

**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
Melissa Lipiec, Secretary

On a motion by Stephen Kylburg, seconded by Stephen Finley
the foregoing instrument was passed and approved on this 11 day of April, 2024.