

## AGENDA ITEM 16-14

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by North Collin County Habitat for Humanity for variances to the rear yard setbacks for the Property Located at 1001 Canal Street.

**MEETING DATE:** October 26, 2016

**DEPARTMENT:** Development Services-Building Inspections

**CONTACT:** Rick Herzberger, Chief Building Official

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**ZONING:** RG18/follows RS60 requirements

**EXISTING CONDITIONS:** 10' variance granted, needs that amended to 13' variance

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Rear Yard Setback	12'	13'

**APPLICANT'S BASIS FOR VARIANCE:**

Applicant wishes to build a single family residence. A 10' variances was granted to the rear yard setback, however it was inadequate to accommodate the home.

**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.

**BUILDING OFFICIAL STATEMENT:**

The request has been field validated and I agree that the Board has the implied authority to consider this variance request based on the topographical, or other conditions presented by the applicant, and is not contrary to the public interest and general welfare of the adjacent property.

**SUPPORTING MATERIALS:**

Variance Application  
Property Locator Map

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**Action:            APPROVED                    DENIED                    TABLED**



16-14

## CITY OF MCKINNEY BOARD OF ADJUSTMENT APPLICATION

**Type of Request:**

Variance  Special Exception  Appeal

FILING FEE **\$50.00**

RECEIPT DATE \_\_\_\_\_

<b>Property Location:</b>			
1001 Canal St	McKinney	TX	75069
<small>Address</small>	<small>City</small>	<small>State</small>	<small>Zip</small>
5	3	Hight + Horn Addition	
<small>Lot Number</small>	<small>Block</small>	<small>Subdivision Name</small>	

<b>Owner's Information:</b>			
North Collin County Habitat for Humanity		972 542 5300	
<small>Owner's Name</small>		<small>Phone Number</small>	
2060 Couch Dr	McKinney	TX	75069
<small>Address</small>	<small>City</small>	<small>State</small>	<small>Zip</small>
Owner is giving <u>Bryant Knepp</u>		authority to represent him/her at the meeting.	
<small>Applicant's Name</small>			
<small>Owner's Printed Name</small>		<small>Owner's Signature</small>	

<b>Applicant's Information:</b>			
North Collin County Habitat for Humanity		972 542 5300	
<small>Name</small>		<small>Phone Number</small>	
2060 Couch Dr		McKinney	TX 75069
<small>Address</small>		<small>City</small>	<small>State</small> <small>Zip</small>

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No. \_\_\_\_\_

Please list the type of variance(s) requested:

	Ordinance Requirements	Requested Dimensions	Variance From Ordinance
Lot Size			
Lot Width			
Lot Depth			
Side Yard			
Side Yard			
Side @ Corner			
Front Yard	25'	20'	5'
Rear Yard	25'	12'	13'
Driveway			
Other			

\*Not applicable in ETJ



In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that all of the following conditions are met. State how your request meets these conditions. Please note that the stated hardship shall not be financial or self-created.

1. The request variance is in harmony with the general purposed and intent of the ordinance, as amended, and continues to protect surrounding properties from any negative impacts because:  
to construct a new home

2. The special or unique condition(s) of restricted area, shape, topography or physical features that exist on the subject parcel of land, which are not applicable to other parcels of land in the same zoning district, and which cause unusual and practical difficulty or unnecessary hardship in compliance with the provisions sought here to be varied are:

construction of home will conform with existing neighborhood

3. The hardship sought to be avoided is NOT the result of (a) the applicant's own actions (self-imposed or self-created) and (b) economic or financial hardship because:

reduce front & rear setbacks as lot depth was minimized with the improvement of Canal St.

4. The provisions of the ordinance, and its amendments, that are sought to be varied deprive the applicant of the following rights to use his property that are commonly enjoyed by other properties in the same zoning district which comply with these ordinance provisions:

construction of residential housing

Items Submitted: Completed application and fee  Plot/Site Plan or Survey drawn to scale

I hereby certify that the above statements are true and correct to the best of my knowledge.

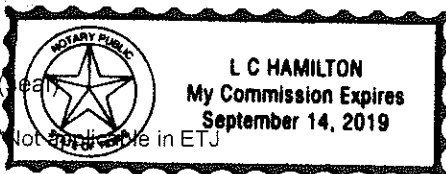
[Signature] NCC-HFH  
Applicant's Signature

STATE OF TEXAS  
COUNTY OF Collin

Subscribed and sworn to before me this 4<sup>th</sup> day of October, 2016

[Signature]  
Notary Public

My Commission expires: 9/14/2019



## AGENDA ITEM 16-06

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by North Collin County Habitat for Humanity for variances to the front and rear yard setbacks for the Property Located at 1001 Canal Street.

**MEETING DATE:** April 27, 2016

**DEPARTMENT:** Development Services-Building Inspections

**CONTACT:** Rick Herzberger, Chief Building Official

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**ZONING:** RS60

**EXISTING CONDITIONS:** Undersized lot

**VARIANCES REQUESTED:**

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Front Yard Setback	20'	5'
25' Rear Yard Setback	15'	10'

**APPLICANT'S BASIS FOR VARIANCE:**

Applicant wishes to build a single family residence. Variances needed to front and rear as lot depth was minimized with the improvement of Canal Street.

**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.

**SUPPORTING MATERIALS:**

Variance Application  
Property Locator Map

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Action:

**APPROVED**

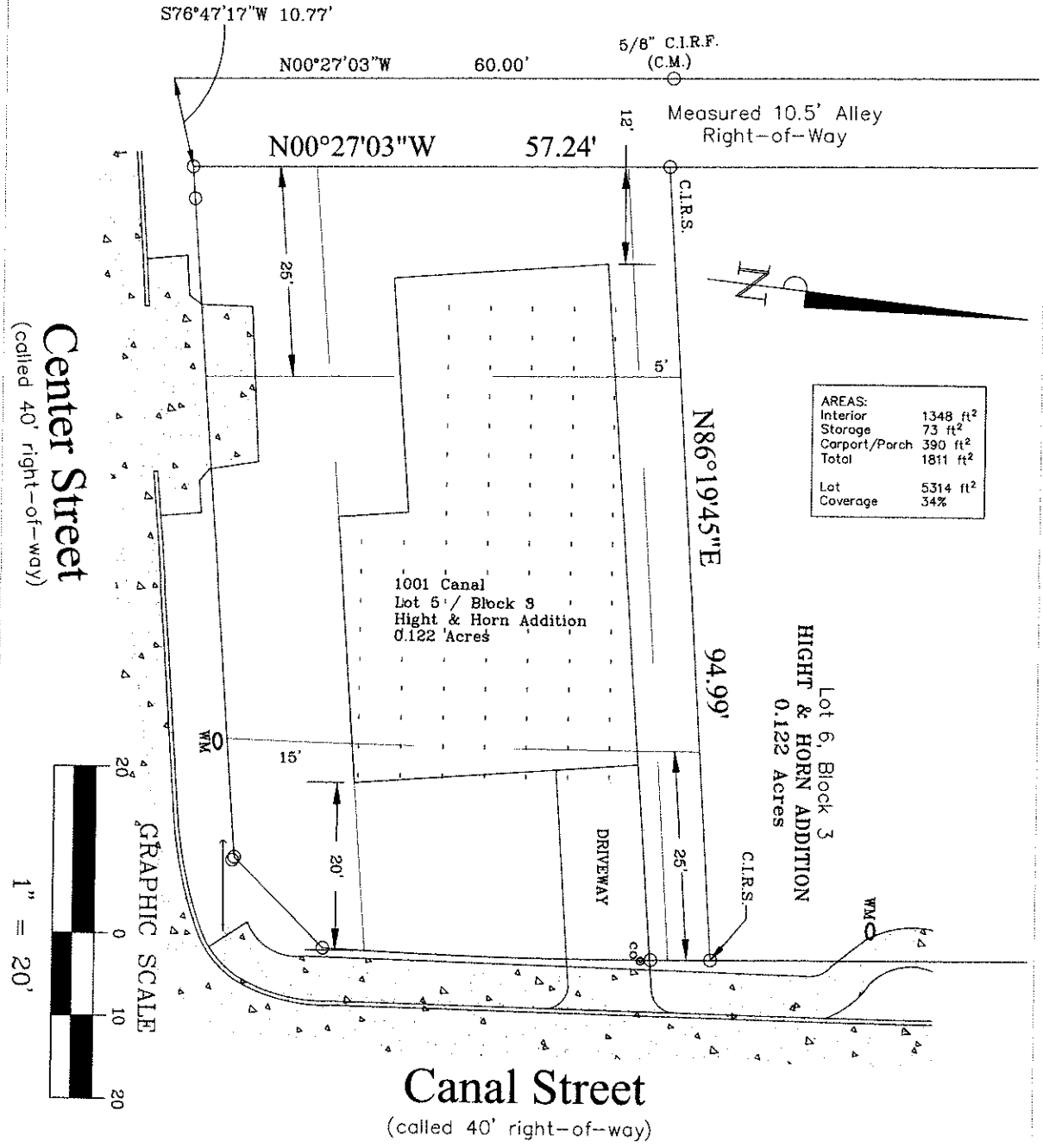
**DENIED**

**TABLED**

*[Handwritten Signature]*  
4/27/16

# SITE PLAN

1001 Canal



AREAS:	
Interior	1348 ft <sup>2</sup>
Storage	73 ft <sup>2</sup>
Carport/Porch	390 ft <sup>2</sup>
Total	1811 ft <sup>2</sup>
Lot Coverage	5314 ft <sup>2</sup>
	34%



**Center Street**  
(called 40' right-of-way)



**Canal Street**  
(called 40' right-of-way)