

## AGENDA ITEM 17-02

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sharon Scott for a 9' Variance from the Minimum Side at corner setback of 15', for the Property Located at **315 N Waddill Street, McKinney Texas.**

**MEETING DATE:** March 29, 2017

**DEPARTMENT:** Development Services-Building Inspections

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

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**ZONING:** RS-120 Single Family Residential / Historic Overlay

**EXISTING CONDITIONS:** Conforming lot width, depth and size yet non-conforming setback of house at side yard / corner.

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
15' Side Yard Setback at corner	6'	9'

**APPLICANT'S BASIS FOR VARIANCE:**

Applicant wishes to add a 4' 9" extension to the rear of the single family residence. Due to the zoning ordinance update after the home was built, the rear of the home is 6' from the property line instead of 15' from the property line.

**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 field validated and the Board has the implied authority to consider this variance request based on the existing non-conforming house location on the lot. The applicant has appealed to the fact that even though the lot is a conforming lot, the house location is non-conforming and should be considered as a condition of variance for the extension of the house, as noted. The Board should review the authority granted under Section 145-165, Section (3) d. regarding the variance request – “Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the zoning ordinance as established by this chapter, and at the same time, the surrounding property will be properly protected.”

**SUPPORTING MATERIALS:**

Variance Application  
Property Locator Map

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**Action:            APPROVED            DENIED            TABLED**

Paid \$50 on 3/7/17



### CITY OF MCKINNEY BOARD OF ADJUSTMENT APPLICATION

**Type of Request:**

Variance  Special Exception  Appeal

FILING FEE \$50.00

RECEIPT DATE \_\_\_\_\_

**Property Location:**

315 N. Waddill St. McKinney TX 75069  
Address City State Zip

2 8  
Lot Number Block Subdivision Name

**Owner's Information:**

Sharon Scott 214-856-5345  
Owner's Name Phone Number

315 N. Waddill St. McKinney TX 75069  
Address City State Zip

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

Sharon Scott Sharon Scott  
Owner's Printed Name Owner's Signature

**Applicant's Information:**

Mark McReynolds McReynolds Design 214-551-5014  
Name Company Name Phone Number

2704 Elmwood Ct. McKinney TX 75071  
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			
Lot Width			
Lot Depth			
Side Yard			
Side Yard			
Side @ Corner	15'-0"	6'-0"	9'-0"
Front Yard			
Rear Yard			
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:

We're attempting to keep the requested 4'9" extension in harmony with the historic nature of this 1926-built home. The extension would be restricted from view by existing tall shrubbery and wooden fence.

- 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 house is currently built within the 15' corner setback because the zoning overlay occurred after the house was completed which put the house within a non-conforming position on the property. We're attempting to retain the integrity of the original gable elements which are unique to this historic home which has a City of McKinney Historic Home Marker.

- 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:

We're attempting to enlarge the kitchen space in order to provide more accessible storage for the home owner. The home has an unusually small storage compared to the size of the home.

- 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:

It keeps us from extending the house (only 4'9") in a manner that is supportive of the historic character of this 9-gabled landmark house.

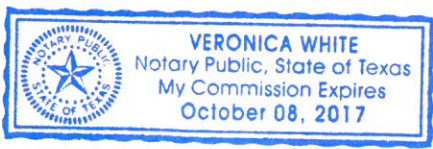
Items Submitted: Completed application and fee  Plot/Site Plan or Survey drawn to scale

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

[Signature]
Applicant's Signature

STATE OF TEXAS
COUNTY OF Collin

Subscribed and sworn to before me this 28th day of February, 2017

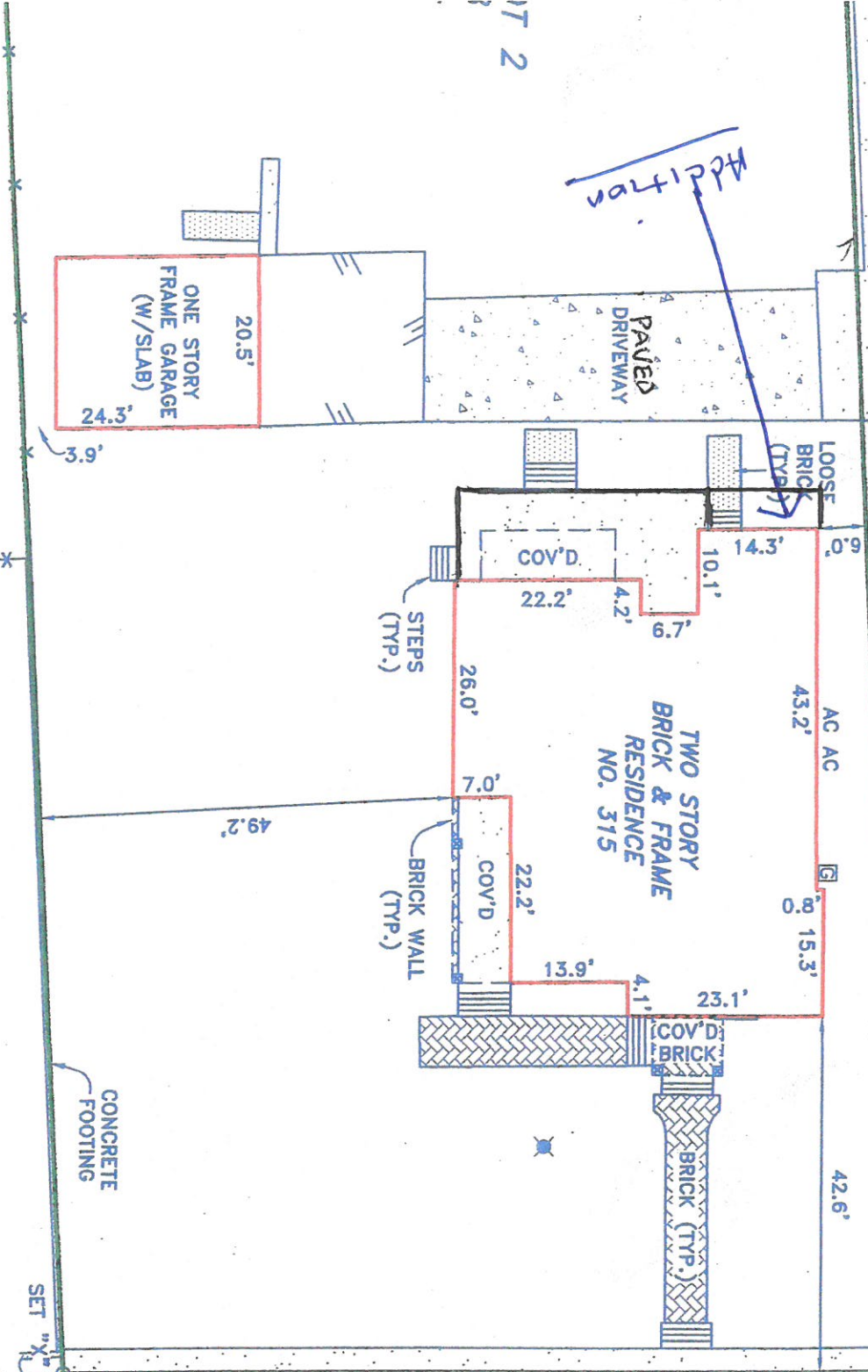


[Signature]
Notary Public
My Commission expires: 10-8-2017

\*Not applicable in ETJ

Lamar (DEED= N 88°00'00" E)

N 87°12'57" E 200.00'



REM. OF LOT 2  
BLOCK 8  
S 87°12'57" W 200.00'  
(DEED= S 88°00'00" W)  
RODNEY R. COLTMAN ET UX  
VOLUME 4705, PAGE 2941  
D.R.C.C.T.

S 00°00'00" E 100.00'  
REF. BRG. (PER DEED)

N. WADDILL STREET  
(50' R.O.W.)

A RESURVEY OF A DEED TO SUSAN L VOLUME 4289, PAGE COUNTY, TEXAS, DESCRIBED BY ME BEGINNING AT AN INTERSECTION OF LAMAR STREET (4C RIGHT-OF-WAY) LINE RIGHT-OF-WAY, LOT 2;

THESE SOUTH 87 RIGHT-OF-WAY LINE OF SAID MITT FEET TO A CHAIN CORNER AT THE S BEING IN THE EAST RIGHT-OF-WAY;

THESE NORTH 87 RIGHT-OF-WAY LINE OF SAID LOT A POINT FOR CORNER THEREOF AND BEING LINE OF SAID LAMAR ROD FOUND 13°51'26" EAST, 4

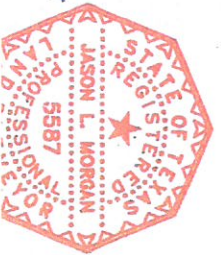
THESE NORTH 87 RIGHT-OF-WAY LINE DISTANCE OF 200. BEGINNING AND CONTAINING 0.459 ACRES OF 1

SURVEY EXAMINED AND ACCEPTED BY PURCHASERS:

SYMBOL LEGEND	CERTIFIED TO: REPUBLIC TITLE	BUYER: SCOTT	I.P. = IRON PIPE	ESMT. = EASEMENT
—/—	WOOD FENCE	FND = FOUND	I.R. = IRON ROD	I.P. = IRON PIPE
—X—	CHAIN LINK FENCE			
—W—	WIRE FENCE			
—O—	WROUGHT IRON FENCE			
—C—	COLUMN			
—P—	POWER POLE			
—M—	WATER METER			
—L—	POWERLINE			
—S—	OVERHEAD SERVICE LINE			
—T—	TRANSFORMER AND PAD			

I, JASON L MORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAN HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION, THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FROULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND WAS PERFORMED IN CONNECTION WITH TITLE COMMITMENT OF NO. 12803230 PROVIDED BY REPUBLIC TITLE REFLECTING ONLY THE EASEMENT(S) LISTED IN SCHEDULE "B" OF SAID COMMITMENT. USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. THIS SURVEY IS NOT VALID WITHOUT A RED SEAL AND SIGNATURE.

DATE: 03/15/2012 [6F# 12803230]



ARE PER DEED RECORDED IN VOLUME 4705, PAGE 2941.

315 N. Waddill

Legal Description: WADDILL (CMC), BLK 8, LOT 2A, .459 ACRES

Zoned: RS-120 : SINGLE FAMILY RESIDENTIAL /  
HISTORIC OVERLAY DISTRICT

ZONING REGULATIONS

App. F, § F-1

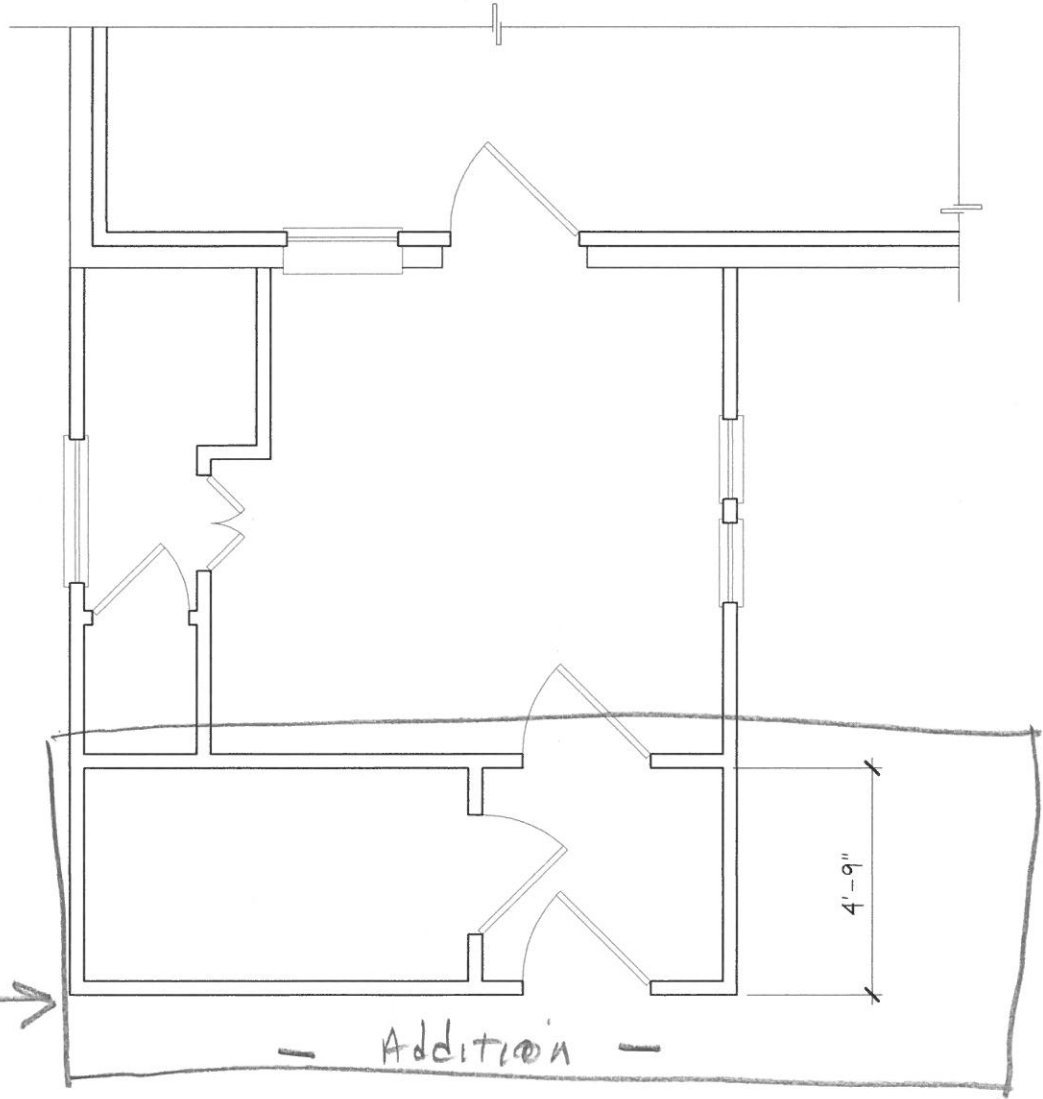
APPENDIX F. SCHEDULES

Section F-1. Schedule of space limits.

Zoning District	Space Limits										
	Minimum lot area	Minimum lot width	Minimum lot depth	Minimum front yard setback	Minimum rear yard setback	Minimum side yard setback of interior lots	Minimum side yard setback of corner lots	Maximum height of structure	Maximum lot coverage	Maximum Floor Area Ratio	Maximum density (dwelling units per gross acre)
AG	10 acre	150'	n/a	35'	35'	20'	25'	35'	n/a	n/a	n/a
RED-1	1 acre	150'	150'	35'	35'	20'	35'	35'	n/a	n/a	1.0
RED-2	2 acre	200'	200'	50'	50'	30'	50'	35'	n/a	n/a	0.5
RS-120	12,000 sq. ft.	80'	120'	30'	25'	10'	15'	35'	n/a	n/a	3.5



3-8-17  
me



← 6'0" rd Property line →

AN ADDITION TO:  
 THE SCOTT RESIDENCE  
 315 N. WADDILL STREET  
 MCKINNEY, TX

**MARK McREYNOLDS**  
**HOME DESIGNS**

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design·remodel

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2704 Elmwood Court • McKinney, Texas 75071 • 214.551.5014 • Fax 972.548.8497

**A3**

**Sec. 146-165. Board of Adjustment.**

A board of adjustment is hereby established in accordance with the provisions of V.T.C.A., Local Government Code § 211.008 et seq., regarding the zoning of cities and with the powers and duties as provided in said statutes.

(1) *Organization.*

- a. *Membership.* The board shall consist of five citizens, each to be appointed or reappointed by the mayor and confirmed by the city council, for staggered terms of two years. In addition, two alternate members shall be appointed to serve in the absence of any regularly appointed member. Each member of the board shall be removable for just cause by city council upon written charges and after public hearings. Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairman, who shall serve for a period of one year or until his successor is elected.
- b. *Meetings.* Meetings of the board shall be held at the call of the chairman and at such times as the board or chief building official may determine.
- c. *Hearings.* The hearings of the board of adjustment shall be public. The board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least five members of the board.
- d. *Rules and regulations.* The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The board of adjustment shall act by resolution or order. Approval of any request shall require four affirmative votes. Any request not approved by affirmative vote of four or more members shall be considered denied. The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the chief building official, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

(2) *Appeals.*

- a. *Procedure.* Appeals may be taken from an administrative officer's decision and may be taken to and before the board of adjustment by any person aggrieved by the decision, or by any officer, department, board, or bureau of the city affected by the decision. The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.



- b. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.
- c. *Notice of hearing on appeal.* The board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, shall give public notice of the hearing, and shall mail notices of such hearing to the petitioner and to the owners of property lying within 200 feet or less of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the board to be affected thereby, such owners and persons being determined according to the current tax rolls of the city. Depositing of such written notice in the mail, postage-paid, shall be deemed sufficient compliance therewith.
- d. *Decision by board.* The board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination of the administrative officer as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

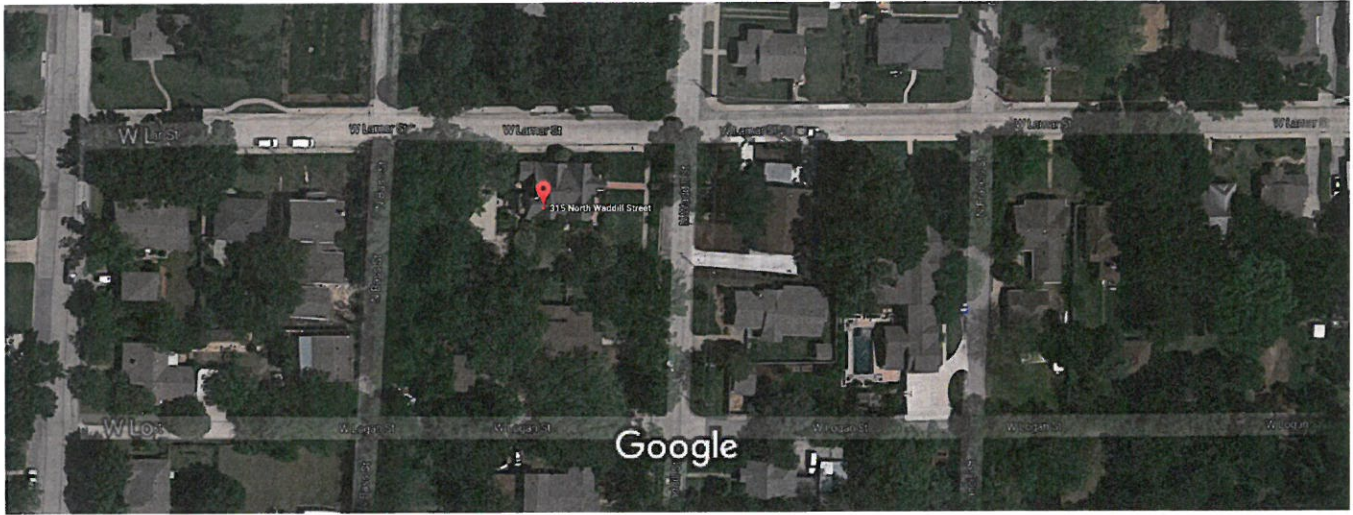
(3) *Powers and duties of board.*

- a. *Subpoena witnesses, etc.* The board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.
- b. *Appeals based on error.* The board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the chief building official in the enforcement of this chapter.
- c. *Special exceptions.* The board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the board is required to pass as follows or elsewhere in this chapter:
  - 1. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties;
  - 2. To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare;
  - 3. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this section is derived;

4. Permit the reconstruction of a nonconforming building, which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly; and
  5. Waive or reduce the parking and loading requirements in any of the districts, whenever the character of use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- d. *Variances.* The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:
1. 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, provided such variance will not seriously affect any adjoining property or the general welfare; and
  2. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the zoning ordinance as established by this chapter, and at the same time, the surrounding property will be properly protected.
- e. *Changes.* The board shall have no authority to change any provisions of this chapter and its jurisdiction is limited to hardship and borderline cases, which may arise from time to time. The board may not change the district designation of any land either to a more restrictive or less restrictive zone.

(Code 1982, § 41-234; Ord. No. 1270, § 5.04, 12-15-1981; Ord. No. 2000-01-03, § 1R—1T, 1-4-2000; Ord. No. 2002-08-084, § 1.66, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2012-11-056, § 43, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Google Maps 315 N Waddill St



Imagery ©2017 Google, Map data ©2017 Google 50 ft



315 N Waddill St  
McKinney, TX 75069

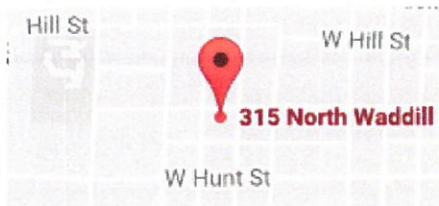


Google Maps 1301 W Lamar St



Image capture: May 2013 © 2017 Google

McKinney, Texas  
Street View - May 2013



Google Maps 1301 W Lamar St



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McKinney, Texas

Street View - May 2013

