



**BOARD OF ADJUSTMENT PRE-MEETING
CITY COUNCIL BRIEFING ROOM
757 North Galloway Avenue
Mesquite, Texas
January 23, 2020 – 6:15 P.M.
Discussion of Items on the Regular Agenda**

**BOARD OF ADJUSTMENT REGULAR MEETING
CITY COUNCIL CHAMBERS
757 North Galloway Avenue
Mesquite, Texas
January 23, 2020 – 6:30 P.M.**

AGENDA

Pursuant to Section 551.071 of the *Texas Government Code*, the Board of Adjustment may meet in a closed executive session to consult with the City Attorney regarding matters authorized by Section 551.071, including matters posted on this agenda.

I. BOARD BUSINESS

A. ROLL CALL

B. PUBLIC COMMENTS

At this time, individuals in attendance wishing to speak on any matter on the agenda, not scheduled for a *public hearing*, shall be allowed to speak for a length of time not to exceed three (3) minutes. Citizens addressing the Board through a translator will be allowed six (6) minutes.

Anyone wishing to speak on an item scheduled for a *public hearing* is requested to hold their comments until the *public hearing* on that item.

C. APPROVAL OF MINUTES

Consider approval of the minutes of the October 24, 2019 meeting.

D. 2020 BOARD OF ADJUSTMENT CALENDAR

Consider approval of the 2020 Board of Adjustment meeting schedule

E. BOA ANNUAL TRAINING

January: Legal Topics

February: Planning Topics

March: Planning Topics

II. PUBLIC HEARINGS- UNCONTESTED CASES

All cases on the Uncontested section of the Agenda may be approved with one motion without the need for testimony from the applicants; however, should any member of the Board or any individual in attendance wish to speak on any individual case, said case may be removed, by request, from the "Uncontested Cases" section and placed on the "Contested Cases" section of the Agenda.

At this time, if a Board member or any individual in attendance wishes to have a case taken up independently (and instead placed on the “Contested Cases” section of the Agenda), please notify the Chair. If a case is placed on the “Contested Cases” section of the Agenda, individuals will have an opportunity to speak on that case during the individual *public hearing* for the case.

A. BOA1019-0169 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Mike Nettles for a Special Exception to allow an oversized accessory structure including approximately 600 square feet, located at 3148 Wichita Dr. (BOA1019-0169, John Chapman, Planner).

B. BOA1019-0170 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Messay Belete for a Special Exception (1) to allow an approximately 300 square foot front carport and (2) to allow the front carport to be constructed with a flat roof, located at 913 Rutherford Dr. (BOA1019-0170, Lesley Frohberg, Planner).

C. BOA1019-0171 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Stewart Korte (NAI Robert Lynn) for a Special Exception to allow for joint use parking for an event center; considered a complimentary use, located at 1344 N. Town East Blvd. (BOA1019-0171, Lesley Frohberg, Planner).

III. PUBLIC HEARINGS- CONTESTED CASES

A. BOA1019-0168 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Jose Pleitez for a Special Exception to allow an oversized accessory structure including approximately 2,288 square feet and 20 feet in height, located at 1715 Mesquite Valley Rd. (BOA1019-0168, John Chapman, Planner).

B. BOA1119-0172 – SPECIAL EXCEPTIONS AND VARIANCE

Conduct a public hearing to consider an application submitted by Jose Lopez for Special Exceptions (1) to allow an approximately 400 square foot front carport; (2) to allow the front carport to be constructed with a flat roof; and (3) a Variance to allow the front carport to encroach 4 feet into the required 5-foot side yard setback, located at 917 Ashland Dr. (BOA1119-0172, Ben Callahan, Planner).

C. BOA1219-0175 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by David Sale for a Special Exceptions to allow an oversized accessory structure including approximately 600 square feet, located at 3618 Red Wolf Dr. (BOA1219-0175, Ben Callahan, Planner)

IV. TRAINING FOR BOARD MEMBERS AND ALTERNATES

Conduct a mandatory annual training for regular board members and alternates of the Board of Adjustment in accordance with Mesquite Zoning Ordinance, Sec. 5-402.N

Topics for today’s training session may include:

General regulations for the board, Mandatory training requirements, Judicial review of BOA decisions, State conflict of interest, Mesquite Code of Ethics and prohibited conduct, Charter

contract prohibition, Due process and ex parte contract, Texas Open Meetings Act, Records requests made pursuant to Texas Public Information Act, and Parliamentary procedure.

At the conclusion of business, the Chairman shall adjourn the meeting.

**** City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours in advance of the meeting. ****
To make arrangements, call the City Secretary's office at (972) 216-6244 or 1-800-735-2989.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia según el Sub-capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia según el Sub-capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.

Pursuant to Section 551.007 (c) of the Texas Government Code, any member of the public wishing to address the Board through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.

Conforme a la Sección 551.007 (c) del Código de Gobierno Local de Texas, cualquier miembro del público que desea dirigirse a la Junta a través del uso de un traductor se le otorga al menos el doble de tiempo como miembro del público que no requiere la asistencia de un traductor.

CERTIFICATE OF POSTING

I, Johnna Matthews, Principal Planner of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached agenda for the Board of Adjustment meeting to be held **January 23, 2020**, was posted in compliance with Chapter 551 of the Texas Government Code ("Texas Open Meetings Act") on the bulletin boards at the Municipal Center and City Hall by **January 20, 2020, before 6:00 p.m.** (a minimum of 72-hours prior to the meeting) and remained so posted until after the meeting. This notice was likewise posted on the City's website at www.cityofmesquite.com for a minimum of 72-hours prior to the meeting.

Johnna Matthews *JM*
Principal Planner
Planning & Zoning
City of Mesquite, Texas

**MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT MEETING,
HELD ON OCTOBER 24, 2019 AT 6:30 P.M., AT CITY HALL, 757 NORTH
GALLOWAY AVENUE, MESQUITE, TEXAS**

Present: Chairman Tom Palmer, Vice-Chair Fernando Rojas, George Rice, Wana Alwalee, Aeneas Ford, Alternate Jack Akin

Absent:

Staff: Principal Planner Johnna Matthews, Planner John Chapman, Planner Ben Callahan, Planner Lesley Frohberg, City Attorney David Paschall, Assistant City Attorney Karen Strand, Senior Administrative Secretary Devanee Winn

Chairman Tom Palmer called the meeting to order and declared a quorum present.

I. BOARD BUSINESS

A. ROLL CALL

Roll Call was taken and a quorum was present.

B. PUBLIC COMMENTS

At this time, individuals in attendance wishing to speak on any matter on the agenda, not scheduled for a *public hearing*, shall be allowed to speak for a length of time not to exceed three (3) minutes. Citizens addressing the Board through a translator will be allowed six (6) minutes.

Anyone wishing to speak on an item scheduled for a *public hearing* is requested to hold their comments until the *public hearing* on that item.

C. APPROVAL OF MINUTES

Consider approval of the minutes of the August 22, 2019 meeting.

A motion was made by Mr. Rojas to approve. Ms. Alwalee seconded. The motion passed 5-0.

D. EXECUTIVE SESSION

Consultation with City Attorney

Pursuant to Section 551.071 of the Texas Government Code, the Board of Adjustment will meet in closed session to conduct a private consultation with its attorney related to pending or contemplated litigation, a settlement offer, and/or a matter in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas that conflicts with Texas Government Code, Chapter 551. The following subject(s) may be discussed:

- House Bill 2439 and regulation of building materials and aesthetic methods in construction, renovation, maintenance or other alteration of residential or commercial buildings.

- Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18; Trial Court Cause No. DC-18-16933, on appeal to the Court of Appeals for the Fifth District at Dallas, Case No. 05-19-00667-CV.

II. PUBLIC HEARINGS – UNCONTESTED CASES

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A. BOA0819-0156 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Jacobo Portillo for a Special Exception to allow an approximately 240 square foot front carport, located at 2964 Elder Dr. (BOA0819-0156, Johnna Matthews, Principal Planner).

B. BOA0819-0157 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Lucila Soto for a Special Exception to allow an approximately 240 square foot front carport, located at 717 Red Mill Ln. (BOA0819-0157, John Chapman, Planner).

C. BOA0819-0158 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Michael Stout for a Special Exception to allow an approximately 400 square foot front carport, located at 3624 Bahamas Dr. (BOA0819-0158, John Chapman, Planner).

D. BOA0919-0165 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Enrique Martinez for a Special Exception to allow an approximately 400 square foot front carport, located at 430 Cresthill Dr. (BOA0919-0165, Lesley Frohberg, Planner).

E. BOA0919-0167 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Angelica Guevara for a Special Exception to allow an approximately 400 square foot front carport, located at 2729 Greenhill Dr. (BOA0919-0167, Ben Callahan, Planner).

Principle Planner Johnna Matthews briefed the Board. Chairman Palmer opened the public hearing. No one came up to speak. The Chair closed the public hearing. A motion was made by Mr. Rojas to approve items A-E. Mr. Ford seconded. The motion passed 5-0.

III. PUBLIC HEARINGS- CONTESTED CASES

A. BOA0719-0151 – SPECIAL EXCEPTION AND VARIANCE

Conduct a public hearing to consider an application submitted by Anton Smith, Southern Shade Structures, for (1) a Special Exception to allow an oversized accessory structure including approximately 1,050 square feet and 16 feet in height; and (2) a Variance to allow the proposed oversized accessory structure to encroach 12 – feet into the 12 – foot exterior side yard setback on Poteet Dr., located at 3205 N. Galloway Ave. (BOA0719-0151, Johnna Matthews, Principal Planner).

Principle Johnna Matthews briefed the Board. Representing the applicant, Dave Miller, came up to speak. Mr. Miller explained to the board the purpose of the cover was to protect the employees from the harsh weather elements. The employees have to detail the cars outdoors and there is no proper protection from the sun or any other weather conditions. The board members had a discussion with Mr. Miller regarding the setbacks and materials that would be used. The Chair opened the public hearing. No one came up to speak. The Chair closed the public hearing. Mr. Rice made a motion to approve the variance. Mr. Rojas seconded. The motion passed 4-1 with Mr. Ford dissenting.

B. BOA0819-0153 – VARIANCE

Conduct a public hearing to consider an application submitted Armando Hernandez for a Variance to allow a 10 – foot reduction of the 25 – foot rear yard setback for a proposed single family home, located at 429 Cresthill Dr. (BOA0819-0153, Lesley Frohberg, Planner).

Planner Lesley Frohberg briefed the board. The applicant was not present for questions. The Chair opened the public hearing. Mr. Boyd Greger wanted to protest the variance. Mr. Greger thinks that the site is in the flood zone. Staff explained that the flood zone is not an issue for this variance. Mr. Greger would need to get with engineering regarding the flood zone. Mr. Greger is very concerned if a house is built on the piece of property it is going to cause flood issues with his home. No one else came up to speak. The Chair closed the public hearing. A motion was made by Ms. Alwalee to approve. Mr. Rice Seconded. The motion passed 5-0.

C. BOA0819-0155 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Evan Ford for a Special Exception to allow an oversized accessory structure including approximately 720 square feet, located at 1101 Majors Dr. (BOA0819-0155, Ben Callahan, Planner).

Planner Ben Callahan briefed the Board. The Chair opened for the Applicant. Mr. Evan Ford explained that the reason for the oversize structure was to protect their RV from the weather. The Chair opened the public hearing. No one came up to speak. The Chair closed the public hearing. A motion was made by Ms. Alwalee to approve. Mr. Ford seconded. The motion passed 5-0.

D. BOA0919-0163 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Olga Rodriguez for a Special Exception to allow an approximately 400 square foot front carport, located at 2706 Larchmont Dr. (BOA0919-0163, John Chapman, Planner).

Planner John Chapman briefed the Board. Applicant Olga Rodriguez came up to answer any questions. There were no questions for the applicant. The Chair opened for the public hearing. No one came up to speak. The Chair closed the public hearing. A motion was made by Mr. Ford to approve. Ms. Alwalee seconded. The motion passed 5-0.

E. BOA0919-0166 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by William Harris, Wilco Plumbing, for a Special Exception to allow an approximately 400 square foot front carport, located at 2909 Caribbean Dr. (BOA0919-0166, Lesley Frohberg, Planner).

Planner Lesley Frohberg briefed the Board. No Applicant was available for questions. The Chair opened the public hearing. No one came up to speak. The Chair closed the public hearing. A motion was made by Ms. Alwalee to approve. Mr. Rojas seconded. The motion passed 5-0.

There being no further business for the Board, the meeting adjourned at 7:50 pm.

Thomas Palmer, Chairman

The Board considered all testimony including the Staff report, applicant's presentation, public hearing, and discussions in the decision for each case.



City of Mesquite
BOARD OF ADJUSTMENT
December 5, 2019
Staff Report

Case Number: BOA1019-0169

Applicant/Property Owner: Mike Nettles

Address: 3148 Wichita Drive

Request: Special Exception to allow an oversized accessory structure including approximately 600 square feet.

Background: A building permit was applied for in June of 2019 for a fence and rear carport. The Building Inspection Division approved a permit on August 1, 2019 for a 525 square foot rear carport, which meets the requirements of the Mesquite Zoning Ordinance. Upon inspection of the rear carport, it was discovered that the structure was built to include approximately 600 square feet, which does not meet the requirements for a rear carport due to its size. A Board of Adjustment application for a Special Exception to consider an oversized accessory structure including approximately 600 square feet was submitted to the Planning Division on October 9, 2019. The structure is currently constructed as shown in the site photo attachments. The structures meet all setback requirements for a rear carport located on a residentially zoned property and are constructed of metal with a flat roof, and attached to the residence.

Zoning: Planned Development Single Family; PD-SF (Ord. No. 1463)

Lot Size: 9,956.79 square feet/0.23 acres

Surrounding Land Uses: The property is abuts single-family residential to the north, east, and west, and industrial to the south separated by a boulevard. All abutting single-family properties are similar in size.

Applicable Ordinances: **REQUIREMENTS – ALL STRUCTURES**

Mesquite Zoning Ordinance Section 2-603: Rear Carports

In the R districts, a rear carport with a maximum size of 22 feet by 24 feet shall be permitted with a three-foot setback from the rear property line, provided that no garage doors or gates obstructing access into the carport shall be permitted. No separation from other structures shall be required, provided that, when attached, the carport shall comply with the requirements of the structure to which it is attached, except that the carport shall be excluded from the masonry requirement when attached to the principal structure.

Staff Comment:

The accessory structure in question exceeds the maximum size allowed for a rear carport by 72 square feet. There is no garage door or gate obstructing access into

the rear carport. The rear carport is attached to the residence and is constructed of metal with a flat roof.

Mesquite Zoning Ordinance Section 2-602.A: Maximum Size And Lot Coverage

The maximum permitted size for an accessory structure in the R and D districts shall be 500 square feet; provided however, that in no case, shall the total of all accessory structures occupy more than 35% of the yard area in which the structures are located. The maximum permitted size for an accessory structure in the AG district shall be 1000 square feet.

Staff Comment:

The accessory structure in question exceeds the maximum size allowed for a rear carport by 72 square feet. The rear yard is approximately 5,000 square feet and the total space occupied by all accessory structures is 680 square feet, which is ~14% of the rear yard.

Rear Carport: 20' x 30' – 600 square feet
Accessory Structure: 8' x 10' – 80 square feet

ACCESSORY STRUCTURES – SPECIAL EXCEPTIONS

Mesquite Zoning Ordinance Section 2-604.A – Oversized Accessory Structure

To allow an oversize accessory structure, which shall be any detached structure, which exceeds the height, size, or coverage limits set out in 2-602. An existing accessory building shall not become an oversize structure due to the attachment of a minor building with separate entrances. Buildings exceeding 10% of the lot area are generally considered incompatible.

Staff Comment:

The oversized accessory structure does not meet the size limits set out in Section 2-602 of the Mesquite Zoning Ordinance. The structure is currently approximately 600 square feet and makes up ~6% of the lot area.

CRITERIA FOR REVIEW

Mesquite Zoning Ordinance Section 5-203 “Criteria for Special Exceptions”

Section 5-203.A of the Mesquite Zoning Ordinance states Special Exceptions may be granted as set out in this ordinance, when the Board determines that the exception will allow greater use and enjoyment of property without creating adverse impacts on adjacent properties and that it will be compatible with the surrounding neighborhood. The Board shall also consider any criteria set out in this ordinance for a specific Special Exception.

Staff Comment:

It is Staff's professional opinion that approval of this Special Exception will not create any adverse impacts on adjacent properties. Other oversized accessory structures and rear carports have been approved within the vicinity of the subject property.

Staff

Recommendation: Staff recommends approval of the Special Exception to allow an oversized accessory structure for a rear carport including approximately 600 square feet subject to meeting all other required Mesquite Zoning Ordinance and other applicable regulations.

Permits: 2019 – Rear Carport (BOA)
2016 – Storage Building
1983 – Single Family Residence

Public Notice: Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, three notices have been returned in favor of the request, with two being from the same property due to rescheduling.

Attachments: 1 – Aerial Map
2 – Public Notification Map
3 – Site Photos
4 – Application Materials
5 – Returned Notices

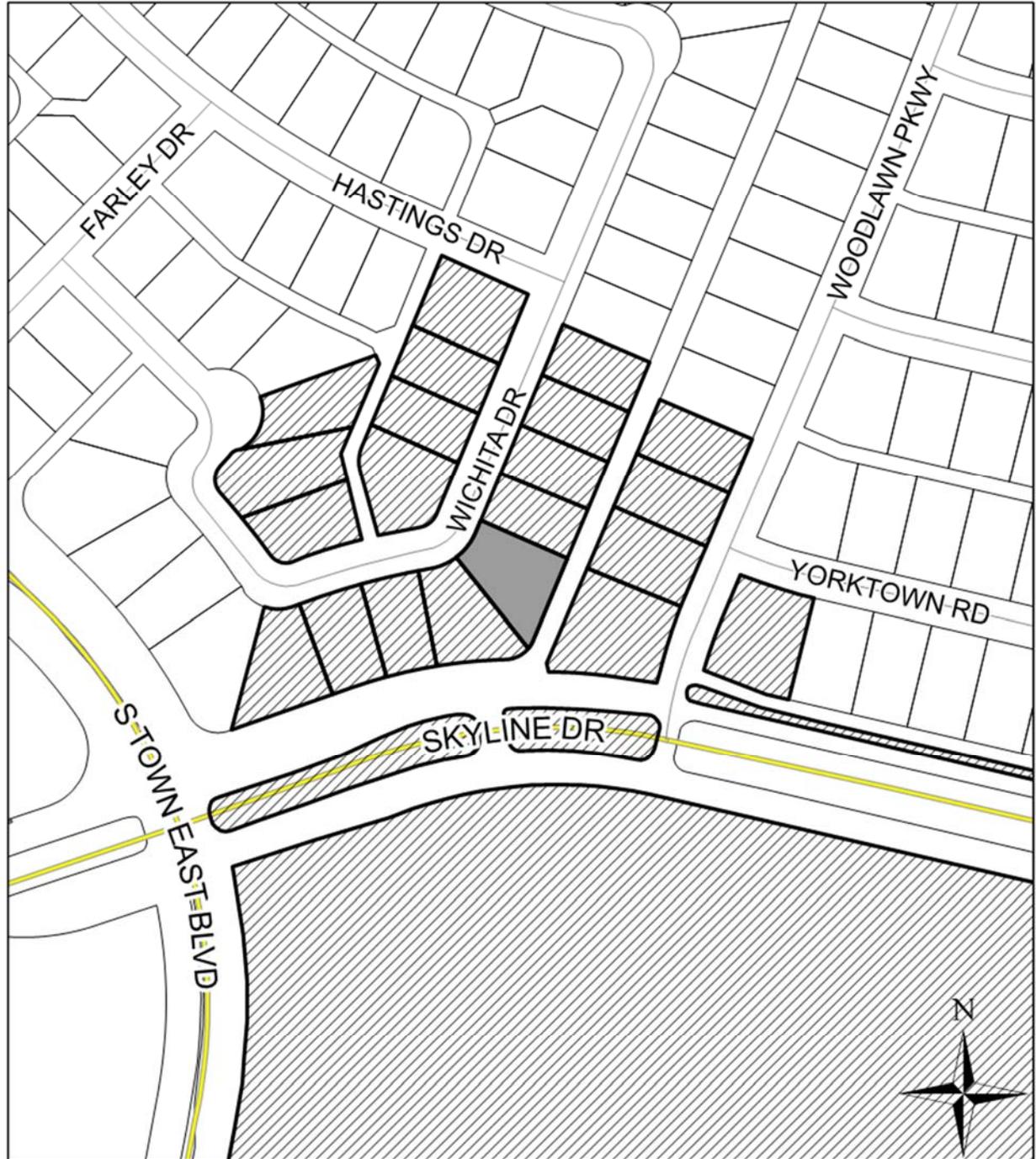
Aerial Map



Legend

-  Subject Property
-  Parcels

Notification Map



Request: Special Exception to allow an oversized accessory structure in the rear yard.
Applicant: Mike Nettles & Debbie Dodson
Location: 3148 Wichita Drive

Legend

-  Subject Property
-  Noticed Properties

ATTACHMENT 3: SITE PHOTOS



Current condition of the rear carport.



View from rear of property showing distance between rear carport and interior property line.



City of Mesquite Board of Adjustment Application

Please print legibly. This application can also be completed online at https://www.cityofmesquite.com/DocumentCenter/View/7724/Board-of-Adjustment---Application-for-General-Special-Exceptions-and-Variances.

Application Checklist

- Completed Application, Site Plan/Drawing, Site Plan Checklist (Page 7), Application Fee, Owner Authorization Form (Page 6)

Property Information - Where the carport will be located

Physical Address: 3148 Wichita Dr City, State: Mesquite, Texas Zip Code: 75149

Applicant Information - The person filling out the application

First Name: Mike Last Name: Nettles Phone Number: 972 249-7360 Email Address: DebbieDotson1@icloud.com

Property Owner(s) Information - The owner of the property listed as physical address

Same as Applicant: Yes No (If no, fill in information below) First Name: Last Name: Phone Number: Email Address: Mailing Address: City, State: Zip Code:

Office Use Only

Subdivision: Pecan Bend Block: C Lot: 69 Size of Property: Square Feet When was the property platted: Date Received: 10/9/2019 Project Intake: JC Case Number: BOA 1019-0169 Special Exception (\$200), Residential Variance (\$200), Non-Residential Variance (\$500), Appeals (\$300)

Structure Types

Check all that applies

Main Structure

- Room Addition
- Garage Addition
- New Residence

Nonconforming

- Use
- Premise
- Structure

Residential

- Rear Carport
- Storage Building
- Detached Garage
- Patio Cover
- Oversized Accessory Structure
- Accessory Dwelling Unit

Non-Residential

- Off-Site Parking
- Joint Use Parking
- Parking Reduction
- Flag Poles >75 Ft
- Reverse Vending Machine
- Oversized Accessory Structure

Other

- Fencing
- Special Promotions
- Temporary Uses
- Tree Preservation
- Oversized Antenna
- Lighted Game Courts
- Livestock

Height of Structure: 7'-7" Feet Size of Structure: 600 Square Feet

Roof Pitch (If applicable): flat

Describe Materials Used:
Steel - Steel Panels

Affected Part(s) of the Property

- Interior Side Yard Front Yard
- Exterior Side Yard Rear Yard

Will it

- Exceed Maximum Height?
- Exceed Maximum Size?

Status

- Existing
- Proposed

Describe the structure and its purpose:

Rear Carport Concrete driveway - 3 car driveway
walkway from back attached to the Carport
Providing shelter from elements

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

Requests for a Special Exception may be granted after the Board of Adjustment have found the following to be true. Please answer the following questions to the best of your ability.

Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties?

Yes No

If yes, how?

Allow entry to vehicle with out being in element
Car port does not block neighbors view.
adds to curb appeal of the home
Car Port is very sturdy - built with good
materials that will not deteriorate

Will the Special Exception be compatible with the surrounding neighborhood?

Yes No

If yes, how?

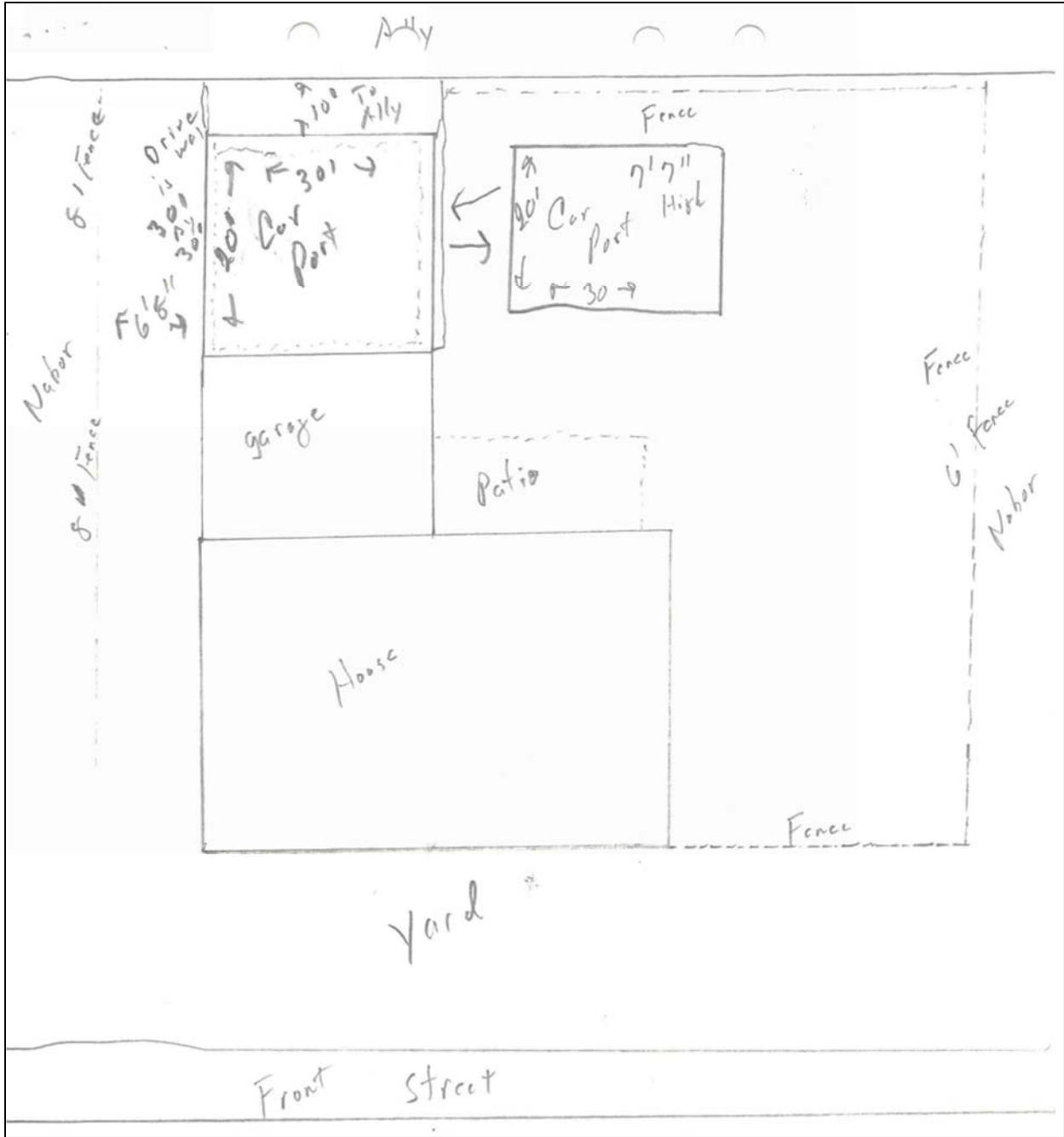
There are several oversized Carports in the neighborhood
Car port looks same as others in neighborhood
Construction is sturdy and is in good condition

OWNER AUTHORIZATION PAGE

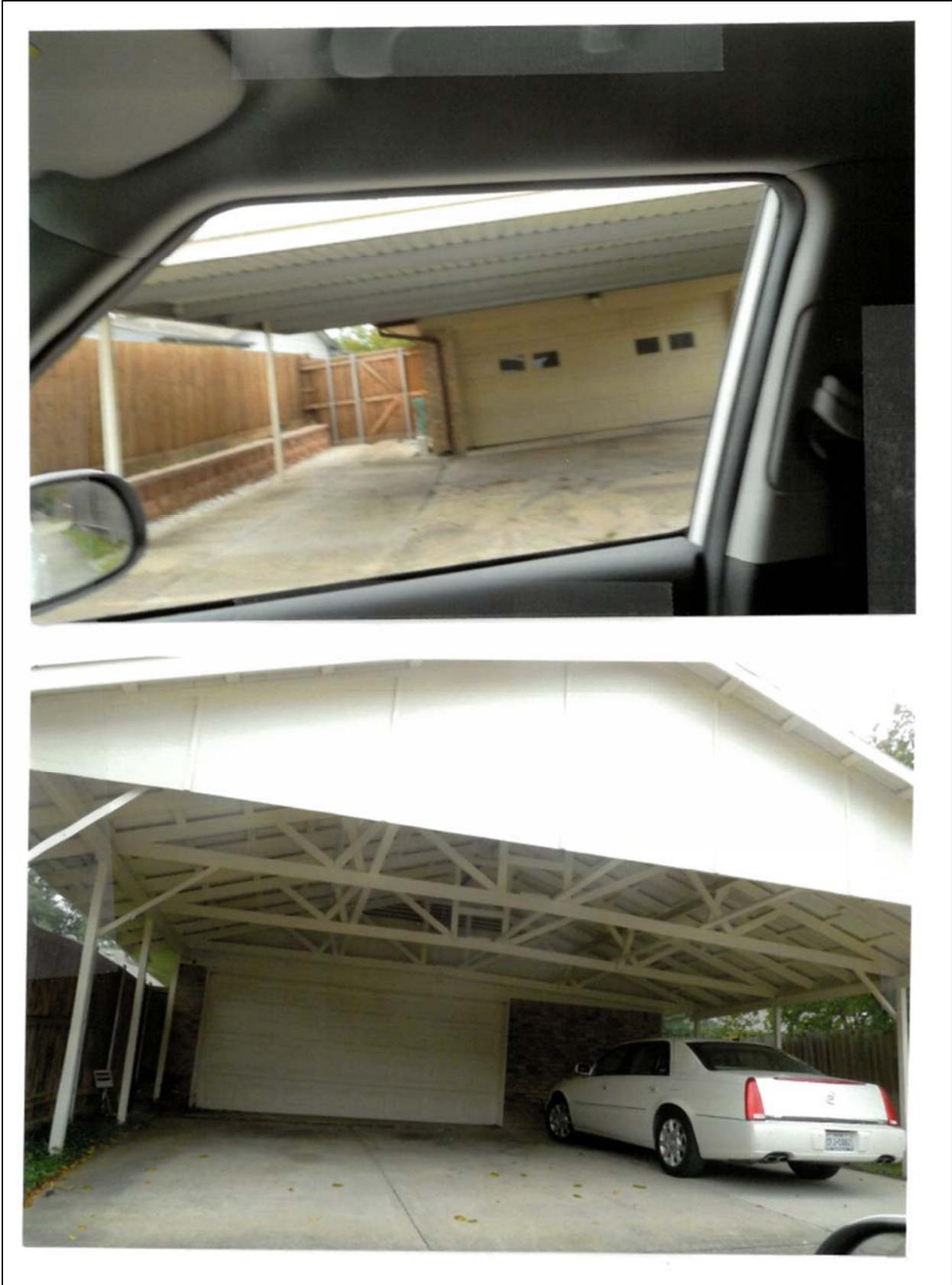
1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the Front Carport Design Standards, Requirements & Application packet.

Property Owner: Debbie Dodson ^{Make Note} Phone Number: 972 249 7360
Address: 3148 Wickste Dr
Mesquite TX 75147 Email Address: Debbie.dodson1@icloud.com
Signature: [Signature]

ATTACHMENT 4: APPLICATION MATERIALS



ATTACHMENT 4: APPLICATION MATERIALS



ATTACHMENT 4: APPLICATION MATERIALS



ATTACHMENT 4: APPLICATION MATERIALS



ATTACHMENT 4: APPLICATION MATERIALS



ATTACHMENT 4: APPLICATION MATERIALS





NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, December 5, 2019, at 6:30 p.m., in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number: BOA1019-0169
Submitted By/Property Owner: Mike Nettles
Property Location: 3148 Wichita Drive
Legal Description: Pecan Bend, Block C, Lot 69
Requested Action: Special Exception to allow an approximately 600 square foot oversized accessory structure.

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments in writing (no faxes, calls or e-mails) by returning the response form attached below by the meeting date, or in person by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 329-8543.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1019-0169

Name: (required)

DAVID MOSKOWITZ

I am in favor of this request

INFAVOR

Address: (required)

3144 WICHITA DR

I am opposed to this request

MESQUITE TX 75149

Reasons (optional):

Three horizontal lines for optional reasons.

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: JOHN CHAPMAN
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
DEC 04 2019
PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

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Case Number:	BOA1019-0169
Submitted By/Property Owner:	Mike Nettles
Property Location:	3148 Wichita Drive
Legal Description:	Pecan Bend, Block C, Lot 69
Requested Action:	Special Exception to allow an approximately 600 square foot oversized accessory structure.

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes, calls or e-mails) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1019-0169

Name:
(required)

Amy L. Dill

I am **in favor** of this request

Address:
(required)

3164 Wichita Dr.

I am **opposed** to this request

Mesquite, TX 75149

Reasons
(optional):

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: JOHN CHAPMAN
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
DEC 13 2019
PLANNING AND ZONING



NOTICE OF PUBLIC HEARING
RESCHEDULED

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **January 23, 2020, at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA1019-0169
Submitted By/Property Owner:	Mike Nettles
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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1019-0169

Name: Amy L. Dill
(required)

I am **in favor** of this request

Address: 3164 Wichita Dr
(required)

I am **opposed** to this request

Mesquite, TX

Reasons
(optional):

Please approve this request. The work is done beautifully and is an asset to the entire neighborhood.

RECEIVED
JAN 07 2020
PLANNING AND ZONING

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: JOHN CHAPMAN
PO BOX 850137
MESQUITE TX 75185-0137

Thank you,
A L Dill
1-2-2020



City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2019
Staff Report

Case Number: BOA1019-0170

Applicant/Property Owner: Messay Belete

Address: 913 Rutherford Drive

Request: Special Exception to allow a front carport with a flat roof

Background: The applicant is requesting a Special Exception to allow an existing front carport attached to a single-family home. The carport is constructed of metal with a flat roof and is located over an existing driveway. The front carport is approximately 300 square feet (15’ by 20’). All other regulations of the R-3 Zoning District will be met with the proposed development.

Zoning: R-3, Single-Family Residential

Lot size: 6,970 square feet

Surrounding uses: The subject property is surrounded by single-family homes zoned R-3, Single Family Residential, of similar lot sizes and Sam Rutherford Elementary School to the south.

SPECIAL EXCEPTION

Applicable Ordinances: **Mesquite Zoning Ordinance Section 5-203: Criteria for Review**
A. Criteria for Special Exceptions
 Special Exceptions may be granted as set out in this ordinance, when the Board determines that the exception will allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties and that it will be compatible with the surrounding neighborhood. The Board shall also consider any criteria set out in this ordinance for a specific Special Exception.

Staff Comment:
 Staff does not anticipate any adverse impacts on the surrounding neighborhood as there are several similarly-constructed carports nearby.

Mesquite Zoning Ordinance Section 2-604.B.1
 A front carport may be approved as a Special Exception on a lot zoned R-3 if the Board determines that the front carport would be

City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2019
Staff Report

compatible with the neighborhood. A front carport approved by Special Exception shall comply with the design standards of Section 2-603E numbers 3, 4, and 5. In determining whether the requested front carport would be compatible with the neighborhood, the Board shall consider, among other things, the following characteristics:

- a) *Whether the front carport would afford the only opportunity to provide covered parking on the lot;*
- b) *Whether the lot has paved alley access such that rear parking is available as an alternative to a front carport;*
- c) *Whether parking behind the building line was not required at the time of construction; and*
- d) *Whether the dwelling was originally built with either a one-car garage or no garage.*

Staff Comment:

The front carport would not afford the only opportunity for covered parking on the property as the home was built with an existing one-car garage. There is a paved alley adjacent to the rear property line but the lot currently does not utilize access off the alley, similar to surrounding properties. The property was platted in 1970 and due to Section 2-401.C. of the Mesquite Zoning Ordinance, lots platted prior to October 1, 1984 are not required to provide an enclosed garage as covered parking did not become required until October 1, 1984.

Mesquite Zoning Ordinance Section 2-604.B.2

In approving a Special Exception, the Board is authorized, but not required, to approve an applicant's request for a carport with a flat roof and/or metal exterior if the Board determines that a flat roof and/or metal exterior would be compatible with the neighborhood. The Board shall consider, among other things, the following characteristics:

- a) *The request is located on a platted lot before December 21, 1964, provided however, a metal carport shall not be approved on a lot platted after said date; and*
- b) *The existence, location and similar design of other carports in the immediate vicinity of the request.*

Staff Comment:

Per House Bill 2439, Mesquite can no longer enforce material requirements, nor can the Board stipulate building material



City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2019
Staff Report

requirements as part of any condition. However, the City will continue to regulate building roof pitch. Therefore, a Special Exception will still be required to have a carport with a flat roof. Additionally, the property was platted in 1970 and there are similar front carports in the immediate vicinity of the subject property.

**Staff
Recommendation:**

Staff recommends approval of the Special Exception to allow an approximately 300 square foot front carport with a flat roof.

Permits:

1970 – New Single Family Constructed
1988 – Plumbing Permit
2011 – Plumbing Permit
2019 – Building Permit

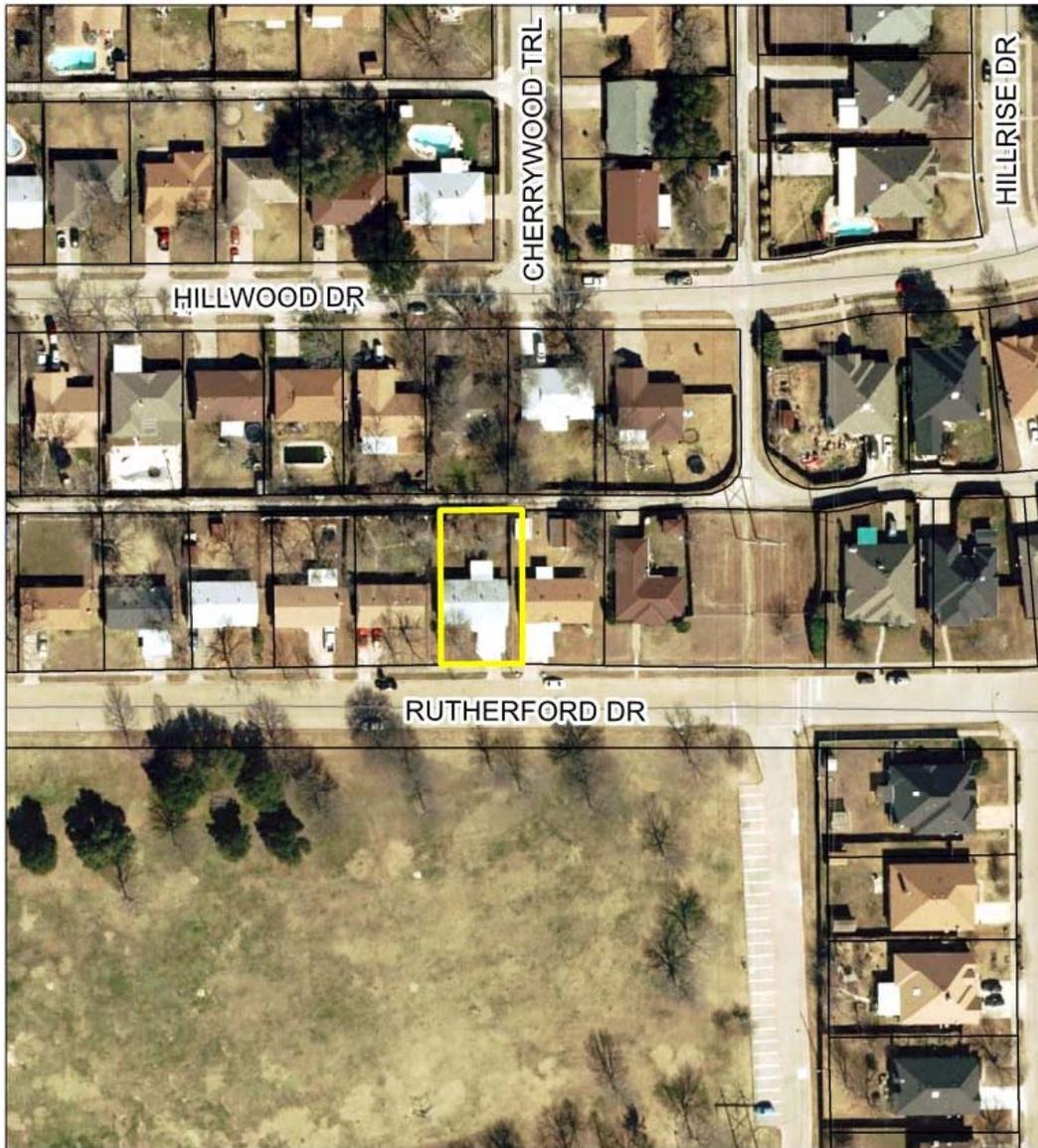
Public Notice:

Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, Staff has received one returned notice in favor of the request.

Attachments:

1 – Aerial Map
2 – Public Notification Map
3 – Site Photos
4 – Application Materials
5 – Returned Property Owner Notice

Aerial Map



Request: Special Exception to allow a front carport

Applicant: Messay Belete

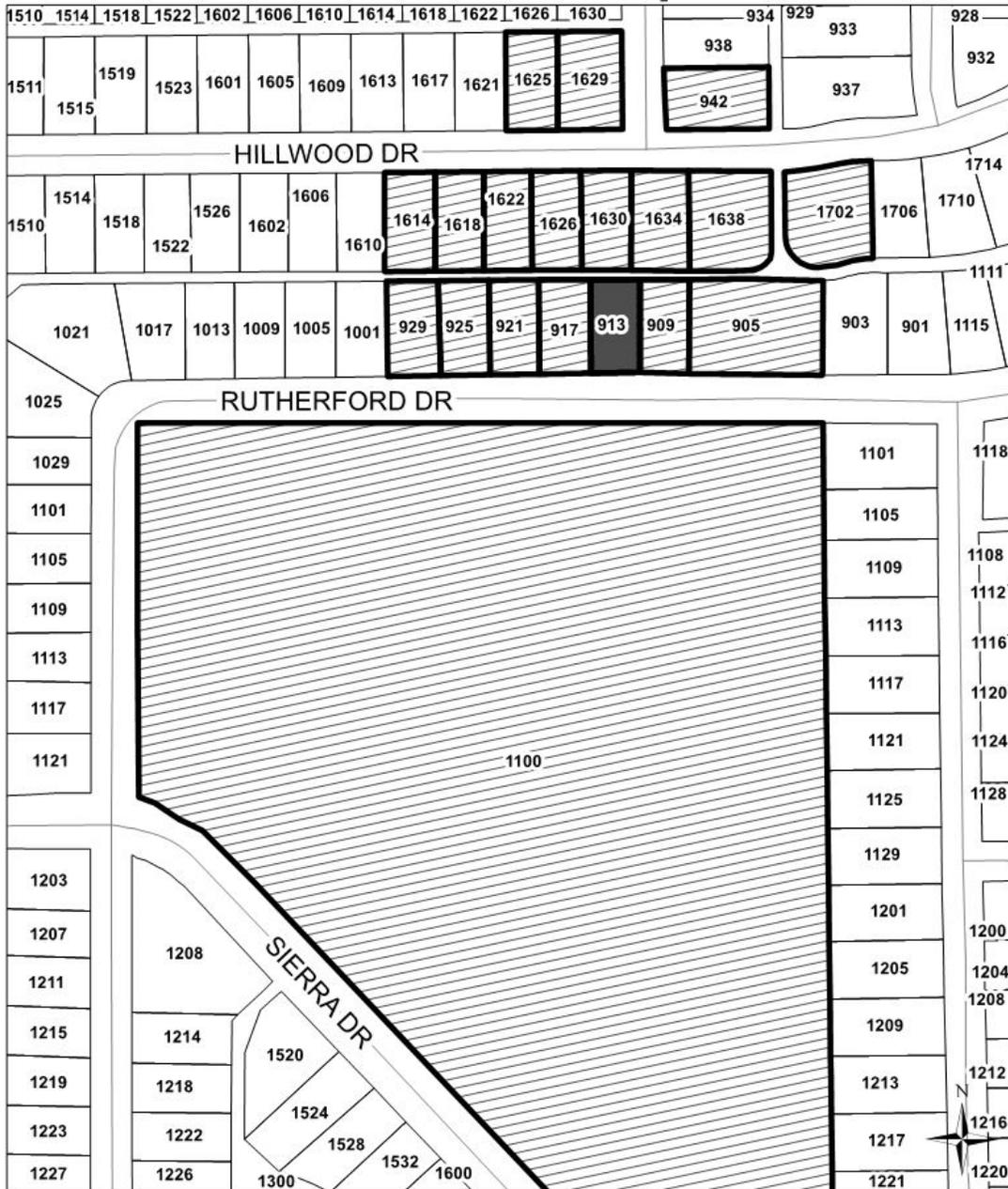
Location: 913 Rutherford Drive

Legend

 Subject Property



Notification Map



Request: Special Exceptions to allow a front carport with a flat roof
Applicant: Messay Belete
Location: 913 Rutherford Drive

Legend
 Notified Properties
 Subject Property



Street view of subject property, facing north.



Street view of subject property, facing northwest.

MESQUITE | City of Mesquite
T E X A S. Front Carport Design Standards,
Real. Texas. Flavor. Requirements & Application

Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/7722/BOA---Front-Carport>.

Application Checklist

- Completed Application Site Plan/Drawing Site Plan Checklist (Page 8)
 Owner Authorization Form \$200 Application Fee

Property Information – Where the carport will be located

Physical Address: 913 Rutherford City, State: Mesquite, Texas
Zip Code: 75419

Applicant Information – The person filling out the application

First Name: MESSAY Last Name: BELETE
Phone Number: 469-471-8333 Email Address: Savedmessay@icloud.com
I would like an interpreter at the meeting: Yes No Language: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: Yes No (If no, fill in information below)
First Name: MESSAY Last Name: BELETE
Phone Number: 469-471-8333 Email Address: _____
Mailing Address: 6306 SASAKI WAY City, State: GARLAND, TX
(If different from physical address) 75043
Zip Code: _____

****MUST HAVE COMPLETED OWNER AUTHORIZATION FORM – SEE PAGE 7****

Office Use Only

Subdivision: Rutherford Park Estates 4 Block: 5 Lot: 19
When was the property platted: 1970 Year Home Built: 1970
Date Received: 10-25-19 Project Intake: LF Case Number: BOA1019-0170

Additional Information

Width of Home: 50 Feet Width of Carport: 20 Feet

Will the carport be located over an asphalt or concrete driveway? Yes No

Carport Design

Carport Status: Existing Proposed

If the carport is existing, when was it constructed, and by who?

Previous owner

The carport will be, or is: Attached to the house Detached from the house

Will, or does, a front porch cover attach to the front carport? Yes No

The front carport will be or is currently constructed of (Check all that apply):

Wood Metal Masonry

Describe the colors used on the carport: White / black

Describe the columns of the front carport, including: height, width and length, color, and material.

its made out of metal beams & plastic covering.

Select the roof type that resembles the proposed or existing front carport:



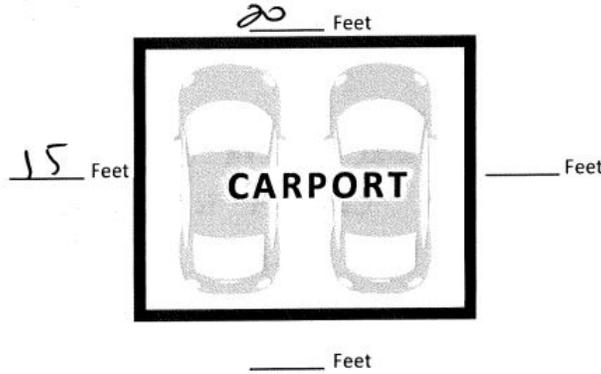
Flat Roof Pitched with Open Gable Pitched with Closed Gable Hip Roof

Describe the roof material: Plastic material

If the design of the roof does not match one of the images above, please use the space below to describe the roof.

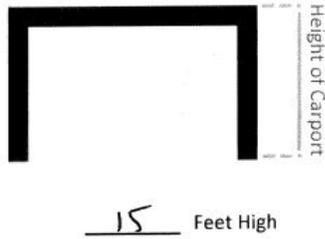
Carport Design, Continued

Indicate each length of the carport using the space below.

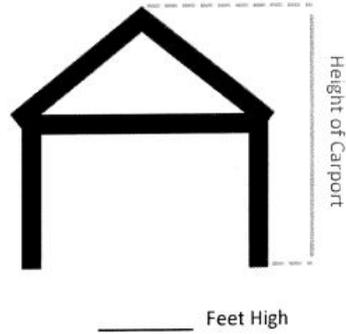


Indicate the height of the carport using the space below based on the roof type previously selected.

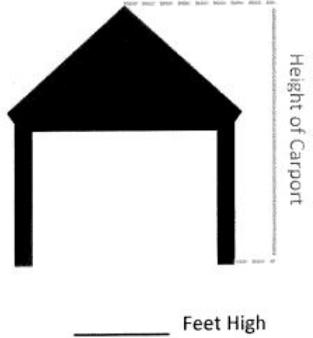
Flat Roof



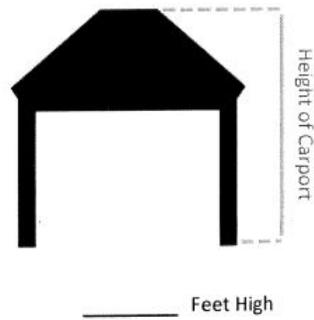
Pitched with Open Gable



Pitched with Closed Gable



Hip Roof



COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

If applicable, please do not leave blank and answer to the best of your ability.

Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties? Yes No

If yes, how?

The Carport will provide further parking (covered) area for vehicles. The Carport is also aesthetically pleasing to the area & house. The Carport does not create any impact in any of the adjacent properties.

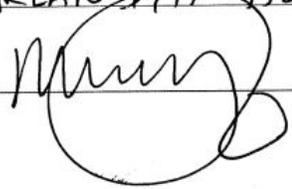
Will the Special Exception be compatible with the surrounding neighborhood? Yes No

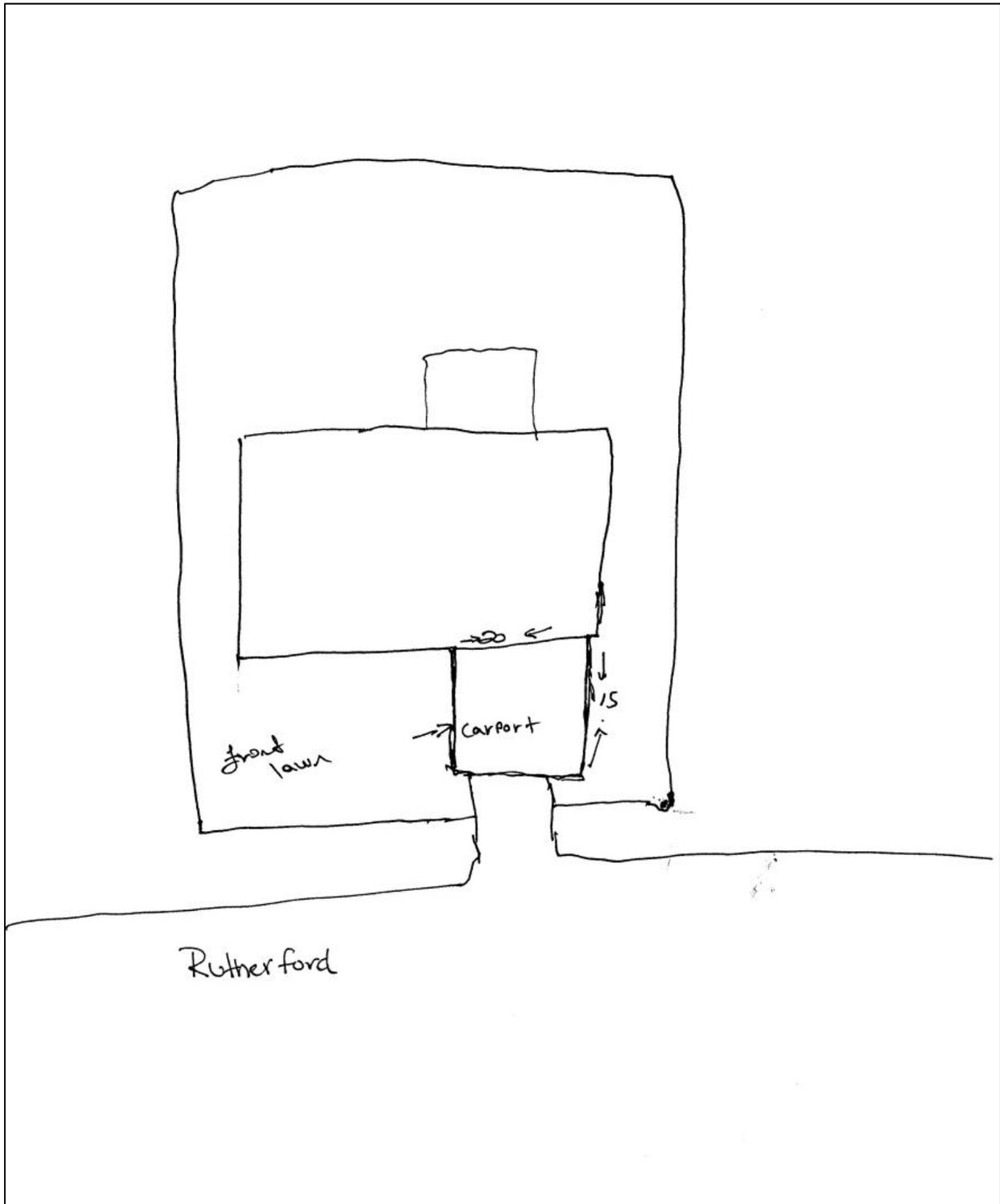
If yes, how?

Some of the homes in the neighborhood also have carports.

OWNER AUTHORIZATION PAGE

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the Front Carport Design Standards, Requirements & Application packet.

Property Owner: MESSAY BELETE Phone Number: 469-471-8333
Address: 6305 SASAKI WAY
GARLAND, TX 75043 Email Address: SAVE DMESSAY@icloud.com
Signature: 





NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **December 5, 2019 at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA1019-0170
Applicant/Property Owner:	Messay Belete
Property Location:	913 Rutherford Drive
Legal Description:	Rutherford Park Estates 4, Block 5, Lot 19
Requested Action:	Special Exceptions (1) to allow an approximately 300 square foot front carport and (2) to allow the carport to have a flat roof.

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes, calls or e-mails) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6346.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1019-0170

I am **in favor** of this request

I am **opposed** to this request

Name: David R + Tammie Young

Address: 1702 Hillwood Dr

Mesquite, TX 75149

Reasons (optional): Several homes have front carports +
No one should be denied if others are
approved

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: Lesley Frohberg
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
DEC 13 2019
PLANNING AND ZONING



City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2019
Staff Report

Case Number: BOA1119-0171

Applicant: Stewart Korte, NAI Robert Lynn

Property Owner: Jimmy Yee, QEH Msquite, LLC

Address: 1344 N. Town East Boulevard

Request: Special Exception to allow for joint use parking for complementary uses

Background: The applicant is requesting a Special Exception to allow for joint use parking for complementary uses in an existing shopping center. This request was prompted due to a potential event center at this location. The current shopping center parking lot has approximately 274 parking spaces; the total parking required, including the proposed event center, is 356 parking spaces. Due to the nature of the existing tenants and the proposed event center, the applicant feels these uses would not interfere with each other. The current tenants in the shopping center include Party City, Mattress Firm, Sherwin Williams Automotive Finishes, and Salons Elite. All other regulations of the C, Commercial with TERRA Overlay Zoning District will be met with the development.

Zoning: C, Commercial with Town East Retail and Restaurant Area (TERRA) Overlay

Lot size: 201,247 square feet/4.62 acres

Surrounding uses: The subject property is surrounded by various retail uses zoned C, Commercial with TERRA Overlay, of various lot sizes on all sides.

SPECIAL EXCEPTION

Applicable Ordinances: **Mesquite Zoning Ordinance Section 5-203: Criteria for Review**
A. Criteria for Special Exceptions
Special Exceptions may be granted as set out in this ordinance, when the Board determines that the exception will allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties and that it will be compatible with the surrounding neighborhood. The Board shall also consider any criteria set out in this ordinance for a specific Special Exception.

City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2019
Staff Report

Staff Comment:

Staff does not anticipate any adverse impacts on the surrounding neighborhood, as there is sufficient parking to serve existing and proposed uses on the site due to the complementary nature of the businesses.

Mesquite Zoning Ordinance Section 3-403.B

To allow joint use or collective parking. Joint use parking shall mean that required spaces provided for one use may also be credited as required spaces for a complementary use. A permanent and irrevocable easement of the parking facilities in favor of the use to be benefited thereby shall be dedicated and recorded in Dallas county records as a condition of such use. The following definitions and examples shall be used as guidelines in considering requests for joint use parking.

1. *Complementary Uses: Complementary uses are uses which generally operate at different time periods, so that one use is inactive when the other is active.*
2. *Joint Use Percentage: the percentage or number of spaces which is allowed to be shared should be related to the proportion or number of spaces which will be available during the period of relative inactivity.*
3. *Examples: If an office parking lot is generally 90% vacant in the evenings and on weekends, then 90% of the spaces might be credited as also providing the parking for a church which operates primarily in the evenings and on weekends. Or, if a church parking lot is generally 50% vacant on weekdays, then 50% of the spaces might be credited as also providing the parking for an office which operates only on weekdays. Theaters and other evening/weekend entertainment uses may be another example of a use that might share parking with an office, bank, church, or other complementary use.*

Staff Comment:

The existing shopping center has approximately 274 parking spaces. With the existing five tenants, only 61% of the existing parking spaces are utilized for parking requirements. The proposed event center is approximately 9,500 square feet and with the parking ratio of one parking space per 50 square feet of assembly area, 189 parking spaces are required. This amounts to a parking space defect of 82 spaces.

City of Mesquite
BOARD OF ADJUSTMENT
 January 23, 2019
 Staff Report

The table below shows the approximate, maximum hours of operation for the existing tenants. These tenants are primarily retail and personal service business that operate during the day. It was indicated by the applicant that the event center would be primarily used on the weekends and evenings for private events including birthday parties, weddings, quinceaneras, anniversaries, corporate events, and other special events. Therefore, the vacant parking spaces, which serve the other tenants during the day from approximately 8:00 AM – 8:00 PM, could serve the event center during the evening events. In addition to these businesses generally having different hours than an event center, they are also low intensity retail uses. The shopping center currently has one vacant suite, which the event center is proposed to occupy.

Land Use/Business	Approx. Hours of Operation	Parking Requirement
Party City	8:30 AM – 8:30 PM	65
Sherwin Williams	8:00 AM – 9:00 PM (Closed Saturday & Sunday)	32
Salons Elite I	8:00 AM – 8:00 PM (Closed Sunday)	21
Salons Elite II	8:00 AM – 8:00 PM (Closed Sunday)	28
Mattress Firm Clearance Center	9:00 AM – 9:00 PM	21
Event Center (Proposed)	By Appointment	189
Total Required Parking Spaces		356
Total Existing Parking Spaces		274

The event center would currently have 57% of the required parking. It could obtain a 17% credit from Sherwin Williams, as it is closed on the weekends, and a 34% credit from Party City for evening events after 8:30 PM. If uses within this shopping center change in the future to require more parking, a new Special Exception will be required.

It is important to note, that the parcel to the northeast is the same owner as the subject property and it has excess parking. It currently has approximately 565 parking spaces, with approximately 475 spaces required for the existing tenants. That allows an excess of 90 parking spaces. Historical aerial photos show this large parking lot consistently insufficiently used.



City of Mesquite
BOARD OF ADJUSTMENT
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Staff Report

If this Special Exception request is approved, the applicant or proposed event center tenant will be required to apply for a Conditional Use Permit to operate within this zoning district.

Staff Recommendation: Staff recommends approval of the Special Exception to allow joint use parking for joint use parking for the existing uses and the proposed event center.

Permits:

- 2002 – Plumbing Permit
- 2002 – Electrical Permit
- 2002 – Building Permit
- 2002 – Mechanical Permit
- 2002 – Building Permit
- 2002 – Electrical Permit
- 2002 – Plumbing Permit
- 2003 – Electrical Permit
- 2003 – Building Permit
- 2003 – Plumbing Permit
- 2003 – Mechanical Permit
- 2004 – Mechanical Permit
- 2004 – Building Permit
- 2004 – Electrical Permit
- 2004 – Plumbing Permit
- 2018 – Plumbing Permit
- 2018 – Plumbing Permit

Public Notice: Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, Staff has received two returned notices in favor of the request.

Attachments:

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Site Photo
- 4 – Application Materials
- 5 – Returned Property Owner Notices

Aerial Map



Request: Special Exception to allow joint use parking for complementary uses
Applicant: Stewart Korte, NAI Robert Lynn
Location: 1344 N. Town East Blvd

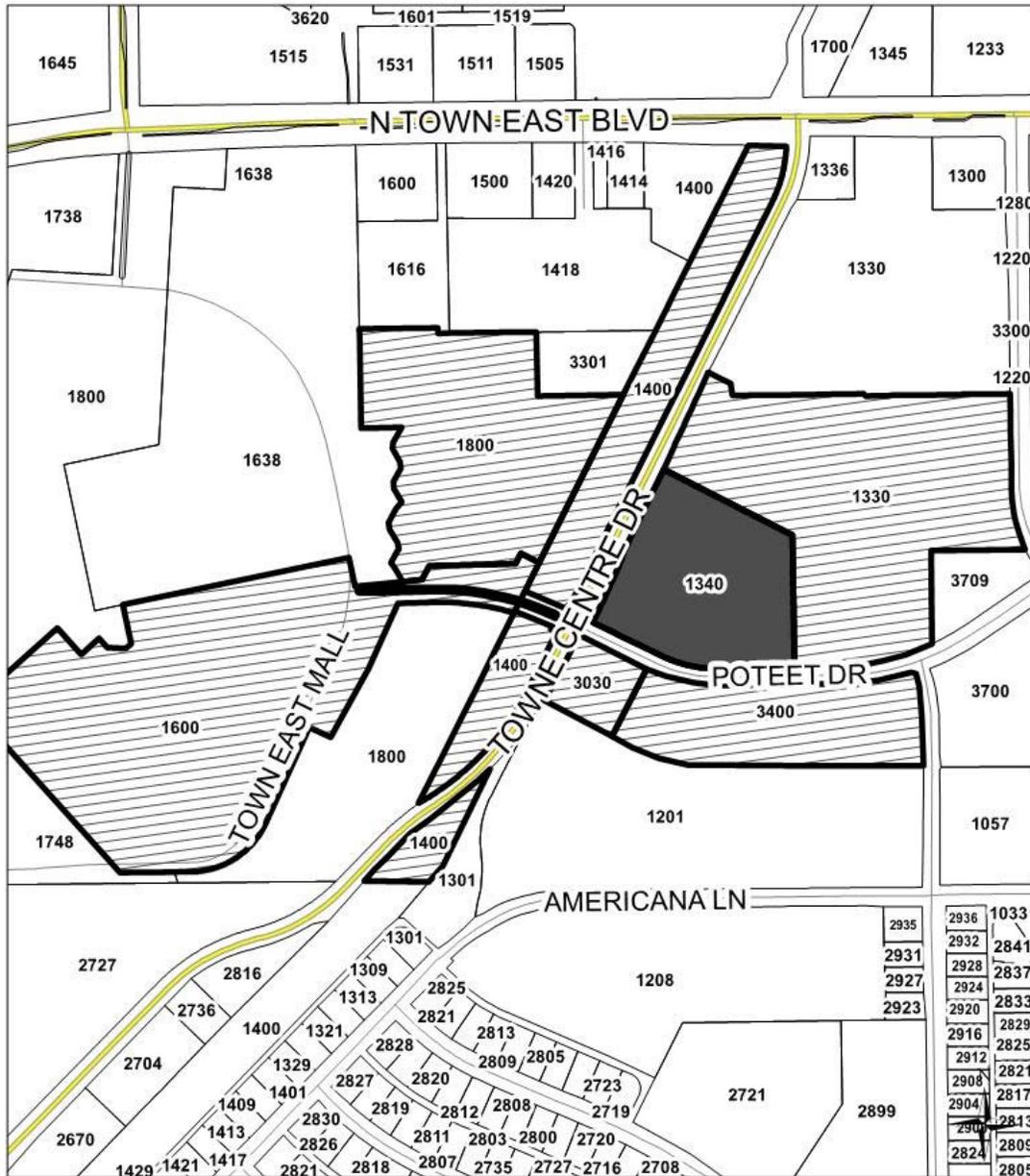
Legend

 Subject Property

 Miles
0 0.01 0.02 0.04



Notification Map



Request: Special Exception to allow join use parking.
Applicant: Stewart Korte
Location: 1344 N. Town East Blvd.

Legend

-  Notified Properties
-  Subject Property



Aerial photo subject property.



Site photo of the subject property, facing southeast.

DocuSign Envelope ID: 395D18F1-2EDB-4E81-B532-92B2107F6AFF

MESQUITE | City of Mesquite
T E X A S | Board of Adjustment
Real Texas. Service | Application

Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/7724/Board-of-Adjustment---Application-for-General-Special-Exceptions-and-Variations>.

Application Checklist

- Completed Application Site Plan/Drawing Site Plan Checklist (Page 7) Application Fee
 Owner Authorization Form (Page 6)

Property Information – Where the carport will be located

Physical Address: 1344 N. Town East Blvd. City, State: Mesquite, Texas
Zip Code: 75150

Applicant Information – The person filling out the application

First Name: Stewart Last Name: Korte
Phone Number: 214-256-7152 Email Address: SKorte@nairlretail.com

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: Yes No (If no, fill in information below)
First Name: Jimmy Last Name: Yee (QEH Mesquite, LLC)
Phone Number: 917-535-1890 Email Address: jimmy.yee@quantumedgegroup.com
Mailing Address: 4851 LBJ Freeway, 10th Floor City, State: Dallas, TX
(If different from physical address) c/o NAI Robert Lynn Management
Zip Code: 75244

Office Use Only

Subdivision: Towne Center Village 4 Block: C Lot: 4
Size of Property: 20,031 Square Feet When was the property platted: 1984
Date Received: 11/7/19 Project Intake: BC Case Number: BOA1119-0171
 Special Exception (\$200) Residential Variance (\$200) Non-Residential Variance (\$500) Appeals (\$300)

DocuSign Envelope ID: 395D18F1-2EDB-4E81-B532-92B2107F6AFF

Structure Types

Check all that applies

Main Structure

- Room Addition
- Garage Addition
- New Residence

Nonconforming

- Use
- Premise
- Structure

Residential

- Rear Carport
- Storage Building
- Detached Garage
- Patio Cover
- Oversized Accessory Structure
- Accessory Dwelling Unit

Non-Residential

- Off-Site Parking
- Joint Use Parking
- Parking Reduction
- Flag Poles >75 Ft
- Reverse Vending Machine
- Oversized Accessory Structure

Other

- Fencing
- Special Promotions
- Temporary Uses
- Tree Preservation
- Oversized Antenna
- Lighted Game Courts
- Livestock

Height of Structure: 1344 N. Town East
22' 1" Feet
 Roof Pitch (If applicable): 1340 N. Town East: 24' 4"

Size of Structure: 1344 N. Town East
23,914 Square Feet

Describe Materials Used:

Brick and Stucco

Affected Part(s) of the Property

- Interior Side Yard
- Exterior Side Yard
- Front Yard
- Rear Yard

Will it

- Exceed Maximum Height?
- Exceed Maximum Size?

Status

- Existing
- Proposed

Describe the structure and its purpose:

One-story multi-tenant commercial

DocuSign Envelope ID: 395D18F1-2EDB-4E81-B532-92B2107F6AFF

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

Requests for a Special Exception may be granted after the Board of Adjustment have found the following to be true. Please answer the following questions to the best of your ability.

Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties?

Yes No

If yes, how?

Please see attached response

Will the Special Exception be compatible with the surrounding neighborhood?

Yes No

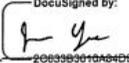
If yes, how?

Please see attached response

DocuSign Envelope ID: 395D18F1-2EDB-4E81-B532-92B2107F6AFF

OWNER AUTHORIZATION PAGE

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the Front Carport Design Standards, Requirements & Application packet.

Property Owner: JIMMY YEE Phone Number: 917-535-1890
Address: 8 Half Mile Common, Westport, CT
06880 Email Address: jimmy.yee@quantumedgegroup.com
Signature:  200300010A0400

DocuSign Envelope ID: 395D18F1-2EDB-4E81-B532-92B2107F6AFF

Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties?

This request is to allow an event center to lease a 9,439 SF vacant space at 1344 N. Town East Boulevard. The tenant, Mr. Rito Fuentes, is an experienced operator with four existing event centers including the La Prada Event Center which is 43,000 SF located at 5101 Gus Thomasson Rd, Mesquite, TX 75150 and has been open for over 6 years. The La Prada Event Center has been very successful and is fully booked months in advance which is why Mr. Fuentes is looking to open a second location to accommodate more events. The event center would be used to host private events such as birthday parties, weddings, quinceaneras, anniversaries, corporate events, and other similar special events.

We do not believe the use will be injurious to the use and enjoyment of the other property/tenants in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. The proposed space has been vacant for many years which is not good for the property or surrounding properties and businesses. The proposed use will be contained within the multi-tenant building and will not involve outdoor activity that may conflict with surrounding uses, including outdoor storage or outdoor display. The use will bring more people to the property which will help surrounding businesses.

The property currently has approx. 274 parking spaces. Please reference the attached parking analysis in Exhibit A and the survey. Based on the current tenant's uses, the property has approximately 107 excess parking spaces. The city's parking standards for a "public assembly without fixed seating" use is 1 space for each 50 SF of assembly area which would equate to a total of 189 parking spaces required for the use (however, the whole 9,439 SF will not all be "assembly area"). The purpose of this application is to make a special exception for the parking requirement. Please consider the following:

- Current tenants in the property include Party City, Mattress Firm, Sherwin Williams Automotive Finishes and Salons Elite. These uses are typically "lower parking users". For example, Mattress Firm and Sherwin Williams combine for a total of 16,349 SF but typically only have a few employees and customers in their stores at any given time.
- The majority of the events are held on Saturdays starting at 4:00 PM (occasionally Friday/Sunday evenings) so throughout the week there will be no impact on the current parking, and we believe there is adequate parking available to not adversely impact the available parking for other tenants during such events.
- The adjacent parcel, also owned by the same property owner, has an additional approximately 565 parking spaces which many customers utilize as excess/cross parking. The tenants on this parcel include Burlington, Ashley HomeStore and Home Zone Furniture which are not typically "heavy" parking users. In total, the two parcels combine for approximately 839 spaces.
- The previous tenant occupying this vacant space was Laser Quest. Laser Quest was similar in concept to the proposed use as they were a non-retail use that hosted birthday parties and similar events. Since Laser Tag was previously an approved use for the space, we feel the proposed use should also be approved.

DocuSign Envelope ID: 395D18F1-2EDB-4E81-B532-92B2107F6AFF

The use will still be required to apply for and obtain a Conditional Use Permit, but we would like to apply for a special exception on the parking prior to submitting the CUP application.

Will the Special Exception be compatible with the surrounding neighborhood?

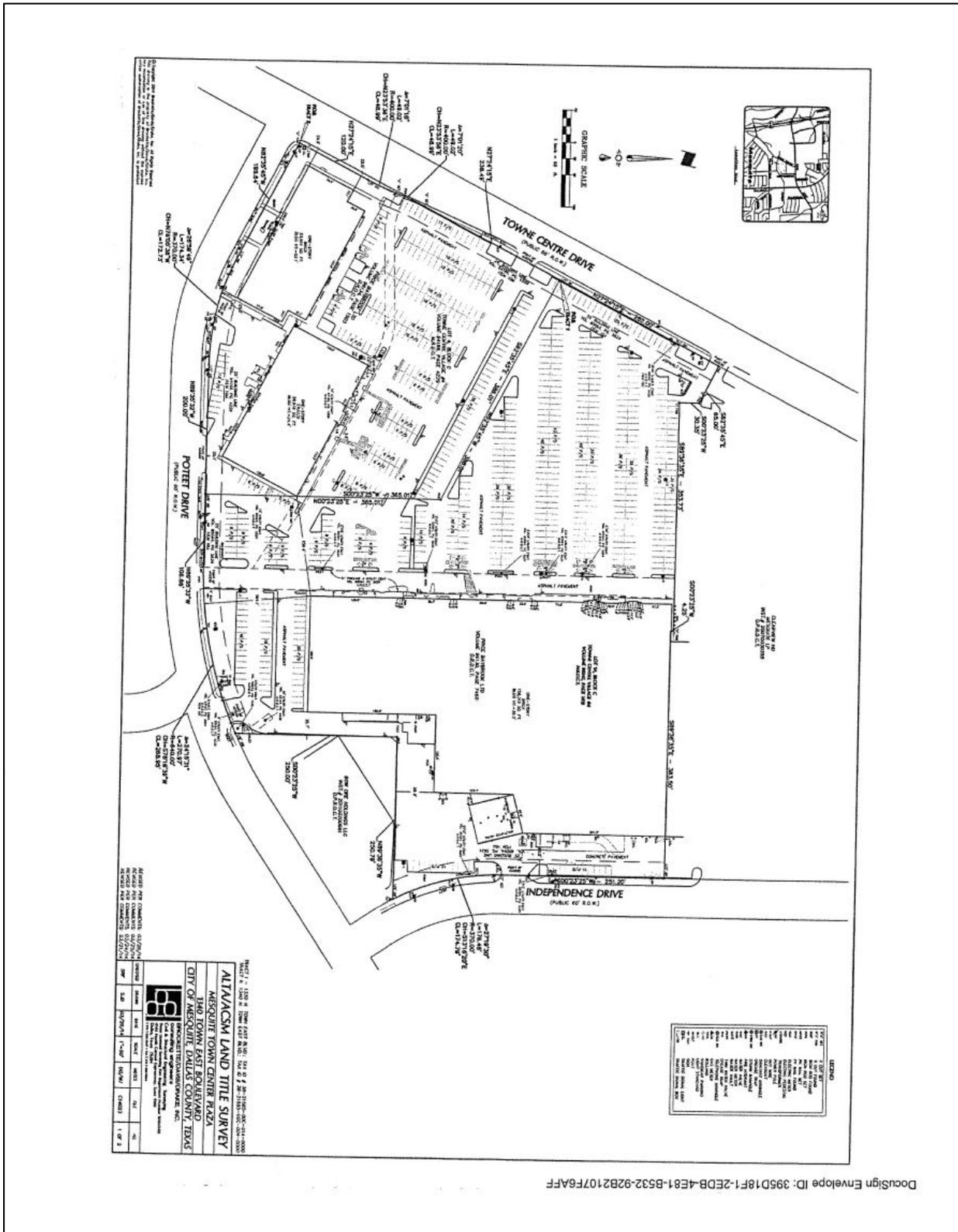
The use will serve the local Mesquite community as a place to host special events.

EXHIBIT "A"

Parking Analysis

Tenant	Size	Use	Ratio	Required Spaces	
Party City	15,000	Retail - General	*	65	*1/250 SF for 10,000 SF plus 1/200 in excess of 10,000 SF
Sherwin Williams	7,889	Retail - General	1/250 SF	31.6	
Salons Elite I	5,270	Personal Services	1/250 SF	21.1	
Salons Elite II	7,011	Personal Services	1/250 SF	28.0	
Matress Firm	8,460	Retail - Large Items	1/400 SF	21.15	
Vacant	9,439				
	53,069			167	Total Required
				274	Total Spaces
				107	Excess Parking

Tenant	Size	Use	Ratio	Required Spaces	
Party City	15,000	Retail - General	*	65	*1/250 SF for 10,000 SF plus 1/200 in excess of 10,000 SF
Sherwin Williams	7,889	Retail - General	1/250 SF	31.6	
Salons Elite I	5,270	Personal Services	1/250 SF	21.1	
Salons Elite II	7,011	Personal Services	1/250 SF	28.0	
Matress Firm	8,460	Retail - Large Items	1/400 SF	21.15	
Event Venue	9,439	Public Assembly	1/50 SF	188.8	
	53,069			356	Total Required
				274	Total Spaces
				-82	Excess Parking



DocuSign Envelope ID: 395D18F1-2EDB-4E81-B532-92B2107F6AFF



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **December 5, 2019 at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA1119-0171
Applicant:	Stewart Korte, NIA Robert Lynn
Property Owner:	Jimmy Yee, QEH Mesquite, LLC
Property Location:	1344 N. Towne East Blvd
Legal Description:	Towne Centre Village 4, Block C, Lot 4
Requested Action:	Special Exception to allow joint use parking for complementary uses within a shopping center.

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes, calls or e-mails) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6346.

Complete and return
 Do not write on the reverse side of this form.

BOA Case: BOA1119-0171	Name: <u>JIMMY YEE / QEH MESQUITE</u>
I am in favor of this request <u>X</u>	(required)
I am opposed to this request _____	Address: <u>8 HALF MILE CMN</u>
	(required)
	<u>WESTPORT, CT. 06860</u>

Reasons (optional): 1330 N TOWN E BLVD = BURLINGTON
COAT & ASHLEY FURNITURE - WILL BENEFIT
CO-TENANTS

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
 ATTN: Lesley Frohberg
 PO BOX 850137
 MESQUITE TX 75185-0137

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 DEC 04 2019
 PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **December 5, 2019 at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

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As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes, calls or e-mails) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6346.

Complete and return
 Do not write on the reverse side of this form.

BOA Case: BOA1119-0171	Name: <u>JIMMY YEE/QEH MESQUITE</u> (required)
I am in favor of this request <u>X</u>	Address: <u>1340-44 TOWN EAST BLD</u> (required)
I am opposed to this request _____	<u>MESQUITE, TX</u>
Reasons (optional):	<u>PARTY CITY, ICONIC SALONS, MATTRESS FIRM</u> <u>WILL BENEFIT FROM CO-TENANCY</u>

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: Lesley Frohberg
PO BOX 850137
MESQUITE TX 75185-0137

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PLANNING AND ZONING



City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2020
Staff Report

Case Number: BOA1019-0168
Applicant: Jose Pleitez
Property Owners: Jose Thomas Pleitez & Susan Judith Corona
Address: 1715 Mesquite Valley Road
Request: Special Exceptions to allow 1) an oversized accessory structure including approximately 2,288 square feet and 2) an oversized accessory structure 20 feet in height.

Background: A building permit was applied for in June of 2019 for a 986 square foot rear carport and a 999.92 square foot rear detached garage. Both buildings were proposed to be 14 feet, 9 inches in height and met the setback and separation requirements. The Building Inspection Division approved the building permit on July 24, 2019, and the permit was issued on July 25, 2019. Sometime following July 25, Mr. Pleitez approached the City about modifying the plans. The modifications included combining the structures into a single 2,288 square foot structure and increasing the height to 20 feet. Following a discussion with Staff, the applicant submitted an application for two Special Exceptions pertaining to size and height. The Special Exceptions include 1) an accessory structure on an agriculturally zoned property greater than 1,000 square feet, and 2) an accessory structure greater than 15 feet in height. The application was submitted to the Planning Division on October 8, 2019. The structure is currently under construction as shown on pages 6 and 7 of this report.

Zoning: AG, Agricultural
Lot Size: 98,607.35 square feet/2.26 acres

Surrounding Land Uses: The property abuts single family residential to the north, east, and south and a religious organization and vacant land to the west. All properties surrounding the subject property are zoned for single family uses and vary in size.

Applicable Ordinances:

REQUIREMENTS – ALL STRUCTURES

Mesquite Zoning Ordinance Section 2-602.A: Maximum Size And Lot Coverage

The maximum permitted size for an accessory structure in the R and D districts shall be 500 square feet; provided however, that in no case, shall the total of all accessory structures occupy more than 35% of the yard area in which the structures are located. The maximum permitted size for an accessory structure in the AG district shall be 1000 square feet.

Staff Comment:

The accessory structure in question exceeds the maximum size allowed by 1,288 square feet. The rear yard is approximately 57,554 square feet and the total space occupied by all accessory structures is 3,152 square feet, which is ~5.5% of the rear yard.

Outdoor Kitchen Patio: 24' x 36' – 864 square feet

Rear Carport: 38'5" x 59'6" – 2,288 square feet

ACCESSORY STRUCTURES – SPECIAL EXCEPTIONS

Mesquite Zoning Ordinance Section 2-604.A – Oversized Accessory Structure

To allow an oversize accessory structure, which shall be any detached structure which exceeds the height, size, or coverage limits set out in 2-602. An existing accessory building shall not become an oversize structure due to the attachment of a minor building with separate entrances. Buildings exceeding 10% of the lot area are generally considered to be incompatible.

Staff Comment:

The oversized accessory structure does not meet the size and height limits set out in Section 2-602 of the Mesquite Zoning Ordinance. The structure is currently being proposed to be 2,288 square feet and 20 feet in height. The building accounts for ~2.3% of the lot area.

CRITERIA FOR REVIEW

Mesquite Zoning Ordinance Section 5-203 “Criteria for Special Exceptions”

Section 5-203.A of the Mesquite Zoning Ordinance states Special Exceptions may be granted as set out in this ordinance, when the Board determines that the exception will allow greater use and enjoyment of property without creating adverse impacts on adjacent properties and that it will be compatible with the surrounding neighborhood. The Board shall also consider any criteria set out in this ordinance for a specific Special Exception.

Staff Comment:

It is Staff’s professional opinion that approval of this Special Exception with Staff’s recommendation will not create any adverse impacts on adjacent properties. Other oversized accessory structures and carports have been approved within the vicinity of the subject property:

1. 1993 – 1625 Mesquite Valley; Oversized Accessory Structure (1,920 sq. ft.)
2. 1987 – 2507 Mesquite Valley; Oversized Accessory Structure (1,500 sq. ft.)



City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2020
Staff Report

Staff Recommendation: Staff recommends approval of the Special Exception to allow an oversized accessory structure including approximately 2,288 square feet and 20 feet in height, subject to the following stipulations.

1. The existing tree line along the rear property line be maintained spanning the width of the subject accessory structure.

Permits: 2017 – Residential Building Permit
2018 – Plumbing (Irrigation)
2019 – Swimming Pool
2019 – Electrical/Plumbing
2019 – Building Permit (On Hold for BOA)

Public Notice: Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, three notices have been returned in opposition and one with no opinion.

Attachments: 1 – Aerial Map
2 – Public Notification Map
3 – Site Photos
4 – Application Materials
5 – Returned Notices
6 – Citizen Emails

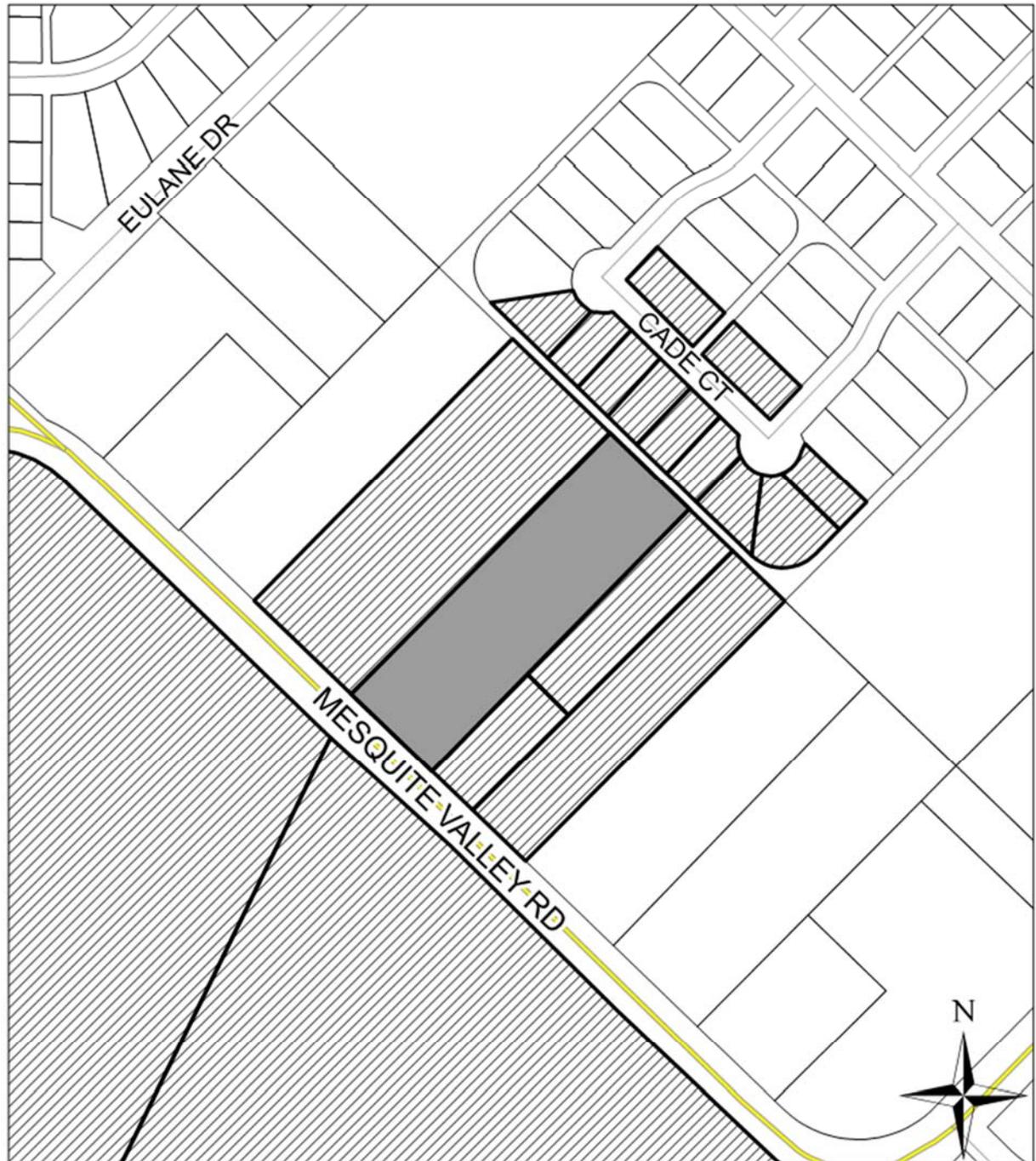
Aerial Map



Legend

-  Subject Property
-  Parcels

Notification Map



Request: Special Exception to allow an oversized accessory structure in the rear yard.
Applicant: Jose Pleitez
Location: 1715 Mesquite Valley Road

Legend

-  Subject Property
-  Noticed Properties



Current condition of the structure under consideration.



Rear of property showing tree line and back of structure.



Side property line and side of structure.



View of structure from house.



**City of Mesquite
Board of Adjustment
Application**

Please print legibly. This application can also be completed online at <https://www.cityofmesquite.com/DocumentCenter/View/7724/Board-of-Adjustment---Application-for-General-Special-Exceptions-and-Variances>.

Application Checklist

- Completed Application
- Site Plan/Drawing
- Site Plan Checklist (Page 7)
- Application Fee
- Owner Authorization Form (Page 6)

Property Information – Where the carport will be located

Physical Address: 1715 mesquite valley Rd City, State: Mesquite, Texas
 Zip Code: 75149

Applicant Information – The person filling out the application

First Name: Jose T Last Name: pleitez
 Phone Number: 214-243-8288 Email Address: orellanaplumbing@hotmail.com

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: Yes No (If no, fill in information below)
 First Name: _____ Last Name: _____
 Phone Number: _____ Email Address: _____
 Mailing Address: _____ City, State: _____
 (If different from physical address)
 Zip Code: _____

Office Use Only

Subdivision: Alma Heights Tr 3.1 Block: _____ Lot: Pr Lot 2
 Size of Property: 98,100 Square Feet When was the property platted: 1946
 Date Received: 10-8-19 Project Intake: BC Case Number: BOA1019-0168
 Special Exception (\$200) Residential Variance (\$200) Non-Residential Variance (\$500) Appeals (\$300)

Structure Types

Check all that applies

Main Structure

- Room Addition
- Garage Addition
- New Residence

Nonconforming

- Use
- Premise
- Structure

Residential

- Rear Carport
- Storage Building
- Detached Garage
- Patio Cover
- Oversized Accessory Structure
- Accessory Dwelling Unit

Non-Residential

- Off-Site Parking
- Joint Use Parking
- Parking Reduction
- Flag Poles >75 Ft
- Reverse Vending Machine
- Oversized Accessory Structure

Other

- Fencing
- Special Promotions
- Temporary Uses
- Tree Preservation
- Oversized Antenna
- Lighted Game Courts
- Livestock

Height of Structure: 20 ft for both Feet Size of Structure: _____ Square Feet

Roof Pitch (If applicable): _____

Carport - 986
Garage - 999.92

Describe Materials Used:

Wood and brick and stone

Affected Part(s) of the Property

- Interior Side Yard Front Yard
- Exterior Side Yard Rear Yard

Will it

- Exceed Maximum Height?
- Exceed Maximum Size?

Status

- Existing
- Proposed

Describe the structure and its purpose:

Covering cars and storage

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

Requests for a Special Exception may be granted after the Board of Adjustment have found the following to be true. Please answer the following questions to the best of your ability.

Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties?

Yes No

If yes, how?

Storage of vehicles

Will the Special Exception be compatible with the surrounding neighborhood?

Yes No

If yes, how?

ATTACHMENT 4: APPLICATION MATERIALS

1. Yes, this will allow me to have more space to storage items that I'm not using, that way it makes my yard area to look cleaner.
2. Yes it will be compatible, we won't be going into any other property. It will help by creating a cleaner area, since all my unused things won't be laying in my yard.

Please let me know if these are sufficient answers. Thank you John. I actually wanted to ask you if there was a way you could meet with me in person to show you what we're doing. Is there anyway you could stop by?

Sent from my iPhone

On Nov 20, 2019, at 2:20 PM, John Chapman <jchapman@cityofmesquite.com> wrote:

Good afternoon,

I am currently reviewing this application and need more information from you. On page two of the application, two questions are asked:

1. Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties? And,
2. Will the Special Exception be compatible with the surrounding neighborhood?

Yes was indicated for both questions, however only an answer of, "storage of vehicles," was indicated. Unfortunately, this answer is not sufficient enough. Please provide a more detailed answer to both questions. If you have any questions, please let me know. I will need answers to these questions as soon as possible.

OWNER AUTHORIZATION PAGE

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the Front Carport Design Standards, Requirements & Application packet.

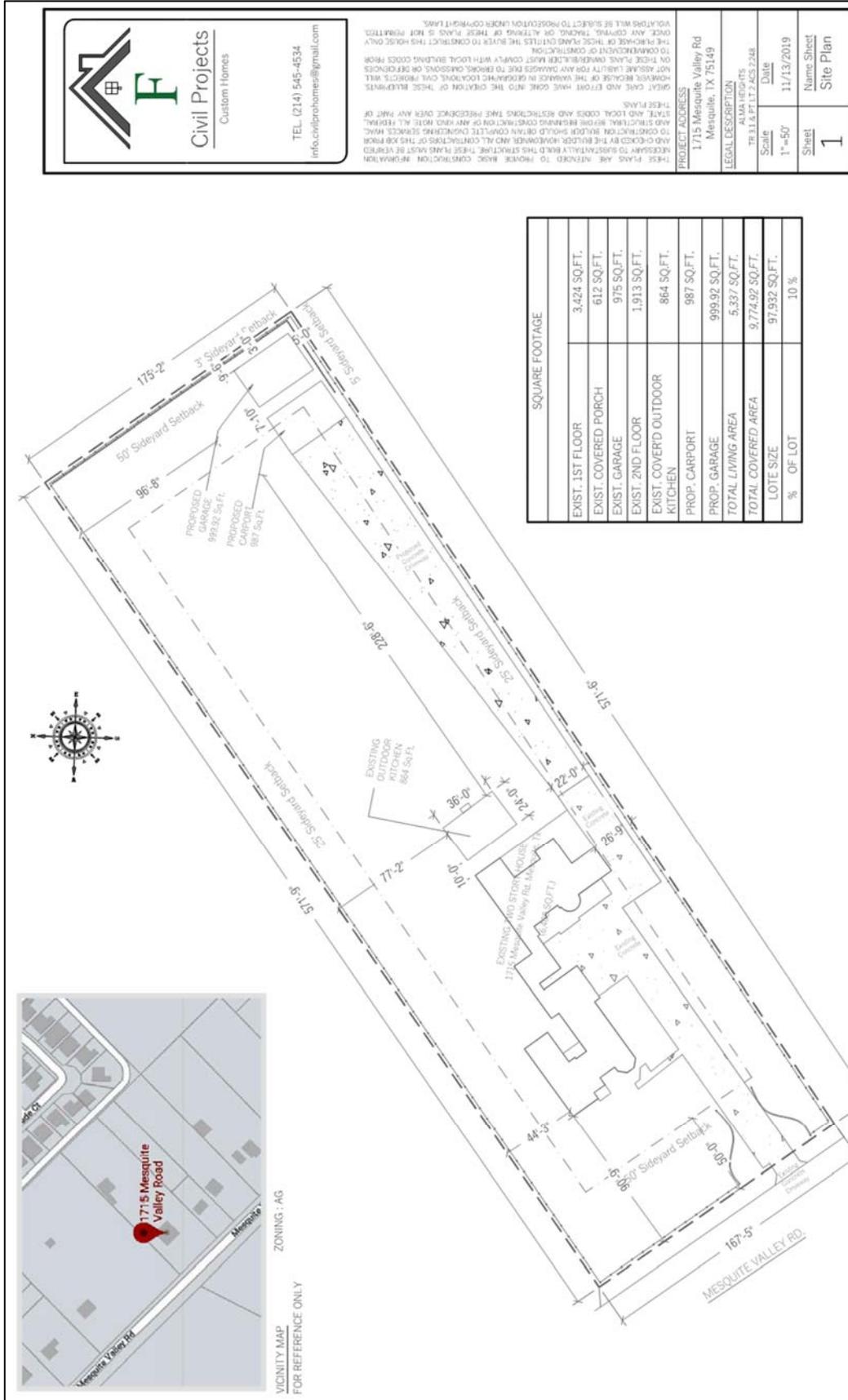
Property Owner: Jose T pleitez Phone Number: 214-243-8288

Address: 1715 mesquite valley Rd
mesquite TX 75149

Email Address: orellanaplumbing@hotmail.com

Signature: 

ATTACHMENT 4: APPLICATION MATERIALS



ATTACHMENT 4: APPLICATION MATERIALS



Closer look at the proposed structures, which will be connected under a shared roof as highlighted by the red rectangle.



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PLANNING AND ZONING

NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, December 5, 2019, at 6:30 p.m., in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA1019-0168
Submitted By/Property Owner:	Jose Pleitez
Property Location:	1715 Mesquite Valley Road
Legal Description:	Alma Heights, Tract 3.1 & Part of Lot 2
Requested Action:	Special Exceptions to 1) allow an approximately 1,986 square foot accessory structure, and 2) constructed at a height of 20 feet.

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments in writing (no faxes, calls or e-mails) by returning the response form attached below by the meeting date, or in person by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 329-8543.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1019-0168

Name:
(required)

Brandon Askins

I am in favor of this request _____

Address:
(required)

1745 Mesquite Valley
Mesquite, TX 75149

I am opposed to this request _____

Reasons
(optional):

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: JOHN CHAPMAN
PO BOX 850137
MESQUITE TX 75185-0137



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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1019-0168

Name: Chelsea and Adam Watson
(required)

I am **in favor** of this request

Address: 1721 Mesquite valley rd
(required)

I am **opposed** to this request

Mesquite, Tx 75149

Reasons (optional):

If he is going to continue building and working out of his home then he needs a privacy fence otherwise we oppose.

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: JOHN CHAPMAN
PO BOX 850137
MESQUITE TX 75185-0137



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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1019-0168

Name:
(required)

DAN & LINDA SAUCED

I am **in favor** of this request

Address:
(required)

1501 CADE CT

I am **opposed** to this request X

MESQUITE TX 75149

Reasons
(optional):

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: JOHN CHAPMAN
PO BOX 850137
MESQUITE TX 75185-0137

Janis 23



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DEC 05 2019
PLANNING AND ZONING

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Requested Action:	Special Exceptions to 1) allow an approximately 1,986 square foot accessory structure, and 2) constructed at a height of 20 feet.

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Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 329-8543.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1019-0168

Name:
(required)

Matilda & Salvador Rio's

I am **in favor** of this request

Address:
(required)

1425 Cade Ct.
Mesquite, Tx 75149

I am **opposed** to this request

Reasons
(optional):

Afraid it will decrease our property value,
Need detailed description of structure,
unsightly, to much noise
Also concerned that structure will be
used for habitation.

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: JOHN CHAPMAN
PO BOX 850137
MESQUITE TX 75185-0137

ATTACHMENT 6: CITIZEN EMAILS

From: [REDACTED]
To: [REDACTED]
Subject: [External] Property on Mesquite Valley Drive; Jose Feletz
Date: Friday, December 6, 2019 9:01:25 AM

Good Morning John,

Thank you for your time last night regarding the hearing on the property located at Mesquite Valley Drive behind our house on 1501 Cade Court Attached are photos of action by the owner of the property that have caused us concern

We are open to Joe P building a structure that would hide all his construction materials but it must be within the same code all of us are expected to comply with

Our main concern is the pile of trash and accompanying dump truck that now obstructs our view

The second concern is the removal of fence so that construction vehicles are allowed to use the residential alley to continue their construction efforts Are they allowed to do this without city approval? The noise and lack of privacy are horrendous

The third and last concern is that we were led to believe we bought a house in a residential neighborhood of single family dwellings The property behind us has built a structure that appears to house multiple families and a business We have seen as many as thirty workers on this property at one time

It is not that we don't want them to build what they want That is okay with us But we suspect they are not getting the proper permissions and may not be in compliance with the safety of the people on the property and the safety of the people who live around them

Thanks again for your time

David and Linda Saucedo
1501 Cade Court
Mesquite, Texas 75149
[REDACTED]



ATTACHMENT 6: CITIZEN EMAILS



ATTACHMENT 6: CITIZEN EMAILS





ATTACHMENT 6: CITIZEN EMAILS



-----END EMAIL-----

ATTACHMENT 6: CITIZEN EMAILS

From: [J_watson](#)
To: [John Chapman](#)
Subject: [External] In regards to the house on Mesquite Valley
Date: Thursday, December 5, 2019 7:10:14 PM

I do not approve of Jose building his extra expansion on his property. I also know that his iron fence was approved but I'm sure it was approved for a single family dwelling and he is in fact housing more than one family. Not only that he is running his business out of his home. I am tired of seeing over 30+ workers come and go daily looking into my property and into my home. There is constant loud noise from working he constantly has his dump truck there and tons of work materials there it's a major eye sore. I do not know how he has been able to get away with it for so long. There are always at least 10+ cars on his property. That cannot be legal. On top of that when he was staining his driveway a different color I could not even stay in my own home because of how powerful the smell was. It is getting ridiculous how much is going on on his lot on a daily basis. I hope the city can help resolve this issue before he builds anymore on his property.

WARNING: This email is from an external source. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward to the helpdesk@cityofmesquite.com or call us at 972-216-6622 if you are unsure.



City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2020
Staff Report

Case Number: BOA1219-0175

Applicant/Property Owner: David Sale

Address: 3618 Red Wolf Drive

Request: Special Exception to allow an oversized accessory structure including approximately 600 square feet.

Background: The applicant is requesting a Special Exception to construct a 600 square foot (25' x 24') detached accessory structure. The structure will be 11' in height and will have a metal frame and roof. The structure will be located in the rear of the property and will be located within the required R-3 Single Family Residential setbacks. The proposed structure is approximately 100 square feet larger than the maximum 500 square feet allowed. The applicant stated the structure will be used as a storage and workshop area and will be built on an approved surface.

Zoning: Planned Development Single Family; PD-SF (Ord. No. 1339)

Lot Size: 10,498.52 square feet/0.24 acres

Surrounding Land Uses: The property abuts single-family residential on all sides. All abutting single-family properties are similar in size.

Applicable Ordinances:

REQUIREMENTS – ALL STRUCTURES

Mesquite Zoning Ordinance Section 2-602.A: Maximum Size And Lot Coverage

The maximum permitted size for an accessory structure in the R and D districts shall be 500 square feet; provided, however, that in no case, shall the total of all accessory structures occupy more than 35% of the yard area in which the structures are located. The maximum permitted size for an accessory structure in the AG district shall be 1000 square feet.

Staff Comment:

The accessory structure in question exceeds the maximum size allowed by 100 square feet. The rear yard is approximately 4,631 square feet and the total space occupied by all accessory structures is 500 square feet, which is ~10.7% of the rear yard.

ACCESSORY STRUCTURES – SPECIAL EXCEPTIONS

Mesquite Zoning Ordinance Section 2-604.A: Oversized Accessory Structure

To allow an oversized accessory structure, which shall be any detached structure which exceeds the height, size, or coverage limits set out in 2-602. An existing accessory building shall not become an oversized structure due to the attachment of a minor building with separate entrances. Buildings exceeding 10% of the lot area are generally considered to be incompatible.

Staff Comment:

The proposed accessory structure will be located near the rear property line and within the backyard of the property. As mentioned previously, the structure will exceed the maximum size allowed by approximately 100 square feet. The structure will not exceed the permitted height of 15 feet and will meet the required 10-foot exterior side yard setback and 5 foot rear yard setback. The lot area is 10,498 square feet per Dallas County Appraisal District records and 10% of the lot area would be 1,049 square feet. The proposed accessory structure is 600 square feet, which is less than 10% of the lot area and therefore is considered compatible.

CRITERIA FOR REVIEW

Mesquite Zoning Ordinance Section 5-203 “Criteria for Special Exceptions”

Section 5-203.A of the Mesquite Zoning Ordinance states Special Exceptions may be granted as set out in this ordinance when the Board determines that the exception will allow greater use and enjoyment of property without creating adverse impacts on adjacent properties and that it will be compatible with the surrounding neighborhood. The Board shall also consider any criteria set out in this ordinance for a specific Special Exception.

Staff Comment:

It is Staff’s professional opinion that approval of this Special Exception will not create any adverse impacts on adjacent properties and meet all required setbacks.

**Staff
Recommendation:**

Staff recommends approval of the Special Exception to allow an oversized accessory structure including approximately 600 square feet, subject to meeting all applicable requirements of the Mesquite Zoning Ordinance, and all other applicable ordinances.

Permits:

No Permit History Found

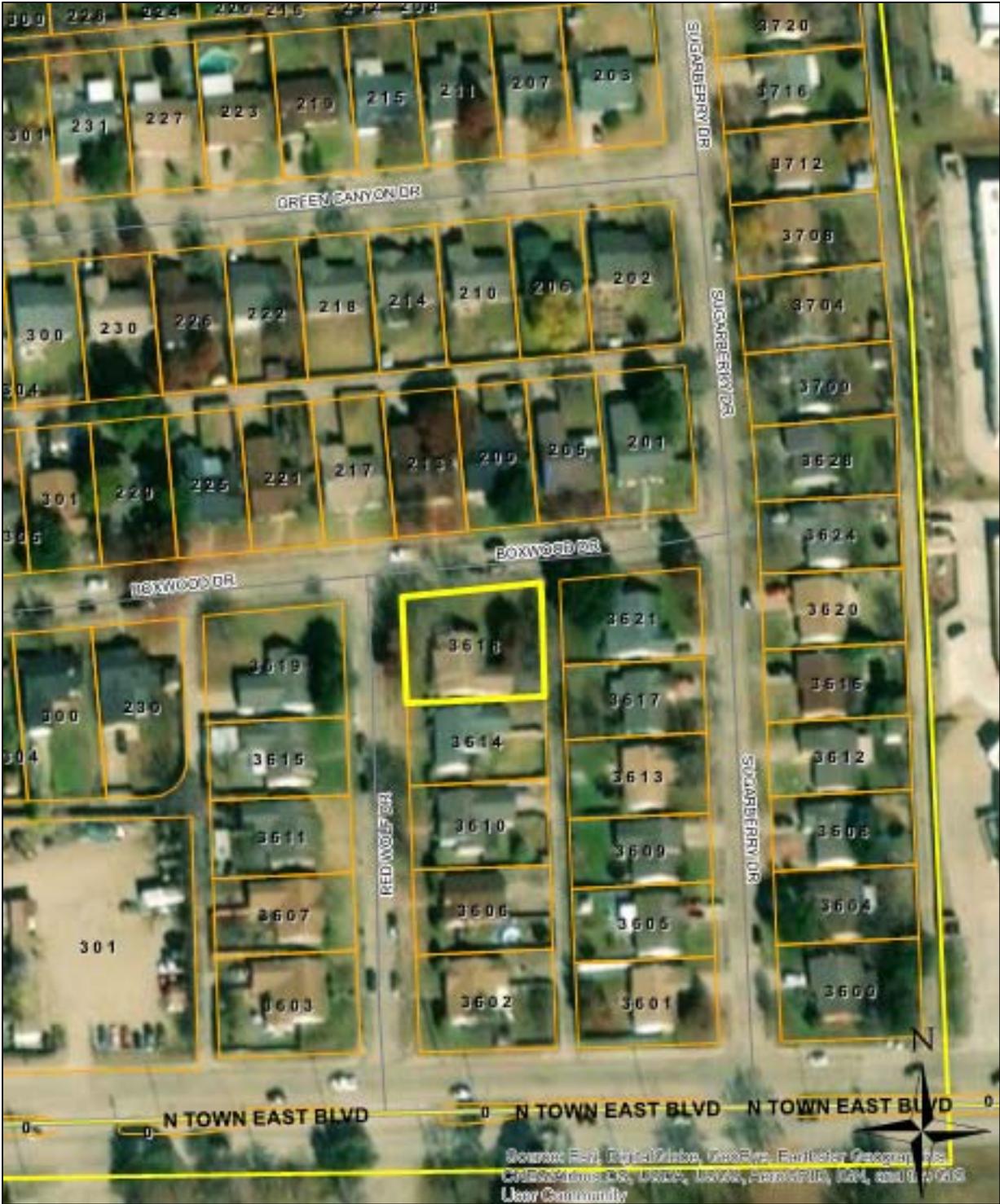


City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2020
Staff Report

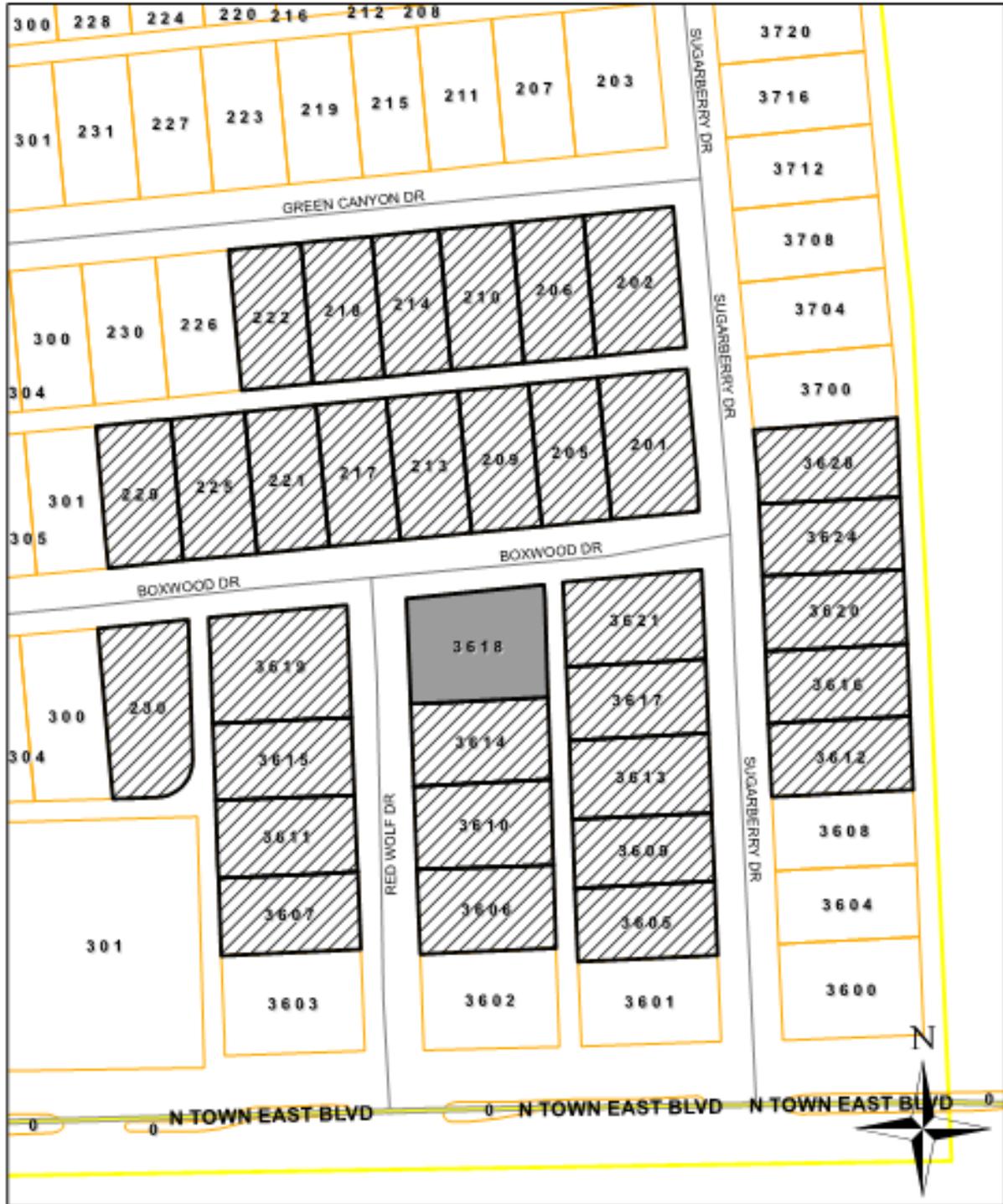
Public Notice: Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, 6 notices have been returned in favor and 1 in opposition to the request.

Attachments:

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Site Photos
- 4 – Application Materials
- 5 – Returned Notices



ATTACHMENT 2: NOTIFICATION MAP

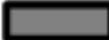


Request: Special Exception to allow an oversized accessory structure totaling approximately 600 square feet.

Applicant: David Sale

Location: 3618 Red Wolf Dr

Legend

-  Notified Properties
-  Subject Property

ATTACHMENT 3: SITE PHOTOS



Street view of subject property from Red Wolf Drive



Street view of subject property from Box Wood Drive

MESQUITE | City of Mesquite
 T E X A S | Board of Adjustment
 Real. Texas. Service. | Application

Please print legibly. This application can also be completed online at <https://www.cityofmesquite.com/DocumentCenter/View/7724/Board-of-Adjustment---Application-for-General-Special-Exceptions-and-Variations>.

Application Checklist

- Completed Application
- Site Plan/Drawing
- Site Plan Checklist (Page 7)
- Application Fee
- Owner Authorization Form (Page 6)

Property Information – Where the carport will be located

Physical Address: 3618 REDWOLF DR City, State: Mesquite, Texas
 Zip Code: 75150

Applicant Information – The person filling out the application

First Name: DAVID Last Name: SALE
 Phone Number: 2146959279 CELL Email Address: CDJ5@VERIZON.NET
9722261706 HOME
 I would like an interpreter at the meeting: Yes No Language: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: Yes No (If no, fill in information below)
 First Name: _____ Last Name: _____
 Phone Number: _____ Email Address: _____
 Mailing Address: _____ City, State: _____
 (If different from physical address)
 Zip Code: _____

Office Use Only

Subdivision: Meadowdale 3 Block: 21 Lot: 1
 Size of Property: 10,499 Square Feet When was the property platted: 5/31/1978
 Date Received: 12/26/19 Project Intake: JC Case Number: BOA1219-0175
 Special Exception (\$200) Residential Variance (\$200) Non-Residential Variance (\$500) Appeals (\$300)

Structure Types

Check all that applies

Main Structure

- Room Addition
- Garage Addition
- New Residence

Nonconforming

- Use
- Premise
- Structure

Residential

- Rear Carport
- Storage Building
- Detached Garage
- Patio Cover
- Oversized Accessory Structure
- Accessory Dwelling Unit

Non-Residential

- Off-Site Parking
- Joint Use Parking
- Parking Reduction
- Flag Poles >75 Ft
- Reverse Vending Machine
- Oversized Accessory Structure

Other

- Fencing
- Temporary Uses
- Tree Preservation
- Oversized Antenna
- Lighted Game Courts
- Livestock

Height of Structure: 11 Feet Size of Structure: 600 Square Feet

Roof Pitch (If applicable): _____

Describe Materials Used:

METAL-BLDG. CONCRETE SLAB.
WINDLOW - TEXWIN - NEW MATERIAL

Affected Part(s) of the Property

- Interior Side Yard Front Yard
- Exterior Side Yard Rear Yard

Will it

- Exceed Maximum Height?
- Exceed Maximum Size?

Status

- Existing
- Proposed

600 SQ. FEET

Describe the structure and its purpose:

STORAGE & SHOP AREA

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

Requests for a Special Exception may be granted after the Board of Adjustment have found the following to be true. Please answer the following questions to the best of your ability.

Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties?

Yes No

If yes, how?

THIS WILL BE A NEW STRUCTURE
AND BE USED FOR STORAGE. I AM
ON A CORNER LOT. IT WILL NOT CREATE
ANY PROBLEM FOR NEIGHBORS.
I HAVE TOLD MY NEIGHBOR ABOUT IT.

Will the Special Exception be compatible with the surrounding neighborhood?

Yes No

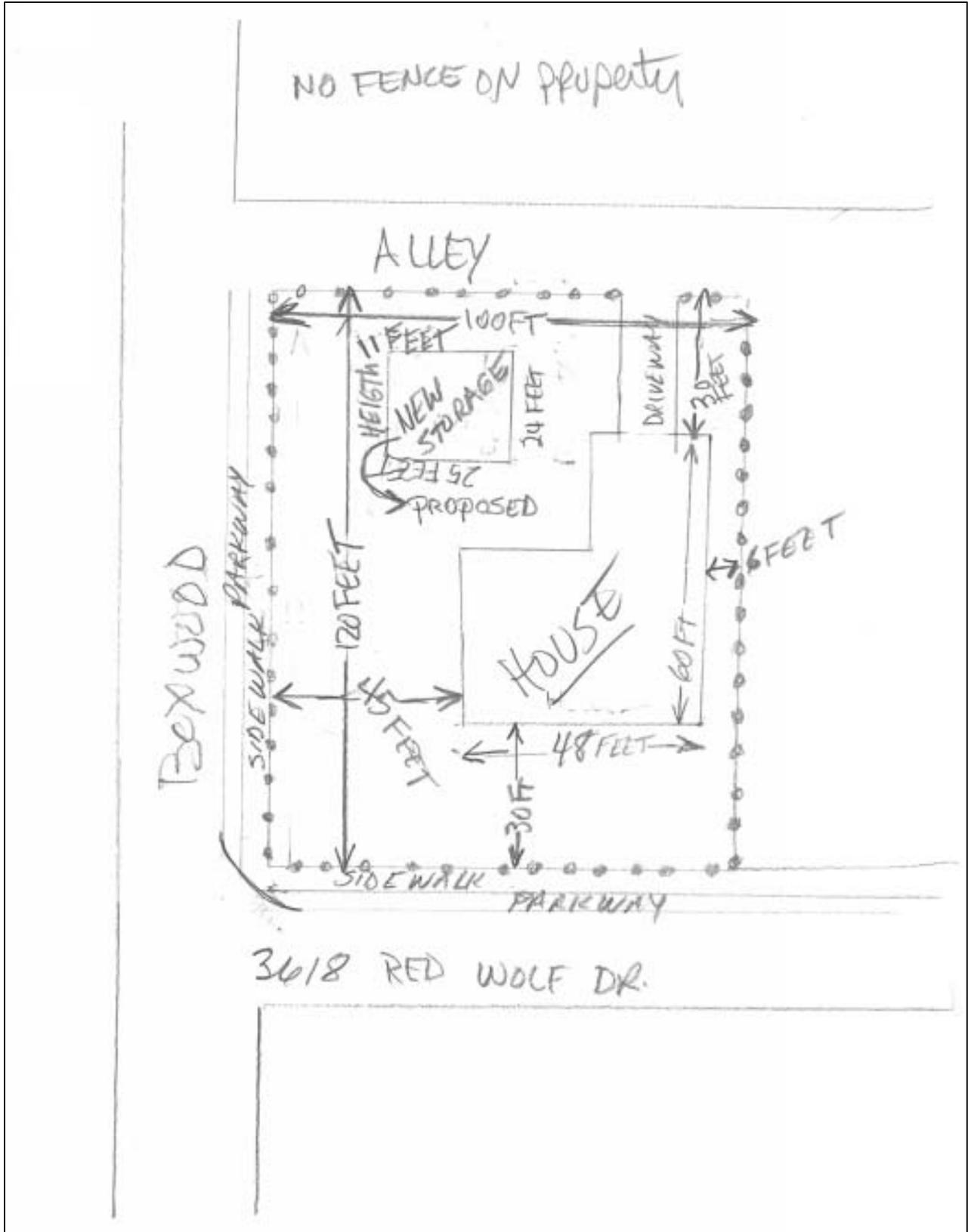
If yes, how?

I HAVE NOTICED SIMILAR BUILDINGS
IN THE NEIGHBORHOOD, AND TALKED TO
SOME, THERE HAS BEEN NO IMPACT ON
NEIGHBORHOOD. THIS IS A NICE BUILDING
AND VERY ATTRACTIVE TO LOOK AT.

OWNER AUTHORIZATION FORM

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the Front Carport Design Standards, Requirements & Application packet.

Property Owner: DAVID SALE Phone Number: 214 695 9279 CELL
Address: 3618 RED WOLF
MESQUITE TX 75150 Email Address: CDJ5@VERIZON.NET
Signature: David Sale



ATTACHMENT 4: APPLICATION MATERIALS

12/14/2019

Design Your Texwin Structure



Congratulations on designing a Texwin structure! Our goal is to exceed your expectations of our service and product.

Below are the details of your design with a link to return to your configured structure. If you have any concerns, you can contact us immediately by calling our Customer Service team at 903-560-8810.





NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, January 23, 2020 at 6:30 p.m., in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA1219-0175
Submitted By:	David Sale
Property Owner:	David Sale
Property Location:	3618 Red Wolf Drive
Legal Description:	Meadowdale 3, Block 21, Lot 1
Requested Action:	Special Exception to allow an oversized accessory structure totaling approximately 600 square feet located in the rear yard.

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes, calls or e-mails) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6344.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1219-0175

I am **in favor** of this request

I am **opposed** to this request

Reasons (optional): I have no objections due to the location is not in the alley of my residence

Name: Patricia A. Stubblefield
(required)

Address: 225 Boxwood Drive
(required)
Mesquite, TX 75150

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: Ben Callahan
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
JAN 10 2020
PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1219-0175

I am **in favor** of this request

I am **opposed** to this request

Name: Kent Yuen

Address: 3619 Red Wolf

Mesquite, TX

Reasons (optional):

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: Ben Callahan
PO BOX 850137
MESQUITE TX 75185-0137

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Complete and return
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BOA Case: BOA1219-0175

I am **in favor** of this request X

I am **opposed** to this request _____

Reasons (optional):

Name:
(required)
Address:
(required)

William Beard
3614 Red Wolf Dr.
Mesquite, TX 75150

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: Ben Callahan
PO BOX 850137
MESQUITE TX 75185-0137

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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1219-0175

I am in favor of this request _____

I am opposed to this request X

Reasons (optional):

Name: (required)

Address: (required)

QIRU ZOV R. Z 1/7/2020
3617 Sugarberry Dr
Mesquite, TX 75150

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: Ben Callahan
PO BOX 850137
MESQUITE TX 75185-0137

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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1219-0175

I am **in favor** of this request Name: Jim Newman
(required)

I am **opposed** to this request Address: 221 Bokwood, DR.
(required)

Reasons (optional): _____

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: Ben Callahan
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
JAN 13 2020
PLANNING AND ZONING



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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1219-0175

Name:
(required)

Rudy & Sharon Volk

I am **in favor** of this request

Address:
(required)

3607 Red Wolf Dr.

I am **opposed** to this request

Mesquite Tx 75150

Reasons
(optional):

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: Ben Callahan
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
JAN 13 2020
PLANNING AND ZONING



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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA1219-0175

I am **in favor** of this request

I am **opposed** to this request

Name:
(required)
Address:
(required)

Manbel Martinez
230 Boxwood Dr
Mesquite, TX 75150

Reasons
(optional):

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: Ben Callahan
PO BOX 850137
MESQUITE TX 75185-0137

JAN 10 2020
PLANNING AND ZONING
JAN 10 2020
PLANNING AND ZONING



City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2020
Staff Report

Case Number: BOA1119-0172

Applicant & Owner: Jose Lopez and Maria Sandoval

Address: 917 Ashland Drive

Request: Special Exceptions (1) to allow an approximately 400 square foot front carport; (2) to allow the front carport to be constructed with a flat roof; and (3) a Variance to allow the front carport to encroach 4 feet into the side yard setback.

Background: The applicant is requesting Special Exceptions to allow an approximately 400 (20' x 20') square foot front carport with a metal exterior and a flat roof. The carport is existing and was constructed without permits over an existing front driveway. The applicant is requesting a Variance, as the carport encroaches 4 feet into the 5-foot side yard setback. The structure will not exceed the maximum 15 feet or 1 story in height permitted for an accessory structure such as a carport. Current standards require the carport to be setback 5 feet from the side property line and may not extend 20 feet beyond the front building line.

Zoning: R-3, Single Family Residential

Lot Size: 8,040 square feet

Surrounding Land Uses: The subject property is surrounded on all sides by R-3 single family homes on lots of similar sizes.

SPECIAL EXCEPTION- FRONT CARPORT

Applicable Ordinances: **Mesquite Zoning Ordinance Section 5-203: Criteria for Review**
A. Criteria for Special Exceptions

Special Exceptions may be granted as set out in this ordinance, when the Board determines that the exception will allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties and that it will be compatible with the surrounding neighborhood. The Board shall also consider any criteria set out in this ordinance for a specific Special Exception.

Staff Comment:

Staff does not anticipate any adverse impacts on the surrounding neighborhood as there are several similar carports nearby constructed with flat roofs.

Mesquite Zoning Ordinance Section 2-604.B.1

A front carport may be approved as a Special Exception on a lot zoned R-3 if the Board determines that the front carport would be compatible with the neighborhood. A front carport approved by Special Exception shall comply with the design standards of Section 2-603E numbers 3, 4, and 5. In determining whether the requested front carport would be compatible with the neighborhood, the Board shall consider, among other things, the following characteristics:

1. *Whether the front carport would afford the only opportunity to provide covered parking on the lot;*
2. *Whether the lot has paved alley access such that rear parking is available as an alternative to a front carport;*
3. *Whether parking behind the building line was not required at the time of construction; and*
4. *Whether the dwelling was originally built with either a one-car garage or no garage.*

Staff Comment:

The front carport would not be the only opportunity for covered parking on the property, as a one-car garage was constructed with the home. There is a paved alley adjacent to the rear property. The property was platted in 1968 and parking behind the front building line was not required when the residence was built in 1968.

Mesquite Zoning Ordinance Section 2-604.B.2

In approving a Special Exception, the Board is authorized, but not required, to approve an applicant's request for a carport with a flat roof and/or metal exterior if the Board determines that a flat roof and/or metal exterior would be compatible with the neighborhood. The Board shall consider, among other things, the following characteristics:

1. *The request is located on a platted lot before December 21, 1964, provided however, a metal carport shall not be approved on a lot platted after said date; and*
2. *The existence, location and similar design of other carports in the immediate vicinity of the request.*

Staff Comment:

Per House Bill 2439, Mesquite can no longer enforce material requirements, nor can the Board stipulate building material requirements as part of any condition. However, the City will continue to regulate building roof pitch. Therefore a Special Exception will still be required to have a carport with a flat roof. Additionally, the property was platted in 1968 and there are similar front

carports in the immediate vicinity of the subject property.

VARIANCE

Mesquite Zoning Ordinance Section 5-203: Criteria for Review

Variations from the terms of the ordinance which will not be contrary to the public interest may be granted where, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of the ordinance is observed and substantial justice is done. The Board shall consider whether:

1. *Special Conditions - Special conditions and circumstances exist which are peculiar to the land or improvements thereto and which are not applicable to other lands or improvements thereto in the same district.*

Staff Comment:

Staff did not find any special conditions or circumstances unique to the property. Most lots in the subject property's neighborhood were platted uniformly and the homes were constructed and located on their perspective lots in the same manner. Many of the homes were designed and constructed with a single-car garage and a single-car driveway.

2. *Unnecessary Hardship - Literal interpretation of the provisions of the ordinance would result in unnecessary hardship to the owner of the property.*

Staff Comment:

Staff has determined that the literal interpretation of the provisions of the ordinance would not result in unnecessary hardship to the owner. The applicant is requesting a side yard variance for an existing carport which was constructed without permits. Alternatively, the applicant could have expanded the driveway towards the east, in front of the house and located a front carport wide enough for two vehicles in front of the house and outside of the side yard setback. Expanding the width of the driveway is permissible providing that it does not cover more than 50% of the front yard.

3. *Not Self-Imposed - The special conditions and circumstances are not self-imposed, i.e. do not result from the actions of the applicant or owner.*

Staff Comment:

Placement of the driveway near the property line, which is allowed with a proper permit, was not obtained and is a result of the applicant. Setbacks only apply to structures and do not apply to pavement. The carport was constructed before Planning Staff was consulted about starting the approval process for a front carport. The applicant was unaware that although a driveway can be constructed next to the property line, a front carport must provide a 5-foot setback from the



City of Mesquite
BOARD OF ADJUSTMENT
January 23, 2020
Staff Report

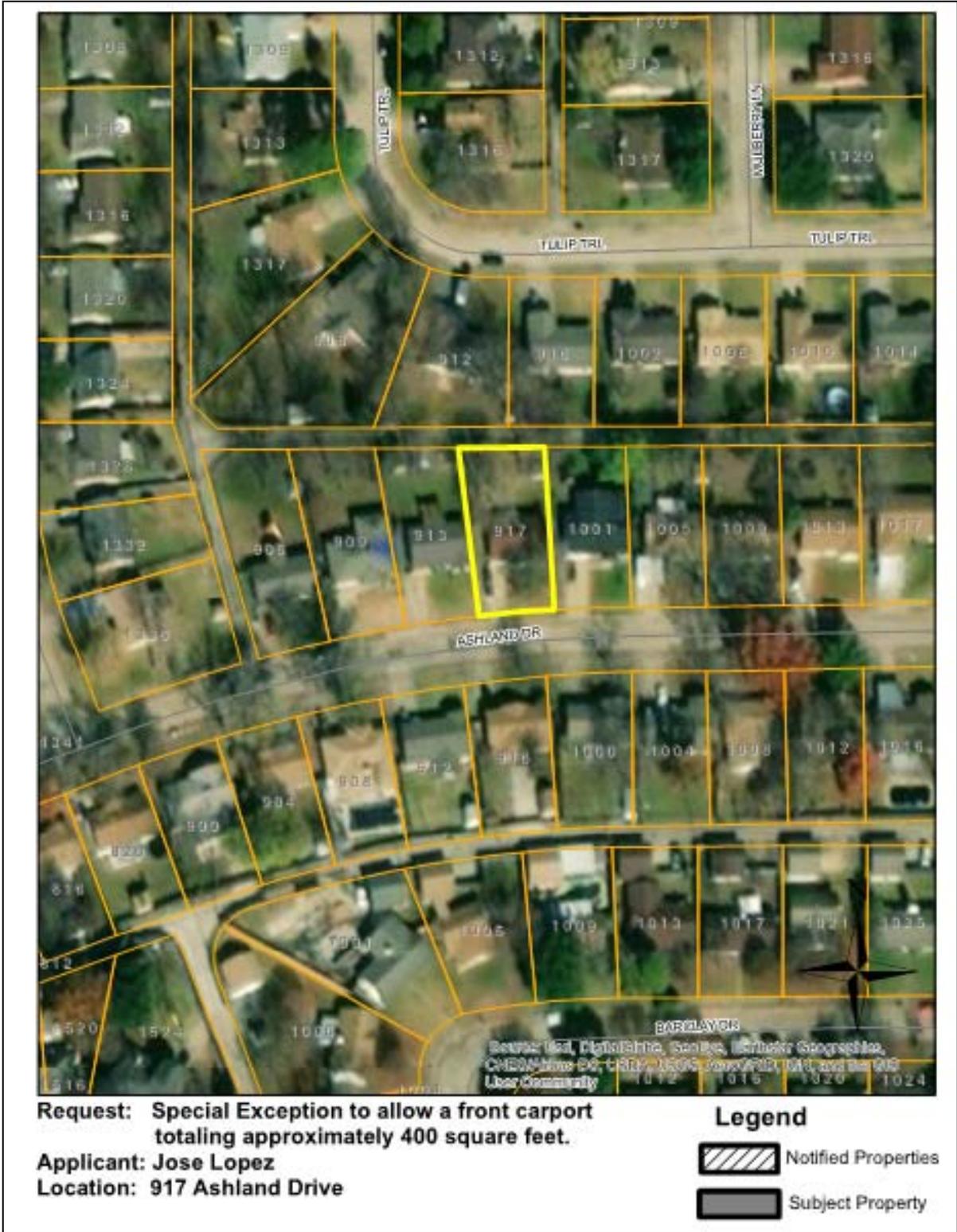
property line. The location of the carport is self-imposed.

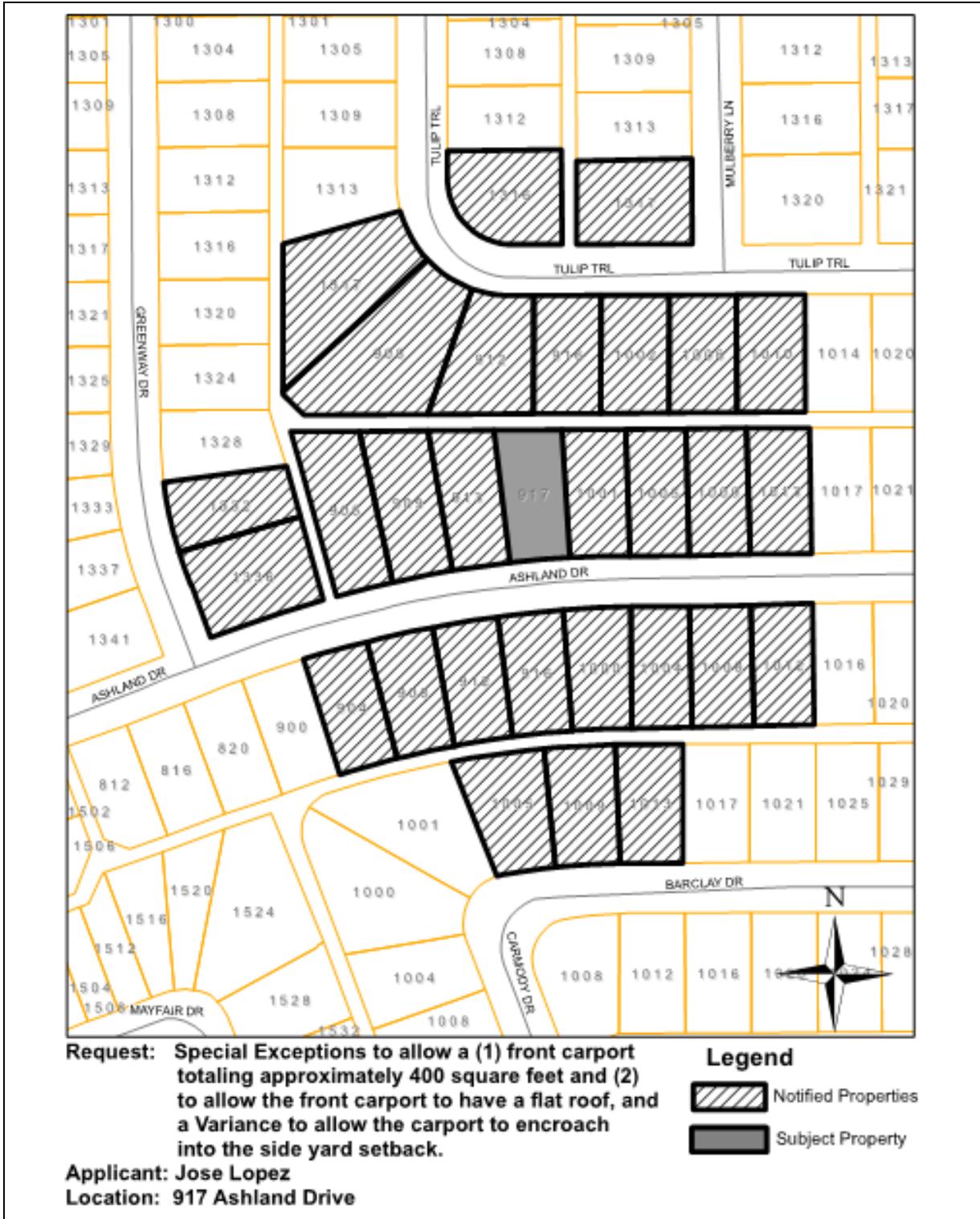
Staff Recommendation: Staff recommends approval of the Special Exceptions to allow a 400 square foot front carport, constructed with a flat roof, subject to meeting all applicable requirements of the Mesquite Zoning Ordinance. Staff recommends denial of the Variance to allow the front carport to encroach into the side yard setback, as the request does not meet the criteria for approval of a Variance.

Permits:
2007 – Building
2010 – Plumbing, Electrical
2012 – Plumbing
2017 – Plumbing

Public Notice: Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices.

Attachments:
1 – Aerial Map
2 – Public Notification Map
3 – Site Photos
4 – Application Materials







Street view of subject property from Ashland Drive



View of subject property line



City of Mesquite
Front Carport Design Standards,
Requirements & Application

Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/7722/BOA---Front-Carport>.

Application Checklist

- Completed Application
- Site Plan/Drawing
- Site Plan Checklist (Page 8)
- Owner Authorization Form
- \$200 Application Fee

Property Information – Where the carport will be located

Physical Address: 914 Ashland St City, State: Mesquite, Texas
 Zip Code: 75149

Applicant Information – The person filling out the application

First Name: Jose Last Name: Lopez
 Phone Number: 942 330 6094 Email Address: _____
 I would like an interpreter at the meeting: Yes No Language: español

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: Yes No (If no, fill in information below)
 First Name: _____ Last Name: _____
 Phone Number: _____ Email Address: _____
 Mailing Address: _____ City, State: _____
 (If different from physical address)
 Zip Code: _____

****MUST HAVE COMPLETED OWNER AUTHORIZATION FORM – SEE PAGE 7****

Office Use Only

Subdivision: Cosa Terrace 2 Block: 10 Lot: 22
 When was the property platted: 1961 Year Home Built: 1968
 Date Received: 11/7/2019 Project Intake: BC Case Number: BOA1119-0172

Additional Information

Width of Home: _____ Feet Width of Carport: _____ Feet

Will the carport be located over an asphalt or concrete driveway? Yes No

Carport Design

Carport Status: Existing Proposed

If the carport is existing, when was it constructed, and by who?

October 2019 Jose Carlos Lopez

The carport will be, or is: Attached to the house Detached from the house

Will, or does, a front porch cover attach to the front carport? Yes No

The front carport will be or is currently constructed of (Check all that apply):

Wood Metal Masonry

Describe the colors used on the carport: DARK GRAY

Describe the columns of the front carport, including: height, width and length, color, and material.

Select the roof type that resembles the proposed or existing front carport:



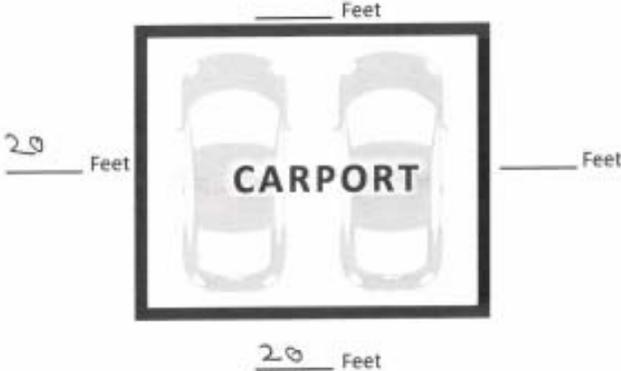
Flat Roof Pitched with Open Gable Pitched with Closed Gable Hip Roof

Describe the roof material: metal

If the design of the roof does not match one of the images above, please use the space below to describe the roof.

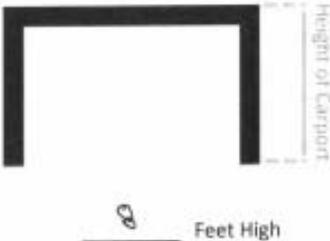
Carport Design, Continued

Indicate each length of the carport using the space below.



Indicate the height of the carport using the space below based on the roof type previously selected.

Flat Roof



Pitched with Open Gable



Pitched with Closed Gable



Hip Roof



COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

If applicable, please do not leave blank and answer to the best of your ability.

Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties? Yes No

If yes, how?

It allow additional parking space for veh.

Will the Special Exception be compatible with the surrounding neighborhood? Yes No

If yes, how?

Multiple noise in the neighborhood also have carpools

COMPLETE FOR VARIANCES ONLY.

The Board of Adjustment must find each of the following three questions to be true.

Are there special conditions and circumstances that exist on the property that are peculiar to the land or improvements thereto and which are not applicable to other lands or improvements in the same district?

Yes No

If so, explain:

Will the literal interpretation of the ordinance result in an unnecessary hardship to the owner of the property?

Yes No

If yes, how?

COMPLETE FOR VARIANCES ONLY.

Are the special conditions and circumstances on the property self-imposed? Yes No

If yes, explain:

OWNER AUTHORIZATION PAGE

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the Front Carport Design Standards, Requirements & Application packet.

Property Owner: Jose cartora López Phone Number: 972-330-6094
Address: 917 Ashland St
Email Address: JOSE CARTORA @ 99 icloud.com
Signature: JOSE CARTORA L

