

AGENDA ITEM 16-04

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by, Roberto Patino, Jr. for variances to the front and rear yard setback for the Property Located at 801 Jefferson Street.

MEETING DATE: April 27, 2016

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: RS60

EXISTING CONDITIONS: 69' lot depth

VARIANCES REQUESTED:

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Front Yard Setback	20'	5'
25' Rear Yard Setback	20'	5'

APPLICANT'S BASIS FOR VARIANCE:

Applicant wishes to build a single family residence. The lot is 100' wide, but only 69' deep. Variances are needed to accommodate a house on the shallow lot. Lot must face Jefferson Street.

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



16-04

CITY OF MCKINNEY BOARD OF ADJUSTMENT APPLICATION

Type of Request:

Variance Special Exception Appeal

FILLING FEE **\$50.00**

RECEIPT DATE _____

Property Location:

801 Jefferson st. McKinney TX 75069
Address City State Zip

Part of 5 2 W.J.S. Russell's 2nd Addition
Lot Number Block Subdivision Name

Owner's Information:

Roberto Patino Jr (214) 397-5360
Owner's Name Phone Number

1103 Fitzhugh St McKinney TX 75069
Address City State Zip

Owner is giving Amal Jarbou authority to represent him/her at the meeting.
Applicant's Name

Roberto Patino Jr
Owner's Printed Name Owner's Signature

RS60

Applicant's Information:

Name _____ Company Name _____ Phone Number _____

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	0.156 Acre		—
Lot Width	100 feet		—
Lot Depth	69 feet.		—
Side Yard			
Side Yard			
Side @ Corner			
Front Yard	25 feet	20 feet	5 feet.
Rear Yard	25 feet	20 feet	5 feet.
Driveway			
Other			

*Not applicable in ETJ



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:

The lot too narrow shallow depth

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:

Under sized lot must faces Jefferso, Train Trac on opposite side depth

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:

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:

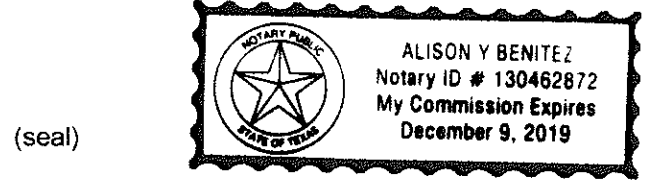
Items Submitted: Completed application and fee Plot/Site Plan or Survey drawn to scale

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

Applicant's Signature

STATE OF TEXAS
COUNTY OF Collin

Subscribed and sworn to before me this 31st day of March, 2016



Alison Y Benitez
Notary Public
My Commission expires: Dec. 9, 2019

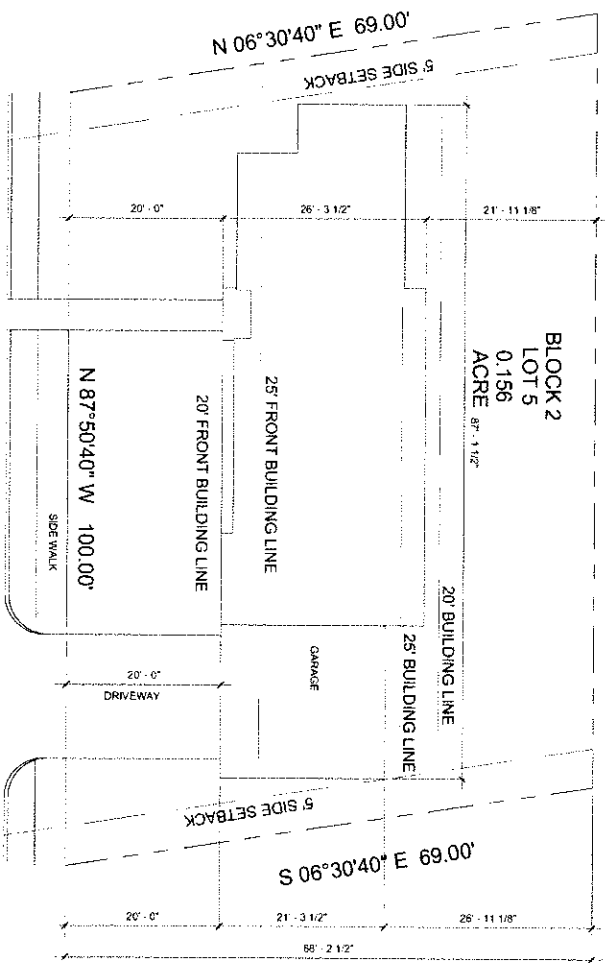
*Not applicable in ETJ



○ NORTH ARROW
1/4" = 1'-0"

① SITE PLAN
1/16" = 1'-0"

JEFFERSON STREET
40' R.O.W.



○ SITE AREA CALCULATION
1/4" = 1'-0"

SITE AREA CALCULATION	
LOT AREA	6,821 SQ. FT
MAX. ALLOWABLE COVERAGE	40.0%
MAX. ALLOWABLE BUILDING AREA	2,728.4 SQ. FT
BUILDING AREA	2,020 SQ. FT
LOT COVERAGE	29.6%

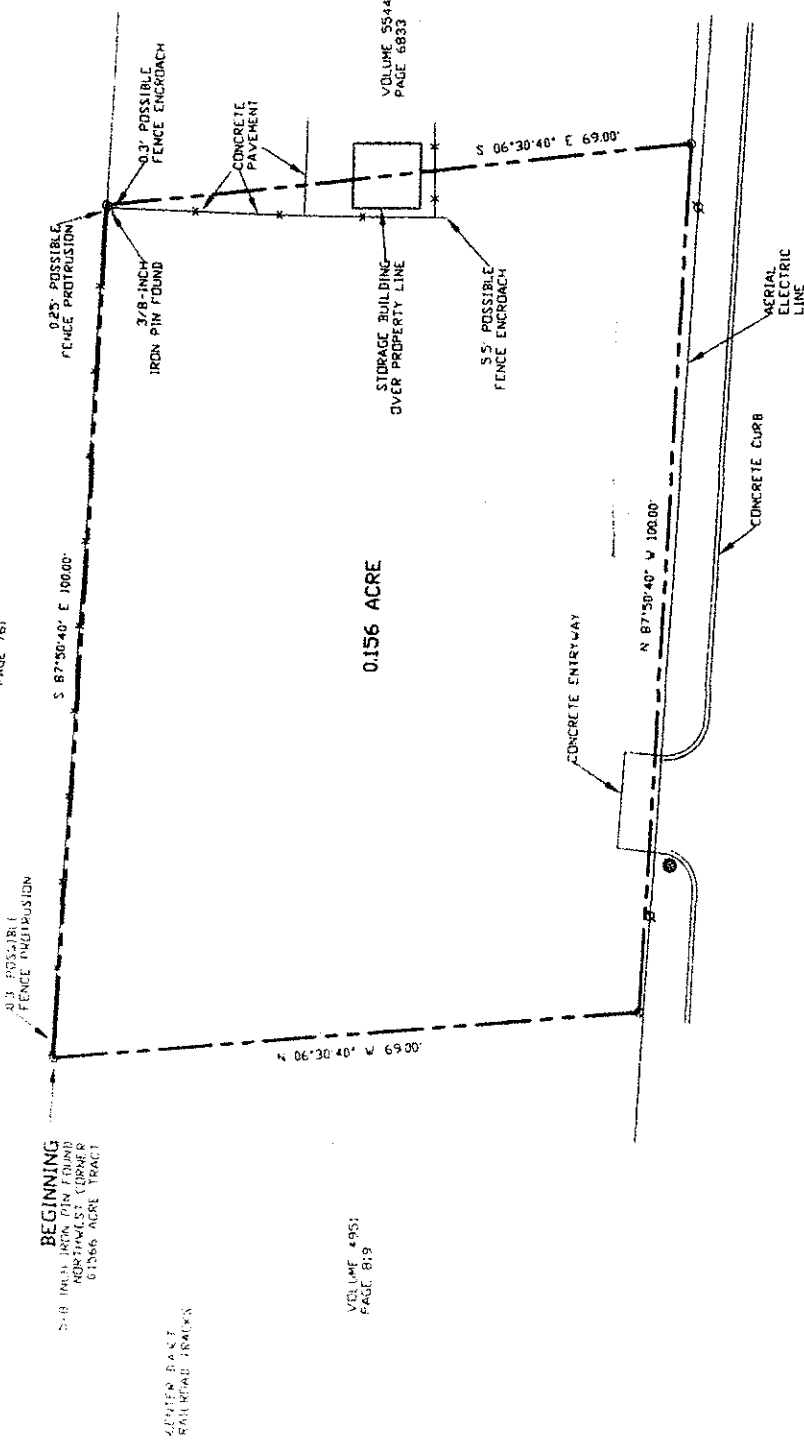
Jefferson Residence
801 Jefferson Street
LOT 5 BLOCK 2 of W.J.S Russell's 2nd
Addition, McKenney TX

No	Descrip	Date

SITE PLAN
Project number 16005
Date 03/16/2016
Drawn by Author
Checked by Checker

C1
Scale As indicated

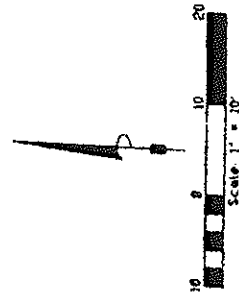
VOLUME 903
PAGE 761



JEFFERSON STREET
CONCRETE STREET
40' R.O.W.
VOLUME 81, PAGE 360

LEGEND

- Ø POWER POLE
- 1/2" IRON PIN SET UNLESS OTHERWISE NOTED
- FENCE
- ⊙ WATER METER



DESCRIPTION 0.156 ACRE

SITUATED in the City of McKinney, Collin County, Texas, being a part of Lot 5, Block 2 of the W.J.S. Russell's 2nd Addition to the City of McKinney, recorded in volume 81, page 360 being a survey of the 0.1566 acre tract depicted in a deed from Diabarro Equivest and spouse, Graciele Equivest to Roberto Panto and Roberto Panto, Jr., dated March 1, 2013 and recorded as Clerk's file no. 2013031200314840 of the Collin County deed records, being described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron pin found at the northeast corner of said 0.1566 acre tract and being in the east right-of-way line of the D.A.R.T. railroad;

THENCE South 87°50'40" East, with the north line of said 0.1566 acre tract, 100.00 feet to a 3/8-inch iron pin found at the northeast corner of said 0.1566 acre tract;

THENCE South 06°30'40" East, with the east line of said 0.1566 acre tract, 69.00 feet to a 1/2-inch iron pin set at the southeast corner of said 0.1566 acre tract and being in the north right-of-way line of Jefferson Street;

THENCE North 87°50'40" West, with the south line of said 0.1566 acre tract and the north right-of-way line of said Jefferson Street, 100.00 feet to a 1/2-inch iron pin set at the southwest corner of said 0.1566 acre tract; same being in the east right-of-way line of the said railroad;

THENCE North 06°30'40" West, with the west line of said 0.1566 acre tract and the east right-of-way line of said railroad, 69.00 feet to the PLACE OF BEGINNING and containing 0.156 acre.

The above described property was surveyed on the ground and under my supervision.

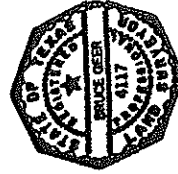
Office work finished on surveyed April 4, 2014

Bruce Geer
Bruce Geer, Registered Professional Land Surveyor, No. 4117
McKinney, Texas 75068
972-562-3959
972-562-5751-fax

Bearing base: Grid north

Controlling monuments 5/8-inch iron pin found at northwest corner and 3/8-inch iron pin found at northeast corner of the 0.1566 acre tract recorded as Clerk's file no. 2013031200314840

According to FEMA map no. 48165C0200 J. dated 6-2-2009 the above described tract of land is not in the 100 year flood plain.

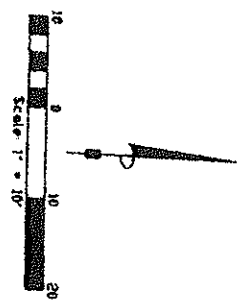
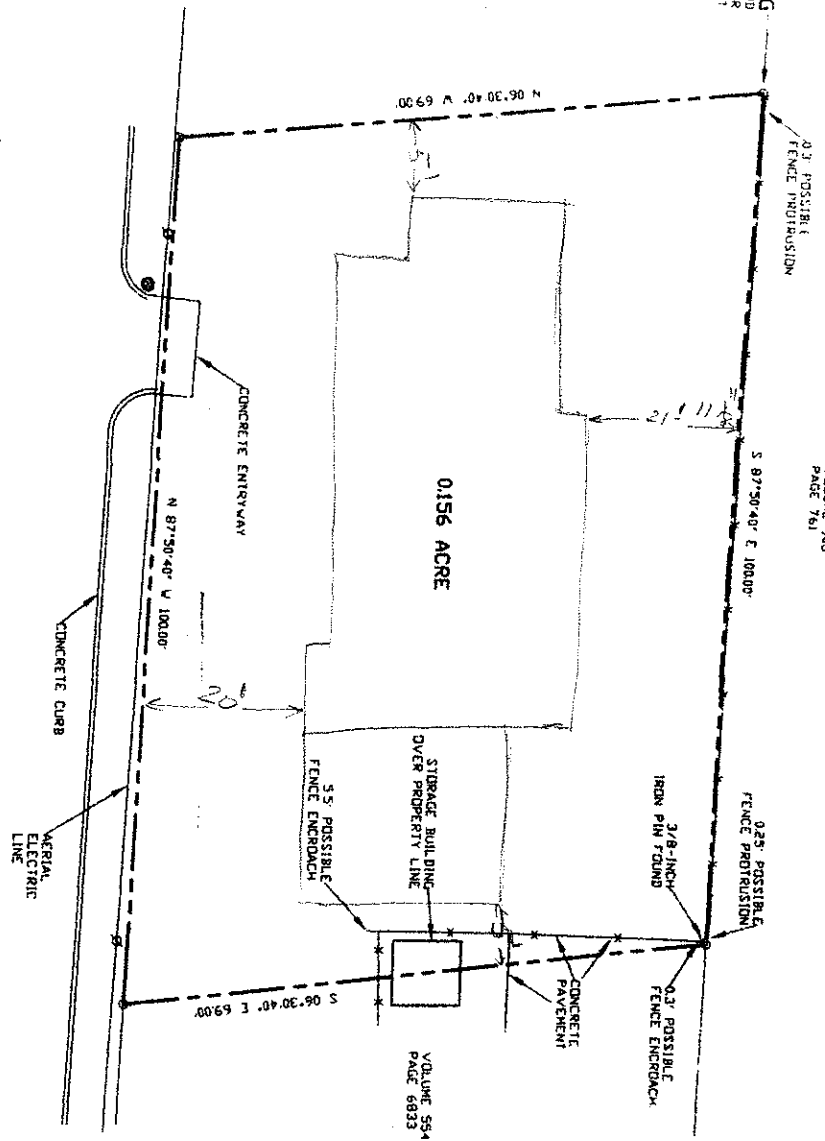


0.156 ACRE
PART OF LOT 5, BLOCK 2
W.J.S. RUSSELL'S 2ND ADDITION
801-803 JEFFERSON STREET
CITY OF MCKINNEY
COLLIN COUNTY
TEXAS

0.3' POSSIBLE
FENCE PROTRUSION

VOLUME 495A
PAGE 819

VOLUME 903
PAGE 761



LEGEND

Ø POWER POLE

○ 1/2" IRON PIN SET UNLESS OTHERWISE NOTED

⊙ WATER METER

DESCRIPTION: 0.156 ACRE

SITUATED in the City of McKinney, Collin County, Texas, being a part of Lot 5, Block 2 of the W.J.S. Russell's 2nd Addition to the City of McKinney, recorded in Volume 81, page 360 (hereinafter referred to as the "W.J.S. Russell's 2nd Addition Survey") of the 0.1566 acre tract described in a deed from Dagonoro Ekezie and spouse, Chancel Ekezie to Roberto Prieto and Roberto Prieto, Jr., dated March 1, 2013 and recorded as deed's no. 201303120031460 of the Collin County deed records, being described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron pin found at the northwest corner of said 0.1566 acre tract and being in the east right-of-way line of the D.A.T. railroad;

THENCE South 87°50'40" East, with the north line of said 0.1566 acre tract, 100.00 feet to a 3/8-inch iron pin found at the northwestern corner of said 0.1566 acre tract;

THENCE South 06°30'40" East, with the east line of said 0.1566 acre tract, 69.00 feet to a 1/2-inch iron pin set at the southeast corner of said 0.1566 acre tract and being in the north right-of-way line of Jefferson Street;

THENCE North 87°50'40" West, with the south line of said 0.1566 acre tract and the north right-of-way line of said Jefferson Street, 100.00 feet to a 1/2-inch iron pin set at the southwest corner of said 0.1566 acre tract; same being in the east right-of-way line of the said railroad;

THENCE North 06°30'40" West, with the west line of said 0.1566 acre tract and the east right-of-way line of said railroad, 69.00 feet to the PLACE OF BEGINNING and containing 0.156 acre.

The above described property was surveyed on the ground and under my supervision.

Office work finished on surveyed April 4, 2014.

Robert M. [Signature]

Robert M. [Signature]
Boris Owe, Registered Professional Land Surveyor, No. 4117
1101 W. University Drive (U.S. Highway 380)
McKinney, Texas 75069
972-583-3556
972-642-0751 fax

Bearing: True, Grid north.

Controlling monuments: 58-inch iron pin found at northwest corner and 3/8-inch iron pin found at northwest corner of the 0.1566 acre tract recorded as deed's no. 201303120031460. According to FSLA map no. 440286C0280 J, dated 6-2-2008, the above described tract of land is not in the 100 year flood plain.



0.156 ACRE
PART OF LOT 5, BLOCK 2
W.J.S. RUSSELL'S 2ND ADDITION
601-803 JEFFERSON STREET
CITY OF MCKINNEY
COLLIN COUNTY
TEXAS