BOARD OF ADJUSTMENT REGULAR MEETING

DECEMBER 3, 2025

The Board of Adjustment met in regular session in the McKinney City Hall Council Chamber, 401 E. Virginia Street, McKinney, Texas, on Wednesday, December 4,2025 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 Chairperson Larry Jagours called the meeting to order at 7:05 pm upon determining a quorum consisting of Chairperson Larry Jagours and the following board members were present: Tonya Dangerfield, Randall Wilder, Larry Jagours, Samuel Franklin, Elmer Corbin

Board Members Absent: Deanna Kuykendall, Neal Prevost.

These City Staff were present: Chief Building Official Suzanne Arnold, Administrative Coordinator Monica Castilleja, Code Compliance Supervisor Vernon Woods and IT Audio/Video Tech Joshua Arias.

PUBLIC COMMENTS ON AGENDA ITEMS (For Non-Public Hearing Items)

If you wish to address the Board on a posted item on this agenda, please fill out a "Request to Speak" card and present it to the Clerk before the meeting. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Board for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the Board regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Board Chair may reduce the speaker’s time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

CONSENT ITEMS

This portion of the agenda consists of non-controversial or housekeeping items required by law. Items may be considered individually by the Board or Commission member making such request prior to a motion and voting on the Consent Items.

25-3432 Minutes of the Board of Adjustment Meeting on October 10,2025.

A motion was made by the Board Member Samuel Franklin to approve the minutes as written, seconded by the Board Member Elmer Corbin. The minutes of the Board of Adjustment Meeting of October 15th, 2025, were unanimously approved and referred to the City Council for approval.

REGULAR AGENDA ITEMS

25-3433 Conduct a Public hearing to Consider/Discuss/Act on the request by Owner Lea Michaels, to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 7, Section 704 B, Table 7-1, which limits the height of fences in side yards abutting front yards (as is the case with the orientation of the house behind this one) to 4 feet and requires 50% openness. The applicant is requesting to construct a 6 foot 8 inch tall solid wood fence at or near the side property line along Oak St. This request is on the property located at 707 W. Hunt St., Lots 569 & 571A of the McKinney Outlots Addition to the City of McKinney, Texas.

A motion was made by the Board Member Elmer Corbin to open the public hearing, seconded by Board Member Samuel Franklin. The Board voted unanimously in favor of the motion. The floor was open to public hearing.

Chief Building official Suzanne Arnold presented the ordinance, a map, photos and information from the application to the Board. Ms. Arnold mentioned to the board previously approved a variance regarding the same ordinance within the same district, similar circumstances back in October of 2025. Ms. Arnold mentions to the Board that the intent of the ordinance pertaining to side yards abutting front yards was intended for visibility purposes. Ms. Arnold also mentions 36 notices were sent out regarding the variance request and 4 were sent back all were in favor. Board Member Tonya Dangerfield asks homeowner Lea Michaels for clarity on the height of the fence that is leaning. Homeowner Leah Michaels clarifies the information for Board Member Tonya Dangerfield. Board Member Randall Wilder asks Applicant Leah Michaels if it’s going to

be the same type of fence. Applicant Lea Michaels references back to the PowerPoint to show the options she is open to installing. Ms. Arnold finishes her presentations and asks Board Members if anyone has any questions for the city. Board member Tonya Dangerfield asked Ms. Arnold for clarification on the location of the house that could be affected if the variance is approved. Ms. Arnold then returns to the presentation to clarify the location of the home that Board Member Tonya Dangerfield questions. Board Member Samuel Franklin proceeds to question Ms. Arnold why the ordinance is in place. Ms. Arnold mentions to him that it has to do with homes facing different angles. Ms. Arnold mentions the ordinance is in place to preserve the visibility of someone's sight line when front yards and backyards abut each other. Board Member Elmer Corbin asks Ms. Arnold if what is labeled number one on one of the slides is technically a violation. Ms. Arnold says technically yes, however she has no actual records of the property and does mention the fence appears to already be there for quite some time. Board Member Elmer Corbin asks for clarification on the height of the proposed fence in which Ms. Arnold confirms 6ft 8in. Vice Chairman Larry Jagours asked the Board Members if they had any further questions. All Members said no. Vice Chairman Larry Jagours gave the opportunity to the owner or the owners representative to make any comments regarding the Agenda Item. Property owner Leah Michaels approached the stand and explained that apart from enhancing her property she would much rather install it to provide security. Applicant Leah Michaels mentions she's had kids throw rocks into her pond along with jumping over the fence and causing damage to her property. Applicant Leah Michaels also mentions her handy man has notified her of finding human waste beneath her home. Applicant Leah Michaels states if her home was on an interior lot she would have no problem building the fence but since it’s on a corner lot she’s having to ask for a variance. Applicant Leah Michaels does mention to the Board member that she has spoken to all the property owners around and they have all stated they had no problem with her installing the fence. Applicant Leah Michaels points out in the PowerPoint the property that is located south of hers and mentions the owner did tell her he pulled a permit for his fence and did mention a variance having to be granted although he had nothing to do with it since his contractor took care of it.

Applicant Leah Michaels stated the back fence that is leaning near her neighbors is already tall and doesn't seem to be interrupting the neighbors at all. Applicant Leah Michaels says she simply wants to add a nicer looking fence around her home as well as provide additional security. Applicant Leah Michaels concludes her side of the variance and asked if there were any questions for her. Board Member Tonya Dangerfield asked Applicant Leah Michaels if her fence would be equal to the neighbors in which she confirms. Board Member Randall Wilder asked what type of fence she planned to get Applicant Leah Michaels clarified the two types of fences she must choose from to the Board. Board Member Samuel Franklin asked Applicant Leah Michaels if she had to get a variance for her existing fence in the backyard that is above the 4ft. Applicant Leah Michaels says she has been in her home over 20+ years, and that existing fence has been there since along with the other fences in her backyard. Board Member Elmer Corbin asked Ms. Arnold if we have any knowledge on whether or not her fence is in compliance. Ms. Arnold stated that technically that existing fence is not in compliance, however she has no background information due to the age. Board Member Tonya Dangerfield proceeded to ask Ms. Arnold if the 4ft requirement is for both the front and backyard. Ms. Arnold clarified the 4ft was only for the side yard. Board Member Tonya Dangerfield asked Ms. Arnold if the back fence would be complying in which Ms. Arnold stated that technically a portion of the back fence is supposed to comply with the 4ft requirement to create the overall sight line. Board Member Samuel Franklin asked Applicant Leah Michaels if she planned on replacing the entire fence. Applicant Leah Michaels said yes, the entire fence will be replaced with a fence that will appear to be nicer than what is currently there. Applicant Leah Michaels states she also wanted to add solar lights to the fence to give the street some light since it is a very dark area. Board Member Elmer Corbin asked Applicant Leah Michaels if she spoke to her neighbor to ask if they had any objection with her installing the fence. Applicant Leah Michaels assured the Board she did reach out via text. Vice Chairman Larry Jagours asked the public if anyone else would like to approach the stand to speak on the agenda item. Vice Chairman Larry Jagours states 36 notices were sent out in the mail with 4 responses being returned back all with no objection to the variance. A

motion to close the public hearing was made by Board Member Randall Wilder and seconded by Board Member Samuel Franklin. The Board voted unanimously in favor of the motion to close the public hearing. The members discussed opinions regarding the case. Vice Chairman Larry Jagours asked if there was a motion regarding the agenda item. Board Member Tonya Dangerfield made a motion to take a vote for the agenda item. Seconded by the Board Member Samuel Franklin. The Board voted unanimously in favor of the motion to take a vote regarding the agenda item. Ms. Arnold asked the Chairman Larry Jagours to repeat the motion entirely for the record. Chairman Larry Jagours repeats the agenda item and states it is approved.

25-3434 Conduct a Public hearing to Consider/Discuss/Act on the request by Owner Kathleen Nash, to Consider/Discuss/Act on the Appeal of the Building Official's decision regarding a violation of UDC Article 2, Section 204 G, Table 2-6: R6 Dimensional Standards, combined with UDC Article 2, Section 204 BB, which require a 12 foot setback for a side yard of a corner lot in the TMN overlay. The applicant is requesting to keep a pergola, which serves as a carport, that was constructed without a permit in violation of City ordinance, having a 4 foot setback from the side property line. This request is on the property located at 408 W. White Ave., Lot 1 of Block 9 of the Thompson Addition to the City of McKinney, Texas.

Board Member Tonya Dangerfield made a motion to open the public hearing, seconded by Board Member Elmer Corbin. Board Members voted unanimously to approve the motion. The public hearing was now open. Chief Building official Suzanne Arnold presented the ordinance, a map, photos and information from the application to the Board. Once the presentation was over Ms. Arnold asked the Board Members if they had any questions. Board Member Tonya Dangerfield asked Ms. Arnold for clarification on whether or not the current driveway was already existent or if it was a recently added. Ms. Arnold informed the Board Members that there has always been a driveway at the property. Ms. Arnold also mentioned that they have augmented, replaced it, and even added to the existing driveway. Board Member Samuel Franklin

asked Ms. Arnold if she could return to the slide that had the survey for the property and asked for clarification on the actual requested variance and the documents submitted. Ms. Arnold stated that the request from the applicant is for a 4ft setback. Ms. Arnold mentions that the actual image from the applicant submitted shows a 3ft setback and states there's a difference between the two. Board Member Samuel Franklin stated that technically the applicant needs a 3ft setback variance not a 4ft. Ms. Arnold states based on the survey submitted that it is correct. Ms. Arnold also informed the Board Members, whatever decision they make is what will be granted to the applicant and that that's what must be followed if anything different is needed, they would have to re-apply for another Board of Adjustments Meeting. Board Member Tonya Dangerfield states that ideally, they could modify an approval. In which Ms. Arnold said yes and suggested that a discussion with the applicant might help in deciding. Board Member Samuel asked Ms. Arnold what the process was when it came down to the final inspection. Ms. Arnold assured him that her team would do the proper inspections to ensure they were done correctly. Vice Chairman Larry Jagours voiced to Ms. Arnold that he would like to retrieve himself from the discussion regarding agenda item of 25-3434 due to him being familiar with this property. Ms. Arnold granted him the privilege to do so. Board Member Samuel Franklin asked that since Mr. Jagours retrieved himself from the vote if all four votes were still needed to pass this agenda item. Ms. Arnold states yes, all four votes are still needed. Board Member Tonya Dangerfield was assigned to take over as Vice Chair since Mr. Jagours was no longer participating in the discussion. Board Member Samuel Franklin asked Ms. Arnold for clarification on the multiple things being approved on Agenda Item 25-3434. Ms. Arnold clarifies for the Board Members. Board Member Randall Wilder stated his opinion on Larry Jagours removing himself from the discussion. Ms. Arnold states it is the Board Members' discretion whether they feel the need to recuse themselves from a case or not. Board Member Tonya Dangerfield asked the Members if there were any further questions for staff. All Board Members had no further questions. Board Member Tonya Dangerfield asked if anyone in the audience had anything to say regarding case number 25-3434. If so, to approach the speaking podium. Owner Kathleen Nash approached the podium and informed the

Board Members of being a first-time homeowner and was honestly unaware of even needing a permit. Owner Kathleen Nash let the Board know that when she was informed, she immediately applied and stated that she believed it was 20ft per the building Inspector whom she spoke with. She states the picture she submitted was originally the one she submitted for the permit not the variance. Owner Kathleen Nash stated the pergola is movable since it was installed with Simpson strong ties. Owner Kathleen Nash let the Board know that her insurance has been cancelled for both her home and her vehicle and has had to remove 4 trees this year along with having to replace her vehicle. Owner Kathleen let the board know that her garage was so small she was unable to fit a compact Nissan Versa into it therefore she decided to make it a gym instead. Owner Kathleen Nash says her insurance has been giving her issues. Kathleen Nash also informed the Board that she has had to replace the roof of her home. Owner Kathleen Nash mentioned to the Board that there is still one tree left in her back yard that is beautiful and would prefer not to remove it. However, she knows there is a possibility it might fall on her vehicle if there was to be a bad storm. Owner Kathleen Nash said her home has been looked at by 2 engineers. Owner Kathleen Nash let the Board know that she did reach out to six of her surrounding neighbors to ask for their opinion regarding the pergola and that all of them stated they were not bothered by it. Owner Kathleen Nash stated that if needed to she could move the pergola since it is adjustable. Board Member Randall Wilder asked the Applicant Kathleen Nash if she built the pergola. Owner Kathleen Nash stated she built the carport with the help of her friends and used leftover materials. Board Member Randall Wilder stated he understood where the confusion might've happened since Owner Kathleen Nash did not hire a General Contractor nor did she purchase this already made. Owner Kathleen Nash let the Board know she did not like any pergolas that were already built so she decided to make one instead that she felt enhanced her neighborhood and did not block any of her neighbor’s sight lines. Owner Kathleen Nash let the Board members know that she has had an entire tree fall on top of the carport and caused no damage. Owner Kathleen Nash explains to the Board why the carport is as tall as it is since she owns a Sprinter Van and puts it under the carport when it hails

to avoid damage. Board Member Tonya Dangerfield asked the Owner Kathleen Nash if the carport would maintain its structure if by any chance it must be moved. Owner Kathleen Nash ensured that it would be since it is adjustable. Board Member Tonya Dangerfield asked for the location of the vulnerable tree. Owner Kathleen Nash let the Board know where the tree was located and the risks, she faced by allowing the tree to stay. Board Member Elmer Corbin asked for clarification on the hardship that the Applicant was claiming. Applicant Kathleen Nash responded with the claim of her insurance needing her to have protection for her car. Board Member Samuel Franklin asked Kathleen Nash if her insurance gave her coverage now that she had the carport installed. Owner Kathleen Nash confirmed both her car and home insurance accepted what she built as coverage for her home and vehicle. Board Member Tonya Dangerfield asked the Applicant Kathleen Nash if there was any additional work done to the driveway in which the Applicant stated she did not extend it length just in width. Applicant Kathleen Nash informed the Board Members regarding the 3 ft. footers that were installed. Board Member Elmer Corbin asked Kathleen Nash if her front yard neighbor had similar issues with his trees. Owner Kathleen Nash stated he does not and that his home is a new construction home. Owner Kathleen Nash let the Board Members know that there are visible carports around her neighborhood that appear to be just as close as hers to the road as hers. Board Member Elmer Corbin asked the Applicant Kathleen Nash if she happened to have pictures of those carports, however she did not. Board Member Tonya Dangerfield asked if anyone had anything further, they'd like to discuss. Stewart English owner of 1307 Coleman St approached the podium and states there has been several neighboring homes who have had trees get blown down due to the storms. Stewart English let the Board Members know multiple neighbors have issues with the placement of the trees interfering with the power lines and not being able to hire private contractors to trim the trees. Board Member Tonya Dangerfield asked if there were any further questions. In which no one did. Board Member Randall Wilder made a motion to close the public hearing, seconded by Board Member Samuel Franklin. The public hearing was now closed. Board Members all discussed their individual opinions regarding the case. Board Member Tonya

Dangerfield asked for clarification on the actual request. Ms. Arnold clarified for the Board Members. Board Member Samuel Franklin made a motion to approve the variance as written. Board Member Elmer Corbin seconded the motion. All Board Members voted unanimously in favor of the motion and Approved the Agenda Item.

PUBLIC COMMENTS Regarding Matters not on the agenda

ADJOURN

Board Member Randall Jagours made a motion to Adjourn. Second, by Board Member Samuel Franklin. The Board voted unanimously to adjourn at 8:08 pm.

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SIGNED:

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DEANNA KUYKENDALL, Board Chair
LARRY JAGOURS, Board Vice Chair

ATTEST:

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MONICA CASTILLEJA , Meeting Clerk

City of McKinney, Texas