

**MINUTES**

**February 23, 2023**

**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)**

| <b>POSITION NO.</b> | <b>REGULAR MEMBER NAME</b> | <b>ATTENDANCE</b>                                     |                                 |
|---------------------|----------------------------|---|---------------------------------|
| Position No. 1      | Mr. Larry Good             | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| Position No. 2      | Mr. Aeneas Ford            | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| Position No. 3      | Ms. Wana Alwalee           | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| Position No. 4      | Ron Abraham                | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |
| Position No. 5      | Mr. Jack Akin              | <input checked="" type="checkbox"/> Present In-Person | <input type="checkbox"/> Absent |

| <b>ALTERNATE NO.</b> | <b>ALTERNATE NAME</b> | <b>ATTENDANCE</b>                          |  |
|----------------------|-----------------------|--|--|
| Alternate No. 1      | Vacant                | <input type="checkbox"/> Present In-Person | <input type="checkbox"/> * Absent<br>(* Attendance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes)            |
| Alternate No. 2      | David Burris          | <input type="checkbox"/> Present In-Person | <input checked="" type="checkbox"/> * Absent<br>(* Attendance Required: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes) |

**ATTENDANCE: STAFF**

|                  |   |   |
|------------------|---|---|
| Garrett Langford | Manager of Planning & Zoning            | <input checked="" type="checkbox"/> Present In-Person |
| John Cervantes   | Planner                                 | <input checked="" type="checkbox"/> Present In-Person |
| Jalyn Porchay    | Planner                                 | <input checked="" type="checkbox"/> Present In-Person |
| Devanee Winn     | Administrative Aide Planning & Develop. | <input checked="" type="checkbox"/> Present In-Person |
| David Paschall   | City Attorney                           | <input checked="" type="checkbox"/> Present In-Person |

**ATTENDANCE NOTES:**

1. Board members and City Staff in attendance (in-person) were present in the City Council Chambers.

**NOTE:**

**All 5 Board Members were in attendance for the Pre-Meeting held at 6:15 in the City Council Briefing Room.**

**CALL TO ORDER**

1. Administrative Aide of Planning & Development Services Devanee Winn called roll call.

**BOARD PROCEDURES**

2. Chair shall make a public announcement regarding the Board's procedures.

**PUBLIC COMMENTS**

3. Any individual desiring to address the Board of Adjustment regarding an item on the AGENDA (non-public hearing items) or any matter not listed on the Agenda 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 Comments.

### **CONSENT AGENDA**

#### **APPROVAL OF MINUTES.**

4. **Discuss and consider approval of the minutes of the January 26, 2023, Board of Adjustment meeting.**

#### **ACTION**

Boardmember Alwalee made a motion to **APPROVE** the minutes with the correction of the page numbering; Boardmember Abraham seconded; the motion carried 5-0.

#### **PUBLIC HEARINGS- UNCONTESTED CASES**

No uncontested cases.

#### **PUBLIC HEARINGS- CONTESTED CASES**

5. **BOA0123-0369– REINSTATEMENT OF A LEGAL NONCONFORMING USE**  
**Conduct a public hearing to consider an application submitted by Jerry Caldwell, Metro Texas Investment LLC, to reinstate the Legal Nonconforming status of an office use located at 2110 Potter Lane. (BOA0123-0369, Jalyn Porchay, Planner).**

#### **PRESENTATION**

Planner Jalyn Porchay presented to the board. There were no questions for the staff.

#### **APPLICANT**

The applicant Jerry Caldwell, 1013 Fairhaven Dr., Garland, TX presented to the board. Boardmember Abraham asked the applicant what kind of business is going to occupy the proposed site. Mr. Caldwell stated he would like to put a construction and rental company for office use only no heavy equipment. There were no other questions.

#### **PUBLIC HEARING**

Chairman Good opened the public hearing. No one came to speak. The public hearing was closed.

#### **ACTION**

Boardmember Alwalee made a motion to **GRANT** with staff's recommendations;

1. The applicant shall obtain a Certificate of Occupancy for office use within six months of the date of approval and provide a tax certificate showing that all taxes have been paid.
2. The approval is to reinstate an office use as legal nonconforming use only. Other Nonconformities on the site must be brought into conformance as required by the City

of Mesquite ordinances if any change of use or improvements are made.; Boardmember Akin seconded; the motion carried 4-1 with Boardmember Ford voting no.

**6. BOA0123-0371– VARIANCE**

**Conduct a public hearing to consider an application submitted by Ruben Chapa, Josh M Jake LLC, for Variances to allow from the lot width, lot size, and garage requirements to build a new single family home located at 4600 Keswick Ln (Future Address – 241 Keswick). (BOA1222-0368, Jalyn Porchay, Planner).**

**PRESENTATION**

Jalyn Porchay presented to the board. Boardmember.

**APPLICANT**

Ruben Chapa, 342 Rosemary Dr. Wilie, TX gave a presentation to the board. Boardmember Ford asked if the applicant will be putting a garage in the back. Mr. Chapa said he would if required. There were no other questions.

**PUBLIC HEARING**

Chairman Good opened the public hearing. Neighbors showed up to voice their concerns and opposition. All do not think the new home will fit in with all the current styles of homes. There are also big concerns about the drainage system being diverted to the surrounding homes and causing flooding issues. Concerns about traffic issues. The consensus was if Mr. Chapo had to apply for 3 variances then there should not be a house built on the lot. The list of neighbors who expressed their concerns and adamantly oppose a house being built on the lot is as follows;

1. Richard Parent  
237 Keswick, Mesquite, TX
2. Alfie & Karen Pfeifer  
4603 Julian Dr., Mesquite, TX
3. Becky Balsom  
4435 Julian Dr., Mesquite, TX
4. Allen & Kimberly Dixon  
4604 Rockcliff Dr., Mesquite, TX
5. Charles Coleman  
413 Via Sevilla, Mesquite, TX
6. Chris Callicult  
236 Keswick Ln., Mesquite, TX
7. Charles Douglas  
229 Keswick, Mesquite, TX
8. Khair Hijaz  
301 Keswick Ln., Mesquite, TX

**APPLICANT**

Mr. Chapa came up to address the drainage concerns. Mr. Chapa understands the drainage concerns. He is going to hire an engineer to do a study for the storm drainage and wants to make sure that no water is going to be diverted to any of the neighbors. Boardmember Ford asked if the applicant is building the home for his family or if it is an investment. Mr. Chapa answered mainly for investment. Boardmember Alwalee asked if he will build a garage. Mr. Chapa answered yes if required. No one else came up to speak. Chairman Good closed the public hearing.

**ACTION**

Boardmember Alwalee made a motion to **GRANT** the lot size variance and **DENY** the front entry; Boardmember Akin seconded; the motion carried 4-1 with Boardmember Ford voting no.

**7. BOA0123-0372– VARIANCE**

**Conduct a public hearing to consider an application submitted by Edwin Sosa on behalf of The 80 Reserve Apartments for Variances to allow a front yard fence over three and one-half (3½) feet in height, constructed out of wood, and with less than (50) percent through vision, located at 2453 E. US Highway 80. (BOA0123-0372, John Cervantes, Planner).**

**PRESENTATION**

Planner John Cervantes requested to postpone with a date certain of March 23, 2023.

**PUBLIC HEARING**

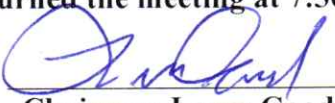
Chairman Good opened the public hearing. No one came to speak. The public hearing was kept open.

**ACTION**

Boardmember Alwalee made a motion to postpone until a date certain of March 23, 2023, and left the public hearing open; Boardmember Abraham seconded; the motion carried 5-0.

**OTHER BOARD BUSINESS****8. Next Board of Adjustment Meeting: March 23, 2023**

Chairman Good adjourned the meeting at 7:36 P.M.

  
Chairman Larry Good