



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: _____ City, State: Mesquite, Texas
Zip Code: _____

Applicant Information – The person filling out the application

First Name: _____ Last Name: _____
Phone Number: _____ Email Address: _____
I would like an interpreter at the meeting: Yes No Language: _____

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

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

Office Use Only
Subdivision: _____ Block: _____ Lot: _____
Size of Property: _____ Square Feet When was the property platted: _____
Date Received: _____ Project Intake: _____ Case Number: BOA
Special Exception (\$200), Residential Variance (\$200), Non-Residential Variance (\$500), Appeals (\$300)

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: _____ Square Feet

Roof Pitch (If applicable): _____

Describe Materials Used:

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:

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?

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.

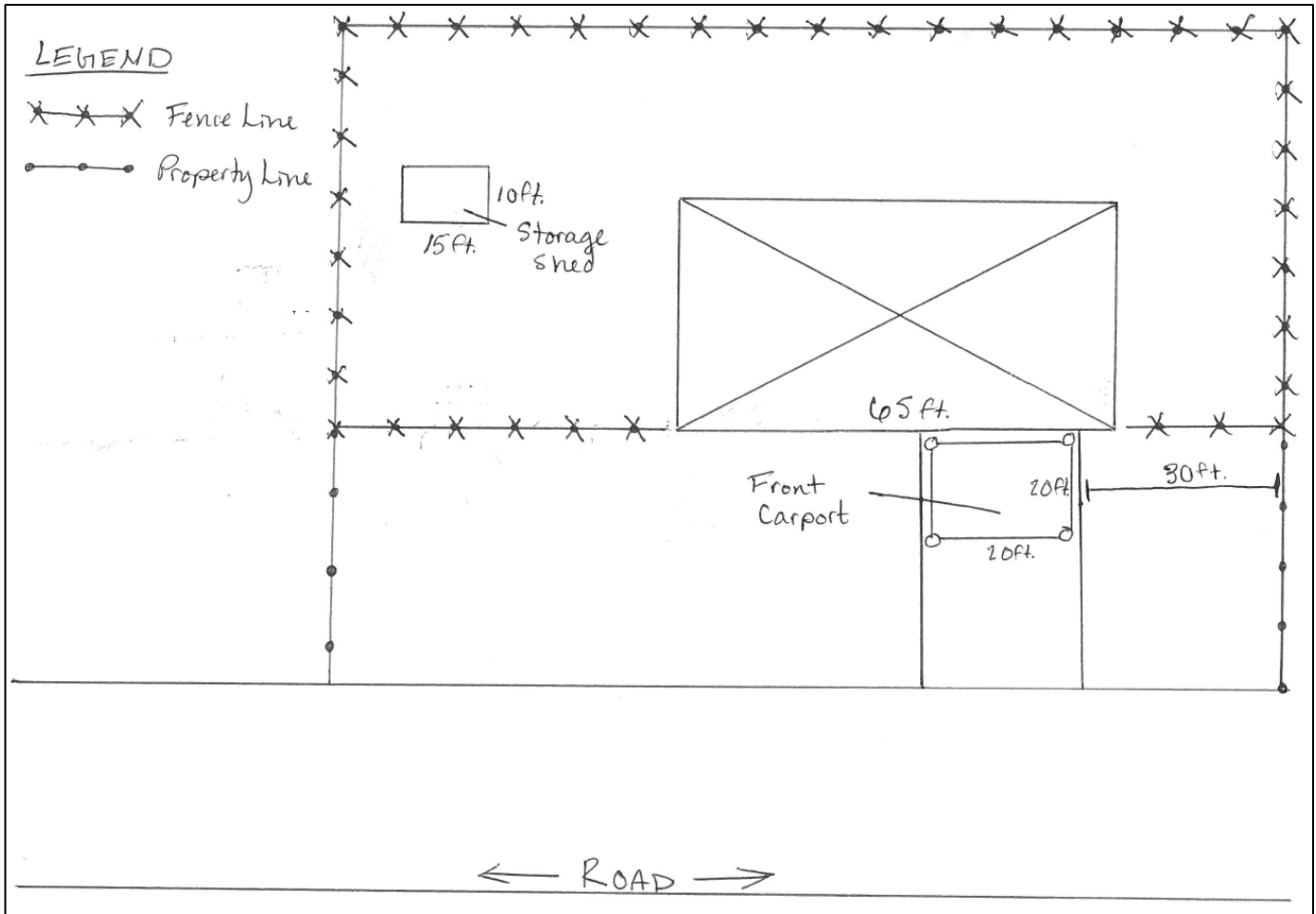
Property Owner: _____ Phone Number: _____

Address: _____

_____ Email Address: _____

Signature: _____

ACCEPTABLE SITE PLAN EXAMPLE



Site Plan Checklist

- | | |
|---|--|
| <input type="checkbox"/> Property Lines | <input type="checkbox"/> Streets/Alleys |
| <input type="checkbox"/> Home – Draw Outline of Home | <input type="checkbox"/> Front and Rear Length of Home (feet) |
| <input type="checkbox"/> Other Structures on Property | <input type="checkbox"/> Distance between Structures and Property Lines (feet) |
| <input type="checkbox"/> Lengths of all Structures (feet) | <input type="checkbox"/> Driveway |
| <input type="checkbox"/> Fence Line | <input type="checkbox"/> Legend (If needed) |

2019 Board of Adjustment Calendar

Application Deadline	Board of Adjustment Meeting
27-Dec	24-Jan
31-Jan	28-Feb
28-Feb	28-Mar
28-Mar	25-Apr
25-Apr	23-May
30-May	27-Jun
27-Jun	25-Jul
25-Jul	22-Aug
29-Aug	26-Sep
26-Sep	24-Oct
7-Nov	5-Dec
26-Dec	January 23, 2020

** Schedule adjustment due to holiday

5-200 APPEAL, VARIANCE AND SPECIAL EXCEPTION PROCEDURES

Appeals of an administrative determination and/or requests for interpretation of this ordinance, requests for variance, and requests for approval of a Special Exception require Board of Adjustment review and action and shall be processed as follows.

5-201 APPLICATION

Ord. 2667/4-2-90

A. INITIATION

- 1. Appeals/
Interpretation**
(Ord. 4400/11-2-15)
An appeal alleging error in a determination of an administrative official and/or requesting interpretation of the provisions of this ordinance may be made by any person aggrieved by the decision of an administrative official, or by any officer, department, board, or bureau of the municipality affected by the decision. An appeal to the Board must be made within 10 days after notice of the decision of the official.
- 2. Variances/
Special
Exceptions**
A request for variance or for approval of a Special Exception may be made by the owner of the property on which the variance or Special Exception is sought, or by an authorized agent, provided that the owner indicates his consent in writing.

B. APPLICATION FORM

Requests for Board action shall be submitted on application forms provided by the Planning Division and shall adequately set forth the description and justification of the request and/or specify the grounds for appeal, as is appropriate for the requested action.

C. MAP/DRAWING

The application shall include a map, site plan, plot plan, or other drawing, drawn to scale and/or dimensioned, which indicates the property in question and shows all structures and improvements and their relationship to each other, to the property boundaries, and to the proposed action.

D. APPLICATION FEE

The applicant shall submit with the application a fee in the amount set by the City Council for the purpose of defraying the administrative costs of processing the application. No fee or portion thereof shall be refundable after notices regarding the application have been issued.

5-202 PROCEDURES

Ord. 2667/4-2-90; Ord. 3923/12-17-07

A. STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board those facts supporting the official's opinion that a stay would cause imminent peril to life or property. In such case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.

B. PUBLIC HEARING AND NOTIFICATION

The Board shall hold a public hearing on all actions authorized by this ordinance. Notification of public hearings shall specify the time and place of the hearing, along with information regarding the location and nature of the requested action, and shall be provided as follows:

Mailing Before the tenth day before the date of the public hearing, written notice shall be sent to each owner of real property within 200 feet of the property which is the subject of the request, as such ownership is indicated by the most recently approved municipal tax roll. The notice may be served by its deposit, properly addressed with postage paid, in the United States mail.

5-203 CRITERIA FOR REVIEW

Ord. 2667/4-2-90

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 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.

B. CRITERIA FOR VARIANCES

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

It is the express intent of the City Council to comply with the Federal Fair Housing Amendments Act of 1988, as amended, and to ensure that all handicapped persons have equal opportunity to use and enjoy a dwelling. This section allows a person to seek relief from the enforcement of any regulation contained in this chapter that would result in illegal discrimination against the handicapped. This section does not authorize the Board to grant a change in the use of a building or structure.

The Board shall grant a special exception to any regulation in this chapter if, after a public hearing, the Board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person" means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended. The Board may impose reasonable conditions upon the granting of this special exception consistent with the purpose stated in this section.

5-204 BOARD ACTION**Ord. 2667/4-2-90; Ord. 4136/3-21-2011****A. ACTION AUTHORIZED**

1. ***Special Exceptions and Variances*** The Board may deny or approve a request for Special Exception or Variance. The Board may impose reasonable conditions and limitations to an approval in order to further the purposes and intent of this ordinance.
2. ***Appeals Interpretations*** The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.

B. EFFECT OF DECISIONS (Ord. 4400/11-2-15)

The Board's decision is final unless appealed to the district court within 10 days in accordance with [Chapter 211 of the Texas Local Government Code](#).

C. RESUBMISSION (Ord. 3151/4-21-97)

The submission of an application previously determined by the Board shall not be permitted, unless the Board's determination is made "without prejudice". Except that, where extenuating circumstances exist, an applicant previously denied may appear before the Board to request that resubmittal of their application be permitted. Extenuating circumstances shall mean changed conditions or facts which will substantially alter the criteria for review of the application. This section shall not prohibit the submission of a new application which contains meaningful revisions for consideration. Meaningful revisions shall mean a substantial change in the size, location, or other physical characteristic of the subject of the application.

D. LIMITATION ON APPROVAL

The applicant shall file an application for a building permit or Certificate of Occupancy on or before the expiration of 180 days from the date of favorable Board action, unless an extended period is specifically granted by the Board. If the applicant fails to file such application within the time period, the request is automatically denied without prejudice and a new application must be made.