

AGENDA ITEM 17-06

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Justin Nunn for Opportune Development LLC - Barnes Series for a 6.6" variance from the minimum front yard setback of 25' for the main house and 3.8" variance from the minimum rear yard setback of 10' for the detached garage at the duplex property located **802/804 Barnes Street, McKinney, Texas**. The requested variances must be considered before the property is re-platted.

MEETING DATE: May 31, 2017

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: RS 60

EXISTING CONDITIONS: The Duplex is a non-conforming use since it is not allowed in the RS 60, yet the use is not changing and can remain as non-conforming. The property has been submitted for a re-plat to allow separate property lots per duplex.

VARIANCES REQUESTED:

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Front Yard Setback for Main Structure	18.4'	6.6'
10' Rear Yard Setback for Detached Garage	6.2'	3.8'

APPLICANT'S BASIS FOR VARIANCE: The current property has 2 duplexes with the property line running through the middle of each structure that was built in 1960. Applicant desires to re-plat and place the property line between the two duplex structures.

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 validated and the Board has the authority to consider this variance request. The re-plat process requires the creation of conforming lots so the variances must be considered before the re-plat is considered by the City (Re-plat has been filed). If a recommendation is made to approve the variance, I suggest you make the motion that said variance approval is only applicable to the submitted plat (exhibit).

SUPPORTING MATERIALS:

Variance Application
Property Locator Maps
Proposed Re-plat
Exhibit

Action: APPROVED DENIED TABLED



BOARD OF ADJUSTMENT APPLICATION

VARIANCE SPECIAL EXCEPTION APPEAL TODAY'S DATE: 4/28/2017 *5/2/17*

****CONTACT INFORMATION****

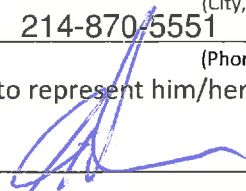
PROPERTY LOCATION*: 802 / 804 Barnes St.
(Street address)

Subdivision: F M Hill Addition Lot: 25 (25R) Block: 3
*Application not applicable in the ETJ (Extra Territorial Jurisdiction)

Property Owner: Opportune Development LLC - Barnes Series PO Box 6357 McKinney, TX 75071
(Name) (Address) (City, State, & Zip Code)

opportunedevlopment@gmail.com 214-870-5551
(Email) (Phone)

Property Owner is giving Justin Nunn authority to represent him/her at meeting.
(Applicant Name)

Property Owner Printed Name: Justin Nunn Property Owner Signature: 

Applicant: Justin Nunn 607 Fallen Branch Dr. McKinney, TX 75070
(Name) (Address) (City, State, & Zip Code)

opportunedevlopment@gmail.com 214-870-5551
(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	25'	18.4'	6.6'
Rear Yard			
Driveway			
Other	Detached Garage - 10'	6.2'	3.8'

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:

The variance affects existing structures from the 1960's that are already non-conforming to the zoning setbacks. This change actually makes less setbacks non-conforming than it is currently. It will not affect surrounding properties any differently.

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 variance affects existing structures from the 1960's that are already non-conforming to the zoning setbacks.

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:

The variance affects existing structures from the 1960's that are already non-conforming to the zoning setbacks.

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:

The 2 structures are unable to be separated as independent structures / properties as the lots are currently running through the middle of each structure. Our proposal allows the 2 structures to be their owner properties as needed in the future.

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)

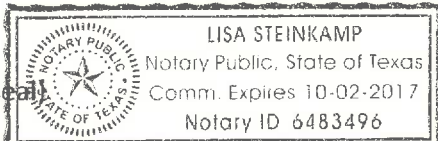
Applicant's Signature

STATE OF TEXAS

COUNTY OF Collin

Subscribed and sworn to before me this 29 day of April, 2017

Notary Public



My Commission expires: 10/2/17

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:

Date: 4/10/2017

Subject: 808 Barnes – Minor Replat – Letter of Intent

To: City of McKinney – Planning Department

To Whom it May Concern:

808 Barnes St is two lots (25 and 26) combined into one property in the Historic Downtown McKinney area on block 3 of the F. M. Hill Addition. It is .344 acres of property located on the west side of Barnes street between Pine Street to the North and Raines St to the south. The property currently has 2 separate structures, each are considered residential duplexes and the 2 lot lines are running through the middle of the structures. They were both built in the 1960's.

The reason for this minor replat is to remove the lot lines running through the middle of each structure and to subdivide the structures from each other as they are currently considered one property.

The zoning in this area is RS-60 and in the current condition it does not meet setbacks required of that zoning. It comes closer to meeting all the setbacks with this proposal minor replat and would meet the side and rear setbacks.

Thank you for your consideration and please call me with any questions.

A handwritten signature in black ink, appearing to read 'Justin Nunn', with a long horizontal line extending to the right.

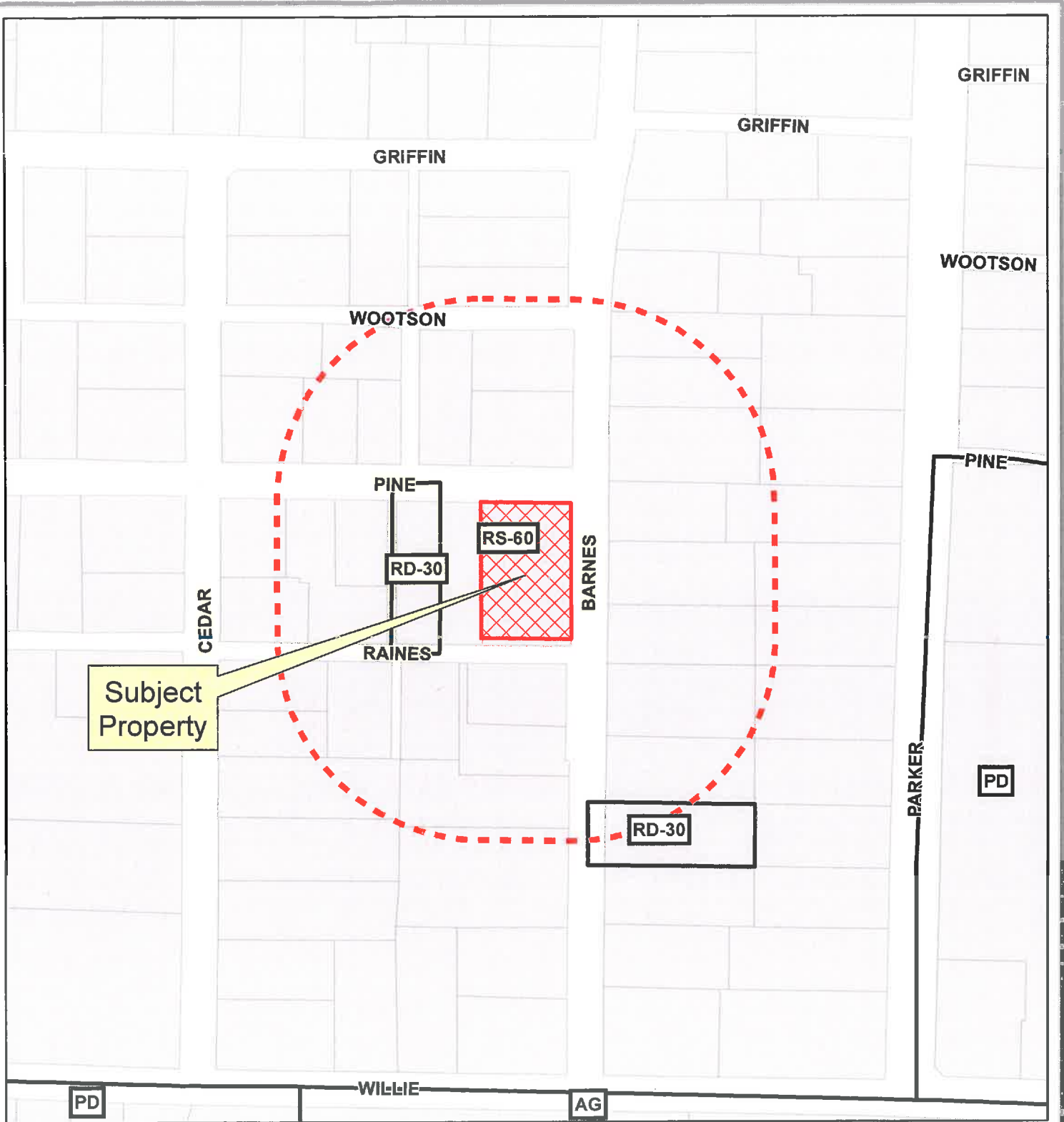
Justin Nunn

PO Box 6357

McKinney, Texas 75071

214-870-5551

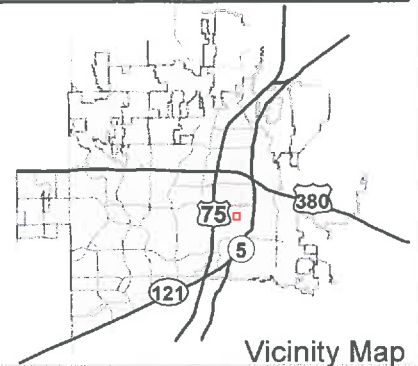
Path: S:\MCKGIS\Notification\Projects\2017\806-808 802-804 Barnes.mxd



Notification Map

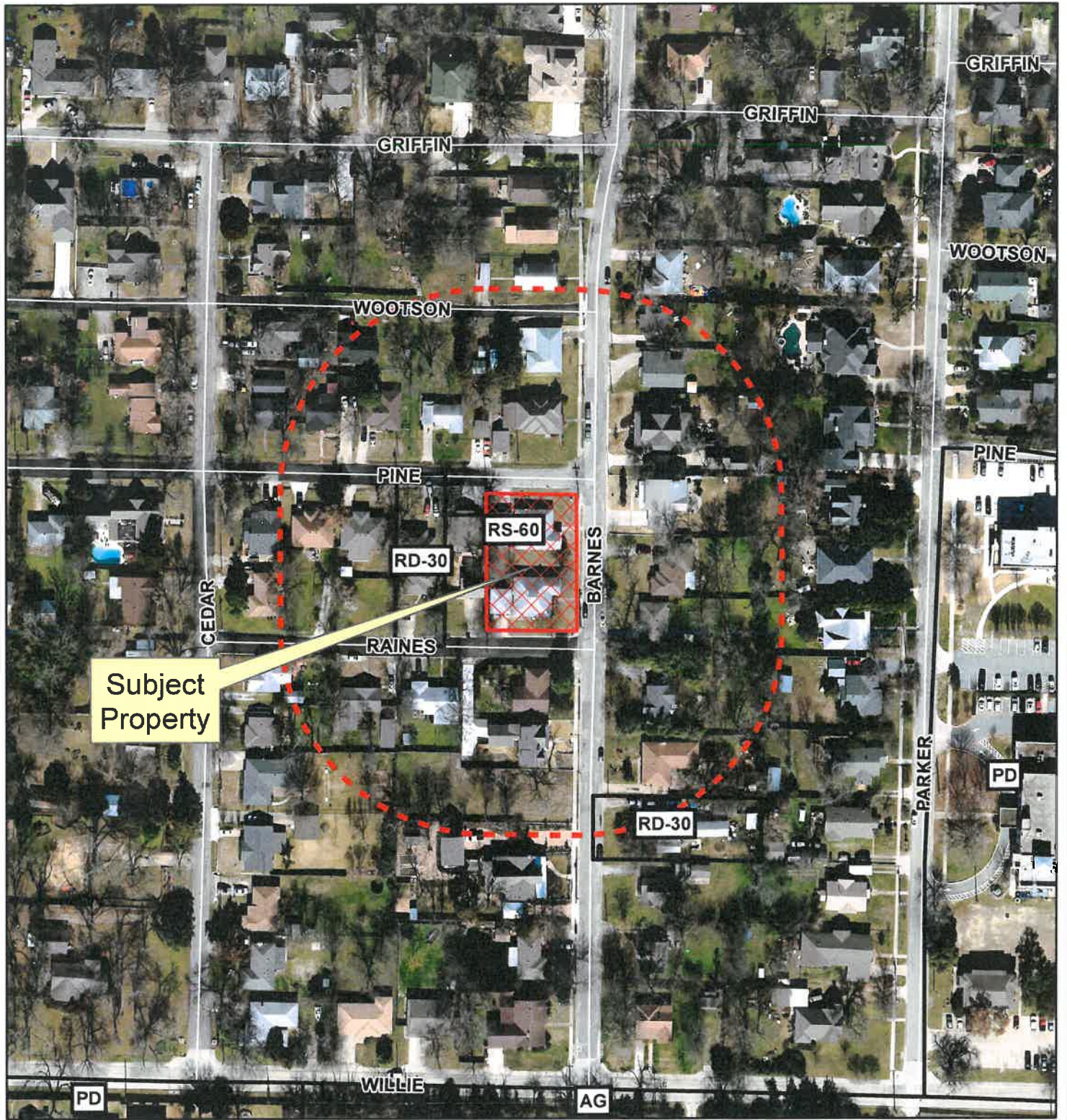
Case:
806-808 / 802-804 Barnes Street

--- 200' Buffer

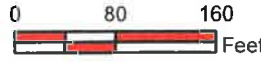


Vicinity Map

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



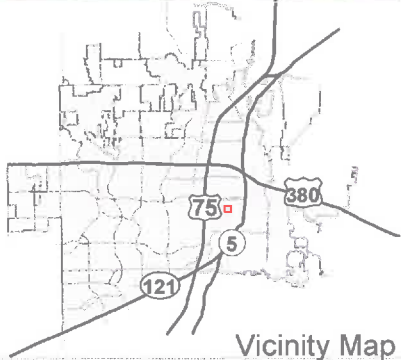
Subject Property



Notification Map

Case:
806-808 / 802-804 Barnes Street

--- 200' Buffer

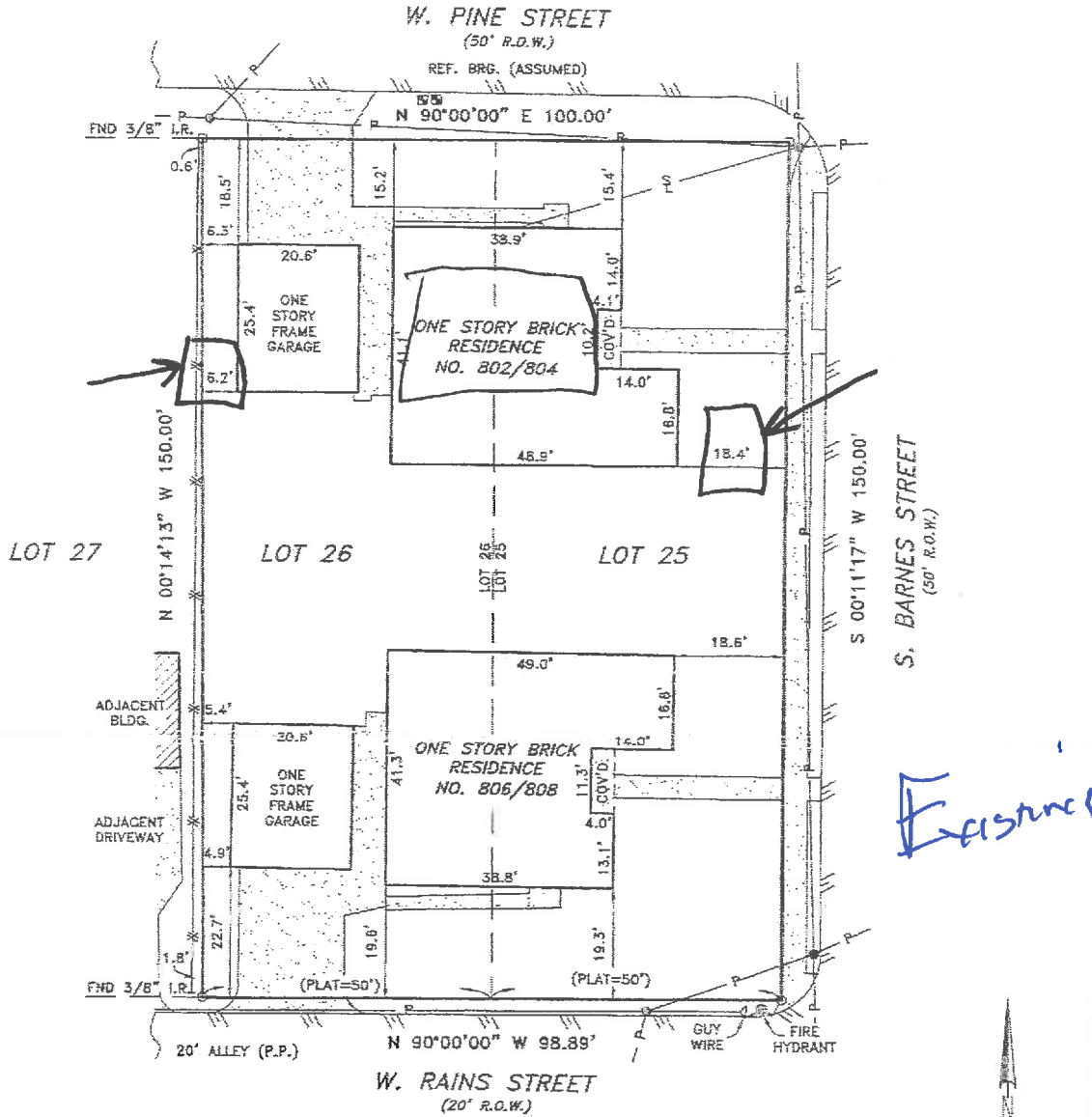


Vicinity Map

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"SURVEY PLAT"

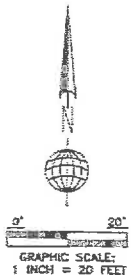
BEING SITUATED IN COLLIN COUNTY, TEXAS IN THE CITY OF MCKINNEY AND BEING LOTS 25 AND 26 IN THE FM HILL REVISED ADDITION TO THE CITY OF MCKINNEY, A PLAT OF WHICH IS ON RECORD IN VOLUME 102, PAGE 580-581, COLLIN COUNTY DEED RECORDS.



Existing

FLOOD NOTE:
 ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480135 02804, DATED 06/02/09, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR COLLIN COUNTY, TEXAS, THE SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

NOTE:
 (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.



SYMBOL LEGEND		FND = FOUND	I.R. = IRON ROD	I.P. = IRON PIPE	ESMT. = EASEMENT	B.L. = BUILDING LINE
—//—	WOOD FENCE					
—x—	CHAIN LINK FENCE					
—x—	WIRE FENCE					
—o—	WROUGHT IRON FENCE					
⊗	COLLIAR					
⊙	POWER POLE					
⊠	WATER METER					
—P—	POWERLINE					
—S—	OVERHEAD SERVICE LINE					
—T—	TRANSFORMER AND PAD					
—G—	GAS METER					
—A—	ASPHALT SURFACE					
—C—	CONCRETE					

I, 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 SUBJECT PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND WAS PERFORMED IN CONJUNCTION WITH TITLE COMMITMENT OF NO. 09R18179 PROVIDED BY REPUBLIC TITLE REFLECTING ONLY THE EASEMENT(S) LISTED IN SCHEDULE "B" OF SAID COMMITMENT.

Jason L. Morgan
 JASON L. MORGAN R.P.L.S. NO. 5587



THIS SURVEY WAS PERFORMED FOR:

REPUBLIC TITLE

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.

NAME KNOWLES
 JOB NO. 09-06-092
 DATE 06/15/09
 GF# 09R18179
 TECH JLM
 DRN. BY BRS

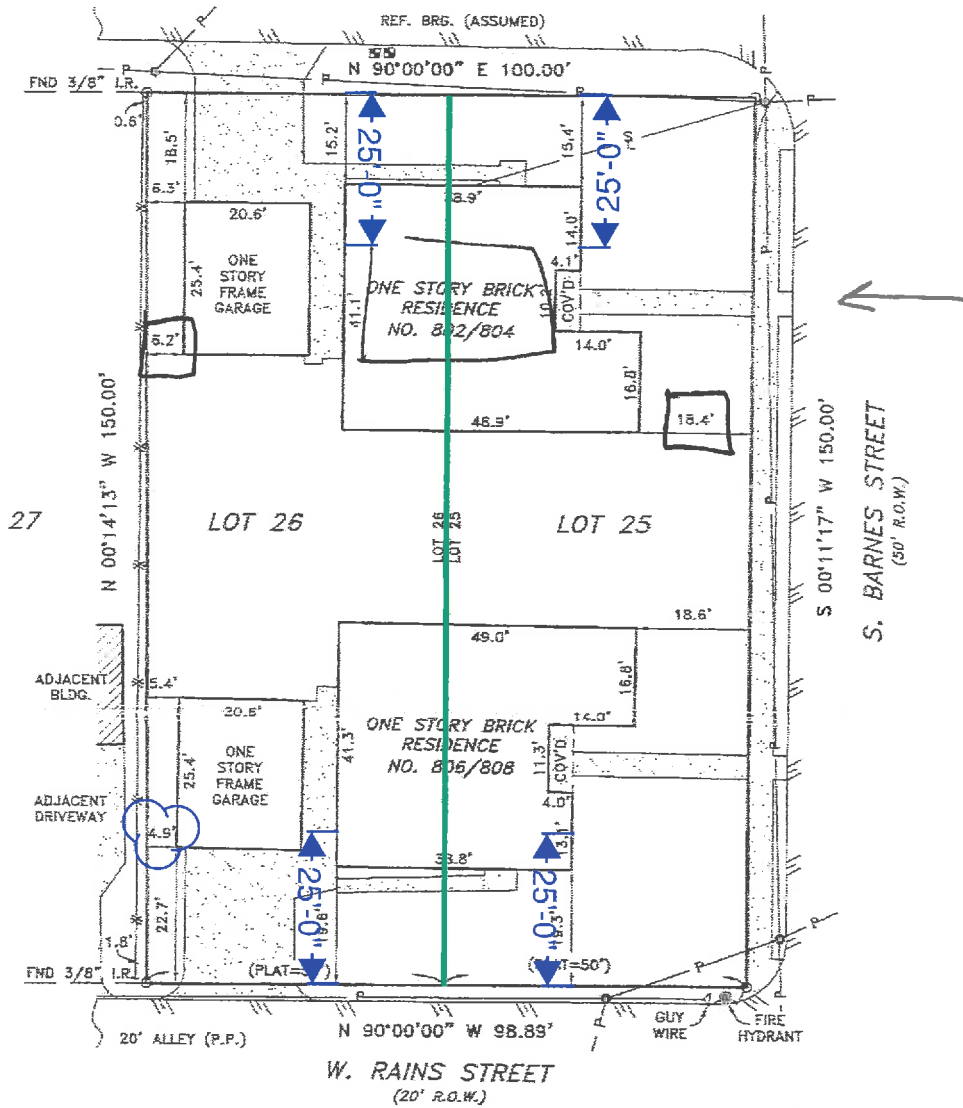
Global Land Surveying, Inc.

704 Central Parkway East
 Suite 1214
 Plano, Texas 75074
 Phone (972) 881-1700
 Fax (972) 423-1063
 email: info@gis-inc.com

808 Barnes
Existing Property Lines and Setbacks Exhibit

17-098MRP - F.M. Hill Addition

Zone	Area	Minimum lot area	Minimum lot width	Minimum lot depth	Minimum front setback	Minimum side and rear setbacks	Minimum lot coverage	Maximum height of structure	Maximum lot coverage	Maximum floor area ratio	Max. Am. flow per
RS-60	5,000 sq ft	50	100	25	25	5'	15	35	n/a	n/a	

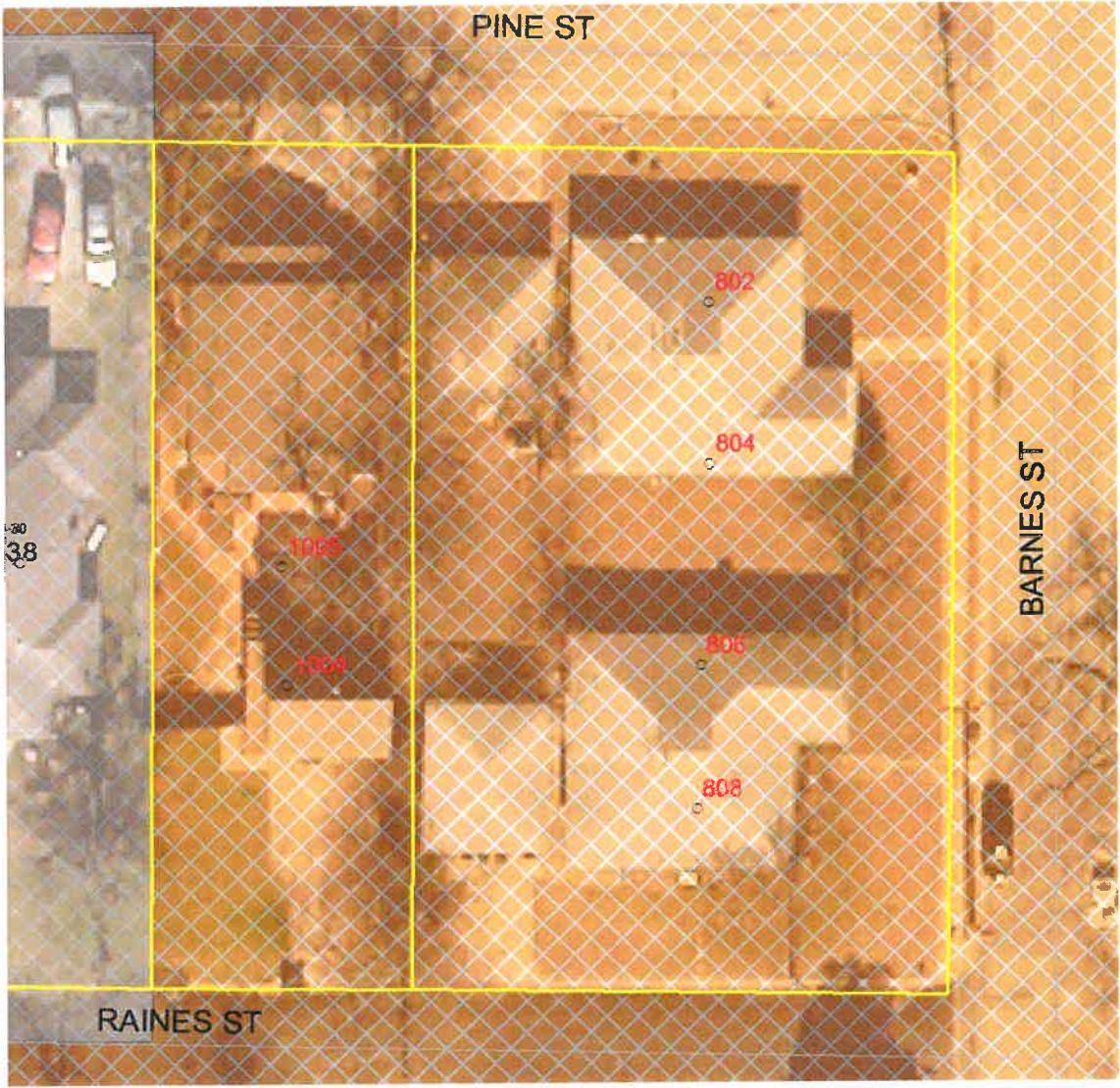


— Setbacks Required in RS-60 (Front and back)

— Current Lot Lines Divides the 2 existing structures.

Existing

1. Details from existing survey by Global Land Surveying.
2. The property in RS-60, built in the 1960's currently does not meet the setbacks required as it currently resides.
3. See proposed change page 2.



PINE ST

BARNES ST

RAINES ST

38

1005

1004

802

804

806

808

1106

Block No.
EDWARD BRADLEY

1 to 16

City of

Collin County, Texas

Page No.

Original Granted
Pat. No.
School District

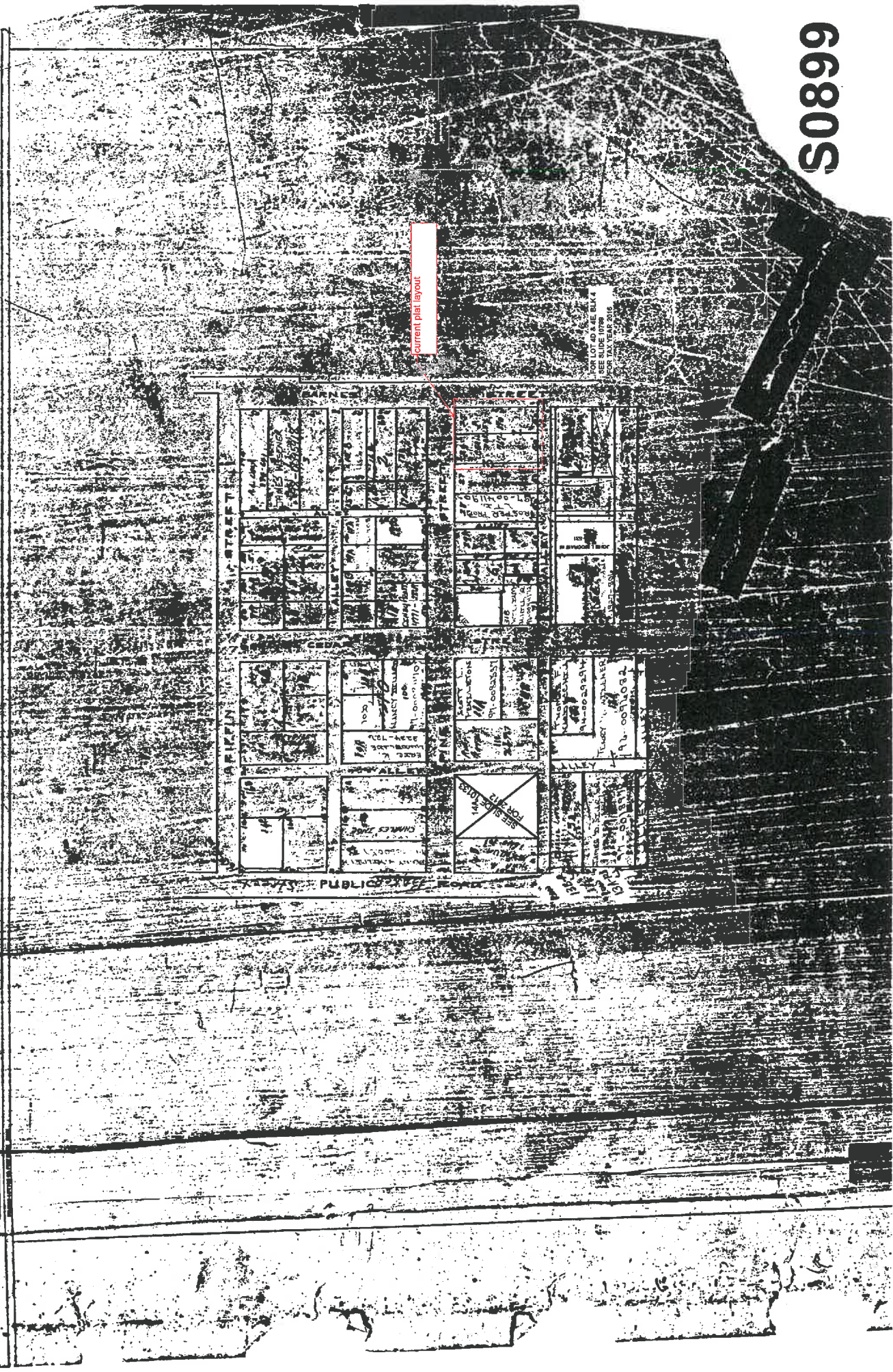
302
MCKINNEY - INDEPENDENT

Assignee
Certificate
Road District

L. BRADLEY ED
82
MCKINNEY

Scale 1/4" = 100 Feet 1 Inch

HILLS REVISD ADDITION



S0899

OWNER'S DEDICATION:

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, Opportune Development LLC - Barnes Series, is the owner of a tract of land situated in the T.T. Bradley Survey, Abstract No. 88, in the City of McKinney, Collin County, Texas, and being all of Lots 25 and 26, Block 3 of F.M. HILL ADDITION, an addition to the City of McKinney, as recorded in Volume 102, Page 580, of the Map Records, Collin County, Texas (M.R.C.C.T.) said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set (herein after referred to as a capped iron rod set) at the northeasterly corner of said Lot 25, same being at the intersection of the southerly monumented line of Pine Street and the westerly monumented line of Barnes Street;

THENCE South 00°13'37" East, along the easterly line of said Lot 25, same being the westerly monumented line of Barnes Street, a distance of 150.00' to a capped iron rod set at the southeasterly corner of said Lot 25, same being at the intersection of said westerly monumented line of Barnes Street and the northerly monumented line of Raines Street.

THENCE North 89°16'58" West, along the northerly monumented line of said Raines Street, same being the southerly line of said Lots 25 and 26, a distance of 100.00' to a capped iron rod set for the southwesterly corner of said Lot 26 same being the southeasterly corner of Lot 27, of said addition;

THENCE North 00°13'37" West, along the common line between said Lots 26 and 27, a distance of 50.00' to a capped iron rod set for the northeasterly corner of said Lot 27, same being the northwesterly corner of said Lot 26, said corner also being in the southerly monumented line of said Pine Street.

THENCE South 89°16'58" East, along the southerly monumented line of said Pine Street, same being the northerly line of said Lots 26 and 25, a distance of 100.00' to the **POINT OF BEGINNING** and containing 14,998 square feet or 0.344 acres of land, more or less.

ABBREVIATIONS

- I.R.F. = Iron Rod Found
- (C.M.) = Controlling Monument
- C.I.R.F. = Capped Iron Rod Found
- C.I.R.S. = 1/2" iron rod with yellow plastic cap stamped "RPLS 5686" set
- M.R.C.C.T. = Map Records, Collin County, Texas
- D.R.C.C.T. = Deed Records, Collin County, Texas
- O.P.R.C.C.T. = Official Public Records, Collin County, Texas

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, Opportune Development LLC - Barnes Series, is the sole owner of the above described property and does hereby adopt this Minor Replat designating the hereinabove described property as **F.M. HILL ADDITION - LOTS 25R AND 26R, BLOCK 3**, being a replat of all of Lots 25 and 26, Block 3, of J. G. F.M. HILL ADDITION, an addition to the City of McKinney, as recorded in Volume 102, Page 580, of the Map Records, Collin County, Texas, and does hereby dedicate to the public use forever, the streets, alleys and public use areas shown hereon, the easements, as shown, for mutual use and accommodation of the City of McKinney and all public utilities desiring to use or using same. All and any public utility and the City of McKinney shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees or other improvements or growths which in any way, endanger or interfere with the construction, maintenance or efficiency of it's respective systems on said easements; and the City of McKinney and all public utilities shall have the right to construct, reconstruct, inspect, patrol, maintain and add to or remove all or parts of it's respective systems without the necessity of, or any time, procuring the permission of anyone. This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the City of McKinney.

WITNESS MY HAND at McKinney, Texas, this the _____ day of _____, 2017.
Opportune Development LLC - Barnes Series

Justin Nunn - Partner

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Justin Nunn, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is her act and deed in the capacity therein stated and for the purposes therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the _____ day of _____, 2017.

NOTARY PUBLIC in and for the State of Texas.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MICHAEL B. ARTHUR, do hereby certify that I prepared this plat from an actual on-the-ground survey of the above described property, and that the corner monuments shown hereon were or were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of McKinney, Collin County, Texas.

Michael B. Arthur
Registered Professional Land Surveyor
Texas Registration No. 5686



Date: _____

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared MICHAEL B. ARTHUR, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the _____ day of _____, 2017.

NOTARY PUBLIC in and for the State of Texas

Notes:

1. According to the Flood Insurance Rate Map of Collin County, Texas, Map No. 48085C0285J, Map Revised June 02, 2009, the herein described property is located in Zone "X", described by said map to be, "areas determined to be outside the 0.2% annual chance floodplain".
2. All proposed lots situated in whole or in part within the City's corporate limits comply with the minimum size requirements for the governing zoning district and the requirements of the subdivision ordinance.
3. Bearings and Coordinates for this plat are based on the City of McKinney Geodetic Control System. GPS Monument No(s). 43 and 44 were used for this survey.
4. The purpose of this Minor Replat is to reconfigure the existing lot lines running through the middle of the two existing structures and to split the existing structures from each other, as they are currently considered one property.
5. A 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set at all corner clip corners.

Proposed Replat

**MINOR REPLAT
F.M. HILL ADDITION
LOTS 25R AND 26R, BLOCK 3**

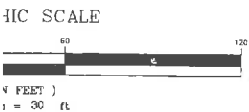
Being a Replat of
Lots 25 and 26, Block 3
F.M. HILL ADDITION
Vol. 102, Pg. 580, M.R.C.C.T.
14,998 Sq Ft / 0.344 Acres
in the

T.T. Bradley Survey ~ Abstract No. 88
City of McKinney, Collin County, Texas

Date: April, 2017 Scale: 1" = 30'

Owner:
Opportune Development LLC - Barnes Series
607 Fallen Branch Drive
McKinney, Texas 75070
Phone: (214) 870-5551
Contact: Justin Nunn

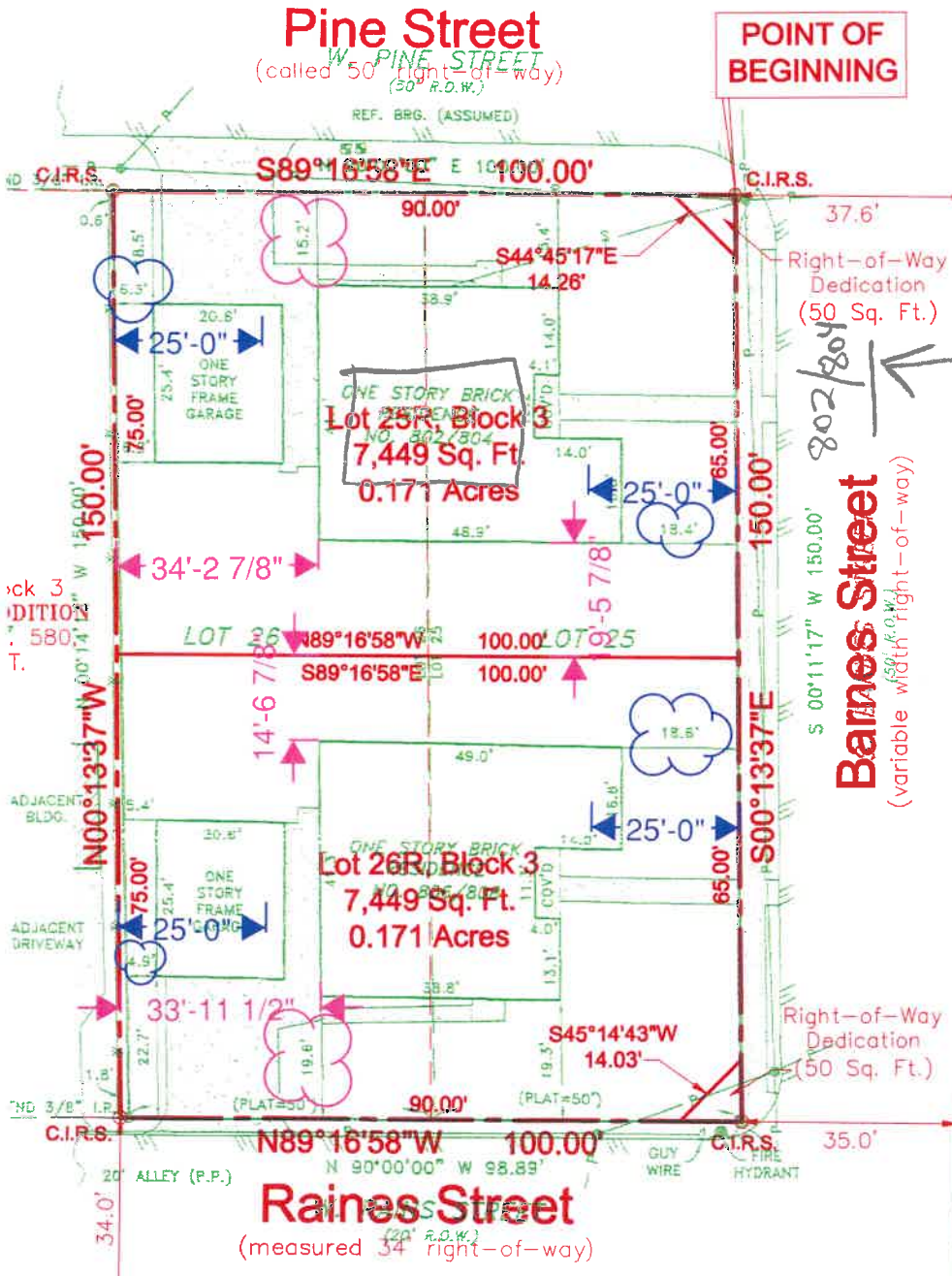
Surveyor:
North Texas Surveying, LLC
1010 West University Drive
McKinney, Texas 75069
(469) 424-2074
www.northtexasurveying.com
Firm Registration No. 10074200
Contact: Chad Holcomb



808 Barnes
Proposed Property Lines and Setbacks Exhibit

17-098MRP - F.M. Hill Addition

Zoning District	Area (Acres)	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Minimum Front Setback (Feet)	Minimum Side Setback (Feet)	Minimum Rear Setback (Feet)	Minimum Height of Structure (Feet)	Maximum Height of Structure (Feet)	Maximum Floor Area Ratio (FAR)	Maximum Lot Coverage (%)	Maximum Impervious Area (%)	Maximum Sign Area (Sq. Ft.)	Other
RS-90	15,000	50	100	25	25	5	15	35	n/a	n/a	n/a	n/a	



Setbacks that are non-conforming to the proposed replat.

Other Noted Setbacks

Proposed Exhibit

1. Overlay of Existing Survey by Global Land Surveying (green) and minor replat (red) by North Texas Surveying.

2. The front setbacks are non-conforming in this proposed replat as noted. This is a similar situation to the existing setbacks on the property currently.

3. The main structures meet the rear setbacks, but the detached garages do not