

# Wylie Zoning Board of Adjustment Regular Meeting

June 12, 2023 – 6:30 PM

300 Country Club Road #100 - Executive Conference Room #106 , Wylie, Texas 75098



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## 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, Minutes from the April 17, 2023 Regular Meeting.

## REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Barrett Smith for a variance to Section 4.2 of Planned Development 2005-24 to allow for 10' rear setbacks in lieu of the required rear setback of 20' and 4' side setback in lieu of 11' side setback. Property located at 1209 Cedar Point. ZBA 2023-02

## 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 June 9, 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.

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Stephanie Storm, City Secretary

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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

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## AGENDA REPORT

Department: Planning

Item: A

Prepared By: Lillian Baker

### Subject

Consider, and act upon, Minutes from the April 17, 2023 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

April 17, 2023 – 6:30 PM

2nd Floor Conference Room #230- 300 Country Club Road, Building #100, Wylie, Texas  
75098



## CALL TO ORDER

Meeting was called to order by Chair Byron Betler at 6:30PM. Board Members present: Board Member Aaron Lovelace (arrived at 6:35PM), Board Member Richard Covington, Chair Byron Betler, Vice Chair Harold Smith, Alt Board Member Jennifer Grieser, Director of Community Services Jasen Haskins, Senior Planner Kevin Molina, and Secretary Lillian Baker. Absent: Board Member Sharon Osisyana and Alt Board Member John Perdomo.

## COMMENTS ON NON-AGENDA ITEMS

*Any member of the public may address the 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, the 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.*

None approached the Board.

A. Consider, and act upon, Minutes from the January 12, 2023 Regular Meeting.

## BOARD ACTION

A motion was made by Board Member Smith and seconded by Alt Board Member Grieser 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 Samantha Molina for a variance to Section 2.02(n) of Planned Development 1998-15 to allow for 1' rear setbacks in lieu of the required rear setback of 10'. Property located at 2214 Fair Parke Lane. ZBA 2023-01

## PUBLIC HEARING ON REGULAR AGENDA

Chair Betler opened a Public Hearing. Senior Planner Molina presented applicants submittal for an outdoor structure and variance request. Staff noted that both were approved by HOA and Applicant went through proper channels for request. Citizen Sheets, next door neighbor to applicant, addressed the Board with concerns on the height and outdoor fireplace. Distance between build and property line were also raised by Citizen Sheets. Staff stated that the structure and other items were a topic of discussion with the HOA and that the Boards focus of discussion was the variance that the Applicant applied for with the city. Chair Betler closed the Public Hearing.

**BOARD ACTION**

A motion was made by Board Member Covington and seconded by Alt Board Member Grieser to approve the Regular Agenda. A vote was taken and the motion passed 5-0.

**ADJOURNMENT**

A motion to adjourn was made by Vice Chair Smith and seconded by Alternate Board Member Grieser. A vote was taken and passed 5-0. The meeting was adjourned at 6:52PM.

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*Byron Betler, Chair*

**ATTEST**

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*Lillian Baker, 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 Barrett Smith for a variance to Section 4.2 of Planned Development 2005-24 to allow for 10' rear setbacks in lieu of the required rear setback of 20' and 4' side setback in lieu of 11' side setback. Property located at 1209 Cedar Point. **ZBA 2023-02**

### Recommendation

Motion to approve, deny.

### Discussion

**OWNER: Barrett Smith**

**APPLICANT: Barrett Smith**

The applicant is requesting a variance to Section 4.2 of the Braddock Place Estates Planned Development (PD 2005-24) to allow for 10' rear setbacks in lieu of the required rear setback of 20' and 4' side setback in lieu of 11' side setback for the construction of a 1,086 residential addition. The property is located at 1209 Cedar Point. The purpose of the addition is to allow for an elderly family member to move into the home. The dimensions of the structure are compliant with ADA recommendations for wheelchair accessibility (36' wide doorways, 48" hallway and passages).

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

- The Braddock Place Estates Architectural Committee has approved the applicant's request contingent on city approvals.
- The proposed structure has a minimal impact on privacy for the adjacent properties as no large windows are being installed that face the north or west side of the property .
- The proposed structure has a minimal impact to the adjacent property to the west due to there being a 10' wide utility easement on the western property. This easement functions as an additional setback for the two properties.

Public comment forms were mailed to seventeen (15) property owners within 200 feet of this request, as required by State Law. At the time of posting two comment forms were returned in favor and none in opposition of the request.

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

- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or
- (5) Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the development code; or
- (6) Is based exclusively on findings of personal or financial hardship.

**In order to grant a variance to the development code the Board shall find that all the following have been satisfied:**

- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
- (4) That the demonstrable hardship is not self-imposed;
- (5) That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
- (6) That the variance, if granted will not change the character of the zoning district in which the property is located;
- (7) That the variance, if granted is in keeping with the intent of the development code; and
- (8) That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Wylie.



# Locator Map

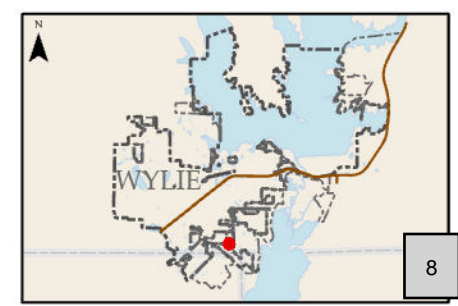


ZONING BOARD OF ADJUSTMENT CASE:  
ZBA 2023-02; 1209 Cedar Point Dr

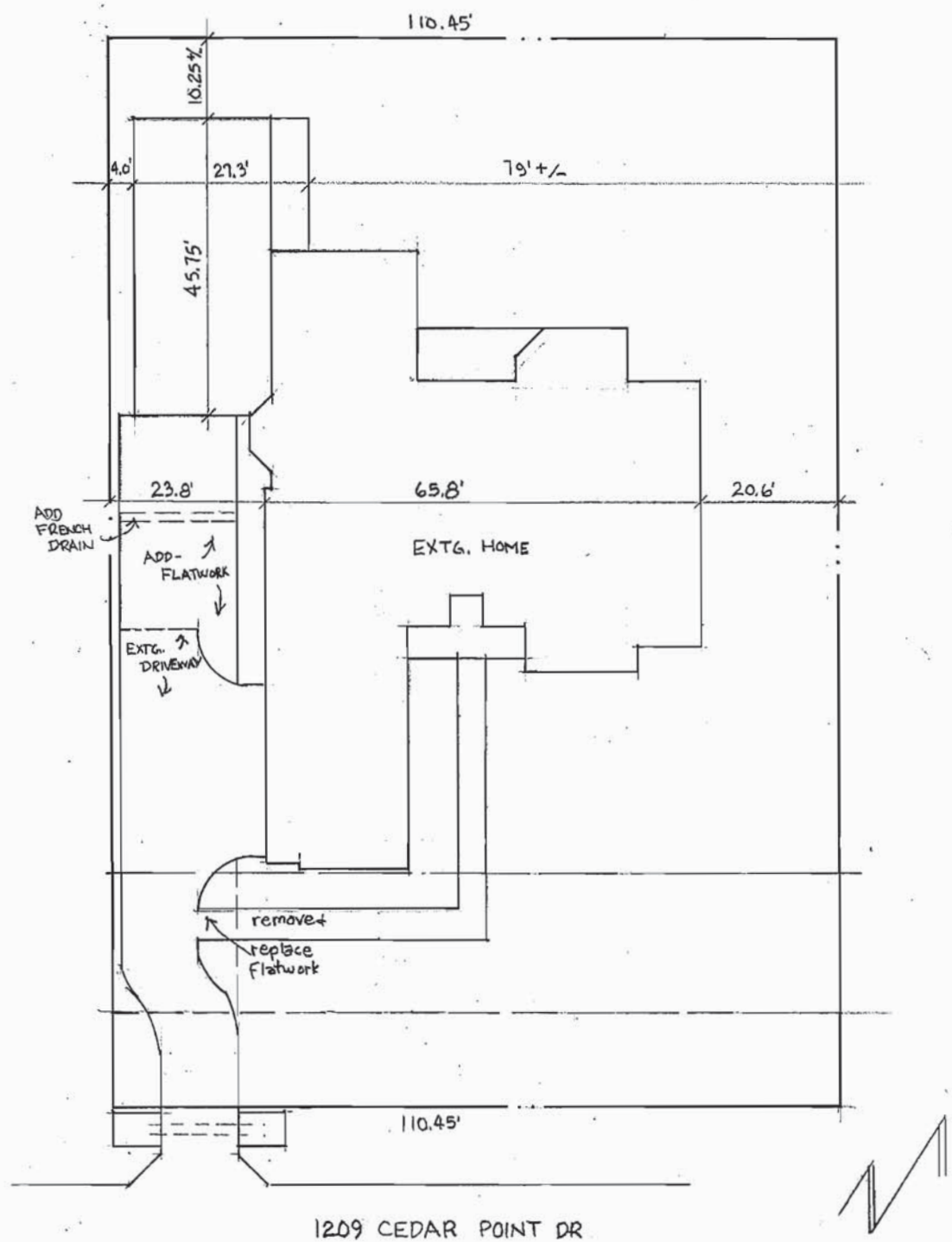
 SUBJECT property



Date: 4/27/2023







SCALE 1"=20.0'

BARRETT RESIDENCE

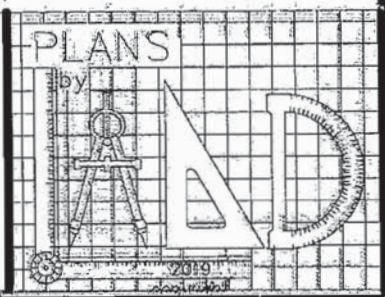
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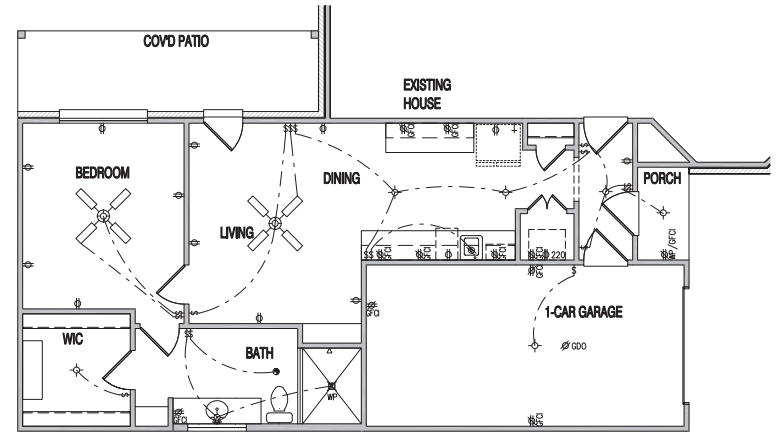
WYLIE, TX

**MICHAEL V. LAND**

RICHARDSON TX. 75080  
PHONE: 972.250.2005

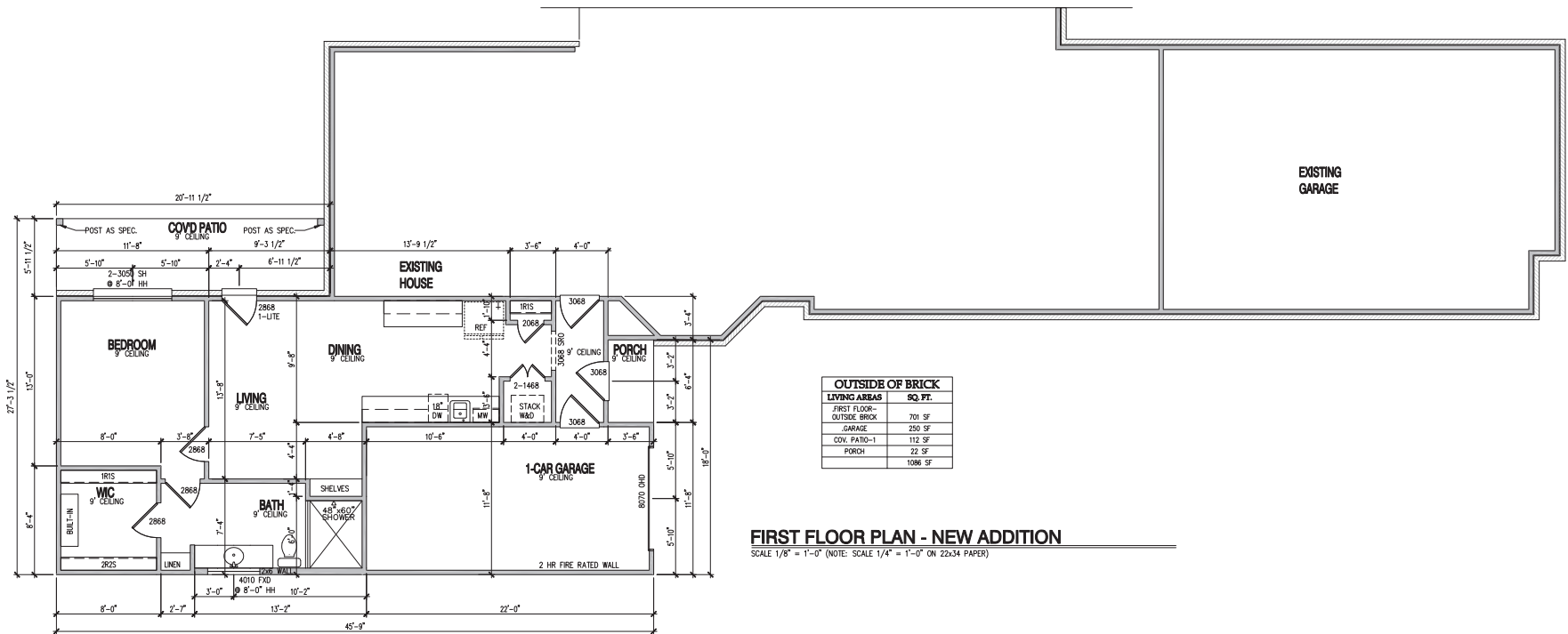
EMAIL: plansbyland@att.net





**ELECTRICAL  
FIRST FLOOR PLAN - NEW ADDITION**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



OUTSIDE OF BRICK	
LIVING AREAS	SQ. FT.
FIRST FLOOR- OUTSIDE BRICK	701 SF
GARAGE	250 SF
COV. PATIO-1	112 SF
PORCH	22 SF
	1086 SF

**FIRST FLOOR PLAN - NEW ADDITION**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



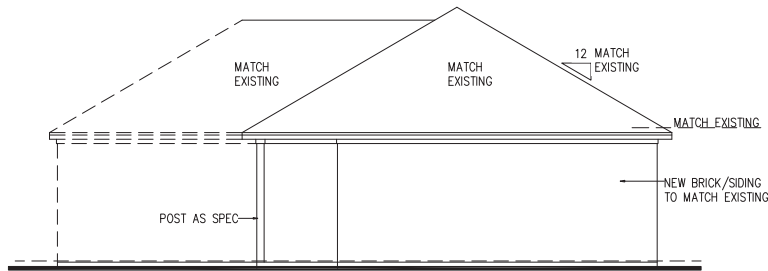
BARRETT SMITH

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION. THESE PLANS ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THESE PLANS PRIOR TO CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE USER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE USER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.

PLAN NO.

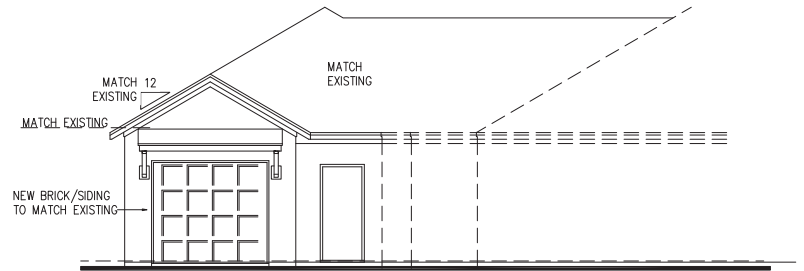
DATE  
2-17-23  
JP(23-012)

F1.0



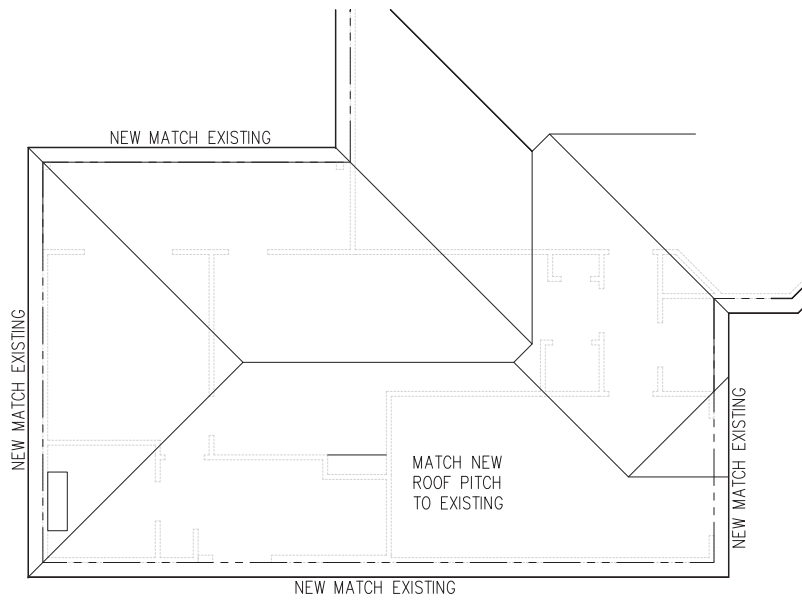
**REAR ELEVATION-NEW**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



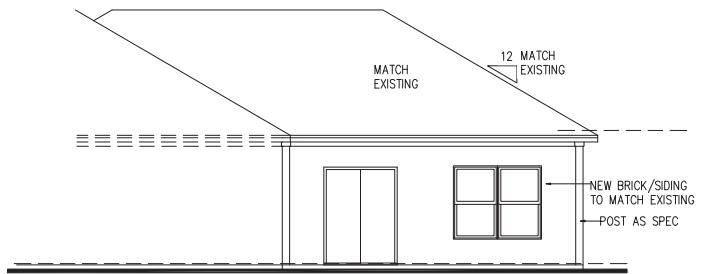
**FRONT ELEVATION-NEW**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



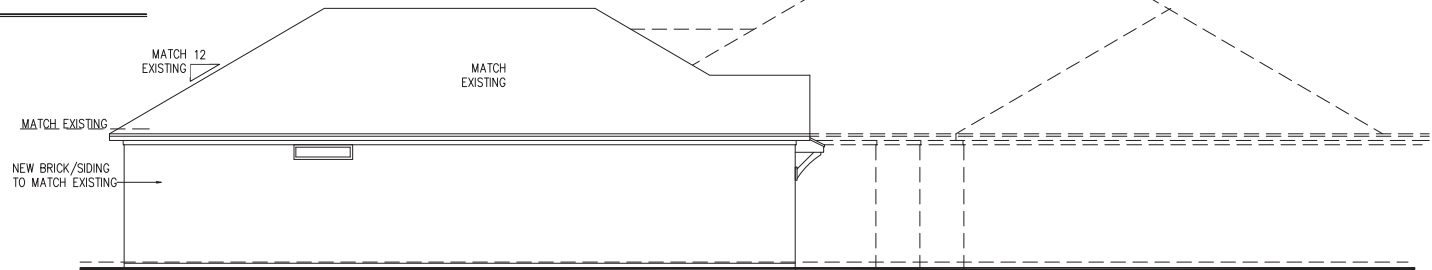
**ROOF PLAN**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



**RIGHT ELEVATION-NEW**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



**LEFT ELEVATION-NEW**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)

**PLANS**

**MICHAEL V. LAND**  
 P.E. License No. 10000  
 N. Collins St. 100  
 Richmond, VA 23133  
 Phone: 804.350.0000

BARRETT SMITH

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION FOR THE CONSTRUCTION OF THE PROJECT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF THESE PLANS PRIOR TO CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF THESE PLANS PRIOR TO CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF THESE PLANS PRIOR TO CONSTRUCTION.

PLAN NO.

DATE  
2-17-23  
JP(23-012)

EL1.0

April 12, 2023

Barrett and Kelley Smith

1209 Cedar Point Dr

Wylie, TX 75098

Project #23-000772

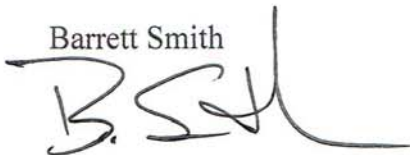
To the members of the Board of Adjustments,

My name is Barrett Smith, 1209 Cedar Point Dr., Wylie, Collin County, Texas. My wife and I are the original homeowners and current residents of this address. I am requesting a variance to the current municipal ordinance (i.e. side lot line) so that I may construct an additional living space to my residence.

An elderly family member will be permanently residing in the home and occupying this addition. The addition is designed to be as complainant as possible to ADA recommendations for wheelchair accessibility (36" wide doorways, 48" hallway and passages, etc.). In order to achieve this accessibility this addition will need to encroach onto the side easement by 12 inches.

Thank you for your time and consideration in this matter.

Barrett Smith

A handwritten signature in black ink, appearing to read 'B. Smith', with a long horizontal flourish extending to the right.

**Braddock Place Estates HOA**  
1024 S. Greenville Ave., Suite 230  
Allen TX 75002  
Main Phone: 972-359-1548

Date: 4/11/2023 2:31:31 PM

**Architectural Control Committee Conditional**

**Approval**

Barrett & Kelley Smith  
1209 Cedar Point Drive  
Wylie TX 75098-4005

**Re: 1209 Cedar Point Drive: House Addition**

Dear **Barrett**:

Thank you for submitting your written request to the Braddock Place Estates HOA Architectural Control Committee (ACC), as required by the governing documents for Braddock Place Estates HOA. We are pleased to let you know that your request has been approved by the Committee per the following provision(s):

- 1) The homeowner is responsible for ALL city permits at each phase of the construction; and**
- 2) All the exterior brick, stone, siding, flatwork, and shingles must match the existing structure.**

**Thank you.**

This approval is valid for one year from this date. Please remember that you are responsible for obtaining any and all required permits from the City of Wylie for this project, and that you must complete the project within 60 days of its start date. If this project has already been started or if your submission is in response to a current violation on the property, the work must be initiated within 30 days and completed within 60 days.

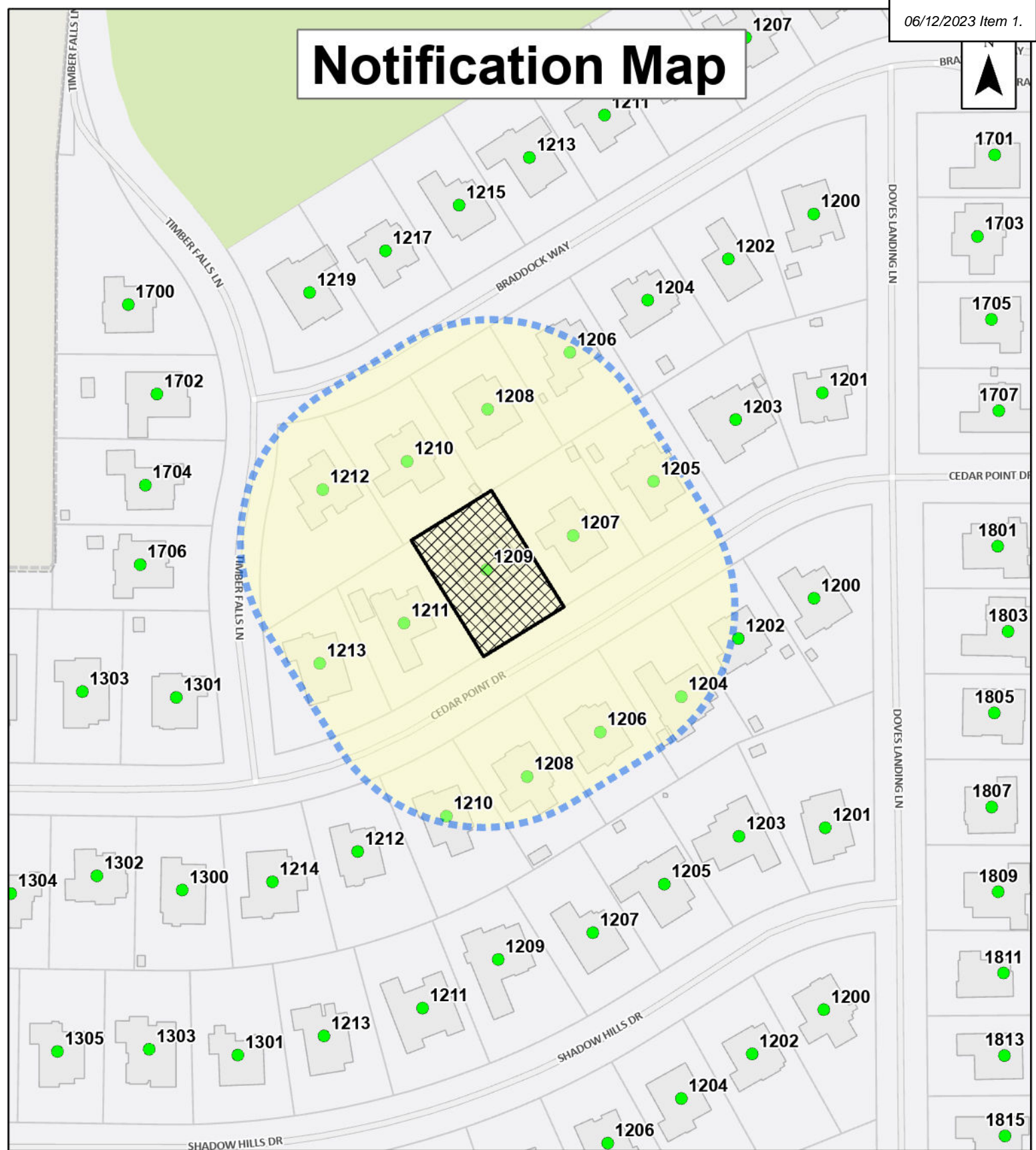
Thank you again for your compliance. Please keep this letter for your records.

Sincerely,

Braddock Place Estates HOA  
Architectural Control Committee



# Notification Map



ZONING BOARD OF ADJUSTMENT CASE:  
ZBA 2023-02; 1209 Cedar Point Dr

 SUBJECT property  200 foot Notification Buffer

0 50 100 200 300 Feet



Date: 4/27/2023



**PUBLIC COMMENT FORM***(Please type or use black ink)*

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

☒ I am **FOR** the requested variance as explained on the attached public notice for ZBA Case #2023-02.

☐ I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case #2023-02.

Date, Location & Time of  
Planning & Zoning  
Commission meeting:

Monday, May 15, 2023 at 6:30 pm  
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name:

MARK KELLEY  
(please print)

Address:

1204 Cedar Point Dr  
WYLIE TX 75098

Signature:

Mark Kelley

Date:

5/3/23

**COMMENTS:**

Good change ; I urge zoning board  
to approve the variance

**PUBLIC COMMENT FORM***(Please type or use black ink)*

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

☒

I am **FOR** the requested variance as explained on the attached public notice for ZBA Case #2023-02.

☐

I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case #2023-02.

Date, Location & Time of  
Planning & Zoning  
Commission meeting:

Monday, May 15, 2023 at 6:30 pm  
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: Terry & Felecha Lynch  
(please print)

Address: 1212 Cedar Point Drive

Signature: Felecha Lynch

Date: Thursday May 4th

**COMMENTS:**

It's his home he should be able to do  
what he wants, he bought his home not  
his neighbors.