



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

**File #:** 18-685      **Name:** Application 1405 W Virginia St  
**Type:** Agenda Item      **Status:** Approved  
**In control:** Board of Adjustment  
**On agenda:** 9/19/2018      **Final action:** 9/19/2018  
**Title:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Thomas A. Bird for the Consideration of a 7 Foot Rear Yard Accessory Building Variance to the Zoning Ordinance for Property Located at 1405 W. Virginia Street, Waddill Addition (CMC), Block 3 Lot 1E, McKinney, Texas

**Indexes:**

**Attachments:** 1. Application 1405 W Virginia St

Date	Ver.	Action By	Action	Result
9/19/2018	1	Board of Adjustment	Close the public hearing	Pass
9/19/2018	1	Board of Adjustment	Approved	Pass
9/19/2018	1	Board of Adjustment	Approved	Pass

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Thomas A. Bird for the Consideration of a 7 Foot Rear Yard Accessory Building Variance to the Zoning Ordinance for Property Located at **1405 W. Virginia Street, Waddill Addition (CMC), Block 3 Lot 1E, McKinney, Texas**

**BOARD OF ADJUSTMENT CASE NUMBER:** 18-16

**MEETING DATE:** September 19, 2018

**DEPARTMENT:** Development Services-Building Inspections

**CONTACT:** Rick Herzberger, Chief Building Official

**RECOMMENDED BOARD ACTION:** Consider request based on the existing non-conforming parking space requirement in the zoning ordinance and the applicants proposal to comply with the parking space requirements in the zoning ordinance.

**ITEM SUMMARY:** The applicant would like to remove the one parking space covered carport and replace with a two parking space covered carport with a 3' rear yard setback to property line as opposed to a zoning ordinance requirement of 10' to property line.

**ZONING:** RS 60 - Single Family Residential

**EXISTING CONDITIONS:** A non-conforming single covered parking space.

**VARIANCE REQUESTED:**

Zoning ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
Rear Yard for accessory building 10'	3'	7'

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

**PUBLIC SUPPORT/OPPOSITION 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 this rear yard variance based on the applicant intent to install 2 covered parking spaces as required by the zoning ordinance and is not contrary to the public interest and general welfare of the adjacent property.