



Zoning Board of Adjustment

**Minutes
Regular Meeting
July 19, 2021 – 6:30 p.m.
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Bldg. 100
Wylie, TX 75098**

CALL TO ORDER

Announce the presence of a Quorum.

Chair Byron Betler called the meeting to order at 6:30PM. and announced a quorum was present. Board Members in attendance; Chair Betler, Board Member Richard Covington, and Board Member Andrew Wight. Board Member Aaron Lovelace. Those absent Board Member Zewge Kagnev.

Staff present were Mr. Jasen Haskins, Planning Manager, Mr. Kevin Molina, Senior Planner and Ms. Mary Bradley, Administrative Assistant II.

ELECTION OF CHAIR AND VICE CHAIR

Nominate and motion for Chair.

A nomination was made by Board Member Wight, seconded by Board Member Covington for Board Member Betler to be Chair. A vote was taken and carried 4 - 0.

Nominate and motion for Vice Chair.

A nomination was made by Chair Betler, seconded by Board Member Lovelace for Board Member Wight to be Vice Chair. A vote was taken and carried 4 - 0.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

No one approached the Board Members.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Board and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Consider and act upon approval of the Minutes for the March 22, 2021 Meeting.

Board Action

A motion was made by Vice Chair Wight, and seconded by Board Member Covington, to approve the minutes as submitted. A vote was taken and carried 4 – 0.

WORK SESSION

WS1. Hold a work session to discuss the Zoning Board of Adjustment rules, procedures, and responsibilities.

Staff Comments

Mr. Haskins gave a presentation to the Board Members, stating that the Zoning Board of Adjustment was created by Charter and is a judicial Board. He further reviewed the general responsibilities of the Board: Appeals to administrative decisions; Special exceptions to the Zoning Ordinance and Recommend revisions to the Zoning Ordinance based on variances.

A variance request can be hardship, not financial, not be self-imposed, not contrary to the public interest, the spirit of the ordinance is observed and the concurring vote of 75 percent of the members of the board is necessary.

REGULAR AGENDA

Public Hearing

1. Hold a Public Hearing to consider and act upon a request by Shelly Tsai for a variance to Figure 4-3, Sections 4.3.E.1(a), 4.3.E.4(a) and Figure 5-3 of the Zoning Ordinance to allow for a reduction in the required setbacks, landscaping and parking for a re-development located at 501C N State Highway 78. ZBA 2021-05..

Staff Comments

Mr. Haskins addressed the Board Members stating that the property is located at 501C N State Highway 78 and is currently zoned Commercial Corridor. The applicant is requesting to remodel an existing car wash by enclosing it and creating two commercial suites.

The property is non-conforming with the current Zoning Ordinance requirements and requires variances to setbacks, landscaping and parking prior to submittal of Site Plan.

The applicant is proposing to add landscaping on the southwest corner of the subject property. The requested variance is five percent landscape coverage instead of the required 20 percent for commercially zoned districts.

The applicant is proposing to provide 11 parking spaces, which should be adequate for most uses. Any use parked at 1 to 200 or more would be allowed if the variance is granted.

The applicant is requesting the rear and side setbacks of the building remain at zero feet. Without a variance, the structure and use could only remain a car wash.

A hardship may exist due to the shape and size of the lot. Due to the shape of the lot, redevelopment would be limited to a structure smaller than what currently exists.

Public comment forms were mailed to fourteen property owners. No comment forms were received in favor or in opposition of the request.

Public Comments

Chair Betler opened the public hearing for Item 1 at 6:46PM asking anyone present wishing to address Board Members to come forward.

The applicant, Ms. Shelly Tsai addressed the Board Members stating that the car wash was difficult to manage and maintain. Additional concrete will be taken out and landscaping will be installed. The footprint of the building will not be enlarged.

Chair Betler closed the public hearing for Item 1 at 6:47PM.

Board Action

A motion was made by Vice Chair Wight, and seconded by Board Member Lovelace, to grant the variance to Figure 4-3, Sections 4.3.E.1(a) and Figure 5-3 of the Zoning Ordinance to allow for a reduction in the required setbacks, landscaping and parking for a re-development located at 501C N State Highway 78. ZBA 2021-05. A vote was taken and carried 4 - 0.

- 2. Hold a Public Hearing to consider and act upon a request by Jessica Schrader for a variance to Section V.II.14 and Section V.II.15 of Planned Development 2002-52 to allow for a reduction in the required side and rear setbacks of accessory structures. Property located at 1512 Canyon Creek Road. ZBA 2021-06.**

Staff Comments

Mr. Molina approached the Board Members stating that the property is located at 1512 Canyon Creek Road and is currently zoned with Planned Development 2021-06.

The applicant is requesting a reduction in the allowed setbacks for accessory structures from three feet in the rear and three feet on the sides to allow for the placement of a 10 feet by 12 feet pre-manufactured shed. The Planned Development 2002-52 has minimum accessory rear setbacks of 10 feet and five feet for side setbacks.

Public Comment forms were mailed to nineteen property owners. One comment form was received in favor and none in opposition to the request.

Public Comments

Chair Betlerr opened the public hearing for Item 2 at 6:54PM asking anyone present wishing to address Board Members to come forward.

The applicant, Ms. Schrader, approached the Board Members stating that there is a six foot fence along her property and the shed is eight feet in height, however the height does not require a variance. The property behind her is owned by the Homeowners Association.

Chair Betler closed the Public Hearing for Item 2 at 6:55PM.

Board Action

A motion was made by Board Member Covington, and seconded by Vice Chair Wight to grant the variances to Section V.II.14 and Section V.II.15 of Planned Development 2002-52 to allow for a reduction in the required side and rear setbacks for placement of accessory structure. Property located at 1512 Canyon Creek Road. ZBA 2021-04. A vote was taken and carried 4 – 0.

- 3. Hold a Public Hearing to consider and act upon a request by Kevin Foley for a variance to 5.2.J.8 of the Zoning Ordinance to allow for an independent self-contained dwelling unit as an accessory use within the structure of an office/showroom use. Property located 25 Steel Road. ZBA 2021-07.**

Staff Comments

Mr. Molina approached the Board Members stating that the property is located at 25 Steel Road and is undeveloped. The property is currently zoned Light Industrial.

The applicant is requesting for the allowance of an accessory use for a caretaker's quarters/domestic or security unit that is located within the structure of a general office/showroom use.

The Zoning Ordinance defines Caretakers Quarters as, “an independent, self-contained dwelling unit located on the same lot as the principal use or structure and which provides residential accommodations for a property manager or security personnel.”

The applicant is asking for an interpretation on the meaning of “independent, self contained” and whether the proposal meets that definition.

The applicant has provided a floor plan which shows the proposed layout for the industrial and living spaces. In staff’s opinion the size of the living space is large and provides a two bedroom space, which can possibly accommodate multiple people. The building is two-story and the living space is upstairs and downstairs.

Public comment forms were mailed to nine property owners. No comment forms were received in favor and one comment form was received in opposition to the request.

Public Comments

Chair Betler opened the public hearing for Item 3 at 7:08PM asking anyone present wishing to address Board Members to come forward.

Mr. Bryan Rogers, Better Design Resources, representative for the applicant, approached the Board Members stating that the living quarters will be approximately 1,000 square feet and will house one adult and one child that will stay one night a week. Mr. Rogers stated that a similar request was approved by the board for 2001 Alanis. Board Members expressed concern of the size of the two-story apartment via the property located at 2001 Alanis was a one bedroom studio apartment.

Mr. Rogers stated that the apartment would be a temporary use. Board Member Covington questioned if a temporary use variance could be considered. Mr. Rogers stated that the applicant's timeframe to live within the apartment is five to seven years, therefore a temporary variance is not feasible.

Mr. Kevin Foley, applicant, approached the Board Members stating that currently he lives in a home in Wylie, but will sell in order to construct the proposed building and then live on the property. The purpose of living on the proposed property is for efficiency purposes, and to keep an eye on investment as there will be a performance agreement with Wylie Economic Development.

Chair Betler closed the public hearing for Item 3 at 7:10PM.

Board Discussion

Vice Chair Wight recommended removing the door leading to the warehouse from the apartment. Mr. Rogers agreed to remove the door. Board Members Covington expressed concern about the type of use needing property management inside the building, about the size of the apartment, and that the request was more of a financial hardship. Chair Betler expressed concern about the request being residential within the Light Industrial District.

Board Action

A motion was made by Vice Chair Wight, and seconded by Board Member Lovelace to grant the variance with stipulation of door to the warehouse from the apartment be removed. A vote was taken and it failed 2-2. The request was denied.

- 4. Hold a Public Hearing to consider and act upon a request by Devin Runwicz for a variance to Section 2.5 of the Zoning Ordinance to allow for reduced rear setbacks, reduced roof slope, an increased maximum height, and increased lot coverage of an accessory structure. Property located at 2924 Montague Trail ZBA 2021-08.**

Staff Comments

Mr. Molina approached the Board Members stating that the property is located at 2924 Montague Trail and is currently zoned Single Family 10/24 (SF 10/24).

The applicant is requesting variances to allow for the placement of a 750 square feet detached garage with reduced rear setbacks of five feet in lieu of 10 feet, an increased maximum height allowance of 18 feet in lieu of 15 feet, a minimum roof slope of 2:12 in lieu of 3:12 and an increased lot coverage of nine percent in lieu of five percent.

The applicant is planning on installing a lift in the garage for the storage of classic cars.

Public comment forms were mailed to 27 property owners. No comment forms were returned in favor and two comment forms were returned in opposition to the request.

Public Comments

Chair Betler opened the public hearing for Item 4 at 7:31 PM asking anyone present wishing to address Board Members to come forward.

Mr. Devin Runwicz, the applicant, approached the Board Members stating that he collects and works on classic cars. The proposed garage will store multiple classic cars and a boat, and various household items.

Chair Beltler closed the public hearing at 7:33 PM.

Board Discussion

The Board Members discussed the height of the garage and compounding variances and all agreed that the request did not fit in the neighborhood or meet the spirit of the ordinance.

Board Action

A motion was made by Vice Chair Wight and seconded by Board Member Covington to deny the variances as requested. Property located at 2924 Montague Trail. A vote was taken and carried 4 - 0.

- 5. Hold a Public Hearing to consider and act upon a request by Robert Diaz for a variance to Section 6.3.E.6 of the Zoning Ordinance to allow for an increased size of a monument size for the Downtown Historic District. Property located at 112 S. Ballard. ZBA 2021-09.**

Staff Comments

Mr. Molina approached the Board Members stating that the property is located at 112 S Ballard and is currently zoned Downtown Historic District (DTH).

The applicant is the City of Wylie, and the request is to allow an electronic sign that measures a maximum of 15 feet in width and 11 feet in height, being a total square footage of 165 square feet. The regulations within the Downtown Historic District, Article 6, Section 6.3.E.6 of the Zoning Ordinance does not specifically allow for monument signs to be placed within the district boundaries.

Comment forms were mailed to 26 property owners, and one comment was received in favor and none were received in opposition to the request.

Public Comments

Chair Betler opened the public hearing for Item 5 at 7:42PM asking anyone present wishing to address Board Members to come forward.

Mr. Robert Diaz, Parks and Rec Director, approached the Board Members stating that the purpose of the sign is to update the current metal black sign. An existing monument sign is across the street and the proposed sign will be similar to the existing sign.

Chair Betler closed the public hearing for Item 5 at 7:44PM.

Board Action

A motion was made by Vice Chair Wight, and seconded by Chair Betler to grant the variance to Section 6.3.E.6 of the Zoning Ordinance to allow for an increased size of a monument size for the Downtown Historic District. A vote was taken and carried 4 - 0.

- 6. Hold a Public Hearing to consider and act upon a request by Marquis Ellis for a variance to Section 5.5.A of the Zoning Ordinance to allow for an extension to the time frame allowed for two temporary buildings. Property located at 1451 Park Boulevard. ZBA 2021-10**

Staff Comments

Mr. Molina approached the Board Members stating that the property is Bearfoot Lodge Private School located at 1451 Park Boulevard, and currently zoned Planned Development 2002-39.

The applicant is requesting to extend temporary building use from 90 days to 150 days for two temporary buildings. The purpose of the temporary buildings is that the building had damage during the winter storm in February and construction is underway to complete the repairs. The temporary buildings are used for two classrooms.

Public comment forms were mailed to 16 property owners; no comment forms were received in favor or in opposition to the request.

Public Comments

Chair Betler opened the public hearing at 7:45PM asking anyone present wishing to address Board Members to come forward. With no one approaching the Board Members, Chair Betler closed the public hearing.

Board Action

A motion was made by Board Member Covington, and seconded by Board Member Lovelace to grant the variance to Section 5.5.A of the Zoning Ordinance to allow for an extension to the time frame allowed for two temporary buildings. Property located at 1451 Park Boulevard ZBA 2021-10. A vote was taken and carried 4 - 0.

- 7. Hold a Public Hearing to consider and act upon a request by Wakass Abdrazak 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 100 Kristen Lane. ZBA 2021-11**

Staff Comments

Mr. Molina approached the Board Members stating that the property is located at 100 Kristen Lane and is currently zoned Light Industrial.

The applicant is requesting a variance to allow service and loading areas to face a public street. The applicant has stated that the hardship is due to the property being on a corner lot thereby having two street facings.

Public comment forms were mailed to 15 property owners; no comment forms were received in favor or in opposition to the request.

Public Comments

Chair Betler opened the public hearing for Item 7 at 7:55PM, asking anyone present wishing to address Board Members to come forward.

Mr. Kiew Kam, Triangle Engineering, representative for the applicant, approached the Board Members stating that Kristen Lane is a private street. A drive-in ramp will be installed off Martinez, and three loading areas will be provided off Kristen Lane.

Mr. Dennis Williams 120 Kristen Lane approached the Board Members stating he was in opposition and expressed concern of blocking Martinez Lane and Kristen Lane with 18-wheeler trucks.

Mr. Kaliq, representative for DCMG architecture, approached the Board Members stating that the use of the building is a medical use, and the trucks will not be 18-wheel trucks but half-ton trucks.

Chair Betler closed the public hearing at 8:07PM for Item 7.

Board Discussion

Vice Chair Wight expressed concern about the number of loading areas and the drive-up ramp and possibly blocking Martinez Lane. Staff stated that the applicant will still need to submit a site plan for consideration by the Planning and Zoning Commission prior to construction. The requested variance is just for the overhead door facing Martinez, as currently submitted.

Board Action

A motion was made by Board Member Lovelace and seconded by Board Member Covington to grant the 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. A vote was taken and failed 3 -1, with Vice Chair Wight in opposition.

Ms. Bradley stated that there will be a meeting on August 16, 2021. Vice Chair Wight stated that he will not be able to attend the meeting.

ADJOURNMENT

A motion was made by Board Member Covington and seconded by Chair Betler, to adjourn the meeting at 8:10PM. A vote was taken and carried 4 – 0.

Byron Betler, Chair

ATTEST:

Mary Bradley