



ZONING BOARD OF ADJUSTMENTS AND APPEALS
CITY HALL - COUNCIL CHAMBERS, 300 W. MAIN STREET
MONDAY, AUGUST 21, 2023 AT 5:30 PM

AGENDA

BRIEFING SESSION - 5:30 PM

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 the presentation of the cases. No action will be taken during the briefing.

OPEN MEETINGS ACT PRESENTATION

ELECTION OF OFFICERS

REGULAR MEETING - 6:00 PM

Call to Order

Invocation

APPROVAL OF MINUTES

1. Approval of the July 17, 2023 Meeting Minutes

PUBLIC HEARING

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 Code 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.

2. ZBA-23-06-0043 (Council District 3) – Variances to reduce the minimum side setback and increase the maximum area for an accessory structure permitted under the Unified Development Code, located at 2125 Windchime Drive, legally described as Lot 13, Block 5, Cinnamon Ridge Addition, City of Grand Prairie, Dallas County, Texas, zoned Planned Development District-75.
3. ZBA-23-07-0050 (Council District 6) – Variance to reduce the minimum rear setback for an accessory structure permitted under the Unified Development Code, located at 2923 England Parkway, legally described as Lot 1, Block F, Bella Vista at Mira Lagos, City of Grand Prairie, Tarrant County, Texas, zoned Planned Development District-271-A
4. ZBA-23-07-0052 (Council District 2) – Variances to allow for alternative fencing material and to increase the maximum height for a fence permitted under the Unified Development Code,

located at 209 Cedar Drive, legally described as Lot 12, Block, 1, Dow Place Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District

CITIZEN COMMENTS

Citizens may speak during Citizen Comments for up to five minutes on any item not on the agenda by completing and submitting a speaker card.

ADJOURNMENT

The City Hall is wheelchair accessible. If you plan to attend this public meeting and you have a disability that requires special arrangements, please call 972-237-8255 at least 24 hours in advance. Reasonable accommodations will be made to assist your needs.

MESSAGE OF RELIGIOUS WELCOME

As many of you are aware, we customarily begin our meetings with an invocation. This prayer is intended for the benefit of the board members and is directed to them and not the audience. Those who deliver the invocation may reference their own religious faith as you might refer to yours when offering a prayer. We wish to emphasize, however, that members of all religious faiths are welcome, not only in these meetings, but in our community as well. The participation of all our citizens in the process of self-government will help our fine city best serve the good people who live here. Employees and audience members are welcome to pray or not pray, and this choice will have no bearing on any vote made by the board.

Certification

In accordance with Chapter 551, Subchapter C of the Government Code, V.T.C.A, the Zoning Board of Adjustments and Appeals agenda was prepared and posted August 18, 2023.



Monica Espinoza, Planning Secretary



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 08/21/2023

REQUESTER: Monica Espinoza, Administrative Supervisor

PRESENTER: Brittany Musser, Planner

TITLE: Approval of the July 17, 2023 Meeting Minutes

RECOMMENDED ACTION: Approve



300 W. Main Street – Council Chambers

MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: July 17th, 2023

BRIEFING:

5:36 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 checked="" 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 checked="" type="checkbox"/> Anthony Langston Sr. | <input type="checkbox"/> Melinda Rodgers |
| <input type="checkbox"/> Eric Smith | <input checked="" type="checkbox"/> David Baker |
| <input checked="" type="checkbox"/> Tommy Land | |

- 2. ZBA-23-06-0041 (Council District 5)-** Appeal the decision of the Building Official to deny the Certificate of Occupancy (C.O.) for Auto Dealer (Non-Franchised Used), located at 1326 W Main Street, legally described as Lot 7 and a portion of lot 6, Block 67, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Commercial

Tiffany Bull, Deputy City Attorney, briefed the Board on the case. This case is to render a decision on the appeal of a C.O. denial. The public hearing was done at last months meeting.

This is not a variance request. The Board is solely looking at the decision by the Chief Building Official to deny the C.O. If the City is correct, then you will deny the request. This is a non-conforming use and was abandoned. The applicant states that this is not correct and are wanting to continue the use.

David Baker asked what the City planned to do with the property? Staff stated that this would be determined by the property owner. Some auto uses are allowed in a Commercial zoning via SUP.

Timothy Ibidapo asked if the C.O. was revoked due to lack of use of operation? Tiffany Bull answered that there was not an active valid C.O. so no C.O. was revoked.

Debbie Hubacek asked if the applicant is the owner of the property? Staff answered yes that Mr. Khalifa is the owner of the property.

Barry Sandacz explained that the Board's job in this case is to affirm if the Chief Building Official was correct in his ruling. To approve the appeal, the applicant would need 7 out of 9 members to approve.

3. **ZBA-23-04-0028(Council District 3)**- Variances to increase the maximum area and minimum side yard setback for a single-family residence permitted under the Unified Development Code, located at 2426 Miller St, legally described as Lot 12, Block 1, Wild Rose Ridge Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District

Brittany Musser from Planning briefed the Board on the case.

4. **ZBA-23-05-0037(Council District 3)** Variance to increase the maximum height for a fence permitted under the Unified Development Code, located at 1729 Avenue B, legally described as Lot 3R, Block 15, Lake Crest No. 2 Addition, City of Grand Prairie, Dallas County, Texas zoned Single Family- Four Residential District

Brittany Musser from Planning briefed the Board on the case.

5. **ZBA-23-06-0047(Council District 3)** Special exception for a front yard carport, located at 2458 Hardy Rd, legally described as Lot 2R, Block 7, Mountain Lakeview Addition, City of Grand Prairie, Dallas County, Texas zoned Single Family- Four Residential District

Christina Benante from Planning briefed the Board on the case.

6. **ZBA-23-06-0045 (Council District 1)** –Special Exception for a side yard carport, located at 2518 Vega St, legally described as a portion of Lot 9, Block G, Meadow Oaks No 4 Addition, City of Grand Prairie, Dallas County, Texas zoned Planned Development- 111.

Brittany Musser briefed the Board on the case.

7. **ZBA-23-06-0043 (Council District 3)** – Variance to reduce the minimum side setback and increase the maximum area for an accessory structure permitted under the Unified Development Code, located at 2125 Windchime Drive, legally described as Lot 13, Block 5,

Cinnamon Ridge Addition, City of Grand Prairie, Dallas County, Texas zoned Planned Development District- 75

Abdul Ghous briefed the Board on the case.

- 8. ZBA-23-06-0048 (Council District 3)-** Variances to reduce the minimum lot depth and front and rear setbacks for a single-family residence permitted under the Unified Development Code, located at 1501 Avenue C, legally described as Lot 10, Block 972/F, Mountain Lakeview Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District

Brittany Musser from Planning briefed the Board on the case.

- 9. ZBA-23-06-0049 (Council District 1)-** Variances to increase the maximum lot coverage and the maximum wall height of an accessory structure permitted under the Unified Development Code, located at 1901 W Arbor Rose Drive, legally described as Lot 11, Block 1, Wild Rose Ridge Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District

Brittany Musser from Planning briefed the Board.

Briefing was adjourned at 6:09 pm

CALL TO ORDER

6:10 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"/> Kimberly Akinrodoye |
| <input checked="" 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 checked="" type="checkbox"/> Anthony Langston Sr. | <input type="checkbox"/> Melinda Rodgers |
| <input 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 9-0

PUBLIC HEARING:

- 2. ZBA-23-06-0041 (Council District 5)-** Appeal the decision of the Building Official to deny the Certificate of Occupancy (C.O.) for Auto Dealer (Non-Franchised Used), located at 1326 W Main Street, legally described as Lot 7 and a portion of lot 6, Block 67, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Commercial

Applicant / Spokesperson: Haydor Khalifa

Address: 1326 W Main St Grand Prairie, TX 75050

Any comments from Spokesman:

Any questions from Board:

Board reaffirmed that the applicant would need 7 out of 9 votes of approval.

David Baker stated that if you vote in approval then you are approving the appeal and if you decide to vote against then you are denying the appeal.

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:

- Proper notification was done in accordance with the statutes and ordinances.
- The property is located in the City of Grand Prairie in a Commercial District.
- On December 11, 2018, the City Council adopted Ordinance 10575-2018 which amended certain provision of the UDC.
- Prior to the UDC amendment, the particular use for which a Certificate of Occupancy was sought, Auto Dealer (Non-Franchise Used), was allowed with an SUP.
- As a result of the UDC amendment, Auto Dealer (Non-Franchise Used) was no longer a permitted use.
- The use, “Auto Dealer (Non-Franchise Used)”, for which a CO was previously issued in September 2022 was then a legally non-conforming use.
- The legally non-conforming use, “Auto Dealer (Non-Franchise Used), was abandoned.

Any additional findings: None

The motion to close the public hearing and approve the appeal by **David Baker**

The motion was seconded by **Anthony Langston Sr**

Motion was approved/**denied**: **5** yays to **4** Nays

Members that objected: Clayton Hutchins, Tommy Land, Eric Hedin, Timothy Ibibapo

- 3. ZBA-23-04-0028(Council District 3)-** Variances to increase the maximum area and minimum side yard setback for a single-family residence permitted under the Unified Development Code, located at 2426 Miller St, legally described as Lot 12, Block 1, Wild Rose Ridge Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential

Brittany Musser presented the case to the Board.

Applicant / Spokesperson: Jesus Valdivia

Address: 2426 W Miller Grand Prairie, TX 75051

Any comments from Spokesman: Mr. Valdivia stated that he wants to construct this house to improve the area. The applicant stated that he removed the back porch and tried to minimize the height of the house, but it did not look right. The highest point of the house will be 27 feet.

Any questions from Board

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 **Debbie Hubacek**

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

Members that objected: n/a

- 4. ZBA-23-05-0037(Council District 3)** Variance to increase the maximum height for a fence permitted under the Unified Development Code, located at 1729 Avenue B, legally described as Lot 3R, Block 15, Lake Crest No. 2 Addition, City of Grand Prairie, Dallas County, Texas zoned Single Family- Four Residential District

Brittany Musser presented the case to the Board. This is a variance request for the fence height. The applicant currently has a fence of 4ft and is requesting 6ft. 77 notices were sent out 0 were returned in support and 0 were returned in opposition. There was also a concern regarding the trees and bushes. The applicant has informed staff that the bushes and trees will remain but will be trimmed.

Applicant / Spokesperson: Edgar Aguilar (Not present)

Address:

Any comments from Spokesman:

Any questions from Board:

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: **David Baker**

The motion was seconded by **Debbie Hubacek**

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

Members that objected:

5. ZBA-23-06-0047(Council District 3) Special exception for a front yard carport, located at 2458 Hardy Rd, legally described as Lot 2R, Block 7, Mountain Lakeview Addition, City of Grand Prairie, Dallas County, Texas zoned Single Family- Four Residential District

Christina Benante from Planning presented the case to the Board. This case is for a front yard carport. The carport meets all the requirements for property placements but is located outside of the 800 feet from legal carports.

Applicant / Spokesperson: Coy Payne (Not present)

Address:

Any comments from Spokesman:

Any questions from Board:

Timothy Ibidapo asked if the structure is stand alone or if it is attached to the house.
Staff stated that this is not attached to the main 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 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 was made by **David Baker**

The motion was seconded by **Debbie Hubacek**

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

Members that objected:

- 6. ZBA-23-06-0045 (Council District 1)** –Special Exception for a side yard carport, located at 2518 Vega St, legally described as a portion of Lot 9, Block G, Meadow Oaks No 4 Addition, City of Grand Prairie, Dallas County, Texas zoned Planned Development- 111.

Brittany Musser presented the case to the Board. This is a side yard carport. It meets all the setback requirements and will be screened. All the permitted carports are outside of the buffer area. 35 notices were sent out, 0 were returned in approval, 0 were returned in opposition.

Applicant / Spokesperson: Ronald Barrett (Not present)

Address:

Any comments from Spokesman:

Any questions from Board:

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 was made by

David Baker

The motion was seconded by **Debbie Hubacek**

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

Members that objected:

- 7. ZBA-23-06-0043 (Council District 3)** – Variance to reduce the minimum side setback and increase the maximum area for an accessory structure permitted under the Unified Development Code, located at 2125 Windchime Drive, legally described as Lot 13, Block 5, Cinnamon Ridge Addition, City of Grand Prairie, Dallas County, Texas zoned Planned Development District- 75

Abdul Ghous from Planning presented the case to the Board. This variance is to reduce the side setback and increase the area for an accessory structure. The total square footage for accessory structures (covered patio & accessory structure) exceeds what is allowed per the PD which is 50%. 36 notices were sent out 1 returned in favor and 3 in opposition. Staff cannot support since this is a self-created hardship.

Applicant / Spokesperson: Miguel Cardenas

Address: 2125 Windchime Grand Prairie, TX 75051

Any comments from Spokesman: Mr. Cardenas would like the shed in the rear yard for storage. He was not aware of the square footage issue and poured the foundation prior to permitting.

Any questions from Board:

Tommy Land asked if the applicant attached the structure to the house, then would it still be considered an accessory structure? Staff answered no it would not.

Clayton Hutchins asked if the patio was attached then the accessory structure square footage would be under the 50% PD rule.

Barry Sandacz stated that he was concerned with the size of the structure and asked Mr. Cardenas if he would consider attaching the patio to the house. Mr. Cardenas stated that he would consider it.

David Baker advised the applicant that it might be worth while tabling the case and exploring attaching the patio.

Barry Sandacz expressed that he is having an issue with the size of the structure and warned the applicant that if the case fails then they would need to wait 6 months to re-apply.

Barry Sandacz asked if the Board could just vote on the setback portion of the variance request? Staff stated that no. The case would need to be tabled and separated as 2 different cases. After receiving the answer, Barry recommended that the applicant ask to table the case and do some investigating on how to make the structure work.

Eric Hedin asked if the structure can be tied to the house? Mr. Cardenas stated that it possibly could. It is very close to the roof line.

Following the discussion, the applicant requested that the Board table his case.

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 table the case was made by **David Baker**

The motion was seconded by **Debbie Hubacek**

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

Members that objected:

- 8. ZBA-23-06-0048 (Council District 3)-** Variances to reduce the minimum lot depth and front and rear setbacks for a single-family residence permitted under the Unified Development Code, located at 1501 Avenue C, legally described as Lot 10, Block 972/F, Mountain Lakeview Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-Four Residential District

Brittany Musser from Planning presented the case to the Board. Ms. Musser explained the reason for the variance request. The applicant is wanting to install an entrance off of Garrett and also a variance for 15' driveway setback from property line vs 18'. 41 notices were sent out 0 were returned in favor and 0 in opposition. Staff cannot support

Applicant / Spokesperson: Anil Ram

Address: 1501 Avenue C Grand Prairie, TX 75050

Any comments from Spokesman:.

Any questions from Board:

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 was made by **Timothy Ibidapo**
The motion was seconded by **David Baker**

Motion was approved/**denied**: **1** yays to **8** Nays

Members that objected: Barry Sandacz, Timothy Ibidapo, David Baker, Debbie Hubacek, Clayton Hutchins, Tommy Land, Kimberly Akinrodoye, Anthony Langston Sr

- 9. ZBA-23-06-0049 (Council District 1)-** Variances to increase the maximum lot coverage and the maximum wall height of an accessory structure permitted under the Unified Development Code, located at 1901 W Arbor Rose Drive, legally described as Lot 11, Block 1, Wild Rose Ridge Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District

Brittany Musser from Planning presented the case to the Board The case is regarding a variance for volleyball court structure. The applicant is requesting a variance on the wall height and lot coverage. The structure is highlighted and numbered as #4 on the map. 3 letters of opposition were received from properties along the rear and staff is not able to support the case.

Applicant / Spokesperson: Jasmine Medrano (spoke on behalf of Mother: Dora Gamez)
Address: 1901 W Arbor Rose Grand Prairie, TX 75052

Any comments from Spokesman: Jasmine Medrano stated that the structure will be just a cover and will have no walls.

Any questions from Board:

Barry Sandacz expressed his concern with the size of the structure. He wondered if there are other options for shade.

Clayton Hutchins asked if the variance was to increase lot coverage? Staff answered that the variance is for the lot coverage and the wall height of the structure.

Staff stated that there is not an issue with the roof material.

Kimberly Akinrodoye verified that 12 feet in wall height is permitted but the applicant is asking for 15 feet? Staff confirmed that and stated that the roofing material is immaterial. The variance is for the height of the structure and lot coverage.

Clayton Hutchins asked how the case was advertised? Staff stated that it was advertised exactly how it is being presented.

David Baker recommended to the applicant that maybe they should modify the wall height and talk to city regarding other options they might have.

Barry Sandacz stated that with the concern of the structure, it may be best to table the case and speak to the City about to other options.

After speaking with the Board, the applicant requested that the Board table the case.

The following persons spoke in favor of the application: Samantha Medrano (Dora Gamez younger daughter) would like to have the structure to help with her passion of Volleyball and. Volleyball helps relieve stress and helps with her mental health.

The following persons noted their support for the application:

Steve Tas and Brad West noted their support. They are neighbors.

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 table the case was made by **David Baker**

The motion was seconded by **Kimberly Akinrodoye**

Motion was **approved**/denied: **8** yays to **1** Nays

Members that objected: Clayton Hutchins

CITIZENS COMMENTS:

Lori Dunham stated that she is interested in understanding the No's for the case on Main St. Staff will be speaking to her after the meeting regarding the zoning and permitted uses after the meeting.

ADJOURNMENT : The meeting was adjourned at 7:18 pm

Signed on this the _____ day of August 2023

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

by: _____

Printed Name: _____

Title: _____



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 08/21/2023

REQUESTER: Monica Espinoza, Administrative Supervisor

PRESENTER: Abdul R. Ghous, AICP, Senior Planner

TITLE: ZBA-23-06-0043 (Council District 3) – Variances to reduce the minimum side setback and increase the maximum area for an accessory structure permitted under the Unified Development Code, located at 2125 Windchime Drive, legally described as Lot 13, Block 5, Cinnamon Ridge Addition, City of Grand Prairie, Dallas County, Texas, zoned Planned Development District-75.

APPLICANT: Miguel Cardenas

RECOMMENDED ACTION: Table to September 18, 2023



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 08/21/2023

REQUESTER: Monica Espinoza, Administrative Supervisor

PRESENTER: Christina Benante, AICP, LEED AP® ND, Planner

TITLE: ZBA-23-07-0050 (Council District 6) – Variance to reduce the minimum rear setback for an accessory structure permitted under the Unified Development Code, located at 2923 England Parkway, legally described as Lot 1, Block F, Bella Vista at Mira Lagos, City of Grand Prairie, Tarrant County, Texas, zoned Planned Development District-271-A

APPLICANT: Bernard Taylor

RECOMMENDED ACTION: Table to September 18, 2023



CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE: 08/21/2023

REQUESTER: Monica Espinoza

PRESENTER: Brittany Musser, Planner

TITLE: ZBA-23-07-0052 (Council District 2) – Variances to allow for alternative fencing material and to increase the maximum height for a fence permitted under the Unified Development Code, located at 209 Cedar Drive, legally described as Lot 12, Block, 1, Dow Place Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District

APPLICANT: Reju Rajan

RECOMMENDED ACTION: Staff cannot support this request due to the following finding of fact:

1. The variance is a self-created hardship.
2. The proposed materials do not meet UDC requirements for residential grade fencing materials.

If the Board chooses to grant this request, staff recommends the following condition:

1. The applicant shall move the fence outside of the visibility triangle.

SUMMARY:

Variances to allow for alternative fencing material and to increase the maximum height for a fence permitted under the Unified Development Code, located at 209 Cedar Drive, legally described as Lot 12, Block, 1, Dow Place Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District.

- A. Variance: Construction of a fence with wood posts and welded wire
Allowed: Chain link, wrought iron, rail, or picket fences
Requested: Wooden posts with welded wire
- B. Variance: Increase the maximum height of a fence
Allowed: 4 feet
Requested: 6 feet

PURPOSE OF REQUEST:

The applicant is requesting variances to the residential fencing standards required by the Unified Development Code. The applicant has constructed a fence 6 feet in height along the perimeter of the subject property consisting of wood posts and welded wire. The applicant has stated that the fence is necessary to protect animals on the property. The UDC states residential fences shall be composed of materials recognized as standard, residential grade fencing material and shall not exceed 4 feet in height when located along the front street property line.

PUBLIC NOTIFICATION:

Legal notice of this item was published in the Fort Worth Star Telegram August 11 and August 20.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on August 11.

15 notices were sent, 0 were returned in favor, 1 returned opposed and there is not a homeowner's association.

FINDINGS:

As authorized in Section 1.11.7.4 of the UDC, the ZBA may grant variances and exceptions provided the following findings are met:

- A. Such variance or exception will not substantially or permanently injure the appropriate use of adjacent property in the same district.

Staff Evaluation: *Staff believes that the variances may substantially or permanently injure the appropriate use of adjacent property in the same district. The fence along the eastern property line is located within the visibility triangle adjacent to the neighboring driveway. This represents a potential safety hazard for the users of that driveway.*

- B. Such variance or exception will not adversely affect the health, safety, or general welfare of the public.

Staff Evaluation: *Staff suggests that the variances will not adversely affect the health, safety, or general welfare of the public.*

- C. Such variance or exception will not be contrary to the public interest, and such 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.

Staff Evaluation: *Staff believes the exception will not authorize the operation of a use other than those already allowed in the Single Family-One Residential District.*

- D. Such variance or exception will be in harmony with the spirit and purpose of this ordinance.

Staff Evaluation: *Staff suggests that the variances may not be in harmony with the spirit and purpose of this ordinance. The UDC does not recognize wooden posts and welded wire as residential grade materials. Section 8.11.1 of the UDC grants ZBA authority to approve alternative*

fence materials. If ZBA grants the exception, staff recommends a condition that the fence be moved outside of the visibility triangle.

- E. Such variance or exception will not alter the essential character of the district in which is located the property for which the variance is sought.

***Staff Evaluation:** Staff believes that the variances may alter the essential character of the district. All other fences on this street have been constructed with residential grade materials.*

- F. Such variance or exception will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located.

***Staff Evaluation:** Staff believes the variances will not substantially weaken the general purpose of the underlying zoning district.*

- G. 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 the 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.

***Staff Evaluation:** Staff cannot find that the property owner has a hardship that is a unique circumstance of the property.*

- H. The variance or exception is a self-created hardship.

***Staff Evaluation:** Staff finds that the hardship is self-created.*

RECOMMENDATION:

Staff cannot support ZBA-23-07-0052 as requested due to the following finding of fact:

1. The variance is a self-created hardship.
2. The proposed materials do not meet UDC requirements for residential grade fencing materials.

If the Board chooses to grant the request, the applicant must abide by the following:

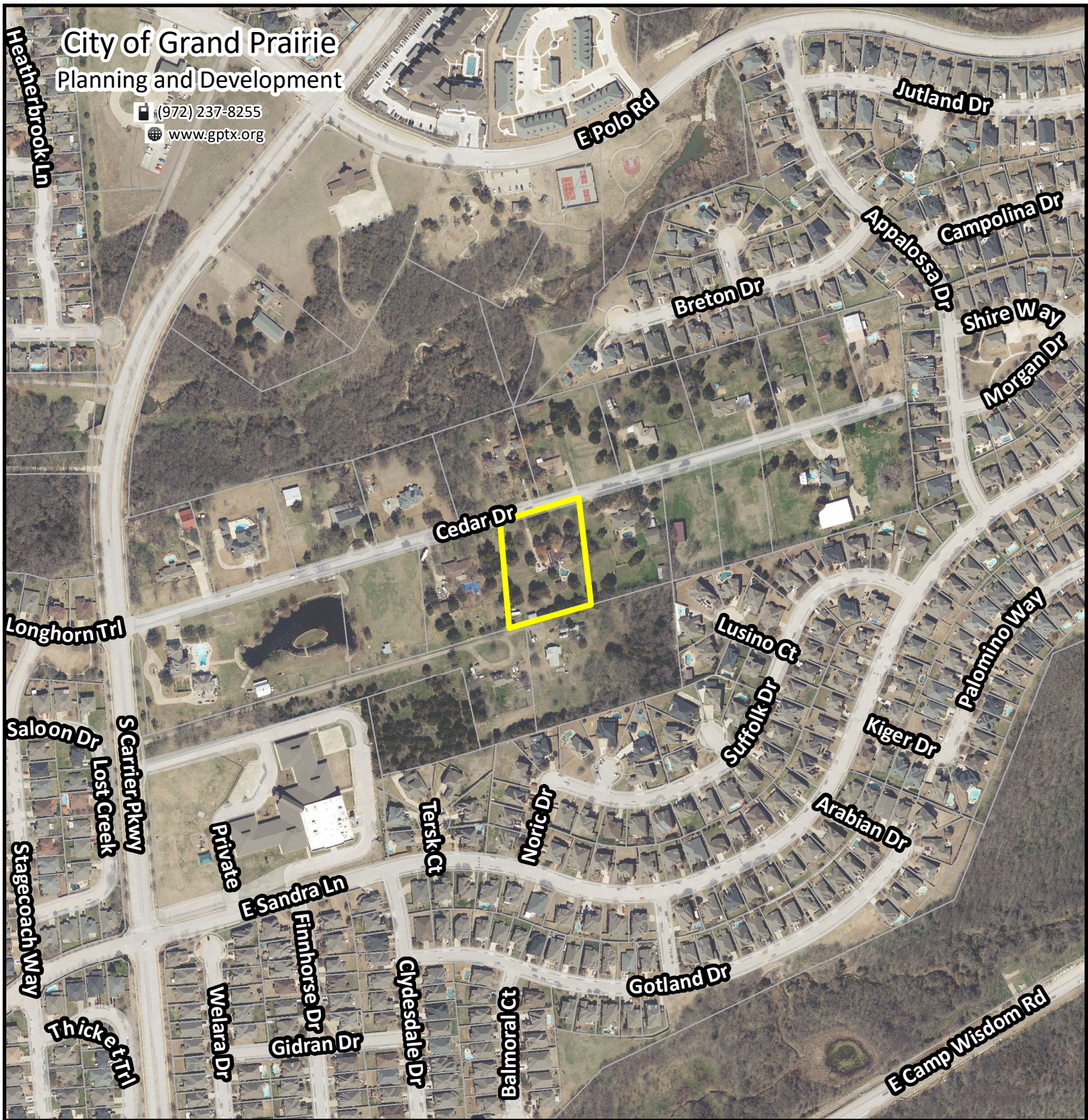
- 1. The applicant shall move the fence outside of the visibility triangle.**
- 2. Any construction or building allowed by this variance must conform to the requirements set forth by the Unified Development Code, the 2021 International Building Code, the Grand Prairie Municipal Code of Ordinances, the city adopted fire codes, and with other applicable regulatory requirements administered and/or enforced by the state and federal government. If a building permit has not been applied for or issued within a ninety (90) day period or as the Board may specifically grant, the variance shall be deemed waived; and all rights there under terminated.**




Exhibit A- Location Map

Page 1 of 1

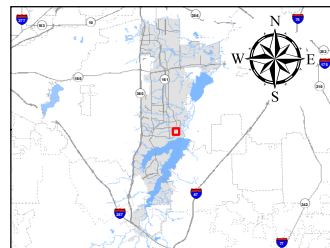
CASE LOCATION MAP
ZBA-23-07-0052
209 CEDAR DR FENC
HEIGHT & MATERIAL

Item 4.



-  Location
-  Parcels
-  City Limits

The City of Grand Prairie has prepared maps for departmental use. These are not official maps of the City of Grand Prairie and should not be used for legal, engineering, or surveying purposes but rather for reference. These maps are the property of the City of Grand Prairie and have been made available to the public based on the Public Information Act. The City of Grand Prairie makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. Utilization of this map indicates understanding and acceptance of this statement.

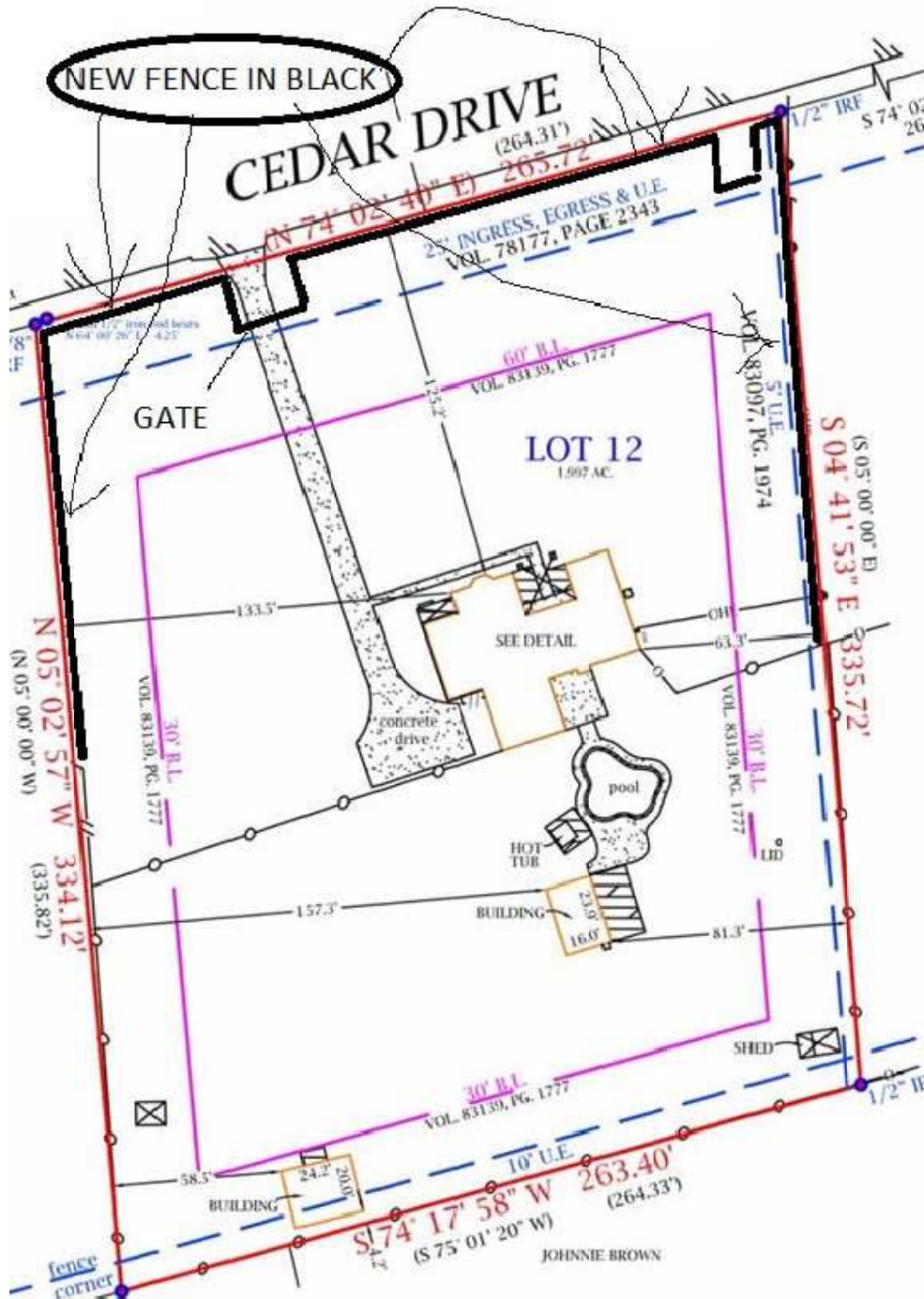


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Grand Prairie
TEXAS

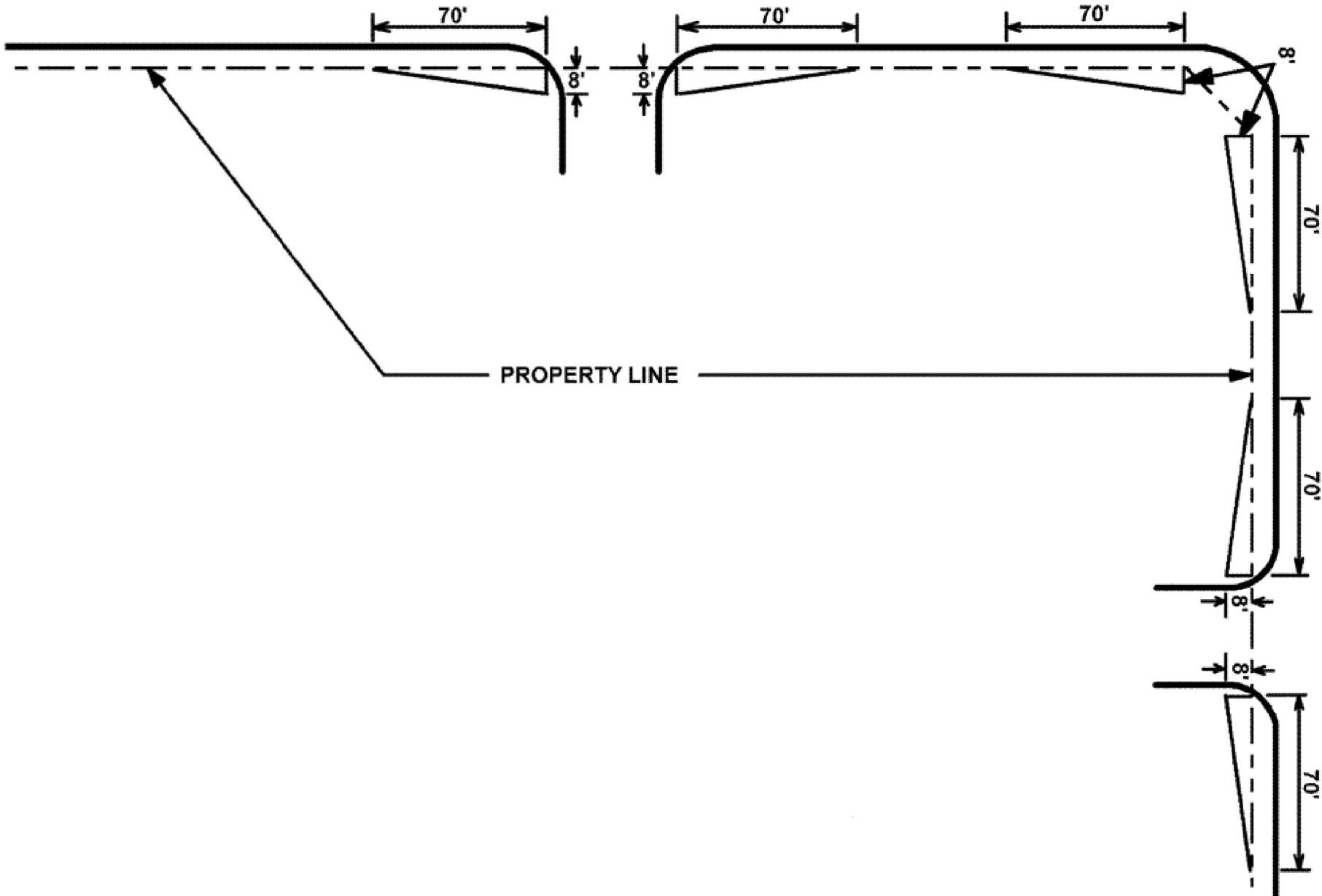
PLANNING
Date: 8/8/2023

31





PRINCIPAL ARTERIAL



MINOR ARTERIAL

Register Position

Submitted on	17 August 2023, 1:06PM
Receipt number	455
Related form version	6

First Name	Victor
Last Name	Zwierlein
Your Address Line 1	205 cedar dr
Your Address Line 2	
City	Grand prairie
State	Texas
Zip Code	75052
Case Number	ZBA-23-07-0052
I am registering my:	Opposition

Additional Comments	The fence as currently stands is perfect for a farm or rural community and is being used to contain livestock. It stands out like a sore thumb in our metropolitan suburb, and I am sure detracts from the value of neighboring properties.
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