

## AGENDA ITEM 13-02

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by North Collin Habitat for Humanity for a Variance to the Minimum Rear yard Setback for the Property Located at 704 Rike Street.

**MEETING DATE:** August 28, 2013

**DEPARTMENT:** Development Services-Building Inspections

**CONTACT:** Garry Adams, Asst. Building Official

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**ZONING:** RS60

**EXISTING CONDITIONS:** Undersized lot causing need for a rear yard setback variance.

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Rear Yard Setback	15'	10'

**APPLICANT'S BASIS FOR VARIANCE:**

Applicant wishes to build a single family residence. The rear yard setback variance is need to fit the house on an undersized lot. The house cannot be moved forward due to a large pecan tree in the front yard.

**PUBLIC SUPPORT/OPPOSITION FOR REQUEST:**

To date, no letters of support and no letters of opposition have been submitted.

**BOARD AUTHORITY:**

The Board has authority to authorize a variance from the terms of the Zoning Ordinance as will not be contrary to the public interest if the literal enforcement of the Zoning Ordinance would result in unnecessary hardship due to special conditions unique to the property so that the spirit of the Zoning Ordinance is observed and substantial justice done. The Zoning Ordinance provides additional requirement for "yard variances" and "building or structure variances" that must also be met by an applicant seeking a variance in addition to the requirements set out hereinabove.

In addition to the general requirements set forth above the following requirements must also be met for a variance of the type identified below:

**Yard Requirements** The Board has the authority to 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.

**STAFF RECOMMENDATION:**

Due to lot being undersized, the rear yard setback is needed. Staff recommends approval of the variance as requested.

**SUPPORTING MATERIALS:**

Variance Application  
Property Locator Map

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**Action:            APPROVED                    DENIED                    TABLED**