

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD JUNE 26, 2008, AT 6:38 P.M., AT CITY HALL, 711 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

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

Absent: Vice Chairman Cindy Burkett and Regular Member Mike Travis

Staff: Manager of Planning and Zoning Jeff Armstrong, Planner Garrett Langford, Planner Bee Martin, Plans Examiner Larry Ewing, Assistant City Attorney Steve Craine

I. APPROVAL OF THE MINUTES OF THE MAY 22, 2008, MEETING

Ms. Mendoza moved to table the minutes of May 22, 2008, meeting until the next scheduled Board of Adjustment meeting. Mr. Akin seconded and the motion passed unanimously.

II. SPECIAL EXCEPTION

A. **Case No. 3590**

Conduct a public hearing to consider an application submitted by Metro Patio and Carports for a special exception to allow a carport to encroach 20 feet into the required 30-foot front yard setback located at 3600 Sidney Drive.

Garrett Langford, Planner, presented the staff report. Staff found that the request will not have a negative impact on the neighborhood. Additionally, staff found that there are five BOA approved front carports within the immediate area. The subject property is located in an older neighborhood built with single-car garages with front-entry access. Staff recommends approval of the request.

Tom Freely, 4441 I-30, Mesquite, TX 75150, 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. Akin seconded and the motion passed unanimously.

B. **Case No. 3592**

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 3607 Emerald Drive.

Bee Martin, Planner, presented the staff report. Staff found numerous carports line the streets in this neighborhood, and it appears they are more of the custom for this area than an exception. Twenty-three (23) BOA approvals for front carports are on record for Emerald Drive alone. Given the prevalence of front carports in the neighborhood with BOA approval, the proposed carport on the subject property is not expected to create adverse impacts for adjacent properties and will likely be compatible with the surrounding neighborhood. Therefore, Staff recommends approval of this request.

Tom Freely, 4441 I-30, Mesquite, TX 75150, 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.

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

C. Case No. 3593

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, presented the staff report. Staff found that the subject property has two-car garage and a rear access to the alley. Furthermore, staff found that most homes within the area contain a variety of one or two-car garages and all have rear alley access. There are also no other carports within the immediate area. Therefore, staff recommends denial of the request for a front yard carport.

Tom Freely, 4441 I-30, Mesquite, TX 75150, and Robert Kittelson, 1440 Virgie Joe Drive, 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. Vidler stated she agreed with findings stated in the staff report.

Mr. Akin moved to table the request until the next scheduled Board of Adjustment meeting to allow the applicant to discuss the request with staff. Mr. Crane seconded and the motion passed unanimously.

D. Case No. 3594

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 24 feet into the 30-foot front yard setback at 2534 Larchmont Drive.

Garrett Langford, Planner, presented the staff report. Staff found that there are five BOA approved front carports within the immediate area. The subject property has a two-car garage and paved alley access, however given the number of carports in the area it is staff's opinion that the request will be compatible and not have an adverse impact on adjacent properties. Therefore, staff recommends approval of the request with a condition to limit the encroachment of the carport to 20 feet.

Tom Freely, 4441 I-30, Mesquite, TX 75150, presented the request. The Board discussed the case among themselves and with the applicant. The applicant agreed with staff's recommended condition to limit the encroachment of the carport to 20 feet.

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 with staff's recommendation to limit the encroachment to 20 feet. Mr. Akin seconded and the motion passed unanimously.

E. Case No. 3595

Conduct a public hearing to consider an application submitted by R.J. Koland, Central Mesquite Assembly of God for a special exception to allow an oversized accessory structure (garage) proposed at 816 sq. ft. and 16 ft. high at 1730 Gross Road.

Garrett Langford, Planner, presented the staff report. Staff found that the request will not have a negative impact on the neighborhood. Additionally, allowing the oversize garage would allow the church to store outdoor equipment and the church van indoor thereby reducing any negative visual impact on the area. Staff recommends approval of the request with the following conditions:

1. The 816 square-foot, 16-foot high accessory structure shall be located on the site as indicated on the site plan attached to the Board of Adjustment application dated May 29, 2008, subject to any required modification of the site layout resulting from possible required right-of-way dedication brought about by platting or during the site plan review.
2. The exterior construction of the accessory structure shall be 100% masonry.

R.J. Koland, Pastor, 1730 Gross Road, Mesquite, TX 75149, presented the case on behalf of Central Mesquite Assembly of God. The Board discussed the case among themselves and with the applicant. The applicant stated that they agree with staff's recommended conditions.

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 stated that the property has alley access and a two-car garage in the rear of the property.

Mr. Crane moved to approve the request as submitted with staff's recommended conditions 1-2. Ms. Mendoza seconded and the motion passed unanimously.

F. Case No. 3596

Conduct a public hearing to consider an application submitted by Kelly Baggett for a special exception to allow an ambulance service to occupy the subject property located at 4321 N. Beltline Rd., Suite 500.

Bee Martin, Planner, presented the staff report. Staff found the request is generally compatible with the surrounding neighborhood. Surrounding nonresidential properties buffer the subject property from residential uses, and its location on an arterial and a collector 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 of the property. Therefore, Staff recommends approval of this request for an ambulance service to occupy 4321 N. Belt Line Road, Suite 500 with the following stipulations:

1. The number of ambulance vehicles parked on-site shall be limited to two (2).
2. A concrete parking pad shall be constructed on the west side of the structure to functionally accommodate two (2) parked ambulances.
3. A paved concrete area shall be constructed to connect the parking pad to the subject property's main parking area.
4. Ambulances may not access the site using Belt Line Road, and ambulances shall not use the subject property's access to Belt Line Road to provide ambulance services.
5. 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 certification of occupancy application showing the service's plans for a parking pad as well as a connection to the parking area.

Kelly Baggett, Ambulance Life Line, 4321 N. Belt Line Road, Mesquite, TX 75150, presented the case. The Board discussed the case among themselves and with the applicant. The applicant described their business and how it will operate at the location in question. The applicant, city staff, and the Board discussed the number and types of ambulances to be used and where they should be parked on the site.

The Board agreed with Staff's concerns regarding the internal circulation of the parking area and how the ambulances might negatively impact the patrons of the other tenants located in the retail strip center. Additionally, the Board also discussed how the ambulances will egress and ingress from the site.

Mr. Crane moved to approve the request as submitted with staff's recommendation 1-5, with changes to condition 1 to increase the allowed on-site parking up to four ambulances and condition 2 to allow the parking of two additional ambulances on the existing parking spaces. Ms. Mendoza seconded and the motion passed unanimously.

III. SPECIAL EXCEPTIONS AND VARIANCE

A. **Case No. 3589**

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.

Jeff Armstrong, Manager of Planning and Zoning, presented the staff report. Regarding the special exception for the oversize structure, staff found that there are a variety of building types and sizes in the area. In addition, the proposed building will be required to comply with the Community Appearance Manual. It is staff's opinion that the structure would be compatible with the area.

Regarding the variance, staff found that the property is located in a Commercial zoning district, which requires a 25-foot setback, while the surrounding the area is zoned Central Business district, which allows structures to be built to the property line. Furthermore, due to the limited lot depth and large setbacks, little or no additional development of this site would be feasible. To comply with the setback requirement, there would likely be an undesirable effect on on-site parking, which is already minimal. It is Staff's opinion that the request meets the criteria for both the requested Special Exception and the requested Variance. Staff recommends approval of both requests.

Kenneth Wright Jr., 619 W. Davis St, Mesquite, TX 75149, presented the case on behalf of the owner. The Board discussed the case among themselves and with the applicant. Mr. Wright described their business and the proposed project.

Mr. Akin stated that since the surrounding property is zoned Central Business, which allows structures to be built to the property line, the property owner should pursue a zoning change from Commercial to Central Business rather than seek a variance for encroachment of the 25-foot setback.

Mr. Akin moved to table the request until the next scheduled Board of Adjustment Meeting to allow staff and the applicant to consider a rezoning action. Mr. Crane seconded and the motion passed unanimously.

IV. VARIANCE

A. **Case No. 3586**

Conduct a public hearing to consider an application submitted by Michael and Donna Fullen for a variance to allow an addition to the principal structure to encroach 3 feet into the required 25-foot rear-yard setback located at 927 Royal Crest Drive.

Ms. Vidler stated that the applicant has withdrawn their request.

There being no further business for the Board, Chairman Vidler adjourned the meeting at 9:45 p.m.

Chairman, Jennifer Vidler