

Wylie Zoning Board of Adjustments Regular Meeting

September 20, 2021 – 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. Consider, and act upon, Minutes from the August 16, 2021 Regular Zoning Board of Adjustment Meeting.

REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Alvin Harrison for a variance to Section 5-2 of the Zoning Ordinance to allow for 32 parking spaces in lieu of 40 parking spaces for a day care facility. Property located at 7940 E Parker Road. ZBA 2021-14

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on September 17, 2021 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

Meeting Date:	<u>September 20, 2021</u>	Item:	<u>A</u>
Department:	<u>Planning</u>		
Prepared By:	<u>Mary Bradley</u>	Subdivision:	<u></u>
Date Prepared:	<u>September 13, 2021</u>	Zoning District:	<u></u>
		Exhibits:	<u>Minutes</u>

Subject

Consider, and act upon, Minutes from the August 16, 2021 Regular Zoning Board of Adjustment Meeting.

Recommendation

Motion to **approve** Item A as presented.

Discussion

The minutes of the August 16, 2021 ZBA regular meeting are attached for your consideration.

Approved By

	<i>Initial</i>	<i>Date</i>
Department Director	<u>JH</u>	<u>September 13, 2021</u>



Zoning Board of Adjustment

**Minutes
Regular Meeting
August 16, 2021 – 6:30 p.m.
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Bldg. 100
Wylie, TX 75098**

CALL TO ORDER

Chair Byron Betler called the meeting to order at 6:30PM. and announced a quorum was present. Board Members in attendance; Chair Betler, Board Member Richard Covington, Board Member Andrew Wight, Board Member Aaron Lovelace and Board Member Zewge Kagnew. Alternate Board Member Richard Miller was present but did not participate.

Staff present were Mr. Jasen Haskins, Planning Manager, Mr. Kevin Molina, Senior Planner and Ms. Mary Bradley, Administrative Assistant II.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

No one approached the Board Members.

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 approval of the Minutes for the July 19, 2021 Meeting.**

Board Action

A motion was made by Chair Betler, and seconded by Board Member Covington, to approve the minutes as submitted. A vote was taken and carried 5 – 0.

REGULAR AGENDA

Public Hearing

- 1. Hold a Public Hearing to consider and act upon a request by David Ordanez for a variance to Figure 4-5, Figure 4-7 and Section 4.3.D.4 of the Zoning Ordinance to allow for service and loading areas to face a public street. Property located at 1602 Martinez Lane. ZBA 2021-12.**

Staff Comments

Mr. Molina addressed the Board Members and stated that the property located at 1602 Martinez Lane is currently zoned Light Industrial.

The applicant is proposing to develop an office warehouse building for a self-owned HVAC repair company. The applicant is requesting a variance to allow service and loading areas to face a public street. The structure will have four garage doors that will face Martinez Lane.

The applicant has stated that there is a hardship due to the property being on a rectangular lot. The rectangular shape of the lot makes the building's orientation with garage doors facing Martinez Lane the most feasible option for the development of the site.

Public Comment forms were mailed to thirteen property owners. No comment forms were returned in favor or in opposition of the request.

Public Comments

Chair Betler opened the public hearing for Item 1 at 6:40PM asking anyone present wishing to address Board Members to come forward.

The applicant, Mr. David Ordanez, Jr. addressed the Board Members stating the site will provide 12 parking spaces for employee parking only and will have one access. Board Members questioned if the site will be gated or have a barrier. Mr. Ordanez stated that he was in agreement of providing a privacy fence. The Board Members discussed the type of fence, and recommended a fence made of wrought iron, masonry, or wood but not less than six feet in height facing Martinez. Mr. Ordanez was in agreement.

Chair Betler closed the public hearing for Item 1 at 6:42PM.

Board Action

A motion was made by Vice Chair Wight, and seconded by Board Member Lovelace, to grant the variance with stipulations of a fence made of wrought iron, masonry, or wood but not less than six feet in height facing Martinez, to allow for service and loading areas to face a public street. Property located at 1602 Martinez Lane. ZBA 2021-12. A vote was taken and carried 5 - 0.

- 2. Hold a Public Hearing to consider and act upon a request by Paul Louk for a variance to Section 11.3.1.2 and 11.3.1.4 of Planned Development 2021-08 to allow for reduced rear and side setbacks for an addition to a single-family home. Property located at 1415 Eugene Drive. ZBA 2021-13.**

Staff Comments

Mr. Molina approached the Board Members stating that the property is located at 1415 Eugene Drive and is zoned Creekside Estates Planned Development Ordinance 2021-08.

The application is requesting a variance to allow for rear setbacks of 7 feet in lieu of 25 feet and side setbacks of 5 feet in lieu of 6 feet for a 780 square feet addition to a single family residence.

The applicant has stated that the variance is needed to allow for the proposed home addition to accommodate space for residents and guests.

Public Comment forms were mailed to twenty-five property owners. No comment forms were returned in favor or in opposition of the request.

Public Comments

Chair Betler opened the public hearing for Item 2 at 6:50PM asking anyone present wishing to address Board Members to come forward.

The applicant, Mr. Paul Louk addressed the Board Members stating that the height of the addition is in compliance with the Zoning Ordinance of fourteen feet and the property is on a corner lot.

Chair Betler closed the Public Hearing for Item 2 at 6:52PM.

Board Action

A motion was made by Board Member Lovelace, and seconded by Vice Chair Wight to grant the variances to allow for reduced rear and side setbacks for an addition to a single-family residential home. Property located at 1415 Eugene Drive. ZBA 2021-13. A vote was taken and carried 5 – 0.

Ms. Bradley stated that there will be a meeting on September 20, 2021.

ADJOURNMENT

A motion was made by Chair Belter and seconded by Board Member Covington, to adjourn the meeting at 7:00PM. A vote was taken and carried 5 – 0.

Byron Betler, Chair

ATTEST:

Mary Bradley



Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>September 20, 2021</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>2021-14</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>7940 E Parker Rd</u>
Date Prepared:	<u>September 09, 2021</u>	Subdivision Name:	<u>Stone 2514 Addition</u>
		Exhibits:	<u>Locator Map, Site Plan, Floor Plan, Notification Map</u>

Subject

Hold a Public Hearing to consider and act upon a request by Alvin Harrison for a variance to Section 5-2 of the Zoning Ordinance to allow for 32 parking spaces in lieu of 40 parking spaces for a day care facility. Property located at 7940 E Parker Rd. **ZBA 2021-14**

Discussion

Applicant: Thomas Vilbig

Owner: Alvin Harrison

The subject property is located at 7940 E Parker Rd and is currently zoned Commercial Corridor.

The applicant is requesting a variance to allow for reduced parking for a day care facility by providing 32 parking spaces in lieu of 40 parking spaces. The Zoning Ordinance has a parking requirement of 4 spaces per classroom. The variance is being requested for the potential of up to 10 classrooms being allowed.

The applicant and staff believe the variance request has merit for the following reasons:

- A covered area shall be provided to alleviate parking normally required for drop-offs and pick-ups. The parking required by the zoning ordinance does not account for a drive-thru area.
- Staff conducted an informal survey of local day-cares and found that there was unutilized parking, even at peak times.
- Other cities' requirements are less strict than Wylie; Dallas would require 18 spaces, Plano would require 31, and Garland would require 34, for the same building.

If this variance were to be approved a full site plan review and approval will be required by the Planning and Zoning Commission.

Public comment forms were mailed to ten (10) 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.

Approved By

Department Director

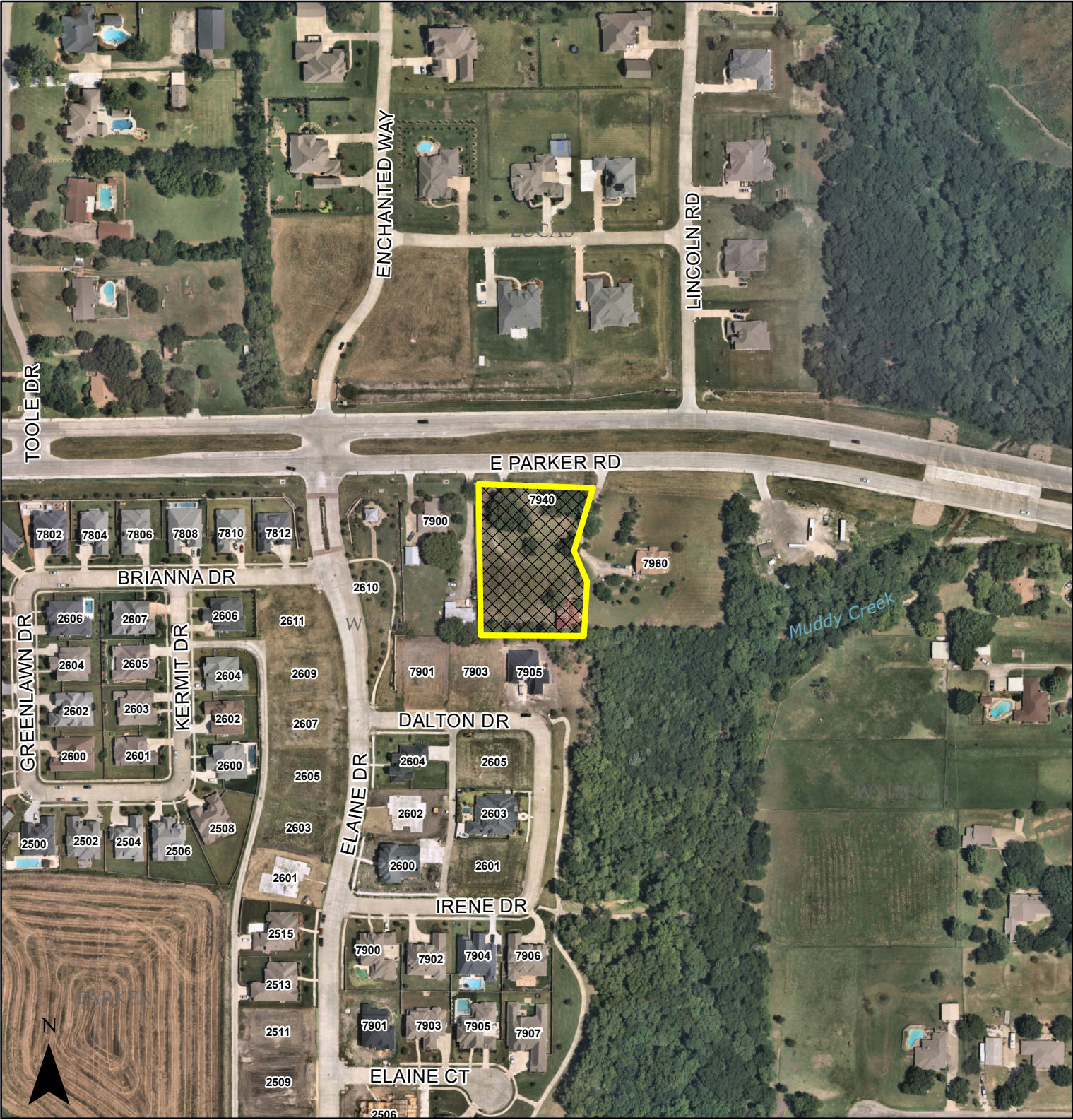
Initial

JH


Date

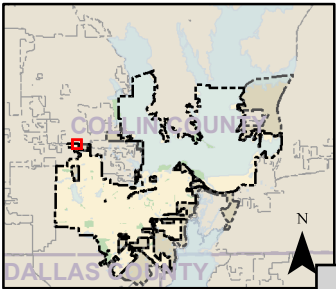
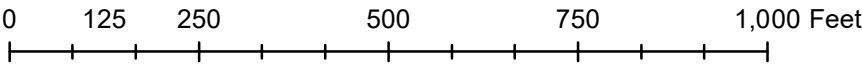
September 13, 2021

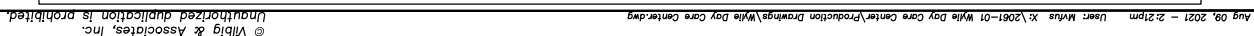
Locator Map



ZBA 2021-14; 7940 E Parker Rd

 Subject Property





LOT 1 BLOCK A SITE DATA	TABLE
BLD SQFT	9,000
SITE ACREAGE	1.275
ZONING	COMMERCIAL CORRIDOR
CURRENT USE	VACANT
PROPOSED USE	DAY CARE
PARKING PROVIDED	32 SPACES
PARKING REQUIRED	40 SPACES
PARKING REQUIREMENT	FOR DAY CARE
4 PER CLASSROOM	
OUTDOOR SPACE REQUIRED	5,600 S.F.
OUTDOOR SPACE PROVIDED	6,000 S.F.

PLAN LEGEND

- PROJECT BOUNDARY LINE
OTHER PROPERTY BOUNDARY
EXISTING EASEMENT
ROW LANDSCAPE BUFFER
PROPOSED BUILDING SETBACK LINE
PROPOSED CURB

WYLLIE DAY CARE CENTER
7940 E PARKER RD
WYLLIE, TX

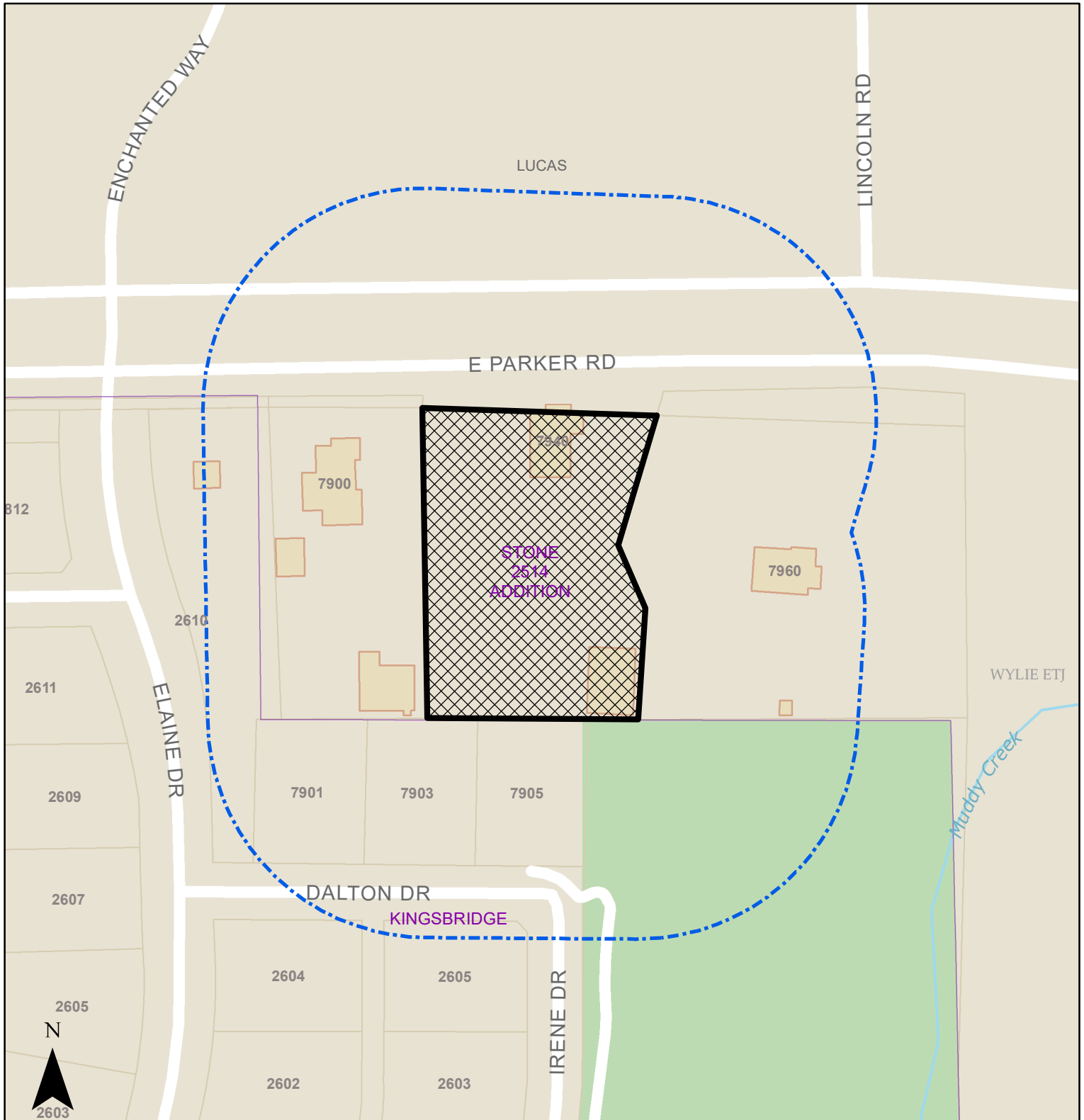
ENGINEER

VILBIG & ASSOCIATES, INC.
TX Eng. Firm # F-5614
517 W Woodard St.
Denison, TX 75020
(214) 352-7333
Contact: Tommy Vilbig

JOB NO. 2061-01. Date 08/09/2021

Notification Map

09/20/2021 Item 1.



ZBA 2021-14; 7940 E Parker Rd



200 Foot Notification Buffer



Subject Property

0 60 120 240 360 480 Feet

