



In Person and Virtual Public Hearing

City Hall - 300 W. Main St.

MEETING AGENDA

Zoning Board of Adjustments and Appeals

October 19, 2020

The Zoning Board of Adjustments and Appeals will hold a public hearing to consider the applications on October 19, 2020 at 7:00 PM, in the Grand Prairie City Council Chambers at City Hall Plaza, 300 W. Main Street. Due to the ongoing COVID-19 pandemic, this meeting of the Zoning Board of Adjustments and Appeals shall also be held via videoconference at the indicated date and time. Members of the Board and the public may elect to participate by attending the meeting in-person, or remotely via videoconference. Please refer to the online agendas of the Zoning Board of Adjustments and Appeals for the referenced meeting dates for instructions on how these meetings will be held, and how to participate in a virtual meeting via webinar or telephone. 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: Oct 19, 2020 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/97435698073?pwd=OGFRam9wSWtGd2Y3OVNNUVZvbG14QT09>

Passcode: 255173

Or iPhone one-tap :

US: +13462487799,,97435698073#,,,,,0#,,255173# or
+16699006833,,97435698073#,,,,,0#,,255173#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 408 638 0968 or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 974 3569 8073

Passcode: 255173

International numbers available: <https://gptx.zoom.us/j/97435698073?pwd=OGFRam9wSWtGd2Y3OVNNUVZvbG14QT09>

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 Monday, October 19, 2020.

BRIEFING:**6:30 P.M.**

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

CALL TO ORDER:**7:00 P.M.**

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

INVOCATION:**APPROVAL OF MINUTES FROM SEPTEMBER 21, 2020 MEETING.****PUBLIC HEARING:**

1. **BA201003 (Council District 2)** – Variance to the side yard setback at 2111 Pond View Court, legally described as Lot 11, Block 12, Kirby Creek Village Section 8, City of Grand Prairie, Dallas County, Texas, Planned Development - 127 District.
 - a. Variance: Construction of an accessory structure in the side yard setback.
Required Setback: 6 feet. Requested Setback: 3.5 feet.

CITIZENS COMMENT:**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 October 2020 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



BA201003

2111 Pond View Court Variance –Side Yard Setback

Zoning Board of Adjustments & Appeals:

October 19, 2020

Case Manager:

Jonathan Tooley

Owner/Applicant:

Ricardo and Gloria Villanueva

City Council District:

2 (Jim Swafford)

Zoning:

PD-127

SUMMARY

Variance to the side yard setback at 2111 Pond View Court, legally described as Lot 11, Block 12, Kirby Creek Village Section 8, City of Grand Prairie, Dallas County, Texas, Planned Development - 127 District.

1. Variance: Construction of an accessory structure in the side yard setback.
Required Setback: 6 feet.
Requested Setback: 3.5 feet.

DISCUSSION

The applicant is requesting a variance to the side yard setback requirement laid out in Planned Development – 127 District. The Villanueva family have started construction on a 13' x 15' x 12' tall detached patio along with a new pool area. PD-127 requires that the internal lot width for structures to be 6 feet from the side property line. The applicant is asking for relief from this requirement, allowing the addition to be built 3.5 feet from the property line.

The Villanueva's hired a contractor to complete the required work, apply for building permits, and complete construction to City standards. The contractor started construction on the detached patio, without a building permit, then abandoned the job. The applicant is seeking to secure the permit and go through the formal process to ensure the accessory structure is built legally. Once secured, the applicant will complete construction.

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

PUBLIC NOTIFICATION

Legal notice of this item was published in the Fort Worth Star Telegram October 9th and October 18th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on October 7th.

39 notices were sent, 0 were returned in favor, 0 returned opposed and there is a homeowner's association, Kirby Creek Village.

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. The current fence that separates the subject property from the adjacent neighbor, 2107 Pond View Court, is 8 feet tall. Additionally, the pitch of the roof is constructed perpendicular to the adjacent neighbor which will allow rain run-off to discharge onto the applicant's property.*

- 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. This structure is placed in the rear yard, out of view of the public Right of Way.*

- 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 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: *Staff believes that such a variance will not alter the essential character of the district. The detached patio is built out of cedar posts and shingles.*

- 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 an accessory structure 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 a self-created hardship.

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

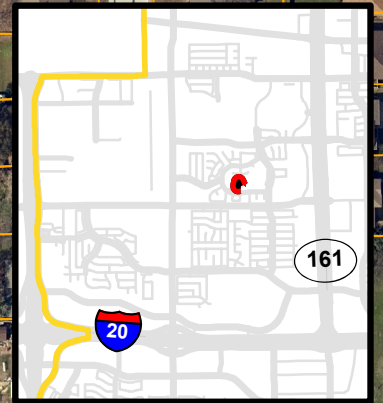
RECOMMENDATION

Staff supports BA201003 as requested due to the following findings of fact:

1. The setback variance does not negatively impact the surrounding 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.**



CASE LOCATION MAP
2111 Pond View Court

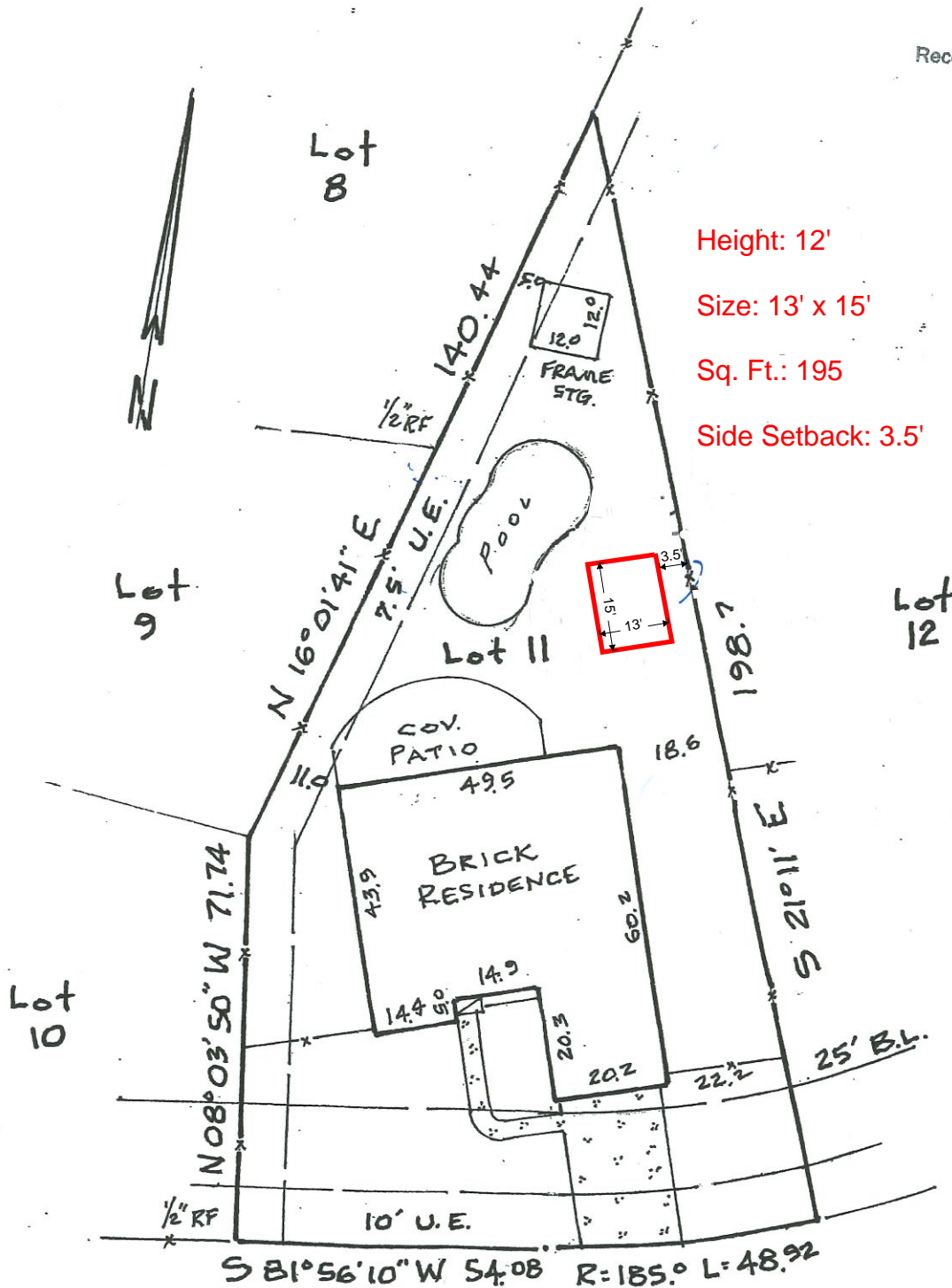


City of Grand Prairie
Development Services

☎ (972) 237-8255
 🌐 www.gptx.org

SEP 28 2020

Received



Height: 12'

Size: 13' x 15'

Sq. Ft.: 195

Side Setback: 3.5'

POND VIEW

COURT





City Hall : 317 College St Grand Prairie, TX

MEETING AGENDA

Zoning Board of Adjustments and Appeals

DATE September 21st, 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__, Michelle Madden__X__, Heather Mazac __X__,

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

INVOCATION:

Martin Caballero led the invocation

APPROVAL OF MINUTES:

David Baker motioned to approve last month's minutes

Michelle Madde seconded motion

__9__ yays __0__ nay

PUBLIC HEARING:

1. BA200901 (Council District 6) – Construction of a detached garage at 1220 Masters Lane legally described as Lot 2298, Block B, Lake Ridge Section 18-A Phase 1, City of Grand Prairie, Dallas County, Texas, zoned Planned Development District – 258.

- a. Variance: Construction of a detached garage that exceeds the maximum area.
Required Maximum Area: 750 square feet. Requested Area: 1,308 square feet.
- b. Variance: Construction of a detached garage that exceeds the maximum height.
Required Maximum Height: 14 feet. Requested Height: 19.5 feet.

Applicant / Spokesperson: __Luis Solis__

Address: __1220 Masters Ln__
__Grand Prairie, TX 75052__

Any comments from Spokesman:

The applicant needs more space for personal vehicles. The detached garage will match the pitch of the patio

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:
 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.

 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 **David Bake**
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.

2. BA200903 (Council District 5) – Creation of a lot that does not meet the minimum width at 506 NE 27th Street, legally described as Tract 13, Page 160, Abstract 506, Joseph Graham Survey, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

a. Variance: Creation of a lot that does not meet the minimum required width.
Minimum Required Lot Width: 60 feet. Requested Lot Width: 52 feet

Applicant / Spokesperson: __Billy Duckworth of AW Surveyor____

Address:____2220 Gus Thomason____
____Mesquite, TX 75150____

Any comments from Spokesman

Mr Duckworth believe that this property would not incumbent the neighborhood and would improve taxes

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:

 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.

 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 **David baker**
2nd the Motion by **Martin Caballero**

Motion was **approved**/denied 7 yays to 2 Nays
Members that objected **Clayton Hutchins Heather Mazac**

Any conditions:

The public hearing was closed.

3. BA200905 (Council District 3) – Construction of a carport at 1830 Proctor Drive, legally described as Lot 22, Block 14, Inglewood Park Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

a. Special Exception: Construction of a carport.

Applicant / Spokesperson: _Jose Herrera_____

Address: ___1830 Proctor 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:

 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.

 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 **Martin Caballero**

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.

4. BA200906 (Council District 5) – Side yard setback variance at 405 NE 29th Street, legally described as Lot 128, Burbank Gardens, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District

a. Variance: Construction of an addition to the primary structure in the side yard setback. Required Setback: 6 feet. Requested Setback: 3 feet.

Applicant / Spokesperson: _Gloria Castillo_____

Address:___405 NE 29th St_____

___Grand Prairie, TX 75050_____

Any comments from Spokesman:

The applicant stated that this area would be used as a patio for family gatherings. The patio would be constructed of Fire Retardant materials and the roofline would go under the roofline of the house.

Any questions from Board:

Michelle Madden asked if the roof of the patio would be asphalt shingles and if it would be an open structure.

David Baker asked which would be warranted more the height or width?

The Board was reminded that they only thing they are voting on is the 3 ft setback variance not the height nor width

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.

 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 Deny the Case by **Timothy Ibidapo**
2nd the Motion by **David Baker**

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

Any conditions:

The public hearing was closed.

5. BA200907 (Council District 3) - Creation of a lot that does not meet the minimum width at 1609 Hardy Road, legally described as Lot 6-R, Block 5, Lakecrest Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

a. Variance: Creation of a lot that does not meet the minimum required width.

Minimum Required Lot Width: 60 feet. Requested Lot Width: 51 feet

Applicant / Spokesperson: Ernesto Rodriguez

Address: 1609 Hardy Rd
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:

 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.

 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.

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.

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 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.

 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 **Michelle Madden**
2nd the Motion by **David Baker**

Motion was **approved**/denied 8 yays to 1 Nays
Members that objected Timothy Ibidapo

Any conditions:

The public hearing was closed.

7. BA200909 (Council District 3) - Consider a special exception request to reduce the minimum number of required garage parking spaces thus allowing for the conversion of the garage parking spaces into living space at 1753 Hardy Road, legally described as Lot 1, Block 10, Lakecrest Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

a. Special Exception: Conversion of garage into living space.

Required: Two garage parking spaces. Requested: No garage parking spaces.

Applicant / Spokesperson: Alistair Certeza

Address: 1753 Hardy Rd

____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:

 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.

NEW BUSINESS:

CITIZENS COMMENTS:

ADJOURNMENT : The meeting was adjourned at 7:56 pm