

**..Title**

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Israel Cardena, representing the Owner Osiel Salinas, for the consideration of an 8' (foot) variance to the rear yard required setback of 25' (feet) for the proposed new structure/house for Property Located at **412 Kincaide Street, W.J.S. Russell's First Addition, Block 16, Lot 33C, McKinney, Texas.**

AND

..Summary

**BOARD OF ADJUSTMENT CASE NUMBER:** 19-06

**MEETING DATE:** March 13, 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 legal non-conforming lot and the owners request statement on the application.

**ITEM SUMMARY:** The applicant is seeking to build a new structure/house on this lot of record and seeks a rear lot variance due to the existing non-conforming 79.3' (foot) depth of the lot.

**ZONING:** RS-60 – Single Family Residence district

**EXISTING CONDITIONS:** The lot is vacant and does not conform to the 100' (foot) required depth of a lot in this zoning district. This lot backs up to the rear yard of the structure/house on 913 E. Standifer Street.

**VARIANCE REQUESTED:**

Zoning ORDINANCE REQUIREMENTS	REQUESTED Setback	VARIANCE
Rear Yard required setback of 25'	17' setback	8'

**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:**

***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 the setback variance based on the non-conforming lot depth of this lot of record. The Board should consider any input received from the owners of the home at 913 E Standifer Street since the request is for a rear yard setback reduction.

**SUPPORTING MATERIALS:**

- Board of Adjustment Application
- Zoning Requirements
- Location exhibits
- Property Survey
- Proposed Site Plan

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<b>ACTION:</b>	<b>Approved</b>	<b>Denied</b>	<b>Tabled</b>
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