

Zoning Board of Adjustments



January 18, 2016

Regular Business Meeting



Wylie Zoning Board of Adjustment

NOTICE OF MEETING

Regular Meeting Agenda
Monday, January 18, 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
William Hiney Board Member
Kevin Finnell Board Member
Karyn McGinnis Alternate Board Member
Andres Gonzalez 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 November 16, 2015 Meeting.

REGULAR AGENDA

Public Hearing

1. Hold a public hearing to Consider and act upon, a request from **Robert Schraplau** for a Variance to Section 8.G.5 of the Zoning Ordinance for extending the time period of 90 days to take action on approved variance request from previous ZBA Case 2015-14 for roof pitch. The property is located at 715 WA Allen Boulevard, being Lot 7, Block A of Mill Creek Estates. **ZBA 2016-01**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 15th day of January, 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, November 16, 2015 – 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 6:32 p.m. and stated that a quorum was present. Those present were: Chair Jourdan, Vice Chair Jason Potts, Board Member William Hiney, Board Member Robert Holcomb, and Board Member Andres Gonzalez.

Staff members present were: Renae' Ollie, Planning Director, Jasen Haskins, Sr. Planner and Mary Bradley, Administrative Assistant.

CONSENT ITEMS

1. Consider and act upon approval of the Minutes of the October 19, 2015 Meeting.

A motion was made by Board Member Hiney and seconded by Board Member Holcomb, to approve the Minutes as submitted. Motion carried 5 - 0.

PUBLIC HEARINGS

Item 1 – ZBA 2015-13

Hold a Public Hearing to consider and act upon, a request from **Stephen Foster** for a Variance to Section 4.F.C 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 2015-13.**

Board Action

A motion was made by Board Member Hiney, and seconded by Board Member Gonzalez, to remove ZBA 2015-13 from the Table. Motion carried 5 – 0

Staff Comments

Mr. Haskins stated that the applicant is Stephen Foster. The applicant is requesting variance primary façade to property located 22 Steel Road. Currently, the building is one-hundred percent metal. In 2012, the applicant received a variance to allow the metal building to be used for a period of 30 months or October 2014. No use may occupy the building without a variance or the building complies with current standards.

Twelve Comment Forms were mailed to property owners within 200 feet. One comment form was received in favor and received no comment form in opposition.

Public Comments

Chair Jourdan continued the Public Hearing.

Mr. Stephen Foster, 1901 W Spanish Oak Drive, Granbury, Texas, stated that he desires to put masonry and stone on the exterior of building. His designer, Mr. Bryan Rogers was present to address questions. Mr. Bryan Rogers, 511 Rustic Place, Wylie, Texas, stated that Mr. Foster has decided to add stucco finish and stone to the exterior of the building.

Mr. Haskins questioned Mr. Rogers about the new request and what was originally proposed. Mr. Rogers stated the request for a variance to the building material requirement was still valid, but the change was to the time frame. To complete the exterior material work, he would need probably 90 to 120 days.

Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Board Member Holcomb, and seconded by Vice Chair Potts, to Grant to allow the metal structure to continue as is for 120 Days from November 17, 2015. Motion carried 5 – 0.

Item 2 – ZBA 2015-14

Hold a Public Hearing to consider and act upon, a request from **Robert Schraplau** for a Variance to Section 3.4.F.6 of the Zoning Ordinance to reduce the required residential roof pitch from the required 8:12 to 4:12. The property is located at 715 WA Allen Boulevard, being Lot 7, Block A of Mill Creek Estates. **ZBA 2015-14.**

Staff Comments

Mr. Haskins stated that the applicant is proposing a residential structure with a roof pitch less than is required in the Zoning Ordinance. The required roof pitch is 8:12, which means the roof must rise (or slope vertically) eight inches for every 12 inches of run (horizontal).

Architecturally, a normal roof pitch on a residential structure can range from 4:12 to 9:12. In areas of high rain or snowfall a higher roof pitch is desirable to allow for proper drainage. Staff may research and recommend a change in the Zoning Ordinance to allow either a 6:12 or a 4:12 roof pitch.

The subject property is located within an established development, setback from the main road. The building elevations provided by the applicant show the 4:12 roof pitch which the applicant feels is more aesthetically pleasing compared to the required 8:12 roof pitch.

Fourteen comment forms were mailed to surrounding property owners. Two comment forms were returned both in opposition of the request. Mr. Haskins stated that one of the comments was against due to no consistency in the neighborhood, and the other comment, the respondent may not have understood the nature of the request as their written comments dealt with an HOA, not the roof slope variance request.

Public Comments

Chair Jourdan opened the Public Hearing.

Mr. Robert Schraplau, 1365 E Stone Road, Wylie, the applicant for the subject request, stated that his profession is an architect, and the proposed structure will be his personal home. The design of the home is a clear story design that shed light to the interior of home. An 8:12 roof pitch is not appropriate for the design of the proposed structure. Surrounding homes have a variety of roof pitches, from 4:12 to 6:12.

Chair Jourdan closed the Public Hearing.

Board Discussion

Board Member Hiney questioned the unique physical circumstance for the variance. Ms. Ollie stated that no unique circumstance for the variance, but there is a part that falls under the other conditions. In Staff's opinion the other conditions include the offset from the road, the tree line barrier from the other neighborhoods and all those play a part in the other conditions to request for a variance. Mr. Haskins stated that while the lot usually creating the unique circumstance for a variance, but in the subject request, the design of the structure creates the unique conditions for the request.

Board Action

A motion was made by Chair Jourdan, and seconded by Board Member Holcomb, to Grant the Variance to reduce the required residential roof pitch from the required 8:12 to 4:12. Property located 715 WA Allen Boulevard, being Lot 7, Block A of Mill Creek Estates. Motion carried 5 – 0.

Item 3 – ZBA 2015-15

Hold a Public Hearing to consider and act upon, a request from **Lee Karnes** for a Variance to Ordinance 2014-44, Section 22-447 Wall Signs, requirement for the maximum size of a wall sign, property located at 2710 W FM 544, being 5.08 acres of the WM Sachse Survey. **ZBA 2015-15.**

Staff Comments

Mr. Haskins stated that the property is located at 2710 W FM 544, and is zoned Commercial Corridor.

The applicant is proposing to add two attached wall signs to the main structure, and the proposed height is 36 inches. Currently, the requirement allows a maximum height of two feet when mounted to a building that is within 100 feet of a street. The main structure is approximately 75 feet from the road.

The sign was originally manufactured to fit on an existing pole sign on the property. While the pole sign is allowed as a continuing non-conforming sign, no signage could be added to it. The applicant was unaware of the non-conforming status when the sign was ordered.

Mr. Haskins also stated that a unique circumstance may exist due to the width of FM544. The structure the signs are to hang from was over 100ft from the road before FM544 was widened.

Public Comments

Chair Jourdan the Public Hearing.

Mr. Don Lewis, applicant, 2710 W FM 544, Wylie, stated that his profession is a Farmers Insurance Agent and the sign is the standard format from the company. Mr. Lee Karnes was the contractor with the sign company.

The sign is already made, but since the double facing sign is not allowed on the pole sign, it will be cut into two single sided signs. The request is to allow attached wall signs on the structure, one on the east side of the building, and the other sign to be facing FM 544.

Ms. Lisa Henry, Owner of the property was in attendance, and had no comments.

Mr. Chad Packard, Apple Orthodontic, 2610 W FM 544, adjacent property owner, was also in attendance and had no comments.

Chair Jourdan closed the Public Hearing.

Board Action

A motion was made by Board Member Jourdan, and seconded by Board Member Hiney, to Grant the Variance to allow two wall signs on the property located at 2710 W FM 544, being 5.08 acres of the WM Sachse Survey. Motion carried 5 – 0.

ADJOURNMENT

A motion was made by Board Member Hiney, and seconded by Board Member Gonzales to adjourn the meeting. All Board Members were in consensus, and the meeting adjourned at 7:14p.m.

Linda Jourdan, Chair

ATTEST:

Mary Bradley, Administrative Assistant

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Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>January 18, 2016</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>ZBA 2016-01</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>715 WA Allen</u>
Date Prepared:	<u>January 07, 2016</u>	Subdivision Name:	<u>Mill Creek Estates Addition</u>
		Exhibits:	<u>Location Map, Elevation Examples, Notification List and Map with Responses</u>

Subject

Hold a public hearing to Consider and act upon, a request from **Robert Schraplau** for a Variance to Section 8.G.5 of the Zoning Ordinance for extending the time period of 90 days to take action on approved variance request from previous ZBA Case 2015-14 for roof pitch. The property is located at 715 WA Allen Boulevard, being Lot 7, Block A of Mill Creek Estates. **ZBA 2016-01**

Discussion

Applicant: Robert Schraplau

Owner: Robert Schraplau

The applicant was granted a variance on November 16, 2015 to reduce the residential roof pitch from 8:12 to 4:12. The applicant has requested for an extension of the time to act on the approved variance from 90 days to 24 months. Reasons for this are that the applicant will begin construction of his house in two years.

In accordance with Section 8.4.G.5 the appellant shall act upon an approved variance within 90 days from the date of the favorable action of the Board.

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.

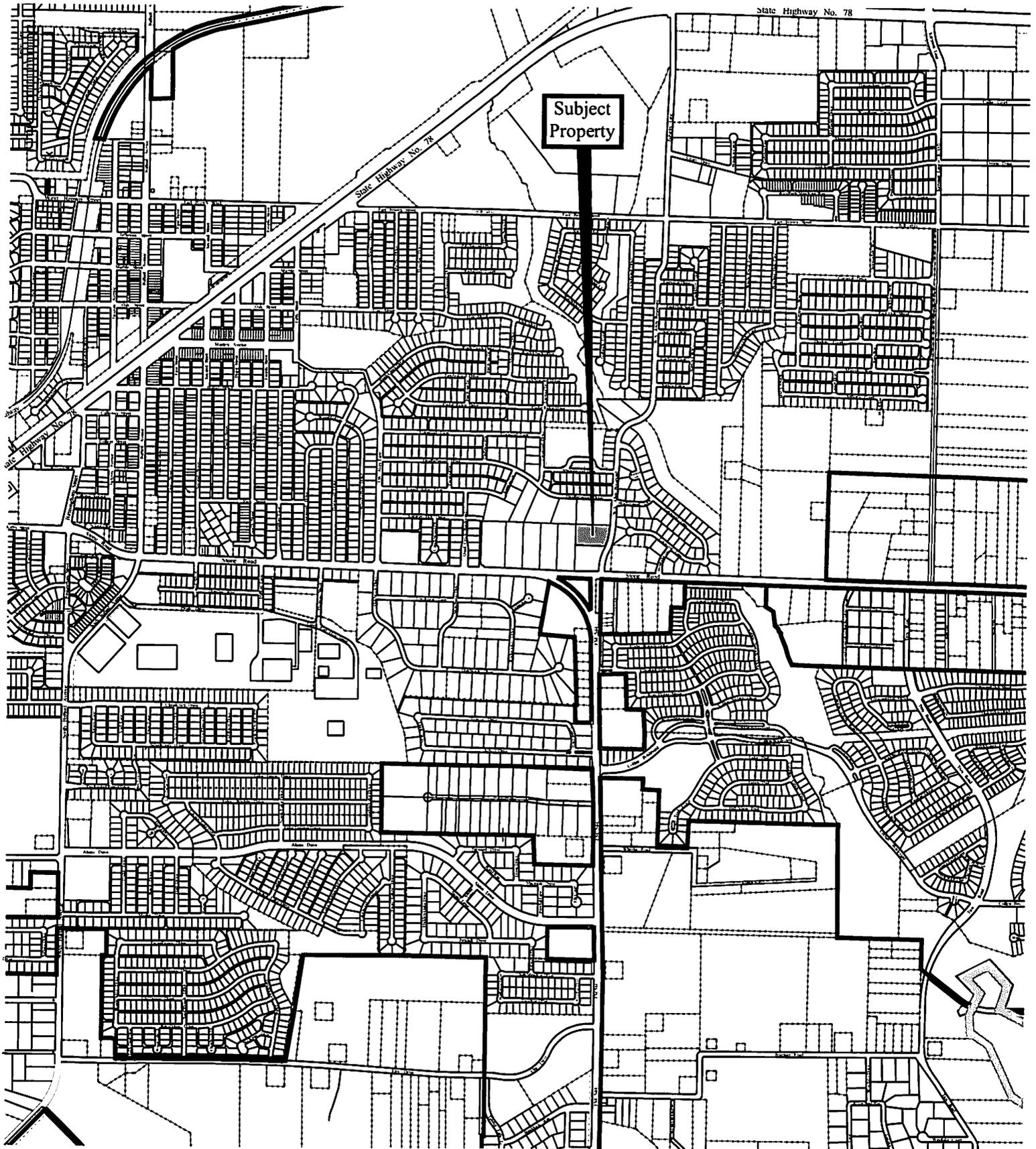
Public comment forms were mailed to fourteen (14) property owners within 200 feet of this request, as required by State Law. Two comments were received at the time of posting. One being in favor of the request and one being in opposition. The comment in opposition stated that the house should conform to the other houses in the neighborhood.

Approved By

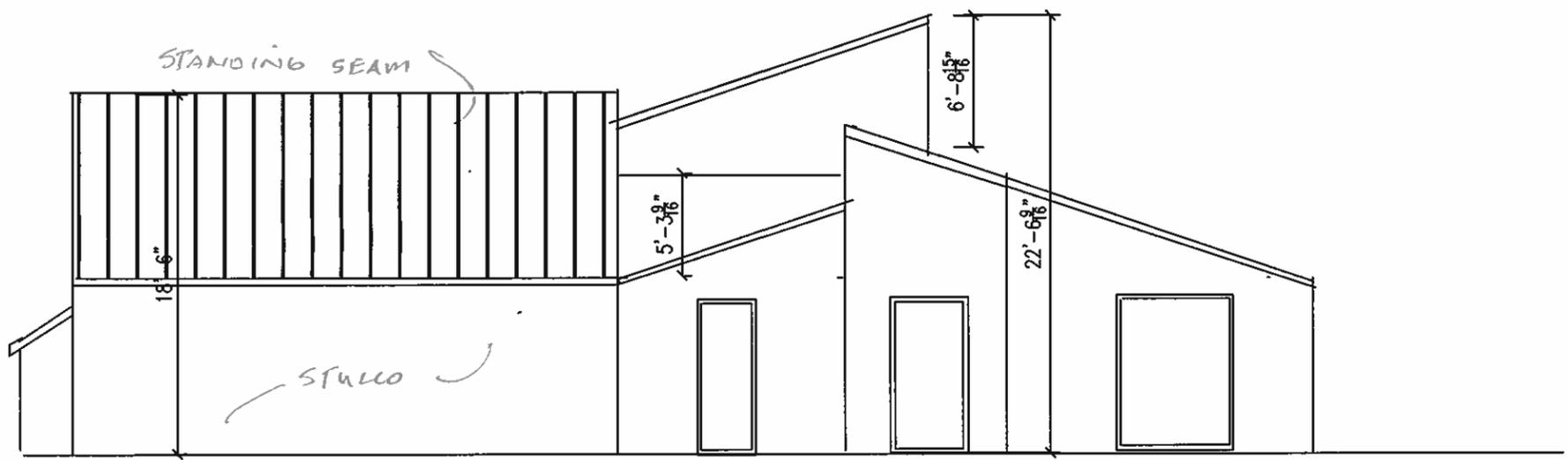
Department Director

Initial
RO

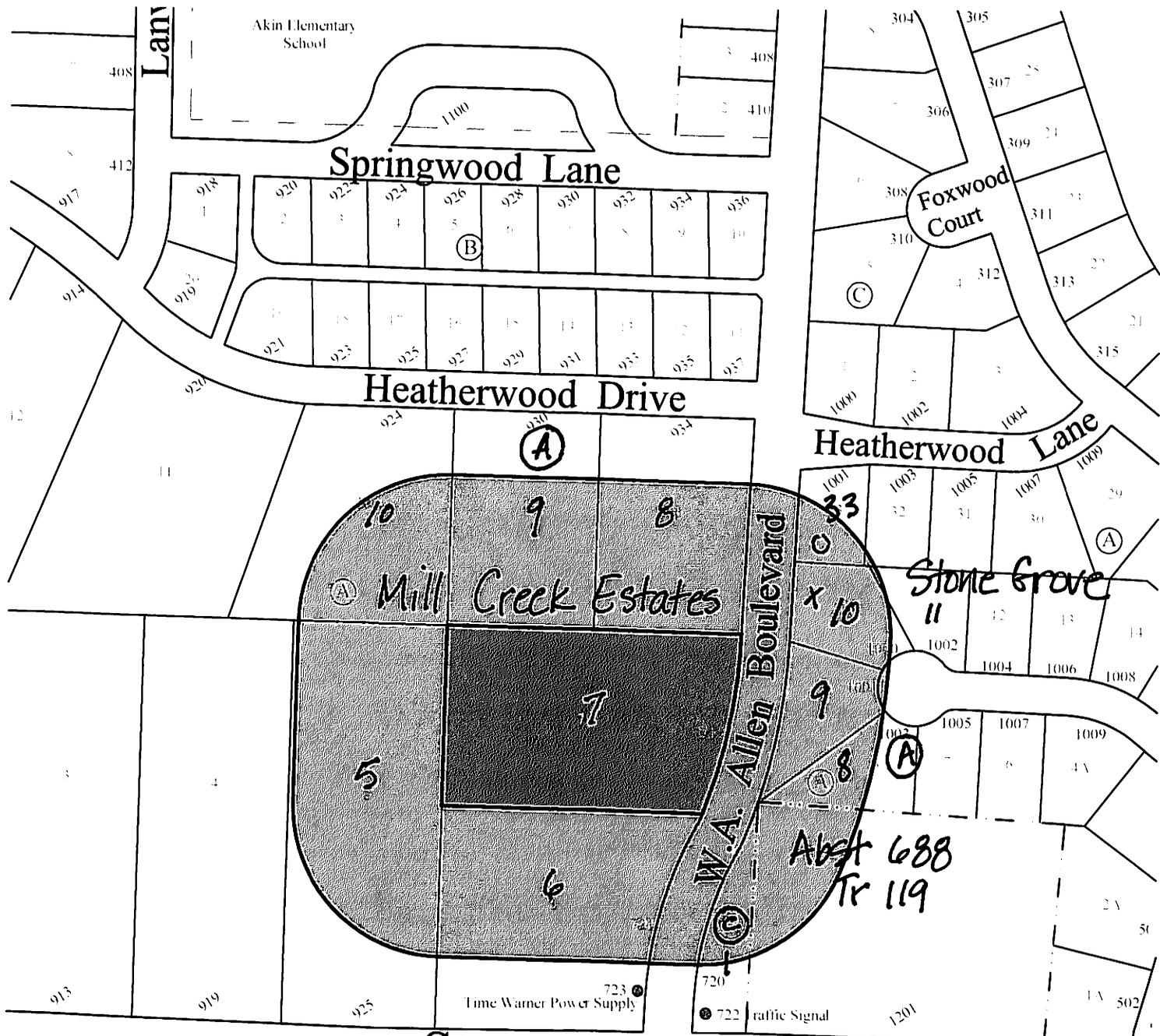
Date
01-15-16



LOCATION MAP
ZBA CASE #2016-01



ELEVATION WITH 4 IN 12 ROOF



OWNER NOTIFICATION MAP
ZBA CASE #2016-01

NOTIFICATION REPORT

APPLICANT: Robert C. Schraplau APPLICATION FILE 2015-14
PO Box 573 Wylie, Texas 75098

#	BLK/ABST	LOT/TRACT	TAX I.D. #	PROPERTY OWNER NAME	ADDRESS
1				Applicant Robert C. Schraplau	PO Box 573 Wylie, Texas 75098
2	Blk A	Mill Creek Estates Lot 5	R-3247-00A-0050-1	John Burns	925 E. Stone Road Wylie, Texas 75098
3	Blk A	Mill Creek Estates Lot 6	R-3247-00A-0060-1	Ty Paul	721 N. WA Allen Boulevard Wylie, Texas 75098
4	Blk A	Mill Creek Estates Lot 7	R-3247-00A-0070-1	Robert Schraplau	1635 E. Stone Road Wylie, Texas 75098
5	Blk A	Mill Creek Estates Lot 8	R-3247-00A-0080-1	Chalene Xuan Ha	934 Heatherwood Drive Wylie, Texas 75098
6	Blk A	Mill Creek Estates Lot 9	R-3247-00A-0090-1	Joe Edge	PO Box 617 Wylie, Texas 75098
7	Blk A	Mill Creek Estates Lot 10	R-3247-00A-0100-1	Glynn Tyson	924 Heatherwood Drive Wylie, Texas 75098
8	Blk C	Mill Creek Estates Lot 1	R-3247-00C-0010-1	City of Wylie	300 Country Club Road #100 Wylie, Texas 75098
9	Blk A	Stone Grove Lot 8	R-2248-00A-0080-1	Donald Fisher	1003 Foxwood Lane Wylie, Texas 75098
10	Blk A	Stone Grove Lot 9	R-2248-00A-0090-1	No Information Available	
11	Blk A	Stone Grove Lot 10	R-2248-00A-0100-1	Phillip Johnson	1000 Foxwood Lane Wylie, Texas 75098
12	Blk A	Stone Grove Lot 11	R-2248-00A-0110-1	Dennis Knechtly	1002 Foxwood Lane Wylie, Texas 75098
13	Blk A	Stone Grove Lot 33	R-2248-00A-0330-1	Mark Phillips	1001 Heatherwood Drive Wylie, Texas 75098
14	Abst 688	Tract 119	R-6688-005-1190-1	Greg Myers	1201 E. Stone Road Wylie, Texas 75098
15					
16					
17					

X

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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#2016-01.

AKK

I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case#2016-01.

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

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

Name: Mark and Kim Phillips
(please print)

Address: 1001 Heatherwood Dr.
Wylie, TX 75098

Signature: *Kim Phillips*

Date: 1/18/2016

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#2016-01.

I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case#2016-01.

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

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

Name: PHIL JOHNSON
(please print)
Address: 1808 W. FOXWOOD LN
Wylie TX 75098
Signature: Phil Johnson
Date: 1/11/16

COMMENTS:

House needs to conform to other houses
in the neighborhood.

e-MAILED

JAN 11 2016