### Wylie Zoning Board of Adjustments Regular Meeting

May 19, 2025 – 6:00 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 approval of the meeting minutes from the April 21, 2025, Zoning Board of Adjustments meeting.

#### REGULAR AGENDA

- 1. Hold a Public Hearing to consider and act upon a request by Tina Brown for a variance to Section 5.C of Planned Development 2000-20 to allow for a fence eight feet in height. Property located at 1909 Fountain Spray Drive. (ZBA 2025-08).
- 2. Hold a Public Hearing to consider and act upon a request by Eric Harger for a variance to Section 4.2.A.3 of the Zoning Ordinance to allow for 10' front setbacks in lieu of the required 25'. Property located at 1603 Martinez Lane, ZBA 2025-09
- 3. Hold a Public Hearing to consider and act upon a request by Meezan Investments LLC for a variance to Section 3.4.D.1(a), 3.4.D.1(c) & Figure 3-4 of the Zoning Ordinance to allow for Single Family 10/24 development with a variance to the required 30' buffer from a flood plain, variance to the required 40' buffer from a thoroughfare and variance to the double frontage lot depth and rear setback requirements. Property located at 1501 W Brown St. ZBA 2025-10

#### **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 May 16, 2025 at 5:00 p.m. on the outside bulletin board at Wy	ylie
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:	Gabby Fernandez			
Subject				
	on, minutes from the April 21, 2	2025 Regular Meeting.		
Recommendati	ion			
Motion to approve Ite	em A as presented.			
Discussion				
	ched for your consideration.			
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### Wylie Zoning Board of Adjustments Regular Meeting

April 21, 2025 – 6:00 PM

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



#### **CALL TO ORDER**

Chair Covington called the meeting to order at 6:00 p.m. In attendance were Chair Richard Covington, Board Member Aaron Lovelace, Board Member Jon Ennis, Board Member Hamza Fraz and Board Member Gordon Hikel. Staff present were Director of Community Services Jasen Haskins, Senior Planner Kevin Molina, and Administrative Assistant Gabby Fernandez. Absent was Vice-chair I-isha Hudson.

#### 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.

#### 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 meeting minutes from the March 17, 2025 Zoning Board of Adjustments Meeting.

#### **BOARD ACTION**

A motion was made by Board Member Lovelace and seconded by Board Member Hikel to approve the Consent Agenda as presented. A vote was taken and carried 5 - 0.

#### **REGULAR AGENDA**

1. Hold a Public Hearing to consider and act upon a request by Amy Elliot for a variance to Section 3.1 and Section 9.5 of the Zoning Ordinance to allow for side setbacks of five feet in lieu of ten feet and the expansion of a non-conforming use. Property located at 200 S Third Street. (ZBA 2025-07).

Chair Covington opened the public hearing at 6:09 PM. None approached the Commission. Chair Covington closed the public hearing at 6:09 PM.

#### **BOARD ACTION**

A motion was made by Board Member Hikel and seconded by Board Member Fraz to approve Regular Agenda Item 1 as presented. A vote was taken and carried 5-0.

#### **ADJOURNMENT**

Gabby Fernandez, Secretary

A motion was made by Board Member Lovelace, and seconded by Board Member Hikel, to adjourn the meeting. A vote was taken and carried $5 - 0$ . Chair Covington adjourned the meeting at 6:11 pm.		
	Richard Covington, Chair	
ATTEST		



# Wylie Zoning Board of Adjustments

## **AGENDA REPORT**

Department:	Planning	Item Number:	1
Prepared By:	Kevin Molina		
Subject			
Hold a Dublia Harring	to consider and act upon a request	by Tine Proven for a ve	priones to Section 5 C of Dlanned

Development 2000-20 to allow for a fence eight feet in height. Property located at 1909 Fountain Spray Drive. (**ZBA 2025-08**).

#### Recommendation

Motion to approve or deny.

#### **Discussion**

#### **OWNER: Manuel Gallegos**

**APPLICANT: Manuel Gallegos** 

The applicant is requesting a variance to Section 5.C of Planned Development 2000-20 to allow for a fence eight feet in height in lieu of seven feet. The property is located at 1909 Fountain Spray Drive.

The purpose of the ordinance having height restrictions is to ensure a uniform appearance throughout the subdivision.

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

- The current city Zoning Ordinance allows for fences eight feet in height. The seven feet limitation was established by Planned Development 2000-20.
- Additionally, the rear of the property is adjacent to a multistory apartment complex, therefore a higher fence could provide additional privacy.
- The Cascades Homeowners Association has provided a conditional approval letter for the fence.

Public comment forms were mailed to twenty-four (24) 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.



ZONING BOARD OF ADJUSTMENT CASE: 1909 Fountain Spray Drive ZBA 2025-08

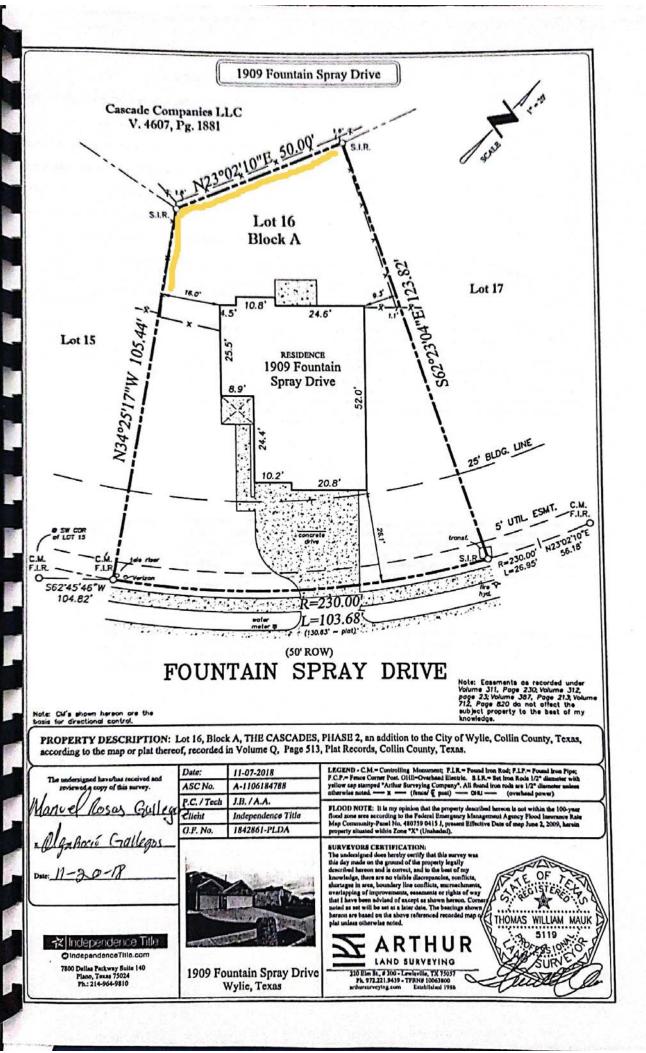


SUBJECT property

0 100 200 300 400 500 600 700 800 Feet 









Manuel & Olga
Gallegos

Home

**Payments** 

Calendar

Shared Documents

Insurance

Architectural Reviews

**Property Details** 

Account Profile

Help

## Architectural Review

Summary

Plan Details

Proper HOA Management

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(214) 378-1112

Submitted on 4/22/2025

Build a fence that is 8' tall instead of the regulated 7'. The fence will be inside the fence that's already there, so we will not take it down, and will only be on 2 sides. The shorter side (left) is 35 feet and the other (top) is 50 feet long. The fence itself will be made of cedar wood and painted a red cherry color. I have also provided a survey of where the fence will be (marked in yellow)



Message Thread

Thank you for submitting your request. If you have any information to share, please do so below.

Automated Message - April 22, 2025 11:34 AM

Board has approved your request

Kristen Bates - April 24, 2025 10:28 PM

Enter message

0/910

Send

appfolio











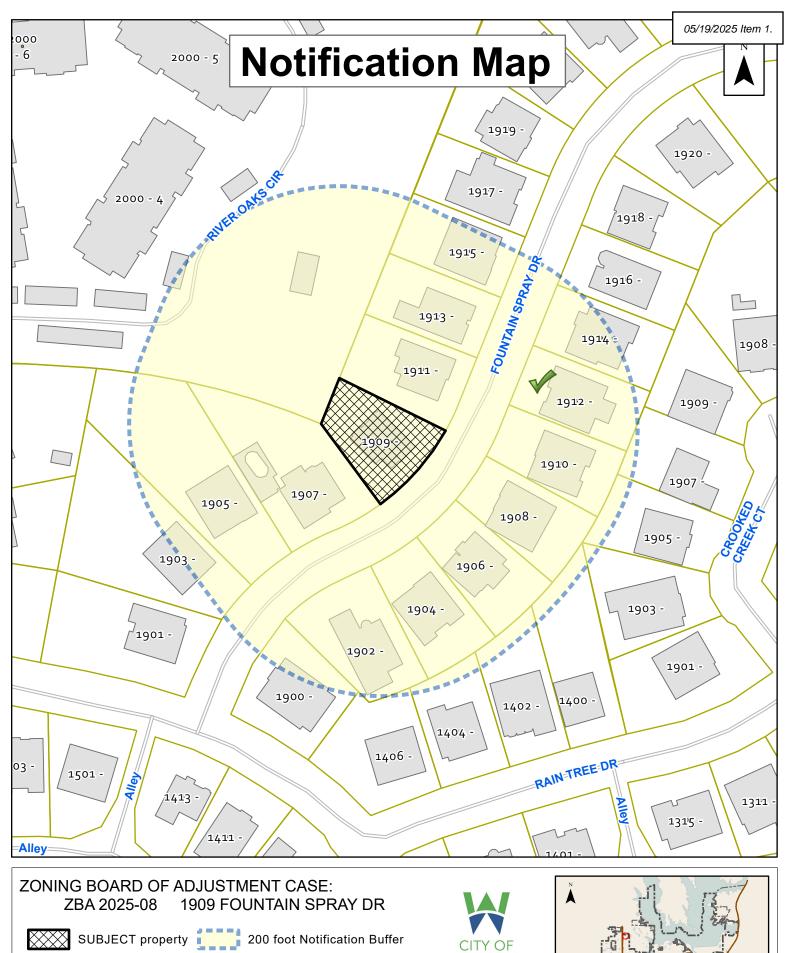


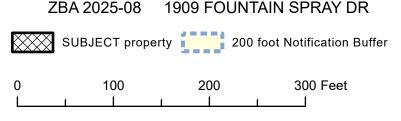














Date: 4/30/2025



# Wylie Zoning Board of Adjustments

## **AGENDA REPORT**

Department:	Planning	Item Number:	2
Prepared By:	Kevin Molina		
Subject			
Hold a Public Hearin	g to consider and act upon a	request by Eric Harger for a varia	ance to Section 4.2.A.3 of the Zoning
Ordinance to allow for	r 10' front setbacks in lieu o	of the required 25'. Property locate	ed at 1603 Martinez Lane. <b>ZBA 2025-</b>

#### Recommendation

Motion to approve or deny.

#### **Discussion**

#### **OWNER: Eric Harger**

09

**APPLICANT: Johnson Volk Consulting** 

The applicant is requesting a variance to Section 4.2.A.3 of the Zoning Ordinance to allow for 10' front setbacks in lieu of the required 25' to allow for the construction of two commercial structures closer to the right-of-way and accommodate space for rear parking and fire lane requirements. The property is located at 1603 Martinez Lane and is zoned in the Light Industrial district.

The purpose of the Ordinance restricting front setback requirements is to provide separation from public right of ways While the City's zoning ordinance standard requirement for setbacks is 25', the required front setback of properties does not take into consideration the additional buffer provided by parkways within the right of way.

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

- A spacing of at least 23' will remain from the front of the structures to the curb of Martinez Lane. The applicant intends to install a 5' wide sidewalk adjacent to the front of the structures. Martinez Lane is not listed as a thoroughfare on the thoroughfare plan and is fully built out at a 50' right of way width.
- The Zoning Ordinance recommends having loading areas not be visible from the right of way. Additional space is necessary at the rear of the property for the maneuverability of loading trucks and access to rear loading doors.
- Fire lanes are typically required on-site to ensure fire trucks and emergency vehicles can access structures while not being blocked by public traffic. The proposed plan allows for emergency vehicles to access both structures while meeting the 150' hose lay requirement.
- A similar variance was approved across from the street of this property at 1602 Martinez Ln. The applicant is requesting to install buildings and sidewalks with a similar configuration due to having similar limitations due to the lot shape. **ZBA 2022-01**

Public comment forms were mailed to seven-teen (17) 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.

A site plan review with approval by the Planning and Zoning Commission shall be required were this variance to be approved.

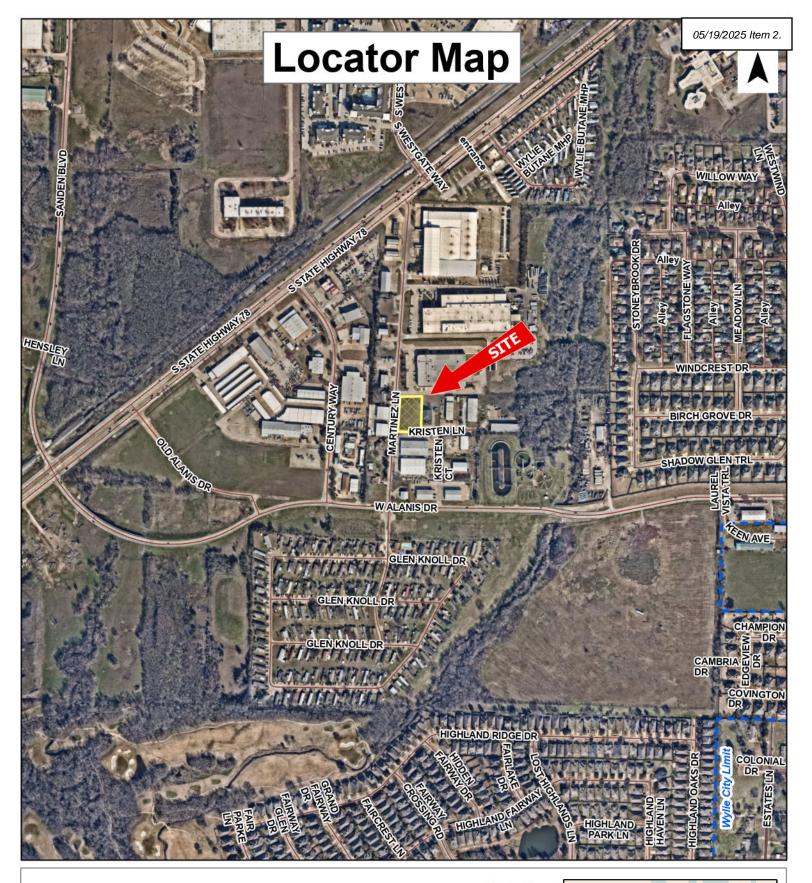
#### The Board shall not grant a variance to the development code which:

(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 <u>all the following</u> 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.



ZONING BOARD OF ADJUSTMENT CASE: ZBA 2025-09 1603 Martinez Lane

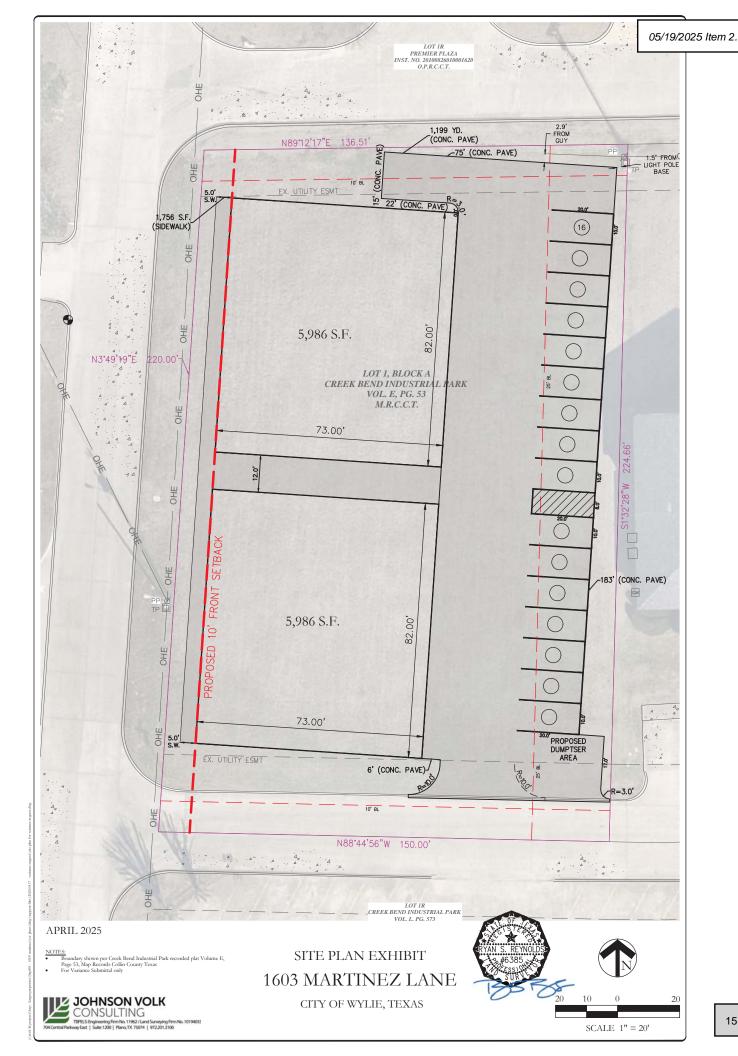


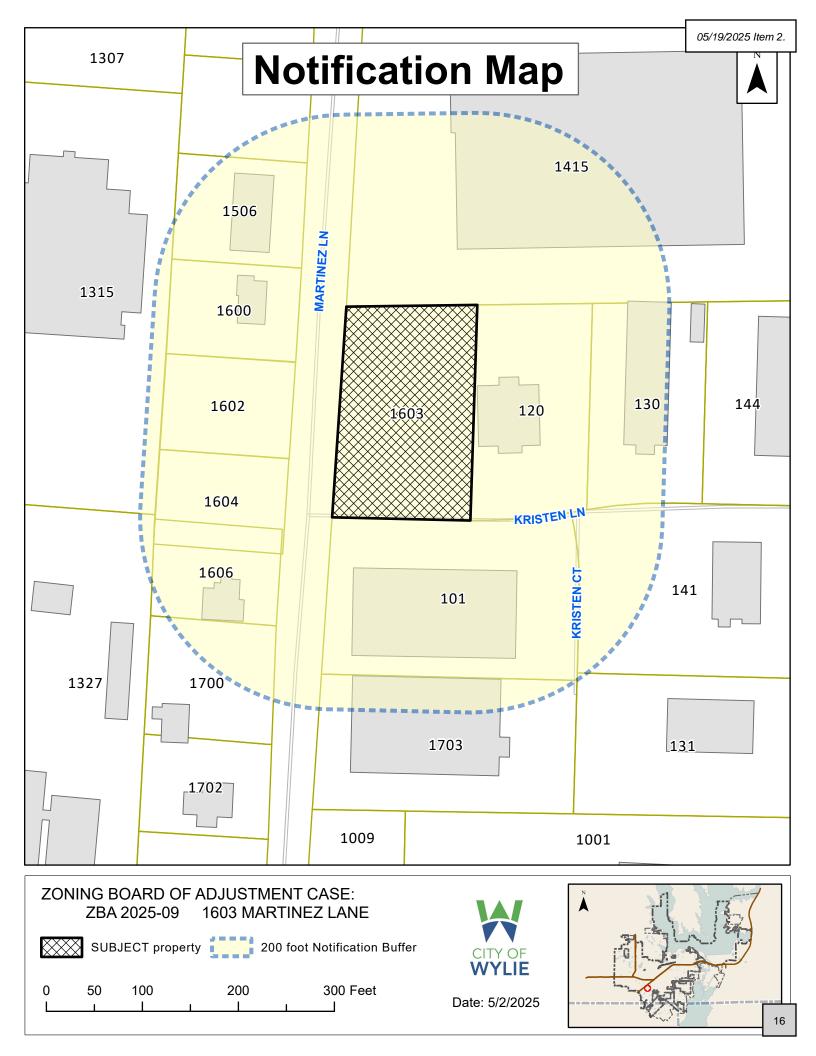
SUBJECT property

200 400 600 800 1,000 Feet











## Wylie Zoning Board of Adjustments

## **AGENDA REPORT**

Department:	Planning	Item Number:	3
Prepared By:	Kevin Molina		

#### Subject

Hold a Public Hearing to consider and act upon a request by Meezan Investments LLC for a variance to Section 3.4.D.1(a), 3.4.D.1(c) & Figure 3-4 of the Zoning Ordinance to allow for Single Family 10/24 development with a variance to the required 30' buffer from a flood plain, variance to the required 40' buffer from a thoroughfare and variance to the double frontage lot depth and rear setback requirements. Property located at 1501 W Brown St. **ZBA 2025-10** 

#### Recommendation

Motion to approve or deny.

#### Discussion

#### **OWNER: Meezan Investments LLC**

**APPLICANT: Meezan Investments LLC** 

The applicant is requesting a variance to Section 3.4.D.1(a), 3.4.D.1(c) & Figure 3-4 of the Zoning Ordinance to remove the provisions of the Single Family SF 10/24 zoning district and residential design standards that require a 30' buffer from a flood plain, a 40' buffer from a thoroughfare, and double lot frontage depth as generally shown on the Variance exhibit with double lot rear setbacks of 30' in lieu of 45'. The property is located at 1501 W Brown St. and is zoned Single Family SF 10/24. The variance exhibit shows the development of 12 single family detached units and one open space Home Owners Association lot accessed by a newly created public street.

The purpose of the landscape buffers from the flood plain and major thoroughfares is to provide enhancements to public spaces and thoroughfares. The purpose of double frontage lots having increased lot depths and increased setbacks is to provide adequate rear yard sizing and building spacing from public roadways.

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

- The irregular shape of the subject property, adjacency to the floodplain, and requirement to dedicate 20' of Right of Way for West Brown Street limits the developable area of the site while maintaining a 50' wide public street and 10,000 sq.ft. residential lots.
- While the 30' landscape buffer is not being provided the developer intends to create a 41,353 sq.ft. Home Owners Association open space lot adjacent to the flood plain to serve as a public open space for the subdivision.
- While the 40' landscape buffer is not being provided there is a 20' Right of Way dedication which contains an existing sidewalk along the parkway. The developer shall also provide a 6' wrought iron fence between brick or stone column screening or a Landscape Earthen Bern with a 3:1 slope.
- The double frontage lot depth and setback requirements of 120' depth and 45' rear setback shall be reduced to the depths as shown on the Variance exhibit with rear setbacks of no less than 30'. The developer shall ensure that the residential units meet all other setback and dwelling unit size requirements.

Public comment forms were mailed to six-teen (16) 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.

A Plat review with approval by the City Council shall be required were this variance to be approved.

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

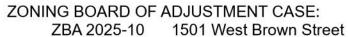
(1) Permits a land use not allowed in the zoning district in which the property is located; or

- (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 <u>all the following</u> 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.



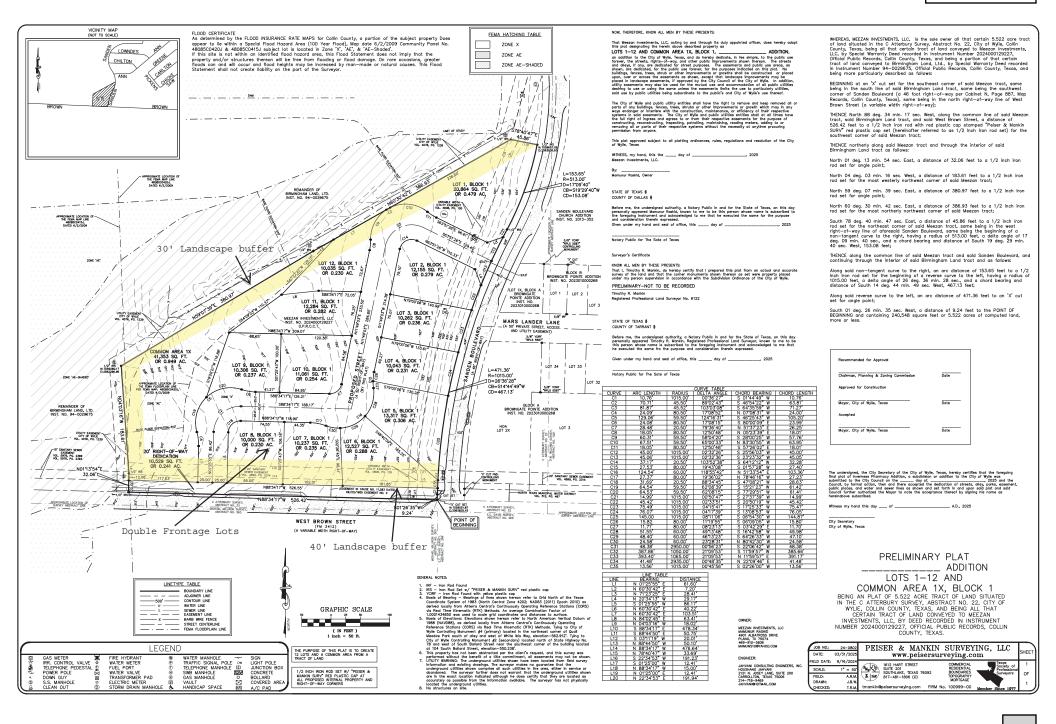


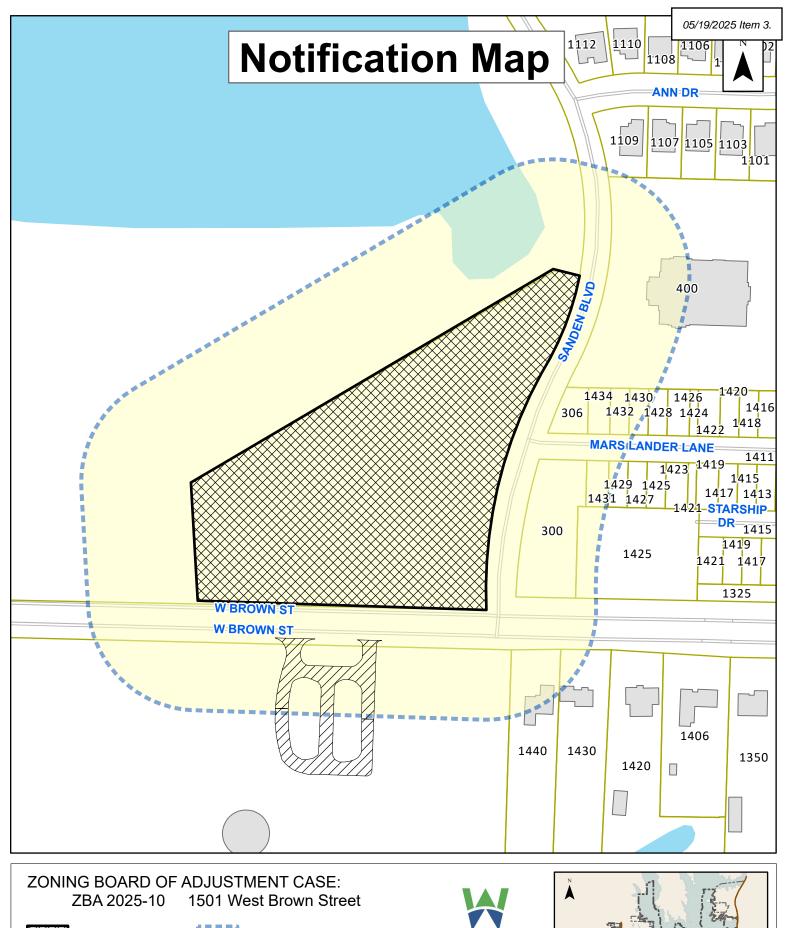


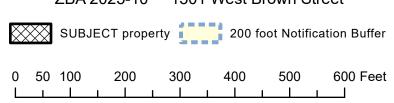
0 200 400 600 800 1,000 Feet













Date: 5/5/2025

