

Zoning Board of Adjustments



May 16, 2016

Regular Business Meeting



Wylie Zoning Board of Adjustment

NOTICE OF MEETING

Regular Meeting Agenda
Monday, May 16, 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 McGinnisAlternate Board Member

Renae' Ollie Planning Director
Jasen Haskins Sr. Planner
Kevin MolinaPlanner
Mary BradleyAdministrative 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 April 18, 2016 Meeting.

REGULAR AGENDA

Public Hearing

1. Hold a public hearing to consider and act upon a request by **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**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 13th day of May 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, 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

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Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>May 16, 2016</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>2016-05</u>
Prepared By:	<u>Jasen Haskins</u>	Project Location:	<u>1503 Schooner Bay Drive</u>
Date Prepared:	<u>May 10, 2016</u>	Subdivision Name:	<u>Newport Harbor</u>
		Exhibits:	<u>Location Map, Land Title Survey, Graphics and Photos, Notification List and Map with Responses</u>

Subject

Hold a public hearing to consider and act upon a request by **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.

Discussion

The subject property is located at 1503 Schooner Bay Drive and was platted under the 1985 Zoning Ordinance. The dwelling was built in 1988 and has rear entry garage access from the alley.

The applicant is requesting a variance to maintain an existing accessory building. The variance is to Section 2.5.C.2c (4) for the requirement for a side yard setback of five feet in order to maintain an existing accessory structure to be located 2'8" from the side property line. The requested variance of 2'8" from the required five foot setback represents a 47% adjustment to the requirements of the Zoning Ordinance. The setback requires that any accessory structure not be located closer than five feet from the side property line. The original purpose of the building setback requirement was to preserve and promote open space and increase neighborhood safety. The Board has approved requests of this type in the past and Staff is looking into a possible reduction to the setback requirement as a permanent change to the Ordinance.

A previous variance request had been denied that included variances to Section 2.5.C.2d (2) and Section 2.5.C.2e (2) for the requirement that accessory structures that exceed 2% of the lot match the color and exterior materials of the existing primary structure. Accessory structures covering more than 2% of the lot are required to be constructed with exterior walls composed of composite masonry façade material or the same masonry content required of the main structure. The applicant's lot is approximately 7,820 square feet and the accessory structure is 200 square feet, or 2.6%. The applicant has proposed adding a brick-like exterior material and roofing to match the primary residence (see attached exhibit)

The applicant has provided a survey showing the location of the accessory building that is currently in place. During a remodeling of the current structure the applicant's contractor pulled other permits for work that was done on the permit and the applicant did not realize that the contractor failed to pull a permit for the nonconforming accessory structure.

Public comment forms were mailed to 31 property owners within 200 feet of this request, as required by State Law. Five comment forms were received in opposition at the time of this posting. However, four of the comment forms represent multiple lots, but are owned by the same person.

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:

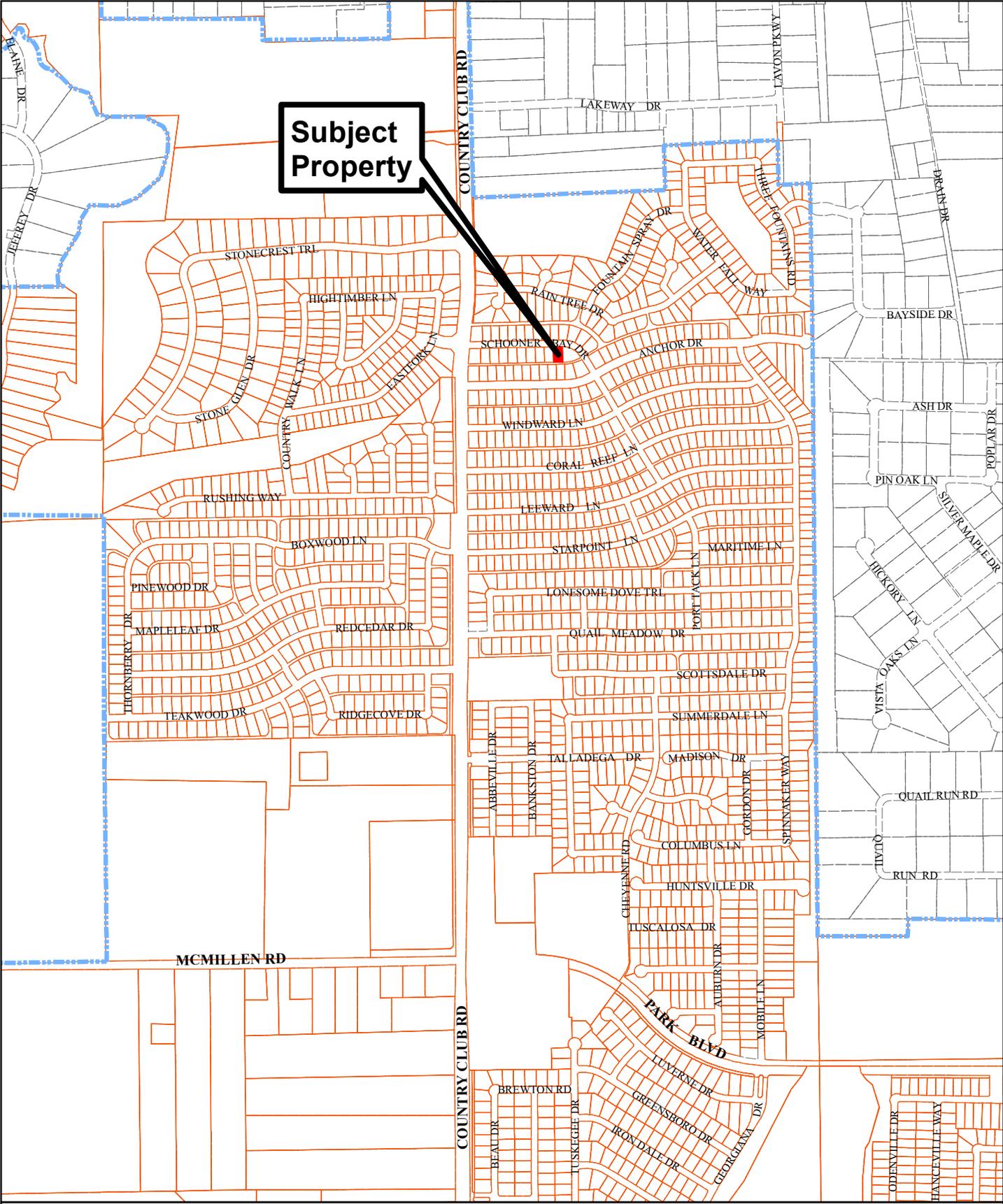
- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the 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
05-12-16



**Subject
Property**



**LOCATION MAP
ZBA CASE #2016-05**

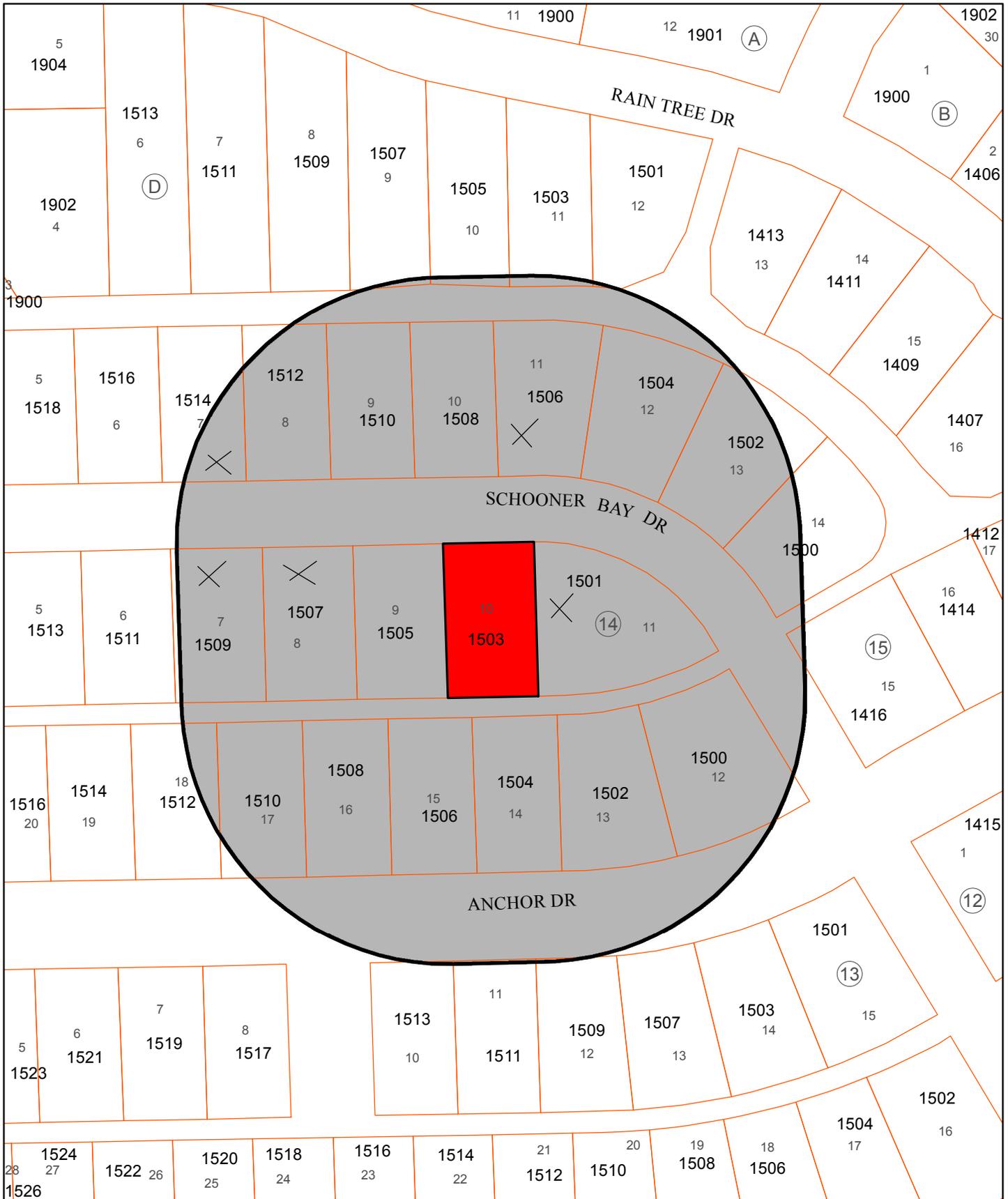
Map Date: 4/28/2016

NOTIFICATION REPORT

APPLICANT: Debra Walker Rust APPLICATION FILE: 2016-05
1503 Schooner Bay Drive Wylie, Texas 75098

#	BLK/ABST	LOT/TRACT	TAX I.D.#	PROPERTY OWNER NAME	ADDRESS
1				Applicant Debra Walker Rust	1503 Schooner Bay Drive Wylie, Texas 75098-7845
2	Blk 15	Newport Harbor Lot 7	R-2273-015-0070-1	Paul Brooks & Lauren Brooks	1509 Schooner Bay Drive Wylie, Texas 75098-7845
3	Blk 15	Newport Harbor Lot 8	R-2273-015-0080-1	Ronald L Ward & Vickie L Ward	1512 Schooner Bay Drive Wylie, Texas 75098-7844
4	Blk 15	Newport Harbor Lot 9	R-2273-015-0090-1	Salvador & Virginia Solis & Ramoncito Solis & Termulo Abelardo	1510 Schooner Bay Drive Wylie, Texas 75098-7844
5	Blk 15	Newport Harbor Lot 10	R-2273-015-0100-1	Tarek Nahlawi & Khaldoun Sabagh	2988 Mazin Court Ypsilanti, MI 48197-7463
6	Blk 15	Newport Harbor Lot 11	R-2273-015-0110-1	Paul Brooks & Lauren Brooks	1506 Schooner Bay Drive Wylie, Texas 75098-7844
7	Blk 15	Newport Harbor Lot 12	R-2273-015-0120-1	Randy Lajaunie & Treva Lajaunie	1504 Schooner Bay Drive Wylie, Texas 75098-7844
8	Blk 15	Newport Harbor Lot 13	R-2273-015-0130-1	Floyd Wayne Cowart & Cynthia Joy Cowart	1502 Schooner Bay Drive Wylie, Texas 75098-7844
9	Blk 15	Newport Harbor Lot 14	R-2273-015-0140-1	Leland & Julie Rooney	1500 Schooner Bay Drive Wylie, Texas 75098-7844
10	Blk 15	Newport Harbor Lot 15	R-2273-015-0150-1	Irina Dudina	1416 Anchor Drive Wylie, Texas 75098-7850
11	Blk 13	Newport Harbor Lot 10	R-2273-013-0100-1	Stephen R & Aida Mosler	1513 Anchor Drive Wylie, Texas 75098-7846
12	Blk 13	Newport Harbor Lot 11	R-2273-013-0110-1	Britt Andrew Volker & Melinda Kelley Volker	1511 Anchor Drive Wylie, Texas 75098-7846
13	Blk 13	Newport Harbor Lot 12	R-2273-013-0120-1	Dollie B Stewart	1509 Anchor Drive Wylie, Texas 75098-7846

14	Blk 14	Newport Harbor Lot 7	R-2273-014-0070-1	Paul E Brooks & Lauren M Dean	1509 Schooner Bay Drive Wylie, Texas 75098-7845
15	Blk 14	Newport Harbor Lot 8	R-2273-014-0080-1	Paul Brooks & Lauren Brooks	1509 Schooner Bay Drive Wylie, Texas 75098-7845
16	Blk 14	Newport Harbor Lot 10	R-2273-014-0100-1	Lance C Rust	1503 Schooner Bay Drive Wylie, Texas 75098-7845
17	Blk 14	Newport Harbor Lot 9	R-2273-014-0090-1	J & Angela Fredericks	1505 Schooner Bay Drive Wylie, Texas 75098-7845
18	Blk 14	Newport Harbor Lot 11	R-2273-014-0110-1	Jo Elane Duncan	1501 Schooner Bay Drive Wylie, Texas 75098-7845
19	Blk 14	Newport Harbor Lot 12	R-2273-014-0120-1	Catherine Goodrich	330 Las Colinas Blvd E Apt 610 Irving, Texas 75039-5583
20	Blk 14	Newport Harbor Lot 13	R-2273-014-0130-1	David C Couron	1502 Anchor Drive Wylie, Texas 75098-7847
21	Blk 14	Newport Harbor Lot 14	R-2273-014-0140-1	Lyel R Upshaw	1504 Anchor Drive Wylie, Texas 75098-7847
22	Blk 14	Newport Harbor Lot 15	R-2273-014-0150-1	Mildred J Rainey	1506 Anchor Drive Wylie, Texas 75098-7847
23	Blk 14	Newport Harbor Lot 16	R-2273-014-0160-1	Janet Carter & Jane A Johnson	1508 Anchor Drive Wylie, Texas 75098-7847
24	Blk 14	Newport Harbor Lot 17	R-2273-014-0170-1	Joshua Johnson	8817 Thompson Drive Argyle, Texas 76226-6504
25	Blk 14	Newport Harbor Lot 18	R-2273-014-0180-1	Roberto Medrano & Patricia F Medrano	1512 Anchor Drive Wylie, Texas 75098-7847
26	Blk D	The Cascades Lot 9	R-5132-00D-0090-1	Damir & Rachel E Nozinovic	1507 Rain Tree Drive Wylie, Texas 75098-7993
27	Blk D	The Cascades Lot 10	R-5132-00D-0100-1	Michael T Weaver	1505 Rain Tree Drive Wylie, Texas 75098-7993
28	Blk D	The Cascades Lot 11	R-5132-00D-0110-1	Michael & Teri Burnett	1503 Rain Tree Drive Wylie, Texas 75098-7993
29	Blk D	The Cascades Lot 12	R-5132-00D-0120-1	Dzung D Nguyen	1501 Rain Tree Drive Wylie, Texas 75098-7993



OWNER NOTIFICATION MAP

ZBA CASE #2016-05

Map Date: 4/28/2016

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 zoning as explained on the attached public notice for ZBA Case#2016-05.

I am **AGAINST** the requested zoning as explained on the attached public notice for ZBA Case#2016-05.

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

Monday, May 16, 2016, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: BROOKS, PAUL + LAUREN
(Please print)

Address: 1514 Schooner BAY DR.
WYLIE, TX 75098

Signature: 

Date: 5-11-16

CCAD ID: 14854

COMMENTS:

As a property owner, and resident, of
this neighborhood, I am concerned that
a structure of this size, and
proximity to adjacent properties,
could pose a negative affect on
property values, NOT TO MENTION
the potential for a FIRE to more
easily spread to adjacent properties.

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 zoning as explained on the attached public notice for ZBA Case#2016-05.

I am **AGAINST** the requested zoning as explained on the attached public notice for ZBA Case#2016-05.

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

Monday, May 16, 2016, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

CCAD ID: ~~7438~~
14904

Name: Brooks, PAUL + LAUREN
(Please print)

Address: 1509 Schooner BAY DR.
WYLIE, TX 75098

Signature: 

Date: 5-11-16

COMMENTS:

As a property owner, and resident, of this neighborhood, I am concerned that a structure of this size, and proximity to adjacent properties, could pose a negative affect on property values, NOT TO MENTION the potential for a FIRE to more easily spread to adjacent properties.

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 zoning as explained on the attached public notice for ZBA Case#2016-05.

I am **AGAINST** the requested zoning as explained on the attached public notice for ZBA Case#2016-05.

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

Monday, May 16, 2016, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

CCAD ID#
14906

Name: Brooks, PAUL + LAUREN
(Please print)

Address: 1507 Schooner BAY DR.
WYLIE, TX 75098

Signature: _____

Date: 5-11-16

COMMENTS:

As a property owner, and resident, of this neighborhood, I am concerned that a structure of this size, and proximity to adjacent properties, could pose a negative affect on property values, NOT TO MENTION the potential for a FIRE to more easily spread to adjacent properties.

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 zoning as explained on the attached public notice for ZBA Case#2016-05.

X I am **AGAINST** the requested zoning as explained on the attached public notice for ZBA Case#2016-05.

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

Monday, May 16, 2016, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

CCAB ID#
14858

Name: Brooks, Paul + Lauren
(Please print)

Address: 1506 Schooner Bay Dr.
WYLIE, TX 75098

Signature: _____

Date: 5-11-16

COMMENTS:

As a property owner, and resident, of this neighborhood, I am concerned that a structure of this size, and proximity to adjacent properties, could pose a negative affect on property values, NOT TO MENTION the potential for a FIRE to more easily spread to adjacent properties.

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 zoning as explained on the attached public notice for ZBA Case#2016-05.

I am **AGAINST** the requested zoning as explained on the attached public notice for ZBA Case#2016-05.

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

Monday, May 16, 2016, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name:

JO ELANE DUNCAN

Address:

(Please print)

1501 SCHOONER BAY
WYLIE, TX 75098

Signature:

Jo Elane Duncan

Date:

5/10/16

COMMENTS:
