



# CITY OF MCKINNEY, TEXAS

## Legislation Text

File #: 18-360, Version: 1

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Philip Tucker for the Consideration of Two (2) Variances to the Zoning Ordinance for Property Located at 404 S. Benge Street, Lot 2, Block A, of the Jered Square Addition, McKinney, Texas

**BOARD OF ADJUSTMENT CASE NUMBER:** 18-05

**MEETING DATE:** April 25, 2018

**DEPARTMENT:** Development Services-Building Inspections

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

**RECOMMENDED BOARD ACTION:** Consider request based on the owners stated hardship.

**ITEM SUMMARY:**

**ZONING:** RS 60

**EXISTING CONDITIONS:** An existing house on a conforming lot

**VARIANCE REQUESTED:**

Zoning ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
SIDE YARD - 5'	4'	1'
REAR YARD - 25'	10'	15'

**APPLICANT'S BASIS FOR VARIANCE:** See attached letter and statement on the application

**PUBLIC SUPPORT/OPPOSITION 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 these 2 variances, based on the conditions presented by the applicant, and is not contrary to the public interest and general welfare of the adjacent property.