



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning
Prepared By: Kevin Molina

Item Number: 2

Subject

Hold a Public Hearing to consider and act upon a request by Eric Harger for a variance to Section 4.2.A.3 of the Zoning Ordinance to allow for 10' front setbacks in lieu of the required 25'. Property located at 1603 Martinez Lane. **ZBA 2025-09**

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: Eric Harger

APPLICANT: Johnson Volk Consulting

The applicant is requesting a variance to Section 4.2.A.3 of the Zoning Ordinance to allow for 10' front setbacks in lieu of the required 25' to allow for the construction of two commercial structures closer to the right-of-way and accommodate space for rear parking and fire lane requirements. The property is located at 1603 Martinez Lane and is zoned in the Light Industrial district.

The purpose of the Ordinance restricting front setback requirements is to provide separation from public right of ways. While the City's zoning ordinance standard requirement for setbacks is 25', the required front setback of properties does not take into consideration the additional buffer provided by parkways within the right of way.

The applicant and staff believe the variance request has merit for the following reasons:

- A spacing of at least 23' will remain from the front of the structures to the curb of Martinez Lane. The applicant intends to install a 5' wide sidewalk adjacent to the front of the structures. Martinez Lane is not listed as a thoroughfare on the thoroughfare plan and is fully built out at a 50' right of way width.
- The Zoning Ordinance recommends having loading areas not be visible from the right of way. Additional space is necessary at the rear of the property for the maneuverability of loading trucks and access to rear loading doors.
- Fire lanes are typically required on-site to ensure fire trucks and emergency vehicles can access structures while not being blocked by public traffic. The proposed plan allows for emergency vehicles to access both structures while meeting the 150' hose lay requirement.
- A similar variance was approved across from the street of this property at 1602 Martinez Ln. The applicant is requesting to install buildings and sidewalks with a similar configuration due to having similar limitations due to the lot shape. **ZBA 2022-01**

Public comment forms were mailed to seven-teen (17) 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 site plan review with approval by the Planning and Zoning Commission 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.