



300 W. Main Street – Council Chambers

MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: November 21, 2022

BRIEFING:

5:49 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"/> Kimberly Akinrodoye |
| <input type="checkbox"/> Eric Hedin | <input checked="" type="checkbox"/> Debbie Hubacek |
| <input checked="" type="checkbox"/> Clayton Hutchins | <input type="checkbox"/> Heather Mazac |
| <input checked="" type="checkbox"/> Timothy Ibidapo | <input type="checkbox"/> Robert Mendoza |
| <input type="checkbox"/> Anthony Langston Sr. | <input type="checkbox"/> Melinda Rodgers |
| <input checked="" type="checkbox"/> Eric Smith | <input checked="" type="checkbox"/> David Baker |
| <input checked="" type="checkbox"/> Tommy Land | |

- 2. ZBA-22-11-0050 (Council District 5)-** Special exception for a garage conversion, located at 2109 Dalworth St, legally described as Lot 3, Block 20, Dalworth Park Addition, City of Grand Prairie, Tarrant County, Texas, zoned General Retail District

June Sin from Planning briefed the Board on the reason for the case and provided information on the case. Ms. Sin talked about the board being able to table the case to hinder receiving a denial. A tabling of the case would give the applicant the opportunity to come back to a later ZBA date, but a denial would not allow the applicant to return for 6 months.

3. **ZBA-22-10-0048 (Council District 1)**- Special Exception to construct along the front property line, a commercial fence exceeding the maximum height permitted by the Unified Development Code, located at 1906, 1910, 1914, 1916 & 1918 W E Roberts Street, legally described as Lot 16-19, Block 137, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned General Retail District.

June Sin from Planning briefed the Board on the reason for the case and provided information on the case. Staff mentions that this variance is not forever and would only be valid for the current conditions.

4. **ZBA-22-10-0047 (Council District 3)** – Special Exception for a garage conversion, located at 1321 S. San Saba, legally described as Lot 25, Block 5, The Cluster I Addition 3rd Section, City of Grand Prairie, Dallas County, Texas, zoned Planned Development-76 District.

June Sin from Planning briefed the Board on the reason for the case and provided information on the case. Staff received an anonymous call regarding the use of the pending conversion. Staff instructed the Board they should only be concerned with the garage conversion and not use of the residence. ZBA does not enforce the use.

Briefing was adjourned at 6:05 pm

CALL TO ORDER

6:06 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"/> Kimberly Akinrodoye |
| <input type="checkbox"/> Eric Hedin | <input checked="" type="checkbox"/> Debbie Hubacek |
| <input checked="" type="checkbox"/> Clayton Hutchins | <input type="checkbox"/> Heather Mazac |
| <input checked="" type="checkbox"/> Timothy Ibidapo | <input type="checkbox"/> Robert Mendoza |
| <input type="checkbox"/> Anthony Langston Sr. | <input type="checkbox"/> Melinda Rodgers |
| <input checked="" type="checkbox"/> Eric Smith | <input checked="" type="checkbox"/> David Baker |
| <input checked="" type="checkbox"/> Tommy Land | |

INVOCATION:

David Baker led the invocation

APPROVAL OF MINUTES:

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

The motion was seconded by **Clayton Hutchins**

Motion Carried 7-0

PUBLIC HEARING:

2. **ZBA-22-11-0050 (Council District 5)-** Special exception for a garage conversion, located at 2109 Dalworth Street, legally described as Lot 3, Block 20, Dalworth Park Addition, City of Grand Prairie, Tarrant County, Texas, zoned General Retail District.

Ms. June Sin presented the case to the Board and mentioned that this property on Dalworth is on a steep slope and has limited room on the driveway. The applicant does not meet the requirements. Staff feels that as a better option for the applicant would be to add on to the rear and leave the garage as is. Ms. Sin stated that there is the option to table the case to speak to the applicant further and discuss other options.

Applicant / Spokesperson: Fabian Garza

Address: 2109 Dalworth St, Grand Prairie, TX 75050

Any comments from Spokesman: Mr. Garza stated that none of the addresses on the block have garages and was wondering why the garage conversion would not be permitted.

Any questions from Board:

Mr. Baker spoke to the applicant and let them know that the City would like to discuss more options with them to satisfy the city requirements for adequate parking. Mr. Baker also stated that in order for their case to be approved all 7 members had to vote to approve.

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 table the case was made by
David Baker

The motion was seconded by **Timothy Ibidapo**

Motion was **approved**/denied: 7 yays to 0 Nays
Members that objected:

3. **ZBA-22-10-0048 (Council District 1)**- Special Exception to construct along the front property line, a commercial fence exceeding the maximum height permitted by the Unified Development Code, located at 1906, 1910, 1914, 1916 & 1918 W E Roberts Street, legally described as Lot 16-19, Block 137, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned General Retail District.

June Sin from Planning briefed the Board on the reason for the case and provided information on the case. Staff mentions that this variance is not forever and would only be valid for the current conditions.

Applicant / Spokesperson: Hullet Hope

Address: 4505 Rosedale Dr, Grand Prairie, TX 75052

Any comments from Spokesman:

The applicant stated that they are wanting to construct the fence due to issues with parking and illegal dumping.

Mr. Hope stated that they do understand that this variance would only be for the current conditions and will not be valid for any future changes.

Any questions from Board:

Eric Smith asked if the fence obstructs any existing sidewalks. Staff stated that it does not believe that it does and that the fence will be placed on the property line.

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 **Timothy Ibidapo**

Motion was **approved**/denied: 7 yays to 0 Nays

Members that objected:

4. **ZBA-22-10-0047 (Council District 3)** – Special Exception for a garage conversion, located at 1321 S San Saba, legally described as Lot 25, Block 5, The Cluster I Addition 3rd Section, City of Grand Prairie, Dallas County, Texas zoned Planned Development-76 District.

June Sin presented the case to the Board and mentioned that the applicant has sufficient spaces for parking. The staff did receive an anonymous call regarding the case and the use of the residence. Ms. Sin reminded the Board that this case is regarding the garage variance not the use of the property.

Applicant / Spokesperson: Gilberto Carrion

Address: 1321 S San Saba, Grand Prairie, TX 75051

Any comments from Spokesman: n/a

Any questions from Board:

Timothy Ibidapo asked if the work had been started? The applicant stated that no it had not.

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.
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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 Debbie Hubacek

Motion was approved/denied: 7 yays to 0 Nays

Members that objected:

CITIZENS COMMENTS:

ADJOURNMENT : The meeting was adjourned at 6:25 PM

Signed on this the _____ day of November 2022

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

by: 

Printed Name: Barry Samcz

Title: Chair