

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.

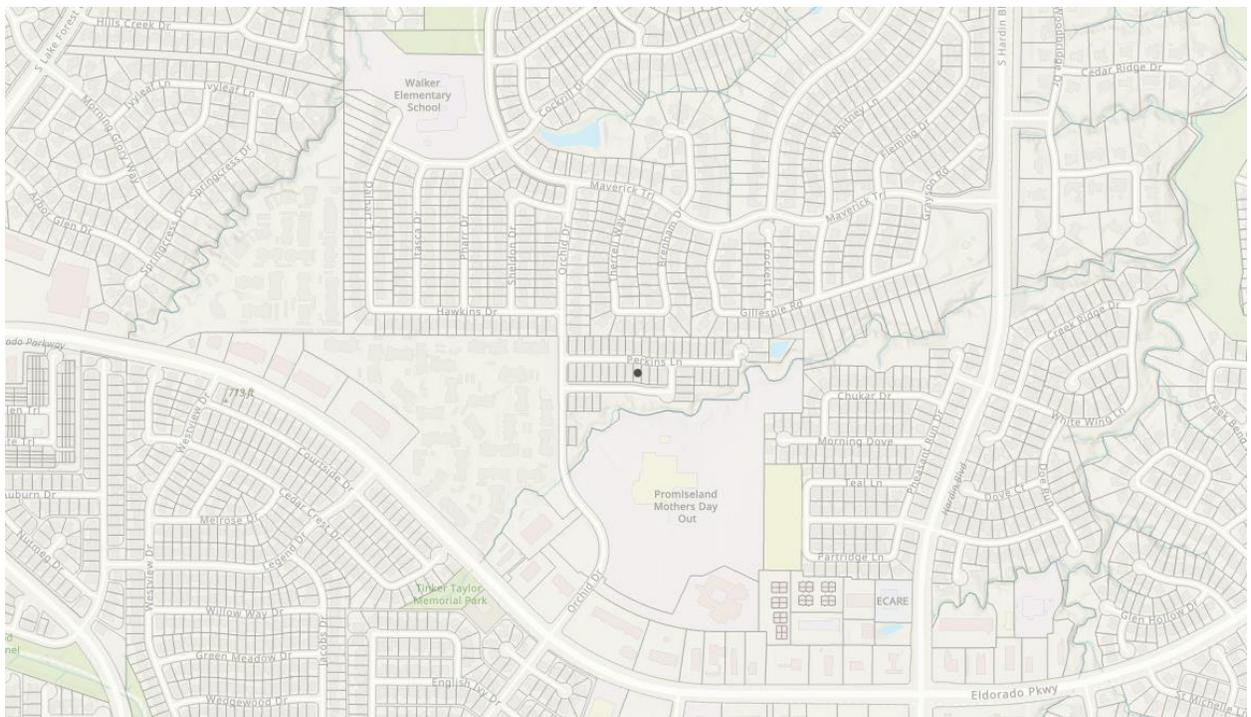
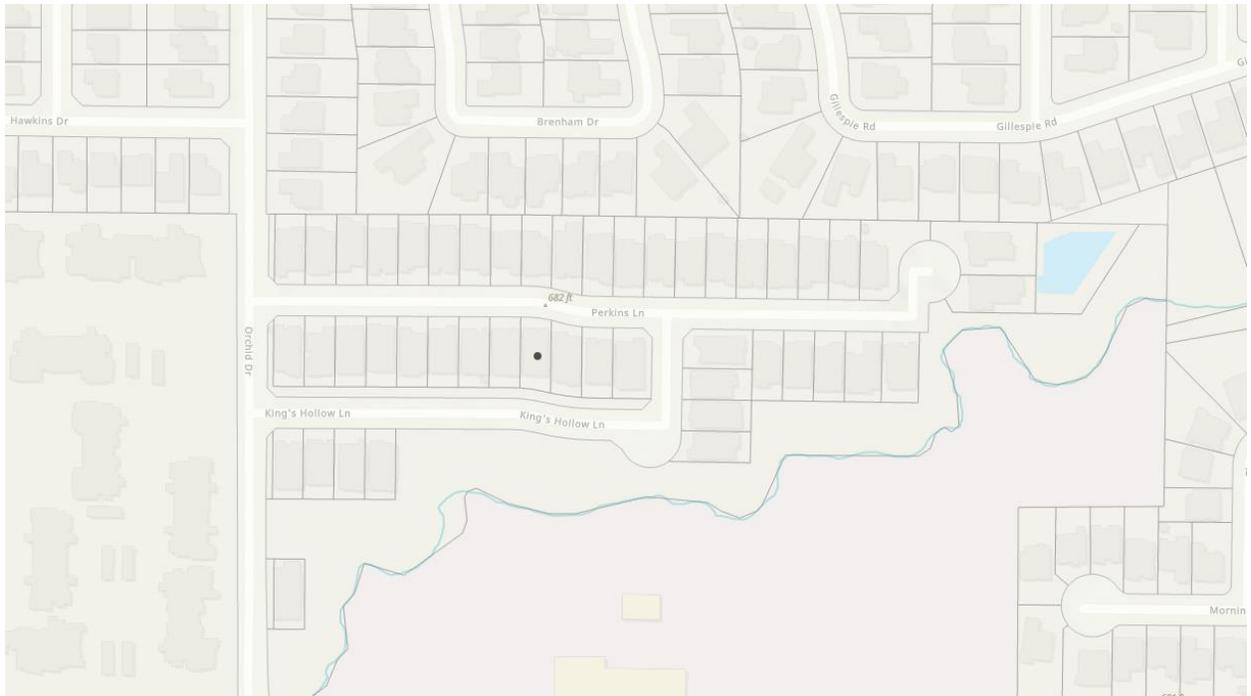
invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

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





**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)

[Signature]  
Applicant's signature

STATE OF TEXAS

COUNTY OF Collin

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



[Signature]  
Notary Public

(seal)

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-ada@compliance@mckinneytexas.org](mailto:contact-ada@compliance@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**

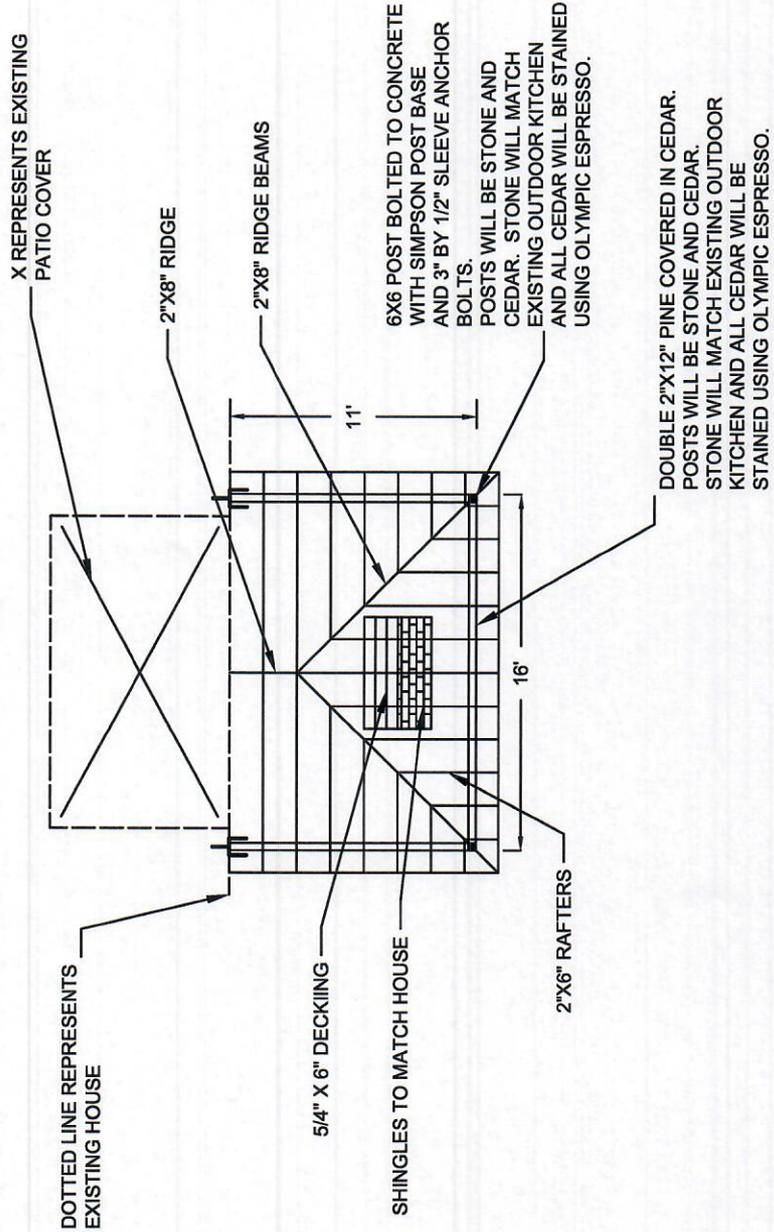
Always check the posted agenda for correct date, location and time.

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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





**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

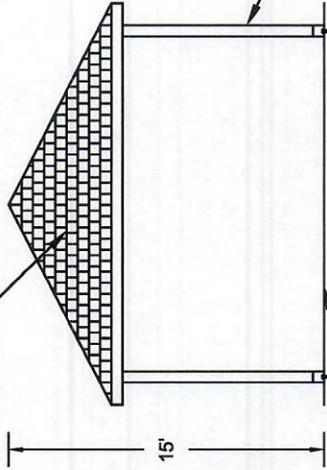
**CUSTOMER INFORMATION**

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

SHINGLES TO MATCH HOUSE



6X6 CEDAR POST BOLTED TO CONCRETE WITH SIMPSON POST BASE AND 3" BY 1/2" SLEEVE ANCHOR BOLTS  
POSTS WILL BE STONE AND CEDAR. STONE WILL MATCH EXISTING OUTDOOR KITCHEN AND ALL CEDAR WILL BE STAINED USING OLYMPIC ESPRESSO.

EXISTING CONCRETE

### 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

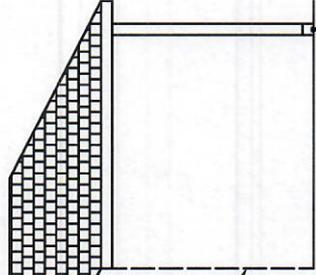
#### CUSTOMER INFORMATION

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

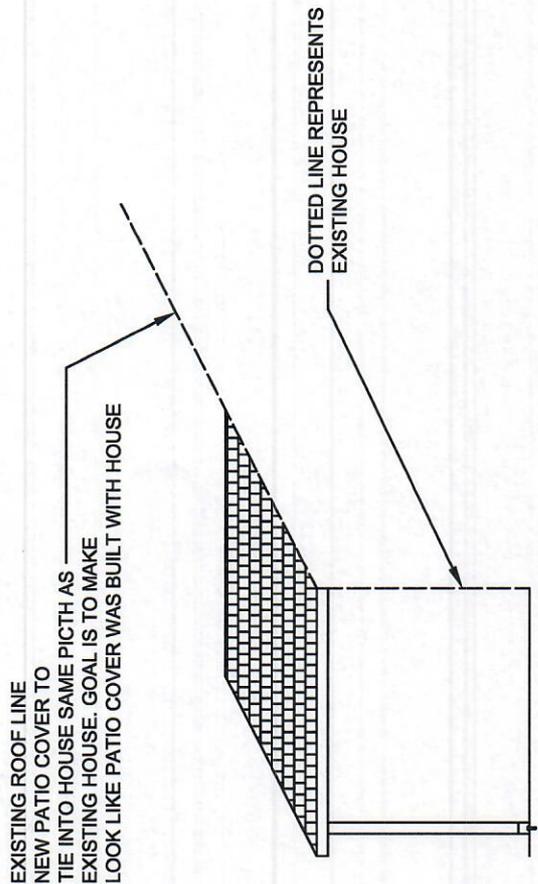
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Phone: 214-798-4397  
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Email: Thomaswhiteside@aol.com  
Alternate Contact: Joey Bini 214-533-1206

### 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



**Right View**

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

**CONTRACTOR INFORMATION**

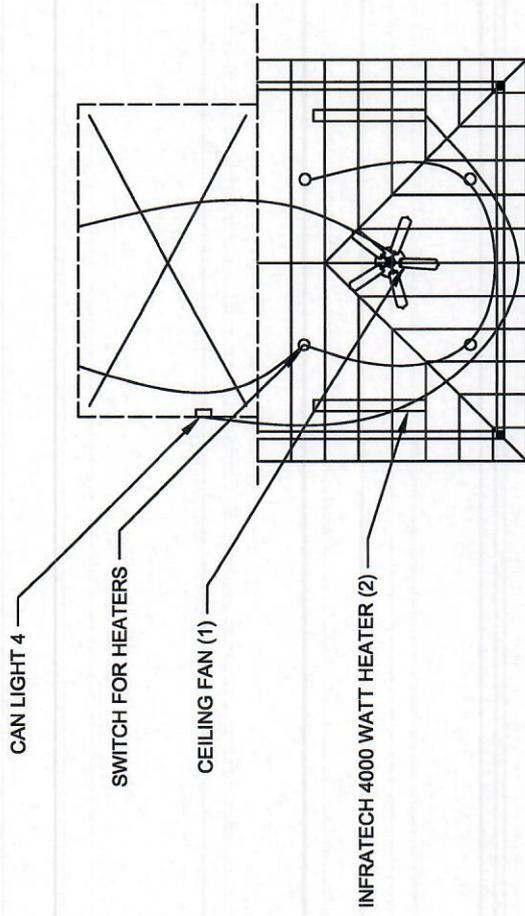
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 Phone: 214-798-4397  
 Cell Phone: 214-356-5010  
 Email: Thomaslwhiteside@aol.com  
 Alternate Contact: Joey Bini 214-533-1206

**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 ceas will be exposed  
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## Electric

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

### CONTRACTOR INFORMATION

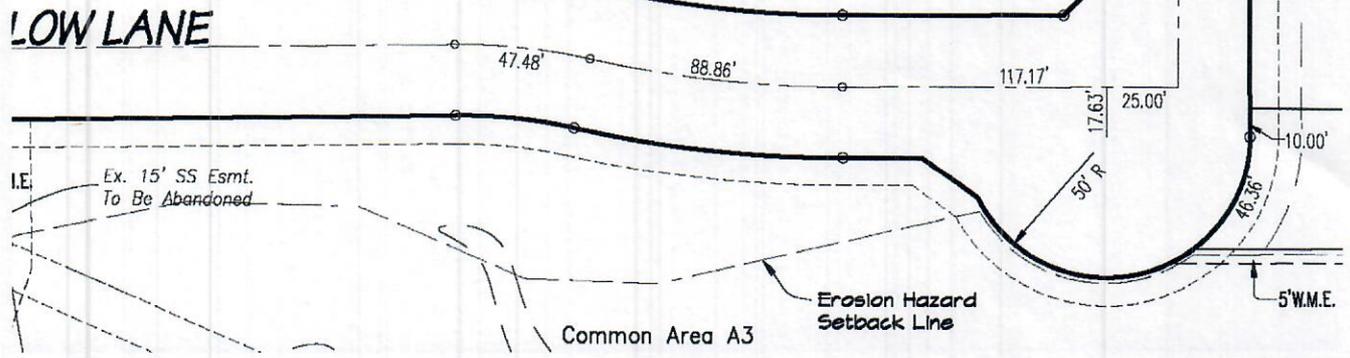
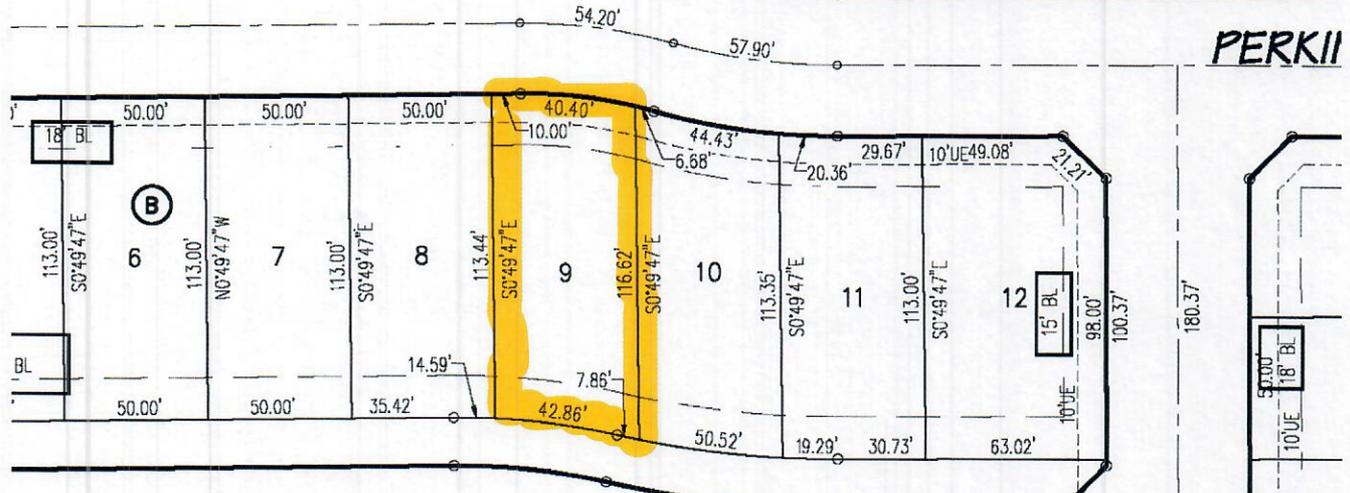
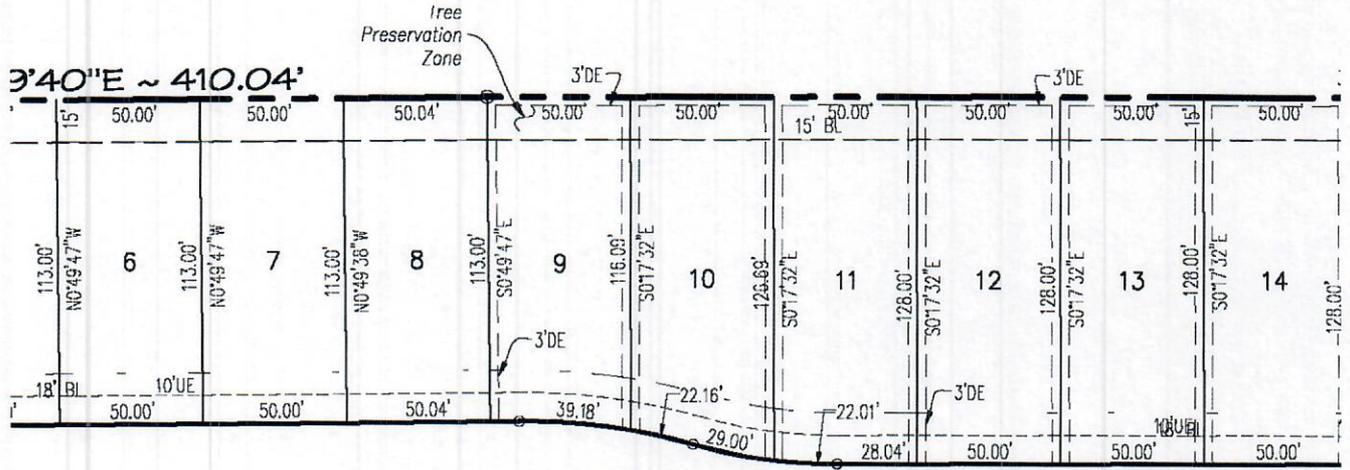
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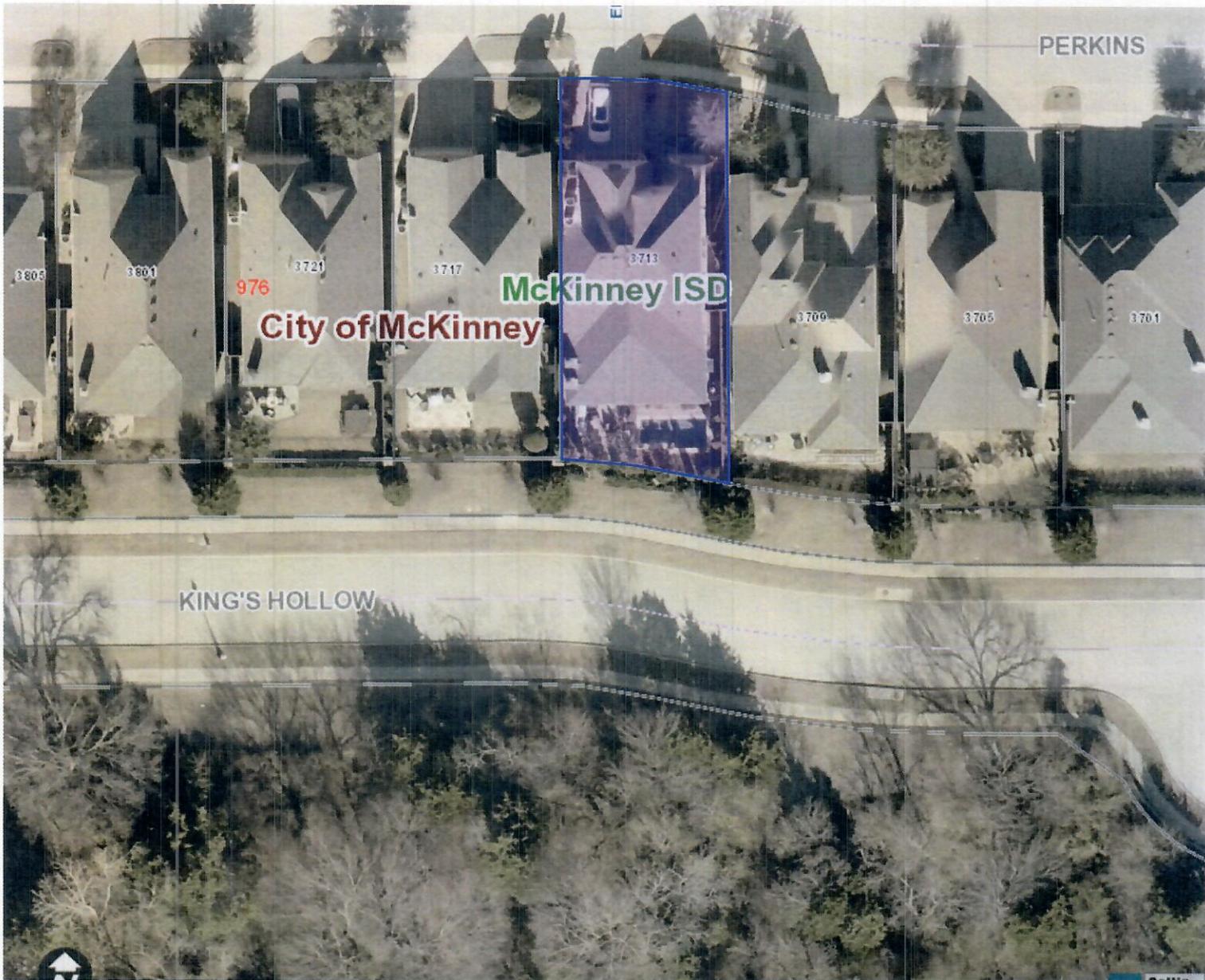
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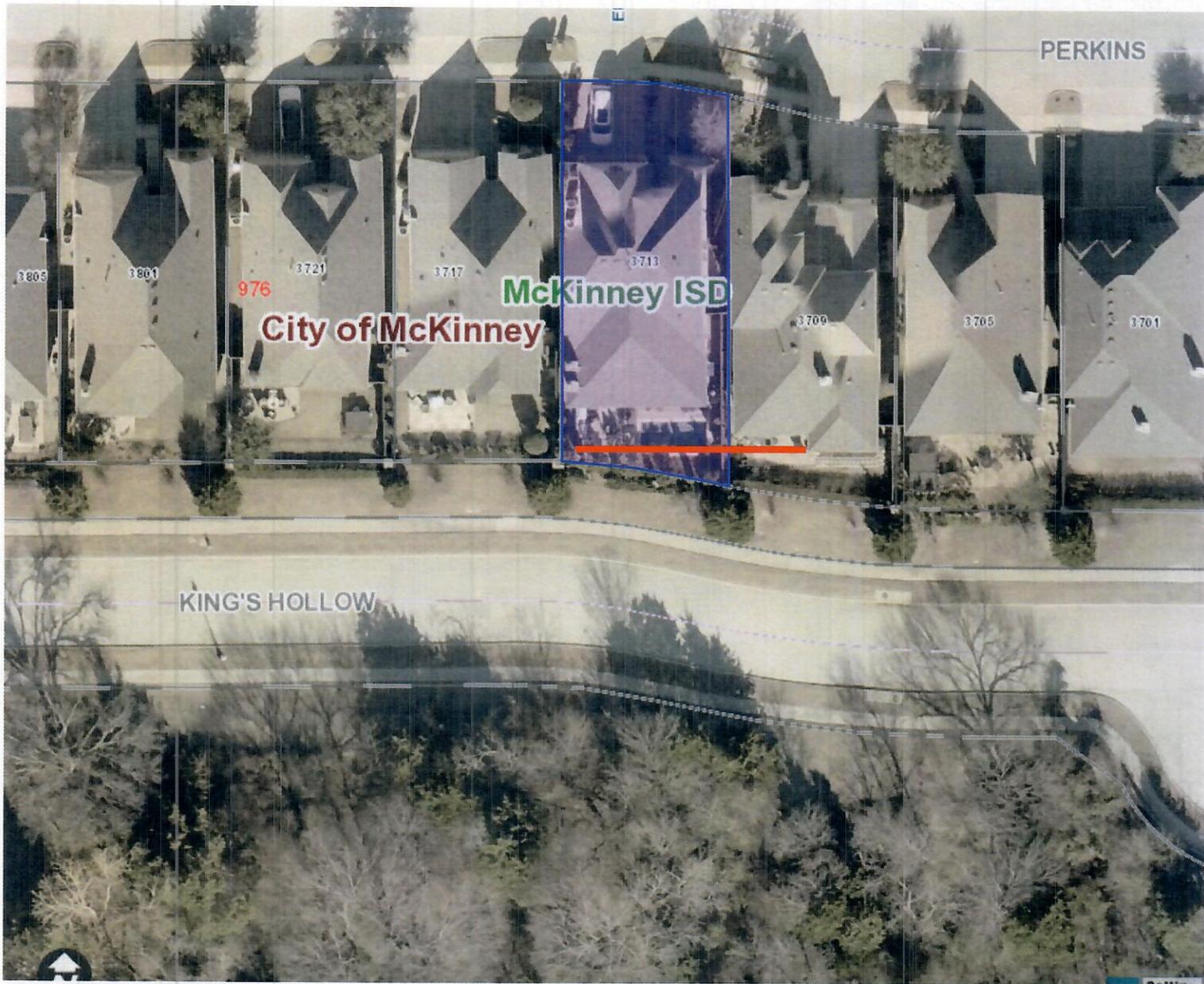
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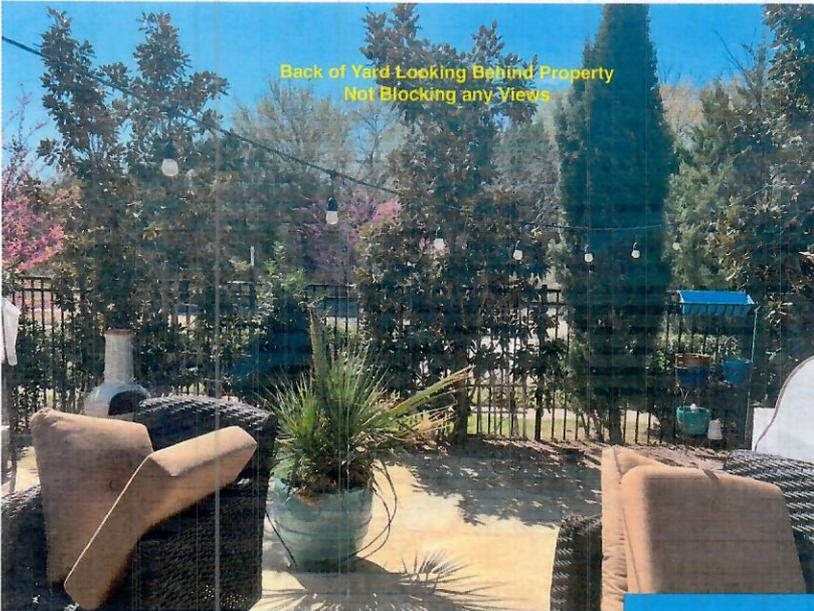
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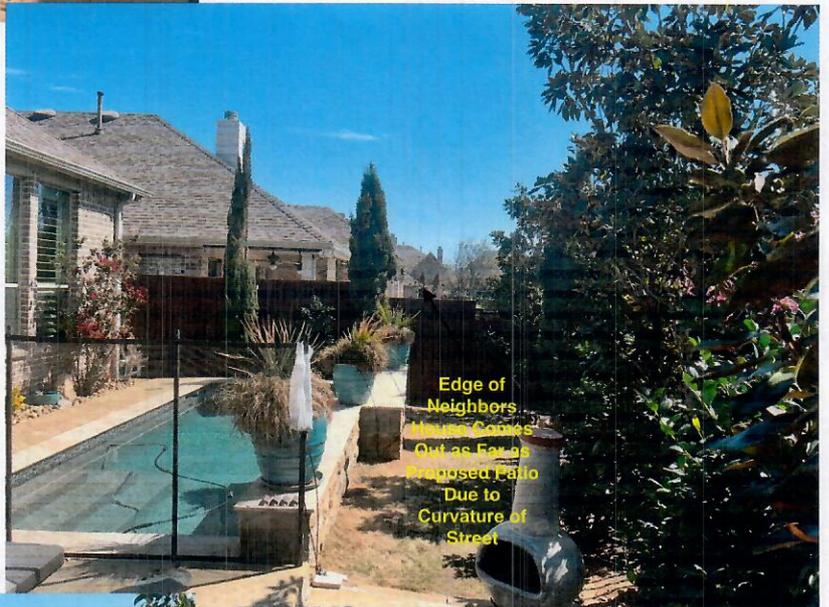




PHOTOS OF PROPOSED PATIO ADDITION



Back of Yard Looking Behind Property  
Not Blocking any Views



Edge of  
Neighbors  
House Comes  
Out as Far as  
Proposed Patio  
Due to  
Curvature of  
Street



Edge of Neighboring Houses  
Come Out to the Edge of Where  
New Patio Will Be Due to  
Curvature of Street Behind  
Home

**..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:**

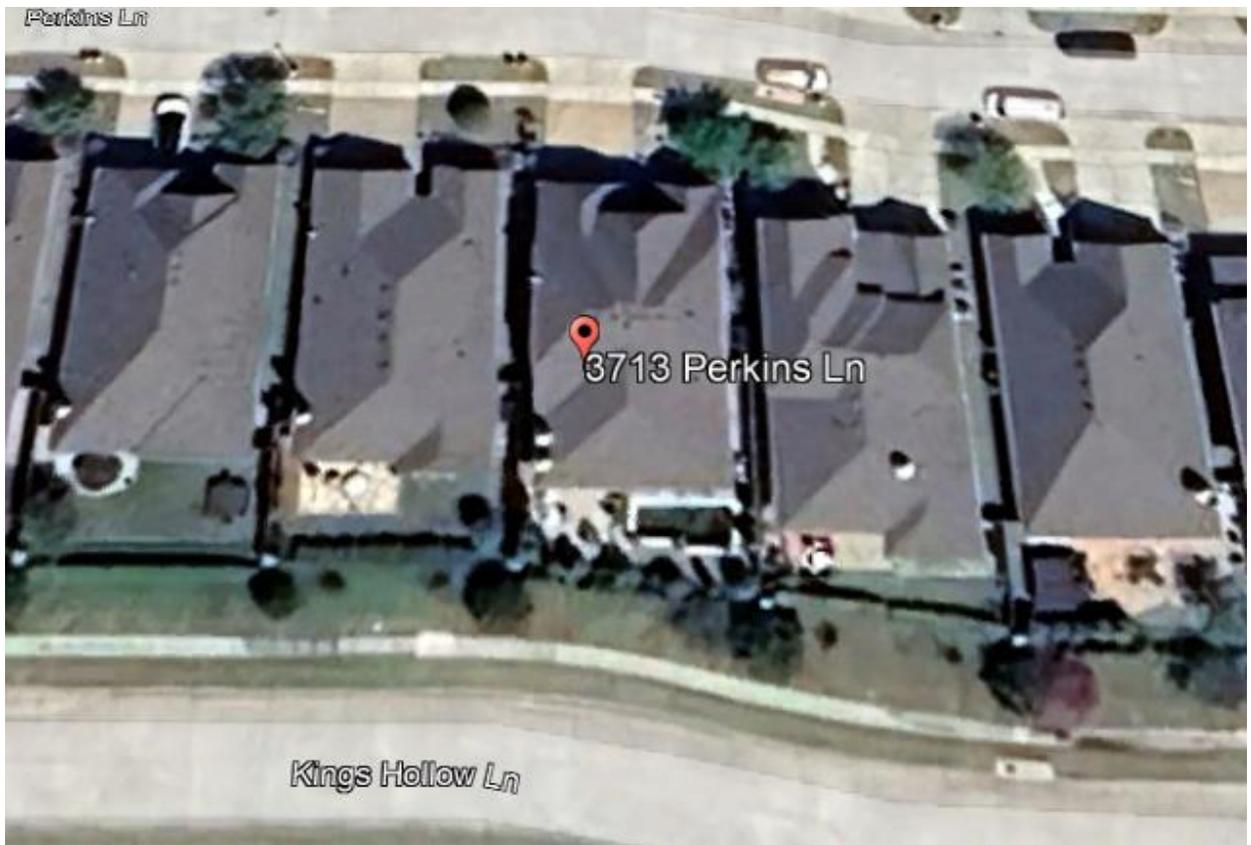
- The applicant has submitted a statement on the application regarding his request for seeking the 11' variance – please consider this statement in making your decision to approve a reduction in the rear setback requirement.

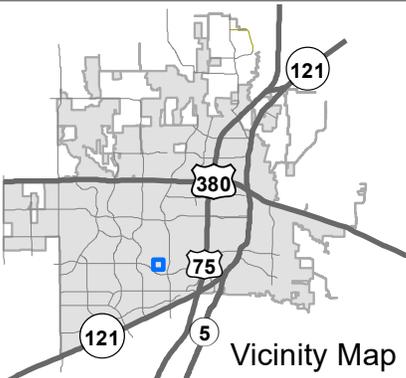
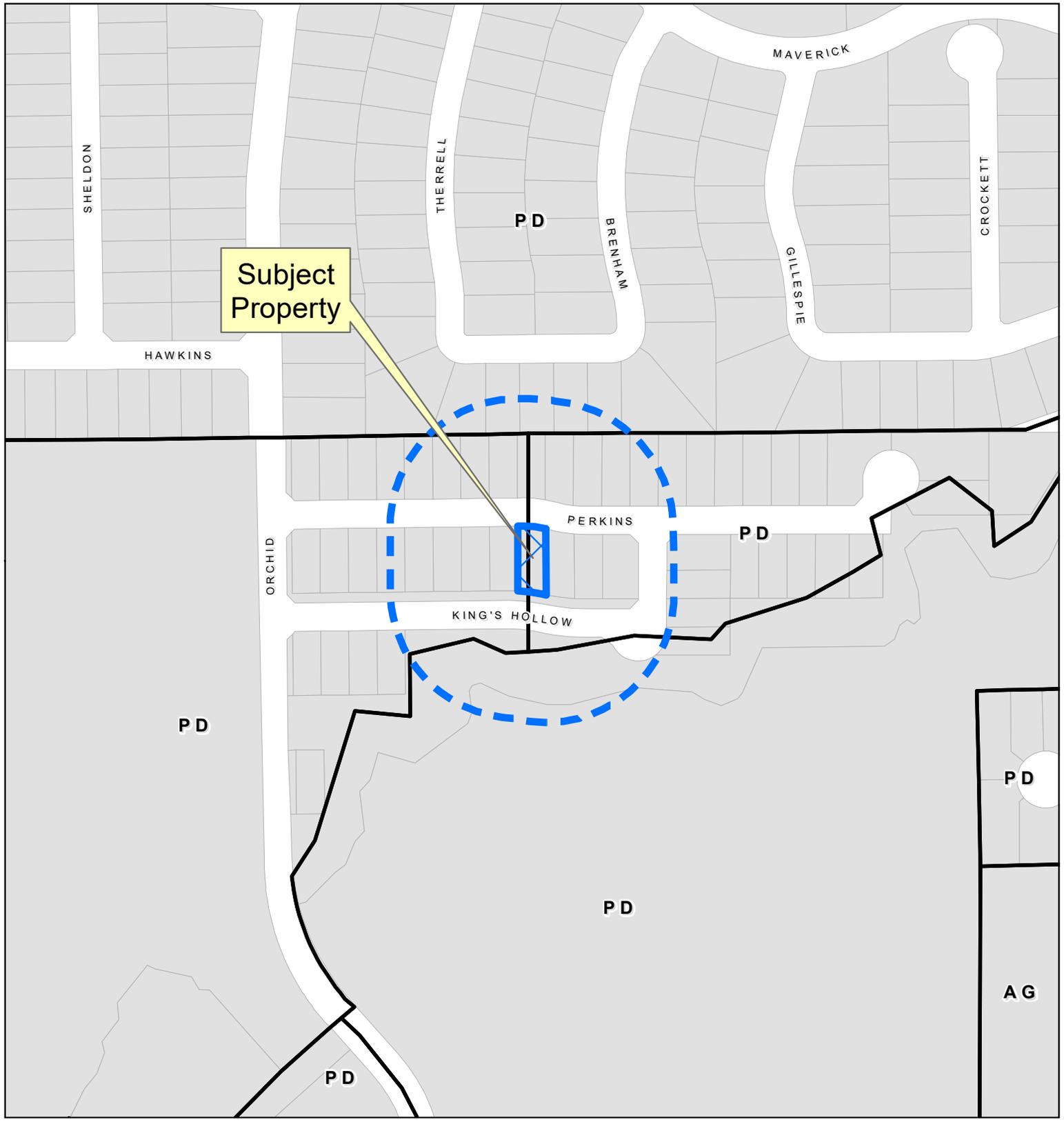
**PUBLIC SUPPORT/OPPOSITION OR REQUEST:**

- 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

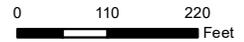




# Board of Adjustment Map

BOA23-01

3713 PERKINS LN

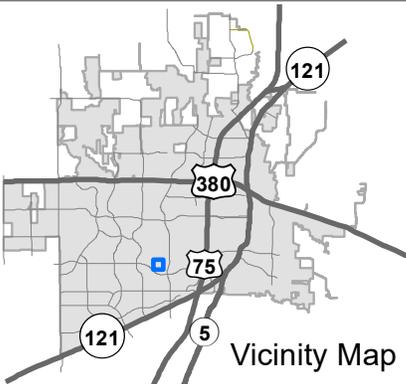


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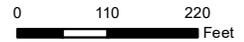
Subject Property



Vicinity Map

# Board of Adjustment Map

3713 PERKINS LN



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**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 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

