



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning

Item Number: 3

Prepared By: Kevin Molina

Subject

Hold a Public Hearing to consider and act upon a request by Wylie Shops by Slate for a variance to Section 7.3 of Zoning Ordinance 2023-23 to allow for temporary parking on 2” asphalt paving with 3” flex base compaction for a period of 24 months. Property located at 1820 N State Highway 78. (ZBA 2024-08).

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: Wylie Shops by Slate

APPLICANT: Cross Engineering Consultants

The applicant is requesting a variance to Section 7.2 of the Zoning Ordinance 2023-23 to allow for 40 temporary parking spaces on a surface consisting of 2” asphalt paving with 3” flex base in lieu of a concrete surface for a period of 24 months. The property is located at 1820 N State Highway 78.

The purpose of the Ordinance requiring concrete surfaces for parking is due to its durability. The applicant is requesting the variance to offer a temporary overflow parking solution for the existing multi-tenant retail building located to the south at 1806 N State Highway 78. The engineering and fire departments have both reviewed this proposal and have found the temporary surface to be acceptable.

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

- The request for the temporary parking is limited to a duration of 24 months as the subject property is part of Planned Development 2022-38 which allows for shared parking for Lots 3R, 4R, 5R and 6, Block A of Woodlake Village. The temporary parking is requested as a temporary solution while the developments for Lot 6 and Lot 5R are completed.

Public comment forms were mailed to four (4) 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.