

THE STATE OF TEXAS  
COUNTY OF ANDERSON  
CITY OF PALESTINE

The **Zoning Board of Adjustments and Appeals** met in regular session **Thursday, January 27, 2011 at 1:30 p.m.** in the City Hall Council Chambers, 504 North Queen Street, Palestine, TX with the following members present:

KURT HERRINGTON	:	ACTING CHAIRMAN
MIKE DAVIS	:	COMMISSIONER
EDWINA MILLER	:	COMMISSIONER
BRICK PARSONS	:	COMMISSIONER
SHELLEY PRICE	:	COMMISSIONER

A quorum of the Zoning Board of Adjustments and Appeals was present.

**I. CALL TO ORDER**

The meeting was called to order by the Acting Chairman, Kurt Herrington.

**II. APPROVAL OF MINUTES, November 22, 2010**

After reviewing the minutes of the November 22, 2010 meeting, Commissioner Davis made a motion to approve the minutes, seconded by Commissioner Herrington. The motion carried unanimously.

**III. ELECTION OF OFFICERS**

1. Elect Chairman and Vice Chairman

Commissioner Davis made a motion to appoint Commissioner Herrington as Chairman, seconded by Commissioner Parsons. Commissioner Miller made a motion to appoint Commissioner Parsons as Vice Chairman, seconded by Commissioner Davis. Both motions carried unanimously.

**IV. PUBLIC HEARING**

1. A public hearing regarding a request for a variance to Appendix A, Zoning, Article 16, General Provisions, Section 16.9 Nonconformities, 4 C, to allow the expansion of a nonconforming use located at 201 E. Neches Street, Lots 1A & 2, Block J of the Reagan & Word Addition, Johnnie Elfarr/Applicant ZBA-11-01

The public hearing was held, whereas numerous property owners were present to speak in opposition of this request for a variance to allow the expansion of a nonconforming use located at 201 E. Neches Street, owned by Johnnie Elfarr. Property owners in opposition include:

Marty Moronko, 301 E. Neches St.; Carolyn Salter, 519 S. Royall St.; Eleanor Eilenberger, 220 E. Park Ave.; June Ferguson, 511 S. Royall St.; Marcie Montaine, 218 E. Park Ave.; Dawn McCowan, 118 E. Park Ave.; Ed Furman, and Jack Moore, 107 E. Park Avenue. All of the property owners that were in opposition were concerned about the deterioration of the streets due to the large trucks delivering merchandise to the location, inadequate parking, overworked water & sewer lines and extended hours of operation and delivery.

**V. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

1. Consider a variance to Appendix A, Zoning, Article 16, General Provisions, Section 16.9 Nonconformities, 4 C, to allow the expansion of a nonconforming use located at 201 E. Neches Street, Lots 1A & 2, Block J of the Reagan & Word Addition, Johnnie Elfarr/Applicant ZBA-11-01

After discussion of this variance Commissioner Parsons , Price, Herrington and Davis voted against approving this variance, with Commissioner Miller motioning to table this item and motion dies for lack of a second. Four AGAINST– One TABLE.

**VI. ADJOURN**

With no other business to come before the Commission, the meeting was adjourned.

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Kurt Herrington, Chairman