City of McKinney Planning and Zoning Commission – 400 W. Virginia Street

McKinney Municipal Code Sec. 146-132(3)(a) states, "[s]creening devices shall be placed along any property line or district boundary between any single family . . . and any non-residential use."[1] The property owner of 400 W. Virginia Street is building a 3,040 square foot sales room,[2] which qualifies as a non-residential use, and is adjacent to a residential single family home at, 414 W. Virginia Street. Therefore, the property owner will be subject to the restrictions under 146-132(3)(a), unless the planning and zoning commission and/or the city council grants a variance under McKinney Municipal Code Sec. 146-132(4).[3]

In order for a variance to be granted the "[t]he applicant shall prove that the variance from the zoning regulations is warranted under the circumstances presented."[4] Variances are granted in highly tailored situations in which "[u]nique circumstances exist on the property that make application . . . unduly burdensome on the applicant."[5] However, the McKinney Municipal Code clearly states that financial hardships shall not be considered as a basis for granting a variance.[6] Additionally, in order for the variance to be granted it shall have no adverse impact on current or future development,[7] public health, or safety and general welfare.[8] Furthermore, the variance must conform with the "spirit of the zoning regulations, and have a minimal impact, if any, on the surrounding land uses"[9]

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[1] McKinney Municipal Code Sec. 146-132(3)(a).
[2] Site plan request submitted February 11, 2016, *available at* https://drive.google.com/a/tamu.edu/folderview?id=0B5wQRNyq6TQqdlVValdJMDhhMGM&usp=sharing#.
[3] McKinney Municipal Code Sec. 146-132(4).
[4] *Id.*
[5] McKinney Municipal Code Sec. 146-132(4)(a).
[6] McKinney Municipal Code Sec. 146-132(4).
[7] McKinney Municipal Code Sec. 146-132(4)(b).
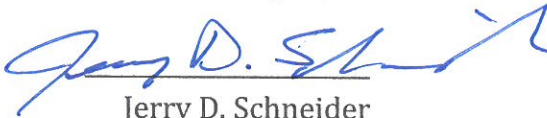[8] McKinney Municipal Code Sec. 146-132(4)(d).
[9] McKinney Municipal Code Sec. 146-132(4)(c).

The owner of 400 W. Virginia Street has increased the size of the building located on the property and consequently reduced the size of the parking lot. In addition to the physical size increase of the building, the traffic movement will also increase due to more office space. The increased traffic flow will certainly have an impact on the surrounding land use. However, if a screening wall is installed it will diminish the effect. While, the existing landscape at 414 W. Virginia Street contains canopied trees and a dilapidated chain-link fence (see attached photos), these items do not create a sound barrier, and will not be helpful in preventing sounds from entering the residence located at 414 W. Virginia Street.

Because the variance would have more than a minimal impact on the surrounding areas the owner of 400 W. Virginia Street does not meet all of the requirements of McKinney Municipal Code Sec. 146-132(4), and accordingly his request for a screening wall variance should be denied. We believe that a screening wall can be constructed on the property if a small amount of parking lot is removed. Additionally, once the parking lot entrances and parking spaces are moved, the alterations will not impede on the property owner's ability to meet all city safety and parking requirements. While this will cost the property owner money, as stated earlier financial hardships shall not be considered as a basis for granting a variance.

We look forward to making comment at the planning and zoning commission meeting on Tuesday, June 14, 2016.
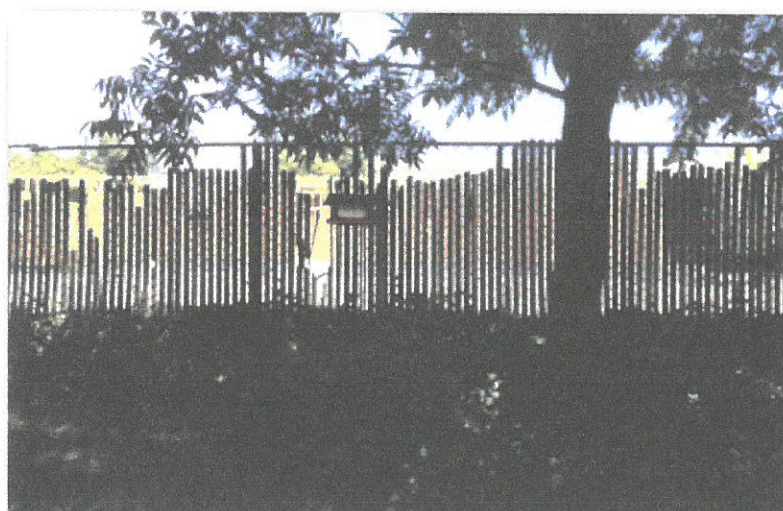
Thank you,

Jerry D. Schneider
Robyn B. Schneider
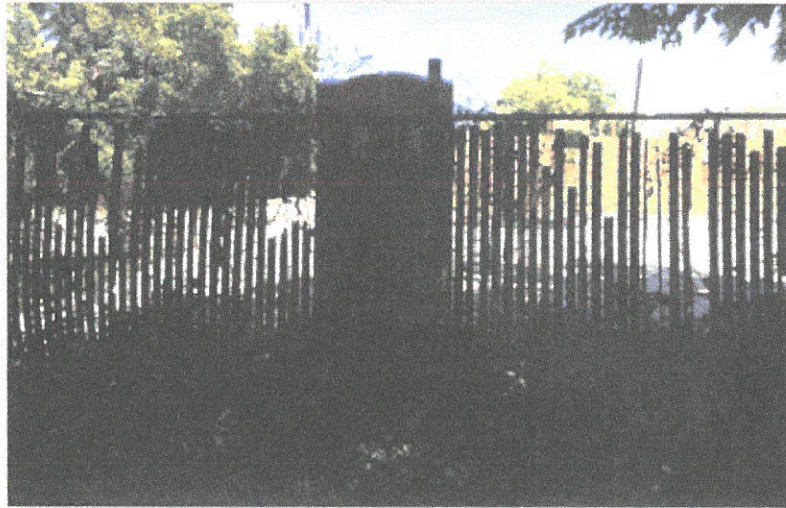Owners of 414 W. Virginia Street

View from master bedroom window.



From backyard north of the home looking to the east.

From the backyard north of the previous picture looking east.



From the backyard north of the previous picture looking east.