

MINUTES
ZONING BOARD of ADJUSTMENT SPECIAL MEETING

Thursday, March 9, 2006 – 6:00 P.M.
CITY HALL
209 South Washington Street, Kaufman, Texas 75142

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| CHAIRMAN | JOHN ELZNER | |
| VICE CHAIRMAN | DIANE CHILES | |
| BOARD MEMBER | JIMMY REED | |
| BOARD MEMBER | STEVE HULME | |
| BOARD MEMBER | CLAYTON KELLY | |
| ALT. BOARD MEMBER | BRAD WHITE | (Absent) |

CALL TO ORDER

1. CHAIRMAN STATES TIME AND DATE; DECLARES A QUORUM PRESENT.

Chairman Elzner called the meeting to order on Tuesday, March 9, 2006 at 6:02 p.m. Board Members present were John Elzner, Diane Chiles, Jimmy Reed, Steve Hulme, and Clayton Kelly. Chairman Elzner declared a quorum present. Director of Development Services Terry Capehart, Robert Hager, Una Garland, and Joy Henderson were present. Present in the audience were Paula Johnson, John Holland, Pamela Bertech, Don Feare, Laurette Timms, Pamela Hughes, Cheryl Ananda, Robert L. Trimable, Robert Eldridge, Dottie Barden, Jualine Eldridge, Jerry Roach, Floyd Choyce, Dale O'Donnell, Amanda & Raul Aguilera, Amy Backo, Kathleen Hoffertyen, and Vicki Medlyn.

INVOCATION & PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. RECONVENE OPEN PUBLIC HEARING FROM THE FEBRUARY 7, 2006 ZONING BOARD OF ADJUSTMENT SPECIAL MEETING FOR THE CONTINUATION OF RECEIVING PUBLIC INPUT AND EVIDENCE REGARDING THE DISCONTINUANCE OR TERMINATION OF A CERTAIN NONCONFORMING USE, A.K.A. DALLAS CROWN, INC. AND WALDO, INC. ACCORDING TO SECTION 9.9 OF THE COMPREHENSIVE ZONING ORDINANCE, LOCATED AT 2000 W. FAIR STREET, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. (CASE NO. V-05-05)

a. CHAIRMAN STATES TIME PUBLIC HEARING WAS RECONVENED.

Chairman Elzner declared the Public Hearing open at 6:03 p.m., by asking if anyone would like to speak for or against this request.

b. **CONTINUE PUBLIC HEARING TO SPECIFIC TIME AND DATE OR CLOSE HEARING (CHAIRMAN STATES TIME)**

Not hearing any requests to speak, Chairman Elzner declared the Public Hearing will not be closed and additional testimony will be taken at the next meeting.

c. **BOARD DISCUSSION**

Report from Carson Reporting & Associates is attached.

d. **TAKE ACTION ON CASE NO. V-05-05 IF ANY.**

Board Member Hulme made a motion that we find that based upon the closing of the public hearing, all the evidence that we have heard, that the evidence supports all the findings required under Section 9.9 of the Kaufman Zoning Ordinance, that the operation of the slaughter plant in Kaufman at 2000 West Fair Street, constitutes a nuisance and a health and safety hazard that requires discontinuation or termination of its use and that it should be ordered to discontinued and the use ceased. The motion seconded by Vice-Chairman Chiles. Chairman Elzner called for a vote with all voting AYE, the motion carried by a vote of 5-0.

Board Member Hulme made a motion that the nonconforming use by Dallas Crown, at 2000 West Fair Street, should be ordered discontinued and ceased on or before September 30, 2006, seconded by Board Member Kelly. Chairman Elzner called for a vote with all voting AYE, the motion carried by a vote of 5-0.

EXECUTIVE SESSION

1. **THE ZONING BOARD OF ADJUSTMENT MAY HOLD A CLOSED EXECUTIVE SESSION AS CALLED BY THE CHAIRMAN PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE V.T.C.A. (OPEN MEETINGS LAW), IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN SECTION 551.071 – LEGAL.**

a. **TO CONSULT WITH CITY ATTORNEY FOR ISSUES REGARDING NON-CONFORMING USES.**

Vice-Chairman Chiles made a motion to hold a closed executive session to consult with the City Attorney, seconded by Board Member Kelly. Chairman Elzner called for a vote with all voting AYE, the motion carried by a vote of 5-0. Chairman Elzner declared the Executive Session begins at 7:03 p.m. Chairman Elzner called the special called meeting back to order at 7:22 p.m.

2. **ANY FINAL ACTION, DECISION, OR VOTE ON A MATTER DELIBERATED IN EXECUTIVE SESSION MEETING OR ON INFORMATION RECEIVED IN A CONFERENCE WITH STAFF WILL ONLY BE TAKEN IN AN OPEN MEETING THAT IS HELD IN COMPLIANCE WITH TEXAS GOV'T. CODE CH. 551.**

No action.

END OF EXECUTIVE SESSION

1. **CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:**
 - a. **LEGAL – UNDER TEXAS GOVERNMENT CODE SECTION 551.071- REGARDING NON-CONFORMING USES.**

CONSENT AGENDA

1. **CONSIDER AND ACT UPON APPROVAL OF THE ZONING BOARD OF ADJUSTMENT MINUTES FROM THE JANUARY 24, 2006 AND FEBRUARY 28, 2006 REGULAR MEETINGS AND THE FEBRUARY 7, 2006 SPECIAL MEETING.**

Vice-Chairman Chiles made a motion to approve the Zoning Board of Adjustment Minutes from the January 24, 2006 and February 28, 2006 Regular Meetings and the February 7, 2006 Special Meeting. The motion was seconded by Board Member Kelly. Chairman Elzner called for a vote with all voting AYE, the motion carried by a vote of 5-0.

OPEN FORUM

1. **CONSIDER ANY ISSUES NOT PRESENTED IN REGULAR AGENDA ITEMS.**

No other issues were discussed.

ADJOURNMENT

Board Member Hulme made a motion to adjourn, seconded by Vice-Chairman Chiles. Chairman Elzner called for a vote with all voting AYE, the motion carried by a vote of 5-0. The meeting adjourned at 8:33 p.m.

JOHN ELZNER
CHAIRMAN

ATTEST:

JOY HENDERSON
PLANNING TECHNICIAN

Attachment: Dictation of the March 9, 2006 meeting prepared by Una Garland of Carson Reporting and Associates.