



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

757 North Galloway Avenue

Mesquite, Texas

March 27, 2025 – 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

March 27, 2025 – 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 January 23, 2025, Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

No uncontested cases.

PUBLIC HEARINGS- CONTESTED CASES

5. BOA1224-0457 – SPECIAL EXCEPTION & VARIANCE

Conduct a public hearing to consider an application submitted by David Van Bevers for a Special Exception to allow an oversized rear accessory structure that exceeds the maximum size of 500 square feet by 140 square feet for a total size of 640 square feet and a Variance to allow said

accessory structure to encroach two feet into the required eight-foot separation from the rear alley pavement, located at 2405 Shiloh Lane. (Ti'Ara Clark, Planner).

6. BOA0125-0459 – VARIANCE

Conduct a public hearing to consider an application submitted by Wayne Connatser for a Variance to allow an accessory structure to encroach into the five-foot interior side yard setback by four feet and four inches, located at 815 Meandering Way. (John Cervantes, Senior Planner).

7. BOA0225-0460 – VARIANCE

Conduct a public hearing to consider an application submitted by Lonnie Craine for a Variance to allow a residential addition/remodel without the requirement to provide covered parking for two (2) automobiles within an enclosed garage (minimum eighteen (18) feet by twenty (20) feet), located at 1007 Rodeo Center Blvd. (John Cervantes, Senior Planner).

OTHER BOARD BUSINESS

8. Next Board of Adjustment Meeting: April 24, 2025.

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 segun el Sub-capitulo H, Capitulo 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 segun el Sub-capitulo H, Capitulo 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 **March 27, 2025**, 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 **March 24, 2025, 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

January 23, 2025

MINUTES

**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	Kournie Airheart	☒ Present In-Person	☐ Absent
Position No. 2	William Augustine	☒ 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	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

Adam Bailey	Director of Planning & Development Services	☒ Present In-Person
Garrett Langford	Manager of Planning & Zoning	☒ Present In-Person
John Cervantes	Senior Planner	☒ Present In-Person
Jordan Gregory	Planner	☒ Present In-Person
Ti'Ara Clark	Planner	☒ 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

CALL TO ORDER

1. Administrative Aide of Planning & Development Services Millie Laird called roll call and declared a quorum was present.

BOARD PROCEDURES

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

PUBLIC COMMENTS

3. No comments.

BOARD BUSINESS**4. ELECTION OF BOARD OFFICERS**

In accordance with Mesquite City Code, Chapter 20, Article III, Division 1, [Sec. 20-326](#), the Board shall make nominations and vote to elect the following Board officer positions to serve until December 31, 2025:

- Chairperson
Commissioner Akin nominated Kourtnie Airheart; Airheart accepted the nomination. No further nominations were made. Commissioner Burris motioned to appoint Airheart as Chair; Commissioner Augustine seconded. The motion carried 5-0.
- Vice-Chairperson
Commissioner Augustine nominated David Burris; Burris accepted the nomination. No further nominations were made. Commissioner Akin motioned to appoint Burris as Vice-Chair; Commissioner Barahona seconded. The motion carried 5-0.

CONSENT AGENDA**5. APPROVAL OF MINUTES**

Discuss and consider approval of the September 26, 2024, Board of Adjustment meeting minutes.

ACTION

Vice-Chair Burris made a motion to approve the minutes; Boardmember Barahona seconded; the motion carried 5-0.

PUBLIC HEARINGS- UNCONTESTED CASES

No uncontested cases.

PUBLIC HEARINGS- CONTESTED CASES**6. BOA1224-0456 – SPECIAL EXCEPTION & VARIANCE**

Conduct a public hearing to consider an application submitted by Elizabeth Villegas for a Special Exception to allow an oversized rear accessory structure that exceeds the maximum size of 500 square feet by 100 square feet for a total of 600 square feet and a Variance to allow said oversized accessory structure to encroach 1.5 feet into the required 5 feet interior side yard setback, located at 1441 Monica Lane. (Jordan Gregory, Planner). - **WITHDRAWN**

7. BOA1224-0457 – SPECIAL EXCEPTION & VARIANCE

Conduct a public hearing to consider an application submitted by David Van Bevers for a Special Exception to allow an oversized rear accessory structure that exceeds the maximum size of 500 square feet by 140 square feet for a total size of 640 square feet and a Variance to allow said accessory structure to encroach 2 feet into the required 8 feet separation from the rear alley, located at 1441 Monica Lane. (Ti'Ara Clark, Planner). **NOT HEARD DUE TO ERROR.**

8. BOA1224-0458 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Rosa Martinez for a Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces, located at 1208 Rutherford Road. (John Cervantes, Senior Planner).

Senior Planner John Cervantes presented to the Board.

There were no questions from the Boardmembers.

APPLICANT

Travis Ayers, 1208 Rutherford Drive, Mesquite, TX, spoke to the board on behalf of the applicant. Mr. Ayers stated that several of his neighbors have completed garage conversions without replacing/relocating parking spaces.

PUBLIC HEARING

Chairwoman Airheart opened the public hearing.

James Ryles, Contractor, 2524 Dunbar Drive, McKinney, TX, spoke to the Board on behalf of the applicant.

There were no questions or discussions among the Boardmembers.

Public hearing was closed.

ACTION

Commissioner Aikin motioned to deny the special exception request; Vice-Chair Burris seconded. The motion passed 4-1.

OTHER BOARD BUSINESS**9. Next Board of Adjustment Meeting: February 27, 2025**

Chairwoman Airheart adjourned the meeting at 6:57 P.M.

Chairwoman Kourtnie Airheart



PLANNING AND ZONING DIVISION

FILE NUMBER: BOA1224-0457

REQUEST: A request for a Special Exception to allow a rear oversized accessory structure (rear carport) that exceeds the maximum allowable size of 500 square feet by 140 square feet, resulting in a total size of 640 square feet, and a Variance to reduce the required 8-foot separation by 2 feet, allowing the rear carport with a garage door to be located 6 feet from the rear alley pavement.

CASE MANAGER: Ti'Ara Clark, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, March 27, 2025

GENERAL INFORMATION

Applicant: David Van Bevers
Property Owner: Frank See and Kristi See
Location: 2405 Shiloh Lane

SITE BACKGROUND

Legal Description: Creek Crossing Estates 4 Phase A, Block A, Lot 7
Size: 9,687 square feet / 0.22 Acres
Zoning: PD-R-3, Planned Development - Single Family Residential (Ord. 2871)
Existing Land Use: Single Family Home
Zoning History: 1995 – Platted

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant is requesting a Special Exception to allow a 640-square-foot oversized accessory structure in the rear of the property. The Mesquite Zoning Ordinance (MZO) currently allows for the maximum square footage of accessory structures to be 500 square feet for properties zoned

Residential, and the total square footage of all accessory structures cannot take up more than 35% of the yard in which they are located. The applicant is requesting a Special Exception to allow a 640-square-foot oversized accessory structure to provide covered parking.

In addition to the Special Exception, the applicant also requests a Variance to reduce the required separation between the structure and the rear alley from 8 feet to 6 feet to accommodate the structure on the irregularly shaped lot due to the curved alley. If approved, the structure will remain 26 feet and four inches wide, 24 feet deep, and 14 feet and five inches tall. It does not take up more than 35% of the rear yard area. Per the ordinance, rear carports with a garage door must be setback at least eight (8) feet from the edge of (alley) right-of-way pavement and no less than five (5) feet from the rear property line. If approved, this Variance would allow the applicant to construct a rear carport with an attached garage door whereby a portion of the carport is six (6) feet from the edge of the alley pavement. The rear setback for the rear carport without a garage door is three (3) feet from the rear property line.

The applicant is requesting both the Special Exception and the Variance in hopes of helping enhance security and provide more convenience for parking and vehicle access. The property owner noted that other homes in the neighborhood have similar oversized accessory structures in the rear yard.

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 MZO, the maximum permitted size for an accessory structure in the R-3 district is 500 square feet, and the maximum permitted lot coverage for all accessory structures is 35% of the yard area in which the structures are located unless otherwise approved through a Special Exception. The proposed oversized accessory structure is 640 square feet, which exceeds the maximum size allowed for a rear carport by 140 square feet. The proposed accessory structure will cover approximately 27% of the rear yard and 7% of the entire lot. The total lot coverage for the proposed oversized accessory structure is 7%, which **does not** exceed the 10% limit that is generally considered compatible.*

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 accessory structure will allow for greater enjoyment of the property, as it will provide a sense of security when parking and accessing their vehicle. Staff also does not believe this request will adversely impact adjacent properties, as multiple nearby properties have rear oversized accessory structures.

SEC. 5-207.K: VARIANCE APPROVAL STANDARDS

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

STAFF COMMENTS:

The rear property line and alley are not parallel with the front property line. The rear property line and the alley curves towards the house as it moves west to east. This results in the proposed rear carport being approximately 11 feet from the alley pavement on one side while

being approximately 6 feet on the other side, as shown on the site plan in Attachment 4. While the curve of the rear property line at the driveway is unique, it does not constitute a hardship, as none of the criteria outlined in Section 5-207.K.2 are met.

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

PERMITS

2019 – Building (Residential) – Accessory Structure (Storage Shed)
2024 – Building (Residential) – Accessory Structure (French Drain)
2024 – Building (Residential) – Concrete (Not Foundation)

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception request to allow the rear oversized accessory structure to exceed the maximum size of 500 square feet by 140 square feet, for a total size of 640 square feet.

Staff recommends denial of the Variance requesting to reduce the required 8-foot separation by 2 feet, which would allow the rear carport with a garage door to be located 6 feet from the rear alley pavement. Based on the hardship criteria outlined in the MZO, Staff finds that this case does not meet any of the specified requirements. As an alternative, Staff suggests constructing the oversized carport with a reduced depth of 22 feet and 7/5 inches to comply with the public right-of-way setback requirements. If the Board approves the Special Exception, the applicant may proceed with constructing the rear carport at the proposed size, provided the garage door/gate is not attached.

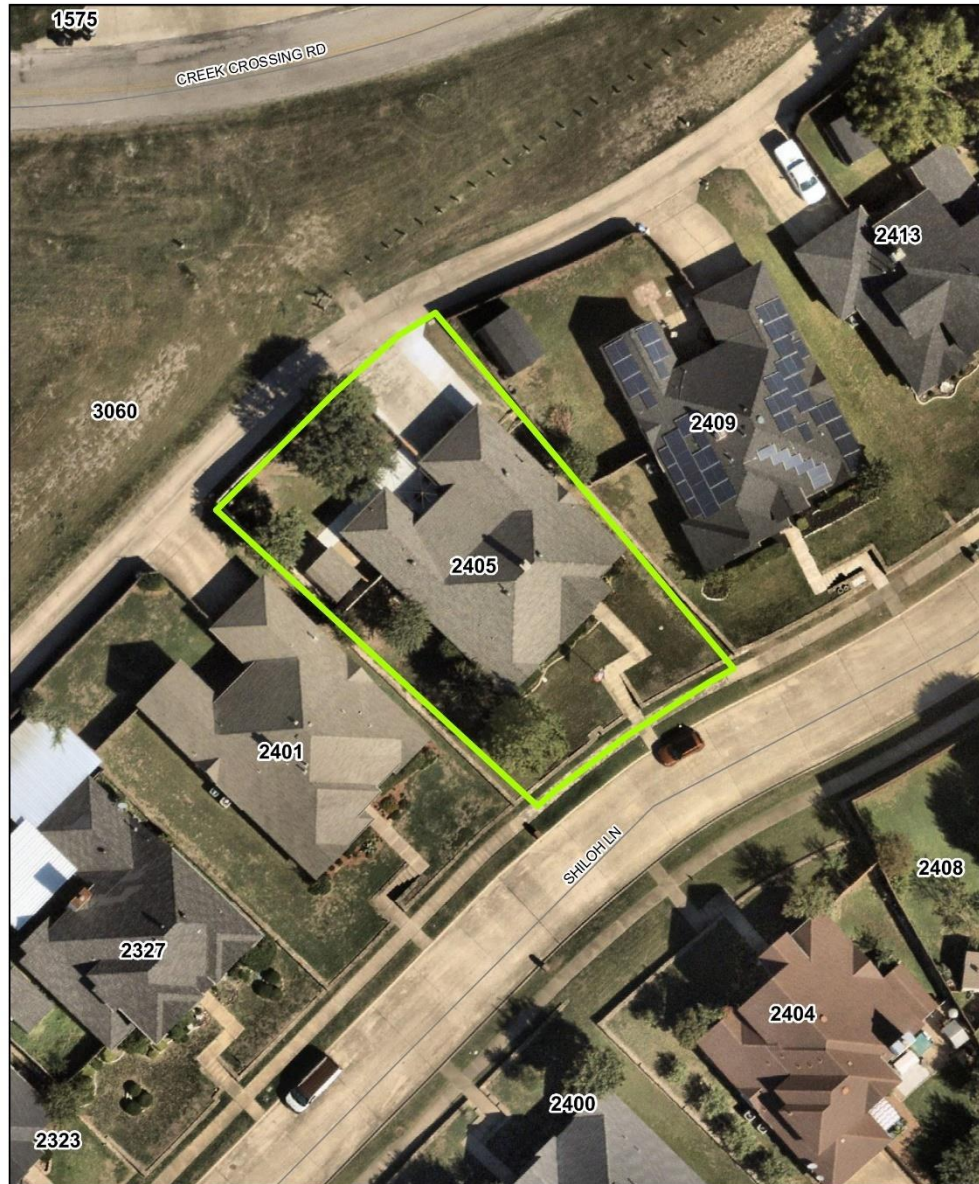
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of March 20, 2025, there are no returned notices.

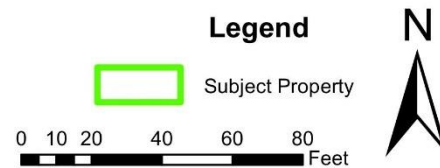
ATTACHMENTS

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

Aerial Map

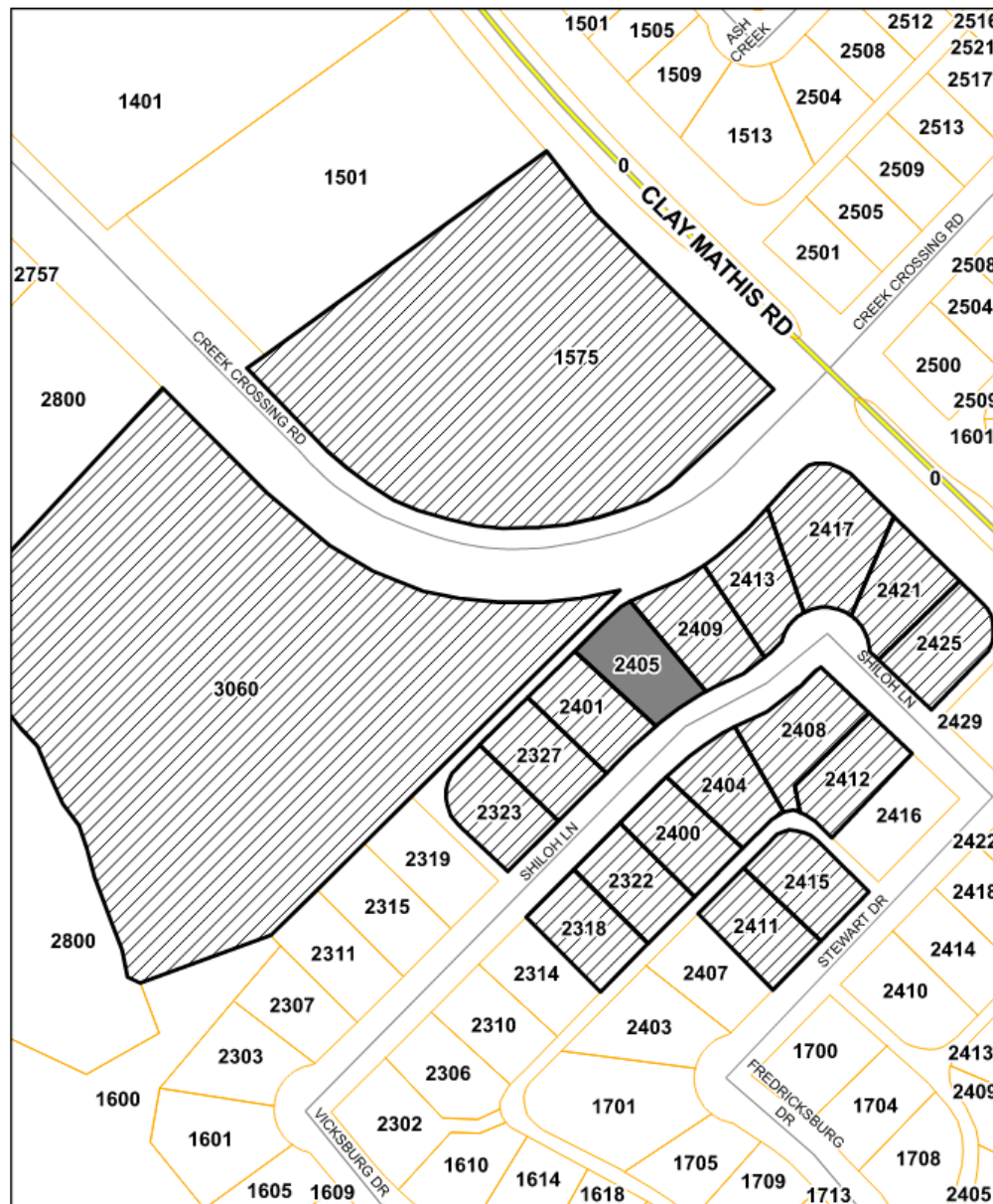


Applicant: David Van Bevers
Location: 2405 Shiloh Lane
Request: Special exception and variance
to allow a oversized accessory structure.



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Applicant: David Van Bevers
Location: 2405 Shiloh Lane
DCAD: 380537900A0070000

Legend

-  Notified Properties
-  Subject Property



ATTACHMENT 3 – SITE PHOTOS

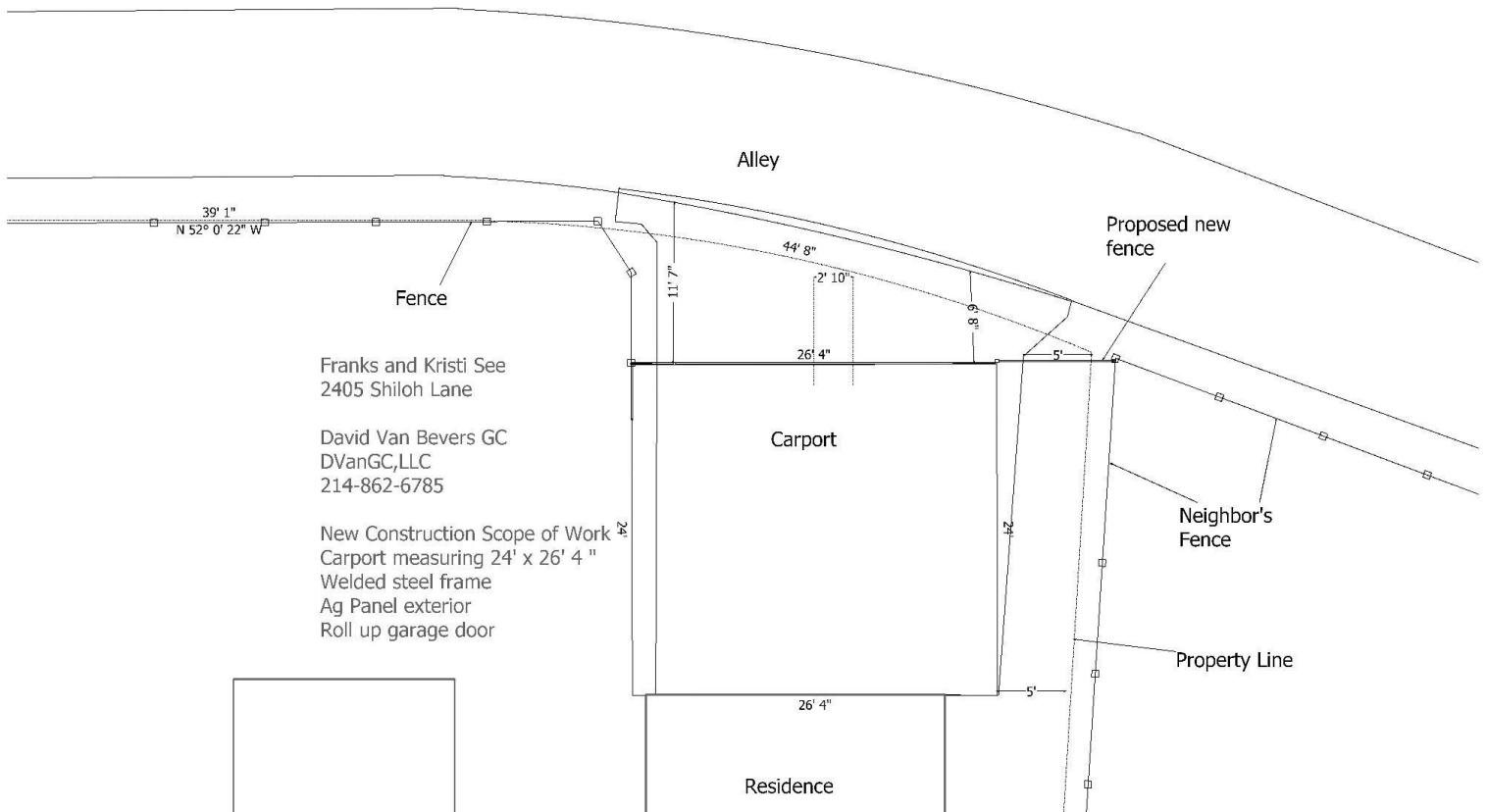


Front view of the subject property, facing north



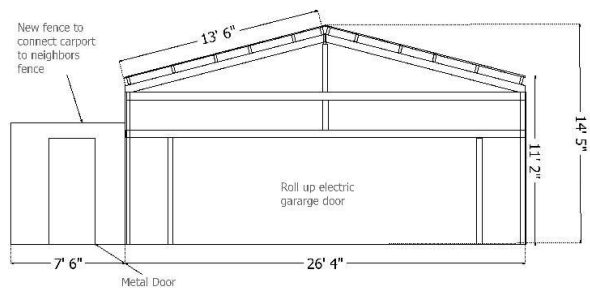
Rear view of the subject property, facing south

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS

Alley View

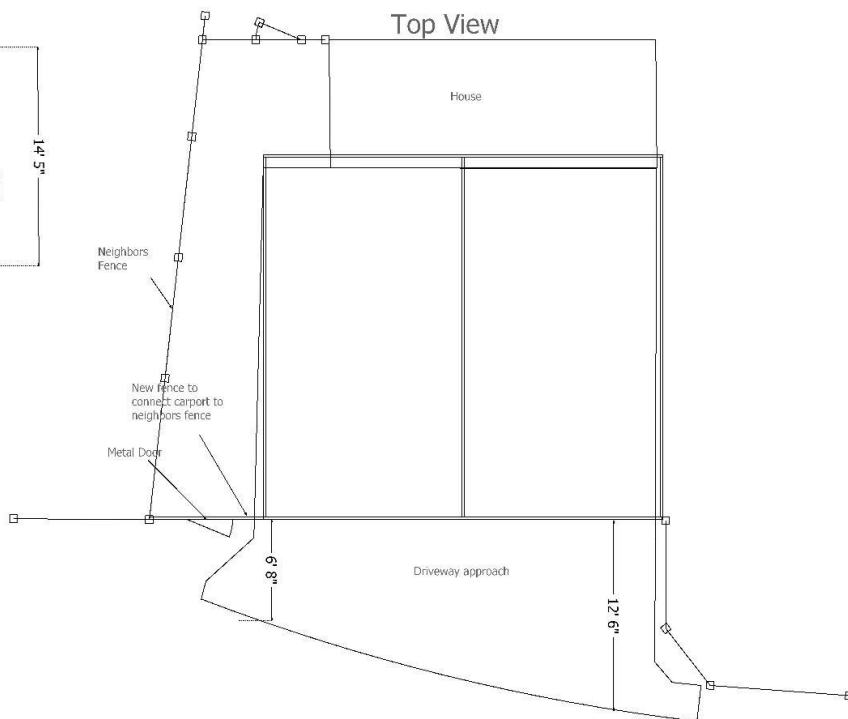


Franks and Kristi See
2405 Shiloh Lane

David Van Bevers GC
DVanGC, LLC
214-862-6785

New Construction Scope of Work
Carport measuring 24' x 26' 4"
Welded steel frame
Ag Panel exterior
Roll up garage door

Top View



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: Frank + Kristi See Phone Number: 515-210-2516
Address: 2405 Shiloh Ln. Mesquite, TX 75181
david.vanbevers@yahoo.com Email Address: kcsee2001@gmail.com

Signature: Kristi C. See

FILE NUMBER: BOA0125-0459
REQUEST: Variance to allow an accessory structure to encroach into the five-foot interior side yard setback by four feet and four inches.
CASE MANAGER: John Cervantes, Senior Planner

PUBLIC HEARING

Board of Adjustment: Thursday, March 27, 2025

GENERAL INFORMATION

Applicant/
Property Owner: Wayne Connatser
Location: 814 Meandering Way

SITE BACKGROUND

Legal Description: Green Canyon Estates, Block 3, Lot 17
Size: 7,654.20 square feet / 0.18 Acres
Zoning: Planned Development (PD) – R-2A, Single Family Residential (Ord. 1427)
Existing Land Use: Single Family Home
Zoning History: 1971: Annexed and Zoned R-1
1978: Rezoned PD – R-2A, Single Family Residential (Ord. 1427)

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	PD – R-2A, Single Family Residential	Single Family Residential
SOUTH:	PD – R-2A, Single Family Residential	Single Family Residential
EAST:	PD – R-2A, Single Family Residential	Single Family Residential
WEST:	PD – R-2A, Single Family Residential	Single Family Residential

CASE SUMMARY

The applicant reached out to the City of Mesquite regarding replacing an existing accessory structure utilized for storage in the rear yard with a larger storage building. The Building Inspection team determined that the structure could not be permitted by right due to its location. Consequently, the applicant is requesting a Variance to address the issue.

The Variance request is to permit the structure to remain eight inches away from the interior side lot line, encroaching by four feet and four inches into the required 5-foot side yard setback as established in Section 2-602 of the Mesquite Zoning Ordinance (MZO). The structure complies with the 3-foot rear yard setback requirement. If approved, the Variance would allow the structure to remain in its current location with dimensions of 11 feet and six inches in width, 16 feet in depth, for a total of 184 square feet and 12 feet in height.

The applicant explained that the structure was built primarily for storage. It is not intended to serve as an accessory dwelling unit. Its purpose is solely to provide additional functional space for the applicant's needs. In summary, approval of the requests would enable the applicant to retain the accessory structure as currently constructed, while ensuring compliance with the applicable zoning regulations.

MESQUITE ZONING ORDINANCE

SEC. 5-207.K: VARIANCE APPROVAL STANDARDS

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

STAFF COMMENTS:

It is staff's opinion that compliance with the MZO's 5-foot interior side yard setback is not a hardship based on the criteria in K.2, as shown above.

The requested Variance is contrary to the public interest. The subject variance is in direct conflict with the basic objectives of the MZO as it relates to the setback requirements. Further, staff does not believe a literal enforcement of the ordinance will result in unnecessary hardship for the applicant. While literal enforcement of the ordinance may create difficulty for the applicant, this request does not meet the hardship requirements laid out in the MZO. Finally, the spirit of the MZO is not observed in this instance. There is no injustice done by the City in requiring that structures meet certain requirements. Variances provide relief, where necessary. In this instance, the structure could be constructed that such a Variance would not be needed. Substantial justice raises issues of fairness for the community and will not be achieved through the granting of the requested Variance.

PERMITS

1982 – New Construction
1994 – Plumbing Permit
1996 – Swimming Pool
2005 – Plumbing Permit

STAFF RECOMMENDATION

Staff recommends denial of a Variance request to encroach four feet and four inches into the 5-foot interior side yard setback, as Staff does not believe the spirit of the MZO is observed through this request.

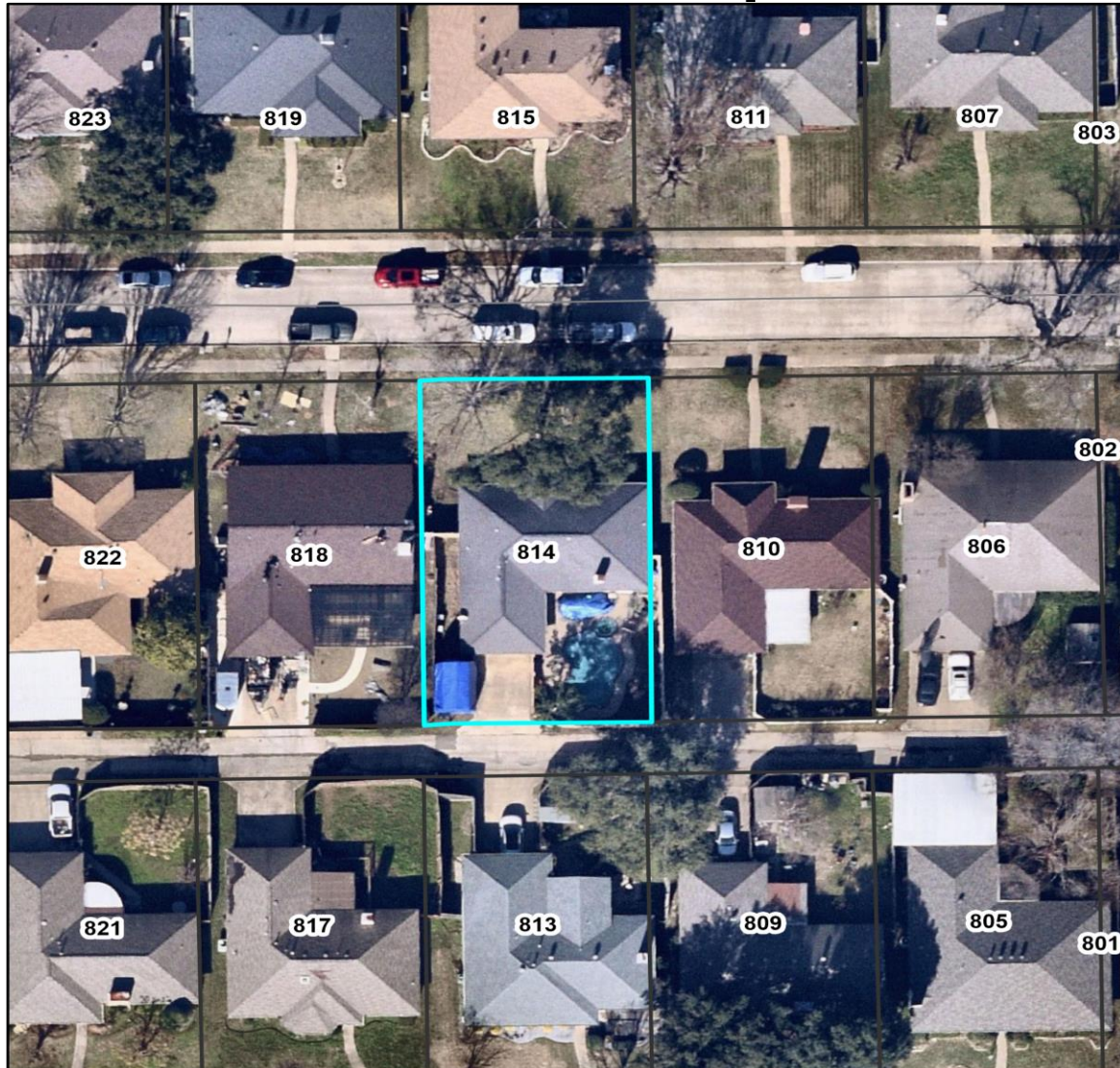
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of March 21, 2025, there have been two returned notices in favor of the request.

ATTACHMENTS

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

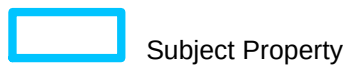
Aerial Map



Location: 841 Meandering Way



Legend





Legend



Page 5 of 10

ATTACHMENT 3 – SITE PHOTOS



Front view of the subject property, facing north



Rear view of the subject property, facing south

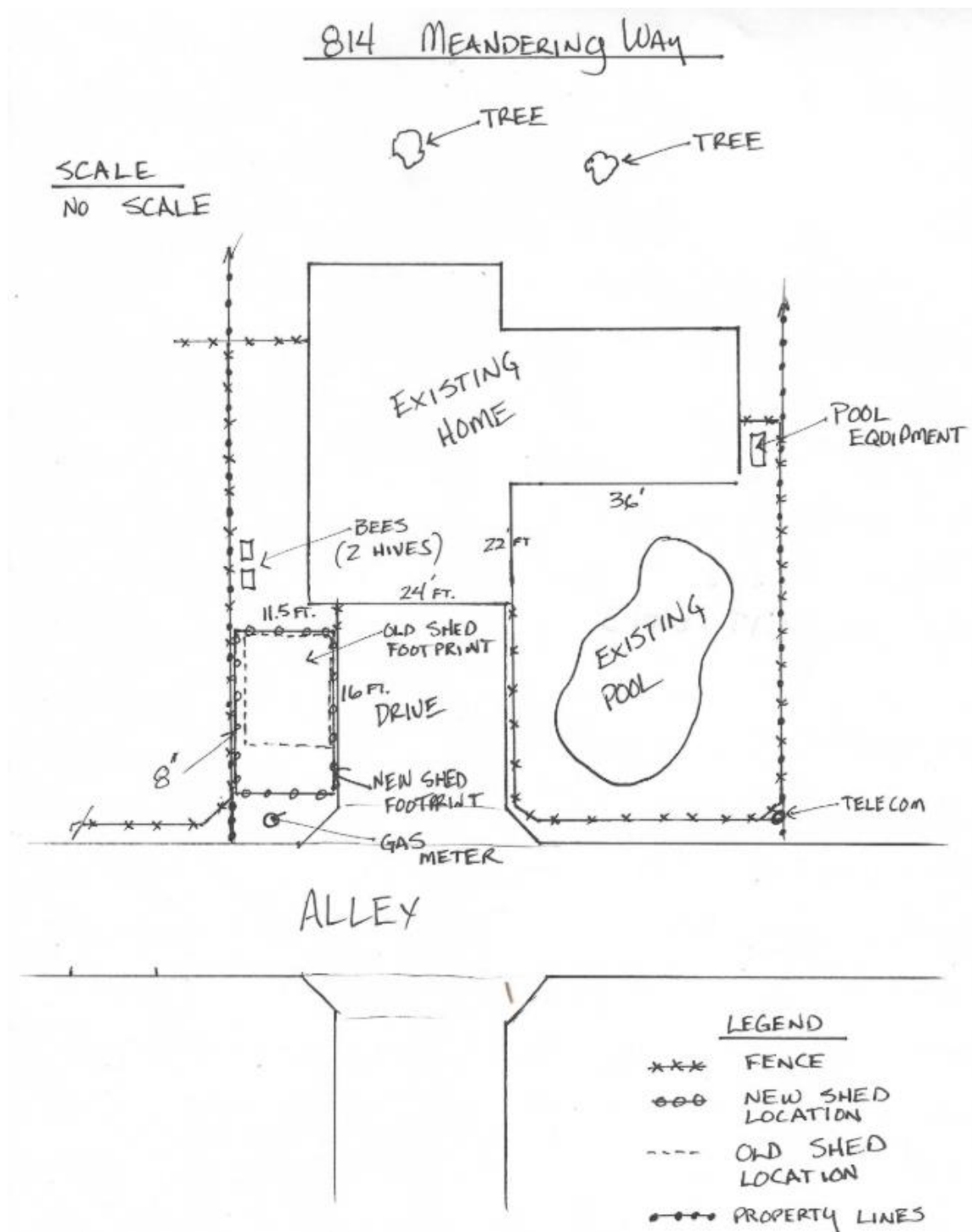
ATTACHMENT 4 – APPLICATION MATERIALS

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: Wayne Connatser Phone Number: 214.304.8888
Address: 814 Meandering Way
MESQUITE, TX 75150 Email Address: wayneconnatser@gmail.com
Signature: 

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 5 – APPLICATION MATERIALS



RECEIVED
FEB 26 2025
PLANNING DIVISION

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **February 27, 2025, 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:	BOA0125-0459
Submitted By/	
Property Owner:	Wayne Connatser
Property Location:	814 Meandering Way
Legal Description:	Green Canyon Estates, Block 3, Lot 17
Requested Action:	Variance to allow an accessory structure to encroach into the five-foot interior side yard setback by four feet and four inches.

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

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

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

BOA Case: BOA0125-0459

I am **in favor** of this request ☒

I am **opposed** to this request ☐

Reasons
(optional):

Name: PAUL POWERS
(required)
Address: 810 MEANDERING WAY
(required) MESQUITE TX 75150

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

ATTACHMENT 5 – APPLICATION MATERIALS



RECEIVED
FEB 24 2025
PLANNING AND ZONING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **February 27, 2025, at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue to consider the following application:

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

BOA Case: BOA0125-0459

I am **in favor** of this request



I am **opposed** to this request

Reasons
(optional):

Name:
(required)
Address:
(required)

GLENN DICKERSON
813 GAGEWAY DR.
MESQUITE, TX 75150

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

FILE NUMBER: BOA0225-0460
REQUEST: Variance to allow a residential addition/remodel without the requirement to provide covered parking for two (2) automobiles within an enclosed garage (minimum eighteen (18) feet by twenty (20) feet).
CASE MANAGER: John Cervantes, Senior Planner

PUBLIC HEARING

Board of Adjustment: Thursday, February 27, 2025

GENERAL INFORMATION

Applicant/
Property Owner: Leonard Craine & Pamela Craine
Location: 1007 Rodeo Center Blvd

SITE BACKGROUND

Legal Description: Hardin Addition, Block 1, Lot 1
Size: 321,316.61 square feet / 7.35 Acres
Zoning: Split Zoned - R-3, Single Family Residential & General Retail
Existing Land Use: Single Family Home
Zoning History: 1951: Annexed
1954: Zoned R-3, Single Family Residential and General Retail

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant contacted the City of Mesquite in September 2024 regarding the remodeling of an existing home after applying for a residential building permit. The Building Inspection team determined that the permit could not be issued due to the proposed removal of the existing two-car garage. As a result, the applicant is requesting a Variance to address this issue.

The Variance request seeks approval to allow a residential addition/remodel without the requirement to provide covered parking. According to Section 2-401.C of the Mesquite Zoning Ordinance (MZO), "Covered parking shall be provided for two (2) automobiles within an enclosed garage (minimum eighteen (18) feet by twenty (20) feet) for all dwellings on lots in subdivisions for which a final plat was approved on or after October 1, 1984." The property was platted in 2005, but the home has existed since before the property's annexation into the City of Mesquite in 1951

The applicant explained that the home is intended to be used as a short-term rental to accommodate visitors to Mesquite, offering them the opportunity to experience a ranch-style home within the Dallas-Fort Worth Metropolitan Area. Approval of the Variance would allow the applicant to provide additional usable entertainment space for guests on a property with significant outdoor space.

MESQUITE ZONING ORDINANCE

SEC. 5-207.K: VARIANCE APPROVAL STANDARDS

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

STAFF COMMENTS:

ATTACHMENT 1 – AERIAL MAP

As a result of the property's platting in 2005, the property owner is required to provide an enclosed garage large enough for two vehicles. While the intent of this requirement is not explicitly stated in the MZO. It is inferred that garages help address on-street parking issues such as overcrowding in residential neighborhoods. The unique size of the subject property creates special conditions that differentiate it from other single-family residences as adequate space for parking shall remain. This leads staff to believe it would not be contrary to the public interest. However, Staff does not believe that literal enforcement of the ordinance would result in unnecessary hardship for the applicant as outlined in K.2. None of the criteria can be met when applied. In addition, while strict adherence to the ordinance may pose some difficulties, granting the variance would not achieve substantial justice, as it would not align with the principles of fairness for the broader community. There is no injustice to the applicant in requiring that structures conform to the established standards. Approving the variance would result in a disproportionate benefit to the applicant. Furthermore, the spirit of the MZO is not upheld in this case. Variances are intended to provide relief where necessary, but in this instance, the structure could be repositioned on the lot in a manner that would negate the need for a variance.

PERMITS

2012 – Accessory Structure
2012 – Accessory Structure
2012 – Accessory Structure
2013 – Fence Permit
2013 – Accessory Structure
2024 – Foundation Repair
2024 – Remodel (Pending)

STAFF RECOMMENDATION

Staff recommends denial of a Variance request to encroach four feet and four inches into the 5-foot interior side yard setback, as Staff does not believe the spirit of the MZO is observed through this request.

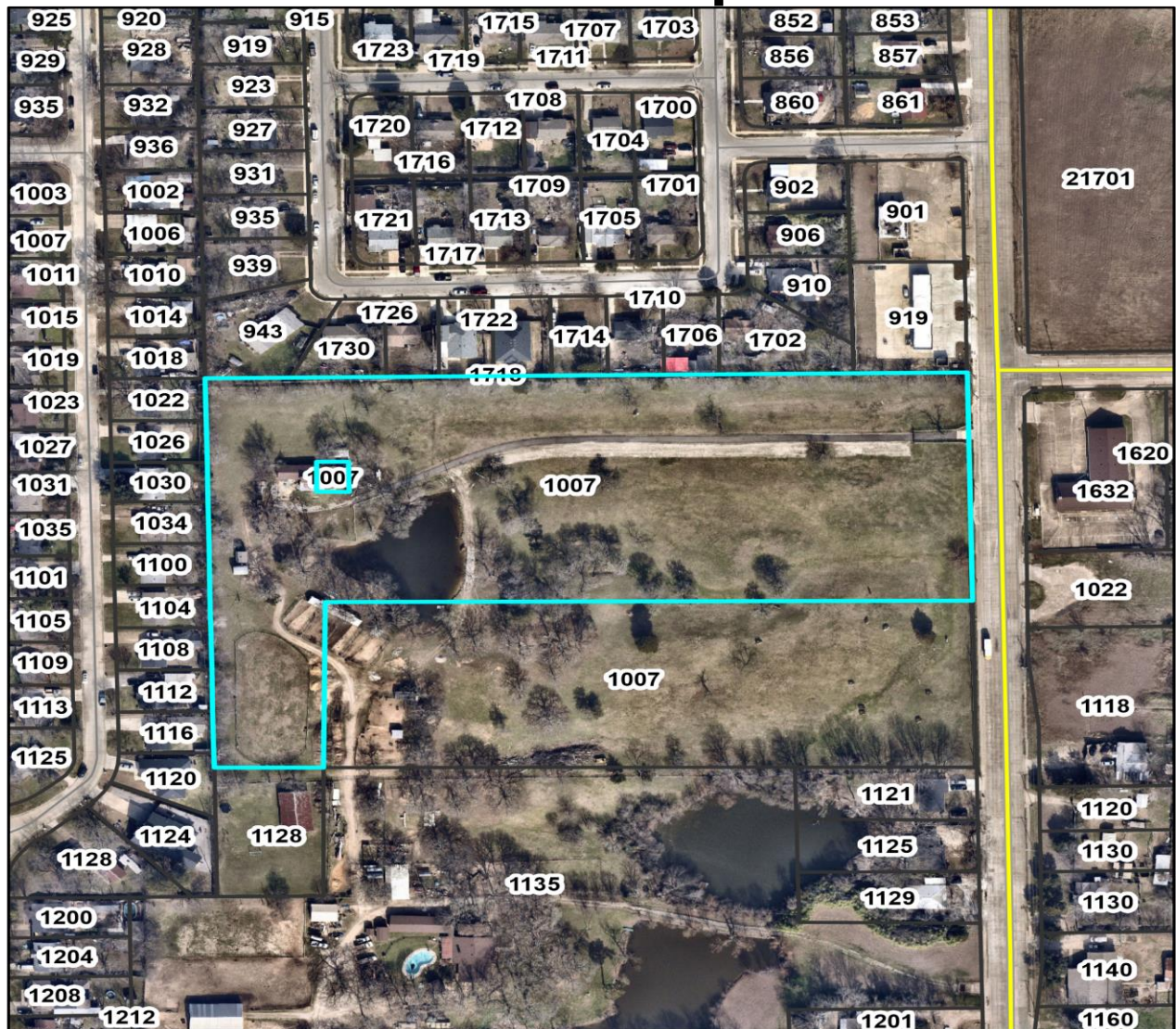
PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of March 21, 2025, there have been no returned notices.

ATTACHMENTS

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

Aerial Map



Location: 1007 Rodeo Center Blvd

Legend

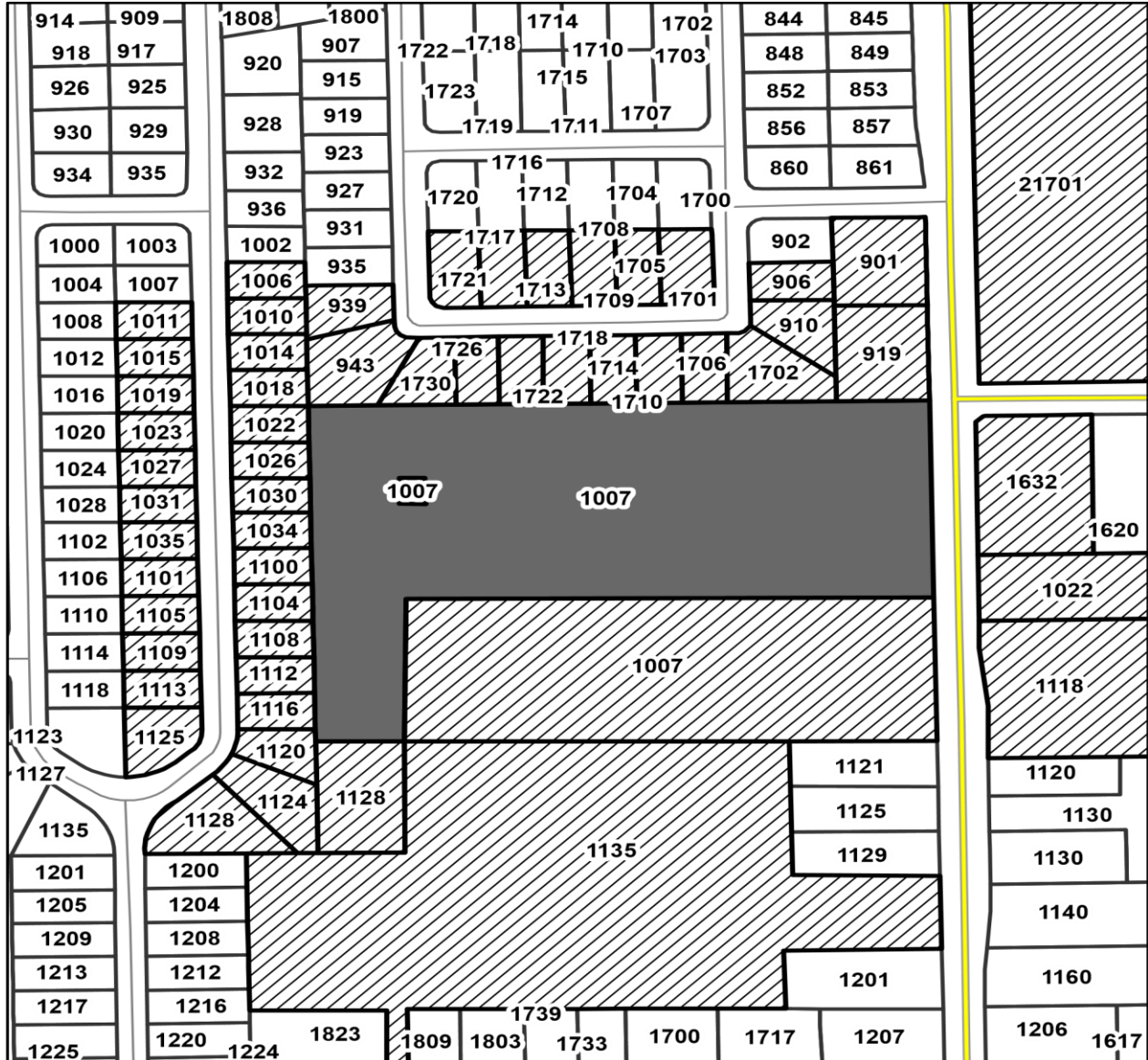


Subject Property

Notification

ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Map



Location: 1007 Rodeo Center Blvd



Legend



Subject Property



Notice Area

ATTACHMENT 3 – SITE PHOTOS



View of the garage, facing north



View of the subject property from Rodeo Center Blvd, facing west

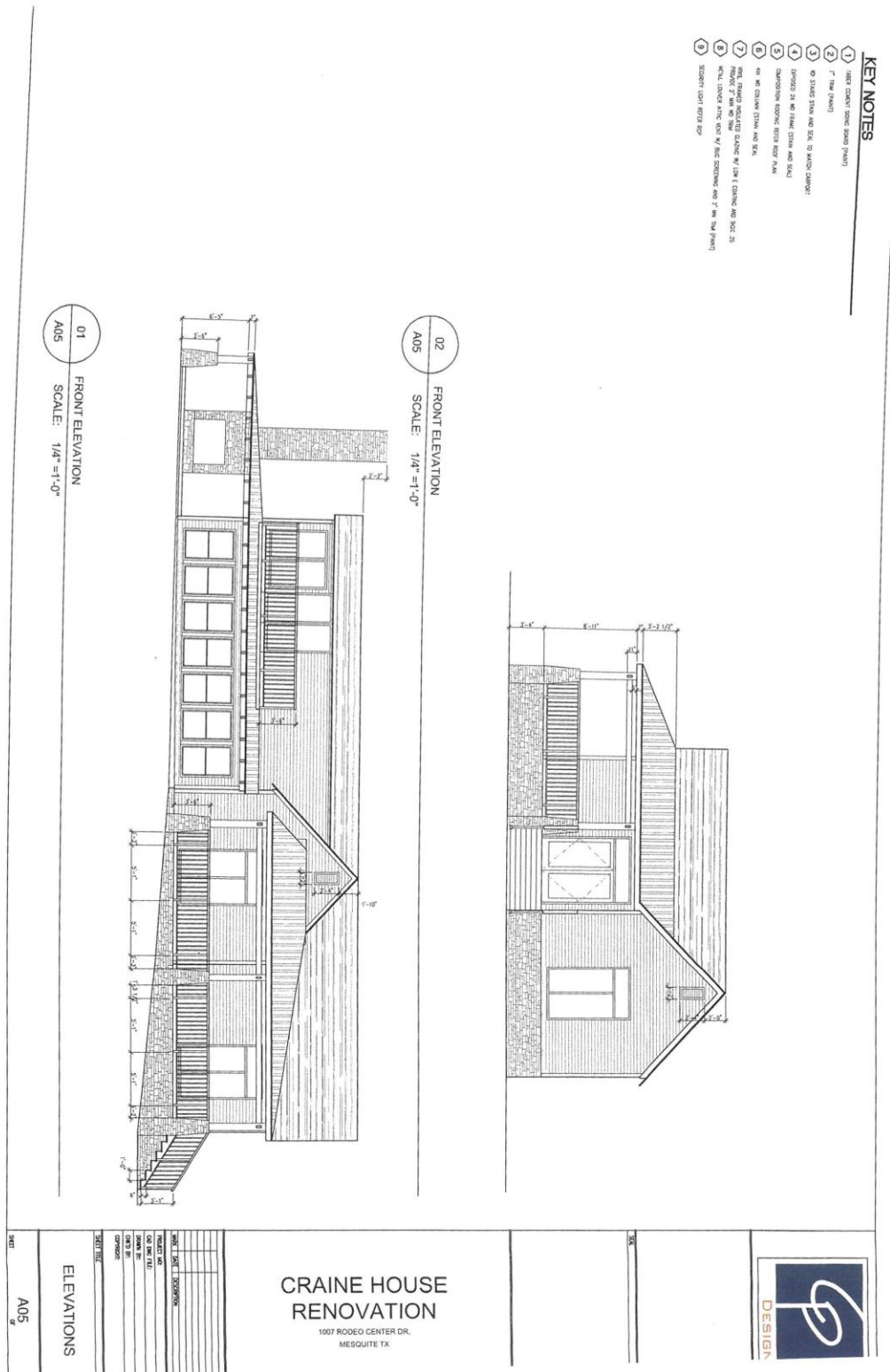
ATTACHMENT 4 – APPLICATION MATERIALS

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: Lonnie Craine Phone Number: 972-880-3345
Address: 1135 Rodeo Center Blvd.
Email Address: mtacelatt.net
Signature: 

ATTACHMENT 4 – APPLICATION MATERIALS



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