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

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 & VICE CHAIR

WORK SESSION

<u>WS1.</u> Hold a work session to discuss the Zoning Board of Adjustment 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

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.
- 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 3' side and rear setbacks in lieu of the required 5' side setback and rear setback of 10% of the lot depth. Property located at 1314 Spotted Owl Avenue. ZBA 2022-02.
- 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.
- 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

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on July 15, 2022 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:

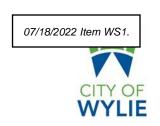
§ 551.071 – Private consultation with an attorney for the City.



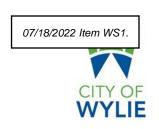
Wylie Zoning Board of Adjustments

AGENDA REPORT

Department:	Planning	Item Number:	WS
Prepared By:	Jasen Haskins, AICP		
Subject		, D 1 1	1 9.90
Hold a work session to d	liscuss the Zoning Board of Adjustm	ients Rules, procedures, and	d responsibilities.
Recommendation			
N/A			
Discussion			
Staff will make a present Board of Adjustment.	tation to the Board members regardi	ng the rules, procedures, an	nd responsibilities of the Zoning
Board members can discuss the item and ask questions of staff.			



So you are on the Zoning Board of Adjustments....



Everything you need to know about the role and responsibility of the ZBA member (almost).



Municipal Planning Authority

- Overall Authority to protect the Health, Safety, and Welfare
- Zoning Authority (legislative) Chapter 211 LGC
- Subdivision Authority (ministerial) Chapter 212 LGC
- Land Use Authority (planning) Chapter 213 LGC



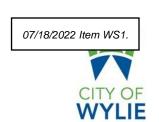
Zoning Board of Adjustment is allowed by **Sec 211.008** of the State of Texas Local Government Code

Created in Wylie by Ordinance in 1962 and included in 1985 Charter



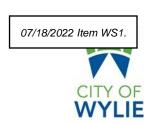
Generally responsible for deciding:

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



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



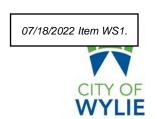
Variance Requests

- a literal enforcement of the Zoning Ordinance would result in unnecessary hardship (not financial)
- spirit of the ordinance is observed
- not contrary to the public interest
- MUST NOT BE SELF-IMPOSED
- The concurring vote of 75 percent of the members of the board is necessary



Special Exceptions

- Only when required by the Zoning Ordinance
- Wylie doesn't currently use this provision



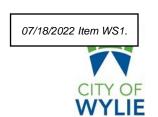
Ordinance Amendments

- Generally initiated by City Council or Zoning Board of Adjustments
- 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



ZBA operates by an adopted Rules and Procedures.

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



General meeting format

- Chairman calls meeting
- Citizen comments on non-agenda items
- Executive or Work session, as needed
- Consent Items (minutes)
- Public Hearings
- General business
- Adjournment



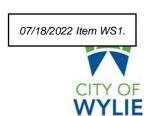
General item format

- 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

Planning Manager

- jasen.haskins@wylietexas.gov
- 972-516-6324

Senior Planner

- kevin.molina@wylietexas.gov
- 972-516-6323

Administrative Assistant

- mary.bradley@wylietexas.gov
- 972-516-6320



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department:	Planning	Item:	_A
Prepared By:	Mary Bradley		
Subject			
	, Minutes from the Septemb	er 20 2021 Regular Meeting.	
Recommendation	n		
Motion to <u>approve</u> iter	•		
Discussion			
	ed for your consideration.		



Zoning Board of Adjustment

Minutes Regular Meeting September 20, 2021 – 6:30 p.m. Wylie Municipal Complex – Council Chambers 300 Country Club Road, Bldg. 100 Wylie, TX 75098

CALL TO ORDER

Chair Byron Betler called the meeting to order at 6:30PM. and announced a quorum was present. Board Members in attendance; Chair Betler, Board Member Richard Covington, Board Member Andrew Wight, Board Member Aaron Lovelace and Board Member Zewge Kagnew. Alternate Board Member Richard Miller was present but did not participate.

Staff present were Mr. Jasen Haskins, Planning Manager, Mr. Kevin Molina, Senior Planner and Ms. Mary Bradley, Administrative Assistant II.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

No one approached the Board Members.

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 Minutes for the August 16, 2021 Meeting.

Board Action

A motion was made by Vice Chair Wight, and seconded by Board Member Lovelace, to approve the minutes as submitted. A vote was taken and carried 5 - 0.

REGULAR AGENDA

Public Hearing

1. Hold a Public Hearing to consider and act upon a request by Alvin Harrison for a variance to Section 5-2 of the Zoning Ordinance to allow for 32 parking spaces in lieu of 40 parking spaces for a day care facility. Property located at 7940 E Parker Road. ZBA 2021-14.

Staff Comments

Mr. Molina addressed the Board Members and stated that the property is located at 7940 E Parker Road and is currently zoned Commercial Corridor.

The applicant is requesting a variance to allow for reduced parking for a day care facility by providing 32 parking spaces in lieu of 40 parking spaces. The Zoning Ordinance has a parking requirement of four spaces per classroom. The variance is being requested for the potential of up to ten classrooms being allowed.

The applicant and staff believe the variance request has merit due to a covered area for drop-offs and pick-ups will alleviate short-term parking. Staff conducted an informal survey of local day-cares and found that there was unutilized parking, even at peak times. The applicant did a survey of parking requirements in Dallas, Plano and Garland and the requirement is less strict than Wylie.

Public Comment forms were mailed to ten property owners. No comment forms were returned in favor or in opposition of the request.

Public Comments

Chair Betler opened the public hearing for Item 1 at 6:40PM asking anyone present wishing to address Board Members to come forward.

The applicant, Mr. Terry Sullivan addressed the Board Members stating the site will provide eight classrooms, with ten to twenty-five students in each classroom. The facility will range from 9,000 to 10,000 square feet, so the parking is based upon the size of the building, so the 32 parking spaces will be adequate.

Chair Betler closed the public hearing for Item 1 at 6:42PM.

Board Action

A motion was made by Board Member Covington, and seconded by Vice Chair Wight, to grant the variance to allow 32 parking spaces in lieu of 40 parking spaces. Property located 7940 E Parker Road. ZBA 2021-14. A vote was taken and carried 5 - 0.

Ms. Bradley stated that there will not be a meeting in October, 2021.

ADJOURNMENT

A motion was made by Chair Belter and seconded by Vice Chair Wight, to adjourn the meeting at 6:47PM. A vote was taken and carried 5-0.

	Byron Betler, Chair
ST:	
<u></u>	
ary Bradley	



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 Richard Parker for a	variance to Section 4.2.A.3 of the
Zoning Ordinance to a	llow for 10' front setback	ks in lieu of the required 25'. Prope	rty located at 1602 Martinez Lane.
ZBA 2022-01			
Recommendation			

Motion to approve, deny.

Discussion

OWNER: Validus LLC APPLICANT: Richard Parker

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 approval of the site plan is dependent on the outcome of this variance request.

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 (13) property owners within 200 feet of this request, as required by State Law. At the time of posting one comment form was returned in opposition and none 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

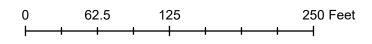


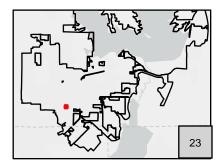


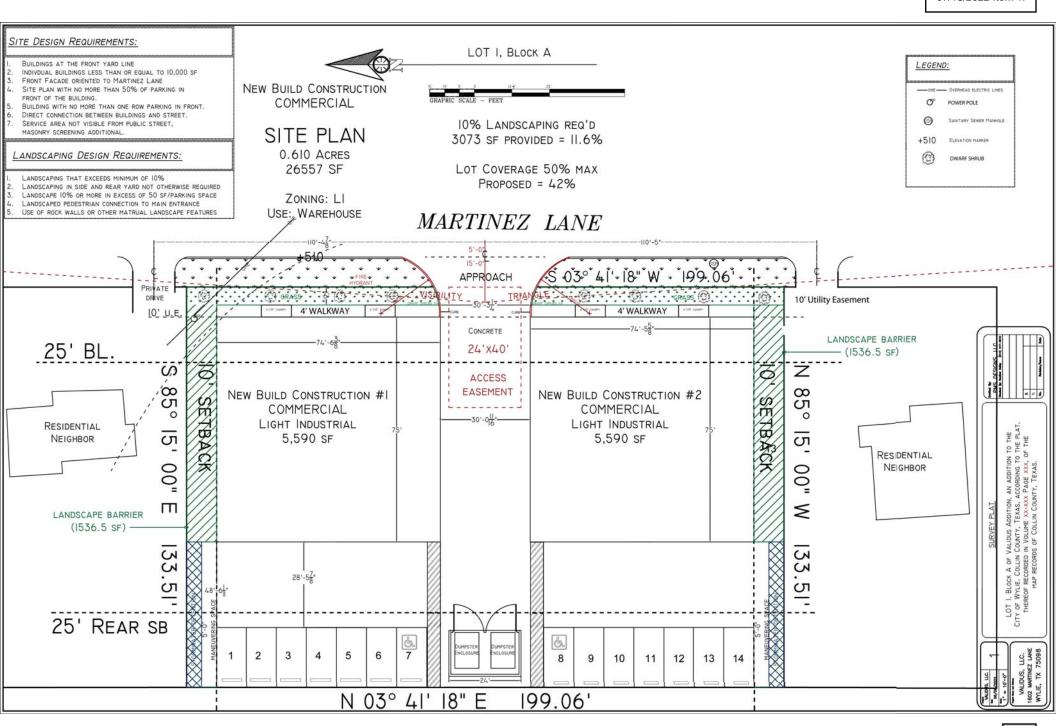
Case Number: ZBA 2022-01

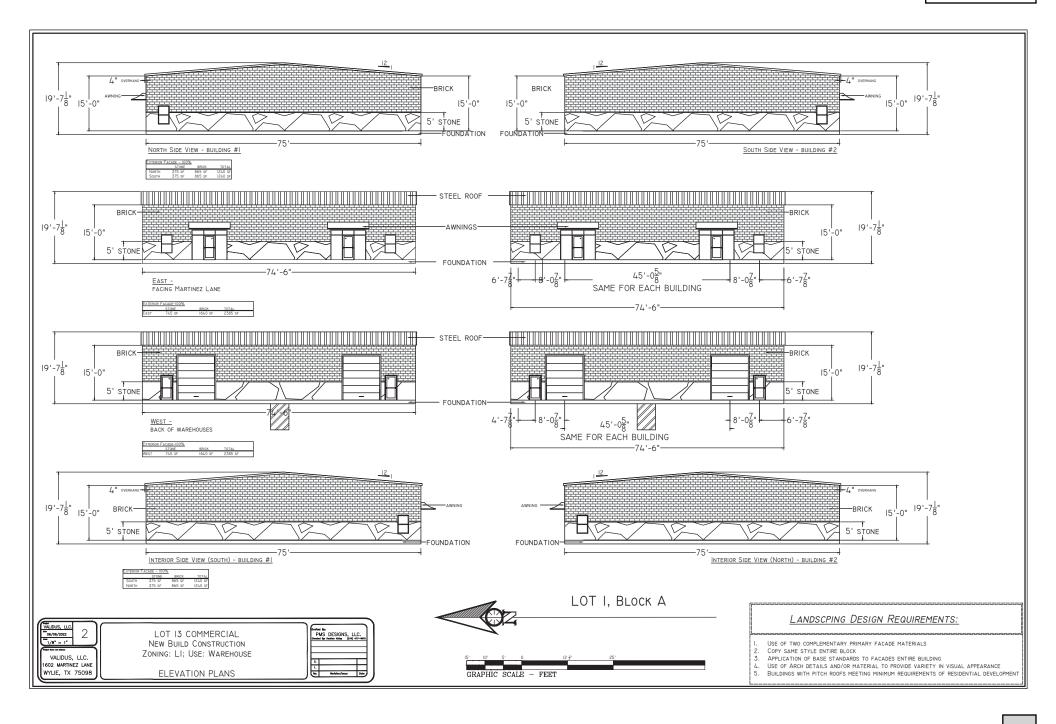


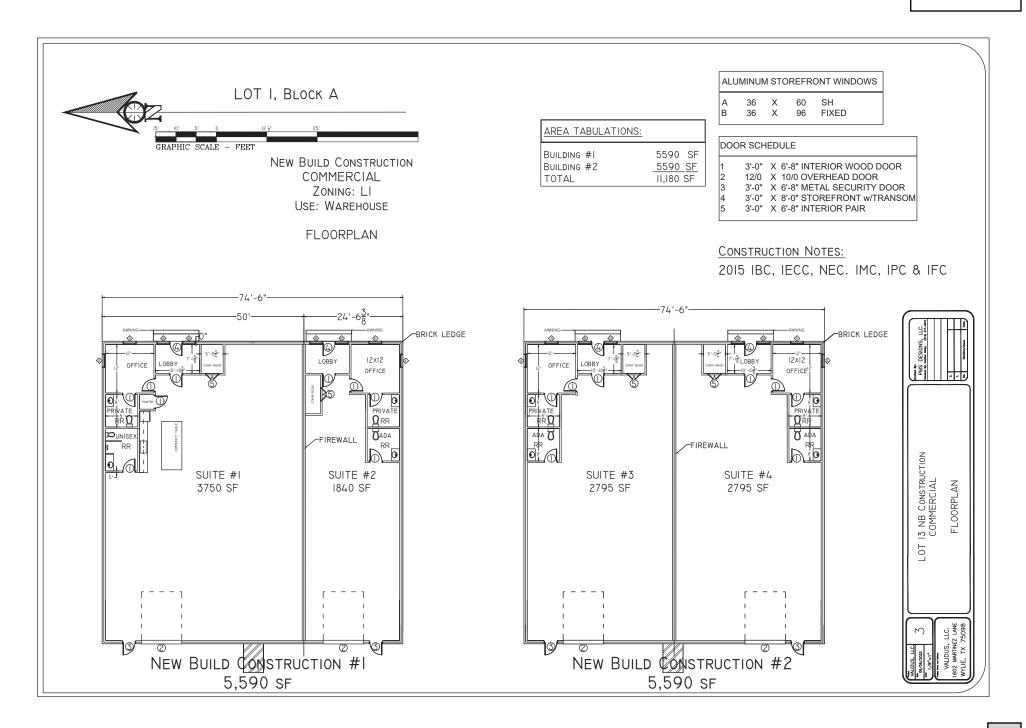
Subject Property







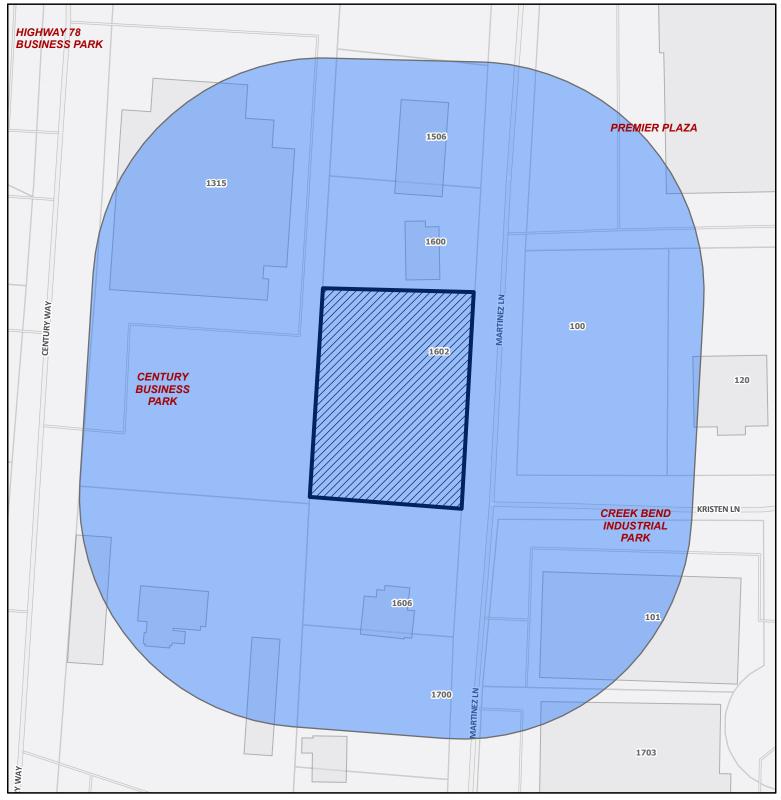






Notification Map





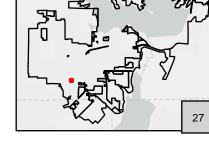
Case Number: ZBA 2022-01



Subject Property



200ft Buffer



PUBLIC COMMENT FORM

(Please type or use black ink)

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

I am FOR the requeste	d variance as explained on the attached public notice for ZBA Case #2022-01.		
I am AGAINST the re	quested variance as explained on the attached public notice for ZBA Case #2022-01.		
Date, Location & Time of Planning & Zoning Commission meeting:	Monday, July 18, 2022 at 6:30 pm Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas		
Name:	Ruben Frientes (please print) 1600 Martine Z Lane		
Address:	1600 Martine Z Lane		
Signature:	Ruber Frentes 718122		
Date:	718122		
COMMENTS:			
	v		



Wylie Zoning Board of Adjustments

APPLICANT: Daimie Mabrey

AGENDA REPORT

Department:	Planning	Item Number:	2
Prepared By:	Kevin Molina		
Subject			

Subject

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 3' side and rear setbacks in lieu of the required 5' side setback and rear setback of 10% of the lot depth. Property located at 1314 Spotted Owl Avenue. ZBA 2022-02

Recommendation

Motion to approve, deny.

Discussion

OWNER: Daimie and Brad Mabrey

The applicant is requesting a variance to Section V.14-15 of the Bozman Farms Planned Development (PD 2002-52) to allow for 3' side and rear setbacks in lieu of the required 5' side setback and rear setback of 10% 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 (323sf). The requested setbacks match those of the current accessory structure allowances of the Zoning Ordinance.

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 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 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 (24) 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 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.

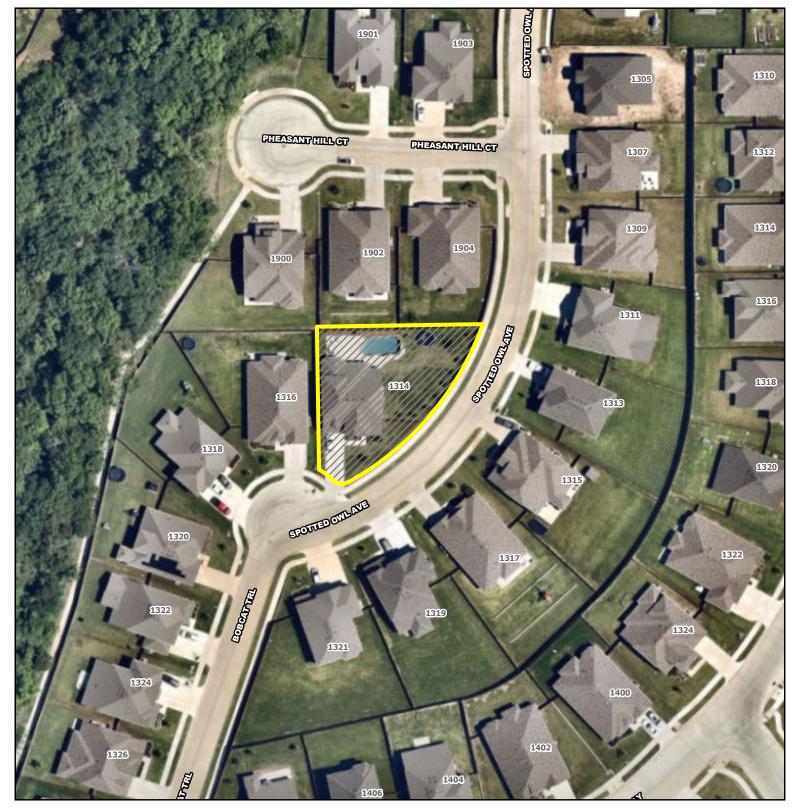
In order to grant a variance to the development code the Board shall find that all the following have been satisfied:

- (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

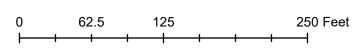


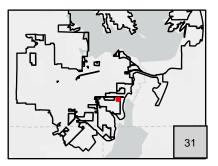


Case Number: ZBA 2022-02



Subject Property





FINAL SURVEY

ify that persons under my direction have, this date, made an on-the-ground survey of property located at

1314 SPOTTED OWL AVENUE in COLLIN COUNTY Texas,

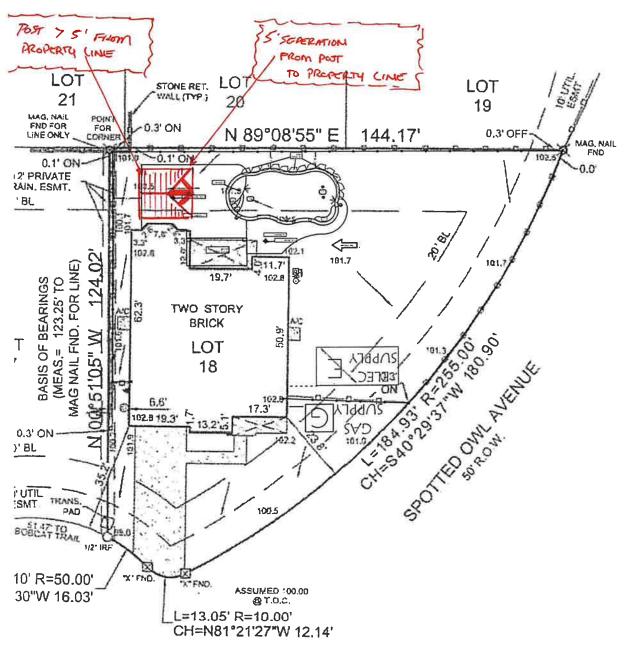
18 , in Block I

BOZMAN FARM ESTATES PHASE 7 , an addition

COLLIN COUNTY Texas, according to the MAP OR PLAT THEREOF

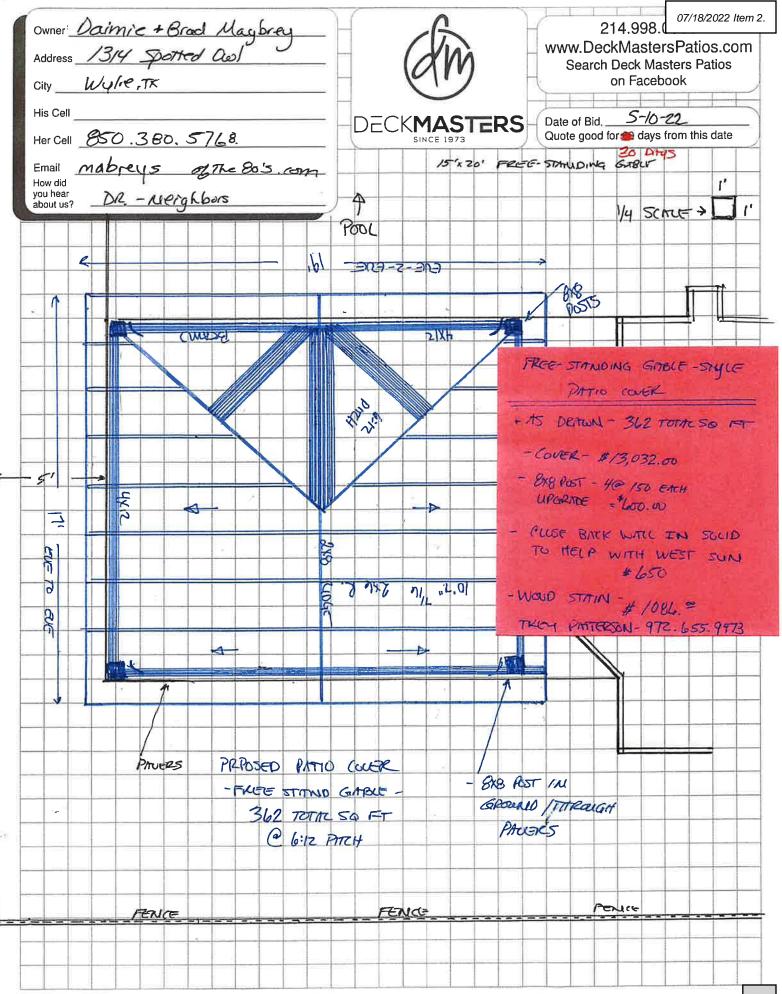
VOLUME 2019, PAGE 766 , of the MAP OR PLAT Records of COLLIN County, Texas.

FREE-STANDING / NOT ATTACHED GABLE-STYLE STRUCTURE



OWL AVENUE O'R.O.W.

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN VOL. 5589, PG. 4071, WHEN TAKEN WITH ALL AMENDMENTS AND/OR SUPPLEMENTS THERETO



AREA

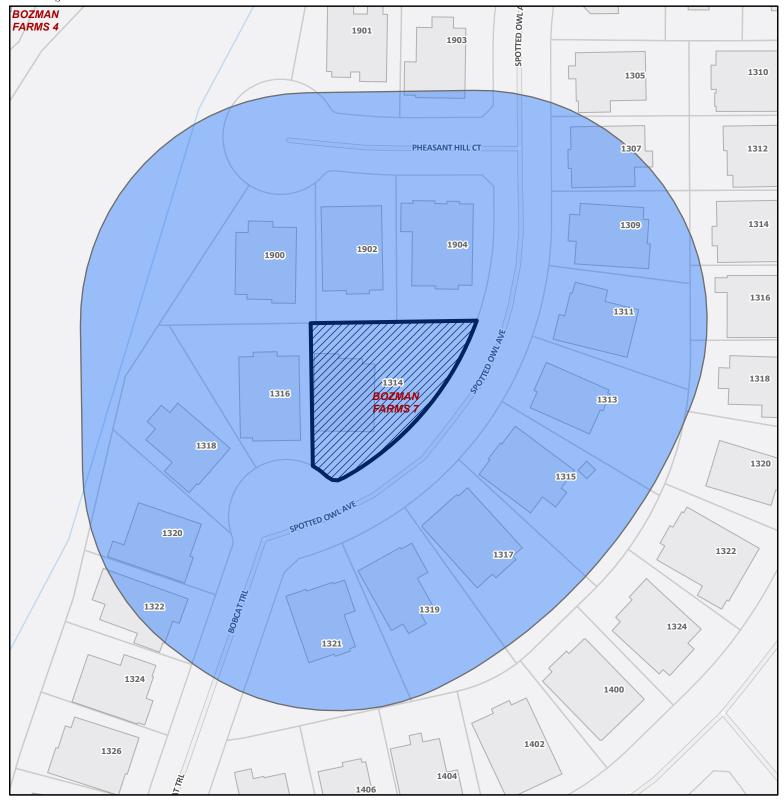






Notification Map





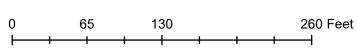
Case Number: ZBA 2022-02

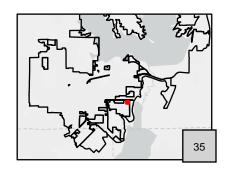


Subject Property



200ft Buffer





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 #2022-02, I am AGAINST the requested variance as explained on the attached public notice for ZBA Case #2022-02. Date, Location & Time of Planning & Zoning Commission meeting: Monday, July 18, 2022 at 6:30 pm Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas Address: **COMMENTS:**

(Please type or use black ink)

I am FOR the requested variance as explained on the attached public notice for ZBA Case #2022-02.	
I am AGAINST the requested variance as explained on the attached public notice for ZBA Case #2022-02.	
Date, Location & Time of Planning & Zoning Commission meeting: Monday, July 18, 2022 at 6:30 pm Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas	- 0
Name: Dalu fyuilur (please print) Address: 1311 Spotted Owl Ave Wylke Tx 75098 Signature: While Tx 13027	
Very upsetting that the maloreys have to go through this	
to have a patio cover installed in their own buckyard. Please approve and let them enjoy shade while outside.	

(Please type or use black ink)

Planning Department
300 Country Club Road
Building 100 Wylie, Texas 75098
wyne, 1exas 75076
I am FOR the requested variance as explained on the attached public notice for ZBA Case #2022-02.
I am AGAINST the requested variance as explained on the attached public notice for ZBA Case #2022-02.
Date, Location & Time of Planning & Zoning Commission meeting: Monday, July 18, 2022 at 6:30 pm Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas
Name: lim Gibson (please print) Address: $l3/8$ Bybca+ lRA : Wylie, lx 75098 Signature: lx 21e/2022.
COMMENTS:
As Amenhoo of the ARC Committee FOR BOZMAN
FARMS. We Appeared this based off of City
= 1 Facility and do it that if a class was the
Trine in the same of the same
Allowed then the Pergola. WAS A Similar Structure.

(Please type or use black ink)

I am FOR the requested	d variance as explained on the attached public notice for ZBA Case #2022-02.
I am AGAINST the red	quested variance as explained on the attached public notice for ZBA Case #2022-02.
Date, Location & Time of Planning & Zoning Commission meeting: Name: Address: Signature: Date:	Monday, July 18, 2022 at 6:30 pm Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas Susan Deface Washington (please print) 190 Pheasant Hill Cf Wylie Tools Land Complex and Land Country Club Road, Building 100, Wylie, Texas
COMMENTS:	
4 ×	
1	
-	
-	

(Please type or use black ink)

I am FOR t	he requested	variance as explained or	the attached publi	ic notice for ZBA Case	e #2022-02.	
I am AGAI	NST the req	uested variance as explai	ned on the attached	d public notice for ZB.	A Case #2022-0	2.
Date, Location & Time Planning & Zoning Commission meeting:	e of	Monday, July 1 Municipal Con	8, 2022 at 6:30 pm nplex, 300 Country	n Club Road, Building	100, Wylie, Tex	as
	Name:	Brandee (please print)				
	Address:	1320 Bobo Wylie TX	at Trail 75098			
	Signature:	Brandel	Donahu	re		
COMMENTS:	Date:	_ 6/28/202	2			
	å-	5, 2, 2	ы	, e.X		77



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department:	Planning	Item Number:	3
Prepared By:	Kevin Molina		

Subject

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

Recommendation

Motion to approve, deny.

Discussion

OWNER: Mark Phillips

APPLICANT: Mark Phillips

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 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. The property is located at 1001 Heatherwood Drive. The purpose of this request is to allow for the construction of an attached carport that measures 14x24 (336sf).

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 3' in height stone wall and 4'9" in height cedar slats.

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

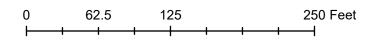


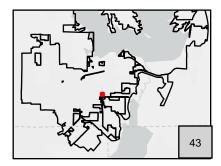


Case Number: ZBA 2022-03



Subject Property



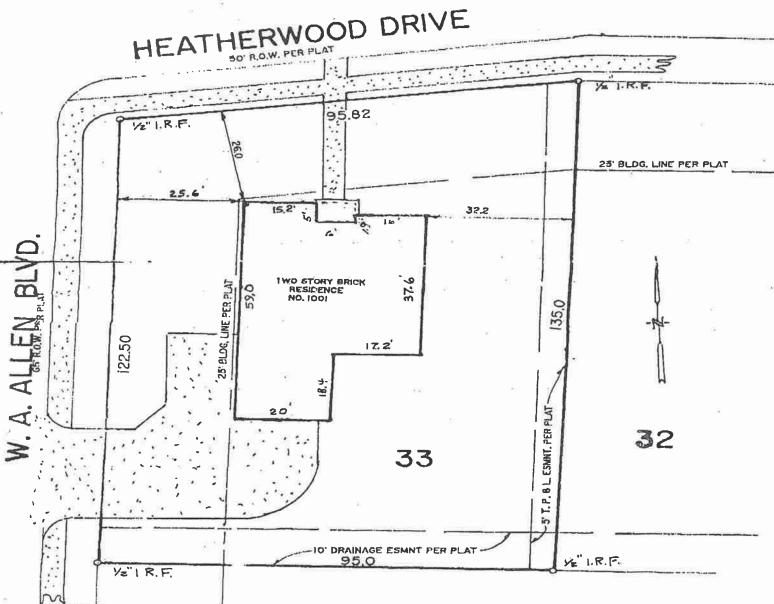


SURVEY PLAT

TO ALL PARTIES STERESTED IN PREMISES SURVEY: This is to certify that on this date, there was a careful and accurate sirvey made en my supervision of the property the ground under 1001 Heatherwood Drive located Texas, described as being Lot 33, Block A of STONE GROVE, PHASE I, an addition to the city of wylle, Collin County, Texas, according to the plat thereof recorded in Volume G, Page 173, Map Records, Collin County, Texas. Ratification of Plat recorded in Volume 2717, Page 790, Land Records, Collin Wylie

NOTE: According to the F.I.R.M. In Community Panel No. 48085C0465G , property is not located in the 100 year flood plain. Zone X. this

Tor FIRTY



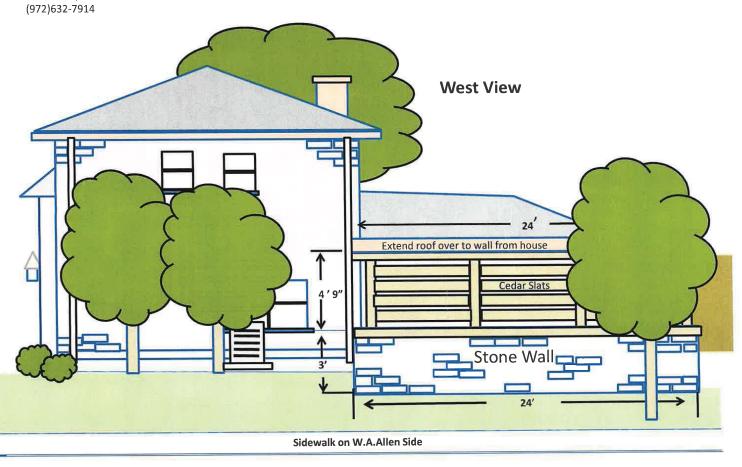
CERTIFY TO: Chicago Title Co. GF# 491020
The plat hereon is a true, correct and accurate representation of the property as determined by survey. subject to any and all easements, of which I have been advised, the lines and dimensions of said property being as indicated by the plat; the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated. There are no encronobments, conflicts or protrusions, except as shown.

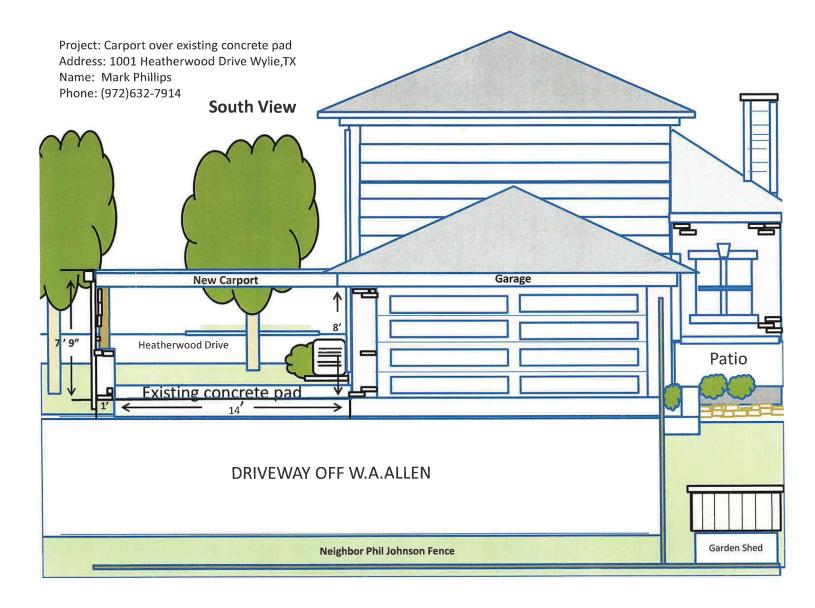
Scale: 1"- 20 Date: 8-26-99 W.O. No. 62920 59618 Inv. No.

By: Don Purish

Registered Professional Land Surveyor, #2516

Construction of Car port over existing cement pad 1001 Heatherwood Dr Wylie, Texas Mark Phillips

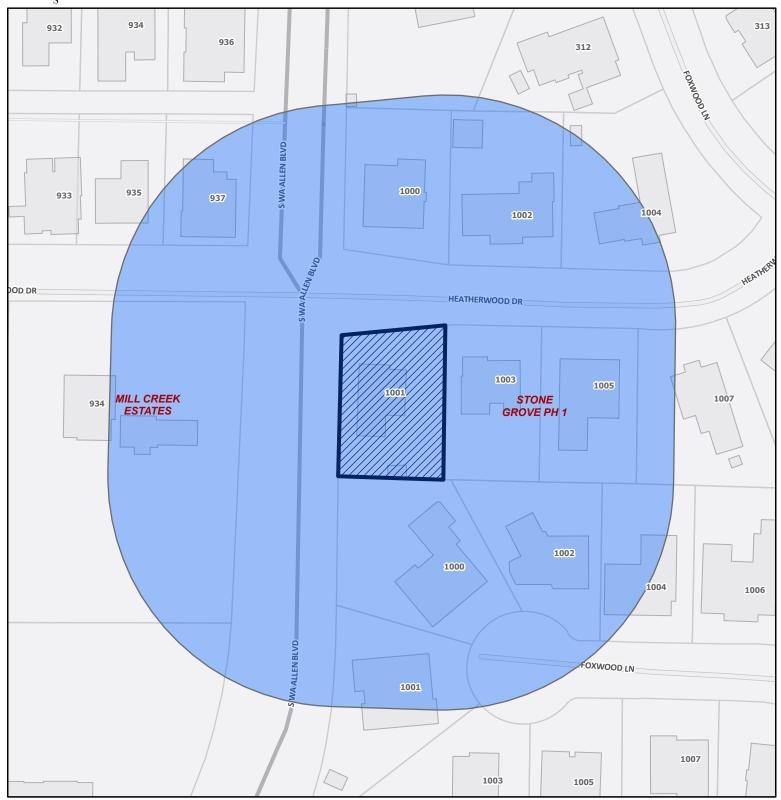






Notification Map





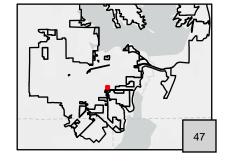
Case Number: ZBA 2022-03



Subject Property



200ft Buffer



260 Feet

(Please type or use black ink)

I am FOR the requested	d variance as explained on the attached public notice for ZBA Case #2022-03.
I am AGAINST the rec	quested variance as explained on the attached public notice for ZBA Case #2022-03.
Date, Location & Time of Planning & Zoning Commission meeting:	Monday, July 18, 2022 at 6:30 pm Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas
Name: Address: Signature: Date:	Jerry C. Barnett (please print) 1007 Heather wood Dr Wylie TX 75098 Property Tax Acet# R224 800 A0 300 / Jerry C. Barnett 6/26/2022

(Please type or use black ink)

I am F	OR the requested	d variance as explained on the attached public notice for ZBA Case #2022-03.
I am A	GAINST the req	quested variance as explained on the attached public notice for ZBA Case #2022-03.
Date, Location & Planning & Zoning Commission meet	g	Monday, July 18, 2022 at 6:30 pm Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas
COMMENTS:	Name: Address: Signature: Date:	SHETBY SOLOMON (please print) 1004 HEATHERWOOD DR WYHE TX 75098 6/27/2022
NA		
-		
-		
8 <u></u>		
X		

07/18/2022 Item 3.

PUBLIC COMMENT FORM

(Please type or use black ink)

(Please type or use black ink)

I am FOR the requested	d variance as explained on the attached public notice for ZBA Case #2022-03.
I am AGAINST the rec	quested variance as explained on the attached public notice for ZBA Case #2022-03.
Date, Location & Time of Planning & Zoning Commission meeting:	Monday, July 18, 2022 at 6:30 pm Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas
Name:	(please print) McIlraug
Address:	1003 Heatherwood DR
Signature:	Wylie, TX 75098
Date:	6/27/2022
COMMENTS:	+
<u> </u>	

Mark Phillips 1001 Heatherwood Drive Wylie, Texas Petition for Variance on Carport Project

Approve V/N	Ves	Nes	Z.	Yec	Sas	\ \	423	_							
Phone:	469-693-5617	714-384- 8304	214 500 7006	972 442 74/2	214-802-7669	972.978-1154	464- 223-2674								
Address:	1000 Heathrwood De	1002 Heatherwood Or	1003 Heatherwood Or	1007 Heatherman Dr	40) Fukuova Ln	490611001 FOXWOOD LN	1009 Herther well De								
Name:	thony Morgan	Lornie Townsend	Kevin McIlaun	Jerry Barnett	BiryCosB	Thil Johnson	Andrew Morle								



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department:	Planning	ltem Number:	4
Prepared By:	Kevin Molina		
Subject			
Hold a Public Hearing	g to consider and act upon a	a request by Ron Haynes Jr. for a var	riance to the rear and side setbacks of
the Dominion of Pleas	sant Valley Planned Develo	opment, PD 2020-54 to allow for a 1	0' front and rear setback in lieu of the
20' front and 25' rear	setback. Property located	at 310 Crape Myrtle.	
ZBA 2022-04	1 7	1	
Recommendation	on		
Motion to approve, d	eny.		

Discussion

OWNER: Wylie DPV, LP

APPLICANT: Ron Haynes, Jr

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 10' front and rear setback in lieu of the 20' front and 25' 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 (5) 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:

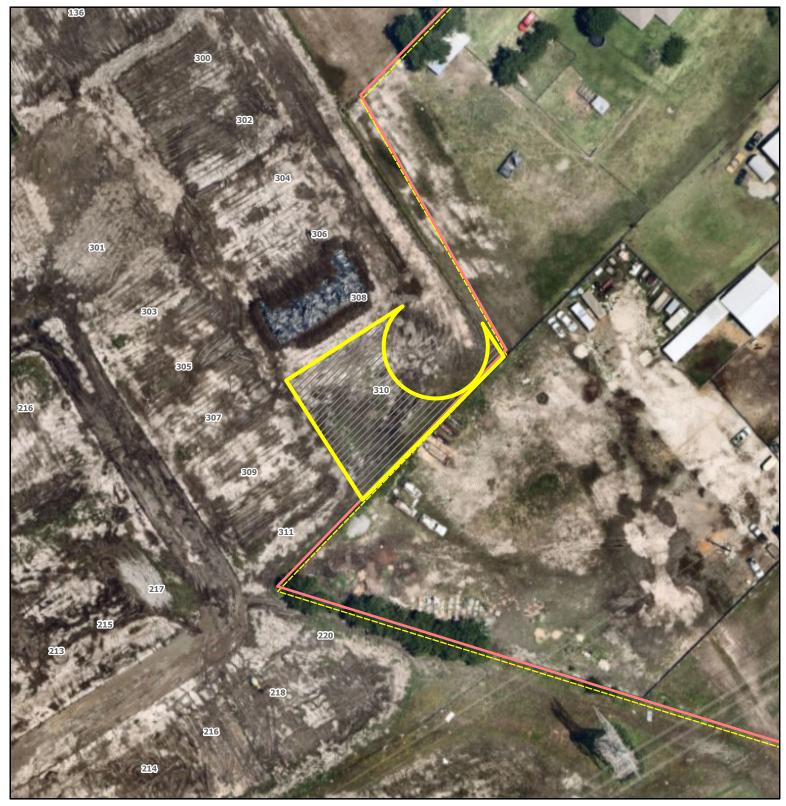
(1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;

- (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

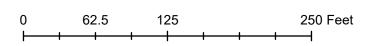


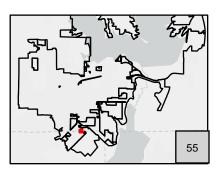


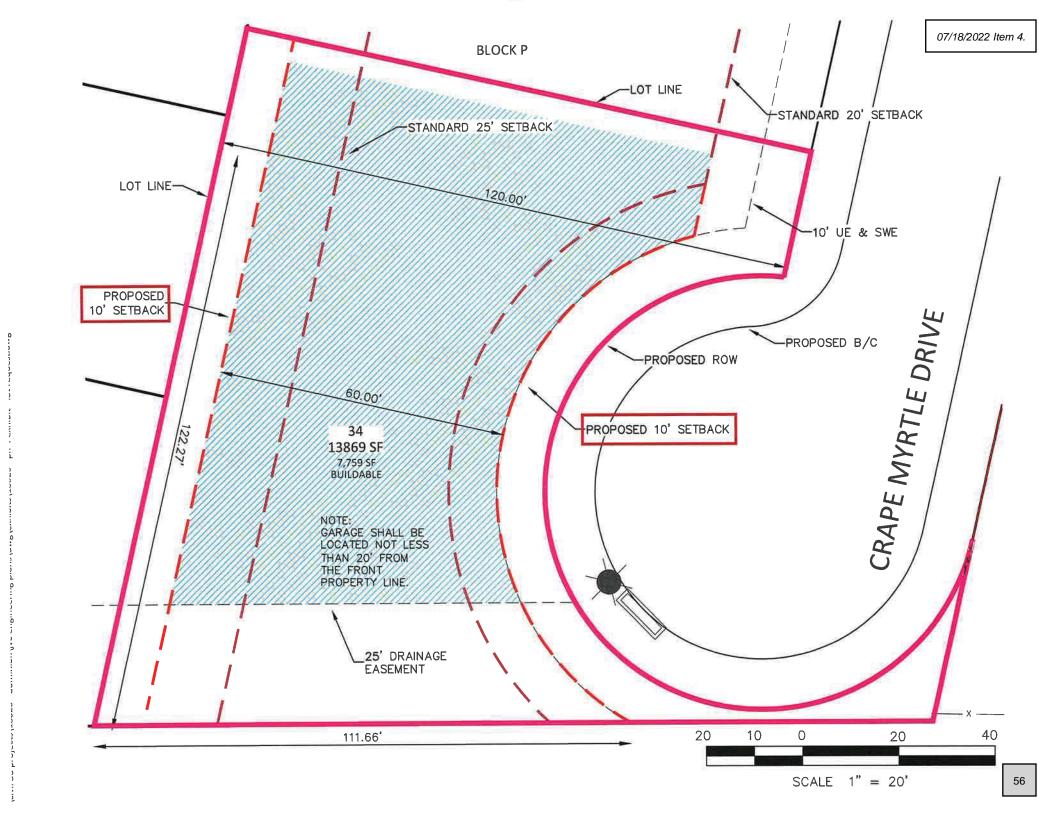
Case Number: ZBA 2022-04



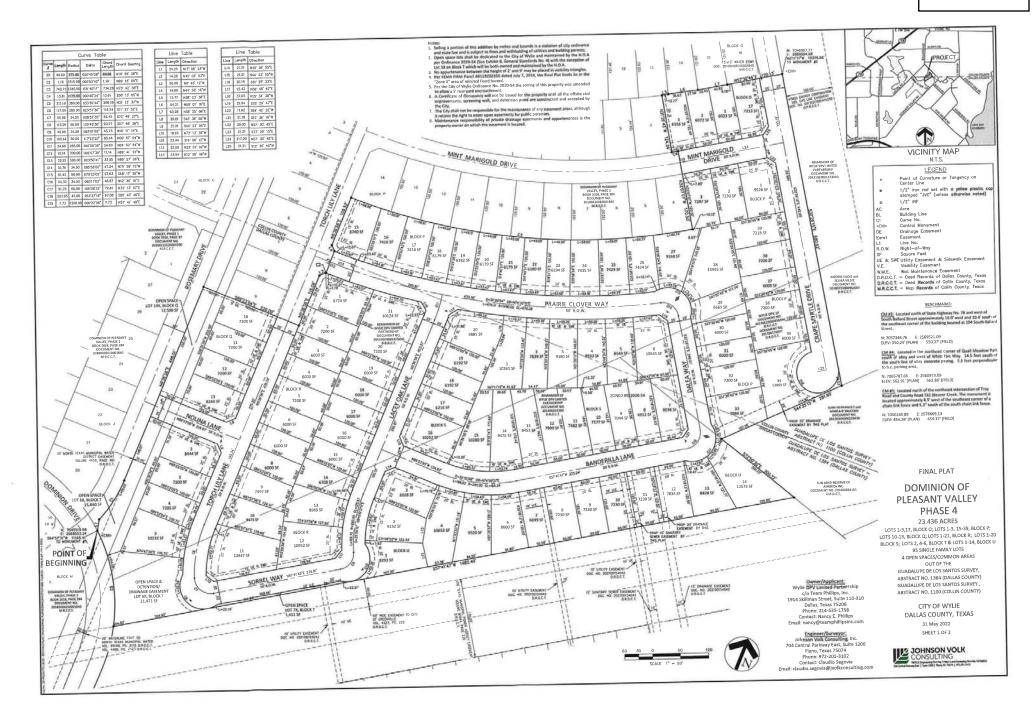
Subject Property











LEGAL DESCRIPTION DOMINION AT PLEASANT VALLEY

BERIG a treet of land situated in the CHADALUPE DE LOS SANTOS SURVEY, ABSTRACT NO, 1100, City of Wyle, Colin County, Texas and the CHADALUPE DE LOS SANTOS SURVEY, ABSTRACT NO, 1384, City of Wyle, Dulloc CLAUNY, Texas on being part of those toxics of lond described in Decent 169 (190 PU Limited Porturerib), as recervised in Document Nos. 20330334380 and 2013/02/2007475000, Deed Recents, Dulloc County, Limited Porturerib), as 2017/02/2000/88480, Deed County County

BECANNIC at a 1/Z inch iron rod with a yalew plastic sop stemped "VK" set in the northeast line of Dominion Drive, a 60 feet right-ed-way, at the south and of a corner righ for the most southerly southwest corner of DOMINICK OF PLEASANT VALLEY PRASE 2, on Addition to the Dity of Vijer, Calific Courty, Trees occording to the Part thereof recorded in Book 2018, Pigg 284 (Document No. 20180426010001840), Map Records, Colin County,

THENCE Northeasterly, with the east line of said Addition, the following eighteen (18) courses and distances:

North 13 degrees OB minutes 23 accords West, with said corner clip, a distance of 24.25 feet to a 1/2 inch ivon rod with a yellow plastic eap stamped "WC" set for corner in the east line of Resembly Dirks, a 50 feet right-of-way, at the north end of 56d corner sips, said point being of the telephonic of a min-telephonic curve to the laft having a central copie of 20 degrees 45 minutes CB seconds: a clim of 255.05 feet and a chard bearing and distance of Narrh 10 degrees 50 minutes 50 seconds 564.5 97.05 feet and

Northeasterly, with sold east line of Rosemary Drive and sold curve to the left, an arc distance of 99.60 feet to a 1/2 linch iron rod with a yellow plastic cap stamped "UVC" set for corner;

1 00 degrees 36 minutes 56 seconds East, continuing with said east line of Rosemary Drive, a distance t to a 1/2 inch iron rod with a yellow plastic cap stamped "UVC" set for corner;

South 89 degrees 23 minutes 04 seconds East, leaving sold east line of Rosemary Drive, a distance of 220.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC"set for corner in the east line of Torch LIIII Juna, a 50 floot injful-of-way.

North 00 degrees 36 minutes 56 seconds East, with sold east line of Torch Lilly Lane, a distance of 116,08 feet to a 1/2 inch iron rod with a yellow plastic cop stamped "JVC" set for corner city the south end of a corner city:

North 45 degrees 02 minutes 53 seconds East, with soid corner clip, a distance of 14.28 feet to a 1/2 Inch ion rod with a pilice pisalist cap slamped "MV"-set for corner in the south line of Profrie Cliver Way, a 30 feet right-of-way, ot 1 the beginning of a sent-imagent curve to the last hading a central cargin of odegrees 02 minutes 42 seconds, a reduce of 1.015.00 feet and a chierd beginning and feet feet of the control of the control

Easterly, with soid south line and soid curve to the left, an arc distance of 1.19 feet to a 1/2 inch iron rad with a yellow plastic cap stamped JVC*set for corner;

North 00 degrees 45 minutes 12 seconds West, leaving said south line, a distance of 50.00 feet to a 1/2 linch from rad with a yellow plastic cap stamped "JVC" set for corner in the north line of said Prairie Clover Way at the south end of a corner clip;

North 44 degrees 58 minutes 16 seconds West, with sold corner clip, a distance of 14.00 feet to a 1/2 inch iron rad with a yellow plastic cap stamped "JVC" set for corner in the east line of sold Torch Lilly Lane;

North 00 degrees 36 minutes 56 seconds East, with sold cost line of Torch Lilly Lone, a distance of 109.52 feet to a 1/2 link in an real with a yellow plostic cap stamped "VPC" set for the southwest corner of Let 14, Black P of seld Addition of the beginning of a non-chargent curve to the left having a central ongle as central ongle as central ongle as central ongle of 1,345.50 feet and a chord bearing and distance of North 73 degrees 40 minutes 58 seconds East. 734.26 feet.

Easterly, with sold curve to the left, leaving sold east line of Torch Lilly Lane, an arc distance of 743.71 feet to a 1/2 inch iron rad with a yellow plastic cap stamped "JVC" set for the southeast corner of Lot 4, Black P of sold Addition;

North 32 degrees 07 minutes 07 seconds West, a distance of 170.50 feet to a 1/2 linch iron rod with a yellow plants cap stamped 'MO' set for conner in the north line of Min't Morigali Drive, a 30 foot right—al-way, at the beginning of a non-temporal curve to the right having a center imped of 00 degrees 40 minutes 05 seconds, are referred to 1,175.00 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 foot 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 feet 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 feet 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 feet 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 feet 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 feet 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 feet 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 feet 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 feet 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds West 1,381 feet 100 feet and a cherd bearing and distance of 504th 55 degrees 13 minutes 05 seconds west 1,381 feet 100 fee

Southwesterly, with sold north line of Mint Marigold Drive and sold curve to the right, or arc distance of 13.81 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "NVC" set for the southeast corner of Lot 4, Block of sold Addition.

North 31 degrees 28 minutes 43 seconds West, leaving sold north line of Mint Marigold Drive, a distance of 124.04 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the northeast corner of

North 58 degrees 23 minutes 38 seconds East, a distance of 13.77 feet to a 1/2 inch iron rod with a yellow plastic cop stamped 'UVC'set for corner;

North 60 degrees 01 minutes 10 seconds East, a distance of 64.21 feet to a 1/2 inch iron rod with a yellow plastic cap stamped TVC set for corner; North 58 degrees 25 minutes 08 seconds East, a distance of 63.28 feet to a 1/2 inch iron rod with a yellow plostic cap stamped 'WC'set for corner,

North 57 degrees 30 minutes 44 seconds East, a distance of 120.13 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for an external ell corner of said Addition;

THENCE South 32 degrees 29 minutes 15 seconds East, leaving the east line of sold Addition, a distance of 600.62 (Ref. to a 1/2 inch iron rod with a yellow plastic cop stomped "NIC" set for the east corner of the above mentioned Wije DPV, IP tract:

THIRMEE South 44 degrees 35 minutes 15 seconds West, a distance of 281.60 feet to a 1/2 inch iron sod with a yellow ploatic sep stemped 'UVC' set in the northeast line of the dover mostloade Tyle DV Umited Partnership tour recorded in Document No. 2010:033-3500 for the could consult center at and Wyle DV. IP footb.

THENCE South 72 degrees 50 minutes 30 seconds East, with sold northeast line, a distance of 200.22 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "UVC"set for corner;

DEDICE South 37 degrees 41 minutes 47 seconds West, Ineving sold northeast line, a distance of 1,482,40 feet to a 1/2 inch iron rod with a yallow plastic cap stemped 'Vit' jet for corner in the northeast line of the observations downlinks Drive at the beginning of a non-integent currer to the felt hevely a control angle of 33 degrees 36 minutes 44 seconds, or notice of 350,000 feet and or chard she will be a control angle of 33 degrees 36 minutes 44 seconds with 2,000 feet to did or chard bearing and distance of North 31 degrees 12 minutes 37 seconds West, 2001.

THENCE Northwesterly, with sold northeast line and sold curve to the left, an arc distance of 211.19 feet to the POINT OF BEGINNING and containing 23.436 acres of land, more or less.

OWNER'S DEDICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
THAT WITL DOY LIBITED PARTNINESHEP, octing herein by and through its duty onthorised efficers, does hereiny decided this pint designating the hereinshove described property in DARROST OF PLESANT VALLEY, PRASE 4, an addition to the Chrystop and other partnership of the property of the decided for the transport property of the decided for the transport property of the decided for the transport property of the decided for the property of the prop

The City of Wylin and public willity exhibits shall have the right to remove and keep removed all or parts of any buildings, knocks, treas almost or other improvements or greatly which may in any very endanger or histories will be considered to the consideration of public utility entities shall of the trees have the first of largest and express to or from their respective somewhat for the purpose of constructing, reconstructing, improved, purpose motions, and adding to or removing oft or parts of their respective systems without the executive and the consideration from copyon.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Wylle,

WYLLE DPV LIMITED PARTNERSHIP. A Texas Limited Partnership

By: Webb Peak Development Partners LP,

Its General Partner

By: RNH Development Company,

Its General Partner

Ronald N. Haynes, Jr., President

STATE OF TEXAS COUNTY OF _____

BEFORE ME, the undersigned outhority, a Notory Public in and for the State of Texas on this date personally speciared Owner's Agent, known to me to be the person whose name is subscribed to the foregoing instrument and ecknowledged to me that he executed the same for the purpose and considerations therein objection.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of ______ 20___

Notary Public in and for the State of Texas

My Commission Expires: _____

SURVEYORS CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS: That I, Ryun S. Reynolds, do hereby certify that I prepared this plot from on octuel and accurate survey of the lord and that the corner measureds shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Cerimone of the City of Wylis.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ doy of

FOR REVIEW PURPOSES ONLY, PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

RYAN S. REYNOLDS, R.P.L.S. al Land Surveyor No. 6385

STATE OF TEXAS

BEFORE ME, the undersigned outhority, a Natory Public is and for the State of Texas on this day personally appeared Ryan S. Reymolés, Land Surveyor known to me to be the person whose name is subscribed to the foregoing instrument and ocknowledged to me that he executed the some for the pumpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of

Notary Public in and for the State of Texas

My Commission Expires:

"RECOMMENDED FOR APPROVAL Chairman, Flanning & Zoning Commission City of Wylle, Texas Date Mayor City of Wylie, Texas "ACCEPTED" Mayor City of Wylie, Texas The undersigned, the City Secretary of the City of Wylin, Texas, hereby sentilines that the foregoing final plats of the ODMINION OF FULS-ART VALLEY, PHASE 4, addition to the City Of Wylie was submixed, by Formal skirtly, Headers 4, additional to the City Of Wylie was submixed, by Formal skirtly, instant and server lines as shown and set forth in and spons said plat and said Gowelf further authorized the Nayor to make the acceptance freedom by signific skirtly and said council further authorized the Nayor to make the acceptance induced by signific skirtly and said for significant said council further authorized the Nayor to make the acceptance subscribed. A.D. 20 City Secretary, City of Wylie, Texas

VISIBILITY, ACCESS, MAINTENANCE AND DRAINAGE EASEMENTS.

NOBISETY ACCCS. WARTENANC AND DRAMACE EAGURITY.

As every or revision with the jain whilelity, Access, Mointenance, and/or Draining, Cosements are hereby green and growled to the City, its successors and estigate, or comments to previous visibility, right of decreas for maintenance, and devinege upon and cores said assuments. The City shall have the right and the disciplinary of the control of

FINAL PLAT

DOMINION OF PLEASANT VALLEY PHASE 4

23.436 ACRES

LOTS 1-3,17, BLOCK O; LOTS 1-3, 15-39, BLOCK P; LOTS 10-13, BLOCK Q; LOTS 1-21, BLOCK R; LOTS 1-20 BLOCK S: LOTS 2, 4-6, BLOCK T & LOTS 1-14, BLOCK U

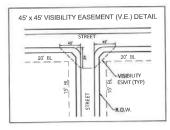
95 SINGLE FAMILY LOTS 4 OPEN SPACES/COMMON AREAS OUT OF THE

GUADALUPE DE LOS SANTOS SURVEY, ABSTRACT NO. 1384 (DALLAS COUNTY) GUADALUPE DE LOS SANTOS SURVEY, ARSTRACT NO. 1100 (COLLIN COUNTY)

CITY OF WYLIF DALLAS COUNTY, TEXAS

> 31 May 2022 SHEET 2 OF 2

JOHNSON VOLK CONSULTING



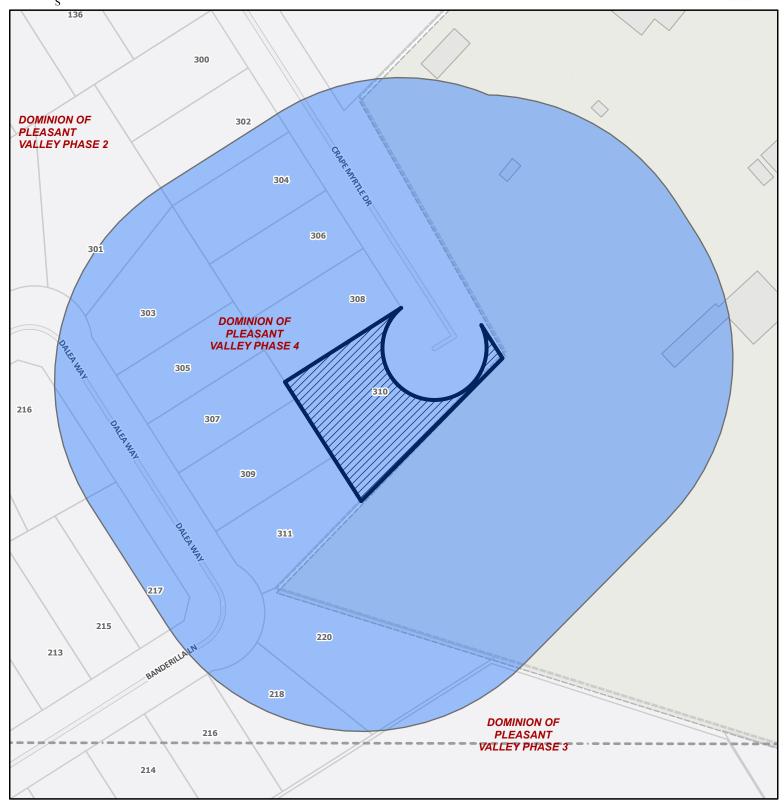
Owner/Applicant
Wylie DPV Limited Partnership vyle Dry united Partnership c/o Team Phillips, Inc. 1914 Skillman Street, Suite 110-310 Dallas, Texas 75206 Phone: 214-535-1758 Contact: Nancy E. Phillips Email: nancy@teamphillipsinc.com

Engineer/Surveyor: 704 Central Parkway East, Suite 1200 Plano, Texas 75074
Phone: 972-201-3102
Contact: Claudio Segovia
Email: claudio.segovia@jvolkconsulting.com



Notification Map





Case Number: ZBA 2022-04



Subject Property



200ft Buffer

