

# **Zoning Board of Adjustments**



## **November 21, 2016**

**Regular Business Meeting**



# Wylie Zoning Board of Adjustment

## NOTICE OF MEETING

### Regular Meeting Agenda

Monday, November 21, 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](http://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](http://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 September 19, 2016 Meeting.

**REGULAR AGENDA**

---

**Public Hearing**

1. Hold a public hearing to consider and act upon a request from **Nash Patel** 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 2011 North Highway 78, being 2.062 acres of Lot 1 Block A of the Shahi Group Addition. **ZBA 2016-13**

**ADJOURNMENT**

---

**CERTIFICATION**

*I certify that this Notice of Meeting was posted on this 18th day of November 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](http://www.wylietexas.gov).*

---

Carole Ehrlich, City Secretary

---

Date Notice Removed

This page is intentionally blank



# Wylie Zoning Board of Adjustment

---

**Minutes**  
**Zoning Board of Adjustment**  
**Monday, September 19, 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, Vice Chair Jason Potts, Board Member Andres Gonzalez, Board Member Robert Holcomb.

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 August 15, 2016 Meeting.

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

## PUBLIC HEARINGS

---

### **Item 1 – ZBA 2016-12**

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**

### **Staff Comments**

Ms. Ollie stated that the applicant is proposing an Automotive Repair Shop. The applicant is requesting to reduce the parking requirements to allow 18 spaces. The use is a temporary use in nature; the applicant does have a contract signed for a new tenant in January, which will meet the required 22 parking spaces.

In 2013, the Board granted a variance on this same site for reduction in parking, but the variance was granted per the user.

The lot does have 150 feet utility easement to the northern part of the property.

Seventeen comment forms were mailed to property owners within 200 feet. No comment forms were returned in favor and one comment form was returned in opposition.

### **Public Comments**

Chair Jourdan opened the Public Hearing.

Mr. Kumars Poorkiyani, 211 Regency Drive, applicant/property owner, stated that the tenant repairs dents from vehicles with four employees. The lease is up in December, 2016. The new tenant will move in January as a Brewery, after the Alcoholic License is approved.

The Commissioners questioned the parking over Oncor easement. The applicant did due diligence to get Oncor approval, and parking is allowed over the easement.

Chair Jourdan closed the Public Hearing.

### **Board Action**

A motion was made by Board Member Holcomb, and seconded by Vice Chair Potts, to Grant the request with expiration of December 31, 2016. The property located at 211 Regency Drive. Motion failed 3 – 1.

Chair Jourdan asked for clarification for the parking requirements. Ms. Ollie stated that the current use does not meet the required parking spaces. The use will change in January, and the new use will meet the requirement for 22 parking spaces.

A motion was made by Board Member Holcomb, and seconded by Board Member Gonzalez, to Grant the request with expiration midnight of December 31, 2016. The property is located at 211 Regency Drive. Motion carried 4 – 0.

ADJOURNMENT

---

A motion was made by Board Member Gonzalez, and seconded by Vice Chair Potts to adjourn the meeting at 7:03 PM. All Board Members were in consensus.

\_\_\_\_\_  
**Linda Jourdan, Chair**

**ATTEST:**

\_\_\_\_\_  
**Mary Bradley, Administrative Assistant**

This page is intentionally blank



# Wylie Zoning Board of Adjustment

## AGENDA REPORT

<b>Meeting Date:</b>	<u>November 21, 2016</u>	<b>Item Number:</b>	<u>1</u>
<b>Department:</b>	<u>Planning</u>	<b>Case Number:</b>	<u>2016-13</u>
<b>Prepared By:</b>	<u>Jasen Haskins</u>	<b>Project Location:</b>	<u>2011 North Hwy 78</u>
<b>Date Prepared:</b>	<u>November 14, 2016</u>	<b>Subdivision Name:</b>	<u>Location Map, Elevations, Site Plan, Notification List and Map with Responses</u>
		<b>Exhibits:</b>	<u>Map with Responses</u>

### Subject

Hold a public hearing to consider and act upon, a request from **Nash Patel** 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 2011 North Hwy 78, being 2.062 acres of lot 1 block A of the Shahi Group Addition. **ZBA 2016-13**

### Discussion

**Applicant: Nash Patel**

**Owner: Southern Comfort Hospitality, LLC**

The subject property is located at 2011 North Hwy 78. The property measures 2.062 acres and is currently zoned Commercial Corridor.

The applicant is proposing to replace an attached wall sign to the main structure due to an updated logo. The applicant has requested the variance that will allow a sign of roughly the same height as an existing sign that was installed before the current ordinance was in place.

The current sign ordinance allows for signs to have a maximum of 4' in height with an area of no more than 600 square feet when mounted to a building that is more than 200 feet from a street. The main structure in question is approximately 215' from State Highway 78. The proposed sign is 5.25' in height and 28.4' in length with an area of 149.1 square feet.

The intent of the Ordinance is to reduce distraction for motorists and pedestrians and reduce visual clutter. However, a unique circumstance may exist in this case as SH 78 is a 6-lane road making a larger sign appropriate for west bound motorists. The north side of SH78 is 300' from the building face which is 50% farther than the 200' minimum.

The Board has approved other signs of this size in other cases and staff is working to amend the ordinance to reduce future needs for Variances.

Public comment forms were mailed to 18 property owners within 200 feet of this request, as required by State Law. One comment form was received in favor and no responses were received in opposition 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**

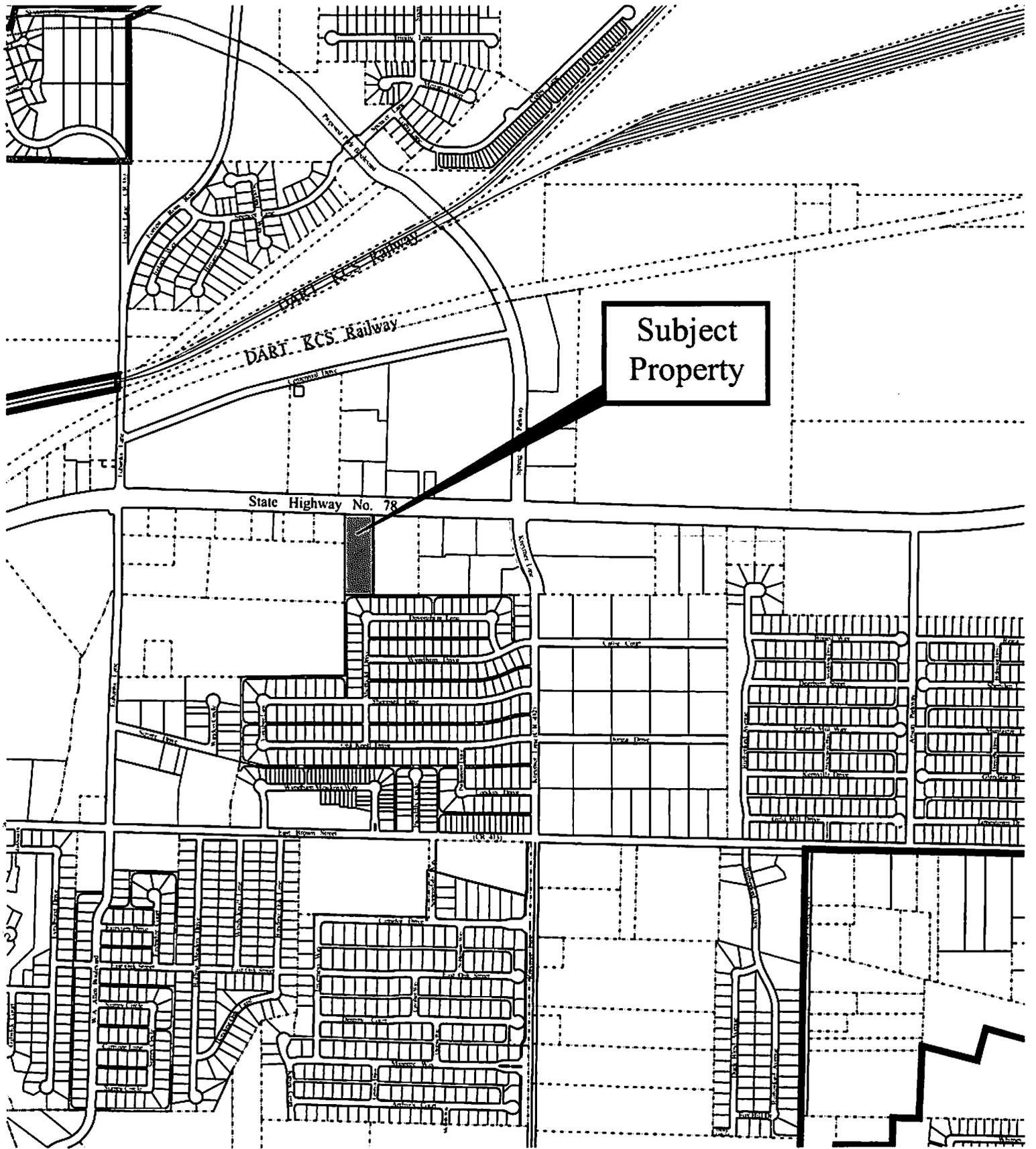
**Department Director**

*Initial*

RO

*Date*

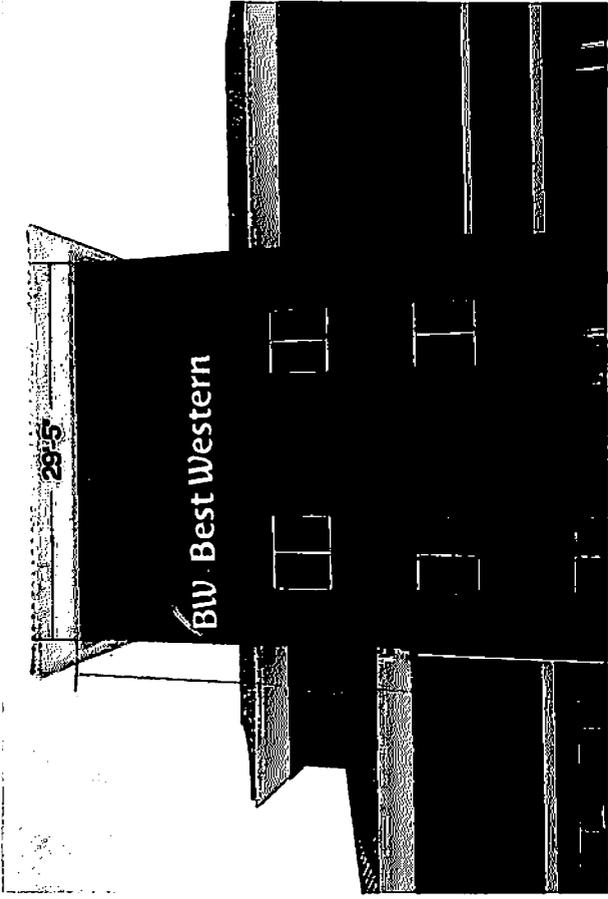
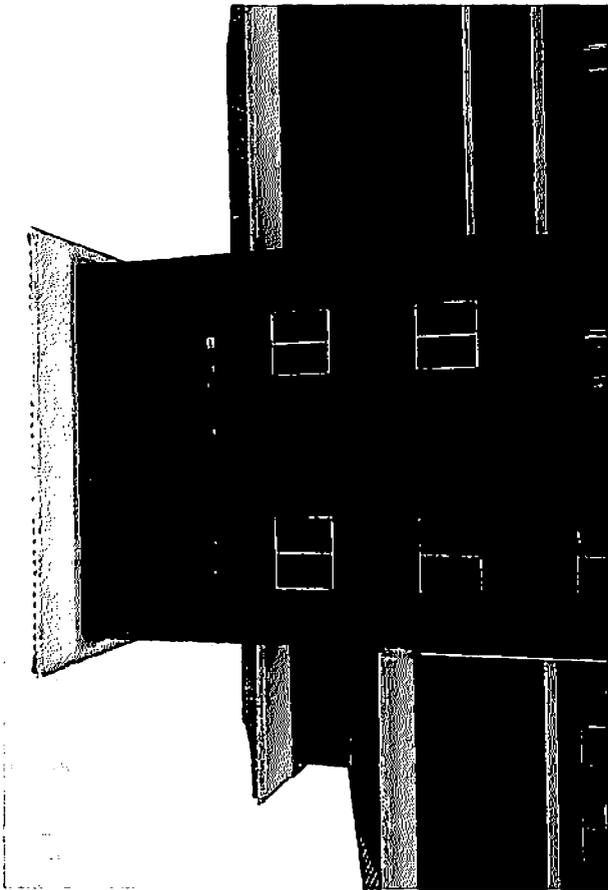
11-14-16



LOCATION MAP  
ZBA CASE #2016-13



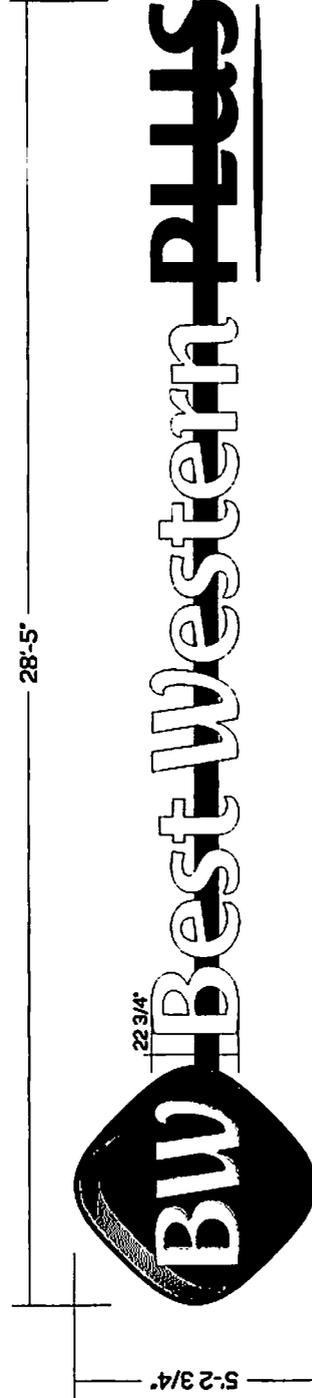
1



**EXISTING**

6' 1" WIDE WORD BEST  
12 1/2" WIDE WORD WESTERN  
15'6" TALL X 29'5" WIDE  
EDGE TO EDGE OF BUILDING

**PROPOSED**



GRAPHIC DETAIL  
SCALE: 1/4" = 1'-0"

**NOTE:** Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: <b>BEST WESTERN PLUS</b>	Date: <b>10/21/16</b>	Prepared By: <b>IDV/RM</b>	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Westtown, SD 57201-0210 1.800.843.9888 - www.personasigns.com
Location: <b>WYLIE, TX</b>	File Name: <b>144494 - R6 - WYLIE, TX</b>	Eng: <b>-</b>	

**persōna**  
SIGNS | LIGHTING | IMAGE

Wylie  
Public Safety  
Complex

Woodlake Village

Abst 688  
Tr 195

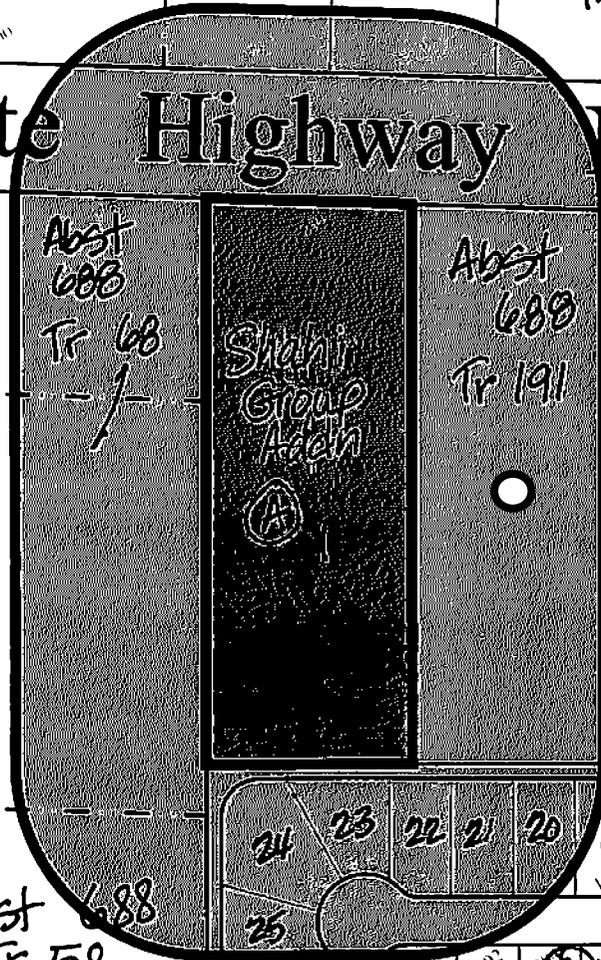
1R-4RR

1R-5R

1R-2

State Highway No. 78

Bob Heath  
Addition



Abst 688  
Tr 68

Abst 688  
Tr 191

Shahin  
Group  
Addition

(A)

Abst 688  
Tr 58

24	23	22	21	20	19	(A)	18	17	16	15	14	13
1207	1209	1211	1213	1301	1303	1305						

Devonshire Lane

13	12	(B)	11	10	9	8	7	6	5	4
1200	1202	1204	1206	1208	1210	1212	1300	1302	1304	

Wyndham Estates (B)

14	15	16	17	18	19	20	21	22	23
1201	1203	1205	1207	1209	1211	1213	1301	1303	1305

Wyndham Drive

1200	1202	1204	1206	1208	1210	1212	1300	1302	1304
15	16	17	18	19	20	21	22	23	24

OWNER NOTIFICATION MAP  
ZBA CASE #2016-13

# NOTIFICATION REPORT

APPLICATION FILE 2016-13

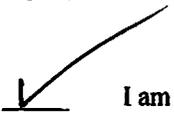
APPLICANT: Nash Patel  
1607 N. Watson Road Arlington, Tx 76006

#	BLK/ABST	LOT/TRACT	TAX I.D. #	PROPERTY OWNER NAME	ADDRESS
1				Applicant Nash Patel	1607 N. Watson Road Arlington, Texas 76006
2	Blk C	Woodlake Village Lot 1R-4RR	R-2381-00C-1R4R-1	Self Service Car Washes of Texas, Inc.	6559 E. Northwest Highway Dallas, Texas 75231
3	Blk C	Woodlake Village Lot 1R-5R	R-2381-00C-01R5-	KAAP Commercial, LLC	8909 Poono Drive Plano, Texas 75025
4	Blk C	Woodlake Village Lot 1R-2	R-2381-00C-01R2-1	TMH Prosperity, LLC	6905 Canyon Meadow Drive Sachse, Texas 75048
5	Blk A	Shahi Group Addn Lot 1	R-9171-00A-0010-1	Southern Comfort Hospitality, LLC	2011 N. Highway 78 Wylie, Texas 75098
6	Blk A	Wyndham Estates Lot 19	R-1855-001-0190-1	Thomas Schwartz	1207 Devonshire Lane Wylie, Texas 75098
7	Blk A	Wyndham Estates Lot 20	R-1855-001-0200-1	Walter Justice	1205 Devonshire Lane Wylie, Texas 75098
8	Blk A	Wyndham Estates Lot 21	R-1855-001-0210-1	Dalip Kavazi	1203 Devonshire Lane Wylie, Texas 75098
9	Blk A	Wyndham Estates Lot 22	R-1855-001-0220-1	Richard Miller	1201 Devonshire Lane Wylie, Texas 75098
10	Blk A	Wyndham Estates Lot 23	R-1855-001-0230-1	George Blackford	503 Sheffield Drive Wylie, Texas 75098
11	Blk A	Wyndham Estates Lot 24	R-1855-001-0240-1	George Blackford	503 Sheffield Drive Wylie, Texas 75098
12	Blk A	Wyndham Estates Lot 25	R-1855-001-0250-1	Joseph Hendrich	8635 Flicker Lane Dallas, Texas 75238
13	Blk B	Wyndham Estates Lot 12	R-1855-002-0120-1	Jerry Baugh	1202 Devonshire Lane Wylie, Texas 75098
14	Blk B	Wyndham Estates Lot 13	R-1855-002-0130-1	Gary Smith	1200 Devonshire Lane Wylie, Texas 75098
15	Abst 688	Tract 58	R-6688-002-0580-1	1905 Wylie, LLC	300 Crescent Court #700 Dallas, Texas 75201
16	Abst 688	Tract 68	R-6688-002-0680-1	Upwind Capital Partners, LLC	901 Foxwood Lane Wylie, Texas 75098
17	Abst 688	Tract 191	R-6688-002-1910-1	W&R Group, LLC	6301 Cliff Drive Fort Smith, AR 72903
18	Abst 688	Tract 195	R-6688-002-1950-1	City of Wylie	300 Country Club Road #100 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#2016-13.



I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case #2016-13.

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

Monday, November 21, 2016, 6:30 pm  
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: W & R Group, LLC  
*(please print)*  
Address: 6301 Cliff Dr  
Fort Smith, AR  
Signature: [Handwritten Signature]  
Date: Nov 8, 2012

**COMMENTS:**

---

---

---

---

---

---

---

---

---

---