



BOARD OF ADJUSTMENT PRE-MEETING

CITY COUNCIL BRIEFING ROOM

757 North Galloway Avenue

Mesquite, Texas

June 26, 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

June 26, 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 May 22, 2025, Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

5. BOA0325-0461 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Pam Anastopulos for a Special Exception for reasonable accommodation to allow an oversized front carport to exceed the maximum size of 400 feet by 40 square feet for a total size of 440 square feet located at 6 Ginger Circle. (Ti'Ara Clark, Planner).

6. BOA0525-0468 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Peggy Nix for a Special Exception to allow an oversized accessory structure to exceed the maximum size of 500 feet by 50 square feet for a total of 550 square feet and for the 14-ft tall structure to exceed the height of the house, located at 2039 Rhonda Drive. (Garrett Langford, Assistant Director).

7. BOA0625-0471 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Christopher Rampone for a Special Exception to allow a garage conversion with no requirement to relocate the converted parking spaces, located at 5021 Kiamesha Way. (Ti'Ara Clark, Planner).

PUBLIC HEARINGS- CONTESTED CASES

8. BOA0525-0469 – VARIANCE

Conduct a public hearing to consider an application submitted by Jose Grano Tapia for a Variance to allow an accessory structure to encroach into the 5-foot side yard setback by 5 feet and 3-foot rear setback by 3 feet, located at 410 Southerland Ave. (Ti'Ara Clark, Planner).

OTHER BOARD BUSINESS

9. Next Board of Adjustment Meeting: July 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 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, Assistant Director of Planning and Development Services for the City of Mesquite, Texas, hereby certify that the attached agenda for the Board of Adjustment meeting to be held **June 26, 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 **June 23, 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
Assistant Director of Planning and Development Services

May 22, 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	Andrew Williams	☒ 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

John Cervantes	Senior 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**CONSENT AGENDA****4. APPROVAL OF MINUTES**

Discuss and consider approval of the April 24, 2025, Board of Adjustment meeting minutes.

ACTION

Boardmember Augustine made a motion to approve the minutes; Boardmember Akin seconded; the motion carried 4-0.

PUBLIC HEARINGS- UNCONTESTED CASES**5. BOA0325-0461 – SPECIAL EXCEPTION**

Conduct a public hearing to consider an application submitted by Pam Anastopulos for a Special Exception to allow an oversized front carport to exceed the maximum size of 400 feet by 40 square feet for a total size of 440 square feet, located at 6 Ginger Circle. (Ti'Ara Clark, Planner). ITEM WILL BE RENOTICED FOR THE JUNE 26, 2025, BOARD OF ADJUSTMENT MEETING.

This item was not presented to the Board due to being renoticed for the next Board of Adjustment Meeting

6. BOA0425-0465 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Henry Diaz for a Special Exception to allow a rear oversized accessory structure to exceed the maximum size of 500 feet by 495 square feet for a total of 995 square feet, located at 1613 Possum Fire Trail. (Ti'Ara Clark, Planner).

Ti'Ara Clark presented.

DISCUSSION

There was a discussion on whether or not the staff recommendation needed to include wording related to the existing HOA; per City Attorney David Paschall, it did not.

APPLICANT

Applicant addressed the Board, explaining the reason for the special exception request.

ACTION

Boardmember Augustine moved to approve; Boardmember Williams seconded the motion. The motion carried 4-0.

7. BOA0425-0466 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Carolyn Stoddard for a Special Exception to allow an oversized accessory structure to exceed the maximum size of 500 square feet by 1,180 square feet for a total size of 1,680 square feet and the maximum height of 15 feet by 7 feet for a total height of 22 feet, located at 2032 Wilkinson Road and 2300 Wilkinson Road. (John Cervantes, Senior Planner).

DISCUSSION

Boardmember Williams advised that he would prefer the plat to be substantially in compliance with the concept plan beforehand.

PUBLIC COMMENTS

Kurt Boxdorfer, 2304 Lesley Lane, Mesquite, TX expressed concern regarding the proposed structure location and if it would be visible from his own property. Staff returned the aerial photograph to the presentation screen and advised Mr. Boxdorfer on the location of the structure.

APPLICANT

Mark Stoddard, Applicant's husband, spoke to the Board, addressing the concerns related to the location, height, and visibility of the proposed structure

ACTION

Boardmember Williams moved to approve with staff recommendations and that the plat be substantially in compliance with concept plan; Boardmember Augustine seconded. The motion carried 4-0.

OTHER BOARD BUSINESS**8. Next Board of Adjustment Meeting: June 26, 2025**

Chairwoman Airheart adjourned the meeting at 7:05 P.M.

Chairwoman Kourtnie Airheart

FILE NUMBER: BOA0325-0461
REQUEST: A request for a Special Exception for a reasonable accommodation to allow an oversized front carport.
CASE MANAGER: Ti'Ara Clark, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, June 26, 2025

GENERAL INFORMATION

Applicant: Pam Anastopulos
 Property Owner: Pam Anastopulos
 Location: 6 Ginger Circle

SITE BACKGROUND

Legal Description: Skyline 1, Block 11, Lot 16
 Size: 0.33 acres/ 14,490 square feet
 Zoning: R-3, Single Family Residential
 Existing Land Use: Single Family Home
 Zoning History: 1960 – Zoned to R-3 – Single Family Residential
 1961 – Platted

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:	R-3, Single Family Residential	Single Family Residential
WEST:	R-3, Single Family Residential	Single Family Residential

CASE SUMMARY

In early 2025, the applicant constructed a 440-square-foot carport in the exterior side yard without undergoing the proper permitting process. Believing they were in compliance with the Mesquite Zoning Ordinance (MZO), the applicant mistakenly built the structure according to the 500-square-foot size limit allowed for rear carports, rather than the standards for front carports. However, under the MZO, carports located in the side yard must comply with front carport regulations. A front carport is defined as a structure built between the principal building and the front or side lot lines over an approved driveway surface. Since this carport is located in the exterior side yard of the home, it qualifies as a front carport and is therefore subject to the 400-

square-foot maximum allowance. I will also mention that the subject property is located in one of the Pre-Approved Subdivisions that allow front carports by right.

The applicant is requesting a Special Exception for reasonable accommodation to allow the existing 440-square-foot carport. While the MZO generally does not allow a Special Exception for oversized front carports, the Board of Adjustment may grant one when necessary to accommodate a person with a disability. In this case, the carport's size is intended specifically to meet the needs of a household member with a disability by providing sufficient space for accessible vehicle loading and unloading. According to the applicant, the additional square footage is also needed to cover vehicles used by family and visitors and to ensure safer, more accessible entry and exit for the individual with a disability.

MESQUITE ZONING ORDINANCE

SEC. 2-603.E.4.F: PERMITTED MODIFICATIONS – SPECIFIC STRUCTURES

Generally, the Board of Adjustment is not authorized to grant a Special Exception for an oversized front carport. However, in some circumstances, an oversized front carport may be approved. See Special Exceptions for persons with disabilities (Section 5-205) and Variances (Section 5-207).

SEC. 5-205.L: REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES, APPROVAL STANDARDS

1. The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Act, as amended; and
2. The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if without the accommodation, the applicant will be denied an equal opportunity to obtain the housing of his or her choice.

STAFF COMMENTS:

According to Section 2-603.E of the Mesquite Zoning Ordinance (MZO), front carports are limited to 400 square feet and must be setback 10 feet from the exterior side property line. The Board of Adjustment is not authorized to grant a Special Exception for an oversized front carport under normal circumstances. However, the MZO does allow for an exception as a reasonable accommodation for persons with disabilities. The applicant has provided documentation confirming that a person with a disability resides at 6 Ginger Circle. After consulting with the city's Legal Department, Staff has determined that the applicant qualifies for a reasonable accommodation.

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:

Staff believes the oversized front carport supports the applicant's use and enjoyment of the property, particularly by enhancing accessibility for the household member with a disability. Additionally, Staff does not anticipate any adverse impact on adjacent properties, given that the property adheres to the setback requirements. The carport is also compatible in size with similar structures in the surrounding neighborhood.

PERMITS

2025 – Building (Residential)

STAFF RECOMMENDATION

Staff recommends approval of a Special Exception for a reasonable accommodation to allow an oversized front carport that exceeds the maximum square footage of 400 square feet by 40 feet for a total size of 440 square feet.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of June 23, 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 Notices

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Applicant: Pam Anastopulos
Location: 6 Ginger Circle
DCAD: 38183500110160000
Request: Special Exception for a
reasonable accomodation to allow
a front carport.

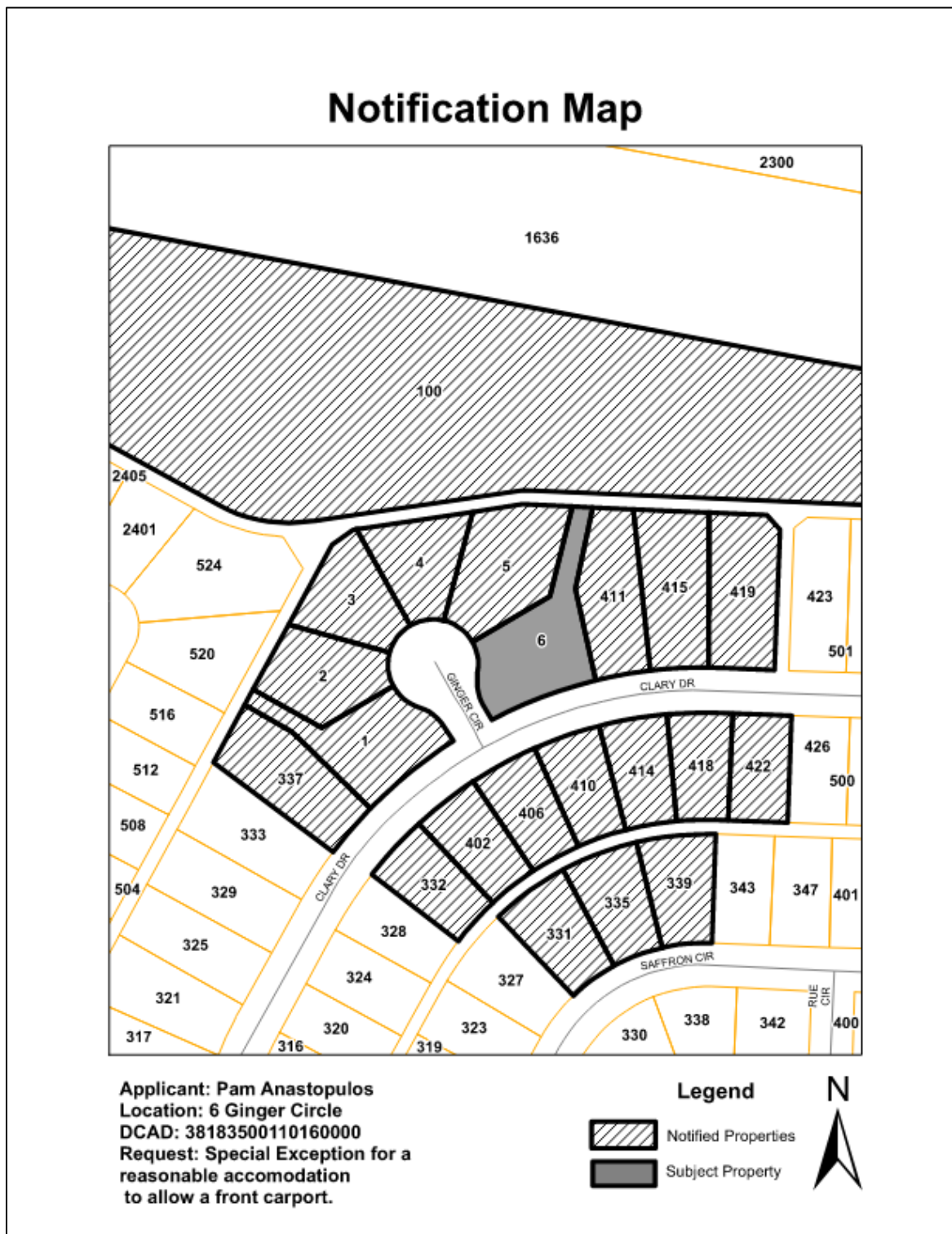
Legend

 Subject Property

0 5 10 20 30 40
Feet



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – SITE PHOTOS



Front view of the subject property, facing east



Exterior side view of the subject property, facing north

ATTACHMENT 4 – APPLICATION MATERIALS

 MESQUITE T E X A S Real. Texas. Service.	City of Mesquite Board of Adjustment Application
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Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/7724/Board-of-Adjustment---Application-for-General-Special-Exceptions-and-Variations>.

Application Checklist

☐ Completed Application ☐ Site Plan/Drawing ☐ Site Plan Checklist (Page 7) ☐ Application Fee
☐ Owner Authorization Form (Page 6)

Property Information – Where the residence is located

Physical Address: 6 Ginger Circle City, State: Mesquite, Texas
Zip Code: 75149

Applicant Information – The person filling out the application

First Name: Pamela Last Name: Anastopoulos
Phone Number: 972-877-0941 Email Address: 48pammi@gmail.com
I would like an interpreter at the meeting: ☐ Yes ☒ No Language: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: ☒ Yes ☐ No (If no, fill in information below)

First Name: _____ Last Name: _____
Phone Number: _____ Email Address: _____
Mailing Address: _____ City, State: _____
(If different from physical address)
Zip Code: _____

Office Use Only

Subdivision: _____ Block: _____ Lot: _____
Size of Property: _____ Square Feet When was the property platted: _____
Date Received: _____ Project Intake: _____ Case Number: BOA
☐ Special Exception (\$200) ☐ Residential Variance (\$250) ☐ Non-Residential Variance (\$750) ☐ Appeals (\$500)

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ATTACHMENT 4 – APPLICATION MATERIALS

Structure Types

Check all that applies

Residential Uses	☒ Owner / Rental Occupied	☐ Community Home / Group Home	☐ Home business / occupation
Nonresidential Use	Proposed / Existing Use		
Main Structure	Residential	Non-Residential	Other
☐ Room Addition	☐ Rear Carport	☐ Off-Site Parking	☐ Fencing
☐ Garage Addition	☐ Storage Building	☐ Joint Use Parking	☐ Temporary Uses
☐ New Residence	☐ Detached Garage	☐ Parking Reduction	☐ Tree Preservation
Nonconforming	☐ Patio Cover	☐ Flag Poles >75 Ft	☐ Oversized Antenna
☐ Use	☒ Oversized Accessory Structure	☐ Reverse Vending Machine	☐ Lighted Game Courts
☐ Premise	☐ Accessory Dwelling Unit	☐ Oversized Accessory Structure	☐ Livestock
☐ Structure	☐ Garage Conversion	☐ New Structure	

Height of Structure: 9' At House 7' front Feet Size of Structure: 440 Square Feet

Roof Pitch (If applicable): —

Describe Materials Used:

3/16" thick 3" square tubing post 2x6" C-purling R-panel

Affected Part(s) of the Property	Will it	Status
☐ Interior Side Yard ☐ Front Yard	☐ Exceed Maximum Height?	☒ Existing
☒ Exterior Side Yard ☐ Rear Yard	☒ Exceed Maximum Size?	☐ Proposed

Describe the structure and its purpose:

Carport for 2 car driveway

ATTACHMENT 4 – APPLICATION MATERIALS

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

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

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

☒ Yes ☐ No

If yes, how?

my friends that visit can park under carport

Will the Special Exception be compatible with the surrounding neighborhood?

☒ Yes ☐ No

If yes, how?

it looks great many compliments from many people neighbors love it and want one also others in the neighborhood have similar structures

ATTACHMENT 4 – APPLICATION MATERIALS

COMPLETE FOR VARIANCES ONLY.

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

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

☐ Yes ☒ No

If no, explain:

it looks great it accents the house well

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

☐ Yes ☒ No

Explain how.

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.

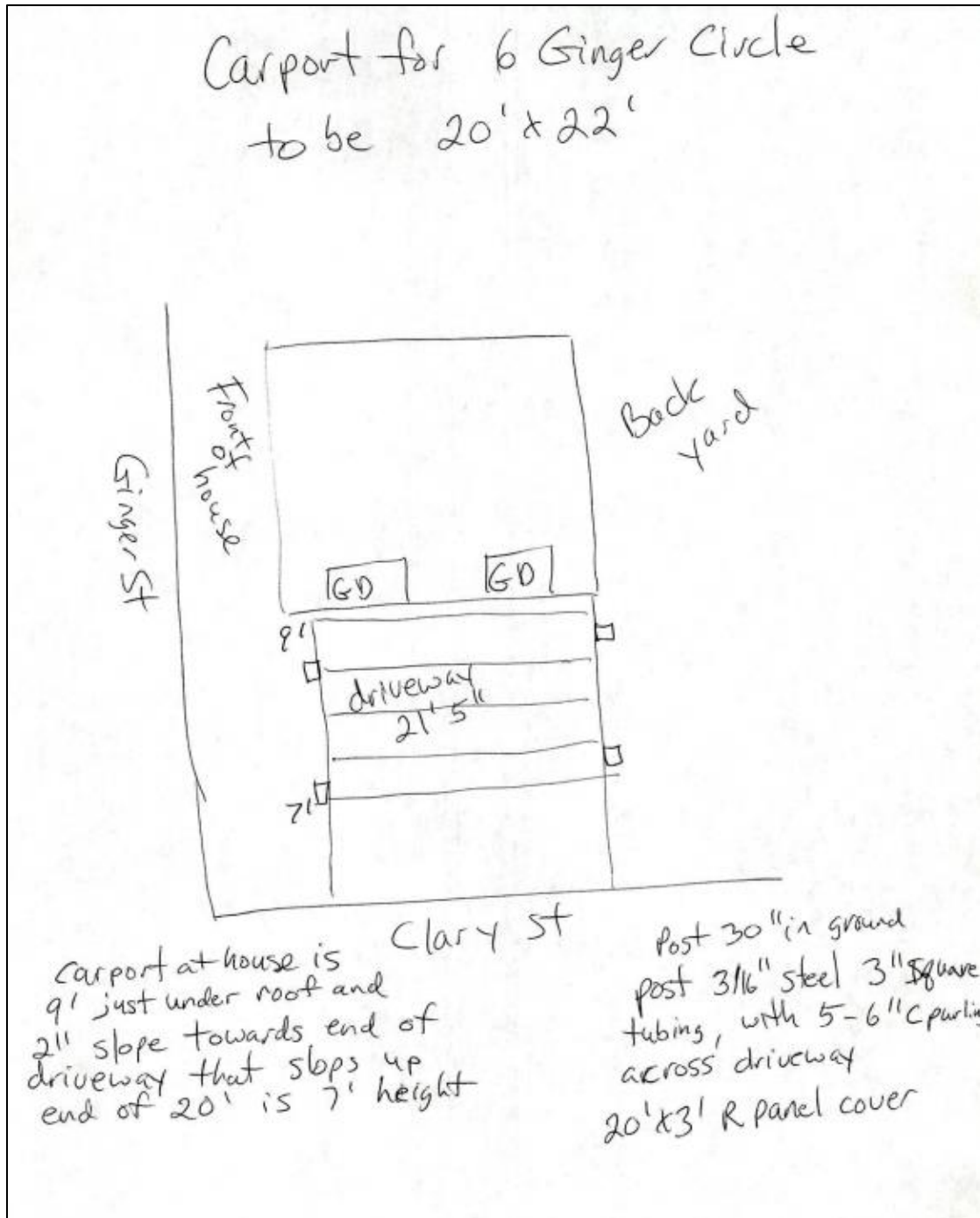
Property Owner: Pamela Anastopoulos Phone Number: 972-877-0941
Address: 6 Ginger Circle
Mesquite, TX 75149 Email Address: 48pammie@gmail.com
Signature: Pamela Anastopoulos

ATTACHMENT 4 – APPLICATION MATERIALS



Applicant's Disabled Parking Placard

ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 5 – RETURNED NOTICES


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

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **June 26, 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:	BOA0325-0461
Submitted By:	Pam Anastopulos
Property Owner:	Pam Anastopulos
Property Location:	6 Ginger Circle
Legal Description:	Skyline 1 Block 11, Lot 16
Requested Action:	Special Exception for reasonable accommodation to allow an oversized front carport to exceed the maximum size of 400 feet by 40 square feet for a total size of 440 square feet.

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) 329-8523 or by email at tclark@cityofmesquite.com.

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

BOA Case: BOA0325-0461	Name: <u>Delores Hernandez</u>	(required)
I am in favor of this request ☒	Address: <u>414 Clary Drive</u>	(required)
I am opposed to this request ☐	<u>Mesquite TX 75149</u>	

Reasons (optional):

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION**
ATTN: Ti'Ara Clark
PO BOX 850137
MESQUITE TX 75185-0137

ATTACHMENT 5 – RETURNED NOTICES

 MESQUITE T E X A S Real. Texas. Service. NOTICE OF PUBLIC HEARING	RECEIVED JUN 23 2025 PLANNING AND ZONING
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The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **June 26, 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:	BOA0325-0461
Submitted By:	Pam Anastopulos
Property Owner:	Pam Anastopulos
Property Location:	6 Ginger Circle
Legal Description:	Skyline 1 Block 11, Lot 16
Requested Action:	Special Exception for reasonable accommodation to allow an oversized front carport to exceed the maximum size of 400 feet by 40 square feet for a total size of 440 square feet.

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) 329-8523 or by email at tclark@cityofmesquite.com.

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

BOA Case: BOA0325-0461		Name: (required)	<i>Jim Cox</i>
I am <u>in favor</u> of this request ☒		Address: (required)	<i>5 Ginger Circle</i>
I am <u>opposed</u> to this request ☐			<i>Mesquite, TX 75149</i>
Reasons (optional): _____ _____ _____			

Please respond by returning to: **CITY OF MESQUITE PLANNING DIVISION
ATTN: Ti'Ara Clark
PO BOX 850137
MESQUITE TX 75185-0137**

FILE NUMBER: BOA0525-0468
REQUEST: Special Exception to allow a rear oversized accessory structure to exceed the maximum size of 500 feet by 50 square feet for a total of 550 square feet and for the 14-ft tall structure to exceed the height of the house.
CASE MANAGER: Garrett Langford, Assistant Director

PUBLIC HEARING

Board of Adjustment: Thursday, June 26, 2025

GENERAL INFORMATION

Applicant: Peggy Nix
Property Owner: Peggy
Location: 2039 Rhonda Drive

SITE BACKGROUND

Legal Description: Big Town Estates, Block 3, Lot 1
Size: 7,848.89 square feet
Zoning: R-3, Single Family Residential
Existing Land Use: Single Family Residential
Zoning History: 1954 – Annexed and zoned residential
1973 – Zoned to R-3, Single Family Residential

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	C - Commercial	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 Special Exceptions to allow the construction of a 14-ft tall, 550-square-foot oversized accessory structure in the rear yard to store personal vehicles in an enclosed two (2) car garage. The home was built without a garage. The rear yard measures

approximately 4,395 square feet, measured from the rear building line of the home. The proposed accessory structure would occupy 12.5% of the rear yard.

Under the Mesquite Zoning Ordinance, the maximum size for a single accessory structure is 500 square feet, and the total square footage of all accessory structures cannot exceed 35% of the yard in which they are located. The requested Special Exception would permit a structure that exceeds the maximum size by 50 square feet. The proposed structure complies with all applicable height and setback requirements.

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:

According to Section 2-602.A of the Mesquite Zoning Ordinance (MZO), the maximum allowable size for a residential accessory structure is 500 square feet, and the combined lot coverage of all accessory structures may not exceed 35% of the yard in which they are located—unless otherwise approved through a Special Exception.

The applicant is proposing a 14-ft tall, 550-square-foot accessory structure, which exceeds the maximum permitted size by 50 square feet and exceeds the height of the house. While oversized, the structure would occupy approximately 7% of the total lot area, remaining within the 10% threshold outlined in Section 2-604.A. Additionally, the total rear yard coverage by accessory structures would be approximately 12.5 %, which complies with the MZO's 35% rear yard coverage limit.

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 vehicle storage in the rear yard. Staff does not anticipate any adverse impacts on the adjacent properties.

PERMITS

2024 – Building (Home)
2024 – Electrical
2024 – Plumbing
2024 – Mechanical
2025 – Plumbing (Irrigation)
2025 – Building (Accessory Structure)

STAFF RECOMMENDATION

Staff recommends approval of a Special Exception to allow an accessory structure to exceed the maximum size of 500 square feet by 50 square feet for a total of 550 square feet and for the 14-ft tall structure to exceed the height of the house.

PUBLIC NOTICE

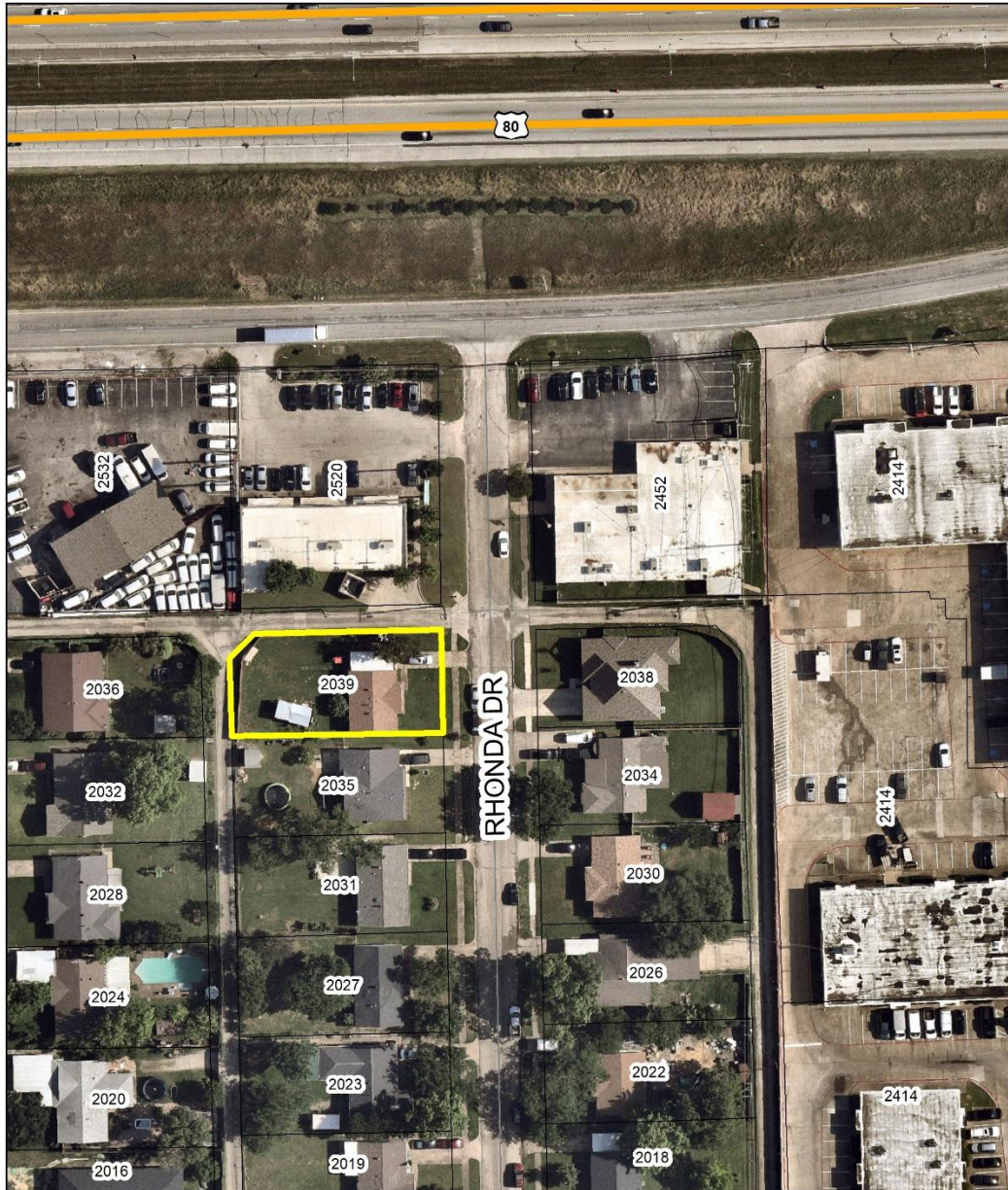
Staff mailed notices to all property owners within 200 feet of the subject property. As of June 23, 2025, there have been two returned notices in favor of the request.

ATTACHMENTS

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

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Request: Special Exception to allow an oversized accessory structure

Applicant: Peggy Nix

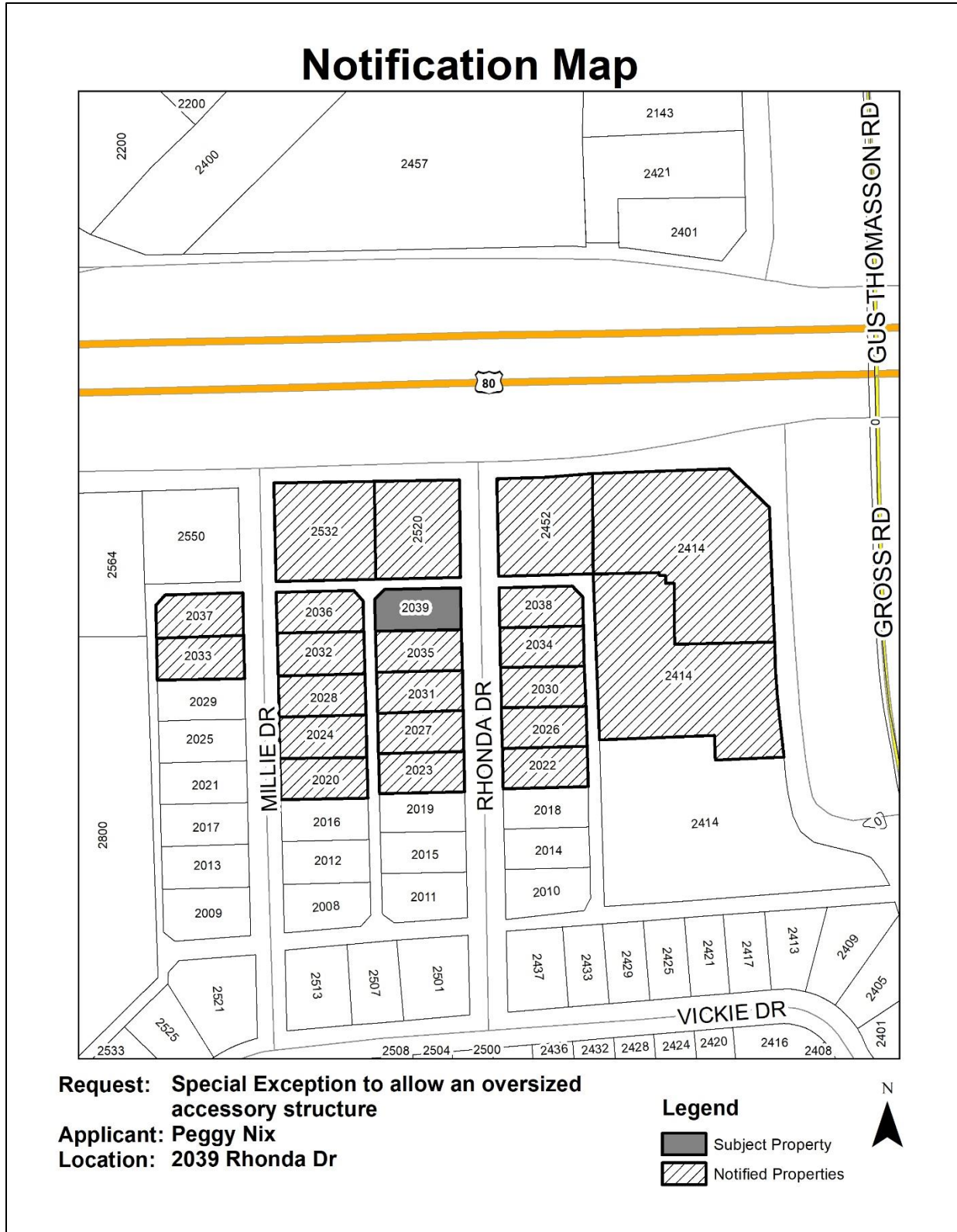
Location: 2039 Rhonda Dr

Legend

 Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – SITE PHOTOS



Front view of the subject property

ATTACHMENT 4 – APPLICATION MATERIALS



City of Mesquite Board of Adjustment Application

Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/7724/Board-of-Adjustment---Application-for-General-Special-Exceptions-and-Variations>.

Application Checklist

- ☒ Completed Application ☒ Site Plan/Drawing ☒ Site Plan Checklist (Page 7) ☒ Application Fee
☒ Owner Authorization Form (Page 6)

Property Information – Where the residence is located

Physical Address: 2039 Rhonda Drive City, State: Mesquite, Texas
Zip Code: 75149

Applicant Information – The person filling out the application

First Name: Peggy Last Name: Nix
Phone Number: 945-352-5700 Email Address: pnix99@gmail.com
I would like an interpreter at the meeting: ☐ Yes ☒ No Language: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: ☒ Yes ☐ No (If no, fill in information below)
First Name: Peggy Last Name: Nix
Phone Number: 945-352-5700 Email Address: pnix99@gmail.com
Mailing Address: 2039 Rhonda Drive City, State: Mesquite, TX
(If different from physical address)
Zip Code: 75149

Office Use Only

Subdivision: _____ Block: _____ Lot: _____
Size of Property: _____ Square Feet When was the property platted: _____
Date Received: _____ Project Intake: _____ Case Number: BOA
☒ Special Exception (\$200) ☐ Residential Variance (\$250) ☐ Non-Residential Variance (\$750) ☐ Appeals (\$500)

ATTACHMENT 4 – APPLICATION MATERIALS

Structure Types

Check all that applies

Residential Uses	☒ Owner / Rental Occupied	☐ Community Home / Group Home	☐ Home business / occupation
Nonresidential Use	Proposed / Existing Use _____		
Main Structure	Residential	Non-Residential	Other
☐ Room Addition	☐ Rear Carport	☐ Off-Site Parking	☐ Fencing
☐ Garage Addition	☐ Storage Building	☐ Joint Use Parking	☐ Temporary Uses
☐ New Residence	☒ Detached Garage	☐ Parking Reduction	☐ Tree Preservation
Nonconforming	☐ Patio Cover	☐ Flag Poles >75 Ft	☐ Oversized Antenna
☐ Use	☐ Oversized Accessory Structure	☐ Reverse Vending Machine	☐ Lighted Game Courts
☐ Premise	☐ Accessory Dwelling Unit	☐ Oversized Accessory Structure	☐ Livestock
☐ Structure	☐ Garage Conversion	☐ New Structure	

Height of Structure: 14 Feet Size of Structure: 550 Square Feet

Roof Pitch (If applicable): 4/12 Pitch

Describe Materials Used:

Concrete foundation, wood framing, wood siding, and composition roof

Affected Part(s) of the Property

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

Will it

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

Status

- | |
|--|
| ☐ Existing |
| ☒ Proposed |

Describe the structure and its purpose:

Describe: This will be an 22 sq ft X 25 sq ft two car garage with rear alley driveway. Garage will provide storage for vehicles, personal items, lawn equipment and small workshop.

ATTACHMENT 4 – APPLICATION MATERIALS

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

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

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

☒ Yes ☐ No

If yes, how?

Yes, this will add cover parking for two vehicles and much needed storage space.

This is what is needed to make life easier for elderly and disabled individuals.

Having covered parking with room around vehicles and the much needed storage space.

Able to have items stored within within arms reach and able to use without asking for help.

Will the Special Exception be compatible with the surrounding neighborhood?

☒ Yes ☐ No

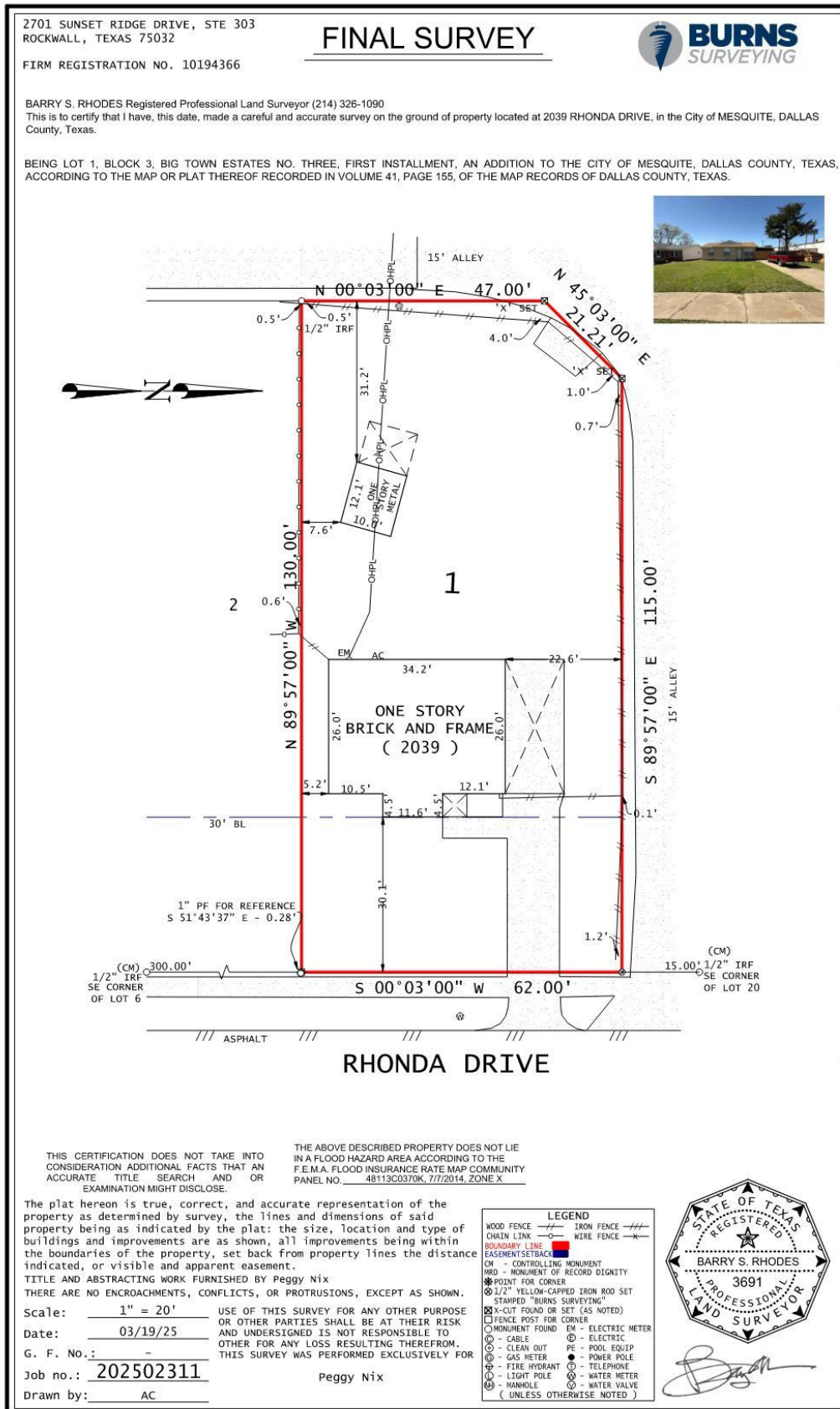
If yes, how?

YES

See map with location numbers and pictures numbered for five neighbors with two car garage in backyard.

Address of neighbors are:

2607 North Pkwy, 2509 North Pkwy, 2549 Vickie Street, 2405 Vickie Street, and 2026 Rhonda Drive.



Houses with two car garages in backyard around 2039 Rhonda



Address: 2607 North Pkwy, Mesquite, Texas



Address: 2509 North Pkwy, Mesquite, TX



Address: 2549 Vickie Street, Mesquite, TX



Address: 2405 Vickie Street, Mesquite, TX 75149



Address: 2026 Rhonda Drive, Mesquite, TX



1. My Address: 2039 Rhonda Drive
2. 2607 North Pkwy, Mesquite, Texas
3. 2509 North Pkwy, Mesquite, TX
4. 2549 Vickie Street, Mesquite, TX
5. 2405 Vickie Street, Mesquite, TX
6. 2026 Rhonda Drive, Mesquite, TX



RECEIVED
JUN 23 2025
PLANNING AND ZONING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **June 26, 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:	BOA0525-0468
Submitted By/	Peggy Nix
Property Owner:	Peggy Nix
Property Location:	2039 Rhonda Dr
Legal Description:	Big Town Estates, Block 3, Lot1
Requested Action:	Special Exception to allow an oversized accessory structure to exceed the maximum size of 500 square feet by 50 square feet for a total size of 550 square feet and for the 14-ft tall structure to exceed the height of the house.

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) 216-6343 or by email at jcervantes@cityofmesquite.com.

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

BOA Case: BOA0525-0468

I am **in favor** of this request ☒

I am **opposed** to this request ☐

Reasons
(optional):

Name: Beatriz Perez
(required)
Address: 1830 Higdon Ave #2
(required) Mountain View, CA 94041
Mesquite property:
2027 Rhonda Dr.
Mesquite, TX 75149

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



RECEIVED
JUN 20 2025
PLANNING AND ZONING

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Case Number:	BOA0525-0468
Submitted By/	Peggy Nix
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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) 216-6343 or by email at jcervantes@cityofmesquite.com.

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

BOA Case: BOA0525-0468

I am **in favor** of this request

I am **opposed** to this request

Reasons
(optional):

Name:
(required)
Address:
(required)

David Leavitt, YOY Holdings LLC
2452 W Hwy 80 E
Mesquite, TX 75149

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



FILE NUMBER: BOA0625-0471

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, June 26, 2025

GENERAL INFORMATION

Applicant: Christopher Rampone
Property Owner: Christopher Rampone
Location: 5021 Kaimesha Way

SITE BACKGROUND

Legal Description: Country Club Estates 1, Block 1, Lot 17
Size: 0.16 acres/ 7,138.67 square feet
Zoning: R-3, Single Family Residential
Zoning History: 1954 – 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:	NGTC – North Gus Thomasson Corridor	Retail Uses
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 the conversion of an existing front-entry one-car garage into a living space without relocating the converted parking space. Although the home was originally constructed in the late 1950s, the garage was converted in 2023. The applicant purchased the property in March 2025 and was unaware that the garage conversion had been completed without the necessary permits. This property has replaced the parking space and now features two non-tandem parking spaces at the front of the property.

On October 3, 2022, the City Council adopted Ordinance No. 4990, which amended the Garage Conversion standards in Section 2-202 of the Mesquite Zoning Ordinance. These standards now require that any off-street parking spaces eliminated by a garage conversion—particularly those located behind the building line in residential zoning districts—must be relocated so that the total number of off-street parking spaces on the lot is not reduced. However, the Board of Adjustment has the authority to grant a Special Exception to this requirement, thereby allowing a garage conversion without the relocation of the parking space.

The applicant intends to lease the property to a prospective tenant; however, before a Rental Certificate of Occupancy can be issued, the property must be brought into compliance with applicable codes and all required permits must be obtained.

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 1955.

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 converted garage now exists as an additional living space which can be used as a bedroom, family room, or media room. Staff does not anticipate any adverse impacts on adjacent properties, as there is sufficient off-street parking along the existing driveway. Additionally, the property does not have alley access to provide additional parking at the rear of the property, and the width of the front driveway could not be extended without exceeding impervious coverage requirements in the front yard. The garage conversion is compatible with the surrounding properties zoned R-3, Single Family Residential.

PERMITS

2017: Rental Certificate of Occupancy
2019: Electrical Permit
2024: Mechanical Permit
2024: Plumbing Permit
2024: Building Remodel 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 off-street non-tandem parking spaces remain on the lot.

PUBLIC NOTICE

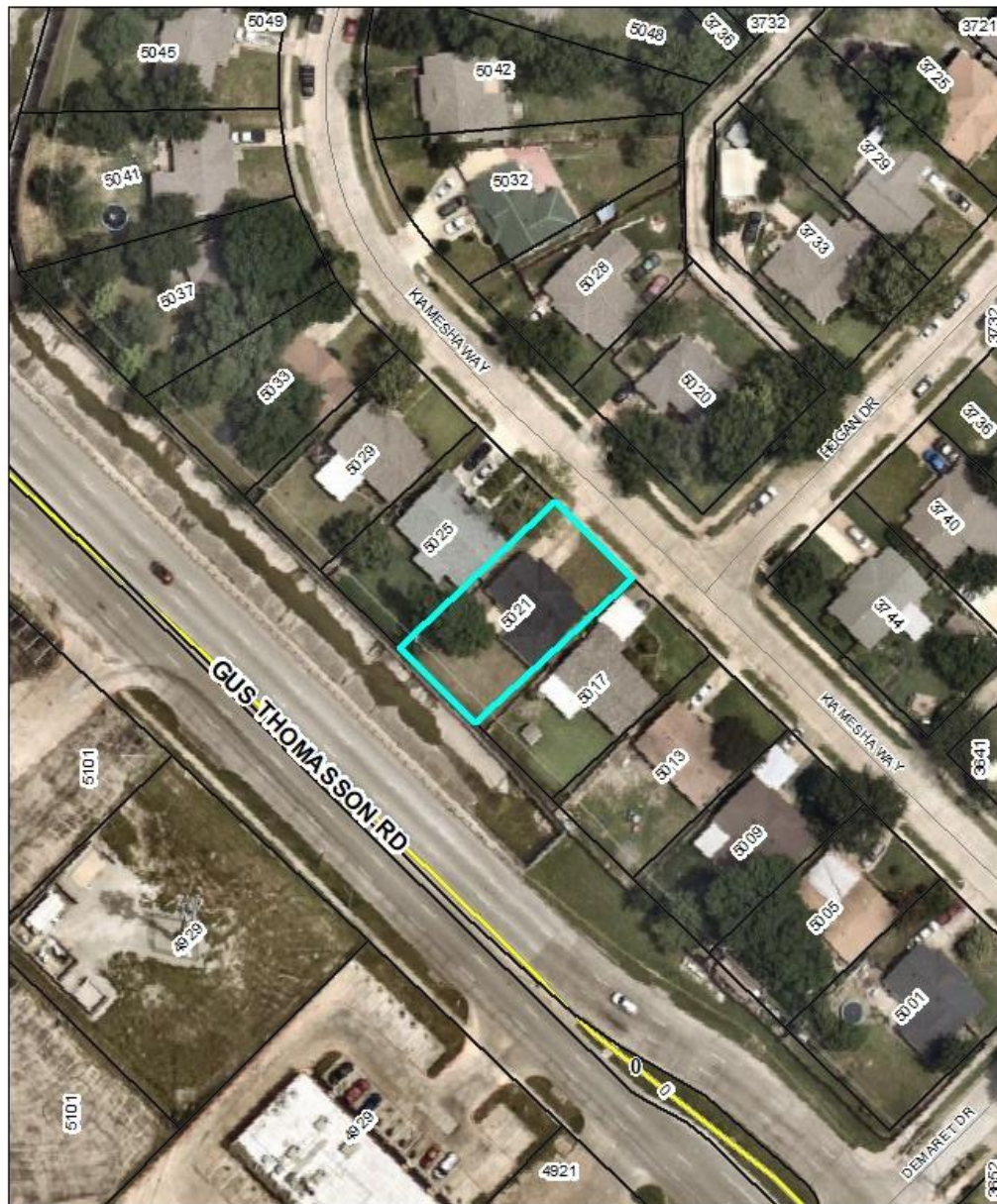
Staff mailed notices to all property owners within 200 feet of the subject property. As of June 23, 2025, there have been one returned notice in favor of the request.

ATTACHMENTS

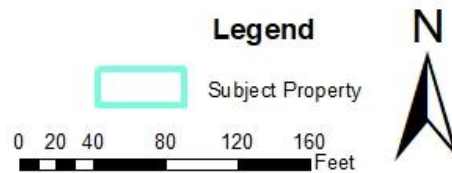
1. Aerial Map
2. Public Notification Map
3. Returned Notices
4. Site Photos
5. Application Materials

ATTACHMENT 1 – AERIAL MAP

Aerial Map

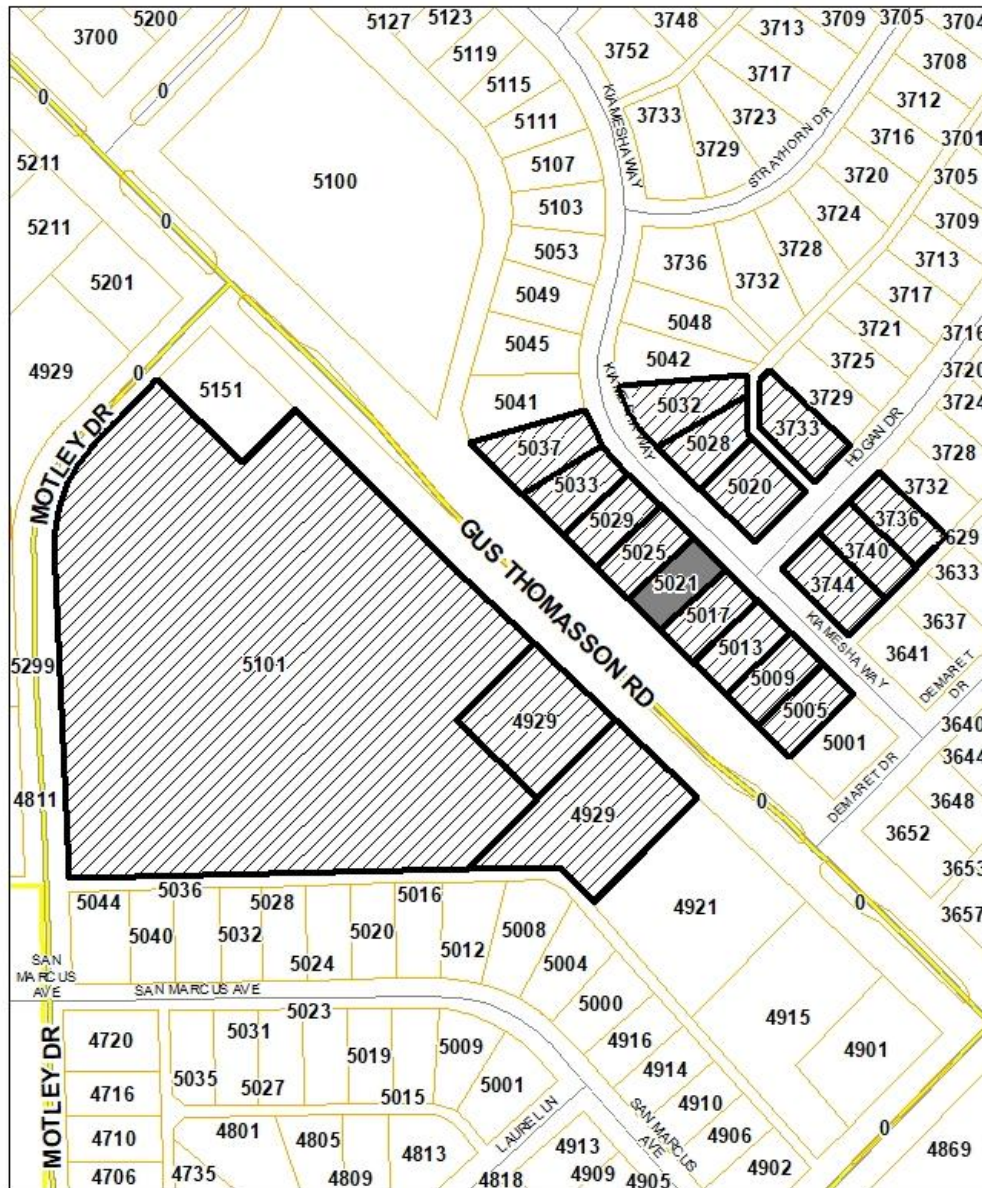


Location: 5021 Kiamesha Way



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Applicant: Christopher Rampone
Location: 5021 Kiamesha Way
DCAD: 38047500010170000

Legend

-  Required Notices
-  Subject Property



ATTACHMENT 3 – RETURNED NOTICES



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, **June 26, 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:	BOA0625-0471
Submitted By:	Christopher Rampone
Property Owner:	Christopher Rampone
Property Location:	5021 Klamesha Way
Legal Description:	Country Club Estates 1, Block 1, Lot 17
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) 329-8523 or by email at tclark@cityofmesquite.com.

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

BOA Case: BOA0625-0471

I am **in favor** of this request ☒

I am **opposed** to this request ☐

Reasons
(optional):

Name:
(required)
Address:
(required)

Ray Rossi
5017 Klamesha Way
Mesquite, TX 75150

Please respond by returning to:

RECEIVED

JUN 16 2025

PLANNING AND ZONING

CITY OF MESQUITE PLANNING DIVISION
ATTN: Ti'Ara Clark
PO BOX 850137
MESQUITE TX 75185-0137

ATTACHMENT 4 – SITE PHOTOS



Subject property from Kiamesha Way, facing west.

ATTACHMENT 5 – APPLICATION MATERIALS



City of Mesquite Board of Adjustment Application

Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/7724/Board-of-Adjustment---Application-for-General-Special-Exceptions-and-Variances>.

Application Checklist

- ☒ Completed Application ☒ Site Plan/Drawing ☒ Site Plan Checklist (Page 7) ☒ Application Fee
☒ Owner Authorization Form (Page 6)

Property Information – Where the residence is located

Physical Address: 5021 Kiamesha Way City, State: Mesquite, Texas
Zip Code: 75150

Applicant Information – The person filling out the application

First Name: Christopher Last Name: Rampone
Phone Number: (631) 404-8988 Email Address: crampone@gmail.com
I would like an interpreter at the meeting: ☐ Yes ☒ No Language: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: ☒ Yes ☐ No (If no, fill in information below)
First Name: _____ Last Name: _____
Phone Number: _____ Email Address: _____
Mailing Address: 3616 Patriot Dr. City, State: Frisco, TX
(If different from physical address)
Zip Code: 75034

Office Use Only

Subdivision: _____ Block: _____ Lot: _____
Size of Property: _____ Square Feet When was the property platted: _____
Date Received: _____ Project Intake: _____ Case Number: BOA
☐ Special Exception (\$200) ☐ Residential Variance (\$250) ☐ Non-Residential Variance (\$750) ☐ Appeals (\$500)

ATTACHMENT 5 – APPLICATION MATERIALS

Structure Types

Check all that applies

Residential Uses	☐ Owner / Rental Occupied	☐ Community Home / Group Home	☐ Home business / occupation
Nonresidential Use	Proposed / Existing Use		
Main Structure	Residential	Non-Residential	Other
☐ Room Addition	☐ Rear Carport	☐ Off-Site Parking	☐ Fencing
☐ Garage Addition	☐ Storage Building	☐ Joint Use Parking	☐ Temporary Uses
☐ New Residence	☐ Detached Garage	☐ Parking Reduction	☐ Tree Preservation
Nonconforming	☐ Patio Cover	☐ Flag Poles >75 Ft	☐ Oversized Antenna
☐ Use	☐ Oversized Accessory Structure	☐ Reverse Vending Machine	☐ Lighted Game Courts
☐ Premise	☐ Accessory Dwelling Unit	☐ Oversized Accessory Structure	☐ Livestock
☐ Structure	☒ Garage Conversion	☐ New Structure	

Height of Structure: _____ Feet Size of Structure: _____ Square Feet

Roof Pitch (If applicable): _____

Describe Materials Used:

Garage Conversion completed (*estimated 2023) prior to my purchasing the house in March 2025. Room is approx 275 sq. feet.

Roof is the same height as the rest of the house (roughly 15 feet)

Affected Part(s) of the Property	Will it	Status
☐ Interior Side Yard ☐ Front Yard	☐ Exceed Maximum Height?	☒ Existing
☐ Exterior Side Yard ☐ Rear Yard	☐ Exceed Maximum Size?	☐ Proposed

Describe the structure and its purpose:

Garage has already been converted to a livable space, which may be used as a bedroom, family room, media room, etc.

ATTACHMENT 5 – APPLICATION MATERIALS

COMPLETE FOR SPECIAL EXCEPTIONS ONLY.

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

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

☒ Yes ☐ No

If yes, how?

It will increase the livable space of the property, without extending the overall footprint of the property. Furthermore, you will be able to park 2 cars side by side in the driveway (not one in front of the other).

I have spoken with the neighbors on each side, and neither of them has said anything disagreeable with this garage conversion.

Converted room has 2 windows (side by side), each is 32 in wide and 48 inches tall.

Will the Special Exception be compatible with the surrounding neighborhood?

☒ Yes ☐ No

If yes, how?

Many other houses on this street and in this neighborhood have garages converted to livable space.

ATTACHMENT 5 – 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: Christopher Rampone (631) 404-8988 Phone Number: _____

Address: 5021 Kiamesha Way Mesquite TX 75150

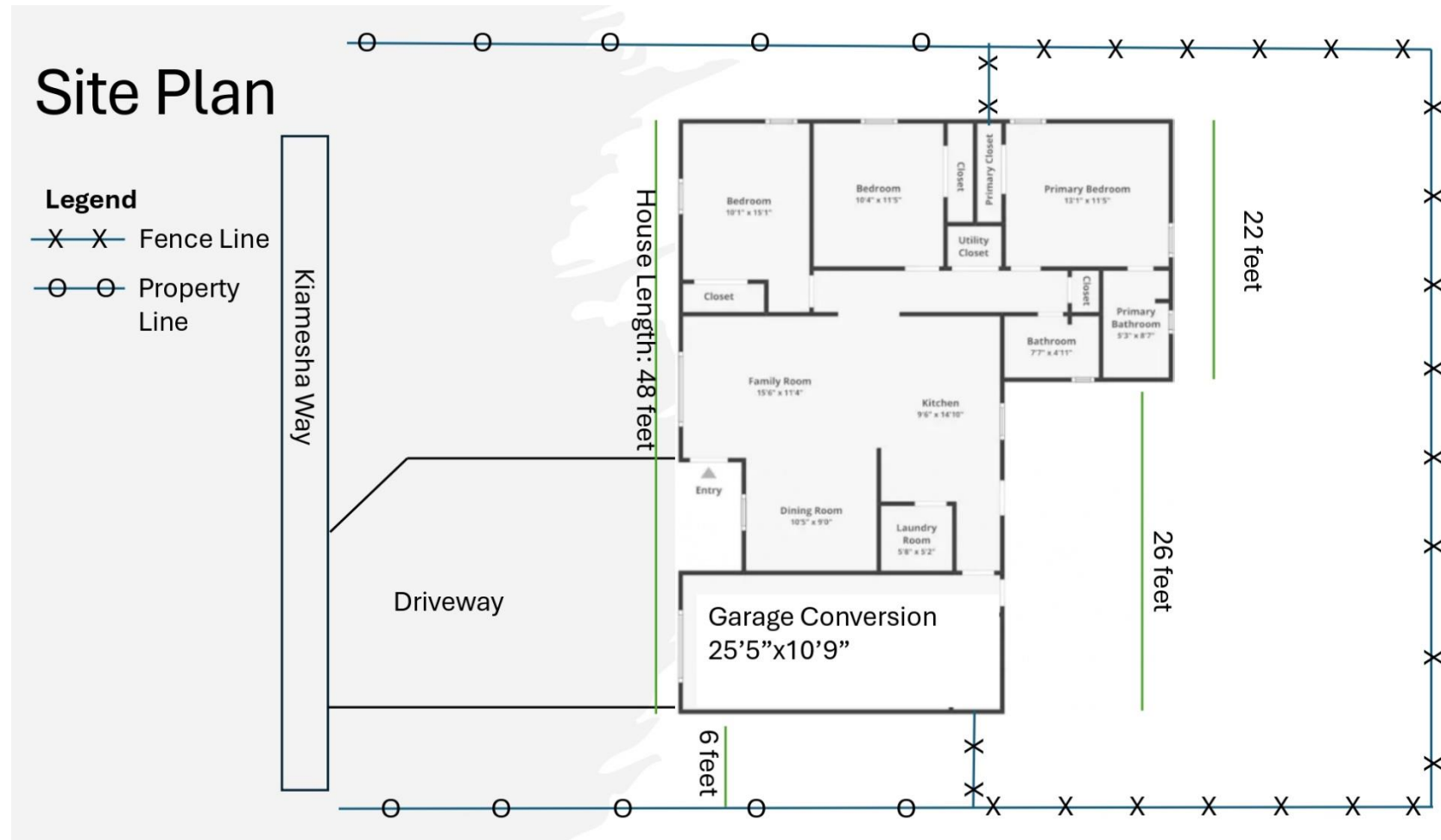
Email Address: _____

Signature: _____



Digitally signed by Christopher Rampone
Date: 2023.06.09 21:22:30 -0500

ATTACHMENT 5 – APPLICATION MATERIALS



FILE NUMBER: BOA0525-0469
REQUEST: A request for a Variance to allow an accessory structure to encroach into the 5-foot side yard setback by 5 feet and the 3-foot rear setback by 3 feet, located at 410 Southerland Ave.
CASE MANAGER: Ti'Ara Clark, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, June 26, 2025

GENERAL INFORMATION

Applicant: Jose Tapia
Property Owner: Jose Tapia
Location: 410 Southerland Ave

SITE BACKGROUND

Legal Description: Timberland Block 4, Lot 7
Size: 7,162.36 square feet / 0.16 Acres
Zoning: PD-R-2A, Planned Development - Single Family Residential (Ord. 1651)
Existing Land Use: Single Family Home
Zoning History: 1972 – Annexed
1980 – Rezoned to PD – R-2A, Single Family Residential

Surrounding Zoning and Existing Land Uses:

	<u>ZONING</u>	<u>EXISTING LAND USE</u>
NORTH:	PD – R-2A, Single Family Residential (Ord. 1651)	Single Family Residential
SOUTH:	C - Commercial	Specialty Contractor Uses
EAST:	PD – R-2A, Single Family Residential (Ord. 1651)	Single Family Residential
WEST:	PD – R-2A, Single Family Residential (Ord. 1651)	Single Family Residential

CASE SUMMARY

The applicant is requesting a Variance to allow an existing accessory structure (patio cover) to encroach 5 feet into the required 5-foot side yard setback and 3 feet into the required 3-foot rear yard setback. As a result, the structure sits directly on the interior side and rear property lines.

Per the Mesquite Zoning Ordinance (MZO), accessory structures must meet minimum setback requirements unless relief is granted by the Board of Adjustment through a variance. The MZO also outlines specific hardship criteria to be considered when evaluating such requests.

According to the applicant, the covered patio was constructed prior to their purchase of the home in 2023. A code violation was issued by the City in May 2025, prompting the applicant to submit a variance request.

In their application, the applicant states that the patio cover provides the only shaded seating area in a rear yard largely occupied by an in-ground pool, with minimal lawn space. The structure is anchored to a concrete pad that replaced the originally platted wood deck, preserving a long-standing outdoor living area. Its open-sided design promotes airflow and visibility, maintaining neighborhood character and minimizing impacts on adjacent properties.

MESQUITE ZONING ORDINANCE

SEC. 5-207.K: VARIANCE APPROVAL STANDARDS

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

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

STAFF COMMENTS:

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

PERMITS

2019 – Building (Residential) – Plumbing

STAFF RECOMMENDATION

Staff recommends denial of the Variance request to allow an accessory structure to encroach into the 5-foot side yard setback by 5 feet and the 3-foot rear setback by 3 feet. Based on the variance approval standards outlined in the Mesquite Zoning Ordinance, Staff does not find that this case meets any of the listed criteria.

PUBLIC NOTICE

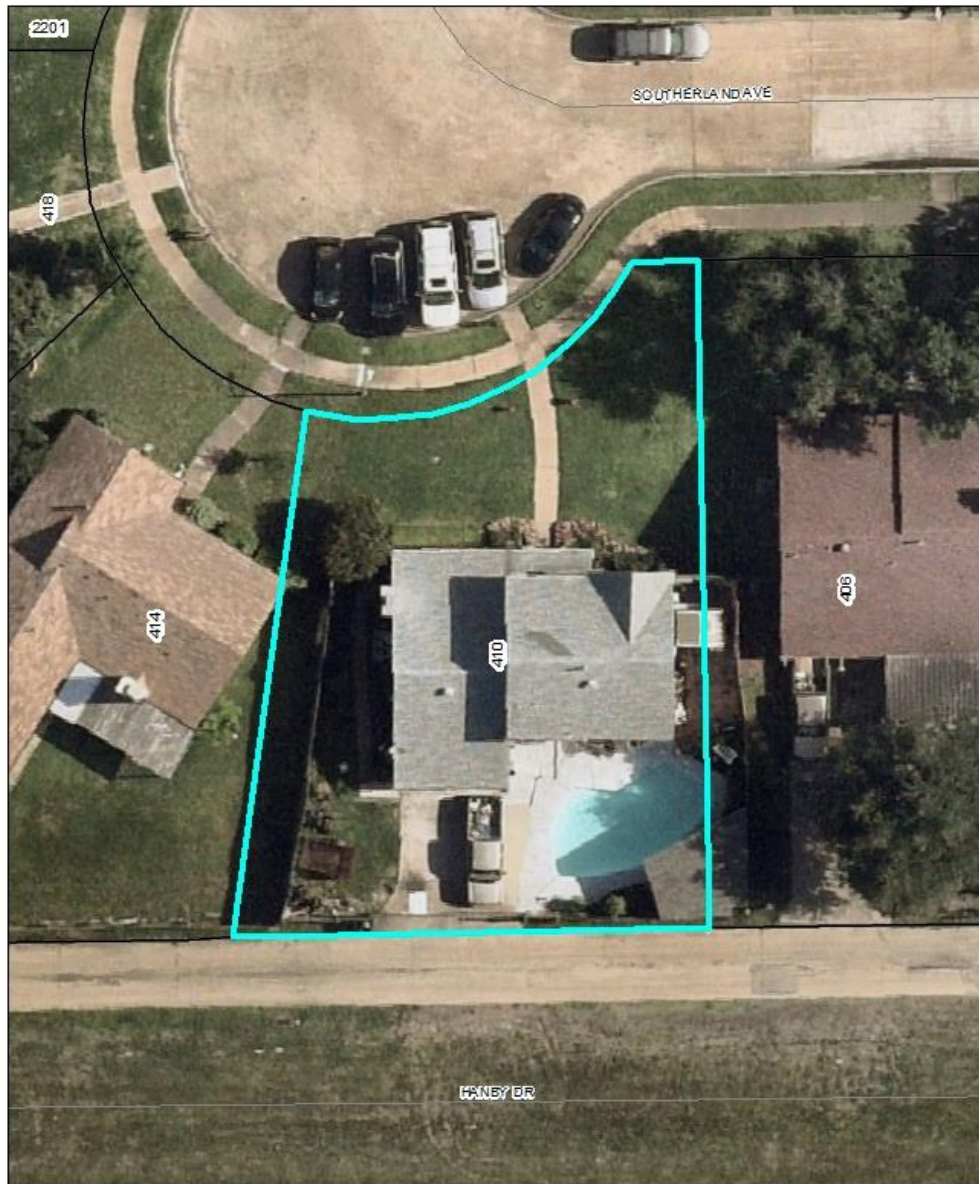
Staff mailed notices to all property owners within 200 feet of the subject property. As of June 22, 2025, there are no returned notices.

ATTACHMENTS

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

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Location: 410 Southerland Ave

Legend

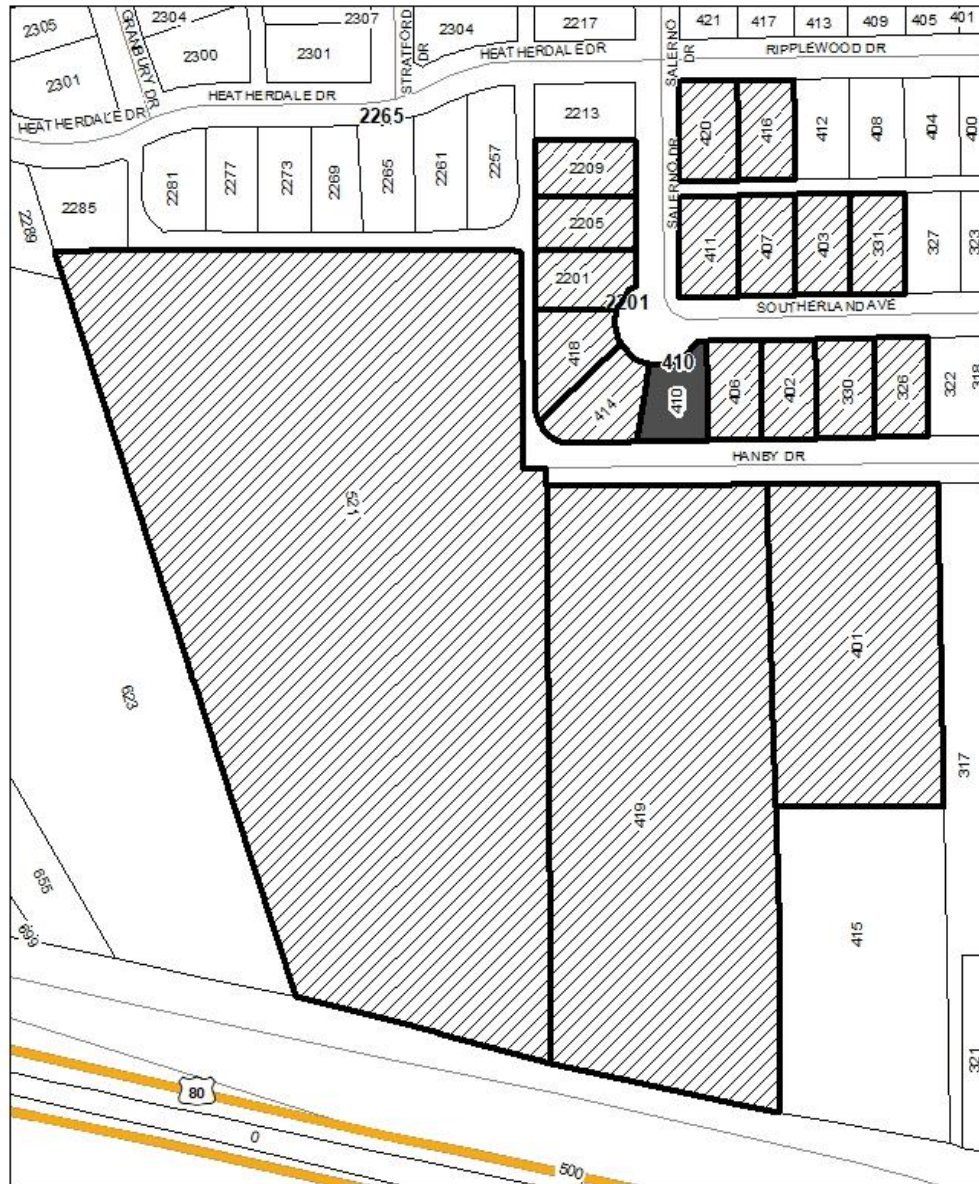
 Subject Property

0 5 10 20 30 40 Feet



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Applicant: Jose Grano Tapia
Location: 410 Southernland Avenue
DCAD: 38201300040070000

Legend

-  Required Notices
-  Subject Property



ATTACHMENT 3 – SITE PHOTOS



Front view of the subject property, facing south.



Rear view of the subject property, facing north.

ATTACHMENT 4 – APPLICATION MATERIALS



City of Mesquite Board of Adjustment Application

Please print legibly. This application can also be completed online at
<https://www.cityofmesquite.com/DocumentCenter/View/7724/Board-of-Adjustment---Application-for-General-Special-Exceptions-and-Variations>.

Application Checklist

- ☒ Completed Application ☒ Site Plan/Drawing ☒ Site Plan Checklist (Page 7) ☒ Application Fee
☒ Owner Authorization Form (Page 6)

Property Information – Where the residence is located

Physical Address: 410 Southerland Ave City, State: Mesquite, Texas
Zip Code: 75150

Applicant Information – The person filling out the application

First Name: Jose Last Name: Grano Tapia
Phone Number: 2149668592 Email Address: Mesquite TX 75150
I would like an interpreter at the meeting: ☐ Yes ☒ No Language: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: ☒ Yes ☐ No (If no, fill in information below)
First Name: _____ Last Name: _____
Phone Number: _____ Email Address: _____
Mailing Address: _____ City, State: _____
(If different from physical address)
Zip Code: _____

Office Use Only

Subdivision: _____ Block: _____ Lot: _____
Size of Property: _____ Square Feet When was the property platted: _____
Date Received: _____ Project Intake: _____ Case Number: BOA
☐ Special Exception (\$200) ☐ Residential Variance (\$250) ☐ Non-Residential Variance (\$750) ☐ Appeals (\$500)

ATTACHMENT 4 – APPLICATION MATERIALS

Structure Types

Check all that applies

Residential Uses	☒ Owner / Rental Occupied	☐ Community Home / Group Home	☐ Home business / occupation
Nonresidential Use	Proposed / Existing Use		
Main Structure	Residential	Non-Residential	Other
☐ Room Addition	☐ Rear Carport	☐ Off-Site Parking	☐ Fencing
☐ Garage Addition	☐ Storage Building	☐ Joint Use Parking	☐ Temporary Uses
☐ New Residence	☐ Detached Garage	☐ Parking Reduction	☐ Tree Preservation
Nonconforming	☒ Patio Cover	☐ Flag Poles >75 Ft	☐ Oversized Antenna
☐ Use	☐ Oversized Accessory Structure	☐ Reverse Vending Machine	☐ Lighted Game Courts
☐ Premise	☐ Accessory Dwelling Unit	☐ Oversized Accessory Structure	☐ Livestock
☒ Structure	☐ Garage Conversion	☐ New Structure	

Height of Structure: 9.17 Front/ 8.5 Rear Feet Size of Structure: 235 Square Feet



Roof Pitch (If applicable): .59in/ft

Describe Materials Used:

4x4 cedar posts, 2x8x16 pine wood, osb roof sheathin panel 4ft by 8ft, roof underlayment, roof shingles.

metal concrete anchors, concret siding. Pine tongue and grove 1x6x8, Concrete

Affected Part(s) of the Property

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

Will it

- | |
|--|
| ☒ Exceed Maximum Height? |
| ☒ Exceed Maximum Size? |

Status

- | |
|--|
| ☒ Existing |
| ☐ Proposed |

Describe the structure and its purpose:

The roofed patio cover provides the only shaded seating and gathering area in a rear yard otherwise dominated by an in-ground pool and limited lawn space. By anchoring to the same concrete pad that replaced the original, platted "Wood Deck," the structure preserves a long-standing outdoor-living footprint while adding essential sun protection, heat relief, and a safe refuge for swimmer and guests. Its open-sided design maintains clear sight-lines, airflow, and neighborhood character, enabling reasonable enjoyment of the property without impacting adjacent lots or public welfare.

ATTACHMENT 4 – APPLICATION MATERIALS

COMPLETE FOR VARIANCES ONLY.

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

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

☐ Yes ☐ No

If no, explain:

The patio cover is a well-maintained, open-air shade structure that has existed for years on the exact deck footprint recorded in 1983.

It does not block visibility, impede drainage, or encroach on utilities, and no neighbor has objected.

Allowing it to remain promotes safe, enjoyable use of the yard without harming adjacent properties.

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

☐ Yes ☐ No

Explain how.

Special conditions include: (a) the house is set unusually deep on the lot, leaving minimal rear-yard depth; (b) an in-ground pool occupies most of that limited space, so relocating the patio cover three feet forward would push it into the pool deck and violate the safe clearance requirements; (c) the cover sits entirely on a concrete pad that replaced the platted Wood Deck," so demolition would eliminate the only shaded, level seating area the lot has ever provided; and (d) removal and reconstruction elsewhere would impose a significant, unforeseeable financial burden—engineering new footings away from buried pool lines and pouring a fresh slab is estimated at \$8,000-12,000, a cost disproportionate to the modest benefit of moving the roof three feet. These combined site-layout and cost constraints, none of which were self-created by the current owner, would deprive the property of reasonable use enjoyed by similar homes, satisfying the hardship test beyond mere pecuniary inconvenience.

ATTACHMENT 4 – APPLICATION MATERIALS

COMPLETE FOR VARIANCES ONLY.

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

☐ Yes ☐ No

Explain:

Approving the variance converts a long-standing improvement into a fully permitted, inspected structure while preserving neighborhood character and protecting the public health and safety. It balances strict code application with fair accommodation of unique lot conditions, thereby accomplishing the Ordinance's intent and doing substantial justice.

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: Jose Grano Tapia Phone Number: _____
Address: 410 Southerland Ave
Mesquite TX 75150 Email Address: _____
Signature: _____

ATTACHMENT 4 – APPLICATION MATERIALS

