



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning

Item Number: 6

Prepared By: Kevin Molina

Subject

Hold a Public Hearing to consider and act upon a request by Susan Christensen for a variance to Section 1.2 of Planned Development 2018-10 to allow for an unenclosed pergola within the rear, side and proximity to a main structure setbacks. Property located at 1024 Manchester Drive. (ZBA 2024-11).

Recommendation

Motion to approve or deny.

Discussion

OWNER: Susan Christensen

APPLICANT: Susan Christensen

The applicant is requesting a variance to Section 1.2 of Planned Development 2018-10 to allow for an accessory structure within 1' of the main structure in lieu of 5', within 6' feet of the rear setbacks in lieu of 15' and within 4' of the side setbacks in lieu of 5' for a pergola that measures 12'x10'(120 sq.ft.). The property is located at 1024 Manchester Drive

The purpose of the Ordinance restricting setback requirements is to provide separation from adjacent properties and existing structures. The Planned Development has a provision which states that no accessory structures are allowed. Approval of this variance would allow for the proposed pergola at the requested setbacks.

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

- The city's Zoning Ordinance adopted as of June 2023 allows for a 3' rear and side setback for accessory structures. The aforementioned setback restriction comes from the existing Planned Development that was originally established in 2018 (Ordinance 2018-10).
- The pergola is unenclosed and allows for access on all sides of the structure.
- The Birmingham Bluffs Home Owners Association has provided a conditional approval letter for the pergola pending city approvals.

Public comment forms were mailed to thirty (30) property owners within 200 feet of this request, as required by State Law. At the time of posting, three comment forms were returned in favor and none 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.