



19-0071

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Brian E. Lingle, representing the owner Salvador Sifuentes, for the consideration of a 10' (foot) variance to the side at corner yard required setback of 25' (feet) for the proposed new structure/house, a 6' (foot) variance to the side at corner yard setback of 25' (feet) for the proposed remodel and or addition of the detached garage and a 116 SF (square feet) variance to the detached garage maximum size of 500 SF (square feet), for Property Located at **708 First Avenue, College (CMC) Addition, Block 5, Lot 1B, McKinney, Texas.**

BOARD OF ADJUSTMENT CASE NUMBER: 02-19

MEETING DATE: January 30, 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 partial legal non-conforming lot and the owners request statement on the application.

ITEM SUMMARY: The applicant for this property is under a Building Standards Commission Order to demolish the existing substandard house and wood framed garage and either upgrade or demolish the existing two-story structure. All 3 structures on the lot are non-conforming in relation to location on the lot and meeting the required zoning setbacks. The owner intends to demolish the substandard house and build a new house and remodel the two story structure and seek variances as shown below.

ZONING: RS-60 - Single Family Residential

EXISTING CONDITIONS: The three (3) submitted survey site plans show existing site plan, proposed demolition site plan and proposed new survey site plan with variance requests.

VARIANCE REQUESTED:

Zoning ORDINANCE REQUIREMENTS	REQUESTED Setback	VARIANCE
Side at Corner (double frontage) New - 25'	15' setback	10'
Detached Garage (double frontage) Existing - 25'	19' setback	6'
Detached Garage maximum size Existing - 500 S.F.	616 S.F.	116 S.F.

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:

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 these setback variances based on -

1. The conditions created by a partial non-conforming lot (width on double frontage lots are currently being platted with 65' feet width to accommodate the double 25' setback) - current lot is 55' feet wide.
2. The owner is reducing the non-conformity for the new structure/house and converting the 2 story structure into a 2 vehicle garage and relocating the entry to this garage from First Avenue to Bradley Street.

SUPPORTING MATERIALS:

[BOA Application - 708 1st Avenue](#)

[BOA Building Official Statement- 708 1st Avenue](#)