





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:

Please see attached .  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

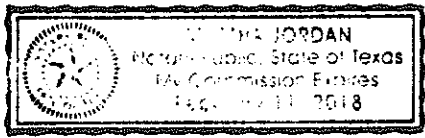
Items Submitted: Completed application and fee  Plot/Site Plan or Survey drawn to scale

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

K. Jordan  
Applicant's Signature

STATE OF TEXAS  
COUNTY OF Collin

Subscribed and sworn to before me this 30<sup>th</sup> day of October, 2014



Martha Jordan  
Notary Public

My Commission expires: 2/11/18

(seal)  
8/9/10

Jason & Sterrett Coleman  
10200 Independence Pkwy  
Plano, TX 75025  
October 27, 2014

McKinney Board of Adjustment  
Kimberly Davison, Jim D'Emidio, Scott Jacoby, Charles Shepard, Randall Wilder, et al.  
City of McKinney  
222 N. Tennessee  
McKinney, TX 75069

Dear McKinney Board of Adjustment Members:

Thank you for considering our Application for Variance. We are seeking this variance in support of our plan to build a home for our family in the McKinney Historic District at 509 S. Parker.

The general reason for the variance request is so that we can resolve what we understand to be a conflict between the letter of RS60 and the letter and intent of McKinney Municipal Code Section 98-84 when both are applied to our lot. It is our general intent to build a home that is harmonious with the existing structures and the character of the Historic Neighborhood while contributing to the variety and depth of character in the area.

Due to an unfortunate timing coincidence the pending meeting of the Board coincides with us celebrating our 20th anniversary in Hawaii. Please do not interpret our inability to attend your meeting with any lack of interest or engagement on our part. We are fortunate to be able to have one or both of our architects, Kobey Seale or Eric Ciskowski represent us at this meeting, whom we are certain will be able to address any issues or questions you may raise.

Thank you for giving this application your full and careful consideration. We look forward to your response.

Sincerely,

  
Jason Coleman

  
Sterrett Coleman

**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:**

We are planning on building a new home for our family's personal use on 509 S. Parker that is respectful of the existing historic district, enhances local property values and is not disruptive of the existing streetscape. According to Exhibit B of McKinney Municipal Code Section 98-84, "It is important that new construction in the NEZ be consistent with adjacent structures in spacing and setback, which sets a rhythm for the block and neighborhood and is a part of the historic character. The setback of new construction in the NEZ should generally be within 10 percent of the setback lines of the adjacent structures. Setbacks for new construction in the NEZ should maintain the existing pattern of setbacks in the block if at all possible." Granting the requested variance will enable us to build a new home on the property and maintain the existing pattern of setbacks in harmony with existing adjacent structures.

If we follow the letter of the RS60 code it is our understanding that we will be unable to meet the letter or intent of Section 98-84 nor the intent of RS60. If granted, this variance of RS60 should continue to maintain the existing character of the existing streetscape and prevent an incongruous rhythm of setbacks which we would otherwise be forced to create.

**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:**

Though this lot is zoned as RS60 it is undersized. In order to maintain the same general facing as adjacent and nearby historic homes and meet the spirit of Section 98-84, the lot should be developed so that the front of the new home faces Parker, not Cole. Section F-1 of Appendix F of McKinney Municipal Code states that RS60 lots are to have a minimum depth of 100' whereas 509 S. Parker has a depth of 94.64'. Other parcels of land (adjacent and non-adjacent) in the same zoning district with similar area, shape and topography were developed prior to the implementation of and do not comply with RS60, including rear and front setbacks of less than 25'.

Front setbacks of the five adjacent structures range from approximately 11' to 17' (with an average of 15'), with total setbacks from the curb at approximately 24.8' to 31.2' (with an average of 28.7').

Conforming with Section 98-84 would require a front setback in the range of 16.5' to 13.5', which is in conflict with RS-60 requirements. Inversely, conforming with RS-60 on this lot would require a front setback of at least 25' which is 40% to 150% greater than adjacent structures, putting us in conflict with Sec. 98-84.

509 is the sole empty lot in the immediate area and the only one with this shape and disposition, so to our knowledge, these new construction requirements only apply to it in this manner. The majority of nearby existing structures were constructed decades prior to the implementation of RS60 or the adoption of Section 98-84.

Additionally, 509 is a corner lot, which in combination with being undersized further complicates adequately and appropriately positioning a garage on the side of the lot. It is our intent to position a garage on the Cole side of this parcel which will coordinate it with the adjacent homes. Varying the rear setback for this lot will enable us to position a side garage that is in accordance with the existing streetscape and is less disruptive to the appearance of the neighborhood. Some adjacent garage and storage structures have offsets as little as 1' or less. These are clearly in violation of RS60 (because they pre-date it by decades). We are not attempting to match these very tight offsets, merely seeking to position the side and rear elements of our home in a fashion that is not out of character with the existing streetscape in the spirit of Section 98-84.

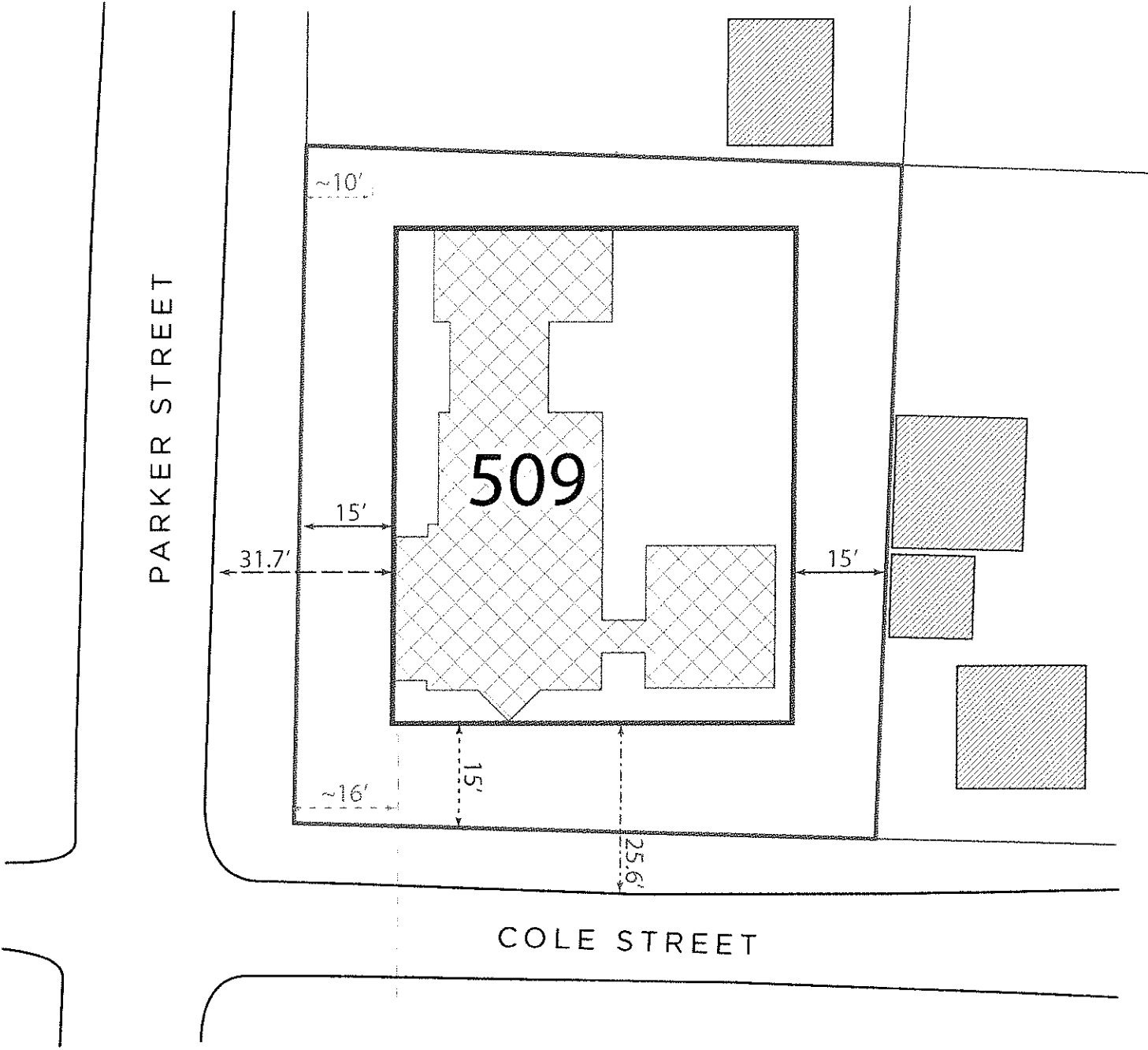
**3. The hardship sought to be avoided is NOT the result of (a) the applicant's own actions (self-imposed or self-created) and (b) economic or financial hardship because:**

We wish to build on the property in conformance with the spirit and intent of the city codes that govern the Historic Neighborhood. Our understanding of the relevant ordinances makes this impossible if we follow the letter of both RS60 and Section 98-84. This hardship arises from first: a conflict between these two separate pieces of municipal code given the nature of the existing streetscape. These factors likely could not have been anticipated by the city, nor are they the result of any particular design or development decision on our part. This hardship arises secondarily from: the fact that the lot is undersized for RS60 and thus is not entirely appropriate for the designated setbacks. This hardship is not economic, but arises from a desire to meet the intent and spirit of McKinney's ordinances regarding this area. It will cost us no more nor less to develop the lot without the variance. And it is our understanding and belief that without the variance we will be in violation of the spirit and intent of the ordinances which govern the NEZ and Historic Neighborhood.









**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:**

If the sought variance is not granted we will be deprived of the right to construct and use a home on this property that conforms with the spirit, intent and specifications of the Historic Neighborhood. A failure to grant the variance may additionally compromise our ability to acquire a certificate of appropriateness from the HPO as required in Mun. Code Sec. 146-97. We are unaware of any specific properties in the same zoning district that have the same shape, features and context as this property that also comply with these ordinance provisions.

# 509 PARKER - APPROX VOLUME OF NEW HOME

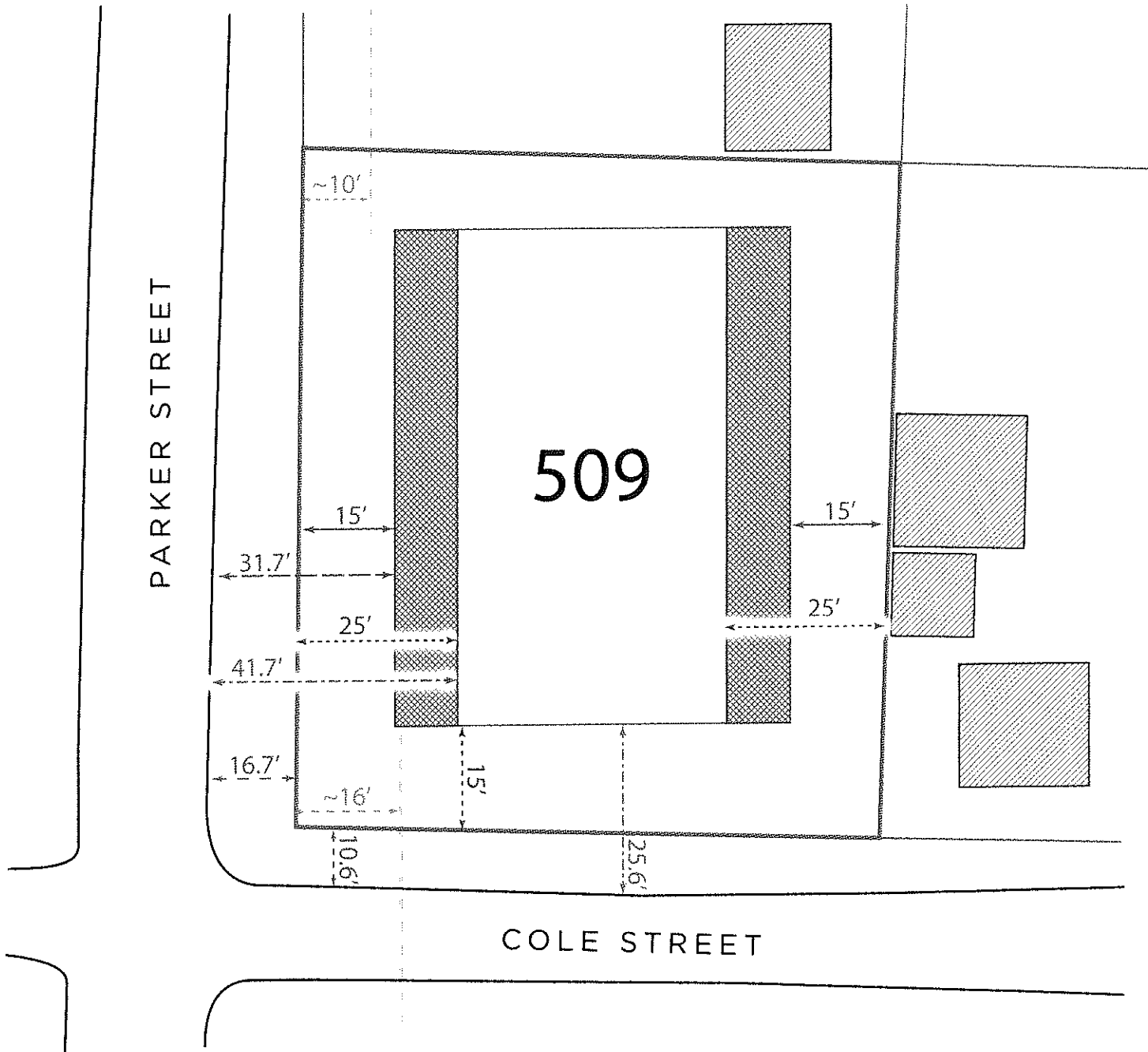


## LEGEND

-  Existing Structure
-  Proposed Max Extent
-  Adjacent Setback
-  5.5' Setback
-  5.5' Proposed Setback
-  Approx. Extent of New Home
-  9.9' Effective Street Setback
-  9.9' Proposed Effective Street Setback

Note: This drawing is not to precise scale. It's purpose is to illustrate the concept of the proposed setback variance.

# 509 PARKER - PROPOSED SETBACK DETAIL



LEGEND	
Existing Structure	Proposed Change to Setback
Setback	Proposed Setback
Effective Street Setback	Proposed Effective Street Setback








Note: This drawing is not to precise scale. It's purpose is to illustrate the concept of the proposed setback variance.



# 509 PARKER - NEW CONSTRUCTION VOLUME CONTEXT



**LEGEND**







 Existing Structure	 Proposed Change to Setback	 Approx. Extent of New Home
 5.5' Setback	 5.5' Proposed Setback	
 9.9' Effective Street Setback	 9.9' Proposed Effective Street Setback	

Note: This drawing is not to precise scale. It's purpose is to illustrate the setbacks of the surrounding streetscape context.

# 509 PARKER - SETBACK CONTEXT



## LEGEND

-  Existing Structure
-  Proposed Change to Setback
-  5.5' Setback
-  5.5' Proposed Setback
-  9.9' Effective Street Setback
-  9.9' Proposed Effective Street Setback

Note: This drawing is not to precise scale. It's purpose is to illustrate the setbacks of the surrounding streetscape context.

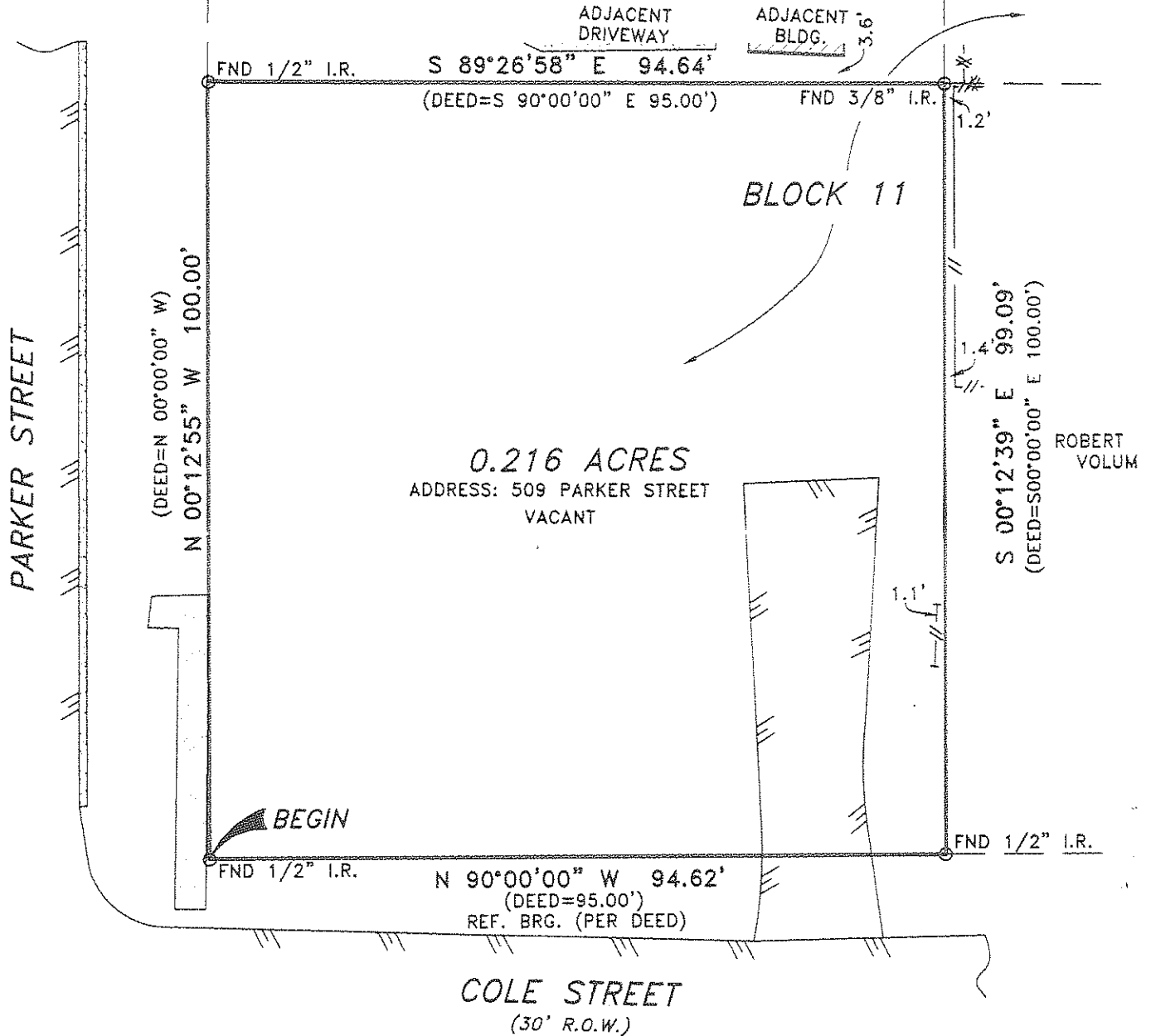
94.64 FEET TO A 3/8" IRON ROD FOUND FOR CORNER AT THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 00°12'39" EAST ALONG THE EAST LINE OF SAID NELSON TRACT, A DISTANCE OF 99.09 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE SOUTHEAST CORNER THEREOF, IN THE NORTH RIGHT-OF-WAY LINE OF SAID COLE STREET;

THENCE NORTH 90°00'00" WEST ALONG THE NORTH LINE OF SAID COLE STREET, A DISTANCE OF 94.62 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.216 ACRES OF LAND.

LARRY FLOYD SPRACKLEN  
VOLUME 2613, PAGE 371  
D.R.C.C.T.

LEE LANDERS E  
CC# 2006032200C  
D.R.C.C.T.



FLOOD NOTE:

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480135 0305G, DATED 01/19/96, 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.

NOTES:

(P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIC PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.

SYMBOL LEGEND		FND = FOUND	I.R. = IRON ROD	I.P. = IRON PIPE	ESMT. = EASEMENT	B.L.
---//---	WOOD FENCE					
---X---	CHAIN LINK FENCE					
---X---	WIRE FENCE					

I, JASON L. MORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A

THIS SURVEY \