



# CITY OF MCKINNEY, TEXAS

## Legislation Text

File #: BOA21-05, Version: 1

Conduct a Public hearing to Consider/Discuss/Act on the request by Applicant Tracy's Custom Homes on behalf of Owner James Mack, to Consider/Discuss/Act on the Appeal of the Building Officials decision for the consideration of a variance to the zoning ordinance rear setback requirement of 25' feet to allow a rear setback of 8', front setback requirement of 25' feet to allow a front setback of 9'6" and two covered parking spaces to allow one covered space for the construction of a new home, located at **800 Gerrish Street, Lots 7b of Block 4 of the WJS Russel Addition to the City of McKinney, Texas.**

**BOARD OF ADJUSTMENT CASE NUMBER:** BOA21-05

**MEETING DATE:** June 23, 2021

**DEPARTMENT:** Development Services - Building Inspections

**CONTACT:** Jeffrey Harris, Chief Plans Examiner

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

**ZONING:** RS-60 with Traditional McKinney Neighborhood (TMN) overlay designation.

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

**ITEM SUMMARY:** The applicant/owner desires to construct a new single family home on this existing lot, yet due to some lot non-conformity concerns, a variance is requested for consideration by the Board. Due to the limited depth of the lot, the placement of the new home will require relief for both front and rear setbacks. The applicant/owner is requesting a variance of 15' 6" from the front property line to allow a setback of 9' 6". The applicant/owner is requesting a variance of 17' from the rear property line to allow a setback of 8'. The owner/applicant is requesting a variance of 4' 6" to allow a driveway length of 15' 6". The applicant/owner is also requesting a variance to the two covered parking requirement to allow only one covered space.

A GIS rendering of the surrounding lots is provided and shows the varied 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
Front Yard Setback - 25' setback	9'6" setback	15'6" setback

Rear Yard Setback - 25' setback	8' setback	17' setback
Two Car Garage	One Car Garage	One Car Garage

**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:**

BOA 21-05 - 800 Gerrish St - Packet. To include:

- Zoning Exhibit
- GIS map of Gerrish and Rockwall houses and setbacks
- Board of Adjustment (BOA) Application
- Survey and Survey Site Plan with Proposed Renderings
- Proposed Elevations
- Newspaper notice and 200' notice with Locator Map