

**MINUTES OF THE CITY OF MESQUITE BOARD OF ADJUSTMENT MEETING,
HELD ON JUNE 25, 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: Principal Planner Johnna Matthews, Planner Lesley Frohberg, Planner John Chapman, Assistant City Attorney Karen Strand, Senior Administrative Secretary Devanee Winn

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 who were present in the City Council Chambers and practiced social distancing. Ms. Wana Alwalee and Mr. Aeneas Ford were present by telephone conference.

I. BOARD BUSINESS

1. ROLL CALL

Principal Planner Johnna Matthews took Roll Call and declared a quorum was present.

2. INSTRUCTIONS

Principal Planner Johnna Matthews gave verbal instructions on how to participate in the meeting by telephone conference.

3. BOARD PROCEDURES

Chairman Palmer made a public announcement regarding the Board's procedures.

4. 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.

CONSENT AGENDA

5. APPROVAL OF MINUTES

Consider approval of the minutes of May 28, 2020, meeting.

A motion was made by Mr. Rice to approve the minutes for May 28, 2020, Board of Adjustment meeting with the correction. Ms. Alwalee seconded. The motion passed 5-0.

PUBLIC HEARINGS- UNCONTESTED CASES

BOA0520-0189 – SPECIAL EXCEPTIONS

- 6. Conduct a public hearing to consider an application submitted by Jose Victor Puente, for Special Exceptions to allow (1) a front carport (2) constructed with a flat roof, including approximately 380 square feet, located at 2850 Cumberland Dr. (BOA0520-0189, Lesley Frohberg, Planner).**

7. BOA0520-0190 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Victor Zuniga, for a Special Exception to (1) allow a front carport (2) constructed with a flat roof, including approximately 400 square feet, located at 2846 Cumberland Dr. (BOA0520-0190, Lesley Frohberg, Planner)

8. BOA0520-0192 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Eric Oberg, for Special Exceptions to allow (1) a front carport (2) constructed with a flat roof, including approximately 216 square feet, located at 1718 Buena Vista St. (BOA0520-0192, John Chapman, Planner)

9. BOA0520-0193 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Barbara Thornton for Special Exceptions to allow (1) a front carport (2) constructed with a flat roof, including approximately 400 square feet, located at 2503 N. Parkway Boulevard St. (BOA0520-0193, John Chapman)

Principal Planner Johnna Matthews briefed the Board on items 6-9. Chairman Palmer opened the public hearing. There were no public comments. Chairman Palmer closed the public hearing. Ms. Alwalee made a motion to approve the uncontested cases 6-9. Mr. Akin seconded. The motion passed 5-0.

PUBLIC COMMENTS

10. Any individual desiring to address the Board of Adjustment regarding an item on the CONTESTED AGENDA ITEMS 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.

No public comments.

PUBLIC HEARINGS –CONTESTED CASES

11. BOA0520-0191 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Adrian Villanueva, for a Special Exception to allow an oversized accessory structure (patio cover) in the rear yard including approximately 240 square feet, which exceeds more than 35% coverage of the rear yard, located at 804 Via Madonna. (BOA0520-0191, Johnna Matthews, Principal Planner)

Principal Planner Johnna Matthews briefed the Board. Ms. Matthews noted Staff received two public notices in opposition, including one that was received after the packets were sent out, and one in favor of the request. Chairman Palmer wanted to know if this will be a permanent special exception or will the applicant have to keep coming back to request this Special Exception. Ms. Matthews explained that the Applicant did not apply for a permit until it had already expired. Mr. Akin asked about the 3-foot setback. Ms. Matthews answered that it is fine. Applicant Adrian Villanueva came up to speak. The Applicant explained the reason he did not get a permit the first time was due to him being so busy. The Applicant did state that he had received citations and is required to go to court to address those citations. Chairman Palmer opened the public hearing. Mr. Phil Bolson came up to speak. Mr. Bolson understands that the City has no control over the building

materials, but the City needs to be better at following up with making sure applicants apply for there permits. Mr. Bolson feels there should be requirements for the building inspectors to keep doing follow up visits. Mr. Bolson feels that the City of Mesquite does a poor job on follow-ups. No one else 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.

12. BOA0620-0195 – SPECIAL EXCEPTION

Conduct a public hearing to consider an application submitted by Shubham Pandey, PNC Partners, LTD, DBA: Meadow Oaks Academy, for a Special Exception to allow a portable building to be used as a temporary classroom and including approximately 3,072 square feet, located at 1412 S. Belt Line Rd. (BOA0620-0195, Johnna Matthews, Principal Planner)

Principal Planner Johnna Matthews briefed the Board. Ms. Matthews noted that Staff received two notices in opposition to the request, including one that was received late today. No questions for Staff from the Board. Chairman Palmer opened the public hearing. Representing Meadow Oaks Academy, Ms. Nicole Dabney came up to speak. Ms. Dabney wanted to make sure that the Board members know that the school will be cutting the student population in half and will be complying with all CDC guidelines. No one else came up to speak. Chairman Palmer closed the public hearing. A motion was made by Mr. Ford to approve. Mr. Rice seconded. The motion passed 5-0

TRAINING FOR BOARD MEMBERS AND ALTERNATES

13. Resume 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 will include the revised, new Section 5-200 of the Mesquite Zoning Ordinance, approved by the City Council of the City of Mesquite on June 15, 2020.

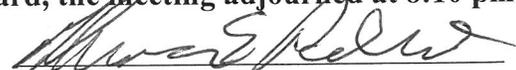
Senior Assistant City Attorney Karen Strand gave a presentation regarding the new Section 5-200 of the Mesquite Zoning Ordinance, approved by the City Council. There was a discussion between the Board members and Ms. Strand for more detailed information about voting on motions.

PUBLIC COMMENTS

14. Any individual desiring to address the Board of Adjustment regarding the TRAINING FOR BOARD MEMBERS AND ALTERNATES 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.

No public comments.

There being no further business for the Board, the meeting adjourned at 8:10 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.