

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

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

Staff: Senior Planner Garrett Langford, Planner Elizabeth Butler, Planner Danielle Wonkovich, Plans Examiner Larry Ewing and Assistant City Attorney Paula Anderson

I. APPROVAL OF THE MINUTES OF THE JUNE 24, 2010, MEETING

Ms. Mendoza moved to approve the minutes of the June 24, 2010, Board meeting. Mr. Hargrove seconded and the motion passed unanimously.

II. SPECIAL EXCEPTION

A. **Case No. 3658**

**Conduct a public hearing to consider an application submitted by Metro Patio & Carport Inc., on behalf of Brian and Dana Barber for a special exception to allow a front carport and a special exception to allow the carport with a metal exterior and a flat roof at 3929 Flamingo Way.**

Garrett Langford, Senior Planner, presented the staff report. The request is for a special exception to allow a front carport and a special exception to allow the carport to have metal exterior and a flat roof. The applicant made a request for an 18-ft deep by 27-ft wide front carport in October of 2009. The Board denied the October 2009 request out of concerns that the 27-ft wide carport would cover too much of the house façade. The property owner later obtained a building permit to construct a metal front porch cover, which is permitted because it is located behind the building line.

The applicant is now requesting a 20-ft-by-20-ft carport to be located directly in front of the garage. The applicant is also requesting that the carport be constructed with a metal exterior and with a flat roof. Staff found that the request for a front carport meets some of the criteria set out in the Zoning Ordinance for a Special Exception. The house was built in 1962 before the requirement for two off-street parking spaces was required behind the building line. The home has a two-car garage; however, the applicant has stated that half of the garage has been converted. There is a paved alley, which is 8 to 9 feet wide located in a 15-ft right-of-way. Most of the homes in the area were constructed with front entry with 1 or 2 car garages. Two nearby properties have added rear entry driveways connecting to the alley. While it is possible for the applicant to provide more covered parking with a rear entry, it would require modifications to an existing fence and possible relocation of a storage building in the rear yard. Staff recommends approval of the request for a front carport.

On the request for a metal exterior and a flat roof, Staff found that the subject property was platted in 1960 and the home was constructed in 1962 making it eligible for a metal exterior. There are several carports located in the area as noted in the staff report. The front carports in the area all have metal exterior and flat roof. A metal and flat roof carport would be similar in design to the surrounding carports.

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

The applicant, Jack Gaines with Metro & Patio Carport Inc., presented the request on behalf of Brian and Dana Barber. The applicant and the Board members discussed the request. Mr. Gaines stated he and the property owner are aware of the new design requirements for front carports. They are requesting a metal and flat roof carport because of all the existing metal carports in the area. Mr. Gaines and the Board discussed how long the metal carports would last and what the carport would be replaced with. It was noted that there are a few carports that were approved over twenty years ago. Mr. Gaines stated that the metal carports with baked enamel can last a long time with little upkeep and that only the roof may be susceptible to hail damage. Mr. Gaines stated that the carport would be centered on the garage, which is twenty feet wide. Mr. Gaines noted that the rear yard has a utility easement and a large storage building that would make it impossible to locate a rear entry carport.

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.

The members of the Board discussed how the request for a front carport meets the criteria to allow a carport. The Board discussed that while the property may be eligible for a metal carport with a flat roof, requiring the carport to comply with the new design standards would be more beneficial to the neighborhood in the end.

Mr. Gaines said that requiring the carport to comply with new design standards would be much more expensive; however, he did not have an actual estimate on how much it would cost to construct under the new standards.

Mr. Craine moved to approve the request to allow a front carport and to approve the request to allow the carport with a metal exterior and a flat roof. Mr. Fitzgerald seconded and the motion failed on a vote 2 – 3 with Mr. Craine and Mr. Fitzgerald voting in favor and Mr. Hargrove, Ms. Vidler and Ms. Mendoza voting against the motion.

Mr. Fitzgerald moved to approve the request to have a carport and because of the previous vote that the carport meet the new standards with a pitched roof to match the home. This motion will deny the request to allow the carport to be constructed with a metal exterior and flat roof. Mr. Craine seconded and the motion passed unanimously.

**B. Case No. 3659**

**Conduct a public hearing to consider an application submitted by Darby and Kristin Shelby for a special exception to allow an accessory structure to exceed the 500 square-foot maximum by 250 square-feet for a total size of 750 square feet at 1049 Cochran Drive.**

Elizabeth Butler, Planner, presented the staff report. The applicant is requesting permission to allow an oversize accessory structure, a 25 ft by 30 ft storage building, to be located in the rear yard. The lot is over a third of an acre, larger than the surrounding lots. Staff recommends approval of the request because the structure will be screened from the rear and adjoining properties by the fence. Given the large size of the lot, it is not anticipated that structure would have an impact on building separation or drainage. Additionally, Ms. Butler stated that an oversize accessory structure will be required to use the building materials that match the materials used on the house.

Ms. Butler stated that she received one response to the property owner notices in favor and one response in opposition to the request.

Darby Shelby, 1049 Cochran Drive, presented the request for the oversize accessory structure. Mr. Shelby stated that they want to use the accessory structure as a detached garage to store and work on their personal vehicles. The applicant confirmed that they are only working on personal cars and this request does not involve a business use. Mr. Shelby also explained other improvements they have made to their property.

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. Vidler stated that the applicant has addressed the concerns that the structure would be used for personal use only. Additionally, the lot is large enough to support the structure, which will be required to match the design and the materials of the house.

Mr. Hargrove moved to approve the request as submitted. Mr. Fitzgerald seconded and the motion passed unanimously.

III. SPECIAL EXCEPTION & VARIANCE

**A. Case No. 3660**

**Conduct a public hearing to consider an application submitted by Michael & Regina Suniga for a variance to allow a carport to encroach 5 feet into the 5 foot side yard setback and a special exception to allow the carport to exceed maximum height of 15 feet by 3 feet for a total height of 18 feet at 821 Lakeshore Drive.**

There being no further business for the Board, Chairman Vidler adjourned the meeting at 7:08 p.m.

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Chairman, Jennifer Vidler