

..Title

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Applicant/Owner Kaitlin McCoy, for consideration of a Variance request to allow a 15' rear yard setback to the zoning ordinance requirement of 20' rear setback for the property located at **109 S. Graves Street, Lots 3A and 4B Block 6 of the Benge Addition, an addition to the City of McKinney, Texas.**

..Summary

BOARD OF ADJUSTMENT CASE NUMBER: BOA21-03

MEETING DATE: May 26, 2021

DEPARTMENT: Development Services - Building Inspections

CONTACT: Jeffrey Harris, Chief Plans Examiner

RECOMMENDED BOARD ACTION: Consider this variance request based on the applicant statement on the Board of Adjustment (BOA) application.

ZONING: RS-60 with Traditional McKinney Neighborhood (TMN) overlay designation.

EXISTING CONDITIONS: This is a non-conforming corner lot, per depth of lot less than 100'. There are also two existing trophy trees in the rear yard.

ITEM SUMMARY: The applicant/owner desires to construct an addition in the rear yard of the single-family home on this existing lot, yet due to some lot non-conformity concerns, and the presence of two trophy trees, a variance is requested for consideration by the Board. The placement of the structure meets the front setback of 20' but the rear setback of 20' restricts the placement of the structure, thus a request for 15' rear setback.

A GIS rendering of the surrounding lots is provided and shows the varied setbacks. The input of the 200' property owners should be reviewed to determine if such variance will not seriously affect the adjoining property or the general welfare.

VARIANCE REQUESTED:

ZONING ORDINANCE REQUIREMENTS	REQUESTED SETBACK	VARIANCE
Rear Yard Setback – 20' setback	15' setback	5' setback

APPLICANT'S BASIS FOR VARIANCE: See description on the BOA application.

PUBLIC SUPPORT/OPPOSITION OF REQUEST: To date, no letters of support and no letters of opposition have been submitted.

BOARD AUTHORITY:

Variances. The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:

1. 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, provided such variance will not seriously affect any adjoining property or the general welfare; and
2. 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.

BUILDING OFFICIAL STATEMENT:

The request has been field validated and I agree that the Board has the implied authority to consider this Variance by the Applicant/Owner.

SUPPORTING MATERIALS:

BOA 21-03 – 109 S Graves St – Packet. To include:

- Zoning Exhibit
- GIS map of Graves houses and setbacks
- Board of Adjustment (BOA) Application
- Survey and Survey Site Plan with Proposed Addition Renderings
- Rear Elevation
- Tree photos
- Newspaper notice and 200' notice with Locator Map

ACTION:	Approved	Denied	Tabled
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109 S Graves Street

Legal Description: _BENGE ADDITION, BLK 6, LOT 3A & 4B

GEO ID: R-0860-006-003A-1

Zoned: RS60 Residential Single Family, TMN Traditional McKinney Neighborhood, and Historic Preservation District

Sec. 146-73. - RS 60 - Single Family Residence district.

- (a) *Purpose.* The "RS 60" - Single Family Residence zone is designed to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.
- (b) *Permitted uses.* The following uses are permitted in the "RS 60" - Single Family Residence zone:
- (1) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises, except as provided for as a permitted home occupation; and
 - (2) Other uses indicated as being permitted in the "RS 60" - Single Family Residence zone in the Schedule of Uses.
- (c) *Space limits.* The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RS 60" - Single Family Residence zone shall apply.
- (d) *Miscellaneous provisions.* Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Setbacks: in chart below

ZONING REGULATIONS

App. F, § F-1

APPENDIX F. SCHEDULES

Section F-1. Schedule of space limits.

Zoning District	Space Limits										Maximum density (dwelling units per gross acre)
	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	
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

Overlay Districts – TMN – Traditional McKinney Neighborhood District

TMN – Traditional McKinney Neighborhood District therefore, you are allowed a reduction in the RS60 setback requirements:

Space limits. The following space limits shall apply to the TMN traditional McKinney neighborhood overlay district:

- (1) Minimum lot width: 90 percent of width of underlying district.
- (2) Minimum lot depth: 90 percent of depth of underlying district.
- (3) Minimum lot area: 80 percent of lot area of underlying district.
- (4) Minimum front yard: 80 percent of front yard setback of underlying district.
- (5) Minimum rear yard: 80 percent of rear yard setback of underlying district.
- (6) Minimum side yard: as defined in underlying district.
- (7) Minimum side at corner: 80 percent of side at corner setback of underlying district.
- (8) Maximum lot coverage: 50 percent.

Overlay Districts – Historic Overlay District – N/A no documentation required.





- ▶ Front Yard Setback
- - - Lot Line
- ==== ROW - Alley
- ==== ROW - Road
- ▶ Rear Yard Setback
- Side Yard Setback Corner
- Side Yard Setback Interior

Variance Requested



0 40 80 Feet
1 in = 90 ft

Board of Adjustment 109 S Graves St

Source: City of McKinney GIS
Date: 5/4/2021

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 ADJUSTMENT APPLICATION

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

☒ APPEAL

☐ SPECIAL EXCEPTION

☐ VARIANCE

TODAY'S DATE: 5-4-21

CONTACT INFORMATION

PROPERTY LOCATION (Street Address):

109 S Graves St

Subdivision:

Benge Addition

Lot:

3A+4B

Block:

6

Property Owner:

Kaitlin McLoay

109 S Graves

McKinney, TX 75069

(Name)

(Address)

(City, State, & Zip Code)

McLoay, kaitlin@gmail.com

9725234110

(Email)

(Phone)

Property Owner is giving

Kaitlin McLoay

authority to represent him/her at meeting.

(Applicant Name)

Property Owner Printed Name:

Kaitlin McLoay

Property Owner Signature:

Applicant:

(Name)

(Address)

(City, State, & Zip Code)

(Email)

(Phone)

REQUEST

Please list types requested:

Rear yard

RS60\TMN

Description	Ordinance Requirements	Requested Dimensions	Variance from Ordinance
Lot Size			
Lot Width			
Lot Depth			
Side Yard			
Side Yard			
Side at Corner			
Front Yard			
Rear Yard	25' 120'	15'	-10' / -5'
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 - see attached sheet

SPECIAL EXCEPTION -

VARIANCE -

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.

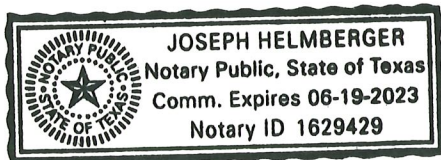
Property Owner Signature (If different from Applicant)

STATE OF TEXAS

COUNTY OF Collins

Applicant's Signature

Subscribed and sworn to before me this 4 day of MAY, 20 21



Notary Public

My Commission expires: 06.19.2023

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:

Board of Adjustments

Building corner dimensions: NE: 29' to rear
16' to side NW 15' to side
41' to front

Age of trees: 150yr / 85yr SE: 28' to rear
9' to side SW 40' to front
9' to side

2 trees ~~diameter~~ circumference: 160" / 180" diameter: 4.25' / 4.75'

2 large trees in back of home. We are adding the home in between the 2 trees to avoid the root system or removal of the treasured trees.

The back yard depth varies from 29' to 28'. With the walkways needing to be accessible and have the shower, toilet room, and vanity be appropriate for a master bathroom, we need an additional 5'. The trees add immense value to the property and they have made it more difficult to construct the addition. We are going between them as opposed to coming at them head on.

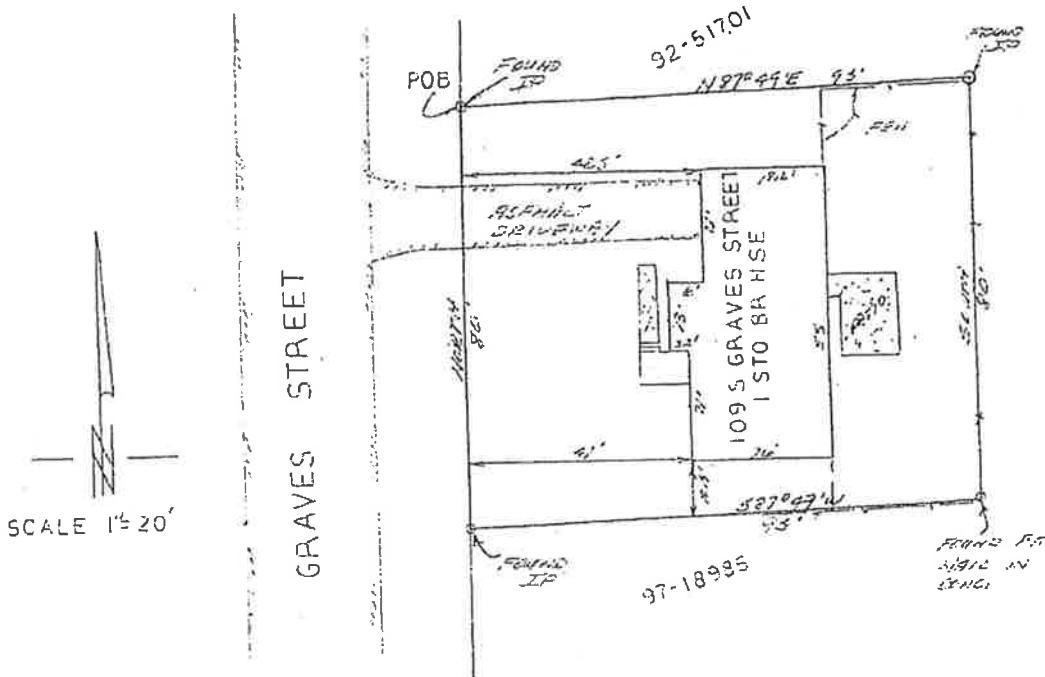
SURVEY PLAT

29

4/15/10

[Signature]

Rosalina Maestra Alborn
4/15/10



Situated in Collin County, Texas, and being part of Lots 3 and 4, Block 6 of the Keuge Addition, an addition to the City of McKinney, according to the Plat thereof recorded in Volume 1, Page 93 of the Map and Plat Records of Collin County, Texas, and being the tract of land that was conveyed to Jack Sanford Burrus in Deed recorded in Volume 1747, Page 461 of the Land Records of Collin County, Texas, being more particularly described by notes and bounds to-wit:

BEGINNING at an Iron Pin found, being the Northwest corner of said tract;
THENCE North 87 deg. 49 min. East 95 feet to an Iron Pin found;
THENCE South 80 feet to a PK Nail found in concrete;
THENCE South 87 deg. 49 min. West 95 feet to an Iron Pin found in the East line of Graves street;
THENCE North with said East line 80 feet to the place of beginning.

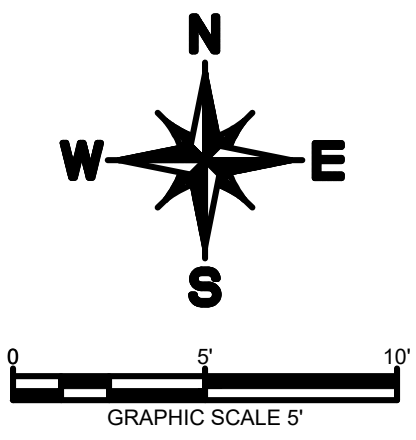
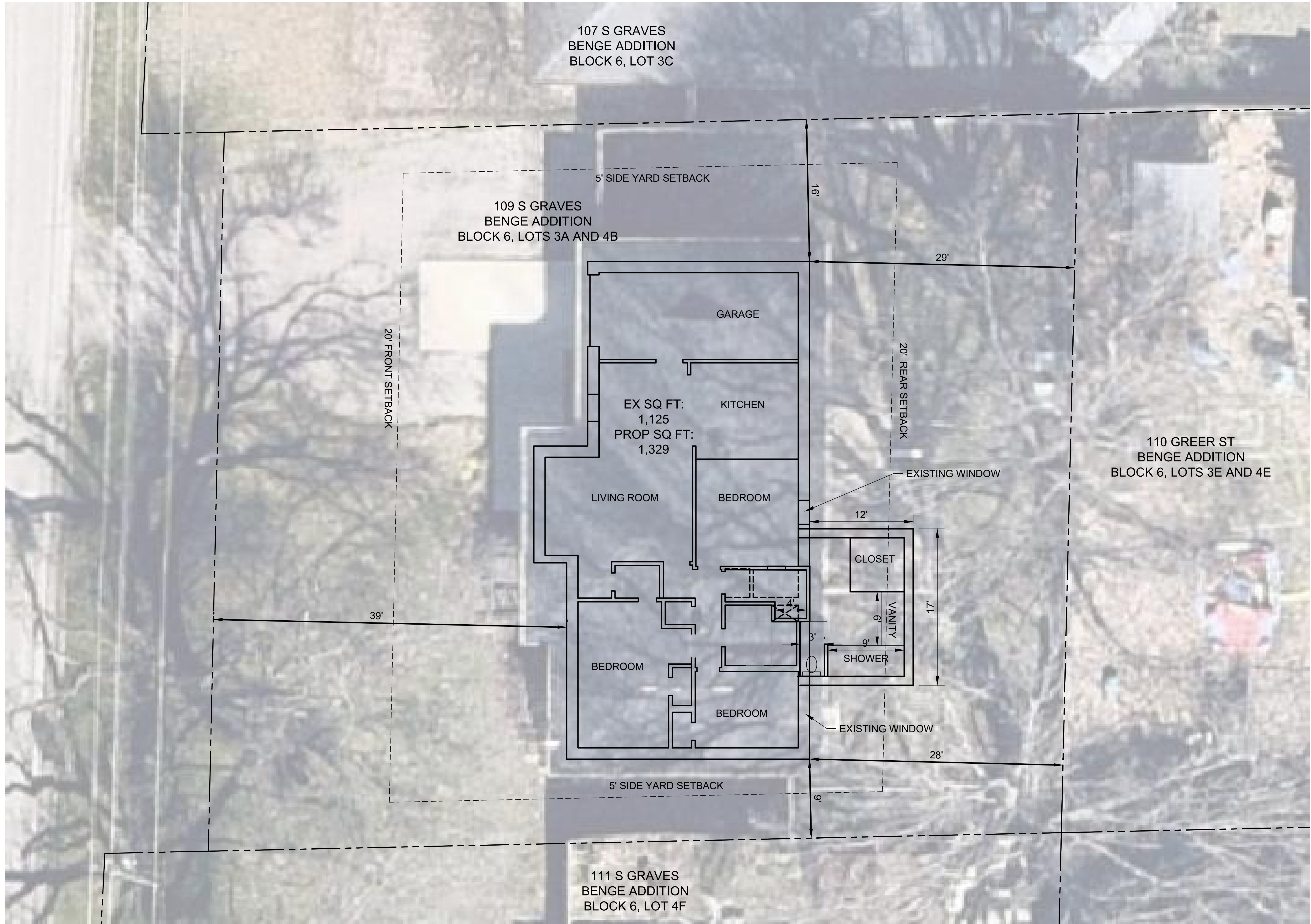
I hereby certify to Wilson Title Company, its underwriters and McWilliams & Thompson that I made the survey on the ground on August 1, 2000 of the Jack Sanford Burrus and wife Rayvel Burrus, property shown hereon and found corner stakes as reflected on the plat and that the only improvements on the ground are as shown on the survey; that there are no apparent encroachments, overlapping of improvements or conflicts found during the time of this survey, except as shown on the survey plat.

[Signature]
BILLY M. LAIR, RPLS No. 1685
2513 Shadow Lane Drive
McKinney, Texas 75070
972-562-2451



The above described property does not lie in a flood hazard area according to the F.E.M.A. flood insurance rate map community panel No. 4802500 225E
ACNE X - DATED 1-19-96

[Signature]
7-2-17-15











**Be Published in the
McKINNEY COURIER-GAZETTE
SUNDAY, May 9, 2021
ONE (1) TIME**

**NOTICE OF REQUEST FOR VARIANCE
THE BOARD OF ADJUSTMENT**

BOARD OF ADJUSTMENT CASE NO. 21-03

Request by Applicant/Owner Kaitlin McCoy, to Consider/Discuss/Act on the Appeal of the Building Officials decision for the consideration of a variance to the zoning ordinance rear setback requirement of 20' feet to allow a rear setback of 15' for the construction of a home addition, located at **109 S Graves St, Lots 3a and 4b of Block 6 of the Benge addition to the City of McKinney, Texas.**

NOTE:

A PUBLIC HEARING HAS BEEN SCHEDULED AND WILL BE HELD PURSUANT TO THIS REQUEST IN THE CITY COUNCIL CHAMBERS, 222 N. TENNESSEE STREET MCKINNEY TEXAS.

WEDNESDAY, May 26, 2021 - 6:00 P.M.

The Agenda and Meeting Details for the Board of Adjustment meeting will be posted for viewing on the City of McKinney website, at least 72 hours before the meeting. Website link - <http://mckinney.legistar.com/Calendar.aspx>. Select Calendar tab. List view tab, drop down box, Board of Adjustment.

WITNESS MY HAND AND SEAL OF OFFICE ON THIS THE 23RD DAY OF JANUARY, 2020.

EMPRESS DRANE
City Secretary

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WEDNESDAY, MAY 26, 2021 - 6:00 P.M.

As an interested property owner, if you wish to make your views known, you may do so by attending the hearing or express your views on this Request by completing and returning the form below via mail or email. The Agenda and Meeting Details for the Board of Adjustment meeting will be posted for viewing on the City of McKinney website, at least 72 hours before the meeting. Website link - <http://mckinney.legistar.com/Calendar.aspx>. Select Calendar tab. List view tab, drop down box, Board of Adjustment.

Return to:

BOA No. 21-03

109 S Graves St, McKinney Texas

City of McKinney Texas
Building Inspections
Dolores Boardman
P.O. Box 517
McKinney, TX 75070
dboardman@mckinneytexas.org

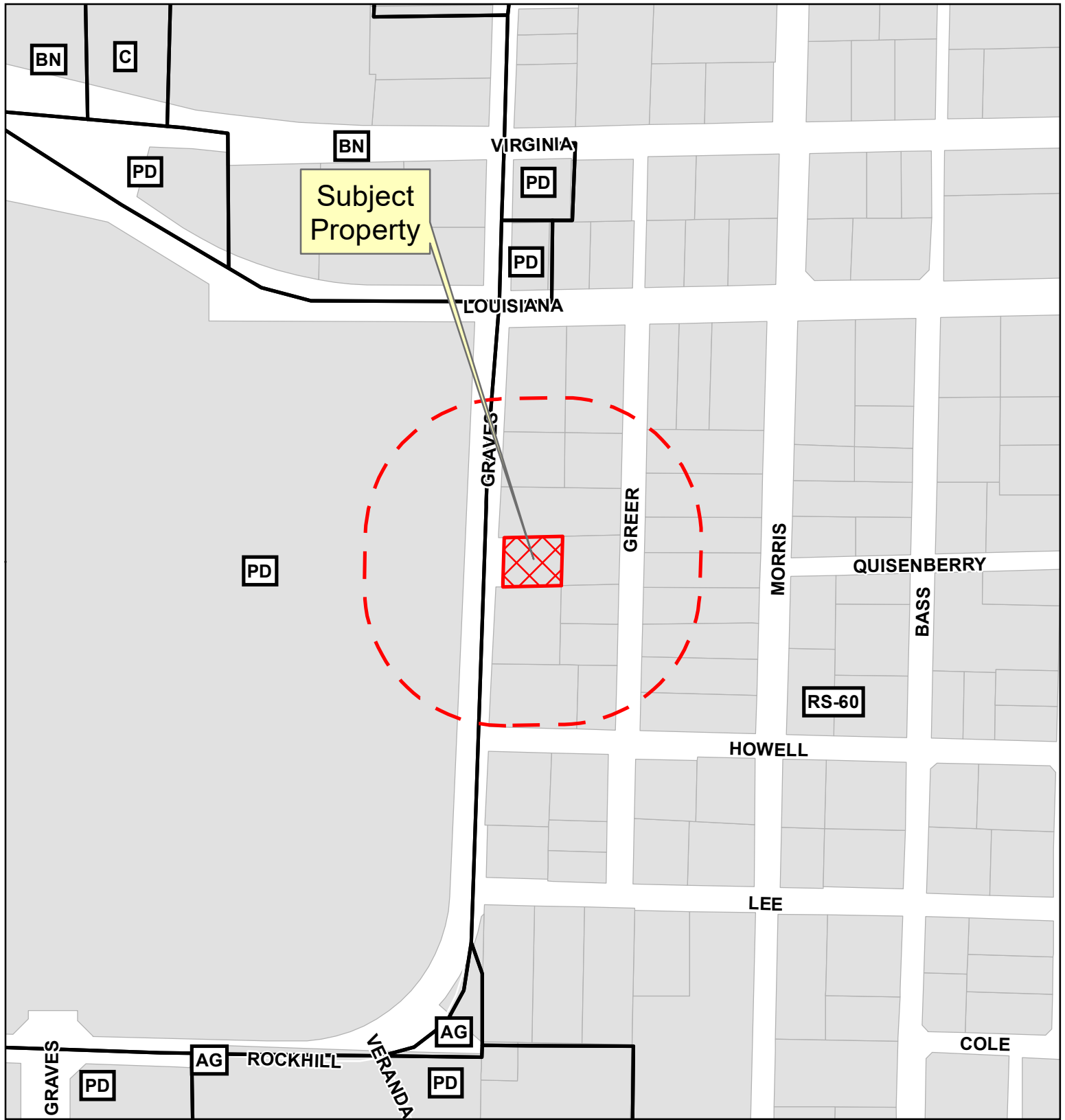
I PROTEST___APPROVE___ of the Request for a Variance for the following reason (s) –

You may attach a letter describing your protest or approval.

Printed Name: _____

Signature: _____

Address: _____



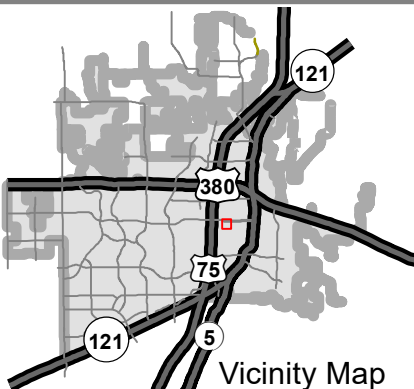
Board of Adjustments Map

109 S GRAVES ST

--- 200' Buffer



0 100 200
Feet
1 in = 214 ft

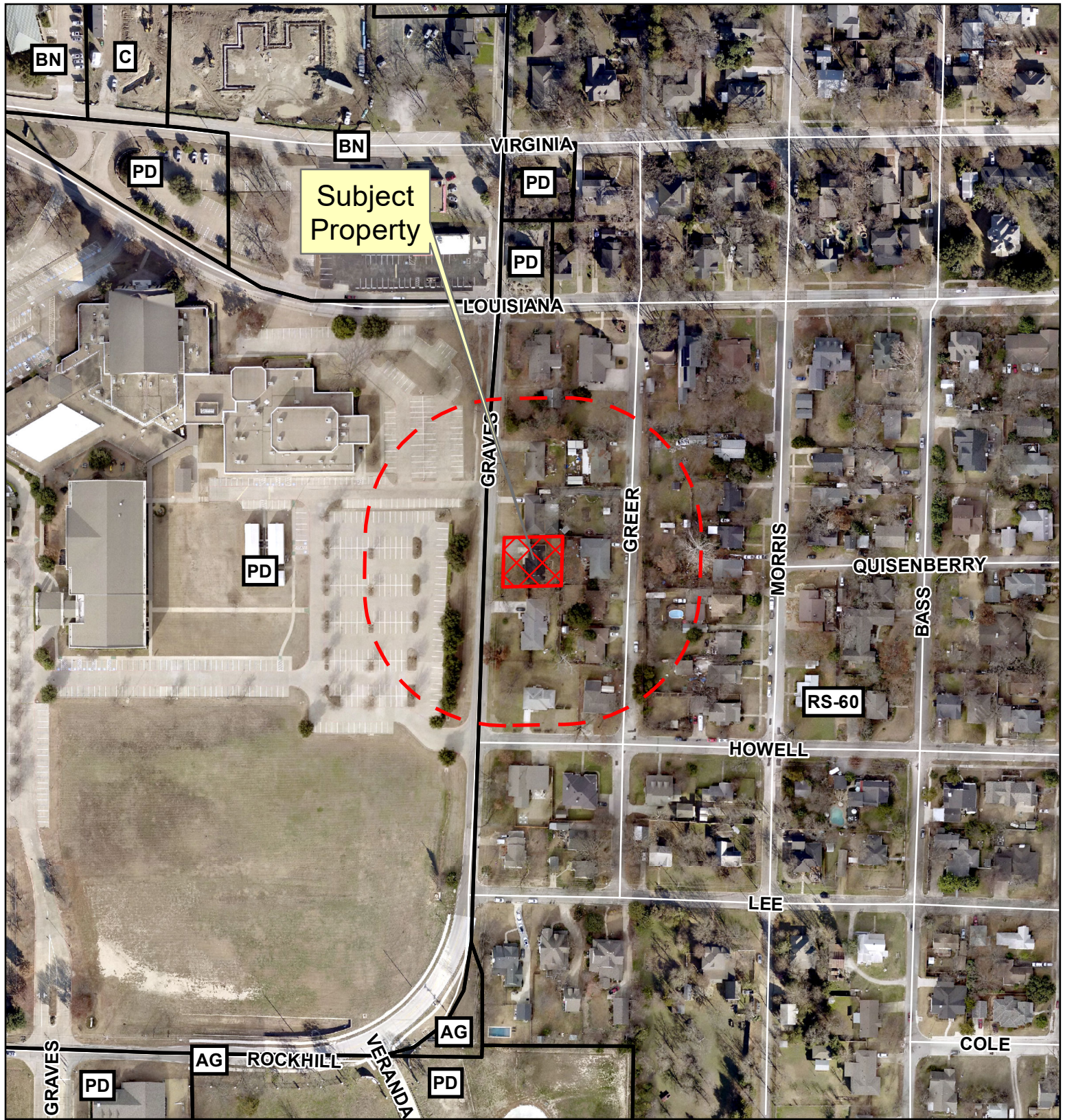


Vicinity Map

Source: City of McKinney GIS
Date: 5/4/2021

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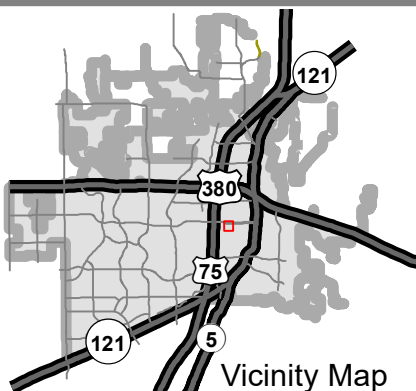
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109 S GRAVES ST

--- 200' Buffer



0 100 200
Feet
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