



# Wylie Zoning Board of Adjustment

## AGENDA REPORT

Meeting Date:	<u>September 20, 2021</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>2021-14</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>7940 E Parker Rd</u>
Date Prepared:	<u>September 09, 2021</u>	Subdivision Name:	<u>Stone 2514 Addition</u>
		Exhibits:	<u>Locator Map, Site Plan, Floor Plan, Notification Map</u>

### Subject

Hold a Public Hearing to consider and act upon a request by Alvin Harrison for a variance to Section 5-2 of the Zoning Ordinance to allow for 32 parking spaces in lieu of 40 parking spaces for a day care facility. Property located at 7940 E Parker Rd. **ZBA 2021-14**

### Discussion

**Applicant: Thomas Vilbig**

**Owner: Alvin Harrison**

The subject property is located at 7940 E Parker Rd and is currently zoned Commercial Corridor.

The applicant is requesting a variance to allow for reduced parking for a day care facility by providing 32 parking spaces in lieu of 40 parking spaces. The Zoning Ordinance has a parking requirement of 4 spaces per classroom. The variance is being requested for the potential of up to 10 classrooms being allowed.

The applicant and staff believe the variance request has merit for the following reasons:

- A covered area shall be provided to alleviate parking normally required for drop-offs and pick-ups. The parking required by the zoning ordinance does not account for a drive-thru area.
- Staff conducted an informal survey of local day-cares and found that there was unutilized parking, even at peak times.
- Other cities' requirements are less strict than Wylie; Dallas would require 18 spaces, Plano would require 31, and Garland would require 34, for the same building.

If this variance were to be approved a full site plan review and approval will be required by the Planning and Zoning Commission.

Public comment forms were mailed to ten (10) 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*  
September 13, 2021