



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning

Item Number: 2

Prepared By: Kevin Molina

Subject

Hold a Public Hearing to consider and act upon a request by Douglas Beach for a variance to Section 25.4 of Zoning Ordinance 1991-22 to allow for an accessory structure over the maximum allowed square footage. Property located at 1800 Stone Glen Drive. (ZBA 2024-13).

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: Douglas Beach

APPLICANT: Douglas Beach

The applicant is requesting a variance to Section 25.4 of Zoning Ordinance 1991-22 to allow for an accessory structure that measures 1,620 sq.ft in lieu of the maximum allowed 600 sq.ft. The property is located at 1800 Stone Glen Drive and the proposed use of the structure is for a garage and workshop.

The purpose of the Ordinance restricting building size of accessory structure is to regulate lot coverage and provide separation from adjacent properties and existing structures. The 1985 Zoning Ordinance has a maximum allowance of 600

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

- The property is located within Planned Development 2005-44 that was originally created in 1999 with base standards of the 1985 Zoning Ordinance that contains more stringent accessory structure requirements than the current ordinance. The city’s Zoning Ordinance adopted as of June 2023 takes into account the lot size and residence size in its calculation in comparison to the older zoning ordinance having a strict 600’ maximum allowance. The applicant’s lot measures 34,507 sq.ft. (0.79 acres) with a planned main residence size of 3,471 (excluding second stories) . The accessory structure would be allowed if the current city code was applicable. The current Zoning Ordinance regulations are below for your reference:
 - The combined floor area of all accessory buildings shall not exceed five (5) percent of lot coverage or sixty (60) percent of the primary structure, whichever is less. In no case shall the combined area of the primary structure and accessory building(s) exceed the maximum percentage of lot coverage allowed for the zoning district on which the structures are placed.
 - The accessory structure is in compliance with setback requirements and allows for access to all open spaces surrounding the structure.
 - The Riverchase Homeowners Association has provided a conditional approval letter for the attached accessory structure pending city approvals.

Public comment forms were mailed to seven-teen (17) 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.