



**BOARD OF ADJUSTMENT PRE-MEETING
CITY COUNCIL BRIEFING ROOM**

757 North Galloway Avenue

Mesquite, Texas

April 25, 2024 – 6:15 P.M.

Discussion of Items on the Regular Agenda

**BOARD OF ADJUSTMENT REGULAR MEETING
CITY COUNCIL CHAMBERS**

757 North Galloway Avenue

Mesquite, Texas

April 25, 2024 – 6:30 P.M.

AGENDA

Pursuant to Section 551.071 of the *Texas Government Code*, the Board of Adjustment may meet in a closed executive session to consult with the City Attorney regarding matters authorized by Section 551.071, including matters posted on this Agenda.

CALL TO ORDER

1. ROLL CALL

BOARD PROCEDURES

2. Chair shall make a public announcement regarding the Board's procedures.

PUBLIC COMMENTS

3. Any individual desiring to address the Board of Adjustment regarding an item on the AGENDA (non-public hearing items) or any matter not listed on the Agenda shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Board of Adjustment through a translator will be allowed six (6) minutes.

CONSENT AGENDA

All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Board of Adjustment or any individual wish to discuss any item, said item may be removed from the Consent Agenda by a motion of the Board of Adjustment.

4. APPROVAL OF MINUTES.

Discuss and consider approval of the minutes of the March 28, 2024, Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

5. BOA0324-0432 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Esthela Dominguez, for a Special Exception to allow a garage conversion, with no requirement to relocate the converted parking spaces, located at 2859 Linhaven Drive. (BOA0324-0432, Jordan Gregory, Planner).

PUBLIC HEARINGS- CONTESTED CASES

PUBLIC COMMENTS

6. Any individual desiring to address the Board of Adjustment regarding a REQUEST FOR RECONSIDERATION shall do so on a first-come, first-served basis.

Comments on the matter in Agenda Item #7 should be limited to whether or not the Board should grant a reconsideration of the application for variance (and not the merits of the application for variance itself). If the Board grants a reconsideration, a public hearing will be conducted in Agenda Item #8, and the applicant and members of the public may speak to the merits of the Application for Variance at that time.

Comments are limited to three (3) minutes, except for a speaker addressing the Board of Adjustment through a translator will be allowed six (6) minutes.

REQUEST(S) FOR RECONSIDERATION

7. BOA0324-0436, REQUEST FOR RECONSIDERATION OF BOA0224-0428 – APPLICATION FOR VARIANCE.

Discuss the written request for reconsideration submitted by Theresa Rodgers and consider whether to reconsider the original matter. The original application, BOA0224-0428, requested a allow a 53 foot wide lot that is a total size of 6,281 sq ft for a new single family home located at 4600 Keswick Ln (Future Address – 241 Keswick Ln). The original application for variance was deemed DENIED at the March 28, 2024 Board of Adjustment meeting (BOA0224-0428, John Cervantes, Planner).

NOTE: If the Board wishes to grant a reconsideration of this matter, a motion must be made to reconsider Case # BOA0224-0428; the motion must be seconded; and if the motion receives four (4) affirmative votes, the matter will be reconsidered by the Board as identified in Agenda Item # 8 (below). [SEE Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-208 (C)(10) & (11).]

[Staff recommends postponement to the May 23, 2024 BOA Meeting.]

8. *BOA0224-0428 – VARIANCE

NOTE: * This Agenda item shall only be considered if the Board granted a reconsideration of the matter in Agenda Item # 7 (above). [SEE Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-208 (C)(11) & (12).]

Conduct a public hearing to consider an application submitted by Theresa Rodgers, for Variances to allow a 53 foot wide lot that is a total size of 6,281 sq ft for a new single family home located at 4600 Keswick Ln (Future Address – 241 Keswick Ln). (BOA0224-0428, John Cervantes, Planner).

9. BOA324-0434 – SPECIAL EXCEPTION & VARIANCE

Conduct a public hearing to consider an application submitted by Martin Ramirez, for a request for a Special Exception to allow a rear oversized accessory structure that exceeds the maximum size of 500 square feet by 102.9 square feet for a total size of 602.9 square feet and a Variance

from the setback requirements to encroach 10 feet into the exterior side yard, located at 1425 Barbara Street. (BOA0324-0434, Jordan Gregory, Planner).

[This item has been withdrawn for consideration.]

10. BOA0424-0438 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Diana Nunez-Flores, for a Special Exception to allow a garage conversion, with no requirement to relocate the converted parking spaces, located at 823 Meandering Way. (BOA0424-0438, John Cervantes, Planner).

OTHER BOARD BUSINESS

11. Next Board of Adjustment Meeting: May 23, 2024

At the conclusion of business, the Chairman shall adjourn the meeting.

**** City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours in advance of the meeting. ****
To make arrangements, call the City Secretary's office at (972) 216-6244 or 1-800-735-2989.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia según el Sub-capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia según el Sub-capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.

Pursuant to Section 551.007 (c) of the Texas Government Code, any member of the public wishing to address the Board through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.

Conforme a la Sección 551.007 (c) del Código de Gobierno de Texas, cualquier miembro del público que desea dirigirse a la Junta a través del uso de un traductor se le otorga al menos el doble de tiempo como miembro del público que no requiere la asistencia de un traductor.

CERTIFICATE OF POSTING

I, Garrett Langford, Manager of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached agenda for the Board of Adjustment meeting to be held **April 25, 2024**, was posted in compliance with Chapter 551 of the Texas Government Code ("Texas Open Meetings Act") on the bulletin boards at the Municipal Center and City Hall by **April 22, 2024, before 6:00 p.m.** (a minimum of 72-hours prior to the meeting) and remained so posted until after the meeting. This notice was likewise posted on the City's website at www.cityofmesquite.com for a minimum of 72 hours prior to the meeting.



Garrett Langford, AICP
Manager of Planning and Zoning

MINUTES

March 28, 2024, 2024

BOARD OF ADJUSTMENT (BOA) CITY OF MESQUITE, TEXAS

City Hall
City Council Chambers
757 North Galloway Avenue
Mesquite, Texas

REGULAR MEETING

ATTENDANCE: BOARD MEMBERS (REGULAR MEMBERS AND ALTERNATES)

POSITION NO.	REGULAR MEMBER NAME	ATTENDANCE
Position No. 1	Kourtne Airheart	☒ Present In-Person ☐ Absent
Position No. 2	Mr. Aeneas Ford	☒ Present In-Person ☐ Absent
Position No. 3	David Burris	☒ Present In-Person ☐ Absent
Position No. 4	Ron Abraham	☐ Present In-Person ☒ Absent
Position No. 5	Mr. Jack Akin	☐ Present In-Person ☒ Absent

ALTERNATE NO.	ALTERNATE NAME	ATTENDANCE
Alternate No. 1	Jesse Barahona	☒ Present In-Person ☐ * Absent (* Attendance Required: ☐ No ☒ Yes)
Alternate No. 2	Vacant	☐ Present In-Person ☐ * Absent (* Attendance Required: ☒ No ☐ Yes)

ATTENDANCE: STAFF

Garrett Langford	Manager of Planning & Zoning	☒ Present In-Person
John Cervantes	Planner	☒ Present In-Person
Jordan Gregory	Planner	☒ Present In-Person
Devanee Winn	Administrative Aide Planning & Development.	☒ Present In-Person
Karen Strand	Deputy City Attorney	☒ Present In-Person

ATTENDANCE NOTES: The meeting was called to order at 6:36 PM

Note: Alternate Boardmember Jesse Barahona was seated Boardmember Akin Position No. 5

CALL TO ORDER

1. Administrative Aide of Planning & Development Services Devanee Winn called roll call.

BOARD PROCEDURES

2. The Chair made a public announcement regarding the Board's procedures.

PUBLIC COMMENTS

3. No Comments.

CONSENT AGENDA

APPROVAL OF MINUTES.

4. Discuss and consider approval of the February 22, 2024, Board of Adjustment meeting minutes.

ACTION

Boardmember Burris made a motion to APPROVE the minutes as presented; Boardmember Ford seconded; the motion carried 4-0.

PUBLIC HEARINGS- UNCONTESTED CASES

5. BOA0224-0429 SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Kenny Baez Martinez for a Special Exception to allow a rear Oversized Accessory Structure that exceeds the maximum size of 500 square feet by 381.98 square feet for a total size of 881.98 square feet, located at 413 Kedy St. (BOA0224-0429, Jordan Gregory, Planner).

This was moved to contested.

6. BOA0224-0430 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Wayne Perkins for a Special Exception to allow a rear Oversized Accessory Structure that exceeds the maximum size of 500 square feet by 550 square feet for a total size of 1,050 square feet, located at 3609 Aloha Circle (BOA0224-0430, Jordan Gregory, Planner).

PRESENTATION

Planner Jordan Gregory presented to the board.

PUBLIC HEARING

Chairwoman Airheart opened the public hearing. No one came to speak and the public hearing was closed.

ACTION

Boardmember Burris made a motion to APPROVE; Boardmember Ford seconded; the motion carried 4-0.

PUBLIC HEARINGS- CONTESTED CASES

7. BOA0224-0428 – VARIANCES

Conduct a public hearing to consider an application submitted by Theresa Rodgers, for Variances to allow a 53 foot wide lot that is a total size of 6,281 sq ft for a new single family home located at 4600 Keswick Ln (Future Address – 241 Keswick Ln). (BOA0224-0428, John Cervantes, Planner).

PRESENTATION

Planner John Cervantes presented to the board.

APPLICANT

The applicant Theresa Rodgers came up to speak. Ms. Rodgers purchased the property and understands the problems with developing the lot.

PUBLIC HEARING

Chairwoman Airheart opened the public hearing.

Christopher and Amanda Callicutt 236 Keswick Lane, Mesquite, TX, came up to speak. They are opposed to the request. They want to keep it as a green space so the children on the street can continue to play in the open space.

Ms. Rodger explained that this is her property and not a playground for the neighborhood kids. There are two playgrounds for the children to use within walking distance.

Boardmember Ford asked Ms. Rodgers if she plans on living in the home. Ms. Rodgers answered that she does not know if she will live there or a family member the house has not been built yet. No one else came to speak and the public hearing was closed.

ACTION

Chairwoman Airheart made a motion to APPROVE; Boardmember Burris seconded; the motion failed 3-1 with Boardmember Ford dissenting.

5. BOA0224-0429 SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Kenny Baez Martinez for a Special Exception to allow a rear Oversized Accessory Structure that exceeds the maximum size of 500 square feet by 381.98 square feet for a total size of 881.98 square feet, located at 413 Kedy St. (BOA0224-0429, Jordan Gregory, Planner).

PRESENTATION

Planner Jordan Gregory presented to the board.

APPLICANT

Abel Gonzalez presented the board. They want to keep the structure for security purposes.

PUBLIC HEARING

Chairwoman Airheart opened the public hearing. No one came to speak and the public hearing was closed.

ACTION

Boardmember Burris made a motion to APPROVE; Boardmember Barahona seconded; the motion carried 4-0.

OTHER BOARD BUSINESS

5. Next Board of Adjustment Meeting: April 25, 2024

Chairwoman Airheart adjourned the meeting at 7:25 p.m.

Chairwoman Kourtnie Airheart



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0324-0432
REQUEST: Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces, with the condition that there are two non-tandem parking spaces remaining on the property.
CASE MANAGER: Jordan Gregory, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, April 25, 2024

GENERAL INFORMATION

Applicant: Esthela Dominguez
Property Owner: Manjula Kottegoda, Cross Keys Homes LLC
Location: 2859 Linhaven Drive

SITE BACKGROUND

Legal Description: Casa View Heights 20, Block 7, Lot 31
Size: 0.18 acres/ 7,669.8 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1964 – Zoned to R-3 – Single Family Residential
1960 – Subdivision platted

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	R-3, Single Family Residential	Single-Family Home
SOUTH:	R-3, Single Family Residential	Single-Family Home
EAST:	R-3, Single Family Residential	Single-Family Home
WEST:	R-3, Single Family Residential	Single-Family Home

CASE SUMMARY

The applicant is requesting a Special Exception to allow for the conversion of an existing front-entry one-car garage without having to relocate the converted parking spaces, with the condition that there are two non-tandem parking spaces remaining on the property. Currently, the driveway only has enough room for two cars to be parked in tandem. If approved, the property owner at 2859 Linhaven Drive would be required to widen the driveway to allow for two non-tandem parking spaces before a Building Permit could be issued for the garage conversion.

Garage Conversion standards identified in Section 2-202 of the Mesquite Zoning Ordinance were amended via Ordinance No. 4990 on October 3, 2022, and now require relocation of converted parking spaces that once existed behind the building line on a lot in residential zoning districts, such that the total off-street parking spaces on the lot are not reduced from what existed prior to a garage conversion. The Board of Adjustment may, however, approve a Special Exception to authorize a garage conversion with no requirement to relocate the converted parking spaces.

MESQUITE ZONING ORDINANCE

SEC. 2-202.E.4: GARAGE CONVERSION – RELOCATION OF CONVERTED PARKING NOT REQUIRED

The Board of Adjustment may approve a Special Exception, in accordance with the approval standards in Section 5-206 (L), to authorize a garage conversion with no requirement to relocate the converted parking spaces, as required in Sub-Section 2-202 (E) (2), so long as two (2) City staff approved off-street non-tandem parking spaces remain on the lot, the property was platted before October 1, 1984, and it is not feasible to replace the converted garage parking spaces elsewhere within the lot.

STAFF COMMENTS:

The existing driveway is approximately 10.2 feet wide by 29 feet long, making it too small to accommodate two non-tandem off-street parking spaces. The property was platted in January of 1960, making it an appropriate location for a garage conversion. While the City will require the property owner to widen the driveway, it is not feasible for the property owner to relocate the parking spaces elsewhere on the lot.

SEC. 5-206.L: SPECIAL EXCEPTION APPROVAL STANDARDS

Special Exceptions may be granted as set out in this Zoning Ordinance, when the Board finds that the special exception:

- a) Will allow greater use and enjoyment of property; and
- b) Without creating adverse impacts on adjacent properties; and
- c) That it will be compatible with the surrounding neighborhood; and

- d) When applicable, the board shall also consider any additional criteria set out in this Zoning Ordinance for any specific special exception.

STAFF COMMENTS:

The case meets the requirements for approval of a Special Exception for a garage conversion. The applicant makes this request to legalize the previously converted garage. Staff does not anticipate any adverse impacts on adjacent properties, as approval of this request is contingent on the development of the existing driveway to provide sufficient off-street parking.

The garage conversion is compatible with the surrounding neighborhood, as a windshield survey revealed other garage conversions within the same block as the subject property, located at 2855 Linhaven Drive and 2863 Linhaven Drive.

PERMITS

2020 – Rental Property (Residential)
2020 – Mechanical

STAFF RECOMMENDATION

Staff recommends approving the Special Exception to allow a garage conversion, with no requirement to relocate the converted parking spaces, with the condition that two (2) City staff-approved off-street non-tandem parking spaces remain on the lot.

PUBLIC NOTICE

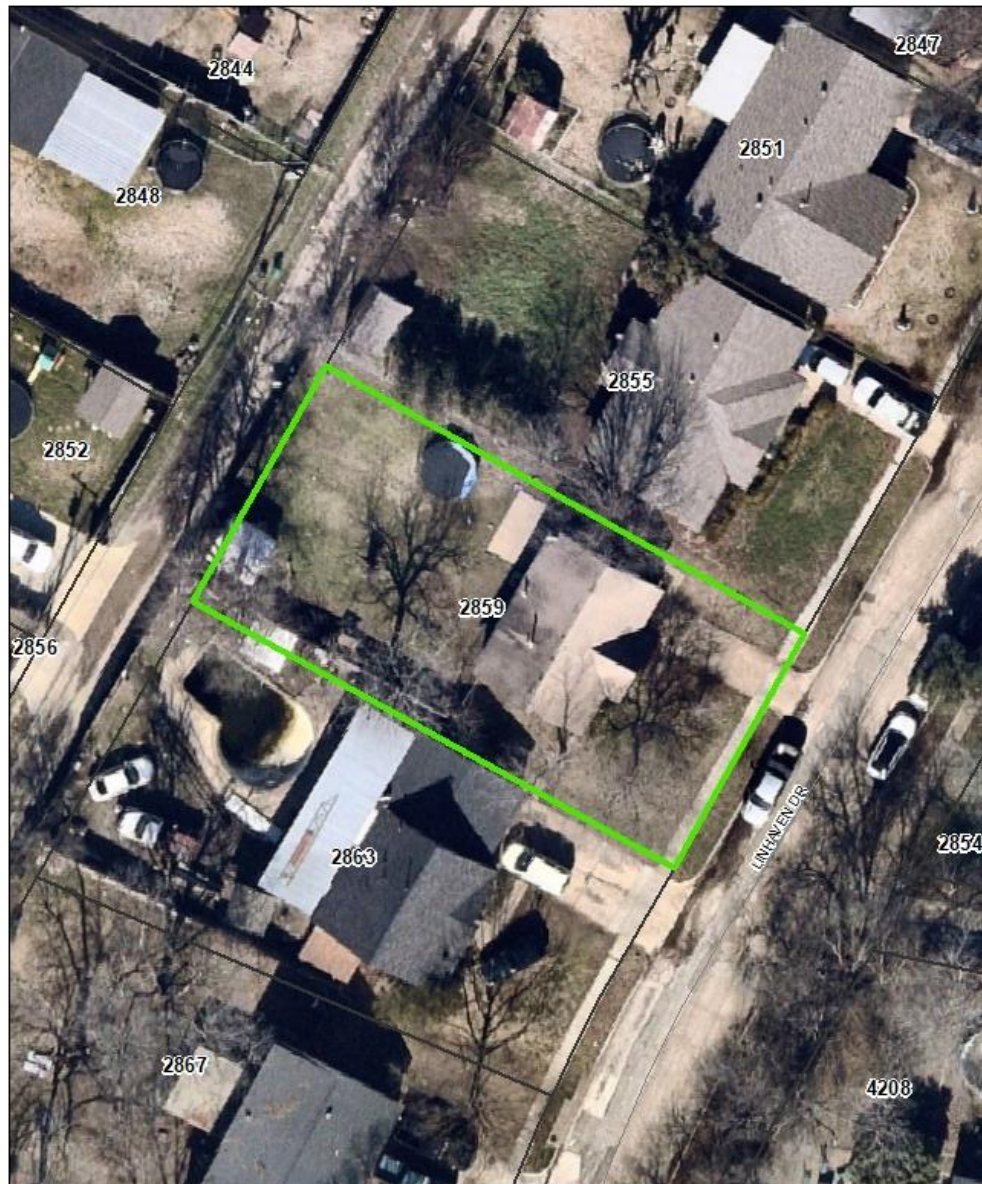
Staff mailed notices to all property owners within 200 feet of the subject property. As of April 18, 2024, there have been no returned notices.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials

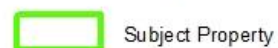
ATTACHMENT 1 – AERIAL MAP

Aerial Map



Applicant: Esthela Dominguez
Location: 2859 Linhaven Drive
Request: Special Exception to allow
a garage conversion with no requirement
to relocate the converted parking spaces, with
the condition that there are two non-tandem
parking spaces remaining on the property.

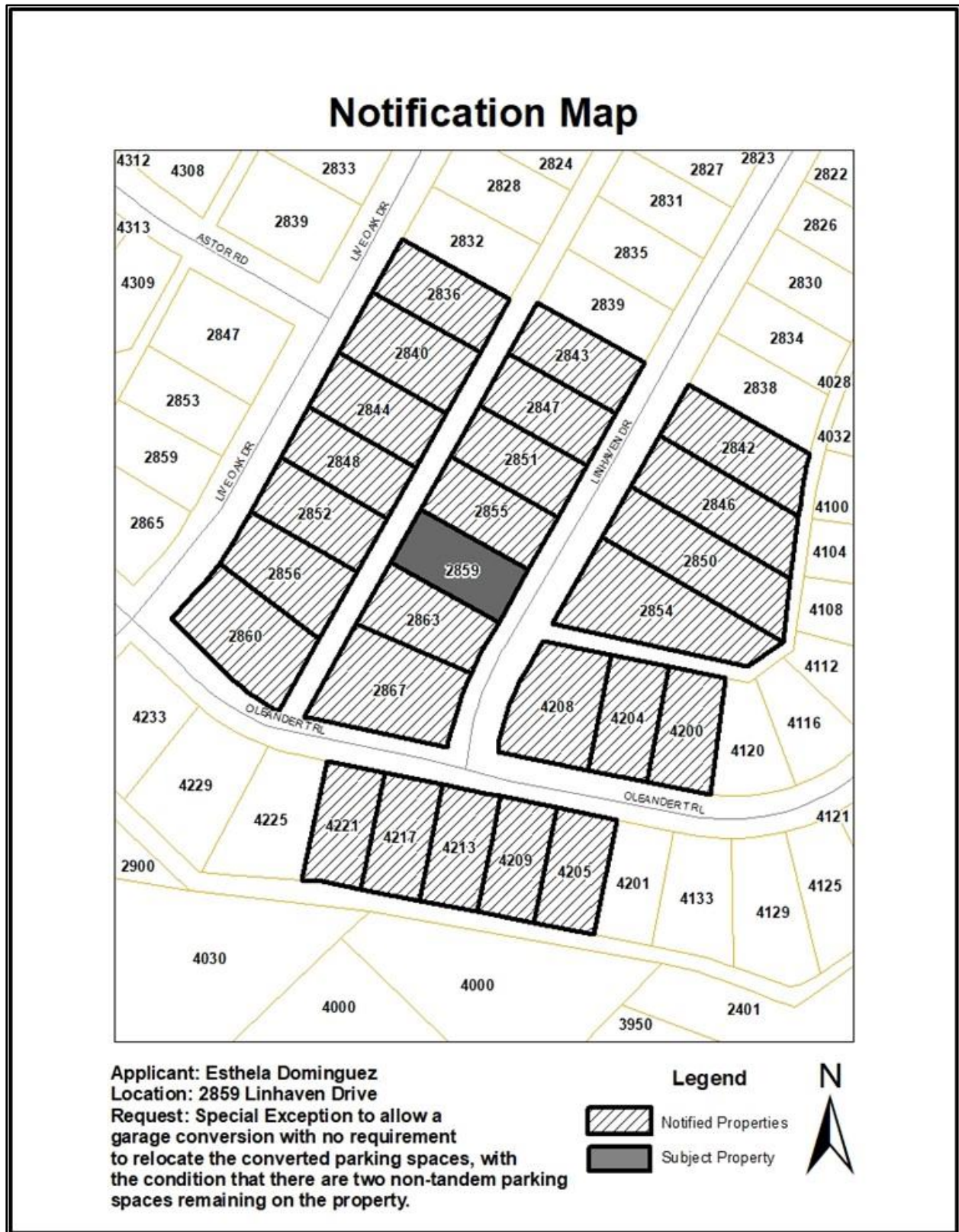
Legend



0 5 10 20 30 40
Feet



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – SITE PHOTOS



Subject property from Linhaven Drive, facing northwest.

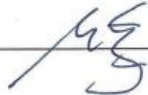


View of the converted garage from Linhaven Drive, facing southwest.

ATTACHMENT 4 – APPLICATION MATERIALS

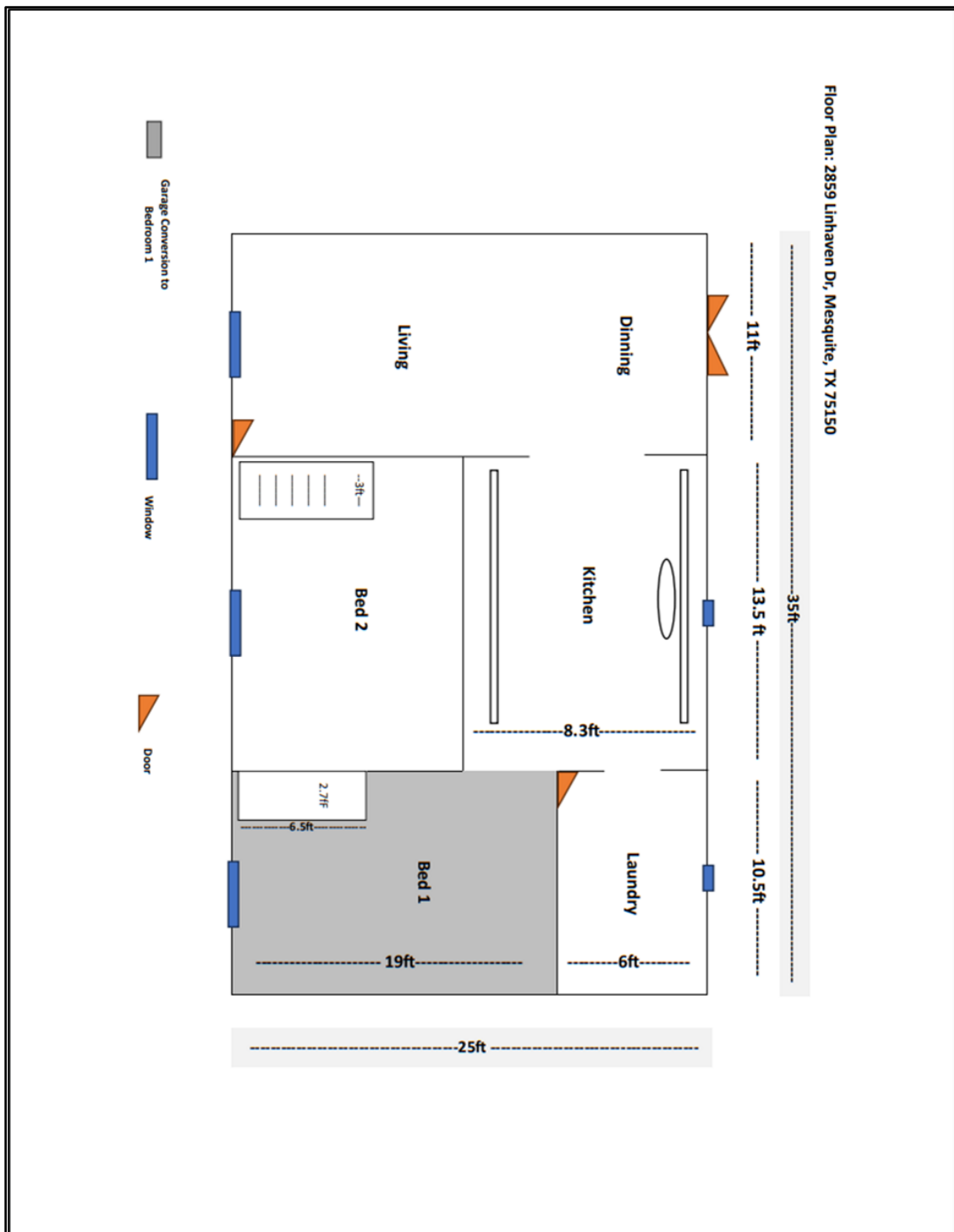
OWNER AUTHORIZATION PAGE

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the application for which I am applying.

Property Owner: Manjula Kottegoda,
Cross Keys Homes LLC Phone Number: 214 704 0461
Address: 625 Dover ct.
Coppell, TX 75019 Email Address: CrosskeysHomes@outlook.co
Signature: 

P.O. Box 850137 • Mesquite, Texas 75185-0137 • www.cityofmesquite.com

ATTACHMENT 4 – APPLICATION MATERIALS





PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0224-0428
REQUEST: A request for a residential variance from the lot width, and lot size.
CASE MANAGER: John Cervantes, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, March 28, 2024

GENERAL INFORMATION

Applicant: Theresa Rodgers
Property Owner: Theresa Rodgers
Location: 4600 Keswick Lane (241 Keswick Lane)

SITE BACKGROUND

Legal Description: Stonecrest Estates PH 1, Block A, Lot 12A
Size: 0.14 acres/6,228.11 square feet
Zoning: R-PD - Residential Planned Development
Zoning History: January, 1971: Annexed and zoned Residential
April, 1971: Zoning changed to A-1 Multifamily and Commercial
May, 1982: Zoning changed to PDMF for a maximum of 800 units and Commercial (#1782)
January, 1988: Zoning changed to PD #2501 (Light Commercial, Multifamily)
November, 1995: Zoning changed to PD #3071 (Single Family Residential)

Surrounding Zoning and Existing Land Uses:

			<u>ZONING</u>		<u>EXISTING LAND USE</u>
NORTH:	R-PD	-	Residential	Planned	Single-Family Home
	Development				
SOUTH:	R-PD	-	Residential	Planned	Single-Family Home
	Development				
EAST:	R-PD	-	Residential	Planned	Single-Family Home
	Development				
WEST:	R-PD	-	Residential	Planned	Single-Family Home
	Development				

CASE SUMMARY

The applicant is seeking a Variance for a proposed single-family home to allow a 53-foot-wide lot rather than the required 60-foot-wide lot, a variance to allow a 6,228.11 square-foot lot rather than the required 7,000 square-foot minimum, and a variance to not provide the required front entry garage. This lot was originally apart of Stonecrest Estate subdivision, Phase 1. On the plat, it was marked as open space by the developer and approved by the Planning Department during that time. Staff believes that this lot was never intended to be developed and only intended to be maintained as open space. However, because the former owner of the property did not maintain the lot and began accumulating an outstanding tax bill and citations, the City of Mesquite took the owner to court and asked Dallas County to put the lot up for auction in 2019. In 2021, Ruben Chapa purchased the lot through auction and has maintained and owned the lot before selling the property to Theresa Rodgers in 2024. Because the lot does not conform to the Planned Development's lot width and lot size requirements, Ms. Rodgers is requesting a variance. It's worth noting that there is also a 72-inch storm drain that runs through the property. In addition, the lot received approval of a variance in February of 2023 for the request to reduce the lot width and lot size requirements that expired after 180 days without action from the previous applicant.

MESQUITE ZONING ORDINANCE

SEC. 5-207.K: VARIANCE APPROVAL STANDARDS

1. In order to grant a zoning variance from the terms of this Zoning Ordinance the Board must find that:
 - a. The Variance is not contrary to the public interest; and
 - b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
 - c. The spirit of the Zoning Ordinance is observed, and substantial justice is done.
2. If special conditions exist, then the Board may consider the following as grounds to make a determination whether compliance with the MZO, as applied to a structure that is the subject of the Variance, would result in unnecessary hardship:
 - a. if the financial cost of compliance with the MZO is greater than 50% of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the City under Section 26.01, Tax Code, or successor and as amended, then the Board may find that to be an unnecessary hardship; or
 - b. if compliance with the MZO would result in a loss to the lot on which the structure is located of at least 25% of the area on which development may physically occur, then the Board may find that to be an unnecessary hardship; or
 - c. if compliance with the MZO would result in the structure not being in compliance with a city ordinance, building code, or other requirement, then the Board may find that to be an unnecessary hardship; or
 - d. if compliance with the MZO would result in the unreasonable encroachment on an adjacent property or easement, then the Board may find that to be an unnecessary hardship; or

- e. If compliance with the MZO would result in the city considering the structure to be a nonconforming structure, then the Board may find that to be an unnecessary hardship.

STAFF COMMENTS:

1. It is staff's opinion that this request is not contrary to public interest. Although the lot was originally intended to be maintained as open space, it is a private lot, and the public would not be entitled to enter onto this private property and enjoy the open space. It serves no interest to the public to remain vacant.
2. Staff finds that due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship on the applicant. The properties to the east and west of the subject property are developed at this time. If the lot width requirement were enforced, the site would not be developable due to the lack of available land to purchase to widen the lot by +/- 7 feet. Staff finds that if compliant with the current requirements, it could result in the city considering the adjacent structures non-conforming due to the lot size and/or lot width requirements.
3. As it pertains to the lot width and lot size variance request, staff finds that the spirit of the Zoning Ordinance is observed. The requested variance is to allow for the construction of the single-family residence which is what the property is zoned to allow. However, when it comes to the front-entry garage variance request, staff finds that the spirit of the Zoning Ordinance is not observed. Per the PD requirements, all of the lots in the neighborhood are required to have front-entry garage access due to a lack of alley-way access. Staff believes that the applicant can provide a front entry garage by providing a driveway that leads to the rear of the lot where a 90-degree turn garage can be placed. Additionally, it would grant the property additional entitlements that would not be enjoyed by the surrounding properties as all of the homes in the community have front-entry garages.

PERMITS

There are no records of any permits at this time.

STAFF RECOMMENDATION

Staff recommends approval of the lot width and lot size variance request.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of April 18, 2024, there have been nine returned notices opposed to the request.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map

3. Site Photos
4. Application Materials
5. Returned Notices

ATTACHMENT 1 – AERIAL MAP

Aerial Map



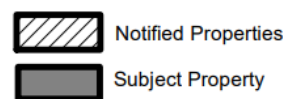
Location: 4600 (241) Keswick Ln

Legend

 Subject Property

0 5 10 20 30 40
Feet



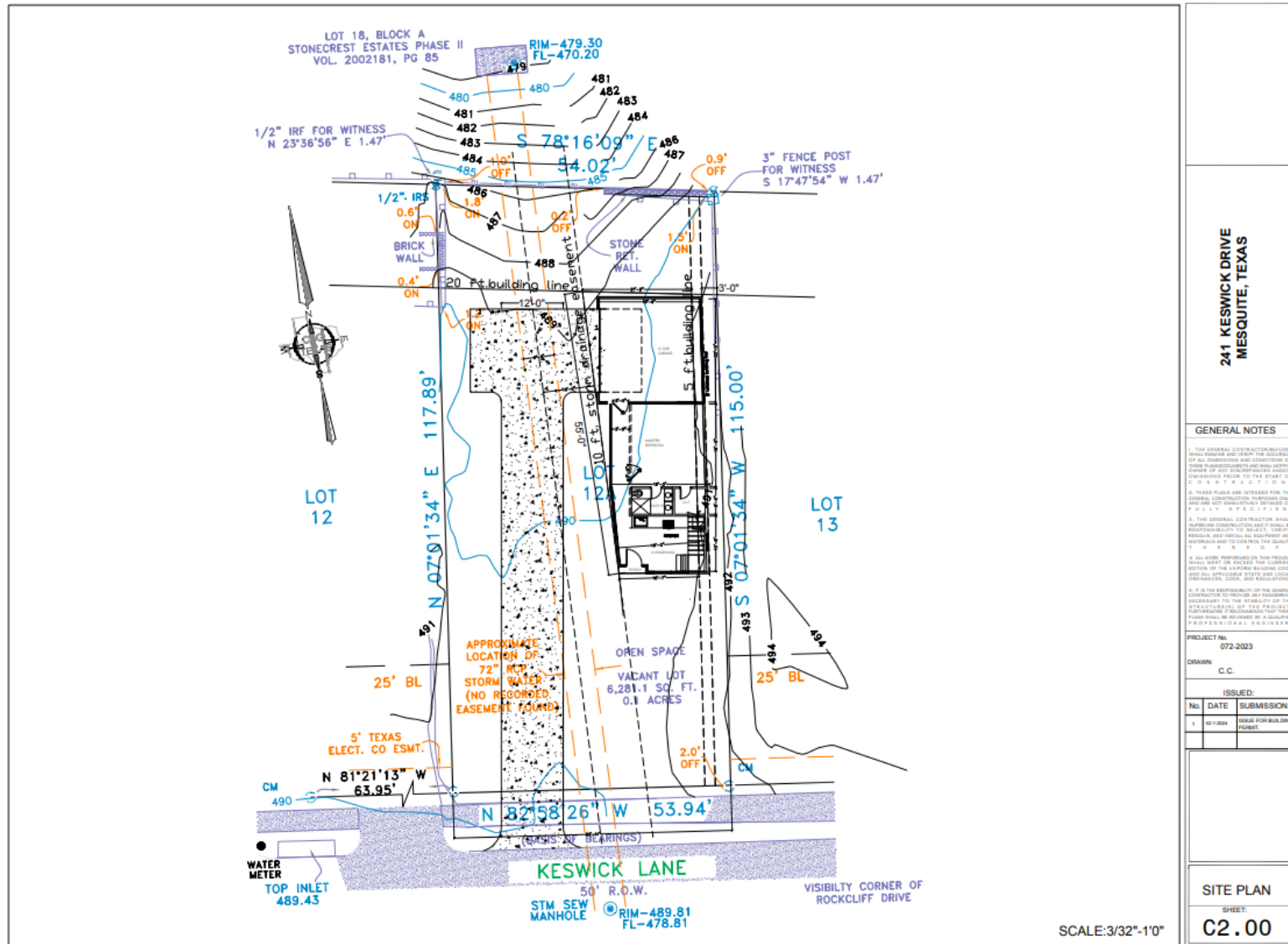
[illegible]

ATTACHMENT 3 – SITE PHOTOS



Front view of the subject property

ATTACHMENT 4 – APPLICATION MATERIALS



Concept Plan

ATTACHMENT 5 – RETURNED NOTICES



The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, April 25, 2024, at 6:30 p.m., in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0424-0438
Submitted By/	
Property Owner:	Diana Nunez-Flores
Property Location:	823 Meandering Way
Legal Description:	Green Canyon Estates Block 2 Lot 27
Requested Action:	Special Exception to allow a garage conversion, with no requirement to relocate the converted parking spaces.

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes or calls) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6344 or by email at jcervantes@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0424-0438

I am **in favor** of this request _____

I am **opposed** to this request X

Name: BUD BLUSTHMAN
(required)
Address: 820 BROWNFIELD DR
(required) MESQUITE, TX. 75150

Reasons
(optional):

GARAGE HAS ALREADY BEEN CONVERTED. THE
HOUSE IS NOW A DUPLEX W/ MANY TENANTS
COMING & GOING.

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED

APR 17 2024

PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **March 28, 2024, at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0224-0428
Submitted By:	Theresa Rodgers
Property Owner:	Theresa Rodgers
Property Location:	4600 Keswick (a.k.a 241 Keswick)
Legal Description:	Stonecrest Estates PH 1, Block A, Lot 12A
Requested Action:	Applicant is requesting a residential variance from the lot width and lot size to allow a 53 foot wide lot that is a total size of 6,281 sq ft

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes or calls) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6344 or by email at jcervantes@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0224-0428

I am **in favor** of this request

I am **opposed** to this request ☒

Reasons
(optional):

Name:
(required)

Address:
(required)

Khair Inga
301 Keswick Ln
Mesquite TX 75185-0137

Please respond by returning to:

CITY OF MESQUITE PLANNING DIVISION
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED

MAR 28 2024

PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **March 28, 2024**, at **6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0224-0428
Submitted By:	Theresa Rodgers
Property Owner:	Theresa Rodgers
Property Location:	4600 Keswick (a.k.a 241 Keswick)
Legal Description:	Stonecrest Estates PH I, Block A, Lot 12A
Requested Action:	Applicant is requesting a residential variance from the lot width and lot size to allow a 53 foot wide lot that is a total size of 6,281 sq ft

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes or calls) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6344 or by email at jcervantes@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0224-0428

I am **in favor** of this request

I am **opposed** to this request

Reasons
(optional):

Name:
(required)
Address:
(required)

Natasha Lang
232 Keswick Ln
Mesquite, TX 75150

space is not large enough
for anything

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
MAR 28 2024
PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

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Case Number:	BOA0224-0428
Submitted By:	Theresa Rodgers
Property Owner:	Theresa Rodgers
Property Location:	4600 Keswick (a.k.a 241 Keswick)
Legal Description:	Stonecrest Estates PH 1, Block A, Lot 12A
Requested Action:	Applicant is requesting a residential variance from the lot width and lot size to allow a 53 foot wide lot that is a total size of 6,281 sq ft

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes or calls) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6344 or by email at jcervantes@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0224-0428

Name: CHRIS CALLIOTT

I am **in favor** of this request

(required) Address: 236 KESWICK LANE

I am **opposed** to this request X

(required) MESQUITE, TX

Reasons
(optional):

TAKING AWAY OUR GREENSPACE

OBSTRUCTING NECESSARY DRAINAGE PATH

MY CHILD WILL NEVER GET TO PLAY THERE
WONT BE LIKE ANY OTHER HOUSES

MATERIALS OF OPPOSITION
CPA

Please respond by returning to:

CITY OF MESQUITE PLANNING DIVISION
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED

MAR 28 2024

PLANNING AND ZONING

CITY BOOEEZING BLOOD FROM A TURNIP

NONE OF THE BOARD WOULD LET THE
GREENSPACE IN THEIR NEIGHBORHOOD BE
USED FOR A SIGN GIVE FREEDOM IN HOUSE



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **March 28, 2024, at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0224-0428
Submitted By:	Theresa Rodgers
Property Owner:	Theresa Rodgers
Property Location:	4600 Keswick (a.k.a 241 Keswick)
Legal Description:	Stonecrest Estates PH 1, Block A, Lot 12A
Requested Action:	Applicant is requesting a residential variance from the lot width and lot size to allow a 53 foot wide lot that is a total size of 6,281 sq ft

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes or calls) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0224-0428

I am **in favor** of this request _____

I am **opposed** to this request ☒

Name:
(required)

Address:
(required)

Kim & Allen Dickson
4604 Rockcliff Dr.
Mesquite, TX 75150

Reasons
(optional):

Do not want a home built on this
property - do not feel it would fit in
with the rest of the neighborhood

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137



NOTICE OF PUBLIC HEARING

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Submitted By:	Theresa Rodgers
Property Owner:	Theresa Rodgers
Property Location:	4600 Keswick (a.k.a 241 Keswick)
Legal Description:	Stonecrest Estates PH 1, Block A, Lot 12A
Requested Action:	Applicant is requesting a residential variance from the lot width and lot size to allow a 53 foot wide lot that is a total size of 6,281 sq ft

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes or calls) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6344 or by email at jcervantes@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0224-0428

I am **in favor** of this request

I am **opposed** to this request

Name:

(required)

Address:

(required)

The Bell family
309 Keswick

Reasons
(optional):

A house in such a small space will be
an eye soar. Not to mention the fact it
will cause our property value to go down.

Please respond by returning to:

CITY OF MESQUITE PLANNING DIVISION
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED

MAR 28 2024

PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

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Submitted By:	Theresa Rodgers
Property Owner:	Theresa Rodgers
Property Location:	4600 Keswick (a.k.a 241 Keswick)
Legal Description:	Stonecrest Estates PH 1, Block A, Lot 12A
Requested Action:	Applicant is requesting a residential variance from the lot width and lot size to allow a 53 foot wide lot that is a total size of 6,281 sq ft

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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0224-0428

Name:
(required)

Rizell Hight

I am **in favor** of this request

Address:
(required)

300 Keswick Ln

I am **opposed** to this request

Reasons
(optional):

• Safety concerns (limited space)

• Traffic congestion

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
MAR 28 2024
PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **March 28, 2024, at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0224-0428
Submitted By:	Theresa Rodgers
Property Owner:	Theresa Rodgers
Property Location:	4600 Keswick (a.k.a 241 Keswick)
Legal Description:	Stonecrest Estates PH 1, Block A, Lot 12A
Requested Action:	Applicant is requesting a residential variance from the lot width and lot size to allow a 53 foot wide lot that is a total size of 6,281 sq ft

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments in writing (no faxes or calls) by returning the response form attached below by the meeting date, or in person by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6344 or by email at lcervantes@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0224-0428

I am in favor of this request

I am opposed to this request

Name:
(required)

Address:
(required)

Roy Wallace

304 Keswick Lane

Mesquite, TX 75150

Reasons
(optional):

I am concerned that the size, shape, and quality of any home built on such a small lot would not be consistent or uniform with the current homes in the neighborhood, and would potentially decrease property values.

Please respond by returning to:

CITY OF MESQUITE PLANNING DIVISION
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED

MAR 27 2024

PLANNING AND ZONING



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **March 28, 2024**, at **6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0224-0428
Submitted By:	Theresa Rodgers
Property Owner:	Theresa Rodgers
Property Location:	4600 Keswick (a.k.a 241 Keswick)
Legal Description:	Stonecrest Estates PH 1, Block A, Lot 12A
Requested Action:	Applicant is requesting a residential variance from the lot width and lot size to allow a 53 foot wide lot that is a total size of 6,281 sq ft

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes or calls) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0224-0428

Name:
(required)

Lynda Letkiewicz

I am **in favor** of this request

Address:
(required)

313 Keswick Ln.

I am **opposed** to this request ☒

Mesq., TX 75750

Reasons
(optional):

As I have responded twice in the past, re this property, I believe the action requested would be negative for the neighborhood not only in looks, but also in value. It is also unfair to all the other owners who had to live with the rules.

Please respond by returning to:

CITY OF MESQUITE PLANNING DIVISION

ATTN: John Cervantes

PO BOX 850137

MESQUITE TX 75185-0137

RECEIVED

MAR 24 2024

PLANNING AND ZONING

Lynda Letkiewicz
3/21/2024



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0324-0426 (Request for Reconsideration)
REQUESTED BOARD ACTION: Reconsideration of Case #BOA0224-0428 (Variance)
CASE MANAGER: John Cervantes, Planner

PUBLIC MEETING

Board of Adjustment: Thursday, April 25, 2024

GENERAL INFORMATION

Applicant: Theresa Rodgers
Property Owner: Theresa Rodgers
Location: 4600 Keswick Lane (241 Keswick Lane)

CASE SUMMARY

On March 28, 2024, the Board DENIED the applicant's request for a Variance to allow a residential variance from the lot width and lot size requirements to allow a 53-foot wide lot that is a total size of 6,281 sq ft (Case # BOA0224-0428). The motion to approve failed on a vote of 3 to 1. Approval of a variance requires four concurring votes in favor.

The applicant has submitted a **Request for Reconsideration**, requesting the Board to consider whether to "**reconsider**" the original application for Variance.

Staff anticipates that not five members of the Board will not be available at the meeting on April 25, 2025. As a result, Staff recommends the Board postpone this item to the next Board of Adjustment meeting on May 23, 2024.

BOARD DUTIES

MESQUITE ZONING ORDINANCE, SEC. 5-208.C.10 – BOARD'S CONSIDERATION OF THE REQUEST FOR RECONSIDERATION

The Board shall review the Request for Reconsideration and shall, on the basis of the written material submitted by the applicant in support of the request, determine whether to reconsider the matter because of:

- ☐ an error in its original determination
or
☐ on the basis of new or clarified evidence not presented to the board at the original hearing that might affect its determination.

BOARD ACTION ON APPLICANT'S REQUEST FOR RECONSIDERATION

If GRANTED: The Board shall hold a Public Hearing and shall reconsider the original application for a Variance (Case # BOA0224-0428).

If DENIED: The Board's decision on March 28, 2024 (Denial of the Variance) becomes the official final decision and is deemed filed in the Board's office the first business day *after* the meeting at which the Board denies the request for reconsideration.

PUBLIC NOTICE

Staff mailed a combined notice to property owners within 200 feet of the subject property regarding:

- The Board's consideration of the Request For Reconsideration (BOA0324-0426); and
- Notice that if the Board grants the reconsideration, a public hearing will be held regarding the reconsideration of the original application requesting a Variance (BOA0224-0428).

The public notice did not solicit comments regarding the Request For Reconsideration.

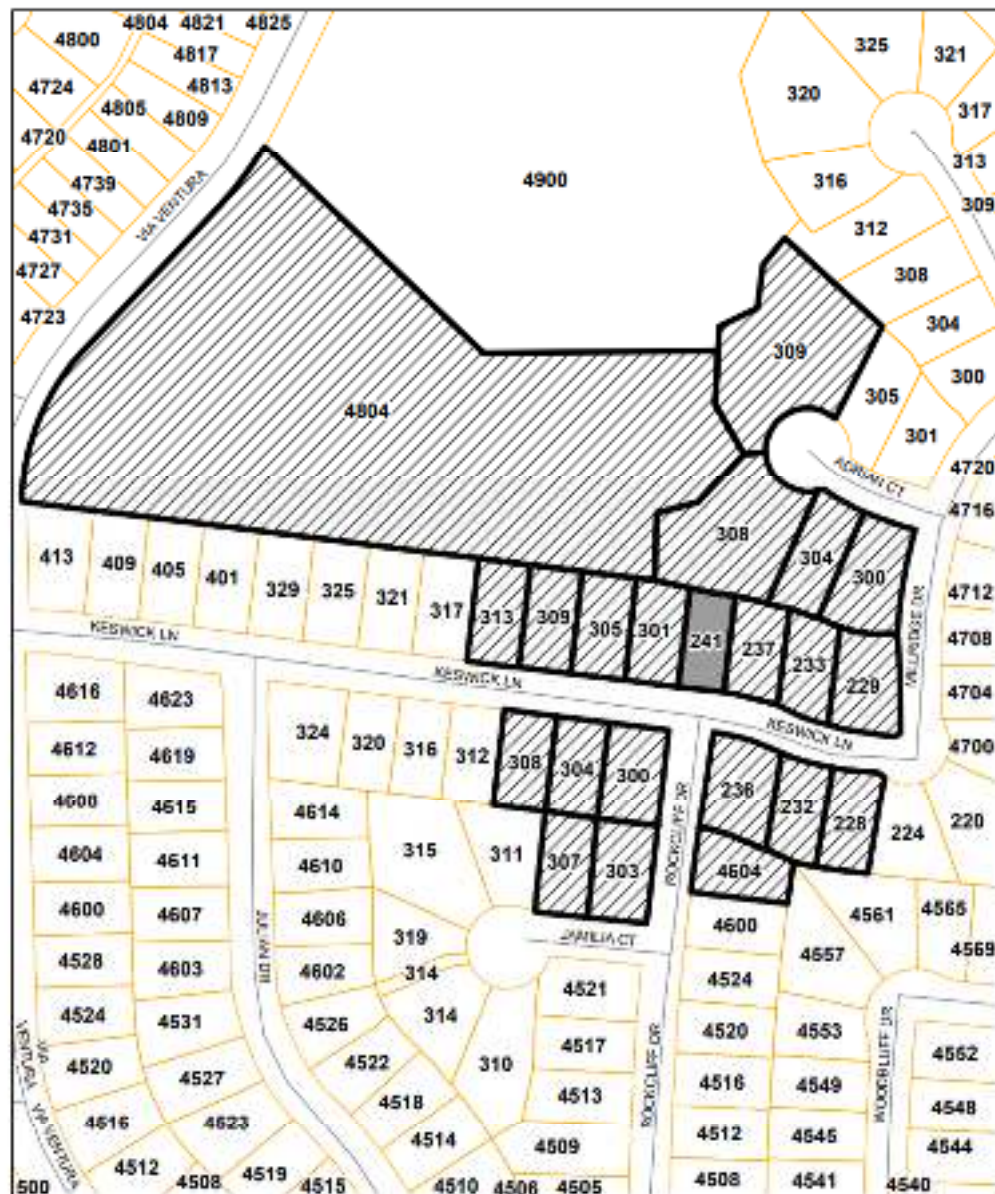
As of April 18, 2024, Staff has received one notice opposed to the request.

ATTACHMENTS

1. Public Notification Map
2. Applicant's Letter: Request for Reconsideration
3. Returned Notice

ATTACHMENT 1 – PUBLIC NOTIFICATION MAP

Notification Map



Location: 4600 Keswick Lane
Request: Applicant is requesting a residential
variance from the lot width and lot size
requirements.



ATTACHMENT 2 – REQUEST FOR RECONSIDERATION LETTER

3/29/2024

To: City of Mesquite Planning / Board of Adjustment

From: Theresa Rodgers

My name is Theresa Rodgers. I am the owner of 241 Keswick lane, Mesquite TX 75150 (formerly 4600 Keswick Lane.) I am requesting a reconsideration of the on the denial of my case that took place on 3/28/24 for variance approval regarding 241 Keswick Lane, Mesquite TX 75150.

Thank you.



Scanned with CamScanner

ATTACHMENT 3 – RETURNED NOTICE

If the Board DENIES the Request for Reconsideration:

The Board's decision on March 28, 2024 (Denial of the Variance) becomes the official final decision and is deemed filed in the Board's office the first business day after the meeting at which the Board denies the request for reconsideration.

If the Board GRANTS the Request for Reconsideration:

The Board shall immediately hold a public hearing and reconsider the original application for a Variance (Case #BOA0224-0428). The decision regarding whether to "grant the Variance" or "deny the Variance" will be the official final decision of the Board and is deemed filed in the Board's office the first business day after the meeting at which the Board reconsiders the request for Variance (i.e. the meeting at which the Board takes action and makes a decision on the request for Variance).

APPEALS: Final decisions of the Board may be appealed to a court of appropriate jurisdiction in accordance with Section 211.011 of the Texas Local Government Code.

You are invited to make your views known regarding the request for a Variance (Case #BOA0224-0428).

You may notify the Board of Adjustment of your comments in writing (no faxes, calls, or e-mails) by returning the response form attached below by the meeting date, or in person by attending the public hearing.

Questions regarding these applications may be directed to John Cervantes, Principal Planner, Planning Division which is located in the Municipal Building at 1515 North Galloway Avenue, by telephone at (972) 216-6344 or by email at jcervantes@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0224-0428

I am **IN FAVOR** of this request for Variance ☐

I am **OPPOSED** to this request for Variance ☒

Name:
(required)
Address:
(required)

Roy Wallace
304 Keswick Lane
Mesquite, TX 75150

Reasons (optional): I am concerned that the size, shape, and quality of any home built on such a small lot would not be consistent or uniform with the current homes in the neighborhood, and would potentially decrease property values.

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED
APR 15 2024
PLANNING AND ZONING

RECEIVED
APR 25 2024
PLANNING AND ZONING

FILE NUMBER: BOA0324-0434
REQUEST: A request for a Special Exception to allow a rear oversized accessory structure that exceeds the maximum size of 500 square feet by 102.9 square feet for a total size of 602.9 square feet and a Variance from the exterior side yard setback requirements.
CASE MANAGER: Jordan Gregory, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, April 25, 2024

GENERAL INFORMATION

Applicant: Martin Ramirez
Property Owner: Martin Ramirez
Location: 1425 Barbara Street

SITE BACKGROUND

Legal Description: Northridge Estates 5, Block 67, Lot 16
Size: 0.2 acres/ 8,826.2 square feet
Zoning: R-3, Single Family Residential
Existing Land Use: Single Family Home
Zoning History: 1955 – Platted
1964 – Zoned to R-3 – Single Family Residential

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	C - Commercial	Vacant
SOUTH:	R-3, Single Family Residential	Single Family Residential
EAST:	R-3, Single Family Residential	Single Family Residential
WEST:	C – Commercial	Vacant

CASE SUMMARY

The applicant is requesting a Special Exception to allow a 602.9 square-foot rear oversized accessory structure, which is used as a garage. This structure was originally built with the home and has been present on the property since 1968. The Mesquite Zoning Ordinance allows for the maximum square footage of an accessory structure to be 500 square feet for properties zoned

Residential. In addition to the Special Exception, the applicant is also requesting a Variance to allow a 437.13 square-foot carport to remain in the 10-foot exterior side yard setback. The carport was added to the property sometime between 1995 and 2001. If approved, the rear oversized accessory structure and the carport would remain as they have been for the past 20+ years.

The applicant recently bought the home at 1425 Barbara and Staff was notified of these structures after a building permit was applied for to put in a new fence. The purpose of applying for the Special Exception and the Variance is to make the two structures legal.

MESQUITE ZONING ORDINANCE

SEC. 2-604.A: OVERSIZED ACCESSORY STRUCTURE

The Board of Adjustment may authorize an oversized accessory structure, which shall be any structure which exceeds the height, size or coverage limits as set out in Section 2-602. An existing accessory building shall not become an oversized structure due to the attachment of a minor building with separate entrances. Buildings exceeding 10% of the lot area are generally considered incompatible.

STAFF COMMENTS:

Pursuant to Section 2-602.A of the Mesquite Zoning Ordinance (MZO), the maximum permitted size for an accessory structure in the R-3 district is 500 square feet, and the maximum permitted lot coverage for all accessory structures is 35% of the yard area in which the structures are located unless otherwise approved through a Special Exception.

The current oversized accessory structure is 602.9 square feet, which exceeds the maximum size allowed for an accessory structure by 102.9 square feet. Currently, the accessory structure covers approximately 13% of the rear yard and 7% of the entire lot. Staff believes that the rear oversized accessory structure will allow for greater enjoyment of the property, as the structure was present on the property at the time of purchase, and it provides necessary parking coverage. Additionally, Staff does not believe this request will adversely impact adjacent properties due to the length of time that the structure has been present on the property. This accessory structure is compatible with nearby homes.

SEC. 5-206.L: SPECIAL EXCEPTION APPROVAL STANDARDS

1) Special Exceptions.

Special Exceptions may be granted as set out in this Zoning Ordinance, when the Board finds that the special exception:

- a. will allow greater use and enjoyment of property; and
- b. without creating adverse impacts on adjacent properties; and
- c. that it will be compatible with the surrounding neighborhood; and

when applicable, the board shall also consider any additional criteria set out in this Zoning Ordinance for any specific special exception.

SEC. 5-207.K: VARIANCE APPROVAL STANDARDS

1. In order to grant a zoning variance from the terms of this Zoning Ordinance the Board must find that:
 - a. The Variance is not contrary to the public interest; and
 - b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
 - c. The spirit of the Zoning Ordinance is observed, and substantial justice is done.
 2. If special conditions exist, then the Board may consider the following as grounds to make a determination whether compliance with the MZO, as applied to a structure that is the subject of the Variance, would result in unnecessary hardship:
 - a. if the financial cost of compliance with the MZO is greater than 50% of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the City under Section 26.01, Tax Code, or successor and as amended, then the Board may find that to be an unnecessary hardship; or
 - b. if compliance with the MZO would result in a loss to the lot on which the structure is located of at least 25% of the area on which development may physically occur, then the Board may find that to be an unnecessary hardship; or
 - c. if compliance with the MZO would result in the structure not being in compliance with a city ordinance, building code, or other requirement, then the Board may find that to be an unnecessary hardship; or
 - d. if compliance with the MZO would result in the unreasonable encroachment on an adjacent property or easement, then the Board may find that to be an unnecessary hardship; or
 - e. If compliance with the MZO would result in the city considering the structure to be a nonconforming structure, then the Board may find that to be an unnecessary hardship.
- 2)

STAFF COMMENTS:

The requested Variance is contrary to the public interest. Courts have held that to be contrary to the public, the Variance must “unduly, and in a marked degree” conflict with the basic objectives of zoning ordinances. The subject variance is in direct conflict with the basic objectives of the MZO as it relates to the setback requirements. Further, Staff does not believe a literal enforcement of the ordinance will result in unnecessary hardship for the applicant. While literal enforcement of the ordinance may create difficulty for the applicant, this request does not meet the hardship requirements laid out in the MZO. Finally, the spirit of the MZO is not observed in this instance. There is no injustice done by the City in requiring that structures meet certain requirements. Substantial justice raises issues of fairness for the community and will not be achieved through the granting of the requested Variance. The regulations in question are shared by the community and while they can be varied under certain circumstances, there is not a Special Exception available for this request.

PERMITS

2024 – Building (Residential)

STAFF RECOMMENDATION

Staff recommends approval of a Special Exception request to allow rear oversized accessory structure that exceeds the maximum size of 500 square feet by 102.9 square feet for a total size of 602.9 square feet. Additionally, Staff recommends denial of a Variance request to allow a rear carport to encroach 10 feet into the 10-foot exterior side yard setback, as Staff determined that an unnecessary hardship has not taken place.

PUBLIC NOTICE

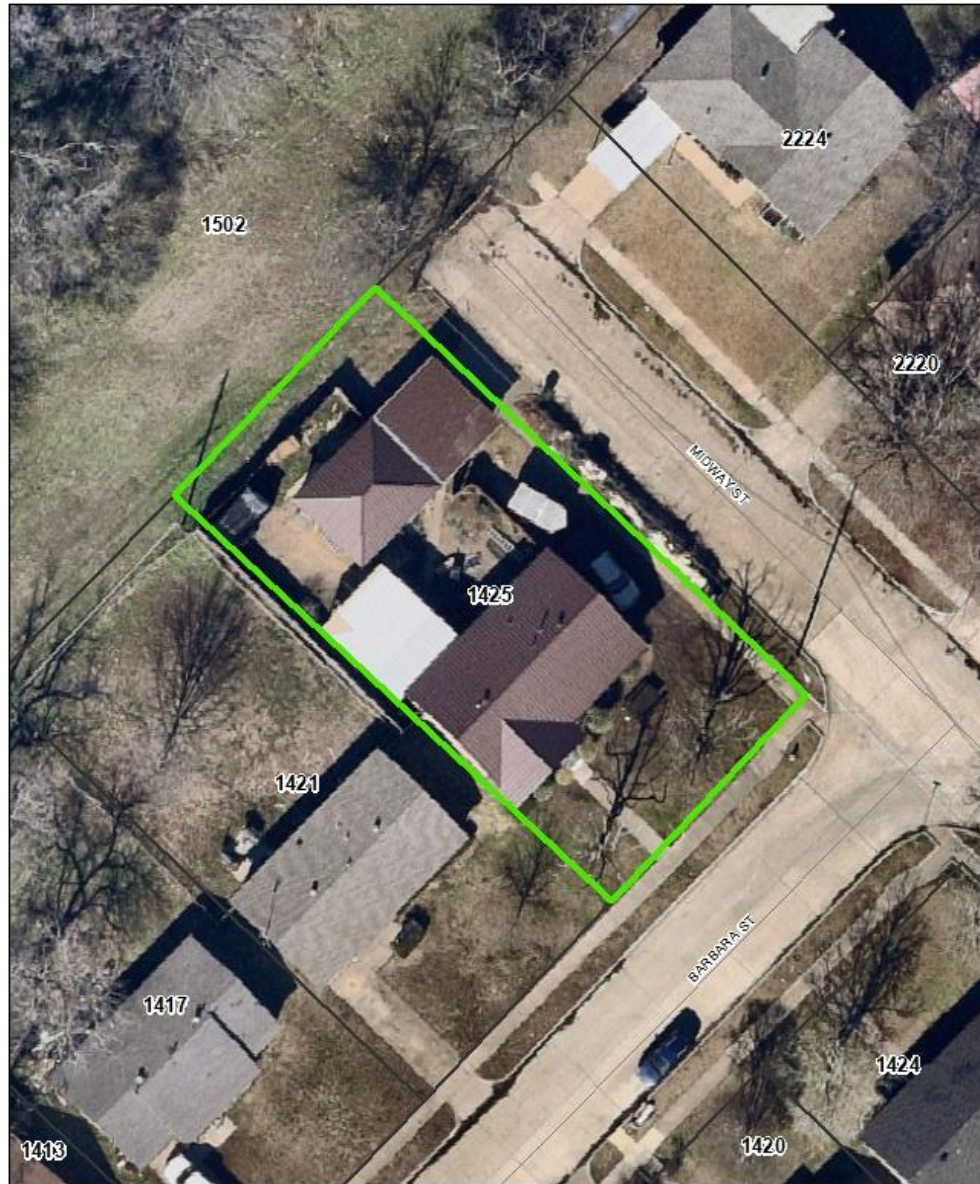
Staff mailed notices to all property owners within 200 feet of the subject property. As of April 19, 2024, there has been two returned notices.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials
5. Returned Notices
6. Historic Aerials

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Applicant: Martin Ramirez
Location: 1425 Barbara Street
Request: Special Exception to allow a rear oversized accessory structure and a Variance for encroaching on the side yard setback.

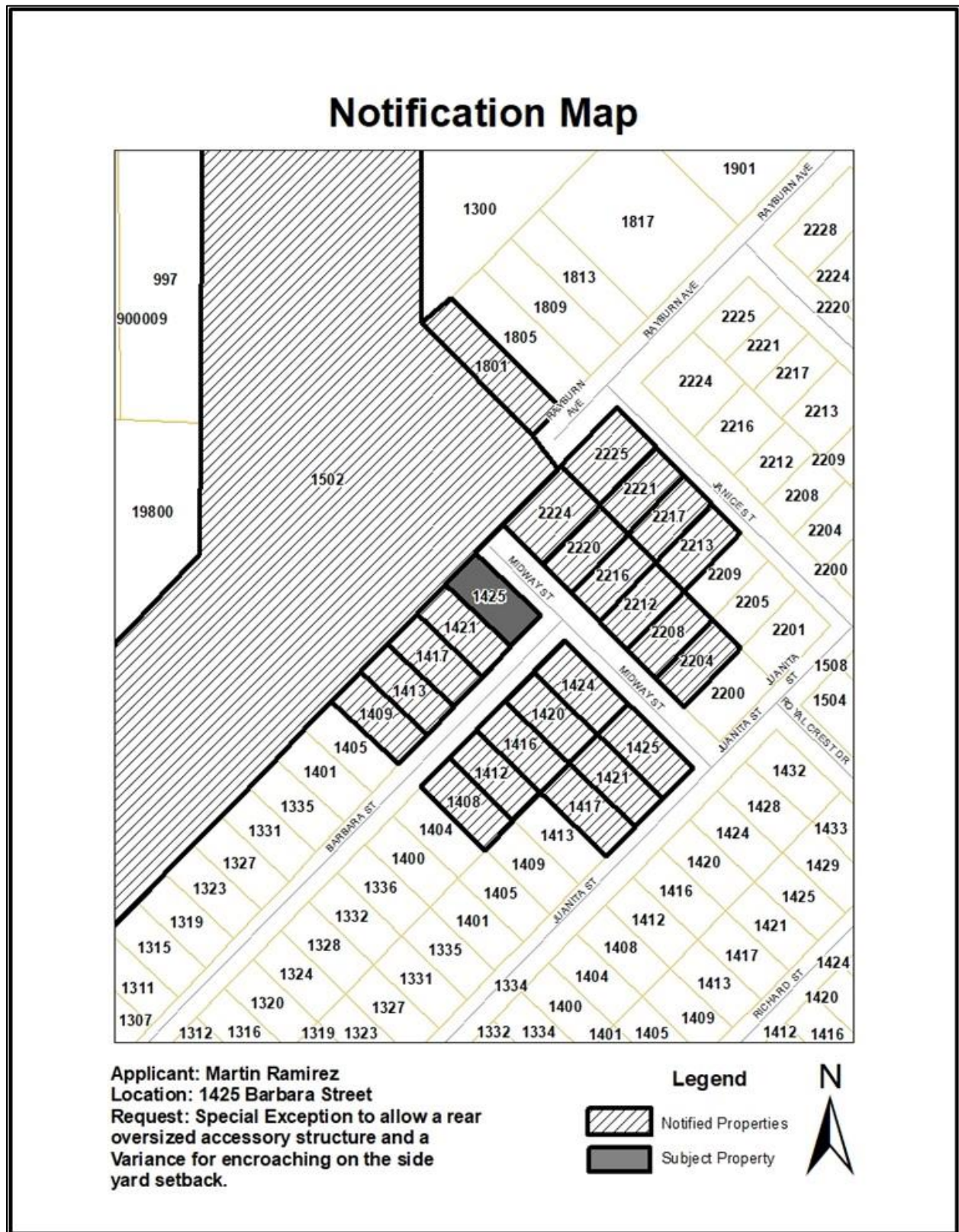
Legend

 Subject Property

0 5 10 20 30 40
Feet



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – SITE PHOTOS



Front view of the subject property, facing northwest



Exterior side yard view of the subject property, facing west

ATTACHMENT 4 – APPLICATION MATERIALS

 MESQUITE T E X A S Real. Texas. Service.	City of Mesquite Board of Adjustment Application
Please print legibly. This application can also be completed online at https://www.cityofmesquite.com/DocumentCenter/View/7724/Board-of-Adjustment---Application-for-General-Special-Exceptions-and-Variances .	
Application Checklist	
☒ Completed Application ☒ Site Plan/Drawing ☒ Site Plan Checklist (Page 7) ☐ Application Fee	
☒ Owner Authorization Form (Page 6)	
Property Information – Where the residence is located	
Physical Address: 1425 Barbara St	City, State: Mesquite, Texas
Zip Code: 75149	
Applicant Information – The person filling out the application	
First Name: Martin	Last Name: Ramirez
Phone Number: 5053075775	Email Address:
I would like an interpreter at the meeting: ☐ Yes ☒ No Language:	
Property Owner(s) Information – The owner of the property listed as physical address	
Same as Applicant: ☒ Yes ☐ No (If no, fill in information below)	
First Name:	Last Name:
Phone Number:	Email Address:
Mailing Address: (If different from physical address)	City, State:
Zip Code:	
Office Use Only	
Subdivision: Block: Lot:	
Size of Property: Square Feet When was the property platted:	
Date Received: Project Intake: Case Number: BOA	
☐ Special Exception (\$200) ☐ Residential Variance (\$200) ☐ Non-Residential Variance (\$500) ☐ Appeals (\$300)	
April 2022	P.O. Box 850137 • Mesquite, Texas 75185-0137 • www.cityofmesquite.com Page 1 of 13

ATTACHMENT 4 – APPLICATION MATERIALS

Structure Types

Check all that applies

Main Structure

- ☐ Room Addition
- ☐ Garage Addition
- ☐ New Residence

Nonconforming

- ☐ Use
- ☐ Premise
- ☐ Structure

Residential

- ☒ Rear Carport
- ☐ Storage Building
- ☐ Detached Garage
- ☐ Patio Cover
- ☒ Oversized Accessory Structure
- ☐ Accessory Dwelling Unit
- ☐ Garage Conversion

Non-Residential

- ☐ Off-Site Parking
- ☐ Joint Use Parking
- ☐ Parking Reduction
- ☐ Flag Poles >75 Ft
- ☐ Reverse Vending Machine
- ☐ Oversized Accessory Structure
- ☐ New Structure

Other

- ☐ Fencing
- ☐ Temporary Uses
- ☐ Tree Preservation
- ☐ Oversized Antenna
- ☐ Lighted Game Courts
- ☐ Livestock

Height of Structure: Carport 7.3 Feet Garage 8 Feet Size of Structure: 417/587.6 Square Feet

Roof Pitch (If applicable): _____

Describe Materials Used:

Garage: wood framing, wood siding, metal roof, concrete foundation and floor. 587.6sq ft

Carport: metal post and roof. 417 sq ft

Affected Part(s) of the Property

- ☐ Interior Side Yard ☐ Front Yard
- ☐ Exterior Side Yard ☒ Rear Yard

Will it

- ☐ Exceed Maximum Height?
- ☒ Exceed Maximum Size?

Status

- ☒ Existing
- ☐ Proposed

Describe the structure and its purpose:

The garage is used as a storage for the homeowner,

The carport protects the vehicles from the elements

ATTACHMENT 4 – APPLICATION MATERIALS

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

Requests for a Special Exception may be granted after the Board of Adjustment have found the following to be true. Please answer the following questions to the best of your ability.

Will the Special Exception allow greater use and enjoyment of the property without creating adverse impacts on adjacent properties?

☒ Yes ☐ No

If yes, how?

The garage is very helpful to store all kinds of things, since the inside of the house is small, allowing us to keep a neat backyard because all of our things are hidden from sight, thus allowing us to keep an organized environment and avoiding a mess that would affect the look of the neighborhood. We, as new owners of this property have gotten along very well with our surrounding neighbors and have heard no complaints. If the building has been out of code since the construction of this structure my thoughts are the neighbors haven't noticed this violation so far. It is my belief that this structure doesn't have any impact on adjacent properties.

Will the Special Exception be compatible with the surrounding neighborhood?

☒ Yes ☐ No

If yes, how?

The structure was built many years ago to my knowledge and its been part of this neighborhood since then.

ATTACHMENT 4 – APPLICATION MATERIALS

COMPLETE FOR VARIANCES ONLY.

In order to grant a zoning variance from the terms of this Zoning Ordinance the Board must find that:

1. The variance is not contrary to the public interest.

☒ Yes ☐ No

If no, explain:

This carport requiring this variance is on my property and it doesn't interfere with any interest. Because of the location of our property, the only people to come near this carport is us as homeowners since we don't have neighbors next to it.

2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

☒ Yes ☐ No

Explain how.

As new homeowners we spent many of our savings trying to secure this property. We are still trying to come afloat with all of the expenses we had to incur. To do some kind of modification to the house now would require money and time. We're trying to work long hours to get rid of some debt we have. It would be hard for our working family.

ATTACHMENT 4 – APPLICATION MATERIALS

COMPLETE FOR VARIANCES ONLY.

3. The spirit of the Mesquite Zoning Ordinance is observed and substantial justice is done.

☒ Yes ☐ No

Explain:

This structure doesn't interfere with the public interest, we don't believe it looks out of place since there haven't been any complaint that we know of about it from the surrounding neighbors. We understand the structure is out of compliance and as new homeowners are trying to do the right thing and bring it to compliance with the laws of the City of Mesquite. We look forward to be part of this community and hopefully making some improvements to our home in the near future.

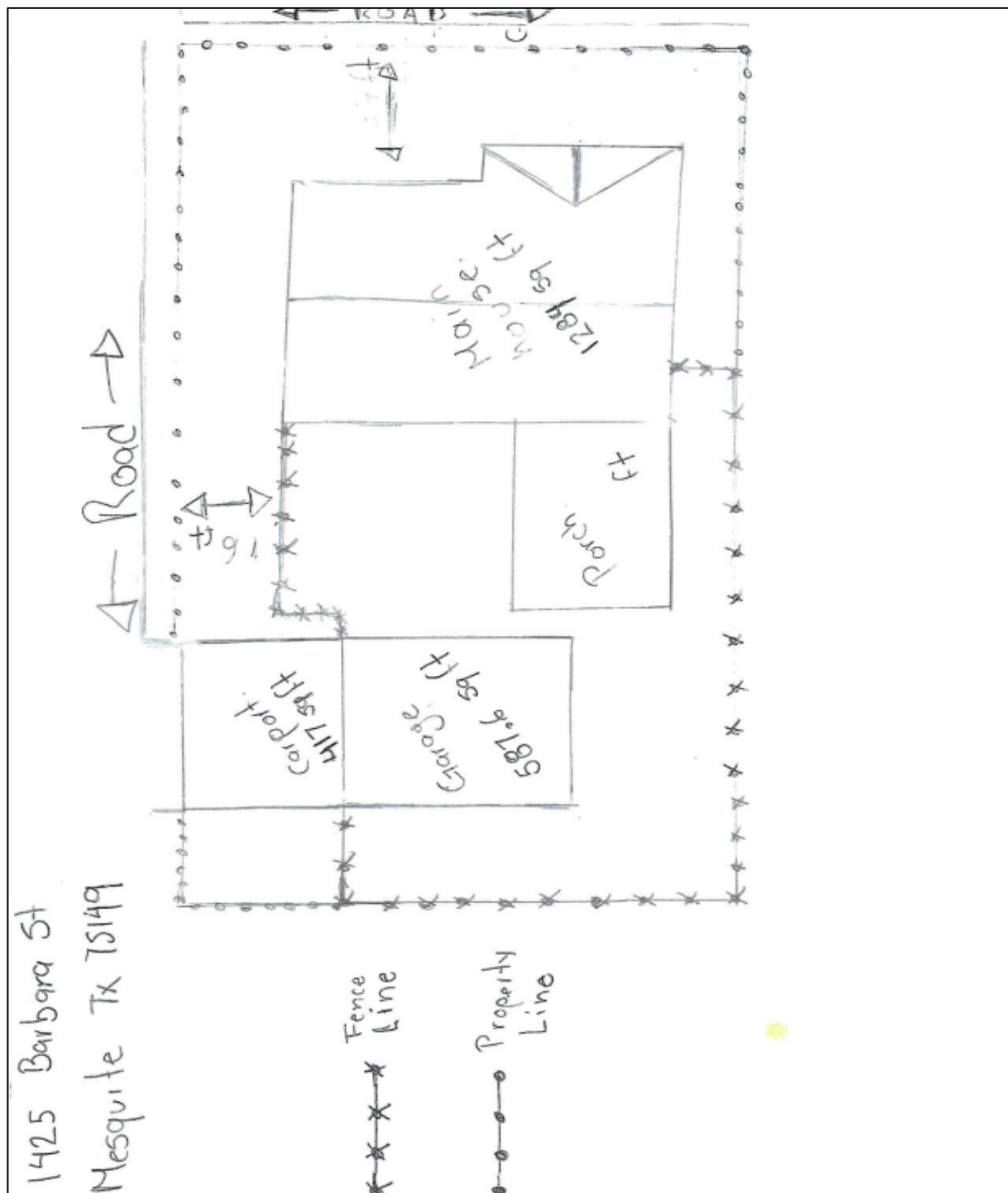
ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION FORM

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the Board of Adjustment Application packet.

Property Owner: Martin Ramirez Phone Number: 505-307-5724
Address: 1425 Barbara St
Mesquite Tx 75149 Email Address: diaz-silvia71@yahoo.com
Signature: Martin Ramirez

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS

MESQUITE
T E X A S
Real. Texas. Service.
NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, April 25, 2024, at 6:30 p.m., in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0324-0434
Submitted By/	
Property Owner:	Martin Ramirez
Property Location:	1425 Barbara Street
Legal Description:	Northridge Estates 5, Block 67, Lot 16
Requested Action:	Special Exception to allow a rear oversized accessory structure and a Variance for encroaching on the side yard setback.

RECEIVED
APR 18 2024
PLANNING AND ZONING

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments in writing (no faxes or calls) by returning the response form attached below by the meeting date, or in person by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 329-8543 or by email at jgregory@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0324-0434	Name: <u>Windy Isaks</u> (required)
I am <u>in favor</u> of this request ☒	Address: <u>2224 Midway</u> (required)
I am <u>opposed</u> to this request ☐	

Reasons (optional): This garage and car port have been there for many years

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: Jordan Gregory
PO BOX 850137
MESQUITE TX 75185-0137

ATTACHMENT 5 – RETURNED NOTICES



The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **September 28th, 2023**, at **6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0823-0410
Submitted By/	
Property Owner:	Ron Richardson
Property Location:	4305 Pear Trail
Legal Description:	Meadowview Farms 2, Block C, Lot 6
Requested Action:	Special Exception for Rear Oversized Accessory Structure and Variance for encroaching on side setback

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes or calls) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 329-8543 or by email at jgregory@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0723-0403

I am **in favor** of this request ☒

I am **opposed** to this request ☐

Name:
(required)
Address:
(required)

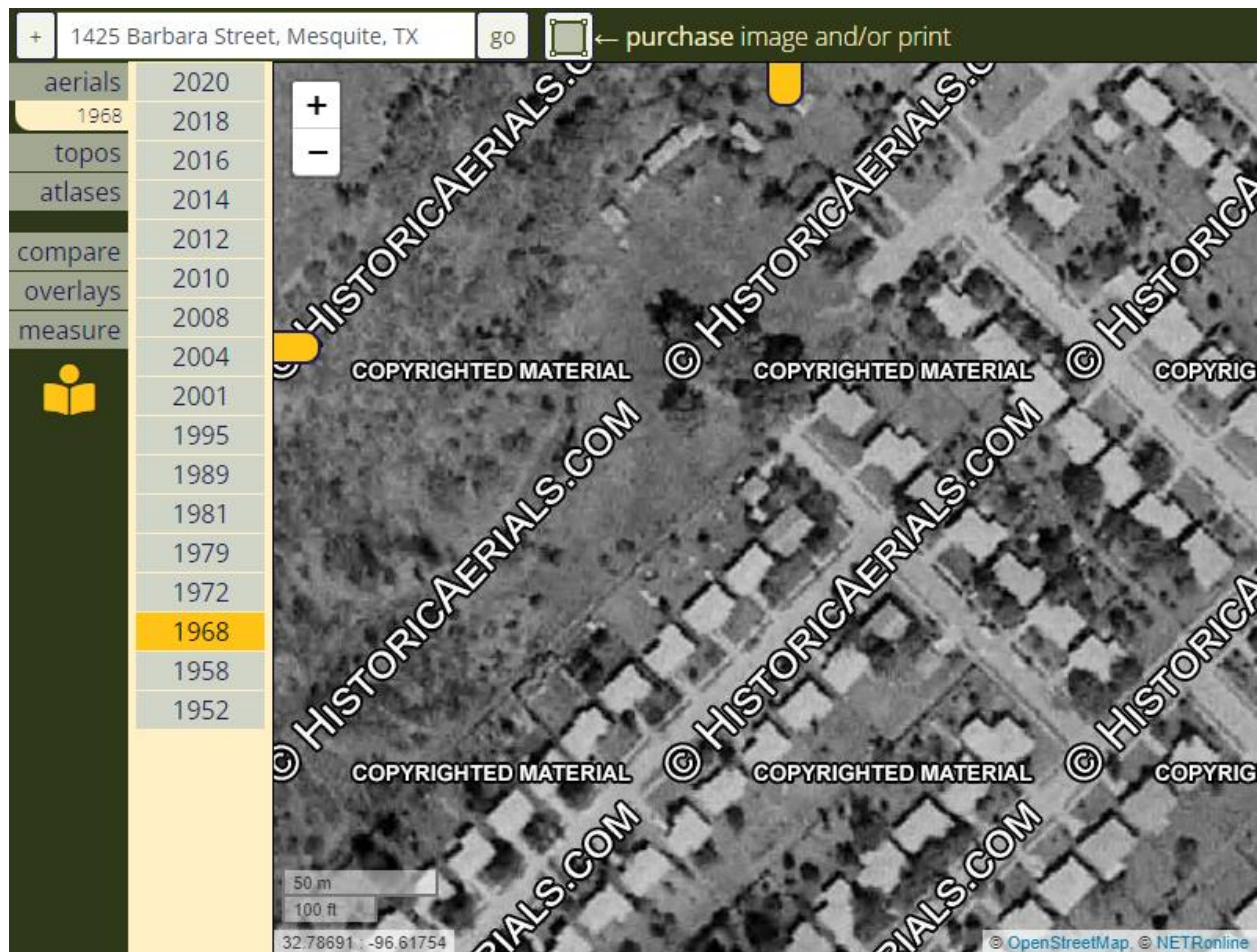
Set Chow
4301 Pear Trail Mesquite, TX 75850

Reasons
(optional):

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: Jordan Gregory
PO BOX 850137
MESQUITE TX 75185-0137

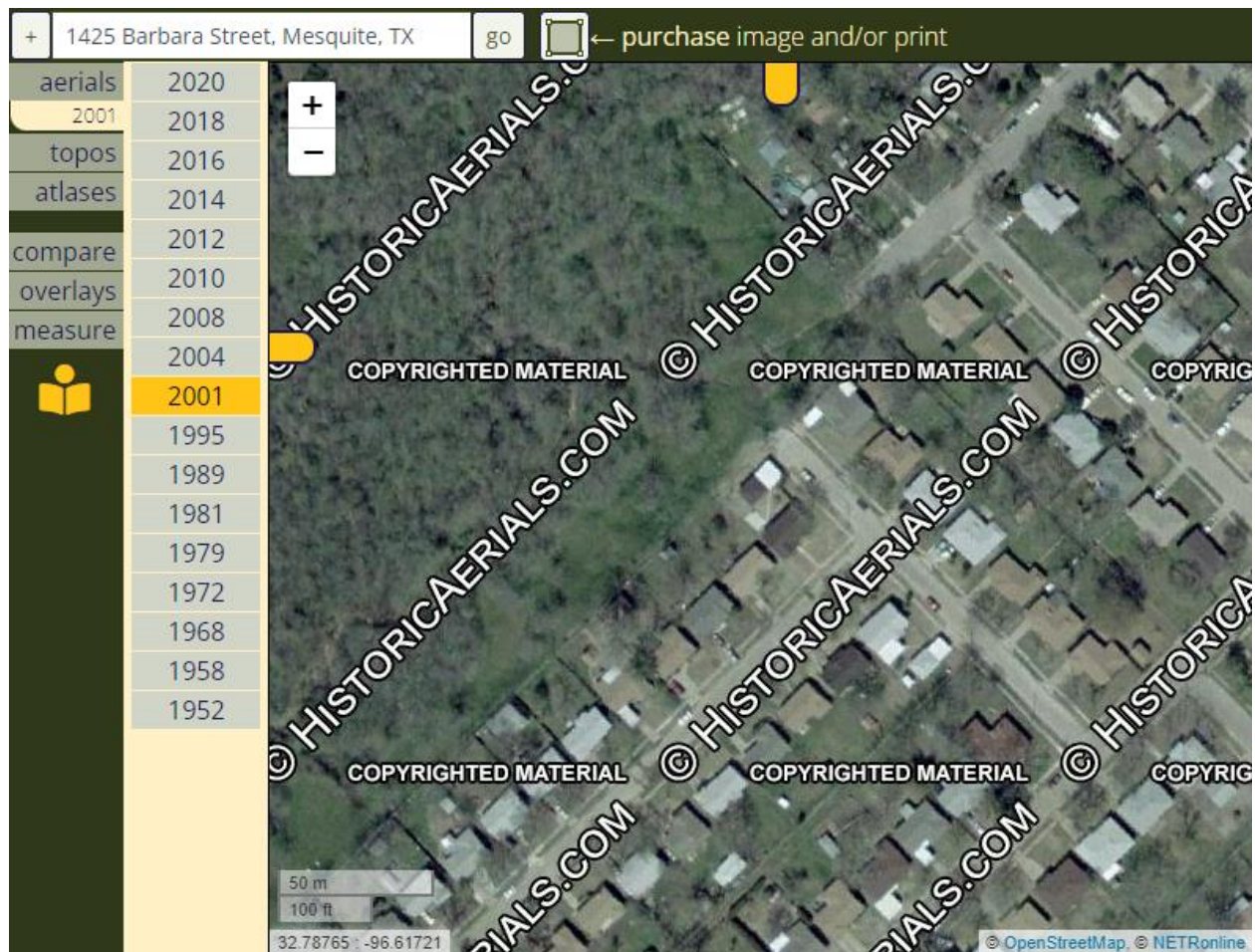
RECEIVED
SEP 22 2023
PLANNING AND ZONING

ATTACHMENT 6 – HISTORIC AERIAL



1968 – Aerial View of the property, showing the accessory structure

ATTACHMENT 6 – HISTORIC AERIAL



2001 – Aerial View of the property, showing the addition of the carport



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0423-0438
REQUEST: Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces.
CASE MANAGER: John Cervantes, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, April 25, 2024

GENERAL INFORMATION

Applicant: Diana Nunez-Flores
Property Owner: Diana Nunez-Flores
Location: 823 Meandering Way

SITE BACKGROUND

Legal Description: Green Canyon Estates, Block 2, Lot 27
Size: 0.18 acres/8,017.95 square feet
Zoning: Planned Development - R-2A, Single Family Residential (Ord.1427)
Zoning History: 1971 – Annexed and Zoned R-1, Single Family Residential
1978 – Zoned Planned Development - R-2A, Single Family Residential (Ord.1414)
1978 – Amended Planned Development - R-2A, Single Family Residential (Ord.1427)

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	Planned Development - R-2A, Single Family Residential (Ord.1427)	Single-Family
SOUTH:	Planned Development - R-2A, Single Family Residential (Ord.1427)	Single-Family
EAST:	Planned Development - R-2A, Single Family Residential (Ord.1427)	Single-Family
WEST:	Planned Development - R-2A, Single Family Residential (Ord.1427)	Single Family

CASE SUMMARY

The applicant is requesting a Special Exception to allow for the conversion of an existing rear-entry two-car garage into living space without having to relocate the converted parking spaces. The home was constructed in 1983. According to the applicant, they converted the garage into an activity room. While the applicant submitted for a building permit earlier this year, it appears the applicant completed the conversion before obtaining the permit. If the Special Exception request is approved, the work will be inspected to confirm that it meets the building code.

Garage Conversion standards identified in Section 2-202 of the Mesquite Zoning Ordinance were amended via Ordinance No. 4990 on October 3, 2022, and now require relocation of converted parking spaces that once existed behind the building line on a lot in residential zoning districts, such that the total off-street parking spaces on the lot are not reduced from what existed prior to a garage conversion. The Board of Adjustment may, however, approve a Special Exception to authorize a garage conversion with no requirement to relocate the converted parking spaces.

MESQUITE ZONING ORDINANCE

SEC. 2-202.E.4: GARAGE CONVERSION – RELOCATION OF CONVERTED PARKING NOT REQUIRED

The Board of Adjustment may approve a Special Exception, in accordance with the approval standards in Section 5-206 (L), to authorize a garage conversion with no requirement to relocate the converted parking spaces, as required in Sub-Section 2-202 (E) (2), so long as two (2) City staff approved off-street non-tandem parking spaces remain on the lot, the property was platted before October 1, 1984, and it is not feasible to replace the converted garage parking spaces elsewhere within the lot.

STAFF COMMENTS:

The existing driveway is approximately 16 feet wide and 25 feet long in front of the existing garage. Currently, the driveway is large enough to accommodate two off-street parking spaces and the spaces that are being replaced by the garage conversion will not drastically affect parking on the site. The property was platted in August of 1980.

SEC. 5-206.L: SPECIAL EXCEPTION APPROVAL STANDARDS

Special Exceptions may be granted as set out in this Zoning Ordinance, when the Board finds that the special exception:

- a) Will allow greater use and enjoyment of property; and
- b) Without creating adverse impacts on adjacent properties; and
- c) That it will be compatible with the surrounding neighborhood; and
- d) When applicable, the board shall also consider any additional criteria set out in this Zoning Ordinance for any specific special exception.

STAFF COMMENTS:

The case meets the requirements for approval of a Special Exception for a garage conversion. The applicant requests to convert the garage for extra living space. Staff does not anticipate

any adverse impacts on adjacent properties, as there is sufficient off-street parking along the existing driveway. The garage conversion is compatible with the surrounding properties zoned Planned Development - R-2A, Single Family Residential (Ord.1427).

PERMITS

1989: Pool Permit
1989: Electrical Permit
1989: Plumbing Permit
2024: Fence Permit

STAFF RECOMMENDATION

Staff recommends approving the Special Exception to allow a garage conversion, with no requirement to relocate the converted parking spaces, provided two (2) City staff approved off-street non-tandem parking spaces remain on the lot.

PUBLIC NOTICE

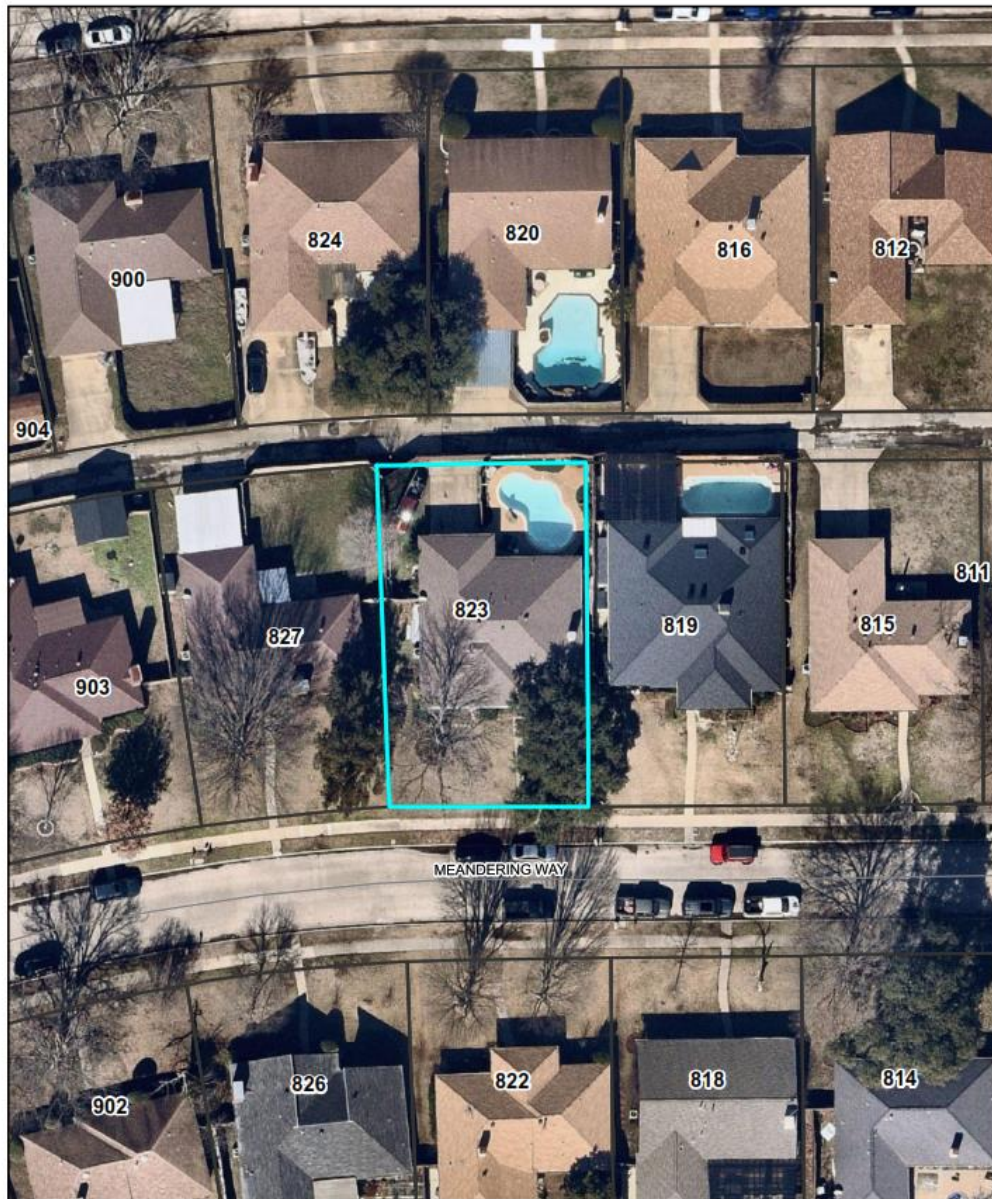
Staff mailed notices to all property owners within 200 feet of the subject property. As of April 19, 2024, there has been two returned notice opposed to the request.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials
5. Returned Notices

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Location: 823 Meandering Way

Legend

 Subject Property

0 12.5 25 50 75 100 Feet



The map displays a series of lots arranged in four rows, separated by streets. The lots are numbered as follows:

- Top Row (above BROWNFIELD DR):** 806, 802, 801, 805, 809, 813, 817, 821, 825, 901, 905, 909, 910.
- Second Row (above MEANDERING WAY):** 808, 812, 816, 820, 824, 900, 904, 908.
- Third Row (above MEANDERING WAY):** 807, 811, 815, 819, 823 (shaded), 827, 903, 907, 911.
- Fourth Row (above MEANDERING WAY):** 810, 814, 818, 822, 826, 902, 906.
- Fifth Row (below MEANDERING WAY):** 809, 805, 813, 817, 821, 825, 901, 905, 909, 913, 914, 918.

Streets shown are BROWNFIELD DR and MEANDERING WAY.

 Subject Property Notified Properties

ATTACHMENT 3 – SITE PHOTOS



Subject property from Meandering Way.



Subject property from alleyway, facing south.

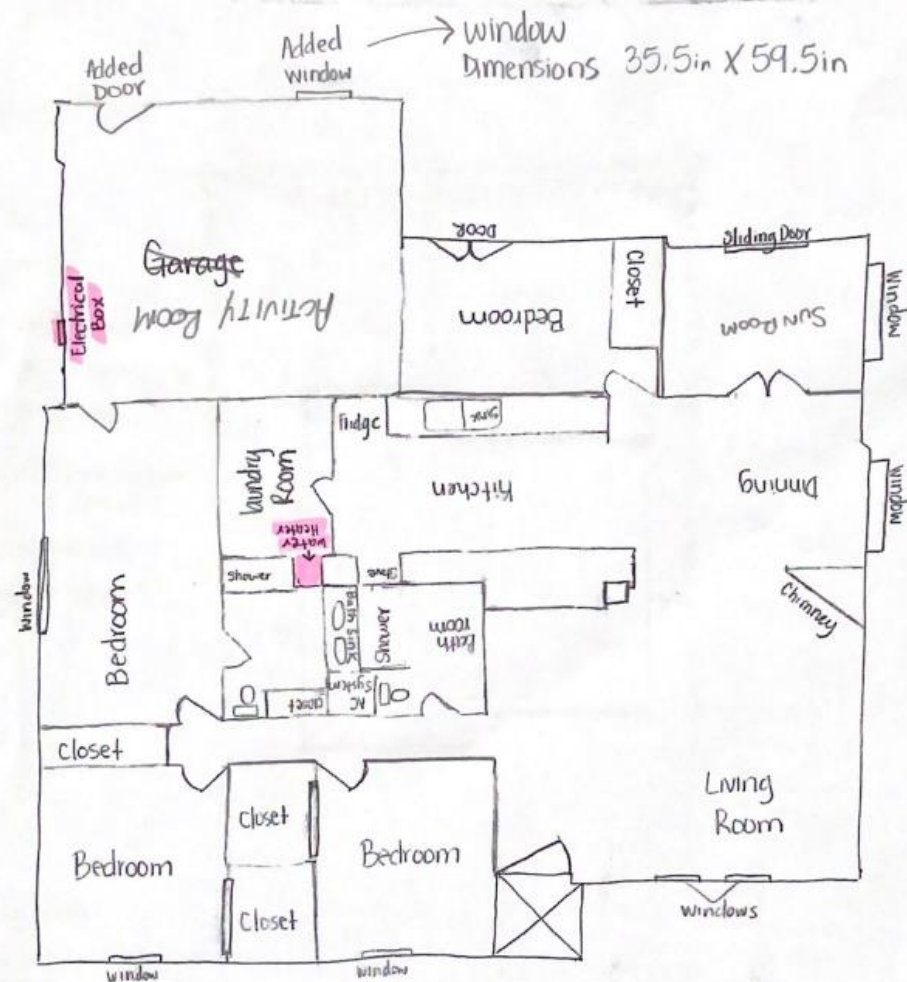
ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION FORM

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2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the Board of Adjustment Application packet.

Property Owner: Diana Nunez-Flores Phone Number: 469-230-8388
Address: 823 Meandering way 916-256-8902
Mesquite Tx 75150 Email Address: Diananunez64@gmail.com
Signature: Diana Nunez

ATTACHMENT 4 – APPLICATION MATERIALS



After Floorplan

ATTACHMENT 5 – RETURNED NOTICES



The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **April 25, 2024, at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0424-0438
Submitted By/	
Property Owner:	Diana Nunez-Flores
Property Location:	823 Meandering Way
Legal Description:	Green Canyon Estates Block 2 Lot 27
Requested Action:	Special Exception to allow a garage conversion, with no requirement to relocate the converted parking spaces.

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes or calls) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6344 or by email at jcervantes@cityofmesquite.com.

Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0424-0438

I am **in favor** of this request _____

I am **opposed** to this request X

Name:
(required)

Address:
(required)

Chuck Taylor
816 Brown Field Dr
Mesquite Tx 75150

Reasons
(optional):

Garage is already closed in. House has
been converted to a duplex. The occupants are
terrible neighbors. Numerous complaints on this property.

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

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APR 19 2024

PLANNING AND ZONING



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Complete and return
Do not write on the reverse side of this form.

BOA Case: BOA0424-0438

I am **in favor** of this request

I am **opposed** to this request

Reasons
(optional):

Name:
(required)

Address:
(required)

BUD BLUESTHMAN

820 BROWNFIELD DR

MESQUITE, TX. 75150

GARAGE HAS ALREADY BEEN CONVERTED. THE
HOUSE IS NOW A DUPLEX W/ MANY TENANTS
COMING & GOING.

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: John Cervantes
PO BOX 850137
MESQUITE TX 75185-0137

RECEIVED

APR 17 2024

PLANNING AND ZONING