



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:

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.

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:

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.

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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 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

- 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