

## AGENDA ITEM 15-06

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Michael Ripperger for a Variances to the Minimum Rear Yard and the Minimum Front Yard Setbacks for the Property Located at 912 Drexel Street.

**MEETING DATE:** August 26, 2015

**DEPARTMENT:** Development Services-Building Inspections

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

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**ZONING:** RG-18

**EXISTING CONDITIONS:** Lot is 50'W x 97'D

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Front Yard Setback	20'	5'
25' Rear Yard Setback	20'	5'

**APPLICANT'S BASIS FOR VARIANCE:**

**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  
Space limits for RG-18

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**Action:            APPROVED                            DENIED                            TABLED**



## CITY OF MCKINNEY BOARD OF ADJUSTMENT APPLICATION

**Type of Request:**

Variance       Special Exception       Appeal

FILLING FEE      **\$50.00**

RECEIPT DATE      8-3-15

**Property Location:**

912 Irocel St.      McKinney      TX      75069  
Address      City      State      Zip

Lot 4      Blk 5      Massie Heights  
Lot Number      Block      Subdivision Name

**Owner's Information:**

Sunflower Homes, LLC      214-498-4558  
Owner's Name      Phone Number

PO Box 3723      McKinney      TX      75070  
Address      City      State      Zip

Owner is giving Michael Ripperger authority to represent him/her at the meeting.  
Applicant's Name

Michael Ripperger  
Owner's Printed Name      Owner's Signature

**Applicant's Information:**

Michael Ripperger      Sunflower Homes, LLC      214-498-4558  
Name      Company Name      Phone Number

PO Box 3723      McKinney      TX      75070  
Address      City      State      Zip

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No. RG18/RD30

Please list the type of variance(s) requested: RD30 - Planned Duplex

	Ordinance Requirements	Requested Dimensions	Variance From Ordinance
Lot Size	6000 sq ft.	4850	- 1150 sq ft. *Not Reg.
Lot Width	50'	50'	-
Lot Depth	100'	97'	- 3' *Not Reg.
Side Yard	7'	7'	-
Side Yard	7'	7'	-
Side @ Corner	15'	N/A	-
Front Yard	25'	20'	- 5'
Rear Yard	25'	20'	- 5'
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:

The requested variance will allow the owner to build a modest duplex that fits within the size and scale of the neighborhood. This will improve the neighborhood from continued vacant lot that could be used for deviant behavior and cause problems for the neighbors and city. Will increase tax base for the city.

- 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:

This is a non conforming lot with an unused alley to the rear and vacant land to the east. The variance requested is very small compared to the lot and size of the neighborhood.

- 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:

No - the lot has always been this way

The three adjacent properties have built the same floorplan with smaller pieces of land. The front building will be in line with the rest of the street.

- 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:

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

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 \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public

(seal)

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

Sunflower Homes LLC

PO Box 3723

McKinney, TX

75070

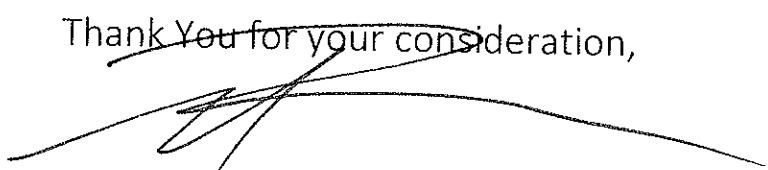
Letter of Intent

RE: 912 Drexel McKinney, TX 75069

We have a non-conforming lot in the Massie Heights subdivision.

We would like to build the exact same duplex that was approved for 900,904, and 908 Drexel All 6 of the other adjacent buildings built without abandoning the alley. There is an alley behind the property that we do not plan on abandoning. As you can see by the ariel shot the adjacent properties are using the alley. We do not intend to use the alley. This is why we are asking for the variance.

~~Thank You for your consideration,~~



Mike Ripperger

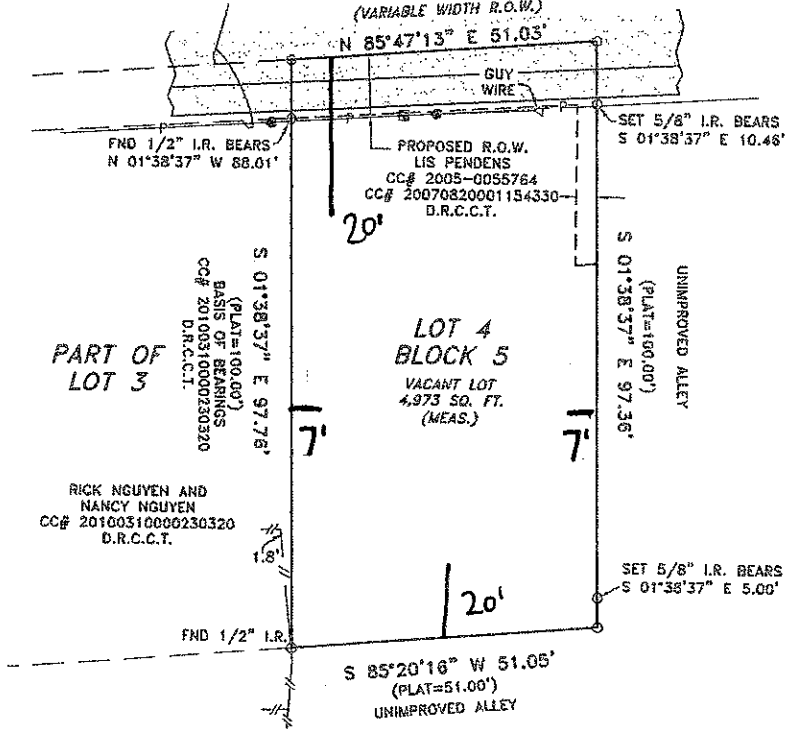
Sunflower Homes LLC

**"SURVEY PLAT"**

BEING LOT 4, BLOCK 5, OF MASSIE HEIGHTS ADDITION, AN ADDITION TO THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE 160, MAP RECORDS, COLLIN COUNTY, TEXAS.

DONATION OF RIGHT-OF-WAY  
TO CITY OF MCKINNEY  
VOLUME 5751, PAGE 3638  
D.R.C.C.T.

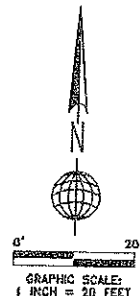
**DREXEL STREET**  
(VARIABLE WIDTH R.O.W.)



PART OF  
LOT 3

**LOT 4  
BLOCK 5**  
VACANT LOT  
4,973 SQ. FT.  
(MEAS.)

RICK NGUYEN AND  
NANCY NGUYEN  
CC# 20100310000230320  
D.R.C.C.T.



ADDRESS: 912 DREXEL STREET

**FLOOD STATEMENT:**

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480135 0288J, DATED 06/02/2009, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR COLLIN COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO LIE 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.

**NOTES:**

- 1) ALL CORNERS LABELED HEREON AS "SET 5/8" I.R." HAVE A YELLOW CAP STAMPED "R.P.L.S. 5587".
- 2) (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.

CERTIFIED TO: SUNFLOWER HOMES	BUYER: SUNFLOWER HOMES	DATE: 03/09/2015	GF#: N/A	TECH: BM	DRAFTER: BLM	JOB NO.: 15-02-19D
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**SYMBOL LEGEND**

—//—	WOOD FENCE
—x—	CHAIN LINK FENCE
—v—	WIRE FENCE
—o—	WROUGHT IRON FENCE
⊗	COLUMN
⊕	POWER POLE
⊙	WATER METER
—	POWERLINE
—o—	OVERHEAD SERVICE LINE
⊠	TRANSFORMER AND PAD
⊕	GAS METER
///	ASPHALT SURFACE
□	CONCRETE

I, JASON L. MORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING INDICATED BY THE PLAT.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACTOR; THEREFORE, NO SEARCH OF RECORD EASEMENTS WAS PERFORMED ON THE SUBJECT PROPERTY. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THE SURVEYOR. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.

*Jason L. Morgan*  
JASON L. MORGAN RPLS 5587



**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) 423-1083  
WWW.GLS-INC.COM

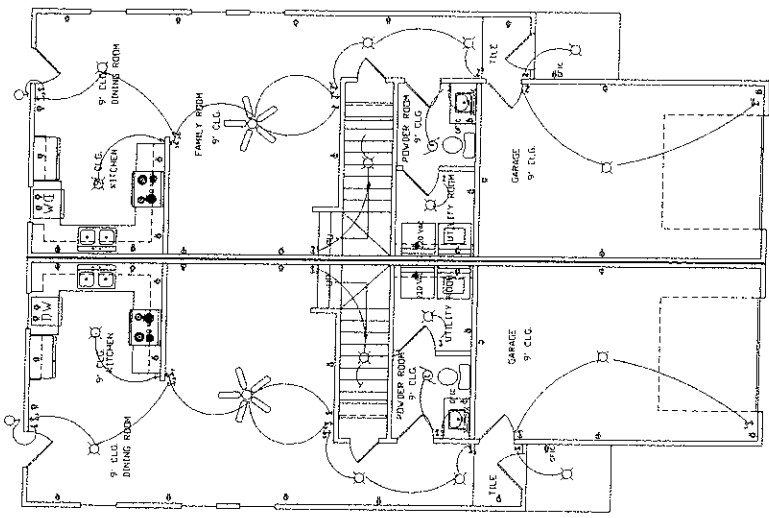
DATE	REV	DESCRIPTION

Chapman's CAD Designs  
 1601 Waddell St., Suite 103-E  
 McKinney, TX, 75069  
 (972) 542-1187 OFC  
 (972) 886-8799 FAX

**CCD**

NO.	DATE	BY

**A2**

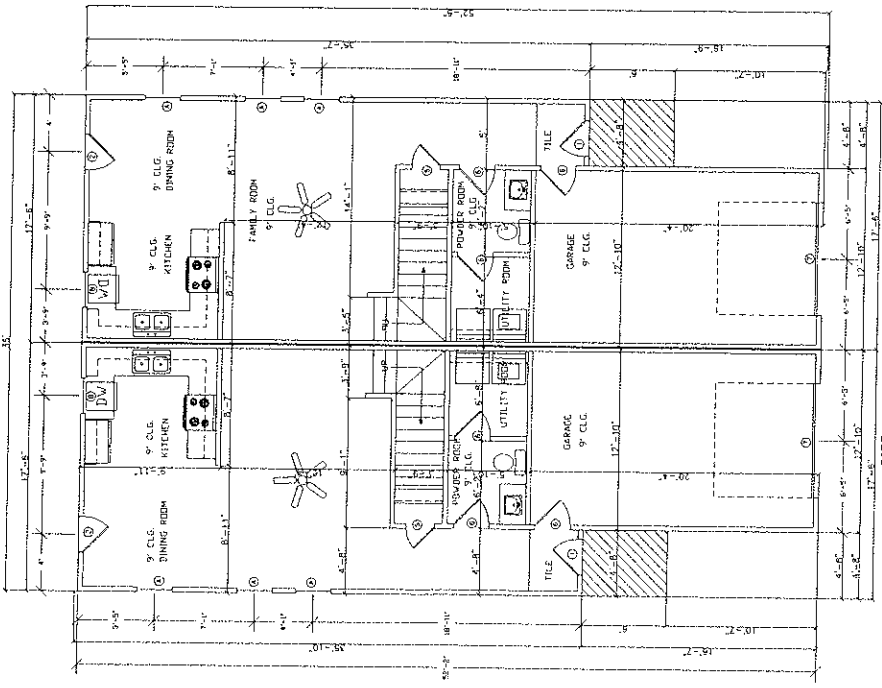


SIZE 'A' LOWER 576 SF  
 SIZE 'A' UPPER 930 SF  
 GARAGE 260 SF  
 PORCH 28 SF  
 TOTAL SIZE 'A' 1794 SF

SIZE 'B' LOWER 576 SF  
 SIZE 'B' UPPER 930 SF  
 GARAGE 260 SF  
 PORCH 28 SF  
 TOTAL SIZE 'B' 1794 SF

**1st FLOOR PLAN**  
 1/4" = 1'-0"

ELECTRICAL LEGEND	
(Symbol)	LIGHT FIXTURE
(Symbol)	PRESSURE LIGHT
(Symbol)	110V AC OUTLET
(Symbol)	SWITCH
(Symbol)	3-WAY SWITCH
(Symbol)	4-WAY SWITCH
(Symbol)	EXHAUST FAN
(Symbol)	220 VOLT FUSE BOX
(Symbol)	4-WAY EXTENDER W/ DOUBLE SWITCH
(Symbol)	EXTENSIBLE LIGHT FIXTURE
(Symbol)	SHOWER DETECTOR



SIDE B

WINDOW SCHED	DESCRIPTION
# SIZE QUANT	
A 30x60 3	
B 30x30 1	
C 30x30 1	

DOOR SCHED	DESCRIPTION
# SIZE QUANT	
1 3'0x6'8" 1	EXT. INT. FRONT ENTRY
2 3'0x6'8" 1	EXT. INT. REAR ENTRY
3 3'0x6'8" 1	INT.
4 3'0x6'8" 1	INT.
5 3'0x6'8" 1	DHD

SIDE A

WINDOW SCHED	DESCRIPTION
# SIZE QUANT	
A 30x60 3	
B 30x30 1	
C 30x30 1	

DOOR SCHED	DESCRIPTION
# SIZE QUANT	
1 3'0x6'8" 1	EXT. INT. FRONT ENTRY
2 3'0x6'8" 1	EXT. INT. REAR ENTRY
3 3'0x6'8" 1	INT.
4 3'0x6'8" 1	INT.
5 3'0x6'8" 1	DHD

Rich  
Nancy  
Nguyen  
900

TOM  
PFIFF  
904

Rich  
Nancy  
Nguyen  
908

Star Flower Homes

912



↑  
901

↑  
905

↑  
909

↑  
1007

JAMES Hansen

Charleston