



**ELGIN BOARD OF ADJUSTMENT AGENDA
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
October 10, 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 Adjustment regarding posted agenda items or non-agenda items. Individuals requesting to speak or address the Board of Adjustment 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 Commissioner, 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. July 11, 2024 Minutes

IV. NEW BUSINESS

1. **Election of Chair and Vice-Chair for October 2024 to September 2025.**
2. **Project #202400064: A zoning variance from Section 46-739 (b) (3) a. in order to increase the maximum height of a monopole from one hundred and fifty feet (150') to one hundred and eighty feet (180') to allow for the construction of a wireless communication tower in the "I" - General Industrial District on the property of an existing tire shop located at 690 West Highway 290 (Parcel number 77811, A59 STANDIFER, ELIZABETH, ACRES 2.2010, 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 October 7th, 2024, in accordance with Chapter 551 of the Texas Government Code.



Beau Perry, Development Services Director

**MINUTES
CITY OF ELGIN BOARD OF ADJUSTMENTS
REGULAR MEETING
THURSDAY, JULY 11, 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, Darren Mogonye, Stephen Finley, David Lanford (Junior Alternate) and S.H. McShan.

BOARD ABSENT: Stephen Kylberg and Suzannah Des Roches (Senior Alternate).

STAFF PRESENT: Beau Perry, Development Services Director; Melissa Lipiec, Secretary, William McIlvain, Administrative Assistant.

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

III. CONSENT AGENDA

1. April 11, 2024 Minutes.
Stephen Finley moved that the Board approve the consent agenda. S.H. McShan seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.

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 – Beau Perry informed the Board that the
 - B. Applicant Presentation – The applicant was not present for the meeting.
 - C. Open Public Hearing – The public hearing was opened at 6:34 P.M. There were no members of the public present to offer comments.
 - D. Close Public Hearing – The public hearing was closed at 6:34 P.M.
 - E. Discussion – There was some discussion between the Board and Staff regarding the plan review and approval process and the inspection process. It was noted that the error was found at the final inspection.
 - F. Consideration – David Lanford moved that the Board deny the variance request. Darren Mogonye seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.
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 – Beau Perry informed the Board that the Elgin ISD had submitted plans to construct an outdoor cooler/freezer at Neidig Elementary School. The proposed equipment would be located in a courtyard on the north side of the building. In the process of reviewing the site

IV. NEW BUSINESS (Cont.)

- plans for the proposed equipment, it was determined that an additional five or so feet of screening would be required per city ordinance. The applicant requested an exception to the code because the location is already partially enclosed by a masonry wall. As Staff is not authorized to grant variances or exceptions to the city codes, it falls to the Board of Adjustments to consider.
- B. Applicant Presentation – Mike Brooks, Executive Director of Operations for Elgin ISD and Gentry Colvin, P.E. of O’Connell Robertson were present representing the School District. Mike Brooks stated that the equipment is required to meet the growing needs of Neidig Elementary, which currently is attended by over 600 students. Gentry Colvin stated that the equipment could not be moved closer to the building and thus behind the existing masonry wall because there is an electrical transformer in that area.
 - C. Open Public Hearing – The public hearing was opened at 6:51 PM. There were no members of the public present who wished to speak on this item.
 - D. Close Public Hearing – The public hearing was closed at 6:51 P.M.
 - E. Discussion – There was a brief discussion between the Board and Staff regarding the distance of the equipment from both County Line Road and FM 1100 as well as what the equipment would look like.
 - F. Consideration – Darren Mogonye moved that the Board approve the Special Exception. Stephen Finley seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.
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 – Beau Perry explained that the property in question was a portion of lot 3 A in the Wade & Owens Subdivision had been partitioned sometime in the past and ownership had been passed from family member to family member until it was recently sold to the current property owners (non-family members) who wish to develop it. The new owners will be required to file an Amending Plat in order to create a legal lot. The property is zoned R-2 which requires a minimum lot size of seven thousand, five hundred square feet (7,500 ft²) but the lot area is seven thousand, one hundred and one quarter square feet (7,100.25 ft²) thus requiring the variance.
 - B. Open Public Hearing – The public hearing was opened at 6:58 P.M. There were two (2) members of the public present, and they offered the following public comments.
Charles Albach, 1000 N Main St., spoke against this item due to additional traffic into the area.
Tommy Wilkins, 110 W 10th St., spoke against this item due to additional traffic into the area.
Ricardo Velazquez, 104 W Highfield St., Hutto, TX, current property owner stated that he purchased the property with the intension of building a duplex on the lot. He stated that there were other R-2 zoned properties for sale in Elgin, but he specifically chose that lot because he liked how clean the area was. He also stated that he has spoken with an architect, and they are confident that they can build a duplex with 1100-1150 square feet for each unit.
 - C. Close Public Hearing – The public hearing was closed at 7:17 P.M.
 - D. Discussion – There was discussion between the Commission and Staff regarding the present zoning of the lot and the allowed uses by right. Beau Perry confirmed that the requested variance would not affect setback or impervious cover requirements on the lot. He also stated that only the lot size is to be considered and the zoning is not in question on this project.
 - E. Consideration – David Lanford moved that the Board approve the variance. Stephen Finley seconded the motion. The motion passed with a vote of three (3) for (Stephen Finley, Regan Dumbeck, David Lanford) and two (2) against (Darren Mogonye & S.H. McShan) on a roll call vote.

V. ANNOUNCEMENTS

Melissa Lipiec introduced William McIlvain who is the newest staff member of the Development Services Department. His position is Administrative Assistant.

VI. ADJOURNMENT

The meeting was adjourned at 7:34 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

Election of Chair and Vice-Chair for 2025

Date: October 1, 2024

Hearing Date: Board of Adjustment – October 10, 2024

Location: Civic Center

SUMMARY

This is for the election of officers for the period of 10/10/24 to 9/30/25. All that needs to be done is the item opened by the Chair and nominations can begin. Nominations do not need a second and can just be voted upon once they are made, if desired by the Board. It is up to that person to decide if they wish to serve in the position after the voting. If not, another nomination must be made and the same format followed in each instance.



Development Services Department

STAFF REPORT

Zoning Variance

Project #202400064

Date: September 23, 2024
Applicant: Tower Ventures & Agent Vincent Gerard & Associates Inc.
Hearing Date: Board of Adjustment – October 10, 2024
Location: 690 West Highway 290, Bastrop County Parcel Number 77811, located at the intersection of Swenson Boulevard and Highway 290.

APPLICATION SUMMARY

Consideration of a zoning variance granting an increase of maximum height from one hundred and fifty feet (150') to one hundred and eighty feet (180') to allow for the construction of a wireless communication tower.

DEPARTMENT COMMENTS

Tower Ventures is in the process of applying to construct a monopole for a wireless communications facility on behalf of AT&T, but the proposed 180' monopole exceeds the limit of 150' outlined in [Section 46-739 \(b\) \(3\) a.](#) for monopoles in the Industrial zoning district. All other requirements of placement, such as distance from streets and property lines, have been adhered to.

WGA's review of the planned construction of the monopole has been deferred until the issue of the maximum height has been resolved.

Historical Information

Prior to 2020 wireless communication facilities (WCF) were approved through the specific use permit process with no regulatory framework associated with it. [Ordinance No. 2020-02-04-10](#) was adopted in February 2020 which created new definitions for WCF's, provided for exemptions to the standards for government organizations, prohibited WCF's within historic districts or on signs, set standards for removal and non-conforming standards, prescribed specific types of WCF's allowed and set restrictions on location, design, maximum height, setbacks, colors, lighting, screening, minimum numbers of antennas, minimum acreage, and mandatory co-location. The specific use permit requirement was retained for residential districts; however the ordinance provides for permitted locations which are any commercial zoning district, industrial zoning district, or in any Planned Development district (PDD) with commercial or industrial uses unless otherwise prohibited in the PDD. Since the proposed tower is in a C-3 Highway Commercial District, no specific use permit will be required.

ATTACHMENTS:

1. Zoning Variance Application
2. Wireless Communication Facility Application
3. Landowner Authorization Letter
4. Site Plan
5. Written Request for Variance
6. Monopole Example Photo
7. Notice sent to 200' Property Owners

ZONING VARIANCE APPLICATION

Date: 8/22/2024

SITE INFORMATION

Project Address: 690 W Hwy 290 Elgin TX 78621

Parcel Identification Number (if no address): 77811


APPLICANT

Name: Vicent Huebinger

Postal Address: 5524 Bee Cave Rd Unit K4 Austin, Texas 78746

E-Mail Address: VinceH@vincentgerard.com; Phone Number: (512) 328-2693

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.

	<u>Vincent Huebinger</u>	<u>08/22/2024</u>
Signature	Printed Name	Date

Project Description:

Building a 180' wireless communication tower on the property of an existing tire shop.

We are 690' from any residential lot. We will also be including a 12' access

& utility fiber agreement.



WIRELESS COMMUNICATION FACILITY 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. Granting a permit does not give authority to violate or cancel provisions of any other state or local law.

Signature

Printed Name

Date

TENANT

Name: _____

Postal Address: _____

E-Mail Address: _____; Phone Number: _____



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



(512) 281-0119



www.elgintexas.gov

WIRELESS COMMUNICATION FACILITY 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. Granting a permit does not give authority to violate or cancel provisions of any other state or local law.

Signature

Printed Name

Date

TENANT

Name: _____

Postal Address: _____

E-Mail Address: _____; Phone Number: _____



PROPERTY OWNER

I have reviewed and approved this wireless communication facility request.

 William Dupy 5/29/2024
Signature **Printed Name** **Date**
E-Mail Address: wdupyranch@gmail.com ; **Phone Number:** 512-914-2053

TYPES OF WIRELESS COMMUNICATION FACILITY (check all that apply)

Monopole Self-Enclosed Monopole Attached Stealth

FOR OFFICE USE ONLY

Application Received Date: _____

Approved: _____ Denied: _____
Department Consideration Date: _____ Date: _____



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



(512) 281-0119



www.elgintexas.gov

PROJECT INFORMATION:

TOWER OWNER
 TVT II, LLC
 495 TENNESSEE ST STE 152,
 MEMPHIS, TN 38103
 CONTACT: CRAIG ROYAL
 PH: (901) 277-4083

LANDOWNER
 DUPY BROTHERS ELGIN LLC
 690 W HWY 290 ELGIN, TX
 78621

PERMITTING
 COUNTY: BASTROP COUNTY
 JURISDICTION: ELGIN - CITY FULL
 PURPOSE
 OCCUPANCY: RETAIL
 ZONING: I-1 LIGHT INDUSTRIAL
 BUILDING CODE: 2021 IBC
 USE: TIRE SHOP, PUBLIC
 TELECOMMUNICATION FACILITY

ENGINEER
 KURT PROSSNER AND ASSOCIATES INC
 ENGINEERING FIRM NO. F-1506
 2601 CHITINA COURT
 CEDAR PARK TEXAS 78613
APPLICANT
 VINCENT GERARD & ASSOCIATES
 5524 BEE CAVE RD, UNIT K4
 AUSTIN TEXAS 78746
 CONTACT: VINCE HUEBINGER
 PHONE: 512.326.2693

UTILITIES
 ELECTRIC PROVIDER
 Oncor Electric Delivery, 1600 FM 112, Taylor,
 TX 76754

ONE-CALL TEXAS
 CONTRACTOR TO CALL BEFORE DIGGING
 PHONE: 811 OR 1.800.545.6000

THIS SITE COMPLIES WITH SECTION SECTION 46- 138, IN THE
 CODE FOR WIRELESS COMMUNICATION FACILITY EXCEPT
 FOR HEIGHT.

LOT SIZE - 2.20 ACRES

EXISTING IMPERVIOUS COVER - 29,195.41 SQ FT - ACRE
 0.670=30.45%

PROPOSED IMPERVIOUS COVER - 4,361.42 SQ FT - ACRE 0.10
 TOTAL EXISTING AND PROPOSED IMPERVIOUS COVER -
 33,268.54 SQ FT ACRE - 0.77 = 35%

TOWER SITE PLAN



PROSSNER
 AND ASSOCIATES, INC.
 ENGINEERING FIRM NO. F-1506
 2601 CHITINA COURT
 CEDAR PARK, TEXAS 78613
 512.326.2693
 FIRM 1506

VINCENT GERARD & ASSOCIATES
 LAND PLANNING AND CONSULTANTS
 5524 BEE CAVE RD, UNIT K4
 AUSTIN, TEXAS 78746
 512.326.2693
 vincent@vincentgerard.com

SITE INFORMATION

690 W HWY 290
 ELGIN, TX 78621

PROPERTY OWNER

DUPY BROTHERS ELGIN LLC
 1150 CR 481 ELGIN, TX 78621

TOWER OWNER

TOWER VENTURES II
 495 TENNESSEE ST, STE 152
 MEMPHIS, TN 38103
 BUILT FOR AT&T MOBILITY
 16618 MUESCHKE RD
 CYPRESS, TX 77433
 (281) 221-14874
 RH942@ATT.COM

Professional Engineer Seal for Kurt Prossner, State of Texas, No. 1506, Exp. 08/08/2024.



Mr. Beau Perry, PE
City of Elgin Texas
City Engineer

August 26, 2024

RE: Proposed TVT II Variance Request, 180' Monopole at 690 W Highway 290, Elgin Tx 78621. Primary carrier- AT&T Mobility.

Mr. Perry. We respectfully request a variance to your height limitation listed in Division 9 Section 46-739(B).3, maximum Height. Tower Ventures is proposing a new 180' monopole to be built primarily for AT&T Mobility. The site location is about 450' south of US Highway 290 located on a 2.20-acre tract owned by the Dupuy Brothers, operated as a tire shop. The land use is commercial, and the zoning is "I" General Industrial, and is consistent with allowing a wireless communications facility with associated setbacks to residential uses. We have included in this variance request a site plan provided by Kurt Prossner PE, a survey of the site, a wireless communications facility application along with hardships and reasons for this variance request. The proposed location is over 690' from the closest residential zoning and/or land use.

Regarding the height - the carrier Radio Frequency engineer has provided an analysis for the 30' height increase shown in the RF summary comparison. He has provided in the summary the maps where all the existing AT&T sites are currently located. The RF study indicates a gap in coverage that will be remedied and will also resolve most of the Elgin Texas capacity issues on their surrounding sites. They analyzed the water tower to make sure there were no other colocation opportunities. The Elgin elevated water tank does not cover the intended areas of service needs as well as the current site.

The carrier has 4 existing sites surrounding Elgin, mostly covering your community from outside the city limits. Their RF engineers have concluded, to have better service, they will need for optimal service a 180' monopole in the above referenced location.

The Elgin code allows a height limit of 150' monopole. This application respectfully asks for a slight increase in height to provide better service and substantial terrain issues to the west. This will require a variance from the Development committee or the Board of Adjustments. Their RF engineers believe it is a reasonable request for increased height to allow improved communications for Elgin Texas as compared to 150' height.

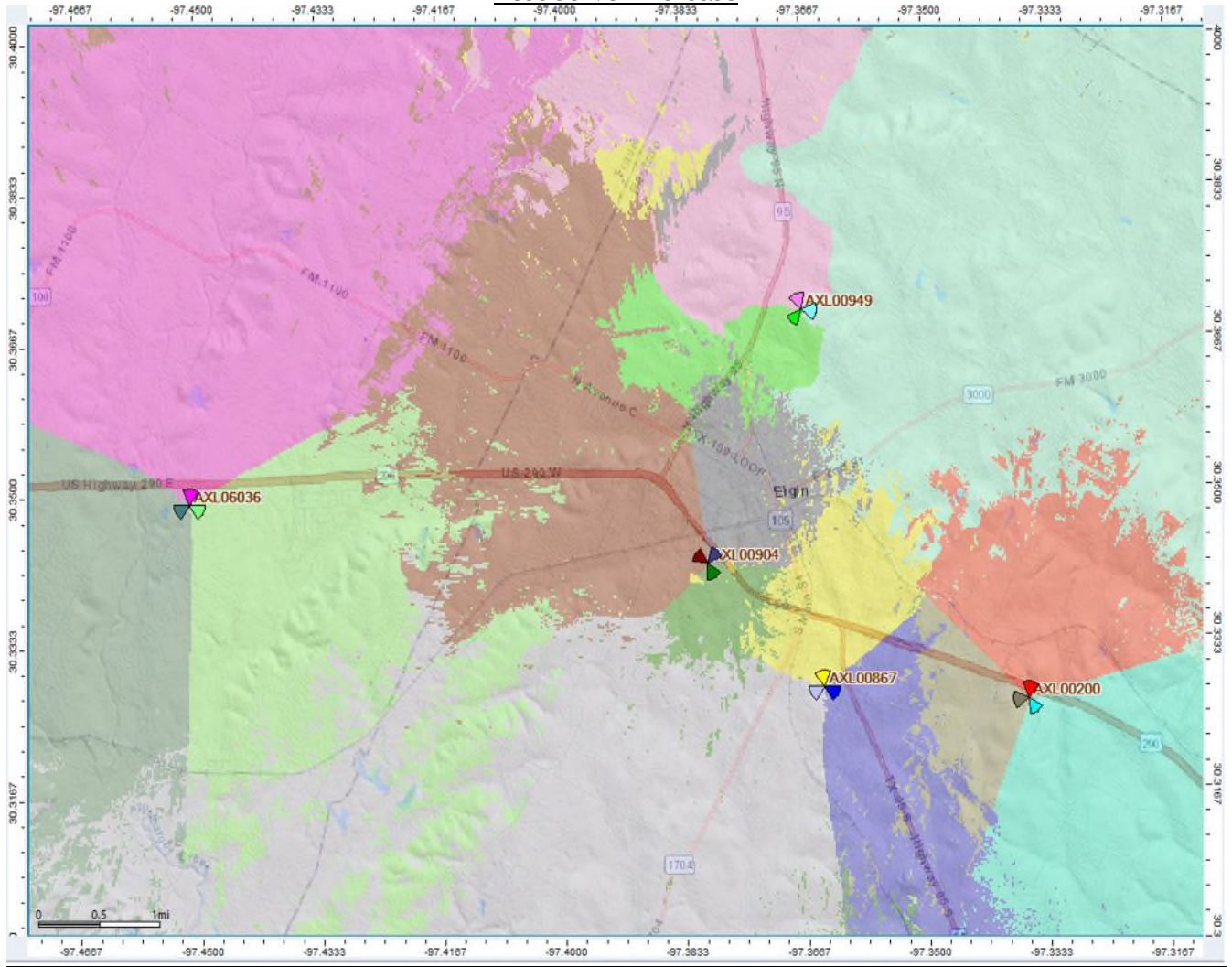
We have attached a few exhibits below for use on the decision makers and stakeholders meeting and an example of a similar height monopole. We propose a treated wood fence for security and screening from Swenson ROW.

Only AT&T Mobility employs FirstNet coverage for first responders. This tower will be constructed with FirstNet capabilities.

I. Hardships & Finding of Facts.

- a. The Division 9 code referenced does not allow a height that would be best to cover most of the site area shown in the Propagation maps. Wireless facilities rely on height to provide better coverage, circumventing at least one more to be constructed to solve the coverage and capacity issue. This is shown in the exhibits.
- b. The proposed site is located beyond the normal setback provisions from residential, located in a heavy commercial I Industrial zone and set back over 450' from the main corridor of US Highway 290. Residential setback distance has been measured at approximately 690' to the closest SF unit.
- c. The applicant has provided an engineered fall zone letter establishing a worst-case catastrophe fall zone at 35'. This insures that the site, in case of a major storm, would implode within the Dupuy Brothers property and not infringe on other property owners.
- d. The AT&T RF engineers have provided a detailed study and maps showing potential coverages between 150' and 180'. Although the coverages do not show a tremendous amount of increase, please note that the best server description in slides 7 and 8 have a dramatic impact on existing facilities coverages. The current site 0867 and 0949 sectors (2) cover the entire city alone. When adding this site on air, (slide 8) the proposed site at 180' picks up a tremendous amount of traffic and the existing site capacity issues are off-loaded.
- e. We have measured the closest habitable structure at approximately 180' from the monopole. This structure is likely being utilized by Elgin Veterinarian Clinic for large animal observance.

Best Server Increase



Proposed monopole example







September 23, 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 a public hearing to be held by Board of Adjustment as denoted below:

Project #202400064: A zoning variance from Section 46-739 (b) (3) a. in order to increase the maximum height of a monopole from one hundred and fifty feet (150') to one hundred and eighty feet (180') to allow for the construction of a wireless communication tower in the "I" - General Industrial District on the property of an existing tire shop located at 690 W Hwy 290 (Parcel number 77811, A59 STANDIFER, ELIZABETH, ACRES 2.2010, as located in Bastrop Co.)

Notice is given of a public hearing to be held by the Board of Adjustment on **October 10, 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 77811
200' ZONING VARIANCE
NOTIFICATION

