

## **BOARD OF ADJUSTMENT REGULAR MEETING**

**July 13, 2022**

The Board of Adjustment met in regular session in the McKinney City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, July 13, 2022, at 6:00 P.M.

Chairman Eric Roberts called the meeting to order at 6:03 P.M. after determining a quorum was present.

Board members Present: Chairman Eric Roberts, Vice Chairman Larry Jagours, and Larry Macy and Tonya Dangerfield (Members), and Mikhail Tutson (Alternate)

Absent: Jon Neal Prevost (Member)

City Staff members present: Chief Building Official, Suzanne Arnold, and Administrative Assistant, Robin Tramell.

**22-0407** Minutes of the Board of Adjustment Meeting of February 9, 2022. The motion was made by Board member Larry Macy to approve the minutes, seconded by member Larry Jagours. The Minutes of the Board of Adjustment Meeting on February 9, 2022, were unanimously approved and referred to the City Council for approval.

**BOA22-02-1** Conduct a Public hearing to Consider/Discuss/Act on the request by Applicant Romina Soja on behalf of Owner Octavio Lomas, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to the zoning ordinance corner lot side yard setback requirement of 20 feet to allow a side setback of 15 feet for the construction of a new single-family residence at 1616 N. Bradley Street, Lot 5 of Block A of Suncrest Square Addition to the City of McKinney, TX.

A motion was made by Vice Chair, Larry Jagours, to open the public hearing, seconded by Alternate, Mikhail Tutson, unanimously approved.

Floor was open to the public for comment. Architect, David Contreras and Chief Building Official, Suzanne Arnold, were sworn in by Chairman Eric Roberts.

Chief Building Official, Suzanne Arnold provided her statement. Mrs. Arnold stated homeowner is seeking to build a new single-family residence of approximately 5434 square feet on a corner lot which is currently vacant. Adjacent lot faces side street and Zoning requires 20 foot side setback on the First Avenue side. Homeowner is requesting 5 foot reduction of side setback reducing 20 feet to 15 feet. Lot conforms to required dimensions by zoning, no slope issues, no floodplain restrictions, no easements affecting zoning setbacks and removing trees in building footprint. The lot is compliant with zoning. This is a corner lot and is presently vacant. The new construction would be oriented toward the west of N. Bradley St. It is bordered on the north side by First Avenue. The property to the immediate east, which is the rear/alley, side of the subject property, is oriented toward the north, fronting on First Avenue. Therefore, the side yard of the 1616 N. Bradley Street facing First Avenue, which is the subject of this side yard setback variance request, does have a visual impact on the view of the neighbor's front yard looking down First Avenue. There are presently a few trees on the lot, but those do not appear to affect the variance request. The trees within the proposed footprint will be removed. According to tax records, the existing houses abutting the subject property on all sides range from 900 to 5300 square feet. The applicant is seeking to construct a new two-story, single-family residence, of approximately 5434 sq ft. They submitted plans for a building permit on 03/29/22 which was reviewed and

denied on 04/04/22 because of the noncompliant setback, among other things. The city received this application for a side setback variance on 04/19/22. The base zoning for this property is RS60 with a TMN overlay. Under RS60, the designated setback would be 25 feet; however, with the TMN overlay, that reduces it to 80% making the designated setback 20 feet, in this case. This is the subject property on the corner lot which has some trees on it and has been empty for a while, I understand. House is surrounded by various sizes and ages. This neighborhood is West of McDonald Street and South of University. Site photos were presented of roadways and houses within the mixed neighborhood. Building Plans were presented as were Site Plans and Landscaping Plans along with fencing. Renderings submitted were presented as were Elevations. Suzanne opened the floor for questions from Staff.

Larry Macy asked if this was a conforming, compliant lot and this was confirmed. Larry Jagours asked about street being connected with Golden Chick. Mr. Jagours stated the houses are very nice in this neighborhood and have added to this street. Questioned some street construction. Stated he liked the area and was interested in purchasing one of the homes in the neighborhood. Mr. Jagours went back to rendering that portrayed trees. Eric Roberts questioned the setback to the alley. Discussions amongst the Board ensued. At this time, Larry Macy proposed the Board hear from David Contreras, the Architect. At that time, David Contreras approached the podium and addressed the Board.

Mr. Contreras stated the setbacks are complying in the rear yard at 40 ft from the property line and the adjacent neighbor, their houses across the alley and then the property line and to another 15 ft, they're almost 70 ft away from back porch. The design of the house is designed to have articulation on all 3 sides because we felt that is a very prominent location

in the corner. So you don't get just a front entry...the front entry has a porch, a main entrance, and a garage is in the front and articulation along the sides so it has more of a frontage façade. I have some other renderings that I could also show but the back porch also kind of looks like the same architectural elements as the front so it's meant to be enjoyed. The only bad side or flush side is the interior lot that just has a fence line. Kind of done by design. We really wanted to beautify the corner by providing, saving as many trees as we could but also providing a nice hedge and landscaping, and a rod iron fence with several posts made out of masonry. And even though you have the setback from the right of way 50 ft plus an additional 15 ft from the curb line right when you get to the property line but you have an additional 15 ft so it feels like there's some depth there; the idea wasn't to kind of encroach to build the biggest thing but to provide a really nice home on this corner lot with mature trees and try to find a balance in the neighborhood, too, with the respect of variation and different types of houses that are there. I have some nice renderings to show or email to you. Is it too late to show these?

Request was denied submitting renderings and John Macy questioned time limit on presentation.

Mr. Contreras opened the floor for questions and discussion.

Specifics on location and project details requested by Board members John Macy, Larry Jagours, and Chairman Eric Roberts. Details and clarification addressed by David Contreras.

Board Member Larry Macy proposed to close the public discussion and was held by Chairman Eric Roberts to review any letters or emails that were submitted.

A total of 3 letters were received; 2 in favor and 1 against.

A motion was made by Board member John Macy to close the Public Hearing, seconded by Board member Tonya Dangerfield, unanimously approved.

Board members proceeded to discuss. Board member Larry Macy confirmed the conforming and compliant lot; however, he did not hear a hardship and reasoning as to why they need 5 feet. Chairman Eric Roberts stated that was his struggle in this request, also.

Board member John Macy requested for each letter to be read in which Suzanne Arnold proceeded to read each.

Discussions proceeded amongst the Board Members regarding the stop sign on Bradley Street, trees on lot, and no hardship to grant 5 feet.

Board member Tonya Dangerfield made a motion to approve, seconded by Vice Chairman Larry Jagours regarding BOA22-02-1 on the request by Applicant Romina Soja/David Contreras on behalf of Owner Octavio Lomas, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to the zoning ordinance corner lot side yard setback requirement of 20 feet to allow a side setback of 15 feet for the construction of a new single-family residence at 1616 N. Bradley Street, Lot 5 of Block A of Suncrest Square Addition to the City of McKinney, TX.

The motion was denied in a 3-2 vote as a total of 4 unanimous votes are required to approve. The 3 Ayes were Vice Chairman Larry Jagours, Board

member Tonya Dangerfield, and Alternate Mikhail Tutson. The 2 Nays were  
Chairman Eric Roberts and Board member Larry Macy.

Vice Chairman Larry Jagours made a motion to adjourn, seconded by  
Alternate Mikhail Tutson, unanimously approved.

Meeting adjourned at 6:33 P.M.

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ERIC ROBERTS  
Chairman, Board of Adjustment