

..Title

Conduct a Public Hearing to Consider/Discuss/Act on the Request by owners Kelly and Kathleen Taylor for the consideration of a variance to the zoning ordinance accessory use requirements, to allow the existing swimming pool structure to remain as an accessory use without a main use for a period of 12 months from the date of the proposed amended plat, being a part of a proposed amended plat for Property Located at **1203 Bonner Street, Lot 1, Block 2, being a re-plat of G.W. Fox Addition, McKinney, Texas.**

AND

..Summary

BOARD OF ADJUSTMENT CASE NUMBER: 19-06

MEETING DATE: May 15, 2019

DEPARTMENT: Development Services - Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

RECOMMENDED BOARD ACTION: Consider this variance request based on the conditions created by a proposed amending plat and the owners request statement on the application.

ITEM SUMMARY: The applicant/owner submitted a proposed amended plat to the Planning Department for purposes of increasing the lot size for 1203 Bonner Street (Lot 1) for planned future development with a new single family home. This proposed change of lot line on the north end of 1106 Tucker (Lot 2) removed the existing pool from 1106 Tucker to 1203 Bonner. The proposed amended plat cannot be approved by the Planning Department unless a variance allowing the accessory use of a swimming pool, without a main use, is approved by the BOA.

ZONING: RS-60 – Single Family Residential

EXISTING CONDITIONS: The existing re-plat of record and the proposed amended plat are shown on the attached 2 location exhibits.

VARIANCE REQUESTED:

Zoning ORDINANCE REQUIREMENTS	REQUESTED Use	VARIANCE
Accessory use is subordinate to Main Use and Swimming pool is an Accessory Use	Accessory use of a swimming pool without Main use	12 months for accessory use

APPLICANT’S BASIS FOR VARIANCE: See description on the application.

PUBLIC SUPPORT/OPPOSITION OF REQUEST:

To date, no letters of support and no letters of opposition have been submitted.

BOARD AUTHORITY:

Variations. 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 the accessory use created by a proposed amended plat for a 12 month period from the approval of the amended plat by the city.

SUPPORTING MATERIALS:

- Board of Adjustment Application
- Request for Variance description by Owner/Rep
- Zoning Requirements
- Location exhibits

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