



Zoom Virtual Meeting

MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: April 19th, 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:

6:30 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 checked="" type="checkbox"/> Martin Caballero |
| <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 type="checkbox"/> Anthony Langston Sr. | <input 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 rear and side yard setback at 229 W. Phillips Court, legally described as Lot 14, Phillips Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

Variance: Construction of an accessory structure in the rear yard setback.

Required Setback: 10 feet Requested Setback: 8.25 feet

Variance: Construction of a single-family dwelling in the side yard setback.

Required Setback: 6 feet Requested Setback: 4 feet

Mr. Tooley informed the Board that there was an error in the legal notice and this case will be tabled

Any questions from Board

3. BA210406 (Council District 3) – Creation of four lots that do not meet the minimum required width at 1914 Varsity Street, legally described as part of 30, Block B, Lakeland Heights Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

Variance: Creation of four lots that do not meet the minimum required width.

Minimum Required Lot Width: 60 feet Minimum Requested Lot Width: 49.94 Feet

Mr. Tooley presented the case. The applicant would like to create 4 lots with a requested width of 49.4 feet. The minimum required is 60ft wide. The staff does not support and would like for the lots to conform to the zoning

Any questions from Board

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:

Barry Sandacz

Michelle Madden

Clayton Hutchins

Timothy Ibidapo

Anthony Langston Sr.

Martin Caballero

Debbie Hubacek

Heather Mazac

Robert Mendoza

Melinda Rodgers

- Ralph Castro
- Tommy Land

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 **Timothy Ibidapo**

Motion was **approved**/denied: **9** yays to **0** Nays
Members that objected: None

PUBLIC HEARING ITEM TO BE TABLED:

2. BA210403 (Council District 3) – Variance to the rear and side yard setback at 229 W. Phillips Court, legally described as Lot 14, Phillips Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Three Residential District.

Variance: Construction of an accessory structure in the rear yard setback.
Required Setback: 10 feet Requested Setback: 8.25 feet

Variance: Construction of a single-family dwelling in the side yard setback.
Required Setback: 6 feet Requested Setback: 4 feet

Mr. Tooley informed the Board that there was an error in the legal notice and would like this case will be tabled

Applicant / Spokesperson: n/a

Address:

Any comments from Spokesman: None

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 table to the public hearing by

David Baker

The motion was seconded by **Heather Mazac**

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

Members that objected: None

Any conditions: None

The public hearing was closed.

PUBLIC HEARING ITEM:

3. BA210406 (Council District 3) – Creation of four lots that do not meet the minimum required width at 1914 Varsity Street, legally described as part of 30, Block B, Lakeland Heights Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District.

Variance: Creation of four lots that do not meet the minimum required width.

Minimum Required Lot Width: 60 feet Minimum Requested Lot Width: 49.94 Feet

Mr. Tooley presented the case. The applicant would like to create 4 lots with a requested width of 49.4 feet. The minimum required is 60ft wide. The staff does not support and would like for the lots to conform to the zoning

Applicant / Spokesperson: Saul Zuniga

Address: 1830 Avenue F Grand Prairie, TX 75051

Any comments from Spokesman:

Mr. Zuniga is a Homebuilder and has built several lots in Grand Prairie. He has previously seen the City approve other cases similar to his and wanted to apply. He wants to bring more taxes and build more houses in the City.

Any questions from Board:

Barry Sandacz asked if the zoning of the area had been different previously as some lots are set at 50' wide

Mr. Tooley answered that it is possible, but the zoning now calls for 60' width

Michelle Madden asked if there were any outstanding citations and wanted to clarify that this request would be 3/4 of an inch off from the 50' wide measurement of other existing lots

Mr. Tooley confirmed the measurement and that there were no delinquent taxes

David Baker did not have a question but reminded the staff to turn on the microphones when speaking

Barry Sandacz verified the reason this case was being brought to the board. Mr. Tooley stated that it was brought to the Board because it is a request of a variance to the zoning Clayton Hutchins also asked why this is not a form of re-zoning. Mr. Tooley stated that this method would be less intensive for the applicant and the Planning staff evaluates variances on a case by case basis

Mr. Tooley explained that the staff suggested that the applicant do 3 lots instead, but the applicant still wanted to ask for 4

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 **Timothy Ibidapo**

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

Members that objected: David Baker and Clayton Hutchins

Any conditions: None

The public hearing was closed.

NEW BUSINESS: None

CITIZENS COMMENTS: None

ADJOURNMENT : The meeting was adjourned at 7:18 PM

Signed on this the 17th day of May 2021

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

by: 

Printed Name: BARRY SANDACE

Title: CHAIRPERSON