



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 Ramiro Morales for a variance to Section 4.15 & 4.19-20 of Planned Development 2005-24 to allow for an accessory structure within the side setback, with the proximity to main structure setback and maximum allowed buildable square footage. Property located at 1217 Braddock Way. (ZBA 2024-04).

Recommendation

Motion to **approve or deny**.

Discussion

OWNER: Ramiro Morales

APPLICANT: Ramiro Morales

The applicant is requesting a variance to Section 4.15 & 4.19-20 of Planned Development 2005-24 to allow for an unenclosed carport within 1' of the side setback in lieu of 5' and less than 1' from the main structure in lieu of 5'. The Planned Development also has a maximum allowed accessory structure square footage of 600' sf which the applicant would like to increase to 1,200 sf. The framing of the structure is completed and the project is on hold pending the decision of this variance (Permit 24-002075). A concrete slab is also being proposed beneath the carport and has an active permit (#24-002073).

The purpose of the Ordinance restricting accessory structures within setback requirements is to provide separation from adjacent properties and existing structures. This allows for adequate space for maintenance of grassy areas.

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

- The carport is unenclosed and allows for access on all sides of the structure.
- A gutter system will be installed on the carport to allow for proper drainage to Braddock Way.
- The Braddock Place Estates Homeowners Association has provided a conditional approval letter for the Carport pending city approvals.

Public comment forms were mailed to thirteen (13) property owners within 200 feet of this request, as required by State Law. At the time of posting two comment forms were returned in favor 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.