



**CITY OF GRAND PRAIRIE
ZONING BOARD OF ADJUSTMENTS AND APPEALS
MEETING MINUTES
May 21, 2012
Grand Conference Room
Development Center
206 W Church Street**

BOARD MEMBERS PRESENT: Karl Larson, Chairman, Wendell Davidson, Vice Chairman, Larry Owings, Melinda Rodgers, Daniel Smith, Jim Parker, Alternate, Maricella Lira, Alternate

MEMBERS ABSENT: Douglas Key, Joe Picardo, Shawn Connor, John Lopez

CITY STAFF PRESENT: Steve Alcorn, Assistant City Attorney, Mary Elliott, Senior Planner, Ryan Miller, Planner, Savannah Ware, Senior Office Assistant

AGENDA BRIEFING:

I. CALL TO ORDER

Chairman Larson called the meeting to order at 7:00 P.M.

II. INVOCATION

Vice Chairman Davidson gave the invocation.

III. APPROVAL OF MINUTES:

A motion was made to approve the minutes of the Zoning Board of Adjustment and Appeals meeting of April 16, 2012. The following action and vote took place:

Motion: Mrs. Rodgers

Second: Mrs. Lira

Ayes: Larson, Davidson, Owings, Rodgers, Smith, Parker, Lira

Nays: None

Motion: Approved 7-0

IV. PUBLIC HEARING

1. **CASE NUMBER BA120501** – 1607 Ernie Lane, platted as Lots 2 & 3 of the Alger Addition (Council District 6). Consideration of special exception to the non-required residential fence standards as stipulated by Section 10.7 of Article 8, “Landscape and Screening,” of the Unified Development Code *for the purpose of constructing a six foot (6’) wrought iron fence and a six foot (6’) high chain link fence within the front yard building setback of a residential property.* The subject property is zoned Single Family-One (SF-1) District and is generally located south of Interstate Highway 20 (I-20) and west of Lake Ridge Parkway. The subject property is located within the Interstate Highway 20 (I-20) Overlay District Corridor.

Mr. Miller presented the case.

The applicant is requesting a special exception to non-required residential fence standards stipulated in Section 10.7 of Article 8, “Landscape and Screening,” of the Unified Development Code for the purpose of constructing a six foot (6’) wrought iron fence and six foot (6’) high chain link fence within the front yard building setback of the subject property. According to Section 10.7, *Non Required Residential Fences*, of Article 8, “Landscape and Screening,” of the Unified Development Code, no transparent fence in a single family zoning district may be erected higher than four feet (4’) when situated within a front yard building setback. However, according to Section 11, *Fence Exceptions*, of Article 8, “Landscape and Screening,” of the Unified Development Code, the Zoning Board of Adjustments and Appeals may grant a special exception to the non-required fence standards upon a finding that the proposed fence is primarily for security purposes, and that the proposed fence is composed of materials recognized as normal fencing materials (i.e. chain link, wrought iron, wood). The fence being proposed by the applicant will be a six foot (6’) high decorative, powder coated wrought iron (iron and aluminum) fence that will be situated adjacent to the front property line. On the side property lines the applicant is planning on building a six foot (6’) high chain link fence that will connect to the wrought iron fence at the northeastern and northwestern corners of the property. According to the application the purpose of the fence is to provide additional security on the subject property. The applicants request meets all the technical criteria required by Section 11, *Fence Exceptions*, of Article 8, “Landscape and Screening,” of the Unified Development Code.

The proposed request is in conformance with the technical requirements for a special exception to the non-required residential fence standards as established in Section 11, *Fence Exceptions*, of Article 8, “Landscape and Screening,” of the Unified Development Code. Therefore, in the absence of neighborhood opposition, staff supports the applicant’s request with the following conditions of approval:

1. The special exception should be no more than what is approved by the Zoning Board of Adjustments and Appeals,
2. The applicant will be required to obtain a building permit from the Building Inspections Division prior to the construction of the proposed fence, and

3. Any construction or building allowed by this variance must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Grand Prairie Municipal Code of Ordinances, city adopted fire codes and with other applicable regulatory requirements administered and/or enforced by the state and federal government.

Chairman Larson asked if the board had any questions for staff.

Chairman Larson noted that there were no questions for staff and opened the public hearing.

The applicant stepped forward and stated his name and address for the record:

Ernest Breitenbach
1607 Ernie Ln
Grand Prairie, TX 75052

The applicant stated that the height of the chain link fences on either side of the property was changed from six feet (6') to five feet (5').

The applicant described the type of wrought iron fence that he planned to construct and cited a similar fence on Bardin Ln.

Chairman Larson asked if the board had any questions for the applicant.

Chairman Larson noted that there were no questions for the applicant and that the following speaker card was submitted in support of the case:

Susan Breitenbach
1607 Ernie Ln
Grand Prairie, TX 75052

Chairman Larson noted that no one in the audience wished to speak in support or opposition of this case.

There being no further discussion on the case, Mrs. Rodgers made a motion to close public hearing and was seconded by Mr. Owings.

A motion was made to approve case BA120501 with the recommended conditions. The following action and vote took place:

Motion: Mrs. Rodgers

Second: Mr. Owings

Ayes: Larson, Davidson, Owings, Rodgers, Smith, Parker, Lira

Nays: None

Motion: Approved 7-0

2. **CASE NUMBER BA120502** – 303 S. Center Street, identified as Tract 64 out of the W.M.S. & McKinney Survey, Abstract No. 1003 (Council District 2). Consideration of a variance to the residential on-site parking requirements as specified by Section 7.2 of Article 10, “Parking and Loading Standards,” of the Unified Development Code *for the purpose of demolishing an existing detached garage*. The subject property is zoned Central Area (CA) District and is located on the west side of S. Center Street, south of W. Jefferson Street.

Mrs. Elliott presented the case.

The applicant is requesting a variance to the on-site parking requirements for a single family residence as stipulated in the *Schedule of On-Site Parking Requirements* located in Article 10, “Parking and Loading Standards,” of the Unified Development Code (UDC) to remove a deteriorated garage. The applicant plans to replace the existing garage with a 14 ft. x 14 ft. metal storage building. According to Article 10, Section 7.2, two non-stacked parking spaces in a garage are required per dwelling unit for residential uses in all single family zoning districts.

- A masonry exception is not required for the proposed accessory building. According to UDC, Article 6 “Density and Dimensional Requirements,” for residential lots or tracts 0.5 acre (one-half acre) or less: accessory buildings that are 200 square feet or less are permitted to be constructed of metal with a baked enamel finish [UDC, Article 6, Section 6.6.5 (1)].
- The new accessory building will meet all other UDC requirements for height and setback, and will be inspected at the time of building permit.
- This case is a code enforcement referral since a code enforcement officer requested that the applicant either make improvements to the garage or remove it. No citation was issued.
- The property has been zoned Central Area (CA) District since at least 1985. The 1950 zoning map shows that the property was previously zoned Single Family (SF) District. The property was annexed into the City of Grand Prairie around 1950.

Many of the residences in this neighborhood were built in the 1950’s or before that time. Houses built during that time period frequently did not include garages and the size of the houses were small compared to today’s standards. For example, the residence on the subject property is 1,718 square feet and includes three bedrooms and one bathroom. A windshield survey of the area shows that about 75% of the residences have accessory buildings or structures.

Staff cannot recommend full approval for the requested variance since the applicant has not demonstrated a unique hardship; however, staff does acknowledge that many of the residences in this neighborhood were built in the 1950’s or before that time. Houses built

during that time period frequently did not include garages and the size of the houses were small compared to today's standards. For example, the residence on the subject property is 1,718 square feet and includes three bedrooms and one bathroom. A windshield survey of the area shows that about 75% of the residences have accessory buildings or structures.

If the Zoning Board of Adjustment and Appeals chooses to grant the variance, then staff recommends the following conditions:

1. The variances are to be no more than what is approved by the Zoning Board of Adjustments and Appeals;
2. Any construction or building allowed by this variance or special exception must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Grand Prairie Municipal Code of Ordinances, city adopted fire codes and with other applicable regulatory requirements administered and/or enforced by the state and federal government; and
3. The applicant will need to obtain a building permit from Building Inspections for the demolition of the existing structure and the construction of the new accessory building. The new accessory building will meet all UDC requirements, and will be inspected at the time of building permit.

Chairman Larson asked if the board had any questions for staff.

Chairman Larson noted that there were no questions for staff and asked the applicant to step forward.

The applicant stated his name and address for the record:

David Ventura
801 Egyptian Way
Grand Prairie, TX 75050

The applicant stated that he wanted to comply with city code and meet Code Enforcement's request to either repair or remove the structure. The applicant explained that because the structure is in such poor shape, he will demolish it and build an accessory structure for storage in its place.

Chairman Larson asked if the structure the applicant is proposing to build will be about the same size as the existing structure.

The applicant answered that the accessory structure would be smaller than the existing structure and stated that the structure would measure fourteen feet (14') by fourteen feet (14').

Chairman Larson asked where the applicant would park his car.

The applicant answered that he would park his car in front of the accessory structure.

Chairman Larson asked if the board had any questions for the applicant.

Chairman Larson noted that there were no additional questions for applicant or additional speakers in the audience.

There being no further discussion on the case, Mr. Owings made a motion to close public hearing and was seconded by Mrs. Rodgers.

A motion was made to approve case BA120502 with the recommended conditions. The action and vote were as follows:

Motion: Mr. Owings

Second: Mrs. Rodgers

Ayes: Larson, Davidson, Owings, Rodgers, Smith, Parker, Lira

Nays: None

Motion: Approved 7-0

3. **CASE NUMBER BA120503** – 609 W. Springdale Lane, platted as Lot 7, Block 15 of Country Club Estates No. 4 (Council District 2). Consideration of a variance to the residential on-site parking requirements as specified by Section 7.2 of Article 10, “Parking and Loading Standards,” of the Unified Development Code *for the purpose of enclosing an existing two car garage to create a habitable space*. The subject property is zoned Single Family-Three (SF-3) District and is generally located east of S. Carrier Parkway and south of Arkansas Lane.

Mr. Miller presented the case.

The applicant is requesting a variance to the on-site parking requirements for a single family residence as stipulated in the *Schedule of On-Site Parking Requirements* located in Article 10, “Parking and Loading Standards,” of the Unified Development Code to allow an existing two car garage to be enclosed into a habitable space. According to Article 10, Section 7.2, two (2) non-stacked parking spaces in a garage are required per dwelling unit for residential uses in all single family zoning districts. The applicant has stated that the enclosure is intended to provide an additional living space in the home. The new room will be considered a habitable space and will be required to meet all code requirements for the proposed use.

The Country Club Estates Subdivisions have a mixture of homes with one and two car garages that face on to public right-of-way from the front of the property. These houses were constructed during the 1960’s and 1970’s prior to adoption of the current residential

parking requirements. As a result, staff has found thirty-nine (39) houses with enclosed garages in the Country Club Estates No. 4 Subdivision.

Staff cannot recommend full approval for the requested variance since the applicant has not demonstrated a unique hardship. However, staff does acknowledge that the homes in the Country Club Estates Subdivisions were constructed prior to the establishment of the current residential parking standard, and as a result several homes in the subdivision have enclosed garages. Therefore, if the applicant's request is approved, it will not alter the essential character of the subdivision and will not substantially weaken the general purpose of the zoning regulations established for the district. In the absence of neighborhood opposition, staff does not object to the applicants request for a variance to the *Schedule for On-Site Parking Requirements* stipulated in Article 10, "Parking and Loading Standards," of the Unified Development Code for the purpose of enclosing the garage on the subject property to create a habitable space.

If the Zoning Board of Adjustment and Appeals chooses to grant the variance, staff recommends the following conditions:

1. The variance is to be no more than what is approved by the Zoning Board of Adjustments and Appeals,
2. The applicant will need to apply for a building permit from the Building Inspections Division prior to the construction of the proposed enclosure, and
3. Any construction or building allowed by this variance must conform to the requirements set forth by the Unified Development Code, the 2009 International Building Code, the Grand Prairie Municipal Code of Ordinances, city adopted fire codes and with other applicable regulatory requirements administered and/or enforced by the state and federal government.

Chairman Larson asked if the board had any questions for staff.

Chairman Larson noted that there were no questions for staff and asked the case representative to step forward.

The speaker stated his name and address for the record:

Darrell Survant
609 W Springdale Ln
Grand Prairie, TX

The speaker explained the plan to add two windows and match the existing siding.

The speaker stated that no structural changes would be made and that he would meet the required codes.

Chairman Larson observed that the presentation photograph showed three (3) cars parked in the driveway and asked if the driveway was a double driveway.

The speaker answered yes and stated that the garage was a double garage and the driveway was a double driveway.

Chairman Larson asked if the garage conversion would necessitate street parking.

The speaker stated that two (2) of the cars in the driveway would not be parked there for much longer and explained that one of the cars was his own.

Chairman Larson asked if the board had any additional questions for the speaker.

Chairman Larson noted there were no additional questions or other speaker cards submitted for this case.

There being no further discussion on the case, Mrs. Rodgers made a motion to close public hearing and was seconded by Vice Chairman Davidson.

A motion was made to approve case BA120503 with the recommended conditions. The following vote and action took place:

Motion: Mrs. Rodgers

Second: Mrs. Lira

Ayes: Larson, Davidson, Owings, Rodgers, Smith, Parker, Lira

Nays: None

Motion: Approved 7-0

V. CITIZENS COMMENT

Chairman Larson stated that as a citizen, he would like to acknowledge Ryan Miller, commend him on the work he has done in the Grand Prairie Planning Department and wish him luck in his future endeavors.

Mr. Alcorn stated and staff confirmed that the first Zoning Board of Adjustments and Appeals meeting in the refurbished City Council Chambers would take place in July.

VI. COMMENTS BY BOARD

None

VII. ADJOURNMENT

Mrs. Rodgers made a motion to adjourn and was seconded by Mrs. Lira.

Motion: Mrs. Rodgers

Second: Mrs. Lira

Ayes: Larson, Davidson, Owings, Rodgers, Smith, Parker, Lira

Nays: None

Motion: Approved 7-0

Meeting Adjourned at 7:30 p.m.

A handwritten signature in black ink, appearing to read "Ken Lira", written over a horizontal line.

Chairman, Zoning Board of Adjustments and Appeals