

# Wylie Zoning Board of Adjustments Regular Meeting

July 18, 2022 – 6:30 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



---

## CALL TO ORDER

Chair Byron Betler called the meeting to order at 6:39PM and announced a quorum was present. Board Members present: Chair Byron Betler, Board Member Sharon Osisyana, Board Member Harold Smith, Board Member Jennifer Grieser. Board Members absent: Board Member Aaron Lovelace, Board Member Richard Covington, and Board Member John Perdomo.

Staff members present: Planning Manager Jasen Haskins, Senior Planner Kevin Molina, and Planning Secretary Mary Bradley.

## COMMENTS ON NON-AGENDA ITEMS

*Any member of the public may address Board regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Board requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Board is not allowed to converse, deliberate or take action on any matter presented during citizen participation.*

No one approached the Board Members with any Non-Agenda Items.

## ELECTION OF CHAIR & VICE CHAIR

A nomination was made for Board Member Betler to be Chair. A motion was made by Board Member Smith, seconded by Board Member Grieser. A vote was taken and carried 4 – 0.

A nomination was made for Board Member Smith to be Vice Chair. A motion was made by Chair Betler, seconded by Board Member Grieser. A vote was taken and carried 4 – 0.

## WORK SESSION

WS1. Hold a work session to discuss the Zoning Board of Adjustment rules, procedures, and responsibilities.

Planning Manager Haskins reviewed the rules, procedures, and responsibilities.

## RECONVENE INTO REGULAR SESSION

## CONSENT AGENDA

*All matters listed under the Consent Agenda are considered to be routine by the Board and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

- A. Consider, and act upon, the approval of the September 20, 2021 Minutes

### Board Action

A motion was made by Chair Betler, seconded by Board Member Grieser to approve the Consent Agenda Item A as presented. A vote was taken and carried 4 – 0.

### **REGULAR AGENDA**

1. Hold a Public Hearing to consider and act upon a request by Richard Parker 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 1602 Martinez Lane. ZBA 2022-01.

### Staff Comments

Senior Planner Molina addressed the Board Members stating that 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 buildings placed closer to the street and accommodate the needed space for rear parking. The property is located at 1602 Martinez Lane and is zoned in the Light Industrial district.

The applicant received conditional approval for the site plan by the Planning and Zoning Commission in June of 2022 for the construction of two 5,590 sf buildings. The reviewed site plan provided parking at the rear of the property due to an existing gas line that is located along the street frontage of the subject property.

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

- Parking on utility easements shall not count towards the required parking. The existing gas line prevents any of the parking spaces that are placed in the front of the lot to count towards the required parking for the development.
- 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 the rear loading doors.

Public Comment forms were mailed to thirteen property owners, one comment form was received in opposition and none were received in favor of the request.

### Public Comments

Chair Betler opened the Public Hearing for Item 1.

Mr. Richard Parker, applicant for the subject property, addressed the Board Members stating that parking could have been placed in front but would not count toward the required number of parking spaces.

Chair Betler closed the Public Hearing for Item 1.

### Board Action

A motion was made by Vice Chair Smith, seconded by Board Member Grieser to Grant Item 1 as submitted. A vote was taken and carried 4 – 0.

2. Hold a Public Hearing to consider and act upon a request by Daimie Mabrey for a variance to Section V.14-15 of Planned Development 2002-52 to allow for three feet side and rear setbacks in lieu of the required five feet side setback and rear setback of 10% of the lot depth. Property located at 1314 Spotted Owl Avenue. ZBA 2022-02.

### Staff Comments

Senior Planner Molina addressed the Board Members stating that the applicant is requesting a variance to Section V.14-15 of the Bozman Farms Planned Development (PD 2002-52) to allow for three feet side and rear setbacks in lieu of the required five feet side setback and rear setback of ten percent of the lot depth. The property is located at 1314 Spotted Owl Avenue. The purpose of this request is to allow for the construction of a patio cover that measures 19x17 (323 square feet).

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

- The 10% of the lot depth rear setback requirement found in the Planned Development is restrictive due to the corner lot's large shape.
- City Council adopted a Zoning Ordinance amendment in January of 2021 allowing for a three feet side and rear setback for accessory structures in December of 2020. Variances are still required for individual Planned Developments that are more restrictive.
- The Architectural Review Committee of the HOA for the Bozman Farms Subdivision has provided a statement stating that they have no opposition for the construction of the Patio Cover at the requested setbacks.

Public comment forms were mailed to twenty-four property owners, six comment forms were received in favor and none in opposition of the request.

#### Public Comments

Chair Betler opened the Public Hearing for Item 2.

Mr. Brad Mabry, applicant for the subject property, addressed the Board Members stating that the backyard has no shade and desire to match the house with a patio cover.

Chair Betler closed the Public Hearing for Item 2.

#### Board Action

A motion was made by Board Member Grieser, seconded by Vice Chair Smith, to Grant Item 2 as submitted. A vote was taken and carried 4 – 0.

3. Hold a Public Hearing to consider and act upon a request by Mark Phillips for a variance to Section 1.C of the Stone Grove Planned Development, PD 1999-29 and Section 3.4.F.6 of the Zoning Ordinance to allow for a 10' side corner setback in lieu of the required 25' side corner setback and for a flat roof slope in lieu of an 8:12 slope. Property located at 1001 Heatherwood Drive. ZBA 2022-03.

#### Staff Comments

Senior Planner Molina addressed the Board Members stating that the applicant is requesting a variance to Section 1.C of the Stone Grove Planned Development. PD 1999-29 and Section 3.4.F.6 of the Zoning Ordinance to allow for a ten feet side corner setback in lieu of the required twenty-five feet side corner setback and for a flat roof slope in lieu of an 8:12 slope.

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

- Elevations of the proposed carport have been presented to surrounding neighbors and seven have approved of the carport's enclosed design with a three feet in height stone wall and 4 feet 9 inches in height cedar slats.

Public comment forms were mailed to eighteen property owners, four comment forms were received in favor and none in opposition of the request.

### Public Comments

Chair Betler opened the Public Hearing for Item 3.

Mr. Mark Phillips, applicant for the subject property, addressed the Board Members stating that carport will protect his boat and truck. The carport will match the main structure.

### Board Action

A motion was made by Board Member Grieser, seconded by Vice Chair Smith, to Grant Item 3 as submitted. A vote was taken and carried 4 – 0.

4. Hold a Public Hearing to consider and act upon a request by Ron Haynes Jr. for a variance to the rear and side setbacks of the Dominion of Pleasant Valley Planned Development, PD 2020-54 to allow for a 10' front and rear setback in lieu of the 20' front and 25' rear setback. Property located at 310 Crape Myrtle. ZBA 2022-04

### Staff Comments

Senior Planner Molina addressed the Board Members stating that the applicant is requesting a variance to the rear and side setbacks of the Dominion of Pleasant Valley Planned Development, PD 2020-54 to allow for a ten feet front and rear setback in lieu of the twenty feet front and twenty-five feet rear setback. Property located at 310 Crape Myrtle. The purpose of this request is to allow for the development of a single family home on an irregular shaped lot.

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

- The lot is located at the cul-de-sac of Crape Myrtle Drive and has a geometry that does not allow the developer to deliver a buildable house pad without reducing the front and rear setbacks. The developer had proposed a layout with Crape Myrtle Drive connecting to Banderilla Lane to avoid the cul-de-sac. However, an agreement to purchase the necessary property from the land owner could not be reached.

Public Comment forms were mailed to five property owners, no comment forms were received in favor or in opposition of the request.

### Board Discussion

Board Members questioned the area to the right. Staff responded that the property to the right is not within the city limits.

### Public Comments

Chair Betler opened the Public Hearing for Item 4.

Mr. Jay Volk, Johnson Volk Consulting, representative for the applicant, addressed the Board Members stating that even with the reduced setbacks, the home would have no obstructions to the surrounding properties on Crape Myrtle.

Chair Betler closed the Public Hearing for Item 4.

### Board Action

A motion was made by Chair Betler, seconded by Vice Chair Smith, to Grant Item 4 as submitted. A vote was taken and carried 4 – 0.

## **ADJOURNMENT**

A motion was made by Chair Betler, and seconded by Board Member Grieser, to adjourn the meeting at 7:11pm.  
A vote was taken and carried 4 – 0.

---

*Byron Betler, Chair*

## **ATTEST**

---

*Mary Bradley, Secretary*