

*Revised  
1/4/2018  
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# BOARD OF ADJUSTMENT APPLICATION

APPEAL  
 SPECIAL EXCEPTION  
 VARIANCE  
 TODAY'S DATE: 1/3/18

**\*\*CONTACT INFORMATION\*\***

**PROPERTY LOCATION\*:** 504 W Virginia St, McKinney, TX 75069

(Street address)

Subdivision: Huggins Lot: 1 Block: \_\_\_\_\_

Property Owner: Timothy & Erika McWilliams 504 W Virginia St, McKinney, TX 75069

(Name)

(Address)

(City, State, & Zip Code)

tm@m-tlaw.com

(Email)

(817) 832-5556 / (972) 542-1251

(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			
Driveway			
Other	Max 6'8" fence height	8'6" fence height	1'10"

**PLEASE DESCRIBE THE REASON(S) YOU ARE REQUESTING TO BE HEARD BY THE BOARD OF ADJUSTMENT. YOU MAY ATTACH ADDITIONAL INFORMATION TO SUPPORT YOUR REQUEST.**

APPEAL -


Building Inspections Department  
221 N. Tennessee Street • McKinney, Texas 75069 • Tel: 972-547-7400 • Fax 972-547-2605  
Website: [www.mckinneytexas.org](http://www.mckinneytexas.org)

<b>SPECIAL EXCEPTION</b>

**VARIANCE** Existing wooden fence along Herndon is in disrepair, and must be replaced. We seek to construct an 8'6" fence only around the outer boundary of Lot 1, Huggins addition, **excluding** that approximately 70' portion of the boundary between the northern wall of the existing detached garage/apartment and the southern boundary of Huggins, Lot 1 (being the northern boundary of that 0.243 acre tract containing the primary residence). We have 3 young children, and we seek to ensure their safety and privacy while playing in the yard. Herndon Street is a small alley, with very little daily traffic, that could reasonably be deemed a potential source of threat, i.e. point of entry by home invader, etc. An 8'6" fence would mitigate this threat. We will construct an attractive board on board fence, with support poles on the **inside** of the yard and 6" of rot-board on the bottom. Current fencing is either rotting wood or chain link. Our proposed fence will be far more aesthetically pleasing, and will enhance the beauty of the surrounding area for many years.

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.

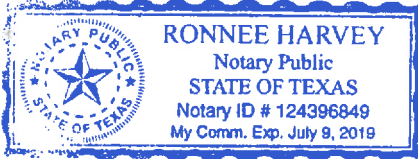
Property Owner Signature (If different from Applicant)

Applicant's Signature

STATE OF TEXAS | Page

COUNTY OF Collin

Subscribed and sworn to before me this 4<sup>th</sup> day of January, 20 18



(seal)

[Signature]  
Notary Public

My Commission expires: \_\_\_\_\_

\*\*\*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: \_\_\_\_\_

(b) *Fence heights.*

(1) Within industrial districts, fences may be constructed to a maximum height of ten feet.

(2) Front yard setback area fence requirements shall be as follows:

a. No fence over four feet in height shall be permitted from the front building line to the street right-of-way line;

b. All fences shall have a minimum of 50 percent through vision in any front yard;

c. All wire fences are prohibited in front yards in uses other than industrial; and

d. The lot shall have an existing structure on it or a building permit to construct a structure has been issued.

(3) Side yard setback area fence requirements shall be as follows: Fences may be constructed to a maximum height of 8½ feet on any side property line up to the building line of the building proper. Within the historic overlay district, the height shall not exceed six feet eight inches.

(4) Rear yard setback area fence requirements shall be as follows: Fences may be constructed to a maximum height of 8½ feet along the rear property line. Within the historic overlay district, the height shall not exceed six feet eight inches.

(d) The board of adjustment may grant a special exception allowing side and/or rear yard fences in the historic overlay district up to a maximum height of eight feet six inches, provided that the board finds that:

(1).The lot has unusual topographical conditions that distinguish it from other similarly sized and shaped lots, and where such conditions create a hardship that renders privacy and security inadequate without such relief; or

(2) All of the following provisions have been met:

a. The lot shall have an existing residential structure on it or a building permit to construct a residential structure has been issued;

b. The proposed fence does not negatively impact the health, safety and welfare of the public;

c. The proposed fence's design is complimentary to other existing fences in the area; and

d. The proposed fence's design, location and height is appropriate for the context of the area.

FOR USE ONLY IN THE ORIGINAL TRANSACTION IDENTIFIED BY THE G.F. NO. SHOWN HEREON AND TO THE LIENHOLDERS AND/OR THE OWNERS AND THE PURCHASERS OF THE PREMISES SURVEYED AND TO STEWART TITLE NORTH TEXAS THIS IS TO CERTIFY THAT I HAVE MADE A CAREFUL AND ACCURATE SURVEY OF THE PROPERTY LOCATED AT 504 WEST VIRGINIA STREET IN THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, DESCRIBED AS FOLLOWS:

BEING SITUATED IN THE WILLIAM DAVIS SURVEY, ABSTRACT NO. 248, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 0.243 ACRE TRACT OF LAND DESCRIBED IN A DEED TO JAY E. LINDELL AND SPOUSE, JUDY A. LINDELL, OF RECORD IN CCR# 85-0035704, DEED RECORDS, COLLIN COUNTY, TEXAS, AND ALL OF LOT 1, HUGGINS ADDITION, AN ADDITION TO THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE 575, MAP RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF W. VIRGINIA STREET, WITH THE WEST RIGHT-OF-WAY LINE OF VALLEY STREET, AT THE SOUTHEAST CORNER OF SAID 0.243 ACRE TRACT, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 89 DEGREES 49 MINUTES 43 SECONDS WEST, A DISTANCE OF 3.17 FEET;

THENCE SOUTH 89 DEGREES 49 MINUTES 43 SECONDS WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID W. VIRGINIA STREET, A DISTANCE OF 100.02 FEET TO A "P.K." NAIL FOUND FOR CORNER AT THE SOUTHWEST CORNER OF SAID 0.243 ACRE TRACT, FROM WHICH A NAIL FOUND FOR REFERENCE BEARS NORTH 10 DEGREES 22 MINUTES 37 SECONDS WEST, A DISTANCE OF 0.33 FEET;

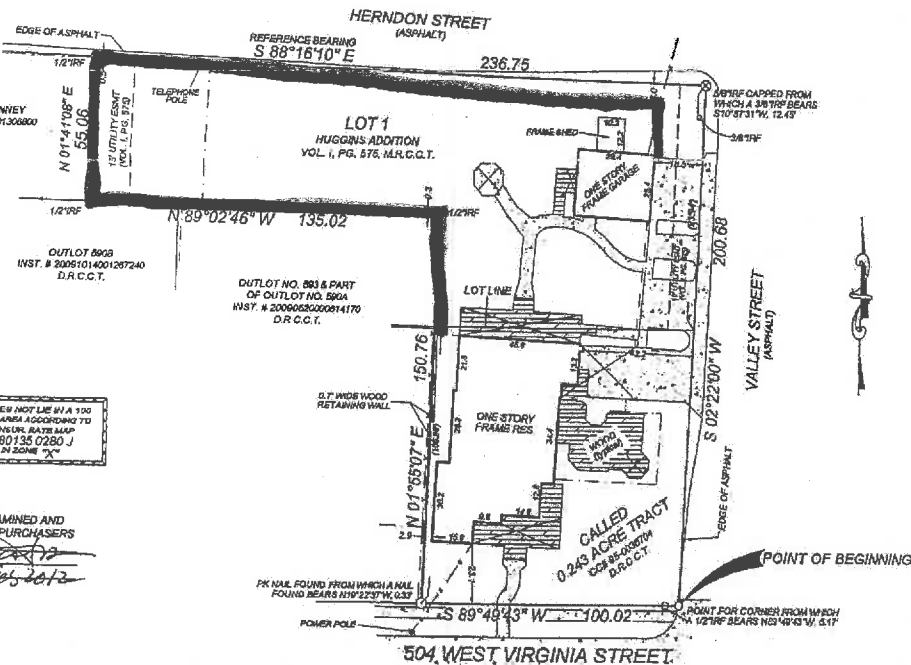
THENCE NORTH 01 DEGREES 55 MINUTES 07 SECONDS EAST ALONG THE WEST LINE OF SAID 0.243 ACRE TRACT, AT A DISTANCE OF 105.96 FEET PASSING THE SOUTHERN SOUTHWEST CORNER OF SAID LOT 1, AND CONTINUING FOR A TOTAL DISTANCE OF 150.78 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT AN INNER EUL OF SAID LOT 1;

THENCE NORTH 89 DEGREES 02 MINUTES 46 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 135.02 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE MOST WESTERN SOUTH-WEST CORNER THEREOF;

THENCE NORTH 01 DEGREES 41 MINUTES 08 SECONDS EAST ALONG A WEST LINE OF SAID LOT 1, A DISTANCE OF 55.06 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE NORTHWEST CORNER THEREOF AND BEING IN THE SOUTH RIGHT-OF-WAY LINE OF HERNDON STREET;

THENCE SOUTH 88 DEGREES 15 MINUTES 10 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HERNDON STREET, A DISTANCE OF 236.75 FEET TO A CAPPED 5/8" IRON ROD FOUND FOR CORNER AT THE NORTH-EAST CORNER OF SAID LOT 1 AND BEING IN THE WEST RIGHT-OF-WAY LINE OF SAID VALLEY STREET, FROM WHICH A 3/8" IRON ROD FOUND FOR REFERENCE BEARS SOUTH 10 DEGREES 57 MINUTES 31" WEST, A DISTANCE OF 12.45 FEET;

THENCE SOUTH 02 DEGREES 22 MINUTES 00 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID VALLEY STREET, AT A DISTANCE OF 93.94 FEET PASSING THE SOUTHEAST CORNER OF SAID LOT 1, AND CONTINUING FOR A TOTAL DISTANCE OF 200.68 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 0.638 ACRES OF LAND, MORE OR LESS



JOHN PAT MCKINNEY  
INST. # 2010113000130880  
D.R.C.C.T.

OUTLOT 590A  
INST. # 2009101400128740  
D.R.C.C.T.

OUTLOT NO. 593 & PART  
OF OUTLOT NO. 590A  
INST. # 20090625000814170  
D.R.C.C.T.

THIS PROPERTY DOES NOT LIE IN A 100  
YEAR FLOOD HAZARD AREA ACCORDING TO  
THE REGIONAL FLOOD INSURE RATES MAP  
COMM. PANEL NO. 480135 0280 J  
THIS PROPERTY LIES IN ZONE "X"

SURVEY EXAMINED AND  
ACCEPTED BY PURCHASERS  
*[Signature]*  
DATE: 29 Feb 2012

PK NAIL FOUND FROM WHICH A NAIL  
FOUND BEARS N10°22'37\"/>

I hereby certify that on the 07th day of FEB, 2012, this survey being a copyright protected product was made on the ground and this survey plat has been prepared as per the filed notes thereby produced, and it properly represents the facts as found on the ground. This survey plat has been prepared in accordance with, and in substantial compliance with, all rules and regulations promulgated by the Texas Board of Professional Land Surveying. Unless otherwise noted, the surveyor has relied solely on the record data provided in the title commitment for the determination of the boundaries of the land parcel surveyed and for any easements of record which may be shown or addressed on the survey. The survey shows visible easements, conflicts, encroachments or protrusions apparent on the ground.

Date : FEBRUARY 10, 2012



JOB NO.: 12-1141

LEGEND

- 1/2" Steel / Iron Rod Found
- 1/2" Steel / Iron Rod Set of Red Cap 1/2\"/>

GF No. 11112622

SCALE: 1" = 40'

By: *[Signature: Harry Rowell]*

**HARRY ROWELL**  
& Associates, INC.  
Surveying & Engineering  
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3430 Squire Place, Ste. 2  
Plano, Texas 75074 (972) 247-4552