

Wylie Zoning Board of Adjustments Regular Meeting

March 18, 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 February 19, 2024 Zoning Board of Adjustments meeting.

REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Sudheer Vootkuri for a variance to Section 5.5.D of Subdivision Regulations Ordinance 2003-03 to allow for a retaining wall within a utility easement. Property located at 3201 Trailing Vines Bend. (ZBA 2024-02).

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 March 15, 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.

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 February 19, 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

February 19, 2024 – 6:00 PM

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



CALL TO ORDER

Chair Grieser called the meeting to order at 6:00 p.m. In attendance were Vice-Chair Harold Smith, Board Member Michael Innella, Board Member Byron Betler, Board Member Aaron Lovelace, Director of Community Services Jasen Haskins, Senior Planner Kevin Molina, and Administrative Assistant Gabby Fernandez. Absent was Board Member Richard Covington.

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. Meeting Minutes from December 18, 2023 Regular Meeting

A motion was made by Board Member Lovelace and seconded by Vice-Chair Smith 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 George Butler for a variance to Section 5.5.D of Subdivision Regulations Ordinance 2003-03 to allow for a retaining wall within a utility easement. Property located at 1332 Lake Trail Court. (ZBA 2024-01).

Board Discussion on Regular Agenda Item 1

Sr. Planner Molina presented an overview and stated that the applicant is requesting a variance for a retaining wall within a utility easement and would be a variance to the Subdivision Regulations. The purpose of the retaining wall is primarily for erosion control. Sr. Planner Molina stated that the retaining wall will be around 2ft in height and will have a 6ft fence matching the height of the adjacent fence.

Sr. Planner Molina stated that 25 property owners within the notification area received notice and 7 property owners favored the request.

Property owner George Butler approached the Commission and explained that he desires to keep both Wylie and the neighborhood, Bozman beautiful and protect their investment that is their home. He stated that they have invested significantly over the last 3.5 years trying to deal with water issues and why the retaining wall will primarily be for erosion control and increasing play space for his daughters.

Chair Grieser stated that if something was to come up or the easement was needed, the retaining wall could be in jeopardy at that time.

Director of Community Services Jasen Haskins confirmed that if something ever was to come up, the wall could be damaged or removed but most of the time the work being done tries to be as respectful as possible of the private property to minimize and help repair damages but the City or the Utilities are under no obligation to have to do that.

Chair Grieser confirmed with the applicant that he understood what had been discussed and property owner George Butler agreed with the terms.

Property owner George Butler stated that there are retaining walls on other houses on the street and it seems their property was the only house that did not get one. He stated the goal for the retaining wall was to match and make the walls look the same as the others.

Commissioner Innella asked if the Home Owners Association was on board with the retaining wall being built to which the property owner confirmed it had been approved by the Home Owners Association.

Chair Grieser opened a public hearing at 6:07 p.m. None approached the Board. Chair Grieser closed the public hearing at 6:07 p.m.

Board Action on Regular Agenda Item 1

A motion was made by Board Member Innella and seconded by Vice-Chair Smith to approve as presented. A vote was taken and carried 5 – 0.

ADJOURNMENT

A motion was made by Board Member Innella and seconded by Vice-Chair Smith to adjourn the meeting. A vote was taken and carried 5 – 0. Chair Grieser adjourned the meeting at 6:12 pm.

Jennifer Grieser, 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 Sudheer Vootkuri for a variance to Section 5.5.D of Subdivision Regulations Ordinance 2003-03 to allow for a retaining wall within a utility easement. Property located at 3201 Trailing Vines Bend. (ZBA 2024-02).

Recommendation

Motion to approve or deny.

Discussion

OWNER: Sudheer Vootkuri

APPLICANT: Sudheer Vootkuri

The applicant is requesting a variance to Section 5.5.D of Subdivision Regulations Ordinance 2003-03 to allow for a retaining wall within a utility easement. The proposed retaining wall is for erosion control. The property is located at 3201 Trailing Vines Bend.

The purpose of the Ordinance restricting structures within an easement is to keep utility easements clear. This allows space for repair and/or replacement of utility lines or pipes.

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

- The natural slope of the land will lead to soil erosion, particularly during periods of heavy rainfall or storms. By constructing a retaining wall, the aim is to stabilize the soil and prevent further erosion, thereby safeguarding the integrity of the surrounding landscape.
- In addition to protecting property, the construction of a retaining wall will contribute to enhanced safety for children to play in the yard by preventing slippage and injuries.
- The applicant has verified that there are no utilities within the easement.
- The Woodbridge Homeowners Association has approved the request pending city approvals.

Public comment forms were mailed to thirty-three (33) property owners within 200 feet of this request, as required by State Law. At the time of posting three 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 2024-02

 SUBJECT property



0 0.1 0.2 0.3 Miles

Date: 2/29/2024



NOTES:

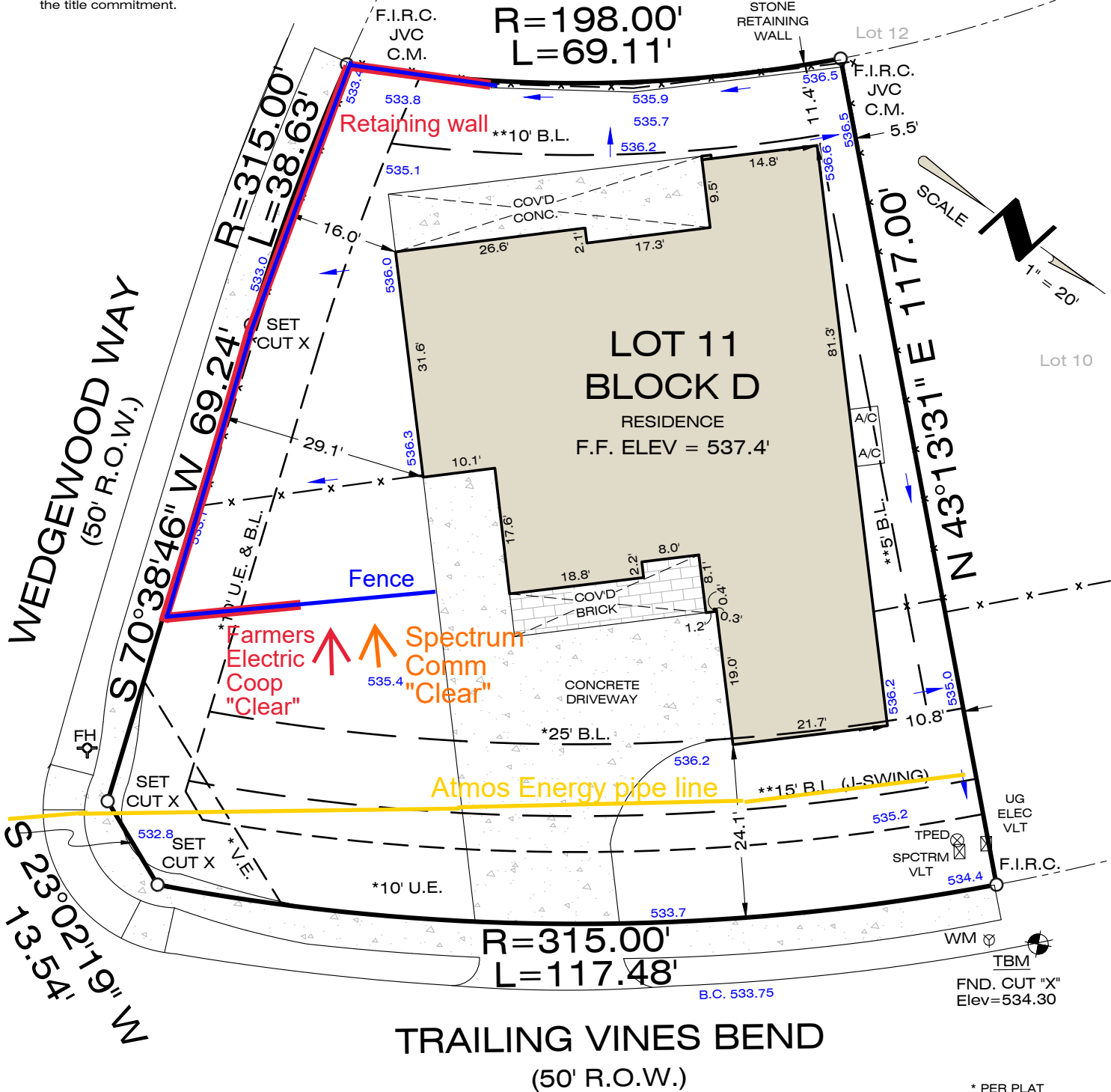
1. Surveyor did not abstract subject property. This survey was prepared with information contained in Title Commitment GF No. 3138411-F-TX-RP-GL of FIRST AMERICAN Title Company, effective date of JANUARY 31, 2023, issued date of FEBRUARY 10, 2023, and is subject to the limitations of that commitment.
2. Subject to Item 1 on Schedule B of the title commitment.

NOTES:

3. Subject to easement(s) as recorded under Schedule B, Section 10.(c-p), of the title commitment.
4. The bearings shown hereon are based on the above referenced recorded map or plat unless otherwise noted.
5. C.M.'s shown hereon are the basis for directional control.
6. Elevation Datum is relative to a TBM approved by the City of WYLIE.

3201 TRAILING VINES BEND

WOODBIDGE PHASE 22B
WOODBIDGE XXII, LTD.
DOCUMENT NO. 20201102001920510
D.R.C.C.T.



REVISION	DATE	BY
ADD TITLE	3/08/2023	C.A.B.

* PER PLAT
** PER DOC. 2010-00428477
(I) INSIDE P.L.
(O) OUTSIDE P.L.

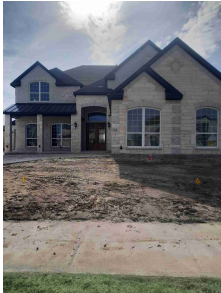
PROPERTY DESCRIPTION:

LOT 11, BLOCK D, OF WOODBRIDGE PHASE 22C, AN ADDITION TO THE CITY OF WYLIE, COLLIN COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2021, PAGE 503, OF THE MAP AND/OR PLAT RECORDS, COLLIN COUNTY, TEXAS.

The undersigned have/has received and reviewed a copy of this survey.

X _____
X _____
Date: _____

Field Date :	2/23/2023
ASC No.	WBP2C-0D11-FIG
Buyer:	
Client	GALLERY CUSTOM HOMES
G.F. No.	3138411-F-TX-RP-GL
Drafter/Field Crew	C.B. / J.A.



LEGEND - C.M. = Controlling Monument; Fnd. = Found; I.R. = Iron Rod; I.P. = Iron Pipe
OHE = Overhead Electric; I.R.S. = Set Iron Rods 1/2" diameter with yellow cap stamped "Arthur Surveying Company". All found iron rods are 1/2" diameter unless otherwise noted.
(fence/post) — x — centerline — (overhead electric) — OHE — OHE —

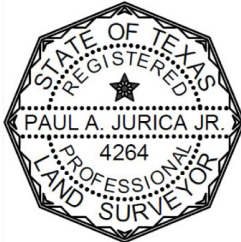
FLOOD NOTE:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF WYLIE, COMMUNITY NUMBER 480759, DATED 06/02/2009.

SURVEYORS CERTIFICATION:

The undersigned, being a Registered Professional Land Surveyor in the State of Texas, does hereby certify that the Plat or Survey hereon correctly represents the results of an actual survey made on the ground under my direction and meets the standards of practice promulgated by the Texas Board of Professional Engineers and Land Surveyors.

ISSUE DATE: 3/9/2023



Headquarter's Office
o: 866.735.1916 | f: 866.744.2882
1955 Lakeway Drive | Ste 220
Lewisville, TX 75057
Firm No: 10063800

Branch Office
o: 866.735.1916 | f: 866.744.2882
5353 W Sam Houston Pkwy N | Suite 150
Houston, TX 77041
Firm No: 10194357

Gallery Custom
HOMES

GALLERY CUSTOM HOMES
500 CRESCENT COURT, SUITE 350
DALLAS, TEXAS 75201

3201 TRAILING VINES BEND
WYLIE, TEXAS 75098

Sudheer Vootkuri
3201 Trailing Vines Bnd
Wylie, TX 75098

City of Wylie Building Inspection Department
300 Country Club Rd., Building 100, 2nd Floor
Wylie, TX 75098

Subject: Request for Approval for Retaining wall.

Building Inspection Department,

I hope this message finds you well. I am writing to request for variance, to construct a retaining wall within the utility easement located at 3201 Trailing Vines Bnd Wylie TX 75098.

The purpose of this retaining wall is to address several key concerns:

Erosion Control: The natural slope of the land in this area will lead to soil erosion, particularly during periods of heavy rainfall or storms. This has been identified by a certified home inspector in his report (page#10 of attached appendix-1). The Grading for closest distance from foundation to fence/boundary is approximately 25% (attached appendix-2). We also noticed small cracks in the foundation near this corner. This will stop the cracks from growing (Page#58 of attached appendix-1). By constructing a retaining wall, we aim to stabilize the soil and prevent further erosion, thereby safeguarding the integrity of the surrounding landscape.

Safety Enhancement: In addition to protecting property, the construction of a retaining wall will contribute to enhanced safety for my kids playing in the yard by preventing slippage and injuries during play. The retaining wall will create a secure environment within the vicinity.

Aesthetic Improvement: The proposed retaining wall will be designed to complement the surrounding landscape, utilizing materials and finishes that blend harmoniously with the natural environment. This will not only serve a functional purpose but also contribute to the overall aesthetic appeal of the area.

Supporting Material:

- We submitted a request to texas811.org (ticket # 2453626938 and 2454440290) to locate the underground cables/pipes in the easement area. As per the markings, the underground cables

or pipes are not in this easement area. The ticket received responses from the following utility companies.

- Atmos Energy (Natural Gas) has located the pipes and marked the area "clear" indicating there are no pipes in the easement area .
- Farmers Electric Co-op(Electricity) located cables in the yard and marked it "clear" indicating that there are no cables in the direction of the marked arrows.
- Spectrum Communications (Internet) located cables in the yard and marked it "clear" indicating that there are no cables in the direction of the marked arrows.
- The City of Wylie (Water and Sewer) has marked the area "clear" indicating there are no pipes in the easement area .

I also spoke to USIC regarding these locate requests. They confirmed the above findings that the area has been marked "clear" by the Farmers Electric Co-op and Spectrum.

- The Woodbridge Homeowners Association approved our request for permission to build the retaining wall. (attached appendix-3)
- The property in the adjacent street (corner of Wedgewood way and Amber waves ln) is in a similar situation, with a 10 ft utility easement, and has a retaining wall. This wall was built by the developer. (attached appendix-4)

We understand the importance of adhering to regulations and guidelines set forth by the city regarding construction within utility easements. I want to take this opportunity to assure that, if necessity arises in future, for utility companies to access this area. The utility companies or the city are not responsible for correcting the yard/wall after the access is completed. We are also committed to ensuring that the proposed retaining wall complies with all necessary standards and regulations, and we are prepared to work closely with the appropriate authorities to obtain any required permits and approvals.

We would be grateful for the opportunity to apply for variance. Please let us know if there are any additional steps or procedures we need to follow in order to proceed with this request.

Thank you!

Warm regards,



Sudheer Vootkuri,

3201 Trailing Vines Bnd Wylie TX 75098

214.797.7743

I=Inspected

NI=Not Inspected

NP=Not Present

D=Deficient

I NI NP D

(C) determine the adequacy of the draft.

TREC Limitations. The inspector is not required to inspect or comment on chimney structures located more than 8' (feet) above roofline. Freestanding wood burning stoves are beyond the scope of this inspection

Glass Enclosure In Place:

Due to the enclosed glass front the unit was not able to be tested. Accessible gas valve was not observed or located.

☒ ☐ ☐ ☒ **K. Porches, Balconies, Decks, and Carports**

Comments:

Specific Limitations:

Note: Specific Limitations. The inspector is not required to:

(A) exhaustively measure every porch, balcony, deck, or attached carport components; or

(B) enter any area where headroom is less than 18 inches or the access opening is less than 24 inches wide and 18 inches high.

1: Patio/Porch Cracking

👉Recommendation

There is cracking noted at the patio/porch surfaces. The crack is going from edge to edge at the rear left of the back patio.



2: Mortar Cracks

👉Recommendation

There are mortar cracks in the bricks at the porch.

Recommendation: Contact a qualified professional.



I=Inspected

NI=Not Inspected

NP=Not Present

D=Deficient

I NI NP D

**2: Steep Grading**

🔧 Handyman/Maintenance Item

The grade is excessively steep in areas around the home. This can lead to erosion and the soil around the home should be monitored.

Recommendation: Recommend monitoring.

**3: Flat Grading**

🟡 Recommendation

All surface runoff water should empty to the street and / or alleyway as is practical. There should be a positive slope away from the building on ALL sides.

[home](#) > [construction calculators](#) > [lawn & landscaping](#)

Elevation Grade Calculator

Calculate the grade of an elevation in degrees or grade percentage and estimate the horizontal or vertical distance needed to support an incline to an elevation.

Grade

Vertical Change

Horizontal Change

Rise:

30



in

Run:

127



in

CALCULATE

Results:

Elevation

$$\frac{7.0368744177664E+14}{2.9789434096961E+15}$$

Grade

0.2362

Decimal

23.62%

Percentage

13.29°

Degrees



Atmos Energy Photos





Spectrum and Farmers electric Coop

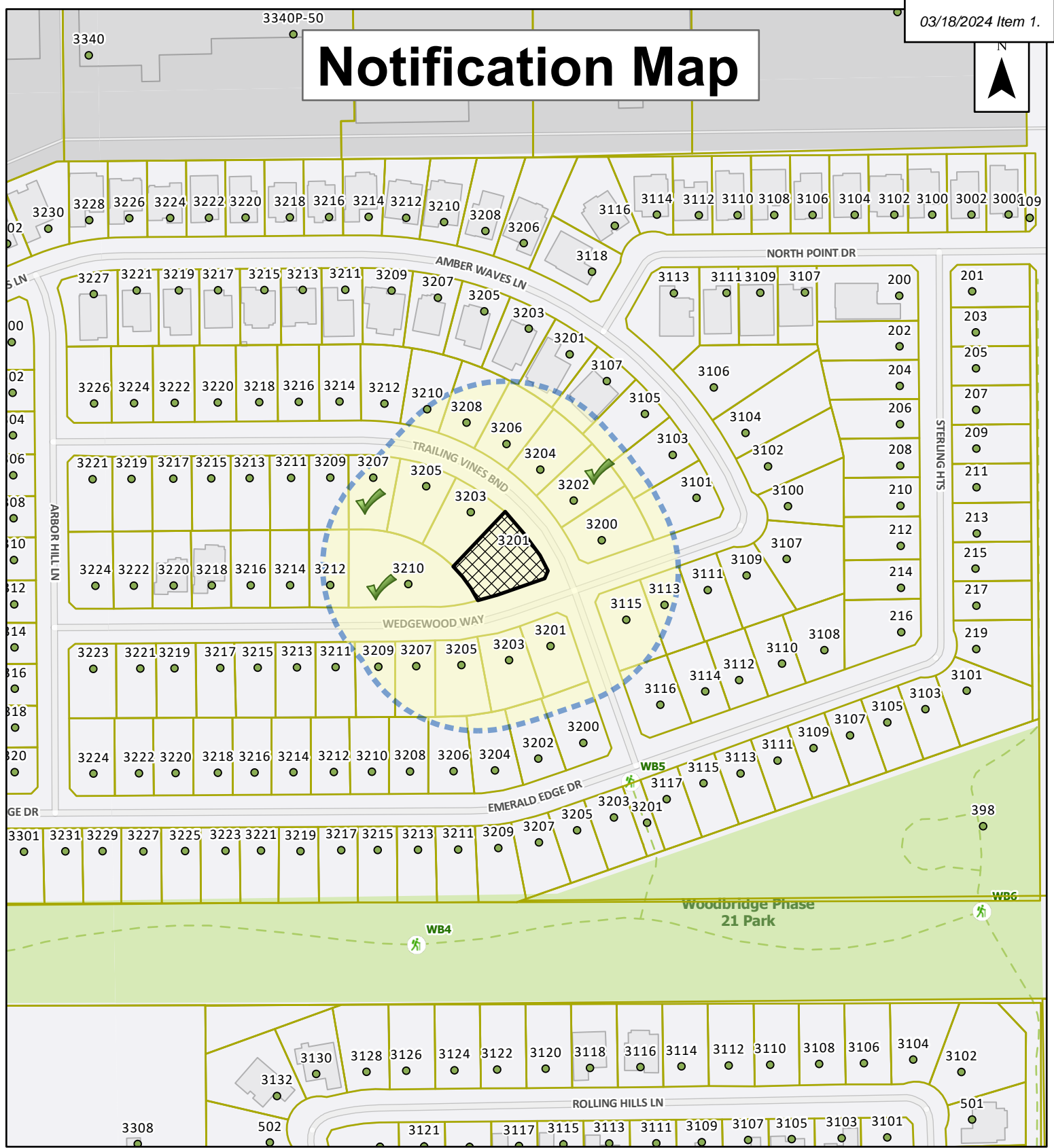
The yard area is marked "clear" by Spectrum and Farmers Electric Coop in the direction of arrows drawn, for construction.








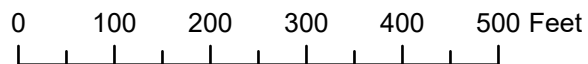


Notification Map

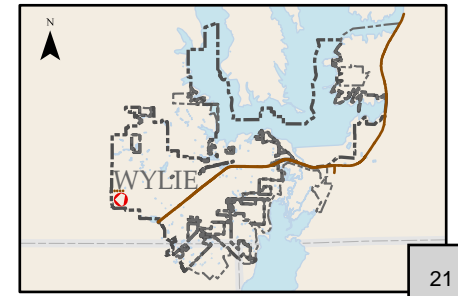


ZONING BOARD OF ADJUSTMENT CASE: ZBA 2024-02

 SUBJECT property  200 foot Notification Buffer  Parcel Lines



Date: 2/29/2024





Public Comment Form

First Name *

Syed

Middle Name

Wahhaj

Last Name *

Ali

Address *

Street Address

3202 trailing vines bend

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-02 3201 Trailing Vines Bend

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 *

A grey rectangular box containing a black electronic signature that appears to be 'Syed Wahhaj Ali'.

Date of Signature

3/12/2024



Public Comment Form

First Name *

sabriz

Middle Name

Last Name *

naduvilothe

Address *

Street Address

3210 WEDGEWOOD WAY

Address Line 2

3210 WEDGEWOOD WAY

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-02 3201 Trailing Vines Bend

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

Highly support this case

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

Signature *

A black and white image of a handwritten signature, appearing to be 'SABRIZ', on a light gray background.

Date of Signature

3/8/2024



Public Comment Form

First Name *

Soujanya

Middle Name

Last Name *

Irala

Address *

Street Address

3207 Trailing Vines Bend

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-02 3201 Trailing Vines Bend

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 am for the zoning request change.

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

Signature *

A digital signature of Soujanya Irala, appearing as a stylized cursive 'S. Irala' in black ink on a light gray background.

Date of Signature

3/12/2024