



# Wylie Zoning Board of Adjustment

## AGENDA REPORT

<b>Meeting Date:</b>	<u>July 19, 2021</u>	<b>Item Number:</b>	<u>1</u>
<b>Department:</b>	<u>Planning</u>	<b>Case Number:</b>	<u>2021-05</u>
<b>Prepared By:</b>	<u>Jasen Haskins, AICP</u>	<b>Project Location:</b>	<u>501C N State Highway 78</u>
<b>Date Prepared:</b>	<u>May 10, 2021</u>	<b>Subdivision Name:</b>	<u>Railroad Addition</u>
		<b>Exhibits:</b>	<u>Locator Map, Site Plans, Notification Map, Comments</u>

### Subject

Hold a Public Hearing to consider and act upon a request by Shelly Tsai for a variance to Figure 4-3, Sections 4.3.E.1(a), 4.3.E.4(a) and Figure 5-3 of the Zoning Ordinance to allow for a reduction in the required setbacks, landscaping and parking for a re-development located at 501C N State Highway 78. **ZBA 2021-05**

### Discussion

**Applicant: Shelly Tsai**

**Owner: Shelly Tsai**

The subject property is located at 501C N State Highway 78 and is currently zoned Commercial Corridor.

The applicant is requesting to remodel an existing car wash by enclosing it and creating two commercial suites.

Remodel improvements render the site non-conforming with the current Zoning Ordinance requirements and requires an approval of variances to setbacks, landscaping and parking for work to begin.

The applicant is proposing to add landscaping on the southwest corner of the subject property. The requested variance is for 5% landscape coverage instead of the required 20% for commercially zoned districts. There is additional landscaping at the entrances, however that is on TxDOT right-of-way (ROW) for SH78.

The applicant is proposing to provide 11 parking spaces, which should be adequate for most uses. However, there are some uses that may require two extra spaces. There is on street parking in City ROW to the south. Any use parked at 1 to 200 or more would be allowed if the variance is granted.

The applicant is requesting the rear and side setbacks of the building remain at 0'. The site was platted in the 1970's and developed in the 1980's so different development standards were in place at the time. Without a variance the structure and use could only remain a car wash.

A hardship may exist due to the shape and size of the lot. Due to the shape of the lot redevelopment would be limited to a structure smaller than what currently exists.

Site plan approval will be required by the Planning and Zoning Commission if this variance were to be approved.

Public comment forms were mailed to fourteen (14) property owners within 200 feet of this request, as required by State Law. At the time of posting no comment forms were returned in favor or 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.

**Approved By**

**Department Director**

*Initial*  
JH

*Date*  
May 12, 2021