

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

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 March 17, 2025, Zoning Board of Adjustments meeting.

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).

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 April 18, 2025 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.

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

Consider, and act upon, minutes from the March 17, 2025 Regular Meeting.

Recommendation

Motion to approve Item A as presented.

Discussion

The minutes are attached for your consideration.

Wylie Zoning Board of Adjustments Special Called Meeting

March 17, 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, Vice-Chair I-isha Hudson, 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 Board Member Aaron Lovelace.

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 January 21, 2025 Zoning Board of Adjustments Meeting.**

BOARD ACTION

A motion was made by Board Member Fraz and seconded by Board Member Hikel 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 F&S Ventures LLC for a variance to Section 4.3 & Section 9 of the Zoning Ordinance to allow for the remodeling and change of a nonconforming structure. Property located at 1959 N State Highway 78. (ZBA 2025-02).**

Chair Covington opened the public hearing at 6:07 PM. None approached the Commission. Chair Covington closed the public hearing at 6:07 PM.

BOARD ACTION

A motion was made by Board Member Hikel and seconded by Board Member Fraz to approve 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 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 1911 Fountain Spray Drive. (ZBA 2025-03).**

Chair Covington opened the public hearing at 6:12 PM. None approached the Commission. Chair Covington closed the public hearing at 6:12 PM.

BOARD ACTION

A motion was made by Board Member Hikel and seconded by Vice-Chair Hudson to approve 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 James Donovan for a variance to Section 11.8 of Planned Development 2005-04 to allow for side setbacks of three feet in lieu of ten feet. Property located at 1303 Shadow Hills Drive. (ZBA 2025-04).**

Chair Covington opened the public hearing at 6:17 PM. None approached the Commission. Chair Covington closed the public hearing at 6:17 PM.

BOARD ACTION

A motion was made by Board Member Fraz and seconded by Vice-Chair Hudson to approve Agenda Item 3 as presented. A vote was taken and carried 4 – 0.

4. **Hold a Public Hearing to consider and act upon a request by Brian Scherr for a variance to Section 9.2 of Planned Development 2005-44 to allow for side setbacks of 7 feet 3 inches in lieu of ten feet. Property located at 1804 Stone Glen Drive. (ZBA 2025-05).**

Chair Covington opened the public hearing at 6:23 PM. None approached the Commission. Chair Covington closed the public hearing at 6:23 PM.

BOARD ACTION

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

5. **Hold a Public Hearing to consider and act upon a request by Joseph Sotelo for a variance to Section 25.4 of Zoning Ordinance 1991-22 to allow for an accessory structure over the maximum allowed square footage. Property located at 1901 Stone Glen Drive. (ZBA 2025-06).**

Chair Covington opened the public hearing at 6:28 PM. None approached the Commission. Chair Covington closed the public hearing at 6:28 PM.

BOARD ACTION

A motion was made by Vice-Chair Hudson and seconded by Board Member Hikel to approve Agenda Item 5 as presented. A vote was taken and carried 4 – 0.

ADJOURNMENT

A motion was made by Board Member Fraz, and seconded by Board Member Hikel, to adjourn the meeting. A vote was taken and carried 4 – 0. Chair Covington adjourned the meeting at 6:29 pm.

*Richard Covington, Chair***ATTEST**

Gabby Fernandez, 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 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).

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: Amy Elliot

APPLICANT: Amy Butscher

The applicant is requesting 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 for the expansion of a non-conforming use by allowing for the increase in size of a detached single family home within the Multi-Family zoning district. The variance request is being made to allow for an attached garage addition.

The purpose of the Ordinance restricting side setback requirements is to provide separation from adjacent properties and existing structures. While the City's zoning ordinance standard requirement for setbacks is 10', there are numerous exceptions in town. Several Planned Developments have 5' setbacks, which is the generally accepted minimum for fire separation between single-family homes without additional requirements.

The purpose of Section 9.5 of the Zoning Ordinance regarding non-conforming uses is to closely regulate the expansion of uses in areas that have been rezoned and the current use may no longer be compatible. The ZO grants the rights of the Zoning Board of Adjustment to approve the expansion and continuation of a non-conforming use.

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

- A five foot side setback shall remain to allow for the access and maintenance of remaining open space.
- No windows affecting the adjacent neighbors' privacy are being proposed on the side facing south. A letter in support by the adjacent property owner at 202 S 3rd Street was provided and is included in the packet.
- The alternative solution would be to place a detached garage near the rear of the property which would impact existing mature trees in the area and allow for a three foot side setback in contrast to the proposed five foot setback.
- The existing single family home was constructed prior to 1921 before the Multi-Family zoning designation was placed on the property. Approving the variance will allow for the continued use of the single family home while providing a driveway and covered parking solution for the current homeowners.

Public comment forms were mailed to eight-teen (18) property owners within 200 feet of this request, as required by State Law. At the time of posting two comment forms were returned in favor and none 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



ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2025-07 200 S THIRD ST

 SUBJECT property

0 100 200 300 400 500 Feet



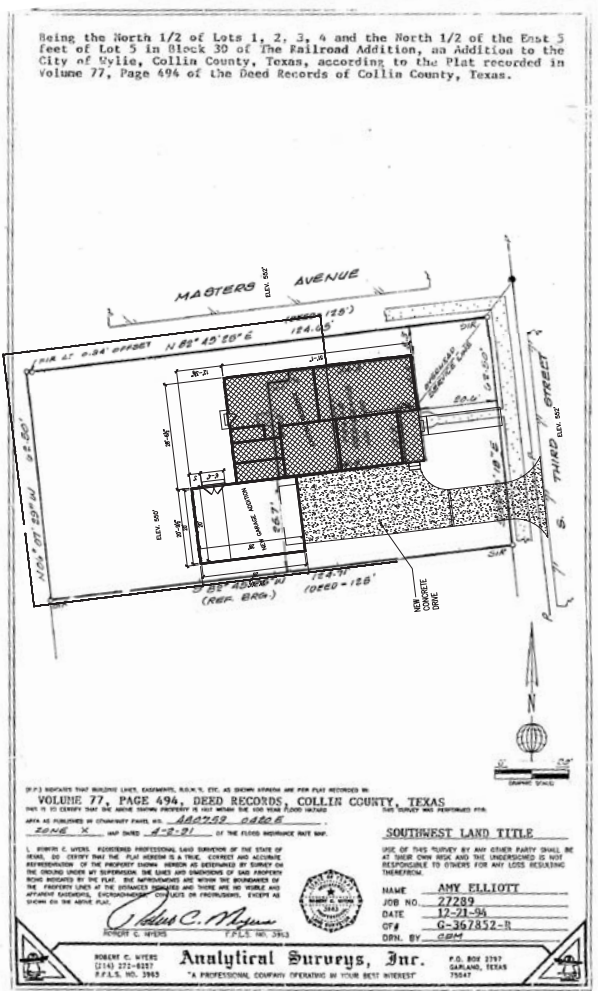
Date: 3/26/2025



Amy Butscher is requesting a reduction of the side yard setback on the south side of the property from 10 feet to 5 feet.

The residence is currently classified as SF 10/24 and is in a multi-family overlay. Renovations over the years have carefully preserved the original character of the residence. Amy has previously permitted three renovations of the residence (1998, 2003, and 2004) carefully preserving the original character of the residence.

PROPOSED PLAN



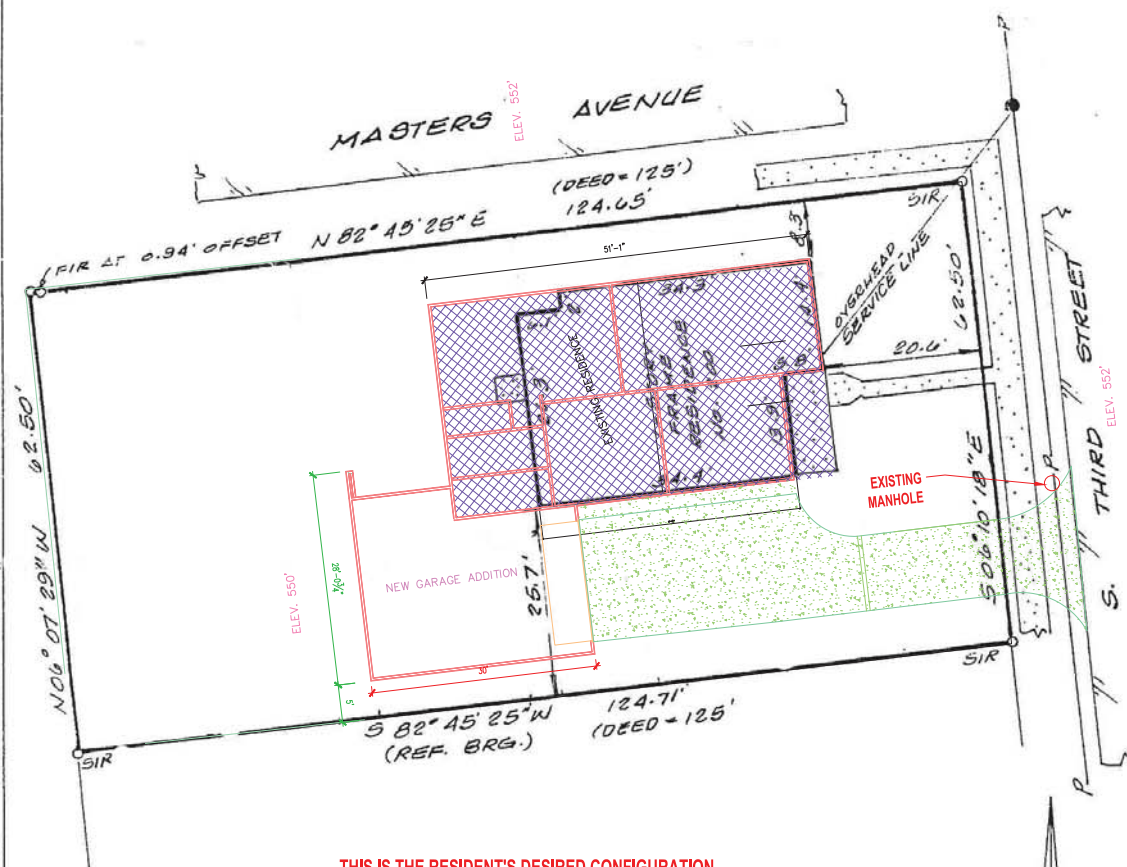
EXISTING RESIDENCE



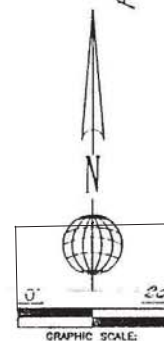
PROPOSED ADDITION

In support of this request the following items are presented in support of the variance approval.

Being the North 1/2 of Lots 1, 2, 3, 4 and the North 1/2 of the East 5 feet of Lot 5 in Block 30 of The Railroad Addition, an Addition to the City of Wylie, Collin County, Texas, according to the Plat recorded in Volume 77, Page 494 of the Deed Records of Collin County, Texas.



THIS IS THE RESIDENT'S DESIRED CONFIGURATION



(P.P.) INDICATES THAT BUILDING LINES, EASEMENTS, R.O.W.'S, ETC. AS SHOWN HEREON ARE PER PLAT RECORDED IN:

VOLUME 77, PAGE 494, DEED RECORDS, COLLIN COUNTY, TEXAS

THIS IS TO CERTIFY THAT THE ABOVE SHOWN PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD HAZARD

THIS SURVEY WAS PERFORMED FOR:

AREA AS PUBLISHED IN COMMUNITY PANEL NO. AB0759 0420 E
ZONE X, MAP DATED 4-2-91 OF THE FLOOD INSURANCE RATE MAP.

SOUTHWEST LAND TITLE

USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

I, ROBERT C. MYERS, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO CERTIFY THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY SHOWN HEREON AS DETERMINED BY SURVEY ON THE GROUND UNDER MY SUPERVISION. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING INDICATED BY THE PLAT. THE IMPROVEMENTS ARE WITHIN THE BOUNDARIES OF THE PROPERTY LINES AT THE DISTANCES INDICATED AND THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONDUITS OR PROTRUSIONS, EXCEPT AS SHOWN ON THE ABOVE PLAT.

Robert C. Myers
ROBERT C. MYERS
F.P.L.S. NO. 3963



NAME AMY ELLIOTT
JOB NO. 27289
DATE 12-21-94
CF# G-367852-R
DRN. BY CEM

ROBERT C. MYERS
(214) 272-8287
R.P.L.S. NO. 3963

Analytical Surveys, Inc.
"A PROFESSIONAL COMPANY OPERATING IN YOUR BEST INTEREST"

P.O. BOX 2797
GARLAND, TEXAS
75047

TEN ITEMS IN SUPPORT OF VARIANCE APPROVAL

1. The residence was constructed prior to 1921 and has historical significance in so much as it may have been one of the original 1886 residences.



2. The residence is the only residence between 2nd street and 3rd street and has the north facing side yard facing Masters Ave. The balance of the area is a community playground known as Kirby Park. Kirby Park is well developed neighborhood playground and park area.



3. The residence backyard contains significant old growth trees which provides a most beneficial natural backdrop for Kirby Park.



4. The existing sidewalk along the south side of Masters Ave. between 2nd and 3rd street is continuous and provides safe walking path without driveway intrusions.
5. The residents and guests of 200 S 3rd street are required to park on the street (with no curbs or gutters) which creates visual degradation, especially at the corner, resulting in potential hazardous driving and turning conditions.



6. The resident is also unable to provide safe storage of their vehicles leaving them exposed to theft, vandalism, and potentially damaging traffic and weather conditions.
7. To place a two-car garage in the location required by current zoning guidelines would require the removal of several trees on her property. These trees bordering the community playground, Kirby Park, and provide a pleasing natural background element to the playground. Note photo in item 3 above. It would be a shame to lose these trees that create such a beneficial visual element.
8. While approval of the preferred plan reduces the side yard setback to 5ft, it has the benefit of preserving the buffering benefits of item 3, the pedestrian safety of item 4, reducing or eliminating the hazards described in item 5, gives the residents peace of mind provided by item 6. and preserves the community the benefits of item 7.
9. Additionally, in support of this request, the resident at 202 S 3rd Street, which is adjacent to 200 S 3rd Street supports this request and has provided a letter of support which is, also, attached.
10. The current building code, 2021 Edition of the International Residential Code, requires a one-hour separation wall between the requested attached garage addition and the residence whereas a detached garage requires no fire safety construction. Approval of request enhances the overall safety of the residence and the neighborhood as well.

Respectfully submitted,

Amy Butscher
200 S Third Street, Wylie, Texas 75098

Linda Darlene Gray
202 S Third Street
Wylie, Texas 75098

March 15, 2025

Jason Potts, Chairman
Zoning Board of Adjustment
300 Country Club Road, Building 100
Wylie, TX 75098

Members of the Board,

I am writing to express my support for my neighbor, Amy Butscher, and the request for a setback variance regarding Amy's property located at 200 S Third Street, which is next door to my property.

As a resident of the City of Wylie, I believe that granting the variance of the side yard setback from 10 feet to 5 feet is in the best interest of our community. Amy has demonstrated a commitment to maintaining the aesthetic and safety standards of our neighborhood, and Amy's proposed project will enhance the overall appearance and functionality of their property and the safety of vehicular traffic. Additionally, this variance will allow Amy to improve her home while respecting the surrounding environment and community values.

I understand the importance of adhering to zoning regulations; however, it is also essential to recognize the unique circumstances that sometimes warrant consideration for a variance in this particular case. Moreover, I have spoken with several other neighbors who echo my sentiments and support Amy in this endeavor. We believe that the proposed changes will not only benefit Amy but will also contribute positively to the overall character of our community.

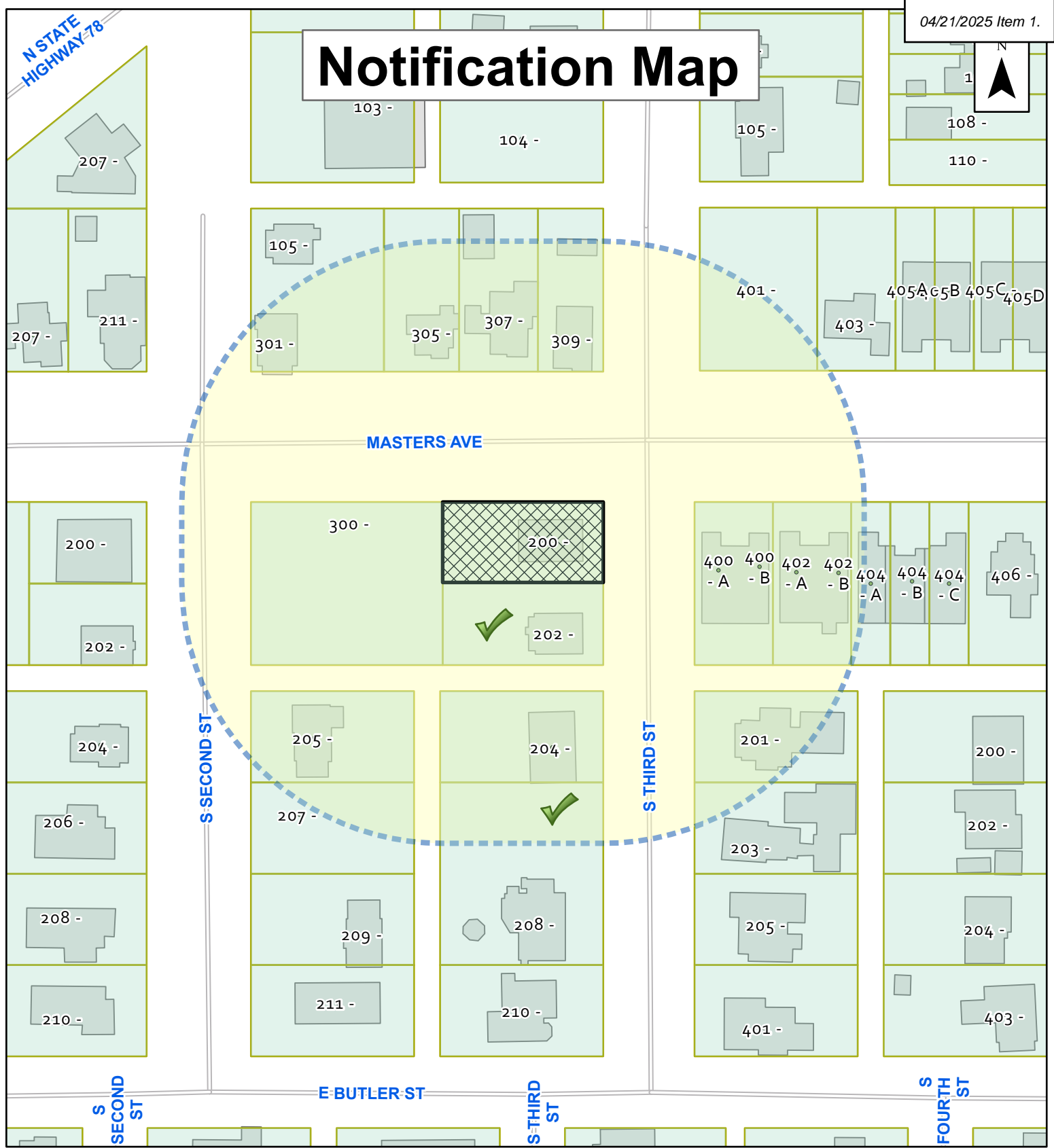
Thank you for considering my letter of support. I encourage you to grant this variance request and hope that the city will recognize the value such an approval will bring to our neighborhood. Please feel free to contact me if you require any further information or perspective on this matter.

Respectfully,



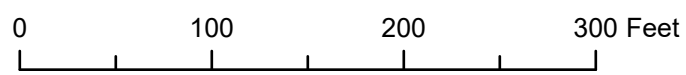
Linda Darlene Gray
972-533-1433

Notification Map

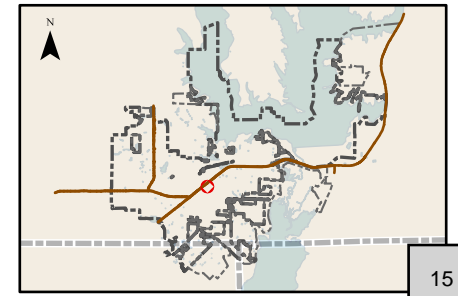


ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2025-07 200 S THIRD ST

 SUBJECT property  200 foot Notification Buffer



Date: 3/26/2025





Public Comment Form

First Name *

Mike

Middle Name

Last Name *

Mongogna

Address *

Street Address

208 S. Third St

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2025-07 200 S Third St.

Response *

- ☒ I am FOR the requested zoning as explained on the public notice
- ☐ I am AGAINST the requested zoning as explained on the public

Comments

I agree and understand that by signing the electronic signature, that it is the equivalent to my manual/handwritten signature.

Signature *

Date of Signature

4/7/2025