

**MINUTES
ZONING BOARD OF ADJUSTMENT REGULAR MEETING**

**TUESDAY, FEBRUARY 28, 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 28, 2006 at 6:04 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 was present. Present in the audience were

INVOCATION & PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

1. CONSIDER A REQUEST BY ZITA HERRERA, FOR A VARIANCE TO SECTION 28.4.B.3 IN ORDER TO REDUCE THE REAR YARD SETBACK FROM 20 FEET TO 11.5 FEET ON A NEW ADDITION. THE PROPERTY IS LOCATED AT 300 E. CHERRY STREET CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. (CASE NO. V-02-06)

a. OPEN PUBLIC HEARING (CHAIRMAN STATES TIME)

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. CLOSE PUBLIC HEARING (CHAIRMAN STATES TIME)

Not hearing any requests to speak, Chairman Elzner declared the Public Hearing closed at 6:27 p.m.

c. BOARD DISCUSSION

Terry Capehart stated at the January 24, 2006 regular ZBOA meeting the applicant was granted a variance to Section 28.4.B.1 and 28.4.B.2 in order to reduce the required front and side yard setbacks from the required 20 feet to 18 feet on an existing nonconforming building. However, a variance request to Section 28.4.B.3 to reduce the required rear yard setback from the required 20 feet to 7.5 feet was denied. The site plan for the proposed new office/retail building complex so that the rear yard is now 11.5 feet. The applicant will be required to construct a masonry screen wall along the rear property line. The existing zoning on the subject property is Commercial and the proposed uses are all allowed by right in this district. The adjacent properties to the rear are zoned Single-Family Residential 6, however, one lot is occupied by the Magnolia Place Apartments and the two other lots are occupied by older single family structures.

d. TAKE ACTION ON REQUEST

Chairman Elzner called for a motion, not hearing a motion the variance is denied for a lack of a motion.

e. CHAIRMAN/VICE CHAIRMAN SIGNS ORDER

OPEN FORUM

1. DISCUSS SCHEDULE FOR FUTURE MEETINGS.

The next meeting will be on March 9, 2006.

2. DISCUSS H.B. 914 – CONFLICTS DISCLOSURE STATEMENT.

A handout has been included in each member's packet. Members were asked to review the forms and turn them in to Jo Ann Talbot if applicable.

ADJOURNMENT

Vice-Chairman Chiles made a motion to adjourn, seconded by Board Member Hulme. Chairman Elzner called for a vote with all voting AYE, the motion carried by a vote of 5-0. The meeting adjourned at 6:33 p.m.

JOHN ELZNER
CHAIRMAN

ATTEST:

JOY HENDERSON
PLANNING TECHNICIAN