

Zoning Board of Adjustments



July 18, 2016

Regular Business Meeting



Wylie Zoning Board of Adjustment

NOTICE OF MEETING

Regular Meeting Agenda
Monday, July 18, 2016 – 6:30 p.m.
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building #100

Linda Jourdan Board Member
Jason Potts Board Member
Robert Holcomb Board Member
Andres Gonzalez Board Member
Kevin Finnell Board Member
Robert Reynolds Alternate Board Member
Daniel Prendergast 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.

ELECTION OF CHAIR AND VICE CHAIR

1. A motion to nominate Vice Chair.
2. A motion to nominate Chair.

CONSENT AGENDA

1. Consider and act upon approval of the Minutes for the June 20, 2016 Meeting.

REGULAR AGENDA

Public Hearing

1. Hold a public hearing to consider and act upon a request by **Robert Heath** for a Variance to Section 3.3.A.3 of the Zoning Ordinance for properties requiring a minimum 20 foot front yard setback for buildings, property located at 200 South 2nd Street, being lot 1R, Block 31 of the Village Addition. **ZBA 2016-07**
2. Hold a public hearing to consider and act upon, a request from **Nathan Lohri** for a Variance to Ordinance 2014-44, Section 22-447 Wall Signs, requirements for the maximum height of a wall sign. The property is located at 600 Cooper Drive Suite 130, being 2.001 acres of lot 2 block A of Cooper Retail Addition. **ZBA 2016-08**
3. Hold a public hearing to Consider and act upon, a request from **David L. Barnhart** for a Variance to Ordinance 2014-44, Section 22-447 Wall Signs, requirements for the maximum height of a wall sign. The property is located at 801 S Hwy 78, being a 20.01 acre tract of land. **ZBA 2016-09**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 15th day of July 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, June 20, 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. Board Member Jason Potts arrived late.

Staff members present were: 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 May 16, 2016 Meeting.

A motion was made by Board Member Finnell and seconded by Chair Jourdan, to approve the Minutes as submitted. Motion carried 4 – 0, Board Member Potts arriving afterwards.

PUBLIC HEARINGS

Item 1 – ZBA 2016-06

Hold a Public Hearing to consider and act upon a 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. The property is located at 2000 State Highway 78 North. **ZBA 2016-06.**

Staff Comments

Mr. Haskins stated that the property is generally located at the Francisco De La Pina Survey, Abstract 688-2, Tract 195. The property is owned by the City of Wylie and acts as the Public Safety Building and is 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 request is to add two temporary buildings, measuring 1,890 and 4,128 square feet, for a period of four years.

Due to the damage sustained in the April 2016 hail storm, the portable buildings will allow additional office space while the Public Safety Building is evaluated for either repair or replacement by a new building. As this is a building funded with public money, this will be an involved, carefully thought out process, hence the request for a four-year variance.

Thirteen comment forms were mailed with one comment form returned in favor of the request and no comment forms in opposition.

Public Comments

Chair Jourdan opened the Public Hearing.

Brandon Blythe, Assistant Fire Chief, stated that a needs assessment is being performed by an architectural firm, which will determine the best solution for space for personnel with the ability to expand and grow either by remodeling the current building or constructing a new building. The intent was not to come back and extend the variance, if a determination is made before the four years. The current building does not offer the ability to expand.

A temporary building with a lease for twenty-four months to house the Emergency Communications personnel is in place. The other building will be delivered later.

The temporary buildings will be located behind a secure fence, and not visible from the public street.

Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Board Member Finnell, and seconded by Board Member Gonzalez, to Grant the request as submitted. The property located at 2000 State Highway 78 North. Motion passed 5 – 0.

MISCELLANEOUS

Staff stated that a meeting was scheduled for July 18, 2016.

ADJOURNMENT

A motion was made by Board Member Gonzalez, and seconded by Board Member Holcomb to adjourn the meeting. All Board Members were in consensus.

Linda Jourdan, Chair

ATTEST:

Mary Bradley, Administrative Assistant

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Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>July 18, 2016</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>ZBA 2016-07</u>
Prepared By:	<u>Jasen Haskins</u>	Project Location:	<u>200 S 2nd Street</u>
Date Prepared:	<u>July 5, 2016</u>	Subdivision Name:	<u>Railroad Addition</u>
		Exhibits:	<u>Location Map, Notification List and Map with Responses</u>

Subject

Hold a public hearing to consider and act upon a request by **Robert Heath** for a Variance to Section 3.3.A.3 of the Zoning Ordinance for properties requiring a minimum 20 foot front yard setback for buildings, property located at 200 South 2nd Street, being lot 1R, Block 31 of the Railroad Addition. **ZBA 2016-07**

Discussion

Applicant: Robert Heath

Owner: Robert Heath

The applicant is requesting a variance to Section 3.3.A.3 of the Zoning Ordinance Development Standards for residential zoned properties in Town House Districts (TH) that requires a 20' front yard setback. The purpose of the setback standard is to ensure adequate spacing between structures and between structures and drive lanes for the placement of utilities, fire safety, visibility triangles, and green space.

The applicant is requesting the minimum setback be reduced to 10' to build a residential structure on the property.

The applicant has replatted the property (approved in January of this year) from three lots into one and plans to build a duplex on the property which is allowed by right in the Zoning District this property is located.

However, in order to do so they are requesting a variance to the front yard setback in order to fit their floorplan, with a porch, onto the lot. The indoor part of the structure will be behind the usual 20' setback while the front porch will extend into the setback.

A unique circumstance may exist on the property due to the property being in an older part of Wylie with wide unused right-of-way and established structures with similar characteristics. While the requested setback is 10', the City has right-of-way of nearly 20' from the current road making the effective setback 30', well within the current requirement. The City Engineer has stated that it is highly unlikely the 20 ROW will ever be used and is not on the current 10-year thoroughfare plan. Additionally, the Zoning Ordinance provides for infill development which allows properties in established areas to match existing properties for neighborhood consistency. However, the Ordinance requires 60% of the neighborhood to have a particular characteristic, in this case setbacks, and only 33% of the structures have similar setbacks.

Public comment forms were mailed to thirty-six (36) property owners within 200 feet of this request, as required by State Law. At the time of this posting one comment form was received in favor, and no comment form in opposition.

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:

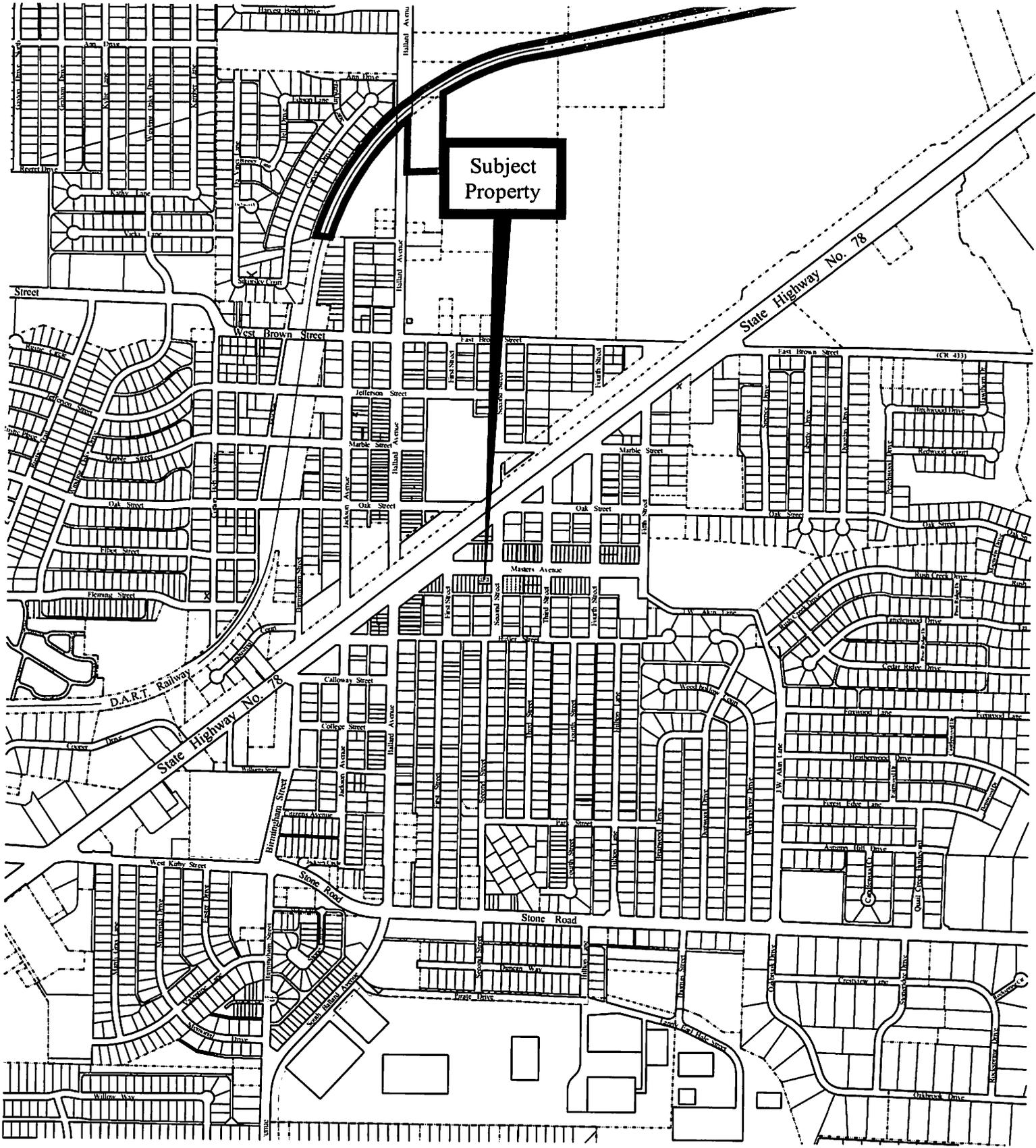
- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the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

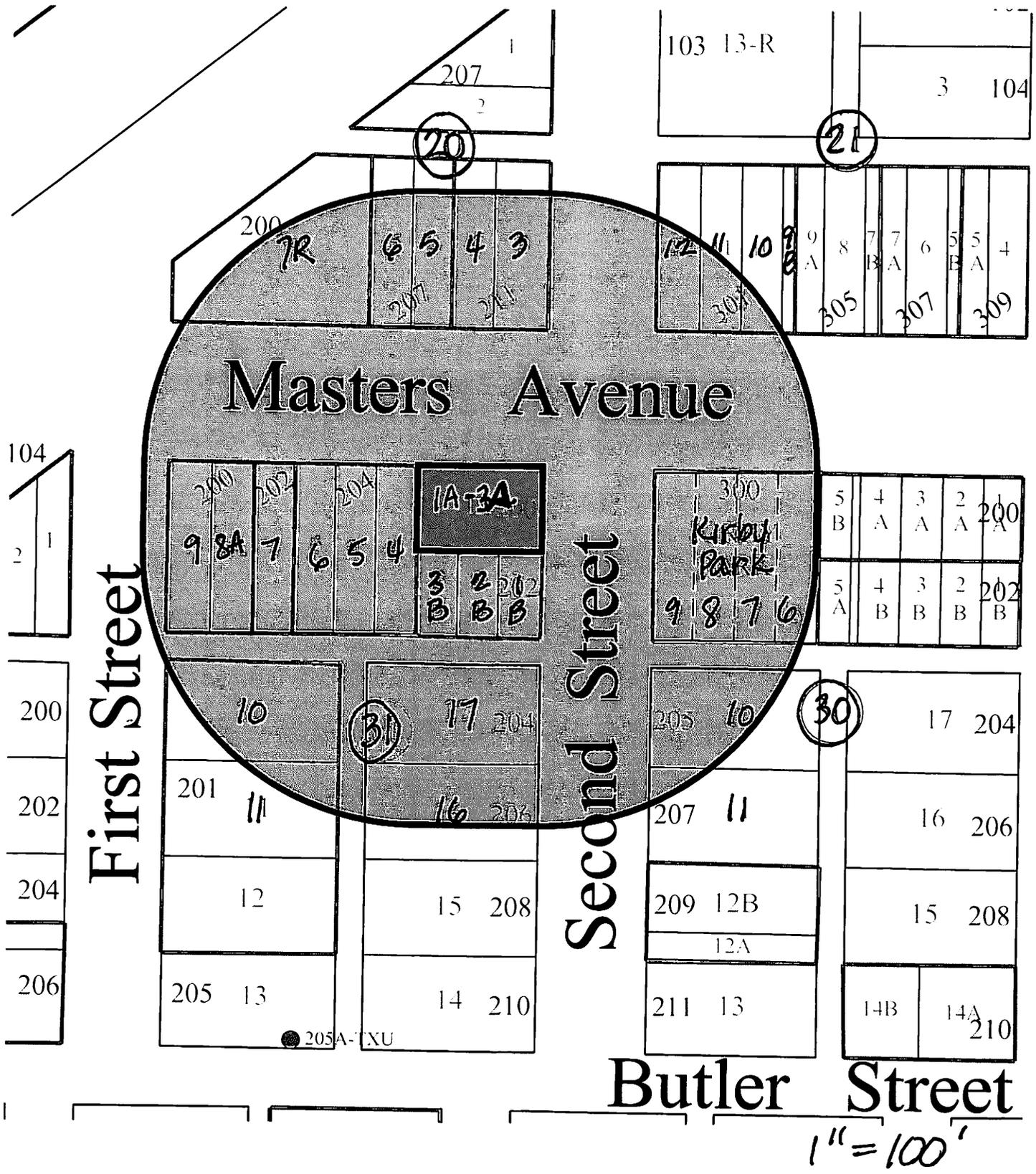
Department Director

Initial
RO

Date
07-14-16



LOCATION MAP
ZBA CASE #2016-07



OWNER NOTIFICATION MAP
 ZBA CASE #2016-07

NOTIFICATION REPORT

APPLICANT: Robert Heath APPLICATION FILE 2016-07
201 N. Ballard Avenue #107 Wylie Tx 75098

#	BLK/ABST	LOT/TRACT	TAX I.D. #	PROPERTY OWNER NAME	ADDRESS
1				Applicant Robert Heath	201 N. Ballard Avenue #107 Wylie, Texas 75098
2	Blk 20	Railroad Addn Lot 3	R-1169-020-0030-1	Paige Ryan Properties, LLC	11761 Caddo Creek Drive Layon, Texas 75166
3	Blk 20	Railroad Addn Lot 4	R-1169-020-0030-1	Paige Ryan Properties, LLC	11761 Caddo Creek Drive Layon, Texas 75166
4	Blk 20	Railroad Addn Lot 5	R-1169-020-0050-1	Kieu Tran	5516 Sabetha Way Plano, Texas 75094
5	Blk 20	Railroad Addn Lot 6	R-1169-020-0050-1	Kieu Tran	5516 Sabetha Way Plano, Texas 75094
6	Blk 20	Railroad Addn Lot 7R	R-1169-020-007R-1	Rajani Holdings, Ltd.	515 Main Street #104 Allen, Texas 75013
7	Blk 21	Railroad Addn Lot 9B	R-1169-021-009B-1	Renato Torres	PO Box 1333 Wylie, Texas 75098
8	Blk 21	Railroad Addn Lot 10	R-1169-021-009B-1	Renato Torres	PO Box 1333 Wylie, Texas 75098
9	Blk 21	Railroad Addn Lot 11	R-1169-021-009B-1	Renato Torres	PO Box 1333 Wylie, Texas 75098
10	Blk 21	Railroad Addn Lot 12	R-1169-021-009B-1	Renato Torres	PO Box 1333 Wylie, Texas 75098
11	Blk 30	Railroad Addn Lot 6	R-1169-030-0060-1	City of Wylie	300 Country Club Road #100 Wylie, Texas 75098
12	Blk 30	Railroad Addn Lot 7	R-1169-030-0060-1	City of Wylie	300 Country Club Road #100 Wylie, Texas 75098
13	Blk 30	Railroad Addn Lot 8	R-1169-030-0060-1	City of Wylie	300 Country Club Road #100 Wylie, Texas 75098
14	Blk 30	Railroad Addn Lot 9	R-1169-030-0060-1	City of Wylie	300 Country Club Road #100 Wylie, Texas 75098
15	Blk 30	Railroad Addn Lot 10	R-1169-030-0100-1	Robert Willett	205 S. Second Street Wylie, Texas 75098
16	Blk 30	Railroad Addn Lot 11	R-1169-030-0110-1	Renato Torres	PO Box 1333 Wylie, Texas 75098
17	Blk 31	Railroad Addn Lot 1A	R-1169-031-001A-1	Robert Heath	201 N. Ballard Avenue #107 Wylie, Texas 75098

18	Blk 31	Railroad Addn Lot 2A	R-1169-031-001A-1	Robert Heath	201 N. Ballard Avenue #107 Wylie, Texas 75098
19	Blk 31	Railroad Addn Lot 3A	R-1169-031-001A-1	Robert Heath	201 N. Ballard Avenue #107 Wylie, Texas 75098
20	Blk 31	Railroad Addn Lot 1B	R-1169-031-001B-1	Felipe Gomez	PO Box 267 Farmersville, Texas 75442
21	Blk 31	Railroad Addn Lot 2B	R-1169-031-001B-1	Felipe Gomez	PO Box 267 Farmersville, Texas 75442
22	Blk 31	Railroad Addn Lot 3B	R-1169-031-001B-1	Felipe Gomez	PO Box 267 Farmersville, Texas 75442
23	Blk 31	Railroad Addn Lot 4	R-1169-031-0040-1	Millford Founders, Ltd.	PO Box 56 Wylie, Texas 75098
24	Blk 31	Railroad Addn Lot 5	R-1169-031-0040-1	Millford Founders, Ltd.	PO Box 56 Wylie, Texas 75098
25	Blk 31	Railroad Addn Lot 6	R-1169-031-0040-1	Millford Founders, Ltd.	PO Box 56 Wylie, Texas 75098
26	Blk 31	Railroad Addn Lot 7	R-1169-031-0070-1	Tibbals Investments	PO Box 56 Wylie, Texas 75098
27	Blk 31	Railroad Addn Lot 8	R-1169-031-0080-1	Tibbals Investments	PO Box 56 Wylie, Texas 75098
28	Blk 31	Railroad Addn Lot 9	R-1169-031-0080-1	Tibbals Investments	PO Box 56 Wylie, Texas 75098
29	Blk 31	Railroad Addn Lot 10	R-1169-031-0100-1	GTE Southwest	PO Box 2206 Irving, Texas 75015
30	Blk 31	Railroad Addn Lot 11	R-1169-031-0100-1	GTE Southwest	PO Box 2206 Irving, Texas 75015
31	Blk 31	Railroad Addn Lot 16	R-1169-031-0150-1	Watson Living Trust	PO Box 860576 Plano, Texas 75086
32	Blk 31	Railroad Addn Lot 17	R-1169-031-0170-1	First Baptist Church Wylie	100 N. First Street Wylie, Texas 75098
33					
34					
35					
36					
37					
38					



Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>July 18, 2016</u>	Item Number:	<u>2</u>
Department:	<u>Planning</u>	Case Number:	<u>2016-08</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>600 Cooper Drive, Suite 130</u>
Date Prepared:	<u>July 07, 2016</u>	Subdivision Name:	<u>Location Map, Pictures, Notification List and Map with Responses</u>
		Exhibits:	<u></u>

Subject

Hold a public hearing to consider and act upon, a request from **Nathan Lohri** for a Variance to Ordinance 2014-44, Section 22-447 Wall Signs, requirements for the maximum height of a wall sign. The property is located at 600 Cooper Drive Suite 130, being 2.001 acres of lot 2 block A of Cooper Retail Addition. **ZBA 2016-08**

Discussion

Applicant: Nathan Lohri

Owner: Baylor Institute for Rehabilitation

The subject property is located at 600 Cooper Drive Suite 130. The property is 2.001 acres currently zoned Planned Development District 05-16.

The applicant is proposing to add an attached wall sign to the main structure. The proposed sign is approximately 3'8" in height. Currently, the Ordinance only allows for signs to be a maximum of 2' in height when mounted to a building that is within 100' of a street. The main structure is approximately 100' from Cooper Drive.

The applicant has requested the variance as signs of all Baylor developments requires the same logo and lettering to be used. By reducing the size down to 2 feet in height the signs lettering will not be easily visible to vehicles on the street.

The intent of the Ordinance is to reduce distraction for motorists and pedestrians and reduce visual clutter.

Because the requested sign exceeds the allowed height by two feet, the applicant is requesting a variance to Section 22-447 of Ordinance 2014-44.

The unique circumstance in this case is the design of the trademarked sign. At no point does an individual symbol or letter of the proposed sign exceed in two feet in height. The need for a sign larger than 2 feet is caused by the way the lettering is offset from each other on the trademarked sign. The applicant has stated that it is not feasible for them to reduce the overall sign to a 2' height as it would cause the smaller lettering to not be visible to vehicles on the street.

Public comment forms were mailed to twelve property owners within 200 feet of this request, as required by State Law. One response was received in favor of the request 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:

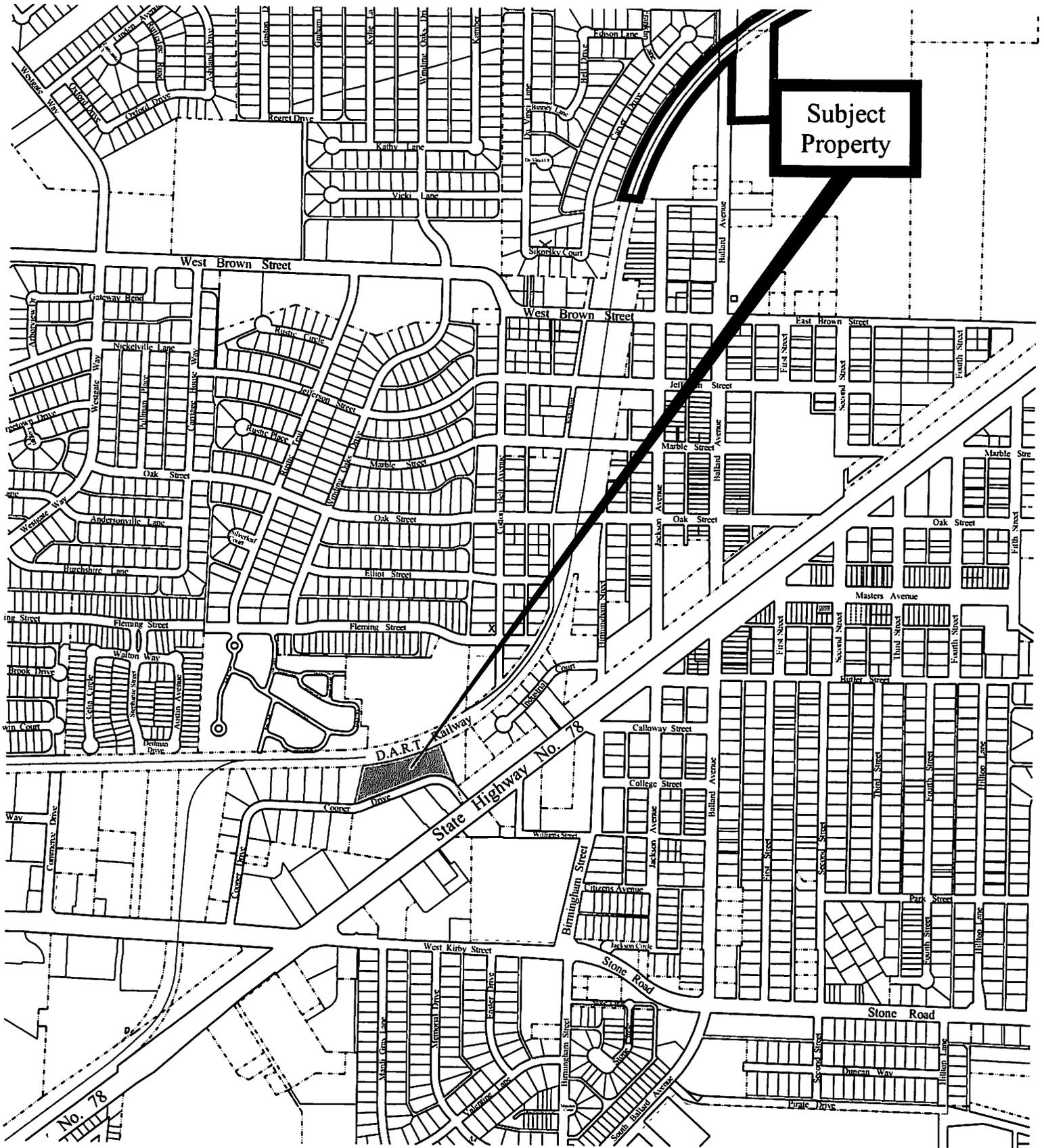
- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
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- (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
07-14-16



**Subject
Property**

**LOCATION MAP
ZBA CASE #2016-08**



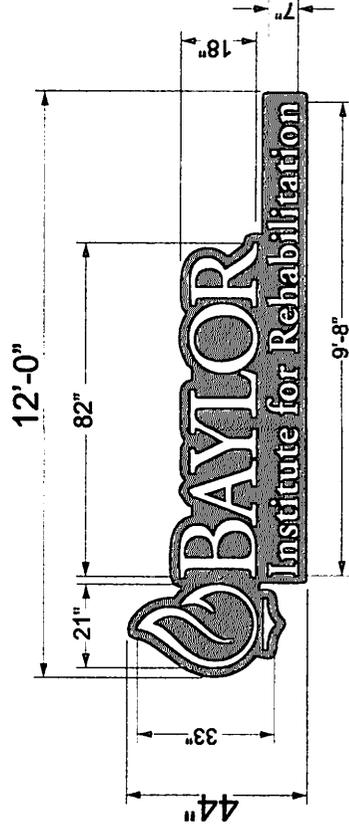
SALES@LNSSIGNS.COM

WWW.LNSSIGNS.COM

972.790.8900 fax 972.790.8997

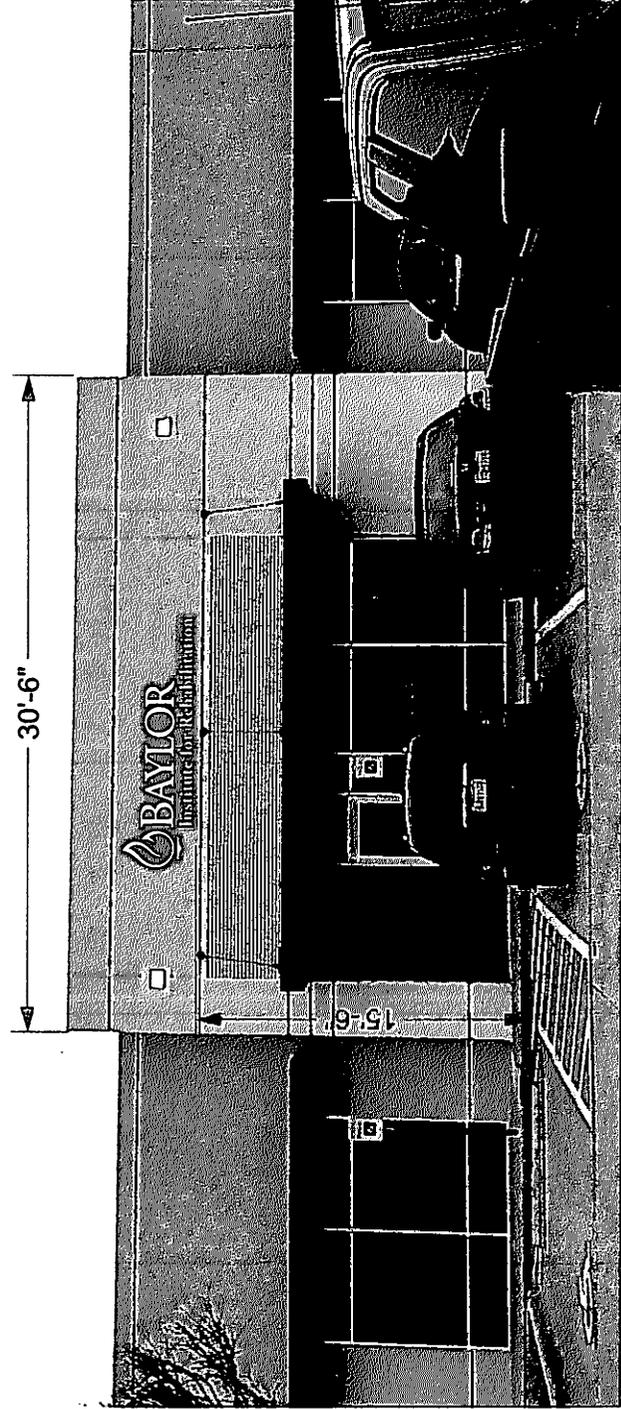
11330 Luna Road Dallas, Texas 75229

Attached illuminated Wall Sign - Sign Elevation



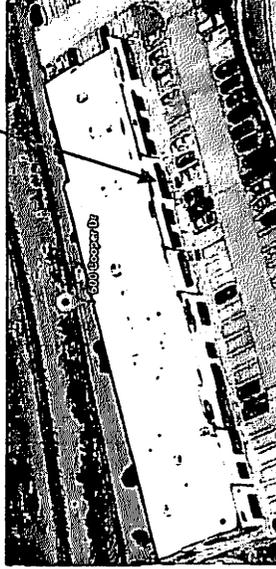
Wall Sign = 44" x 144" = 44' SqFt

66'-0" Lease Width South Elevation



PROPOSED

SIGN LOCATION



DESIGNED FOR: Baylor Institute for Rehabilitation	
PROJECT LOCATION: 600 Cooper Drive Suite 130 Wylie, TX 75034	
DATE: 5-18-16	DRAWN BY:
FILE SAVED AS: 10564-Permit Drawing	
SALESPERSON:	

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TSCI 18510
UL# E342647

NOTES:



Read All products thoroughly to which either of the 2nd floor or 3rd floor of the building is attached. The building must be able to support the weight of the sign. All other conditions and changes from the manufacturer shall be the responsibility of the customer.

CUSTOMER APPROVAL

DATE



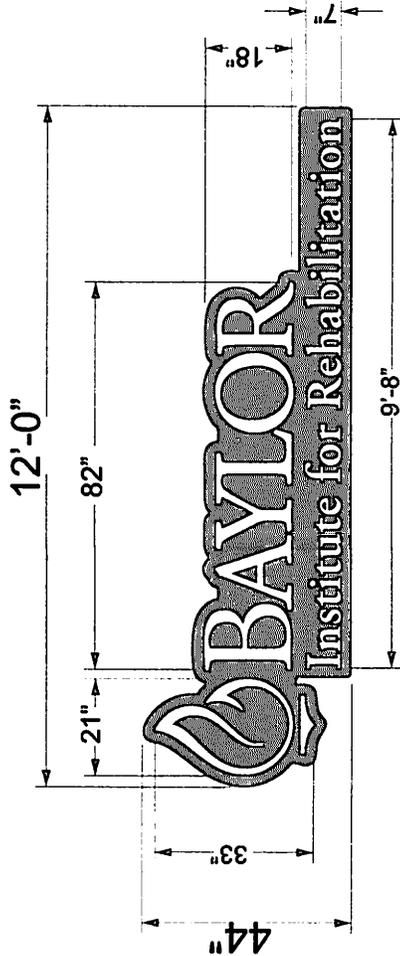
SALES@LNSSIGNS.COM

WWW.LNSSIGNS.COM

972.790.8900 fax 972.790.8997

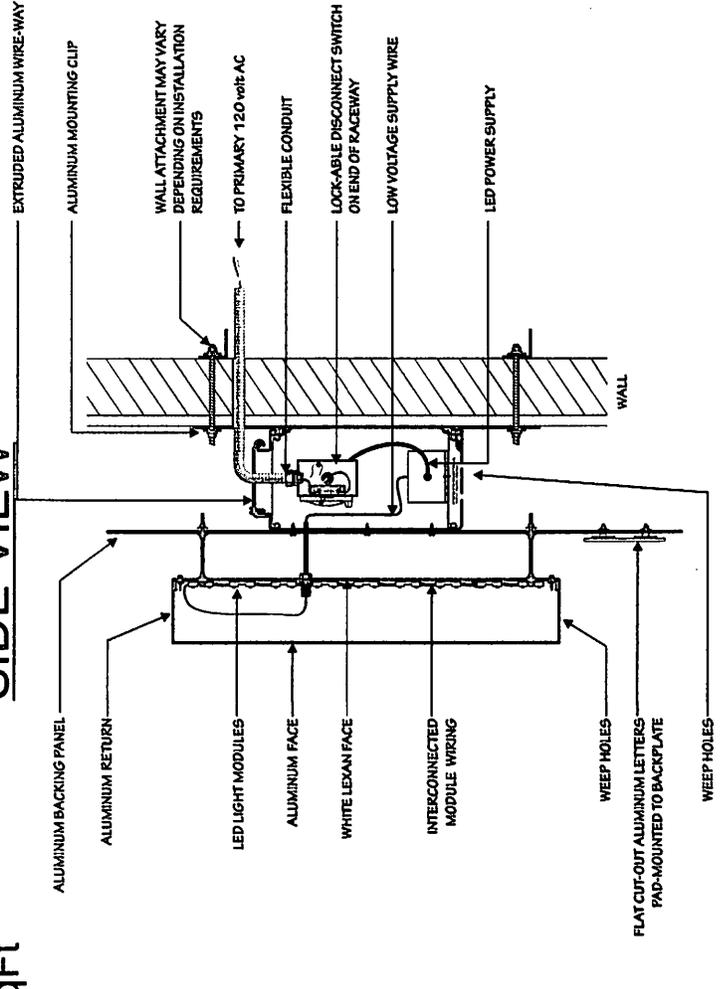
11330 Luna Road Dallas, Texas 75229

Attached illuminated Wall Sign - Sign Details



Wall Sign = 44" x 144" = 44' SqFt

SIDE-VIEW



REVERSED CHANNEL on Backing Panel / LED Construction Detail

DESIGNED FOR: Baylor Institute for Rehabilitation	
PROJECT LOCATION: 600 Cooper Drive Suite 130 Wylie, TX 75034	
DATE: 5-18-16	DRAWN BY:
FILE SAVED AS: 10564-Permit Drawing	
SALESPERSON:	

This is an original drawing, created by LNS Signs, Inc. (design and other referred to as LNS). It is the property of LNS Signs, Inc. and shall remain with the project being planned for you by LNS. It is not to be shown to anyone outside your organization without the written consent of LNS. LNS is not responsible for any reproduction, copied or exhibited in any fashion whatsoever. All trademarks remain the property of LNS. Copyright © 2015 LNS Signs Inc.

TSL 18510
UL# E342647

NOTES:



Read All product literature to which refers to this sign or sign system. All product literature shall be provided. The model code, dimensions, and other information shall be provided. All other information shall be provided. All other information shall be provided.

CUSTOMER APPROVAL

DATE



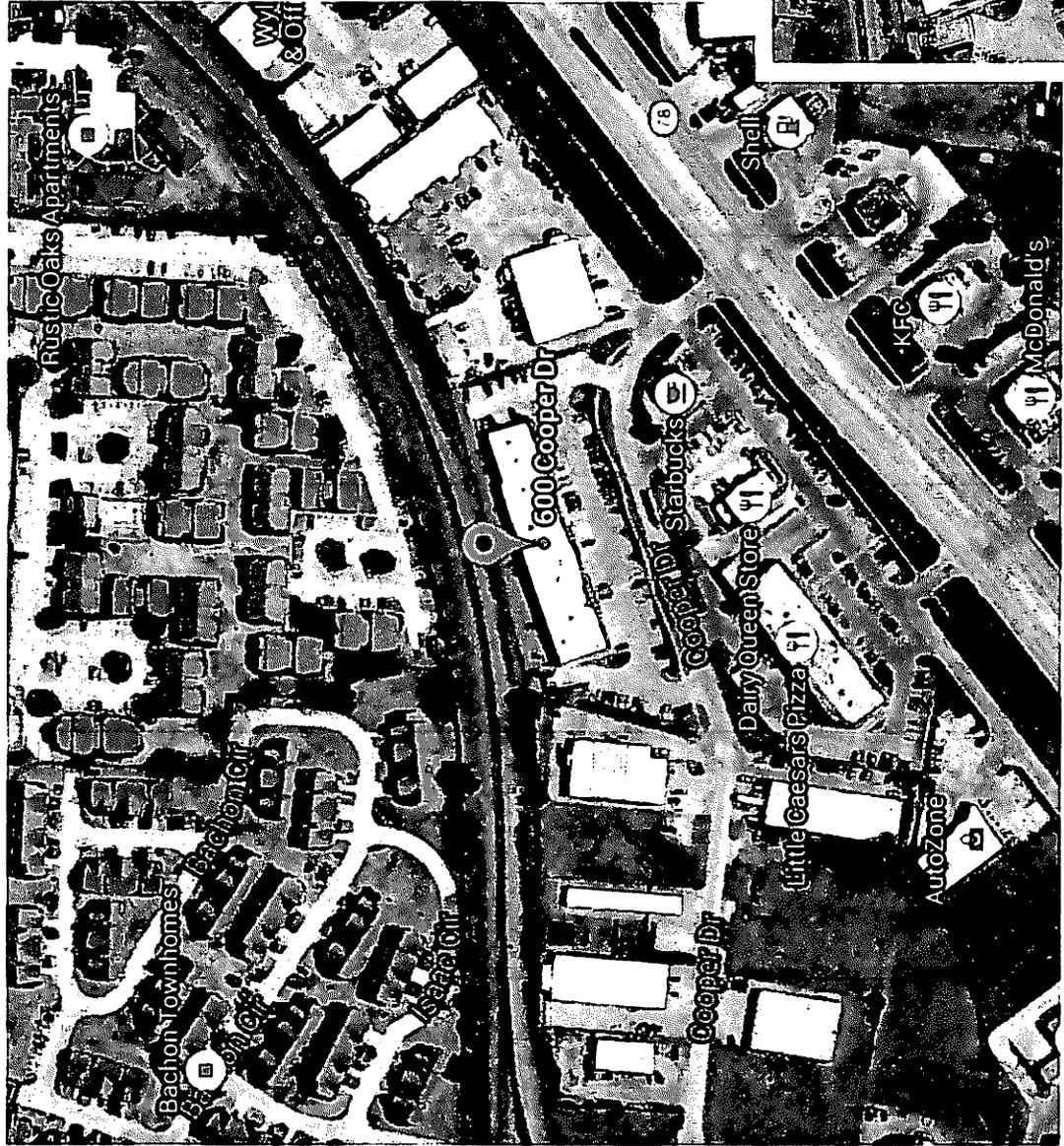
SALES@LNSSIGNS.COM

WWW.LNSSIGNS.COM

972.790.8900 fax 972.790.8997

11330 Luna Road Dallas, Texas 75229

SITE PLAN



SIGN LOCATION



DESIGNED FOR: Baylor Institute for Rehabilitation	
PROJECT LOCATION: 600 Cooper Drive Suite 130 Wylie, TX 75034	
DATE: 5-18-16	DRAWN BY:
FILE SAVED AS: 10564-Permit Drawing	
SALESPERSON:	

This is an original drawing, created by LNS Signs, Inc. It is the property of LNS Signs, Inc. and is submitted for your personal use in connection with the project being planned for you by LNS. It is not to be shown to anyone outside your organization without the written consent of LNS. All rights reserved. No part of this design (except registered trademarks) remain the property of LNS. Copyright © 2016 LNS Signs Inc.

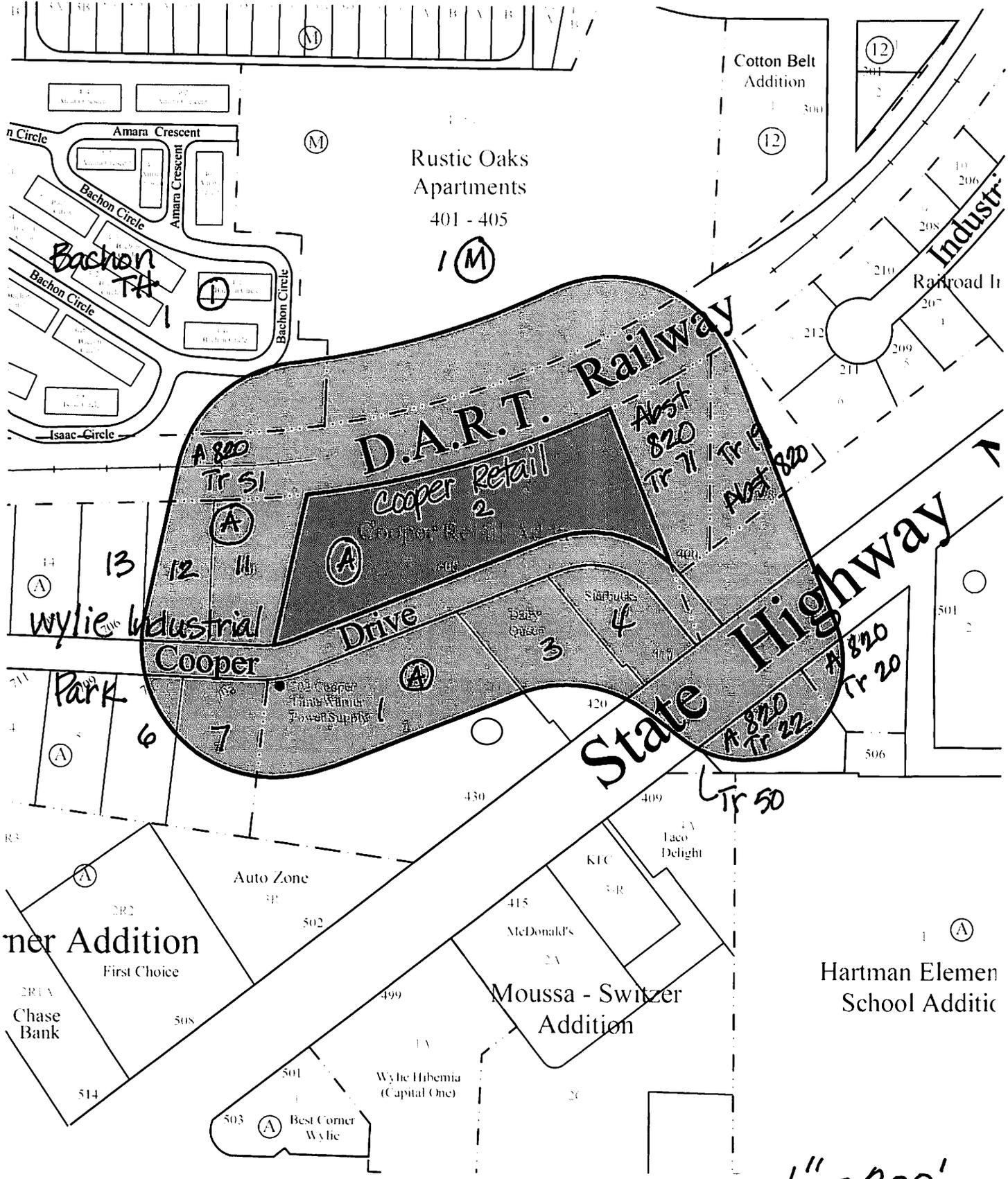
TSCL 18510
UL# E342647

NOTES:



Customer Approval

DATE



1" = 200'

**OWNER NOTIFICATION MAP
ZBA CASE #2016-08**

NOTIFICATION REPORT

APPLICATION FILE 2016-08

APPLICANT: Nathan Lohri
11330 Luna Road Dallas, Texas 75229

#	BLK/ABST	LOT/TRACT	TAX I.D. #	PROPERTY OWNER NAME	ADDRESS
1				Applicant Nathan Lohri	11330 Luna Road Dallas, Texas 75229
2	Blk 1	Bachon Townhomes Lot 1	R-8517-001-0010-1	Bachon Investments, LP	3030 LBJ Freeway #880 Dallas, Texas 75234
3	Blk M	Rustic Oaks Lot 1	R-2207-00M-0010-1	Westdale Rustic Oaks, Ltd.	3100 Monticello Avenue #600 Dallas, Texas 75205
4	Blk A	Cooper Retail Lot 1	R-9080-00A-0010-1	Cooper Belt Line Partners, LP	3906 Lemmon Avenue #100 Dallas, Texas 75219
5	Blk A	Cooper Retail Lot 2	R-9080-00A-0020-1	Health Care Property Investors, Inc.	3100 W. End Avenue #800 Nashville, TN 37203
6	Blk A	Cooper Retail Lot 3	R-9080-00A-0030-1	Wylie Ice Cream Holdings, LLC	PO Box 852 Waxahachie, Texas 75168
7	Blk A	Cooper Retail Lot 4	R-9080-00A-0040-1	Cooper Belt Line Partners, LP	3906 Lemmon Avenue #100 Dallas, Texas 75219
8	Blk A	Wylie Industrial Pk Lot 6	R-1180-001-0060-1	WEDC	250 SH 78 Wylie, Texas 75098
9	Blk A	Wylie Industrial Pk Lot 7	R-1180-001-0070-1	Jon Scheel	705 Cooper Drive Wylie, Texas 75098
10	Blk A	Wylie Industrial Pk Lot 11	R-1180-001-0110-1	Duel Products, Inc.	702 Cooper Drive Wylie, Texas 75098
11	Blk A	Wylie Industrial Pk Lot 12	R-1180-001-0120-1	WEDC	250 SH 78 Wylie, Texas 75098
12	Blk A	Wylie Industrial Pk Lot 13	R-1180-001-0130-1	WEDC	250 SH 78 Wylie, Texas 75098
13	Abst 820	Tract 19	R-6820000-0190-1	WEDC	250 SH 78 Wylie, Texas 75098
14	Abst 820	Tract 22	R-6820000-0220-1	ATMJ Property, Inc.	405 SH 78 Wylie, Texas 75098
15	Abst 820	Tract 50	R-6820000-0500-1	Melissa Greaves	1600 Fairlakes Court Rockwall, Texas 75087
16	Abst 820	Tract 20	R-6820000-0200-1	Wylie Auto Parts, Inc.	6400 Texoma Parkway Sherman, Texas 75090
17	Abst 820	Tract 51	R-6820000-051190-1	St. Louis Southwest Railway	PO Box 959 Tyler, Texas 75710

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#2016-08.

I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case#2016-08.

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

Monday, July 18, 2016, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: Ronald P. Berlin
(please print)

Address: 3906 Lemmon Ave, #100
DALLAS, TX 75219

Signature: Ronald P. Berlin

Date: 7-6-16

COMMENTS:



Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>July 18, 2016</u>	Item Number:	<u>3</u>
Department:	<u>Planning</u>	Case Number:	<u>2016-09</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>801 S Hwy 78</u>
Date Prepared:	<u>July 06, 2016</u>	Subdivision Name:	<u>Location Map, Applicant Statement and pictures, Notification List and Map with Responses</u>
		Exhibits:	<u></u>

Subject

Hold a public hearing to Consider and act upon, a request from **David L. Barnhart** for a Variance to Ordinance 2014-44, Section 22-447 Wall Signs, requirements for the maximum height of a wall sign. The property is located at 801 S Hwy 78, being Tract 6 of Abstract 267 of EC Davidson Survey. **ZBA 2016-09**

Discussion

Applicant: David L. Barnhart

Owner: Golden Harbor Ventures, LP

The subject property is located at 801 S Hwy 78. The property is 20.01 acres currently zoned Commercial Retail (CR).

The applicant is proposing to add an attached wall sign to the main structure. The proposed sign is approximately 6' in height. Currently, the Ordinance only allows for signs to be a maximum of 4' in height when mounted to a building that is within 201' of a street. The main structure is approximately 460' from S Hwy 78.

The applicant's request is to allow for the placement of a sign on a wall that will function as the main logo for a building that will contain multiple office spaces for lease. The logo is identical to what will be displayed on a monument that will contain the tenant's names. By having the same logo on the façade and on the monument vehicles passing by will be able to reference the location of tenants that are advertised on the monument. The applicant has requested that the wall sign exceed the 4' feet requirement to 6' feet to allow for more visibility for vehicles driving by.

The intent of the Ordinance is to reduce distraction for motorists and pedestrians and reduce visual clutter.

Because the requested sign exceeds the allowed height by two feet, the applicant is requesting a variance to Section 22-447 of Ordinance 2014-44.

The unique circumstance in this case, similar to ZBA 2015-05 (Caliber Collision), is the location of the building where the sign will be located. The building is setback at a distance that is insufficient to attract attention to the property from traffic on S Hwy 78. The building is also blocked from view by an adjacent building that is located in front of it. The applicant has included elevations for review.

Public comment forms were mailed to thirty eight property owners within 200 feet of this request, as required by State Law. One response in favor and one response in opposition of the request was 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

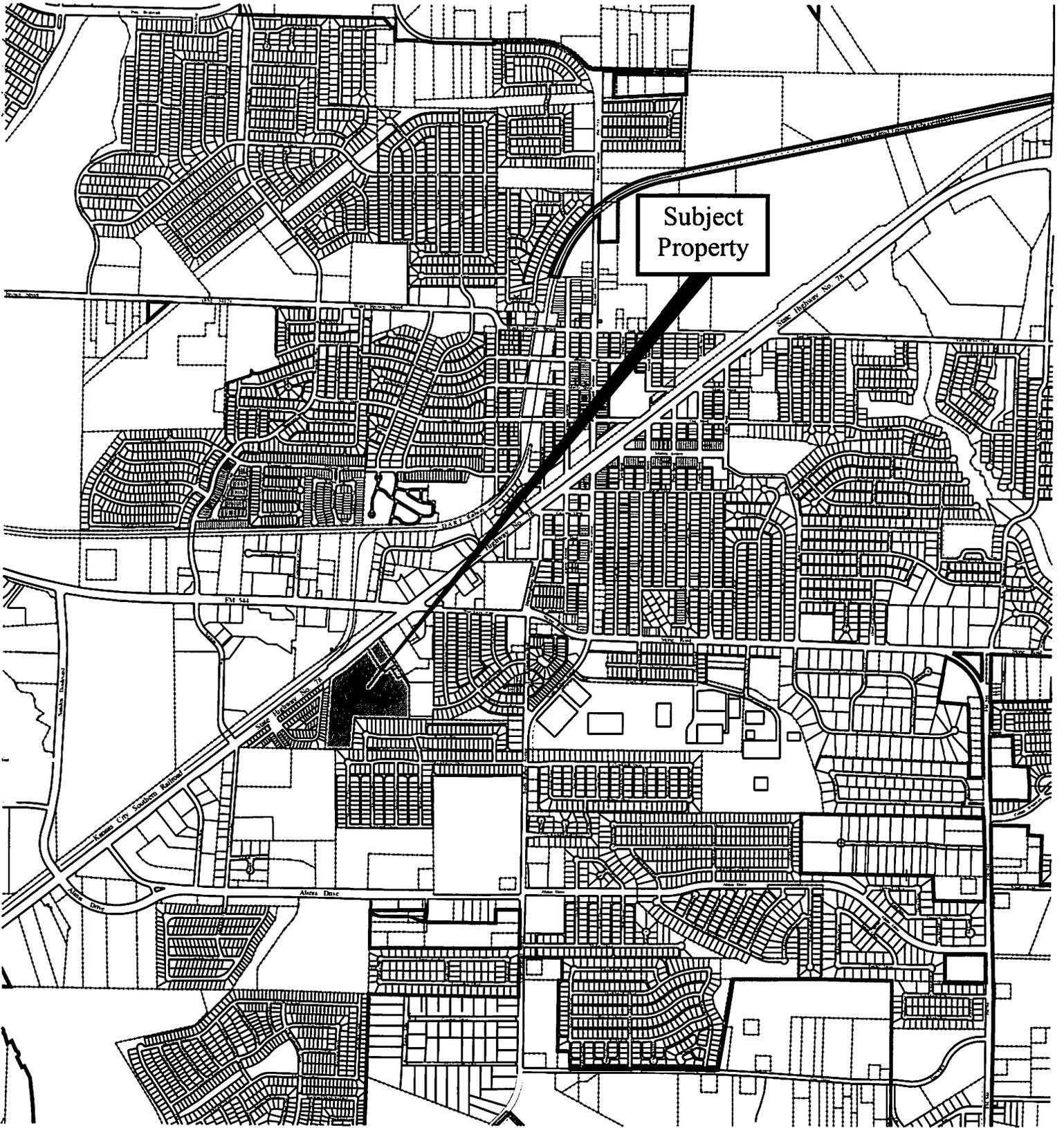
Department Director

Initial

RO

Date

07-14-16



LOCATION MAP
ZBA CASE #2016-09

June 3, 2016

David Tobias,

The sign permit for 801 S. Hwy 78 has been denied. The proposed sign is 6' in height. Our sign ordinance limits the maximum height of wall signs to 4'.

I have included the sign ordinance for wall signs:

Sec. 22-447. - Attached sign regulations.

Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all attached signs that are allowed under this article.

(1) Wall signs.

- a. Where allowed. Wall signs shall be limited to buildings located in a nonresidential zoning district or to churches, apartments, schools and other nonresidential uses, with the exception of model homes, located within a residentially zoned district.
- b. Installation requirements. All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than 18 inches from that surface, except for projecting signs as allowed in section 22-447(6). Wall signs shall not extend above the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as promotional signs as allowed in section 22-450.
- c. Maximum sign area. Wall signs may be installed on each face of a building described in section 22-447(1)(a) except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. Signs shall not exceed 75 percent of the width of the primary façade of the building, and the combined area of all wall signs shall not exceed 450 square feet for signs located at a height of 26 feet or less, or 600 square feet for signs located above a height of 26 feet. The height of such signs shall be measured from the bottom of the sign to grade level. Wall signs mounted to the side or rear of a building shall not exceed the square footage area of signs mounted to the front of the building. Wall signs shall not exceed the following height schedules:
 1. Wall signs mounted to a building located within 100 feet or less from a street shall not exceed a height of two feet.
 2. Wall signs mounted to a building located within 101 to 200 feet from the street shall not exceed a height of three feet.
 3. Wall signs mounted to a building located within 201 feet or more from the street shall not exceed a height of four feet.

Please let me know if I can be of further assistance.

Howard Harbin CBO, CBCO.

Plans Examiner

City of Wylie

972-516-6423

howard.harbin@wylitexas.gov

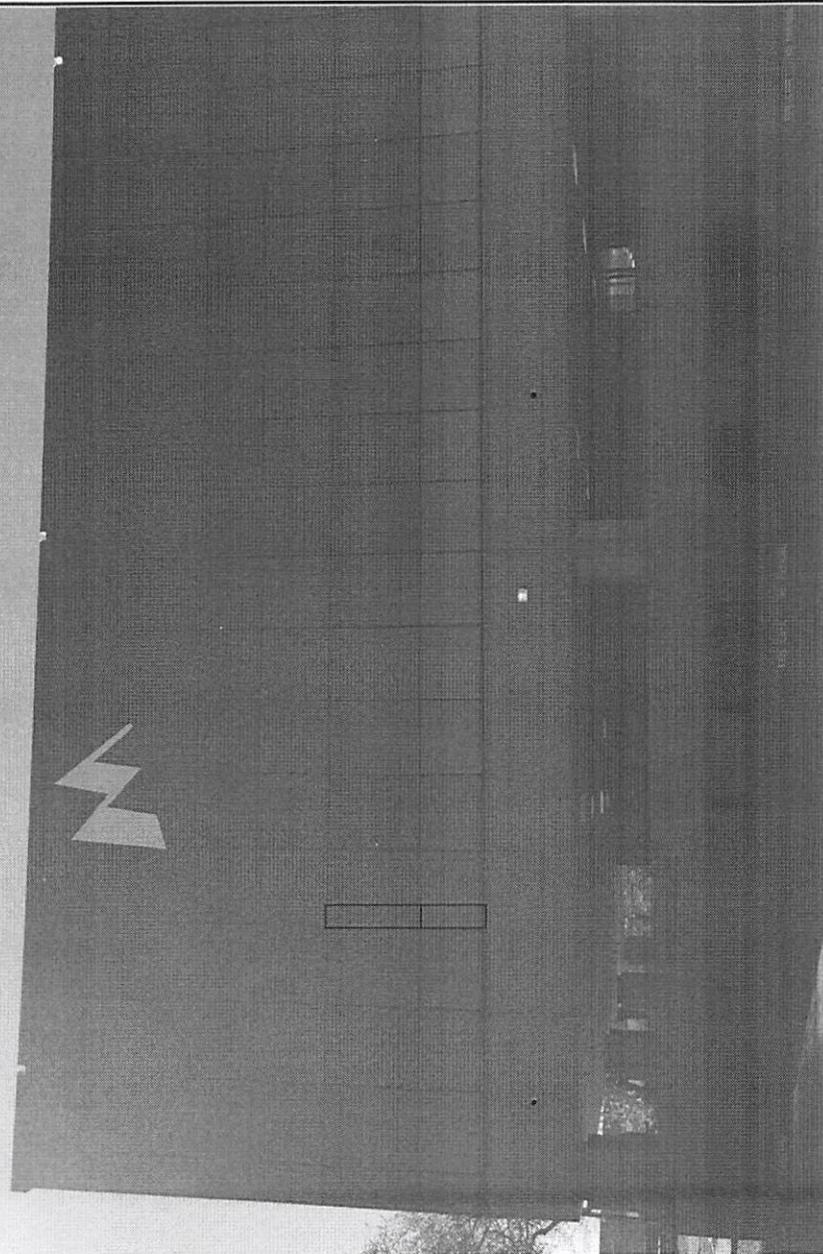
QTY. 1

- FRONT LIT CHANNEL LETTER MOUNTED TO WINDOW MULLINS
- .090 ALUMINUM BACKS .063 ALUMINUM RETURNS PRIMED AND PAINTED BLACK
- WHITE LED ILLUMINATION
- CLEAR PLEX FACE WITH 3M 3630-131 GOLD METALLIC VINYL
- BLACK TRIM CAP

4/22/2016

History: Original

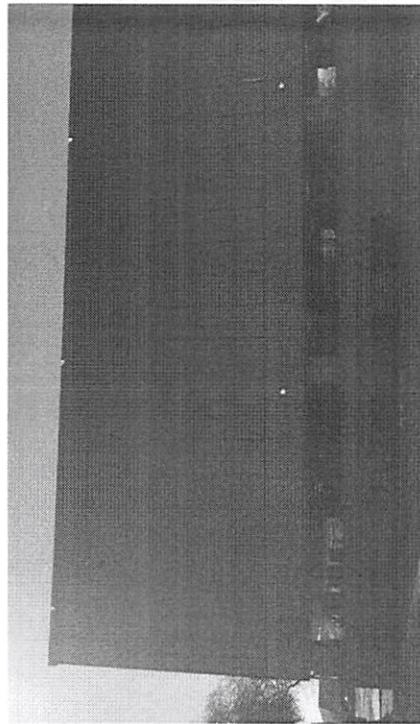
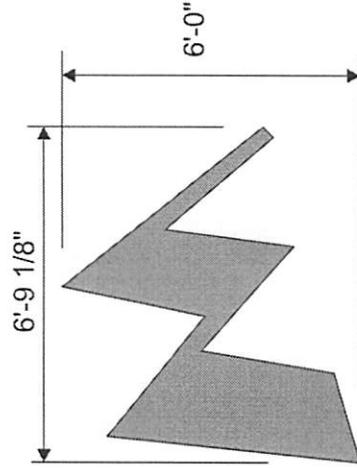
Approved By:



Existing

Proposed Signage

Scale: 3/32"=1'



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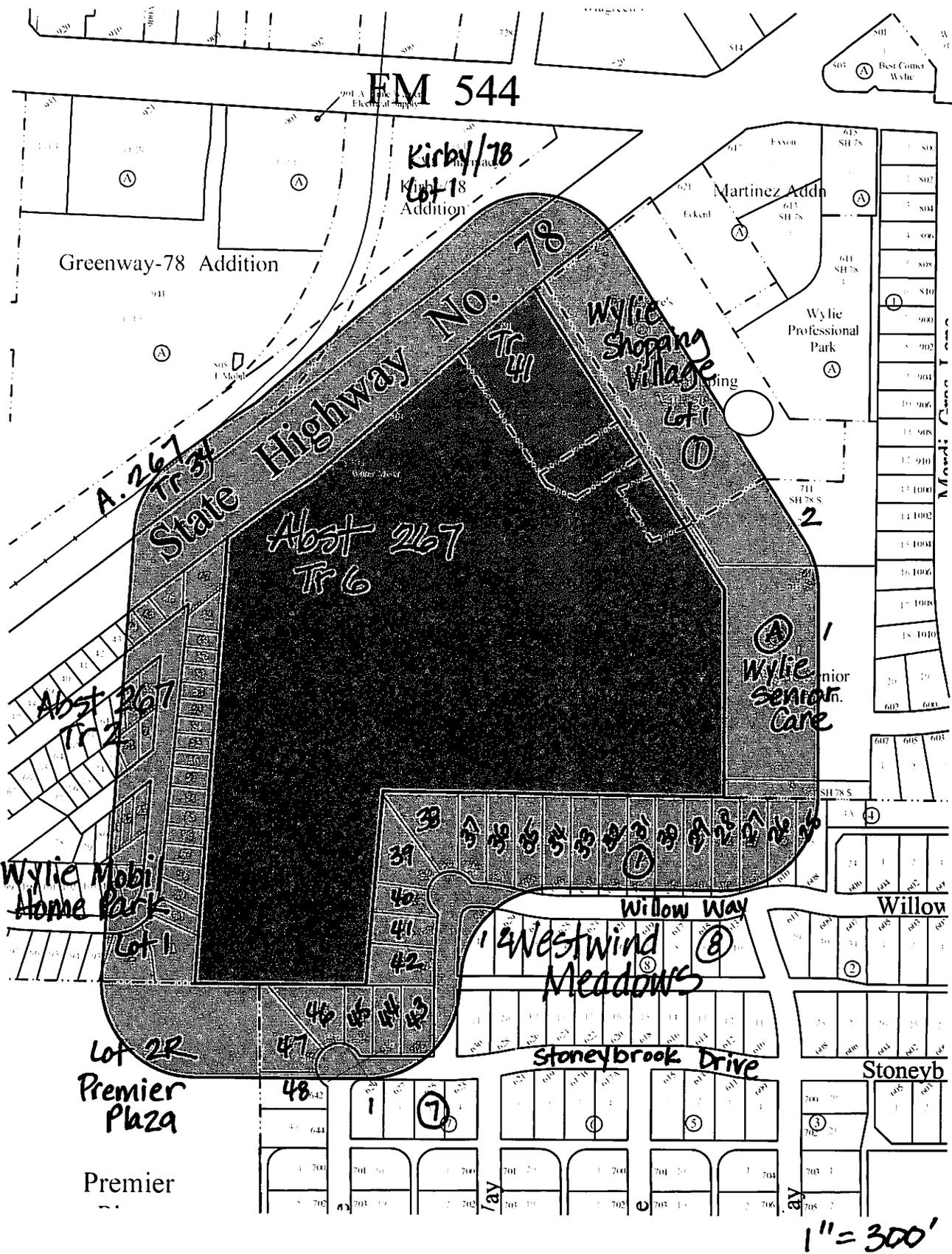
Suntec Signs Inc.
 Texas Sign Contractor #18339
 Regulated by the Texas Department of Licensing & Regulation
 P.O. Box 12157 Austin TX 78711
 1-800-803-9202, (512)463-6599,
 website: www.license.state.tx.us/complaints

3220 QUEBEC STREET
 DALLAS, TEXAS 75247
 214-630-1116

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 email: Sales@suntecindustries.com
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M Sign
 Barnhart

Scale: M wallsign.cdr



OWNER NOTIFICATION MAP
ZONING CASE #2016-09

NOTIFICATION REPORT

APPLICANT: David L. Barnhart
801 SH 78 South Wylie, Texas 75098

APPLICATION FILE 2016-09

#	BLK/ABST	LOT/TRACT	TAX I.D. #	PROPERTY OWNER NAME	ADDRESS
1				Applicant David L. Barnhart	801 SH 78 South Wylie, Texas 75098
2	Blk 1	Wylie Shopping Village Lot 1	R-2446-001-0010-1	Brookshire Grocery Company	PO Box 1411 Tyler, Texas 75710
3	Blk A	Wylie Senior Care Lot 1	R-9831-00A-0010-1	Wlands Limited Partnership	5305 Village Creek Drive Plano, Texas 75093
4	Blk A	Wylie Senior Care Lot 2	R-9831-00A-0020-1	Sooners Group, LP	721 SH 78 South Wylie, Texas 75098
5	---	Kirby 78 Addn Lot 1	R-4903-000-0010-1	A Duda & Sons, Inc.	1200 Duda Trail Oviedo, FL 32765
6	---	Wylie MH Park Lot 1	R-1584-000-0010-1	Double Up Investments, LLC	PO Box 1407 Wylie, Texas 75098
7	---	Premier Plaza Lot 2R	R-10068-000-02R1-1	Ascend Custom Estrusions, LLC	12001 N. Central Expressway #1120 Dallas, Texas 75243
8	Blk 1	Westwind Meadows Lot 25	R-1292-001-0250-1	Peggy Tsukahara	608 Willow Way Wylie, Texas 75098
9	Blk 1	Westwind Meadows Lot 26	R-1292-001-0260-1	Wesley Smith	300 PR 5294 Yantis, Texas 75497
10	Blk 1	Westwind Meadows Lot 27	R-1292-001-0270-1	Jennifer Davis	612 Willow Way Wylie, Texas 75098
11	Blk 1	Westwind Meadows Lot 28	R-1292-001-0280-1	Dale Swanson, Jr.	6301 Industrial Drive Sachse, Texas 75048
12	Blk 1	Westwind Meadows Lot 29	R-1292-001-0290-1	Jackie Harvill	PO Box 325 Wylie, Texas 75098
13	Blk 1	Westwind Meadows Lot 30	R-1292-001-0300-1	Roert Ramirez	618 Willow Way Wylie, Texas 75098
14	Blk 1	Westwind Meadows Lot 31	R-1292-001-0310-1	First Key Mortgage	9 E. Exchange Place #750 Salt Lake City, UT 84111
15	Blk 1	Westwind Meadows Lot 32	R-1292-001-0320-1	Jeffrey Hurse	622 Willow Way Wylie, Texas 75098
16	Blk 1	Westwind Meadows Lot 33	R-1292-001-0330-1	Cameron Rice	624 Willow Way Wylie, Texas 75098
17	Blk 1	Westwind Meadows Lot 34	R-1292-001-0340-1	Stephen Matkoff	626 Willow Way Wylie, Texas 75098

18	Blk 1	Westwind Meadows Lot 35	R-1292-001-0350-1	Brian Cotton	628 Willow Way Wylie, Texas 75098
19	Blk 1	Westwind Meadows Lot 36	R-1292-001-0360-1	Kathryn Revor	630 Willow Way Wylie, Texas 75098
20	Blk 1	Westwind Meadows Lot 37	R-1292-001-0370-1	Derald Ackles	PO Box 1071 Wylie, Texas 75098
21	Blk 1	Westwind Meadows Lot 38	R-1292-001-0380-1	Leroy Baca	634 Willow Way Wylie, Texas 75098
22	Blk 1	Westwind Meadows Lot 39	R-1292-001-0390-1	Steven Gillispie	636 Willow Way Wylie, Texas 75098
23	Blk 1	Westwind Meadows Lot 40	R-1292-001-0400-1	Jian Lu	3705 Glasgow Drive Plano, Texas 75025
24	Blk 1	Westwind Meadows Lot 41	R-1292-001-0410-1	Audelio Morales	507 Pendleton Street Farmersville, Texas 75442
25	Blk 1	Westwind Meadows Lot 42	R-1292-001-0420-1	Jeffrey Tillman	642 Willow Way Wylie, Texas 75098
26	Blk 1	Westwind Meadows Lot 43	R-1292-001-0430-1	George Family Trust	632 Stoneybrook Drive Wylie, Texas 75098
27	Blk 1	Westwind Meadows Lot 44	R-1292-001-0440-1	Charleen Christopher	634 Stoneybrook Drive Wylie, Texas 75098
28	Blk 1	Westwind Meadows Lot 45	R-1292-001-0450-1	Leslie Mullins	636 Stoneybrook Drive Wylie, Texas 75098
29	Blk 1	Westwind Meadows Lot 46	R-1292-001-0460-1	Quang Nguyen	4425 Harvest Lane Sachse, Texas 75048
30	Blk 1	Westwind Meadows Lot 47	R-1292-001-0470-1	Bryan Borns	640 Stoneybrook Drive Wylie, Texas 75098
31	Blk 1	Westwind Meadows Lot 48	R-1292-001-0480-1	John Zimmerman	642 Stoneybrook Drive Wylie, Texas 75098
32	Blk 7	Westwind Meadows Lot 1	R-1292-007-0010-1	Lori Thompson	631 Stoneybrook Drive Wylie, Texas 75098
33	Blk 8	Westwind Meadows Lot 1	R-1292-008-0010-1	David Goad	631 Willow Way Wylie, Texas 75098
34	Blk 8	Westwind Meadows Lot 2	R-1292-008-0020-1	Marey Crow	629 Willow Way Wylie, Texas 75098
35	Blk 8	Westwind Meadows Lot 21	R-1292-008-0210-1	Ivett Salazar-Gutierrez	629 Stoneybrook Drive Wylie, Texas 75098
36	Abst 267	Tract 6	R6267-000-0060-1	Golden Harbor Ventures, LP	1900 Preston Road #267-88 Plano, Texas 75093
37	Abst 267	Tract 41	R6267-000-0410-1	Bander Investments, LP	PO Box 149 Farmersville, Texas 75442
38	Abst 267	Tract 34	R6267-000-0340-1	Kansas City Railway Company	PO Box 219335 Kansas City, MO 64121
39	Abst 267	Tract 2	R6267-000-0020-1	Double Up Investments, LLC	PO Box 1407 Wylie, Texas 75098



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#2016-09.

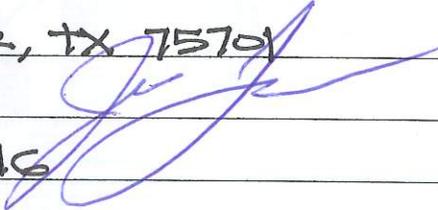
I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case#2016-09.

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

Monday, July 18, 2016, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: JIM FANCHER FOR BROOKSHIRE GROCERY COMPANY
(please print)

Address: 1600 HSW LOOP 323
TYLER, TX 75701

Signature: 

Date: 7.7.16

COMMENTS:

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#2016-09.

I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case#2016-09.

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

Monday, July 18, 2016, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: Les Mullins
(please print)

Address: 636 Stonebrook
Wylie TX 75098

Signature: Les Mullins

Date: 7/7/2016

COMMENTS:
