# **AGENDA ITEM 17-06**

SUBJECT:

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Request by Justin Nunn for Opportune Development LLC - Barnes Series for a 6.4" variance from the minimum front yard setback of 25' for the main house and 5.1" variance from the minimum rear yard setback of 10' for the detached garage at the duplex property located 806/808 Barnes Street, McKinney, Texas. The requested variances

must be considered before the property is re-platted.

**MEETING DATE:** 

May 31, 2017

**DEPARTMENT:** 

**Development Services-Building Inspections** 

**CONTACT:** 

Rick Herzberger, Chief Building Official

**ZONING**: RS 60

**EXISTING CONDITIONS:** The Duplex is a non-conforming use since it is not allowed in the RS 60, yet the use is not changing and can remain as non-conforming. The property has been submitted for a re-plat to allow separate property lots per duplex.

## **VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Front Yard Setback for Main Structure	18.6'	6.4'
10' Rear Yard Setback for Detached Garage	4.9'	5.1'

**APPLICANT'S BASIS FOR VARIANCE:** The current property has 2 duplexes with the property line running through the middle of each structure that was built in 1960. Applicant desires to replat and place the property line between the two duplex structures.

**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:

<u>Yard Requirements</u> 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 validated and the Board has the authority to consider this variance request. The re-plat process requires the creation of conforming lots so the variances must be considered before the re-plat is considered by the City (Re-plat has been filed). If a recommendation is made to approve the variance, I suggest you make the motion that said variance approval is only applicable to the submitted plat (exhibit).

# **SUPPORTING MATERIALS:**

Variance Application
Property Locator Maps
Proposed Re-plat
Exhibit

Action:	APPROVED	DENIED	TABLED



# BOARD OF ADJUSTMENT APPLICATION 5/2/17

VARIANCE 🗹	SPECIAL EXCEPTION	APPEAL TODAY'S	DATE: 4/28/2017
	**CONTACT I	INFORMATION**	
PROPERTY LOCATION			
Property Owner: Opportune De	the ETJ (Extra Territorial Jurisdiction velopment LLC - Barnes Serie	Lot: 26 (26R) PO Box 6357  Address) 214-87	McKinney, TX 75071  (City, State, & Zip Code)
(Ema Property Owner is giving	Justin Nunn (Applicant Name)	authority to represe	(Phone) nt him/her at meeting.
Property Owner Printed Name:		Property Owner Signature:	
Applicant: Justin Nu			nney, TX 75070
	edevelopment@gmail.co	Address) 21	4-870-5551
(Ema	·		(Phone)
	**RE	QUEST**	
Please list types requested:			
Description	Ordinance Requirements	Requested Dimensions	Variance from Ordinance
Lot Size			
Lot Width			
Lot Depth			
Side Yard	_		
Side Yard			
Side at Corner			
Front Yard	25'	18.6'	6.4'
Rear Yard			
Driveway			
Other	Detached Garage - 10'	4.9'	5.1'
following conditions are me shall not be financial or self-	et. State how your request m created.	ance, the Board of Adjustment m neets these conditions. Please no	ote that the stated hardship
•		neral purposed and intent of the omegative impacts because:	
The variance offer	sets existing structures fro	om the 1060's that are alrea	dy non-conforming to
the zoning setbac		<u>om the 1960's that are alrea</u> Ily makes less setbacks non	
	not affect surrounding pro		Outroming that it is
<u> </u>			

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 variance affects existing structures from the 1960's that are already non-conforming to
the zoning setbacks.
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:
The variance affects existing structures from the 1960's that are already non-conforming to
the zoning setbacks.
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:
The 2 structures are unable to be separated as independent structures / properties as the
lots are currently running through the middle of each structure. Our proposal allows the 2
structures to be their owner properties as needed in the future.
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.
Mil
Property Owner Signature (If different from Applicant)  Applicant's Signature
STATE OF TEXAS
COUNTY OF Collin
Subscribed and sworn to before me this 29 day of April 20 17
No. 40 Miles
LISA STEINKAMP  Notary Public
(seal) Comm. Expires 10-02-2017 My Commission expires: 0217
***OFFICE USE ONLY***
Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No:
BOA Number: \$50.00 (non-refundable)
Received by: Signature: Date:

Date: 4/10/2017

Subject: 808 Barnes - Minor Replat - Letter of Intent

To: City of McKinney – Planning Department

To Whom it May Concern:

808 Barnes St is two lots (25 and 26) combined into one property in the Historic Downtown McKinney area on block 3 of the F. M. Hill Addition It is .344 acres of property located on the west side of Barnes street between Pine Street to the North and Raines St to the south. The property currently has 2 separate structures, each are considered residential duplexes and the 2 lot lines are running through the middle of the structures. They were both build in the 1960's.

The reason for this minor replat is to remove the lot lines running through the middle of each structure and to subdivide the structures from each other as they are currently considered one property.

The zoning in this area is RS-60 and in the current condition it does not meet setbacks required of that zoning. It comes closer to meeting all the setbacks with this proposal minor replat and would meet the side and rear setbacks.

Thank you for your consideration and please call me with any questions.

Justin Nunn

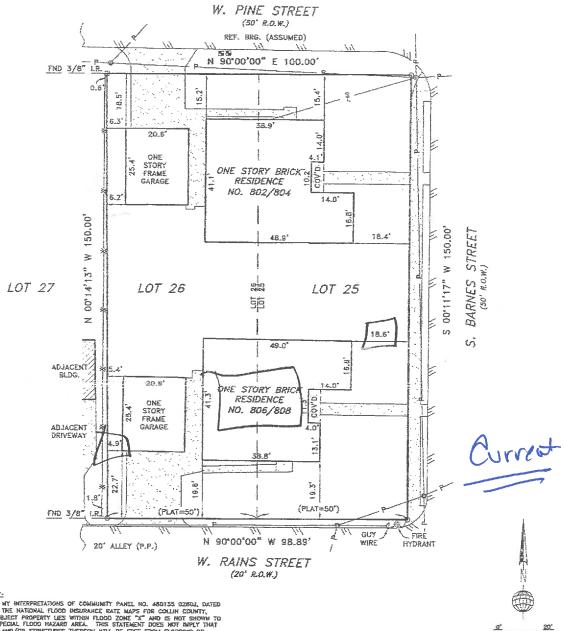
PO Box 6357

McKinney, Texas 75071

214-870-5551

### SURVEY PLAT

BEING SITUATED IN COLLIN COUNTY, TEXAS IN THE CITY OF MCKINNEY AND BEING LOTS 25 AND 26 IN THE FM HILL REVISED ADDITION TO THE CITY OF MCKINNEY, A PLAT OF WHICH IS ON RECORD IN VOLUME 102, PAGE 580-581, COLLIN COUNTY DEED RECORDS.



FLOOD NOTE:

FLOOD NOTE:

ACCORDING TO MY INTERPRETATIONS OF COMMUNETY PANEL HO. ASSISS 02501, DATED
06/02/09, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR COLUN CORNEY,
TEMAS, THE SUBJECT PROPERTY LES WITHIN FLOOD COME "X" AND SE NOT SHOWN TO
BE WITHIN A SPECIAL FLOOD HAZARD AREA. THES STATEMENT DOES NOT MAPLY THAT
THE PROPERTY AND/OR STREATHERS THEREON WILL BE FREE FROM FLOOD HEDGOING OF
FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR, AND
FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD
STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

NOTE:

(P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.

	STMBOL LEGEND	FND = FOUND LR_ = IRON ROD LP, = IR	DN PIPE ESMT. = EASEME	ENT B.L = BUILDING LINE
-/-		L. LASON L. MURGAN, REUSTEREU PROFESSIONAL LAND SURVEYOR OF		THIS SURVEY WAS PERFORMED FOR
-	- WIRE FENCE	THE STATE OF TEXAS, DO HEREST CERTIFY THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SURSECT		THE SURFER WAS PERCURSED FORCE
1	WROUGHT IRON FENCE	PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION. THIS SURVEY MEETS OR EXCEEDS THE MOMENTA	F OF Z	REPUBLIC TITLE
1	COLLENN:	STANDARDS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL	No STEEL A	USE OF THIS SURVEY BY AMY CENER PARTY SHALL BE AT
	POWER POLE	LAND SERVEYING AND WAS PERFORMED IN CONJUNCTION WITH THEE CONJUNEITHENT OF NO. OPRIBLITY PROVIDED BY REPUBLIC THEE	Dure + 6.54	THER OWN RISK AND THE UNDERSTAND IS NOT RESPONSIBLE. TO OTHERS FOR ANY LOSS RESULTING THERSTRON. THIS
2	WATER METER	REFLECTING ONLY THE EASEMENT(S) LISTED IN SCHEDULE "R" OF SHIP CONSUMER.		SUBVEY IS NOT VALID WITHOUT A RED SEAL AND SERVICIPRE.
	POWERLINE	Columnity medit.	A JASON L. MORSAN D	NAME KNOWLES
\$	CVERHEAD SERVICE LINE		5587 7	JOB NO. 09-06-092
	TRANSFORMER AND PAG		W. FESS10 4 V	DATE 06/15/09
	GAS METER	1-th a	SURV	GF# 09R18179
1	ASPHALT SURFACE	Jan 1 Mura	A DO	TECH JUN
	CONCRETE	JASON L MORGAN R.P.LS. NO. 5587		DRN. BY BRS
	200			

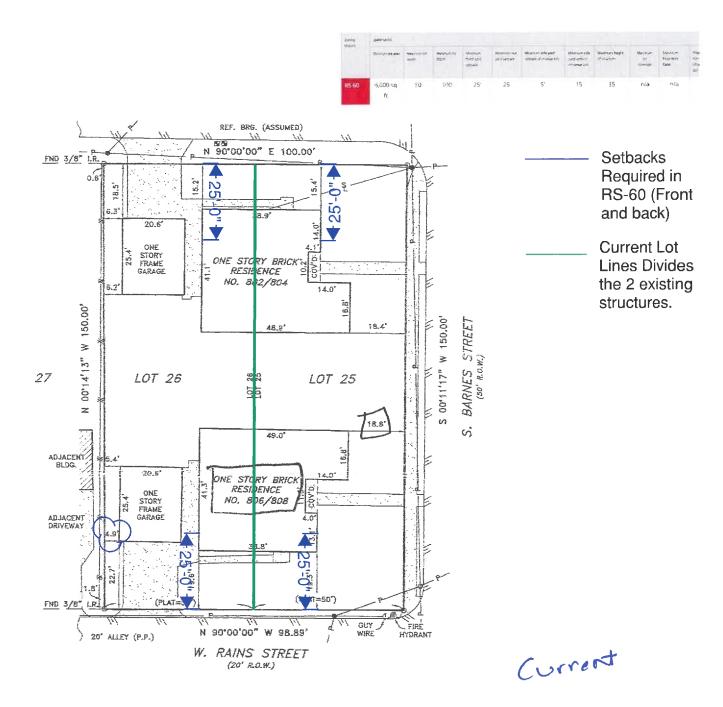


Global Land Surveying, Inc.

704 Central Farkway East Suite 1214 Plano, Texas 75074 Phone (872), 881-1700 Fax (972) 423-1083 email: info@gls-inc.com

# 808 Barnes Existing Property Lines and Setbacks Exhibit

# 17-098MRP - F.M. Hill Addition



- 1. Details from existing survey by Global Land Surveying.
- 2. The property in RS-60, built in the 1960's currently does not meet the setbacks required as it currently resides.
- 3. See proposed change page 2.

## 806-808 and 802-804 Barnes Street

Legal Description: F M HILL REVISED (CMC), BLK 3, LOT 25 & 26

Property is zoned RS-60 single family residential. We have a current case in review 17-098MRP which will be subdividing the existing lot into 2 lots (see attached)

Duplex use is a non-conforming since it is not allowed in the RS-60

Section F-4. Schedule of uses.

#### SCHEDULE OF USES

														80	HED	ULE	OF.	USE	S																						
Type of Use	AG	RED-1	RED-	The state of	No.	88 72	#13 #0	#5 #8	HD 30	10 27	#0 #0	11E	MEST	NF-2	MF-3				BIG	e e		n Air	-	-	AP	ac	MTC	12	10	3 =	5F 7/2	SF 6	DIF	7	10	80	61	C2	C3	u	9
Bed and breakfast (See Ch. 136. Art. (V)	s	5	s	t)	٤	g	s	8	6	s	s	s	5	ε	s	Γ	5	5	ε		ε	I			T		No.	ε	5	8	ε	8	s	δ			Γ	Г			Ī
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independent living facely (retrement commonly) (56)		for medianimum.		T							P,	P	Р	Þ	Р				s	s	\$ 1	S	-	T	Τ		N:1						s	8	s	s	s	5	s		
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Mobile home park (6re Ch. 138, Art (II) (69)	Г			Γ	Γ						Г				Г	р				П				T	Γ		N/S	Γ			Γ	Γ	Г	Г	Γ	Γ		Г	Г	Г	Ī
Multiple family dwelling (apartment) (71)				Ī				Г			F	ų	р	þ	Þ	Γ		Р	21	p	Ì	T	T	T	T	Γ	N-1	Γ		T	Γ	Γ	Г	Г	Г	Γ	T	Г	Г	Г	
Muhipia family dwellingi, senica (senior aparlment) (72)						Г		-			P	F	P	Я	P	1		P	P.	2	1		T	1			N-3	i,	ı			Г	Г					T	Г		
Single family dwelling (attached) (104)				T		Γ	Γ		Г	F	Р	Р	Р	Р	Р			Р	5	P	1	T	T	T	T	Г	N-1			Γ	Γ		T	P		Γ	Γ	Г			Ī
Single family deating (detabled) (105)	Р	Р	р	Р	Р	р	P	p	P	P	P	P	Р	Р	Р		Р	P	ь	,		T	T	Ì	T	T	N-1	F	P	P	Р	Р	F	Р	Γ	T	T			Г	Ī
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# **Setback Requirements**

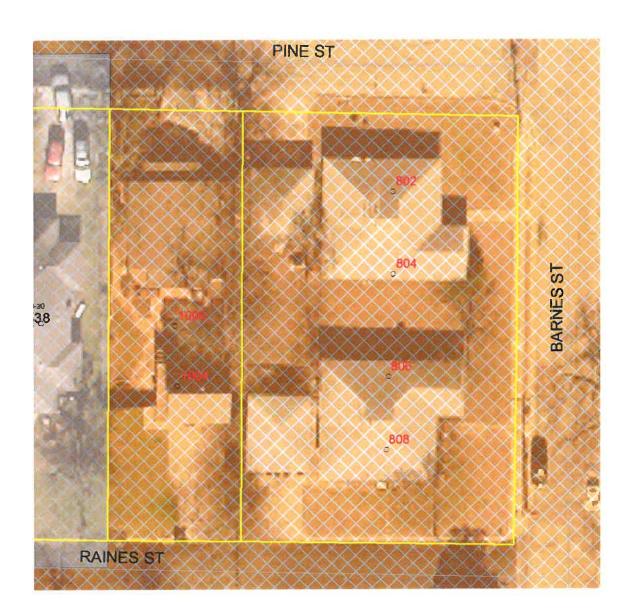
ZONING REGULATIONS

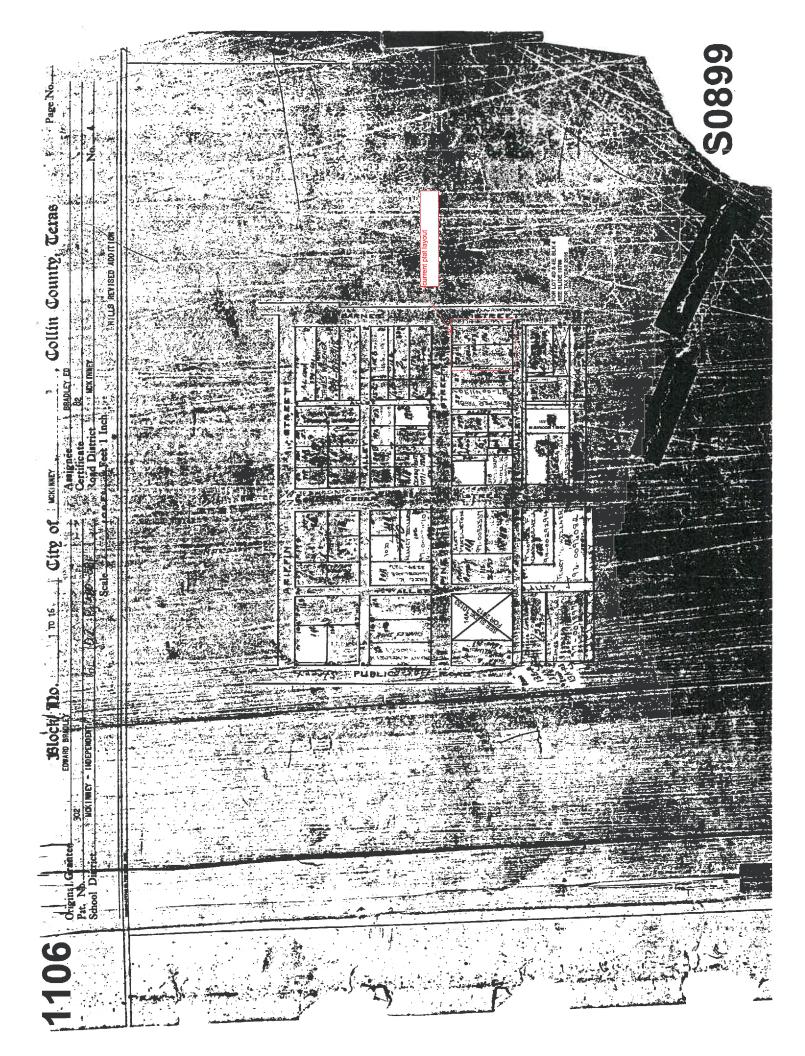
App. F, § F-1

APPENDIX F. SCHEDULES

Section F-1. Schedule of space limits.

					$S_{i}$	paec Limits					
Zaning District	Minimum Int	Minimum lot width	Minimum lot depth	Minimum front yard setback	Minimum war yard setback	Minimum side yard setback of interior loss	Minimum side yard setbach of corner lots	Maximum height of structure	Mazimum lot coverage	Maximum Floor Area Ratio	Maximum density (dwelling units per gross acre)
ÀG	10 agre	150'	n/a	35'	35'	20'	251	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.	89'	120	80	251	10'	151	35'	n/a	n/n	3.5
RS 84	8,400 мр. й.	70'	110	25'	25'	101	15'	351	n/a	m/a	5.0
RS 72	7,200 sq. ft.	60'	100'	25'	25	6'	15'	35'	n/a	tāŽta	6.0
RS 60	6,000 sq. ft.	50'	1001	25'	25'	51	15'	35'	n/a	n/a	7.0





#### **ABBREVIATIONS**

IR.F = Iron Rod Found

(C.M.) = Controlling Manument

CLRF = Capped from Rod Found

CIRS. = 1/2" iron rod with yellow clastic cap stamped "RPLS 5686" set

M.R.C.C T. = Map Records, Callin County, Texas

D.R.C.C.T. = Deed Records, Collin County, Texas

O.P.R.C.C.T. = Official Public Records, Collin County, Texas

CERTIFICATE DE ADDROVAL

Planning and Zoning Chairman City of McKinney, Texas

Dote

According to the Flood Insurance Rate Map of Colin County, Texas, Map Mp. 48085002860. Map Rawised June 02, 2009, the hereia described property is located in Zone "X", described by said map to be, "creas determined to be outside the 0.2% annual chance floodplain".

All proposed lots situated in whole or in part within the City's corporate limits comply with the minimum size requirements for the governing zoning district and the requirements of the subdivision ordinance.

Bearings and Coordinates for this plot are based on the City of McKinney Geodetic Control System. GPS Monument No(s). 43 and 44 were used for this survey.

The purpose of this Minor Reptat is to reconfigure the existing lot lines running through the middle of the two existing structures and to split the existing structures from each other, as they are currently considered one property.

5. A 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set at all corner

#### OWNER'S DEDICATION:

# STATE OF TEXAS § COUNTY OF COLLIN §

WHEREAS, Opportune Development LLC - Barnes Series, is the owner of a tract of land situated in the TIT Bradley Survey, Abstract No. 88, in the City of McKinney, Collin County, Texas, and being all of Lats 25 and 28, Block 3 of F.M. HILL ADDITION, an addition to the City of McKinney, as recorded in Volume 102, Page 550, of the Map Records, Collin County, Texas (M.R.C.C.I.) soid tract being more porticularly described as follows:

BEGINNING at a  $1/2^\circ$  iron rod with a yellow plastic cap stamped "RPLS 5686" set (herein after referred to as a copped iron rod set) at the northeosterly corner of said Lot 25, some being at the intersection of the southerly monumented line of Pine Street and the westerly monumented line of Barnes Street.

THENCE South 0013/37" East, along the easterly line of said Lot 25, some being the westerly manumented line of Barnes Street, a distance of 150.00" to a capped iron rad set at the southeasterly corner of said Lot 25, some being at the intersection of said westerly manumented line of Barnes Street and the northerly manumented line of Raines Street.

THENCE North 9316/98" West, along the northerly manumented line of said Raines Street, same being the southerly line of said Lats 25 and 25, a distance of 100.00" to a paged from rad set for the southwesterly corner of said Lat 25 same being the southwesterly corner of Lat 27, of said addition;

THENCE North 0013'37" West, along the common line between said Lots 26 and 27, a distance of 50.00' to a capped iron rod set for the northeasterly corner of said Lot 27, same being the northwesterly corner of said Lot 26, said corner also being in the southerly monumented line of said Pine Street;

THENCE South 89'16'58" East, along the southerly manumented line of soid Pine Street, some being the northerly line of soid Lats 26 and 25, a distance of 100.00" to the POINT OF BECINNING and containing 14,993 aquore leat or 0.344 cares of land, more or less

#### NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, Opportune Development LLC - Bornes Series, is the sale owner of the above described property and does hereby adopt this Minor Replot designating the hereinabove described property of F.M. KILL ADDITION - LOTS 256 AND 268, BLOCK 3, being a regist of oil of Lot 50 and 26, Block 5, of J. G. F.M. KILL ADDITION - LOTS addition to the City of McKinney, as recorded in Volume 102, Page 380, of the Map Records Dollin Cham, Faxs, and does hereby defacte to the public use forces, tales and public use areas shown, for mutual use and accommodation of the City of McKinney and all builties to remove the streets, allegs and public use forces shown hereon, the easements, as shown, for mutual use and accommodation of the City of McKinney and line using the control of the City of McKinney and all new their for enrove shall public use drives of the control of the City of McKinney and all new their of the control of the City of McKinney and all new their commodation of the City of McKinney and all control of the City of McKinney and the City of McKinney and anythen, procuring the permission of anyone. This plat is approved suspect to all platting ordinances, rules.

WITNESS MY HAND at McKinney, Texas, this tire

Opportune Development LLC - Barnes Series

Justin Nunn - Partner

#### STATE OF TEXAS COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notory Public in and for the State of Texas, on this day personally appeared Justin Nurn, Islamic to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the some is her act and deed in the capacity therein stated and for the purposes therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the \_\_\_\_\_\_\_doy of \_\_\_\_

NOTARY PUBLIC in and for the State of Texas,

#### SURVEYOR'S CERTIFICATE

#### KNOW ALL MEN BY THESE PRESENTS:

THAT I, MICHAEL B. ARTHUR, do hereby certify that I prepared this plot from an actual on-the-ground survey of the above described property, and that the carner manuments shown hereon were found or were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of McKinney, Collin County, Texas.

Michael B. Arthur Registered Professional Land Surveyor Texas Registration No. 5686



Date:

# STATE OF TEXAS 5 COUNTY OF COLLIN 5

BEFORE ME, the undersigned, a Natary Public in and for the State of Texas, on this day personally appeared MICHAEL B ARTHUR, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein

WITNESS MY HAND AND SEAL OF OFFICE on this, the

NOTARY PUBLIC in and for the State of Texas

# MINOR REPLAT F.M. HILL ADDITION LOTS 25R AND 26R, BLOCK 3

Being a Replat of Lots 25 and 26, Block 3 F.M. HILL ADDITION Vol. 102, Pg. 580, M.R.C.C.T. 14,998 Sq. Ft. / 0.344 Acres in the

T.T. Bradley Survey ~ Abstract No. 88 City of McKinney, Collin County, Texas

Date: April, 2017

Scale: 1" = 30'



HIC SCALE

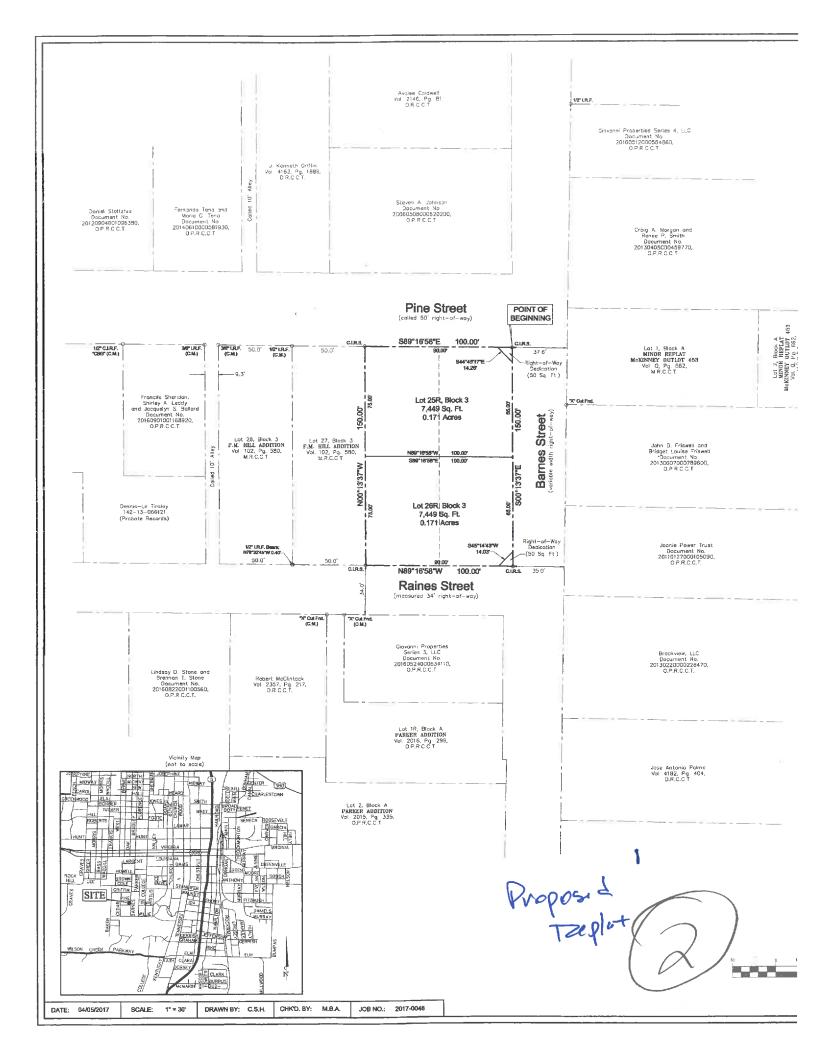
N FEET

Owner:

Opportune Development LLC - Bornes Series 507 Follen Branch Drive McKinney, Texas 75070 Phone: (214) 870-5551 Cantact: Justin Num

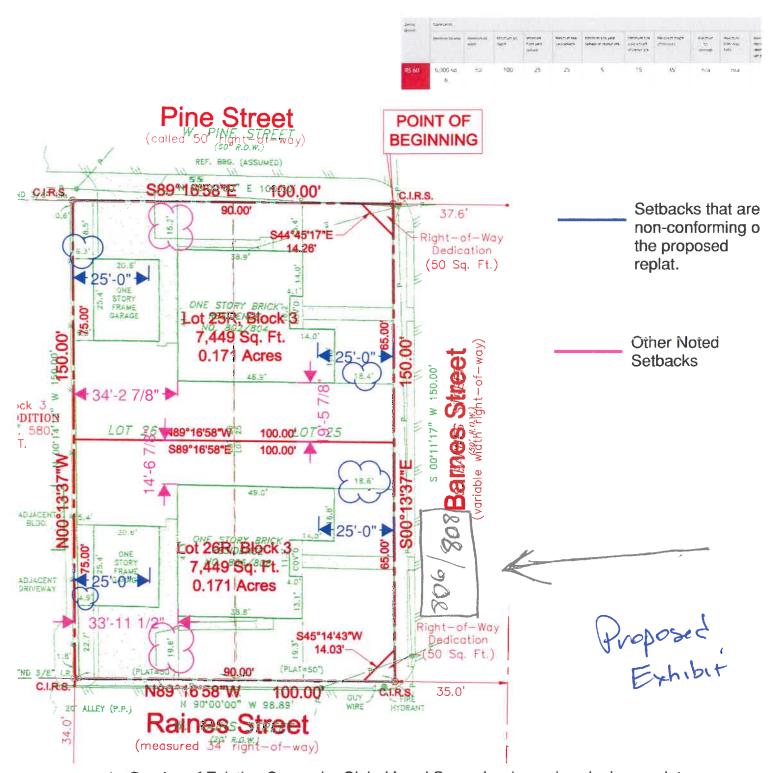
North Texas Surveying, LLC 1010 Wast University Drive McKinney, Texas 75069 (469) 424-2074 www.northlexassurveying.com Firm Registration, No. 10074200 Contact: Ched Holcomb

Proposed Replot



# 808 Barnes Proposed Property Lines and Setbacks Exhibit

## 17-098MRP - F.M. Hill Addition



- 1. Overlay of Existing Survey by Global Land Surveying (green) and minor replat (red) by North Texas Surveying.
- 2. The front setbacks are non-conforming in this proposed replat as noted. This is a similar situation to the existing setbacks on the property currently.
- 3. The main structures meet the rear setbacks, but the detached garages do not