



AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY SEPTEMBER 14, 2023, 6:30 P.M.
PUBLIC LIBRARY ANNEX, CIVIC CENTER
404 NORTH MAIN STREET

I. CALL TO ORDER – ROLL CALL

II. PUBLIC COMMENT FOR NON-AGENDA RELATED ITEMS

Individuals may request to speak on items not on the agenda. Speaker comments are limited to three (3) minutes and no formal action can be taken. All speakers must limit their comments to the specific subject matter noted on the “PUBLIC COMMENT FORM” and refrain from personal attacks or derogatory comments directed at any Commissioner, Staff, or others.

III. CONSENT AGENDA

All matters listed below are to be considered routine by the Board and will be enacted in one motion. There will not be separate discussion on the items. If discussion is desired, that item(s) can be removed from the consent agenda and will be considered separately as a new business item.

1. July 13, 2023, Minutes.

IV. NEW BUSINESS

1. Project #202300082: Zoning Variance to Sec 46-265 to reduce the minimum depth of the front yard along East Alamo Street to zero over the existing driveway and the side yard adjacent to 102 East Alamo Street to zero over the existing driveway for a 18’ by 21’ carport at 100 East Alamo Street, Bastrop Central Appraisal District Parcel No 14415 (ELGIN CITY, DIV 6, LOT 5).
 - A. Staff Presentation
 - B. Applicant Presentation
 - C. Open Public Hearing
 - D. Close Public Hearing
 - E. Discussion
 - F. Consideration

V. ANNOUNCEMENTS

VI. ADJOURNMENT

NOTICE

I, the undersigned, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before September 7, 2023, at 6:30 P.M. in accordance with Chapter 551 of the Texas Government Code.

Kevin Beau Perry, Interim Development Services Director

The Board may adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code. The board will return to an open session for possible discussion and action as a result of the Executive Session.

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary’s Office at (512) 281-5724. Please provide a forty-eight (48) hour notice when feasible.

Para informacion en espanol favor de llamar 512-281-5724. Servicios de traduccion disponible en la reunion.

**MINUTES
CITY OF ELGIN BOARD OF ADJUSTMENTS
SPECIAL MEETING
THURSDAY, JULY 13, 2023**

CALL TO ORDER-ROLL CALL: The Chair called the meeting to order at 6:35 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX, U.S.A.

BOARD PRESENT: Chair Regan Dumbeck, Franklin Boettcher, Stephen Kylberg, Ruby Simms, and alternate Darren Mogonye. A super-majority (75%) quorum has been met under State law to conduct the meeting.

BOARD ABSENT: Stephen Finley.

STAFF PRESENT: Melissa Lipiec, Secretary and Beau Perry, Interim Development Services Director.

PUBLIC COMMENT FOR NON-AGENDA RELATED ITEMS: No members of the public were present to speak on this item.

CONSENT AGENDA

1. December 1, 2022 Minutes.

Franklin Boettcher moved that the Board approve the consent agenda. Ruby Simms seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.

NEW BUSINESS

1. Project #: 202300093: Zoning Variance to Sec 46-635 to reduce onsite minimum parking to zero spaces at 209 E 2nd St (Elgin Family Medical Center).
 - A. Staff Presentation –Beau Perry explained that the use of the building is changing and that is what triggered the parking requirements for the building. The existing building prevents the construction of off street parking and staff recommends approval of the variance.
 - B. Applicant Presentation – Applicant Ricardo Velazquez stated that the building will be used mainly as a warehouse for electronics. Regan Dumbeck asked if the business would be shipping out of that location. Mr. Velazquez responded affirmatively but the boxes would be small and mostly shipped via UPS or Fedex.
 - C. Open Public Hearing – The public hearing was opened at 6:42 P.M. There were no members of the public present to offer comments.
 - D. Close Public Hearing – The public hearing was closed at 6:43 P.M.
 - E. Discussion –Stephen Kylberg ask if the building gets sold again, would the decision made tonight carry forward to the new owner. Beau Perry stated that the request is tied to the use of the building and the new owner would need to return to the Board.
 - F. Consideration – Stephen Kylberg moved that the Commission approve Project # 202300093. Darren Mogonye seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against. A supermajority

New Business (cont'd.)

F. (75%) of the Board has approved the variance request in accordance with State law to approve the item.

ANNOUNCEMENTS

Beau Perry stated that we will continue to see exponential differences in infill properties as well as residents putting additional equity into their existing homes which will require variances so we anticipate this Board meeting more frequently.

ADJOURNMENT

The meeting was adjourned at 6:47 P.M.

Regan Dumbeck, Chair

ATTEST: _____
Melissa Lipiec, Secretary

On a motion by _____, seconded by _____
_____ the foregoing instrument was passed and approved on
this 14th day of September, 2023.



Development Services Department

STAFF REPORT

Application for Zoning Variance

File Number: 202300082

Date: September 6, 2023
Applicant: Jessica A. Bega
Representative: SAME
Hearing Date: Board of Adjustment – September 14, 2023
Location: 100 E Alamo St.

APPLICATION SUMMARY

Consideration (action) by the Board of Adjustment of a Zoning Variance from Section 46-265 to reduce the minimum front setback requirements from twenty-five feet (25') to zero (0) over the existing concrete driveway and to reduce the minimum side setback requirements from five feet (5') to zero (0) over the existing concrete driveway.

DEPARTMENT COMMENTS

Ms. Bega purchased the property in 2009 and has resided at that location since December of that same year. The property was previously granted a variance by the Board of Adjustments in May 2008 for the front yard line along South Main Street (to be reduced to five (5) feet) as well as acknowledge the lot width of thirty-seven and twenty nine hundredths (37.29) feet and the lot area of three thousand, six hundred fifteen (3,615) square feet. The reason for the variance at that time was to allow for the demolition of the existing house which was partly in the TxDot right-of-way and rebuilding of the new house that currently sits on the lot. The Code requires the site to be in compliance with the minimum setback requirements as well as the maximum impervious cover requirements. Since this site cannot meet these standards, a zoning variance is needed to reduce the minimum setback requirements over the existing concrete drive to zero (0).

Under Section 46-87 the Board must determine the granting the variance will not be contrary to the public interest, where owing to special conditions, the literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed, and substantial justice done. Under Section 211.008, TLGC, at least 75% of the Board members must be present at the meeting to hear the case and under Section 211.009, TLGC, the concurring vote of 75% is needed to authorize a variation from the terms of the zoning ordinance. At least four (4) of the five (5) members need to be in attendance at the meeting to vote and the same number must vote to approve the request.

STAFF ANALYSIS

Staff believes the variance would not be contrary to the public interest since the present layout existed before the new owner was deeded the property. The addition of a carport over the existing concrete driveway would not increase the impervious cover on the lot

which is one thousand, five hundred and thirty-five (1,535) square feet. The maximum allowable impervious cover for the lot is fifty percent (50%) or one thousand, eight hundred and seven (1,807) square feet.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application
2. Proposed layout and sample carport
3. Applicant Photos
4. Notice to 200' Property Owners

Attachment 1

Application



Zoning Variance Application Packet

ZONING VARIANCE APPLICATION

Date: July 24, 2023

SITE INFORMATION

Project Address: 100. E. Alamo Street

Parcel Identification Number (if no address): LOT 5, Division VI, Elgin, Bastrop Co., TX

APPLICANT

Name: Jessica A. Bega

Postal Address: 100 E. Alamo Street

E-Mail Address: jessica.bega@gmail.com ; Phone Number: 512-653-1900

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

Jessica A. Bega
Signature

Jessica A. Bega
Printed Name

7-25-23
Date

Project Description:

My project includes a request for a zoning variance to erect an 18 (W) x 20 (L) (360 SQFT) open carport structure on my existing (concrete) driveway. The carport will be erected within the current property lines and dimensions of my driveway 18 (W) x 21 (L) (386 SQFT) located at 100 E. Alamo Street. Please see the existing driveway in **Image 1**. I ask the Board to consider my request to allow two reductions to the current setback footage. 1.) To reduce the E. Alamo Street front yard setback from the required 25 feet to zero (0) feet. 2.) To reduce the right-side setback between my property and 102 E. Alamo from the required 5 feet to zero (0) feet. The carport will be constructed with galvanized steel and metal materials. I intend to use the carport to enhance my residential property for additional and essential exterior protection. Please see **Example 1** of a carport structure like the project description and as described.

Within and just beyond a 200-foot radius of my residential property, other residential properties have existing carports or other types of accessory buildings erected on or near the private driveway area. Please see **Example 2** of the various structures as described. My request for a zoning variance is not contrary to the public interest. Presently, countless carport structures are erected in the city limits, like the carport I wish to erect. This demonstrates that the city is aware of and accepts the existence of such structures. A carport erected on my existing driveway area would infringe on the required setbacks. My property has no additional location options to erect such a structure. The enforcement of the code creates an unnecessary hardship, and so that the spirit of the ordinance shall be observed, and a variance granted by the Board would result in substantial justice.

I commit to a well-maintained home in my neighborhood and will continue to make improvements and enhancements where necessary so that the city's south side is also an inviting place to live.



802 N. Ave. C
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintexas.gov

Additional Applicant Information and Considerations for Board Review

- In a prior conversation with the former Development Services Director, a carport structure is considered an “accessory building.” Any structure or accessory building placed or erected on residential property necessitates a building permit if greater than 150 sq. feet in the area. Based on the same conversation, I learned and discovered that the city had very few to no permits on file or zoning variances granted for similar carports like what is described in my project description. Presently, countless carports or canopy structures in the city limits appear to be larger than 150 sq. ft. Please see example structures in **Example 3**.
- Perhaps the Board may consider evaluating the current processes and procedures for similar structures so that consistency, compliance, and enforcement are better regulated and facilitated with residential property owners. These owners are often unaware of code and zoning details, fee structures, and requirements.
- Residential property owners are at a disadvantage compared to developers seeking similar requests such as a variance. Oftentimes, these owners do not have the same means or resources. Possibly, various fee structures to differentiate residential vs. commercial or accessory building vs. home construction may be further assessed.
- The Board of Adjustment may also consider developing additional recommendations to share with partner boards based on hearings and various projects from residential property owners and developers. Some of the code and zoning requirements are written in a one-size fits all fashion and present confinement challenges for those residential property owners living in older or well-established sections of town vs. newer sections of town.
- As a residential property owner, I acknowledge the variance process and procedures the City of Elgin has in place to possibly grant and allow various types of accessory structures to be erected on private property. It appears that only a few residents compared to the vast majority of them have actually followed through with the same process and procedures.
- A special thank you to Melissa Lipiec and Beau Perry for their help and guidance as I navigated the variance process and procedures. I appreciated the communication, level of expertise, adequate information sharing, and full explanations necessary for my project. They displayed a level of professionalism and a willingness to provide customer service that left me feeling confident about my project.

Image 1

100 E. Alamo Street



Attachment 2

Proposed layout and sample carport

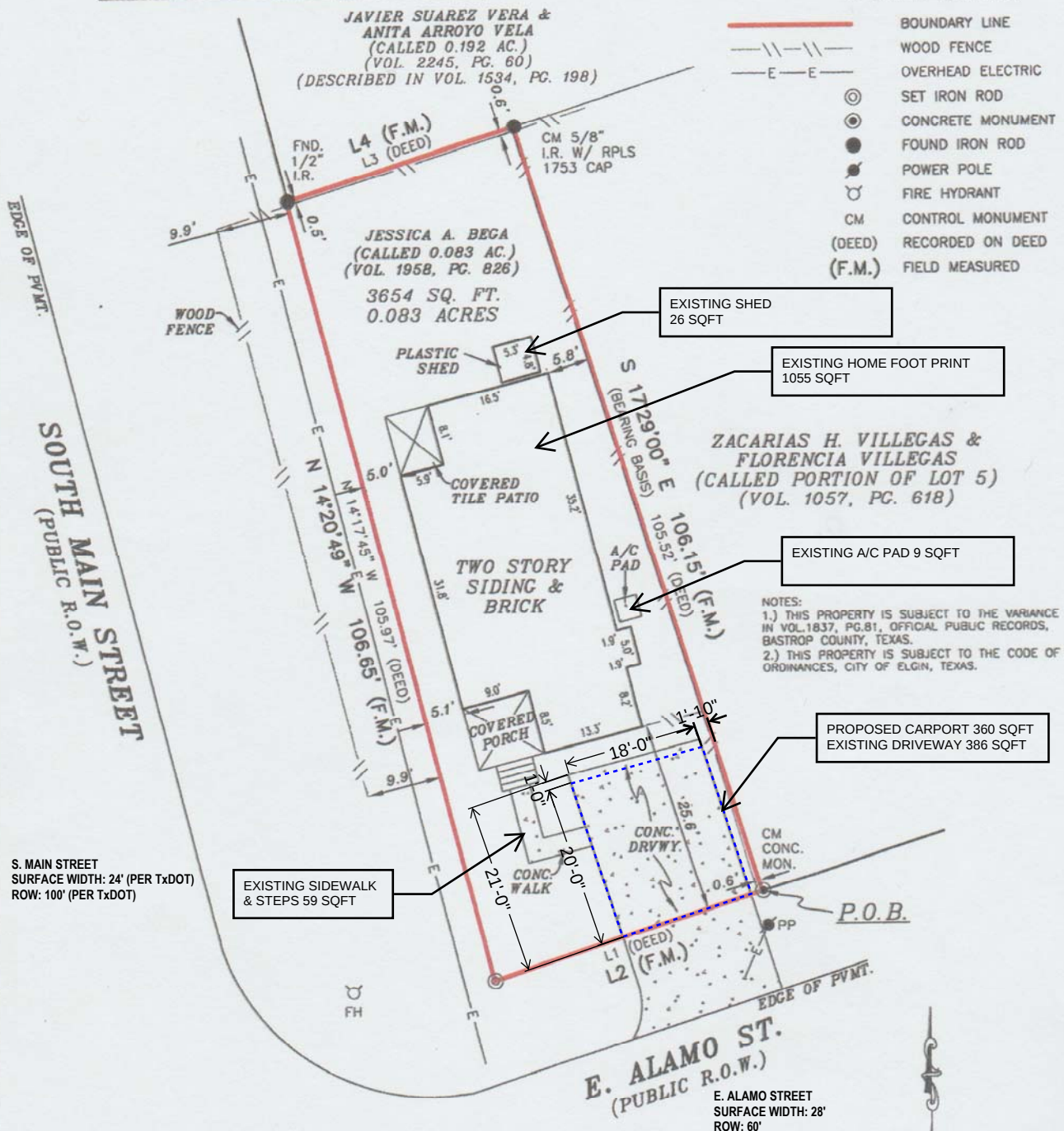
PROPOSED

LINE	BEARING	DISTANCE
L1	S 72°00'00" W	37.29'
L2	S 72°00'00" W	37.29'
L3	N 72°26'15" E	31.39'
L4	N 72°31'36" E	31.45'

LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- // — WOOD FENCE
- E — E — OVERHEAD ELECTRIC
- ⊙ SET IRON ROD
- ⊙ CONCRETE MONUMENT
- FOUND IRON ROD
- ⚡ POWER POLE
- ⊕ FIRE HYDRANT
- CM CONTROL MONUMENT
- (DEED) RECORDED ON DEED
- (F.M.) FIELD MEASURED



SURVEYOR'S NOTE:
BASIS OF BEARING, RECORDED
DEED UNLESS OTHERWISE NOTED.

At date of this survey, the property is in FEMA designated
ZONE X as verified by FEMA map Panel No:
48021C 0100 E effective date of JANUARY 19, 2006
Exact designations can only be determined by a Elevation
Certificate. This information is subject to change as a
result of future FEMA map revisions and/or amendments.

The survey is hereby accepted with the
discrepancies, conflicts, or shortages in area or
boundary lines, encroachments, protrusions, or
overlapping of improvements shown.

X _____
X _____

I, RACHEL LYNN HANSEN, a Registered Professional Land Surveyor in the State of Texas,
do hereby certify to INDEPENDENCE TITLE COMPANY, TITLE RESOURCES GUARANTY COMPANY
UNIVERSITY FEDERAL CREDIT UNION

FOR NO. 1609040196 [NO.] REVISION [] DATE []

Example 1

Example carport structure similar to the Project Description



Attachment 3
Applicant Photos

Example 2

Carports and accessory building within or just beyond a 200-foot radius



Example 3

Examples of carport or canopy structures in the city limits



Attachment 4

Notice to Property Owners



August 29, 2023

NOTICE OF A ZONING VARIANCE REQUEST

You are being notified because your property is located within two hundred (200) feet of this request. The attached map shows the lots making the request (red shaded area) and your lot within the notice area (blue circle). This notice is to inform you of a public hearing to be held by Board of Adjustment as denoted below:

Project #: 202300082 A zoning variance from Section 46-265 to reduce the minimum depth of the front yard along E. Alamo Street to zero over the existing driveway and the side yard adjacent to 102 E Alamo Street to zero over the existing driveway for a 18' by 21' carport at 100 E Alamo Street, Bastrop Central Appraisal District Parcel No 14415 (ELGIN CITY, DIV 6, LOT 5).

Notice is given of a public hearing to be held by the Board of Adjustment on September 14, 2023, beginning at 6:30 P.M. Central Standard Time for a consideration. This meeting is to be held at Elgin Public Library Annex (Civic Center) at 404 N. Main St. Elgin, TX, 78621, U.S.A. The public is welcome to attend and may give a public comment on this item. Any person may be represented by another person, neighbor, or attorney.

Any interested person may also express written comments by emailing the Development Services Department at planninganddevelopment@elgintexas.gov or by postal mail at the following:

City of Elgin
Development Services Department
P.O. Box 591
Elgin, TX 78621 U.S.A.

Requests for any additional information may be directed to planninganddevelopment@elgintexas.gov or to (512) 281-0119 or may be requested from the Development Services Department, Fleming Cener, 802 N Avenue C, Elgin, TX 78621 U.S.A. from 9:00 A.M – 4:00 P.M. Central Standard Time, Monday – Friday.

BCAD 14415
200' ZONING VARIANCE
NOTIFICATION

