



**BOARD OF ADJUSTMENT REGULAR MEETING**  
**CITY COUNCIL CHAMBERS**  
757 North Galloway Avenue  
Mesquite, Texas  
August 27, 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 toll-free number on Thursday, August 27, 2020, before, at or after 6:30 p.m. central time.

**Telephone Conference Number: 888-475-4499**  
**Participation Code (Meeting ID): 870 1317 2084**

Persons may press \*9 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 August 27, 2020, to the following email address:  
[jmatthews@cityofmesquite.com](mailto: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](http://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 July 23, 2020, 2020 Board of Adjustment meeting.

### **PUBLIC HEARINGS- UNCONTESTED CASES**

6. BOA0720-0203 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Buddy Jeffrey for Special Exceptions (1) to allow a 320 square-foot (20 feet by 16 feet) front carport and (2) to allow the front carport to be constructed with a flat roof, located at 1312 Ridgeview Street (BOA0720-0203, Lesley, Frohberg, Planner).

7. BOA0720-0206 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Eli Vasquez for Special Exceptions (1) to allow a 192 square-foot (16 feet by 12 feet) front carport and (2) to allow the front carport to be constructed with a flat roof, located at 2312 Bamboo Street (BOA0720-0206, Lesley Frohberg, Planner).

8. BOA0720-0208 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Jose Luis Rivera for Special Exceptions (1) to allow a 360 square-foot front carport, and (2) to allow the front carport to be constructed with a flat roof, located at 3420 Ruby Drive (BOA0720-0208, John Chapman, Planner).

9. BOA0720-0209 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Torivio Alvarado Paniagua for Special Exceptions (1) to allow a 400 square foot (20 feet by 20 feet) front carport and (2) to allow a 42 square foot front porch cover, with a flat roof attached to the front carport, located at 1807 Lucille Drive (BOA0720-0209, Lesley Frohberg, Planner).

10. BOA0720-0210 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Joyce Oehrlein for a Special Exception to allow an oversized accessory structure (patio cover) in the rear yard to exceed the maximum size allowed of 500 square feet by 160 square feet for a total size of 660 square feet, located at 4409 Ivy Drive (BOA0720-0210, Johnna Matthews, Principal Planner).

**PUBLIC HEARINGS- CONTESTED CASES**

11. BOA0620-0201 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Roberto Munoz for Special Exceptions (1) to allow an existing oversized accessory structure that is 1,352 square feet and 20 feet in height and (2) to allow the oversized accessory structure to be used as an accessory dwelling unit, with modifications to existing standards, located at 1921 Potter Lane (BOA0620-0201, John Chapman, Planner).

12. BOA0720-0207 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Andrew Cone (Curtis Holdings, LLC) for Special Exceptions (1) to allow a 728 square-foot oversized accessory structure in the rear yard and (2) to allow the oversized accessory structure to be used as an accessory dwelling unit, with modifications to existing standards, located at 4422 Ridgedale Drive (BOA0720-0207, Johnna Matthews, Principal Planner).

**PUBLIC COMMENTS**

13. Any individual desiring to address the Board of Adjustment regarding any other matter not listed on the Agenda shall be allowed to speak for a length of time not to exceed three (3) minutes on a first-come, first-served basis. Citizens addressing the Board of Adjustment through a translator will be allowed six (6) minutes.

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

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

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

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

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

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

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

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

#### **CERTIFICATE OF POSTING**

I, Johnna Matthews, Principal Planner of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached agenda for the Board of Adjustment meeting to be held **August 27, 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 **August 21, 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](http://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 JULY 23, 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:** Manager of Planning & Zoning Garrett Langford, 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. Assistant City Attorney Karen Strand and Senior Administrative Secretary Devanee Winn 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 June 25, 2020, meeting.**

A motion was made by Mr. Akin to approve the minutes with a correction. Mr. Rice seconded. The motion passed 5-0.

**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).**

NOTE THIS CASE WAS MOVED TO THE CONTESTED AGENDA

**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).**

Chairman Palmer opened the public hearing for the uncontested cases; Agenda Items 6,7,9,10. No one came up to speak. A motion was made by Mr. Rice to approve Agenda Items 6,7,9,10. Mr. Akin seconded. The motion passed 5-0.

Please note that Alternate Boardmember Benny Gordon was seated in the place of Boardmember Wana Alwalee.

**PUBLIC HEARINGS –CONTESTED CASES**

**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).**

Principal Planner Johnna Matthews briefed the Board. Applicant Esmeralda Estrada came up to speak. Ms. Estrada explained to the Board the reason for the structure is so they can park their work trucks. Chairman Palmer opened the public hearing. Mr. Brad Henley came up to speak. Mr. Henley thinks that the Applicant should have to stay within the City Ordinances as everyone else does. No one else came up to speak. Chairman Palmer closed the public hearing. A motion was made by Mr. Rice to approve. Mr. Akin seconded. The motion passed 4-1 with Mr. Ford dissenting.

Please note that Boardmember Wana Alwalee was in attendance and replaced Alternate Boardmember Benny Gordon.

**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).**

Principal Planner Johnna Matthews briefed the Board. The Applicant was not present to speak. Chairman Palmer opened the public hearing. No one came to speak. Chairman Palmer closed the public hearing. Mr. Akin expressed that he is not going to support this case. Mr. Akin does not like the fact that the Applicant built the structure without permits. Chairman Palmer stated he has no problem with the Special Exception; however, he noted that the Variance “must” meet the criteria as stated in the Ordinance. Chairman Palmer also had a concern that the Applicant built the structure with no permits. Mr. Rice wanted to know the age of the structure. Ms. Matthews answered she does not know when it was constructed, as a permit was not issued. Mr. Ford wanted to know if the Applicant is planning on enclosing the structure. Ms. Matthews said no, they do not plan to enclose the structure. Mr. Akin made a motion to deny the Special Exception. Mr. Ford seconded. The motion failed 2-3 with Mr. Palmer, Mr. Ford, and Ms. Alwalee dissenting. A second motion was made by Ms. Alwalee to approve the Special Exception. Mr. Rice seconded. The motion passed 4-1 with Mr. Akin dissented. A motion was made by Mr. Akin to deny the Variance. Ms. Alwalee seconded. The motion passed 5-0.

**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).**

Planner John Chapman briefed the Board. Applicant Stephen Howard came up to speak. Mr. Howard stated that he had submitted three pages of requests for permits and everything was stamped approved. Mr. Howard wanted the Board to know if he thought he was building something he was not supposed to do; he would not have spent the money or put time into the structure. Mr. Howard told the Board he has spent a lot of money building the structure. Mr. Howard stated that he does not know the City of Mesquite’s Zoning Ordinances. Mr. Howard stated that it would be an extreme financial hardship to have to come into compliance with current requirements. Mr. Chapman handed a petition from the Applicant to the Board Members showing Mr. Howard’s neighbors are okay with the structure. Chairman Palmer opened the public hearing. No one came up to speak. Chairman Palmer closed the public hearing. There was a discussion between Board Members, Staff, and Legal about carport standards and designs. A motion was made by Mr. Rice to approve the structure as is. Mr. Ford seconded. The motion failed 2-3 with Mr. Palmer, Ms. Alwalee, and Mr. Akin dissented. Chairman Palmer asked Assistant City Attorney Karen Strand what the next step would be. Ms. Strand answered the Board could make a motion to reconsider with Staff’s recommendations. A motion was made by Mr. Palmer to grant the Special Exception with Staff’s recommendations 1. To allow an approximately 368 square foot front carport; and 2. The front carport to be constructed with a flat roof. Ms. Alwalee seconded. The motion passed 5-0. A motion was made by Mr. Rice to deny the Variance. Mr. Akin 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 a discussion on various cases heard by the Board including, but not limited to Special Exceptions and Variances.**  
Planner Lesley Frohberg and Planner John Chapman gave a training presentation on Special Exceptions. Principal Planner Johnna Matthews gave a training presentation on Variances.

## **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 9:02 pm.**

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**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:** BOA0720-0203  
**REQUEST:** Special Exceptions (1) to allow a 320 square-foot (20 feet by 16 feet) front carport and (2) to allow the front carport to be constructed with a flat roof  
**CASE MANAGER:** Lesley Frohberg, Planner

**PUBLIC HEARING**

Board of Adjustment: Thursday, August 27, 2020

**GENERAL INFORMATION**

Applicant: Buddy Jeffrey  
 Property Owner: Kathy Montoya  
 Location: 1312 Ridgeview

**SITE BACKGROUND**

Legal Description: Northridge Estates 4, Block 49, Lot 4  
 Size: 7,500 square feet  
 Zoning: R-3, Single Family Residential  
 Zoning History: 1951 – Annexed into Mesquite and Zoned Residential  
 1964 – Zoning designation changed to R-3 Single Family Residential with the adoption of Ordinance No. 560

Surrounding Zoning and Existing Land Uses:

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

## **CASE SUMMARY**

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The applicant is requesting Special Exceptions to construct a 320 square-foot (20 feet by 16 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 12.5-foot wide concrete driveway. All other regulations of the R-3 Zoning District will be met.

## **MESQUITE ZONING ORDINANCE**

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### **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.

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

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, metal roof as provided in Section 2-604.B.

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

#### **STAFF COMMENTS:**

The proposed front carport is 320 square feet (20 feet by 16 feet) and will not extend 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 41 feet. Forty percent of this measurement is approximately 16 feet 4 inches, which accommodates the proposed width of the front carport.

- 3) The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the carport shall not exceed the eave height of the house 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 height of the proposed front carport is 9 feet, which will not exceed the height of the roof of the residence and is less than 15 feet.

- 4) 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 not afford the only opportunity for covered parking on the property, as there is an existing one-car garage. There is no paved alley adjacent to the rear property line. The property was platted in February 1955, 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 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:

- 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. The property was platted in February 1955, and there are three BOA approved front carports, constructed with flat roofs, within 200 feet of the subject property.

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

5) 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:**

As noted by the applicant, the proposed front carport will grant the property owner greater use and enjoyment by allowing the “the homeowner a protective cover not only for her car, but will be a benefit for her loading/unloading in all weather.” It is Staff’s opinion that the request is compatible and will not create any adverse impacts on the surrounding neighborhood, as there are several similarly constructed carports nearby.

**PERMITS**

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2010: Plumbing Permit  
2010: Concrete Permit  
2014: Plumbing Permit  
2014: Mechanical Permit

**STAFF RECOMMENDATION**

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Staff recommends approval of the Special Exception to allow a 320 square-foot front carport, with a flat roof.

**PUBLIC NOTICE**

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Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices.

## **ATTACHMENTS**

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

# Aerial Map



**Request:** Special Exceptions to allow a front carport with a flat roof.  
**Applicant:** Buddy Jeffrey  
**Location:** 1312 Ridgeview Street

**Legend**

 Subject Property



0 0.005 0.01 0.02 0.03 0.04 Miles

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



**ATTACHMENT 3 – SITE PHOTOS**



**Front view of subject property**

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 front carport will be located

Physical Address: 1312 RIDGEVIEW SQ. State: Mesquite, Texas  
Zip Code: 75149

**Applicant Information** – The person filling out the application

First Name: BUDDY Last Name: JEFFREY  
Phone Number: 214-556-7658 Email Address: BUDDYJEFFREY@YAHOO.COM  
I would like a translator 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: KATHY Last Name: MONTOYA  
Phone Number: (949) 496-3264 Email Address: KATHYDARLENE@GMAIL.COM  
Mailing Address: \_\_\_\_\_ City, State: \_\_\_\_\_  
(If different from physical address)  
Zip Code: 75149

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

<b>Office Use Only</b>		
Subdivision: _____	Block: _____	Lot: _____
When was the property platted: _____	Year Home Built: _____	
Date Received: _____	Project Intake: _____	Case Number: _____

June 2020

CONTINUE TO NEXT PAGE

Page 1 of 12

P.O. Box 850137 • Mesquite, Texas 75185-0137 • [www.cityofmesquite.com](http://www.cityofmesquite.com)

ATTACHMENT 4 – APPLICATION MATERIALS

**Additional Information**

Width of Home: 39 Feet Width of Carport: 16 Feet

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

**Carport Design**

Carport Status:  Existing  Proposed

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

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

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

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

Wood  Metal  Masonry

Describe the colors used on the carport: IVORY/CREAM

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

9' 4"X4" STEEL IVORY

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



Flat Roof

Pitched with Open Gable

Pitched with Closed Gable

Hip Roof

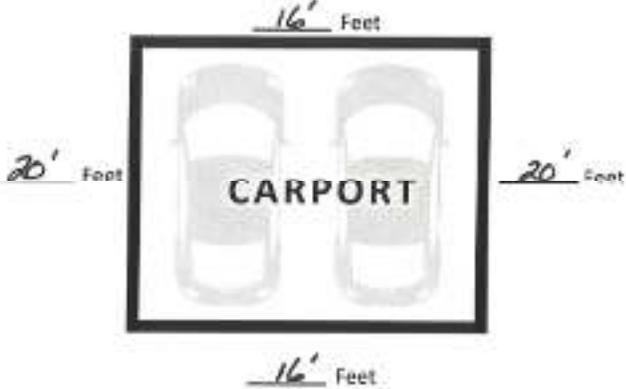
Describe the roof material: 26 GAUGE WHITE STEEL PANELS

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.

<p><b>Flat Roof</b></p>  <p><u>5</u> Feet High</p>	<p><b>Pitched with Open Gable</b></p>  <p>_____ Feet High</p>
<p><b>Pitched with Closed Gable</b></p>  <p>_____ Feet High</p>	<p><b>Hip Roof</b></p>  <p>_____ Feet High</p>

June 2020 CONTINUE TO NEXT PAGE Page 3 of 12

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**ATTACHMENT 4 – APPLICATION MATERIALS**

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

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

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

If yes, how? *IT WILL ALLOW THE HOMEOWNER TO A PROTECTIVE COVER NOT ONLY FOR HER CAR, BUT WILL BE A BENEFIT TO HER FOR LOADING/UNLOADING, IN ALL WEATHER*

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

If yes, how? *NUMEROUS HOUSES IN THE NEIGHBORHOOD, HAVE HAD SIMILAR CARPORTS INSTALLED*

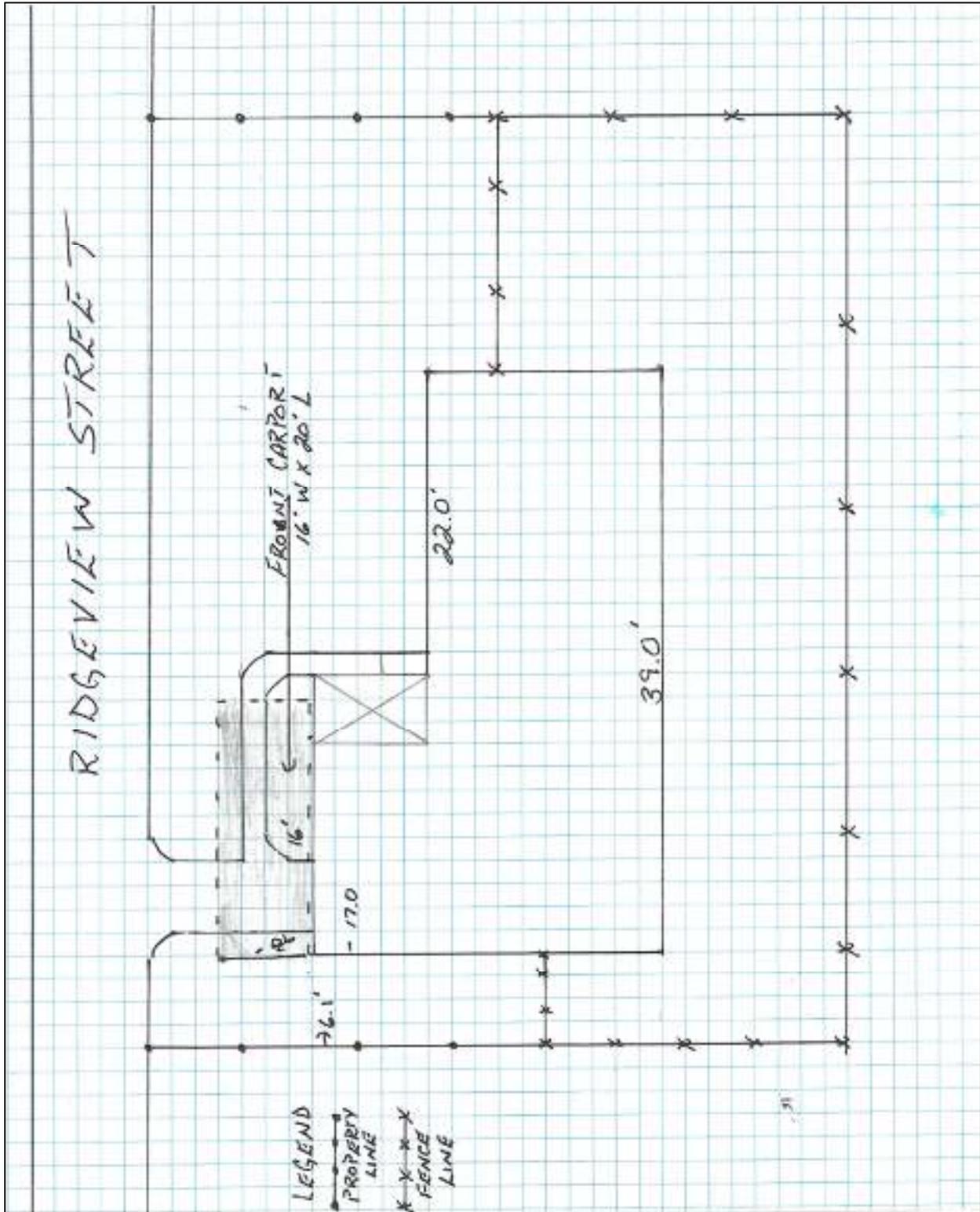
ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION PAGE

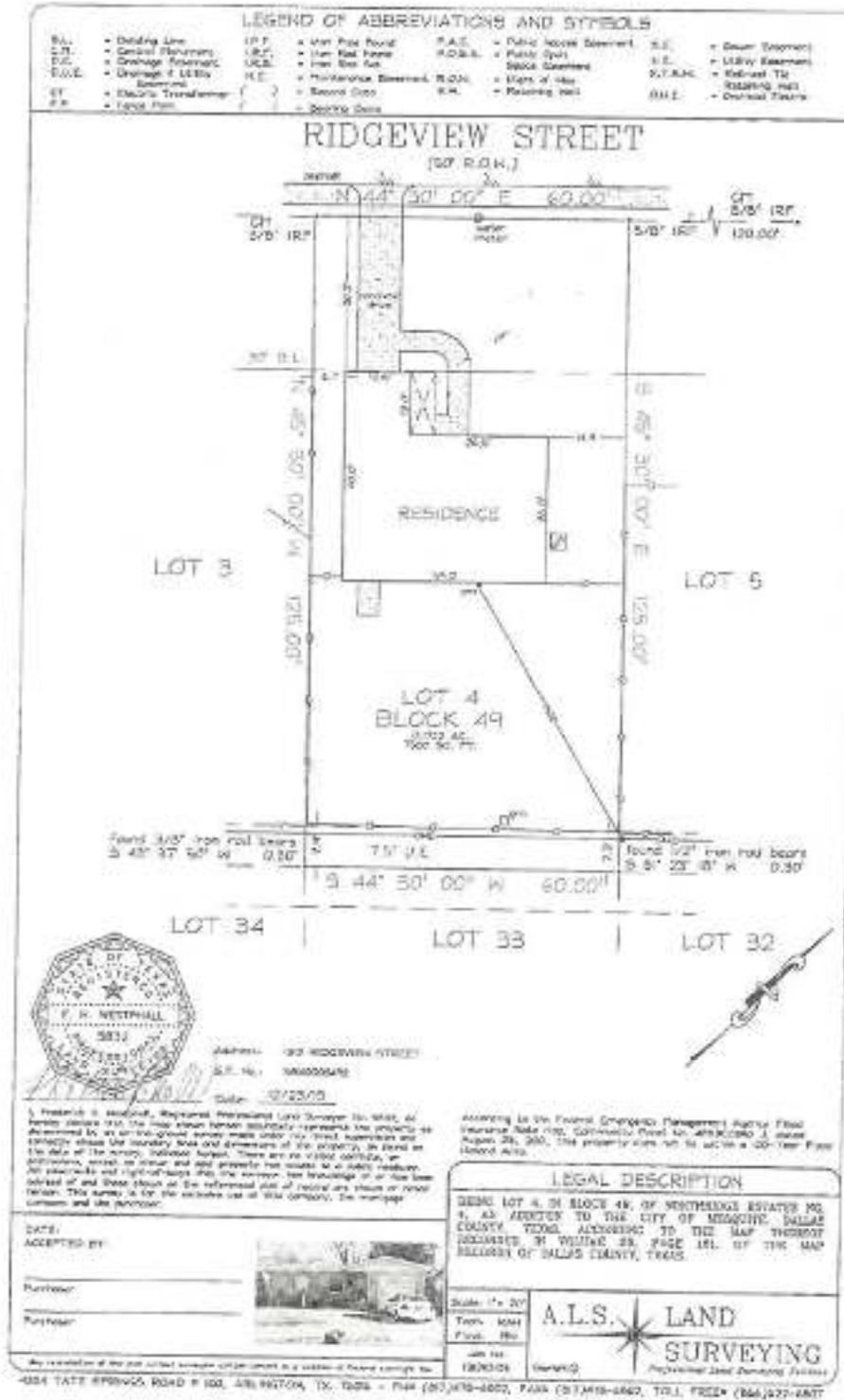
1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application 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: KATHY MONTOYA Phone Number: (949) 496 3264  
Address: 1312 RIDGEVIEW ST  
MESQUITE TX 75149 Email Address: kathydarlenamontoya  
@Gmail.com  
Signature: Kathy Montoya

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS





**FILE NUMBER:** BOA0720-0206  
**REQUEST:** Special Exceptions (1) to allow a 192 square-foot (16 feet by 12 feet) front carport and (2) to allow the front carport to be constructed with a flat roof  
**CASE MANAGER:** Lesley Frohberg, Planner

**PUBLIC HEARING**

Board of Adjustment: Thursday, August 27, 2020

**GENERAL INFORMATION**

Applicant &  
 Property Owner: Eli Vasquez  
 Location: 2312 Bamboo Street

**SITE BACKGROUND**

Legal Description: Town East Estates, Block O, Lot 4  
 Size: 9,020 square feet  
 Zoning: R-3, Single Family Residential  
 Zoning History: 1954 – Annexed into Mesquite and Zoned Residential  
 1964 – Zoning designation changed to R-3 Single Family Residential with adoption of Ordinance No. 460

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
<b>NORTH:</b>	R-3, Single Family Residential	Single-Family Residence
<b>SOUTH:</b>	A-1 - Multifamily Residential	Multi-Family Apartments
<b>EAST:</b>	R-3, Single Family Residential	Single-Family Residence
<b>WEST:</b>	R-3, Single Family Residential	Single-Family Residence

## **CASE SUMMARY**

---

The applicant is requesting a Special Exception to construct a 192 square-foot (16 feet by 12 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 an existing concrete driveway. All other regulations of the R-3 Zoning District will be met.

## **MESQUITE ZONING ORDINANCE**

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### **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.

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

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, metal roof as provided in Section 2-604.B.

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

#### **STAFF COMMENTS:**

The proposed front carport is 192 square feet (16 feet by 12 feet) and will not extend more than 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 52 feet. Forty percent of this measurement is 20 feet 8 inches, which accommodates the proposed width of the front carport.

- 3) The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the carport shall not exceed the eave height of the house 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 12 feet, which will not exceed the height of the roof of the residence and is less than 15 feet.

- 4) 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, as there is an existing one-car garage. There is a paved alley adjacent to the rear property line; however, the subject property cannot get access due to the location of existing utilities. 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 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 are three BOA approved front carports with flat roofs within 750 feet of the subject property. The subject property was platted in August 1960.

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

5) 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:**

In response as to how the proposed front carport will grant the property owner greater use and enjoyment, the property owner stated, "It will allow my vehicles shade from extreme sun exposure as we do tend to keep our driveway front yard clean cut." It is Staff's opinion that the request is compatible without creating any adverse impacts on the surrounding neighborhood, as there are similarly constructed carports on the same block and more than fifteen approved front carports within the subdivision.

**PERMITS**

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1995: Fence Permit

**STAFF RECOMMENDATION**

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Staff recommends approval of the Special Exceptions (1) to allow a 192 square-foot (16 feet by 12 feet) front carport and (2) to allow the front carport to be constructed with a flat roof.

**PUBLIC NOTICE**

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Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices.

**ATTACHMENTS**

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

ATTACHMENT 1 – AERIAL MAP

# Aerial Map



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

**Applicant:** Eli Vasquez

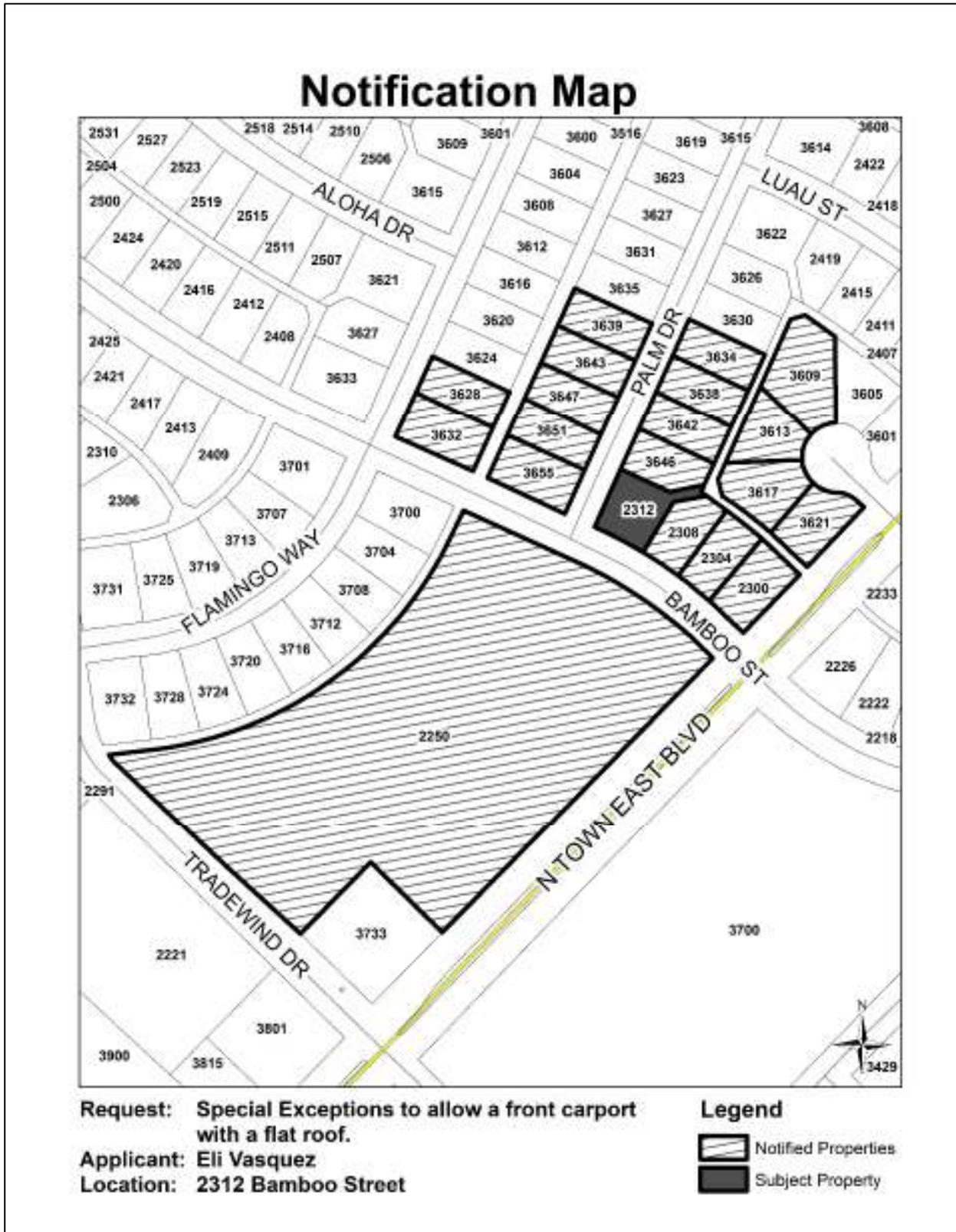
**Location:** 2312 Bamboo Street

**Legend**

 Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



**ATTACHMENT 3 – SITE PHOTOS**



**Front view of subject property**

ATTACHMENT 4 – APPLICATION MATERIALS

**MESQUITE**  
T E X A S  
Real. Texas. Flavor

**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 6)  
 Owner Authorization Form       \$200 Application Fee

---

**Property Information** – Where the front carport will be located

Physical Address: 2312 Bamboo St. City, State: Mesquite, Texas  
Zip Code: 75150

**Applicant Information** – The person filling out the application

First Name: Eli Vasquez Last Name: Vasquez  
Phone Number: 469 571 3439 Email Address: Jcvgzvasquez196@gmail  
I would like a translator at the meeting:     Yes     No    Language: \_\_\_\_\_

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

Same as Applicant:     Yes     No (if no, fill in information below)

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City, State: \_\_\_\_\_  
(if different from physical address)  
Zip Code: \_\_\_\_\_

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

**Office Use Only**

Subdivision: Town East Estates Block: 0 Lot: 4  
When was the property platted: 1960 Year Home Built: \_\_\_\_\_  
Date Received: 7/27 Project Intake: \_\_\_\_\_ Case Number: BOA0720-0206

January 2020      **CONTINUE TO NEXT PAGE**      Page 1 of 12  
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ATTACHMENT 4 – APPLICATION MATERIALS

**Additional Information**

Width of Home: 53'.9" Feet Width of Carport: 12 Feet

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

**Carport Design**

Carport Status:  Existing  Proposed

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

Wood  Metal  Masonry

Describe the colors used on the carport: white

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

3" square tubing, 12' high Square Tubing White Metal

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

			
<input checked="" type="checkbox"/> Flat Roof	<input type="checkbox"/> Pitched with Open Gable	<input type="checkbox"/> Pitched with Closed Gable	<input type="checkbox"/> Hip Roof

Describe the roof material: Sheet Metal

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

\_\_\_\_\_

\_\_\_\_\_

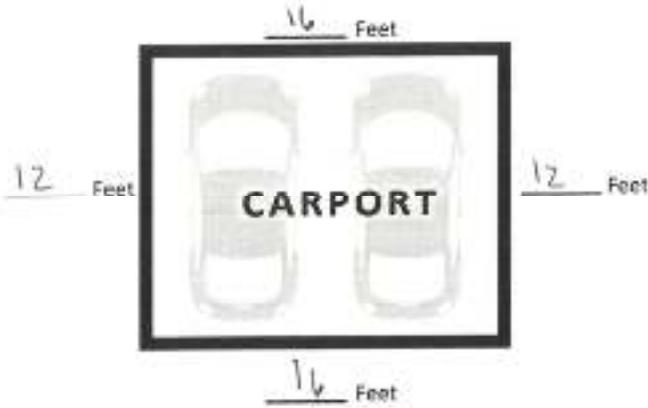
January 2020 CONTINUE TO NEXT PAGE Page 2 of 12

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**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**



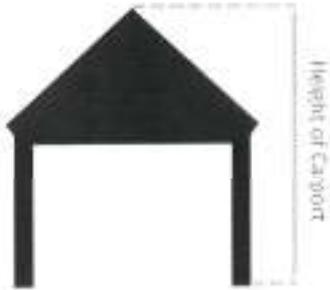
12x16 Feet High

**Pitched with Open Gable**



\_\_\_\_\_ Feet High

**Pitched with Closed Gable**



\_\_\_\_\_ Feet High

**Hip Roof**



\_\_\_\_\_ Feet High

**ATTACHMENT 4 – APPLICATION MATERIALS**

**COMPLETE FOR SPECIAL EXCEPTIONS ONLY.**

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

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

If yes, how?

it will allow my vehicles shade from extreme sun exposure as we do tend to keep our Driveway Front Yard cut clean

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

If yes, how?

every other house does have a carport addition.

ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION PAGE

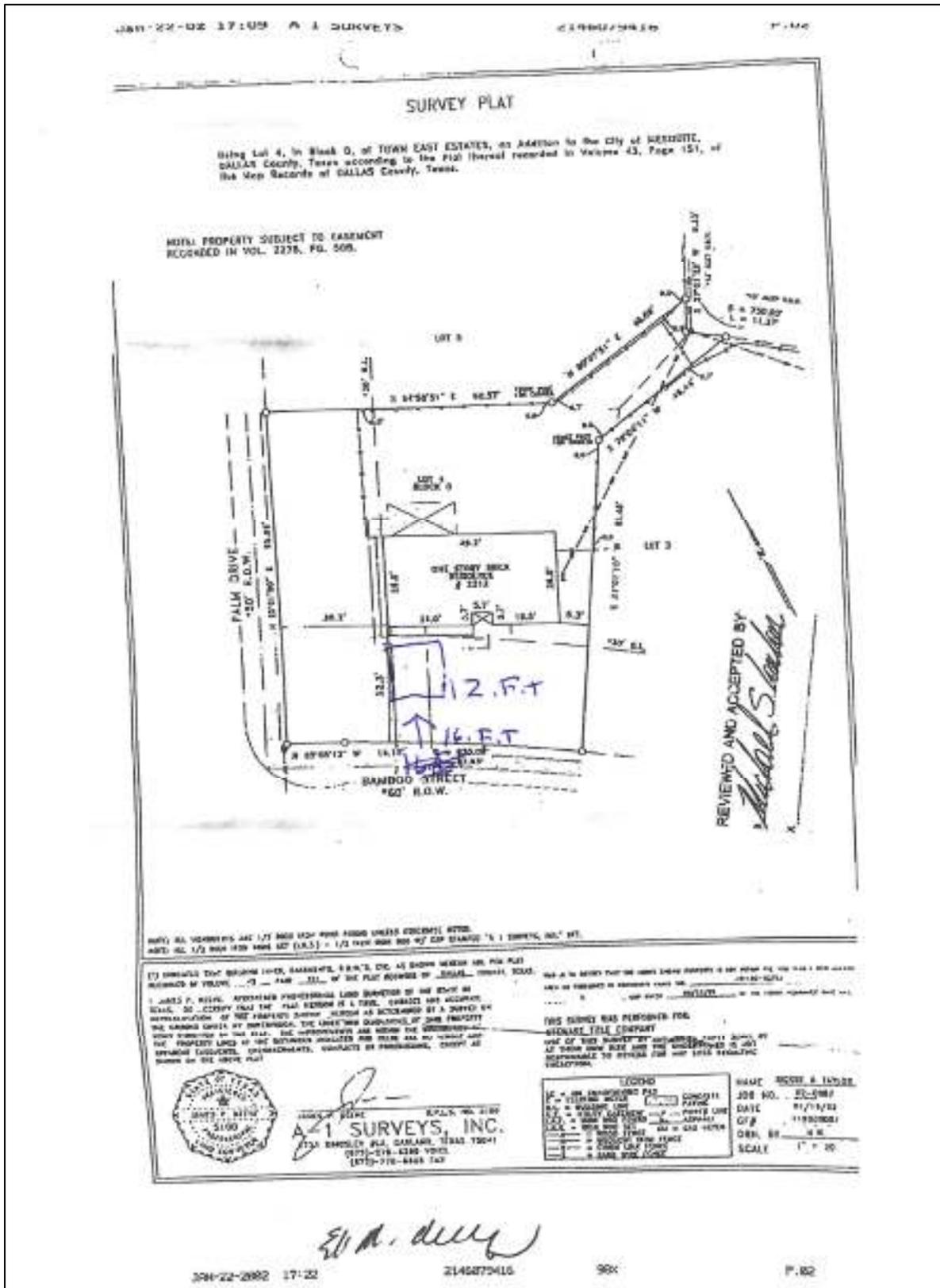
1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application 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: Eli Vasquez Phone Number: 469-571-3439  
Address: 2312 Bamboo St.  
Mesquite, Tx 75150 Email Address: raquel1967@ymail.com  
Signature: Eli Vasquez

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS





PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0720-0208
REQUEST: Special Exceptions (1) to allow a 360 square-foot front carport, and (2) to allow the front carport to be constructed with a flat roof.
CASE MANAGER: John Chapman, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, August 27, 2020

GENERAL INFORMATION

Applicant & Property Owner: Jose Luis Rivera
Location: 3420 Ruby Drive

SITE BACKGROUND

Legal Description: Casa View Heights 16 5th Section, Block 14, Lot 14
Size: 7,936.91
Zoning: R-3 Single Family Residential
Zoning History: 1954 - Annexed 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 a 360 square-foot (18 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 located over an existing driveway. All other regulations of the R-3 Zoning District will be met.

## **MESQUITE ZONING ORDINANCE**

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### **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.

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

#### **STAFF COMMENTS:**

The proposed front carport is proposed to be constructed with a flat, metal roof. The applicant is seeking a second Special Exception under Section 2-604(B)(2).

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

#### **STAFF COMMENTS:**

The proposed front carport is 360 square feet (18 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. Forty percent of this measurement is 20 feet, which is greater than the proposed front carport width.

- 3) The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the carport shall not exceed the eave height of the house 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 8 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.

- 4) 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 afford the only opportunity for covered parking on the property due to the front-entry garage originally constructed with the residence being converted to living space by permits in 1997. There is unpaved alley access adjacent to the rear property line, which does not provide a reliable method of access onto the property. The property was platted in April 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**

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; and
- b) The existence, location and similar design of other carports in the immediate vicinity of the request.

**STAFF COMMENTS:**

The subject property was platted in April of 1958 and there are other similar structures located on Ruby Drive.

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

- 5) 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:**

In response to how the proposed front carport will grant the property owner greater use and enjoyment, the property owner stated, “yes, it will be, plus my family and my cars will be protected from hail and rain.” It is Staff’s opinion that the request is compatible and will not create any adverse impacts on the surrounding neighborhood, as there are five similarly-constructed carports on Ruby Drive.

**PERMITS**

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- 1997: Garage Conversion
- 2005: Window Installation
- 2015: Foundation Repair
- 2016: Fence Permit
- 2020: Alarm Registration

**STAFF RECOMMENDATION**

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Staff recommends approval of the Special Exceptions (1) to allow a 360 square-foot front carport and (2) to allow the front carport to be constructed with a flat roof.

**PUBLIC NOTICE**

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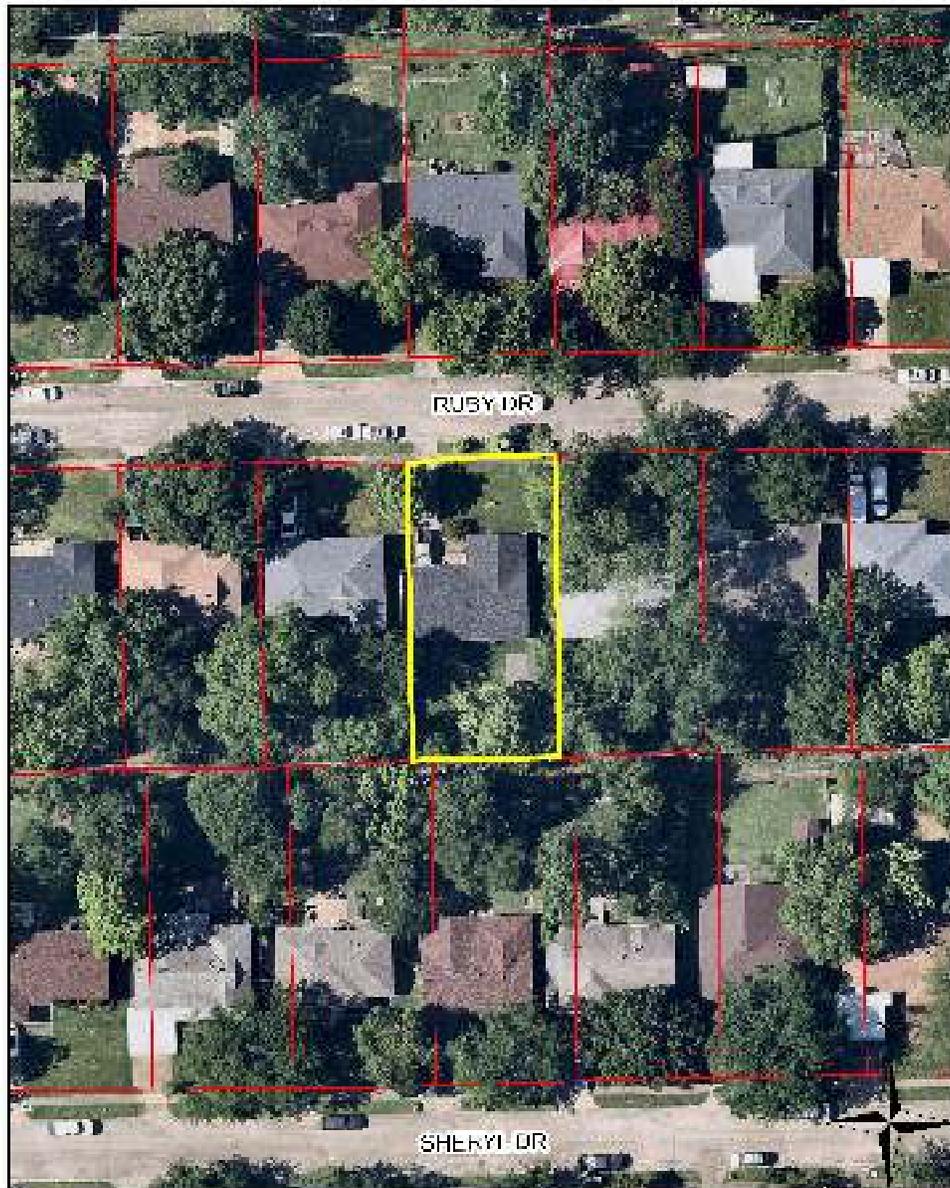
Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, there have been no returned notices.

**ATTACHMENTS**

---

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

## Aerial Map

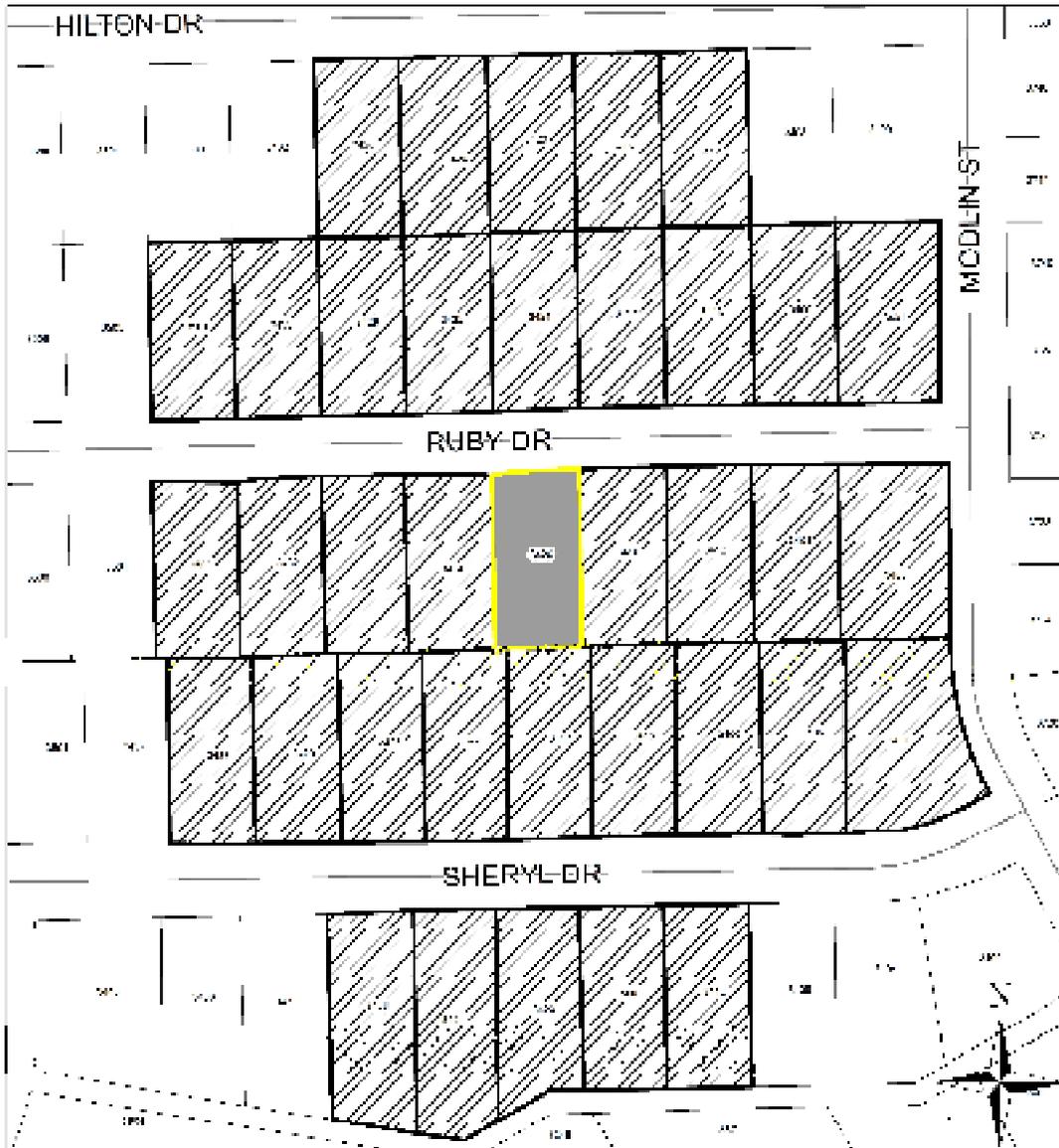


### Legend

-  Subject Property
-  Parcels

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

# Notification Map



**Request:** Special Exceptions to allow an approximately 360 square foot front carport constructed with a flat roof.  
**Applicant:** Jose Rivera  
**Location:** 3420 Ruby Drive

**Legend**  
[Yellow Box] Subject Property  
[Diagonal Lines Box] Notices: Properties

**ATTACHMENT 3 – SITE PHOTOS**



**Front view of subject proper**

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.

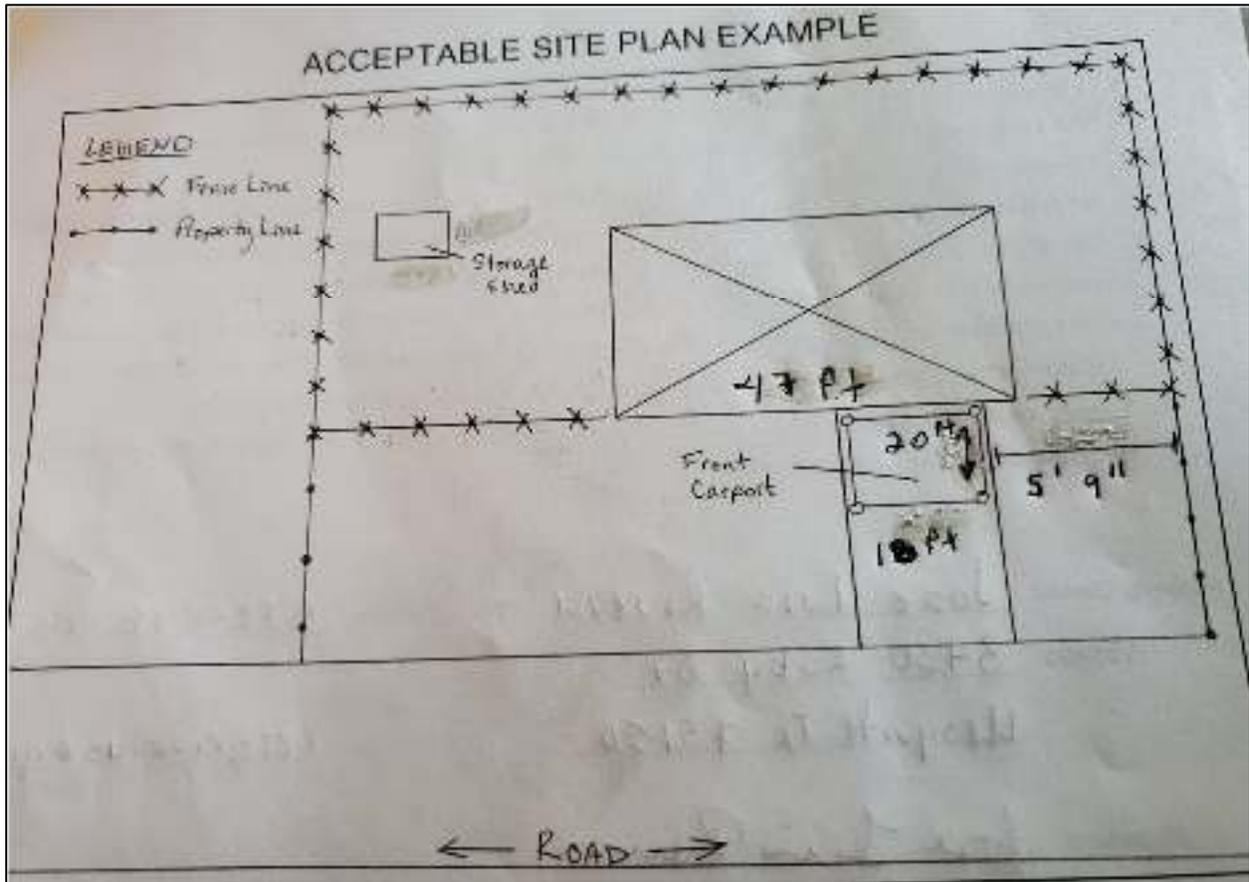
Property Owner: Jose Luis Rivera Phone Number: 972-878-8372  
Address: 3420 Ruby Dr.  
Mesquite Tx 75150 Email Address: 0228riveras@gmail.com  
Signature: Jose Luis Rivera

020

CONTINUE TO NEXT PAGE

Page 7 of

ATTACHMENT 4 – APPLICATION MATERIALS



Applicant Site Drawing

Jose L. Rivera  
July 28 2020

X *Jose Luis Rivera*

EnerGov Electronic Signature



**FILE NUMBER:** BOA0720-0209  
**REQUEST:** Special Exceptions (1) to allow a 400 square foot (20 feet by 20 feet) front carport and (2) to allow a 42 square foot front porch cover, with a flat roof attached to the front carport.  
**CASE MANAGER:** Lesley Frohberg, Planner

**PUBLIC HEARING**

Board of Adjustment: Thursday, August 27, 2020

**GENERAL INFORMATION**

Applicant &  
 Property Owner: Torivio Alvarado Paniagua  
 Location: 1807 Lucille Drive

**SITE BACKGROUND**

Legal Description: Big Town Estates 4, Block A, Lot 15  
 Size: 7,440 square feet  
 Zoning: R-3, Single Family Residential  
 Zoning History: 1954 – Annexed into Mesquite and Zoned Residential  
 1964 – Zoning designation changed to R-3 Single Family Residential with the adoption of Ordinance No. 560

Surrounding Zoning and Existing Land Uses:

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

## **CASE SUMMARY**

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The applicant is requesting a Special Exception to construct a 400 square-foot (20 feet by 20 feet) front carport with an open gable pitched roof attached to the residence. The front carport is proposed to be constructed of wood and will be located over an existing concrete driveway. In addition to the carport, the application is requesting a Special Exception to allow a 42 square-foot (10 feet by 4 feet 2 inches) front porch cover with a flat roof. The front porch cover will be attached to the front carport. All other regulations of the R-3 Zoning District will be met.

## **MESQUITE ZONING ORDINANCE**

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### **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.

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

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 proposed front carport will have an open gable pitched roof that is attached to the principal structure. The carport is proposed to be constructed of wood and shingles to match the existing home.

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

#### **STAFF COMMENTS:**

The proposed front carport will include 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. Forty percent of this measurement is 20 feet 4 inches, which accommodates the proposed width of the front carport.

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

- 4) 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 home was originally constructed with a front-entry garage that was converted into a living area in 2010. There is a paved alley adjacent to the rear property line; however, rear access is not common in the neighborhood. The property was platted in July 1960 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)(1): SPECIAL EXCEPTIONS, FRONT OR EXTERIOR PORCH COVERS**

A porch cover encroaching into the front or exterior side yard setback may be approved as a Special Exception if the Board determines that the porch cover would be compatible with the neighborhood. Porch covers exceeding 1/3 of the façade width and/or having a depth of more than eight feet are generally considered to be incompatible in the absence of other beneficial characteristics. A porch cover approved by a Special Exception shall comply with the design standards prescribed in Section 2-603.B.

**STAFF COMMENTS:**

The applicant is requesting a 42 square-foot (10 feet by 4.25 feet) front porch cover with a flat roof. The porch is proposed to cover approximately 8% of the front façade and to four feet encroach into the front setback.

**SEC. 2-604(B)(2): SPECIAL EXCEPTIONS, FRONT OR EXTERIOR PORCH COVERS**

The Board may approve a porch cover with a flat roof and a metal exterior if the Board determines that a flat roof and a metal exterior would be compatible with the neighborhood. When making its determination, the Board shall consider, among other things, the same characteristics enumerated in subsection B.2 of this Section. If approved, the porch cover shall comply with the design standards prescribed in subsection B.3 of this Section.

**STAFF COMMENTS:**

The application is requesting a front porch cover with a flat roof. The porch cover is proposed to be constructed with wood and shingles to match the existing home and proposed carport. Staff does not anticipate any adverse impacts on the surrounding neighborhood, as there are several similarly constructed front porch covers nearby.

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

5) 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:**

The property owner indicated that the request would allow them greater use and enjoyment. It is Staff's opinion that the request is compatible without creating any adverse impacts on the surrounding neighborhood, as there are several front carports nearby.

**PERMITS**

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2008: Building Permit (Storage Building)  
2010: Building Permit (Garage Conversion)  
2013: Building Permit (Rear Patio)  
2013: Plumbing Permit

### **STAFF RECOMMENDATION**

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Staff recommends approval of the Special Exception to allow a 400 square-foot front carport and a 42 square-foot front porch cover with a flat roof attached to the front carport.

### **PUBLIC NOTICE**

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Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notice.

### **ATTACHMENTS**

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

# Aerial Map



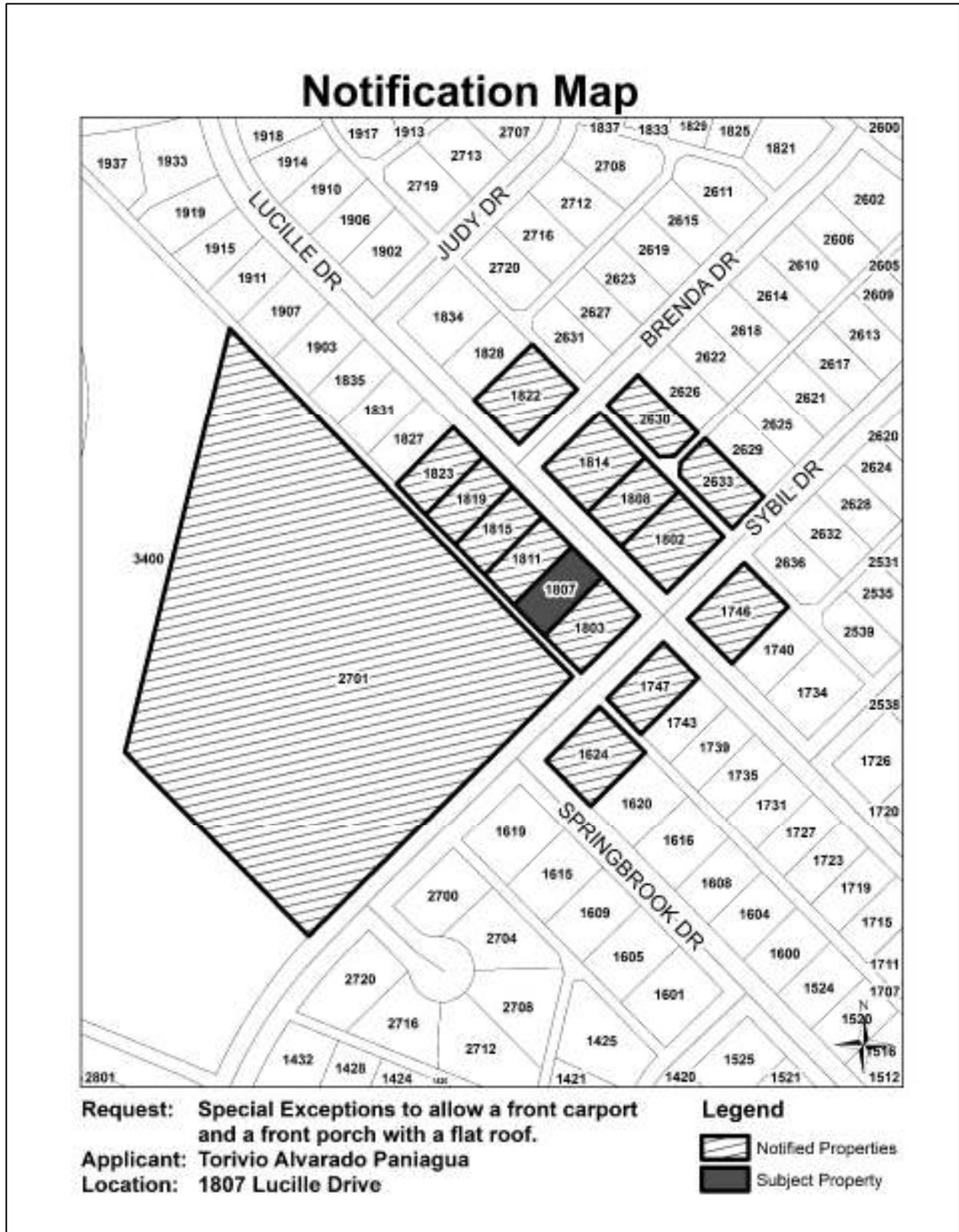
**Request:** Special Exceptions to allow a front carport and a front porch cover with a flat roof.

**Applicant:** Torivio Alvarado Paniagua  
**Location:** 1807 Lucille Drive

**Legend**  
Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



**ATTACHMENT 3 – SITE PHOTOS**



**Front view of subject property**

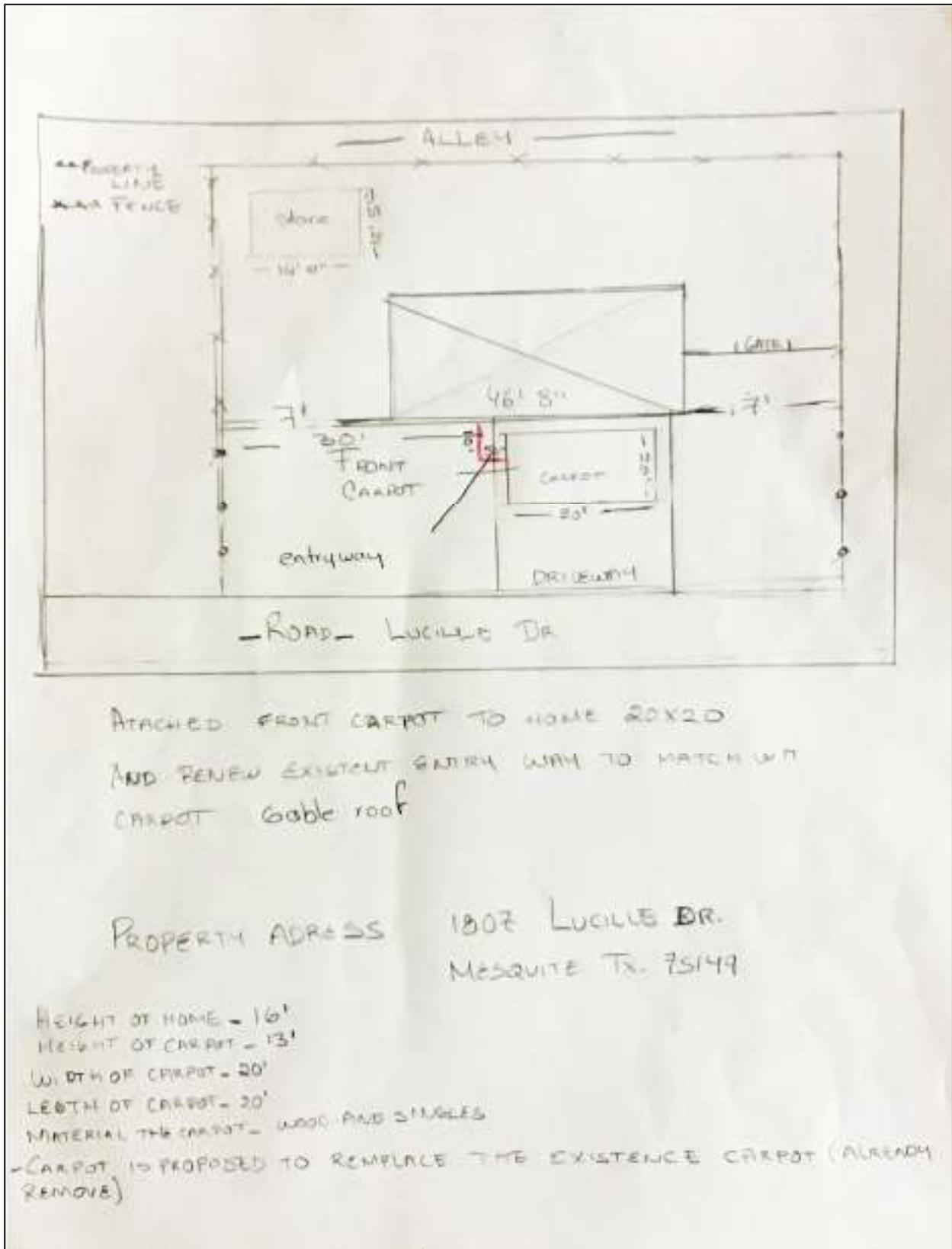
ATTACHMENT 4 – APPLICATION MATERIALS

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: TORINO ALVARADO PANIAGUI Phone Number: 469 877 2060  
Address: 1807 LUCILLE DR.  
MESQUITE TX 75149 Email Address: Maricalvarado628@gmail.com  
Signature: Torino Alvarado Paniagua

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHED FRONT CARPORT TO HOME 20X20  
AND RENEW EXISTENT DRIVE WAY TO MATCH WITH  
CARPORT Gable roof

PROPERTY ADDRESS 1807 LUCILLE DR.  
MESQUITE TR. 75149

- HEIGHT OF HOME - 16'
- HEIGHT OF CARPORT - 13'
- WIDTH OF CARPORT - 20'
- LENGTH OF CARPORT - 30'
- MATERIAL THE CARPORT - WOOD AND SHINGLES
- CARPORT IS PROPOSED TO REPLACE THE EXISTENCE CARPORT (ALREADY REMOVE)



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0720-0210
REQUEST: Special Exception to allow an oversized accessory structure (patio cover) in the rear yard to exceed the maximum size allowed of 500 square feet by 160 square feet for a total size of 660 square feet.
CASE MANAGER: Johnna Matthews, Principal Planner

PUBLIC HEARING

Board of Adjustment: Thursday, August 27, 2020

GENERAL INFORMATION

Applicant & Property Owner: Joyce Oehrlein
Location: 4409 Ivy Dr.

SITE BACKGROUND

Legal Description: St. Andrews 7, Block A, Lot 7
Size: 0.22 acres / 9,484 square feet
Zoning: R-1, Single Family Residential
Zoning History: 1954 - Annexed 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

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The applicant is requesting a Special Exception to allow an oversized accessory structure (patio cover) in the rear yard that is 660 square feet and 14 feet in height. The rear patio cover will be constructed of wood and will have a pitched roof with shingles to match the primary structure. The proposed patio cover will be integrated into the roof of the structure. All setback requirements for an accessory structure in the R-1, Single-Family Residential zoning district will be met. No separation from other structures is required. According to the applicant, the proposed depth of 20 feet will allow the patio cover to be closer to the existing pool and will also provide cover for the built-in gas grill.

## MESQUITE ZONING ORDINANCE

---

### SEC. 2-602(A): MAXIMUM SIZE AND LOT COVERAGE

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

#### STAFF COMMENTS:

The accessory structure in question exceeds the maximum size allowed by 160 square feet. The rear yard of the property includes approximately 4,356. Combined, all accessory structures in the rear yard represent less than 35% of the rear yard area.

### SECTION 2-202(B): MAXIMUM HEIGHT

The maximum height permitted 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 accessory structure will be approximately 14 feet in height and will be integrated into the roof of the home. The rear patio cover will not exceed the height of the existing two-story home.

### SECTION 2-603(C): REAR PATIO COVERS

A rear patio cover shall be any roofed structure, not permanently enclosed on the sides, including patio covers and porch covers, but excluding carports, located behind the rear façade of the principal structure. No separation from other structures shall be required. The patio cover shall meet the setback, maximum size and lot coverage, and height for an accessory structure.

#### STAFF COMMENT:

The proposed rear patio cover meets the definition of a rear patio cover. The patio cover will meet the setback requirements for accessory structures, coverage, and height requirements.

### 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:**

According to the applicant, the Special Exception will allow for greater use and enjoyment of the property as it will allow protection and shade from the weather elements. It is not anticipated that the structure will create any adverse impact on adjacent properties, as all requirements of the Mesquite Zoning Ordinance will be met. The Special Exception is compatible with the surrounding area as there are many homes within the neighborhood that have extended patios.

**PERMITS**

---

- 1967 – Home Construction
- 1967 – Fence
- 1987 – Swimming pool

**STAFF RECOMMENDATION**

---

Staff recommends approval of the Special Exception to allow an oversized accessory structure (patio cover) that is 660 square feet in the rear yard.

**PUBLIC NOTICE**

---

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

**ATTACHMENTS**

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

**ATTACHMENT 1 – AERIAL MAP**

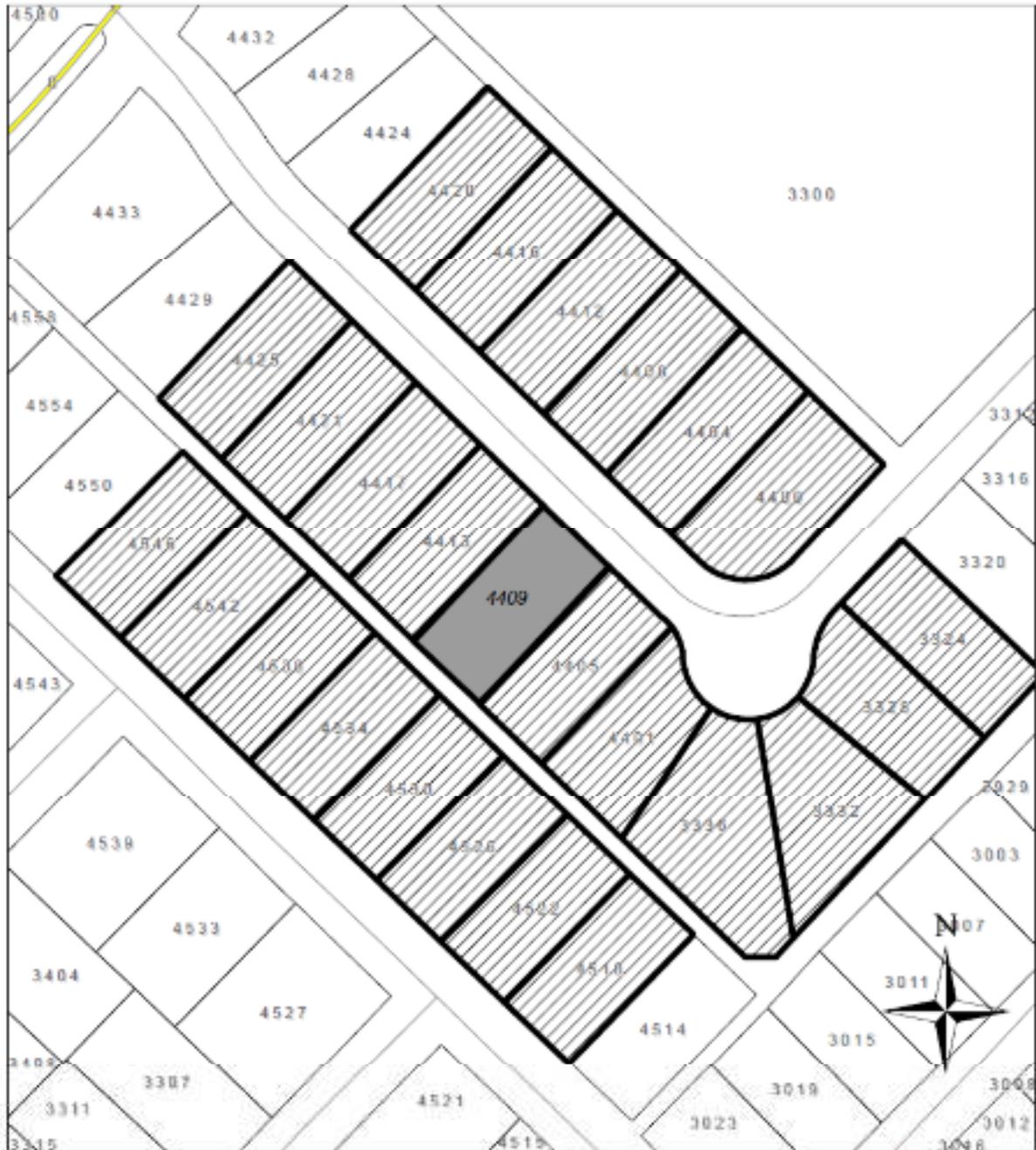


**Request:** Special Exception to allow an oversized accessory structure in the rear yard.  
See reverse side for more information

**Applicant:** Joyce Oehrlein  
**Location:** 4409 Ivy Dr.

**Legend**  
 **Subject Property**

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



**Request:** Special Exception to allow an oversized accessory structure in the rear yard.  
See reverse side for more information  
**Applicant:** Joyce Oehrlein  
**Location:** 4409 Ivy Dr.

**Legend**  
■ Subject Property  
▨ Noticed Properties

**ATTACHMENT 3 – SITE PHOTOS**



Street view of subject property.



Photo of rear yard.

ATTACHMENT 4 – APPLICATION MATERIALS

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

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

**Application Checklist**

Completed Application     Site Plan/Drawing     Site Plan Checklist (Page 7)     Application Fee  
 Owner Authorization Form (Page 8)

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**Property Information** – Where the residence is located

Physical Address: 4409 Ivy Dr                      City, State: Mesquite, Texas  
Zip Code: 75150

**Applicant Information** – The person filling out the application

First Name: Joyce                      Last Name: Oehrlein  
Phone Number: 214-762-9967                      Email Address: soccerjoyc@aol.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: \_\_\_\_\_                      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)

January 2020                      **CONTINUE TO NEXT PAGE**                      Page 1 of 11  
P.O. Box 850137 • Mesquite, Texas 75185-0137 • [www.cityofmesquite.com](http://www.cityofmesquite.com)



**ATTACHMENT 4 – APPLICATION MATERIALS**

**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?

We will be able to enjoy the patio in the rain and it will provide shade. The structure will have shingles that match the house.

Will the Special Exception be compatible with the surrounding neighborhood?

Yes  No

If yes, how?

There are many houses in the neighborhood that have extended patios and additions as well as supplemental carports.

**ATTACHMENT 4 – APPLICATION MATERIALS**

**COMPLETE FOR VARIANCES ONLY.**

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

Are there special conditions or 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 yes, explain:

The backyard is quite large, it is 70' deep. This large patio cover will not dominate the backyard.

No Variances are being requested.

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

Yes  No

If yes, how?

The patio cover would be limited to 500 sq ft. This would make the cover 33' x 15'. Have the depth 20' allows the patio cover to be closer to the pool and also provide cover for the built-in gas grill.

**COMPLETE FOR VARIANCES ONLY.**

**CONTINUE TO NEXT PAGE**

January 2020

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Page 4 of 11

**ATTACHMENT 4 – APPLICATION MATERIALS**

Are the special conditions and circumstances on the property self-imposed?

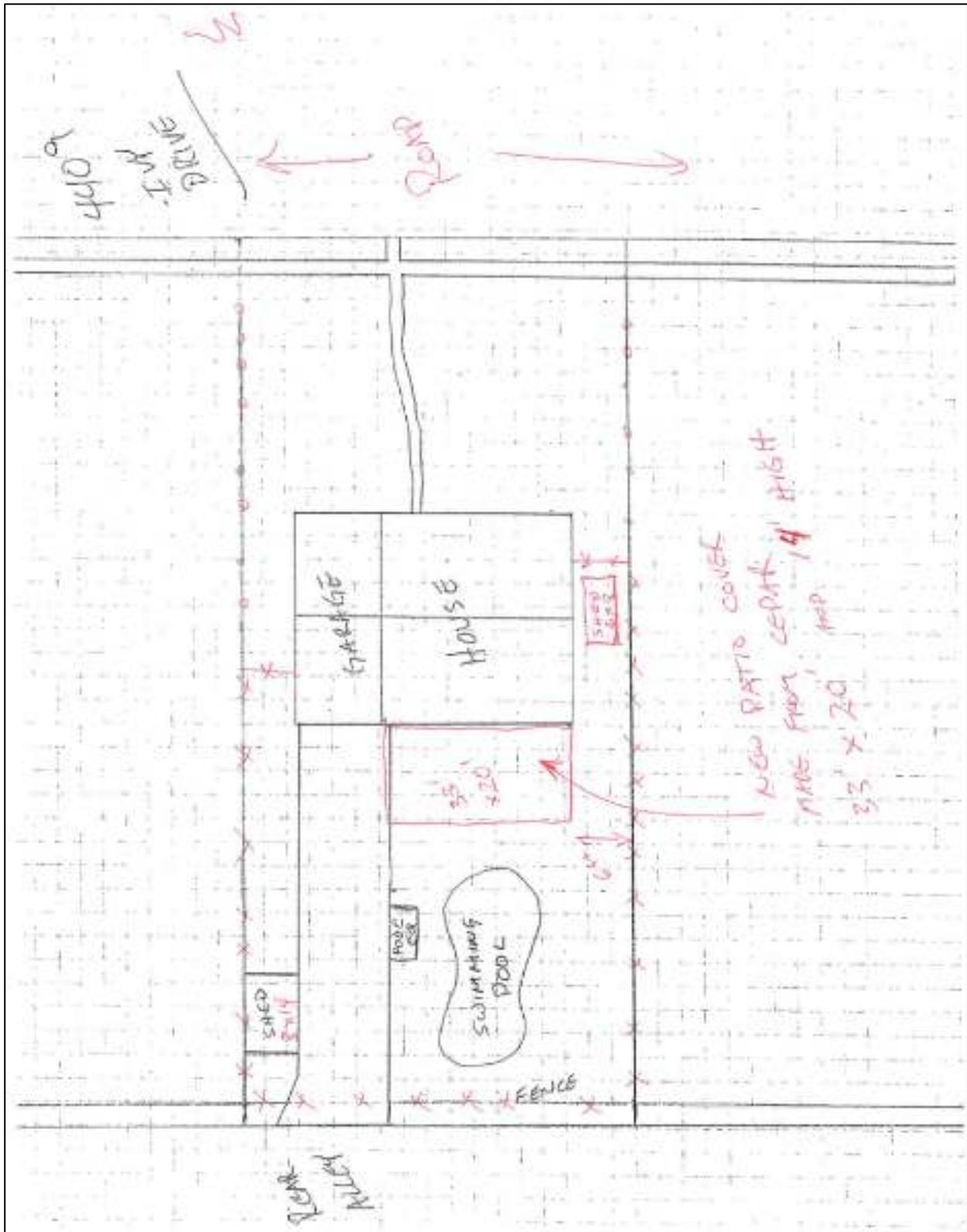
Yes  No

If yes, explain:

We would like to make the pation cover 660 sq ft. We feel this size will extend from the driveway to the edge of the house, and from the back of the house to the back of the built-in grill.

No Variances are being requested.

ATTACHMENT 4 – APPLICATION MATERIALS





PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0620-0201
REQUEST: Special Exceptions (1) to allow an existing oversized accessory structure that is 1,352 square feet and 20 feet in height and (2) to allow the oversized accessory structure to be used as an Accessory Dwelling Unit with the following modifications:

- 1. Increase the maximum height from 15 feet to 20 feet.
2. Increase the maximum size from 500 square feet to approximately 1,352 square feet, including a front porch cover.

CASE MANAGER: John Chapman – Planner

PUBLIC HEARING

Board of Adjustment: Thursday, August 27, 2020

GENERAL INFORMATION

Applicant & Property Owner: Roberto Munoz
Location: 1921 Potter Lane

SITE BACKGROUND

Legal Description: Job Badgely Abstract 74, Tract 11
Size: 1.28 acres
Zoning: R-3, Single Family Residential
Zoning History: 1951 – Annexed into Mesquite and zoned R – Residential
1964 – Zoning designation changed to R-3 Single Family Residential with the adoption of Ordinance No. 560

Surrounding Zoning and Existing Land Uses:

Table with 2 columns: ZONING and EXISTING LAND USE. Rows for NORTH, SOUTH, EAST, and WEST, all showing R-3, Single Family Residential zoning and Single-Family Residence existing land use.

## **CASE SUMMARY**

---

The applicant is requesting Special Exceptions to allow an existing 1,352 square-foot accessory structure (32 feet by 42 feet 3 inches) to be used as an accessory dwelling unit (ADU) with modifications to the maximum height requirement from 15 feet to 20 feet and the maximum size requirement from 500 square feet to approximately 1,352 square feet.

The structure exists on the property today and was brought to the City's attention through a citizen complaint of a large building. The structure itself is approximately 900 square feet with an attached 450 square-foot front porch cover.

The application originally stated the structure would be used as a family gathering area and storage; however, after confirming this with the applicant/property owner, it was discovered the intentions of the building had shifted to be used as an ADU.

If approved, the structure will require a building permit and must meet all applicable building codes for residential occupancy.

## **MESQUITE ZONING ORDINANCE**

---

### **SEC. 2-603(N): ACCESSORY DWELLING UNITS**

Accessory dwelling units may be approved by Special Exception and shall comply with all of the following special conditions:

1. Minimum lot size shall be 21,780-square feet (one-half acre)
2. The accessory dwelling unit must share utility meter/connections with the primary structure.
3. The property must have a minimum of four off-street parking spaces that are located behind the front and exterior side building lines. All four spaces must be arranged such that four parked vehicles can exit the property without having to move another parked vehicle.
4. The property owner must live on the property.
5. The accessory dwelling unit shall not be rented or sold separately.
6. The accessory dwelling unit must meet the same setback requirements as the primary structure, provided that the rear setback requirement shall be a minimum of 10 feet.
7. The accessory dwelling unit shall not exceed the height of primary structure or 15 feet, whichever is less.
8. Maximum area of the accessory dwelling unit shall be 500-square feet, provided that on lots exceeding one acre and zoned Agriculture, the maximum area shall be 1,000 square-feet.
9. The accessory dwelling unit must be located in the rear yard and behind the rear façade of the primary structure.
10. No property shall have more than one accessory dwelling unit.

### **STAFF COMMENTS:**

Pursuant to Section 2-201.E of the *Mesquite Zoning Ordinance*, when a use is authorized as a Special Exception, the authorizing body may approve modifications of the special conditions by specifying the allowed modification, in its approval, provided that proposed modifications

**File No.: BOA0620-0201**  
**Special Exception with Modification**

must be identified in the required notices as part of the required approval. Modifications may be approved if determined that the use can be accommodated under modified conditions without creating adverse impacts on adjacent properties, and that it will be compatible with the neighborhood.

1. The lot is approximately 1.28 acres, which does meet the required lot size.
2. Information provided by the applicant/property owner states the accessory dwelling unit (ADU) will share a utility meter and connection with the primary structure.
3. The property owner has indicated he will continue to live on the property and not rent or sell the structure separately.
4. The property owner has indicated all four parking spaces will be arranged so that four parked vehicles can exit the property correctly.
5. The property owner has indicated the ADU will not be rented or sold separately.
6. The ADU meets the required setbacks as it exists today.
7. The applicant is requesting a modification to allow the ADU to be 20 feet in height. The existing structure was constructed without permits. If the Board does not approve this modification, then the structure must be modified not to exceed 15 feet in height.
8. The maximum size allowed for this ADU is 500 square feet due to the existing R-3 zoning of the property. The requested modification is to increase the maximum size from 500 square feet to 1,352 square feet, which includes a front porch. The living area of the ADU is 1,024 square feet.
9. The ADU is located in the rear yard behind the rear façade of the primary structure.
10. The property owner has indicated this will be the only structure of its kind on the property.

**SEC. 2-604(A): OVERSIZE ACCESSORY STRUCTURE**

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

**STAFF COMMENTS:**

The accessory structure's height is approximately 20 feet, which exceeds the maximum height permitted by 5 feet. Further, the structure's size is 1,352 square feet, including a front porch cover, which exceeds the maximum size of 500 square feet by approximately 852 square feet. The lot size is approximately 55,756.8 square feet, according to the Dallas Appraisal District. Ten percent of this area is 5,576, which is greater than the size of the existing accessory structure. Based on the existence of a similarly sized structure located at 1929 Potter Lane, the Board may find a Special Exception for an oversized accessory structure to be acceptable.

**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 impact of a Special Exception to allow an ADU meeting the requirements of Section 2-603(N) at this location due to the property's size and the existence of a couple ADU's within the immediate area. When asked how the ADU would provide greater use and enjoyment of the property, the applicant/property owner indicated, "There isn't adjacent neighbors within 300 feet."

The applicant is requesting modifications to the maximum height and size requirements. The ADU is 1,352 square feet, including an attached front porch, and is 20 feet in height. A similar structure of this size was permitted at 1929 Potter Lane, and another ADU permitted that exceeds the maximum size by 108 square feet on a property totaling 6,795 square feet at 1018 Powell Circle. Additionally, at the time of this writing, no notices of opposition were returned. Based on this information, Staff believes the requested modifications may be found to also meet the requirements of this section.

**PERMITS**

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- 2008 – Mechanical Permit/Electrical
- 2009 – Building permit to enlarge the primary structure
- 2010 – Electrical
- 2013 – Interior remodel
- 2013 – Plumbing/Electrical

**STAFF RECOMMENDATION**

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Staff recommends approval of the Special Exceptions (1) to allow an existing oversized accessory structure including approximately 1,352 square feet and 20 feet in height and (2) to allow the oversized accessory structure to be used as an ADU, with the following modifications:

- 1. Increase the maximum height from 15 feet to 20 feet; and
- 2. increase the maximum size from 500 square feet to 1,352 square feet, including a front porch cover.

## **PUBLIC NOTICE**

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Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, there have been two returned notices in opposition.

## **ATTACHMENTS**

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

ATTACHMENT 1 – AERIAL MAP

# Aerial Map



**N**  
▲ Legend  
■ Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

# Notification Map



**Request:** See reverse side for full request.  
**Applicant:** Roberto Munoz  
**Location:** 1921 Potter Lane

**Legend**  
■ Subject Property  
▨ Noticed Properties

**ATTACHMENT 3 – SITE PHOTOS**



**View of the existing structure in question.**



**View of the existing structure in question.**

**ATTACHMENT 3 – SITE PHOTOS**



View of the existing structure and rear of the property.

ATTACHMENT 4 – APPLICATION MATERIALS

**RECEIVED**  
JUN 25 2020  
PLANNING AND ZONING

**MESQUITE TEXAS**  
Real. Texas. Service.

**City of Mesquite Board of Adjustment Application**

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

**Application Checklist**

Completed Application     Site Plan/Drawing     Site Plan Checklist (Page 7)     Application Fee

Owner Authorization Form (Page 6)

---

**Property Information** – Where the carport will be located

Physical Address: 1921 Potter Ln    City, State: Mesquite, Texas

Zip Code: 75149

**Applicant Information** – The person filling out the application

First Name: Robert    Last Name: Munoz

Phone Number: 214) 718-9512    Email Address: robertdovamunoz@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: Robert    Last Name: Munoz

Phone Number: 214) 718-9512    Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_    City, State: \_\_\_\_\_  
(If different from physical address)

Zip Code: \_\_\_\_\_

**Office Use Only**

Subdivision: Not platted    Block: \_\_\_\_\_    Lot: \_\_\_\_\_

Size of Property: 1.28 acres    Square Feet: \_\_\_\_\_    When was the property platted: Never

Date Received: 6/25/2020    Project Intake: slc    Case Number: BOA0620-0201

Special Exception (\$200)     Residential Variance (\$200)     Non-Residential Variance (\$500)     Appeals (\$300)

January 2020    **CONTINUE TO NEXT PAGE**    Page 1 of 11



**ATTACHMENT 4 – APPLICATION MATERIALS**

**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?

*There isn't adjacent neighbors within 300ft.*

Will the Special Exception be compatible with the surrounding neighborhood?

Yes  No

If yes, how?

*Yes because its a new structure and it'll be up to date.*

ATTACHMENT 4 – APPLICATION MATERIALS



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:	BOA0620-0201
Submitted By/	
Property Owner:	Roberto Munoz
Property Location:	1921 Potter Lane
Legal Description:	Job Badgely Abstract 74, Tract 11
Requested Action:	A Special Exception to allow an accessory dwelling unit (ADU), and 2) a Variance for the ADU to be approximately 20 feet in height and approximately 1,352 square feet.

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

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

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

BOA Case: BOA0620-0201	Name: <u>Sherric L. Jones</u> (required)
I am <u>in favor</u> of this request _____	Address: <u>1116 Ervin Lane</u> (required)
I am <u>opposed</u> to this request <u>X</u>	<u>Mesquite, Tx 75149</u>
Reasons (optional):	<u>They already have building where people live now and then. They already park their 18 wheelers cab of the truck there.</u>

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

RECEIVED  
JUL 16 2020  
PLANNING AND ZONING

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:	BOA0620-0201
Submitted By/	
Property Owner:	Roberto Munoz
Property Location:	1921 Potter Lane
Legal Description:	Job Badgely Abstract 74, Tract 11
Requested Action:	A Special Exception to allow an accessory dwelling unit (ADU), and 2) a Variance for the .ADU to be approximately 20 feet in height and approximately 1,352 square feet.

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

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

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

BOA Case: BOA0620-0201	Name: <u>Redro Bolga Arjona</u> (required)
I am <u>in favor</u> of this request _____	Address: <u>1200 Powell Rd.</u> (required)
I am <u>opposed</u> to this request <u>X</u>	<u>Mesquite TX. 75149</u>

Reasons (optional): our neighborhood is a "Crime Watch" area as it is & we DO NOT need more

RECEIVED  
AUG 19 2020  
PLANNING AND ZONING

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

Car Congestion. Please don't make us sell our home, we have been here since 2000 & our girls have lived here their entire lives!!!



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0720-0207
REQUEST: Special Exceptions (1) to allow a 728 square-foot oversized accessory structure in the rear yard and (2) to allow the oversized accessory structure to be used as an accessory dwelling unit, with modifications to existing standards.
CASE MANAGER: Johnna Matthews, Principal Planner

PUBLIC HEARING

Board of Adjustment: Thursday, August 27, 2020

GENERAL INFORMATION

Applicant & Property Owner: Andrew Cone, Curtis Holdings, LLC
Location: 4422 Ridgedale Dr.

SITE BACKGROUND

Legal Description: Casa View Heights 15, Block 17, Lot 4
Size: 0.17 acres / 7,395 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1954 – Annexed 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, all showing R-3, Single Family Residential zoning and Single-Family Residential existing land use.

## CASE SUMMARY

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The applicant is requesting Special Exceptions to allow an existing 728 square foot oversized accessory structure located in the rear yard, to be used as an accessory dwelling unit (ADU). A permit was issued for the existing structure in 1966, which approved a two-car garage. At that time Board approval was not required for an oversized accessory structure. At some point, a portion of the garage was converted into an ADU. According to the applicant, who is also the current property owner, when he purchased the property in 2018 as an investment property, the 728 square-foot structure existed as it is today, with a 328 square-foot one-car garage and a 400 square-foot dwelling unit. The dwelling unit includes living space, a kitchenette, and a bathroom. It is important to note that the rear garage does not include a drive approach.

There is no record of a permit issued for the conversion, nor Board approval of a Special Exception for the ADU. Various forms of accessory dwelling units have been permitted by right in residential zoning districts throughout the City since the adoption of the 1964 Comprehensive Zoning Ordinance. It was not until the 1990s that Board approval was required for ADUs. Unfortunately, Staff is unaware of when the conversion took place or what Code requirements were in place at the time.

The applicant would like the Board to consider the following two options. The Board could also approve a Special Exception for the oversized accessory structure, without the ADU. Due to the size of the structure, it is considered legal nonconforming.

**Option 1 (Applicant's Preferred Option):** Special Exception to allow the approximately 728 square foot oversized accessory structure and a Special Exception to allow the oversized accessory structure to be used as an ADU, with modifications to existing standards. Option 1 would involve converting the existing 328 square-foot one-car garage into living space in order to increase the size of the dwelling.

**Option 2:** Special Exception to allow the 728 square-foot oversized accessory structure and a Special Exception to allow 400 square feet of the oversized accessory structure to be used as an ADU, with modifications to existing standards. The existing 328 square-foot garage would remain.

If approved, building permits will be required and all applicable building codes must be met.

## MESQUITE ZONING ORDINANCE

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### SEC. 2-603(N): ACCESSORY DWELLING UNITS

Accessory dwelling units may be approved by Special Exception and shall comply with all of the following special conditions:

1. Minimum lot size shall be 21,780-square feet (one-half acre)
2. The accessory dwelling unit must share utility meter/connections with the primary structure.

**File No.: BOA0720-0207**  
**Special Exceptions**

3. The property must have a minimum of four off-street parking spaces that are located behind the front and exterior side building lines. All four spaces must be arranged such that four parked vehicles can exit the property without having to move another parked vehicle.
4. The property owner must live on the property.
5. The accessory dwelling unit shall not be rented or sold separately.
6. The accessory dwelling unit must meet the same setback requirements as the primary structure, provided that the rear setback requirement shall be a minimum of 10 feet.
7. The accessory dwelling unit shall not exceed the height of the primary structure or 15 feet, whichever is less.
8. Maximum area of the accessory dwelling unit shall be 500-square feet, provided that on lots exceeding one acre and zoned Agriculture, the maximum area shall be 1,000 square-feet.
9. The accessory dwelling unit must be located in the rear yard and behind the rear façade of the primary structure.
10. No property shall have more than one accessory dwelling unit.

**STAFF COMMENTS:**

Pursuant to Section 2-201.E of the Mesquite Zoning Ordinance, when a use is authorized as a Special Exception, the authorizing body may approve modifications of the special conditions by specifying the allowed modification, in its approval, provided that proposed modifications must be identified in the required notices as part of the required approval. Modifications may be approved if determined that the use can be accommodated under modified conditions without creating adverse impacts on adjacent properties and that it will be compatible with the neighborhood.

Consideration of the request includes the following modifications:

1. A reduction in the minimum lot size from 21,780 square feet (1/2 acre) to 7,395 square feet (0.17 acres);  
*(The property does not meet the minimum ½ acre requirement).*
2. A reduction in the required number of off-street parking spaces behind the building line for the property from four to one;  
*(Technically, there are a total of three off-street parking spaces, including an approximately 400 square foot front carport able to accommodate two parking spaces, approved by the Board in 1988; and a one-car garage in the rear. However, when the home was constructed in 1957, parking behind the front building line was not required. Additionally, the one-car garage in the rear does not have a drive approach.*
3. To allow the property owner to live off-site;  
*(The property owner does not live on-site and purchased the property as an investment property in 2018. At that time, the property owner registered the home with the City's Rental Occupancy Program. There is currently a tenant living in the primary structure who would like for family members to live in the unit).*
4. To allow a reduction in the rear yard setback from 10 feet to approximately 8 feet, 8 inches; and

*(The existing accessory structure was constructed in 1966 and it does not meet the current required rear yard setback for an ADU.)*

5. To allow the ADU to exceed the maximum size of 500-square feet.

*(If Option 1 is approved, the 728 square-foot structure will exceed the maximum size of 500 square feet).*

### **SEC. 5-204(A): OVERSIZED ACCESSORY STRUCTURE**

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

### **STAFF COMMENTS**

The accessory structure is considered oversized because it exceeds the maximum size allowed of 500 square feet by 200 square feet. The structure is considered legal nonconforming, as it was constructed and permitted legally when it was constructed in 1966. The structure does not exceed 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:**

According to the applicant, the Special Exception will allow for greater use and enjoyment of the property as it will allow his tenant's family members to occupy the space. The structure will not be rented separately. Staff does not anticipate any adverse impacts of the Special Exception to allow the ADU at this location, as the structure has been in place since 1966 and has been previously used as an ADU. Plumbing, electrical and mechanical permits have been issued in the past. However, the older permits do not indicate if the permits were for the main structure or the accessory structure. The owner was in the process of updating the interior of both structures when he learned of the requirements for an ADU from an inspector. Based on visual inspections, aerial maps, and Board approval records, Staff has determined that there are similar oversized accessory structures within the neighborhood, making the structure compatible with the surrounding neighborhood. However, there are no Board approvals for

ADUs in the immediate vicinity. It is important to note; however, that ADUs did not require Board approval until the 1990s.

## **PERMITS**

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2018 – Rental Certificate of Occupancy  
2018 – Installation of new windows  
2017 – Mechanical  
2016 – Mechanical  
2010 – Mechanical  
2004 – Plumbing  
1997 – Electrical  
1988 – Carport  
1970 – Patio cover  
1966 – Garage addition

## **STAFF RECOMMENDATION**

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Staff recommends approval of the applicant's proposed Option 2; Special Exceptions (1) to allow the 728 square-foot oversized accessory structure (2) to allow 400 square feet of the oversized accessory structure to be used as an ADU, with modifications to existing standards. The existing 328 square foot garage shall remain. Staff recommends the following conditions:

1. A drive approach must be constructed in the rear in order to access the rear garage.
  - It is important to note that the Board can deny the ADU but approve the oversized accessory structure, which is currently considered is a legal nonconforming structure.
  - Pursuant to Section 2-201(E) of the Mesquite Zoning Ordinance, the authorizing body may approve modifications of special conditions by specifying the allowed modification in its approval.

## **PUBLIC NOTICE**

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Staff mailed notices to property owners within 200 feet of the subject property. As of the date of this writing, one notice has been returned in opposition to the request.

## **ATTACHMENTS**

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1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials
5. Returned Notice(s)

ATTACHMENT 1 – AERIAL MAP



**Request:** Special Exception to allow an accessory dwelling unit in the rear yard, with modifications to existing regulations. See reverse side for more information.

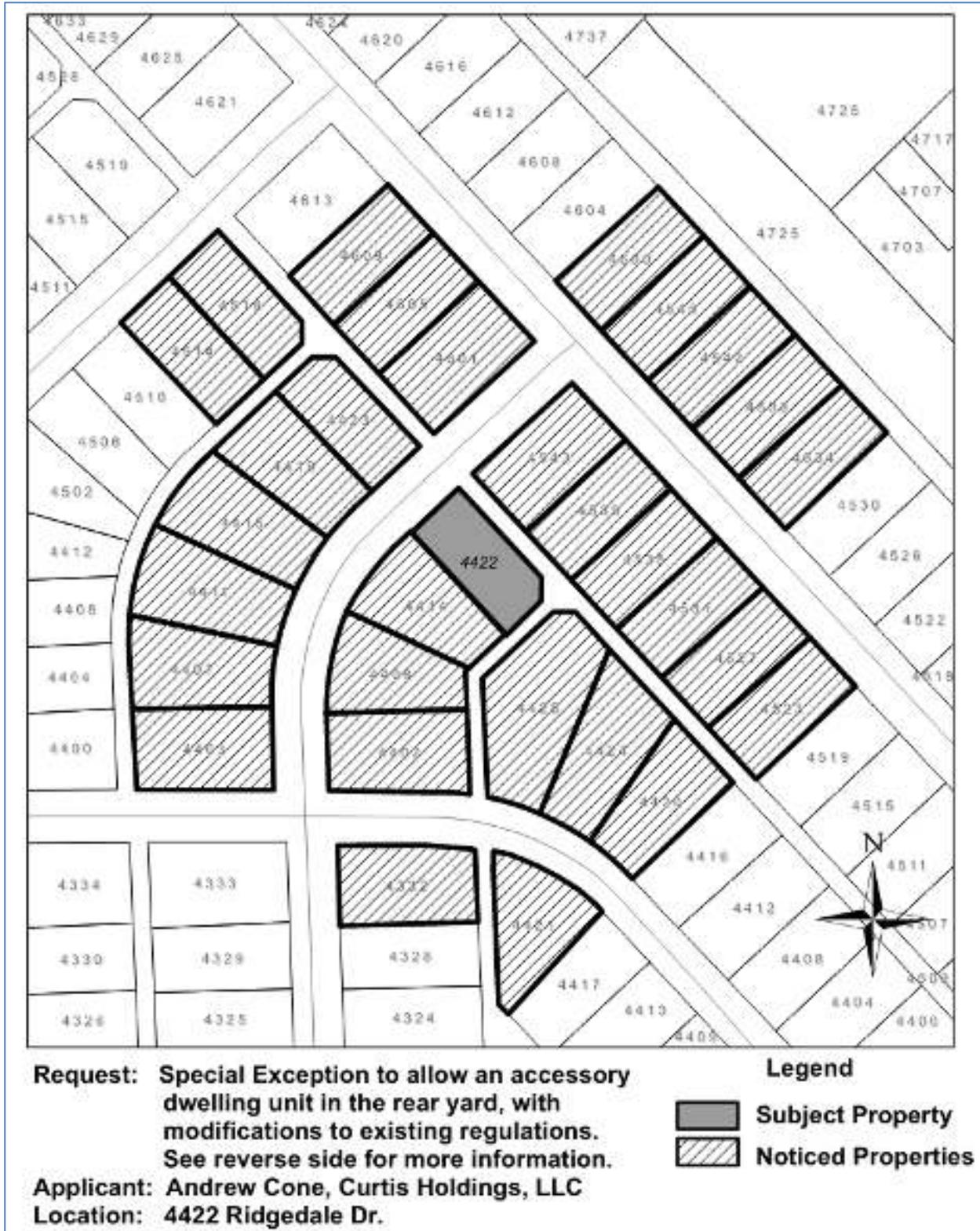
**Applicant:** Andrew Cone, Curtis Holdings, LLC

**Location:** 4422 Ridgedale Dr.

**Legend**

 **Subject Property**

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



**ATTACHMENT 3 – SITE PHOTOS**



**Street view of subject property.**



**Photo of oversized accessory structure in the rear yard.**

ATTACHMENT 4 – APPLICATION MATERIALS

**MESQUITE**  
T E X A S  
Real. Texas. Flavor.

**City of Mesquite  
Board of Adjustment  
Application**

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

**Application Checklist**

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

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**Property Information** – Where the carport will be located

Physical Address: 4422 Ridgedale Dr. City, State: Mesquite, Texas  
Zip Code: 75150

**Applicant Information** – The person filling out the application

First Name: Andrew Last Name: Cone  
Phone Number: 817-690-4829 Email Address: seaspin@msn.com

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

Same as Applicant:  Yes     No (If no, fill in information below)

First Name: Andrew Last Name: Cone  
Phone Number: 817-690-4829 Email Address: seaspin@msn.com  
Mailing Address: 8402 Columbia Dr. City, State: Rowlett, TX  
(if different from physical address)  
Zip Code: 75089

**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)

August 2019 Page 1 of 11

**CONTINUE TO NEXT PAGE**

P.O. Box 850137 • Mesquite, Texas 75185-0137 • [www.cityofmesquite.com](http://www.cityofmesquite.com)

ATTACHMENT 4 – APPLICATION MATERIALS

**Structure Types**  
 Check all that applies

Main Structure	Residential	Non-Residential	Other
<input type="checkbox"/> Room Addition	<input type="checkbox"/> Rear Carport	<input type="checkbox"/> Off-Site Parking	<input type="checkbox"/> Fencing
<input checked="" type="checkbox"/> Garage Addition	<input type="checkbox"/> Storage Building	<input type="checkbox"/> Joint Use Parking	<input type="checkbox"/> Special Promotions
<input type="checkbox"/> New Residence	<input checked="" type="checkbox"/> Detached Garage	<input type="checkbox"/> Parking Reduction	<input type="checkbox"/> Temporary Uses
Nonconforming	<input type="checkbox"/> Patio Cover	<input type="checkbox"/> Flag Poles >75 Ft	<input type="checkbox"/> Tree Preservation
<input type="checkbox"/> Use	<input type="checkbox"/> Oversized Accessory Structure	<input type="checkbox"/> Reverse Vending Machine	<input type="checkbox"/> Oversized Antenna
<input type="checkbox"/> Premise	<input checked="" type="checkbox"/> Accessory Dwelling Unit	<input type="checkbox"/> Oversized Accessory Structure	<input type="checkbox"/> Lighted Game Courts
<input type="checkbox"/> Structure			<input type="checkbox"/> Livestock

Height of Structure: 12 1/2 Feet    Size of Structure: 728 Square Feet  
 Roof Pitch (If applicable): 4/12 18.43  
 Describe Materials Used:  
It is already a single car garage and an accessory dwelling unit.

Affected Part(s) of the Property	Will it	Status
<input type="checkbox"/> Interior Side Yard <input type="checkbox"/> Front Yard	<input type="checkbox"/> Exceed Maximum Height?	<input checked="" type="checkbox"/> Existing
<input type="checkbox"/> Exterior Side Yard <input checked="" type="checkbox"/> Rear Yard	<input type="checkbox"/> Exceed Maximum Size?	<input type="checkbox"/> Proposed

Describe the structure and its purpose:  
This is an existing structure consisting of a single car garage and an efficiency size accessory dwelling unit. It has a small bathroom with a shower and a small kitchenette.

August 2019    **CONTINUE TO NEXT PAGE**    Page 2 of 11  
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ATTACHMENT 4 – APPLICATION MATERIALS

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?

I only want to upgrade the cosmetics and fixtures to make the living quarters habitable for the daughter and granddaughter of the current tenant. There will be no additional traffic nor additional cars parked on the property. I only wish to upgrade the cosmetics and fixtures of the current existing structure and keep it in its current form. Nothing about the layout will change. Just upgrading the cosmetics inside and out.

Will the Special Exception be compatible with the surrounding neighborhood?

Yes  No

If yes, how?

The structure will not change on the outside except for possibly a brand new garage door and some new siding which I plan to obtain permits for.

**ATTACHMENT 4 – APPLICATION MATERIALS**

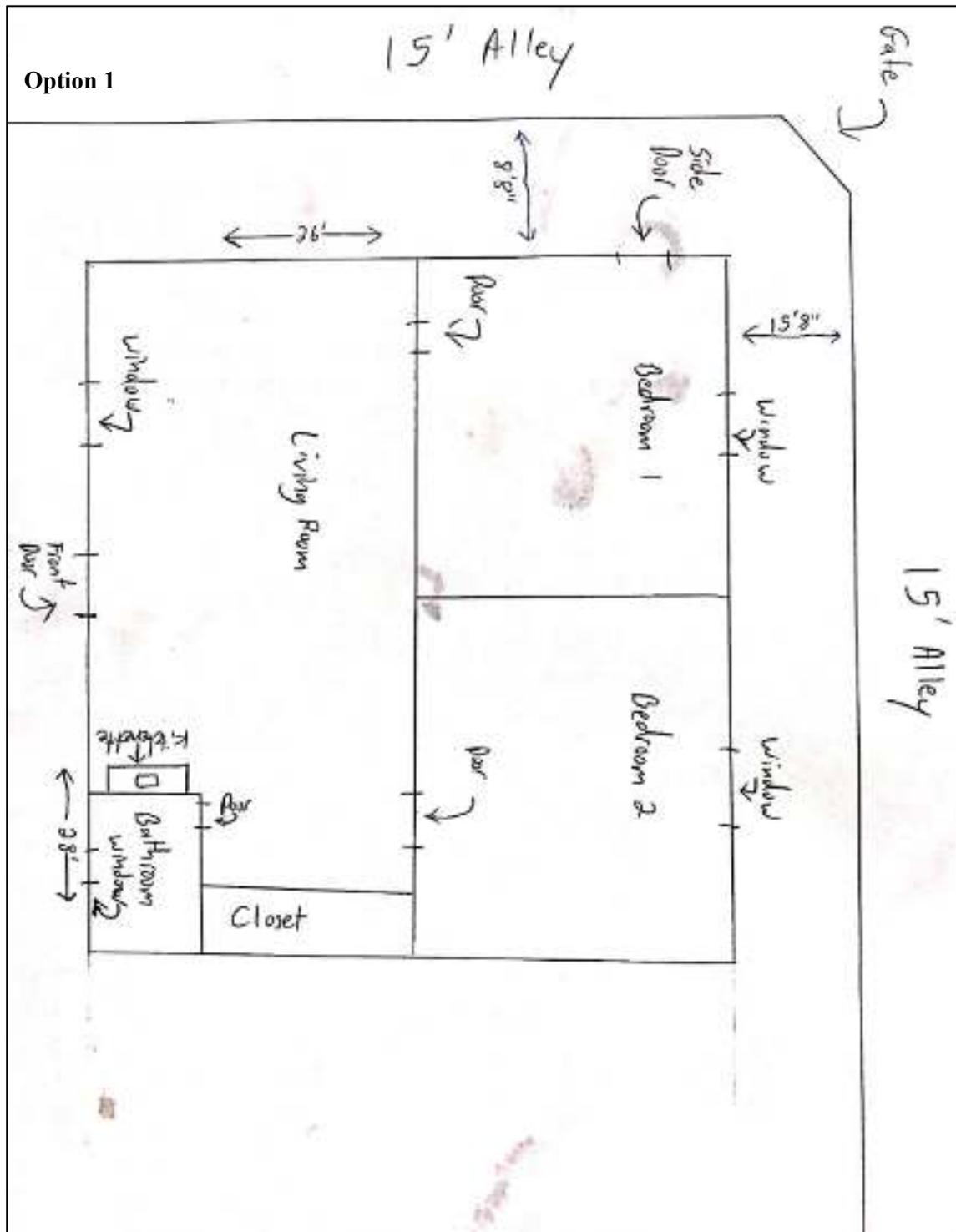
**OWNER AUTHORIZATION PAGE**

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.

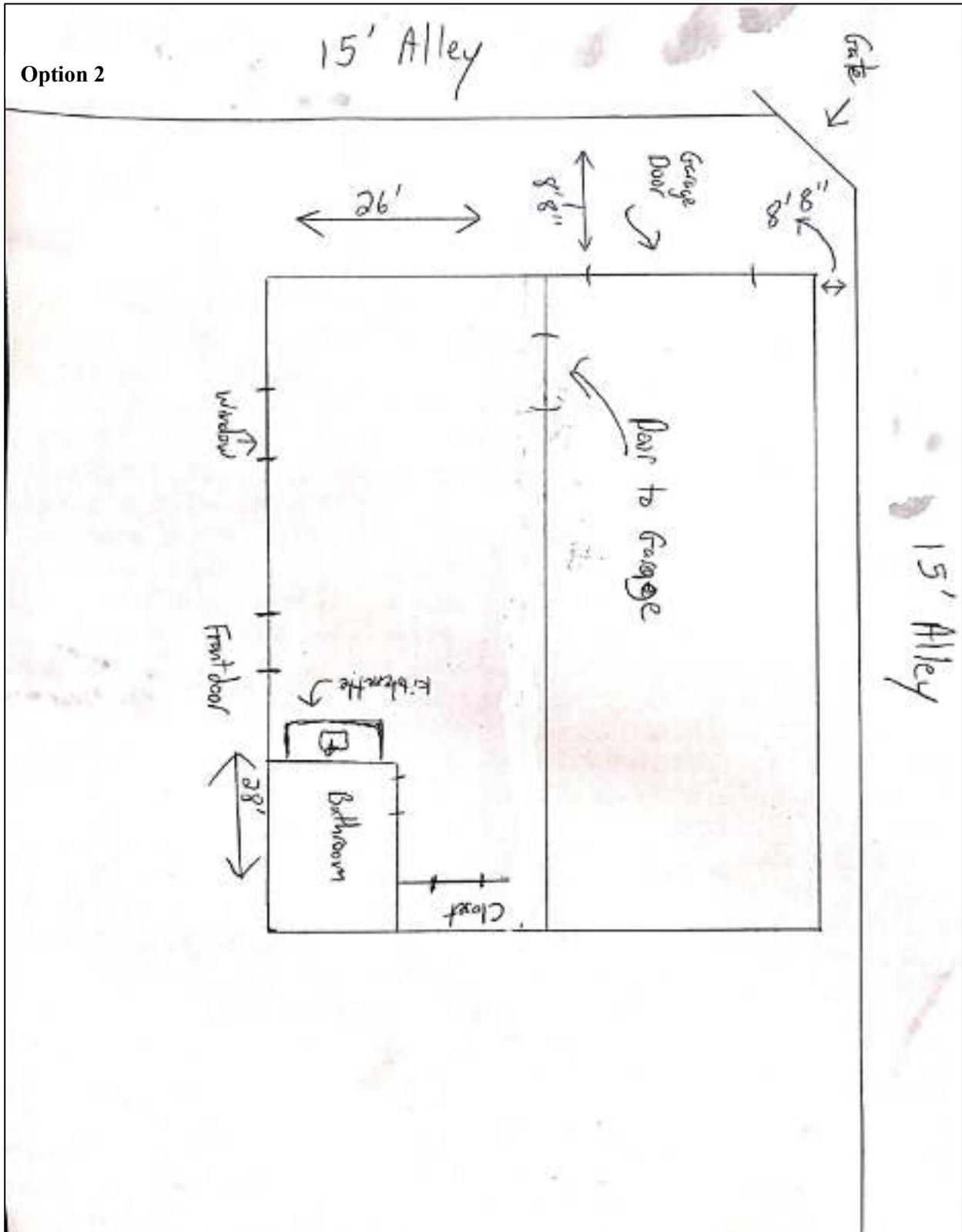
Property Owner: Andrew Cone Phone Number: 817-690-4829  
Address: 8402 Columbia Dr.  
Rowlett, TX 75089 Email Address: seaspin@msn.com

Signature: 

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 5 – RETURNED NOTICES



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **August 27, 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:	BOA0720-0207
Submitted By/Property Owner:	Andrew Cone, Curtis Holdings, LLC
Property Location:	4422 Ridgedale Dr.
Legal Description:	Casa View Heights 15, Block 17, Lot 4
Requested Action:	Special Exceptions (1) to allow an existing oversized accessory structure including approximately 728 square feet and (2) to allow the oversized accessory structure to be used as an accessory dwelling unit (ADU).  Consideration of the request includes the following modifications: 1. A reduction in the minimum lot size from 21,280 square feet (1/2 acre) to 7,395 square feet (0.17 acres); 2. A reduction in the required number of off-street parking spaces for the property from four to two; 3. To allow the property owner to live off-site; 4. To allow a reduction in the rear yard setback from 10 feet to approximately 8 feet, 8 inches; and 5. To allow the ADU to exceed the maximum size of 500-square feet.

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

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 329-8523

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

BOA Case: BOA0720-0207

Name: Michael D. McCune

I am in favor of this request

(required)

I am opposed to this request

Address: 4518 Hyde Park Dr.

(required) MESQUITE

Reasons (optional): BAD FOR THE HOOD!

RECEIVED

AUG 20 2020

PLANNING AND ZONING

Please respond by returning to:

CITY OF MESQUITE PLANNING DIVISION  
 ATTN: Johanna Matthews  
 PO BOX 850137  
 MESQUITE TX 75185-0137