



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 Jeffrey Basch for a variance to Section 2.5.C of the Zoning Ordinance to allow for 1' side setbacks in lieu of the required side setback of 20' and 1' residential proximity requirement in lieu of 5'. Property located at 100 N Westgate Way. **ZBA 2023-04**

Recommendation

Motion to **approve, deny.**

Discussion

OWNER: Jeffrey Basch

APPLICANT: Jeffrey Basch

The applicant is requesting a variance to Section 2.5.C of the Zoning Ordinance to allow for 1' side setback in lieu of the required side setback of 20' and 1' residential proximity setback in lieu of 5' for the permitting of an already commenced detached patio cover that measures 352 sq.ft.. The property is located at 100 N Westgate Way. The purpose of the addition is to allow for backyard coverage.

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

- The patio cover has a minimal impact on visibility concerns due to it being unenclosed.

Public comment forms were mailed to twenty-seven (27) 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.