



# CITY OF MCKINNEY, TEXAS

## Legislation Text

File #: BOA22-02, Version: 3

A Public Hearing to Consider/Discuss/Act on the request by Applicant Romina Soja on behalf of Owner Octavio Lomas, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a variance to the zoning ordinance corner lot side yard setback requirement of 20 feet to allow a side setback of 15 feet for the construction of a new single-family residence at **1616 N. Bradley Street, Lot 5 of Block A of Suncrest Square Addition to the City of McKinney, TX.**

**BOARD OF ADJUSTMENT CASE NUMBER:** BOA22-02

**MEETING DATE:** May 11, 2022

**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:** RS-60 Single Family with Traditional McKinney Neighborhood (TMN) overlay designation

**EXISTING CONDITIONS:** The lot is compliant with zoning. This is a corner lot and is presently vacant. The new construction would be oriented toward the west on N. Bradley St. It is bordered on the north side by First Ave. The property to the immediate east, which is the rear/alley, side of the subject property, is oriented toward the north fronting on First Ave. Therefore, the side yard of the 1616 N. Bradley St. facing First Ave., which is the subject of this side yard setback variance request, does have a visual impact on the view of the neighbor's front yard looking down First Ave. There are presently a few trees on the lot, but those do not appear to affect the variance request. The trees within the proposed footprint will be removed. According to tax records, the existing houses abutting the subject property on all sides range from 900 to 5300 sq. ft.

**ITEM SUMMARY:** The applicant is seeking to construct a new two-story single-family residence of approximately 5434 sq. ft. They submitted plans for a building permit on 3/29/22 which was reviewed and denied on 4/4/22 because of the noncompliant setback, among other things. The city received this application for a side setback variance on 4/19/22.

**VARIANCE REQUESTED:**

ZONING ORDINANCE REQUIREMENTS	VARIANCE REQUESTED	VARIANCE

Double Side Yard Corner Setback - 20'	15'	5'
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**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 22-02 - 1616 N. Bradley St. - Packet. To include:

- Zoning Exhibit
- GIS map of subject property and surrounding houses
- Board of Adjustment (BOA) Application
- Survey and Survey Site Plan with Proposed Renderings
- Proposed Elevations
- Site photos
- Newspaper notice and 200' notice with Locator Map

**ACTION:**      **Approved**                      **Denied**                      **Tabled**