



**ZONING BOARD OF ADJUSTMENTS AND APPEALS**  
**CITY HALL - COUNCIL CHAMBERS, 300 W. MAIN STREET**  
**MONDAY, JUNE 21, 2021 AT 6:30 PM**

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**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**

*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**

1. Approval of the May 17, 2021 Meeting Minutes

**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.

Special Exception: Construction of a carport

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.

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

Required Setback: 20 feet

Requested Setback: 12.5 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 June 18, 2021.*



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*Monica Espinoza, Planning Secretary*



**CITY OF GRAND PRAIRIE  
COMMUNICATION**

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**MEETING DATE:** 06/21/2021

**REQUESTER:** Monica Espinoza, Executive Assistant

**PRESENTER:** Jonathan Tooley, Planner

**TITLE:** Approval of the May 17, 2021 Meeting Minutes

**RECOMMENDED ACTION:** Approve

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Council Chambers – 300 W Main Street

**MEETING AGENDA**

Zoning Board of Adjustments and Appeals

Date: May 17<sup>th</sup>, 2021

**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:**

**6:41 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:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Barry Sandacz    | <input checked="" type="checkbox"/> Martin Caballero |
| <input checked="" type="checkbox"/> Michelle Madden  | <input checked="" type="checkbox"/> Debbie Hubacek   |
| <input checked="" type="checkbox"/> Clayton Hutchins | <input type="checkbox"/> Heather Mazac               |
| <input checked="" type="checkbox"/> Timothy Ibidapo  | <input type="checkbox"/> Robert Mendoza              |
| <input type="checkbox"/> Anthony Langston Sr.        | <input checked="" type="checkbox"/> Melinda Rodgers  |
| <input type="checkbox"/> Ralph Castro                | <input checked="" type="checkbox"/> David Baker      |
| <input type="checkbox"/> Tommy Land                  |  |

**2. BA210403 (Council District 3)** – Variance to the side and rear yard setback at 229 W Phillips Court, legally described as Lot 14, Block 13, Phillips Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

a. Variance: Construction of an accessory structure in the rear yard setback.

Required Setback: 10 feet.

Requested Setback: 8.25 feet

b. a. Variance: Construction of an accessory structure in the side yard setback.

Required Setback: 6 feet.

Requested Setback: 4 feet

Mr. Tooley presented the case and stated that this applicant was stopped by Code Enforcement and that the structure is about halfway complete. The applicant applied for a permit but after speaking to staff, they decided not to move the structure. This case was to be heard last month but there was an error in the posting. A total of 37 notices were sent and the staff does not object to the case.

#### **Any questions from Board**

**3. BA210501 (Council District 3)** – Variance to accessory structure size at 2107 N Kirbywood Trail, legally described as Lot 104, Block 12, Kirby Creek Village Addition Sec 8, City of Grand Prairie, Dallas County, Texas, zoned Planned Development – 127 Districts.

a. Variance: Construction of an accessory structure that exceeds the maximum area allowed.

Max size Allowed: 120 square feet

Requested size: 196 square feet

Mr. Tooley presented the case. The applicant was stopped by Code Enforcement for work without a permit. Code Enforcement did issue citations and applicant was ordered to demolish. The staff does not recommend approval. There is a HOA

**Any questions from Board:** No questions from Board

**4. BA210506 (Council District 3)** – Variance to carport size at 1602 Avenue E, legally described as Lot 9, Block 6, Lake Crest Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

a. Variance: Construction of a carport that exceeds the maximum allowed size

Required Maximum size: 500 square foot

Requested size: 1078 square foot

Mr. Tooley presented the case and explained why the case was being brought in front of board. The applicant had obtained a Building Permit for a patio but came in at a later time and wanted to add a driveway. Because of this, the structure was deemed as a carport. The staff does not oppose.

**Any questions from Board:**

**5. BA210509 (Council District 2)** – Special Exception for a carport at 533 Greenbrook Ln, legally described as Lot 5, Block 4, Sharpston Heights Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

b. Special Exception: Construction of a carport

Mr. Tooley presented the case. This property has a 2 car garage with J swing driveway. 43 notices were sent out none were returned and no calls of opposition

**Any questions from Board:** Melinda Rogers questioned the use of the existing garage. Mr. Tooley stated that this would be answered by the applicant in the meeting

**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:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Barry Sandacz    | <input checked="" type="checkbox"/> Martin Caballero |
| <input checked="" type="checkbox"/> Michelle Madden  | <input checked="" type="checkbox"/> Debbie Hubacek   |
| <input checked="" type="checkbox"/> Clayton Hutchins | <input type="checkbox"/> Heather Mazac               |
| <input checked="" type="checkbox"/> Timothy Ibidapo  | <input type="checkbox"/> Robert Mendoza              |
| <input type="checkbox"/> Anthony Langston Sr.        | <input checked="" type="checkbox"/> Melinda Rodgers  |
| <input type="checkbox"/> Ralph Castro                | <input checked="" type="checkbox"/> David Baker      |
| <input type="checkbox"/> Tommy Land                  |  |

**INVOCATION:**

**David Baker** led the invocation

**APPROVAL OF MINUTES:**

The motion to Approve the minutes made by **David Baker**

The motion was seconded by **Timothy Ibidapo**

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

Members that objected: None

**PUBLIC HEARING:**

**2. BA210403 (Council District 3)** – Variance to the side and rear yard setback at 229 W Phillips Court, legally described as Lot 14, Block 13, Phillips Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

a. Variance: Construction of an accessory structure in the rear yard setback.

Required Setback: 10 feet.

Requested Setback: 8.25 feet

b. a. Variance: Construction of an accessory structure in the side yard setback.

Required Setback: 6 feet.

Requested Setback: 4 feet

Mr. Tooley presented the case and stated that this applicant was stopped by Code Enforcement and that the structure is about halfway complete. The applicant applied for a permit but after speaking to staff, they decided not to move the structure. This case was to be heard last month but there was an error in the posting. A total of 37 notices were sent and the staff does not object to the case

**Applicant / Spokesperson:** Uriel Cisneros

**Address:**229 W Phillips Grand Prairie, TX 75051

**Any comments from Spokesman:**

The structure will have a concrete foundation and be structurally sound. It will be used for storage purposes only

**Any questions from Board: None**

**The following persons spoke in favor of the application:**

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**The following persons noted their support for the application:**

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

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**The following persons noted their opposition to the application**

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

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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: **8** yays to **0** Nays  
Members that objected: None

Any conditions: None

The public hearing was closed.

**3. BA210501 (Council District 3)** – Variance to accessory structure size at 2107 N Kirbywood Trail, legally described as Lot 104, Block 12, Kirby Creek Village Addition Sec 8, City of Grand Prairie, Dallas County, Texas, zoned Planned Development – 127 Districts.

- a. Variance: Construction of an accessory structure that exceeds the maximum area allowed.  
Max size Allowed: 120 square feet  
Requested size: 196 square feet

Mr. Tooley presented the case. The applicant has a history with Code Enforcement due to a dilapidated structure. Citations had been issued and per the Building Advisory Board an order for destruction was given. Code Enforcement did give the application an extension until June to obtain a building permit. The staff does not recommend approval. There is also an HOA

**Any questions from Board:**

Clayton Hutchins questioned the wording of a section D of the presentation. This section stated that this may harm the spirit of the ordinance. Mr. Hutchins asked why this was said. Mr. Tooley stated that its was mentioned because if you can meet the Code its best to do so.

David Baker asked if the original slab has been removed. Mr. Tooley stated that only the portion that was in the easement was removed.

Michelle Madden asked if the Building Permit had been approved. Mr. Tooley stated that no it has not, it is still pending.

Timothy Ibidapo asked if there were other structures in the area of this size. Mr Tooley stated that yes there was one about 10 years ago and was larger

Clayton Hutchins asked if the ordinance been changed since then. Mr. Tooley stated that no it had not. This Planned Development (PD 127) has other restrictive rules outside of its regular zoning

Michelle Madden asked the applicant if this was going to be used for strictly storage because the structure seems fairly large and questioned if there was plumbing inside. Ms. Madden also asked if the applicant has spoke to their HOA

The applicant stated it would only be used for storage and that the HOA stated he needed to handle the ZBA case first and then proceed with them

**Applicant / Spokesperson:** Tim Kiv

**Address:** 2107 N Kirbywood Trl. Grand Prairie, TX 75052

**Any comments from Spokesman:**

Mr. Kiv purchased the house when he was very young and was not aware of the size restrictions. He also now knows that the contractor did not apply for a permit at the time he started construction. The applicant would like the storage shed for relatives items.

**The following persons spoke in favor of the application:**

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**The following persons noted their support for the application:**

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

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**The following persons noted their opposition to the application**

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

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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 **Melinda Rogers**

Motion was approved/**denied**: 6 yays to 2 Nays

Members that objected: Timothy Ibidapo and Clayton Hutchins

Any conditions: None

The public hearing was closed.

**4. BA210506 (Council District 3)** – Variance to carport size at 1602 Avenue E, legally described as Lot 9, Block 6, Lake Crest Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

- c. Variance: Construction of a carport that exceeds the maximum allowed size  
Required Maximum size: 500 square foot  
Requested size : 1078 square foot

The applicant applied for a permit back in February for a patio cover and was approved.

In March, it was decided that the applicant wanted to build a driveway now technically changing the structure from a patio to carport

**Applicant / Spokesperson:** Edgar Graciano

**Address:** 1509 Avenue E Grand Prairie, TX 75051

**Any comments from Spokesman:**

Edgar Graciano spoke for his father. The structure will be used for storage, patio cover and carport. It will have the same style as the house and will not be taller than the house

**Any questions from Board:**

Clayton Hutchins asked about who regulates the materials? Mr. Tooley stated that state law doesn't allow for the City to restrict building materials. From the staff perspective, wood and shingles would be in code with the home

**The following persons spoke in favor of the application:**

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**The following persons noted their support for the application:**

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

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**The following persons noted their opposition to the application**

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

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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: **8** yays to **0** Nays

Members that objected: None

Any conditions: None

The public hearing was closed.

**5. BA210509 (Council District 2)** – Special Exception for a carport at 533 Greenbrook Ln, legally described as Lot 5, Block 4, Sharpston Heights Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

d. Special Exception: Construction of a carport

Mr. Tooley presented the case. This property has a 2-car garage with J swing driveway. 43 notices were sent out none were returned and no calls of opposition

**Applicant / Spokesperson:** Alfredo Gonzalez  
**Address:** 533 Greenbrook Grand Prairie, TX 75051

**Any comments from Spokesman:**

The applicant is a car collector and would like the carport to help protect his vehicles from the weather

**Any questions from Board:**

David Baker expressed that he hopes the carport is built in a way that will enhance the neighborhood.

The applicant stated that they do plan on doing so and will be looking to use materials with overlapping vinyl. They will also be looking at hiring a contractor to help with the construction process

Michelle Madden asked if the carport would extend to the edge of the house or the driveway? The applicant stated they will only do what is permitted and plans to only have to the end of the house

**The following persons spoke in favor of the application:**

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**The following persons noted their support for the application:**

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

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**The following persons noted their opposition to the application**

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

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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 **Melinda Rogers**

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

Members that objected: None

Any conditions: None

The public hearing was closed.

**As a note Ralph Castro arrived at 7:38pm. He was not in attendance for the full case and therefore not able to cast a vote**

**NEW BUSINESS: None**

**CITIZENS COMMENTS: None**

**ADJOURNMENT : The meeting was adjourned at 7:45 PM**

Signed on this the \_\_\_\_\_ day of June 2021

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

**by:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_



## CITY OF GRAND PRAIRIE COMMUNICATION

**MEETING DATE:** 06/21/2021

**REQUESTER:** Monica Espinoza, Executive Assistant

**PRESENTER:** Jonathan Tooley, Planner

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

**RECOMMENDED ACTION:** Staff does not oppose this request.

### SUMMARY:

Owner/Applicant: Sourya Seanyear

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

### PURPOSE OF REQUEST:

The applicant is requesting a special exception to build a 414 square foot carport at 1402 Lakecrest Drive. Article 6 of the Unified Development Code requires that carports must be approved through the Zoning Board of Adjustments and Appeals process and meet City requirements. While this applicant meets all applicable City code requirements, there are not any carports in the immediate area, so staff is presenting this application before the Board for consideration. The proposed carport is 18 ft x 23 ft with a total height of 10 feet and will be attached to the primary structure. The applicant's property is bordered by vacant lots and the former Hensley Field site which is owned by the City of Dallas.

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 June 11th and June 20th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on June 11th.

31 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.

## **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 will not substantially or permanently injure the adjacent property owners. Staff has not received any opposition at the writing of this report. The adjacent southern neighbor has indicated that they do not object to the carport and the adjacent northern properties are vacant land.*

- 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 will not adversely affect the health, safety, or general welfare of the public. 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 will not authorize the operation of a use other than those already allowed in the Two-Family 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 special exception does not necessarily harm the spirit and purpose of this ordinance. The proposed carport meets all applicable City codes. Additionally, the carport will be constructed of similar materials of the primary structure, providing a harmonious addition which the Unified Development Code seeks.*

- 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 will not necessarily alter the essential character of the district. The applicant is proposing a carport that will be constructed with similar materials as the home and will tie in with the established roof pitch. Because of the geographical location of the property, there are not any carports in the immediate area.*

- 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 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.

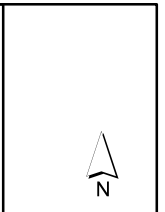
*Staff Evaluation:* Staff finds that the hardship is self-created.

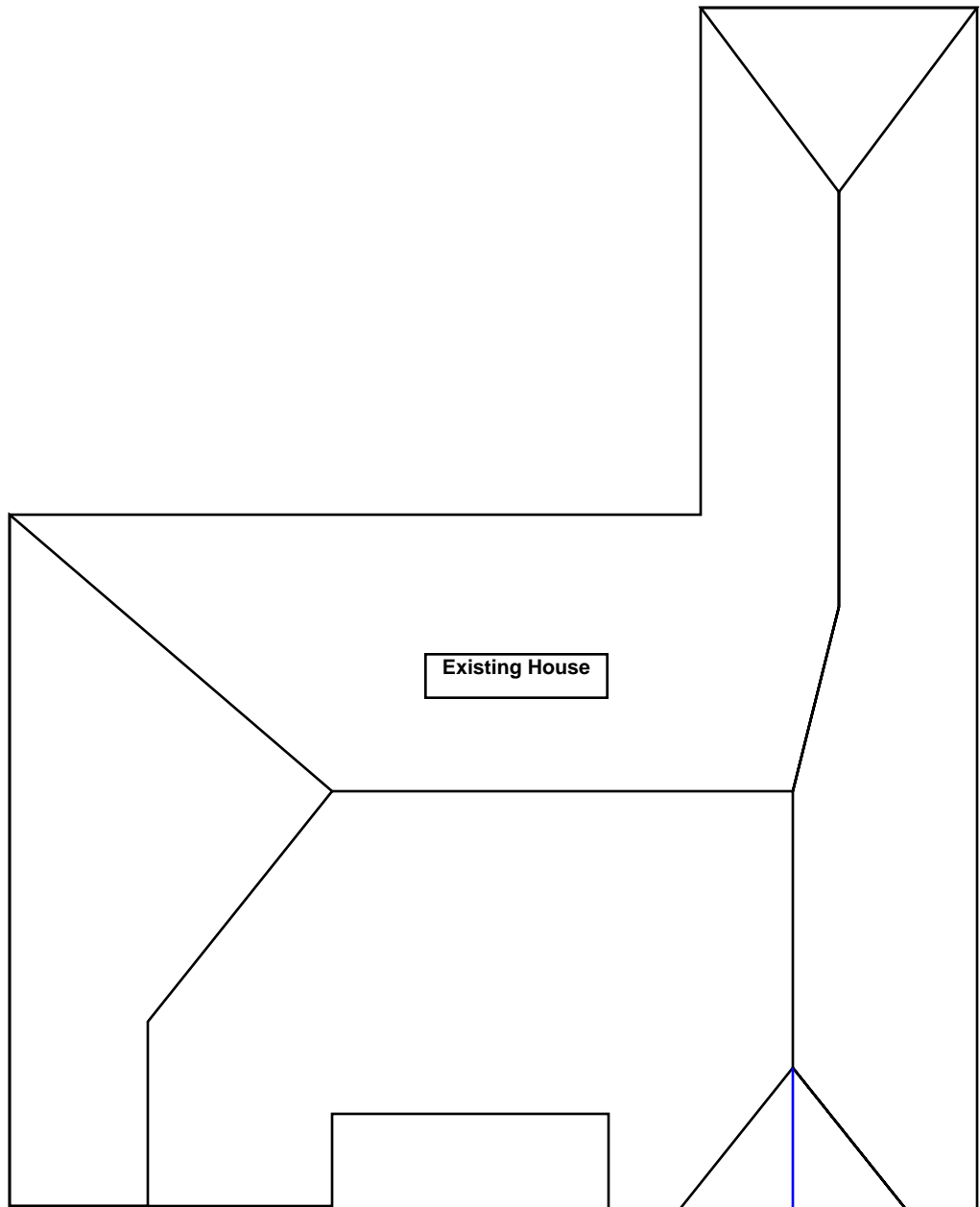
## **RECOMMENDATION:**

**Staff does not oppose BA210605 as requested.**

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.**

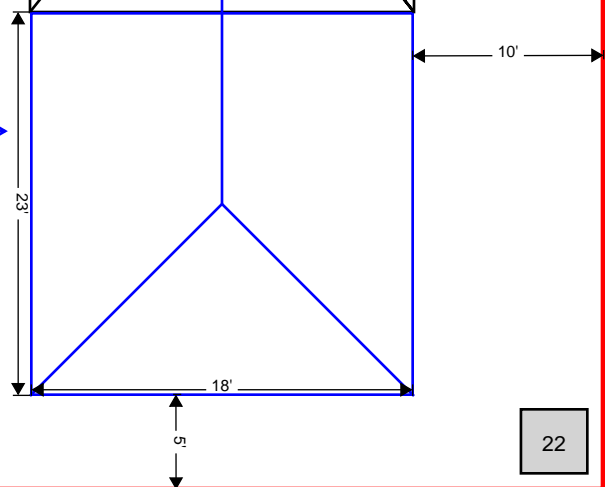




Existing House

Proposed Carport

Attached  
Height: Same as garage  
Size: 414 sq. ft.



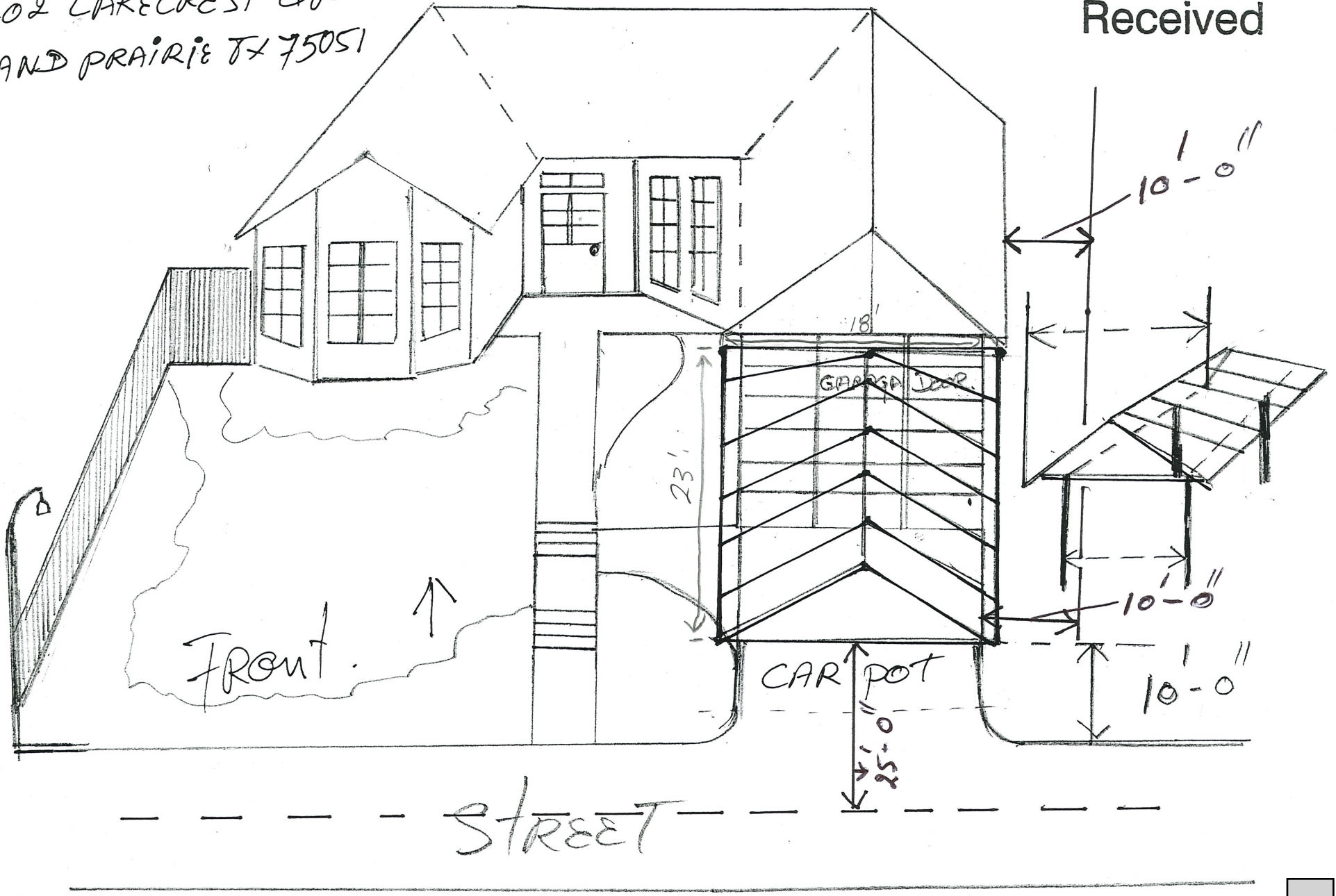
Property Line  
↓

MAY 14 2021

Received

Attached  
1402 LAKECREST DR  
GRAND PRAIRIE TX 75051

TOP VIEW.  
↓







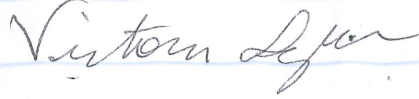
MAY 14 2021

Received

James Leyba

1442 Lakecrest Dr, -Victoria Leyba

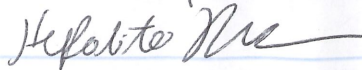
Grand Prairie TX 75051

James Leyba 

Hipolito Duran

1446 Lakecrest Dr

Grand Prairie Tx 75051

Hipolito Duran 

1410 Lakecrest St

Grand prairie TX 75051

Leonardona 

Thabet Quttom

1418 Lakecrest DR.

Grand Prairie TX 75051



Maria Araceli Perez

1321 Lakecrest dr.

Grand Prairie TX 75051

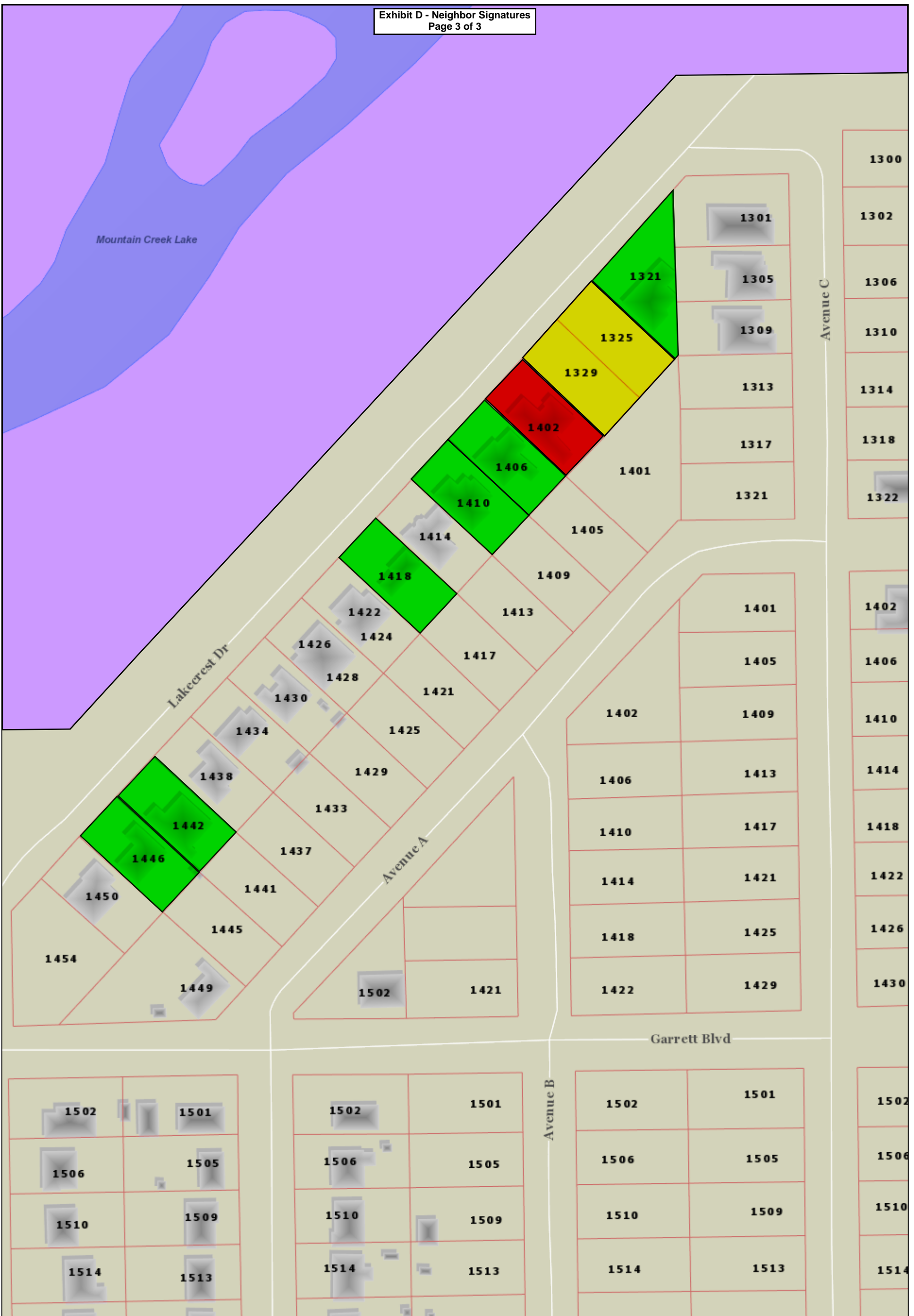
Item 2.

Antonio Trevillo  
1406 Lakes Crest Dr  
Grand Prairie TX 75051

City of Grand Prairie  
Planning Department

MAY 14 2021


Received



0.02 0 0.02 mi  
Date: 6/9/2021 Time: 9:47:59 AM

# Grand Prairie Maps



 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.

- Do not oppose: ■
- Subject Property: ■
- Vacant Land: ■
- City of Dallas: ■



## CITY OF GRAND PRAIRIE COMMUNICATION

**MEETING DATE:** 06/21/2021

**REQUESTER:** Monica Espinoza, Executive Assistant

**PRESENTER:** Jonathan Tooley, Planner

**TITLE:** 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.

Variance: Construction of a patio cover in the rear yard setback.  
 Required Setback: 20 feet  
 Requested Setback: 12.5 feet

**RECOMMENDED ACTION:** Staff does not oppose the request

### SUMMARY:

Owner/Applicant: Albert Mitchell

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.
  - i. Required Setback: 20 feet
  - ii. Requested Setback: 12.5 feet

### PURPOSE OF REQUEST:

The applicant is requesting a variance to the rear yard setback to allow for a patio cover to encroach the setback required by the zoning, Planned Development – 249 District. The applicant seeks to attach a new patio cover, constructed of wood and shingles, to the existing single-family residence. The proposed structure will be harmonious with the existing materials, roof pitch and articulation features. The zoning ordinance, Planned Development – 249 District, requires that the primary structure maintain a 20-foot minimum rear yard setback. The proposed structure encroaches the rear yard setback by 7.5 feet which will allow the primary structure to be 12.5 feet from the rear property line. Because of existing easements, this would be the closest distance the applicant would be permitted to the rear property line. The applicant has received approval of the request with their Homeowners Association, Grand Peninsula Homeowner's Association.

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 June 11th and June 20th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on June 11th.

24 notices were sent, 0 were returned in favor, 0 returned opposed and there is a homeowner's association, Grand Peninsula 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 a variance will not substantially or permanently injure the adjacent property owners. The applicant is meeting the side setbacks required by the UDC. Additionally, the rear yard is adjacent to a street. At the time of writing this report, staff has not received any opposition from adjacent neighbors.

- 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 accessory structure is in the rear yard of the property and will be required to meet all applicable building code requirements.

- 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 variances 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 variance may not be in harmony with the spirit and purpose of this ordinance. The purpose of setbacks for structures is to properly space the structure from other structures, utilities, and streets. Although this proposed structure is closer to the street, a masonry screening wall does buffer the structure from street view.

- 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 patio cover will be constructed of similar materials as the primary structure.*

- 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 a variance for a setback reduction 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 may have a hardship that is a unique circumstance of the property. The rear yard setback requirements of this Planned Development are more restrictive than the Unified Development Code.*

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

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

#### **RECOMMENDATION:**

**Staff does not oppose BA210608 as requested.**

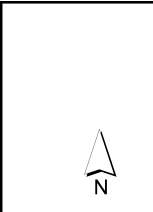
If the board chooses to grant the applicants request, he/she must abide to the following below:

- 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 3.



**CASE LOCATION MAP**  
**BA210608 - Setback**  
**2607 Waterfront Drive**



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

TO: Zoning Board of Adjustments and Appeals  
City of Grand Prairie, Texas

City of Grand Prairie  
Planning Department

JUN 01 2021

Received

FROM: Albert Mitchell (Owner)  
Waterfront Dr.  
Grand Prairie, Texas 75054

DATE: June 1, 2021

RE: Request for Variance for the Construction of an Attached Covered Patio  
Beyond the Current Build Line

---

I am writing this letter to accompany my Application for Zoning Board of Adjustments and Appeals for a variance to construct an attached patio cover that will extend beyond the current build line.

I have enclosed a copy of my property survey (Page 1) and a mocked-up survey denoting the proposed location of my attached cover patio (Red lined on Page 2).

I requested that all of the utility providers mark their utilities in my backyard. On May 12<sup>th</sup> and 13<sup>th</sup>, all of the utility providers found NO UTILITIES in my backyard (See emails on Pages 6 & 7).

Also, enclosed is the proposed "Construction Detail" and rendering design of the patio cover (Page 3) along with pictures of the existing home design that the patio will closely match (Pages 4 & 5).

I request that the variance be granted.

Thanks  
Albert Mitchell



City of Grand Prairie  
Planning Department

JUN 01 2021

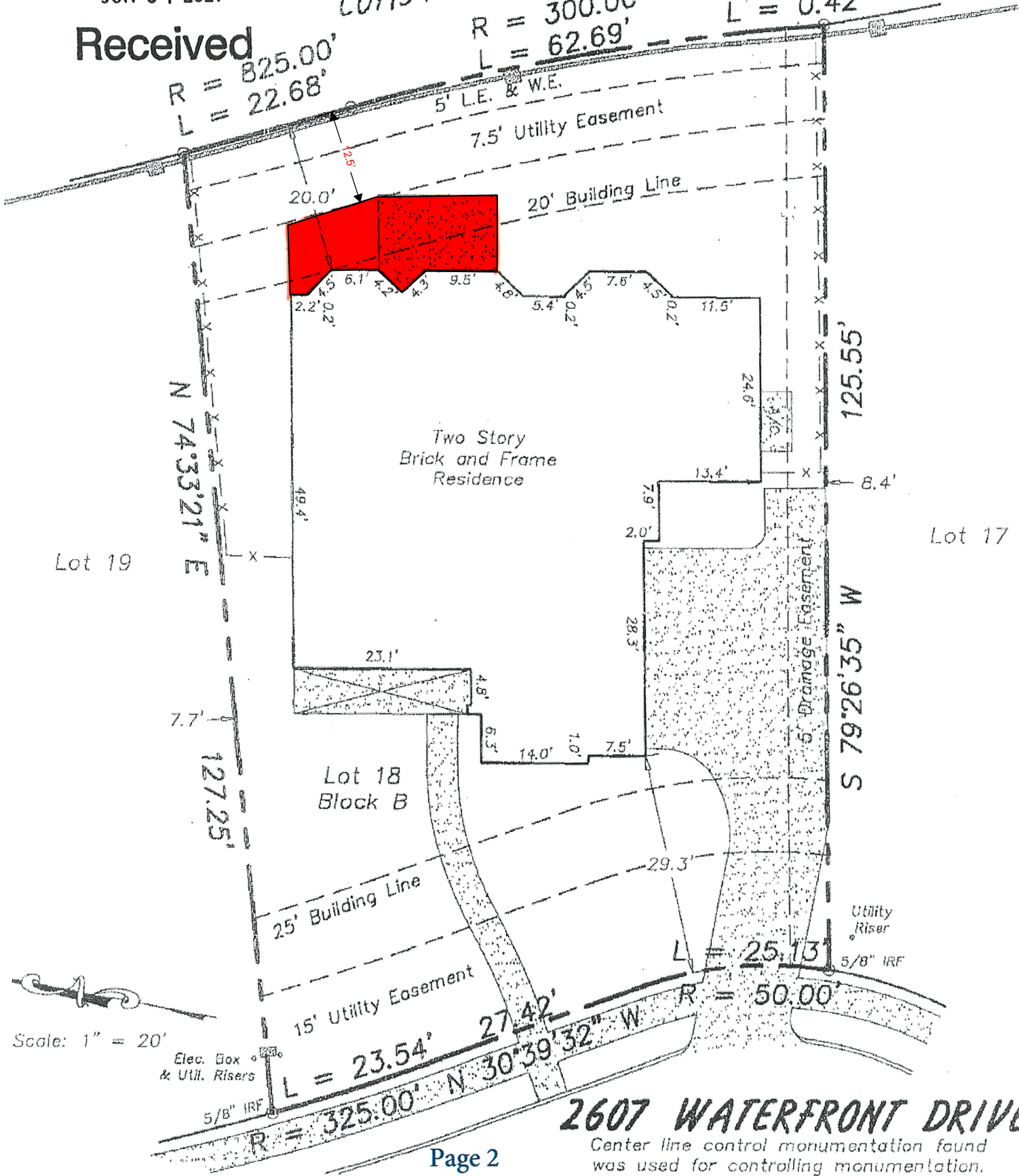
Received

COASTAL BOULEVARD

R = 825.00'  
L = 22.68'

R = 300.00'  
L = 62.69'

R = 825.00'  
L = 0.42'



Scale: 1" = 20'

2607 WATERFRONT DRIVE

Center line control monumentation found  
was used for controlling monumentation.

# Covered Patio Variance Request Construction Details

City of Grand Prairie  
Planning Department

JUN 01 2021

Received

Address:  
2607 Waterfront Dr.  
Grand Prairie, Texas 75054

Owner:  
Albert Mitchell

Construction Details
1. <b>Patio Cover:</b> Install a 28'x10' sloped with gable patio cover to match the construction of the existing structure; install (3) 10"x10" rough cut cedar posts to match front porch, (2) 10"x5" attached to exterior wall; install a 3/4" osb decking on top of roof; install 30 year shingled roof on cover (to match house); stain and paint structure to match existing structure; install gutters and (2) down spouts; provide permits
2. <b>Concrete:</b> Demo existing patio foundation; Lay out, prep area, retrofit irrigation, and form up 28'x10' and 8"x10' pads- 360 square feet of concrete pad for outdoor living area as per plan; form up footers/ piers for posts and kitchen stability; foundation top will be exposed aggregate.
3. <b>Electrical:</b> Tie electrical into house and install a junction box on the side of the house; install (3) outlets on plate for upper lights and switch; install a GFIC outlet on the back of chosen post; install 2 new client provided 52" outdoor rated ceiling fans; install (6) new recessed dimmable LED can lights

### Rendering Drawing:



Existing Photo:



City of Grand Prairie  
Planning Department

JUN 01 2021

Received

Front of House (for Material/ Design Matching):



Front of House (for Material/ Design Matching) continued:



City of Grand Prairie  
Planning Department  
JUN 01 2021  
Received





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

June 4, 2021

Wanda Mitchell  
Albert Mitchell  
2607 Waterfront Dr  
Grand Prairie, TX 75054

**Re: Approval w/Stipulations; Architectural Submission - Patio/Arbor/Deck**  
Property Address: 2607 Waterfront Dr

Dear Wanda Mitchell & Albert Mitchell:

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 with the following stipulations:

**No exceptions taken w/ stipulation that the variance is approved by the City of Grand Prairie. Homeowner to submit verification when received for the record on file.**

Thank you,

Architectural Committee  
Grand Peninsula Owners Association, Inc.