



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: BOA 21-01, Version: 1

Request by Applicant James West, representing Owners Susan and Eugene Johnson, to Consider/Discuss/Act on a Variance request to allow a 10' rear yard setback to the zoning ordinance requirement of 20' rear setback and to allow a 13' side at corner setback to the zoning ordinance requirement of 20' side at corner setback, for the property located at 617 W. Hunt Street, Lot 579B of the McKinney Outlets, shown as Abstract No. 88, T.T. Bradley Survey, **an addition to the City of McKinney, Texas.**

BOARD OF ADJUSTMENT CASE NUMBER: BOA 21-01

MEETING DATE: March 10, 2021

DEPARTMENT: Development Services - Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

RECOMMENDED BOARD ACTION: Consider this variance request based on the applicant statement on the BOA application.

ZONING: RD-30 with Traditional McKinney Neighborhood (TMN) overlay designation.

EXISTING CONDITIONS: This is a non-conforming corner lot, per depth of lot less than 100'

ITEM SUMMARY: The applicant/owner desires to construct a single-family home on this existing lot, yet due to some lot non-conformity concerns, a variance is requested for consideration by the Board. The placement of the structure meets the front setback of 20' but the rear setback of 20' restricts the placement of the structure, thus a request for 10' rear setback.

Since this is a corner lot with double frontage street access, the side setback of 20' restricts the placement of the structure, thus a request of a 13' setback from the side at corner. The intent in the zoning ordinance for a side at corner 20' setback, as opposed to a 15' setback, is to recognize the setbacks on structures facing this side street. A GIS rendering of these other 4 structures (204-210 Bradley) facing the side street is provided and shows the varied front setbacks. The input of the 200' property owners should be reviewed to determine if such variance will not seriously affect the adjoining property or the general welfare.

VARIANCE REQUESTED:

ZONING ORDINANCE REQUIREMENTS	REQUESTED SETBACK	VARIANCE

Rear Yard Setback - 20' setback	10' setback	10' setback
Side at double frontage corner lot - 20' setback	13' setback	7' 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 this Variance by the Applicant/Owner

SUPPORTING MATERIALS:

BOA 21-01 - 617 W Hunt St - Packet to include:

- Board of Adjustment (BOA) Application
- BOA Locator Map
- GIS map of Bradley houses and setbacks
- Zoning Exhibit
- Survey and Survey Site Plan
- COA from Historic preservation
- Newspaper notice and 200' notice