



19-0594

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on the Request by owner Tessa Tyler for the consideration of a variance to the zoning ordinance accessory dwelling allowed maximum size requirement of 600 square feet to allow an accessory dwelling of 1146 square feet, located at **1204 West Josephine Street, Blk. A, Lot 1 of the T.M. Tyler Tract Addition, McKinney, Texas.**

BOARD OF ADJUSTMENT CASE NUMBER: 19-11

MEETING DATE: July 31, 2019

DEPARTMENT: Development Services - Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

RECOMMENDED BOARD ACTION: Consider this variance request based on the applicants variance request statement.

ITEM SUMMARY: The applicant/owner desires to increase the total size of the permitted 600 square feet size of the accessory dwelling to 1146 square feet - please see her letter.

ZONING: Single Family Residential - RS-60 Zoning District

EXISTING CONDITIONS: The existing survey shows the location of the main house and the accessory dwelling under construction.

VARIANCE REQUESTED:

ZONING ORDINANCE REQUIREMENTS	REQUESTED SIZE	VARIANCE
Accessory Dwelling Maximum Size - 600 sf	1146 SF	546 SF

APPLICANT'S BASIS FOR VARIANCE: See description on the attached referenced letter.

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 the variance and appeal due to the applicants request to consider unusual and practical difficulties or particular hardship or any other condition determined by the Board.

SUPPORTING MATERIALS:

[BOA Building Official Statement - 1204 W Josephine Street](#)
[BOA Application - 1204 W Josephine Street](#)