



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 19-0524, **Version:** 1

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Conduct a Public Hearing to Consider/Discuss/Act on the Request by Owners Alexander and Margaret Maxwell for the Consideration of a Variance to the Zoning Ordinance Rear Yard Setback Requirement of 20' to Allow a Rear Lot Setback of 15' for an Attached Patio Cover located at **3301 Smoke Tree Lane, Lot 6, Block H of the Eldorado Heights Section 111, Phase IV, McKinney, Texas.**

**BOARD OF ADJUSTMENT CASE NUMBER:** 19-08

**MEETING DATE:** June 26, 2019

**DEPARTMENT:** Development Services - Building Inspections

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

**RECOMMENDED BOARD ACTION:** Consider this variance request based on the applicants variance request statement.

**ITEM SUMMARY:** The applicant/owner desires to add an open patio cover to the existing home that was built at an angle consistent to the irregular shape of the lot. In order to accommodate the patio cover size and intent to block the west sun, the patio cover is unable to meet the 20' rear setback required for a main structure. The attached patio cover becomes part of the main structure.

**ZONING:** PD 1998-05-027 - SF2 - Single Family Residential - RS-60 Base Zoning District

**EXISTING CONDITIONS:** The existing survey shows the proposed location of the attached patio cover and this lot does have an irregular shape due to cul-de-sac location

**VARIANCE REQUESTED:**

ZONING ORDINANCE REQUIREMENTS	REQUESTED SETBACK	VARIANCE
Rear Yard Setback - 20' setback	15' setback	5' setback

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

**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 variance due to irregular shape of the lot condition and or any other condition determined by the Board.