

AGENDA ITEM 16-15

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 1005 Canal Street.

MEETING DATE: October 26, 2016

DEPARTMENT: Development Services-Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

ZONING: RG18/follows RS60 requirements

EXISTING CONDITIONS: Undersized lot, 94.99' lot depth

VARIANCES REQUESTED:

ORDINANCE REQUIREMENTS	REQUESTED DIMENSIONS	VARIANCE FROM ORDINANCE
25' Front Yard Setback	20'	5'
25' Rear Yard Setback	23'	2'

APPLICANT'S BASIS FOR VARIANCE:

Applicant wishes to build a single family residence. Lot does not meet the minimum depth requirement.

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

Action: APPROVED DENIED TABLED



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 new 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

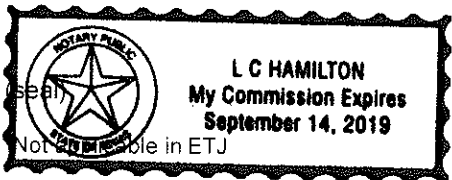
Items Submitted: Completed application and fee [x] Plot/Site Plan or Survey drawn to scale [x]

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 4th day of October, 2016



[Signature] L.C. Hamilton
Notary Public
My Commission expires: 9/14/2019

Sec. F-1. Schedule of Space Limits.

Zoning District	Space Limits										
	Minimum lot area	Minimum lot width	Minimum lot depth	Minimum front yard setback	Minimum rear yard setback	Minimum side yard setback of interior lots	Minimum side yard setback of corner lots	Maximum height of structure	Maximum lot coverage	Maximum Floor Area Ratio	Maximum density (dwelling units per gross acre)
AG	10 acre	150'	n/a	35'	35'	20'	25'	35'	n/a	n/a	n/a
RED-1	1 acre	150'	150'	35'	35'	20'	35'	35'	n/a	n/a	1.0
RED-2	2 acre	200'	200'	50'	50'	30'	50'	35'	n/a	n/a	0.5
RS 120	12,000 sq. ft.	80'	120'	30'	25'	10'	15'	35'	n/a	n/a	3.5
RS 84	8,400 sq. ft.	70'	110'	25'	25'	10'	15'	35'	n/a	n/a	5.0
RS 72	7,200 sq. ft.	60'	100'	25'	25'	6'	15'	35'	n/a	n/a	6.0
RS 60	6,000 sq. ft.	50'	100'	25'	25'	5'	15'	35'	n/a	n/a	7.0
RS 45	4,500 sq. ft.	40'	100'	20'	20'	(1)	15'	35'	n/a	n/a	8.0
RD 30	(1)	50'	100'	25'	25'	7'	15'	35'	n/a	n/a	14.5
RG 27	2,700 sq. ft.	25'	100'	20'	20'	(1)	15'	35'	n/a	n/a	14.5
RG 25	(1)	50'	100'	25'	25'	7'	25'	35'	n/a	n/a	17.0
RG 15 [18]	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	50%	(1)	(1)
MF-1	3,600 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	12.0
MF-2	2,700 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	16.0
MF-3	2,100 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	20.0
MP	(1)	(1)	(1)	(1)	(1)	(1)	(1)	35'	n/a	n/a	8.0
NC	7,000 sq. ft.	60'	100'	25'	(1)	(1)	25'	35'	40%	0.4 : 1.0	n/a
BN	7,500 sq. ft.	50'	(1)	25'	20'	(1)	(1)	35'	70%	0.6 : 1.0	n/a
BG	(1)	(1)	(1)	(1)	10'	(1)	15'	45'	95%	2.0 : 1.0	n/a
C	0'	0'	0'	25'	(1)	(1)	15'	55'	50%	1.0 : 1.25	n/a
O-1	7,000 sq. ft.	60'	100'	25'	(1)	(1)	25'	35'	50%	0.5 : 1.0	n/a
O	0'	0'	0'	50'	(1)	(1)	(1)	(1)	50%	1.0 : 1.0	n/a
BC	10,000 sq. ft.	80'	100'	25'	(1)	(1)	25'	45'	70%	1.0 : 1.0	n/a
ML	(1)	50'	0'	25'	0'	0'	20'	(1)	75%	1.0 : 1.0	n/a
MH	(1)	50'	0'	20'	0'	0'	10'	(1)	50%	1.0 : 1.0	n/a
AP	0'	0'	0'	25'	(1)	(1)	15'	45'	n/a	n/a	n/a
GC	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	12.0 : 1.0	(1)
PD	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
MTC	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
SF12	12,000 sq. ft.	80'	120'	25' (3)	20'	10'	20'	35'	n/a	n/a	3.2 (5)
SF10	10,000 sq. ft.	70'	110'	25' (3)	20'	10'	20'	35'	n/a	n/a	3.2 (5)
SF8	8,000 sq. ft.	60'	100'	20' (3)	15' (7)	7'	15' (7)	35'	n/a	n/a	3.2 (5)
SF7/2	7,200 sq. ft.	50'	90'	20' (3)	15' (7)	5'	15' (7)	35'	n/a	n/a	3.2 (5)
SF5	5,000 sq. ft. (4)	40' (6)	80'	20' (3)	15' (7)	0' (10)	15' (7)	35'	n/a	n/a	3.2 (5)
DR (9)	6,000 sq. ft.	40' (6)	80'	20'	15' (7)	5'	15' (7)	35'	n/a	n/a	6.4
TH (9)	2,700 sq. ft.	25' (6)	80'	20'	15' (7)	10' between buildings	15' (7)	35'	n/a	n/a	8.0 (1)
SO	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	35'	70%	n/a	n/a
RO	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	55' (8)	90%	n/a	n/a
C1	7,500 sq. ft.	50'	50'	20'	0'	0'	n/a	35'	50%	n/a	n/a
C2	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	45'	70%	n/a	n/a
C3	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	55' (8)	90%	n/a	n/a
LI	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	45' (8)	70%	n/a	n/a
HI	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	55' (8)	90%	n/a	n/a

Notes:

- (1) See district regulations.
- (2) Established by ordinance.
- (3) A 10 foot encroachment zone shall be permitted between the building setback and the property line within which porches, patios, and similar structures may be constructed. For the purposes of this section, porches and patios shall mean covered, open air recreation spaces which may or may not feature railings and/or low walls (approximately 30" to 40" in height as measured from the finished floor level of the space) to create a sense of enclosure. Covered, open air spaces that feature floor to ceiling walls with or without windows or other openings (example: sun rooms, sun porch, solarium, greenhouse) shall not constitute a porch or patio. The placement of sidewalks and/or steps leading to a porch, patio or similar structure shall not be regulated by this section.
- (4) The mean and median lot size for the neighborhood shall be a minimum of 7,200 square feet.
- (5) The density may be increased to 3.4 dwelling units per acre if the "design for density" criteria outlined in the City's Comprehensive Plan are satisfied.
- (6) Garages that are accessed from the front of a lot with a width of less than 50 feet shall not be permitted. Garages for these lots (< 50' wide) shall be accessed via alleys adjacent to the rear of the lot. A driveway with a minimum depth of 20 feet shall be provided in front of the rear-entry garage door.
- (7) Rear or corner side-entry garages shall adhere to a 20' building setback in order to accommodate a 20' driveway between the garage door and the alley or street right-of-way.
- (8) The maximum building height may be increased to a maximum height of 75 feet if each building setback is increased by two feet for every foot of increased building height. The maximum building height may be increased to a maximum height of 180 feet if each building setback is increased by two feet for every foot of increased building height and a property zoned or used for residential purposes is not located within 1,000 feet of the subject property.
- (9) If detached single family residential uses are constructed within this zoning district, said uses shall adhere to the space limits governing the "SF5" – Single Family Residential District.
- (10) A minimum building separation of ten feet shall be maintained between dwelling units. If a zero-lot line product is to be constructed, the desired zero lot line side of each lot indented to accommodate such a residential product shall be indicated on an approved record plat, minor plat, minor replat, or amending plat which shall be filed for record with the Collin County Clerk's Office.

- The following is a legend for interpreting the applicability of the various zoning districts:

These zoning districts were created on March 4, 2014. Properties zoned/rezoned after March 4, 2014 may be zoned to these districts.

These zoning districts were established prior to March 4, 2014. Properties zoned/rezoned after March 4, 2014 may be zoned to these districts.

These zoning districts were established prior to March 4, 2014. No properties may be zoned/rezoned to these districts after July 1, 2014.

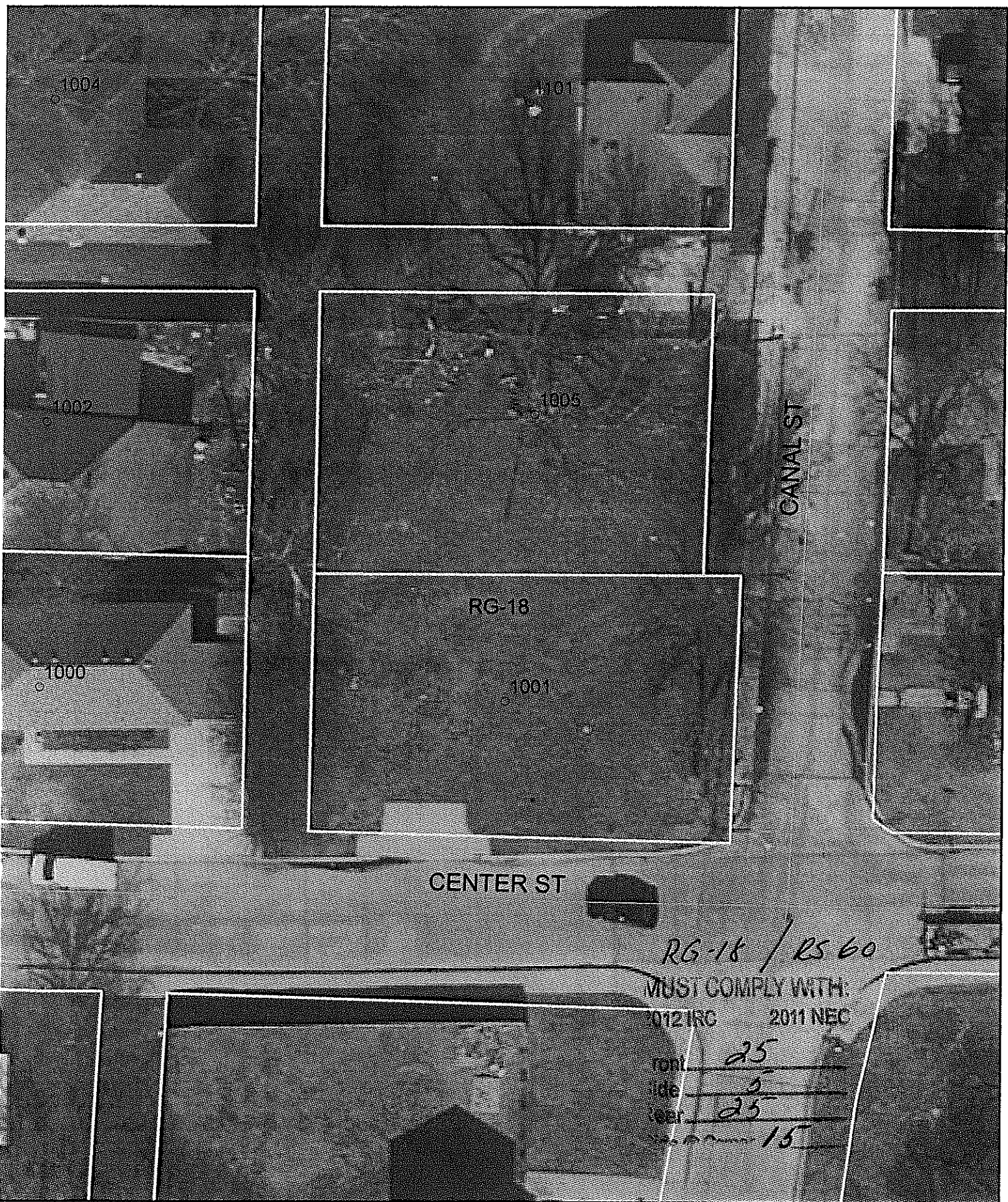
- For a listing of a specific "PD" – Planned Development District's applicable space limits, please contact the City of McKinney's Planning Department.

Sec. 146-78. - RG 18 - General Residence district.

- (a) *Purpose.* The "RG 18" - General Residence zone was originally designed to provide for moderately high density apartment development and other uses, which have characteristics similar to those found in the operation of apartment houses. Densities in this district are higher than presently considered acceptable in the city. Rezoning to this classification will not generally be considered after January 1, 2000.
- (b) *Permitted uses.* Those uses indicated as being permitted in the "RG 18" - General Residence zone in the schedule of uses shall be allowed.
- (c) *Space limits.* The following space limits shall apply to the "RG 18" - General Residence zone:
- (1) Non-residential uses:
 - a. Minimum lot area: 5,000 square feet
 - b. Minimum width of lot: 50 feet.
 - c. Minimum depth of lot: 100 feet.
 - d. Maximum height of building: 50 feet.
 - e. Minimum front yard: 15 feet
 - f. Minimum rear yard: ten feet.
 - g. Minimum side yard: seven feet.
 - h. Minimum side yard at corner: 25 feet.
 - i. Maximum lot coverage: 80 percent.
 - j. Maximum floor area ratio: one to 1.67 (0.6:1.0).
 - (2) Multiple family residential uses:
 - a. Multi-family residential construction in this district shall, except as herein described, shall comply with the space limitations of the "MF-1" - Multi-Family Residential-Low Density District.
 - b. A maximum density of 24 dwelling units per acre shall be allowed.
 - (3) Duplex residential uses:
 - a. Two family residential construction in this district shall comply with the space limitations of the "RD 30" - Duplex Residence District.
 - (4) Single-family residential uses:
 - a. Single family residential construction in this district shall comply with the space limitations of the "RS 60" - Single Family Residence District.
- (d) *Miscellaneous provisions.*

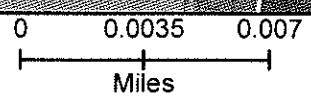
- (1) Off-street parking shall be provided for all uses established in this zone.
- (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-73; Ord. No. 1270, § 3.10, 12-15-1981; Ord. No. 1512, § 1, 1-5-1985; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2000-01-03, § 1W, 1-4-2000; Ord. No. 2002-08-084, § 1.26, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-05-011, § 2, 5-17-2010; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 29, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)



Date: 10/5/2016

Information Map



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which exist.