



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning
Prepared By: Kevin Molina

Item Number: 1

Subject

Hold a Public Hearing to consider and act upon a request by Crystal Thomas for a variance to Section 2.5.C of Zoning Ordinance 2023-23 to allow for an accessory structure within a utility easement, within the side setback and within the setback of the proximity to a main structure. Property located at 1725 Port Tack Lane. (ZBA 2024-03).

Recommendation

Motion to approve or deny.

Discussion

OWNER: Crystal Thomas

APPLICANT: Crystal Thomas

The applicant is requesting a variance to Section 2.5.C of Zoning Ordinance 2023-23 to allow for an accessory structure within a utility easement and within 2' of the side setback in lieu of 3' and 2' from the main structure in lieu of 5'. Property located at 1725 Port Tack Lane. The framing of the structure is completed and the project is on hold pending the decision of this variance (Permit #24-001600).

The purpose of the Ordinance restricting accessory structures within an easement and within setback requirements is to keep utility easements clear and provide separation from adjacent properties and existing structures. This allows for adequate space for repair and/or replacement of utility lines or pipes and the maintenance of grassy areas.

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

- The accessory structure will maintain approximately 2'-3' feet of clearance from the property line and existing house. A concrete slab is located in between the existing house and accessory structure which alleviates maintenance concerns. A walkable area remains in between the accessory structure and fence.
- The exterior materials on the house are non-combustible materials, brick, and Hardie Board cement siding. The exterior material installed on the accessory structure will also be non-combustible material, Hardie board cement siding and comply with Fire Code requirements.
- 811 Dig has been contacted and has confirmed that all utilities have been cleared from the area where the accessory structure is proposed.

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 five comment forms were returned in favor and three 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.