



**BOARD OF ADJUSTMENT PRE-MEETING
CITY COUNCIL BRIEFING ROOM**
757 North Galloway Avenue
Mesquite, Texas
February 27, 2020 – 6:15 P.M.
Discussion of Items on the Regular Agenda

**BOARD OF ADJUSTMENT REGULAR MEETING
CITY COUNCIL CHAMBERS**
757 North Galloway Avenue
Mesquite, Texas
February 27, 2020 – 6:30 P.M.

AGENDA

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

I. BOARD BUSINESS

A. ROLL CALL

B. PUBLIC COMMENTS

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

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

C. APPROVAL OF MINUTES

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

D. BOA ANNUAL TRAINING

January: Legal Topics
February: Planning Topics
March: Planning Topics

II. PUBLIC HEARINGS- UNCONTESTED CASES

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

At this time, if a Board member or any individual in attendance wishes to have a case taken up independently (and instead placed on the "Contested Cases" section of the Agenda), please notify the

Chair. If a case is placed on the “Contested Cases” section of the Agenda, individuals will have an opportunity to speak on that case during the individual *public hearing* for the case.

A. BOA0120-0176 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Esmeraldo Martinez 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 1224 Barbara St. (BOA0120-0176, John Chapman, Planner).

B. BOA0120-0179 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Donald Hill for a Special Exception to allow an oversized accessory structure including approximately 864 square feet, located at 1106 Sierra Dr. (BOA0120-0179, Lesley Frohberg, Planner).

C. BOA0120-0180 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Maria Rodriguez for Special Exceptions (1) to allow an oversized accessory structure including approximately 990 square feet and (2) to allow approximately 352 square feet of the subject structure to be used as an accessory dwelling unit. The remaining 638 square feet is being used for storage, located at 1928 Potter Ln. (BOA0120-0180, Johnna Matthews, Principal Planner).

III. PUBLIC HEARINGS- CONTESTED CASES

A. BOA1019-0168 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Jose Pleitez for a Special Exception to allow an oversized accessory structure including approximately 2,288 square feet, which exceeds the square footage by approximately 1,288 square feet and the height by 5 feet, located at 1715 Mesquite Valley Rd. (BOA1019-0168, John Chapman, Planner). **Postponed from the January 23, 2020 meeting before the Board of Adjustment.**

B. BOA1119-0172 – VARIANCE

Conduct a public hearing to consider an application submitted by Jose Lopez for a Variance to allow a front carport to encroach 4 feet into the required 5-foot side yard setback, located at 917 Ashland Dr. (BOA1119-0172, Ben Callahan, Planner).

C. BOA0120-0177 – VARIANCE

Conduct a public hearing to consider an application submitted by Cammy Nation for a Variance to allow an accessory structure to encroach 3 feet into the side yard setback, located at 1510 Hillwood Dr. (BOA0120-0177, Ben Callahan, Planner).

D. BOA0220-0181 – VARIANCE

Conduct a public hearing to consider an application submitted by Jose Figueroa for a Variance to allow a 17-foot reduction of the required 20-foot rear yard setback, for a proposed single-family residence, located at 1208 Wheat Field Dr. (BOA0220-0181, John Chapman, Planner).

IV. TRAINING FOR BOARD MEMBERS AND ALTERNATES

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

Topics for today’s training session may include:

Authority of the Board of Adjustment (BOA) (Texas Local Government Code); Quasi-judicial nature of the BOA; Organization including elections, officers, membership, Public hearing process, including time limits, public comments; Robert's Rules of Order

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

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

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

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

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

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

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

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

CERTIFICATE OF POSTING

I, Johnna Matthews, Principal Planner of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached agenda for the Board of Adjustment meeting to be held **February 27, 2020**, was posted in compliance with Chapter 551 of the Texas Government Code ("Texas Open Meetings Act") on the bulletin boards at the Municipal Center and City Hall by **February 24, 2020, before 6:00 p.m.** (a minimum of 72-hours prior to the meeting) and remained so posted until after the meeting. This notice was likewise posted on the City's website at www.cityofmesquite.com for a minimum of 72-hours prior to the meeting.

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

**MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT MEETING,
HELD ON JANUARY 23, 2020, AT 6:30 P.M., AT CITY HALL, 757 NORTH
GALLOWAY AVENUE, MESQUITE, TEXAS**

Present: Chairman Tom Palmer, George Rice, Wana Alwalee, Jack Akin

Absent: Aeneas Ford

Staff: Principal Planner Johnna Matthews, Planner John Chapman, Planner Ben Callahan, Planner Lesley Frohberg, Senior Assistant City Attorney Karen Strand, Senior Administrative Secretary Devanee Winn, Environmental Code Field Supervisor James Kasper

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

I. BOARD BUSINESS

A. ROLL CALL

Roll Call was taken and a quorum was present.

B. PUBLIC COMMENTS

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

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

C. APPROVAL OF MINUTES

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

A motion was made by Ms. Alwalee to approve the October 24, 2019 meeting minutes. Mr. Rice seconded. The motion passed 4-0.

D. 2020 BOARD OF ADJUSTMENT CALENDAR

Consider approval of the 2020 Board of Adjustment meeting schedule

Mr. Rice made a motion to approve the 2020 Calendar. Ms. Alwalee seconded. The motion passed 4-0.

E. BOA ANNUAL TRAINING

January: Legal Topics

February: Planning Topics

March: Planning Topics

II. PUBLIC HEARINGS – UNCONTESTED CASES

All cases on the Uncontested section of the Agenda may be approved with one motion without the need for testimony from the applicants; however, should any member of the Board or any

individual in attendance wish to speak on any individual case, said case may be removed, by request, from the “Uncontested Cases” section and placed on the “Contested Cases” section of the Agenda.

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

A. BOA1019-0169 – SPECIAL EXCEPTION

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

B. BOA1019-0170 – SPECIAL EXCEPTIONS

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

C. BOA1019-0171 – SPECIAL EXCEPTION

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

Principal Planner Johnna Matthews briefed the Board. Chairman Palmer opened the public hearing. No one came up to speak. The Chair closed the public hearing. A motion was made by Ms. Alwalee to approve all items on the Uncontested Agenda. Mr. Rice seconded. The motion passed 4-0.

PUBLIC HEARINGS- CONTESTED CASES

A. BOA1019-0168 – SPECIAL EXCEPTION

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

Planner John Chapman briefed the Board. Applicant Jose Pleitez came up to speak with an interpreter Raul Estrada. The applicant explained to the Board the reason for the oversized structure is to park his work trucks in the structure. The Chair opened the public hearing. David and Linda Salsado came up to speak. They are neighbors to the Applicant and do not mind the structure. Ms. Salsato stated that the Applicant keeps his home and area very nice and clean. Mr. Michael came up to speak. He is concerned that the Applicant is running a business from the home which is not allowed. Board member Mr. Akin asked the Staff if there are any code violations associated with this property. Mr. Chapman referred that question to the Environmental Code Field Supervisor James

Kasper. Mr. Kasper answered yes there are numerous code violations. No one else came up to speak. The Chair closed the public hearing. The Chair reopened the public hearing. James Corin came up to speak. Mr. Corin stated he is for the small business owner. Ms. Linda Salsado came up to speak. Ms. Salsado stated that it is the Applicant's culture to have many family members living together. No one should judge the number of vehicles and/or how many family members live together in a household. No one else came up to speak. The Chair closed the public hearing. A motion was made by Ms. Alwalee to approve. Mr. Rice seconded. The motion failed 3-1 with Mr. Akin abstaining. A second motion was called by the Chair. A motion was made by Mr. Akin to postpone until the February 27, 2020, meeting. Mr. Rice seconded. The motion passed 4-0.

B. BOA1119-0172 – SPECIAL EXCEPTIONS AND VARIANCE

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

Planner Ben Callahan briefed the Board. There no questions for Staff. The Chair opened the public hearing. No one came up to speak. The Chair closed the public hearing. The Special Exception and the variance were done by separate motions. A motion was made by Ms. Alwalee to approve the Special Exception. Mr. Rice seconded. The motion passed 4-0. A motion was made by Ms. Alwalee to deny the Variance. Mr. Akin seconded. The motion failed 3-1 with Mr. Rice dissenting.

C. BOA1219-0175 – SPECIAL EXCEPTION

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

Planner Ben Callahan briefed the Board. There were no questions for staff. Applicant David Sale came up to speak. The Board had no questions for the Applicant. The Chair opened the public hearing. No one came up to speak. Chair closed the public hearing. A motion was made by Ms. Alwalee to approve the Special Exception. Mr. Akin seconded. The motion passed 4-0.

TRAINING FOR BOARD MEMBERS AND ALTERNATES

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

Topics for today's training session may include:

General regulations for the board, Mandatory training requirements, Judicial review of BOA decisions, State conflict of interest, Mesquite Code of Ethics and prohibited conduct, Charter contract prohibition, Due process and ex parte contract, Texas Open Meetings Act, Records requests made pursuant to Texas Public Information Act, and Parliamentary procedure.

Board Aeneas Ford and Alternate Board member Benny Gordon were present for the mandatory training. Senior Assistant City Attorney Karen Strand gave the orientation to

all the Board Members. The Board Members requested that they receive a copy of the Legal Training Outline, dated 1.23.2020, containing the hyperlinks to the materials and required training. Ms. Strand answered that she would provide the information to them. No members had any questions for Ms. Strand.

There being no further business for the Board, the meeting adjourned at 8:50 pm.

Thomas Palmer, Chairman

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



City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

Case Number: BOA0120-0176

Applicant/Property Owner: Esmerelda Martinez

Address: 1224 Barbara Street

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

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

Zoning: R-3, Single Family Residential

Lot size: 8,334.94 square feet

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

SPECIAL EXCEPTION

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

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

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

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

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

Staff Comment:

The front carport would afford the only opportunity for covered parking on the property due to the garage being converted legally into living space in 1981. There is no paved alley adjacent to the rear property line. The property was platted in October of 1955 and due to Section 2-401.C. of the Mesquite Zoning Ordinance, lots platted prior to October 1, 1984 are not required to provide an enclosed garage as covered parking did not become required until October 1, 1984.

Mesquite Zoning Ordinance Section 2-604.B.2

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

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

Staff Comment:

Per House Bill 2439, Mesquite can no longer enforce material requirements, nor can the Board stipulate building material requirements as part of any condition. However, the City will



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continue to regulate building roof pitch. Therefore, a Special Exception will still be required to have a carport with a flat roof. Additionally, the property was platted before December 21, 1964, and there are similar front carports in the immediate vicinity of the subject property.

Staff

Recommendation:

Staff recommends approval of the Special Expcetions to allow an approximatly 400 square foot front carport with a flat roof.

Permits:

1959 – Residence Built
1981 – Garage Conversion
2004 – Storage Building (12' x 16')
2009 – Foundation Repairs

Public Notice:

Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, Staff has received no returned notices.

Attachments:

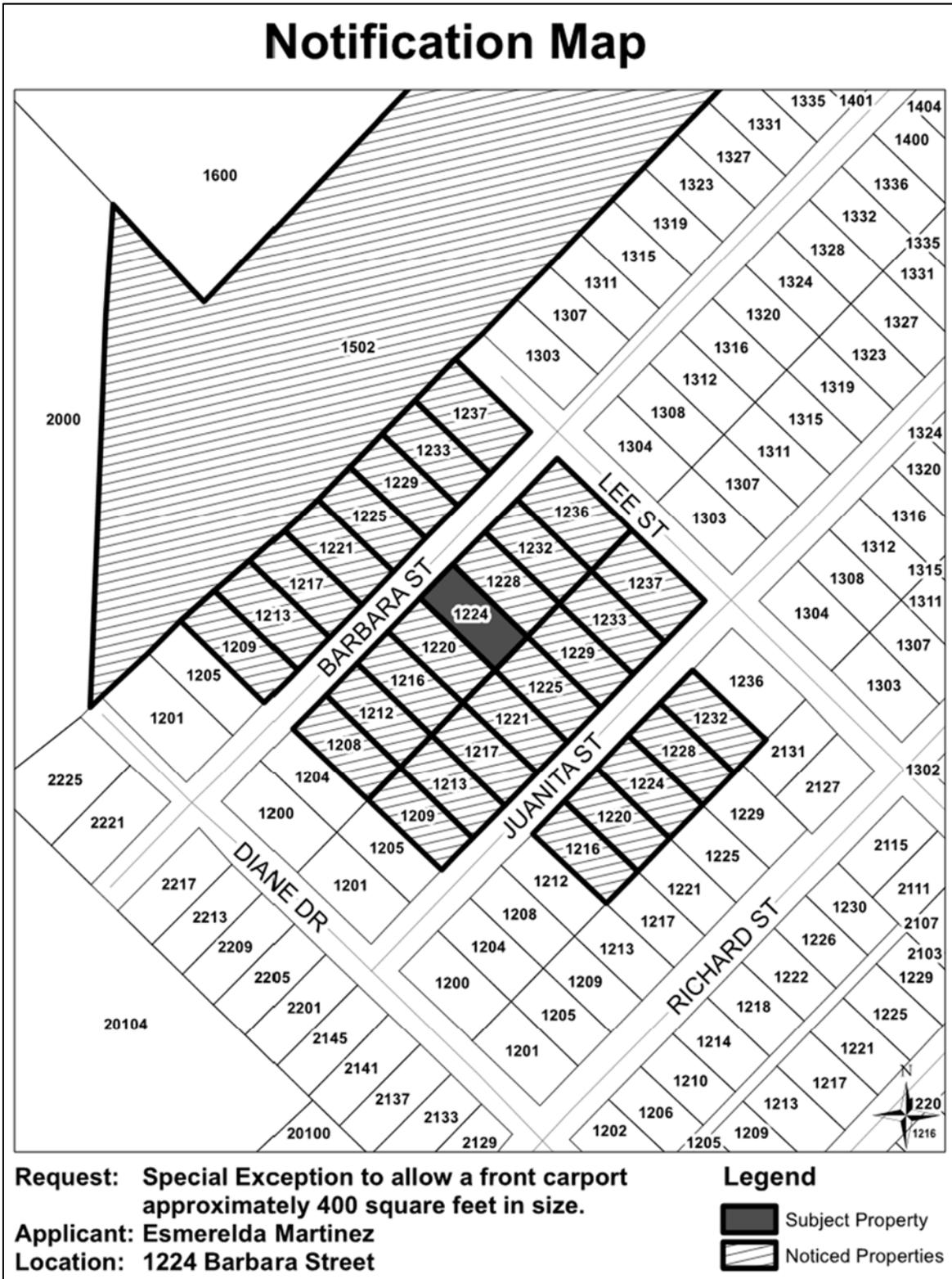
1 – Aerial Map
2 – Public Notification Map
3 – Site Photos
4 – Application Materials

Aerial Map



Legend

-  Subject Property
-  Parcels



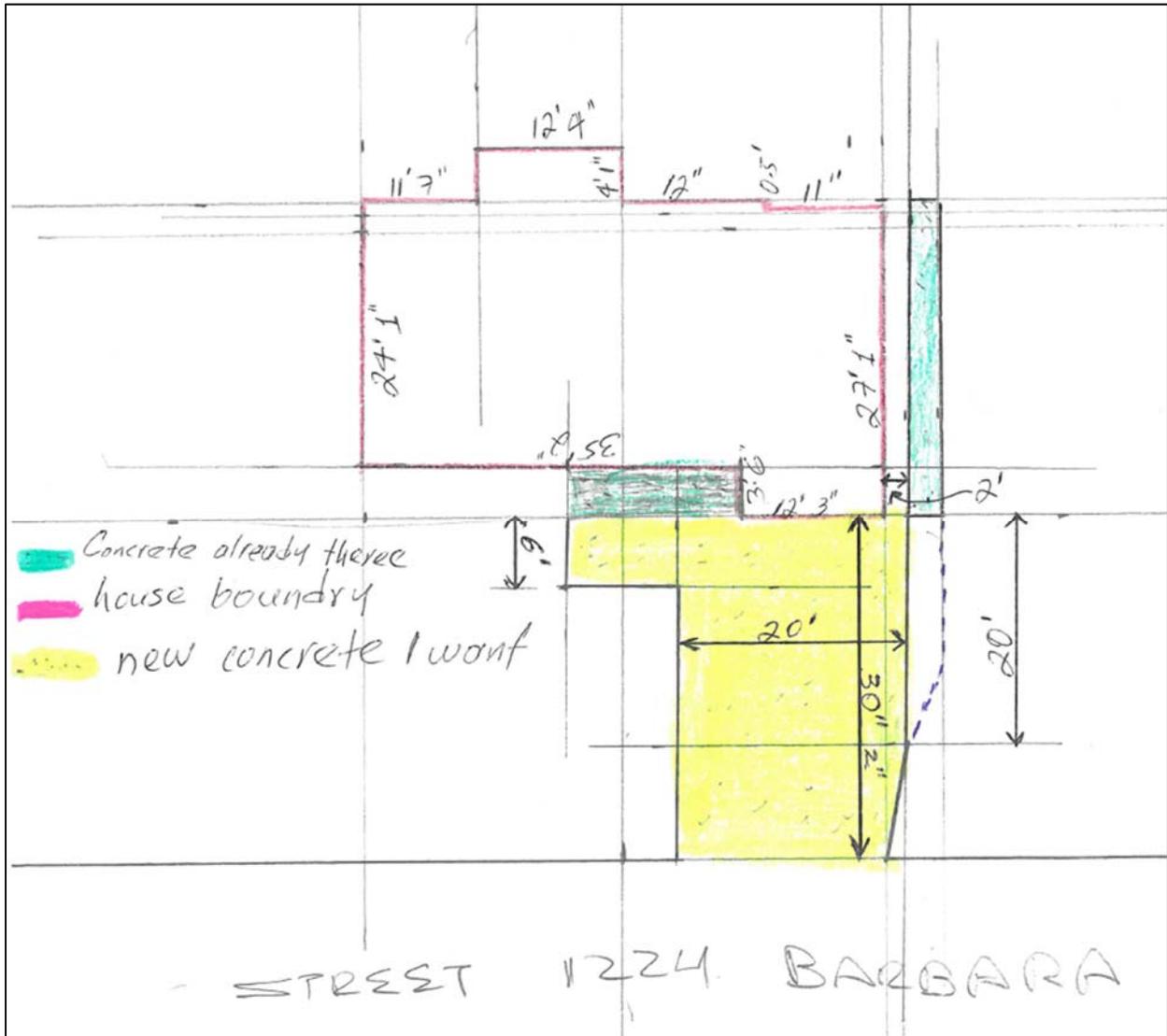


Street view of subject property.

OWNER AUTHORIZATION FORM

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

Property Owner: Ricardo Martinez Phone Number: 469-371-5481
Address: 1224 Barbara St
Mesquite, TX 75149 Email Address: esmeralda101475@yahoo.com
Signature: 





City of Mesquite
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Staff Report

Case Number: BOA0120-0179

Applicant/Property Owner: Donald Hill

Address: 1106 Sierra Drive

Request: Special Exception to allow an approximately 864 square foot oversized accessory structure.

Background: The applicant is requesting a Special Exception to allow a proposed oversized accessory structure (rear garage) to exceed the maximum size of 500 square feet by 364 square feet for a total of 864 square feet. The rear accessory structure is proposed to be 24 X 36 feet and approximately 13 feet in height. All setbacks of the R-3 zoning district will be met.

Zoning: R-3, Single Family Residential

Lot size: 37,700 square feet

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

REQUIREMENTS – ALL STRUCTURES

Applicable Ordinances: **Mesquite Zoning Ordinance Section 2-602.A: Maximum Size And Lot Coverage**
Section 2-602.A of the Mesquite Zoning Ordinance allows for an accessory structure not exceeding 500 square feet in the R and D districts, and in no case, shall the total of all accessory structures occupy more than 35% of the yard area in which the structures are located.

Staff Comment:
The applicant is requesting approval of a Special Exception to allow a proposed accessory structure (rear garage) including approximately 864 square feet. The rear garage exceeds the maximum size allowed by 364 square feet but meets all other requirements for an accessory structure. Section 2-604A of the Zoning Ordinance allows the Board of Adjustment to approve an

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oversized accessory structure, which exceeds the height, size, or lot coverages limits via a Special Exception.

ACCESSORY STRUCTURES – SPECIAL EXCEPTIONS

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

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

Staff Comment:

The rear accessory structure will be detached from the principal structure. The structure will be enclosed on all sides and have two garage doors on the south side of the structure. The structure will be constructed of metal and will match the color of the existing home.

CRITERIA FOR REVIEW

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

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

Staff Comment:

It is Staff’s professional opinion that the approval of this Special Exception will not create any adverse impacts on adjacent properties. There are existing oversized accessory structures in the immediate vicinity. However, Staff was not able to locate building permits for the neighboring accessory structures but they appear to have existed since at least the 1980’s. There are mature trees at the rear of the property that act as a buffer between the proposed accessory structure and the neighboring properties.



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- Staff Recommendation:** Staff recommends approval of the Special Exception to allow an oversized rear accessory structure approximately 864 square feet, subject to meeting all applicable requirements of the Mesquite Zoning Ordinance, and all other applicable ordinances.
- Permits:**
- 1990 – Plumbing Permit
 - 1977 – Building Permit for Home Addition
 - 1961 – Building Permit for Single Family Home
- Public Notice:** Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices.
- Attachments:**
- 1 – Aerial Map
 - 2 – Public Notification Map
 - 3 – Site Photos
 - 4 – Application Materials (application and site plan)

Aerial Map



Request: Special Exception to allow an oversized accessory structure.

Applicant: Donald Hill

Location: 1106 Sierra Drive

Legend

 Subject Property

0 0.01 0.02 0.04 0.06 Miles

Notification Map



Request: Special Exception to allow a 864 square foot oversized accessory structure.
Applicant: Donald Hill
Location: 1106 Sierra Drive

Legend

-  Notified Properties
-  Subject Property



Street view of subject property.



View of the subject property from the alley.

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

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

Application Checklist

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

Property Information – Where the carport will be located

Physical Address: 1106 Sierra Dr. City, State: Mesquite, Texas
Zip Code: 75149

Applicant Information – The person filling out the application

First Name: Donald Last Name: Hill
Phone Number: 972 898 0420 Email Address: dhill@hensleyid.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: Donald Last Name: Hill
Phone Number: 972 898 0420 Email Address: dhill@hensleyid.com
Mailing Address: _____ City, State: _____
(If different from physical address)
Zip Code: 75149

Office Use Only *Not platted - going thru process*

Subdivision: _____ Block: _____ Lot: _____
Size of Property: 37,462 Square Feet When was the property platted: _____
Date Received: 1-23-2020 Project Intake: LF Case Number: BOA0120-0179
 Special Exception (\$200) Paid in full Residential Variance (\$200) Non-Residential Variance (\$500) Appeals (\$300)

Structure Types

Check all that applies

Main Structure

- Room Addition
- Garage Addition
- New Residence

Nonconforming

- Use
- Premise
- Structure

Residential

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

Non-Residential

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

Other

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

Height of Structure: 12.667 Feet Size of Structure: 864 Square Feet

Roof Pitch (If applicable): _____

Describe Materials Used:

12 gauge steel, permanent enamel paint

Affected Part(s) of the Property

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

Will it

- Exceed Maximum Height?
- Exceed Maximum Size?

Status

- Existing
- Proposed

Describe the structure and its purpose:

Garage/shop - hobby for use as I retire

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

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

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

Yes No

If yes, how?

This is to be used for hobby after I retire this August. It will not adversely affect adjacent properties due to the size of my lot. It will be an attractive, permanent structure on a concrete foundation.

Will the Special Exception be compatible with the surrounding neighborhood?

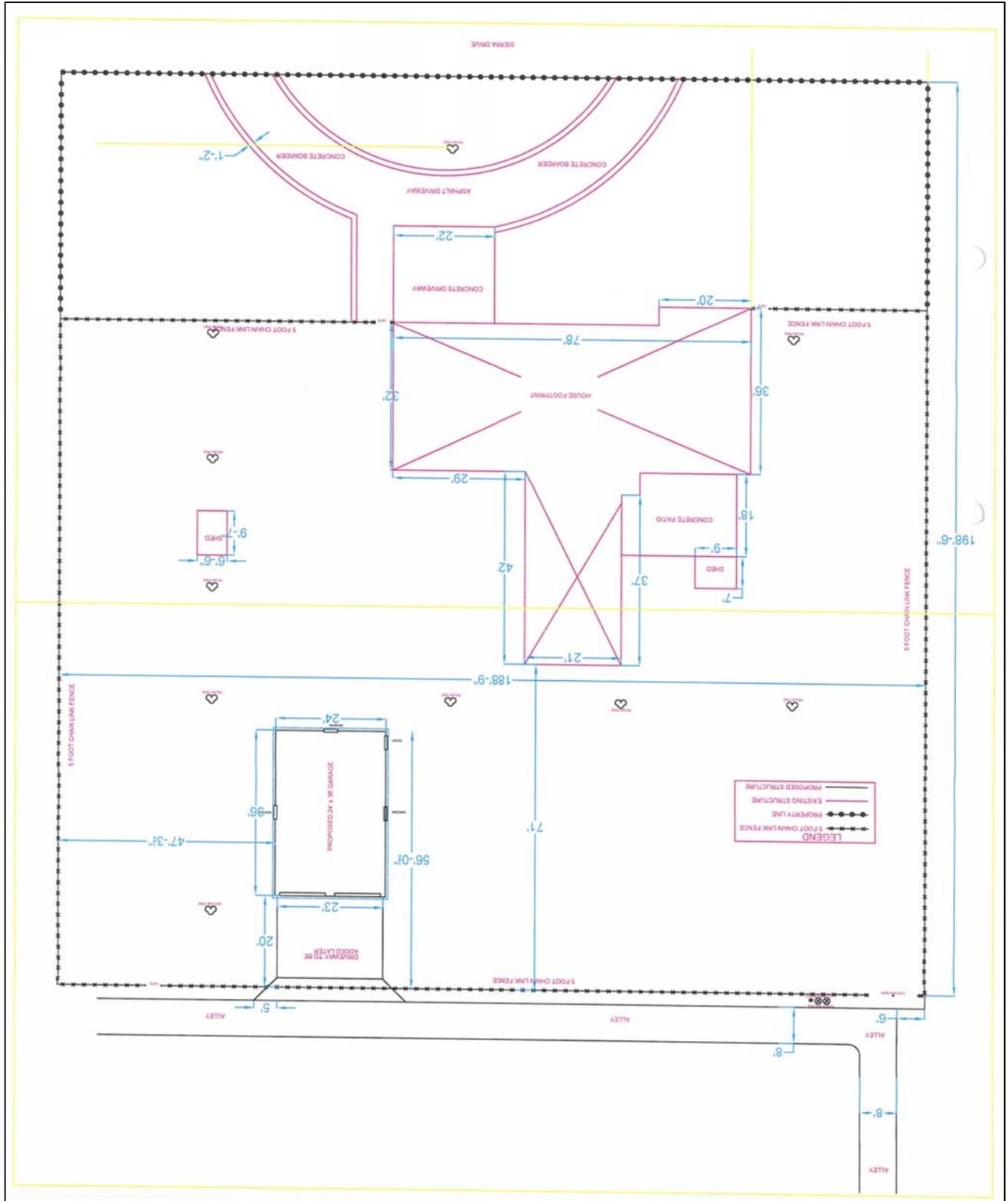
Yes No

If yes, how?

The building is well built, the paint is permanent and will match the existing structure in color. Construction is of heavy (12ga.) gauge material



Example of shed similar to proposed accessory building





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Staff Report

Case Number: BOA0120-0180

Applicant: Maria Rodriguez

Property Owner: Julian Galindo

Address: 1929 Potter Ln.

Request: Special Exceptions (1) to allow an oversized accessory structure including approximately 990 square feet and (2) to allow approximately 352 square feet to be used as an accessory dwelling unit. The remaining 638 square feet is being used for storage.

Background: The applicant is requesting Special Exceptions to allow a portion of an existing 990 square foot structure to be used for storage and as an accessory dwelling unit. Currently approximately 352 square feet of the structure is being used as an accessory dwelling unit by the applicant's daughter. The remainder is being used for storage of a lawn mower and tractor, according to the applicant.

The structure meets all setback and height requirements for an accessory structure located in a residential zoning district. The structure is constructed of siding, metal and wood.

There is no record of a permit being issued for the structure. According to the applicant, the structure were existing when the property was purchased 10 years ago. In January of this year, the City's Zoning Inspector issued multiple notices of violation to the property owner. Violations include the keeping of livestock, occupancy of a recreational vehicle, no record of permits for storage buildings, new windows, fencing, electrical, mechanical, plumbing, etc., and the oversized accessory structure. The applicant is working on resolving violations that are not related to the accessory dwelling unit. However, there are multiple Code violations directly related to the subject structure. Violations include plumbing, electrical and permits required for the new windows that were installed. Violations must be resolved after BOA approval of the Special Exceptions and before permits will be issued.

The Mesquite Zoning Ordinance defines an accessory dwelling unit as an area, in addition to the principal dwelling unit on a lot, which has living, sleeping, and bathroom facilities and which meets either of the following conditions: 1) contains a kitchen; or 2) has primary access which is not from within the principal dwelling unit, including



City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

any such area in a detached structure, whether or not the area contains a kitchen. The structure meets the definition of an accessory dwelling unit.

Zoning: R-3, Single-Family Residential

Lot size: 1.9 acres

Surrounding uses: The subject property is surrounded by single-family homes zoned R-3, Single Family Residential of various lot sizes. The subject property is much deeper than most properties in the area with a lot depth of nearly 700 feet and a lot width of approximately 116 feet.

SPECIAL EXCEPTION

Applicable Ordinances:

Mesquite Zoning Ordinance Section 2-603.N: Accessory Dwelling Unit

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

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



City of Mesquite
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Staff Comment:

The accessory structure must meet all above requirements prior to the issuance of building permits. The applicant has indicated that no deviations are proposed from the above standards.

Mesquite Zoning Ordinance Section 5-203: Criteria for Review

A. Criteria for Special Exceptions

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

Staff Comment:

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

The accessory dwelling unit is located in the rear of the property behind the principal building reducing any visual impact the accessory dwelling unit might have on adjacent properties. The Mesquite Zoning Ordinance requires a minimum of four off-street parking spaces that are located behind the front and exterior side building lines. All four spaces must be arranged such that four parked vehicles can exist the property without having to move another parked vehicle.

Staff Recommendation:

Staff recommends approval of the Special Expcetions to allow an oversized accessory structure including approximately 990 square feet, with 352 square feet being used as an accessory dwelling unit and the remainder used for stroage. All applicable City ordinances and Codes must be met.

Permits:

1999 – Building permit for room addition
2016 – Building permit for addition of front porch and concrete

Public Notice:

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

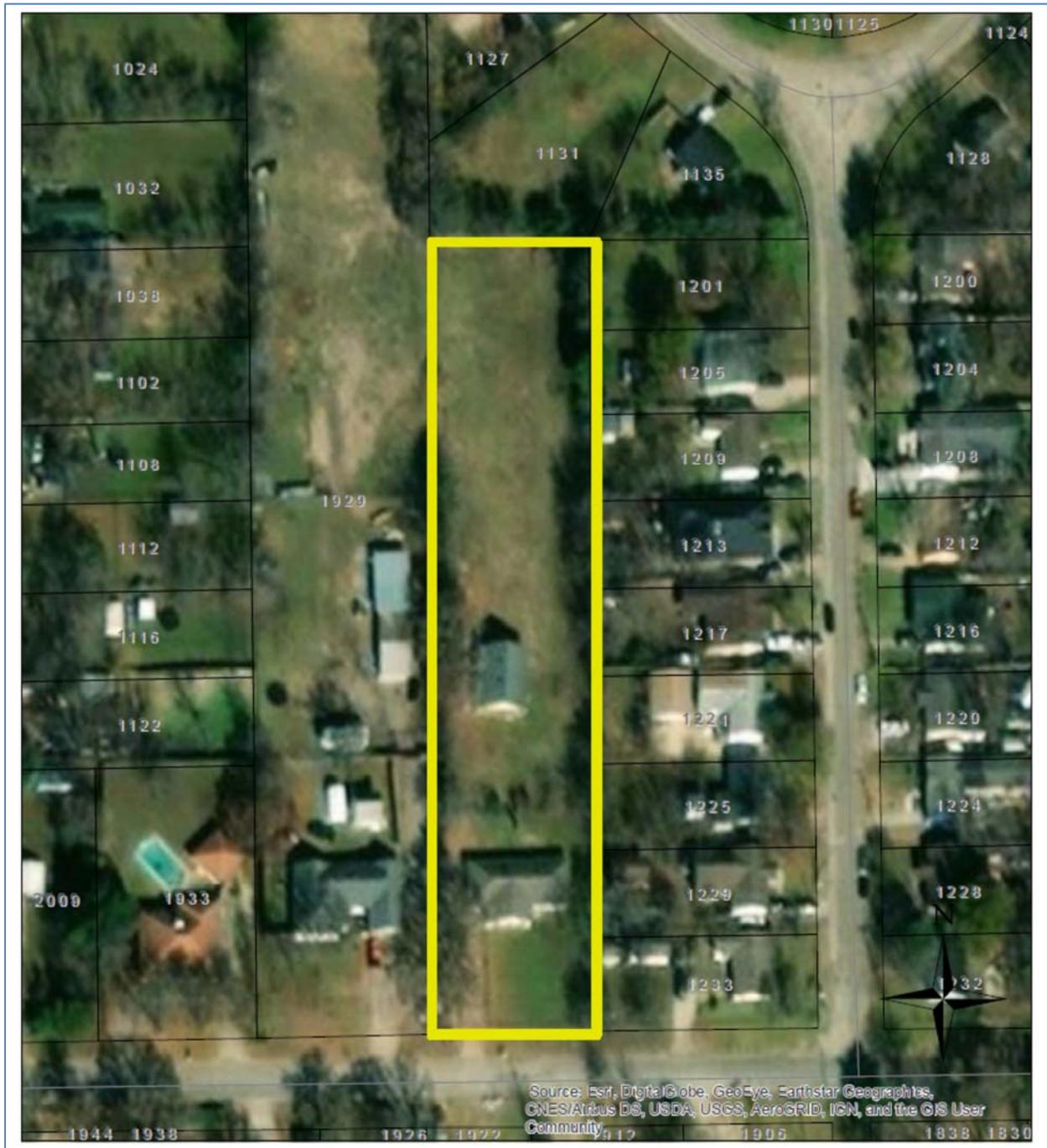
Attachments:

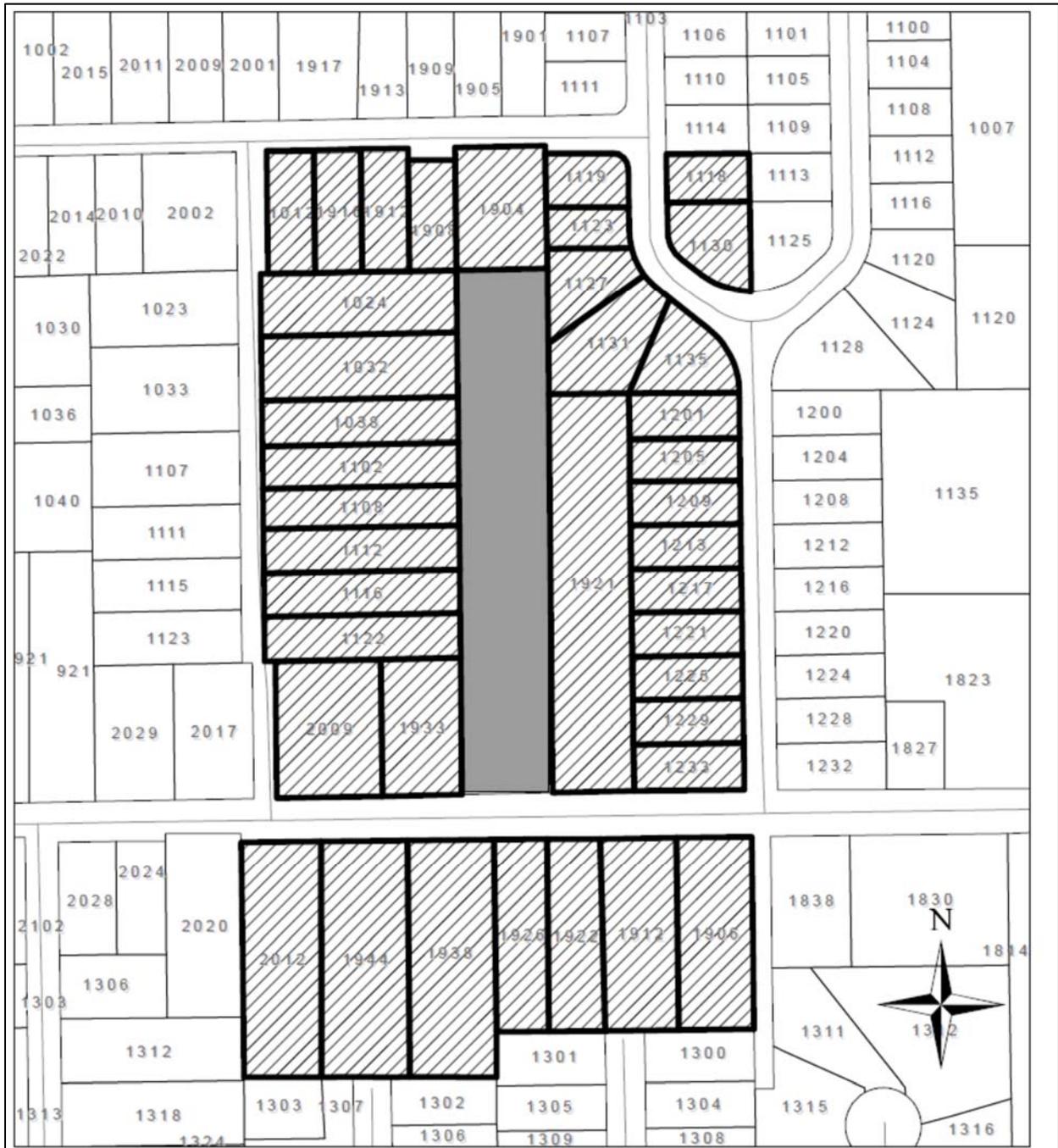
1 – Aerial Map
2 – Public Notification Map



City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

- 3 – Site Photos
- 4 – Application Materials







Street view of subject property.



View of oversized accessory structure taken in the rear yard.

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

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

Application Checklist

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

Property Information – Where the carport will be located

Physical Address: 1929 Potter City, State: Mesquite, Texas
Zip Code: 75149

Applicant Information – The person filling out the application

First Name: María Last Name: Rodriguez com
Phone Number: 469 970 1138 Email Address: Rodriguezhc.74@gmail.
I would like an interpreter at the meeting: Yes No Language: English

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

Same as Applicant: Yes No (If no, fill in information below)
First Name: Julian Last Name: Galindo R
Phone Number: 469 970 1139 Email Address: Rodriguezhc.74@gmail.com
Mailing Address: 1929 Potter LN City, State: Mesquite TX 75149
(If different from physical address)
Zip Code: 75149

Office Use Only

Subdivision: Not Platted Block: _____ Lot: _____
Size of Property: 82,710 Square Feet When was the property platted: Not Platted
Date Received: 1/31/20 Project Intake: BL Case Number: BOA0120-0180
 Special Exception (\$200) Residential Variance (\$200) Non-Residential Variance (\$500) Appeals (\$300)

Structure Types

Check all that applies

Main Structure

- Room Addition
- Garage Addition
- New Residence

Nonconforming

- Use
- Premise
- Structure

Residential

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

Non-Residential

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

Other

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

Height of Structure: _____ Feet Size of Structure: 352 AD Square Feet

Roof Pitch (If applicable): _____

990 Total Building

Describe Materials Used:

Metal / Siding

Affected Part(s) of the Property

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

Will it

- Exceed Maximum Height?
- Exceed Maximum Size?

Status

- Existing
- Proposed

Describe the structure and its purpose:

Small apartment. my daughter is living there.

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?

part of it is a storage place for a lawnmower tractor. $\frac{1}{2}$ the other part is the enclosed apartment.

Will the Special Exception be compatible with the surrounding neighborhood?

Yes No

If yes, how?

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: Julian Galindo R Phone Number: 469 970 1139
Address: 1929 Potter LN
Mesquite TX 75149 Email Address: Rodriguezbr.74@gmail.com
Signature: Julian Galindo R



City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

Case Number: BOA1019-0168
Applicant: Jose Pleitez
Property Owners: Jose Thomas Pleitez & Susan Judith Corona
Address: 1715 Mesquite Valley Road
Request: Special Exceptions to allow an oversized accessory structure including approximately 2,288 square feet, which exceeds the square footage by approximately 1,288 square feet and the height by approximately 5 feet.

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

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

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

Applicable Ordinances: **REQUIREMENTS – ALL STRUCTURES**

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

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

Staff Comment:

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

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

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

ACCESSORY STRUCTURES – SPECIAL EXCEPTIONS

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

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

Staff Comment:

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

CRITERIA FOR REVIEW

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

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

Staff Comment:

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

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



City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

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

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

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

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

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

Aerial Map



Legend

-  Subject Property
-  Parcels

Notification Map



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

Legend

-  Subject Property
-  Noticed Properties



Current condition of the structure under consideration.



Rear of property showing tree line and back of structure.



Side property line and side of structure.



View of structure from house.



**City of Mesquite
Board of Adjustment
Application**

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

Application Checklist

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

Property Information – Where the carport will be located

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

Applicant Information – The person filling out the application

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

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

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

Office Use Only

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

Structure Types

Check all that applies

Main Structure

- Room Addition
- Garage Addition
- New Residence

Nonconforming

- Use
- Premise
- Structure

Residential

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

Non-Residential

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

Other

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

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

Roof Pitch (If applicable): _____

Carport - 986
Garage - 999.92

Describe Materials Used:

Wood and brick and stone

Affected Part(s) of the Property

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

Will it

- Exceed Maximum Height?
- Exceed Maximum Size?

Status

- Existing
- Proposed

Describe the structure and its purpose:

Covering cars and storage

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

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

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

Yes No

If yes, how?

Storage of vehicles

Will the Special Exception be compatible with the surrounding neighborhood?

Yes No

If yes, how?

ATTACHMENT 4: APPLICATION MATERIALS

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

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

Sent from my iPhone

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

Good afternoon,

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

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

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

OWNER AUTHORIZATION PAGE

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

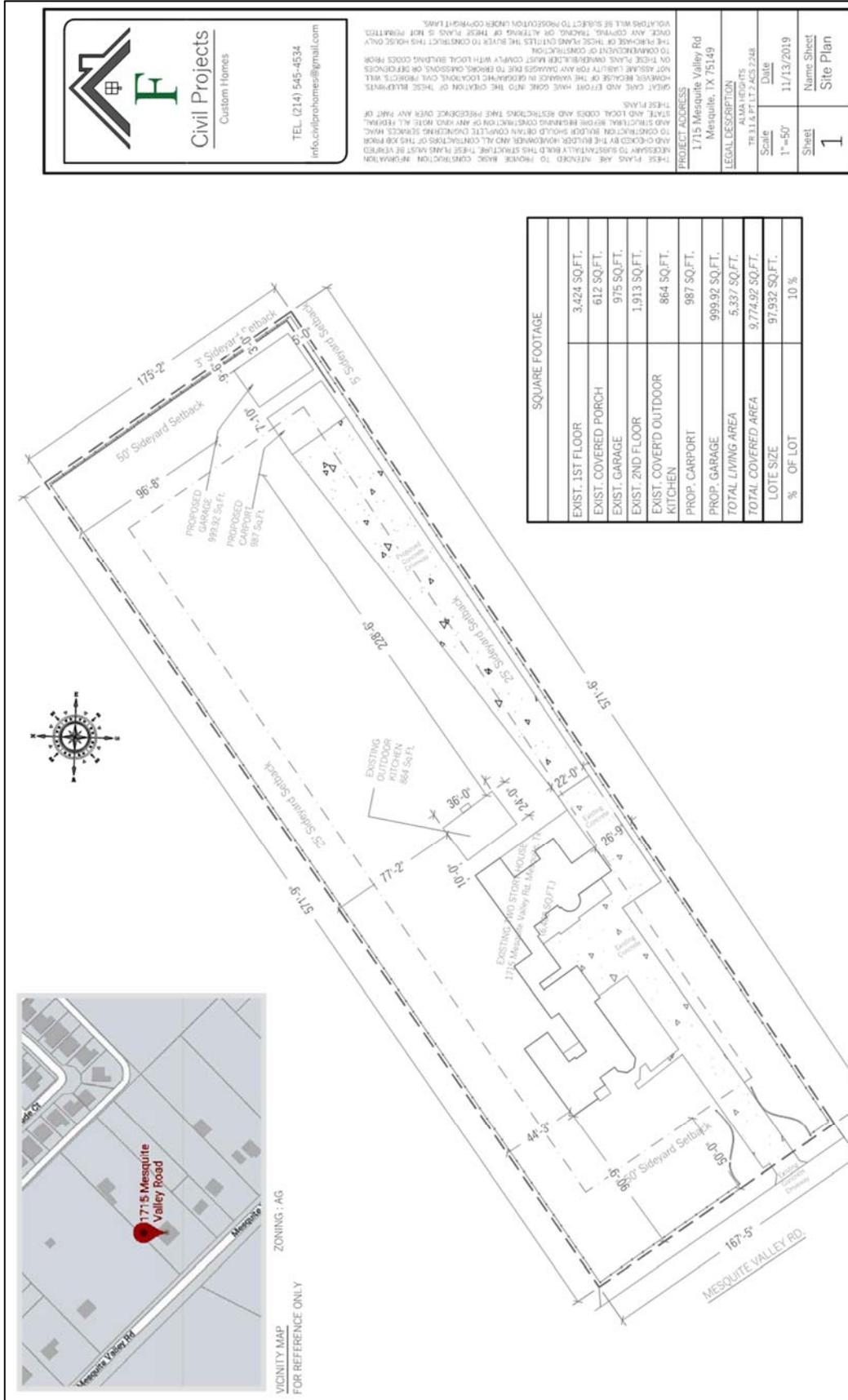
Property Owner: Jose T pleitez Phone Number: 214-243-8288

Address: 1715 mesquite valley Rd
mesquite TX 75149

Email Address: orellanaplumbing@hotmail.com

Signature: 

ATTACHMENT 4: APPLICATION MATERIALS



ATTACHMENT 4: APPLICATION MATERIALS



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



RECEIVED
DEC 05 2019
PLANNING AND ZONING

NOTICE OF PUBLIC HEARING

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

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

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

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

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

BOA Case: BOA1019-0168

Name:
(required)

Brandon Askins

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

Address:
(required)

1745 Mesquite Valley
Mesquite, TX 75149

I am **opposed** to this request _____

Reasons
(optional):

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



RECEIVED

DEC 05 2019

PLANNING AND ZONING

NOTICE OF PUBLIC HEARING

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

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

BOA Case: BOA1019-0168

Name: Chelsea and Adam Watson
(required)

I am **in favor** of this request

Address: 1721 Mesquite valley rd
(required)

I am **opposed** to this request

Mesquite, Tx 75149

Reasons (optional):

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

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

MESQUITE
T E X A S
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RECEIVED
DEC 05 2019
PLANNING AND ZONING

NOTICE OF PUBLIC HEARING

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

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

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

BOA Case: BOA1019-0168 Name: DAVID & LINDA SAUCED
 I am in favor of this request Address: 1501 CAJATE CT
 I am opposed to this request MESQUITE TX 75149

Reasons (optional): _____

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

MESQUITE
T E X A S
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RECEIVED
JAN 23 2020
PLANNING AND ZONING

NOTICE OF PUBLIC HEARING

RESCHEDULED

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

Case Number:	BOA1019-0168
Submitted By/Property Owner:	Jose Pleitez
Property Location:	1715 Mesquite Valley Road
Legal Description:	Alma Heights, Tract 3-1 & Part of Lot 2
Requested Action:	Special Exceptions to 1) allow an approximately 1,986 square foot accessory structure, and 2) constructed at a height of 20 feet.

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

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

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

BOA Case: BOA1019-0168 Name: DAVID AND LINDA SAUCED
 I am in favor of this request Address: 1501 CAJATE COURT
 I am opposed to this request MESQUITE TX 75149

Reasons (optional): dump truck removed
trash removed
 fence restored

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



RECEIVED
DEC 05 2019
PLANNING AND ZONING

NOTICE OF PUBLIC HEARING

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

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

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

BOA Case: BOA1019-0168

Name:
(required)

Matilda & Salvador Rios

I am in favor of this request

Address:
(required)

1425 Cade Ct.
Mesquite, Tx 75149

I am opposed to this request

Reasons
(optional):

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

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

ATTACHMENT 6: CITIZEN EMAILS

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

Good Morning John,

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

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

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

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

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

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

Thanks again for your time

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



ATTACHMENT 6: CITIZEN EMAILS



ATTACHMENT 6: CITIZEN EMAILS





ATTACHMENT 6: CITIZEN EMAILS



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

ATTACHMENT 6: CITIZEN EMAILS

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

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

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



City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

Case Number: BOA1119-0172

Applicant & Owner: Jose Lopez and Maria Sandoval

Address: 917 Ashland Drive

Request: Variance to allow a front carport to encroach 4 feet into the side yard setback.

Background: The applicant is requesting a Variance to allow an existing 400 (20' x 20') square foot front carport to encroach 4 feet into the required 5-foot side yard setback. The carport is existing and was constructed without permits over an existing front driveway. The structure will not exceed the maximum 15 feet or 1 story in height permitted for an accessory structure such as a carport. Current standards require the carport to be setback 5 feet from the side property line. A Special Exception to allow the front carport totaling no more than 400 square feet was approved at the January 23, 2020 Board of Adjustment meeting.

Zoning: R-3, Single Family Residential

Lot Size: 8,040 square feet

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

Applicable Ordinances:

VARIANCE

Mesquite Zoning Ordinance Section 5-203: Criteria for Review

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

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

Staff Comment:

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

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

Staff Comment:

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

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

Staff Comment:

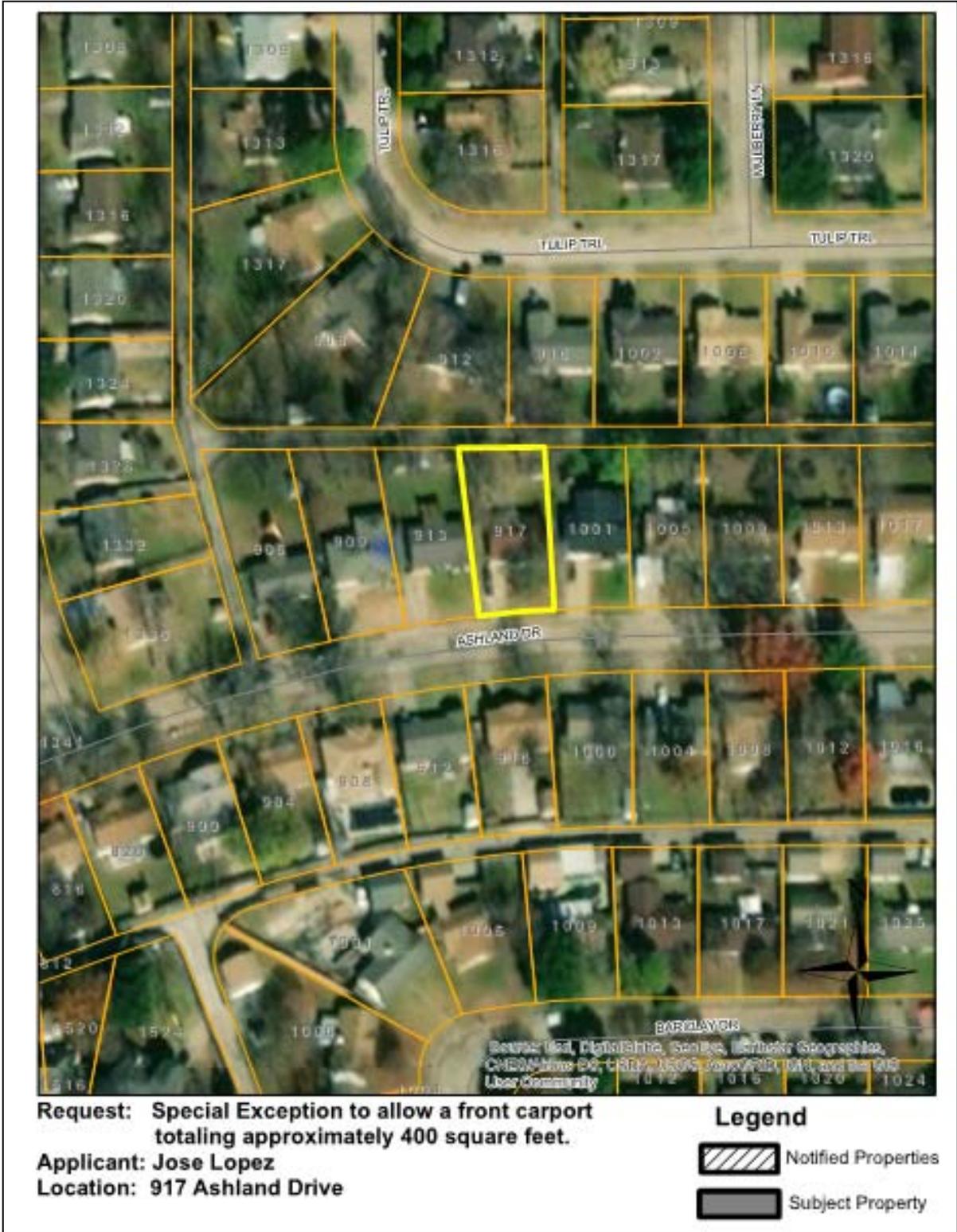
Placement of the driveway near the property line, which is allowed with a proper permit, was not obtained and is a result of the applicant. The location of the existing carport which is encroaching into the required side yard setback is self-imposed by the applicant as the carport was constructed before Planning Staff was consulted about starting the approval and permitting process. The applicant was unaware that although a driveway can be constructed next to the property line, a front carport must provide a 5-foot setback from the property line. The location of the carport is self-imposed.

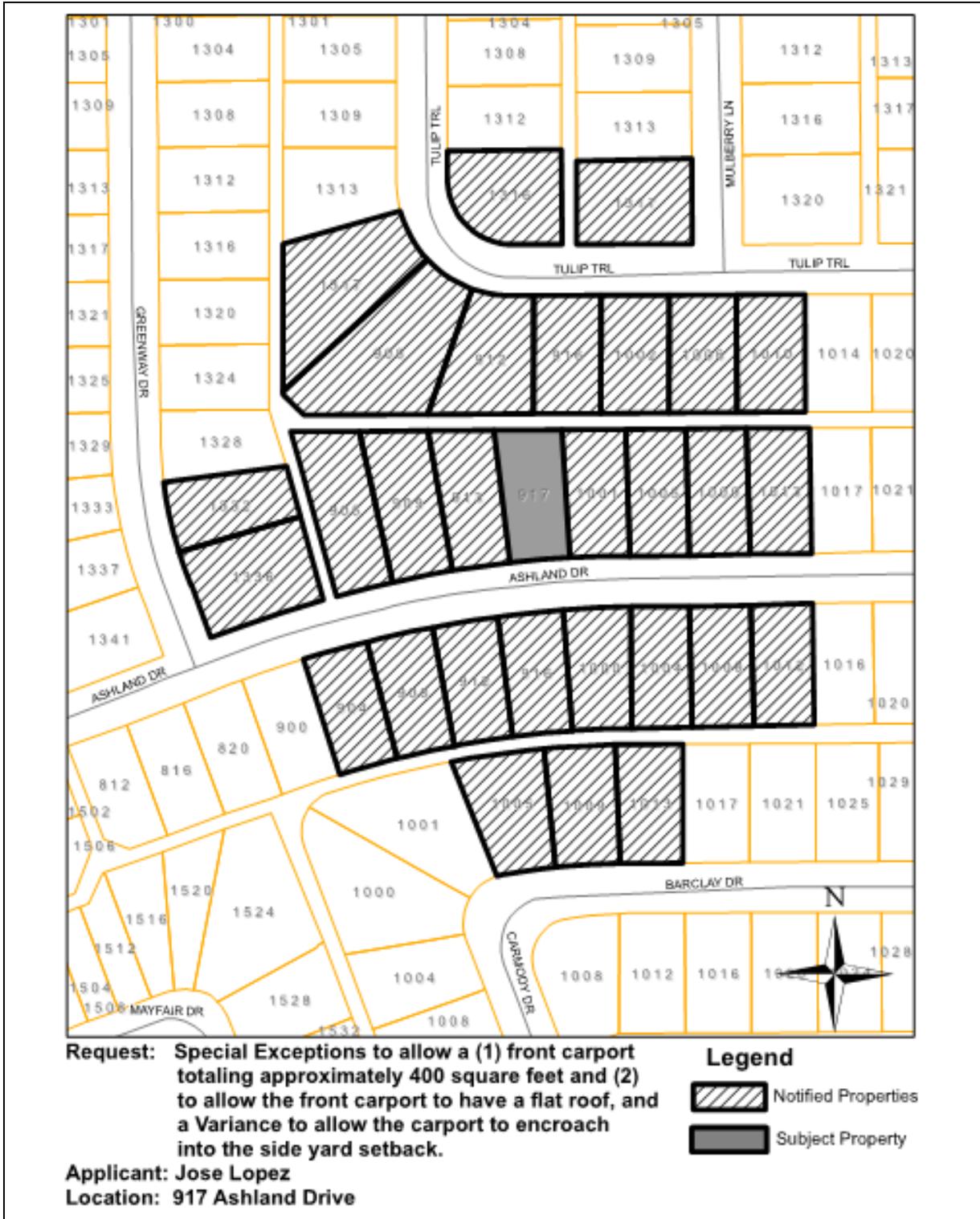
Staff Recommendation: Staff recommends denial of the Variance to allow the front carport to encroach into the side yard setback, as the request does not meet the criteria for approval of a Variance.

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

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

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







Street view of subject property from Ashland Drive



View of subject property line



**City of Mesquite
Front Carport Design Standards,
Requirements & Application**

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

Application Checklist

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

Property Information – Where the carport will be located

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

Applicant Information – The person filling out the application

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

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

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

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

Office Use Only

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

Additional Information

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

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

Carport Design

Carport Status: Existing Proposed

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

October 2019 Jose Carlos Lopez

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

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

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

Wood Metal Masonry

Describe the colors used on the carport: DARK GRAY

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

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



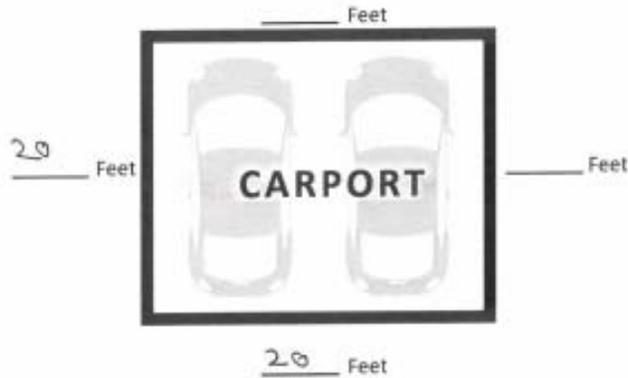
Flat Roof Pitched with Open Gable Pitched with Closed Gable Hip Roof

Describe the roof material: metal

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

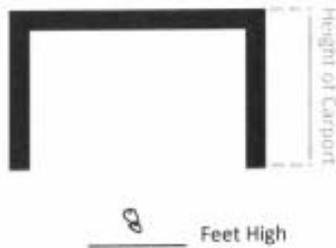
Carport Design, Continued

Indicate each length of the carport using the space below.

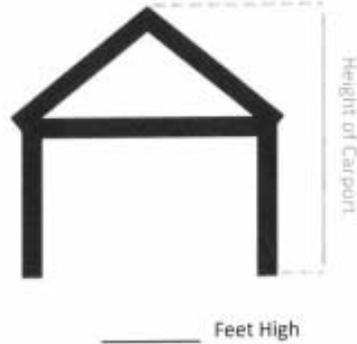


Indicate the height of the carport using the space below based on the roof type previously selected.

Flat Roof



Pitched with Open Gable



Pitched with Closed Gable



Hip Roof



COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

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

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

If yes, how?

It allow additional parking space for veh.

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

If yes, how?

Multiple noise in the neighborhood also have carpools

COMPLETE FOR VARIANCES ONLY.

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

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

Yes No

If so, explain:

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

Yes No

If yes, how?

COMPLETE FOR VARIANCES ONLY.

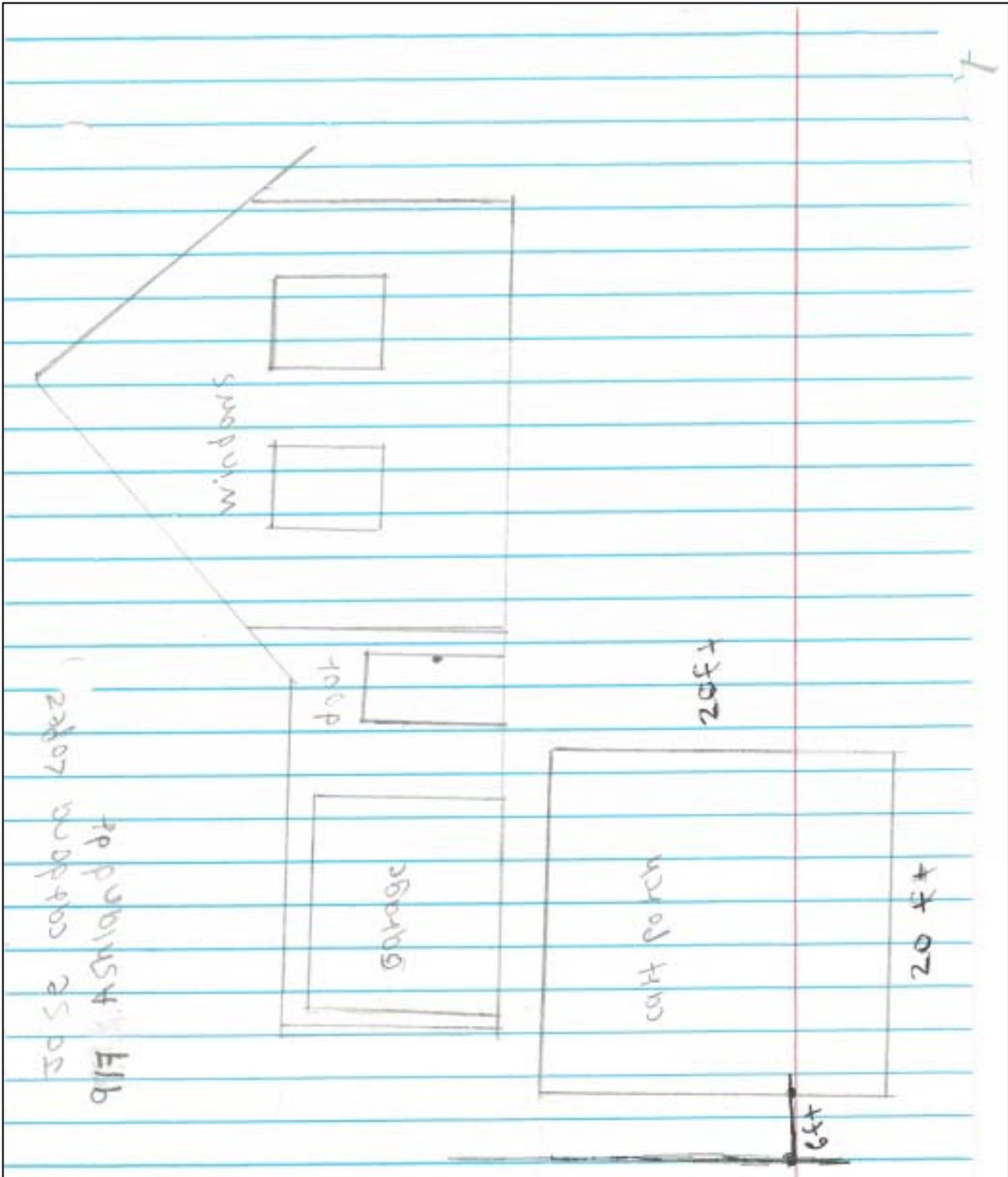
Are the special conditions and circumstances on the property self-imposed? Yes No

If yes, explain:

OWNER AUTHORIZATION PAGE

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

Property Owner: Jose cartona López Phone Number: 972-330-6094
Address: 917 Ashland St
Email Address: jo se cartona @ 9 9 | cloud com
Signature: Jose cartona L





City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

Case Number: BOA0120-0177

Applicant & Owner: Cammy Nation

Address: 1510 Hillwood Drive

Request: Variance to allow an accessory structure to encroach 3 feet into the side yard setback.

Background: The applicant is requesting a Variance to allow an existing 400 square foot accessory structure to encroach 3 feet into the required 5-foot side yard setback. The accessory structure is existing and located in the rear yard of the property and was constructed without permits in 2006. The structure does not exceed 500 square feet; the maximum size allowed for an accessory structure, but due to the placement within the rear yard, a Variance is required because it is located within the 5-foot side yard setback. Current standards require accessory structures to be setback 5 feet from the side property line.

Zoning: R-3, Single Family Residential

Lot Size: 7,266 square feet

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

Applicable Ordinances: **VARIANCE**

Mesquite Zoning Ordinance Section 5-203: Criteria for Review

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

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

Staff Comment:

Staff did not find any special conditions or circumstances unique to the property. Most lots in the subject property’s neighborhood were platted uniformly and the homes were constructed and located on their perspective lots in the same manner. Staff did not find any evidence of a peculiar circumstance that would

require an accessory structure to be located with the side yard setback.

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

Staff Comment:

Staff has determined that the literal interpretation of the provisions of the ordinance would not result in unnecessary hardship to the owner. The applicant is requesting a side yard variance for an existing accessory structure which was constructed without permits. Alternatively, the structure could have been placed 3 feet to the west and meet the required 5 foot set back distance.

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

Staff Comment:

Although the structure does not exceed the maximum size allowed, requiring a Special Exception, the construction and placement, including a proper building permit was not obtained and is a result of the applicant. The location of the existing accessory structure which is encroaching into the required side yard setback is self-imposed by the applicant as the structure was constructed before Planning Staff was consulted about required setbacks.

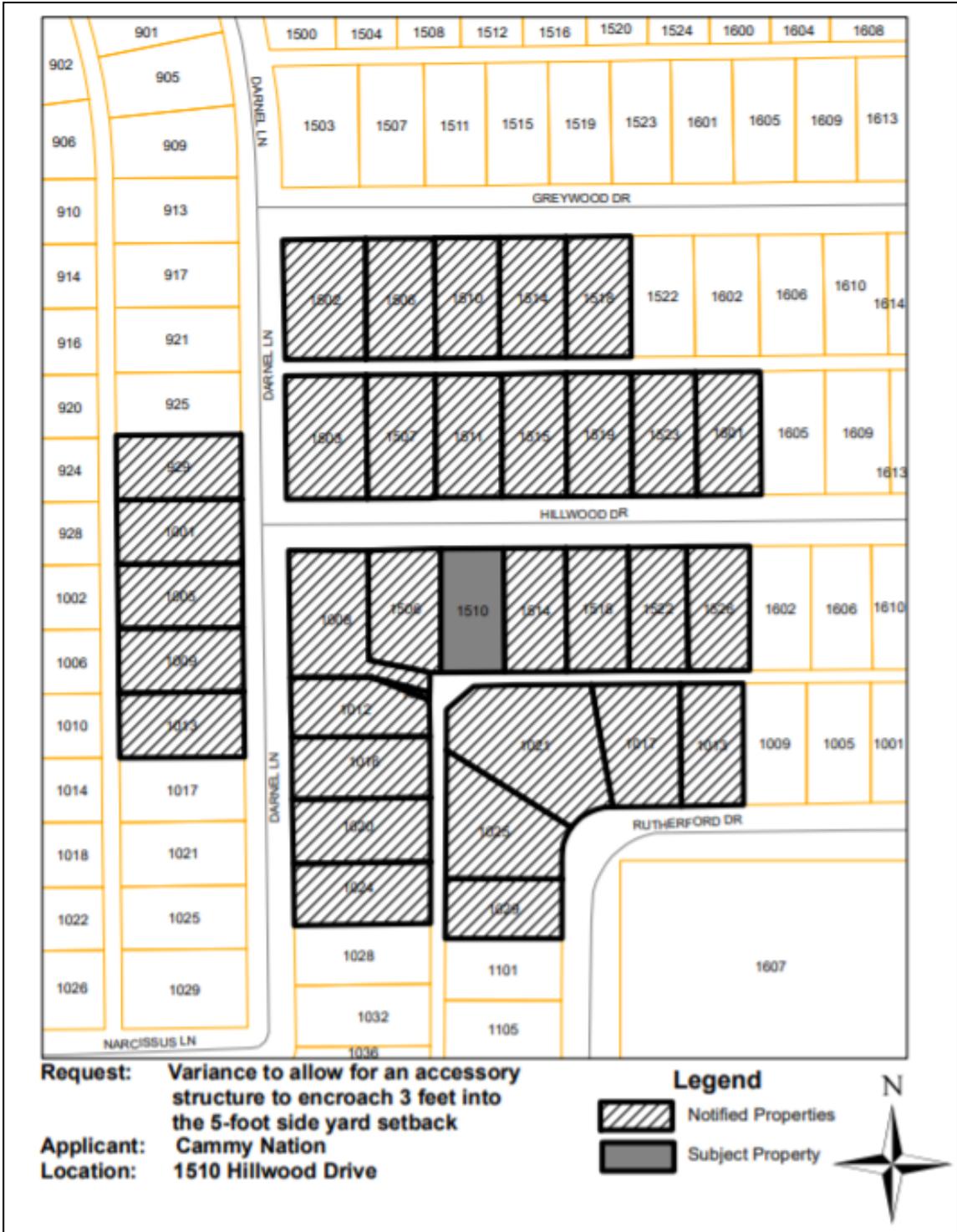
Staff Recommendation: Staff recommends denial of the Variance to allow an accessory structure to encroach into the side yard setback, as the request does not meet the criteria for approval of a Variance.

Permits: No Permit History

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

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







Street view of subject property from Hillwood Drive



View of the accessory structure in the rear yard



View of the accessory structure near the side yard property line



**City of Mesquite
Board of Adjustment
Application**

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

Application Checklist

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

Property Information – Where the carport will be located

Physical Address: 1510 Hillwood Dr. City, State: Mesquite, Texas
 Zip Code: 75149

Applicant Information – The person filling out the application

First Name: Cammy Last Name: Nation
 Phone Number: 214-809-6400 Email Address: cnation1169@icloud.com
 I would like an interpreter at the meeting: Yes No Language: _____

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

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

Office Use Only

Subdivision: El Tierra Estates I Block: A Lot: 11
 Size of Property: 7,246.67 Square Feet When was the property platted: _____
 Date Received: 1/22/2020 Project Intake: BC Case Number: BOA0120-0177
 Special Exception (\$200) Residential Variance (\$200) Non-Residential Variance (\$500) Appeals (\$300)

Structure Types

Check all that applies

Main Structure

- Room Addition
- Garage Addition
- New Residence

Nonconforming

- Use
- Premise
- Structure

Residential

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

Non-Residential

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

Other

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

Height of Structure: 10 Feet Size of Structure: 400 Square Feet

Roof Pitch (If applicable): 3/12

Describe Materials Used:

metal

Affected Part(s) of the Property

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

Will it

- Exceed Maximum Height?
- Exceed Maximum Size?

Status

- Existing
- Proposed

Describe the structure and its purpose:

Storage building built by windows in winter 13 years ago. used for storage only in the past.

COMPLETE FOR SPECIAL EXCEPTIONS ONLY. X

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.

① Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties?

Yes No

If yes, how?

The building poses better viewing of surrounding properties with no negative impacts. The building was built by professional installers from Winslow's Custom Building, Inc. from Quindon Texas. The building was built in 2006 & has NOT imposed any problems with adjacent properties nor with cable, electric, security, internet, etc. I have always been complimented on the look & structure of the building with never a complaint by anyone including neighbors.

② Will the Special Exception be compatible with the surrounding neighborhood?

Yes No

If yes, how?

The building was built in 2006 & looks as good today as the day it was built. I take pride in my property and any & all accessories added. Other storage buildings in my area are constructed of wood with some rotting around the structure & caulking needing to be redone. Also, structures in my area are painted of colors not matching the home & are a huge eye sore. My building is of no rust metal & looks better than most in the neighborhood. I pray & beg of you to please grant me the exception as the building has been standing 14 years.



COMPLETE FOR VARIANCES ONLY.

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

3

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

Yes No

If yes, explain:

4

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

Yes No

If yes, how?

I am a single mother on disability and can not afford the expense of moving said structure. The building is used for storage of miscellaneous household items. I spoke with Misty Peiser (see attached) to have a quote made in moving the building only 36 inches and the price was 1/2 of the cost of the building size. A 20x20 structure cost \$4330.00. To move building is \$2165.00.

I pray and beg of you to grant me this exception as the building has caused no problems for neighbors, myself or commercial workers for 14 years standing.

Sincerely,

COMPLETE FOR VARIANCES ONLY.

CONTINUE TO NEXT PAGE

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

⑤ Yes No

If yes, explain:

I myself made the decision to have a storage building built in 2006 for storage purpose to utilize my 2 car garage for vehicles. I chose to have Winstars Custom Buildings - Inc. & paid more than other estimates as they were highly recommended. I in turn paid more for better construction and was told the building was built by all city ordinances. I did not question the work as Winstars is very well known & reputable company.

OWNER AUTHORIZATION FORM

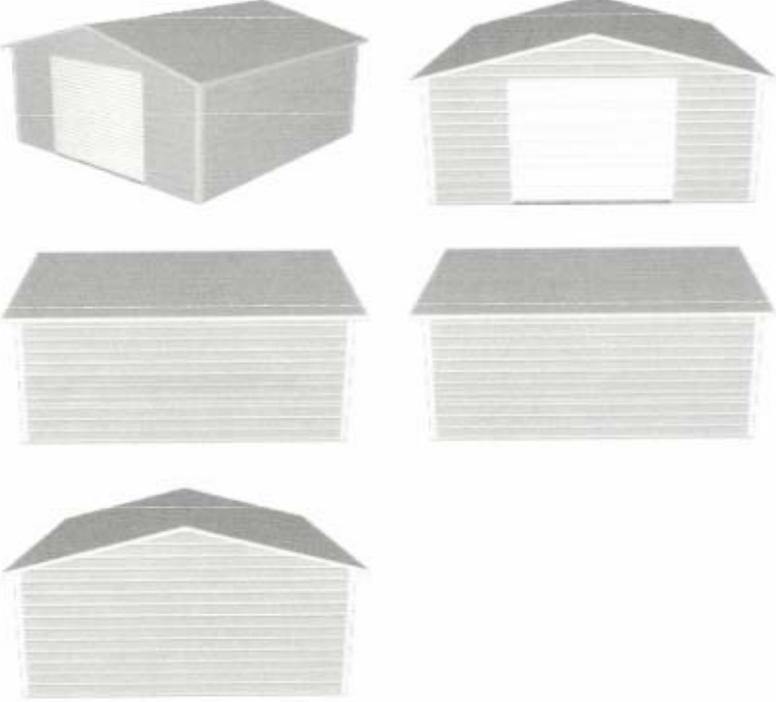
1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application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

Property Owner: Ammy Nation McCarley Phone Number: 214-809-6400
Address: 1510 Hillwood Dr
Mesquite, TX 75149 Email Address: cnation1169@icloud.com
Signature: Ammy Nation McCarley



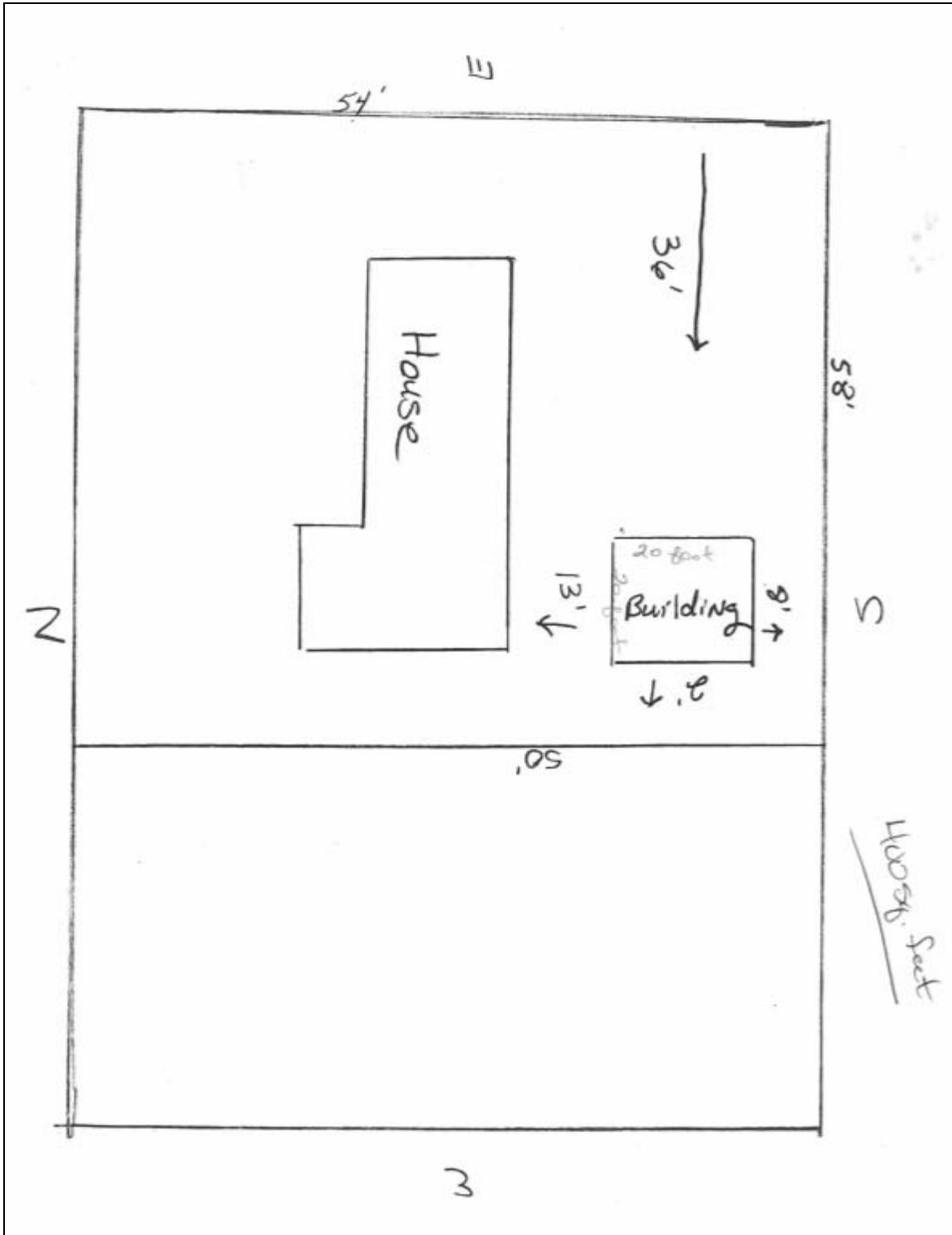
Congratulations on designing a Texwin structure! Our goal is to exceed your expectations of our service and product.

Below are the details of your design with a link to return to your configured structure. If you have any concerns, you can contact us immediately by calling our Customer Service team at Office: 903-356-3400 Cell: 469-785-8165.



<https://texwincarports.com/configurator.php>

1/3





City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

Case Number: BOA0220-0181

Applicant/Property Owner: Jose Figueroa

Address: 1208 Wheat Field Drive

Request: Variance to allow a seventeen (17) foot reduction of the twenty (20) foot rear yard setback for a proposed single family residence.

Background: The applicant is requesting a Variance to allow a 17-foot reduction of the 20-foot rear yard setback for a proposed single family home based on the Single Family Planned Development requirements approved via Ordinance Number 1856 in 1983. The proposed home will be two-story and include approximately 1,645.3 square feet of living area. The property is currently undeveloped. All other regulations of the Planned Development Single Family standards will be met with the proposed development.

Zoning: Planned Development Single Family (Ord. No. 1856)

Lot size: 4,532 square feet

Surrounding uses: The subject property is surrounded by single family homes zoned Planned Development Single Family (Ord. No. 1856), of similar lot sizes.

VARIANCE

Applicable Ordinances: **Mesquite Zoning Ordinance Section 5-203: Criteria for Review**
A. Criteria for Variances
Variances from the terms of this ordinance which will not be contrary to the public interest may be granted where, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of the ordinance is observed and substantial justice is done. The Board shall consider whether:

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

City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

Staff Comment:

The parcel of land has a peculiar shape due to its position on a cul-de-sac and angled rear alley. Because of this, the front living area cannot be constructed as if the lot were a rectangle or a square shaped lot, such as other lots within the Planned Development. Due to the shape of the lot, development is difficult without approval of a variance.

The Planned Development requires the following setbacks:

Front Setback:	15 feet
Rear Setback:	20 feet
Side Setback:	3 feet with a minimum of 10 feet between buildings

Based on the proposed plans, a variance will be required from the 20-foot rear setback for an attached garage. The Planned Development is an alley-fed development requiring all garages and access points be located at the rear of the property. The garage will extend into the required rear building line, at its most, by approximately 11 feet.

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

Staff Comment:

Staff has determined that the literal interpretation of the provisions of the ordinance would result in unnecessary hardship to the owner of the property, as it would significantly limit the developable area. It is Staff's professional opinion, that the applicant is proposing the best possible solution to develop on this property while maintaining the character of the neighborhood.

- 3) The special conditions and circumstances are not self-imposed and did not result from actions of the applicant or owner.

Staff Comment:

The special conditions and circumstances are not self-imposed. The parcel was initially platted in 1983 as an irregular shaped lot and has never been developed due to development constraints.



City of Mesquite
BOARD OF ADJUSTMENT
February 27, 2020
Staff Report

Staff Recommendation: Staff recommends approval of the Variance request to allow a seventeen (17) foot reduction of the twenty (20) foot rear yard setback for a proposed single family residence, as the request meets the criteria for approval of a Variance.

Permits: No Permits

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

Attachments:

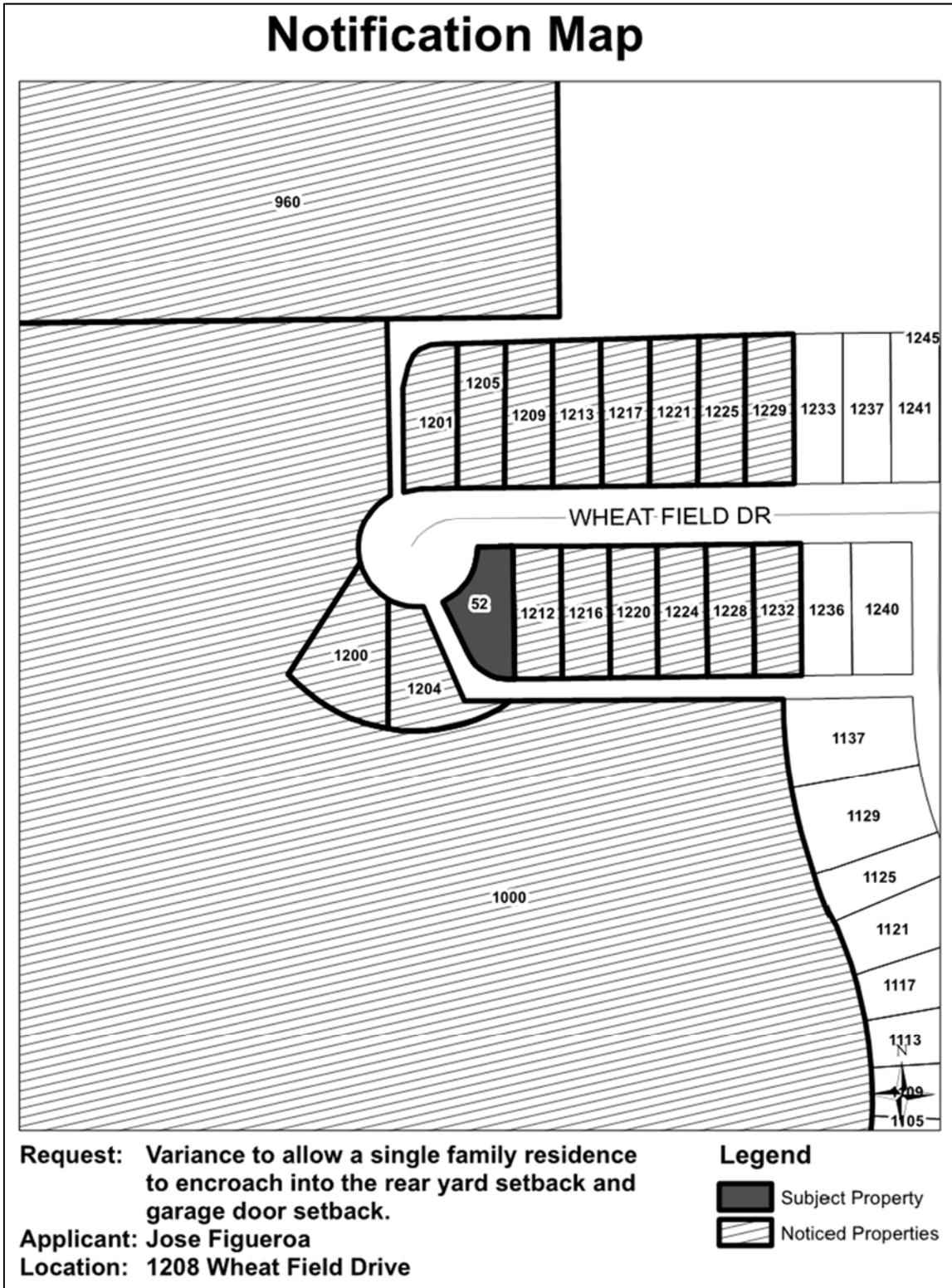
- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Site Photos
- 4 – Application Materials

Aerial Map



Legend

-  Subject Property
-  Parcels





Street view of subject property from the front.



Street view of the subject property from the rear.



Street view of the rear alley within the development.

RECEIVED

FEB 04 2020

PLANNING AND ZONING

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

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

Application Checklist

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

Property Information – Where the carport will be located

Physical Address: 1208 Wheat Field Dr City, State: Mesquite, Texas
Zip Code: 75149

Applicant Information – The person filling out the application

First Name: Jose Last Name: Figuera
Phone Number: 972-863-9169 Email Address: jfservices73@gmail.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: Jose Last Name: Figueroa
Phone Number: 469-348-3748 Email Address: _____
Mailing Address: P.O. Box 8800572 City, State: Balch Springs, TX
(If different from physical address)
Zip Code: 75180

Office Use Only

Subdivision: Samuel Park Farms West Block: A Lot: 52
Size of Property: 4391 Square Feet When was the property platted: 11/2/1983
Date Received: 2/14/2020 Project Intake: JC Case Number: BOA0220-0181

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

Structure Types

Check all that applies

Main Structure

- Room Addition
- Garage Addition
- New Residence

Nonconforming

- Use
- Premise
- Structure

Residential

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

Non-Residential

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

Other

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

Height of Structure: 23' Feet Size of Structure: 1,996 Square Feet

Roof Pitch (If applicable): 6"

Describe Materials Used:

80% Masonry 20% Siding, Concrete Slab

Affected Part(s) of the Property

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

Will it

- Exceed Maximum Height?
- Exceed Maximum Size?

Status

- Existing
- Proposed

Describe the structure and its purpose:

New SFD for me to live in

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 Figuera Phone Number: 469-348-3748
Address: PO Box 8860572
Balch Springs, TX 75180 Email Address: jfservices73@gmail.com
Signature: 

COMPLETE FOR VARIANCES ONLY.

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

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

Yes No

If yes, explain: The shape of the platted lot is different to the adjacent lots; therefore, it is difficult to build a house and comply with current ordinance.

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

Yes No

If yes, how? The zoning ordinance makes difficult to develop a house in this particular lot.
We're requesting to exceed beyond the setbacks requirements.

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

Yes No

If yes, explain:

