

Zoning Board of Adjustments



September 19, 2016

Regular Business Meeting



Wylie Zoning Board of Adjustment

NOTICE OF MEETING

Regular Meeting Agenda
Monday, September 19, 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
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.

CONSENT AGENDA

1. Consider and act upon approval of the Minutes for the August 15, 2016 Meeting.

REGULAR AGENDA

Public Hearing

1. Hold a public hearing to consider and act upon a request by **Kumars Poorkiyani** for a variance to Section 5.F.4 parking regulations of the Zoning Ordinance for the Automotive Repair, Minor use, to allow parking spaces calculated at 1:375 in lieu of the required 1:300. Property located at 211 Regency Drive, being Lot 44 Block C of the Regency Business Park Phase 2 Addition. **ZBA 2016-12**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 16th day of September 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, August 15, 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 Kevin Finnell, Board Member Daniel Prendergast, and Board Member Andres Gonzalez. Vice Chair Jason Potts arrived late.

Staff members present were: Renae' Ollie, Development Services Director, Kevin Molina, Planner and Mary Bradley, Administrative Assistant.

CONSENT ITEMS

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

A motion was made by Board Member Gonzalez and seconded by Board Member Finnell, to approve the Minutes as submitted. Motion carried 4 – 0, Vice Chair Jason Potts arriving after the vote.

PUBLIC HEARINGS

Item 1 – ZBA 2016-10

Hold a public hearing to consider and act upon a request by **Teri Dorazil** for a variance to Section 5.2.F parking regulations of the Zoning Ordinance for the Retail, Personal Service & Commercial use, to allow parking spaces calculated at 1:110 in lieu of the required 1:75. Property located at 2592 FM 544, being Lot 9 Block B of Woodbridge Center Phase 1 measuring .0881 acres. **ZBA 2016-10**

Staff Comments

Mr. Molina stated that the applicant is requesting a variance to parking requirements. The property is located within the Woodbridge Center Phase 1 Addition, being Lot 9 of Block B, and more generally southwest of the intersection of FM 544 and Woodbridge Parkway.

The parking requirement calculates one space for every 75 square feet for a restaurant without drive-in or drive through service. The use totals 62 parking spaces and the applicant's request is reduction of 20 parking spaces, which are 42 parking spaces.

In February 2012 a shared parking agreement within a reciprocal easement agreement was approved and recorded in Collin County. Staff determined that the existing Grocery Store was over parked by 189 parking spaces. Staff also determined that a restaurant located to the west is also over parked by 24 parking spaces.

Thirteen comment forms were mailed to property owners within 200 feet. One comment form was returned in favor or none returned in opposition.

Public Comments

Chair Jourdan opened the Public Hearing.

Ms. Teri Dorazil, Real Estate Agent for AGE Texas, 1778 Plano Road, Richardson, stated that the proposed restaurant is IHOP. The proposed facility will be 4,600 square feet. A cross parking is necessary due to the busy hours are typically 9:00 am to 1:00 pm Saturday and Sunday, and three times a year all day for Christmas, Thanksgiving and New Year's Day.

Mr. Sam Satterwhite, WEDC, 250 Highway 78, spoke in support of the project.

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 2592 FM 544. Motion passed 5 – 0.

ITEM 2 – ZBA 2016-11

Hold a public hearing to consider and act upon, a request from **Walter Finninger** 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 508 S Hwy 78, being 2.001 acres of lot 2R2 Block A of the 78 Corner Addition. **ZBA 2016-11**

Staff Comments

Mr. Molina stated that the applicant has applied for a variance to the sign ordinance, wall sign. The proposed sign is located on an existing building at 508 South Highway 78 and is zoned Commercial Corridor.

The applicant is requesting a variance to allow for a sign that measures five (5) feet in height. The main structure is approximately 174 feet from State Highway 78. The current sign ordinance allows for signs to have a maximum

of three (3) feet in height when mounted to a building that is within 200 feet from a street.

The unique circumstance in this case is the applicant desires to replace an existing sign that measures 30 square feet to a smaller sign of 25 square feet, share the same height of five feet. The sign is a brand logo and is narrow than the existing.

Public comment forms were mailed to sixteen property owners. Two responses were received in favor of the request and no responses were received in opposition.

Public Comments

Chair Jourdan opened the Public Hearing.

Mr. Mark Vergenz, Chandler Signs, 3201 Manor Way, Dallas, Texas, representative for the applicant, stated that the sign is for logo is Texas Health Hospital. The design of the sign maintains proportions in size and footage is similar to existing surrounding commercial properties.

Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Board Member Prendergast, and seconded by Board Member Finnell to Grant the variance as submitted. Motion carried 5 – 0.

ADJOURNMENT

A motion was made by Board Member Finnell, and seconded by Vice Chair Potts 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>September 19, 2016</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>ZBA 2016-12</u>
Prepared By:	<u>Jasen Haskins</u>	Project Location:	<u>211 Regency Drive Wylie TX</u>
Date Prepared:	<u>September 6, 2016</u>	Subdivision Name:	<u>Regency Business Park Ph2</u>
		Exhibits:	<u>Location Map, Exhibits, Notification List and Map with Responses</u>

Subject

Hold a public hearing to consider and act upon a request by **Kumars Poorkiyani** for a variance to Section 5.F.4 parking regulations of the Zoning Ordinance for the Automotive Repair, Minor use, to allow parking spaces calculated at 1:375 in lieu of the required 1:300. Property located at 211 Regency Drive, being Lot 44 Block C of the Regency Business Park Phase 2 Addition. **ZBA 2016-12**

Discussion

Applicant: Kumars Poorkiyani

Owner: Axxess K Properties, LLC

The applicant is proposing an Automotive Repair Shop which is classified in the Zoning Ordinance as Automotive Repair, Minor. The required parking ratio for such a use is listed as 1:300 which would require 22 parking spaces. The applicant is asking for a variance to reduce the required parking to a ratio of 1:375 which would require 18 spaces which the applicant has on site.

Article 8, Section 8.4.C.4.e states that, the Board may waive or reduce the parking and loading requirements in any district, whenever the character use of the building is such as to make unnecessary the full provision of parking or loading facilities, or were such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

Staff feels that the applicant's property definitely has unique and challenging aspects that warrant consideration, namely the large easement that bisects the property and prohibits the addition of more on-site parking. The Board granted a variance on this same site in 2013 for a different business use.

Public Comment forms were mailed to 17 property owners within 200 feet of this request, as required by State Law. One comment form was received in opposition and none were received in favor at the time of posting.

CONSIDERATIONS:

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

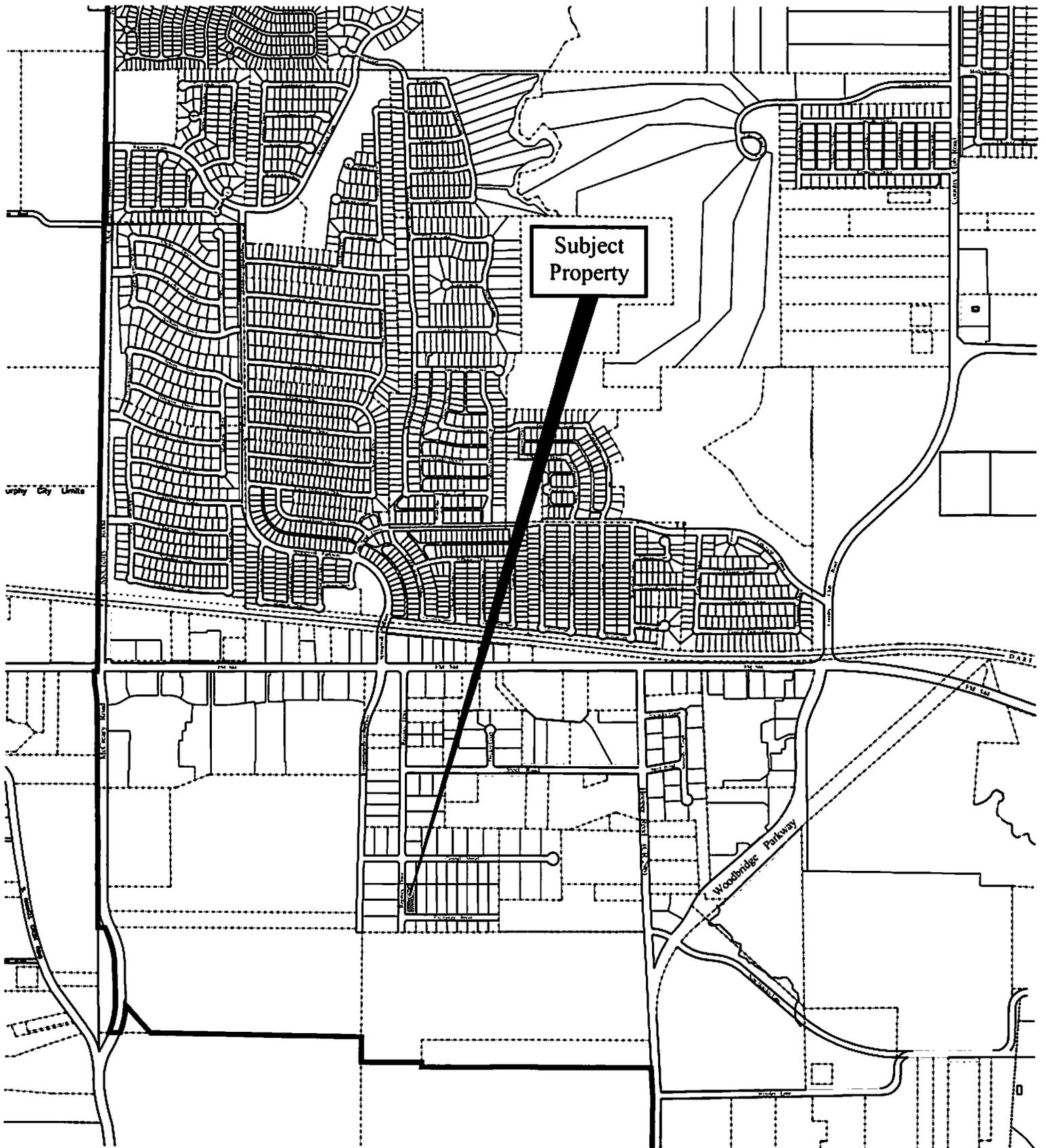
Department Director

Initial

RO

Date

09/06/16



LOCATION MAP
ZBA CASE #2016-12



**APPLICATION – REQUEST FOR VARIANCE OR APPEAL
ZONING BOARD OF ADJUSTMENT
CITY OF WYLIE**

Date: 08.02.16

I, the undersigned owner or authorized agent of the following described real property located in the City of Wylie, Texas, hereby make application for a request for a variance from the terms of section _____ of the City of Wylie _____ Zoning Ordinance. Or Section 22-447 of Ordinance 2014-44.

LOCATION OF PROPERTY

Street Address: 211 Regency Dr

Legal Description: Lot/Tract: 44, Block C, of Subdivision/Abstract Regency Business Park Ph2

Request Variance: Parking Building Setbacks Building Materials Signs
(If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

we are short of 1 parking spot.

Use - Hail Damage Repair to car - Automotive Repair Minor

A non-refundable application fee of \$100.00 is required at the time of application.

For a variance to be granted by the Board of Adjustment, the Board MUST determine that ALL of the following conditions apply:

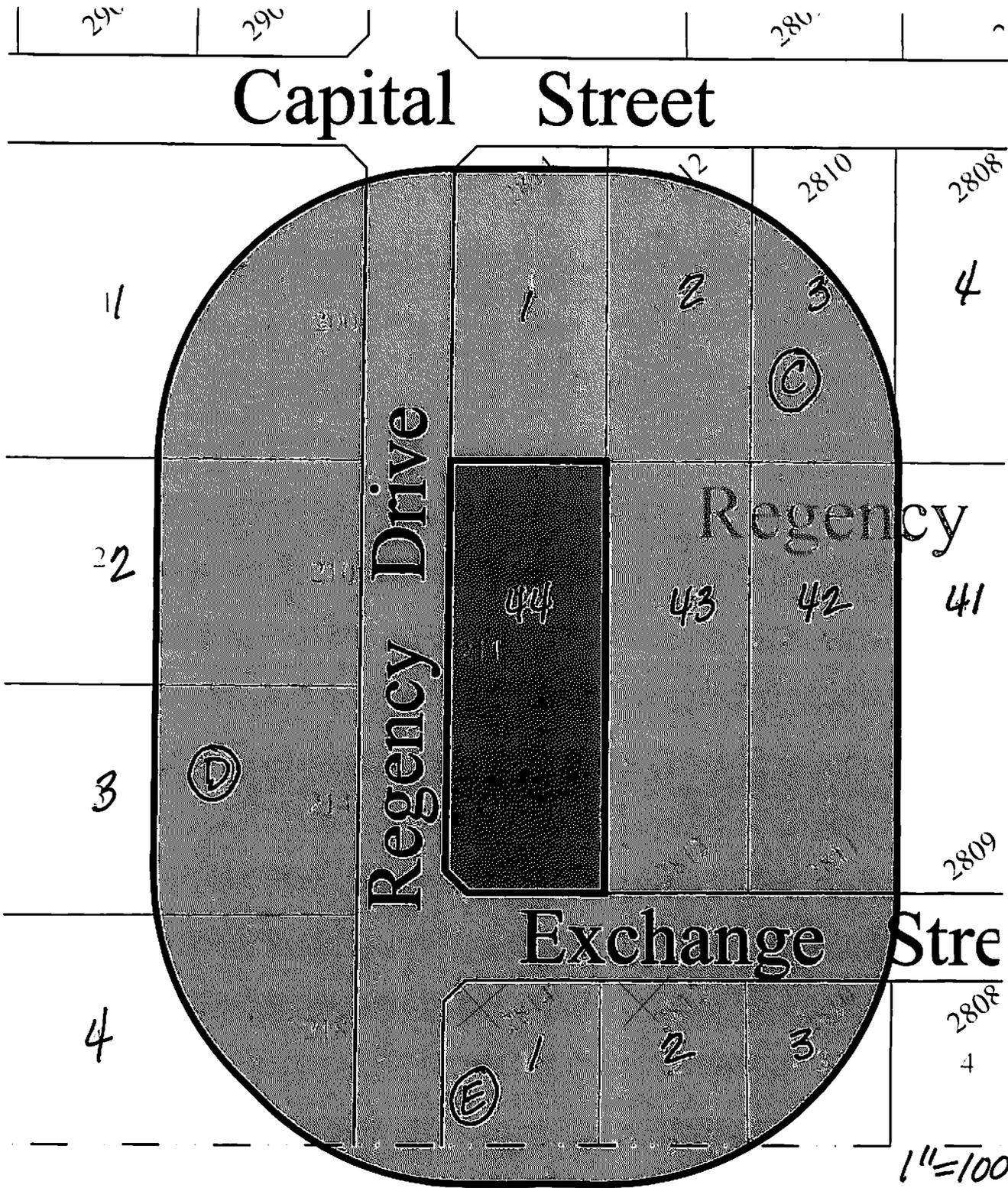
- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- e. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered ground for the issuance of a variance.
- f. Financial hardship shall not be considered grounds for the issuance of a variance.

I have read this application packet and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least seventy-five (75) percent concurring affirmative votes must be cast in order to receive a variance.

Signature of Applicant: [Signature] Print Name: Kumars Parkiyani

Mailing Address: 211 Regency Dr Wylie TX 75098 Telephone (Home): 972-294-9440 Telephone (Day Number): _____

Staff Member's Signature: [Signature] Date: 8-2-16 Receipt Number: 784276



Abst 835 Tr 49

OWNER NOTIFICATION MAP
ZBA CASE #2016-12

NOTIFICATION REPORT

APPLICANT: Kumars Poorkiyani
 211 Regency Drive Wylie, Texas 75098

APPLICATION FILE 2016-12

#	BLK/ABST	LOT/TRACT	TAX I.D. #	PROPERTY OWNER NAME	ADDRESS
1				Applicant Kumars Poorkiyani	211 Regency Drive Wylie, Texas 75098
2	Blk C	Regency Business Pk 2 Lot 1	R-2208-00C-0010-1	Soroor Haghdan	6019 Weymouth Drive Dallas, Texas 75252
3	Blk C	Regency Business Pk 2 Lot 2	R-2208-00C-0020-1	Plumlee Real Estate, Ltd.	2808 Capital Street Wylie, Texas 75098
4	Blk C	Regency Business Pk 2 Lot 3	R-2208-00C-0030-1	Plumlee Real Estate, Ltd.	2808 Capital Street Wylie, Texas 75098
5	Blk C	Regency Business Pk 2 Lot 4	R-2208-00C-0040-1	Plumlee Real Estate, Ltd.	2808 Capital Street Wylie, Texas 75098
6	Blk C	Regency Business Pk 2 Lot 41	R-2208-00C-0410-1	ML Johnson & Associates	PO Box 460897 Garland, Texas 75046
7	Blk C	Regency Business Pk 2 Lot 42	R-2208-00C-0420-1	ML Johnson & Associates	PO Box 460897 Garland, Texas 75046
8	Blk C	Regency Business Pk 2 Lot 43	R-2208-00C-0430-1	Plumlee Real Estate, Ltd.	2808 Capital Street Wylie, Texas 75098
9	Blk C	Regency Business Pk 2 Lot 44	R-2208-00C-0440-1	Access K Properties, LLC	4652 Reunion Drive Plano, Texas 75024
10	Blk D	Regency Business Pk 2 Lot 1	R-2208-00D-0010-1	Farmers Electric Cooperative, Inc.	2000 I-30 East Greenville, Texas 75402
11	Blk D	Regency Business Pk 2 Lot 2	R-2208-00D-0020-1	Farmers Electric Cooperative, Inc.	2000 I-30 East Greenville, Texas 75402
12	Blk D	Regency Business Pk 2 Lot 3	R-2208-00D-0030-1	Gogi Singh	1242 Bonner Avenue Freemont, CA 94536
13	Blk D	Regency Business Pk 2 Lot 4	R-2208-00D-0040-1	Gogi Singh	1242 Bonner Avenue Freemont, CA 94536
14	Blk E	Regency Business Pk 2 Lot 1	R-2208-00E-0010-1	Sco-Bilt Contractors, Inc.	PO Box 1017 Wylie, Texas 75098
15	Blk E	Regency Business Pk 2 Lot 2	R-2208-00E-0020-1	Sco-Bilt Contractors, Inc.	PO Box 1017 Wylie, Texas 75098
16	Blk E	Regency Business Pk 2 Lot 3	R-2208-00E-0030-1	Charles Hayes	2810 Exchange Street Wylie, Texas 75098
17	Blk E	Regency Business Pk 2 Lot 4	R-2208-00E-0040-1	Iqbal Singh	1113 Oakley Drive Murphy, Texas 75094

18	Abst 835	Tract 49	R-6835-000-0490-1	Woodbridge North 1, Ltd.	800 E. Campbell Road #310 Richardson, Texas 75081
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PUBLIC COMMENT FORM

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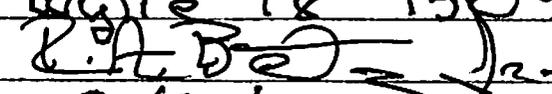
Planning Department
300 Country Club Road
Building 100
Wylie, Texas 75098

I am **FOR** the requested variance as explained on the attached public notice for ZBA Case #2016-12.

I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case #2016-12.

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

Monday, September 19, 2016, 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: ScoBilt Contractors, Inc
(please print)
Address: 2812 & 2814 Exchange St.
Wylie Tx 75098
Signature: 
Date: 9/9/2016

COMMENTS:

FOR PROPERTY ID SEE BELOW

ScoBilt Contractors, Inc. owns two pieces of property on Exchange. One is 2814 Exchange which is directly across from the party requesting the parking variance. And the second property, ScoBilt also owns, is 2812 Exchange which is adjacent to 2814 Exchange.

The number of vehicles being parked on both Exchange and Regency has increased dramatically in the last six months to the point that not only is it difficult to access our office but it was impossible to obtain a clear line of sight to either turn off Regency onto Exchange or turn from Exchange onto Regency.

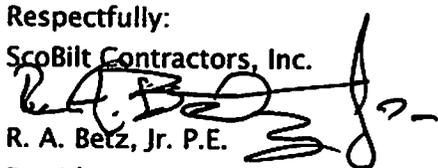
Thus the intersection and both streets become very congested with parked cars and extremely dangerous.

We have on numerous occasions have had to ask the occupants of the address in question to move their automobiles in order for our employees to enter into our driveway.

Therefore we are completely opposed to allowing the parking variance.

Respectfully:

ScoBilt Contractors, Inc.


R. A. Betz, Jr. P.E.

President

2812 Exchange = Property ID: 10387-R-2208-00E-0020-1

2814 Exchange = Property ID: 10386-R-2208-00E-0010-1