



18-1036

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Thad Halsey (representing owner Julia Evans) for the Consideration of a .3' (foot) variance to allow a 4.7' foot, side setback, to the Zoning Ordinance requirement of a 5' foot, side setback, for Property Located at **904 N. Throckmorton Street, Lot 2R Block 2, Habitat No. 2 Addition, McKinney, Texas.**

**BOARD OF ADJUSTMENT CASE NUMBER:** 18-20

**MEETING DATE:** December 12, 2018

**DEPARTMENT:** Development Services - Building Inspections

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

**RECOMMENDED BOARD ACTION:** Consider this variance request based on the conditions created by the amended plat.

**ITEM SUMMARY:** The applicant for this property entered into an agreement with the adjoining property owner (Lot 1R) for relocation of lot lines after the city abandonment of the alley located between Lot 2 and Lot 3 (original plat). This agreement allowed each owner to have setback spacing as close to zoning ordinance compliance as possible, given existing lot configurations.

**ZONING:** RG-18 allowing RS-60 zoning regulations - Single Family Residential

**EXISTING CONDITIONS:** Amended Plat showing location of structures.

**VARIANCE REQUESTED:**

Zoning ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
Side setback - 5' feet	4.7' setback	.3' feet

**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 yard setback variance based on the conditions created by the amended plat.

**SUPPORTING MATERIALS:**

[BOA APPLICATION - 904 THROCKMORTON STREET](#)