

AGENDA ITEM 17-05

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Andres A Gonzalez for a proposed patio cover, a 2' variance from the ordinance from the minimum rear yard setback of 20' for the property located at **12200 Buffalo Gap Drive, McKinney Texas.**

MEETING DATE: May 31, 2017

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: SF2

EXISTING CONDITIONS: Conforming lot width and depth yet house is located on the lot without consideration of future use of poured patio to meet required setback.

VARIANCES REQUESTED:

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
20' Front Yard Setback	18'	2'

APPLICANT'S BASIS FOR VARIANCE:

Please refer to the application for the owner's request. The house patio was poured with the house foundation and was so located to not be consistent with the required setback of 20' thus the 2' variance request.

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.

BUILDING OFFICIAL STATEMENT – The request has been validated and the Board has the authority to consider this variance request. Over the last 2 months, I have been working with the applicant to try and find a setback solution to covering the poured patio area with an attached cover. The applicant’s hardship could be looked at since the patio foundation was poured in conjunction with the house and cutting approx. 2’ of the foundation to meet the 20’ setback is not advised by the applicant’s contractor.

SUPPORTING MATERIALS:

- Variance Application
- Property Locator Map

Action: APPROVED DENIED TABLED



BOARD OF ADJUSTMENT APPLICATION

VARIANCE SPECIAL EXCEPTION APPEAL TODAY'S DATE: 4/24/2017

****CONTACT INFORMATION****

PROPERTY LOCATION*: 12200 BUFFALO GAP DR MCKINNEY TX 75071
(Street address)

Subdivision: PRESTWYCK Lot: _____ Block: _____

*Application not applicable in the ETJ (Extra Territorial Jurisdiction)

Property Owner: ANDRES A. GONZALEZ SAME
(Name) (Address) (City, State, & Zip Code)

agonzalez69@icloud.com 915-861-1026
(Email) (Phone)

Property Owner is giving _____ authority to represent him/her at meeting.
(Applicant Name)

Property Owner Printed Name: _____ Property Owner Signature: _____

Applicant: _____
(Name) (Address) (City, State, & Zip Code)

(Email) (Phone)

****REQUEST****

Please list types requested:

Description	Ordinance Requirements	Requested Dimensions	Variance from Ordinance
Lot Size			
Lot Width			
Lot Depth			
Side Yard			
Side Yard			
Side at Corner			
Front Yard			
Rear Yard	<u>20' From REAR</u>	<u>18' From REAR</u>	<u>2' For PATIO COVER POST</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:

MY HOME AND THE HOUSES BEHIND ME SIT ON OVERSIZED IRREGULAR LOTS. THE NEAREST HOUSE IS APPROXIMATELY 85'-95' AWAY FROM THE 18' VARIANCE REQUESTED. THE PATIO COVER WILL NOT IN ANYWAY OBSTRUCT OR INTERFERE WITH ANY OF THE SURROUNDING HOMES VIEW.

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:

THE REAR PROPERTY LINE IS AT AN ANGLE WITH RESPECT TO MY HOME. THE ANGLE CAUSE THE EAST CORNER OF THE CONCRETE PATIO TO BE 18' FROM THE FENCE LINE WHILE THE WEST CORNER IS AT 20'. THE PATIO WAS DONE AS PART OF THE ORIGINAL CONSTRUCTION OF THE HOUSE, NOT AN ADD ON AFTER CONSTRUCTION.

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:

I REQUESTED THE PATIO COVER TO BE DONE BY THE BUILDER, BUT WAS TOLD THAT IT COULD NOT BE DONE BECAUSE THE PLANS WOULD HAVE TO BE RESUBMITTED TO THE CITY. I AM A 100% DISABLED VETERAN AND MY DOCTORS SAY THAT THERE IS A GOOD CHANCE THAT I WILL EVENTUALLY REQUIRE A WHEEL CHAIR. I HAD MY HOME CONSTRUCTED TO HANDICAP SPECIFICATION TO INCLUDE THE PATIO DECK

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:

RESTRICTION ON HOW AND WHAT I BUILD ARE NOT ONLY AFFECTED BY THE CITY ORDINANCE BUT BY THE HOA. I AM TRYING TO BUILD THE COVER SO THAT IT IS LOOK AS PART OF THE ORIGINAL CONSTRUCTION TO INCLUDE THE SHINGLES. SOME OTHER CONSTRUCTION METHODS WOULD CAUSE THE STRUCTURE TO STAND OUT AS AN ADD ON.

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.

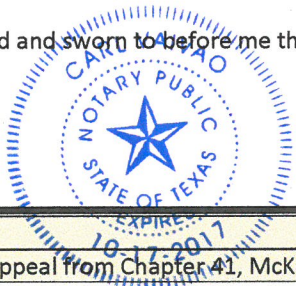
[Signature]
Property Owner Signature (if different from Applicant)

[Signature]
Applicant's Signature

STATE OF TEXAS

COUNTY OF Collin

Subscribed and sworn to before me this 24th day of April, 2017



[Signature]
Notary Public

(seal)

My Commission expires: 10/17/2017

OFFICE USE ONLY

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No:	
BOA Number:	TOTAL FEE DUE: \$50.00 (non-refundable)
Received by:	Signature: _____ Date: _____

PO - 2011-10-066 Parcel 1704

PLANNING AREA 15

TRACT NO.	GROSS AC	ROW AC	NET AC	% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Max Lot cover	Min Corner Side Yard	DUIAC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
1501	140.14	6.32	133.82	45.89	SF-2	5500 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	5.0	671	3	2,013
1502	14.15	2.15	12.00	4.63	R-1	N/A	N/A	35'	35'	25'	0'(b)	0'(c)	50%	15'	.40 FAR	N/A	N/A	N/A
1503	21.81	1.81	20.00	7.14	SF-3.5	3300 SF	50'	55'	35'	0'	5'	10' Between Bldgs	60%	0'	7.00	140	3.0	420
1504	22.00	2.58	19.42	7.20	SFA-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15%	5.6	109	3.0	327
1505	12.29	0.29	12.00	4.02	R-1	N/A	N/A	35'	35'	25'	0'(b)	0'(c)	50%	15'	.40 FAR	N/A	N/A	N/A
1506	20.66	2.41	18.25	6.77	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15'	5.5	101	3	303
1507	9.40	0.34	9.06	3.08	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1508	10.10	0.85	9.25	3.31	ES	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1509	45.29	3.25	42.04	14.83	SF-1	7200 SF	60'	100'	35'	20'(a)	20'(a)	10' % of Lot Width	60%	15'	3.47	146	3.0	438
1510	9.51	1.25	8.26	3.11	OS/RD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	305.35	21.25	284.10	100.00												1,167		3,501

PLANNING AREA 16

TRACT NO.	GROSS AC	ROW AC	NET AC	% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Max Lot cover	Min Corner Side Yard	DUIAC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION
1601	15.15	1.39	13.76	39.21	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15'	4.9	68	3	204
1602	23.49	1.92	21.57	60.79	SF-3	4000 SF	35'	60'	35'	20'(e)	20'(a)(e)	0' One Side/10' bwn bldgs	60%	15'	6.1	132	3	396
TOTAL	38.64	3.31	35.33	100.00												200		600

PLANNING AREA 17

TRACT NO.	GROSS AC	ROW AC	NET AC	% TRACT	Zoning Classification	Min Lot Area	Min Lot Width	Min Lot Depth	Max Height	Min Front Yard	Min Rear Yard	Min Side Yard	Max Lot cover	Min Corner Side Yard	DUIAC	MAX. NO. DU's	POP/UNIT	PROJECTED POPULATION	
1701	48.71	3.37	45.34	20.39	R-2	N/A	N/A	35'(f)	N/A	25'	0'(b)	0'(c)	50%	15'	0.75 FAR	N/A	N/A	N/A	
1702	12.88	0.61	12.27	5.39	ES	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
1703	15.70	1.36	14.34	6.57	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
1704	41.97	3.04	38.93	17.57	SF-2	5500 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.5	175	3	525	
1705	21.25	0.37	20.88	8.89	SF-1	7200 SF	60'	100'	35'	20'	20'(a)	5'	60%	15'	3.8	80	3	240	
1706	26.54	0.43	26.11	11.11	SF-2	5500 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.9	129	3	387	
1707	12.31	0.29	12.02	5.15	SF-2	5500 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.7	56	3	168	
1708	12.45	0.95	11.50	5.21	SF-2	5500 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	4.2	48	3	144	
1709	13.74	0.48	13.26	5.75	SF-2	5500 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	2.9	39	3	117	
1710	14.15	0.43	13.72	5.92	SF-2	5500 SF	50'	90'	35'	20'	20'(a)	5'	60%	15'	3.6	49	3	147	
1711	5.47	0.13	5.34	2.29	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
1712	3.22	0.18	3.04	1.35	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
1713	10.51	0.27	10.24	4.40	OS	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
TOTAL	238.90	11.91	226.99	100.00												576		1,728	
																Total Project Number of Units	8,157		

This document was received by the Planning Department on October 15, 2010.

Revised 3-06
Revised 10-14-10

- Footnotes:
- (a) Setback may be 10' when adjacent to private recreation open space or 0' when adjacent to lake or water body.
 - (b) 25 feet required when abutting any District requiring a rear (side) yard, or where abutting a Golf Course.
 - (c) When adjacent to Residential District, the greater rear yard requirement of the two will prevail.
 - (d) 15 feet required when abutting any zone requiring a side yard.
 - (e) May be reduced to 10' with site plan approval.
 - (f) Office, Hotel, & Multi-Family up to 260' are permitted.
 - (g) Building height may not exceed 35' unless required yards are increased by one foot for each one foot of additional building height.
 - (h) Applies to non-residential development only. Residential setback will be 10'

EXHIBIT E

This lot is NOT adjacent to open space

PATIO COVER

1. DISTANCE(S) A & B ARE FROM FENCE LINE TO CEMENT PATIO
2. PATIO IS 8' FROM HOUSE ON NORTH AND WEST SIDE
3. NORTH SIDE CEMENT = 8' X 32', WEST SIDE CEMENT = 8' X 26'

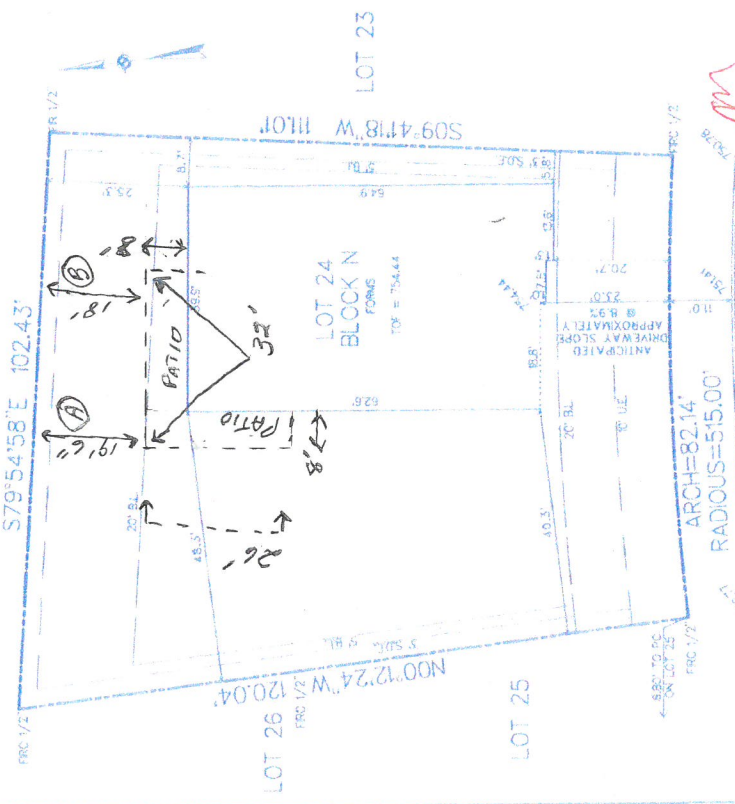
REQUESTING VARIANCE TO CODE FOR NORTH SIDE (ITEMS A & B)
 2' VARIANCE FOR PATIO COVER

HOMES ON NORTH SIDE ARE AT LEAST 150' AWAY FROM MY HOUSE

FORM SURVEY

This is to certify that I have this date, made a careful and accurate survey on the ground of the property located at:
 12200 BUFFALO GAP DRIVE, in the City of MCKINNEY, TEXAS, Lot No. 24, Block NO. 24.
 City Block No. 24 of the subdivision known as PARCEL 1704, PHASE 2, recorded in DEEDS TITLE NO. 2074-2159 of the P.L.M. Records, COLLIN County, Texas, according to the P.L.M. recorded in DEEDS TITLE NO. 2074-2159 of the P.L.M. Records, COLLIN County, Texas.

PARCEL 1704, PHASE 2, VOLUME 2074, PAGE 351, ACCT



BUFFALO GAP DRIVE
 50' RIGHT-OF-WAY
 ARCH=82.14'
 RADIUS=515.00'

NOTE:
 PER LENNAR HOMES, THE ANTICIPATED DRIVEWAY SLOPE WILL NOT EXCEED 12% AND GARAGE WILL BE DROPPED.

FLOOD CERTIFICATION
 AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR COLLIN COUNTY, TEXAS, BY GRAPHIC PLOTTING, THE ABOVE PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD ZONE AREA.
 MAP DATE: 05/02/2009, Zone: X, Panel No. 4805, 50233.

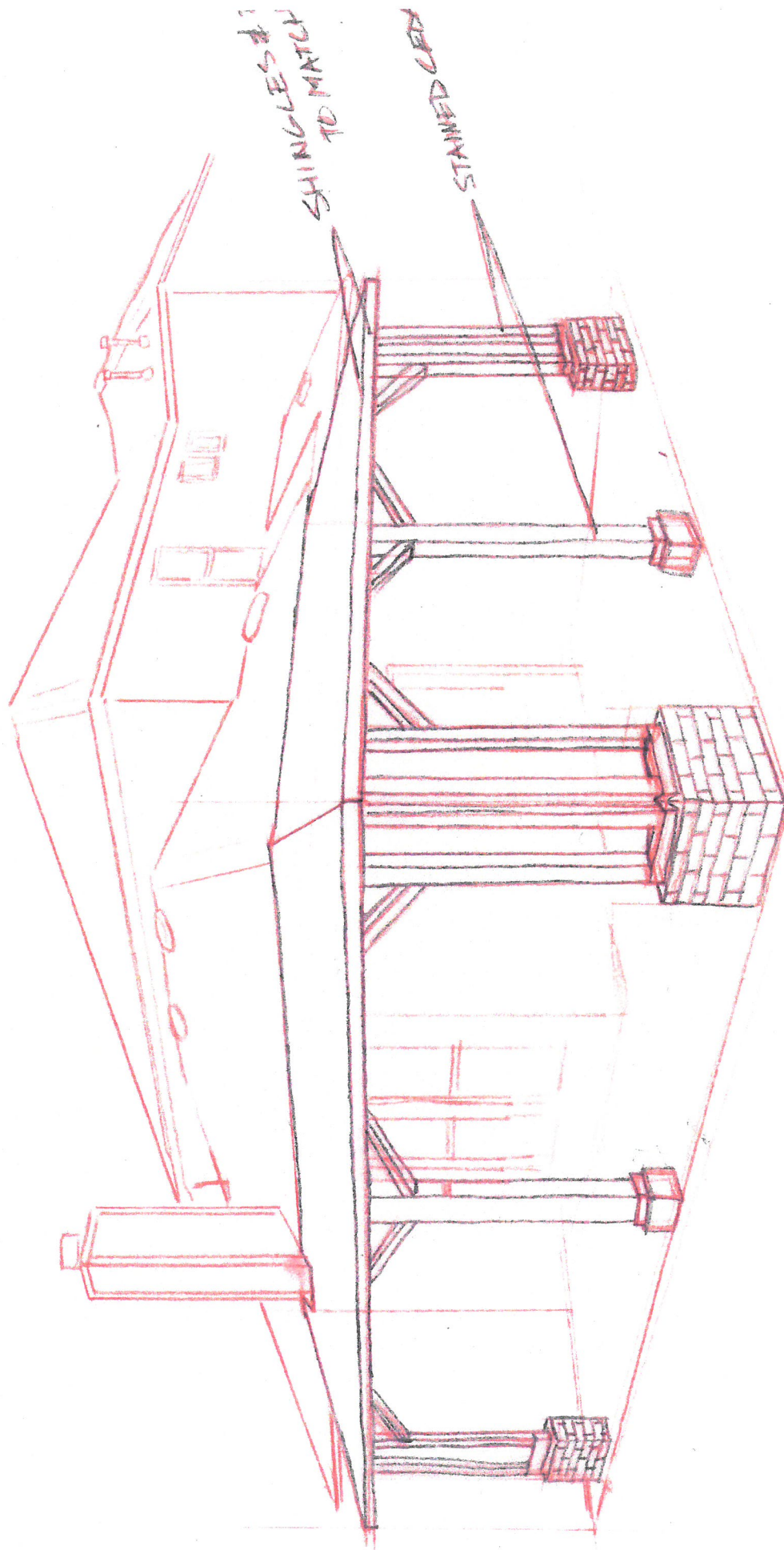
This plat serves as an accurate representation of said property on the date of survey. The lines and measurements shown on this plat are the result of a careful and accurate survey of the ground and improvements thereon. The distance to the nearest intersecting street center line or point of curve are indicated on said plat. There are no apparent visible encroachments, conflicts, or prohibitions shown shown on said plat. Said plat is intended for client use only.

Date: 07/15/2015
 Job No.: 1501017
 G.P. No.: NOT PROVIDED
 Scale: 1"=20'
 Drawn By: MT

LEGEND
 (TRC) = FOUND IRON ROD (CAPED)
 (SVC) = SET IRON ROD 5/8" CAPED BOT
 SEE RECORD PLAT FOR OTHERS
 P.P.C. = POINT FOR CORNER

Benchmark Group
 871 E. Avenue, Suite 100, McKinney, Texas 75070
 Phone: 972-562-9606 Fax: 972-562-9606



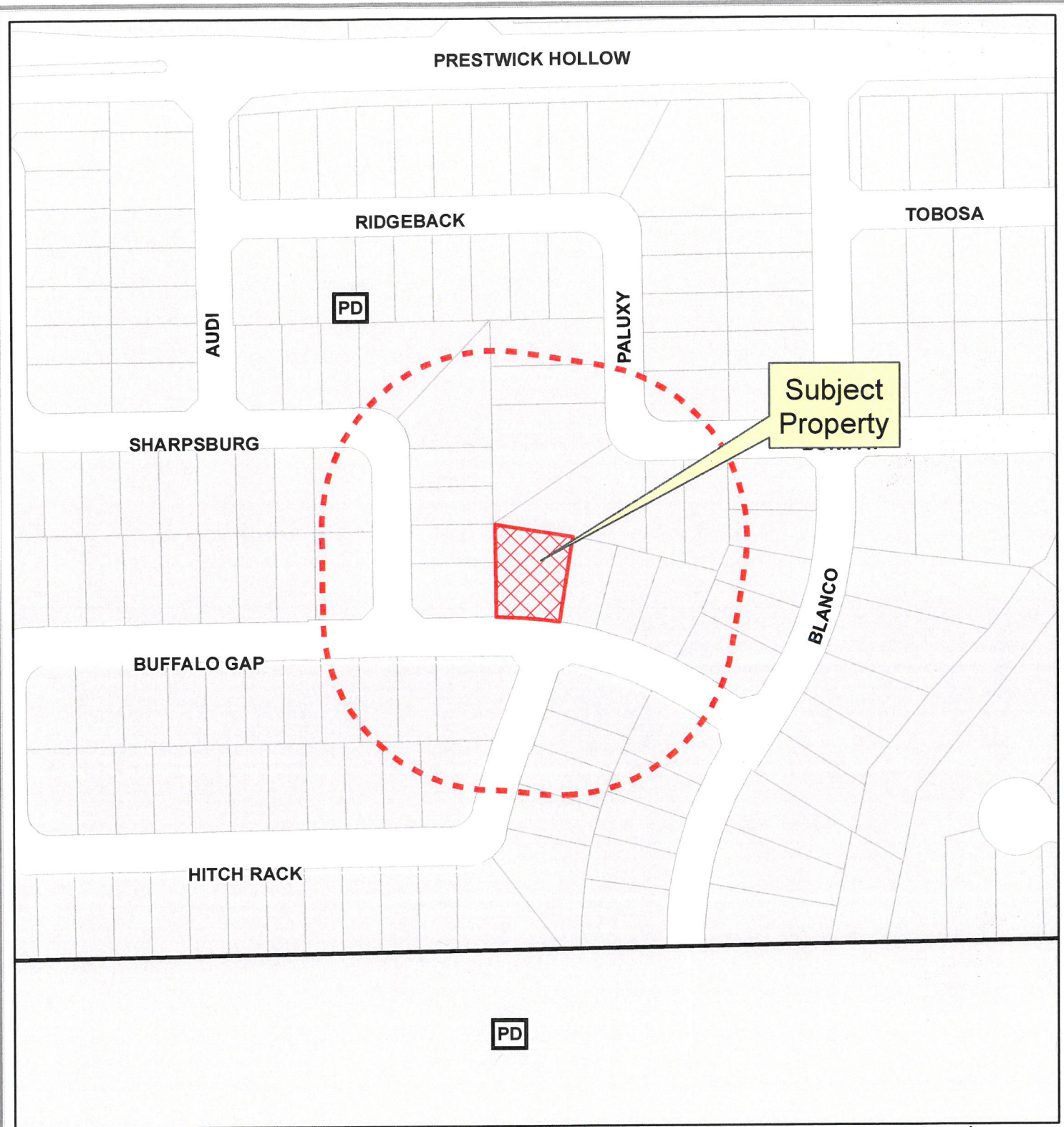


SHINGLES TO MATCH

STAINED CEDAR

GEORGE
TATE COVE
MILWAUKEE

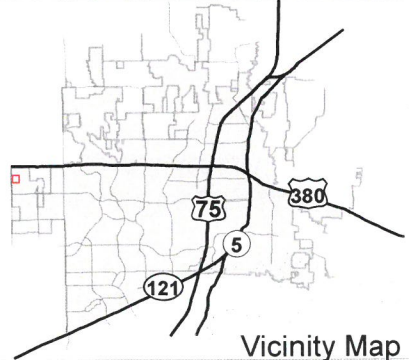
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Notification Map

Case: 12200 Buffalo Gap

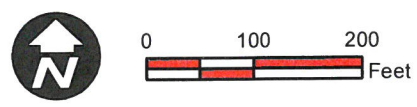
--- 200' Buffer



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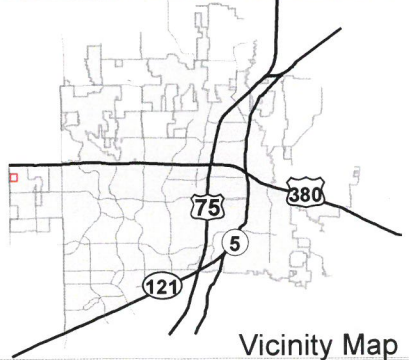
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Notification Map

Case: 12200 Buffalo Gap

--- 200' Buffer



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