

**MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT MEETING,  
HELD ON JANUARY 23, 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

**Absent:** Aeneas Ford

**Staff:** Principal Planner Johnna Matthews, Planner John Chapman, Planner Ben Callahan, Planner Lesley Frohberg, Senior Assistant City Attorney Karen Strand, Senior Administrative Secretary Devanee Winn, Environmental Code Field Supervisor James Kasper

Chairman Tom Palmer called the meeting to order and declared a quorum present.

**I. BOARD BUSINESS**

**A. ROLL CALL**

Roll Call was taken and a quorum was present.

**B. 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.

**C. APPROVAL OF MINUTES**

**Consider approval of the minutes of the October 24, 2019 meeting.**

A motion was made by Ms. Alwalee to approve the October 24, 2019 meeting minutes. Mr. Rice seconded. The motion passed 4-0.

**D. 2020 BOARD OF ADJUSTMENT CALENDAR**

**Consider approval of the 2020 Board of Adjustment meeting schedule**

Mr. Rice made a motion to approve the 2020 Calendar. Ms. Alwalee seconded. The motion passed 4-0.

**E. BOA ANNUAL TRAINING**

January: Legal Topics

February: Planning Topics

March: Planning Topics

**II. PUBLIC HEARINGS – UNCONTESTED CASES**

All cases on the Uncontested section of the Agenda may be approved with one motion without the need for testimony from the applicants; however, should any member of the

Board or any individual in attendance wish to speak on any individual case, said case may be removed, by request, from the “Uncontested Cases” section and placed on the “Contested Cases” section of the Agenda.

At this time, if a Board member or any individual in attendance wishes to have a case taken up independently (and instead placed on the “Contested Cases” section of the Agenda), please notify the Chair. If a case is placed on the “Contested Cases” section of the Agenda, individuals will have an opportunity to speak on that case during the individual *public hearing* for the case.

**A. BOA1019-0169 – SPECIAL EXCEPTION**

**Conduct a public hearing to consider an application submitted by Mike Nettles for a Special Exception to allow an oversized accessory structure including approximately 600 square feet, located at 3148 Wichita Dr. (BOA1019-0169, John Chapman, Planner).**

**B. BOA1019-0170 – SPECIAL EXCEPTIONS**

**Conduct a public hearing to consider an application submitted by Messay Belete for a Special Exception (1) to allow an approximately 300 square foot front carport and (2) to allow the front carport to be constructed with a flat roof, located at 913 Rutherford Dr. (BOA1019-0170, Lesley Frohberg, Planner).**

**C. BOA1019-0171 – SPECIAL EXCEPTION**

**Conduct a public hearing to consider an application submitted by Stewart Korte (NAI Robert Lynn) for a Special Exception to allow for joint use parking for an event center; considered a complimentary use, located at 1344 N. Town East Blvd. (BOA1019-0171, Lesley Frohberg, Planner).**

Principal Planner Johnna Matthews briefed the Board. Chairman Palmer opened the public hearing. No one came up to speak. The Chair closed the public hearing. A motion was made by Ms. Alwalee to approve all items on the Uncontested Agenda. Mr. Rice seconded. The motion passed 4-0.

**PUBLIC HEARINGS- CONTESTED CASES**

**A. BOA1019-0168 – SPECIAL EXCEPTION**

**Conduct a public hearing to consider an application submitted by Jose Pleitez for a Special Exception to allow an oversized accessory structure including approximately 2,288 square feet and 20 feet in height, located at 1715 Mesquite Valley Rd. (BOA1019-0168, John Chapman, Planner).**

Planner John Chapman briefed the Board. Applicant Jose Pleitez came up to speak with an interpreter Raul Estrada. The applicant explained to the Board the reason for the oversized structure is to park his work trucks in the structure. The Chair opened the public hearing. David and Linda Salsado came up to speak. They are neighbors to the Applicant and do not mind the structure. Ms. Salsato stated that the Applicant keeps his home and area very nice and clean. Mr. Michaael came up to speak. He is concerned that the Applicant is running a business from the home which is not allowed. Board member Mr. Akin asked the Staff if there are any code violations associated with this property. Mr. Chapman referred that question to the Environmental Code Field Supervisor James

Kasper. Mr. Kasper answered yes there are numerous code violations. No one else came up to speak. The Chair closed the public hearing. The Chair reopened the public hearing. James Corin came up to speak. Mr. Corin stated he is for the small business owner. Ms. Linda Salsado came up to speak. Ms. Salsado stated that it is the Applicant's culture to have many family members living together. No one should judge the number of vehicles and/or how many family members live together in a household. No one else came up to speak. The Chair closed the public hearing. A motion was made by Ms. Alwalee to approve. Mr. Rice seconded. The motion failed 3-1 with Mr. Akin abstaining. A second motion was called by the Chair. A motion was made by Mr. Akin to postpone until the February 27, 2020, meeting. Mr. Rice seconded. The motion passed 4-0.

**B. BOA1119-0172 – SPECIAL EXCEPTIONS AND VARIANCE**

**Conduct a public hearing to consider an application submitted by Jose Lopez for Special Exceptions (1) to allow an approximately 400 square foot front carport; (2) to allow the front carport to be constructed with a flat roof; and (3) a Variance to allow the front carport to encroach 4 feet into the required 5-foot side yard setback, located at 917 Ashland Dr. (BOA1119-0172, Ben Callahan, Planner).**

Planner Ben Callahan briefed the Board. There no questions for Staff. The Chair opened the public hearing. No one came up to speak. The Chair closed the public hearing. The Special Exception and the variance were done by separate motions. A motion was made by Ms. Alwalee to approve the Special Exception. Mr. Rice seconded. The motion passed 4-0. A motion was made by Ms. Alwalee to deny the Variance. Mr. Akin seconded. The motion failed 3-1 with Mr. Rice dissenting.

**C. BOA1219-0175 – SPECIAL EXCEPTION**

**Conduct a public hearing to consider an application submitted by David Sale for a Special Exceptions to allow an oversized accessory structure including approximately 600 square feet, located at 3618 Red Wolf Dr. (BOA1219-0175, Ben Callahan, Planner)**

Planner Ben Callahan briefed the Board. There were no questions for staff. Applicant David Sale came up to speak. The Board had no questions for the Applicant. The Chair opened the public hearing. No one came up to speak. Chair closed the public hearing. A motion was made by Ms. Alwalee to approve the Special Exception. Mr. Akin seconded. The motion passed 4-0.

**TRAINING FOR BOARD MEMBERS AND ALTERNATES**

**Conduct a mandatory annual training for regular board members and alternates of the Board of Adjustment in accordance with Mesquite Zoning Ordinance, Sec. 5-402.N**

**Topics for today's training session may include:**

**General regulations for the board, Mandatory training requirements, Judicial review of BOA decisions, State conflict of interest, Mesquite Code of Ethics and prohibited conduct, Charter contract prohibition, Due process and ex parte contract, Texas Open Meetings Act, Records requests made pursuant to Texas Public Information Act, and Parliamentary procedure.**

Board Aeneas Ford and Alternate Board member Benny Gordon were present for the mandatory training. Senior Assistant City Attorney Karen Strand gave the orientation to

all the Board Members. The Board Members requested that they receive a copy of the Legal Training Outline, dated 1.23.2020, containing the hyperlinks to the materials and required training. Ms. Strand answered that she would provide the information to them. No members had any questions for Ms. Strand.

**There being no further business for the Board, the meeting adjourned at 8:50 pm.**

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**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.