

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD APRIL 24, 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 Dianne Mendoza, Lonnie Craine and Alternate Member Jack Akin

Absent: Regular Member Mike Travis

Staff: Principal Planner Tammi Nunn, Planner Garrett Langford, Planner Bee Martin, Plans Examiner Larry Ewing

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

Ms. Burkett moved to approve the minutes of January 24, 2008, meeting. Mr. Craine seconded and the motion passed unanimously.

II. APPROVAL OF THE MINUTES OF THE MARCH 27, 2008, MEETING

Ms. Mendoza moved to approve the minutes of February 28, 2008, meeting. Ms. Burkett seconded and the motion passed unanimously.

II. SPECIAL EXCEPTION

A. **Case No. 3577**

**Conduct a public hearing to consider an application submitted by Metro Patio and Carport for a special exception to allow a carport to encroach 20 feet into the required 30-foot front yard setback located at 1310 Richard Street.**

Tammi Nunn, Principal Planner, presented the staff report. Staff found that the applicant's request met the criteria set out in the Mesquite Zoning Ordinance for a special exception because the property is located in a front-entry neighborhood with a single-car garage, which has been converted. Paved alley access is not available for access from the rear yard. There are several front yard carports within the subdivision and in very close proximity to the applicant's property.

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

B. **Case No. 3578**

**Conduct a public hearing to consider an application submitted by Glenn and Sherri Thurman for a special exception to allow major construction of a non-conforming structure located at 1201 Lakeshore Drive.**

Tammi Nunn, Principal Planner, presented the staff report. Ms. Nunn stated that the Board is being asked to consider allowing the reconstruction of a structure with dimensional nonconformity (fence). The Board may approve such structures when it is determined that the structure previously existed without substantial impact on the adjacent properties and that the reconstruction will not create more adverse impacts. The Board determined that the applicant is replacing an 8-foot wooden fence that had existed between their property and the neighboring property for over 20-years. The Board noted that in the 20-years of the life of the old fence there were no adverse impacts and reconstruction of the same should be no different. Ms. Nunn stated that there were two responses in favor of the request and 1 response against the request.

Glenn and Sherri Thurman, 1201 Lakeshore 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. Burkett moved to approve the request as submitted. Mr. Craine seconded and the motion passed unanimously.

### III. VARIANCE

#### A. Case No. 3579

**Conduct a public hearing to consider an application submitted by Tom and Annette Palmer for a variance to allow a patio cover to encroach in to the required 25-foot rear yard setback located at 720 John Peter Court.**

Tammi Nunn, Principal Planner, presented the staff report. Staff found that the applicant's request met the criteria set out in the Mesquite Zoning Ordinance for a variance because the lot is unique in the fact that the rear abuts a large Historical City Farmstead, which more than likely will never be developed with single-family homes. Additionally, literal interpretation of the setback requirement would significantly limit the use of the back yard. Lastly, The applicant did not cause the conditions and circumstances. The applicant did not plat the key shaped lot nor personally build the home that is on it.

Annette Palmer, 720 John Peter Court, 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. Akins moved to approve the request as submitted. Mr. Craine seconded and the motion passed unanimously.

### IV. SIGN VARIANCE

#### A. Case No. 230

**Conduct a public hearing to consider an application submitted by Architectural Identification, Inc. on behalf of Dallas Regional Medical Center for a 136 square foot wall sign, a variance of 20 square feet from the maximum 116 square feet allowed for a wall sign at 1011 N. Galloway.**

Garrett Langford, Planner, presented the staff report. Staff found that the applicant's request did not meet the criteria set out in the Mesquite Sign Ordinance for a variance. Staff found no special conditions or circumstances on the property to warrant a variance. Additionally, the applicant has other options to install a larger wall sign at the site. Staff recommended denial of the request for a sign variance.

Trent Eckfield, 1122 W Faith Cir, Bradenton, FL 34212, presented the case on behalf of Dallas Regional Medical Center.

The Board discussed the case among themselves and with the applicant. The applicant believed that the proposed location of the wall sign would provide the greatest visibility. Additionally, the property owner of site did not want to disrupt the existing trees at the other possible location for the wall sign.

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 and Ms. Burkett stated that the design of the proposed wall sign could be modified to be in compliance with the Sign Ordinance.

Ms. Mendoza moved to deny the request as submitted. Mr. Akins seconded and the motion passed unanimously.

**B. Case No. 231**

**Conduct a public hearing to consider an application submitted by City of Mesquite, for a 12-foot pole sign with variance to allow a reduction of 4 feet from the minimum required distance of 10 feet from the bottom of the sign to the ground at 1340 Airport Blvd.**

Garrett Langford, Planner, presented the staff report. Staff found that the applicant's request met the criteria set out in the Mesquite Sign Ordinance for a variance. Staff found special circumstances created by the Federal Aviation Airspace regulations, which have restricted the height of the proposed pole sign, thereby reducing the height from the bottom of the sign to the ground. Additionally, literal interpretation of the ordinance would result in unnecessary hardship by requiring the City to raise the height of the pole sign. This would result in possible conflicts with the Federal Aviation Airspace regulations, thereby restricting the City's ability to provide signage and direction to a public facility. Staff recommended approval of the request for a sign variance.

Cynthia Godfrey, Mesquite Airport Director, 1340 Airport Blvd, presented the case. The Board discussed the case among themselves and with the applicant. In designing the pole sign, the City is trying to match the architecture of the airport terminal and also comply with the Federal Aviation Airspace regulations.

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 as submitted. Ms. Burkett seconded and the motion passed unanimously.

**V. OTHER BUSINESS**

The Board added an item to the agenda to discuss a staff report on updating the Mesquite Zoning Ordinance regarding front yard carports. Tammi Nunn, Principal Planner, presented a staff report proposing an update with Mesquite Zoning Ordinance to allow front yard carports without requiring a special exception from the Board if the carports meet certain design standards. The Board and staff discussed the report. The Board of Adjustment took no action on this item.

There being no further business for the Board, Chairman Vidler adjourned the meeting at 7:55 p.m.

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Chairman, Jennifer Vidler