



ZONING BOARD OF ADJUSTMENTS AND APPEALS
CITY HALL - COUNCIL CHAMBERS, 300 W. MAIN STREET
MONDAY, AUGUST 16, 2021 AT 6:30 PM

AGENDA

BRIEFING SESSION - 6:30 PM

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.

REGULAR MEETING - 7:00 PM

Call to Order

Invocation

APPROVAL OF MINUTES

1. Approval of the July 19, 2021 Meeting Minutes

PUBLIC HEARING

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.

2. BA210805 (Council District 2) – Special Exception for a side yard carport at 2233 Varsity Drive, legally described as Lot 13, Block C, Prairie Mead Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.
 - Special Exception: Construction of a side yard carport.
 - Variance: Construction of a carport in the side yard setback.
Required Setback: 3 feet
Requested Setback: 1.75 feet

CITIZEN COMMENTS

Citizens may speak during Citizen Comments for up to five minutes on any item not on the agenda by completing and submitting a speaker card.

ADJOURNMENT

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.

MESSAGE OF RELIGIOUS WELCOME

As many of you are aware, we customarily begin our meetings with an invocation. This prayer is intended for the benefit of the board members and is directed to them and not the audience. Those who deliver the invocation may reference their own religious faith as you might refer to yours when offering a prayer. We wish to emphasize, however, that members of all religious faiths are welcome, not only in these meetings, but in our community as well. The participation of all our citizens in the process of self-government will help our fine city best serve the good people who live here. Employees and audience members are welcome to pray or not pray, and this choice will have no bearing on any vote made by the board.

Certification

In accordance with Chapter 551, Subchapter C of the Government Code, V.T.C.A, the Zoning Board of Adjustments and Appeals agenda was prepared and posted August 13, 2021.



Monica Espinoza, Planning Secretary



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 08/16/2021

REQUESTER: Monica Espinoza, Executive Assistant

PRESENTER: Jonathan Tooley, Planner

TITLE: Approval of the July 19, 2021 Meeting Minutes

RECOMMENDED ACTION: Approve



300 W. Main Street – Council Chambers

MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: July 19th, 2021

BRIEFING:

6:38 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 presentation of the cases. No action will be taking place during the briefing.

Board Members In Attendance:

- Barry Sandacz
- Michelle Madden
- Clayton Hutchins
- Timothy Ibidapo
- Anthony Langston Sr.
- Ralph Castro
- Tommy Land
- Debbie Hubacek
- Heather Mazac
- Robert Mendoza
- Melinda Rodgers
- David Baker
- Eric Smith (non-voting)

2. BA210605 (Council District 3) – Special Exception for a carport at 1402 Lakecrest Drive, legally described at Lot 24, Block B, Lake Crest Addition No. 1, City of Grand Prairie, Dallas County, Texas, zoned Two-Family Residential District.

a. Special Exception: Construction of a carport

Mr. Tooley presented the case. 24 notices were sent, 0 were returned in favor, 0 returned opposed and there is not a homeowner’s association. The homeowner did submit a list of signatures from neighbors located along Lakecrest Drive shown in Exhibit D – Neighbor Signatures. Staff dose not oppose.

Any questions from Board: None

3. BA210608 (Council District 4) – Variance to the rear yard setback at 2607 Waterfront Drive, legally described as Lot 18, Block B, The Bluffs at Grand Peninsula Addition, City of Grand Prairie, Tarrant County, Texas, zoned Planned Development – 249 District.

a. Variance: Construction of a patio cover in the rear yard setback.

Required Setback: 20 feet

Requested Setback: 12.5 feet

Mr. Tooley presented the case. 31 notices were sent, 0 were returned in favor, 0 returned opposed and there is a homeowner's association, Grand Peninsula Homeowners Association. Staff does not oppose

Any questions from Board: None

4. BA210709 (Council District 1) – Replacement of a Manufactured home in the Special Flood Hazard Area at 733 La Moda Street, legally described as Lot 182, San Grande Mobile Home Park, Elizabeth Gray Abstract 1680, Page 375, City of Grand Prairie, Dallas County, Texas, zoned Planned Development - 2 District.

a. Variance: Placement of a manufactured home in the Special Flood Hazard

Area Required: Prohibited

Requested: Placement of a manufactured home in the Special Flood Hazard Area

Mr. Tooley presented the case. 275 notices were sent, 0 were returned in favor, 0 returned opposed and this is within the San Grande Mobile Home Community. Staff recommends denial.

Any questions from Board: Mr. Baker asked if a home was there previously. Mr. Ibadapo asked if anything has changed since the last consideration.

5. BA210704 (Council District 1) – Special Exception for a garage conversion at 2313 Ravenwood Drive, legally described as Lot 9, Block 2, Sherwood Forest Addition, City of Grand Prairie, Tarrant County, Texas, zoned Single Family-One Residential District.

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

Required: Two garage parking spaces

Requested: No garage parking spaces

Mr. Tooley presented the case. 44 notices were sent, 0 were returned in favor, 0 returned opposed and there is no homeowner's association. Staff recommends approval

Any questions from Board: Ms. Madden asked if the garage was j-swing or rear entry. Mr. Baker asked if carports are allowed in the zoning.

6. BA210706 (Council District 5) - Special Exception for a garage conversion at 1501 Juneau Drive, legally described as Lot 1, Block F, Westover Ridge No. 1 Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Two Residential District.

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

Required: Two garage parking spaces

Requested: No garage parking spaces

Mr. Tooley presented the case. 44 notices were sent, 0 were returned in favor, 0 returned opposed and there is not a homeowner's association. Staff recommends approval

Any questions from Board: None

7. BA210708 (Council District 5) - Creation of four lots that do not meet the minimum requirements of the Unified Development Code at 702 NE 33rd Street, legally described as Part of Lot 3, Block H, Resubdivision of part of Burbank Gardens Second Unit, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

a. Variance: Creation of four lots that do not meet the minimum required width.

Minimum Required Lot Width: 60 feet

Minimum Requested Lot Width: 50 feet

b. Variance: Creation of four lots that do not meet the minimum required area.

Minimum Required Lot Area: 7,200 square feet

Minimum Requested Lot Area: 5,744 square feet

c. Variance: Creation of four lots that exceed the maximum allowable density.

Maximum Allowable Density: 5.8 dwelling units per acre

Requested Density: 7.6 dwelling units per acre

Mr. Tooley presented case. 44 notices were sent, 0 were returned in favor, 0 returned opposed and there is not a homeowner's association.

Any questions from Board: Mr. Hutchins asked how it was advertised in the newspaper.

Covid-19 Meeting Update: To get the Boards opinion regarding returning to normal seating at the dais. Mr. Hutchins shares his concerns regarding delta variant, recommends staying separate. Mr. Ibidapo shares concerns regarding possible privacy issues regarding vaccinations and stated that members should only return to the dais when it is believed all members have been vaccinated. Ms. Rogers still recommends staying separate.

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 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
- Michelle Madden
- Clayton Hutchins
- Timothy Ibidapo
- Anthony Langston Sr.
- Ralph Castro
- Tommy Land
- Debbie Hubacek
- Heather Mazac
- Robert Mendoza
- Melinda Rodgers
- David Baker
- Eric Smith (non-voting)

INVOCATION:

DAVID BAKER led the invocation

APPROVAL OF MINUTES:

The motion to Approve the minutes made by **Robert Mendoza**
The motion was seconded by **David Baker**

Motion was **approved**/denied: **9** yays to **0** Nays
Members that objected: None

PUBLIC HEARING:

2. BA210605 (Council District 3) – Special Exception for a carport at 1402 Lakecrest Drive, legally described at Lot 24, Block B, Lake Crest Addition No. 1, City of Grand Prairie, Dallas County, Texas, zoned Two-Family Residential District.

a. **Special Exception:** Construction of a carport

Applicant / Spokesperson: Sourya Seanyear
Address: 1402 Lakecrest Dr,
Grand Prairie, TX 75050

Any comments from Spokesman: Wants to build a carport to protect her property from hail damage.

Any questions from Board: Mr. Ibidapo asked if there was another carport nearby, Mr. Tooley explained that there was not another carport within 800’ which would’ve allowed for an administrative approval and would be the first one as this area is currently being developed. Ms. Madden asked if the carport would come out straight if angled like the driveway, Mr. Tooley directed that question to the applicant, applicant stated she would have to speak to her contactor. Mr. Baker asked if staff is ok with approval without an another carport nearby. Mr. Tooley states correct, as there is no opposition from neighbors and the applicant is not asking for any variances, just a special exception, the carport is in harmony with the home. Ms. Rodgers shares concern as approval of the carport will set the precedence of carport in the area and ask what if the next carport is not in line with the house and is a flat metal roof instead. Mr. Tooley mentions that state law prohibits municipalities from controlling building materials, as long as they meet building code requirements.

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.

Any additional findings: None

The motion to close to the public hearing and Approve the Case made by **DAVID BAKER**

The motion was seconded by **MICHELLE MADDEN**

Motion was **approved**/denied: 7 yays to 2 Nays

Members that objected: Melinda Rodger, Timothy Ibidapo

Any conditions: The carport matches the straight lines of the house.

The public hearing was closed.

3. BA210608 (Council District 4) – Variance to the rear yard setback at 2607 Waterfront Drive, legally described as Lot 18, Block B, The Bluffs at Grand Peninsula Addition, City of Grand Prairie, Tarrant County, Texas, zoned Planned Development – 249 District.

a. Variance: Construction of a patio cover in the rear yard setback.

Required Setback: 20 feet

Requested Setback: 12.5 feet

Applicant / Spokesperson: Albert Mitchell

Address: 2607 Waterfront Dr,
Grand Prairie, TX 75052

Any comments from Spokesman:

Applicant states that the roof will be Gabled instead of flat as shown in exhibit B

Any questions from Board:

Mr. Hutchins asked if the email from the utility companies were included in the packet.

Mr. Tooley states that they are not in the packet but are on file and no utilities were found in the proposed patio cover location. Applicant states that no utilities were found in his back yard at all and when the neighborhood was designed the exact location of the were the utilities would be was unknown and are actually across the street from him. Ms.

Madden asked if the roof with the shingled or sheet metal. Applicant states the roof will be gabled with shingles. Ms. Madden asked the direction of the gable. Applicant stated the short wide gable will be centered on the roof. Ms. Madden asked if the gabled roof will imitate not match the existing roof. Applicant stated 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.

Any additional findings: None

The motion to close to the public hearing and Approve the Case made by

David Baker

The motion was seconded by **Clayton Hutchins**

Motion was **approved**/denied: **9** yays to **0** Nays

Members that objected: None

Any conditions: None

The public hearing was closed.

4. BA210709 (Council District 1) – Replacement of a Manufactured home in the Special Flood Hazard Area at 733 La Moda Street, legally described as Lot 182, San Grande Mobile Home Park, Elizabeth Gray Abstract 1680, Page 375, City of Grand Prairie, Dallas County, Texas, zoned Planned Development - 2 District.
 - a. Variance: Placement of a manufactured home in the Special Flood Hazard Area Required: Prohibited

Requested: Placement of a manufactured home in the Special Flood Hazard Area

Applicant / Spokesperson: Lola Farmer
Address:

Any comments from Spokesman:

Any questions from Board: Mr. Tooley introduced the case to the board, but the case was presented by Noreen Housewright from the Stormwater Division.

Mr. Baker asked how much dirt needs to be added to bring the home out of the floodway. Ms. Housewright explained the FEMA process of getting the home out of the floodway. Ms. Madden asked if there was any remedy through FEMA. Ms. Housewright explained that FEMA would only offer assistance in the event of a disaster, she also explained that the city could participate in a buyout program. Mr. Ibidapo asked what the difference between this case and other mobile homes in the floodway is. Ms. Housewright stated that the while other mobile homes are still in the floodway and they have not been moved or replaced. Mr. Hutchins asked if enough dirt were to be brought in to replace the mobile home out of the floodplain, would it still provide the same amount of valley storage. Ms. Housewright explain generally yes, but it would have to be proven. Mr. Hutchins asked when does FEMA required the CLOMR and LOMR and if it a process the applicant would have to go through. Ms. Housewright explained that any time a project is in the floodway they are required, and the applicant does need to go through the process. Mr. Hutchins asked if a variance is granted, would the city take the risk of destroying the floodway. Ms. Housewright stated yes, and the city’s CRS points could be affected and cause the flood insurance rates to increase for other homeowners in the city. Mr. Sandacz asked is the approval of the variance affects the CRS rating will that affect the insurance rates for all homeowners. Ms. Housewright stated only flood insurance. Ms. Madden asked is the applicant were to meet all the conditions will it still affect the CRS rating. Ms. Housewright stated yes.

The following persons spoke in favor of the application:

JAMES FARMER, RAMONA BLEDSOE,

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

KAREN GONZALEZ_____

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

Any additional findings: None

The motion to close to the public hearing and **Approve** the Case made by **David Baker**

The motion was seconded by None. Motion failed.

The motion to close to the public hearing and **Deny** the Case made by **Michelle Madden**

The motion was seconded by **Clayton Hutchins**

Motion was **approved**/denied: **8** yays to **1** Nays TO DENY
Members that objected: **Robert Mendoza**

Any conditions: None

The public hearing was closed.

5. BA210704 (Council District 1) – Special Exception for a garage conversion at 2313 Ravenwood Drive, legally described as Lot 9, Block 2, Sherwood Forest Addition, City of Grand Prairie, Tarrant County, Texas, zoned Single Family-One Residential District.

- a. **Special Exception**: Conversion of garage into living space.
Required: Two garage parking spaces
Requested: No garage parking spaces

Applicant / Spokesperson: CARMEN GONZALES
Address: 2313 Ravenwood Dr
Grand Prairie, 75052

Any comments from Spokesman: None

Any questions from Board:

Ms. Madden asked what materials were going to be used on the exterior. Mr. Tooley explained he believed it was going to be siding and passed the question to the applicant for confirmation.

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:

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

Any additional findings: None

The motion to close to the public hearing and Approve the Case made by

David Baker

The motion was seconded by **Debbie Hubacek**

Motion was **approved**/denied: **8** yays to **1** Nays

Members that objected: **Melinda Rodgers**

Any conditions: None

The public hearing was closed.

6. BA210706 (Council District 5) - Special Exception for a garage conversion at 1501 Juneau Drive,

legally described as Lot 1, Block F, Westover Ridge No. 1 Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Two Residential District.

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

Required: Two garage parking spaces

Requested: No garage parking spaces

Applicant / Spokesperson: Guadalupe Guardado

Address: 1501 Juneau Dr
Grand Prairie, 75052

Any comments from Spokesman:

Any questions from Board:

Mr. Baker asked how many other garage conversions there were in the area. Mr. Tooley state zero. Ms. Madden asked the applicant what material would be used to enclosed the garage. Applicant stated siding.

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:

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- 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: None

The motion to close to the public hearing and Approve the Case made by **David Baker**

The motion was seconded by **Timothy Ibidapo**

Motion was **approved**/denied: **8** yays to **1** Nays

Members that objected: **Melina Rodgers**

Any conditions: None

The public hearing was closed.

7. BA210708 (Council District 5) - Creation of four lots that do not meet the minimum requirements of the Unified Development Code at 702 NE 33rd Street, legally described as Part of Lot 3, Block H, Resubdivision of part of Burbank Gardens Second Unit, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

- a. Variance: Creation of four lots that do not meet the minimum required width.

Minimum Required Lot Width: 60 feet

Minimum Requested Lot Width: 50 feet

- b. Variance: Creation of four lots that do not meet the minimum required area.

Minimum Required Lot Area: 7,200 square feet

Minimum Requested Lot Area: 5,744 square feet

- c. Variance: Creation of four lots that exceed the maximum allowable density.

Maximum Allowable Density: 5.8 dwelling units per acre

Requested Density: 7.6 dwelling units per acre

Applicant / Spokesperson: Dolphin Custom Homes/ Saul Zuniga

Address: 418 Bridgeway

Cedar Hill, TX

Any comments from Spokesman:

Any questions from Board:

Ms. Madden asked what the current required setback was? Mr. Tooley responded with 6'. Mr. Ibidapo asked how often does the city change the dwelling density and under what situation. Mr. Tooley explains he is unsure and the density only changes is if there is an amendment in the UDC or if Planned Development is created that has a custom zoning

and requested before council. Mr. Hutchins asked if the language on the agenda was the way the application was written. Mr. Tooley explained that what was applied was to amend the lot size. Mr. Hutchins asked what was advertised. Mr. tooley replied that what was on the agenda is what was advertised. Ms. Madden asked the applicant if there are already plan created for these lots. Applicant states that he has plans designed for small lots and can make them fit

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

Michael Castaneda representing: Adrian Rodarte, Hector Quiors, Ener Denova, Jose Calleja

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.

Any additional findings: None

The motion to close to the public hearing and **deny** the Case made by

David Baker

The motion was seconded by **Timothy Ibidapo**

Motion was **approved**/denied: **8** yays to **1** Nays

Members that objected: **Michelle Madden**

Any conditions: None

The public hearing was closed.

NEW BUSINESS: Vote for Vice Chairperson, Debbie Hubacek made a motion to nominate Michelle Madden, 2nd by Melinda Rodgers. Motion was approved by a vote of 8-0

CITIZENS COMMENTS: None

ADJOURNMENT: The meeting was adjourned at 8: 31PM

Signed on this the _____ day of August 2021

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

by: _____
Printed Name: _____
Title: _____



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 08/16/2021

REQUESTER: Monica Espinoza, Executive Assistant

PRESENTER: Jonathan Tooley, Planner

TITLE: BA210805 (Council District 2) – Special Exception for a side yard carport at 2233 Varsity Drive, legally described as Lot 13, Block C, Prairie Mead Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

- a. Special Exception: Construction of a side yard carport.
- b. Variance: Construction of a carport in the side yard setback.
Required Setback: 3 feet
Requested Setback: 1.75 feet

OWNER/APPLICANT Arnulfo Lazo

RECOMMENDED ACTION: Staff does not object to the request

SUMMARY:

Special Exception for a side yard carport at 2233 Varsity Drive, legally described as Lot 13, Block C, Prairie Mead Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

- a. Special Exception: Construction of a side yard carport.
- b. Variance: Construction of a carport in the side yard setback.
Required Setback: 3 feet
Requested Setback: 1.75 feet

PURPOSE OF REQUEST:

The applicant is requesting to allow an existing 361 square foot carport at 2233 Varsity Drive. Article 6 of the Unified Development Code requires that front or side yard carports be approved through the Zoning Board of Adjustments and Appeals process and meet City requirements. The applicant has two requests, one for a Special Exception to allow for the carport and a variance to the required side setback required by the UDC. The side yard setback requirement is 3 feet, while the applicant is requesting 1.75 feet. The existing carport is 9.25 ft x 39 ft with a total height of 9.2 feet and will be attached to the primary structure. To help support the request, the applicant has provided a notarized and signed letter of no opposition by the adjacent neighbor at 2225 Varsity Drive. This is the neighbor who would be most affected by the carport.

The applicant has constructed the proposed carport. Building Inspections Division noticed the unpermitted carport during an inspection for an electrical permit and informed the applicant to apply for a permit. It is currently detached from the home. If approved, the applicant intends to add gutters and additional bracing, which will attach the carport to the home.

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 structure complies with all regulations.

PUBLIC NOTIFICATION:

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

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

53 notices were sent, 0 were returned in favor, 0 returned opposed and there is not a homeowner's association. The homeowner did submit a notarized statement of no opposition from neighbor located at 2225/2229 Varsity Drive shown in Exhibit D – 2225 Varsity Drive Statement of No Opposition.

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 a special exception and variance will not substantially or permanently injure the adjacent property owners. The adjacent owner that would be affected from the carport has provided a notarized statement of no opposition.

- B. Such variance or exception will not adversely affect the health, safety, or general welfare of the public.

Staff Evaluation: Staff suggests that the special exception and variance will not adversely affect the health, safety, or general welfare of the public. Besides the setback variance, the carport meets all applicable requirements of the Unified Development Code and 2015 International Residential Code.

- 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 special exception and variance will not authorize the operation of a use other than those already allowed in the Single-Family Four Residential District.

- D. Such variance or exception will be in harmony with the spirit and purpose of this ordinance.

Staff Evaluation: Staff suggests that the variance does potentially harm the spirit and purpose of this ordinance. While asking for a special exception is in harmony with the ordinance, the ordinance does

require that carports have a 3-foot side setback. The applicant is requesting 1.75 feet.

- 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 the special exception and variance will not necessarily alter the essential character of the district. There are at least three permitted carports within 800 feet, with the closest being 150 feet away.

- 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 the special exception and variance for the proposed carport will not substantially weaken the general purpose of the underlying zoning district.

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

Staff Evaluation: Staff finds that the property owner does not have a hardship that is a unique circumstance of the property.

- H. The variance or exception is not self-created hardship.

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

RECOMMENDATION:

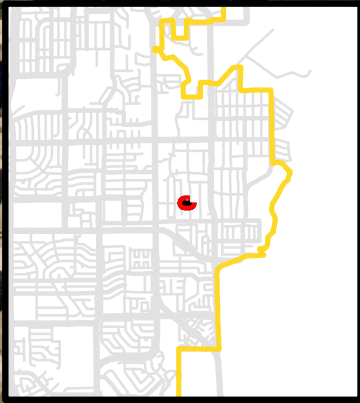
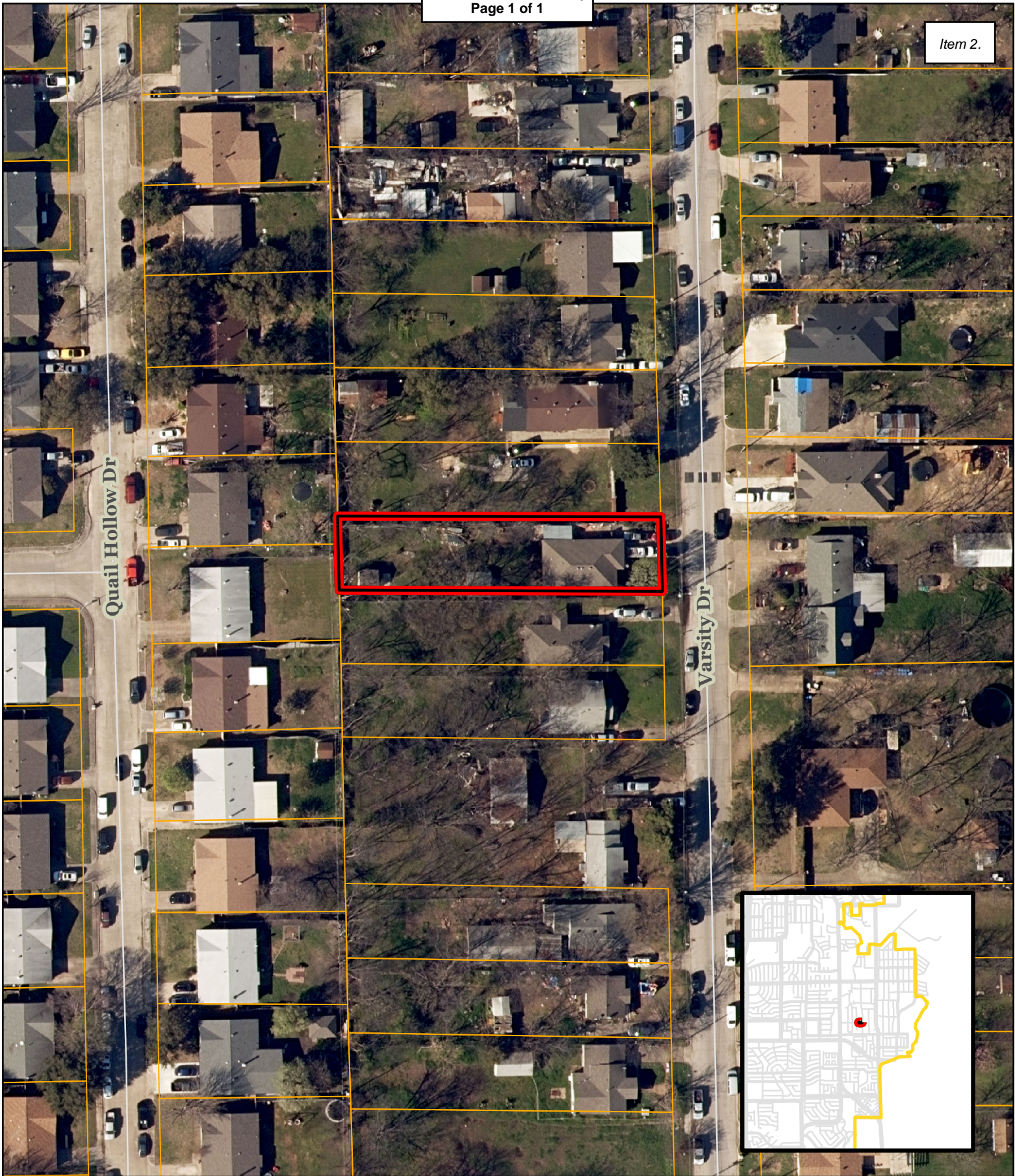
Staff does not object to BA210805 due to the following:

1. The adjacent owner that would be affected from the carport has provided a notarized statement of no opposition.

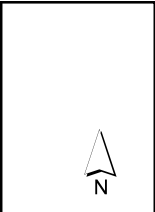
If the board chooses to grant the applicants request, he/she must abide to the following below:

1. **Any construction or building allowed by this variance must conform to the requirements set forth by the Unified Development Code, the 2015 International Building Code, the Grand Prairie Municipal Code of Ordinances, city adopted fire codes and with other applicable regulatory requirements administered and/or enforced by the state and federal government. If a building permit has not been applied for or issued within a ninety (90) day period or as the Board may specifically grant, the variance shall be deemed waived; and all rights there under terminated.**

Item 2.

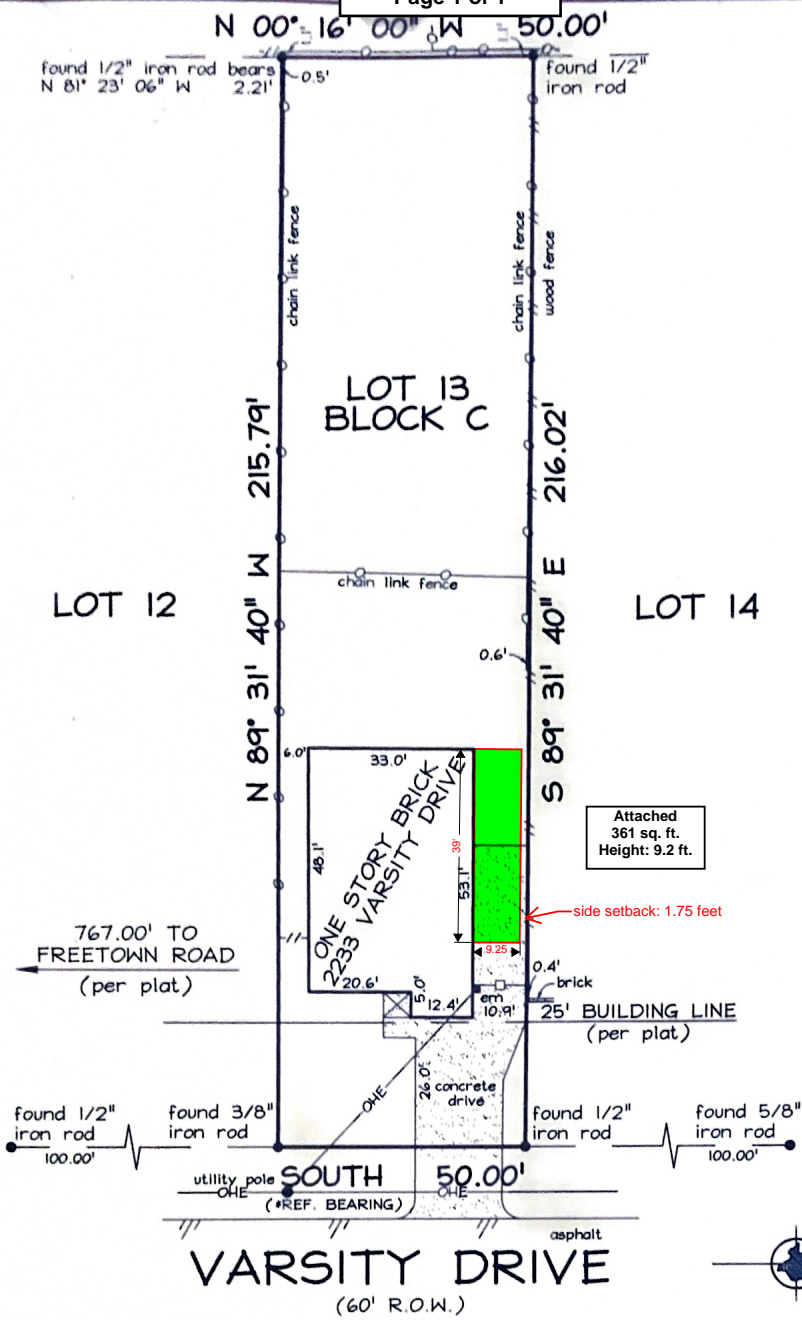


CASE LOCATION MAP
BA210805 - Carport
2233 Varsity Drive



City of Grand Prairie
Development Services
 ☎ (972) 237-8255
 🌐 www.gptx.org

Item 2.



Attached
361 sq. ft.
Height: 9.2 ft.

side setback: 1.75 feet

NOTES:

BEARINGS ARE BASED ON PLAT.
THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN BLACK INK.

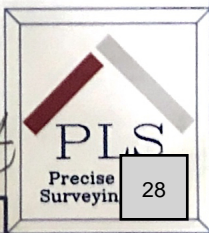
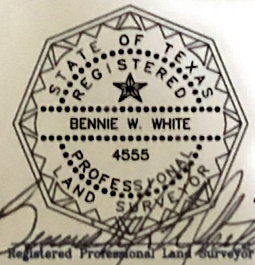
THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 2233 VARSITY DRIVE, and BEING LOT 13, BLOCK C OF PRAIRIE MEAD ADDITION, AN ADDITION TO THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS, ACCORDING TO THE REVISED PLAT THEREOF RECORDED IN VOLUME 13, PAGE 187, MAP RECORDS, DALLAS COUNTY, TEXAS.

There are no visible conflicts or protrusions, except as shown.
The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48113C0455 J, dated AUGUST 23, 2001. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage company, and title company only and this survey is made pursuant to that one certain title commitment under the GF number shown hereon, provided by the title company named hereon and that this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

ACCEPTED BY: _____ DATE: _____

DATE: 04/21/03
FIELD DATE: 04/17/03
REVISED:
JOB NO: 103-2075 TECH: FE
MAPSCO NO: 51A-T FIELD: SP

COMMERCE TITLE COMPANY
GF NO. 03-53-7145





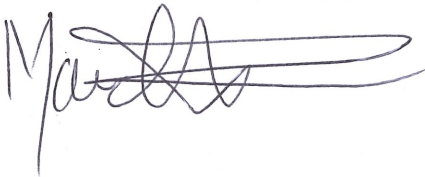
08/04/2021

TO CITY OF GRAND PRAIRIE

OUR ADDRESS IS 2225 VARSITY DR GRAND PRAIRIE, TX 75051
AND THE REASON WE ARE WRITING THIS LETTER IS TO INFORM
THE CITY OF GRAND PRAIRIE THAT WE HAVE NO PROBLEM FOR
OUR NEIGHBORS RIGHT NEXT TO US AT THE ADDRESS 2233
VARSITY DR GRAND PRAIRIE TX 75051 WITH THE CARPOOL
THAT THEY BUILD AT THEIR HOUSE. THE CARPOOL THEY BUILD
IT DOESN'T BOTHER US AT ALL. IF YOU HAVE ANY QUESTION,
FEEL FREE TO CONTACT US AT MARTHA PONCE
OR SYLVIA BARTLEY . THANK YOU.

SINCERELY,

MARTHA PONCE



SYLVIA BARTLEY

