

## AGENDA ITEM 16-02

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Starmark Remodeling, LLC for a Variance to the Minimum Front and Rear Yard Setbacks, to the Minimum Side Yard at the Corner, and the Minimum Side Yard and for the Minimum Side Yard Setback at the corner, for the Property Located at 301 Henry Street.

**MEETING DATE:** March 23, 2016

**DEPARTMENT:** Development Services-Building Inspections

**CONTACT:** Rick Herzberger, Chief Building Official

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**ZONING:** RG18

**EXISTING CONDITIONS:** Undersized lot with a double frontage requiring a 25' setback

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Front Yard Setback	15'	10'
25' Rear Yard Setback	15'	10'
25' Side Yard Setback at corner	10'	15'
5' Side Yard Setback	3'	2'

**APPLICANT'S BASIS FOR VARIANCE:**

Applicant wishes to build a single family residence. Due to 89.44' lot depth, and double frontage requiring 25' side yard setback at corner, variances are needed to build on the lot.

**PUBLIC SUPPORT/OPPOSITION FOR REQUEST:**

To date, no letters of support and no letters of opposition have been submitted.

**BOARD AUTHORITY:**

The Board has authority to authorize a variance from the terms of the Zoning Ordinance as will not be contrary to the public interest if the literal enforcement of the Zoning Ordinance would result in unnecessary hardship due to special conditions unique to the property so that the spirit of the Zoning Ordinance is observed and substantial justice done. The Zoning Ordinance provides additional requirement for "yard variances" and "building or structure variances" that must also be met by an applicant seeking a variance in addition to the requirements set out hereinabove.

In addition to the general requirements set forth above the following requirements must also be met for a variance of the type identified below:

**Yard Requirements** The Board has the authority to permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions.

**SUPPORTING MATERIALS:**

Variance Application  
Property Locator Map

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**Action:            APPROVED                    DENIED                    TABLED**



16-02

**CITY OF MCKINNEY  
BOARD OF ADJUSTMENT APPLICATION**

**Type of Request:**

Variance  Special Exception  Appeal

FILING FEE **\$50.00**

RECEIPT DATE 3-2-16

<b>Property Location: (West)</b>			
301 Henry St		McKinney	TX 75069
Address		City	State Zip
4	57	McKinney Original Donation	
Lot Number	Block	Subdivision Name	

Historic  
RG18  
RS 60  
for SF.

<b>Owner's Information:</b>			
Starmark Remodelling LLC		214-683-7874	
Owner's Name		Phone Number	
701 Coralberry Dr		McKinney	TX 75070
Address		City	State Zip
Owner is giving	Mark Vitek	authority to represent him/her at the meeting.	
	Applicant's Name		
Mark Vitek		<i>Mark Vitek</i>	
Owner's Printed Name		Owner's Signature	

<b>Applicant's Information:</b>			
Name	Company Name	Phone Number	
Address	City	State	Zip

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No. _____			
Please list the type of variance(s) requested:			
	Ordinance Requirements	Requested Dimensions	Variance From Ordinance
Lot Size	6,000		
Lot Width			
Lot Depth			
Side Yard	5'	3'	2'
Side Yard			
Side @ Corner	25'	10'	15'
Front Yard	25'	15'	10'
Rear Yard	25'	15'	10'
Driveway			
Other			

\*Not applicable in ETJ



In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial or self-created.

- 1. The request variance is in harmony with the general purposed and intent of the ordinance, as amended, and continues to protect surrounding properties from any negative impacts because:

Allows us to build home on an the under sized lot.

- 2. The special or unique condition(s) of restricted area, shape, topography or physical features that exist on the subject parcel of land, which are not applicable to other parcels of land in the same zoning district, and which cause unusual and practical difficulty or unnecessary hardship in compliance with the provisions sought here to be varied are:

Per zoning, the existing lot does not meet depth & overall size requirements for an RS 60 lot. Size requirement is 6,000 sq.ft., our lot is 4,900 sq.ft. per survey. Depth requirement is 100', we are at 89.47' per survey.

- 3. The hardship sought to be avoided is NOT the result of (a) the applicant's own actions (self-imposed or self-created) and (b) economic or financial hardship because:

This undersized lot is an existing lot and we have not done anything to modify the lot.

- 4. The provisions of the ordinance, and its amendments, that are sought to be varied deprive the applicant of the following rights to use his property that are commonly enjoyed by other properties in the same zoning district which comply with these ordinance provisions:

The lot size restricts us from building a home similar to what would be available on a standard RS 60 lot.

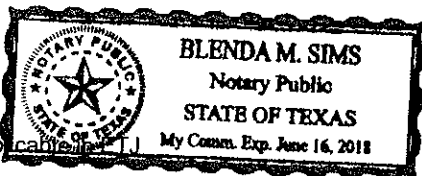
Items Submitted: Completed application and fee [x] Plot/Site Plan or Survey drawn to scale [x]

I hereby certify that the above statements are true and correct to the best of my knowledge.

[Signature]
Applicant's Signature

STATE OF TEXAS
COUNTY OF COLLIN

Subscribed and sworn to before me this 2 day of MARCH, 20 16



[Signature]
Notary Public
My Commission expires: 6/16/2018

(seal)

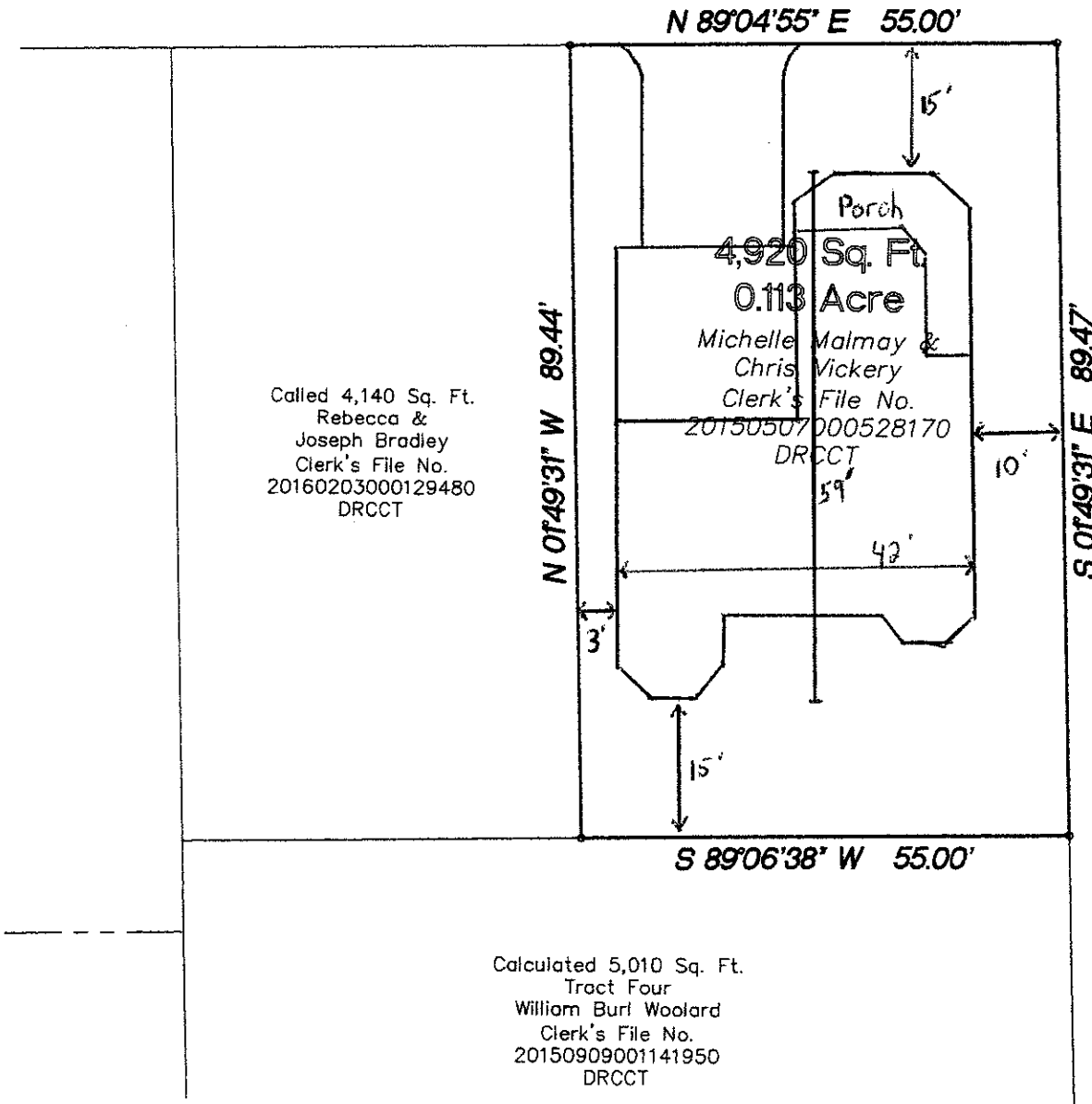
\*Not app. cable [unclear]

EXHIBIT



**HENRY STREET**

**CHURCH STREET**



Called 4,140 Sq. Ft.  
 Rebecca &  
 Joseph Bradley  
 Clerk's File No.  
 20160203000129480  
 DRCT

4,920 Sq. Ft.  
 0.113 Acre  
 Michelle Malmay &  
 Chris Vickery  
 Clerk's File No.  
 20150507000528170  
 DRCT

Calculated 5,010 Sq. Ft.  
 Tract Four  
 William Burl Woolard  
 Clerk's File No.  
 20150909001141950  
 DRCT

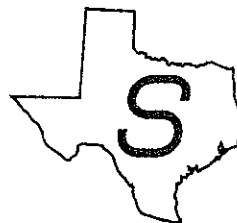
Scale 1" = 20'

Date 02-29-2016

JOB No.: 17534

**NOTE:**

THIS DRAWING DOES NOT  
 REPRESENT A BOUNDARY SURVEY  
 OF THE SUBJECT PROPERTY.



**Sparr Surveys**

2553 C.R. 722  
 McKinney, Texas 75069  
 (214) 544-2297

TBPLS FIRM No. 10059300

## Teresa Noble

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**From:** Karen McCutcheon  
**Sent:** Monday, March 7, 2016 9:11 AM  
**To:** Teresa Noble  
**Subject:** 301 W Henry

Lot 4 Block 57 McKinney Original Donation – Planning recognizes this as a plat.  
Thank you,

Zoning is RG -18 - which follows the RS-60 District for Single Family Homes. Please note this is a corner/ double frontage lot and will require a 25 foot side at corner.

