



City Hall: 300 West Main St. Grand Prairie, TX

MEETING MINUTES

Zoning Board of Adjustments and Appeals

June 15, 2020

BRIEFING:

6:30 PM

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:

7:03 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	Anthony Langston, Sr.	X
Tracy Owens	X	Timothy Ibidapo	X
Heather Mazac		Melinda Rodgers*	
Clayton Hutchins	X	Ralph Castro*	
Debbie Hubacek	X	David Baker *	X
Stacy White		Tommy Land*	
Martin Caballero	X		

INVOCATION:

David Baker led the invocation.

APPROVAL OF MINUTES:

Tracy Owens motioned to approve minutes for the March 16, 2020 meeting. Anthony Langston seconded the motion.

Motion approved 8-0.

PUBLIC HEARING:

1. **CASE NUMBER BA200402 (Council District 5)** – Construction of a detached garage at 941 SW 4th St, legally described as Lot 5, Block G, Turner Heights Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four District.
 - a. **Variance:** Construction of a detached garage in the side yard setback. Required Setback: 6 feet. Requested Setback: 3 feet.

Applicant / Spokesperson: Miguel Franco and Jasmine Franco

Address: 941 SW 4th Street

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:

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.

Tracy Owens made a motion to close public hearing and approve BA200402. David Baker seconded the motion.

Motion approved 8-0.

2. **CASE NUMBER BA200503 (Council District 3)** - Construction of a carport at 1922 Avenue A, legally described as Lot 10, Block G, Lake Crest No. 3, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four District.
 - a. Special Exception: Construction of a carport.
 - b. Variance: Construction of a carport in the side yard setback. Required Setback: 3 feet. Requested Setback: 2 inches.
 - c. Variance: Construction of a carport in the front yard setback. Required Setback: 5 feet. Requested Setback: 3.5 feet.
 - d. Special Exception: Construction of a carport using prohibited materials. Requested Material: Galvanized metal.

Applicant / Spokesperson: Jerry Daniel

Address: PO Box 788, Rowlett, TX 75189

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:

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.

Tracy Owens made a motion to close public hearing and approve BA200503 as requested. David Baker seconded the motion.

Motion failed 1-7.

Tracy Owens made a motion to approve as recommended by staff with a 1.5 ft. side yard setback and prohibited materials. Martin Caballero seconded the motion.

Motion failed 3-5.

David Baker made a motion to approve the special exception for a carport, a variance to allow a 3.5 ft. front yard setback, and a 1.5 ft. side yard setback. Tracy Owens seconded the motion.

Motion approved 7-1.

3. **CASE NUMBER BA200504 (Council District 3)** - Conversion of the garage into a living space at 1505 Acosta St, legally described as Lot 1-R, Block E, Kings Place Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Two District.

- a. Special Exception: Conversion of garage into living space. Required: Two garage parking spaces. Requested: No garage parking spaces.

Applicant / Spokesperson: Lonique Coots

Address: 1505 Acosta Street, 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:

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.

Timothy Ibidapo made a motion to close public hearing and approve BA200504. David Baker seconded the motion.

Motion approved 8-0.

4. **CASE NUMBER BA200505 (Council District 1** - Creation of two lots that do not meet the minimum width at 401 SW 14th St, legally described as Lot 1, Part Lot 2 and Abandoned Right of Way, Block 108, Dalworth Park, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four District.
 - a. Variance: Creation of two lots that do not meet the minimum required width. Minimum Required Lot Width: 60 feet. Requested Lot Width: 52.5 feet.

Applicant / Spokesperson:

Address:

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:

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.

Clayton Hutchins made a motion to close public hearing and approve BA200505. David Baker seconded the motion.

Motion approved 8-0.

5. **CASE NUMBER BA200608 (Council District 4)** – Construction of an accessory structure at 2707 Webb Lynn Rd, legally described as Lot 2, Block 1, Friendship Meadows, City of Grand Prairie, Tarrant County, Texas, zoned Single Family-One District.
- a. Variance: Construction of an accessory structure that exceeds maximum area. Required Maximum Area: 450 square feet. Requested Area: 1,200 square feet.
 - b. Special Exception: Construction of an accessory structure that does not meet required materials. Required Materials: 100% Masonry. Requested Materials: Metal.

Applicant / Spokesperson: Ken Fay

Address: 2707 Webb Lynn Road

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:

Rose Gerald, 2707 W Shore Drive

Simon Wang, 2703 W Shore Drive

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.

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

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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.

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_____ 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.

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

Tracy Owens made a motion to close public hearing and approve BA200608 as requested. David Baker seconded the motion.

Motion failed 6-2.

David Baker made a motion to approve BA200608 with approved materials. Tracy Owens seconded the motion.

Motion approved 8-0.

6. **CASE NUMBER BA200609 (Council District 6)** – Construction of a detached garage at 1114 Nadine Ln, legally described as Lot 118R2, Florence Hill No. 2, City of Grand Prairie, Dallas County, Texas, zoned Planned Development-84 District.
 - a. Variance: Construction of a detached garage that exceeds the maximum area. Required Maximum Area: 750 square feet. Requested Area: 1,200 square feet.
 - b. Variance: Construction of a detached garage that exceeds the maximum height. Required Maximum Height: 14 feet. Requested Height: 22 feet, 2 inches.
 - c. Special Exception: Construction of a detached garage that does not meet required materials. Required: 100% Masonry. Requested: Metal.

Applicant / Spokesperson: Kelly Foster
Address: 2415 Enterprises

Any comments from Spokesman:

Any questions from Board:

The following persons spoke in favor of the application:

Jeanene Dumas, 1114 Nadine Lane

Ralph Dumas, 1114 Nadine Lane

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 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.

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

Tracy Owens made a motion to close public hearing and approve BA200609 as requested. David Baker seconded the motion.

Motion failed 4-4.

David Baker made a motion to approve BA200609 with approved materials. Tracy Owens seconded the motion.

Motion failed 6-2.

Tracy Owens made a motion to reopen the public hearing. David Baker seconded the motion.

Motion approved 7-1.

Discussion

Tracy Owens made a motion to approve BA200609 with a height of 18 ft. Anthony Langston seconded the motion.

Motion failed 6-2.

Tracy Owens made a motion to approve BA200609 with a height of 18 ft. and 100% masonry materials. David Baker seconded the motion.

Motion approved 8-0.

7. **CASE NUMBER BA200610 (Council District 1)** – Construction of a single family detached house at 1837 San Antonio St, legally described as Lot 10, Block 112, Dalworth Park, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four District.
 - a. Variance: ~~Construction of a house that does not meet the minimum living area requirement. Required Minimum Area: 1,800 square feet. Requested Area: 1,685 square feet.~~
 - b. Variance: Construction of a house in the side yard setback. Required Setback: 6 feet. Requested Setback: 5 feet.
 - c. Variance: Construction of a house in the side yard setback adjacent to a street. Required Setback: 15 feet. Requested Setback: 10 feet.

Applicant / Spokesperson:

Address:

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:

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.

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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.

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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.

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.

Tracy Owens made a motion to close public hearing and approve BA200610 as requested. David Baker seconded the motion.

Motion approved 8-0.

CITIZENS COMMENTS: None

ADJOURNMENT: Barry Sandacz at 8:20 pm

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

by: 

Printed Name: BARRY SANDACZ

Title: CHAIRPERSON