the sidewalk. Ms. Powers also informed the Board Members that due to the severe erosion that occurred after the sidewalk was installed it was necessary to remove a 120-year-old tree which the City did remove. Board member Kuykendall mentioned that she is aware that the City is extremely protective of trees and asked what the City did for the homeowner since her yard was damaged. Ms. Powers proceeded to say they met with the City and the City decided to remove the tree and install sod in Mrs. Powers yard in hopes of helping the grass grow. Ms. Powers also mentioned that weeds are what was growing in the yard, not grass. Board Member Kuykendall asks the homeowner if she was aware that the tree was going to be removed to which she answered no. Ms. Powers stated there was no intentions to remove it but that because they dug so deep into the roots it caused the tree to be

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unstable. Board Member Kuykendall asked Code Compliance Manager Chris Smith if Code Enforcement would decide to act on a tree not being in the property since there are certain codes that must be met regarding the number of trees in each home. She also asked if the City is going to provide a new tree for the homeowner since the city is the one responsible for the damage of the tree that once existed. Mr. Smith mentioned that the process is to make a claim through Risk Management and is unaware of any of the specifics of the tree that was removed. Board Member Kuykendall asked Mr. Smith if he would approve of the variance of not having the tree noting all the issues the homeowner has had to overcome due to the City. Mr. Smith said he would not be able to approve a variance since he is only part of Code. Board Member Kuykendall asks for clarification on code expectations still needing to be met by the homeowner. Code Manager Smith mentioned to Board Member Kuykendall that it is still the homeowner's responsibility to abide by the code regardless of the tree being removed by the City. Ms. Powers also mentions she will be going to the City Council in hopes of artificial turf being a topic of discussion. Board Member Kuykendall also proceeds to give advice to the applicants on other ways to personally speak to their Council Members. Board Members proceed to review the notice letters received. 8 notices were for and 2 were against.

A motion was made to close the public hearing by Vice Chairman Dangerfield seconded by Board Wilder. The Board voted unanimously in favor of the motion to close the public hearing.

Chairman Jagours asked if there were any discussions regarding this agenda item. Vice Chairman Dangerfield mentioned that it appears that there were already previous issues with the grass not being able to be grown prior to the installation of the sidewalk. Board Member Wilder agreed with Ms. Dangerfield. Vice Chairman Dangerfield mentioned that the City Council needs to look in to notifying the homeowners that artificial turf is prohibited in the front yard of homes. Ms. Arnold stated that she will relay the need for messaging and agrees that notifying the homeowners

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could help. Board Member Kuykendall expressed that she could not vote against the property owner knowing everything the homeowner went through due to the City's choice of installing the sidewalk.

A motion was made to end the discussion amongst the Board Members by Vice Chairman Dangerfield and seconded by Board Member Eric Roberts. The Board voted unanimously in favor of the motion to end the discussion.

A motion was made by Board Member Deanna Kuykendall to approve the variance seconded by Board Member Wilder. When Chairman Jagours asked members who was in favor, Board Members Kuykendall & Chairman Jagours responded in favor. Chairman Jagours then asked if anyone opposed in which Vice Chairman Tonya Dangerfield, Randall Wilder and Eric Roberts responded to oppose.

Board Member Kuykendall, seconded by Board Member Wilder moved to Approve a Public hearing to Consider/Discuss/Act on the request by Applicant Rebecca Bartelme to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2 Section 206 A.3.a.VII, prohibiting artificial turf in the front yard of single-family dwellings. The applicant is requesting to keep the artificial turf already installed in portions of their front and side yard. This request is on the property located at 909 West Virginia Street, Lot 547B of the McKinney Outlots (CMC) Addition to the City of McKinney, Texas. With a vote of 2 in favor and 3 opposed. The motion did not carry and the variance requested is denied.

25-3196 Conduct a Public hearing to Consider/Discuss/Act on the request by Applicant Matt Moore to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2, Section 204, Table 2-24, which requires a 5-foot side yard setback, by requesting to reduce the side yard setback to 3 feet and 6 inches. The applicant is

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requesting to keep a carport that was constructed in error with that setback. This request is on the property located at 1005 W. Hunt St., Lot 2B of Block 6 of the Waddill Addition to the City of McKinney, Texas.

A motion was made by Board Member Eric Roberts seconded by Vice Chairman Dangerfield to open the public hearing. The Board Members voted unanimously in favor of the motion. The floor was open for public hearing.

Chief Building Official Suzanne Arnold presented the ordinance, a map, photos and information from the application to the Board Members. Ms. Arnold also mentioned the history of the previously approved porte cochere building permit. Ms. Arnold also shared special circumstances that occurred within this project. When Ms. Arnold concluded her presentation, Mr. Moore stated the case on behalf of the homeowner. Mr. Moore mentioned the property owner did her part and decided to hire an architect and a general contractor to ensure proper completion. The project overall was \$45,000.00. Mr. Moore also mentioned the contractor is no longer in business. Vice Chairman Dangerfield questioned the different submittals in which Mr. Moore stated he was unsure of what might have caused the different drawings and ensured the contractor did not withdraw from the job and full payment was given to him. Board Member Jagours asked how difficult it would be to move the piers to abide by the code. Board Member Randall Wilder stated it would be significantly challenging as the foundation would need to be changed to stabilize the piers. Vice Chairman Dangerfield asked the homeowner if there was anything built there prior to the installation of the porte cochere, in which the homeowner said no. Board Member Kuykendall asked Mr. Smith for the reasoning of the required setback. Mr. Smith mentioned that the setbacks create distance between the two homes and can help prevent the spread of fire. Board Member Roberts asked Mr. Smith if he knew if there was enough room currently to prevent the spread of the fire between the two homes, Mr. Smith was unsure due to not knowing the exact measurements of the distance between the two structures. Board Member Kuykendall asked if there was an updated survey. Mr. Moore responded that there is not an

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updated survey, the survey they provided is what the applicant had in her files. Board Member Roberts asked for clarification from the Chief Building Official Arnold, if the variance was to be approved the applicant would still need to get approval for the actual structure. Ms. Arnold proceeded to say if the variance is indeed approved the applicant would still be required to apply for a new building permit and a new Certificate of Appropriateness would need to be issued. She also stated that inspections would still be required. Owner of the property 1002 W Hunt approached the stand and stated that he does not believe the piers were installed and then moved. He also assures the Board Members that the property next door to the subject property is about 15ft away from the Porte cochere. The board members then proceed to review the 7 notices received within the radius. They also reviewed the 7 additional notices that were gathered from outside of the radius by the applicant. Board Member Roberts asked the applicant if the variance was denied and the columns needed to be moved to the appropriate setbacks if a vehicle would still fit, she stated no it would not. Board Member Wilder said that he believed there was a hardship in this case and believed they should approve the variance. The Board Members also discussed the neighbors fence placement.

A motion was made to close the public hearing by Vice Chairman Dangerfield and seconded by Board Member Roberts. The Board members voted unanimously in favor of the motion. The variance request is approved.

The Board unanimously approved the motion by Board Member Wilder, seconded by Vice Chairman Dangerfield, to Approve a Public hearing to Consider/Discuss/Act on the request by Applicant Matt Moore to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2, Section 204, Table 2-24, which requires a 5-foot side yard setback, by requesting to reduce the side yard setback to 3 feet and 6 inches. The applicant is requesting to keep a carport that was constructed in error with that setback. This request is on the property located at 1005 W. Hunt St., Lot 2B of Block 6 of the Waddill Addition to the City of McKinney, Texas with a vote of all in favor. The variance request was approved.

25-3197 Conduct a Public hearing to Consider/Discuss/Act on the request by Owner Bhaskar Mustiyala, to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2, Section 206 A (5)(a) Table 2-30, requiring two canopy trees, including a canopy tree in the front yard, on all single-family properties in this zoning district. The applicant is requesting to omit the required trees. This request is on the property located at 4305 Brookridge Ave., Lot 26 of Block E of the Painted Tree Lakeside West Phase 2 Addition to the City of McKinney, Texas.

A motion was made by Vice Chairman Dangerfield to open the public hearing seconded by Board Member Roberts. The Board voted unanimously in favor of the motion. The floor was open for public hearing.

Chief Building Official Suzanne Arnold presented the ordinance, a map, photos and information from the application to the Board. Mr. Mustiyala approached the stand and informed the Board Members that there were two live oak trees previously planted prior to him removing them. Mr. Mustiyala informed the Members that he did ask his HOA if he could remove the two trees. Mr. Mustiyala mentioned the HOA approved the removal of the backyard tree but denied the front yard. A few months later Mr. Mustiyala reached out to the HOA again to ask if he could relocate the tree in the front yard, in which they said no and gave him permission to remove the tree completely instead. In good faith Mr. Mustiyala reached out to the city to make sure the removal of the trees was not going to be a problem. The City then informed him of the requirements. Mr. Mustiyala expressed his concern for future structural damage that could occur if he was to be required to plant two trees. Board Member Kuykendall advised the applicant to always seek professional opinions when planting new trees to get reassurance on the best placement for the trees.

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A motion was made by Board Member Roberts and seconded by Vice Chairman Dangerfield to re-open the public hearing. The Board Members voted unanimously in favor of the motion. The floor was open for the public hearing.

Board Member Kuykendall asked Mr. Mustiyala if he was in any way opposed to planting trees. Mr. Mustiyala said he was not opposed but that his only concern was the possibility of the roots damaging the foundation. Mr. Mustiyala stated that when he removed the tree in the backyard in February, he planted 2 apple trees. Mr. Mustiyala also asked the Board Members if there was any way he could leave the two apple trees located in the backyard and only be required to plant one tree in the front yard. Board Member asked Ms. Arnold if the City would be opposed to it. Ms. Arnold said she was unsure if they would be against it, however she did mention the arborist previously stated the apple trees did not comply with the requirements.

A motion was made by the Board Member Kuykendall and seconded by Board Member Roberts to close the public hearing. The Board voted unanimously in favor of the motion. The floor was closed for the public hearing.

A motion was made by Vice Chairman Dangerfield and seconded by Board Member Wilder to open the discussion between members. The Board voted unanimously in favor of the motion.

Board Member Kuykendall stated she was for modifying the approval to leave the apple trees and only require the one tree in the front yard. Board Member Roberts agreed and stated he does believe the applicant must comply with the front yard requirements. Vice Chairman Dangerfield agreed with Board Member Roberts. Board Members discussed the pros and cons regarding the removal of the apple trees and the modification of the approval of the variance.

A motion was made by Board Member Dangerfield to modify the approval of the variance to allow the applicant to keep the two apple trees in the backyard and require Mr. Mustiyala to plant an approved tree in the front yard, seconded by Board Member Roberts. Chairman Jagours asked if anyone opposed, Board Member Tonya Dangerfield Opposed the approval.

Board Member Dangerfield, seconded by Board Member Roberts moved to Approve with Amendments a Public hearing to Consider/Discuss/Act on the request by Owner Bhaskar Mustiyala, to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2, Section 206 A (5)(a) Table 2-30, requiring two canopy trees, including a canopy tree in the front yard, on all single-family properties in this zoning district. The applicant is requesting to omit the required trees. This request is on the property located at 4305 Brookridge Ave., Lot 26 of Block E of the Painted Tree Lakeside West Phase 2 Addition to the City of McKinney, Texas, modified to allow alternate trees in the back yard but require a canopy tree in the front yard, with a vote of four in favor and one opposed. The motion did carry, and the variance is approved with amendments.

ADJOURN

Board Member Roberts made a motion to adjourn, seconded by Board Member Wilder, to Adjourn at 8:23pm. The Board voted unanimously in favor of the motion.

SIGNED:

LARRY JAGOURS, Board Chair
TONYA DANGERFIELD, Vice Chair

ATTEST:

MONICA CASTILLEJA, Meeting Clerk

City of McKinney, Texas