

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD MARCH 25, 2010, AT 6:30 P.M., AT CITY HALL, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Jennifer Vidler, Regular Members Dianne Mendoza, Lonnie Craine, Duddly Hargrove and David Fitzgerald

Absent:

Staff: Manager of Planning and Zoning Jeff Armstrong, Planner Elizabeth Butler, Planner Danielle Wonkovich, Plans Examiner Larry Ewing, and Assistant City Attorney Steve Crane

I. APPROVAL OF THE MINUTES OF THE FEBRUARY 25, 2010, MEETING

Mr. Fitzgerald moved to approve the minutes of the February 25, 2010, Board meeting. Mr. Craine seconded and the motion passed unanimously.

II. SPECIAL EXCEPTION

A. Case No. 3650

Conduct a public hearing to consider an application submitted by Raju Pillai on behalf of Kerala Hindu Society of North Texas for a special exception to allow temporary classrooms at 4601 Gus Thomasson Road. The Board of Adjustment tabled this is item at the February 25, 2010, meeting.

Elizabeth Butler, Planner, presented the staff report. She indicated that she and Larry Ewing from Building Inspections met with the applicants to discuss options. The applicant requested 3 years to give them time to do a permanent solution. Staff recommends 12-18 months.

Mr. Fitzgerald asked when the current three-year approval expires. Ms. Butler stated that the Board approved the last special exception on January 24, 2007.

Raju Pillai, Kerala Hindu Society, presented the request for temporary classroom. He emphasized that they purchased the property two years ago and did not know that the classrooms were temporary. They only found that out in January of this year. They will likely do a permanent addition to the existing primary structure. Need 3 years to fund raise, plan and do construction. Mr. Craine asked how long it would take to do a plan. The applicant indicated a few weeks. Mr. Fitzgerald asked how long it would take to consult on the issue and if they intend to take a loan. They hope to phase construction. Need three years to plan and raise money. Also, arrangements need to be made for classes to continue during construction.

Another representative of the applicants spoke. He indicated that he is on the Board and that they have informally agreed to add on to the building. The temporary building will definitely be gone in three years. They can come up with plans immediately. Mr. Craine asked if they were given six months, could they come back with a plan. They are not sure. Ms. Vidler indicated that the six months gives the Board some idea of what is going on and then they could consider approving more time. The applicants asked if they could have one year for that.

Ms. Vidler opened the public hearing asking if anyone wished to speak in favor of or in opposition to the request. No one came forward to speak; Ms. Vidler closed the public hearing.

Mr. Hargrove indicated that he has no objection to one year. Mr. Craine stated that twelve months is more than enough time and that six would be better. Mr. Crane suggested that any approval be retroactive to January 24, 2010. Ms. Vidler indicated that she wants to see some plans. Mr. Armstrong discussed the nature of what the Board might expect or request of the applicant.

Mr. Craine moved to approve a new special exception for a temporary classroom for a period of one year retroactive to January 24, 2010, Mr. Fitzgerald seconded and the motion passed unanimously. The Board indicated that in twelve months the applicants should be ready to provide financial plans, costs, and a schedule of how they intend to proceed.

B. Case No. 3652

Conduct a public hearing to consider an application submitted by Roy Pecina for a special exception to allow an accessory structure to be used as an accessory dwelling unit at 813 Peacon Drive.

Elizabeth Butler, Planner, presented the staff report. She state that there were 7 comments returned from property owners, 2 in favor and 5 in opposition. Staff anticipates no adverse effects on the area and suggests that the request is compatible with the area since the structure already exists and there are other similar structures in the immediate area. Staff recommended approval.

Mr. Hargrove asked if the structure has been altered already. The Board indicated that they would gather that information from the applicant.

Roy Pecina, applicant, presented the request. He indicated that he wants to be close to his sister who had a stroke two years ago and wants to help her out. Ms. Vidler asked if it has been modified already. Mr. Pecina said that it has. He has cleaned, fixed holes, installed a window air unit, and installed blinds. Ms. Lopez, Mr. Pecina's sister spoke. She said that the outside of the building has not changed since they bought the home in the 1990's. Mr. Craine asked if they understand that a bathroom and kitchen will be required. Mr. Pecina said yes. Ms. Mendoza asked if they intend to add on to the building. Mr. Pecina said no and that they may use the washer/dryer room for the required bathroom. Mr. Fitzgerald asked how many rooms. The applicant stated that there are two rooms, the garage, plus a room. Ms. Vidler asked staff if there is a permit for the structure in the back. Ms. Butler said no, but that it may be old enough that City records are not complete.

Ms. Vidler opened the public hearing asking if anyone wished to speak in favor of or in opposition to the request. No one came forward to speak; Ms. Vidler closed the public hearing.

Ms. Mendoza stated that she is concerned about the neighborhood opposition. Ms. Vidler expressed concern about how much of the back yard was taken by the building. Ms. Mendoza stated that the building is already there. Ms. Vidler asked staff to read the written opposition comment related to parking the area. Ms. Butler read the comment about concerns about the number of cars parked on the street currently. Ms. Butler provided the Board with a list of all citizens who responded to the notice in writing. Ms. Vidler stated that the building exists already, but that it is a garage, not a dwelling. Mr. Fitzgerald said that the request goes with the land and is uncertain about what may happen down the road. Ms. Vidler stated that it sits too far back on the property and there is too much opposition. Mr. Craine said the willingness to help his sister is commendable and that the cost of meeting the requirements will deter most people in the area from making this same type of request. Mr. Fitzgerald said that even if the case is denied the applicant will still move to the property and there will be the same number of residents on the property, the back yard is already crowded and the ordinance provides this option. He also said that it could not be used as a rental. Ms. Vidler asked if it is structurally sound. Mr. Ewing said he does not know, but if approved, the City will assure code compliance.

Mr. Fitzgerald moved to approve the special exception for the accessory dwelling based on the information provided in the staff report and with the following conditions:

1. The accessory dwelling unit shall not be rented or utilized as a separate principal dwelling unit.
2. If exterior improvements are made to the accessory structure, similar materials to the existing primary structure should be used. Wood and cementious fiberboard shall be painted the same color as the trim of the principal structure. Additionally, the roof shall be shingled or match the roof materials of the principal structure.

Mr. Craine seconded and the motion passed by a vote of 4 in favor (Fitzgerald, Craine, Mendoza, and Hargrove) and 1 opposed (Vidler).

There being no further business for the Board, Chairman Vidler adjourned the meeting at 7:25 p.m.

Chairman, Jennifer Vidler