



*Rec'd
8/1/18
9:40 AM*

BOARD OF ADJUSTMENT APPLICATION

APPEAL SPECIAL EXCEPTION VARIANCE TODAY'S DATE: 07/31/2018

****CONTACT INFORMATION****

PROPERTY LOCATION*: 1405 W Virginia St, McKinney, TX 75069

Subdivision: Waddill Addition (Street address) Lot: 1E Block: 3

*Application not applicable in the ETJ (Extra Territorial Jurisdiction)

Property Owner: Thomas and Charlotte Bird, 1405 W Virginia St, McKinney, TX 75069

(Name) tbirdacc@hotmail.com (Address) 903-253-7621 (City, State, & Zip Code)
(Email) (Phone)

Property Owner is giving _____ authority to represent him/her at meeting.

Property Owner Printed Name: Thomas A. Bird (Applicant Name) Property Owner Signature: *Charlotte B. Bird*

Applicant: Thomas A. Bird, 1405 W Virginia St, McKinney, TX 75069

(Name) tbirdacc@hotmail.com (Address) 903-253-7621 (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			
Side Yard	10 FT	3 FT	7 FT
Side at Corner			
Front Yard			
Rear Yard	<u>10 FT</u>	<u>3 FT</u>	<u>7 FT</u>
Driveway			
Other			

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 documents.

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.

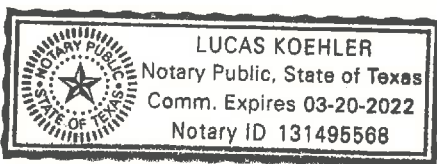
Charlotte B. Bird
Property Owner Signature (If different from Applicant)

Charlotte B. Bird
Applicant's Signature

STATE OF TEXAS | Page

COUNTY OF Collin

Subscribed and sworn to before me this 1 day of August, 2018



Lucas Koehler
Notary Public

My Commission expires: 03-20-2022

(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:

Variance: Section 146-129 Height and area exceptions, and minimum distances between specific uses, and Section 146-130 - Vehicle parking. Section 146-130 calls for 2 covered spaces for a single family detached dwelling, which this is. The existing carport does not meet this requirement and is barely adequate for one vehicle, requiring the outside rear view mirrors to be folded back in order to get one standard size pickup truck in (see photo 1). This makes backing out quite hazardous and has resulted in minor damage to one of the posts due to the lack of clearance (see photo 2). As the owners possess two vehicles a two-car carport is requested. In order to accommodate this the distance between the property line and the side of the carport needs to be reduced to 3 ft. The current distance is 8.9 ft, which is already less than the specified 10 ft in section 146-129 (4). The attached plans show the proposed building. The variance requested is the distance from the south side of the car port and storage area to the property line to be 3 ft, compared to the 10 ft in the regulation 146-129 (4). Note that the neighboring property that shares that property line has a shed which is located no more than 3 ft from the property line. Construction of this carport would not require the removal of any live trees. In addition to the safety issue of backing out without side mirrors, a literal enforcement of the provisions of this chapter will subject the owners' vehicles to the following: (1) Direct sunlight causes elevated temperature of both the inside and outside of the vehicle and eventual deterioration and loss of value (2) This area of Texas is subject to large damaging hail. Left unprotected a vehicle could be severely damaged. (3) There are several large old trees around the parking area. These trees regularly shed limbs of various sizes. Recently a large limb fell within feet of our car parked in the uncovered area. Falling limbs pose an ever present risk of damage to unprotected parked vehicles. These hazards are apparent in the current requirement for all new construction to include two covered parking spaces for single family detached dwellings. To address any concerns about the proximity to the adjacent structure along the property line we propose a one-hour fire resistant wall on the storage shed on that side.

1405 W Virginia St.
WADDILL ADDITION (CMC), BLK 3, LOT 1E
RS60

See the following for the set back requirements

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

Subpart B - DEVELOPMENT REGULATIONS
Chapter 146 - ZONING REGULATIONS

ARTICLE IV. SPECIAL REGULATIONS

	under parking, and a detached garage(s). If a garage door is associated with the enclosed parking space, a 20-foot long driveway in front of the garage door shall be provided or an additional 0.5 parking space per enclosed space shall be provided elsewhere on-site. The 20-foot driveway in front of a garage door may be counted as a parking space.
Dwellings, multiple family (senior)	1 parking space for each dwelling unit. No less than 50% of the units shall have an enclosed parking space. The percentage of required enclosed parking may be reduced as provided for in section 146-130(2)(f)(v) . Enclosed parking spaces may include, but not be limited to an open-air, multi-level parking structure (excluding the top floor of said structure), tuck-under parking, and a detached garage(s). If a garage door is associated with the enclosed parking space, a 20-foot long driveway in front of the garage door shall be provided or an additional 0.5 parking space per enclosed space shall be provided elsewhere on-site. The 20-foot driveway in front of a garage door may be counted as a parking space.
Dwellings, Single Family attached	2 parking spaces for each unit including 2 covered or enclosed spaces.
Dwellings, Single Family detached	2 parking spaces for each unit including 2 covered or enclosed spaces, except that if a dwelling is constructed under a program for affordable housing sponsored by the City or sponsored by a non-profit corporation approved by the City 2 parking spaces must be provided for each unit, including a minimum of 1 covered or enclosed space.
Flea and farmers' market	1 parking space for every 250 square feet of market area.
Fraternity, sorority, or dormitory	1 parking space for each 2 beds.
Fueling station or gasoline station (no ancillary services)	1 parking space for every 4 pumping stations. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Furniture or appliance store, hardware store, wholesale establishments	1 parking space for every 400 square feet.

1405
W. Virginia

Existing house only has 1 covered + enclosed space

Subpart B - DEVELOPMENT REGULATIONS
Chapter 146 - ZONING REGULATIONS

ARTICLE IV. SPECIAL REGULATIONS

when an improved public street or railroad right-of-way separates the new building construction from the existing single family detached residential use. The McKinney Town Center development coordinator (director of planning or designee) shall administratively approve a residential transition area screening device of either: (1) the same finishing material as the principal structure on the lot, (2) masonry (brick, stone, or architectural masonry finish), (3) a living plant screen composed of evergreen shrubs planted to be opaque at maturity, or (4) a combination of the above. See also the building form and site development standards of the MTC - McKinney Town Center zoning district (appendix G-2).

(4) *Variances.* In the case of a required site plan approval, a variance to the provisions of this section, save and except subsection 143-132(3)e, may be allowed by the planning and zoning commission and/or the city council, unless otherwise specified herein, depending on which body has the final approval authority as indicated in section 146-45(a)(2), or additional provisions required, as a part of such site plan approval. The applicant shall prove that the variance from the zoning regulations is warranted under the circumstances presented. A variance may be granted if the planning and zoning commission and/or city council finds that:

- a. Unique circumstances exist on the property that make application of specific items in this section unduly burdensome on the applicant;
- b. The variance will have no adverse impact on current or future development;
- c. The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses;
- d. The variance will have no adverse impact on the public health, safety and general welfare.

A financial hardship shall not be considered a basis for the granting of a variance.

(Code 1982, § 41-205; Ord. No. 1270, § 4.05, 12-15-1981; Ord. No. 99-03-35, § 1H, 3-16-1999; Ord. No. 2000-05-028, § 1B, 5-2-2000; Ord. No. 2002-08-084, § 1.51, 8-20-2002; Ord. No. 2006-10-121, § V, 10-17-2006; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2008-11-104, § 9, 11-4-2008; Ord. No. 2010-05-011, § 7, 5-17-2010; Ord. No. 2010-12-053, § 16, 12-7-2010; Ord. No. 2012-11-056, §§ 32—35, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2013-04-044, § 12, 4-22-2013)

Sec. 146-133. Accessory buildings and uses.

(a) *Area regulations.* The following area regulations shall be observed for all accessory buildings or accessory structures in all residential, multiple family, or mobile home districts:

- (1) *Front yard.* Attached accessory buildings or structures shall have the same front yard as that of the main building.
- (2) *Side yard.*
 - a. There shall be a side yard for any detached accessory building of not less than three feet from any side lot line when such detached accessory building is located in the rear of the lot (the rear of a line connecting the midpoints on the two opposite side lot lines of any lot, tract or plot), and when the detached accessory building is a minimum distance of ten feet from the main structure.
 - b. When a detached accessory building is located in front of the line connecting the two midpoints of the opposite side lot lines as herein described, or is closer than ten feet from the main structure, such accessory building shall observe the same side yard as specified for the main building.



Subpart B - DEVELOPMENT REGULATIONS
Chapter 146 - ZONING REGULATIONS

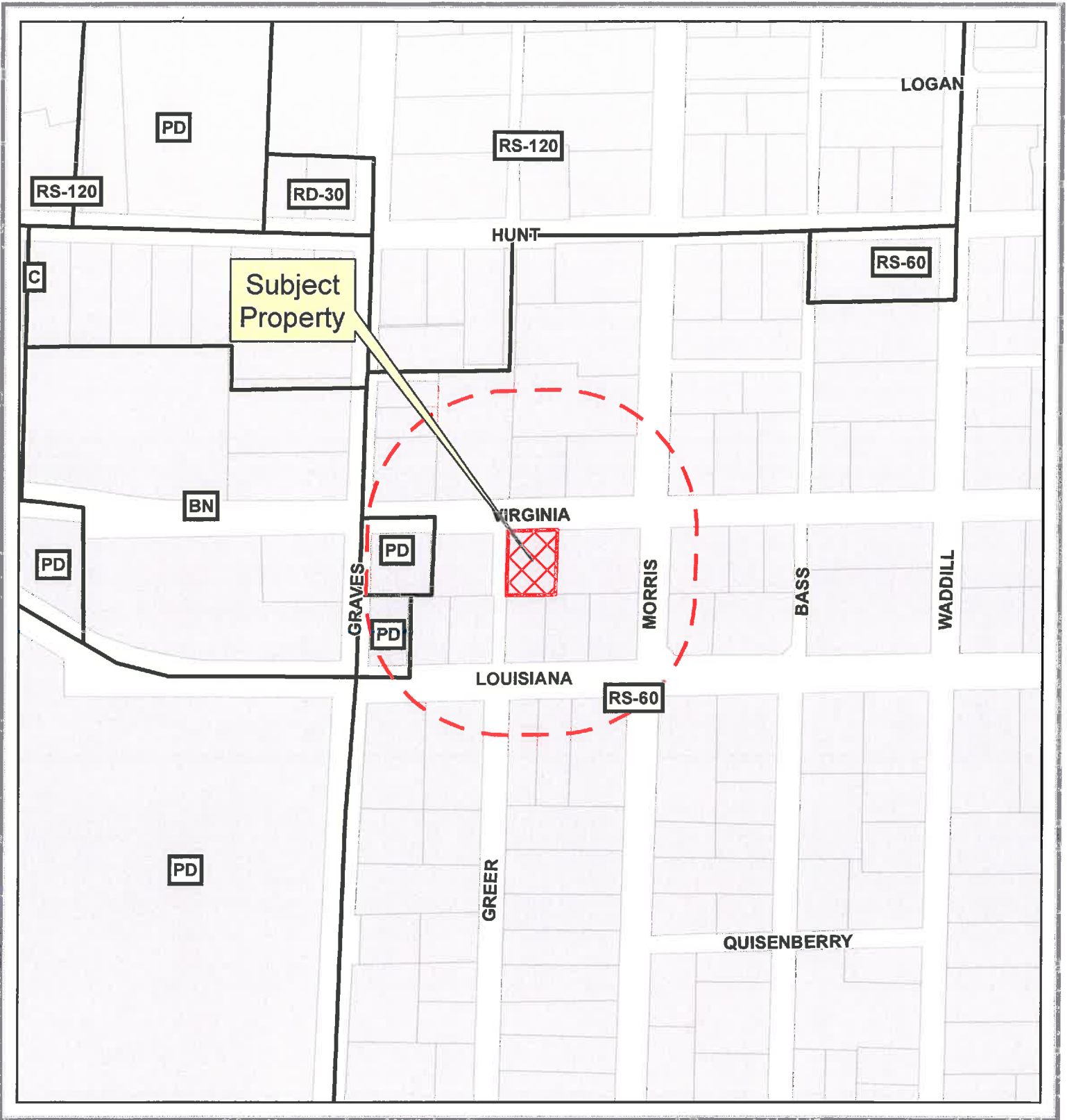
ARTICLE IV. SPECIAL REGULATIONS

- c. If an accessory structure is adjacent to a side street, the side yard for the accessory structure must be a minimum of 15 feet from the side property line.
- (3) *Rear yard.*
- a. There shall be a rear yard for accessory buildings not less than three feet from any lot line, alley line, or easement line, except that if no alley exists the rear yard shall not be less than ten feet as measured from the rear lot line. Where apartments are permitted, the main building and all accessory buildings shall not cover more than 50 percent of the rear of the lot (that portion of the lot lying to the rear of a line erected adjoining the midpoint of one side lot line with the midpoint of the opposite side lot line).
- b. Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport shall be set back from the side street or alley a minimum distance of 20 feet to facilitate access without interference with the use of the street or alley by other vehicles or persons.
- c. Detached accessory buildings or structures shall be located in the area defined as the rear yard.
- (4) *Air conditioning equipment.* Air conditioning compressors, cooling towers, and similar accessory structures shall observe all front, side, or rear yards specified for accessory buildings. When such accessory structures are located in the side yard or that portion of a lot herein designated as the rear of the lot, the minimum side yard shall be three feet.
- (5) *Swimming pools.* All swimming pools shall be located behind the front yard or front building line and in no case shall the pool proper be nearer than five feet to any bounding property line of the lot or tract on which it is situated.
- (6) *Accessory buildings.* Accessory buildings shall meet the following requirements:
- No accessory building, other than an allowed accessory dwelling, shall be rented or leased.
 - No accessory building shall be used for commercial purposes.
 - No accessory building or structure, except fences, may be erected within three feet of any rear or side property line, or be located within any recorded easement.
 - No accessory building shall exceed 200 square feet in area, except:
 - Detached garages are limited to 500 square feet in area; and
 - Accessory dwellings are limited to 600 square feet in area.
 - No accessory building shall exceed one story in height, except that an allowed accessory dwelling may be located on a second story above a garage.
- (7) *Accessory dwellings.* Accessory dwellings, where allowed as an accessory use, shall meet the following requirements:
- An accessory dwelling may not be located on a lot less than 12,000 square feet in area.
 - An accessory dwelling must be behind the front building line, and must observe the same setbacks as the main structure.
 - An accessory dwelling shall be constructed of the same exterior materials as the main structure.
 - An accessory dwelling may not be sold separately from the main structure.
 - An accessory dwelling shall not have a separate electric meter.

Variance Request

10'

Yes - In compliance



Subject Property

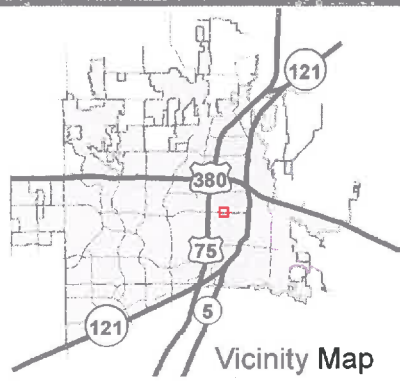
VIRGINIA

LOUISIANA

RS-60

GREER

QUISENBERRY

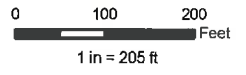


Vicinity Map

Board of Adjustments Map

1405 W VIRGINIA ST

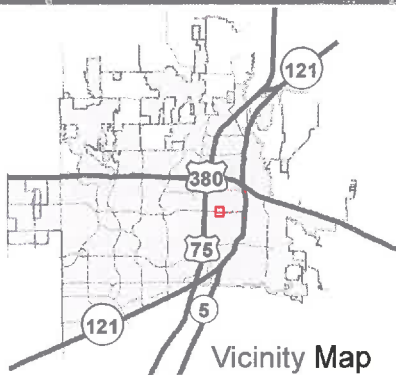
--- 200' Buffer



Source: City of McKinney GIS
Date: 8/2/2018

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.

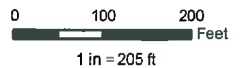




Board of Adjustments Map

1405 W VIRGINIA ST

--- 200' Buffer



Source: City of McKinney GIS
Date: 8/2/2018

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.



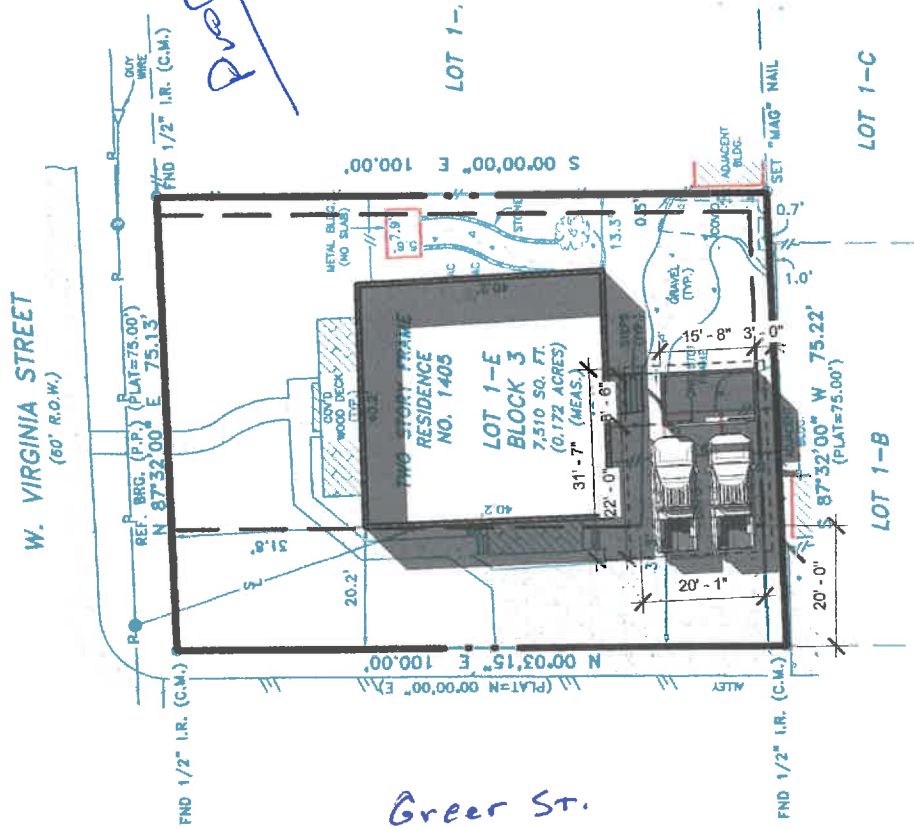
The Bird Carport

07.11.18

1405 W. Virginia Street
McKinney, Texas 75069

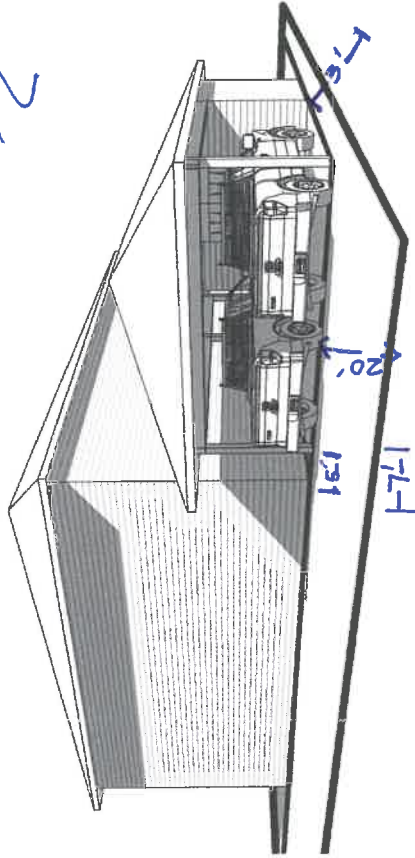
SCHEMATIC DESIGN

1" = 20'-0"



Proposed

Proposed 2



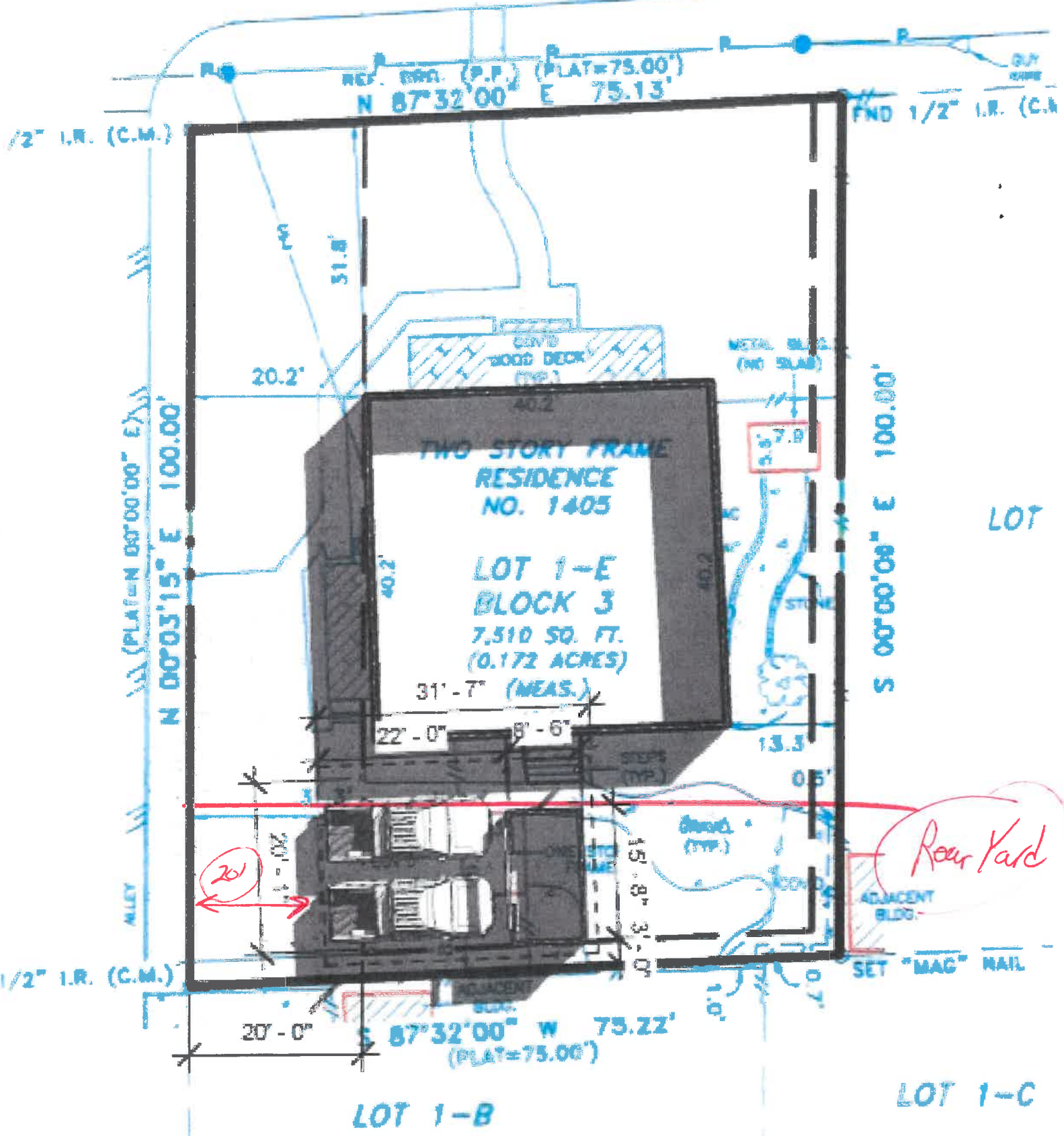
2 3D View

1 site plan
1" = 20'-0"



NOT FOR REGULATORY
APPROVAL, PERMITTING,
OR CONSTRUCTION
KOBAY SEALE, AIA
TX #21100

W. VIRGINIA STREET
(82' R.O.W.)



1 site plan
1" = 20'-0"



Proposed

Google Maps S Greer St



Image capture: May 2013 © 2018 Google

McKinney, Texas

Google, Inc.

Street View - May 2013

