



City Hall: 317 College St, Grand Prairie, Texas

MEETING AGENDA
Zoning Board of Adjustments and Appeals
November 18, 2019

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:

PUBLIC HEARING:

1. **CASE NUMBER BA191104 (Council District 1).** Requesting a 210 sq. ft. variance from the 750 sq. ft. size limitation, to allow for a 960 sq. ft. detached garage, and a 2 foot rear yard setback variance from the required 10 feet, to allow for a detached garage 8 feet from the rear property line, located at 22 Heritage Court legally described as Lot 24R, Block 1, Heritage Estates #2 Grand Prairie Addition, City of Grand Prairie, Tarrant County, zoned SF-1, Single-Family One Residential.
2. **CASE NUMBER BA191105 (Council District 1).** Requesting a temporary parking special exception extension to allow for trailer parking for 24 months on flex base paving, located at 3409 High Prairie Road, legally described as Lot 4R, Block C, High Prairie Business Park Addition, City of Grand Prairie, Dallas County, Texas, zoned LI, Light Industrial District.
3. **CASE NUMBER BA191107 (Council District 5).** Requesting a 3 foot height variance from the 14 foot height limitation, to allow for a 17 foot tall accessory structure, located at 818 Shawnee Trace, legally described as Lot 19, Block U, Indian Hills 1 Addition, City of Grand Prairie, Dallas County, Texas, zoned SF-4, Single-Family Four Residential District.

4. **CASE NUMBER BA191108 (Council District 5).** – Requesting a 3 foot front yard setback variance from the required 25 feet, to allow for a porch 22 feet from the front property line, located at 1701 Willow St, legally described as Lot 3 & 3A, Block 17, Vought Manor Addition, City of Grand Prairie, Dallas County, Texas, zoned SF-4, Single-Family Four Residential District.
5. **CASE NUMBER BA191109 (Council District 2).** – Requesting a 210 sq.ft. variance from the 450 sq. ft. size limitation, to allow for a 660 sq. ft. accessory structure, located at 3725 Lemon Drive, legally described as Lot 7, Block G, Glen Oaks Addition, City of Grand Prairie, Dallas County, Texas, zoned SF-2, Single-Family Two Residential District.

CITIZENS COMMENT:**BYLAWS UPDATE:****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 November 2019 at 5:00 p.m.

Posted By: *Nyliah Acosta*

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 972-237-8257 at least 24 hours in advance. Reasonable accommodations will be made to assist your needs



BA191104

22 Heritage Court Variance – Detached Garage Size & Setback

Zoning Board of Adjustments & Appeals:

November 18, 2019

Case Manager:

Nyiah Acosta

Owner/Applicant:

Keith and Dana Lewis

SUMMARY

(Council District 1) Requesting a 210 square foot variance from the 750 square foot size limitation, to allow for a 960 square foot detached garage, and a 2 foot rear yard setback variance from the required 10 feet, to allow for a detached garage 8 feet from the rear property line, located at 22 Heritage Court legally described as Lot 24R, Block 1, Heritage Estates #2 Grand Prairie Addition, City of Grand Prairie, Tarrant County, zoned SF-1, Single-Family One Residential.

DISCUSSION

The applicant is requesting approval for a 210 square foot variance and a 2 foot rear yard setback variance. A single-family dwelling currently sits on the property. The property owner is seeking a variance that would allow them to construct a 32x30 960 square foot detached garage. The proposed location is approximately 170 feet back from the front property line and would not be visible from street view, and will be 8 feet from the rear property line and the properties to the east are over an acre. In addition, staff noted at least four other properties with detached garages.

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 November 8th and November 17th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on November 8th, 2019.

27 notices were sent, 0 were returned in favor, 0 opposed, and there is no homeowners 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 contends that the variance will not substantially or permanently injure the appropriate use of adjacent property. Detached garages are typical in residential zoning districts so long that they meet the dimensional and setback requirements. Staff has not received any opposition to the request at the time of this report.*

- 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 proposed variance, if approved, will not authorize the operation of a use other than those already allowed in "SF-1" Single-Family One 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 variance will allow the homeowner to construct a detached garage to store vintage vehicles, typical of usage of other garages and accessory structures within a neighborhood. Staff suggests that the variance is in harmony with 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: *The detached garage is located approximately 170 feet back from the front property line and is not prominent from street view. The addition will not detract from the character of the neighborhood.*

- 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 detached garage 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

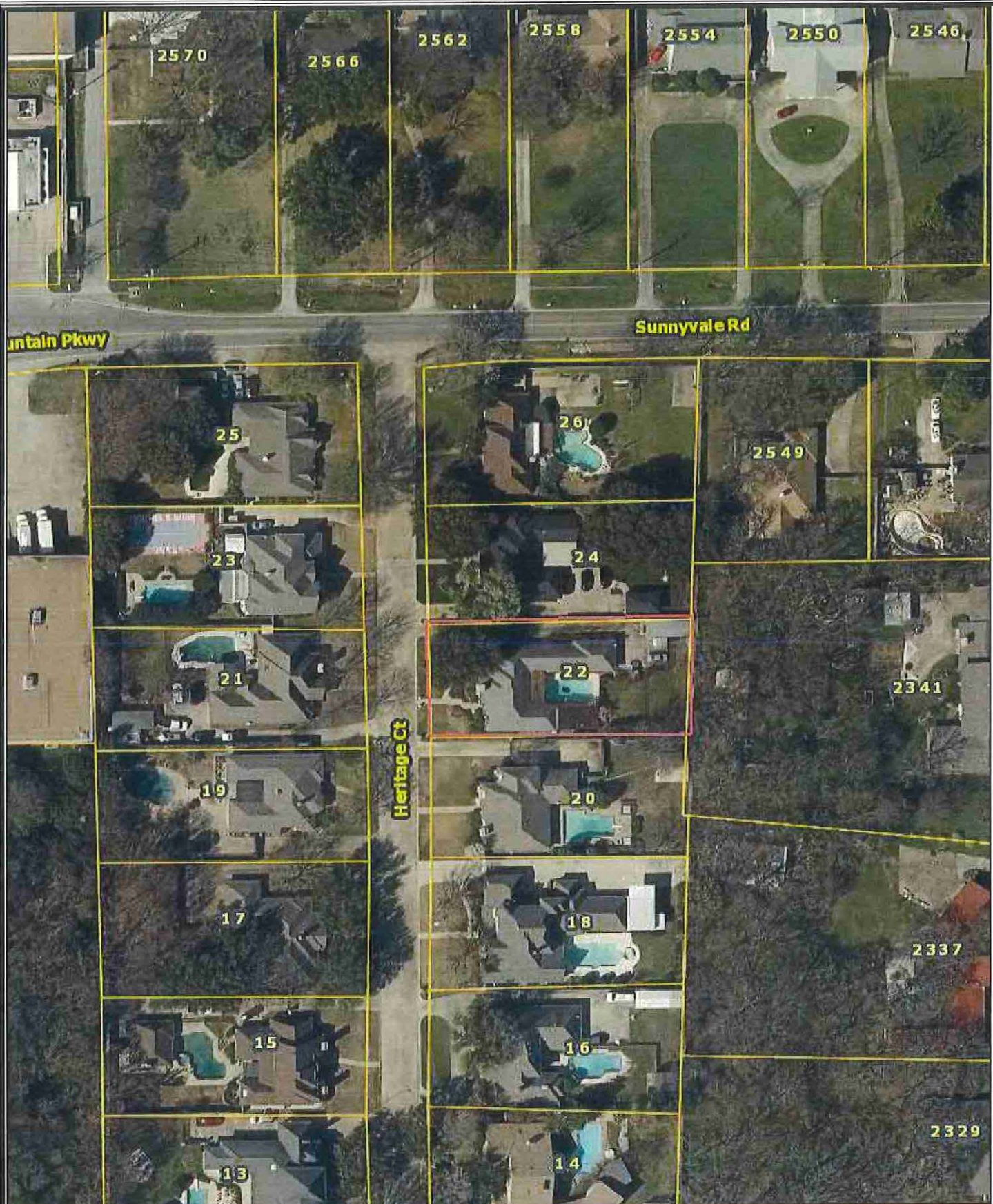
Staff recommends **APPROVAL of the requested variance in BA191104** based on the following findings of fact:

1. The size of the detached garage will not negatively impact the surrounding area nor negatively affect adjacent properties; and
2. This will not alter the essential character of the district.

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

1. The easement must be abandoned

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 have 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.



22 Heritage Ct/ BA191104

Date: 11/5/2019 Time: 2:21:19 PM

This data has been compiled by the City of Grand Prairie IT/GIS department. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



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SURVEY PLAT

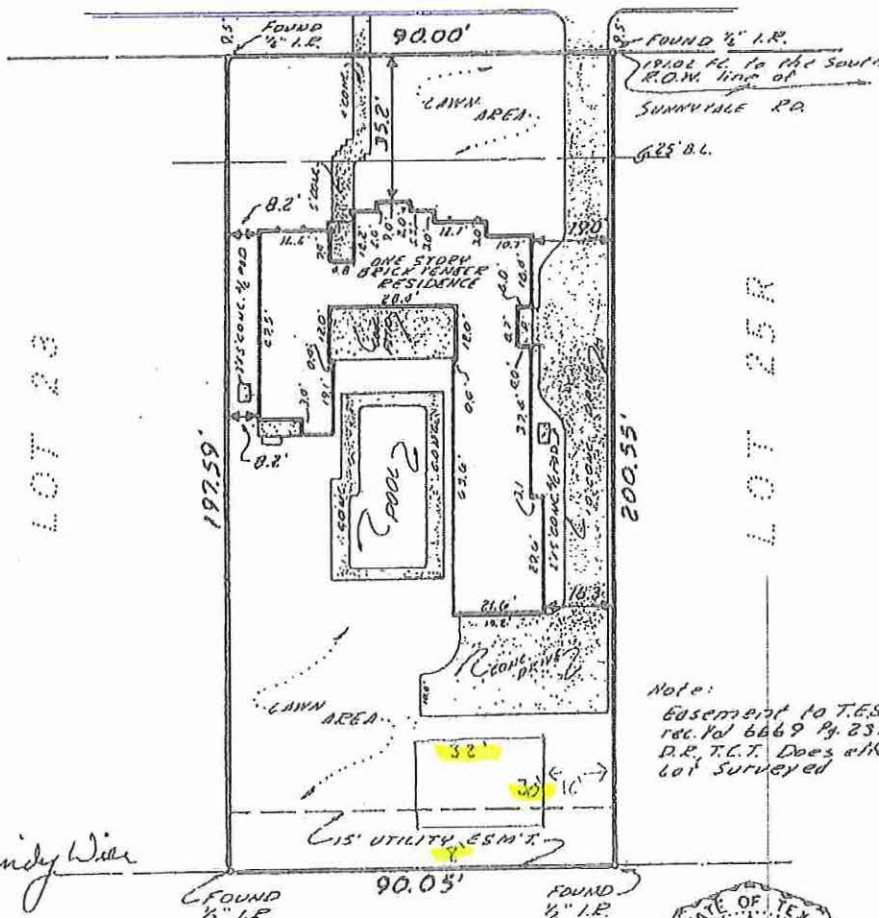
TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 22 Heritage Place, in the City of Grand Prairie, Texas, described as follows:

Lot No. 24-R, Block No. 1 of HERITAGE ESTATES NO. 2, an Addition to the City of Grand Prairie, Texas, according to the plat recorded in Volume 388-one hundred twenty five, Page 27 of the Deed Records of Tarrant County, Texas.

22
HERITAGE PLACE

50' R.O.W. ~ CONC. STREET W/ CURB
& GUTTER (31' B.B.)



Note:
Easement to T.E.S. Co.
rec. Vol 6669 Pg. 231
D.R. T.C.T. Does affect
601' Surveyed

Cindy Wier

The plat hereon is a true, correct and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the Plat; the size, location and type of buildings and improvements being as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street or road is as shown on said plat.





BA191105

3409 High Prairie Rd
Special Exception — Temporary
Parking

Zoning Board of Adjustments & Appeals:

November 18, 2019

Case Manager:

Nyliah Acosta

Owner:

Dallas Terminal, LLC

SUMMARY

(Council District 1) Requesting an extension for a temporary parking special exception to allow for trailer parking for 24 months on flex base paving, located at 3409 High Prairie Road, legally described as Lot 4R, Block C, High Prairie Business Park Addition, City of Grand Prairie, Dallas County, Texas, zoned LI, Light Industrial District.

DISCUSSION

The applicant, Daylight Transport, is requesting a 24 month extension for a Special Exception for temporary (trailer) parking. On January 17, 2018 the Board granted a special exception for the temporary parking.

The request was previously approved with the following conditions:

1. The variances and/or special exceptions are to be no more than what is approved by the Zoning Board of Adjustments and Appeals.
2. The applicant will need to obtain a building permit from Building Inspections prior to the completion of the proposed structure.
3. Any construction or building allowed by this variance or special exception 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.
4. If a building permit or certificate of occupancy shall not have been applied for or issued within a ninety (90) day period or as the Board may specifically grant, the special exceptions shall be deemed waived; and all rights there under terminated.
5. City departments such as Building Inspections, Engineering, Fire, and Environmental Services shall agree on the proposed surface.
6. A fabric screening fence must be placed along High Prairie Road while such parking exists or add coverage vegetation.

7. The temporary parking period is for 24 months, and the applicant will restore the property back to grass after the 24 month or completion of the new building is completed.
8. To help prevent dust in the area, the applicant will apply an approved spray (from Environmental Services, Jim Cummings) when needed.

PUBLIC NOTIFICATION

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

Property owner notices were placed in the City of Grand Prairie out-going-mail on November 8, 2019.

18 notices were sent, 0 were returned in favor, 0 opposed, and there is no homeowners association.

RECOMMENDATION

Due to there being no issues with the previous special exception, staff recommends approval to continue the temporary parking on a flex base surface for another 24 months.



3409 High Prairie/ BA191105

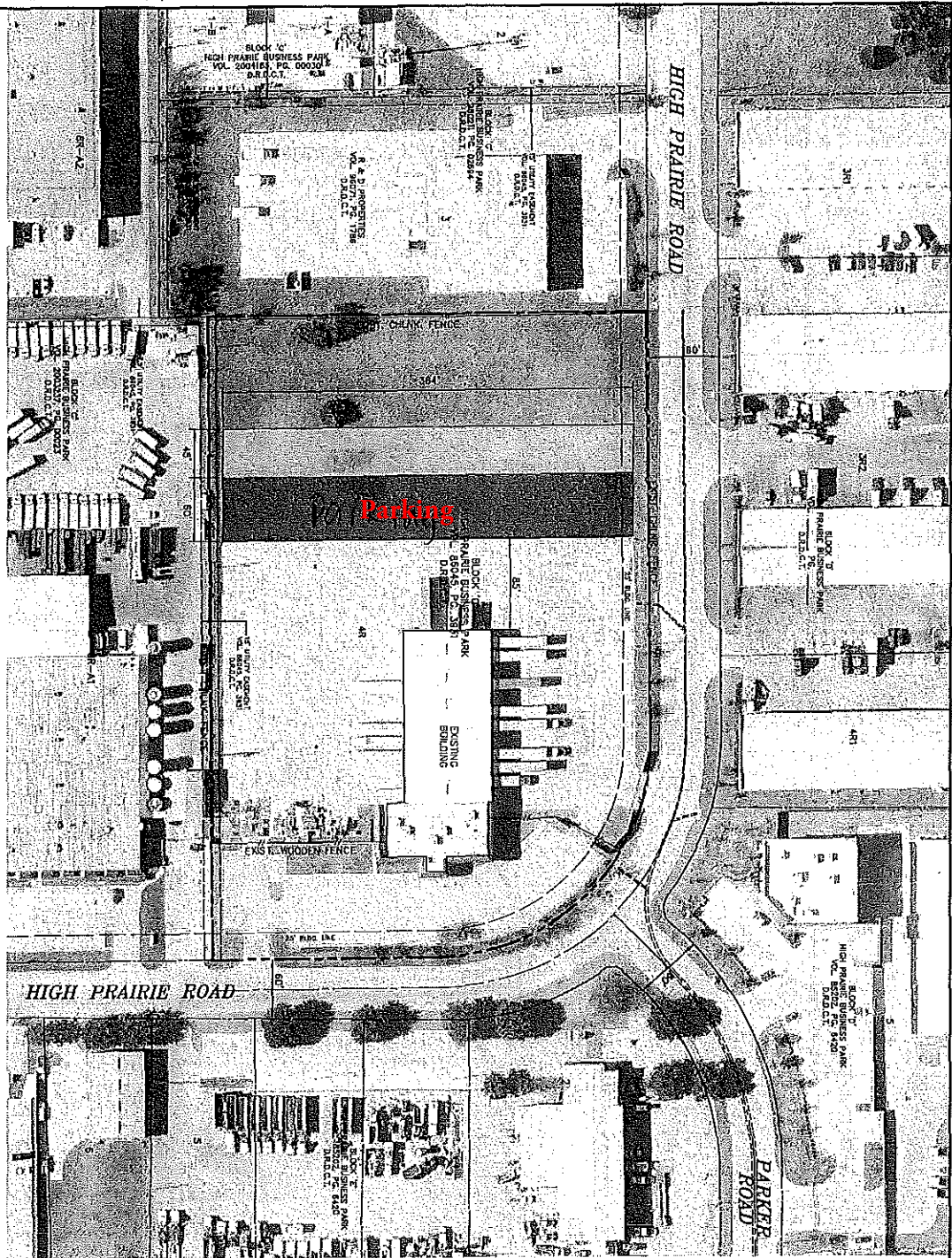
Date: 11/5/2019 Time: 2:26:29 PM

This data has been compiled by the City of Grand Prairie IT/GIS department. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



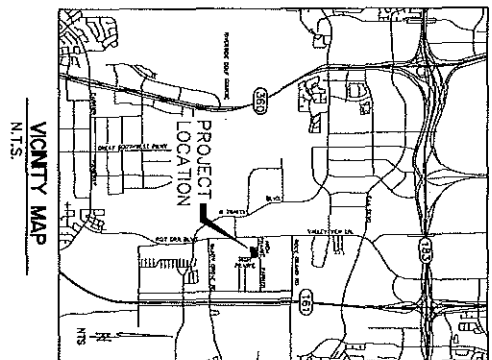
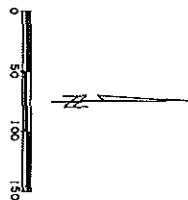
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TEXAS

Parcels



OPTION 1: RED AREA 6" FLEX BASE (TPOOT 247) OVER FABRIC FILTER OVER COMPACTED SUBGRADE.
 OPTION 2: GREEN AREA 6" FLEX BASE (TPOOT 247) OVER FABRIC FILTER OVER COMPACTED SUBGRADE.

PRELIMINARY
 FOR REVIEW PURPOSES ONLY
 THIS DOCUMENT SHALL NOT BE REPRODUCED FOR ANY
 PURPOSE AND SHALL NOT BE USED OR VIEWED OR
 REED FROM AS A FINAL SURVEY DOCUMENT.



DATE: 12/27/2017
 SHEET NO. 1 OF 1

SITE PLAN
DAYLIGHT-TRANSPORT
 LOCATED IN THE J.C. READ SURVEY, ABSTRACT No. 883
 GRAND PRAIRIE, DALLAS COUNTY, STATE

REVISIONS	DATE	BY

PREPARED BY:
WIER & ASSOCIATES, INC.
 ENGINEERS SURVEYORS LAND PLANNERS
 2201 E. LAHAR BLVD., SUITE 200E ARLINGTON, TEXAS 76010 METRO (817) 467-7700
 Texas Firm Registration No. F-2778 www.WierAssociates.com
 Texas Board of Professional Land Surveying Registration No. 10033800



BA191107

818 Shawnee Trace
Variance – Accessory Structure
Height

Zoning Board of Adjustments & Appeals:

November 18, 2019

Case Manager:

Nyliah Acosta

Owner/Applicant:

Robert C Amparan

SUMMARY

(Council District 5) Requesting a 3 foot height variance from the 14 foot height limitation, to allow for a 17 foot tall accessory structure, located at 818 Shawnee Trace, legally described as Lot 19, Block U, Indian Hills 1 Addition, City of Grand Prairie, Dallas County, Texas, zoned SF-4, Single-Family Four Residential District.

DISCUSSION

The applicant is requesting approval of a 3 foot height variance. A single-family dwelling currently sits on the property. The property owner is seeking a variance that would allow them to construct a 16x24x17 tall (384 square feet) accessory structure.

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 November 8th and November 17th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on November 8th, 2019.

36 notices were sent, 0 were returned in favor, 0 opposed, and there is no homeowners association. Staff received one phone call from a neighbor within the 300 ft who is not opposed to the request.

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 appropriate use of adjacent property in the same district.*

- 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 proposed variance, if approved, will not authorize the operation of a use other than those already allowed in SF-4, Single-Family Four 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 variance will allow the homeowner to construct a shed. Accessory structures are allowed and staff believes granting the variance does not disrupt the spirit of the 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 does not believe that such variance will alter the essential character of the district as the rear of the house faces Carrier Pkwy. Additionally, there are countless accessory structures within the neighborhood.*

- 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 height variance 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

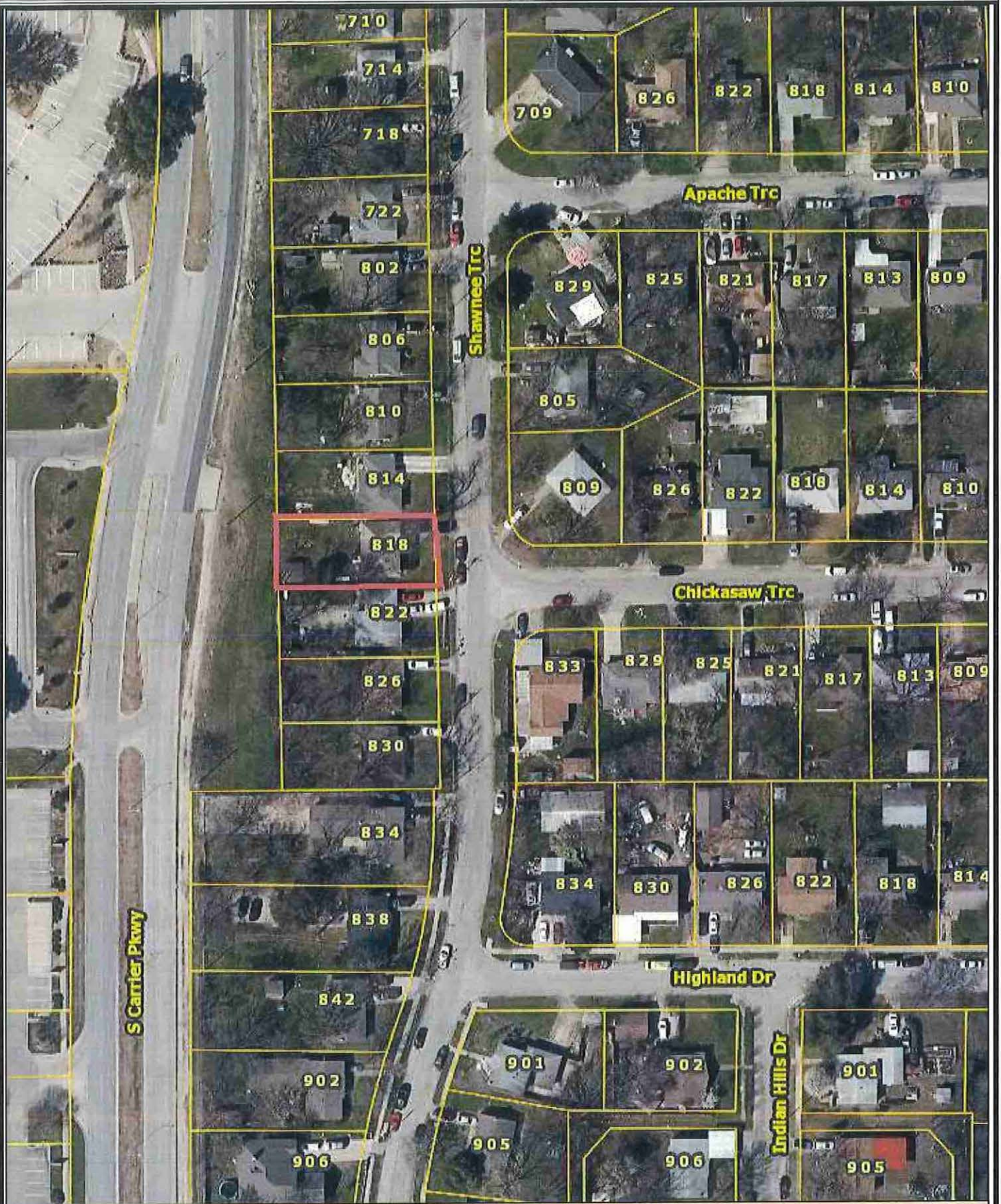
Staff recommends **Approval of the requested variance in BA191107** based on the following findings of fact:

1. Accessory structures are consistent in the neighborhood; and
2. The height will not negatively impact the surrounding area; and
3. A double permit fee will be paid.

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

1. **The accessory structure cannot be used as a residence.**

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 have been applied for or issued within a ninety (90) day period or as the Board may specifically grant, the special exceptions shall be deemed waived; and all rights there under terminated.



60 0 60 FT

818 Shawnee Trc/ BA191107

Date: 11/5/2019 Time: 2:29:59 PM

This data has been compiled by the City of Grand Prairie IT/GIS department. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



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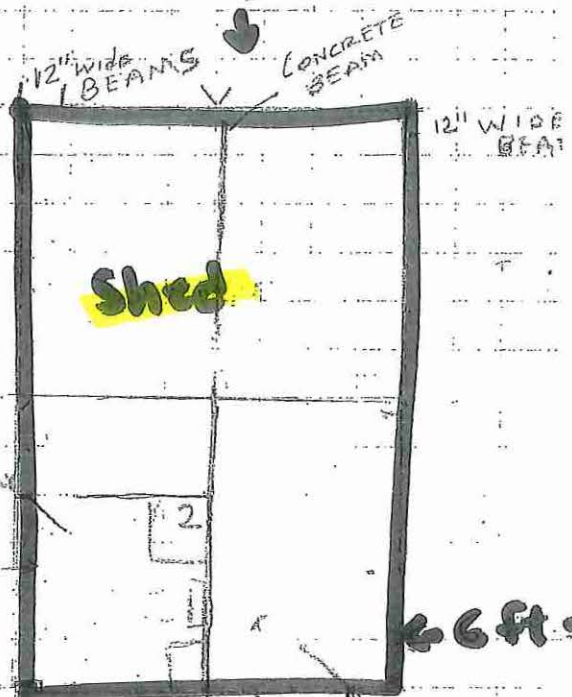
Parcels

Eric Amparun
Shawnee Tr

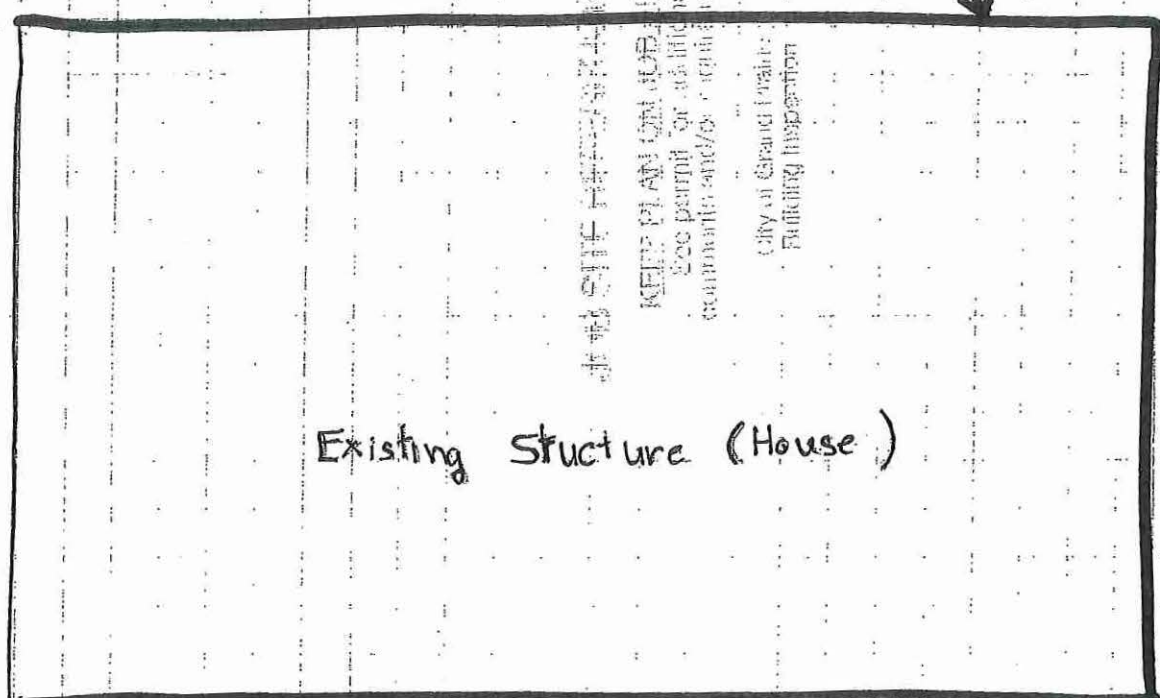
Ph. 214 766 65 26

STORAGE SHED ON A CONCRETE SLAB
(10' x 21') with Bath Room.
STRUCTURE LUMBER WITH
COMPOSITE SHINGLES SIDING
AND INSULATION. 13 FT HIGH.

4" SLAB THICKNESS
#3 Rebar - Tie every other bar
24" DEEP ON CONCRETE BEAM



Brick ledge



Existing Structure (House)

(FRONT)

Shawnee Tr



BA191108

1701 Willow St
Variance – Front Yard Setback

Zoning Board of Adjustments & Appeals:

November 18, 2019

Case Manager:

Nyliah Acosta

Owner/Applicant:

Inocencio Suarez

SUMMARY

(Council District 5) Requesting a 3 foot front yard setback variance from the required 25 feet, to allow for a porch 22 feet from the front property line, located at 1701 Willow St, legally described as Lot 3 & 3A, Block 17, Vought Manor Addition, City of Grand Prairie, Dallas County, Texas, zoned SF-4, Single-Family Four Residential District.

DISCUSSION

The applicant is requesting approval to reduce the front yard setback requirement for a front yard porch. A single-family dwelling currently sits on the property and the owner has extended the front porch. The porch extension is the same depth of the existing porch, but was widened across the width of the house.

Subject to approval of this application, an approved building permit will be required. As part of the building permit review process, Building Inspections will ensure that the materials and construction complies with all regulations.

PUBLIC NOTIFICATION

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

Notices to property owners were placed in the City of Grand Prairie out-going-mail on November 8th, 2019.

39 notices were sent, 0 were returned in favor, 0 opposed, and there is no homeowners 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 appropriate use of adjacent property in the same district.

- 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 proposed variance, if approved, will not authorize the operation of a use other than those already allowed in the SF-4, Single-Family Four 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 variance will allow the homeowner to keep the porch expansion that was done. Staff suggests that the variances are in harmony with 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 variances are sought.

Staff Evaluation: Porches are a common feature for houses and enhance the aesthetic neighborhood.

- 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: The surrounding single-family dwellings will not be injured by granting the variance, because reducing the minimum front yard setback requirement will not create incompatible development, nor will it detract from the character of the community. Additionally, the porch does not protrude in front of the house and the setback of the adjacent homes on the block are approximately the same making the homes consistently in line with one another, although the subject property has a shorter lot depth due to the curved right of way..

- 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 the requested variance in BA191108** based on the following findings of fact:

1. New houses get an 8' allowance for porches, but existing houses to don't. If approved, Staff may look to amend the Unified Development Code to allow an existing home the same allowance.
2. The request does not negatively impact surrounding property owners; and
3. A double permit fee will be paid

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

Any construction or building allowed by this special exception 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 special exceptions shall be deemed waived; and all rights there under terminated.



1701 Willow St/ BA191108

Date: 11/5/2019 Time: 2:33:42 PM

This data has been compiled by the City of Grand Prairie IT/GIS department. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



**Grand
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Parcels

[illegible]

Front
1701 Wilcox St



BA191109

3725 Lemon Drive
Variance – Accessory Structure
Size & Material

Zoning Board of Adjustments & Appeals:

November 18, 2019

Case Manager:

Nyiah Acosta

Owner/Applicant:

James Ogden

SUMMARY

(Council District 2) Requesting a 210 square foot variance from the 450 square foot size limitation, to allow for a 660 square foot accessory structure, located at 3725 Lemon Drive, legally described as Lot 7, Block G, Glen Oaks Addition, City of Grand Prairie, Dallas County, Texas, zoned SF-2, Single-Family Two Residential District.

DISCUSSION

The applicant is requesting approval of a 210 square foot size variance, and material variance. A single-family dwelling currently sits on the property. The property owner is seeking a variance that would allow them to construct a 30x22x13 tall (660 square feet) accessory structure.

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 November 8th and November 18th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on November 8, 2019.

39 notices were sent, 0 were returned in favor, 0 opposed, and there is no homeowners 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 appropriate use of adjacent property in the same district.*

- 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 proposed variance, if approved, will not authorize the operation of a use other than those already allowed in SF-2, 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 variance will allow the homeowner to construct a storage shed. Accessory structures are allowed and staff believes granting the variance does not disrupt the spirit of the ordinance. Additionally, the neighborhood is one where oversized accessory structures are present to include a under 2,000 sf accessory structure to the east.*

- 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 does not believe that such variance will alter the essential character of the district as the structure will be located in the back yard, accessible from the alley.*

- 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 not a self-created hardship.

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

RECOMMENDATION

Staff recommends **Approval of the requested variance in BA191109** based on the following findings of fact:

1. The accessory structure does not detract from the character of the neighborhood;

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

1. Material must match the house if visible from the street.

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.



3725 Lemon Dr/ BA191109

Date: 11/5/2019 Time: 2:37:05 PM

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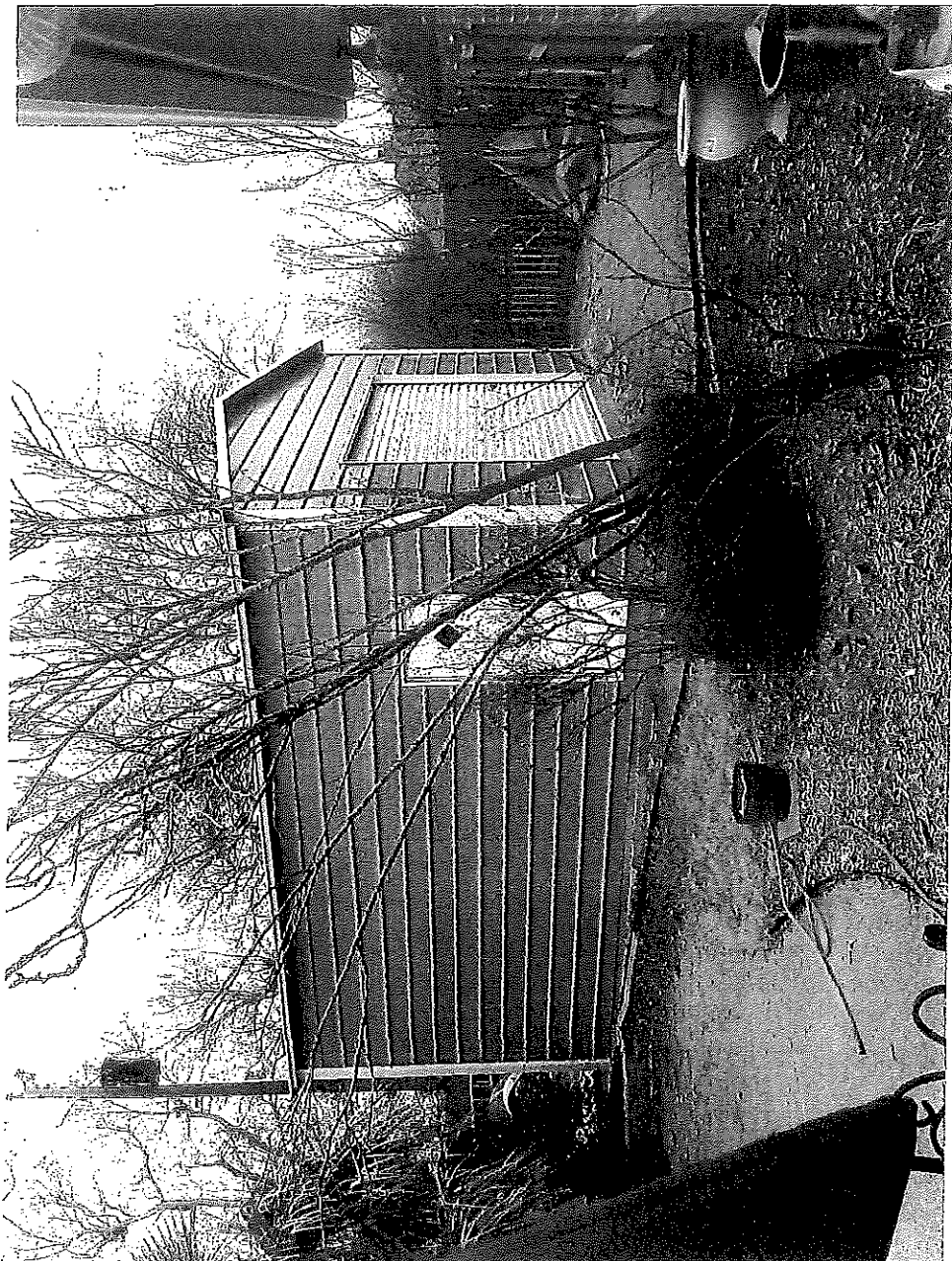
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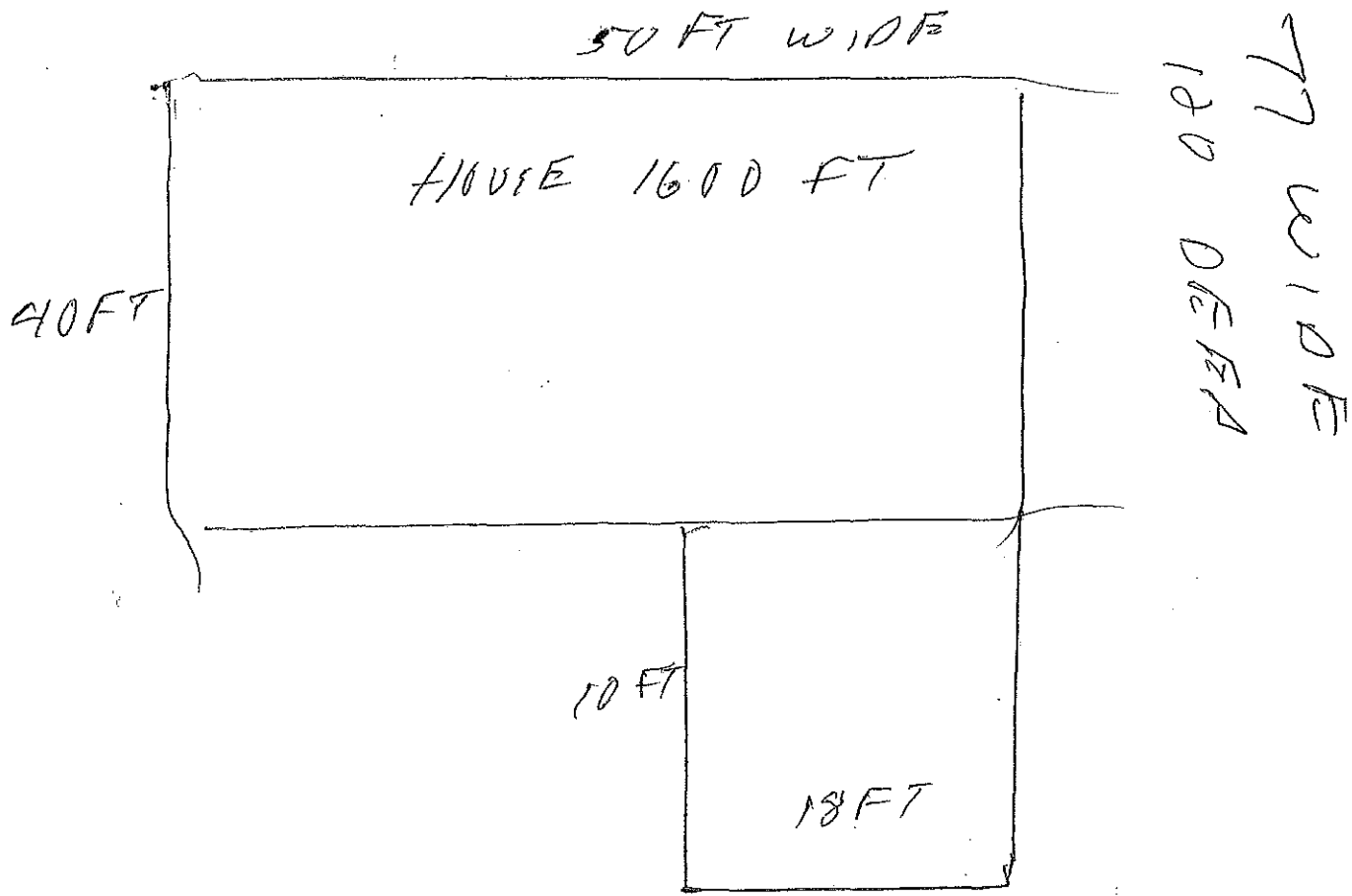


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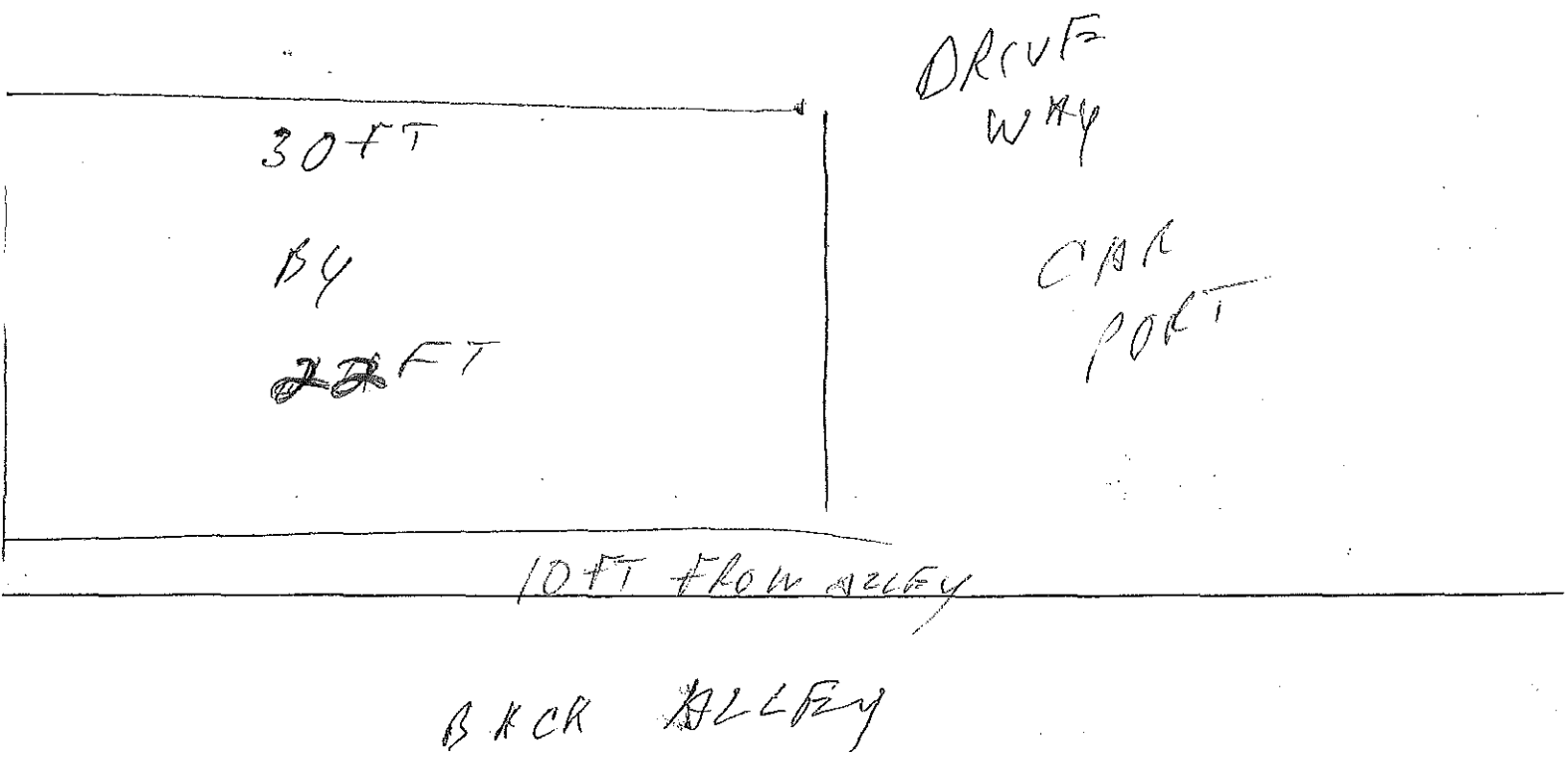
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OWNER
GARY OGDEN

3725 LEMON DR
GRAND PRAIRIE TX 75052



BACKYARD





City Hall : 317 College St Grand Prairie, TX

MEETING AGENDA

Zoning Board of Adjustments and Appeals

DATE

October 21, 2019

BRIEFING:

6:30PM

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

CALL TO ORDER

7:00 PM

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

Board Members in Attendance:

Barry Sandacz X , Tracy Owens , Heather Mazac X ,

Clayton Hutchins X , Debbie Hubacek X , Stacy White ,

Anthony Langston, Sr. X , Timothy Ibidapo X ,

Martin Caballero X , David Baker * X , Tommy Land*

Melinda Rodgers* X , Ralph Castro* ,

*Alternate members

INVOCATION:

 David Baker led the invocation

APPROVAL OF MINUTES:

 Heather Mazac motioned to approve last month's minutes

 David Baker seconded motion

 8 yays 0 nay

PUBLIC HEARING:

1. **CASE NUMBER BA191002 (Council District 6).** Requesting a 5 foot rear yard setback variance from the required 10 feet, to allow for an attached patio cover 5 feet from the rear property line, located at 2840 Vienta Court legally described as Lot 23, Block A, Mira Lagos No H Addition, City of Grand Prairie, Tarrant County, Texas, zoned "PD-271C" Planned Development 271C District.

Applicant / Spokesperson: Juan Santos

Address: 2840 Vienta Court
 Grand Prairie, TX

Any comments from Spokesman:

The spokesperson spoke in favor.

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.

 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.

Motion to close to the public hearing by David Baker

2nd the Motion by Melinda Rodgers

Motion to Approve Case David Baker

2nd the Motion Melinda Rodgers

Motion was approved /denied 8 yays to 0 Nays

2. CASE NUMBER BA191005 (Council District 6). Requesting an addition on a mobile home nonconforming structure, located at 710 Shady Trail, legally described as Lot 49, Shady Creek Mobile Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned "A" Agriculture District.

Applicant / Spokesperson: Jorge Rodriguez

Address: 4817 Shady Lane
 Grand Prairie , TX

Any comments from Spokesman:

Any questions from Board:

Barry Sandacz asked if the applicant was turning the mobile home from a single to a double. Jorge Rodriguez responded that they are trying to increase the width, but not the depth of the home.

Timothy Ibidapo asked how the applicant intends to regulate sanitary regulations. Jorge Rodriguez responded that there is septic and there is community water, and the community collects money for the water.

Clayton Hutchins asked how it would be built. Jorge Rodriguez responded that they would add on and construct onto existing mobile home to make a double wide. Debbie Hubacek asked if it would be constructed and not another single wide would be brought in. Jorge Rodriguez responded yes.

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.

_____ 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.

Motion to close to the public hearing by __David Baker_____

2nd the Motion by _Heather Mazac_____

Motion to Approve Case by __David Baker_____

2nd the Motion ____ Heather Mazac _____

Motion was approved/denied __0__ yays to __8__ Nays

Members that objected **Barry Sandacz, Heather Mazac, Clayton Hutchins, Debbie Hubacek, Timothy Ibidapo, Martin Caballero, David Baker , Melinda Rodgers**

3. **CASE NUMBER BA191006 (Council District 4).** Requesting an 11 foot rear yard setback variance from the required 20 feet, to allow for an attached patio cover 9 feet from the rear property line, located at 6951 Navigation Drive, legally described as Lot 7, Block F, The Coast at Grand Peninsula, City of Grand Prairie, Tarrant County, Texas, zoned "PD-249" Planned Development 249 District.

Applicant / Spokesperson: Tina Hill

Address: 6951 Navigation Drive
Grand Prairie, TX

Any comments from Spokesman:

The applicant said she did not realize 20 foot build lone in effect. Lots of patio covers already in the neighborhood, the slab is already poured and out of the easement.

Any questions from Board:

Barry Sandacz asked the Board if there were questions. There were none.

The following persons spoke in favor of the application:

Don Wester (contractor) address being 3 Woodbridge Ct Mansfield Tx. Spoke in favor. Stated he will be doing the patio cover for the project and has built in the Mira Lagos area and the build line problem is unusual.

The following persons noted their support for the application:

The following evidence was presented to the Board by those in favor of the case:

The following persons noted their opposition to the application:

The following evidence was presented to the Board by those in opposition to the case:

The applicant did or did not speak in rebuttal.

After consideration of the evidence, the Board discussed the evidence and the documentation on the record.

The Board makes the following findings, indicated by a check or x in the blank next to the finding:

☒ Proper notification was done in accordance with the statutes and ordinances.

☐ The decision of the City building or administrative official to deny the permit or construction was in error, and the permit should be granted.

☒ A variance, if granted, is not contrary to the public interest, and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and the granting of the variance would be in the spirit of the ordinances and substantial justice would be done.

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

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

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

☒ The variance or exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

☒ The variance or exception will be in harmony with the spirit and purpose of the Unified Development Code and all other ordinances of the City.

☒ The variance or exception will not alter the essential character of the district in which is located the property for which the variance is sought.

☒ The variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;

☒ The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, area, shape or slope, and the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

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

Motion to close to the public hearing by David Baker
2nd the Motion by Timothy Ibidapo

Motion to Approve Case as is by David Baker
2nd the Motion Timothy Ibidapo

Motion was **approved**/denied 8 yays to 0 Nays

4. **CASE NUMBER BA191010 (Council District 6).** Requesting a 15 foot height variance from the 25 foot height limitation, to allow for a 40 foot multi-tenant monument sign, located at 4126 S Carrier Parkway, legally described as Lot 2, Block 5, Westchester Commercial Addition, City of Grand Prairie, Dallas County, Texas, zoned "PD-173" Planned Development 173 District.

Applicant / Spokesperson: Rick Robertson/Jeff Strong

Address: 5705 California Parkway Ft Worth/ 837 Evergreen Hills

Any comments from Spokesman:

Rick Robertson said he meet with Staff and made revisions based on the recommendations

Jeff Strong said there was no existing monument sign. Existing buildings will block theirs, and the new sign will incorporate other adjacent tenants.

Any questions from Board:

Timothy Ibidapo asked what the distance to the road is. Rick Robertson responded 10 ft
Barry Sandacz asked if Jeff Strong was the landlord. Jeff Strong said he represents the owner of the former Albertsons

Clayton Hutchins asked if Staff had heard from Council on the request. Staff responded No.

The following persons spoke in favor of the application:

The following persons noted their support for the application:

The following evidence was presented to the Board by those in favor of the case:

_____.

The following persons noted their opposition to the application:

_____.

The following evidence was presented to the Board by those in opposition to the case:

_____.

The applicant did *or* did not speak in rebuttal.

After consideration of the evidence, the Board discussed the evidence and the documentation on the record.

The Board makes the following findings, indicated by a check or x in the blank next to the finding:

☒ Proper notification was done in accordance with the statutes and ordinances.

☐ The decision of the City building or administrative official to deny the permit or construction was in error, and the permit should be granted.

☐ A variance, if granted, is not contrary to the public interest, and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and the granting of the variance would be in the spirit of the ordinances and substantial justice would be done.

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

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

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

☒ The variance or exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

☒ X The variance or exception will be in harmony with the spirit and purpose of the Unified Development Code and all other ordinances of the City.

☒ X The variance or exception will not alter the essential character of the district in which is located the property for which the variance is sought.

☒ X The variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;

☐ The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, area, shape or slope, and the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

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

Motion to close to the public hearing by David Baker

2nd the Motion by Timothy Ibidapo

Motion to Approve Case by Timothy Ibidapo

2nd the Motion Timothy Ibidapo

Motion was approved/denied 7 yays to 1 Nays

Members that objected Clayton Hutchins

Anthony Langston arrived at 7:24 pm

5. **CASE NUMBER BA191011(Council District 3).** Requesting a special exception for a carport, located at 1614 SE 4th, legally described as Lot 5, Block E, Kingston Square 2 Addition, City of Grand Prairie, Dallas County, Texas, zoned "SF-2" Single-Family Two Residential District.

Applicant / Spokesperson: David Zapata

Address: 2225 First St, Garland TX

Any comments from Spokesman:

Owner wants carport that incorporates the front porch of the house, hip roof, roof materials will match, and there will be lighting.

Any questions from Board

Clayton Hutching asked if the motion should include the condition. Barry Sandacz responded yes.

Timothy Ibidapo asked if there was any objection from the neighbors. David Zapata responded no, everything is within guidelines.

The following persons spoke in favor of the application:

The following persons noted their support for the application:

The following evidence was presented to the Board by those in favor of the case:

The following persons noted their opposition to the application:

The following evidence was presented to the Board by those in opposition to the case:

The applicant did *or* did not speak in rebuttal.

After consideration of the evidence, the Board discussed the evidence and the documentation on the record.

The Board makes the following findings, indicated by a check or x in the blank next to the finding:

☒ Proper notification was done in accordance with the statutes and ordinances.

☐ The decision of the City building or administrative official to deny the permit or construction was in error, and the permit should be granted.

☒ A variance, if granted, is not contrary to the public interest, and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary

hardship, and the granting of the variance would be in the spirit of the ordinances and substantial justice would be done.

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

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

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

☒ The variance or exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

☒ The variance or exception will be in harmony with the spirit and purpose of the Unified Development Code and all other ordinances of the City.

☒ The variance or exception will not alter the essential character of the district in which is located the property for which the variance is sought.

☒ The variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;

☐ The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, area, shape or slope, and the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

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

Motion to close to the public hearing by David Baker
2nd the Motion by Anthony Langston

Motion to Approve Case by David Baker
2nd the Motion Anthony Langston

Motion was approved/denied __9__ yays to __0__ Nays
Members that objected _____

CITIZENS COMMENTS:

ADJOURNMENT : 7:45 PM