



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:**

---

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

---

---



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

---

---

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

---

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

---

The applicant did *or* **did not** speak in rebuttal.

After consideration of the evidence, the Board discussed the evidence and the documentation on the record.

The Board makes the following findings, indicated by a check or x in the blank next to the finding:

- Proper notification was done in accordance with the statutes and ordinances.
- The decision of the City building or administrative official to deny the permit or construction was in error, and the permit should be granted.
- A variance, if granted, is not contrary to the public interest, and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and the granting of the variance would be in the spirit of the ordinances and substantial justice would be done.
- The variance or exception will not substantially or permanently injure the appropriate use of adjacent property in the same district.
- The variance or exception will not adversely affect the health, safety, or general welfare of the public.
- The variance or exception will not be contrary to public interest.
- The variance or exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
- The variance or exception will be in harmony with the spirit and purpose of the Unified Development Code and all other ordinances of the City.

- The variance or exception will not alter the essential character of the district in which is located the property for which the variance is sought.
- The variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;
- The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, area, shape or slope, and the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.
- The variance or exception is not a self-created hardship.

Any additional findings: None

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

**David Baker**

The motion was seconded by **Michelle Madden**

Motion was **approved**/denied: **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:**

---

**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 **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:**

---

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

---

---

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

---

---

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

---

---

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

---

The applicant did *or* **did not** speak in rebuttal.

After consideration of the evidence, the Board discussed the evidence and the documentation on the record.

The Board makes the following findings, indicated by a check or x in the blank next to the finding:

- Proper notification was done in accordance with the statutes and ordinances.
- The decision of the City building or administrative official to deny the permit or construction was in error, and the permit should be granted.
- A variance, if granted, is not contrary to the public interest, and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and the granting of the variance would be in the spirit of the ordinances and substantial justice would be done.

- The variance or exception will not substantially or permanently injure the appropriate use of adjacent property in the same district.
- The variance or exception will not adversely affect the health, safety, or general welfare of the public.
- The variance or exception will not be contrary to public interest.
- The variance or exception will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
- The variance or exception will be in harmony with the spirit and purpose of the Unified Development Code and all other ordinances of the City.
- The variance or exception will not alter the essential character of the district in which is located the property for which the variance is sought.
- The variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located;
- The plight of the owner of the property for which the variance or exception is sought is due to unique circumstances existing on the property, including, but not limited to, area, shape or slope, and the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.
- The variance or exception is not a self-created hardship.

Any additional findings: None

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

**David Baker**

The motion was seconded by **Michelle Madden**

Motion was **approved**/denied: **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:**

---

**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 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 21 day of June 2021

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

by: 

Printed Name: BARRY SANDACZ

Title: CHAIR PERSON