



Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>July 19, 2021</u>	Item Number:	<u>3</u>
Department:	<u>Planning</u>	Case Number:	<u>2021-07</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>25 Steel Road</u>
Date Prepared:	<u>May 10, 2021</u>	Subdivision Name:	<u>Regency Business Park</u>
		Exhibits:	<u>Locator Map, Site Plans, Floor Plan, Elevations, Notification Map, Comments</u>

Subject

Hold a Public Hearing to consider and act upon a request by Kevin Foley for a variance to 5.2.J.8 of the Zoning Ordinance to allow for an independent self-contained dwelling unit as an accessory use within the structure of an office/showroom use. Property located at 25 Steel Road. **ZBA 2021-07**

Discussion

Applicant: Kevin Foley

Owner: Kevin Foley

The subject property is located at 25 Steel Road and is currently zoned within the Light Industrial District.

The applicant is requesting for the allowance of an accessory use for a caretakers quarters/ domestic or security unit that is located within the structure of a general office/showroom use.

A variance is requested as the Zoning Ordinance defines Caretakers Quarters as, “an independent, self-contained dwelling unit located on the same lot as the principal use or structure and which provides residential accommodations for a property manager or security personnel.”

The applicant is asking for an interpretation on the meaning of “independent, self contained” and whether the proposal meets that definition.

The applicant has provided a floor plan which shows the proposed layout for the industrial and living spaces.

Public comment forms were mailed to nine (9) property owners within 200 feet of this request, as required by State Law. At the time of posting one comment form was returned in opposition and zero returned in favor 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