

## AGENDA ITEM 16-12

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sunflower Homes, LLC for a Variance to the Minimum Side Yard at the Corner Setbacks for the Property Located at 1102 Railroad Street.

**MEETING DATE:** July 27, 2016

**DEPARTMENT:** Development Services-Building Inspections

**CONTACT:** Rick Herzberger, Chief Building Official

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**ZONING:** RS60

**EXISTING CONDITIONS:** Due to the double frontage, requirements are 25' side at corner setback. There is an existing large tree.

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Side Yard at Corner	20'	5'

**APPLICANT'S BASIS FOR VARIANCE:**

Applicant wishes to build a single family residence. Applicant states that the large heritage tree would have to be cut down to comply with the setback requirements.

**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 field validated and I agree that the Board has the implied authority to consider this variance request based on the topographical, or other conditions presented by the applicant, and is not contrary to the public interest and general welfare of the adjacent property

**SUPPORTING MATERIALS:**

Variance Application  
Property Locator Map

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**Action:      APPROVED                      DENIED                      TABLED**



## CITY OF MCKINNEY BOARD OF ADJUSTMENT APPLICATION

Type of Request:

Variance  Special Exception  Appeal

FILLING FEE \$50.00

RECEIPT DATE 16-12

**Property Location:**

Address: 1102 RAILROAD      City: MCKINNEY      State: TX      Zip: 75069

Lot Number: LOT 05A 06A      Block: 5      Subdivision Name: GERRISH

**Owner's Information:**

Owner's Name: SUNFLOWER HOMES, LLC      Phone Number: 214-498-4558

Address: 6951 VIRGINIA PKWY      City: MCKINNEY      State: TX      Zip: 75071

Owner is giving \_\_\_\_\_ authority to represent him/her at the meeting.

Applicant's Name: MICHAEL RIPPERGER      Owner's Signature: \_\_\_\_\_

**Applicant's Information:**

Name: MICHAEL RIPPERGER      Company Name: SUNFLOWER HOMES LLC      Phone Number: 214-498-4558

Address: 6951 VIRGINIA PKWY      City: MCKINNEY      State: TX      Zip: 75071

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			
Lot Width			
Lot Depth			
Side Yard			
Side Yard			
Side @ Corner	25	20	5
Front Yard			
Rear Yard			
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:

*We are trying to save the massive tree in the back/side yard*

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:

*Tree and corner lot.*

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:

*Lot was pre existing. Lot is only 70' wide.*

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:

*We have a heritage tree. We would need to cut it down to comply with the current setbacks.*

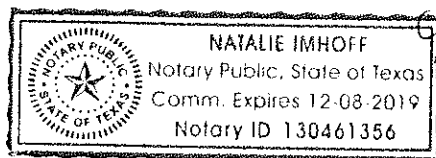
Items Submitted: Completed application and fee  Plot/Site Plan or Survey drawn to scale

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

*[Handwritten Signature]*  
 Applicant's Signature

STATE OF TEXAS  
 COUNTY OF Collin

Subscribed and sworn to before me this 7 day of June, 2016



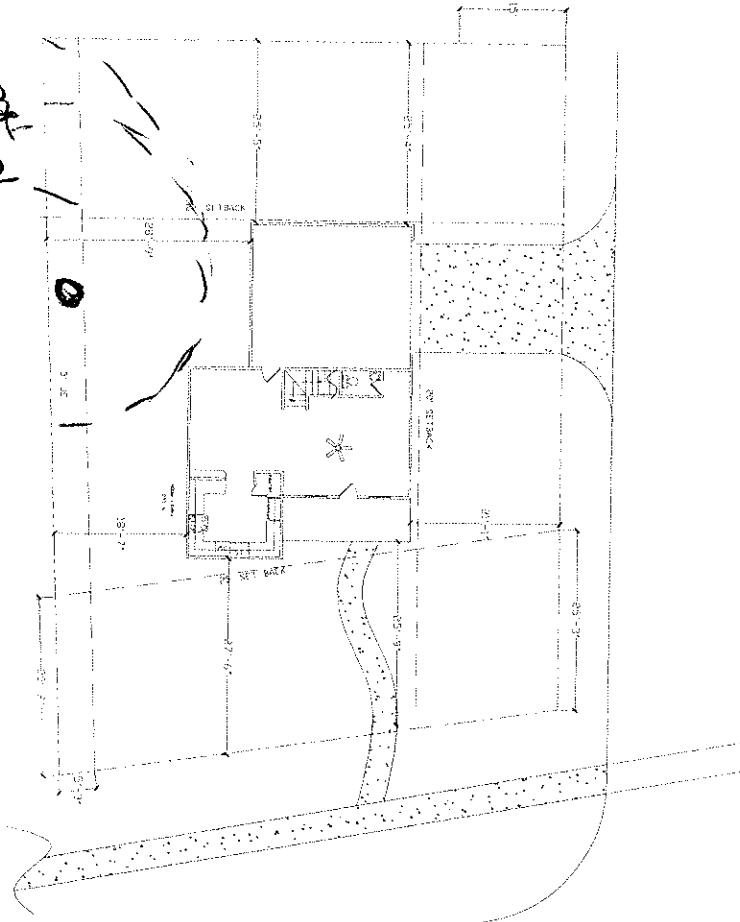
*[Handwritten Signature]*  
 Notary Public  
 My Commission expires: 12/08/2019

(seal)

JUL 05 2016



*LA  
PLOW  
TREE*

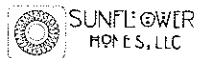


1 SITE PLAN



**CCD**  
SP1

Chapman's CAD Designs  
1601 Waddell ST., Suite 103-E  
McKinney, TX, 75069  
(972) 542-1157 OFC  
(972) 866-8799 FAX



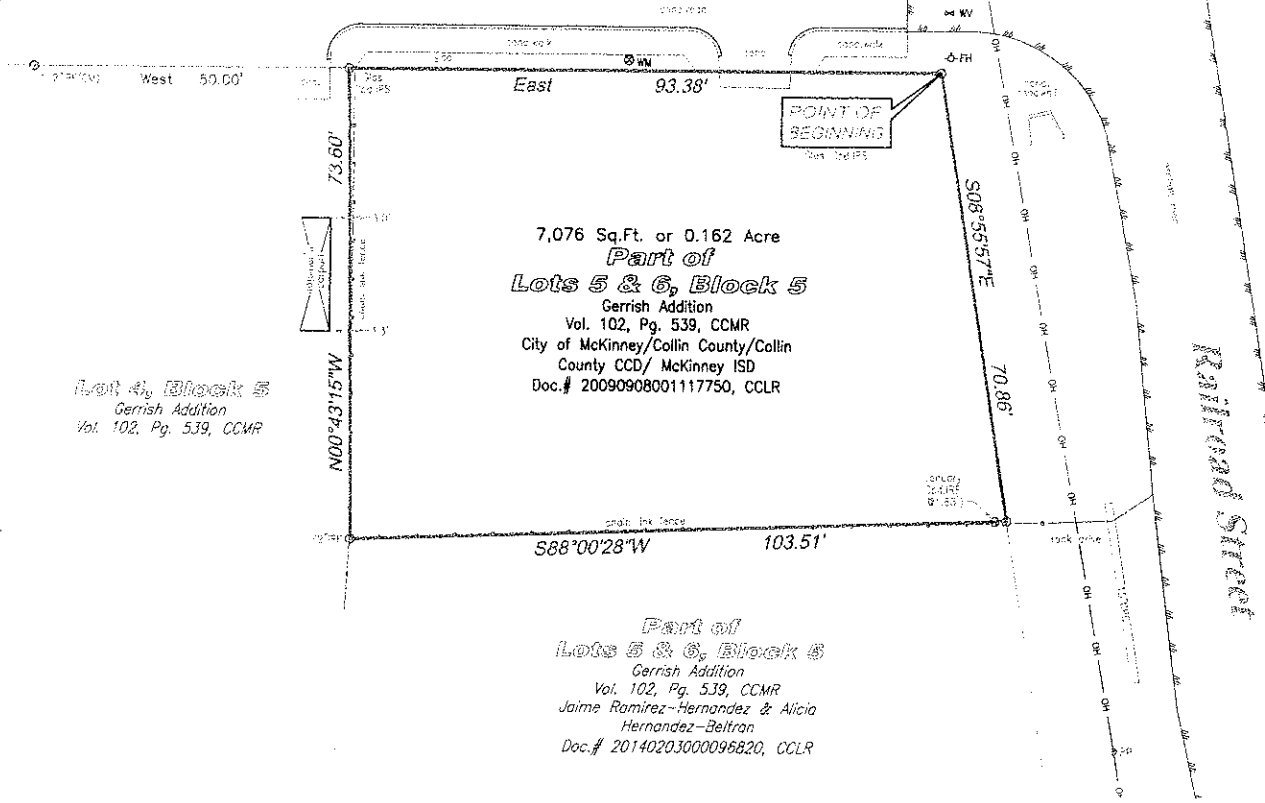
SUNFLOWER  
HOMES, LLC  
1617 ~~Waddell~~ ST.  
MCKINNEY, TX

REVISION RECORD			
DATE	REV.	OPERATOR	REVISION

1102 Railroad

Bill Bush

# Graham Street



Mets. & Bounds Description


SITUATED in the State of Texas, County of Collin, and City of McKinney, being part of the Mary Standifer Survey, Abstract No. 811, being the northern part of Lots 5 & 6, Block 5 of Gerrish Addition, on addition to the City of McKinney as recorded in Volume 102, Page 539 of the Collin County Map Records and being the same tract of land as recorded under Document No. 20090908001117750 of the Collin County Land Records with said premises being more particularly described as follows:

- BEGINNING at a Glas capped iron rod set at the intersection of the south right-of-way line of Graham Street with the west right-of-way line of Railroad Street, marking the northeast corner of Lot 6 and the northeast corner of said premises;
- THENCE with the west right-of-way line of Railroad Street, the east line of Lot 6, and the east line of said premises, South 08°55'57" East, 70.86 feet to a point marking the southeast corner of said premises and the northeast corner of a tract of land conveyed to Jaime Ramirez-Hernandez and Alicia Hernandez-Beltron (hereinafter referred to as the "Hernandez Lot") as recorded under Document No. 20140203000095820 of the Collin County Land Records;
- THENCE with the south line of said premises and the north line of said Hernandez lot, South 88°00'28" West, passing a January capped iron rod found at 1.83 feet and continuing for a total distance of 103.51 feet to a 1/2-inch iron rod found marking the southwest corner of said premises, the northwest corner of said Hernandez lot, being in the west line of Lot 5 and in the east line of Lot 4, Block 5 of said addition;
- THENCE with the west line of said premises, North 00°43'15" West, 73.60 feet to a Glas capped iron rod set in the south right-of-way line of Graham Street marking the northwest corner of Lot 5, the northwest corner of said premises, and the northeast corner of said Lot 4;
- THENCE with the south right-of-way line of Graham Street, the north line of Lots 5 & 6, and the north line of said premises, East, 93.38 feet to the point of beginning and containing 7,076 square feet or 0.162 acre of land.

Surveyor's Certification

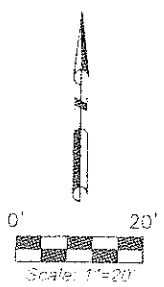
The survey shown hereon is a true representation of the property as determined by a survey made on the ground and under my personal supervision. All visible improvements are as shown. There are no visible encroachments, conflicts, or protrusions, except as shown. This survey conforms to the Texas Board of Professional Land Surveyors' Minimum Standards of Practice, as adopted by the Board effective September 1, 2005. The property is subject to all easements of record.

Vacant Lot Survey  
**1102 S Railroad St**  
 Gerrish Addition  
 City of McKinney, Collin County, Texas  
 October 28, 2015

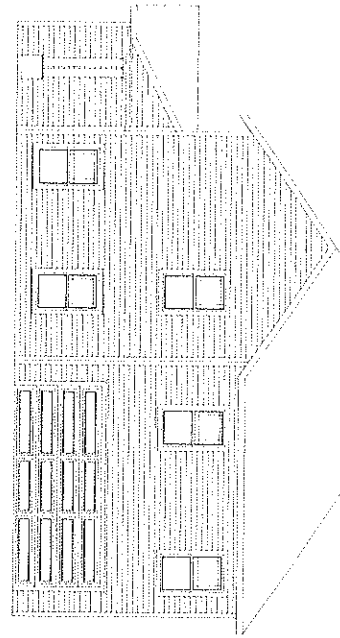
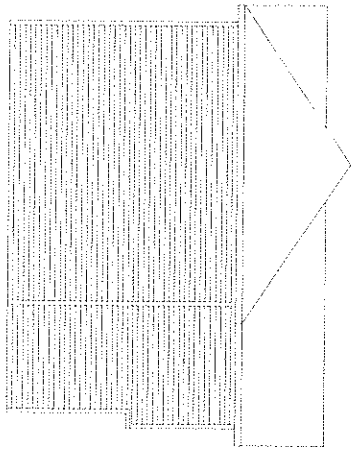
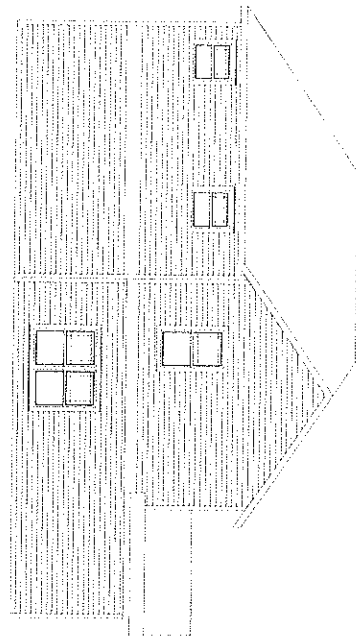
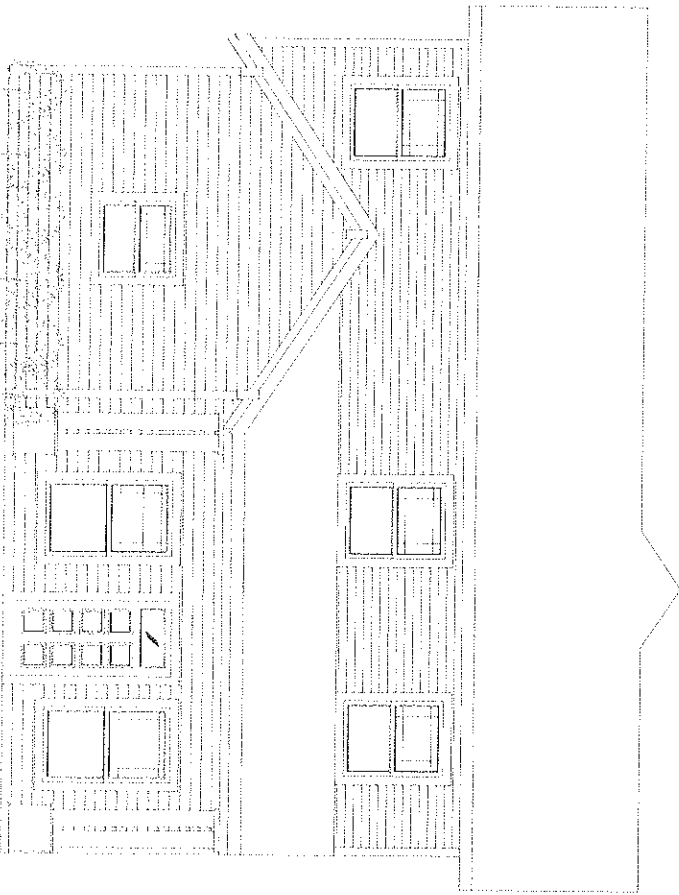
  
 John Glas  
 Registered Professional  
 Land Surveyor No. 6081



Legend	
	Glas Capped Iron Rod Set
	Collin County Map Records
	Collin County Land Records
	Iron Rod Found
	Collaring Measurement
	Power Pole
	Water Meter
	Ejector
	Fire Hydrant
	Damaged Manhole Cover
	Easement
	Edge of Street
	Cornered Line
	Chain Link Fence



Notes: 1) This survey has been performed without the benefit of a Title Commitment. 2) Surveyor's signature will appear in red ink on certified copies and shall bear the surveyor's impression seal on the lower right-hand corner of the sheet. 3) Subject property is affected by any and all notes, details, easements and other matters that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request. 4) This survey is intended for the exclusive use of the hereon noted owner, purchaser, title company and/or mortgage company only and the survey is made in accordance with the title commitment referenced by the GF number shown hereon as provided by the above stated title company. Any further use of this survey for conveyance purposes or above the stated intent of this survey, without the surveyor's knowledge, is a violation of Federal Copyright law. 5) Source bearing is based on Gerrish Addition, on addition to the City of McKinney as recorded in Volume 102, Page 539 of the Collin County Map Records (Bearing of Due West used on the south right-of-way line of Graham Street). 6) No part of this lot lies within a Special Flood Hazard Area inundated by 100-year flood per Map



A1

CCD

Chapman's CAD Designs

1601 Waddill St., Suite 103-E  
 McKinney, TX, 75069  
 (972) 542-1187 OFC  
 (972) 886-8799 FAX



SUNFLOWER  
 HOMES, LLC

1102 RAILROAD  
 MCKINNEY, TX

		REVISION RECORD	
DATE	REV#	ORIGINATOR	REVISION

628 S  
847 S  
1475 S

1ST FLOOR AC  
2ND FLOOR AC  
TOTAL AC

