Wylie Zoning Board of Adjustments Regular Meeting

April 17, 2023 – 6:30 PM
Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098

CALL TO ORDER

COMMENTS ON NON-AGENDA ITEMS
Any member of the public may address Board regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Board requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Board is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

CONSENT AGENDA
All matters listed under the Consent Agenda are considered to be routine by the Board and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Consider, and act upon, Minutes from the January 12, 2023 Regular Meeting.

REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Samantha Molina for a variance to Section 2.02(n) of Planned Development 1998-15 to allow for 1' rear setbacks in lieu of the required rear setback of 10'. Property located at 2214 Fair Parke Lane. ZBA 2023-01

ADJOURNMENT

CERTIFICATION
I certify that this Notice of Meeting was posted on April 14, 2023 at 5:00 p.m. on the outside bulletin board at Wylie City Hall, 300 Country Club Road, Building 100, Wylie, Texas, a place convenient and readily accessible to the public at all times.

_____ _____
Stephanie Storm, City Secretary *Date Notice Removed*

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020. Hearing impaired devices are available from the City Secretary prior to each meeting.

If during the course of the meeting covered by this notice, the Board should determine that a closed or executive meeting or session of the Board or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the Board at the date, hour and place given in this

notice as the Board may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:
§ 551.071 – Private consultation with an attorney for the City.

CITY OF WYLIE

Zoning Board of Adjustment

AGENDA REPORT

Department: Planning **Item:** A

Prepared By: Lillian Baker

Subject

Consider, and act upon, Minutes from the January 12, 2023 Regular Meeting.

Recommendation

Motion to approve Item A as presented.

Discussion

The minutes are attached for your consideration

Wylie Zoning Board of Adjustments Regular Meeting

January 12, 2023 – 6:30 PM
Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098

CALL TO ORDER

Chair Byron Betler called the meeting to order at 6:33PM and announced a quorum was present. Board Members present: Chair Byron Betler, Vice Chair Member Richard Miller, Board Member John Perdomo, Board Member Harold Smith, Board Member Aaron Lovelace. Board Members absent: Board Member Richard Convington, and Board Member Sharon Osisyana. Board Member alternate present: Jennifer Grieser.

Staff members present: Community Services Director Jasen Haskins, Senior Planner Kevin Molina, and Administrative Assistant Mary Bradley.

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address Board regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Board requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Board is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

No one approached the Board Members with any Non-Agenda Items.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the Board and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Consider, and act upon, the approval of the July 18, 2022 Minutes

Board Action

A motion was made by Board Member Smith, seconded by Board Member Lovelace to approve the Consent Agenda Item A as presented. A vote was taken and carried 5 – 0.

REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Mark Sprick for a variance to Section V.II.15 of Planned Development 2002-52 to allow for 5’ rear setbacks in lieu of the required rear setback of 10% of the lot depth. Property located at 1315 Hickory Woods Way. ZBA 2022-06.

Staff Comments

Senior Planner Molina addressed the Board Members stating that the applicant is requesting a variance to Section V.II.15 of Planned Development 2002-52 to allow for 5’ rear setbacks in lieu of the required rear setback of 10% of the lot depth to allow for the construction of a detached pergola that measures 12’ X 14’ (168sf). Mr. Molina stated that while the Zoning Ordinance allows for 3’ rear setbacks the planned development requires a setback of

approximately 13'. In staff's review they noted how there is an existing tree line that screens the property to the east and how the closest single-family structure to the subject property is at a distance of 250'.

Public Comment forms were mailed to twenty property owners, none were received in opposition or favor of the request.

Public Comments

Chair Betler opened the Public Hearing for Item 1 asking anyone present wishing to address Board Members to come forward. With no one coming forward, Chair Betler closed the public hearing.

Board Action

A motion was made by Board Member Lovelace, seconded by Vice Chair Miller to Grant Item 1 as submitted. A vote was taken and carried 5 – 0.

ADJOURNMENT

A motion was made by Chair Betler, and seconded by Board Member Smith, to adjourn the meeting at 6:40pm. A vote was taken and carried 5 – 0.

_____
Byron Betler, Chair

ATTEST

_____
Lillian Baker, Secretary

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 Samantha Molina for a variance to Section 2.02(n) of Planned Development 1998-15 to allow for 1' rear setbacks in lieu of the required rear setback of 10'. Property located at 2214 Fair Parke Lane. **ZBA 2023-01**

Recommendation

Motion to **approve, deny.**

Discussion

OWNER: Samantha Molina **APPLICANT: Samantha Molina**

The applicant is requesting a variance to Section 2.02(n) of the Woodbridge Planned Development (PD 1998-15) to allow for 1' rear setbacks in lieu of the required 10' for the construction of a detached patio cover that measures 17X24' (408sf). The property is located at 2214 Fair Parke Lane.

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

- City Council adopted a Zoning Ordinance amendment in January of 2021 allowing for a 3' side and rear setback for accessory structures in December of 2020. Variances are still required for individual Planned Developments that are more restrictive.
- The proposed structure has a minimal impact to the adjacent property to the west due to it being the location of the 100 year floodplain and a Golf Course.
- The proposed structure has a minimal impact to the southern adjacent property as the structure will be approximately 17' from the residence.
- The Woodbridge Homeowners Association Architectural Committee has approved the applicant's request contingent on city approvals.

Public comment forms were mailed to seventeen (17) 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 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

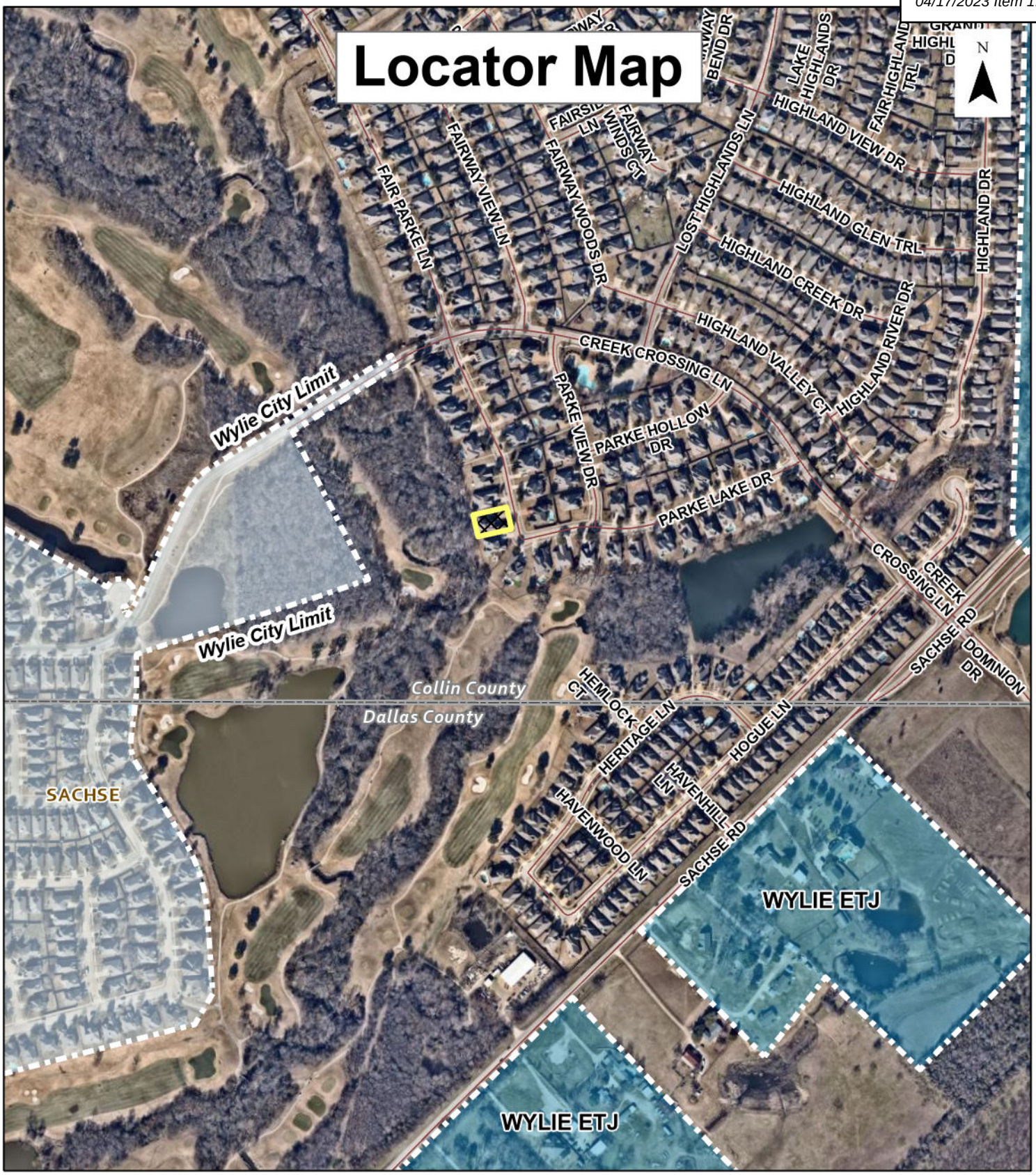
(4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or

(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 <u>all the following</u> 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.



ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2023-01; 2214 Fair Parke Lane

SUBJECT property

0 0.1 0.2 0.3 Miles

CITY OF WYLIE

Date: 3/1/2023

SURVEY PLAT

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE PROPERTY LOCATED AT 2214 FAIR PARKE LANE, IN THE CITY OF WYLIE, COLLIN COUNTY, TEXAS, BEING LOT 9, IN BLOCK Q, OF WOODBRIDGE, PHASE 10D, AN ADDITION TO THE CITY OF WYLIE, COLLIN COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CLERK'S FILE NO. 20060914010003910 (VOLUME 2006, PAGE 590), PLAT RECORDS, COLLIN COUNTY, TEXAS.

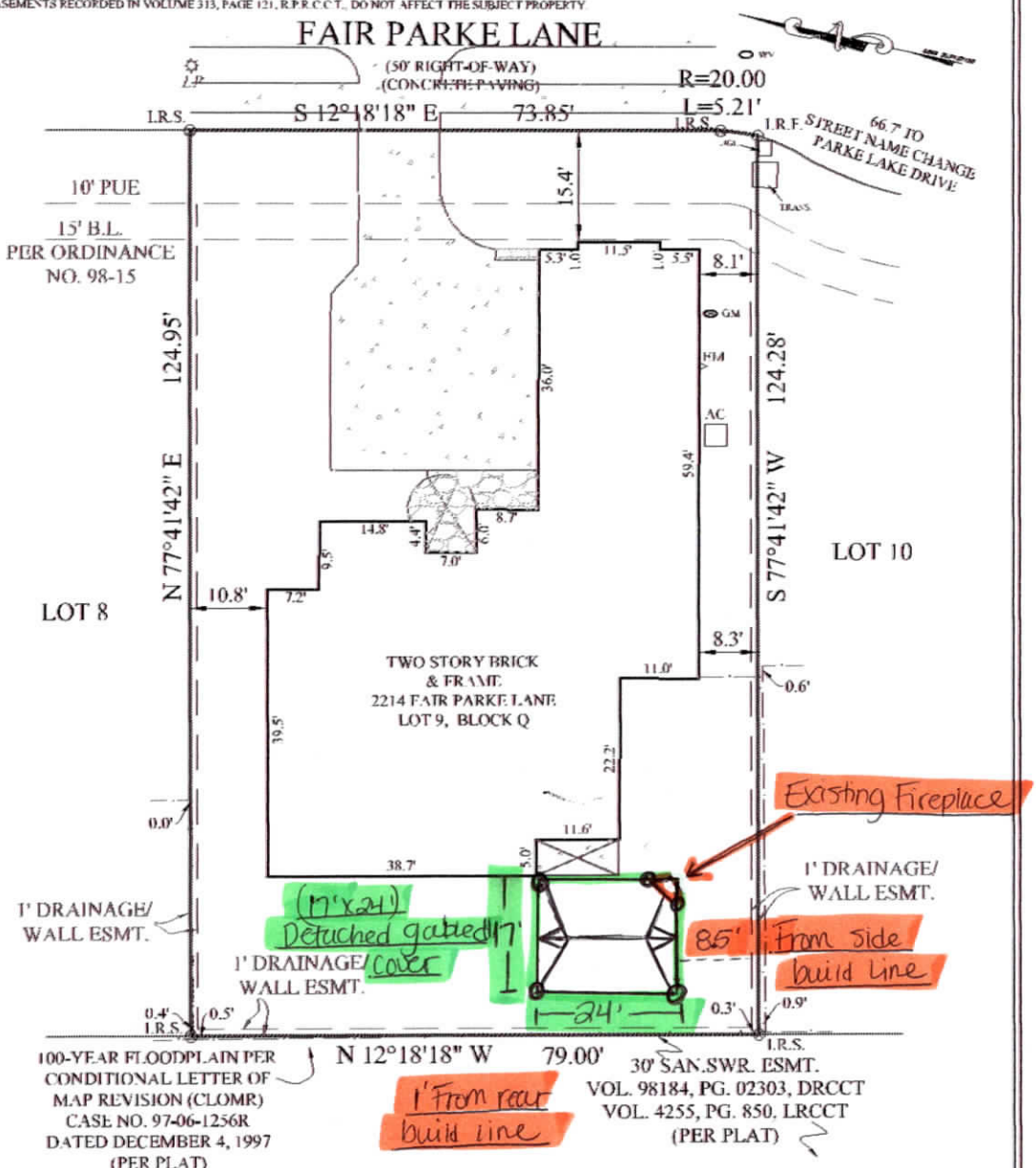
FLOOD STAMP: ACCORDING TO THE CONDITIONAL LETTER OF MAP REVISION (CLOMR), CASE NO. 97-06-1256R, DATED DECEMBER 4, 1997, THE HEREIN DESCRIBED PROPERTY IS LOCATED IN ZONE "X", DESCRIBED BY SAID MAP TO BE, "AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.

NOTES:

1. ALL EASEMENTS SHOWN ON THIS SURVEY ARE PER THE ABOVE DESCRIBED PLAT, UNLESS OTHERWISE NOTED.

2. COVENANTS, CONDITIONS, OBLIGATIONS, RESTRICTIONS, EASEMENTS, CHARGES AND LIENS AS SET FORTH IN THAT CERTAIN DECLARATION RECORDED IN VOLUME 5060, PAGE 2628, CLERK'S FILE NO. 20060519000667370 AND CLERK'S FILE NO. 20060324000384980, REAL PROPERTY RECORDS; CLERK'S FILE NO. 20060914010003910 (VOLUME 2006, PAGE 590), PLAT RECORDS, COLLIN COUNTY, TEXAS, (P.R.C.C.T.), APPLY TO AND AFFECT HEREIN DESCRIBED PROPERTY.

3. EASEMENTS RECORDED IN VOLUME 313, PAGE 121, R.P.R.C.C.T., DO NOT AFFECT THE SUBJECT PROPERTY.



LEGEND

	BRICK
	CONCRETE
GM	GAS METER
WM	WATER METER
	WOOD FENCE

E.M. = ELECTRIC METER
I.R.S. = IRON ROD SET
I.R.F. = IRON ROD FOUND
C.M.F. = BRASS ROD FOUND
X.F. = "X" FOUND IN CONCRETE
X.S. = "X" SET IN CONCRETE

BEARINGS ARE BASED ON THE HEREIN DESCRIBED PLAT.

DATE:	7/11/2010
SCALE:	1" = 20'
JOB NO.:	10-0420
TITLE CO.:	STEWART TITLE
CHECKED BY:	JMQ

THIS SURVEY IS FOR THE USE OF STEWART TITLE IN CONJUNCTION WITH GF# 11006278 WITHIN 90 DAYS OF JULY 11, 2010, AND IS NOT VALID FOR ANY OTHER PURPOSE INCLUDING BUT NOT LIMITED TO ANY LAND OR TITLE TRANSFER, CLOSING, LOAN ON PROPERTY, ETC. AFTER THE 90 DAY PERIOD.

SIGNED _____ DATE: _____

SURVEYOR'S CERTIFICATION:

THE SURVEY PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY FIELD SURVEY. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE RECORDED PLAT; THE SIZE, LOCATION AND TYPE OF BUILDINGS AND VISIBLE IMPROVEMENTS ARE INDICATED AND THAT THE DISTANCE TO THE NEAREST INTERSECTING STREET OR ROAD IS AS SHOWN. THERE ARE NO VISIBLE ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN.

5882 SURVEYING LLC
P.O. BOX 550205
DALLAS, TEXAS
PH. 214-553-8291
FAX: 469-533-1570
E-MAIL:
SURVEY@5882SURVEYING.COM

STATE OF TEXAS REGISTERED JONATHAN M. QUILL 5882

JONATHAN M. QUILL
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5882
HOME INSPECTOR 41137

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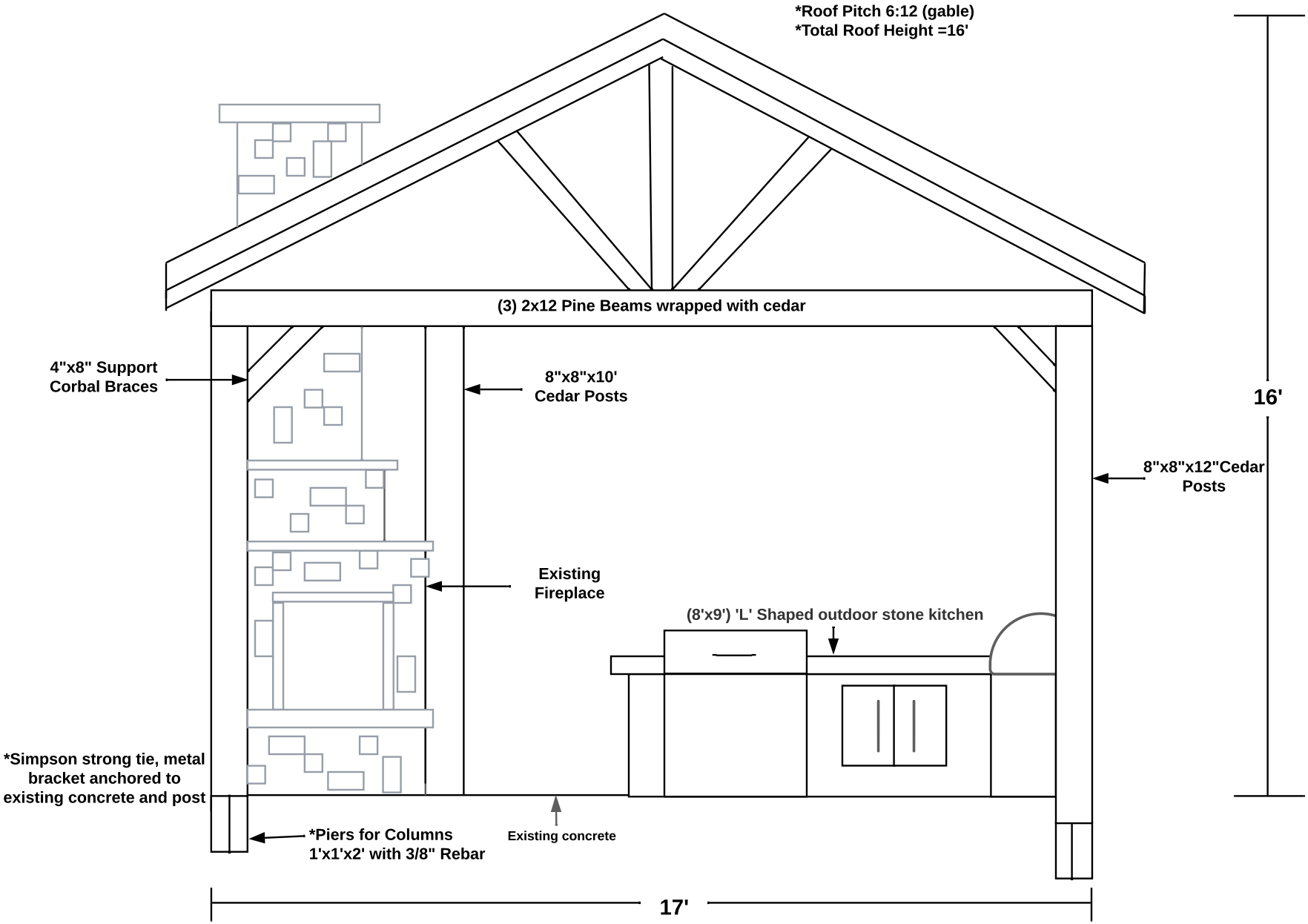
John and Samantha
2214 Fair Park La
Wylie, TX 75098

(17'x24') Detached Full gable cedar shingled cover
FRONT VIEW

*Roof Pitch 8:12 (Gable)
*1x6 Pickets for decorative decking
*1/2" OSB Plywood for decking
*2x8 Ridge
*2x6 roof rafters 24" on center
*3-2x12 pine beams wrapped with cedar

*Cedar trim on top of fascia, cedar 2x6 fascia
*Open rafters, no sofit
*12" Overhang, same as home
*8"x8"x10' Cedar Posts
*Stained and sealed

*Composition shingles to match existing home
*Synthetic felt
*1 1/2"x1 1/2" Drip edge along perimeter
*4x3x10 L-Flashing counter flashed into existing home



John and Samantha
2214 Fair Park La
Wylie, TX 75098

(17'x24') Detached Full gable cedar shingled cover
SIDE VIEW

*Roof Pitch 8:12 (Gable)
*1x6 Pickets for decorative decking
*1/2" OSB Plywood for decking
*2x8 Ridge
*2x6 roof rafters 24" on center
*3-2x12 pine beams wrapped with cedar

*Cedar trim on top of fascia, cedar 2x6 fascia
*Open rafters, no sofit
*12" Overhang, same as home
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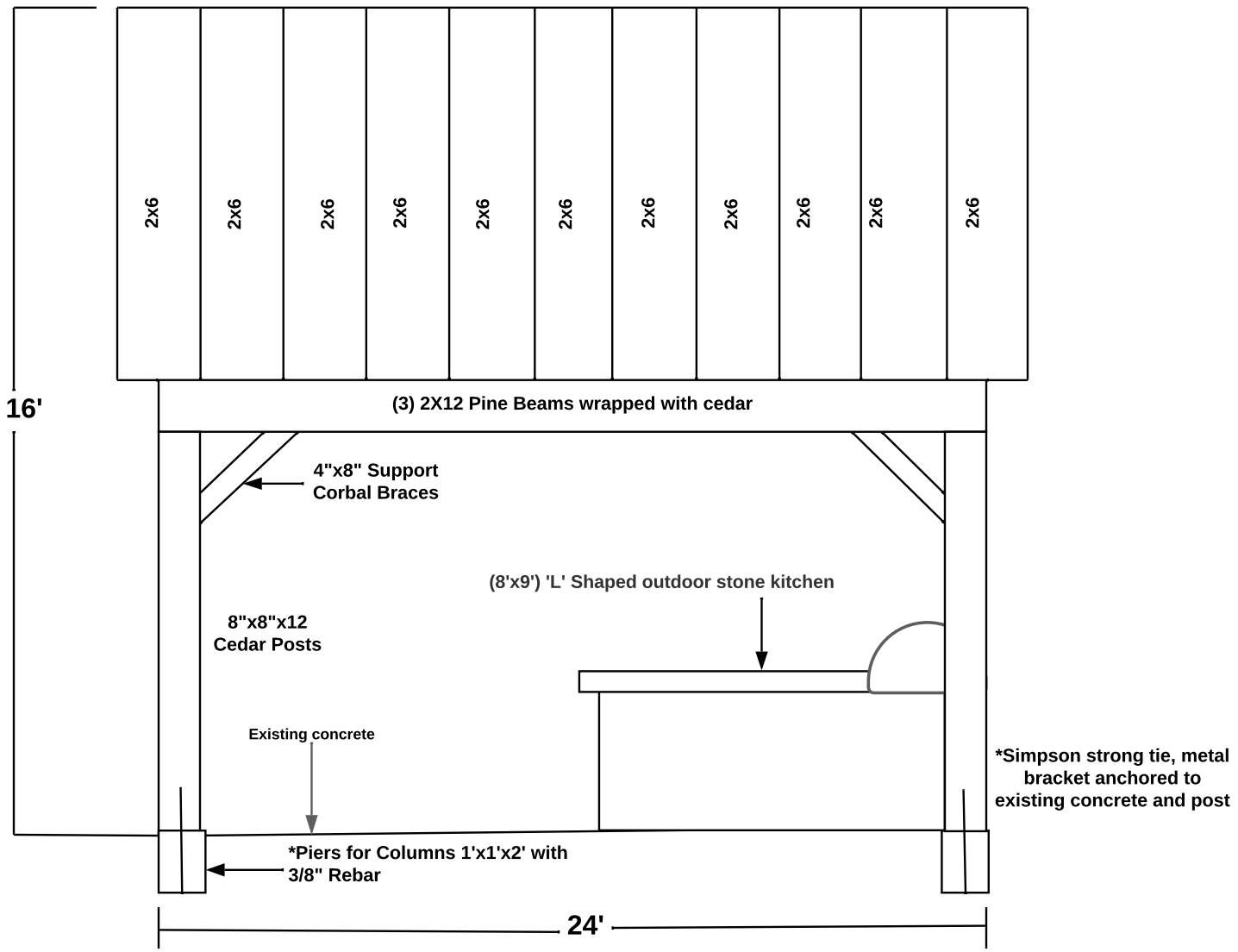


Woodbridge Homeowners Association
c/o FirstService Residential14951 N. Dallas Pkwy, Suite 600
Dallas TX 75254
Phone: (214) 451-5421
Website: www.fsresidential.com

Date: 2/24/2023 11:11:58 PM

Project Ref: [44081684] 2214 Fair Parke Ln

John Molina & Samantha Nunez
2214 Fair Parke Ln
Wylie TX 75098

Dear **John Molina & Samantha Nunez**,

The Woodbridge Homeowners Association Architectural Committee has **APPROVED** your application as submitted for the listed project item(s):

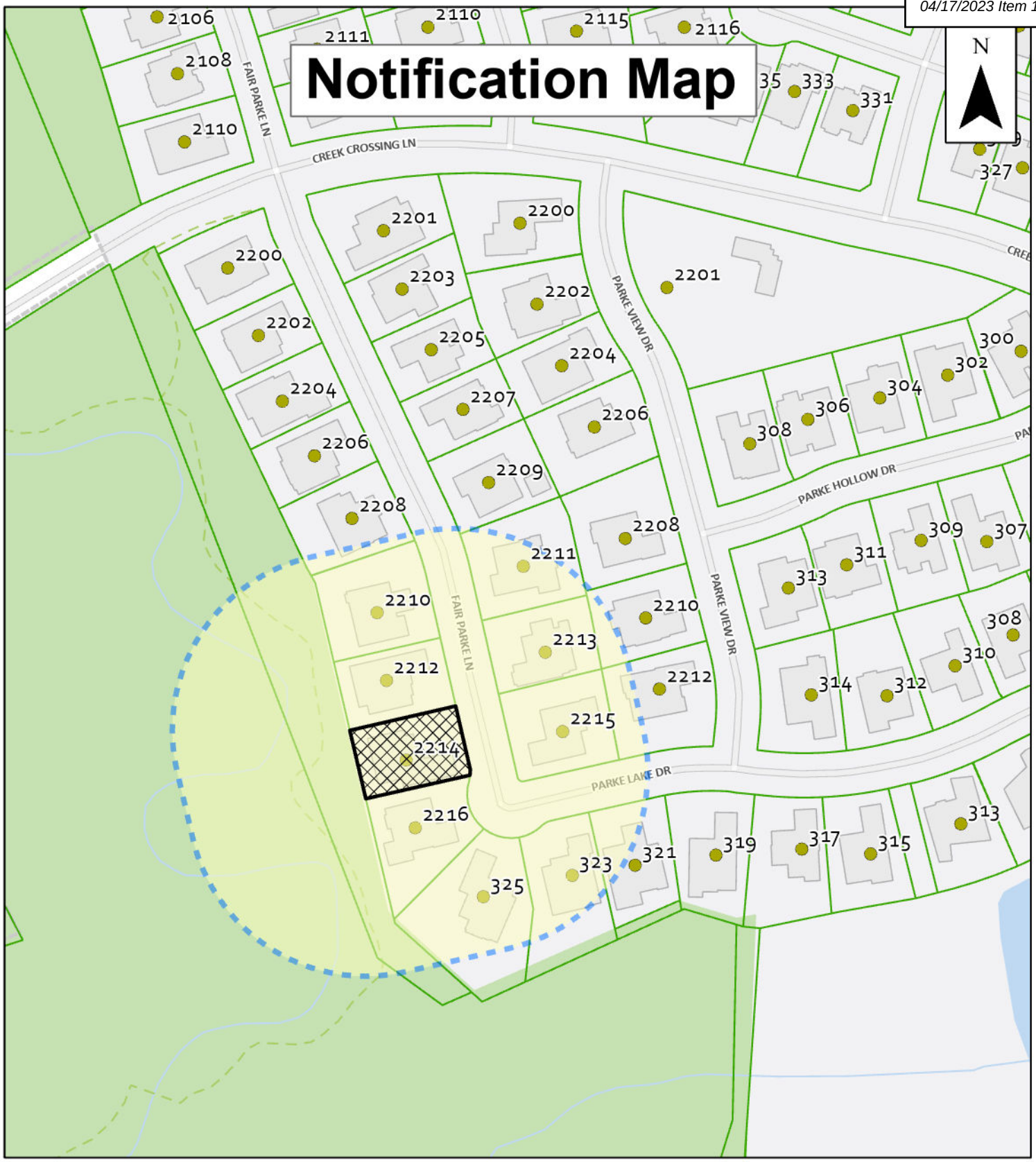
Patio Cover

This approval is contingent upon compliance with the specifications set forth in the approved application. If your proposed property improvement requires a county, city or state permit, it is the responsibility of the homeowner to obtain those permits before starting construction.

Please retain this letter in your files. If you have any questions regarding this matter, please call 877-378-2388 or e-mail our office at acc.dfw@fsresidential.com.

Sincerely,

Woodbridge Homeowners Association



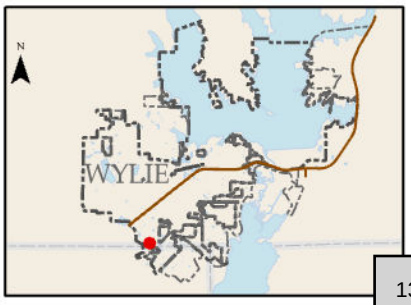
ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2023-01; 2214 Fair Parke Lane

SUBJECT property 200 foot Notification Buffer

0 50 100 200 300 400 Feet

CITY OF WYLIE

Date: 3/1/2023



PUBLIC COMMENT FORM

(Please type or use black ink)

Planning Department
300 Country Club Road
Building 100
Wylie, Texas 75098

____ I am **FOR** the requested variance as explained on the attached public notice for ZBA Case #2023-01.

✓ I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case #2023-01.

Date, Location & Time of Planning & Zoning Commission meeting: Monday, March 20, 2023 at 6:30 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: Michael Sheets
(please print)

Address: 4216 Fair Parks Ln
Wylie, TX. 75098

Signature: Mike Sheets

Date: 3/6/23

COMMENTS:

I am the original homeowner living next door. When I had my home built in Woodbridge I paid a large premium for my lot to have an unobstructed view of the nature trail. Allowing a patio roof to be built 4.5' from the edge of my property, (existing slab is 4.5' from property edge, not 8.5' as noted in survey plat) would block my view and diminish my property value!

This request is in violation of the Woodbridge HOA covenant of rules we all agree to when purchasing a home in Woodbridge. It should be a matter of the Architectural Board to Deline and not left up to the next door neighbors!

Sincerely,

Michael Sheets