

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD AUGUST 28, 2008, AT 6:30 P.M., AT CITY HALL, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Jennifer Vidler, Vice Chairman Cindy Burkett, Regular Members Mike Travis, Dianne Mendoza, and Lonnie Craine

Absent:

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

I. APPROVAL OF THE MINUTES OF JULY 24, 2008, MEETING

Mr. Craine moved to approve the minutes of July 24, 2008. Mr. Travis seconded and the motion passed unanimously.

II. SPECIAL EXCEPTIONS

A. **Case No. 3603**

Conduct a public hearing to consider an application submitted by Metro Patio & Carport Inc., on behalf of Kenneth and Dorothy Jones for a special exception to allow a carport to encroach 20 feet into the required 30-foot front yard setback located at 509 Paddy Street.

Garrett Langford, Planner, presented the staff report. Staff found that 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. Additionally, there are number of carports located in the neighborhood.

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

Tom Freely, 4441 I-30, Mesquite, TX 75150, presented the request. Mr. Freely stated that the property owners have lived at the property 36 years. The home has a small single-car garage. The carport will be constructed of steel and will drain towards the street. 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. Vidler noted that the request is compatible with the neighborhood.

Mr. Travis moved to approve the request as submitted. Ms. Burkett seconded and the motion passed unanimously. Mr. Crane noted for the record that the request is compatible with the neighborhood due to lack of a paved alley, the property has a single-car garage, and there are other carports in the area.

B. **Case No. 3604**

Conduct a public hearing to consider an application submitted by Antonio Guzman for a special exception to allow a front carport to encroach 16 feet into the 30-foot front yard setback at 1626 Evergreen Drive.

Patrick Blaydes, presented the staff report. Staff noted the requested carport was built without a building permit. Presently, the carport is not attached to the house and has a gable roof constructed with corrugated metal. The property is in a front-entry neighborhood, with a converted garage. Although it does have a paved rear alley, no rear drive or garage exists on the property. Multiple front carports with Board approvals do exist in the surrounding neighborhood and on properties in close proximity to the subject property, but those carports are metal carports with flat metal roofs. A metal carport with a flat metal roof would be generally compatible in the midst of the surrounding neighborhood. Therefore, Staff recommends approval of this request for a

special exception to allow a front attached carport to encroach 16 feet into the required 30-foot front yard setback, with the following stipulations, if deemed appropriate to condition an approval for further compatibility:

1. The carport must be constructed with a metal frame. Pillars, jousts and beams must also be metal.
2. The roof must be a flat metal roof.
- OR
3. The carport's roof must be finished with composition shingles to match the house.

Mr. Blaydes stated there were five responses from the property owner notices in opposition to the request.

Antonio Guzman, 1626 Evergreen, Mesquite, TX 75149, through an interrupter, presented the request. The Board discussed the case among themselves and with the applicant. Mr. Guzman stated that he will attach the carport to the house and comply with staff's conditions.

Ms. Vidler opened the public hearing asking if anyone wished to speak in favor of or in opposition to the request. Mr. Melvin Jones, 1611 Evergreen Drive, stated that the existing carport with a pitched roof does not conform to rest of the carports in the neighborhood. Ms. Burkett asked if the witness' opposition stems from the quality construction of the carport or the design of the carport. Mr. Jones responded that he prefers a flat roof carport. As no one else came forward to speak, Ms. Vidler closed the public hearing.

The Board discussed the case and concluded that a gable roof carport attached to the house and constructed with composition shingles to match the house will improve the appearance of the neighborhood.

Ms. Mendoza moved to approve the request as submitted with the following conditions:

1. The carport must be constructed with a metal frame. Pillars, jousts and beams must also be metal.
2. The roof must be a flat metal roof.
- OR
3. The carport's roof must be finished with composition shingles to match the house.

Mr. Craine seconded and the motion passed unanimously.

C. Case No. 3605

Conduct a public hearing to consider an application submitted by Epps Realty on behalf of Sean Hockensmith for a special exception to allow a front carport to encroach 20 feet into the 30-foot front yard setback at 328 Meriden Lane.

Garrett Langford, Planner, presented the staff report. Staff found that the property is located in a front-entry neighborhood with no paved rear alley access. As with the majority of the houses located in the immediate surrounding the area, the property does not have a garage. Although there are no BOA approved carports in the immediate surrounding area, the general characteristic of the neighborhood is compatible with carports, therefore staff recommends approval of the request.

Mr. Langford stated there were no responses from the property owner notices in favor of or in opposition to the request.

Melinda Epps, Epps Realty, 217 E. Davis St, Mesquite, TX 75149, presented the request. The Board discussed the case among themselves and with the applicant. Ms. Epps stated that they are replacing an existing carport in order to approve the appearance of the house.

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 as submitted because the request is compatible with the neighborhood. Mr. Travis seconded and the motion passed unanimously.

D. Case No. 3606

Conduct a public hearing to consider an application submitted by First Response E.M.S., LLC, for a special exception to allow an ambulance service to occupy the subject property located at 924 Windbell Circle, Suite B & C.

Mr. Craine recued himself for Case No. 3606.

Bee Martin, Planner, presented the staff report. Staff found that the request is generally compatible with the surrounding neighborhood. Surrounding nonresidential properties and a major street buffer the subject property from any nearby residential uses, and its location does not threaten to jeopardize traffic levels or create conflict areas on any local streets with incompatible regular ambulance vehicle traffic. Any potential adverse impacts for the proposed use can be resolved with stated stipulations on the use's occupancy of the property. Therefore, Staff recommends approval of this request for an ambulance service to occupy 924 Windbell Circle, Suites B and C, with the following stipulations:

1. The number of ambulance vehicles parked on-site shall be limited to five (5).
2. All ambulances shall be parked in the gated area behind the subject property's structure.
3. Ambulances may not make use of the internal service drive northeast of the subject property connecting Gross Road to Windbell Circle. Access for ambulance vehicles shall be limited to the service drive connection to Windbell Circle and the northernmost curb cut on the property along Windbell Drive.
4. A certificate of occupancy must be obtained for the service to operate ambulances on the site.

Mr. Martin stated that were no responses from the property owner notices in favor of or in opposition to the request.

Damien Wyatt, First Response E.M.S., LLC, Epps Reality, 2611 N. Belt Line Road, Sunnyvale, TX 75182, presented the request. The Board discussed the case among themselves and with the applicant. Mr. Wyatt noted that First Response E.M.S. does backup the Mesquite Fire Department.

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. Vidler agreed with the staff report that the area could support the ambulance use without adversely impacting the surrounding area.

Ms. Burkett moved to approve the request as submitted with the following conditions:

1. The number of ambulance vehicles parked on-site shall be limited to five (5).
2. All ambulances shall be parked in the gated area behind the subject property's structure.
3. Ambulances may not make use of the internal service drive northeast of the subject property connecting Gross Road to Windbell Circle. Access for ambulance vehicles shall be limited to the service drive connection to Windbell Circle and the northernmost curb cut on the property along Windbell Drive.
4. A certificate of occupancy must be obtained for the service to operate ambulances on the site.

Mr. Travis seconded and the motion passed unanimously.

E. Case No. 3607

Conduct a public hearing to consider an application submitted by Pius Okorie for a special exception to allow an ambulance service to occupy the subject property located at 3939 E. US HWY 80, Suite #168.

Bee Martin, Planner, presented the staff report. The request is generally compatible with the surrounding neighborhood if it functions with the recommended stipulations. Staff recommends approval of this request for an ambulance service to occupy 3939 US HWY 80, Suite 168, with the following stipulations:

1. The number of ambulance vehicles parked on-site shall be limited to four (4).
2. Any ambulances must be parked in a designated, marked and striped area large enough to accommodate the ambulance vehicles, regardless of type. This designated area shall be no more than 145 feet from either curb cut along the east side of Bahamas Drive north of the structure and shall be large enough to safely and functionally support four (4) parked ambulance vehicles.
3. A certificate of occupancy must be obtained for the service to operate ambulances on the site, and a site plan must be submitted as part of the certificate of occupancy application showing the service's plans for a designated parking area as well as a connection to the parking area from Bahamas Drive.
4. Ambulances shall not access the site using US HWY 80 service road, and ambulances shall not use the subject property's access to the US HWY 80 service road to provide ambulance services.
5. The proposed use shall not create any nonconforming situations on the subject property, nor increase any nonconforming situation associated with an existing legal nonconformity.

Mr. Martin stated that there were no responses from the property owner notices in favor or in opposition of the request.

The applicant was absent from the meeting and no one else came forward to present the request. Mr. Martin noted that he spoke with the applicant previously and informed him that he would be required to attend the meeting to present the request. Staff advised the Board that the item could be denied, approved, or tabled to the next meeting.

Mr. Craine moved to table the request to the next scheduled Board of Adjustment meeting. Ms. Burkett seconded and the motion passed unanimously.

There being no further business for the Board, Chairman Vidler adjourned the meeting at 7:31 p.m.

Chairman, Jennifer Vidler