



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 Aleyda Murillo for a variance to Section 2.5.C.4 & 2.5.C.5 of Zoning Ordinance to allow for an accessory structure within 1' side and rear setbacks in lieu of the required 3'. Property located at 3001 Admiral Drive. (ZBA 2025-15).

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: Aleyda Murillo

APPLICANT: Aleyda Murillo

The applicant is requesting a variance to Section 2.5.C.4 & 2.5.C.5 of Zoning Ordinance to allow for an accessory structure within 1' side and rear setbacks in lieu of the required 3'. The property is located at 3001 Admiral Drive.

The variance request is to allow for the permitting of an existing 120 square foot accessory structure that is built on a concrete slab. The applicant was not aware of the setback or permitting requirements prior to the accessory structure being constructed. The purpose of the Zoning Ordinance restricting setback requirements is to provide separation from adjacent properties. The applicant is anticipating a response from the Sage Creek Home Owners Association to determine if they have any comments about the variance request. If the variance is approved, the accessory structure will require building permitting and inspections.

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

- The accessory structure allows for access to all open spaces surrounding the structure as the setback encroachment is primarily due to the accessory structure roof overhang.
- The structure is 10' in height which is 5' less than what is typically allowed in height. The reduced height mitigates the visual impact on the surrounding neighbors.

Public comment forms were mailed to thirty seven (37) 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.