



City Hall : 317 College St Grand Prairie, TX

MEETING AGENDA

Zoning Board of Adjustments and Appeals

DATE July 20th, 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__, Tracy Owens __X__, Heather Mazac __X__,

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

INVOCATION:

David Baker led the invocation

APPROVAL OF MINUTES:

Tracy Owens motioned to approve last month's minutes

David Baker seconded motion

9 yays 0 nay

PUBLIC HEARING:

1. **BA200701 (Council District 1)** – Construction of three single family residences 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: Construction of three single-family residences in the front-yard setback. Required Setback: 25 feet. Requested Setback: 20 feet.
 - b. Variance: Creation of three lots that do not meet the minimum required depth. Required Depth: 100 feet. Requested Depth: 55 feet.
 - c. Variance: Creation of three lots that do not meet the minimum required lot size. Required Area: 5,000 square feet. Requested Area: 2,756 square feet.

Case has been withdrawn

2. **BA200704 (Council District 5)** – Construction of an accessory structure at 1646 Walnut Street, legally described as Tract 18, Richard Wilson Survey, Abstract No. 1548, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District.

- a. Variance: Construction of an accessory structure that exceeds maximum area. Required Maximum Area: 450 square feet. Requested Area: 4,000 square feet.
- b. Variance: Construction of an accessory structure that exceeds the maximum height. Required Maximum Height: 14 feet. Requested Height: 16 feet.
- c. Variance: Maximum allowed number of accessory structures. Maximum allowed: 3 Requested: Allowance to build 7th accessory structure on the property.

Applicant / Spokesperson: _____Charlie Newsome_____

Address:_____1646 Walnut_____

_____Grand Prairie, TX 75052_____

Any comments from Spokesman:

The applicant needs the accessory structure for recreational vehicles

Any questions from Board:

Clayton Hutchins asked if there would be plumbing in the structure? Applicant stated no

Timothy Ibidapo asked if the structure would be taller than the house? The structure should be the same

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.

Any additional findings:

Motion to close to the public hearing and Approve the Case by **Ralph Castro**
2nd the Motion by **Tracy Owens**

Motion was **approved**/denied 7 yays to 2 Nays
Members that objected **David Baker , Clayton Hutchins**

Any conditions:

The public hearing was closed.

3. BA200706 (Council District 5) – Construction of a carport at 914 SW 4th Street, legally described as Lot 12, Block D, Turner Heights Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

- a. Special Exception: Construction of a carport
- b. Variance: A 7% variance from the limitation of accessory structures not to exceed

Applicant / Spokesperson: Mariana Garcia

Address: 914 SW 4th
Grand Prairie, TX 75051

Any comments from Spokesman:

The applicant would like the structure for space for his materials and storage

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.

Any additional findings:

Motion to close to the public hearing and Approve the Case by **Ralph Castro**
2nd the Motion by **Tracy Owens**

Motion was **approved**/denied ___9___ yays to ___0___ Nays
Members that objected _____

Any conditions:

The public hearing was closed.

4. BA200707 (Council District 3) –

Construction of a carport at 638 E Springdale Lane, legally described as Lot 8, Block 4, Lake Park Village No. 1, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

a. Special Exception: Construction of a carport

Applicant / Spokesperson: Nina Estrada

Address: 638 E Springdale
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.

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 **Tracy Owens**

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

Any conditions:

The public hearing was closed.

5. BA200708 (Council District 2) –

Rear yard setback at 3116 Smokewind Lane, legally described as Lot 13, Block 2, Kirby Creek Village Section 1, City of Grand Prairie, Tarrant County, Texas, zoned Planned Development-127 District.

- a. Variance: Construction of an addition to a single-family house that encroaches the rear yard setback. Required Setback: 10 feet. Requested Setback: 7.5 feet.

Applicant / Spokesperson: Gerald Perrin

Address: 3116 Smokewind

Grand Prairie, TX 75051

Any comments from Spokesman:

The applicant will be demolishing the old structure. Mr. Perrin stated that he may use it for small projects but would make sure the noise is minimized

Any questions from Board:

Tracy Owens asked if the HOA responded. The staff stated that there was no response. Timothy Ibidapo asked about the possible noise if used as a workshop

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:

 X 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.

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

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

X 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.

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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 **Tracy Owens**

Motion was **approved**/denied ___9___ yays to ___0___ Nays
Members that objected _____

Any conditions:

The public hearing was closed.

6. BA200709 (Council District 5) –

Construction of a carport at 1106 Huddleston Drive, legally described as Lot 32, Block 10, Rogway Terrance, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential 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 feet.

Applicant / Spokesperson: _Fadel Al Abadi_(not present)_____

Address: ___1106 Huddleston_____

___Grand Prairie, TX 75052_____

Any comments from Spokesman:

Any questions from Board:

Ralph Castro asked if there would be a double fee imposed. The staff stated this would need to be verified with Building Inspections. Mr. Castro stated that in the past a double fee would be assessed for a structure already built without a permit

Timothy Ibidapo asked which measurements were correct on the plan. Staff stated that the correct measurements are marked in Red and the original are marked in Blue

David Baker also questioned the double fine on the structure and stated that this is something that is normally presented with the case and asked if something had changed Barry Sandacz wanted to confirm that it is not a fine that is assessed but a double permit fee. Mr Sandacz also wanted to reiterate that this approval will be for the sideyard setback and the carport

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 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 Clayton Hutchins

Motion was approved/denied ___9___yays to ___0___Nays
Members that objected _____

Any conditions:

The public hearing was closed.

7. BA200706 (Council District 5) – Conversion of the garage into a living space at 1630 Camara Court, legally described as Lot 28, Block 8, Phillips Park, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

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

Applicant / Spokesperson: _Jhonaton Martinez_____

Address:___1630 Camara Ct_____

___Grand Prairie, TX 75051_____

Any comments from Spokesman:

The applicant would like the garage enclosure due to their growing family

Any questions from Board:

Timothy Ibiidapo asked about the number of cars at the residence. The applicant stated 2 cars

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 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 **Tracy Owens**

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

Any conditions:

The public hearing was closed.

8. BA200711 (Council District 3) – Conversion of the garage into a living space at 334 E Grenoble Drive, legally described as Lot 28, Block 12, Lake Park Village No. 3, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.
a. Special Exception: Conversion of garage into living space. Required: Two garage parking spaces. Requested: No garage parking spaces.

Applicant / Spokesperson: Emilyn Munoz (speaking for father)

Address: 334 Grenoble
 Grand Prairie, TX 75051

Any comments from Spokesman:

The applicant would like the garage conversion for a growing family

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 is not a self-created hardship.

Any additional findings:

Motion to close to the public hearing and Table the case by **Ralph Castro**
2nd the Motion by **Tracy Owens**

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

Any conditions:

The public hearing was closed.

9. **BA200715 (Council District 4)** – Construction of a carport at 4357 Ashley Lane, legally described as Lot 1, Block 11, Sheffield Village Ph. 1, City of Grand Prairie, Tarrant County, Texas, zoned Planned Development – 140 District.
a. Special Exception: Construction of a carport.

Applicant / Spokesperson: Oswaldo Perez

Address: 4357 Ashley Ln

___ Grand Prairie, TX 75052 _____

Any comments from Spokesman:

The applicant would like the structure for protection of vehicles

Any questions from Board:

David Baker asked if the garage is enclosed. The applicant stated this was done about 20 years ago and is used to store items in it

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:
 X 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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 X 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;

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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 **Tracy Owens**
2nd the Motion by **Timothy Ibidapo**

Motion was approved/**denied** 1 yays to 8 Nays

Members that objected David Baker, Clayton Hutchins, Timothy Ibidapo, Ralph Castro, Martin Caballero, Heather Mazac, Barry Sandacz, Tommy Land

Any conditions:

The public hearing was closed.

NEW BUSINESS:

Tracy Owens last meeting. She thanked the board and said she really enjoyed her time on the Board

CITIZENS COMMENTS:

ADJOURNMENT : Timothy Ibidapo moved to adjourn the meeting. The meeting was adjourned at 8:27 pm