



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

757 North Galloway Avenue
Mesquite, Texas

July 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

July 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 June 27, 2024, Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

5. BOA0524-0441 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Brett Thompson for a Special Exception to allow an accessory structure to exceed the maximum height of 15 feet by three feet for a total of 18 feet, located at 6621 Thames Drive. (BOA0524-0441, Jordan Gregory, Planner).

PUBLIC HEARINGS- CONTESTED CASES

6. BOA0624-0443 – VARIANCE

Conduct a public hearing to consider an application submitted by Nikki Valencia for a Sign Variance to allow a pole sign with a reduced interior setback requirement from 30 feet to 15 feet and 10 inches, located at 1340 N Peachtree Road. (BOA0624-0443, John Cervantes, Planner). (WITHDRAWN)

OTHER BOARD BUSINESS

7. Next Board of Adjustment Meeting: August 22, 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 **July 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 **July 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

June 27, 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	Jesse Barahona	☐ Present In-Person	☒ Absent
Position No. 5	Mr. Jack Akin	☒ Present In-Person	☐ Absent

ALTERNATE NO.	ALTERNATE NAME	ATTENDANCE	
Alternate No. 1	Vacant	☐ 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
Jordan Gregory	Planner	☒ Present In-Person
Ti'Ara Clark	Planner	☒ Present In-Person
Devanee Winn	Administrative Aide Planning & Development.	☒ Present In-Person
David Pachall	City Attorney	☒ Present In-Person

ATTENDANCE NOTES: The meeting was called to order at 6:30 PM

Note:

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 May 23, 2024, Board of Adjustment meeting minutes.

ACTION

Boardmember Burris made a motion to APPROVE as presented; Boardmember Ford seconded; the motion carried 4-0 with approval vote from Boardmembers Akin, Ford, Burria, and Chairwoman Airheart; no votes were against.

PUBLIC HEARINGS- UNCONTESTED CASES

No uncontested cases.

PUBLIC HEARINGS- CONTESTED CASES

5. BOA0624-0444– SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Martin Ramirez for a request for a Special Exception for a reasonable accommodation to allow an oversized front carport that exceeds the maximum size of 400 square feet by 60 square feet for a total size of 460 square feet and a Special Exception with modifications to allow a front carport that is not attached to the principal structure, located at 1425 Barbara Street. (BOA0624-0444, Jordan Gregory, Planner).

PRESENTATION

Planner Jordan Gregory presented to the Board.

APPLICANT

Not in attendance.

PUBLIC HEARING

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

ACTION

Boardmember Akin made a motion to GRANT with staff's recommendations; Boardmember Burris seconded; the motion carried 4-0 with approval vote from Boardmembers Akin, Ford, Burria, and Chairwoman Airheart; no votes were against.

OTHER BOARD BUSINESS

6. TRAINING SESSION

Board member training will take place in the City Conference Room with no action to be taken.

City Attorney David Paschall presented to the Board.

7. Next Board of Adjustment Meeting: July 25, 2024

Chairwoman Airheart adjourned the meeting at 7:47 P.M.

Chairwoman Kourtnie Airheart

FILE NUMBER: BOA0524-0441
REQUEST: Special Exception to allow an accessory structure to exceed the maximum height of 15 feet by three feet for a total of 18 feet.
CASE MANAGER: Jordan Gregory, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, July 25, 2024

GENERAL INFORMATION

Applicant:
Property Owner: Brett Thompson
Location: 6621 Thames Drive

SITE BACKGROUND

Legal Description: Berkshire Estates, Block B, Lot 48
Size: 44,510.2 square feet / ~ 1.02 acres
Zoning: AG - Agricultural
Existing Land Use: Single Family Residential
Zoning History: 2020 – Annexed
2020 – Zoned to AG – Agricultural

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	AG - Agricultural	Single Family Residential
SOUTH:	AG - Agricultural	Single Family Residential
EAST:	AG - Agricultural	Single Family Residential
WEST:	AG - Agricultural	Single Family Residential

CASE SUMMARY

The applicant is requesting Special Exceptions to allow an 18 foot tall oversized accessory structure for storage. The Mesquite Zoning Ordinance currently allows for the maximum height of an accessory structure in an agricultural district to be 15 feet. The Special Exception would allow an oversized accessory structure that is three feet higher than the permitted amount.

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 height for an accessory structure, except as otherwise permitted herein, shall be fifteen (15) feet, one (1) story, or the height of the principal structure, whichever is less, unless otherwise approved through a Special Exception.

The proposed oversized accessory structure is 18 feet tall, which exceeds the maximum height allowed for an accessory structure by three feet. The accessory structure will cover approximately 0.02% of the total lot area, which falls within the 10% threshold noted in Section 2-604.A. The total rear yard coverage of all the accessory structures equals approximately 0.04% of the rear yard, which also falls within the allowed limit under the Mesquite Zoning Ordinance.

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.

STAFF COMMENTS:

According to the applicant, the new structure would allow greater use and enjoyment of the property, as it would provide storage in the rear yard. Staff does not anticipate any adverse impacts on the adjacent properties, as there are similar structures within the subdivision.

STAFF RECOMMENDATION

Staff recommends approval of a Special Exception to allow an accessory structure to exceed the maximum height of 15 feet by 3 feet for a total of 18 feet.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of July 17, 2024, no notices have been returned for the request.

ATTACHMENTS

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

Aerial Map



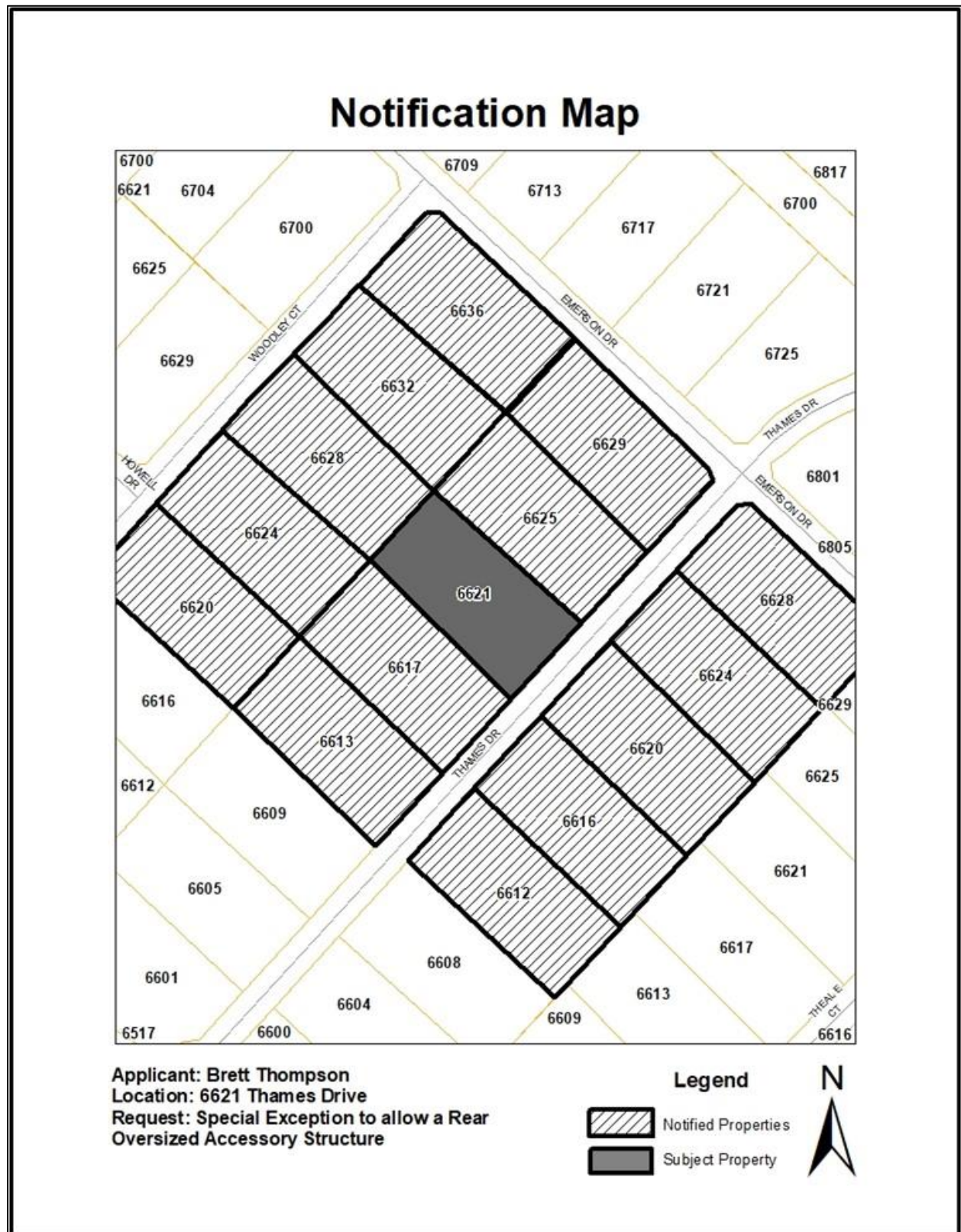
Applicant: Brett Thompson
Location: 6621 Thames Drive
Request: Special Exception to allow a
Rear Oversized Accessory Structure

Legend

 Subject Property

0 12.5 25 50 75 100 Feet





ATTACHMENT 3 – SITE PHOTOS



Front view of the subject property



Side view of the subject property, facing West

ATTACHMENT 4 – APPLICATION MATERIALS



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-Variations>.

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: 6621 Thames Dr City, State: Mesquite, Texas
Zip Code: 75126

Applicant Information – The person filling out the application

First Name: Brett Last Name: Thompson
Phone Number: 713-206-6608 Email Address: brettthompson316@gmail.com
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: _____ City, State: _____
(If different from physical address)
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)

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: 18 Feet Size of Structure: 1200 Square Feet

Roof Pitch (If applicable): approx 1/6

Describe Materials Used:

Metal building color matched to house.

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:

I respectfully request permission to build an oversized metal RV Storage building. I have reviewed all the architectural guidelines in the HOA Covenants as well as the zone requirements for my property (Code of Ordinances: Appendix C Part 2 Section 2-600). 1200 Sqft Metal shop for RV and lawn equipment. Color matched to main house (off-white with dark grey trim). Dimensions 45' by 27'. Max height 18ft (The main house is 24 ft high). Two front roll doors. One side roll door. One Entry Door. 450 Sqft porch w overhang on left side. 1100sqft driveway extension in front of the shop. Clear of 20ft build line on the right. 40 feet behind the back of the main house. Does not interfere with drainage. Similar in size to other shops already built in the neighborhood. Thank you for your consideration.

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?

It will not adversely impact my neighbors any more than a structure that is within the normal zoning requirements because this building will only be roughly an additional 200 SQFT and three feet higher. Also it will be roughly two feet below the house grade at that point in my yard minimizing the height consideration further. My house is 24 feet high. Drainage is unaffected due to the natural slope of my and my neighbors' yards. All the yards in this neighborhood are about an acre.

This building will allow me to park my RV on my property per HOA regulations rather than storing it off site. It will also allow me to better store and care for my lawn equipment contributing to the beautification of my yard and neighborhood. It will also allow us a porch area as our existing back porch is very small.

Will the Special Exception be compatible with the surrounding neighborhood?

☒ Yes ☐ No

If yes, how?

This building upon completion will be nearly identical in materials and size to other structures already built in this neighborhood. These structure are also very common in this entire area when you have 1+ acre lots zoned as a Residential Ag District. My lot is 44,310 SQFT.

Most importantly, it has already been approved as submitted by the HOA to ensure compatibility with the surrounding neighborhood.

I'm requesting approval based on Section 2-604-A of the Zoning Ordinance.

- *Oversize Accessory Structure. The Board may grant a special exception to allow an oversize accessory structure, which shall be any detached structure which exceeds the height, size, or coverage limits set out in Section 2-602. An existing accessory building shall not become an oversize structure due to the attachment of a minor building with separate entrances. Buildings exceeding 10 percent of the lot area are generally considered to be incompatible.*

The building will take up 2.7% of the total lot area. If you include the porch area it will take up 3.7% of the total lot area.

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: Brett Thompson Phone Number: 713-206-6608
Address: 6621 Thames Dr
Mesquite TX 75126 Email Address: bretttompson316@gmail.com
Signature: 

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

