

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD FEBRUARY 23, 2017, AT 6:30 P.M., AT CITY HALL, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Sid Agent, Members Fernando Rojas, John Robinson, Alternates Wes McClure, Donna Adams and Marvin Haar

Absent: Vice Chairman Chris Jasper, Member Michael Hooker

Staff: Assistant Director of Planning and Zoning Jeff Armstrong, Manager of Planning and Zoning Garrett Langford, Planner Lauren Simcic, Chief Plans Examiner Craig Foshee, Residential Plans Examiner Jenny Sue Gleaves, Inspector Kenny O'Quain, Assistant City Attorney Cindy Steiner, Senior Administrative Secretary Rachel Baisden, Translator Konnie Garrido

Chairman Sid Agent called the meeting to order and declared a quorum present.

I. APPROVAL OF THE MINUTES

A motion was made by Mr. McClure and seconded by Mr. Haar to approve the minutes of the January 26, 2017, meeting. The motion passed unanimously.

II. PUBLIC HEARING – UNCONTESTED CASES

A. Case No. 3906 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application, submitted by Corinne Gonzales for special exceptions to reduce the minimum dwelling size from 1,500 square feet to 850 square feet, located at 305 Meriden Lane.

Garrett Langford briefed the Board on the request. Chairman Agent open the public hearing. Robert Hawkins, 320 Meriden Lane, expressed concern about the home's potential effect on surrounding home values. Mr. Hawkins recommended a minimum dwelling size of 1,000 square feet. No one else appeared. Chairman Agent closed the public hearing.

A motion was made by Mr. Rojas that the Board of Adjustment in Case No. 3906 on application of Corinne Gonzalez for property located at 305 Meriden Lane **GRANT** the request to reduce the minimum dwelling size from 1,500 square feet to 850 square feet as a special exception to the requirements of the Mesquite Zoning Ordinance, because our evaluation of the property and the testimony shows that this special 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 motion was seconded by Mr. McClure. The motion passed unanimously.

III. PUBLIC HEARING – CONTESTED CASES

A. Case No. 3901 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application, submitted by Rene Obregon for special exceptions to allow an oversize rear carport to exceed (1) the maximum length of 24 feet by 21 feet and (2) the maximum width of 22 feet by 3 feet, located at 2401 W. Bruton Road.

Lauren Simcic briefed the Board on the request. Rene Obregon, 2401 W. Bruton Road, was available for questions with the aid of a translator, Konnie Garrido. The applicant stated that he plans to rebuild the home as quickly as possible. Chairman Agent open the public hearing. No one appeared. Chairman Agent closed the public hearing. Craig Foshee explained the history of the property and emphasized the need for a primary residential use. Jeff Armstrong clarified that the Board's decision only addresses whether the storage shed may stay in place.

A motion was made by Mr. McClure that the Board of Adjustment in Case No. 3901 on application of Rene Obregon for property located at 2401 W. Bruton Road **GRANT** the request to allow an oversize rear carport to exceed (1) the maximum length of 24 feet by 21 feet and;

(2) the maximum width of 22 feet by 3 feet as a special exception to the requirements of the Mesquite Zoning Ordinance, because the Board's evaluation of the property and the testimony shows that this special 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. Mr. McClure further moved that the following conditions be imposed to further the purpose and intent of the Mesquite Zoning Ordinance: (1) the walls of the structure shall be removed, leaving only posts in place, in order to convert the structure into a carport; (2) all demolition of the home shall be complete, and the property owner shall obtain a building permit for reconstruction, within 3 months of the Board's decision; and (3) a new home shall be constructed within 12 months of issuance of a building permit. The motion was seconded by Mr. Rojas. The motion passed unanimously.

B. Case No. 3903 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application, submitted by Rodolfo Vargas for special exceptions (1) to allow an oversize accessory structure to exceed the maximum 500 square feet by 1,500 square feet, and (2) to allow an oversize rear patio cover to exceed the maximum 500 square feet by 547 square feet, located at 634 Old London Lane. (Continued from the January 26, 2017 Meeting).

Lauren Simcic briefed the Board on the request. Rodolfo Vargas, 634 Old London Lane, was available for questions. Chairman Agent open the public hearing. Philip Castaneda, 2201 Sumac, Forney, TX 75126, appeared on behalf of his father-in-law Rodolfo Vargas. Mr. Castaneda stated that improvements have been made to the property since the January 26, 2017 meeting, including new asphalt and a wrought iron fence. Craig Foshee advised the Board that the improvements mentioned by Mr. Castaneda had not been permitted through the city and are additional violations.

A motion was made by Mr. Robinson that the Board of Adjustment in Case No. 3903 hold this matter under advisement until the March 23, 2017 meeting. The motion was seconded by Mr. Haar. The motion passed unanimously.

C. Case No. 3907 – VARIANCE

Conduct a public hearing to consider an application, submitted by Fuel City Mesquite, LLC for a variance to allow a canopy without masonry columns, located at 2181 S. Town East Boulevard.

Jeff Armstrong briefed the Board on the request. Joseph Baker, 7630 Goforth Road, was available for questions on behalf of Fuel City Mesquite. Chairman Agent open the public hearing. No one appeared. Chairman Agent closed the public hearing.

A motion was made by Mr. Robinson that the Board of Adjustment in Case No. 3907 on application of Mark Dietz on behalf of Fuel City for property located at 2181 S. Town East Boulevard **GRANT** the request to allow canopies with masonry columns because the Board's evaluation of the property and the testimony shows that this variance will not be contrary to the public interest and due to special conditions a literal enforcement of the ordinance would result in unnecessary hardship and that granting the variance will ensure that the spirit of the ordinance is observed and substantial justice is done. The Board further finds: (1) Special conditions and circumstances exist which are peculiar to the land or improvements and which are not applicable to other lands or improvements in the same district; (2) A literal interpretation of the provisions of the ordinance would result in unnecessary hardship to the owner of the property;

and (3) the special conditions and circumstances are not self imposed. I further move that the following condition be imposed to further the purpose and intent of the Mesquite Zoning Ordinance: the variance shall only apply to the canopy structures as shown in the attached site plan. The motion was seconded by Mr. Rojas. The motion passed unanimously.

There being no further business for the Board, Chairman Agent adjourned the meeting at 7:56 p.m.



Sid Agent, Chairman

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