

Wylie Zoning Board of Adjustments Regular Meeting

September 16, 2024 – 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 July 15, 2024 Zoning Board of Adjustments meeting.

REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Ramiro Morales for a variance to Section 4.15 & 4.19-20 of Planned Development 2005-24 to allow for an accessory structure within the side setback, with the proximity to main structure setback and maximum allowed buildable square footage. Property located at 1217 Braddock Way. (ZBA 2024-04).
2. Hold a Public Hearing to consider and act upon a request by Jared Madison for a variance to Section 9.2 of Planned Development 2021-08 to allow for an unenclosed attached patio within the rear setback. Property located at 1632 Onyx Drive. (ZBA 2024-05).

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 13, 2024 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: Gabby Fernandez

Subject

Consider, and act upon, minutes from the July 15, 2024 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

July 15, 2024 – 6:00 PM

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



CALL TO ORDER

Community Development Director Jasen Haskins called the meeting to order at 6:13 p.m. In attendance were Board Member Richard Covington, Board Member I-isha Hudson, Board Member Gordon Hikel, Board Member Luca Pareti, Director of Community Development Jasen Haskins, Senior Planner Kevin Molina, and Administrative Assistant Gabby Fernandez. Absent was Board Member Aaron Lovelace and Board Member Hamza Fraz.

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

Nominate and motion for Chair

Nominate and motion for Vice-Chair

BOARD ACTION

A motion was made by Board Member Hikel and seconded by Board Member Pareti to nominate Board Member Covington for Chair. A vote was taken and carried 4-0.

A motion was made by Board Member Hikel and seconded by Board Member Pareti to nominate Board Member Hudson for Vice-Chair. A vote was taken and carried 4-0.

WORK SESSION

WS1. Discuss ZBoA rules and procedures

Director Haskins presented to 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 18, 2024 Zoning Board of Adjustments meeting.

BOARD ACTION ON CONSENT AGENDA ITEM A

A motion was made by Board Member Hikel, seconded by Board Member Pareti, to approve the Consent Agenda as presented. A vote was taken and the motion passed 4-0.

REGULAR AGENDA

- 1. Hold a public hearing to consider and act upon a request by Crystal Thomas for a variance to Section 2.5.C of Zoning Ordinance 2023-23 to allow for an accessory structure within a utility easement, within the side setback and within the setback of the proximity to a main structure. Property located at 1725 Port Tack Lane. (ZBA 2024-03)

Chair Covington opened the public hearing at 6:44 PM. No one approached the Board. Chair Covington closed the public hearing at 6:44 PM.

BOARD ACTION ON REGULAR AGENDA ITEM 1

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

ADJOURNMENT

A motion was made by Board Member Hikel, and seconded by Board Member Pareti, to adjourn the meeting. A vote was taken and carried 4 – 0. Chair Covington adjourned the meeting at 6:50 pm.

Richard Covington, Chair

ATTEST

Gabby Fernandez, Secretary



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning

Item Number: 1

Prepared By: Kevin Molina

Subject

Hold a Public Hearing to consider and act upon a request by Ramiro Morales for a variance to Section 4.15 & 4.19-20 of Planned Development 2005-24 to allow for an accessory structure within the side setback, with the proximity to main structure setback and maximum allowed buildable square footage. Property located at 1217 Braddock Way. (ZBA 2024-04).

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: Ramiro Morales

APPLICANT: Ramiro Morales

The applicant is requesting a variance to Section 4.15 & 4.19-20 of Planned Development 2005-24 to allow for an unenclosed carport within 1' of the side setback in lieu of 5' and less than 1' from the main structure in lieu of 5'. The Planned Development also has a maximum allowed accessory structure square footage of 600' sf which the applicant would like to increase to 1,200 sf. The framing of the structure is completed and the project is on hold pending the decision of this variance (Permit 24-002075). A concrete slab is also being proposed beneath the carport and has an active permit (#24-002073).

The purpose of the Ordinance restricting accessory structures within setback requirements is to provide separation from adjacent properties and existing structures. This allows for adequate space for maintenance of grassy areas.

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

- The carport is unenclosed and allows for access on all sides of the structure.
- A gutter system will be installed on the carport to allow for proper drainage to Braddock Way.
- The Braddock Place Estates Homeowners Association has provided a conditional approval letter for the Carport pending city approvals.

Public comment forms were mailed to thirteen (13) 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 of the request.

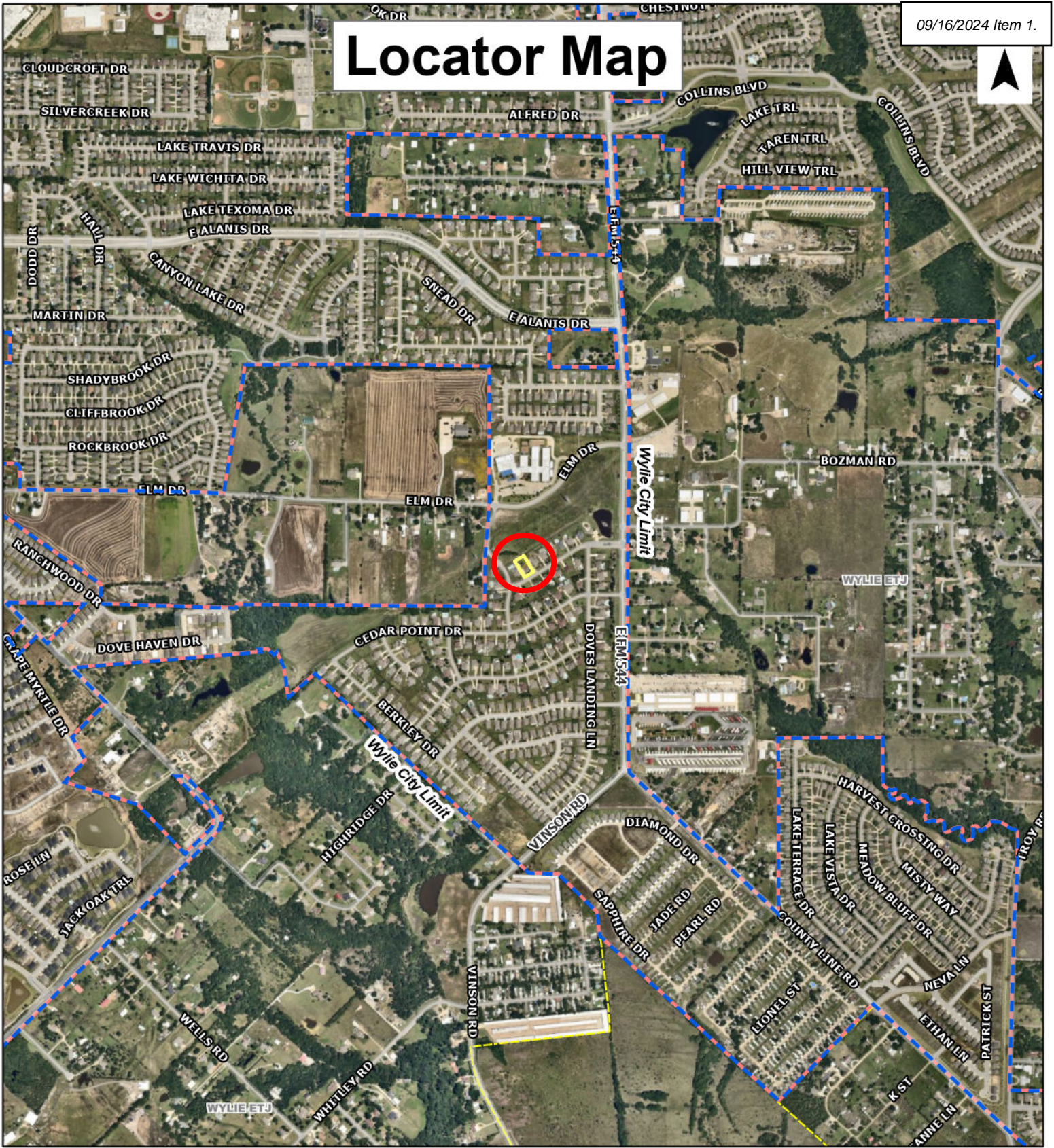
The Board shall not grant a variance to the development code which:

- (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:

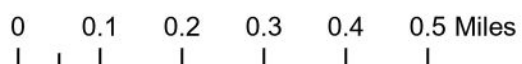
- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the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



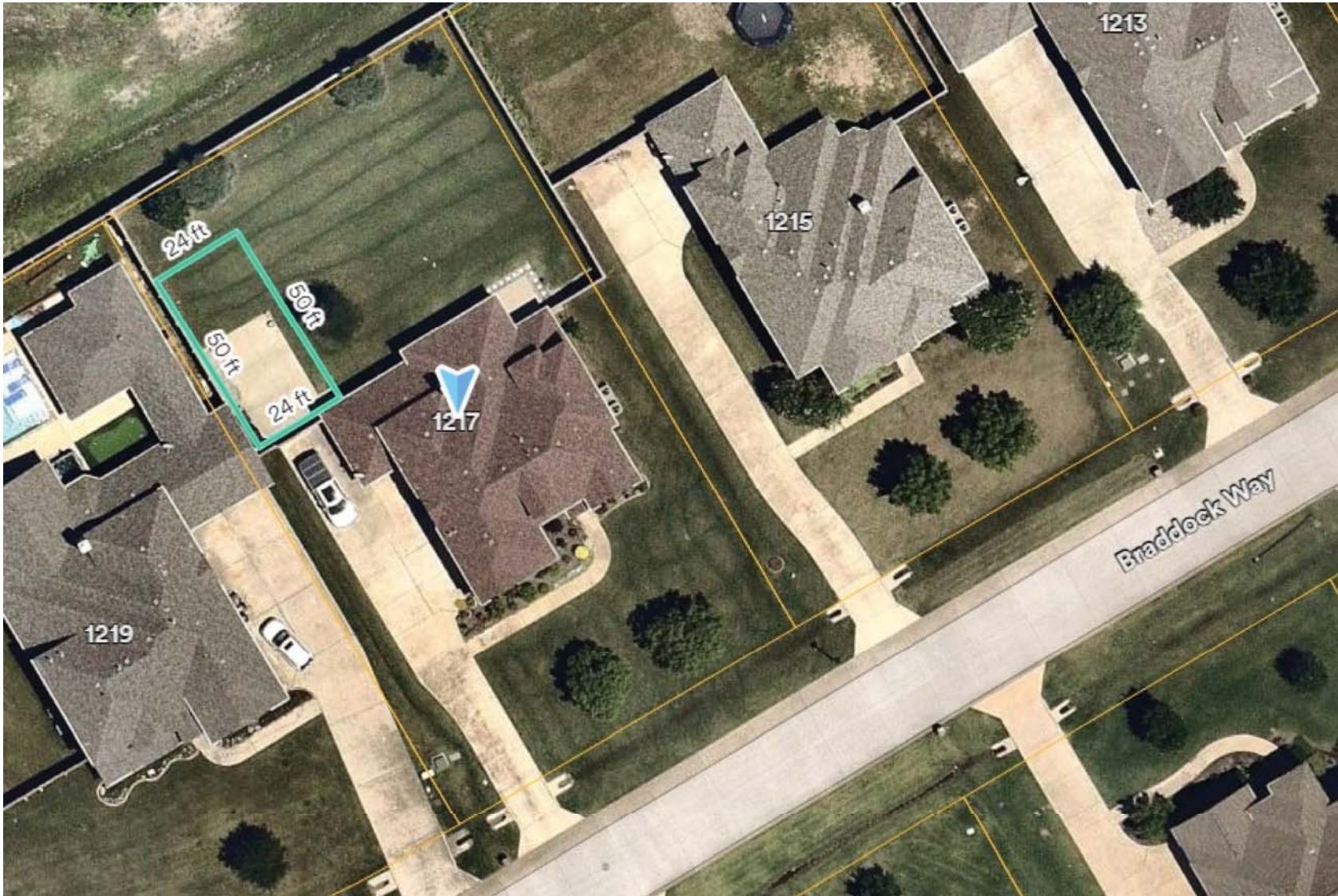
ZONING BOARD OF ADJUSTMENT CASE:
 ZBA 2024-04 1217 Braddock Way

 SUBJECT property



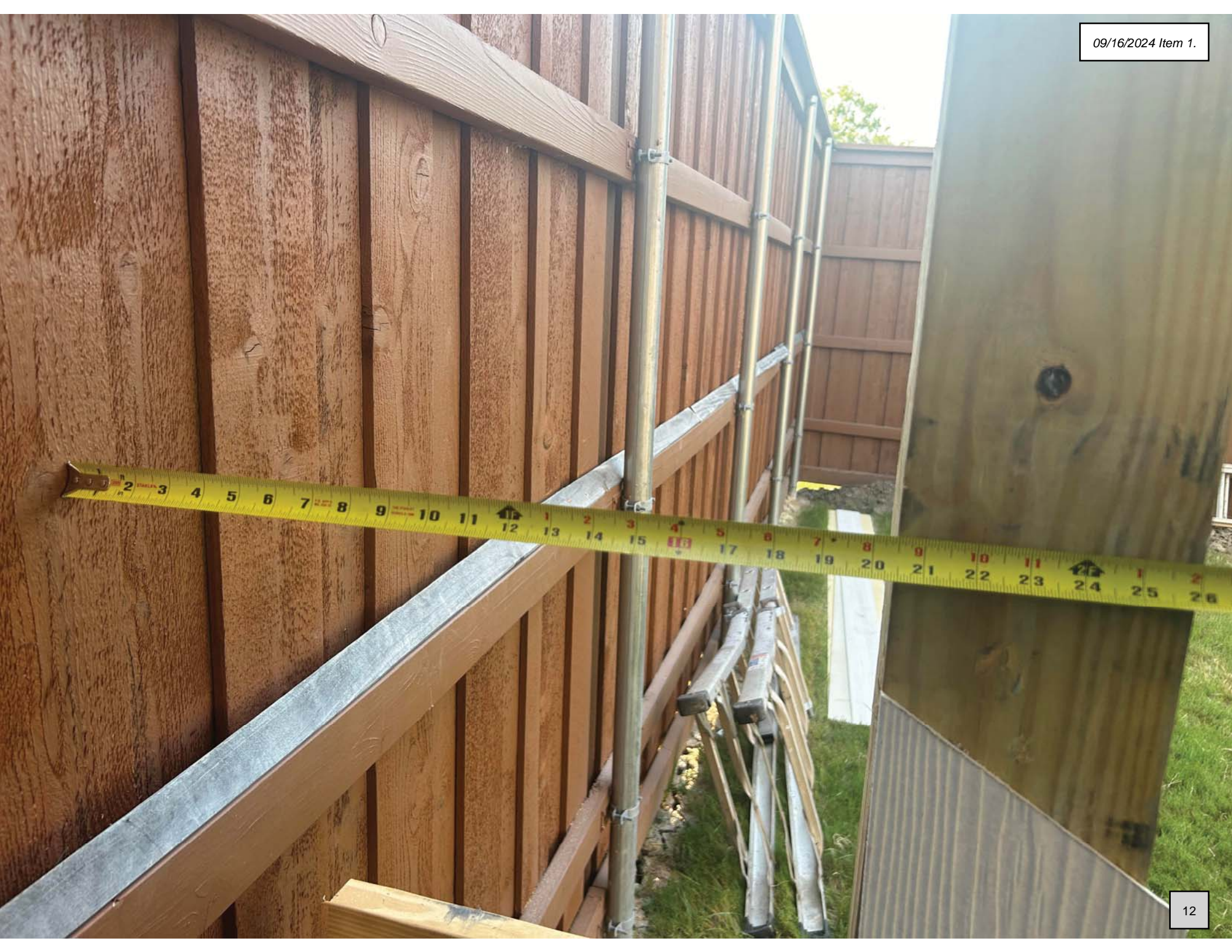
Date: 8/13/2024











Braddock Place Estates Homeowners Association, Inc.
1024 S. Greenville Ave, Suite 230
Allen, TX 75002

July 10, 2024

Architectural Modification Approval Notice

Ramiro Morales Arcos
1217 Braddock Way
Wylie, TX 75098-4005

Re: XN8646634: 1217 Braddock Way
Other

Dear Ramiro Morales Arcos:

Thank you for submitting your written request to the Braddock Place Estates Homeowners Association, Inc. Architectural Control Committee (ACC), as required by the governing documents for Braddock Place Estates Homeowners Association, Inc.. We are pleased to let you know that your request has been approved by the Committee.

** carport- Owner responsible for permits*

This approval is valid for 90 days from the date of this letter. Please remember that you are responsible for obtaining any and all required permits for this project from the local City and/or County building department, and that you must complete the project within 60 days of its start date. If you need an extension for the completion of the project, please contact your Association Manager.

Thank you again for your compliance. Please keep this letter for your records.

Sincerely,

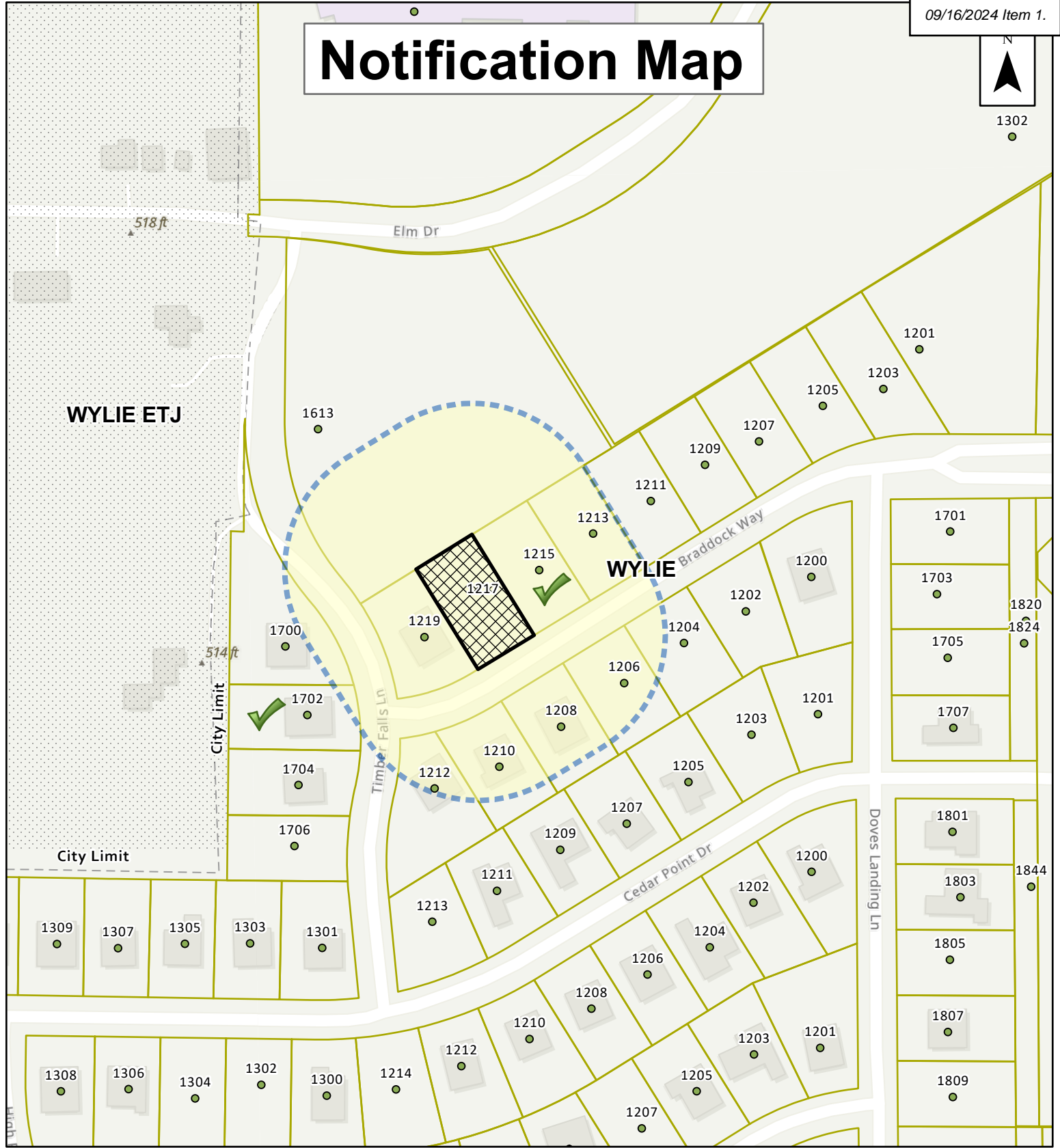
Braddock Place Estates Homeowners Association, Inc.

This Community is Professionally Managed By:
Neighborhood Management
(972) 359-1548

Notification Map

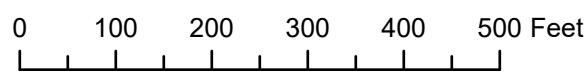


1302

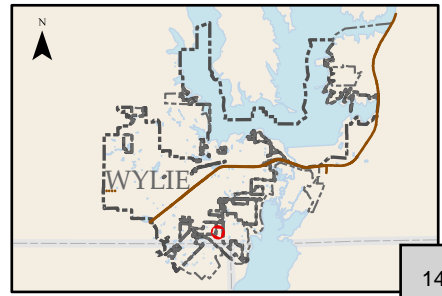


ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2024-04 1217 Braddock Way

SUBJECT property 200 foot Notification Buffer



Date: 8/13/2024





Public Comment Form

First Name *

Jennifer

Middle Name

Last Name *

London

Address *

Street Address

1215 Braddock way

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-04 - 1217 Braddock Way

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

9/3/2024



Public Comment Form

First Name *

Regina

Middle Name

Last Name *

Dyess

Address *

Street Address

1702 Timber Falls Ln

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-04 - 1217 Braddock Way

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

9/2/2024



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning

Item Number: 2

Prepared By: Kevin Molina

Subject

Hold a Public Hearing to consider and act upon a request by Jared Madison for a variance to Section 9.2 of Planned Development 2021-08 to allow for an unenclosed attached patio within the rear setback. Property located at 1632 Onyx Drive. (ZBA 2024-05).

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: Jared Madison

APPLICANT: Jared Madison

The applicant is requesting a variance to Section 9.2 of Planned Development 2021-08 to allow for an attached unenclosed patio cover within 21' of the rear setback in lieu of 25'. The proposed structure measures 285sf.

The purpose of the Ordinance restricting rear setback requirements is to provide separation from adjacent properties and existing structures.

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

- The city's Zoning Ordinance adopted as of June 2023 allows for a 10' rear setback for attached unenclosed patio covers. The 25' setback restriction comes from the existing Planned Development that was originally established in 1999. (Ordinance 99-32).
- The patio is unenclosed and allows for access on all sides of the structure.
- The Estates at Creekside Homeowners Association has provided a conditional approval letter for the attached patio cover pending city approvals.

Public comment forms were mailed to thirteen (18) property owners within 200 feet of this request, as required by State Law. At the time of posting five comment forms were returned in favor of the request.

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

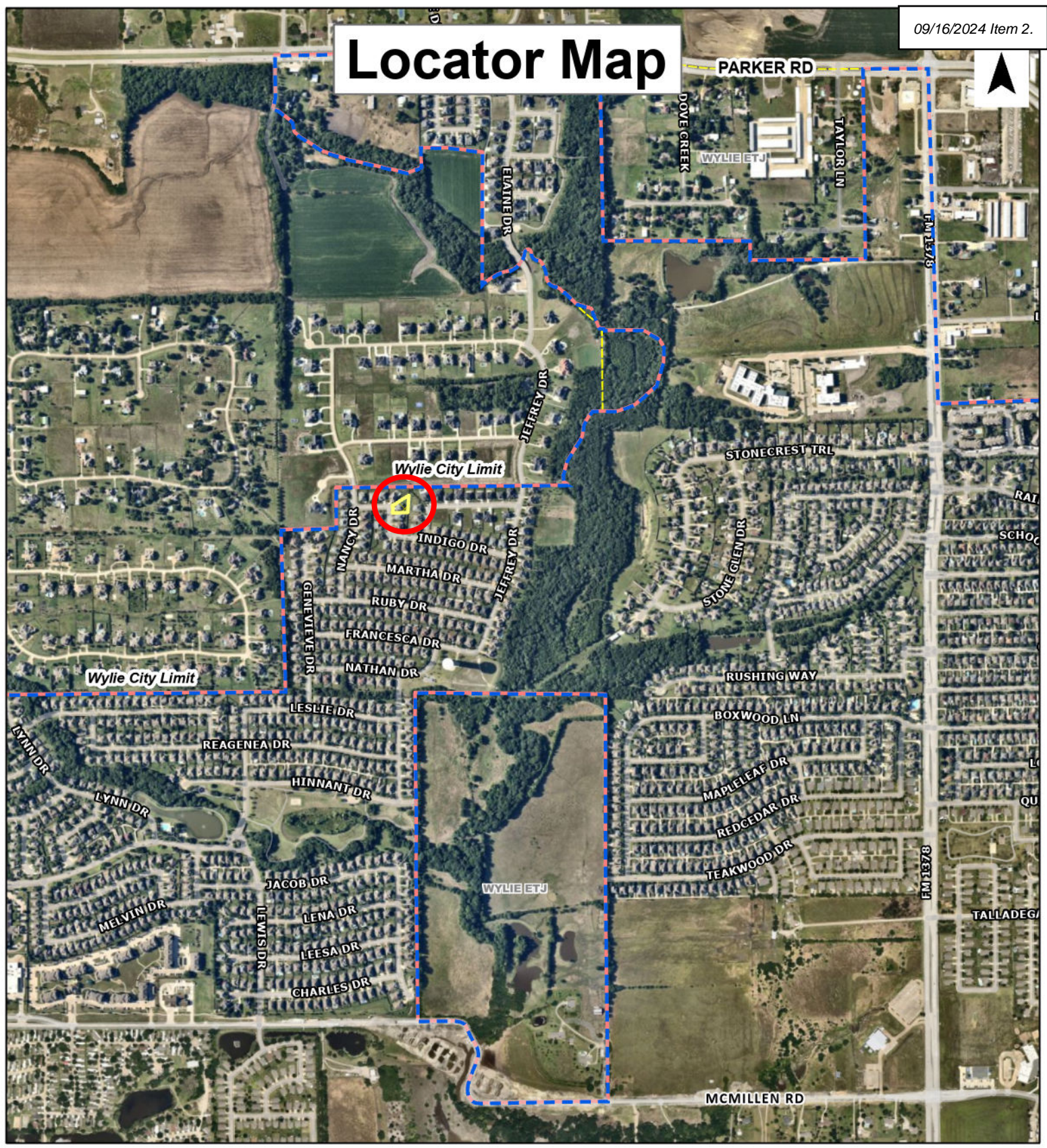
- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification 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;

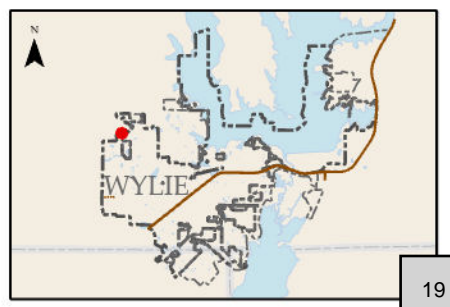
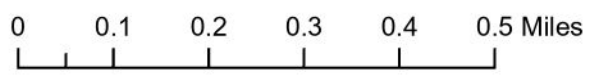
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would 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

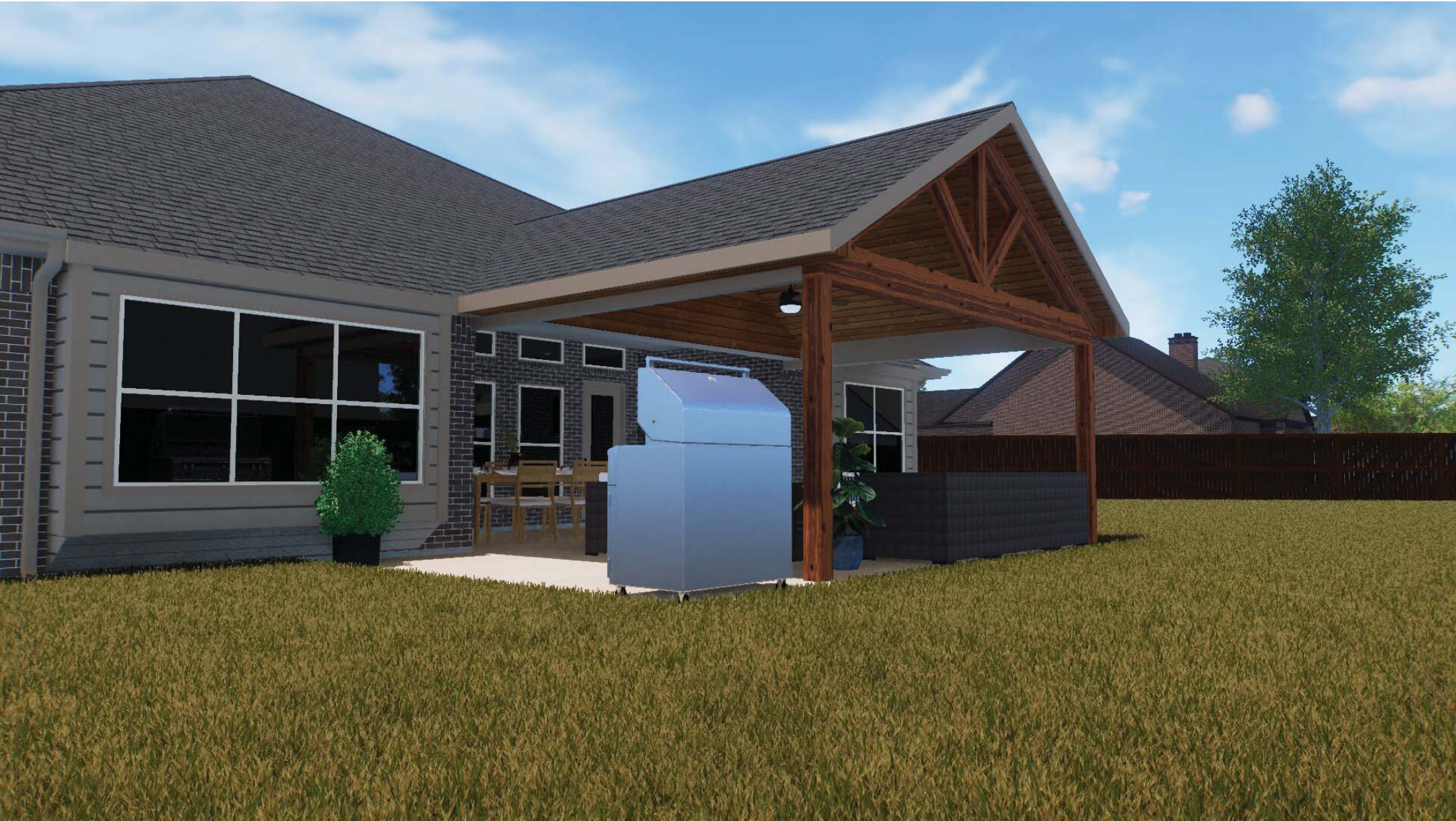


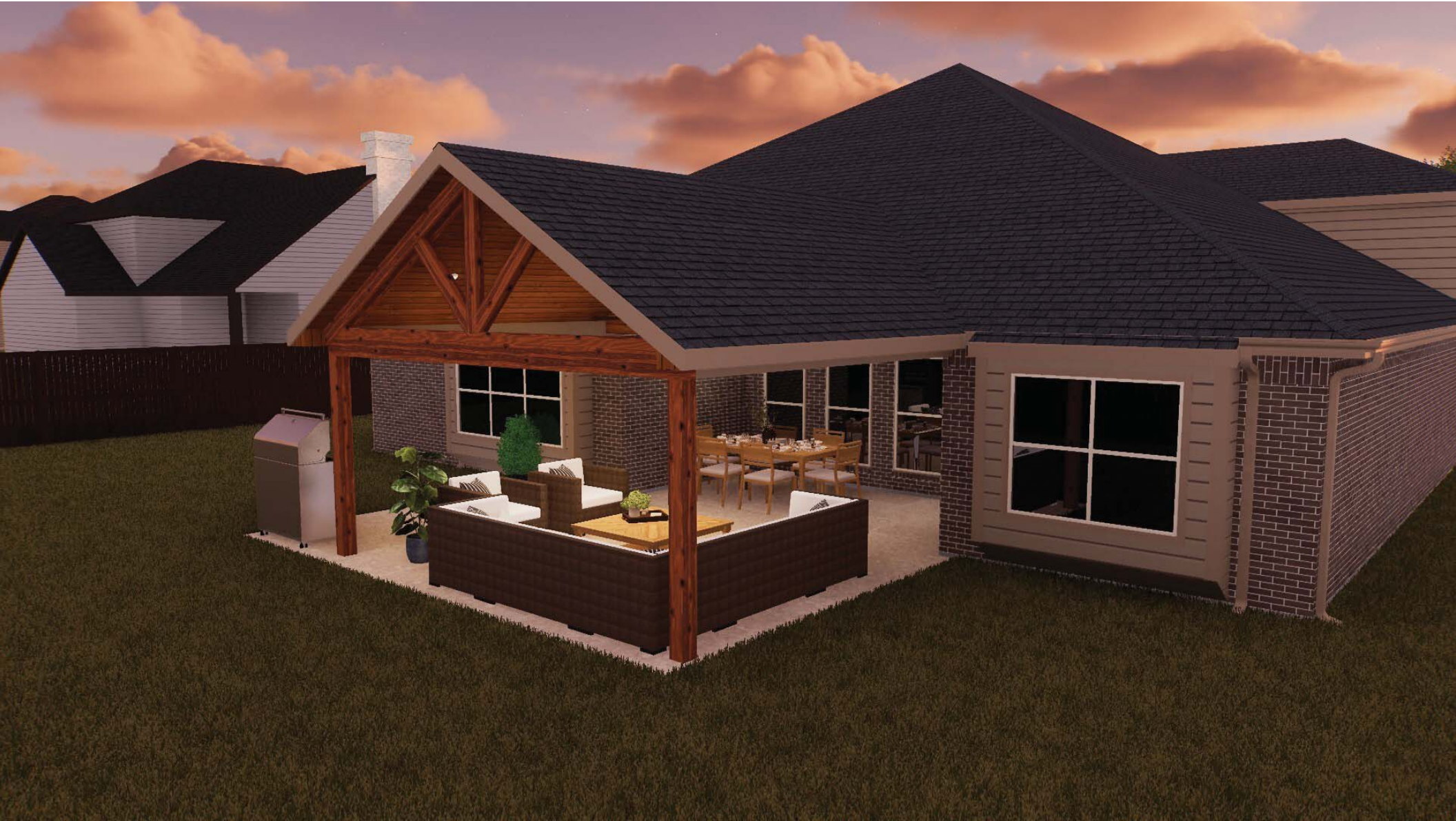
ZONING BOARD OF ADJUSTMENT CASE:
 ZBA 2024-05 1632 ONYX DR.

 SUBJECT property



Date: 8/14/2024





Estates at Creekside Owners Association, Inc.

17319 San Pedro Ave, Suite 318
San Antonio, TX 78232

July 10, 2024

Jared & Madison Taylor
1632 Onyx Dr
Wylie, TX 75098

RE: Property Improvement Request Approved

Dear Jared & Madison Taylor:

On behalf of the Architectural Control Committee for Estates at Creekside Owners Association, Inc., we would like to congratulate you on the approval to do the covered patio extension at 1632 Onyx Dr! Thank you for taking the time to properly document your improvement and seek approval. It is good neighbors like you that keep your community looking great!

Please be advised that your submitted request has been approved with the following conditions:

1. All design plans submitted within your approved request must be followed;
2. Any future maintenance of the improvement will be at the expense of the homeowner;
3. The improvement/installation and/or construction shall not affect drainage or water flow on this lot or neighboring lots;
4. The Homeowner is responsible for obtaining all City/County Permits that may apply to State Laws for the improvement.

Approval does not constitute the improvement being safe or sound; only that the improvement, as requested, is not prohibited by the restrictive covenants of the association.

Thank you for submitting your plans to the Architectural Control Committee, and congratulations on your new home improvement project!

Regards,

Lauren V
ACC Coordinator
arc@spectrumam.com

ALLIED OUTDOOR SOLUTIONS

BUILT *D I F F E R E N T*.

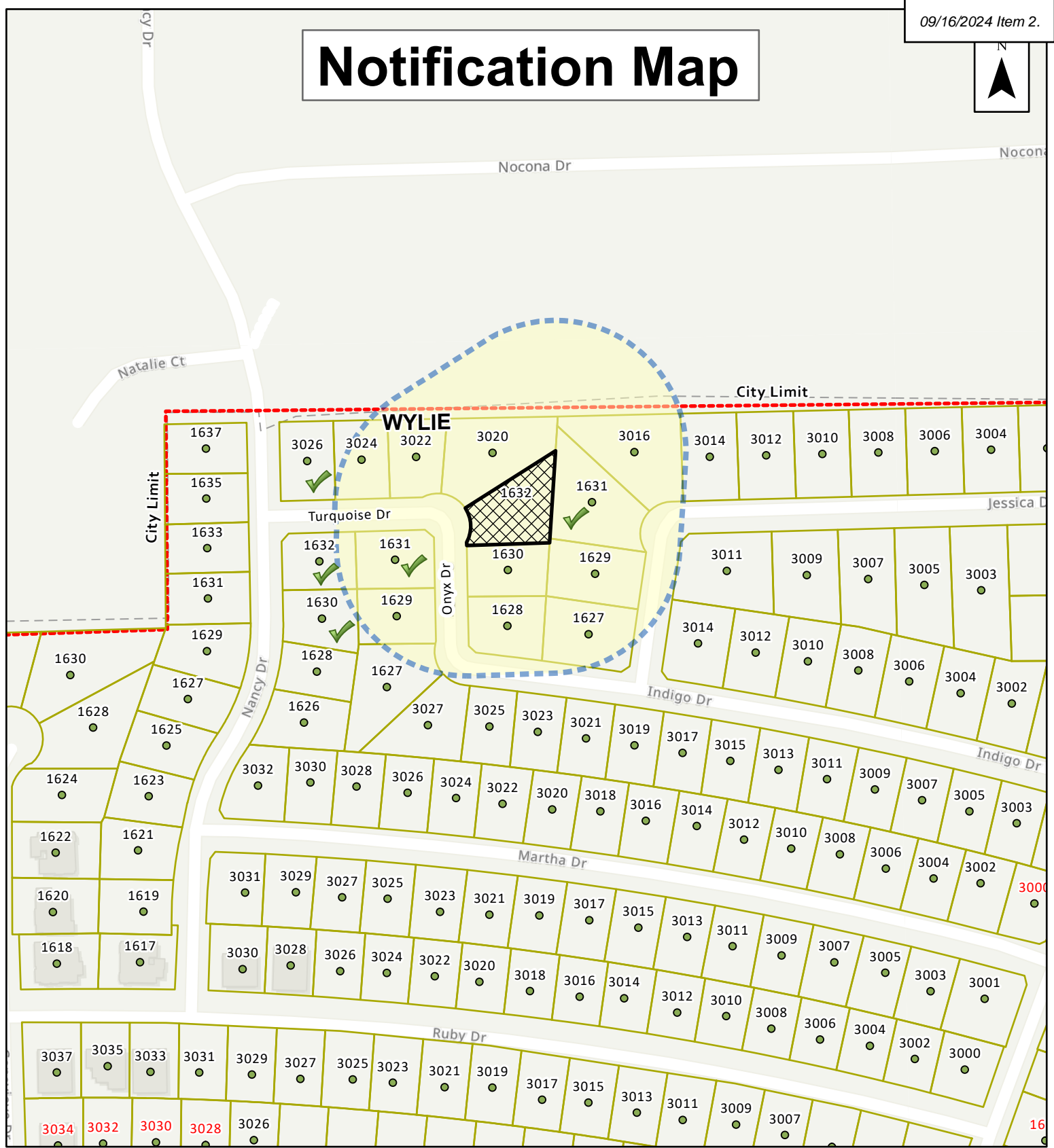
To whom it may concern,

The project being done at 1632 Onyx Drive Wylie, TX 75098 is very important to the family. They are wanting to build a beautiful 285sf Patio Cover with vaulted ceiling, cedar stained posts with Pine Tongue and Groove Ceiling Finish. There also will be a concrete patio extension 345sf. The reason the variance is being requested is due to the patio cover being attached to the home and only being 21'1" away from the property instead of the required 25'. The reason that this is very important to them is due to their family. They have small children and are wanting to provide a safe shady space for their kids to play in the Texas heat. This is a forever home for them, and they are wanting to encourage their kid's friends to come play at their house in their yard and just want that peace of mind where there kids are and want that to be their back yard.

Thank you,

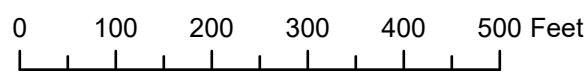
Kelsey Dawson
Permit Coordinator

Notification Map

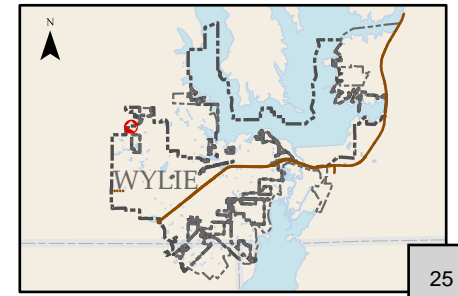


ZONING BOARD OF ADJUSTMENT CASE:
 ZBA 2024-05 1632 Onyx Drive

 SUBJECT property  200 foot Notification Buffer



Date: 8/14/2024





Public Comment Form

First Name *

Karenina

Middle Name

Last Name *

Wright

Address *

Street Address

1630 Nancy Drive

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-05 - 1632 Onyx Drive

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

9/5/2024



Public Comment Form

First Name *

SCOTT

Middle Name

ALAN

Last Name *

EICKMAN

Address *

Street Address

3026 Turquoise Drive

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-05 - 1632 Onyx Drive

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

8/31/2024



Public Comment Form

First Name *

Richard

Middle Name

James

Last Name *

Barr

Address *

Street Address

1632 Nancy Drive

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-05 - 1632 Onyx Drive

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

8/31/2024



Public Comment Form

First Name *

Laquetta

Middle Name

Last Name *

Cudd

Address *

Street Address

1631 Onyx Dr

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-05 - 1632 Onyx Drive

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

We are in favor of this wonderful addition.

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

Signature *



Date of Signature

9/5/2024



Public Comment Form

First Name *

Andrew

Middle Name

Last Name *

Rush

Address *

Street Address

1631 Jaida Drive

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-05 - 1632 Onyx Drive

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

9/1/2024