

Zoning Board of Adjustments



June 20, 2016

Regular Business Meeting



Wylie Zoning Board of Adjustment

NOTICE OF MEETING

Regular Meeting Agenda

Monday, June 20, 2016 – 6:30 p.m.

Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building #100

Linda Jourdan Chair
 Jason Potts Vice Chair
 Robert Holcomb Board Member
 Andres Gonzalez Board Member
 Kevin Finnell Board Member
 Karyn McGinnis Alternate Board Member

Renae' Ollie Planning Director
 Jasen Haskins Sr. Planner
 Kevin Molina Planner
 Mary Bradley Administrative Assistant

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

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.

CALL TO ORDER

Announce the presence of a Quorum.

CONSENT AGENDA

1. Consider and act upon approval of the Minutes for the May 16, 2016 Meeting.

REGULAR AGENDA

Public Hearing

1. Hold a public hearing to consider and act upon request by **City of Wylie** for a Variance to Section 5.5.A of the Zoning Ordinance requiring that all temporary uses operate 90 days or less within a one-year time frame, property located at 2000 S.H. 78 North. **ZBA 2016-06**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 17th day of June 2016 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Carole Ehrlich, City Secretary

Date Notice Removed

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Wylie Zoning Board of Adjustment

Minutes
Zoning Board of Adjustment
Monday, May 16, 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 Jason Potts, 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 April 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 2016-05

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) of the Zoning Ordinance requiring no accessory structure be placed within a side yard setback of less than five feet. The property is located at 1503 Schooner Bay Drive in the Newport Harbor Subdivision, Block 14, Lot 10. **ZBA 2016-05.**

Staff Comments

Mr. Haskins stated that the applicant is requesting a variance to side yard setback to allow an existing accessory structure to remain two feet from side yard. The lot is approximately 7,820 square feet and the accessory structure is 200 square feet.

The applicant was denied at the April 18, 2016 meeting for three variances; one of the requests was for the side yard setback. The other two requests entailed the color of the roof, the material and cover more than two percent of the lot. A variance can be requested more than once, as long as the request has been changed. In this case, the applicant is proposing to install shingles and add a brick-like exterior material to match the primary structure.

Thirty-one comment forms were mailed to surrounding property owners. Eight comment forms were returned in opposition of the request and no comments forms were received in favor. Four comment forms were from the same property owner for four separate addresses.

Public Comments

Chair Jourdan opened the Public Hearing.

Ms. Debra Rust, 1503 Schooner Bay, applicant for the request, stated that the building will be used for crafts. The accessory structure is on gravel, not on concrete.

Commissioners asked if the building could be moved to behind the main fence in the rear yard. Ms. Rust stated that there is not enough room for the dogs to run if the accessory structure is moved. The structure has accessible attic and a small front entry porch. The building will be used for crafting. The building is approximately eleven feet height.

Ms. Elaine Duncan, 1501 Schooner Bay, adjacent property owner, stated that the fence is four feet tall, and spoke against the location of the accessory structure.

Mr. Paul Brooks, 1509 Schooner Bay, resides but owns three other lots on Schooner Bay, spoke in opposition of the location of the accessory structure, stating that the issue of the location has caused strife and discontentment between neighbors.

Chair Jourdan closed the Public Hearing.

Board Discussion

The Board Members discussed various requests for a side yard setback. Staff responded that all the requests were granted, but the structures were located within the enclosed back yard and was not visible from the street or alley.

Board Action

A motion was made by Board Member Finnell, to Grant the request, with stipulation that the roof match the main structure. Motion failed due to lack of second.

A motion was made by Board Member Potts, and seconded by Board Member Gonzalez, to deny the setback request. The property located at 1503 Schooner Bay. Motion failed 3 – 1.

ADJOURNMENT

A motion was made by Board Member Finnell, and seconded by Board Member Potts to adjourn the meeting. All Board Members were in consensus, and the meeting adjourned at 7:08p.m.

Linda Jourdan, Chair

ATTEST:

Mary Bradley, Administrative Assistant

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Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>June 20, 2016</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>2016-06</u>
Prepared By:	<u>Jasen Haskins</u>	Project Location:	<u>2000 S.H. 78 North</u> <u>Abstract 688-2, Tract 195</u>
Date Prepared:	<u>June 8, 2016</u>	Subdivision Name:	<u>Francisco de la Pina Survey</u> <u>Location Map, Site Plan,</u> <u>Notification List and Map</u>
		Exhibits:	<u>with Responses,</u>

Subject

Hold a public hearing to consider and act upon request by **City of Wylie** for a Variance to Section 5.5.A of the Zoning Ordinance requiring that all temporary uses operate 90 days or less within a one-year time frame, property located at 2000 S.H. 78 North. **ZBA 2016-06**

Discussion

The subject property is Tract 195 of Abstract 688-2 Francisco de la Pina Survey located at 2000 S.H. 78 North. The property is owned and occupied by the City of Wylie and zoned as Corridor Commercial with an SUP for the Radio Tower.

The applicant is requesting a variance to Section 5.5.A limiting Temporary Uses to no more than 90 days in a one year period. The applicant is requesting the use of Temporary Buildings, measuring 1,890 and 4,128 square feet, for a period of four years.

The reason for this request is that the City of Wylie Police and Fire personnel require office space due to the damage the Public Safety Building sustained in the April 2016 hail storm. The use of portable buildings are the most fiscally responsible option to obtain the additional office space needed while the Public Safety Building is evaluated and either repaired or replaced. This will likely be an involved carefully thought out process, hence the request for a four-year Variance.

The hardship and uniqueness fall not on the property itself, but on the situation that befell the property and the need to be responsible stewards of public funds.

The exterior material will be a 5/16" Hardipanel Vertical Siding Stucco finish, painted to match the Lt Stone (Almond) color of the steel.

Public comment forms were mailed to 13 property owners within 200 feet of this request, as required by State Law. No responses have been received at the time of this posting.

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.

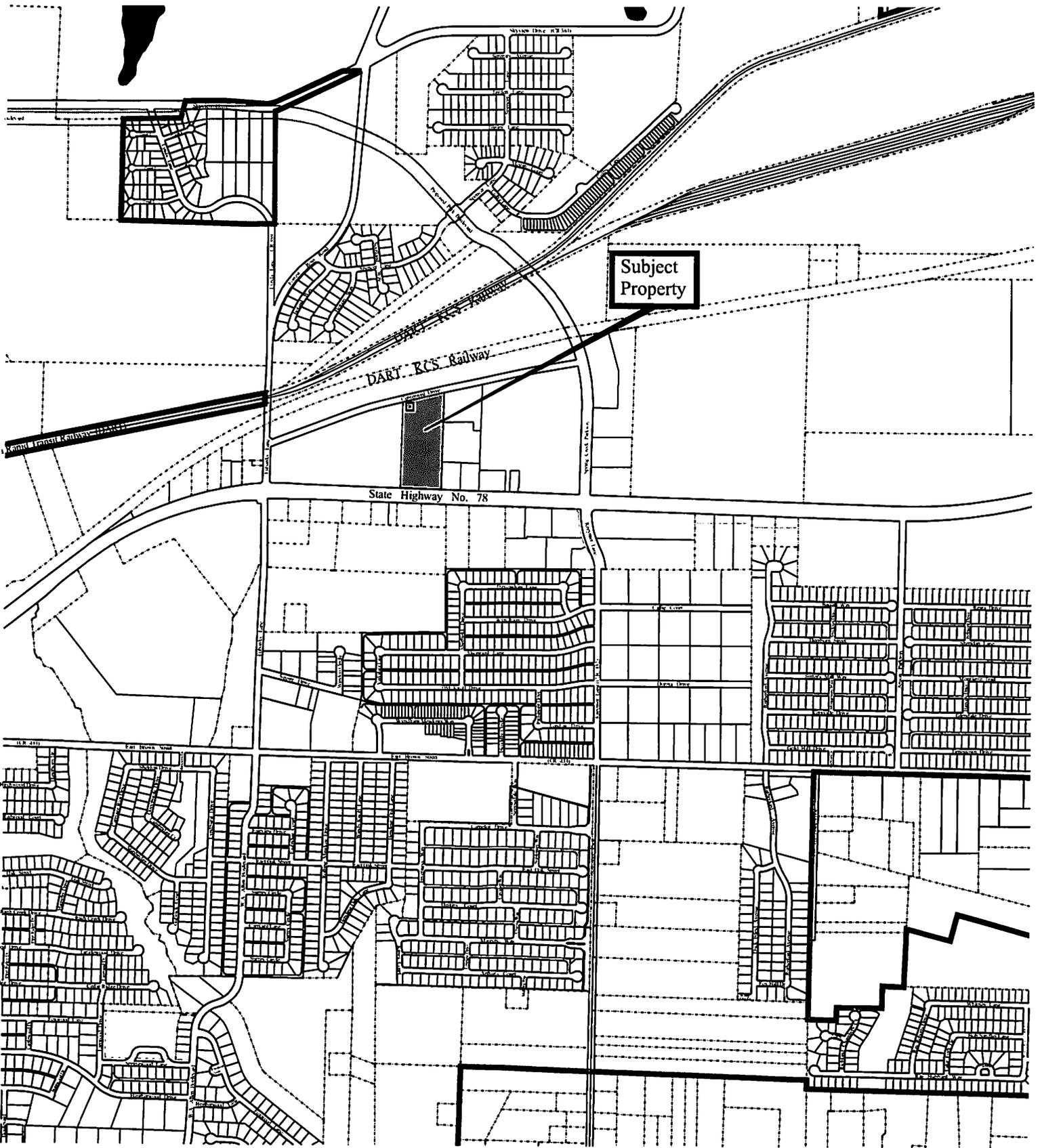
Approved By

Department Director

Initial
RO

Date

06-08-16



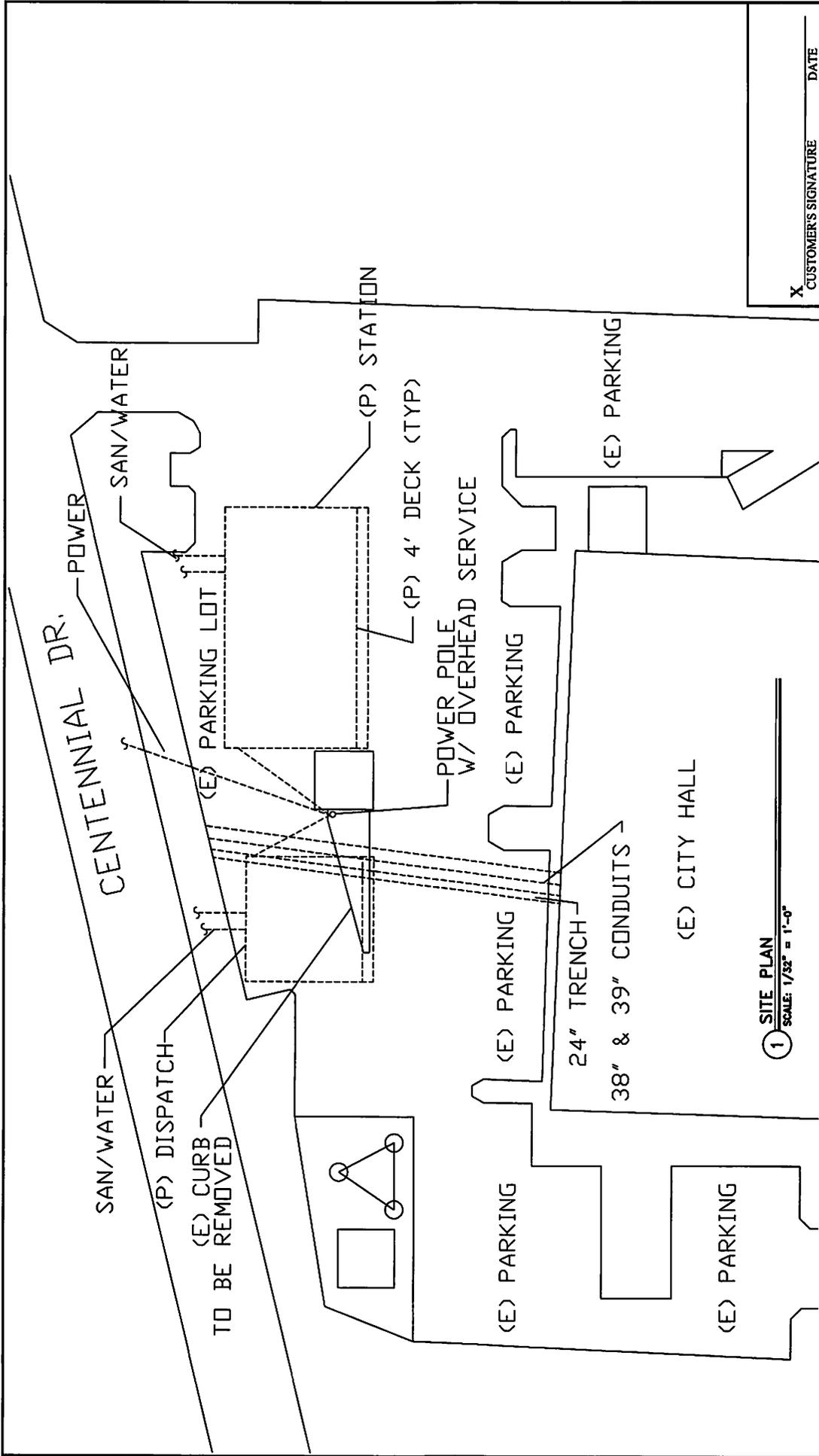
LOCATION MAP
ZBA CASE #2016-06





I.C.
CONTAINER
214-524-4168
www.iccontainer.com





1 SITE PLAN
SCALE: 1/32" = 1'-0"

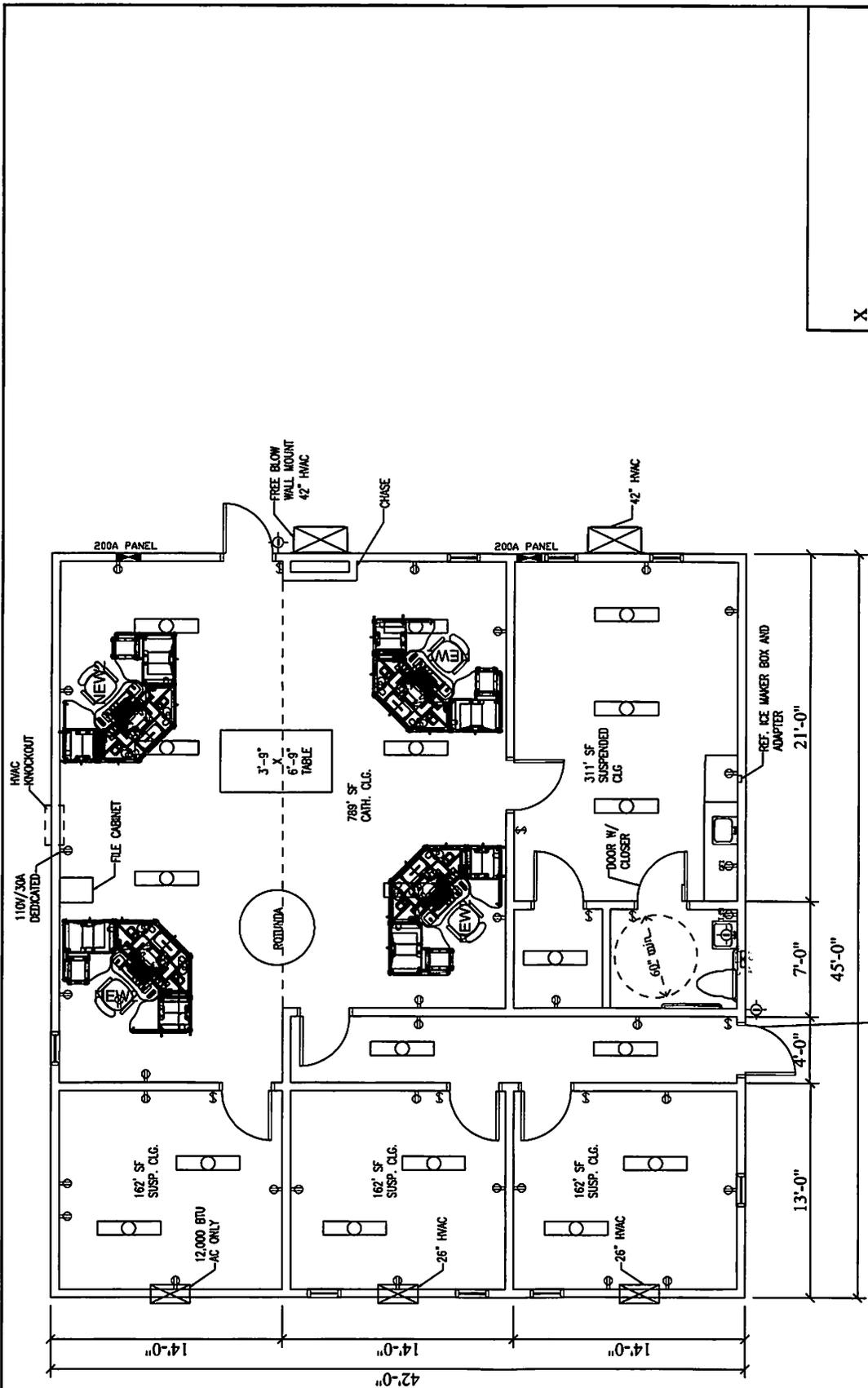
CUSTOMER'S SIGNATURE		DATE	
X			
CUSTOMER	VYLLIE DISPATCH		
CITY, STATE			
MODEL NO.			
SUBJECT	FILE#	SIZE	SCALE
DATE	5-6-15	A	DRH

ALL CONDITIONS AND CONDITIONS STATED ON CONTRACT WITH ITS CUSTOMER ARE PART OF THESE PLANS AND SPECIFICATIONS.

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CUSTOMER'S SIGNATURE		DATE	
X			
CUSTOMER	WYLIE DISPATCH		
CITY, STATE			
MODEL NO.			
SUBJECT	FLOOR PLAN	FILE#	SIZE
PAGE	DATE	REV.	DRAWN
1	5-6-16	A	DRH

ALL CONDITIONS AND LIMITS WHICH USE THROUGHOUT MUST BE OBSERVED IN THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES, PROPERTY OF MORGAN, AND MAY BE TRACED OR REPRODUCED IN ANY FORM, NOT LIMITED TO OTHERS FOR ANY PURPOSES. THIS DRAWING MAY BE USED IN CONNECTION WITH WORK DESIGNED AND/OR CONSTRUCTED BY MORGAN'S DESIGN SYSTEMS. ALL TERMS AND CONDITIONS STATED ON MORGAN'S CONTRACT WITH ITS CUSTOMER ARE PART OF THESE PLANS AND SPECIFICATIONS.

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NOTIFICATION REPORT

APPLICANT: J. Brent Parker with City of Wylie
300 Country Club Road #100 Wylie, Texas 75098

APPLICATION FILE 2016-06

#	BLK/ABST	LOT/TRACT	TAX I.D. #	PROPERTY OWNER NAME	ADDRESS
1				Applicant - J. Brent Parker City of Wylie	300 Country Club Road #100 Wylie, Texas 75098
2	Blk A	Woodlake Village Lot 1	R-2381-00A-0010-1	CT Beckham	11027 Eastview Circle Dallas, Texas 75230
3	Blk B	Woodlake Village Lot 1	R-2381-00B-0010-1	North Texas Municipal Water District	PO Box 2408 Wylie, Texas 75098
4	Blk C	Woodlake Village Lot 1R-3R1	R-2381-00C-1R3R-1	KAAP Commercial, LLC	8909 Pocono Drive Plano, Texas 75025
5	Blk C	Woodlake Village Lot 1R-3R2R	R-2381-00C-13R2-1	KAAP Commercial, LLC	8909 Pocono Drive Plano, Texas 75025
6	Blk C	Woodlake Village Lot 1R-4RR	R-2381-00C-1R4R-1	Self Service Car Washes of Texas	6559 E. Northwest Highway Dallas, Texas 75231
7	Blk C	Woodlake Village Lot 1R-5	R-2381-00C-01R5-1	KAAP Commercial, LLC	8909 Pocono Drive Plano, Texas 75025
8	Blk A	Shahi Group Addn Lot 1	R-9171-00A-0010-1	Southwest Comfort Hospitality	2011 N. SH 78 Wylie, Texas 75098
9	Blk A	Bob Heath Addn Lot 1	R-10885-00A-0010-1	F&S Ventures, LLC	201 N. Ballard Avenue #107 Wylie, Texas 75098
10	Blk A	Bob Heath Addn Lot 2	R-10885-00A-0020-1	Ray Dean Miller	11160 SH 205 Layon, Texas 75166
11	Abst 688	Tract 61	R-6688-002-0610-1	Upwind Capital Partners, LLC	901 Foxwood Lane Wylie, Texas 75098
12	Abst 688	Tract 68	R-6688-002-0680-1	Upwind Capital Partners, LLC	901 Foxwood Lane Wylie, Texas 75098
13	Abst 688	Tract 195	R-6688-002-0195-1	City of Wylie	300 Country Club Road #100 Wylie, Texas 75098
14					
15					
16					
17					

(B)

DART KCS Railway

Woodlake Village

Centennial Drive

(C)

IR-3R1

Abst 688
Tr 195

Woodlake Village

IR-3R2R

IR-4RR

IR-5

IR-2

State Highway No. 78

(A) 1

1950

1950

(A) 2

A 688

A 688

(A) 1

Bob Heath
Addn

Tr 61

Tr 68

Shahi Group
Addition

2021

OWNER NOTIFICATION MAP ZBA CASE #2016-06