



City Hall : 317 College St Grand Prairie, TX

MEETING AGENDA

Zoning Board of Adjustments and Appeals

DATE August 17th, 2020

Due to an imminent threat to public health and safety arising from the COVID-19 pandemic, this meeting of the Zoning Board of Adjustments and Appeals shall be held via videoconference. The members of the Board will participate remotely via videoconference. No facility shall be available for the public to attend in person.

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 , Robert Mendoza , Michelle Madden X ,

Clayton Hutchins X , Debbie Hubacek X , Stacy White _____,
Anthony Langston, Sr. X , Timothy Ibibapo X , Ralph Castro* X ,
Martin Caballero X , David Baker * X , Tommy Land* X

INVOCATION:

David Baker led the invocation

APPROVAL OF MINUTES:

Ralph Castro motioned to approve last month's minutes

Anthony Langston Sr seconded motion

9 yays 0 nay

PUBLIC HEARING:

1.BA200803 (Council District 6) – Front yard setback variance at 4702 Opelousas Trail, legally described as Lot 1, Block H, Trailwood 4, City of Grand Prairie, Dallas County, Texas zoned Planned Development - 81 District.

- a. Variance: Construction of a covered porch in the front-yard setback. Required Setback: 25 feet. Requested Setback: 21 feet

Applicant / Spokesperson: Robert Martinez

Address: 4702 Opelousas
Grand Prairie, TX 75052

Any comments from Spokesman:

The applicant was approved for the building permit and the permit was issued. However, during construction it was found the permit was issued in error and the applicant needed a variance for the setback

Any questions from Board:

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.

X 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.

X 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.

Any additional findings:

Motion to close to the public hearing and Approve the Case by Ralph Castro
2nd the Motion by David Baker

Motion was approved/denied 9 yays to 0 Nays
Members that objected _____

Any conditions:

The public hearing was closed.

2. **BA200809 (Council District 1)** – Construction of a carport at 9 Heritage Court, legally described as Lot 9, Block 1, Heritage Estates No. 2, City of Grand Prairie, Tarrant County, Texas, zoned Single Family-One Residential District.

a. Special Exception: Construction of a carport

b. Variance: Construction of a carport that exceeds maximum area. Required: Maximum

- Area: 500 square feet. Requested Area: 576 square feet.
- c. Variance: Construction of a carport in the side yard setback. Required Setback: 3 feet. Requested Setback: 6 inches.
- d. Variance: Maximum allowed number of accessory structures. Maximum allowed: 3
2. Requested: Allowance to build 4th accessory structure on the property.

Applicant / Spokesperson: Max Coleman

Address: 9 Heritage Ct
Grand Prairie, TX 75052

Any comments from Spokesman:

The applicant needs the carport for vehicle protection.

Any questions from Board:

Michelle Madden asked if Mr Coleman had spoken to any of his neighbors. Mr Coleman stated that yes he did

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.

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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.

Any additional findings:

Motion to close to the public hearing and Approve the Case by Ralph Castro
2nd the Motion by Timothy Ibidapo

Motion was approved/denied 9 yays to 0 Nays

Members that objected _____

Any conditions:

The public hearing was closed.

3. **BA200810 (Council District 1)** – Manufactured home replacement at 733 La Moda Street, legally described as Lot 182, San Grande Mobile Home Park, Elizabeth Gray Abstract 1680, Page 375, City of Grand Prairie, Dallas County, Texas, zoned Planned Development - 2 District.

a. Variance: Placement of a manufactured home in the Special Flood Hazard Area.

Required: Prohibited. Requested: Placement of a manufactured home in the Special Flood Hazard Area.

Applicant / Spokesperson: Lola Farmer

Address: 733 La Moda
Grand Prairie, TX 75051

Any comments from Spokesman:

The applicant would like to use this property as her primary residence. She stated that she was not informed of any rules regarding moving a house when she purchased it. She found out about the ruling when she went into the Permitting office and tried to obtain a permit

Any questions from Board:

Barry Sandacz asked if this was more a concern of the FEMA rating

Michelle Madden expressed concern if it was ever voiced to this applicant that once they moved the mobile home, they couldn't replace it

Timothy Ibidapo asked if there has been any assessment from FEMA because of this mobile home. He also wanted to know if this structure was voluntarily moved or ordered to move

David Baker asked if a letter was ever sent to the owners in the park regarding moving a mobile home. He also questioned if this case is a ZBA issue or for another Board?

Mark Dempsey answered Mr. Baker stating that this is a case for ZBA due to the placing of the mobile home in the FloodPlain. This is a variance to the ordinance
Mark Dempsey also reiterated that the City does not change the FEMA lines
Bill Crolley added that the City receives updated maps regarding the FEMA lines and sends out notices to those affected. However, the City does not receive a lot of feedback
David Baker asked if it was possible for the City to add in more dirt to raise the property.
Debbie Hubacek noted that it appeared that there were cars and other items on the property
Savannah Ware stated that although this is true based in the aerials, the regulations still prohibit a structure to be placed in the Floodplain

The following persons spoke in favor of the application:

Ramona Bledsoe 3217 La Sonbra Grand Prairie, TX 75050. She is the President of the San Grande Mobile Home park and believes Ms Farmer should be allowed to replace the trailer. She also states that her nor the office ever received any letters regarding replacing mobile homes there in the community

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 asked to speak regarding the application

Caren Gonzalez of 712 San Grande Grand Prairie, TX 75050 She is not opposed to the case but is interested in the outcome. Her sister was denied for a permit from the City and if this case is approved, they may look at obtaining a variance as well. Ms. Gonzalez wanted to also make sure that no favoritism was being given to Ms. Farmer from the San Grande Board as Ms. Farmer did sit on the board in previous years.

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.

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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.

Any additional findings:

Motion to close to the public hearing and Deny the Case by Timothy Ibidapo

2nd the Motion by David Baker

Ralph Castro wanted to clarify that the motion would be to deny the case

David Baker seconded the clarification

Motion was approved/**denied** 9 yays to 0 Nays

Members that objected _____

Any conditions:

The public hearing was closed.

4. BA200811 (Council District 2) – Construction of a carport at 506 San Carlos Drive, legally described as Lot 7, Garden Manor Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

a. Special Exception: Construction of a carport.

Applicant / Spokesperson: Salvador Guevara

Address: 506 San Carlos Dr

 Grand Prairie, TX 75051

Any comments from Spokesman:

Any questions from Board:

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:

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

Any additional findings:

Motion to close to the public hearing and Approve the Case by **Ralph Castro**
2nd the Motion by **Timothy Ibidapo**

Motion was **approved**/denied 8 yays to 1 Nays
Members that objected David Baker

Any conditions:

The public hearing was closed.

5. BA200813 (Council District 1) – Construction of a single family residence at 2021 Eva Street, legally described as the north part of Lots 13, 14, and 15, Block 138, Dalworth Park, City of Grand Prairie, Dallas County, Texas, zoned Multi-Family One Residential District.

- a. Variance: Creation of a lot that does not meet the minimum required depth. Required Depth: 100 feet. Requested Depth: 55 feet.
- b. Variance: Construction of a single-family residence in the front yard setback. Required Setback: 25 feet. Requested Setback: 20 feet.

Applicant / Spokesperson: Jose Sarinara
Address: 3685 Racquet Club
Grand Prairie, TX 75051

Any comments from Spokesman:

The applicant would like to build a house on the lot. He thought about building 3 houses but there would be too many variances required

Any questions from Board:

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.

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

Any additional findings:

Motion to close to the public hearing and Approve the Case by **David Baker**
2nd the Motion by **Timothy Ibidapo**

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

Any conditions:

The public hearing was closed.

NEW BUSINESS:

Officer Election for vacant Vice Chair

Timothy Ibidapo nominates Debbie Hubacek. Debbie Hubacek withdraws nomination

Michelle Madden nominates Martin Caballero. Martin Caballero is not present

David Baker nominates Clayton Hutchins. Clayton Hutchins defers the nomination

The appointing / acceptance of Vice Chair will be picked up at the next ZBA meeting

CITIZENS COMMENTS:

