

HESSE, HESSE & BLYTHE PC
5560 Tennyson Parkway
Suite 250
Plano, Texas 75024
www.hesselaw.com
(972) 503-9800



J. Marc Hesse
Michael D. Hesse
Adam A. Blythe
Jordan R. Hesse
Rebecca J. Halliday
Mason E. Hesse

August 3, 2021

Via E-mail To: rerskine@plano.gov

Mr. Russell P. Erskine, P.E., CFM
Senior Engineer
1520 K Avenue, 2nd Floor
Suite 250
Plano, Texas 75074

Re: Request for Variance of City of Plano, Texas ("City") Ordinance requiring a finish floor elevation of two feet above the 100-year water surface elevation for a single-family home located at 3425 Ranchero Road, Plano, Texas

Dear Mr. Erskine:

Please allow this letter to serve as a Request for a Variance from your City Code of Ordinances on behalf of Starside Custom Builders, LLC ("Starside"). Starside has previously submitted plans for the construction of a single-family residence located at 3425 Ranchero Road, Plano, Texas. The building permit plans were submitted to the City on March 5, 2021, and an application for a Letter of Map Revision ("LOMR") was submitted to the City on March 2, 2021. Per City requirements, the LOMR was approved by the City on April 14, 2021 and forwarded to FEMA for approval. A building permit was issued by the City to Starside on May 12, 2021.

All parties have subsequently discovered and agreed that the current plans are not in compliance with the City's building ordinances. Specifically, Section 16-176(3) of the City Code of Ordinances. That section requires:

a . A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b . The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. "

This variance request is based on the understanding that the LOMR, once approved by FEMA, will revise the floodplain line so the Ordinance provisions above will no longer apply to this structure. The proposed home will be placed on a 4.49-acre platted lot. Based on Section 16-173(b) of the City Code of Ordinances, if the variance is approved, the home construction will not

Mr. Russell P. Erskine
August 3, 2021
Page 2

increase flood levels during base flood discharge, will not create additional threats to public safety, will not cause extraordinary public expense, create a nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinance.

Without this variance, the construction of this house would be on hold indefinitely. The LOMR has been submitted, but the timing of final approval from FEMA is unknown. This creates a hardship for Starside and the owner of the home due to the cost incurred during this down time.

In addition to this variance request, Starside is fully prepared to assume the risk of the construction of the home once the variance is granted and all construction on the home will be performed at Starside's risk and cost.

If you have any questions or comments regarding this matter, please feel free to contact the undersigned.

Sincerely yours,

HESSE & HESSE, PC

By: _____

J. Marc Hesse
jmh@hesselaw.com

JMH:sjr

cc: Mr. Marc Powell Via E-mail To: marc@starsidebuilders.com
STARSIDE CUSTON BUILDERS

Ms. Michelle D'Andrea Via E-mail To: michelled@plano.gov
CITY OF PLANO – DEPUTY CITY ATTORNEY

Mr. Casey Ross, P.E., CFM Via E-mail To: Casey.Ross@kimley-horn.com
KIMLEY-HORN & ASSOCIATES, INC.