



City Hall: 317 College St, Grand Prairie, Texas

MEETING AGENDA

Zoning Board of Adjustments and Appeals

January 22, 2020

BRIEFING:

6:30 P.M.

The staff will brief the board and preview the cases on tonight's agenda. Board members will have the opportunity to ask questions that may facilitate the meeting and the presentation of the cases. No action will be taken during the briefing.

CALL TO ORDER:

7:00 P.M.

The Zoning Board of Adjustments and Appeals is appointed by the City Council to consider variances, exceptions and appeals as prescribed by the City of Grand Prairie's Unified Development Code. In accordance with Section 211.009 of the Local Government Code of the State of Texas and Article 1 of the Unified Development Code of the City of Grand Prairie, the concurring vote of seven members of the Board is necessary to decide in favor of an applicant on any matter on which the Board has jurisdiction. Members of the public may address the Board on items listed on the agenda under Public Hearing Items.

INVOCATION:

APPROVAL OF MINUTES:

PUBLIC HEARING:

1. **CASE NUMBER BA200105 (Council District 6)**. Requesting to replace a nonconforming mobile home, with a new mobile home on a lot not zoned for mobile homes, located at 609 Homestead, legally described as Lot 9, Travelers End Mobile Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned A, Agriculture District.

CITIZENS COMMENT:

BYLAWS:

ADJOURNMENT:

In accordance with Chapter 551, Subchapter 6 of the Texas Government Code, V.T.C.A., the Zoning Board of Adjustment and Appeals agenda was prepared on the 15th day of January 2020 at 5:00 p.m.

Posted By: *Nyliah Acosta*

The City Hall is wheelchair accessible. If you plan to attend this public meeting and you have a disability that requires special arrangements, please call 972-237-8257 at least 24 hours in advance. Reasonable accommodations will be made to assist your needs



BA200105

609 Homestead Trail Nonconforming Structure Replacement

Zoning Board of Adjustments & Appeals:

January 22, 2019

Case Manager:

Nyiah Acosta

Owner/Applicant:

Gary Brooks/Jonathan Fulbright

SUMMARY

A Request to replace a nonconforming mobile home, with a new mobile home on a lot not zoned for mobile homes, located at 609 Homestead, legally described as Lot 9, Travelers End Mobile Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned A, Agriculture District.

PUBLIC NOTIFICATION

Legal notice of this item was published in the Fort Worth Star Telegram January 10th and January 19th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on January 10, 2020.

10 notices were sent, 0 were returned in favor, 0 opposed, and there is no neighborhood association.

DISCUSSION

As defined in Article 1.11.7.3 C. 2 of the Unified Development Code, the Board may "inquire into the existence, continuation or maintenance of any non-conforming use within the City". In addition, Article 19.4.2 states, "a non-conforming structure may be continued and may be enlarged, maintained, repaired or altered only if such development shall neither create an additional non-conformance nor increase the degree of existing non-compliance of all or any part of such structure, nor prevent the return of the property to a conforming use". It is within the Boards purview to take action on continuing a nonconforming use request, per the application of 1609 Homestead Trail at the applicant's request.

On October 1, 1987 the property was platted as the Travels End Mobile Estates, providing the initial intention for the use of mobile homes on individually platted lots. The property is currently zoned A, Agriculture District, and does not allow for mobile homes, or manufactured homes. The site is only accessible from Homestead Trail, which is a no outlet paved road and does not currently have City utilities. The property currently has an oversized (800 sqft) accessory structures and one mobile home. The applicant proposes to remove the existing mobile home, and replace it with a new manufactured home that will meet the U.S. Department of Housing and Urban Development (HUD) requirements. If approved by the Board, staff recommends that Environmental Services ensure the septic tank has capacity for the new

manufactured home. The surrounding area consists of other mobile homes, and replacing the structure with a more restrictive manufactured home decreases the degree of nonconformity.

The HUD code requires each manufactured home to meet the following requirements:

- Built as a one, two, or three section home in a protected building center, transported to the home site on a frame and installed.
- Meets the strict HUD code restrictions for design and construction, durability and strength, fire resistance, transportability, energy efficiency and quality.
- Built on steel beams with wheels under each section.
- Meets the high standards for heating, plumbing, air conditioning and thermal and electrical systems performance.
- Passes stringent third party inspections

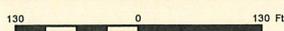
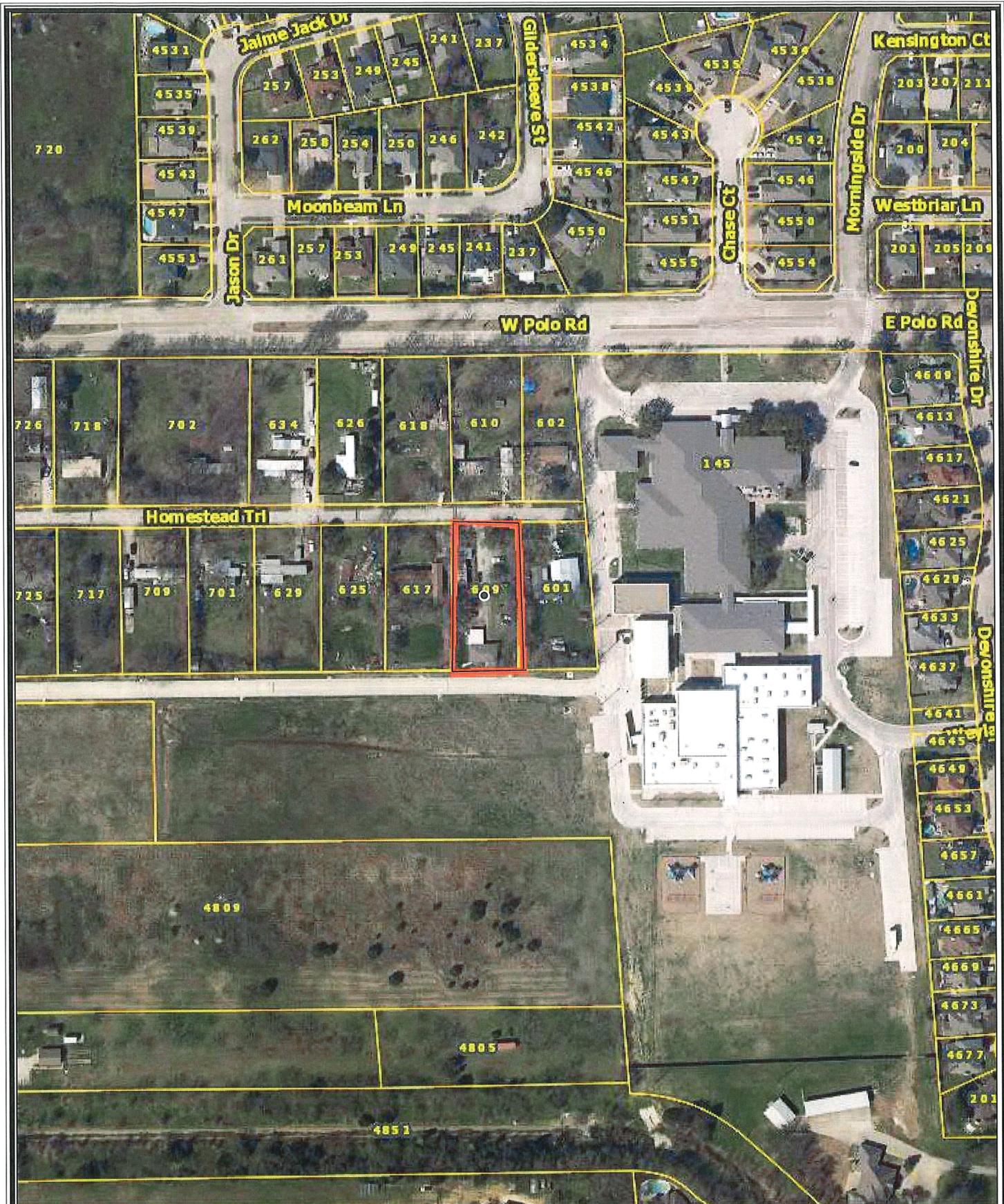
RECOMMENDATION

Staff does not object to the variance request of in BA200105 based on the following findings of fact:

1. The request is consistent with the surrounding area, and there are no negative impacts adjacent property owners.

If the board chooses to grant the applicants request, he/she must abide to the following below:

1. **Septic must be tested by Environmental Service, and must be approved.**
2. **Any construction or building allowed by this variance must conform to the requirements set forth by the Unified Development Code, the 2015 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. If a building permit has not been applied for or issued within a ninety (90) day period or as the Board may specifically grant, the variance shall be deemed waived; and all rights there under terminated.**



609 Homestead Trl/BA200105

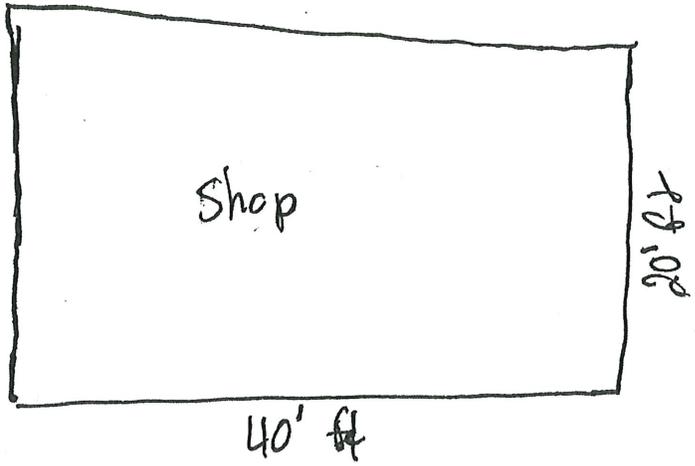
Date: 1/8/2020 Time: 1:16:39 PM

This data has been compiled by the City of Grand Prairie IT/GIS department. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.

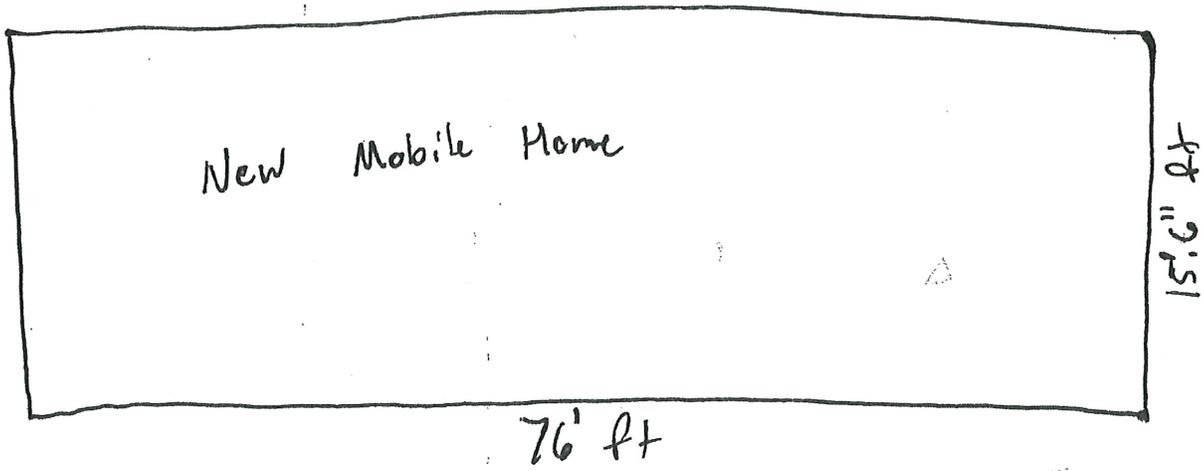


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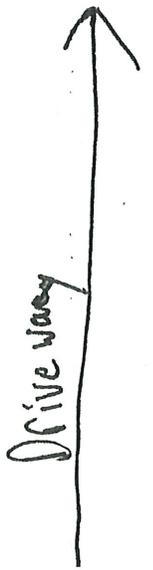
Back of Property



New Mobile Home



Fence Line



Front of Property



City Hall : 317 College St Grand Prairie, TX

MEETING AGENDA

Zoning Board of Adjustments and Appeals

DATE

December 16, 2019

BRIEFING:

6:30PM

The staff will brief the board and preview the cases on tonight's agenda. Board members will have the opportunity to ask questions that may facilitate the meeting and presentation of the cases. No action will be taking place during the briefing

CALL TO ORDER

7:00 PM

The Zoning Board of Adjustments and Appeals is appointed by the City Council to consider variances, exceptions and appeals as prescribed by the City of Grand Prairie's Unified Development Code. In accordance with Section 211.009 of the Local Government of the State of Texas and Article 1 of the Unified Development Code of the City of Grand Prairie, the concurring vote of seven members of the Board is necessary to decide in favor of an applicant on any matter on which the Board has jurisdiction. Members of the public may address the Board on items listed on the agenda under Public Hearing Items

Board Members in Attendance:

Barry Sandacz X , Tracy Owens X , Heather Mazac _____,

Clayton Hutchins X , Debbie Hubacek _____, Stacy White X ,

Anthony Langston, Sr. X , Timothy Ibidapo X ,

Martin Caballero X , David Baker * X , Tommy Land* _____

Melinda Rodgers* X , Ralph Castro* ,

*Alternate members

INVOCATION:

 David Baker led the invocation

APPROVAL OF MINUTES:

 David Baker motioned to approve last month's minutes

 Timothy Ibidapo seconded motion

 9 yays 0 nay

PUBLIC HEARING:

1. **CASE NUMBER BA191202 (Council District 2).** Requesting a 20 foot height variance from the 25 foot height limitation, to allow for a 45 foot tall structure, located at 1902 S. Belt Line Road, legally described as Lot 1R, Block 1, Kregel Addition, City of Grand Prairie, Dallas County, Texas, zoned SF-3, Single-Family Three Residential District.

Applicant / Spokesperson: John Taylor

Address: 1207 Hampshire Ln
 Richardson, TX

Any comments from Spokesman:

The spokesperson spoke in favor. 1964 original church has a 40' roof peak, and they intend to keep the Live Oak tree for now for a new playground. Can't meet 25' building height.

Any questions from Board:

The Board did not have any questions for the applicant.

The following persons spoke in favor of the application:

Sean Vaquel, Building Solutions.

The following persons noted their support for the application:

 Sunday school only. No daycare. Strictly education

The following evidence was presented to the Board by those in favor of the case:

The following persons noted their opposition to the application:

The following evidence was presented to the Board by those in opposition to the case:

The applicant did *or* **did not** speak in rebuttal.

After consideration of the evidence, the Board discussed the evidence and the documentation on the record.

The Board makes the following findings, indicated by a check or x in the blank next to the finding:

Proper notification was done in accordance with the statutes and ordinances.

The decision of the City building or administrative official to deny the permit or construction was in error, and the permit should be granted.

A variance, if granted, is not contrary to the public interest, and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and the granting of the variance would be in the spirit of the ordinances and substantial justice would be done.

The variance or exception will not substantially or permanently injure the appropriate use of adjacent property in the same district.

The variance or exception will not adversely affect the health, safety, or general welfare of the public.

The variance or exception will not be contrary to public interest.

The variance or exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

The variance or exception will be in harmony with the spirit and purpose of the Unified Development Code and all other ordinances of the City.

X The variance or exception will not alter the essential character of the district in which is located the property for which the variance is sought.

X The variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;

_____ The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, area, shape or slope, and the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

_____ The variance or exception is not a self-created hardship.

Motion to close to the public hearing by Tracy Owens
2nd the Motion by Timothy Ibidapo

Motion to Approve Case Tracy Owens
2nd the Motion Timothy Ibidapo

Motion was **approved**/denied 8 yays to 1 Nays
Members that objected: **Clayton Hutchins**

2. **CASE NUMBER BA191203(Council District 4).** Requesting to reconstruct an existing pole sign that was damaged, located at 2546 W IH-20, legally described as Lot 4R, Block B, Southwest 20 East Addition, City of Grand Prairie, Tarrant County, Texas, zoned PD-31.

Applicant / Spokesperson: Andy Maldonado
Address:

Any comments from Spokesman:
Want sign for visibility.

Any questions from Board:

Clayton Hutching- Can the sign be rebuilt?

Nyliah Acosta- The UDC allows ZBA to authorize.

Timothy Ibidapo- Why not rebuild the sign conforming?

David Baker- I-20 frontage is different than 161. Less visibility.

Clayton Hutchins- Council could have passed an Ordinance allowing pole signs, but didn't.

Any Maldonado- The expressway limits visibility, so the height is needed. They have already purchased the sign. There is also thick foliage. They are only asking for the same as before.

Timothy Ibidapo- Can height request be fulfilled with conforming height?

Anthony Maldonado- We are further from the expressway due to the curve of the frontage road. All the other sign are 75' plus

Barry Sandacz- Is the cost of monument versus the cost of the pole an issue?

Andy Maldonado- No, they want the height.

The following persons spoke in favor of the application:

The following persons noted their support for the application:

The following evidence was presented to the Board by those in favor of the case:

The following persons noted their opposition to the application:

The following evidence was presented to the Board by those in opposition to the case:

The applicant did *or* **did not** speak in rebuttal.

After consideration of the evidence, the Board discussed the evidence and the documentation on the record.

The Board makes the following findings, indicated by a check or x in the blank next to the finding:

Proper notification was done in accordance with the statutes and ordinances.

The decision of the City building or administrative official to deny the permit or construction was in error, and the permit should be granted.

A variance, if granted, is not contrary to the public interest, and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and the granting of the variance would be in the spirit of the ordinances and substantial justice would be done.

The variance or exception will not substantially or permanently injure the appropriate use of adjacent property in the same district.

The variance or exception will not adversely affect the health, safety, or general welfare of the public.

The variance or exception will not be contrary to public interest.

The variance or exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

The variance or exception will be in harmony with the spirit and purpose of the Unified Development Code and all other ordinances of the City.

The variance or exception will not alter the essential character of the district in which is located the property for which the variance is sought.

The variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;

The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, area, shape or slope, and the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

The variance or exception is not a self-created hardship.

Motion to close to the public hearing by Tracy Owens
2nd the Motion by David Baker

Motion to Approve Case by Tracy Owens
2nd the Motion David Baker

Motion was approved/denied __8__ yays to _1__ Nays
Members that objected: **Clayton Hutchins**

3. **CASE NUMBER BA191205 (Council District 1).** Requesting:

1. A 400 square foot variance from the required 1,400 square foot living area requirement, to allow for a 1,000 square foot residential dwelling.
2. An exception from the garage requirement, to allow for a house with no garage.
3. A 45 foot variance from the required 100 foot lot depth requirement, to allow for a 55 foot deep lot.
4. A 5 foot front yard setback variance from the required 25 feet, to allow for a residential dwelling 20 feet from the front setback.

Located at 2021 Eva Street, legally described as Lot 13, 14 & 15, Block 138 N, Dalworth Park Addition, City of Grand Prairie, Dallas, zoned MF-1 Multi-Family One Residential District.

Applicant / Spokesperson: Jose Sarinana

Address: 2635 Racquet Club Dr
Grand Prairie, TX

Any comments from Spokesman:

The applicant said he wants to do three homes on each lot.

Any questions from Board:

Timothy Ibidapo- Could we approve two, or one house instead of three?

Nyliah Acosta- Yes, but they would still need a depth variance, and a variance for the garage.

Timothy Ibidapo- Can you do two lots?

Jose Sarinana- There is space for 3 houses on one lot each, so that's what I want to do.

The following persons spoke in favor of the application:

The following persons noted their support for the application:

The following evidence was presented to the Board by those in favor of the case:

The following persons noted their opposition to the application:

The following evidence was presented to the Board by those in opposition to the case:

The applicant did *or* did not speak in rebuttal.

After consideration of the evidence, the Board discussed the evidence and the documentation on the record.

The Board makes the following findings, indicated by a check or x in the blank next to the finding:

Proper notification was done in accordance with the statutes and ordinances.

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The variance or exception will be in harmony with the spirit and purpose of the Unified Development Code and all other ordinances of the City.

The variance or exception will not alter the essential character of the district in which is located the property for which the variance is sought.

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_____ The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, area, shape or slope, and the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

_____ The variance or exception is not a self-created hardship.

Motion to close to the public hearing by Tracy Owens
2nd the Motion by Clayton Hutchins

Motion to Approve Case as is by Tracy Owens
2nd the Motion Clayton Hutchins

Motion was approved/**denied** 5 yays to 4 Nays

Members that objected: **Tracy Owens, Clayton Hutchins, Timothy Ibidapo, David Baker**

CITIZENS COMMENTS:

BYLAWS UPDATE: David Jones talked about the Bylaws and taking them to CCDC

ADJOURNMENT : 7:46 PM

**THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF GRAND PRAIRIE, TEXAS**

by: _____

Printed Name: _____

Title: _____