



In Person and Virtual Public Hearing

City Hall - 300 W. Main St.

MEETING AGENDA

Zoning Board of Adjustments and Appeals

November 16, 2020

The Zoning Board of Adjustments and Appeals will hold a public hearing to consider the applications on November 16, 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: Nov 16, 2020 06:30 PM Central Time (US and Canada)

Topic: City of Grand Prairie - Zoning Board of Adjustments and Appeals

Please click the link below to join the webinar:

<https://gptx.zoom.us/j/92783854838?pwd=UitRSEl2OE1PenhWV1h2Z08zUUR3Zz09>

Passcode: gdARBp467f

Or iPhone one-tap :

US: +13462487799,,92783854838#,,,,,0#,,2409978598# or
+14086380968,,92783854838#,,,,,0#,,2409978598#

Or Telephone:

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

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

Webinar ID: 927 8385 4838

Passcode: 2409978598

International numbers available: <https://gptx.zoom.us/j/92783854838?pwd=UitRSEl2OE1PenhWV1h2Z08zUUR3Zz09>

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, November 16, 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 OCTOBER 19, 2020 MEETING.****PUBLIC HEARING:**

1. **BA201102 (Council District 6)** – Construction of a new residence at 4841 Robinson Road, legally described as Thomas J Tone Survey, Tract 16, Abstract 1460, Page 235, City of Grand Prairie, Dallas County, Texas, zoned Agriculture.
 - a. Variance: Construction of a primary structure on a lot that exceeds the maximum density allowed.
Maximum density allowed: .2 dwelling units per acre. Requested density: .5 dwelling units per acre.
 - b. Variance: Construction of a primary structure on a lot that does not meet minimum size requirement.
Required area: 5 acres. Requested area: .452 acres.
2. **BA201105 (Council District 5)** – Construction of a carport at 918 Birch Street, legally described as Lot 12, Block B, North Haven No. 2 Addition, City of Grand Prairie, Dallas County, Texas, zoned Single-Family Four Residential District.
 - a. Special Exception: Construction of carport
 - b. Variance: Construction of a carport in the rear yard setback
Required setback: 10 feet. Requested setback: 6.5 feet.
 - c. Variance: Construction of a carport that exceeds maximum area.
Maximum area allowed: 500 square feet. Requested area: 616 square feet.
3. **WITHDRAWN BA201106 (Council District 5)** – Expansion of non-conforming sign at

714 West Main Street, legally described as part of Lot 17, Block 6, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned GR, General Retail District.

- a. Variance: Expansion of a non-conforming sign.

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 13th day of November 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.

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.



BA201102

**4841 Robinson Road
Variance – New Residence**

Zoning Board of Adjustments & Appeals:

November 16, 2020

Case Manager:

Jonathan Tooley

Owner

David Callison

Applicant:

United Built Homes

City Council District:

6 (Jeff Woodridge)

Zoning:

Agriculture

SUMMARY

Construction of a new residence at 4841 Robinson Road, legally described as Thomas J Tone Survey, Tract 16, Abstract 1460, Page 235, City of Grand Prairie, Dallas County, Texas, zoned Agriculture.

1. Variance: Construction of a primary structure on a lot that exceeds the maximum density allowed.
Maximum density allowed: .2 dwelling units per acre. Requested density: .5 dwelling units per acre.
2. Variance: Construction of a primary structure on a lot that does not meet minimum size requirement.
Required area: 5 acres. Requested area: .452 acres.

DISCUSSION

The applicant is requesting two variances to allow for the construction of a home at 4841 Robinson Road. The first variance is to allow for constructing a primary structure on a lot that exceeds the maximum density allowed by Article 6 of the Unified Development Code. The current code states that the maximum permitted density is .2 dwelling units per acre, while the applicant is requesting .5 dwelling units per acre. The second variance is to construct a primary structure on a lot that does not meet minimum size requirements for Agriculture zoned properties. The minimum lot size stated in the UDC for Agriculture zoning is 5 acres, while the applicant's property is .452 acres. A legally non-conforming home was previously on the property, but due to aging, the applicant demolished the structure.

Table 3: Site Data Summary for 4841 Robinson Road

Standard	Required	Provided	Meets
Min. Lot Area (acres)	5	.452	No
Min. Lot Width (Ft.)	100	105	Yes
Min. Lot Depth (Ft.)	150	188	Yes
Front Setback (Ft.)	40	40	Yes
Rear Setback (Ft.)	25	25	Yes
Max. Height (Ft.)	25	25	Yes
Max. Density/acre (DUA)	.2	.5	No
Minimum Living Area (sq. ft.)	1600	1700	Yes

Subject to approval of this application, an approved building permit will be required prior to the final inspection of the home. 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 November 6th and November 15th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on November 6th.

19 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 Agriculture 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 home proposed is similar style to existing homes in the area and along Robinson Road.*

- 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 home 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

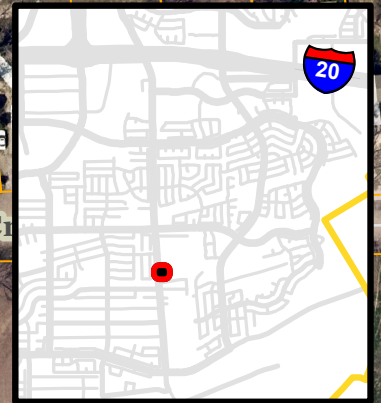
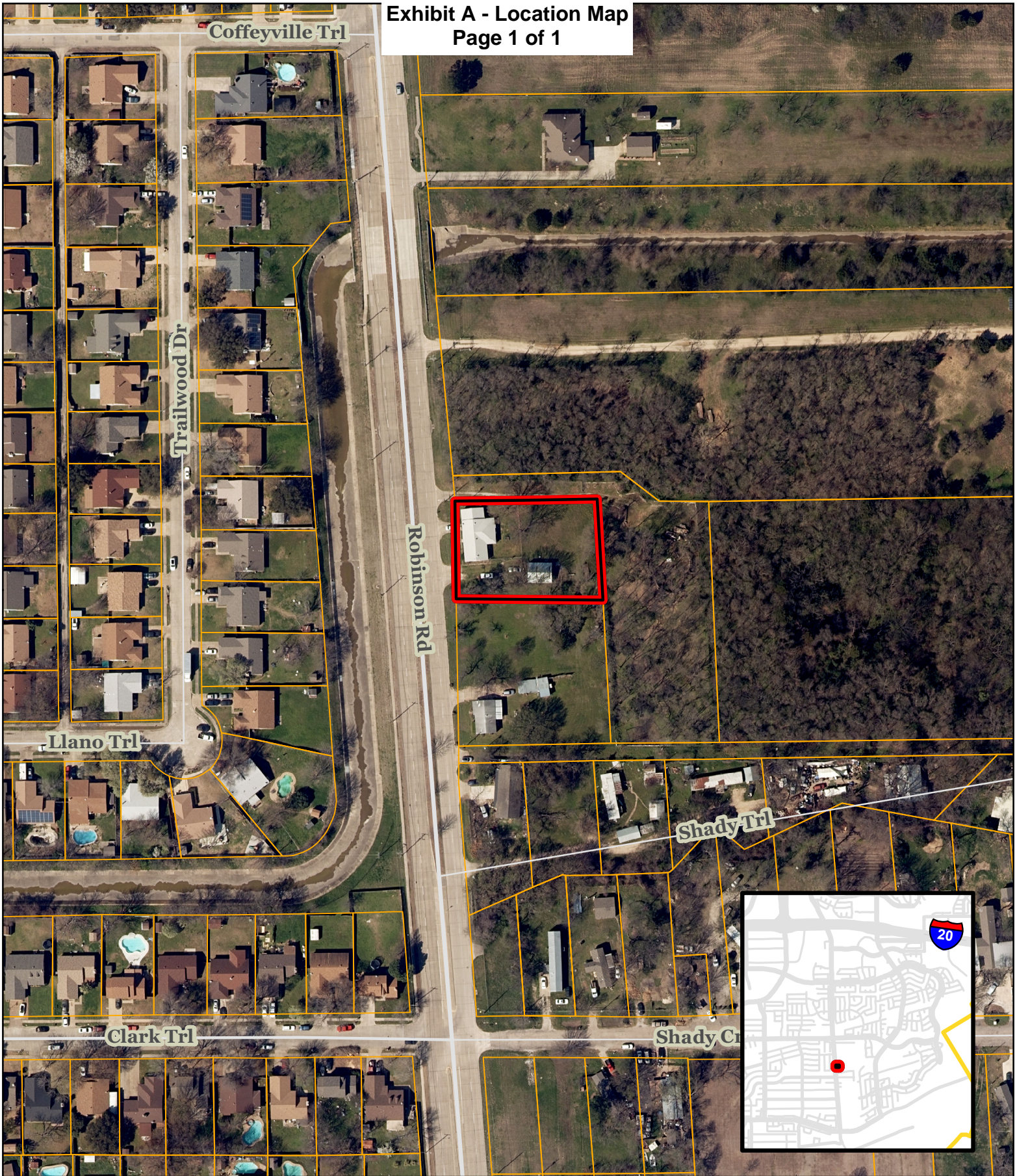
Staff recommends approval of BA201102 as requested due to the following findings of fact:

1. The requested variances do not negatively impact the surrounding area.
2. Since there was a home previously on the property, there is existing utility infrastructure.
3. The home will match surrounding homes on Robinson Road.

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.**

Exhibit A - Location Map
Page 1 of 1

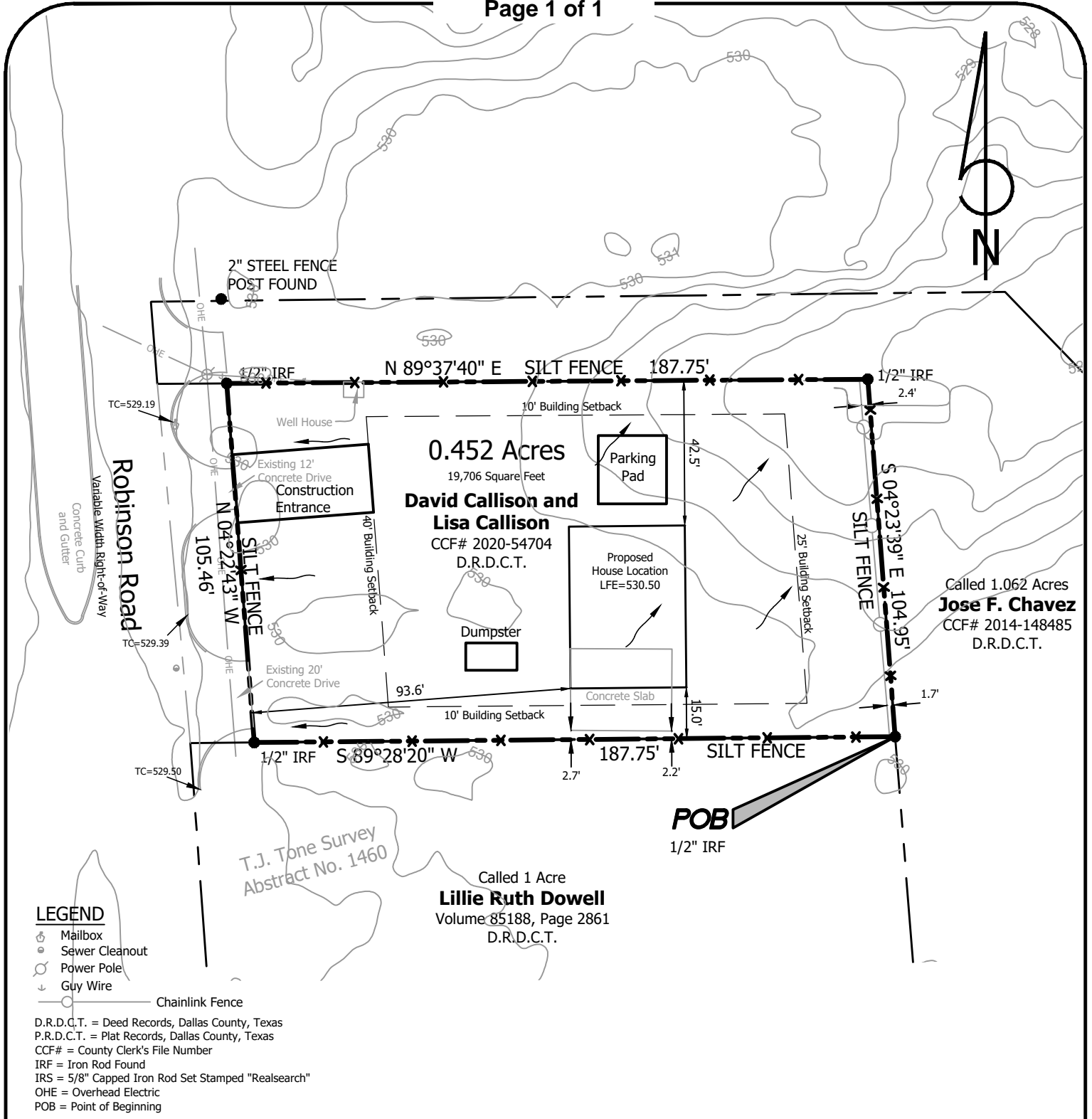


CASE LOCATION MAP
BA201102
4841 Robinson Road



City of Grand Prairie
Development Services

(972) 237-8255
www.gptx.org



LEGEND

- Mailbox
 - Sewer Cleanout
 - Power Pole
 - Guy Wire
 - Chainlink Fence
- D.R.D.C.T. = Deed Records, Dallas County, Texas
P.R.D.C.T. = Plat Records, Dallas County, Texas
CCF# = County Clerk's File Number
IRF = Iron Rod Found
IRS = 5/8" Capped Iron Rod Set Stamped "Realsearch"
OHE = Overhead Electric
POB = Point of Beginning

SITE PLAN

0.452 acres of land situated in the T.D. Tone Survey, Abstract No. 1460, City of Grand Prairie, Dallas County, Texas.

Project Number: 200273 Date: September 30, 2020
Revised Date:
Revision Notes:

Sheet 1 of 1

PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

SCALE : 1"= 40'



REALSEARCH OF TEXAS, LLC

P.O. Box 1006, Godley, Texas 76044
Ph. 682-200-6050, jdeal@realsearch.org, www.realsearch.org
"Thou shalt not remove thy neighbor's landmark" Deut. 19:14
TBPLS Firm Registration # 10158200 TBPE Firm Registration # 17968



JAMES HARDIE SIDING
THERMATRU FIBERGLASS INSULATED DOORS
ATRIUM LOW E VINYL WINDOWS (DOUBLE PANEL)

FRONT ELEVATION

SCALE: 3/16" = 1'-0"



JAMES HARDIE SIDING
THERMATRU FIBERGLASS INSULATED DOORS
ATRIUM LOW E VINYL WINDOWS (DOUBLE PANEL)

REAR ELEVATION

SCALE: 3/16" = 1'-0"

UBH UNITED BUILT
H O M E S

Inf_Camden_RU5_KC

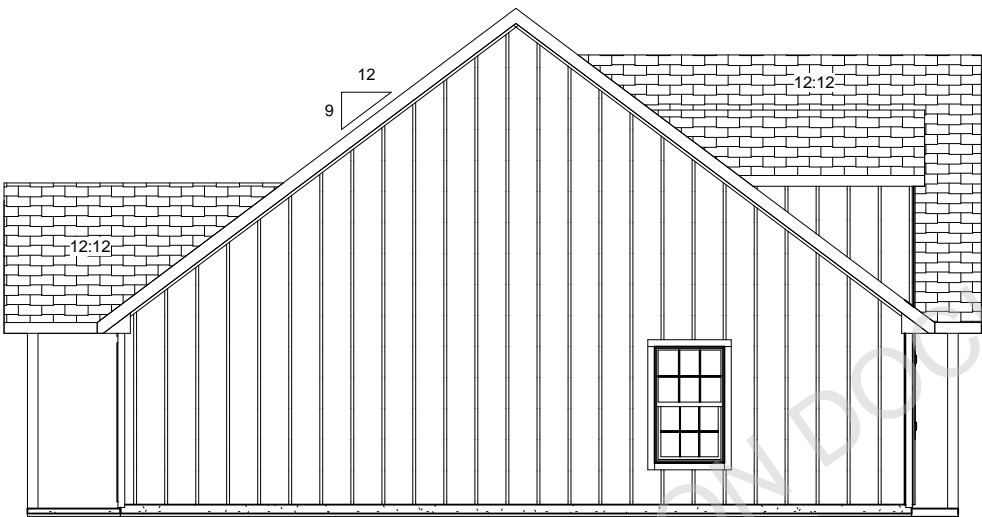
CALLISON

FRONT AND REAR ELEVATIONS

SCALE: 3/16" = 1'-0"
DATE: 9/10/2020
ACCT NO.: 15005444
DRAWN BY: OREAR
SHEET NO.: 4 OF 13

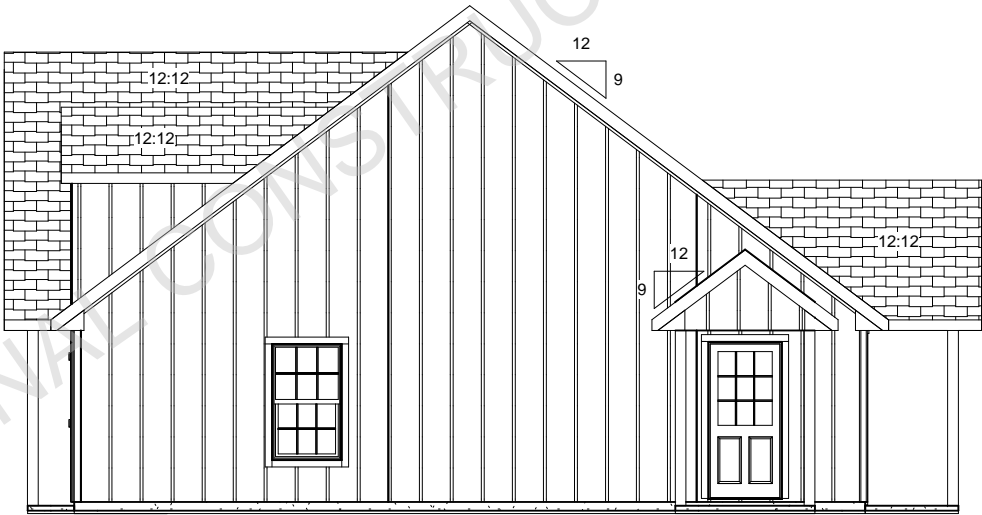
ADDRESS: XXXXXXXXX

LAT: XXXXXXXX LON: XXXXXXXX



LEFT ELEVATION

SCALE: 3/16" = 1'-0"



RIGHT ELEVATION

SCALE: 3/16" = 1'-0"

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UBH

UNITED BUILT
HOMES

Inf_Camden_RU5_KC

CALLISON

LEFT AND RIGHT
ELEVATIONS

ADDRESS: XXXXXXXXX

LAT: XXXXXXXXX

LOX: XXXXXXXXX

SCALE: 3/16" = 1'-0"

DATE: 9/10/2020

ACCT NO.: 15005444

DRAWN BY: OREAR

SHEET NO.: 5 OF 13





BA201105

918 Birch Street
Special Exception – Carport

Zoning Board of Adjustments & Appeals:

November 16, 2020

Case Manager:

Jonathan Tooley

Owner/Applicant

Efrain Hernandez

City Council District:

5 (Cole Humphreys)

Zoning:

Single-Family Four Residential District

SUMMARY

BA201105 (Council District 5) – Construction of a carport at 918 Birch Street, legally described as Lot 12, Block B, North Haven No. 2 Addition, City of Grand Prairie, Dallas County, Texas, zoned Single-Family Four Residential District.

1. Special Exception: Construction of carport
2. Variance: Construction of a carport in the rear yard setback
Required setback: 10 feet. Requested setback: 6.5 feet.
3. Variance: Construction of a carport that exceeds maximum area.
Maximum area allowed: 500 square feet. Requested area: 616 square feet.

DISCUSSION

The applicant is requesting multiple variances to keep the existing carport on the property. First, Mr. Hernandez is requesting the allowance of a carport to be on the property. Second, the applicant is requesting to allow for the carport to remain in the rear yard setback. Article 6 of the Unified Development Code requires that carports over 10 feet in height must follow the rear setback of the primary structure. In this case, the carport is 12 feet and must follow the rear setback for the primary structure, which is 10 feet. Third, the carport exceeds the maximum area of 500 square feet allowed by the UDC. The applicant is requesting 616 square feet.

Mr. Hernandez applied for and was denied by ZBA on July 17th, 2017 for a 20' x 50' carport located in the same area as the subject carport. Sometime between July 17th, 2017 and September 18th, 2020 Mr. Hernandez proceeded to start construction on the current carport, which measures 22'x28'. Code Enforcement received a call from a neighboring citizen complaining about the carport and that it lacked an approved building permit. On September 21, 2020 Mr. Hernandez was issued a citation and instructed to stop all construction until Building Inspections Division approves and issues a building permit for construction.

Table 1: Carport Standards

Standard	UDC MAX ALLOWED 2017	2017 Carport Application	UDC MAX ALLOWED 2020	2020 Carport Application
Height (ft)	Same as primary	13	Same as primary	12
Width (ft)	20	20	26	22
Depth (ft)	20	50	N/A	28
Square Footage	400	1000	500	616
Rear Yard Setback (ft)	Same as primary	8	Same as primary	6.5
Side Yard Setback (ft)	Min. 3	5	Min. 3	5.5

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

PUBLIC NOTIFICATION

Legal notice of this item was published in the Fort Worth Star Telegram November 6th and November 15th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on November 6th.

33 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. The carport is meeting the internal setback requirements in Article 6 of the UDC, providing adequate buffering with the adjacent neighbor.*

- 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 on Birch Street. The carport can be seen from NE 10th, but this is a dead-end street not commonly used.*

- 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 neighborhood the carport is located within is scattered with carports, permitted and non-permitted. After staff investigation, it was determined that there are approximately 10 carports within 750 feet of the subject property.*

- 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 carport 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 does not oppose BA201105 as requested due to the following findings of fact:

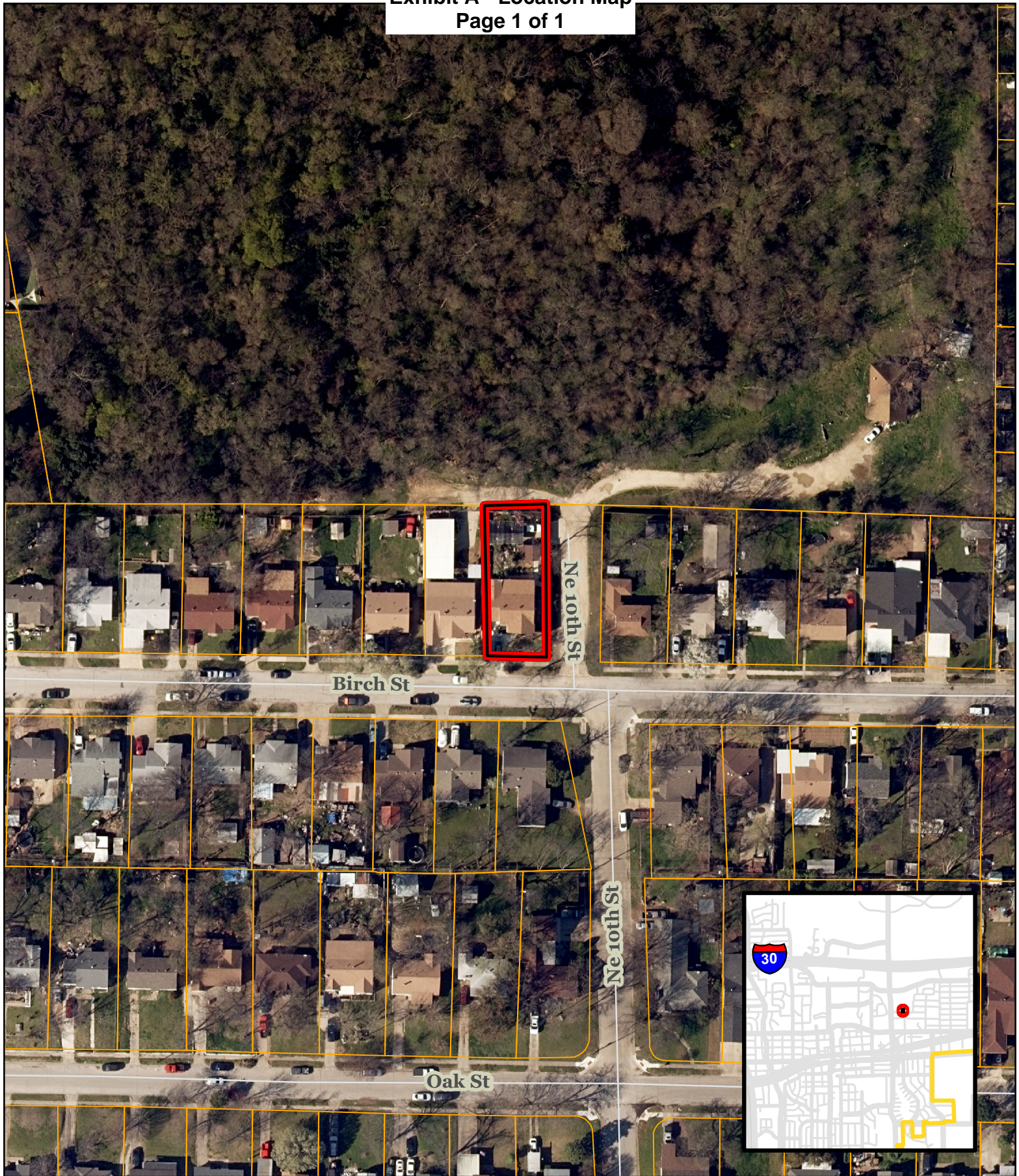
1. The neighborhood has existing approved carports.
2. The carport is located in the rear yard and hidden from Birch Street.

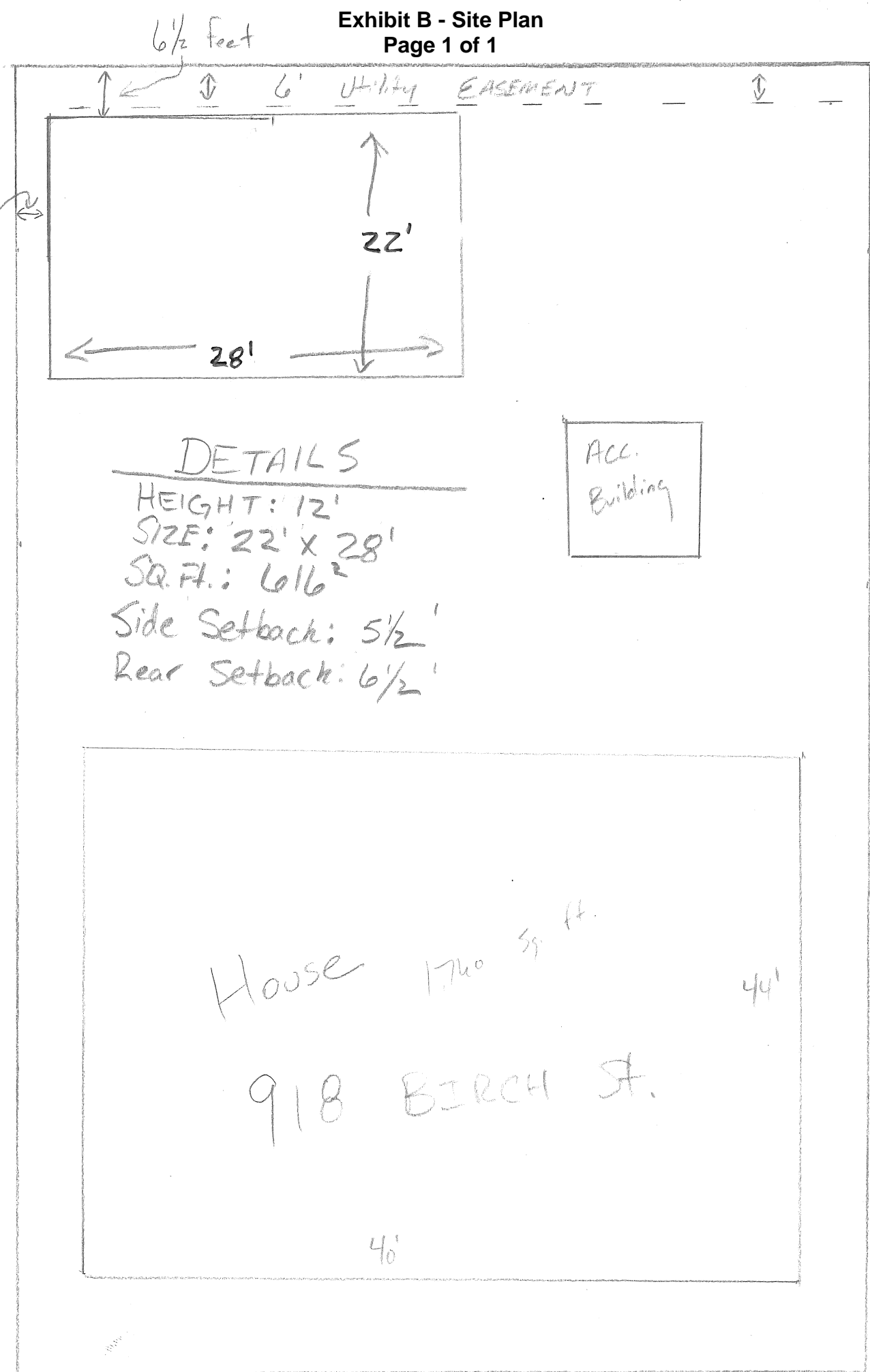
If the board chooses to grant the applicants request, he/she must abide to the following below:

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.

- 2. Double Permits fees would apply.**









City Hall : 317 College St Grand Prairie, TX

MEETING AGENDA

Zoning Board of Adjustments and Appeals

DATE October 19th, 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__, Anthony Langston, Sr. __X__,
Timothy Ibidapo __X__, Ralph Castro* ____, Martin Caballero ____,
David Baker * __X__, Tommy Land* __X__

INVOCATION:

David Baker led the invocation

APPROVAL OF MINUTES:

David Baker motioned to approve last month's minutes

Anthony Langston, Sr seconded motion

__9__ yays __0__ nay

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.

Applicant / Spokesperson: __Gloria / Ricardo Villanueva__

Address: __2111 Ponds View Ct__
__Grand Prairie, TX 75052__

Any comments from Spokesman:

The applicant was under the impression that their contractor had applied for all the permits but found out this was incorrect when they came into the office to ask about their patio. The patio cover will have an outdoor restroom

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 **Michelle Madden**
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.

NEW BUSINESS:

CITIZENS COMMENTS:

ADJOURNMENT : The meeting was adjourned at 7:12 pm

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

by:_____

Printed Name:_____

Title:_____