

# 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.

#### **REGULAR MEETING - 6:00 PM**

Call to Order

Invocation

#### **APPROVAL OF MINUTES**

<u>1.</u> Approval of the May 16, 2022 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.

- ZBA-22-05-0018 (Council District 5) A request to authorize the occupancy of an abandoned nonconforming structure, located at 210 NW. 7th Street, legally described as portions of Lot 11 & 12, Block 201, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Central Area
- <u>3.</u> ZBA-22-05-0019 (Council District 1) Special Exception for a garage conversion, located at 914 Danish Drive, legally described as Lot 14, Block 5, International Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District
- 4. ZBA-22-06-0021 (Council District 1) A request to appeal the Building Official's revocation of the Certificate of Occupancy (C.O.) for Royal Lane Studios, located at 1135 Avenue J East, legally described as a portion of Site 1, Block 14, Industrial Community No. 1 Great Southwest Industrial District (GSID COMM #1) Addition, City of Grand Prairie, Tarrant County, Texas, zoned Light Industrial 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 selfgovernment 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 June 17, 2022.

Menica Epinga

Monica Espinoza, Planning Secretary



# CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE:	06/20/2022
<b>REQUESTER:</b>	Monica Espinoza
PRESENTER:	June Sin, Planner
TITLE:	Approval of the May 16, 2022 Meeting Minutes
<b>RECOMMENDED ACTION:</b> Approve	

# TEXAS

and

## **300 W. Main Street – Council Chambers**

## MEETING AGENDA

Zoning Board of Adjustments and Appeals

Date: May 16th, 2022

## **BRIEFING:**

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:**

- Barry Sandacz
  Michelle Madden
  Clayton Hutchins
  Timothy Ibidapo
  Anthony Langston Sr.
  Eric Smith
  Tommy Land
- Ralph Castro
   Debbie Hubacek
   Heather Mazac
   Robert Mendoza
   Melinda Rodgers
   David Baker
- ZBA-22-04-0014 (Council District 6) Special Exception for a garage conversion, located at 4329 Matthew Road, legally described as Tract 3, W.H. Beeman Survey, Abstract 126, Page 12, City of Grand Prairie, Dallas County, Texas, zoned Agriculture District

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

### 5:35 P.M.

5

 ZBA-22-04-0015 (Council District 4) – Special Exception for a garage conversion, located at 2642 Berkshire Ln, legally described as Lot 27, Block K, Oak Hollow Addition Phase 1A, City of Grand Prairie, Tarrant County, Texas, zoned "PD-50" Planned Development – 50 District

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

4. ZBA-22-04-0016 (Council District 2) – Variance to reduce the minimum internal side yard setback requirement permitted under the Unified Development Code, located at 3805 E Verde Woods Street, legally described as Lot 9, Block 3, Coronado Woods Addition Phase 1A, 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 lot.

5. ZBA-22-04-0017 (Council District 2) – Variance to reduce the minimum rear setback and internal side yard setback to increase the maximum lot coverage permitted under the Unified Development Code, located at 514 E Grand Prairie Road, legally described as Lot 4, Block C, Bairds Dallas Addition, City of Grand Prairie, Dallas County, Texas, zoned Two Family Residential District

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

#### CALL TO ORDER

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
- □ Ralph Castro
   ⊠ Debbie Hubacek
   ⊠ Heather Mazac
   □ Robert Mendoza

#### 6:02 P.M.

Anthony Langston Sr.Eric SmithTommy Land

Melinda RodgersDavid Baker

#### **INVOCATION:**

**<u>Clayton Hutchins</u>** led the invocation

#### **APPROVAL OF MINUTES:**

The motion to Approve the minutes made by <u>Michelle Madden</u> The motion was seconded by <u>Anthony Langston Sr</u> <u>Motion Carried 9-0</u>

#### **PUBLIC HEARING:**

2. **ZBA-22-04-0014 (Council District 6)** – Special Exception for a garage conversion, located at 4329 Matthew Road, legally described as Tract 3, W.H. Beeman Survey, Abstract 126, Page 12, City of Grand Prairie, Dallas County, Texas, zoned Agriculture District

June Sin presented the requested variance to the Board.

**Applicant / Spokesperson:** Ronald & Miriam Plowman **Address:** 4329 Matthew Grand Prairie, TX 75052

Any comments from Spokesman: Ronald Plowman, the applicant, gave a summary of his proposal.

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.
- $\boxtimes$  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.
- $\boxtimes$  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.
- $\boxtimes$  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.
- $\boxtimes$  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.
- $\boxtimes$  The variance or exception is not a self-created hardship.

Any additional findings: None

The motion to close and approve the public hearing **Michelle Madden** The motion was seconded by **<u>Timothy Ibidapo</u>** 

Motion was approved/denied: 9 yays to 0 Nays Members that objected:

3. ZBA-22-04-0015 (Council District 4) – Special Exception for a garage conversion, located at 2642 Berkshire Ln, legally described as Lot 27, Block K, Oak Hollow Addition Phase 1A, City of Grand Prairie, Tarrant County, Texas, zoned "PD-50" Planned Development – 50 District

June Sin presented the requested variance to the Board.

Applicant / Spokesperson: Robert Gaytan (Not present) Address: 2642 Berkshire Ln Grand Prairie, TX 75052

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:

Arnold Gallaher (2641 Danberry Lane)

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.
- $\boxtimes$  A variance, if granted, is not contrary to the public interest, and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and the granting of the variance would be in the spirit of the ordinances and substantial justice would be done.
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- The variance or exception will not be contrary to public interest.
- $\boxtimes$  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.
- $\boxtimes$  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.
- $\boxtimes$  The variance or exception is not a self-created hardship.

Any additional findings: None

The motion to close the public hearing and Approve with a condition that the applicant must following all Building permit requirements

#### Michelle Madden

The motion was seconded by Heather Mazac

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

Members that objected: Melinda Rodgers

4. ZBA-22-04-0016 (Council District 2) – Variance to reduce the minimum internal side yard setback requirement permitted under the Unified Development Code, located at 3805 E Verde Woods Street, legally described as Lot 9, Block 3, Coronado Woods Addition Phase 1A, City of Grand Prairie, Dallas County, Texas, zoned Single Family – Two Residential District

June Sin presented the requested variance to the Board.

Applicant / Spokesperson: David Russell Address: 3805 E Verde Woods St Grand Prairie, TX 75051

Applicant / Spokesperson: Josh Lewis (contractor) Address: 718 Egyptian Way Grand Prairie, TX 75050

#### Any comments from Spokesman:

The applicant is asking for minimum side yard setback to accommodate the construction of the new garage. The garage would make it easier to park and give more storage options

#### Any questions from Board:

Michelle Madden asked questions regarding the runoff and if this construction would affect any of the surrounding neighbors.

The applicant stated that there will be no changes in the runoff and will not affect any of the neighbors.

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.
- $\boxtimes$  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.

- $\boxtimes$  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.
- $\boxtimes$  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.
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- 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.
- $\boxtimes$  The variance or exception is not a self-created hardship.

Any additional findings: None

The motion to close the public hearing and Approve with a condition the Case <u>Michelle Madden</u> The motion was seconded by <u>Debbie Hubacek</u>

Motion was approved/denied: 8 yays to1 Nays

Members that objected: Clayton Hutchins

5. ZBA-22-04-0017 (Council District 2) – Variance to reduce the minimum rear setback and internal side yard setback to increase the maximum lot coverage permitted under the Unified Development Code, located at 514 E Grand Prairie Road, legally described as Lot 4, Block C, Bairds Dallas Addition, City of Grand Prairie, Dallas County, Texas, zoned Two Family Residential District

June Sin presented the requested variance to the Board.

Applicant / Spokesperson: Jorge Juarez Address: 514 E Grand Prairie Rd Grand Prairie, TX 75050

**Translator:** Samuel MorenoAddress:733 Wheat Hill Grand Prairie, TX 75050

#### Any comments from Spokesman:

The applicant through his translator stated that they will attach the structure to the house as recommended. There was an existing structure, but they did reface it and enlarge it as well. When the structure is attached to the house, a French drain will be constructed to manage the runoff. The applicant completely agrees with all the recommendations from the Board.

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.
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- $\boxtimes$  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.
- $\boxtimes$  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.
- $\boxtimes$  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.
- $\boxtimes$  The variance or exception is not a self-created hardship.

Any additional findings: None

The motion to close the public hearing and Approve with a condition that applicant attaches the structure to the house and adheres to all Building permit requirements

#### Item 1.

#### Michelle Madden

The motion was seconded by **Debbie Hubacek** 

Motion was approved/denied: 7 yays to 2 Nays

Members that objected **<u>Timothy Ibidapo</u>** and <u>**Clayton Hutchins**</u>

#### **NEW BUSINESS: N/A**

#### **CITIZENS COMMENTS:**

Debra Wallace stated she is merely attending the meeting not related to any cases.

#### ADJOURNMENT: The meeting was adjourned at 6:33 PM

Signed on this the \_\_\_\_\_ day of May 2022

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

bv	:

Printed Name:_	
Title:	



# CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE:	06/20/2022
<b>REQUESTER:</b>	Monica Espinoza
PRESENTER:	June Sin, Planner
TITLE:	ZBA-22-05-0018 (Council District 5) – A request to authorize the occupancy of an abandoned nonconforming structure, located at 210 NW. 7 <sup>th</sup> Street, legally described as portions of Lot 11 & 12, Block 201, Dalworth Park Addition, City of Grand Prairie, Dallas County, Texas, zoned Central Area
APPLICANT:	Tristian Pham

**RECOMMENDED ACTION:** No action can be taken

This application has been withdrawn by staff as it was determined that the applicant does not require this variance.



## CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE:	06/20/2022
<b>REQUESTER:</b>	Monica Espinoza
PRESENTER:	June Sin, Planner
TITLE:	ZBA-22-05-0019 (Council District 1) – Special Exception for a garage conversion, located at 914 Danish Drive, legally described as Lot 14, Block 5, International Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District
APPLICANT:	Cerda Roberto

**RECOMMENDED ACTION:** Staff does not object to the request

#### **SUMMARY:**

Special Exception for a garage conversion, located at 914 Danish Drive, legally described as Lot 14, Block 5, International Estates Addition, City of Grand Prairie, Dallas County, Texas, zoned Single Family-One Residential District.

 a. <u>Special Exception</u>: Conversion of garage into living space. Required: Two garage parking spaces Requested: No garage parking spaces

#### **PURPOSE OF REQUEST:**

The applicant requests a garage conversion to add extra living space to the current single-family dwelling. This requires a Special Exception to the minimum garage parking spaces required per Section 10.7.2.A of the Unified Development Code (UDC). The UDC requires that applicants maintain a minimum of two off-street parking spaces if the garage is enclosed. The applicant meets this requirement. Staff reviewed the surrounding area and were unable to discover any existing permitted garage conversions within 300 feet.

#### **PUBLIC NOTIFICATION:**

Legal notice of this item was published in the Fort Worth Star Telegram on June 10 and June 19.

Notices to property owners were placed in the City of Grand Prairie out-going-mail on June 10.

40 notices were sent, 0 were returned in favor, 0 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 approving such an exception will not substantially or permanently injure the appropriate use of adjacent property in the same district.* 

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

*Staff Evaluation: Staff suggests that the exception will not adversely affect the health, safety, or general welfare of the public. The property owner currently has a paved driveway that can park a minimum of two vehicles.* 

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 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 exception will not harm the spirit and purpose of this ordinance. The granting of this exception will allow the homeowner to expand the amount of useable living space.

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 such an exception will not alter the essential character of the district.* 

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 that such an exception for a garage conversion 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 may have 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 does not object to ZBA-22-05-0019 as requested.

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

1. 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 thereunder terminated.





CASE LOCATION MAP ZBA-22-05-0019

914 DANISH DRIVE



City of Grand Prairie Development Services

> **i** (972) 237-8255 ⊕www.gptx.org

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# CITY OF GRAND PRAIRIE COMMUNICATION

MEETING DATE:	06/20/2022
<b>REQUESTER:</b>	Monica Espinoza
PRESENTER:	June Sin, Planner
TITLE:	ZBA-22-06-0021 (Council District 1) – A request to appeal the Building Official's revocation of the Certificate of Occupancy (C.O.) for Royal Lane Studios, located at 1135 Avenue J East, legally described as a portion of Site 1, Block 14, Industrial Community No. 1 Great Southwest Industrial District (GSID COMM #1) Addition, City of Grand Prairie, Tarrant County, Texas, zoned Light Industrial District
APPLICANT:	Melvin Pulley

**RECOMMENDED ACTION:** Table

The applicant requested this item to be tabled to July 18<sup>th</sup> ZBA meeting.

6-16-22

CITY OF GRAND PRAIRIE ZONING APPEAL

I AM REQUESTING TO BE HEARD AT THE NEXT ZONING BOARD OF ADJUSTMENT MEETING THAT I UNDERSTAND TO BE ON JULY 18, 2022,

I APPRECIATE YOUR ASSISTANCE AND HELP IN GETTING THIS MOVED UNTIL THE NEXT ZONING BOARD OF ADJUSTMENT MEETING. I APOLOGIZE FOR ANY INCONVENIENCE.

PLEASE ACKNOWLEDGE APPROVAL FOR THIS CHANGE OF DATE FOR THE ZONING BOARD OF ADJUSTMENT. THE OFFICIAL DATE WILL BE JULY 18, 2022.

THANK YOU FOR YOUR HELP,

me 4

MELVIN PULLEY Royal Lane Studios