

## AGENDA



### PLANNING AND ZONING COMMISSION

Wednesday, October 23, 2024 @ 5:30 PM

The Board of Adjustment of the City of Anna will meet on 10/23/2024 at 5:30 PM in the Anna Municipal Complex-Council Chambers, located at 120 W. 7th Street, to consider the following items.

1. **Call to Order, Roll Call, and Establishment of Quorum.**
2. **Invocation and Pledge of Allegiance.**
3. **Neighbor Comments.**  
*At this time, any person may address the City Council regarding an item on this meeting Agenda that is not scheduled for public hearing. Also, at this time, any person may address the City Council regarding an item that is not on this meeting Agenda. Each person will be allowed up to three (3) minutes to speak. No discussion or action may be taken at this meeting on items not listed on this Agenda, other than to make statements of specific information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.*
4. **Director's Report.**
5. Review/Discuss/Action on Board of Adjustments Rules of Procedure.
6. Elect the Board of Adjustments Chairperson.
7. Elect the Board of Adjustments Vice-Chairman.
8. Elect the Board of Adjustments Secretary.
9. Consider/Discuss/Action to approve minutes from the June 5, 2024, Board of Adjustment meeting.
10. **Adjourn.**

This is to certify that I, Lauren Mecke, Planning Manager, posted this Agenda on the City's website ([www.annatexas.gov](http://www.annatexas.gov)) and at the Anna Municipal Complex bulletin board at or before 5:00 p.m. on 10/18/2024.

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Lauren Mecke, Planning Manager



## MINUTES

### BOARD OF ADJUSTMENT

June 5, 2024

The Board of Adjustment of the City of Anna met June 5, 2024, at 5:30 p.m. at the Council Chambers in the Anna Municipal Center, located at 120 W Seventh Street, to consider the following items.

#### **1. Call to Order, Roll Call and Establishment of Quorum.**

*The meeting was called to order at 5:43 p.m. by Ashley Bergerson.*

#### **Members present:**

*Place 1 – Jon Hendricks, Place 2 – Tom Longmire, Place 3 – Ashley Bergerson, Place 4 – Edward Chulham, Place 5 – Travis Bates, Place 2A – Michael Olivarez*

#### **Staff present:**

*Ryan Henderson, City Manager  
Taylor Lough, Assistant City Manager/Code Official  
Kimberly Winarski, Assistant to City Manager  
Nader Jeri, Assistant Director of Development Services/ Building Official  
Lauren Mecke, Planning Manager  
Bret Wilkinson, Plans Examiner  
Mike Wherland, Code Compliance Manager  
Shawn Hiller, Sr. Code Compliance Officer  
Ryan Mitchell, Code Compliance Officer  
Galen Davis, Fire Investigator  
David Overcash, Deputy City Attorney*

#### **Property Owners present:**

*Jim West*

#### **2. Invocation and Pledge of Allegiance**

*Travis Bates gave the invocation. All who were present gave the Pledge of Allegiance.*

#### **3. Neighbor Comments**

*David Overcash advised the Board to open to public hearings. There were no comments.*

*Travis Bates motioned to close comments and was seconded by Ashley Bergerson. The motion passed unanimously.*

*Comments were closed at 5:46 p.m.*

**4. Consider/Discuss Action to approve minutes from January 31, 2024, Board of Adjustment meeting.**

**5. Consider/Discuss/Action regarding rules and procedures for hearings before the Commission.**

*David Overcash introduced the Board to the roles of safety and provided directions for the Board members on how the meeting will work. David Overcash asked the Board to select a temporary chairperson.*

*Travis Bates motioned to nominate Ashley Bergerson as temporary chair, and was seconded by Edward Culham. The motion passed unanimously.*

*Michael Olivarez motioned to proceed with the meeting and was seconded by Ashley Bergerson. The motion passed unanimously.*

*David Overcash explained the role of the chairperson on the procedure of public hearings.*

**6. Conduct a public hearing to receive testimony and evidence on a dangerous structure located at ABS A0559 Guinn Morrison Survey, Sheet 2, Tract 118, more commonly known as 230 E. 6<sup>th</sup> Street, Anna, Texas. Presentation by the City of Anna code official, or designee; presentation by all owner, lien holders, interested parties and/or other witnesses concerning evidence that 230 E. 6<sup>th</sup> Street, Anna, Texas 75409 is a dangerous structure.**

*David Overcash provided the Board with an explanation of the process of opening a public hearing. Ashley Bergerson opened the public comments at 5:53 p.m.*

*Jim West advised that he did not understand why the property was considered an issue but will listen to recommendations.*

*Ashley Bergerson closed the public comments at 5:54 p.m.*

*Taylor Lough provided a presentation on the property.*

*Mike Wherland spoke and advised that Code Compliance had been working with the property since 2020. Mike provided exhibits of various code violations.*

*Galen Davis presented the fire inspection report and various violations of the property.*

*Taylor Lough provided recommendations about how to move forward with the property violations.*

*Ashley Bergerson asked if the number of citations led to this Board meeting. Taylor Lough confirmed that this was the case.*

*Ashley Bergerson motioned to move the Board into a closed executive session and was seconded by Edward Culham. The motion passed unanimously. The closed session started at 6:29 p.m.*

**7. Discuss and consider action to adopt an order assessing civil penalties and requiring dangerous property improvement action at ABS A0559 Guinn Morrison Survey, Sheet 2, Tract 118, more commonly known as 230 E. 6<sup>th</sup> Street, Anna, Texas.**

*The Board reconvened at 6:41 p.m. There was an agreement to declare the structures on the property as dangerous and to move forward with recommending demolition.*

*Ashley Bergerson motioned to approve demolition and was seconded by Tom Longmire. The motion passed unanimously.*

**8. Conduct a public hearing to receive testimony and evidence on a dangerous structure located at ABS A0559 Guinn Morrison Survey, Sheet 2, Tract 33, Anna, Texas. Presentation by the City of Anna code official, or designee; presentation by all owner, lien holders, interested parties and/or other witnesses concerning evidence that ABS A0559 Guinn Morrison Survey, Sheet 2, Tract 33, Anna, Texas is a dangerous place.**

*Ashley Bergerson opened the public comments at 6:48 p.m. The public comments were closed at 6:48 p.m.*

*Taylor Lough provided a presentation on the property.*

*Mike Wherland spoke and advised that Code Compliance had been working with the property since 2020. Mike provided exhibits of various code violations.*

*Galen Davis presented the fire inspection report and various violations of the property.*

**9. Discuss and consider action to adopt an order assessing civil penalties and requiring dangerous property improvement action at ABS A0559 Guinn Morrison Survey, Sheet 2, Tract 33.**

*Ashley Bergerson asked if the structure on the property was secured from outside entry. Taylor Lough advised it was not.*

*Taylor Lough recommended demolition of the structure and was also recommended by David Overcash.*

*Ashley Bergerson motioned to demolish the structure and was seconded by Tom Longmire. The motion passed unanimously.*

**10. Closed Session (Exceptions).** Under Tex. Gov't Code Chapter 551, the BSC may enter into Closed Session to discuss any items listed or referenced on this Agenda under the following exceptions: a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071).

**5. Adjourn**

*A motion was made by Ashley Bergerson to adjourn the meeting. The vote was unanimous. The Board of Adjustment meeting was adjourned at 7:06 p.m.*

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**Jon Hendricks**  
**Board of Adjustment Chairman**

**Attest:**

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**Nader Jeri**  
**Assistant Director of Development**  
**Services/Building Official**