



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 19-0593, **Version:** 1

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Conduct a Public Hearing to Consider/Discuss/Act on the Request by owner Danny Thomas for the consideration of a variance to the zoning ordinance front yard setback requirement of 25' to allow a front setback of 20' for the extension of an attached front covered porch, located at **606 North Church Street, Lot 675A and 675C of McKinney Outlots (CMC), McKinney, Texas.**

**BOARD OF ADJUSTMENT CASE NUMBER:** 19-10

**MEETING DATE:** July 31, 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 extend and slightly enlarge the non-conforming front porch to remain at 20' setback from the front property line. The non-conformity exists due to the zoning ordinance change to a 25' front yard requirement after the porch and house was constructed. The historic preservation officer supports this variance request.

**ZONING:** RD-30 - Duplex Residential

**EXISTING CONDITIONS:** This is a conforming lot yet the front setback is non-conforming.

**VARIANCE REQUESTED:**

ZONING ORDINANCE REQUIREMENTS	REQUESTED SETBACK	VARIANCE
Front Yard Setback - 25' setback	20' setback	5' setback

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

**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 applicant request. Attached is the report on the research conducted by the Building Official to determine if the porch extension could be permitted under the zoning ordinance. The location is one block outside of the MTC, which would have allowed permit.