



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

757 North Galloway Avenue

Mesquite, Texas

September 25, 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

September 25, 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. Any comment on Agenda Item No. 5 is limited to whether the Board should grant reconsideration of the described matter. If reconsideration is granted, then a public hearing will be held on the merits of that matter.

CONSENT AGENDA

All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Board of Adjustment or any individual wish to discuss any item, said item may be removed from the Consent Agenda by a motion of the Board of Adjustment.

4. APPROVAL OF MINUTES.

Discuss and consider approval of the minutes of the August 28, 2025, Board of Adjustment meeting.

REQUEST FOR RECONSIDERATION

5. BOA0925-0479, REQUEST FOR RECONSIDERATION OF BOA0625-0473 – APPLICATION FOR VARIANCE.

Discuss the written request for reconsideration submitted by Jose Leones and consider whether to reconsider the original matter. The original application, BOA0625-0473, requested a Special Exception to allow an oversized accessory structure to exceed the maximum size of 500 square feet by 700 square feet, for a total of 1,200 square feet, and exceed the maximum allowable height of 15 feet by 6 feet, for a total height of 21 feet, located at 2941 Clearmeadow Drive. The original application for Special Exception was DENIED at the August 28, 2025, Board of Adjustment meeting.

NOTE: If the Board wishes to grant a reconsideration of this matter, a motion must be made to reconsider Case # BOA0625-0473; the motion must be seconded; and if the motion receives four (4) affirmative votes, the matter will be reconsidered by the Board as identified in Agenda Item No. 8 (below).

[SEE Mesquite Zoning Ordinance, Part 5, 5-200, [Section 5-208](#) (C)(10) & (11).]

PUBLIC HEARINGS- CONTESTED CASES

6. BOA0925-0478– SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Mark Bailey for a Special Exception to allow a rear oversized accessory structure to exceed the maximum size of 500 square feet by 700 square feet, for a total of 1,200 square feet, located at 732 W. Gross Street. (Elizabeth Douglas, Planner).

7. BOA0825-0475– VARIANCE

Conduct a public hearing to consider an application submitted by Noe Kerr on behalf of Yolanda Adame and Leal Adame for a Variance to allow the width of a front carport to exceed the 40% length of the front façade of the principal structure by 8% (3.5 feet) for a total of 48% (20 feet in width) of the front façade located at 4346 Birch Drive. (Ti'Ara Clark, Planner).

8. *BOA0625-0473– SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Jose Leones for a Special Exception to allow a rear oversized accessory structure to exceed the maximum size of 500 square feet by 700 square feet, for a total of 1,200 square feet, and exceed the maximum allowable height of 15 feet by 6 feet, for a total height of 21 feet located at 2941 Clearmeadow Drive. (Ti'Ara Clark, Planner).

NOTE: * This Agenda item shall only be considered if the Board granted a reconsideration of the matter in Agenda Item # 5 (above).

[SEE Mesquite Zoning Ordinance, Part 5, 5-200, [Section 5-208](#) (C)(11) & (12).]

OTHER BOARD BUSINESS

9. Next Board of Adjustment Meeting: October 30, 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 **September 25, 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 **September 19, 2025**, (at least three (3) business days prior to the date of 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 three (3) business days prior to the date of the meeting.



Garrett Langford, AICP
Assistant Director of Planning and Development Services

August 28, 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

Ti'Ara Clark	Planner	☒ Present In-Person
Elizabeth Douglas	Planner	☒ Present In-Person
Garrett Langford	Assistant Director	☒ Present In-Person
David Paschall	City Attorney	☒ Present In-Person
Millie Laird	Administrative Aide	☒ Present In-Person

ATTENDANCE NOTES: The meeting was called to order at 6:34 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 June 26, 2025, Board of Adjustment meeting minutes.

ACTION

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

PUBLIC HEARINGS- UNCONTESTED CASES

No uncontested cases.

PUBLIC HEARINGS- CONTESTED CASES**5. BOA0625-0473– SPECIAL EXCEPTION**

Conduct a public hearing to consider an application submitted by Jose Leones for a Special Exception to allow a rear oversized accessory structure to exceed the maximum size of 500 square feet by 700 square feet, for a total of 1,200 square feet, and exceed the maximum allowable height of 15 feet by 6 feet, for a total height of 21 feet located at 2941 Clearmeadow Drive. (Ti'Ara Clark, Planner).

Ms. Clark presented the case to the Board.

DISCUSSION

There was no discussion on this case.

Prior to calling the Applicant, Chairwoman Airheart advised the Board that City staff informed her that the applicant is primarily Spanish-speaking and did not bring an interpreter. Applicant was given the option to postpone prior to the meeting in order to have an interpreter, but he declined.

APPLICANT

Applicant stated his name and address, in broken English, for the Board.

There were no questions or comments from the Board.

PUBLIC COMMENTS

Levi Nwoko, 2945 Clearmeadow Drive, Mesquite, TX, expressed opposition, advising the Board that he has lived next door to the applicant's home for twenty-six years and opposes the large structure. He further stated that the applicant's recently constructed fence encroaches two feet into his property.

APPLICANT

Applicant returned to the podium to address Mr. Nwoko's claim regarding encroachment. Mr. Leones explained, in broken English, that the property was surveyed prior to construction of the fence.

There were no questions from the Board for the Applicant.

DISCUSSION

Boardmember Williams asked Ms. Clark if there were any stipulations included in staff recommendations. Ms. Clark advised that the applicant must correct an unpermitted concrete driveway. Mr. Williams further asked if the applicant is aware of the stipulation; Ms. Clark stated that the property owner was notified by mail, but it is currently unclear if the applicant and the property owner are the same. Ms. Clark asked Chairwoman Airheart if the applicant would be able to confirm home ownership. Ms. Airheart deferred the question to City Attorney David Paschall who advised there was nothing prohibiting asking for clarification of ownership from the applicant. Mr. Leones returned to the podium and with Staff assistance was able to relate to the Board that he is the owner of the property. It was also confirmed by Staff that Mr. Leones is the property owner. Mr. Leones was further advised by staff that he must apply for a concrete permit before proceeding with construction, provided the application is approved. Mr. Leones related, in broken English, that he is aware of the current permitting issues.

Chair Airheart asked for reconfirmation from Mr. Leones that he understands that he must comply with concrete permitting requirements before being allowed a permit for the proposed oversized structure. With Staff assistance utilizing translating app, Mr. Leones was able to understand and responded to the Board that he is aware of the requirements.

There were no further questions from the Board.

ACTION

Commissioner Williams motioned to approve with staff recommended stipulation; Boardmember Augustine seconded. The motion failed 3-1, with Boardmember Akin opposed.

OTHER BOARD BUSINESS

6. Next Board of Adjustment Meeting: September 25, 2025

Chairwoman Airheart adjourned the meeting at 7:02 P.M.

Chairwoman Kourtnie Airheart

FILE NUMBER: BOA0925-0479 (Request for Reconsideration)

REQUESTED BOARD ACTION: Reconsideration of Case #BOA0625-0473 (Special Exception)

ORIGINAL REQUEST: Special Exception to allow a rear oversized accessory structure to exceed the maximum allowable size of 500 square feet by 700 square feet, for a total of 1,200 square feet, and exceed the maximum allowable height of 15 feet by 6 feet, for a total height of 21 feet.

CASE MANAGER: Ti'Ara Clark, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 25, 2025

GENERAL INFORMATION

Applicant: Jose Leones
Property Owner: Jose Leones
Location: 2941 Clearmeadow Drive

SITE BACKGROUND

Legal Description: Creek Crossing Estates 14, Block C, Lot 20
Size: 19,562.25 square feet/ 0.45 acres
Zoning: PD, Single Family Residential (Ord. 2070)
Existing Land Use: Single Family Residential
Zoning History: 1974 – Annexed; Zoned to R-1 and R-2, Single Family Residential
1984: Rezoned to PD-R-2A, Single Family Residential (Ord. 2070)

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

On August 28, 2025, the Board denied the Applicant's request for a Special Exception (BOA0625-0473) (the "original application") in a 3-1 vote. The original application requested a Special Exception to allow the construction of a 1,200-square-foot oversized accessory structure that is 21 feet in height in the rear yard for storing personal recreational vehicles (RVs).

The applicant has now submitted a **Request for Reconsideration**, requesting the Board to consider whether to "**reconsider**" the original application for Special Exception. Should the Board vote to reconsider, details of the initial request are provided below.

BOARD DUTIES

MESQUITE ZONING ORDINANCE, SEC. 5-208.C.10 –

BOARD'S CONSIDERATION OF THE REQUEST FOR RECONSIDERATION

The board shall review the Request for Reconsideration and shall, on the basis of the written material submitted by the applicant in support of the request, determine whether to reconsider the matter because of:

- ☐ an error in its original determination
or
☐ on the basis of new or clarified evidence not presented to the board at the original hearing that might affect its determination.

BOARD ACTION ON APPLICANT'S REQUEST FOR RECONSIDERATION

If GRANTED: The Board shall hold a Public Hearing and shall reconsider the original application for a Special Exception (Case # BOA0625-0473).

If DENIED: The Board's decision on September 25, 2025 (Denial of the Special Exception) becomes the official final decision and is deemed filed in the Board's office on the first business day after the meeting at which the Board denies the request for reconsideration.

PUBLIC NOTICE

Staff mailed a combined NOTICE to all property owners within 200 feet of the subject property regarding:

- The Board's consideration of the Request For Reconsideration (BOA0925-0479); and
- Notice that if the Board grants the reconsideration, a public hearing will be held regarding the reconsideration of the original application requesting a Special Exception (BOA0625-0473).

The public notice did not solicit comments regarding the Request for Reconsideration.

Staff mailed notices to all property owners within 200 feet of the subject property. As of September 19, 2025, one notice in opposition has been received for the Request for Reconsideration.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Returned Notice
4. Site Photos
5. Concept Plan
6. Applicant's Letter: Request for Reconsideration

ATTACHMENT 1 – AERIAL MAP

Ariel Map



Applicant: Jose Leones
Location: 2941 Clearmeadow Drive
DCAD: 380539500C0200000
Request: Special Exception



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – RETURNED NOTICE



RECEIVED
SEP 19 2025
PLANNING AND ZONING

RENOTICE OF A REQUEST FOR BOARD RECONSIDERATION OF CASE #BOA0625-0473 (SPECIAL EXCEPTION)

AND

IF THE BOARD GRANTS THE RECONSIDERATION REQUEST:

NOTICE OF A PUBLIC HEARING FOR A REQUEST FOR SPECIAL EXCEPTION

The Board of Adjustment of the City of Mesquite, Texas, will consider a Request For Reconsideration of Case #BOA0925-0479 (Special Exception) and shall take action to either grant reconsideration or deny reconsideration of said case on Thursday, **September 25, 2025 at 6:00 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue, Mesquite, Texas. Details of the Request For Reconsideration (BOA0925-0479) and the Original Application for a Special Exception (BOA0625-0473) can be found below:

Case Number: (Request for Reconsideration)	BOA0925-0479 (Request For Reconsideration of BOA0625-0473)
Applicant & Property Owner:	Jose Leones
Property Location:	2941 Clearmeadow Drive
Legal Description:	Creek Crossing Estate 14, Block C, Lot 20
Requested Action:	Applicant requests for the Board to grant a reconsideration of Case #BOA0625-0473, (Request For Special Exception) (the "original application").
Case Number: (Original Application)	BOA0625-0473 (Request for a Special Exception)
Prior Board Action on Request For Variance:	The original application for a Special Exception was deemed DENIED at the August 28, 2025, Board of Adjustment meeting.
Description of the Variance Requested:	The original application request to allow a rear oversized accessory structure to exceed the maximum size of 500 square feet by 700 square feet, for a total of 1,200 square feet, and exceed the maximum allowable height of 15 feet by 6 feet, for a total height of 21 feet.

As a property owner within 200 feet of this property, you are being notified that the Board will consider whether to "reconsider" the original application for a Special Exception.

ATTACHMENT 3 – RETURNED NOTICE

If the Board DENIES the Request for Reconsideration:

The Board's decision on August 28, 2025 (Denial of the Special Exception) becomes the official final decision and is deemed filed in the Board's office the first business day after the meeting at which the Board denies the request for reconsideration.

If the Board GRANTS the Request for Reconsideration:

The Board shall immediately hold a public hearing and reconsider the original application for a Special Exception (Case #BOA0625-0473). The decision regarding whether to "grant the Special Exception" or "deny the Special Exception" will be the official final decision of the Board and is deemed filed in the Board's office the first business day after the meeting at which the Board reconsiders the request for Special Exception (i.e. the meeting at which the Board takes action and makes a decision on the request for Special Exception).

APPEALS: Final decisions of the Board may be appealed to a court of appropriate jurisdiction in accordance with Section 211.011 of the Texas Local Government Code.

You are invited to make your views known regarding the request for a Special Exception (Case #BOA0925-0479).

You may notify the Board of Adjustment of your comments **in writing** (no faxes, calls, or e-mails) by returning the response form attached below by the meeting date, or **in person** by attending the public hearing.

Questions regarding these applications may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, 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: BOA0925-0479

Name:
(required)

LORNA J MACDOUGALL

I am **IN FAVOR** of this request for Variance ☐

Address:
(required)

3009 CLEARMEADOW DR

I am **OPPOSED** to this request for Variance ☒

MESQUITE TX 75181

Reasons (optional):

CONCRETE TRUCKS THAT HAVE
STARTED ENTERING THE ALLEY
HAS DESTROYED MY SIDEWALK AND
CLIMB

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

ATTACHMENT 4 – SITE PHOTOS



Front view of the subject property

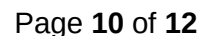


Rear view of the subject property from the alley, showing existing accessory structure

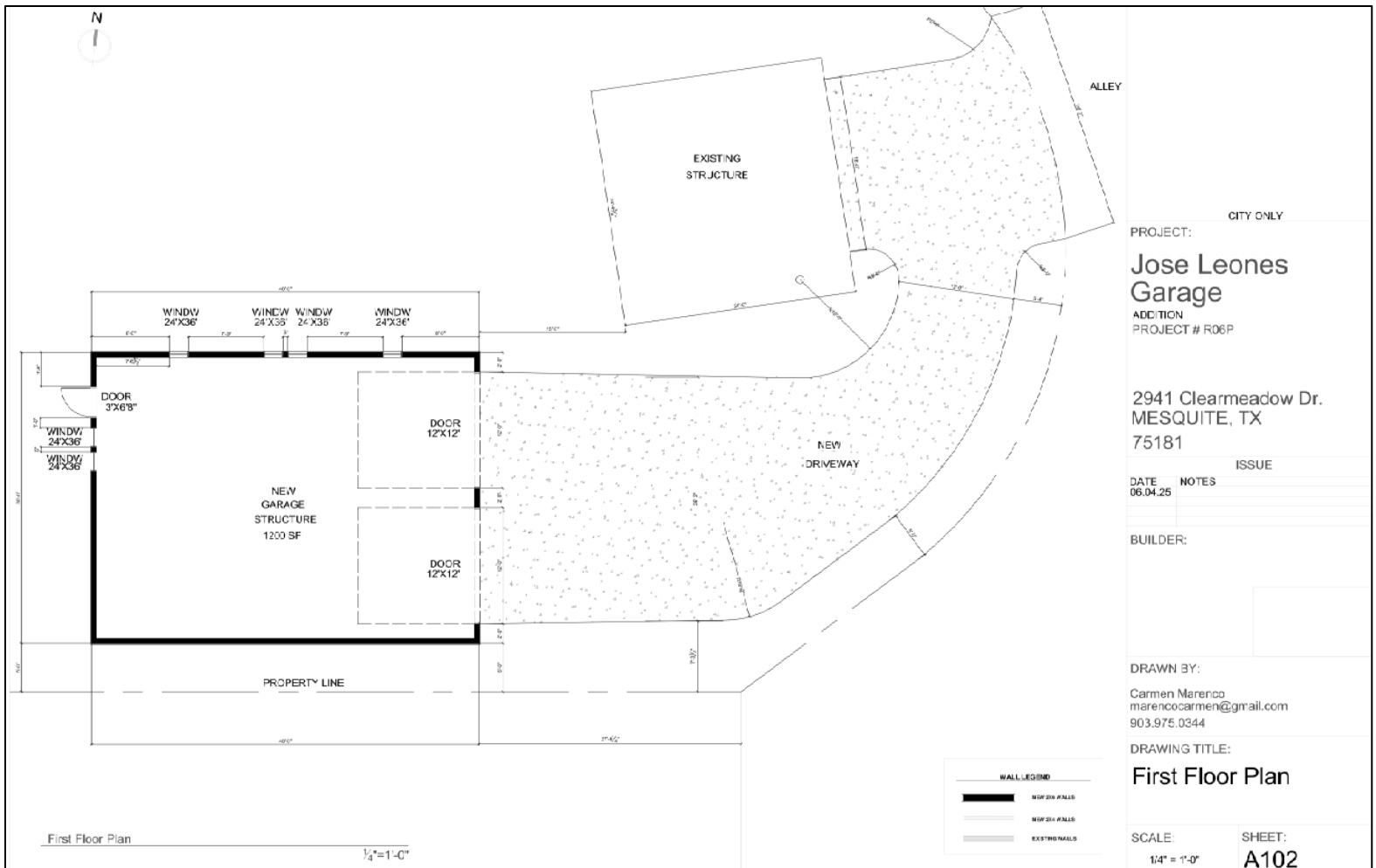
ATTACHMENT 4 – SITE PHOTOS



Side view of the subject property from the alley, showing the driveway access



ATTACHMENT 5 – CONCEPT PLAN



ATTACHMENT 6 – APPLICANT’S LETTER: REQUEST FOR RECONSIDERATION

Case No. BOA0625-0473

9/4/2025

Phone # 214-791-1964

Email: joseleones8756@gmail.com

To Board of Adjustment:

This letter is made to request reconsideration for a decision made by the board. I feel like the action should be reconsidered because I was unable to explain the reasons why I am asking for a larger garage, I feel like I wasn't heard on my arguments since I did not have a interpreter causing a language barrier when communicating with the board.

Sincerely,



Jose Miguel Leones

FILE NUMBER: BOA0925-0478
REQUEST: Special Exception request to allow a rear oversized accessory structure, exceeding the maximum allowable size of 500 square feet by 700 square feet, for a total size of 1,200 square feet and for the 15ft tall structure to exceed the height of the house.
CASE MANAGER: Elizabeth Douglas, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 25, 2025

GENERAL INFORMATION

Applicant: Mark Bailey
Property Owner: Edith Woods
Location: 732 W. Gross St.

SITE BACKGROUND

Legal Description: Rutherford, Block 3, Lot 8
Size: 25,293.17 square feet (0.58 acres)
Zoning: R-3, Single Family Residential
Existing Land Use: Single Family Residential
Zoning History: 1949 – Annexed

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

The applicant is requesting Special Exceptions to allow the construction of a 15-ft tall, 1200-square-foot oversized accessory structure in the rear yard to store antique vehicles and other personal items. The home was built without a garage. The rear yard measures approximately 19,853.30 square feet, measured from the rear building line of the home. The proposed accessory structure would occupy 6% 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 700 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 15-ft tall, 1200-square-foot accessory structure, which exceeds the maximum permitted size by 700 square feet and exceeds the height of the house. While oversized, the structure would occupy approximately 4% 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 6 %, 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 and other personal items in the rear yard. Staff does not anticipate any adverse impacts on the adjacent properties.

PERMITS

NA

STAFF RECOMMENDATION

Staff recommends approval of a Special Exception to allow an accessory structure to exceed the maximum size of 500 square feet by 700 square feet for a total of 1200 square feet and for the 15-ft tall structure to exceed the height of the house.

PUBLIC NOTICE

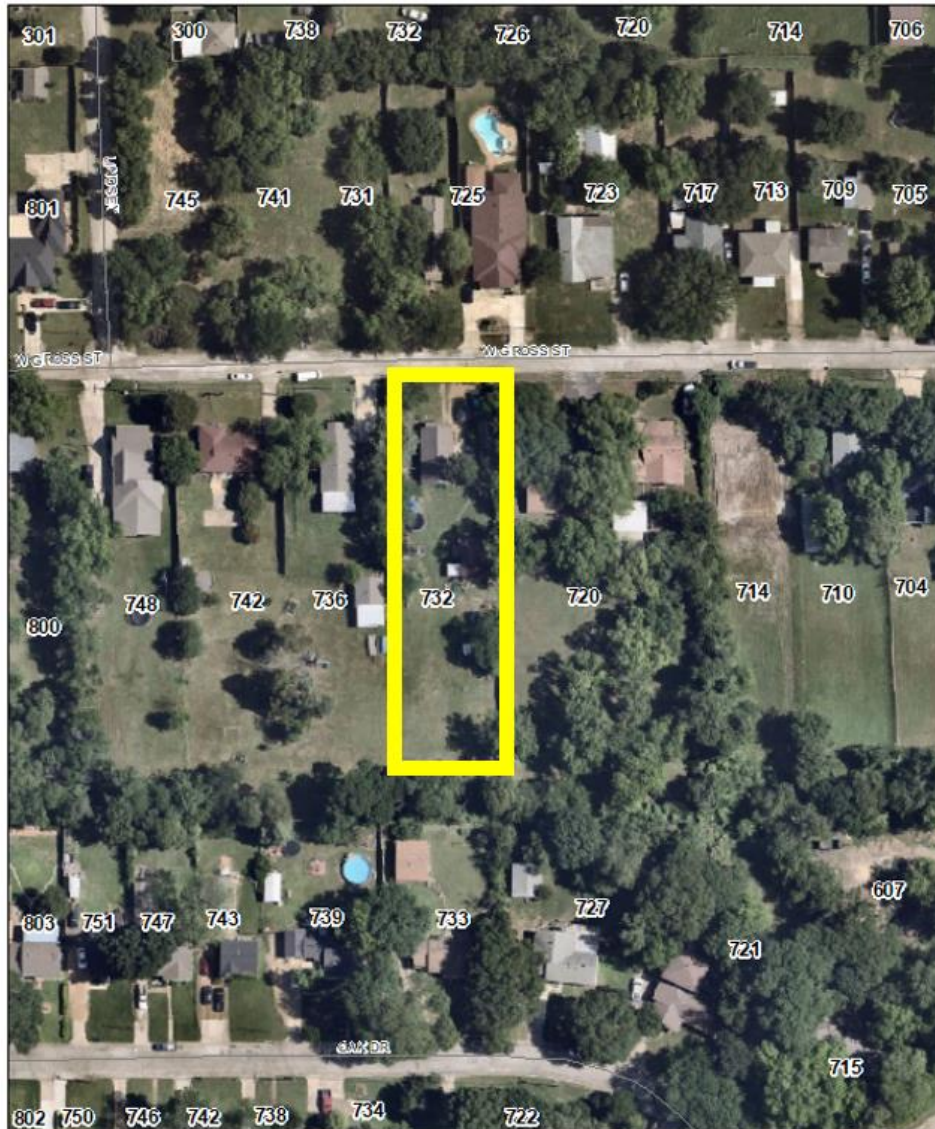
Staff mailed notices to all property owners within 200 feet of the subject property. As of June 19, 2025, there has been one returned notices in opposition of the request.

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: Mark Bailey

Property Owner: Edith Woods

Location: 732 W. Gross St.

Legend



Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Applicant: Mark Bailey
Property Owner: Edith Woods
Location: 732 W Gross
Request: Special Exception for an oversized accessory structure

Legend

-  Required Notices
-  Subject Property



ATTACHMENT 3 – SITE PHOTOS



Front view of the subject property

ATTACHMENT 4 – APPLICATION MATERIALS



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: 732 W Gross St City, State: Mesquite, Texas
Zip Code: 75149

Applicant Information – The person filling out the application

First Name: Edith Last Name: Woods
Phone Number: 469-735-6951 Email Address: 56elwoods@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: Edith Woods Last Name: Woods
Phone Number: 469-735-6951 Email Address: 56elwoods@gmail.com
Mailing Address: 732 W Gross St 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: 15 Feet Size of Structure: 1,200 Square Feet

Roof Pitch (If applicable): 12/2

Describe Materials Used:

Metal Build with R-Panel

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:

30x40 Metal Build used Storage

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?

The additional space allows me to store personal property and allows for the appearance to be neutral

Will the Special Exception be compatible with the surrounding neighborhood?

☒ Yes ☐ No

If yes, how?

Many people in the neighborhood have similar storage units on the back side of the property

ATTACHMENT 4 – APPLICATION MATERIALS

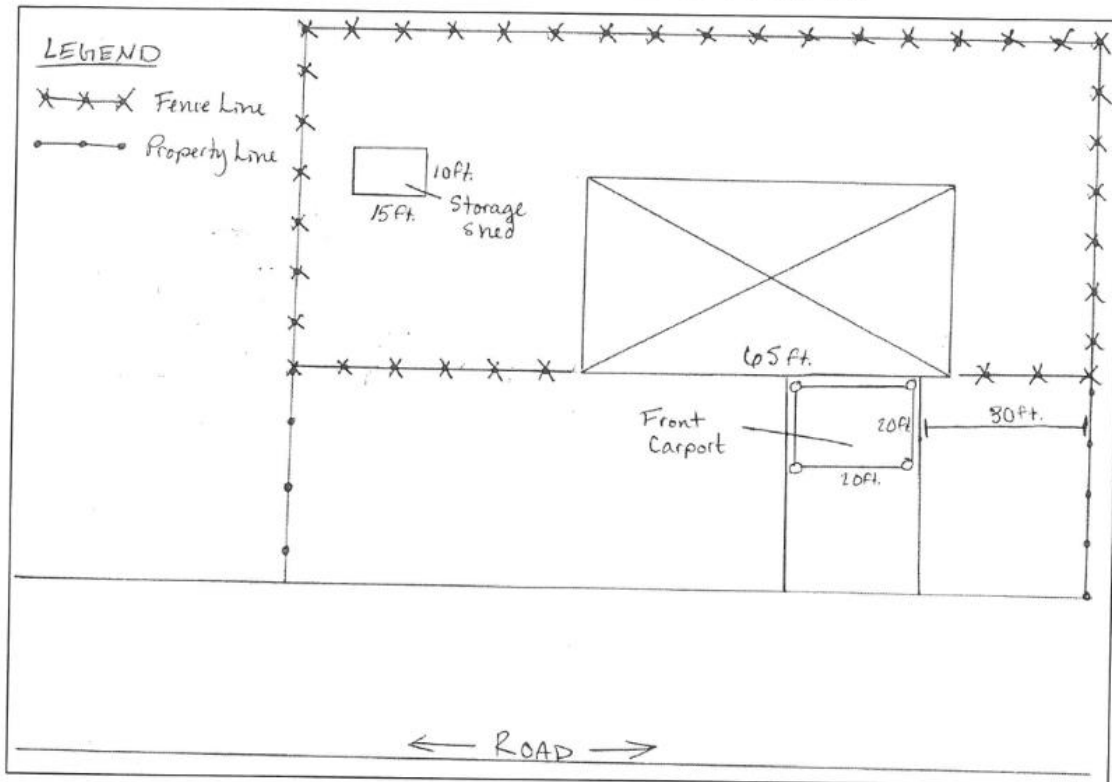
OWNER AUTHORIZATION FORM

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: Edith Woods Phone Number: 469-735-6951
Address: 732 W Gross St
Mesquite TX 75149 Email Address: 56elwoods@gmail.com
Signature: Edith Woods

ATTACHMENT 4 – APPLICATION MATERIALS

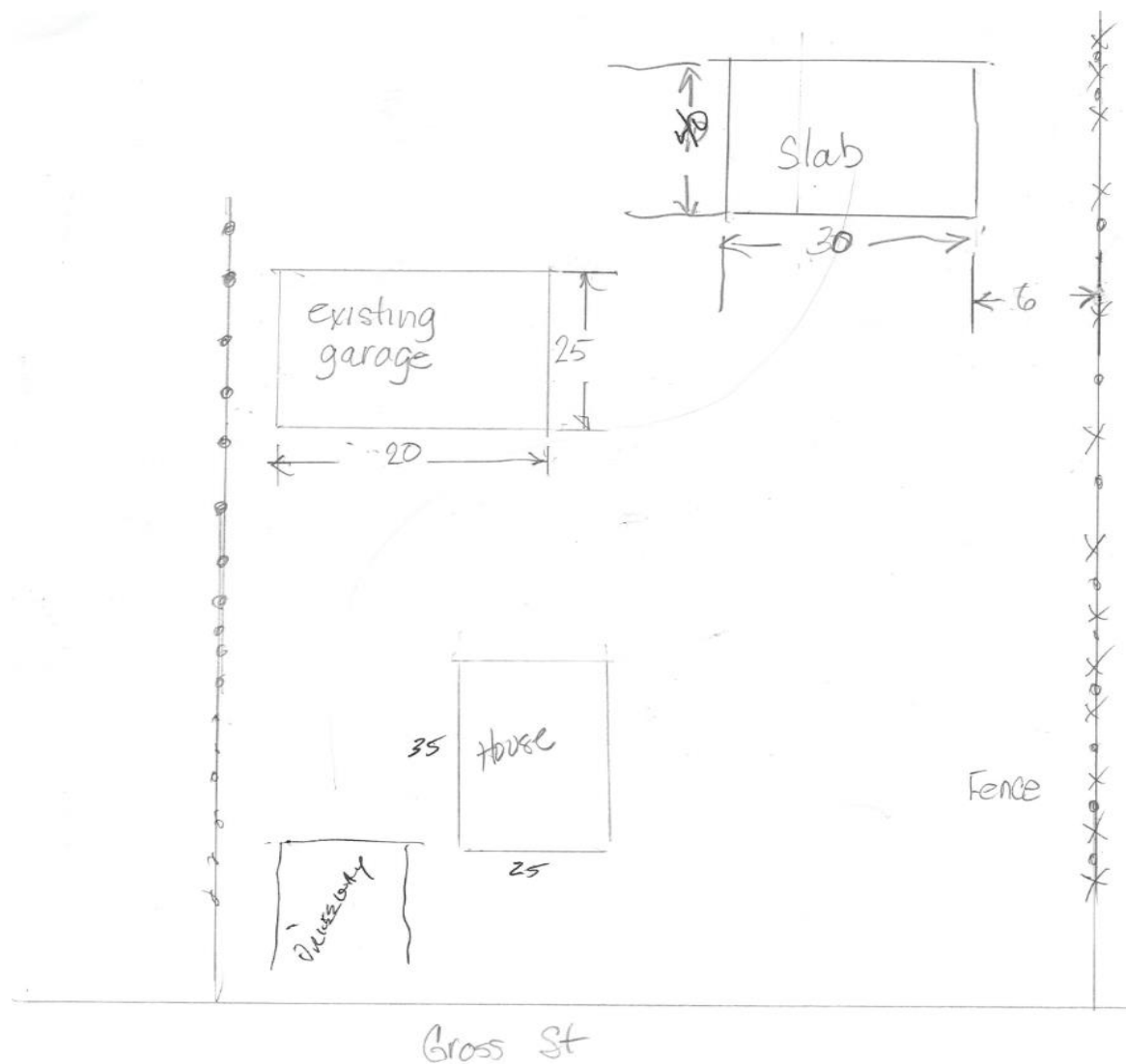
ACCEPTABLE SITE PLAN EXAMPLE

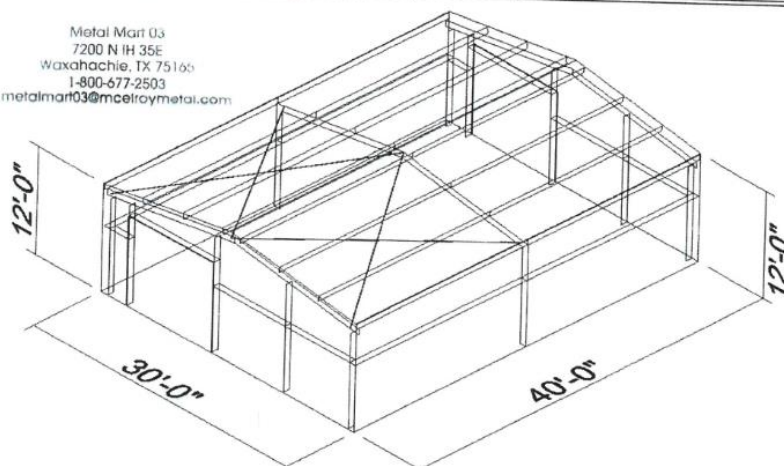


Site Plan Checklist

- | | |
|--|---|
| ☒ Property Lines | ☒ Streets/Alleys |
| ☒ Home – Draw Outline of Home | ☒ Front and Rear Length of Home (feet) |
| ☒ Other Structures on Property | ☒ Distance between Structures and Property Lines (feet) |
| ☐ Lengths of all Structures (feet) | ☒ Driveway |
| ☒ Fence Line | ☐ Legend (If needed) |

ATTACHMENT 4 – APPLICATION MATERIALS



		CUSTOMER & PROJECT INFORMATION		JOB / QUOTE #:	
		STORE: Metal Mart #3 7200 North IH-35 E Waxahachie, TX 75165		CUSTOMER: Mark Bailey LOCATION: Mesquite, TX 75149	
BUILDING DETAILS					
BUILDING TYPE: BEARING FRAME WIDTH: 30 LENGTH: 40 SIDEWALL BAY SPACING: 2 at 20		EAVE HT: 12 FRONT SIDE: 12 BACK SIDE: 12		ROOF PITCH: 2.0:12 2.0:12 2.0:12	
BUILDING CODE DESIGN CODE: IBC 15 CLOSED/OPEN: Enclosed EXPOSURE: C SEISMIC COEF.: 0.155 SEISMIC ZONE: B RISK CATEGORY: II - Normal		BUILDING LOADS IMPORTANCE FACTORS: DEAD: 2.5 psf LIVE: 20 psf GROUND SNOW: 5 psf COLLATERAL: 3 psf WIND: 115 mph		ENDWALL FRAMES LEFT EW: Bearing Frame RIGHT EW: Bearing Frame ROOF LINER	
ROOF AND WALL SHEETING ROOF FINISH: SIL-POLY PANEL: R-PANEL-PB GAUGE: 26		WALL LINER PANEL LEFT EW: None FRONT SW: None RIGHT EW: None BACK SW: None		WALL BRACING ROOF: Cable Bracing LEFT EW: Panel Shear FRONT SW: Panel Shear RIGHT EW: Panel Shear BACK SW: Panel Shear	
GABLE EXTENSIONS LEFT EW: None RIGHT EW: None SOFFIT PANEL: None GAUGE: FIN: None		EAVE EXTENSIONS FRONT SW: None BACK SW: None SOFFIT PANEL: None GAUGE: FIN: None		ROOF CANOPIES LEFT EW: None FRONT SW: None RIGHT EW: None BACK SW: None SOFFIT: None	
ACCESSORIES FRONT SW: 40' 40' GUTTERS: 3 EA 3 EA DSPOUTS: 3 EA 3 EA		PARTIALLY SHEETED WALLS LEFT EW: None FRONT SW: None RIGHT EW: None BACK SW: None		FRAMED OPENINGS LEFT EW: (1) 10 W x 10 H FRONT SW: none RIGHT EW: (1) 10 W x 10 H BACK SW: none	
					
NOTE: CUSTOMER TO VERIFY THAT ALL CODES, LOADS, CITY, STATE AND COUNTY ARE CORRECT PRIOR TO SIGNING THIS CONTRACT. THIS ESTIMATE IS NOT GUARANTEED TO MEET PLANS AND SPECS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE COMPLIANCE WITH ALL CONTRACT DOCUMENTS.					
CHANGE ORDER PROCEDURE: ANY BUILDING REQUIRING CHANGES THAT HAS BEEN RELEASED FOR PRODUCTION WILL NECESSARILY BE CANCELLED. A NEW ESTIMATE REQUEST WILL NEED TO BE SUBMITTED. THIS WILL EFFECTIVELY START THE JOB OVER. THE REVISED BUILDING PRICE WILL INCREASE AS WELL. THIS IS TO RECOUP THE COST TO ENGINEER AND DRAFT THE ORIGINAL BUILDING.					
APPROVED BY CUSTOMER: _____				DATE: _____	



RECEIVED
SEP 19 2025
PLANNING AND ZONING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **September 25, 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:	BOA0925-0478
Submitted By:	Mark Bailey
Property Owner:	Edith Woods
Property Location:	732 W Gross St
Legal Description:	Rutherford, Block 3, Lot 8
Requested Action:	Special Exception request to allow a rear oversized accessory structure to exceed the maximum allowable size of 500 square feet by 700 square feet, for a total size of 1,200 square feet and for the 15-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) 329-8543 or by email at edouglas@cityofmesquite.com.

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

BOA Case: BOA0925-0478

I am **in favor** of this request

I am **opposed** to this request

Reasons
(optional):

Name:
(required)
Address:
(required)

Mark Bailey
713 West Gross St.
Mesquite, TX 75149

City say no to car port. And
they do want
Build that size.

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

FILE NUMBER: BOA0825-0475
REQUEST: A request for a Variance to allow a front carport to cover 48% of the front façade of the principal structure, which is 8% more than the maximum 40% coverage.
CASE MANAGER: Ti'Ara Clark, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, September 25, 2025

GENERAL INFORMATION

Applicant: Noe Kerr
Property Owner: Yolanda Adame & Leal Adame
Location: 4346 Birch Drive

SITE BACKGROUND

Legal Description: Casa View Heights 20, Block 13, Lot 23
Size: 7,109.12 square feet / 0.16 Acres
Zoning: R-3, Single Family Residential
Existing Land Use: Single Family Home
Zoning History: 1954 – Annexed
1964 – 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 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 Variance to allow a front carport at 4346 Birch Drive that extends across 48 percent of the front façade of the principal structure. The Mesquite Zoning Ordinance (MZO) only allows the width of the front to cover up to 40 percent of the front façade. This request represents an 8 percent increase beyond what is permitted.

The property is located within one of the City's Pre-Approved Subdivisions for front carports, and the structure complies with the design standards outlined in the MZO, which are a maximum size of 400 square feet and a maximum height of 15 feet. This existing structure is 400 square feet in size and 10 feet in height. However, another section of the ordinance restricts the width of a front carport to no more than 40 percent of the length of the front façade of the principal structure. Because the front façade measures 41.25 feet, the ordinance limits the carport width to 16.5 feet. The carport, as constructed, exceeds this limit and therefore requires a variance.

According to the applicant, the carport was constructed at the end of 2024. An accessory structure permit was applied for in November 2024, but was never issued due to the carport exceeding the front façade coverage requirement. The applicant indicates the carport was intended to provide vehicle protection from weather conditions such as sun and hail, and that the structure was built without awareness of the coverage restriction. The applicant is making a formal Variance request to allow the existing carport to remain in place at 48 percent of the front façade and to move forward with closing out the permit originally initiated by the contractor.

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 existing carport is located within one of the City's Pre-Approved Subdivisions for front carports, which indicates that the City has already determined carports are generally compatible with the character of the neighborhood. The structure complies with all other design standards, including size and height, meaning it maintains the intent of the ordinance. There is no evidence to suggest that the carport negatively impacts adjacent properties, public safety, or neighborhood aesthetics.

The 40 percent coverage standard in the Mesquite Zoning Ordinance was established with the City's typical single-family lot pattern in mind. On a standard 60-foot-wide lot with 5-foot side setbacks on each side, a home with a 50-foot front façade could accommodate a 20-foot-wide carport. In that scenario, the carport would meet both the design standards of 20 by 20 feet (400 square feet) and the 40 percent coverage requirement. However, the subject property presents a special condition because the home has a narrower front façade of only 41.25 feet. Applying the 40 percent rule to this dimension limits the maximum carport width to 16.5 feet, which allows for only a 330-square-foot structure. The reduced façade width creates a practical difficulty in meeting both the coverage standard and maintaining the functional carport dimensions envisioned by the ordinance. Requiring strict enforcement would impose unnecessary cost and hardship since the structure is already built. Reconstruction to meet the 40 percent requirement would impose unnecessary hardship.

The spirit of the ordinance is to prevent oversized or out-of-scale structures that dominate a front façade. At 48 percent coverage, the carport does not overwhelm the home, remains proportionate, and still achieves the ordinance's goal of reasonably sized front carports. The request is minimal, representing only a slight increase over the allowed coverage, and is consistent with the overall design standards for carports.

PERMITS

2025 – Building (Residential) – Concrete

STAFF RECOMMENDATION

Staff finds that bringing the structure into compliance would require demolition and reconstruction of the existing carport in order to reduce its width. Because the carport is a complete structure, the cost of rebuilding it at a narrower dimension would reasonably exceed 50 percent of the appraised value of the existing structure. Under the approval standards of the

Mesquite Zoning Ordinance, this circumstance constitutes an unnecessary hardship under the MZO approval standards. Granting the variance will not adversely impact adjacent properties or the character of the neighborhood.

Staff recommends approval of the Variance request to allow a front carport to cover 48% of the front façade of the principal structure, which is 8% more than the maximum 40% coverage.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of September 18, 2025, there has been one returned notice in favor of the request.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Returned Notice
4. Site Photos
5. Concept Plan
6. Application Materials

ATTACHMENT 1 – AERIAL MAP

Aerial Map



Applicant: Noe Karr
Property Owner: Yolanda Adame
Location: 4346 Birch Drive
Request: Variance Request

Legend
 Subject Property



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map



Applicant: Noe Karr
Property Owner: Yolanda Adame
Location: 4346 Birch Drive
Request: Variance Request

Legend

	Required Notices
	Subject Property



ATTACHMENT 3 – RETURNED NOTICE



T E X A S

Real. Texas. Service.

NOTICE OF PUBLIC HEARING

RECEIVED

SEP 18 2025

PLANNING AND ZONING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **September 25, 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:	BOA0825-0475
Submitted By/	Noe Karr
Property Owner:	Yolanda & Leal Adame
Property Location:	4346 Birch Drive
Legal Description:	Casa View Heights 20, Block 13, Lot 23
Requested Action:	Variance request to allow a front carport to cover 48% of the front façade of the principal structure, which is 8% more than the maximum 40% coverage per the Mesquite Zoning Ordinance.

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: BOA0825-0475

Name:
(required)

Danny DeMar

I am **in favor** of this request ☒

Address:
(required)

4330 Birch Dr.

I am **opposed** to this request ☐

Reasons
(optional):

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

ATTACHMENT 4 – SITE PHOTOS

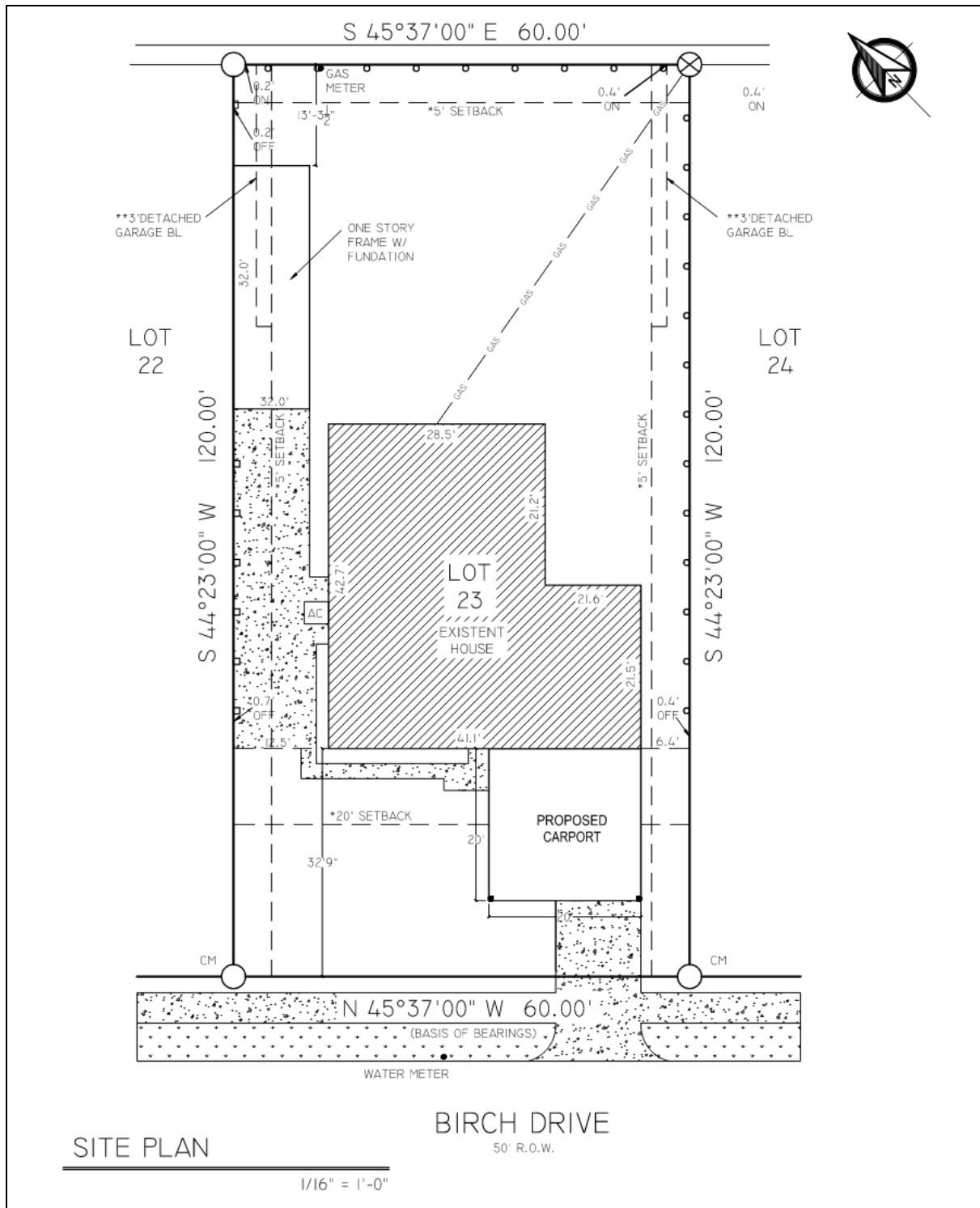


Side view of the subject property

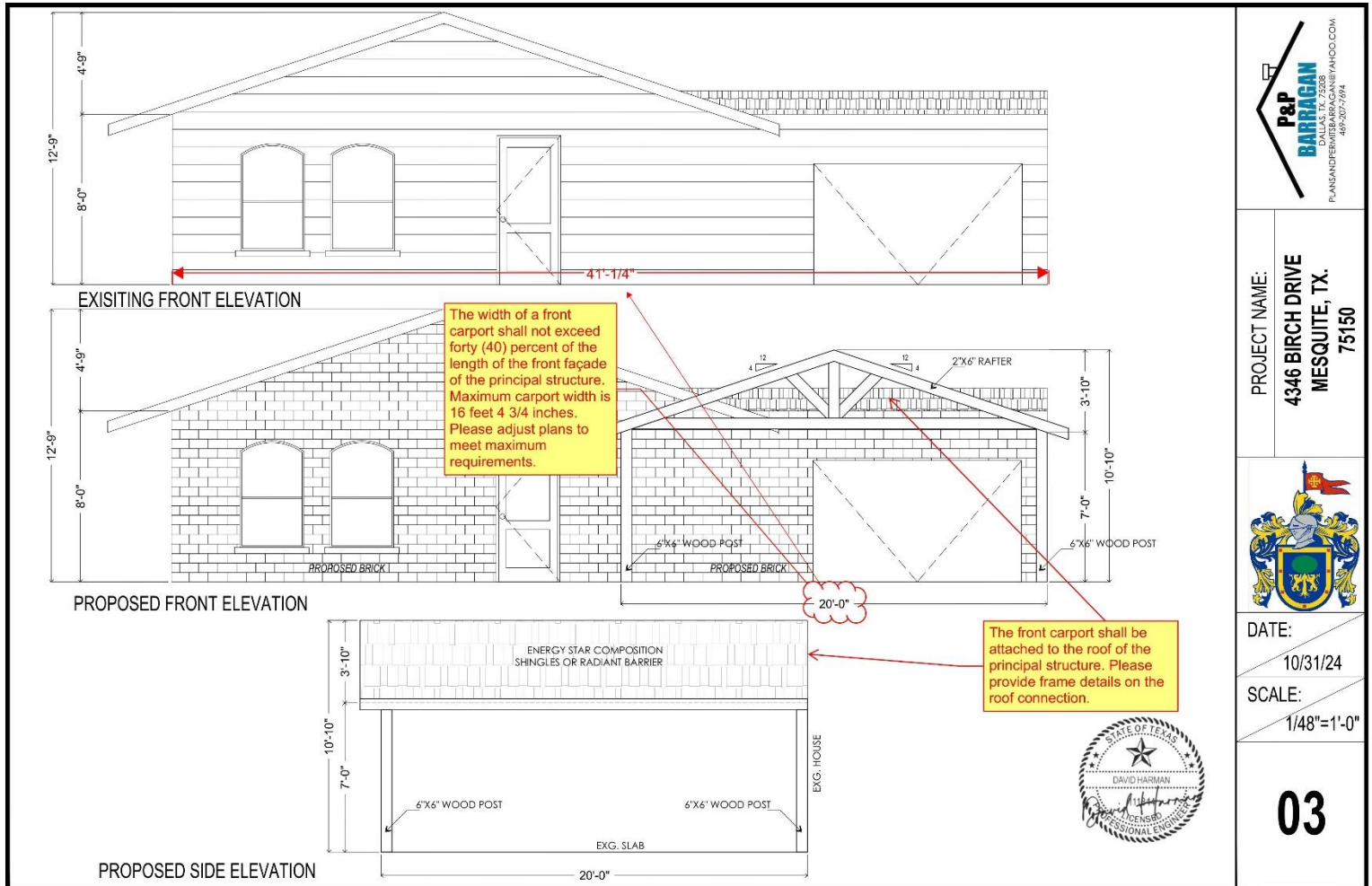


Front view of the subject property

ATTACHMENT 5 – CONCEPT PLAN



ATTACHMENT 5 – CONCEPT PLAN



PROJECT NAME:
**4346 BIRCH DRIVE
MESQUITE, TX.
75150**



DATE:
10/31/24
SCALE:
1/48"=1'-0"

03

ATTACHMENT 6 – 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: 4346 birch dr City, State: Mesquite, Texas
Zip Code: 75150

Applicant Information – The person filling out the application

First Name: Noe Last Name: Karr
Phone Number: 4696315387 Email Address: _____
I would like an interpreter at the meeting: ☒ Yes ☐ No Language: spanish

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: Yolanda Last Name: Adame
Phone Number: _____ Email Address: _____
Mailing Address: 4346 birch dr City, State: Mesquite, tx
(If different from physical address)
Zip Code: 75150

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 6 – 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: 10 Feet Size of Structure: 378 Square Feet

Roof Pitch (If applicable): 4:12

Describe Materials Used:

Front car port

Structural Posts, Beams / Ceiling Support, Rafters , Cross / Reach Beams , Roof Pitch , Pitched roof with open gable

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 project is a free-standing front carport measuring approximately 19 ft. 3 ½ in. wide by 19 ft. 5 in. long (≈378 sq. ft.).

The structure is supported by 8x8 treated wood posts with 12x12 header beams and 2x10 cross beams.

The roof system is framed with 2x8 rafters and pitched at a 4:12 slope, finished with an open gable design.

The purpose of this structure is to provide a covered parking area for residential vehicles, offering protection from sun, rain , and weather exposure, while matching the residential property's aesthetics.

ATTACHMENT 6 – 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:

We added the carport to protect vehicles from sun, hail, and weather.
The unique condition is that the original contractor provided
incorrect length measurements, which caused the structure to be built
at a slightly different dimension than standard. It was not intentional,
and the structure remains safe and in line with the purpose of the
ordinance.

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

☒ Yes ☐ No

Explain how.

If the variance is not granted, removing or rebuilding the carport would create unnecessary financial hardship
and leave the vehicles exposed to weather damage. The carport provides essential protection and is
important for maintaining the property's value and usability.

ATTACHMENT 6 – APPLICATION MATERIALS

COMPLETE FOR VARIANCES ONLY.

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

☒ Yes ☐ No

Explain:

The structure follows the spirit of the zoning ordinance because it was designed to be safe, durable, and consistent with the look and character of the surrounding neighborhood. The variance does not negatively affect nearby properties, public safety, or the overall intent of zoning regulations.

The slightly adjusted dimensions were the result of measurements given by the previous contractor, but the structure as built is still within the spirit of the code — it enhances the property without creating any public harm or unfair advantage.

Granting this variance would be fair and just, as the property owner acted in good faith to build a functional structure that serves its purpose, while also maintaining the integrity and standards of the community.

ATTACHMENT 6 – 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: Alvaro Adame Phone Number: 2147030778

Address: 4346 Birch dr mesquite tx

Noekarr@gmail.com

Email Address: Yolanda.adame@icloud.com

Signature: Yolanda A.

FILE NUMBER: BOA0625-0473

REQUEST: Special Exception to allow a rear oversized accessory structure to exceed the maximum allowable size of 500 square feet by 700 square feet, for a total of 1,200 square feet, and exceed the maximum allowable height of 15 feet by 6 feet, for a total height of 21 feet.

CASE MANAGER: Ti'Ara Clark, Planner

PUBLIC HEARING

Board of Adjustment: Thursday, August 28, 2025

GENERAL INFORMATION

Applicant: Jose Leones
Property Owner: Jose Leones
Location: 2941 Clearmeadow Drive

SITE BACKGROUND

Legal Description: Creek Crossing Estates 14, Block C, Lot 20
Size: 19,562.25 square feet/ 0.45 acres
Zoning: PD, Single Family Residential (Ord. 2070)
Existing Land Use: Single Family Residential
Zoning History: 1974 – Annexed; Zoned to R-1 and R-2, Single Family Residential
1984: Rezoned to PD-R-2A, Single Family Residential (Ord. 2070)

Surrounding Zoning and Existing Land Uses:

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

CASE SUMMARY

The applicant is requesting Special Exceptions to allow construction of a 1,200-square-foot oversized accessory structure in the rear yard for storing personal recreational vehicles (RVs). According to the site plan, the structure could accommodate up to two RVs.

The proposed structure would be 21 feet in height, which exceeds the 15-foot maximum allowed by the Mesquite Zoning Ordinance by 6 feet. While taller than the eight-foot fence enclosing the rear yard, the structure would not exceed the height of the applicant's two-story home. The rear yard measures approximately 14,540 square feet. An existing detached accessory structure of about 630 square feet is already on the property and was granted BOA special exception approval to build the oversized structure in July 1990. With the addition of the proposed structure, accessory structures would occupy about 12% of the rear yard.

Per the Mesquite Zoning Ordinance, accessory structures are limited to 500 square feet individually, and the total combined size of all accessory structures may not exceed 35% of the yard area. The request therefore, seeks approval for an accessory structure that is 700 square feet larger than permitted and 6 feet taller than the allowed maximum.

The Special Exception would allow more secure storage for at least two additional vehicles, provide greater accessible storage capacity, and make more efficient use of the large rear yard. It should also be noted that the property currently has an outstanding notice of violation related to unpermitted concrete work for an extended driveway.

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 that 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 1,200-square-foot accessory structure, which exceeds the maximum permitted size by 700 square feet. While oversized, the proposed structure and existing structure combined would occupy approximately 8% of the total lot area, remaining within the 10% threshold outlined in Section 2-604.A. Additionally, the total rear yard coverage by both accessory structures would be approximately 12%, 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 RV storage in the rear yard. Staff does not anticipate any adverse impacts on the adjacent properties.

PERMITS

2024 – Fence

2024 – Concrete Driveway (Not Issued)

STAFF RECOMMENDATION

Staff recommends approval of a Special Exception to allow an accessory structure that exceeds the maximum size of 500 square feet by 700 square feet (for a total of 1,200 square feet) and exceeds the maximum height of 15 feet by 6 feet (for a total of 21 feet), subject to the condition that the applicant obtain an approved concrete permit for the expanded rear driveway.

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of August 22, 2025, there have been two returned notices in opposition to the request.

ATTACHMENTS

1. Aerial Map
2. Public Notification Map
3. Site Photos
4. Application Materials
5. Notice of Violation
6. BOA Special Exception Approval (1990)
7. Returned Notices

ATTACHMENT 1 – AERIAL MAP

Ariel Map



Applicant: Jose Leones
Location: 2941 Clearmeadow Drive
DCAD: 380539500C0200000
Request: Special Exception



ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – SITE PHOTOS



Front view of the subject property

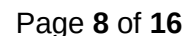


Rear view of the subject property from the alley, showing existing accessory structure

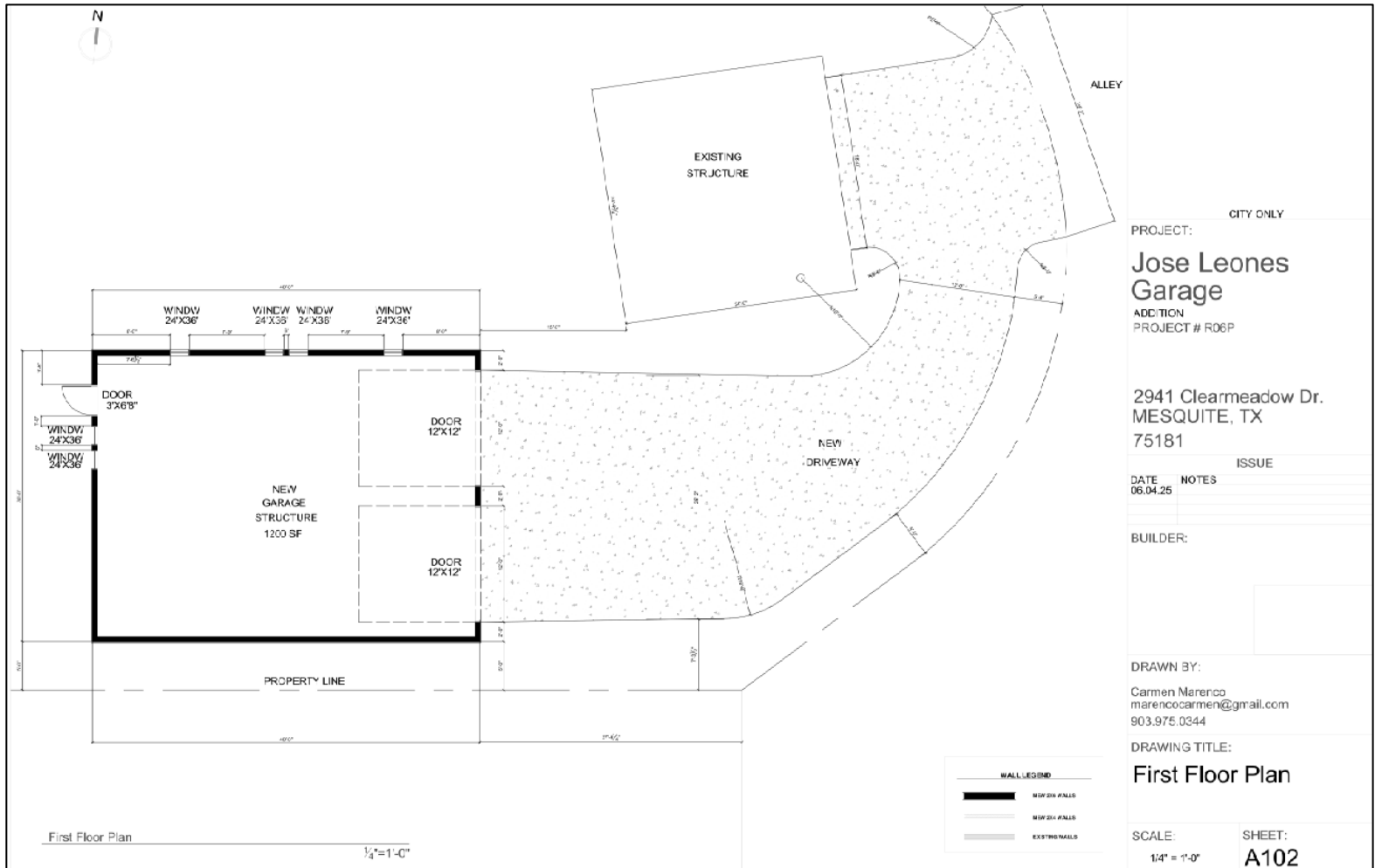
ATTACHMENT 3 – SITE PHOTOS



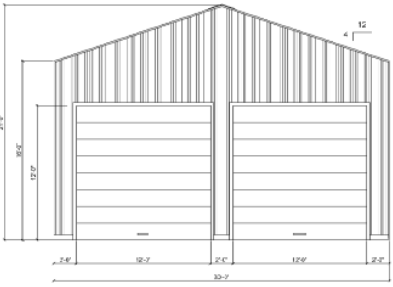
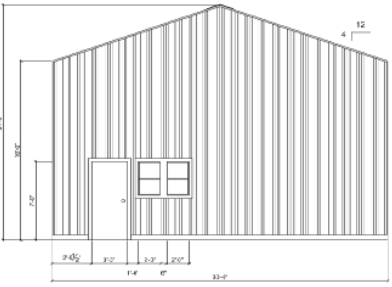
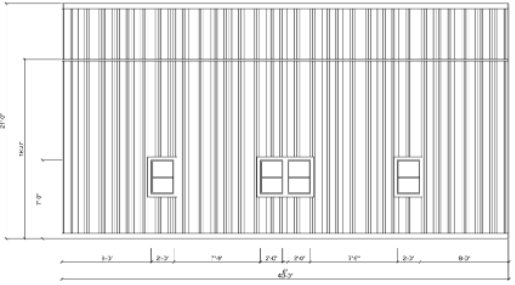
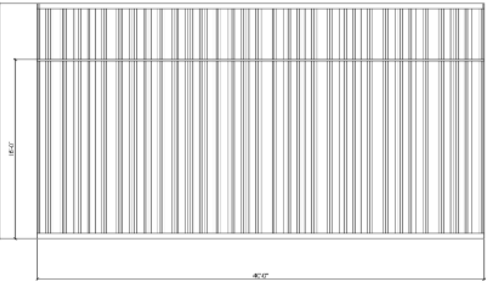
Side view of the subject property from the alley, showing the driveway access



ATTACHMENT 4 – APPLICATION MATERIALS



ATTACHMENT 4 – APPLICATION MATERIALS

NOTES: EXTERIOR CLADDING CONFIRM W/ CLIENT 12 FT. CLASSIC RIB STEEL ROOF PANEL IN CHARCOAL										
		CITY ONLY PROJECT: Jose Leones Garage ADDITION PROJECT # R06P 2941 Clearmeadow Dr. MESQUITE, TX 75181 ISSUE <table border="1"><thead><tr><th>DATE</th><th>NOTES</th></tr></thead><tbody><tr><td>06.04.25</td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></tbody></table> BUILDER: DRAWN BY: Carmen Marenco marencoarmen@gmail.com 903.975.0344 DRAWING TITLE: Elevations SCALE: SHEET:	DATE	NOTES	06.04.25					
DATE	NOTES									
06.04.25										
East Elevation $\frac{1}{4}"=1'-0"$	West Elevation $\frac{1}{4}"=1'-0"$									
										
North Elevation $\frac{1}{4}"=1'-0"$	South Elevation $\frac{1}{4}"=1'-0"$									

ATTACHMENT 5 – NOTICE OF VIOLATION

Planning and Development Services
Building Inspection Division



Notice Date: 08/14/2025

Inspector: Anthony Martinez

Case Number: BLD0825-5012

Email: amartinez@cityofmesquite.com

Subject Property: 2941 CLEARMEADOW DR

Phone: (972) 216-6371

LEONES HERNANDEZ, JOSE
SERRANO MENJIVAR, MARIA
2941 CLEARMEADOW DR
MESQUITE, TX 75181

DCAD ACCT: 380539500C0200000
CREEK CROSSING ESTATES 14
BLK C LOT 20

OFFICIAL NOTICE TO CORRECT VIOLATIONS

A routine inspection has identified your property as being in violation of the following City code(s):

Violation	IBC 105.1 - Permit Required	Permit Required
Corrective Action	A permit must be applied for and acquired for the driveway extension that was done in the rear of the property. Failure to do so will result in citations being issued.	
Compliance Date	8/24/2025	

Violation	IBC 110.1 IRC R109.1 Required Inspections	The Building Official, upon notification, shall make or cause to be made all required inspections.
Corrective Action	All required inspections must be requested once the permit has been issued. Failure to request inspections will result in citations being issued.	
Compliance Date	8/24/2025	

A follow up inspection will be conducted in (10) days from the date of this notice. Failure to correct all violations within the time allotted will authorize the City of Mesquite to issue citations.

ATTACHMENT 6 – BOA APPROVAL (1990)

*Discuss V. via Carport
5/14/96 + 5/15/96*


CITY OF MESQUITE

BOARD OF ADJUSTMENT PRE-MEETING
CITY COUNCIL CHAMBERS
6:15 P.M. July 26, 1990
To discuss the items on the
Regular Agenda

BOARD OF ADJUSTMENT AGENDA
CITY COUNCIL CHAMBERS
July 26, 1990
6:30 P.M.
Case Nos. 1005 - 1014

I. APPROVAL OF THE MINUTES OF THE JUNE 28, 1990 MEETING.

II. ZONING VARIANCES

*Tabled
till next
meeting* A. Conduct a public hearing to consider an application submitted by James W. Leyhe, 112 East Mimosa, for a variance to allow a proposed carport to encroach 5 feet into the required five foot side yard setback.

File No. 1013

III. SPECIAL EXCEPTIONS

Approved B. Conduct a public hearing to consider an application submitted by Emmitt M. Price, 1312 Douglas Drive, for a special exception to allow a proposed carport to encroach 18.5 feet into the required 30 foot front yard setback.

File No. 1005

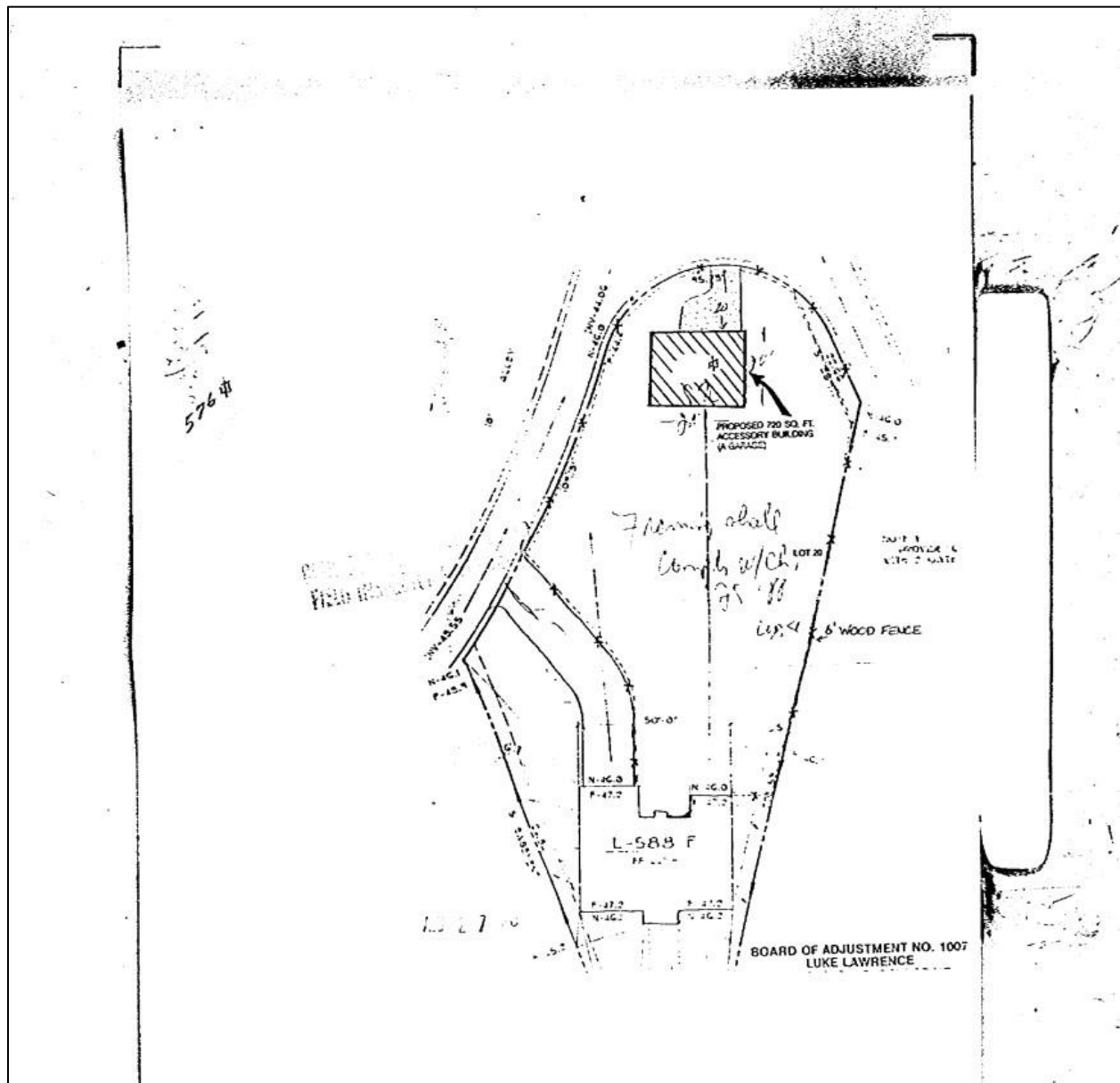
Approved C. Conduct a public hearing to consider an application submitted by Donald B. Hammons, 2713 Westview Drive, for a special exception to allow a proposed carport to encroach 22 feet into the required 30 foot-front yard setback.

File No. 1006

*Approved
for (check)
576 #* D. Conduct a public hearing to consider an application submitted by Luke Lawrence, 2941 Clear Meadow, for a special exception to allow a proposed 720 square foot accessory building (a garage) that exceeds the maximum allowable size of 500 square feet.

File No. 1007

ATTACHMENT 6 – BOA APPROVAL (1990)



ATTACHMENT 6 – BOA APPROVAL (1990)

CITY OF MESQUITE
APPLICATION FOR BUILDING PERMIT

b March 30 1990

JOB ADDRESS 2941 Elvar meadow Dr. Mesquite TX		ZIP 75181	DATE 3-27-90
LEGAL DESIGN 20	LOT C	SUBDIVISION Crescentview	PHONE 14-1
CONTRACTOR LUKE LAWRENCE		ADDRESS 2941 Elvar meadow Dr.	PHONE 222-6754
PERMIT APPLICANT (ENGINEER ARCHITECT-OWNER) LUKE LAWRENCE		ADDRESS 2941 Elvar meadow Dr.	PHONE 222-6754
USE OF BUILDING (DESCRIBE FULLY) Garage		One Story Two Story Other	
WORK ACTIVITY (CHECK ONE) EXAMPLE ☒ NEW ☐ REPAIR ☐ MOVE ☐ C/O ☐	ADDITION OR ALTERATION ☐	DEMOLITION ☐	CONVERSION ☐
SQUARE FEET IN AREA 2614 576	SQUARE FEET IN GARAGE 576	COST OF CONSTRUCTION 3,000	
Notice			
Separate permits are required for electrical, plumbing, air conditioning, and similar work. This permit becomes null and void if construction or work is not commenced within 180 days or if construction or work is stopped for more than 180 days after the date the work is commenced.			
I hereby certify that I have read and understand the application and the use to be made and correct. All provisions of laws and ordinances relating to this type of work shall be complied with whether specified herein or not. The granting of this permit shall not be construed to give authority to violate or cancel the provisions of any other State or local law regulating construction or the performance of construction.			
SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT Luke Lawrence		(DATE) 3-27-90	
SIGNATURE OF HOMEOWNER (IF OWNER-BUILDER)		(DATE)	
DO NOT WRITE BELOW DOUBLE LINES			
CONTRACTOR NO. 000001	APT. UNITS 00	LOT SIZE (ACREAGE) 0.00	LAND USE 01
LOCATION (CHECK ONE) NON FARM ☒ FARM/RANCH ☐	OWNERSHIP CODE 1	STRUCTURE CODE 2	REVENUE ACCOUNT 00
VALUE 000000.00	TAX CODE AND ADDITION NO. 00	REVENUE RECEIPT NO. 015697	
PERMIT FEE 25.00	C/C 00.00	TOTAL FEE 25.00	BOND 00.00
ELECTRICAL CONTRACTOR	CONTRACTOR # E	FEE 00.00	
PLUMBING CONTRACTOR	CONTRACTOR # P	FEE 00.00	
MECHANICAL CONTRACTOR	CONTRACTOR # M	FEE 00.00	
APPROVED BY James J. [Signature]		DATE 3/27/90	
UBC TYPE OF CONSTRUCTION used 71		OCCUPANCY GROUP M	



RECEIVED
JUL 28 2025
PLANNING AND ZONING

NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **July 24, 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:	BOA0625-0473
Submitted By:	Jose Leones
Property Owner:	Jose Leones
Property Location:	2941 Clearmeadow Drive
Legal Description:	Creek Crossing Estates 14, Block C, Lot 20
Requested Action:	Special Exception to allow a rear oversized accessory structure to exceed the maximum size of 500 feet by 700 square feet for a total of 1200 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: BOA0625-0473

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

I am **opposed** to this request ☒

Reasons
(optional):

Name:
(required)
Address:
(required)

Xinsheng Lin
2524 Naperton Dr. Plano, TX 75025
3225 Cool Springs Cir. Mesquite

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



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

BOA Case: BOA0625-0473

Name:
(required)
Address:
(required)

Nanette Tatum
3221 Cool Springs Circle
Mesquite, TX 75181

I am **in favor** of this request

I am **opposed** to this request



Reasons
(optional):

I believe he is operating a business
at this address. There is already a sizable
garage/storage building on property. There are multiple

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION

identical commercial
type vans
leaving in mornings and returning in evenings,
driven by same people. These people have
been here about a year now, at first living in
RVs on property and building fence, etc. I object
to business being in middle of neighborhood

ATTN: Ti'Ara Clark
PO BOX 850137
MESQUITE TX 75185-0137