



Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>August 16, 2021</u>	Item Number:	<u>2</u>
Department:	<u>Planning</u>	Case Number:	<u>2021-13</u>
Prepared By:	<u>Kevin Molina</u>	Project Location:	<u>1415 Eugene Dr</u>
Date Prepared:	<u>August 09, 2021</u>	Subdivision Name:	<u>Creekside Estates Phase I</u>
		Exhibits:	<u>Locator Map, Site Plan, Elevation, Notification Map</u>

Subject

Hold a Public Hearing to consider and act upon a request by Paul Louk for a variance to Section 11.3.1.2 and 11.3.1.4 of Planned Development 2021-08 to allow for reduced rear and side setbacks for an addition to a single-family home. Property located at 1415 Eugene Drive. **ZBA 2021-13**

Discussion

Applicant: Paul Louk

Owner: Paul Louk

The subject property is located at 1415 Eugene Drive and is currently zoned in the Creekside Estates Planned Development 2021-08 .

The applicant is requesting a variance to allow for rear setbacks of 7' in lieu of 25' and side setbacks of 5' in lieu of 6' for a 780 sq.ft. addition to a single family home.

The purpose of the setback in the Ordinance is to preserve open space, lot coverage, and privacy based on the needs and design of each community.

The applicant has stated that the variance is needed to allow for the proposed home addition and accommodate for space for residents and guests.

Public comment forms were mailed to twenty-five (25) 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.

Approved By

Department Director

Initial

JH

Date

August 10, 2021