



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 Charles R. Taylor for a variance to Section 5.2.18 of Planned Development 2002-52 to allow for an accessory structure with a 1' proximity setback to the main structure in lieu of the required setback of 5'. Property located at 1302 Taren Trail. **ZBA 2023-08**

Recommendation

Motion to **approve, deny.**

Discussion

OWNER: Charles R. Taylor

APPLICANT: Charles R. Taylor

The applicant is requesting a variance to Section 5.2.18 of Planned Development 2002-52 to allow for 1' proximity setback to the main structure in lieu of the required setback of 5' for the permitting of an accessory structure that measures 80 sq.ft. (8'X10'). The property is located at 1302 Taren Trail. The accessory structure is being proposed to replace a previously existing structure of the same dimensions. The previous structure was placed without a permit. The new structure shall provide wood siding with matching shingles to the primary house.

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

- The applicant has received HOA approval pending the City's approval of the variance. The letter is included in the packet.
- The accessory structure has a minimal impact on the surrounding property as it does not contain windows and will be screened by an existing wooden fence on the subject property. The height of the accessory structure is 7' at the peak of the roof.

Public comment forms were mailed to thirty-two (32) 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 one in opposition of the request. The comment form received in opposition was from a property owner located within a different subdivision located outside of the notification area.

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.