



19-0002

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Osiel Salinas for the Consideration of a 5' (foot) Variance to the Side at Corner Yard Required Setback of 25' (feet), a 5' (foot) Variance to the Required Front Yard Setback of 25' (feet) and a 10' (foot) Variance to the Required Rear Yard Setback of 25' (feet) for Property Located at **1109 Moore Street, Lot 8, Block 1 the McCarty Moore Addition, McKinney, Texas.**

BOARD OF ADJUSTMENT CASE NUMBER: 01-19

MEETING DATE: January 16, 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 for this property intends to demolish the substandard house and build a new house. The existing non-conforming double frontage lot prevents the construction of the house the owner desires to build.

ZONING: RS-60 - Single Family Residential

EXISTING CONDITIONS: Survey shows the existing house to be demolished and the site plan shows the proposed new house.

VARIANCE REQUESTED:

Zoning ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE

Side at Corner (double frontage) - 25' feet	20' setback	5'
Front Yard - 25'	20' setback	5'
Rear Yard - 25'	15' setback	10'

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 these setback variances based on the conditions created by a non-conforming lot.

SUPPORTING MATERIALS:

[BOA Application - 1109 Moore Street](#)