

ORDINANCE NO. 1522

AN ORDINANCE AMENDING CITY OF MCKINNEY ORDINANCE NO. 1499; AMENDING THE PLANNED DEVELOPMENT REGULATIONS FOR THE HIGHLANDS ADDITION; PROVIDING FOR MODERATE DENSITY SINGLE FAMILY DISTRICTS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

SECTION I: That from and after the effective date of this Ordinance, Ordinance No. 1499 of the City of McKinney and the planned development regulations contained therein for the Highlands Addition is hereby amended by the addition thereto of the following zoning district to be designated Moderate Density Single Family:

Intent:

The intent of this category of zoning is to enable greater flexibility to adjust to changes within the single family market while insuring a quality development. Its purpose is to provide the ability to combine Low and High Density Single Family or convert High Density Single Family zoning as defined by this Ordinance so that the overall density within the combined and/or converted tract(s) is less than the maximum that could have been achieved if the tract(s) had been developed to its/their original maximum density.

The combining of Low and High Density Single Family land is permissible only when the Low Density Single Family land is combined with an equal amount of High Density Single Family Land. Low Density Single Family land that is converted to Moderate Density Single Family land will still apply towards the 88 acre minimum Low Density Single Family requirement contained in Paragraph 6(a) since it is offset by a reduction in High Density Single Family land.

High Density Single Family land may be converted to Moderate Density Single Family land without restriction.

The combining or converting of land to Moderate Density Single Family zoning shall occur when the land is platted.

Maximum Density:

Seven Dwellings Units/Acre. All permitted uses within this zoning classification shall comply with the following specific requirements:

Coverage: A maximum of 60% of the lot area including accessory buildings.

Parking: A minimum of two (2) uncovered parking spaces shall be maintained. However, if rear entry is provided, then one (1) covered and one (1) uncovered parking space shall be acceptable.

Building Height: No building or structure shall exceed thirty-five feet (35') in height.

SETBACKS

Front Yard: Eighteen feet (18') minimum. Key lots may have a minimum front yard setback of fifteen feet (15') if garage doors on the front lots are facing. All Key Lots within a cluster will have a minimum of fifty-six feet (56') of separation between facing garage doors.

Side Yard: Zero feet (0') on one or both sides of a structure (containing more than two dwelling units) provided that a minimum separation of fourteen feet (14') is provided between structures. For structures containing one or two dwelling units, a minimum separation of ten feet (10') shall be maintained between structures and shall be achieved through any combination of side yard setbacks that total ten feet (10').

Side Yard on Corner: Shall be the same as the Front Yard setback. For Key Lots a minimum setback of fifteen feet (15') shall be maintained from all street right of ways.

Rear Yard: Fifteen feet (15') minimum except that the Front and Rear Yard setback requirements may be switched if rear entry is provided. For Key Lots, a minimum useable yard of at least four hundred (400) square feet with a minimum dimension of ten feet (10') shall be provided.

Lot Width: No minimum is required provided that all lots comply with minimum setbacks, maximum coverage, and required useable yard areas and provided that all lots have a minimum of ten feet (10') frontage on an existing or proposed street.

Lot Depth: No minimum, provided all setbacks are met.

Lot Shape: Lots may be irregular in shape (such as Key Lots) so as to enable the density permitted in this zoning classification.

invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

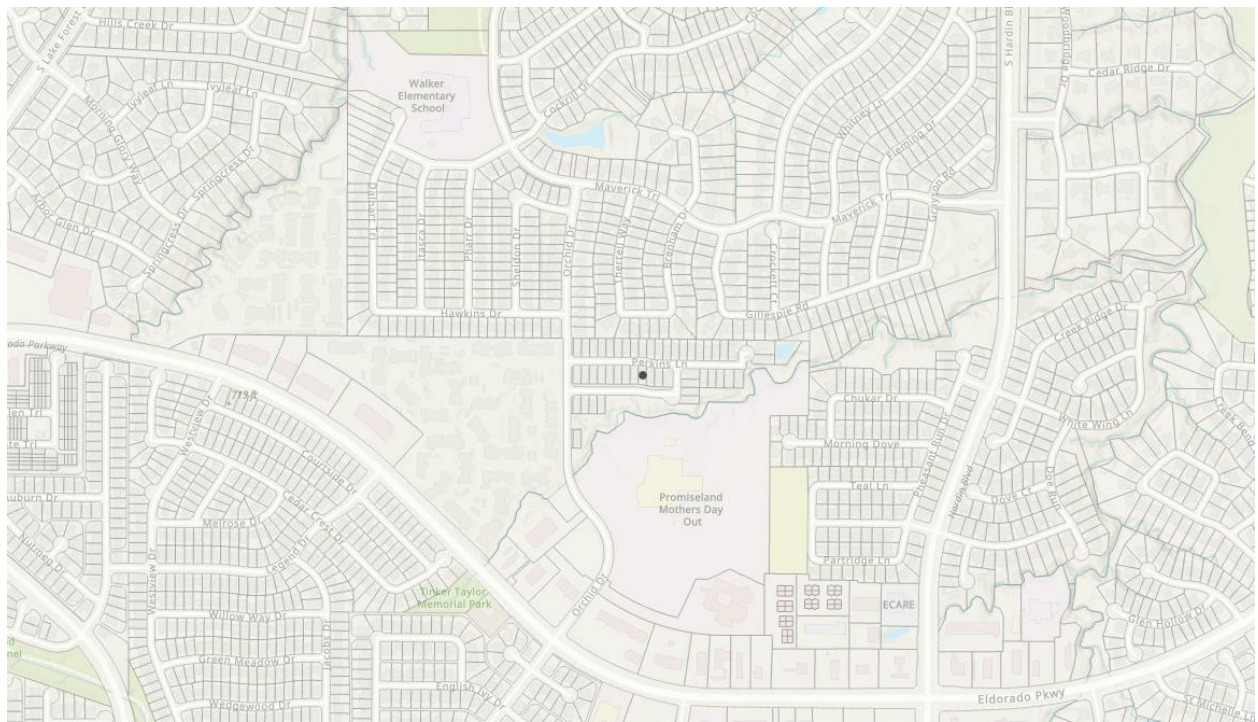
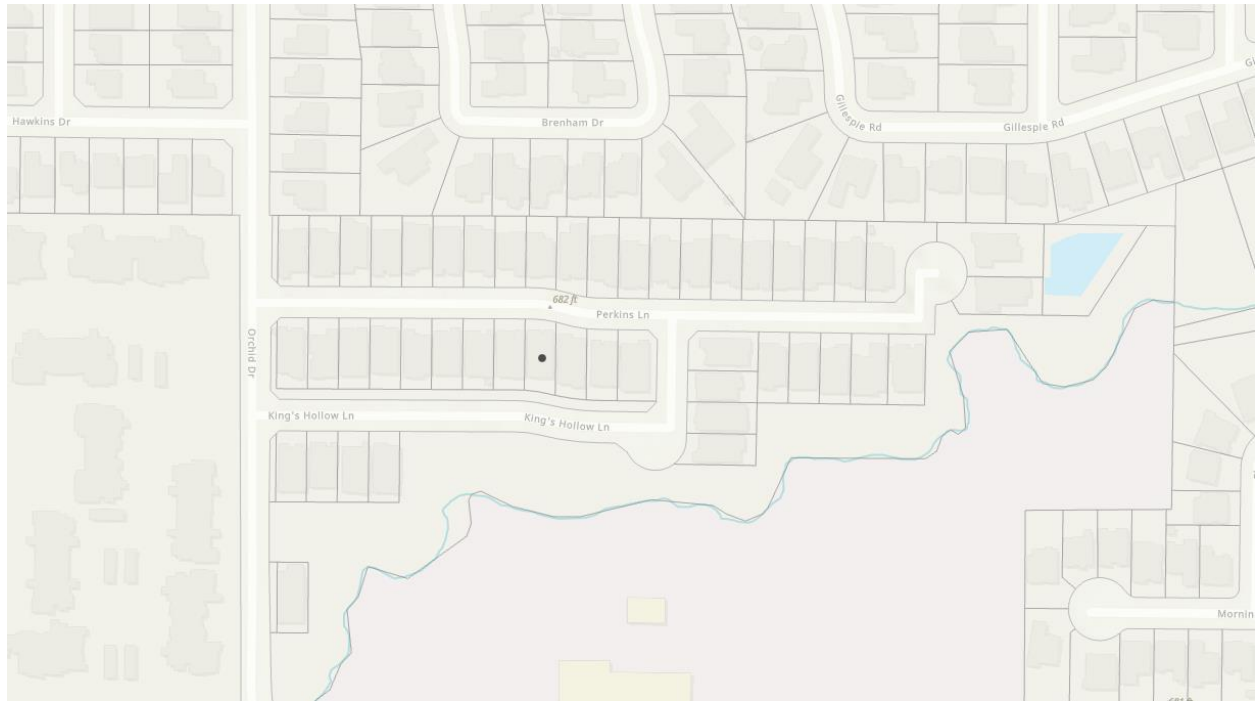
SECTION IV: It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefor, shall be fined any sum not exceeding \$200.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, on this the 5th day of March, 1985.

CORRECTLY ENROLLED:

  
Jennifer Cravens  
City Secretary









## BOARD OF ADJUSTMENT APPLICATION

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

☐ APPEAL

☐ SPECIAL EXCEPTION

☒ VARIANCE

TODAY'S DATE: March 22, 2023

### \*\*CONTACT INFORMATION\*\*

#### PROPERTY LOCATION (Street Address):

3713 Perkins Ln., McKinney, TX 75072

Subdivision: Enclave at Hidden Creek

Lot: 9

Block: B

Property Owner: Brent McMurray

3713 Perkins Ln.

McKinney, TX 75072

(Name)

(Address)

(City, State, & Zip Code)

bmcsmurray@icloud.com

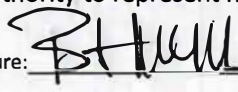
(Email)

(Phone)

Property Owner is giving \_\_\_\_\_ authority to represent him/her at meeting.

(Applicant Name)

Property Owner Printed Name: Brent McMurray

Property Owner Signature: 

Applicant: Brent McMurray

3713 Perkins Ln.

McKinney, TX 75072

(Name)

(Address)

(City, State, & Zip Code)

(Email)

(Phone)

### \*\*REQUEST\*\*

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			
Rear Yard	15 Foot BL Setback	5ft 4 in	9 ft 8 in
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 -

**SPECIAL EXCEPTION -****VARIANCE -**

We are seeking a variance to the setback based on the hardship that we have a curved rear property line and there are no other homes behind us that new patio would impede view. The curvature of our rear property line takes approximately 3' 8 inches away from the west side of our property where the patio cover will be located. Our lots are very narrow in design and tight creating this very difficult space for us to build in. We noticed the City made an exception to a fellow neighbor in 2017 with a similar lot and approved a variance that exceeds what we are asking for. BOA case number 17-12. Variance granted was 11 feet. Jeff Harris has also come to the property and looked at our situation prior to filing this BOA Application. The patio cover will be attached to the existing roof, be fully shingled, and fully guttered. All gutters flow into existing underground pop ups away from property and do not flow or add to any neighboring properties. The project has been fully approved by the Hidden Creek HOA. The area behind our home is labeled Common Area on the City Plat with a street and creek beyond that area. This patio cover will be put over an already approved stamped concrete patio which was approved by the City in 2016 when we had our pool built. With the common area behind us, we are trying to obtain privacy and quiet enjoyment for our family. Not to mention, much needed shade! We are asking for a variance of 9 ft 4 in to help us achieve this privacy and beautification of our home for family enjoyment. Thank you for your time and consideration.

**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 Collin

[Signature]  
Applicant's Signature

Subscribed and sworn to before me this 25<sup>th</sup> day of March, 2023



(seal)

[Signature]  
Notary Public  
My Commission expires: March 24, 2025

**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](mailto: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:



# Request the May 10th meeting for the BOA

## 2022-2023 BOA PUBLIC MEETING



Board of Adjustment Application Submittal Deadline	Board of Adjustment Meeting  City Hall, Council Chambers (Unless otherwise stated on posted agenda)
<b>Due by 12:00 Noon</b>	<b>6:00 PM</b>
09/21/22	10/12/22
10/05/22	10/26/22
10/19/22	11/09/22
11/02/22	11/23/22
11/23/22	12/14/22
12/07/22	12/28/22
12/21/22	01/11/23
01/04/23	01/25/23
01/18/23	02/08/23
02/01/23	02/22/23
02/15/23	03/08/23
03/01/23	03/22/23
03/22/23	04/12/23
04/05/23	04/26/23
04/19/23	05/10/23
05/03/23	05/24/23
05/17/23	06/14/23
06/07/23	06/28/23
06/21/23	07/12/23
07/05/23	07/26/23
07/19/23	08/09/23
08/02/23	08/23/23
08/23/23	09/13/23
09/06/23	09/27/23

**PLEASE NOTE: LOCATION, DATE AND TIME ARE SUBJECT TO CHANGE**

Always check the posted agenda for correct date, location and time.

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Building Inspections Department  
221 N. Tennessee Street • McKinney, Texas 75069 • Tel: 972-547-7400 • Fax 972-547-2605  
Website: [www.mckinneytexas.org](http://www.mckinneytexas.org)

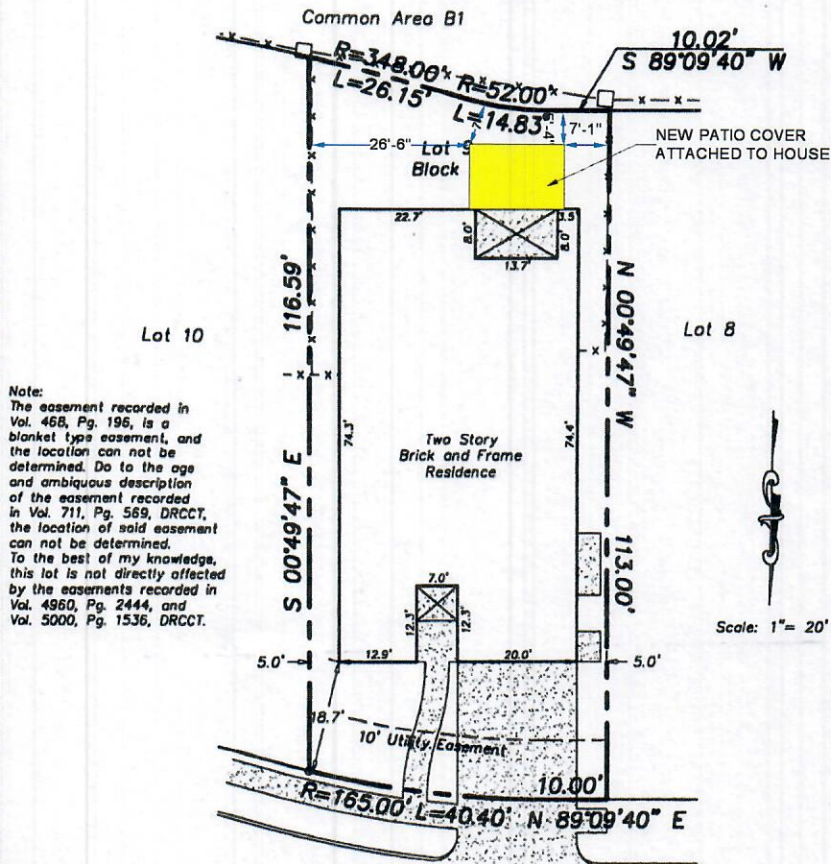
Updated: 09/15/2022



Address: 3713 Perkins Lane, Title Company: Alamo Title, GF. No. ATD-04-6000041600168-08

### PROPERTY DESCRIPTION

Lot 9, Block B, Enclave at Hidden Creek, being a replat of Lot 2, Block A, The Highlands, an addition to the City of McKinney, Collin County, Texas, according to the plat recorded in Document No. 2014-676, Plat Records, Collin County, Texas.



Note:  
The easement recorded in Vol. 465, Pg. 196, is a blanket type easement, and the location can not be determined. Do to the age and ambiguous description of the easement recorded in Vol. 711, Pg. 569, DRCCT, the location of said easement can not be determined. To the best of my knowledge, this lot is not directly affected by the easements recorded in Vol. 4960, Pg. 2444, and Vol. 5000, Pg. 1536, DRCCT.

### 3713 PERKINS LANE

Center line control monumentation found was used for controlling monumentation.

#### Flood Statement:

This property is not located in Zone 'A' or 'AE' ( Special Flood Hazard Areas Inundated by 100-year Flood ), this property is located in Zone 'X' ( Area determined to be outside the 500 year floodplain ) as shown on the FEMA, Flood Insurance Administration Rate Map, Community-Panel Number 48085C0270J, Dated 6/02/2009. This statement does not imply the property and/or structures thereon will be free from flooding and/or flood damage. Greater floods can and may 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. If interested parties have concerns regarding the flooding propensities of this property, a qualified Licensed Professional Engineer should be consulted.

I, Richard C. Maki, hereby certify that the survey map hereon, and the accompanying description, depicts and describes the results of a survey made on the ground under my personal supervision, and substantially meets the minimum standard requirements of the Texas Board of Professional Land Surveying, and to the best of my knowledge and belief, is a true and correct depiction and description of the results of said survey. There are no apparent encroachments or protrusions across boundary lines, shortages of area or boundary, except as shown hereon. The only easements the undersigned has knowledge of are those shown, however this property is subject to any and all easements, reservations and restrictions that may be of record. Any reference to the 100 year flood plain or flood hazard zone, is an estimate based on the data stated hereon, and should not be interpreted as a study or determination of the flooding propensities of this property, and the undersigned shall not acquire any burden or liability from said statement.

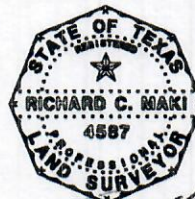
Note: This survey was performed in connection with the transaction described herein, and is intended for that purpose only.  
GF. No. ATD-04-6000041600168-08, for Alamo Title Company.

**MAKI AND ASSOCIATES, INC.**  
P.O. BOX 14293 ARLINGTON, TEXAS 76094-1293  
( 817 ) 226-2700, TPBL5 Firm Reg. No. 100487-00

Legend: O Iron Rod Found -x-x- Wood or Wire Fence  
● Iron Rod Set ▲ Control Monument

All iron rods are 1/2" rebar unless otherwise noted.

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Richard C. Maki  
Registered Professional  
Land Surveyor No. 4587  
Original Only If Signed in Red

Date: 5/02/16  
Job No. 70880  
Drawn By: RCM-1

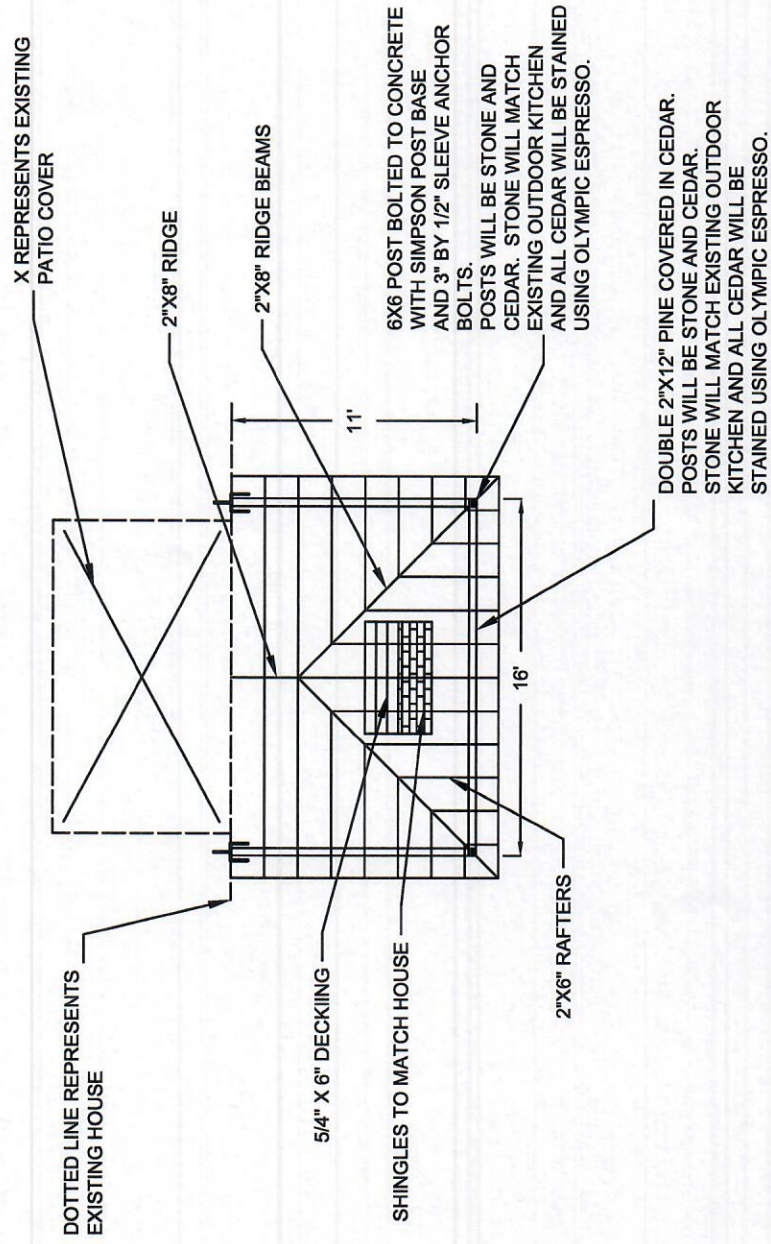


Established 1988

Received & Accepted:

Seller: \_\_\_\_\_  
Date: \_\_\_\_\_  
Buyer: \_\_\_\_\_  
Date: \_\_\_\_\_  
Buyer: \_\_\_\_\_  
Date: \_\_\_\_\_





## Top View

Scale: 1/8" = 1'-0"

### CONTRACTOR INFORMATION

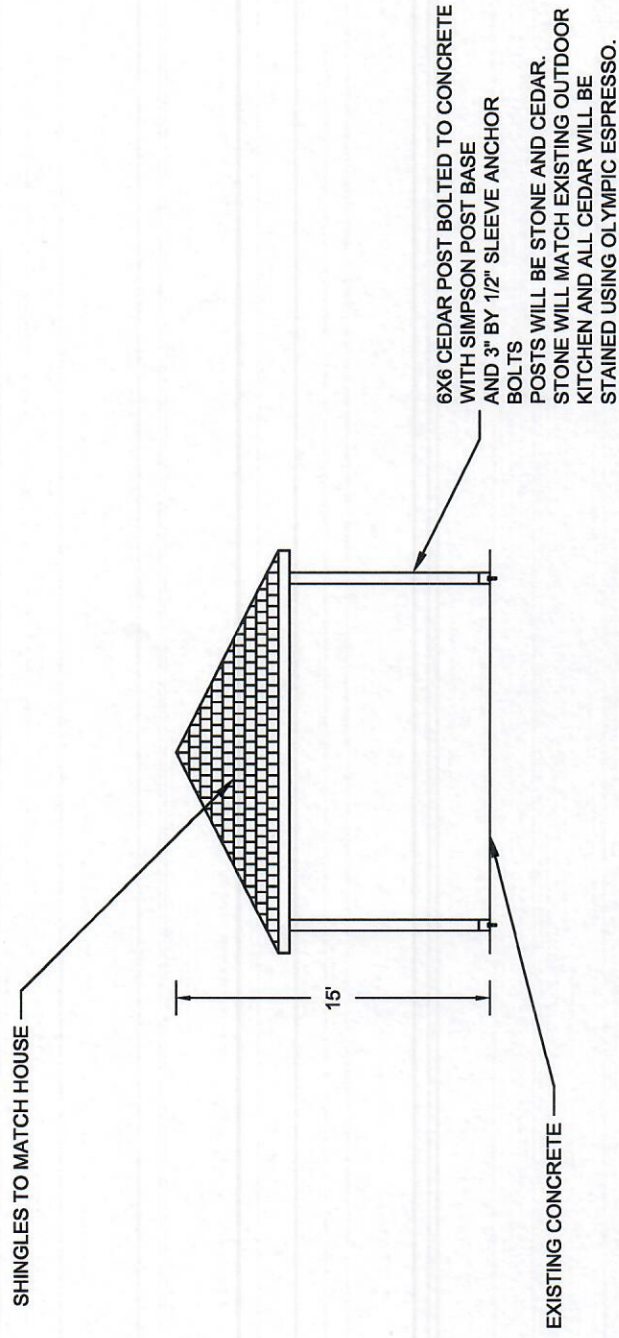
Designer: Upgrades Construction  
 Phone: 214-798-4397  
 Cell Phone: 214-356-5010  
 Email: Thomaslwhiteside@aol.com  
 Alternate Contact: Joey Bini 214-533-1206

### CUSTOMER INFORMATION

Homeowner: Brent McMurray  
 Address: 3713 Perkins Lane  
 City: McKinney State: TX  
 Phone: 972-672-8844 Zipcode: 75072  
 Lot: 9 Block: B Subdivision: The Highlands

### NOTES

Total Square Feet: 176



## Front View

Scale: 1/8" = 1'-0"

### CONTRACTOR INFORMATION

Designer: Upgrades Construction  
Phone: 214-798-4397  
Cell Phone: 214-356-5010  
Email: Thomaslwhiteside@aol.com  
Alternate Contact: Joey Bini 214-533-1206

### CUSTOMER INFORMATION

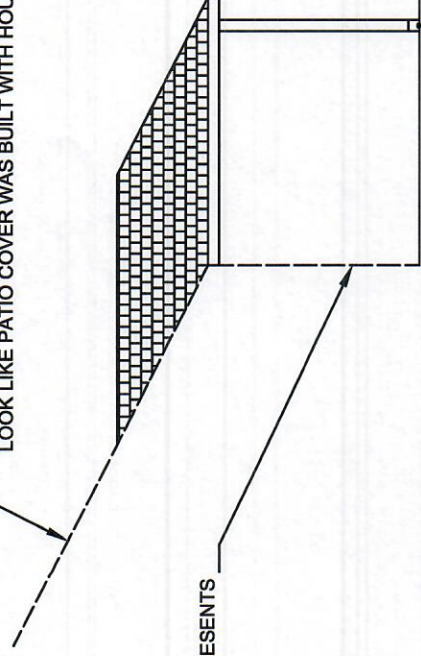
Homeowner: Brent McMurray  
Address: 3713 Perkins Lane  
City: McKinney State: TX  
Phone: 972-672-8844 Zipcode: 75072  
Lot: 9 Block: B Subdivision: The Highlands

### NOTES

Total Square Feet: 176  
Only cedar will be exposed  
Stained with Ready Seal Pecan



EXISTING ROOF LINE  
NEW PATIO COVER TO  
TIE INTO HOUSE SAME PITCH AS  
EXISTING HOUSE. GOAL IS TO MAKE  
LOOK LIKE PATIO COVER WAS BUILT WITH HOUSE



DOTTED LINE REPRESENTS  
EXISTING HOUSE

## Left View

Scale: 1/8" = 1'-0"

### CONTRACTOR INFORMATION

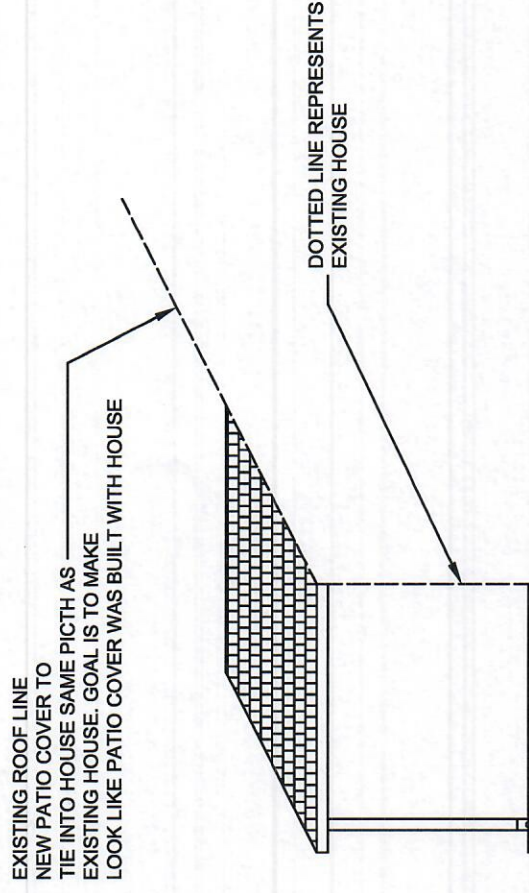
Designer: Upgrades Construction  
Phone: 214-798-4397  
Cell Phone: 214-356-5010  
Email: Thomaslwhiteside@aol.com  
Alternate Contact: Joey Bini 214-533-1206

### CUSTOMER INFORMATION

Homeowner: Brent McMurray  
Address: 3713 Perkins Lane  
City: McKinney  
Phone: 972-672-8844  
Lot: 9 Block: B  
State: TX  
Zipcode: 75072  
Subdivision: The Highlands

### NOTES

Total Square Feet: 176  
Only car will be exposed  
Stained with Ready Seal Pecan



## Right View

Scale: 1/8" = 1'-0"

### CONTRACTOR INFORMATION

Designer: Upgrades Construction  
Phone: 214-798-4397  
Cell Phone: 214-356-5010  
Email: Thomaslwhiteside@aol.com  
Alternate Contact: Joey Bini 214-533-1206

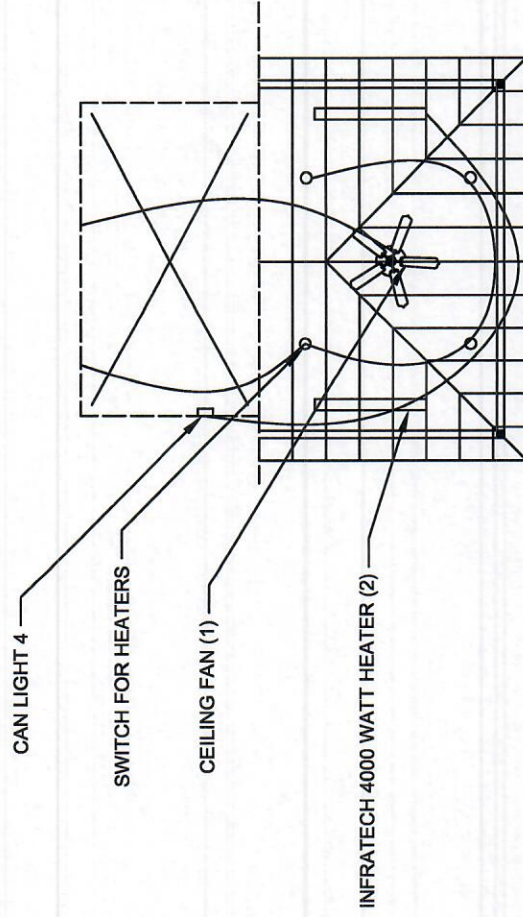
### CUSTOMER INFORMATION

Homeowner: Brent McMurray  
Address: 3713 Perkins Lane  
City: McKinney State: TX  
Phone: 972-672-8844 Zipcode: 75072  
Lot: 9 Block: B Subdivision: The Highlands

### NOTES

Total Square Feet: 176  
Only car will be exposed  
Stained with Ready Seal Pecan





## Electric

Scale: 1/8" = 1'-0"

### CONTRACTOR INFORMATION

Designer: Upgrades Construction  
 Phone: 214-798-4397  
 Cell Phone: 214-356-5010  
 Email: Thomaslwhiteside@aol.com  
 Alternate Contact: Joey Bini 214-533-1206

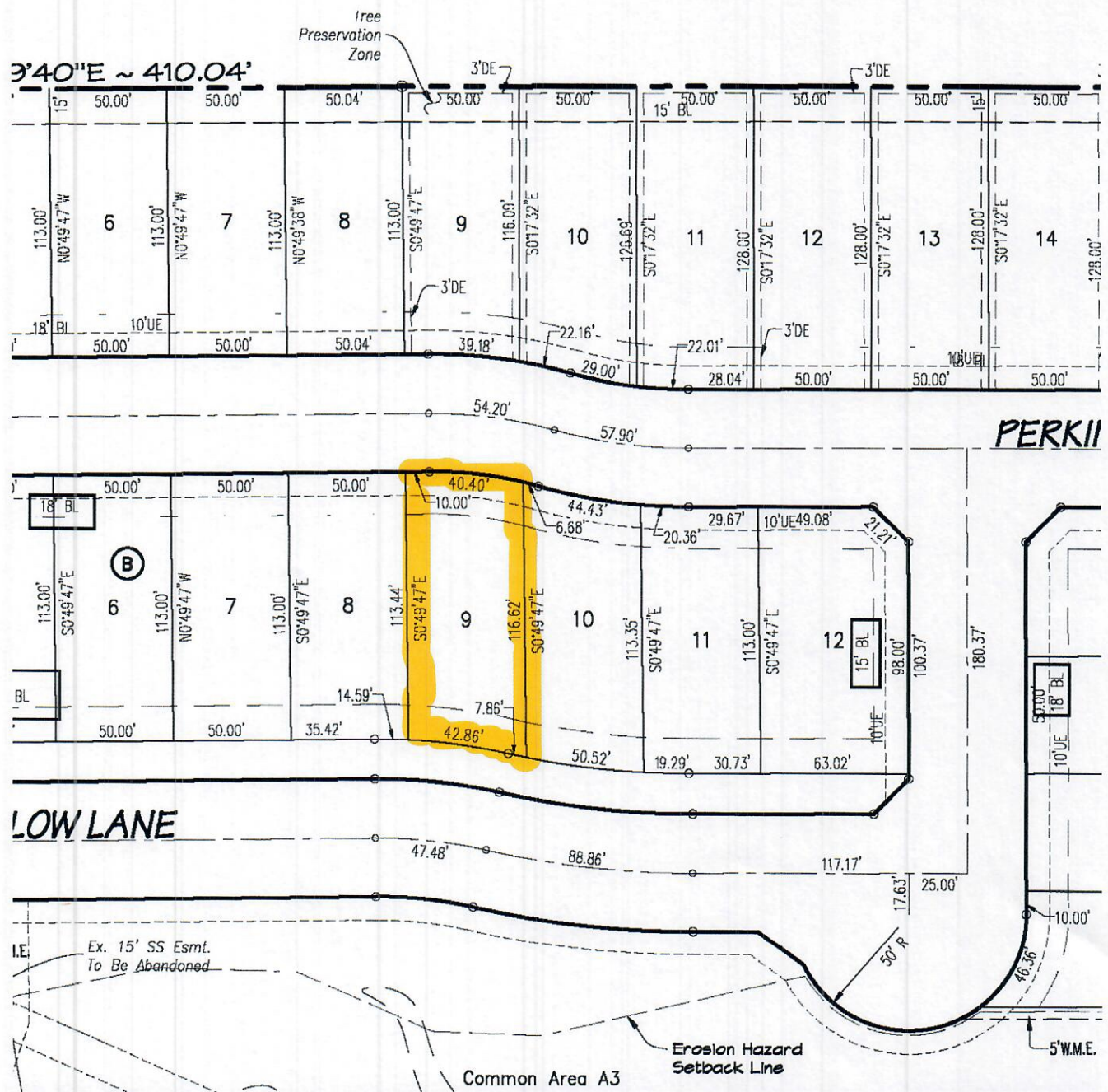
### CUSTOMER INFORMATION

Homeowner: Brent McMurray  
 Address: 3713 Perkins Lane  
 City: McKinney State: TX  
 Phone: 972-672-8844 Zipcode: 75072  
 Lot: 9 Block: B Subdivision: The Highlands

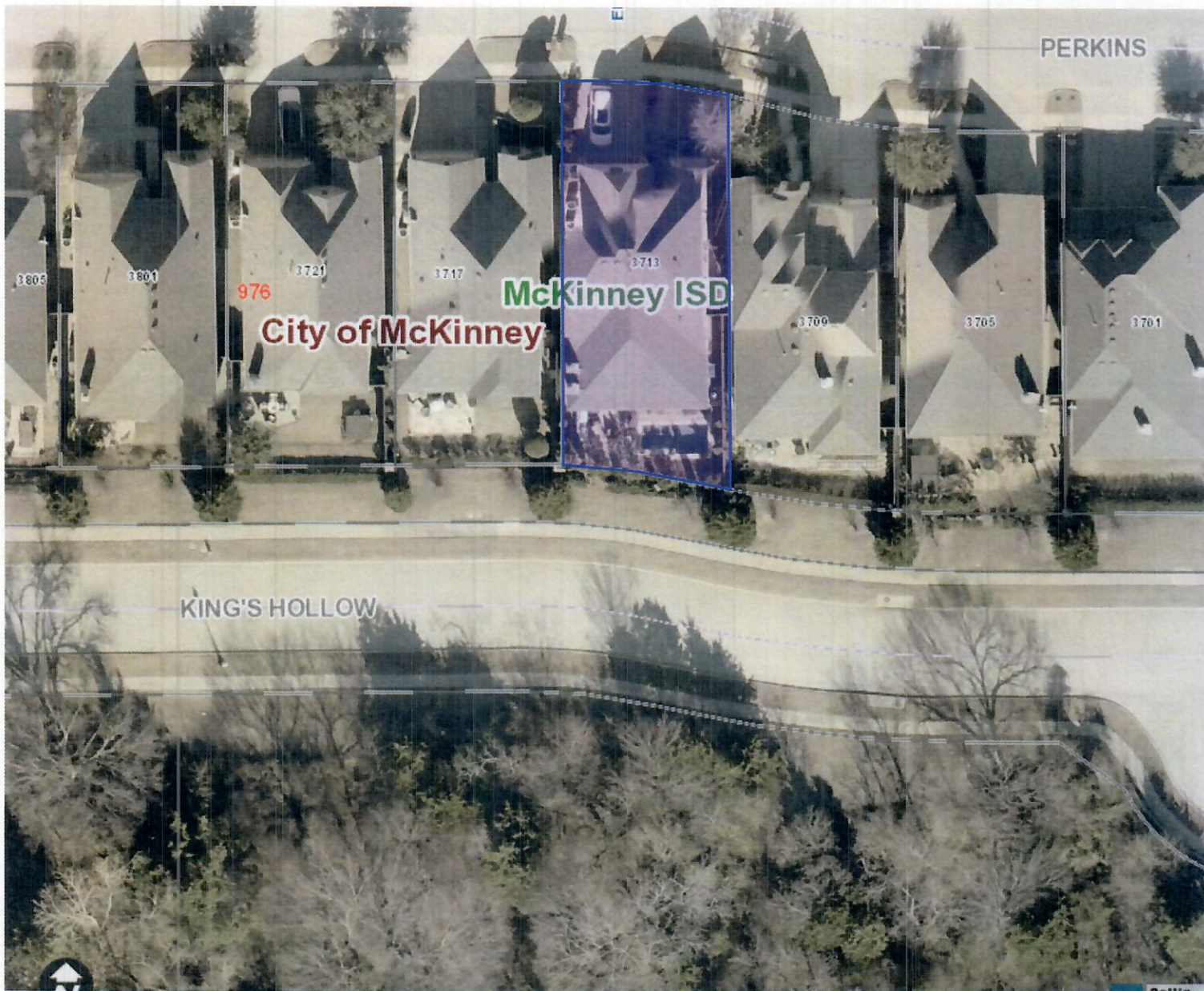
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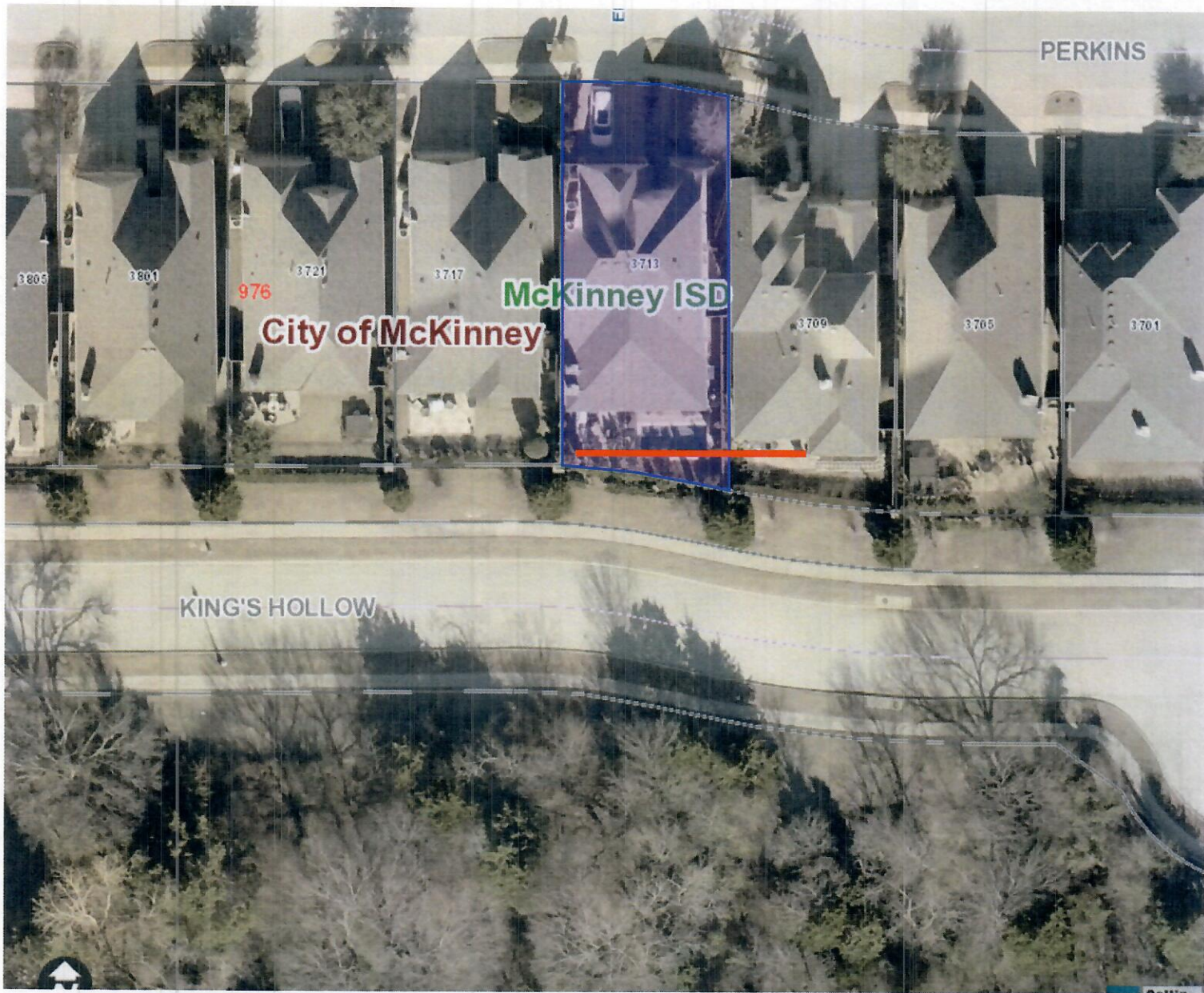






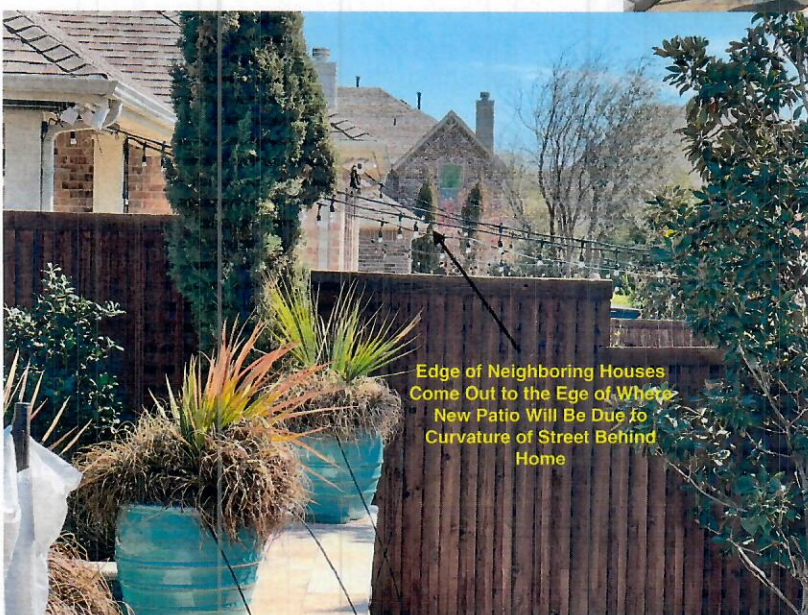
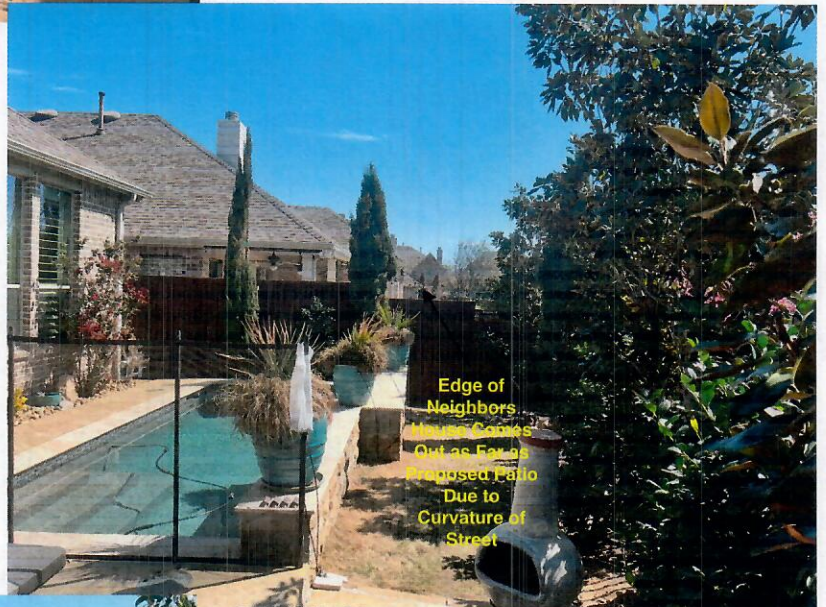
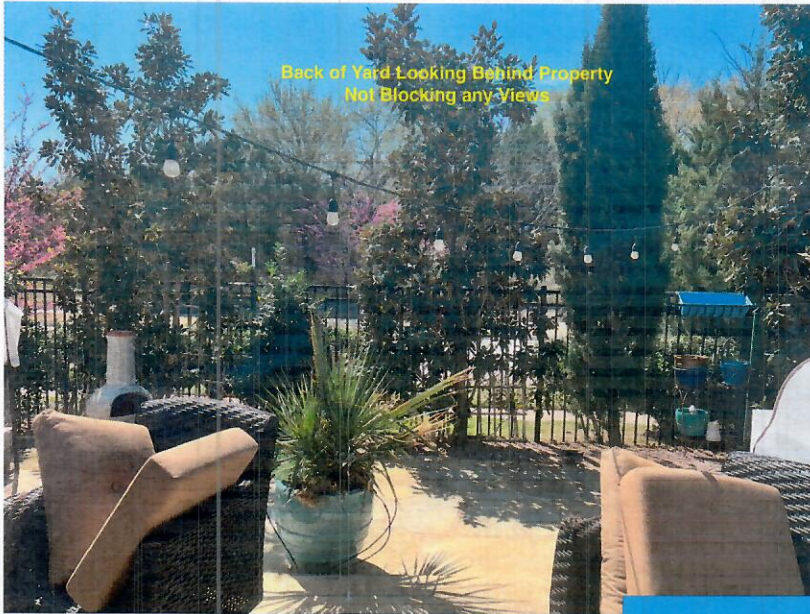








## PHOTOS OF PROPOSED PATIO ADDITION





**..title**

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Travis Hill for a 11' variance from the minimum rear setback of 15' to build an attached open patio for the property located at 2651 Orchid Drive, McKinney, Texas.

**BOARD OF ADJUSTMENT CASE NUMBER:** 17-12

**MEETING DATE:** September 27, 2017

**DEPARTMENT:** Development Services-Building Inspections

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

**RECOMMEND BOARD ACTION:** Consider request

**ITEM SUMMARY:**

- **ZONING:** PD – Single Family/Medium Density District
- **EXISTING CONDITIONS:** The lot is an isolated lot surrounded by two common areas, one street and one access easement. The PD zoning does not require a minimum lot depth as long as the setbacks are met.
- **VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
15' Rear Yard Setback	4'	11'

**APPLICANT'S BASIS FOR VARIANCE:**

- The applicant has submitted a statement on the application regarding his request for seeking the 11' variance – please consider this statement in making your decision to approve a reduction in the rear setback requirement.

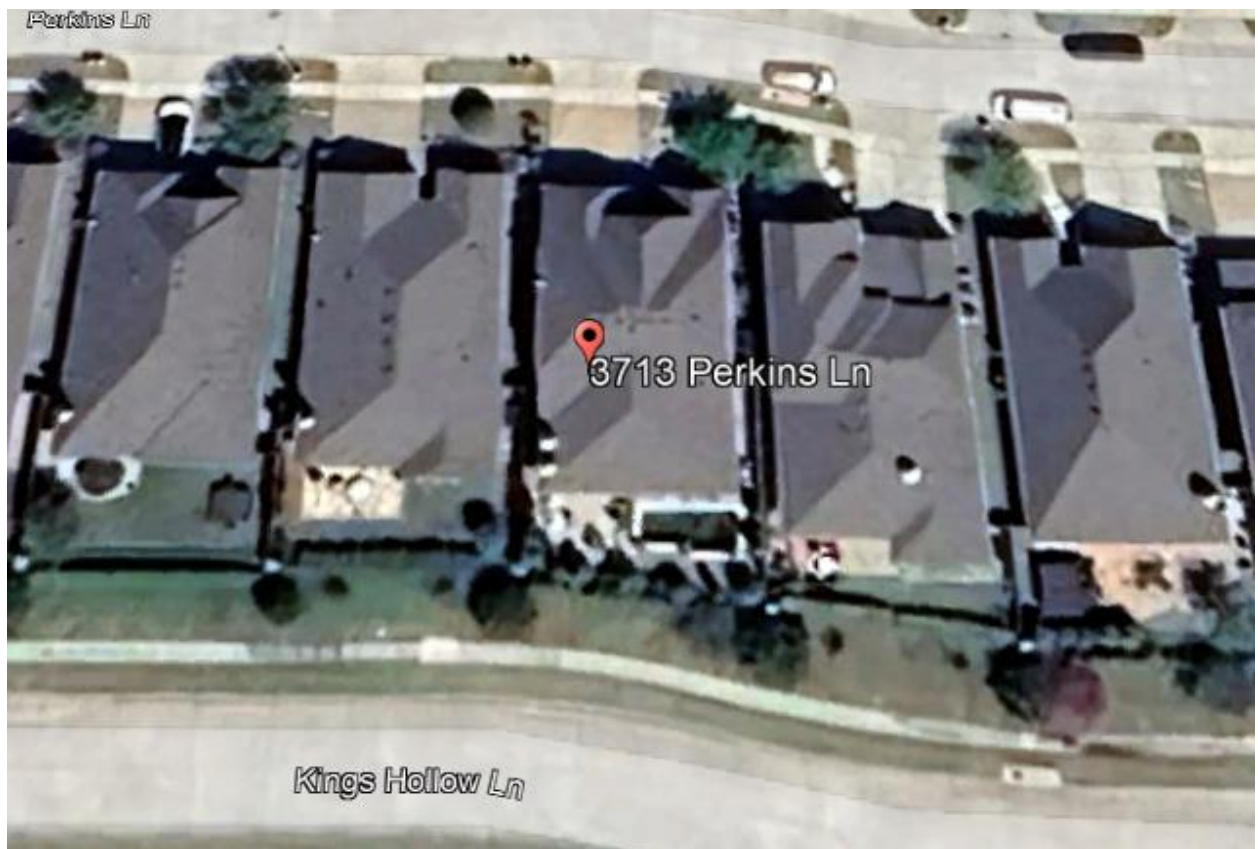
**PUBLIC SUPPORT/OPPOSITION OR REQUEST:**

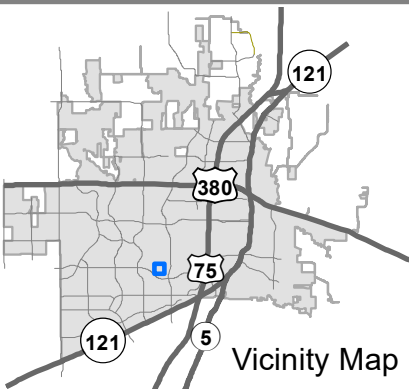
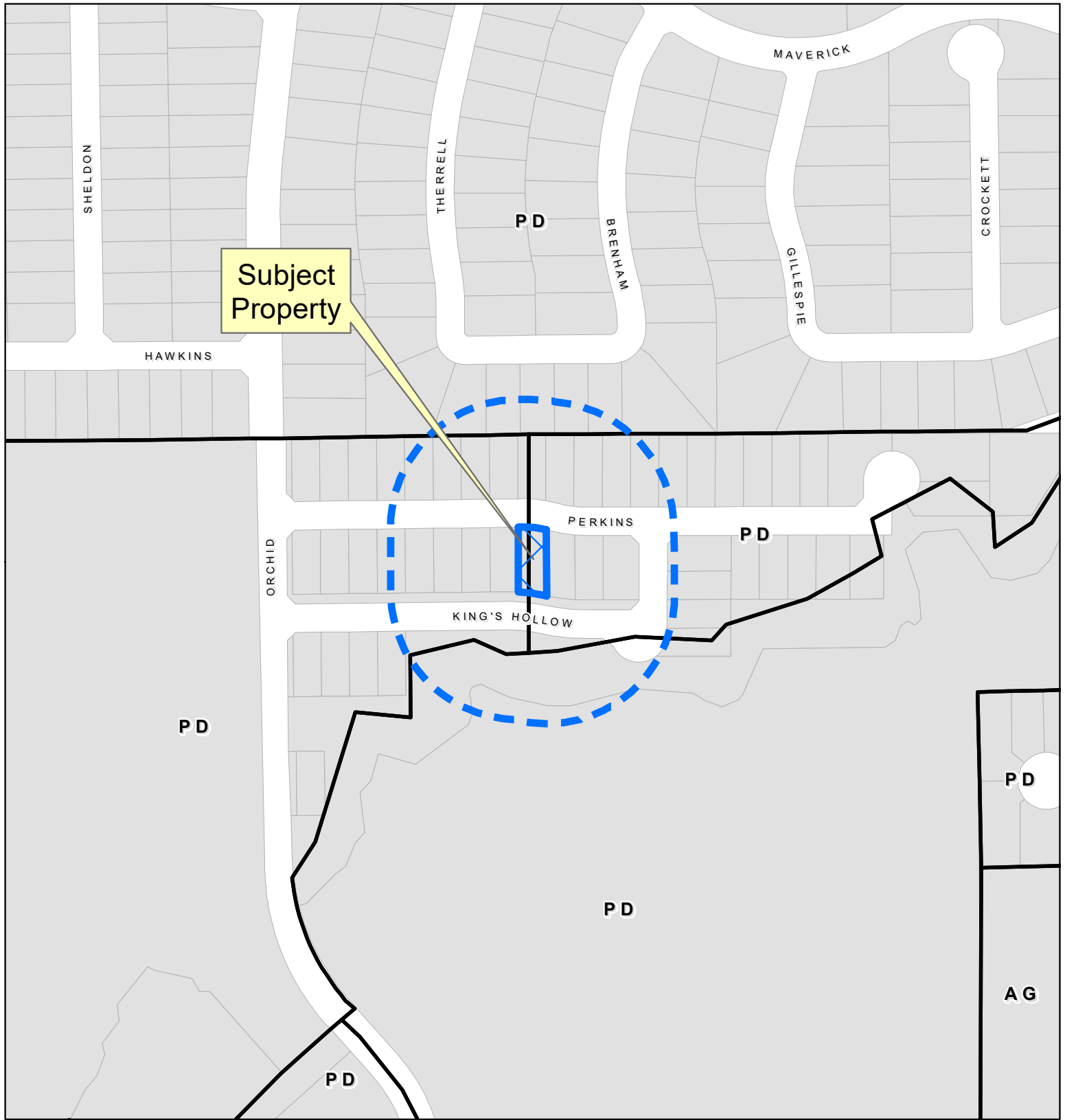
- To date, no letters of support and no letters of opposition have been submitted.

**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







## Board of Adjustment Map

BOA23-01

3713 PERKINS LN

0 110 220 Feet



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.







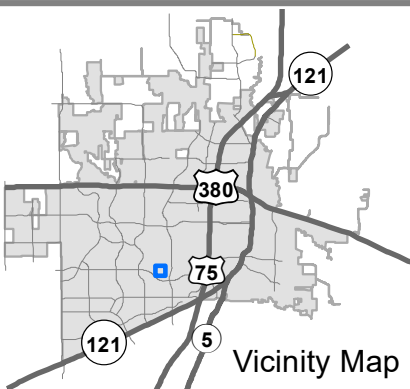
## Board of Adjustment Map

3713 PERKINS LN

0 110 220 Feet



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Vicinity Map





**Be Published in the  
*McKINNEY COURIER-GAZETTE*  
SUNDAY, May 7, 2023  
ONE (1) TIME**

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

**BOARD OF ADJUSTMENT CASE NO. 23-01**

Conduct a Public hearing to Consider/Discuss/Act on the request by Owner Brent McMurray, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to the zoning ordinance rear setback requirement of 15 feet to allow a rear setback of 5 feet and 4 inches, for an attached covered patio at **3713 Perkins Ln., Lot 9 of Block B of the Enclave at Hidden Creek 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 24, 2023 - 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 4<sup>th</sup> DAY OF MAY, 2023.**

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**EMPRESS DRANE**  
**City Secretary**

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## Property Information

Property Address: 3713 Perkins Lane, McKinney Texas 75072

Subdivision: Enclave at Hidden Creek Block B, Lot 9

Geographic ID: R-10658-00B-0090-1

Zoned: Planned Development Ordinance 1522 – Low/High Density Single Family/Moderate Density

### Maximum Density:

Seven Dwellings Units/Acre. All permitted uses within this zoning classification shall comply with the following specific requirements:

Coverage: A maximum of 60% of the lot area including accessory buildings.

Parking: A minimum of two (2) uncovered parking spaces shall be maintained. However, if rear entry is provided, then one (1) covered and one (1) uncovered parking space shall be acceptable.

Building Height: No building or structure shall exceed thirty-five feet (35') in height.

### SETBACKS

Front Yard: Eighteen feet (18') minimum. Key lots may have a minimum front yard setback of fifteen feet (15') if garage doors on the front lots are facing. All Key Lots within a cluster will have a minimum of fifty-six feet (56') of separation between facing garage doors.

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Lot Width: No minimum is required provided that all lots comply with minimum setbacks, maximum coverage, and required useable yard areas and provided that all lots have a minimum of ten feet (10') frontage on an existing or proposed street.

Lot Depth: No minimum, provided all setbacks are met.

Lot Shape: Lots may be irregular in shape (such as Key Lots) so as to enable the density permitted in this zoning classification.

Overlay: n/a

Historic Preservation District: n/a



1522 (3).pdf

Schedule of Space Limits: In PD Ordinance 1522 attached

