



# Wylie Zoning Board of Adjustment

## AGENDA REPORT

Meeting Date:	August 16, 2021	Item Number:	1
Department:	Planning	Case Number:	2021-12
Prepared By:	Kevin Molina	Project Location:	1602 Martinez Lane Tract 13 of Abstract A0267 E C
Date Prepared:	August 09, 2021	Subdivision Name:	Davidson Survey
		Exhibits:	Locator Map, Site Plan, Elevation, Notification Map

### Subject

Hold a Public Hearing to consider and act upon a request by David Ordanez for a variance to Figure 4-5, Figure 4-7 and Section 4.3.D.4 of the Zoning Ordinance to allow for service and loading areas to face a public street. Property located at 1602 Martinez Lane. **ZBA 2021-12**

### Discussion

**Applicant: David Ordanez**

**Owner: David Ordanez**

The subject property is located at 1602 Martinez Ln and is currently zoned in the Light Industrial district.

The applicant is proposing to develop an office warehouse building for a self-owned HVAC repair company. The applicant is requesting a variance to allow service and loading areas to face a public street.

The applicant has stated that there is a hardship due to the property being on a rectangular lot. The rectangular shape of the lot makes the building's orientation with garage doors facing Martinez Lane the most feasible option for the development of the site. The property across the street of the subject property is also zoned Light Industrial. Within the Creek Bend Industrial Park there are other structures that have service and loading areas that face a public street. The intent of the ordinance is to keep acceptable drive-by aesthetics thereby protecting property values.

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 thirteen (13) 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 to 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*  
August 12, 2021