



# Wylie Zoning Board of Adjustments

## AGENDA REPORT

Department: Planning

Item Number: 4

Prepared By: Kevin Molina

### Subject

Hold a Public Hearing to consider and act upon a request by Issac Shang for a variance to Section SF-C.1 of Planned Development 1999-39 to allow for an unenclosed attached patio cover within the rear setback. Property located at 3503 Barberrry Drive. (ZBA 2024-09).

### Recommendation

Motion to **approve or deny**.

### Discussion

**OWNER: Issac Shang**

**APPLICANT: Issac Shang**

The applicant is requesting a variance to Section SF-C.1 of Planned Development 1999-39 to allow for 14' rear setbacks in lieu of 25' for the allowance of a 870 sq.ft. attached patio cover. The property is located at 3503 Barberrry Drive.

The purpose of the Ordinance restricting rear setback requirements is to provide separation from adjacent properties and existing structures.

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

- The city's Zoning Ordinance adopted as of June 2023 allows for a 10' rear setback for attached unenclosed patio covers. The 25' setback restriction comes from the existing Planned Development that was originally established in 1999 (Ordinance 99-39).
- The patio is unenclosed and allows for access on all sides of the structure.
- The McCreary Estates Homeowners Association has provided a conditional approval letter for the attached patio cover pending city approvals.

Public comment forms were mailed to thirty-one (31) property owners within 200 feet of this request, as required by State Law. At the time of posting, one comment form was 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.