



# CITY OF MCKINNEY, TEXAS

## Legislation Text

File #: 18-683, Version: 1

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Margaret Hawkins for the Consideration of Three (3) Variances to the Zoning Ordinance for Property Located at **214 Miller Street (formally 1211 N. Gough Street), Lot 016C, Block 4 of the WJS Russell 3<sup>rd</sup> Addition (CMC), McKinney, Texas**

**BOARD OF ADJUSTMENT CASE NUMBER:** 18-14

**MEETING DATE:** September 19, 2018

**DEPARTMENT:** Development Services-Building Inspections

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

**RECOMMENDED BOARD ACTION:** Consider request based on the undersized lot area and/or other conditions as stated in the ordinance.

**ITEM SUMMARY:** The applicant has reviewed all options available to build a home on this non-conforming lot and is seeking variances for the location of the building as shown in attachments.

**ZONING:** RS 60 - Single Family Residential

**EXISTING CONDITIONS:** A non-conforming vacant lot and applicant desires to build a new home on the lot. The applicant / owner changed the lot name to front on Miller Street to maximize the use the non-conforming lot in placing a structure in closest compliance with the zoning regulations.

**VARIANCE REQUESTED:**

Zoning ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
SIDE AT CORNER - 25'	5'	20'
FRONT YARD - 25'	12'	13'
Rear Yard - 25'	5'	20'

**APPLICANT'S BASIS FOR VARIANCE:** See description 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 3 variances, based on the undersized lot and conditions presented by the applicant. The Board will need to determine if the proposed variance request is not contrary to the public interest and general welfare of the adjacent property. The applicant has submitted a block of houses comparison of setbacks.