



**20-01BOA**

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on the Appeal of the Building Officials Decision by Teresa Orahod, Representing the Owner Kelly Brown, for the Consideration of a Variance to the Zoning Ordinance Side at Corner Setback Requirement of 15' Feet to Allow a Side at Corner Setback of 7'6" for the Construction of an Open Accessory Structure, Located at **4902 Jamestown Lane, Lot 10 of Block B of the Virginia Woods Phase 2, an Addition to the City of McKinney, Texas**

**BOARD OF ADJUSTMENT CASE NUMBER:** 20-01

**MEETING DATE:** February 12, 2020

**DEPARTMENT:** Development Services - Building Inspections

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

**RECOMMENDED BOARD ACTION:** Consider this appeal request and determine if the Building Official made the correct determination in not approving the variance request to be heard by the Board of Adjustment.

**ITEM SUMMARY:** The applicant/owner desires to construct an open accessory structure in the rear yard and locate the structure within the required side at corner setback of 15' feet. The Building Official determined that the applicant/owner can locate the structure in the rear yard and meet the required 15' side at corner setback. The applicant/owner feels like they can present conditions that qualify under the variance requirements in the zoning ordinance.

**ZONING:** PD - Planned Development Ordinance 1993-06-015 SF-2 setback regulations.

**EXISTING CONDITIONS:** This is a conforming lot and the rear yard has space to locate the structure within the required setback.

**VARIANCE REQUESTED:**

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ZONING ORDINANCE REQUIREMENTS	REQUESTED SETBACK	VARIANCE
Side Yard at Corner - 15' from property line	7'6" setback	7'6" setback

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

**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 Appeal by the Applicant/Owner

**SUPPORTING MATERIALS:**

- Board of Adjustment Application Appeal
- Request Letter for Appeal

- Building Official Denial of Variance Application.
- Zoning Exhibit
- BOA Map
- Survey Site Plan
- Photo Display

**ACTION:**      **Approved**                      **Denied**                      **Tabled**

**SUPPORTING MATERIALS:**

[BOA Application Appeal](#)  
[Request Letter for Appeal](#)  
[Building Official Denial of Variance Application](#)  
[Zoning Exhibit](#)  
[BOA Map](#)  
[Survey Site Plan](#)  
[Photo Display](#)