



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 17-12BOA      **Name:** 17-12 2651 Orchid Drive  
**Type:** Agenda Item      **Status:** Approved  
**In control:** Board of Adjustment  
**On agenda:** 9/27/2017      **Final action:** 9/27/2017  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Travis Hill for a 11' Variance from the Minimum Rear Setback of 15' to Build an Attached Open Patio for the Property Located at 2651 Orchid Drive, McKinney, Texas

**Indexes:**

**Attachments:** 1. 17-12 BOA Application, 2. 17-12 Zoning Requirements, 3. 17-12 Location Map

Date	Ver.	Action By	Action	Result
9/27/2017	1	Board of Adjustment	Approved	Pass
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Conduct a Public Hearing to Consider/Discuss/Act on the Request by Travis Hill for a 11' Variance from the Minimum Rear Setback of 15' to Build an Attached Open Patio for the Property Located at 2651 Orchid Drive, McKinney, Texas

**CASE NUMBER:** 17-12  
**MEETING DATE:** September 27, 2017  
**DEPARTMENT:** Development Services-Building Inspections  
**CONTACT:** Rick Herzberger, Chief Building Official

**RECOMMEND BOARD ACTION:** Consider request

**ITEM SUMMARY:**

**ZONING:** PD - Single Family/Medium Density District

**EXISTING CONDITIONS:**

- The lot is an isolated lot surrounded by two common areas, one street and one access easement. The PD zoning does not require a minimum lot depth as long as the setbacks are met.

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
15' Rear Yard Setback	4'	11'

**APPLICANT'S BASIS FOR VARIANCE:**

- The applicant has submitted a statement on the application regarding his request for seeking the 11' variance - please consider this statement in making your decision to approve a reduction in the rear setback requirement.

**PUBLIC SUPPORT/OPPOSITION OREQUEST:**

- 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, as stated below:
- 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 validated and the Board has the authority to consider this variance. The attached open patio will still meet the Building Code setback for fire protection (3' minimum).