



300 W. Main Street – Council Chambers

MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: November 20th, 2023

BRIEFING:

5:33 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"/> Kimberly Akinrodoye |
| <input type="checkbox"/> Eric Hedin | <input checked="" type="checkbox"/> Debbie Hubacek |
| <input checked="" type="checkbox"/> Timothy Ibidapo | <input checked="" type="checkbox"/> Jose Linarez |
| <input checked="" type="checkbox"/> Anthony Langston Sr. | <input checked="" type="checkbox"/> Melinda Rodgers |
| <input type="checkbox"/> Tommy Land | <input checked="" type="checkbox"/> David Baker |

2. ZBA-23-09-0062 (Council District 6) Special Exception to increase the maximum height for a fence permitted under the Unified Development Code, located at 1009 W. IH 20, legally described as Tract 35, Stephen B McCommas Survey, Abstract No. 888, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District.

Salvador Gonzalez Jr. from Planning briefed the Board on the case.

3. ZBA-23-10-0065 (Council District 3) Special Exception for a garage conversion, located at 329 E. Springdale Lane, legally described as Lot 17, Block 40, Country Club Estates Addition No.4, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

Salvador Gonzalez Jr. from Planning briefed the Board on the case.

4. ZBA-23-10-0067 (Council District 5) Special Exception to reduce the number of off-street parking spaces and variances to reduce minimum front yard setback and side yard setbacks for a primary structure permitted under the Unified Development Code, located at 225 NW 16th Street, legally described as lot 1, Block 52, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Six.

Brittany Musser from Planning briefed the Board on the case.

5. ZBA-23-10-0068 (Council District 2) Variance to increase the maximum area and to reduce the minimum rear yard and side yard setbacks for a detached garage permitted under the Unified Development Code, located at 3646 Park Ridge, legally described as Lot 9, Block 1, Country Club Park Addition No.2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District.

Salvador Gonzalez Jr. from Planning briefed the Board on the case.

6. ZBA-23-10-0069 (Council District 1) Variances to reduce the minimum lot width, lot area, and side yard setback for a single-family residence permitted under the Unified Development Code, located at 609 SW 14th Street, legally described as Lot 3, Block 132, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

Brittany Musser from Planning briefed the Board on the case.

Barry Sandacz led a moment of silence in remembrance of former Board Member Clayton Hutchins.

Briefing was adjourned at 5:48 pm

CALL TO ORDER

6:00 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

☒ Kimberly Akinrodoye

☐ Eric Hedin
☒ Timothy Ibidapo
☒ Anthony Langston Sr.
☐ Eric Smith
☐ Tommy Land

☒ Debbie Hubacek
☒ Jose Linarez
☒ Melinda Rodgers
☒ David Baker

INVOCATION:

David Baker led the invocation

APPROVAL OF MINUTES:

The motion to Approve the minutes made by **David Baker**

The motion was seconded by **Melinda Rogers**

Motion Carried 8-0

PUBLIC HEARING:

2. ZBA-23-09-0062 (Council District 6) Special Exception to increase the maximum height for a fence permitted under the Unified Development Code, located at 1009 W. IH 20, legally described as Tract 35, Stephen B McCommas Survey, Abstract No. 888, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District.

Applicant / Spokesperson: Billy Branum

Address: 1009 W. IH 20 Grand Prairie, TX 75052

Salvador Gonzalez Jr. from Planning presented the case to the Board.

Any comments from Spokesman:

Brent Branum explained the reasoning behind the fence variance request, citing the increase car and foot traffic in front of the property. He explained that the fence would help with security.

Any questions from Board:

Timothy Ibidapo asked if the fence had been constructed. Staff informed the Board that the fence had not been constructed at the time of the meeting.

David Baker asked about fence materials. Salvador answered that the proposed fence consists of wrought iron material.

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 with staff recommendations by
David Baker

The motion was seconded by **Debbie Hubacek**

Motion was **approved**/~~denied~~: 8 yays to 0 Nays

Members that objected: n/a

3. ZBA-23-10-0065 (Council District 3) Special Exception for a garage conversion, located at 329 E. Springdale Lane, legally described as Lot 17, Block 40, Country Club Estates Addition No.4, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

Salvador Gonzalez Jr. from Planning present the case to the Board.

Applicant / Spokesperson: Angel Villegas

Address: 329 E. Springdale Ln. Grand Prairie, TX 75052

Any comments from Spokesman:

Angel Villegas explained the purpose of the request for the conversion. He explained the need for extra space for his growing family.

Any questions from Board:

Barry Sandacz asked if the conversion had already started at the time of the meeting. Angel Villegas responded that work had already started and that he was willing to comply with City requirements.

Melinda Rogers asked about any garage conversions in the area. Staff explained that there are none within 300 feet but there are a few legally permitted garage conversions in the general area.

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 and approve the public hearing by **David Baker**

The motion was seconded by **Timothy Ibidapo**

Motion was **approved**/denied: **8** yays to **0** Nays

Members that objected: n/a

4. ZBA-23-10-0067 (Council District 5) Special Exception to reduce the number of off-street parking spaces and variances to reduce minimum front yard setback and side yard setbacks for a primary structure permitted under the Unified Development Code, located at 225 NW 16th Street, legally described as lot 1, Block 52, Dalworth Park Addition, City of Grand Prairie, Dallas

County, Texas, zoned Single Family-Six.

Brittany Musser from Planning presented the case to the Board.

Applicant / Spokesperson: Luke Keeton

Address: 225 NW 16th St. Grand Prairie, TX 75050

Any comments from Spokesman:

Any questions from Board:

Timothy Ibadapo asked if there were any foreseeable issues. Staff answered no and indicated this is an infill project like other previously approved projects.

Barry Sandacz asked about staff recommendations for the side yard setback. Staff explained that this recommendation is based on the zoning requirements.

The following persons spoke in favor of the application:

_____n/a_____

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 and approve the case: **David Baker**

The motion was seconded by **Kimberly Akinrodoye**

Motion was **approved**/denied: **8** Yays to **0** Nays

Members that objected: n/a

5. ZBA-23-10-0068 (Council District 2) Variance to increase the maximum area and to reduce the minimum rear yard and side yard setbacks for a detached garage permitted under the Unified Development Code, located at 3646 Park Ridge, legally described as Lot 9, Block 1, Country Club Park Addition No.2, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District.

Salvador Gonzalez Jr. from Planning presented the case to the Board.

Applicant / Spokesperson: Matt Jackson

Address: 1102 Austin Street Grand Prairie, TX

Any comments from Spokesman:

Matt Jackson with Mattco Construction explained to the Board the dimensions of the existing shed at the time of the meeting and the proposed dimensions for the proposed dimensions.

Any questions from Board:

David Baker asked the height of the structure. Staff informed the board that the applicant was proposing a twenty-one-foot structure.

Debbie Hubacek asked what the required side setback was for the structure. Staff explained that the minimum side setback is eight feet, and that the applicant was requesting five feet.

Barry Sandacz asked if the setbacks varied by zoning district. Staff explained the different requirements for setbacks according to structure height.

Timothy Ibidapo asked if the existing storage shed would be replaced. Staff answered yes.

Debbie Hubacek asked if the neighbor was aware of the proposed shed. Matt from Mattco Construction informed the board that the neighbor was aware and in favor of the proposed structure.

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 discussed weighed the eight-foot side setback requirement and the proposed five-foot side setback.

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 approve as requested by the applicant was made by **David Baker**
The motion was seconded by **Anthony Langston Sr.**

Motion was **approved**/denied: **8** Yays to **0** Nays
Members that objected:

6. ZBA-23-10-0069 (Council District 1) Variances to reduce the minimum lot width, lot area, and side yard setback for a single-family residence permitted under the Unified Development Code, located at 609 SW 14th Street, legally described as Lot 3, Block 132, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential

District.

Brittany Musser from Planning presented the case to the Board.

Applicant / Spokesperson: Victor Reyes

Address: 2809 McPherson Ln Flower Mound, TX

Any comments from Spokesman:

Any questions from Board:

Timothy Ibidapo asked why staff only sent notices to 27 property owners. Staff informed the Board that staff sent out notices to property owners within a 200-foot buffer per state requirement.

The following persons spoke in favor of the application:

Victor Reyes.

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.

The applicant agreed to work with Staff to clean up the plans explore other options

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.
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- ☒ 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 and table the case was made by David Baker
The motion was seconded by Debby Hubacek

Motion was approved/~~denied~~: 8 Yays to 0 Nays
Members that objected:

CITIZENS COMMENTS:

ADJOURNMENT: The meeting was adjourned at 6:24 pm

Signed on this the 18 day of December 2023

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

by: 
Printed Name: Barry Sandoz
Title: Chair