

300 W. Main Street – Council Chambers

MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: September 20, 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:

- 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

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 4<sup>th</sup> Street, legally described as Lot 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
    - a. Required minimum: 7200 SF
    - b. Requested minimum: 6000 SF
  - 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: 6 ft
  - b. Requested: 5 ft

Mr. Jonathon Tooley briefed the board on the case. He informed them that the lots are platted but applicant would like to re-orient them and reduce the lot size. Mr. Tooley stated that staff could not support this case as they believe what the applicant wants to do can be done with 2 lots.

Michelle Madden stated that there is a large easement and believe this could be an issue. Ms. Madden also had a question as to why such a difference in the lot sizes when the houses would be identical

3. ZBA-21-08-0005 (Council 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
    - a. Maximum percentage allowed: 50 %
    - b. 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
    - a. Required setback: 6ft
    - b. Requested setback: 5 ft

Mr. Jonathon Tooley briefed the council the on case. The staff does not support the case as the accessory structure would be larger than the primary structure. The applicant was stopped by Code for work without a permit

Michelle Madden asked what is the ultimate use of the building and asked about the square footage allowance for the property

Clayton Hutchins also asked about the type of material being stored and would that be a zoning issue

Mr Tooley stated that it is hard to say if a home business is being ran from the house but has not seen any complaints on the storage of the materials nor that of a home based business

## 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"/> Ralph Castro    |
| <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 checked="" type="checkbox"/> Robert Mendoza  |
| <input checked="" type="checkbox"/> Anthony Langston Sr. | <input checked="" type="checkbox"/> Melinda Rodgers |
| <input type="checkbox"/> Eric Smith                      | <input type="checkbox"/> David Baker                |
| <input checked="" 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 **Anthony Langston Sr**

**PUBLIC HEARING:**

- 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 4<sup>th</sup> Street, legally described as Lot 11 & 12, Block R, Grand Prairie Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.
  - d. Variance: Reduction of the lot size required by SF-4 zoning district
    - a. Required minimum: 7200 SF
    - b. Requested minimum: 6000 SF
  - 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:** Hector Manzares

**Address: 370 OakRidge Dr Grand Prairie, TX 75052**

**Any comments from Spokesman:**

**The applicant would like to construct 3 houses with the widths of 50,50, and 54 ft. He would also like to reorient them to Church St as 4<sup>th</sup> St is not available**

**Any questions from Board:**

**Michelle Madden questioned the large easement and why the applicant would not want more square feet to accommodate for it. Ms. Madden was also a little perplexed as to why the applicant would want to apply for this as there are no definite construction plans and unsure about the outcome of the easement requirement**

**Clayton Hutchins asked if the applicant had approval from Oncor regarding the easement**

**The applicant did respond to the questions presented. He stated that he is meeting with a representative from Oncor to obtain the letter. He understands that the easement might create some issues but still would like to have 3 lots. With the lot square footage required by the City, the floor plan would have to be a 2 story. He also stated that he would like the houses to be more uniform, not exact but similar Michelle Madden expressed her appreciation for the applicant attempting to develop the area and how if he were to do the lots evenly he would only lose 10 ft versus the 25 he would with the proposed measurements**

**Ralph Castro asked if having the approved letter from Oncor in hand would improve the chances of his case being approved. The board stated they did not believe so**

**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 for only Variance D: the increase of the maximum dwelling units and deny the other requests

**Michelle Madden**

The motion was seconded by **Ralph Castro**

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

Members that objected: Clayton Hutchins, Melinda Rodgers, and Timothy Ibidapo

3. ZBA-21-08-0005 (Council 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
- c. 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
- a. Maximum percentage allowed: 50 %
  - b. Requested percentage: 127%
- d. Variance: Reduction of the internal side setback required by SF-4 zoning district for accessory structures over 10 ft in height
- a. Required setback: 6ft
  - b. Requested setback: 5 ft

**Applicant / Spokesperson:** Juan Medina

**Address:** 405 MacArthur Grand Prairie, TX 75050

**Any comments from Spokesman:** The applicant is asking for the structure to help house materials from his construction business. They need such a large structure due to a large amount of materials due to cancellation of jobs

**Any questions from Board:**

**Michelle Madden** asked about the type of work the applicant did. She also asked if the structure had plumbing and that the structure looked to be for more than storage. She also asked about the other garage on site

**The applicant** stated that he worked in general construction. There is no plumbing to the structure and a lot of the materials used to construction it was left over

materials from different projects. The applicant stated that they will be knocking down that structure and applied at the City for the permit Clayton Hutchins asked if the applicant was going to continue in the construction business

The applicant stated yes he hopes to and will be using the area to only store left over products from his projects

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

Azalea Medina spoke in support of the case. She lives at 409 MacArthur Blvd and is the sister to the applicant. The construction company that the applicant has is actually a family company and right now they are using both properties to store materials. However, due to COVID, a few of the projects were cancelled and they are need the large structure to store the materials. They also want to knock the old structure down due to safety

\_\_\_\_\_

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

Lorena Cardenas lives at 409 MacArthur Blvd Grand Prairie, TX 75050

\_\_\_\_\_  
\_\_\_\_\_

**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 Deny the Case was made by

**Timothy Ibidapo**

The motion was seconded by **Clayton Hutchins**

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

Members that objected: Ralph Castro and Debbie Hubacek



**NEW BUSINESS: ELECTION OF OFFICERS**

A motion was for officers to remain as is by

**Clayton Hutchins**

The motion was seconded by **Melinda Rodgers**

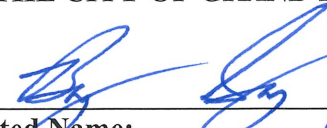
Motion for denial was **approved**/denied: 9 yays to 0 Nays

**CITIZENS COMMENTS: None**

**ADJOURNMENT : The meeting was adjourned at 7:53 PM**

Signed on this the 18 day of October 2021

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

by:   
Printed Name: BARRY SANDAGE  
Title: Chair.