

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD APRIL 22, 2010, AT 6:30 P.M., AT CITY HALL, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Vice Chairman Dianne Mendoza, Regular Members Lonnie Craine, Duddly Hargrove and David Fitzgerald
Absent: Chairman Jennifer Vidler
Staff: Senior Planner Garrett Langford, Planner Elizabeth Butler, and Assistant City Attorney Paula Anderson

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

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

II. SPECIAL EXCEPTION

A. **Case No. 3653**

Conduct a public hearing to consider an application submitted by Diana Alcorta for a special exception to allow a carport to encroach 30 feet into the 30-foot front yard setback at 312 Mockingbird Trail.

Garrett Langford, Senior Planner, presented the staff report. Staff found that the request does not meet the criteria set out in the Zoning Ordinance for a front carport. The subject property has access to a paved alley and the home was constructed in 1971 with a two-car garage, which the applicant converted into living space in 2006. While there are carports in the area, the paved alley could provide the opportunity for covered parking behind the home. Mr. Langford stated that he received one response from the property owner notices in favor of the request.

Mr. Fitzgerald asked the width of the alley. Mr. Langford stated that the alley is approximately 10-12 feet wide. Mr. Fitzgerald also asked the size and setback requirements for a rear yard carport. Mr. Langford explained that as long the rear carport is less than 528 square feet that it could come within 3 feet of the rear property line. The side yard setback for a rear carport is 5 feet from the side property line.

The applicant was not present for the meeting.

Ms. Mendoza 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. Mendoza closed the public hearing.

Mr. Fitzgerald stated he was concerned how a rear drive would be accessible with the narrow alley that curves around the property if coming from the north. Mr. Craine stated that the paved alley provides opportunity for covered in the rear yard.

Mr. Hargrove moved to deny the request based on it not meeting the compatibility characteristics set forth in the Zoning Ordinance. Mr. Craine seconded and the motion passed unanimously.

B. **Case No. 3654**

Conduct a public hearing to consider an application submitted by Ann Reed for a special exception to allow a carport to encroach 22 feet into the 30-foot front yard setback at 1800 Buena Vista Street.

Elizabeth Butler, Planner, presented the staff report. Ms. Butler noted that the property does not have access to a paved alley and the home was built with a single-car garage, which has been converted into living space. This leaves no other opportunity to provide covered parking other than in front of the house. Therefore, Staff recommends approval of the request with the condition that the carport covers the existing pavement. Staff received one response from the property owner notices in favor of, one response in opposition, and one response with no comment on the request.

Mr. Hargrove asked for clarification on the recommended condition. Ms. Butler stated while the diagram shows a 12' by 12' pavement, Staff was not able to verify the measurement. Therefore, Staff recommended the condition to restrict the size of the carport based on the existing pavement to prevent the carport from covering non-paved surfaces should the paved area turn out to be smaller than 12 ft by 12 ft.

Bobby Sheridan, 10550 Church Hill Road, Dallas, TX, presented the request on behalf of Ann Reed. The applicant stated that the paved area is a 12-ft-by-12-ft square, which the property owner had recently

installed. Mr. Sheridan explained that the proposed carport is made of aluminum and the carport will have a fascia.

Ms. Mendoza 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. Mendoza closed the public hearing.

Mr. Hargrove noted that the response in opposition from the property owner notices stated concerns regarding the size of the carport and not an opposition to having a carport. The property owner notice indicated that the carport would encroach 30 feet however; the diagram present by the applicant shows that the carport is for twenty-two feet. Mr. Fitzgerald stated that only stipulation that he would have is to make sure the carport is only covering the paved area. Mr. Hargrove stated that he had no objection to the request.

Mr. Fitzgerald moved to approve the request with the stipulation that the carport and patio cover be limited to the paved area. Mr. Hargrove seconded and the motion passed unanimously.

**C. Case No. 3655
Conduct a public hearing to consider an application submitted by Alvaro Najera for a special exception to allow the keeping of a horse at 443 Fleet Circle.**

Garrett Langford, Senior Planner, presented the staff report. Mr. Langford explained the Zoning Ordinance requirements for keeping horses or ponies on a residential property. The subject property is approximately 13,472 square feet or .31 of an acre in size. The backyard where the applicant wants to keep the horse is approximately 6,300 square feet (90' deep and 70' wide). The keeping of livestock or horses within a residential district can cause certain nuisance issues that may affect neighboring property owners. The ordinance requires 1 acre to mitigate the nuisance that is inevitable in keeping of livestock or horses. Given the size of the lot, Staff recommends denial of the request. Mr. Langford stated that he received one response from the property owner notices in opposition of the request.

Alvaro Najera, 443 Fleet Circle, presented the request. The applicant stated they would like to keep a horse as a pet in the back yard. The applicant also stated that it would be a regular size horse not a miniature horse. Mr. Fitzgerald asked the applicant where would the horse, feed and other equipment used to care for the animal be kept on the property. The applicant stated that they would build a barn to house to the horse, feed and equipment.

Ms. Mendoza 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. Mendoza closed the public hearing.

Mr. Fitzgerald stated while the lot is larger than a standard size lot, it is still too small of a lot to keep a regular size horse. The horse needs ample space to be properly cared for. Mr. Craine added there are also concerns how keeping a horse on this size lot would negatively affect the neighboring properties.

Mr. Craine moved to deny the request as submitted. Mr. Hargrove seconded and the motion passed unanimously.

III. OTHER

A. Discussion on changes to Mesquite Zoning Ordinance regarding Front Carports

Garrett Langford reported on the recent amendments to the Mesquite Zoning Ordinance regarding front carports.

There being no further business for the Board, Vice Chairman Mendoza adjourned the meeting at 7:29 p.m.

Vice Chairman, Dianne Mendoza

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