



**BOARD OF ADJUSTMENT REGULAR MEETING  
CITY COUNCIL CHAMBERS**  
757 North Galloway Avenue  
Mesquite, Texas  
September 24, 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 related to the Coronavirus (COVID-19) pandemic, and further guidance issued on the suspensions by the Attorney General’s Office, Board members and all other persons may participate in the meeting as follows:

1. A quorum of the Board of Adjustment may be achieved by Board members being physically present at the meeting location, by telephone conference, or by any combination thereof.
2. All persons may participate in the meeting by either being physically present at the meeting location or by telephone conference.
3. All persons choosing to be physically present at the meeting location must wear some form of face covering over their noses and mouths and shall observe social distancing by remaining a minimum of six (6) feet from other meeting participants. **NOTE:** Seating capacity shall be *limited* at the meeting location to adhere to social distancing protocols.
4. Instructions for participation by telephone conference are described below:

**Telephone Conference Number:                    214-396-6338**

When your call is answered you will hear:

*“Welcome to Turbo Bridge. Please enter your Conference ID and press the pound (#) key.”*

**Conference ID (Participation Code):            177-6111 #**

Additional Instructions:

- Persons may INCREASE their listening volume by pressing \*88.
  - Persons may DECREASE their listening volume by pressing \*89.
  - Repeat as necessary to incrementally increase or decrease the listening volume.
  - Persons may press \*5 to be recognized to speak during the public comment or public hearing portion of the meeting.
5. The meeting will be audible to all in-person and telephone participants and will allow for their two-way communication.
  6. Verbal comments may be made during the meeting upon a request to speak and recognition by the Chairperson during the appropriate times identified on the Agenda.
  7. Written comments may be made in writing before 3:00 p.m., on the afternoon of the meeting, 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, and August 27, 2020, Board of Adjustment meetings.

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

6. BOA0720-0205 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Jose Guerrero for Special Exceptions (1) to allow a 400 square foot front carport, (2) to allow the front carport to be constructed with a flat roof, and (3) to allow a front porch cover with a flat roof, located at 2305 Anita Drive (BOA0720-0205, John Chapman, Planner).

7. BOA0820-0211 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Araujo Roofing and Remodeling for Special Exceptions (1) to allow a 240 square foot front carport and (2) to allow a 96 square foot front porch cover constructed with a flat roof, located at 2425 Sybil Drive (BOA0820-0211, Lesley Frohberg, Planner).

8. BOA0820-0212 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Nohe Ponce for a Special Exception to allow the keeping of livestock including fifty chickens and six goats for private use, located at 3470 McKenzie Road (BOA0820-0212, Johnna Matthews, Principal Planner).

9. BOA0820-0214 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Artemio Trejo for a Special Exception to allow an oversized accessory structure that is 2,000 square feet and 18 feet in height, located at 2585 Edwards Church Road (BOA0820-0214, Lesley Frohberg, Planner)

10. BOA0820-0215 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Helen Ethridge for Special Exceptions (1) to allow a 380 square foot front carport and (2) to allow the front carport to be constructed with a flat roof, located at 1614 Greywood Drive (BOA0820-0215, Johnna Matthews, Principal Planner).

11. BOA0820-0216 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Esmeralda Perez for Special Exceptions (1) to allow a 400 square foot front carport, (2) to allow the front carport to be constructed with a flat roof, and (3) to allow a 97.5 square foot front porch cover constructed with a flat roof, located at 2727 Cary Drive (BOA0820-0216, Lesley Frohberg, Planner).

12. BOA0820-0217 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Jose Rivera for a Special Exception to allow a front carport including 376 square feet, located at 1333 Highland Street (BOA0820-0217, John Chapman, Planner).

**PUBLIC HEARINGS- CONTESTED CASES**

13. BOA0820-0218 – SPECIAL EXCEPTIONS & VARIANCE

Conduct a public hearing to consider an application submitted by Abel Pina for Special Exceptions (1) to allow an existing 400 square foot front carport, (2) to allow the front carport to include a flat roof, (3) to allow an 83 square foot front porch cover with a flat roof and (4) a Variance to allow the front carport to encroach five feet into the required five foot side yard setback, located at 2329 Nairobi Place (BOA0820-0218, Lesley Frohberg, Planner).

**PUBLIC COMMENTS**

14. 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 **September 24, 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 **September 18, 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**

**JULY 23, 2020**

**BOARD OF ADJUSTMENT (BOA)  
CITY OF MESQUITE, TEXAS**

**City Hall  
City Council Chambers  
757 North Galloway Avenue  
Mesquite, Texas**

**REGULAR MEETING**

**ATTENDANCE: BOARD MEMBERS (REGULAR MEMBERS AND ALTERNATES)**

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<b>POSITION NO.</b>	<b>REGULAR MEMBER NAME</b>	<b>ATTENDANCE</b>		
Position No. 1	Chairman Thomas Palmer	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 2	Mr. Aeneas Ford	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 3	Ms. Wana Alwalee	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 4	Mr. George Rice	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 5	Mr. Jack Akin	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent

<b>ALTERNATE NO.</b>	<b>ALTERNATE NAME</b>	<b>ATTENDANCE</b>		
Alternate No. 1	Benny Gordon	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> * Absent (* Attendance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes)
Alternate No. 2	Vacant	<input type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> * Absent (* Attendance Required: <input type="checkbox"/> No <input type="checkbox"/> Yes)

**ATTENDANCE NOTES:**

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- In accordance with Governor Abbott’s suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, related to the Coronavirus (COVID-19) pandemic, and the guidance issued on the suspension by the Texas Attorney General’s Office this regular board meeting was conducted both in-person and by telephone conferencing to support adequate social distancing.
- Board members and City Staff in attendance (in-person) were present in the City Council Chambers, wore facial coverings over their face and mouth, and practiced social distancing of remaining at least 6-feet apart.
- At the beginning of the meeting, Alternate Benny Gordon was seated in the place of Board member Wana Alwalee. Later, during the meeting, Board member Wana Alwalee arrived and took her seat replacing Alternate Benny Gordon for the remainder of the meeting.

**ATTENDANCE: STAFF**

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Johnna Matthews	Principal Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Lesley Frohberg	Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
John Chapman	Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Devanee Winn	Senior Administrative Secretary	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video
Karen Strand	Senior Assistant City Attorney	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video
Garrett Langford	Manager of Planning & Zoning	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Jeff Armstrong	Director of Planning & Development Services	<input type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video

**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.**

**ACTION:**

Motion by Board Member Akin to APPROVE the June 25, 2020 minutes with a correction; seconded by Board Member Rice; motion carried 5-0 & minutes are approved with correction.

**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*).

**PUBLIC HEARING:**

Chairman Palmer opened the public hearing for the uncontested cases on Agenda Items 6, 7, 9, and 10.

**SPEAKERS:**

There were no speakers in-person or by telephone.

**PUBLIC HEARING CLOSED:**

Chairman Palmer closed the public hearing.

**ACTION:**

Motion by Board Member Rice to APPROVE Agenda Items 6, 7, 9, and 10; seconded by Board Member Akin; motion carried 5-0 & applications are approved as presented with Staff recommendations.

**NOTE:**

Alternate Benny Gordon was seated in the place of Board member Wana Alwalee.

**PUBLIC HEARINGS –CONTESTED CASES****8. BOA0620-0197 – SPECIAL EXCEPTION**

**[NOTE: This item was moved from the Uncontested Cases section of the Agenda.]**

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*).

**PRESENTATION:**

Principal Planner Johnna Matthews briefed the Board.

**APPLICANT:**

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.

**PUBLIC HEARING OPENED:**

Chairman Palmer opened the public hearing.

**SPEAKERS:**

Mr. Brad Henley came up to speak in-person. Mr. Henley thinks that the Applicant should have to stay within the City Ordinances as everyone else does.

There were no other speakers in-person or by telephone.

**PUBLIC HEARING CLOSED:**

Chairman Palmer closed the public hearing.

**ACTION (SPECIAL EXCEPTION):**

Motion by Board Member Rice to APPROVE the request for Special Exception; seconded by Board Member Akin; votes cast 6-0.

**INQUIRY FROM ATTORNEY:**

Senior Assistant City Attorney Karen Strand inquired with the Chair about having six (6) votes. Board Member Alwalee stated that she had joined the meeting earlier by telephone.

Attorney Strand stated the Board members would need to be seated (or re-seated) as the Chair directed (in the absence of any Board rule to the contrary). Attorney Strand stated the vote would also need to be re-cast once the Board members were seated (or re-seated).

**NOTE:**

Board Member Wana Alwalee was virtually seated and in-attendance by telephone replacing seated Alternate Benny Gordon.

**FINAL ACTION (SPECIAL EXCEPTION):**

Motion by Board Member Rice to APPROVE; seconded by Board Member Akin; motion carried 4-1 with Board Member Ford dissenting & application is approved as presented with Staff recommendations.

**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*).

**PRESENTATION:**

Principal Planner Johnna Matthews briefed the Board.

**APPLICANT:**

The Applicant was not present to speak.

**PUBLIC HEARING:**

Chairman Palmer opened the public hearing. There were no speakers in-person or by telephone. Chairman Palmer closed the public hearing.

**DISCUSSION:**

Board Member Akin expressed that he is not going to support this case. Board Member 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. Board Member Rice wanted to know the age of the structure. Principal Planner Matthews answered she does not know when it was constructed, as a permit was not issued. Board Member Ford wanted to know if the Applicant is planning on enclosing the structure. Principal Planner Matthews said no, they do not plan to enclose the structure.

**ACTION (SPECIAL EXCEPTION):**

Motion by Board Member Akin to DENY the requested Special Exception; seconded by Board Member Ford; motion failed 2-3 with Board Members Palmer, Ford, and Alwalee dissenting & application is neither approved nor denied.

**RULE:**

Pursuant to Mesquite Zoning Ordinance Sec. 5-208 (A)(2)(b) when a motion to deny fails, another motion must be made to dispose of the case.

**FINAL ACTION (SPECIAL EXCEPTION):**

Motion by Board Member Alwalee to APPROVE the requested Special Exception; seconded by Board Member Rice; motion carried 4-1 with Board Member Akin dissenting & application is approved as presented with Staff recommendations.

**ACTION (VARIANCE):**

Motion by Board Member Akin to DENY the requested Variance; seconded by Board Member Alwalee; motion carried 5-0 & application is denied.

**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*).

**PRESENTATION:**

Planner John Chapman briefed the Board.

**APPLICANT:**

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.

Planner Chapman handed a petition from the Applicant to the Board Members showing Mr. Howard's neighbors are okay with the structure.

**PUBLIC HEARING:**

Chairman Palmer opened the public hearing. There were no speakers in-person or by telephone. Chairman Palmer closed the public hearing.

**DISCUSSION:**

There was a discussion between Board Members, Staff, and Legal about carport standards and designs.

**ACTION (SPECIAL EXCEPTION AND VARIANCE):**

Motion by Board Member Rice to APPROVE the structure "AS IS"; seconded by Board Member Ford; motion failed 2-3 with Board Members Palmer, Alwalee, and Akin dissenting & application is DEEMED DENIED.

**RULE:**

Pursuant to Mesquite Zoning Ordinance Sec. 5-208 (A)(1)(b)(1) when a motion to approve fails the request/application is deemed denied.

**INQUIRY:**

Chairman Palmer asked Senior Assistant City Attorney Karen Strand what the next step would be. Attorney Strand stated the Board could make a MOTION TO RECONSIDER. A Board member on the "prevailing side" would have to be the one to make the MOTION TO RECONSIDER. If the MOTION TO RECONSIDER carried, the Board could then take up the matter again.

**ACTION – MOTION TO RECONSIDER:**

Motion by Board Member Alwalee to reconsider the matter; seconded by Board Member Akin; motion carried 5-0 & the Special Exception and Variance application(s) for BOA0620-0202 will be reconsidered by the Board.

**INQUIRY:**

Chairman Palmer asked Attorney Strand if the Chair could make a motion. Attorney Strand stated, yes, the Chair could make a motion.

**FINAL ACTION (SPECIAL EXCEPTION):**

Motion by Chairman Palmer to APPROVE the request for 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; seconded by Board Member Alwalee; motion carried 5-0 & application is approved as presented with Staff recommendations.

**ACTION (VARIANCE):**

Motion by Board Member Rice to DENY the requested Variance; seconded by Board Member Akin; motion carried 5-0 & application is denied.

**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.**

**PRESENTATION(S):**

Planner Lesley Froberg 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.

**MINUTES**

**AUGUST 27, 2020**

**BOARD OF ADJUSTMENT (BOA)  
CITY OF MESQUITE, TEXAS**

**City Hall  
City Council Chambers  
757 North Galloway Avenue  
Mesquite, Texas**

**REGULAR MEETING**

**ATTENDANCE: BOARD MEMBERS (REGULAR MEMBERS AND ALTERNATES)**

POSITION NO.	REGULAR MEMBER NAME	ATTENDANCE		
Position No. 1	Chairman Thomas Palmer	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 2	Mr. Aeneas Ford	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 3	Ms. Wana Alwalee	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 4	Mr. George Rice	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 5	Mr. Jack Akin	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent

ALTERNATE NO.	ALTERNATE NAME	ATTENDANCE		
Alternate No. 1	Benny Gordon	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> * Absent (* Attendance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes)
Alternate No. 2	Larry Good	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> * Absent (* Attendance Required: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes)

**ATTENDANCE NOTES:**

- In accordance with Governor Abbott’s suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, related to the Coronavirus (COVID-19) pandemic, and the guidance issued on the suspension by the Texas Attorney General’s Office this regular board meeting was conducted both in-person and by telephone conferencing to support adequate social distancing.
- Board members and City Staff in attendance (in-person) were present in the City Council Chambers, wore facial coverings over their face and mouth, and practiced social distancing of remaining at least 6-feet apart.
- At the beginning of the meeting, Alternate Benny Gordon was seated in the place of Board member Wana Alwalee. Board member Wana Alwalee contacted Staff via email stating she had technical difficulties and was unable to be virtually seated.. Ms. Alwalee was able to hear the meeting; therefore, she will not be counted as absent. Alternate Benny Gordon remained virtually seated for the entire meeting.

**ATTENDANCE: STAFF**

Johnna Matthews	Principal Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Lesley Frohberg	Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
John Chapman	Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Devanee Winn	Administrative Aide Devanee Winn	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Karen Strand	Senior Assistant City Attorney	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video
Garrett Langford	Manager of Planning & Zoning	<input type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Jeff Armstrong	Director of Planning & Development Services	<input type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video

**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 July 23, 2020, Board of Adjustment meeting.** Principal Planner Johnna Matthews requested that the Board postpone the July 23, 2020 minutes to a date certain of September 24, 2020.

**ACTION:**

Motion by Board Member Akin to POSTPONE to September 24, 2020, the adoption of the Board of Adjustment meeting minutes for the July 23<sup>rd</sup> meeting; seconded by Board Member Rice; motion carried 5-0 & the adoption of the July 23<sup>rd</sup> meeting minutes have been postponed.

**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 HEARING OPENED:**

Chairman Palmer opened the public hearing for the uncontested cases on Agenda Items 6, 7, 8, 9, and 10.

**SPEAKERS:**

There were no speakers in-person or by telephone.

**PUBLIC HEARING CLOSED:**

Chairman Palmer closed the public hearing.

**ACTION:**

Motion by Board Member Akin to APPROVE Agenda Items 6, 7, 8, 9, and 10; seconded by Alternate Gordon; motion carried 5-0 & applications are approved as presented with Staff recommendations.

**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).

**PRESENTATION:**

Planner John Chapman briefed the Board.

**DISCUSSION:**

Chairman Palmer asked Planner John Chapman if the Applicant was to sell the property and turn it into a rental, how would that be tracked. Planner Chapman answered that the owner would have to go through the City of Mesquite Rental Certificate of Occupancy (RCO) program which includes all the proper inspections and that is when the Owner would be told that renting an accessory dwelling unit would not be allowed. Alternate Gordon expressed concern that the utilities are not up to code. Planner Chapman explained that would be taken care of through the permit process. Chairman Palmer commented that the utilities are not the concern for the Board, only the accessory dwelling unit itself.

**APPLICANT:**

Applicant Roberto Munoz came up to speak. Mr. Munoz explained to the Board this procedure is their first step and if approved they will get all the proper permits and inspections.

**PUBLIC HEARING OPENED:**

Chairman Palmer opened the public hearing.

**SPEAKERS:**

There were no speakers in-person or by telephone.

**PUBLIC HEARING CLOSED:**

Chairman Palmer closed the public hearing.

**ACTION (SPECIAL EXCEPTION):**

Motion by Board Member Akin to APPROVE the request for Special Exception with Staff's recommendations, 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; seconded by Board Member Rice; Motion carried 5-0 & application is approved as presented with Staff recommendations

**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).**

**PRESENTATION:**

Principal Planner Johnna Matthews briefed the Board.

**APPLICANT:**

The Applicant Andrew Cone came up to speak. Mr. Cone explained his goal is to bring all utilities up to code and install one meter for both the main structure and accessory structure.

**PUBLIC HEARING OPENED:**

Chairman Palmer opened the public hearing.

**SPEAKERS:**

There were no speakers in-person or by telephone.

**PUBLIC HEARING CLOSED:**

Chairman Palmer closed the public hearing.

**DISCUSSION:**

Board Member Akin wanted to know how the City would make sure that the utilities would be brought up to code and one meter installed for both the main structure and the accessory structure. Board Member Akin also asked who is going to make sure the Applicant doesn't add another meter? Principal Planner Matthews stated that would be done through the permit process and Code Enforcement. Board Member Adkin stated he could not support this application because in the future there is nothing preventing a person from converting this be a multi-family dwelling. Attorney Strand explained that the City Council does recognize "accessory dwelling units" through the Mesquite Zoning Ordinance and that future issues that could possibly arise would be taken up by Code Enforcement and that the Board should not consider that in its decision. Attorney Strand also stated that the review criteria for "accessory dwelling units" is what the Board should be looking at today. Board Member Rice commented that the structure has been there since 1966 and the improvements will be a help to the neighborhood.

**ACTION (SPECIAL EXCEPTION):**

Motion by Board Member Rice to approve Option 2; 1) Structure to remain as it is today with a 328 Square foot one-car garage and a 400 square foot accessory dwelling unit, and 2) living area, kitchenette, and bathroom to remain as is; seconded by Board Member Ford; motion carried 5-0 & application is approved with Option 2 as identified herein.

**PUBLIC COMMENTS**

- 13. 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.**

There were no public comments.

**There being no further business for the Board, the meeting adjourned at 7:43 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.



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0720-0205
REQUEST: Special Exceptions (1) to allow a 400 square-foot front carport (2) to allow the front carport to be constructed with a flat roof, and (3) to allow a front porch cover constructed with a flat roof.
CASE MANAGER: John Chapman, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 24, 2020

GENERAL INFORMATION

Applicant &
Property Owner: Jose Guerrero
Location: 2305 Anita Drive

SITE BACKGROUND

Legal Description: Big Town Estates 1, Block A, Lot 7
Size: 7,783.18 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 directions.

CASE SUMMARY

The applicant is requesting three Special Exceptions to construct a 400 square-foot (17 feet ~4 inches by 24 feet ~4 inches) front carport with a flat roof attached to the residence, and a front porch cover constructed with a flat roof including 50 square feet attached to the residence and carport. The structure is partially under construction and will require modification. Once completed, the structure must pass a building inspection. All other regulations of the R-3 Zoning District will and must be met.

## MESQUITE ZONING ORDINANCE

---

### SEC. 2-603(E): FRONT CARPORTS

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

- 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 front carport is proposed to be constructed with a flat roof that will be attached to the residence.

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

#### STAFF COMMENTS:

The proposed front carport will include 400 square feet (17 feet ~4 inches by 24 feet ~4 inches) and will not extend 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 43 feet. Forty percent of this measurement is 17.2 feet, which is the proposed width of the front carport.

- 3) The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the carport shall not exceed the eave height of the house 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 approximately 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. The applicant will be applying for a concrete permit to expand the existing driveway.

**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 original garage being converted to living space. There is a paved alley adjacent to the rear property line, however there is no drive approach. The property was platted in January of 1959 and due to Section 2-401.C. of the Mesquite Zoning Ordinance, lots platted prior to October 1, 1984, are not required to provide an enclosed garage as covered parking did not become required until October 1, 1984.

**SEC. 2-604(C)(1 & 2): FRONT OR EXTERIOR PORCH COVERS**

- 1) 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.
- 2) 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:**

- 1) The proposed front porch cover will not extend into the front yard setback or exceed 1/3 of the façade width. The depth of the porch cover will be approximately 6 feet, which does not exceed the recommended compatible depth of 8 feet.
- 2) The porch cover is proposed to be constructed with a flat roof similar to the proposed carport, will be attached to the residence and carport, and will include 50 square feet. The porch cover will meet the design standards of Subsection B.3 related to trim fascia, column widths, and an internal gutter system.

**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:**

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

**PERMITS**

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- 1959 – Residential Building Permit
- 2000 – Accessory Structure Building Permit (160 square feet)
- 2017 – Plumbing Permit

**STAFF RECOMMENDATION**

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Staff recommends approval of the Special Exceptions to allow (1) an approximately 400 square foot front carport (2) constructed with a flat roof, and (3) a front porch cover constructed with a flat roof.

**PUBLIC NOTICE**

---

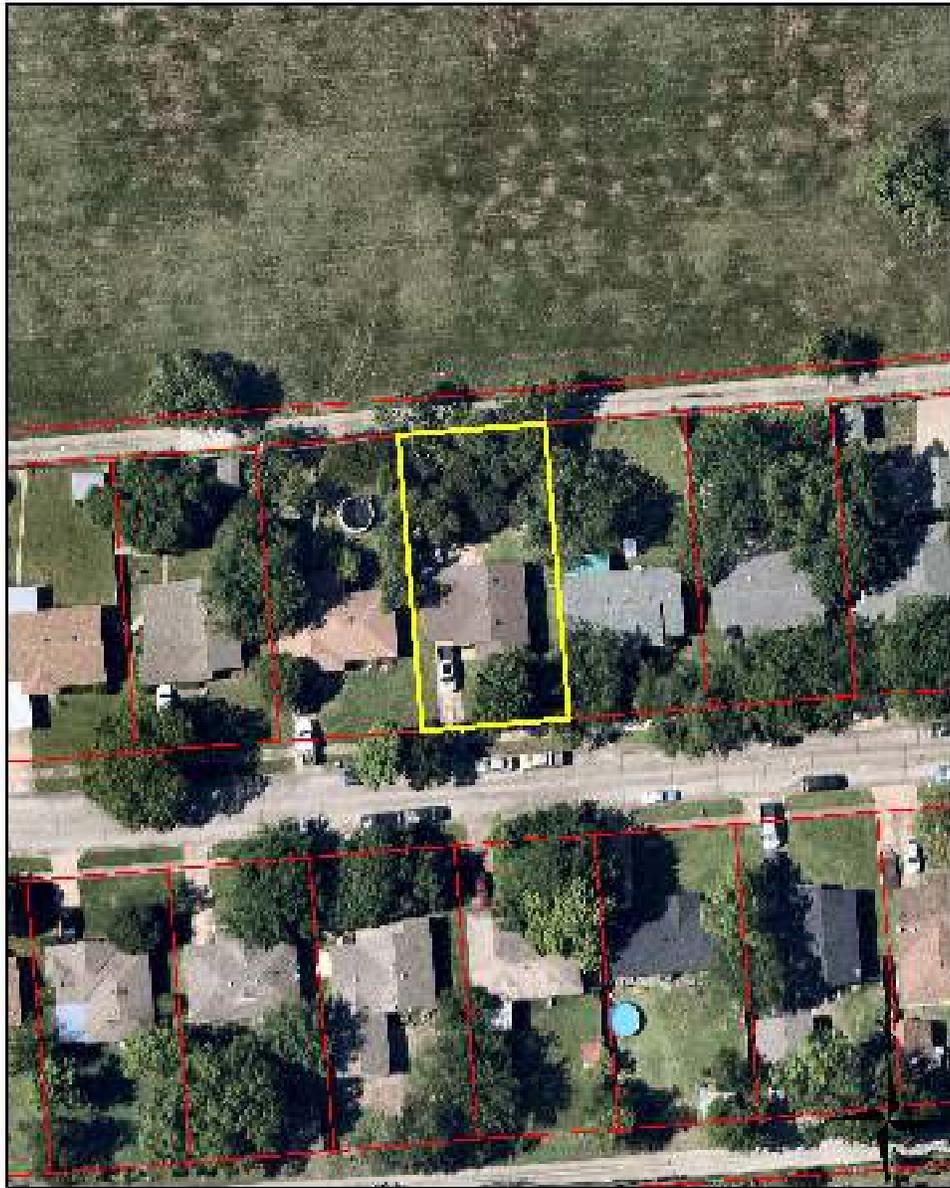
Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, there have been no returned notices.

**ATTACHMENTS**

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- 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:** See reverse side for request.  
**Applicant:** Jose Guerrero  
**Location:** 2305 Anita Drive

### Legend

-  Subject Property
-  Noticed Properties

**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.

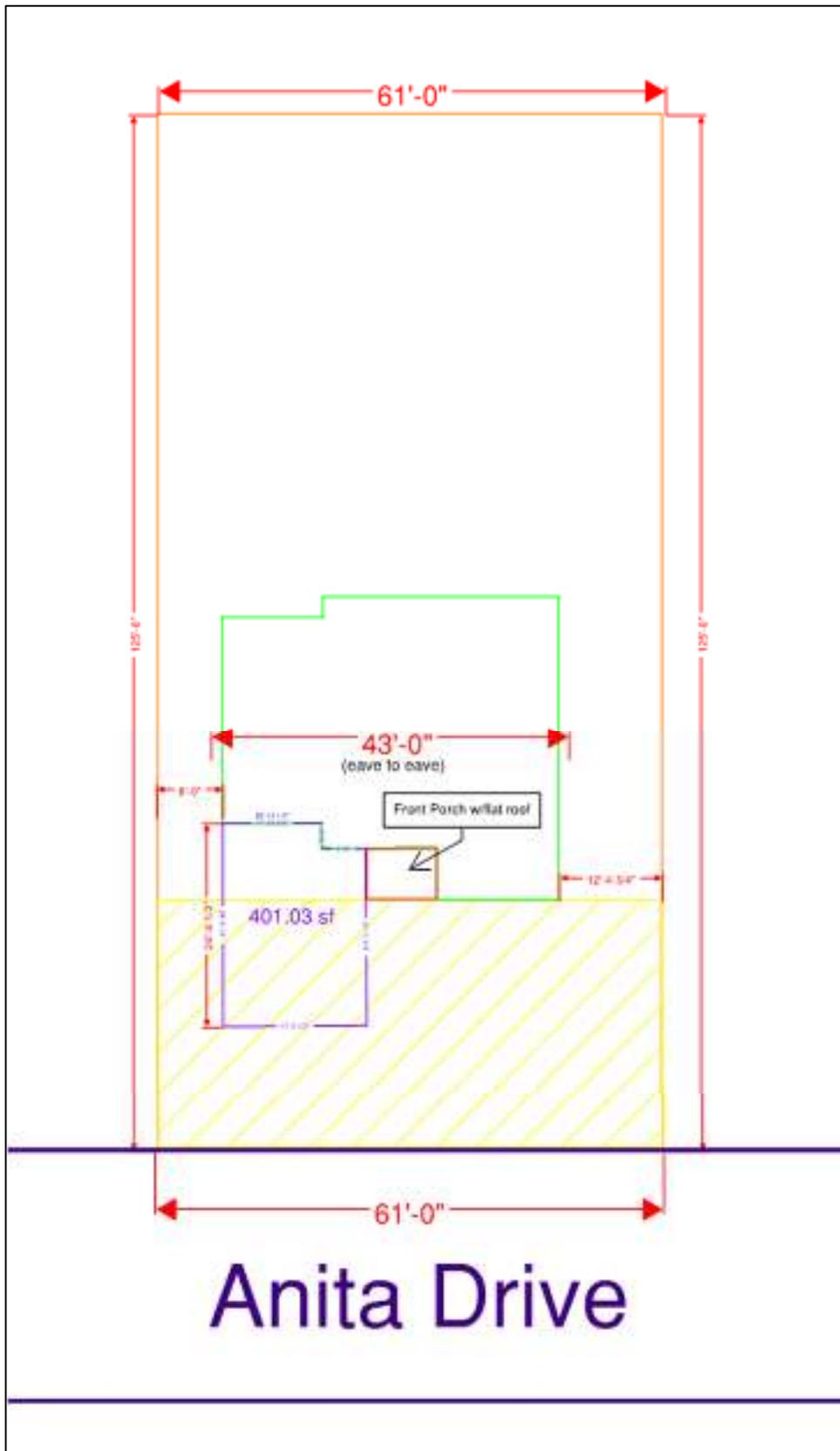
Property Owner: Jose Guerrero Phone Number: 214-938-8580  
Address: 8305 Anita Dr  
Mesquite TX 75149 Email Address: Guerrero6514@gmail.com  
Signature: 

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CONTINUE TO NEXT PAGE

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ATTACHMENT 4 – APPLICATION MATERIALS





PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0820-0211
REQUEST: Special Exceptions to (1) allow a 240 square foot front carport and (2) to allow an approximately 96 square foot front porch cover constructed with a flat roof.
CASE MANAGER: Lesley Frohberg, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 24, 2020

GENERAL INFORMATION

Applicant: Alejandro Araujo, Araujo Roofing and Remodeling
Property Owner: Ruben Montemayor Jr.
Location: 2425 Sybil Drive

SITE BACKGROUND

Legal Description: Big Town Estates 4, Block 6, Lot 23
Size: 16,965 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 directions.

CASE SUMMARY

The applicant is requesting two Special Exceptions to construct an approximately 240 square foot (12 feet by 20 feet) front carport with a pitched, open gable roof, attached to the residence, and an approximately 96 square foot front porch cover constructed with a flat roof, attached to the residence and front carport. All other regulations of the R-3 Zoning District will and must be met.

## MESQUITE ZONING ORDINANCE

---

### SEC. 2-603(E): FRONT CARPORTS

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

- 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 front carport is proposed to be constructed with a pitched roof with an open gable that will be attached to the residence.

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

#### STAFF COMMENTS:

The proposed front carport will include approximately 240 square feet (12 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 accommodates the proposed width of the front carport of 12 feet.

- 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 will be approximately 14 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 existing, approved driveway surface.

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

- 1) A front carport may be approved as a Special Exception on a lot zoned R-3 if the Board determines that the front carport would be compatible with the neighborhood. A front carport approved by Special Exception shall comply with the design standards of Section 2-603.E. In determining whether the requested front carport would be compatible with the neighborhood, the Board shall consider, among other things, the following characteristics:
  - a) Whether the front carport would afford the only opportunity to provide covered parking on the lot;
  - b) Whether the lot has paved alley access such that rear parking is available as an alternative to a front carport;
  - c) Whether parking behind the building line was not required at the time of construction; and
  - d) Whether the dwelling was originally built with either a one-car garage or no garage.

**STAFF COMMENTS:**

The front carport would afford the only opportunity for covered parking on the property due to the original garage being converted to living space. There is a paved alley adjacent to the rear property line, however, the subject property does not utilize the alley for rear access. The property was platted in September of 1960 and due to Section 2-401.C. of the Mesquite Zoning Ordinance, lots platted prior to October 1, 1984, are not required to provide an enclosed garage as covered parking did not become required until October 1, 1984.

**SEC. 2-604(C)(1 & 2): FRONT OR EXTERIOR PORCH COVERS**

- 1) 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.
- 2) 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:**

- 1) The proposed front porch cover will extend two (2) feet into the thirty (30) foot front yard setback and will not exceed 1/3 of the façade width. The depth of the porch cover will be approximately 8 feet, which does not exceed the recommended compatible depth of 8 feet.
- 2) The porch cover is proposed to be constructed with a flat roof of materials similar to the proposed carport and will be attached to the residence and carport. The porch cover will meet the design standards of Subsection B.3 related to trim fascia, column widths, and an internal gutter system.

**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:**

Staff does not anticipate any adverse impacts on the surrounding neighborhood as there are four similarly-constructed, front carports nearby on Sybil Drive.

**PERMITS**

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- 1994 – Plumbing Permit
- 2001 – Residential Building Permit for Accessory Structure
- 2019 – Residential Building Permit for Accessory Structure

**STAFF RECOMMENDATION**

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Staff recommends approval of the Special Exceptions (1) to allow an approximately 240 square foot front carport and (2) to allow an approximately 96 square foot front porch cover 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**

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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 & front porch cover with a flat roof.

**Applicant:** Alejandro Araujo, Araujo Roofing and Remodeling

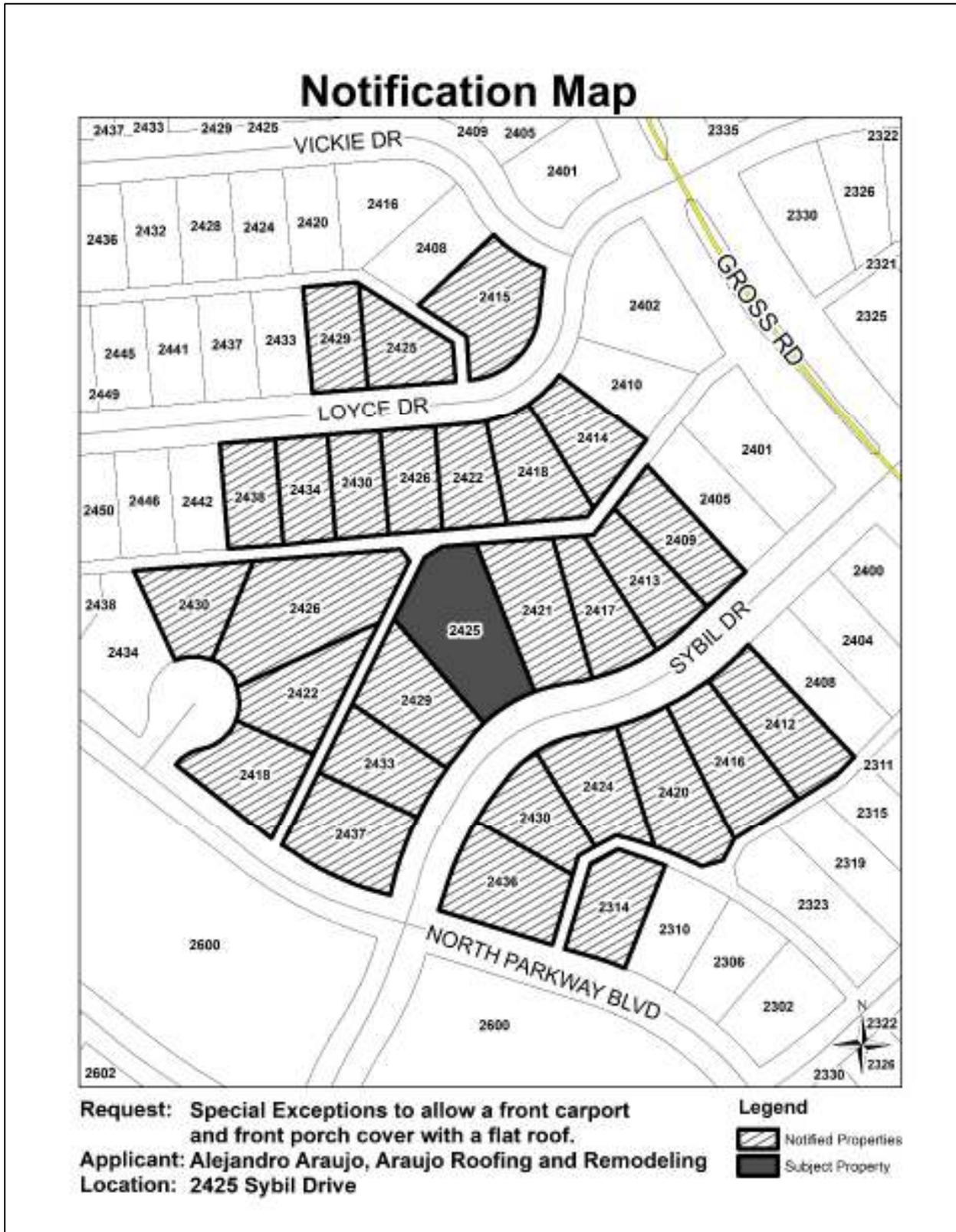
**Location:** 2425 Sybil Drive

**Legend**

 Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



**ATTACHMENT 3 – SITE PHOTOS**



**Front view of subject property**

ATTACHMENT 4 – APPLICATION MATERIALS

**MESQUITE TEXAS** | City of Mesquite  
Real. Texas. Flavor. | 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: 2425 Sybil Dr. City, State: Mesquite, Texas  
Zip Code: 75149

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

First Name: Magdalena Last Name: Montemayor  
Phone Number: (214) 994-4378 Email Address: magdalena.montemayor@mesquite.com  
I would like a translator at this meeting:  Yes       No      Language: Spanish

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

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

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

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

**Office Use Only**

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

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**ATTACHMENT 4 – APPLICATION MATERIALS**

**Additional Information**

Width of Home: 50 Feet Width of Carport: ~~500~~ 240 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: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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



Flat Roof

Pitched with Open Gable

Pitched with Closed Gable

Hip Roof

Describe the roof material: \_\_\_\_\_

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.

12 Feet

20 Feet      \_\_\_\_\_ Feet

\_\_\_\_\_ Feet

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

<p><b>Flat Roof</b></p> <p>_____ Feet High</p>	<p><b>Pitched with Open Gable</b></p> <p><u>14</u> 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>

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ATTACHMENT 4 – APPLICATION MATERIALS

**Front Porch Cover 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 type="checkbox"/> Garage Addition	<input type="checkbox"/> Storage Building	<input type="checkbox"/> Joint Use Parking	<input type="checkbox"/> Temporary Uses
<input type="checkbox"/> New Residence	<input type="checkbox"/> Detached Garage	<input checked="" type="checkbox"/> Parking Reduction	<input type="checkbox"/> Tree Preservation
<b>Nonconforming</b>	<input checked="" type="checkbox"/> Patio Cover	<input type="checkbox"/> Flag Poles >75 Ft	<input type="checkbox"/> Oversized Antenna
<input type="checkbox"/> Use	<input type="checkbox"/> Oversized Accessory Structure	<input type="checkbox"/> Reverse Vending Machine	<input type="checkbox"/> Lighted Game Courts
<input type="checkbox"/> Premise	<input type="checkbox"/> Accessory Dwelling Unit	<input type="checkbox"/> Oversized Accessory Structure	<input type="checkbox"/> Livestock
<input type="checkbox"/> Structure			

Height of Structure: 8 Feet      Size of Structure: 90 Square Feet

Roof Pitch (If applicable): flat roof

Describe Materials Used:  
metal

---

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

Describe the structure and its purpose:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

January 2020 CONTINUE TO NEXT PAGE Page 2 of 11

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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's the only covered parking.*

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

If yes, how?

*There is others.*

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, measurements, or other aerial observations of the property and to take any other actions that the City of Mesquite, its agents or employees may deem necessary to carry out the purpose of this application.
4. I have read and understand the information contained in the First Open House Meeting, December 11, 2019, regarding this project.

Owner Name: John W. Hartman Phone Number: 972-361-1111

Address: 2425 Spill Drive

Enclosure: Other: see meeting

Signature: [Handwritten Signature]

ATTACHMENT 4 – APPLICATION MATERIALS





**FILE NUMBER:** BOA0820-0212  
**REQUEST:** Special Exception to allow for the keeping of livestock including fifty chickens and six goats for private use.  
**CASE MANAGER:** Johnna Matthews, Principal Planner

**PUBLIC HEARING**

Board of Adjustment: Thursday, September 24, 2020

**GENERAL INFORMATION**

Applicant &  
 Property Owner: Nohe Ponce  
 Location: 3470 McKenzie Road

**SITE BACKGROUND**

Legal Description: J P Anderson ABST 1 PG 285  
 Size: 1.42 acres  
 Zoning: AG, Agricultural  
 Zoning History: 1984 – Annexed and Zoned Agricultural

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
<b>NORTH:</b>	AG, Agricultural	Undeveloped
<b>SOUTH:</b>	AG, Agricultural	Single-Family Residence
<b>EAST:</b>	AG, Agricultural	Single-Family Residence & Undeveloped
<b>WEST:</b>	LC, Light Commercial & City of Dallas	Undeveloped

## **CASE SUMMARY**

---

The applicant is requesting a Special Exception to allow for the keeping of livestock. Specifically, the applicant is requesting approval to keep fifty chickens and six goats for private use. The Mesquite Zoning Ordinance (MZO) defines livestock as animals generally raised on farms, including cattle, sheep and goats, swine, poultry (chickens, turkeys, ducks, geese, fowl, etc.) and horses, mules, and donkeys.

## **MESQUITE ZONING ORDINANCE**

---

### **SEC. 2-203.C.10: KEEPING OF LIVESTOCK (PRIVATE)**

A Special Exception is required for the keeping of livestock, if the following conditions are not met:

- a. Minimum lot size of two acres.
- b. Maximum of one animal per acre.
- c. Fencing to retain grazing animals is required.

### **STAFF COMMENTS:**

The applicant is requesting approval of a Special Exception to allow the keeping of fifty-six animals, which exceeds the number of animals allowed on the property by 54 animals.

- a. The subject property includes 1.42 acres of land.
- b. The applicant is requesting approval in order to keep fifty chickens and six goats on the property.
- c. The fifty chickens are located near the rear of the property within a fenced-in chicken coop. The six goats are located within a separate fenced-in area near the front of the property.

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

1) Special Exceptions.

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

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

### **STAFF COMMENTS:**

Staff does not anticipate any adverse impacts on adjacent property due to the keeping of live-

stock. There are several properties within the immediate vicinity that have livestock. Additionally, surrounding properties are mostly vacant/undeveloped, with exception to a single-family residence on the other side of McKenzie and a single-family residence to the south, which is over 250 feet from where the animals are kept. The property includes over an acre of land with separate areas for the chickens and the goats. According to the applicant, the animals are for private use only.

## **PERMITS**

---

- 2006 – Fence permit
- 2015 – Demolition of 1,800 square foot single-family residence
- 2016 – Plumbing permit
- 2016 – Building permit for new 2,545 square foot home
- 2020 – Building permit for oversized accessory structure approved by the BOA May, 2020

## **STAFF RECOMMENDATION**

---

Staff recommends approval of the Special Exception to allow for the keeping of livestock, including fifty chickens and six goats for private use, subject to the following condition:

1. If any additional livestock over fifty chickens and six goats are requested, Board of Adjustment approval will be required.

## **PUBLIC NOTICE**

---

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

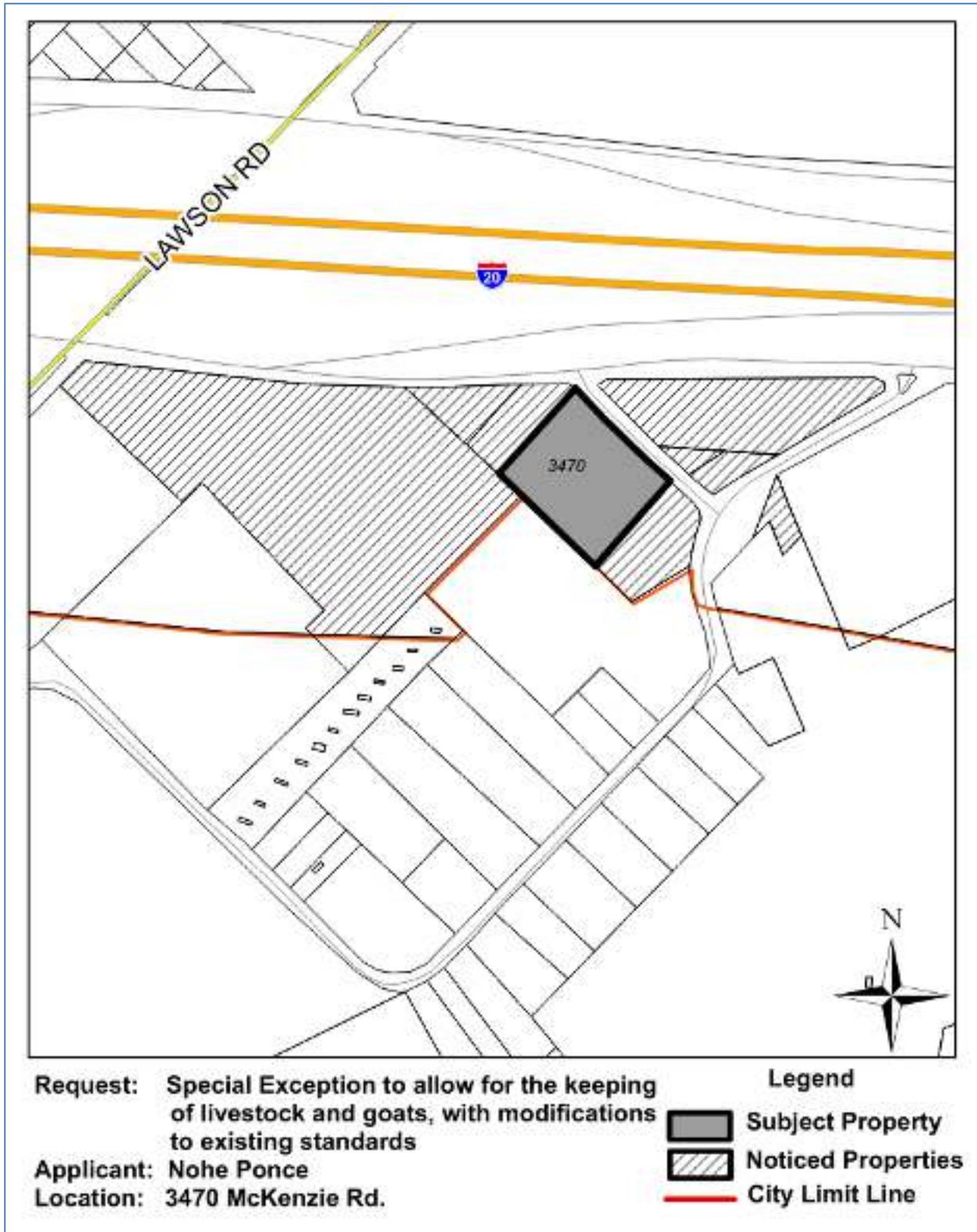
## **ATTACHMENTS**

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



ATTACHMENT 2 – NOTIFICATION MAP



**ATTACHMENT 3 – SITE PHOTOS**



**Street view of subject property**



**Street view of subject property.**

**ATTACHMENT 3 – SITE PHOTOS**



**View of where animals are kept on the property.**



**View of where chickens are kept on the 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 application for which I am applying.

Property Owner: NOHE S. PONCE Phone Number: 408-592-4957  
Address: 3470 McKenzie Rd  
Mesquite Tx 75181 Email Address: dpance860@gmail.com  
Signature: 

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PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0820-0214
REQUEST: Special Exception to allow an oversized accessory structure that is 2,000 square feet and 18 feet in height
CASE MANAGER: Lesley Frohberg, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 24, 2020

GENERAL INFORMATION

Applicant: Artemio Trejo
Property Owner: Lucia Tucker
Location: 2585 Edwards Church Road

SITE BACKGROUND

Legal Description: McDaniel Plat, Lot 1
Size: 0.933 acres
Zoning: AG, Agriculture
Zoning History: 1974 – Annexed into Mesquite and zoned R – Residential

Surrounding Zoning and Existing Land Uses:

Table with 2 columns: ZONING and EXISTING LAND USE. Rows include NORTH, SOUTH, EAST, and WEST with corresponding zoning codes and existing land uses like Terry Middle School and Single-Family Residence.

CASE SUMMARY

The applicant is requesting a Special Exception to allow a proposed 2,000 square foot accessory structure (40 feet by 50 feet) that is 18 feet in height in the rear yard. The applicant has indicated that he plans to use the accessory structure for storage of personal lawn equipment, boat, RV, and as a workshop. The applicant provided sample images of what he would like the proposed building to look like in Attachment 4. All other requirements of the AG Zoning District will be met.

## MESQUITE ZONING ORDINANCE

---

### 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 proposed to be approximately 18 feet, which exceeds the maximum height of 15 feet. Further, the structure's size is proposed to be 2,000 square feet, which exceeds the maximum size of 1,000 square feet allowed in the Agriculture Zoning District by approximately 1,000 square feet. The lot size is approximately 40,641.5 square feet, according to the Dallas Appraisal District. Ten percent of the lot area is 4,064.2, which is greater than the size of the proposed accessory structure. Based on the existence of similarly sized structures located at 2450 and 2500 Edwards Church Road, Staff finds 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 the 2,000 square foot, 18 feet in height, oversized accessory structure at this location due to the property's size and the existence of other approved oversized accessory structures within the immediate area.

## PERMITS

---

1996 – Irrigation Permit  
1997 – Plumbing Permit  
2018 – Foundation Repair

## STAFF RECOMMENDATION

---

Staff recommends approval of the Special Exception to allow a proposed oversized accessory structure including approximately 2,000 square feet and 18 feet in height.

## **PUBLIC NOTICE**

---

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

## **ATTACHMENTS**

---

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

ATTACHMENT 1 – AERIAL MAP

# Aerial Map



**Request: Special Exceptions to allow an oversized accessory structure.**

**Applicant: Artemio Trejo**

**Location: 2585 Edwards Church Rd.**

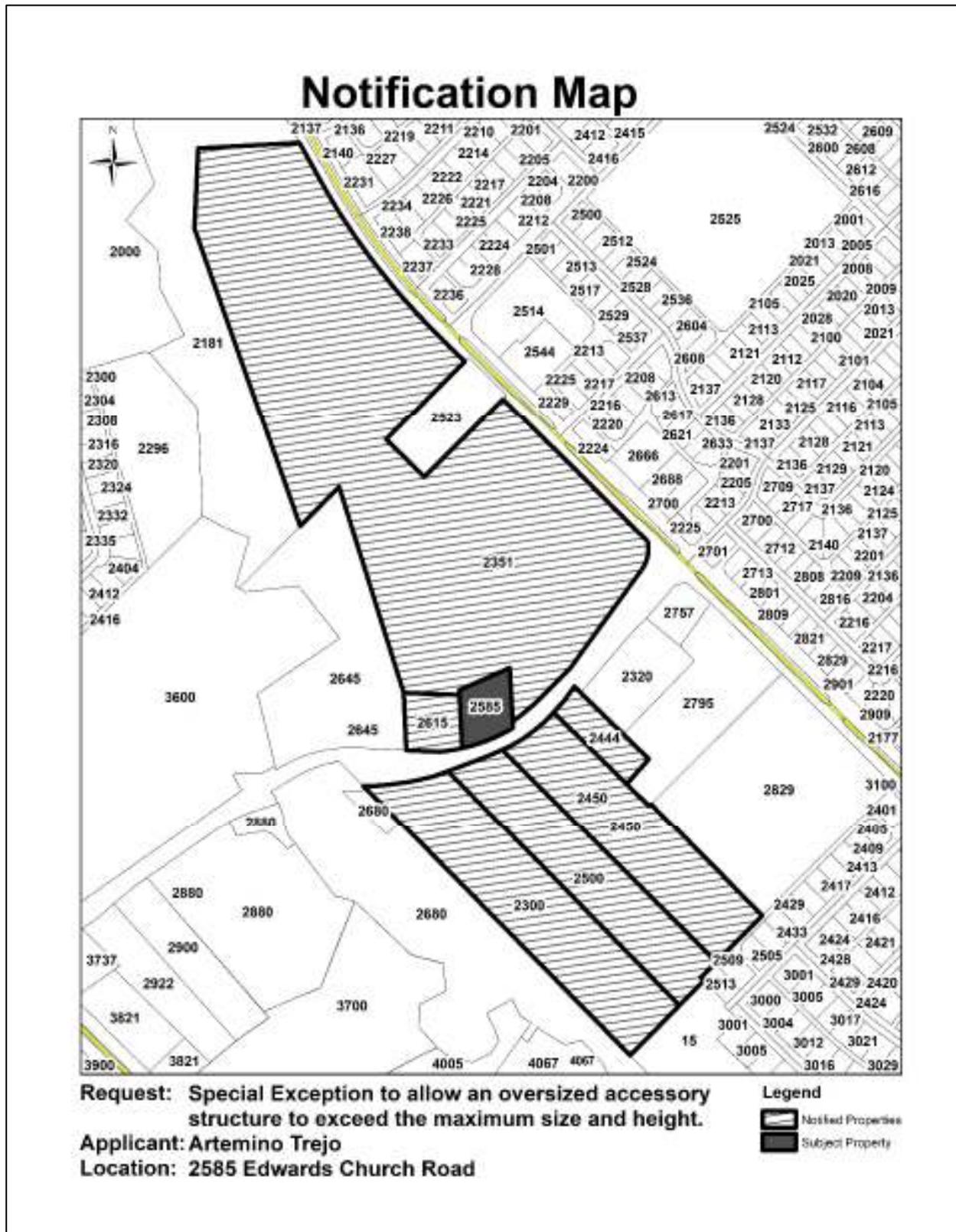
**Legend**

 Subject Property

N

0 85 130 280 390 Feet

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



**ATTACHMENT 3 – SITE PHOTOS**



Street view of the subject property.



Street view of the subject property showing location of proposed accessory structure.

**ATTACHMENT 3 – SITE PHOTOS**



Rear yard of the subject property.

ATTACHMENT 4 – APPLICATION MATERIALS

**MESQUITE TEXAS** | City of Mesquite  
Real. Texas. Service. | 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-Variations>.

**Application Checklist**

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

---

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

Physical Address: 2585 Edwards Church Rd City, State: Mesquite, Texas  
Zip Code: 75181

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

First Name: Artemio Last Name: Trejo  
Phone Number: 214-254-7848 Email Address: Art@hartgc.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: Lucia Last Name: Tucker  
Phone Number: 214-803-1806 Email Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City, State: \_\_\_\_\_  
(If different from physical address)  
Zip Code: \_\_\_\_\_

**Office Use Only**

Subdivision: McDaniel Pt Block: \_\_\_\_\_ Lot: 1  
Size of Property: \_\_\_\_\_ Square Feet    When was the property platted: \_\_\_\_\_  
Date Received: 8/24 Project Intake: \_\_\_\_\_ Case Number: BOA0820-0214  
 Special Exception (\$200)     Residential Variance (\$200)     Non-Residential Variance (\$500)     Appeals (\$300)

January 2020    **CONTINUE TO NEXT PAGE**    Page 1 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?

Aesthetically the building would look better as one instead of two separate 1,000 s.f. buildings. I have an acre lot so the building will be a good size for the lot. Also, all my neighbors have storage / workshops on their properties.

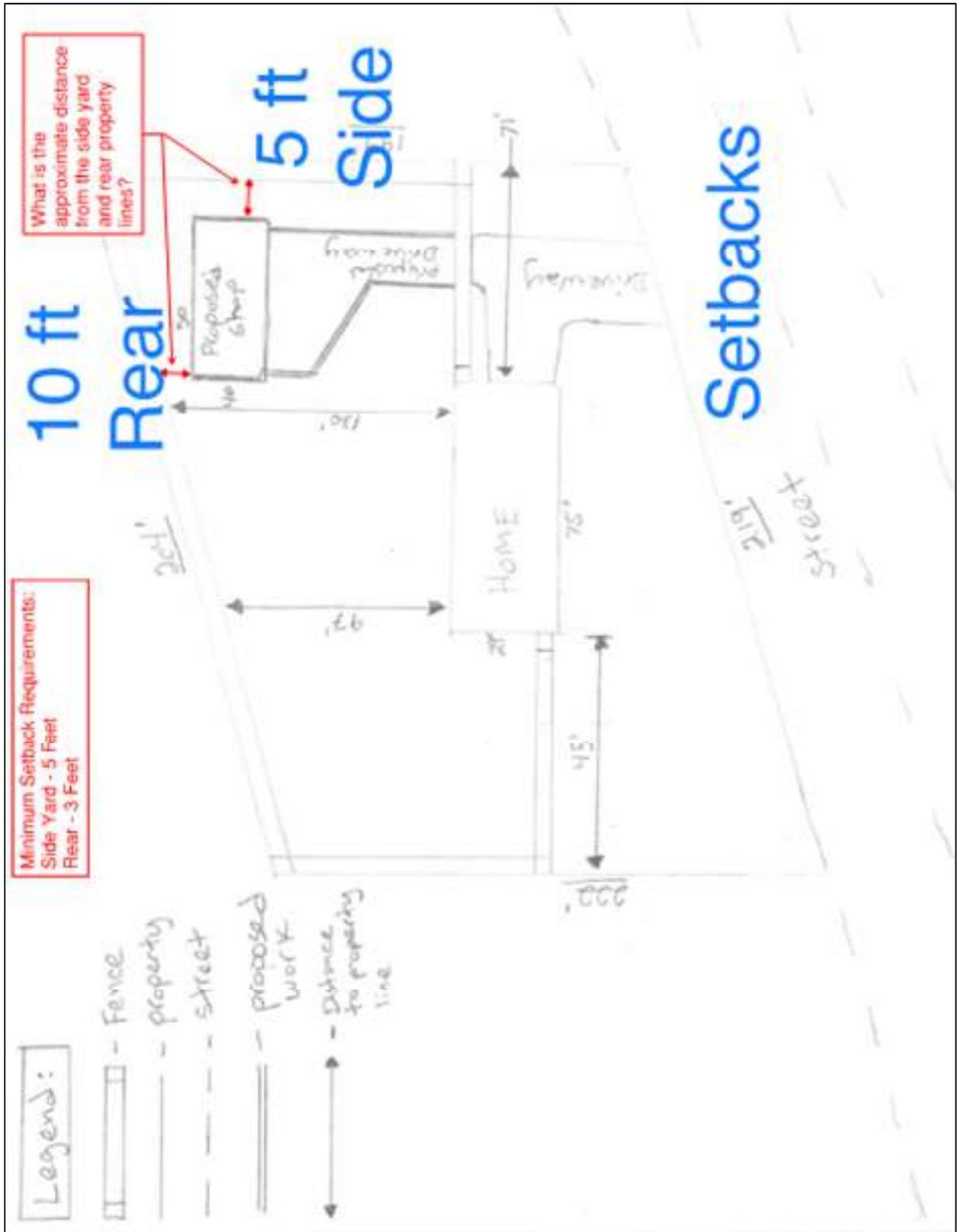
Will the Special Exception be compatible with the surrounding neighborhood?

Yes  No

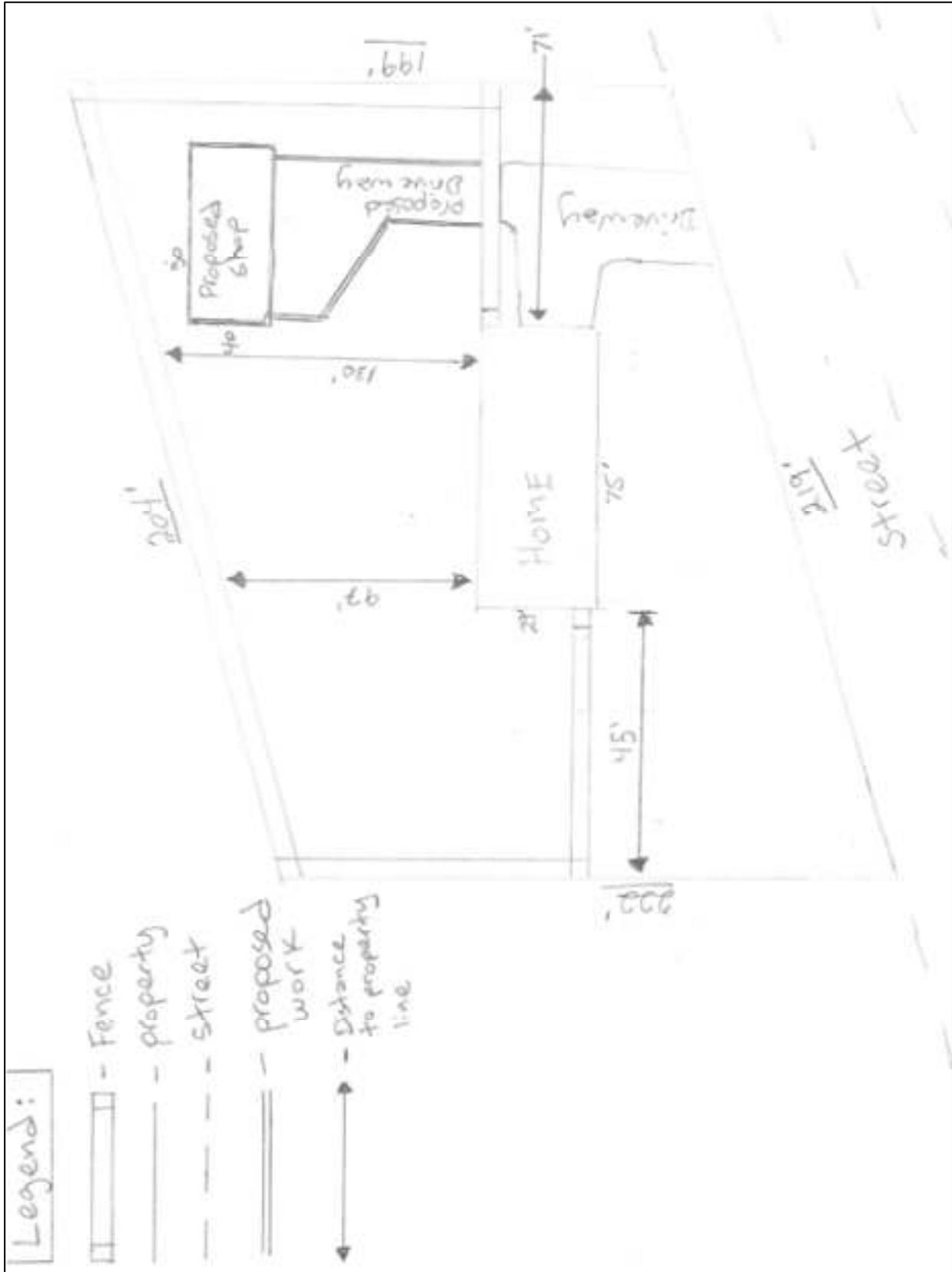
If yes, how?

My neighbors already have storage buildings. We live in the Agriculture district of Mesquite.

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS



**ATTACHMENT 4 – APPLICATION MATERIALS**



Sample Building (Photo provided by applicant)



Sample Building (Photo provided by applicant)

**ATTACHMENT 4 – APPLICATION MATERIALS**



Sample Building (Photo provided by applicant)



Sample Building (Photo provided by applicant)



**FILE NUMBER:** BOA0820-0215  
**REQUEST:** Special Exceptions (1) to allow a 380 square foot front carport and (2) to allow the front carport to be constructed with a flat roof.  
**CASE MANAGER:** Johnna Matthews, Principal Planner

**PUBLIC HEARING**

Board of Adjustment: Thursday, September 24, 2020

**GENERAL INFORMATION**

Applicant &  
 Property Owner: Helen Ethridge  
 Location: 1614 Greywood Drive

**SITE BACKGROUND**

Legal Description: El Tierra Estates 1, Lot 0010, Block B  
 Size: 7,492 square feet  
 Zoning: R-3, Single Family Residential  
 Zoning History: 1958 – Annexed 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:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
<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**

---

The applicant is requesting Special Exceptions to construct a 380 square-foot (19 feet by 20 feet) front carport with a flat roof. The carport will be integrated into the roof of the residence and will be 9 feet in height. The front carport is proposed to be constructed of metal and will be located over an existing concrete driveway. According to the drawing submitted by the applicant, the carport will be setback 9 feet from the west property line and over 9 feet from the east property line. 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 will be constructed with a flat roof and will attached to the residence.

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

#### **STAFF COMMENTS:**

The proposed front carport will include 380 square feet and will not extend 20 feet beyond the 25-foot front building line required in the R-3 Zoning District. The width of the proposed carport will not exceed 40 percent of the length of the front façade of the home, as the length of the home is 60 feet and the proposed width of the carport is 19 feet.

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

#### **STAFF COMMENTS:**

The height of the proposed front carport will be 9 feet in height, which will not exceed the height of the roof of the residence. 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 constructed 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 proposed front carport would not afford the only opportunity to provide covered parking on the lot, as the home includes an attached 440 square foot two-car garage. There is paved alley access in the rear; however, there is no drive approach. Parking behind the building line was not required when the home was constructed in 1973.

**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:**

According to the applicant, approval of the Special Exception will protect the owner's additional vehicles from weather elements. Staff does not anticipate any adverse impacts on the surrounding neighborhood as there are similarly-constructed front carports in the area.

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

- 2) In approving a Special Exception, the Board is authorized, but not required, to approve an applicant's request for a carport with a flat roof and/or metal exterior if the Board determines

**File No.: BOA0820-0215**  
**Special Exceptions**

that a flat roof and/or metal exterior would be compatible with the neighborhood. The Board shall consider, among other things, the following characteristics:

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

**STAFF COMMENTS**

The request is for a front carport on a lot platted in 1971; after December 21, 1964. There are similar carports constructed on Greywood Drive, including a front carport located at 1606 Greywood Drive, approved by the Board of Adjustment in 2003.

**PERMITS**

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- 2016: Plumbing
- 2000: Fire repair
- 2000: Electrical
- 1994: Swimming pool

**STAFF RECOMMENDATION**

---

Staff recommends approval of the Special Exception to allow a 380 square-foot front carport, with a flat roof.

**PUBLIC NOTICE**

---

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

**ATTACHMENTS**

---

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



**Request:** Special Exceptions to allow a front carport.

**Applicant:** Helen Ethridge

**Location:** 1614 Greywood Dr.

**Legend**



**Subject Property**

**ATTACHMENT 2 – PUBLIC NOTIFICATION MAP**



**Request:** Special Exception to allow a front carport.  
**Applicant:** Helen Ethridge  
**Location:** 1614 Greywood Dr..

**Legend**

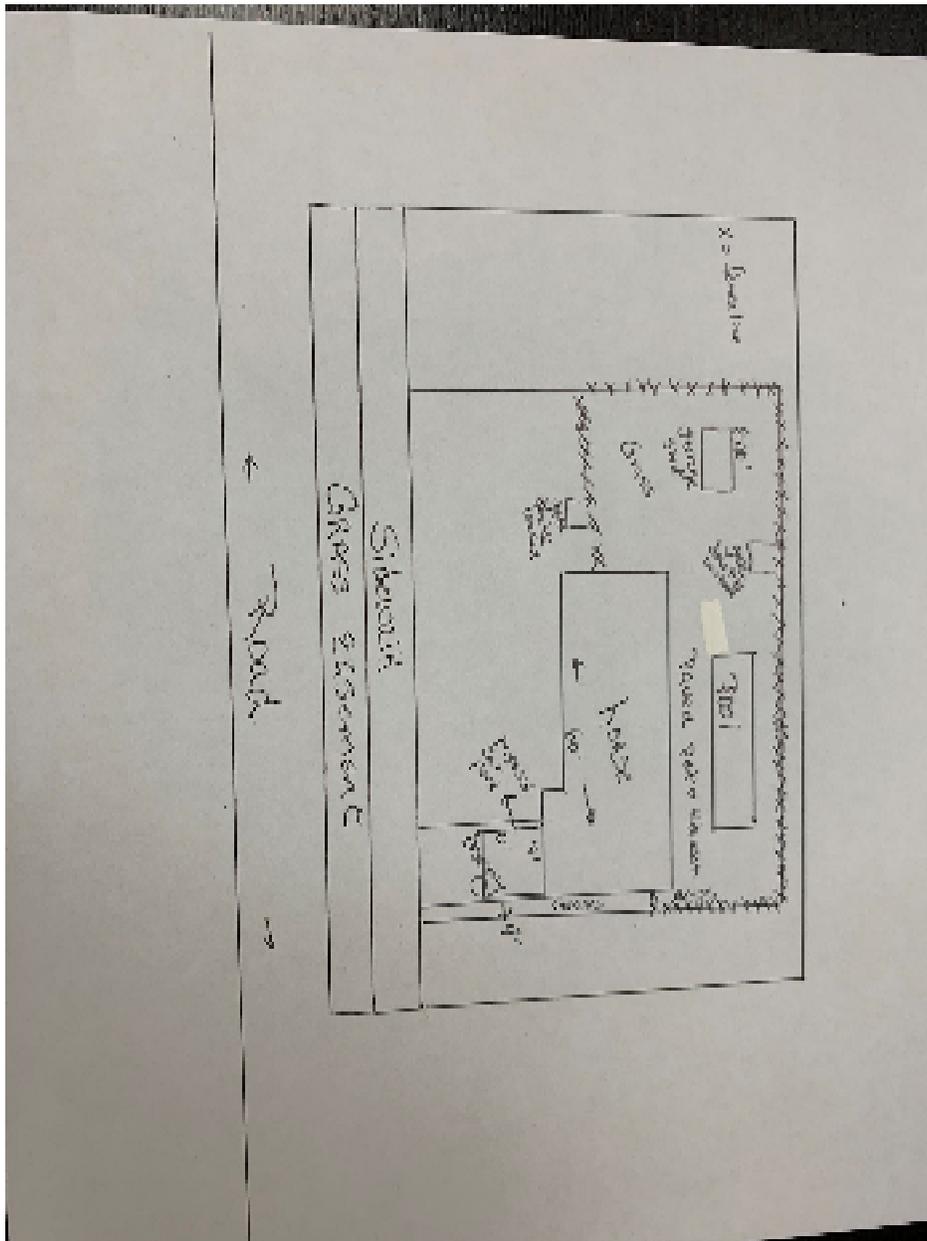
-  Subject Property
-  Noticed Properties

**ATTACHMENT 3 – SITE PHOTOS**



**Front view of subject property**

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION PAGE Page 9 of 12

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 Carpet Design Standards, Requirements, & Application packet

Owner Name: Helen Strbridge Phone Number: 214-893-8848

Address: 1614 Greywood Dr Email Address: bubblesblakey@gmail.com  
Mesquite Tx 75149

Signature: Helen Strbridge

CONTINUE TO NEXT PAGE Page 7 of 12

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PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0820-0216
REQUEST: Special Exceptions (1) to allow an 400 square-foot front carport (2) to allow the front carport to be constructed with a flat roof, and (3) to allow an 97.5 square-foot front porch cover constructed with a flat roof.
CASE MANAGER: Lesley Frohberg, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 24, 2020

GENERAL INFORMATION

Applicant: Esmeralda Perez
Property Owner: Conrado and Esmeralda Perez
Location: 2727 Cary Drive

SITE BACKGROUND

Legal Description: Casa Ridge Heights 1, Block J, Lot 30
Size: 7,517 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 directions.

CASE SUMMARY

The applicant is requesting three Special Exceptions to construct a 400 square-foot (20 feet by 20 feet) front carport with a flat roof, attached to the residence, and an approximately 97.5 square-foot front porch cover constructed with a flat roof, attached to the residence and front carport. All other regulations of the R-3 Zoning District will and must be met.

## MESQUITE ZONING ORDINANCE

---

### SEC. 2-603(E): FRONT CARPORTS

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

- 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 front carport is proposed to be constructed with a flat roof that will be attached to the residence.

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

#### STAFF 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 53 feet. Forty percent of this measurement is 21 feet, 2 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 will be approximately 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 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 two-car garage. There is a paved alley adjacent to the rear property line, however, the subject property does not utilize the alley for rear access. The property was platted in April of 1959 and due to Section 2-401.C. of the Mesquite Zoning Ordinance, lots platted prior to October 1, 1984, are not required to provide an enclosed garage as covered parking did not become required until October 1, 1984.

**SEC. 2-604(C)(1 & 2): FRONT OR EXTERIOR PORCH COVERS**

- 1) 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.
- 2) 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:**

- 1) The proposed front porch cover will not extend into the thirty (30) foot front yard setback and will not exceed 1/3 of the façade width. The depth of the porch cover will be approximately 7 feet 6 inches, which does not exceed the recommended compatible depth of 8 feet.
- 2) The porch cover is proposed to be constructed with a flat roof of materials similar to the proposed carport and will be attached to the residence and carport. The porch cover will meet the design standards of subsection B.3 related to trim fascia, column widths, and an internal gutter system.

**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:**

Staff does not anticipate any adverse impacts on the surrounding neighborhood as there are six similarly-constructed, front carports nearby on Cary Drive.

**PERMITS**

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- 2001 – Electric Permit
- 2002 – Residential Building Permit for Foundation Repair

**STAFF RECOMMENDATION**

---

Staff recommends approval of the Special Exceptions (1) to allow an approximately 400 square-foot front carport (2) constructed with a flat roof, and (3) to allow an approximately 97.5 square-foot front porch cover constructed with a flat roof.

**PUBLIC NOTICE**

---

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

**ATTACHMENTS**

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

# Aerial Map



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

**Applicant:** Esmeralda Perez

**Location:** 2727 Cary Drive

**Legend**

 Subject Property



0 30 60 120 180 Feet

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: 2727 Cary Dr City, State: Mesquite, Texas  
Zip Code: 75150

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

First Name: Esmeralda Last Name: Perez  
Phone Number: 214 801 4095 Email Address: esmeralda3530@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: Conrado and Esmeralda Last Name: Perez  
Phone Number: 214-801-4095 Email Address: esmeralda3530@yahoo.com  
Mailing Address: 2727 Cary Dr City, State: Mesquite TX  
(If different from physical address)  
Zip Code: 75150

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

**Office Use Only**

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

ATTACHMENT 4 – APPLICATION MATERIALS

**Additional Information**

Width of Home: 48 Feet Width of Carport: 20 Feet

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

**Carport Design**

Carport Status:  Existing  Proposed

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

---

---

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

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

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

Wood  Metal  Masonry

Describe the colors used on the carport: white

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

---

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



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

Describe the roof material: \_\_\_\_\_

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

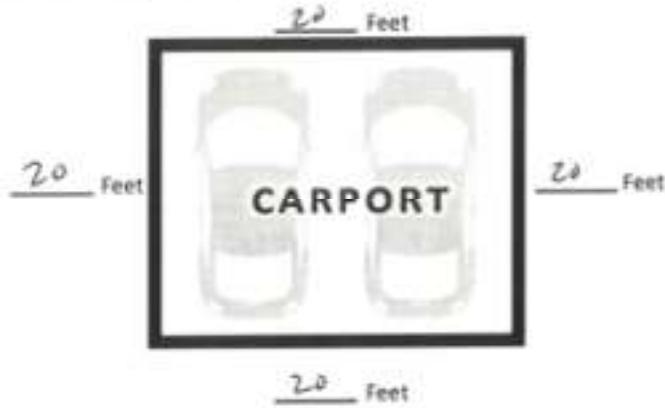
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ATTACHMENT 4 – APPLICATION MATERIALS

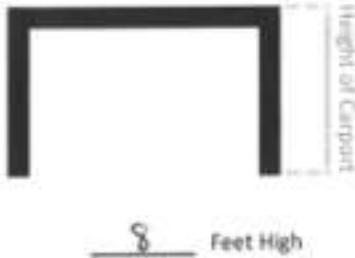
Carport Design, Continued

Indicate each length of the carport using the space below.

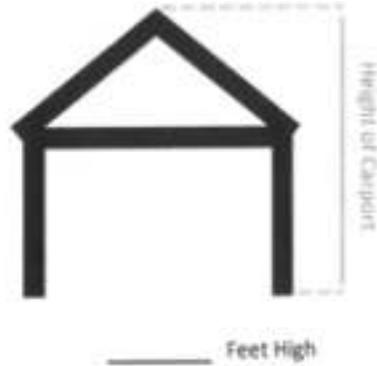


Indicate the height of the carport using the space below based on the roof type previously selected.

Flat Roof



Pitched with Open Gable



Pitched with Closed Gable



Hip Roof



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?

To protect cars in the summer and from bird waste

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

If yes, how?

Several across the street from us

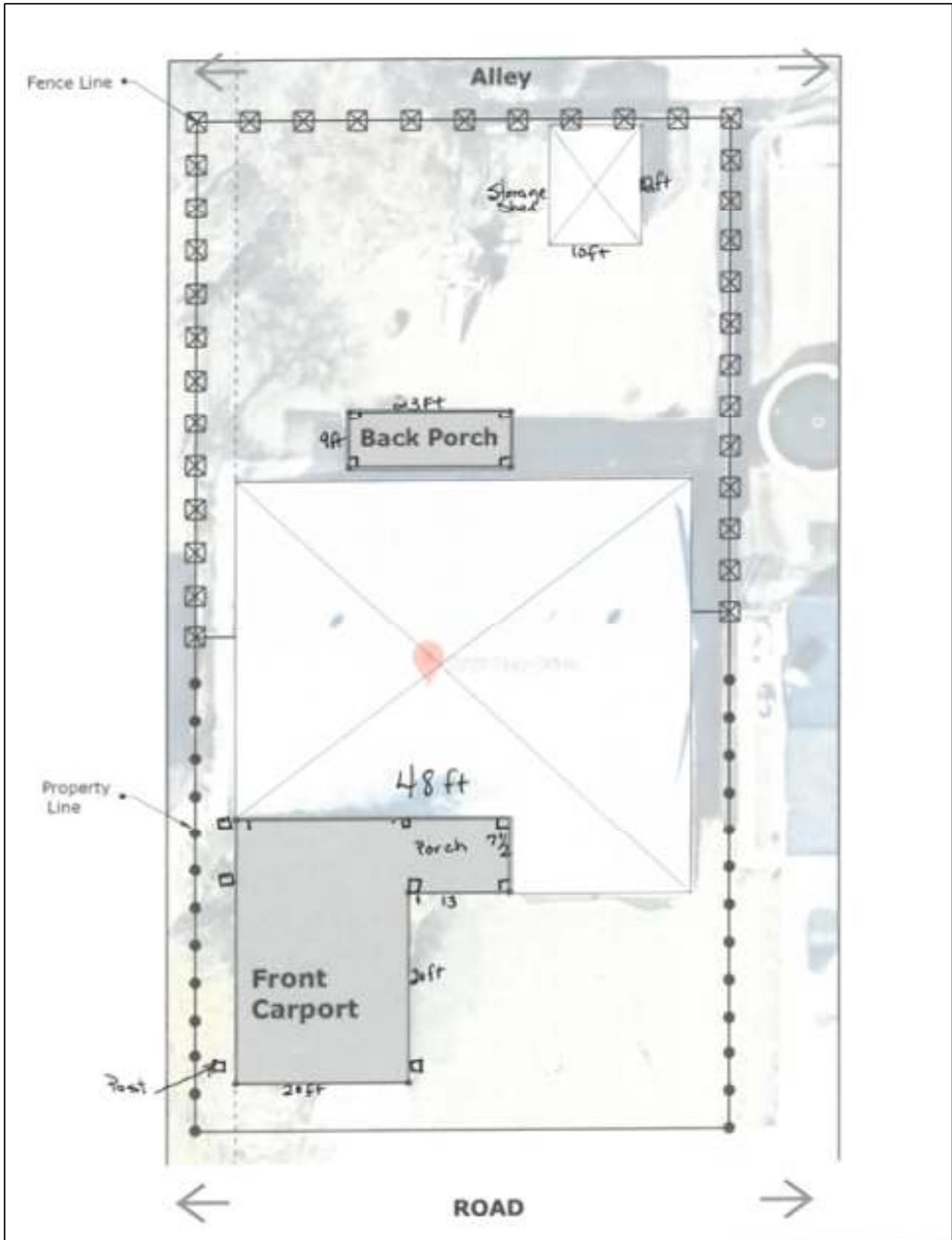
ATTACHMENT 4 – APPLICATION MATERIALS

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: Esmeralda Perez Phone Number: 214-801-4095  
Address: 2727 Cary Dr  
Mesquite, TX 75150 Email Address: esmeralda3530@yahoo.com  
Signature: Esmeralda Perez

ATTACHMENT 4 – APPLICATION MATERIALS



**ATTACHMENT 5 – RETURNED PROPERTY OWNER NOTICE**



**NOTICE OF PUBLIC HEARING**

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **September 24, 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:	BOA0820-0216
Applicant:	Esmeralda Perez
Property Owner:	Conrado and Esmeralda Perez
Property Location:	2727 Cary Drive
Legal Description:	Casa Ridge Heights 1, Block J, Lot 30
Requested Action:	Special Exceptions (1) to allow an approximately 400 square foot front carport, (2) to allow an approximately 97.5 square foot front porch cover and (3) to allow the front carport and front porch cover to be constructed with a flat roof.

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

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

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

BOA Case: BOA0820-0216	<input checked="" type="checkbox"/>	Name: <u>Thomas G Wilcoxen</u>
I am <u>in favor</u> of this request		(required)
I am <u>opposed</u> to this request		Address: <u>1105 DUCANGO</u>
Reasons (optional):		(required) <u>GARLAND TX 75043</u>

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

**RECEIVED**  
SEP 17 2020  
PLANNING AND ZONING



PLANNING AND ZONING DIVISION

**FILE NUMBER:** BOA0820-0217  
**REQUEST:** Special Exception to allow a front carport including 376 square feet.  
**CASE MANAGER:** John Chapman, Planner

**PUBLIC HEARING**

Board of Adjustment: Thursday, September 24, 2020

**GENERAL INFORMATION**

Applicant &  
 Property Owner: Jose Luis Rivera  
 Location: 1333 Highland Street

**SITE BACKGROUND**

Legal Description: Northridge Estates 2, Block 35, Lot 28  
 Size: 7,545.39 square feet  
 Zoning: R-3 Single Family Residential  
 Zoning History: 1951 – Annexed 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 a Special Exception to construct a 376 square-foot (18', 10" by 20') front carport with a pitched and closed gable roof attached to the residence. The front carport is proposed to be constructed of wood and located over an existing driveway. All other regulations of the R-3 Zoning District will be met.

## **MESQUITE ZONING ORDINANCE**

---

### **SEC. 2-603(E): FRONT CARPORTS**

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

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

#### **STAFF COMMENTS:**

The proposed front carport will be constructed with a pitched roof and closed gable that is proposed to be 12 feet at the structure's highest point.

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

#### **STAFF COMMENTS:**

The proposed front carport will include 376 square feet (18', 10" by 20') and will not extend 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 47 feet. Forty percent of this measurement is 18', 10", which is the proposed front carport width.

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

#### **STAFF COMMENTS:**

The roof height of the proposed front carport is 12 feet, which will not exceed the height of the roof of the residence and is less than 15 feet. The eave height will not exceed the eave height of the residence.

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

**STAFF COMMENTS:**

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

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

- 1) A front carport may be approved as a Special Exception on a lot zoned R-3 if the Board determines that the front carport would be compatible with the neighborhood. A front carport approved by Special Exception shall comply with the design standards of Section 2-603.E. In determining whether the requested front carport would be compatible with the neighborhood, the Board shall consider, among other things, the following characteristics:
- a) Whether the front carport would afford the only opportunity to provide covered parking on the lot;
  - b) Whether the lot has paved alley access such that rear parking is available as an alternative to a front carport;
  - c) Whether parking behind the building line was not required at the time of construction; and
  - d) Whether the dwelling was originally built with either a one-car garage or no garage.

**STAFF COMMENTS:**

The front carport would 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. 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 September of 1954 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. 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:**

It is Staff's opinion that the request is compatible and will not create any adverse impacts on the surrounding neighborhood, as there are seven similarly-constructed carports on Ruby Drive and Belmont Street.

**PERMITS**

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**File No.: BOA0820-0217**  
**Special Exception**

2020 – Front Carport Building Permit (On Hold)  
2007 – Fence Permit  
2007 – Foundation Repair  
2003 – Plumbing  
1958 – Residential Building Permit

### **STAFF RECOMMENDATION**

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Staff recommends approval of the Special Exception to allow a front carport including 400 square feet.

### **PUBLIC NOTICE**

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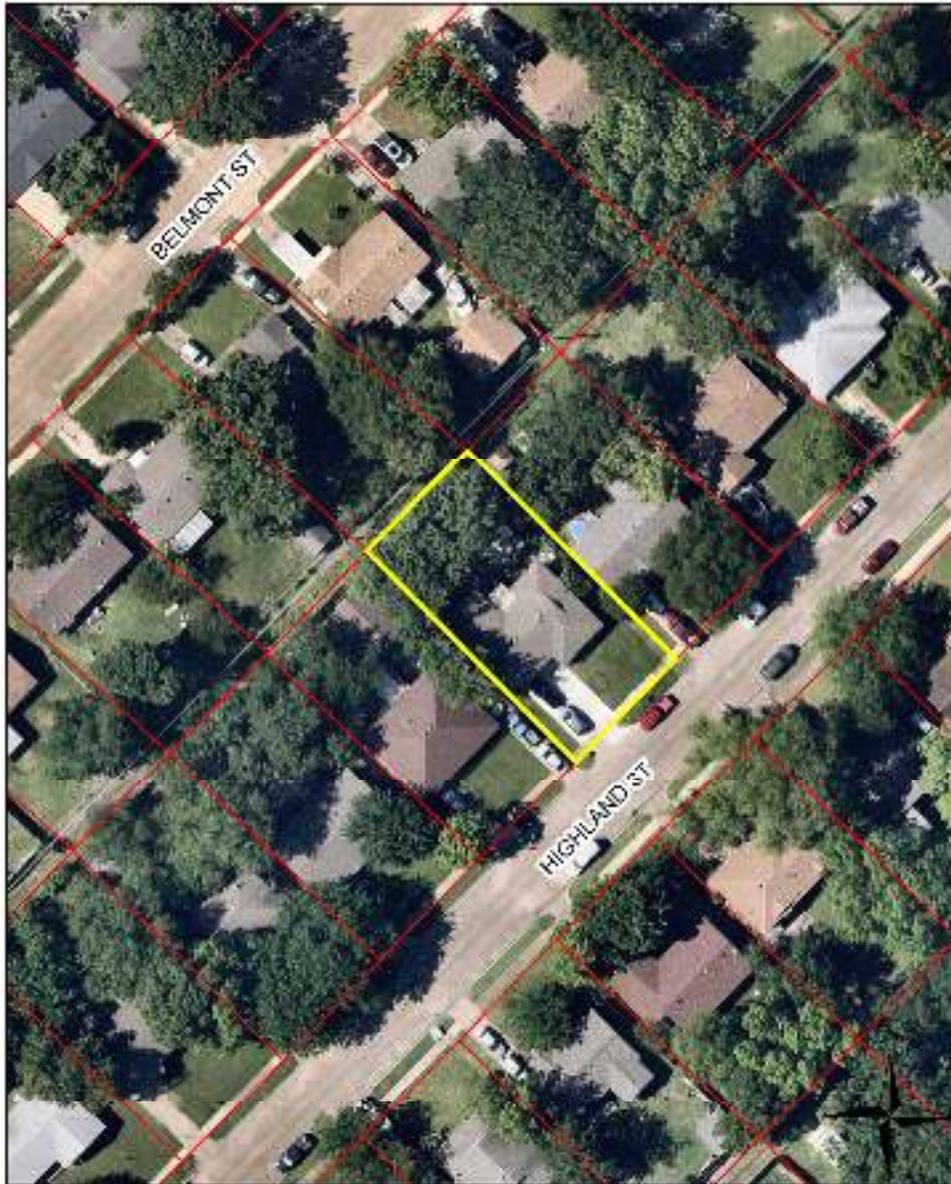
Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, there have been no returned notices.

### **ATTACHMENTS**

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

# Aerial Map

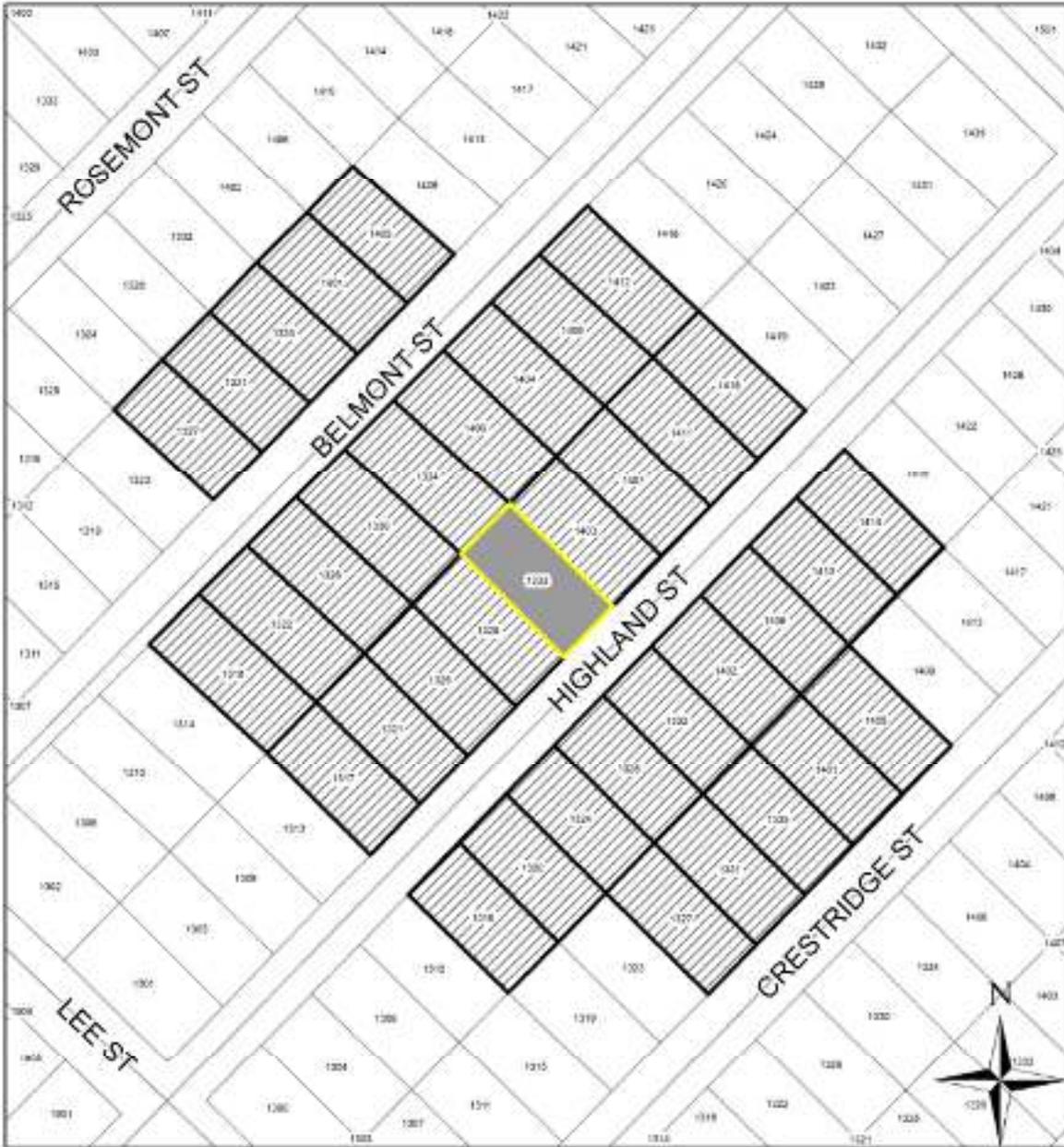


## Legend

-  Subject Property
-  Parcels

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

# Notification Map



**Request:** Special Exception to allow an approximately 376 square foot front carport.  
**Applicant:** Dalia Rocha  
**Location:** 1333 Highland Street

**Legend**  
■ Subject Property  
▨ Noticed Properties

**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: 1333 Highland<sup>ST</sup> City, State: Mesquite, Texas  
Zip Code: 75149

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

First Name: Dalia Last Name: Bocha  
Phone Number: 769-563-3678 Email Address: CJSway1820@icloud.com  
I would like a translator at the meeting:  Yes  No Language: English

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

Same as Applicant:  Yes  No (If no, fill in information below)  
First Name: Dalia Last Name: Bocha  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Mailing Address: 1333 City, State: \_\_\_\_\_  
(If different from physical address)  
Zip Code: \_\_\_\_\_

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

**Office Use Only**

Subdivision: Northridge Estates 2 Block: 39 Lot: 28  
When was the property platted: Sept. 1954 Year Home Built: 1958  
Date Received: 8/26/2020 Project Intake: JC Case Number: BOA0820-0217

## ATTACHMENT 4 – APPLICATION MATERIALS

### Additional Information

Width of Home: 53 Feet Width of Carport: 20 Feet

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

### Carport Design

Carport Status:  Existing  Proposed

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

---

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

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

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

Wood  Metal  Masonry

Describe the colors used on the carport: brown

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

---

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: plywood, Asphalt

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

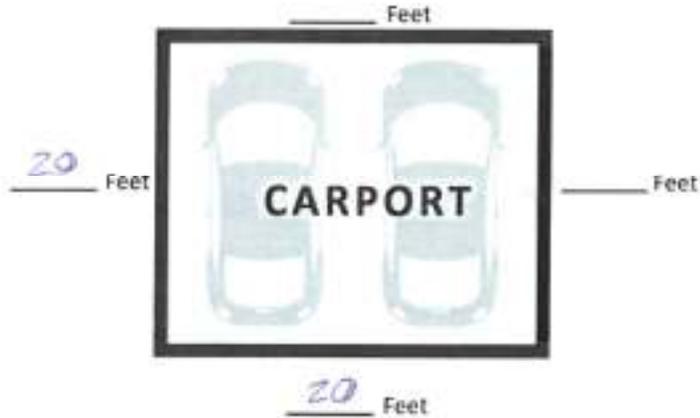
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### ATTACHMENT 4 – APPLICATION MATERIALS

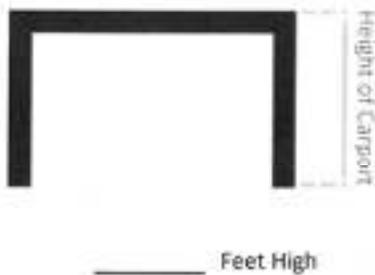
#### Carport Design, Continued

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



#### Pitched with Open Gable



#### Pitched with Closed Gable



#### Hip Roof



**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 *yes*

If yes, how?

*Because I need shade when I am outside during the day time. And it provides a cooler environment.*

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

If yes, how?

*There is a couple of neighbors that also have carports in the front of their house.*

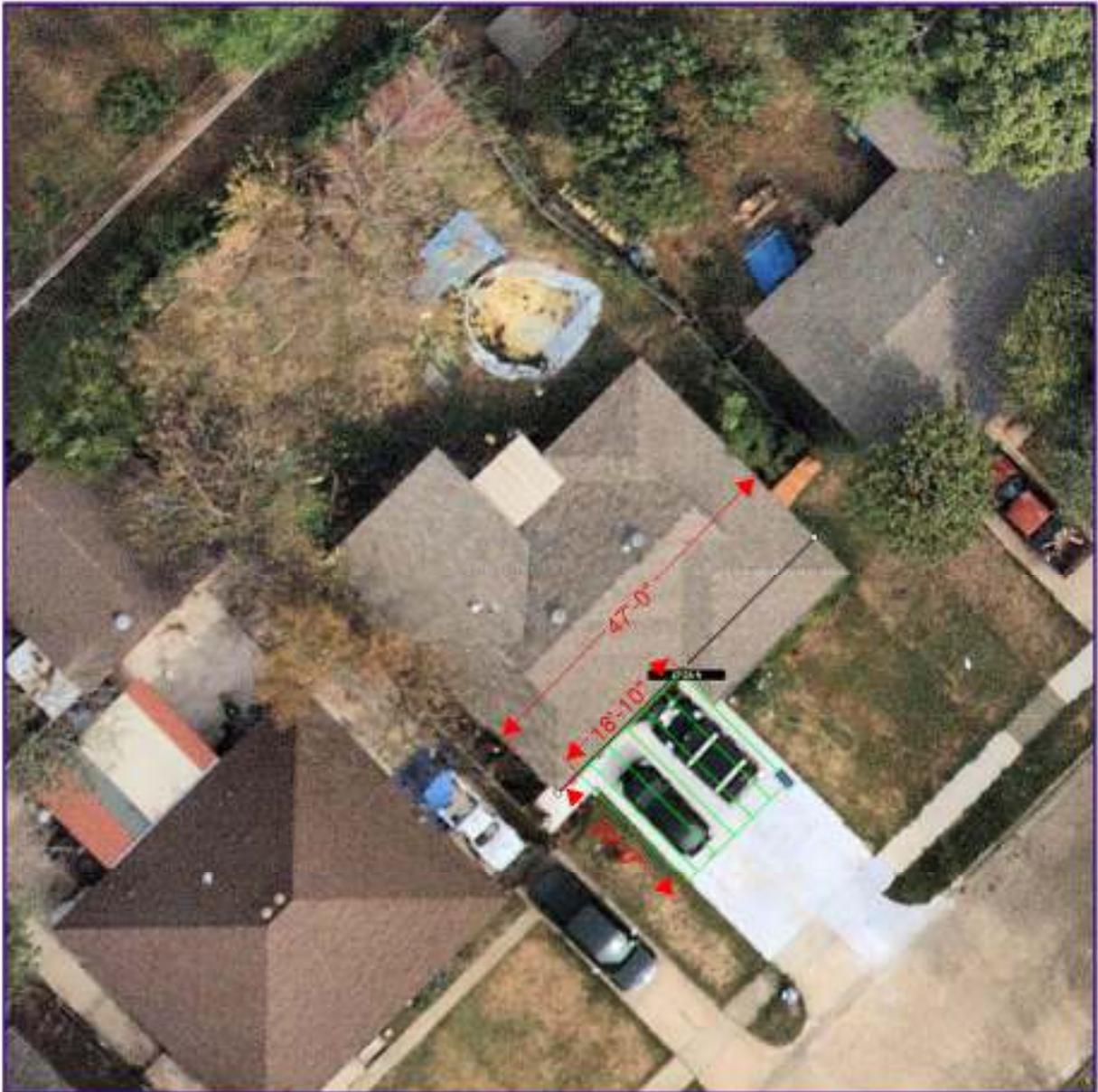
**ATTACHMENT 4 – APPLICATION MATERIALS**

**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: Dalia Rochan Phone Number: 469-563-3678  
Address: 1333 Highland ST  
Mesquite TX 75149 Email Address: cosway1820@gmail.com  
Signature: Dalia Rochan

ATTACHMENT 4 – APPLICATION MATERIALS



40% of 47' is 18' 10" - maximum width allowed for a front carport.

**ATTACHMENT 5 – EMAIL CORRESPONDENCE**

that is fine, thank you for letting me know

On Fri, Sep 4, 2020 at 9:59 AM John Chapman <[jchapman@cityofmesquite.com](mailto:jchapman@cityofmesquite.com)> wrote:

Good morning,

Please review the attached document. Based on the home's width of 47 feet, the maximum width of the front carport can 18 feet 10 inches ([Sec. 2-603 E.3 MZO](#)). I have attached an exhibit for you to review. You may recreate this exhibit or let me know if the one attached is acceptable. City Council passed an ordinance that does allow the Board to authorize or grant relief from this provision, so the carport must meet this requirement. Please let me know if you have any questions.

The invoice for this case has yet to be paid and must be paid no later than September 10, 2020 - <https://mygovpay.com/mesquitetx/pay?token=5e76ab24-3a07-4592-bf9c-e6436c251070>

Sincerely,

Please take a moment to complete the City of Mesquite [customer satisfaction survey](#).



John Chapman  
Planner | Planning & Zoning  
1515 N Galloway Ave | Mesquite, TX 75149  
(972) 329-8543 | [jchapman@cityofmesquite.com](mailto:jchapman@cityofmesquite.com) | [www.cityofmesquite.com](http://www.cityofmesquite.com)





PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0820-0218
REQUEST FOR: Special Exceptions (1) to allow an existing 400 square-foot front carport, (2) to allow the front carport to be constructed with a flat roof, (3) to allow an existing approximately 83 square-foot front porch cover with a flat roof and (4) a Variance to allow the front carport to encroach five feet into the required five-foot side yard setback from the north property line.
CASE MANAGER: Lesley Frohberg, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 24, 2020

GENERAL INFORMATION

Applicant &
Property Owner: Abel Pina
Location: 2329 Narobi Place

SITE BACKGROUND

Legal Description: Edgemont Park, Block 9, Lot 6
Size: 7,684 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1955 – 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 three Special Exceptions. The first is to allow a 400 square foot front carport, the second is to allow the subject front carport with a flat roof, and the third is to allow an 83 square-foot front porch cover with a flat roof attached to the home and front carport. Along with the Special Exceptions, a Variance is being requested to allow an approximate 5-foot encroachment into the required 5-foot side yard setback. The front carport is existing, as shown by Attachment 3. The existing front carport and front porch cover were constructed, without building permits, sometime between 2011-2013.

The violations on the subject site were identified when the applicant visited the Planning & Zoning Division to inquire about expanding the existing carport. During the applicant's visit, it was discovered by Staff that a Special Exception and Variance would be required, as the carport does not meet the requirements. Staff explained to the applicant/property owner that the existing front carport and front porch cover do not meet the development standards of Section 2-603(E) of the *Mesquite Zoning Ordinance* and that the Board of Adjustment is unable to grant relief from certain provisions of the aforementioned section. This would result in the front carport, or a portion thereof, being required to be removed from the property.

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

## MESQUITE ZONING ORDINANCE

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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 existing front carport is constructed with a flat roof, attached to the 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:

An allowed front carport will need to be approximately 400 square feet (20 feet by 20 feet) and may 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 the maximum permitted width of the front carport. The existing front carport is approximately 21 feet, 1 inch by 20 feet, 3 inches (428 square feet).

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

**STAFF COMMENTS:**

4. The roof height of the existing carport is approximately 8 feet, 1 inch, which does not exceed the height of the roof of the residence and is less than 15 feet. The eave height does not exceed the eave height of the residence.

The carport shall cover an approved driveway surface.

**STAFF COMMENTS:**

The front carport is constructed 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 is the only covered parking on the property as the garage was converted into a living area. There is no paved alley adjacent to the rear property line. The property was platted in January of 1956 and due to Section 2-401.C. of the Mesquite Zoning Ordinance, lots platted before October 1, 1984, are not required to provide an enclosed garage as covered parking did not become required until October 1, 1984.

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

- 2) In approving a Special Exception, the Board is authorized, but not required, to approve an applicant's request for a carport with a flat roof and/or metal exterior if the Board determines

that a flat roof and/or metal exterior would be compatible with the neighborhood. The Board shall consider, among other things, the following characteristics:

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

**STAFF COMMENTS:**

The request is for a front carport on a lot platted before December 21, 1964, and there are similarly constructed front carports in the immediate vicinity of the request.

**SEC. 2-604(C)(1 & 2): FRONT OR EXTERIOR PORCH COVERS**

- 1) 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.
- 2) 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:**

- 1) The existing front porch cover extends approximately five (5) feet into the thirty (30) foot front yard setback and does not exceed 1/3 of the façade width. The depth of the porch cover is approximately 8 feet, which does not exceed the recommended compatible depth of 8 feet.
- 2) The porch cover is constructed with a flat roof of materials similar to the existing carport and is attached to the residence and carport. The porch cover must meet the design standards of Subsection B.3 related to trim fascia, column widths, and an internal gutter system.

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

- 2) Special Exceptions.

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

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

**STAFF COMMENTS:**

Staff does not anticipate any adverse impacts of a front carport or front porch cover on the surrounding neighborhood as there are three similarly-constructed front carports and front porch covers nearby on Nairobi Place.

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

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

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

**STAFF COMMENTS:**

The requested Variance is contrary to the public interest as it does not advance a public good that is in the interest of the health, safety or general welfare of the public. Staff finds there is no unnecessary hardship for the requested Variance based on the following. There are no special conditions related to the property that would prevent the applicant from meeting the letter of the law. The existing nonconformities on the subject property are self-imposed due to no building permit being issued for a front carport. Literal enforcement of the code would require the front carport to be no wider than 20 feet and be a minimum of five feet from the north property line. The requested Variance is not needed to promote economic gain or to prevent economic loss, as the application of the Zoning Ordinance does not prevent the property from being used in a manner appropriate based on the zoning of the property. Granting the Variance would not observe the spirit of the Zoning Ordinance, as it would deviate from the requirements, with no hardship identified. The requested Variance does not help to give effect to the intent of the Zoning Ordinance.

**PERMITS**

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1987 – Residential Building Permit, Electrical Permit, Plumbing Permit, Mechanical Permit  
2016 – Concrete Permit  
2017 – Concrete Permit

**STAFF RECOMMENDATION**

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Staff recommends the following:

1. Approve the Special Exception to allow an approximately 400 square foot front carport; and

**File No.: BOA0820-0218**  
**Special Exceptions & Variance**

2. Approve the Special Exception to allow the front carport to be constructed with a flat roof; and
3. Approve the Special Exception to allow an approximately 83 square foot front porch cover with a flat roof; and
4. Deny the Variance to allow a 5-foot encroachment into the side yard setback.

## **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**

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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 & front porch cover with a flat roof and a Variance to allow a 5 foot reduction of the required 5 foot side yard setback.

**Applicant:** Abel Pina  
**Location:** 2329 Narobi Place

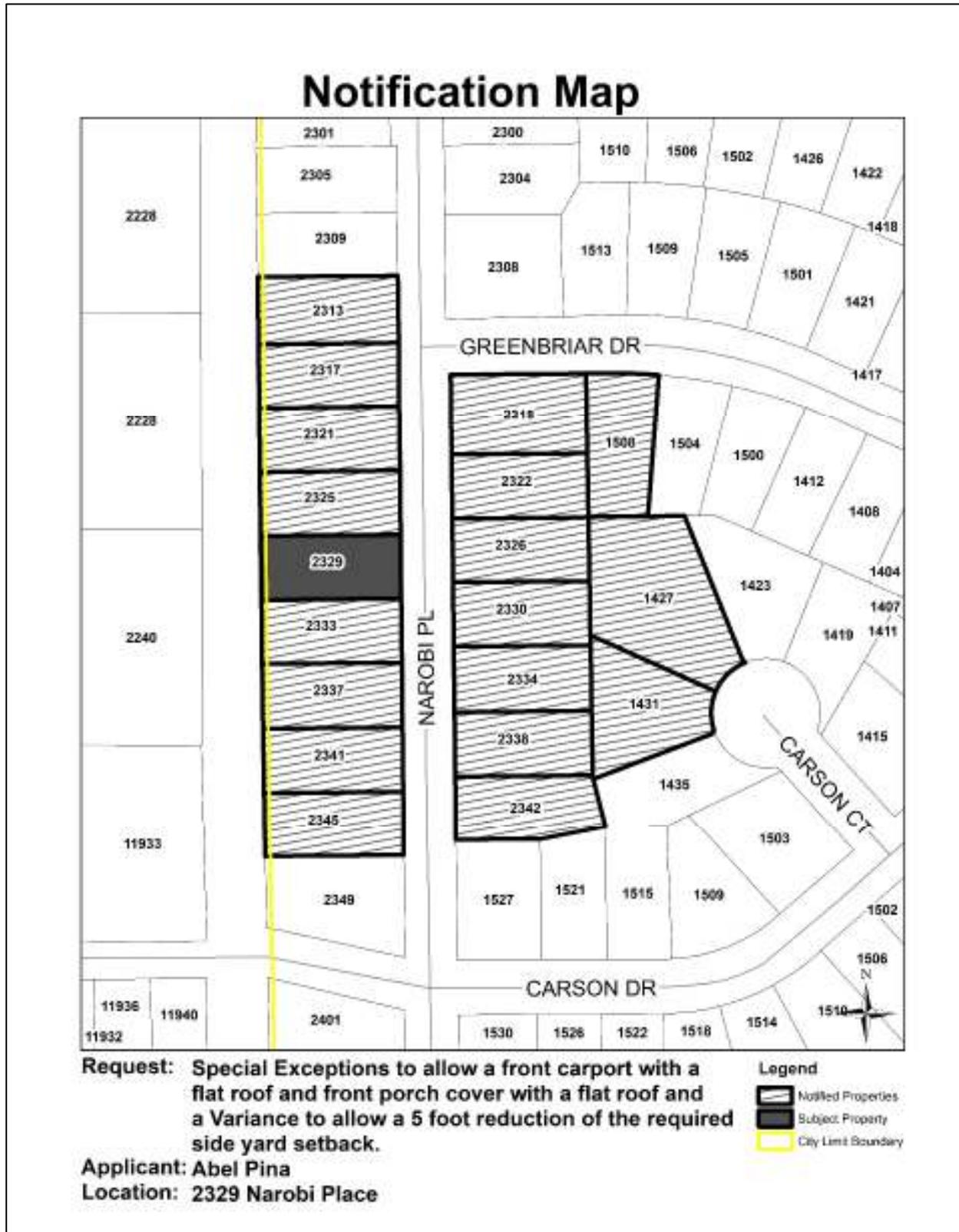
**Legend**

-  Subject Property
-  Municipal Boundary

N



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



**ATTACHMENT 3 – SITE PHOTOS**



Front view of the subject property

ATTACHMENT 4 – APPLICATION MATERIALS

Front Carport Special Exception & Variance

**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 8)

Owner Authorization Form       \$200 Application Fee

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

Physical Address: 2329 Nairobi Pl City, State: Mesquite, Texas

Zip Code: 75149-6565

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

First Name: Abel Pina Last Name: Pina

Phone Number: 214 325 6471 Email Address: gotonegro.84@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: \_\_\_\_\_ Last Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

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

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

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

**Office Use Only**

Subdivision: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

When was the property platted: \_\_\_\_\_ Year Home Built: \_\_\_\_\_

Date Received: \_\_\_\_\_ Project Intake: \_\_\_\_\_ Case Number: \_\_\_\_\_

January 2020 Page 1 of 12

**CONTINUE TO NEXT PAGE**

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

ATTACHMENT 4 – APPLICATION MATERIALS

**Additional Information**

Width of Home: 51 Feet Width of Carport: 20 Feet

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

**Carport Design**

Carport Status:  Existing  Proposed

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

2012

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

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

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

Wood  Metal  Masonry

Describe the colors used on the carport: BROWN - SILVER

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

4 By 4 METAL

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



Flat Roof

Pitched with Open Gable

Pitched with Closed Gable

Hip Roof

Describe the roof material: METAL

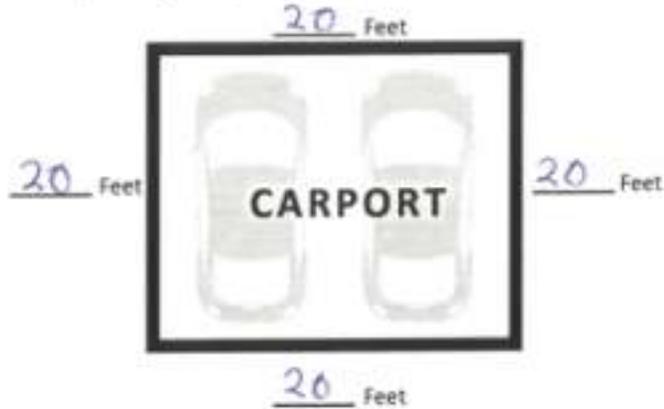
If the design of the roof does not match one of the images above, please use the space below to describe the roof.

\_\_\_\_\_  
\_\_\_\_\_

**ATTACHMENT 4 – APPLICATION MATERIALS**

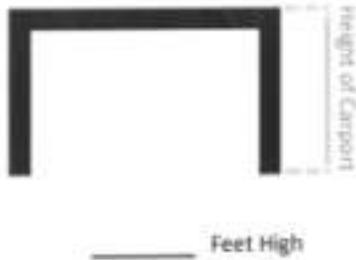
**Carport Design, Continued**

Indicate each length of the carport using the space below.



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

**Flat Roof**



**Pitched with Open Gable**



**Pitched with Closed Gable**



**Hip Roof**



**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 type="checkbox"/> Garage Addition	<input type="checkbox"/> Storage Building	<input type="checkbox"/> Joint Use Parking	<input type="checkbox"/> Temporary Uses
<input type="checkbox"/> New Residence	<input type="checkbox"/> Detached Garage	<input type="checkbox"/> Parking Reduction	<input type="checkbox"/> Tree Preservation
<b>Nonconforming</b>	<input checked="" type="checkbox"/> Patio Cover	<input type="checkbox"/> Flag Poles >75 Ft	<input type="checkbox"/> Oversized Antenna
<input type="checkbox"/> Use	<input type="checkbox"/> Oversized Accessory Structure	<input type="checkbox"/> Reverse Vending Machine	<input type="checkbox"/> Lighted Game Courts
<input type="checkbox"/> Premise	<input type="checkbox"/> Accessory Dwelling Unit	<input type="checkbox"/> Oversized Accessory Structure	<input type="checkbox"/> Livestock
<input type="checkbox"/> Structure			

Height of Structure: \_\_\_\_\_ Feet    Size of Structure: 75<sup>s</sup> Square Feet

Roof Pitch (If applicable): \_\_\_\_\_

Describe Materials Used:

\_\_\_\_\_

\_\_\_\_\_

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

Describe the structure and its purpose:

FIAT ROOF ~~ROOF~~ METAL

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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: Abel Pina Phone Number: 214 325 6471  
Address: 2329 Nairobi Pl  
Mesquite, TX 75149 Email Address: \_\_\_\_\_  
Signature: Abel Pina

ATTACHMENT 4 – APPLICATION MATERIALS

