



Rec'd 4/4/18  
9:22 AM

# BOARD OF ADJUSTMENT APPLICATION

APPEAL  SPECIAL EXCEPTION  VARIANCE  TODAY'S DATE: 4/3/18

**\*\*CONTACT INFORMATION\*\***

**PROPERTY LOCATION\*:** 404 S. Bengé  
(Street address)

Subdivision: Jared Square Addition Lot: 2 Block: A  
\*Application not applicable in the ETJ (Extra Territorial Jurisdiction)

Property Owner: Philip Tucker 404 S. Bengé McKinney, Tx 75069  
(Name) (Address) (City, State, & Zip Code)  
philip.tucker1788@gmail.com 469 241 1257  
(Email) (Phone)

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

Property Owner Printed Name: Philip Tucker Property Owner Signature: [Signature]

Applicant: Philip Tucker Same as above   
(Name) (Address) (City, State, & Zip Code)  
   
(Email) (Phone)

**\*\*REQUEST\*\***

Please list types requested:

| Description            | Ordinance Requirements   | Requested Dimensions | Variance from Ordinance  |
|------------------------|--------------------------|----------------------|--------------------------|
| Lot Size               |                          |                      |                          |
| Lot Width              |                          |                      |                          |
| Lot Depth              |                          |                      |                          |
| Side Yard <u>North</u> | <del>10</del> <u>5'</u>  | <u>4'</u>            | <del>5</del> <u>1'</u>   |
| Side Yard              |                          |                      |                          |
| Side at Corner         |                          |                      |                          |
| Front Yard             |                          |                      |                          |
| Rear Yard              | <del>20</del> <u>25'</u> | <u>10'</u>           | <del>10</del> <u>15'</u> |
| Driveway               |                          |                      |                          |

~~(Lot Size) Other (Lot Size) second dwelling ≥ 12,000 sq ft 9,499 sq. ft. / 3,501 sq. ft. /~~

PLEASE DESCRIBE THE REASON(S) YOU ARE REQUESTING TO BE HEARD BY THE BOARD OF ADJUSTMENT. YOU MAY ATTACH ADDITIONAL INFORMATION TO SUPPORT YOUR REQUEST.

APPEAL - N/A

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SPECIAL EXCEPTION N/A

**VARIANCE** - Due to unique circumstances that exist on the property that make application of specific items unduly burdensome; due to Lot size, shape, and current location of existing structures, improvements to the lot and structure are severely limited. Additions to the rear of the main structure impeded on the backyard. Improvements to the side of the main structure impeded access to covered parking in the garage and would leave a large accessory dwelling in the rear without access from the front.

~~- Preferred option: Add second floor dwelling space to the garage (3 variance needs)~~  
 - Second option: Connect garage to main structure with porch coverings and carport then convert the garage into living space. (2 variance needs)

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.

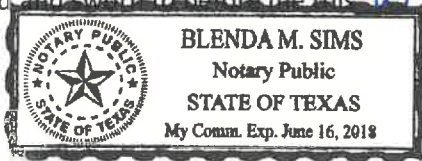
\_\_\_\_\_  
 Property Owner Signature (if different from Applicant)

*[Signature]*  
 Applicant's Signature

STATE OF TEXAS | Page

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this 03 day of APRIL, 20 16



*[Signature]*  
 Notary Public

(seal)

My Commission expires: JUNE 16, 2018

**NOTICE:**

This publication can be made available upon request in alternative formats, such as, Braille, large print, audiotape or computer disk. Requests can be made by calling 972-547-2694 (Voice) or email [contact-adacompliance@mckinneytexas.org](mailto:contact-adacompliance@mckinneytexas.org) Please allow at least 48 hours for your request to be processed.

**\*\*\*OFFICE USE ONLY\*\*\***

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No:

BOA Number:

**TOTAL FEE DUE:** \$50.00 (non-refundable)

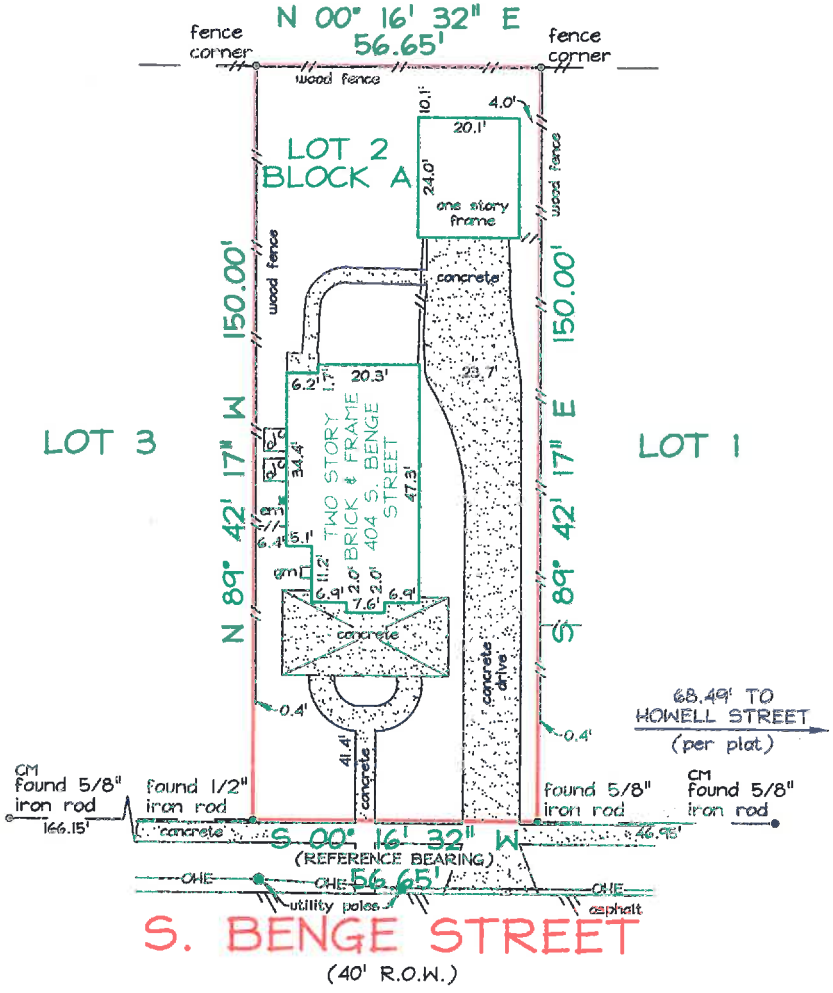
Received by:

Signature:

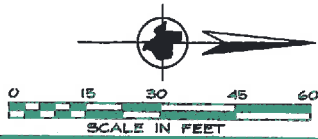
Date:



**PRECISE LAND SURVEYING, INC.**  
 DALLAS/FORT WORTH  
 4825 EASTOVER DR.  
 MESQUITE, TX 76149  
 PH. 877.681.7072 FX. 1.808.438.1278



**NOTES:**  
 CM = CONTROLLING MONUMENT.  
 THIS PROPERTY IS NOT AFFECTED BY THE FOLLOWING:  
 (10i)-EASEMENT, VOL. 333, PG. 210, R.P.R.C.C.T.  
 (10j)-EASEMENT, VOL. 600, PG. 368, R.P.R.C.C.T.  
 (10k)-EASEMENT, VOL. 1811, PG. 111, R.P.R.C.C.T.  
 BEARINGS ARE BASED ON THE RECORDED PLAT REFERENCED BELOW.  
 \*THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN BLACK INK.



THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 404 S. BENGEE STREET, and BEING LOT 2, BLOCK A, OF JERED SQUARE ADDITION, AN ADDITION TO THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME P, PAGE 243, OF THE MAP RECORDS, COLLIN COUNTY, TEXAS.

The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48085C0280 J, dated JUNE 2, 2009. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage company, and title company only and this survey is made pursuant to that one certain title commitment under the GF number shown hereon, provided by the title company named hereon and that on this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon. This survey is subject to any and all covenants and restrictions of record pertaining to the recorded plat.

DATE: \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_

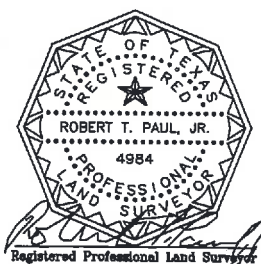


DATE: 06/04/12  
 FIELD DATE: 06/01/12  
 REVISED:

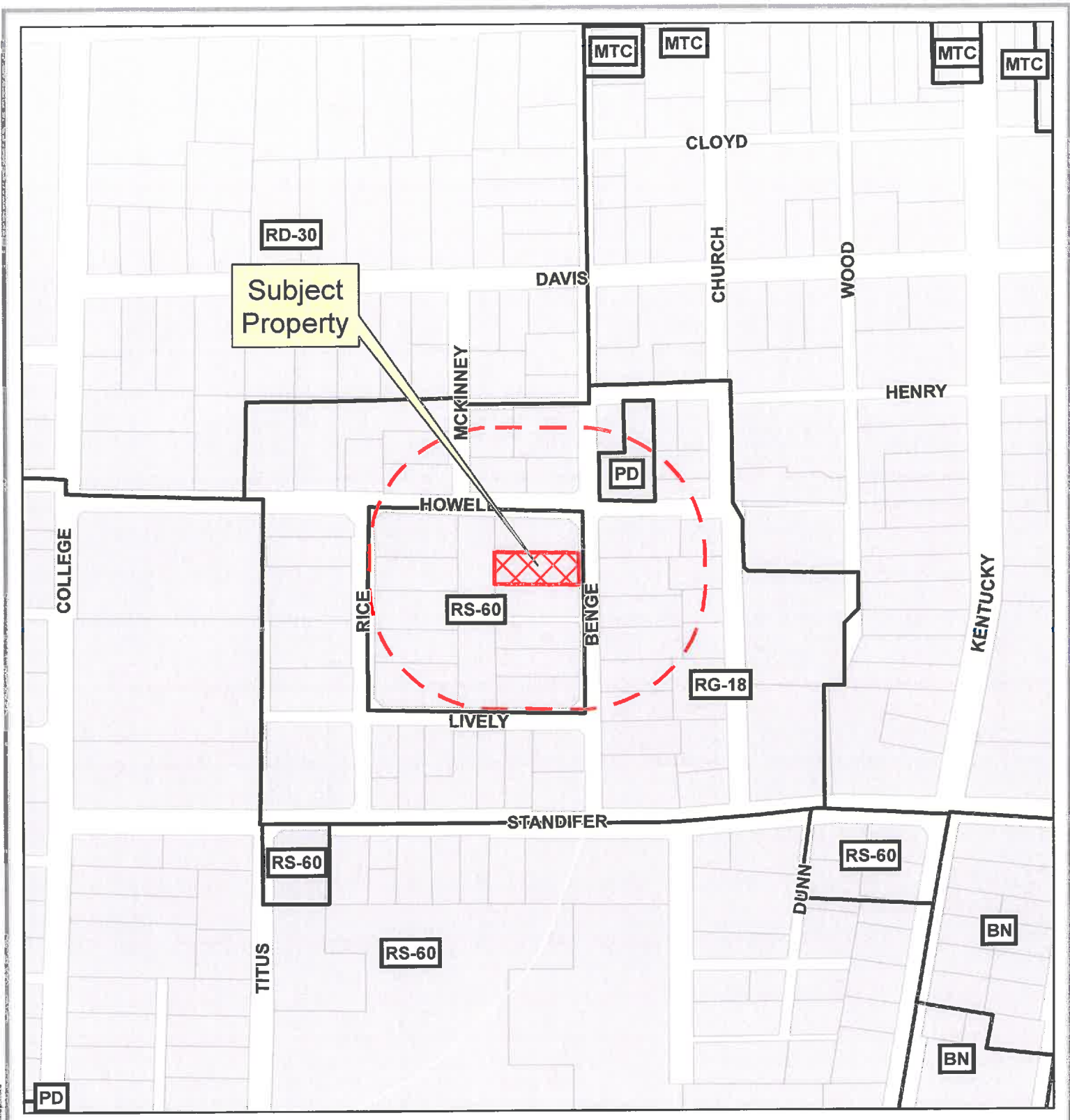
TECH: OR FIELD: JJ  
 JOB NO: 512-0803



GF NO. 11-0137816  
 MAPSCO NO: 359-K  
 LSI TITLE AGENCY, INC.



Registered Professional Land Surveyor

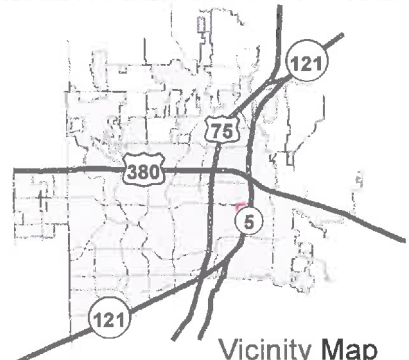
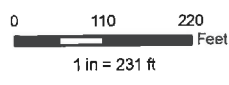


Subject Property

# Board of Adjustments Map

## 404 S BERGE ST

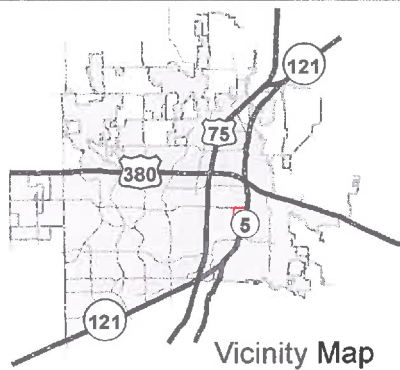
--- 200' Buffer



Source: City of McKinney GIS  
Date: 4/9/2018

**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.

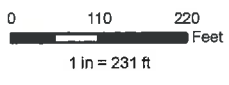




# Board of Adjustments Map

## 404 S BENG ST

--- 200' Buffer



Source: City of McKinney GIS  
Date: 4/9/2018

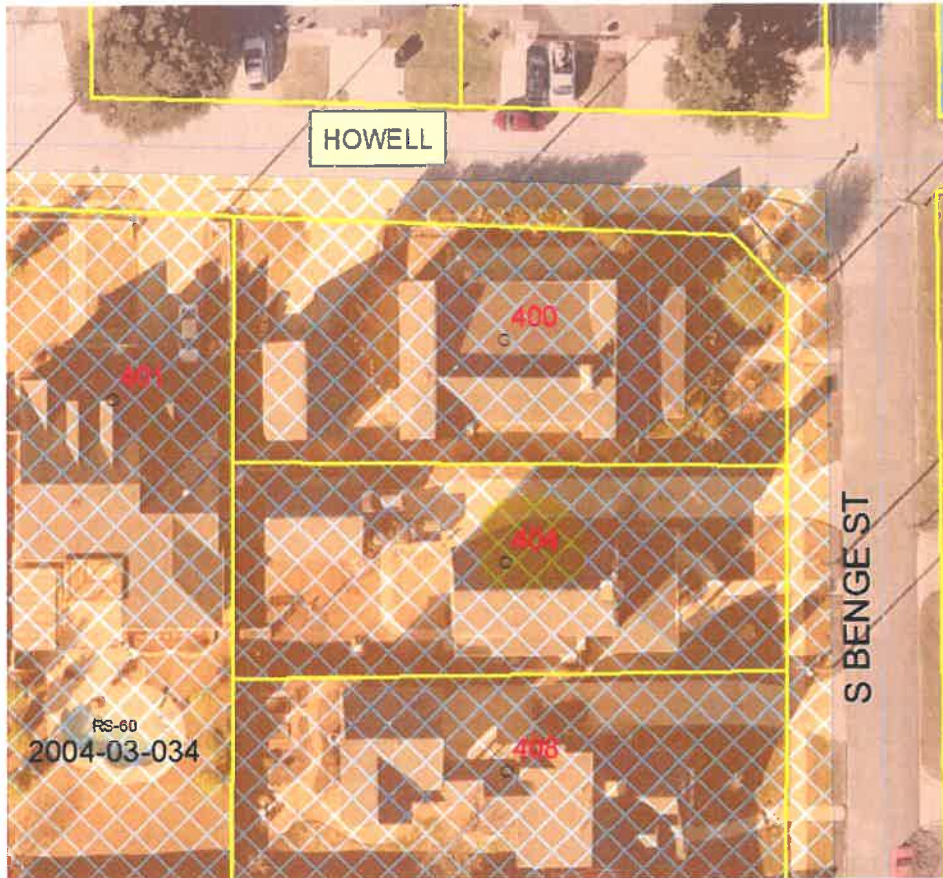
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**404 S BENGE**

**RS-60 - SINGLE FAMILY RESIDENTIAL**

**PLAT DESCRIPTION: JERED SQUARE ADDITION (CMC), BLK A, LOT 2**



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 15 (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   |

| 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) |
| RO              | 10,000 sq. ft.   | 50'               | 50'               | 20'                        | 0'                        | 0'   | n/a                                      | 55' (8)                     | 90%                  | n/a                      | n/a   |
| O1              | 7,500 sq. ft.    | 50'               | 50'               | 20'                        | 0'                        | 0'   | n/a                                      | 35'                         | 50%                  | n/a                      | n/a   |
| O2              | 10,000 sq. ft.   | 50'               | 50'               | 20'                        | 0'                        | 0'   | n/a                                      | 45'                         | 70%                  | n/a                      | n/a   |
| O3              | 10,000 sq. ft.   | 50'               | 50'               | 20'                        | 0'                        | 0'   | n/a                                      | 55' (8)                     | 90%                  | n/a                      | n/a   |
| L1              | 10,000 sq. ft.   | 50'               | 50'               | 20'                        | 0'                        | 0'   | n/a                                      | 45' (8)                     | 70%                  | n/a                      | n/a   |
| H1              | 10,000 sq. ft.   | 50'               | 50'               | 20'                        | 0'                        | 0'   | n/a                                      | 55' (8)                     | 90%                  | n/a                      | n/a   |

Notes:

- (1) See district regulations.
  - (2) Established by ordinance.
  - (3) A ten-foot encroachment zone shall be permitted between the building setback and the property line within which porches, patios, and similar structures may be constructed. For the purposes of this section, porches and patios shall mean covered, open air recreation spaces which may or may not feature railings and/or low walls (approximately 30' to 40' in height as measured from the finished floor level of the space) to create a sense of enclosure. Covered, open air spaces that feature floor to ceiling walls with or without windows or other openings (example: sun rooms, sun porch, solarium, greenhouse) shall not constitute a porch or patio. The placement of sidewalks and/or steps leading to a porch, patio or similar structure shall not be regulated by this section.
  - (4) The mean and median lot size for the neighborhood shall be a minimum of 7,200 square feet.
  - (5) The density may be increased to 3.4 dwelling units per acre if the "design for density" criteria outlined in the city's comprehensive plan are satisfied.
  - (6) Garages that are accessed from the front of a lot with a width of less than 50 feet shall not be permitted. Garages for these lots (< 50' wide) shall be accessed via alleys adjacent to the rear of the lot. A driveway with a minimum depth of 20 feet shall be provided in front of the rear-entry garage door.
  - (7) Rear or corner side-entry garages shall adhere to a 20' building setback in order to accommodate a 20' driveway between the garage door and the alley or street right-of-way.
  - (8) The maximum building height may be increased to a maximum height of 75 feet if each building setback is increased by two feet for every foot of increased building height. The maximum building height may be increased to a maximum height of 180 feet if each building setback is increased by two feet for every foot of increased building height and a property zoned or used for residential purposes is not located within 1,000 feet of the subject property.
  - (9) If detached single family residential uses are constructed within this zoning district, said uses shall adhere to the space limits governing the "SF5" - Single Family Residential district.
  - (10) A minimum building separation of ten feet shall be maintained between dwelling units. If a zero-lot line product is to be constructed, the desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat which shall be filed for record with the Collin county clerk's office.
- The following is a legend for interpreting the applicability of the various zoning districts:

|   |
|---|
| These zoning districts were created on March 4, 2014. Properties zoned/rezoned after March 4, 2014 may be zoned to these districts.           |
| These zoning districts were established prior to March 4, 2014. Properties zoned/rezoned after March 4, 2014 may be zoned to these districts. |
| These zoning districts were established prior to March 4, 2014. No properties may be zoned/rezoned to these districts after July 1, 2014.     |

- For a listing of a specific "PD" - Planned Development District's applicable space limits, please contact the City of McKinney's Planning Department.

(Ord. No. 1270, app. A, 12-15-1981; Ord. No. 1810, pt. III, § 1, 9-20-1988; Ord. No. 93-11-39, § 1, 11-2-1993; Ord. No. 94-08-26, § 3(D), 8-16-1994; Ord. No. 97-11-61, § 1, 11-18-1997; Ord. No. 2000-01-03, § 1V, 1-4-2000; Ord. No. 2000-05-028, § 1E, 5-2-2000; Ord. No. 2000-08-59, § 1B, 8-15-2000; Ord. No. 2002-08-084, § I.75, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2006-10-121, § IX, 10-17-2006; Ord. No. 2010-12-053, § 32, 12-7-2010; Ord. No. 2012-11-056, § 45, 11-5-2012; Ord. No. 2013-04-033, § 4, 4-2-2013; Ord. No. 2013-04-044, § 21, 4-22-2013; Ord. No. 2014-03-018, § 21, 3-4-2014)



Letter of Intent Second option  
Request for Variance on Residential Remodel  
404 S. Bengé street, McKinney, Texas 75069  
Property ID: 2531556  
Geographic ID: R-8311-00A-0020-1

*2nd option*

**Project description**

The remodel project includes renovation of a current accessory structure to be converted into a dwelling and attached to the main dwelling. Changes to the structure will include the addition of ~576sqft. of living space (current garage space to dwelling), ~500sqft. of covered parking (addition of parking space for two vehicles), and ~100sqft. of covered porch/patio (connecting structure to main dwelling).

**Hardship**

The proposed changes are presented due to unique circumstances that exist on the property that make application of specific items unduly burdensome; due to the lot size, shape, and current location of existing structures improvements to the lot and structure are severely limited. Additions to the rear of the main structure impeded on the backyard. Improvements to the side of the main structure impeded access to covered parking and would leave a large accessory dwelling in the rear without access from the front yard. Without improvements the property values will remain significantly below neighboring properties on the same street side.

**Variations requested:**

Reduction of setback rear to rear to 10' as opposed to ~~20~~ *25'*

Reduction of setback side to side to 4' as opposed to ~~10~~ *5'*

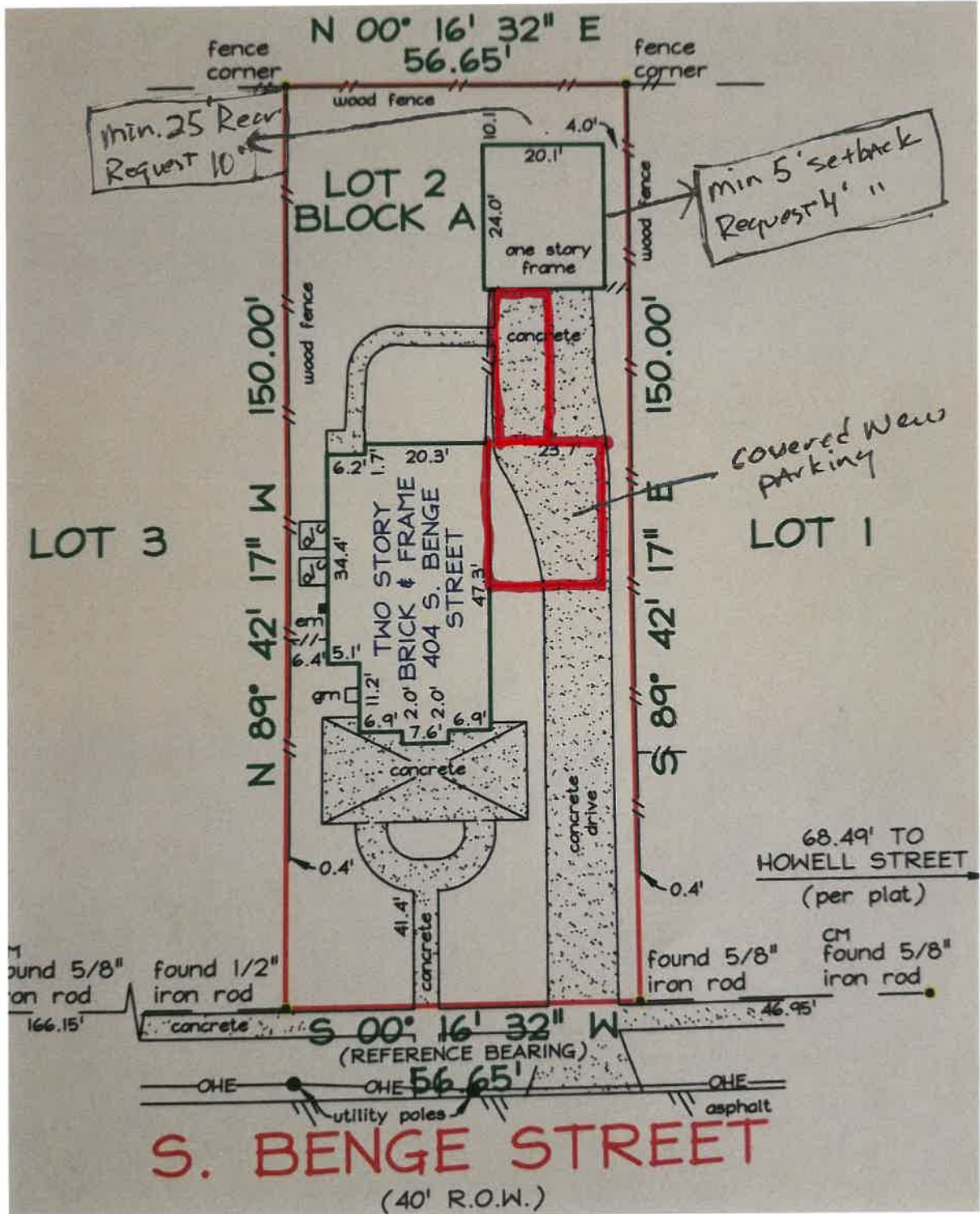
- The variance will have no adverse impacts on current or future development in the area
- The variance is in keeping with the spirit of zoning regulations and will have a no impact on the surrounding land uses
- The variance will have no adverse impact on the public health, safety, and/or general welfare.

**Similar properties:**

408 S. Bengé

Letter of Intent Second option  
 Request for Variance on Residential Remodel  
 404 S. Benge street, McKinney, Texas 75069  
 Property ID: 2531556  
 Geographic ID: R-8311-00A-0020-1

Current site with proposal in red *Convert garage to living space & connect to the main structure with covered breezeway*



*Add 2 covered parking spaces in front of addition*

Letter of Intent Second option  
Request for Variance on Residential Remodel  
404 S. Benge street, McKinney, Texas 75069  
Property ID: 2531556  
Geographic ID: R-8311-00A-0020-1

Street view-Current



Proposed Concept street view

