



Wylie Zoning Board of Adjustments

AGENDA REPORT

Department: Planning
Prepared By: Kevin Molina

Item Number: 4

Subject

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

Recommendation

Motion to **approve, deny.**

Discussion

OWNER: Wylie DPV, LP

APPLICANT: Ron Haynes, Jr

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 10' front and rear setback in lieu of the 20' front and 25' 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 (5) property owners within 200 feet of this request, as required by State Law. At the time of posting no comment forms were returned in favor or 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.