



**BOARD OF ADJUSTMENT REGULAR MEETING
CITY COUNCIL CHAMBERS**

757 North Galloway Avenue
Mesquite, Texas
June 25, 2020 – 6:30 P.M.

MEETING PARTICIPATION INSTRUCTIONS

In accordance with the Governor’s suspension of various provisions of the Texas Open Meetings Act issued pursuant to his state disaster authority, and guidance issued on the suspension by the Attorney General’s Office:

1. A quorum of the Board of Adjustment will participate in the meeting by telephone or by being physically present at the meeting location.
2. Applicants having matters on the agenda and interested parties may participate by telephone or by appearing at the meeting location.
3. All persons present at the meeting location must wear some form of covering over their noses and mouths and shall observe social distancing by remaining a minimum of six (6) feet from other meeting participants.
4. Members of the public may participate by telephone.
5. Applicants and/or members of the public desiring to participate in the meeting by telephone conference may do so by dialing the following local number on Thursday, June 25, 2020, before, at or after 6:30 p.m. central time.

Telephone Conference Number: 214-396-6338
Participation Code (meeting ID): 177-6111

Persons may INCREASE their listening volume by pressing *86
Persons may DECREASE their listening volume by pressing *87.

Repeat as necessary to incrementally increase or decrease the listening volume.

Persons may press *5 to be recognized to speak during the public comment or public hearing portion of the meeting.

6. The meeting will be audible to all in-person and telephone participants and will allow for their two-way communication.
7. Comments may be made during the meeting upon recognition by the Chairperson or may be made in writing before 3:00 p.m. on June 25, 2020, to the following email address:
jmatthews@cityofmesquite.com.
8. An electronic copy of the agenda packet will be posted online at the City of Mesquite’s website (www.cityofmesquite.com).

The meeting will be recorded and made available to the public.

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.

BOARD BUSINESS

1. ROLL CALL

2. INSTRUCTIONS

City Staff shall give verbal instructions for participation in the meeting.

3. BOARD PROCEDURES

Chair shall make a public announcement regarding the Board's procedures.

PUBLIC COMMENTS

4. Any individual desiring to address the Board of Adjustment regarding an item on the CONSENT AGENDA shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Board of Adjustment through a translator will be allowed six (6) minutes.

CONSENT AGENDA

All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Board of Adjustment or any individual wish to discuss any item, said item may be removed from the Consent Agenda by a motion of the Board of Adjustment.

5. APPROVAL OF MINUTES.

Discuss and consider approval of the minutes of the May 28, 2020 Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

6. BOA0520-0189 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Jose Victor Puente, for Special Exceptions to allow (1) a front carport (2) constructed with a flat roof, including approximately 380 square feet, located at 2850 Cumberland Dr. (BOA0520-0189, Lesley Frohberg, Planner).

7. BOA0520-0190 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Victor Zuniga, for a Special Exception to (1) allow a front carport (2) constructed with a flat roof, including approximately 400 square feet, located at 2846 Cumberland Dr. (BOA0520-0190, Lesley Frohberg, Planner)

8. BOA0520-0192 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Eric Oberg, for Special Exceptions to allow (1) a front carport (2) constructed with a flat roof, including approximately 216 square feet, located at 1718 Buena Vista St. (BOA0520-0192, John Chapman, Planner)

9. BOA0520-0193 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Barbara Thornton for Special Exceptions to allow (1) a front carport (2) constructed with a flat roof, including approximately 400 square feet, located at 2503 N. Parkway Boulevard St. (BOA0520-0193, John Chapman)

PUBLIC COMMENTS

10. Any individual desiring to address the Board of Adjustment regarding an item on the CONTESTED AGENDA ITEMS shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Board of Adjustment through a translator will be allowed six (6) minutes.

PUBLIC HEARINGS- CONTESTED CASES

11. BOA0520-0191 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Adrian Villanueva, for a Special Exception to allow an oversized accessory structure (patio cover) in the rear yard including approximately 240 square feet, which exceeds more than 35% coverage of the rear yard, located at 804 Via Madonna. (BOA0520-0191, Johnna Matthews, Principal Planner)

12. BOA0620-0195 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Shubham Pandey, PNC Partners, LTD, DBA: Meadow Oaks Academy, for a Special Exception to allow a portable building to be used as a temporary classroom and including approximately 3,072 square feet, located at 1412 S. Belt Line Rd. (BOA0620-0195, Johnna Matthews, Principal Planner)

TRAINING FOR BOARD MEMBERS AND ALTERNATES

13. Resume 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 will include the revised, new Section 5-200 of the Mesquite Zoning Ordinance, approved by the City Council of the City of Mesquite on June 15, 2020.

PUBLIC COMMENTS

14. Any individual desiring to address the Board of Adjustment regarding the TRAINING FOR BOARD MEMBERS AND ALTERNATES or ANY OTHER MATTER not listed on the Agenda shall be allowed to speak for a length of time not to exceed three (3) minutes on a first-come, first-served basis. Citizens addressing the Board of Adjustment through a translator will be allowed six (6) minutes.

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 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 **June 25, 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 **June 19, 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 MAY 28, 2020, AT 6:30 P.M., AT CITY HALL, 757 NORTH GALLOWAY
AVENUE, MESQUITE, TEXAS**

Present: Chairman Thomas Palmer, George Rice, Wana Alwalee, Jack Akin, Aeneas Ford, Alternate Benny Gordon

Staff: Principal Planner Johnna Matthews, Planner Lesley Frohberg, Assistant City Attorney Karen Strand, Senior Administrative Secretary Devanee Winn

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office, this meeting was held by telephone conferencing to support social distancing. Commissioners and City Staff attended the meeting via telephone conference with the exception of, Mr. Akin, Mr. Gordon, Ms. Matthews, who were present in the City Council Chambers and practiced social distancing.

I. BOARD BUSINESS

1. ROLL CALL

Principal Planner Johnna Matthews took Roll Call and declared a quorum was present.

2. INSTRUCTIONS

Principal Planner Johnna Matthews gave verbal instructions on how to participate in the meeting by telephone conferencing.

3. BOARD PROCEDURES

Chairman Palmer made a public announcement regarding the Board's procedures.

4. PUBLIC COMMENTS

Chairman Palmer asked if anyone would like to speak on an item not scheduled for a public hearing. Comments were open to those in the audience in the Council Chambers, those on the conference call as well as to Board of Adjustment members. There were no public comments.

CONSENT AGENDA

All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Board of Adjustment or any individual wish to discuss any item, said item may be removed from the Consent Agenda by a motion of the Board of Adjustment.

5. APPROVAL OF MINUTES

Consider approval of the minutes of April 23, 2020, meeting.

A motion was made by Mr. Akin to approve the minutes for the April 23, 2020, Board of Adjustment meeting. Ms. Alwalee seconded. The motion passed 5-0.

PUBLIC HEARINGS- UNCONTESTED CASES

6. BOA0420-0187 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Nohe Ponce, for a Special Exception allow an oversized accessory structure (barn) in the rear yard,

including approximately 2,000 square feet, located at 3470 McKenzie Rd. (BOA0420-0187, Johnna Matthews, Principal Planner).

Principal Planner Johnna Matthews briefed the Board. There were no questions for Staff and the Applicant was not in attendance. Chairman Palmer opened the public hearing. No one had comments either in person or by phone. Chair closed the public hearing. A motion was made by Ms. Alwalee to approve. Ms. Lynn seconded. The motion passed 5-0.

II. PUBLIC HEARINGS –CONTESTED CASES

7. BOA0420-0188 – VARIANCE

Conduct a public hearing to consider an application submitted by Ron Hobbs (Ron Hobbs Architecture & Interior Design, LLP), for a Variance to allow an 18-foot reduction of the 28-foot south side yard setback for proposed medical office development, located at 4115 N. Beltline Rd. (BOA0420-0188, Lesley Frohberg, Planner).

Planner Lesley Frohberg briefed the Board. Mr. Akin asked if there is no alley access, where will access be into the medical offices. Ms. Frohberg answered access will be along N. Belt Line Road. Mr. Akin asked if the other land is developed what happens with the access. Chairman Palmer answered that both developments would share access. Applicant Mr. Ron Hobbs was available for questions via conference call. Mr. Hobbs expressed how pleased he was with the Staff's presentation. There were no questions from the Board for the Applicant. Chairman Palmer opened the public hearing. There were no public comments. Chair closed the public hearing. A motion was made by Ms. Alwalee to approve. Mr. Ford seconded. The motion passed 5-0.

STAFF / BOARD LIAISON REPORT

- 8. The annual Board training is postponed until further notice.**
- 9. Mesquite Zoning Ordinance Amendment, Section 5-200. P&Z Commission considered the item on Tuesday, May 26th and it is tentatively scheduled to be considered by City Council for final approval on June 15th.**

Senior Assistant City Attorney Karen Strand described what the Mesquite Zoning Ordinance Amendment, Section 5-200 would consist of and how it will affect Board of Adjustment members.

PUBLIC COMMENTS

- 10. Any individual desiring to address the Board of Adjustment regarding the STAFF / BOARD LIAISON REPORT or ANY OTHER MATTER not listed on the Agenda shall be allowed to speak for a length of time not to exceed three (3) minutes on a first-come, first-served basis. Citizens addressing the Board of Adjustment through a translator will be allowed six (6) minutes.**

There were no public comments.

There being no further business for the Board, the meeting adjourned at 7:10 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
June 25, 2020
Staff Report

Case Number: BOA0520-0189

Applicant/Property Owner: Jose Victor Puente

Address: 2850 Cumberland Drive

Request: Special Exception to allow (1) a front carport and, (2) to allow the front carport to be constructed with a flat roof

Background: The applicant is requesting a Special Exception to allow a proposed front carport attached to a single-family home. The carport is proposed to be constructed of metal with a flat roof and will be located over an existing driveway. The front carport is approximately 380 square feet (20' by 19'). All other regulations of the R-3 Zoning District will be met with the proposed development.

Zoning: R-3, Single-Family Residential

Lot size: 7,230 square feet

Surrounding uses: The subject property is surrounded by single-family homes zoned R-3, Single Family Residential, of similar 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.

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

Mesquite Zoning Ordinance Section 2-603.E
Carports are prohibited in all residential zoning districts between the principal structure and the front or side lot lines, except as provided

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in Section 2-604. A front carport approved pursuant to Section 2-604 shall be subject to the following design requirements.

1. The carport shall have a pitched roof that is either a closed or opened gable or hip design that matches the existing pitch and is structurally integrated into the roof of the principal structure, provided, that if the carport abuts a two-story wall of the home, the carport shall be attached to the abutting wall. Additionally, the carport shall use roofing materials that substantially match the color of the roofing materials used on the principal structure.

Staff Comment:

The proposed front carport will be attached to the residence.

2. The front carport shall be no greater than 400 square feet and cannot extend 20 feet beyond the front or exterior building line proper. The width of a front carport shall not exceed 40 percent of the length of the front façade of the principal structure.

Staff Comment:

The width of the home measures approximately 47' 4" as measured by Staff. Forty percent of this measurement is 19 feet, which is the proposed width of the front carport.

3. The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the carport shall not exceed the eave height of the house.

Staff Comment:

The proposed front carport will be 8' 6" at its highest point, which will not exceed the height of the roof of the principal structure.

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

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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 afford the only opportunity for covered parking on the property as the home was built with a garage but it was converted into living space. There is a paved alley adjacent to the rear property line but the subject property currently does not utilize access off the alley, similar to surrounding properties. The property was platted in 1960 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 was not 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 Section 1, Title 10, of the Texas Government Code, 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

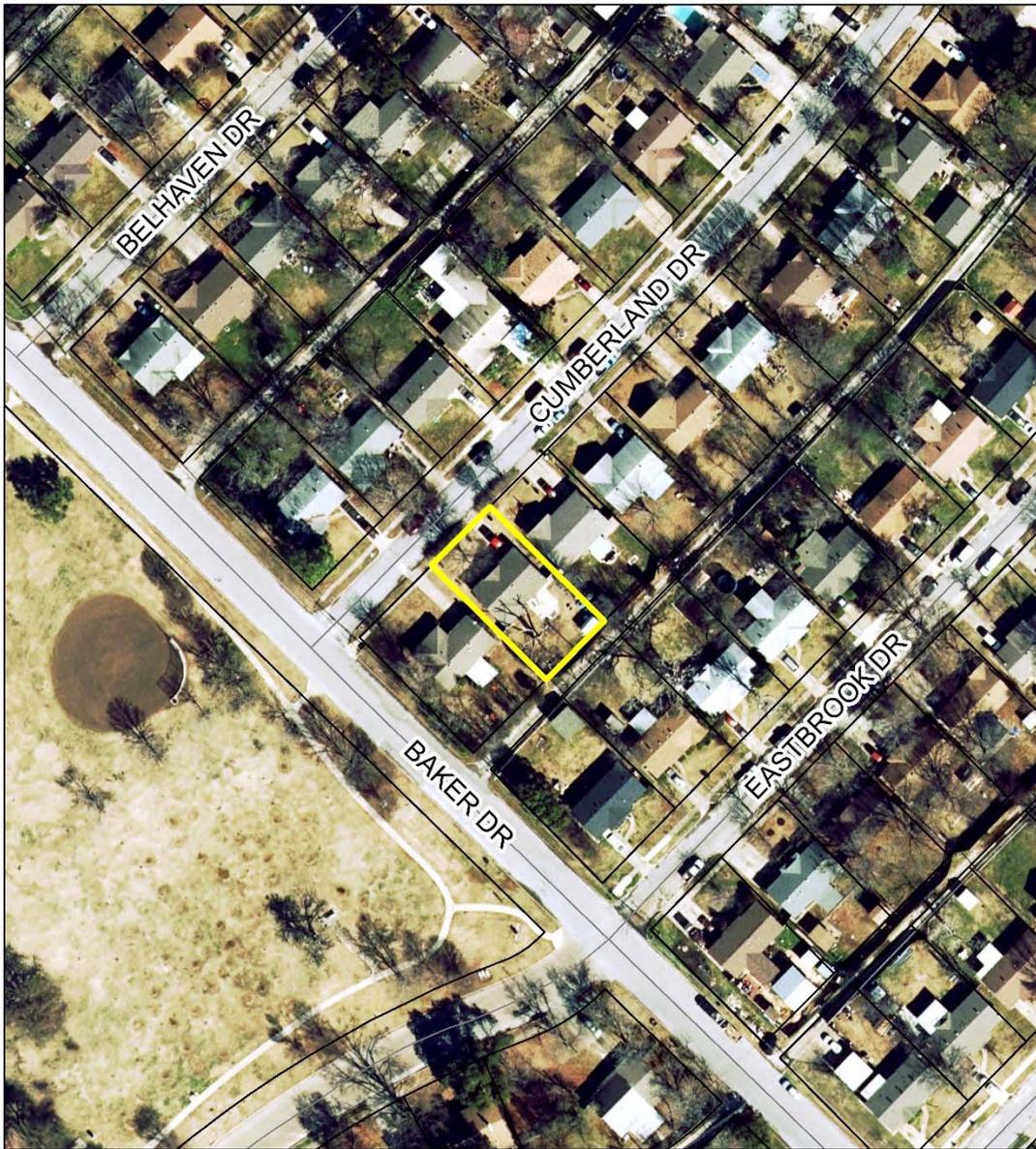


City of Mesquite
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Staff Report

with a flat roof. Additionally, the property was platted in 1960 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 380 square foot front carport with a flat roof.
- Permits:** 1961 – New Single Family Constructed
2019 – Concrete 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

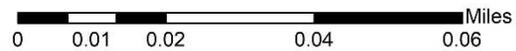
Aerial Map



Request: Special Exception to allow a front carport with a flat roof.
Applicant: Jose Victor Puente
Location: 2850 Cumberland Drive

Legend

 Subject Property



Notification Map



Request: Special Exceptions to allow a front carport with a flat roof.
Applicant: Jose Victor Puente
Location: 2850 Cumberland Drive

Legend
 Parcels selection
 Subject Property



Street view of subject property, facing southeast.



Street view of subject property, facing southeast.

2850 Cumberland Drive

Carport Width = Maximum 18.4ft
 length = Maximum 20ft



**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: 2850 Cumberland City, State: Mesquite, Texas
 Zip Code: 75150

Applicant Information – The person filling out the application

First Name: Jose Victor Last Name: Puente
 Phone Number: 214 978 7901 Email Address: victorpuente83@gmail.com
 I would like an interpreter at the meeting: Yes No Language: spanish

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: Jose Victor Last Name: Puente
 Phone Number: 214 978 7901 Email Address: victorpuente83@gmail.com
 Mailing Address: 2850 Cumberland dr City, State: mesquite TX
 (If different from physical address)
 Zip Code: 75150

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

Office Use Only

Subdivision: _____ Block: _____ Lot: _____
 When was the property platted: _____ Year Home Built: _____
 Date Received: _____ Project Intake: _____ Case Number: _____

Additional Information

Width of Home: 45 ~~18~~ 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?

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: Brown

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

4x4, height: 8 1/2 - 9 ft,

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



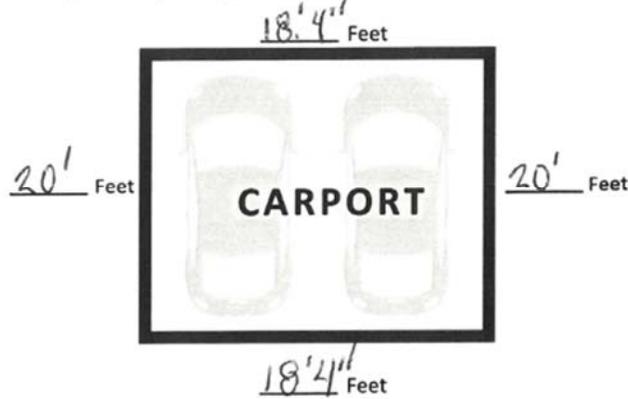
Flat Roof Pitched with Open Gable Pitched with Closed Gable Hip Roof

Describe the roof material: METAL SHEETS

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

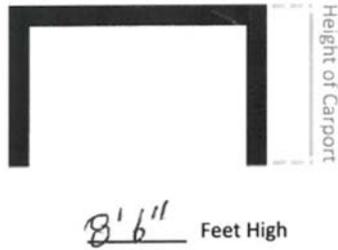
Carport Design, Continued

Indicate each length of the carport using the space below.

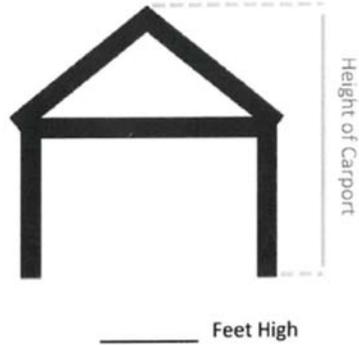


Indicate the height of the carport using the space below based on the roof type previously selected.

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?

TO PROTECT CAR

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

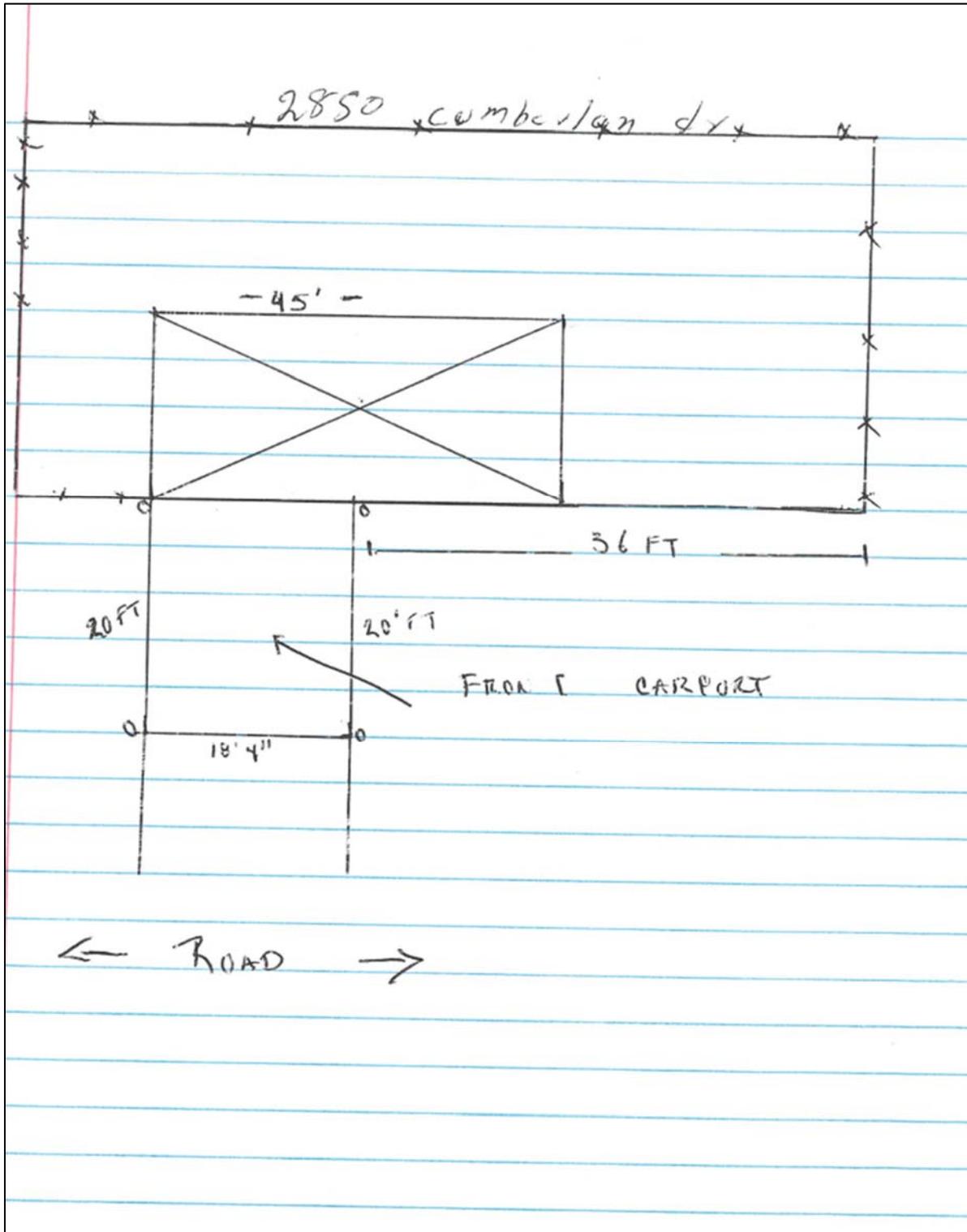
If yes, how?

3 SAME STREET

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 Victor Peante Phone Number: 214 978 7901
Address: 2850 Cumberland Dr
Mesquite TX 75150 Email Address: victor.peante@s3gma.com
Signature: Jose Victor Peante





NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **June 25, 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:	BOA0520-0189
Applicant/Property Owner:	Jose Victor Puente
Property Location:	2850 Cumberland Drive
Legal Description:	Eastridge Park 1, Block C, Lot 2
Requested Action:	Special Exceptions (1) to allow an approximately 380 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: BOA0520-0189

I am in favor of this request _____

I am opposed to this request _____

Reasons (optional): _____

Name: Arnold + Rosie Valadez
 (required)

Address: 2842 Cumberland Drive
 (required)
Mesquite, Texas 75150

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

RECEIVED
JUN 19 2020
PLANNING AND ZONING



City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

Case Number: BOA0520-0190

Applicant/Property Owner: Victor Zuniga

Address: 2846 Cumberland Drive

Request: Special Exceptions (1) to allow a front carport, and (2) to allow the front carport to be constructed with a flat roof

Background: The applicant is requesting a Special Exception to allow a proposed front carport attached to a single-family home. The carport is proposed to be constructed of metal with a flat roof and will be located over an existing driveway. The front carport is approximately 400 square feet (20' by 20'). All other regulations of the R-3 Zoning District will be met with the proposed development.

The applicant initially requested a 18' 4" by 20' front carport, as indicated on application materials; however, because of the maximum width permitted based on the width of the residence, the request was changed to a 20' by 20' front carport.

Zoning: R-3, Single-Family Residential

Lot size: 7,135 square feet

Surrounding uses: The subject property is surrounded by single-family homes zoned R-3, Single Family Residential, of similar 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.

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Staff Comment:

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

Mesquite Zoning Ordinance Section 2-603.E

Carports are prohibited in all residential zoning districts between the principal structure and the front or side lot lines, except as provided in Section 2-604. A front carport approved pursuant to Section 2-604 shall be subject to the following design requirements.

1. The carport shall have a pitched roof that is either a closed or opened gable or hip design that matches the existing pitch and is structurally integrated into the roof of the principal structure, provided, that if the carport abuts a two-story wall of the home, the carport shall be attached to the abutting wall. Additionally, the carport shall use roofing materials that substantially match the color of the roofing materials used on the principal structure.

Staff Comment:

The proposed front carport will be attached to the residence.

2. The front carport shall be no greater than 400 square feet and cannot extend 20 feet beyond the front or exterior building line proper. The width of a front carport shall not exceed 40 percent of the length of the front façade of the principal structure.

Staff Comment:

The width of the home measures approximately 50' 5" as measured by Staff. Forty percent of this measurement is 20 feet, which is the proposed width of the front carport.

3. The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the carport shall not exceed the eave height of the house.

Staff Comment:

The proposed front carport will be 8' at its highest point, which will not exceed the height of the roof of the principal structure.

City of Mesquite
BOARD OF ADJUSTMENT

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Staff Report

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:

- 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 afford the only opportunity for covered parking on the property as the home was built with a garage but it was converted into living space in 2003. There is a paved alley adjacent to the rear property line but the subject property currently does not utilize access off the alley, similar to surrounding properties. The property was platted in 1960 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.*



City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

Staff Comment:

Per Section 1, Title 10, of the Texas Government Code, 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 1960 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 400 square foot front carport with a flat roof.

Permits:

1961 – New Single Family Constructed
2003 – Building Permit for Garage Conversion
2004 – Building Permit
2006 – Fence Permit
2012 – Concrete Permit
2012 – Plumbing Permit
2013 – Fence Permit

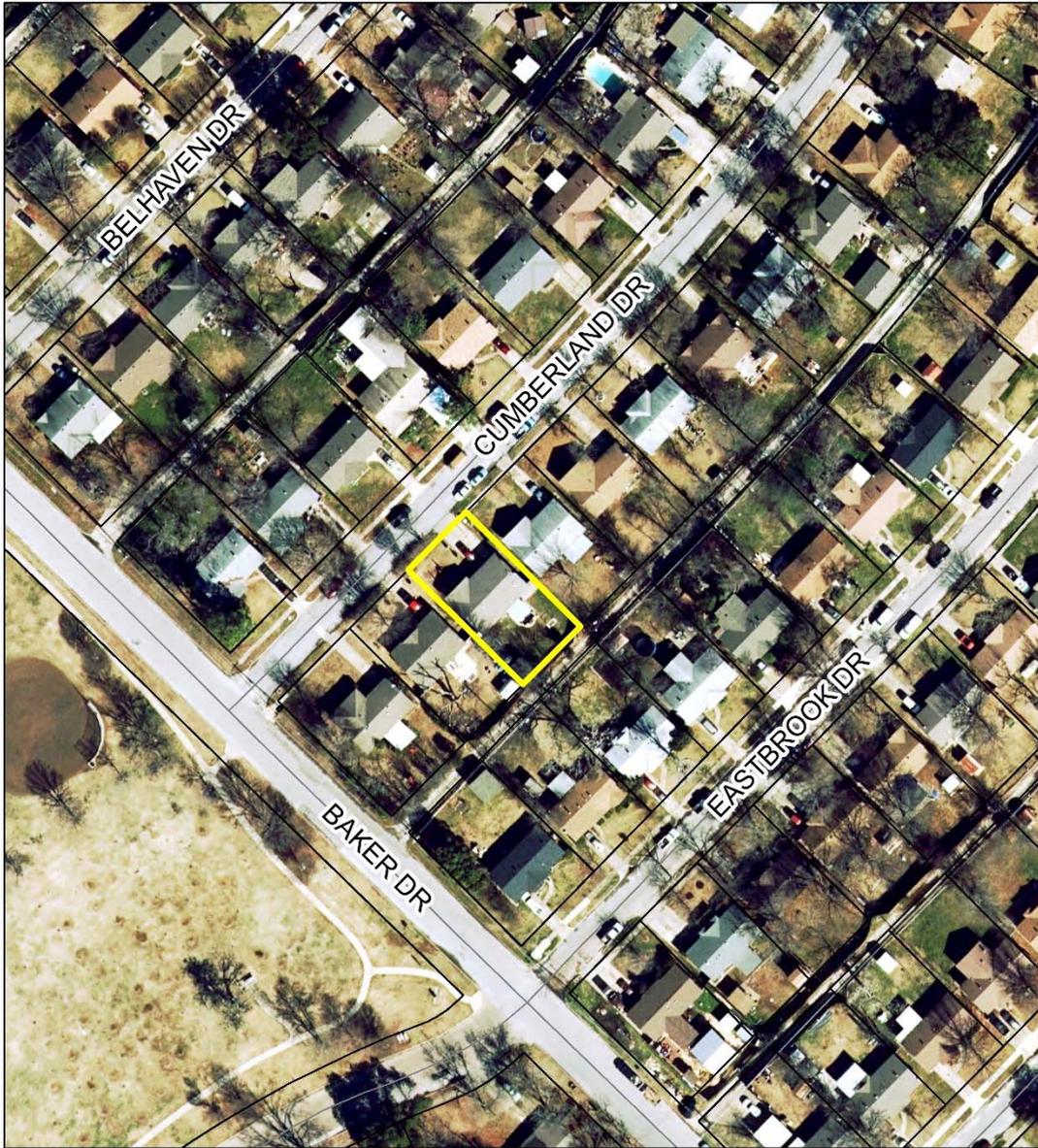
Public Notice:

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



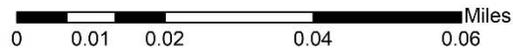
Request: Special Exception to allow a front carport with a flat roof.

Applicant: Victor Zuniga

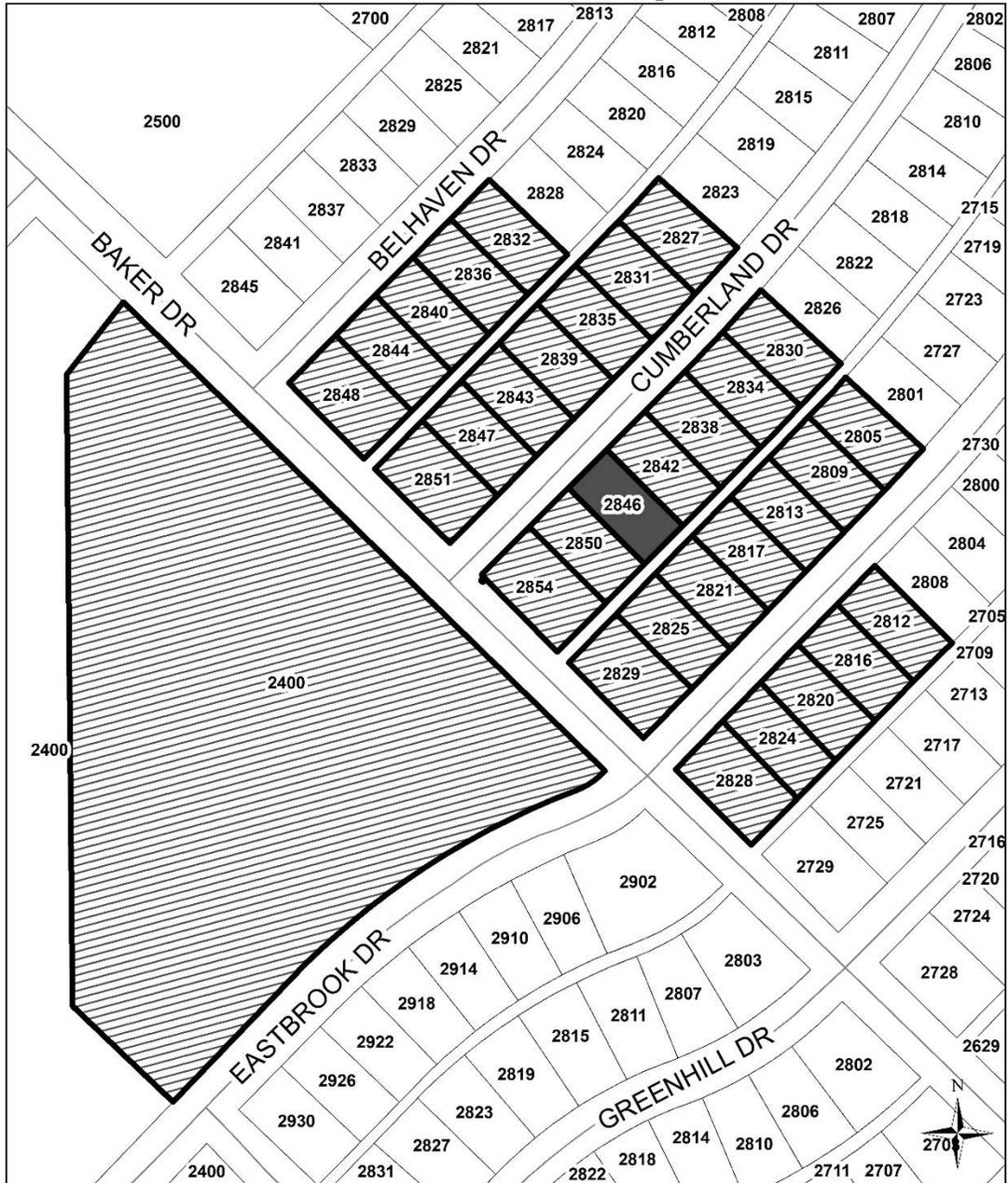
Location: 2846 Cumberland Drive

Legend

 Subject Property



Notification Map



Request: Special Exceptions to allow a front carport with a flat roof.
Applicant: Victor Zuniga
Location: 2846 Cumberland Drive

Legend
 Notified Properties
 Subject Property



Street view of subject property, facing southeast.



Street view of subject property, facing south.



**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: 2846 CUMBERLAND DR City, State: Mesquite, Texas
 Zip Code: 75150

Applicant Information – The person filling out the application

First Name: VICTOR Last Name: ZUNIGA
 Phone Number: 469 387 3875 Email Address: SORIANO VICTOR 83@YAHOO.COM
 I would like an interpreter at the meeting: Yes No Language: SPANISH

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: VICTOR Last Name: SORIANO ZUNIGA
 Phone Number: 469 387 3875 Email Address: _____
 Mailing Address: 2846 CUMBERLAND DR City, State: MESQUITE TX
 (If different from physical address)
 Zip Code: 75150

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

Office Use Only

Subdivision: _____ Block: _____ Lot: _____
 When was the property platted: _____ Year Home Built: _____
 Date Received: _____ Project Intake: _____ Case Number: _____

Additional Information

Width of Home: 49' 6" Feet Width of Carport: 18' 4" 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?

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: BROWN

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

Post 4"x4", HEIGHT 8' FT METAL BROWN

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



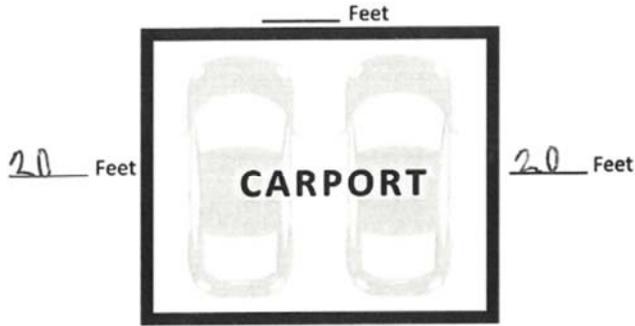
Flat Roof Pitched with Open Gable Pitched with Closed Gable Hip Roof

Describe the roof material: METAL SHEETS

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.



____ Feet

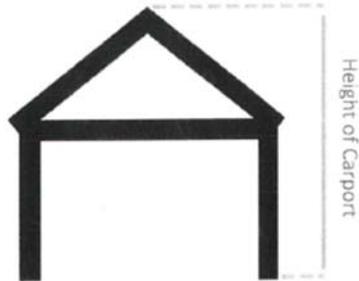
Indicate the height of the carport using the space below based on the roof type previously selected.

Flat Roof



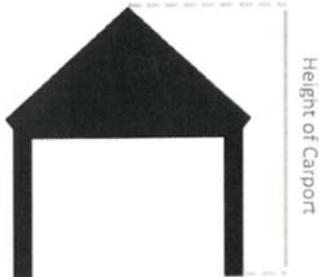
8 FT Feet High

Pitched with Open Gable



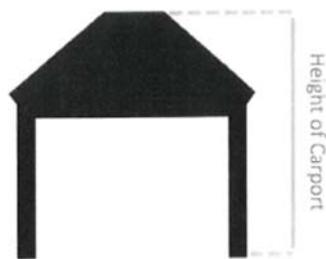
____ Feet High

Pitched with Closed Gable



____ Feet High

Hip Roof



____ Feet High

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?

TO PROTECT CAR

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

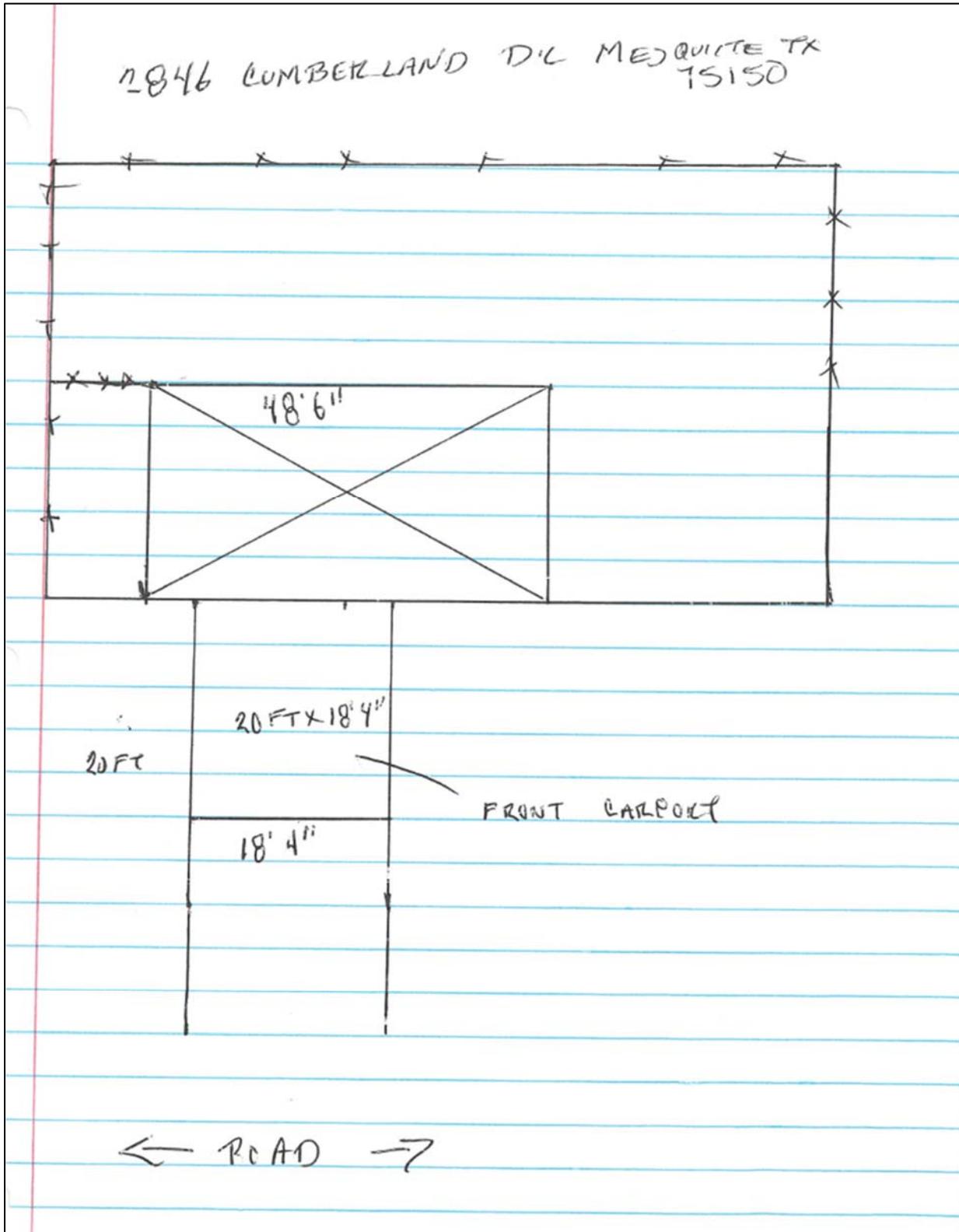
If yes, how?

3 SAME TREES

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: VICTOR SORIANO ^{ZUBERA} Phone Number: 469 387 3875
Address: 2845 CUMBERLAND DR
MESQUITE TX 75150 Email Address: SORIANO V
SORIANO VICTOR B'S@YAHOO.COM
Signature: Victor S.





NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, June 25, 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:	BOA0520-0190
Applicant/Property Owner:	Victor Zuniga
Property Location:	2846 Cumberland Drive
Legal Description:	Eastridge Park 1, Block C, Lot 3
Requested Action:	Special Exceptions (1) to allow an approximately 400 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: BOA0520-0190

I am in favor of this request

I am opposed to this request

Reasons
 (optional):

Name: Arnold + Rosie Valadez
 (required)
 Address: 2842 Cumberland Drive
 (required) Mesquite, Texas 75150

RECEIVED

JUN 19 2020
PLANNING AND ZONING

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



City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

Case Number: BOA0520-0192

Applicant/Property Owner: Eric Oberg

Address: 1718 Buena Vista Street

Request: Special Exceptions to allow 1) a front carport, and 2) to allow the front carport to be constructed with a flat roof.

Background: The applicant is requesting a Special Exception to allow a front carport constructed with a flat roof. The front carport is proposed to be constructed of metal and located over an existing driveway. The front carport will be approximately 216 square feet (12' by 18'). All other regulations of the R-3 Zoning District will be met.

Zoning: R-3, Single Family Residential

Lot size: 7,418 square feet

Surrounding uses: The subject property is surrounded by single family homes zoned R-3, Single Family Residential, of similar lot sizes.

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 2-603.E
Carports are prohibited in all residential zoning districts between the principal structure and the front or side lot lines, except as provided

City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

in Section 2-604. A front carport approved pursuant to Section 2-604 shall be subject to the following design requirements.

1. The carport shall have a pitched roof that is either a closed or opened gable or hip design that matches the existing pitch and is structurally integrated into the roof of the principal structure, provided, that if the carport abuts a two-story wall of the home, the carport shall be attached to the abutting wall. Additionally, the carport shall use roofing materials that substantially match the color of the roofing materials used on the principal structure.

Staff Comment:

The proposed front carport will be attached to the residence.

2. The front carport shall be no greater than 400 square feet and cannot extend 20 feet beyond the front or exterior building line proper. The width of a front carport shall not exceed 40 percent of the length of the front façade of the principal structure.

Staff Comment:

The width of the home measures to be approximately 45 feet as provided by the property owner. Forty percent of this measurement is 18 feet, which is the proposed width of the front carport.

3. The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the carport shall not exceed the eave height of the house.

Staff Comment:

The proposed front carport will be 8' 4" which will not exceed the height of the height of the roof of the principal structure.

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

City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

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 afford the only opportunity for covered parking on the property due to the garage being converted into living space. There is no paved alley adjacent to the rear property line. The property was platted in October of 1954 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 Section 1, Title 10, of the Texas Government Code, 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. The property owner is proposing the front carport to be constructed of a flat roof. The property was platted before December 21, 1964, and



City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

similar front carports constructed of flat roofs are in the immediate vicinity.

Staff

Recommendation:

Staff recommends approval of Special Expcetions to allow 1) an approximately 216 square foot front carport, and 2) constructed of a flat roof.

Permits:

1963 – Building permit for 12’ by 18’ tool house

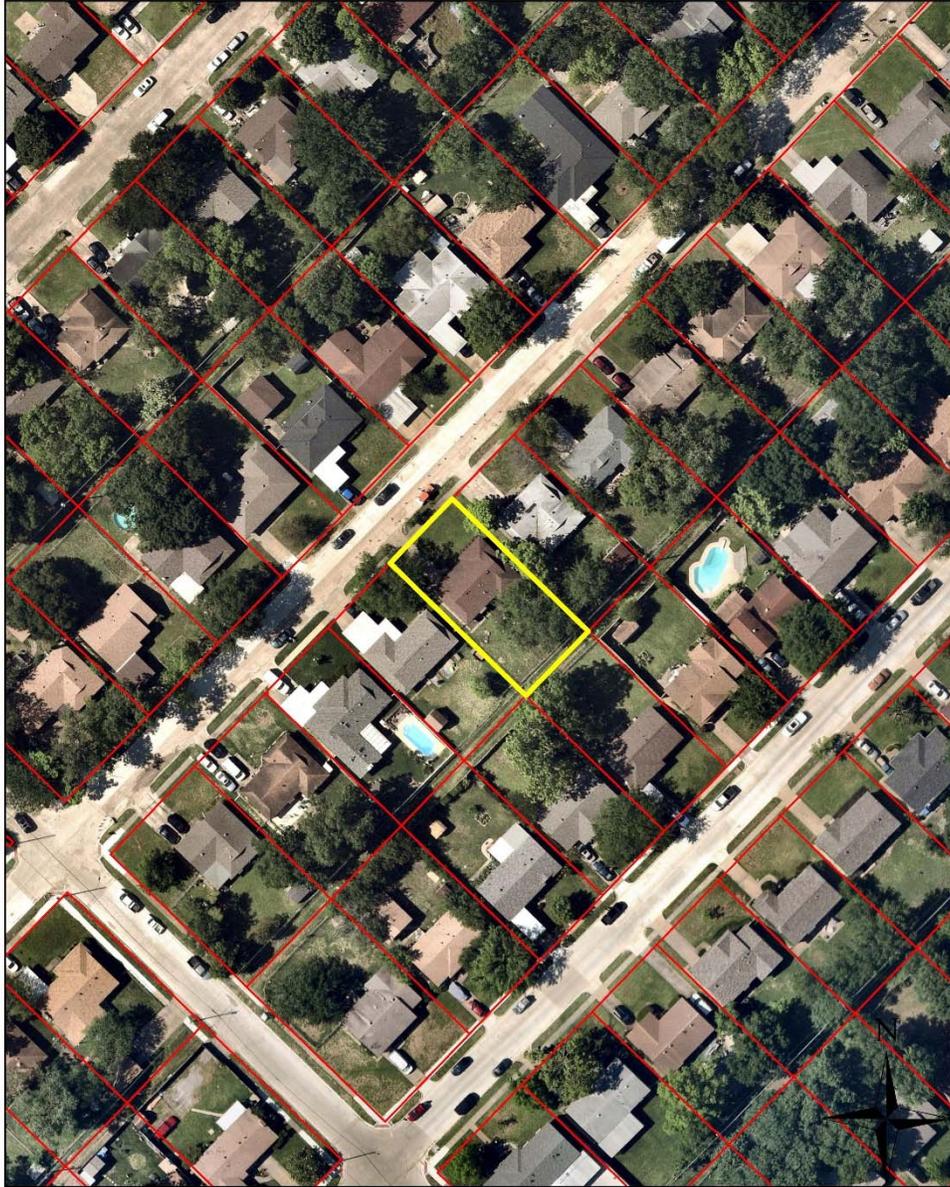
Public Notice:

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

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 Exceptions to allow 1) a front carpot, and 2) constructed of metal.

Applicant/

Owner: Eric Oberg

Location: 1718 Buena Vista Street

Legend

-  Subject Property
-  Noticed Properties



Street view of subject property.

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

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: 1718 BUENA VISTA City, State: Mesquite, Texas
Zip Code: _____

Applicant Information – The person filling out the application

First Name: ERIC OBERG Last Name: OBERG
Phone Number: 214 458 8251 Email Address: ERICOBERG@SBFGLOBAL
I would like an interpreter at the meeting: Yes No Language: NET

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: _____ Block: _____ Lot: _____
When was the property platted: _____ Year Home Built: _____
Date Received: _____ Project Intake: _____ Case Number: _____

Additional Information

Width of Home: 45 Feet Width of Carport: 12 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?

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

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:



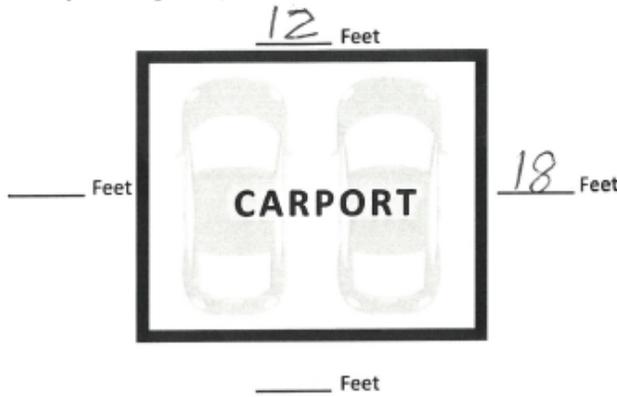
Flat Roof Pitched with Open Gable Pitched with Closed Gable Hip Roof

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.

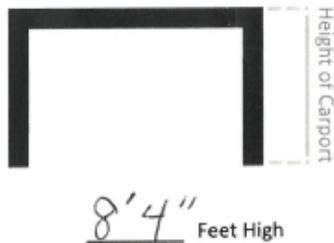
Carport Design, Continued

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? KEEP RAIN + SUN OFF CAR.

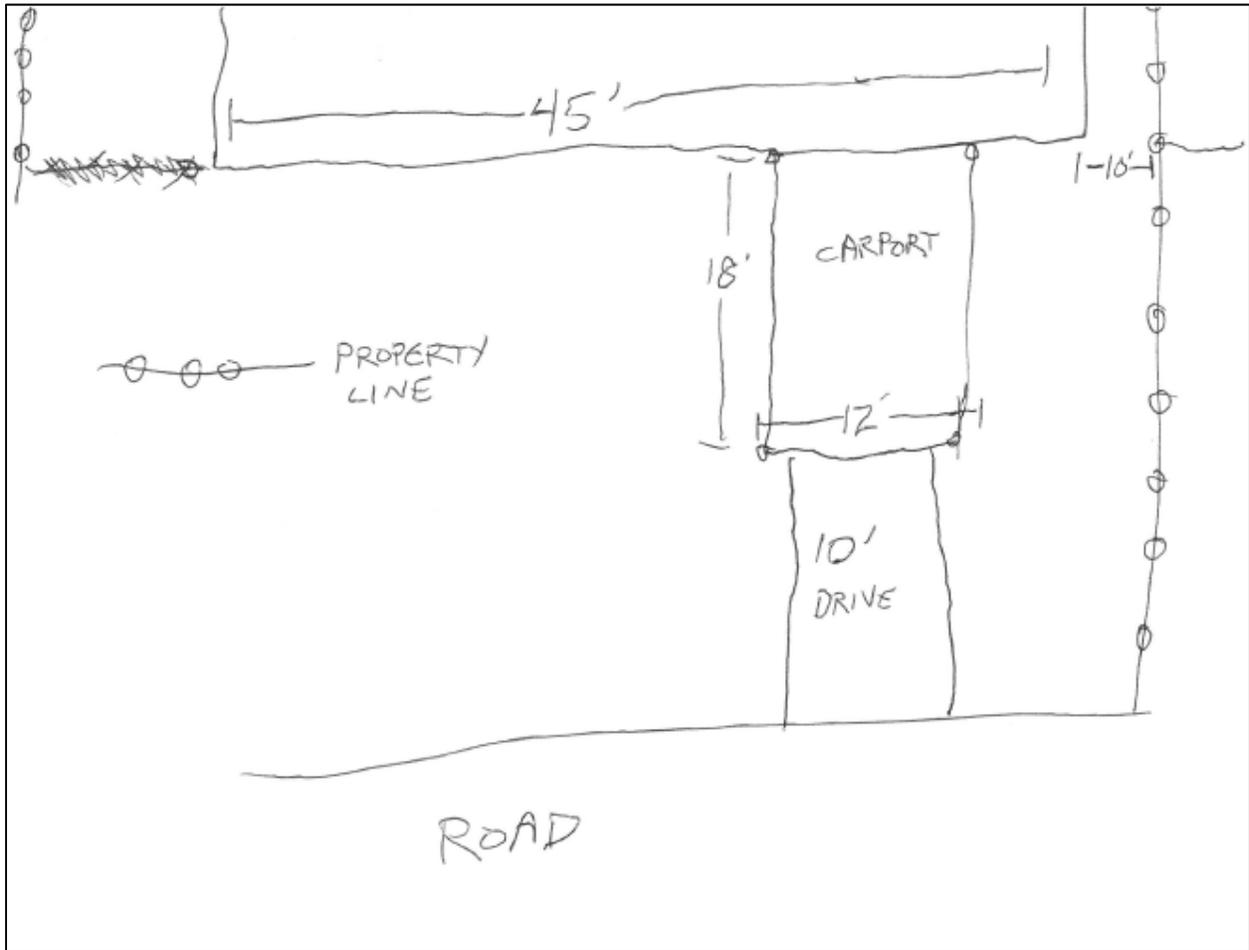
Will the Special Exception be compatible with the surrounding neighborhood? Yes No

If yes, how? MOST HOMES ON STREET HAVE CARPORT

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: ERIC OBERG Phone Number: 214 458 8251
Address: 7619 CHALKSTONE DR
DALLAS TX 75248 Email Address: ERIC OBERG@
SBCGLOBAL.NET
Signature: 





NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **June 25, 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:	BOA0520-0192
Submitted By/	
Property Owner:	Eric Oberg
Property Location:	1718 Buena Vista Street
Legal Description:	Northridge Estates 1, Block 15, Lot 5
Requested Action:	Special Exceptions to allow 1) a front carport approximately 216 square feet in size, and 2) constructed with 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) 329-8543.

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

BOA Case: BOA0520-0192

Name:
(required)

LEONA GRIMLAND
Leona Grimland

I am in favor of this request

yes

Address:
(required)

1709 ALTA VISTA

I am opposed to this request

MESQUITE, TX 75149

Reasons
(optional):

RECEIVED

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION 'JUN 12 2020
ATTN: JOHN CHAPMAN
PO BOX 850137
MESQUITE TX 75185-0137

PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **June 25, 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:	BOA0520-0192
Submitted By/	
Property Owner:	Eric Oberg
Property Location:	1718 Buena Vista Street
Legal Description:	Northridge Estates 1, Block 15, Lot 5
Requested Action:	Special Exceptions to allow 1) a front carport approximately 216 square feet in size, and 2) constructed with 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) 329-8543.

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

BOA Case: BOA0520-0192

Name: VIRGE W. EMMIBUH MCCLURE
(required)

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

Address: 1708 LONGVIEW ST
(required)

I am **opposed** to this request _____

MESQUITE TX 75149

Reasons
(optional):

GOOD IDEA!

Please respond by returning to:

CITY OF MESQUITE PLANNING DIVISION
ATTN: JOHN CHAPMAN
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
JUN 12 2020
PLANNING AND ZONING



City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

Case Number: BOA0520-0193

Applicant/Property Owner: Barbara Thornton

Address: 2503 North Parkway Boulevard Street

Request: Special Exceptions to allow 1) a front carport, and 2) to allow the front carport to be constructed with a flat roof.

Background: The applicant is requesting a Special Exception to allow a front carport constructed with a flat roof. The front carport is proposed to be constructed of metal and located over an existing driveway. The front carport will be approximately 400 square feet (20' by 20'). All other regulations of the R-3 Zoning District will be met.

Zoning: R-3, Single Family Residential

Lot size: 11,078 square feet

Surrounding uses: The subject property is surrounded by single family homes zoned R-3, Single Family Residential, of similar lot sizes.

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 2-603.E
 Carports are prohibited in all residential zoning districts between the principal structure and the front or side lot lines, except as provided

City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

in Section 2-604. A front carport approved pursuant to Section 2-604 shall be subject to the following design requirements.

1. The carport shall have a pitched roof that is either a closed or opened gable or hip design that matches the existing pitch and is structurally integrated into the roof of the principal structure, provided, that if the carport abuts a two-story wall of the home, the carport shall be attached to the abutting wall. Additionally, the carport shall use roofing materials that substantially match the color of the roofing materials used on the principal structure.

Staff Comment:

The proposed front carport will be attached to the residence as well as a porch, which will meet the development standards of the primary residence.

2. The front carport shall be no greater than 400 square feet and cannot extend 20 feet beyond the front or exterior building line proper. The width of a front carport shall not exceed 40 percent of the length of the front façade of the principal structure.

Staff Comment:

The width of the home measures approximately 50' 4" as measured by Staff. Forty percent of this measurement is 20 feet, which is the proposed width of the front carport.

3. The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the carport shall not exceed the eave height of the house.

Staff Comment:

The proposed front carport will be 8' 5" at its highest point which will not exceed the height of the roof of the principal structure.

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

City of Mesquite
BOARD OF ADJUSTMENT

June 25, 2020
Staff Report

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 due to the existence of a single car garage. There is a paved alley adjacent to the rear property line. The property was platted in December of 1959 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 said date.

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 Section 1, Title 10, of the Texas Government Code, 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. The property owner is proposing the front carport to be constructed of



City of Mesquite
BOARD OF ADJUSTMENT
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Staff Report

a flat roof. The property was platted before December 21, 1964, and similar front carports constructed with flat roofs are in the immediate vicinity.

Staff

Recommendation:

Staff recommends approval of the Special Expcetions to allow 1) an approximately 400 square foot front carport, and 2) to allow the front carport to be constructed with a flat roof.

Permits:

1960 – Residential Building Permit
1961 – Fence 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.

Attachments:

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

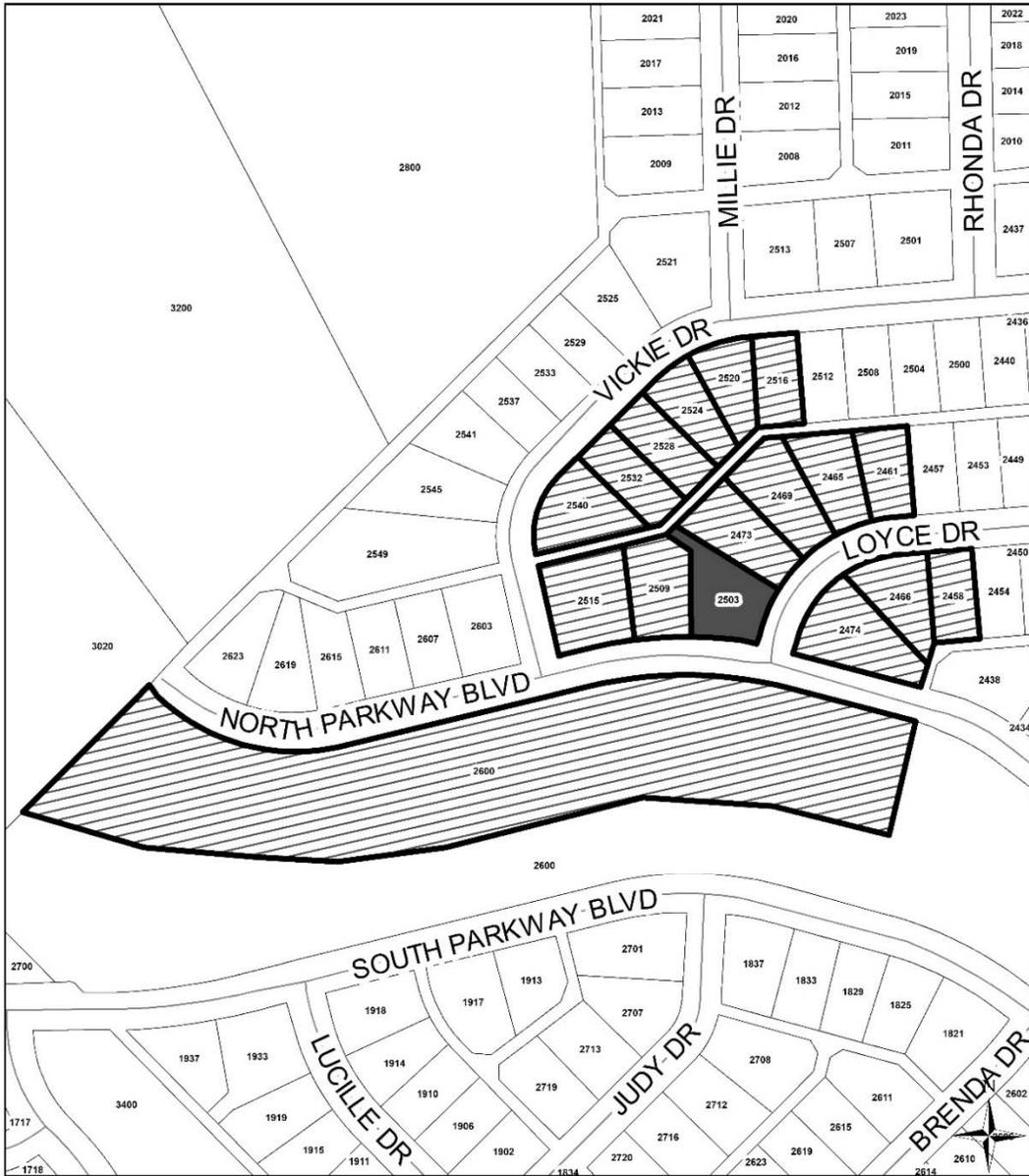
Aerial Map



Legend

-  Subject Property
-  Parcels

Notification Map



Request: Special Exceptions to allow 1) a front carpot, and 2) constructed with a flat roof.
Applicant/Owner: Barbara Thornton
Location: 2503 North Parkway Boulevard

Legend
 Subject Property
 Noticed Properties



Street view of subject property



View of single-car garage.



**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: 2503 N. Parkway City, State: Mesquite, Texas
Zip Code: 75149

Applicant Information – The person filling out the application

First Name: Barbara A. Thornton Last Name: Thornton
Phone Number: 214-478-9943 Email Address: thorntonbar@aol.com
I would like an interpreter at the meeting: Yes No Language: English

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: Big Town Estates 3 Block: 5 Lot: 33
When was the property platted: 1959 Year Home Built: 1960
Date Received: 5/28/20 Project Intake: BC Case Number: BOA0520-0193

Additional Information

Width of Home: 47 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?

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: earth tone - beige (to match house)

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

beige - metal -

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.

_____ Feet

_____ Feet

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

<p>Flat Roof</p> <p>_____ Feet High</p>	<p>Pitched with Open Gable</p> <p>_____ Feet High</p>
<p>Pitched with Closed Gable</p> <p>_____ Feet High</p>	<p>Hip Roof</p> <p>_____ Feet High</p>

January 2020 CONTINUE TO NEXT PAGE Page 3 of 12

P.O. Box 850137 • Mesquite, Texas 75185-0137 • www.cityofmesquite.com

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

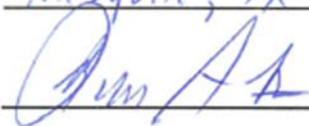
If yes, how? *To provide protection for our vehicles and shade for our front porch area.*

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

If yes, how? *Several homes in our neighborhood 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: Barbara A. Thornton Phone Number: 214-478-9993
Address: 2503 N. Parkway
Mesquite, Tx 75149 Email Address: thorntonbama@
adl.com
Signature: 





NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **June 25, 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:	BOA0520-0193
Submitted By/	
Property Owner:	Barbara A. Thornton
Property Location:	2503 North Parkway Boulevard
Legal Description:	Big Town Estates 3, Block 5, Lot 33
Requested Action:	Special Exceptions to 1) allow a front carport approximately 400 square feet in size, and 2) constructed with 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) 329-8543.

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

BOA Case: BOA0520-0193

I am **in favor** of this request

I am **opposed** to this request

Reasons (optional):

Name: Rebecca Echevarria
(required)

Address: 2524 Vickie
(required) Mesq. Tx 75149

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

RECEIVED
JUN 19 2020
PLANNING AND ZONING



City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

Case Number: BOA0520-0191

Applicant: Adrian Villanueva

Property Owner: Betie Hughes

Address: 804 Via Madonna

Request: Special Exception to allow an oversized rear patio cover including approximately 240 square feet, which exceeds more than 35% coverage of the rear yard.

Background: The applicant is requesting a Special Exception to allow an approximately 240 square foot (12' x 20') rear patio cover, located in the rear yard of the property. Current zoning regulations do not allow an accessory structure to occupy more than 35% of the yard area in which it is located. Although the structure is only 240 square feet in size, it covers more than 35% of the rear yard, requiring approval of an oversized rear yard accessory structure. Based on a visual inspection by Staff, it is estimated that more than 50% of the rear yard is covered by the accessory structure. The structure is existing and was constructed over an existing rear patio without proper permits. In 2017, the applicant applied for permits, but did not pass inspections for the structure and was unable to acquire an approved permit. A Special Exception was approved in 2019 to allow the 240 square foot structure. However, proper permits were not obtained prior to expiration of the Special Exception. Additionally, at some point walls were added to the structure which have since been removed from all sides of the structure in order to meet current requirements for a rear patio cover. The structure is approximately 12 feet in height and is constructed of wood with a flat roof. Proper permits and inspections must be obtained prior to expiration of the Special Exception.

Zoning: PD-Single Family Residential

Lot Size: 3,950 square feet

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

Applicable Ordinances: **SPECIAL EXCEPTIONS- OVERSIZED ACCESSORY STRUCTURE**

Mesquite Zoning Ordinance Section 2-602.A: Maximum Size And Lot Coverage
Section 2-602.A of the Mesquite Zoning Ordinance allows for an accessory structure not exceeding 500 square feet in the R and D districts, and in no case,

shall the total of all accessory structures occupy more than 35% of the yard area in which the structures are located.

Staff Comment:

The applicant is requesting approval of a Special Exception to allow a rear patio cover including approximately 240 square feet, (12' x 20') and 12 feet in height with a flat roof. The patio cover exceeds the maximum size allowed, as it covers more than 35% of the rear yard. Section 2-604A of the Zoning Ordinance allows the Board of Adjustment to approve an oversized accessory structure, which exceeds the height, size or coverage limits.

PERMITTED MODIFICATIONS – SPECIFIC STRUCTURES

Mesquite Zoning Ordinance Section 2-603.C: Rear Patio Covers

Section 2-603.B of the Mesquite Zoning Ordinance states a rear patio cover shall be any roofed structure, not permanently enclosed on the sides and located behind the rear façade of the principal structure. No separation from other structures shall be required.

Staff Comment:

The existing rear patio cover is attached to the primary residence and is not enclosed. Work has been completed to remove the walls in order to receive proper permits for a rear patio cover.

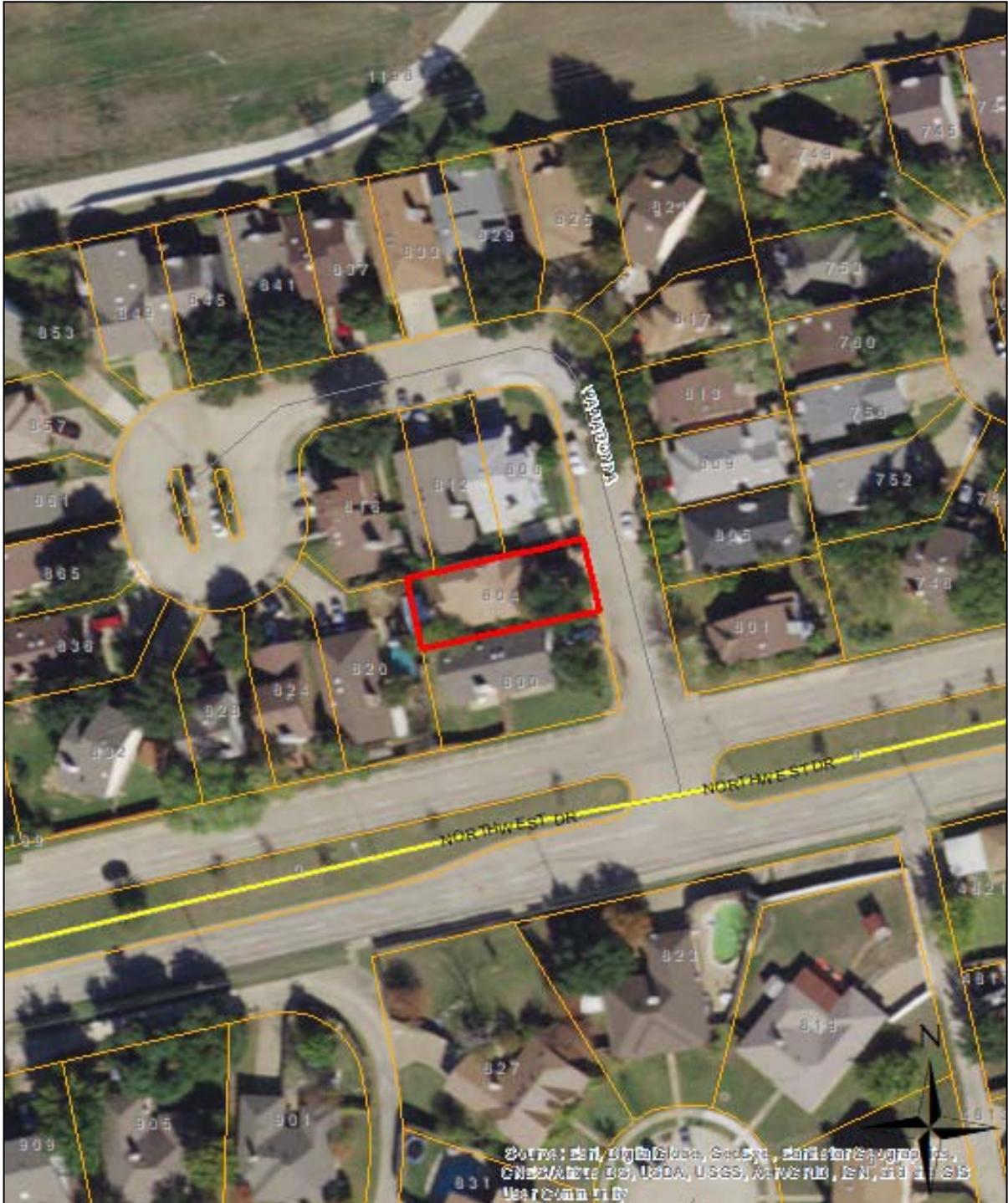
Staff Recommendation: Staff recommends approval of the Special Exception to allow an oversized rear patio cover including approximately 240 square feet, subject to meeting all applicable requirements of the Mesquite Zoning Ordinance.

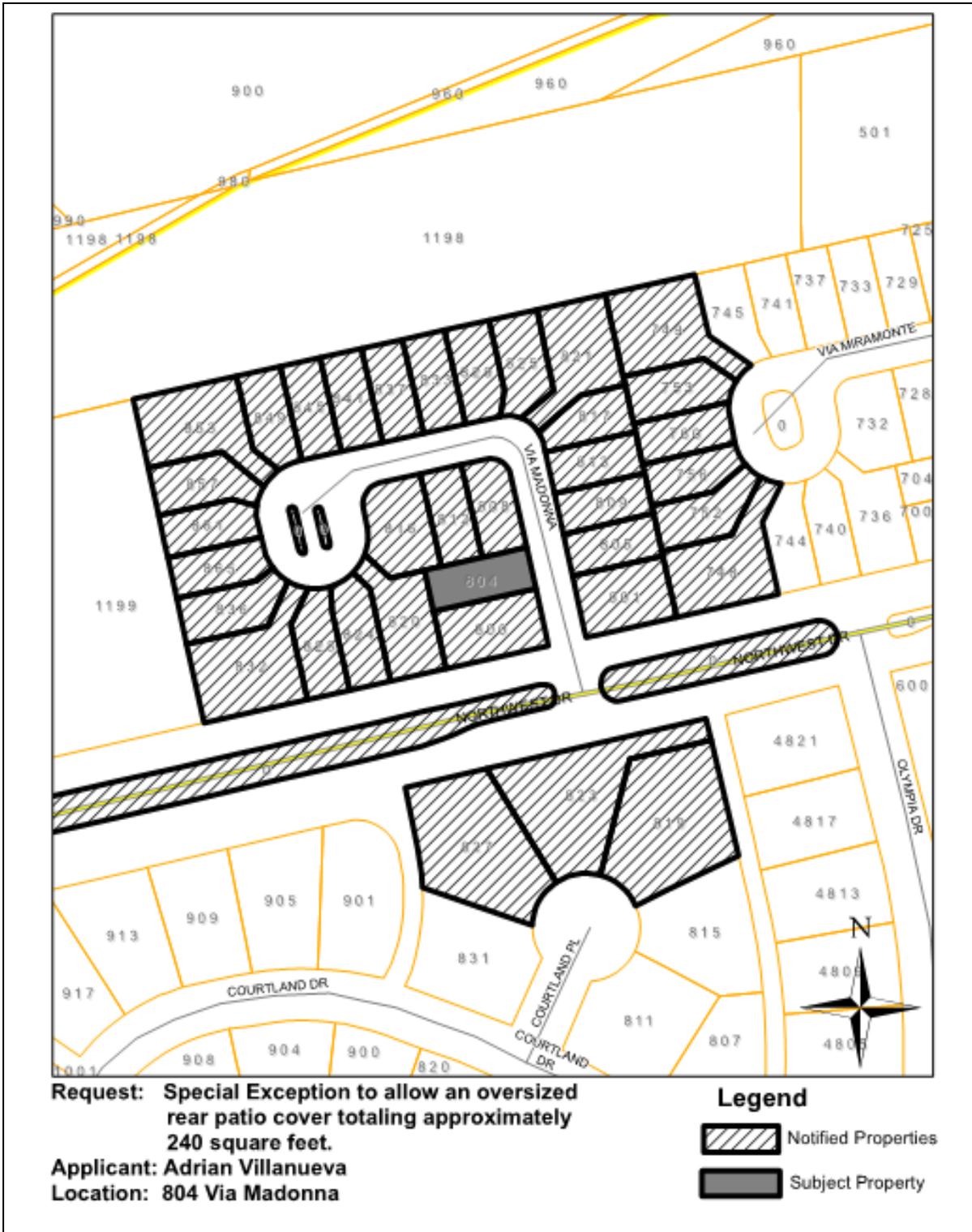
Permits: 2017 – Foundation Repair

Public Notice: Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, no notices have been returned.

Attachments:

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







View of rear patio cover in the rear yard.



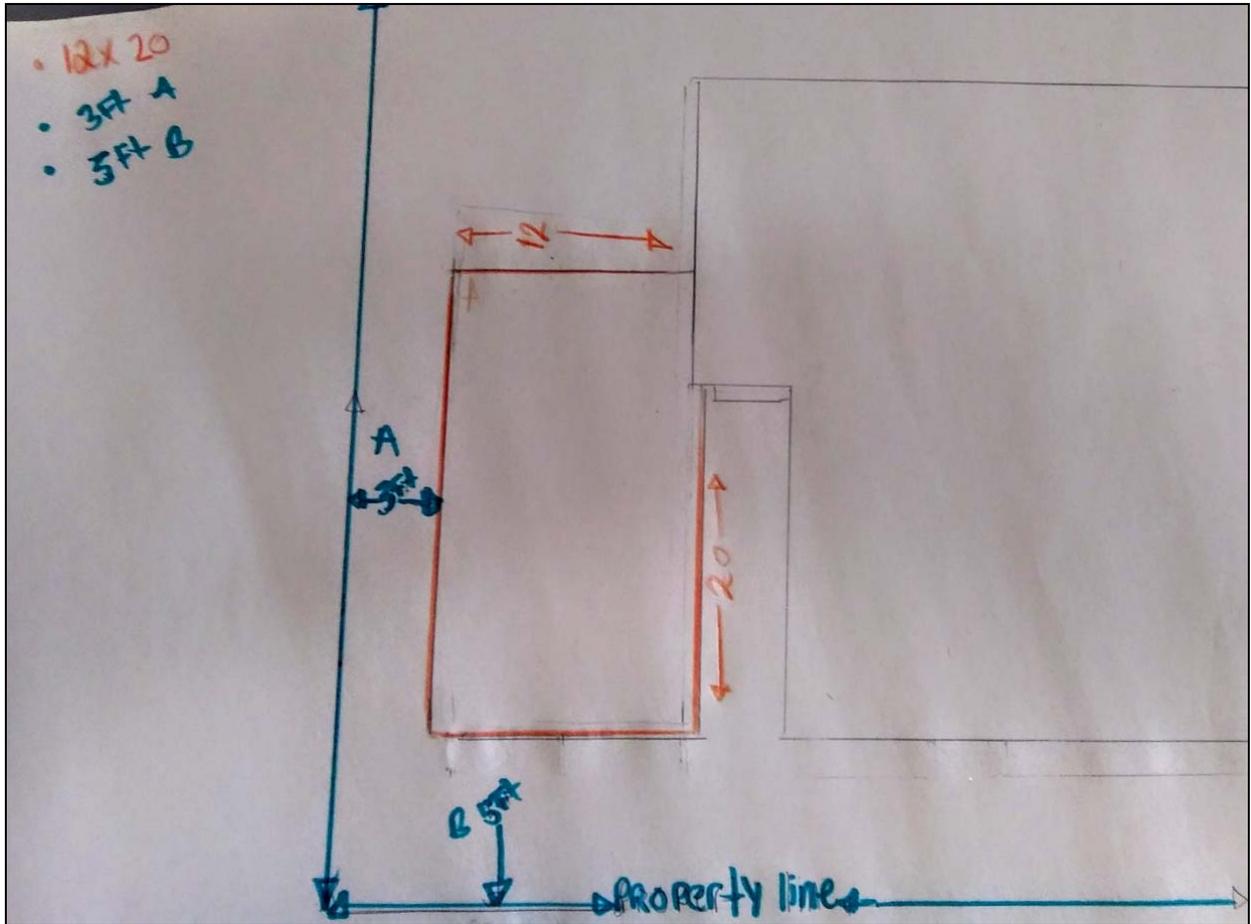
View of the roof of the structure in the rear yard.



View of rear yard setback.



Arrow pointing to roof of structure



Adrian A. Villanueva
May, 21 2020

X 



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, June 25, 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:	BOA0520-0191
Submitted By:	Adrian Villanueva
Property Owner:	Betie Hughes
Property Location:	804 Via Madonna
Legal Description:	Palos Verdes 9, Block 1, Lot 2
Requested Action:	Special Exception to allow an oversized rear patio cover including approximately 240 sq. ft. Current zoning standards do not allow for a rear patio cover to exceed more than 35% coverage of 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) 329-8523.

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

BOA Case: BOA0520-0191

Name: FEL BOLTON
(required)

I am in favor of this request

Address: 808 VIA MADONNA
(required)

I am opposed to this request

MESQUITE TX 75150

Reasons (optional):

THIS STRUCTURE WAS BUILT UNDER COVER OF DARK I WAS BUILT W/O THE NECESSARY PERMITS THEY KEEP DELAYING HOPING EVERYONE FORGETS

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

RECEIVED
JUN 19 2020
PLANNING AND ZONING



City of Mesquite
BOARD OF ADJUSTMENT
June 25, 2020
Staff Report

Case Number: BOA0620-0195

Applicant/Property Owner: Shubham Pandey, PNC Partners, LTD

Address: 1412 S. Belt Line Rd.

Request: A Special Exception to allow a portable building to be used as a temporary classroom.

Background: The applicant is seeking approval of a Special Exception to allow an approximately 3,072 square foot portable building to be used as a temporary classroom. According to the applicant, the temporary classroom is required to meet the school’s distancing requirements for the 2020-2021 school year due to COVID-19. The portable building includes four classrooms, an office, a storage area and two bathrooms. The portable building will be located near the rear of the property, approximately 15 feet from the rear property line, adjacent to Spring Creek Subdivision. All applicable requirements of the Mesquite Zoning Ordinance and other ordinances must be met.

Zoning: PD-GR, Planned Development – General Retail

Lot Size: 3.428 acres

Surrounding Uses: The subject property is surrounded by Spring Creek Addition to the north and east, a single family subdivision; to the south, McDonalds and Kwik Kar Lube and Tune; to the west is N. Belt Line Rd.

SPECIAL EXCEPTION- TEMPORARY CLASSROOMS

Applicable Ordinance: **Mesquite Zoning Ordinance Section 1-603.A Temporary Classrooms**
To allow the use of temporary classroom buildings by elementary and secondary schools, churches, private schools, boy/girl scouts and similar organizations: Approval shall be for no more than a 3 year period, provided that the Board may specify conditions under which the approval period may be extended. Such temporary buildings shall be considered compatible if the following criteria are met. Public schools shall not require approval of a Special Exception for the use of temporary classroom buildings.

1. **Permanent Site:** Buildings are to be located on a permanent site with a valid Certificate of Occupancy.

City of Mesquite
BOARD OF ADJUSTMENT

June 25, 2020
Staff Report

Staff Comment

Multiple Certificates of Occupancy (CO) have been issued to Meadow Oaks Academy dating back to 1986. With new additions over the years, other COs have been issued.

2. **Proposed Construction:** There is a proposed schedule of construction/expansion of permanent facilities which will eliminate the need for the long term use of the temporary buildings.

Staff Comment

According to the applicant, a building will be replaced with a 2-story building. The timeline is a minimum of 2 years and a maximum of 3 years.

3. **Alternate Space:** There are no reasonable alternatives for providing needed space in a functional manner.

Staff Comment

According to the applicant, there are no reasonable alternatives for providing the needed space while continuing to practice social distancing due to COVID-19.

4. **Site Adequacy:** Parking, circulation, electrical and utility connections, drainage, fire protection and all other health and safety considerations can be accommodated and provided for with the addition of temporary buildings in an orderly and safe manner.

Staff Comment

The addition of the temporary structure will not affect parking or circulation, as the structure will be located where an existing playground is now located, and the number of occupants will remain the same. During the inspection process, Staff will ensure that electrical and utility connections, drainage, fire protection and other health and safety requirements are met. Additionally, according to the applicant, the site was chosen because of its electrical, utility and drainage being behind the building and easily accessible.

5. **Adjacent Properties:** The placement of the temporary buildings on the site will comply with all setback requirements.

Staff Comment

All setback requirements of the zoning district will be met.

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.

Staff

Recommendation:

Staff recommends approval of the Special Exception to allow an approximately 3,072 square foot portable building to be used as a temporary classroom space for a period of 3 years.

Permits:

2010 – Gym addition
2011 – Plumbing
2011 – Mechanical
2008 – Plumbing
2006 – Remodel/Enclose pavilion
2006 – Electrical
2003 – Remodel
2003 – Sign
1994 – Plumbing
1993 – New classrooms and covered playground
1991 – Temporary classroom
1988 – Shade structure

Public Notice:

Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, one notice was returned in opposition to the request.

Attachments:

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







X 1412 S Beltline Rd

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 application for which I am applying.

Property Owner:	PNC Partners	Phone Number:	6122076438
Address:	1412 S Belt Line Rd		
	Mesquite TX 75149	Email Address:	shubham@ptaaschool.org

Signature: Shubham Pandey
Digitally signed by Shubham Pandey
 Date: 2020.06.02 14:50:30 -05'00'



Street view of subject property taken on N. Belt Line Rd. looking east at the subject property



Photo taken on site looking at the approximate location of where the temporary structure will be located. Swing set will be moved for temporary structure.



Photo taken on site looking at the swing set which will be removed to accommodate temporary structure.



Photo taken on site looking at existing fencing and buffer tree line adjacent to an alley.



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **June 25, 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:	BOA0620-0195
Submitted By:	Shubham Pandey
Property Owner:	PNC Partners, LTD DBA: Meadow Oaks Academy
Property Location:	1412 S. Belt Line Rd.
Legal Description:	Spring Creek Rep, Block 3, Lot 18R
Requested Action:	Special Exception to allow an approximately 3,072 square foot portable building to be used as a temporary classroom. The portable building will be located near the rear of the property.

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) 329-8523.

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

BOA Case: BOA0620-0195

Name: OSCAR ESQUIVEL

I am **in favor** of this request

(required) Address: 105 RUNNING BROOK LN

I am **opposed** to this request X

(required) MESQUITE, TX 75149

Reasons
(optional):

Traffic is already bad there. People
Always do a UTURN there which is
a safety concern. It is too close to residential area.

RECEIVED

JUN 19 2020
PLANNING AND ZONING

City of Mesquite Planning Division
ATTN: Johnna Matthews
PO BOX 850137
MESQUITE TX 75185-0137

- OSCAR