



BOARD OF ADJUSTMENT REGULAR MEETING
CITY COUNCIL CHAMBERS
757 North Galloway Avenue
Mesquite, Texas
May 28, 2020 – 6:30 P.M.

MEETING PARTICIPATION INSTRUCTIONS

In accordance with the Governor’s suspension of various provisions of the Texas Open Meetings Act issued pursuant to his state disaster authority, and guidance issued on the suspension by the Attorney General’s Office:

1. A quorum of the Board of Adjustment will participate in the meeting by telephone or by being physically present at the meeting location.
2. Applicants having matters on the agenda and interested parties may participate by telephone or by appearing at the meeting location.
3. All persons present at the meeting location must wear some form of covering over their noses and mouths and shall observe social distancing by remaining a minimum of six (6) feet from other meeting participants.
4. Members of the public may participate by telephone.
5. Applicants and/or members of the public desiring to participate in the meeting by telephone conference may do so by dialing the following local number on Thursday, May 28, 2020, before, at or after 6:30 p.m. central time.

Telephone Conference Number: 217-396-6338
Participation Code (meeting ID): 177-6111

Persons may INCREASE their listening volume by pressing *88.
Persons may DECREASE their listening volume by pressing *89.

Repeat as necessary to incrementally increase or decrease the listening volume.

Persons may press *5 to be recognized to speak during the public comment or public hearing portion of the meeting.

6. The meeting will be audible to all in-person and telephone participants and will allow for their two-way communication.
7. Comments may be made during the meeting upon recognition by the Chairperson or may be made in writing before 3:00 p.m. on May 28, 2020, to the following email address:
jmatthews@cityofmesquite.com.
8. An electronic copy of the agenda packet will be posted online at the City of Mesquite’s website (www.cityofmesquite.com).

The meeting will be recorded and made available to the public.

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. INSTRUCTIONS

City Staff shall give verbal instructions for participation in the meeting.

3. BOARD PROCEDURES

Chair shall make a public announcement regarding the Board's procedures.

PUBLIC COMMENTS

4. Any individual desiring to address the Board of Adjustment regarding an item on the CONSENT AGENDA shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Board of Adjustment through a translator will be allowed six (6) minutes.

CONSENT AGENDA

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

5. APPROVAL OF MINUTES.

Discuss and consider approval of the minutes of the April 23, 2020 Board of Adjustment meeting.

PUBLIC HEARINGS- UNCONTESTED CASES

6. BOA0420-0187 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Nohe Ponce, for a Special Exception allow an oversized accessory structure (barn) in the rear yard, including approximately 2,000 square feet, located at 3470 McKenzie Rd. (BOA0420-0187, Johnna Matthews, Principal Planner).

PUBLIC HEARINGS- CONTESTED CASES

7. BOA0420-0188 – VARIANCE

Conduct a public hearing to consider an application submitted by Ron Hobbs (Ron Hobbs Architecture & Interior Design, LLP), for a Variance to allow an 18-foot reduction of the 28-foot south side yard setback for a proposed medical office development, located at 4115 N. Beltline Rd. (BOA0420-0188, Lesley Frohberg, Planner).

STAFF / BOARD LIAISON REPORT

8. The annual Board training is postponed until further notice.

9. Mesquite Zoning Ordinance Amendment, Section 5-200. P&Z Commission considered the item on Tuesday, May 26th and it is tentatively scheduled to be considered by City Council for final approval on June 15th.

[NOTE: Board action, *if any*, shall not be taken regarding the Staff / Board Liaison Report until Public Comments have been received.]

PUBLIC COMMENTS

10. Any individual desiring to address the Board of Adjustment regarding the STAFF / BOARD LIAISON REPORT or ANY OTHER MATTER not listed on the Agenda shall be allowed to speak for a length of time not to exceed three (3) minutes on a first-come, first-served basis. Citizens addressing the Board of Adjustment through a translator will be allowed six (6) minutes.

ADJOURNMENT

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 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 **May 28, 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 **May 22, 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 APRIL 23, 2020, AT 6:30 P.M., AT CITY HALL, 757 NORTH GALLOWAY
AVENUE, MESQUITE, TEXAS**

Present: Chairman Thomas Palmer, George Rice, Wana Alwalee, Jack Akin, Aeneas Ford, Alternate Benny Gordon
Staff: Director of Planning & Development Jeff Armstrong, Manager of Planning and Zoning Garrett Langford, Planner Ben Callahan, Assistant City Attorney Karen Strand and Principal Planner Johnna Matthews by conference call

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office, this meeting was held by telephone conferencing to support social distancing. Commissioners and City Staff attended the meeting via telephone conference with the exception of Ms. Alwalee, Mr. Akin, Mr. Gordon, Mr. Armstrong, and Mr. Langford, who were present in the City Council Chambers and practiced social distancing.

I. BOARD BUSINESS

1. ROLL CALL

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

2. PUBLIC COMMENTS

Chairman Palmer asked if anyone would like to speak on an item not scheduled for a public hearing. Comments were open to those in the audience in the Council Chambers, those on the conference call as well as to Board of Adjustment members. There were no public comments.

3. APPROVAL OF MINUTES

Consider approval of the minutes of March 26, 2020, meeting.

A motion was made by Mr. Rice to approve the minutes for March 26, 2020, Board of Adjustment meeting. Ms. Alwalee seconded, and the motion passed 5-0.

II. 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.*

Principal Planner Johnna Matthews briefed the Board. Chairman Palmer asked Board members if there were any questions of Staff. There were none. Chairman Palmer asked if the applicant would like to speak. The applicant, Jonathan Daniel, approached the lectern and asked if due to the item being postponed at the March 23, 2020, meeting before the Board of Adjustment, if it was appropriate for notices to be returned after the date listed on the property owner notice. Principal Planner, Johnna Matthews responded that notices can be returned up to the day of the meeting. The applicant had no additional questions. Chairman Palmer opened the public hearing and asked if anyone would like to

speak for or against the item. Mr. Langford requested anyone in the Council Chambers to approach the lectern to speak. Travis Jonesy, 600 Tripp Rd., spoke in opposition to the request. Sarah Jacob, 809 Graystone Dr., Garland, Texas, John Jacok, 604 Tripp Rd., Godley Johnson, 344 Yosemite Falls Dr., Garland, Texas, Genesis Garcia, 5057 Keller Springs, Texas, all spoke in favor of the request. Several more members (inaudible names and addresses) of the church at 604 Tripp Rd came up to speak in favor of the request. No one else from the City Council Chambers came up to speak. Frank Busby, 4308 Woodbluff Dr., via conference call, spoke in opposition to the request. Chairman Palmer closed the public hearing. After a brief discussion, a motion was made by Mr. Rice to deny the Variances. Mr. Akin seconded. The motion passed 5-0 to deny.

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).

Planner Ben Callahan briefed the Board. Chairman Palmer asked Board members if there were any questions of Staff. There were none. Chairman Palmer asked if the Applicant would like to speak. The Applicant, Brownie Cooksey, approached the lectern and spoke about the high financial cost associated with concrete or asphalt for his site. Chairman Palmer asked if anyone else would like to speak regarding this case. Georgia Waller spoke via conference call-in and gave details about the history of the property and spoke on behalf of subject property owned by her mother. Mrs. Waller gave a brief description of the proposed location for gravel and the use of the property. Chairman Palmer asked if anyone else would like to speak on the item. Mr. Cooksey approached the lectern and spoke again regarding the need for gravel on the subject property and what the property is currently used for. Chairman Palmer closed the public hearing and asked if the Board had any questions or discussion. Chairman Palmer asked the question of Planning Staff regarding history with code compliance. Mr. Callahan answered questions regarding code violations. Chairman Palmer, Board members George Rice, Wana Alwalee, and Aeneas Ford discussed their views regarding current zoning standards and the subject property. Mr. Langford discussed the requirements for being legal-nonconforming and that there is no record showing approved permits for crushed concrete. A motion was made by Ms. Alwalee to approve the request for a Variance. Mr. Akin seconded. The motion failed 3-2 with Mr. Palmer and Mr. Ford dissenting. Chairman Palmer stated four concurring votes are required to approve a variance. As a result of the 3-2 vote, the application for the variance is denied.

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 8:15 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
May 28, 2020
Staff Report

Case Number: BOA0420-0187

Applicant/Property Owner: Nohe S. Ponce

Address: 3470 McKenzie Rd.

Request: Special Exception to allow an oversized accessory structure (barn) in the rear yard including 2,000 square feet

Background: The applicant is requesting approval of a Special Exception to allow for the construction of an approximately 2,000 square-foot metal barn in the rear yard. According to the applicant, various tools and equipment, including tractors, will be kept in the barn. As shown on the site plan, the structure will be setback 5 feet from the most easterly side yard, over 100 feet from the most westerly side yard, and approximately 65 feet from the rear yard. All other requirements of the Mesquite Zoning Ordinance will be met.

Zoning: AG, Agricultural

Lot Size: 61,855.2 square feet/1.42 acres

Surrounding Land Uses: The subject property abuts properties zoned Agricultural to the west, east, and north. The aforementioned properties are mostly undeveloped; however, to the north and east, properties are developed with single-family residences. Also to the north is an approximately one-acre tract of land, which is owned by the City of Mesquite. To the south is the City of Dallas.

Applicable Ordinances:

REQUIREMENTS – ALL STRUCTURES

Mesquite Zoning Ordinance Section 2-602.A: Maximum Size And Lot Coverage

The maximum permitted size for an accessory structure in the R and D districts shall be 500 square feet; provided however, that in no case, shall the total of all accessory structures occupy more than 35% of the yard area in which the structures are located. The maximum permitted size for an accessory structure in the AG district shall be 1000 square feet.

Staff Comment:

The accessory structure in question exceeds the maximum size allowed in the AG zoning district by approximately 1,000 square feet. However, approval of a Special Exception will allow the increase in square footage. All other requirements of the Mesquite Zoning Ordinance will be met.

ACCESSORY STRUCTURES – SPECIAL EXCEPTIONS

Mesquite Zoning Ordinance Section 2-604.A – Oversized Accessory Structure

To allow an oversize accessory structure, which shall be any detached structure which exceeds the height, size, or coverage limits set out in 2-602. An existing accessory building shall not become an oversize structure due to the attachment of a minor building with separate entrances. Buildings exceeding 10% of the lot area are generally considered to be incompatible.

Staff Comment:

The oversized accessory structure does not meet the size limits set out in Section 2-602 of the Mesquite Zoning Ordinance. The structure is proposed to be approximately 2,000 square feet; approximately 1,000 square feet over the allowed size for an accessory structure located within the AG zoning district. However, the proposed structure is compatible, as it will not exceed 10% of the area.

CRITERIA FOR REVIEW

Mesquite Zoning Ordinance Section 5-203 “Criteria for Special Exceptions”

Section 5-203.A of the Mesquite Zoning Ordinance states Special Exceptions may be granted as set out in this ordinance, when the Board determines that the exception will allow greater use and enjoyment of property without creating adverse impacts on adjacent properties and that it will be compatible with the surrounding neighborhood. The Board shall also consider any criteria set out in this ordinance for a specific Special Exception.

Staff Comment:

It is Staff’s professional opinion that approval of the Special Exception will not create any adverse impacts on adjacent properties.

Staff Recommendation: Staff recommends approval of the Special Exception to allow an oversized accessory structure 2,000 square feet in size.

Permits: 2006 – Fence Permit
2015 – Demolition of 1,800 square foot single-family residence
2016 – Plumbing Permit
2016 – Building Permit for new 2,545 square foot home

Public Notice: Notices were mailed to property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices.

Attachments: 1 – Aerial Map
2 – Public Notification Map



City of Mesquite
BOARD OF ADJUSTMENT
May 28, 2020
Staff Report

- 3 – Site Photos
- 4 – Application Materials

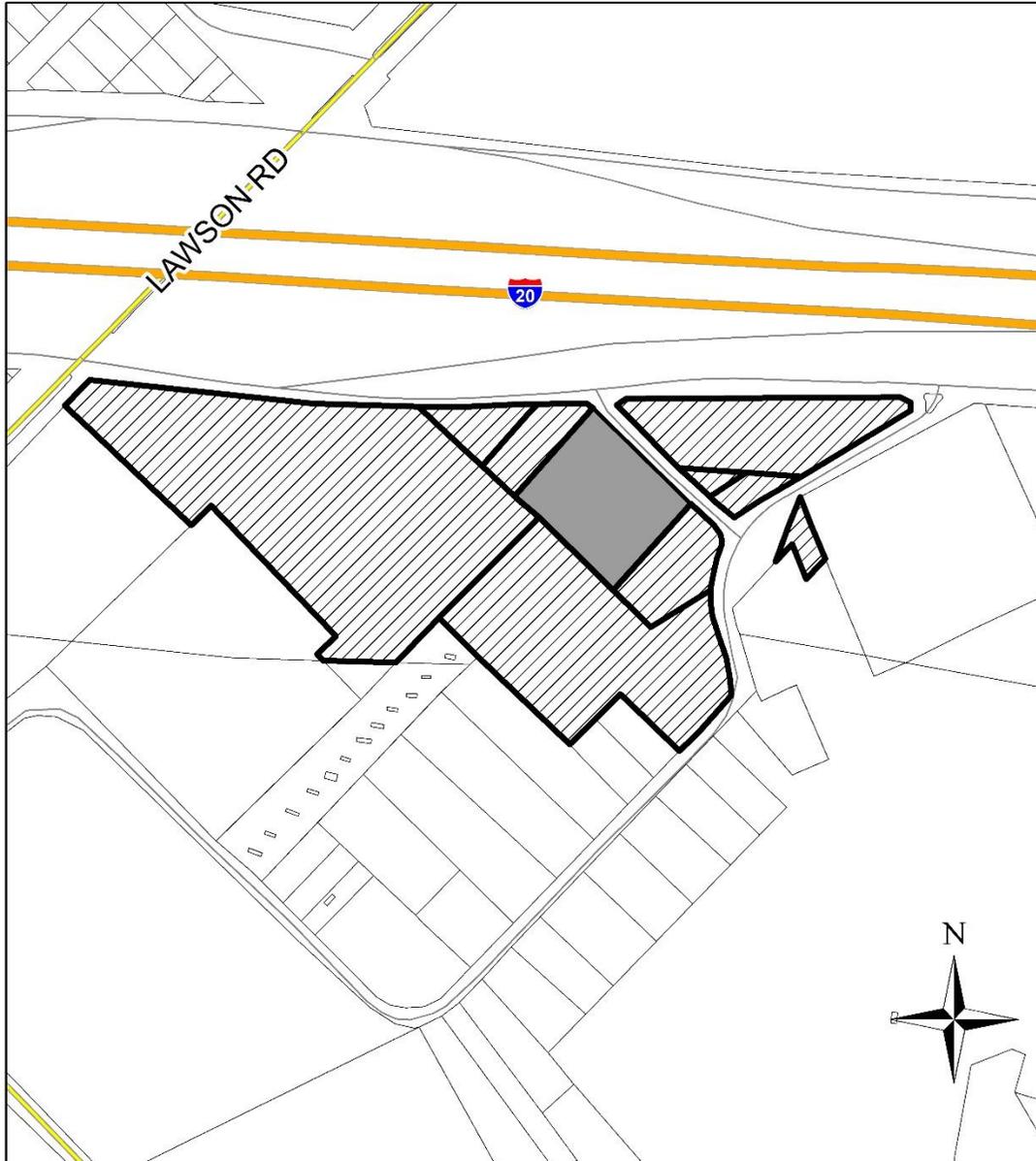
Aerial Map



Request: Special Exception to allow an oversized accessory structure (See reverse side)
Applicant: Nohe S. Ponce
Location: 3470 McKenzie Rd.

Legend
 **Subject Property**

Notification Map



Request: Special Exception to allow an oversized accessory structure (See reverse side)
Applicant: Nohe S. Ponce
Location: 3470 McKenzie Rd.

Legend

-  Subject Property
-  Noticed Properties

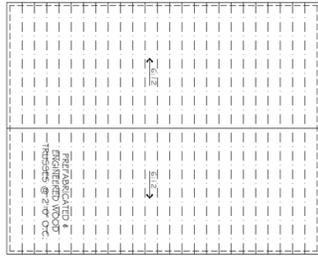
ATTACHMENT 3: SITE PHOTOS



Street view of subject property.

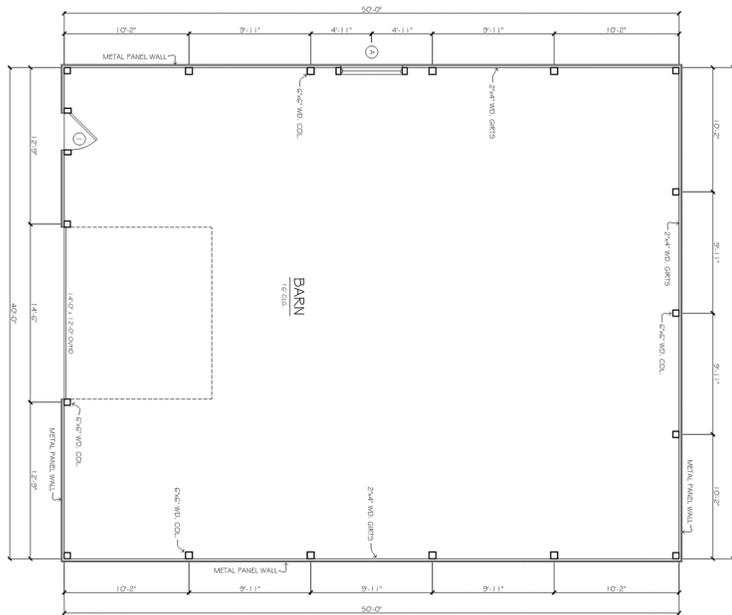


Photo taken in the rear yard (approximate location of proposed oversized accessory structure).



ROOF PLAN

SCALE: 1/8" = 1'-0"



FLOOR PLAN

SCALE: 1/4" = 1'-0"

GENERAL NOTES

1. ALL WORK SHALL BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS & INDUSTRY PRACTICES.
2. ALL WORK SHALL BE DONE ACCORDING TO ALL APPLICABLE CITY, COUNTY, STATE AND NATIONAL CODES.
3. A CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RESOLUTIONS PRIOR TO COMMENCING WORK.
4. CONSTRUCTION TO MEET VEHICULAR, PEDESTRIAN AND DRINKING FOUNTAIN REQUIREMENTS.
5. VENTILATION SHALL BE PROVIDED FOR ALL OPERATING EQUIPMENT.
6. BEFORE PROCEEDING WITH ANY WORK, THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND RESOLUTIONS FROM THE CITY AND COUNTY ENGINEERS AND SHALL BE RESPONSIBLE FOR THEIR CONNECTIONS.
7. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RESOLUTIONS FROM THE CITY AND COUNTY ENGINEERS.

DOOR SCHEDULE

NO.	SIZE	DESCRIPTION

WINDOW SCHEDULE

NO.	SIZE	DESCRIPTION

SQUARE FOOTAGE

BARN	2,000 S.F.
OVERALL WIDTH	46'-0"
OVERALL DEPTH	50'-0"

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION AND INFORMATION NECESSARY TO COMPLETE THIS PROJECT. ALL PORTIONS OF THE WORK, INCLUDING PLUMBING, MECHANICAL AND ELECTRICAL, SHALL BE PERFORMED IN FULL COMPLIANCE WITH ALL APPLICABLE CITY, COUNTY, STATE AND NATIONAL CODES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RESOLUTIONS PRIOR TO COMMENCING WORK. A DISCREPANCY OCCUR BETWEEN THE PLANS AND LOCAL REQUIREMENTS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RESOLUTIONS PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RESOLUTIONS PRIOR TO COMMENCING WORK.

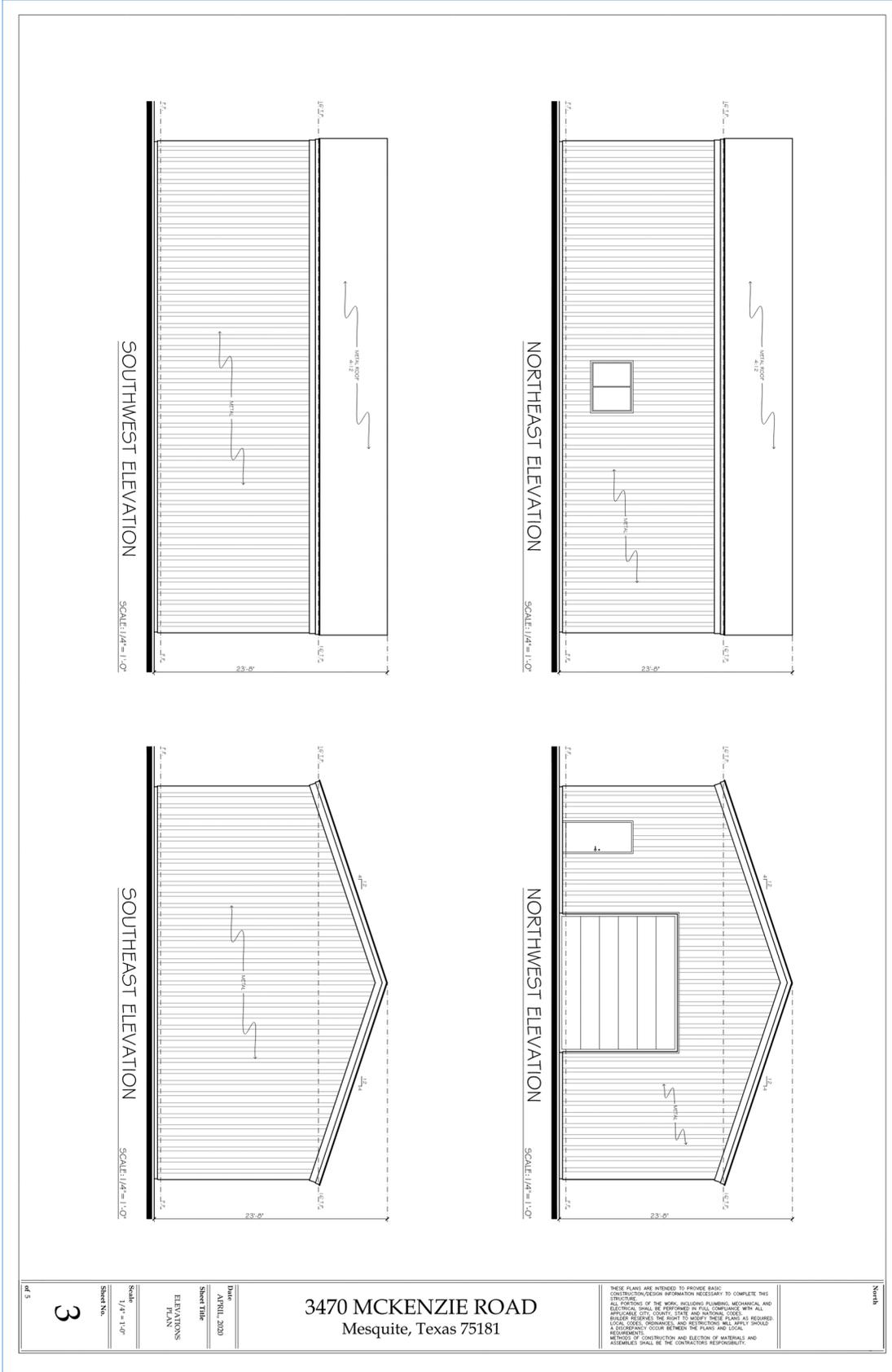


North

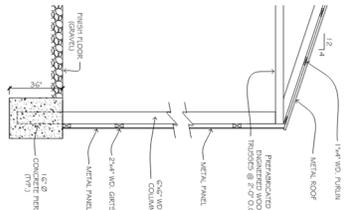
3470 MCKENZIE ROAD
Mesquite, Texas 75181

DATE: APRIL, 2020
SHEET TITLE: BARN
INDICATORS: 2
SCALE: INDICATES
SHEET NO.: 2
OF 5

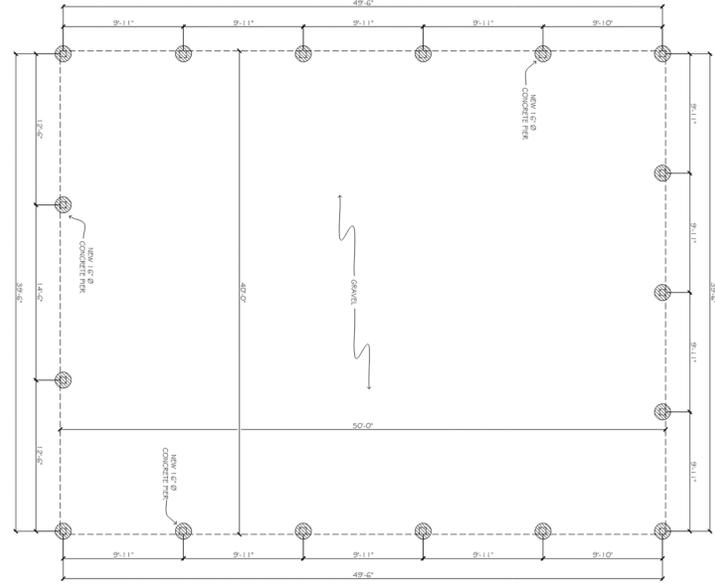
ATTACHMENT 4: APPLICATION MATERIALS



- GENERAL NOTES**
1. ALL WORK SHALL BE DONE ACCORDING TO STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 2. ALL WORK SHALL BE DONE ACCORDING TO ALL APPLICABLE CITY, COUNTY, STATE AND NATIONAL CODES.
 3. A PROFESSIONAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
 4. CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION.
 5. VERIFY CONDITIONS ARE EXISTING FOR ALL EQUIPMENT.
 6. REMOVE EXISTING MATERIALS AND PROVIDE PROPER DISPOSAL OF ALL DEBRIS AND MATERIALS. CONTRACTOR SHALL VERIFY ALL UNDERSTANDING AND ADEQUACY OF ALL EXISTING CONDITIONS AND SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF ALL EXISTING UTILITIES AND ADJACENT PROPERTIES TO THE PROJECT SITE.
 7. CONTRACTOR AND/OR SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS TO ALL WORK TO BE DONE ON THE PROJECT SITE.



COLUMN DETAIL N.T.S.



FOUNDATION PLAN SCALE 1/4\"/>

<p>5</p>	<p>Scale INDICATES Sheet No.</p>	<p>INDICATES</p>	<p>DATE AUGUST, 2020</p>	<p>3470 MCKENZIE ROAD Mesquite, Texas 75181</p>	<p>THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION DATA AND INFORMATION NECESSARY TO COMPLETE THIS PROJECT. ALL PORTIONS OF THE WORK, INCLUDING PLUMBING, MECHANICAL, AND ELECTRICAL SHALL BE PERFORMED IN FULL COMPLIANCE WITH ALL APPLICABLE CITY, COUNTY, STATE AND NATIONAL CODES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS TO ALL WORK TO BE DONE ON THE PROJECT SITE. A DISCREPANCY OCCUR BETWEEN THE PLANS AND LOCAL ORDINANCES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS TO ALL WORK TO BE DONE ON THE PROJECT SITE. METHOD OF CONSTRUCTION AND SELECTION OF MATERIALS AND ASSEMBLIES SHALL BE THE CONTRACTOR'S RESPONSIBILITY.</p>	<p>North</p>
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OWNER AUTHORIZATION PAGE

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

Property Owner: NOHE S PONCE Phone Number: 408-592-4957
Address: 3470 McKenzie dr.
Mesquite Tx 75181 Email Address: dponce860@gmail.com
Signature: 



City of Mesquite
BOARD OF ADJUSTMENT
May 28, 2020
Staff Report

Case Number: BOA0420-0188

Applicant: Ron Hobbs, Ron Hobbs Architecture & Interior Design, LLP

Property Owner: Dr. Julianna & George Owusu

Address: 4115 N. Beltline Road

Request: Variance to allow a eighteen (18) foot reduction of the twenty-eight (28) foot south side yard setback for a proposed medical office development.

Background: The applicant is requesting a Variance to allow an eighteen-foot reduction of the twenty-eight-foot side yard setback from the south property line for two proposed office buildings. The proposed offices will be one-story and will be approximately 5,600 square feet and 4,000 square feet. The property is currently undeveloped. All other regulations of the General Retail (GR) Zoning District will be met with the proposed development.

Zoning: PD-GR, Planned Development - General Retail (Ordinance No. 949)

Lot size: 43,560 square feet / 1 acre

Surrounding uses: The subject property is surrounded by single-family homes zoned Single Family Residential to the west, a vacant property zoned General Retail to the north, and a regional electrical transmission line zoned R-3, Single Family Residential to the south. The subject property has frontage on N. Beltline Road to the east.

VARIANCE

Applicable Ordinances: **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:

To the south of the subject property, there is an existing 100-foot wide parcel, owned by the Texas Utility Energy Company (TXU), that is zoned R-3, Single Family Residential. The 100-foot wide parcel is currently being used to accommodate a high voltage regional electrical transmission line. Since TXU's property is zoned Single Family Residential, the proposed development requires increased setback requirements, which is equal to two times the height of the proposed building. However, the electrical line is not anticipated to be developed or used for residential purposes. With these circumstances, Staff feels the zoning is requiring unnecessary protection to the high voltage transmission line in the form of increased setbacks. Staff anticipates that the potential impacts on the surrounding residential neighborhoods will be mitigated by TXU's property and the screening provided by the fencing, landscaping, and the proposed buildings. It is Staff's opinion that the development of the subject property without the setback variance will cause greater negative impacts, as the parking and front of the office buildings would face towards the residential properties to the south.

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

Staff Comment:

The literal interpretation of the provisions of the ordinance would result in unnecessary hardship to the owner of the property, as the increased side yard setback would limit the developable area on the lot. The intent of the increased setback between zoning districts is to provide an adequate buffer between residential and nonresidential uses. The property to the south is zoned R-3, Single Family Residential, but is utilized as a Texas Power and Light right-of-way for a high voltage electrical transmission line, which would preclude it from any other development. The presence of the 100-foot wide property ensures that the proposed medical office development will not directly abut the existing residential properties.

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

Staff Comment:

The special conditions and circumstances are not self-imposed. The subject property and TXU's property were annexed into the City of Mesquite in 1971. The subject property was zoned as General Retail and TXU's property was zoned residential. It was later established as the location of a regional utility line in the late 1970's.

**Staff
Recommendation:**

Staff recommends approval of the Variance request to allow an eighteen (18) foot reduction of the twenty-eight (28) foot side yard setback for the south property line for proposed medical offices, as the request meets the criteria for approval of a Variance.

Permits:

Not Applicable

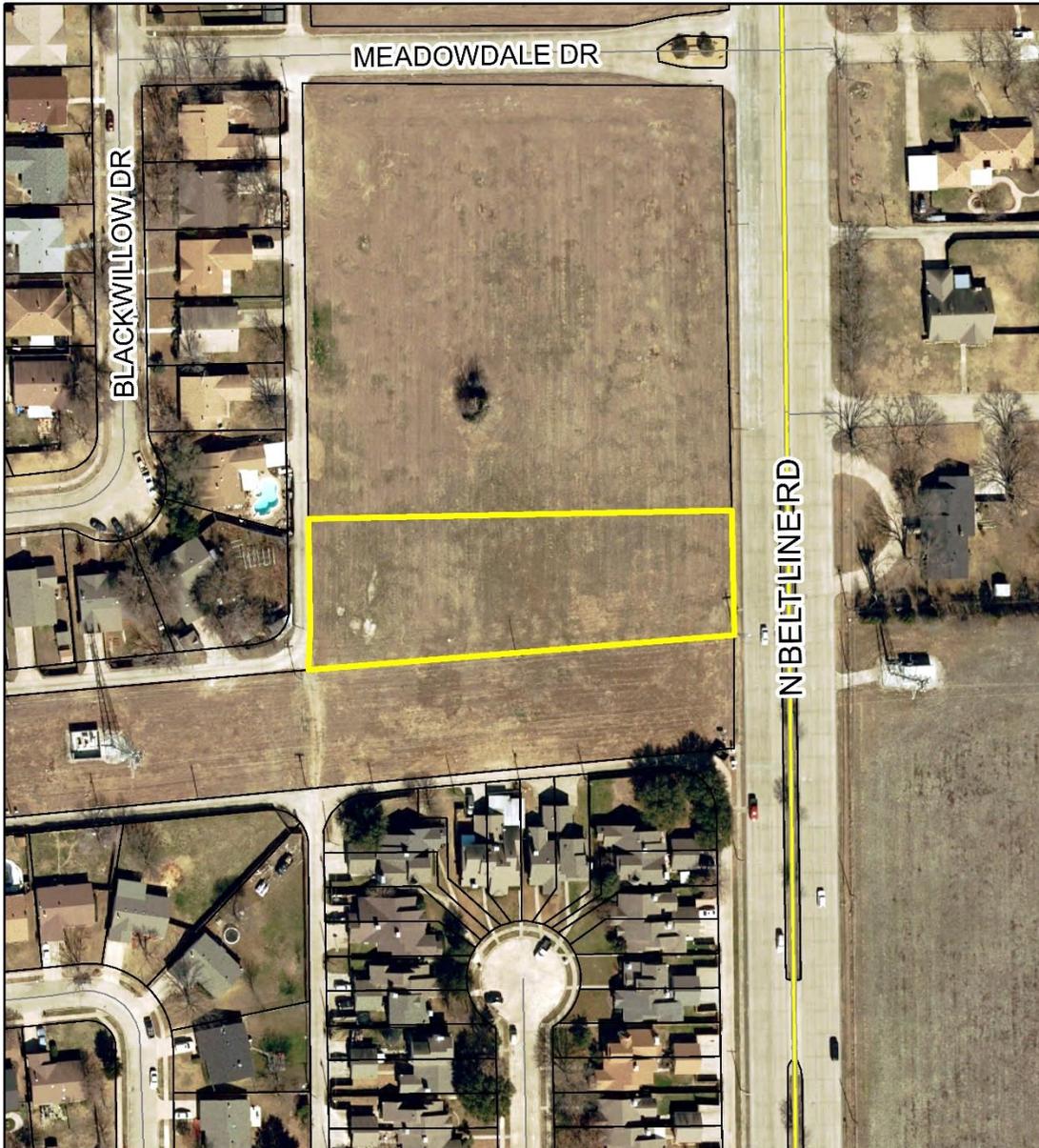
Public Notice:

Staff mailed notices to property owners within 200 feet of the subject property. As of the date of this writing, Staff has received one returned notice in opposition to the request.

Attachments:

- 1 – Aerial Map
- 2 – Public Notification Map
- 3 – Site Photos
- 4 – Application Materials
- 5 – Returned Property Owner Notice

Aerial Map



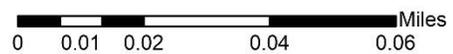
Request: Variance to allow eighteen (18) foot reduction of the twenty eight (28) foot side yard setback

Applicant: Ron Hobbs

Location: 4115 N. Beltline Road

Legend

 Subject Property



Notification Map



Request: Variance to allow a eighteen (18) foot reduction of the twenty eight (28) foot side yard setback.
Applicant: Ron Hobbs
Location: 4115 N. Beltline Road

Legend

-  Notified Properties
-  Subject Property
-  Municipal Boundary



**Street view of subject property, across N. Beltline Road, facing west.
Approximate property lines shown in red.**



**View of subject property across the 100-foot utility easement from the alley, facing north.
Approximate property line shown in red.**



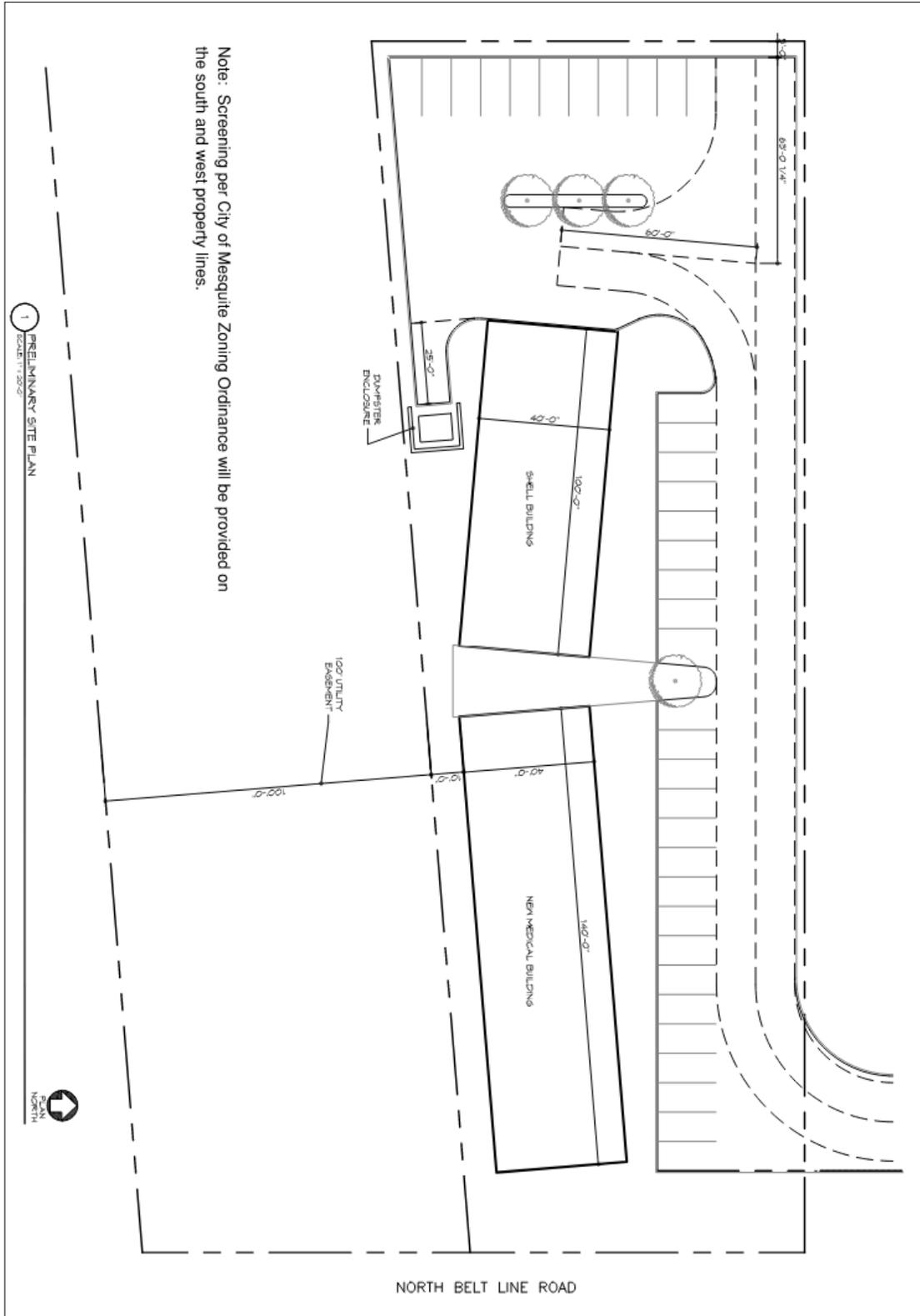
**View of subject property to the left, 100-foot utility easement towards the right, facing east.
Approximate property line shown in red. The orange flag indicates property boundary.**

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: Dr. Julianna Owusu & George Owusu-Ansah Phone Number: 972-203-9000
Address: 3705 N. Beltline Rd.
75182 Email Address: juliana@medpremuc.com

Signature: *julianaowusu Georgeowusu*



Note: Screening per City of Mesquite Zoning Ordinance will be provided on the south and west property lines.

1 PRELIMINARY SITE PLAN
 SCALE: 1" = 20'-0"



NOTICE OF PUBLIC HEARING

The Board of Adjustment of the City of Mesquite will conduct a public hearing on Thursday, **May 28, 2020 at 6:30 p.m.**, to consider the following application. In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his state disaster authority, and guidance issued on the suspension by the Attorney General's Office:

1. A quorum of the Board of Adjustment will participate in the meeting by telephone or by being physically present at the meeting location.
2. "Applicants" having matters on the agenda and "interested parties" (property owners within 200-feet of this property) **MAY PARTICIPATE BY TELEPHONE** or by appearing at the meeting location.
3. All persons present at the meeting location must wear some form of covering over their noses and mouths and shall observe social distancing by remaining a minimum of six (6) feet from other meeting participants.
4. "Members of the public" (NOT within 200-feet of this property) may **ONLY PARTICIPATE BY TELEPHONE**.
5. Specific **CALL-IN INFORMATION** will be provided on the agenda which will be posted on the City of Mesquite's website (www.cityofmesquite.com) a minimum of 72 hours prior to the meeting time.
6. The meeting will be audible to all participants and allow for their two-way communication. Comments may be made during the meeting upon recognition by the Chairperson.
7. An electronic copy of the agenda packet will be posted online at the City of Mesquite's website (www.cityofmesquite.com).
8. The meeting will be recorded and made available to the public.

Case Number:	BOA0420-0188
Applicant:	Ron Hobbs
Property Owner:	Dr. Julianna and George Owusu
Property Location:	4115 N. Beltline Road
Legal Description:	Star Light Addition, Block A, Lot 1
Requested Action:	Variance to allow an approximately eighteen (18) foot reduction of the required twenty-eight (28) foot side yard setback from the south property line for the proposed medical offices.

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.

Questions regarding this application may be directed to the Planning Division located in the Municipal Building at 1515 North Galloway Avenue, or by telephone at (972) 216-6346.

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

BOA Case: BOA0420-0188	Name: <u>LEONARDO PALAGANAS</u>
I am in favor of this request _____	(required)
I am opposed to this request <u>✓</u>	Address: <u>4100 BLACKWILLOW DR.</u>
	(required) <u>MESQUITE, TX 75150</u>

Reasons (optional): IT WILL CAUSE OBSTRUCTION OF
INCOMING AND OUTGOING TRAFFIC
IN THE ALLEY.

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

RECEIVED
MAY 20 2020
PLANNING AND ZONING