



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

757 North Galloway Avenue

Mesquite, Texas

August 22, 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

August 22, 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 July 25, 2024, Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

5. BOA0724-0446 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Kenneth Rice for a Special Exception to allow a front carport, located at 217 Woodgrove Dr. (BOA0724-0446, John Cervantes, Senior Planner).

6. BOA0724-0448 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Jonas De Cardenas for a Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces, located at 408 Crooked Lane. (BOA0724-0448, Jordan Gregory, Planner).

PUBLIC HEARINGS- CONTESTED CASES

No contested cases.

OTHER BOARD BUSINESS

7. Next Board of Adjustment Meeting: September 26, 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 **August 22, 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 **August 19, 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

July 25, 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	William Augustine	☒ 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
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 June 27, 2024, Board of Adjustment meeting minutes.

ACTION

Boardmember Akin made a motion to APPROVE the minutes; Boardmember Augustine seconded; the motion carried 4-0 (Chairwoman Airheart, Boardmember Akin, Boardmember Ford, and Boardmember Augustine approved).

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).

PRESENTATION

Planner Jordan Gregory presented to the Board.

DISCUSSION

There was no discussion.

PUBLIC HEARING

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

ACTION

Boardmember Akin made a motion to approve; Boardmember Augustine seconded; the motion carried 4-0 (Chairwoman Airheart, Boardmember Akin, Boardmember Ford, and Boardmember Augustine approved).

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)

7. Next Board of Adjustment Meeting: August 22, 2024

Chairwoman Airheart adjourned the meeting at 6:44 P.M.

Chairwoman Kourtnie Airheart

FILE NUMBER: BOA0724-0446
REQUEST: Special Exception to allow a front carport.
CASE MANAGER: John Cervantes, Senior Planner

PUBLIC HEARING

Board of Adjustment: Thursday, August 22, 2024

GENERAL INFORMATION

Applicant & Property Owner: Kenneth Rice
Location: 217 Woodgrove Dr

SITE BACKGROUND

Legal Description: Woodland Park Replat, Block D, Lot 28
Size: 7,200 square feet
Zoning: Planned Development, R-3 – Single Family Residential
Zoning History: 1984 – Annexed and Zoned Planned Development, R-3 – Single Family Residential [Ord. 2030](#)

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	Planned Development, R-3 – Single Family Residential Ord. 2030	Single Family Residence
SOUTH:	Planned Development, R-3 – Single Family Residential Ord. 2030	Single Family Residence
EAST:	Planned Development, R-3 – Single Family Residential Ord. 2030	Single Family Residence
WEST:	Planned Development, R-3 – Single Family Residential Ord. 2030	Single Family Residence

CASE SUMMARY

The applicant is requesting a Special Exception to allow a proposed 360 square-foot (18 feet by 20 feet) front carport with a pitched roof. The carport will be attached to the residence. The proposed carport will not exceed the height of the residence and be made of metal. All other

regulations of the Planned Development – R-3, Single Family Residential Zoning District, and building code will be met.

MESQUITE ZONING ORDINANCE

SEC. 2-604(B): SPECIAL EXCEPTIONS, FRONT CARPORTS

In general. When a lot is not located in one of the pre-approved subdivisions for front carports, a front carport may be approved as a Special Exception. A front carport approved by Special Exception shall comply with the design standards in 2-603 E.4. The Board of Adjustment may grant a Special Exception for a front carport when:

- a. A carport would afford the only opportunity to provide covered parking on the lot; and
- b. The lot does not currently have paved alley access such that rear parking is not available as an alternative to a front carport; and
- c. Parking behind the building line was not required when the home was constructed; and
- d. The home was originally built with either no garage or a one-car garage.

Additional factors to consider. The Board of Adjustment, in making its decision, may consider among other things the following additional factors. These additional factors may be considered by the Board in making its decision, but these additional factors are not requirements for approval:

- a. Whether or not there are similar carports in the immediate vicinity of the request.
- b. Reserved.

STAFF COMMENTS:

The proposed front carport does meet all the approval standards for a special exception. The front carport would afford the only opportunity to provide additional covered parking on the lot, as the home was originally built with an attached one-car garage. There is also no paved alley access in the rear of the property. Thus, it is not feasible that a rear carport could be constructed elsewhere in the rear yard.

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

- d. 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, approval of the Special Exception will allow greater use and enjoyment of the property. Specifically, provide an area to protect vehicles from strong weather conditions. Staff does not anticipate any adverse impacts on the surrounding neighborhood, nor will the carport be incompatible with the surrounding neighborhood.

PERMITS

1984 – Swimming Pool
1996 – Foundation Repair
2000 – Concrete
2014 – Concrete
2015 – Storage Building
2015 – Patio Enclosure

STAFF RECOMMENDATION

Staff recommends approval of the request for the Special Exception for a front carport.

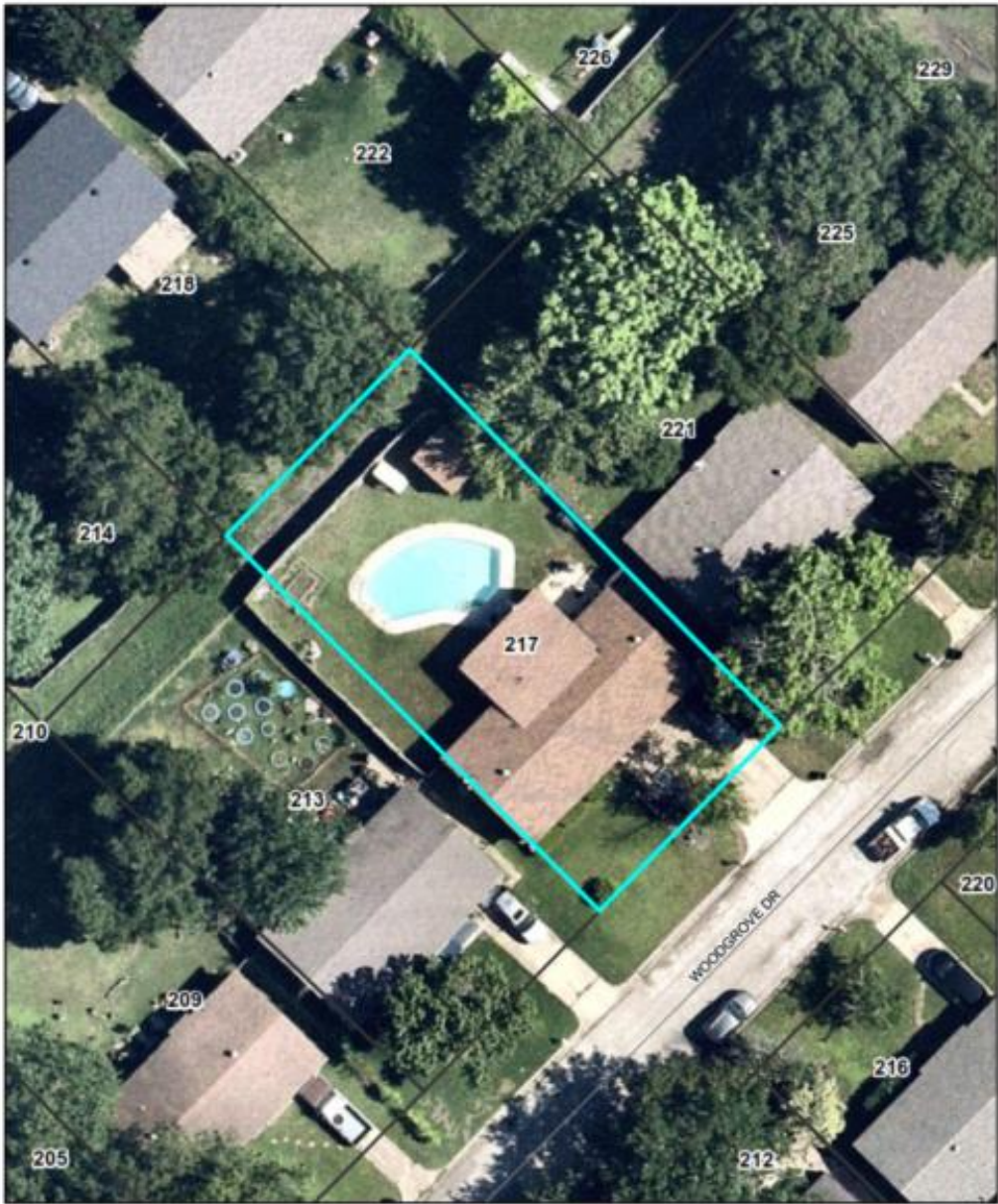
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of August 16, 2024, one notice has been returned in favor of the request.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials
5. Returned Notice(s)

Aerial Map



Location: 217 Woodgrove



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Applicant: Kenneth Rice
Location: 217 Woodgrove Dr



Legend



Subject Property



Notified Properties

ATTACHMENT 3 – SITE PHOTOS



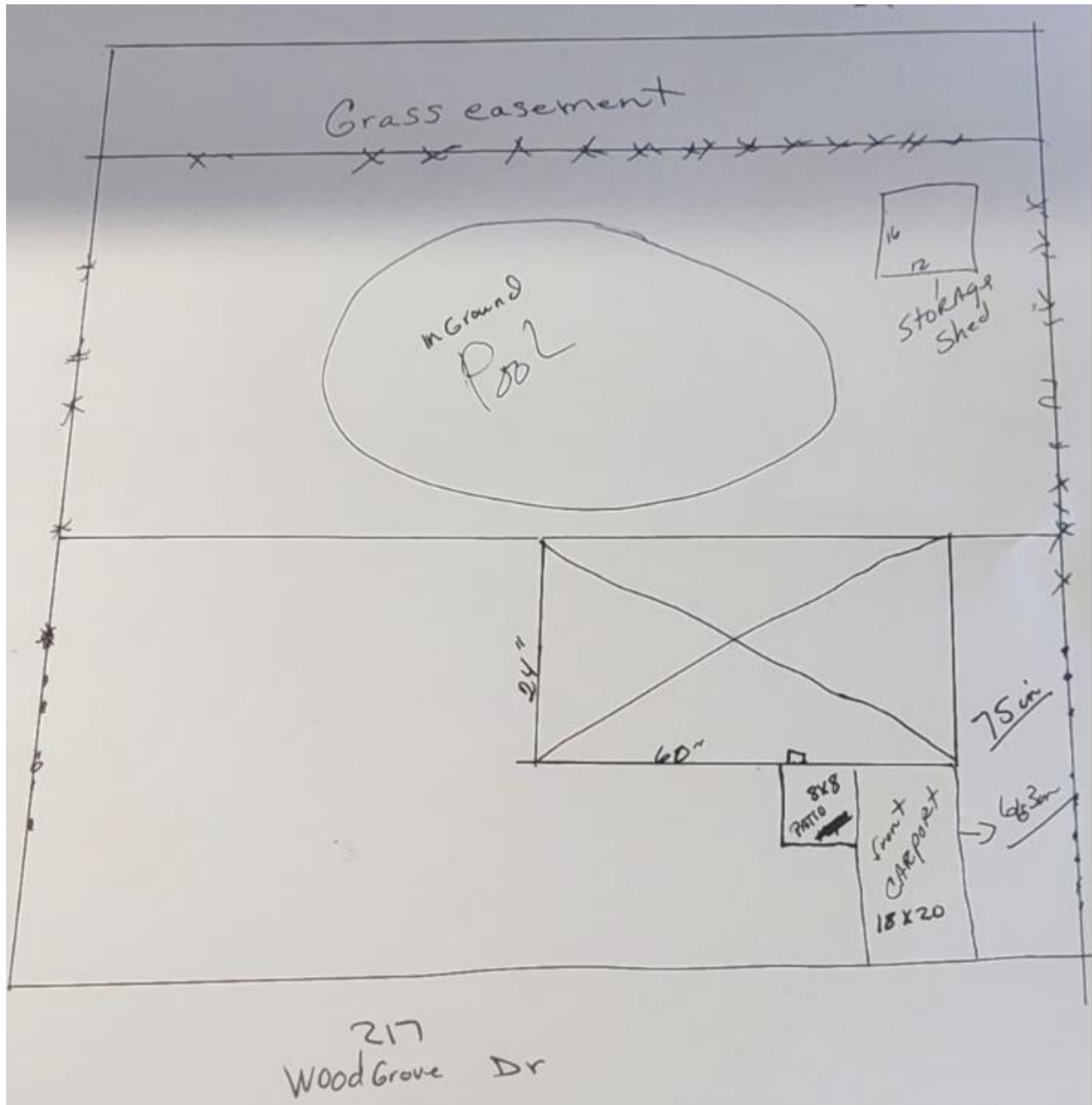
Front view of subject property

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: Kenneth Rice Phone Number: 972-743-2017
Address: 217 Woodgrove Dr.
Mesquite, TX 75181 Email Address: mztaz5@aol.com
Signature: 





Custom Product Summary:

- Roof Style: vertical
- Roof Color: E. Brown
- Trim Color: White
- Sides Color: White
- Garage Door Color: N/A
- ZipCode: 75181
- Width: 22'
- Length: 20'
- Height: 6'
- Garage Doors: N/A
- Walk-In Doors: N/A

217 Woodgrove

18x20
7 ft
360 sq. ft.

ATTACHMENT 4 – APPLICATION MATERIALS



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, **August 22, 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:	BOA0724-0446
Submitted By/	
Property Owner:	Kenneth Rice
Property Location:	217 Woodgrove Dr
Legal Description:	Woodland Park Replat, Block D, Lot 28
Requested Action:	Special Exception to allow a front carport.

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: BOA0724-0446

I am **in favor** of this request ☒

I am **opposed** to this request ☐

Name: Nadine & Josh Wheeler

(required)

Address: 222 Redwood St

(required)

Mesquite, Tx 75181

Reasons
(optional):

We feel that it would be a great addition
to the neighborhood. It will help
others to want to improve their yards as well.

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

RECEIVED

AUG 16 2024

PLANNING AND ZONING



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0724-0448
REQUEST: Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces.
CASE MANAGER: Jordan Gregory, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, August 22, 2024

GENERAL INFORMATION

Applicant: Jonas DeCardenas
Property Owner: Lauren Henson
Location: 408 Crooked Lane

SITE BACKGROUND

Legal Description: Park Place Revised, Block C, Lot 25
Size: 0.15 acres/ 6,711 square feet
Zoning: R-PD - Residential Planned Development
Zoning History: 1973 – Zoned from R-3 to A-1/TH (Townhomes)
1982 – Subdivision platted

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant is requesting a Special Exception to allow for the conversion of an existing back-entry two-car garage without having to relocate the converted parking spaces. An alleyway is accessible to the property and there is a rear driveway. This driveway provides two non-tandem spaces for cars to be parked, which is what is being lost with this 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 18 feet wide by 40 feet long, large enough to accommodate two off-street parking spaces. The property was platted in October of 1982 and it is not currently feasible for the property owner to replace the parking spaces.

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 into an additional room within their home. 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 neighborhood, as a windshield survey revealed other garage conversions within the same block as the subject property, located at 400 Crooked Lane and 404 Crooked Lane.

PERMITS

1997: Building (Residential) Permit – Swimming Pool and Spa
1997: Plumbing (Residential) Permit
2001: Building (Residential) Permit – Storage Building
2002: Building (Residential) Permit – Repair Windows
2016: Building (Residential) Permit – Replace Windows
2021: Building (Residential) Permit – Repair Foundation
2022: Building (Residential) Permit – Replace Single Door
2024: Building (Residential) Permit – Replace Roof

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 August 15, 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: Jonas DeCardenas
Location: 408 Crooked Lane
Request: Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces.

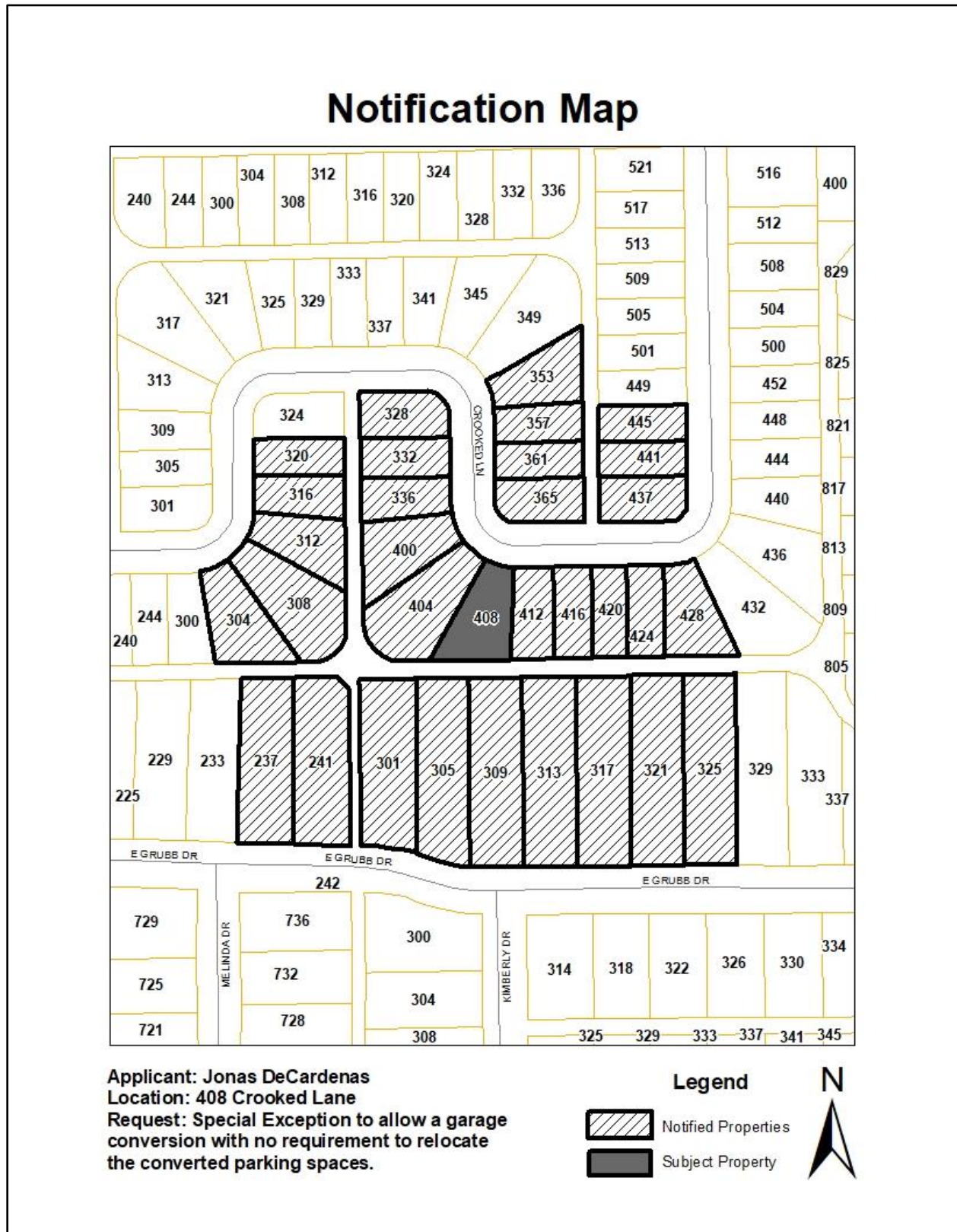
Legend

 Subject Property

0 5 10 20 30 40
Feet



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – SITE PHOTOS



Subject property from Crooked Lane, facing southwest.



Rear view of the subject property from the alleyway, facing northeast.

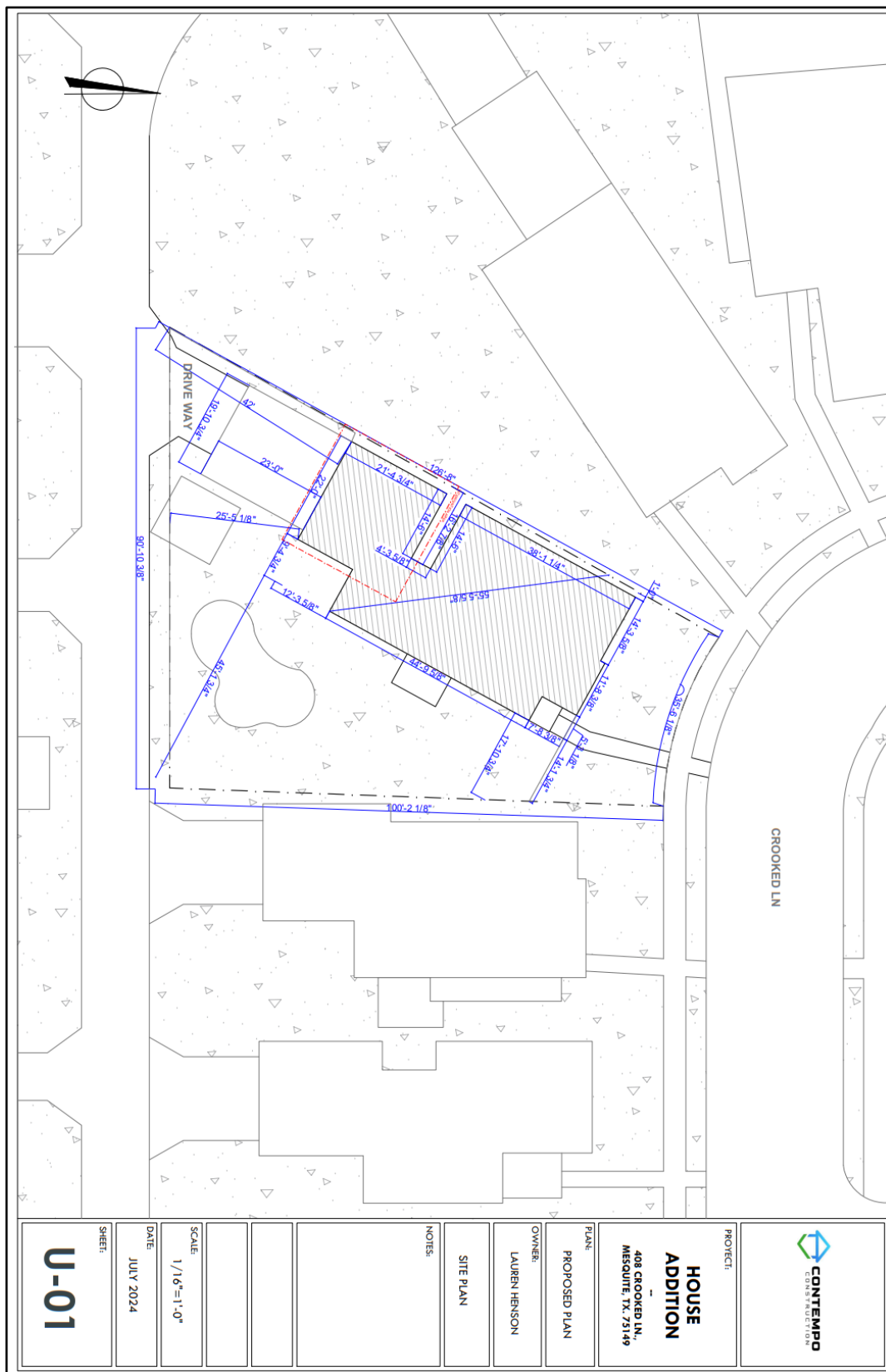
ATTACHMENT 4 – APPLICATION MATERIALS

OWNER AUTHORIZATION PAGE

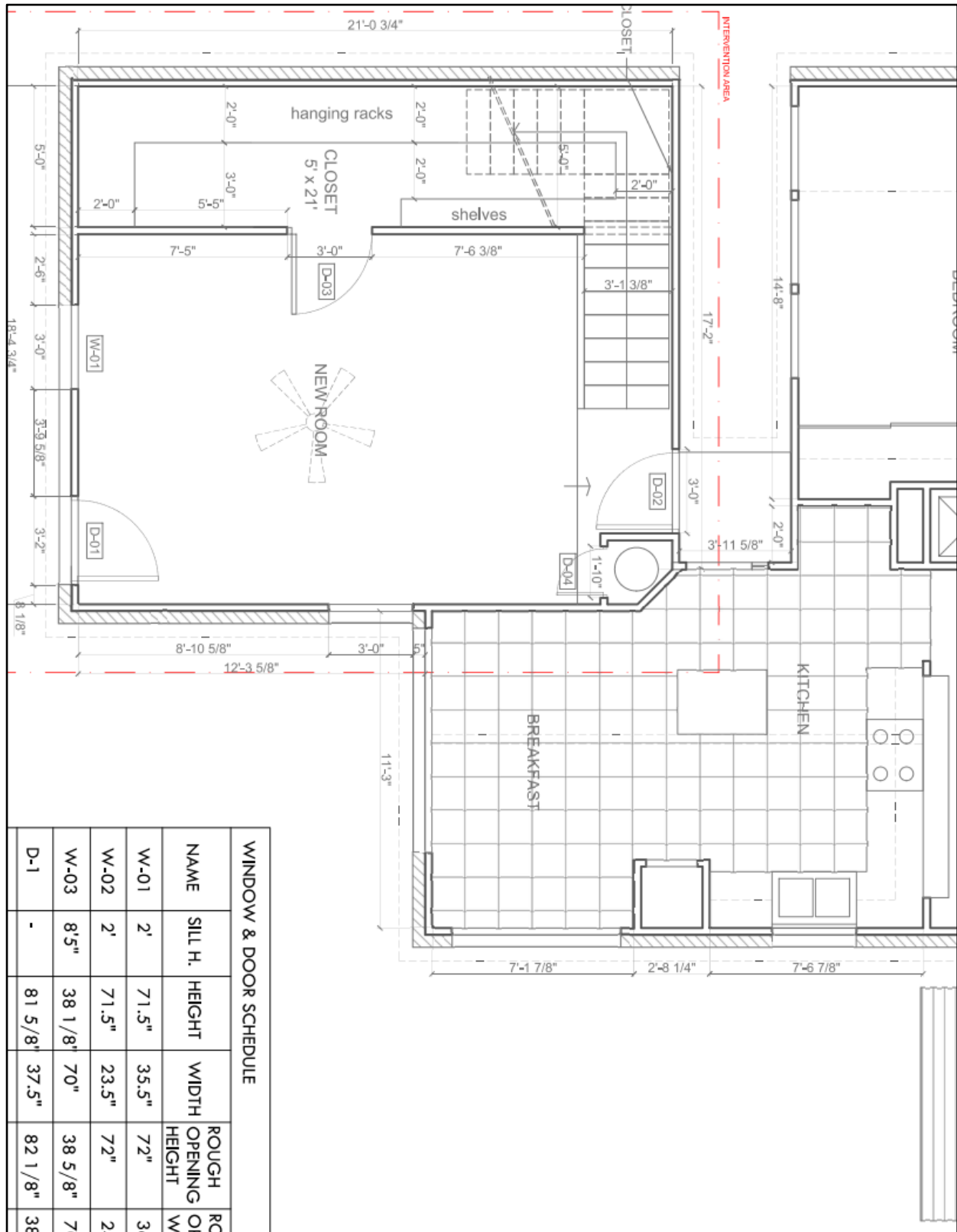
1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application 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: Lauren S. Henson Phone Number: 972-216-0923 - Landline
972-839-4091 - Cell/text
Address: 408 Crooked Lane
Mesquite TX Email Address: henson324103@gmail.com
Signature: Lauren S. Henson

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS

