

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD JANUARY 24, 2008, AT 6:30 P.M., AT CITY HALL, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Jennifer Vidler, Vice Chairman Cindy Burkett, Secretary Lonnie Craine, Regular Members Dianne Mendoza and Mike Travis and Alternate Member Jack Akin.

Absent:

Staff: Manager of Planning and Zoning Jeff Armstrong, Principal Planner Tammi Nunn, Planner Bee Martin, Plans Examiner Larry Ewing and Assistant City Attorney Steve Crane

I. APPROVAL OF THE MINUTES OF THE DECEMBER 20, 2007, MEETING

Larry Ewing stated that upon further research it was determined by staff that the sign foundation in the Sign Variance Case No. 229 is not part of sign therefore the applicant will not have to remove the foundation. The application was issued a sign permit without requiring removal of the existing foundation.

Ms. Burkett moved to approve the minutes of the December 20, 2007, meeting with the attached addendum to item IV. A. Sign Case No. 229. Mr. Travis seconded and the motion passed unanimously.

II. SPECIAL EXCEPTION

A. **Case No. 3563 (TABLED December 20, 2007)**

Conduct a public hearing to consider an application submitted by Maricela Zuniga for a special exception to allow a carport to encroach 22 feet into the required 30-foot front yard setback at 1715 Roundrock.

Tammi Nunn, Principal Planner, presented the staff report on Case No. 3563, which was tabled from the December 20, 2007 BOA meeting to allow staff time to research the carports in the surround area. Staff found that the carport at 1716 Roundrock did not obtain a variance. The applicant presented a number of carports to the staff before the meeting, however staff was unable to verify the carports.

John White, JW Carports, 14447 Main Ave, Scurry, TX presented the request on behalf of Marciela Zuniga. The Board discussed the request among themselves and with Mr. White. Mr. White presented the location of carports in the surrounding area that have double-car garages and alley access. The discussion continued on the carports presented by Mr. White on whether the carports had BOA approval or not. It was noted that the carport at 1716 Roundrock does not have BOA approval or a building permit.

Stephen Craine, Assistant City Attorney, presented exhibit #1, a subdivision map where subject property is located and indicated that some of the carports presented by the applicant are located outside of the subdivision and beyond what is considered a neighborhood. Mr. Craine suggested that Mr. White take the map and identify which carports from his list are within the subdivision.

Ms. Vidler stated that the Board will allow the applicant and staff to mark on the subdivision map showing where the existing carports from Mr. White's list are located, while moving on to the next agenda item. The Board will return to this item upon completion of the next agenda item Case No. 3567.

B. **Case No. 3567**

Conduct a public hearing to consider an application submitted by Ana Gloria Rivas Gonzalez for a special exception to allow a carport to encroach 9 feet into the required 25-foot front yard setback at 1525 Melanie Lane.

Bee Martin, Planner, presented the staff report. Staff found that the applicant's request did meet the criteria set out in the Mesquite Zoning Ordinance for a special exception and it would be compatible

with the area. Mr. Martin noted the surrounding existing carport in the neighborhood. Staff recommends approval of the request.

Mr. Flores, 1525 Melanie Lane, resented the request on behalf of Ana Gonzalez. The Board discussed the case among themselves and with the applicant. The applicant explained to the Board what parts of the carport will be replaced.

Jeff Armstrong, Manager of Planning and Zoning, stated if the Board approves the request, the applicant will need to get a building permit and built the carport to code.

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

Chairman Vidler called a short recess to allow the applicant for Case #3563 and staff to continue to verify the records of the surrounding carports in the neighborhood.

A. Resume Case No. 3563 (TABLED December 20, 2007)
Conduct a public hearing to consider an application submitted by Maricela Zuniga for a special exception to allow a carport to encroach 22 feet into the required 30-foot front yard setback at 1715 Roundrock.

The Board returned to the Case No. 3563 for further consideration.

Tammi Nunn, Principal Planner, presented the findings of subdivision map and BOA approval registry. Ms. Nunn noted that the carport at 1511 Roundrock Trail is BOA approved, however all other carports on Roundrock Trail are not approved. Carports at the end of Darnel Lane and Caladium Drive are BOA approved and are within the subdivision. Additionally, the pictures presented by the applicant indicate that carports on Caladium and Darnel are two-car garages. Ms. Nunn further stated that subdivision boundary could be used as the neighborhood boundary in considering the impact and compatibility of the request with the neighborhood.

Ms. Vidler opened the public hearing asking if anyone wished to speak in favor of or in opposition to the request. Maricela Zuniga, 1715 Roundrock Trail, is the applicant, explained why they seeking a carport. Robert Cannon, 1716 Roundrock Trail, spoke in favor of the request. As no one else came forward, Ms. Vidler closed the public hearing.

Jeff Armstrong, Manager of Planning and Zoning, clarified Section 2-604.B. of the Mesquite Zoning Ordinance, which outlines the criteria for considering special exceptions for front yard carports.

Ms. Mendoza moved to approve the request as submitted because the carport will be compatible with the neighborhood and allow for greater enjoyment of the property. Ms. Burkett seconded and the motion passed unanimously.

There being no further business for the Board, Chairman Vidler adjourned the meeting at 8:26 p.m.

Chairman, Jennifer Vidler