



Tabled 4-25-18

Rec'd 4/4/18
10:29 AM

BOARD OF ADJUSTMENT APPLICATION

APPEAL SPECIAL EXCEPTION VARIANCE TODAY'S DATE: 4-4-18

****CONTACT INFORMATION****

PROPERTY LOCATION*: 208 S Bengel St
(Street address)

Subdivision: Old Donation Lot: 218B Block: 55
*Application not applicable in the ETJ (Extra Territorial Jurisdiction)

Property Owner: Terri Lustig 733 Creek Valley Ct. Allen, Tx 75002
(Name) (Address) (City, State, & Zip Code)
hlustig@msn.com (214) 914 4261
(Email) (Phone)

Property Owner is giving Jason Rose, Architect authority to represent him/her at meeting.
(Applicant Name)

Property Owner Printed Name: Terri Lustig Property Owner Signature: _____

Applicant: Jason Rose 2120 Cosmos Way Argyle, Tx 76226
(Name) (Address) (City, State, & Zip Code)
jason@jrosearchitect.com (214) 454 7895
(Email) (Phone)

****REQUEST****

Please list types requested:

Description	Ordinance Requirements	Requested Dimensions	Variance from Ordinance
Side Yard	7'	5'	2'
Side Yard			
Side at Corner	12'	5'	7'
Front Yard	20'	15'	5'
Rear Yard	20'	NA	NA
Side entry garage	20'	15' 18'	5' 2'
Detached garage rear	10'	3'	7'

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 -

SPECIAL EXCEPTION

VARIANCE - SEE ATTACHED

VARIANCE

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.

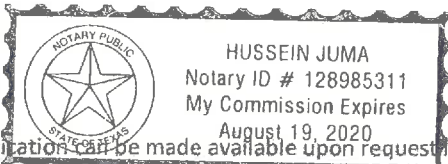
Sami L Lustig
Property Owner Signature (if different from Applicant)

Jason Rose
Applicant's Signature

STATE OF TEXAS | Page
COUNTY OF COLLIN

Subscribed and sworn to before me this 4 day of APRIL, 2018

Hussein Juma
Notary Public
My Commission expires: AUG 19, 2020



(seal)
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 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:

TERRI LUSTIG
733 CREEK VALLEY CT
ALLEN, TX 75002
214-914-4251

May 1, 2018

Mr. Rick Herzberger
Chief Building Official, City of McKinney
221 N. Tennessee St
McKinney, TX 75069

Re: 208 S. Benge St

Dear Rick and Dee:

The following points summarize discussions during the Zoning Board of Adjustment Meeting:

1. Height of structure – City of McKinney allows a mean height of 35' in this zoning district. Under the regulations, we can build a three story structure with 5300+ gross footage, which includes the garage area. We are proposing a structure with much smaller total footage and a minimized front elevation. (Estimated total square footage of 3300 square feet including garage.)
2. Front setback – The overlay for this area allows front and rear setbacks of 20'. We are requesting a front setback of 15' to allow for a front porch. The main structure will be set at 20'.
3. Side setbacks – 5' setback due to the narrow lot width. Under previous versions of the zoning code this was allowed. The smaller side setback will not interfere with pedestrian use, since the slope of the south side of the lot will not allow a sidewalk.
4. Garage parking setback from south lot line – We request an 18' setback due to the small lot size. This is consistent with other variances given, and the alley easement is wider than shown on the county maps and not fully paved. Our setback, plus the unpaved portion of the alley, gives us a 21' deep parking area. *change*

N/A 5. ~~Distance between house and garage – We request a 5' separation due to the small lot size. In addition, moving the garage to the rear allows period style architecture, which harmonizes with the adjoining houses to the north. The block contains houses on the state historic register.~~

N/A 6. ~~Distance between house and rear lot line. We request a 5' setback to allow construction of a garage in the rear. See item #5 for discussion.~~

7. Staking of house – The house and garage are outlined with stakes, flagging tape, and paint. Portions of the porch and house areas are painted on the existing concrete drive.

The resulting approval of the variance, will allow for a smaller scale floor plan and elevation with the benefit of a master bedroom downstairs.

Regards,

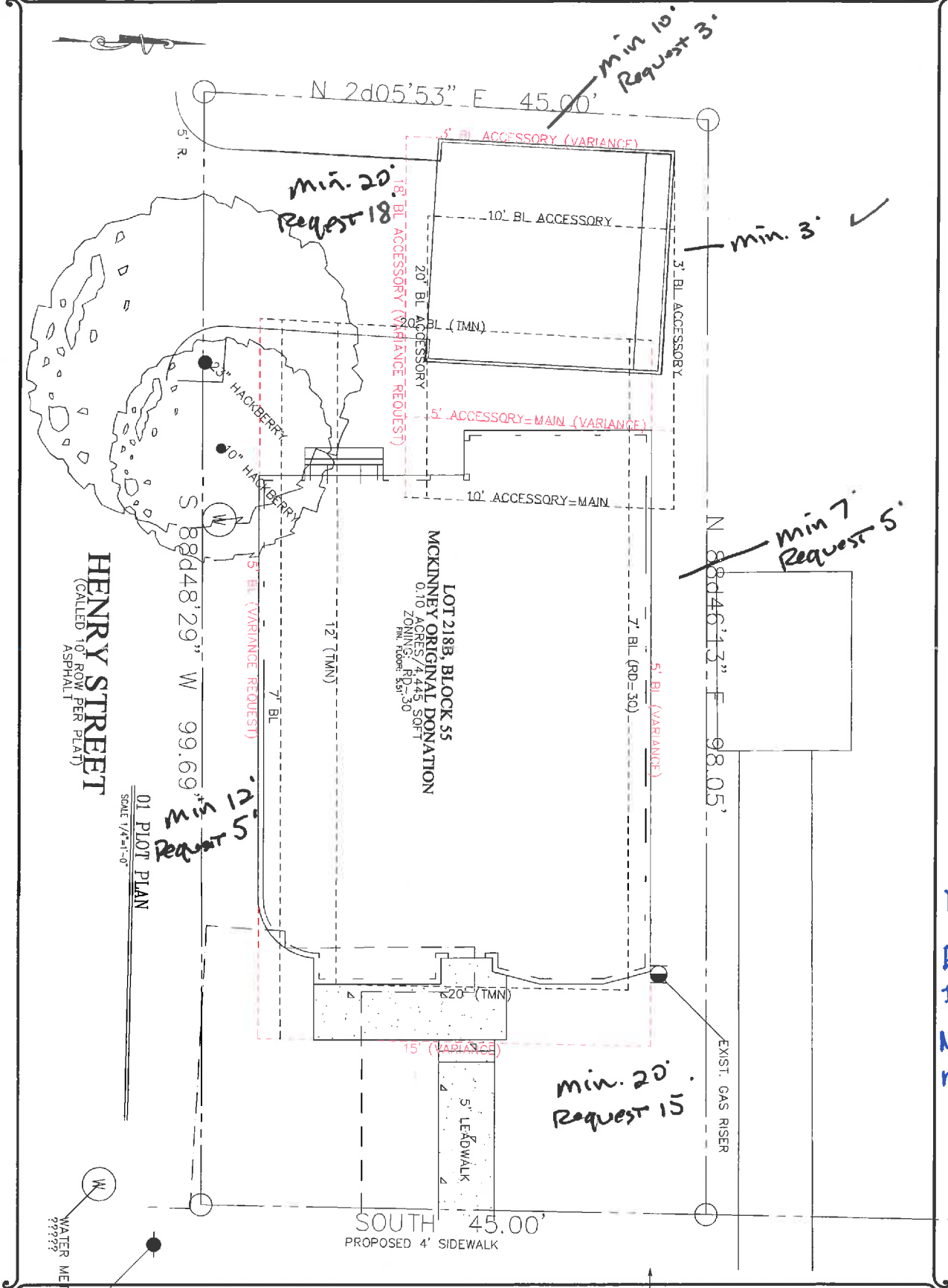
Terri Lustig

May 3, 2018

208 S Benge

- The Historic Preservation Officer has had an initial conversation with the applicant concerning the construction of a new house. ✓
- The house should conform to the front yard setback created by the house to the north. This would be in keeping with the historic character of the neighborhood. ✓
- The garage should be located in the rear yard. This is a historically appropriate location for the garage.
- The house has architectural detailing that is compatible with the Historic District. ✓

Guy R. Giersch, Historic Preservation Officer



Min 10' Request 3

Min. 20' Request 18

Min. 3'

Min 7' Request 5

Min 12' Request 5

Min. 20' Request 15

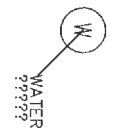
New Exhibit For May 30 meeting.

HENRY STREET
(CALLED TO ROW PER PLAT)
ASPHALT

01 PLOT PLAN
SCALE 1/4"=1'-0"

LOT 218B, BLOCK 55
MCKINNEY ORIGINAL DONATION
0.10 ACRES/4,445 SQ FT
ZONING: RD-30
FIN. FLOOR: 5th

SOUTH 45.00'
PROPOSED 4' SIDEWALK



EXIST. UNDERGROUND SERVICE
WATER METER DAN
POWER POE
SHEET
A0

JR ROSE
ARCHITECTURE
(214) 454-7895 TEL (972) 420-0324 FAX
(CALLED TO ROW PER PLAT)

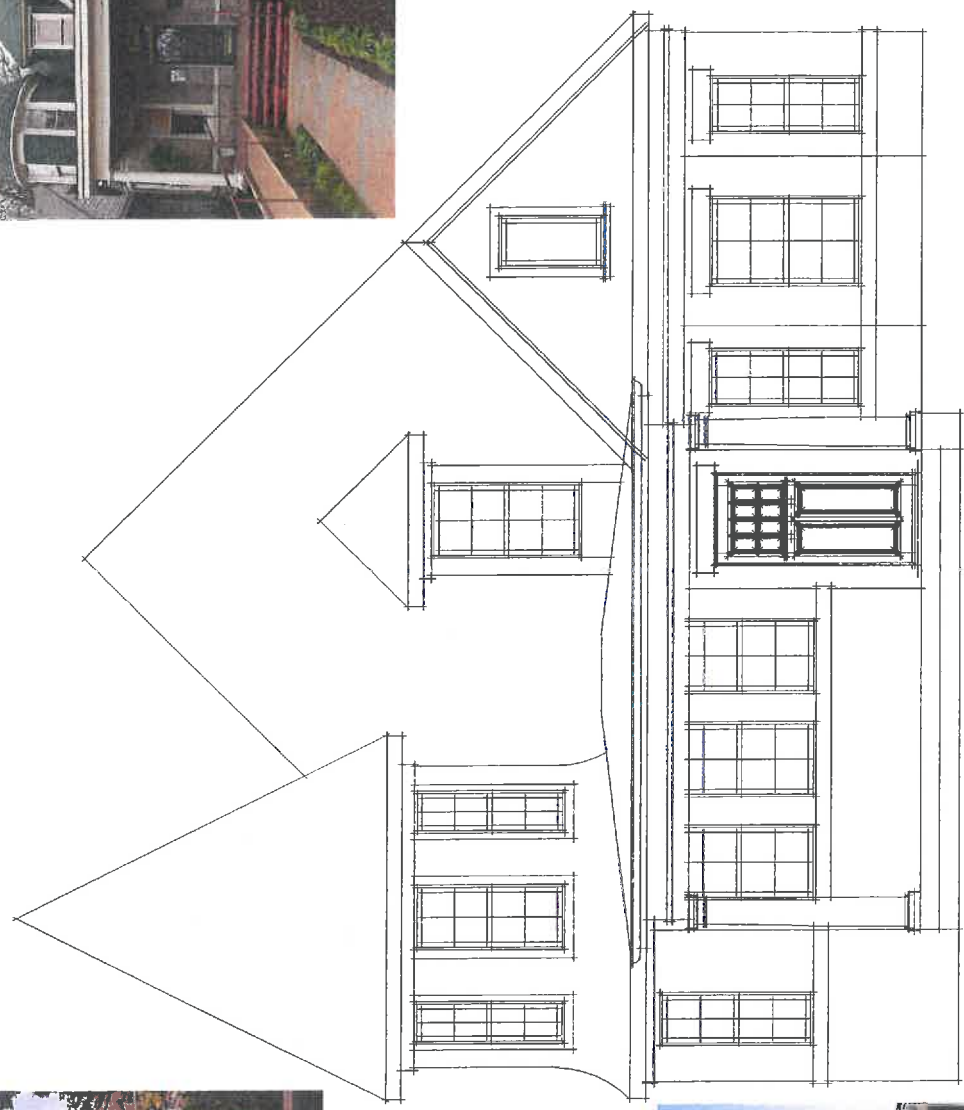


LUSTIG RESIDENCE
MCKINNEY TEXAS

Drawn By:	
Checked By:	
Date:	
Notes:	
Revisions:	

2'-4"=1'-0"=BOC

JR ROSE DEVELOPMENT. The designs represented by these plans are copyrighted and subject to copyright infringement protection as an "architectural work" under 17 U.S.C. Sect. 102 known as the Architectural Works Protection Act of 1990. Unauthorized use of these plans (including form and arrangement of spaces), data, and other aspects of the design will subject the infringer to damages and/or judicial action as provided by Federal Law.



01 FRONT ELEVATION
SCALE 1/2"=1'-0"

Lustig Residence
March 19, 2018



SHEET
A1

JR ROSE
ARCHITECTURE
(214) 454-7895 Tel. (972) 420-0324 Fax



3-17-2018

LUSTIG RESIDENCE
MCKINNEY TEXAS

Drawn By:
Jose E. Diaz
Preparation Date:
April 17, 2018
Revisions:
Notes:

Drawn By:
 Jean R. Rose
 Preparation Date:
 March 17, 2018
 Revisions:

 Notes:

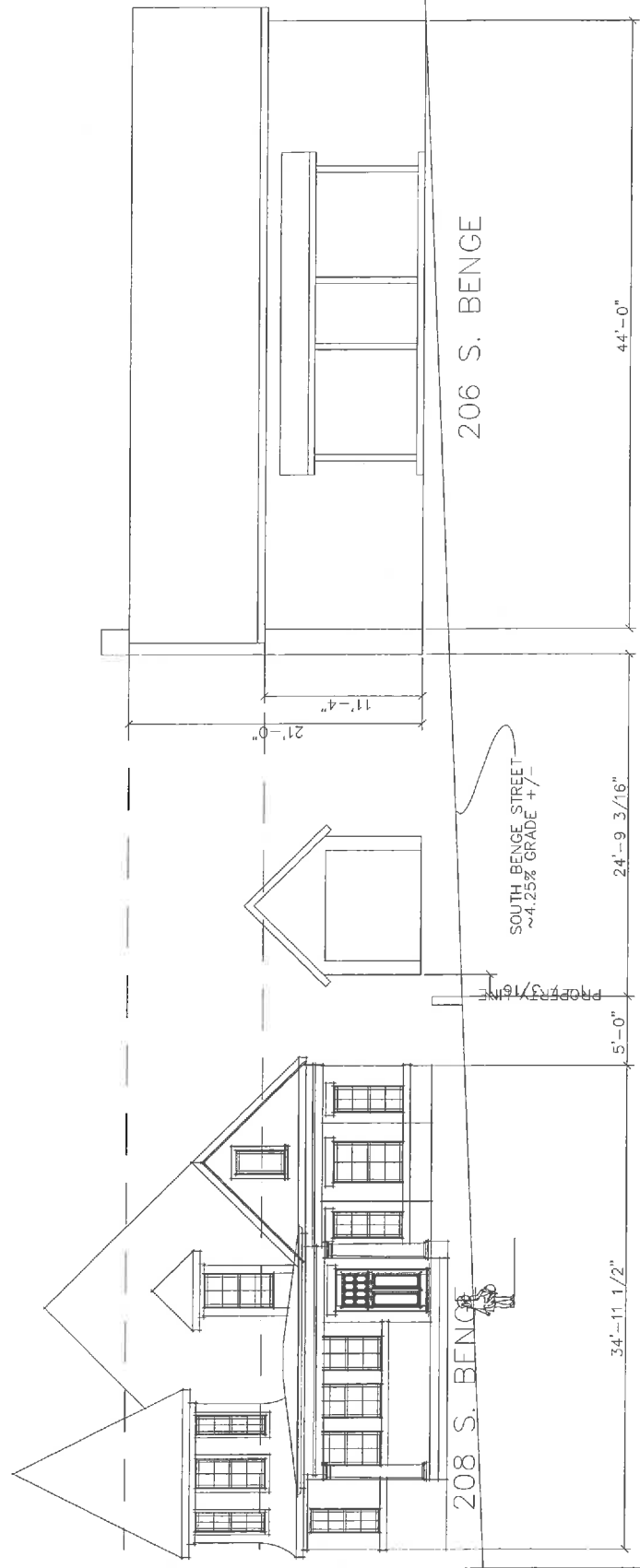
LUSTIG RESIDENCE
 MCKINNEY TEXAS



3-17-2018

J ROSE
 ARCHITECTURE
 (214) 454-7895 Tel (972) 420-0324 Fax

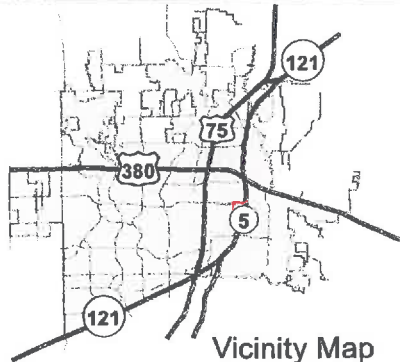
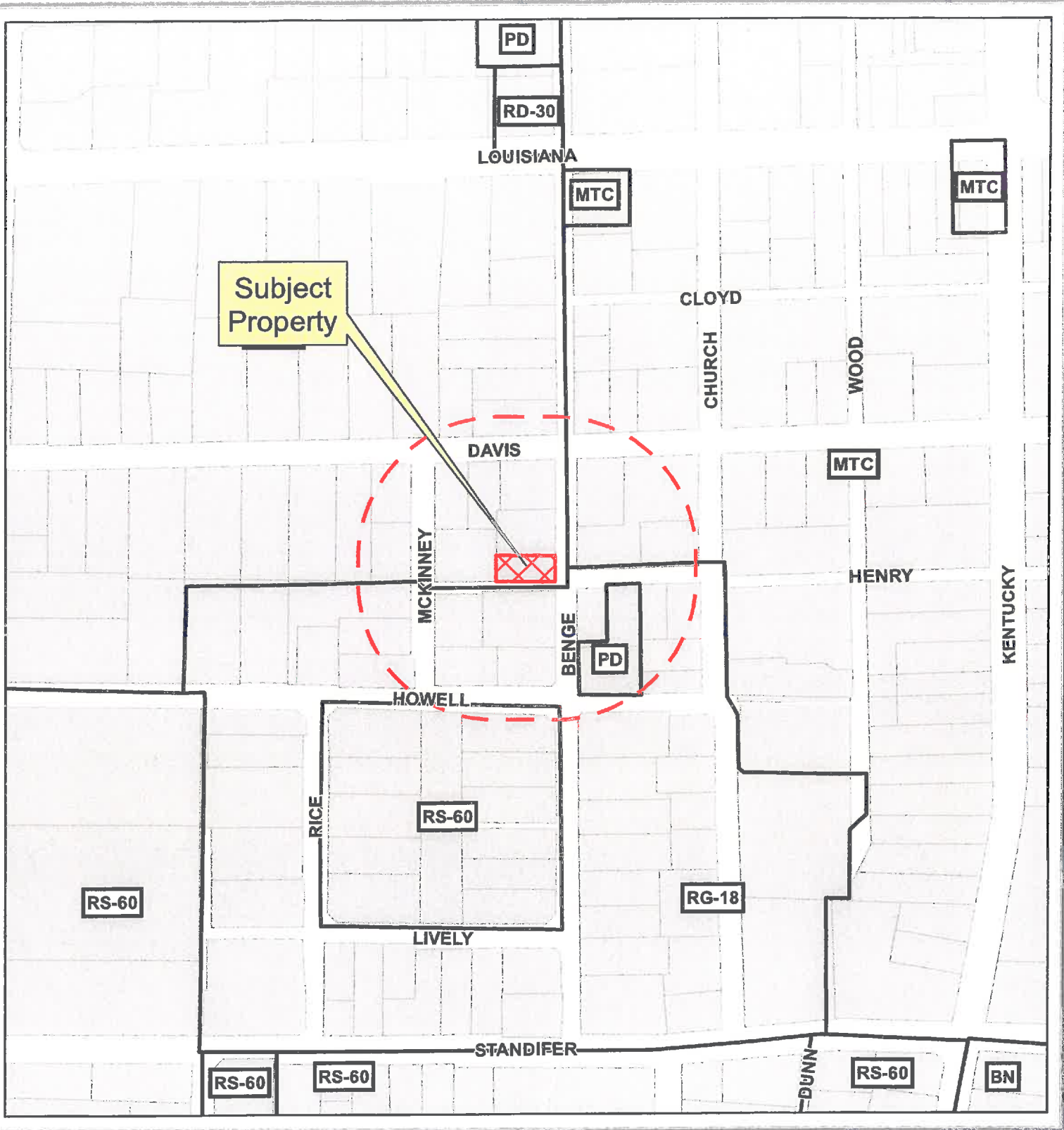
SHEET
 A4



Lustig Residence
 March 19, 2018

01. STREETSCAPE SCALE TRANSITION
 SCALE 1/4"=1'-0"

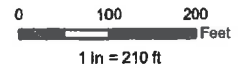
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Board of Adjustments Map

208 S BENGE ST

--- 200' Buffer

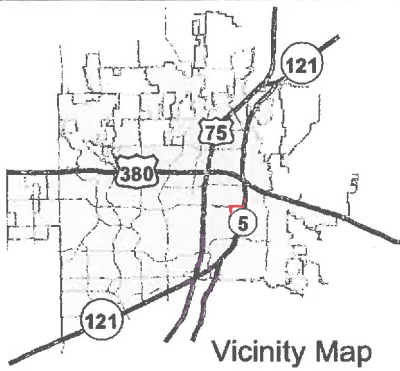


Source: City of McKinney GIS
Date: 4/9/2018

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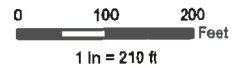
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Board of Adjustments Map

208 S BENG E ST

--- 200' Buffer



Source: City of McKinney GIS
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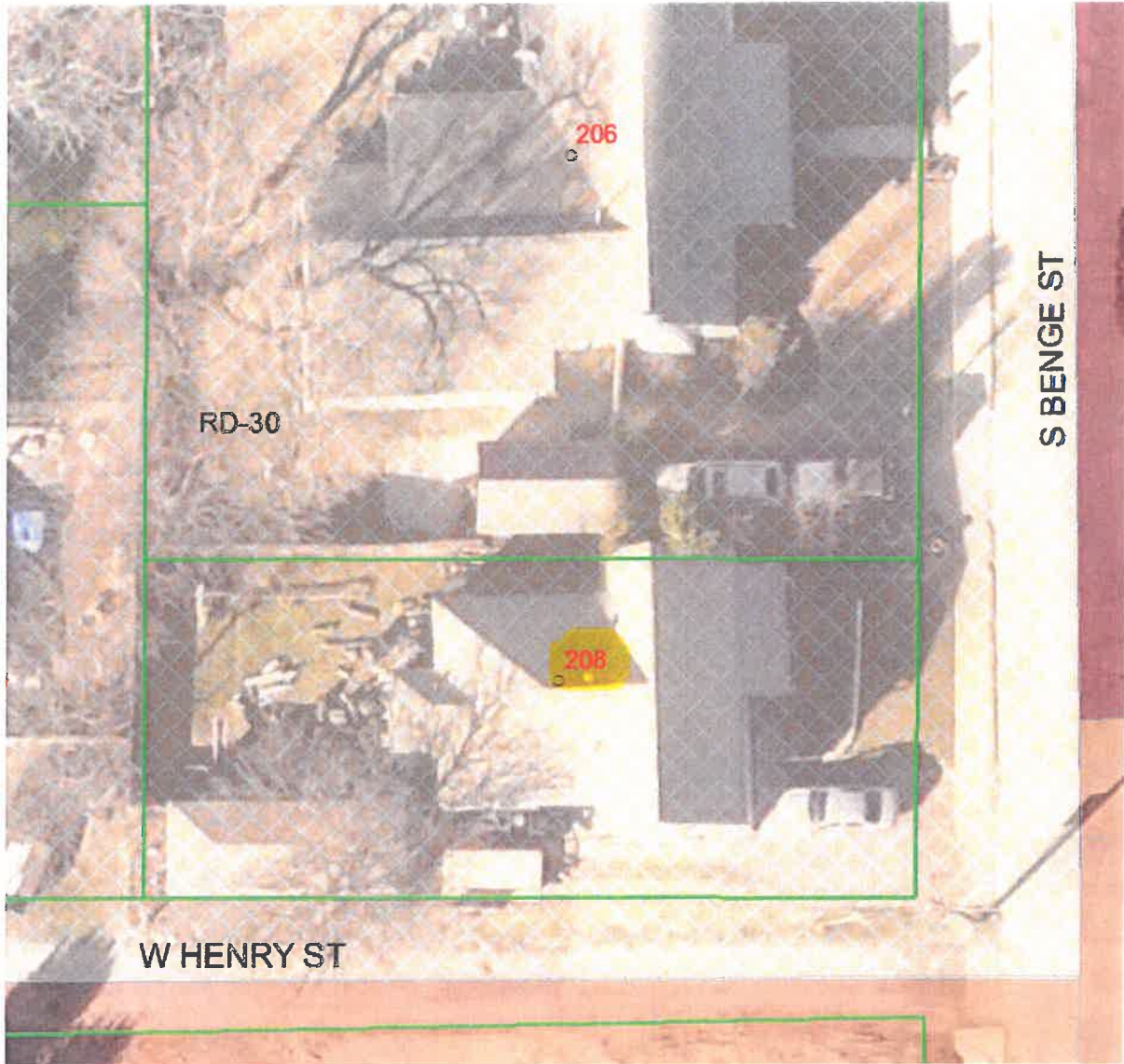


208 S BENGE

PLAT: MCKINNEY ORIGINAL DONATION (CMC), BLK 55, LOT 218B

ZONING CLASSIFICATION - RD-30 DUPLEX

NON-CONFORMING LOT WIDTH / DEPTH



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' 45'	100' 90'	25' 20'	25' 20'	7'	15' 12'	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.	60'	100'	35'	(1)	(1)	35'	35' (2)	50%	n/a	12.0

TMU overlay →

← TMU overlay

	sq. ft.										
C3	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	55' (8)	90%	n/a	n/a
LI	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	45' (8)	70%	n/a	n/a
HI	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

Sec. 146-100. - TMN traditional McKinney neighborhood overlay district (suffix).

- (a) *General purpose and description.* The TMN traditional McKinney neighborhood overlay district allows for a modified set of standards of the underlying zoning district for those lots substandard because they may have been in place before zoning was established, or were encroached upon as a result of past or future easement or right-of-way dedication.
- (b) *Applicability.* The provisions of the traditional McKinney neighborhood overlay district (TMN) apply only to single family detached residential uses and structures.
- (c) *Boundaries.* The TMN overlay district establishes the boundaries of an area within which properties shall be subject to the regulations for this district, in addition to the regulations of the applicable zoning district. (The properties that are to be located within this overlay district are generally located on the south side of U.S. Highway 380, on the east side of Graves Street, and generally extending southward to Industrial Boulevard and eastward to the airport area.)
- (d) *Space limits.* The following space limits shall apply to the TMN traditional McKinney neighborhood overlay district:
 - (1) Minimum lot width: 90 percent of width of underlying district.
 - (2) Minimum lot depth: 90 percent of depth of underlying district.
 - (3) Minimum lot area: 80 percent of lot area of underlying district.
 - (4) Minimum front yard: 80 percent of front yard setback of underlying district.
 - (5) Minimum rear yard: 80 percent of rear yard setback of underlying district.
 - (6) Minimum side yard: as defined in underlying district.
 - (7) Minimum side at corner: 80 percent of side at corner setback of underlying district.
 - (8) Maximum lot coverage: 50 percent.

(Code 1982, § 41-95; Ord. No. 2002-08-084, § I.45, 8-20-2002; Ord. No. 2002-11-109, § 2, 11-19-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)