

MINUTES

ZONING BOARD OF ADJUSTMENT SPECIAL MEETING

TUESDAY, FEBRUARY 7, 2006 – 6:00 P.M.
CITY HALL
209 SOUTH WASHINGTON STREET, KAUFMAN, TEXAS 75142

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, February 7, 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, Joy Henderson, Robert Hager, David Carter, and Una Garland were present. Present in the audience were Don Feare, Tammy Hawley, Jay Sabatucci, Jill Young, Maggie Davis, Tamie Senler, Jualine Eldridge, Robert Eldridge, Cheryl Ananda, Jose Rodriguez, Teresa Cave, Pam Hughes, Vicki Medlyn, Pamela Bertsch, Amu Maring, Daney Davis-Semon, and Dottie Bardan.

INVOCATION & PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. RECONVENE OPEN PUBLIC HEARING FROM THE JANUARY 24, 2006 ZONING BOARD OF ADJUSTMENT 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., 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 6:06 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 to continue the agenda at the March 9, 2006 meeting, seconded by Vice-Chairman Chiles. Chairman Elzner called for a vote with all voting AYE, the motion carried by a vote of 5-0.

e. **CHAIRMAN/VICE CHAIRMAN SIGNS ORDER**

No orders to be signed at this time.

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.
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.

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 SEPTEMBER 27, 2005, OCTOBER 25, 2005, NOVEMBER 22, 2005 AND NOVEMBER 29, 2005 REGULAR MEETINGS.

Board Member Hulme made a motion to approve the Zoning Board of Adjustment Minutes from the September 27, 2005, October 25, 2005, November 22, 2005 and November 29, 2005 Regular Meetings. The motion was seconded by Vice-Chairman Chiles. 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 until the March 9, 2006 meeting, 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 7:59 p.m.

JOHN ELZNER
CHAIRMAN

ATTEST:

JOY HENDERSON
PLANNING TECHNICIAN

Attachment: Dictation of the February 7, 2006 meeting prepared by Una Garland of Carson Reporting and Associates.