



# CITY OF MCKINNEY, TEXAS

## Legislation Text

File #: 19-0525, Version: 1

Conduct a Public Hearing to Consider/Discuss/Act on the Request by Owner Jim Wilson for the Consideration of a Variance to the Zoning Ordinance Rear Yard Setback Requirement of 20' to Allow a Rear Lot Setback of 10' for the Remodel of an Existing Detached Carport to Allow for the Construction of a Fully Enclosed, Brick Veneer, 2 Vehicle Garage with Living Space Above the Garage, for Property Located at **416 W. Louisiana Street, Lot 524C of the McKinney Outlets (CMC), McKinney, Texas.**

**BOARD OF ADJUSTMENT CASE NUMBER:** 19-09

**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 submitted in a separate letter to the Board.

**ITEM SUMMARY:** The applicant/owner desires to remodel of an existing detached open carport to allow for the construction of a fully enclosed, brick veneer, 2 vehicle garage, with living space above the garage and attached to the existing house.

**ZONING:** RD-30 - Single Family Residential / TMN traditional McKinney neighborhood overlay district (suffix).

**EXISTING CONDITIONS:** The existing survey and the proposed survey site plan is provided. The lot is a conforming lot, yet with a restrictive rear yard for improvements, due to the access driveway being from the front street.

**VARIANCE REQUESTED:**

ZONING ORDINANCE REQUIREMENTS	REQUESTED SETBACK	VARIANCE
Rear Yard Setback - 20' setback	10' setback	10' setback

**APPLICANT'S BASIS FOR VARIANCE:** See description on the attached letter to the BOA.

**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 the lot conditions described by the applicant and or any other condition determined by the Board.