

**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
Melissa Lipiec, Secretary

On a motion by STEPHEN FINLEY, seconded by S.H. MCSHAN
the foregoing instrument was passed and approved on this 11 day of JULY, 2024.