

AGENDA ITEM 17-11

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Robert (Mike) Evertson, to consider a 380 square foot variance from the zoning ordinance requirement of a maximum 500 square foot for a proposed 880 square foot accessory building / detached garage for the property located at **109 Westwood Circle, McKinney, Texas.**

MEETING DATE: July 26, 2017

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: RS 120

EXISTING CONDITIONS: The lot is conforming on lot width and depth. The lot size minimum meets the 12,000 square foot size per RS 120 zoning district regulations. The lot is platted as one lot with 1.093 acres in size.

VARIANCES REQUESTED:

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
500 square foot maximum	880 square foot	380 square foot

APPLICANT'S BASIS FOR VARIANCE: The applicant has provided a statement regarding the request for seeking the detached garage size from 500 square feet maximum to 880 square feet.

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, as stated below:

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.

BUILDING OFFICIAL STATEMENT - The request has been validated and the Board has the authority to consider this variance request. Due to the condition of a conforming lot, the Board will need to consider the applicants request in light of the second condition of variances, as described above - 'authorize upon appeal'.

SUPPORTING MATERIALS:

Variance Application
Property Locator Map

Action: APPROVED DENIED TABLED



Rec'd 6/30/17

BOARD OF ADJUSTMENT APPLICATION

VARIANCE SPECIAL EXCEPTION APPEAL TODAY'S DATE: 6/30/2017

****CONTACT INFORMATION****

PROPERTY LOCATION*: 109 Westwood Circle
(Street address)

Subdivision: West Park Addition Lot: 8 Block: B

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

Property Owner: MIKE & KRIS EVERTSON 109 Westwood Cir. McKinney TX 75070
(Name) (Address) (City, State, & Zip Code)
m.evertson52@gmail.com 214-326-2965
(Email) (Phone)

Property Owner is giving _____ authority to represent him/her at meeting.

Property Owner Printed Name: Mike & Kris Evertson Property Owner Signature: Mike Evertson
(Applicant Name)

Applicant: Robert (Mike) Evertson 109 Westwood Cir. McKinney TX 75070
(Name) (Address) (City, State, & Zip Code)
m.evertson52@gmail.com 214-326-2965
(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	<u>500'sq'</u>	<u>880'sq'</u>	<u>380'sq'</u>

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.

- 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:

SEE ATTACHED

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:

W.A. ~~##~~

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:

W.A. ~~##~~

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:

W.A. ~~##~~

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)

Mike Ewertson
Applicant's Signature

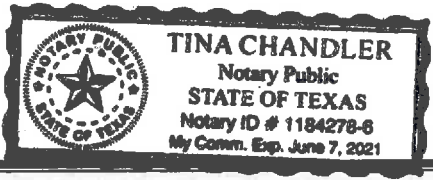
STATE OF TEXAS

COUNTY OF Collin

Subscribed and sworn to before me this 30 day of June, 2017

Tina Chandler
Notary Public

(seal)



My Commission expires: 6-7-2021

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:

109 Westwood Circle
 WESTWOOD PARK - BLK B, LOT 8
 Zoning - RS 120

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



(6) *Accessory buildings.* Accessory buildings shall meet the following requirements:

- a. No accessory building, other than an allowed accessory dwelling, shall be rented or leased.
- b. No accessory building shall be used for commercial purposes.
- c. No accessory building or structure, except fences, may be erected within three feet of any rear or side property line, or be located within any recorded easement.
- d. No accessory building shall exceed 200 square feet in area, except:
 1. Detached garages are limited to 500 square feet in area; and
 2. Accessory dwellings are limited to 600 square feet in area.
- e. No accessory building shall exceed one story in height, except that an allowed accessory dwelling may be located on a second story above a garage.

109 WESTWOOD CIRCLE MCKINNEY, TEXAS

The request is for increasing the size from 500' to 880 sq' for the purpose of a garage

The request variance is in harmony with the general purpose and intent of the ordinance, as amended, and continues to protect surrounding properties from any negative impacts because :

- 109 Westwood circle is on 1.093 acres
- The clearance from the north side of the proposed building will remain approximately 50' to the property line (same as a 500 sq' building) .
- Clearance from the west side of the building will change from approximately 164 ' to 149' to the property line .
- The additional square footage has no impact visually or other to neighbors or the community.

Exhibit

- (A) Birds eye view of 109 Westwood Circle in relation to surrounding neighborhood .
- (B) Foot print of garage showing 500 sq' vs. 880 sq.' having no impact to the property lines or neighbors.
- (C) Scale view of the garage showing the relationship to the house and the property lines.
- (D) Survey Platt of 109 Westwood Circle
- (E) Legal description of the property @109 Westwood Circle

Thank you,

Mike Evertson

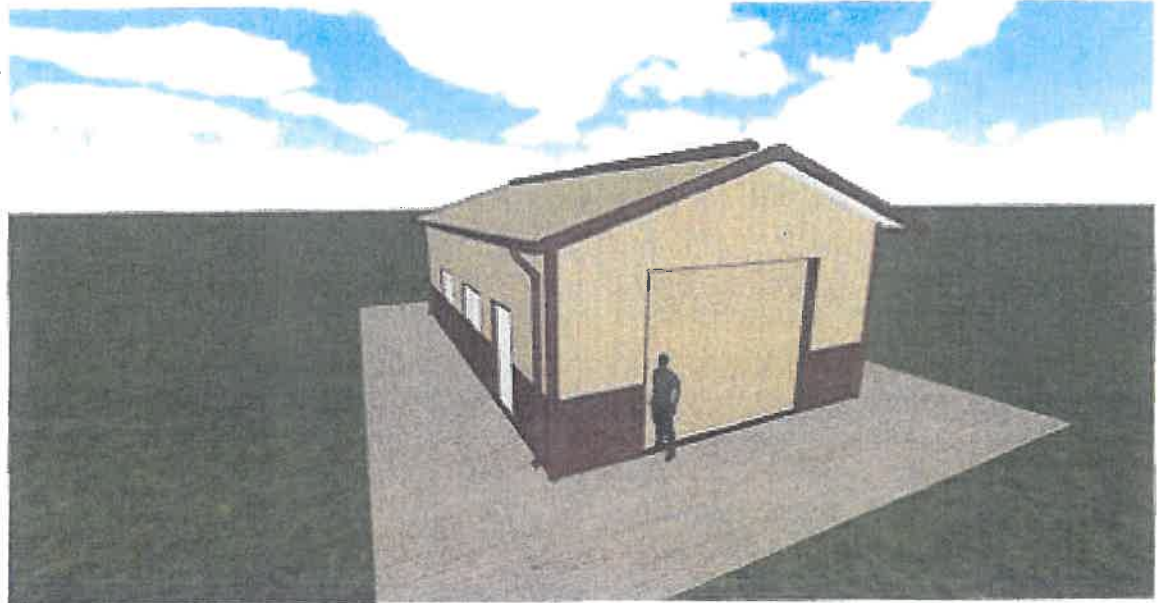
Mueller, Inc. 3D Design Tool Project Specifications

Mueller Internal Sales Spec

Project Email:
meverton52@gmail.com
Project Name: New
Project 5-21-2017
Project Date: 2017-05-19
11:25:15

Building Details:

Basics (in ft.):
width: 22
length: 40
height: 12
pitch: 4
overhang_sides: 1
overhang_end: 2
no_walls: false
ridge_vent_type: standard
ridge_vent_mode:
continuous



Wainscot: Yes

Gutter: Yes

Colors:

Wall: Desert Tan
Roof: Desert Tan
Trim: Burgundy
RollUp: Desert Tan
Vent: Burgundy
Wainscot: Burgundy

Addons:

rollup_12x10, wall: back,
horizontal: 0, vertical: 0
door_4x7, wall: right,
horizontal:
-11.71883208681342,
vertical: 0
window_6x3, wall: right,



Proposed

B

500 sq.foot →

← 880 sq foot

maximum SQ Ft allowed without variance

D

SURVEY PLAT



SCALE · 1" = 30'

Existing

WESTWOOD CIRCLE

Curve Data:

$\Delta = 65^{\circ} 00' 43''$

$R = 50.00'$

$A = 56.73'$

LOT 9

$N 37^{\circ} 03' 03'' W - 159.58'$

2" cut in concrete found

Concrete Drive

30' Building Lot

1/2" I.R.F.

1-STORY BRICK HOUSE NO 109

Concrete Walk Protrudes

LOT 7

1/2" I.R.F.

Power Line

10' UTILITY EASEMENT

Power Pole



Flower Bed

$N 89^{\circ} 42' 28'' W$
50.00'

LOT 8
TRACT I

WESTWOOD PARK

1/2" I.R.F.

Point in Fore of
Hockberry Tree

Power Pole

10' UTILITY EASEMENT

Power Line

Power Pole

PLACE OF BEGIN.

1/2" I.R.F.

1/2" L.R.F.

$S 04^{\circ} 19' 54'' W$
16.14'

1.093 Acres

W. D. THOMPSON SURVEY
ABSTRACT NO. 89:
TRACT III
0.477 Ac. Tr

$N 88^{\circ} 47' 23'' W$
109.25'

Power Pole

Power Line

$S 85^{\circ} 44' 02'' E - 110.99'$

1/2" I.R.F.

$N 88^{\circ} 31' 02'' W$
25.64'

3/4" I.R.F.

TRACT II

6' Wood Fence

1/2" I.R.F.

$S 85^{\circ} 14' 04'' E$
25.08'

$S 03^{\circ} 36' 32'' W$
50.23'

LOT 15

$S 04^{\circ} 26' 11'' W - 133.83'$

LOT 17

BLOCK "A"

E

LEGAL DESCRIPTION OF 1.093 ACRE TRACT:

Situated in the City of McKinney, Collin County, Texas in the W.D. Thompson Survey, Abstract No. 891 and being a re-survey and consolidation of three tracts of land described as Tract I, being Lot 8, Block B of Westwood Park, an addition to the City of McKinney, according to the plat recorded in Volume 5, Page 12 of the Collin County Map and Plat Records and being all of a tract described as Tract II and being all of a 0.477 acre tract described as Tract III, all three of the above-mentioned tracts being described in a deed from Herman A. Malone and wife Mary Gamble Malone to Kelley E. Stone and Becky Ledbetter and recorded in Volume 2672, Page 504 of the Collin County Land Records and being more fully described as follows:

BEGINNING at a 1/2 inch iron rod found in the Southwest corner of said Lot 8, Block B of Westwood Addition.

THENCE North 78 deg. 35 min. 00 sec. East with the South line of said Lot 8 a distance of 145.35 feet to a 1/2 inch iron rod found at the Southeast corner of said Lot 8. Said iron rod being at the beginning of a curve to the right have a central angle of 65 deg. 00 min. 42 sec. and a radius of 50.00 feet.

THENCE in a Northeasterly direction along the arc of the curve a distance of 56.73 feet to a x cut in the concrete. Said x being the Southerly most Northeast corner of said Lot 8.

THENCE North 37 deg. 03 min. 03 sec. West with the Northeastern line of said Lot 8 a distance of 159.58 feet to a 1/2 inch iron rod found. Said iron rod being the Northerly most Northeast corner of said Lot 8.

THENCE North 89 deg. 42 min. 28 sec. West with the North line of said Lot 8 a distance of 50.00 feet to a point in the fork of a Hackberry tree. Said point being the Northwest corner of said Lot 8 and the Northeast corner of the said 0.477 acre tract.

THENCE North 88 deg. 47 min. 23 sec. West with the North line of the said 0.477 acre tract a distance of 109.25 feet to a 1/2 inch iron rod found. Said iron rod being the Northwest corner of the said 0.447 acre tract and the Northeast corner of the said Tract II.

THENCE North 88 deg. 31 min. 02 sec. West with the North line of the said Tract II a distance of 25.64 feet to a 3/4 inch iron rod found. Said iron rod being the Northeast corner of Lot 16, Block P of Raintree Estates an addition to the City of McKinney.

THENCE South 03 deg. 34 min. 32 sec. West with the East line of said Lot 16 of Raintree Estates a distance of 50.23 feet to a 1/2 inch iron rod found. Said iron rod being the Southeast corner of said Lot 16 of Raintree Estates and the Northeast corner of Lot 17, Block B of Raintree Estates.

THENCE South 04 deg. 26 min. 11 sec. West with the East line of said Lot 17 of Raintree Estates a distance of 133.83 feet to a 1/2 inch iron rod found. Said iron rod being the Southwest corner of the said Tract II.

THENCE North 85 deg. 14 min. 04 sec. East with the South line of the said Tract II a distance of 25.08 feet to a 1/2 inch iron rod found. Said iron rod being the Southeast corner of the said Tract II and the Southwest corner of the said 0.477 acre tract.

THENCE North 85 deg. 44 min. 02 sec. East with the South line of the said 0.477 acre tract a distance of 110.49 feet to a 1/2 inch iron rod found in the West line of said Lot 8.

THENCE South 04 deg. 19 min. 54 sec. West with the West line of said Lot 8 a distance of 16.14 feet to the place of beginning and containing 1.093 acres of land.

I hereby certify to First American Title Insurance Company, Wilson Title Company and McWilliams and Houser that I made the survey on the ground on January 12, 1990 of the 1.093 acre tract shown hereon and set corner stakes as reflected on the plat and that the only improvements on the ground are as shown on the survey; that there are no encroachments, overlapping of improvements or conflicts except as shown on the survey plat; and that the survey is guaranteed to its completeness.

January 12, 1990
Revised January 13, 1990

[Signature]



The following easements of record do not apply to the property herein described and hereon platted.

SURVEY PLAT



SCALE · 1" = 30'

WESTWOOD CIRCLE

Curve Data:

$\Delta = 65^{\circ} 00' 43''$
 $R = 50.00'$
 $A = 56.73'$

Proposed

LOT 9

N 37° 03' 03" W - 159.58'

2" cut in concrete found

Concrete Drain

30' Building Line

76.0'

24.5'

30.1'

30.2'

30.2'

30.2'

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1-STORY BRICK HOUSE NO 109

Covered Area

Concrete Path

25.8'

18.8'

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1/2" LRF

0.70'

Concrete Walk Protrudes

0.45'

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LOT 7

WESTWOOD PARK

PLACE OF BEGIN.

N 89° 42' 28" W
50.00'

N 88° 47' 23" W
109.25'

N 88° 31' 02" W
25.64'

S 03° 36' 32" W
50.23'

1.093 Acres

W. D. THOMPSON SURVEY
ABSTRACT NO. 89:
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0.477 Ac. Tr

S 04° 19' 54" W
16.14'

S 85° 44' 02" E - 110.49'

S 83° 14' 04" E
25.08'

S 04° 26' 11" W - 133.83'

3/4" LRF

Power Pole

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

LOT 16

ALOCK "A"

LOT 17

TRACT II

6' wood Fence

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

1/2" LRF

Power Line

10' UTILITY EASEMENT

Power Pole

1/2" LRF

Dog Pan

Flower Bed

Point in Park of Hackberry Tree

Power Pole

10' UTILITY EASEMENT

Power Line

Power Pole

1/2" LRF

1/2" LRF

1/2" LRF

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Proposed

