

**MINUTES
CITY OF ELGIN BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, DECEMBER 12, 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 Darren Mogonye, Stephen Kylberg, Stephen Finley, Suzannah Des Roches (Senior Alternate), David Lanford (Junior Alternate), and S. H. McShan.

BOARD ABSENT: None

STAFF PRESENT: Melissa Lipiec, Planning Technician; William McIlvain, Administrative Assistant; Alyssa Loveday of WGA, Assistant Project Manager.

STAFF ABSENT: Beau Perry, Development Services Director

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

III. CONSENT AGENDAS

1. October 10, 2024 Minutes.

Darren Mogonye moved that the Board approve the consent agenda. Stephen Finley seconded the motion. The motion passed unanimously with a vote of seven (7) for and zero (0) against.

IV. NEW BUSINESS

1. Project #202400077: A variance from Section 46-265 (1) in order to reduce the minimum depth of the front yard from 25 feet to approximately 3 feet over the existing driveway and from Section 46-265 (7) in order to reduce the five-foot separation requirement from 5 feet to 6 inches to allow for the persistence of an already-constructed 17' wide by 20' long car port in the "R-2" – Single-Family and Duplex Dwelling District at 304 China Cove (Parcel number 62294, HILLSIDE SUB SEC 2, BLOCK B, LOT 3, as located in Bastrop Co.).
- A. Staff Presentation – Melissa Lipiec presented the project and outlined the timeline in which the applicant had been told that a permit would be required, that the permit had been denied due to violation of setback code and that a variance would be required, and that the carport had been erected before the variance had been applied for. She also drew attention to the site plan and photos of the space, describing which part of the property was right-of-way and that the car port does not extend as far into the road as it would appear. She also brought attention to the violation of the code requiring five-foot separation between buildings, and that this variance application covers both infractions.
 - B. Applicant Presentation – The Applicant Tracey Baker explained that the contractors had erected the carport without her permission. Chair Regan Dumbeck paused the presentation to clarify the situation, and the applicant asserted that the contractors had assured her that they would submit for the proper permits, but did not follow the City's process and now were not returning the applicant's calls.
 - C. Open Public Hearing – The public hearing was opened at 6:40 P.M. There were no members of the public present to offer comments.
 - D. Close Public Hearing – The public hearing was closed at 6:40 P.M.
 - E. Discussion – David Lanford voiced that he had no issue with the space between buildings but was concerned about how far out into the setback the carport encroached. Melissa Lipiec reiterated that due to the arrangement of the cul-de-sac the extension of the carport is not as egregious as the site plans make it seem. Stephen Kylberg remarked that due to the cul-de-sac the issue of eclipsed line of sight is not as pressing as it would be in the middle of a normal street. Chair Regan Dumbeck expressed a desire to place stipulations on the variance so as to allow the carport to exist as-is, but

IV. NEW BUSINESS (Cont.)

not be further modified or enclosed. Vice-Chair Darren Mogonye asked why the code requiring five-foot separation between buildings existed at all. Melissa Lipiec and Suzannah Des Roches explained that the primary concern is for accessory buildings such as storage sheds which could pose a fire hazard that could spread to the main residence if placed too close. Vice-Chair Darren Mogonye was satisfied with the explanation but noted that the situation with this carport does not seem to require the same degree of caution, which Suzannah Des Roches agreed with.

- F. Consideration – Stephen Kylberg moved that the Board approve both variance requests, with a stipulation disallowing any additional modification of the structure. Stephen Finley seconded the motion. Suzannah Des Roches and David Lanford were not required to vote for the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.

V. ANNOUNCEMENTS

- 1. Melissa Lipiec presented the Board with a summary of the meetings through 2024, highlighting the high frequency of variance requests due to setback requirements. She also informed the Board about expected business of the January meeting, including a similar variance request for setbacks and impervious coverage and a request for a variance of fencing material for Elgin High School.
- 2. David Lanford took a moment to say farewell to the Board as he is moving in the new year and this is his final Board of Adjustment meeting. The Board thanked him for his contributions and wished him well.

VI. ADJOURNMENT

The meeting was adjourned at 6:58 P.M.



Regan Dumbeck, Chair

ATTEST: Melissa Lipiec
Melissa Lipiec, Secretary

On a motion by Stephen Finley, seconded by Stephen Kylberg the foregoing instrument was passed and approved on this 9th day of January, 2024.