



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

757 North Galloway Avenue

Mesquite, Texas

September 26, 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

September 26, 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 August 22, 2024, Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

5. BOA0824-0449 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Karina Taylor for a Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces, located at 1305 Greenbriar Drive. (Ti'Ara Clark, Planner).

6. BOA0824-0450 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Jose Lucio Campos for a Special Exception to allow a garage conversion, with no requirement to relocate the converted parking spaces, located at 4537 Sarazen Drive. (John Cervantes, Senior Planner).

7. BOA0824-0452 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Jose Hernandez for a Special Exception to allow an oversized accessory structure to exceed the maximum size of 1,000 square feet by 3,000 square feet for a total size of 4,000 square feet and the maximum height of 15 feet by 3 feet for a total height of 18 feet, located at 2736 Pioneer Road. (John Cervantes, Senior Planner).

PUBLIC HEARINGS- CONTESTED CASES

8. BOA0824-0451 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Juan Fernando Santos for a Special Exception to allow livestock, including 25 chickens on a parcel of land less than two acres, located at 1605 Mesquite Valley Road. (Jordan Gregory, Planner).

9. BOA0824-0453 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Lynn Benedetto for a Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces, located at 2324 Warm Springs Road. (Jordan Gregory, Planner).

OTHER BOARD BUSINESS

10. Member and Alternate reappointment applications are due to be turned into the City Secretary's Office on or before Monday, October 14, 2024.

11. Next Board of Adjustment Meeting: October 24, 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 **September 26, 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 **September 23, 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.

A handwritten signature in dark ink, appearing to read "Garrett Langford", written in a cursive style.

Garrett Langford, AICP
Manager of Planning and Zoning

MINUTES

August 22, 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 Paschall	City Attorney	☒ Present In-Person
Millie Laird	Administrative Aide Planning & Development.	☒ Present In-Person

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

Note: Boardmember David Burris was seated in Position No. 4

CALL TO ORDER

1. Administrative Aide of Planning & Development Services Millie Laird 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 July 25, 2024, Board of Adjustment meeting minutes.

ACTION

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

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).

PRESENTATION

Planner Jordan Gregory presented items 5-6 to the Board.

DISCUSSION

There was no discussion.

PUBLIC HEARING

Boardmember Burris opened the public hearing. No one came to speak. The public hearing was closed.

ACTION

Boardmember Akin made a motion to approve items 5-6; Boardmember Ford seconded; the motion carried 4-0 (Boardmember Burris, Boardmember Akin, Boardmember Ford, and Boardmember Augustine approved).

PUBLIC HEARINGS- CONTESTED CASES

No contested cases.

OTHER BOARD BUSINESS**7. Next Board of Adjustment Meeting: September 26, 2024**

Boardmember Burris adjourned the meeting at 6:44 P.M.

Boardmember David Burris



FILE NUMBER: BOA0824-0449
REQUEST: Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces
CASE MANAGER: Ti'Ara Clark, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 26, 2024

GENERAL INFORMATION

Applicant: Karina Taylor
Property Owner: Fano Jorge Omar Muniz & Lopez America Adynima Taylor
Location: 1305 Greenbriar Drive

SITE BACKGROUND

Legal Description: Edgemont Park 5, Block 10, Lot 36
Size: 0.17 acres/ 7,372.30 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1955 – Annexed and Zoned Agriculture
1960 – Zoned R-3, Single Family Residential

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant is requesting a Special Exception to allow for the conversion of an existing front-entry one-car garage into a living space without having to relocate the converted parking spaces. The home was constructed in 1960 and the property was annexed by the City of Mesquite in 1955. According to the applicant, converting the garage helps prevent rodents from entering and destroying their home.

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. This property has replaced the parking spaces and now features two non-tandem parking spaces at the front of the property.

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 and 30 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 replaced by the garage conversion will not drastically affect parking on the site. The property was platted in October of 1960.

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 a wooden wall to prevent rodents from entering the 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 properties zoned R-3, Single Family Residential.

PERMITS

2019: Fence Permit

2019: Foundation 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-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 September 26, 2024, there have been no returned notices.

ATTACHMENTS

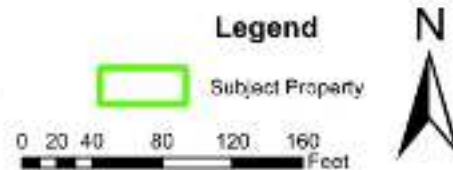
1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials

ATTACHMENT 1 – AERIAL MAP

Aerial Map

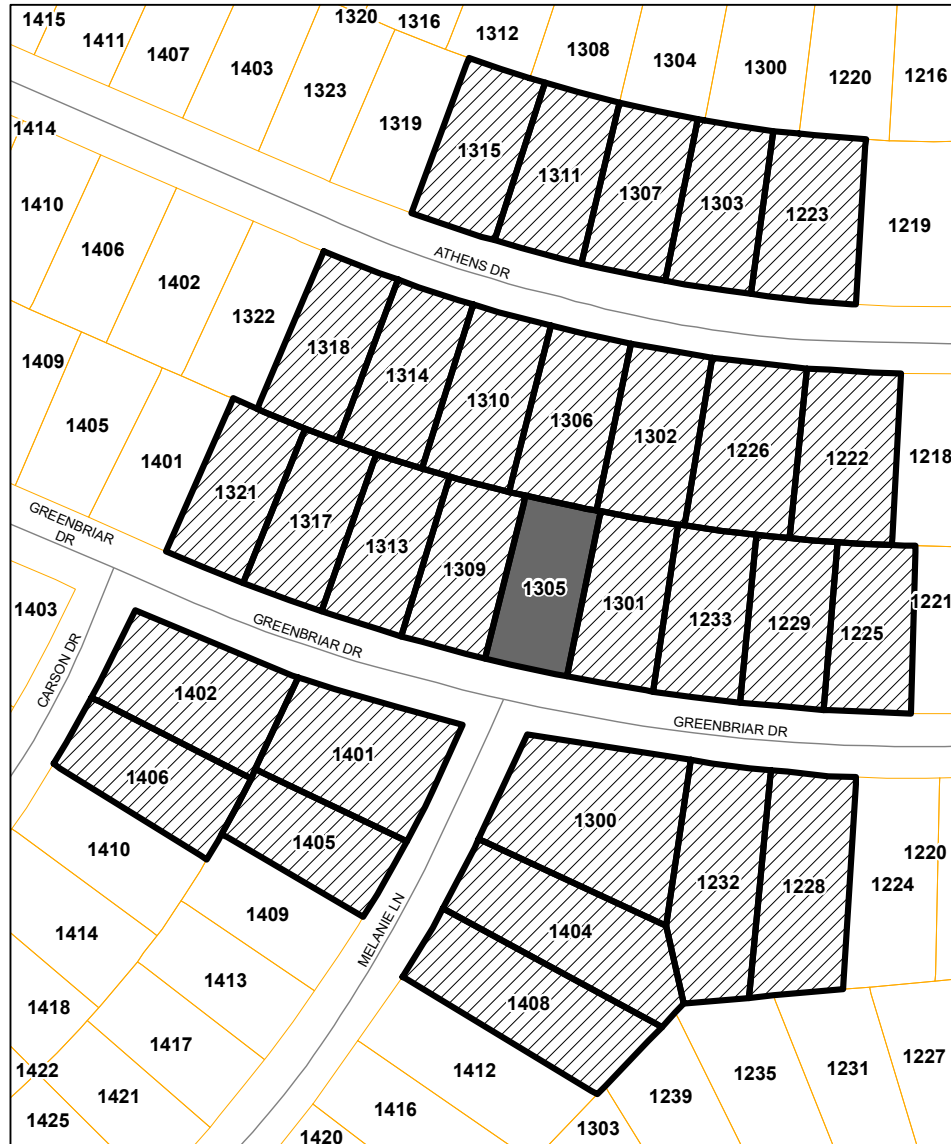


Applicant: Karina Taylor
Location: 1305 Greenbriar Drive
Request: Special exception to allow a garage
conversion with no requirement to relocate
the converted parking spaces



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Applicant: Karina Taylor
Location: 1305 Greenbriar Drive

Legend

-  Notified Properties
-  Subject Property



ATTACHMENT 3 – SITE PHOTOS



Subject property from Greenbriar Drive, facing northwest.

ATTACHMENT 4 – APPLICATION MATERIALS

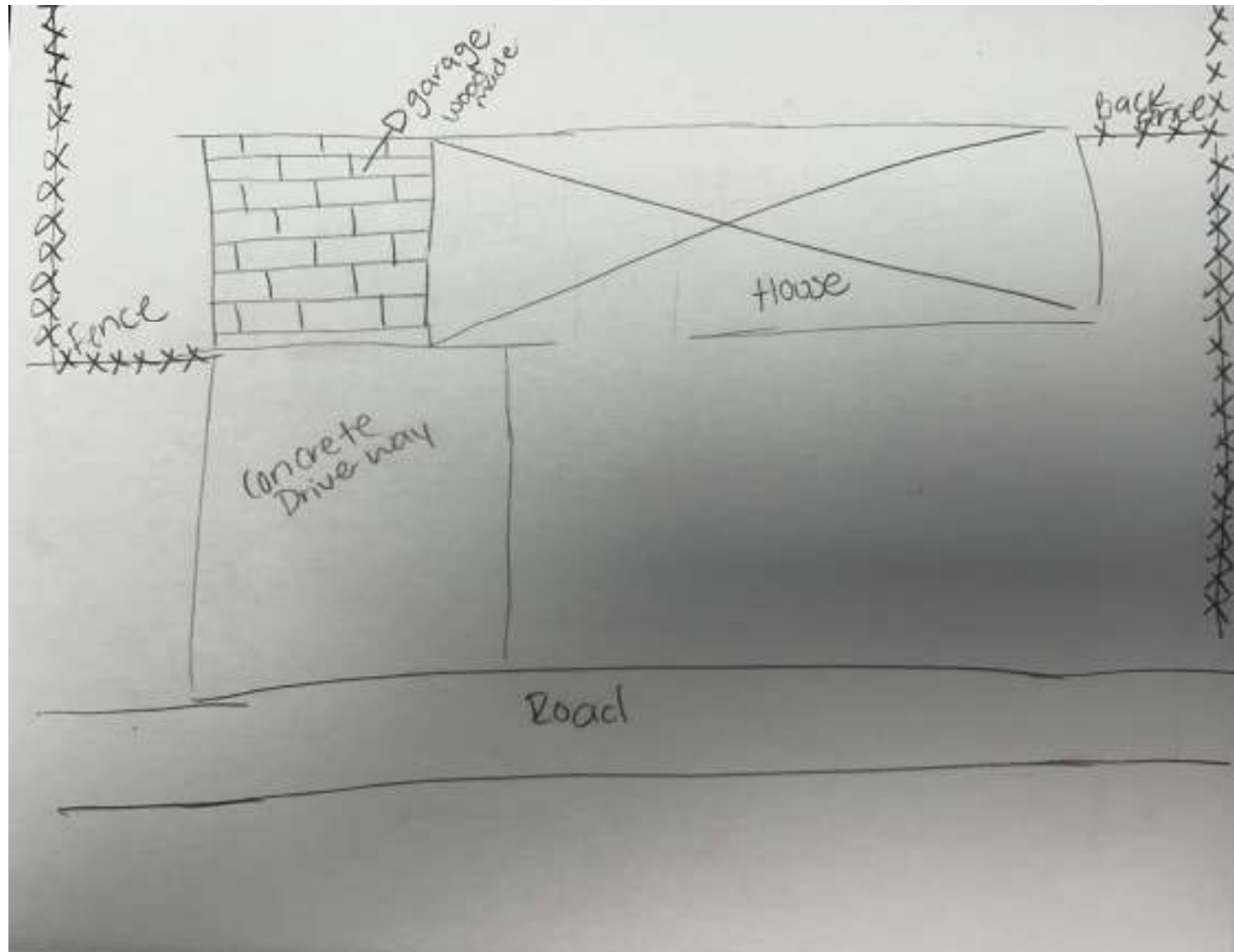
OWNER AUTHORIZATION PAGE

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: America Taylor Phone Number: 314 903 3032
Address: 1305 Greenbriar Dr
Email Address: VaninaTaylor0905@gmail.com
Signature: America Taylor

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

ATTACHMENT 4 – APPLICATION MATERIALS





FILE NUMBER: BOA0824-0450
REQUEST: Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces.
CASE MANAGER: John Cervantes, Senior Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 26, 2024

GENERAL INFORMATION

Applicant: Jose Lucio Campos
Property Owner: Jose Lucio Campos & Ana Isabel Ruiz
Location: 4537 Sarazen Dr

SITE BACKGROUND

Legal Description: Whitson Gardens 4, Block G, Lot 13
Size: 0.17 acres/ 7,480 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1954 – Annexed and Zoned R-3, Single Family Residential

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant is requesting a Special Exception to allow for the conversion an existing front-entry two car garage into living space without having to relocate the converted parking spaces. The home was constructed in 1960 and the property was annexed by the City of Mesquite in 1954. According to the applicant, the garage is being converted to create a new bedroom, closet and laundry room as depicted on attachment 4 (application materials). Construction of the garage conversion commenced without permit approval and was halted by staff. The applicant is obtaining proper permitting, beginning with their request for a Special Exception.

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 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 replaced by the garage conversion with not drastically affect parking on the site. The property was platted in April of 1959.

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. In addition, the applicant has alley access which allows for parking in the rear yard. The garage conversion is compatible with the surrounding properties zoned R-3, Single Family Residential.

PERMITS

1960: Fence Permit
1995: Plumbing Permit
2010: Plumbing Permit
2017: Plumbing 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 September 20, 2024, one notice was returned in favor of the request.

ATTACHMENTS

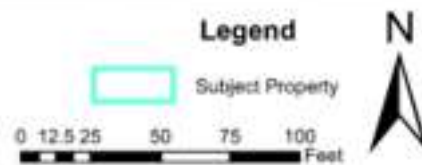
1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials
5. Returned Notice(s)

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Location: 4537 Sarazen Dr



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



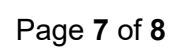
ATTACHMENT 3 – SITE PHOTOS



Subject property from Sarazen Drive, facing northeast.



Subject property from the alleyway.



ATTACHMENT 5 – RETURNED NOTICE(S)



RECEIVED
SEP 20 2024
PLANNING AND ZONING

NOTICE OF PUBLIC HEARING

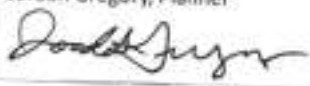
The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **September 26, 2024, at 6:30 p.m.** in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

Case Number:	BOA0824-0450
Submitted By:	Jose Lucio Campos
Property Owner:	Jose Lucio Campos & Ana Isabel Ruiz Ramirez
Property Location:	4537 Sarazen Dr
Legal Description:	Whitson Gardens 4, Block G, Lot 13
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: BOA0824-0450	Name: _____ (required)	Property owner did not list name or address on form. Response is from Vicki Constancio at 4536 Sarazen Drive. Jordan Gregory, Planner 
I am <u>in favor</u> of this request	Address: _____ (required)	
I am <u>opposed</u> to this request	_____	

Reasons (optional):
4540 is the home you should ask about. converted garage/workshop into a living space with a family living in. at least 12 people living in that home with cars blocking drive way & a business being run out of home & their workers parked in front of my house all the time!

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



FILE NUMBER: BOA0824-0452
REQUEST: Special Exception to allow an oversized accessory structure to exceed the maximum size of 1,000 square feet by 3,000 square feet for a total size of 4,000 square feet and the maximum height of 15 feet by 3 feet for a total height of 18 feet.
CASE MANAGER: John Cervantes, Senior Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 26, 2024

GENERAL INFORMATION

Property Owner: Jose & Elizabeth Hernandez
Applicant: Jose Hernandez
Location: 2736 Pioneer Road

SITE BACKGROUND

Legal Description: Hernandez, Block A, Lot 2
Size: 86,341 Square Feet / 1.98 acres
Zoning: AG, Agriculture
Zoning History: 1984 – Annexed and Zoned Agriculture

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	AG, Agriculture	Single-Family Residence
SOUTH:	GR - General Retail	Vacant
EAST:	PD with stipulations, R-2A, Single Family Residential	Low Density Residential
WEST:	AG, Agriculture	Single-Family Residence

CASE SUMMARY

The applicant is requesting a Special Exception to construct a 4,000 square-foot (80 feet by 50 feet) front carport. The carport will be detached from the home and be 18 feet tall. The front carport is proposed to be constructed of metal. Minimum setback requirements for accessory structures are 5 feet from interior side property lines and 3 feet from rear property lines. The site plan on Attachment 4 shall be updated to avoid issues with easements. The property has

a utility easement on the southwest property line. All other regulations of the Agriculture Zoning District will be met.

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 AG district is one thousand (1,000) 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 oversized accessory structure is 4,000 square feet, which exceeds the maximum size allowed for an accessory structure by 3,000 square feet. The accessory structure covers approximately less than 5% of the total lot area. According to permitting records, the applicant also has a rear carport measuring a total of 900 square feet (30 feet by 30 feet) and a shed measuring a total of 336 square feet (24 feet by 14 feet). The total square footage of existing and proposed structures on the lot would be 5,236 square feet. The rear yard of the property is roughly 51,000 square feet. The total rear yard coverage of all the accessory structures equals less than 10%.

In addition, the total height of the structure will be 18 feet or 3 feet over the maximum 15 feet required for accessory structures. The total height of the existing home is 30 feet and 3 inches.

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. However, the structure will be incompatible with the

surrounding neighborhood because it will exceed the accessory structure size requirements for agriculturally zoned properties.

PERMITS

2021: Building - New Construction
2022: Fence Permit
2022: Concrete - Driveway
2022: Swimming Pool – Plumbing & Electrical
2023: Accessory Structure
2023: Accessory Structure

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception to allow an oversized accessory structure to exceed the maximum size of 1,000 square feet by 3,000 square feet for a total size of 4,000 square feet and the maximum height of 15 feet by 3 feet for a total height of 18 feet.

PUBLIC NOTICE

Staff mailed notices to property owners within 200 feet of the subject property. As of September 20, 2024, Staff has not received any returned notices for the request.

ATTACHMENTS

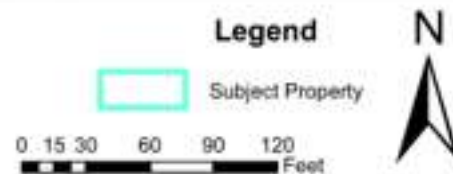
1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Location: 2736 Pioneer Rd





ATTACHMENT 3 – SITE PHOTOS



View of the subject property from Pioneer Road, facing southeast.



View of proposed accessory structure site, facing southeast



FILE NUMBER: BOA0824-0451
REQUEST: Special Exception to allow the keeping of livestock.
CASE MANAGER: Jordan Gregory, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 26, 2024

GENERAL INFORMATION

Applicant /
Property Owner: Juan Fernando Santos
Location: 1605 Mesquite Valley Road

SITE BACKGROUND

Legal Description: Alma Heights Replat, Block 1, Lot 1A
Size: +/- 1.73 Acres / 75,184.56 Square Feet
Zoning: AG, Agriculture
Zoning History: 1974: Annexed and Zoned Agriculture

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	R-3, Single Family Residential	Single Family Neighborhood
SOUTH:	R-PD - Residential Planned Development	Church
EAST:	AG, Agriculture	Single Family Residence
WEST:	R-3, Single Family Residential	Single Family Neighborhood

CASE SUMMARY

The applicant is requesting a Special Exception to allow the keeping of livestock for twenty-five (25) animals (chickens), including twenty-four (24) laying hens and one (1) rooster. The property at 1605 Mesquite Valley Road is zoned as AG – Agricultural and is just larger than 1.5 acres. While it is somewhat close to an R-3, Single Family Residential zoning district, it is a corner lot that is separated from these homes by Mesquite Valley Road and Eulane Drive.

The property has the appearance of a flag lot, with the applicant proposing to place the chickens on the eastern portion of the parcel. While this does separate the animals from the applicant's home, it does place them directly behind the property owner at 1625 Mesquite Valley Road.

The applicant has stated that the chickens will not affect nearby neighbors, as they will be kept in a coop and will not be free-range. The front elevation of the coop is attached to this staff report. If approved, the applicant will be required to apply for a Residential Building Permit for an accessory structure for the proposed 256 square foot coop.

The City of Mesquite does not regulate the number of livestock allowed. The purpose of the Special Exception is to determine 1.) Whether livestock can be kept at 1605 Mesquite Valley Road, and 2.) The number of livestock allowed.

MESQUITE ZONING ORDINANCE

SEC. 2-203(C)(10): KEEPING OF LIVESTOCK (PRIVATE)

Section 2-203.C.10 of the Mesquite Zoning Ordinance allows for the keeping of livestock on properties zoned AG – Agricultural, with approval of a Special Exception. Keeping of livestock requires no Special Exception approval if the following conditions are met:

- a. Minimum lot size of 2 acres.
- b. Maximum of one animal per acre.
- c. Fencing to retain grazing animals is required.

STAFF COMMENTS:

The applicant is requesting approval of a Special Exception to allow the keeping of livestock, including twenty-four (24) laying hens and one (1) rooster. Special Exception approval is necessary for twenty (25) livestock because the subject property does not meet Condition a., above, a minimum lot size of two acres, or Condition b., above, a maximum of one animal per acre of land. The size of the subject property is approximately 1.73 acres, which would allow the applicant to keep only one (1) animal on the property by right. The subject property does meet the other requirement regarding fencing. It is important to note that these chickens will not be free-range.

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:

Staff does not anticipate that the Special Exception to allow thirty (25) livestock will create adverse impacts on the adjacent properties, however Staff does have some concerns about the keeping of a rooster in addition to laying hens. These concerns are primarily in regard to potential noise pollution, as well as possible breeding. Staff finds the size of the property to be

adequate, as the applicant has made clear that the chickens will not be free-range and will be kept in a coop.

SEC. 6-102: DEFINITIONS AND INTERPRETATION OF TERMS

Section 2-602 of the Mesquite Zoning Ordinance defines livestock as animals generally raised on farms, including cattle, sheep and goats, swine, poultry (chickens, turkeys, ducks, geese, fowl, etc.) and horses, mules, and donkeys, unless otherwise indicated.

STAFF COMMENTS

The applicant's request to keep livestock, specifically chickens, meets the above definition for livestock.

PERMITS

2016 – Building (Residential) Permit – Fence
2018 – Franchise Utility Permit
2018 – Building (Residential) Permit – Swimming Pool
2019 – Electrical (Residential) Permit
2019 – Plumbing (Residential) Permit
2019 – Building (Residential) Permit – Decking around Pool
2024 – Building (Residential) Permit - Reroof

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception to allow the keeping of livestock, with the following conditions:

1. The keeping of a rooster is not allowed
2. The total number of chickens allowed shall not exceed twenty-four (24)

This is subject to meeting all applicable requirements of the Mesquite Zoning Ordinance and all other applicable ordinances.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of September 19, 2024, Staff has not received any responses.

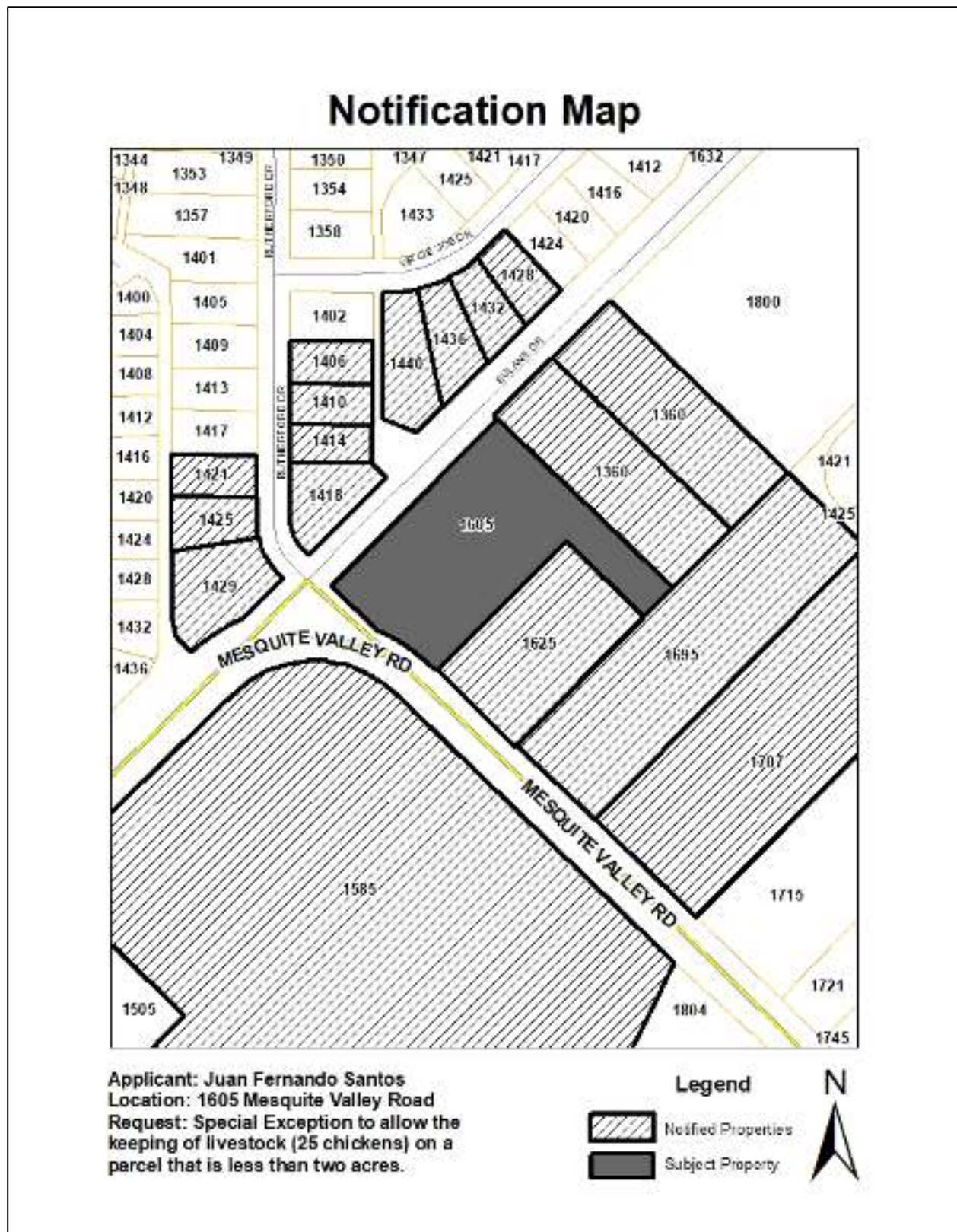
ATTACHMENTS

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

ATTACHMENT 1 – AERIAL MAP



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – SITE PHOTOS



Front of subject property, facing northeast



Rear view of property, facing south towards the rear property line (fence)

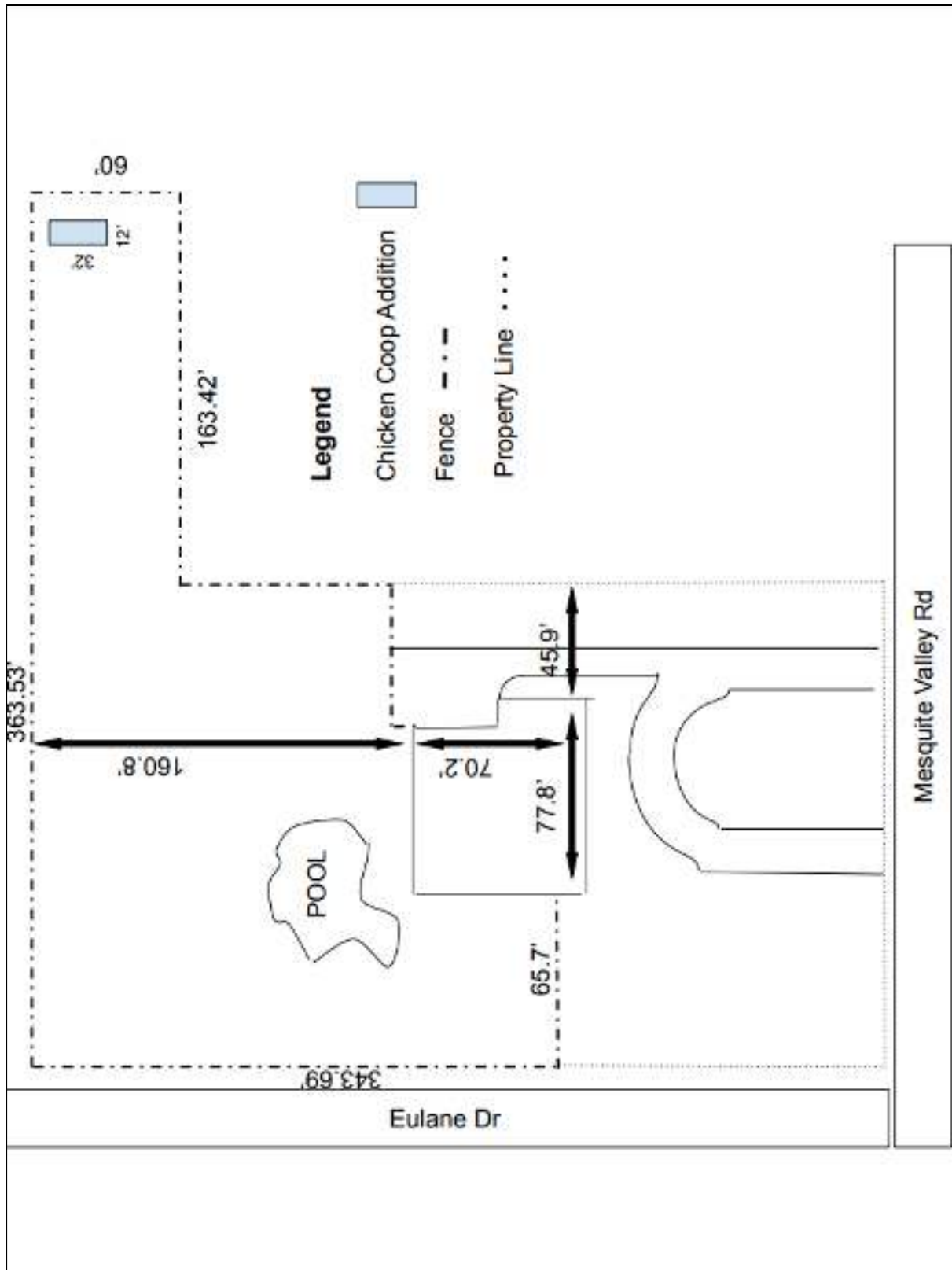
ATTACHMENT 4 – APPLICATION MATERIALS

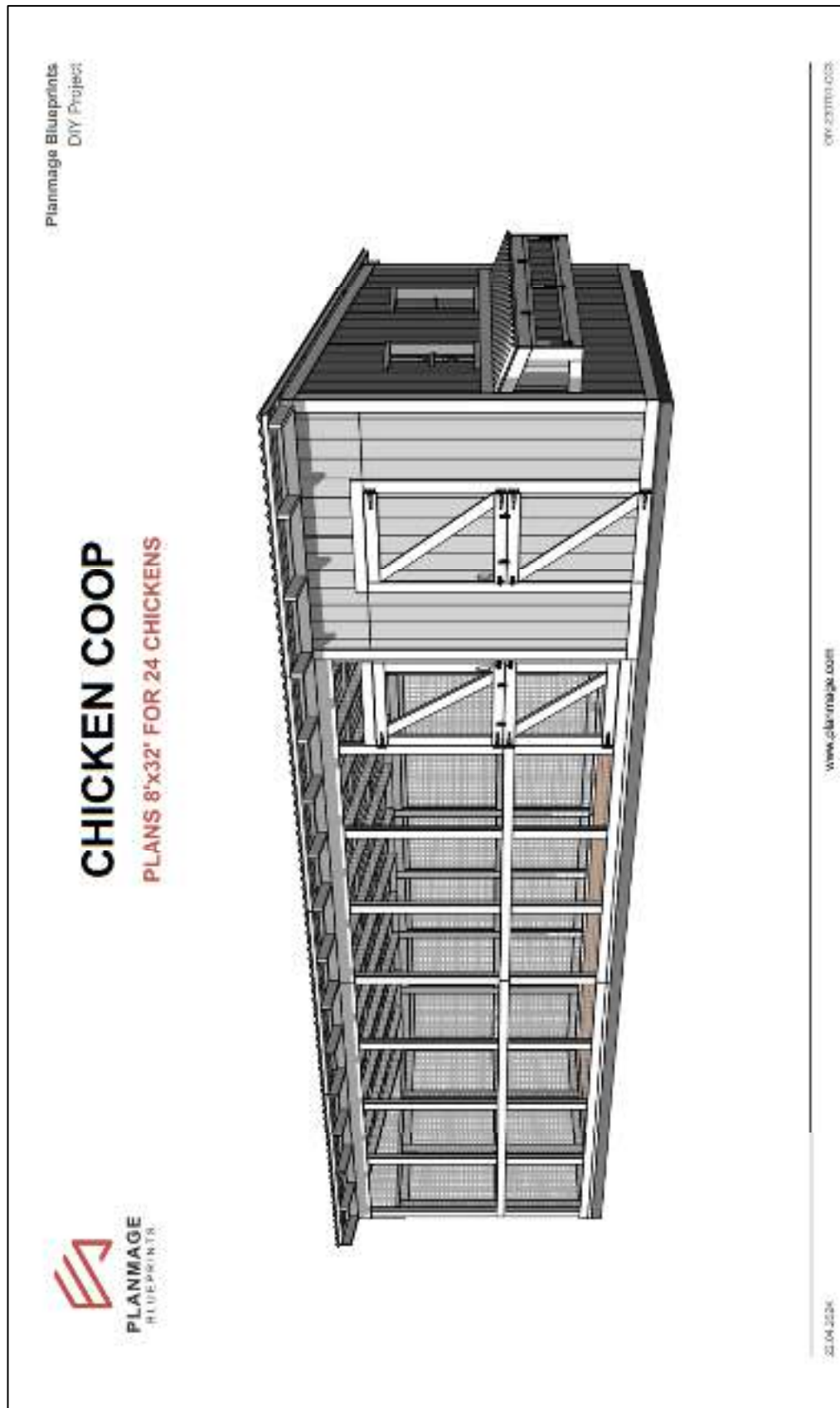
OWNER AUTHORIZATION FORM

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: Juan Fernando Santos Phone Number: 2147243422
Address: 1605 Mesquite Valley Rd
nando.santos7110@gmail.com Email Address: nando.santos7110@gmail.com
Signature: 

ATTACHMENT 4 – APPLICATION MATERIALS







PLANNING AND ZONING DIVISION

FILE NUMBER: BOA0824-0453
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, September 26, 2024

GENERAL INFORMATION

Applicant: Lynn Benedetto
Property Owner: Benedetto Investments Group, LLC
Location: 2324 Warm Springs Road

SITE BACKGROUND

Legal Description: Skyline 5, Block D, Lot 1
Size: 0.23 acres/ 9,881 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1960 – Annexed
1972 – 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 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.

The property at 2324 Warm Springs Road was platted in 1972, which makes it eligible for a Special Exception.

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 18 feet long, large enough to accommodate two off-street parking spaces. The property was platted in October of 1972 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 2301 Monticello Drive and 2120 Monticello Drive.

PERMITS

1973: Building (Residential) Permit – New Primary Dwelling
1973: Building (Residential) Permit – Concrete for Sidewalk and Alley
2003: Building (Residential) Permit – Repair Foundation
2018: Mechanical (Residential) Permit – Replace AC System
2018: Plumbing (Residential) Permit – Replace Water Heater
2022: Building (Residential) Permit – Concrete for Garage Floor and Driveway
2022: Franchise Utility 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.

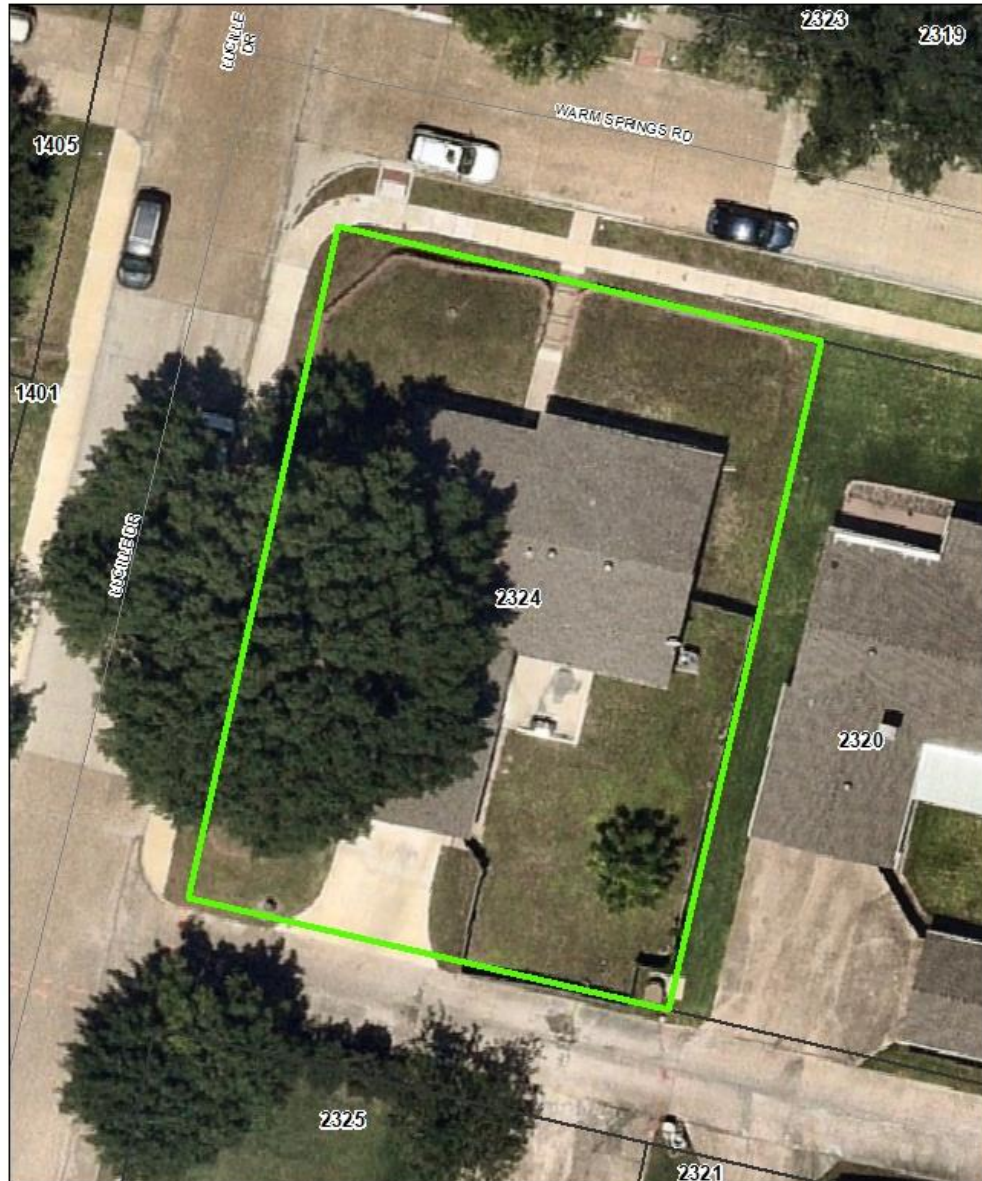
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of September 20, 2024, there have been two returned notices opposed to the request.

ATTACHMENTS

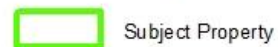
1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials
5. Returned Notices

Aerial Map



Applicant: Lynn Benedetto
Location: 2324 Warm Springs Road
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

Notification Map



Applicant: Lynn Benedetto
Location: 2324 Warm Springs Road
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

-  Notified Properties
-  Subject Property



ATTACHMENT 3 – SITE PHOTOS



Subject property from Warm Springd Road, facing southwest.



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

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.

BENEDETTO INVESTMENT GROUP
Property Owner: LYNN A BENEDETTO Phone Number: 214-868-5930
Address: 10008 Silverstone Drive
8011AS, TX. 75243 Email Address: BENEDETTO85@SBCGLOBAL
Signature: Lynn A Benedetto

ATTACHMENT 4 – APPLICATION MATERIALS

KENNETH R. SCOTT

Registered Professional Engineer
State of Texas No. 37327

March 26, 2023

Mr. Lynn Benedetto
Benedetto Investments Group, LLC
10008 Silvertree Drive
Dallas, Texas 75243-5308

Re: Proposed Remodel
2324 Warm Springs Road
Mesquite, Texas
Skyline 5
Block D, Lot 1

Dear Mr. Benedetto:

This report rescinds and replaces my previous report dated February 5, 2023.

At your request, I and Mr. Douglas G. Adams met you at your property in Mesquite, Texas, which is referenced above, for the purpose of determining if an existing wall can be removed without loss to the structural integrity of the roof support system at that location.

The structure is a one-story wood-framed residence with brick veneer and wood or faux wood siding. The structure is supported by a concrete slab-on-grade foundation. County tax records state that this residence was built circa 1973 and the type and quality of construction appear to be typical for this age of house in the local area. It appears that the front entry of the structure faces Warm Springs Road in a north-northwesterly direction but for purposes of orientation, I will say it faces north. The garage is off the alley at the south side of the lot.

The purpose of our investigation was to determine whether or not the wall that you propose to remove is load-bearing. I am attaching, as Exhibit A, a drawing entitled "PRE-CONSTRUCTION FLOORPLAN SCHEMATIC", which depicts the current floorplan on the occasion of our visit on February 5, 2023. I am also attaching, as Exhibit B, a drawing entitled "POST-CONSTRUCTION FLOORPLAN SCHEMATIC", which depicts your proposed modification plan, which consists of removal of the wall at the south side of the current dining area as indicated on the drawing, thereby opening the area into the garage and to construct walls in the garage and at the south side of the current dining room in order to create an additional bedroom with dimensions of approximately eighteen (18) feet by approximately seven (7) feet.

In this regard, during the course of our investigation, we determined that the roof support system above the garage and as far as the original rear of the living area consists of self-supporting pre-

1520 Richardson Drive • Richardson, TX 75080 • 214.556.7001

ATTACHMENT 4 – APPLICATION MATERIALS

2324 Warm Springs Road, Mesquite, Texas

March 26, 2023

Page 2

manufactured trusses, as shown on Exhibits A & B. Based on observations, it is my opinion that no additional support other than the existing truss system is required at any such location where walls are either proposed to be removed or newly constructed.

This report is intended specifically to certify that the proposed removal of the wall between the dining room and the garage will not compromise the structural integrity of the roof support system. The scope of this report does not include specifications regarding construction of the new walls or mechanical, electrical or plumbing systems.

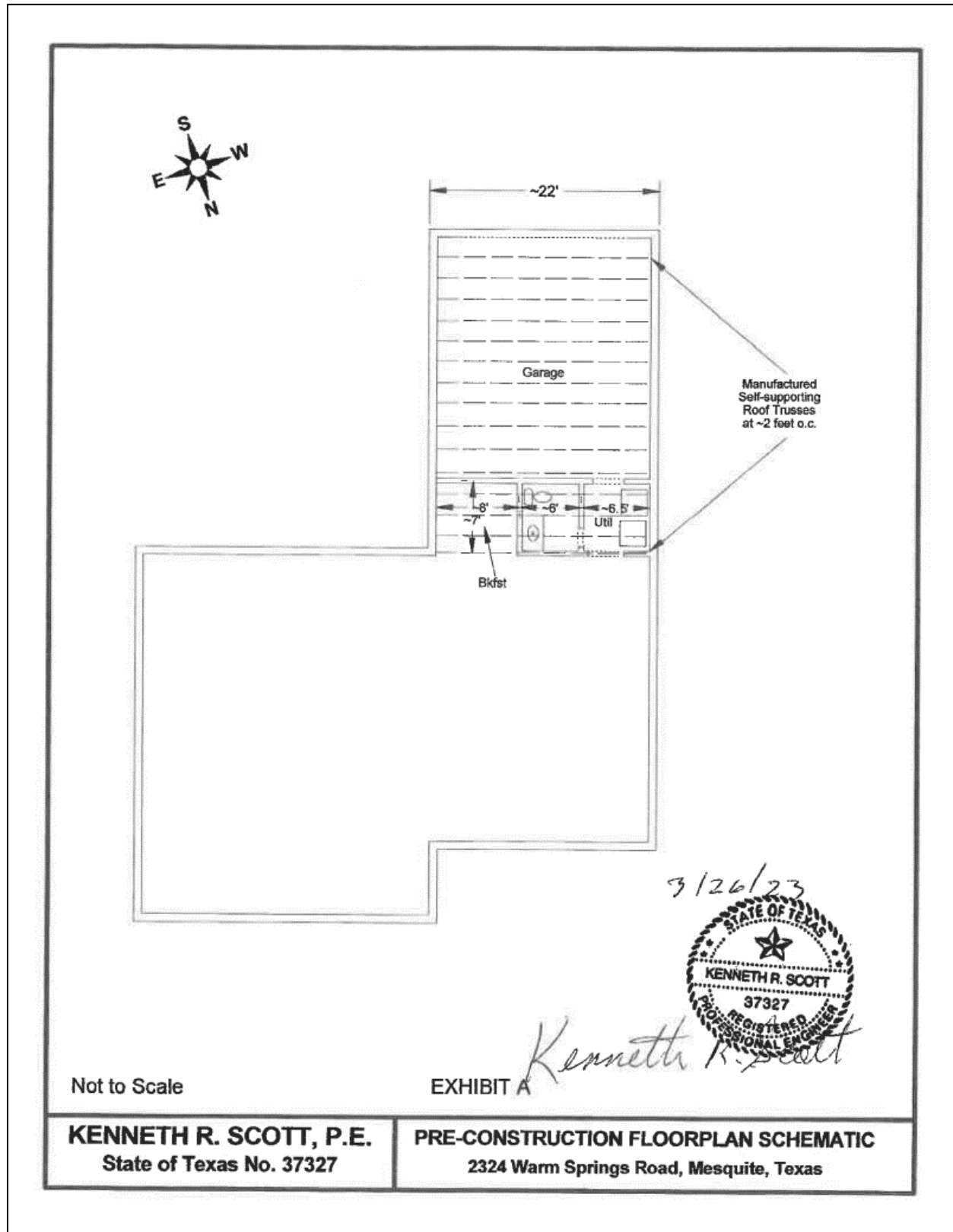
Respectfully,



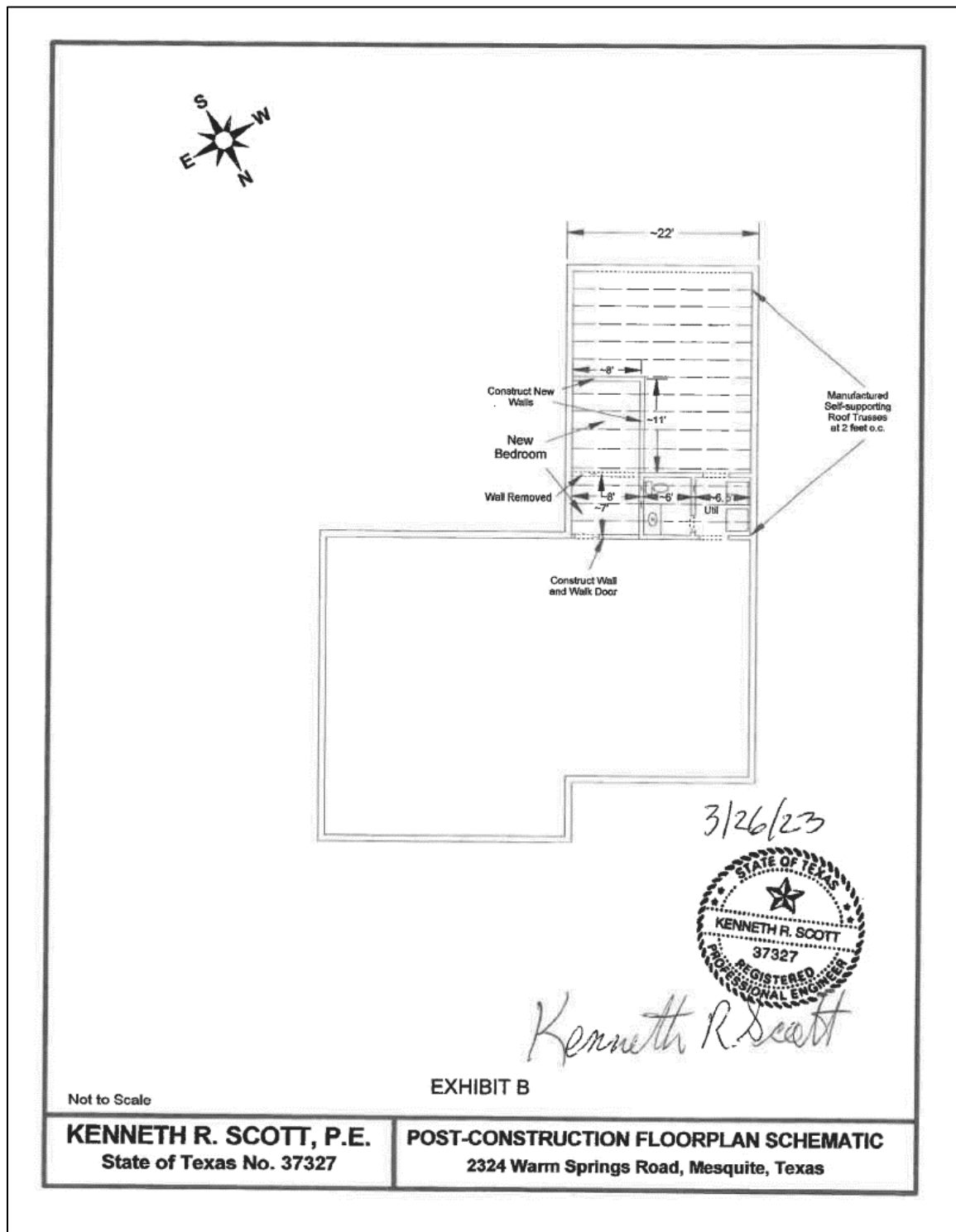
Kenneth R. Scott, P.E.
State of Texas No. 37327
Firm No. F-19457



ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 5 – RETURNED NOTICES



RECEIVED
SEP 19 2024
PLANNING AND ZONING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **September 26, 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:	BOA0824-0453
Submitted By/	Lynn Benedetto
Property Owner:	Benedetto Investments Group LLC
Property Location:	2324 Warm Springs Road
Legal Description:	Skyline 5, Block D, Lot 1
Requested Action:	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.

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: BOA0824-0453

I am **in favor** of this request

I am **opposed** to this request

Reasons
(optional):

Name:
(required)
Address:
(required)

Ryan Kidd
2311 Warm Springs
Mesquite, TX 75149

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

ATTACHMENT 5 – RETURNED NOTICES



RECEIVED
SEP 20 2024
PLANNING AND ZONING

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

BOA Case: BOA0824-0453

Name: Hazel Ferris
(required)

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

Address: 2321 Monticello Dr
(required)

I am **opposed** to this request ✓

mesq. TX 75149

Reasons
(optional):

A single-family home is a house intended for one family to live in at a time. Not a group home. 2 car driveway is for two cars generally not utilized. The side streets have become a active parking lot. Even for a commercial veh.

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

If the intention is to increase occupancy - Purchase another house! We all ready have wandering people around the late night hours. Dont need to add additional issues.

Thank You.