

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD FEBRUARY 26, 2009, AT 6:30 P.M., AT CITY HALL, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Jennifer Vidler, Regular Members Dianne Mendoza, Lonnie Craine, and Alternate Member Duddly Hargrove

Absent: Vice Chairman Cindy Burkett

Staff: Planner Garrett Langford, Planner Bee Martin and Assistant City Attorney Steve Crane

I. APPROVAL OF THE MINUTES OF JANUARY 22, 2009, MEETING

Ms. Mendoza moved to approve the minutes of January 22, 2009. Mr. Hargrove seconded and the motion passed unanimously.

II. SPECIAL EXCEPTION

A. **Case No. 3616**

Conduct a public hearing to consider an application submitted by Dale Epley for a special exception to allow an accessory structure to exceed the maximum allowed size of 500 square feet by 172 square feet for a total of 672 square feet at 2700 Branch Hollow Drive. (Applicant has requested for this item to be tabled until the March 26th Board meeting – see attached letter).

Bee Martin, Planner, stated that the applicant has requested to table Case No. 3516 until the next Board meeting. Upon a site visit by Staff, a number of junk vehicles were found on the subject property in violation of the City's ordinances. The applicant requested to table the case to correct the violations and to deal with a personal matter.

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 table the request until the March 26, 2009, Board of Adjustment meeting. Mr. Craine seconded and the motion passed unanimously.

B. **Case No. 3617**

Conduct a public hearing to consider an application submitted by the City of Mesquite for a special exception to allow a temporary classroom located at 501 Lakeside Drive.

Bee Martin, Planner, presented the staff report. Mr. Martin stated that the request for a temporary classroom is to replace the existing temporary building located at the Mesquite Fire Department's training facility at 501 Lakeside Drive. Mr. Martin reviewed the criteria for a special exception for a temporary classroom finding the request is compatible with the surrounding neighborhood taking into consideration the site's size, neighborhood orientation, buffering, open space, site adequacy, and other characteristics identified in the written staff report. Based on those findings, Staff recommends approval of the request for a special exception to allow a temporary classroom building for fire training purposes subject to the following conditions:

1. The temporary structure must be located as indicated on the attached site plan submitted by the applicant and must be setback 25 feet from the Holley Park Drive right-of-way.
2. The applicant must obtain a certificate of occupancy for the temporary structure and comply with all applicable zoning regulations, building codes and fire codes pertaining to a temporary classroom for the proposed use. The temporary structure shall not have to comply with the Community Appearance Manual.
3. This special exception shall expire in three (3) years as required by the City of Mesquite Zoning Ordinance. However, if the City's land use regulations at the time of expiration still require a special exception, it may be renewed upon approval by the Board of Adjustment.

Mr. Martin noted that the Board may extend the term of approval from three years to five or more years. Mr. Martin stated he received one response from the property owner notices in favor of the request and one response in opposition to the request.

Fire Chief Mark Kirby, 501 Lakeside Drive, Mesquite, TX 75149, presented the request on behalf of the City of Mesquite. The Board discussed the case among themselves and with the applicant. Chief Kirby stated that they are planning for a permanent training center for the Fire Department in the future, however the existing temporary structure at 501 Lakeside Drive is in poor condition and needs to be replaced. Chief Kirby stated the requested temporary classroom will most likely be in use for the next three to five years.

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 with Staff recommendations 1-3 provided that the term of approval will be for five (5) years. Ms. Mendoza seconded and the motion passed unanimously.

There being no further business for the Board, Chairman Vidler adjourned the meeting at 6:48 p.m.

Chairman, Jennifer Vidler

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