



**ZONING BOARD OF ADJUSTMENTS AND APPEALS**  
**CITY HALL - COUNCIL CHAMBERS, 300 W. MAIN STREET**  
**MONDAY, SEPTEMBER 20, 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**

**Invocation**

**APPROVAL OF MINUTES**

1. Approval of the August 16, 2021 Meeting Minutes

**PUBLIC HEARING**

The Zoning Board of Adjustments and Appeals is appointed by the City Council to consider variances, exceptions and appeals as prescribed by the City of Grand Prairie's Unified Development Code. In accordance with Section 211.009 of the Local Government Code of the State of Texas and Article 1 of the Unified Development Code of the City of Grand Prairie, the concurring vote of seven members of the Board is necessary to decide in favor of an applicant on any matter on which the Board has jurisdiction. Members of the public may address the Board on items listed on the agenda under Public Hearing Items.

2. ZBA-21-08-0003 (Council District 5) – Variance to reduce the required minimum lot size, lot width, and side setback requirements and to increase the maximum dwelling units per acre permitted under the Unified Development Code at 625 SE 4th Street, legally described as Lots 11 & 12, Block R, Grand Prairie Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District
  - Variance: Reduction of the lot size required by SF-4 zoning district.  
Required minimum: 7,200 SF  
Requested minimum: 6,000 SF
  - Variance: Reduction of the lot width required by SF-4 zoning district  
Required: 60 feet  
Requested: 50 feet
  - Variance: Reduction of the internal side setback required by SF-4 zoning district.

Required: 6 Feet  
Requested: 5 Feet

D. Variance: Increase of the maximum dwelling units per acre required by SF-4 zoning district.

Maximum Allowed: 5.8 DUA

Requested: 7.3 DUA

3. ZBA-21-08-0005 (Council District 5) - Variance to reduce the minimum side setback requirements and to increase the maximum square footage percentage of accessory structures permitted under the Unified Development Code at 405 Macarthur Blvd, legally described as Lot 239, Burbank Gardens Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

A. Variance: A variance to the total square foot limitation of accessory structures not to exceed 50% of the primary structure footprint on a ½ acre lot or less.

Maximum percentage allowed: 50 %

Requested percentage: 127%

B. Variance: Reduction of the internal side setback required by SF-4 zoning district for accessory structures over 10 ft in height.

Required Setback: 6 feet

Requested Setback: 5 feet

## **ELECTION OF OFFICERS**

## **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 Month XX, 2021.*

*Monica Espinoza*

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*Monica Espinoza, Planning Secretary*



**CITY OF GRAND PRAIRIE  
COMMUNICATION**

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**MEETING DATE:** 09/20/2021

**REQUESTER:** Monica Espinoza, Executive Assistant

**PRESENTER:** Jonathan Tooley, Planner

**TITLE:** Approval of the August 16, 2021 Meeting Minutes

**RECOMMENDED ACTION:** Approve

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300 W. Main Street – Council Chambers

**MEETING AGENDA**

Zoning Board of Adjustments and Appeals

Date: August 16<sup>th</sup>, 2021

**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:**

- |                                                          |                                                    |
|----------------------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> Barry Sandacz        | <input type="checkbox"/> Ralph Castro              |
| <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 type="checkbox"/> Timothy Ibidapo                 | <input checked="" type="checkbox"/> Robert Mendoza |
| <input checked="" type="checkbox"/> Anthony Langston Sr. | <input type="checkbox"/> Melinda Rodgers           |
| <input checked="" type="checkbox"/> Eric Smith           | <input type="checkbox"/> David Baker               |
| <input checked="" type="checkbox"/> Tommy Land           |                                                    |

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

Mr. Jonathon Tooley briefed the board on the case Tommy Land asked about the dimensions of the structure. Jonathon stated that the dimensions are 39 x 19. Clayton Hutchins asked if this structure would create a drainage issue for the adjacent neighbor and asked if the builder would place gutters on the structure. Michelle Madden also asked about the gutters Jonathon stated that this could be added to the motion if it pleases the 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:**

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

**INVOCATION:**

**Clayton Hutchins** led the invocation

**APPROVAL OF MINUTES:**

The motion to Approve the minutes made by **Michelle Madden**  
The motion was seconded by **Clayton Hutchins**

**PUBLIC HEARING:**

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

This structure was noticed when an electrical inspection was being conducted on the property. There was no permit on site and the applicant was made aware of that they would need one. The carport is 39 x 9 with a height of 9.2 ft.

There are 3 carports within 800 feet of the location

A letter was also received from the neighbor north of 2233 Varsity stating that they were not in opposition.

53 notices were sent out and there was no opposition. Staff also does not object to the case

**Applicant / Spokesperson:** Noelia Lazo

**Address:** 2233 Varsity Dr Grand Prairie, TX 75051

**Any comments from Spokesman:**

The applicant would like the carport to protect their vehicles. The applicant is ok with installing gutters on the carport and understands that are more steps after this approval such as permits and inspections

**Any questions from Board:**

**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 the public hearing and Approve the Case with the following conditions of the structure being attached and gutter installed on the North side made by

**Michelle Madden**

The motion was seconded by **Clayton Hutchins**

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

Members that objected: None

**NEW BUSINESS: None**

**CITIZENS COMMENTS: None**

**ADJOURNMENT : The meeting was adjourned at 7:10 PM**

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

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

**by:** \_\_\_\_\_  
**Printed Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 09/20/2021
REQUESTER: Monica Espinoza, Executive Assistant
PRESENTER: Jonathan Tooley, Planner
TITLE: ZBA-21-08-0003 (Council District 5) – Variance to reduce the required minimum lot size, lot width, and side setback requirements and to increase the maximum dwelling units per acre permitted under the Unified Development Code at 625 SE 4th Street, legally described as Lots 11 & 12, Block R, Grand Prairie Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District
A. Variance: Reduction of the lot size required by SF-4 zoning district. Required minimum: 7,200 SF Requested minimum: 6,000 SF
B. Variance: Reduction of the lot width required by SF-4 zoning district Required: 60 feet Requested: 50 feet
C. Variance: Reduction of the internal side setback required by SF-4 zoning district. Required: 6 Feet Requested: 5 Feet
D. Variance: Increase of the maximum dwelling units per acre required by SF-4 zoning district. Maximum Allowed: 5.8 DUA Requested: 7.3 DUA
OWNER: Hector Manzanares
APPLICANT: Luke Keeton – Keeton Surveying Company
RECOMMENDED ACTION: Staff cannot support the request

**SUMMARY:**

ZBA-21-08-0003 (Council District 5) – Variance to reduce the required minimum lot size, lot width, and side setback requirements and to increase the maximum dwelling units per acre permitted under the Unified Development Code at 625 SE 4th Street, legally described as Lots 11 & 12, Block R, Grand Prairie Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

- A. Variance: Reduction of the lot size required by SF-4 zoning district.  
Required minimum: 7,200 SF  
Requested minimum: 6,000 SF
- B. Variance: Reduction of the lot width required by SF-4 zoning district.  
Required: 60 feet  
Requested: 50 feet
- C. Variance: Reduction of the internal side setback required by SF-4 zoning district.  
Required: 6 Feet  
Requested: 5 Feet
- D. Variance: Increase of the maximum dwelling units per acre required by SF-4 zoning district.  
Maximum Allowed: 5.8 DUA  
Requested: 7.3 DUA

**PURPOSE OF REQUEST:**

The applicant is requesting four variances to SF-4 zoning requirements:

1. The applicant is requesting a reduction in the lot size. The Unified Development Code requires a minimum of 7,200 square feet per lot, whereas the applicant is requesting a minimum of 6,000 square feet. The applicant is proposing two lots that do not meet the 7,200 square foot requirement.
2. The applicant is requesting a reduction in the lot width. The Unified Development Code requires that newly created lots have a minimum lot width of 60 feet. The applicant is proposing one lot with a minimum individual width of 50 feet.
3. The applicant is requesting a reduction in the internal side setback. The Unified Development Code requires that lots with the SF-4 zoning have a minimum internal side setback of 6 feet. The applicant is proposing three lots with an internal side setback of 5 feet.
4. The applicant is requesting an increase in maximum density. The Unified Development Code requires a max density of 5.8 dwelling units per acre, whereas the applicant is requesting 7.3 dwelling units per acre.

The property is currently platted into two lots that face an undeveloped portion of SE 4<sup>th</sup> Street. The proposed plat depicts the lots fronting Trigg Street where improved access exists. There are no existing structures on the property, and the applicant intends to develop new single-family detached homes on the lots. One constraint that the applicant faces is an existing 50-foot electric easement on the western edge of proposed Lot 11-R1. Due to this easement, this is the primary reason the applicant is requesting the variances. By configuring the lots as requested, the applicant can build three similar homes versus having a third lot with a narrow home footprint. The applicant is working with Oncor on a letter/agreement to build a home on Lot 11-R1. Staff analyzed the current lot configurations within a 300-foot buffer of the property (platted lots) and found the following conditions:

- 1. Width (in feet)
  - a. 50 ft and less: 11
  - b. 51 – 59: 9
  - c. 60 feet and greater: 28
- 2. Lot Size (in feet)
  - a. 7,200 and less: 11
  - b. 7,200 and greater: 37

The table below summarizes the lot characteristics the applicant is proposing.

**Table 1: Site Data Summary for 625 SE 4<sup>th</sup> Street – Lots 11 R1-R3**

Standard	Required	Provided	Meets
Min. Lot Area (SF)	7,200	6,000	No
Min. Lot Width (Ft.)	60	50	No
Min. Lot Depth (Ft.)	110	120	Yes
Front Setback (Ft.)	25	25	Yes
Internal Side Setback (Ft.)	6	5	No
Max. Density/acre (DUA)	5.8	7.3	No

**PUBLIC NOTIFICATION:**

Legal notice of this item was published in the Fort Worth Star Telegram September 10th and September 19th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on September 10th.

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 the variances will not substantially or permanently injure the adjacent property owners.*

- 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.*

- 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-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 variances may harm the spirit and purpose of this ordinance. The property can easily meet the zoning requirements if the owner proposes two lots instead of three.*

- 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 variances will not alter the essential character of the district. Staff analyzed the conditions with a 300-foot buffer of the subject property and found a mixture of lots that include the density and dimensions that the applicant is requesting. Staff's primary concern is there is no obvious hardship being presented as to why the applicant cannot meet current zoning. Staff believes this is alleviated by proposing two lots instead of three.*

- 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 variances for the proposed lots will not substantially weaken the general purpose of the underlying zoning district. The applicant will meet all other UDC requirements for Single Family-Four Residential 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 a self-created hardship.

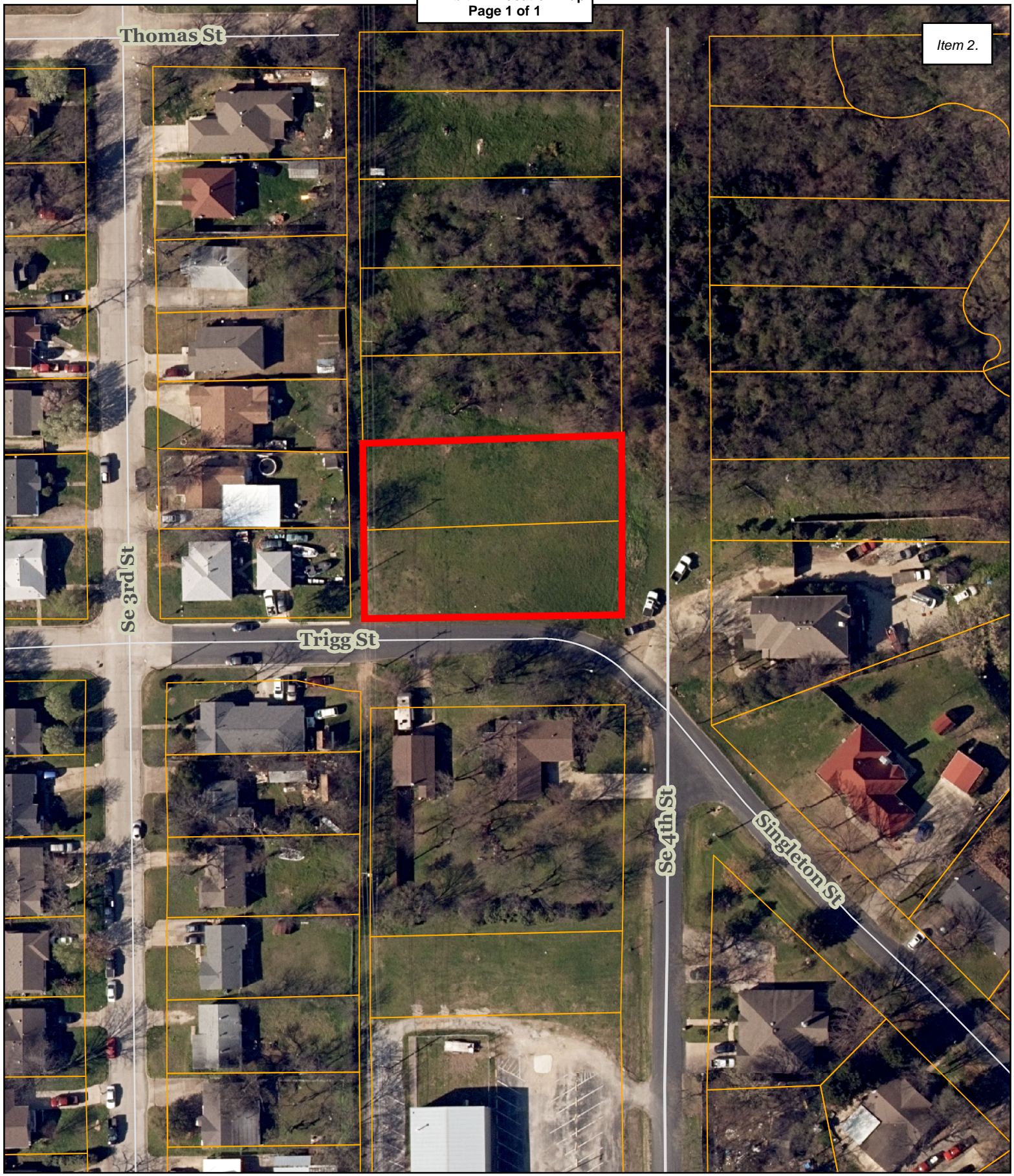
*Staff Evaluation: Staff finds that the hardship is self-created.*

#### **RECOMMENDATION:**

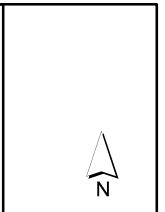
**Since the applicant can meet the UDC requirements by creating two lots instead of three, staff cannot support ZBA-21-08-0003 as requested.**

If the Board chooses to grant the applicants request, he/she must abide by the following:

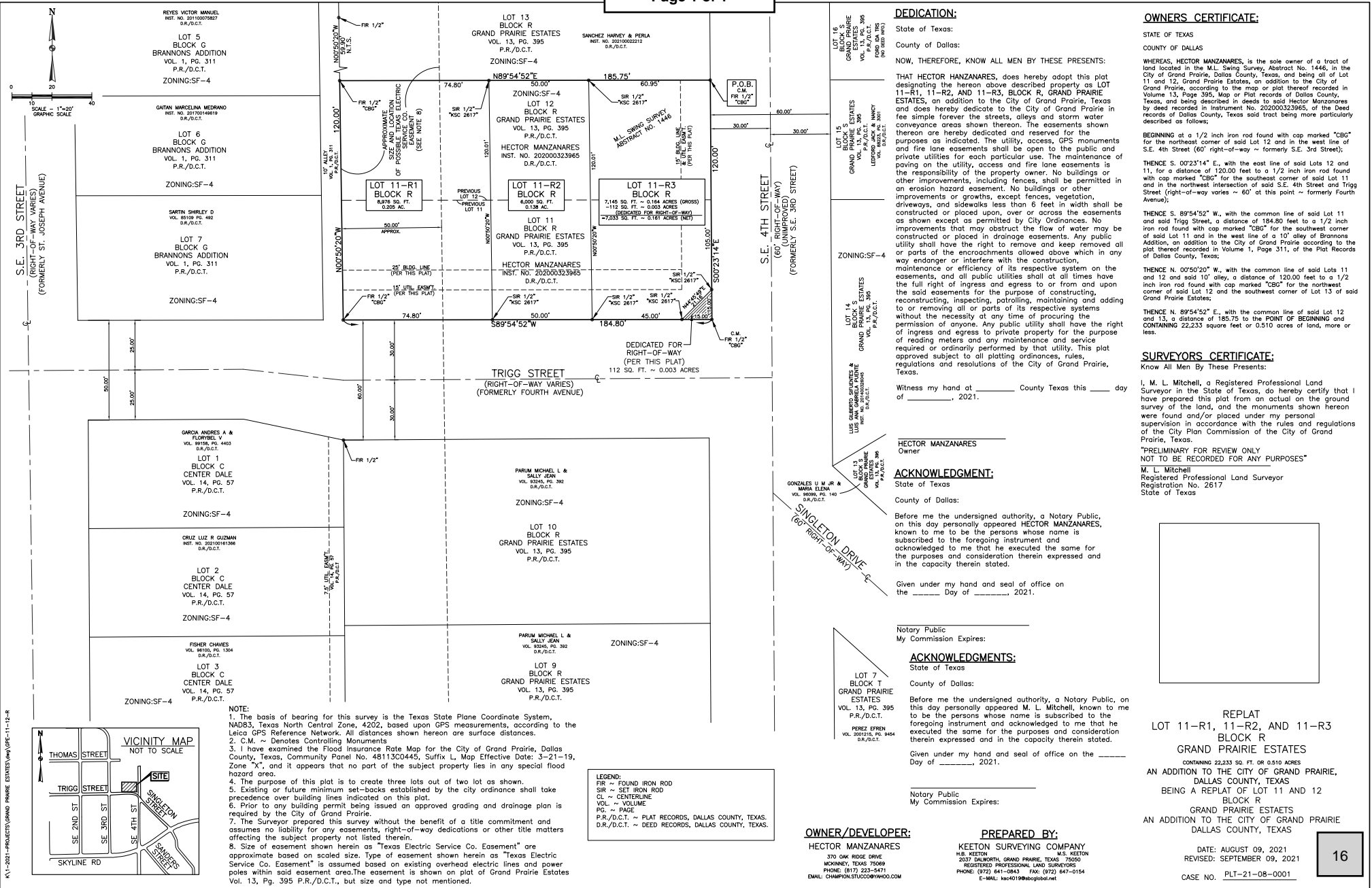
- 1. Any construction or building allowed by this variance must conform to the requirements set forth by the Unified Development Code, the 2015 International Building Code, the Grand Prairie Municipal Code of Ordinances, city adopted fire codes and with other applicable regulatory requirements administered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



**CASE LOCATION MAP**  
**ZBA-21-08-0003**  
**625 SE 4th Street**



**City of Grand Prairie**  
**Development Services**  
☎ (972) 237-8255  
🌐 [www.gptx.org](http://www.gptx.org)



**DEDICATION:**

State of Texas:  
County of Dallas:  
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:  
THAT HECTOR HANZANARES, does hereby adopt this plat designating the hereon above described property as LOT 11-R1, 11-R2, AND 11-R3, BLOCK R, GRAND PRAIRIE ESTATES, an addition to the City of Grand Prairie, Texas and does hereby dedicate to the City of Grand Prairie in fee simple forever the streets, alleys and storm water conveyance areas shown thereon. The easements shown thereon are hereby dedicated and reserved for the purposes as indicated. The utility, access, GPS monuments in fee lane easements shall be open to the public and private utilities for each particular use. The maintenance of paving on the utility, access and fire lane easements is the responsibility of the property owner. No buildings or other improvements, including fences, shall be permitted in an erosion hazard easement. No buildings or other improvements or growths, except fences, vegetation, driveways, and sidewalks less than 6 feet in width shall be constructed or placed upon, over or across the easements as shown except as permitted by City Ordinances. No improvements that may obstruct the flow of water may be constructed or placed in drainage easements. Any public utility shall have the right to remove and keep removed all or parts of the encroachments allowed above which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity of any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Grand Prairie, Texas.

Witness my hand at \_\_\_\_\_ County Texas this \_\_\_\_ day of \_\_\_\_\_, 2021.

HECTOR MANZANARES  
Owner

**ACKNOWLEDGMENT:**

State of Texas  
County of Dallas:  
Before me the undersigned authority, a Notary Public, on this day personally appeared HECTOR MANZANARES, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office on the \_\_\_\_ Day of \_\_\_\_\_, 2021.

Notary Public  
My Commission Expires: \_\_\_\_\_

**ACKNOWLEDGMENTS:**

State of Texas  
County of Dallas:  
Before me the undersigned authority, a Notary Public, on this day personally appeared M. L. Mitchell, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office on the \_\_\_\_ Day of \_\_\_\_\_, 2021.

Notary Public  
My Commission Expires: \_\_\_\_\_

**OWNER/DEVELOPER:**

HECTOR MANZANARES  
370 OAK WOOD DRIVE  
MCKINNEY, TEXAS 75069  
PHONE: (972) 223-5471  
EMAIL: CHAMPAIN.STUDIO@PANO.COM

**PREPARED BY:**

KEETON SURVEYING COMPANY  
415 KEETON  
2037 DALWORTH, GRAND PRAIRIE, TEXAS 75050  
REGISTERED PROFESSIONAL LAND SURVEYOR  
PHONE: (972) 641-0843 FAX: (972) 647-0154  
E-MAIL: kac4019@reglist.net

**OWNERS CERTIFICATE:**

STATE OF TEXAS  
COUNTY OF DALLAS

WHEREAS, HECTOR MANZANARES, is the sole owner of a tract of land located in the M.L. Swing Survey, Abstract No. 1446, in the City of Grand Prairie, Dallas County, Texas, and being all of Lot 11 and 12, Grand Prairie Estates, an addition to the City of Grand Prairie, according to the map or plat thereof recorded in Volume 13, Page 395, Map or Plat records of Dallas County, Texas, and being described in deeds to said Hector Manzanares by deed recorded in instrument No. 202000323965, of the Deed records of Dallas County, Texas, said tract being more particularly described as follows;

BEGINNING at a 1/2 inch iron rod found with cap marked "CBG" for the northeast corner of said Lot 12 and in the west line of S.E. 4th Street (60' right-of-way ~ formerly S.E. 3rd Street);

THENCE S. 00°23'14" E., with the east line of said Lots 12 and 11, for a distance of 120.00 feet to a 1/2 inch iron rod found with cap marked "CBG" for the southeast corner of said Lot 11 and in the northwest intersection of said S.E. 4th Street and Trigg Street (right-of-way varies ~ 60' at this point ~ formerly Fourth Avenue);

THENCE S. 89°54'52" W., with the common line of said Lot 11 and said Trigg Street, a distance of 184.80 feet to a 1/2 inch iron rod found with cap marked "CBG" for the southwest corner of said Lot 11 and in the west line of a 10' alley of Brannons Addition, an addition to the City of Grand Prairie according to the plat thereof recorded in Volume 1, Page 311, of the Plat Records of Dallas County, Texas;

THENCE N. 00°50'20" W., with the common line of said Lots 11 and 12 and said 10' alley, a distance of 120.00 feet to a 1/2 inch iron rod found with cap marked "CBG" for the northeast corner of said Lot 12 and the southwest corner of Lot 13 of said Grand Prairie Estates;

THENCE N. 89°54'52" E., with the common line of said Lot 12 and 13, a distance of 185.75 to the POINT OF BEGINNING and CONTAINING 22,233 square feet or 0.510 acres of land, more or less.

**SURVEYORS CERTIFICATE:**

Know All Men By These Presents:  
I, M. L. Mitchell, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land, and the monuments shown hereon were found and/or placed under my personal supervision in accordance with the rules and regulations of the City Plan Commission of the City of Grand Prairie, Texas.  
"PRELIMINARY FOR REVIEW ONLY NOT TO BE RECORDED FOR ANY PURPOSES"  
M. L. Mitchell  
Registered Professional Land Surveyor  
Registration No. 2617  
State of Texas



REPLAT  
LOT 11-R1, 11-R2, AND 11-R3  
BLOCK R  
GRAND PRAIRIE ESTATES  
CONTAINING 22,233 SQ. FT. OR 0.510 ACRES  
AN ADDITION TO THE CITY OF GRAND PRAIRIE,  
DALLAS COUNTY, TEXAS,  
BEING A REPLAT OF LOT 11 AND 12  
GRAND PRAIRIE ESTATES  
AN ADDITION TO THE CITY OF GRAND PRAIRIE  
DALLAS COUNTY, TEXAS

DATE: AUGUST 09, 2021  
REVISED: SEPTEMBER 09, 2021  
CASE NO. PLT-21-08-0001







CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 09/20/2021
REQUESTER: Monica Espinoza, Executive Assistant
PRESENTER: Jonathan Tooley, Planner
TITLE: ZBA-21-08-0005 (Council District 5) - Variance to reduce the minimum side setback requirements and to increase the maximum square footage percentage of accessory structures permitted under the Unified Development Code at 405 Macarthur Blvd, legally described as Lot 239, Burbank Gardens Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District

- A. Variance: A variance to the total square foot limitation of accessory structures not to exceed 50% of the primary structure footprint on a 1/2 acre lot or less. Maximum percentage allowed: 50 % Requested percentage: 127%
B. Variance: Reduction of the internal side setback required by SF-4 zoning district for accessory structures over 10 ft in height. Required Setback: 6 feet Requested Setback: 5 feet

OWNER/APPLICANT: Juan Medina

RECOMMENDED ACTION: Staff cannot support this request

SUMMARY:

ZBA-21-08-0005 (Council District 5) - Variance to reduce the minimum side setback requirements and to increase the maximum square footage percentage of accessory structures permitted under the Unified Development Code at 405 Macarthur Blvd, legally described as Lot 239, Burbank Gardens Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

- A. Variance: A variance to the total square foot limitation of accessory structures not to exceed 50% of the primary structure footprint on a 1/2 acre lot or less. Maximum percentage allowed: 50 % Requested percentage: 127%

B. Variance: Reduction of the internal side setback required by SF-4 zoning district for accessory structures over 10 ft in height.

Required Setback: 6 feet

Requested Setback: 5 feet

### **PURPOSE OF REQUEST:**

The applicant is requesting variances to construct a larger storage shed and reduced internal side setbacks than what is allowed by SF-4 zoning district. The Unified Development Code states that the area of accessory structures located on lots less than ½ acre cannot exceed 50% of the area of the primary structure. The applicant requests a variance be granted, allowing them to build an 810 square foot storage shed (20 x 40.5 x 18.25). The primary structure has a square footage of 884 square feet. Additionally, there is an old, detached garage on the property that the applicant intends to demolish but is included in the calculation. The storage shed is intended to be used to store construction materials for the applicant's business.

The case initially began with the applicant receiving a hand notice from Code Enforcement for building a structure without a permit and storing tires on the property. The applicant does have an open Code Enforcement case regarding the storage shed.

- July 20, 2021: Applicant receives a stop work order from Code Enforcement. They are told to remove improperly stored items from public view and to stop work on the shed until a permit is approved.
- July 22, 2021: Applicant submits building permit to Building Inspections Division.
- July 28, 2021: Building Inspections and Planning deny the permit due to not meeting SF-4 requirements for total square foot limitation of accessory structures not to exceed 50% of the primary structure footprint on a ½ acre lot or less.
- April 20, 2021: Staff meets with applicant to discuss why permit is denied and provides options for resolution. The applicant must either meet zoning requirements or seek a variance request before the Zoning Board of Adjustments and Appeals (ZBA).
- August 31, 2021: The applicant submits a ZBA application for variance requests to allow for increased accessory structure size and setback requirements.
- September 14, 2021: Planning reaches out to Code Enforcement to confirm that the improperly stored items have been addressed. Code Enforcement confirms yes.

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 September 10th and September 19th.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on September 10th.

39 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 the variances have the potential to substantially or permanently injure the adjacent property owners. The requested size is much larger than allowed by the Unified Development Code and they are also requesting a reduced internal side setback. Staff has not received any feedback from adjacent neighbors as of 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 variances will not adversely affect the health, safety, or general welfare of the public. Staff does note that the shed can be seen from Rinehart 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 variances 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 variances may harm the spirit and purpose of this ordinance. The purpose of the size requirement is so that the accumulative total square footage of all accessory structures should be built in proportion to the primary structure and be properly setback from the property lines.*

- 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 variances do not alter the essential character of the district. This area has a wide range of accessory structure sizes. Looking at past cases, since 2018, with this type of variance request, staff could not find one that allowed this much difference (there have been variance requests granted to older standards that capped the area of accessory structures at 450 sq. ft.).*

- 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 variances for the proposed lots will not substantially weaken the general purpose of the underlying zoning district. The applicant will meet all other UDC requirements for Single Family-Four Residential 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 a self-created hardship.

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

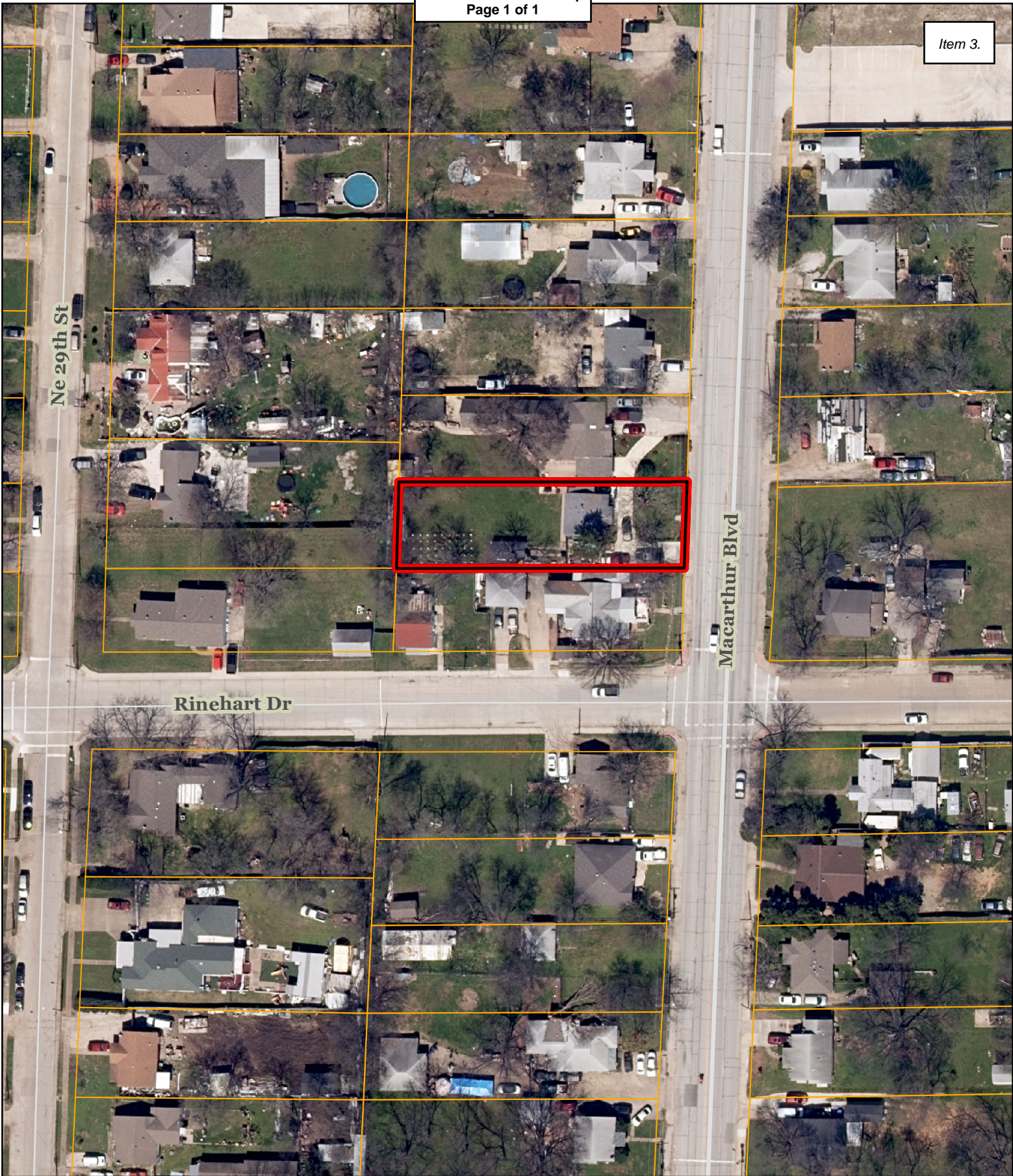
#### **RECOMMENDATION:**

**Since the combined area of all accessory structures is more than twice the area of the primary structure, staff cannot support ZBA-21-08-0005 as requested.**

If the Board chooses to grant the applicants request, he/she must abide by the following:

- 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**  
**ZBA-21-08-0005**  
**405 Macarthur Blvd.**

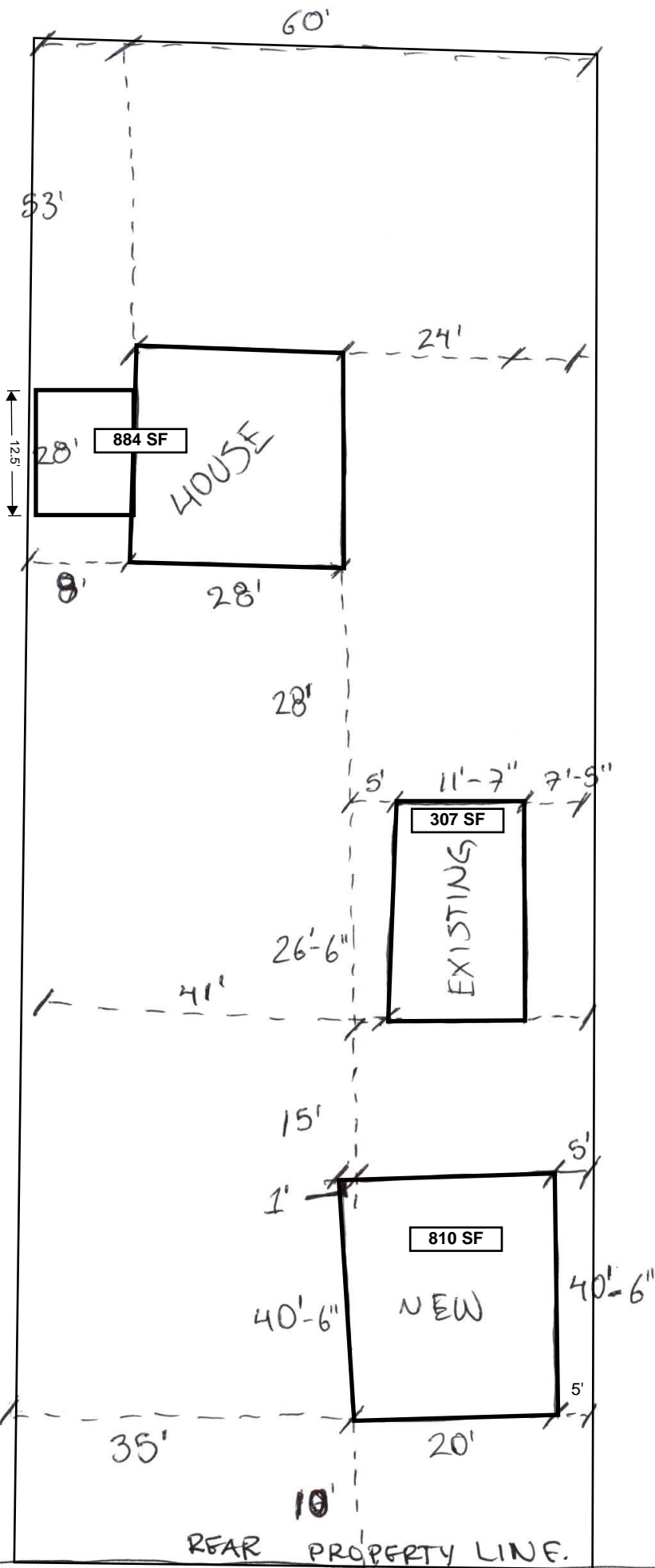


**City of Grand Prairie**  
**Development Services**

(972) 237-8255  
www.gptx.org

MACARTHUR

Item 3.



Proposed Shed:  
20'x40.5'x18.25'

SF:  
Proposed Shed: 810  
Existing AS: 307  
House: 884

