



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

I. CALL TO ORDER

II. 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 regarding posted agenda items or non-agenda items. Individuals requesting to speak or address the Board of Adjustments 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 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 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. April 11, 2024 Minutes

IV. NEW BUSINESS

1. **Project #202400047: A zoning variance from Section 46-303 (2) in order to reduce the requirement for a seven and one half foot (7.5') setback in the side yard to three feet, six inches (3.17') on the west side of the dwelling to allow for the encroachment of a four-foot wide (4') by eight foot long (8') slab for two air conditioning compressor units in the "R-3" Single Family and Duplex Dwelling District located at 311 Gettysburg Loop (Parcel Number 92746, Shenandoah Subdivision Phase IV, Lot 13, Acres 0.1500, 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 #202400050: A special exception from Section 44-82 – Screening and buffers (1) in order to reduce the requirement for screening of outdoor storage equipment by up to 10% for the addition of a twenty-two and nine-tenths foot (22.9') by twenty-one foot (21') cooler/freezer owned by the Neidig Elementary School at 13700 County Line Road on a parcel of land known by the Travis County Central Appraisal District as Parcel No. 576923 and located in the William Hines Survey Number 53, Abstract Number 345.**
 - A. Staff Presentation
 - B. Applicant Presentation
 - C. Open Public Hearing
 - D. Close Public Hearing
 - E. Discussion
 - F. Consideration

3. **Project #202400053: A zoning variance from Section 46-265 (5) in order to reduce the requirement for a seven thousand and five hundred square foot (7,500 ft²) lot area to seven thousand one hundred and one quarter square feet (7,100.25 ft²) (a reduction of three hundred ninety-nine and three quarters square feet (399.75 ft²)) in the "R-2" Single Family and Duplex Dwelling District located at 109 W 10th Street near the intersection of North Avenue C and West 10th Street on Parcel number 8719241, in the Wade & Owens Subdivision, Block 6, Lot 3 A W (FR), as located in Bastrop County.**
 - A. Staff Presentation
 - B. Open Public Hearing
 - C. Close Public Hearing
 - D. Discussion
 - E. 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 July, 5, 2024, in accordance with Chapter 551 of the Texas Government Code.



Beau Perry, Development Services Director

**MINUTES
CITY OF ELGIN BOARD OF ADJUSTMENTS
SPECIAL MEETING
THURSDAY, APRIL 11, 2024**

I. CALL TO ORDER-ROLL CALL: The Chair called the meeting to order at 6:33 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, Stephen Finley, David Lanford and S.H. McShan

BOARD ABSENT: Darren Mogonye and Senior Alternate Suzannah DesRoches.

STAFF PRESENT: Beau Perry, Development Services Director and 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. February 8, 2024, minutes.

Stephen Finley moved that the Board approve the consent agenda. Stephen Kylberg seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.

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 – Beau Perry stated that the two variance requests on this agenda are for the same property. He explained that the property is not exceeding the overall impervious cover threshold for the lot; they are just exceeding the size limit for detached accessory buildings.

B. Applicant Presentation – Noe Guerrero read a brief statement regarding the need for a garage on the lot and his desire to follow City regulations.

C. Open Public Hearing – The public hearing was opened at 6:41 P.M. There was one member of the public present to speak on this item.

Rosillo V. Martinez, daughter of Esmeralda Vega, of 109 W Ila Street asked if the proposed detached garage would affect the neighboring lots’ property taxes.

Noe Guerrero (applicant) presented a petition signed by eight neighbors in support of his project.

Jessica Ruvalcaba (co-applicant) stated that they attempted to contact all the occupants within the notice area.

IV. NEW BUSINESS (Cont.)

Beau Perry asked Melissa Lipiec whether the Development Services office received any communication from the notices that were mailed to property owners. Melissa Lipiec stated that two notices were sent, one via certified mail and a second on April 5th hand delivered but received no communication either in support or opposition to the variance request.

- D. Close Public Hearing – The public hearing was closed at 6:46 P.M.
 - E. Discussion – There was some discussion among the Commission and staff regarding impervious cover limits in relation to lot size. Beau Perry stated that the drainage will be addressed at the permitting process.
 - F. Consideration – Stephen Kylberg moved that the Commission approve Project #202400021 increasing the maximum size of accessory buildings from ten percent of impervious cover requirements to 16.6% or 1,200.7 square feet to allow for a detached garage. S. H. McShan seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.
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 – Beau Perry stated that the petitioner was given the option to move the location of the detached garage out of the setback or to seek a variance. He also stated that the variance would be specific to the proposed project and would not apply to the setbacks to the entire lot. He also mentioned that the proximity to the side setback would require mitigation such as gutters to keep water from shedding off the roof of the detached garage onto the neighboring lot.
 - B. Applicant Presentation – Noe Guerrero stated that the reason for the encroachment on the setbacks was to avoid having to cut the pecan tree in their yard.
 - C. Open Public Hearing – The public hearing was opened at 7:17 P.M. There were no members of the public present to offer comments on this item.
 - D. Close Public Hearing – The public hearing was closed at 7:17 P.M.
 - E. Discussion – There was some discussion regarding the topography of the lot which is flat. There was also discussion about whether the building could be moved farther away from the rear setback to allow for maintenance of the building and yard in that area. Stephen Kylberg asked the applicant how far away from the rear property line he was willing to move the building and he stated that six feet would be possible. There was some discussion regarding how and if the placement of the detached garage would affect the horseshoe shaped drive. Beau Perry reiterated that a solution for the drainage from the roof of the detached garage would be addressed at the building permit process should the variance be granted.
 - F. Consideration – Stephen Kylberg moved that the Board approve Project #202400028 a zoning variance from Section 46-265 (3) in order to reduce the requirement for a rear yard setback from ten feet to six feet (6') on the south side of the property and a variance from 46-265 (2) in order to reduce the requirement from side setback from five feet to two feet three inches on the west side of the property for the detached garage in the "R-2" Single Family and Duplex Dwelling District located at 104 West Ila with the understanding that staff will have to approve a drainage plan to mitigate the drainage from the setback reduction. Stephen Finley seconded the motion. David Lanford requested discussion about whether the side setback should be increased to three feet.

IV. NEW BUSINESS (Cont.)

Each board member weighed in on that suggestion and the Chairman called for a vote on the motion which was made and seconded. The motion passed with a vote of four (4) for (Stephen Kylberg, Stephen Finley, Regan Dumbeck and S.H. McShan) and one (1) against (David Lanford) on a roll call vote. A supermajority (75%) of the Board has approved the variance request in accordance with State law to approve the item.

ANNOUNCEMENTS

Melissa Lipiec stated that it did not appear that the Board would meet in May because no requests have been received.

ADJOURNMENT

The meeting was adjourned at 7:28 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

Zoning Variance

Project Number: 202400047

Date: June 17, 2024
Applicant: Noriega Puente Construction
Representative: Jacinto Noriega
Hearing Dates: Board of Adjustments – July 11, 2024

Location: BCAD Parcel 92746, located on in the Shenandoah Subdivision, Phase IV, Lot 13, aka 311 Gettysburg Loop

APPLICATION SUMMARY

Consideration of a variance granting a reduction of the side setback from 7.5' to 3'6" on the west side of the dwelling to allow for a 4'X8' cement slab for two air conditioner compressor units.

DEPARTMENT COMMENTS

Noriega Puente Construction applied for and obtained a building permit to construct a two-story single-family dwelling at the above referenced parcel. The site plan that was submitted with the building permit application showed the "HVAC pad" located at the rear of the house in the back yard (see attachment #2). The HVAC pad was ultimately placed on the west side of the house within the setback (see attachment #3 and photos 1-3). The request is to reduce the setback from 7.5' or 90" to 3.17' or 38.04" (see photo #4) (a reduction of 57.74%). The variance would be in this area only and not grant the property owner the right to further encroach on the side setback in other areas on this side of the property.

If the Board does not grant the variance reducing the side setback in this area; the applicant would be required to move the HVAC equipment to the back of the house and remove the cement slab in that area.

ATTACHMENTS

1. Application
2. Approved site plan
3. Map showing area of encroachment
4. Photos showing encroachment and measurements
5. Notice sent to 200' property owners

ZONING VARIANCE APPLICATION

Date: 05/29/24

SITE INFORMATION

Project Address: 311 Gettysburg Loop Elgin Tex. 78621

Parcel Identification Number (if no address): _____

APPLICANT

Name: Noriega Puente Contreras

Postal Address: 2715 Stem Boss Rd Unit 566
Round Rock Texas

E-Mail Address: Noriegaframing@gmail.com Phone Number: 512 923-8679

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.

Jacinto Noriega Jr Jacinto Noriega Jr 05/29/24

Signature

Printed Name

Date

Project Description:

AG in set back



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



(512) 281-0119



www.elgintexas.gov

Project ID: 202400047

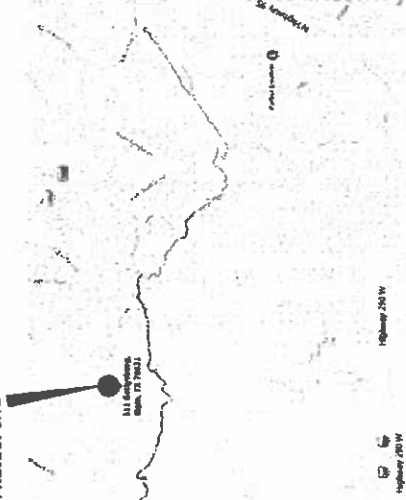
Paid by CC on 5/29/24

NEW SINGLE-FAMILY RESIDENCE

OWNER/DEVELOPER:
MR. ADRIAN BARRON
311 GETTYSBURG LOOP
ELGIN, TEXAS 78621

PROJECT SITE

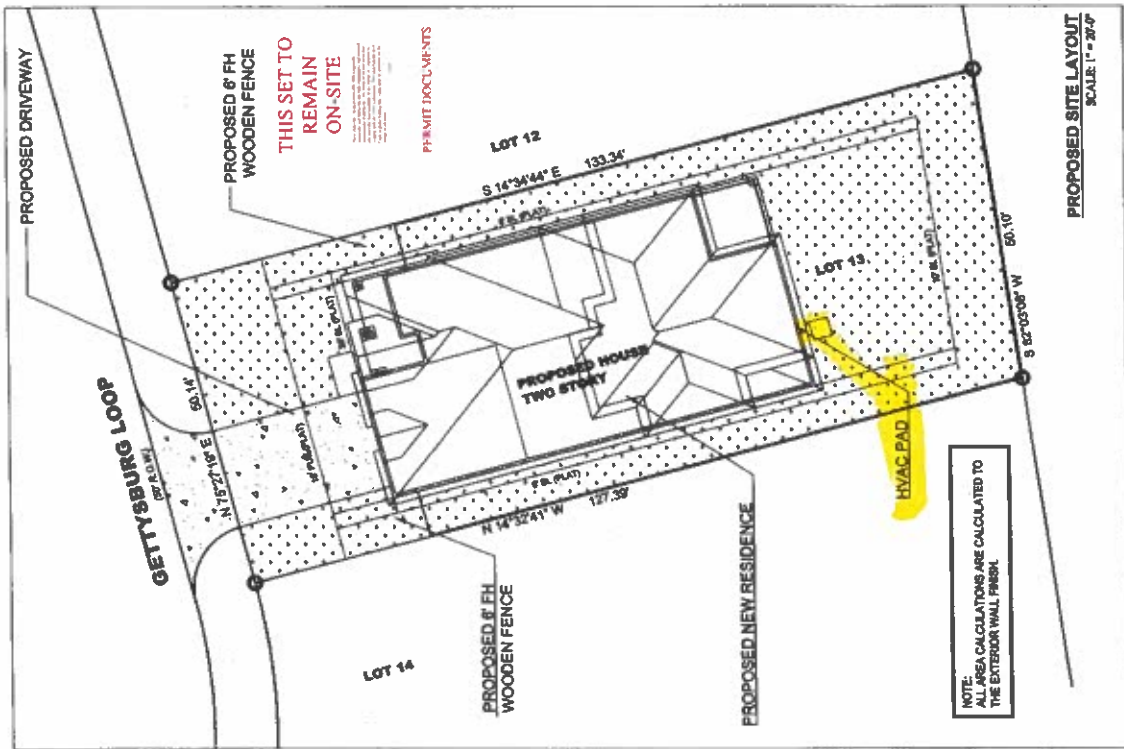
GOOGLE MAPS N.T.S.



311 GETTYSBURG LOOP
ELGIN, TEXAS 78621

BUILDING COVERAGE & IMPERVIOUS COVER

Area Description	Existing Sq Ft	New/Added Sq Ft	Total Sq Ft
1st floor	1,792.00		1,792.00
2nd floor	843.00		843.00
3rd floor			
Basement			
Covered parking	418.00		418.00
Covered deck	112.00		112.00
Covered porch	134.00		134.00
Balcony			
Other concrete areas			
Total Building Area	3,237.00		3,237.00
Total Building Coverage	2,594.00		2,594.00
Driveway	400.00		400.00
Sidewalks			
Uncovered patio			
Uncovered deck			
Other flatwork (pool coping, retaining walls, etc.)			
Total Impervious Coverage	0.00	2,794.00	2,794.00
Pool (surface area)			
Spa (surface area)			
Let Use	6,506.60		
Existing Building Coverage %	0.00%		
Total Building Coverage %	36.18%		
Existing Impervious Coverage %	0.00%		
Total Impervious Coverage %	42.93%		



GENERAL NOTES:

- THE SITE PLAN TO HAVE SIDE SETBACKS A MINIMUM OF 7.5 FEET AS THIS IS A TWO-STORY BUILDING (SEC. 46-303.00, CITY CODE).
- ADDED SCHEMATICS S-1, M-4, M-5, M-7, AND M-8 TO THE BUILDING SETS FOR CONSTRUCTION IN THE ROW. SEE SHEET SP-2
- THE LOCATION OF THE HVAC PAD. THIS CANNOT BE IN A SETBACK. NO STRUCTURE CAN OCCUPY THE YARD (SETBACK) (SEC. 46-1.1 DEFINITION OF "STRUCTURE" AND "YARD").
- THIS TYPE OF SOIL TO BE PLANTED WHERE NEEDED AFTER CONSTRUCTION THIS MUST BE DROUGHT-TOLERANT (SEC. 44, CITY CODE).
- PROVIDE FOR A NOTE THAT ANY SOIL WILL BE WATERED BY A MANUAL HOSE (SEC. 44, CITY CODE).
- THE SITE PLAN TO ADD A PRIVACY FENCE AT THE REAR AND SIDE YARDS OF THE PROPERTY IF NO FENCES EXIST. NOTE THE HEIGHT OF THE FENCE FROM GRADE TO THE HIGHEST PORTION, CANNOT EXCEED MORE THAN SIX (6) FEET IN THE REAR AND SIDE YARDS. THE FENCE MUST BE AT LEAST FOUR (4) FEET (SEC. 46-334, CITY CODE).
- ADD A NOTE INDICATING THAT ANY WOODEN FENCES SHALL BE PAINTED WITH A CLEAR-COAT OR EARTH-TONE COLORS (INCLUDING STAINING). THESE COLORS MUST BE INDICATED AS NOTE ON THE SITE PLAN. BATH TUBS CANNOT BE DEPICTED AS GREENS, REDS, BLUES, YELLOWS, GRANGES, GREYS, AND WHITES. ADD A NOTE INDICATING THE METAL POSTS ON A WOODEN FENCE ARE NOT TO BE PAINTED (SEC. 46-303(5), CITY CODE).
- THE SITE PLAN INDICATING THE ATTRACTIVE PORTIONS (W/BACK-SIDE) OF THE WOODEN FENCE WILL FACE OUTWARD FROM THE PROPERTY ALONG THE STREET (SEC. 46-303(5), CITY CODE).

LEGEND



CONTENTS

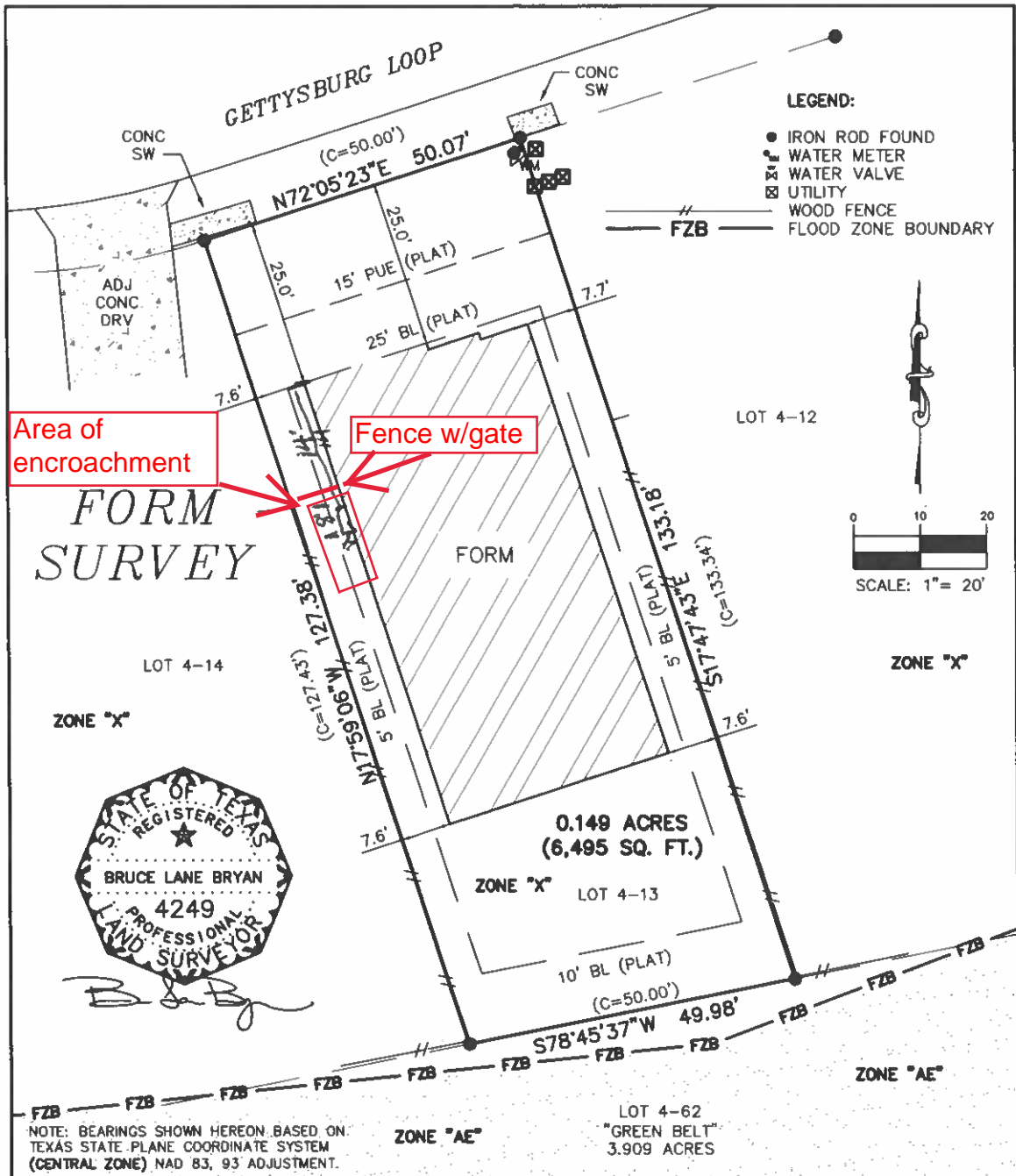
- C-1.....COVER SHEET & SITE LAYOUT
- SP-1.....ENLARGED SITE PLAN
- SP-2.....GENERAL DETAILS
- A-1.....FIRST FLOOR PLAN
- A-2.....SECOND FLOOR PLAN
- A-3.....EXTERIOR ELEVATIONS I
- A-4.....EXTERIOR ELEVATIONS II
- A-5.....ROOF PLAN
- E-1.....ELECTRICAL PLAN LEVEL 1
- E-2.....ELECTRICAL PLAN LEVEL 2

OWNER:
MR. ADRIAN BARRON

BARRON RESIDENCE
311 GETTYSBURG LOOP
ELGIN, TEXAS

COVER SHEET
& SITE LAYOUT

SHEET:
C-1
OF 10



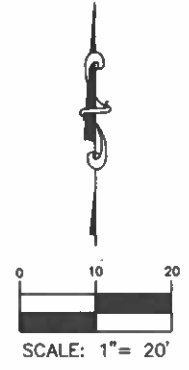
Area of encroachment

Fence w/gate

FORM SURVEY



- LEGEND:**
- IRON ROD FOUND
 - WATER METER
 - WATER VALVE
 - ⊠ UTILITY
 - ▭ WOOD FENCE
 - FZB — FLOOD ZONE BOUNDARY



NOTE: BEARINGS SHOWN HEREON BASED ON TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE) NAD 83, 93 ADJUSTMENT.

THIS IS TO CERTIFY THAT, ON THIS DATE, A TRUE AND ACCURATE SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION OF PROPERTY LOCATED AT 311 GETTYSBURG LOOP IN BASTROP COUNTY, TEXAS, DESCRIBED AS FOLLOWS: LOT 4-13, SHENANDOAH SUBDIVISION, PHASES IV & V, A SUBDIVISION IN BASTROP COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN CABINET 4, PAGE 76B - 77A OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS.

FLOOD NOTE:
 THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE FLOOD AREA BEING IDENTIFIED ON F. I. R. M. PANEL NO. 48021C0075E EFFECTIVE 1-19-2008 LOCATED IN ZONE "X".

NOTE: THIS TRACT IS SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RIGHT TO CREATE ADDITIONAL PUBLIC UTILITY EASEMENTS, IF ANY, ACROSS SUBJECT PROPERTY AS SHOWN IN CABINET 4, PAGES 76B - 77A PRBC. DOCUMENT NO. 200214848 OPRBC.

TO: NORIEGA HOMES
 RE: 311 GETTYSBURG LOOP, PROJ. NO. 22-102

NOTE: NO TITLE COMMITMENT SUPPLIED OR REVIEWED FOR THIS PROJECT. PARTIES TO THIS TRANSACTION ARE RESPONSIBLE FOR VERIFICATION OF ALL EASEMENTS, COVENANTS AND CONDITIONS WHICH MAY AFFECT THIS TRACT BUT ARE NOT SHOWN HEREON.

SURVEYORS CERTIFICATE

THE PLAT SHOWN HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN, ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY, SET BACK FROM THE PROPERTY LINES THE DISTANCES INDICATED. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

DATE: MARCH 27, 2023

BRYAN TECHNICAL SERVICES, INC.

911 NORTH MAIN TAYLOR, TX 76774 PHONE: (512) 353-9090
 FIRM No. 10128500
 bryantechnicalservices.com

311 Gettysburg Loop Photos of encroachment



The HVAC pad is located on the west side of the house behind the privacy fence.

The HVAC pad is four feet (4') wide



By eight feet (8') long



The HVAC pad is thirty-eight inches (38") from the fence





June 17, 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 a public hearing to be held by Board of Adjustment as denoted below:

Project #202400047: A zoning variance from Section 46-303 (2) in order to reduce the requirement for a seven and one half foot (7.5’) setback in the side yard to three feet, six inches (3’, 6”) on the west side of the dwelling to allow for the encroachment of a four foot wide (4’) by eight foot long (8’) slab for two air conditioning compressor units in the “R-3” Single Family and Duplex Dwelling District located at 311 Gettysburg Loop (Parcel Number 92746, Shenandoah Subdivision Phase IV, Lot 13, Acres 0.1500, as located in Bastrop Co.).

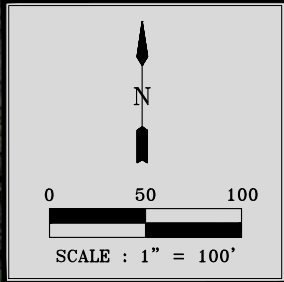
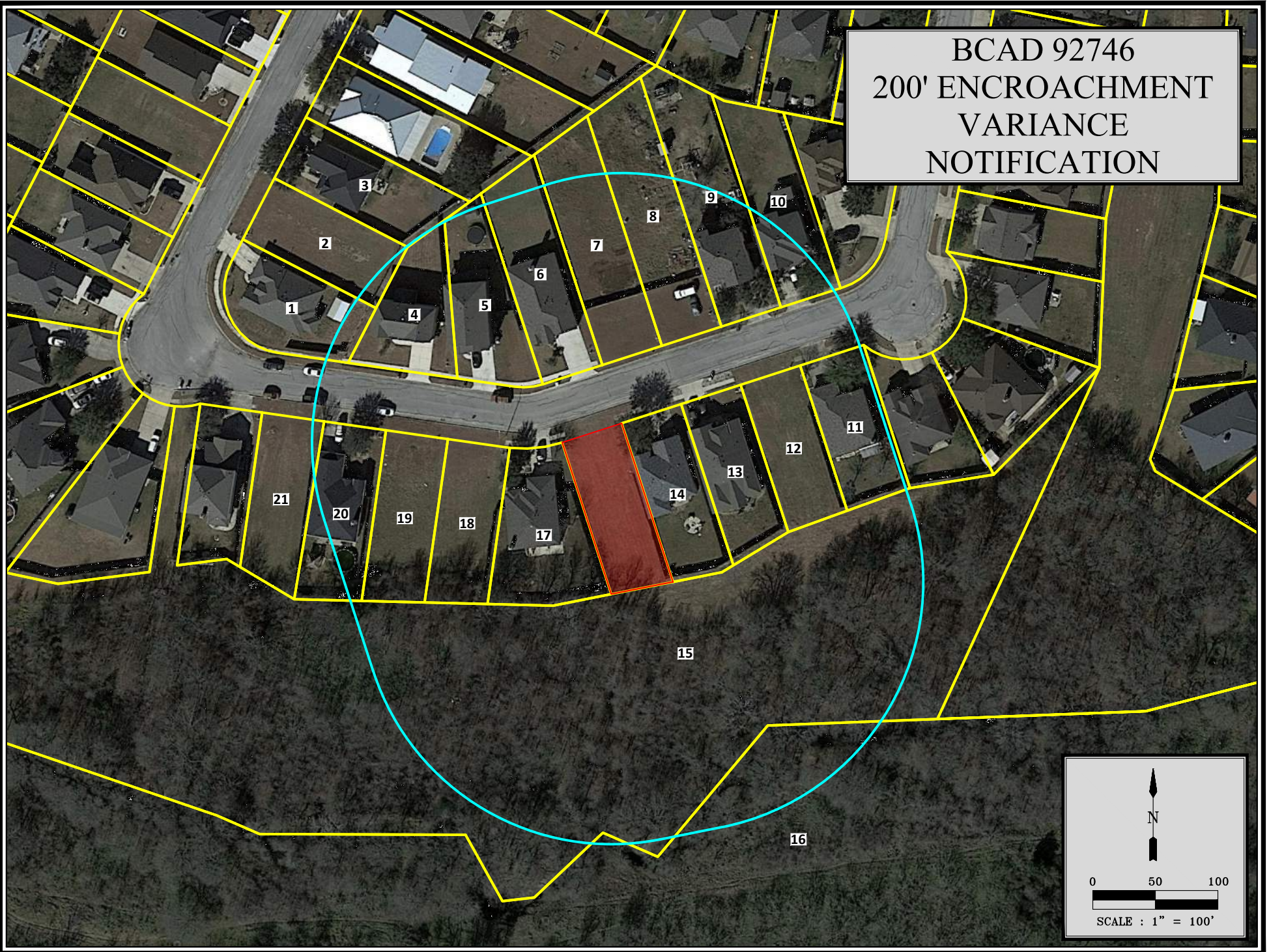
Notice is given of a public hearing to be held by the Board of Adjustment on **July 11, 2024**, beginning at **6:30 P.M.** Central Standard Time for consideration. This meeting is to be held at Elgin Public Library Annex (Civic Center) at 404 N. Main St. Elgin, TX, 78621, U.S.A. The public is welcome 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 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 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 92746
200' ENCROACHMENT
VARIANCE
NOTIFICATION





Development Services Department

STAFF REPORT

Special Exception

Project Number: 202400050

Date: July 1, 2024
Applicant: Elgin ISD (Neidig Elementary)
Representative: Gentry Colvin – O’Connell Robertson
Hearing Dates: Board of Adjustments – July 11, 2024
Location: TCAD Parcel 576923, located at 13700 County Line Road

APPLICATION SUMMARY

Consideration of a Special Exception from Section 44-82 – Screening and buffers. The Elgin Independent School District will be installing a new approximately 480 square foot outdoor cooler/freezer in the existing courtyard on the north side of the building. The existing courtyard is partially screened from view by a brick wall. The proposed outdoor cooler/freezer (aka outdoor storage) will extend past brick wall (front elevation) for approximately five feet (5’).

DEPARTMENT COMMENTS

[Section 44-82 – Screening and buffers](#) establishes requirements to screen specific non-residential uses or structures from public and private view. Item (1) e. specifically states that outdoor storage shall be screened from public and private views by means of a six-foot masonry wall on three sides (minimum). This means that the existing 47-foot-long masonry wall would need to be extended approximately five feet (5’). [Section 46-693 – Special exception approval](#) allows the Board of Adjustments the authority to grant a special exception from the screening and buffering requirements. Ten percent of the required 52-foot-long masonry wall would be 5.2’ thus meeting the 10% limit set out in Section 46-693 (c).

ATTACHMENTS

1. Application with narrative
2. Owner’s Authorization
3. Diagram showing location of the proposed cooler/freezer
4. Notice sent to 200’ property owners

SPECIAL EXCEPTION APPLICATION

Date: _____

SITE INFORMATION

Project Address: _____

Parcel Identification Number (if no address): _____

APPLICANT

Name: _____

Postal Address: _____

E-Mail Address: _____; **Phone Number:** _____

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.

_____	_____	_____
Signature	Printed Name	Date

Project Description:



City of Elgin

Special Exception Application Narrative

Date: June 6, 2024

Re: City of Elgin - Special Exception Application for Cooler/Freezer Addition at Elgin Independent School District Neidig Elementary School

To: City of Elgin Development Review Committee

From: Gentry Colvin

This document is the narrative to explain how the Special Exemption Request is not contrary to the public interest and meets the spirit of the Code per the Special Exception Application Packet Section 102: Application Submission Requirements item D.

The existing courtyard at Neidig Elementary is 240 feet away from County Line Road at an immediate right angle from the courtyard to the road. The distance from the courtyard to the road at any other angle aside from the right angle is an even greater distance.

The courtyard is can be considered such a far distance from the road that the contents within the courtyard that can be seen between the existing screening wall is negligible. Please see attached image with google maps view from County Line Road looking towards the courtyard. The existing courtyard is small within view and again, can be considered negligible.

We respectfully request a Special Exception from the screening requirements to add Neidig Elementary's new proposed outdoor cooler/freezer within the existing screened courtyard.

Best Regards,



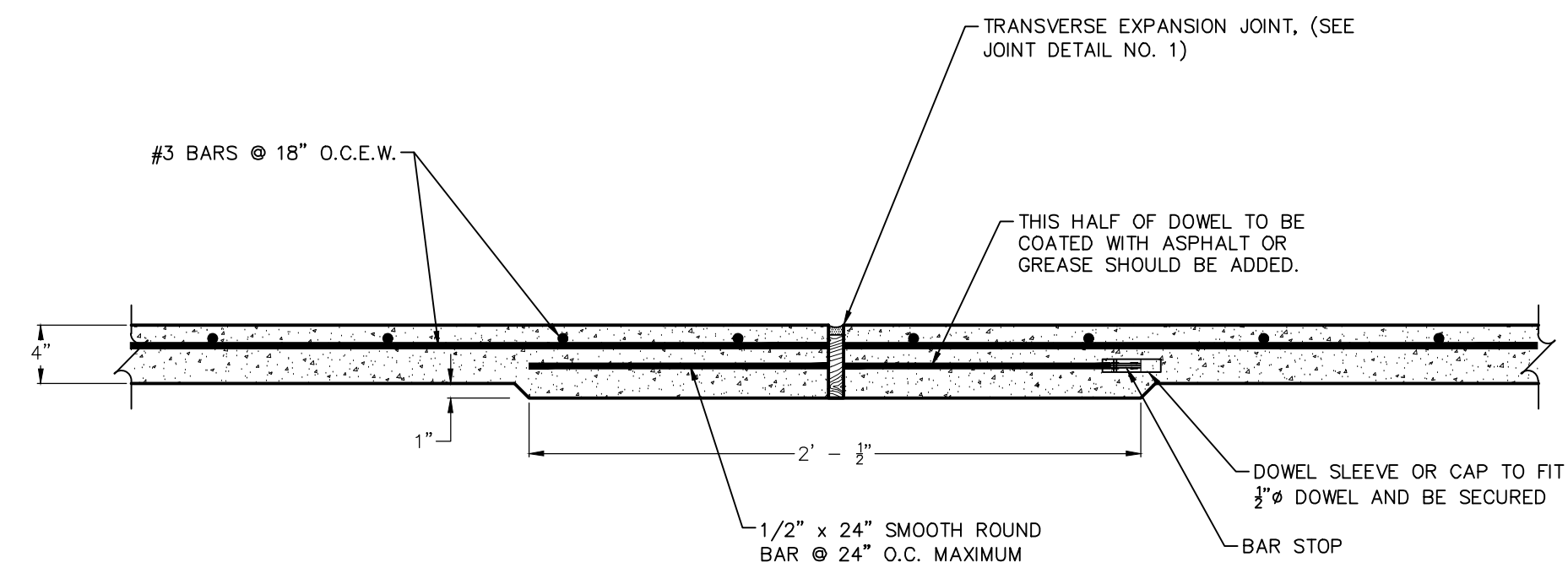
Gentry Colvin, PE
Mechanical Engineer, Project Manager
O'Connell Robertson

Attachments: View of existing Neidig Elementary courtyard from County Line Rd.

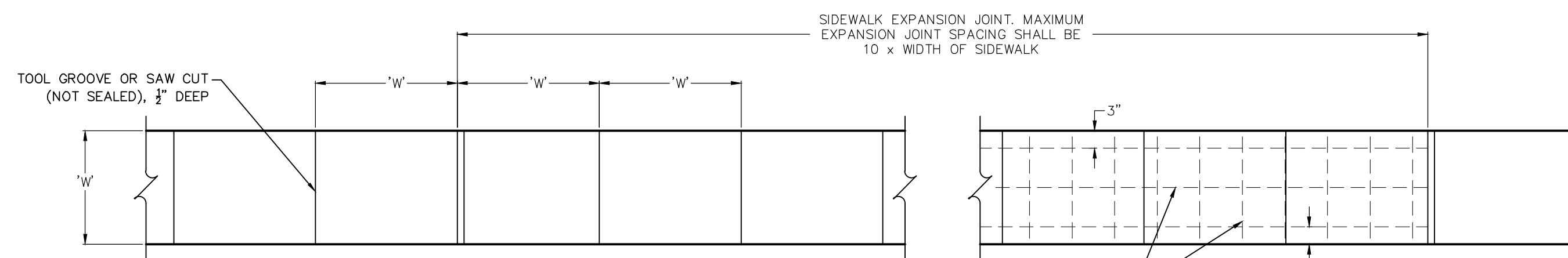


View into courtyard from
County Line Road



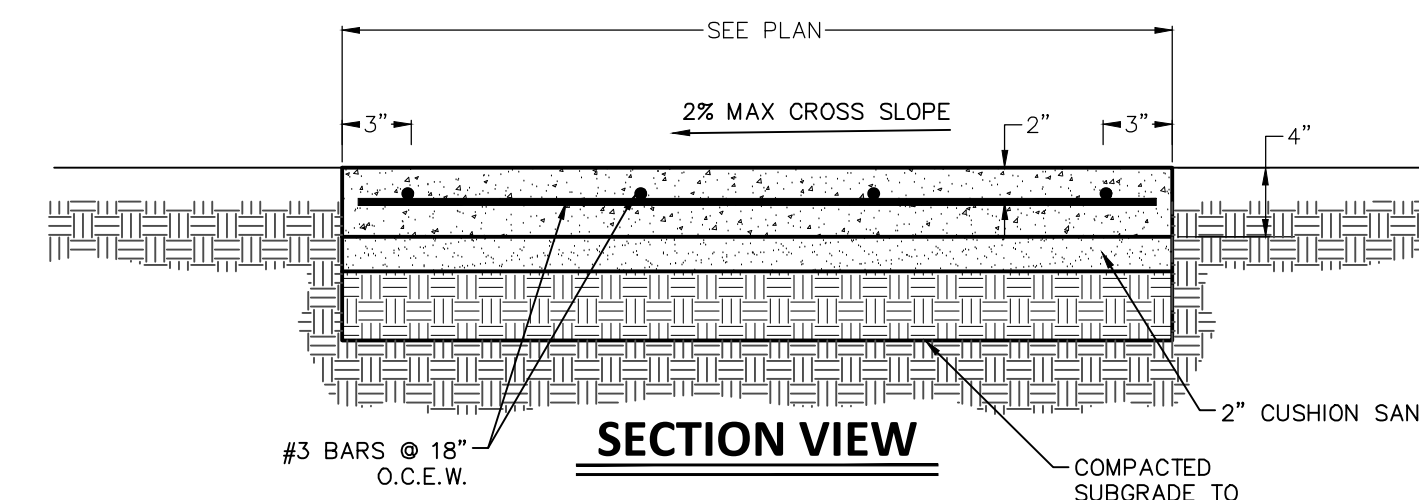


SIDEWALK EXPANSION JOINT
NOT TO SCALE



NOTE:
W = SIDEWALK WIDTH AS INDICATED ON THE PLANS.

PLAN VIEW



SECTION VIEW
REINFORCED CONCRETE SIDEWALK
NOT TO SCALE

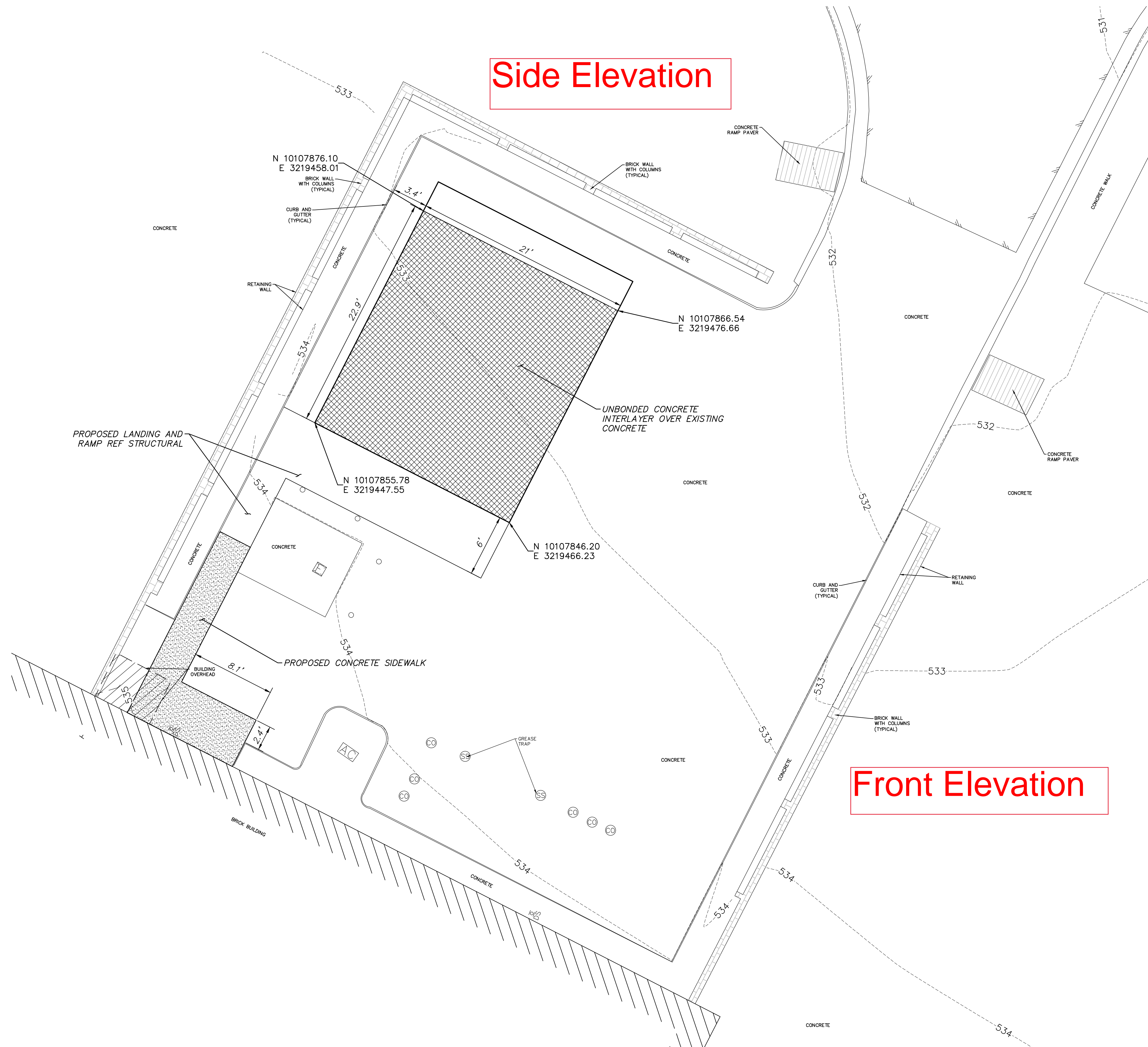
WARNING TO CONTRACTOR
CALL TEXAS 811 (LOCATING SERVICE) OR OTHER UTILITY LOCATING SERVICES 48 HOURS PRIOR TO CONSTRUCTION ACTIVITY. EXISTING UTILITY DATA IS PROVIDED FOR INFORMATION ONLY. ALTHOUGH THIS DATA IS SHOWN AS ACCURATELY AS POSSIBLE, THE CONTRACTOR IS CAUTIONED THAT DUNAWAY ASSOCIATES L.P. DOES NOT ASSUME OR IMPLY ANY RESPONSIBILITY FOR THE ACCURACY OF THIS DATA.

UTILITY NOTES:
1. THE EXISTING UTILITIES SHOWN ON THE PLANS WERE COMPILED FROM VARIOUS SOURCES AND ARE INTENDED TO SHOW THE GENERAL EXISTENCE AND LOCATION OF UTILITIES IN THE AREA OF CONSTRUCTION.
2. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE UTILITY INFORMATION SHOWN ON THE PLANS.
3. THE CONTRACTOR SHALL CONTACT A UTILITY LOCATING SERVICE 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES AND DETERMINE IF THERE ARE ANY CONFLICTS WITH THE PROPOSED FACILITIES. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY WHEN CONFLICTS WITH EXISTING UTILITIES ARE DISCOVERED.

BENCHMARKS:
SITE BENCHMARK:
CP 101
BOX WITH "X" CUT ON TOP OF CURB NEAR THE CORNER OF CONCRETE PARKING LOT, APPROXIMATELY 7.8' SOUTHWEST OF EXISTING LAMP POST AND APPROXIMATELY 44' NORTHWEST OF EXISTING STORM MANHOLE INLET, AS SHOWN HEREON.
ELEVATION = 531.78'



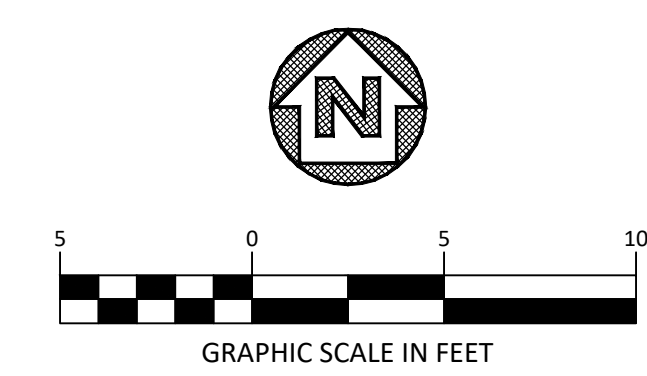
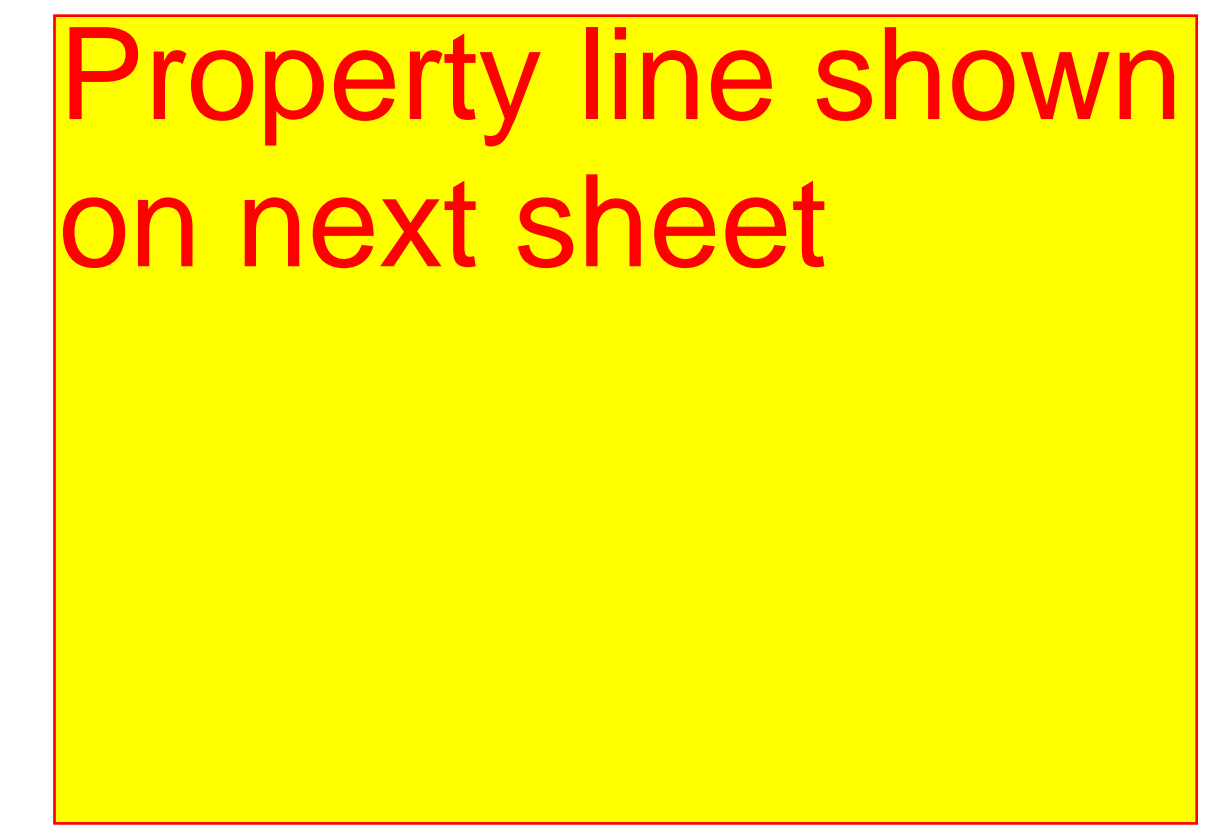
Side Elevation



Front Elevation

PAVING LEGEND	
	PROPOSED 4" 2,500 PSI PORTLAND CEMENT CONCRETE SIDEWALK W/ #3 BARS @ 18" O.C.E.W. ON COMPACTED SUBGRADE
	PROPOSED UNBONDED CONCRETE INTERLAYER WITH 180Z/50 YD NONWOVEN NEEDLE PUNCHED GEOTEXTILE (MIRAFI S1600 OR EQUIVALENT).

NOTES
1. CONTRACTOR TO REFERENCE GEOTECHNICAL REPORT PREPARED BY ALLIANCE ENGINEERING GROUP, INC PROJECT NUMBER AE23-0103-MISC, DATED NOVEMBER 30TH, 2023 FOR PAVEMENT SPECIFICATIONS AND ALTERNATIVES.
2. CONTRACTOR TO SUBMIT CONCRETE JOINT PLAN TO ENGINEER FOR REVIEW.



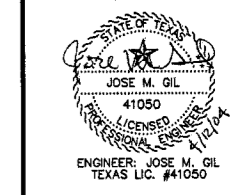
Revisions:
NO. DESCRIPTION DATE

02/09/2024
Project No. 2167.03
CONTRACT DOCUMENTS

Property Line Plan

DATE 12 APRIL 2004
 DRAWN BY
 CHECKED
 COMM NO 1443.03.002
 REVISED

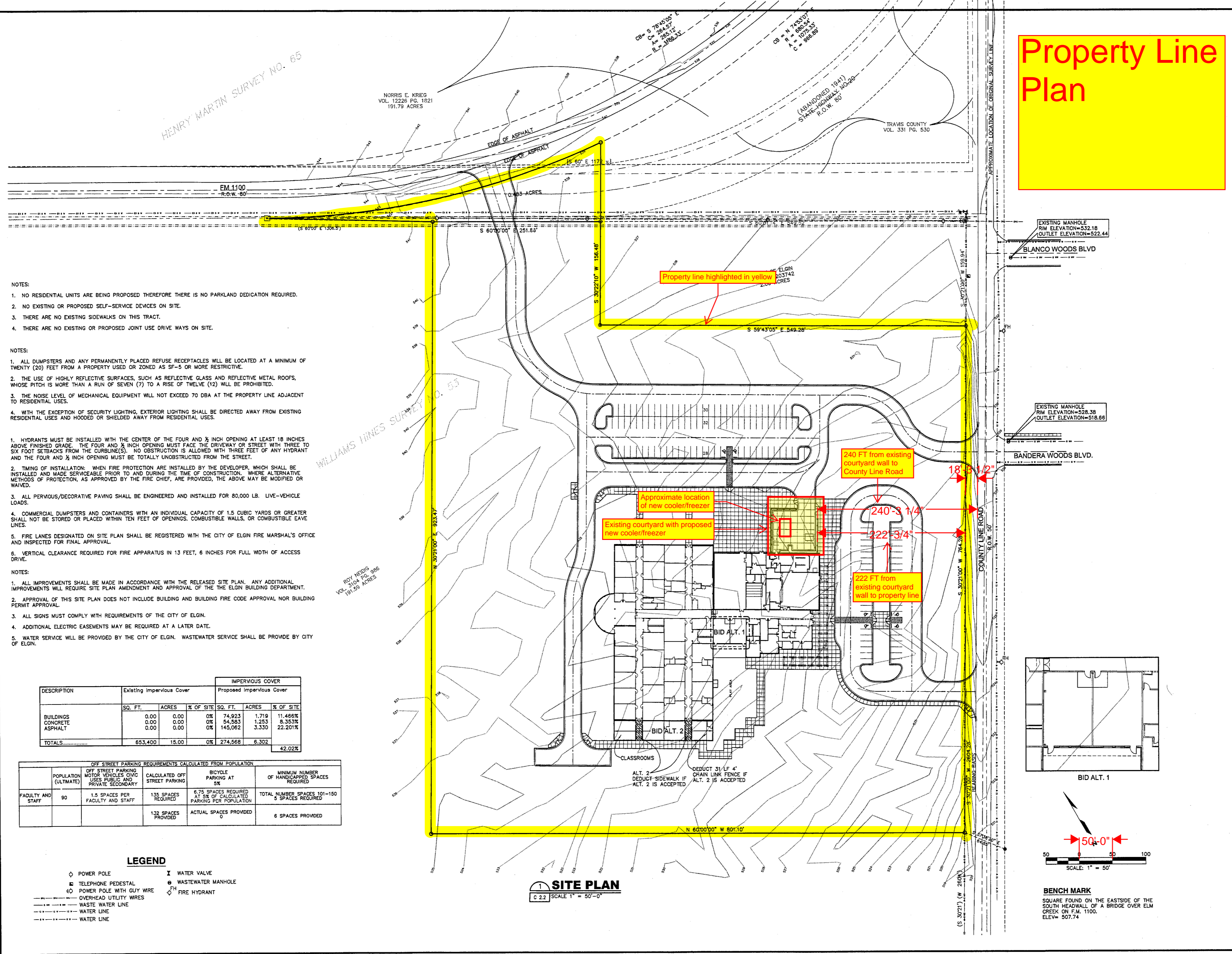
NEIDIG ELEMENTARY SCHOOL ELGIN INDEPENDENT SCHOOL DISTRICT ELGIN, TEXAS



SHW
 Architects + Planners
 SHW Group LLP

SHEET NUMBER
2.2
 OF
 SET NUMBER

© 2004 SHW Group LLP



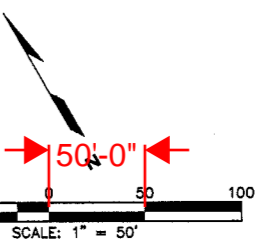
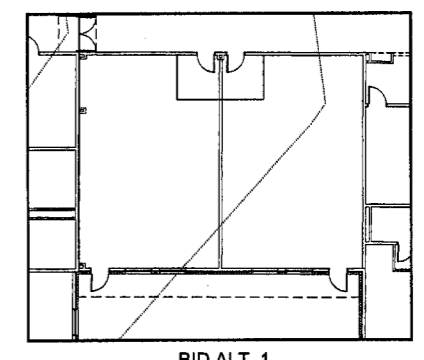
- NOTES:**
- NO RESIDENTIAL UNITS ARE BEING PROPOSED THEREFORE THERE IS NO PARKLAND DEDICATION REQUIRED.
 - NO EXISTING OR PROPOSED SELF-SERVICE DEVICES ON SITE.
 - THERE ARE NO EXISTING SIDEWALKS ON THIS TRACT.
 - THERE ARE NO EXISTING OR PROPOSED JOINT USE DRIVE WAYS ON SITE.
- NOTES:**
- ALL DUMPSTERS AND ANY PERMANENTLY PLACED REFUSE RECEPTACLES WILL BE LOCATED AT A MINIMUM OF TWENTY (20) FEET FROM A PROPERTY USED OR ZONED AS SF-5 OR MORE RESTRICTIVE.
 - THE USE OF HIGHLY REFLECTIVE SURFACES, SUCH AS REFLECTIVE GLASS AND REFLECTIVE METAL ROOFS, WHOSE PITCH IS MORE THAN A RUN OF SEVEN (7) TO A RISE OF TWELVE (12) WILL BE PROHIBITED.
 - THE NOISE LEVEL OF MECHANICAL EQUIPMENT WILL NOT EXCEED 70 DBA AT THE PROPERTY LINE ADJACENT TO RESIDENTIAL USES.
 - WITH THE EXCEPTION OF SECURITY LIGHTING, EXTERIOR LIGHTING SHALL BE DIRECTED AWAY FROM EXISTING RESIDENTIAL USES AND HOODED OR SHIELDED AWAY FROM RESIDENTIAL USES.
- HYDRANTS MUST BE INSTALLED WITH THE CENTER OF THE FOUR AND 1/2 INCH OPENING AT LEAST 18 INCHES ABOVE FINISHED GRADE. THE FOUR AND 1/2 INCH OPENING MUST FACE THE DRIVEWAY OR STREET WITH THREE TO SIX FOOT SETBACKS FROM THE CURBLINE(S). NO OBSTRUCTION IS ALLOWED WITH THREE FEET OF ANY HYDRANT AND THE FOUR AND 1/2 INCH OPENING MUST BE TOTALLY UNOBSTRUCTED FROM THE STREET.
 - TIMING OF INSTALLATION: WHEN FIRE PROTECTION ARE INSTALLED BY THE DEVELOPER, WHICH SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING THE TIME OF CONSTRUCTION. WHERE ALTERNATIVE METHODS OF PROTECTION, AS APPROVED BY THE FIRE CHIEF, ARE PROVIDED, THE ABOVE MAY BE MODIFIED OR WAIVED.
 - ALL PERVIOUS/DECORATIVE PAVING SHALL BE ENGINEERED AND INSTALLED FOR 80,000 LB. LIVE-VEHICLE LOADS.
 - COMMERCIAL DUMPSTERS AND CONTAINERS WITH AN INDIVIDUAL CAPACITY OF 1.5 CUBIC YARDS OR GREATER SHALL NOT BE STORED OR PLACED WITHIN TEN FEET OF OPENINGS, COMBUSTIBLE WALLS, OR COMBUSTIBLE EAVE LINES.
 - FIRE LANES DESIGNATED ON SITE PLAN SHALL BE REGISTERED WITH THE CITY OF ELGIN FIRE MARSHAL'S OFFICE AND INSPECTED FOR FINAL APPROVAL.
 - VERTICAL CLEARANCE REQUIRED FOR FIRE APPARATUS IN 13 FEET, 6 INCHES FOR FULL WIDTH OF ACCESS DRIVE.
- NOTES:**
- ALL IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE RELEASED SITE PLAN. ANY ADDITIONAL IMPROVEMENTS WILL REQUIRE SITE PLAN AMENDMENT AND APPROVAL OF THE THE ELGIN BUILDING DEPARTMENT.
 - APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING AND BUILDING FIRE CODE APPROVAL NOR BUILDING PERMIT APPROVAL.
 - ALL SIGNS MUST COMPLY WITH REQUIREMENTS OF THE CITY OF ELGIN.
 - ADDITIONAL ELECTRIC EASEMENTS MAY BE REQUIRED AT A LATER DATE.
 - WATER SERVICE WILL BE PROVIDED BY THE CITY OF ELGIN. WASTEWATER SERVICE SHALL BE PROVIDED BY CITY OF ELGIN.

DESCRIPTION	Existing Impervious Cover			IMPERVIOUS COVER		
	SQ. FT.	ACRES	% OF SITE	SQ. FT.	ACRES	% OF SITE
BUILDINGS	0.00	0.00	0%	74,923	1.719	11.466%
CONCRETE	0.00	0.00	0%	54,583	1.253	8.353%
ASPHALT	0.00	0.00	0%	145,062	3.330	22.201%
TOTALS	653,400	15.00	0%	274,568	6.302	42.02%

FACILITY AND STAFF	POPULATION (ULTIMATE)	OFF STREET PARKING REQUIREMENTS CALCULATED FROM POPULATION			
		1.5 SPACES PER FACULTY AND STAFF	135 SPACES REQUIRED	6.75 SPACES REQUIRED AT 5% OF CALCULATED PARKING PER POPULATION	MINIMUM NUMBER OF HANDICAPPED SPACES REQUIRED
	90				TOTAL NUMBER SPACES 101-150 5 SPACES REQUIRED
			132 SPACES PROVIDED	ACTUAL SPACES PROVIDED	6 SPACES PROVIDED

- LEGEND**
- POWER POLE
 - TELEPHONE PEDESTAL
 - POWER POLE WITH GUY WIRE
 - OVERHEAD UTILITY WIRES
 - WASTE WATER LINE
 - WATER LINE
 - WATER LINE
 - ⊗ WATER VALVE
 - ⊗ WASTEWATER MANHOLE
 - ⊗ FIRE HYDRANT

1 SITE PLAN
 C 2.2 SCALE 1" = 50'-0"



BENCH MARK
 SQUARE FOUND ON THE EASTSIDE OF THE SOUTH HEADWALL OF A BRIDGE OVER ELM CREEK ON F.M. 1100. ELEV= 507.74



June 17, 2024

NOTICE OF A SPECIAL EXCEPTION 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 a public hearing to be held by Board of Adjustment as denoted below:

Project #202400050: A special exception from Section 44-82 – Screening and buffers (1) in order to reduce the requirement for screening of ground-mounted equipment by 10% for the addition of a twenty-two and nine-tenths foot (22.9’) by twenty-one foot (21’) cooler/freezer owned by the Neidig Elementary School at 13700 County Lind Road on a parcel of land known by the Travis County Central Appraisal District as Parcel No. 576923 and located in the William Hines Survey Number 53, Abstract Number 345.

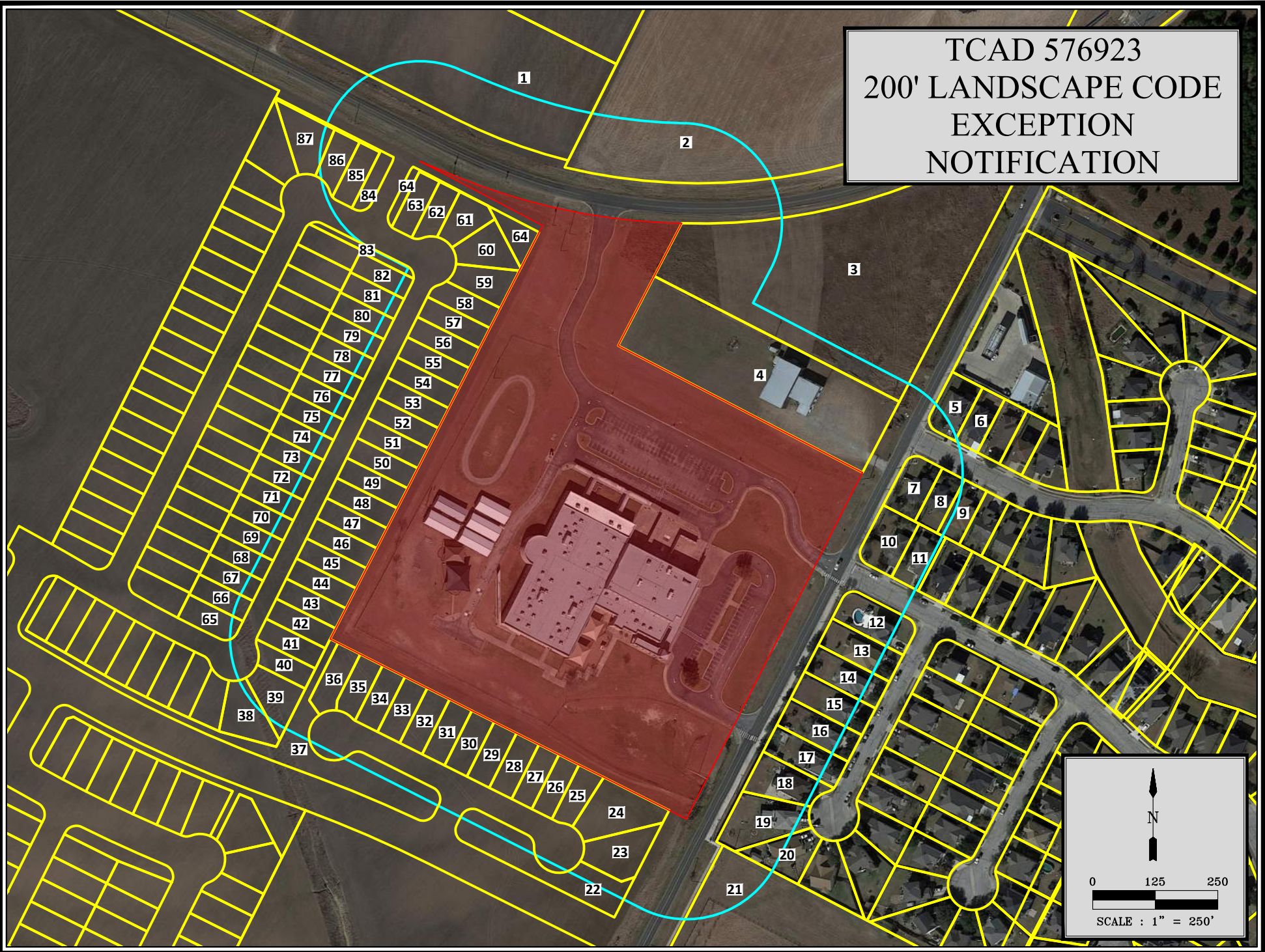
Notice is given of a public hearing to be held by the Board of Adjustment on **July 11, 2024**, beginning at **6:30 P.M.** Central Standard Time for consideration. This meeting is to be held at Elgin Public Library Annex (Civic Center) at 404 N. Main St. Elgin, TX, 78621, U.S.A. The public is welcome 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 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 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.

TCAD 576923
200' LANDSCAPE CODE
EXCEPTION
NOTIFICATION





Development Services Department

STAFF REPORT

Zoning Variance

Project Number: 202400053

Date: July 2, 2024
Applicant: City of Elgin
Representative: Beau Perry, P.E.
Hearing Dates: Board of Adjustments – July 11, 2024

Location: BCAD Parcel 8719241, located on West 10th Street, near the intersection of North Avenue C.

APPLICATION SUMMARY

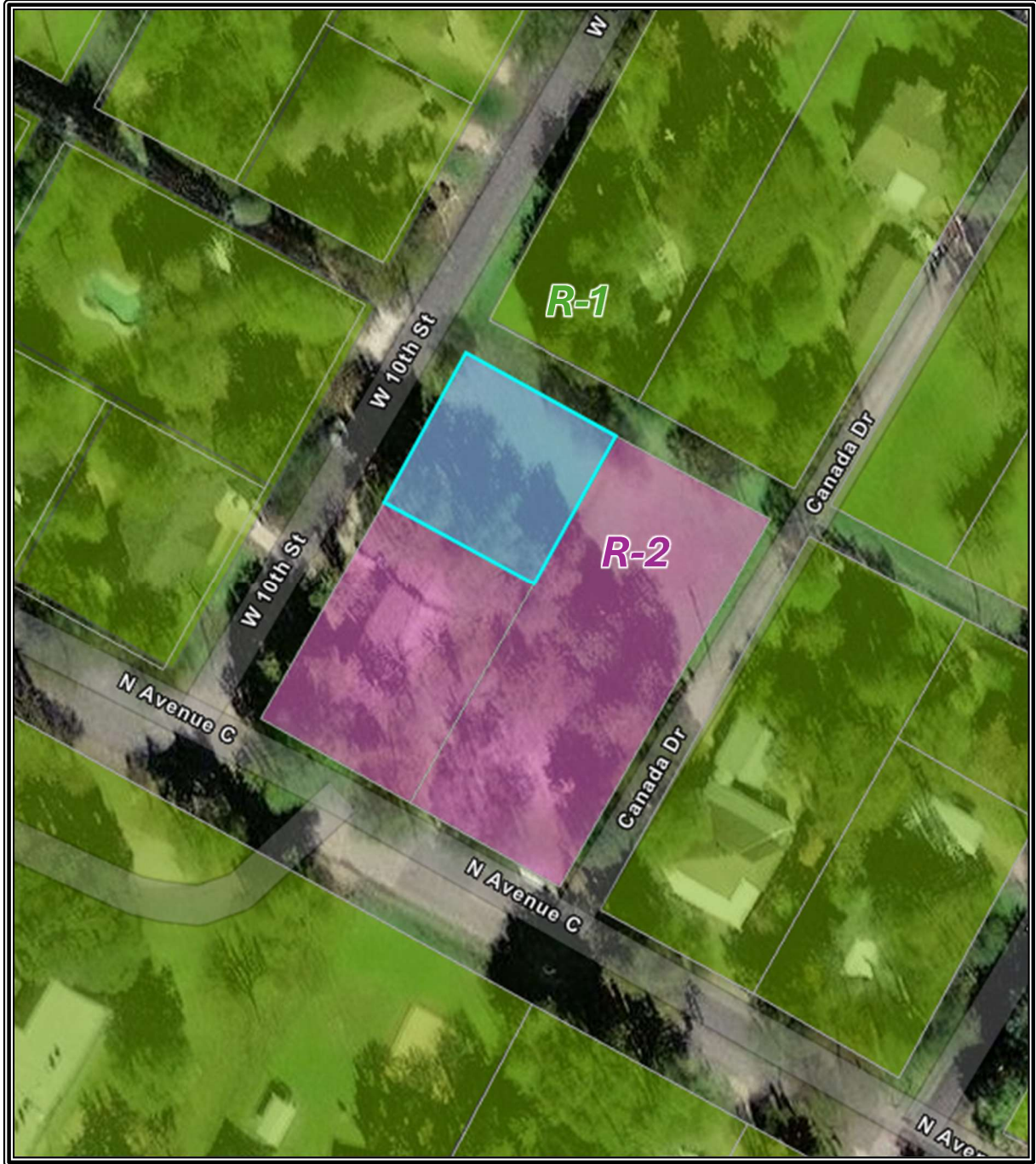
The parcel in question is part of the Wade and Owens Subdivision (Lot 3 A W(FR) meaning that it was cut out of lot 3. The lot is currently zoned R-2 and is vacant. The property was sold this past April, and the new owners wish to develop it. The Development Services office is requiring them to submit an Amending Plat to formally create the lot.

DEPARTMENT COMMENTS

Upon closer review of the property details, it was discovered that the lot size of 7,100.28 square feet does not meet the [R-2 Area regulations](#) which are 7,500 square feet. The Development Services Department recognized and acknowledged that the only way to remedy this would be to request a variance and agreed to bring the variance request to the Board of Adjustments as part of the Amending Plat process. Staff recommends granting the variance.

ATTACHMENTS

1. Zoning Map showing location of the area
2. Copy of deed containing metes and bounds description of the lot
3. Copy of notice sent to 200' property owners



ZONING MAP SURROUNDING BCAD ID 8719241



Krista Bartsch

KRISTA BARTSCH, County Clerk

Bastrop Texas

April 24, 2024 09:09:26 AM

FEE: \$37.00
DEED

202406604

AUSTIN TITLE COMPANY

GF# 1706312400070-135

SPACE ABOVE THIS LINE FOR RECORDING INFORMATION

SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GF# 1706312400070

Date: APRIL 23, 2024

Grantor: BRIAN LUNDGREN AND JAMIE LUNDGREN

Grantor's Mailing Address: 1202 NORTH MAIN, ELGIN, TEXAS 78621

Grantee: RICARDO I. VELAZQUEZ AND LUCIA NUNEZ PENA

Grantee's Mailing Address: 104 WEST HIGHFIELD STREET, HUTTO, TEXAS 78634

Consideration: TEN AND NO/100-----(\$10.00)-----DOLLARS, and other good and valuable consideration, the receipt of which is hereby acknowledged and confessed.

Property (including any improvements):

BEING THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

Reservations from Conveyance: NONE

Exceptions to Conveyance and Warranty:

THIS CONVEYANCE IS EXECUTED, DELIVERED AND ACCEPTED SUBJECT TO AD VALOREM TAXES FOR THE CURRENT YEAR, ROLLBACK TAXES DUE TO THIS CONVEYANCE OR GRANTEE'S USE OF THE SUBJECT PROPERTY, MAINTENANCE FUND LIENS, ZONING ORDINANCES, UTILITY DISTRICT ASSESSMENTS AND STANDBY FEES, IF ANY, ANY AND ALL VALID UTILITY EASEMENTS CREATED BY THE DEDICATION DEED OR PLAT OF THE SUBDIVISION IN WHICH SAID REAL PROPERTY IS LOCATED, RECORDED EASEMENTS, MINERAL RESERVATIONS AND LEASES, RESTRICTIONS, COVENANTS, CONDITIONS, RIGHTS OF WAY EASEMENTS, IF ANY, AFFECTING THE HEREIN DESCRIBED PROPERTY BUT ONLY TO THE EXTENT THE SAME ARE VALID AND SUBSISTING.

Grantor, for the consideration and subject to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, when the claim is by, through, or under Grantor, but not otherwise.

When the context requires, singular nouns and pronouns include the plural.


BRIAN LUNDGREN



JAMIE LUNDGREN

(Acknowledgment)

THE STATE OF TEXAS
COUNTY OF BASIN

This instrument was acknowledged before me on the 23 day of April, 2024, by
BRIAN LUNDGREN AND JAMIE LUNDGREN.





Notary Public, State of Texas
Notary's Name (printed):
Notary's commission expires:

NOTICE: This document affects your legal rights. Read it carefully before signing.

AFTER RECORDING RETURN TO:
RICARDO I. VELAZQUEZ AND LUCIA NUÑEZ
PENA
104 WEST HIGHFIELD STREET
HUTTO, TEXAS 78634

PREPARED IN THE LAW OFFICE OF:
NEWMAN & LAWLER
A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW
200 BAILEY AVE., SUITE 100
FORT WORTH, TEXAS 76107

EXHIBIT A

0.163 ACRE OF LAND BEING A PORTION OF LOT 3, BLOCK 6, WADE & OWENS ADDITION, CITY OF ELGIN, BASTROP COUNTY, TEXAS, A SUBDIVISION PER VOLUME 53, PAGE 537, DEED RECORDS AND CABINET 1, PAGE 100B, PLAT RECORDS OF BASTROP COUNTY AND BEING ALL OF THAT TRACT CONVEYED AS TRACT 2 TO NELLIE LUNDGREN PER VOLUME 544, PAGE 283, OFFICIAL RECORDS OF BASTROP COUNTY AND MORE PARTICULARLY DESCRIBED BY THE FOLLOWING METES AND BOUNDS OF SURVEY DURING JUNE, 2021:

BEGINNING at an iron rod set for the northwest corner hereof and of said Lot 3 and the intersection of the east line of W 10th St (Joe Sayers Street - 60' r.o.w., established 30' easterly of and parallel to the average centerline of found monuments on both east and west lines of said W 10 St) with the south line of an unopened 40' r.o.w.,

THENCE S 62° 35'58" E, 84.49 feet (horizontal control (bearing basis) per Grid North, Texas Central Coordinate Zone, NAD83) along the south line of said unopened 40' r.o.w, to an iron rod set for the northeast corner hereof and common north corner of said Lundgren tract and that tract conveyed to Elizabeth Johnson per Bastrop Central Appraisal District Records;

THENCE S 27°21'26" W, 84.00 feet over and across said Lot 3 along the common line of said Lundgren and said Johnson tracts to an iron rod set for the southeast corner hereof and common east corner of said Lundgren tract and that tract conveyed to Margi Middaugh per Volume 110, Page 429 (CORRECT DEED Volume 201, Page 572) of said Deed Records;

THENCE N 62°35'58" W, 84.49 feet to an iron rod set for the southwest corner hereof, the common west corner of said Lundgren and said Middaugh tracts and a point on the east line of said W 10th St;

THENCE N 27°21'26" E, 84.00 feet along the east line of said W 10 St to the POINT OF BEGINNING, containing 0.163 acre of land, more or less.



June 17, 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 a public hearing to be held by Board of Adjustment as denoted below:

Project #202400053: A zoning variance from Section 46-265 (5) in order to reduce the requirement for a seven thousand and five hundred square foot (7,500 ft²) lot area to seven thousand one hundred and one quarter square feet (7,100.25 ft²) (a reduction of three hundred ninety nine and three quarters square feet (399.75 ft²)) in the “R-2” Single Family and Duplex Dwelling District located at 109 W 10th Street near the intersection of North Avenue C and West 10th Street on Parcel number 8719241, in the Wade & Owens Subdivision, Block 6, Lot 3 A W (FR), as located in Bastrop County.

Notice is given of a public hearing to be held by the Board of Adjustment on **July 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 or by postal mail at the following:

City of Elgin
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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 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 8719241
200' LOT REDUCTION
NOTIFICATION

