



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning
Prepared By: Kevin Molina

Item Number: 3

Subject

Hold a Public Hearing to consider and act upon a request by Meezan Investments LLC for a variance to Section 3.4.D.1(a), 3.4.D.1(c) & Figure 3-4 of the Zoning Ordinance to allow for Single Family 10/24 development with a variance to the required 30' buffer from a flood plain, variance to the required 40' buffer from a thoroughfare and variance to the double frontage lot depth and rear setback requirements. Property located at 1501 W Brown St. **ZBA 2025-10**

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: Meezan Investments LLC

APPLICANT: Meezan Investments LLC

The applicant is requesting a variance to Section 3.4.D.1(a), 3.4.D.1(c) & Figure 3-4 of the Zoning Ordinance to remove the provisions of the Single Family SF 10/24 zoning district and residential design standards that require a 30' buffer from a flood plain, a 40' buffer from a thoroughfare, and double lot frontage depth as generally shown on the Variance exhibit with double lot rear setbacks of 30' in lieu of 45'. The property is located at 1501 W Brown St. and is zoned Single Family SF 10/24. The variance exhibit shows the development of 12 single family detached units and one open space Home Owners Association lot accessed by a newly created public street.

The purpose of the landscape buffers from the flood plain and major thoroughfares is to provide enhancements to public spaces and thoroughfares. The purpose of double frontage lots having increased lot depths and increased setbacks is to provide adequate rear yard sizing and building spacing from public roadways.

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

- The irregular shape of the subject property, adjacency to the floodplain, and requirement to dedicate 20' of Right of Way for West Brown Street limits the developable area of the site while maintaining a 50' wide public street and 10,000 sq.ft. residential lots.
- While the 30' landscape buffer is not being provided the developer intends to create a 41,353 sq.ft. Home Owners Association open space lot adjacent to the flood plain to serve as a public open space for the subdivision.
- While the 40' landscape buffer is not being provided there is a 20' Right of Way dedication which contains an existing sidewalk along the parkway. The developer shall also provide a 6' wrought iron fence between brick or stone column screening or a Landscape Earthen Berm with a 3:1 slope.
- The double frontage lot depth and setback requirements of 120' depth and 45' rear setback shall be reduced to the depths as shown on the Variance exhibit with rear setbacks of no less than 30'. The developer shall ensure that the residential units meet all other setback and dwelling unit size requirements.

Public comment forms were mailed to six-teen (16) 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.

A Plat review with approval by the City Council shall be required were this variance to be approved.

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.