



# 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 Sudheer Vootkuri for a variance to Section 5.5.D of Subdivision Regulations Ordinance 2003-03 to allow for a retaining wall within a utility easement. Property located at 3201 Trailing Vines Bend. (ZBA 2024-02).

### Recommendation

Motion to approve or deny.

### Discussion

**OWNER: Sudheer Vootkuri**

**APPLICANT: Sudheer Vootkuri**

The applicant is requesting a variance to Section 5.5.D of Subdivision Regulations Ordinance 2003-03 to allow for a retaining wall within a utility easement. The proposed retaining wall is for erosion control. The property is located at 3201 Trailing Vines Bend.

The purpose of the Ordinance restricting structures within an easement is to keep utility easements clear. This allows space for repair and/or replacement of utility lines or pipes.

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

- The natural slope of the land will lead to soil erosion, particularly during periods of heavy rainfall or storms. By constructing a retaining wall, the aim is to stabilize the soil and prevent further erosion, thereby safeguarding the integrity of the surrounding landscape.
- In addition to protecting property, the construction of a retaining wall will contribute to enhanced safety for children to play in the yard by preventing slippage and injuries.
- The applicant has verified that there are no utilities within the easement.
- The Woodbridge Homeowners Association has approved the request pending city approvals.

Public comment forms were mailed to thirty-three (33) 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 none 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.