



GARLAND

NOTICE OF MEETING CITY OF GARLAND, TEXAS

BOARD OF ADJUSTMENT
Work Session Room of City Hall
William E. Dollar Municipal Building
200 N. Fifth Street
Garland, Texas
SEPTEMBER 18, 2024
[Time]

A meeting of the Board of Adjustment of the City of Garland, Texas will be held at the aforementioned location, date, and time to discuss and consider the following agenda items.

A pre-meeting will begin at [TIME] at City Hall, 200 North Fifth Street, in the [ROOM LOCATION], Garland, Texas. The agenda for the pre-meeting is the same as for the regular meeting and may include additional items as set forth below.

INVOCATION AND PLEDGE OF ALLEGIANCE: It is the custom and tradition of the members of the Board of Adjustment to have an invocation and recital of the Pledge of Allegiance prior to the beginning of the meeting. Members of the audience are invited to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and has no bearing on matters to be considered by the Board of Adjustment and will not affect the decisions to be made during the meeting.

NOTICE: The committee may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concern attorney/client matters and matters of privileged or unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. adjourn into executive session. Section 551.071, Texas Gov't Code.

AGENDA

1. MINUTES

- a. Consider the approval of the minutes of the July 17, 2024 meeting.

2. ITEM(S) FOR INDIVIDUAL CONSIDERATION

- a. **24-MA-00008 -- 505 Joyce Dr. -- Erasmo Martinez**, the owner of Lot 33 Block H, in the Chandler Heights Addition, more commonly known as 505 Joyce Dr, is requesting permission to retain an accessory building that was constructed 3 ft. from the side property line. Section 2.72(B)(2) of the GDC establishes 7.5 ft. as the required side yard setback. A variance to allow the accessory building to encroach 4.5 ft. into the required side yard setback would be necessary to allow the building to remain on the property.
- b. In accordance with Article VIII., Section 1, of the amended version of the Rules of Procedures: The Board shall elect a Chairperson, First Vice Chairperson, and Second Vice Chairperson annually at the first regular meeting after September, and after annual appointments have been made by the City Council.
- c. During the pre-meeting only the IT Department shall provide guidelines on using a Teams channel to facilitate the transfer of information from staff to board members.

3. ADJOURN

NOTE: A quorum of the City Council may be in attendance and may or may not participate in the discussions of the Committee or board.

Board of Adjustment
Meeting Date: 09/18/2024

1. 1. a.

Subject

Consider the approval of the minutes of the July 17, 2024 meeting.

Attachments

July 17, 2024 Draft Minutes

DRAFT



GARLAND

MINUTES

The Board of Adjustment of the City of Garland convened in regular session at 4:30 p.m. on DAY, July 17, 2024, in the Council Chambers, 200 North Fifth Street, Garland, Texas, with the following members:

Present: John Kaiwi, Board Member
John McDonald, Chairman
James VanDyke, Board Member
Herman Puckett, Board Member
Bruce Bishop, Vice Chair
Margaret Bice, Board Member
Bruce Astin, 2nd Vice Chair
Wesley Johnson, Board Member

Absent: Susan Nye, Board Member

Staff Present: Steve Hines, City Attorney
Donna Fields, Assistant Building Official
Samantha Morrow, Recording Secretary

AGENDA

1. MINUTES

- a.** Consider approval of the April 17, 2024 minutes.

Motion was made by Board Member John Kaiwi, and seconded by Vice Chair Bruce Bishop

Vote: 8 - 0

2. ITEM(S) FOR INDIVIDUAL CONSIDERATION

- a.** Eusebio Munoz, the owner of Lot 4 Block 7, in the Monica Park 3, more commonly known as 318 E Celeste Dr, is requesting permission to construct a metal carport that encroaches 9 ft into the required front yard setback and 3ft into the required side yard setback. Section 2.34 table 2-3 establishes 20 ft as the required front yard setback and 6 ft as the required side yard setback. Section 2.59(A)(1) prohibits a carport of metal construction to be located in front of a single-family residence. A variance to allow the carport of metal construction and a variance to encroach 9 ft. into the required front yard setback and 3 ft. into the required side yard setback would be necessary to allow the carport to be constructed on the property.

Eusebio Munoz, located at 318 E Celeste Dr, was present to speak on his own behalf. Cesar Perez of 4800 Keller Springs Rd was present to act as interpreter for Mr. Munoz. Mr. Perez offered testimony on behalf of Mr. Munoz that they were withdrawing their request for a metal carport but would still like to request the 9 foot

projection into the front yard setback.

Motion was made by Board Member John Kaiwi, and seconded by 2nd Vice Chair Bruce Astin to approve the request of projecting 9 feet into the required front yard setback.

Vote: 8 - 0

- b. Dale Adams, the owner of Lot 5 and Pt of Lot 6, Block B in the Travis College Hill, more commonly known as 301 S. Eleventh St, **(1)** is requesting permission to exceed the maximum allowed square feet of accessory buildings on the property. Section 2.58 (G) of the Garland Development Code establishes 600 square feet as the maximum total of accessory buildings allowed on the lot. A variance to allow the accessory building square footage to exceed 600 square feet would be necessary for the buildings to be constructed on the property. **(2)** Mr. Adams is requesting permission to construct a 750 square foot Accessory Dwelling Unit (Guesthouse). Section 6.03 of the Garland Development Code establishes 507 square feet as the maximum allowed size. A variance to allow the square footage to exceed 507 square feet would be necessary for the ADU to be constructed on the property.

Dale Adams, owner of 301 S Eleventh St, was present to speak on his own behalf.

Motion was made by Board Member John Kaiwi, and seconded by 2nd Vice Chair Bruce Astin to approve the requests as submitted.

Vote: 8 - 0

3. ADJOURN

Meeting was adjourned by the Chairman at 7:24 pm.

Submitted By:

John McDonald, Chairman

Samantha Morrow, Secretary

Board of Adjustment
Meeting Date: 09/18/2024

1. 2. a.

Subject

24-MA-00008 -- 505 Joyce Dr. -- Erasmo Martinez, the owner of Lot 33 Block H, in the Chandler Heights Addition, more commonly known as 505 Joyce Dr, is requesting permission to retain an accessory building that was constructed 3 ft. from the side property line. Section 2.72(B)(2) of the GDC establishes 7.5 ft. as the required side yard setback. A variance to allow the accessory building to encroach 4.5 ft. into the required side yard setback would be necessary to allow the building to remain on the property.

Attachments

Staff Report 505 Joyce Dr
Site Plan 505 Joyce Dr



GARLAND

BUILDING INSPECTION

Board of Adjustment

File 24- MA-00008 District 2

Meeting: Board of Adjustment

Date: September 18, 2024

505 Joyce Dr.

REQUEST

Erasmus Martinez, the owner of Lot 33 Block H, in the Chandler Heights Addition, more commonly known as 505 Joyce Dr, is requesting permission to retain an accessory building that was built 3 ft. from the side property line. Section 2.72(B)(2) of the GDC establishes 7.5 ft. as the required side yard setback. A variance to allow the accessory building to encroach 4.5 ft. into the required side yard setback would be necessary to allow the building to remain on the property.

BACKGROUND

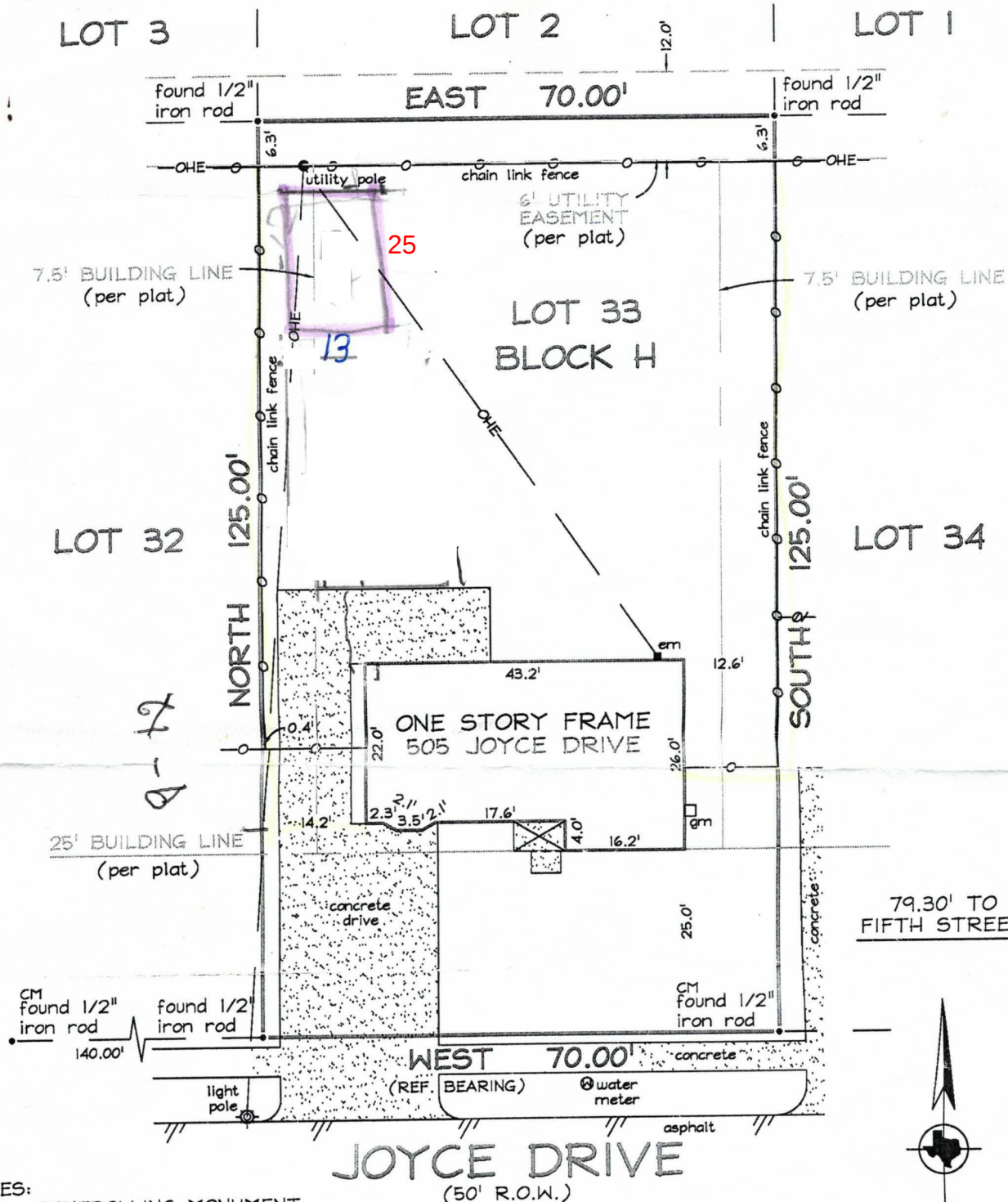
In 2018 the applicant obtained a permit to build a 104 square foot accessory building 7.5 ft from the side property line. In May 2024 we received complaints of illegal construction being done. Upon inspection of the property, it was discovered the applicant built a 325 square foot accessory building 3 ft. from the side property line.

BOARD OF ADJUSTMENT GUIDELINES

Section 2.22(E)(6) of the GDC sets forth the authority of the Board of Adjustment to grant variances where literal enforcement of the provisions of the ordinance would result in an unnecessary hardship and a specific parcel of land that differs from other parcels in the same district due to unique characteristics of its area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. The ordinance further provides that a variance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district. No granting of the variance will create an unnecessary hardship on another parcel of property.

MOTIONS:

1. **MOTION TO GRANT VARIANCE:** Motion that the Board of Adjustment **grant** a variance to Section 2.72 (B)(2) to allow the accessory building to encroach 4.5 ft into the required side yard setback because the facts and evidence presented at the public hearing indicated that *(cite property hardships such as lot shape, lot topography or other unique characteristics)* are evidence that a property hardship exists; that literal enforcement of the Ordinance will result in an unnecessary hardship for the applicant; and that the granting of the variance will not create an unnecessary hardship on any other parcel of property.
2. **MOTION TO DENY VARIANCE:** Motion that the Board of Adjustment **deny** the requested variance(s) to the GDC because based on the facts and evidence presented at the public hearing there is no evidence that a property hardship exists that warrant the requested variance; and that literal enforcement of the Ordinance will not result in an unnecessary hardship for the applicant.
3. Any other action desired by the Board of Adjustment.



NOTES:

CM = CONTROLLING MONUMENT.

THIS SURVEY IS NOT AFFECTED BY THE FOLLOWING:

(10b)-EASEMENT, VOL. 2104, PG. 20, R.P.R.D.C.T.

(10c)-EASEMENT, VOL. 70128, PG. 956, R.P.R.D.C.T.

BEARINGS ARE BASED ON THE RECORDED PLAT REFERENCED BELOW.

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN BLACK INK.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 505 JOYCE DRIVE, and Being Lot 33, Block H, of Chandler Heights, an Addition to the City of Garland, Dallas County, Texas, according to the Map thereof recorded in Volume 12, Page 313, of the Map Records of Dallas County, Texas.

There are no visible conflicts or protrusions, except as shown.

The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48113C0220 K, dated FEBRUARY 5, 2003. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage.

Board of Adjustment

1. 2. b.

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In accordance with Article VIII., Section 1, of the amended version of the Rules of Procedures: The Board shall elect a Chairperson, First Vice Chairperson, and Second Vice Chairperson annually at the first regular meeting after September, and after annual appointments have been made by the City Council.

Board of Adjustment

1. 2. c.

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