



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

757 North Galloway Avenue
Mesquite, Texas
July 23, 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, July 23, 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 July 23, 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 June 25, 2020 Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

6. BOA0620-0194 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Ricky Wood for Special Exceptions (1) to allow a front carport including approximately 400 square feet, and (2) to allow the front carport to be constructed with a flat roof, located at 704 Kevin Circle (BOA0620-0194, Lesley Frohberg, Planner).

7. BOA0620-0196 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Marisol Molina, for a Special Exception to allow an approximately 400 square foot front carport, located at 4351 Birch Drive (BOA0620-0196, John Chapman, Planner).

8. BOA0620-0197 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Esmeralda Estrada, for a Special Exception to allow an oversized accessory structure (storage building and attached carport) in the rear yard including approximately 1,000 square feet; and 18 feet, 10 inches in height, located at 1119 Villa Siete (BOA0620-0197, Johnna Matthews, Principal Planner).

9. BOA0620-0198 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Brenda McCord, for Special Exceptions (1) to allow a front carport including approximately 400 square feet, and (2) to allow

the front carport to be constructed with a flat roof, located at 3501 Flamingo Way (BOA0620-0198, Lesley Frohberg, Planner).

10. BOA0620-0199 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Nabiha “Bea” Saeed (Symonds Flags & Poles, Inc.), for a Special Exception to allow two oversized steel flagpoles 150-feet in height, located at 16230 Interstate Highway 635 (BOA0620-0199, Lesley Frohberg, Planner).

PUBLIC HEARINGS- CONTESTED CASES

11. BOA0620-0200 – SPECIAL EXCEPTION & VARIANCE

Conduct a public hearing to consider an application submitted by Kyle Bennett (Bennett Construction), for (1) a Special Exception to allow an oversized accessory structure (carport) in the rear yard including approximately 600 square feet, and (2) a Variance to allow the oversized accessory structure to encroach 4 feet into the 20-foot rear yard setback, located at 1707 Mayfair Drive (BOA0620-0200, Johnna Matthews, Principal Planner).

12. BOA0620-0202 – SPECIAL EXCEPTIONS & VARIANCE

Conduct a public hearing to consider an application submitted by Stephen Howard for Special Exceptions (1) to allow a front carport including approximately 368 square feet, (2) to allow the front carport to be constructed with a flat roof, and (3) a Variance to allow the front carport to encroach 2 feet into the side yard setback, located at 2024 Del Oak Drive (BOA0620-0202, John Chapman, Planner).

PUBLIC COMMENTS

13. 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.

TRAINING FOR BOARD MEMBERS AND ALTERNATES

14. 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 a discussion on various cases heard by the Board including, but not limited to Special Exceptions and Variances.

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 **July 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 **July 17, 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 JUNE 25, 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, Planner John Chapman, 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 who were present in the City Council Chambers and practiced social distancing. Ms. Wana Alwalee and Mr. Aeneas Ford were present by telephone conference.

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 conference.

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

5. APPROVAL OF MINUTES

Consider approval of the minutes of May 28, 2020, meeting.

A motion was made by Mr. Rice to approve the minutes for May 28, 2020, Board of Adjustment meeting with the correction. Ms. Alwalee seconded. The motion passed 5-0.

PUBLIC HEARINGS- UNCONTESTED CASES

BOA0520-0189 – SPECIAL EXCEPTIONS

- 6. 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)

Principal Planner Johnna Matthews briefed the Board on items 6-9. Chairman Palmer opened the public hearing. There were no public comments. Chairman Palmer closed the public hearing. Ms. Alwalee made a motion to approve the uncontested cases 6-9. Mr. Akin seconded. The motion passed 5-0.

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.

No public comments.

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)

Principal Planner Johnna Matthews briefed the Board. Ms. Matthews noted Staff received two public notices in opposition, including one that was received after the packets were sent out, and one in favor of the request. Chairman Palmer wanted to know if this will be a permanent special exception or will the applicant have to keep coming back to request this Special Exception. Ms. Matthews explained that the Applicant did not apply for a permit until it had already expired. Mr. Akin asked about the 3-foot setback. Ms. Matthews answered that it is fine. Applicant Adrian Villanueva came up to speak. The Applicant explained the reason he did not get a permit the first time was due to him being so busy. The Applicant did state that he had received citations and is required to go to court to address those citations. Chairman Palmer opened the public hearing. Mr. Phil Bolson came up to speak. Mr. Bolson understands that the City has no control over the building

materials, but the City needs to be better at following up with making sure applicants apply for there permits. Mr. Bolson feels there should be requirements for the building inspectors to keep doing follow up visits. Mr. Bolson feels that the City of Mesquite does a poor job on follow-ups. No one else came up to speak. Chairman Palmer closed the public hearing. A motion was made by Ms. Alwalee to approve. Mr. Rice seconded. The motion passed 4-1 with Mr. Akin dissenting.

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)

Principal Planner Johnna Matthews briefed the Board. Ms. Matthews noted that Staff received two notices in opposition to the request, including one that was received late today. No questions for Staff from the Board. Chairman Palmer opened the public hearing. Representing Meadow Oaks Academy, Ms. Nicole Dabney came up to speak. Ms. Dabney wanted to make sure that the Board members know that the school will be cutting the student population in half and will be complying with all CDC guidelines. No one else came up to speak. Chairman Palmer closed the public hearing. A motion was made by Mr. Ford to approve. Mr. Rice seconded. The motion passed 5-0

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.

Senior Assistant City Attorney Karen Strand gave a presentation regarding the new Section 5-200 of the Mesquite Zoning Ordinance, approved by the City Council. There was a discussion between the Board members and Ms. Strand for more detailed information about voting on motions.

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.

No public comments.

There being no further business for the Board, the meeting adjourned at 8:10 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.



FILE NUMBER: BOA0620-0194
REQUEST: Special Exceptions to (1) allow an approximately 400 square foot front carport and (2) to allow the carport to be constructed with a flat roof.
CASE MANAGER: Lesley Frohberg, Planner

PUBLIC HEARINGS

Board of Adjustment: Thursday, July 23, 2020

GENERAL INFORMATION

Applicant &
Property Owner: Ricky Wood
Location: 704 Kevin Circle

SITE BACKGROUND

Legal Description: Highland Hills 2nd Section, Block C, Lot 11
Size: 7,417 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1958 – Annexed into Mesquite and Zoned Residential

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	R-3, Single Family Residential	Single Family Residence
SOUTH:	R-3, Single Family Residential	Single Family Residence
EAST:	R-3, Single Family Residential	Single Family Residence
WEST:	R-3, Single Family Residential	Single Family Residence

CASE SUMMARY

The applicant is requesting a Special Exception to construct an approximately 400 square foot (20 feet by 20 feet) front carport with a flat roof, attached to the residence. The front carport is proposed to be 8 feet in height, constructed of metal and located over an existing driveway. All other regulations of the R-3 Zoning District will be met.

MESQUITE ZONING ORDINANCE

SEC. 5-206(L): SPECIAL EXCEPTION APPROVAL STANDARDS

1) Special exceptions.

Special exceptions may be granted as set out in this Zoning Ordinance, when the Board finds that the special exception:

- a. will allow greater use and enjoyment of property; and
- b. without creating adverse impacts on adjacent properties; and
- c. that it will be compatible with the surrounding neighborhood; and
- d. when applicable, the board shall also consider any additional criteria set out in this Zoning Ordinance for any specific special exception.

STAFF COMMENTS:

Staff does not anticipate any adverse impacts on the surrounding neighborhood, as there are several similarly constructed carports nearby at 804 Kevin Circle and 720 Kevin Circle, approved by the BOA in 1996 and 2009.

SEC. 2-603(E): FRONT CARPORTS

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.

- 2) 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.

The Board of Adjustment is not authorized to grant relief from the provisions of this subsection except as provided in Section 2-604.B.

STAFF COMMENTS:

The applicant is requesting the front carport to have a flat roof as provided in Section 2-604.B.

- 3) 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 COMMENTS:

The proposed front carport will include approximately 400 square feet (20 feet by 20 feet) and will not extend 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 50 feet, 3 inches. Forty percent of this measurement is 20 feet, which is the proposed width of the front carport.

- 4) The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eve height of the carport shall not exceed the eve height of the house provided that, if the carport abuts a two story wall of the home, the eve height of the carport shall not exceed half of the height of the abutting wall. Eve height shall be measured from the adjacent grade to the underside surface of the eve.

STAFF COMMENTS:

The roof height of the proposed front carport is 8.5 feet, which will not exceed the height of the roof of the residence and is less than 15 feet.

- 5) The carport shall cover an approved driveway surface.

STAFF COMMENTS:

The proposed front carport will be over an existing approved driveway surface.

SEC. 2-604(B)(1): SPECIAL EXCEPTIONS, FRONT CARPORTS

- 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 2-603.E. 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 COMMENTS:

The front carport would afford the only opportunity for covered parking on the property. It appears that the home was originally constructed with a one-car garage, which was later converted into living area; however, Staff could not locate a building permit. There is a paved alley adjacent to the rear property line. The property was platted in February 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.

SEC. 2-604(B)(2): SPECIAL EXCEPTION, FRONT CARPORTS

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:

File No.: BOA0620-0194
Special Exception

- a) The request is located on a lot platted 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 COMMENTS:

The applicant is requesting the proposed front carport to have a flat roof. There are two existing front carports in the immediate vicinity, located at 720 Kevin Circle and 804 Kevin Circle that were constructed with flat roofs.

PERMITS

2003: Foundation Repair
2015: Fence Permit
2017: Building Permit

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception to allow an approximately 400 square foot front carport.

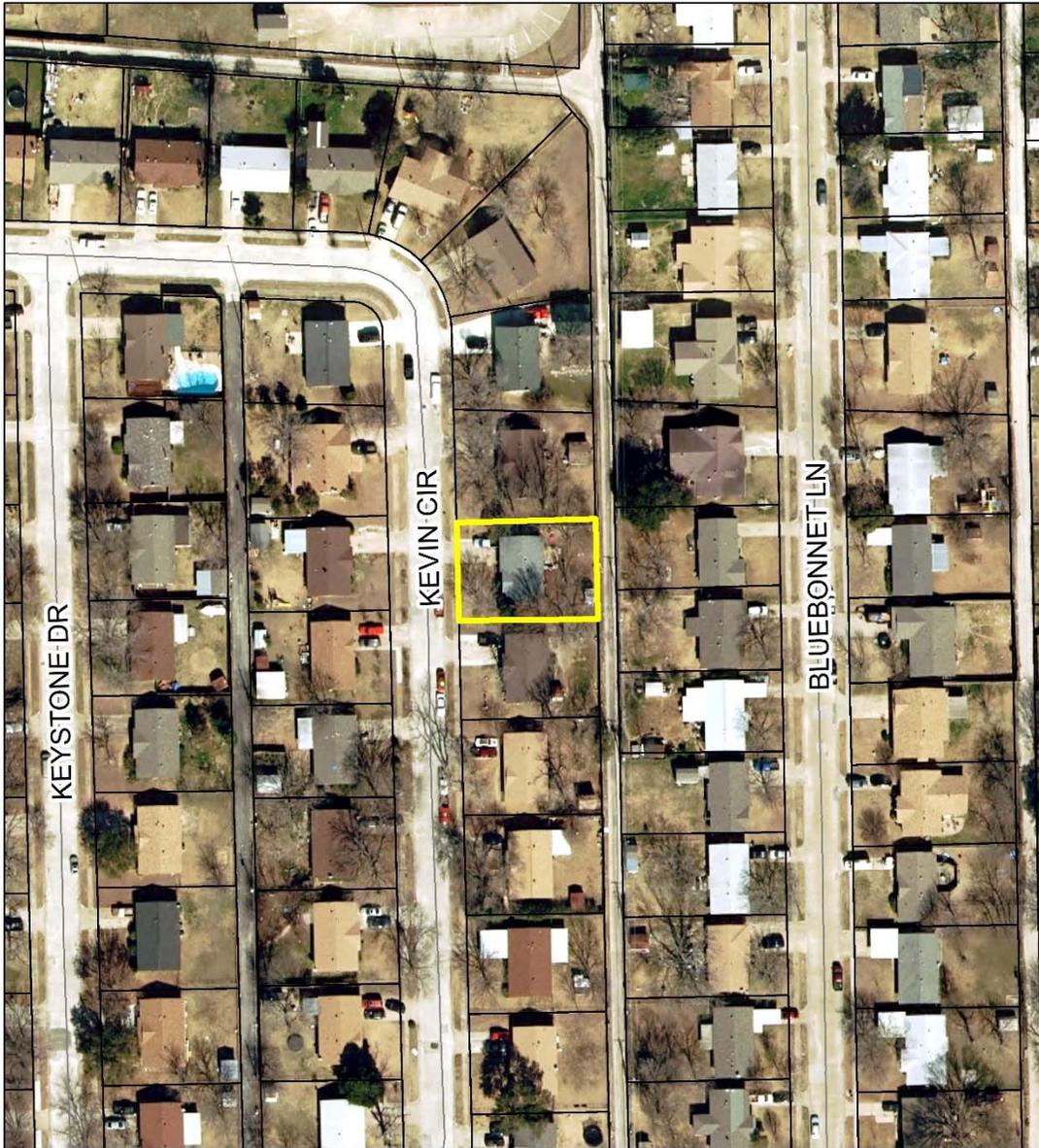
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, one notice was returned in favor of the request.

ATTACHMENTS

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

Aerial Map



Request: Special Exception to allow a front carport with a flat roof.
Applicant: Ricky Wood
Location: 704 Kevin Circle

Legend

 Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Request: Special Exceptions to allow a front carport with a flat roof.
Applicant: Ricky Wood
Location: 704 Kevin Circle

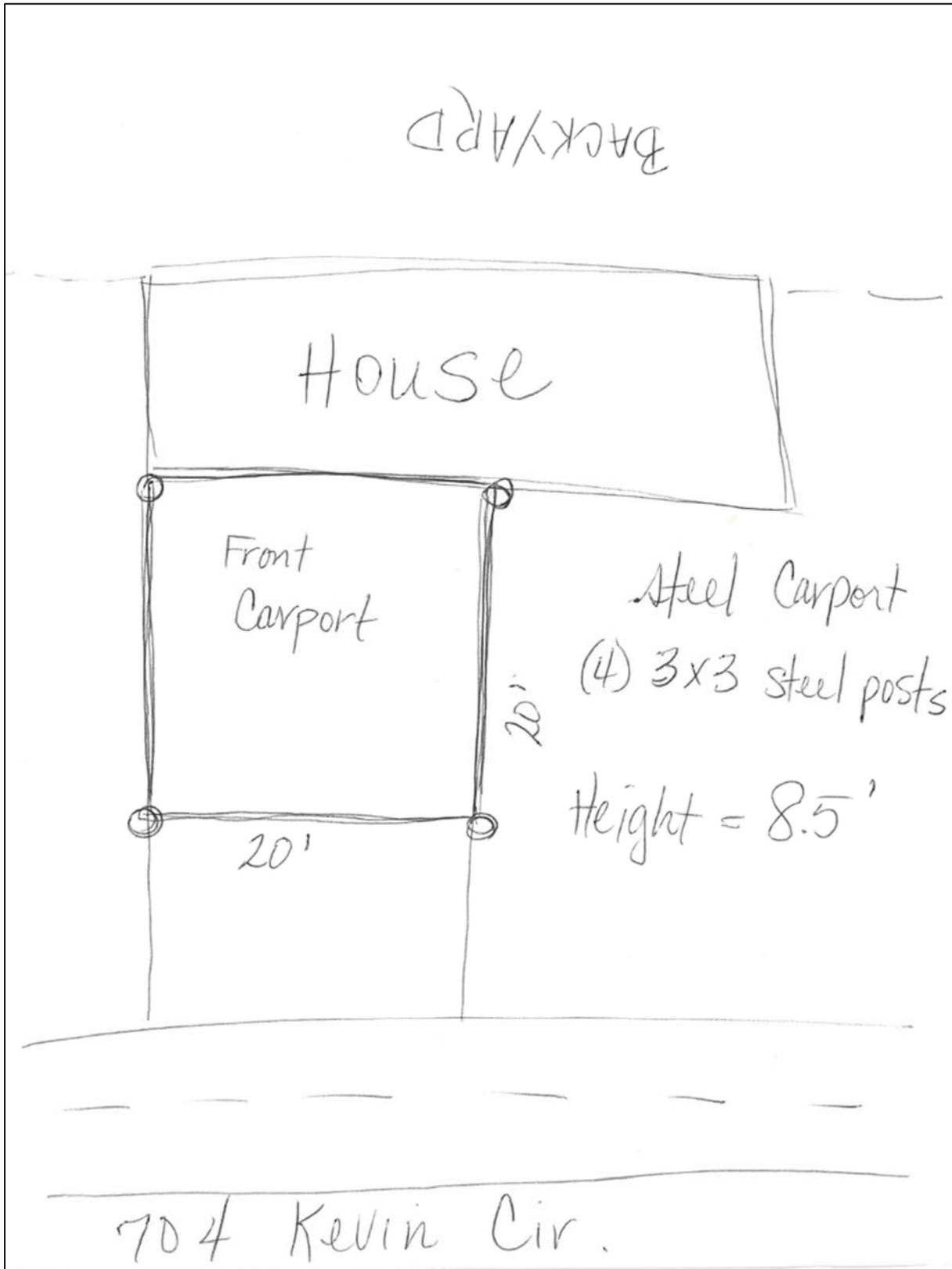
Legend
[Diagonal lines] Notified Properties
[Dark gray] Subject Property

ATTACHMENT 3 – SITE PHOTOS



Front view of subject property

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 5 – RETURNED PROPERTY OWNER NOTICE(S)



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, July 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:	BOA0620-0194
Applicant/Property Owner:	Ricky Wood
Property Location:	704 Kevin Circle
Legal Description:	Highland Hills 2 nd Section, Block C, Lot 11
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: BOA0620-0194

I am in favor of this request

I am opposed to this request

Name:
(required)
Address:
(required)

STEVEN CASTEEL
632 KEVIN CIR

Reasons
(optional):

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

RECEIVED
JUL 17 2020
PLANNING AND ZONING



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0620-0196
REQUEST: Special Exception to allow an approximately 400 square foot front carport
CASE MANAGER: John Chapman, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, July 23, 2020

GENERAL INFORMATION

Applicant & Property Owner: Marisol Molina
Location: 4351 Birch Drive

SITE BACKGROUND

Legal Description: Casa View Heights 2, Block 12, Lot 14
Size: 7,621.02 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1954 - Annexed into Mesquite and Zoned Residential

Surrounding Zoning and Existing Land Uses:

Table with 2 columns: ZONING and EXISTING LAND USE. Rows for NORTH, SOUTH, EAST, and WEST directions.

CASE SUMMARY

The applicant is requesting a Special Exception to construct an approximately 400 square foot (19 feet by 21 feet) front carport with an open gable pitched roof attached to the residence. The front carport is proposed to be constructed of wood and located over an existing driveway. All other regulations of the R-3 Zoning District will be met.

MESQUITE ZONING ORDINANCE

SEC. 5-206(L): SPECIAL EXCEPTION APPROVAL STANDARDS

1) Special Exceptions.

Special Exceptions may be granted as set out in this Zoning Ordinance, when the Board finds that the special exception:

- a. will allow greater use and enjoyment of property; and
- b. without creating adverse impacts on adjacent properties; and
- c. that it will be compatible with the surrounding neighborhood; and
- d. when applicable, the board shall also consider any additional criteria set out in this Zoning Ordinance for any specific special exception.

STAFF COMMENTS:

Staff does not anticipate any adverse impacts on the surrounding neighborhood as there are three similarly-constructed carports on Birch Drive and nearby.

The applicant stated, “the front carport will give us a lot of enjoyment and it will be appealing to the neighborhood,” and the applicant has “seen similar front carports in the neighborhood.”

SEC. 2-603(E): FRONT CARPORTS

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.

- 2) 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 COMMENTS:

The proposed front carport will have an open gable 4:12 pitched roof that is attached to the principal structure.

- 3) 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 COMMENTS:

The proposed front carport will include approximately 400 square feet (19 feet by 21 feet) and will not extend 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 52 feet 6 inches. Forty percent of this measurement is 21 feet, which is the proposed width of the front carport.

- 4) 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 provided that, if the carport abuts a two story wall of the home, the eave height of the carport shall not exceed half of the height of the abutting wall. Eave height shall be measured from the adjacent grade to the underside surface of the eave.

STAFF COMMENTS:

The roof height of the proposed front carport is 13 feet, which will not exceed the height of the roof of the residence and is less than 15 feet. The eave height will not exceed the eave height of the residence.

- 5) The carport shall cover an approved driveway surface.

STAFF COMMENTS:

The proposed front carport will be over an approved driveway surface.

SEC. 2-604(B)(1): SPECIAL EXCEPTIONS, FRONT CARPORTS

- 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 2-603.E. 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 COMMENTS:

The front carport would not afford the only opportunity for covered parking on the property due to an existing two-car garage. There is paved alley adjacent to the rear property line. The property was platted in January of 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.

PERMITS

- 1961: Residential Building Permit
- 1966: Fence Permit
- 2009: Fence Permit
- 2012: Foundation Repair
- 2019: Driveway Permit

2020: Accessory Structure Permit (On Hold Pending BOA)

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception to allow an approximately 400 square foot front carport.

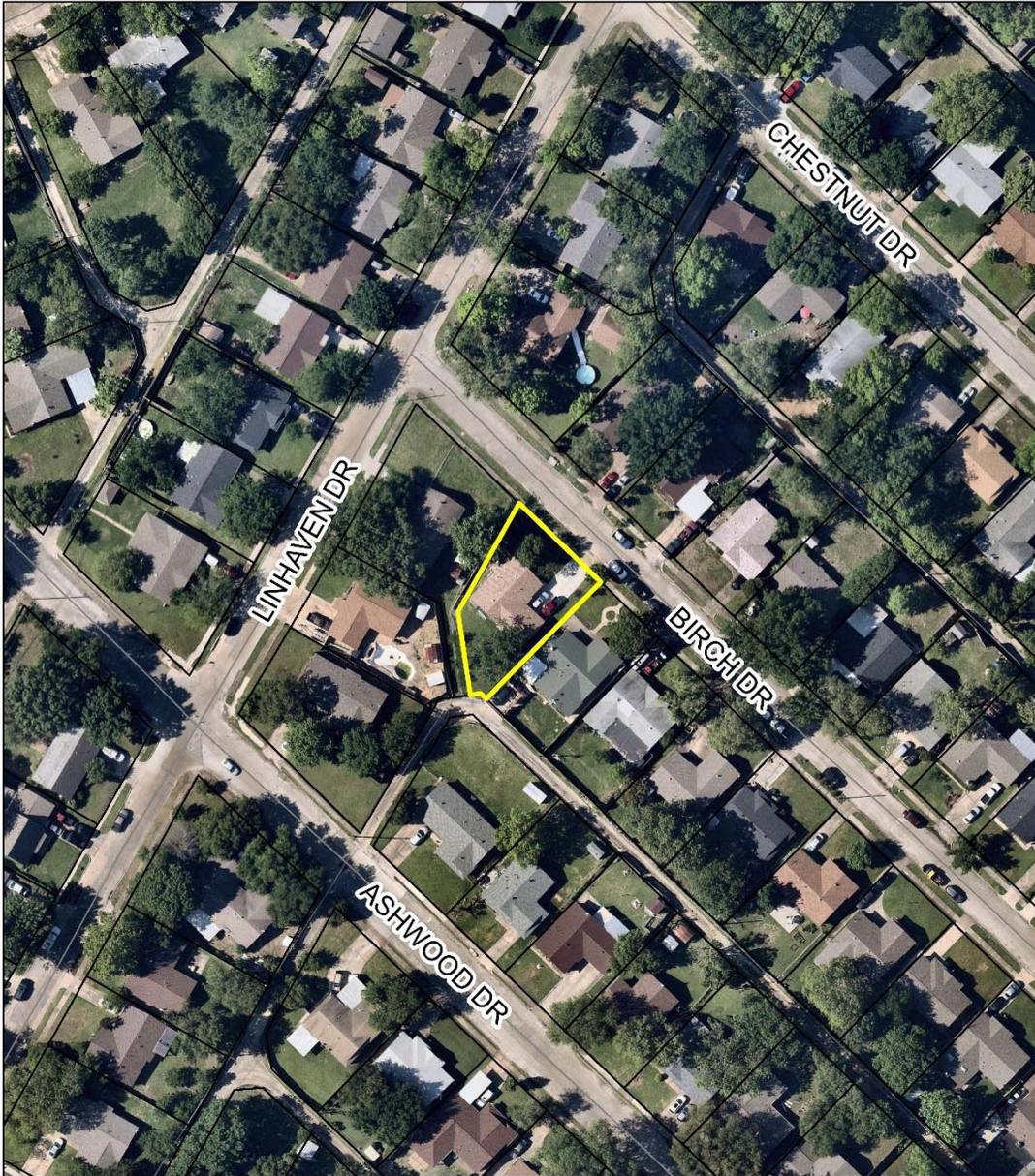
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, there have been no returned notices.

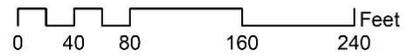
ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials

Aerial Map



N
▲ Legend
■ Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Request: Special Exception to allow an approximately 400 square foot front carport.
Applicant: Marisol Molina
Location: 4351 Birch Drive

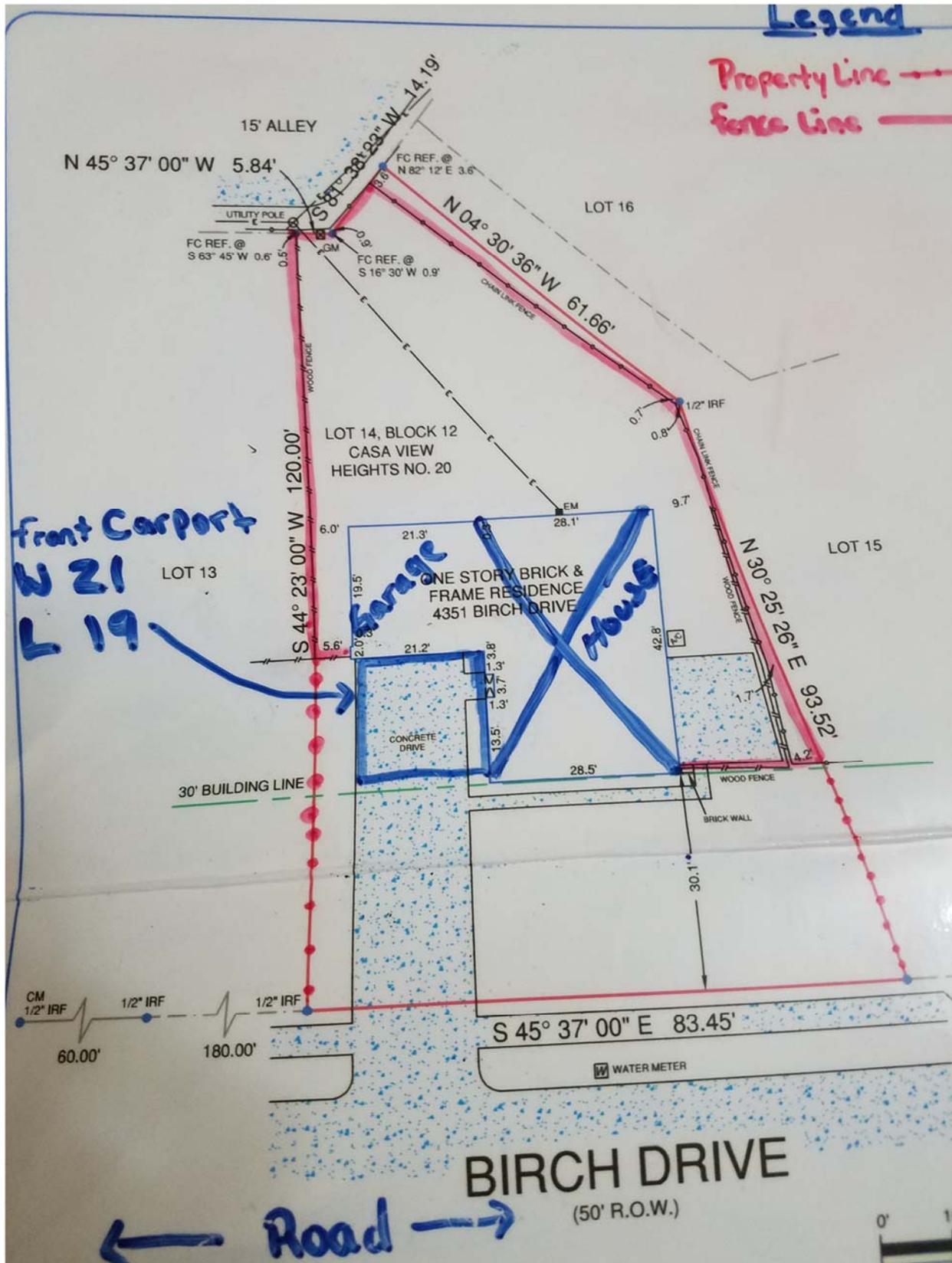
Legend
[Solid Grey Box] Subject Property
[Diagonal Line Box] Noticed Properties

ATTACHMENT 3 – SITE PHOTOS



Front view of subject property

ATTACHMENT 4 – APPLICATION MATERIALS





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 residence is located

Physical Address: 4351 birch dr City, State: Mesquite, Texas
Zip Code: 75150

Applicant Information – The person filling out the application

First Name: marisol Last Name: molina
Phone Number: 4635639927 Email Address: marisolm446@gmail.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: _____

Office Use Only

Subdivision: _____ Block: _____ Lot: _____
Size of Property: _____ Square Feet When was the property platted: _____
Date Received: _____ Project Intake: _____ Case Number: BOA
 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: Feet Size of Structure: Square Feet

Roof Pitch (If applicable):

Describe Materials Used:

Cedar wood

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:

Front carport, attached to house with a height of 13 feet same as home and a pitch of 4/12 all done with cedar wood. Carport will not exceed home height or size.

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?

yes, the front carport will give us a lot of enjoyment and I it will be appealing to neighborhood.

Will the Special Exception be compatible with the surrounding neighborhood?

Yes No

If yes, how?

Yes, I have seen similar front carports in the neighborhood.

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: Marisol Molina Phone Number: 469-563-9927
Address: 4351 Birch Dr.
Mesquite tx 75150 Email Address: marisolm446@gmai
Signature: 

marisol molina
June, 15 2020

X Marisol Molina



FILE NUMBER: BOA0620-0197
REQUEST: Special Exception to allow an oversized accessory structure (storage building and attached carport) in the rear yard including approximately 1,000 square feet; and 18 feet, 10 inches in height.

CASE MANAGER: Johnna Matthews, Principal Planner

PUBLIC HEARING

Board of Adjustment: Thursday, July 23, 2020

GENERAL INFORMATION

Applicant: Esmeralda Estrada
 Property Owner: Juan and Esmeralda Ibarra
 Location: 1119 Villa Siete

SITE BACKGROUND

Legal Description: Ponderosa 1st INST., Block A, Lot 14
 Property Size: 0.97 acres / 42,452 square feet
 Zoning: AG, Agricultural
 Zoning History: 1974 – Annexed and Zoned Residential

Surrounding Zoning and Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	AG, Agricultural	Single - Family Home
SOUTH:	R-1, Single Family Residential	Single - Family Home
EAST:	AG, Agricultural	Single - Family Home
WEST:	R-1, Single Family Residential	Single - Family Home

CASE SUMMARY

The applicant is requesting a Special Exception to allow an oversized accessory structure in the rear yard. The Mesquite Zoning Ordinance defines an oversized accessory structure as

any detached structure which exceeds the height, size, or coverage limits as set out in Section 2-602 of the Mesquite Zoning Ordinance. Within the Agricultural zoning district, an accessory structure can be up to 1,000 square feet in size. In this instance, the structure will exceed the maximum height allowed. The structure will include approximately 1,000 square feet (20' x 50'), including a carport with an attached storage building. Above the storage building will be an attic for additional storage. The proposed height of the structure is 18 feet, 10 inches. The maximum permitted height for an accessory structure is 15 feet, one story or the height of the principal structure, whichever is less. The height of the principal structure is approximately 22 feet. The structure will be made of wood and siding with a pitched roof. The structure will be setback 15 feet from the rear property line and 5 feet from the closest side property line. Although the plans provided by the applicant show a gravel drive, the applicant received a permit for a concrete driveway and the driveway has been constructed (See Attachment 3)

MESQUITE ZONING ORDINANCE

SEC. 2-602 (B): MAXIMUM HEIGHT

The maximum permitted height for an accessory structure, except as otherwise permitted herein, shall be 15 feet, one story, or the height of the principal structure, whichever is less.

STAFF COMMENTS:

The applicant is proposing the height of the proposed structure to be 18 feet, 10 inches, which exceeds the maximum height of 15 feet. It is important to note that the height of the principal structure is 22 feet. The property includes one acre and the structure will be located in the rear of the property behind a sliding gate, reducing any negative impacts that the structure may have on adjacent properties

SEC. 2-604 (A): OVERSIZED ACCESSORY STRUCTURE

The Board of Adjustment may authorize an oversized accessory structure, which shall be any structure which exceeds the height, size or coverage limits as set out in Section 2-602. An existing accessory building shall not become an oversized structure due to the attachment of a minor building with separate entrances. Building exceeding 10% of the lot area are generally considered incompatible.

STAFF COMMENTS:

In this instance, the proposed accessory structure exceeds the maximum height allowed by 3 feet, 10 inches; however, the structure does not exceed the height of the home. The proposed structure will include approximately 1,000 square feet, representing less than 3% of the lot area, and as such is considered compatible.

SEC. 5-206(L): SPECIAL EXCEPTION APPROVAL STANDARDS

Special exceptions may be granted as set out in this Zoning Ordinance, when the Board finds that the special Exception:

- a. will allow greater use and enjoyment of property; and
- b. without creating adverse impacts on adjacent properties; and
- c. that it will be compatible with the surrounding neighborhood; and
- d. when applicable, the board shall also consider any additional criteria set out in this Zoning Ordinance for any specific special exception.

STAFF COMMENTS:

Staff does not anticipate any adverse impact of the proposed oversized accessory structure in the rear yard, on adjacent properties. According to the applicant, the structure will allow for greater use and enjoyment of the property. The structure is considered compatible because it represents less than 10% of the lot area. Additionally, there are similar structures within the area in the rear yards.

PERMITS

- 2019: Plumbing
- 2019: Electrical
- 2019: New Home Construction
- 2019: Engineering Plans
- 2019: Concrete
- 2019: Fence

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception to allow an oversized accessory structure (storage building and carport) in the rear yard including approximately 1,000 square feet; and 18 feet, 10 inches in height.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, one notice was returned in favor of the request.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Site Pictures
4. Application Materials (drawings)
5. Returned Property Owner Notices(s)

ATTACHMENT 1 – AERIAL MAP



**Request: Special Exception to allow a
an oversized accessory structure
in the rear yard**

**Applicant: Esmeralda Ibarra
Location: 1119 Villa Siete**

Legend

 **Subject Property**

ATTACHMENT 3 – SITE PHOTOS



Street view of subject property.



Photo of existing concrete driveway.

ATTACHMENT 3 – SITE PHOTOS

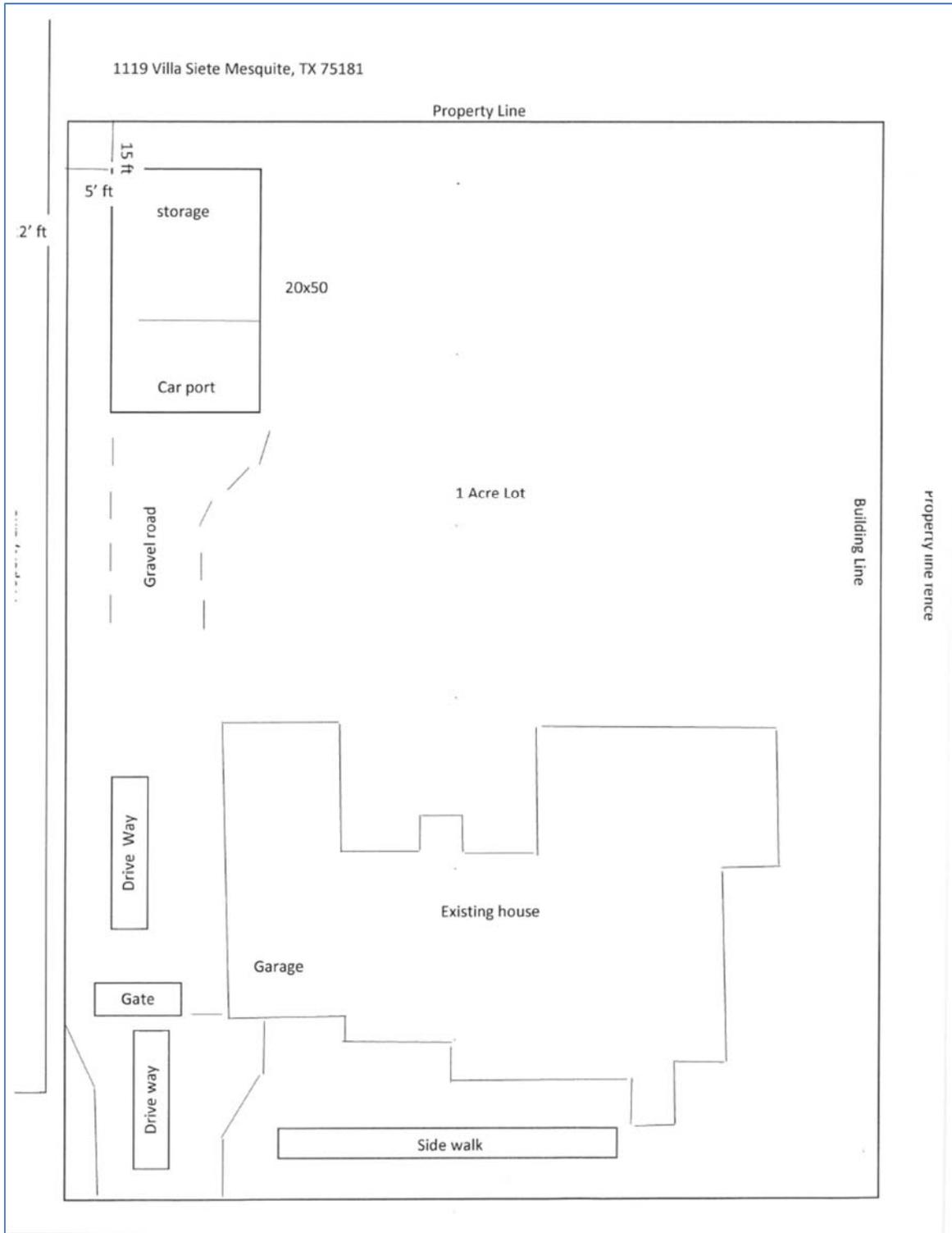


Photo of approximate location of proposed oversized accessory structure in the rear yard.

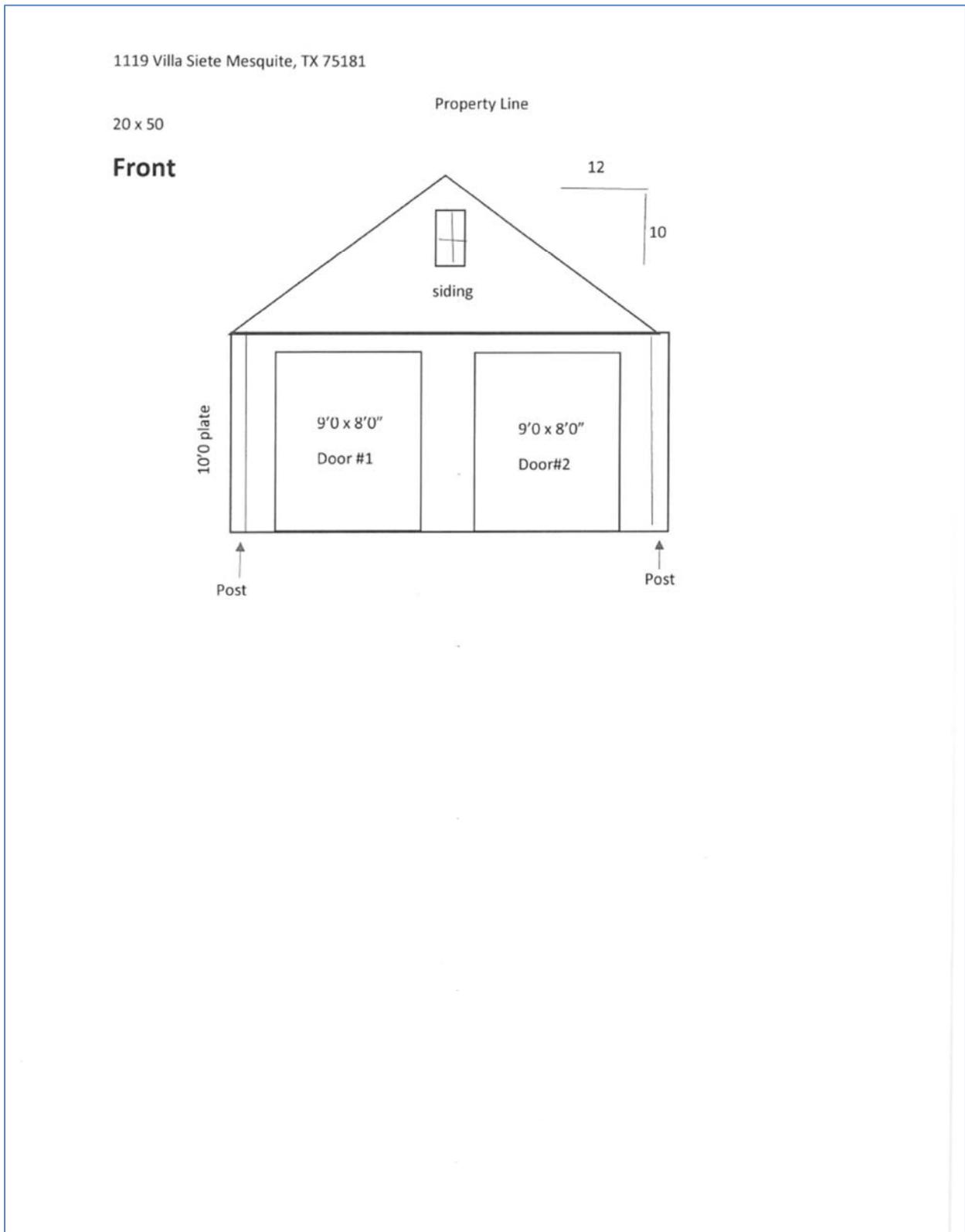


Photo of the rear of the home and approximate location of oversized accessory structure in the rear yard.

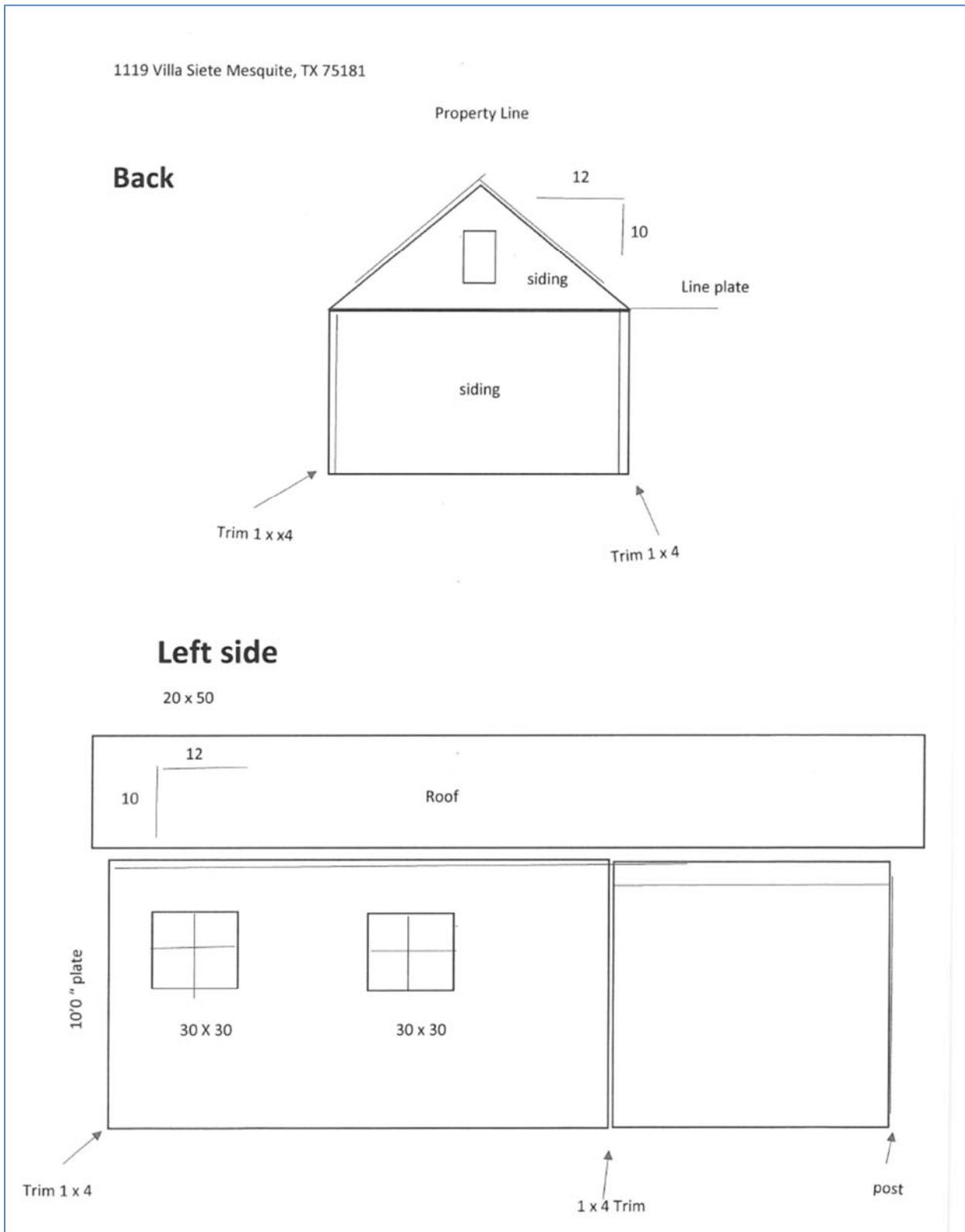
ATTACHMENT 4 – APPLICATION MATERIALS



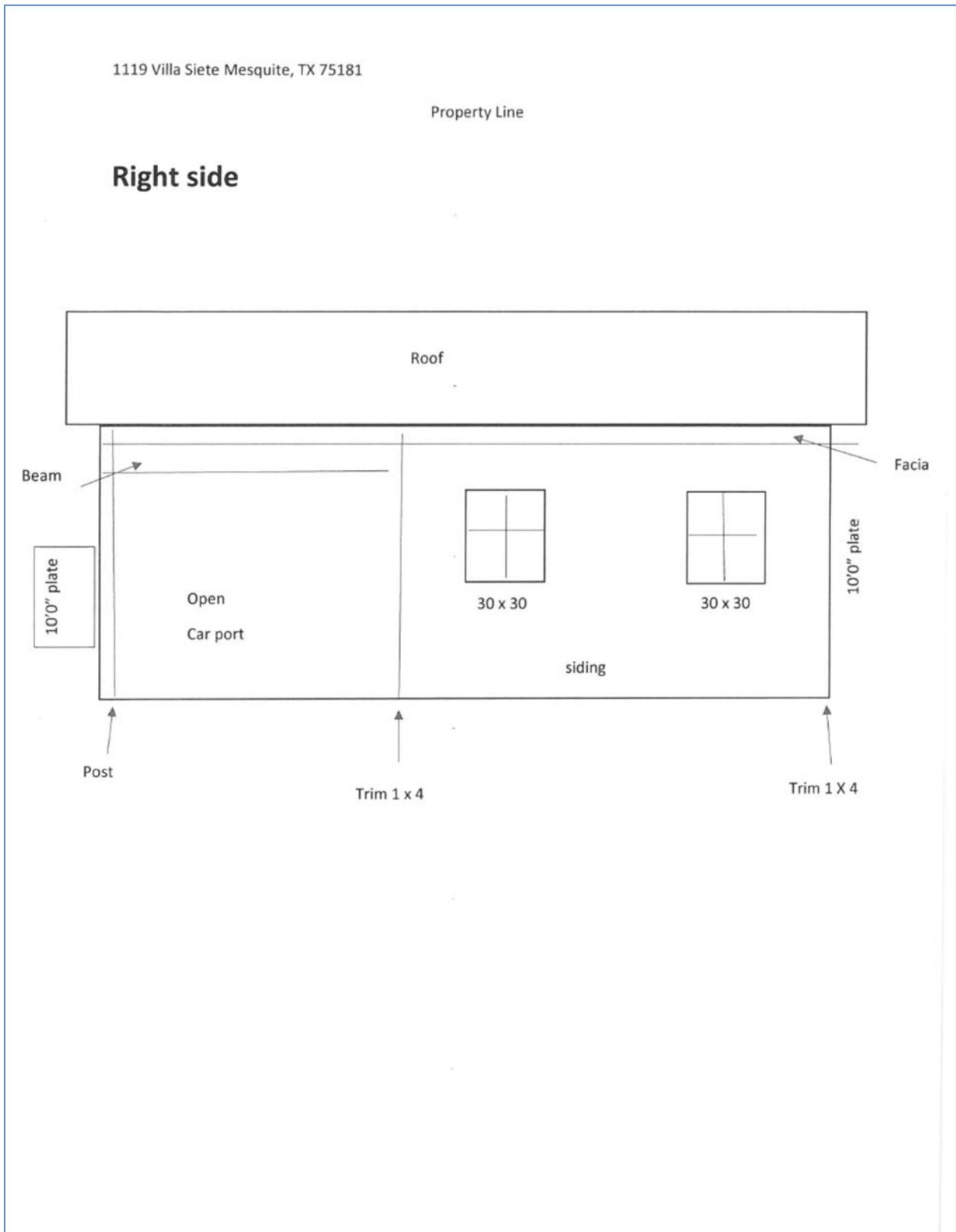
ATTACHMENT 4 – APPLICATION MATERIALS



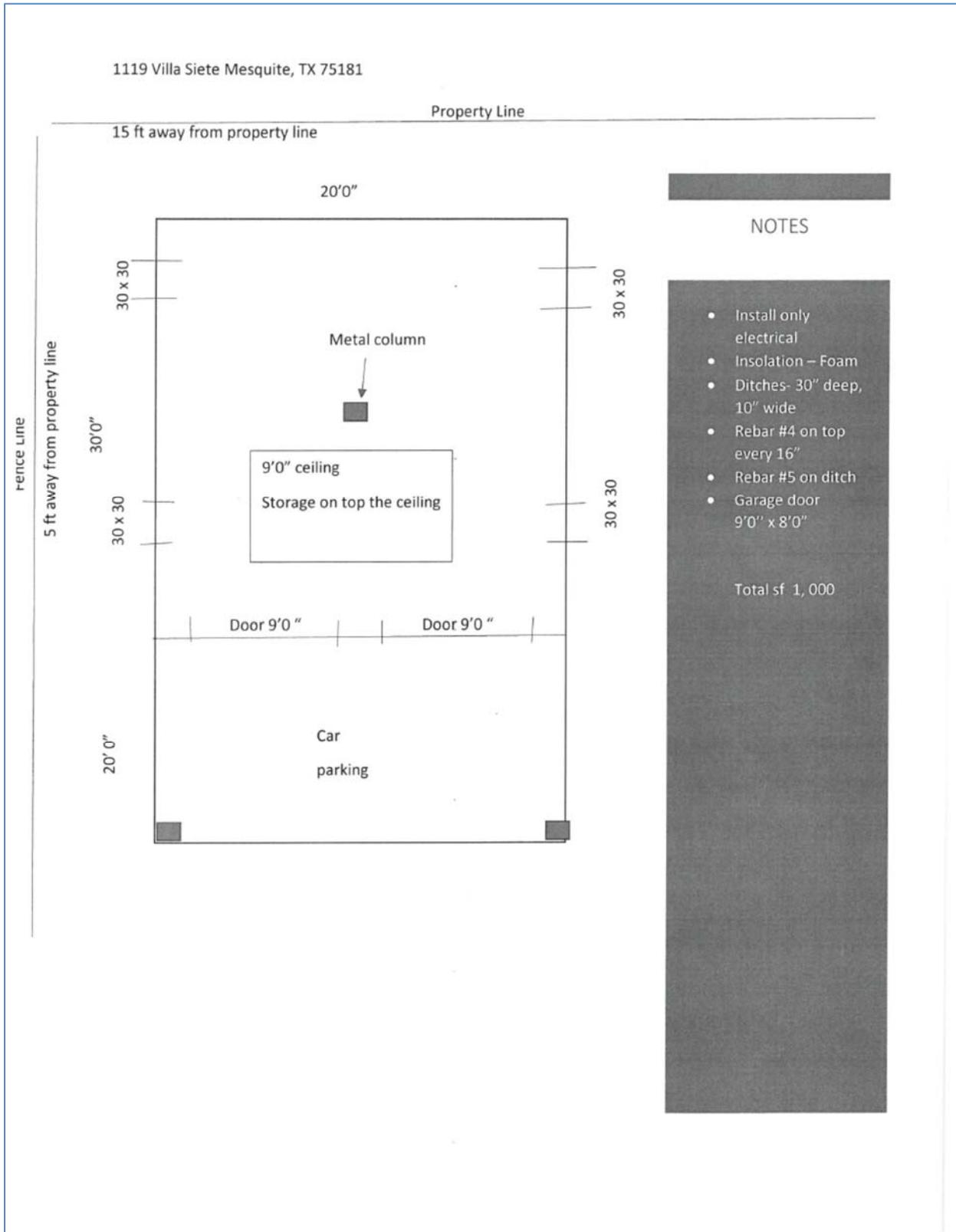
ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 5 – RETURNED NOTICE(S)



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, July 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:	BOA0620-0197
Submitted By:	Esmeralda Estrada
Property Owner:	Juan and Esmeralda Ibarra
Property Location:	1119 Villa Siete
Legal Description:	Ponderosa 1 ST INST., Block A, Lot 14
Requested Action:	Special Exception to allow an oversized accessory structure in the rear yard including approximately 1,000 square feet; and 18 feet, 10 inches in height. The oversized accessory structure will include a storage building and carport.

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: BOA0620-0197

I am in favor of this request

I am opposed to this request

Name:
(required)
Address:
(required)

Esmeralda Ibarra
1119 Villa Siete
Mesquite Tx 75181

Reasons
(optional):

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

RECEIVED
JUL 17 2020
PLANNING AND ZONING



FILE NUMBER: BOA0620-0198
REQUEST: Special Exception to allow an approximately 400 square foot (20 feet by 20 feet) front carport with a flat roof
CASE MANAGER: Lesley Frohberg, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, July 23, 2020

GENERAL INFORMATION

Applicant &
 Property Owner: Brenda McCord
 Location: 3501 Flamingo Way

SITE BACKGROUND

Legal Description: Town East Estates, Block M, Lot 15
 Size: 10,874 square feet
 Zoning: R-3, Single Family Residential
 Zoning History: 1954 – Annexed into Mesquite and Zoned Residential

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	R-3, Single Family Residential	Single Family Residence
SOUTH:	R-3, Single Family Residential	Single Family Residence
EAST:	R-3, Single Family Residential	Single Family Residence
WEST:	R-3, Single Family Residential	Single Family Residence

CASE SUMMARY

The applicant is requesting a Special Exception to construct an approximately 400 square foot (20 feet by 20 feet) front carport with a flat roof attached to the residence. The front carport is proposed to be constructed of metal and will be located over a concrete driveway. There is an existing 10-foot wide concrete driveway and if the Special Exception is approved, the applicant plans to construct the front carport and concrete extension simultaneously. All other regulations of the R-3 Zoning District will be met.

MESQUITE ZONING ORDINANCE

SEC. 5-206(L): SPECIAL EXCEPTION APPROVAL STANDARDS

1) Special Exceptions.

Special Exceptions may be granted as set out in this Zoning Ordinance, when the Board finds that the special Exception:

- a. will allow greater use and enjoyment of property; and
- b. without creating adverse impacts on adjacent properties; and
- c. that it will be compatible with the surrounding neighborhood; and
- d. when applicable, the board shall also consider any additional criteria set out in this Zoning Ordinance for any specific special exception.

STAFF COMMENTS:

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

SEC. 2-603(E): FRONT CARPORTS

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.

- 2) 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.

The Board of Adjustment is not authorized to grant relief from the provisions of this subsection except as provided in Section 2-604.B.

STAFF COMMENTS:

The applicant is requesting the front carport to have a flat roof as provided in Section 2-604.B.

- 3) 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 COMMENTS:

The proposed front carport will include approximately 400 square feet (20 feet by 20 feet) and will not extend 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 51 feet 6 inches. Forty percent of this measurement is 20 feet 6 inches, which accommodates the proposed width of the front carport.

- 4) The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eve height of the carport shall not exceed the eve height of the house provided that, if the carport abuts a two story wall of the home, the eve height of the carport shall not exceed half of the height of the abutting wall. Eve height shall be measured from the adjacent grade to the underside surface of the eve.

STAFF COMMENTS:

The roof height of the proposed front carport is 8 feet, which will not exceed the height of the roof of the residence and is less than 15 feet.

- 5) The carport shall cover an approved driveway surface.

STAFF COMMENTS:

The proposed front carport will be over an approved driveway surface. The applicant proposes to complete the concrete driveway extension and construct the front carport at the same time to fulfill this requirement.

SEC. 2-604(B)(1): SPECIAL EXCEPTIONS, FRONT CARPORTS

- 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 2-603.E. 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 COMMENTS:

The front carport would afford the only opportunity for covered parking on the property. It is unknown if the home was originally constructed with a garage and was later converted into a living area as Staff could not locate a building permit. There is no alley adjacent to the rear property line. The property was platted in August 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.

SEC. 2-604(B)(2): SPECIAL EXCEPTION, FRONT CARPORTS

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

File No.: BOA0620-0198
Special Exception

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 lot platted 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 COMMENTS:

The applicant is requesting the proposed front carport to have a flat roof. There is an existing front carport in the immediate vicinity, located at 3507 Flamingo Way that was constructed with a flat roof.

PERMITS

2011: Building Permit
2012: Fence Permit

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception to allow an approximately 400 square foot front carport, with a flat roof.

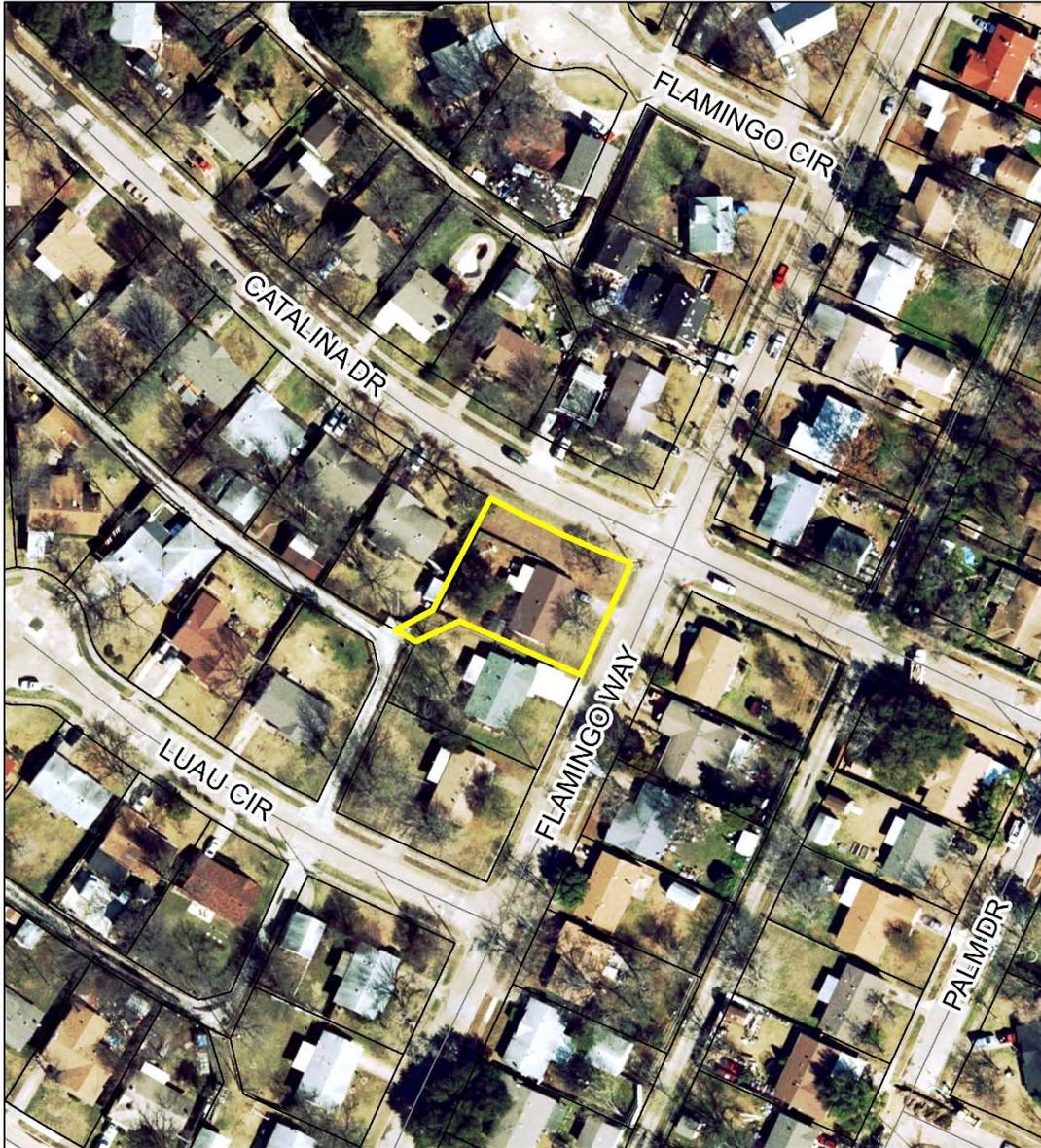
PUBLIC NOTICE

Staff mailed notices to all 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 Notices

Aerial Map



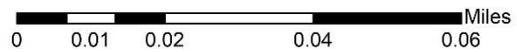
Request: Special Exception to allow a front carport with a flat roof.

Applicant: Brenda McCord

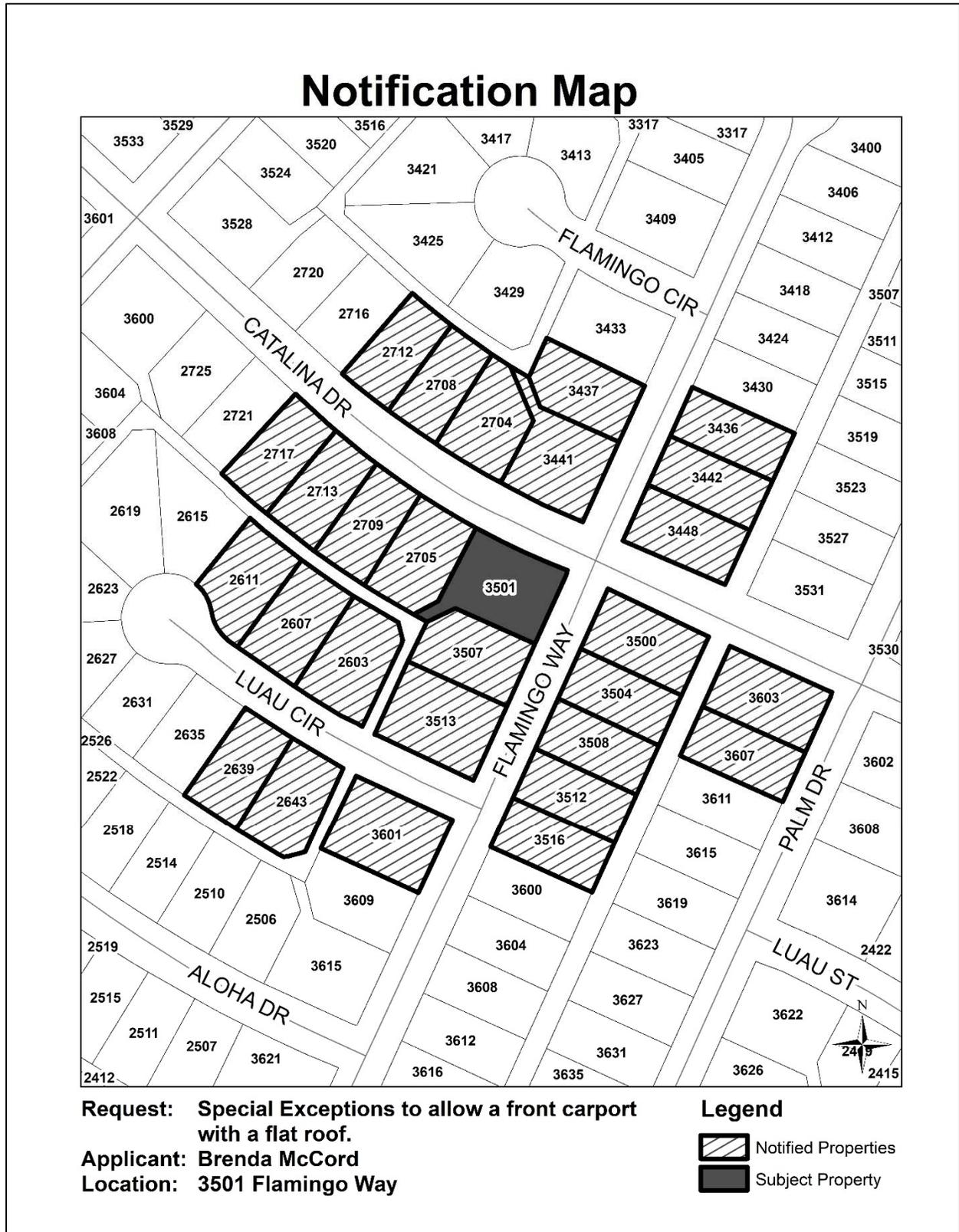
Location: 3501 Flamingo Way

Legend

 Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

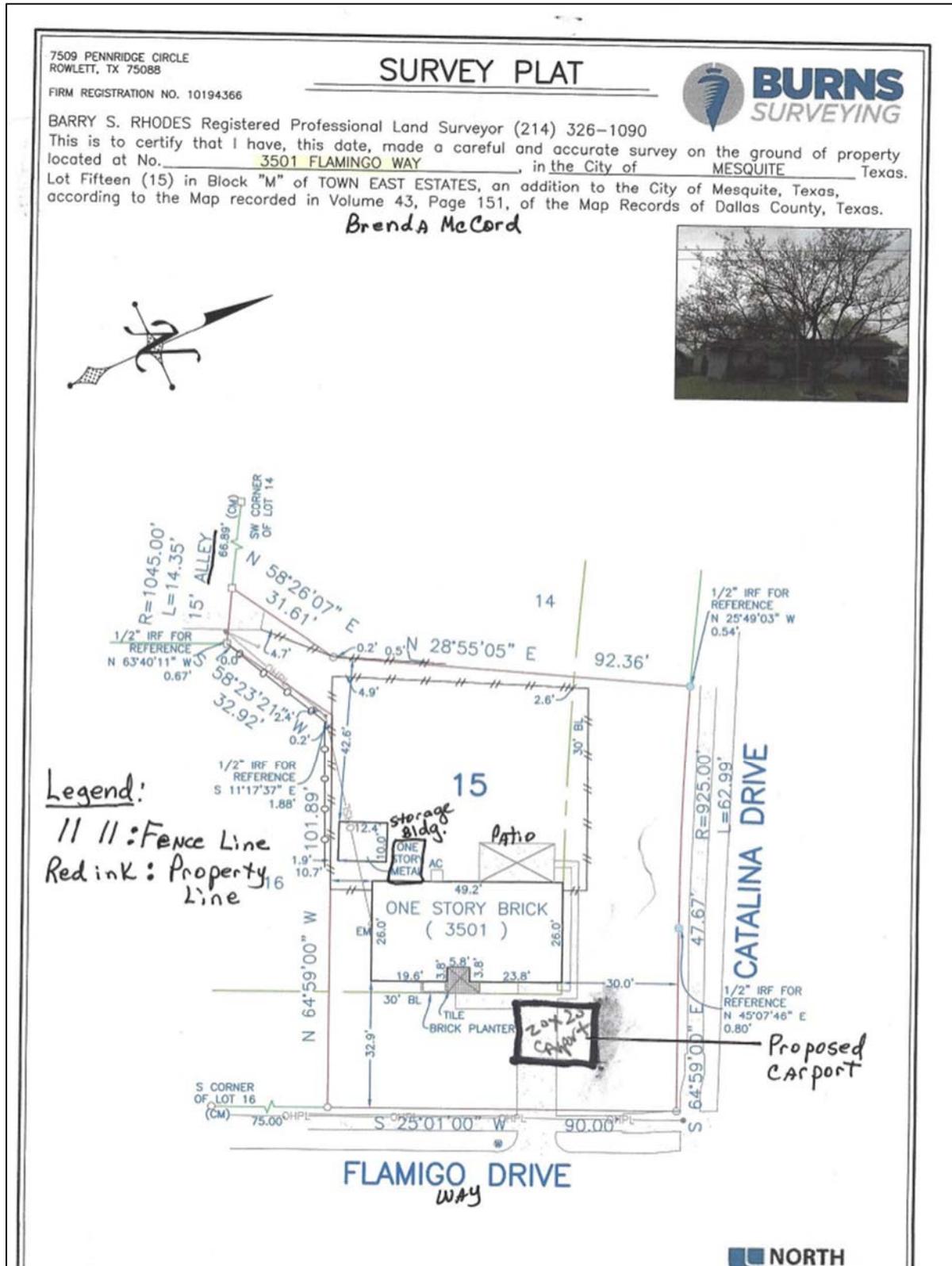


ATTACHMENT 3 – SITE PHOTOS



Front view of subject property

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS

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: Brenda McCord Phone Number: 214-477-0973
Address: 3501 Flamingo Way
Mesquite, Tx 75150 Email Address: Bdmccord@aol.com
Signature: *Brenda McCord*

ATTACHMENT 5 – RETURNED NOTICES



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, July 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:	BOA0620-0198
Applicant/Property Owner:	Brenda McCord
Property Location:	3501 Flamingo Way
Legal Description:	Town East Estates, Block M, Lot 15
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: BOA0620-0198

I am in favor of this request

I am opposed to this request

Reasons (optional):

Name:
(required)
Address:
(required)

GERALD D HEARN
3436 FLAMINGO WAY
MAILING: 2504 NORTHVIEW DR.
MESQUITE, TX 75150

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

RECEIVED
JUL 15 2020
PLANNING AND ZONING



FILE NUMBER: BOA0620-0199
REQUEST: Special Exception to allow two oversized steel flagpoles 150-feet in height
CASE MANAGER: Lesley Frohberg, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, July 23, 2020

GENERAL INFORMATION

Applicant: Nabiha “Bea” Saeed, Symonds Flags & Poles, Inc.
Property Owner: Pinnacle Racing, LLC
Location: 16230 Interstate Highway 635

SITE BACKGROUND

Legal Description: Oates Corners Retail, Block A Lot 3
Size: 3.36 Acres
Zoning: LC - Light Commercial with CUP (Ordinance No. 4770)
Zoning History: 1962: Annexed into City of Mesquite, Zoned Residential
 1983: Rezoned to PD – Multifamily
 1985: Rezoned to LC – Light Commercial (Northern portion)
 1986: Rezoned to LC – Light Commercial (Southern portion)
 1987: Rezoned to LC – Light Commercial with CUP for New Car Dealership (Ord. #2371)
 2020: Rezoned to LC – Light Commercial with CUP to allow New/Used Car Dealership (Ord. No. 4770)

Surrounding Zoning and Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	LC - Light Commercial (CUP Ord. No. 2489)	Car Dealership
SOUTH:	C – Commercial (CUP Ord. No. 2188)	Car Dealership
EAST:	LC - Light Commercial (CUP Ord. No. 2949)	Car Dealership
WEST:	R-3, Single Family Residential	Interstate Highway 635

CASE SUMMARY

The applicant is requesting a Special Exception to allow two 150-foot steel flagpoles in front of the Clay Cooley Hyundai car dealership. The flagpoles will be located within existing parking islands between the building and the Interstate Highway 635 Frontage Road. The applicant is proposing to use the flagpoles to fly the American flag and the Texas flag. All other regulations of the Light Commercial Zoning District will be met.

MESQUITE ZONING ORDINANCE

SEC. 3-702(D): ANTENNA, AERIALS, FLAGPOLES

Antenna, aerials and associated masts shall comply with the requirements of 1-700. Flagpoles shall comply with the requirements of 3-701, except as otherwise permitted herein, provided however, that a total maximum height of 75 feet shall be permitted. When a flagpole is taller than 30 feet, the required setbacks from the side and rear property lines shall be increased by one foot for each foot in height over 30 feet. Flagpoles over 75 feet in height shall require approval as a Special Exception.

STAFF COMMENTS:

The flagpoles will be located within parking islands within the existing parking lot and display area for the car dealership. The flagpoles will be approximately 89 feet from the front property line and 260 feet from the rear property line. The northern flagpole will be 151 feet from the north property line and the southern flagpole will be 255 feet from the south property line at the closest point, meeting all setback requirements. The flagpoles are proposed to be 150 feet in height with flag sizes approximately 40 feet by 80 feet. The applicant has stated that the flagpoles will be used to display the American flag and the Texas State flag.

SEC. 3-703(B): OVERSIZE ANTENNA, FLAGPOLES

The Board of Adjustment may authorize a Special Exception to allow a flagpole, which exceeds 75 feet in height where it determines that the exception can be accommodated without creating adverse impact on adjacent properties and that it will be compatible with the general character of development in the area.

STAFF COMMENTS:

Staff does not anticipate that the approval of this Special Exception will result in adverse impacts on adjacent properties as it is surrounded by similar uses with outdoor sales and display. Additionally, the adjacent property, Trophy Nissan, located at 5031 N. Galloway Avenue, was granted approval for a 160-foot flagpole for the display of an American Flag or a Texas State Flag in 1986. In 1986, an oversized flagpole required approval of a Variance.

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception to allow two oversized flagpoles, approximately 150 feet in height.

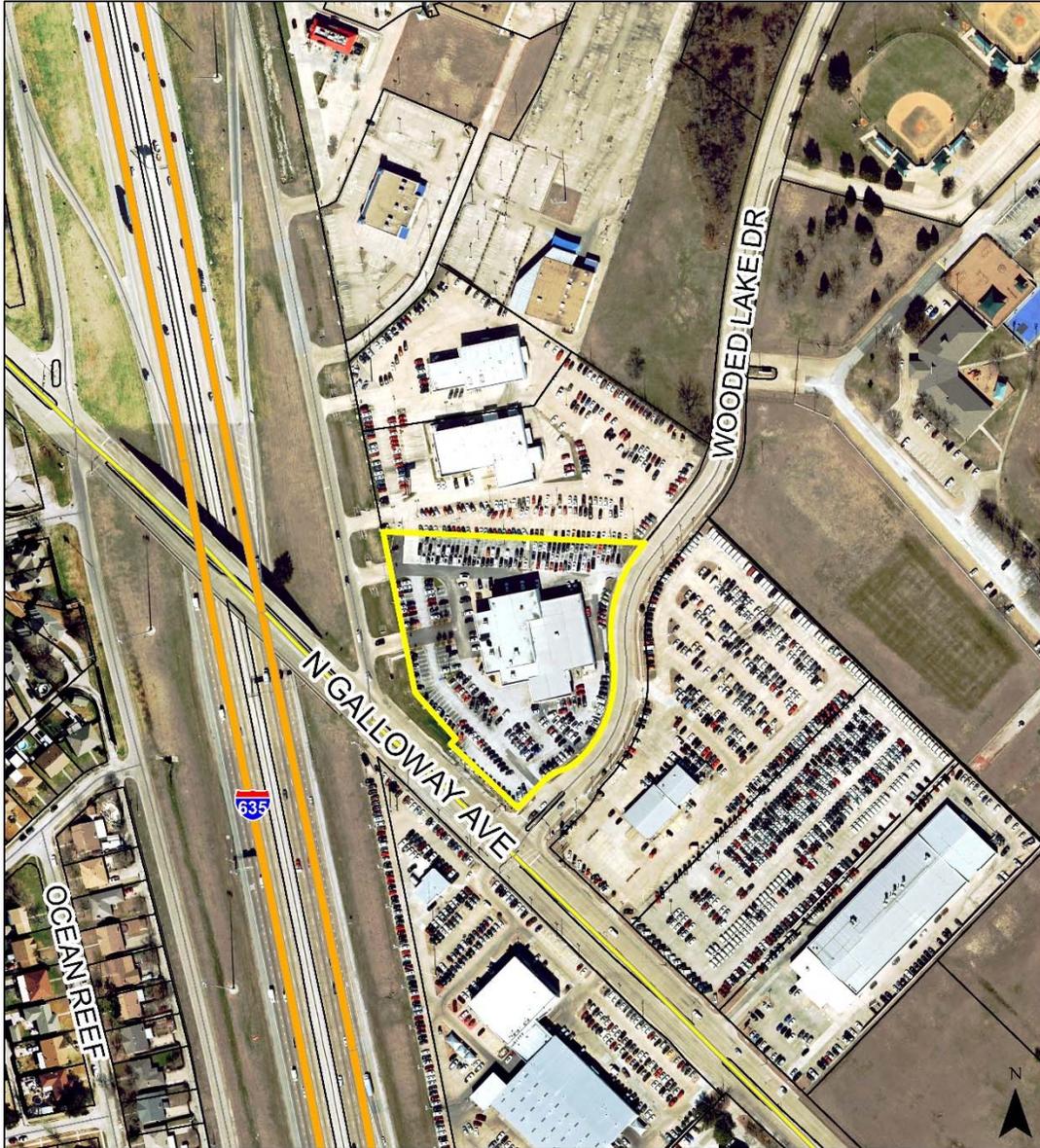
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, there have been no returned notices.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Site Pictures
4. Application Materials

Aerial Map



Request: Special Exception to allow two oversized flagpoles.

Applicant: Nabiha "Bea" Saeed, Symonds Flags & Poles, Inc.

Location: 16230 Interstate Highway 635

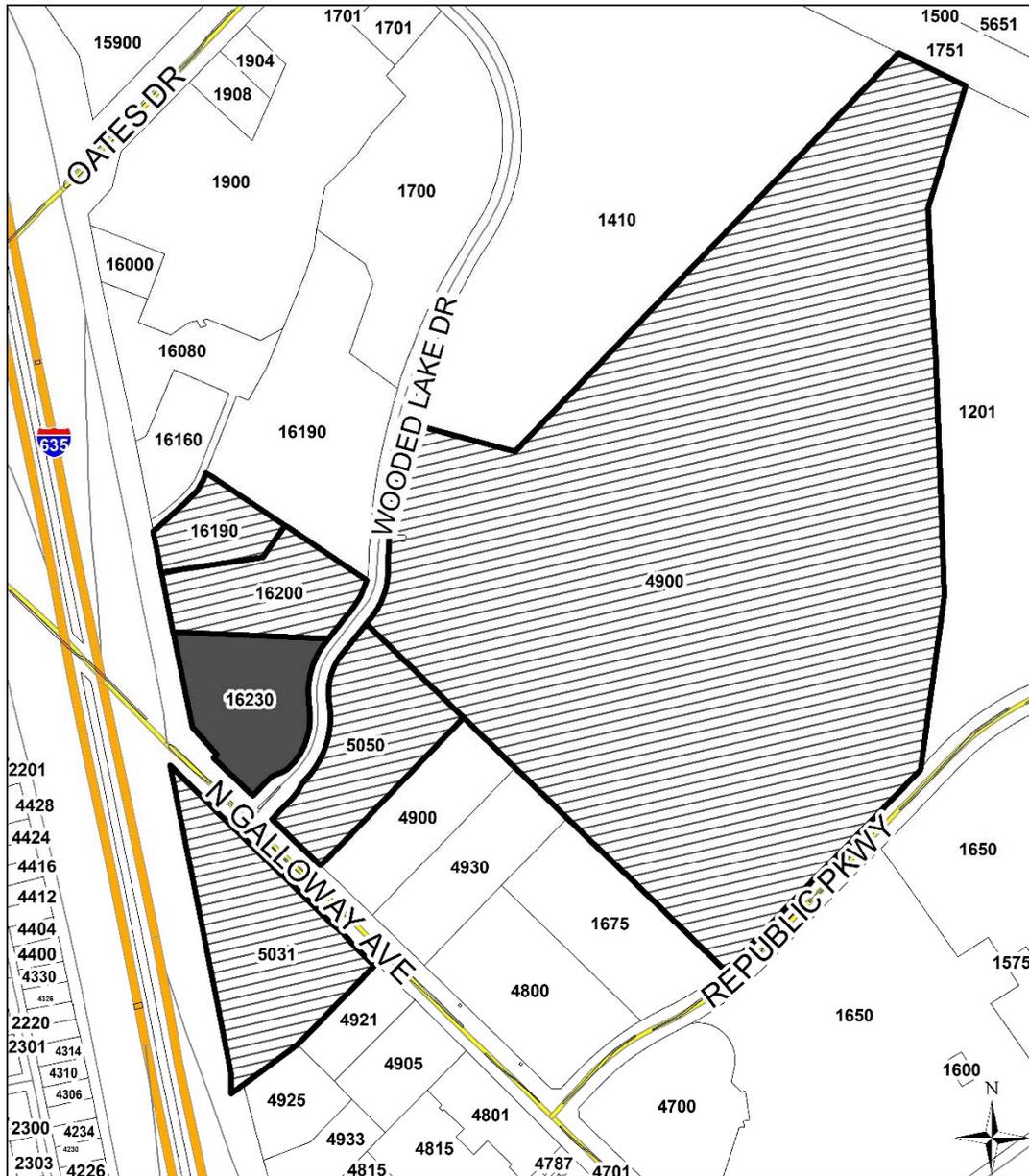
0 0.00.02 0.04 Miles

Legend

 Subject Property

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Request: Special Exception to allow two oversized flagpoles.

Applicant: Nabiha "Bea" Saeed, Symonds Flags & Poles, Inc.

Location: 16230 Interstate Highway 635

Legend

-  Notified Properties
-  Subject Property

ATTACHMENT 3 – SITE PHOTOS



Entrance into Clay Cooley Hyundai Mesquite off I-635 Frontage Rd, facing east.



Proposed location of flagpoles shown in red, facing southeast.

ATTACHMENT 3 – SITE PHOTOS



Existing flagpole at Trophy Nissan from to subject property, facing south.



Existing flagpole at Trophy Nissan adjacent to subject property, facing north.

ATTACHMENT 4 – APPLICATION MATERIALS

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: Pinnacle Paving LLC Phone Number: (214) 547 8097
Address: 16230 CBT Road
Mesquite TX 75150 Email Address: CHAS@P
Signature: [Handwritten Signature] ROADSEECOM.C

ATTACHMENT 4 – APPLICATION MATERIALS





PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0620-0200
REQUEST: (1) Special Exception to allow an oversized accessory structure (carport) in the rear yard including approximately 600 square feet; and (2) a Variance to allow the oversized accessory structure to encroach 4 feet into the 20-foot rear yard setback.

CASE MANAGER: Johnna Matthews, Principal Planner

PUBLIC HEARING

Board of Adjustment: Thursday, July 23, 2020

GENERAL INFORMATION

Applicant: Kyle Bennett, Bennett Construction
 Property Owner: Richard and Karen Crownover
 Location: 1707 Mayfair Dr.

SITE BACKGROUND

Legal Description: Casa Terrace 4 REP, Block M, Lot 27
 Property Size: 0.17 acres / 7,706 square feet
 Zoning: PD-D, Planned Development - Duplex
 Zoning History: 1959 – Annexed and Zoned Residential
 1986 – Rezoned to Planned Development - Duplex

Surrounding Zoning and Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	PD-D, Planned Development - Duplex	Single - Family Home
SOUTH:	PD-D, Planned Development - Duplex	Single - Family Home
EAST:	PD-GR, Planned Development – General Retail	Undeveloped
WEST:	PD-D, Planned Development - Duplex I	Single - Family Home

CASE SUMMARY

The applicant is requesting a Special Exception to allow an existing oversized rear carport including approximately 600 square feet, and a Variance to allow the carport to encroach 4 feet into the 20 foot rear yard setback. The maximum size allowed for a rear carport within the existing zoning district is 500 square feet. The carport is attached to the home, and is therefore required to meet the setback requirements of the home, which includes a 20-foot setback from the rear property line and 5 feet from interior property lines. The carport is constructed of wood, with a pitched roof and is 15 feet in height at its highest point. Construction of the carport began without permits and the applicant was issued a stop-work order.

MESQUITE ZONING ORDINANCE

SEC. 2-604 (A): OVERSIZED ACCESSORY STRUCTURE

The Board of Adjustment may authorize an oversized accessory structure, which shall be any structure which exceeds the height, size or coverage limits as set out in Section 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 incompatible.

STAFF COMMENTS:

The rear carport is nearly complete and includes approximately 600 square feet, which exceeds the maximum size of 500 square feet by 100 square feet. The carport is considered compatible, as it represents less than 10% of the lot area.

SEC. 5-206 (L): SPECIAL EXCEPTION APPROVAL STANDARDS

Special exceptions may be granted as set out in this Zoning Ordinance, when the Board finds that the Special Exception:

- a. will allow greater use and enjoyment of property; and
- b. without creating adverse impacts on adjacent properties; and
- c. that it will be compatible with the surrounding neighborhood; and
- d. when applicable, the board shall also consider any additional criteria set out in this Zoning Ordinance for any specific special exception.

STAFF COMMENTS:

It is not anticipated that the rear carport will create any adverse impacts on adjacent properties, as there are existing rear carports in the neighborhood.

SEC. 5-207 (K) – VARIANCE APPROVAL STANDARDS

In order to grant a zoning variance from the terms of this Zoning Ordinance the Board must find that:

File No.: BOA0620-0200
Special Exception and Variance

1. The variance is not contrary to the public interest; and
2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
3. The unnecessary hardship, if any, is neither self-created nor personal to the owner of the parcel of land; and
4. The requested variance is not needed merely to promote economic gain or to prevent economic loss; and
5. The spirit of this Zoning Ordinance is observed and substantial justice is done.

STAFF COMMENTS:

The requested Variance is contrary to the public interest because it would create inconsistency in the neighborhood. There are no special conditions that would result in unnecessary hardship. It is not anticipated that the Variance request is needed to promote economic gain or to prevent economic loss. Granting the Variance would not observe the spirit of the Zoning Ordinance, as it would allow deviations from ordinance requirements, with no evidence of a hardship.

PERMITS

- 1993: Building
- 1993: Cement
- 1993: Electrical
- 1993: Mechanical
- 1993: Plumbing

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception to allow an oversized accessory structure (carport) in the rear yard including approximately 600 square feet, subject to meeting all applicable requirements of the Mesquite Zoning Ordinance. Staff recommends denial of the Variance, as the criteria for approval of a Variance has not been met.

PUBLIC NOTICE

Staff mailed notices to all 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 Pictures
4. Application Materials (application form and drawing)

ATTACHMENT 1 – AERIAL MAP

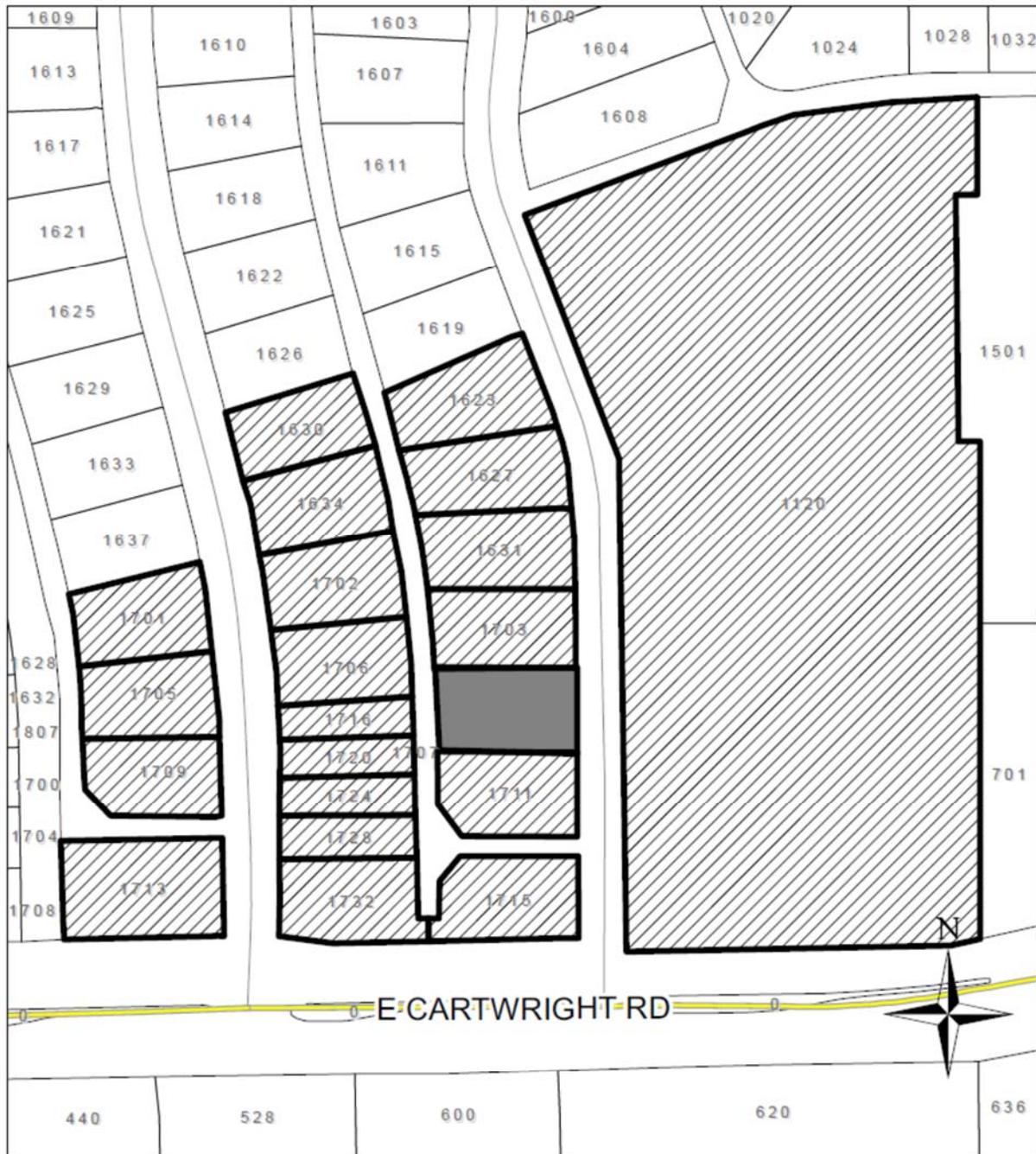


Request: Special Exception and Variance to allow an oversized accessory structure in the rear yard
Applicant: Kyle Bennett
Location: 1707 Mayfair Dr.

Legend

-  Subject Property
-  Noticed Properties

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



Request: Special Exception and Variance to allow an oversized accessory structure in the rear yard
Applicant: Kyle Bennett
Location: 1707 Mayfair Dr.

- Legend**
-  Subject Property
 -  Noticed Properties

ATTACHMENT 3 – SITE PHOTOS

Street view of subject property.



Photo of attached carport in the rear yard.

ATTACHMENT 4 – APPLICATION MATERIALS

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: 1707 MAYFAIR DR. City, State: Mesquite, Texas
Zip Code: 75149

Applicant Information – The person filling out the application

First Name: KYLE BENNETT Last Name: BENNETT
Phone Number: (912) 626-4001 Email Address: Kyle@billbennettconstruction.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: RICHARD Last Name: CROWNOVER
Phone Number: (214) 536-5556 Email Address: rdcrownover@gmail.com
Mailing Address: 350 JORSON RD. City, State: SUNNVALE, TX
(If different from physical address)
Zip Code: 75182

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

Office Use Only

Subdivision: Casa Terrace No. 4 Block: M Lot: 27
When was the property platted: Jan. 10, 1991 Year Home Built: 1993
Date Received: 6/24 Project Intake: LF Case Number: BOA0620-0200

January 2020 **CONTINUE TO NEXT PAGE** Page 1 of 12
P.O. Box 850137 • Mesquite, Texas 75185-0137 • www.cityofmesquite.com

Additional Information

Width of Home: 45 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): REAR CARPORT

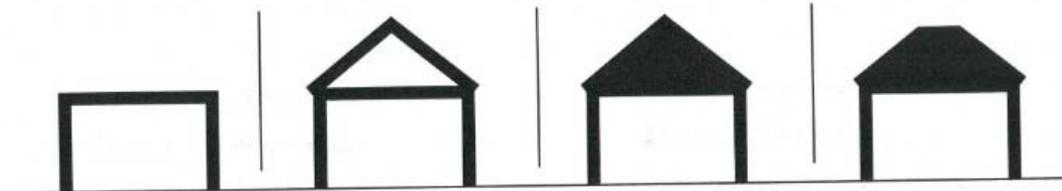
Wood Metal Masonry

Describe the colors used on the carport: STAIN CEDAR - BROWN

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

6" METAL POSTS

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



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

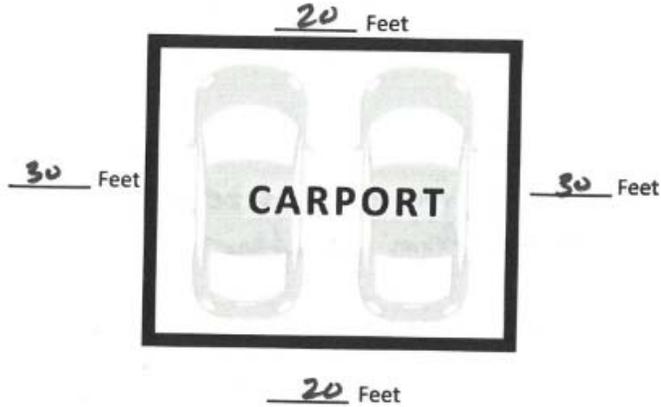
Describe the roof material: COMPOSITION SHINGLES

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

ATTACHMENT 4 – APPLICATION MATERIALS

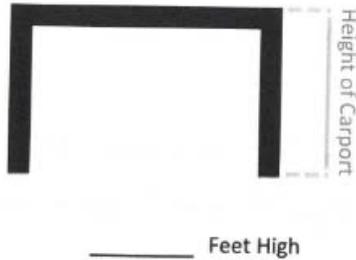
Carport Design, Continued

Indicate each length of the carport using the space below.

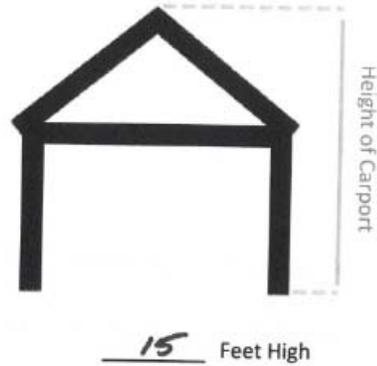


Indicate the height of the carport using the space below based on the roof type previously selected.

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 allow for crew size truck to be parked and covered from weather.

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

If yes, how?

the carport matches in size and similar materials to existing structures within eyesight and surrounding neighbors.

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:

The curport will comply with all setback and buffers as per the normal guidelines.

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

Yes No

If yes, how?

the size of the vehicle needs to be 6 feet longer to accommodate the length of the vehicle.

ATTACHMENT 4 – APPLICATION MATERIALS

COMPLETE FOR VARIANCES ONLY.

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

If yes, explain:

ATTACHMENT 4 – APPLICATION MATERIALS

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: RICHARD CROWNOVER Phone Number: 214-536-5556

Address: 1707 MAFAIR

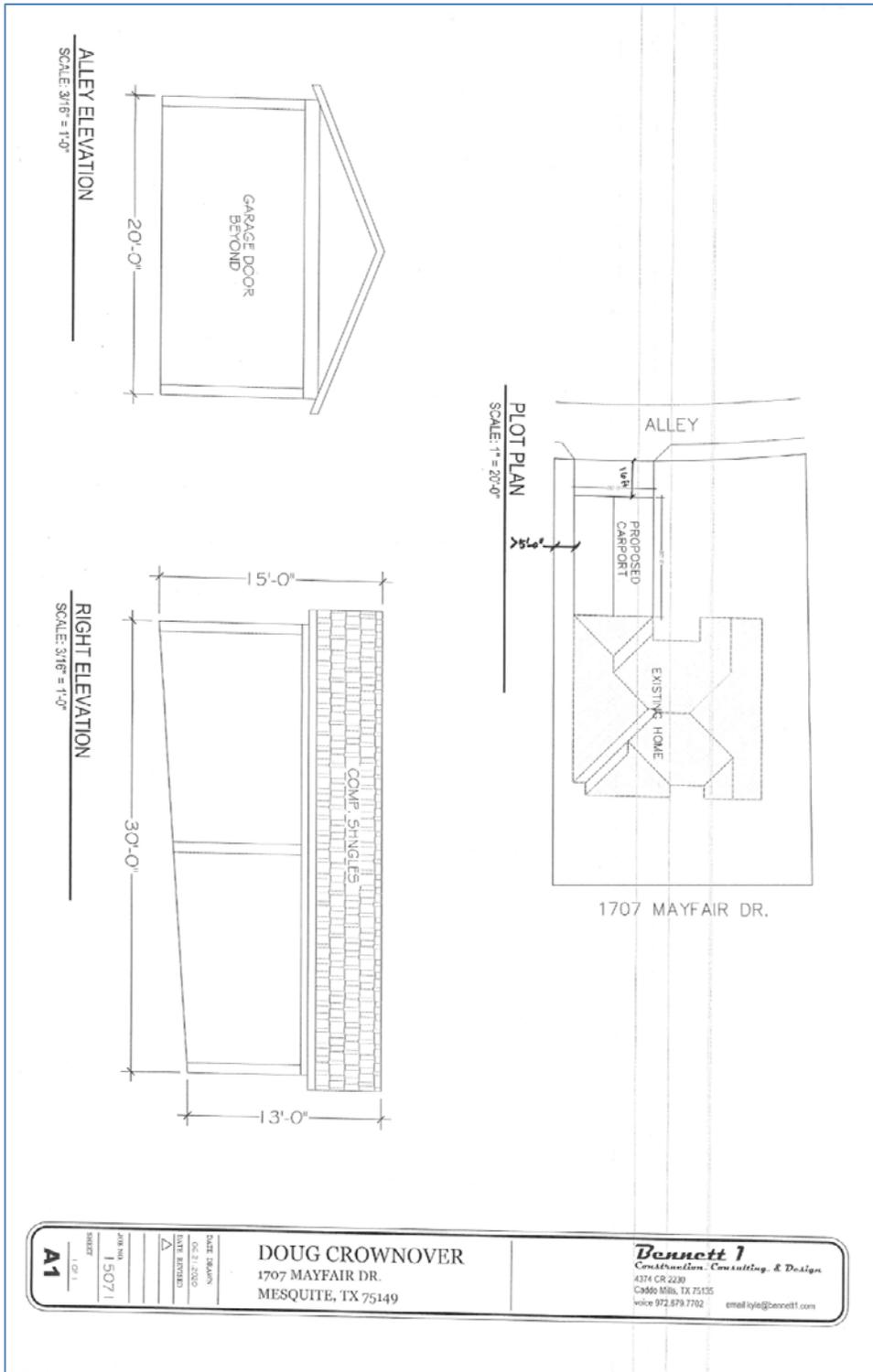
MESQUITE, 75149

Email Address: rdcrownover@

gmail.com

Signature: 

ATTACHMENT 4 – APPLICATION MATERIALS





PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0620-0202
REQUEST FOR: Special Exceptions to allow 1) a front carport, 2) to allow the carport to be constructed with a flat roof, and 3) a Variance to allow the front carport to encroach into the side yard setback by approximately 2 feet.
CASE MANAGER: John Chapman, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, July 23, 2020

GENERAL INFORMATION

Applicant & Property Owner: Stephen Howard
Location: 2024 Del Oak Drive

SITE BACKGROUND

Legal Description: Edgemont Park 4, Block 17, Lot 18
Size: 7,198.05 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1955 – Annexed into Mesquite and zoned Residential

Surrounding Zoning and Existing Land Uses:

Table with 2 columns: ZONING and EXISTING LAND USE. Rows for NORTH, SOUTH, EAST, and WEST directions.

CASE SUMMARY

The applicant is requesting two Special Exceptions. The first is to allow a front carport and the second is to construct the subject front carport with a flat roof. Along with the Special Exceptions, a Variance is being requested to allow an approximate 2-foot encroachment into the required 5-foot side yard setback.

The front carport is existing, as shown by Attachment 3. The front carport was constructed at the same time as the front porch cover and rear porch cover. After reviewing the original building permit documents, Staff concluded no front carport was identified on the drawing.

During the framing inspection of the structures, the assigned inspector red-tagged the front carport and ceased all construction on the property.

After receiving the Special Exception application, Staff returned to the property for a site visit. It was discovered that the front carport did not meet many of the requirements and would also need a Variance to allow encroachment into the side yard setback. However, a carport constructed to the required standards would not need a Variance

The letter attached as Attachment 6 was sent to the applicant/property owner following the site visit outlining each discrepancy from the carport development standards and that the Board is not authorized to grant relief from those standards. The applicant/property owner responded as requested that he understood the development standards for a front carport and that the Board is unable to grant relief.

If approved, the Special Exception will be for a front carport meeting the standards of Section 2-603(E) of the *Mesquite Zoning Ordinance*.

MESQUITE ZONING ORDINANCE

SEC. 5-206(L): SPECIAL EXCEPTION APPROVAL STANDARDS

1) Special Exceptions.

Special Exceptions may be granted as set out in this Zoning Ordinance, when the Board finds that the special exception:

- a. will allow greater use and enjoyment of property; and
- b. without creating adverse impacts on adjacent properties; and
- c. that it will be compatible with the surrounding neighborhood; and
- d. when applicable, the board shall also consider any additional criteria set out in this Zoning Ordinance for any specific special exception.

STAFF COMMENTS:

Staff does not anticipate any adverse impacts for a constructed carport that meets the stipulations of a front carport as identified in Section 2-603(E) of the *Mesquite Zoning Ordinance*.

SEC. 2-603(E): FRONT CARPORTS

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.

- 2) 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 COMMENTS:

The existing front carport is constructed with an open gable pitched roof. The carport will need to be modified to either be structurally integrated into the residence and match the roof pitch of the residence, or be constructed with a flat roof.

- 3) 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 COMMENTS:

An allowed front carport will need to be approximately 368 square feet (18 feet 5 inches by 20 feet) and may not extend 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 46 feet 2 inches. Forty percent of this measurement is 18 feet 5 inches, which is the maximum permitted width of the front carport. The existing front carport is approximately 21 feet 5 inches by 20 feet 10 inches (446 square feet).

- 4) The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eve height of the carport shall not exceed the eve height of the house provided that, if the carport abuts a two story wall of the home, the eve height of the carport shall not exceed half of the height of the abutting wall. Eve height shall be measured from the adjacent grade to the underside surface of the eve.

STAFF COMMENTS:

The roof height and pitch of the existing carport will need to be modified to be no greater than the height of the residence if the Special Exception is approved.

- 5) The carport shall cover an approved driveway surface.

STAFF COMMENTS:

The front carport will be over an approved driveway surface.

SEC. 2-604(B)(1): SPECIAL EXCEPTIONS, FRONT CARPORTS

- 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 2-603.E.

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 COMMENTS:

The front carport would afford the only covered parking on the property as the garage was converted in 1985 through a building permit. There is no paved alley adjacent to the rear property line. The property was platted in December of 1958 and due to Section 2-401.C. of the Mesquite Zoning Ordinance, lots platted before October 1, 1984, are not required to provide an enclosed garage as covered parking did not become required until October 1, 1984.

SEC. 2-604(B)(2): SPECIAL EXCEPTIONS, FRONT CARPORTS

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

STAFF COMMENTS:

The request is for a front carport on a lot platted before December 21, 1964, and other similarly designed front carport are within the immediate vicinity of the request. Though the existing front carport is not constructed with a flat roof, a Special Exception for a flat roof could save the property owner from requesting another Special Exception if he chooses to construct his carport with a flat roof.

SEC. 5-207(K) – VARIANCE APPROVAL STANDARDS

In order to grant a zoning variance from the terms of this Zoning Ordinance the Board must find that:

1. The variance is not contrary to the public interest; and
2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
3. The unnecessary hardship, if any, is neither self-created nor personal to the owner of the parcel of land; and

4. The requested variance is not needed merely to promote economic gain or to prevent economic loss; and
The spirit of this Zoning Ordinance is observed and substantial justice is done.

STAFF COMMENTS:

Staff finds there is no hardship for the requested Variance based on the following facts. There are no special conditions related to the property as the shape is not irregular. The hardship was self-imposed due to no building permit being issued for a front carport. Literal enforcement of the code would require the front carport to be no wider than 18 feet 5 inches, which based on the exhibit shown as Attachment 6, the structure would be within the five-foot side yard setback.

PERMITS

- 1960 – Residential Building Permit
- 1985 – Garage Conversion
- 1999 – Foundation Repair
- 2004 – Plumbing Permit
- 2007 – Storage Building
- 2016 – Plumbing Permit
- 2020 – Front and Rear Porch Building Permit
- 2019 – Solar Roof Panels

STAFF RECOMMENDATION

Staff recommends the following:

1. Approval of the Special Exception to allow an approximately 368 square foot front carport; and
2. Approval of the front carport to be constructed with a flat roof; and
3. Denial of the request for a 2-foot encroachment into the side yard setback.

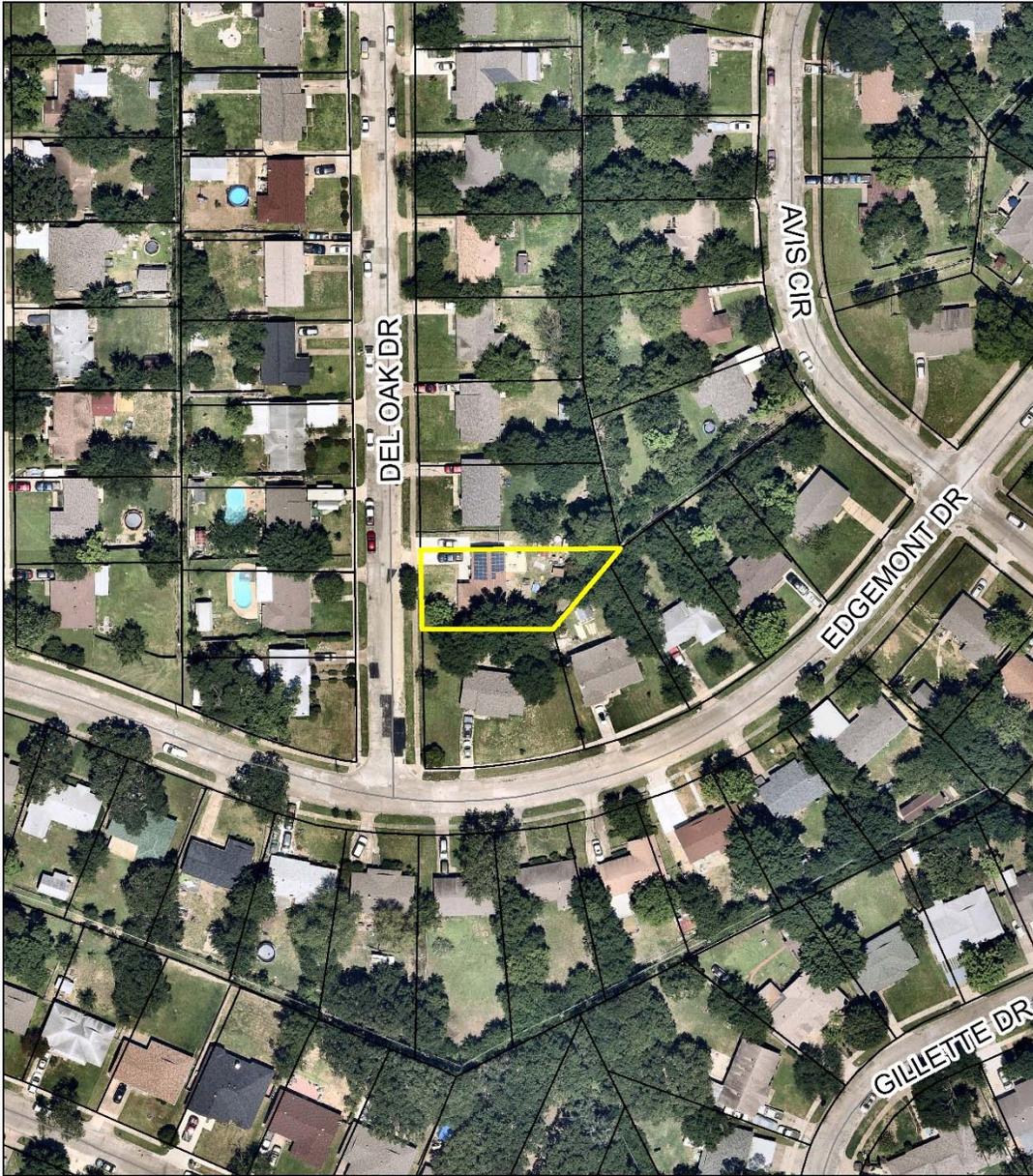
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, there have been no returned notices.

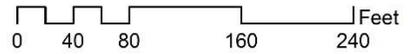
ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials
5. Original Building Permit (2020)
6. Example of Permitted Carport Exhibit

Aerial Map

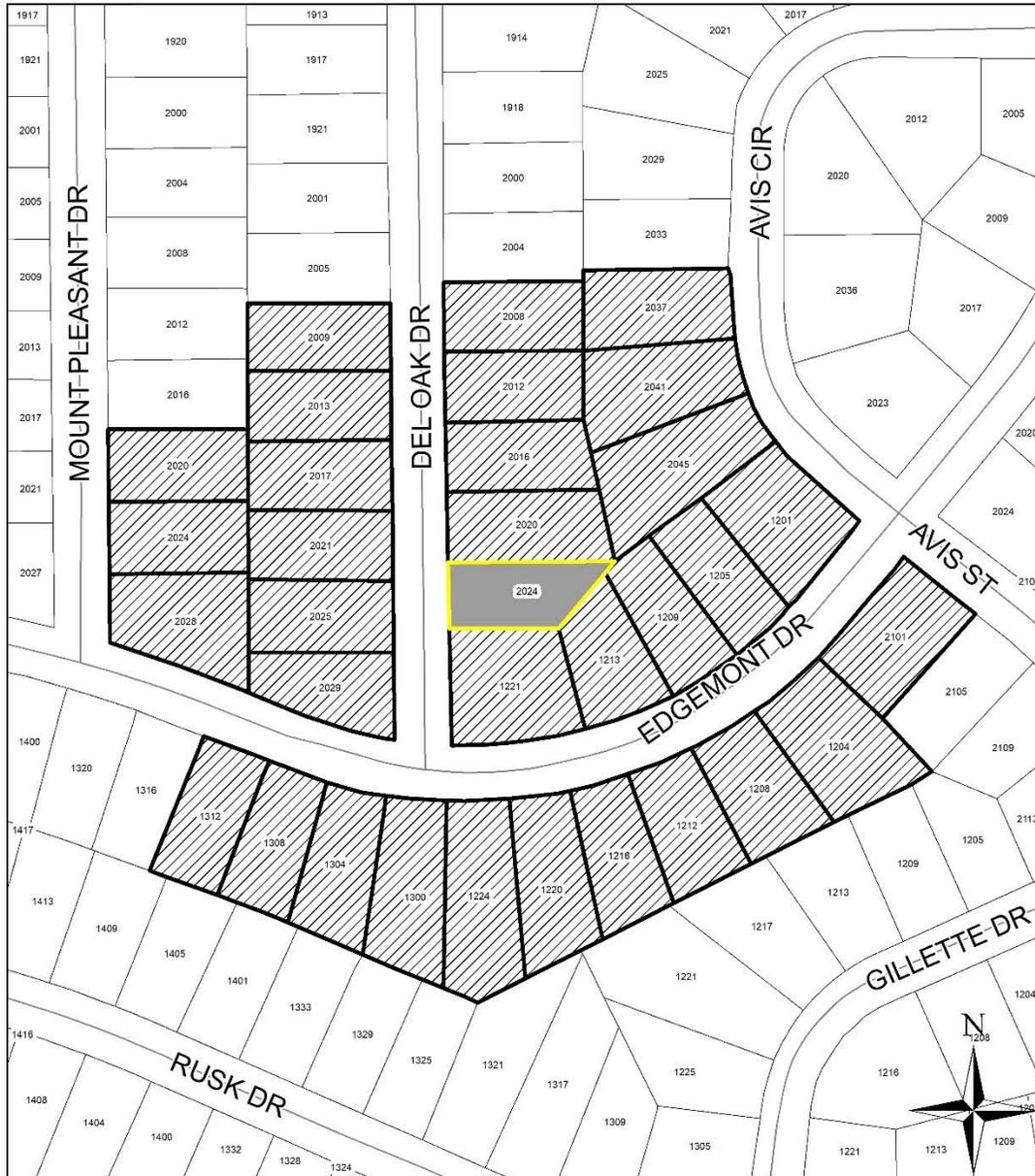


N
▲ Legend
■ Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Request: See reverse side for full request.
Applicant: Stephen Howard
Location: 2024 Del Oak Drive

Legend

-  Subject Property
-  Noticed Properties

ATTACHMENT 3 – SITE PHOTOS



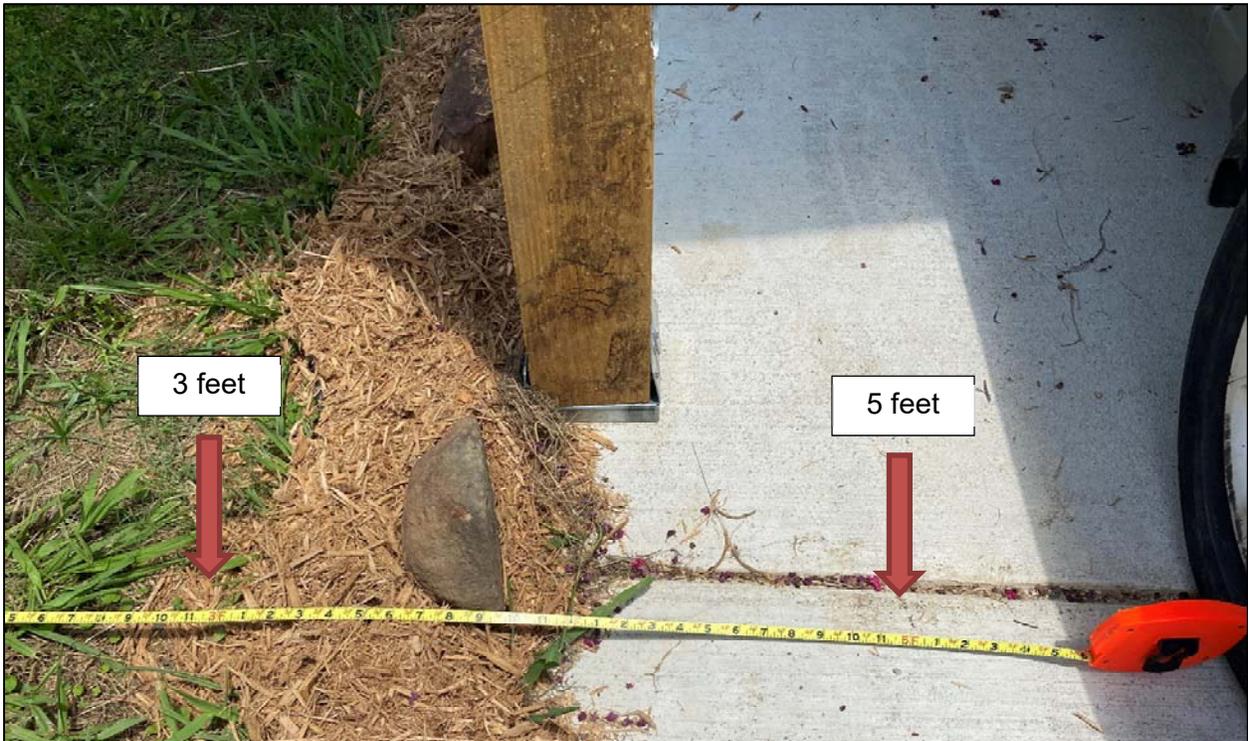
Front view of the subject property



Side view of front carport



Measurement from the side yard



Close-up of measurement. (5-foot setback is required)

ATTACHMENT 4 – APPLICATION MATERIALS



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: 2024 DEL OAK DR City, State: Mesquite, Texas
Zip Code: 75149

Applicant Information – The person filling out the application

First Name: STEPHEN Last Name: HOWARD
Phone Number: 214-794-8120 Email Address: SKHOWARD@YAHOO.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: ~~STEPHEN~~ 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: Edgmont Park 4 Block: 17 Lot: 18
When was the property platted: ~1960 Year Home Built: 1960
Date Received: 6/25/2020 Project Intake: JC Case Number: BOA0620-0202

Additional Information

Width of Home: _____ Feet Width of Carport: 20-22 w/ ^{overhangs} 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? SELF & FRIENDS

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: POSTS ARE TREATED 5X5

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

5X5 POSTS 14 1/2' TALL, 20 FEET LONG & 20-22 WIDE

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



Flat Roof

Pitched with Open Gable

Pitched with Closed Gable

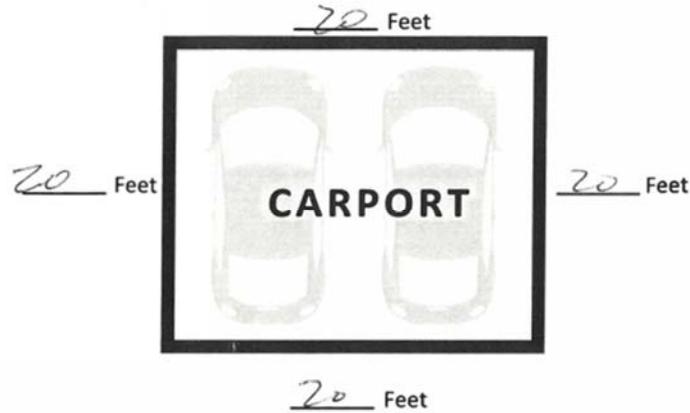
Hip Roof

Describe the roof material: TAR PAPER & 30 YR SHINGLES

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

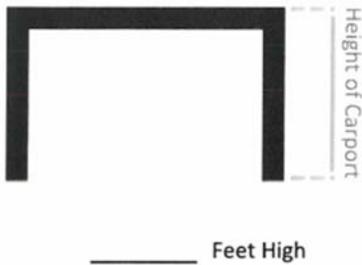
Carport Design, Continued

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.

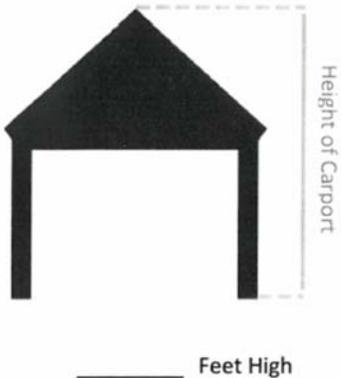
Flat Roof



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? *All my neighbors like it & ARE JEALOUS.*

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

If yes, how? *Other CARPORTS (METAL & WOOD) IN THIS AREA.*

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?

IF I TO TEAR IT DOWN SINCE IT IS ALREADY UP BECAUSE OF AN HONEST MISINTERPRETATION OR MISCOMMUNICATION OF THE PERMITS. I HAD ORIGINALLY SUBMITTED THE DRAWINGS & WAS TOLD BY APPROVAL OF FT. PORCH, I NEEDED MORE DIMENSIONS ON THE DRAWING. THE FRONT PAGE SHOWED & WAS MARKED ° FRONT PORCH & CARPORT. W/ BACK PORCH ON THE BACK OF THE PAGE. I REDREW THE FT. PORCH GIVING ALL NEEDED MEASUREMENTS. THE GENTLEMAN TOOK ALL DRAWINGS LOG & HE W/LLY & RETURNED WITH ALL THREE PAGES STAMPED "APPROVED". I AM ALMOST 72 YR. OLD, RET. 2ED, ON SOCIAL SECURITY & HAVE BEEN IN THE HOME FOR 29 YRS & THIS HAS BEEN A LONG TIME DREAM. I HAVE BEEN OUT A LOT OF MONEY IF I HAVE TO TEAR IT DOWN

January 2020

CONTINUE TO NEXT PAGE SEE ATTACH ^{MENT} Page 5 of 12

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COMPLETE FOR VARIANCES ONLY.

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

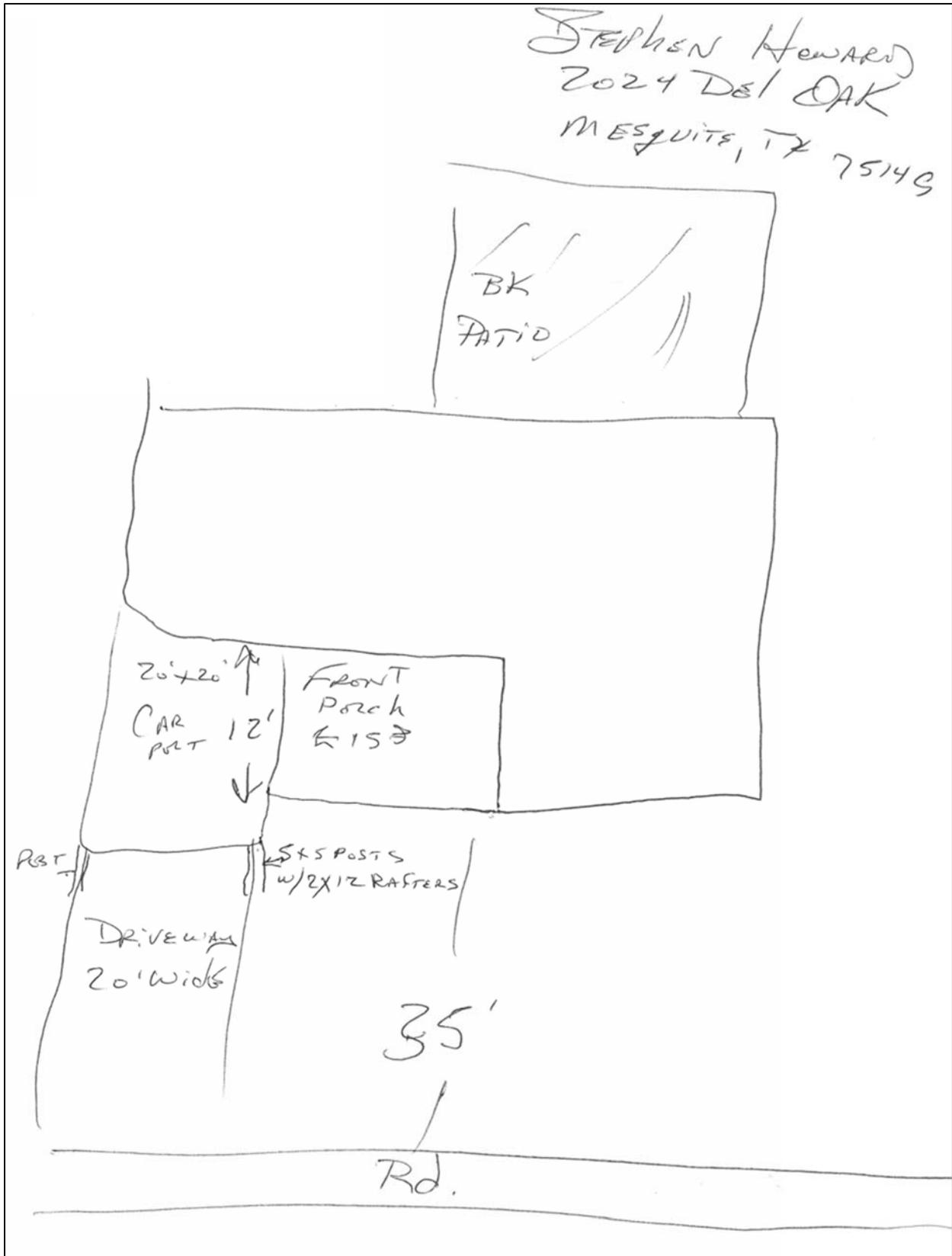
If yes, explain:

I HAVE TO START OVER I DO NOT KNOW WHERE I
WILL GET THE MONEY. THIS WAS MY SAVINGS.
AS I TOLD MR. PERRY (BLD. INSP.) THAT I WAS BEING
COMPLETELY HONEST W/HIM REGARDING THE PERMITS.
IF I WASN'T BEING HONEST & TRYING TO SNEAK SOMETHING
PAST, WHY WOULD I SET UP A FRAME INSPECTION??
NO ALL THIS WAS AN HONEST MISTAKE, MISUNDERSTANDING
OR MISINTERPRETATION (WHATEVER YOU WANT TO CALL IT)
DUE TO THE FACT THAT THE 1ST PAGE OF DRAWINGS
SHOWED & WAS MARKED CARPORT & FRONT PORCH
& IT WAS STAMPED APPROVED.
Thank You
Seth K. Hone

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: STEPHEN K HOWARD Phone Number: 214-794-8120
Address: 2024 D & OAK DA
MESQUITE, TX 75149 Email Address: SKHOWARDS@YAHOO.COM
Signature: 



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?

It would cause an extreme hardship for me...I have already spent the time, labor & costly materials to build this carport. I was as I have said before built because of a misunderstanding of the permits & ordinances. I know that a lack of knowledge is no excuse, but that is the case here. I DO NOT have the money to start over. Also the materials will be destroyed in the process of tearing it down which I do not have the money to replace it..the shingles alone cost me over \$ 500.00. I am retired & living off my social security ck. This was built from my savings It's all gone now. So yes, it would be a major disaster for me .It would be destroying a long held dream...29 years to be exact...Just when I can afford to fulfil this dream, YOU want to destroy the dreams & hopes of a 72 year old man. I beg you not to do this to me, please help me.

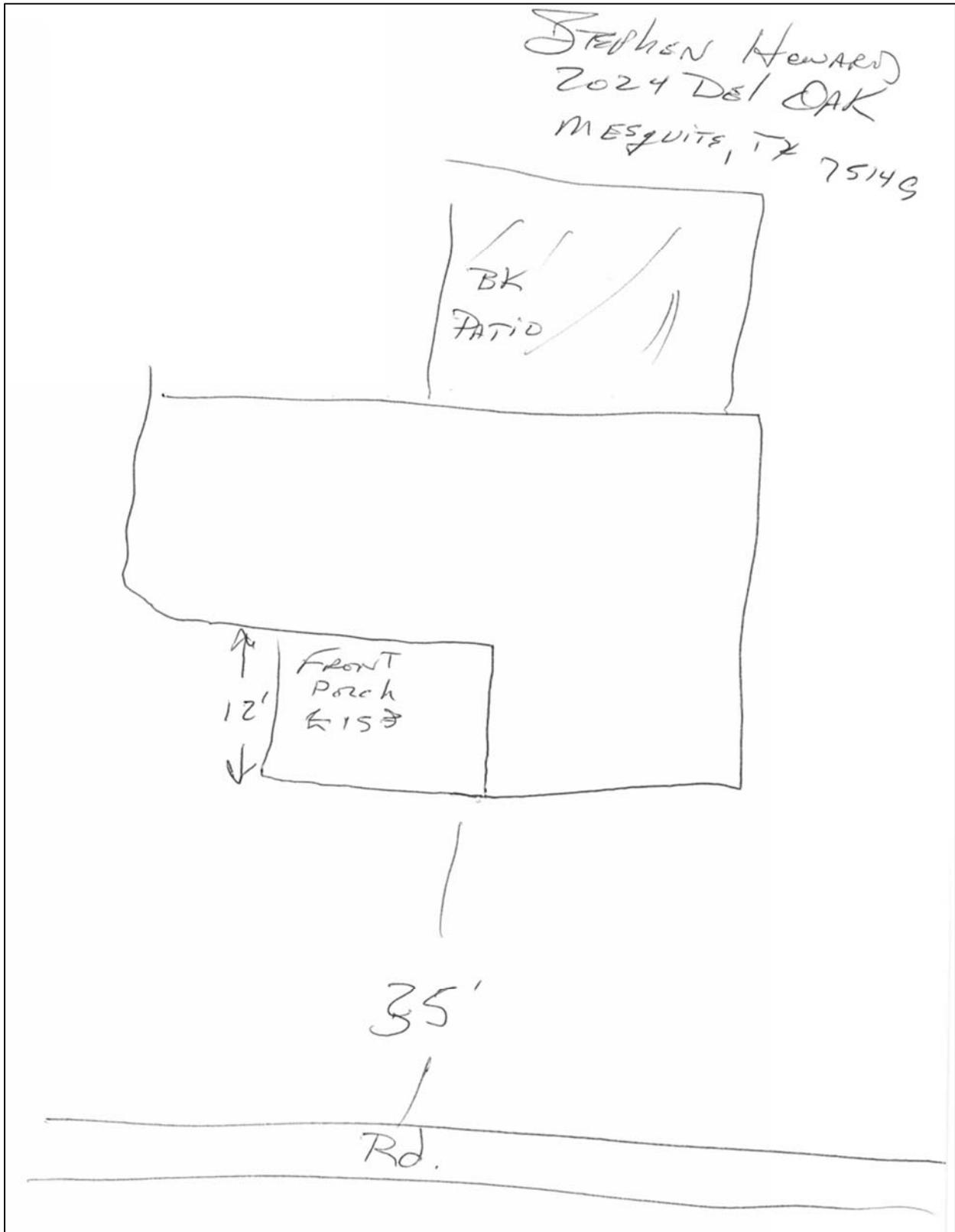
COMPLETE FOR VARIANCES ONLY.

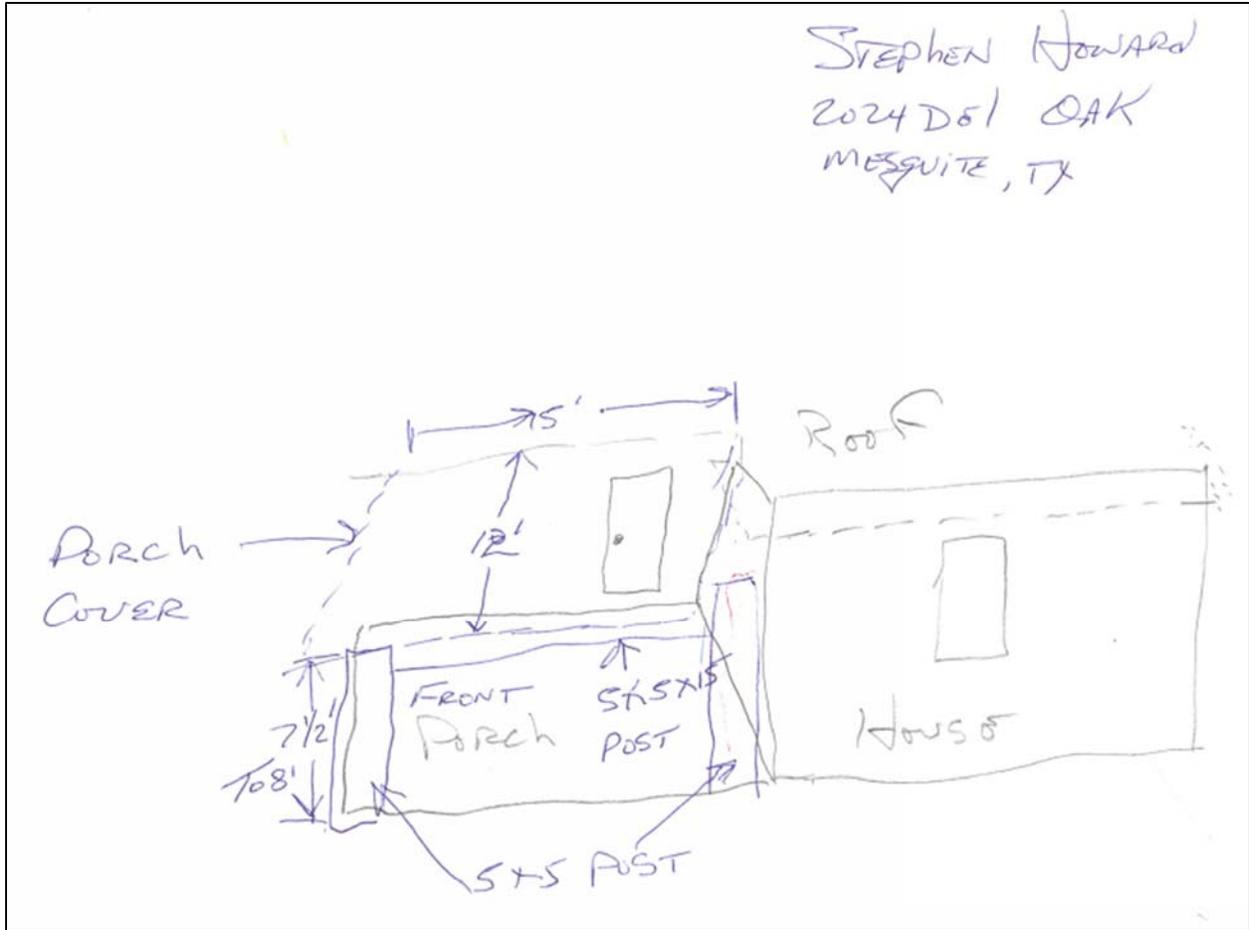
Are the special conditions and circumstances on the property self-imposed? Yes No

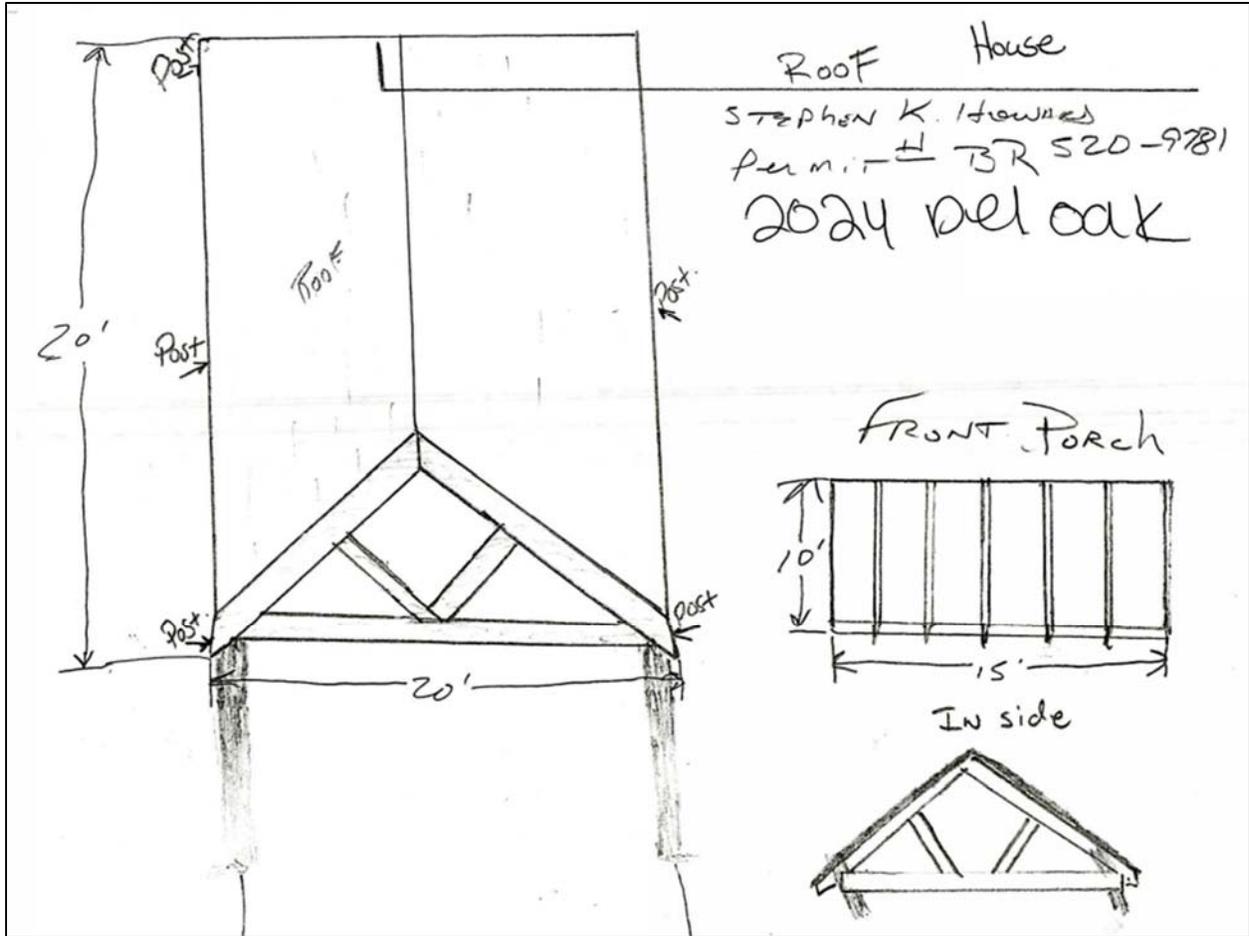
If yes, explain:

Not that I am aware of.

ATTACHMENT 5 – ORIGINAL BUILDING PERMIT







ATTACHMENT 6 – EXAMPLE OF PERMITTED CARPORT EXHIBIT



Exhibit created by Staff to show what a permitted carport at this address would be