



BOARD OF ADJUSTMENT APPLICATION

Meeting Date, Location and Time:

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

See attached schedule for dates. Meetings are held at City Hall, 401 E. Virginia Street. **Note: Posted Agenda for meeting will have the correct location and time.**

Application Deadline:

See attached schedule for dates. Applications are due by 12:00 noon to the Building Inspections Department online via CSS portal.

Application Fee:

www.mckinneytexas.org/css.

A non-refundable fee of \$150.00 is to be paid at time of application submittal.

Items Required at The Time of Submittal:

- Completed notarized application (including the written authorization from the owner of the property on which the variance is sought)
- Existing plot/site plan or survey drawn to scale of the subject property.
- Proposed plot/site plan or survey drawn to scale of subject variancesought.
- Elevation renderings of proposed variance request.
- Aerial map of properties around requested variance property.
- Supporting material, including photos or other exhibits.

Note: Only completed and applicable application submittals will be placed on the Board of Adjustments' agenda

In accordance with the provisions of V.T.C.A., Local Government Code 211.008 et seq. and the City of McKinney's Code of Ordinances, the Board of Adjustment is only authorized to consider request for variances, special exceptions and appeals based on error – SEE ORDINANCE BELOW.

Please note that the decision of the Board of Adjustment is final unless you appeal the Board's decision to a district court, county court, or county court at law in Collin County, Texas, within 10 calendar days after the Board's decision is filed. Texas Local Government Code Section 211.011 requires any party desiring to appeal the Board's decision to a court to submit a verified petition stating that the decision of the Board of Adjustment is illegal in whole or in part and specifying the grounds of the illegality. The Board's decision is deemed filed in the Board's office on the first business day following the Board's decision.

Section 110 Administrative Authority

1. Board of Adjustment

A Board of Adjustment is hereby established in accordance with the provisions of TLGC §211.008 et seq. and shall have the authority and responsibilities outlined in this Code and as prescribed by state law and the City Charter. The Board of Adjustment may also serve as the Sign Board.

a. Powers and Duties of Board

I. Appeals of Administrative Decisions

Appeals of an Administrative Official's zoning decision may be heard by the Board of Adjustment. These appeals may be made by any person aggrieved by the Administrative Official's decision, or by any officer, department, board, or bureau of the City affected by the decision.

II. Reinstate a Legal Nonconforming Use

The Board of Adjustment may reinstate the legal nonconforming status of a use that had been determined to be abandoned, if the Board finds that evidence presented by the property owner is sufficient to demonstrate the lack of abandonment or lack of intent to abandon the use.

III. Subpoena Witnesses

The presiding officer or acting presiding officer shall have the power to compel the attendance of witnesses, administer oaths, and may require the production of documents, under this Code and such rules as the board may establish.

IV. Appeals Based on Error

The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by an Administrative Official in the enforcement of this Code.

V. Special Exceptions

The Board shall have the power to hear and decide Special Exceptions in accordance with §203G.2, *Special Exception*.

VI. Variances

The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Code in accordance with §203G.3, *Variance*.

VII. Changes

The Board shall have no authority to change any provisions of this Code. The Board may not change the zoning district designation of any land either to a more restrictive or less restrictive zoning district and may not approve or authorize a specific use permit or any use in a zoning district where such use is not otherwise allowed.

VIII. Amortization of Nonconforming Land Uses

The Board shall have the authority to establish a compliance date for nonconforming uses at the request of the City Council in accordance with §201C.8, *Amortization of Legal Nonconforming Uses*.

Section 203 F Appeal Procedures

2. Administrative Appeal

Decisions made by an Administrative Official of the City in the administration of this Code may be appealed to the Board of Adjustment. The Director of Engineering's application and enforcement of the Engineering Design Manual may not be appealed.

a. Applicability

Appeals of an Administrative Official's decision may be taken to the Board of Adjustment for review and decision.

- I. An appeal of an Administrative Official's determination that is not related to a specific application, address, or project may be filed by a person aggrieved by the decision, or any officer, department, board, or bureau of the City affected by the decision.
- II. An appeal of an Administrative Official's determination that is related to a specific application, address, or project may be filed by the person who filed the application that is the subject of the decision, the owner or representative of the owner of the property that is the subject of the decision, or any person aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision, or by any officer, department, board, or bureau of the City affected by the decision. The Board in exercising its authority shall have the same authority as the Administrative Official and department from whose decision the appeal is taken. The Board may reverse or affirm in whole or in part, or may modify the order, requirement, decision, or determination from which the appeal is taken.

b. Submittal Requirements

Board of Adjustment application, specifying the grounds for the appeal.

c. Public Hearing and Notice Required

The appeal shall be scheduled for a public hearing before the Board of Adjustment. Mailed notice shall be provided to property owners within a 200-foot radius of the subject property and due notice shall be provided to the parties in interest.

d. Procedure

Appeals of administrative decisions shall be considered in accordance with the following procedure, and Texas Local Government Code §211.009 and §211.010.

- I. Within 20 days of the original decision that the appellant wishes to appeal, the appellant must file an application with the City specifying the grounds for the appeal. The application shall be filed with the Board and the Administrative Official from whom the appeal is taken.
- II. On receiving notice of the appeal, the Administrative Official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record of the action that is being appealed.
- III. An appeal stays all proceedings, construction activities of any kind, and any and all other work in furtherance of the action that is appealed. If the appeal is taken from an Administrative Official's decision, the Administrative Official may certify in writing to the Board facts supporting the Administrative Official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the Administrative Official, if due cause is shown by the appellant.
- IV. A party may appear at the appeal hearing in person or by agent or attorney. The Administrative Official and the appellant may each provide a legal brief to the Board in support of their respective argument(s). If a brief is first provided at the hearing, the Board may recess to review the brief before conducting the hearing.
- V. The Board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.
- VI. The concurring vote of seventy-five percent (75%) or more of the members of the Board of Adjustment is necessary to reverse an order, requirement, decision, or determination of an Administrative Official. Any appeal not approved by the concurring vote of seventy-five percent (75%) or more of the members of the Board of Adjustment shall be considered denied.

e. Approval Criteria

The Board of Adjustment shall base their decision on the specific standards and approval criteria applicable to the original decision being appealed.

f. Appeals

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the state courts of Collin County, Texas in accordance with state law.

- I. The concurring vote of seventy-five percent (75%) or more of the members of the Board of Adjustment is necessary to reverse an order, requirement, decision, or determination of an Administrative Official. Any appeal not approved by the concurring vote of seventy-five percent (75%) or more of the members of the Board of Adjustment shall be considered denied.

g. Approval Criteria

The Board of Adjustment shall base their decision on the specific standards and approval criteria applicable to the original decision being appealed.

h. Appeals

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the state courts of Collin County, Texas in accordance with state law.

Section 203 G Flexibility and Relief Procedures

Special Exception

Through the Special Exception procedure, the Board of Adjustment may evaluate certain adjustments and modifications to the standards in this Code based on necessity or unusual circumstances.

Applicability

Special Exceptions may be used to:

- I. Permit a public utility or public service building or structure in any district, or a public utility or public service building of a ground area and of a height otherwise in conflict with the standards provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare;
- II. Permit the extension of a use, height, and/or area regulation into an adjoining zoning district, where the boundary line of the zoning district divides a lot in a single ownership on the effective date of the ordinance from which this section is derived;
- III. Permit the reconstruction of a legal nonconforming building that has been damaged by explosion, fire, the elements, the public enemy, or any other cause, to the extent of more than 50 percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly;
- IV. Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Comprehensive Plan and present no conflict or nuisance to adjacent properties; and
- V. A Special Exception may also be granted for certain fences or portions of a fence that meet all of the requirements set out in Article 7: Fences. A hardship for fences may be found regardless of when the unusual condition was created.

Exceptions

The Special Exception procedure may not be used to award special privilege or convenience to an applicant.

Submittal Requirements

Applications shall be submitted, accepted, and revised, and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following:

- VI. Board of Adjustment application, including the written authorization from the owner of the property on which the Special Exception is sought;
- VII. Existing plot/Site Plan or survey drawn to scale of the subject property;
- VIII. Proposed plot/Site Plan or survey drawn to scale of proposed project for which Special Exception is sought;
- IX. Elevation renderings of proposed Special Exception request; and
- X. Aerial map of properties adjacent to the subject property.

Public Hearing and Notice Required

The Special Exception application shall be scheduled for a public hearing before the Board of Adjustment to take action and notice shall be provided in accordance with §203A.4, Public Notice. The following notice type(s) are required for Special Exceptions:

- XI. Mailed Notice; and
- XII. Published Notice.

Approval Procedure

XIII. Board of Adjustment Action

- a. The Board of Adjustment shall review and approve or disapprove the Special Exception in accordance with the approval criteria in subsection f. of this section.
- b. A concurring vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be required to approve a Special Exception request. Any request for a Special Exception that is not approved by affirmative vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be considered denied.
- c. The Board of Adjustment shall decide the request no later than the 60th day after the public hearing at which the Board heard the request.
- d. The Building Official shall provide a written notification of the Board of Adjustment's decision to the applicant.

Approval Criteria

The Board of Adjustment may approve a Special Exception if they find the request:

- XIV. Is not contrary to the public interest or otherwise injurious to adjacent property owners;
- XV. Is the minimum modification necessary to gain the relief requested; and
- XVI. Is not solely for the purpose of mitigating a financial hardship.

Appeals

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the state courts of Collin County, Texas in accordance with state law.

Expiration

If the property owner has not shown progress toward completion associated with the required permits to carry out the approved Special Exception within two years of approval, the Special Exception shall automatically expire.

Variance

A Variance may be approved by the Board of Adjustment to provide relief from the strict application of the zoning provisions of this Code where literal enforcement of the requirements of this Code will result in unnecessary hardship and where the Variance is necessary to develop a parcel of land that cannot otherwise be developed due to unique conditions on the property.

Applicability

The Variance procedure may be used to:

- XVII. Permit a Variance to requirements of any district where there are unusual and practical difficulties or unnecessary hardships due to an irregular shape of the lot or topographical or other conditions; and
- XVIII. Authorize Variances from the strict application of this Code that are in harmony with its general purpose and intent, provided such Variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty, while at the same time, the surrounding properties will be properly protected.

Submittal Requirements

Applications shall be submitted, accepted, and revised, and may be withdrawn in accordance with §203A, *Standard Procedures*, and shall include the following:

- XIX. Board of Adjustment application, including the written authorization from the owner of the property on which the Variance is sought;
- XX. Existing plot/Site Plan or survey drawn to scale of the subject property;
- XXI. Proposed plot/Site Plan or survey drawn to scale of proposed project for which Special Exception is sought;
- XXII. Aerial map of properties adjacent to the subject property; and
- XXIII. Any other supporting documentation.

Public Hearing and Notice Required

The Variance application shall be scheduled for a public hearing before the Board of Adjustment to take action and notice shall be provided in accordance with §203A.4, Public Notice. The following notice type(s) are required for Variance requests:

- XXIV. Mailed Notice; and
- XXV. Published Notice.

Approval Procedure

This procedure is established to comply with TLGC, §§211.008 and 211.009.

- XXVI. The Board of Adjustment shall review and approve or disapprove the Variance in accordance with the approval criteria in subsection d. of this section.
- XXVII. A concurring vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be required to approve a Variance request. Any request for a Variance that is not approved by affirmative vote of seventy-five percent (75%) or more members of the Board of Adjustment shall be considered denied.
- XXVIII. The Board of Adjustment shall decide the request no later than the 60th day after the public hearing at which the Board heard the request.
- XXIX. The Building Official shall provide a written notification of the Board of Adjustment's decision to the applicant.

Approval Criteria

The Board of Adjustment may approve a Variance from the requirements of the Zoning regulations of this Code where such request:

- XXIII. Is not contrary to the public interest;
- XXIV. Is the minimum Variance necessary to gain the relief requested;
- XXV. Is not solely for the purpose of mitigating a financial hardship;
- XXVI. Is not the direct result from actions by the property owner; and
- XXVII. Due to special conditions, a literal enforcement of the Code would result in unnecessary hardship, and so that the spirit of the Code is observed and substantial justice is done.
- XXVIII. When the Variance requested involves an existing structure the Board of Adjustment may also consider the following criteria as grounds to determine where compliance with the Zoning Regulations of this Code would result in unnecessary hardship:
 - a. The financial cost of compliance is greater than fifty percent of the appraised value of the structure as shown on the most recent tax roll accepted by the City;
 - b. Compliance would result in a loss to the lot on which the structure is located of at least twenty-five percent of the area on which development may physically occur;
 - c. Compliance would result in the structure not being in compliance with a requirement of the McKinney Code;
 - d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - e. The City will consider the structure to be nonconforming.

Approval Non-Transferable

An approved Variance shall only apply to the property or structure associated with the Variance and shall not be transferable to any other property or structure.

Appeals

The decision of the Board of Adjustment shall be final. Any further appeals shall be made to the courts of Collin County, Texas in accordance with state law.

Expiration

If the property owner has not shown progress toward completion associated with the required permits to carry out the approved Variance within two years of the Variance approval, the Variance shall automatically expire.

2026-2027 BOA PUBLIC MEETING

Board of Adjustment Application Submittal Deadline	Board of Adjustment Meeting City Hall, Council Chambers (Unless otherwise stated on posted agenda)
Due by 12:00 Noon	5:00PM
09/21/2026	10/21/2026
10/05/2026	11/04/2026
10/19/2026	11/18/2026
11/02/2026	12/02/2026
11/16/2026	12/16/2026
12/07/2026	01/06/2027
12/21/2026	01/20/2027
01/04/2027	02/03/2027
01/18/2027	02/17/2027
02/03/2027	03/03/2027
02/17/2027	03/17/2027
03/08/2027	04/07/2027
03/22/2027	04/21/2027
04/05/2027	05/05/2027
04/26/2027	05/19/2027
05/10/2027	06/02/2027
05/24/2027	06/16/2027
06/07/2027	07/07/2027
06/21/2027	07/21/2027
07/05/2027	08/04/2027
07/18/2027	08/18/2027
08/02/2027	09/01/2027
08/16/2027	09/15/2027
09/06/2027	10/06/2027

PLEASE NOTE: LOCATION, DATE AND TIME ARE SUBJECT TO CHANGE.
Always check the posted agenda for the correct date, location and time.

This publication can be made available upon request in alternative format, such as, Braille, large print, audio tape or computer disk. Request 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.

Building Inspections Department

401 East Virginia St | McKinney, Texas 75069 | Tel: 972-547-7400 | Fax: 972-547-2605

www.mckinneytexas.org

Updated: 08/25/2025



BOARD OF ADJUSTMENT APPLICATION

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

☐ APPEAL

☐ SPECIAL EXCEPTION

☐ VARIANCE

TODAY'S DATE: _____

CONTACT INFORMATION

PROPERTY LOCATION (Street Address):

Subdivision: _____ Lot: _____ Block: _____

Property Owner: _____
(Name) (Address) (City, State, & Zip Code)

(Email) (Phone)

Property Owner is giving _____ authority to represent him/her at meeting.
(Applicant Name)

Property Owner Printed Name: _____ Property Owner Signature: _____

Applicant: _____
(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			
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 -

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)

Applicant's Signature

STATE OF TEXAS

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20_____

Notary Public

(seal)

My Commission expires: _____

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: \$150.00 (non-refundable)

Received by: _____

Signature: _____

Date: _____