

AGENDA ITEM 16-10

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Jered Custom Homes for a Variance to both of the Minimum Side Yard Setbacks for the Property Located at 514 W. Davis Street

MEETING DATE: May 25, 2016

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: RD30

EXISTING CONDITIONS: Undersized lot. There is an existing garage on the property which will be moved off the lot.

VARIANCES REQUESTED:

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
7' Side Yard Setback	3' for each side	4' for each side

APPLICANT'S BASIS FOR VARIANCE:

Applicant wishes to build a single family residence. The already narrow lot reduces in width about midway.

PUBLIC SUPPORT/OPPOSITION FOR 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 done. The Zoning Ordinance provides additional requirement for "yard variances" and "building or structure variances" that must also be met by an applicant seeking a variance in addition to the requirements set out hereinabove.

In addition to the general requirements set forth above the following requirements must also be met for a variance of the type identified below:

Yard Requirements The Board has the authority to 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.

SUPPORTING MATERIALS:

Variance Application
Property Locator Map

Action: APPROVED DENIED TABLED

RD 30



**CITY OF MCKINNEY
BOARD OF ADJUSTMENT APPLICATION**

Type of Request:

Variance Special Exception Appeal

FILING FEE \$50.00

RECEIPT DATE 5/3

Property Location:
 514 W. DAVIS McKinney TX 75069
Address City State Zip
 513d + 514b _____ McKinney Outlots
Lot Number Block Subdivision Name

Owner's Information:
 MGO LLC By Robert O'Donnell 214-632-6048
Owner's Name Phone Number
 2305 S. Custer Rd Apt 1304 McKinney TX 75002
Address City State Zip
 Owner is giving Jered Custom Homes authority to represent him/her at the meeting.
Applicant's Name
 Robert O'Donnell _____
Owner's Printed Name Owner's Signature

Applicant's Information:
 Jered Custom Homes / Ed Baughtin 469-231-3331
Name Company Name Phone Number
 8803 Merlin Ct. McKinney TX 75002
Address City State Zip

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No. F-1

Please list the type of variance(s) requested:

	Ordinance Requirements	Requested Dimensions	Variance From Ordinance
Lot Size	(1)		
Lot Width	50'		
Lot Depth	100'		
Side Yard	7'	3'	4'
Side Yard	7'	3'	4'
Side @ Corner	15		
Front Yard	25	20'	5'
Rear Yard	25	15'	10'
Driveway			
Other			

*Not applicable in ETJ



In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial or self-created.

1. The request variance is in harmony with the general purposed and intent of the ordinance, as amended, and continues to protect surrounding properties from any negative impacts because:

making the adjustments in the setbacks for this lot will not affect or have any negative impacts to neighboring lots.

2. The special or unique condition(s) of restricted area, shape, topography or physical features that exist on the subject parcel of land, which are not applicable to other parcels of land in the same zoning district, and which cause unusual and practical difficulty or unnecessary hardship in compliance with the provisions sought here to be varied are:

This lot narrows to 47.75' midway even less which creates a hardship.

3. The hardship sought to be avoided is NOT the result of (a) the applicant's own actions (self-imposed or self-created) and (b) economic or financial hardship because:

NO we did not alter the lot dimensions to cause a hardship.

4. The provisions of the ordinance, and its amendments, that are sought to be varied deprive the applicant of the following rights to use his property that are commonly enjoyed by other properties in the same zoning district which comply with these ordinance provisions:

The lot narrows to less than 50' behind the front building - other properties in the area are not compliant with RD30 setbacks most likely they are grandfathered in due to age

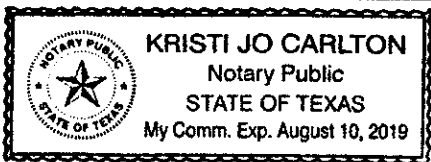
Items Submitted: Completed application and fee Plot/Site Plan or Survey drawn to scale

I hereby certify that the above statements are true and correct to the best of my knowledge.

[Signature] Applicant's Signature

STATE OF TEXAS
COUNTY OF Collin

Subscribed and sworn to before me this 3 day of May, 2016

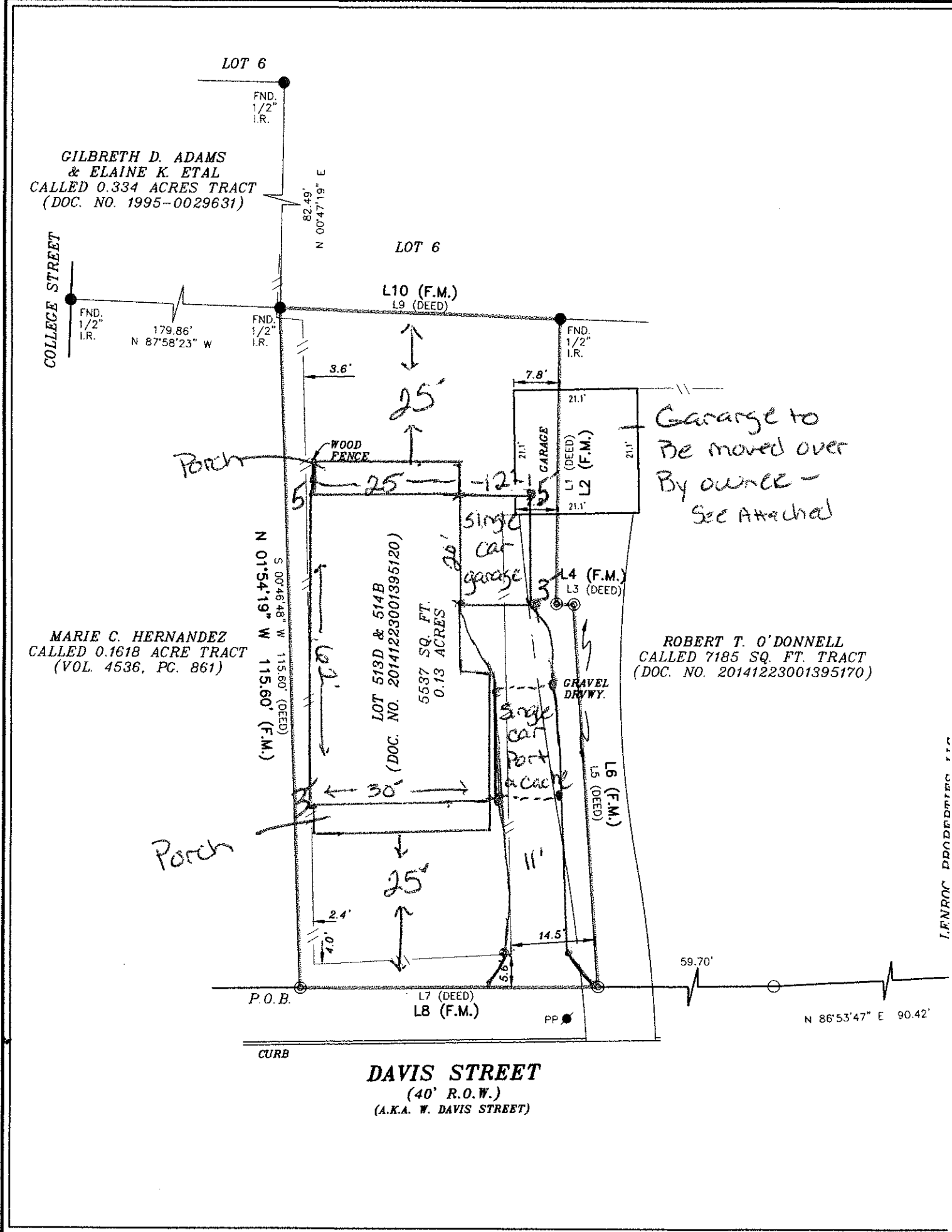


(seal)

[Signature] Notary Public

My Commission expires: Aug 10, 2019

*Not applicable in ETJ



MGO LLC
P.O. Box 2100
McKinney Texas 75070

05/05/2016

To whom it may concern:

It is our intent to cure the encroachment on the eastern property line of 514 West Davis Street.

We intend to move or remove the structure causing the encroachment.

Sincerely

A handwritten signature in black ink, appearing to read "Robert O'Donnell", written over the word "Sincerely".

Robert O'Donnell

Managing member MGO LLC