



300 W. Main Street – Council Chambers

MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: August 15th, 2022

BRIEFING:

5:43 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"/> Clayton Hutchins |
| <input checked="" type="checkbox"/> Debbie Hubacek | <input checked="" type="checkbox"/> Eric Hedin |
| <input type="checkbox"/> Timothy Ibidapo | <input checked="" type="checkbox"/> Eric Smith |
| <input checked="" type="checkbox"/> Kimberly Akinrodoye | <input type="checkbox"/> David Baker |
| <input checked="" type="checkbox"/> Anthony Langston Sr. | <input type="checkbox"/> Tommy Land |
| <input type="checkbox"/> Melinda Rodgers | |

- 1. ZBA-22-07-0024 (Council District 5)-** Special exception for a side yard carport and variance to reduce the minimum internal setback requirement permitted under the Unified Development Code, located at 705 NE 29th Street, legally described as Lot 680, Burbank Gardens Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District

June Sin from Planning briefed the Board on the reason for the case and provided information on the case

2. **ZBA-22-07-0025 (Council District 3)**- Special Exception for a front yard carport and a variance to increase the maximum area permitted under the Unified Development Code, located at 618 Kingston Drive, legally described as Lot 11R, Block C, Kingston Square No. 2 Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Two Residential District

June Sin from Planning briefed the Board on the reason for the case and provided information on the case.

3. **ZBA-22-07-0026 (Council District 5)** – Variance to reduce the minimum rear setback requirement for an attached garage permitted under the Unified Development Code, located at 1054 Shawnee Trace, legally described as Lot 1, Block 8, Indian Hills Park Addition, City of Grand Prairie, Dallas County, Texas zoned Single Family-Four Residential District

June Sin from Planning briefed the Board on the reason for the case and provided information on the case.

Briefing was adjourned at 5:57 pm

CALL TO ORDER

6:04 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"/> Clayton Hutchins |
| <input checked="" type="checkbox"/> Debbie Hubacek | <input checked="" type="checkbox"/> Eric Hedin |
| <input type="checkbox"/> Timothy Ibidapo | <input checked="" type="checkbox"/> Eric Smith |
| <input checked="" type="checkbox"/> Kimberly Akinrodoye | <input checked="" type="checkbox"/> David Baker |
| <input checked="" type="checkbox"/> Anthony Langston Sr. | <input type="checkbox"/> Tommy Land |
| <input type="checkbox"/> Melinda Rodgers | |

INVOCATION:

David Baker led the invocation

ELECTION OF OFFICERS: This will take place after the Public Hearing

APPROVAL OF MINUTES:

The motion to Approve the minutes made by Clayton Hutchins

The motion was seconded by David Baker

Motion Carried 8-0

PUBLIC HEARING:

2. ZBA-22-07-0024 (Council District 5)- Special exception for a side yard carport and variance to reduce the minimum internal setback requirement permitted under the Unified Development Code, located at 705 NE 29th Street, legally described as Lot 680, Burbank Gardens Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District

Ms. June Sin presented the case to the Board and mentioned that staff cannot support the case due to Inadequate drainage. Staff would prefer the carport to be 2 feet away from the neighboring house

Clayton asked if staff was in support of the case. Ms. Sin stated that staff is not supporting the 0 side yard setback. Three feet is what is mentioned in the UDC but staff would be comfortable with a 2 yard setback on side

Applicant / Spokesperson: Maria Licea / Perla Licea (translator)

Address: 705 NE 29th Grand Prairie, TX 75050

Any comments from Spokesman: N/A

Any questions from Board:

Barry Sandacz asked if the applicant would be ok with a 2' setback and changing the width to 10ft 9in

David Baker also asked if there was a particular reason for the width? Is it due to accessibility?

Perla, the applicant's granddaughter and translator stated that they understood everything and agreed. There is no specific reason for the width.

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 case with a 2-foot side yard setback 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:

3. ZBA-22-07-0025 (Council District 3)- Special Exception for a front yard carport and a variance to increase the maximum area permitted under the Unified Development Code, located at 618 Kingston Drive, legally described as Lot 11R, Block C, Kingston Square No. 2 Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Two Residential District

June Sin presented the case to the Board.

Applicant / Spokesperson: Yanette Ortega

Address: 618 Kingston St Grand Prairie, TX 75051

Any comments from Spokesman: N/A

Any questions from Board: N/A

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 deny the appeal as requested was made by

David Baker

The motion was seconded by **Debbie Hubacek**

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

Members that objected:

4. ZBA-22-07-0026 (Council District 5) – Variance to reduce the minimum rear setback requirement for an attached garage permitted under the Unified Development Code, located at 1054 Shawnee Trace, legally described as Lot 1, Block 8, Indian Hills Park Addition, City of Grand Prairie, Dallas County, Texas zoned Single Family-Four Residential District

June Sin presented the case to the Board and mentioned that Ms. Cortez obtained 25 signatures from neighbors and 7 letters of support

The garage was an existing structure but since it was demolished and rebuilt it has lost its grandfather status

The staff believes that with 15' away from the south property line provides enough visibility

Per a traffic study from Transportation, the structure will also not force heavy traffic onto Bennie Street

Applicant / Spokesperson: Priscilla Cortez

Address: 1054 Shawnee Trace Grand Prairie, TX 75051

Any comments from Spokesman:

Ms. Cortez stated that she was not aware of a grandfather status of the previously built garage

The garage needed to be rebuilt due to it being a hazard and danger in the yard and for the

grandchildren

Any questions from Board:

Eric Smith asked if the new garage would sit in the same exact location as the previously existing. The applicant stated yes it would

Barry Sandacz commended the applicant on the all the signatures on her petition and the letters

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.
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- ☒ 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 Clayton Hutchins

Motion was approved/denied: 8 yays to 0 Nays

Members that objected:

NEW BUSINESS:

Welcome Kimberly Akinrodoye, David Baker and Eric Hedin

ELECTION OF OFFICERS:

Election of Chairperson

Clayton Hutchins nominated Barry Sandacz for Chairperson

Eric Hedin seconded the motion

The nomination was voted on and approved 8 to 0

Vice Chairperson

Debbie Hubacek nominated David Baker

Eric Smith seconded the motion

The nomination was voted on and approved 8 to 0

CITIZENS COMMENTS:

ADJOURNMENT: The meeting was adjourned at 6:28 PM

Signed on this the 19 day of September 2022

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

by: 

Printed Name: Barry Sandacz

Title: Chairman