



ZONING BOARD OF ADJUSTMENTS AND APPEALS
CITY HALL - COUNCIL CHAMBERS, 300 W. MAIN STREET
MONDAY, MAY 17, 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

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 April 19, 2021 Meeting Minutes

PUBLIC HEARINGS

2. BA210403 (Council District 3) – Variance to the rear and side 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.

Variance: Construction of an accessory structure in the rear yard setback.
Required Setback: 10 feet.
Requested Setback: 8.25 feet.

Variance: Construction of an accessory structure in the side yard setback.
Required Setback: 6 feet.
Requested Setback: 4 feet

3. BA210501 (Council District 2) – 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 District.

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

Maximum Size Allowed: 120 square feet

Requested Size: 196 square feet

4. BA210506 (Council District 3) – Variance to carport size at 1602 Avenue E, legally described as Lot 9, Block 6, Lake Crest Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

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

Required Maximum Size: 500 square feet

Requested Size: 1,078 square feet

5. BA210509 (Council District 2) – Special Exception for a carport at 533 Greenbrook Lane, 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.

Special Exception: Construction of a carport

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 May 14, 2021.

Monica Espinoza

Monica Espinoza, Planning Secretary



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 05/17/2021

REQUESTER: Monica Espinoza, Executive Assistant

PRESENTER: Jonathan Tooley, Planner

TITLE: Approval of the April 19, 2021 Meeting Minutes

RECOMMENDED ACTION: Approve



Zoom Virtual Meeting

MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: April 19th, 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:

6:30 P.M.

The staff will brief the board and preview the cases on tonight’s agenda. Board members will have the opportunity to ask questions that may facilitate the meeting and 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
- Martin Caballero
- Debbie Hubacek
- Heather Mazac
- Robert Mendoza
- Melinda Rodgers
- David Baker

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

Variance: Construction of an accessory structure in the rear yard setback.
Required Setback: 10 feet Requested Setback: 8.25 feet
Variance: Construction of a single-family dwelling in the side yard setback.
Required Setback: 6 feet Requested Setback: 4 feet

Mr. Tooley informed the Board that there was an error in the legal notice and this case will be tabled

Any questions from Board

3. BA210406 (Council District 3) – Creation of four lots that do not meet the minimum required width at 1914 Varsity Street, legally described as part of 30, Block B, Lakeland Heights Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

Variance: Creation of four lots that do not meet the minimum required width.
Minimum Required Lot Width: 60 feet Minimum Requested Lot Width: 49.94 Feet

Mr. Tooley presented the case. The applicant would like to create 4 lots with a requested width of 49.4 feet. The minimum required is 60ft wide. The staff does not support and would like for the lots to conform to the zoning

Any questions from Board

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 checked="" type="checkbox"/> Heather Mazac |
| <input checked="" type="checkbox"/> Timothy Ibidapo | <input checked="" type="checkbox"/> Robert Mendoza |
| <input type="checkbox"/> Anthony Langston Sr. | <input type="checkbox"/> Melinda Rodgers |

- Ralph Castro
- Tommy Land

David Baker

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

PUBLIC HEARING ITEM TO BE TABLED:

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

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

Required Setback: 10 feet Requested Setback: 8.25 feet

Variance: Construction of a single-family dwelling in the side yard setback.

Required Setback: 6 feet Requested Setback: 4 feet

Mr. Tooley informed the Board that there was an error in the legal notice and would like this case will be tabled

Applicant / Spokesperson: n/a

Address:

Any comments from Spokesman: None

Any questions from Board: None

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 table to the public hearing by **David Baker**

The motion was seconded by **Heather Mazac**

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

Members that objected: None

Any conditions: None

The public hearing was closed.

PUBLIC HEARING ITEM:

3. BA210406 (Council District 3) – Creation of four lots that do not meet the minimum required width at 1914 Varsity Street, legally described as part of 30, Block B, Lakeland Heights Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

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

Minimum Required Lot Width: 60 feet Minimum Requested Lot Width: 49.94 Feet

Mr. Tooley presented the case. The applicant would like to create 4 lots with a requested width of 49.4 feet. The minimum required is 60ft wide. The staff does not support and would like for the lots to conform to the zoning

Applicant / Spokesperson: Saul Zuniga

Address: 1830 Avenue F Grand Prairie, TX 75051

Any comments from Spokesman:

Mr. Zuniga is a Homebuilder and has built several lots in Grand Prairie. He has previously seen the City approve other cases similar to his and wanted to apply. He wants to bring more taxes and build more houses in the City.

Any questions from Board:

Barry Sandacz asked if the zoning of the area had been different previously as some lots are set at 50' wide

Mr. Tooley answered that it is possible, but the zoning now calls for 60' width

Michelle Madden asked if there were any outstanding citations and wanted to clarify that this request would be 3/4 of an inch off from the 50' wide measurement of other existing lots

Mr. Tooley confirmed the measurement and that there were no delinquent taxes

David Baker did not have a question but reminded the staff to turn on the microphones when speaking

Barry Sandacz verified the reason this case was being brought to the board. Mr. Tooley stated that it was brought to the Board because it is a request of a variance to the zoning Clayton Hutchins also asked why this is not a form of re-zoning. Mr. Tooley stated that this method would be less intensive for the applicant and the Planning staff evaluates variances on a case by case basis

Mr. Tooley explained that the staff suggested that the applicant do 3 lots instead, but the applicant still wanted to ask for 4

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 **Timothy Ibidapo**

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

Members that objected: David Baker and Clayton Hutchins

Any conditions: None

The public hearing was closed.

NEW BUSINESS: None

CITIZENS COMMENTS: None

ADJOURNMENT : The meeting was adjourned at 7:18 PM

Signed on this the _____ day of May 2021

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

by: _____

Printed Name: _____

Title: _____



CITY OF GRAND PRAIRIE
COMMUNICATION

MEETING DATE: 05/17/2021

REQUESTER: Monica Espinoza, Executive Assistant

PRESENTER: Jonathan Tooley, Planner

TITLE: BA210403 (Council District 3) – Variance to the rear and side 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.

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

Required Setback: 10 feet.

Requested Setback: 8.25 feet.

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

Required Setback: 6 feet.

Requested Setback: 4 feet

RECOMMENDED ACTION: Staff does not oppose the request

SUMMARY:

Owner/Applicant: Uriel Cisneros

Variance to the rear and side 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. Variance: Construction of an accessory structure in the side yard setback.
Required Setback: 6 feet.
Requested Setback: 4 feet

PURPOSE OF REQUEST:

The applicant is requesting a variance to the rear and side yard setback required by the base zoning, SF-3, so an accessory structure (storage shed) can be legally allowed on the property. Code Enforcement stopped Mr. Cisneros in January 2021 for not having an issued permit to construct a storage shed in the backyard. Mr. Cisneros applied for and was approved for a building permit on February 10, 2021. The approved permit was for a 10 ft. x 10 ft. x 12 ft. tall shed, with a site plan that met the required setbacks set forth in Article 6 of the Unified Development Code. The existing structure on the property did not meet the setback requirements, but the applicant agreed to adjust the shed. On March 29, 2021, Mr. Cisneros applied with the Planning Division for a variance from the setback requirements set forth by zoning as he decided not to move the structure. This case was tabled at the April 19, 2021 ZBA Public Hearing due to an error in legal noticing.

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 May 7th and May 16th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on May 7th.

37 notices were sent, 0 were returned in favor, 0 returned opposed and there is not a homeowner's 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 variances will not substantially or permanently injure the adjacent property owner. 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 variances 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 Single Family-Three Residential Zoning District.

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

Staff Evaluation: Staff suggests that the variances may not be in harmony the spirit and purpose of this ordinance. The purpose of setbacks for taller structures is to mitigate any potential issues the increased height might have on adjacent neighbors and to properly buffer such uses.

- 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 variances will not alter the essential character of the district. There are numerous accessory structures located in the 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 such variances 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 does not have a hardship that is a unique circumstance of the property. Staff believe that the requirements of the zoning district can easily be met.

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

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

RECOMMENDATION:

Staff does not oppose BA210403 as requested.

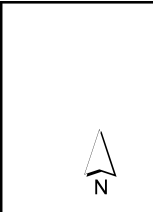
If the board chooses to grant the applicants request, he/she must abide to the following below:

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.**

Item 2.



CASE LOCATION MAP
BA210403
229 W. Phillips Ct.



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

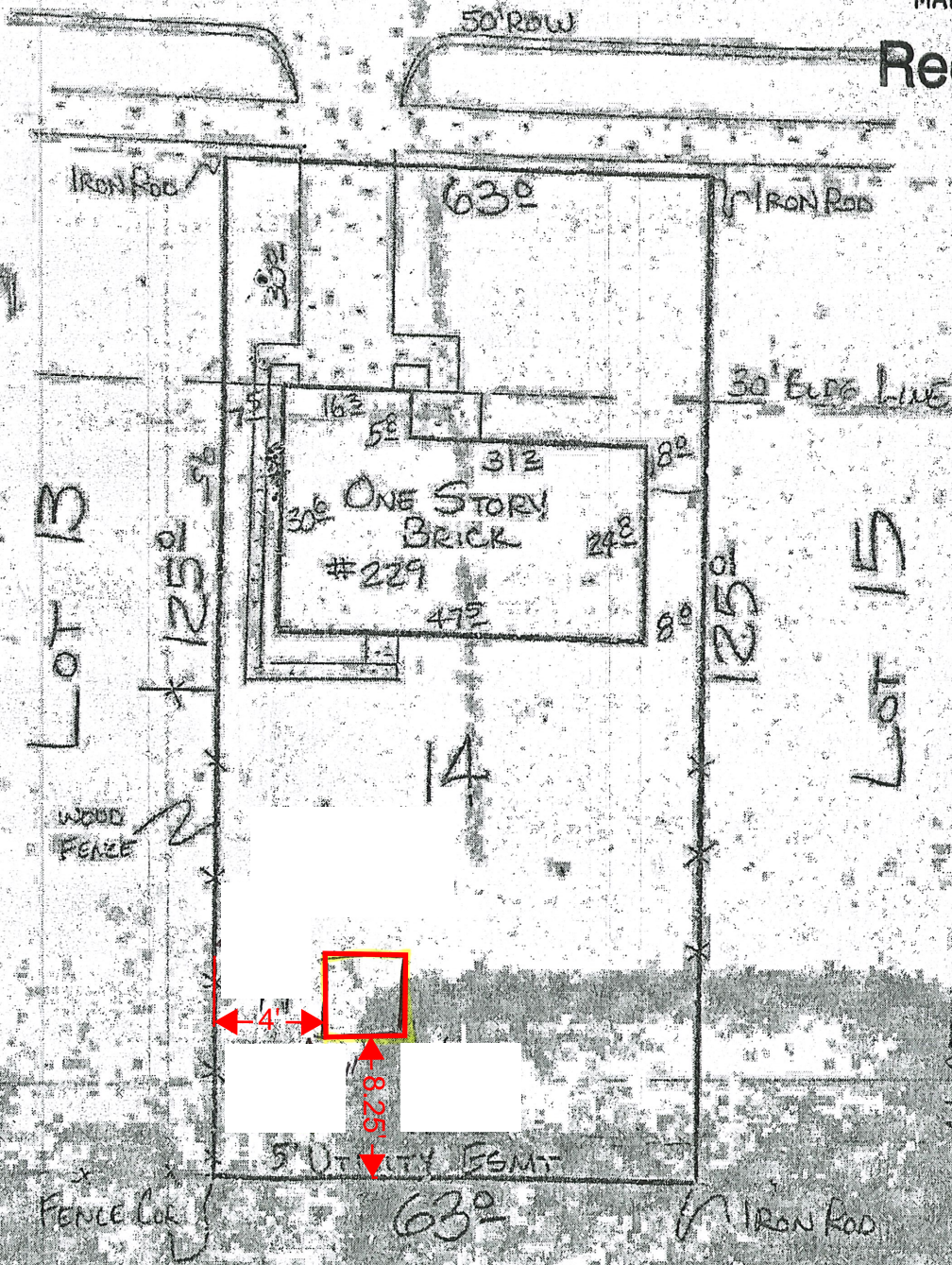
LEGAL DESCRIPTION
LOT 14, BLOCK 13, PHILLIPS PARK ADDITION
AN ADDITION TO THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS
ACCORDING TO THE MAP, RECORDED IN VOLUME 34, PAGE 1 OF THE MAP
RECORDS OF DALLAS COUNTY, TEXAS

W. PHILLIPS COURT

City of Grand Prairie
Planning Department

MAR 29 2021

Received







CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 05/17/2021

REQUESTER: Monica Espinoza, Executive Assistant

PRESENTER: Jonathan Tooley, Planner

TITLE: BA210501 (Council District 2) – 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 District.

Variance: Construction of an accessory structure that exceeds the maximum area allowed.
 Maximum Size Allowed: 120 square feet
 Requested Size: 196 square feet

RECOMMENDED ACTION: Staff does not oppose the request.

SUMMARY:

Owner/Applicant: Kiv Visothvaddhana

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 District.

- A. Variance: Construction of an accessory structure that exceeds the maximum area allowed.
 Maximum Size Allowed: 120 square feet
 Requested Size: 196 square feet

PURPOSE OF REQUEST:

The applicant is requesting a variance to construct a larger storage shed than what is allowed by zoning. The zoning district, PD-127, requires that the storage shed be no larger than 120 square feet in area. The applicant is requesting that a variance be granted, allowing them to build a 196 square foot shed (14x14). The applicant is meeting all other requirements such as building setbacks, height, and lot coverage.

Additionally, the applicant will need approval by Kirby Creek HOA for any structures proposed. Typically, our Code requires that applicants submit an HOA approval letter with the submission of a residential

accessory structure permit. Since his application was received prior to the ordinance being passed, Mr. Visothvaddhana is exempt from providing the HOA letter with this building permit. Staff has advised the applicant to reach out to their HOA to avoid any setbacks or unforeseen issues that might arise.

The applicant does have an open Code Enforcement case regarding the storage shed. This initially began with the applicant receiving a hand notice from Code Enforcement for a dilapidated structure without a permit. The original structure was 24 ft x 24 ft and was in the rear utility easement.

- August 19, 2020: Applicant submitted a building permit but did not make the necessary adjustments to meet code requirements. Permit is in pending status.
- December – February 2021: Code Enforcement starts issuing citations.
- April 5, 2021: This case goes before the Building Advisory and Appeals Board in which they ordered the applicant to completely dismantle the structure and remove any concrete slab from the utility easement.
- April 20, 2021: The structure has been dismantled and the slab reduced as ordered by the Building Advisory and Appeals Board.
- May 3, 2021: The Building Advisory and Appeal Board extends their order compliance deadline to June 11, 2021 for the accessory structure to comply with all applicable City codes.

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 May 7th and May 16th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on May 7th.

56 notices were sent, 0 were returned in favor, 0 returned opposed and there is a homeowner's association, Kirby Creek Village HOA.

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 all required setback and height requirements.

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

Staff Evaluation: Staff suggests that the variance will not adversely affect the health, safety or general welfare of the public.

- C. Such variance or exception will not be contrary to the public interest; and such variance or exception

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

Staff Evaluation: *The variance will not authorize the operation of a use other than those already allowed in Planned Development - 127 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 harm the spirit and purpose of this ordinance. While the size of the structure increase is not significant, it does not conform to the zoning. Staff does not see an obvious hardship with the request.*

- 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 necessarily alter the essential character of the district. There are at least a dozen storage sheds in the area. Staff's investigation shows that the majority of structures comply with the 120 sq. ft. requirement of PD-127.*

- 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 the proposed shed 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 to BA210501 as requested.

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

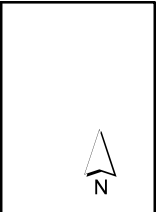
1. **Any construction or building allowed by this variance must conform to the requirements set forth by the Unified Development Code, the 2015 International Building Code, the Grand Prairie Municipal Code of Ordinances, city adopted fire codes and with other applicable regulatory requirements administered 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.

Item 3.

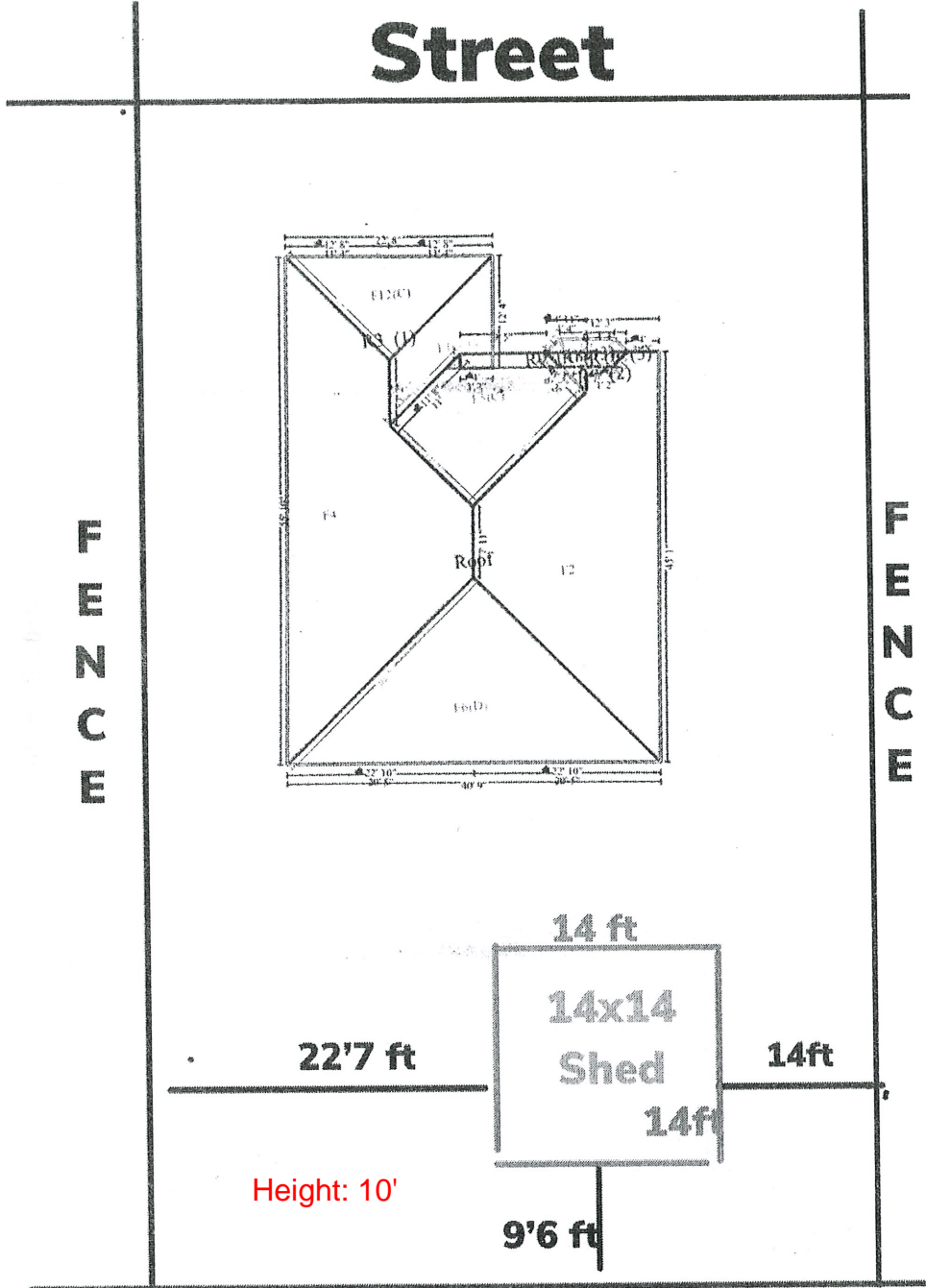


CASE LOCATION MAP
BA210501 - Accessory Structure
2107 N. Kirbywood Trail



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

Item 3.



Rear property line

City of Grand Prairie
Planning Department

APR 01 2021

Received









**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 05/17/2021

REQUESTER: Monica Espinoza, Executive Assistant

PRESENTER: Jonathan Tooley, Planner

TITLE: BA210506 (Council District 3) – Variance to carport size at 1602 Avenue E, legally described as Lot 9, Block 6, Lake Crest Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

Variance: Construction of a carport that exceeds the maximum allowed size.
 Required Maximum Size: 500 square feet
 Requested Size: 1,078 square feet

RECOMMENDED ACTION: Staff does not oppose this request.

SUMMARY:

Owner/Applicant: Edgardo Graciano

Variance to carport size at 1602 Avenue E, legally described as Lot 9, Block 6, Lake Crest Addition No. 2, 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 feet
 Requested Size: 1,078 square feet

PURPOSE OF REQUEST:

The applicant is requesting a variance to build a 1,078 square foot multi-purpose structure, a portion of which will be used as a carport at 1602 Avenue E. Article 6 of the Unified Development Code requires that carports be constructed to a maximum of 500 square feet. Although this structure is multi-purpose in nature, the entire structure has the capability of being used as a carport thus, it is treated as such. The applicant will use the structure as a carport, patio area, and storage area.

On February 8, 2021 the applicant was approved by the Building Inspections Division for this structure as a covered patio as it met all the criteria for such structures. On March 25, 2021 the applicant applied for a

driveway and approach permit with the Building Inspections Division. The proposed driveway connects to the paving underneath the patio and will allow the structure to be used as a carport. The size of the structure exceeds what is allowed for a carport and triggers the requirement for a variance.

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 May 7th and May 16th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on May 7th.

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

FINDINGS:

As authorized in Section 1.11.7.4 of the UDC, the ZBA may grant variances and exceptions provided the following findings are met:

- A. Such variance or exception will not substantially or permanently injure the appropriate use of adjacent property in the same district.

Staff Evaluation: Staff believes that such variance will not substantially or permanently injure the adjacent property owners. While it is a large carport, this structure would be allowed if it remained as a covered patio only. Additionally, there is a similar structure with an approach located on the property across Sampsell Drive.

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

Staff Evaluation: Staff suggests that the variance will not adversely affect the health, safety or general welfare of the public.

- C. Such variance or exception will not be contrary to the public interest; and such variance or exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

Staff Evaluation: The variance will not authorize the operation of a use other than those already allowed in 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 not necessarily harm the spirit and purpose of this ordinance. The applicant does intend to use this structure for multiple purposes such as a carport, patio area, and storage area.

- 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 necessarily alter the essential character of the district. While the structure is larger than most in the area, there are many carports, covered patios, and storage sheds in the area. Additionally, this “carport” is located in the rear yard, which is allowed by right if all code requirements are met.

- 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 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.

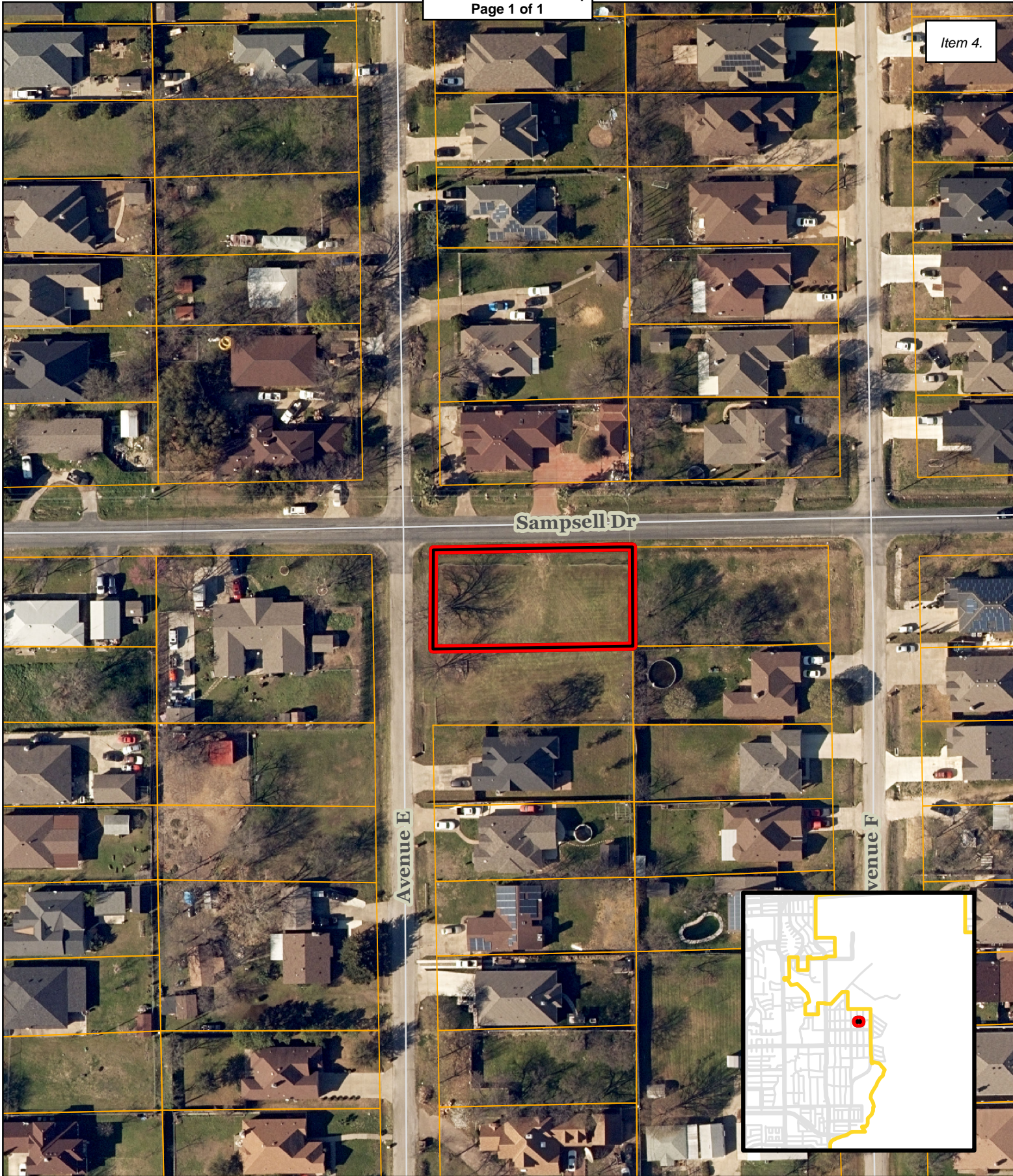
RECOMMENDATION:

Staff does not oppose BA210506 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.**

Item 4.



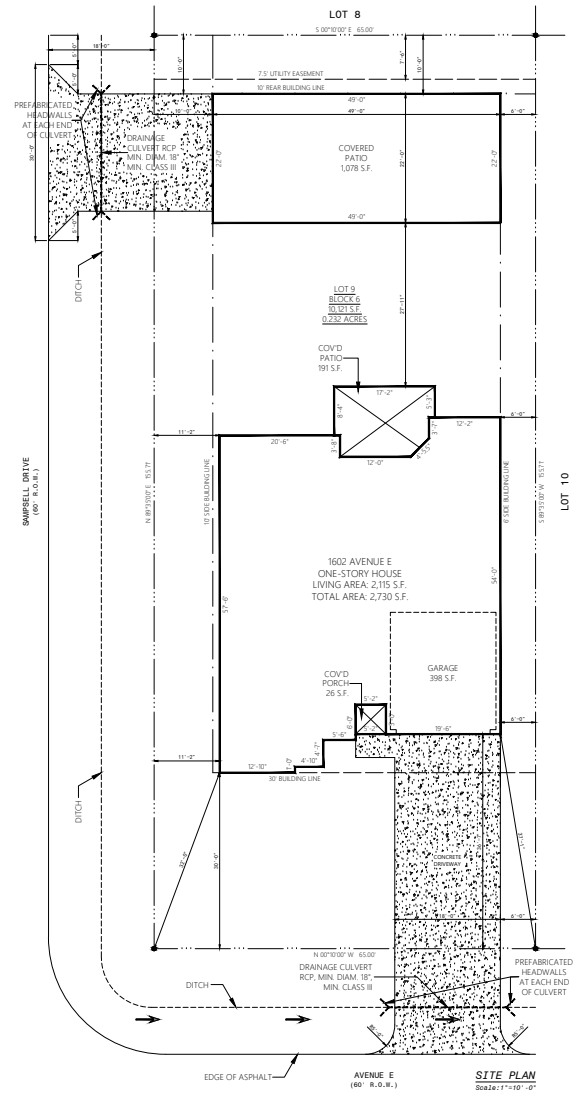
CASE LOCATION MAP
BA210506 - Carport
1602 Avenue E



City of Grand Prairie
Development Services

☎ (972) 237-8255
 🌐 www.gptx.org

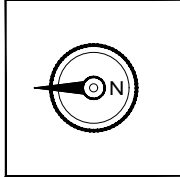
Exhibit B - Site Plan
Page 1 of 2



PROJECT DATA	
PROJECT NAME:	NEW HOUSE
ADDRESS:	1602 AVENUE E GRAND PRAIRIE TX 75051
OWNER/CUSTOMER:	EDGARDO GRACIANO
LEGAL DESCRIPTION:	LAKE CREST 2 BLOCK 6, LOT 9

AREAS CALCULATIONS TABLE	
TOTAL LIVING AREA:	2,115.0 S.F.
2-CAR GARAGE:	398.0 S.F.
COVERED PORCH:	26.0 S.F.
COVERED PATIO:	191.0 S.F.
TOTAL UNDER ROOF:	2,730.0 S.F.
COVID PATIO & STORAGE:	1,078.0 S.F.
TOTAL LOT AREA:	10,121.0 S.F.
LOT COVERAGE PERCENTAGE:	37.62 %
TOTAL ACRES AREA:	0.232 ACRE

- GENERAL NOTES:**
1. THE GENERAL CONTRACTOR/BUILDER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE PLANDOCUMENTS AND SHALL NOTIFY OWNER OF ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.
 2. THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONSTRUCTION PURPOSES ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
 3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE RESPONSIBILITY TO SELECT, VERIFY, RESOLVE AND INSTALL ALL EQUIPMENT AND MATERIALS AND TO CONTROL THE QUALITY THEREOF.
 4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE UNIFORM BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODE, AND REGULATIONS.
 5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURES OF THE PROJECT. FURTHERMORE IT RECOMMENDS THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER.



Customer(s)/Owner(s):
Edgardo Graciano

Legal Description:
*Lake Crest 2
Block 6
Lot 10*

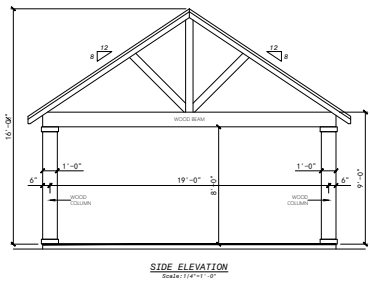
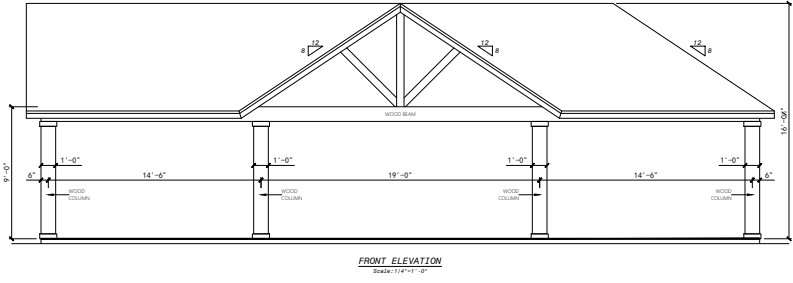
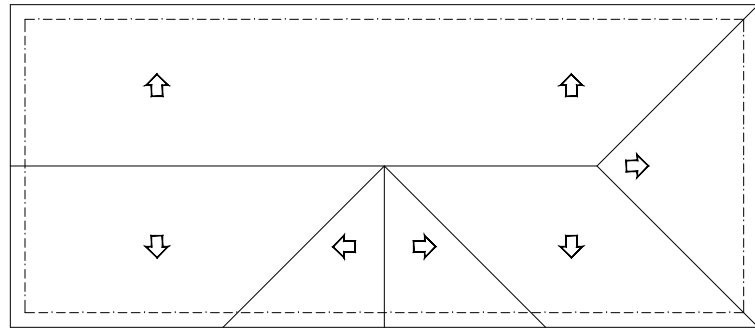
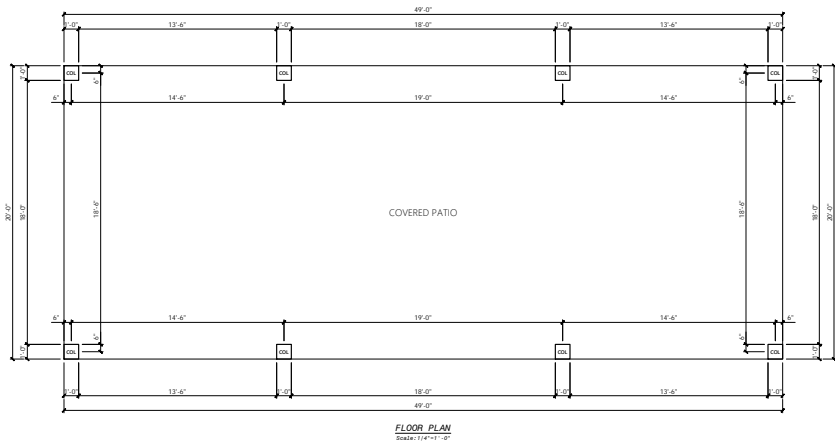
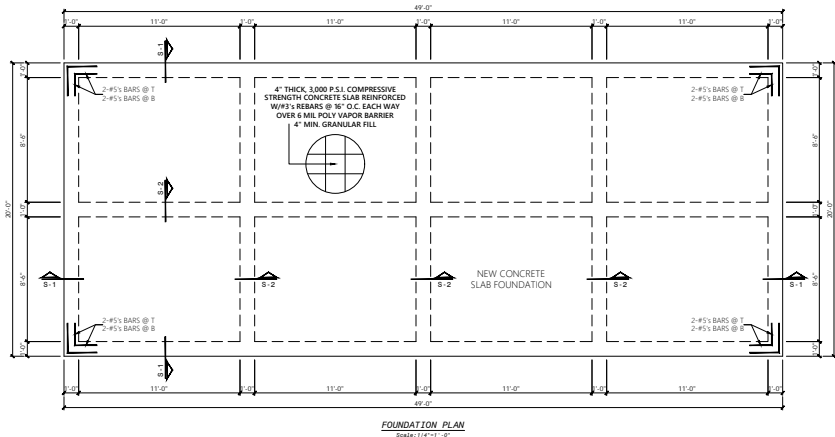
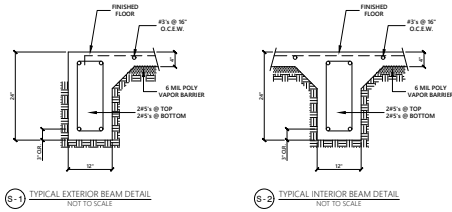
Project Address:
*1602 Avenue E
Grand Prairie TX 75051*

Project Name:
Covered Patio & Storage

Plan Name: SITE PLAN	
Project #: SA#2-2730-L9	Drawn By: PSA
Date: 03-31-2021	Scale:
Page: 1	32

CONCRETE NOTES:

1. FOUNDATION SLAB SHALL BE 4" THICK 3,000 P.S.I. COMPRESSIVE STRENGTH REINFORCED CONCRETE.
2. CONCRETE SLAB SHALL BE PLACED OVER 4" THICK SAND, APPLY LAYER OF 6 MIL THICK VAPOR BARRIER OF POLYETHYLENE BELOW SLAB AND STRETCH TO INCHES INTO GRADE BEAM SIDES.
3. SLAB REINFORCEMENT SHALL BE #4 BARS AT 16" O.C.E.W.
4. CONCRETE BEAMS SHALL BE 12" WIDE (MIN.) AND 24" DEEP (MIN.) WITH REINFORCING AS INDICATED IN DETAILS.
5. ALL BEAM INTERSECTIONS SHALL HAVE #3 CORNER BAR REINFORCING TOP AND BOTTOM TO MATCH BEAM BARS AND SHALL LAP BEAM REINFORCING NOT LESS THAN 24".
6. REINFORCING STEEL SHALL BE NEW BULLETT STEEL CONFORMING TO ASTM A-65, GRADE 60 EXCEPT #3 BARS MAY BE GRADE 40.
7. REINFORCING STEEL SHALL BE SUPPORTED AT 24" ON STIRRUPS.
8. IF PINS ARE PART OF THE DESIGN THEN PIER REINFORCING SHALL NOT EXTEND INTO GRADE BEAMS.
9. THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE PERFORMANCE OF THE CONSTRUCTION AND THE ASSOCIATED WARRANTY.

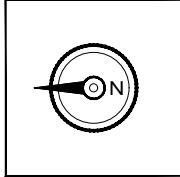


GENERAL NOTES:

1. THE GENERAL CONTRACTOR/BUILDER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE PLANS AND DOCUMENTS AND SHALL NOTIFY OWNER OF ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONSTRUCTION PURPOSES ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE RESPONSIBILITY TO SELECT, VERIFY, RESOLVE AND INSTALL ALL EQUIPMENT AND MATERIALS AND TO CONTROL THE QUALITY THEREOF.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE UNIFORM BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODE, AND REGULATIONS.
5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURES OF THE PROJECT. FURTHERMORE, IT RECOMMENDS THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER.

AD

AMAYA'S DESIGN
Tel: 972.358.1645
ps_ag@hotmail.com



Customer(s)/Owner(s):
Edgardo Graciano

Legal Description:
**Lake Crest 2
Block 6
Lot 10**

Project Address:
**1602 Avenue E
Grand Prairie TX 75051**

Project Name:
Covered Patio

Plan Name:
COVERED PATIO

Project #: SA#21-980-L9	Drawn By: PSA
Date: 03-21-2021	Scale:
Page: 1	33





CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 05/17/2021

REQUESTER: Monica Espinoza, Executive Assistant

PRESENTER: Jonathan Tooley, Planner

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

Special Exception: Construction of a carport

RECOMMENDED ACTION: Staff does not oppose this request.

SUMMARY:

Owner/Applicant: Alfredo Gonzalez

Special Exception for a carport at 533 Greenbrook Lane, legally described at Lot 5, Block 4, Sharpston Heights Addition No. 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

A. Special Exception: Construction of a carport

PURPOSE OF REQUEST:

The applicant is requesting a special exception to build a 500 square foot carport at 533 Greenbrook Lane. Article 6 of the Unified Development Code requires that carports must be approved through the ZBA 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 brought this application before the Board for consideration. The proposed carport is 25 ft x 20 ft with a total height of 8 feet and will be attached to the primary structure.

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

PUBLIC NOTIFICATION:

Legal notice of this item was published in the Fort Worth Star Telegram May 7th and May 16th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on May 7th.

43 notices were sent, 0 were returned in favor, 0 returned opposed and there is not a homeowner's 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 special exception will not substantially or permanently injure the adjacent property owners. Staff has not received any opposition at the writing of this report.

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

Staff Evaluation: Staff suggests that the special exception will not adversely affect the health, safety or general welfare of the public. The carport will be approximately 28.5 feet from the front property line which provides great buffer from the street.

- 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 Single Family-Three 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. There is one existing permitted carport in the Sharpston Heights neighborhood and some without a permit on record.

- 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. Again, staff has discovered an existing permitted carport in the neighborhood, along with those without a permit on record.

- 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 BA210509 as requested.

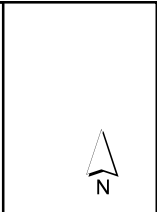
If the board chooses to grant the applicants request, he/she must abide to the following below:

- 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.**

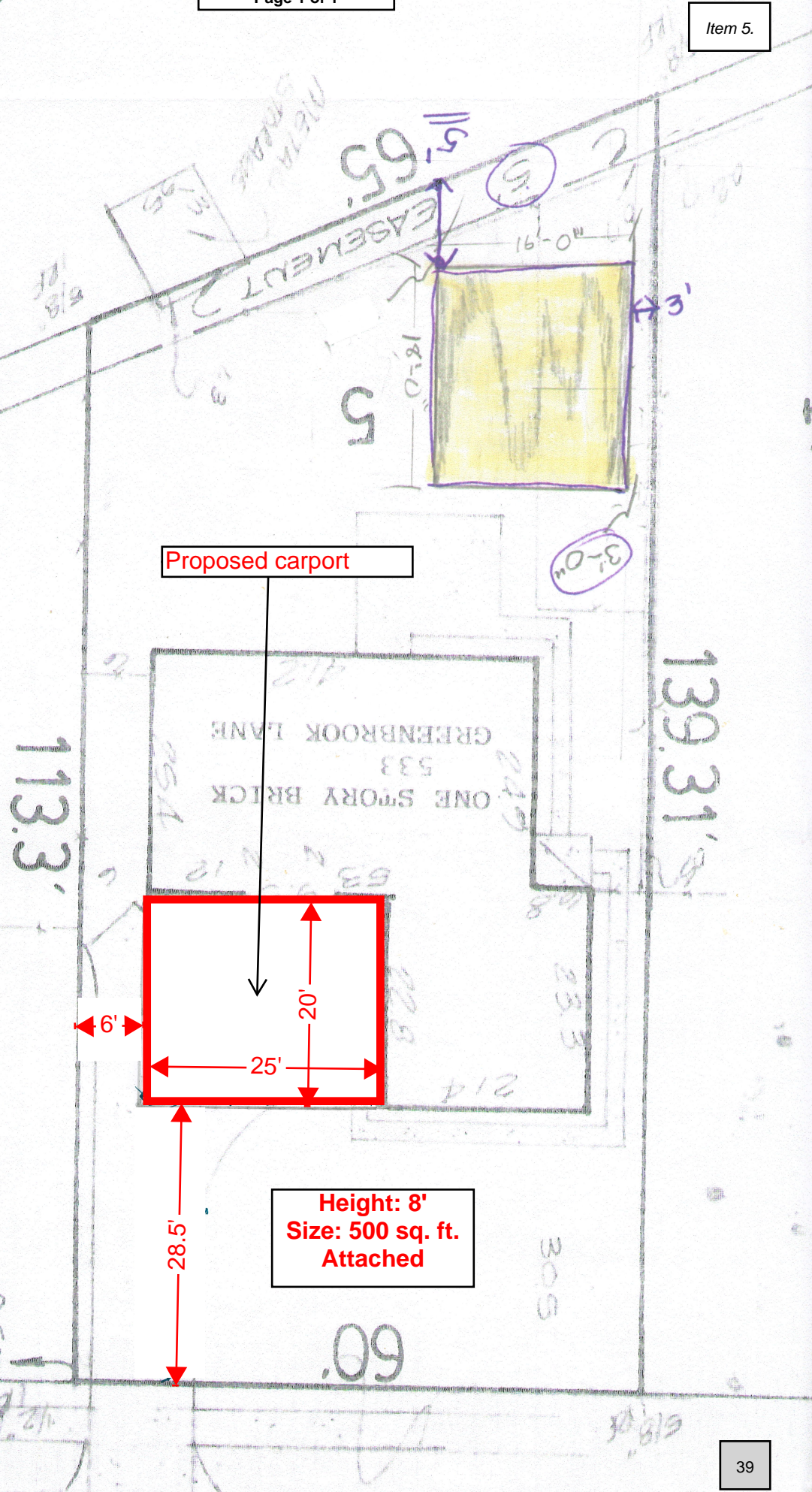
Item 5.



CASE LOCATION MAP
BA210509 - Carport
533 Greenbrook Lane



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



Proposed carport

Height: 8'
Size: 500 sq. ft.
Attached

