



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning
Prepared By: Kevin Molina

Item Number: 1

Subject

Hold a Public Hearing to consider and act upon a request by David Steven Lively for a variance to Section 2.5.C of the Zoning Ordinance to allow for an accessory structure over the maximum allowed square footage, over the allowed accessory structure building height and for the allowance of three accessory structures. Property located at 631 Rockspring Drive. (ZBA 2026-03).

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: David Steven Lively

APPLICANT: Artisan Construction Group

The applicant is requesting a variance to Section 2.5.C of the Zoning Ordinance to allow for an accessory structure that measures approximately 1,054 sq.ft with a building height of approximately 29' to the peak of the roof. The property is located at 631 Rockspring Drive and the proposed use of the structure is to be used as a mixed use space for storage and as an office/studio. The structure will not be used as an accessory dwelling unit.

The applicant is requesting three variances to allow for the construction of the structure:

- Variance to Section 2.5.2(f) of the Zoning Ordinance to allow for a maximum accessory structure height of 29' in lieu of the maximum allowed 15'.
- Variance to Section 2.5.C.2(a) of the Zoning Ordinance to allow for three accessory structures to be placed on the lot in lieu of the maximum allowance of two structures. The property currently contains a covered patio and a detached shed.
- Variance to Section 2.5.C.2(b) of the Zoning Ordinance to allow for the combined area of all accessory structures on the property to exceed the maximum allowed lot coverage of no more than 60% of the primary structure. With the primary structure measuring 1,901 sf there is an allowance of a max of 1,140.6 sf accessory structure lot coverage. The combined area of all accessory structures is approximately 1,605 sf being 85% of the area of the primary structure.

The purpose of the Ordinance restricting building size and height of accessory structure is to regulate lot coverage and provide separation from adjacent properties and existing structures. However, the home is smaller and the lot is larger than the zoning ordinance normally accounts for, so the request has merit. For example, the home is 1,900 sqft, which is under the minimum 2,400 sqft required by the ordinance. This limits the property owner to less than what would be allowed (60% rule) if the home were at today's zoning ordinance standards. Additionally, the property is approximately one acre which is 2-4 times larger than most residential properties in Wylie, which gives the property owner the open space the zoning ordinance is aiming to protect.

The applicant believes the variance request has merit for the following reasons:

- The accessory structure shall be in compliance with setback requirements and allows for access to all open spaces surrounding the structure with a building separation of at least 10' from all adjacent properties.

- The accessory structure shall not have elevated windows on the northern elevation which would affect the privacy of the surrounding property owners.
- The wall building height of the proposed accessory structure is approximately 21'. The additional height is due to the roof line of the structure. Residential properties in the city which are at least 1 acre in size are allowed an accessory structure building height of 20'. With the property being on 0.91 acres it is closer in comparison to a 1 acre lot than to a standard 10,000 sf or 20,000 sf residential lot.

Public comment forms were mailed to thirteen (13) property owners within 200 feet of this request, as required by State Law. At the time of posting, three comment forms were returned in favor and none in opposition of the request.

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.