



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 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

Recommendation

Motion to **approve, deny.**

Discussion

OWNER: Validus LLC

APPLICANT: Richard Parker

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 approval of the site plan is dependent on the outcome of this variance request.

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 (13) property owners within 200 feet of this request, as required by State Law. At the time of posting one comment form was returned in opposition and none 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.