



# 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 Barrett Smith for a variance to Section 4.2 of Planned Development 2005-24 to allow for 10' rear setbacks in lieu of the required rear setback of 20' and 4' side setback in lieu of 11' side setback. Property located at 1209 Cedar Point. **ZBA 2023-02**

### Recommendation

Motion to approve, deny.

### Discussion

**OWNER: Barrett Smith**

**APPLICANT: Barrett Smith**

The applicant is requesting a variance to Section 4.2 of the Braddock Place Estates Planned Development (PD 2005-24) to allow for 10' rear setbacks in lieu of the required rear setback of 20' and 4' side setback in lieu of 11' side setback for the construction of a 1,086 residential addition. The property is located at 1209 Cedar Point. The purpose of the addition is to allow for an elderly family member to move into the home. The dimensions of the structure are compliant with ADA recommendations for wheelchair accessibility (36' wide doorways, 48" hallway and passages).

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

- The Braddock Place Estates Architectural Committee has approved the applicant's request contingent on city approvals.
- The proposed structure has a minimal impact on privacy for the adjacent properties as no large windows are being installed that face the north or west side of the property .
- The proposed structure has a minimal impact to the adjacent property to the west due to there being a 10' wide utility easement on the western property. This easement functions as an additional setback for the two properties.

Public comment forms were mailed to seventeen (15) 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 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.