



# CITY OF MCKINNEY, TEXAS

## Legislation Text

File #: 18-358, Version: 1

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kobey Seale for Consideration of a Special Exception to Waive the Parking and Loading Requirements for 711 N. Tennessee Street, Lot 0480, William Davis Survey A - 248, McKinney, Texas

**BOARD OF ADJUSTMENT CASE NUMBER:** 18-03

**MEETING DATE:** April 25, 2018

**DEPARTMENT:** Development Services-Building Inspections

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

**RECOMMEND BOARD ACTION:** Consider Special Exception request

### ITEM SUMMARY:

**ZONING:** Neighborhood Business District (BN) and Section 146-130 Vehicle Parking

**EXISTING CONDITIONS:** The Building is a vacant and applicant desires to remodel the building and occupy. No Off-street parking exists.

### SPECIAL EXCEPTION REQUESTED:

Section 146-130 Vehicle Parking Regulations	Requested Special Exception	CHANGE FROM ORDINANCE
One parking space for each 400 square feet of building	No Off-street parking	6 spaces to 0 spaces.

### APPLICANT'S BASIS FOR VARIANCE:

SEE ATTACHED LETTER FROM THE APPLICANT

### PUBLIC SUPPORT/OPPOSITION REQUEST:

To date, no letters of support and no letters of opposition have been submitted.

**BOARD AUTHORITY:** *Special exceptions.* The board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the board is required to pass as follows or elsewhere in this chapter:

**BUILDING OFFICIAL STATEMENT:**

The request has been field validated and I agree that the Board has the implied authority to consider this Special Exception based on the character of use of the building or other conditions presented by the applicant, and is not contrary to the public interest and general welfare of the adjacent property.

**Section 146-165 Board of Adjustment**

c. *Special exceptions.* The board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the board is required to pass as follows or elsewhere in this chapter:

1. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties;
2. To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare;
3. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this section is derived;
4. Permit the reconstruction of a nonconforming building, which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly; and
5. Waive or reduce the parking and loading requirements in any of the districts, whenever the character of use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

**Sec. 146-130. Vehicle parking.**

In all zoning districts except the MTC - McKinney Town Center zoning district, off-street parking, also known as on-site parking, shall be provided for each of the uses identified herein-below at the ratios specified herein at the time any building or structure is (a) erected or (b) structurally altered, or at such other time when the use of an existing building is changed, except as otherwise specified by this chapter. Refer to appendix G-2 of the city zoning regulations (chapter 146) for parking requirements specifically applicable to the MTC - McKinney Town Center zoning district.

*(1) Parking requirements.*

Office, (business, professional or research)	1 parking space for each 400 square feet.
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