MESQUITE
TEXAS
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BOARD OF ADJUSTMENT REGULAR MEETING
CITY COUNCIL CHAMBERS

757 North Galloway Avenue
Mesquite, Texas
April 23, 2020 – 6:30 P.M.

IN ACCORDANCE WITH THE GOVERNOR'S SUSPENSION OF VARIOUS PROVISIONS OF THE TEXAS OPEN MEETNGS ACT ISSUED PURSUANT TO HIS STATE DISASTER AUTHORITY, AND GUIDANCE ISSUED ON THE SUSPENSION BY THE ATTORNEY GENERAL'S OFFICE:

1. **NEITHER A QUORUM NOR THE PRESIDING OFFICER ARE REQUIRED TO BE PHYSICALLY PRESENT AT THE LOCATION SPECIFIED ABOVE; HOWEVER, A QUORUM OF THE COMMISSION WILL PARTICIPATE IN THE MEETING EITHER TELEPHONICALLY AND/OR BY BEING PHYSICALLY PRESENT AT THE MEETING LOCATION.**
2. **APPLICANTS AND/OR MEMBERS OF THE PUBLIC DESIRING TO PARTICIPATE IN THE MEETING MAY PARTICIPATE BY ATTENDING THE MEETING AT THE TIME AND LOCATION IDENTIFIED ABOVE OR ATTENDING BY TELEPHONE CONFERENCE.**
3. **APPLICANTS AND/OR MEMBER OF THE PUBLIC DESIRING TO PARTICIPATE IN THE MEETING BY TELEPHONE CONFERENCE MAY DO SO BY DIALLING THE FOLLOWING LOCAL NUMBER: (214) 396-6338 ON OR BEFORE 6:30 P.M. CENTRAL TIME, ON MARCH 26, 2020. THE PARTICIPATION CODE FOR THIS TELEPHONE CONFERENCE IS: 177-6111.**
4. **THE PHYSICAL LOCATION IDENTIFIED ABOVE WILL BE OPEN AND THOSE PRESENT MAY ALSO PARTICIPATE IN THE MEETING TELEPHONICALLY; STAFF WILL HAVE THE CONFERENCE CALL ARRANGED AT THE MEETING LOCATION. THOSE PHYSICALLY PRESENT ARE REQUESTED TO OBSERVE SOCIAL DISTANCING BY REMAINING A MINIMUM OF SIX (6) FEET FROM OTHER MEETING PARTICIPANTS.**
5. **THE TELEPHONE CONFERENCE MEETING WILL BE AUDIBLE TO MEMBERS OF THE PUBLIC WHO ARE PHSICALLY PRESENT AT THE LOCATION IDENTIFED ABOVE. APPLICANTS AND/OR MEMBERS OF THE PUBLIC PARTICIPATING IN THE MEETING BY TELEPHONE CONFERENCE WILL BE ABLE TO COMMUNICATE WITH OTHERS PARTICIPATING TELEPHONICALLY.**

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.

BOARD BUSINESS

1. ROLL CALL

2. PUBLIC COMMENTS

At this time, individuals in attendance wishing to speak on any matter on the agenda, not scheduled for a *public hearing*, shall be allowed to speak for a length of time not to exceed three (3) minutes. Citizens addressing the Board through a translator will be allowed six (6) minutes.

Anyone wishing to speak on an item scheduled for a *public hearing* is requested to hold their comments until the *public hearing* on that item.

3. **APPROVAL OF MINUTES**
   Consider approval of the minutes of the March 26, 2020 Board of Adjustment meeting.

PUBLIC HEARINGS- CONTESTED CASES

4. **BOA0220-0183 – VARIANCES**
   Conduct a public hearing to consider an application submitted by Genesis Garcia, for Variances to allow (1) a 1,192 square foot reduction of the required 1 acre minimum lot area, (2) a 17.08 foot reduction of the required 200 foot lot width, and (3) a 6 foot reduction of the required 25 foot side yard setback along the eastern property line, located at 604 Tripp Rd. (BOA0220-0183, Johnna Matthews, Principal Planner). **This item was postponed from the March 23, 2020 meeting before the Board of Adjustment.**

5. **BOA0320-0186 – VARIANCE**
   Conduct a public hearing to consider an application submitted by Georgia Cooksey Waller for a Variance to allow crushed concrete on the subject property in place of current surfacing requirements including concrete or an approved asphalt, located at 2541 Westwood Ave. (BOA0320-0186, Ben Callahan, Planner).

TRAINING FOR BOARD MEMBERS AND ALTERNATES

The annual Board training is postponed until further notice.

At the conclusion of business, the Chairman shall adjourn the meeting.

**** City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours in advance of the meeting. ****
To make arrangements, call the City Secretary's office at (972) 216-6244 or 1-800-735-2989.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia segun el Sub-capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia segun el Sub-capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.

Pursuant to Section 551.007 (c) of the Texas Government Code, any member of the public wishing to address the Board through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.

Conforme a la Sección 551.007 (c) del Código de Gobierno Local 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, Johnna Matthews, Principal Planner of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached agenda for the Board of Adjustment meeting to be held **April 23, 2020**, 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 **April 17, 2020 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.

Johnna Matthews *JM*
Principal Planner
Planning & Zoning
City of Mesquite, Texas

MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT MEETING, HELD ON MARCH 26, 2020, AT 6:30 P.M., AT CITY HALL, 757 NORTH GALLOWAY AVENUE, MESQUITE, TEXAS

Present: Chairman Tom Palmer, George Rice, Wana Alwalee, Jack Akin, Aeneas Ford, Alternate Benny Gordon
Staff: Manager of Planning and Zoning Garrett Langford, Planner Lesley Frohberg by conference call, City Attorney David Paschall

Chairman Thomas Palmer, George Rice, Aeneas Ford were in attendance by conference call. Wana Alwalee and Jack Akin were present in the Council Chambers. Chairman Palmer called the meeting to order and declared a quorum present.

I. BOARD BUSINESS

1. ROLL CALL

Mr. Langford took Roll Call, and a quorum was present.

2. PUBLIC COMMENTS

There were no public comments.

3. APPROVAL OF MINUTES

Consider approval of the minutes of February 27, 2020, meeting.

A motion was made by Mr. Rice to approve the minutes for the February 27, 2020 meeting, with corrections. Mr. Akin seconded, and the motion passed 5-0.

II. PUBLIC HEARINGS – UNCONTESTED CASES

4. BOA0220-0184 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Arturo Pacheco for a Special Exception to allow for the keeping of livestock, located at 2727 Pioneer Rd. (BOA0220-0184, Lesley Frohberg, Planner).

Mr. Langford briefed the Board. A motion was made by Ms. Alwalee to approve. Mr. Ford seconded, and the motion passed 5-0.

Item 5 was moved to the contested cases.

III. PUBLIC HEARINGS- CONTESTED CASES

6. BOA0220-0183 – VARIANCES

Conduct a public hearing to consider an application submitted by Genesis Garcia, for Variances to allow (1) a 1,192 square foot reduction of the required 1 acre minimum lot area, (2) a 17.08 foot reduction of the required 200 foot lot width, and (3) a 6 foot reduction of the required 25 foot side yard setback along the eastern property line, located at 604 Tripp Rd. (BOA0220-0183, Johnna Matthews, Principal Planner).

Mr. Langford briefed the Board on the request and Staff's recommendation of denial. Chair invited the applicant to come up and speak. Representing the applicant, Jonathan Daniel came up and gave a brief presentation. Chairman Palmer opened the public hearing. Jane Borchadt, 522 Tripp Road, spoke in opposition to the request with concerns regarding drainage and lot size. Travis Johnsey, 600 Tripp Road, spoke in opposition to the request

with concerns about how the church might negatively impact his property. Mr. Johnson, 604 Tripp Road, a member of the church spoke in favor of the request. John Jacko, 604 Tripp Road, pastor of the church, spoke in favor of the request. Genesis Garica, the contractor for the church, spoke in favor of the request. No one else came to up speak. Chairman Palmer closed the public hearing. Chairman Palmer noted that the property would still not meet the minimum lot size even without the right-of-way taking for Tripp Road, as mentioned by the applicant. Chairman Palmer's main concern was the variance regarding the interior side yard setback. In response to a question, Mr. Langford confirmed that the Board has the authority to approve with conditions such as requiring screening. Mr. Langford stated that if the Board denies the variances for the lot width and lot size, then the applicant would not be able to use the property for a church. If the variances for the lot width and lot size are approved, but the variance for the setback is denied, then the church would be able to use the property, but they would have to move the building out of the side yard setback. Mr. Langford also addressed drainage concerns by stating that if the request is approved, then the applicant will need to comply with the City's drainage ordinance and obtain an Engineering Permit. There was no additional discussion. Ms. Alwalee moved to hold this item under advisement and to postpone it until the next Board meeting. Mr. Akin seconded, and the motion passed 5-0.

7. **BOA0320-0185 – VARIANCE**
Conduct a public hearing to consider an application submitted by Brian Wyatt, Wyatt Architects, for a Variance to allow a 38 foot reduction of the required 68 foot interior side yard setback for a proposed gymnasium and storm shelter addition to Wilkinson Middle School, located at 2100 Crest Park Dr. (BOA0320-0185, Lesley Frohberg, Planner).
Planner Lesley Frohberg briefed the Board on the request and Staff's recommendation for approval. The applicant was not present. Chairman Palmer opened the public hearing. No one came up to speak. Chairman Palmer closed the public hearing. A motion was made by Mr. Rice to approve. Ms. Alwalee seconded and the motion passed 5-0.

5. **BOA0220-0182 – SPECIAL EXCEPTION**
Conduct a public hearing to consider an application submitted by Pablo Medellin for a Special Exception to allow a front carport including approximately 380 square feet, located at 1608 Summit St. (BOA0220-0182, John Chapman, Planner).
This case was moved from the uncontested cases. Mr. Langford briefed the Board on the request and Staff's recommendation of approval. The applicant was not present. The Chair opened the public hearing. No one came up to speak. The Chair closed the public hearing. A motion was made by Mr. Ford to approve. Ms. Alwalee seconded and the motion passed 5-0.

TRAINING FOR BOARD MEMBERS AND ALTERNATES
The annual Board training is postponed until further notice.

There being no further business for the Board, the meeting adjourned at 7:57 pm.

_____
Thomas Palmer, Chairman

The Board considered all testimony including the Staff report, applicant's presentation, public hearing, and discussions in the decision for each case.

City of Mesquite
BOARD OF ADJUSTMENT
April 23, 2020
Staff Report

Case Number: BOA0220-0183

Applicant: Genesis Garcia

Property Owner: Assembly of God Immanuel, Inc.

Address: 604 Tripp Road

Request: Variances to allow (1) a 1,192 square foot reduction of the required 1 acre minimum lot area, (2) a 17.08 foot reduction of the required 200 foot lot width, and (3) a 6 foot reduction of the required 25 foot side yard setback along the eastern property line.

Background: This item was postponed at the March 26, 2020 meeting before the Board of Adjustment.

The applicant is proposing to convert an existing single family home into a church. The existing zoning district of R-3, Single-Family Residential permits a church; however; the lot, area and bulk regulations differ for non-residential uses. The below table illustrates regulations for single-family and permitted nonresidential uses in the R-3, Single-Family Zoning District, as well as the applicant's proposal:

	Residential	**Non-Residential**	**Applicant Proposal**
Min. Lot Size	7,200 sq. ft.	43,560 sq. ft.	42, 368 sq. ft.
Min. Lot Width	60 ft.	200 ft.	182.92 ft.
Min. Lot Depth	110 ft.	110 ft.	325 ft.
Min. Front/Exterior Side Yard	25 ft.	25 ft.	95+ ft.
Interior Side/Rear Yard Adjacent to Residential	5 ft. Int. side yard 25 ft. rear yard	25 ft. or 2 x height of building, whichever is greater	19 ft.
Max. Height in Feet	35 ft.	35 ft.	16 ft.
Max. Height in Stories	2.5 stories	2.5 stories	----

As illustrated above, the subject property does not meet the minimum standards as it relates to lot size and lot width. Additionally, the existing structure does not meet the minimum side yard setback along the east property line.

In her application, the applicant indicated that the subject property does not meet the minimum lot size requirement of 1 acre due to a 2007 taking of approximately 0.015 acres (653.4 square feet) of land along the frontage of the subject property for improvements to Tripp Road. City records confirm ROW (right-of-way) dedication of the approximately 0.015 acres for the widening of Tripp Road (see Attachment 5). Prior to the ROW taking in 2007, the subject property included 43,021.4 square feet, which is approximately 538.6 square feet (0.012 acres) short of the required 43,560 square feet (1 acre) for a non-residential use in the R-3, Single-Family Residential Zoning District.

At the March 26, 2020 meeting before the Board of Adjustment, nearby property owners expressed concerns regarding drainage, lot size, and how the church might negatively impact property values. Several speakers, including the pastor of the church and the applicant, spoke in favor of the request.

In response to opposition from nearby property owners and to mitigate any negative impacts, the applicant is proposing to erect an eight foot tall wood fence on the east property line; the property line for which the Variance is requested. Although not shown on the site plan, the applicant is also willing to install a buffer tree line adjacent to the proposed wood fence. The applicant is also willing to remove a portion of the building in order to meet the 25-foot side yard setback along the east property line.

Zoning: R-3, Single-Family Residential

Lot Size: 42,368 square feet / 0.97 acres

Surrounding Land Uses: The subject property is surrounded by single-family homes zoned R-3, Single-Family Residential on all sides, with varying lot sizes.

Applicable Ordinances:

VARIANCE

Mesquite Zoning Ordinance Section 5-203: Criteria for Review

A. Criteria for Variances

Variances from the terms of this ordinance which will not be contrary to the public interest may be granted where, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of the ordinance is observed and substantial justice is done. The Board shall consider whether:

1) Special conditions and circumstances exist which are peculiar to the land or improvements thereto and which are not applicable to other lands or improvements thereto in the same district.

Staff Comment:
There are no special conditions or circumstances that exist which are peculiar to the land or improvements thereto and which are not applicable to other lands or improvements within the same district. The structure in question meets all requirements for a single-family home within the R-3, Single-Family Residential Zoning District. However, conversion to a permitted non-residential use requires different standards, which are not met. See the table on page 1 of this report for additional information.

2) Literal interpretation of the provisions of the ordinance would result in unnecessary hardship to the owner of the property.

Staff Comment:
Literal interpretation of the provisions of the ordinance would not result in an unnecessary hardship to the owner of the property as the required standards have been in place for some time.

3) The special conditions and circumstances are not self-imposed and did not result from actions of the applicant or owner.

Staff Comment:
Staff has not identified any special conditions or circumstances.

Permits

1990 - Plumbing
2011 - Cement
2013 – Windows and re-brick
2013 – Concrete
2019 – Drywall, flooring, electrical fixtures, plumbing, painting (On Hold)

Staff Recommendation:

Staff recommends denial of Variances to allow (1) a 1,192 square foot reduction of the required 1 acre minimum lot area, (2) a 17.08 foot reduction of the required 200 foot lot width, and (3) a 6 foot reduction of the required 25 foot setback along the eastern property line.

Public Notice:

Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, Staff has received five (5) returned notices in opposition to the request.

Attachments:

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

5 – City Records Regarding ROW Dedication
6 – Revised Site Plan
7 – Returned Notices

Aerial Map

Request: Variances (Please see reverse side)
Applicant: Genesis Garcia
Location: 604 Tripp Rd.

Legend

Subject Property

Notification Map

Request: Variances (Please see reverse side)
Applicant: Genesis Garcia
Location: 604 Tripp Rd.

Legend

- Subject Property
- Noticed Properties

Street view of subject property.

Close up of structure

MESQUITE TEXAS Real. Texas. Service.

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 carport will be located

Physical Address: 604 tripp ave City, State: Mesquite, Texas

Zip Code: 75150

Applicant Information – The person filling out the application

First Name: Genesis Last Name: Garcia

Phone Number: 214-769-7521 Email Address: genesis@mgctx.co

I would like an interpreter at the meeting: ☐Yes ☑ No Language: English

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: John Last Name: Chacko

Phone Number: 214-404-0862 Email Address: jchacko2312@gmail.co

Mailing Address: 2312 Granberry dr City, State: Mesquite, 75150
(If different from physical address)

Zip Code:

Office Use Only

Property is not platted

Subdivision: Henry Harden Abst 594 Pg 075 Block: N/A Lot: N/A

Size of Property: 42,348 Square Feet When was the property platted: N/A

Date Received: 2/24/20 Project Intake: JM Case Number: BOA 0220-0183

☐ Special Exception ($200) ☐ Residential Variance ($200) ☑ Non-Residential Variance ($500) ☐ Appeals ($300)

CONTINUE TO NEXT PAGE

Structure Types

Check all that applies

Main Structure

- ☐ Room Addition
- ☐ Garage Addition
- ☐ New Residence

Nonconforming

- ☒ Use
- ☒ Premise
- ☒ Structure

Residential

- ☐ Rear Carport
- ☐ Storage Building
- ☐ Detached Garage
- ☐ Patio Cover
- ☐ Oversized Accessory Structure
- ☐ Accessory Dwelling Unit

Non-Residential

- ☒ Off-Site Parking
- ☐ Joint Use Parking
- ☐ Parking Reduction
- ☐ Flag Poles >75 Ft
- ☐ Reverse Vending Machine
- ☐ Oversized Accessory Structure

Other

- ☐ Fencing
- ☐ Temporary Uses
- ☐ Tree Preservation
- ☐ Oversized Antenna
- ☐ Lighted Game Courts
- ☐ Livestock

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

Roof Pitch (If applicable): _____

Describe Materials Used:

_____

_____

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:

_____

_____

_____

_____

_____

CONTINUE TO NEXT PAGE

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?

Will the Special Exception be compatible with the surrounding neighborhood?

☐ Yes ☐ No

If yes, how?

CONTINUE TO NEXT PAGE

COMPLETE FOR VARIANCES ONLY.

The Board of Adjustment must find the following three questions to be true.

Are there special conditions or circumstances that exist on the property that are peculiar to the land or improvements thereto and which are not applicable to other lands or improvements in the same district?

☑ Yes No

If yes, explain:

In 2007 due to the tripp road improvement project 0.015 acre was granted and conveyed by the city of mesquite off from UOA tripp road, mesquite, texas 75050

Will the literal interpretation of the ordinance result in an unnecessary hardship to the owner of the property?

☑ Yes No

If yes, how?

The lot size of the property does not meet the minimum standards required by the city partially because of the portion that was seized by the city for their tripp road improvement project being 0.015 acre in 2007 but also another not self created hardship would be that the location of building was purchased as is. Even considering that fact, owners are willing to abide by any possible requests to follow through with their plan and purpose which is to worship in gods name. They are currently welcoming their peers to their homes and long for this church to be completed to continue their devotio without altering or disturbing the character of the locality.

CONTINUE TO NEXT PAGE

COMPLETE FOR VARIANCES ONLY.

Are the special conditions and circumstances on the property self-imposed?

☐ Yes ☒ No

If yes, explain:

CONTINUE TO NEXT PAGE

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 Front Carport Design Standards, Requirements & Application packet.

Property Owner: John Chacko

Phone Number: 214-404-0862

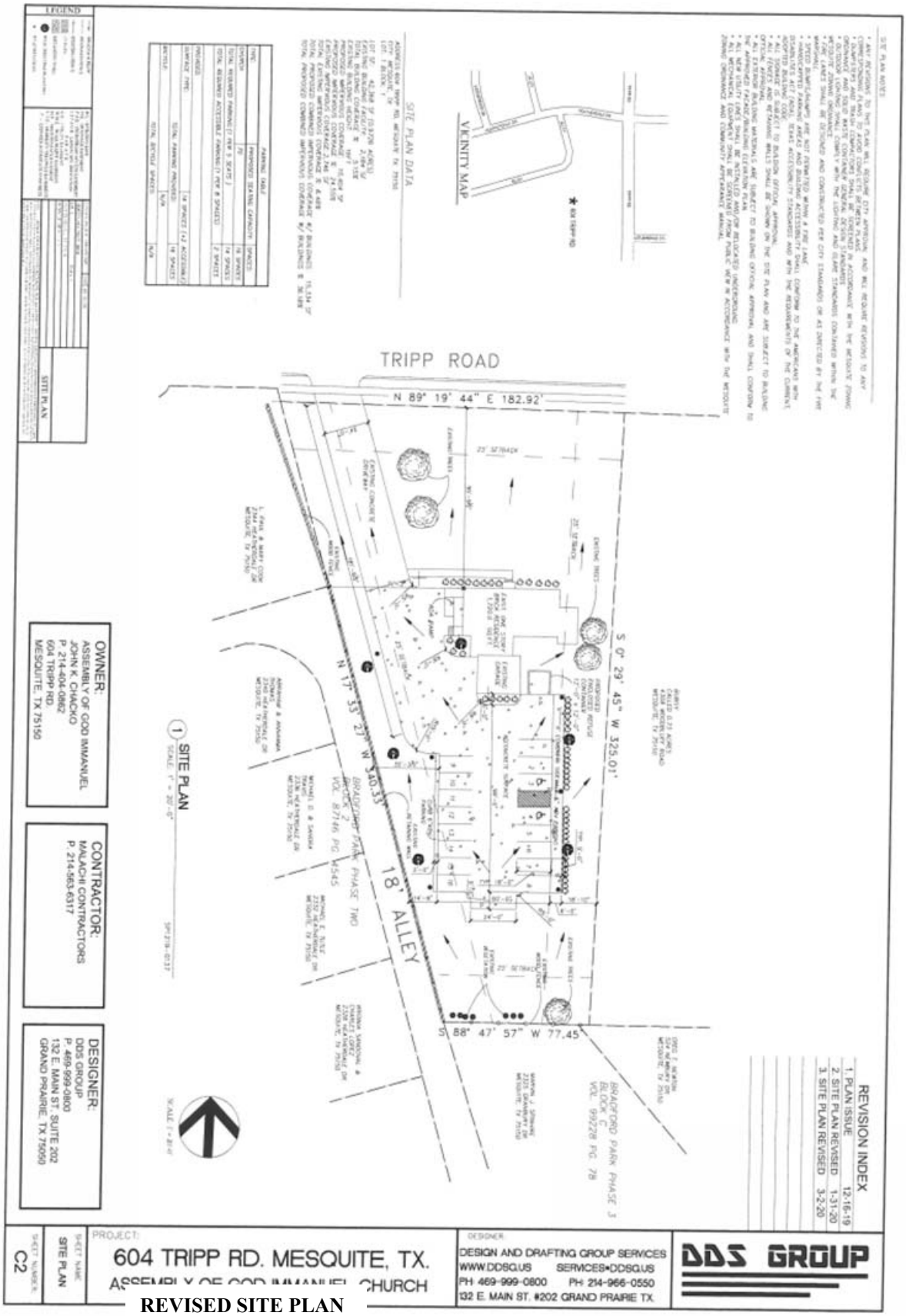
Address:

Email Address: jchacko2312@gmail.com

Signature: John Chacko

January 2020

CONTINUE TO NEXT PAGE



REVISED SITE PLAN

EXHIBIT "A"

LEGAL DESCRIPTION
PERMANENT RIGHT-OF-WAY
PARCEL NO. 11

BEING 0.015 acre of land located in the HENRY HARTER SURVEY, Abstract No. 594, Mesquite, Dallas County, Texas, and being a portion of the Tract of land conveyed to Mary Ruth Bartlett Busby, according to the deed recorded in Volume 87244, Page 15 of the Deed Records of Dallas County, Texas. Said 0.015 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a fence post found in the Northwest corner of Busby Tract, also lying in the existing South right-of-way line of Tripp Road;

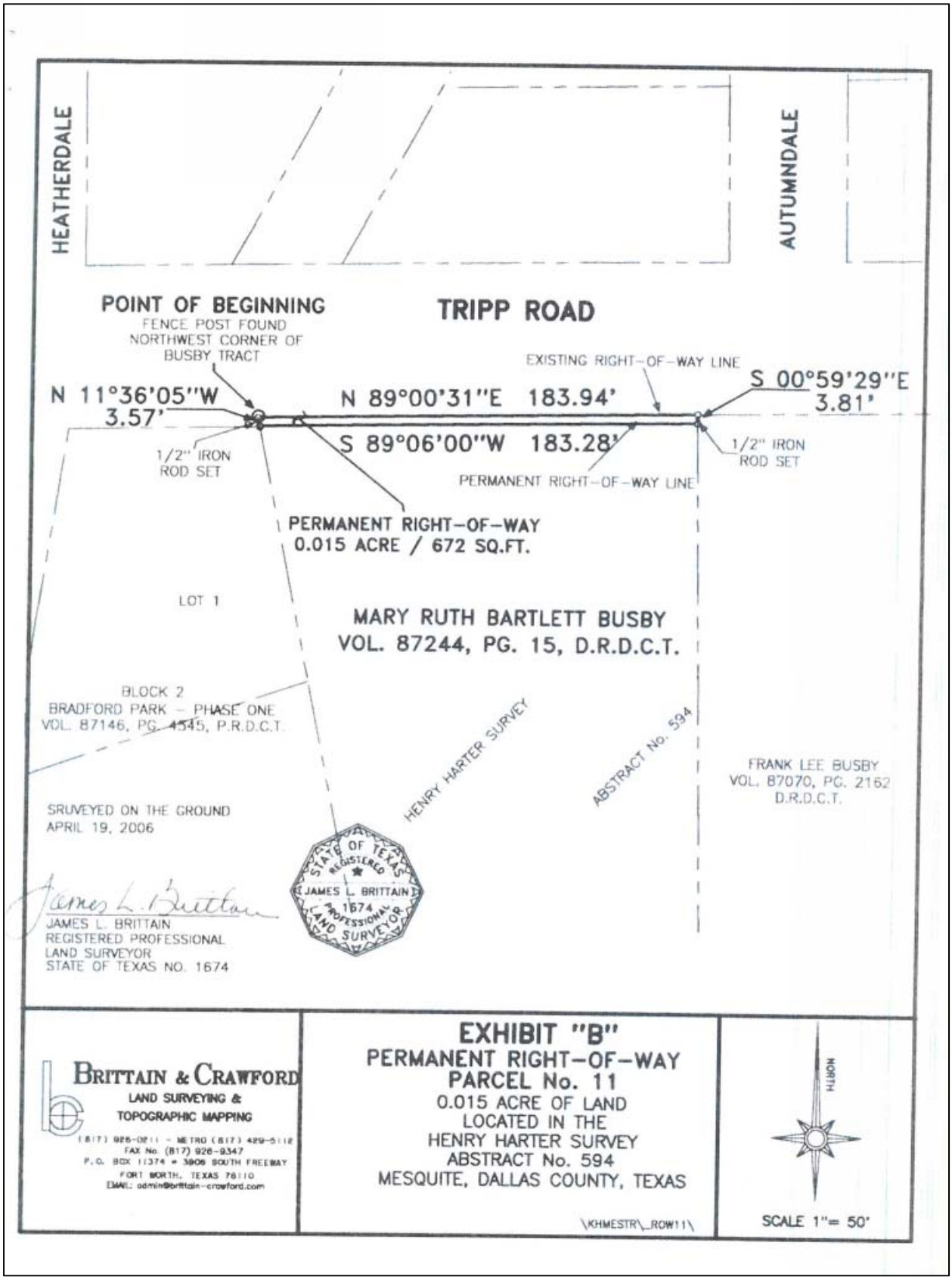
THENCE N 89° 00' 31" E 183.94 feet, along the North boundary line of said Busby Tract and the existing South right-of-way line of Tripp Road to a point at the Northeast corner of said Busby Tract;

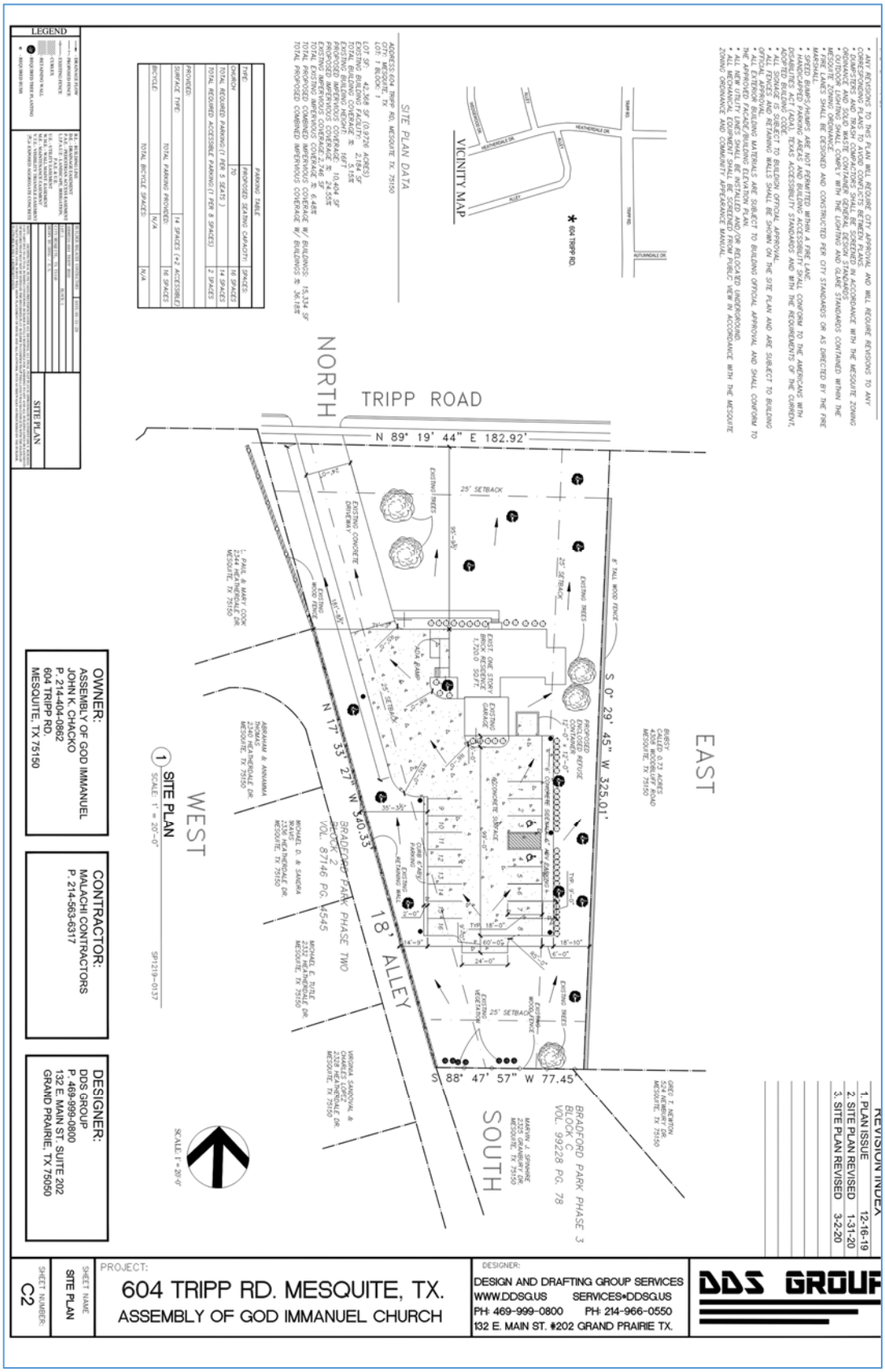
THENCE S 00° 59' 29" E 3.81 feet, along the East boundary line of said Busby Tract to a ½" iron rod set, in the new South right-of-way line of said Tripp Road.

THENCE N 89° 06' 00" W 183.28 feet, along the new South right-of-way line of said Tripp Road, to a ½" iron rod set in the West boundary line of said Busby Tract;

THENCE N 11° 36' 05" W 3.57 feet, along the West boundary line of said Busby Tract, to THE PLACE OF BEGINNING, containing 0.015 acre (672 square feet) of land.

wdoc/legal/KHTrippRoad/Parcel#11-PRW


HEATHERDALE
AUTUMNDALE
POINT OF BEGINNING
FENCE POST FOUND
NORTHWEST CORNER OF
BUSBY TRACT
TRIPP ROAD
EXISTING RIGHT-OF-WAY LINE
N 11°36'05"W
3.57'
N 89°00'31"E 183.94'
S 00°59'29"E
3.81'
S 89°06'00"W 183.28'
1/2" IRON
ROD SET
1/2" IRON
ROD SET
PERMANENT RIGHT-OF-WAY LINE
PERMANENT RIGHT-OF-WAY
0.015 ACRE / 672 SQ.FT.
LOT 1
MARY RUTH BARTLETT BUSBY
VOL. 87244, PG. 15, D.R.D.C.T.
BLOCK 2
BRADFORD PARK - PHASE ONE
VOL. 87146, PG. 4545, P.R.D.C.T.
HENRY HARTER SURVEY
ABSTRACT No. 594
FRANK LEE BUSBY
VOL. 87070, PG. 2162
D.R.D.C.T.
SRUVEYED ON THE GROUND
APRIL 19, 2006
STATE OF TEXAS
REGISTERED
JAMES L. BRITTAIN
1674
PROFESSIONAL
LAND SURVEYOR
JAMES L. BRITTAIN
REGISTERED PROFESSIONAL
LAND SURVEYOR
STATE OF TEXAS NO. 1674
BRITTAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
(817) 926-0211 - METRO (817) 429-5112
FAX No. (817) 926-9347
P.O. BOX 11374 • 3906 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com
EXHIBIT "B"
PERMANENT RIGHT-OF-WAY
PARCEL No. 11
0.015 ACRE OF LAND
LOCATED IN THE
HENRY HARTER SURVEY
ABSTRACT No. 594
MESQUITE, DALLAS COUNTY, TEXAS
\KHMESTR_ROW11\
NORTH
SCALE 1"= 50'


REVISION INDEX
1. PLAN ISSUE 12-16-19
2. SITE PLAN REVISED 1-31-20
3. SITE PLAN REVISED 3-2-20
DDS GROUP
DESIGNER:
DESIGN AND DRAFTING GROUP SERVICES
WWW.DDSG.US SERVICES•DDSG.US
PH: 469-999-0800 PH: 214-966-0550
132 E. MAIN ST. #202 GRAND PRAIRIE TX.
PROJECT:
604 TRIPP RD. MESQUITE, TX.
ASSEMBLY OF GOD IMMANUEL CHURCH
SHEET NAME
SITE PLAN
SHEET NUMBER:
C2
DESIGNER:
DDS GROUP
P. 469-999-0800
132 E. MAIN ST. SUITE 202
GRAND PRAIRIE, TX 75050
CONTRACTOR:
MALACHI CONTRACTORS
P. 214-563-6317
OWNER:
ASSEMBLY OF GOD IMMANUEL
JOHN K. CHACKO
P. 214-404-0862
604 TRIPP RD.
MESQUITE, TX 75150
1 SITE PLAN
SCALE: 1" = 20'-0"
SP1219-0137
SCALE: 1" = 20'-0"
NORTH
SOUTH
EAST
WEST
TRIPP ROAD
N 89° 19' 44" E 182.92'
S 0° 29' 45" W 325.01'
S 88° 47' 57" W 77.45'
N 17° 33' 27" W 340.33'
18' ALLEY
BRADFORD PARK PHASE 3
BLOCK C
VOL. 99228 PG. 78
BRADFORD PARK PHASE TWO
BLOCK 2
VOL. 87146 PG. 2545
25' SETBACK
EXISTING TREES
EXISTING CONCRETE DRIVEWAY
EXISTING WOOD FENCE
8' TALL WOOD FENCE
EAST ONE STORY BRICK COURSE 7,200 ± SQ.FT.
EXISTING GARAGE
PROPOSED ENCLOSED REFUSE
CONCRETE SURFACE
CURB & GUTTER PARKING
EXISTING RETAINING WALL
EXISTING VEGETATION
VICINITY MAP
604 TRIPP RD.
HEATHERDALE DR.
AUTUMNDALE DR.
ALLEY
SITE PLAN DATA
ADDRESS: 604 TRIPP RD. MESQUITE TX. 75150
CITY: MESQUITE, TX
LOT: 1 BLOCK: 1
LOT SF: 42,368 SF (0.9726 ACRES)
EXISTING BUILDING SQ.FT.: 7,200 SF
TOTAL BUILDING COVERAGE %: 2.15SE
EXISTING BUILDING HEIGHT: 16FT
PARKING IMPERVIOUS COVERAGE: 10,404 SF
PROPOSED IMPERVIOUS COVERAGE %: 24.55SE
EXISTING IMPERVIOUS COVERAGE 2,746 SF
TOTAL EXISTING IMPERVIOUS COVERAGE W/ BUILDINGS: 15,334 SF
TOTAL PROPOSED COMBINED IMPERVIOUS COVERAGE W/ BUILDINGS %: 36.18SE
PARKING TABLE
TYPE | PROPOSED SEATING CAPACITY | SPACES
CHURCH | 70 | 18 SPACES
TOTAL REQUIRED PARKING (1 PER 5 SEATS) | 14 SPACES
TOTAL REQUIRED ACCESSIBLE PARKING (1 PER 8 SPACES) | 2 SPACES
PROVIDED:
SURFACE TYPE: TOTAL PARKING PROVIDED: 14 SPACES (+2 ACCESSIBLE) 16 SPACES
BICYCLE: TOTAL BICYCLE SPACES: N/A N/A
LEGEND
SITE PLAN

MESQUITE
TEXAS
Real. Texas. Service.

NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **March 26, 2020** 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:	**BOA0220-0183**
Submitted By:	**Genesis Garcia**
Property Owner:	**Assembly of God Immanuel, Inc.**
Property Location:	**604 Tripp Rd.**
Legal Description:	**Henry Harter Abstract 594, pg. 075, TR 15**
Requested Action:	**Variances (1) to allow for a reduction in the minimum lot size from 43,560 square feet to 42,368 square feet, (2) to allow for a reduction in the minimum lot width from 200 feet to 182.92 feet and (3) to allow a reduction in the minimum side yard setback from 25 feet to approximately 19 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, 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 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.

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

BOA Case: BOA0220-0183

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

I am **opposed** to this request X

Name: (required) FRANK L. BUSBY

Address: (required) 4308 WOODBLUFF DR.
MESQUITE, TX 75150

Reasons (optional): I OWN LOT NEXT DOOR. ADDRESS 604 TRIPP RD. I WILL NOT BE ABLE TO BUILD RESIDENCE HAVING CHURCH NEXT DOOR - THIS HAS BEEN RESIDENTIAL NEIGHBORHOOD, HAS BEEN IN FAMILY SINCE 1940'S, OVER 3/4 CENTURY, I SHOULD HAVE SOME SAY SO.

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

Due to the Corona Virus
I will not be able to make tonights
meeting, I am over 70 & have
Asthma.

I own the lot next door
and sold property to the church.
My sister handled the sale and
I feel she sold to church to trust
me. I did not know was church
until after the sale. I will not
be able to build residence having
a church next door. This has been
a residential neighborhood even
when there were cotton fields
across the street. My lot has been
in my family since the 1940's.
Close to 3/4 of a century. I feel
I should have some say.

Please keep residential or let me
zone commercial to accomodate
a church.

Frank Gray

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Do not write on the reverse side of this form.

BOA Case: BOA0220-0183

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

I am **opposed** to this request X

Name: (required) Herman Merry & Travis Johnsey

Address: (required) 600 Tripp Rd
Mesquite, TX 75150

Reasons (optional): Church has been operating illegally for many years. They should have made request prior to violating city ordinance.

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

Please deny their request. Thanks

MESQUITE
TEXAS
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BOA Case: BOA0220-0183

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

I am **opposed** to this request Yes

Name: (required) Jane Bolchardt

Address: (required) 532 Tripp Road 1958 to Present
Mesquite Tx 75150

Reasons (optional): Lived here ~~[illegible]~~ 1953 - When D R Horton built home next door they changed the flow of water down to creek. The older family Bully had to go to court to put in flow better. They converted the creek also. Plenty of vacant places to place a Church in.

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MESQUITE TX 75185-0137

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

BOA Case: BOA0220-0183

I am in favor of this request _____

I am opposed to this request ✓

Name: (required) Norma Muñoz

Address: (required) 2347 Heatherdale Dr. Mesquite, TX 75150

Reasons (optional): The traffic this church causes on Tripp Rd. is not good. We have congestion as they are coming out making it dangerous. They have also been operating as a church for a year or 2, apparently not legally. This does not sit well with me. It is also an eyesore as the cars park all over the yard and grass area. That structure sits too close to the homes and it takes away from our

Please respond by returning to: CITY OF MESQUITE PLANNING DIVISION
ATTN: Johnna Matthews
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: BOA0220-0183

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

I am **opposed** to this request X

Name: (required) MIKE TUTLE

Address: (required) 2332 HEATHERDALE MESQUITE, TX 75150

Reasons (optional): _____

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

RECEIVED
MAR 19 2020
PLANNING AND ZONING

City of Mesquite
BOARD OF ADJUSTMENT
April 23, 2020
Staff Report

Case Number: BOA0320-0186

Applicant Georgia Cooksey Waller

Owner: Jeannette Cooksey

Address: 2541 Westwood Avenue

Request: Variance to allow crushed concrete on the subject property in place of current surfacing requirements including concrete or approved asphalt.

Background: The applicant is requesting a Variance to allow crushed concrete to be used in place of concrete or approved asphalt for driveway and storage areas near the rear half of the property. The subject property consists of two separate lots, platted in 1941. The front lot which abuts and has access to Westwood Avenue will be surfaced with approved asphalt through proper permitting. The applicant is requesting a Variance for the rear half of the property, which if approved, would allow for the use of crushed concrete. The applicant stated a replat of the property to one large lot would be completed if a Variance is approved to utilize crushed concrete, as the rear lot does not have public right-of-way access required by current city standards. Section 3-603.B. of the Mesquite Zoning Ordinance requires an approved concrete or asphalt surface for nonresidential properties for parking or storage of vehicles, trailers, or equipment intended to be mobile. The subject property currently has a metal structure approved by a Conditional Use Permit in 1980 that is leased out to multiple tenants with office and warehouse space. The applicant expressed that any future storage of materials and parking of vehicles on the lot will be in relation to tenants that will lease office space and conduct commercial businesses, some requiring outdoor space for storage. The front lot with access to Westwood Avenue has a large area of existing concrete that will remain in use.

Zoning: C - Commercial

Lot Size: 28,200 square feet

Surrounding Land Uses: The subject property is surrounded by C-Commercial zoning and uses on the south and east sides, and abuts PD-Multifamily Residential to the north and west sides.

Applicable Ordinances:

VARIANCE

Mesquite Zoning Ordinance Section 5-203: Criteria for Review
Variances from the terms of the ordinance which will not be contrary to the

public interest may be granted where, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, so that the spirit of the ordinance is observed and substantial justice is done. The Board shall consider whether:

1. *Special Conditions - Special conditions and circumstances exist which are peculiar to the land or improvements thereto and which are not applicable to other lands or improvements thereto in the same district.*

Staff Comment:
Staff did not find any special conditions or circumstances unique to the property. Staff did not find any evidence of a peculiar circumstance that would suggest proper surfacing for outdoor storage could not be met.

2. *Unnecessary Hardship - Literal interpretation of the provisions of the ordinance would result in unnecessary hardship to the owner of the property.*

Staff Comment:
Staff has determined that the literal interpretation of the provisions of the ordinance would not result in unnecessary hardship to the owner. The applicant is requesting a Variance to allow crushed concrete as an approved parking surface. As financial costs can not be considered as a basis for a hardship, Staff does not feel a hardship exists, as the property could be replatted and approved surfacing could be added as required on the rear half of the property.

3. *Not Self-Imposed - The special conditions and circumstances are not self-imposed, i.e. do not result from the actions of the applicant or owner.*

Staff Comment:
Currently, the Mesquite Zoning Ordinance requires all non-residential properties to comply and meet outdoor storage and parking surface requirements. If an owner of a non-residential property chooses to utilize outdoor space for storage or parking of mobile equipment, current requirements must be met.

Staff Recommendation: Staff recommends denial of the Variance to allow crushed concrete on the subject property in place of current surfacing requirements including concrete or approved asphalt.

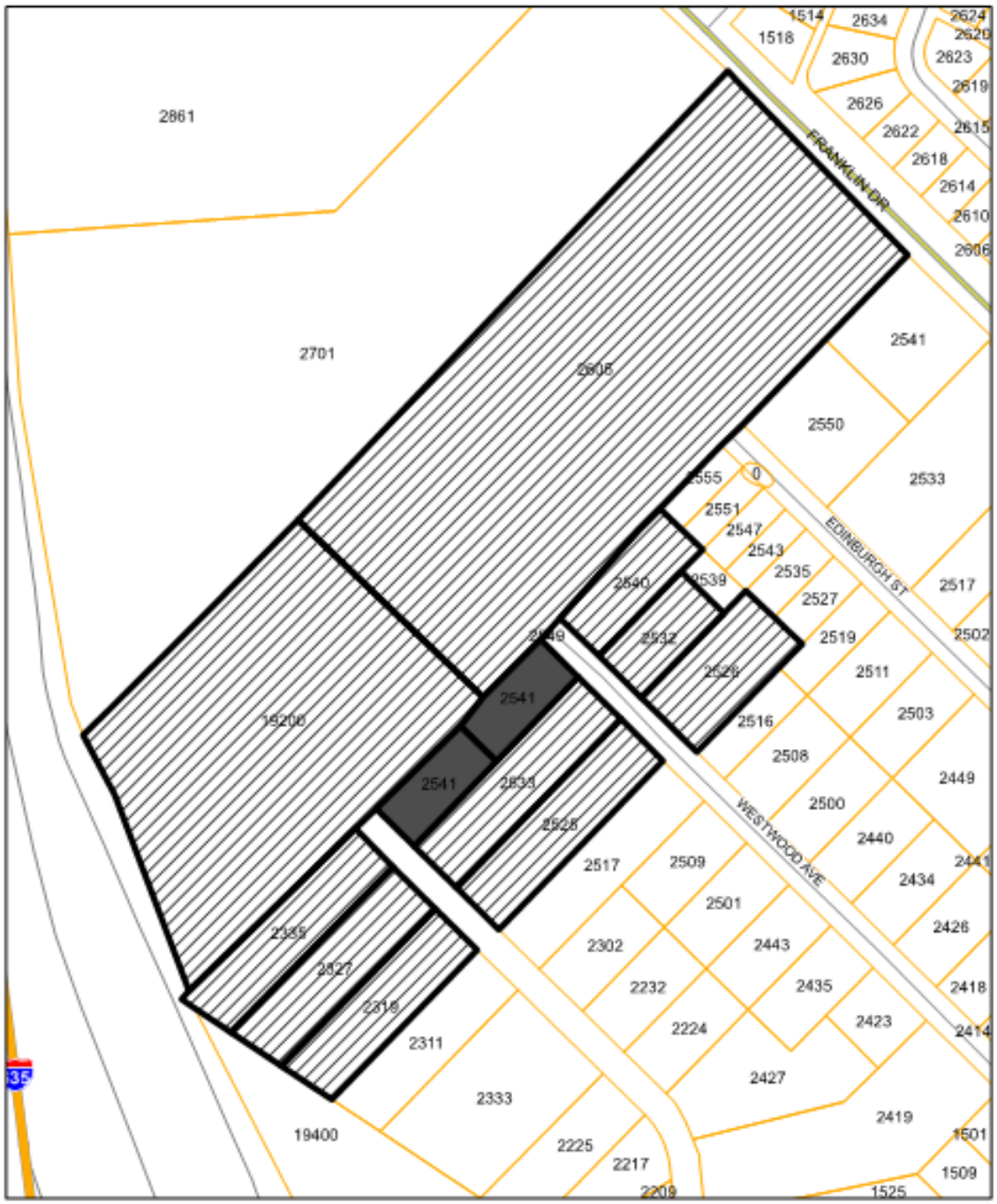
Permits:
2002 – Plumbing
2002 – Electric
2005 – Building

City of Mesquite
BOARD OF ADJUSTMENT
April 23, 2020
Staff Report

Public Notice: Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, Staff has received one returned notice in favor of the request.

Attachments:
1 – Aerial Map
2 – Public Notification Map
3 – Site Photos
4 – Application Materials
5 – Returned Notices

2540
2532
WESTWOOD AVE
2533
2335
2327
2302



Request: A Variance to allow the use of crushed concrete pavement instead of the required concrete or asphalt pavement for a non-residential property.

Applicant: Georgia Cooksey Waller

Location: 2541 Westwood Ave

Legend

Notified Properties

Subject Property

N

Street view of subject property from Westwood Avenue

View looking northeast towards Westwood Avenue

View from the front building looking southeast towards the rear lot

View of the rear lot looking southwest

Aerial view showing the location of proposed crushed concrete

MESQUITE TEXAS
Real. Texas. Service.

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 carport will be located

Physical Address: 2541 Westwood Orlando City, State: Mesquite, Texas

Zip Code: 75150

Applicant Information – The person filling out the application (Daughter)

First Name: Georgia Last Name: Cooksey Waller

Phone Number: 214-533-2310 Email Address: gwall47@sbcglobal.net

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: Jeannette Last Name: Cooksey

Phone Number: same Email Address: same

Mailing Address: 301 Tripp Rd. City, State: Mesquite TX
(If different from physical address)

Zip Code: 75150

Office Use Only

Subdivision: Hillhome Gardens 2 Block: 5 Lot: 13 + 14

Size of Property: 32,195 Square Feet When was the property platted: 1941

Date Received: 3/11/20 Project Intake: BC Case Number: BOA0320-0186

☐ Special Exception ($200) ☐ Residential Variance ($200) ☒ Non-Residential Variance ($500) ☐ Appeals ($300)

CONTINUE TO NEXT PAGE

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

Structure Types

Check all that applies

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		☑ Parking on crushed concrete base	

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

Roof Pitch (If applicable): _____

Describe Materials Used:

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:

Crushed concrete flex base, used for out door storage of materials trailers, construction equipment, masonary, vehicles.

CONTINUE TO NEXT PAGE

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Structure Types

Check all that applies

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			

Height of Structure: 10 Feet Size of Structure: 400 Square Feet

Roof Pitch (If applicable): 3/12

Describe Materials Used:

Metal

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:

Storage building built by winslows in Quinlan 13 years ago. used for storage only in the past.

CONTINUE TO NEXT PAGE

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

COMPLETE FOR VARIANCES ONLY.

The Board of Adjustment must find the following three questions to be true.

Are there special conditions or circumstances that exist on the property that are peculiar to the land or improvements thereto and which are not applicable to other lands or improvements in the same district?

☑ Yes ☐ No

If yes, explain: This property has an address (orlando) for a street that does not exist therefore has no access to it without coming in from front property.

Will the literal interpretation of the ordinance result in an unnecessary hardship to the owner of the property?

☑ Yes ☐ No

If yes, how? We have owned property for 25 years in which time storage was allowed on crushed concrete with new ordiance we now have property we can no longer use.

COMPLETE FOR VARIANCES ONLY.

CONTINUE TO NEXT PAGE

Are the special conditions and circumstances on the property self-imposed?

☐ Yes ☑ No

If yes, explain:

OWNER AUTHORIZATION PAGE

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the Front Carport Design Standards, Requirements & Application packet.

Property Owner: Jeannette Cooksey Phone Number: 214-533-2310

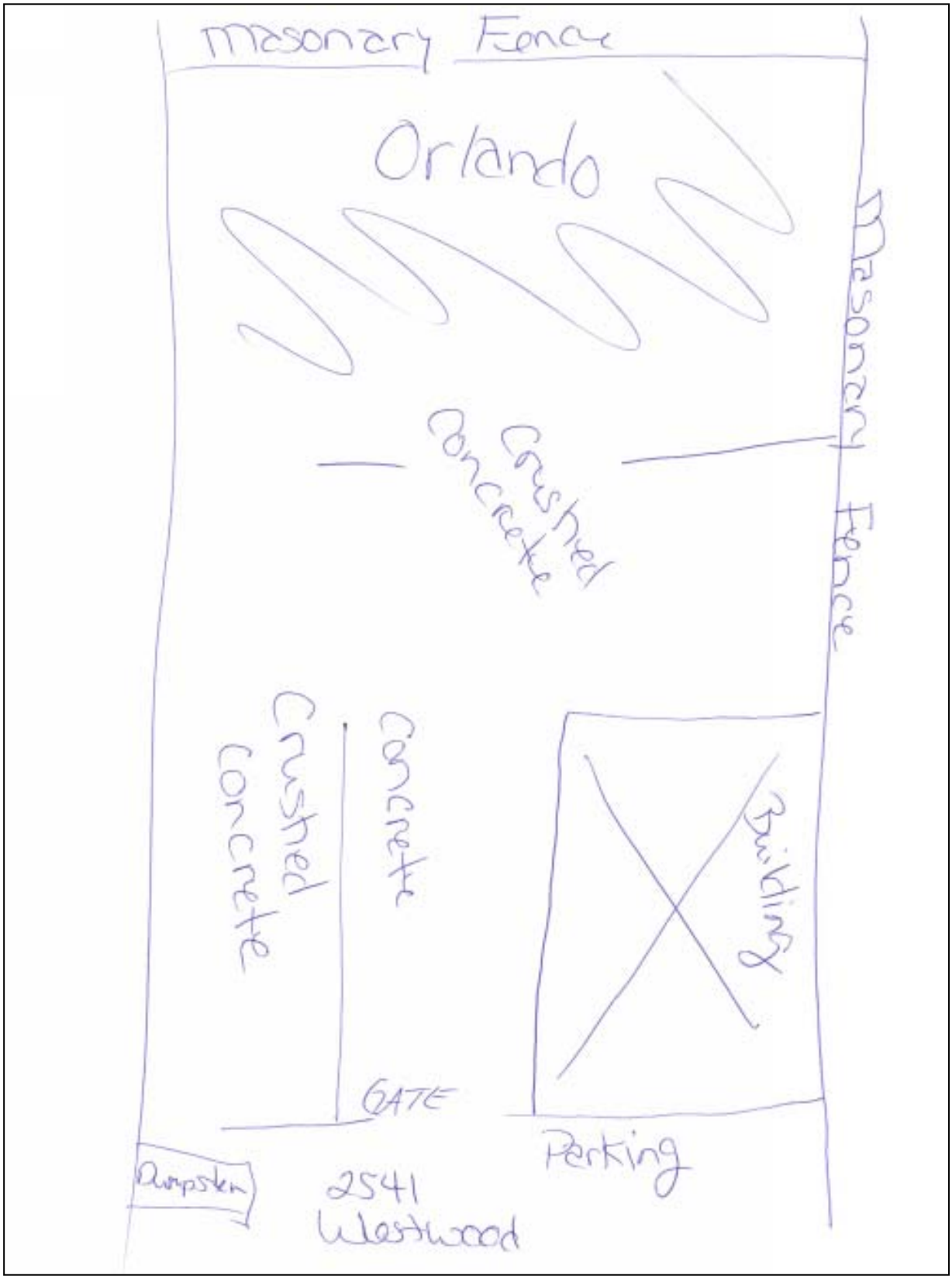
Address: 301 Tripp Rd. Mesquite, TX 75150

CALL Daughter Georgia

Email Address: gw211470sbcglobal.net

Signature: Jeannette Cooksey

CONTINUE TO NEXT PAGE


Masonary Fence
Orlando
Masonary Fence
Crushed Concrete
Crushed Concrete
Concrete
Building
GATE
Dumpster
2541 Westwood
Parking

MESQUITE
TEXAS
Real. Texas. Service.

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The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **April 23, 2020 at 6:30 p.m.**, in the City Council Chambers of City Hall located at 757 North Galloway Avenue, or attend via conference telephone call to consider the following application:

Case Number:	**BOA0320-0186**
Submitted By:	**Georgia Cooksey Waller**
Property Owner:	**Jeannette Cooksey**
Property Location:	**2541 Westwood Avenue**
Legal Description:	**Hillhome Gardens 2, Block 5, Lots 13 & 14**
Requested Action:	**Variance to allow the use of crushed concrete pavement instead of the required concrete or asphalt pavement for a non-residential property.**

As a property owner within 200 feet of this property, you are invited to make your views on this matter known. You may notify the Board of Adjustment of your comments **in writing** (no faxes, 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 this application or meeting telephone call-in details may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6344. Meeting call-in number will also be provided on the posted meeting agenda.

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

BOA Case: BOA0320-0186

I am **in favor** of this request ✓

I am **opposed** to this request _____

Name: (required) Georgia C. Waller
Brother - Browny Cooksey

Address: (required) 307 Tripp Rd.
Mesquite, TX 75150

Reasons (optional): First half has gravel on it already. But - Back half of Lot to put gravel (crushed cement) on for tenant to use.

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