



19-0839

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on the Request by owner Lawrence Wood for the consideration of a variance to the zoning ordinance accessory building, detached garage allowed maximum size requirement of 500 square feet to allow an accessory building, detached garage size of 1008 square feet, located at **1290 Old Mill Road, ABS A0287 F.T. Daffau Survey Tract 48, 2.12 Acres, McKinney, Texas.**

BOARD OF ADJUSTMENT CASE NUMBER: 19-12

MEETING DATE: October 16, 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 allowed 500 square feet size of the accessory building, detached garage to 1008 square feet. The applicant will describe hardships or reasons for variance at the public hearing.

ZONING: Agriculture "AG"

EXISTING CONDITIONS: The existing survey shows the location of the main house and the proposed accessory building, detached garage. The lot is nonconforming as the "AG" zoning requires 10 acres and the lot is 2.12 acres. The accessory building, detached garage has no access from the public street and will be used for tool and equipment storage.

VARIANCE REQUESTED:

ZONING ORDINANCE REQUIREMENTS	REQUESTED SIZE	VARIANCE
Accessory Building / Detached Garage Maximum Size - 500 sf	1008 SF	508 SF

APPLICANT'S BASIS FOR VARIANCE: The applicant will describe hardships or reasons for variance at the public hearing.

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 - 1290 Old Mill Road](#)

[BOA Application - 1290 Old Mill Road](#)