

AGENDA ITEM 15-02

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Michael Camacho for a Variance to the Minimum Front and Rear Yard Setbacks for the Property Located at 1401 N. College Street.

MEETING DATE: April 22, 2015

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: RS-60

EXISTING CONDITIONS: Undersized lot

VARIANCES REQUESTED:

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Front Yard Setback	15'	10'
25' Rear Yard Setback	19'	6'

APPLICANT'S BASIS FOR VARIANCE:

Applicant wishes to build a single family residence. Due to 89' lot depth, variances are need on the front and rear yard setbacks.

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

Action: APPROVED DENIED TABLED



**CITY OF MCKINNEY
BOARD OF ADJUSTMENT APPLICATION**

Type of Request:

Variance Special Exception Appeal

FILLING FEE \$50.00

RECEIPT DATE _____

Property Location:
 1401 N. College St, McKinney TX 75069
Address City State Zip
 Lot 4 Block 2
Lot Number Block Subdivision Name

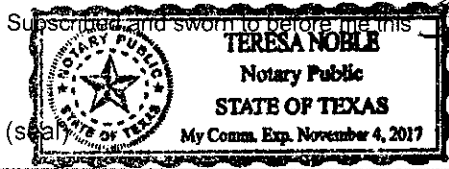
Owner's Information:
 Alex Camacho 469-450-5951
Owner's Name (PRINTED) Phone Number
 1605 N. College St McKinney TX 75069
Address City State Zip
 Owner is giving Michael Camacho authority to represent him/her at the meeting.
Applicant's Name

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

[Signature]
 Owner's Signature

STATE OF TEXAS
 COUNTY OF Collin

Subscribed and sworn to before me this 30 day of March, 2015



[Signature]
 Notary Public
 My Commission expires: 11-4-17

Applicant's Information:
 Michael Camacho 469-219-0136
Name Company Name Phone Number
 1605 N. College St McKinney TX 75069
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			
Front Yard	25	15	10
Rear Yard	25	19	6
Driveway			
Other			



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:

Will not obstruct view of surrounding Properties from safely entering and exiting Driveway.

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:

lot is undersized

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:

lot is undersized

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:

yes

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.

Michael Lamm
Applicant's Signature

STATE OF TEXAS

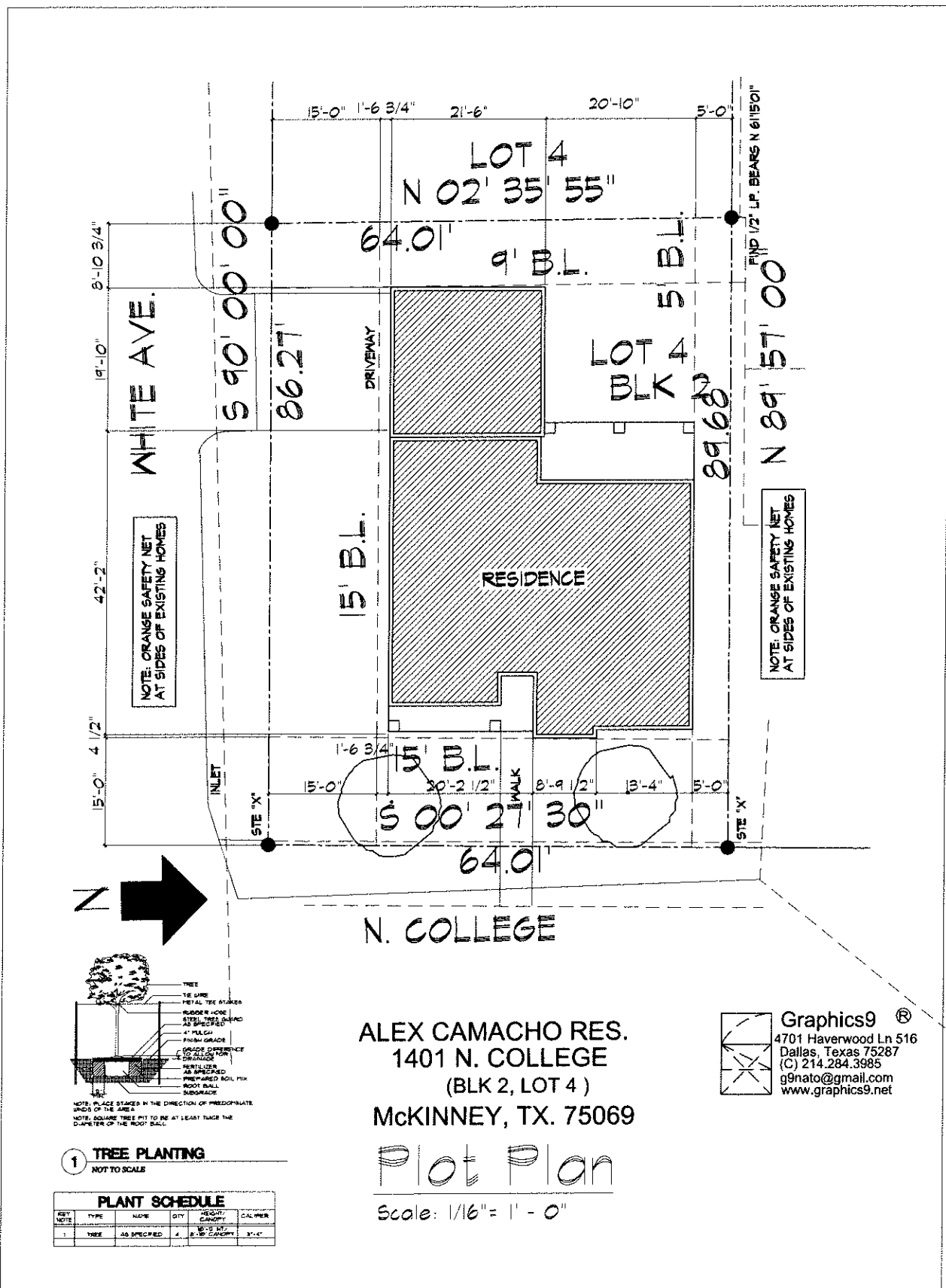
COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public

My Commission expires: _____

(seal)



"SURVEY PLAT"

PROPERTY DESCRIPTION:
 BEING A PART OF LOT 4, IN BLOCK 2, OF COLLEGE STREET, AN ADDITION TO THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, ACCORDING TO THE MAP RECORDS OF COLLIN COUNTY, TEXAS, IN VOLUME 1, PAGE 45, OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS, AND BEING A RESURVEY OF A TRACT OF LAND DESCRIBED IN A DEED TO GRACIE ETTER DAVIS, OF RECORD IN VOLUME 1480, PAGE 777, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X" SET FOR CORNER AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF N. COLLEGE STREET (50' RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF WHITE AVENUE (50' RIGHT-OF-WAY), AT THE SOUTHEAST CORNER OF SAID LOT 4;

THENCE SOUTH 90°00'00" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID WHITE AVENUE, A DISTANCE OF 86.27 FEET TO A 5/8" IRON ROD SET FOR CORNER AT THE SOUTHWEST CORNER OF SAID DAVIS TRACT COMMON TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO ENRIQUE E. RAMIREZ, OF RECORD IN VOLUME 9971, PAGE 3210, DEED RECORDS OF COLLIN COUNTY, TEXAS;

THENCE NORTH 02°35'55" WEST ALONG THE COMMON LINE OF SAID DAVIS AND RAMIREZ TRACTS, A DISTANCE OF 64.01 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE COMMON NORTH CORNER THEREOF, FROM WHICH A 1/2" IRON PIPE FOUND FOR REFERENCE BEARS NORTH 81°15'01" EAST, A DISTANCE OF 2.3';

THENCE NORTH 89°57'38" EAST ALONG THE COMMON LINE OF SAID DAVIS TRACT, A DISTANCE OF 89.68 FEET TO AN "X" SET FOR CORNER AT THE NORTHEAST CORNER THEREOF, IN THE WEST RIGHT-OF-WAY LINE OF SAID N. COLLEGE STREET;

THENCE SOUTH 00°27'30" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID N. COLLEGE STREET, A DISTANCE OF 64.01' TO THE PLACE OF BEGINNING AND CONTAINING 5,628 SQUARE FEET OR 0.129 ACRES OF LAND.

JOHN H. BAILEY, II ET UX
 CCH #9-0097445
 D.R.C.C.T.

(DEED=N 90°00'00" E 90.00'
 N 89°57'38" E 89.68'

LOT 5

FND 1/2" I.P. BEARS
 N 81°15'01" E 2.22'

FND 1/2" I.R.
 N 02°35'55" W 64.01'

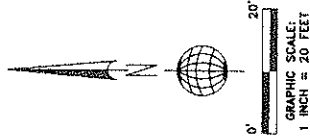
REM. OF
 LOT 4
 BLOCK 2
 ENRIQUE E. RAMIREZ
 VOLUME 9971, PAGE 3210
 D.R.C.C.T.

PART OF
 LOT 4
 BLOCK 2
 5,628 SQ. FT.
 (0.129 ACRES)
 (VACANT LOT)

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

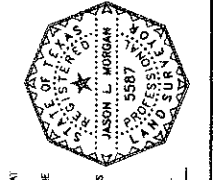
S 90°00'00" W 86.27'
 REF. BRG. (DEED=90.00')

WHITE AVENUE
 (50' R.O.W.)



CERTIFIED TO: MICHAEL CAMACHO		DATE: 12/24/2014	OFF: N/A	ESMT: EASEMENT	B.L.: BOUNDARY LINE	RIGHT-OF-WAY: RIGHT-OF-WAY
FND	FOUND	I.R.	IRON ROD	I.P.	IRON PIPE	

SYMBOL LEGEND	
—	WOOD FENCE
—	CHAIN LINK FENCE
—	WIRE FENCE
—	W/SLANT IRON FENCE
—	COLLUM
—	POWER POLE
—	W/SLANT W/SLANT
—	POPULARE
—	CONCRETE SERVICE LINE
—	TRANSFORMER AND PAD
—	60' METER
—	ASPHALT SURFACE
—	CONCRETE



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 SURVEY AS CONDUCTED 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 ORIGINAL SURVEY MAP. THE ONLY DOCUMENTS REFERRED TO IN THIS DOCUMENT ARE THOSE SPECIFICALLY REFERENCED IN THE METES AND BOUNDS HEREON. ALL INFORMATION FURNISHED TO THE SURVEYOR THEREBY MAY BE SUBJECT TO OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PLAT.

JASON L. MORGAN
 RPLS 35810

Global Land Surveying, Inc.
 SERVING THE GREATER DALLAS-FORT WORTH METROPLEX SINCE 2002



NOTES:
 1) ALL CORNERS LABELED HEREON AS "SET 5/8" I.R." HAVE A YELLOW CAP STAMPED "R.P.L.S. 5597"
 2) (P.P.) INDICATES BUILDING LINES, EASEMENTS, E.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.
 3) ALL "DEED" BEARINGS AND DISTANCES SHOWN HEREON ARE PER DEED RECORDED IN VOLUME 1490, PAGE 77, DEED RECORDS OF COLLIN COUNTY, TEXAS.

FLOOD STATEMENT:
 ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480135 0280J, DATED 09/02/2009, OF FLOOD INSURANCE RATE MAPS FOR COLLIN COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO BE WITHIN THE "FLOOD HAZARD" ZONE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

GLOBAL LAND SURVEYING, INC.
 2030 AVENUE G, SUITE 1104
 PLANO, TEXAS 75074
 PHONE (972) 881-1700
 FAX (972) 423-0083
 WWW.GLS-INC.COM