

## AGENDA ITEM 17-03

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Doug and Melissa Willmarth for an 18' Variance from the Minimum Rear Yard setback of 25', for the Property Located at **804 N. College Street, McKinney Texas.**

**MEETING DATE:** March 29, 2017

**DEPARTMENT:** Development Services-Building Inspections

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

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**ZONING:** RD-30 Duplex Residential District

**EXISTING CONDITIONS:** Conforming lot width, depth and size yet non-conforming setback of house at front yard (less than 25') and detached garage at rear (less than 3'). Current rear yard setback to house is 32' (25' required).

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Rear Yard Setback	7'	18'

**APPLICANT'S BASIS FOR VARIANCE:**

Applicant requests the variance to allow an extension of the rear portion of the house to close in an existing non-covered porch and deck and connect a breezeway to the detached garage. The addition would place the rear of the house at 7' 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 (width, length and size) the house location is non-conforming and should be considered as a condition of variance for the extension of the house, as noted. The applicant has made reference to the intent of the ordinance setbacks by referencing the area of the unused alley as a condition of additional area separation from adjacent property and not affecting any adjoining property or the general welfare.

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**





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:

There is a little used dirt alley between our lot and the neighbors behind us. This will provide more than the 25' of distance between our lot and the property of the neighbors behind us - so the proposed improvement will not be at all encroaching on that distance. (see attached photos).

- 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 property is small with main house, detached garage and deck existing. This project seeks to connect those pieces and provide a cover to the porch in a design that unifies and complements the overall appearance. Due to the small lot, that can not be accomplished within the 25' setback. We attempted to purchase the unused alley but were not successful. The only way for us to unify the design and cover the deck is with this variance request.

- 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 are seeking to improve & beautify the existing structures to make more functional and improve overall visual appeal of the property.

- 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:

Our request is to provide a covered porch and to cover part of the deck to be able to enjoy the backyard and provide shelter from the rain and sun. Many of the houses and new construction in this area with small lots have reduced setbacks. We believe our proposed plan is consistent with the character of the houses & lots in the neighborhood and was intentionally planned to be very harmonious with the house and have limited impact and visibility from the alley in back.

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

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

[Handwritten Signature]
Applicant's Signature

STATE OF TEXAS
COUNTY OF \_\_\_\_\_

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

Notary Public
My Commission expires: \_\_\_\_\_

(seal)

## Variance request for 804 N College St., McKinney

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We are requesting a variance request to reduce the setback required on our lot from 25' to 7' in order to cover the porch and deck in our backyard as well as connect the entry to the garage apartment with the main house. Our small, odd shaped lot creates a hardship whereby we could not provide for cover on the back porch or deck without a variance. Fortunately, there is an unused alley behind the property which will allow for the variance without affecting the properties around us or the general welfare.

We purchased the home next year and relocated to the historic district because we love the character of the homes and neighborhood here. But we quickly discovered the elements and lack of any cover in the back kept us from enjoying our yard.

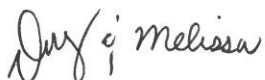
The proposed design is intended to provide cover and unify the two existing structures in a way that preserved the historic look and improve the appearance of the property with minimal impact to neighboring properties. It would provide the ability for us to enjoy our backyard with protection from the elements without intruding on the space of any of our neighbors.

The reduced setback from the rear property line would not impact our neighbors because there is a unused dirt alley behind our property that provides 30 feet of separation between the properties. Further, all the houses that back up to the alley all have tall fences & buildings right up to the property line, including the property across the alley behind us. This alley is almost never used, but has been left open because there are three properties at the far of the "L" shaped alley down by the Board street exit that have garages that backup to the alley. (see pictures attached)

The very small and odd shape of our lot creates a hardship whereby we could not add cover with the existing setback. We have observed that many houses in the neighborhood are closer to the lot line or have reduced setbacks similar or closer than our request (especially the new builds). The proposed variance would be in keeping with the character of this neighborhood. And we believe the design enhancing the visual appeal of the home and the neighborhood. We've been careful to keep the profile of the covered structure low and the overall design in harmony with the home and style of the surrounding historic properties.

The dirt alley is a further mitigating factor. The space creates a 30' buffer between my property and the property behind. The alley has virtually no useage, so there would be virtually no impact of the proposed improvement on the general welfare. There is very little traffic. And since the properties on the alley have large fences on the property line - so the proposed cover would barely be visible.

Thank you for considering our request. We respectfully hope that you will recognize the hardship the small, odd shaped old lot creates. And that you will take into account the unusual circumstance of the dirt alley, which allows this request with no impact to the adjoining properties or general welfare.



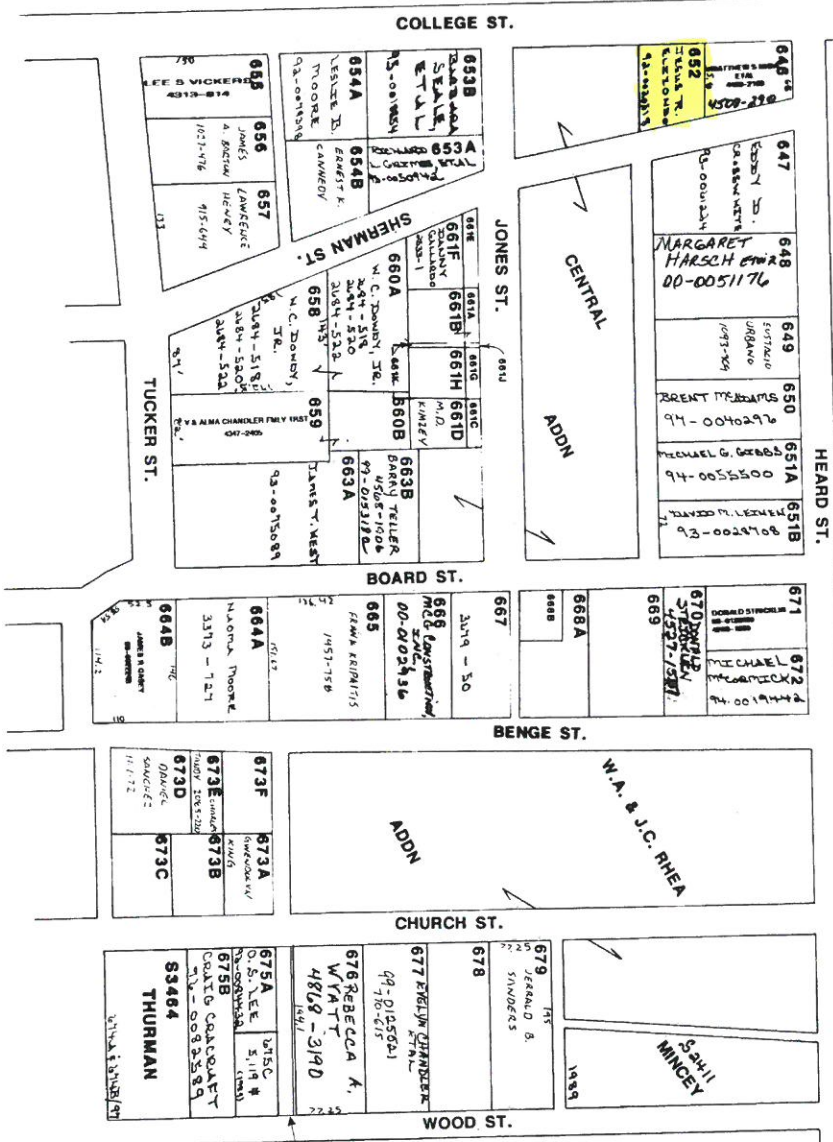
Doug & Melissa Willmarth

From Kwan-zony

1163

Platted as lot 652

MCKINNEY OUTLOTS  
646-680



CENTRAL APPRAISAL DISTRICT  
COLLIN COUNTY



SCALE: 1"=100'

S0926

ACCT # 0826

These lots were created by ORD 97-08-50  
 3' x 200' strip is R-0926-000-675A-1  
 17' x 200' strip is R-0926-000-675D-1

93-008239U  
 DALLAS FOREST W. PLATNE,  
 606 M.D. KINZIE  
 6616 DANNY VALLEADO 2523-1

93-008239U  
 DALLAS FOREST W. PLATNE,  
 606 M.D. KINZIE  
 6616 DANNY VALLEADO 2523-1

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 DALLAS FOREST W. PLATNE,  
 606 M.D. KINZIE  
 6616 DANNY VALLEADO 2523-1

## Sec. 146-75. - RD 30 - Duplex Residence district.

- (a) *Purpose.* The "RD 30" - Duplex Residence zone is designed to provide suitable family life for one- and two-family dwelling areas on lots of moderate size. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.
- (b) *Permitted uses.* The following uses are permitted in the "RD 30" - Duplex Residence zone:
- (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation; and
  - (2) Other uses indicated as being permitted in the "RD 30" - Duplex Residence zone in the Schedule of Uses shall be allowed.
- (c) *Permitted accessory uses.* The following accessory uses are permitted in the "RD 30" - Duplex Residence zone:
- (1) Signs not to exceed two square feet in area identifying the premises and occupant, but not including advertising matter;
  - (2) The keeping of dogs, cats and other household pets, but limited to two animals over six months old;
  - (3) Rental of sleeping rooms to two individuals not members of the family of the occupant of the dwelling. No signs advertising the availability of such rooms shall be displayed;
  - (4) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length shall be permitted in the rear yard;
  - (5) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard; and
  - (6) Real estate lease or sale signs relating to the property on which the sign is located.
- (d) *Space limits.*
- (1) Minimum lot area: 5,000 square feet for one unit; 6,000 square feet for a duplex; and
  - (2) The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RD 30" - Duplex Residence zone shall apply.
- (e) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-70; Ord. No. 1270, § 3.08, 12-15-1981; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § 1.24, 8-20-2002; Ord. No. 2004-12-124, § 1, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2011-04-026, § 4, 4-19-2011; Ord. No. 2012-11-056, § 28, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 7, 3-4-2014)

ZONING REGULATIONS

App. F, § F-1

APPENDIX F. SCHEDULES

Section F-1. Schedule of space limits.

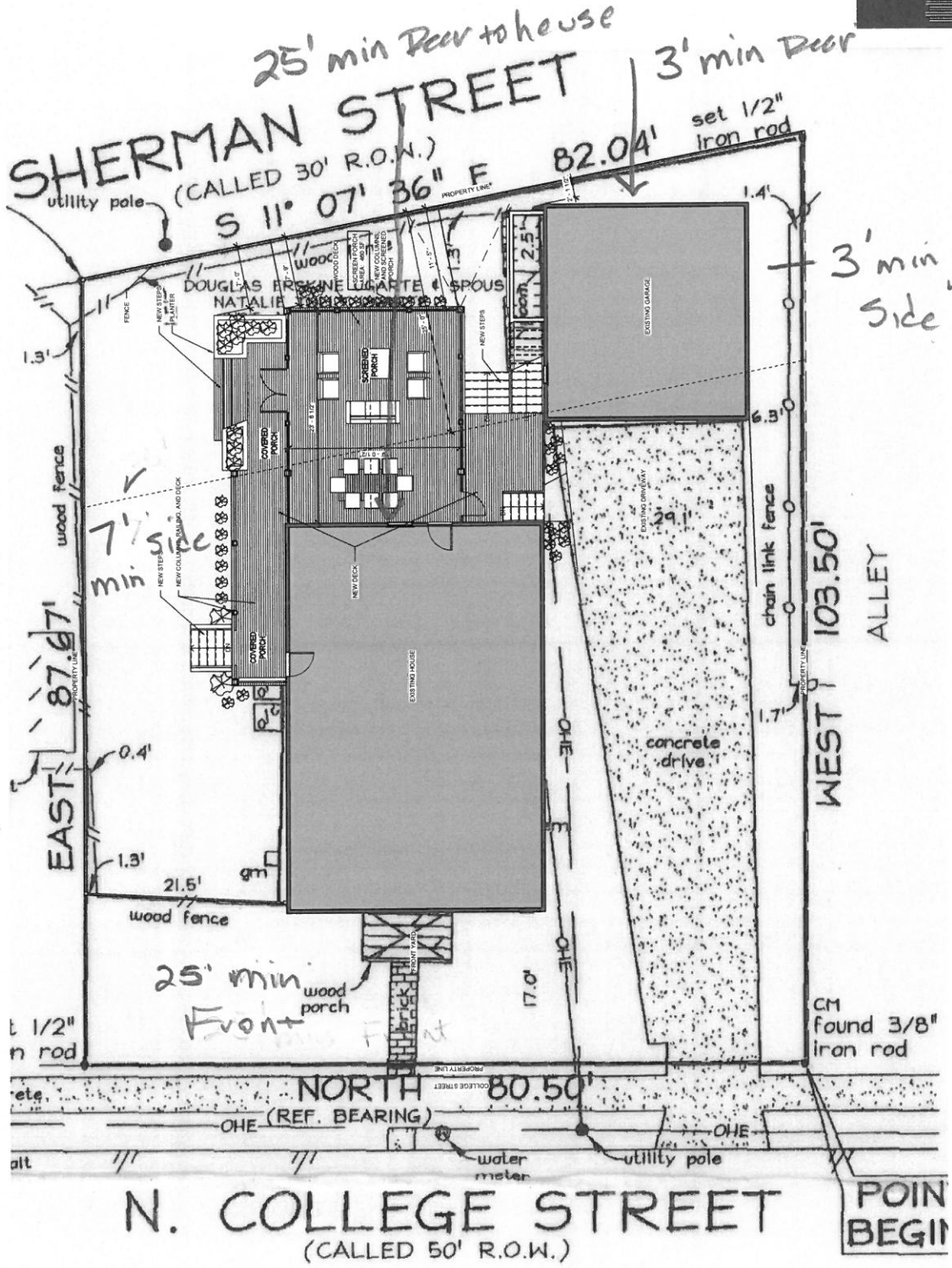
Zoning District	Space Limits										
	Minimum lot area	Minimum lot width	Minimum lot depth	Minimum front yard setback	Minimum rear yard setback	Minimum side yard setback of interior lots	Minimum side yard setback of corner lots	Maximum height of structure	Maximum lot coverage	Maximum Floor Area Ratio	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
RS 84	8,400 sq. ft.	70'	110'	25'	25'	10'	15'	35'	n/a	n/a	5.0
RS 72	7,200 sq. ft.	60'	100'	25'	25'	6'	15'	35'	n/a	n/a	6.0
RS 60	6,000 sq. ft.	50'	100'	25'	25'	5'	15'	35'	n/a	n/a	7.0
RS 45	4,500 sq. ft.	40'	100'	20'	20'	(1)	15'	35'	n/a	n/a	8.0
RD 30	(1)	50'	100'	25'	25'	7'	15'	35'	n/a	n/a	14.5
RG 27	2,700 sq. ft.	25'	100'	20'	20'	(1)	15'	35'	n/a	n/a	14.5
RG 25	(1)	50'	100'	25'	25'	7'	25'	35'	n/a	n/a	17.0
RG 16 [18]	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	50%	(1)	(1)
MF-1	3,600 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	12.0
MF-2	2,700 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	16.0
MF-3	2,100 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	20.0
MP	(1)	(1)	(1)	(1)	(1)	(1)	(1)	35'	n/a	n/a	8.0
NC	7,000 sq. ft.	60'	100'	25'	(1)	(1)	25'	35'	40%	0.4 : 1.0	n/a
BN	7,500 sq. ft.	50'	(1)	25'	20'	(1)	(1)	35'	70%	0.6 : 1.0	n/a
BG	(1)	(1)	(1)	(1)	10'	(1)	15'	45'	95%	2.0 : 1.0	n/a
C	0'	0'	0'	25'	(1)	(1)	15'	55'	50%	1.0 : 1.25	n/a
O-1	7,000 sq. ft.	60'	100'	25'	(1)	(1)	25'	35'	50%	0.5 : 1.0	n/a
O	0'	0'	0'	50'	(1)	(1)	(1)	(1)	50%	1.0 : 1.0	n/a
BC	10,000 sq. ft.	80'	100'	25'	(1)	(1)	25'	45'	70%	1.0 : 1.0	n/a
ML	(1)	50'	0'	25'	0'	0'	20'	(1)	75%	1.0 : 1.0	n/a
MH	(1)	50'	0'	20'	0'	0'	10'	(1)	50%	1.0 : 1.0	n/a
AP	0'	0'	0'	25'	(1)	(1)	15'	45'	n/a	n/a	n/a
GC	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	12.0 : 1.0	(1)
PD	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
MTC	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
SF12	12,000 sq. ft.	80'	120'	25' (3)	20'	10'	20'	35'	n/a	n/a	3.2 (5)
SF10	10,000 sq. ft.	70'	110'	25' (3)	20'	10'	20'	35'	n/a	n/a	3.2 (5)
SF8	8,000 sq. ft.	60'	100'	20' (3)	15' (7)	7'	15' (7)	35'	n/a	n/a	3.2 (5)
SF7.2	7,200 sq. ft.	50'	90'	20' (3)	15' (7)	5'	15' (7)	35'	n/a	n/a	3.2 (5)
SF5	5,000 sq. ft. (4)	40' (6)	80'	20' (3)	15' (7)	0' (10)	15' (7)	35'	n/a	n/a	3.2 (5)
DR (9)	6,000 sq. ft.	40' (6)	80'	20'	15' (7)	5'	15' (7)	35'	n/a	n/a	6.4
TH (9)	2,700 sq. ft.	25' (6)	80'	20'	15' (7)	10' between buildings	15' (7)	35'	n/a	n/a	8.0 (1)
SO	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	35'	70%	n/a	n/a



804 COLLEGE STREET,  
MCKINNEY, TEXAS 75069

**THE WILLMARTH RESIDENCE**

02.24.17



CONDUIT ARCHITECTURE  
ARCHITECTURE  
CONSTRUCTION  
MCKINNEY, TEXAS, TX

1 SITE/FLOOR PLAN  
3/16" = 1'-0"

conduited.com

t 972.302.9747

conduit architecture • design llc

# Pictures of Alley



View Looking South From Heard St.  
→ width of alley between property lines is  
25'



View of 804 N College from alley

# Pictures of Alley



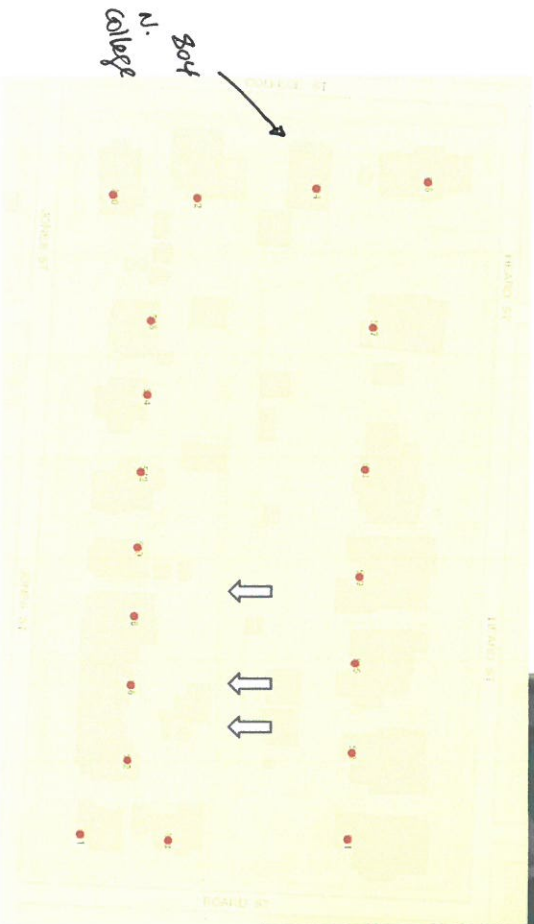
View of alley at 90 degree turn  
Looking North toward Heard St.



View of alley at 90 degree turn  
Looking East toward N Board St.

# 804 N College St

Un-paved alley  
from W Heard to Board St



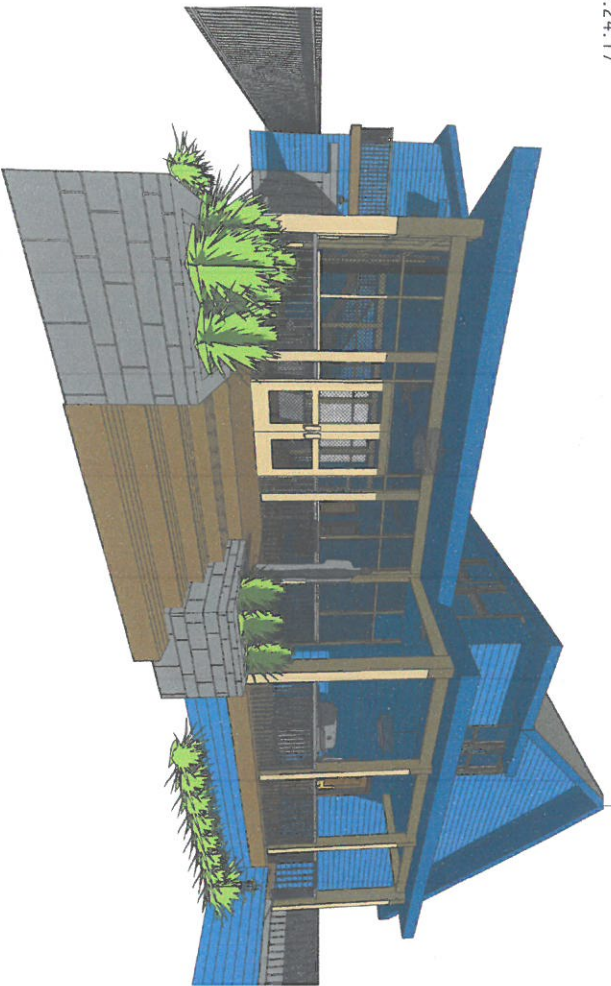
Three properties have vehicle access to the alley  
All are closer to N Board than W Heard exit

# THE WILLMARTH RESIDENCE

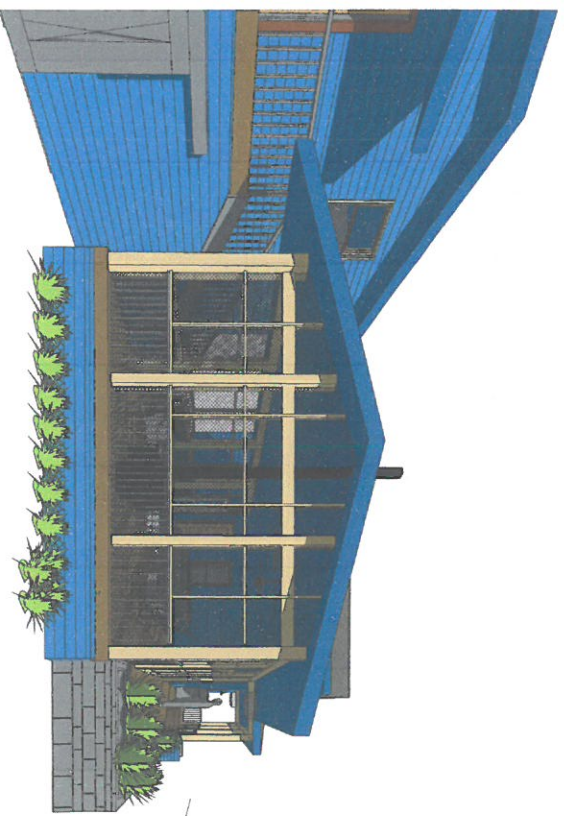
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804 COLLEGE STREET,  
MCKINNEY, TEXAS 75069

SCHEMATIC DESIGN



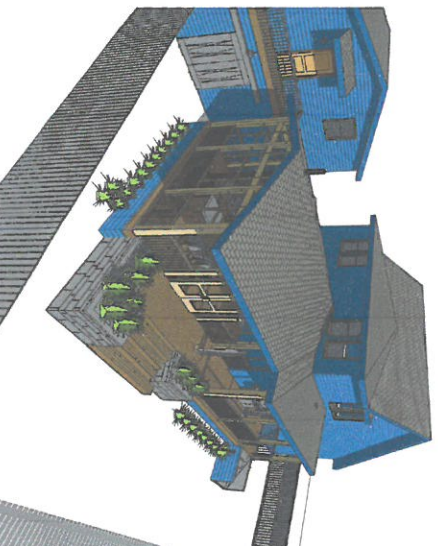
1 3D VIEW OF ADDITION



4 3D REAR VIEW



2 3D INTERIOR VIEW

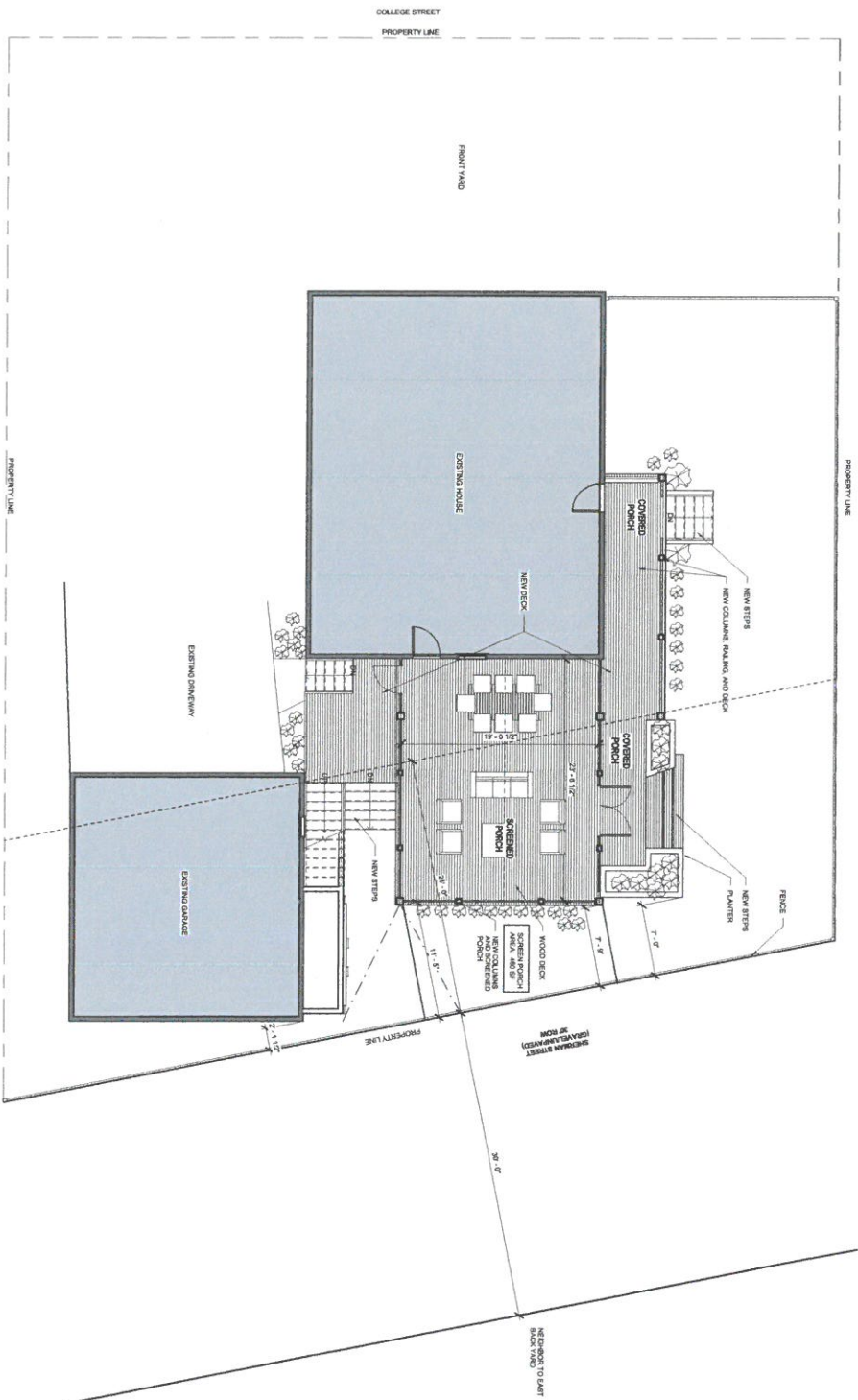


3 3D BIRDSEYE VIEW

# THE WILLMARTH RESIDENCE

804 COLLEGE STREET,  
MCKINNEY, TEXAS 75069

SCHEMATIC PLAN  
3/16" = 1'-0"



1 SITE / FLOOR PLAN  
3/16" = 1'-0"



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conduitald.com

NOT FOR CONSTRUCTION  
OR  
CONSTRUCTION  
MAY 2014, TX



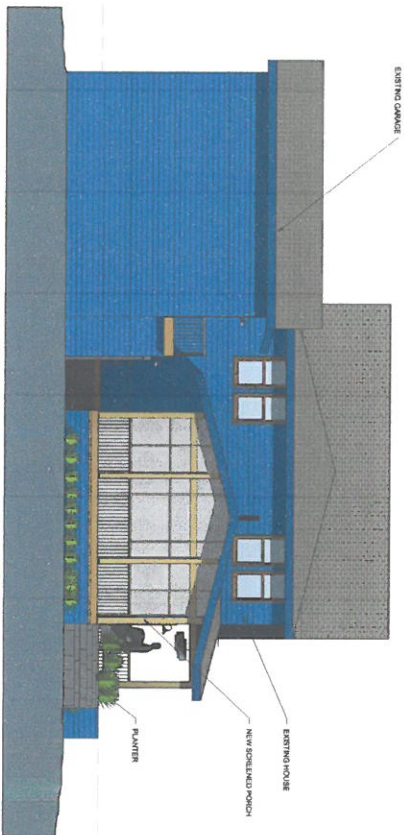
# THE WILLMARTH RESIDENCE

02.24.17

804 COLLEGE STREET,  
MCKINNEY, TEXAS 75069

SCHEMATIC DESIGN

3/16" = 1'-0"



**1 EAST ELEVATION (REAR)**

3/16" = 1'-0"



**2 NORTH ELEVATION (SIDE)**

3/16" = 1'-0"