



CITY OF MCKINNEY, TEXAS

Agenda Board of Adjustment

Wednesday, August 10, 2016

5:30 PM

Council Chambers
222 N. Tennessee Street
McKinney, Texas 75069

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.002, A QUORUM OF THE CITY COUNCIL MAY BE PRESENT. NO CITY COUNCIL ACTION WILL BE TAKEN.

CALL TO ORDER

CONSENT ITEMS

This portion of the agenda consists of non-controversial or housekeeping items required by law. Items may be considered individually by the Board or Commission member making such request prior to a motion and vote on the Consent Items.

16-686 [Minutes of the Board of Adjustment Meeting of June 22, 2016](#)

Attachments: [Minutes](#)

REGULAR AGENDA

BOA 16-12 [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](#)

Attachments: [Application](#)
 [Locator Map](#)

BOA 16-13 [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](#)

Attachments: [Application](#)
 [Locator Map](#)

ADJOURN

Posted in accordance with the Texas Government Code, Chapter 551, on the 25th day of July, 2016 at or before 5:00 p.m.

Sandy Hart, TRMC, MMC
City Secretary

Accommodations and modifications for people with disabilities are available upon request. Requests should be made as far in advance as possible, but no less than 48 hours prior to the meeting. Call 972-547-2694 or email contact-adacompliance@mckinneytexas.org with questions or for accommodations.

16-686



TITLE: Minutes of the Board of Adjustment Meeting of June 22, 2016

SUPPORTING MATERIALS:

[Minutes](#)

McKINNEY BOARD OF ADJUSTMENT

JUNE 22, 2016

The McKinney Board of Adjustment met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas on June 22, 2016 at 5:30 p.m.

Board members Present: Kimberly Davison, Chairman, Brian White (alt), Patrick Cloutier, Brad Taylor, and Randall Wilder.

Staff Present: Chief Building Official, Rick Herzberger and Administrative Assistant, Teresa Noble.

Chairman Davison called the meeting to order at 5:30 p.m. after determining a quorum present.

Board members unanimously approved the motion by Board member Wilder, seconded by Board member White, to approve the following consent item:

16-621 Minutes of the Board of Adjustment Meeting of May 25, 2016

BOA 16-11 Chairman Davison called for a Public Hearing to Consider/Discuss/Act on the Request by Sharon S. Honea for a Variance to the Minimum 20' Driveway Length for the Property Located at 803 N. Morris Street.

Chief Building Official addressed the Board. He advised that he had spoken to City Attorneys and it was determined that the Board had the authority to consider this request on the existing nonconforming property. Next, Sharon Sue Honea, homeowner, addressed the Board. She stated that they have had recent burglaries and wanted the safety of the garage. The plan is to enclose both carports and to replace the roof of the house extending over the new garage. She stated that she needed an 8' variance to allow a 12' drive from garage to street.

Board member White advised that he looked at the property and there appears to be no problem with navigating the shorter drive, nor will there be a visibility problem.

Board members unanimously approved the motion by Board member Cloutier, seconded by Board member White, to approve BOA 16-11 the request by Sharon S. Honea for an 8' variance to allow 12' from the garage to the street, for the property located at 803 N. Morris Street.

Board members unanimously approved the motion by Board member White, seconded by Board member Taylor, to adjourn the meeting. The meeting adjourned at 6:00 p.m.

KIMBERLY DAVISON
Chair



BOA 16-12

TITLE: 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

SUPPORTING MATERIALS:

[Application](#)

[Locator Map](#)

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

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

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

Applicant's Name

authority to represent him/her at the meeting.

Owner's Printed 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			

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 ☐

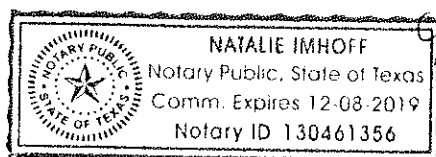
I hereby certify that the above statements are true and correct to the best of my knowledge.

[Signature]
 Applicant's Signature

STATE OF TEXAS

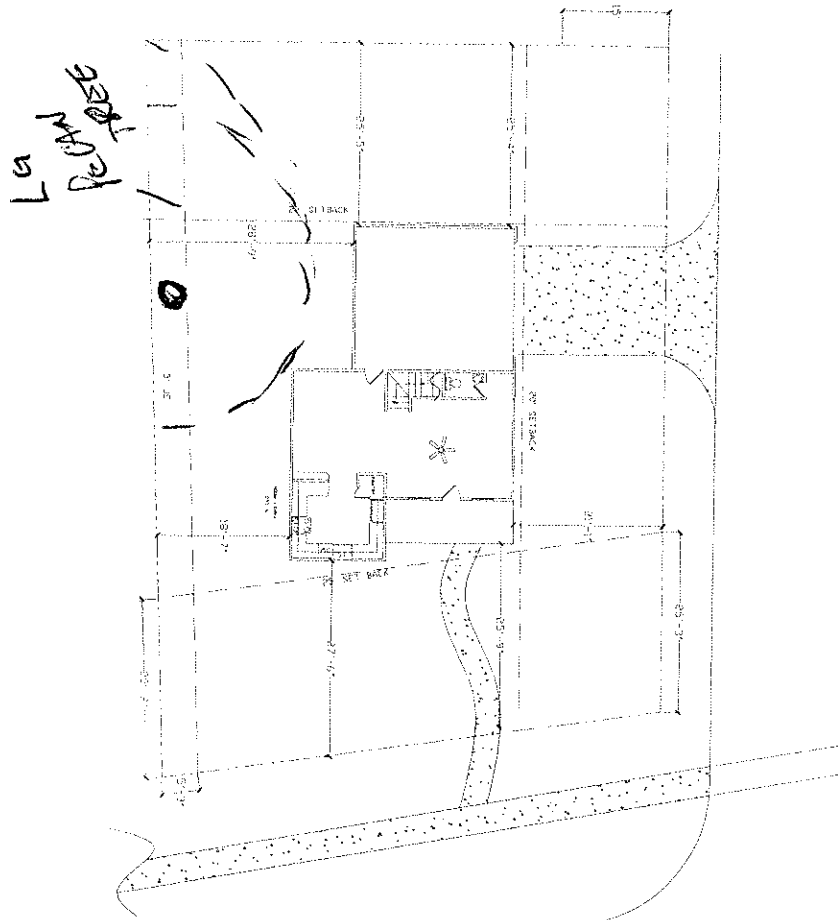
COUNTY OF Collin

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



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

(seal)



1 SITE PLAN



SP1

Chapman's CAD Designs
1601 Waddell ST., Suite 103-E
McKinney, TX, 75069
(972) 542-1167 OFC
(972) 860-8799 FAX



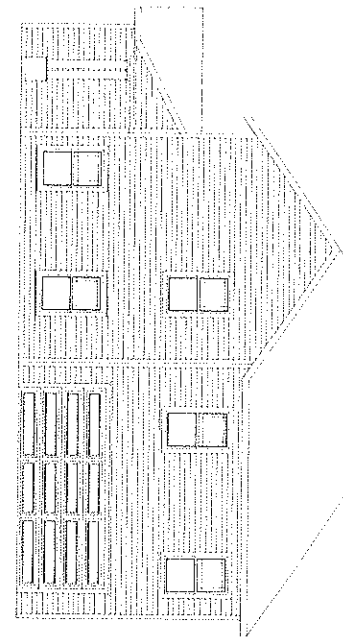
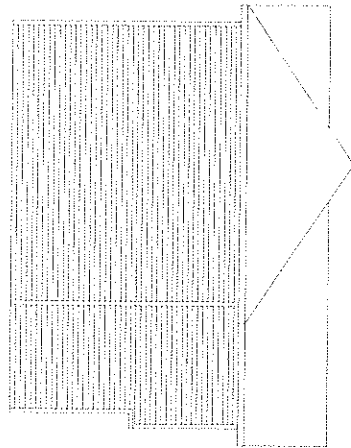
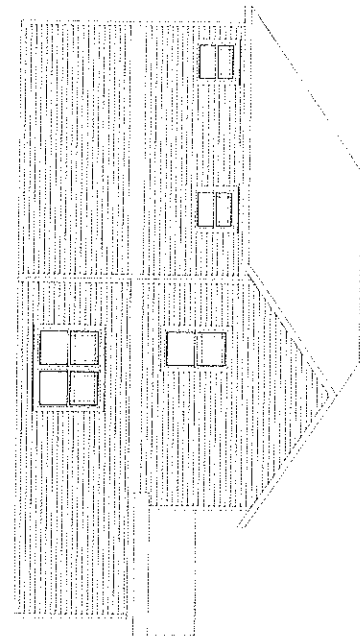
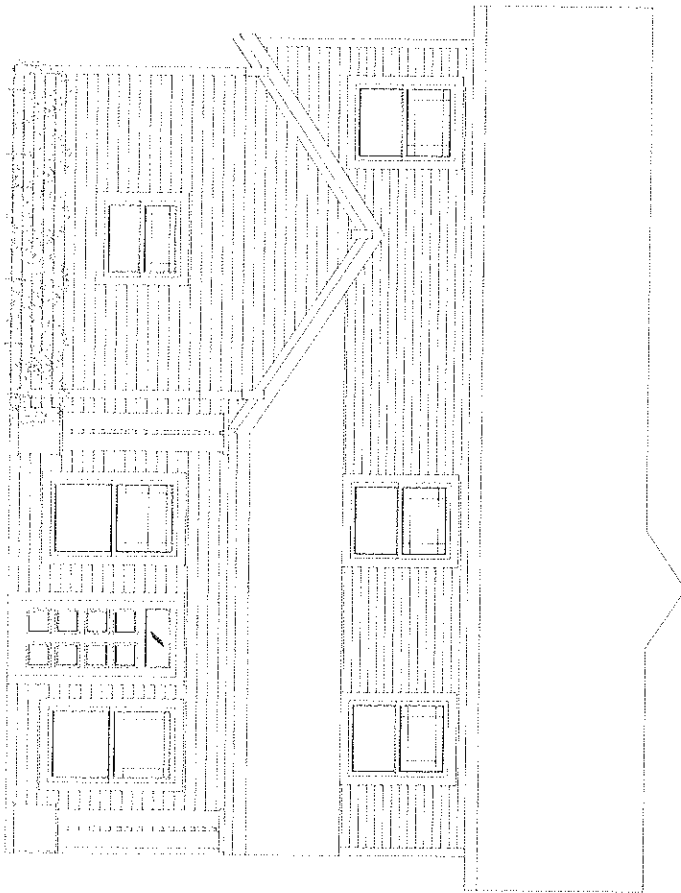
SUNFLOWER
HOMES, LLC

~~16127~~ ST
MCKINNEY, TX

[illegible]

1102 LAUREL

Bill Bush



A1

DATE 03/15/16
 DRAWN BY
 CHECKED BY
 SCALE
 SHEET 1 OF 1

CCD

Chapman's CAD Designs

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

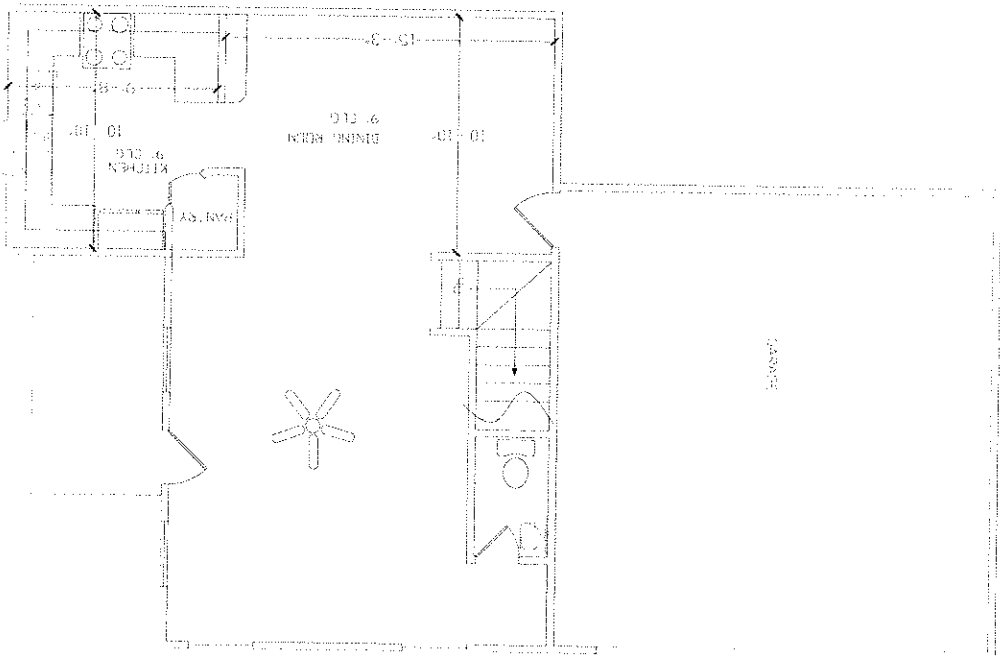
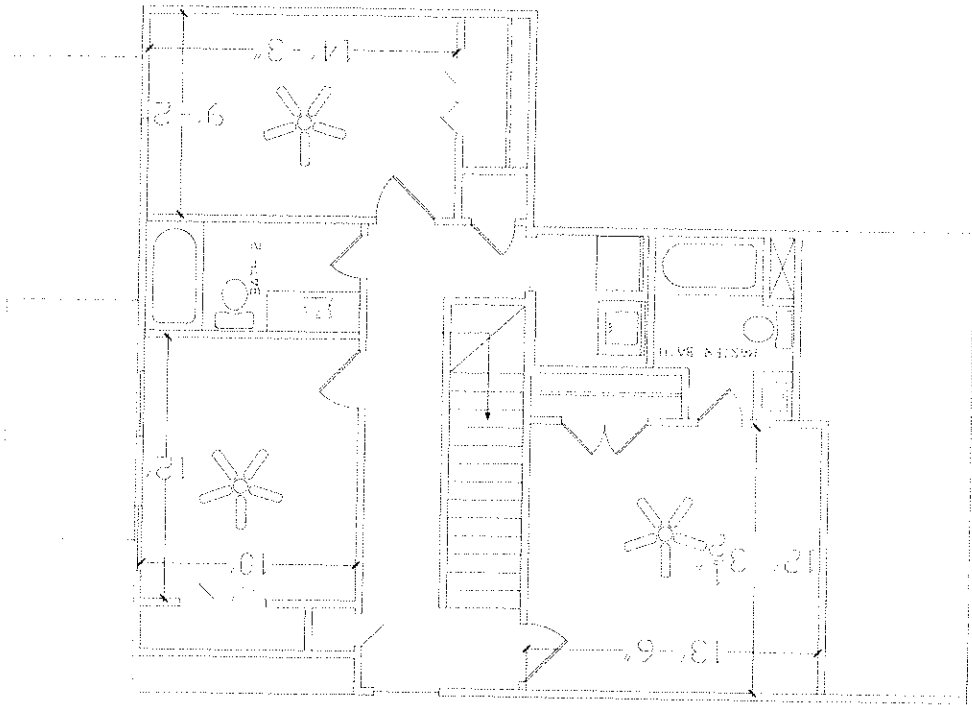


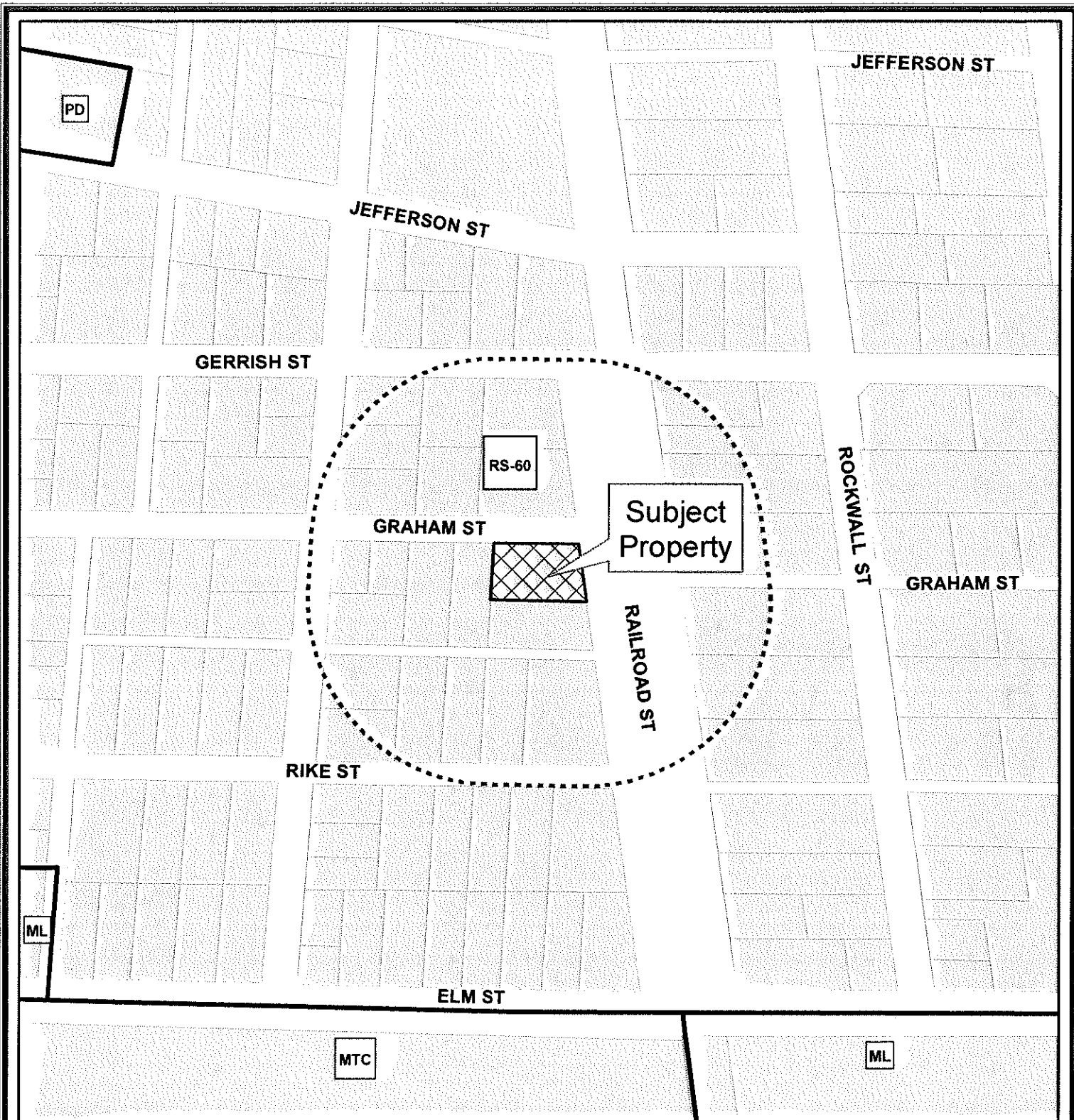
SUNFLOWER
 HOMES, LLC

1102 RAILROAD
 MCKINNEY, TX

REVISION RECORD		DATE	REV	ORIGINATOR	REVISION

1ST FLOOR AC 628 S
 2ND FLOOR AC 847 S
 TOTAL AC 1475 S



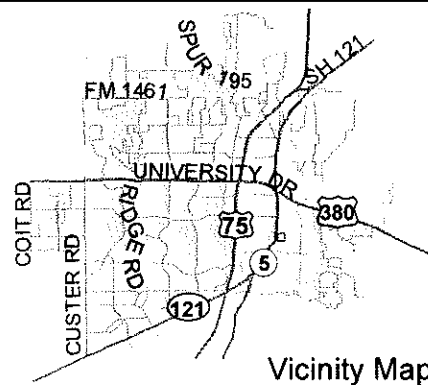


0 100 200 Feet



Notification Map

1102 S Railroad St



Vicinity Map



BOA 16-13

TITLE: 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

SUPPORTING MATERIALS:

[Application](#)

[Locator Map](#)

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:

717 Rike St.

Address

MCKINNEY

City

TX

State

75069

Zip

14

Lot Number

5

Block

GERRISH ADDITION

Subdivision Name

Owner's Information:

SUNFLOWER HOMES, LLC

Owner's Name

214-498-4558

Phone Number

6951 VIRGINIA PKWY.

Address

MCKINNEY

City

TX

State

75071

Zip

Owner is giving

Applicant's Name

authority to represent him/her at the meeting.

Owner's Printed Name

Owner's Signature

Applicant's Information:

MICHAEL RIPPERGER

Name

SUNFLOWER HOMES, LLC.

Company Name

214

498-4558

Phone Number

6951 VIRGINIA

Address

MCKINNEY

City

TX

State

75071

Zip

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	6000	4654	1346 SF
Lot Width	50	49.82 - 24.67	.18 - 25.33
Lot Depth			
Side Yard			
Side Yard	5	3	2
Side @ Corner	25	12	13
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 exzement to the east of our property this is the smallest house possible. We had to put in some cantilevering 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.

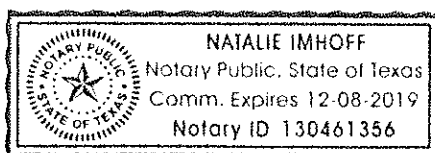
Applicant's Signature

STATE OF TEXAS

COUNTY OF Collin

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

(seal)



*Not applicable in EIJ

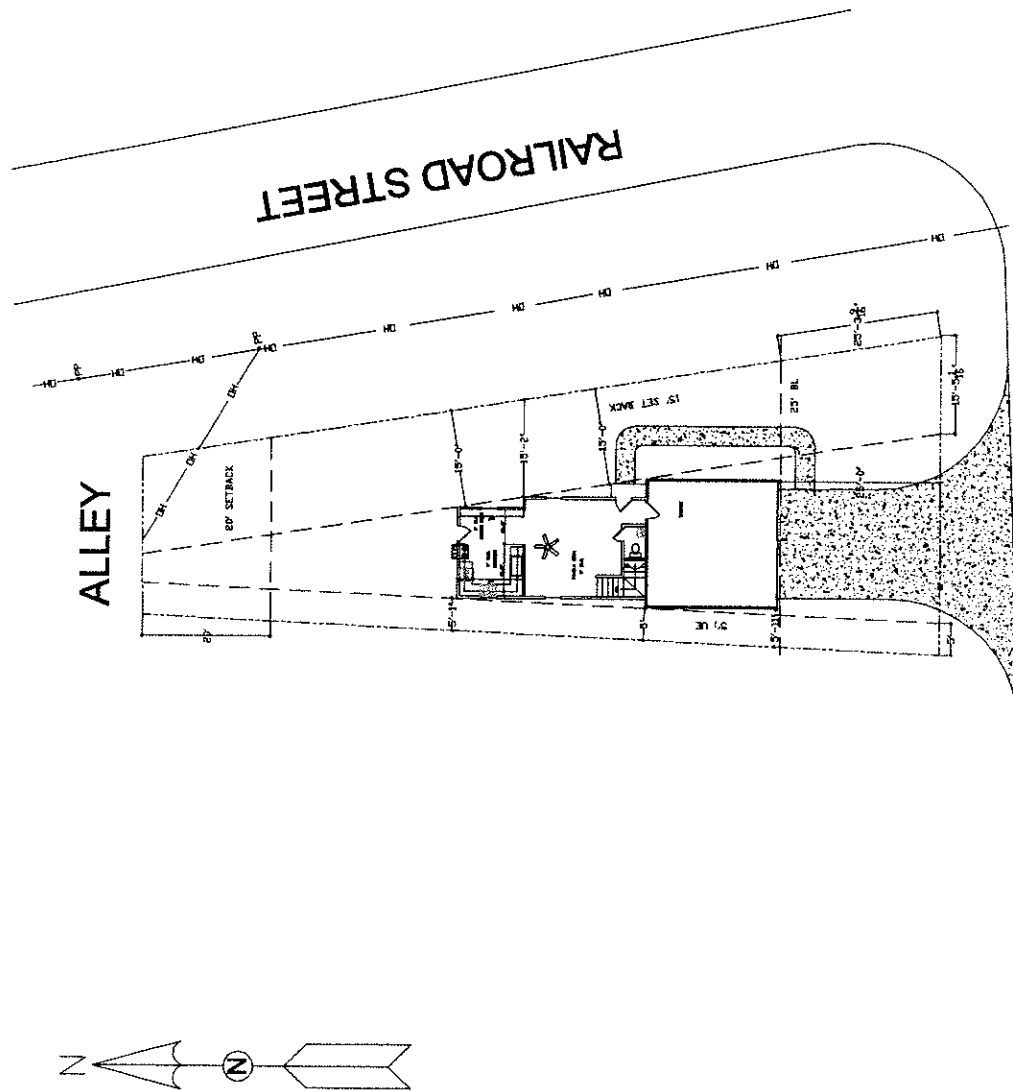
Notary Public

My Commission expires: 12/08/2019

Chapman's CAD Designs
1601 Waddill ST., Suite 103-E
McKinney, TX, 75069
(972) 542-1187 OFC
(972) 886-8799 FAX

717 RIKE STREET
MCKINNEY, TX

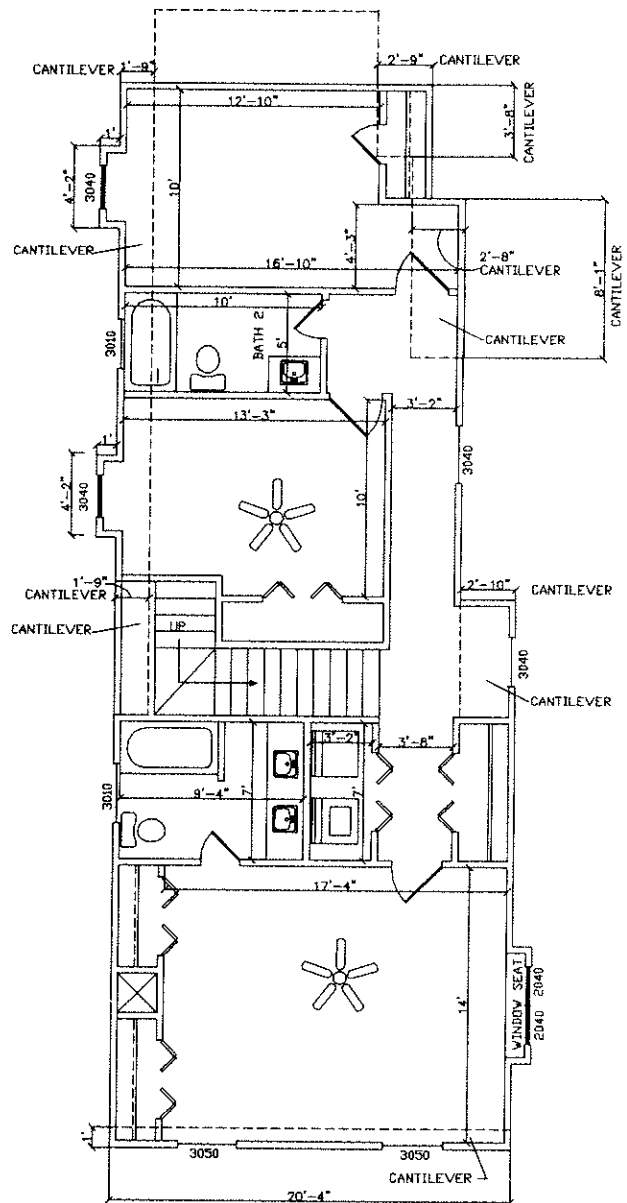
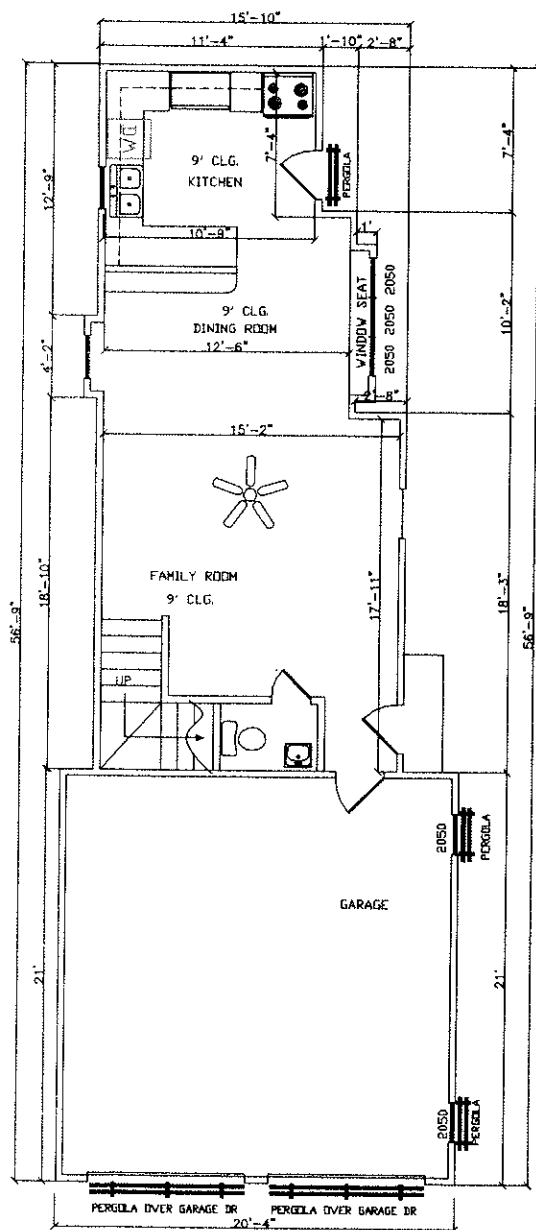
DATE REV	REV ORIGINATOR	REVISION HISTORY

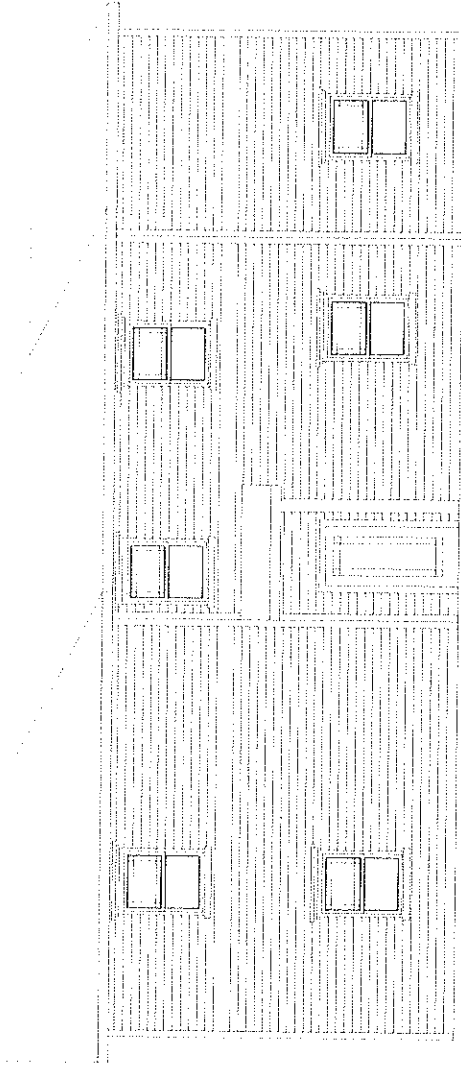


SITE PLAN

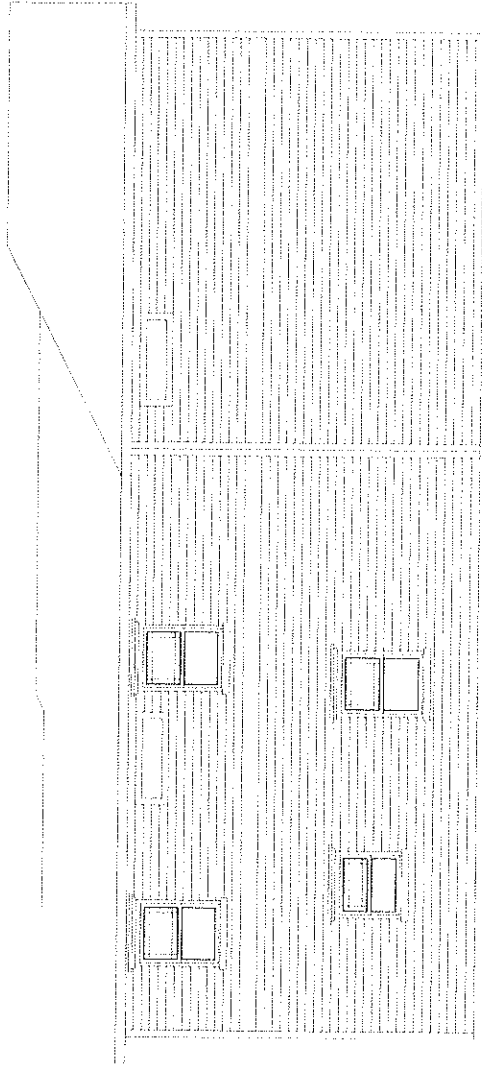
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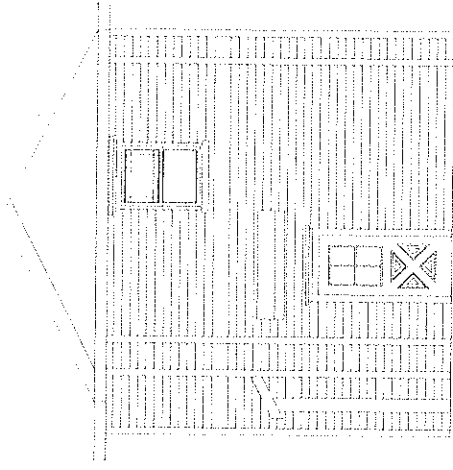




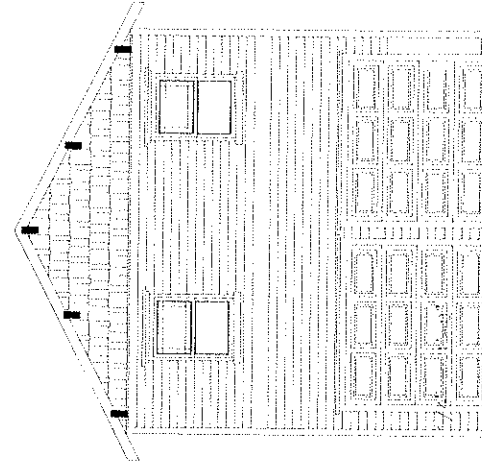
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT 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

Lot 11, 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

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

Graham Street

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.

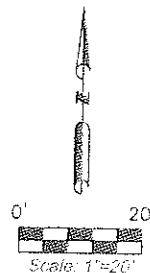
John Glas
Registered Professional
Land Surveyor No. 6081



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.

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 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



Legend

Gas Op. 102	Gas Square Iron Rod Set
CCMR	Collin County Map Records
CCLR	Collin County Land Records
SH	Set Back Fence
CH	Curbing/Retaining
4" x 4"	Level Pole
ATTS	ATTS Telephone Pole
ADP	Reinforced Concrete Pipe
CONC	Concrete
Edge of Asphalt	Edge of Asphalt
OH	Overhead Lines
Wood Fence	Wood Fence

October 28, 2012

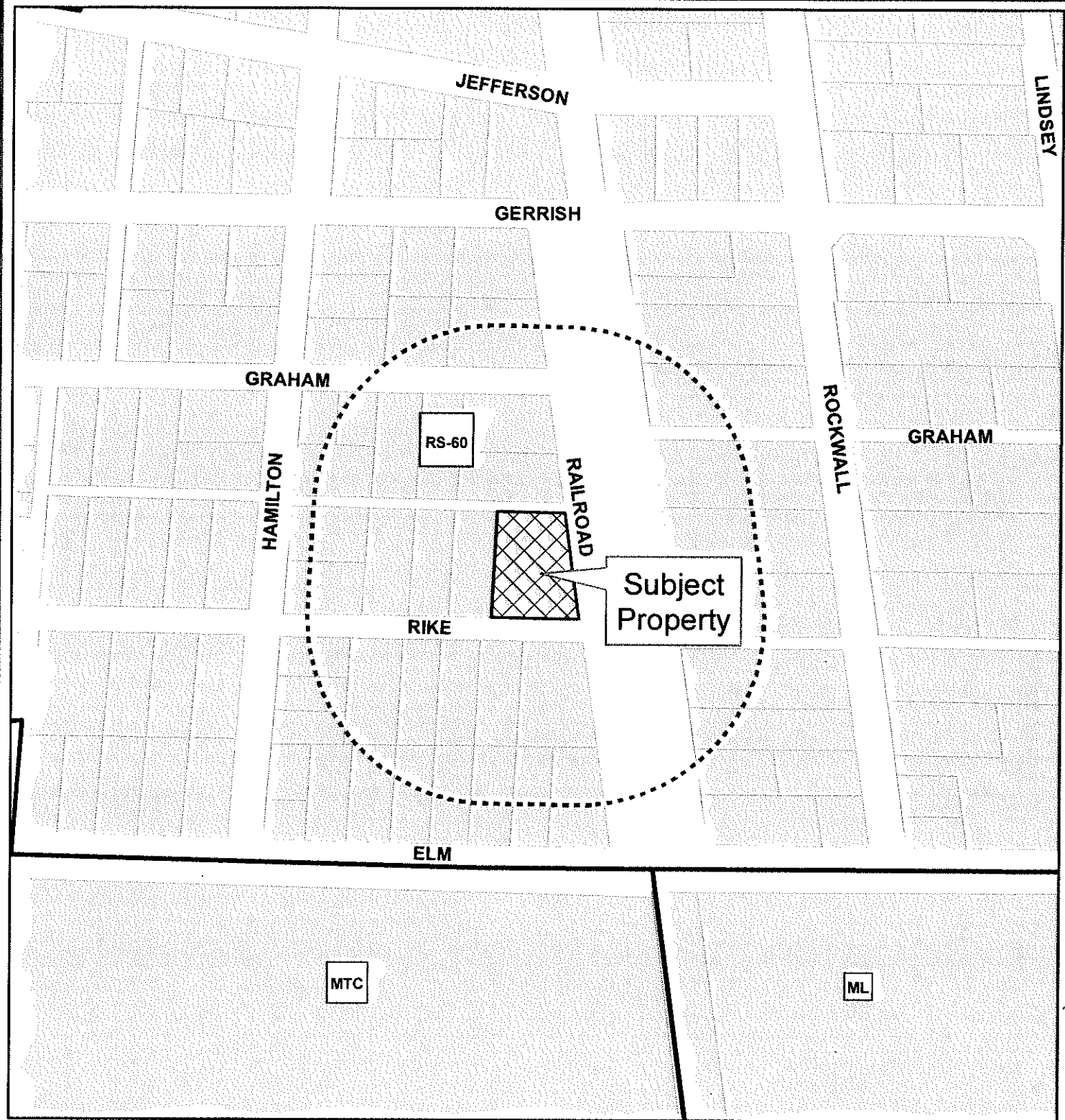
Drawn by: 2012151AC00431.dwg



Glas Land Surveying

2114 FM 1563, Wolfe City, Texas 75486

Office: (972) 405-0901 Fax: (972) 405-0902

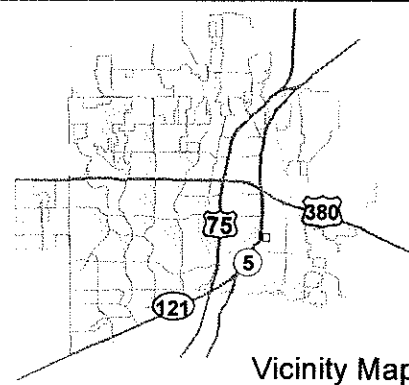


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Feet



Notification Map

717 Rike St



Vicinity Map