



BOA20-08

TITLE: Request by Applicant/Owner, Osiel Salinas, who gives Israel Cardona permission to represent, for the consideration of a 12 feet variance to the zoning ordinance requirement of 20 feet to allow an 8 feet rear setback for a proposed home located at **1209 Gough Street, Lot 16R Block 4 of W.J.S. Russell's Third Addition, an addition to the City of McKinney, Texas**

BOARD OF ADJUSTMENT CASE NUMBER: BOA 20-08

MEETING DATE: November 11, 2020

DEPARTMENT: Development Services - Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

RECOMMENDED BOARD ACTION: Consider this variance request based on the applicant statement on the BOA application and the following information.

ZONING: RS-60 Single Family Residence with the TMN (Traditional McKinney Neighborhood District) overlay to allow for base reduction in setbacks, lot width / depth and lot size regulations.

EXISTING CONDITIONS: This is a non-conforming lot that was recently amended (PLAT2020-0065) to remove two lots of record and establish one lot so the lot could be developed conditioned upon a variance consideration by the Board of Adjustment.

ITEM SUMMARY: The applicant/owner is seeking a rear yard variance to allow a 1600 square foot house to be built on this nonconforming lot. The original lot of record showed 2 lots on the tract that would not allow any house to be built without crossing property lines, which is not allowed by subdivision regulations and the building codes. The owner was advised to amend the plat to create one lot yet due to the lot facing Gough Street, even though the amended plat still showed a lot depth of 54 feet (zoning regulation requires a lot depth of 90 feet). The amended plat and requested rear setback variance of 8 feet is the only possible way to develop this property.

VARIANCE REQUESTED:

ZONING ORDINANCE REQUIREMENTS	REQUESTED SETBACK	VARIANCE
Rear Yard Minimum Setback - 20'	8' setback	12' 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 this Variance Request by the Applicant/Owner. This due to the land locked non-conforming lot condition reflects an unusual and practical difficulty or hardship not caused by the landowner.

SUPPORTING

MATERIALS:

- Board of Adjustment Application
- Site Plan
- Zoning Exhibit
- BOA Locator Map

SUPPORTING MATERIALS:

[BOA 20-08 1209 Gough St - Application](#)

[BOA 20-08 1209 Gough St - Site Plan](#)

[BOA 20-08 1209 Gough St - Zoning Exhibit](#)

[BOA 20-08 1209 Gough St - Locator Map](#)