



**BOARD OF ADJUSTMENT REGULAR MEETING
CITY COUNCIL CHAMBERS**
757 North Galloway Avenue
Mesquite, Texas
October 22, 2020 – 6:30 P.M.

MEETING PARTICIPATION INSTRUCTIONS

In accordance with the Governor’s suspension of various provisions of the Texas Open Meetings Act, issued pursuant to his state disaster authority related to the Coronavirus (COVID-19) pandemic, and further guidance issued on the suspensions by the Attorney General’s Office, Board members and all other persons may participate in the meeting as follows:

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

Telephone Conference Number: 214-396-6338

When your call is answered you will hear:

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

Conference ID (Participation Code): 177-6111 #

Additional Instructions:

- Persons may INCREASE their listening volume by pressing *88.
 - Persons may DECREASE their listening volume by pressing *89.
 - Repeat as necessary to incrementally increase or decrease the listening volume.
 - Persons may press *5 to be recognized to speak during the public comment or public hearing portion of the meeting.
5. The meeting will be audible to all in-person and telephone participants and will allow for their two-way communication.
 6. Verbal comments may be made during the meeting upon a request to speak and recognition by the Chairperson during the appropriate times identified on the Agenda.
 7. Written comments may be made in writing before 3:00 p.m., on the afternoon of the meeting, to the following email address: jmatthews@cityofmesquite.com.
 8. An electronic copy of the agenda packet will be posted online at the City of Mesquite’s website (www.cityofmesquite.com).

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

AGENDA

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

BOARD BUSINESS

1. ROLL CALL

2. INSTRUCTIONS

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

3. BOARD PROCEDURES

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

PUBLIC COMMENTS

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

CONSENT AGENDA

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

5. APPROVAL OF MINUTES.

Discuss and consider approval of the minutes of the September 24, 2020, Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

6. BOA0920-0219 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Carol Obenshain for Special Exceptions (1) to allow a 180 square foot front carport and (2) to allow the front carport to be constructed with a flat roof, located at 2957 Elder Drive (BOA0920-0219, Lesley Frohberg, Planner).

7. BOA0920-0220 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Freddy Lopez for Special Exceptions (1) to allow a 360 square foot front carport and (2) to allow the front carport to be constructed with a flat roof, located at 2716 Belhaven Drive (BOA0920-0220, Lesley Frohberg, Planner).

8. BOA0920-0222 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Deborah Beauchamp for Special Exceptions (1) to allow a 324 square foot front carport and (2) to allow the front carport to be constructed with a flat roof, located at 2608 Canary Circle (BOA0920-0222, John Chapman, Planner).

PUBLIC HEARINGS- CONTESTED CASES

9. BOA0820-0213 – VARIANCE

Conduct a public hearing to consider an application submitted by Rudy Rangel for a Variance to allow a 10-foot reduction of the required 60-foot lot width, located at 1420 New Market Road (BOA0820-0213, John Chapman, Planner).

PUBLIC COMMENTS

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

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

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

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

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

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

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

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

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

CERTIFICATE OF POSTING

I, Johnna Matthews, Principal Planner of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached agenda for the Board of Adjustment meeting to be held **October 22, 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 **October 16, 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

SEPTEMBER 24, 2020

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

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

REGULAR MEETING

ATTENDANCE: BOARD MEMBERS (REGULAR MEMBERS AND ALTERNATES)

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

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

ATTENDANCE NOTES:

- In accordance with Governor Abbott’s suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, related to the Coronavirus (COVID-19) pandemic, and the guidance issued on the suspension by the Texas Attorney General’s Office this regular board meeting was conducted both in-person and by telephone conferencing to support adequate social distancing.
- Board members and City Staff in attendance (in-person) were present in the City Council Chambers, wore facial coverings over their face and mouth, and practiced social distancing of remaining at least 6-feet apart.
- From the beginning of the meeting until approximately 7:00 P.M., due to technical difficulties, Board Member Alwalee, Alternate Larry Good, and Senior Assistant City Attorney Karen Strand were unable to participate in the meeting via telephone; however, a quorum was present and the meeting was able to proceed with in-person participants.

ATTENDANCE: STAFF

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

I. BOARD BUSINESS**1. ROLL CALL**

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

2. INSTRUCTIONS

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

3. BOARD PROCEDURES

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

4. PUBLIC COMMENTS

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

Note: Action was taken next on the UNCONTESTED CASES before the CONSENT AGENDA

PUBLIC HEARINGS- UNCONTESTED CASES**6. BOA0720-0205 – SPECIAL EXCEPTIONS**

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

7. BOA0820-0211 – SPECIAL EXCEPTIONS

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

9. BOA0820-0214 – SPECIAL EXCEPTION

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

10. BOA0820-0215 – SPECIAL EXCEPTIONS

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

11. BOA0820-0216 – SPECIAL EXCEPTIONS

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

12. BOA0820-0217 – SPECIAL EXCEPTION

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

PUBLIC HEARING OPENED:

Chairman Palmer opened the public hearing for the uncontested cases on Agenda Items 6, 7, 9, 10, 11, 12.

SPEAKERS:

There were no speakers in-person or by telephone.

PUBLIC HEARING CLOSED:

Chairman Palmer closed the public hearing.

ACTION:

Motion by Board Member Rice to APPROVE Agenda Items 6, 7, 9, 10, 11, 12; seconded by Board Member Akin; motion carried 4-0 & applications are approved as presented with Staff recommendations.

Note Board Member Alwalee did not participate in the vote due to technical difficulties.

CONSENT AGENDA**5. APPROVAL OF MINUTES**

Consider approval of the minutes of July 23, 2020, and August 27, 2020 Board of Adjustment meeting.

ACTION:

Motion by Board Member Akin to APPROVE July 23, 2020, and August 27, 2020 meeting minutes; seconded by Board Member Rice; motion carried 4-0 & the meeting minutes are approved.

Note Board Member Alwalee did not participate in the vote due to technical difficulties.

PUBLIC HEARINGS –CONTESTED CASES**13. BOA0820-0218 – SPECIAL EXCEPTIONS & VARIANCE**

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

PRESENTATION:

Planner Lesley Frohberg briefed the Board.

DISCUSSION:

There were no questions for Staff.

APPLICANT:

Applicant Abel Pina came up to speak. Mr. Pina explained to the Board that the reason for such a large carport was to protect his cars and he built it to the concrete pad that was already in place.

PUBLIC HEARING OPENED:

Chairman Palmer opened the public hearing.

SPEAKERS:

There were no speakers in-person or by telephone.

PUBLIC HEARING CLOSED:

Chairman Palmer closed the public hearing.

DISCUSSION:

Chairman Palmer asked Planner Frohberg if a motion is made to approve the special exception would it be for the 428 square feet.

Planner Frohberg answered no and referred to her staff report under Staff comments number 2. The front carport shall be no greater than 400 square feet and cannot extend 20 feet beyond the front or exterior building line proper. The width of a front carport shall not exceed 40 percent of the length of the front façade of the principal structure.

Chairman Palmer asked if a motion can be made to APPROVE the Variance. Ms. Frohberg answered no, the Applicant does meet the criteria for a variance.

Board Member Alwalee was able to join in the discussion by conference call after the technical difficulties were resolved.

ACTION (SPECIAL EXCEPTION and VARIANCE):

Ms. Alwalee made a motion to APPROVE the Special Exception with the Staff's recommendations, that is,

- (1) APPROVE the Special Exception to allow an approximately 400 square foot front carport; and
- (2) APPROVE the Special Exception to allow the front carport to be constructed with a flat roof; and
- (3) APPROVE the Special Exception to allow an approximately 83 square foot front porch cover with a flat roof; and
- (4) to DENY the variance as it does not meet the criteria for a variance.

Board Member Akin seconded; motion carried 5-0 & the Special Exceptions were APPROVED, as presented with Staff recommendations, and the Variance was DENIED.

8. BOA0820-0212 – SPECIAL EXCEPTION

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

PRESENTATION:

Principal Planner Johnna Matthews briefed the Board.

APPLICANT:

The Applicant was not present.

PUBLIC HEARING OPENED:

Chairman Palmer opened the public hearing.

SPEAKERS:

Brittany Bledsoe 1640 Edd Rd spoke via conference call. Ms. Bledsoe told the Board she has no objections to the Applicant having livestock.

Tammy Broadmore of 3490 (did not give a street address) also spoke via conference call. Ms. Broadmore does not have any issues with the livestock. Ms. Broadmore shares a fence with the Applicant.

PUBLIC HEARING CLOSED:

Chairman Palmer closed the public hearing.

DISCUSSION:

Board Member Akin commented that he likes the idea of the Applicant raising livestock and approves with Staff's recommendations.

ACTION (SPECIAL EXCEPTION):

Motion by Board Member Alwalee to APPROVE with Staff’s recommendations; Board Member Ford seconded; the motion carried 5-0 & application is approved with Staff recommendations.

PUBLIC COMMENTS

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

There were no public comments.

There being no further business for the Board, the meeting adjourned at 7:18 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.



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0920-0219
REQUEST: Special Exceptions (1) to allow a 180 square-foot front carport and (2) to allow the front carport to be constructed with a flat roof.
CASE MANAGER: Lesley Frohberg, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, October 22, 2020

GENERAL INFORMATION

Applicant & Property Owner: Carol Obenshain
Location: 2957 Elder Drive

SITE BACKGROUND

Legal Description: Casa View Heights 18, Block 14, Lot 17
Size: 7,200 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1954 Annexed and Zoned Residential

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant is requesting Special Exceptions to construct a 180 square-foot (10 feet by 18 feet) front carport, with a flat roof, attached to the residence. The front carport will be approximately 10 feet in height All other regulations of the R-3 Zoning District will be met.

MESQUITE ZONING ORDINANCE

SEC. 2-603(E): FRONT CARPORTS

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

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

STAFF COMMENTS:

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

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

STAFF COMMENTS:

The proposed front carport will include 180 square-feet (10 feet by 18 feet) and will not extend 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 46 feet. Forty percent of this measurement is 18 feet, 4 inches, which accommodates the proposed width of the front carport.

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

STAFF COMMENTS:

The roof height of the proposed front carport will be approximately 10 feet, which will not exceed the height of the roof of the residence and is less than 15 feet. The eave height will not exceed the eave height of the residence.

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

STAFF COMMENTS:

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

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

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

STAFF COMMENTS:

The front carport would not afford the only opportunity for covered parking on the property as there is an existing one-car garage. There is a paved alley adjacent to the rear property line, however, the subject property does not utilize the alley for rear access. The property was platted in November of 1958 and due to Section 2-401.C. of the Mesquite Zoning Ordinance, lots platted prior to October 1, 1984, are not required to provide an enclosed garage as covered parking did not become required until October 1, 1984.

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

- 5) Special Exceptions.

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

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

STAFF COMMENTS:

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

PERMITS

(No Permits Found in City Records)

STAFF RECOMMENDATION

Staff recommends approval of the Special Exceptions (1) to allow a 180 square-foot front carport and (2) to allow the front carport to be constructed with a flat roof.

PUBLIC NOTICE

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

ATTACHMENTS

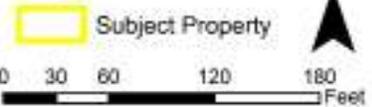
1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials

Aerial Map

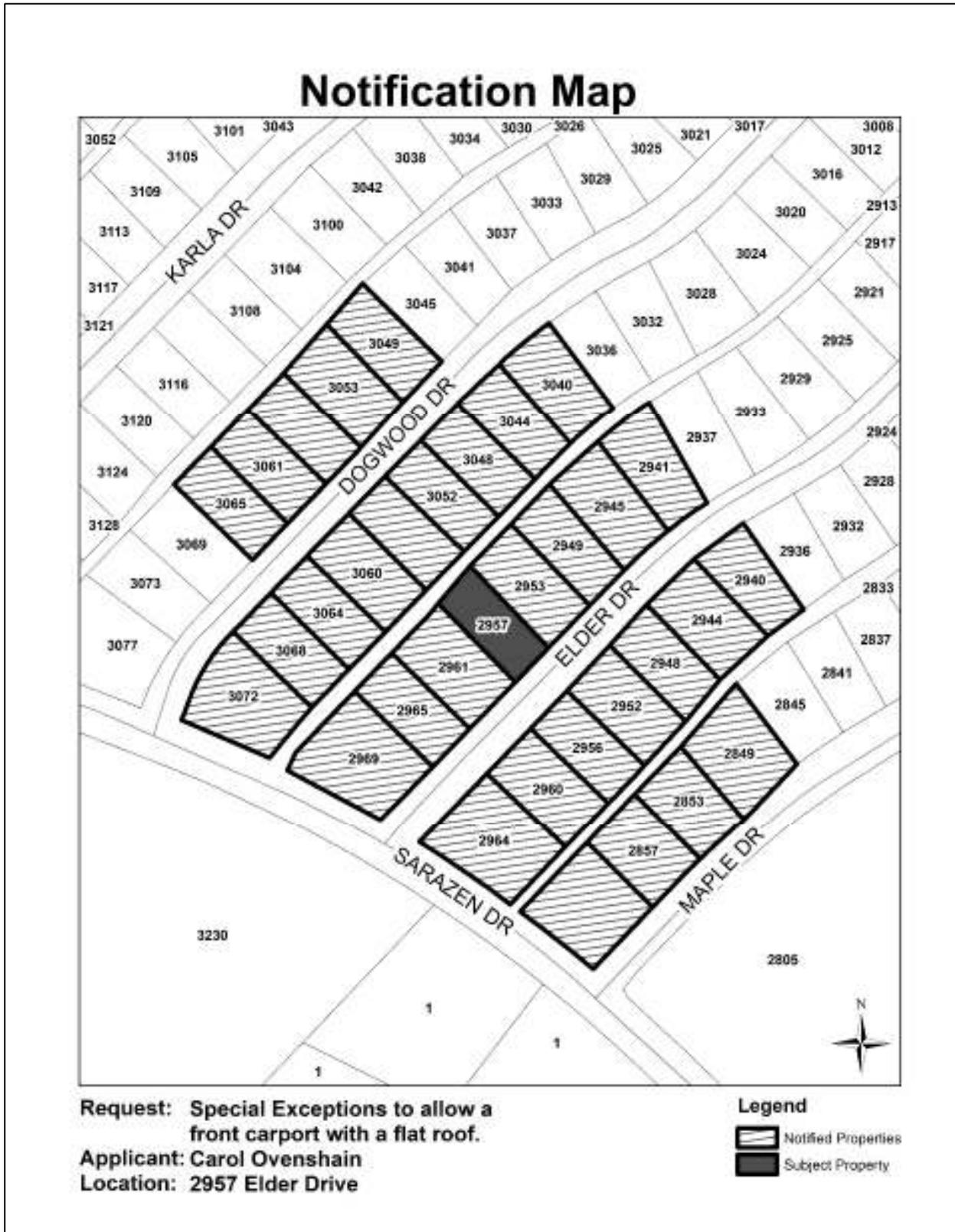


Request: Special Exceptions to allow
a front carport with a flat roof.
Applicant: Carol Obenshain
Location: 2957 Elder Drive

Legend



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – SITE PHOTOS



Front view of subject property

ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION PAGE

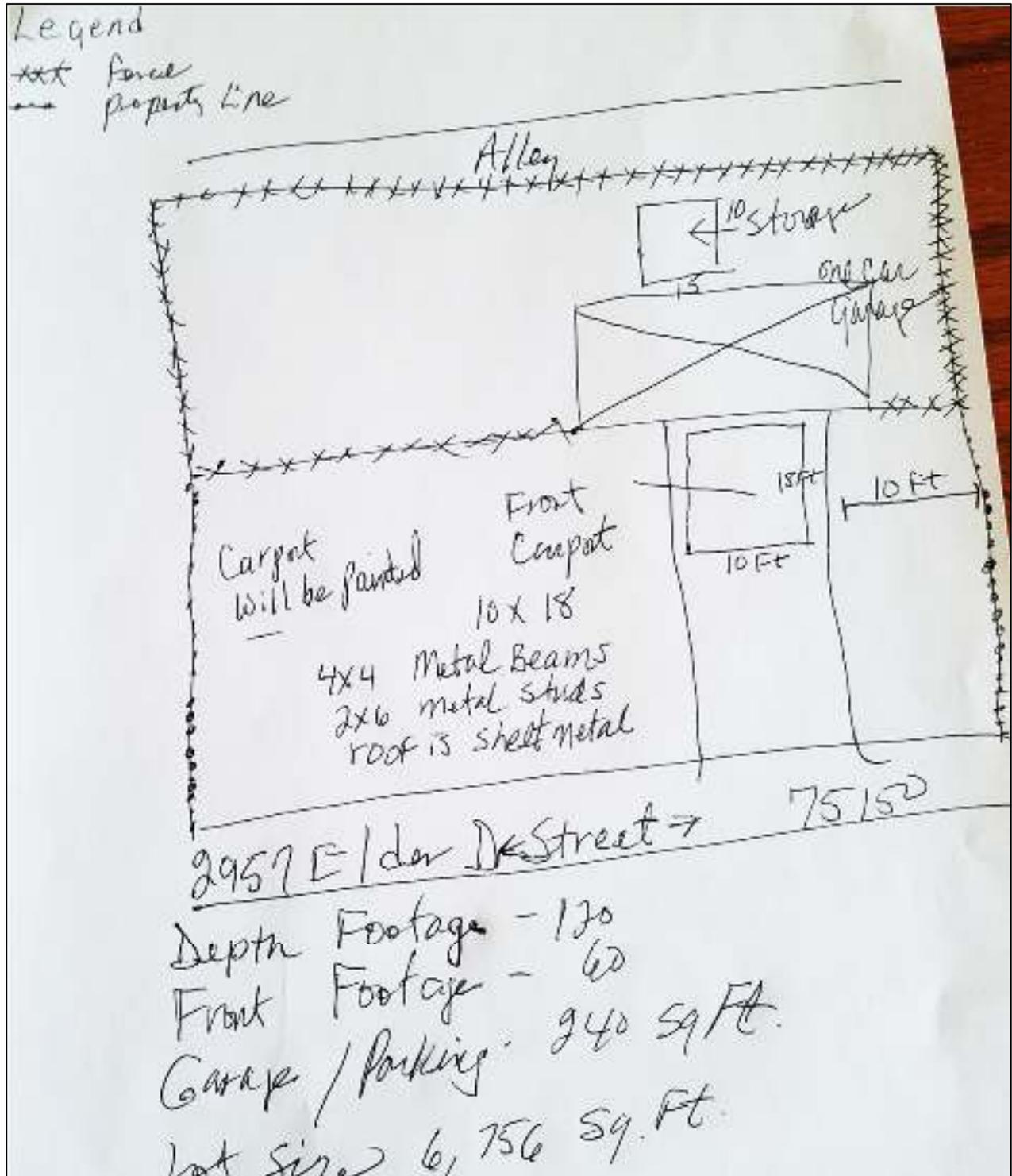
1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application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

Property Owner: Carol Obenshain Phone Number: 214-801-7758

Address: 2957 Elder Drive
Mesquite, Texas 75150 Email Address: carolobenshain@gmail.com

Signature: *Carol Obenshain*

ATTACHMENT 4 – APPLICATION MATERIALS





PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0920-0220
REQUEST: Special Exceptions (1) to allow a 360 square-foot front carport and (2) to allow the front carport to be constructed with a flat roof.
CASE MANAGER: Lesley Frohberg, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, October 22, 2020

GENERAL INFORMATION

Applicant & Property Owner: Freddy Lopez
Location: 2716 Belhaven Drive

SITE BACKGROUND

Legal Description: Eastridge Park 2, Block M, Lot 6
Size: 7,560 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1954 Annexed and Zoned Residential

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant is requesting Special Exceptions to construct a 360 square-foot (18 feet by 20 feet) front carport, with a flat roof, attached to the residence. The front carport will be approximately 11 feet in height. All other regulations of the R-3 Zoning District will be met.

MESQUITE ZONING ORDINANCE

SEC. 2-603(E): FRONT CARPORTS

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

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

STAFF COMMENTS:

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

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

STAFF COMMENTS:

The proposed front carport will include 360 square-foot (18 feet by 20 feet) and will not extend 20 feet beyond the front or exterior building line proper. The width of the residence is approximately 49 feet. Forty percent of this measurement is 19 feet, 6 inches, which accommodates the proposed width of the front carport.

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

STAFF COMMENTS:

The roof height of the proposed front carport will be approximately 11 feet, which will not exceed the height of the roof of the residence and is less than 15 feet. The eave height will not exceed the eave height of the residence.

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

STAFF COMMENTS:

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

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

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

STAFF COMMENTS:

The front carport would not afford the only opportunity for covered parking on the property as there is an existing two-car garage. There is a paved alley adjacent to the rear property line, however, the subject property does not utilize the alley for rear access. The property was platted in March of 1962 and due to Section 2-401.C. of the Mesquite Zoning Ordinance, lots platted prior to October 1, 1984, are not required to provide an enclosed garage as covered parking did not become required until October 1, 1984.

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

- 5) Special Exceptions.

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

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

STAFF COMMENTS:

Staff does not anticipate any adverse impacts on the surrounding neighborhood as there is one similarly-constructed front carport nearby on Belhaven Drive.

PERMITS

1994 – Plumbing Permit

STAFF RECOMMENDATION

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

PUBLIC NOTICE

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

ATTACHMENTS

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

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Request: Special Exceptions to allow a front carport with a flat roof.
Applicant: Freddy Lopez
Location: 2716 Belhaven Drive

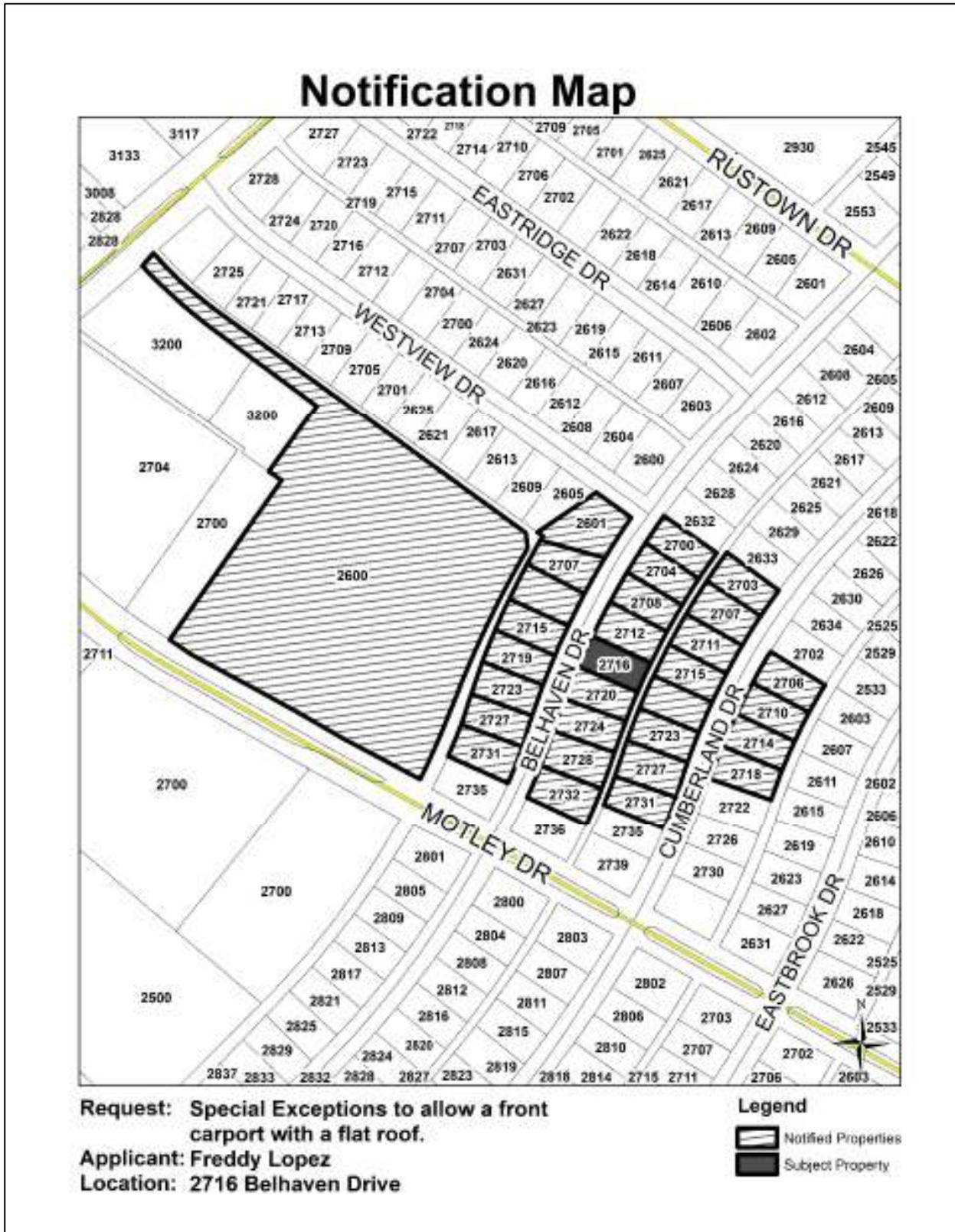
Legend

 Subject Property

0 30 60 120 180 Feet



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – SITE PHOTOS

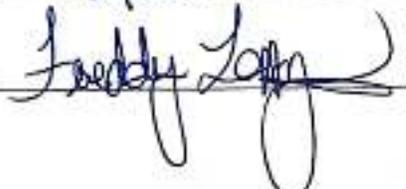


Front view of subject property

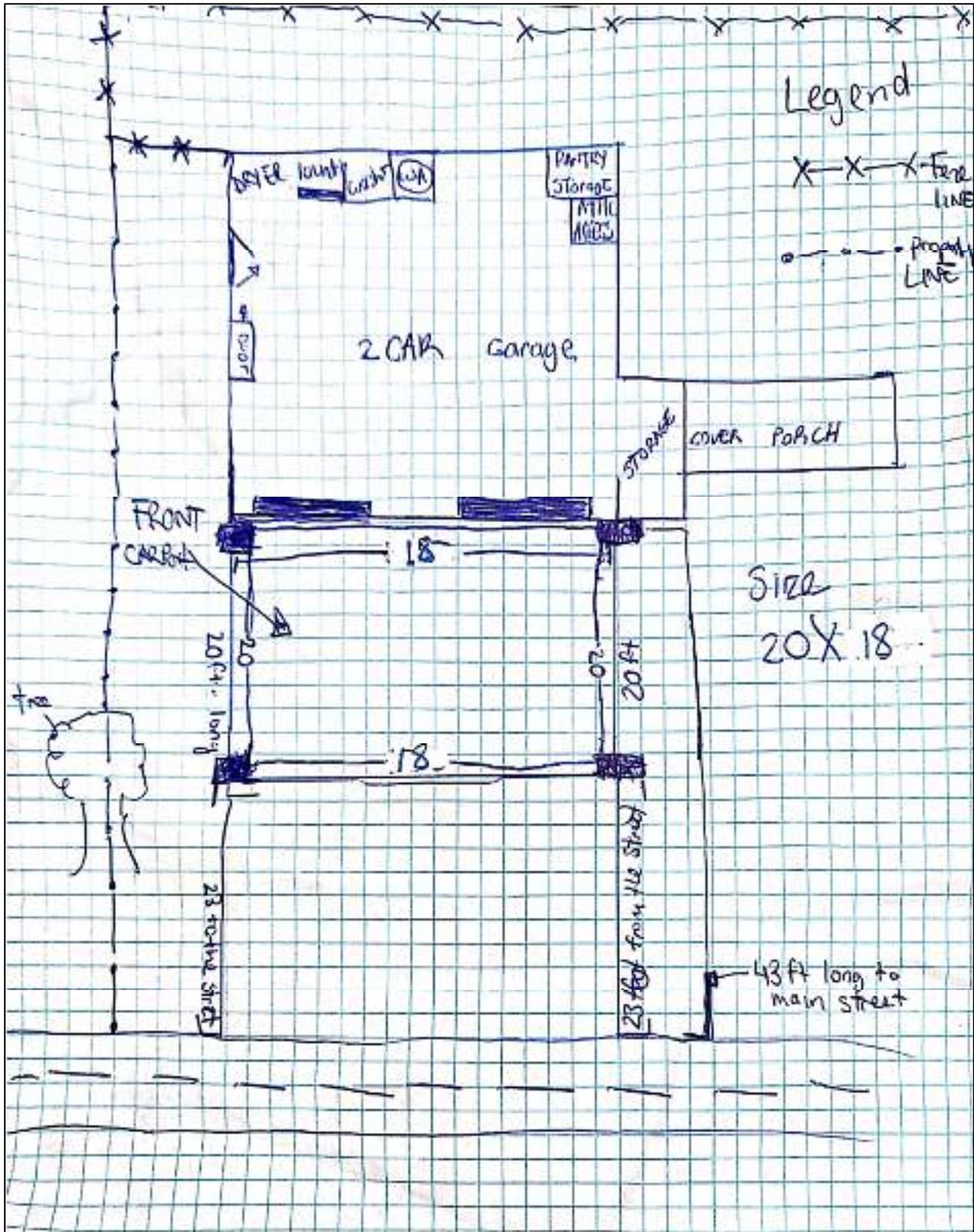
ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION PAGE

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

Property Owner: Freddy Lopez Phone Number: 469-223-5959
Address: 2716 Belhaven Dr
Mesquite TX 75150 Email Address: flopezshou06@gmail.com
Signature: 

ATTACHMENT 4 – APPLICATION MATERIALS





FILE NUMBER: BOA0920-0222
REQUEST: Special Exceptions (1) to allow a 324 square-foot front carport and (2) to allow the front carport to be constructed with a flat roof.
CASE MANAGER: John Chapman, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, October 22, 2020

GENERAL INFORMATION

Applicant &
 Property Owner: Deborah Beauchamp
 Location: 2608 Canary Circle

SITE BACKGROUND

Legal Description: Skyline 4, Block 56, Lot 31
 Size: 7,747.62 square feet
 Zoning: R-3, Single Family Residential
 Zoning History: 1960 – Annexed and Zoned Residential
 1964 – Zoning designation changed to R-3 Single Family Residential with the adoption of Ordinance No. 560

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant is requesting Special Exceptions to construct a 324 square-foot (18 feet by 18 feet) front carport with a flat roof. The carport will be integrated into the roof of the residence and will be 8.5 feet in height. The front carport is proposed to be constructed of metal and will be located over an existing concrete driveway. According to the drawing submitted by the applicant, the carport will be setback 5 feet from the southern property line. All other regulations of the R-3 Zoning District will be met.

MESQUITE ZONING ORDINANCE

SEC. 2-603(E): FRONT CARPORTS

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

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

STAFF COMMENTS:

The proposed front carport will be constructed with a flat roof and will be attached to the residence.

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

STAFF COMMENTS:

The proposed front carport will include 324 square feet and will not extend 20 feet beyond the 25-foot front building line required in the R-3 Zoning District. The width of the proposed carport will not exceed 40 percent of the length of the front façade of the home, as the length of the home is 50 feet and the proposed width of the carport is 18 feet.

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

STAFF COMMENTS:

The height of the proposed front carport will be 8.5 feet in height, which will not exceed the height of the roof of the residence. The eave height will not exceed the eave height of the residence.

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

STAFF COMMENTS:

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

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

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

STAFF COMMENTS:

The proposed front carport would not afford the only opportunity to provide covered parking on the lot, as the home includes an attached one-car garage. There is paved alley access in the rear; however, there is no drive approach. Parking behind the building line was not required when the home was constructed in 1973.

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

- 1) Special Exceptions.

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

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

STAFF COMMENTS:

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

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

- 2) In approving a Special Exception, the Board is authorized, but not required, to approve an applicant's request for a carport with a flat roof and/or metal exterior if the Board determines that a flat roof and/or metal exterior would be compatible with the neighborhood. The Board shall consider, among other things, the following characteristics:
- a) The request is located on a lot platted before December 21, 1964, provided, however, a metal carport shall not be approved on a lot platted after said date;
 - b) The existence, location and similar design of other carports in the immediate vicinity of the request.

STAFF COMMENTS

The request is for a front carport on a lot platted in 1969; after December 21, 1964. There are similar carports constructed on Canary Circle, including a front carport located at 2811 Canary Circle, approved by the Board of Adjustment in 1982; 2805 Spice Berry Lane, approved by the Board of Adjustment in 1978; 2604 Spiceberry Lane, approved by the Board of Adjustment in 1997; 2616 Spiceberry Lane, approved by the Board of Adjustment in 2000; 2537 Spiceberry Lane, approved by the Board of Adjustment in 2005; and 2814 Spiceberry Lane, approved by the Board of Adjustment in 2008.

PERMITS

- 1971 – Residential Building Permit
- 1977 – Fence Permit
- 2007 – Plumbing Permit
- 2012 – Plumbing Permit
- 2013 – Plumbing Permit

STAFF RECOMMENDATION

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

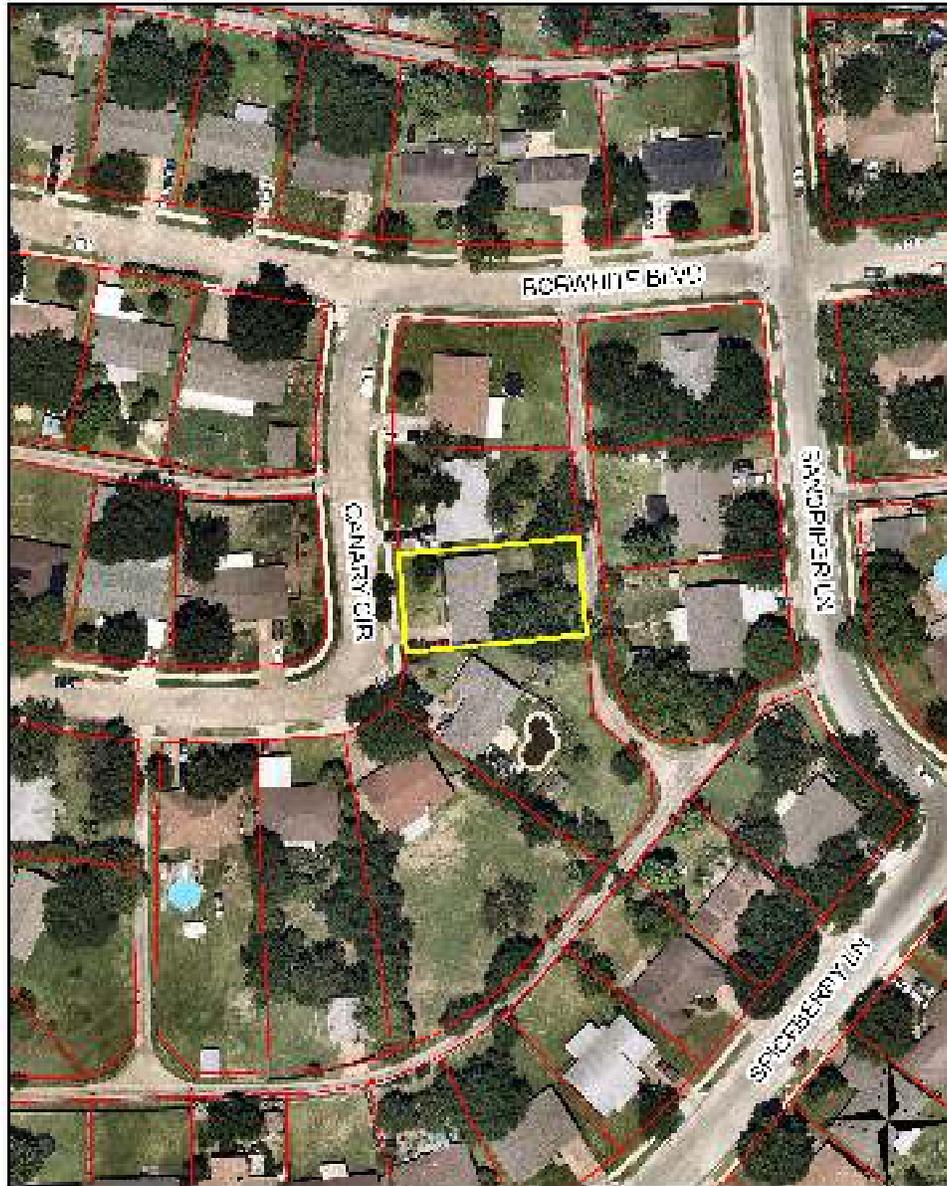
PUBLIC NOTICE

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

ATTACHMENTS

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

Aerial Map

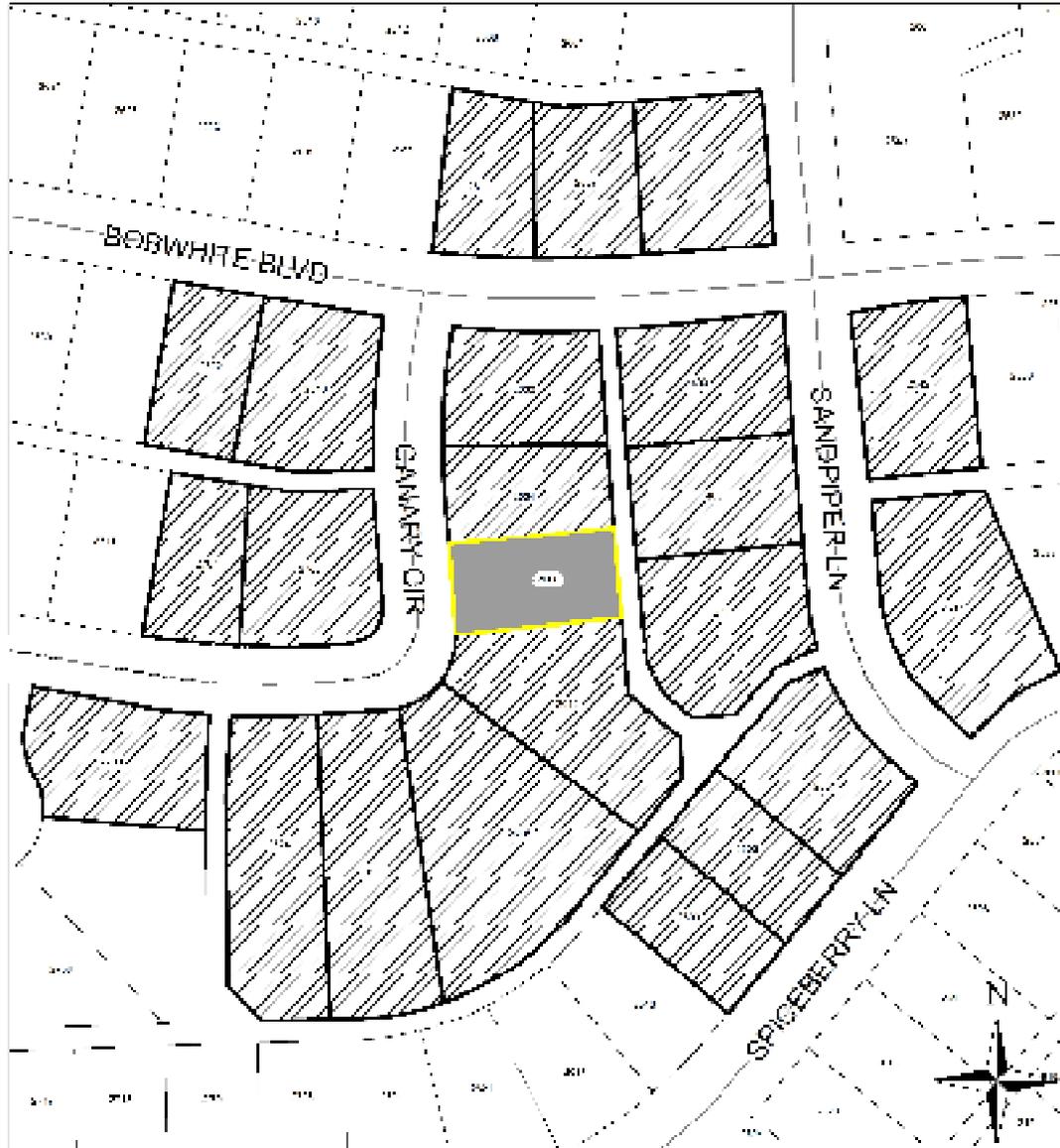


Legend

-  Subject Property
-  Parcels

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Request: Special Exceptions (1) to allow a front carport (2) constructed with a flat roof.
Applicant: Deborah Beauchamp
Location: 2608 Canary Circle

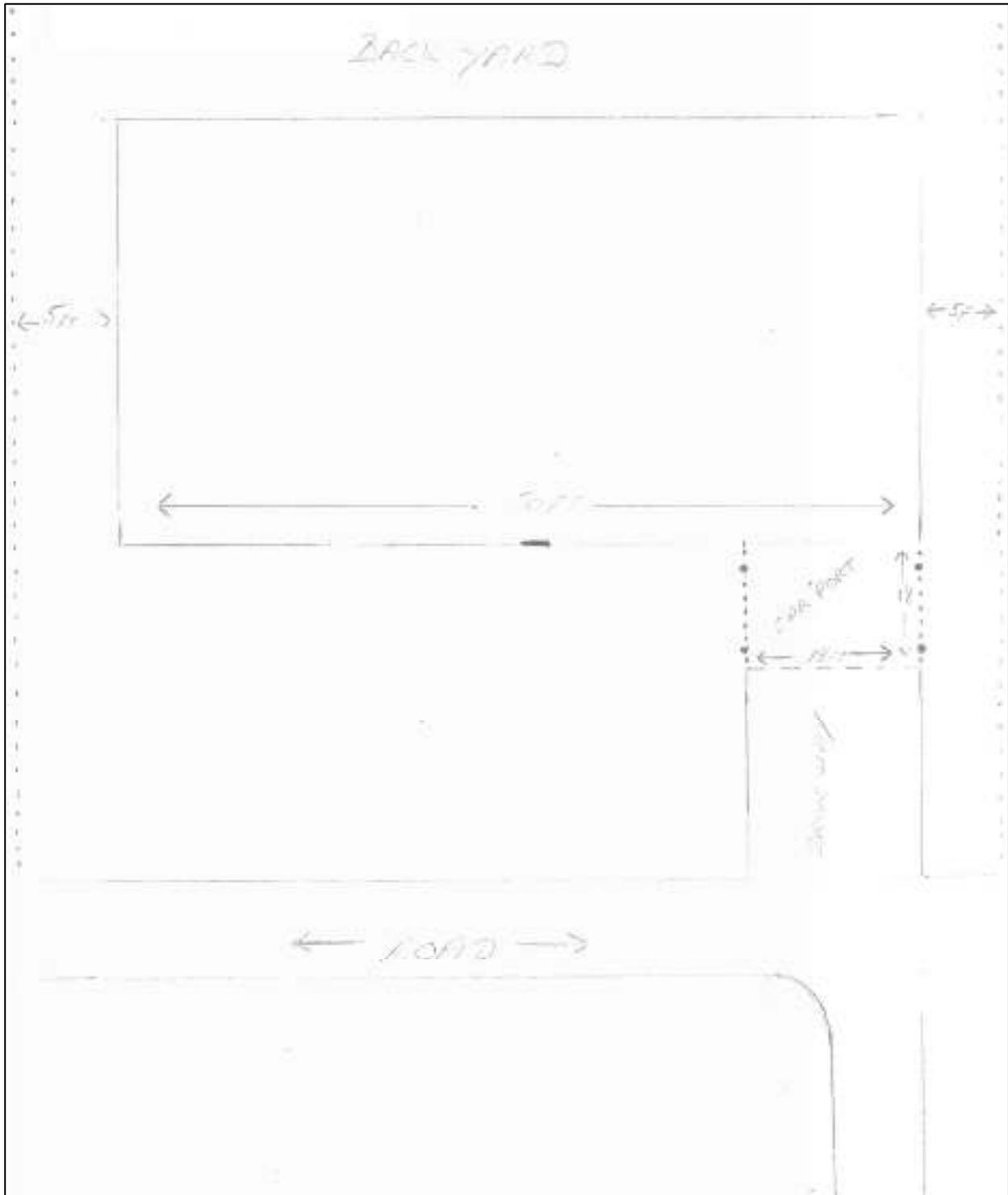
Legend
[Yellow box] Subject Property
[Hatched box] Noticed Properties

ATTACHMENT 3 – SITE PHOTOS



Front view of subject property

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION PAGE

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

Property Owner: DEBORAH DONALD BEACHMAN Phone Number: 214-729-4730

Address: 208 CANARY CIRCLE

Email Address: DDATWOC@SWBELL.NET

Signature: Deborah Beachman

ATTACHMENT 5 – RETURNED NOTICE



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, October 22, 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:	BOA0920-0222
Submitted By/	
Property Owner:	Deborah Beauchamp
Property Location:	2608 Canary Circle
Legal Description:	Skyline 4, Block 56, Lot 31
Requested Action:	Special Exceptions (1) to allow a 324 square foot front carport and (2) to allow the front carport to be constructed with a flat roof.

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

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

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

BOA Case: BOA0920-0222	Name: <u>WILLIAM J. RICHARDSON</u> (required)
I am <u>in favor</u> of this request <input checked="" type="checkbox"/>	Address: <u>2611 BOBWHITE BLVD</u> (required) <u>MESQUITE TX 75149</u>
I am <u>opposed</u> to this request <input type="checkbox"/>	
Reasons (optional): <u>I HAVE NO OBJECTION</u>	

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

RECEIVED
OCT 16 2020
PLANNING AND ZONING



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0820-0213
REQUEST: Variance to allow a 10-foot reduction of the required 60-foot lot width required within the R-3 zoning district.
CASE MANAGER: John Chapman, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, October 22, 2020

GENERAL INFORMATION

Applicant: Rudy Rangel
 Property Owner: Gerardo Sierra
 Location: 1420 New Market Road

SITE BACKGROUND

Legal Description: Levi J. Sweet Survey, Abstract 1367, Tract 28
 Size: 14,910.76 square feet
 Zoning: R-3, Single Family Residential
 Zoning History: 1951: Annexed and zoned R – Residential
 1964: Zoning designation changed to R-3 Single Family Residential with the adoption of Ordinance No. 560

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant is requesting a Variance to allow for a 50-foot wide lot rather than the required 60-foot wide lot to construct a single-family residence. The original residence was demolished in 2009 with a demolition permit. Pursuant to Section 2-304.B of the Mesquite, Zoning Ordinance, single-family dwellings may be permitted on any lot of official record, irrespective of area or width. The subject property is not considered a lot of official record as the boundaries of the lot have not been established on a plat, approved by the Planning and Zoning Commission and on file in the records of Dallas County. All other requirements of the R-3 zoning district must be met.

MESQUITE ZONING ORDINANCE

SEC. 2-302 LOT, SETBACK, HEIGHT, AND UNIT SIZE REQUIREMENTS – R-3 SF

	REQUIRED	PROPOSED
Lot Size (Feet)	7,200	14,910
Lot Width (Feet)	60	50
Lot Depth (Feet)	110	200
Front Yard Setback (Feet)	25	25
Interior Side Yard Setback (Feet)	5	5
Rear Yard Setback (Feet)	25	25
Maximum Height (Whichever Is Less)	35 feet / 2.5 stories	35 feet / 2.5 stories
Minimum Living Area (Square Feet)	1,500	>=1,500

STAFF COMMENTS:

The applicant is requesting a Variance from the lot width requirement due to the inability to widen the lot any further because of the developed properties to the north and south.

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

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

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

STAFF COMMENTS:

1. It is Staffs' opinion that this request is not contrary to public interest due to no interest from the notified public at the time of this writing. Additionally, the property was previously

developed with a single-family home, which was demolished in 2009. It is Staff's opinion that the highest and best use of the property is for a single-family residence. The properties to the north are not lots of record and would require to be platted before construction. At this time, the subject property will be undevelopable if the Variance is not approved.

2. The properties to the north and south of the subject property are developed at this time. If the lot width requirement were enforced, the site would not be developable due to the lack of available land to purchase to widen the lot by 10 feet. Additionally, the property was developed with a single-family home in the past that was demolished.
3. The information available to Staff does not indicate this hardship to be self-created or personal to the owner of the parcel of land. The property was not platted at the time of development and is therefore not considered a lot of record.

The requested Variance is to allow for the construction of the single-family residence and does not seek to gain or lose economic benefit.

PERMITS

2009: Demolition Permit of Single Family Residence

STAFF RECOMMENDATION

Staff recommends approval of the request for a Variance to allow a 10-foot reduction of the required 60-foot lot width required within the R-3 zoning district, subject to the following condition:

1. Platting of the property is required.

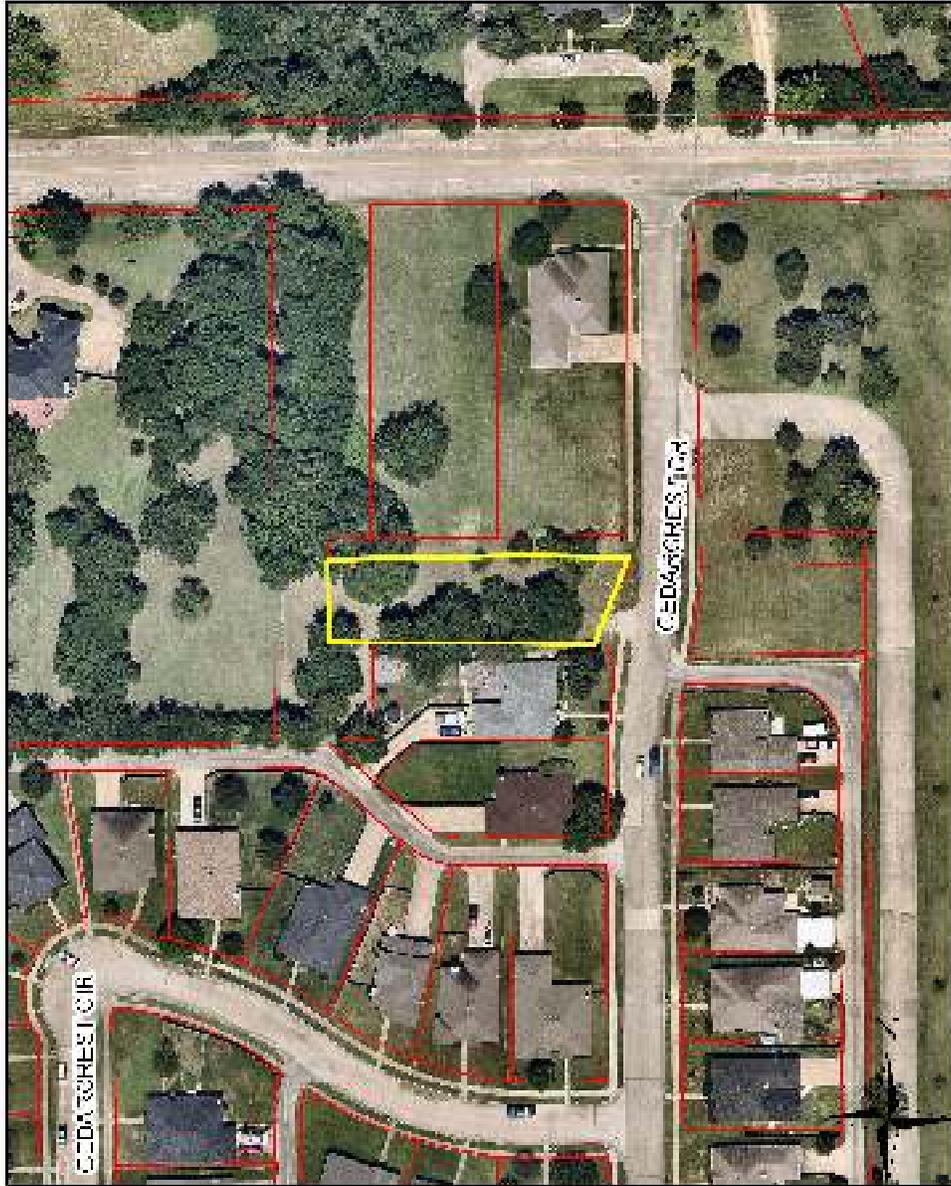
PUBLIC NOTICE

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

ATTACHMENTS

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

Aerial Map



Legend

-  Subject Property
-  Parcels

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Request: Variance from the 60-foot lot width requirement to allow for a 50-foot lot within the R-3 zoning district.

Applicant: Rudy Rangel
Location: 1420 New Market Road

Legend

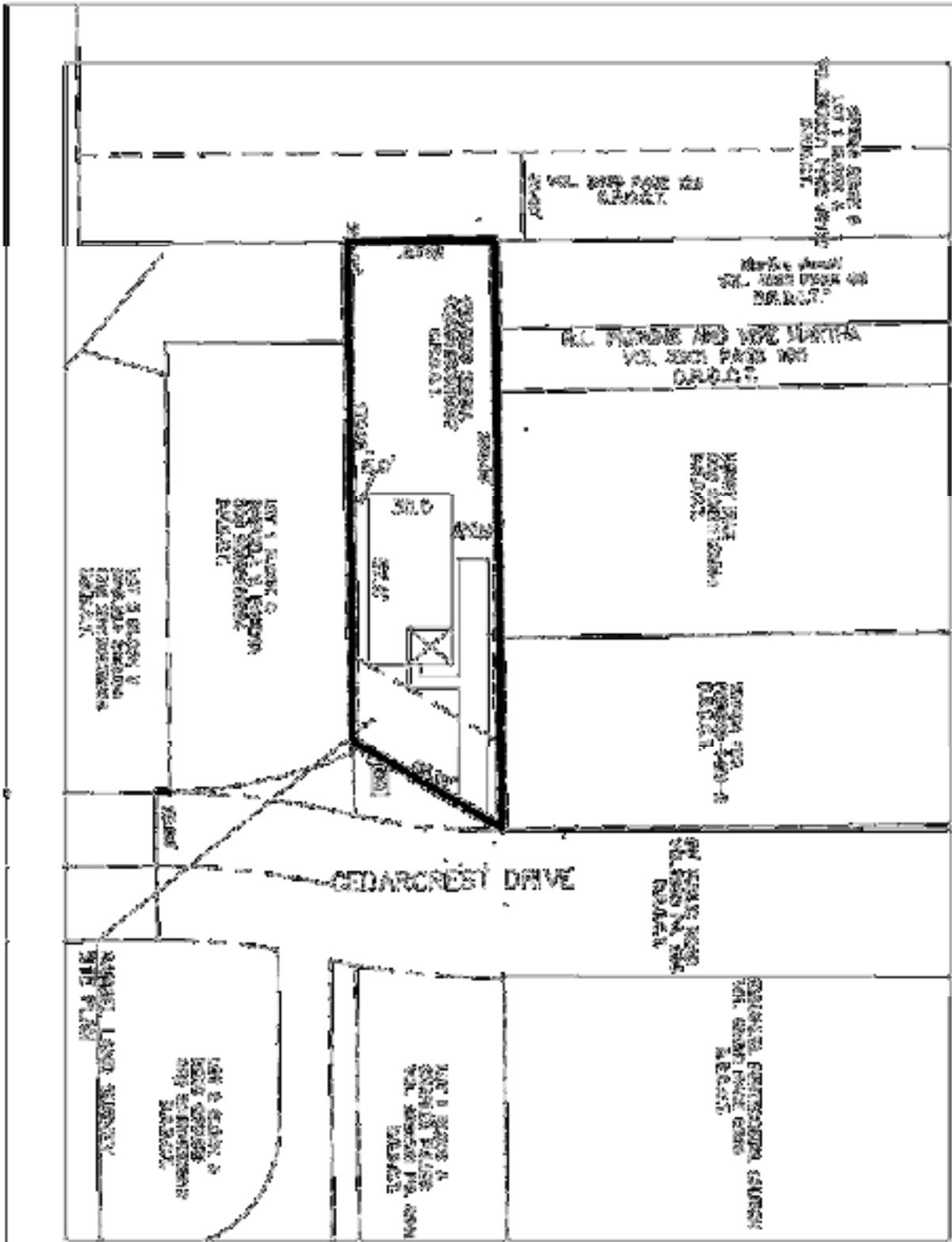
-  Subject Property
-  Noticed Properties

ATTACHMENT 3 – SITE PHOTOS



Street view of subject property.

ATTACHMENT 4 – APPLICATION MATERIALS



Property Survey

ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION PAGE

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

Property Owner: GERARDO Phone Number: 512-512-5121
Address: 13036 FOREST Glen
BALCH SPRINGS TX Email Address: 95LANDSCAPING 56
@ yahoo. com
Signature: [Handwritten Signature]

Owner Authorization Form