Wylie Zoning Board of Adjustments Regular Meeting

November 20, 2023 – 6:00 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. Meeting Minutes from September 18, 2023 Regular Meeting

REGULAR AGENDA

1. Hold a Public Hearing to consider and act upon a request by Charles R. Taylor for a variance to Section 5.2.18 of Planned Development 2002-52 to allow for an accessory structure with a 1' proximity setback to the main structure in lieu of the required setback of 5'. Property located at 1302 Taren Trail. ZBA 2023-08

WORK SESSION

RECONVENE INTO REGULAR SESSION

EXECUTIVE SESSION

RECONVENE INTO OPEN SESSION
Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION
I certify that this Notice of Meeting was posted on November 16, 2023. 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 September 18, 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

September 18, 2023 – 6:30 PM
Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098

CALL TO ORDER

Chair Jennifer Grieser called the meeting to order at 6:30 pm. Board members in attendance were Chair Jennifer Grieser, Board Member Byron Betler, Board Member Richard Covington, Board Member Hamza Faraz, Board Member Michael Innella, Director of Community Services Jasen Haskins, Sr Planner Kevin Molina, and Secretary Lillian Baker. Absent were Vice Chair Harold Smith, and Board Member Aaron Lovelace.

COMMENTS ON NON-AGENDA ITEMS

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None approached the Board.

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. Meeting Minutes from August 21, 2023 Regular Meeting

Board Action on Consent Agenda

A motion was made by Board Member Covington and seconded by Board Member Innella to approve the consent agenda 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 Clayton McLucas for a variance to Section 2.5.C of the Zoning Ordinance to allow for 0’ side setbacks in lieu of the required side setback of 5’. Property located at 3122 Grandview Dr. ZBA 2023-07

Staff Discussion on Regular Agenda Item 1

Sr Planner Molina presented. The applicant is requesting a 0’ setback in lieu of the 5’ setback for a patio cover that has already been started. If the variance is approved, modifications will need to be made to make it structurally sound. However, for this variance it is only for the setback. Twenty-three notices were mailed and none were received in favor or against. The height is less than the fence height. The applicant was issued a stop work order. In order to proceed for a permit, he needs the variance approved. The applicant was present and approached the Board.

Applicant Clay McLucas stated that the structure is being built for protection of lawn equipment for his business. He stated it is not attached to the house, but attached to the fence. He stated he was unaware that a permit was required. He does not have any other plans for other builds of this nature. The roofing is fiberglass. The Board asked if two structures were being built. Applicant McLucas stated it was separated for a garden area and was two separate structures. He stated it was not visible from the street or his neighbor's residence. The Board asked if fuel would also be stored. The applicant stated no, that the only fuel would be contained within the equipment itself. The Board also asked about the material for the roofing, to which applicant McLucas stated it was corrugated fiberglass.

Chair Grieser opened the Public Hearing at 6:42 pm. Citizen Charles Elrinq approached the board in favor of Applicant Lucas' request. The public Hearing was closed at 6:43pm

Board Action and Regular Agenda Item 1

A motion was made by Board Member Faraz and was seconded by Board Member Innella to approve the variance from a 5' setback to a 0' setback. A vote was taken and carried 5 – 0.

2. Discuss adjusting the meeting start time from 6:30 pm to 6:00 pm to be in line with the other boards, commissions, and city council.

Board Discussion on Regular Agenda Item 2

Director Haskins addressed the board on changing the start time to align with all other City Meetings. All Board Members were in agreement that there was no issue to change the meeting start time.

Board Action on Regular Agenda Item 2

A motion was made by Board Member Betler and seconded by Commissioner Covington to move the meeting start time from 6:30 pm to 6:00 pm. A vote was taken and Carried 5 – 0.

ADJOURNMENT

A motion was made by Board Member Betler and seconded by Board Member Covington to adjourn. A vote was taken and carried 5 – 0. Chair Grieser adjourned the meeting at 6:48 pm.

_____

Jennifer Grieser, 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 Charles R. Taylor for a variance to Section 5.2.18 of Planned Development 2002-52 to allow for an accessory structure with a 1' proximity setback to the main structure in lieu of the required setback of 5'. Property located at 1302 Taren Trail. **ZBA 2023-08**

Recommendation

Motion to **approve, deny.**

Discussion

OWNER: Charles R. Taylor **APPLICANT: Charles R. Taylor**

The applicant is requesting a variance to Section 5.2.18 of Planned Development 2002-52 to allow for 1' proximity setback to the main structure in lieu of the required setback of 5' for the permitting of an accessory structure that measures 80 sq.ft. (8'X10'). The property is located at 1302 Taren Trail. The accessory structure is being proposed to replace a previously existing structure of the same dimensions. The previous structure was placed without a permit. The new structure shall provide wood siding with matching shingles to the primary house.

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

- The applicant has received HOA approval pending the City's approval of the variance. The letter is included in the packet.
- The accessory structure has a minimal impact on the surrounding property as it does not contain windows and will be screened by an existing wooden fence on the subject property. The height of the accessory structure is 7' at the peak of the roof.

Public comment forms were mailed to thirty-two (32) property owners within 200 feet of this request, as required by State Law. At the time of posting three comment forms were returned in favor and one in opposition of the request. The comment form received in opposition was from a property owner located within a different subdivision located outside of the notification area.

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.

Locator Map

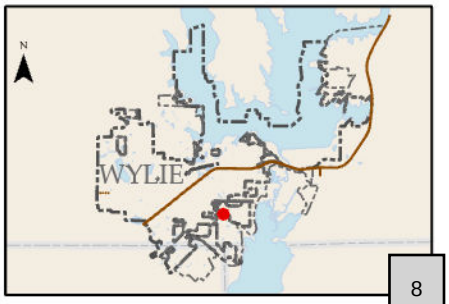
ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2023-08 1302 Taren Trail

SUBJECT property

0 0.1 0.2 0.3 Miles

CITY OF WYLIE

Date: 11/2/2023



H R

LEGAL DESCRIPTION

H R

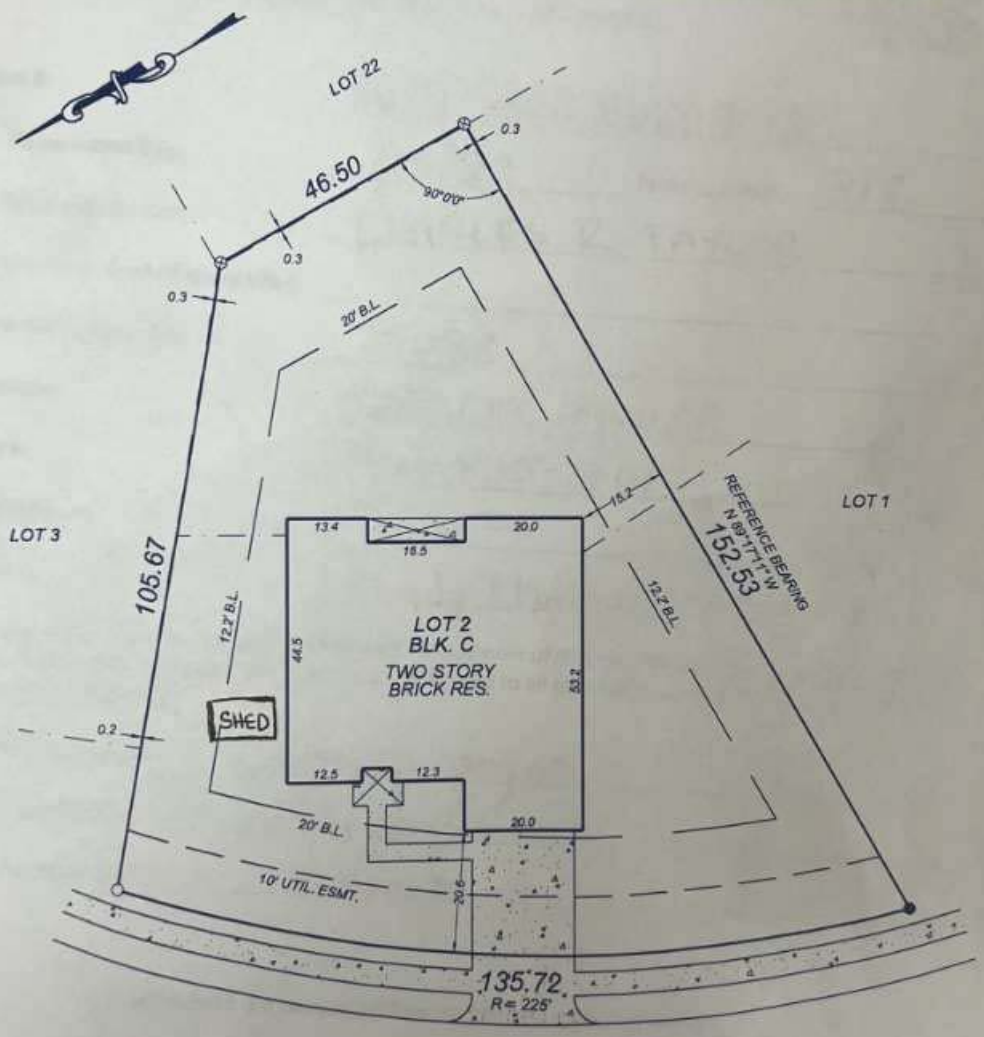
FOR USE ONLY IN THE ORIGINAL TRANSACTION IDENTIFIED BY THE G.F. NO. SHOWN HEREON AND TO THE LIENHOLDERS AND/OR THE OWNERS AND THE PURCHASERS OF THE PREMISES SURVEYED AND TO STEWART TITLE NORTH TEXAS:

This is to certify that I have made a careful and accurate survey of the property located at 1302 TAREN TRAIL in the City of WYLIE, COLLIN County, Texas, described as follows:

Lot 2, in Block C, of LAKE TRAILS OF BOZMAN FARM, an addition to the City of WYLIE, COLLIN County, Texas, according to the Map or Plat thereof recorded in Volume P, Page 565, Plat Records, COLLIN County, Texas.

NOTE: The easements recorded in Volume 5523, Page 1195; Volume 5517, Page 5490; Volume 4858, Page 1093; Volume 2808, Page 761; Volume 767, Pages 655 & 661; and Volume 775, Page 397, Real Property Records, Collin County, Texas do not affect this property.

THIS PROPERTY DOES NOT LIE IN A 100 YEAR FLOOD HAZARD AREA ACCORDING TO THE F.E.M.A. FLOOD INSUR. RATE MAP COMM. PANEL NO. 480759 0535 J
THIS PROPERTY LIES IN ZONE "X"



1302 TAREN TRAIL

I hereby certify that on the 10TH day of MAR, 20 11, this survey being a copyright protected product was made on the ground and this survey plat has been prepared as per the field notes thereby produced, and it properly represents the facts as found on the ground. This survey plat has been prepared in accordance with, and in substantial compliance with, all rules and regulations promulgated by the Texas Board of Professional Land Surveying. Unless otherwise noted, the surveyor has relied solely on the record data provided in the title commitment for the determination of the boundaries of the land parcel surveyed and for any easements of record which may be shown or addressed on the survey. The survey shows visible easements, conflicts, encroachments or protrusions apparent on the ground.

Date : MARCH 11, 2011

STATE OF TEXAS REGISTERED HARRY J. ROWELL 4597 PROFESSIONAL LAND SURVEYOR

JOB # : 11-1270

GF No. 11012752

Scale: 1" = 25'

By : Harry Rowell

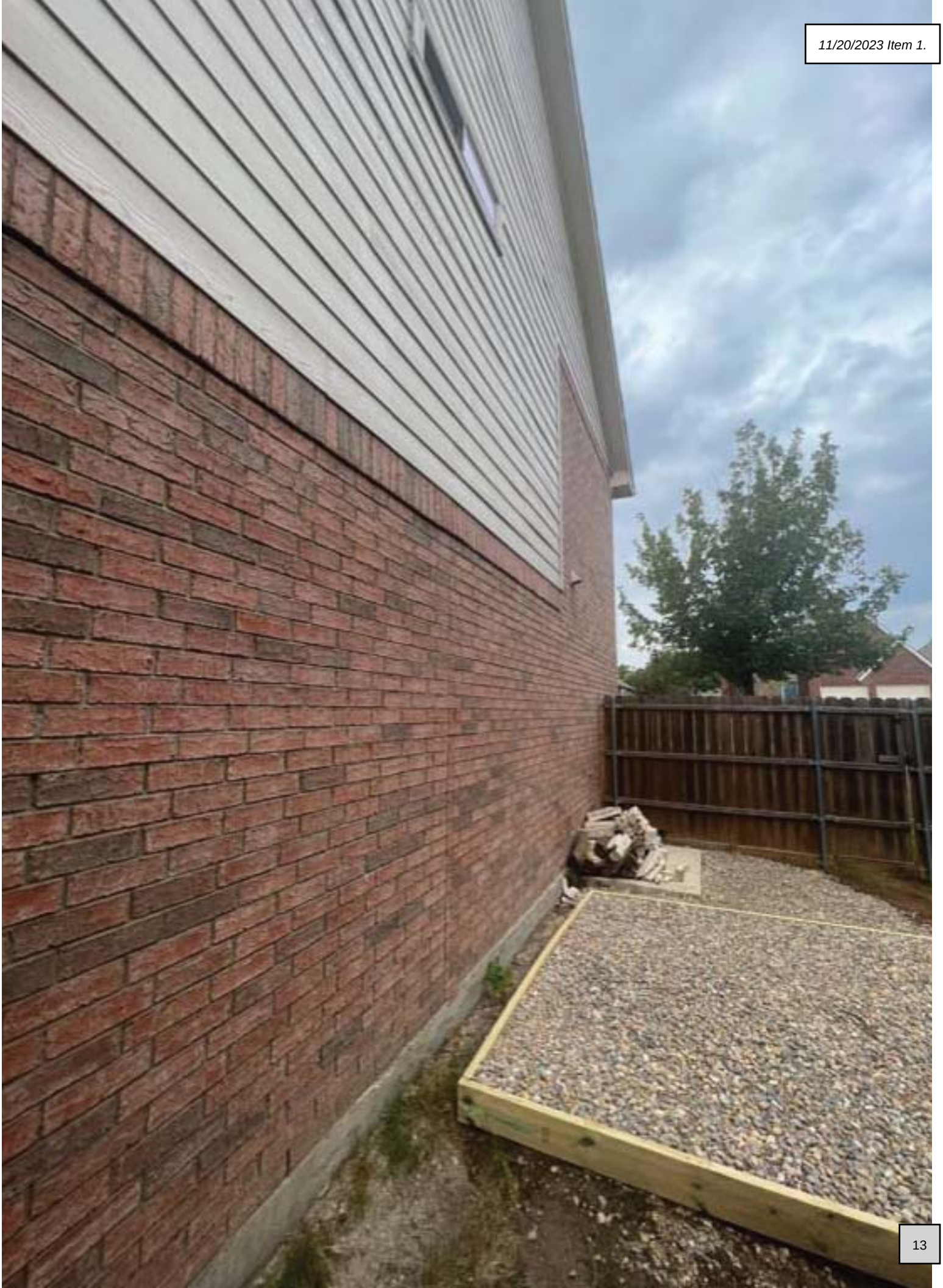
⊕ LEGEND ⊕

5/8" Steel / Iron Rod Found
1/2" Steel / Iron Rod Set w/ Red Cap "4597"
Property Line
Wood Fence
Chain Link / Wire Fence X—X—X—X—X
Overhead Electric —E—E—E—
Control Monument

HARRY ROWELL
& Associates, INC.
Surveying & Engineering
© 1989 Harry Rowell
2430 Squire Place Ste. 2
Farmers Branch, Texas 75234 (972) 247-5533

We would like to formally request approval for a variance at our primary residence at 1302 Taren Trail. We would like to replace an existing structure, which has been in existence for many years now. The existing foundation will be utilized for the new shed, which requires a city permit to allow for a more permanent structure to be built. The new structure is more visually appealing to the residents of Bozman Farms, with wood siding and matching roof shingles to the primary residence. The new structure will not have electricity or plumbing. The adjacent wall of the single family home, which is closest to the proposed shed structure, is composed of brick and concrete Hardy board. The structure will not block any of the residence windows or doors. Please see the attached pictures for visual proof of the above statements.

TUFF SHED
Delivery & On-Site Installation Included
TUFF SHED
8 x 10
GET THE DETAILS
TAKE A BROCHURE
DELIVERY & ON-SITE INSTALLATION INCLUDED



Bozman Master HOAc/o Guardian Association Management, LLC
12700 Hillcrest Road, Suite 234
Dallas, TX 75230
972.458.2200
www.guardianam.com

Date: October 31, 2023

Project Ref: [71790543] 1302 Taren Trail

Christina Taylor
1302 Taren Trail
Wylie TX 75098

Dear **Christina Taylor**,

For the listed project item(s):

Shed

I am pleased to inform you that the Bozman Master HOA Architectural Committee has approved your application **with the following stipulations**:

Approved as long as the city approves the variance for the location of the shed.

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it is the responsibility of the homeowner to obtain this before starting construction.

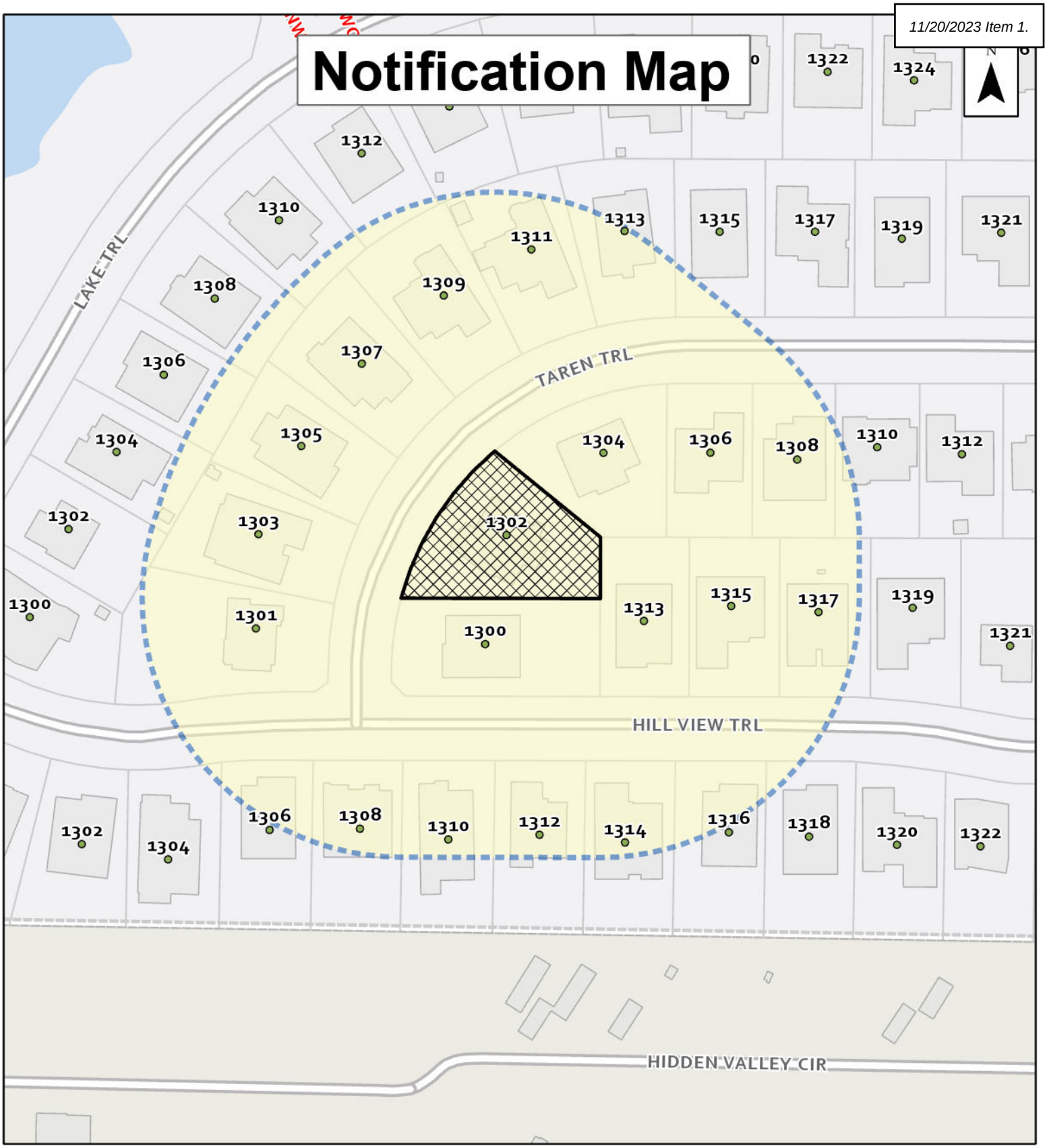
Please retain this letter for your files. This letter is good for 60 days. if the project is not started within this time period, a new application must be resubmitted. If you have any questions regarding this matter, please contact Customer Care at 469-304-0004 or e-mail us at bozmanfarmsmanager@guardianam.com.

Sincerely,

Bozman Master HOA

HOA Manager

Notification Map



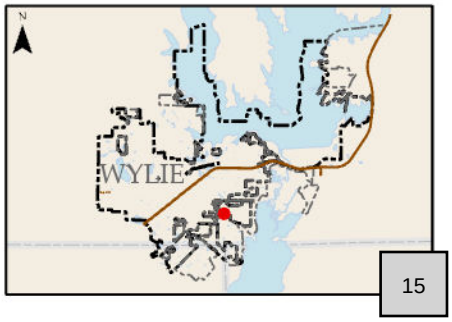
ZONING BOARD OF ADJUSTMENT CASE:
ZBA 2023-08 1302 Taren Trail

SUBJECT property 200 foot Notification Buffer

0 50 100 200 300 Feet

CITY OF WYLIE

Date: 11/2/2023



CITY OF WYLIE

Public Comment Form

First Name *
Kane

Middle Name

Last Name *
Wilt

Address *

Street Address
1303 Taren Trl

Address Line 2

City
Wylie

State / Province / Region
TX

Postal / Zip Code
75098

Case # *
ZBA2023-08 1302 Taren Trail

Response *

- (●) I am FOR the requested zoning as explained on the public notice
- ( ) I am AGAINST the requested zoning as explained on the public

Comments

I agree and understand that by signing the electronic signature, that it is the equivalent to my manual/handwritten signature.

Signature *

Date of Signature
11/13/2023

Planning and Zoning Department
300 Country Club Rd, Building 100
972-516-6320 | Planning@wylietexas.gov

Zoning Case Public Comment/Response Form

First Name *
Katherine

Middle Name
Johnson

Last Name *
Matheney

Address *

Street Address
1304 Taren trail

Address Line 2

City
Wylie

State
TX

Zip Code
75098

Phone Number
972-679-6411

Email *
auntiekatie007@gmail.com

Case # (please select the case# that corresponds with the letter you received) *
ZBA2023-08 1302 Taren Trail

Response *

- (●) I am FOR the requested zoning as explained on the public notice
- ( ) I am AGAINST the requested zoning as explained on the public

Comments
Enjoy your new shed!

I agree and understand that by signing the electronic signature, that it is the equivalent to my manual/handwritten signature.

Signature

Date of Signature

11/11/2023

Staff Review

Selections below will be used to generate email and calendar invite to citizen.

Meeting Type *

Zoning Board of Adjustment

Meeting Date *

11/20/2023

Meeting Time *

06:00:00 PM

Meeting Location *

City Hall, Council Chambers

Meeting Address *

300 County Club Rd, Bldg. 100, Wylie, TX 75098

Add additional City Council Meeting? *

Yes No

Meeting Attachment

CITY OF WYLIE

Public Comment Form

First Name *
Eric

Middle Name
William

Last Name *
Keithley

Address *

Street Address
1318 Hill View Trail

Address Line 2

City
Wylie

State / Province / Region
TX

Postal / Zip Code
75098

Case # *
ZBA2023-08 1302 Taren Trail

Response *

- (●) I am FOR the requested zoning as explained on the public notice
- ( ) I am AGAINST the requested zoning as explained on the public

Comments

I agree and understand that by signing the electronic signature, that it is the equivalent to my manual/handwritten signature.

Signature *

Date of Signature
11/15/2023

CITY OF WYLIE

Public Comment Form

First Name *
Mary

Middle Name
Joyce

Last Name *
Warner

Address *

Street Address
1509 windward lane

Address Line 2

City
Wylie

State / Province / Region
TX

Postal / Zip Code
75098

Case # *
ZBA2023-08 Setback for 1302 Taren Trail

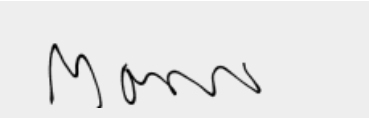
Response *

- ○ I am FOR the requested zoning as explained on the public notice
- ◉ I am AGAINST the requested zoning as explained on the public

Comments
Moved to wylie in 1997. It's become to much traffic and people

I agree and understand that by signing the electronic signature, that it is the equivalent to my manual/handwritten signature.

Signature *



Date of Signature
11/5/2023