



300 W. Main Street – Council Chambers

MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: November 15th, 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 checked="" 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 type="checkbox"/> Tommy Land | |

2. **ZBA-21-10-0012 (Council District 3)** – Special Exception for a garage conversion, and variances to reduce the minimum lot width and interior side setback requirements permitted under the Unified Development at 1534 Avenue E, legally described as Lot 18R, Block 3, Lake Crest Addition No 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.
 - a. Special Exception: Conversion of garage into living spaces

- a. Required minimum: Two garage parking spaces
- b. Requested minimum: No garage parking spaces
- b. Variance: Reduction of the lot width required by SF-4 zoning district
 - a. Required: 60 ft
 - b. Requested: 50 ft
- c. Variance: Reduction of the internal side setback required by SF-4 zoning district
 - a. Required : 6ft
 - b. Requested : 5 ft

Mr. Jonathon Tooley briefed the board on the case. He informed the Board that the applicant would like to subdivide the lot to create a secondary residence. Lots are 60ft in width with 6ft setbacks and 2 car garages. Mr. Tooley explained that there was an approval for a 51 ft wide lot by ZBA in 2020/2021 not too far from this property. There are a few conditions that need to be met prior to construction the New Single Family Residence

- Replat and obtain approval from P&Z prior to building permit
- New permit for driveway prior to garage conversion
- Remove shed on lot prior to construction of Single Family
- Demolish existing Carport structure prior to construction of Single Family

Barry Sandacz mentioned that surrounding houses seemed close to the lot lines
 Michelle Madden asked about the side yard setback. Mr. Tooley mentioned that the zoning requires 6ft. Ms Madden also has questions regarding the driveway and the location of it. She asked if the driveway would run all the way to the house and would it be a J-Swing driveway
 Clayton Hutchins asked if the staff was opposed to the case. Mr Tooley stated that they are not in full approval of the case. Mr Hutchins also asked if the approved lot from 2020 has to be replatted. Mr. Tooley stated that yes it did
 Debbie Hubbacek asked if all the applicant is aware of and ok with all the conditions that need to be met. Mr. Tooley stated that yes.

- 3. ZBA-21-10-0013 (Council 5) – Variance to reduce the minimum side setback requirements permitted under the Unified Development Code at 2002 Fort Worth St, legally described as Lot 20, Block 19, Dalworth Park Addition, City of Grand Prairie, Dallas, County, Texas, zoned Single Family-Four Residential District
 - a. Variance: Reduction of the side on the street setback required by SF-4 zoning district
 - a. Required setback: 15ft
 - b. Requested setback: 10 ft

Mr. Jonathon Tooley briefed the council the on case. The applicant would like to reduce the setback from 15 to 10 for new construction with a front entry garage. There were 15 notices sent out with 0 opposed and 0 in favor. Mr. Tooley also mentioned that the lot size does not match the zoning

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 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 type="checkbox"/> Tommy Land | |

INVOCATION:

Clayton Hutchins led the invocation

APPROVAL OF MINUTES:

The motion to Approve the minutes made by Michelle Madden
The motion was seconded by Timothy Ibidapo

PUBLIC HEARING:

2. **ZBA-21-10-0012 (Council District 3)** – Special Exception for a garage conversion, and variances to reduce the minimum lot width and interior side setback requirements permitted under the Unified Development at 1534 Avenue E, legally described as Lot 18R, Block 3, Lake Crest Addition No 2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.
 - d. Special Exception: Conversion of garage into living spaces
 - a. Required minimum: Two garage parking spaces
 - b. Requested minimum: No garage parking spaces
 - e. Variance: Reduction of the lot width required by SF-4 zoning district
 - a. Required: 60 ft
 - b. Requested: 50 ft
 - f. Variance: Reduction of the internal side setback required by SF-4 zoning district

- a. Required : 6ft
- b. Requested : 5 ft

Applicant / Spokesperson: Edgar Graciano

Address: 1534 Avenue E Grand Prairie, TX 75051

Any comments from Spokesman:

Edgar is speaking on behalf of his uncle Dilberto Graciano. His uncle would like to replat the property to build an additional house. Prior to making any other changes, the applicant would like to make sure that lot width size would be approved. His uncle is aware of the other conditions prior to New Single Family construction. The applicant also stated that the width of the house would probably be a max of 40' wide and that the new garage would be on the side of the new house

Any questions from Board:

Michelle Madden asked if Mr Graciano was going to sale the other house or keep it? The applicant stated that they were not sure. Ms. Madden also asked where the cars would park while under construction. The cars would use the circular driveway while the house is being constructed. Michelle also asked if their neighbors were aware of the construction going to take place. Mr. Graciano stated that yes they are aware of the construction and do not have any issues

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:

- g. Proper notification was done in accordance with the statutes and ordinances.
- h. The decision of the City building or administrative official to deny the permit or construction was in error, and the permit should be granted.
- i. 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.
- j. The variance or exception will not substantially or permanently injure the appropriate use of adjacent property in the same district.
- k. The variance or exception will not adversely affect the health, safety, or general welfare of the public.
- l. The variance or exception will not be contrary to public interest.
- m. 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.
- n. 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.
- o. 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.

- p. 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;
- q. 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.
- r. 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 conditions that all 4 conditions must be met

Michelle Madden

The motion was seconded by **Debbie Hubacek**

Motion was approved/~~denied~~: 6 yays to 3 Nays

Members that objected: Clayton Hutchins, Heather Mazac, and Timothy Ibidapo

3. **ZBA-21-10-0013 (Council 5)** – Variance to reduce the minimum side setback requirements permitted under the Unified Development Code at 2002 Fort Worth St, legally described as Lot 20, Block 19, Dalworth Park Addition, City of Grand Prairie, Dallas, County, Texas, zoned Single Family-Four Residential District
- b. Variance: Reduction of the side on the street setback required by SF-4 zoning district
- Required setback: 15ft
 - Requested setback: 10 ft

Applicant / Spokesperson: Walter Torres

Address: 305 SW 15th St Grand Prairie, TX 75051

Any comments from Spokesman: The applicant has constructed properties before in the area and would like to continue improving the area

Any questions from Board:

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 the public hearing and Approve the Case Michelle Madden
The motion was seconded by Clayton Hutchins

Motion was approved/denied: 9 yays to 0Nays
Members that objected:

NEW BUSINESS: CHANGE OF MEETING START TIME

Mr. Tooley wanted to begin the discussion a change to the briefing and meeting time. Mr. Tooley explained that there is a process to changing the time of the ZBA meetings. The first item would need to be a consensus from the Board, then it would proceed to CCDC and then would go to City Council. If any change wants to be done, it would need to be decided soon as the holidays are approaching and voting on such items may be a little difficult.

Mr. Tooley left the floor open to suggestions as to what time would work best for the Board. Barry Sandacz stated that he is open a 6pm start time as we are fortunate that most of the Board members do not work far
Clayton Hutchins asked if any members worked in Dallas or Fort Worth

Michelle Madden stated that at the moment there are not but she is a bit more concerned about future Board members and they being able to make a 6pm meeting

Barry Sandacz stated that a 5:30pm start time would be ok as it would be more consistent with other Planning Boards

Debbie Hubacek asked if a member comes in at 5:45 during the briefing would they still be able to participate in the meeting. Mr. Tooley stated that yes they would be able to.

Barry Sandacz stated that we would still have to have a quorum in order to start the briefing but can wait for either an alternate or the Board member.

A motion to change the briefing time to 5:30 pm and meeting time to 6:00pm was made by **Debbie Hubacek**

The motion was seconded by **Heather Mazak**

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

Members that objected: Michelle Madden

CITIZENS COMMENTS: None

ADJOURNMENT : The meeting was adjourned at 7:35 PM

Signed on this the 20 day of December 2021

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

by: 

Printed Name: Barry Sandacz

Title: CHAIR PERSON