

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

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.

ELECTION OF CHAIR AND VICE-CHAIR

Nominate and motion for Chair

Nominate and motion for Vice-Chair

WORK SESSION

[WS1](#). Discuss ZBoA rules and procedures.

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.

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).

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 July 12, 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.



Wylie Zoning Board of
Adjustment

AGENDA REPORT

Department: Planning

Prepared By: Jasen Haskins, AICP

Item Number: WS -1

Case Number: N/A

Subject

Discuss ZBoA rules and procedures.

Discussion

Staff will give a presentation on Zoning Board of Adjustment Rules and Procedures.

Welcome to the Zoning Board of Adjustments (ZBA)

Municipal Planning Authority

Overall Authority to protect the Health, Safety, and Welfare of the
City and Citizens



Allowance

- Zoning Board of Adjustment is allowed by Sec 211.008 of the State of Texas Local Government Code

General Decision Responsibilities

- Appeals to administrative decisions
- Variance requests from Zoning Ordinance
- Make recommendation to Zoning Ordinance based on variances
- Special Exceptions to the Zoning Ordinance

Appeals to Administrative Decisions

- Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official
- The board may reverse or affirm, in whole or in part, or modify the administrative official's order
- The concurring vote of 75 percent of the members of the board is necessary

Variance Requests

- Hear and decide an appeal that alleges a special circumstance applies to a property
- In order to grant a variance to the development code the Board shall find that all the following have been satisfied:
 - That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
 - 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;
 - That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
 - That the demonstrable hardship is not self-imposed;
 - That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
 - That the variance, if granted will not change the character of the zoning district in which the property is located;
 - That the variance, if granted is in keeping with the intent of the development code; and
 - That the variance, if granted will not adversely affect the health, safety or welfare of the citizens of Wylie.
- The concurring vote of 75 percent of the members of the board is necessary
- Variance runs with the property, not the owner.

Ordinance Amendments

- Covers only Zoning Ordinance
- Board gives direction to staff, usually as a result of favorable vote for applicant
- P&Z makes recommendation to City Council

Special Exceptions

- Only when required by the Zoning Ordinance
- Wylie does not currently use this provision

ZBA Operates by Adopted Rules and Procedures

- Written by Board Members
- Approved by City Council
- Updated March 2020

General Meeting Format

- Chairman calls meeting to order
- Citizen Comments on Non-Agenda Items
- Executive or Work Session (as needed)
- Consent Items (minutes)
- Public Hearings
- General Business
- Adjournment

Texting during a meeting may and can constitute as Public Information, please refrain from using personal devices during meetings.

General Item Format

- Chairman Introduction
- Staff Report
- Applicant Remarks
- Public Hearing
 - Citizen Comment
 - Applicant Rebuttal
- Board Discussion
- Motion (approve, approve with conditions, disapprove)

Other Considerations

- Packet Delivery
- Attendance
- Quorums/Open Meetings
- Pre-Meeting Questions
- Open Records
- Conflict of Interest

Planning Staff

Jasen Haskins
Director of Community Services
jasen.haskins@wylietetexas.gov
(972) 516-6324

Kevin Molina
Senior Planner
kevin.molina@wylietetexas.gov
(972) 516-6323

Gabby Fernandez
Administrative Assistant II
gabby.fernandez@wylietetexas.gov
(972) 516- 6321



Zoning Board of Adjustment

AGENDA REPORT

Department: Planning

Item: A

Prepared By: Gabby Fernandez

Subject

Consider, and act upon, Minutes from the March 18, 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

March 18, 2024 – 6:00 PM

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



CALL TO ORDER

Vice-Chair Smith called the meeting to order at 6:01 p.m. In attendance were Vice-Chair Harold Smith, Board Member Michael Innella, Board Member Byron Betler, Board Member Richard Covington, Director of Community Services Jasen Haskins, Senior Planner Kevin Molina, and Administrative Assistant Gabby Fernandez. Absent was Chair Jennifer Grieser.

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 February 19, 2024 Regular Meeting

A motion was made by Board Member Innella and seconded by Board Member Covington 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 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).

Board Discussion on Regular Agenda Item 1

Senior Planner Molina stated that the applicant was requesting for a variance to Section 5.5.D of the Subdivision Regulations Ordinance 2003-03 to allow for a retaining wall within a utility easement. The applicant has verified that there are not any utilities where he is planning on having the retaining wall. He explained that the purpose for the applicant wanting the retaining wall is to preserve his property and so that his children can play in the backyard. The Home Owner's Association has submitted a letter approving the retaining wall depending on the Cities response to the request. 33 notices were mailed out to surrounding property owners and received 5 responses in favor for the retaining wall.

The Board did not have any additional questions. Vice-chair Smith opened the public hearing at 6:04pm. The applicant, Sudheer Vootkuri approached the Board to answer any questions that may have been raised. No additional questions were had. Vice-chair Smith closed the public hearing at 6:05pm.

Board Action on Regular Agenda Item 1

A motion was made by Board Member Innella and seconded by Board Member Covington to approve as presented. A vote was taken and carried 4 – 0.

ADJOURNMENT

A motion was made by Board Member Betler, and seconded by Board Member Covington, to adjourn the meeting. A vote was taken and carried 4 – 0. Chair Grieser adjourned the meeting at 6:06 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 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).

Recommendation

Motion to approve or deny.

Discussion

OWNER: Crystal Thomas

APPLICANT: Crystal Thomas

The applicant is requesting a variance to Section 2.5.C of Zoning Ordinance 2023-23 to allow for an accessory structure within a utility easement and within 2' of the side setback in lieu of 3' and 2' from the main structure in lieu of 5'. Property located at 1725 Port Tack Lane. The framing of the structure is completed and the project is on hold pending the decision of this variance (Permit #24-001600).

The purpose of the Ordinance restricting accessory structures within an easement and within setback requirements is to keep utility easements clear and provide separation from adjacent properties and existing structures. This allows for adequate space for repair and/or replacement of utility lines or pipes and the maintenance of grassy areas.

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

- The accessory structure will maintain approximately 2'-3' feet of clearance from the property line and existing house. A concrete slab is located in between the existing house and accessory structure which alleviates maintenance concerns. A walkable area remains in between the accessory structure and fence.
- The exterior materials on the house are non-combustible materials, brick, and Hardie Board cement siding. The exterior material installed on the accessory structure will also be non-combustible material, Hardie board cement siding and comply with Fire Code requirements.
- 811 Dig has been contacted and has confirmed that all utilities have been cleared from the area where the accessory structure is proposed.

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 five comment forms were returned in favor and three in opposition of the request.

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

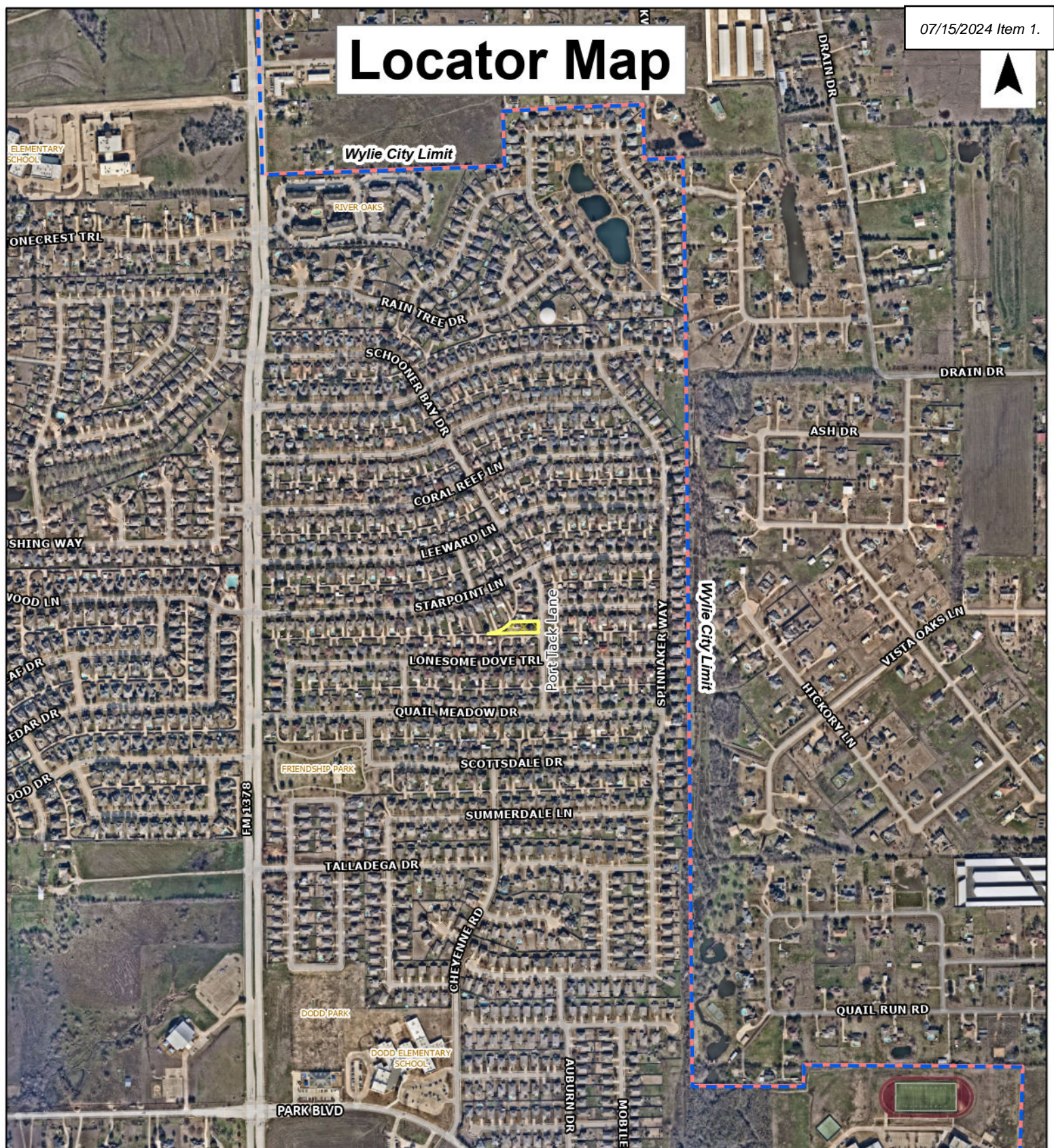
- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification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

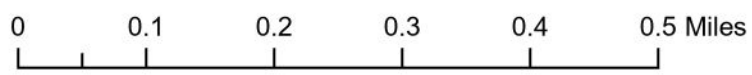
- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the 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 2024-03 1725 Port Tack Lane

 SUBJECT property



Date: 6/12/2024





Height = 14.7'

Width: 8'

Length: 18'



99-57-6373

17.25 PORT TACK LANE

L. Bodnar 3/21/03



July 9, 2024

City of Wylie
Planning Department
300 Country Club Rd
Building 100
Wylie, TX 75098
Permit # 24-001600

INTRODUCTION:

Below are our written responses to the comments received via e-mail from Kevin Molina, Senior Planner, dated Tuesday, June 11th, 2024, for the application requesting a variance.

1. COMMENT:

Section 2.5.C of the Zoning Ordinance: When the accessory building is located in the side yard, the setback for the accessory building will be the same as the setback requirement for the main building. (There is a 6' side setback, and the accessory structure is shown as being 3' from the side property line.).

RESPONSE:

We would like to request a variance for the setback requirement. We would like to request that the accessory building be allowed to be 3' from the property line instead of 6'. Most zoning laws require sheds to be placed at least 3-5 feet from the property line. Our shed is 3 feet away, it has been cleared for maintenance and we will adhere to fire safety codes. Leaving at least 2 to 3 feet of clearance around the shed allows for the integrity of the shed. There is enough clearance around the shed for adequate airflow and the shed will stay dry and ventilated.

2. COMMENT:

Section 2.5.C of the Zoning Ordinance: Accessory buildings, other than carports, shall not be located within five (5) feet of any other structure. (The submitted drawing shows the accessory structure being 2' away from the house.)

RESPONSE:

We want to request a variance for the location of the accessory building. We request that the accessory building be allowed to be 2' from the house. The exterior materials on the house are of non-combustible materials, brick, and Hardie board cement siding. The exterior material installed on the accessory building will also be of non-combustible material, Hardie board cement siding.

3. COMMENT:

Section 2.5.C: No accessory structure shall be located within any easement. (There is a 5' Utility easement which the shed is built over)

RESPONSE:

We have received responses from all the utility companies that may have access to this utility easement. All utilities have been cleared. They have confirmed that the accessory building will be allowed to be built within this easement. I have attached the link and all of the comments from 811. The 811 ticket number is 2466986675.

Thank you for your time and attention to this project. Should you have any questions or need additional information, please contact me.

Sincerely,

Attachments,

<https://portal.texas811.org/#/ticket/2466986675>

Responses

WYLIE City of Wylie

Jun 17, 2024, 12:27:25 PM by james.hathorn@wylietexas.gov: Clear

UFTRTX01 Frontier Communications Inc

Jun 19, 2024, 3:41:46 PM by txusic.pr: Located

MK4 Oncor Electric Distribution

Jun 19, 2024, 3:41:46 PM by txusic.pr: Located

PL4 Oncor Electric Distribution

Jun 19, 2024, 3:41:46 PM by txusic.pr: Located

CCTXN Spectrum

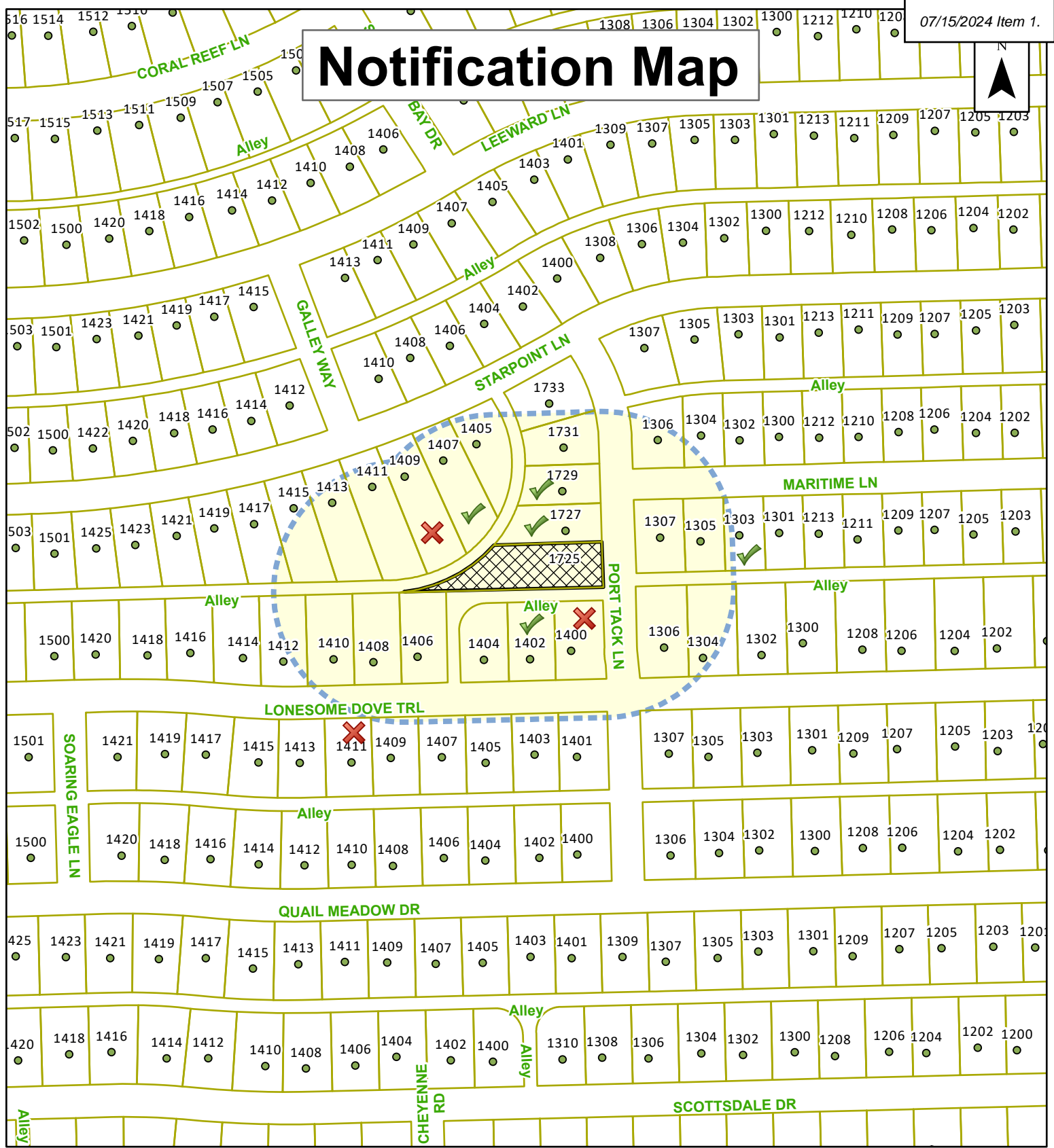
Jun 19, 2024, 3:42:06 PM by irth.pr: Clear

Jun 19, 2024, 3:41:46 PM by txusic.pr: Located

UPN Unite Private Networks LLC

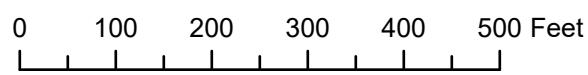
Jun 17, 2024, 12:47:00 PM by irth.pr: Clear

Notification Map

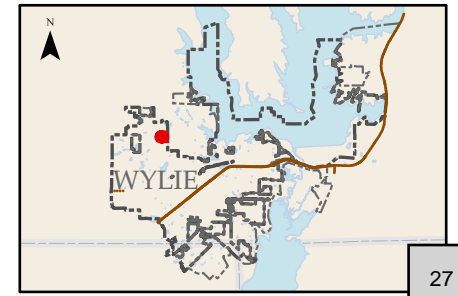


ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2024-03 1725 Port Tack Lane

 SUBJECT property  200 foot Notification Buffer



Date: 6/12/2024





Public Comment Form

First Name *

Khuloud

Middle Name

Last Name *

Sultan

Address *

Street Address

1400 Lonesome Dove Trl

Address Line 2

City

Wylie

State / Province / Region

Texas

Postal / Zip Code

75098

Case # *

ZC2024-03 1725 Port Tack Lane

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

The addition will be a violation to our Privacy

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

Signature *

A stylized electronic signature in black ink on a light gray background.

Date of Signature

7/6/2024



Public Comment Form

First Name *

Aaron

Middle Name

Last Name *

Deitz

Address *

Street Address

1409 Starpoint Lane

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-03 1725 Port Tack Lane

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 against the requested zoning change as detailed in the public notice for ZBA Case# 2024-03. The property owners failed to meet zoning requirements, with the accessory structure only 2 feet from another structure instead of the required 5 feet, and only 2 feet from the property line instead of the required 6 feet. Additionally, the structure encroaches on a telephone utility easement established by the 2000 plat. The foundation and framing were constructed without proper approvals. A survey should have been conducted, alerting the owners that the structure could not be erected without City of Wylie approval. If permits had been applied for by the owner or contractor, these issues would have been identified before construction began.

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

Signature *

Date of Signature

7/2/2024



Public Comment Form

First Name *

Grace

Middle Name

Last Name *

Griffith

Address *

Street Address

1411 Lonesome Dove Trl

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-03 1725 Port Tack Lane

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

If this is a ADU I am against them in my neighborhood. The streets are already congested with all of the vehicles parking on the street. I also feel this is a fire hazard being so close to the fence and home.

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

Signature *

Date of Signature

7/10/2024



Public Comment Form

First Name *

Heidi

Middle Name

Last Name *

Rundt-Smith

Address *

Street Address

1303 maritime lane

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-03 1725 Port Tack Lane

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 stylized, handwritten electronic signature in black ink, consisting of several overlapping loops and a central star-like shape.

Date of Signature

6/28/2024



Public Comment Form

First Name *

Anel

Middle Name

Zulayma

Last Name *

Santos

Address *

Street Address

1402 Lonesome Dove Trail

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-03 1725 Port Tack Lane

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 have no issues with our wonderful neighbors building this. Thank you.

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 handwritten signature in black ink that reads 'anel'.

Date of Signature

6/28/2024



PUBLIC COMMENT FORM

Submissions can now be made on-line at <https://records.wylietexas.gov/Forms/PublicComment> or by scanning the QR code in the upper right hand corner. (If completing the form below, please type or use black ink)

Department of Planning
300 Country Club Road
Building 100
Wylie, Texas 75098

☒ I am **FOR** the requested zoning as explained on the attached public notice for ZBA Case #2024-03.
☐ I am **AGAINST** the requested zoning as explained on the attached public notice for ZBA Case #2024-03.
Please feel free to contact the Planning Department at 972.516.6320 with questions or concerns

Date, Location & Time of
Zoning Board of Adjustment
meeting:

Monday, July 15, 2024 6:00 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: Brad Walsh
(please print)
Address: 1407 Starpoint Ln
Wylie TX 75098
Signature: Brad Walsh
Date: 6-28-24

COMMENTS:



Public Comment Form

First Name *

Chris

Middle Name

Last Name *

Bailey

Address *

Street Address

1727 Port Tack Ln.

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-03 1725 Port Tack Lane

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 have no problem with the planned building.

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

Signature *

A handwritten signature in black ink, appearing to read 'Chris Bailey', on a light gray rectangular background.

Date of Signature

6/26/2024



Public Comment Form

First Name *

William

Middle Name

Last Name *

Streefkerk

Address *

Street Address

1729 Port Tack Ln

Address Line 2

City

Wylie

State / Province / Region

TX

Postal / Zip Code

75098

Case # *

ZC2024-03 1725 Port Tack Lane

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

This structure should be properly ventilated if used for lawn care equipment due to the limited access available in the event of a fire. First responders may have trouble with the narrow access. Other than that, it looks fine.

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

Signature *

A digital representation of a handwritten signature in black ink on a light gray background.

Date of Signature

7/2/2024