

MINUTES

AUGUST 27, 2020

**BOARD OF ADJUSTMENT (BOA)
CITY OF MESQUITE, TEXAS**

**City Hall
City Council Chambers
757 North Galloway Avenue
Mesquite, Texas**

REGULAR MEETING

ATTENDANCE: BOARD MEMBERS (REGULAR MEMBERS AND ALTERNATES)

POSITION NO.	REGULAR MEMBER NAME	ATTENDANCE		
Position No. 1	Chairman Thomas Palmer	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 2	Mr. Aeneas Ford	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 3	Ms. Wana Alwalee	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 4	Mr. George Rice	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent
Position No. 5	Mr. Jack Akin	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> Absent

ALTERNATE NO.	ALTERNATE NAME	ATTENDANCE		
Alternate No. 1	Benny Gordon	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> * Absent (* Attendance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes)
Alternate No. 2	Larry Good	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video	<input type="checkbox"/> * Absent (* Attendance Required: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes)

ATTENDANCE NOTES:

- In accordance with Governor Abbott’s suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, related to the Coronavirus (COVID-19) pandemic, and the guidance issued on the suspension by the Texas Attorney General’s Office this regular board meeting was conducted both in-person and by telephone conferencing to support adequate social distancing.
- Board members and City Staff in attendance (in-person) were present in the City Council Chambers, wore facial coverings over their face and mouth, and practiced social distancing of remaining at least 6-feet apart.
- At the beginning of the meeting, Alternate Benny Gordon was seated in the place of Board member Wana Alwalee. Board member Wana Alwalee contacted Staff via email stating she had technical difficulties and was unable to be virtually seated. Ms. Alwalee was able to hear the meeting; therefore, she will not be counted as absent. Alternate Benny Gordon remained virtually seated for the entire meeting.

ATTENDANCE: STAFF

Johnna Matthews	Principal Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Lesley Frohberg	Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
John Chapman	Planner	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Devanee Winn	Administrative Aide Devanee Winn	<input checked="" type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Karen Strand	Senior Assistant City Attorney	<input type="checkbox"/> Present In-Person	<input checked="" type="checkbox"/> Present by Telephone/Video
Garrett Langford	Manager of Planning & Zoning	<input type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video
Jeff Armstrong	Director of Planning & Development Services	<input type="checkbox"/> Present In-Person	<input type="checkbox"/> Present by Telephone/Video

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 July 23, 2020, Board of Adjustment meeting.

Principal Planner Johnna Matthews requested that the Board postpone the July 23, 2020 minutes to a date certain of September 24, 2020.

ACTION:

Motion by Board Member Akin to POSTPONE to September 24, 2020, the adoption of the Board of Adjustment meeting minutes for the July 23rd meeting; seconded by Board Member Rice; motion carried 5-0 & the adoption of the July 23rd meeting minutes have been postponed.

PUBLIC HEARINGS- UNCONTESTED CASES

6. **BOA0720-0203 – SPECIAL EXCEPTIONS**
Conduct a public hearing to consider an application submitted by Buddy Jeffrey for Special Exceptions (1) to allow a 320 square-foot (20 feet by 16 feet) front carport and (2) to allow the front carport to be constructed with a flat roof, located at 1312 Ridgeview Street (BOA0720-0203, Lesley, Frohberg, Planner).
7. **BOA0720-0206 – SPECIAL EXCEPTIONS**
Conduct a public hearing to consider an application submitted by Eli Vasquez for Special Exceptions (1) to allow a 192 square-foot (16 feet by 12 feet) front carport and (2) to allow the front carport to be constructed with a flat roof, located at 2312 Bamboo Street (BOA0720-0206, Lesley Frohberg, Planner).
8. **BOA0720-0208 – SPECIAL EXCEPTIONS**
Conduct a public hearing to consider an application submitted by Jose Luis Rivera for Special Exceptions (1) to allow a 360 square-foot front carport, and (2) to allow the front carport to be constructed with a flat roof, located at 3420 Ruby Drive (BOA0720-0208, John Chapman, Planner).
9. **BOA0720-0209 – SPECIAL EXCEPTIONS**
Conduct a public hearing to consider an application submitted by Torivio Alvarado Paniagua for Special Exceptions (1) to allow a 400 square foot (20 feet by 20 feet) front carport and (2) to allow a 42 square foot front porch cover, with a flat roof attached to the front carport, located at 1807 Lucille Drive (BOA0720-0209, Lesley Frohberg, Planner).
10. **BOA0720-0210 – SPECIAL EXCEPTION**
Conduct a public hearing to consider an application submitted by Joyce Oehrlein for a Special Exception to allow an oversized accessory structure (patio cover) in the rear yard to exceed the maximum size allowed of 500 square feet by 160 square feet for a total size of 660 square feet, located at 4409 Ivy Drive (BOA0720-0210, Johnna Matthews, Principal Planner).

PUBLIC HEARING OPENED:

Chairman Palmer opened the public hearing for the uncontested cases on Agenda Items 6, 7, 8, 9, and 10.

SPEAKERS:

There were no speakers in-person or by telephone.

PUBLIC HEARING CLOSED:

Chairman Palmer closed the public hearing.

ACTION:

Motion by Board Member Akin to APPROVE Agenda Items 6, 7, 8, 9, and 10; seconded by Alternate Gordon; motion carried 5-0 & applications are approved as presented with Staff recommendations.

PUBLIC HEARINGS –CONTESTED CASES**11. BOA0620-0201 – SPECIAL EXCEPTIONS**

Conduct a public hearing to consider an application submitted by Roberto Munoz for Special Exceptions (1) to allow an existing oversized accessory structure that is 1,352 square feet and 20 feet in height and (2) to allow the oversized accessory structure to be used as an accessory dwelling unit, with modifications to existing standards, located at 1921 Potter Lane (BOA0620-0201, John Chapman, Planner).

PRESENTATION:

Planner John Chapman briefed the Board.

DISCUSSION:

Chairman Palmer asked Planner John Chapman if the Applicant was to sell the property and turn it into a rental, how would that be tracked. Planner Chapman answered that the owner would have to go through the City of Mesquite Rental Certificate of Occupancy (RCO) program which includes all the proper inspections and that is when the Owner would be told that renting an accessory dwelling unit would not be allowed. Alternate Gordon expressed concern that the utilities are not up to code. Planner Chapman explained that would be taken care of through the permit process. Chairman Palmer commented that the utilities are not the concern for the Board, only the accessory dwelling unit itself.

APPLICANT:

Applicant Roberto Munoz came up to speak. Mr. Munoz explained to the Board this procedure is their first step and if approved they will get all the proper permits and inspections.

PUBLIC HEARING OPENED:

Chairman Palmer opened the public hearing.

SPEAKERS:

There were no speakers in-person or by telephone.

PUBLIC HEARING CLOSED:

Chairman Palmer closed the public hearing.

ACTION (SPECIAL EXCEPTION):

Motion by Board Member Akin to APPROVE the request for Special Exception with Staff's recommendations, 1) increase the maximum height from 15 feet to 20 feet; and 2) increase the maximum size from 500 square feet to 1,352 square feet, including a front porch cover; seconded by Board Member Rice; Motion carried 5-0 & application is approved as presented with Staff recommendations

12. BOA0720-0207 – SPECIAL EXCEPTIONS

Conduct a public hearing to consider an application submitted by Andrew Cone (Curtis Holdings, LLC) for Special Exceptions (1) to allow a 728 square-foot oversized accessory structure in the rear yard and (2) to allow the oversized accessory structure to be used as an accessory dwelling unit, with modifications to existing standards, located at 4422 Ridgedale Drive (BOA0720-0207, Johnna Matthews, Principal Planner).

PRESENTATION:

Principal Planner Johnna Matthews briefed the Board.

APPLICANT:

The Applicant Andrew Cone came up to speak. Mr. Cone explained his goal is to bring all utilities up to code and install one meter for both the main structure and accessory structure.

PUBLIC HEARING OPENED:

Chairman Palmer opened the public hearing.

SPEAKERS:

There were no speakers in-person or by telephone.

PUBLIC HEARING CLOSED:

Chairman Palmer closed the public hearing.

DISCUSSION:

Board Member Akin wanted to know how the City would make sure that the utilities would be brought up to code and one meter installed for both the main structure and the accessory structure. Board Member Akin also asked who is going to make sure the Applicant doesn't add another meter? Principal Planner Matthews stated that would be done through the permit process and Code Enforcement. Board Member Adkin stated he could not support this application because in the future there is nothing preventing a person from converting this be a multi-family dwelling. Attorney Strand explained that the City Council does recognize "accessory dwelling units" through the Mesquite Zoning Ordinance and that future issues that could possibly arise would be taken up by Code Enforcement and that the Board should not consider that in its decision. Attorney Strand also stated that the review criteria for "accessory dwelling units" is what the Board should be looking at today. Board Member Rice commented that the structure has been there since 1966 and the improvements will be a help to the neighborhood.

ACTION (SPECIAL EXCEPTION):

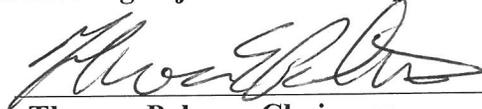
Motion by Board Member Rice to approve Option 2; 1) Structure to remain as it is today with a 328 Square foot one-car garage and a 400 square foot accessory dwelling unit, and 2) living area, kitchenette, and bathroom to remain as is; seconded by Board Member Ford; motion carried 5-0 & application is approved with Option 2 as identified herein.

PUBLIC COMMENTS

13. 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.

There were no public comments.

There being no further business for the Board, the meeting adjourned at 7:43 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.