



Wylie Zoning Board of Adjustment

Minutes
Zoning Board of Adjustment
Monday, April 18, 2016 – 6:30 pm
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building 100

CALL TO ORDER

Chair Linda Jourdan called the meeting to order at 6:30 p.m. and stated that a quorum was present. Those present were: Chair Jourdan, Board Member Robert Holcomb, Board Member Kevin Finnell, and Board Member Andres Gonzalez.

Staff members present were: Renae' Ollie, Planning Director, Jasen Haskins, Sr. Planner, Kevin Molina, Planner and Mary Bradley, Administrative Assistant.

CONSENT ITEMS

1. Consider and act upon approval of the Minutes of the January 18, 2016 Meeting.

A motion was made by Board Member Finnell and seconded by Board Member Gonzalez, to approve the Minutes as submitted. Motion carried 4 - 0.

PUBLIC HEARINGS

Item 1 – ZBA 2016-02

Hold a Public Hearing to consider and act upon, a request from **Travis Hallford** for a Variance to Section 2.5.C.2e (2) of the Zoning Ordinance for residential accessory structure masonry requirements. The property is located at 840 Crestview Lane in the Stoneridge Farms Addition, Block D, Lot 2. **ZBA 2016-02.**

Staff Comments

Mr. Molina stated that the applicant is requesting a variance for accessory structure, on the property located at 840 Crestview Lane. The variance is for masonry requirement on accessory structures larger than 2% of the lot coverage. The applicant is proposing to

construct a 1,000 square foot, ten foot in height accessory building, with a metal exterior material. The structure will be used to store a boat and accessories. The location of the proposed structure will have limited view from the street frontages of both Crestview Lane and FM Highway 544.

Thirteen comment forms were mailed to surrounding property owners; one was received in favor and none in opposition of the request.

Public Comments

Chair Jourdan opened the Public Hearing.

Mr. Halliford, 840 Crestview, the applicant, stated that the lot size is .828 acres. The property has an expanded driveway that goes to the back of the property.

Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Chair Jourdan, and seconded by Board Member Finnell, to Grant the Variance for exterior masonry to accessory structure. The property located at 840 Crestview Lane. Motion failed 4 – 0.

Item 2 – ZBA 2016-03

Hold a Public Hearing to consider and act upon, a request from **Debra Walker Rust** for a Variance to Section 2.5.C.2c (4) and 2.5.C.2d (2) and 2.5.C.2e (2) of the Zoning Ordinance requiring no accessory structure be placed within a side yard setback of less than five feet, and requiring that all premanufactured structures that cover more than two percent of the lot match the color and exterior materials for both the roof and walls. The property is located at 1503 Schooner Bay Drive in the Newport Harbor Subdivision, Block 14, Lot 10. **ZBA 2016-03.**

Staff Comments

Mr. Molina stated that the property is located at 1503 Schooner Bay Drive. The applicant is requesting three variances to maintain an existing accessory building.

The request is for the side yard setback, exterior material and roof does not match the main structure, and covers more than two percent of the lot. The accessory structure is located two feet two inches from the side property line. The setback requires that any accessory structure not be located closer than five feet from the side property line.

The premanufactured structure has treated wood siding with a green shingled roof which does not match the main structure, and exceeds the required two percent of the lot.

Staff has reviewed the accessory structure and identified the description on the manufactures website as a Treated Loft Barn/Cabin.

The applicant explained on the application that the contractor failed to pull a permit for the accessory structure, and received notification of code violation.

Thirty-one comment forms were mailed to surrounding property owners. Four comment forms were returned in opposition of the request and no comments forms were received in favor.

Public Comments

Chair Jourdan opened the Public Hearing.

Mr. Lance Rust, 1503 Schooner Bay, applicant for the request, stated that the building will be used for crafts. Two separate contractors pulled permits for fence and sprinkler, but didn't receive a final permit for either of them. When the building was delivered, no permit was pulled, and was put on the property about four months ago.

Board Member Holcomb questioned the distance between the driveway and the building. Mr. Rust stated that the building is right up on the driveway. Initially upon review the plot survey, the distance between the property line and building was six feet. However, the adjacent neighbor complained and the building was put two feet from the property line.

Ms. Lisa Cornish, 1501 Schooner Bay, adjacent property owner, stated that when the contractor was constructing the fence, the fence posts were six inches onto her property. The contractor reviewed the plot survey, and moved the fence posts back onto Mr. Rust's property. The structure is not placed on concrete.

Chair Jourdan closed the Public Hearing.

Board Discussion

The Board Members discussed the setback to the side yard. Mr. Haskins stated the requirement for the side yard setback is to encourage more open space. Ms. Renae' reminded the Board Members of the additional requests for variances, that is, the exterior material not matching the primary structure, the shingles being green and the size of the building.

Board Action

A motion was made by Board Member Holcomb, and seconded by Chair Jourdan, to deny all Variances. The property located at 1503 Schooner Bay. Motion failed 4 – 0.

Item 1 – ZBA 2016-04

Hold a Public Hearing to consider and act upon, a request from **Evelyn Young** for a Variance to Section 4.3.F.1.a of the Zoning Ordinance requiring the building materials for commercial structures within a Light Industrial District (LI) to be masonry with 20% stone on the facade, property located at 22 Steel Road, Lot 6, Block A of the Steel Industrial Park Addition. **ZBA 2016-04.**

Staff Comments

Mr. Haskins stated that the property is located at 22 Steel Road and is a 100 percent metal structure. The property is Legally Non-Conforming. However, the applicant is requesting a variance to allow metal exterior.

The property was constructed prior to adoption of Zoning Ordinance requiring exterior material to be a masonry product. In 2012, a change of use changed the property to legally non-conforming. The City allows non-conforming uses to continue even though change of ownership or tenant provided the previous use and proposed use are very similar. However, in 2012 the use was for a Personal Service Use, which is different from an office/warehouse use. A variance was granted to allow the metal building to be used for a period of 30 months. In September 2015, a variance was granted for 120 days to allow time to add a masonry material, and bringing the building into compliance. The work was never started within the time frame granted. The applicant is asking for another variance, this time a permanent one, to the exterior material requirement. The applicant has submitted a letter from an engineer stating that masonry material could not be safely added to the building to prevent movement in a high wind condition.

Public comment forms were mailed to twelve property owners. No comment forms were received in favor or in opposition.

Public Comments

Chair Jourdan opened the Public Hearing.

Mr. Bryan Rogers, 511 Rustic Place, representative as a technical advisor for the property owner, Ms. Evelyn Young. He further stated that the property owner was represented by an agent that was not pursuing her best interested in the previous variance requests.

Mr. Rogers stated that the building has eight foot ledges on the front, which allows for eight foot wide rock wall with brick ties. The side and back do not have the foot ledges.

Ms. Evelyn Young, 4700 Esplanade Court, Granbury, Texas, property owner, stated that her husband had an office/warehouse business use for thirty years. She never intended the use to change, and desires to have office/warehouse use only.

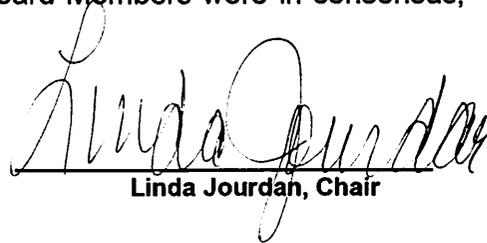
Chair Jourdan closed the Public Hearing.

Board Action

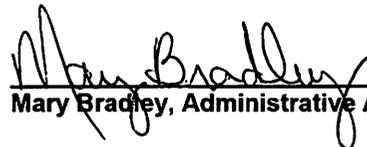
A motion was made by Board Member Holcomb, and seconded by Board Member Gonzalez, to Grant the Variance with stipulation that office/warehouse use allowed only and amending rock on the façade to the front. The property located at 22 Steel Road. Motion carried 4 – 0.

ADJOURNMENT

A motion was made by Board Member Gonzalez, and seconded by Board Member Finnell to adjourn the meeting. All Board Members were in consensus, and the meeting adjourned at 7:35p.m.


Linda Jourdan, Chair

ATTEST:


Mary Bradley, Administrative Assistant