

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD MARCH 26, 2009, AT 6:30 P.M., AT CITY HALL, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Jennifer Vidler, Vice Chairman Cindy Burkett, Regular Members Dianne Mendoza, Lonnie Craine, and Alternate Member Duddly Hargrove

Absent:

Staff: Planner Garrett Langford, Planner Bee Martin, Plans Examiner Larry Ewing and Assistant City Attorney Steve Crane

I. APPROVAL OF THE MINUTES OF FEBRUARY 26, 2009, MEETING

Ms. Mendoza moved to approve the minutes of February 26, 2009. Ms. Burkett seconded and the motion passed unanimously.

II. SPECIAL EXCEPTION

A. **Case No. 3616**

Conduct a public hearing to consider an application submitted by Dale Epley for a special exception to allow an accessory structure to exceed the maximum allowed size of 500 square feet by 172 square feet for a total of 672 square feet at 2700 Branch Hollow Drive. (Applicant has requested for this item to be tabled until the March 26th Board meeting – see attached letter).

Bee Martin, Planner, stated that the applicant has requested to table Case No. 3616 until the next Board meeting. The applicant requested to table the case to deal with a personal matter.

Mr. Craine moved to table the request until the April 23, 2009, Board of Adjustment meeting. Ms. Burkett seconded and the motion passed unanimously.

B. **Case No. 3618**

Conduct a public hearing to consider an application submitted by Charles Hanger on behalf of Iglesia de Oracion y Alabanza for a special exception to allow off-site parking at 1018 Military Parkway further described as a 10-acre tract of land located in the Daniel S Carver Survey, Abstract No. 342.

Bee Martin, Planner, presented the staff report. The applicant is requesting a special exception to allow parking on a separate lot than that of a proposed membership organization. Within the subject property's zoning district, Military Parkway-Scyene Corridor Overlay District, membership organizations as the primary use of a tract are only permitted on lots of one acre or less. The basis for the applicant's request is to develop the subject property for use as a membership organization on a lot platted at one acre or less as set out in the City of Mesquite Zoning Ordinance, and locate the organization's accessory parking on a separate but contiguous platted lot (see attached conceptual site plan). The applicant is proposing to plat the lot containing the organization's building at exactly one acre and the lot containing the accessory parking area at 60,000 square feet (1.38 acres), both of which will be carved out of an original ten-acre tract.

Mr. Martin noted that regardless of the approval of a special exception to allow off-site parking, the organization's development of the property is subject to all standards of design prescribed in the City of Mesquite Zoning Ordinance, Subdivision Ordinance and Community Appearance Manual. On the attached conceptual site plan, nothing shall be considered compliant with the City's development standards. The conceptual site plan is solely meant to generally portray the proposed layout for the organization's development of the site and depict the applicant's plan to provide parking for the organization's structure on a separate lot.

It is Staff's opinion that the provision of off-site parking at this location works to reduce the total future impact of large expanses of parking areas in the corridor if the parking area is available to be shared with abutting sites as they develop around the subject property. The reduction of expansive parking

areas and unused pavement in conjunction with more efficient methods for accommodating parking in a shared environment is a substantial goal of the corridor. Reducing the domination of large paved areas preserves a pedestrian-oriented, new-urbanist character of development, and the proposed layout of the parking area along with its limited-width access drive to Military Parkway and the location of parking behind the building reduce the potential for pedestrian conflict. The layout proposed in the conceptual site plan is extremely amenable to a shared parking situation because of the limited instances as to when the parking area would be used for the membership organization relative to other potential uses along the corridor. Therefore, the proposed layout of the parking area as it relates to the lot containing the primary structure is not likely to create any adverse impacts on the surrounding neighborhood or adjacent properties nor is it likely to create a safety concern for pedestrians. In fact, it is more likely to protect pedestrians and help further the goals of the corridor.

The requested off-site parking area is compatible with the surrounding neighborhood and the future goals and intended direction of development for the Military Parkway-Scyene Corridor overlay district. Therefore, Staff recommends approval of this request for a special exception to allow off-site parking for a membership organization subject to the following conditions:

1. Another special exception shall be granted to allow joint-use parking in perpetuity on the lot containing the parking area for the proposed membership organization, which will allow uses on future lots adjoining the original tract to use the parking area to, in part or in whole, satisfy future parking requirements.
2. An approval for joint-use parking shall not expire.
3. The special exception shall be limited to a membership organization and must be developed on a lot contiguous to the lot containing the primary structure of the organization.
4. Both lots shall be platted with the dimensions shown on the conceptual site plan submitted by the applicant with the access drive from Military Parkway being constructed with the relationship shown to both lots.

Mr. Martin stated that for Conditions #1 and #2, the Board may choose to limit the period of approval for joint-use parking to a specific time frame as opposed to allowing it to be approved in perpetuity. Mr. Martin also stated that he received one response from the property owner notices in favor of the request and one response in opposition to the request.

Charles Hanger spoke on behalf of Iglesia de Oracion y Alabanza, 1018 Military Parkway, and presented the request. Mr. Hanger indicated that the applicant has owned the property for the last seven years. At this time the property owner wishes to develop the property for a church. Mr. Hanger stated that the request before the Board would allow the development of the property to conform to the Military Parkway-Scyene Corridor Overlay District and will help any future development surrounding the site. The Board discussed the case among themselves and with the applicant.

Ms. Vidler opened the public hearing asking if anyone wished to speak in favor of or in opposition to the request. Christy Wagner, 1110 Military Parkway, and Debra Tutt, 930 Military Parkway, both spoke in opposition of the request citing issues with the use of the property as a membership organization.

Robert Byron, attorney representing the applicant, wanted to clarify the request before the Board. At that time, Ms. Vidler reminded the audience that the Board is only considering the request to allow off-site parking not to determine the use of the property.

Mr. Martin clarified the requirements of the Military Parkway-Scyene Corridor Overlay District.

Two members of Iglesia de Oracion y Alabanza spoke in favor of the request. Additionally, Chris Davis, attorney representing the applicant, spoke on how the proposed development of the property will improve the area.

As no else one came forward to speak, Ms. Vidler closed the public hearing.

Mr. Craine stated that given the criteria for considering the special exception for off-site parking, approving the request would allow safer pedestrian access and greater conformance with the intent of the Military Parkway-Scyene Corridor Overlay District.

Mr. Craine moved to approve the request with Staff recommendations 1-4. Mr. Hargrove seconded and the motion passed unanimously.

C. Case No. 3619

Conduct a public hearing to consider an application submitted by David and Kelli Harris for a special exception to allow an accessory dwelling unit located at 4880 East Scyene Road.

Garrett Langford, Planner, presented the staff report. Mr. Langford stated that the subject property is located in a rural part of the City east of the city's airport. Given the size (5 acres) of the lot in question and the surrounding lot sizes, adding an accessory dwelling unit would not increase the density or change the residential development pattern of the neighborhood. According to the application, the proposed structure will be located in the rear of the property behind the principal building. With the size and depth of the property, the proposed location of the accessory structure will make it difficult to see from the street, reducing any visual impact the proposed accessory structure might have on the area.

To ensure the accessory dwelling is in character with the existing development pattern of the area, staff recommends a stipulation requiring the accessory dwelling unit to be constructed with exterior materials of wood, cementitious fiberboard, or masonry. The wood and cementitious 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. It is staff's opinion that the request with the following stipulations will allow greater enjoyment of the property without having an adverse impact on the adjacent properties.

1. The accessory dwelling unit shall not be rented or utilized as a separate principal dwelling unit.
2. The accessory structure shall be constructed with exterior materials of wood, cementitious fiberboard, or masonry. Wood and cementitious 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.
3. The accessory structure shall be located in the rear yard and can not be located any closer to East Scyene Road than the principal building.
4. If the subject property is subdivided, the special exception shall expire.

David and Kelli Harris, 4880 E Scyene Road, presented the request. The Board discussed the case among themselves and with the applicant. The applicant indicated that they wanted to provide additional living space for their elderly mother.

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

Ms. Burkett moved to approve the request with Staff recommendations 1-4. Mr. Craine seconded and the motion passed unanimously.

D. Case No. 3620

Conduct a public hearing to consider an application submitted by Kevin Lovejoy on behalf of Brooks Lovejoy for a special exception to allow a carport to encroach twenty-four feet into the thirty-foot front yard setback located at 3616 Statler Drive.

Garrett Langford, Planner, presented the staff report. Mr. Langford stated that the request for the front steel carport meets the overall criteria for a special exception for a front carport. While the subject property has a two-car garage, the character of the neighborhood is that of one-car garages. Additionally, there is no driveway connection to the rear alley prevents the opportunity for parking behind the building line at this time. Staff recommends approval of the request.

Mr. Langford stated that he received six responses from the property owner notices in favor of the request.

Kevin Lovejoy, 3613 Statler Drive, on behalf of Brooks Lovejoy presented the case. Mr. Lovejoy provided pictures of other carports in the neighborhood showing how the request would be compatible with the neighborhood. The Board discussed the case among themselves and with the applicant.

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

Ms. Mendoza moved to approve the request as submitted. Ms. Burkett seconded and the motion passed unanimously.

There being no further business for the Board, Chairman Vidler adjourned the meeting at 8:11 p.m.

Chairman, Jennifer Vidler

All testimony including the staff report, applicant's presentation, public hearing, and Board discussions were considered in the Board's decision for each case.