

## AGENDA ITEM 17-04

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Matthew J Scott for a 5' Variance from the Rear Yard setback of 10' for the Property Located at **5100 Feather Crest, McKinney Texas.**

**MEETING DATE:** March 29, 2017

**DEPARTMENT:** Development Services-Building Inspections

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

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**ZONING:** Planned Development (PD Ord 1621) with SF-3 base zoning district. The Front and Rear setbacks of 20' base were reduced at plat process to 10' base.

**EXISTING CONDITIONS:** Conforming lot width, depth and size yet corner lot with 15' side setback.

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
10' rear yard	5'	5'

**APPLICANT'S BASIS FOR VARIANCE:**

Applicant wishes to add an extension to the rear of the single family residence as an open cabana yet roof line is connected. The rear of the house is 16.5' from the rear property line and the extension will place the rear structure support posts at 5' from the rear property line.

**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 the Board has the implied authority to consider this variance request based on the reduced rear yard setback of 10’ by PD ordinance and the house is currently 16.5’ from the rear property line. The applicant has appealed to the fact that even though the lot is a conforming lot, the corner lot reduced side yard does not allow full use of total area of lot. The Board should review the authority granted under Section 145-165, Section (3) d. regarding the variance request – “Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the zoning ordinance as established by this chapter, and at the same time, the surrounding property will be properly protected.”

**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** \_\_\_\_\_

<b>Property Location:</b>			
5100 Feather Crest	McKinney	TX	75070
<small>Address</small>	<small>City</small>	<small>State</small>	<small>Zip</small>
13	BLK I	Quail Creek Phase V	
<small>Lot Number</small>	<small>Block</small>	<small>Subdivision Name</small>	

<b>Owner's Information:</b>			
Matthew J Scow		214-675-0175	
<small>Owner's Name</small>		<small>Phone Number</small>	
5100 Feather Crest	McKinney	TX	75070
<small>Address</small>	<small>City</small>	<small>State</small>	<small>Zip</small>
Owner is giving <u>Tom Henderson</u>	authority to represent him/her at the meeting.		
	<small>Applicant's Name</small>		
Matthew J Scow	<small>Owner's Signature</small>		
<small>Owner's Printed Name</small>			

<b>Applicant's Information:</b>			
Matthew Scow		214-675-0175	
<small>Name</small>		<small>Phone Number</small>	
5100 Feather Crest	McKinney	TX	75070
<small>Address</small>	<small>City</small>	<small>State</small>	<small>Zip</small>

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No. 1621 Section IV B-2-c-5-f

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			
Front Yard			
Rear Yard	10' Setback	5' Set Back	5'
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:

The covered cabana/back-yard patio area will essentially be hidden from view in the NW rear/side yard of the lot and will not impede or block any of the Neighbors views (Rear homes are elevated) or access. The roof extension will have the same look and feel of the existing roof line so it look like it was original to the house, this will also line up with the existing pool (Installed in 1993) already at the 5' setback to create uniformity.

- 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:

The proposed 5' set back is being requested because the placement of the improvements cannot be constructed anywhere else on the property. This is due to the fact we are located on a shallow parcel, on a corner lot which restricts us from placing anything on the eastern side of the property as the corner is elevated with only 10' of usable space with a 15' setback. While the rear / side Yard has 16.5' of usable space but is currently restricted with a 10' setback. In addition the house directly north (lot 14) sits elevated above us and has a rear 2nd story deck that looks directly into our yard. Our intent is to create a covered private dining / kitchen area that the neighbors won't be able to peer into, not being able to build to the 5' setback will not only allow them to see into this space, but there is limited room to add improvements. In addition the placement of the windows, including a bay window that protrudes into the space on the northern side of the house doesn't allow us to place anything abutting the existing house structure, therefore our need to place the other structures away from the house at the 5' line.

- 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 did not build the elevated house to the North or have a second story deck installed to peer into our yard.

- 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:

Backyard living spaces are becoming common place around our neighborhood and Stonebridge Ranch. We would like to enjoy this space as a family with young children. Our expectation of Privacy is also important to us and having a neighbor with a rear deck that can peer into our yard causes great concern, this small modification to the setback solves this. In Addition according to Quail Creek V Subdivision guidelines Side Yards are allowed a 5' setback since we are on a corner and do not have a usable "side yard", we believe we are not asking for anything outside of bounds established in the rules and we would request that the area in question be interpreted as our side yard since we sit on a corner lot.

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

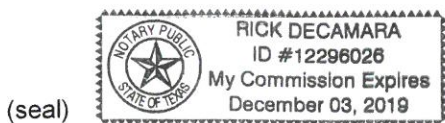
I hereby certify that the above statements are true and correct to the best of my knowledge.

Applicant's Signature

STATE OF TEXAS

COUNTY OF COLLIN

Subscribed and sworn to before me this 1 day of MARCH 2017



Notary Public

My Commission expires: 12-03-19

## **5100 Feather Crest – BOA application dialogue:**

**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:**

The covered cabana/back-yard patio area will essentially be hidden from view in the NW rear/side yard of the lot and will not impede or block any of the Neighbors views (Rear homes are elevated) or access. The roof extension will have the same look and feel of the existing roof line so it look like it was original to the house, this will also line up with the existing pool (Installed in 1993) already at the 5' setback to create uniformity.

**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:**

The proposed 5' set back is being requested because the placement of the improvements cannot be constructed anywhere else on the property. This is due to the fact we are located on a shallow parcel, on a corner lot which restricts us from placing anything on the eastern side of the property as the corner is elevated with only 10' of usable space with a 15' setback. While the rear / side Yard has 16.5' of usable space but is currently restricted with a 10' setback. In addition the house directly north (lot 14) sits elevated above us and has a rear 2nd story deck that looks directly into our yard. Our intent is to create a covered private dining / kitchen area that the neighbors won't be able to peer into, not being able to build to the 5' setback will not only allow them to see into this space, but there is limited room to add improvements. In addition the placement of the windows, including a bay window that protrudes into the space on the northern side of the house doesn't allow us to place anything abutting the existing house structure, therefore our need to place the other structures away from the house at the 5' line.

**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 did not configure the lot or build the elevated house to the North or have a second story deck installed to peer into our yard.

**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:**

Backyard living spaces are becoming common place around our neighborhood and Stonebridge Ranch. We would like to enjoy this space as a family with young children. Our expectation of Privacy is also important to us and having a neighbor with a rear deck that can peer into our yard causes great concern, this small modification of the setback solves this. In Addition according to Quail Creek V Subdivision guidelines Side Yards are allowed a 5' setback since we are on a corner and do not have a usable "side yard", we believe we are not asking for anything outside of bounds established in the rules and we would request that the area in question be interpreted as our side yard since we sit on a corner lot.

5100 Feather Crest is Zoned PD Planned Development by Ordinance 1621 and as amended. This lot is part of the Stonebridge Master Development Plan – Parcel 141 and has a base zoning of SF-3 SF-3

(5) Space limits:

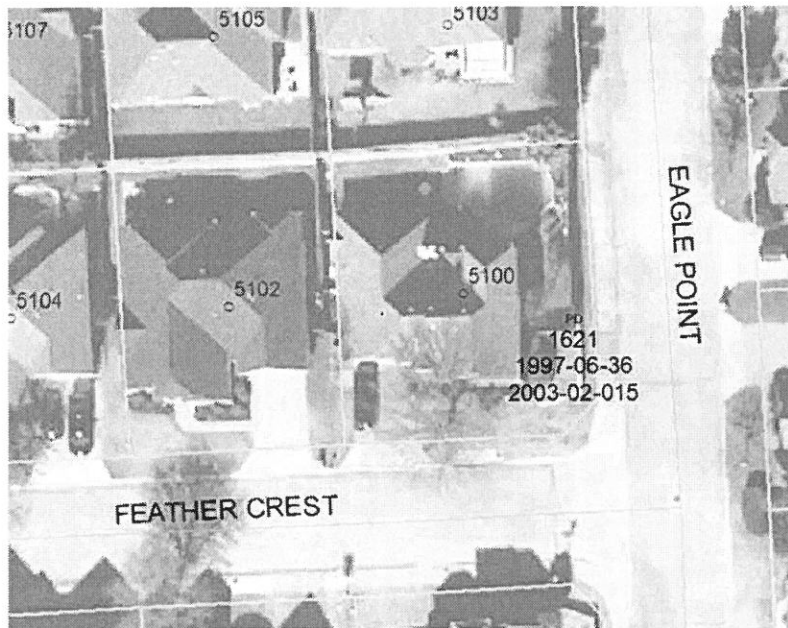
- (a) Minimum lot area: Four thousand (4,000) square feet.
- (b) Minimum width of lot: Thirty-five (35) feet.
- (c) Minimum depth of lot: Eighty (80) feet.
- (d) Maximum height of building: Thirty-five (35) feet.
- (e) Minimum front yard: Twenty (20) feet; may be reduced to ten (10) feet with site plan approval at the planning and zoning commission which adequately addresses the streetscape and design quality.
- (f) Minimum rear yard: Twenty (20) feet from rear lot line to main structure (excluding

accessory buildings, cabanas, decks, fences, pools, etc.) or may be reduced to ten (10) feet if adjacent to private recreational open space unless adjacent to lake or other water body which would permit zero (0) setback.

- (g) Minimum side yard: Zero one side with ten (10) feet separation between buildings.
- (h) Minimum side yard at corner: Fifteen (15) feet.
- (i) Maximum lot coverage: Sixty percent (60%).
- (j) Maximum density: Seven (7) dwelling units per acre.

Platting Approval Reduced Front Yd to 10' setback

Platting Approval Reduced Rear Yd. Setback to 10'



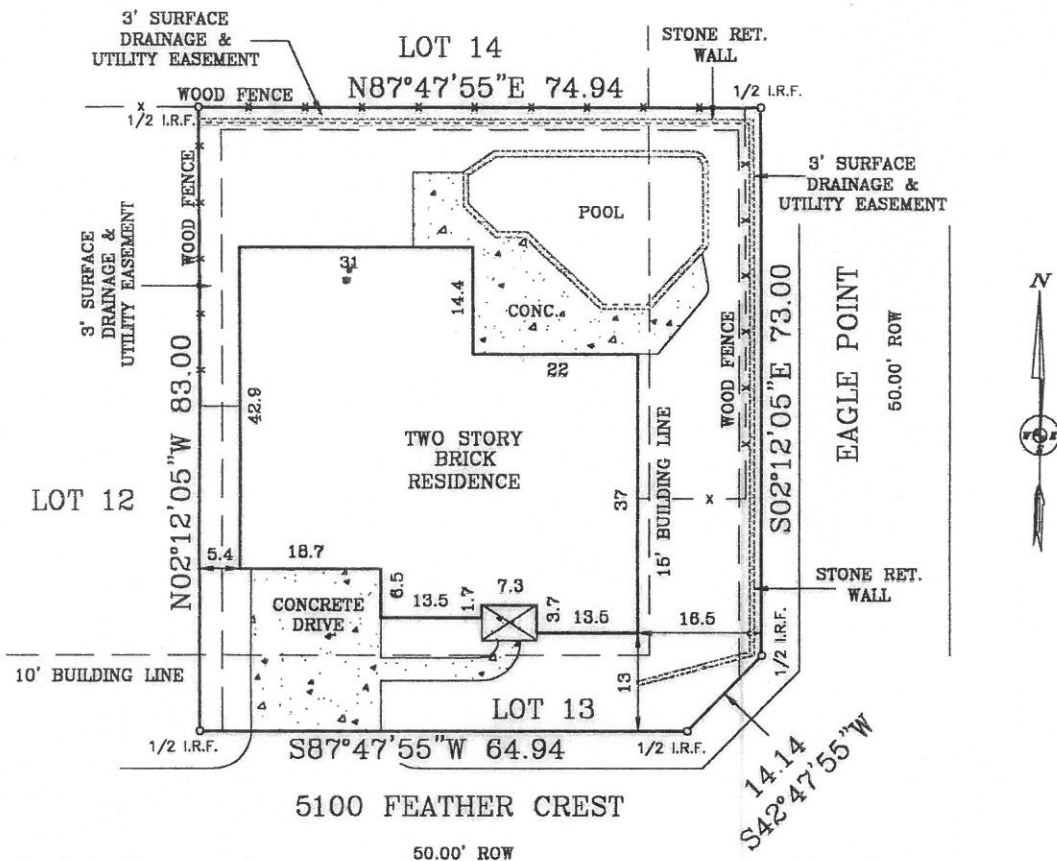


# SURVEY PLAT

THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND DIRECTION AT 5100 FEATHER CREST IN THE CITY OF MCKINNEY, TEXAS, BEING DESCRIBED AS FOLLOWS:

Being Lot 13, Block I of QUAIL CREEK-PHASE V, an Addition to the City of McKinney, COLLIN County, Texas, according to the Plat thereof recorded in Volume H, Page 226, Map Records, COLLIN County, Texas.

TO THE BEST OF MY KNOWLEDGE  
EASEMENTS RECORDED IN VOL. 521, PG. 229 & VOL. 277, PG. 153, DO NOT APPLY.



THIS LOT IS IN ZONE X  
ACCORDING TO:  
COMMUNITY-PANEL NUMBER  
48085C0285 G  
MAP REVISED:  
JANUARY 19, 1996

TO: MATTHEW J. SCOW  
THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN GF#2000 PR 117222-C  
OF TEXAS TITLE CO.

There are no visible intrusions, conflicts or protrusions, except as shown

The plat hereon is a true, correct and accurate representation of the property as determined by survey, the lines, and dimensions of said property being as indicated by the plat; the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from the property lines, the distances indicated, and the distance from the nearest intersecting street, or road, is as shown on said plat

This Survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage company and title company only.

- CONCRETE
- FENCE
- OVER HEAD ELECTRIC
- I.R.F.-IRON ROD FOUND

SCALE 1" = 20'  
DATE 12/20/2000  
W.O. TTPL  
NO. 12430



**VEACH**  
LAND SURVEYING CO.  
972-790-5581  
972-254-4268 FAX  
944 W. AIRPORT FREEWAY  
IRVING, TX 75062



**MICHAEL R. GLOVER**  
R.P.L.S. 4476



**SPECIFICATIONS**

**POOL SPECS**

SIZE: 465  
 DEPTH: 3'-0" - 5'-0" - 4'-0"  
 SQ FT: 465  
 PERIMETER: 89  
 NOTES:

**PLUMBING**

RETURNS:  
 MAIN POOL DRAINS: 1  
 WATER FEATURES:  
 SKIMMERS: 1  
 BALL VALVES FOR WATER FEATURE: 1  
 OVER FLOW VALVE: 1  
 VALVE BOX FOR WATER FEATURE: 1

**DECK**

DECK TYPE: STAMPED CONCRETE  
 TOTAL SQ FT: 1009  
 NOTES:  
 NOTES:

**EQUIPMENT**

WATERFALL FEATURES: SHEER DECENT 48" T.B.D

**MATERIALS**

TILE: LUEDERS COPING & TILE  
 TILE: LUEDERS COPING ONLY  
 NOTES: BLOCK FOR RAISED WALL  
 NOTES: LEDGE STONE FOR RAISED WALL  
 NOTES: SPECIAL ORDER TILE ON CENTER RAISED B.B.  
 NOTES: INSTALL SHEER DECENT  
 NOTES: SKIMMERS (REMOVE AND REPLACE)  
 NOTES: OVERFLOW (REMOVE AND REPLACE)



OUTDOOR POOL AND PATIO  
 9067 TEASLEY LANE  
 DENTON TEXAS  
 972-317-3500

THE SCOW FAMILY  
 5100 FEATHER CREST  
 MCKINNEY, TEXAS 75070

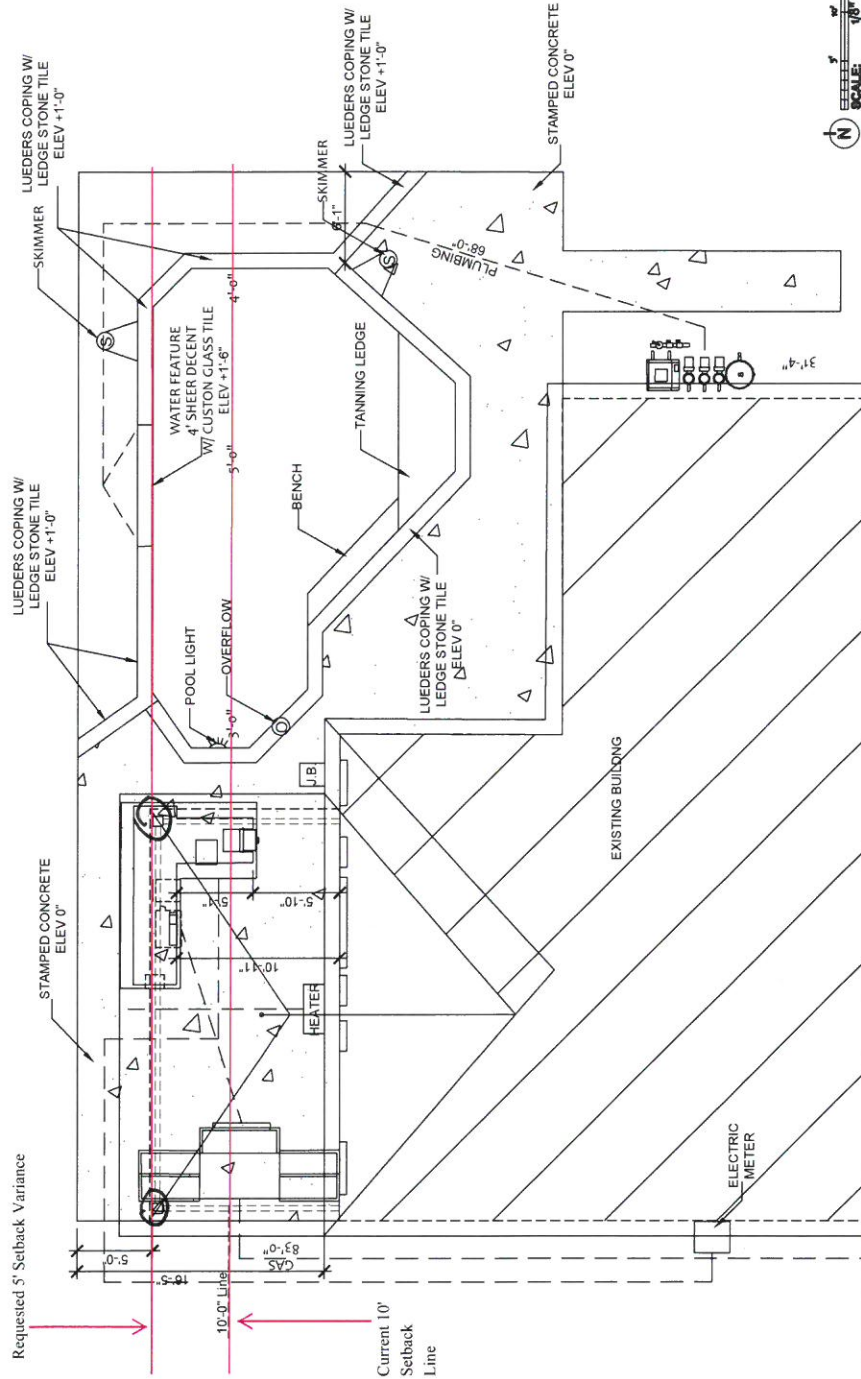
(BASED FOR CONSTRUCTION)  
 OF OUTDOOR LIVING POOL AND  
 PATIO. DO NOT DUPLICATE OR  
 REPRODUCE WITHOUT THE WRITTEN  
 CONSENT OF OUTDOOR LIVING  
 POOL AND PATIO

DESIGNER:  
 T. Henderson  
 ISSUE DATE:  
 XX-XX-XXXX

SUBVISION/ADDITION:

Pool Plan

A-2



Rear/Side Yard View showing elevated neighbors home with 2<sup>nd</sup> story deck.



View from Corner with elevated Side Yard



A-1

Site Plan

SUBVISION/ADDRESS

XX-XX-XXXX

ISSUE DATE

DESIGNER

T. Henderson

ISSUED FOR CONSTRUCTION OF OUTDOOR LIVING POOL AND PATIO. DO NOT REPLICATE OR REPRODUCE WITHOUT THE WRITTEN CONSENT OF OUTDOOR LIVING POOL AND PATIO.

THE SCOW FAMILY  
5100 FEATHER CREST  
MCKINNEY, TEXAS 75070

OUTDOOR POOL AND PATIO  
9067 TEASLEY LANE  
DENTON TEXAS  
972-317-3500

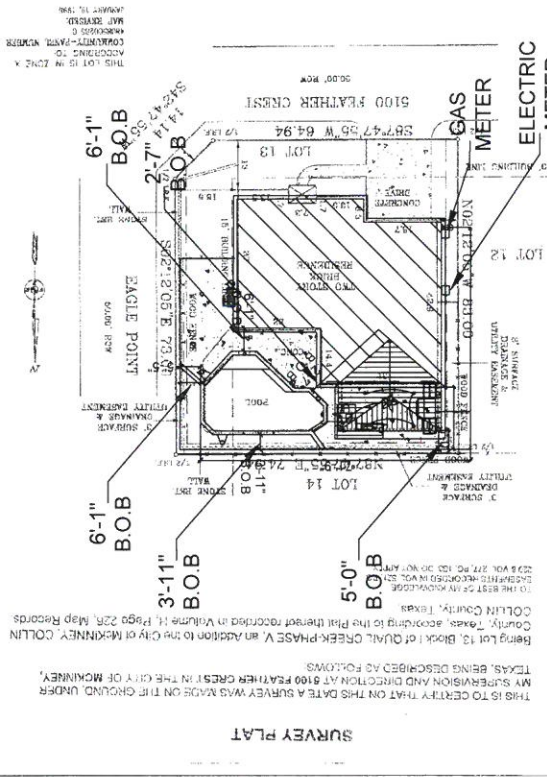


SCALE 1"=20'  
DATE 12/20/20  
NO. 1175  
T. HENDERSON



SCALE 1"=20'  
DATE 12/20/20  
NO. 1175  
MICHAEL R. CLAVER

TO: MATTHEW J. SCOW  
THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN CP 8240 OR 11722.0  
OF T. HENDERSON, CO.  
THESE ARE THE CORRECT AND GENUINE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY, THE LINES, AND  
DIMENSIONS OF SAID PROPERTY BEING INDICATED BY THE DOTS, THE SIZE, LOCATION AND TYPE OF BUILDINGS AND IMPROVEMENTS  
ARE AS SHOWN, AND THE DISTANCES FROM THE NEAREST INTERSECTING STREET, OR ROAD, OR RAILROAD ARE SHOWN ON THIS PLAN.  
THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE PERSON NAMED PURCHASER.  
MORTGAGE COMPANY AND THE COMPANY WITH WHICH THE SURVEY WAS PERFORMED.



SURVEY PLAT  
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER  
MY SUPERVISION AND DIRECTION AT 5100 FEATHER CREST IN THE CITY OF MCKINNEY,  
TEXAS, BEING DESCRIBED AS FOLLOWS  
Being Lot 13, Block 1 of QUAIL CREEK PHASE V, in addition to the City of McKinney, Collin  
County, Texas, according to the Plat thereof recorded in Volume 11, Page 228, Map Records  
Collin County, Texas  
TO THE BEST OF MY KNOWLEDGE  
52.9 VOL. 277 PG. 102 DC WC - 1947  
3-11" B.O.B.  
5-0" B.O.B.  
6-1" B.O.B.  
6-1" B.O.B.  
2-7" B.O.B.  
EAGLE POINT  
UTILITY EASEMENT  
GAS  
ELECTRIC METER  
METER

