

AGENDA ITEM 15-03

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Michael Camacho for a Variance to the Minimum Rear Yard Setback for the Property Located at 1401 N. College Street.

MEETING DATE: May 6, 2015

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: RS-60

EXISTING CONDITIONS: Undersized lot. Variance was granted for 6' variance instead of 16' on April 22, 2015. Applicants need a 16' variance to allow a 9' back yard due to 89' lot depth.

VARIANCES REQUESTED:

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Rear Yard Setback	9'	16'

APPLICANT'S BASIS FOR VARIANCE:

Applicant wishes to build a single family residence. Due to 89' lot depth, an additional variance is need on the rear yard setbacks. Front yard variance has already been granted.

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

Action: APPROVED DENIED TABLED



15-03

**CITY OF MCKINNEY
BOARD OF ADJUSTMENT APPLICATION**

Type of Request:

Variance Special Exception Appeal

FILLING FEE \$50.00

RECEIPT DATE _____

Property Location:
 Address: 1401 N. College St, McKinney TX 75069
 Lot Number: Lot 4 Block: Block 2 Subdivision Name: _____

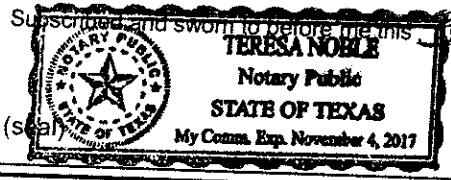
Owner's Information:
 Owner's Name (PRINTED): Alex Camacho Phone Number: 469-450-5951
 Address: 1605 N. College St McKinney TX 75069
 Owner is giving Michael Camacho Applicant's Name authority to represent him/her at the meeting.

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

Owner's Signature: [Signature]

STATE OF TEXAS
 COUNTY OF Collin

Subscribed and sworn to before me this 10 day of March, 2015



Notary Public: [Signature]

My Commission expires: 11-4-17

Applicant's Information:
 Name: Michael Camacho Company Name: _____ Phone Number: 469-219-0136
 Address: 1605 N. College St McKinney TX 75069

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			
Lot Width			
Lot Depth			
Side Yard			
Side Yard			
Side @ Corner			
Front Yard			
Rear Yard	<u>25</u>	<u>9</u>	<u>16'</u>
Driveway			
Other			



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: Will not obstruct view of Surrounding Properties from safely entering and exiting Driveway.

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: lot is undersized

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: lot is undersized

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: yes

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

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

Michael Lamm
Applicant's Signature

STATE OF TEXAS
COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20____

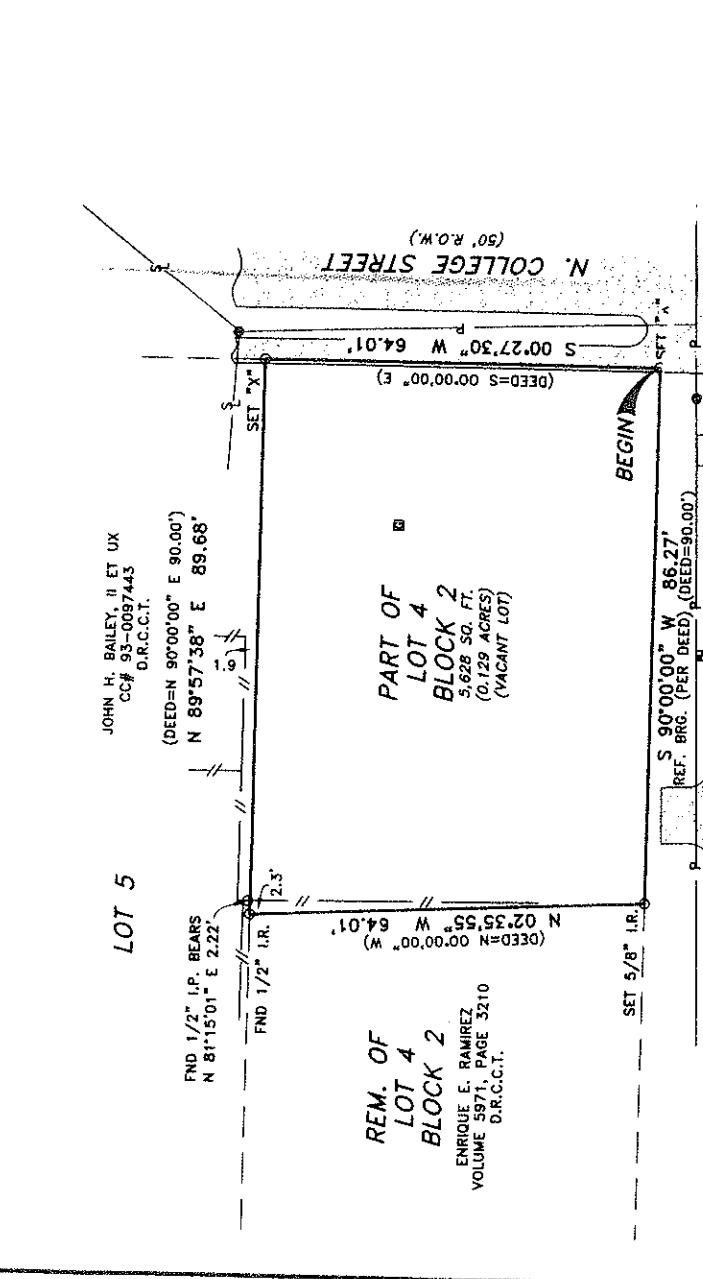
Notary Public

My Commission expires: _____

(seal)

'SURVEY PLAT

PROPERTY DESCRIPTION:
 BEING A PART OF LOT 4, IN BLOCK 2, OF COLLEGE AVENUE, AN ADDITION TO THE CITY OF MCINNERY, COLLIN COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF, RECORDED IN VOLUME 1, PAGE 45, OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS, AND BEING A RESURVEY OF A TRACT OF LAND DESCRIBED IN A DEED TO GRACIE E. DAVIDS, OF RECORD IN VOLUME 1480, PAGE 777, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
 BEGINNING AT AN "X" SET FOR CORNER AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF N. COLLEGE STREET (50' RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF WHITE AVENUE (50' RIGHT-OF-WAY), AT THE SOUTHEAST CORNER OF SAID LOT 4;
 THENCE SOUTH 90°00'00" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID WHITE AVENUE, A DISTANCE OF 86.27 FEET TO A 5/8" IRON ROD SET FOR CORNER AT THE SOUTHWEST CORNER OF SAID DAVIDS TRACT COMMON TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO ENRIQUE E. RAMIREZ, OF RECORD IN VOLUME 5971, PAGE 3210, DEED RECORDS OF COLLIN COUNTY, TEXAS;
 THENCE NORTH 02°35'55" WEST ALONG THE COMMON LINE OF SAID DAVIDS AND RAMIREZ TRACTS, A DISTANCE OF 64.01 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE COMMON NORTH CORNER THEREOF, FROM WHICH A 1/2" IRON PIPE FOUND FOR REFERENCE BEARS NORTH 81°15'01" EAST, A DISTANCE OF 2.22 FEET;
 THENCE NORTH 89°57'38" EAST ALONG THE NORTH LINE OF SAID DAVIDS TRACT, A DISTANCE OF 89.68 FEET TO AN "X" SET FOR CORNER AT THE NORTHEAST CORNER THEREOF, IN THE WEST RIGHT-OF-WAY LINE OF SAID N. COLLEGE STREET;
 THENCE SOUTH 00°27'30" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID N. COLLEGE STREET, A DISTANCE OF 64.01 TO THE PLACE OF BEGINNING AND CONTAINING 5.828 SQUARE FEET OR 0.129 ACRES OF LAND.



PROPERTY DESCRIPTION:
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CERTIFIED TO: MICHAEL CAMACHO

DATE: 12/24/2014 [SEE N/A]

FND = FOUND **I.R. = IRON ROD** **I.P. = IRON PIPE** **ESMT. = EASEMENT** **B.L. = BUILDING** **R.O.W. = RIGHT-OF-WAY**

SYMBOL LEGEND

---	WOOD FENCE
---	CHAIN LINK FENCE
---	WIRE FENCE
---	WROUGHT IRON FENCE
---	COLLIN
---	POWER POLE
---	WATER METER
---	POWERSHAFT
---	OVERHEAD SERVICE LINE
---	TRANSFORMER AND PAD
---	DIG METER
---	ASPHALT SURFACE
---	CONCRETE

NOTES:

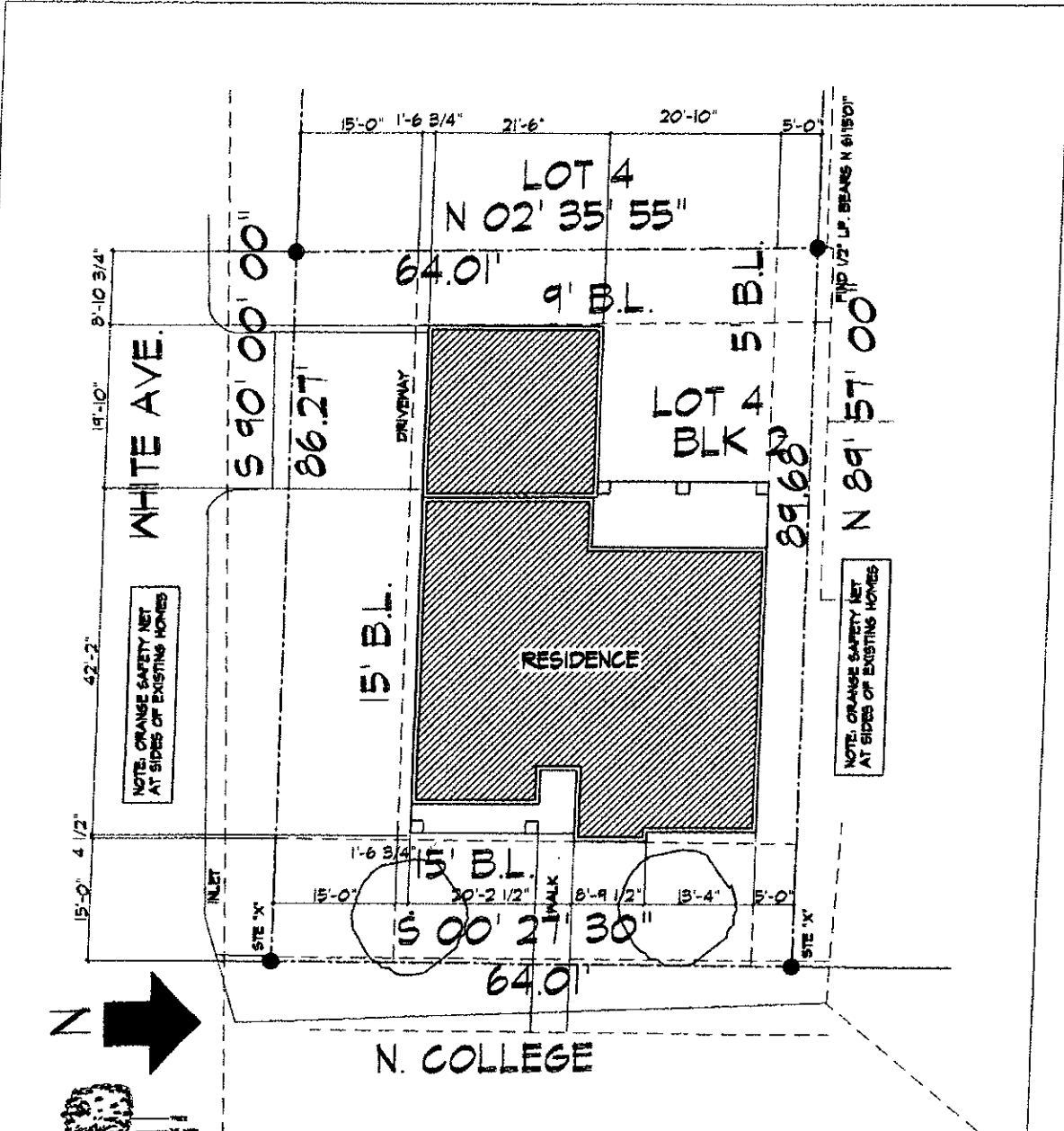
- ALL CORNERS LABELED HEREON AS "SET 5/8" I.R." HAVE A YELLOW CAP STAMPED TR 415.
- (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S., DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTIONS ABOVE.
- ALL DEED BEARINGS AND DISTANCES, EXCEPT THOSE LABELED HEREON AS PER DEED RECORDED IN VOLUME 1480, PAGE 77, DEED RECORDS OF COLLIN COUNTY, TEXAS.

FLOOD STATEMENT:
 ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480135 (2004), DATED 06/02/2009, OF NATIONAL FLOOD INSURANCE RATE MAPS FOR COLLIN COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO BE WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

ADDRESS: 1401 N. COLLEGE STREET

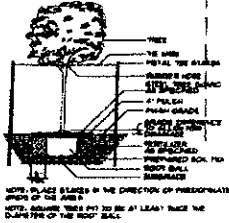
GLOBAL LAND SURVEYING, INC.
 SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002

GLOBAL LAND SURVEYING, INC.
 2030 AVENUE G, SUITE 1104
 PLANO, TEXAS 75074
 PHONE (972) 881-1700
 FAX (972) 442-1083
 WWW.GLS-SURV.COM



NOTE: CHANGE SAFETY NET AT SIDES OF EXISTING CORNERS

NOTE: CHANGE SAFETY NET AT SIDES OF EXISTING HOMES



1 TREE PLANTING
NOT TO SCALE

NO.	TYPE	SIZE	QTY	COMMENTS	SCALE
1	TREE	AS SPECIFIED	1	1/2" DIA. 10' TALL	1" = 1'-0"

ALEX CAMACHO RES.
1401 N. COLLEGE
(BLK 2, LOT 4)
McKINNEY, TX. 75069

Graphics9®
4701 Haverwood Ln 516
Dallas, Texas 75287
(C) 214.264.3985
g9nato@gmail.com
www.graphics9.net

Plot Plan

Scale: 1/16" = 1' - 0"