

**MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT MEETING,
HELD ON FEBRUARY 27, 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

Absent:

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

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 January 23, 2020, meeting.

A motion was made by Ms. Alwalee to approve the January 23, 2020 meeting minutes Mr. Rice seconded. The motion passed 5-0.

D. 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. BOA0120-0176 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Esmeraldo Martinez for Special Exceptions (1) to allow a front carport including approximately 400 square feet and (2) to allow the front carport to be constructed with a flat roof, located at 1224 Barbara St. (BOA0120-0176, John Chapman, Planner).

B. BOA0120-0179 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Donald Hill for a Special Exception to allow an oversized accessory structure including approximately 864 square feet, located at 1106 Sierra Dr. (BOA0120-0179, Lesley Frohberg, Planner).

C. BOA0120-0180 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Maria Rodriguez for Special Exceptions (1) to allow an oversized accessory structure including approximately 990 square feet and (2) to allow approximately 352 square feet of the subject structure to be used as an accessory dwelling unit. The remaining 638 square feet are being used for storage, located at 1928 Potter Ln. (BOA0120-0180, Johnna Matthews, Principal Planner).

Case number **BOA0120-0180** was moved to the Contested cases.

Principal Planner Johnna Matthews briefed the Board on cases **A & B** above. Chairman Palmer opened the public hearing. Mr. Larry Fryer came up to speak. Mr. Fryer informed Staff that the photos shown on the slide show were not the correct photos for case number **BOA0120-0176**. Planner John Chapman pulled up a corrected photo and presented the photo through the Doc Cam at the lectern. No one else came up to speak. Chairman Palmer closed the public hearing. Ms. Alwalee made a motion to approve. Mr. Ford seconded. The motion passed 5-0.

III. 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, which exceeds the square footage by approximately 1,288 square feet and the height by 5 feet, located at 1715 Mesquite Valley Rd. (BOA1019-0168, John Chapman, Planner). Postponed from the January 23, 2020 meeting before the Board of Adjustment.

Planner John Chapman briefed the Board. Applicant Jose Pleitez came to the lectern with an interpreter, Estaban Gonnet. The Applicant did not want to add any other information. Assistant City Attorney Karen Strand asked that Mr. Chapman clarify what the Applicant had moved to another location, pertaining to the business. Ms. Strand also asked for details as to what part of the business the Applicant would be allowed to operate as a Home Occupation. Mr. Chapman answered that the Applicant can have a home office. All the

equipment and vehicles pertaining to the plumbing business have been removed. Chairman Palmer opened the public hearing. Michael Fortect came up to speak. Mr. Fortect said that they are no longer opposed to the request as long as all the equipment has been removed. Larry Fryer came up to speak and stated that it is a very large building just to store lawn equipment. No one else came up to speak. Chairman Palmer closed the public hearing. A motion was made to approve by Ms. Alwalee. Mr. Akin seconded. The motion passed 5-0.

B. BOA1119-0172 – VARIANCE

Conduct a public hearing to consider an application submitted by Jose Lopez for a Variance to allow a 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. Chairman Palmer opened the public hearing. No one came up to speak. Chairman Palmer closed the public hearing. A motion was made by Ms. Alwalee to approve. Mr. Rice seconded. The motion passed 4-1, with Mr. Akin dissenting.

C. BOA0120-0177 – VARIANCE

Conduct a public hearing to consider an application submitted by Cammy Nation for a Variance to allow an accessory structure to encroach 3 feet into the side yard setback, located at 1510 Hillwood Dr. (BOA0120-0177, Ben Callahan, Planner).

Planner Ben Callahan briefed the Board. The Applicant Cammy Nation came up to speak. Ms. Nation explained the structure has existed at her home for a few years. Ms. Nation assumed the contractor had obtained a permit. She indicated that moving the structure would be too expensive. Chairman Palmer opened the public hearing. Mr. Larry Fryer came up to speak and stated that he doesn't think it is fair that everyone has to follow City rules and Ms. Nation did not follow the rules. Mr. Fryer thinks the Applicant should move the structure and be treated like everyone else. No one else came up to speak. A motion was made by Ms. Alwalee to approve. Mr. Akin seconded. The motion passed 5-0.

D. BOA0220-0181 – VARIANCE

Conduct a public hearing to consider an application submitted by Jose Figueroa for a Variance to allow a 17-foot reduction of the required 20-foot rear yard setback, for a proposed single-family residence, located at 1208 Wheat Field Dr. (BOA0220-0181, John Chapman, Planner).

Planner John Chapman briefed the Board. The Applicant Jose Figueroa and the interpreter Mr. Gonnet came up to speak. Mr. Rice asked the Applicant if he will be living in the house. The Applicant answered yes. The Board had no other questions. The Chairman opened the public hearing. No one came up to speak. A motion was made to approve by Mr. Rice. Ms. Alwalee seconded. The motion passed 5-0.

C. BOA0120-0180 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Maria Rodriguez for Special Exceptions (1) to allow an oversized accessory structure including approximately 990 square feet and (2) to allow approximately 352 square feet of the subject structure to be used as an accessory dwelling unit. The remaining 638 square feet are being used for storage, located at 1928 Potter Ln. (BOA0120-0180, Johnna Matthews, Principal Planner).

This case was moved from the uncontested cases.

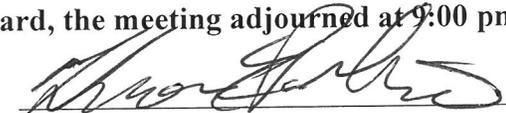
Principal Planner Johnna Matthews briefed the Board. The Applicant Maria Rodriguez came up to speak with the interpreter Mr. Gonnet. Chairman Palmer opened the public hearing. No one came up to speak. The Chair closed the public hearing. A motion was made by Mr. Rice to deny. Ms. Alwalee seconded. Due to one Board member voting more than once, a hand vote was called. The denial failed 4-1. (Please note that Ms. Alwalee's microphone was not on when the motion was seconded, so the audio is very faint and there is no record of who dissented). Ms. Strand explained the procedure for the second motion. There was a second motion was made by Ms. Alwalee to approve. Mr. Akin seconded. The motion passed 4-1, with Mr. Rice dissenting.

TRAINING FOR BOARD MEMBERS AND ALTERNATES

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

Staff gave a training presentation for the Board. Alternate Benny Gordon was present for the training.

There being no further business for the Board, the meeting adjourned at 9:00 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.