

AGENDA ITEM 16-13

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sunflower Homes, LLC for a Variance to the Minimum Side Yard and the Minimum Side Yard at Corner Setbacks for the Property Located at 717 Rike Street.

MEETING DATE: July 27, 2016

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: RS60

EXISTING CONDITIONS: Due to the double frontage, requirements are 25' side at corner setback.

VARIANCES REQUESTED:

| ORDINANCE REQUIREMENTS | REQUESTED DIMENSIONS | VARIANCE FROM ORDINANCE |
|-------------------------|----------------------|-------------------------|
| 25' Side Yard at Corner | 12' | 13' |
| 5' Side Yard Setback | 3' | 2' |

APPLICANT'S BASIS FOR VARIANCE:

Applicant wishes to build a single family residence. Lot is less than 50' wide and is pie shaped.

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 irregular shape of the lot and the non-conforming width of the lot, or other conditions presented by the applicant, and is not contrary to the public interest and general welfare of the adjacent property. Note – the less than 5' distance to the side property requires said wall to be a one hour wall under the adopted Model Codes, yet the Board does not need to place this as a variance condition.

SUPPORTING MATERIALS:

Variance Application
Property Locator Map

Action: APPROVED DENIED TABLED



CITY OF MCKINNEY BOARD OF ADJUSTMENT APPLICATION

Type of Request:

Variance Special Exception Appeal

FILLING FEE \$50.00

RECEIPT DATE 16-13

Property Location:

Address: 717 RIKE ST. City: MCKINNEY State: TX Zip: 75069

Lot Number: 14 Block: 5 Subdivision Name: GERRISH ADDITION

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: _____

Owner's Printed Name: _____ Owner's Signature: _____

Applicant's Information:

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

Address: 6951 VIRGINIA 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 | <u>6000</u> | <u>4654</u> | <u>1346 SF</u> |
| Lot Width | <u>50</u> | <u>49.82</u> / <u>24.67</u> | <u>.18</u> / <u>25.33</u> |
| Lot Depth | | | |
| Side Yard | | | |
| Side Yard | <u>5</u> | <u>3</u> | <u>2</u> |
| Side @ Corner | <u>25</u> | <u>12</u> | <u>13</u> |
| Front Yard | | | |
| Rear Yard | | | |
| Driveway | | | |
| Other | | | |

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:

Due to the easement to the east of our property this is the smallest house possible. We had to put in some cantilevers to make the rooms large enough. We are trying to provide moderate priced homes.

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:

Pie shaped lot, only 24.07' in beam. Zoning ordinance says side/rear lot needs to be 15' normally but 25' since backdoor neighbor is adjacent beyond our property

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:

Existing lot. Moved over 713 as much as possible. We will have 14'6" between 713 and 717. Even though we are asking for side variance (because we are cantilevering the property) there is still plenty of room between homes.

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

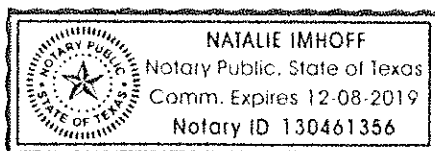
I hereby certify that the above statements are true and correct to the best of my knowledge.

Applicant's Signature

STATE OF TEXAS

COUNTY OF Collin

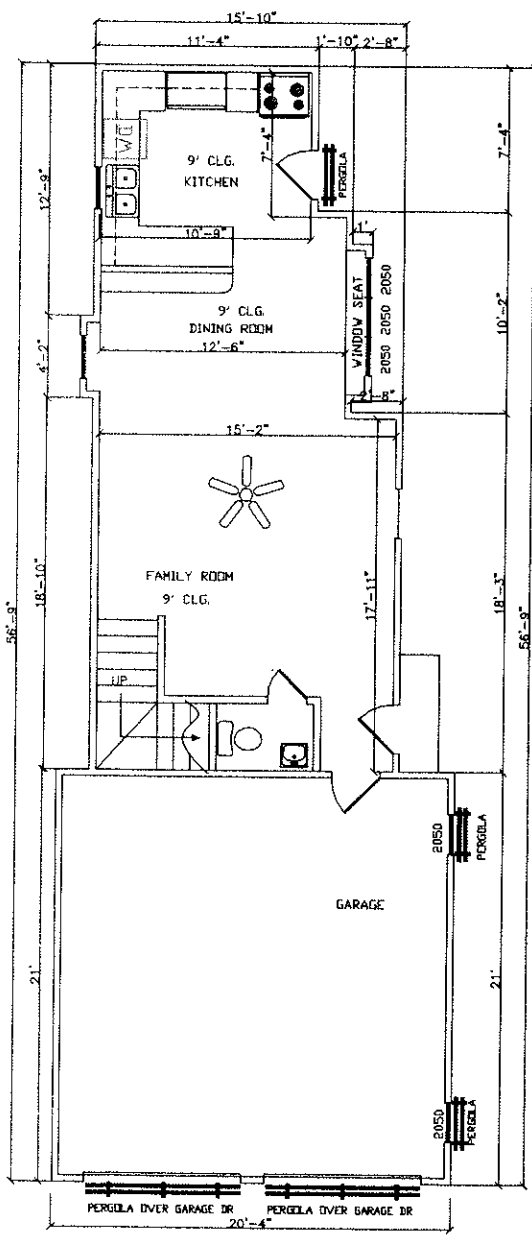
Subscribed and sworn to before me this 7 day of June, 2016



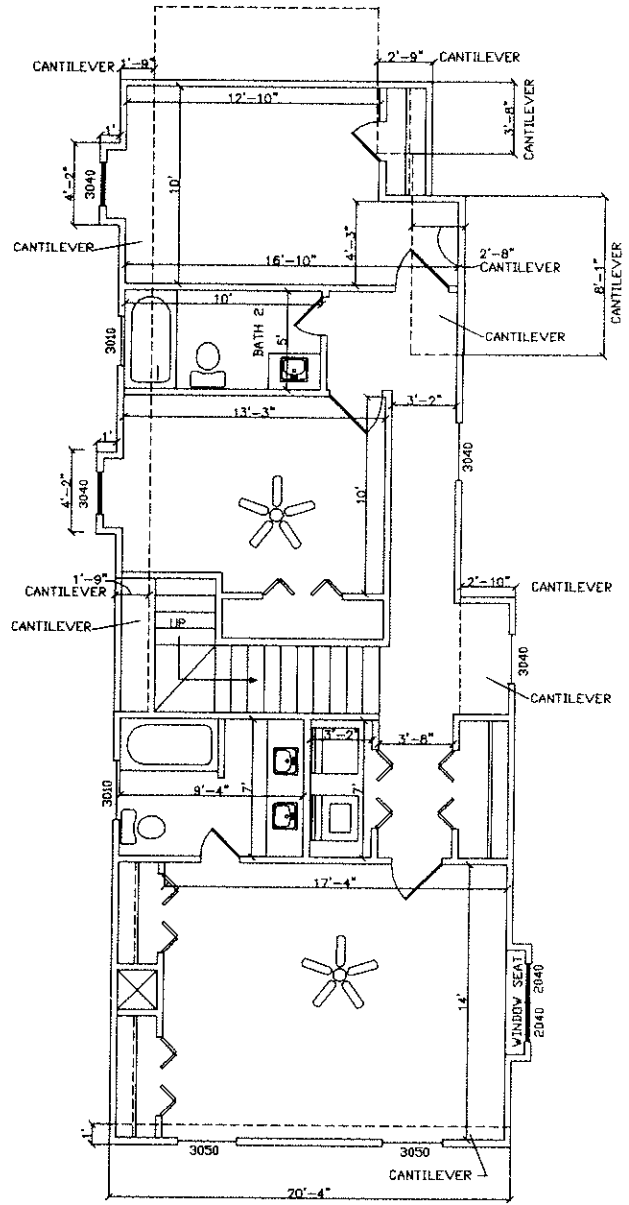
(seal)

Notary Public

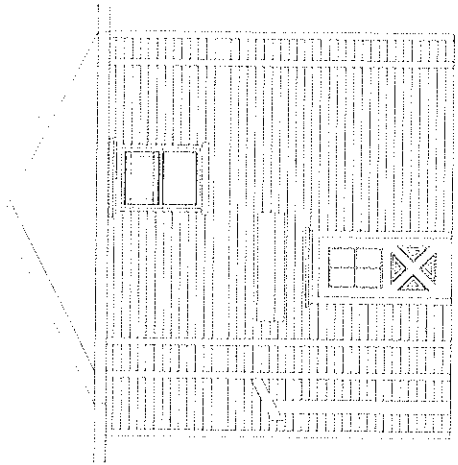
My Commission expires: 12/08/2019



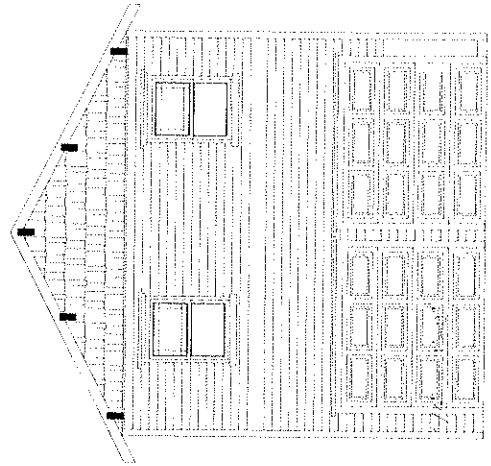
1ST FLOOR AC 511 SF
GARAGE 427



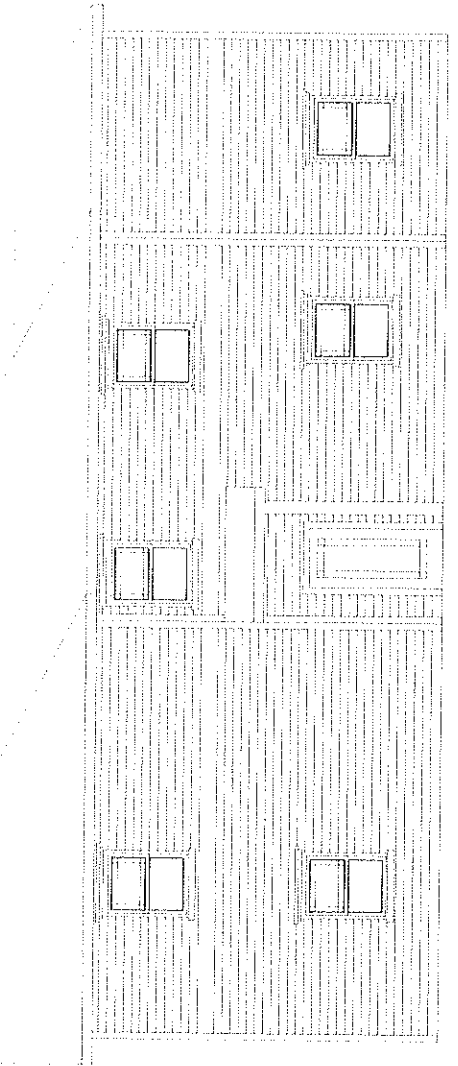
2ND FLOOR AC 1017 SF
----- 1ST FLOOR OUTLINE



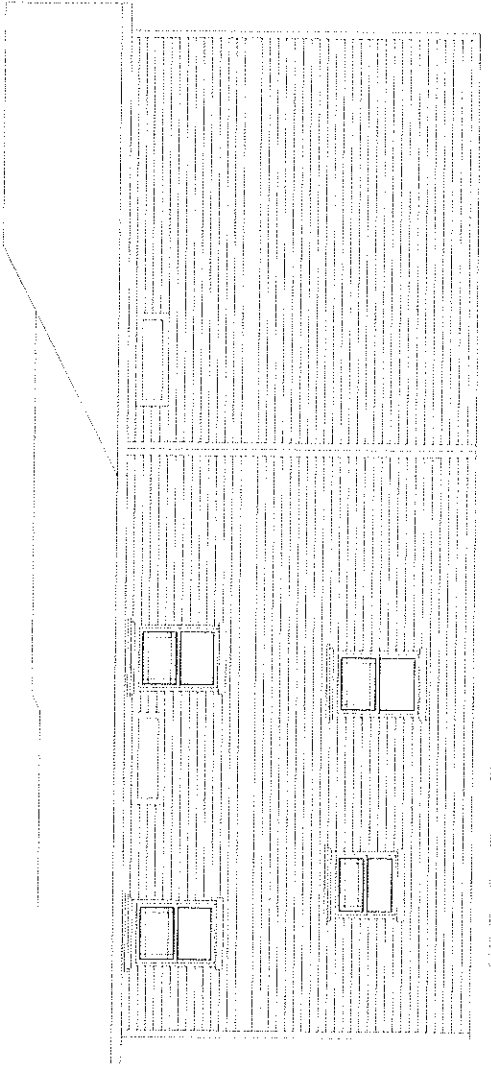
REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION



Part of
Lots 5 & 6, Block 5
 Gerrish Addition
 Vol. 102, Pg. 539, CCMR
 Jaime Ramirez-Hernandez & Aicio
 Hernandez-Beltran
 Doc. # 20140203000096820, CCLR

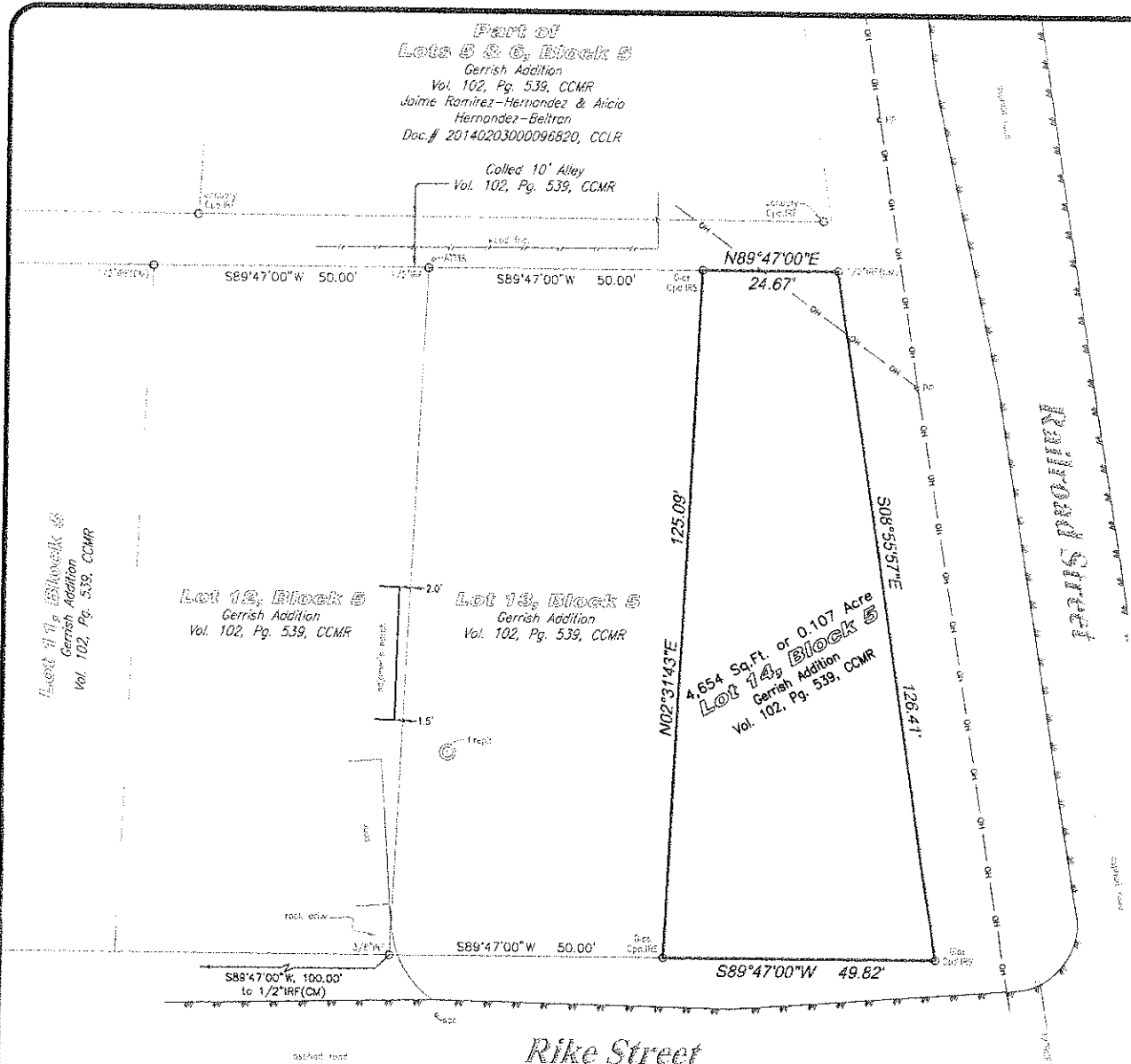
Colled 10' Alley
 Vol. 102, Pg. 539, CCMR

West 1/4 of Block 5
 Gerrish Addition
 Vol. 102, Pg. 539, CCMR

Lot 12, Block 5
 Gerrish Addition
 Vol. 102, Pg. 539, CCMR

Lot 13, Block 5
 Gerrish Addition
 Vol. 102, Pg. 539, CCMR

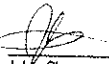
Lot 14, Block 5
 4,654 Sq. Ft. or 0.107 Acre
 Gerrish Addition
 Vol. 102, Pg. 539, CCMR



Rike Street

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.


 John Glas
 Registered Professional
 Land Surveyor No. 6081



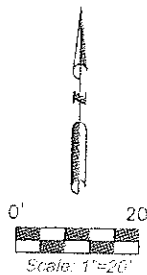
Notes: 1) This survey has been performed without the benefit of a Title Commitment. 2) Surveyor's signature will appear in red ink on certified copies and shall bear the surveyor's impression seal on the lower right-hand corner of the sheet. 3) Subject property is affected by any and all notes, details, 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 GP 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 Number 48085C0290 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas and Incorporated Areas, dated June 2, 2009 (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater

Legal Description

Being Lot 14, Block 5 of Gerrish Addition, an addition to the City of McKinney, Collin County, Texas, according to the plat thereof recorded in Volume 102, Page 539 of the Map Records of Collin County, Texas.

Legend

| | |
|------------|----------------------------|
| Col Op 152 | City School Dist Plat Sec |
| CCMR | Collin County Map Records |
| C.C.R.F. | Collin County Land Records |
| SH | Set Back Feature |
| OK | Conveying Instrument |
| 4-14 | Survey Plot |
| ATTS | AT&T Telephone Line |
| R2P | Reinforced Concrete Pipe |
| CON | Concrete |
| — | Edge of Asphalt |
| — | Easement Lines |
| — | Wood Fences |



October 28, 2012

Drawn by: 20121514200431.dwg



Glas Land Surveying

2114 FM 1563, Wolfe City, Texas 75486
 Office: (972) 465-2861 Fax: (972) 465-2862