

MINUTES
CITY OF MELISSA BOARD OF ADJUSTMENT
May 23, 2022

WORK SESSION

A. Call to Order

Tracy Hailey called the work session to order at 6:30 p.m.

B. Roll Call

Brent Brown, Warren Brower, Dan Worsham, and Tracy Hailey were all present at the meeting.

C. Public Comments

No members of the public spoke on any item on the work session agenda.

D. Discussion Regarding Regular Agenda Items

Director of Development and Neighborhood Services Tyler Brewer discussed regular agenda items #5 & #6.

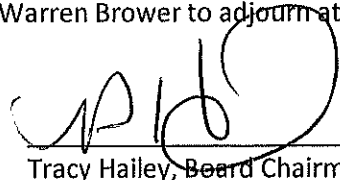
- Tracy Hailey asked if there are any restrictions in the City's Zoning Ordinance against fold away/fold up screening options. Tyler Brewer stated that the City does not have any restrictions on fold away/fold up or temporary screening options.
- Tracy Hailey asked if it is typical for a structure to be built exactly on a build line. Tyler Brewer stated that it is not typical but can occur.
- Brent Brown asked if a detached or attached structure would make a difference in what would be allowed on this property. Tyler Brewer stated that in the case of this property, there is not enough room to do construct either due to the City's setback regulations.

Adjourn

Board Action

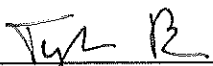
Motion was made by Dan Worsham and seconded by Warren Brower to adjourn at 6:58 p.m.

Vote: 4/0/0



Tracy Hailey, Board Chairman

ATTEST:



TYLER BREWER, Staff Liaison

MINUTES
CITY OF MELISSA BOARD OF ADJUSTMENT
May 23, 2022

REGULAR MEETING

1. **Call to Order and Roll Call**

Tracy Hailey called the special meeting to order at 7:02 p.m.

Dan Worsham, Brent Brown, Warren Brower, and Tracy Hailey were all present at the meeting.

2. **Pledge of Allegiance**

All who were present gave the Pledge of Allegiance.

3. **Public Comments**

No members of the public spoke during this agenda item.

4. **June 21, 2021 Work Session Minutes**

Board Action

Motion was made by Brent Brown seconded by Tracy Hailey to approve the June 21, 2021 Work Session and Regular Meeting minutes conditioned upon correcting the motion in Agenda item #6 to reflect Dan Worsham as the second.

Vote: 4/0/0

5. **Conduct a public hearing to hear concerns for or against a request for a variance to Planned Development ("PD") Ordinance No. 06-39 regarding setback regulations on Block K, Lot 4 of the North Creek II, Phase 1 Final Plat, City of Melissa, Collin County, Texas and generally located at 4207 Magnolia Rd., City of Melissa, Collin County, Texas.**

Director of Development and Neighborhood Services Tyler Brewer provided a staff introduction for agenda item #5 & #6.

Board Action

Motion was made by Tracy Hailey and seconded by Warren Brower to open the public hearing.

Vote: 4/0/0

The public hearing was opened at 7:06 p.m.

Neil Hopkins
4207 Magnolia Rd.
Melissa, TX 75454

Mr. Hopkins, applicant, addressed the Board with a presentation regarding why he felt that his request should be approved. Evidence included:

- Article 3.300 of the City's Code of Ordinances establishes rear yard setback lines at ten (10) feet.
- The rear eave of his roof extends nine inches into the rear yard setback, therefore invalidating the rear yard setback line and his subdivision's plat.
- A rear yard covered patio similar to the structure he wants to build was permitted on Lot 7 of his same block.

Board Action

Motion was made by Warren Brower and seconded by Dan Worsham to close the public hearing.

Vote: 4/0/0

The public hearing was closed at 7:16 p.m.

6. **Consider and act upon a request for a variance to Planned Development ("PD") Ordinance No. 06-39 regarding setback regulations on Block K, Lot 4 of the North Creek II, Phase 1 Final Plat, City of Melissa, Collin County, Texas and generally located at 4207 Magnolia Rd., City of Melissa, Collin County, Texas**

Warren Brower stated that soffits do not apply when considering encroachment on a build line.

Tyler Brewer provided clarification that the City's Code of Ordinances establishes that a building's envelope, which does not include the eave of a roof, cannot encroach into a building setback. The applicant's building envelope does not extend into the rear yard setback of the property and therefore the construction of this building in the past does not violate any setback line established on the subdivision's plat.

Tracy Hailey asked for clarification on Article 3.300 from the City's Code of Ordinances. This article states that, *in the absence of an approved plat*, rear yard setback lines shall be established at ten (10) feet. Tyler Brewer read aloud Article 3.300 and then clarified that the regulation does not apply for this property because this property has been platted with a twenty (20) foot rear yard setback line

Tracy Hailey asked if there were any utility setbacks in place on this property. Tyler Brewer stated that the utility easements are located in the front of the house.

Tracy Hailey asked if there were any existing topography or lot size issues that pertain to this property that might create a physical hardship for this property owner. Tyler Brewer stated that this property is 110' deep and 66' wide, which is typical for this neighborhood. Moreover, Tyler stated that no unique topography issues exist on the subject property.

Warren Brower asked if Lot 7, near the applicant's property, was a different size than the applicant's property. Tyler Brewer stated that Lot 7 is the same depth as the applicant's property.

Warren Brower asked if Lot 7's approved accessory structure set a precedent to allow for encroachment into the build line. Tyler Brewer stated that Lot 7 was approved and properly permitted within the twenty (20) foot rear yard build line, so it did not set any precedent for allowing setback encroachments.

Tracy Hailey asked if there were any restrictions on allowing the homeowner to erect any fold away awnings or sunscreens to provide relief from sun and heat. Tyler Brewer stated that there are no restrictions for temporary or fold away screening.

Tracy Hailey stated that there are four factors for the Board to consider when reviewing a variance request and that the request does not meet all four factors.

Warren Brower stated that there is no hardship evident and no precedent to approve this request.

Board Action

Motion was made by Warren Brower and seconded by Tracy Hailey to deny the variance to setback regulations.

Vote: 4/0/0

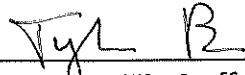
7. Adjourn

Motion was made by Warren Brower and seconded by Dan Worsham to adjourn.

Meeting adjourned at 7:28 p.m.


Tracy Hailey, Board Chairman

ATTEST:



TYLER BREWER, Staff Liaison