



# Wylie Zoning Board of Adjustments

## AGENDA REPORT

Department: Planning

Item Number: 1

Prepared By: Kevin Molina

### Subject

Hold a Public Hearing to consider and act upon a request by F & S Ventures LLC for a variance to Section 4.3 & Section 9 of the Zoning Ordinance to allow for the remodeling and change of use of a nonconforming structure. Property located at 1959 N State Highway 78. (ZBA 2025-02).

### Recommendation

Motion to **approve or deny**.

### Discussion

**OWNER: F&S Ventures LLC**

**APPLICANT: Better Design Resources LLC**

The applicant is requesting a variance to Section 4.3 & Section 9 of the Zoning Ordinance to allow for the remodeling of an existing self storage building to a multi-tenant commercial structure. The proposed uses are a grooming business, a Youth With A Mission (YWAM) thrift store, and two office uses.

The variance is required due to the existing building not being in compliance with setbacks, landscaping, and architectural articulation requirements. The developer is planning on refacing the exterior with a 100% masonry appearance.

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

- The structure is non conforming due to the building being constructed prior to the Commercial Corridor zoning being in place.
- The existing development surrounding the property and shape of the subject property makes development of the property difficult if required to be in compliance with current Zoning Ordinance requirements.
- State Law allows for ZBoA to consider "...the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code. The cost of compliance would likely exceed this threshold as compliance with side setbacks would require the existing building to be demolished and a new building built.

Public comment forms were mailed to eight (8) 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.