



Virtual Public Hearing
MEETING AGENDA
Zoning Board of Adjustments and Appeals
December 21, 2020 at 7:00 P.M.

Due to an imminent threat to public health and safety arising from the COVID-19 pandemic, this meeting of the Zoning Board of Adjustments and Appeals will be held via videoconference at the indicated date and time. No facility shall be available for the public to attend in person. For further information contact the City of Grand Prairie Planning Department (972) 237-8255.

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

You are invited to a Zoom webinar.

When: Dec 21, 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/93793162908?pwd=Ym9vYUZ3TnBtNWdESEErMDVfY1VQdz09>

Passcode: 255173

Or iPhone one-tap :

US: +13462487799,,93793162908#,,,,,0#,,255173# or
+12532158782,,93793162908#,,,,,0#,,255173#

Or Telephone:

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

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

Webinar ID: 937 9316 2908

Passcode: 255173

International numbers available: <https://gptx.zoom.us/j/93793162908?pwd=Ym9vYUZ3TnBtNWdESEErMDVfY1VQdz09>

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, December 21, 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.

BOARDS AND COMMISSIONS TRAINING:

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 NOVEMBER 16, 2020 MEETING.

PUBLIC HEARING:

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

BOARD MEMBER ATTENDANCE DISCUSSION:

CITIZEN COMMENTS:

ADJOURNMENT:

In accordance with Chapter 551, Subchapter 6 of the Texas Government Code, V.T.C.A., the Zoning Board of Adjustment and Appeals agenda was prepared on the 18th day of December 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.



City Hall : 317 College St Grand Prairie, TX

MEETING AGENDA

Zoning Board of Adjustments and Appeals

DATE November 16th, 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

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Board Members In Attendance:

Barry Sandacz __X__, Michelle Madden __X__, Heather Mazac ____,

Clayton Hutchins __X__, Debbie Hubacek __X__, Anthony Langston, Sr. __X__,
Timothy Ibidapo __X__, Ralph Castro* ____, Martin Caballero __X__,
David Baker * __X__, Tommy Land* __X__, Robert Mendoza __X__

INVOCATION:

David Baker led the invocation

APPROVAL OF MINUTES:

David Baker motioned to approve last month's minutes

Martin Caballero seconded motion

__9__ yays __0__ nay

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

Applicant / Spokesperson: __Sam Castillo (United Built Homes)____

Address: __7512 WoodSide Hill Ct____
__Eagle Mountain, TX 76179____

Any comments from Spokesman:

The contractor plans to construct the house similar to the previous structure but will be larger

Any questions from Board:

Barry Sandacz asked if the staff recommends as submitted. Mr Tooley stated yes that they did.

David Baker asked how the square footage of the previous structure compared to the requested structure. Neither the staff nor the contractor knew the square footage of the previously built house

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 public hearing was closed.

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.

Applicant / Spokesperson: ____Efrain Hernandez (translator Maria Hernandez)____

Address:____918 Birch St____

____Grand Prairie, TX 75050____

Any comments from Spokesman:

The applicant tried to build the structure 3 years ago but was denied. They are wanting to try again but are wanting to build it smaller. The applicant stated they would really like the structure to protect their vehicles and equipment from the weather.

Any questions from Board:

Mr. Ibidapo asked why it was the previous structure denied. Staff stated it was due to the size (50 X 28) and there were complaints from neighbors

Michelle Madden asked if the photo of the property showed theirs a fire hydrant so not sure if its on the applicant's property

Tommy Land asked the homeowner if they were aware of the permit process and why did they start the work without a permit.

The homeowner stated that they were aware of the permit process but believed that since the structure was smaller that one was not needed

Mr Ibidapo asked if the carport would be in violation of the City regulations. Mr Tooley stated that yes it was

Michelle Madden asked if the City checks on property lines. Mr. Tooley stated that the staff goes off what the applicant provides but does not verify the measurements from the property lines

Debbie Hubacek asks if the City was not opposed? Yes that is correct

Clayton Hutchins asked if the structure is on the City Property

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

___Linda Weichel lives at 906 Birch St Grand Prairie, TX 75050. This individual is in opposition of the applicant. They have had trouble with him previously regarding access to the alley in the rear of the properties and believes that the structure will be built past their property lines

Kathleen DeMartino lives at 914 Birch St Grand Prairie, TX 75050 is also in opposition They believe that the neighborhood is deteriorating due to others doing similar to the applicant and doing/building structures as they please

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

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

The applicant did speak in rebuttal to those opposed. The applicant was asked what they thought of the individuals opposing the case. The applicant feels like they may be racist. They feel this way because it seems like they are always complaining on them specifically and other minorities

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 **Debbie Hubacek**

Motion was approved/**denied** 1 yays to 9 Nays

Members that objected David Baker, Timothy Ibidapo, Clayton Hutchins, Tommy Land, Michelle Madden, Martin Caballero, Anthony Langston, Jr, Barry Sandacz, Robert Mendoza

Any conditions:

The public hearing was closed.

NEW BUSINESS:

CITIZENS COMMENTS:

Questions did arise regarding Board members being late to meeting and whether they should be counted as present and allowed to vote

Mark Dempsey stated that this would need to be discussed at the next meeting as there is no actual rule on the subject

ADJOURNMENT : The meeting was adjourned at 7:58pm



BA201201

6955 Clipper Drive
Variance –Rear Yard Setback

Zoning Board of Adjustments & Appeals:

December 21, 2020

Case Manager:

Jonathan Tooley

Owner/Applicant:

Alton Jackson

City Council District:

4 (John Lopez)

Zoning:

PD-249

SUMMARY

Variance to the rear yard setback at 6955 Clipper Drive, legally described as Lot 15, Block D, The Coast of Grand Peninsula Addition, City of Grand Prairie, Tarrant County, Texas, Planned Development - 249 District.

1. Variance: Construction of a covered patio in the rear yard setback.
Required Setback: 20 feet. Requested Setback: 7.5 feet.

DISCUSSION

The applicant is requesting a variance to the rear yard setback requirement provided in Planned Development – 249 District. Mr. Jackson is planning to build a covered patio attached to the rear of the primary structure. The zoning ordinance requires that all structures must be at least 20 feet from the rear property line. Mr. Jackson's home has a J-swing style garage that pushes most of the primary structure to the rear of the lot. In this case, the primary structure is exactly 20 feet from the rear property line, thus not allowing the applicant to build the cover patio by right. Accordingly, Mr. Jackson requests to construct the covered patio's back edge approximately 7.5 feet from the rear property line.

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 December 11th and December 20th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on December 9th.

55 notices were sent, 0 were returned in favor, 0 returned opposed and there is a homeowner's association,

Grand Peninsula Owners Association.

Article 6 of the UDC requires an HOA approval letter prior to permit submittal. The applicant has been approved for the covered patio by the Grand Peninsula Owners 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. Staff has not received any complaints about the request from adjacent neighbors. Additionally, Grand Peninsula Owners Association requires the homeowner to receive signatures from adjacent homeowners, acknowledging that they are made aware of the project. There is an existing 8-foot fence on the northern boundary, along with tree screening with the homeowner to the west.*

- 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 Planned Development – 249 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 covered patio will be 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 a covered patio will not substantially weaken the general purpose of the underlying zoning district.*

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

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

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

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

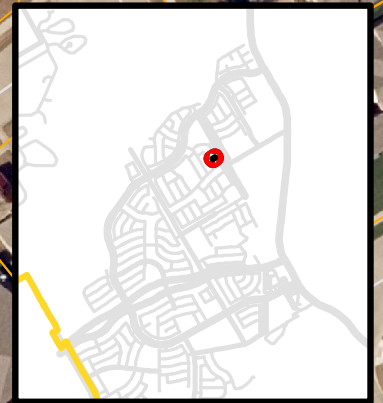
RECOMMENDATION

Staff recommends approval of BA201201 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 latest version of 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

BA201201

6955 Clipper Drive

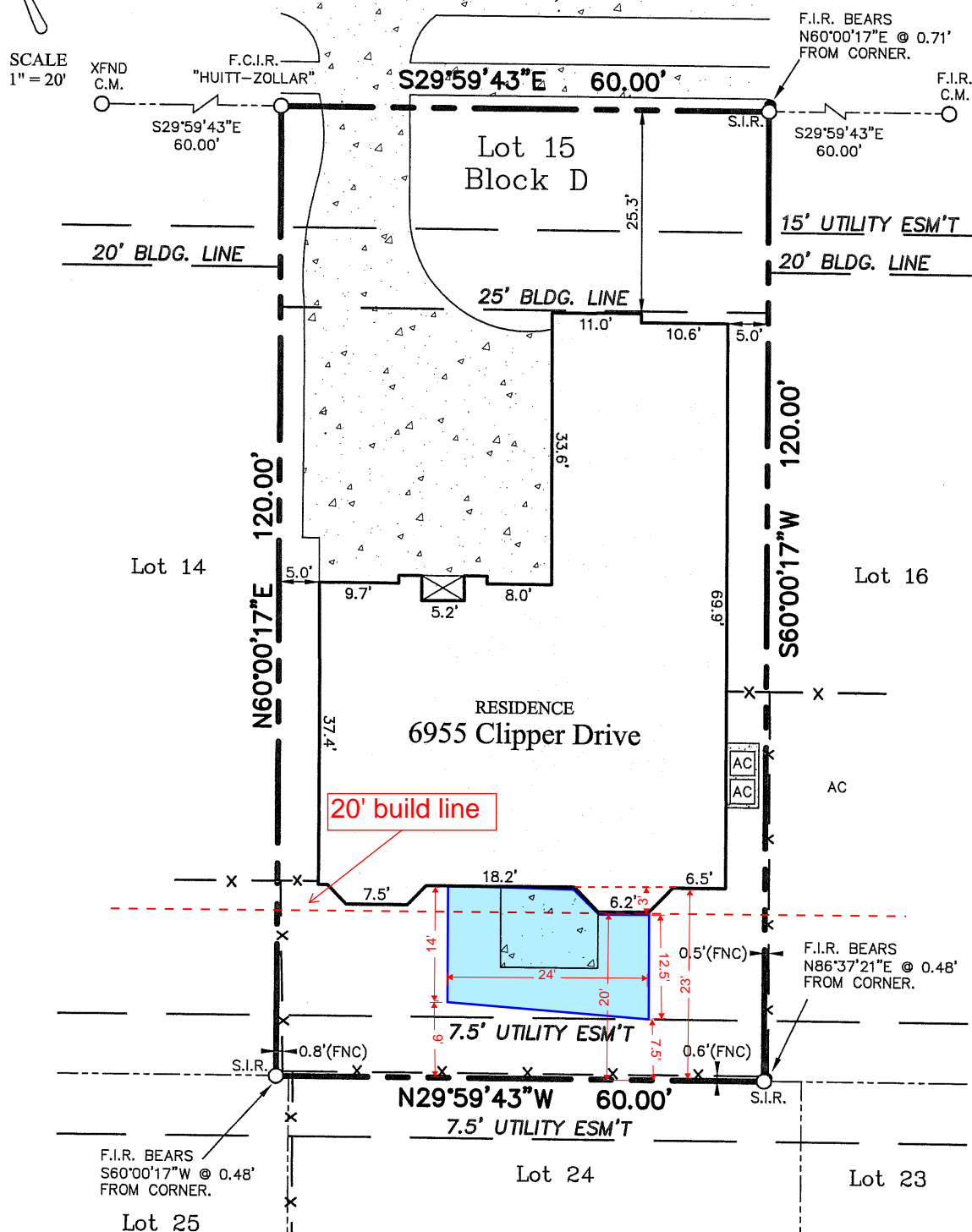


City of Grand Prairie
Development Services

(972) 237-8255

www.gptx.org

(50' ROW)



The following easements are blanket style and include subject property:
Vol. 1433, Pg. 365; Vol. 2585, Pg. 479.

PROPERTY DESCRIPTION: Lot 15, Block D, The Coast at Grand Peninsula, an Addition to the City of Grand Prairie, Tarrant County, Texas, according to Plat recorded in Cabinet A, Slide 9395, Plat Records, Tarrant County, Texas.

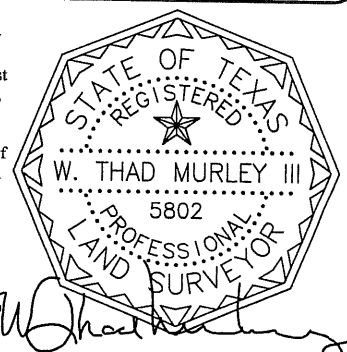
Date:

Date:	12/08/2011
ASC No.	111234
Drawn/Chk	J. Bentley / WTM
Client	LSI Title
G.F. No.	11-0051871

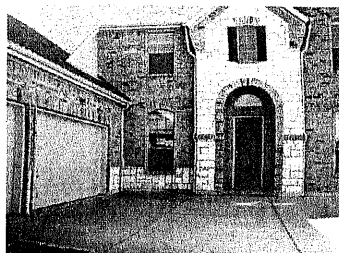
LEGEND - C.M.= Controlling Monument; F.I.R.= Found Iron Rod; F.I.P.= Found Iron Pipe; F.C.P.= Fence Corner Post. O.H.E.=Overhead Electric. S.I.R.= Set Iron Rods 1/2" diameter with yellow cap stamped "Arthur Surveying Company". All found iron rods are 1/2" diameter unless otherwise noted. — x — (fence/ £ post) — OHE — (overhead power)

FLOOD NOTE: It is my opinion that the property described hereon is not within the 100-year flood zone area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel No.485472 0585 J, present Effective Date of map August 23, 2001, herein property situated within Zone "X" (Unshaded).

SURVEYORS CERTIFICATION:
The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and to the best of my knowledge, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon. The bearings shown hereon are based on the above referenced recorded map or plat unless otherwise noted.



1525 W. Walnut Hill Lane, Suite #300
Irving, Texas, 75038
Ph. 972-756-5012
Fax 972-756-5053



6955 Clipper Drive
Grand Prairie, Texas

 Arthur Surveying Co., Inc.
Professional Land Surveyors

P.O.Box 54 - Lewisville, Texas 75067
Office: (972) 221-9439 Fax: (972) 221-4675
Established 1986



Exhibit D - HOA Approval Letter
Page 1 of 1

Grand Peninsula Owners Association, Inc.
2603 N. Grand Peninsula Dr.
Grand Prairie, TX 75054

November 6, 2020

Chissy Jackson
Alton Jackson
6955 Clipper Dr
Grand Prairie, TX 75054

Re: Approval Letter; Architectural Submission - Patio/Arbor/Deck
Account No. 280CS4015; Property Address 6955 Clipper Dr

Dear Chissy Jackson & Alton Jackson:

Thank you for your submittal to the Grand Peninsula Owners Association, Inc. Architectural Committee. Your application for the ***Patio/Arbor/Deck*** has been approved as submitted.

If you have any questions, please feel free to call (817) 453-6160.

Thank you,

Architectural Committee
Grand Peninsula Owners Association, Inc.