



**BOA23-01**

**TITLE:**

Conduct a Public hearing to Consider/Discuss/Act on the request by Owner Brent McMurray, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to the zoning ordinance rear setback requirement of 15 feet to allow a rear setback of 5 feet and 4 inches, for an attached covered patio at **3713 Perkins Ln., Lot 9 of Block B of the Enclave at Hidden Creek Addition to the City of McKinney, Texas.**

**BOARD OF ADJUSTMENT CASE NUMBER:** BOA23-01

**MEETING DATE:** May 24, 2023

**DEPARTMENT:** Development Services - Building Inspections

**CONTACT:** Suzanne Arnold, Chief Building Official

**RECOMMENDED BOARD ACTION:** Consider this variance request based on the applicant statement on the Board of Adjustment (BOA) application.

**ZONING:** PD 1522

**EXISTING CONDITIONS:** The lot is compliant with zoning. The rear yard backs up to an approximately 15' strip of landscaped common area, followed by Kings Hollow Ln. The lot falls at a slight curve in Perkins and Kings Hollow Lns., resulting in irregularly-shaped front and rear property lines. The proposed patio would be located on the side of the rear yard where the property line comes closest to the house in order to line up with the existing patio and avoid the pool.

**ITEM SUMMARY:** The applicant is seeking to construct a new attached patio cover on the back of his single-family residence. The proposed wood-framed structure is approximately 11' by 16'. Exterior materials include cedar, stone, and conventional shingles to match the house. The applicant submitted plans for a building permit on 2/23/23, which was reviewed and denied on 3/7/23 because of the noncompliant rear

setback. The city received this application for a rear setback variance on 4/18/23.

**VARIANCE REQUESTED:**

ZONING ORDINANCE REQUIREMENTS	VARIANCE REQUESTED	VARIANCE
Rear Yard Setback - 15'	5'4"	9'8"

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

[Exhibits](#)