

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD JULY 24, 2008, AT 6:35 P.M., AT CITY HALL, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Jennifer Vidler, Regular Members Mike Travis, Dianne Mendoza, Lonnie Craine and Alternate Member Jack Akin

Absent: Vice Chairman Cindy Burkett

Staff: Planner Garrett Langford, Planner Bee Martin, Assistant City Attorney Steve Crane, Planning Intern Patrick Blaydes

I. APPROVAL OF THE MINUTES OF THE MAY 22, 2008, and JUNE 26, 2008, MEETING

Ms. Mendoza moved to approve the minutes of May 22, 2008, and June 26, 2008. Mr. Craine seconded and the motion passed unanimously.

II. PREVIOUSLY HEARD ITEMS

A. **Case No. 3589 (Tabled from June 26, 3008, BOA Meeting)**

Conduct a public hearing to consider an application submitted by Kenneth Wright, Sr. for a 19' variance from the 25' setback requirement along the Main St. property line and a special exception to allow an oversized accessory building of 600 sq. feet, 100 sq. feet larger than the maximum located at 619 W. Davis Street.

Bee Martin, Planner, presented the staff report. Staff supports the possible rezoning of the subject property and the surrounding property to Central Business district, which is the predominant zoning in the area. However, staff recommendation is to approve the variance to allow the applicant to proceed with their request.

Tracy Wright, 619 W. Davis St, Mesquite, TX 75149, presented the request. 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. Mr. Travis seconded and the motion passed unanimously.

B. **Case No. 3593 (Tabled from June 26, 3008, BOA Meeting)**

Conduct a public hearing to consider an application submitted by Robert Kittelson for a special exception to allow a front carport to encroach 20 feet into the 30-foot front yard setback at 1440 Virgie Joe Drive.

Bee Martin, Planner, explained to the Board that the applicant verbally notified staff after the June 26, 2008, Board meeting that they wish to withdrawal their request. However, no written confirmation was provided. Staff recommends denying the request.

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.

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

III. SPECIAL EXCEPTIONS

A. Case No. 3597

Conduct a public hearing to consider an application submitted by Balbir Dhillon for a special exception to allow a carport to encroach 13 feet into the required 30-foot front yard setback located at 522 Harvard Drive.

Garrett Langford, Planner, presented the staff report. Staff found existing carports in the area as indicated in the staff's written report. Additionally, the property is located in a front-entry neighborhood without a garage and paved alley access is not available to provide driveway access from the rear yard. Therefore, Staff recommends approval of this request for a special exception.

Balbir Dhillon, 522 Harvard Drive presented the request. The Board discussed the case among themselves and with the applicant. Mr. Dhillon wanted to improve the property by providing covered parking with a carport.

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.

The Board noted that the property was located in an older neighborhood with a number of carports located throughout the area.

Mr. Travis moved to approve the request as submitted. Mr. Craine seconded and the motion passed unanimously.

B. Case No. 3598

Conduct a public hearing to consider an application submitted by Metro Patio and Carport for a special exception to allow a front carport to encroach 16 feet into the 30-foot front yard setback at 2913 Harlan Drive.

Garrett Langford, Planner, presented the staff report. Staff found several BOA approved carports within the area and that a smaller carport request was approved previously for the subject property for 12 feet. While the subject property has built a rear garage with access to the paved alley, the proposed carport is compatible with the surrounding area. Therefore, Staff recommends approval of this request for a special exception.

Mr. Langford stated that were five responses from the property owner notices in favor of the request.

Tom Freely, 4441 I-30, Mesquite, TX 75150, presented the request. The applicant stated that the property owners are requesting the carport in the front to provide covered parking. 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.

Mr. Craine moved to approve the request as submitted. Mr. Travis seconded and the motion passed unanimously.

C. Case No. 3599

Conduct a public hearing to consider an application submitted by Mesquite Metal for a special exception to allow a front carport to encroach 21.5 feet into the 30-foot front yard setback at 1414 Cascade Street.

Patrick Blaydes, Planning Intern, presented the staff report. Staff found that there are ten BOA approved front carports on Cascade Street. Additionally, there is no paved alley access and the subject property does not have a garage. Staff recommends approval of the request.

Mr. Blaydes stated there were three responses from the property owner notices in favor of the request.

Michael Stout with Mesquite Metal, 110 Industrial Drive, Forney, TX 75126, presented the request. The applicant stated that the property owners are requesting the carport in the front to provide covered parking. 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.

Mr. Akins inquired about the reason for the depth of the requested of carport 24 feet. Mr. Blaydes noted that previous carport approvals along Crestridge Drive have similar sizes.

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

D. Case No. 3600

Conduct a public hearing to consider an application submitted by Metro Patio and Carport for a special exception to allow a front carport to encroach 20 feet into the 30-foot front yard setback at 328 Birchwood Drive.

Bee Martin, Planner, presented the staff report. Staff found a number of front carports with Board approvals exist in the surrounding neighborhood and on properties in close proximity to the subject property. Therefore, Staff recommends approval of this request for a special exception.

Mr. Martin stated that were five responses from the property owner notices in favor of the request.

Tom Freely, 4441 I-30, Mesquite, TX 75150, presented the request. The applicant stated that the property owners are requesting the carport in the front to provide covered parking for two vehicles. 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.

Mr. Craine noted that the request is in character with the surrounding neighborhood.

Mr. Akin moved to approve the request as submitted. Mr. Craine seconded and the motion passed unanimously.

F. Case No. 3601

Conduct a public hearing to consider an application submitted by Valsalan Varghese for a special exception to allow a front carport to encroach 20 feet into the 25-foot front yard setback at 225 Carissa Drive.

Garrett Langford, Planner, presented the staff report. Staff found that the request for a front-yard carport does not meet the criteria and is not compatible with the neighborhood. Granting the requested special exception will negatively alter the characteristics of the neighborhood and have an adverse impact on adjacent properties. Therefore, staff recommended denying the request.

Mr. Langford stated that there were one responses from the property owner notices in favor and two responses in opposition of the request.

Tom Freely, 4441 I-30, Mesquite, TX 75150, and Valsalan Varghese, 225 Carissa Drive, presented the request. Mr. Valsalan explained that the carport was also to provide a covered area for his son to wait for the school bus. 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 and Ms. Vidler noted that there were no other carports in the area and that the request would not be compatible with the neighborhood.

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

IV. VARIANCE

a. **Case No. 3602**

Conduct a public hearing to consider an application submitted by Adrienne Kirby for a variance to allow a rear carport to encroach 4 feet into the required 5-foot side yard setback and 19.5 feet into the required 25-foot rear yard setback at 1020 Silverthorn Drive.

Bee Martin, Planner, presented the staff report. Staff believes that the possible impacts of the proposed side and rear yard encroaching carport are so minor, that the overall burden of demonstrating the request's fulfillment of the stated criteria should be minor as well. In the overall balance of the applicant's burden versus the potential impacts of the request, Staff surmises that they are evenhanded. Therefore, Staff recommends approval of this request.

Mr. Martin stated that there were four responses from the property owner notices in favor of the request.

Adrienne Kirby, 1020 Silverthorn Drive, Mesquite, TX 75181, presented the request. 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.

The Board agreed with the conclusions presented in the Staff's report. The Board noted since the location of the request is adjacent to non-residential district that granting the variance will have minor impact on the surrounding area.

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

There being no further business for the Board, Chairman Vidler adjourned the meeting at 7:30 p.m.

Chairman, Jennifer Vidler