



**ELGIN BOARD OF ADJUSTMENT AGENDA  
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS  
404 NORTH MAIN STREET  
April 11, 2024  
6:30 PM**

**I. CALL TO ORDER**

**II. PUBLIC COMMENT**

Public Comment The “PUBLIC COMMENT” item posted on the agenda is reserved for members of the public who would like to address the Board of Adjustments (the Board) regarding posted agenda items or non-agenda items. Individuals requesting to speak or address the Board during the meeting shall do so under the “PUBLIC COMMENT” agenda item. Speakers shall be required to fill out a “PUBLIC COMMENT FORM” and present it, along with any material, handouts, or information for the Board, to the Board Secretary prior to commencement of the Board of Adjustments meeting. **As of May 1, 2022, all such public comments will be done IN PERSON. You may email public comments and they will be distributed to each of the Board Members but not read out loud.**

Speaker comments are limited to three (3) minutes. No formal action can be taken by the Board on items not posted on the agenda. Items requiring a PUBLIC HEARING will allow a member of the public an opportunity to speak during the Public Hearing and does not require a “PUBLIC COMMENT FORM”.

Speakers must address their comments to the Chairperson or Presiding Officer rather than to an individual Board Member or Staff Member. All speakers must limit their comments to the specific subject matter noted on the “PUBLIC COMMENT FORM” and refrain from any personal attacks or derogatory comments directed at any Board Member, Staff Member, other individual, or group.

**III. CONSENT AGENDA**

The Consent Agenda includes non-controversial and routine items that are considered to be self-explanatory by the Board of Adjustments (the Board) and will be enacted with one motion, one second, and one vote. Any member of the Board may pull any item from the Consent Agenda in order that the Board discuss and act upon it individually as a part of the Regular Agenda.

**1. February 8, 2024 Minutes**

**IV. NEW BUSINESS**

1. **Project #202400021: A zoning variance from Section 46-265 (6) in order to increase the requirement for maximum size of accessory buildings from ten percent (10%) of impervious cover requirements or seven hundred, twenty-three point three square feet (723.3 sf) to sixteen point six percent (16.6%) or twelve hundred point seven square feet (1200.7 sf) for a detached garage in the “R-2” Single Family and Duplex Dwelling District located at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W1/2), as located in Bastrop Co.).**
  - A. Staff Presentation
  - B. Applicant Presentation
  - C. Open Public Hearing
  - D. Close Public Hearing
  - E. Discussion
  - F. Consideration
  
2. **Project #202400028: A zoning variance from Section 46-265 (3) in order to reduce the requirement for a rear yard from ten feet (10’) to two feet, one inch (2.1’) on the south side of the property and a variance from Section 46-265 (2) in order to reduce the requirement for a side setback from five feet (5) to two feet, three inches (2.3’) on the west side of the property for a detached garage in the “R-2” Single-Family and Duplex Dwelling District located at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W ½), as located in Bastrop Co.).**
  - A. Staff Presentation
  - B. Applicant Presentation
  - C. Open Public Hearing
  - D. Close Public Hearing
  - E. Discussion
  - F. Consideration

## **V. ANNOUNCEMENTS**

## **VI. ADJOURNMENT**

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance.

The members of the boards, commissions and/or committees may participate in discussions on the same items listed the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

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) 229-3222. Please provide forty-eight hours' notice when feasible.

I, Beau Perry, City Engineer for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before April 5, 2024, in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in blue ink, appearing to read "Beau Perry". The signature is fluid and cursive, with the first name "Beau" and the last name "Perry" clearly distinguishable.

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Beau Perry, Development Services Director

**MINUTES**  
**CITY OF ELGIN BOARD OF ADJUSTMENTS**  
**SPECIAL MEETING**  
**THURSDAY, FEBRUARY 8, 2024**

**I. CALL TO ORDER-ROLL CALL:** The Chair called the meeting to order at 6:30 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX, U.S.A.

**BOARD PRESENT:** Chair Regan Dumbeck, Vice-Chair Stephen Kylberg, Darren Mogonye, Stephen Finley, Suzannah DesRoches – Sr. Alternate, and S.H. McShan.

**BOARD ABSENT:** David Lanford – Jr. Alternate.

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

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

**III. CONSENT AGENDA**

1. December 18, 2023, Minutes.

Darren Mogonye moved that the Board approve the consent agenda. Stephen Finley seconded the motion. The motion passed unanimously with a vote of six (6) for and zero (0) against.

**IV. NEW BUSINESS**

1. Project #: 202400005: A variance from Section 46-417 in order to remove the requirement for a ten (10) foot rear setback in the north-east corner of the lot where an eight foot wide by fifteen (15) foot long concrete water feature has been constructed in the “C-3” Highway Commercial District Located at 329 West Highway 290 (Smith, J.S. Lot 53C (FR), Acres 0.141 located in Bastrop Co.).
  - A. Staff Presentation – Beau Perry stated that the Code Enforcement Department discovered the water feature had been constructed within the rear setback for the property. As staff cannot grant variances to city codes, the property owner must either remove the water feature or request a variance from the Board of Adjustments.
  - B. Applicant Presentation – Manuel Luna, applicant, addressed the Board stating that he is the business owner and builder of the water feature.
  - C. Open Public Hearing – The public hearing was opened at 6:35 P.M. Francisco Flores of 416 Williams St stated that his property is adjacent to 329 West Highway 290 and he was not opposed to the variance request.
  - D. Close Public Hearing – The public hearing was closed at 6:38 P.M.
  - E. Discussion – There was discussion between the Commission and Staff regarding what constitutes development and whether the variance would be for the entire rear setback. Beau Perry stated that any physical structure built with concrete would need to be reviewed. He also stated that the variance is specific to the water feature only.
  - F. Consideration – Stephen Kylberg moved that the Commission approve project # 202400005 with the condition that no further enlargement to the structure be made. Darren Mogonye seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.

**IV. NEW BUSINESS (Cont.)**

- 2. Project #: 202400004: A variance from Section 46-534 (b) in order to keep the 4” X 4” wooden fence posts at 605 Arthur Street (Cleveland Subdivision, Lot 2, Acres 0.1660) located in Bastrop County.
  - A. Staff Presentation – Beau Perry stated that during regular patrolling of the area, the Code Enforcement Department discovered what appeared to be a new fence had been erected on the lot which did not meet the current fence code. Beau Perry also stated that this case would be one where the Board’s decision would provide guidance to the Code Enforcement and Development Services Departments as to what constitutes a new fence and when metal posts would be required.
  - B. Applicant Presentation – Aldair Sanchez stated that he purchased the home in early November with the intention of improving the property. He also stated that he made inquiries with the Development Services Department as to whether a permit would be required for fencing and was sent the fencing requirements. He stated that his original plan was to replace only the damaged pickets, which turned out to be a large percentage which turned out looking bad so he ended up replacing all of the pickets. He also stated that he kept the wooden 4 X 4s because they were still in good shape and he installed metal posts where there had not been any posts at the gates.
  - C. Open Public Hearing – The public hearing was opened at 7:05 P.M. There were no members of the public present to speak on this item.
  - D. Close Public Hearing – The public hearing was closed at 7:07 P.M.
  - E. Discussion – There was some discussion between the Board and Staff about what constitutes a new fence and what constitutes maintenance of a fence. The Board came to the conclusion that if the existing wooden 4” X 4” posts are sound, they can be left in place but if a post is removed, it should be replaced with a metal post. Replacement of some or all of the pickets and rails is considered maintenance of the fence.
  - F. Consideration – Darren Mogonye moved that the Board grant the variance as the work that was done should be considered maintenance to the fence and not replacement of the fence. Stephen Finley seconded the motion. The motion passed with a vote of five (5) for and zero (0) against.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 7:24 P.M.

\_\_\_\_\_  
Regan Dumbeck, Chair

ATTEST: \_\_\_\_\_  
Melissa Lipiec, Secretary

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_  
the foregoing instrument was passed and approved on this \_\_\_\_ day of \_\_\_\_\_, 2024.



# Development Services Department

## STAFF REPORT

### Application for Variance

File #202400021

**Date:** March 25, 2024  
**Applicant:** Noe Guerrero  
**Representative:** Same  
**Hearing Date:** Board of Adjustment – April 11, 2024  
**Location & size:** 104 W Ila St., 16,073.64 square feet  
**Zoning District:** R-2

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#### APPLICATION SUMMARY

Consideration (action) by the Board of Adjustment for a Variance to increase the maximum size of a detached accessory building from ten percent (10%) of the impervious cover requirement to sixteen-point six percent (16.6%) of the impervious cover requirement. (This would be an increase from 723.3 square feet to 1200.7 square feet.) for a detached garage at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W1/2)).

#### Department Comments

While investigating a report of illegal building on an adjacent street, the Code Compliance Department observed construction activity in the form of a foundation being framed at 104 W Ila Street. The Code Compliance Officer made contact with one of the property owners on March 1, 2024, informing them that the construction required a permit. The property owner submitted a building permit application via My Government Online the same day.

During the zoning review for that application, it was determined that the proposed 1200 square foot detached garage exceeded the limits set forth in Section 46-265. (6) *Impervious coverage. Main buildings, accessory dwelling units, and accessory buildings and other impervious cover shall not cover more than 45 percent of lot area on interior lots, and 50 percent of the lot area on corner lots. Accessory buildings shall not cover more than ten percent of the impervious cover requirements, this ten percent is not applicable to accessory dwelling units.* The total size of the property per Bastrop Central Appraisal District is 16,073.64 square feet and it is an interior lot so they may cover up to 45 percent or 7,233.14 square feet and the largest size their detached accessory building can be is 723.32 square feet according to the code. It was for this reason that the application was denied (see attachment #3).

Rather than reducing the size of the detached garage, the property owner is requesting a variance because he has already purchased the 1,200 square foot metal building. As you can see from the site plan, there is already a 144 square foot storage shed on the property; the applicant has stated that he intends to remove that structure if he is allowed to construct the 1,200 square foot detached garage.

**ATTACHMENTS**

Additional information is provided through the attached exhibits.

1. Application
2. Proposed Site Plan
3. Proposed structure information
4. Development Services Denial Letter
5. Notice sent to 200' property owners.

# ZONING VARIANCE APPLICATION

Date: 03/01/2024

## SITE INFORMATION

Project Address: 104 W ila St. Elgin, TX 78621

Parcel Identification Number (if no address): R15580

## APPLICANT

Name: Noe Guerrero

Postal Address: 104 W ila St. Elgin, TX 78621

E-Mail Address: noeguerrero18@yahoo.com; Phone Number: 512-584-4845

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.

 Noe Guerrero 03/01/2024

Signature

Printed Name

Date

### Project Description:

We were wanting to install a 1200 sq ft. Detached Garage at our property to park our  
vehicles, extra storage, and possible extra work area, this project is a big expense  
for us already and we have paid a substantial part for the Garage for the install with a  
local company, if we knew about the size restrictions we would have looked at other  
options we are Requesting the permission for the extra 477 sq ft. so we can be within  
Code for our Detached Garage.



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

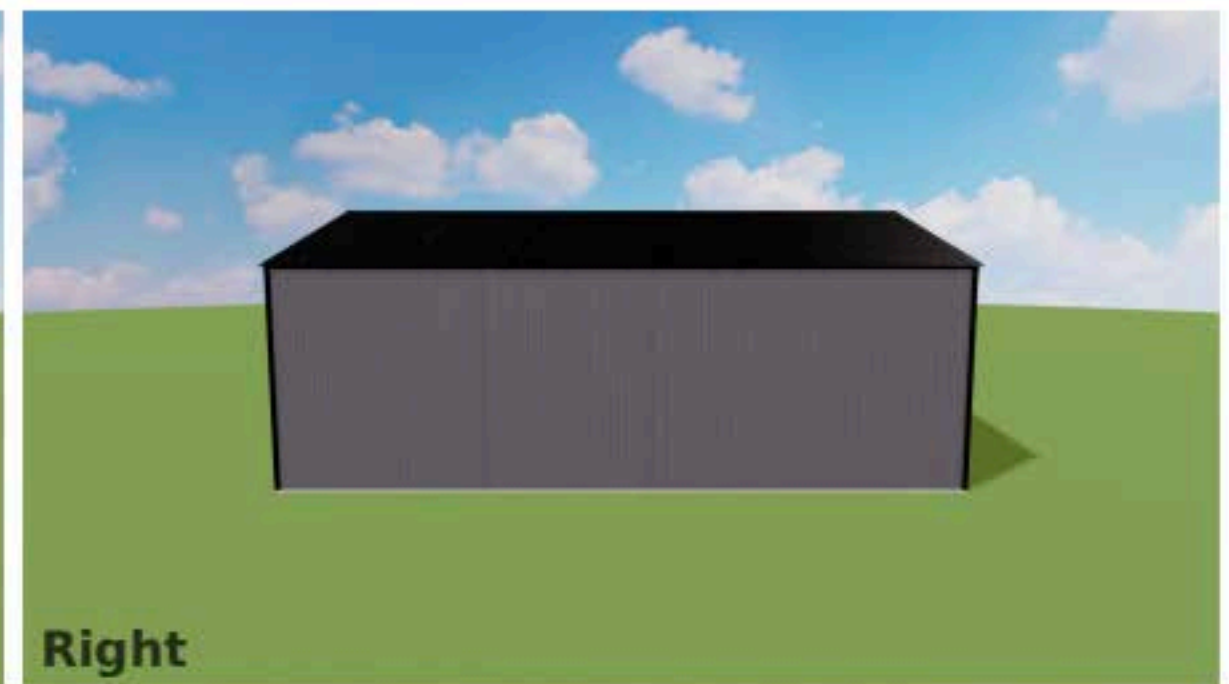
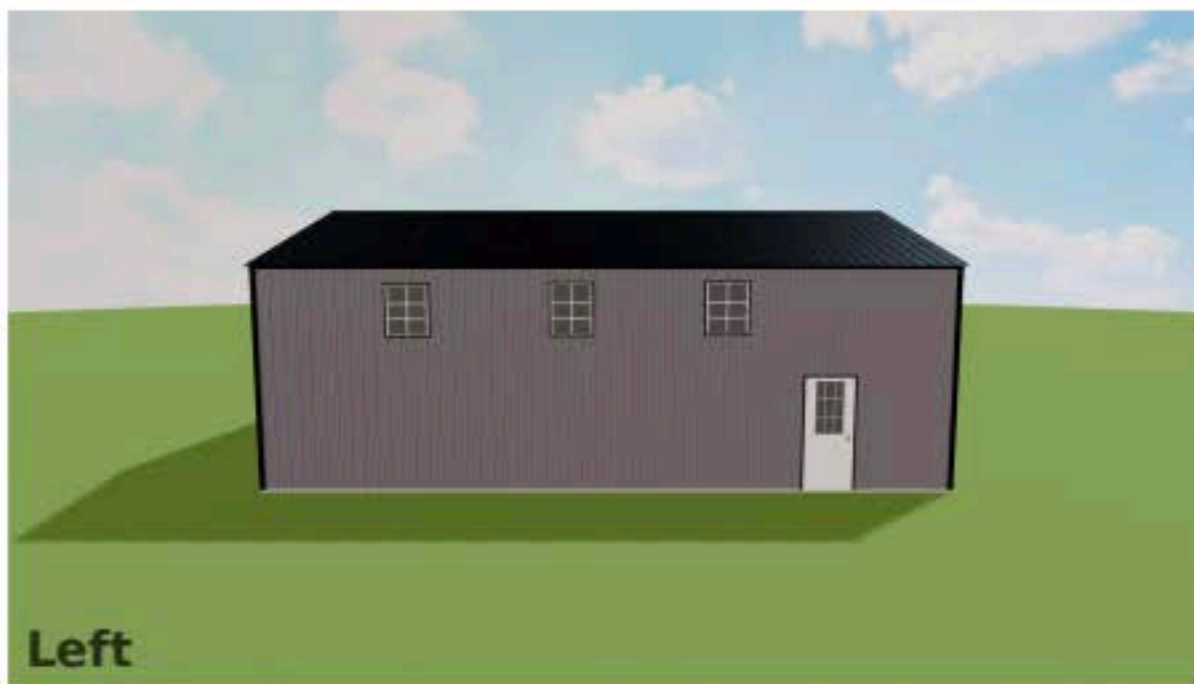
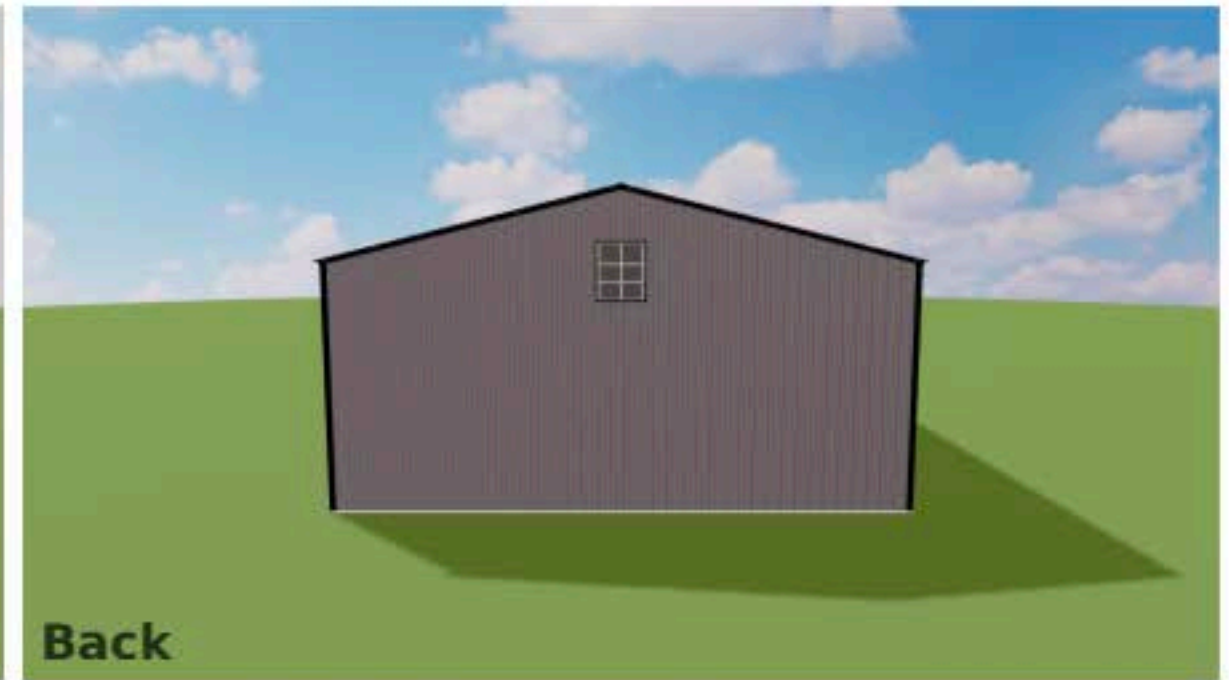
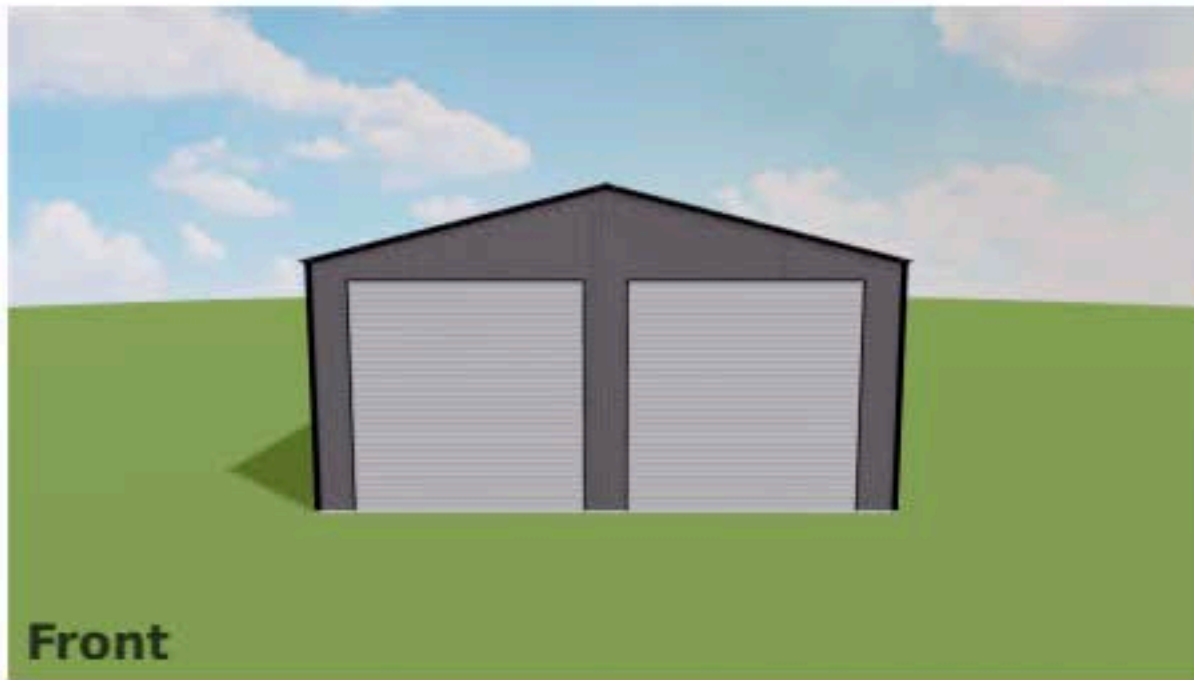


(512) 281-0119



www.elgintexas.gov





| SIZE (W X L X H) |             | ROOF WIDTH                      | ROOF LENGTH | BASE LENGTH    | SIDE HEIGHT    |                   |
|------------------|-------------|---------------------------------|-------------|----------------|----------------|-------------------|
| 30' x 41' x 13'  |             | 30'                             | 41'         | 40'            | 13'            |                   |
| GAUGE            | ROOF TYPE   | CERTIFIED                       |             | SURFACE        | ELECTRICITY    | PANEL ORIENTATION |
| 14               | vertical    | 0 - Height - Texas Service Area |             | Cement         | Yes            | side-vertical     |
| ROOF COLOR       | END COLOR   | SIDE COLOR                      | TRIM COLOR  | WAINSCOT COLOR | COLORED SCREWS |                   |
| Black            | Quaker Gray | Quaker Gray                     | Black       |                | Yes            |                   |



## City of Elgin Development Services

Date: Friday, March 1, 2024

NOE GUERRERO

104 W Ila St.  
Elgin TX 78621  
noeguerrero18@yahoo.com

Project Number 2024-123  
Location: 104 W Ila St., Elgin, TX 78621

To Whom It May Concern:

Staff has completed its review of plans for the 30' x 40' concrete Slab for Detached Garage project. Staff commentary follows below.

### **Zoning Review**

The following comments have been provided by Melissa Lipiec. Should you have any questions or require additional information regarding any of these comments, please contact Melissa Lipiec by telephone at or by email at [melissa.lipiec@elgintexas.gov](mailto:melissa.lipiec@elgintexas.gov).

Please be advised that the proposed 1,230 square foot structure exceeds the size allowed by your zoning code. Per Section 46-265, accessory buildings shall not cover more than ten percent of the impervious cover requirements. Your total allowed impervious cover is 7,233 square feet and 10% of that amount is 723.32 square feet, therefore, the largest size your detached garage can be is 723.32 square feet. You must reduce the building size.

Link to Section 46-265: [https://library.municode.com/tx/elgin/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH46ZO\\_ARTIVZODIRE\\_DIV3SIMIDUDWDI\\_S46-265ARRE](https://library.municode.com/tx/elgin/codes/code_of_ordinances?nodeId=PTIICOOR_CH46ZO_ARTIVZODIRE_DIV3SIMIDUDWDI_S46-265ARRE)

When resubmitting to the City, please make sure to copy and paste the comments from the document on a separate sheet of paper or Microsoft Word doc, this includes any other comment sheets from non-City letterhead as well. Please provide the responses to the comments in red and any documentation necessary to provide closure to the comment. Both the red response document and the documentation should be submitted together as one (1) submittal to the City. Please answer all red responses and have all documentation to satisfy Staff comments before resubmittal. Submit all information in one (1) re-submittal to satisfy open comment. Do not submit a partial resubmittal that addresses only a portion of the open comments. This will cause further delay and expense through the permitting process.

Should you have questions regarding specific comments, please contact the staff member referenced under the section in which the comment occurs. Should you have questions or require additional information regarding the plan review process itself, please feel free to contact the Development Services Department at 512-281-0119 or [planninganddevelopment@ci.elgin.tx.us](mailto:planninganddevelopment@ci.elgin.tx.us).

Respectfully,

3/1/2024 9:25:53 AM  
30' x 40' concrete Slab for Detached Garage  
2024-123  
Page 2

Melissa Lipiec



March 22, 2024

## 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 lot making the request (red solid shape) and your lot within the notice area (blue circle). This notice is to inform you of two public hearings to be held by Board of Adjustment as denoted below:

Project #202400021: A zoning variance from Section 46-265 (6) in order to increase the requirement for maximum size of accessory buildings from ten percent (10%) of impervious cover requirements or seven hundred, twenty-three point three square feet (723.3 sf) to sixteen point six percent (16.6%) or twelve hundred point seven square feet (1200.7 sf) for a detached garage in the “R-2” Single Family and Duplex Dwelling District located at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W1/2), as located in Bastrop Co.).

Project #202400028: A zoning variance from Section 46-265 (3) in order to reduce the requirement for a rear yard from ten feet (10’) to eight feet (8’) in the west side of the property for a detached garage in the “R-2” Single-Family and Duplex Dwelling District located at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W ½), as located in Bastrop Co.).

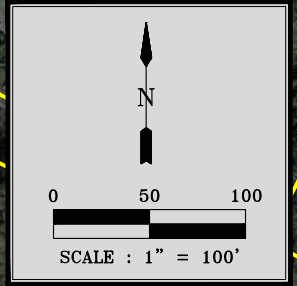
Notice is given of public hearings to be held by the Board of Adjustment on **April 11, 2024**, beginning at **6:30 P.M.** Central Standard Time for consideration. This meeting is to be held at Elgin Public Library Annex (Civic Center) at 404 N. Main St. Elgin, TX, 78621, U.S.A. The public is welcome 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](mailto: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](mailto:planninganddevelopment@elgintexas.gov) or to (512) 281-0119 or may be requested from the Development Services Department, Fleming Center, 802 N. Avenue C, Elgin, TX 78621 U.S.A. from 8:30 A.M – 4:00 P.M. Central Standard Time, Monday – Friday.

BCAD 15580  
200' ZONING  
VARIANCE  
NOTIFICATION





# Development Services Department

## STAFF REPORT

### Application for Variance

File #202400028

**Date:** April 4, 2024  
**Applicant:** Noe Guerrero  
**Representative:** Same  
**Hearing Date:** Board of Adjustment – April 11, 2024  
**Location & size:** 104 W Ila St., 16,073.64 square feet  
**Zoning District:** R-2

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#### APPLICATION SUMMARY

Consideration (action) by the Board of Adjustment for a Variance to decrease the minimum rear setback from ten feet (10') to ~~eight feet (8')~~ two feet, one inch (2.1') in the south corner of the property as well as a variance to decrease the minimum side setback from five feet (5') to two feet, three inches (2.3' from the side setback for a detached garage located at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W1/2).

#### Department Comments

During the zoning review for the detached garage application at this location, it was determined that the proposed structure will be encroaching on the 10' rear setback of the lot as set forth in Section 46-265. (3) *Rear yard. There shall be a rear yard for a main building and accessory dwelling units of not less than ten feet. Unattached buildings of accessory use are located in the rear yard of a main building.* **The proposed structure will be two feet, one inch (2.1') from the rear setback (see photo #4), thus requiring a variance of seven feet, eleven inches (7.11') on the rear setback. In addition, the proposed structure will be encroaching on the 5' side setback of the lot as set forth in Section 46-265. (2) b.: For unattached buildings of accessory use, not including accessory dwelling units, there shall be a side yard of not less than five feet. The proposed structure will be two feet, three inches (2.3') from the side setback (see photo #6), thus requiring a variance of two feet, nine inches (2.9') on the side setback.**

(Staff note: Staff relied on the applicant's initial site plan (attachment #2) showing the foundation to be six feet (6') from the side setback and eight feet (8') from the rear setback when noticing for this variance. It was subsequently discovered that the foundation form is actually closer than the three feet noted on the application (Attachment #1). This prompted staff to hand deliver the revised notice (Attachment #6) to property owners within 200' of the request.

When informed of the setback encroachments, the property owner stated that he was unable to place the foundation farther away from the side setback do to the fact that there is a forty-foot-tall pecan tree in the yard (see photo #2) that he did not want to remove. No reason was given regarding moving the detached garage out of the rear setback.

**ATTACHMENTS**

Additional information is provided through the attached exhibits.

1. Application
2. Initial Site Plan
3. Notice sent to 200' property owners.
4. Email confirming side and rear setback encroachments
5. Revised Site Plan
6. Revised notice to 200' property owners.
7. Photos

# ZONING VARIANCE APPLICATION

Date: 3/13/2024

## SITE INFORMATION

Project Address: 104 W ILA ST, ELGIN, TX 78621

Parcel Identification Number (if no address): R15580

## APPLICANT

Name: Noe Guerrero

Postal Address: 104 W Ila st. Elgin, TX 78621

E-Mail Address: noeguerrero18@yahoo.com; Phone Number: 512-584-4845

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.

 Noe Guerrero 03/01/2024

Signature

Printed Name

Date

### Project Description:

Applying for a special variance for our Slab project, Zoning code side setback is 7.5'  
with Rear of 10' we are requesting to set our concrete slab at 3' Rear and side setback  
as there's a large 40ft+ pecan tree that would not make it possible to follow the current  
setback codes.



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



(512) 281-0119



www.elgintexas.gov

# Attachment #2 - Initial Site Plan

## SITE PLAN

104 W ILA Street

Elgin, TX 78621

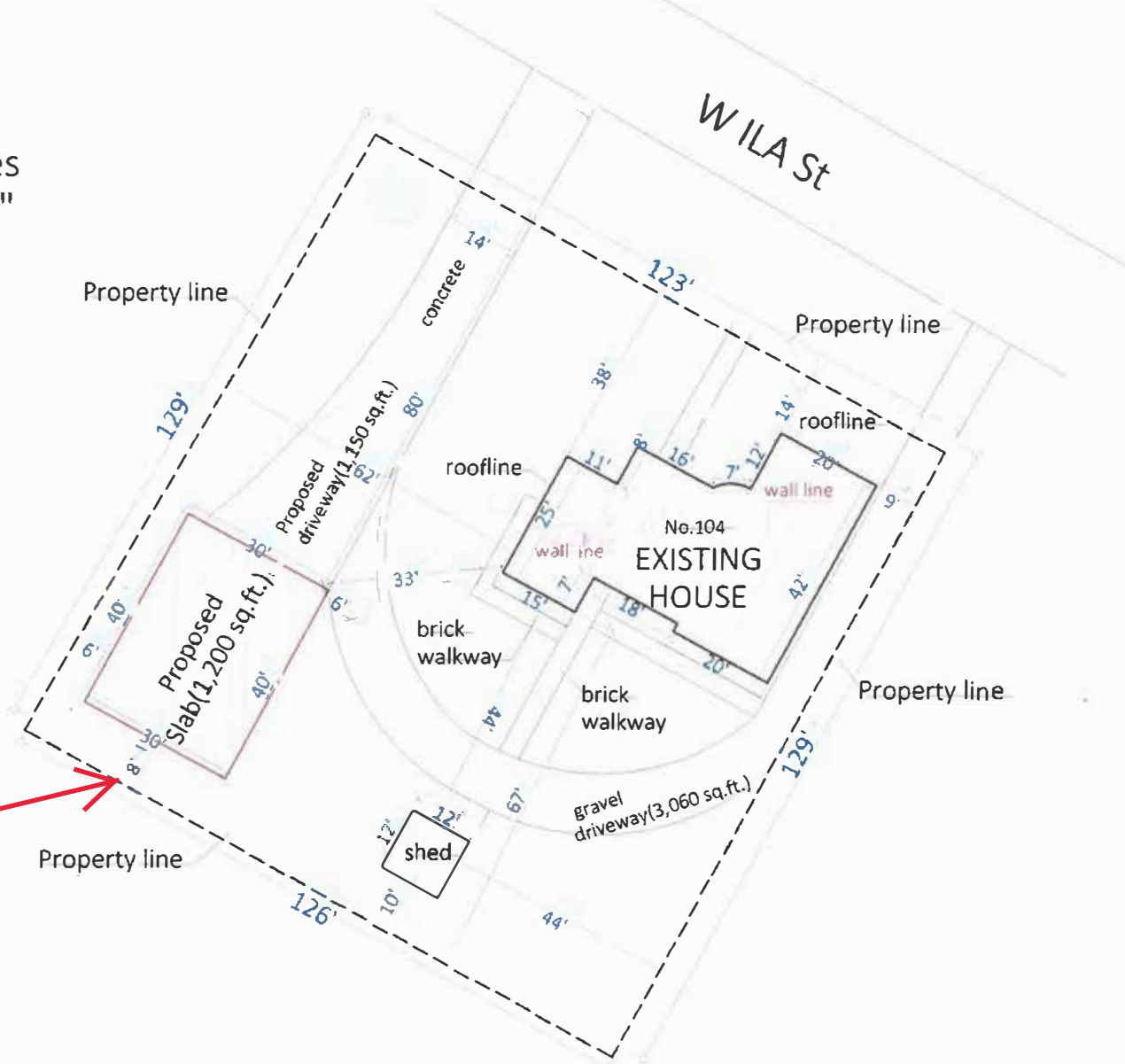
Parcel ID: R15580

Lot area: 0.37 Acres

Paper Size: 11"x17"



scale 1"=20'



**Area of Code Violation**  
**Proposed 8' setback**  
**instead of 10' setback.**





March 22, 2024

## 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 lot making the request (red solid shape) and your lot within the notice area (blue circle). This notice is to inform you of two public hearings to be held by Board of Adjustment as denoted below:

Project #202400021: A zoning variance from Section 46-265 (6) in order to increase the requirement for maximum size of accessory buildings from ten percent (10%) of impervious cover requirements or seven hundred, twenty-three point three square feet (723.3 sf) to sixteen point six percent (16.6%) or twelve hundred point seven square feet (1200.7 sf) for a detached garage in the “R-2” Single Family and Duplex Dwelling District located at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W1/2), as located in Bastrop Co.).

Project #202400028: A zoning variance from Section 46-265 (3) in order to reduce the requirement for a rear yard from ten feet (10’) to eight feet (8’) in the west side of the property for a detached garage in the “R-2” Single-Family and Duplex Dwelling District located at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W ½), as located in Bastrop Co.).

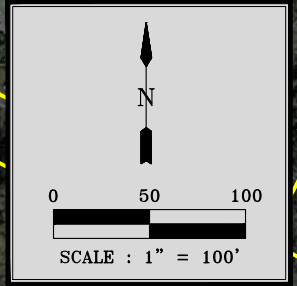
Notice is given of public hearings to be held by the Board of Adjustment on **April 11, 2024**, beginning at **6:30 P.M.** Central Standard Time for consideration. This meeting is to be held at Elgin Public Library Annex (Civic Center) at 404 N. Main St. Elgin, TX, 78621, U.S.A. The public is welcome 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](mailto: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](mailto:planninganddevelopment@elgintexas.gov) or to (512) 281-0119 or may be requested from the Development Services Department, Fleming Center, 802 N. Avenue C, Elgin, TX 78621 U.S.A. from 8:30 A.M – 4:00 P.M. Central Standard Time, Monday – Friday.

BCAD 15580  
200' ZONING  
VARIANCE  
NOTIFICATION



## Attachment # 4 - Email confirming side and rear setback encroachments

**From:** [Melissa Lipiec](#)  
**To:** [Noe Guerrero](#)  
**Cc:** [Charlie Navejas](#); [Junior Puente](#); [Orlando Rodriguez](#)  
**Subject:** RE: Variance Requests  
**Date:** Tuesday, April 2, 2024 8:42:00 AM  
**Importance:** High

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Then please correct your site plan to show that the building will be three feet from the side and rear setbacks.

I will also need photos showing the measurements (I have the photo showing the proximity to the pecan tree). I need photos of the opposite side and the rear. I need photos similar to the one below showing the measurement from the chain link fence and the foundation form and one showing the measurement from the wooden privacy fence to the foundation form. I can send the Code Compliance gentlemen out to take these photos if you are not available to take them today.

Also, please be advised that if/when your variances are granted; your building permit application will be forwarded for review. Our permit technician noted that you did not include an engineered foundation plan with your application. Please note that since you are going vertical over this cement flatwork, you will be required to have an engineered slab. Check with the company you purchased the building from to see if they have an engineer they work with who can review and stamp your foundation plan.



Respectfully,  
Melissa Lipiec  
Planning Technician  
City of Elgin  
Phone: 512-285-6641 direct  
Development Services Department  
802 N Avenue C, Elgin, TX 78621



Link to Zoning Ordinance: [https://library.municode.com/tx/elgin/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH46ZO](https://library.municode.com/tx/elgin/codes/code_of_ordinances?nodeId=PTIICOOR_CH46ZO)

Link to Sign Ordinance: [https://library.municode.com/tx/elgin/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH32SI](https://library.municode.com/tx/elgin/codes/code_of_ordinances?nodeId=PTIICOOR_CH32SI)

Link to permitting system: <https://www.mygovernmentonline.org/>

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**From:** Noe Guerrero <noeguerrero18@yahoo.com>

**Sent:** Tuesday, April 2, 2024 7:28 AM

**To:** Melissa Lipiec <melissa.lipiec@elgintexas.gov>

**Subject:** Re: Variance Requests

**CAUTION:** This email originated from outside of the City of Elgin. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mrs. Lipiec, the 3ft setback is the correct measurement.

On Monday, April 1, 2024 at 04:59:42 PM CDT, Melissa Lipiec <[melissa.lipiec@elgintexas.gov](mailto:melissa.lipiec@elgintexas.gov)> wrote:

Noe,

I am preparing the agenda for the April 11<sup>th</sup> Board of Adjustments meeting and have a question regarding the setbacks. Your application states that you are requesting to “set the concrete slab 3’ rear and side” but your site plan shows that the form is six feet from the side setback and eight feet from the rear setback. Which is correct?

Respectfully,  
Melissa Lipiec  
Planning Technician

City of Elgin

Phone: 512-285-6641 direct  
Development Services Department

802 N Avenue C, Elgin, TX 78621



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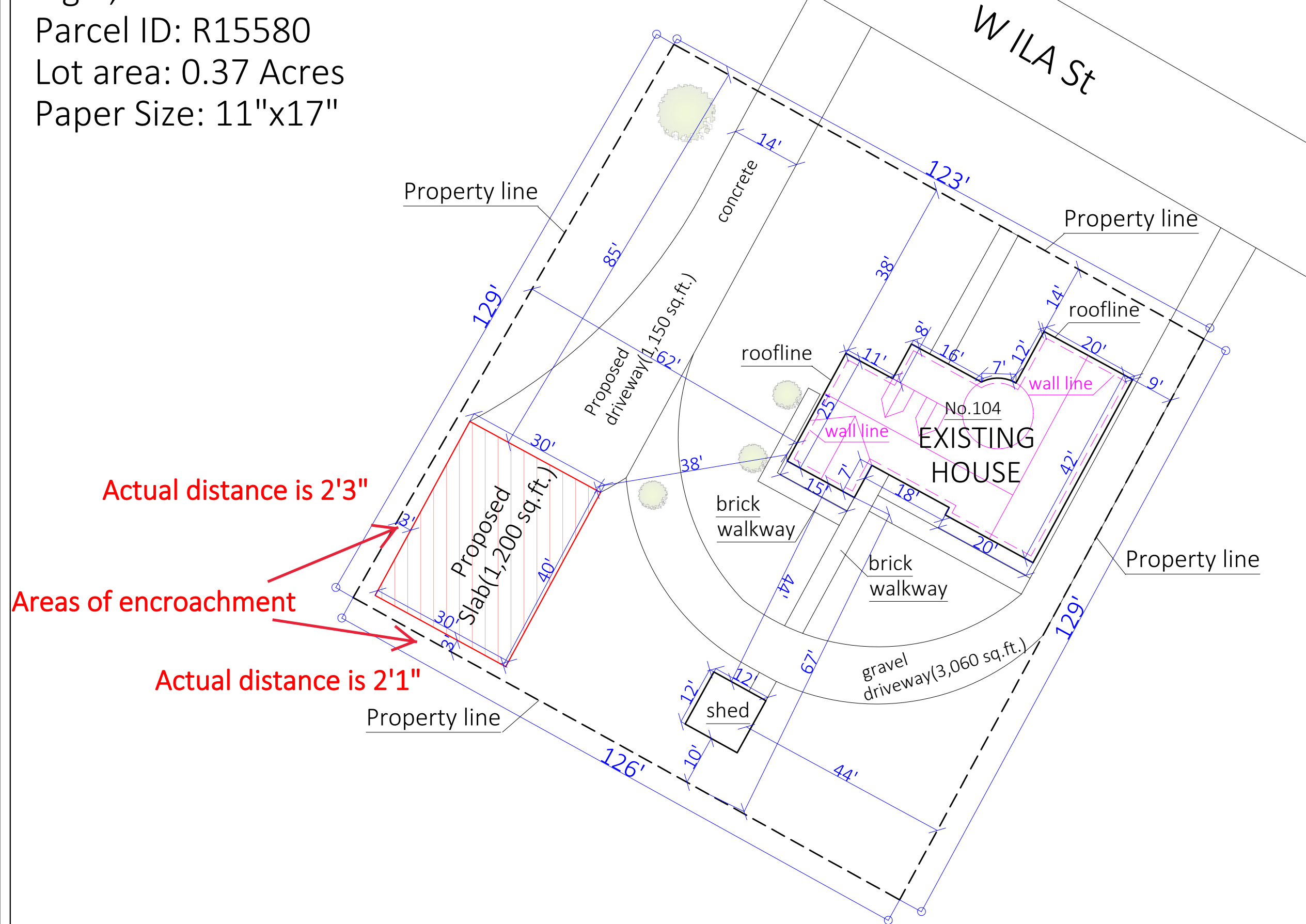
Link to permitting system: <https://www.mygovernmentonline.org/>

# Attachment #5 - Revised site plan

SITE PLAN  
104 W ILA Street  
Elgin, TX 78621  
Parcel ID: R15580  
Lot area: 0.37 Acres  
Paper Size: 11"x17"



scale 1"=20'





April 4, 2024

### NOTICE OF A **REVISED** ZONING VARIANCE REQUEST

You were sent a notice via certified mail on March 22, 2024, regarding a variance request for a detached garage at 104 W Ila Street. It has since been discovered that the request is actually to reduce **both** the side and rear setbacks as indicated **in red** on the revised notice attached.

If you have any questions regarding this matter, please contact our office at 512-281-0119 or [planninganddevelopment@elgintexas.gov](mailto:planninganddevelopment@elgintexas.gov) or attend the meeting on Thursday, April 11, 2023.



March 22, 2024

## 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 this lot making the request (red solid shape) and your lot within the notice area (blue circle). This notice is to inform you of two public hearings to be held by Board of Adjustment as denoted below:

Project #202400021: A zoning variance from Section 46-265 (6) in order to increase the requirement for maximum size of accessory buildings from ten percent (10%) of impervious cover requirements or seven hundred, twenty-three point three square feet (723.3 sf) to sixteen point six percent (16.6%) or twelve hundred point seven square feet (1200.7 sf) for a detached garage in the “R-2” Single Family and Duplex Dwelling District located at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W1/2), as located in Bastrop Co.).

Project #202400028: A zoning variance from Section 46-265 (3) in order to reduce the requirement for a rear yard from ten feet (10’) to ~~eight feet (8’)~~ two feet, one inch (2.1’) in the ~~west south~~ side of the property as well as a variance from Section 46-2653 (2) in order to reduce the requirement for a side setback from five feet (5’) to two feet, three inches (2.3’) on the west side of the property for a detached garage in the “R-2” Single-Family and Duplex Dwelling District located at 104 W Ila St. (Dannelley, Lots 72 (FR), 73 & 74 (W ½), as located in Bastrop Co.).

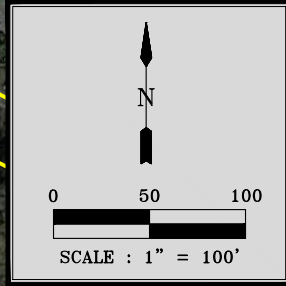
Notice is given of public hearings to be held by the Board of Adjustment on **April 11, 2024**, beginning at **6:30 P.M.** Central Standard Time for consideration. This meeting is to be held at Elgin Public Library Annex (Civic Center) at 404 N. Main St. Elgin, TX, 78621, U.S.A. The public is welcome 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](mailto: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](mailto:planninganddevelopment@elgintexas.gov) or to (512) 281-0119 or may be requested from the Development Services Department, Fleming Center, 802 N. Avenue C, Elgin, TX 78621 U.S.A. from 8:30 A.M – 4:00 P.M. Central Standard Time, Monday – Friday.

BCAD 15580  
200' ZONING  
VARIANCE  
NOTIFICATION



ATTACHMENT # 7 - 104 W ILA STREET PHOTOS

PHOTO # 1 – VIEW FROM FRONT OF PROPERTY TO REAR



PHOTO # 2 – VIEW OF DISTANCE FROM PECAN TREE ON EAST SIDE OF PROPOSED GARAGE



The measurement is showing to be approximately 78.5 inches or 6', 7.5" from the 40 foot-tall pecan tree.

PHOTO #3 – SHOWING MEASUREMENT BEING TAKEN AT REAR PROPERTY LINE



PHOTO # 4 – SHOWING DISTANCE FROM REAR PROPERTY LINE



The measurement is showing to be 25” or 2 foot, one inch from the south (rear) property line and not three feet as listed on the application.

PHOTO #5 VIEW SHOWING MEASUREMENT BEING TAKEN AT SIDE PROPERTY LINE



PHOTO # 6 SHOWING DISTANCE FROM SIDE PROPERTY LINE



The measurement is showing to be 27" or 2 foot, 3 inches from the west (side) property line and not three feet as indicated on the application.

PHOTO #7 – SHOWING VIEW FROM REAR PROPERTY LINE TO STREET



Note that there is no obstruction preventing the applicant from moving the proposed structure out of the ten foot rear setback.