

**ORDER OF THE BOARD OF ADJUSTMENT  
OF THE CITY OF ANNA**

**ORDER NO. \_\_\_\_\_**

**WHEREAS**, the Board of Adjustment of the City of Anna, Texas, held a duly noticed public hearing at 7:00 p.m. on the 14<sup>th</sup> day November, 2019, to consider the application of Christopher Ross, who sought a material variance from the applicable side yard setback requirements imposed by the City of Anna, including the Anna City Code of Ordinances, Chapter 9, Planning and Development, Article 9.04, Zoning Ordinance, Appendix 1, Zoning District Area Regulations of said Code and by Ord. No. 627-2013, stating that the side yard setback shall be 10 feet or more as relates to the tract of real property located at: 2109 Evelyn Circle, Anna, Texas, 75409 (the "Property") City of Anna, Collin County, Texas, as more specifically described on **Exhibit A** attached hereto; and

**WHEREAS**, the aforementioned applicant was provided notice of and had the opportunity to be present or represented by legal counsel for the above-referenced public hearing; and

**WHEREAS**, after due consideration and discussion it appears, and the Board finds based on the evidence and arguments presented during the above-referenced public hearing, that the evidence:

*But* (1) [demonstrates / fails to demonstrate] that special conditions or circumstances—apart from those self-imposed by the applicant and/or the applicant's agent(s)—exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

*But* (2) [demonstrates / fails to demonstrate] that a literal interpretation of the applicable provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance;

*But* (3) [demonstrates / fails to demonstrate] that special conditions and circumstances are not personal to the applicant, and that the special conditions and circumstances would exist regardless of the identity of the owner of the Property.

*But* (4) [demonstrates / fails to demonstrate] that granting the variance requested would not confer on the applicant a special privilege that is denied by the Zoning Ordinance to other lands, structures or buildings in the same district;

*But* (5) [demonstrates / fails to demonstrate] that a literal enforcement of the Zoning Ordinance would result in unnecessary hardship; and

(6) [demonstrates / fails to demonstrate] that denial of the variance is inconsistent with the spirit of the Zoning Ordinance and does not confer substantial justice;

**NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF ANNA, TEXAS:**

**Section 1.** That all of the above premises and statements are found and determined to be true and correct and are incorporated into the body of this Order as if copied in their entirety.

**Section 2.** That the request of the Applicant for this Board to grant a material variance from the City of Anna's zoning ordinances and regulations (as amended), including without limitation Ord. 627-2013, to allow for the existing placement of the residential structure depicted the attached Exhibit A

at a distance of 7.35 feet from a side lot line of the parcel, is hereby **DENIED / GRANTED /** AB  
**GRANTED WITH CONDITIONS / GRANTED IN PART.**

**IF GRANTED WITH CONDITIONS OR GRANTED IN PART, THE CONDITIONS AND/OR PARTIAL GRANT SHALL BE AS FOLLOWS:**

N/A

**Section 3.** That the approval of the variance request was passed by a Unanimous <sup>Be</sup> vote of the Board of Adjustment of the City of Anna, Texas.

**DULY PASSED AND ADOPTED** by the Board of Adjustment of the City of Anna, Texas, on the 14<sup>th</sup> day of NOV, 2019.

APPROVED:

[Signature]  
[CHAIRMAN NAME], Chairman  
Board of Adjustment, City of Anna, Texas

ATTESTED:

[Signature]  
Ashley Stathatos, Recording Secretary  
Board of Adjustment, City of Anna, Texas

This order was filed for record in the Boards office on the 22 day of January, 2020

[Signature]  
Ashley Stathatos, Recording Secretary  
Board of Adjustment, City of Anna, Texas