



18-985

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Eric Havemann for the Consideration of a 20 foot variance to allow a 5 foot, side at corner setback, to the Zoning Ordinance requirement of a 25 foot, side at corner setback, for Property Located at **513 W Louisiana Street, Lot 1, Block A of the Victorian Place Addition, McKinney, Texas.**

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

**MEETING DATE:** November 14, 2018

**DEPARTMENT:** Development Services - Building Inspections

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

**RECOMMENDED BOARD ACTION:** Consider request based on the hardships described by the applicant and related to the configuration of the existing home with limited space to locate a carport for side entry.

**ITEM SUMMARY:** The applicant would like to remove the one covered canopy type carport and replace with a fixed covered carport matching the Victorian style of the home with a 5' side at corner yard setback to property line as opposed to a zoning ordinance requirement of 25' to property line.

**ZONING:** RD 30 - Single Family Residential

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

**VARIANCE REQUESTED:**

Zoning ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
Side at Corner of 25' setback	5' setback	20'

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

**PUBLIC SUPPORT/OPPOSITION OR 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 this side at corner yard variance based on the applicant intent to replace and improve a carport and is not contrary to the public interest and general welfare of the adjacent property.

**SUPPORTING MATERIALS:**

- Board of Adjustment Application
- Historic Preservation Officer Statement
- Letter from the applicant
- Zoning Requirements
- Location exhibits
- Survey, Site Plan and Photos.

**SUPPORTING MATERIALS:**

[513 W Louisiana St - BOA application](#)