

Wylie Zoning Board of Adjustments Regular Meeting

September 18, 2023 – 6:30 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



CALL TO ORDER

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address Board regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Board requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Board is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Board and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Meeting Minutes from August 21, 2023 Regular Meeting

REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Clayton McLucas for a variance to Section 2.5.C of the Zoning Ordinance to allow for 0' side setbacks in lieu of the required side setback of 5'. Property located at 3122 Grandview Dr. ZBA 2023-07
2. Discuss adjusting the meeting start time from 6:30pm to 6:00pm to be in line with the other boards, commissions, and city council.

WORK SESSION

RECONVENE INTO REGULAR SESSION

EXECUTIVE SESSION

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on September 15, 2023 at 5:00 p.m. on the outside bulletin board at Wylie City Hall, 300 Country Club Road, Building 100, Wylie, Texas, a place convenient and readily accessible to the public at all times.

Stephanie Storm, City Secretary

Date Notice Removed

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020. Hearing impaired devices are available from the City Secretary prior to each meeting.

If during the course of the meeting covered by this notice, the Board should determine that a closed or executive meeting or session of the Board or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the Board at the date, hour and place given in this notice as the Board may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

§ 551.071 – Private consultation with an attorney for the City.



Zoning Board of Adjustment

AGENDA REPORT

Department: Planning

Item: A

Prepared By: Lillian Baker

Subject

Consider, and act upon, Minutes from the August 21, 2023 Regular Meeting.

Recommendation

Motion to approve Item A as presented.

Discussion

The minutes are attached for your consideration

Wylie Zoning Board of Adjustments Regular Meeting

August 21, 2023 – 6:30 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



CALL TO ORDER

Vice-Chair Harold Smith called the meeting to order at 6:30 p.m. Board Members present were Vice-Chair Harold Smith, Board Member Jennifer Grieser, Board Member Richard Covington, Board Member Aaron Lovelace, Director of Community Services Jasen Haskins, Senior Planner Kevin Molina, and Secretary Lillian Baker. Absent were Alternates Hamaz Faraz and Michael Innella.

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address Board regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Board requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Board is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

None approached the Board.

ELECTION OF CHAIR AND VICE-CHAIR

- A. Nominate and Motion for Chair
- B. Nominate and Motion for Vice-Chair

Board Action on Election of Chair and Vice-Chair Items A and B

A motion was made by Board Member Lovelace and seconded by Board Member Covington to nominate and elect Board Member Jennifer Grieser for Chair. A vote was taken and carried 4 – 0.

A motion was made by Chair Jennifer Grieser and seconded by Board Member Lovelace to nominate and re-elect Vice-Chair Smith for Vice-Chair. A vote was taken and carried 4 – 0.

WORK SESSION

WS1. Hold a work session to discuss the Zoning Board of Adjustments Rules and Procedures

Board Discussion of Work Session WS1

Director Haskins presented an overview of rules and procedures for the Zoning Board of Adjustment.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Board and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider and Act upon Zoning Board of Adjustment Regular Meeting Minutes from June 12, 2023.

Board Action on Consent Agenda

A motion was made by Vice-Chair Smith and seconded by Board Member Lovelace to approve the Consent Agenda as presented. A vote was taken and carried 4 – 0.

REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Jeffrey Basch for a variance to Section 2.5.C of the Zoning Ordinance to allow for 1' side setbacks in lieu of the required side setback of 20' and 1' residential proximity requirement in lieu of 5'. Property located at 100 N Westgate Way. ZBA 2023-04.

Staff Comments on Regular Agenda Item 1

Senior Planner Molina presented an overview of the variance request for a patio cover. The patio cover measures 352 square feet. Construction had already begun before variance was requested. Twenty-seven comment forms were mailed and three were returned in favor. The applicant was present and approached the Board.

Applicant Basch stated that he obtained signatures from neighbors that were in favor of the variance request, with a photo of the partial construction. The Board asked why approval for the variance was not obtained prior to the Zoning Board of Adjustment's approval. Applicant Basch stated that it was an unfortunate oversight.

Public Hearing on Regular Agenda Item 1

A Public Hearing was opened at 6:45 p.m. None approached the Board and the Public Hearing was closed.

Board Action on Regular Agenda Item 1

A motion was made by Board Member Lovelace and seconded by Vice-Chair Smith to approve Regular Agenda Item 1 as presented. A vote was taken and carried 4 – 0.

2. Hold a Public Hearing to consider and act upon a request by Susan Cranford for a variance to Section 4.2 of Planned Development 2005-24 to allow for 5' rear setbacks in lieu of the required rear setback of 18'. Property located at 1213 Shadow Hills Drive. ZBA 2023-05.

Staff Comments on Regular Agenda Item 2

Senior Planner Molina presented on overview of the variance request. The 18' setback is calculated by the depth of the lot by 10% that was determined previously by the Planned Development (PD). The Zoning Ordinance states that the rear setback can be 3' and the applicant is building at 5', which is two more feet than is allowed by right, according to the ordinance. Nineteen notifications were mailed and three were received in favor and one against. Applicant was present. Board asked for location clarification, which Senior Planner Molina presented. The Board asked if it was for the side or just the rear setback. It was just for the rear of the property. The Board also asked what was behind the residence, which was another residence/house.

Applicant Todd Cranford and Susan Cranford approached the Board and stated they wanted an accessory/garage on their property. They wanted it setback 5' from rear and said bringing it closer to their home would be less ideal and not useable as a garage. They stated that they did consult with their rear neighbor who did not have issue. Board asked if they obtained HOA approval, which applicant stated that they decided to start with the City before approaching their HOA. Director Haskins stated that the setback, for this subdivision, was based on longer lots which creates a wider than necessary setbacks.

Public Hearing on Regular Agenda Item 2

A Public Hearing was opened at 6:54 pm. Citizen Christine Meredith approached the Board and stated concerns of the pool location based on the setbacks. She suggested that the structure be built closer to the applicant's pool. Citizen Meredith also expressed concern on the height and asked for clarification. Senior Planner Molina stated that the PD does allow for 36' for accessory structures and the City allows for 15'. Applicant Cranford was allowed rebuttal. Applicant Cranford stated it was only the rear setback that was being addressed and if the building is moved closer to the residence or the pool, they would not be able to use for intended purpose. The drive-way already exists and moving the structure to another location on the property is not an option. Director Haskins addressed the question from Citizen Meredith, regarding the setback for pools, and stated that pools do not have setback requirements. The Public Hearing was closed.

The Board had further discussion and reiterated the rear setback requirement was within reason based on the City Ordinance.

Board Action on Regular Agenda Item 2

A motion was made by Vice-Chair Smith and seconded by Board Member Covington to approve Regular Agenda Item 2 as presented. A vote was taken and carried 4 – 0.

3. Hold a Public Hearing to consider and act upon a request by Timothy Wren for a variance to Section 3.2.B of the Zoning Ordinance to allow for 3' rear setbacks in lieu of the required rear setback of 25'. Property located at 306 Harvest Bend. ZBA 2023-06.

Staff Comments on Regular Agenda Item 3

Senior Planner Molina presented. The addition is for a garage and mainly a vacant lot. The thoroughfare shows Anne Drive will go through the area and that homes may be there in the future, but currently it is vacant. Board Member Lovelace asked if homes were built, would that pose an issue? Director Haskins stated that it would be an S-curve and would not pose an issue. Applicant was present.

Applicant Sarah Wren, Timothy Wren, and their Contractor Mark Grazele approached the Board. Applicant stated they were looking to build extra garage space. There is an existing slab that was previously approved. Director Haskins reiterated that they did not start the garage before they approached the Board. The slab was already approved prior to the variance request for the structure. The Board asked about the material and the applicant stated it would be similar to the back siding of their residence and is not in view of the neighbors, based on how it is situated.

Public Hearing on Regular Agenda Item 3

A Public Hearing was opened at 7:07 p.m. No one approached the Board and the Public Hearing was closed.

Board Action on Regular Agenda Item

A motion was made by Board Member Covington and seconded by Board Member Lovelace to approve Agenda Item 3 as presented. A vote was taken and carried 4 – 0.

ADJOURNMENT

A motion was made by Board Member Covington and seconded by Vice-Chair Smith to adjourn. A vote was taken and carried 4 – 0. The meeting was adjourned at 7:08 p.m.

Jennifer Grieser, Chair

ATTEST

Lillian Baker, Secretary



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning
Prepared By: Kevin Molina

Item Number: 1

Subject

Hold a Public Hearing to consider and act upon a request by Clayton McLucas for a variance to Section 2.5.C of the Zoning Ordinance to allow for 0' side setbacks in lieu of the required side setback of 5'. Property located at 3122 Grandview Dr.
ZBA 2023-07

Recommendation

Motion to approve, deny.

Discussion

OWNER: Clayton McLucas

APPLICANT: Clayton McLucas

The applicant is requesting a variance to Section 2.5.C of the Zoning Ordinance to allow for 0' side setback in lieu of the required side setback of 5' for the permitting of an already commenced attached patio cover that measures approximately 350 sq.ft.. The property is located at 3122 Grandview Drive. The purpose of the addition is to allow for backyard coverage.

If the variance is approved, the structure as currently built will require modifications for compliance of building code standards prior to building permit approval.

The applicant believes the variance request has merit for the following reasons:

- The patio cover has a minimal impact on visibility concerns due to it being unenclosed and being of a height less than the existing fence on the subject property.

Public comment forms were mailed to twenty-three (23) property owners within 200 feet of this request, as required by State Law. At the time of posting no comment forms were returned in favor or in opposition of the request..

The Board shall not grant a variance to the development code which:

- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or
- (5) Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the development code; or
- (6) Is based exclusively on findings of personal or financial hardship.

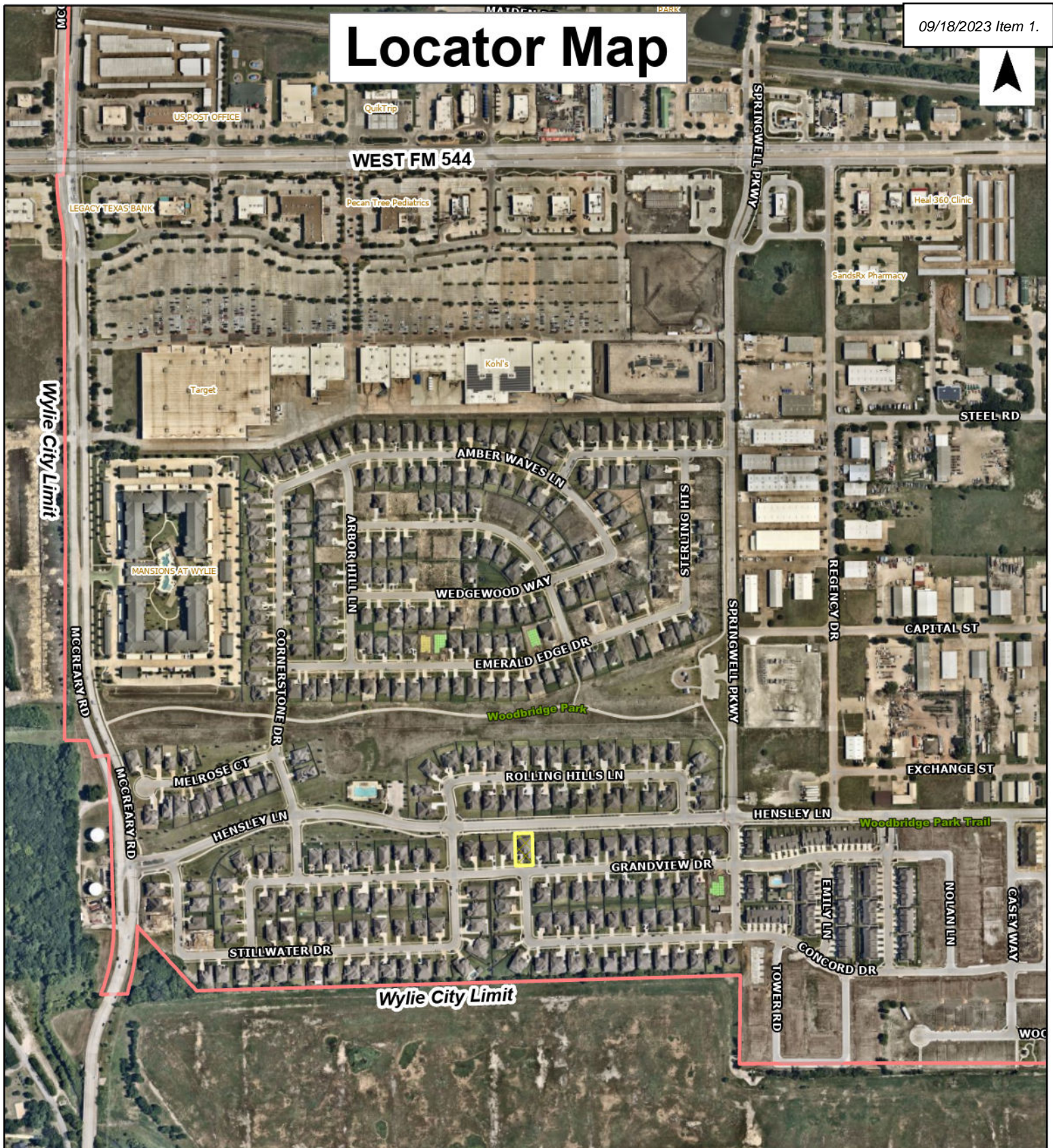
In order to grant a variance to the development code the Board shall find that all the following have been satisfied:

- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;

- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
- (4) That the demonstrable hardship is not self-imposed;
- (5) That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
- (6) That the variance, if granted will not change the character of the zoning district in which the property is located;
- (7) That the variance, if granted is in keeping with the intent of the development code; and
- (8) That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Wylie.

Locator Map

09/18/2023 Item 1.



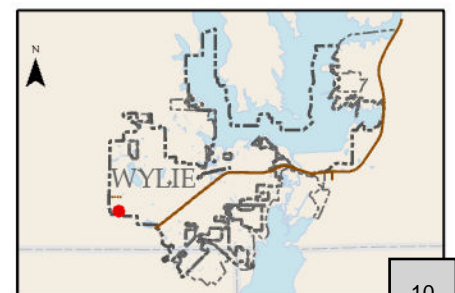
ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2023-07 3122 Grandview Dr

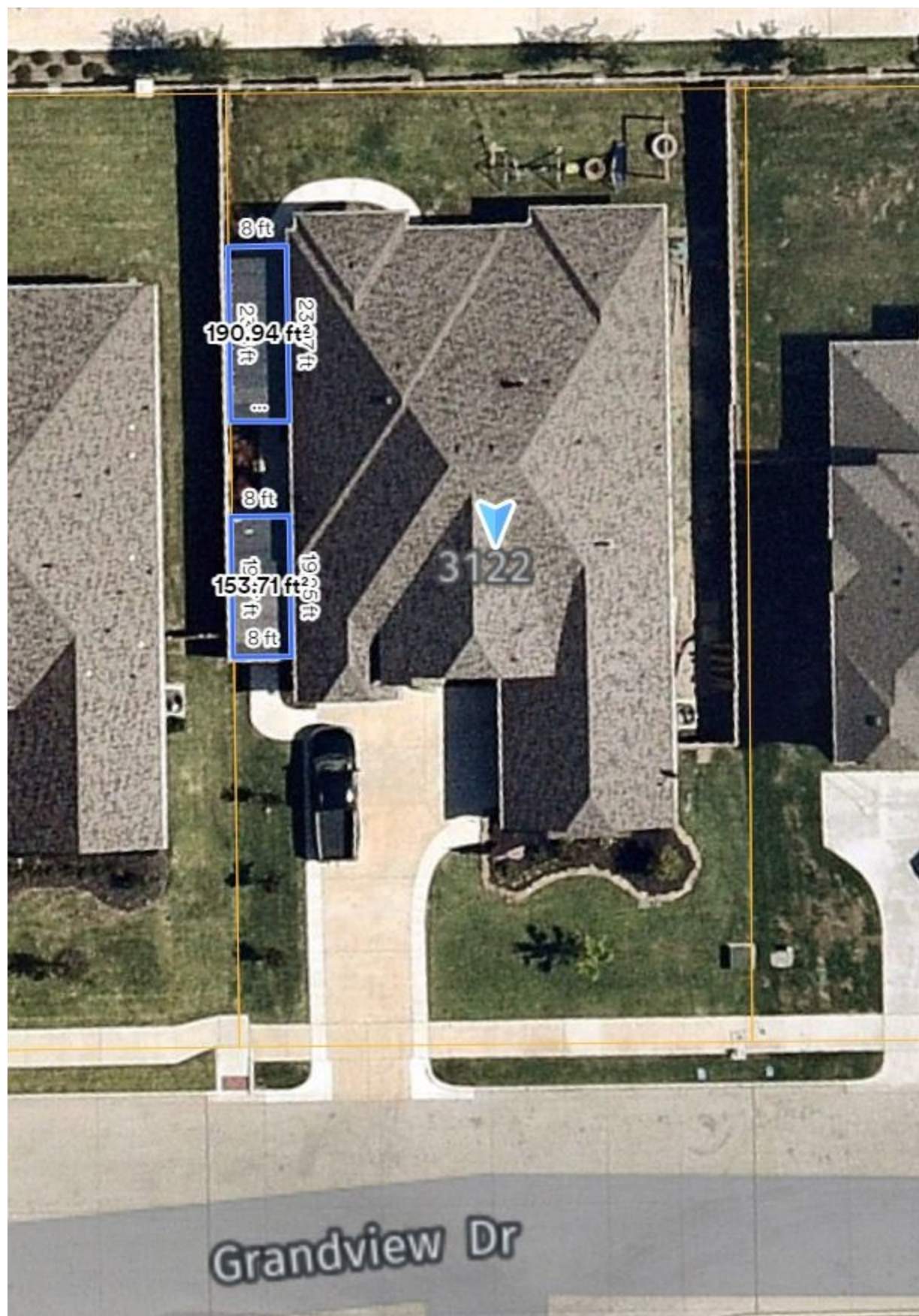
 SUBJECT property

0 0.1 0.2 0.3 Miles



Date: 8/24/2023





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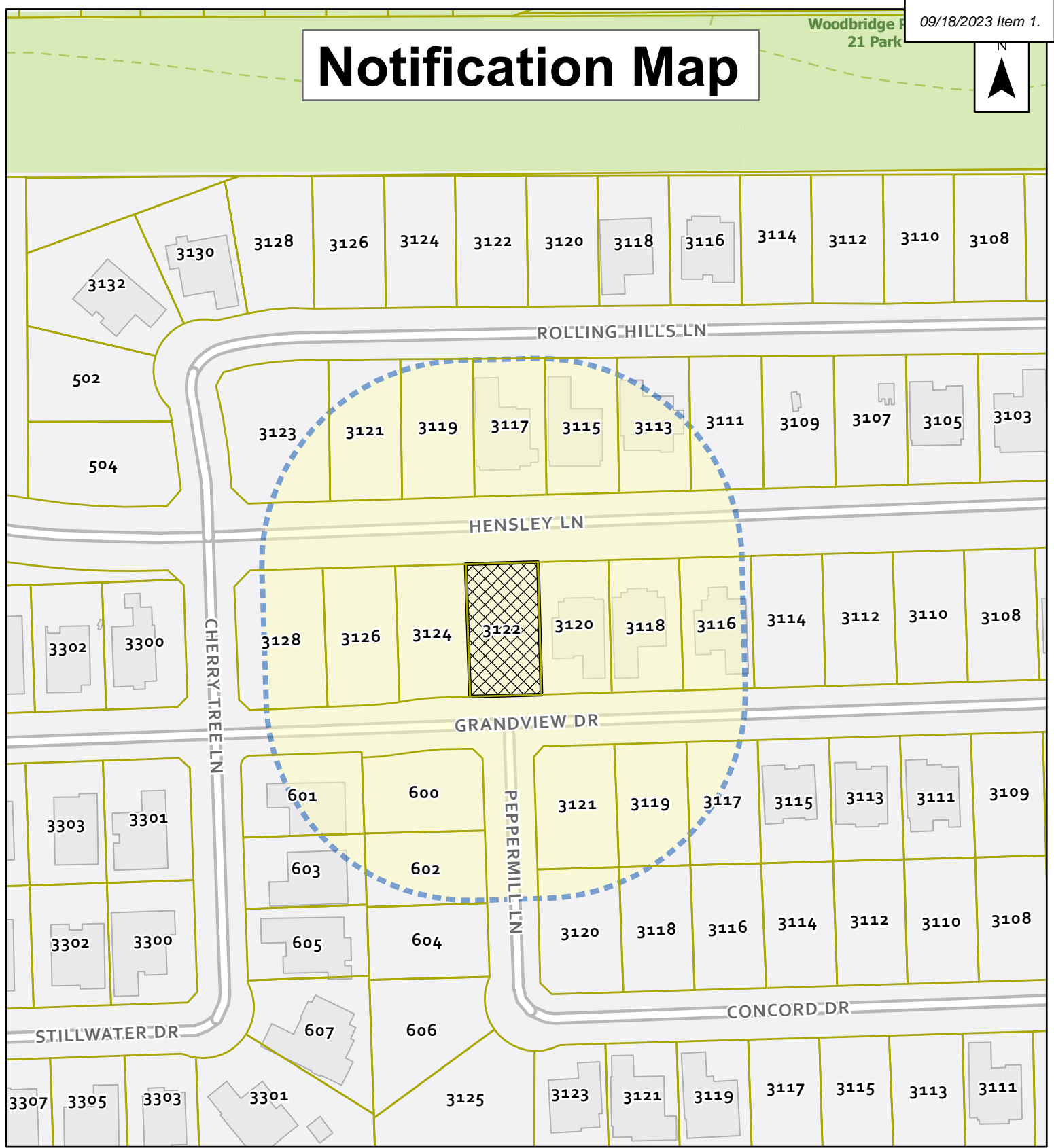
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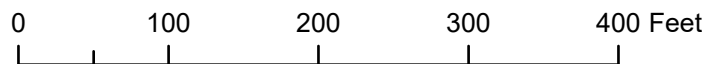


Notification Map



ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2023-07 3122 Grandview Dr

 SUBJECT property  200 foot Notification Buffer



Date: 8/24/2023

