

**Zoning Board of Adjustment**

**DEPARTMENT:** Development Services

**FROM:** Tony D. McIlwain, Development Services Director

**MEETING:** March 31, 2026

**SUBJECT:**

725 Wyche CT (Case 25-343): Hold a public hearing and consider and take possible action on a variance to Appendix B, Zoning Regulations; Section 132-115; accessory building and structure yard regulations; to allow an accessory structure (carport) in the front yard. (Staff Contact: Tony D. McIlwain, Development Services Director)

**STRATEGIC PRIORITY AND GOAL(S):**

Strategic Priority	Strategic Goal
 <p><b>Dynamic &amp; Preferred City</b> Through Managed Growth</p>	<p>2.2 Promote sustainable residential and commercial development through strategic and long-term planning</p>

**SUMMARY:**

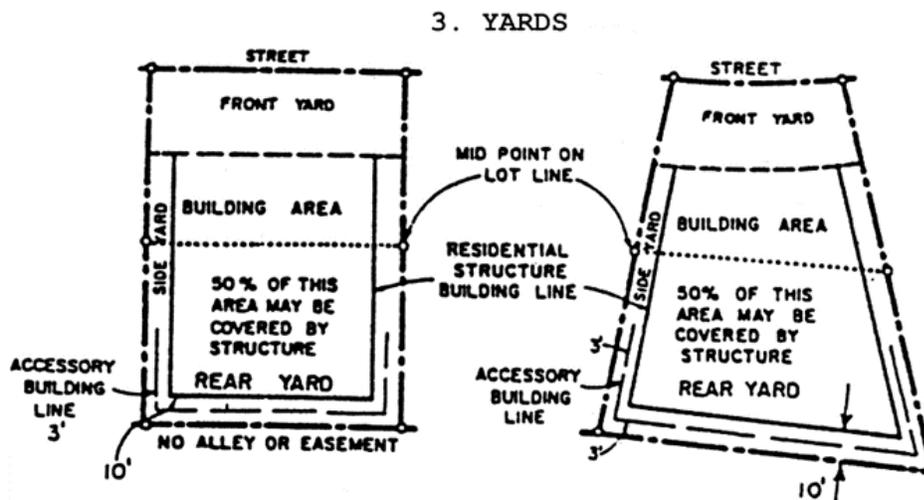
Ms. Hopson is submitting this variance request to allow an existing accessory structure (carport) to remain in place. On September 8, 2025, Code Compliance received a 3-1-1 call regarding a carport being constructed without proper permits. Following a re-inspection of the premises, staff issued a notice of violation on September 19, 2025. On October 6, 2025, a building permit application was submitted for an accessory structure (carport). On October 13, 2025, the permit was denied based on the staff's interpretation and findings listed below.

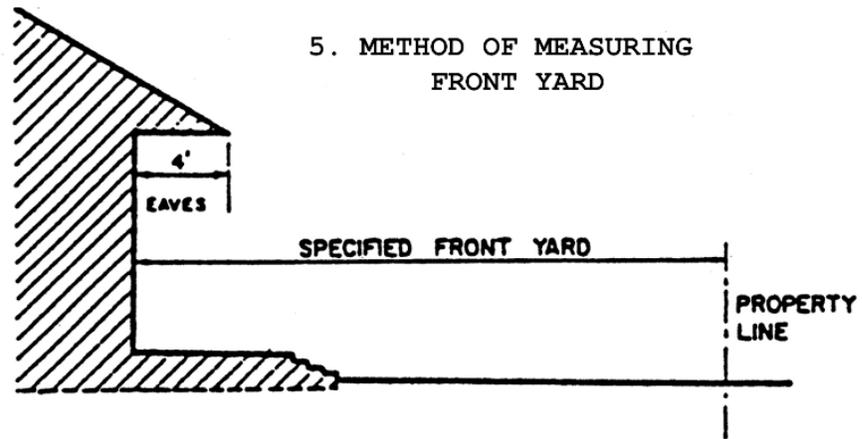
**STAFF INTERPERTATION AND FINDINGS:**

*The structure has been found to be non-conforming by staff based on the following findings:*

- *Detached accessory buildings shall be located in the area defined as the rear yard of the lot. Sec 132-115(a), Appendix B, Code of Ordinances.*

- The location of the detached carport is within the front yard of the property as measured by Illustration 5 from Appendix 17-100, Code of Ordinances, and not the rear yard as shown in Illustration 3 from Appendix 17-100, Code of Ordinances.
- A Front and Rear Yard are defined in Section 50-105, Appendix B, Code of Ordinances as:
  - **Yard, Front.** A yard adjoining a public street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the distance in which it is located.
  - **Yard, Rear.** A yard, extending across the rear of a lot between the side lot lines, having a depth between the building and the rear lot line as specified in the district in which the lot is situated.
- The SF10 zoning regulations, Section 56-120, Appendix B, Code of Ordinances requires the following:
  - Depth of front yard: 25 feet minimum
  - The closest point of the detached carport to the property line is approximately 15 feet.





Approximate location of carport shown in red above

Staff discussed various options with Ms. Hopson, to include the variance process. She has opted to submit her request for consideration.

Burleson Code of Ordinances Section 11-115 articulates the Powers of the board.

**(a)** The board of adjustment has the following powers:

**(1)** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance as amended.

**(2)** To hear and decide variances and special exceptions to the terms and of this ordinance as required under the ordinance.

**(3)** To authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

**(4)** Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by the building, and the addition of off-street parking or off-street loading to a nonconforming use.

**(b)** In exercising the its powers the board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

**(c)** The board may permit such variance or modifications of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape or slope that it cannot be appropriately developed without such modification. In exercising its power to grant a variance in accordance with this ordinance, the board of adjustment shall make findings and show in its minutes that:

**(1)** There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.

**(2)** That a variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed, under the ordinance, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.

**(3)** That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city.

(4) That the variance, if granted, will not be materially detrimental to the public welfare or the use, enjoyment, or value of property in the vicinity.

(d) The board may require the discontinuance of nonconforming uses of land or buildings under any plan whereby the full value of the buildings and facilities can be amortized within definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of this ordinance. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard to the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property. The board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the city.

**RECOMMENDATION:**

Barring any opposition from the public, staff has no objection to the variance being granted.

**PRIOR ACTION/INPUT (Council, Boards, Citizens):**

N/A

**REFERENCE:**

[City of Burleson, TX ZONING DISTRICTS](#)

**FISCAL IMPACT:**

None.

**STAFF CONTACT:**

Tony D. McIlwain, AICP, CFM  
Development Services Director  
[tmcilwain@burlesontx.com](mailto:tmcilwain@burlesontx.com)  
817-426-9684