

**..Title**

Conduct a Public hearing to Consider/Discuss/Act on the request by Applicant Tracy's Custom Homes on behalf of Owner James Mack, 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 25' feet to allow a rear setback of 8', front setback requirement of 25' feet to allow a front setback of 9'6" and two covered parking spaces to allow one covered space for the construction of a new home, located at **800 Gerrish Street, Lots 7b of Block 4 of the WJS Russel Addition to the City of McKinney, Texas.**

**..Summary**

**BOARD OF ADJUSTMENT CASE NUMBER:** BOA21-05

**MEETING DATE:** June 23, 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 lot, per depth of lot less than 100'.

**ITEM SUMMARY:** The applicant/owner desires to construct a new single family home on this existing lot, yet due to some lot non-conformity concerns, a variance is requested for consideration by the Board. Due to the limited depth of the lot, the placement of the new home will require relief for both front and rear setbacks. The applicant/owner is requesting a variance of 15' 6" from the front property line to allow a setback of 9' 6". The applicant/owner is requesting a variance of 17' from the rear property line to allow a setback of 8'. The owner/applicant is requesting a variance of 4' 6" to allow a driveway length of 15' 6". The applicant/owner is also requesting a variance to the two covered parking requirement to allow only one covered space.

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
Front Yard Setback – 25' setback	9'6" setback	15'6" setback
Rear Yard Setback – 25' setback	8' setback	17' setback
Two Car Garage	One Car Garage	One Car Garage

**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 21-05 – 800 Gerrish St – Packet. To include:

- Zoning Exhibit
- GIS map of Gerrish and Rockwall houses and setbacks
- Board of Adjustment (BOA) Application
- Survey and Survey Site Plan with Proposed Renderings
- Proposed Elevations
- Newspaper notice and 200' notice with Locator Map

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**ACTION:**      **Approved**                      **Denied**                      **Tabled**

## 800 Gerrish St

Legal Description: W J S RUSSELL 2nd ADDITION, BLK 4, LOT 7B

GEO ID: R-0938-004-007B-1

**Zoned: RS60 Residential Single Family, TMN Traditional McKinney Neighborhood.**

**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**

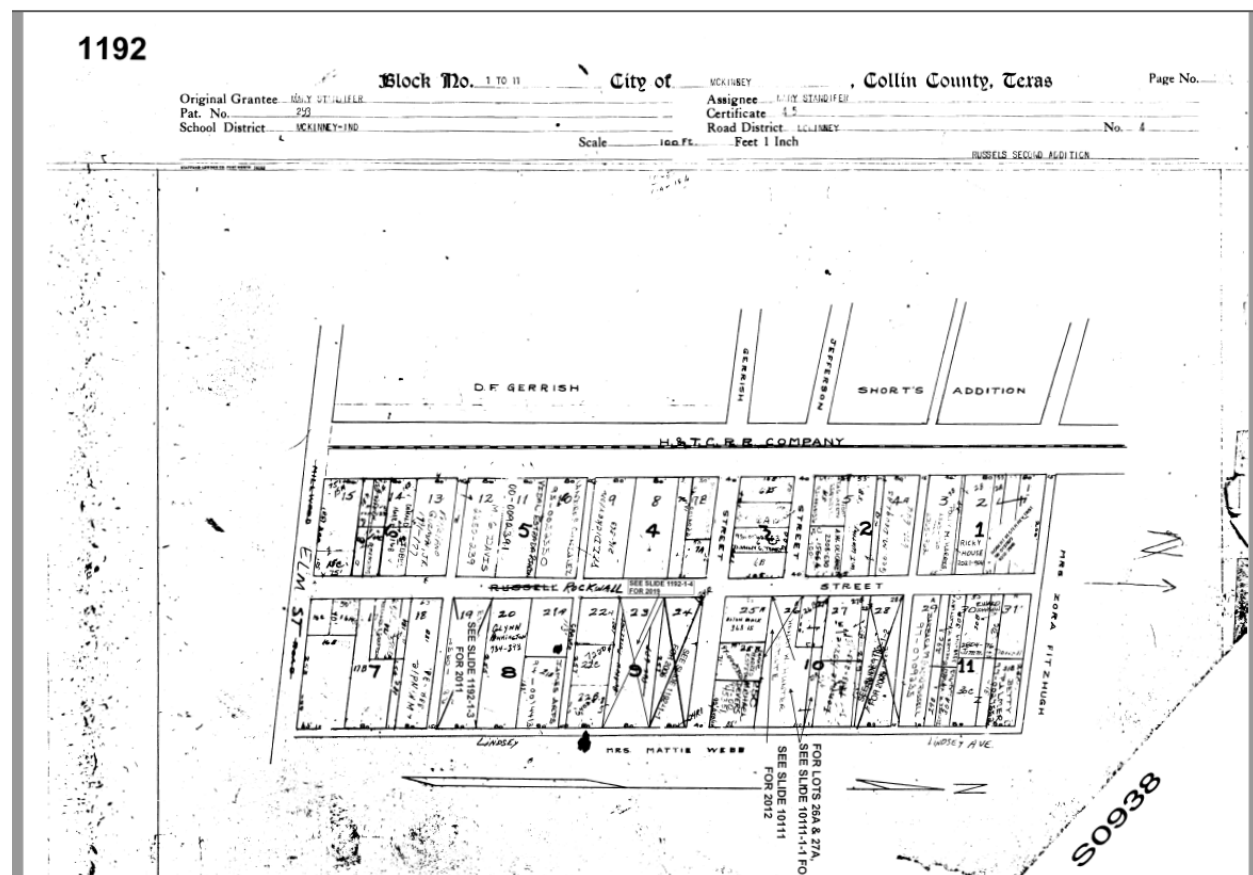
### ZONING REGULATIONS

App. F, § F-1

### APPENDIX F. SCHEDULES

#### Section F-1. Schedule of space limits.

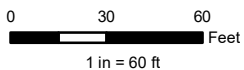
Zoning District	Space Limits										Maximum density (dwelling units per gross acre)
	Minimum lot area	Minimum lot width	Minimum lot depth	Minimum front yard setback	Minimum rear yard setback	Minimum side yard setback of interior lots	Minimum side yard setback of corner lots	Maximum height of structure	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







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



## Board of Adjustment 800 Gerrish St

Source: City of McKinney GIS  
Date: 6/2/2021

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: 5/27/2021

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

### PROPERTY LOCATION (Street Address):

800 Gerrish St

Subdivision: W J S Russell 2nd Addition    Lot: 7B    Block: 4

Property Owner: James Mack    1106 F Ave    Plano, TX 75074  
(Name) (Address) (City, State, & Zip Code)  
 jamesmack256@yahoo.com    (214) 471-3111  
(Email) (Phone)

Property Owner is giving Tracy's Custom Homes authority to represent him/her at meeting.  
(Applicant Name)

Property Owner Printed Name: James Mack    Property Owner Signature: \_\_\_\_\_

Applicant: Tracy's Custom Homes 111 Farmersville Pkwy, Ste 300, Farmersville, TX 75442  
(Name) (Address) (City, State, & Zip Code)  
 roy@tracyscustomhomes.com    (972) 784-9044  
(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	25'	9'6"	15'6"
Rear Yard	25'	8'	17'
Driveway	20'	15'6"	4'6"
Other	Two Car Garage	1 Car Garage	1 Car Garage

**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 -**

Requesting a variance to rebuild a home on the lot that will add value to neighborhood. The current non-habitable home does not meet the current zoning requirements for RS-60. The new proposed home would not restrict the front and rear yard setbacks more than the original home, but it would be a wider home, allowing for a full 3 bedroom/2 bath home to compliment the neighborhood. There would be 15'-6" of driveway space between the property line and the garage, with borrowing 4"-6" of space from the city street easement, a full size car could park in the driveway. This house is at the end of Gerrish St and the road stops prior to intersecting the railroad. Due to the shortened street and reduced lot dimensions, we are requesting a variance from the two car garage ordinance to a one car garage. There is precedence in the neighborhood for one car garages. It will help bring the price down to a more reachable block of customers. The way the existing lot is shaped, being 50' front to back, if you abide by the 25' front and rear setbacks, it leaves 0' to build a home. We are requesting to utilize the current setbacks of the existing home, so as not to protrude closer to the street or the rear property line. The lot has several mature trees and the proposed design takes these into account. The lot will accommodate a beautiful home if the variance is granted. The current home is a eyesore to the neighborhood.

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]  
Property Owner Signature (If different from Applicant)

[Signature]  
Applicant's Signature

STATE OF TEXAS

COUNTY OF Collin

Subscribed and sworn to before me this 28 day of May, 20 21



[Signature]  
Notary Public

My Commission expires: 4/27/25

(seal)

**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)

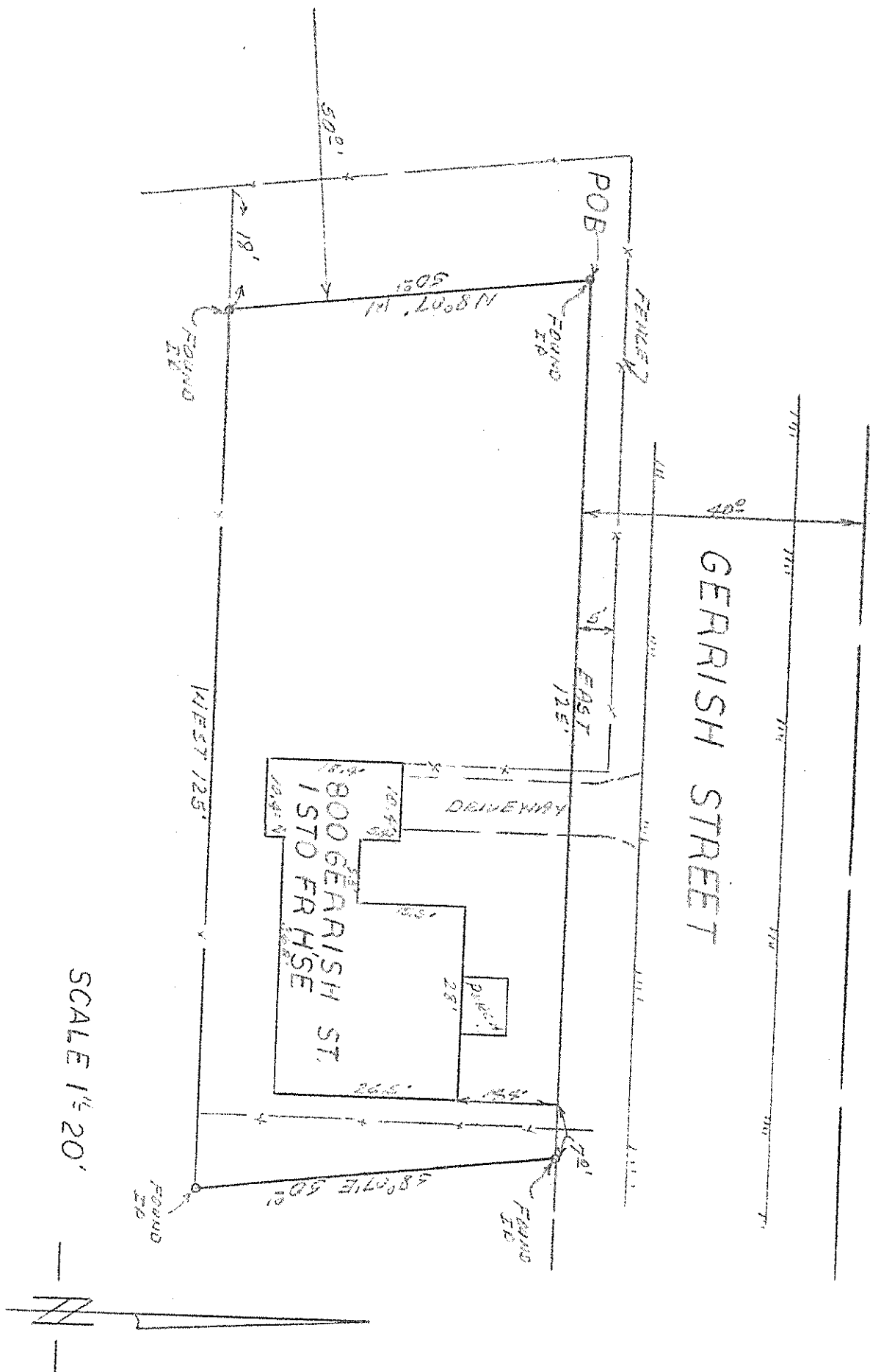
Received by:

Signature:

Date:



GERISH STREET



Residence  
800 Gerrish St  
McKinney, TX 75069  
May 17, 2021

## **Variance Proposal Report prepared by Tracy's Custom Homes**

Tracy's Custom Homes, on behalf of James Mack, is asking for a variance to the Front and Rear Setbacks and Driveway requirement for 800 Gerrish St, McKinney, TX 75069. The current home is non-habitable and does not meet the current setback requirements for RS-60 Zoning. There would be significant costs to upgrade the current home, without changing the footprint or roof structure, and the resulting property would still lack characteristics that adjacent properties have. Should the board grant Mr. Mack a variance, Mr. Mack plans to build a new home utilizing the current front and rear setbacks that would add curb appeal to the neighborhood and align itself to neighboring properties.

This document is to provide supporting information for the Board to consider when reviewing the variance application.

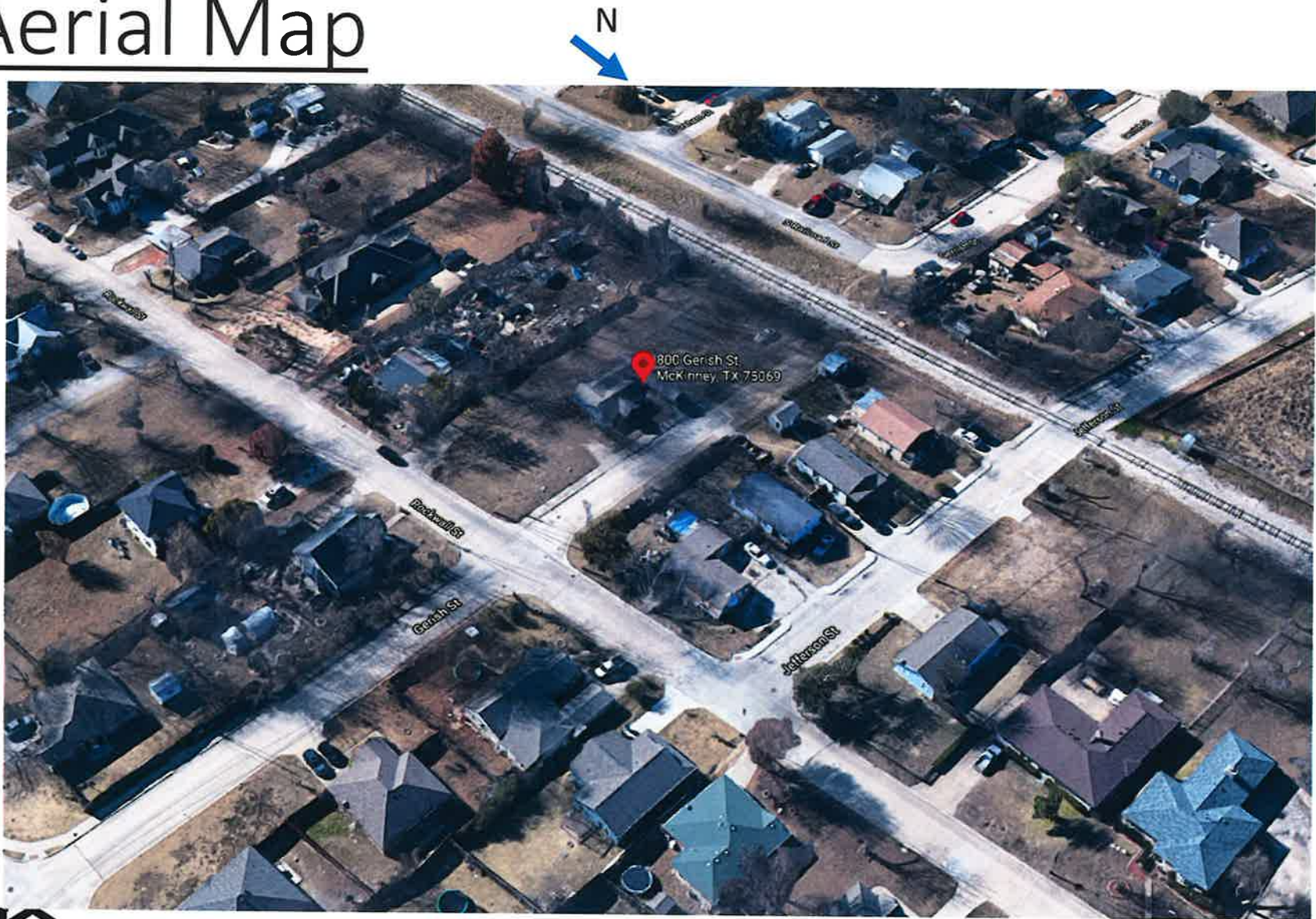


# Current Location of Property





# Aerial Map



Damage to Ceiling Sheerock and North Wall

(972)-784-9044 - [www.tracyscustomhomes.com](http://www.tracyscustomhomes.com) - [sales@tracyscustomhomes.com](mailto:sales@tracyscustomhomes.com)

# Variance Request – Zone RS-60

## Setback Variance Request

- Front Yard: Ordinance – 25'  
Requested – 9'6"; Current home is 9'6"
- Rear Yard: Ordinance – 25'  
Requested – 8'; Current home is 5'6"
- Garage: Ordinance – 2 spaces  
Requested – 1; Current home has none



CUSTOM HOME DESIGNS

(972)-784-9044 - [www.tracyscustomhomes.com](http://www.tracyscustomhomes.com) – [sales@tracyscustomhomes.com](mailto:sales@tracyscustomhomes.com)



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**PROPOSED NEW HOUSE**

800 Gerrish St.  
McKinney, TX 75069

DRAWING PACKAGE	
PAGE #	TITLE
1	GENERAL OVERVIEW
2	CURRENT SITE PLAN
3	NEW SITE PLAN

1. THE CONTRACTOR(S) SHALL VERIFY ALL DIMENSIONS, ELEVATIONS, NOTES, AND CONDITIONS PRIOR TO THE START OF ANY WORK.  
2. ALL WRITTEN DIMENSIONS SHALL SUPERCEDE SCALED DIMENSIONS  
3. THE AUTHOR OF THESE DOCUMENTS SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCE, OR ANY PROCEDURES, OR FOR THE SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK, AND SHALL NOT BE RESPONSIBLE FOR THE CONTRACTORS FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.  
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE LATEST EDITION OF THE UNIFORM BUILDING CODES (UBC) AND LOCAL BUILDING CODES, OR AS SPECIFICALLY NOTED ON THESE PLANS AND CALCULATIONS, WITH THE MOST STRINGENT CONDITION GOVERNING.

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**VARIANCE APPLICATION**  
800 GERRISH ST  
MCKINNEY, TX 75069  
**GENERAL OVERVIEW**

111 FARMERSVILLE PKWY STE. 300  
FARMERSVILLE, TX. 75442  
(972) 784-9044  
sales@tracyscustomhomes.com  
www.tracyscustomhomes.com

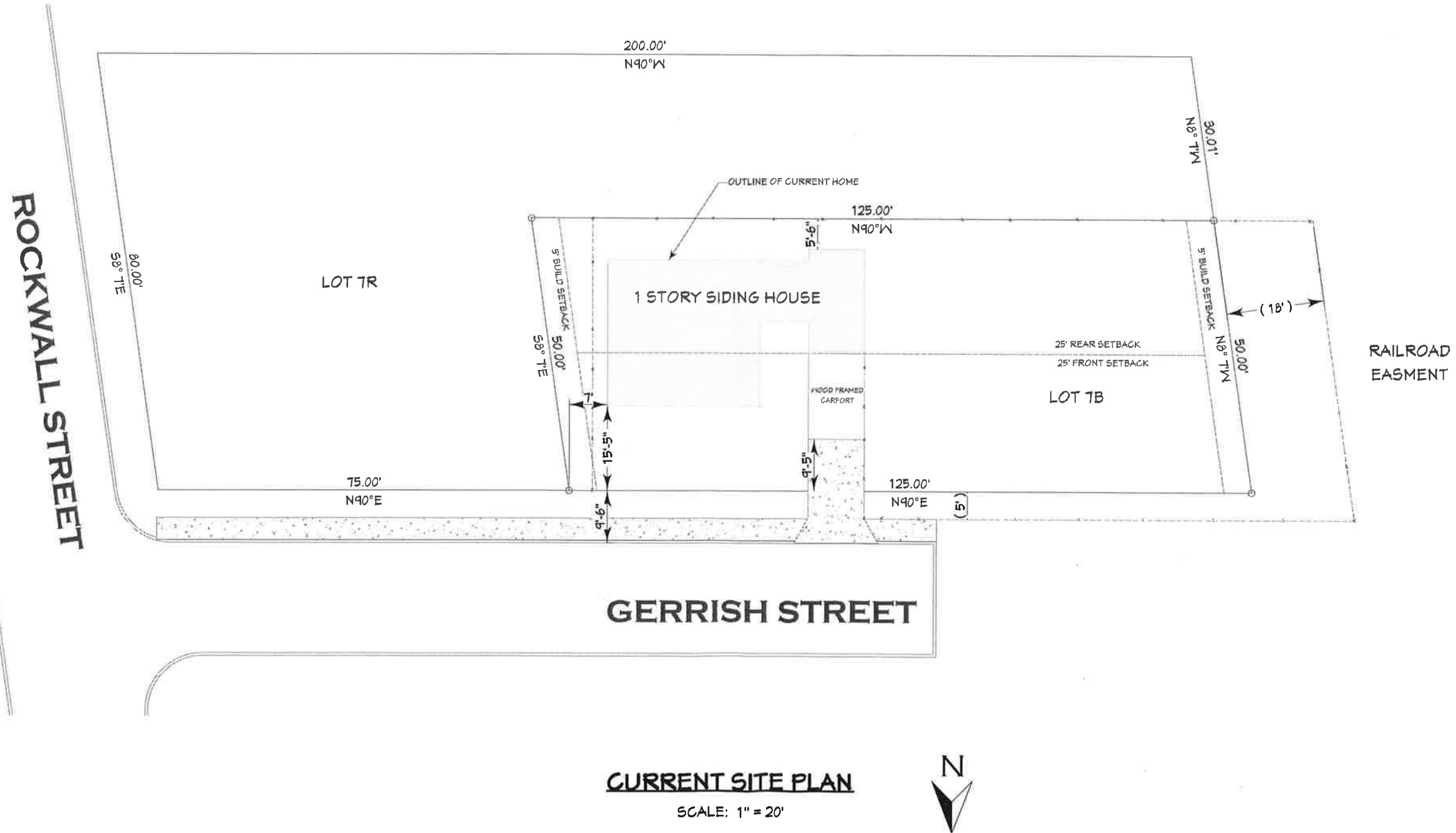


**PAGE 1**  
5/19/2021



**Notes:**

- I. Current home is 832 sqft and contains many non-compliance features
- II. Footprint currently does not meet front or rear setbacks for RS-60 zoning
- III. There is a chain link fence that extends 5' beyond the property line to the North and 18' beyond the property line to the West
- IV. Existing wood framed Carport was not permitted
- V. Current house is non-habitable and needs new electric, plumbing and foundation work
- VI. Due to previous remodels, some current ceilings are slightly over 7'



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VARIANCE APPLICATION  
800 GERRISH ST  
MCKINNEY, TX 75069

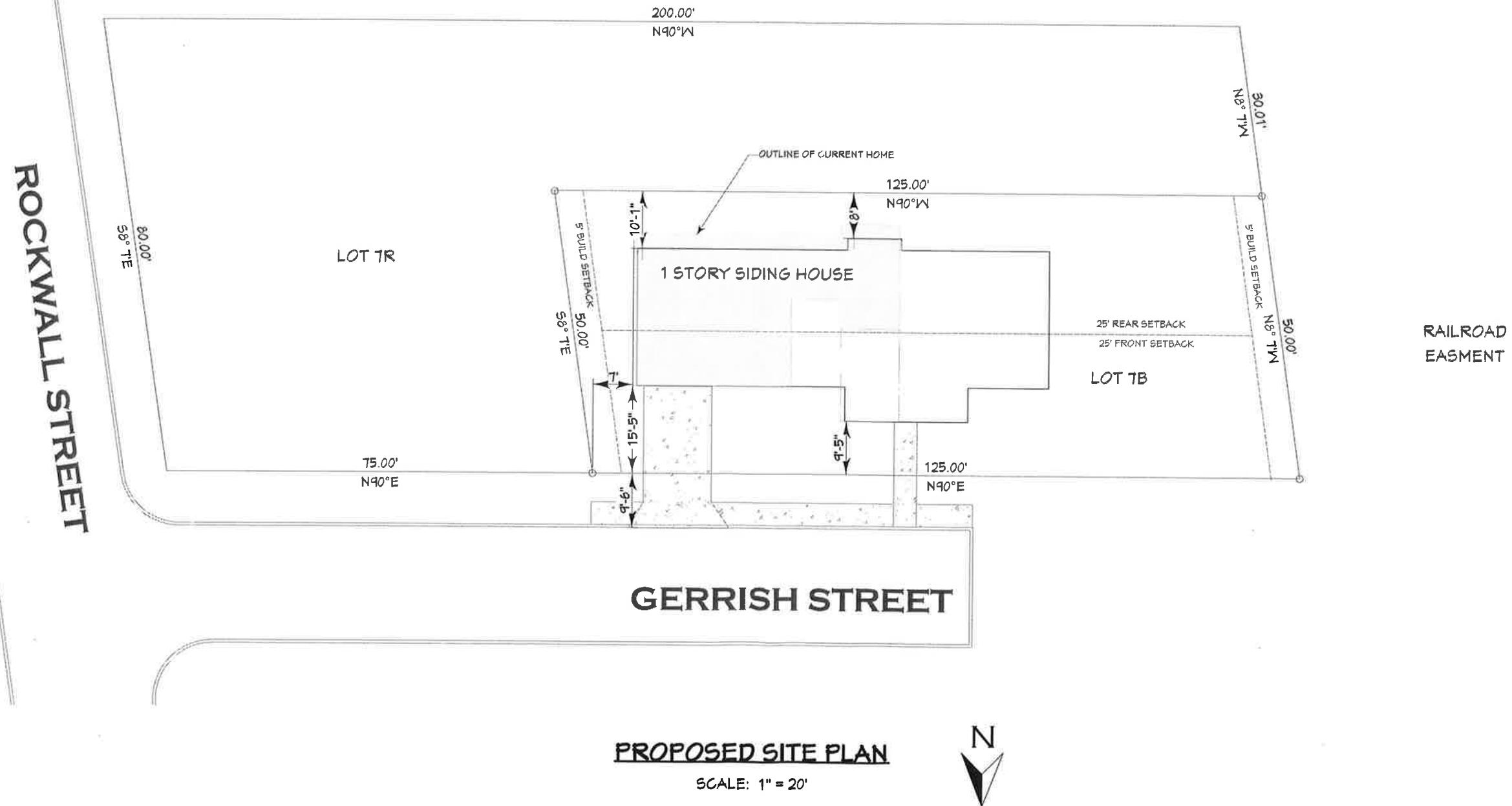
CURRENT SITE PLAN

111 FARMERSVILLE PKWY STE. 300  
FARMERSVILLE, TX. 75442  
(972) 784-9044

sales@tracyscustomhomes.com  
www.tracyscustomhomes.com



- I. With RS-60 Setbacks, the 25' Front and Rear Setbacks leave 0' depth as lot is only 50' deep
- II. New House will be a 1,440 sqft, 3 bed, 2 bath updated home
- III. Footprint does not encroach closer to the street than original house
- IV. Footprint does not encroach closer to the rear property line than original house
- V. Non Compliance Fence will be removed
- VI. Parking available in One Car Garage as well as on Driveway in front of Garage
- VII. New Home will not effect any site lines



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VARIANCE APPLICATION  
800 GERRISH ST  
MCKINNEY, TX 75069

**NEW SITE PLAN**

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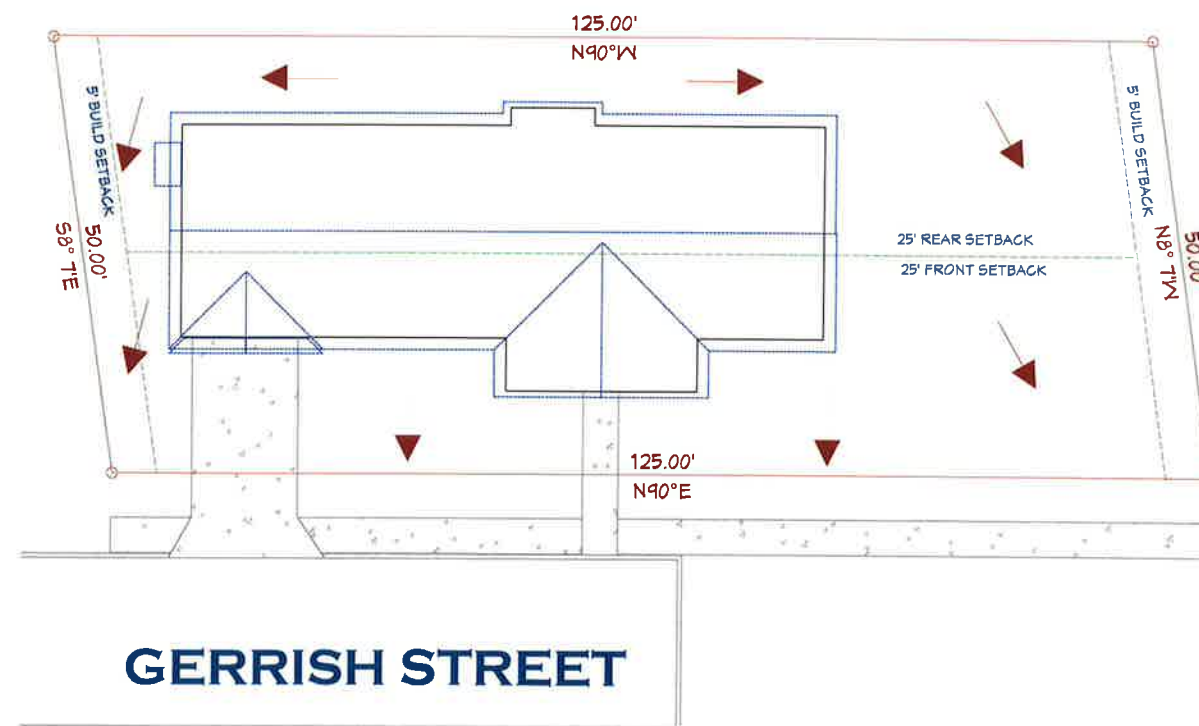
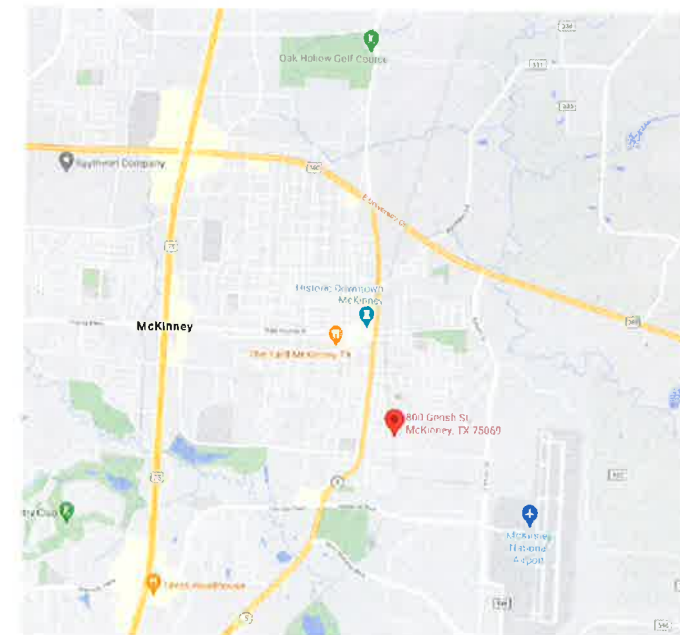
PAGE 3  
5/19/2021

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800 GERRISH ST B ©  
MCKINNEY, TX 75069  
SITE & DRAINAGE PLAN

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FARMERSVILLE, TX. 75442  
(972) 784-9044  
sales@tracyscustomhomes.com  
www.tracyscustomhomes.com



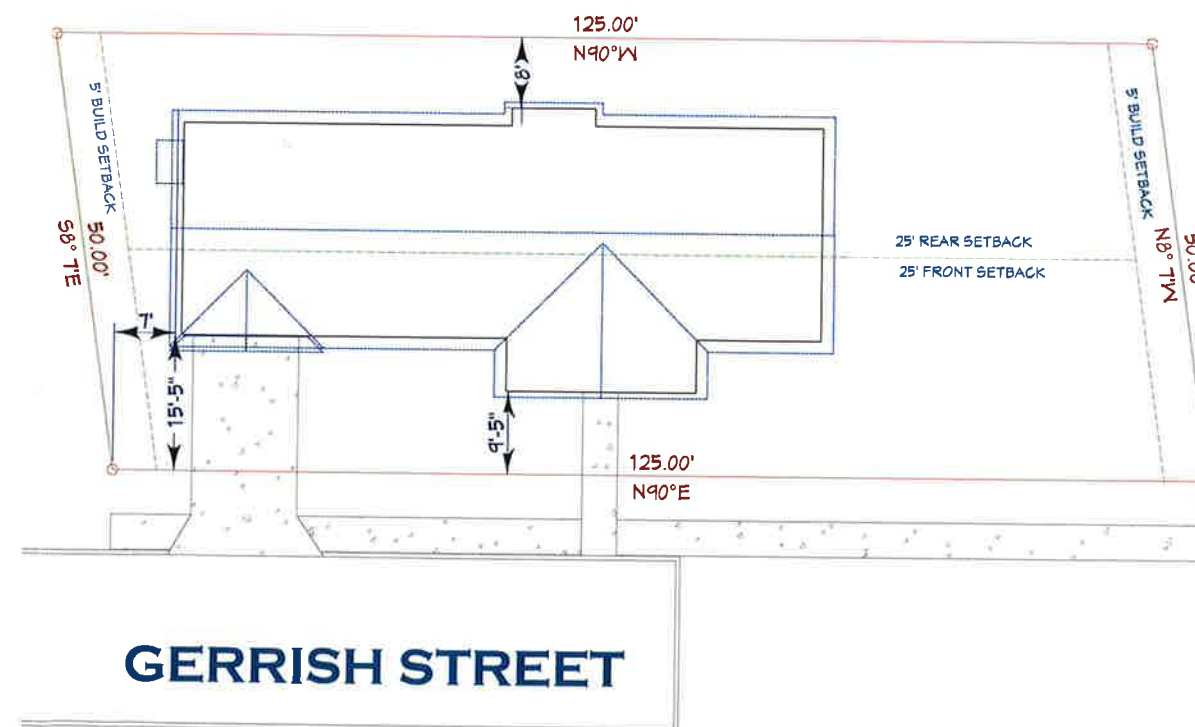
DRAINAGE PLAN

SCALE: 1" = 10'

DRAINAGE FLOW DIRECTION

DRAINAGE PLAN NOTES:

1. GRADING AND DRAINAGE SHALL NOT ADVERSELY IMPACT SURROUNDING PROPERTIES.
2. LOTS SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM FOUNDATION WALLS. THE GRADE SHALL FALL A MINIMUM OF 8 INCHES WITHIN THE FIRST 10 FEET. EXCEPTION: FINISHED LOT LINES, WALLS, SLOPES, OR OTHER PHYSICAL BARRIERS PRESENT 8 INCHES OF FALL WITHIN 10 FEET. THE FINAL GRADE SHALL SLOPE AWAY FROM THE FOUNDATION AT A MINIMUM SLOPE OF 5 PERCENT AND THE WATER SHALL BE DIRECTED TO DRAINS OR SWALES TO ENSURE DRAINAGE AWAY FROM THE STRUCTURE. SWALES SHALL BE SLOPED A MINIMUM OF 2 PERCENT WHEN LOCATED WITHIN 10 FEET OF THE BUILDING FOUNDATION. INTERVIOUS SURFACES WITHIN 10 FEET OF THE BUILDING FOUNDATION SHALL BE SLOPED A MINIMUM OF 2 PERCENT AWAY FROM THE BUILDING.
3. ALL DRAINAGE SWALES SHALL BE LOCATED ENTIRELY ON THIS LOT.
4. LOT NATURALLY DRAINS TOWARD GERRISH ST AND RAILROAD EASEMENT.



SITE PLAN

SCALE: 1" = 10'

PROPERTY CURRENTLY ZONED RS-60





# Proposed Elevation of New Home



- Current Home is 832 sqft  
2 bed / 2 bath
- New Proposed home would be 1,430 sqft  
3 bed / 2 bath





**Be Published in the  
*McKINNEY COURIER-GAZETTE*  
SUNDAY, June 06, 2021  
ONE (1) TIME**

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

**BOARD OF ADJUSTMENT CASE NO. 21-05**

Request by Applicant Tracy's Custom Homes on behalf of Owner James Mack, 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 25' feet to allow a rear setback of 8', front setback requirement of 25' feet to allow a front setback of 9'6" and two covered parking spaces to allow one covered space for the construction of a new home, located at **800 Gerrish Street, Lots 7b of Block 4 of the WJS Russel 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, June 23, 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 4th DAY OF June, 2021.**

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

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## NOTICE OF REQUEST FOR VARIANCE THE BOARD OF ADJUSTMENT

Request by Applicant Tracy's Custom Homes on behalf of Owner James Mack, 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 25' feet to allow a rear setback of 8', front setback requirement of 25' feet to allow a front setback of 9'6" and two covered parking spaces to allow one covered space for the construction of a new home, located at **800 Gerrish Street, Lots 7b of Block 4 of the WJS Russel Addition to the City of McKinney, Texas.**

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**WEDNESDAY, JUNE 23, 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. 21-05

**800 Gerrish St, McKinney Texas**

City of McKinney Texas  
Building Inspections  
Dolores Boardman  
P.O. Box 517  
McKinney, TX 75070  
[dboardman@mckinneytexas.org](mailto:dboardman@mckinneytexas.org)

I PROTEST\_\_\_APPROVE\_\_\_ of the Request for a Variance for the following reason (s) –

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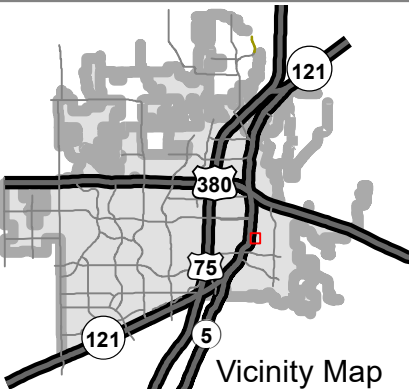
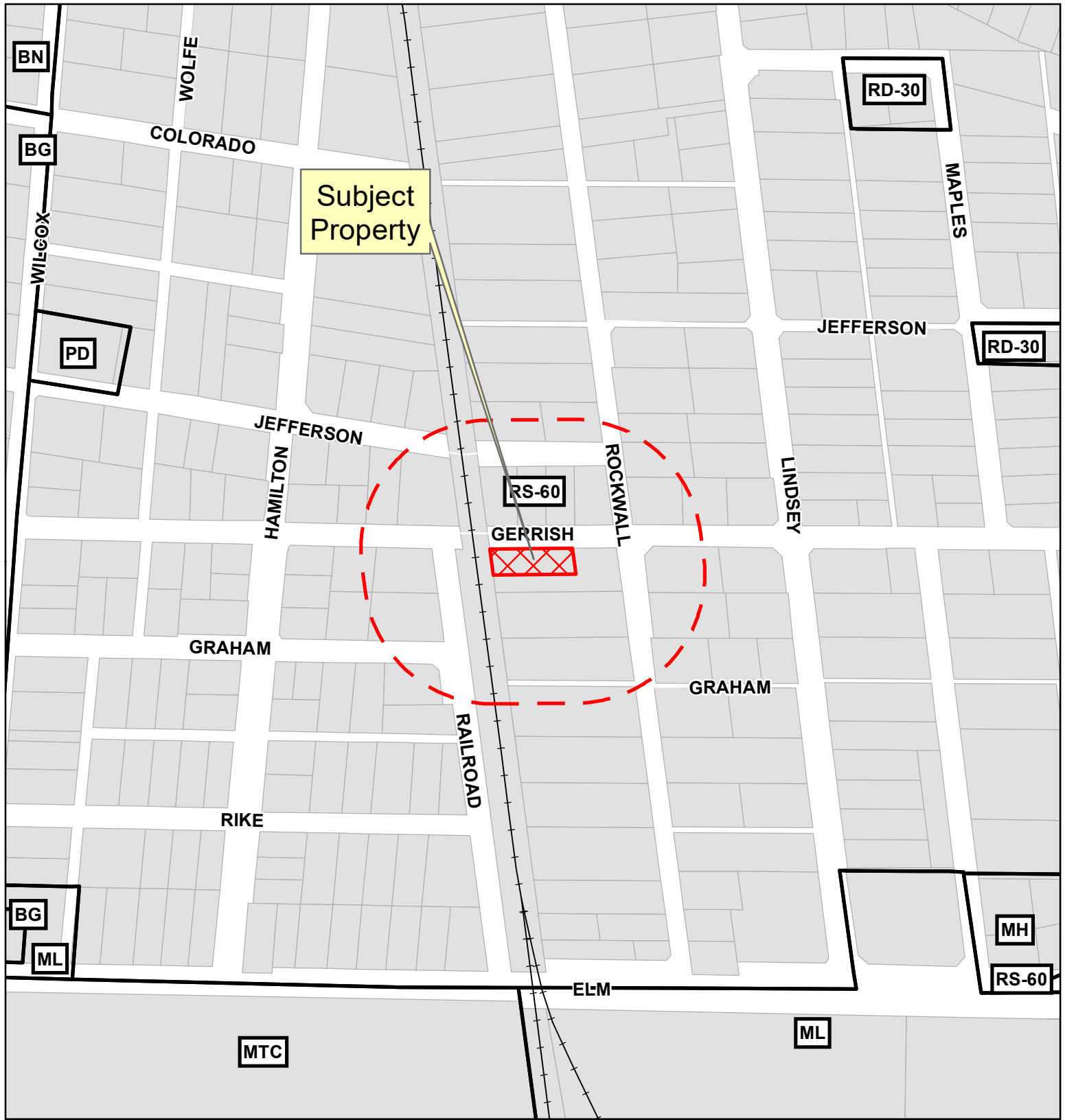
**You may attach a letter describing your protest or approval.**

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_





## Board of Adjustments Map

800 GERRISH ST

--- 200' Buffer



0 110 220  
Feet  
1 in = 230 ft

Source: City of McKinney GIS  
Date: 5/27/2021

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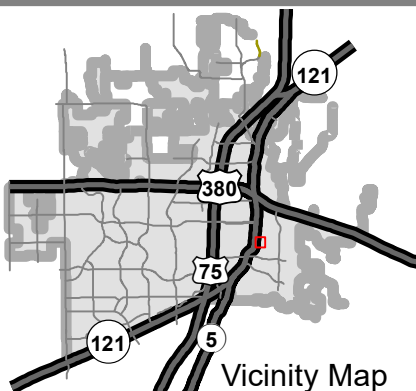
## Board of Adjustments Map

800 GERRISH ST

--- 200' Buffer



0 110 220  
Feet  
1 in = 230 ft



Vicinity Map

Source: City of McKinney GIS  
Date: 5/27/2021

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