



ZONING BOARD OF ADJUSTMENTS AND APPEALS

VIDEO CONFERENCE

WEDNESDAY, JANUARY 20, 2021 AT 6:30 PM

AGENDA

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 will be held via videoconference at the indicated date and time. No facility shall be available for the public to attend in person. For further information contact the City of Grand Prairie Planning Department (972) 237-8255.

Members of the public may participate in the meeting remotely via broadcast by webinar or telephone through the following URL location:

You are invited to a Zoom webinar.

When: January 20, 2021 06:30 PM Central Time (US and Canada)

Topic: City of Grand Prairie - ZBA Meeting

Please click the link below to join the webinar:

<https://gptx.zoom.us/j/91938215977?pwd=aDdNTW9aM1QvQUZKVzFGdG05KzBNUT09>

Passcode: gdARBP467f

Or iPhone one-tap :

US: +13462487799,,91938215977#,,,8569038678# or
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All meeting participants will be automatically muted until it is their turn to speak. To be recognized to speak, use the “raise hand” feature in the Zoom meeting platform. Those joining the meeting by phone may press *9 to raise your hand. After speaking, please remute your phone by pressing *6.

Any speaker wishing to visually display documents in connection with a presentation must submit them to sware@gptx.org and jtooley@gptx.org in PDF format no later than 3:00 o'clock p.m. on Wednesday, January 20, 2021.

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

1. Approval of the December 21, 2020 Meeting Minutes

PUBLIC HEARING

2. **BA210101 (Council District 3)** – Variance to the side yard setback at 1611 Hardy Road, legally described as Lot 6-R2, Block 5, Lakecrest Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.
 - a. Variance: Construction of a single-family dwelling in the side yard setback.
Required Setback: 6 feet.
Requested Setback: 5 feet.
3. **BA210102 (Council District 2)** - Special exception to convert garage parking spaces into living space at 709 Pinoak Drive, legally described as Lot 13, Block D, Cross Timbers Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Two Residential District.
 - a. Special Exception: Conversion of garage into living space.
Required: Two garage parking spaces.
Requested: No garage parking spaces.
4. **BA210103 (Council District 1)** – Variance to lot size requirements at 401 SW 14th Street, 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 Residential District.
 - a. Variance: Creation of two lots that exceed the maximum density allowed.
Maximum density allowed: 5.8 dwelling units per acre.
Requested density: 6.7 dwelling units per acre.
 - b. Variance: Creation of two lots that do not meet the minimum area requirement.
Required area: 7,200 Square Feet.
Requested area: 6,562 Square Feet.

CITIZENS COMMENTS

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 2021 at 5:00 p.m.

Posted By: Jonathan Tooley

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 972-237-8255 at least 24 hours in advance. Reasonable accommodations will be made to assist your needs.

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

It is the custom and tradition of the members of the Zoning Board of Adjustment to have an invocation prior to the beginning of its meetings. The invocation is directed to and offered solely for the benefit of the members of Commission, though members of the audience are welcome to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and will have no bearing on any matter considered or decision made by the Commission during the meeting.



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 01/20/2021

REQUESTER: Jonathan Tooley

PRESENTER: Jonathan Tooley, Planner

TITLE: Approval of the December 21, 2020 Meeting Minutes

RECOMMENDED ACTION: Approval



Virtual Public Hearing

MEETING AGENDA

Zoning Board of Adjustments and Appeals

DATE: December 21, 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

Board Members In Attendance:

Barry Sandacz X Michelle Madden X Heather Mazac X

Clayton Hutchins X Debbie Hubacek Anthony Langston, Sr. X

Timothy Ibidapo Ralph Castro* X Martin Caballero X

David Baker * X Tommy Land* Robert Mendoza X

Melinda Rodgers*

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.

Mr. Jonathan Tooley briefed the Board on Case Number BA201201, a variance request located at 6955 Clipper Drive. Mr. Baker asked when staff started to ask HOAs to provide letters. Mr. Tooley stated that this started in November 2020.

Barry Sandacz pointed out that Heather Mazac and Martin Caballero joined the meeting, bringing the total number to nine.

ZBA TRAINING:

Mr. Mark Dempsey presented a training presentation to board members. The presentation included information about the Texas Open Meetings Act, as a quasi-judicial body record of the case goes up on appeal and the evidence is what is presented (no researching on your phone or texting), agendas must describe the subject matter of what will be discussed during the meeting. Mr. Dempsey stated that board members cannot discuss matters that are not listed on the agenda and that the date, time, and location of the meeting must be posted. Mr. Dempsey explained that briefing sessions are for the purpose of introducing the items that will be deliberated. It is not intended to be an exhaustive forum for the item. The discussion should take place during the meeting where the public has a chance to participate.

Mr. Dempsey also discuss meeting decorum – people appearing before the board have a lot invested in their item and keep in mind that this may be the only contact that they have with the City. With nine members of a board, it can get out of hand if people speak over one another and interrupt one another. It makes it difficult to keep a record of what is happening.

Mr. Ralph Castro stated that he has been on this board for a number of years and has been through many trainings. Mr. Castro stated that some of the questions asked by the board are not needed to consider the variance.

Mr. Sandacz agreed with Mr. Castro.

Mr. Clayton Hutchins commented that at some point Robert's Rules is extremely technical, he could bring this meeting to a halt. Mr. Hutchins suggested that at some point in time the City should adopt some simplified procedural rules for this board and have a rule that addresses attendance.

Mr. David Baker commented in the past that they helped people work through their decision and come up with an alternative to help homeowners move forward with their project.

Mr. Hutchins stated that what was published is the key to what we can do – the board cannot arrange something outside of what was published.

Ms. Michelle Madden commented that it is really important that people look at the packets in advance of the meeting.

CALL TO ORDER

7:00PM

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 **Michelle Madden** X **Heather Mazac** X Melinda Rodgers*

Clayton Hutchins X Debbie Hubacek **Anthony Langston, Sr.** X

Timothy Ibidapo **Ralph Castro*** X **Martin Caballero** X

David Baker * X Tommy Land* **Robert Mendoza** X

INVOCATION:

 David Baker led the invocation

APPROVAL OF MINUTES:

Michelle Madden stated that the minutes showed that Clayton Hutchins was in attendance and should not be included in the vote for the second case.

Michelle Madden motioned to approve last month's minutes with changes

Anthony Langston seconded motion

 9 yays 0 nays

PUBLIC HEARING:

1. **BA201201 (Council District 4)** – Variance to the rear yard setback at 6955 Clipper Drive, legally described as Lot 15, Block D, The Coast of Grand Peninsula Addition, City of Grand Prairie, Tarrant County, Texas, Planned Development - 249 District.
 - a. Variance: Construction of a covered patio in the rear yard setback.
Required Setback: 20 feet. Requested Setback: 7.5 feet.

Mr. Jonathan Tooley presented Case Number BA201201, a variance for a rear yard setback located at 6955 Clipper Drive.

Applicant / Spokesperson: Alton Jackson

Address: 6955 Clipper Drive

Any comments from Spokesperson:

The applicant introduced himself and stated that he wanted to build an outside patio to create an outdoor space.

Any questions from Board:

The board did not have any questions for the applicant.

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.

 X 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.

☒ 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 David Baker
2nd the Motion by Martin Caballero

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

Any conditions:

The public hearing was closed.

BOARD MEMBER ATTENDANCE DISCUSSION:

Mr. Barry Sandacz stated that this discussion would be about board member attendance, specifically, when will a member be deemed to be absent? Mr. Sandacz state that the board can have 13 members on the briefing and then give the alternates an option to tap out. At the previous meeting's 7:00 roll call, Clayton Hutchins had not yet joined Zoom.

Mr. Clayton Hutchins said that he did get into the meeting to hear the first case and that the board needs a written rule. If the member gets here by the time the chairperson calls the meeting to order at 7:00, then the board member should be seated.

Mr. David Baker stated that is important to notice the people who are here at 6:30.

Mr. Clayton Hutchins said that he is always here at 6:30 but was unable to join last month.

The board came to a consensus that if a regular member is present at the roll call at the regular meeting they will sit. No objections to this.

Mr. Dempsey stated that we can operate under this consensus and that the next time we amend the bylaws we would include this provision.

Ms. Michelle Madden asked what happens if someone has a technology issue and drops off the call.

Mr. Mark Dempsey one of the requirements is that you are visible and able to have two-way communication.

Mr. Ralph Castro stated that we could get an alternate on the call if we needed.

Mr. Mark Dempsey stated that as long as the board had a quorum the board could still function.

Mr. David Baker stated that it is really important to have nine people because if we lose anyone we could still have a quorum.

Ms Michelle Madden suggested that the board have an alternate on the call to attend.

Mr. Jonathan Tooley stated that staff makes an effort to have excess members at the start of the meeting.

CITIZENS COMMENTS:

No Citizen Comments.

ADJOURNMENT: The meeting was adjourned at 7:33

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

by: _____

Printed Name: _____

Title: _____



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 01/20/2021

PRESENTER: Jonathan Tooley, Planner

TITLE: BA210101 – 1611 Hardy Road

RECOMMENDED ACTION: Staff does not object to the request

SUMMARY:

Owner/Applicant: Ernesto Rodriguez

BA210101 (Council District 3) – Variance to the side yard setback at 1611 Hardy Road, legally described as Lot 6-R2, Block 5, Lakecrest Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

1. Variance: Construction of a single-family dwelling in the side yard setback.
Required Setback: 6 feet.
Requested Setback: 5 feet.

PURPOSE OF REQUEST:

The applicant is requesting a variance to the side yard setback requirement provided by the base zoning, SF-4. Mr. Rodriguez is planning to build a single-family dwelling on the property. The Unified Development Code requires that all primary structures located within SF-4 zoning must be at least 6 feet from the side property line. The home that Mr. Rodriguez is planning to build will not work with the current setback, as the applicant is requesting a 5-foot setback (reduction of 1 foot).

Mr. Rodriguez was before the Board at the September 17, 2020 ZBA meeting and was granted a variance request to reduce the lot width from the required 60 feet to 51 feet. By granting this, Mr. Rodriguez could replat the original property into two lots. This request is for the smaller lot of the two.

PUBLIC NOTIFICATION:

Legal notice of this item was published in the Fort Worth Star Telegram January 8th and January 17th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on January 5th.

20 notices were sent, 0 were returned in favor, 0 returned opposed and there is not a homeowner's association.

FINDINGS:

As authorized in Section 1.11.7.4 of the UDC, the ZBA may grant variances and exceptions provided the following findings are met:

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

Staff Evaluation: *Staff believes that such variance will not substantially or permanently injure the adjacent property owners.*

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

Staff Evaluation: *Staff suggests that the variance will not adversely affect the health, safety or general welfare of the public.*

- C. Such variance or exception will not be contrary to the public interest; and such 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.

Staff Evaluation: *The variance will not authorize the operation of a use other than those already allowed in Single Family-Four Residential Zoning District.*

- D. Such variance or exception will be in harmony with the spirit and purpose of this ordinance.

Staff Evaluation: *Staff suggests that the variance will not harm the spirit and purpose of this ordinance.*

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

Staff Evaluation: *Staff believes that such a variance will not alter the essential character of the district. In 2020, Council approved a zoning change for another property on Hardy Road (SF-4 to SF-6) which decreased the side setback from 6 to 5 feet.*

- F. Such variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located.

Staff Evaluation: *Staff believes that such variance for a setback reduction will not substantially weaken the general purpose of the underlying zoning district.*

- G. 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 the 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.

Staff Evaluation: *Staff finds that the property owner does not have a hardship that is a unique circumstance of the property.*

H. The variance or exception is a self-created hardship.

Staff Evaluation: Staff finds that the hardship is self-created. By reducing the lot width, the owner self-imposed this hardship.

RECOMMENDATION:

Staff does not object to BA210101 as requested due to the following findings of fact:

1. The setback variance does not negatively impact the surrounding area.
2. When the property was replatted, it was the owner's responsibility to understand that SF-4 standards are still applicable.

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

1. **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.**

Sampsel Dr

Item 2.



Page 1 of 1



SITE PLAN
Scale: 1/8" = 1' - 0"

1





CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 01/20/2021

PRESENTER: Jonathan Tooley, Planner

TITLE: BA210102 – 709 Pinoak Drive

RECOMMENDED ACTION: Approval

SUMMARY:

Owner/Applicant: Laurencia Jeffalone Alonzo

BA210102 (Council District 2) - Special exception to convert garage parking spaces into living space at 709 Pinoak Drive, legally described as Lot 13, Block D, Cross Timbers Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Two Residential District.

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

PURPOSE OF REQUEST:

The applicant requests a garage conversion to add extra living space to the current single-family dwelling. This requires a special exception to the minimum garage parking spaces required per Section 10.7.2.A of the Unified Development Code. The UDC requires that applicants maintain a minimum of 2 off-street parking spaces if the garage is enclosed. Staff reviewed the area surrounding the applicant's property and was unable to discover any existing permitted garage conversions. This garage is located in the rear of the property and accessed from an alleyway.

Subject to approval of this application, an approved building permit will be required prior to the final inspection of the garage conversion. As part of the building permit review process, Building Inspections will ensure that the conversion complies with all regulations.

PUBLIC NOTIFICATION:

Legal notice of this item was published in the Fort Worth Star Telegram January 8th and January 17th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on January 5th.

44 notices were sent, 0 were returned in favor, 0 returned opposed and there is not a homeowner's association.

FINDINGS:

As authorized in Section 1.11.7.4 of the UDC, the ZBA may grant variances and exceptions provided the following findings are met:

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

Staff Evaluation: *Approving such an exception will not substantially or permanently injure the appropriate use of adjacent property in the same district. Homes within this subdivision are generally rear entry, from an alleyway. This will conceal the conversion from the public right-of-way.*

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

Staff Evaluation: *Staff suggests that the exception will not adversely affect the health, safety or general welfare of the public.*

- C. Such variance or exception will not be contrary to the public interest; and such 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.

Staff Evaluation: *The exception, if approved, will not authorize the operation of a use other than those already allowed in Single-Family Two Residential District.*

- D. Such variance or exception will be in harmony with the spirit and purpose of this ordinance.

Staff Evaluation: *The granting of this exception will allow the homeowner to expand the amount of useable living space, providing an extra room. Staff suggests that the exception will not harm the spirit and purpose of this ordinance.*

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

Staff Evaluation: *Approving the exception will not alter the essential character of the district in which the subject property is located.*

- F. Such variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located.

Staff Evaluation: *Staff believes that such exception will not substantially weaken the general purpose of the underlying zoning district.*

- G. 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 the 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.

Staff Evaluation: *Staff cannot find that the property owner has a hardship that is a unique*

circumstance of the property.

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

Staff Evaluation: *Staff finds that the hardship is self-created.*

RECOMMENDATION:

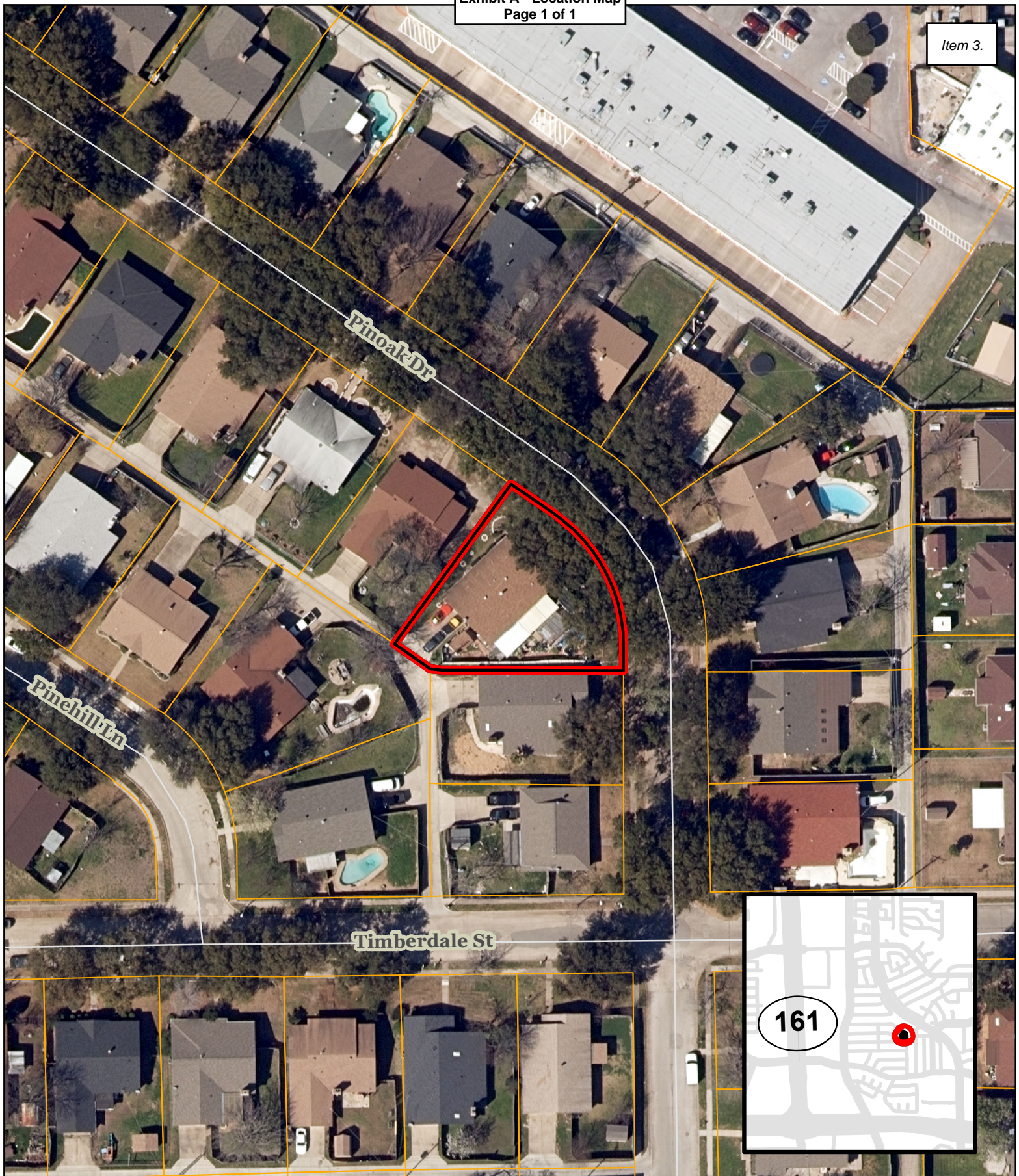
Staff recommends **approval of BA210102 as requested** based on the following findings of fact:

1. The garage conversion does not negatively influence the surrounding area.
2. The conversion is located in the rear of the property, out of view from the public right of way.

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

1. **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.**

Item 3.







CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 01/20/2021

PRESENTER: Jonathan Tooley, Planner

TITLE: BA210103 – 401 SW 14th Street

RECOMMENDED ACTION: Approval

SUMMARY:

Owner: Juan Granados

Applicant: City of Grand Prairie

BA210103 (Council District 1) – Variance to lot size requirements at 401 SW 14th Street, 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 Residential District.

1. Variance: Creation of two lots that exceed the maximum density allowed.
Maximum density allowed: 5.8 dwelling units per acre.
Requested density: 6.7 dwelling units per acre.
2. Variance: Creation of two lots that do not meet the minimum area requirement.
Required area: 7,200 Square Feet.
Requested area: 6,562 Square Feet.

PURPOSE OF REQUEST:

The applicant is requesting two variances to allow for the creation of two platted lots. The first variance is to allow for the creation of two lots that will exceed the maximum density allowed by Article 6 of the Unified Development Code. The current code states that the maximum permitted density is 5.8 dwelling units per acre, while the applicant is requesting 6.7 dwelling units per acre. The second variance is to create two lots that do not meet minimum size requirements for Single Family-Four zoned properties. The minimum lot size stated in the UDC for Agriculture zoning is 7,200 square feet, while the applicant is requesting that each lot comprise an area of 6,562 square feet.

Dalworth Park is one of the oldest neighborhoods within the City of Grand Prairie. The original plat dates back to the 1940s. When the neighborhood was originally platted, SF-4 zoning was not in existence yet, but was platted to the zoning at the time. Sometime between 1940 and 2021, the City completed broad zoning changes to bring consistency citywide. Therefore, the lot is considered legal nonconforming, which the UDC addresses and exempts lots like these from width, depth, and size requirements. If a landowner wishes to change the lot's configuration by subdividing or consolidating, the new lot(s) must meet the current code. The

applicant's request is in line with the existing established neighborhood and proposes larger lots than originally platted. The proposed lots are larger than the majority of lots that currently exist on that block alone. The existing lot configuration consists of the northern 25 feet of Lot 2, one 50-foot lot (Lot 1), and the southern 30 feet of the abandoned San Antonio Street right-of-way. By replatting this, the owner will clean-up the existing lot configurations.

The owner, Mr. Granados, came before the Board in May of 2020 to request a variance for the allowance to reduce the lot width so that the property could be replatted. The Board granted this request. Staff determined that the variance requests of this case should have been included in the initial request. Due to staff error, this was missed in the review of the project. This is a City initiated request to correct the issue.

Table 3: Site Data Summary for 401 SW 14th – Lots 1R-1 and 1R-2.

Standard	Required	Provided	Meets
Min. Lot Area (acres)	7,200	6,562	No
Min. Lot Width (Ft.)	60	52.50	No ¹
Min. Lot Depth (Ft.)	115	125	Yes
Front Setback (Ft.)	25	25	Yes
Max. Density/acre (DUA)	5.8	6.7	No

¹ Applicant was granted a variance from the ZBA in May 2020.

PUBLIC NOTIFICATION:

Legal notice of this item was published in the Fort Worth Star Telegram January 8th and January 17th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on January 5th.

35 notices were sent, 0 were returned in favor, 0 returned opposed and there is not a homeowner's association.

FINDINGS:

As authorized in Section 1.11.7.4 of the UDC, the ZBA may grant variances and exceptions provided the following findings are met:

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

Staff Evaluation: *Staff believes that such variance will not substantially or permanently injure the adjacent property owners.*

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

Staff Evaluation: *Staff suggests that the variance will not adversely affect the health, safety or general welfare of the public.*

- C. Such variance or exception will not be contrary to the public interest; and such 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.

Staff Evaluation: *The variance will not authorize the operation of a use other than those already allowed in Single Family-Four Residential District.*

- D. Such variance or exception will be in harmony with the spirit and purpose of this ordinance.

Staff Evaluation: *Staff suggests that the variance will not harm the spirit and purpose of this ordinance.*

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

Staff Evaluation: *Staff believes that such a variance will not alter the essential character of the district. Dalworth Park has multiple areas with lots that do not meet the current zoning standards. This is because a comprehensive zoning change was completed after the lots were platted. Current lots are exempt from the standards, but any lots created or reconfigured today are required to meet City standards.*

- F. Such variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located.

Staff Evaluation: *Staff believes that such variance for the proposed lots will not substantially weaken the general purpose of the underlying zoning district.*

- G. 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 the 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.

Staff Evaluation: *Staff finds that the property owner has a hardship that is a unique circumstance of the property.*

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

Staff Evaluation: *Staff finds that the hardship is not self-created.*

RECOMMENDATION:

Staff recommends approval of BA210103 as requested due to the following findings of fact:

1. The requested variances do not negatively impact the surrounding area.
2. The request is consistent with other lots in the area.

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

1. **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.

Item 4.

