

Wylie Zoning Board of Adjustments Regular Meeting

January 12, 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. Consider, and act upon, the approval of the July 18, 2022 Regular Meeting minutes.

REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Mark Sprick for a variance to Section V.II.15 of Planned Development 2002-52 to allow for 5' rear setbacks in lieu of the required rear setback of 10% of the lot depth. Property located at 1315 Hickory Woods Way. ZBA 2022-06

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on January 6, 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: Mary Bradley

Subject

Consider, and act upon, Minutes from the July 18, 2022 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 18, 2022 – 6:30 PM

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



CALL TO ORDER

Chair Byron Betler called the meeting to order at 6:39PM and announced a quorum was present. Board Members present: Chair Byron Betler, Board Member Sharon Osisyana, Board Member Harold Smith, Board Member Jennifer Grieser. Board Members absent: Board Member Aaron Lovelace, Board Member Richard Covington, and Board Member John Perdomo.

Staff members present: Planning Manager Jasen Haskins, Senior Planner Kevin Molina, and Planning Secretary Mary Bradley.

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.

No one approached the Board Members with any Non-Agenda Items.

ELECTION OF CHAIR & VICE CHAIR

A nomination was made for Board Member Betler to be Chair. A motion was made by Board Member Smith, seconded by Board Member Grieser. A vote was taken and carried 4 – 0.

A nomination was made for Board Member Smith to be Vice Chair. A motion was made by Chair Betler, seconded by Board Member Grieser. A vote was taken and carried 4 – 0.

WORK SESSION

WS1. Hold a work session to discuss the Zoning Board of Adjustment rules, procedures, and responsibilities.

Planning Manager Haskins reviewed the rules, procedures, and responsibilities.

RECONVENE INTO REGULAR SESSION

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, the approval of the September 20, 2021 Minutes

Board Action

A motion was made by Chair Betler, seconded by Board Member Grieser to approve the Consent Agenda Item A 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 Richard Parker 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 1602 Martinez Lane. ZBA 2022-01.

Staff Comments

Senior Planner Molina addressed the Board Members stating that 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 buildings placed closer to the street and accommodate the needed space for rear parking. The property is located at 1602 Martinez Lane and is zoned in the Light Industrial district.

The applicant received conditional approval for the site plan by the Planning and Zoning Commission in June of 2022 for the construction of two 5,590 sf buildings. The reviewed site plan provided parking at the rear of the property due to an existing gas line that is located along the street frontage of the subject property.

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

- Parking on utility easements shall not count towards the required parking. The existing gas line prevents any of the parking spaces that are placed in the front of the lot to count towards the required parking for the development.
- 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 the rear loading doors.

Public Comment forms were mailed to thirteen property owners, one comment form was received in opposition and none were received in favor of the request.

Public Comments

Chair Betler opened the Public Hearing for Item 1.

Mr. Richard Parker, applicant for the subject property, addressed the Board Members stating that parking could have been placed in front but would not count toward the required number of parking spaces.

Chair Betler closed the Public Hearing for Item 1.

Board Action

A motion was made by Vice Chair Smith, seconded by Board Member Grieser to Grant Item 1 as submitted. A vote was taken and carried 4 – 0.

2. Hold a Public Hearing to consider and act upon a request by Daimie Mabrey for a variance to Section V.14-15 of Planned Development 2002-52 to allow for three feet side and rear setbacks in lieu of the required five feet side setback and rear setback of 10% of the lot depth. Property located at 1314 Spotted Owl Avenue. ZBA 2022-02.

Staff Comments

Senior Planner Molina addressed the Board Members stating that the applicant is requesting a variance to Section V.14-15 of the Bozman Farms Planned Development (PD 2002-52) to allow for three feet side and rear setbacks in lieu of the required five feet side setback and rear setback of ten percent of the lot depth. The property is located at 1314 Spotted Owl Avenue. The purpose of this request is to allow for the construction of a patio cover that measures 19x17 (323 square feet).

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

- The 10% of the lot depth rear setback requirement found in the Planned Development is restrictive due to the corner lot's large shape.
- City Council adopted a Zoning Ordinance amendment in January of 2021 allowing for a three feet side and rear setback for accessory structures in December of 2020. Variances are still required for individual Planned Developments that are more restrictive.
- The Architectural Review Committee of the HOA for the Bozman Farms Subdivision has provided a statement stating that they have no opposition for the construction of the Patio Cover at the requested setbacks.

Public comment forms were mailed to twenty-four property owners, six comment forms were received in favor and none in opposition of the request.

Public Comments

Chair Betler opened the Public Hearing for Item 2.

Mr. Brad Mabry, applicant for the subject property, addressed the Board Members stating that the backyard has no shade and desire to match the house with a patio cover.

Chair Betler closed the Public Hearing for Item 2.

Board Action

A motion was made by Board Member Grieser, seconded by Vice Chair Smith, to Grant Item 2 as submitted. A vote was taken and carried 4 – 0.

3. Hold a Public Hearing to consider and act upon a request by Mark Phillips for a variance to Section 1.C of the Stone Grove Planned Development, PD 1999-29 and Section 3.4.F.6 of the Zoning Ordinance to allow for a 10' side corner setback in lieu of the required 25' side corner setback and for a flat roof slope in lieu of an 8:12 slope. Property located at 1001 Heatherwood Drive. ZBA 2022-03.

Staff Comments

Senior Planner Molina addressed the Board Members stating that the applicant is requesting a variance to Section 1.C of the Stone Grove Planned Development. PD 1999-29 and Section 3.4.F.6 of the Zoning Ordinance to allow for a ten feet side corner setback in lieu of the required twenty-five feet side corner setback and for a flat roof slope in lieu of an 8:12 slope.

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

- Elevations of the proposed carport have been presented to surrounding neighbors and seven have approved of the carport's enclosed design with a three feet in height stone wall and 4 feet 9 inches in height cedar slats.

Public comment forms were mailed to eighteen property owners, four comment forms were received in favor and none in opposition of the request.

Public Comments

Chair Betler opened the Public Hearing for Item 3.

Mr. Mark Phillips, applicant for the subject property, addressed the Board Members stating that carport will protect his boat and truck. The carport will match the main structure.

Board Action

A motion was made by Board Member Grieser, seconded by Vice Chair Smith, to Grant Item 3 as submitted. A vote was taken and carried 4 – 0.

4. Hold a Public Hearing to consider and act upon a request by Ron Haynes Jr. for a variance to the rear and side setbacks of the Dominion of Pleasant Valley Planned Development, PD 2020-54 to allow for a 10' front and rear setback in lieu of the 20' front and 25' rear setback. Property located at 310 Crape Myrtle. ZBA 2022-04

Staff Comments

Senior Planner Molina addressed the Board Members stating that the applicant is requesting a variance to the rear and side setbacks of the Dominion of Pleasant Valley Planned Development, PD 2020-54 to allow for a ten feet front and rear setback in lieu of the twenty feet front and twenty-five feet rear setback. Property located at 310 Crape Myrtle. The purpose of this request is to allow for the development of a single family home on an irregular shaped lot.

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

- The lot is located at the cul-de-sac of Crape Myrtle Drive and has a geometry that does not allow the developer to deliver a buildable house pad without reducing the front and rear setbacks. The developer had proposed a layout with Crape Myrtle Drive connecting to Banderilla Lane to avoid the cul-de-sac. However, an agreement to purchase the necessary property from the land owner could not be reached.

Public Comment forms were mailed to five property owners, no comment forms were received in favor or in opposition of the request.

Board Discussion

Board Members questioned the area to the right. Staff responded that the property to the right is not within the city limits.

Public Comments

Chair Betler opened the Public Hearing for Item 4.

Mr. Jay Volk, Johnson Volk Consulting, representative for the applicant, addressed the Board Members stating that even with the reduced setbacks, the home would have no obstructions to the surrounding properties on Crape Myrtle.

Chair Betler closed the Public Hearing for Item 4.

Board Action

A motion was made by Chair Betler, seconded by Vice Chair Smith, to Grant Item 4 as submitted. A vote was taken and carried 4 – 0.

ADJOURNMENT

A motion was made by Chair Betler, and seconded by Board Member Grieser, to adjourn the meeting at 7:11pm.
A vote was taken and carried 4 – 0.

Byron Betler, Chair

ATTEST

Mary Bradley, 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 Mark Sprick for a variance to Section V.II.15 of Planned Development 2002-52 to allow for 5' rear setbacks in lieu of the required rear setback of 10% of the lot depth. Property located at 1315 Hickory Woods Way. ZBA 2022-06

Recommendation

Motion to **approve, deny.**

Discussion

OWNER: Mark Sprick

APPLICANT: Mark Sprick

The applicant is requesting a variance to Section V.II.15 of the Bozman Farms Planned Development (PD 2002-52) to allow for 5' rear setbacks in lieu of the required 10% of the lot depth. The property is located at 1315 Hickory Woods Way. The purpose of this request is to allow for the construction of a detached pergola that measures 12'x14'(168sf).

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

- City Council adopted a Zoning Ordinance amendment in January of 2021 allowing for a 3' side and rear setback for accessory structures in December of 2020. Variances are still required for individual Planned Developments that are more restrictive.
- The proposed structure has a minimal impact to the adjacent property to the east due to there being a tree line that buffers the Bozman Farms Planned Development from the residential property. In addition, a residential property to the east of the subject property is not located within 250' of the subject property.

Public comment forms were mailed to twenty (20) 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;

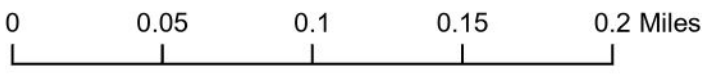
- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
- (4) That the demonstrable hardship is not self-imposed;
- (5) That the variance if granted will not adversely affect the proposed development or use 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



ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2022-06; 1315 HICKORY WOODS WAY

 SUBJECT property



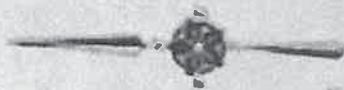
Date: 12/28/2022



FINAL SURVEY

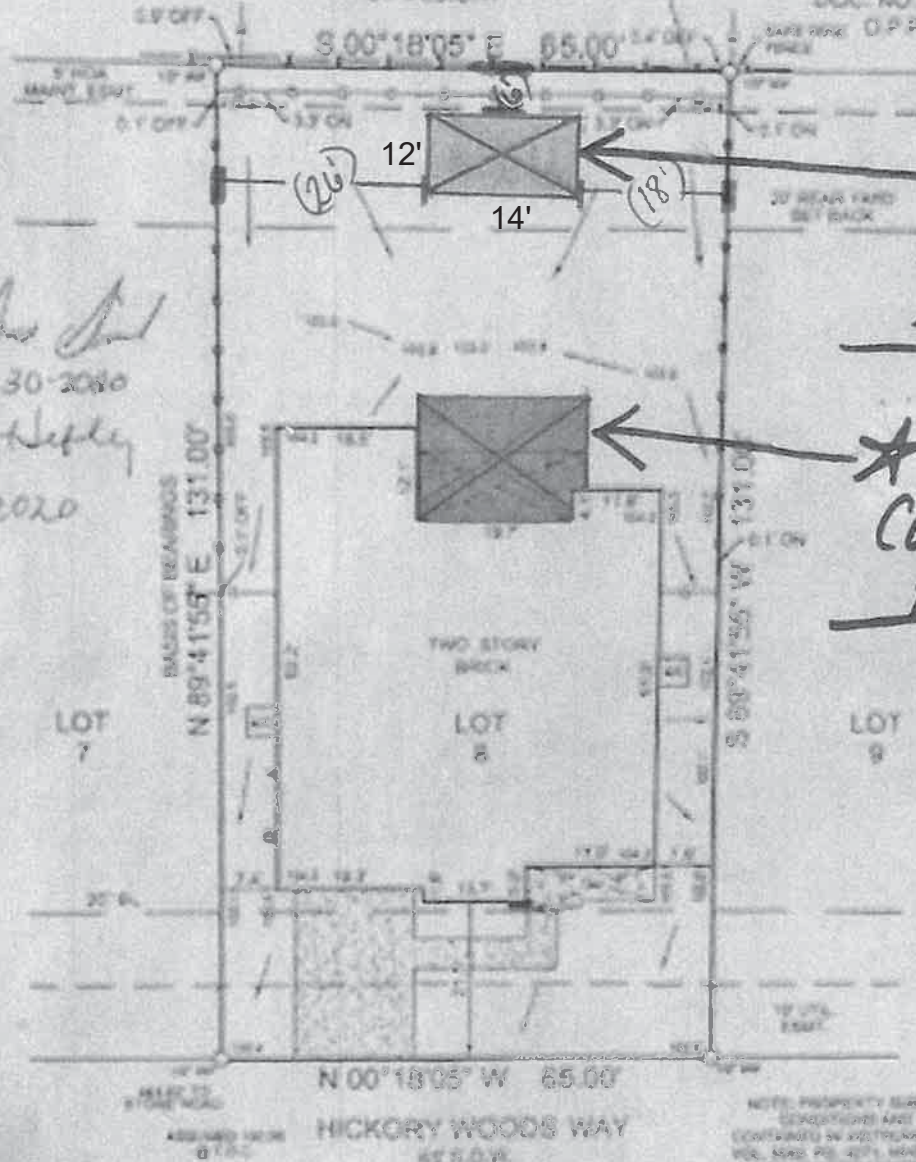
01/12/2023 Item 1.

This is to certify that persons under my direction have, this date, made an on-the-ground survey of property
 1315 HICKORY WOODS WAY in COLLIN COUNTY, Texas,
 Lot 8 Block 1 of BOTMAN FARMS ESTATES PHASE 7 an addition
 in COLLIN COUNTY, Texas, according to the MAP OR PLAN THEREON
 recorded in VOLUME 2019 PAGE 774 of the MAP OR PLAN Records of COLLIN County, Texas.



RICHARD DANIEL
 DOC. NO. 29140421000373260
 O.P.R.C.C.T.

EARNEST G. &
 PATSY J. LANDER
 DOC. NO. 87-0032533
 O.P.R.C.C.T.



*Marked as Sold
 6-30-2020
 Kim Nepley
 6-30-2020*

★ New Detached Arbor

★ New Concrete patio

ALL MEASUREMENTS, DIMENSIONS AND BUILDING LINES ARE BY RECORDS ON FILE AND AS PLANNED IN REFERENCED COMMITMENT FOR TITLE INSURANCE POLICY AND AS NOTED ON THE PLAT.

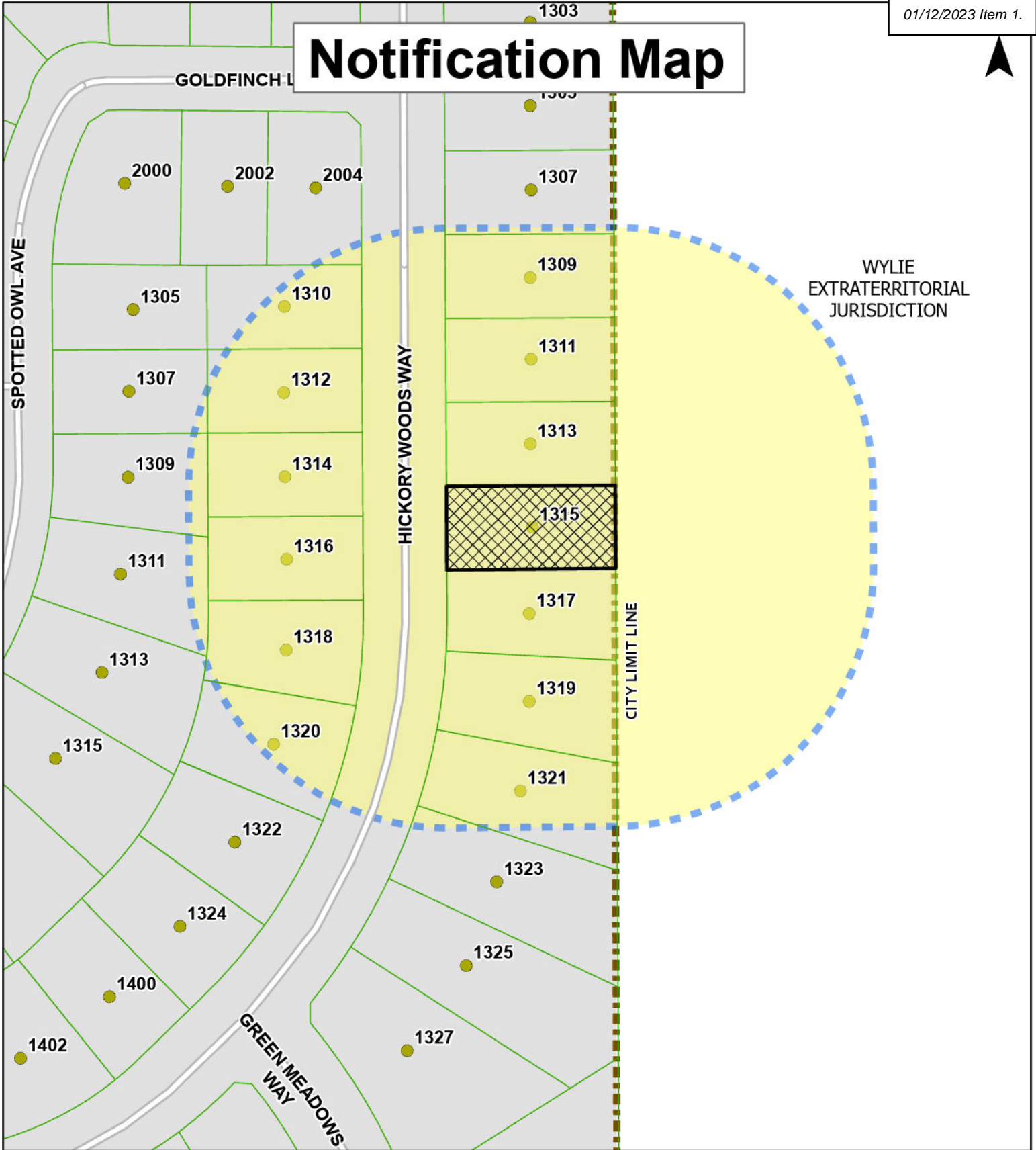
THIS SURVEY WAS MADE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE DATA MAP NO. 15020C0020.

I, the undersigned Texas Registered Professional Land Surveyor, do hereby certify that the survey was conducted in a true and correct manner and that the above described property and its boundaries are as shown on this plat. I further state that this survey and plat were prepared and approved in accordance with the laws of the State of Texas and that there are no judgments thereon which would affect the validity of this survey or the improvements shown thereon.

ACCEPTED BY	ACCEPTED BY	DATE
RICHARD DANIEL LAND SURVEYOR 1315 HICKORY WOODS WAY FORT WORTH, TEXAS 76104 TEL: 817-335-1111 FAX: 817-335-1112	EARNEST G. & PATSY J. LANDER LAND SURVEYORS 1315 HICKORY WOODS WAY FORT WORTH, TEXAS 76104 TEL: 817-335-1111 FAX: 817-335-1112	01/12/2023
<p>TEXAS HERITAGE SURVEYING, INC. 1315 HICKORY WOODS WAY, FORT WORTH, TEXAS 76104 (817) 335-1111 (817) 335-1112 FAX: 817-335-1112</p>		



Notification Map



ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2022-06; 1315 HICKORY WOODS WAY

 SUBJECT property  200 foot Notification Buffer



Date: 12/28/2022