

**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
Melissa Lipiec, Secretary

On a motion by DARREN MOGONEY, seconded by STEPHEN FINLEY the foregoing instrument was passed and approved on this 10 day of OCTOBER, 2024.