

**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

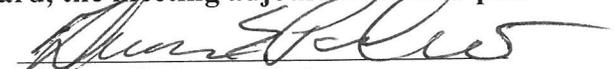
Conduct a public hearing to consider an application submitted by Georgia Cooksey Waller for a Variance to allow crushed concrete on the subject property in place of current surfacing requirements including concrete or an approved asphalt, located at 2541 Westwood Ave. (BOA0320-0186, Ben Callahan, Planner).

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.