



Wylie Zoning Board of Adjustment

AGENDA REPORT

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| Meeting Date: | July 19, 2021 | Item Number: | 6 |
| Department: | Planning | Case Number: | 2021-10 |
| Prepared By: | Kevin Molina | Project Location: | 1451 Park Blvd |
| Date Prepared: | July 12, 2021 | Subdivision Name: | Bear Foot Lodge Addition |
| | | Exhibits: | Locator Map, Survey, Elevation, Notification Map, Comments |

Subject

Hold a Public Hearing to consider and act upon a request by Marquis Ellis for a variance to Section 5.5.A of the Zoning Ordinance to allow for an extension to the time frame allowed for 2 temporary buildings. Property located at 1451 Park Blvd. **ZBA 2021-10**

Discussion

Applicant: Marquis Ellis

Owner: Watkins Family Trust

The subject property is located at 1451 Park Blvd and is currently zoned in the Birmingham Farms Planned Development 2002-39

The applicant is requesting a variance to allow for a 60 day extension to the time allowed for two temporary buildings. Each building contains 2 temporary classrooms for the Bearfoot Lodge Private School. A temporary use permit is typically allowed for a time of 90 days. The extension would increase the time to 150 days.

A unique circumstance may be apparent as the private school is requesting additional time for the temporary buildings due to repairs on the main building from the February 2021 winter freezing storm not being completed.

Public comment forms were mailed to sixteen (16) 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

July 15, 2021