

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT, HELD AUGUST 26, 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, David Fitzgerald, and Alternate Bruce Archer (not seated)

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

I. APPROVAL OF THE MINUTES OF THE JULY 22, 2010, MEETING

Mr. Fitzgerald moved to approve the minutes of the July 22, 2010, Board meeting. Mr. Hargrove seconded and the motion passed unanimously.

II. SPECIAL EXCEPTION

A. **Case No. 3661**

Conduct a public hearing to consider an application submitted by Helen Michel 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 1305 East Park Drive.

Elizabeth Butler, Planner, presented the staff report. The request is for a special exception to allow a 17 ft by 11 ft front carport and a special exception to allow a metal exterior and a flat roof on the carport. The proposed carport would be large enough to provide covered parking for one vehicle. Staff found that the neighborhood consists of homes with front access that have either a single-car garage or a two-car garage. The subject property had a single-car garage which was converted into living space. The neighborhood has paved alleys; however, most of the homes including the subject property do not have a driveway connection to the alley.

Ms. Butler stated that she received six responses from the property owner notices in favor and one response in opposition of the request.

Staff found that the subject property has an existing 8-ft tall rear fence and a storage building that would need to be moved or modified in order for a rear driveway to be added. Additionally, the home was built in 1961 before the requirement to have two off-street parking spaces located behind the building line. Therefore, Staff recommends approval of the request for a front carport. The subject property was platted before 1964 making the request eligible to build the carport with a metal exterior and a flat roof. Staff found that the existing the carports in the area have metal exterior with a flat roof.

Ms. Butler clarified that the request is for the existing carport located in front of the home.

The applicant, Helen Michel, 1305 East Park Drive, presented the request. The applicant is requesting a carport in order to protect their vehicle from the weather and birds. It was noted that the requested carport was built without a building permit and should the Board approved the request for a metal exterior and a flat roof, the applicant may need to rebuild the structure to comply with the carport standards.

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.

Some of the Board members noted that there are several existing carports in the neighborhood that were constructed with a metal exterior and a flat roof.

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

Upon further discussion, Mr. Craine moved to approve the request to have a carport and to allow a flat roof and metal exterior on the carport. Mr. Hargrove seconded and the motion passed unanimously.

B. **Case No. 3662**

Conduct a public hearing to consider an application submitted by Daniel Carports on behalf of Michael Hayes 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 1113 Tosch Lane.

Elizabeth Butler, Planner, presented the staff report. The request is for a special exception to allow a front carport and a special exception to allow a metal exterior and a flat roof on the carport. The proposed carport is large enough to cover two-off street parking spaces. Staff found that the neighborhood consists of homes with front access that have either a single-car garage or a two-car garage. The subject property had a two-car garage. The neighborhood has paved alleys; however, most of the homes including the subject property do not have a driveway connection to the alley.

Ms. Butler stated that she received eighteen responses to the property owner notices in favor and one response in opposition to the request. However, three of the responses were from outside of the notice area due to a mailing notice error.

Staff found that the subject property has an existing fence and a storage building that would need to be moved or modified in order for a rear driveway to be added. Therefore, Staff recommends approval of the request for a front carport. The subject property was platted before 1964 making the request eligible to build the carport with a metal exterior and a flat roof.

Jerry Daniel, 5050 Dexham Road, presented the request on behalf of Michael Hayes for the carport. Mr. Daniel stated that Mr. Hayes has lived in the house for eleven years. The home was built in 1959. Mr. Daniel further stated the property owner maintains the home and the property and would not do anything to devalue the property or the neighborhood. The applicant believes that a carport with metal exterior and a flat roof is appropriate in this area given the number of existing carports located throughout the neighborhood. Mr. Daniel indicated that the carport will be 14 feet from the sidewalk and 23 feet from the street. Mr. Daniel and the Board discussed some of the design standards for metal carports.

Penny Hayes and Michael Hayes 1113 Tosch Lane, stated why they want to have a carport. Mr. Hayes stated that in preparation for getting a carport, they cut down a fifty-year old tree because it would interfere with the roof of the proposed carport. Now that the tree is gone, there is no shade to enjoy the front yard. The carport would not only cover their two trucks but also provide shade in the front yard. Mr. Hayes further explained that the garage was partially enclosed when they expanded the utility room when they made repairs to their kitchen.

Ms. Vidler stated she only saw one carport in the neighborhood, which was directly across the street from the subject property. Mr. Hayes stated that there are seven carports in the area but does not have the addresses for them. Mr. Hayes stated that he did not consider a carport with a wood exterior and a pitched roof because of the cost and he believes it would not match the character of their neighborhood because of the existing carports in the area.

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 Board discussed the case and it was the consensus of the Board that given the lack of existing carports in the area that the proposed carport should comply with the design standards requiring a pitch roof and a wood exterior.

The applicant had questions regarding the design standards and requested to table the case so that it can be verified the number of existing carports in the area could be verified.

Mr. Hargrove moved to table the request to the next Board meeting. Mr. Fitzgerald seconded and the motion passed unanimously.

C. Case No. 3663

Conduct a public hearing to consider an application submitted by Ralph and Doris Rose for a special exception to allow an accessory dwelling unit at 315 Freeman Street.

Garrett Langford, Senior Planner, presented the staff report. The request is to allow an existing detached garage located in the rear yard to be used as an accessory dwelling unit. The applicant indicated they converted part of the structure into living space in 1997-1998 without a building permit. The applicant's daughter has been living in the structure since 2008. A previous daughter lived in the structure since 2001. Staff indicated that should the Board approve the request, then the applicant would be required to get a

building permit to install a water closet and make any other changes in order to have the structure comply with applicable building codes. Staff did not find any concerns with request that would have an adverse impact on the neighborhood. Staff recommends approval of the request with the following conditions.

1. The accessory dwelling unit shall not be rented or utilized as a separate principal dwelling unit.
2. If exterior improvements are made to the accessory structure, similar materials to the principal structure shall be used. Wood and cementitious fiberboard shall be painted the same color as the trim of the principal structure. Additionally, the roof shall be shingled or match the roof materials of the principal structure.

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

The applicant was not present at the meeting. Following the discussion with Staff, the Board wanted to discuss the request with the applicant before acting on the case.

Mr. Hargrove moved to table the request to the next Board meeting. Mr. Fitzgerald seconded and the motion passed unanimously.

D. Case No. 3664

Conduct a public hearing to consider an application submitted by Brad Baker, Centerpoint Church, for a special exception to allow a temporary classroom at 1355 E Kearney Street.

Garrett Langford, Senior Planner, presented the staff report. The request is to allow a temporary classroom for a three-year period. The proposed structure would be approximately 30 ft by 30 ft located on the east side of the existing building as shown on the revised site plan submitted on August 24, 2010. The applicant is proposing to start the development process for their church building expansion in early 2011. While the applicant has not submitted a formal site plan application for the proposed expansion of the church, they have submitted preliminary drawings with the application for the special exception that indicates that the applicant has at least begun the design work. Staff does not anticipate that there will be any recognizable increase in traffic or parking from the temporary classroom. Additionally, the proposed structure will not be any closer to the neighborhood than the existing building located on the property. Therefore, Staff recommends approval of the request with the following conditions.

- 1) The temporary structure must be located as indicated on the attached site plan submitted by the applicant on August 24, 2010.
- 2) The temporary structure must be movable and not built on a permanent foundation.
- 3) The applicant shall 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 structure for the proposed use.

Mr. Langford stated that he received a complaint from a neighbor regarding the high number of trash bags being put out by the Centerpoint Church. Currently, the Centerpoint Church does not have a dumpster enclosure and instead is using trash bag services. In 2003, as a condition of allowing trash bag services, the Solid Waste Division stated that they cannot put out more than three trash bags at one time. Mr. Langford stated that the applicant was made aware of the complaint. The Board, following the applicant's testimony and public hearing, may consider adding a condition to the approval requiring the installation of the dumpster enclosure. The Staff will continue to monitor the situation and Solid Waste Division and Engineering will review the matter when the proposed expansion goes through the development review process.

Mr. Langford stated he received two responses from the property owner notices in favor of and one response in opposition to the request.

Brad Baker, 107 Texas Circle, Sunnyvale, TX, presented the request on behalf of Centerpoint Church. Mr. Baker indicated that the church has experienced tremendous growth requiring expansion of their facilities. The church is looking for a temporary structure to allow them to hold youth activities and meetings on site while they work towards obtaining financing for the expansion for the church building. Regarding the issue with trash service, Mr. Baker believes that the complaint on the number of trash bags was a result of a multi-day event, which produced a high number of trash bags. Mr. Baker stated that in the future that the church members will

take the trash bags with them after a large event instead of placing them at the alley. The Board and the applicant further discussed whether a dumpster enclosure was needed or not.

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 Board discussed how much time to allow the temporary classroom and to make sure that the temporary structure does not become permanent structure. Ms. Vidler expressed concerns with allowing a blanket approval for three years and that it should be limited to 18 months to 2 years. Mr. Craine stated that allowing three years would allow the applicant the time necessary to raise funds and complete the design work for the future expansion and that they might be pressed to start their project in two years.

Mr. Craine moved to approve the request to allow the temporary classroom for a period of three years with Staff's recommended conditions 1-3 and revising condition #1 to be based on the site plan dated August 24, 2010. Mr. Hargrove seconded and the motion failed on a vote of 3-2 with Mr. Craine, Mr. Hargrove and Ms. Mendoza voting in favor of and Ms. Vidler and Mr. Fitzgerald voting against the motion.

The Board discussed how they could approve the request for two years but allow an extension on the approval for an additional year with the condition that the applicant obtains a building permit or is continuing construction of the proposed expansion to the church building by the end of the second year.

Mr. Craine moved to approve the request to allow the temporary classroom with Staff's recommended conditions 1-3 and revising condition #1 to be based on the site plan dated August 24, 2010, and adding a fourth condition that would allow a temporary classroom for a two year period which may be extended automatically for one year if the applicant obtains a building permit and has started construction by the end of the second year. Mr. Hargrove seconded and the motion passed unanimously.

There being no further business for the Board, Chairman Vidler adjourned the meeting at 8:10 p.m.

Chairman, Jennifer Vidler

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