



**ELGIN BOARD OF ADJUSTMENT AGENDA
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
March 13, 2025
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. January 9, 2025 Minutes

IV. NEW BUSINESS

1. **Project #202500013: A zoning variance from Section 46-635 in order to reduce the minimum onsite parking to zero spaces in the “C-2” – General Commercial District at 207 E 2nd St (Parcel number 12417 Puckett, Block 40, Lot FRS 6, 17 & 18, 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 #202500014: A zoning variance from Section 46-635 in order to reduce the minimum onsite parking to zero spaces in the “C-2” – General Commercial District at 34 North Avenue C (Parcel No. 12331 Elgin City, Block 16, Lot 18, 19, 20 & 21 (FR), as located in Bastrop Co.). - Withdrawn by Applicant.**
 - A. Staff Presentation

V. ANNOUNCEMENTS

David Lanford's seat as Junior Alternate is still vacant and no applications have been received yet.

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 March 10, 2025, in accordance with Chapter 551 of the Texas Government Code.



Beau Perry, Development Services Director

**MINUTES
CITY OF ELGIN BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, JANUARY 09, 2025**

- 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 DesRoches (Senior Alternate), and S. H. McShan.

BOARD ABSENT: None

STAFF PRESENT: Beau Perry, Development Services Director; Melissa Lipiec, Planing Technician; William McIlvain, Administrative Assistant; Orlando Rodriguez, Code Compliance Supervisor; Charlie Navejas, Permit Technician; Alyssa Loveday of WGA, Assistant Project Manager.

STAFF ABSENT: None

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

III. CONSENT AGENDAS

1. December 12, 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 # 202400085: A zoning variance from Section 46-265 (1) in order to decrease the minimum depth of the front yard from 25 feet to approximately 15 feet to allow for the persistence of an already-constructed car port and a variance from Section 46-265 (6) in order to increase the percentage of allotted impervious coverage which can be covered by accessory buildings from 10% to 24% to allow for a total of 2,200 square feet of already-constructed accessory buildings in the “R-2” – Single-Family and Duplex Dwelling District at 608 Old McDade Rd (Parcel number 10901, A20 CHRISTIAN, THOMAS, ACRES 0.4710, as located in Bastrop Co.).

- A. Staff Presentation – Director Beau Perry presented the two variances being applied for, one to allow for the reduction of setbacks and the other to allow for a greater allocation of impervious coverage to accessory buildings, which the Board can make a motion on together or independently. He presented an area coverage estimate created by Melissa Lipiec that showed the dimensions and impervious coverages of the residence and accessory structures. He also presented the Notice of Violation issued to the Applicant for the unpermitted construction of the car port in the setback. Chair Regan Dumbeck requested clarification about the order of construction of these structures, and Director Perry communicated that the only original structure known was the residence and that only in the review of the site following application for the permit for the car port was the larger 1,700 square foot structure and its violation of impervious coverage discovered by Staff.

Vice Chair Darren Mogonye requested clarification of the code surrounding impervious coverage, and Director Perry clarified that the code allows 45% of the lot area to be covered by impervious coverage but then only 10% of that 45%, or 4.5% of the total lot area, may be occupied by accessory buildings. The newly discovered and unpermitted 1,700 square foot structure thus exceeded that 10% of allotted impervious coverage by accessory buildings, even though it did not exceed overall impervious coverage allowed on the property. This ordinance is in place to prevent accessory buildings from eclipsing the primary residence in a residential district.

IV. NEW BUSINESS (Cont.)

Chair Regan Dumbeck revisited the question of the order of construction, and asked whether any required reversion would be made to bring the structure back to the limit of any pre-existing concrete pad. Melissa Lipiec established that there had been a previous structure in that space but the degree of its expansion was unknown, and Director Perry confirmed that regardless of the dimensions of the pre-existing structure the violation of impervious coverage takes all current property into account and so any variance granted by the Board would factor all buildings into account, not just new construction.

- B. Applicant Presentation – The Applicant Jorge Hurtado was present to speak, and City Code Compliance Supervisor Orlando Rodriguez served as translator to the Board. The Applicant explained that the dimensions of the previous concrete pad that had been expanded into the 1,700 square foot structure were 20 feet by 30 feet, which he then expanded with a 40 foot by 25 foot slab at some time in April or May without a permit. Vice Chair Darren Mogonye asked for an explanation about the lack of permit for that expansion. The Applicant explained that he had checked for the City permitting process regarding car ports and he had found that one was not required, so he had constructed it without one. Chair Regan Dumbeck asked for clarification that the addition of the 40 x 25 ft slab was intended to be a car port separate from the newer 20 x 25 ft car port at the front of the property, which the Applicant confirmed. Chair Regan Dumbeck remarked that photographs of the current structure show chairs, kitchen equipment, a hot tub, and other utilities unexpected for a carport. The Applicant claimed that the original 20 x 30 ft slab had been used for kitchen utility, and that the hot tub was temporary. Chair Regan Dumbeck remarked that the hot tub did not look temporary, and Vice Chair Darren Mogonye asked if the space was used for parties and get togethers, which the Applicant confirmed.

Chair Regan Dumbeck asked Director Perry if pouring a concrete slab requires a permit, and Director Perry confirmed that all flatwork does. Chair Regan Dumbeck asked the Applicant where he had read that building on the slab did not require a permit, and the Applicant admitted that he had not done research on that matter. Chair Regan Dumbeck asked for clarification on where the Applicant had read that pouring a concrete slab did not require a permit, and the Applicant claimed that he had not found that information and had poured it without thinking. Vice Chair Darren Mogonye asserted that this admission was contrary to the previous claim that the Applicant had found City code allowing pouring of concrete without permit. The Applicant explained that he meant that he had found City code allowing the construction of the car port in the front of the property, but had not researched the permitting process of pouring concrete or constructing the 1,700 square foot structure that was intended also to serve as a car port. Vice Chair Darren Mogonye reiterated that Staff had confirmed that permitting is required for all pouring of concrete. The Applicant expressed his willingness to correct the situation. Chair Regan Dumbeck explained that the intention of the Board is to figure out what the correction would entail, and Director Beau Perry communicated that the decision of the Board is absolute. Melissa Lipiec added that if the Board requires the removal of the structure(s) then the Applicant must either do so or appeal the determination in district court.

Vice Chair Darren Mogonye wanted additional clarification as to the 20 x 25 car port in the front setback. Melissa Lipiec and Director Beau Perry outlined the series of events leading to these variance applications: a neighbor had issued a complaint about a car port built in violation of setback code, and that the City's Code Compliance department's investigation revealed that the car port had been built outside the required permitting process. The car port was issued a Notice of Violation, and the Applicant had been instructed to apply for a permit. In the permitting process the site plan of the property revealed another larger unpermitted structure which exceeded the Applicant's allowed impervious coverage to be occupied by accessory buildings, thus requiring a second variance application. The Applicant confirmed that the 20 x 25 car port had been constructed in March of

IV. NEW BUSINESS (Cont.)

2023. The Applicant remarked that he has seen numerous car ports constructed within the City and believed that he would be allowed to do similar, and Chair Regan Dumbeck asserted that every decision made by the Board of Adjustment about similar car ports is made on an individual basis and that the circumstances of each situation uniquely influences the Board's decision. Suzannah DesRoches added that some structures within the City predate the code and are thus grandfathered in, and Chair Regan Dumbeck agreed but clarified that does not provide a precedent for new construction.

- C. Open Public Hearing – The public hearing was opened at 7:01 P.M. Jacob Carter was present to speak, representing himself and a neighborhood community group of roughly half a dozen. He expressed a desire to disallow the variance of the front setback due to visibility concerns in the neighborhood. He also disputed the claim by the Applicant that any portion of the 1,700 square foot structure was longstanding, claiming that the 20 x 30 foot slab is newly poured. He also expressed a concern about the impervious coverage and that the low-lying surrounding area is made vulnerable by a reduction of available impervious coverage. Chair Regan Dumbeck asked for clarification on how long Jacob Carter has lived in the area and how new Jacob Carter believes the new concrete to be, as Chair Regan Dumbeck had reviewed Google Earth to find evidence of existing concrete in 2018 or 2019. Director Beau Perry reiterated that the 20 x 30 foot slab would have been within the property's impervious coverage allotment, so regardless of the date of the initial slab's pouring it is the more recent expansion which is what caused the violation.

Melissa Lipiec also presented two emails received by Staff from neighbors opposing the granting of the requested variances. Stephen Finley asked whether Jacob Carter was speaking on behalf of either of the people who had submitted these emails, which Jacob Carter confirmed. Stephen Finley inquired as to whether the neighborhood community that Jacob Carter is representing had also complained about noise and gatherings from the property. Jacob Carter confirmed that they had but did not believe it was germane to the present discussion, which Stephen Finley agreed with but wanted to ensure that the voices were acknowledged.

Chair Regan Dumbeck read the two submitted emails aloud. The first email, sent by Marilyn Jones, requests that both variance applications be denied on the grounds that their granting would negatively impact the value of her property and the integrity of the community development goals of the City of Elgin. The second email, sent by Ramon Dominguez, expressed frustration with loud parties and noise from the Applicant's property facilitated by the constructed structures and claims that he had to replace his windows to block the noise.

Chair Regan Dumbeck opened the floor to any other members of the public who would like to speak. The Applicant's son José Hurtado stood to speak, alongside his father the Applicant Jorge Hurtado and mother Erika Hurtado. José Hurtado wanted to express that the placement of the car port was to preserve the position of an altar to the Virgin Mary that was pre-existing on the property, and that the car port is necessary to protect the vans used for the family's business. José Hurtado corroborated the Applicant's claim that the 20 x 30 foot slab had been pre-existing since 2016, while the expansion of the 1,700 square foot structure was only two years ago as the trailers for which it was built as a car port did not fit under the previous construction. He insisted that it was not used primarily as a gathering space, but that an outdoor kitchen space for family use is very common for the neighborhood. He remarked that the neighbors have come to them in the past asking that noise levels be respected, and that the family has made an effort to respect the wishes of the neighbors.

IV. NEW BUSINESS (Cont.)

The Applicant's wife Erika Hurtado also spoke on the history of the family having lived in that space for 12 years and that the neighborhood was not nice to begin with, and so everything that the family does has been to improve the cosmetic quality of the property and neighborhood. She also remarked that no one from the City had ever told them that they were in violation despite having driven past and seeing the structures. She also claimed that Ramon Dominguez was exaggerating in claiming that he needed new windows on account of the noise and expressed that if that had been true then the Hurtado family would have been willing to pay for any window damage themselves, but disapproved of the accusation which she believes to be unfounded. Suzannah DesRoches clarified that she believed that Ramon Dominguez's comment about replacing the windows was not due to damage done by the sound but to fortify the household against the noise. Erika Hurtado insisted that the family has been on the property for 12 years and does not believe that they have done anything that should require the gravity of this meeting. Stephen Finley echoed the previous discussion point that the issue of noise complaints is not the purview of the Board of Adjustment to police.

José Hurtado reiterated that the Applicant is willing to pay all appropriate fines and make all required modifications to bring the property into compliance, and insisted that this construction was in service of the business. The 1,700 square foot structure had been used partially as a storage space, which is why the hot tub was visible there but was not intended to be a permanent fixture. Vice Chair Darren Mogonye acknowledged the sentiment but also noted that the photographs provided in the presentation illustrate that the space has had multiple uses. Chair Regan Dumbeck also remarked that he drove past the property and observed the trucks used for business were not under the car port. José Hurtado presented a photograph of the current status of the car port to the Board.

D. Close Public Hearing – The public hearing was closed at 7:25 P.M.

E. Discussion – Chair Regan Dumbeck reminded the Board that the two variance applications can be approached together or separately. Stephen Kylberg wanted to clarify whether the issue of impervious coverage was that the lot as a whole had exceeded its allowance or if only the accessory buildings on the lot had. Director Beau Perry confirmed that only the accessory buildings had exceeded their allowance but that the lot as a whole was well under its impervious coverage allowance, and reiterated the rationale that no accessory building is meant to overshadow the main structure of a residential district. Chair Regan Dumbeck drew attention to the portion of the property that Jacob Carter had mentioned regarding lowland drainage. Melissa Lipiec reminded the Board that the Applicant is still required to pull the permit for the car port even if the variance is granted, and added that the property requires a paved impervious driveway which also would not exceed the lot's total allowed impervious coverage but which does not affect the 10% impervious coverage allowance for accessory buildings. Suzannah DesRoches asked there was a drainage difference between a car port versus a concrete slab with no structure, and Director Perry confirmed that from an impervious coverage perspective there is not. Chair Regan Dumbeck asked if attaching the car port to the house would change the situation, and Director Perry explained that it would call for a different and more stringent review process but would remove that portion of the impervious coverage from the current overflow.

At 7:40 P.M. Chair Regan Dumbeck called for a five minute recess. The discussion resumed one minute early at 7:44 P.M.

Vice Chair Darren Mogonye expressed a concern about the car port blocking visibility by being so far in the setback, and voiced frustration that if the car port was constructed in 2023 that it had not been noticed as a zoning violation by City Staff until the following year. He appreciated that both structures were open and thus unlikely to be used for purposes contrary to the residential zoning.

IV. NEW BUSINESS (Cont.)

Director Perry summarized the proposed motion as an approval for the increase to allotted impervious coverage and disapproval of the variance to the setback. Stephen Finley agreed that he believed the property had space to move the car port out of the setback. Suzannah DesRoches proposed allowing a variance of twenty-three (23) feet so that it was not forced to overlap the existing altar but is as far from the property line as otherwise possible, which was met with approval from the board. Chair Regan Dumbeck also confirmed that stipulations can be placed on the variance, including requirements that the structures not be used for any purpose other than car ports. Vice Chair Darren Mogonye remained critical of the pouring of the concrete slabs without having pulled appropriate permits. Chair Regan Dumbeck was critical of the request for a variance of 10 feet for the setback when there is a space of at least 8 feet that the car port can occupy. He was additionally critical of the presentation of the situation and the inconsistencies in the story of the construction of the larger space that contained kitchen equipment and the hot tub. Director Beau Perry reminded the Board that they have the right to restrict the usage of the structure or the enclosure of the structure as stipulations in the granting of the variance. He also reminded the Board that wherever the car port is moved to the Applicant will have to create an impervious driveway to the car port, which may influence the Board's decision regarding moving the car port.

Stephen Kylberg, Stephen Finley, and Suzannah DesRoches all expressed support in limiting the growth of the structures but did not support policing its use, voicing support for the rights of the property owner. Suzannah DesRoches also suggested allowing additional walls as long as the structures were not fully enclosed, to aid in the neighbors' complaints about noise. The Board inquired to the Applicant if there was an issue with moving the car port closer to the altar. When the proposal of moving the car port eight feet such that there was only one foot of space from the altar was explained, the Applicant expressed a willingness to work with that stipulation.

- F. Consideration – Vice Chair Darren Mogonye moved that the Board deny the variance request to allow for the front setback to be changed to 15 feet. S. H. McShan seconded the motion. Chair Regan Dumbeck and Director Beau Perry clarified that the immediately previous discussion had been to approve the setback variance with stipulations, and invited amendment to the proposed motion. Vice Chair Darren Mogonye and S. H. McShan confirmed that they understood the previous discussion but maintained the motion being made. Vice Chair Darren Mogonye and S. H. McShan voted in favor of the motion; Stephen Kylberg, Stephen Finley, and Chair Regan Dumbeck voted to deny the motion. Suzannah DesRoches was not required to vote for the motion. The motion failed with a vote of two (2) votes for and three (3) votes against, and returned to discussion.

Stephen Kylberg moved to modify the proposal and grant a variance for a setback depth of 23 feet. Stephen Finley seconded the motion. Stephen Kylberg, Stephen Finley, and Chair Regan Dumbeck voted in favor of the motion; Vice Chair Darren Mogonye and S. H. McShan voted to deny the motion. Suzannah DesRoches was not required to vote for the motion. The motion passed with a vote of three (3) votes for and two (2) votes against.

Vice Chair Darren Mogonye echoed the previous sentiments in support of property owner rights, and did not want to restrict the Applicant from being able to put valuables into the structure if necessary. Vice Chair Darren Mogonye moved that the Board grant the requested variance to increase the allowed impervious coverage by accessory structures from 10% to 24% to allow the already erected structures to remain, with the stipulation that the structures not be enclosed by more than three walls. Stephen Finley seconded the motion. Stephen Kylberg, Vice Chair Darren Mogonye, Stephen Finley, and S. H. McShan voted in favor of the motion; Chair Regan Dumbeck voted to deny the motion. Suzannah DesRoches was not required to vote for the motion. The motion passed with a vote of four (4) for and one (1) against.

IV. NEW BUSINESS (Cont.)

- 2. Project #202400090: A zoning variance from Section 46-637 (1) - "Off-street parking lots in residential districts" in order to allow for the construction of a six-foot tall black vinyl coated chain link fence in lieu of an opaque ornamental fence, wall, or dense evergreen hedge owned by the Elgin High School at 14000 County Line Road on a parcel of land known by the Travis County Central Appraisal District as Parcel No. 358741.
 - A. Staff Presentation – Director Beau Perry presented the project as part of the Elgin Independent School District’s renovation of the high school, that the original construction plan required a masonry wall adjacent to the parking lot and then had permitted a black vinyl-coated chain-link fence for a span of the property line. The Applicant is requesting to substitute the masonry wall with a continuation of the chain link fence, adhering to state safety guidelines.
 - B. Open Public Hearing – Chair Regan Dumbeck accidentally opened the public hearing at 8:15 P.M., before the Applicant Presentation.
 - C. Close Public Hearing – The public hearing was closed at 8:15 P.M.
 - D. Applicant Presentation – Chair Regan Dumbeck apologized for forgetting the Applicant Presentation. The Applicant Rainey Lann was present to speak on behalf of the Elgin ISD. The Applicant reiterated Director Perry’s presentation and drew attention to a diagram of the narrow mesh of the chain link fence which is defined as “anti-scalable” for safety purposes.
 - E. Discussion – The Board asked for a few more details as to the spacing of the fence, and was impressed at how secure the proposal was. Suzannah DesRoches wanted to clarify that the specific requirement for fencing was due to the adjacent residential district, which Director Perry confirmed and added that it is more generally required for commercial uses adjoining residential such as gas stations. Vice Chair Darren Mogonye asked to confirm a lack of neighbor response from the required mailed notices, and Melissa Lipiec confirmed that although many of the notices returned unable to be delivered none of those that had been received were responded to.
 - F. Consideration – Vice Chair Darren Mogonye moved to grant the requested variance as presented. S. H. McShan seconded the motion. Suzannah DesRoches was 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 reminded the Board that David Lanford moved out of town and thus resigned from the Board of Adjustment, and so encouraged the Board to reach out for contacts that could fill the position of Junior Alternate.

VI. ADJOURNMENT

The meeting was adjourned at 8:21 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

Application for Zoning Variance

File Number: 202500013

Date: March 6, 2025
Applicant: Ricardo Velazquez
Representative: SAME
Hearing Date: Board of Adjustment – March 13, 2025
Location: 207 E. 2nd St.

APPLICATION SUMMARY

Consideration (action) by the Board of Adjustment of a Zoning Variance from Section 46-635 to reduce the minimum on-site parking requirements to zero (0) required parking spaces for a new party store and rental business.

DEPARTMENT COMMENTS

The Board of Adjustments approved a similar variance on the adjacent property, which is also owned by Mr. Velasquez in July of 2023. The 2023 variance was only granted on 209 E 2nd Street because 207 E 2nd Street was vacant and there was no planned use at the time. Originally this site was built in a layout where parking spaces exist entirely within the State and City right-of-way (see attachment 2). Technically parking stalls must be fully on-site to count towards the required minimum parking for the use. Since the use of the property is changing from medical office (WellMed) to retail (party supply store and table/chair rental), the Code requires the site to follow the minimum parking requirements. There is a covered area at the rear of the property which the applicant plans to use as storage and loading spaces (which the code requires). Per the floorplan supplied by the applicant, the amount of off-street parking required would be approximately 3 per [Sec. 46-635.\(a\)\(12\)](#). Since this site cannot meet the off-street parking standards, a zoning variance is needed to reduce the minimum parking requirements to zero (0).

Under [Section 46-87](#) the Board must determine that granting the variance will not be contrary to the public interest, where owing to special conditions, the literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed, and substantial justice done. Under Section 211.008, TLGC, at least 75% of the Board members must be present at the meeting to hear the case and under Section 211.009, TLGC, the concurring vote of 75% is needed to authorize a variation from the terms of the zoning ordinance. **At least four (4) of the five (5) members need to be in attendance at the meeting to vote and the same number must vote to approve the request.**

STAFF ANALYSIS

Staff believes the variance would not be contrary to the public interest since the present layout existed before the new owners were deeded the property. Since the building occupies much of the site, there is no possible way the site can accommodate any on-site parking spaces, and this necessitates a hardship. The site already uses dedicated parking spaces, they just don't exist onsite. Based on this information staff believe there is an unnecessary hardship and granting of this variance by the Board would result in substantial justice.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application
2. Proposed Site Plan & Floor Plan
3. Applicant Photos
4. Vicinity Map
5. Notice Sent to 200' Property Owners

ZONING VARIANCE APPLICATION

Date: 2-1-25

SITE INFORMATION

Project Address: 207 E 2nd St, Elgin, TX, 78621

Parcel Identification Number (if no address): _____


APPLICANT

Name: Ricardo Velazquez

Postal Address: 209 E 2nd St, Elgin, TX, 78621

E-Mail Address: Ricardo Velazquez293@gmail.com Phone Number: 512 705 3043

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>Ricardo</u> 	<u>Ricardo Velazquez</u>	<u>2-1-25</u>
Signature	Printed Name	Date

Project Description:

Reduce on site Minimum Parking
To 0 at 207 E 2nd St



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



(512) 281-0119



www.elgintexas.gov

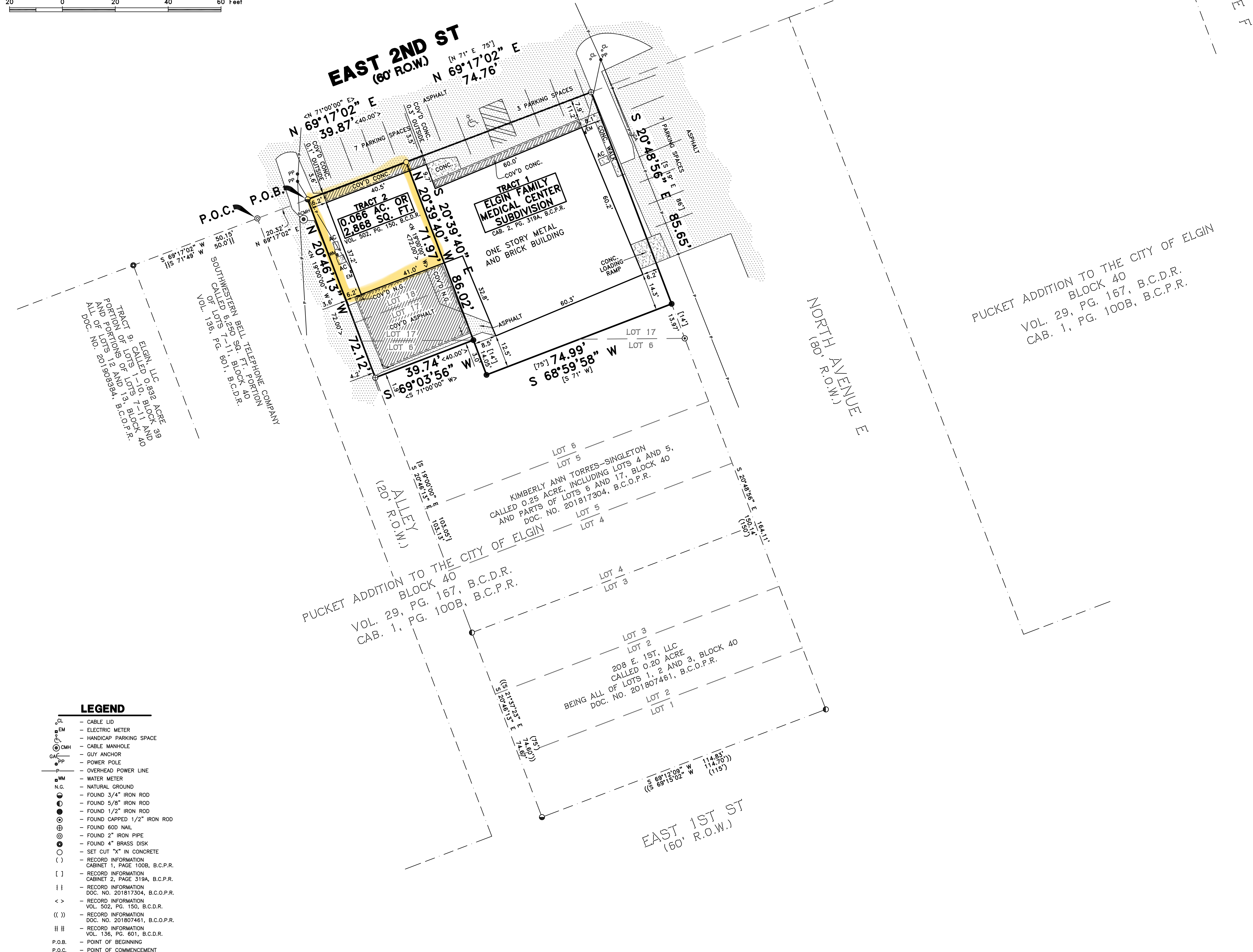
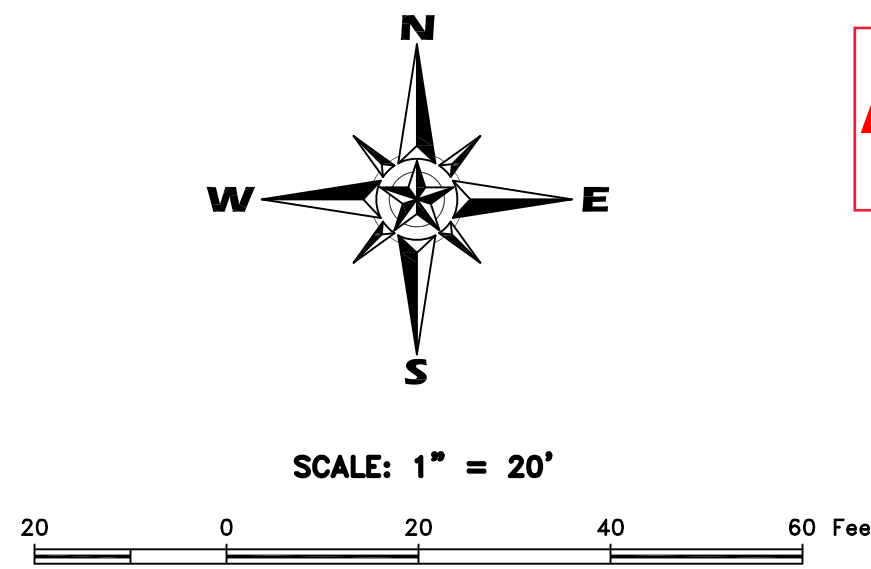
I would like to respectfully submit the following points in support of my request:

1. My request does not conflict with public interest, as the property's intended use and design are for commercial business purposes.
2. Strict enforcement of the zoning code would negatively impact the property's value and the primary purpose of the zoning.
3. As you can see from the zoning ordinance and the site's specific circumstances, there is no other way to operate or utilize the premises without granting this variance. This situation is identical to that of other businesses in the area; specifically, the property at 209 2nd St shares the exact same scenario.
4. The request does not go against public interest, as we are not making any changes to the structure or surroundings. We are simply occupying an existing building and aiming to make the best possible use of it.

Thank you for your time and consideration.

Sincerely,
Ricardo Velazquez

Attachment #2 Site Plan



SURVEY OF

TRACT 1:
BEING ALL OF ELGIN FAMILY MEDICAL CLINIC SUBDIVISION, A SUBDIVISION IN BASTROP COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN PLAT CABINET 2, PAGE 319A, PLAT RECORDS OF BASTROP COUNTY, TEXAS.

TRACT 2:
BEING A 0.066 ACRE OR 2,868 SQ. FT. TRACT OF LAND, CONSISTING OF PORTIONS OF LOTS 6, 17 AND 18, BLOCK 40, PUCKETT ADDITION TO THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 29, PAGE 167, DEED RECORDS OF BASTROP COUNTY, TEXAS AND RECORDED IN PLAT CABINET 1, PAGE 100B, PLAT RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN HEREON.

TRACT 2 - LEGAL DESCRIPTION

BEING THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 0.066 ACRE OR 2,868 SQ. FT., CONSISTING OF PORTIONS OF LOTS 6, 17 AND 18, BLOCK 40, PUCKETT ADDITION TO THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 29, PAGE 167, BASTROP COUNTY DEED RECORDS (B.C.D.R.) AND IN CABINET 1, PAGE 100B, BASTROP COUNTY PLAT RECORDS (B.C.P.R.), BEING THAT SAME TRACT OF LAND CONVEYED TO WILLIAM T. BIEL AND KENNETH B. SHERMAN BY DEED RECORDED IN VOLUME 502, PAGE 150, B.C.D.R., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, NAD83.

COMMENCING FOR REFERENCE AT A FOUND 2" IRON PIPE AT THE INTERSECTION OF THE SOUTHERLY R.O.W. LINE OF EAST 2ND ST (60' R.O.W.) AND THE WESTERLY R.O.W. LINE OF AN ALLEY (20' R.O.W.) SITUATED IN SAID BLOCK 40, AND BEING AT THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS A 6,250 SQ. FT. PORTION OF LOTS 7-11, BLOCK 40 OF SAID PUCKETT ADDITION CONVEYED TO SOUTHWESTERN BELL TELEPHONE COMPANY BY DEED RECORDED IN VOLUME 136, PAGE 601, B.C.D.R.;

THENCE NORTH 69°17'02" EAST, WITH THE SOUTHERLY R.O.W. LINE OF SAID EAST 2ND ST, SAME BEING THE NORTHERLY LINE OF SAID ALLEY, A DISTANCE OF 20.32' TO A FOUND 3/4" IRON ROD AT THE INTERSECTION OF THE SOUTHERLY R.O.W. LINE OF SAID EAST 2ND ST AND THE EASTERLY R.O.W. LINE OF SAID ALLEY, FOR THE NORTHWEST CORNER OF SAID LOT 18 AND THE NORTHWEST CORNER AND TRUE POINT OF BEGINNING HEREOF;

THENCE NORTH 69°17'02" EAST, WITH THE SOUTHERLY R.O.W. LINE OF SAID EAST 2ND ST, SAME BEING THE NORTHERLY LINE OF SAID LOT 18 AND THE NORTHERLY LINE HEREOF, A DISTANCE OF 39.87' TO A SET CUT "X" IN CONCRETE IN THE SOUTHERLY R.O.W. LINE OF SAID EAST 2ND ST, BEING IN THE NORTHERLY LINE OF SAID LOT 18, AND BEING AT THE NORTHWEST CORNER OF ELGIN FAMILY MEDICAL CENTER SUBDIVISION, A SUBDIVISION IN BASTROP COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET 2, PAGE 319A, B.C.P.R., FOR THE NORTHEAST CORNER HEREOF, FROM WHICH A FOUND 60D NAIL AT THE NORTHEAST CORNER OF SAID ELGIN FAMILY MEDICAL CENTER SUBDIVISION BEARS NORTH 69°17'02" EAST, A DISTANCE OF 74.76';

THENCE SOUTH 20°39'40" EAST, PASSING THROUGH AND ACROSS SAID LOTS 18 AND 17, WITH THE WESTERLY LINE OF SAID ELGIN FAMILY MEDICAL CENTER SUBDIVISION, SAME BEING THE EASTERLY LINE HEREOF, A DISTANCE OF 71.97' TO A FOUND 1/2" IRON ROD IN THE SOUTHERLY LINE OF SAID LOT 17, BEING IN THE NORTHERLY LINE OF SAID LOT 6, BEING IN THE WESTERLY LINE OF SAID ELGIN FAMILY MEDICAL CENTER SUBDIVISION, AND BEING AT AN ANGLE POINT IN THE NORTHERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 0.25 ACRE, INCLUDING LOTS 4 AND 5, AND PARTS OF LOTS 6 AND 17, OF SAID BLOCK 40 CONVEYED TO KIMBERLY ANN TORRES-SINGLETON BY DEED RECORDED IN DOCUMENT NO. 201817304, BASTROP COUNTY OFFICIAL PUBLIC RECORDS (B.C.O.P.R.), FOR THE SOUTHWEST CORNER HEREOF, FROM WHICH A FOUND 1/2" IRON ROD AT THE SOUTHWEST CORNER OF SAID ELGIN FAMILY MEDICAL CENTER SUBDIVISION, BEING AT AN ANGLE POINT IN THE NORTHERLY LINE OF SAID TORRES-SINGLETON TRACT, BEARS SOUTH 20°39'40" EAST, A DISTANCE OF 14.05';


THENCE SOUTH 69°03'56" WEST, PASSING THROUGH AND ACROSS SAID LOT 6, WITH THE NORTHERLY LINE OF SAID TORRES-SINGLETON TRACT, SAME BEING THE SOUTHERLY LINE HEREOF, A DISTANCE OF 39.74' TO A FOUND 60D NAIL IN THE EASTERLY R.O.W. LINE OF SAID ALLEY, BEING IN THE WESTERLY LINE OF SAID LOT 6, AND BEING AT THE NORTHWEST CORNER OF SAID TORRES-SINGLETON TRACT, FOR THE SOUTHWEST CORNER HEREOF, FROM WHICH A FOUND 5/8" IRON ROD AT THE COMMON WEST CORNER OF LOTS 4 AND 3 OF SAID BLOCK 40, BEING AT THE SOUTHWEST CORNER OF SAID TORRES-SINGLETON TRACT, AND BEING AT THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 0.20 ACRE, BEING ALL OF LOTS 1, 2 AND 3 OF SAID BLOCK 40 CONVEYED TO 208 E. 1ST, LLC BY DEED RECORDED IN DOCUMENT NO. 201807461, B.C.O.P.R., BEARS SOUTH 20°46'13" EAST, A DISTANCE OF 103.13';


THENCE NORTH 20°46'13" WEST, WITH THE EASTERLY R.O.W. LINE OF SAID ALLEY, SAME BEING THE WESTERLY LINE OF SAID LOTS 6, 17 AND 18 AND THE WESTERLY LINE HEREOF, A DISTANCE OF 72.12' TO THE POINT OF BEGINNING AND CONTAINING 0.066 ACRE OR 2,868 SQ. FT. AS SURVEYED ON THE GROUND.

GENERAL NOTES

- THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN TITLE COMMITMENT OF NO. ATA-831-170831230006A OF AUSTIN TITLE, EFFECTIVE DATE OF JANUARY 13, 2023. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.
- ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, NAD83.
- THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (UNSHADED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480023 0100 E, REVISED JANUARY 19, 2006. ZONE DETERMINATION WAS DONE BY GRAPHIC PLOTTING FROM THE FEMA MAP. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
- SUBJECT TO ALL APPLICABLE CITY AND/OR COUNTY DEVELOPMENT CODES AND ORDINANCES.

I, MICHAEL TURNER, DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE PROPERTY LEGALLY DESCRIBED HEREON, THAT THE FACTS FOUND AT THE TIME OF THIS SURVEY SHOW THE IMPROVEMENTS AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND EXCEPT AS SHOWN. SURVEYOR FOR WINDROSE LAND SERVICES - AUSTIN.


MICHAEL TURNER
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR
R.P.L.S. NO. 6441


DATE: 2/13/23

PURCHASER: RICARDO ISRAEL VELAZQUEZ ROMO
ADDRESS: TRACT 1: 209 EAST 2ND ST, ELGIN, TX 78621
TRACT 2: 207 EAST 2ND ST, ELGIN, TX 78621

FIELD BY: NG 02/06/23
DRAWN BY: JC 02/10/23
CHECKED BY: MT 02/13/23

LENDER: BIEL-SHERMAN PARTNERSHIP, LLC
TITLE COMPANY: AUSTIN TITLE

JOB NO. 42250
SHEET 1 OF 1

Windrose Services - Land Austin

4120 COMMERCIAL CENTER DRIVE
SUITE 300
AUSTIN, TEXAS 78744
FIRM REGISTRATION NO. 10110400

Telephone: (512) 326-2100
Fax: (512) 326-2770

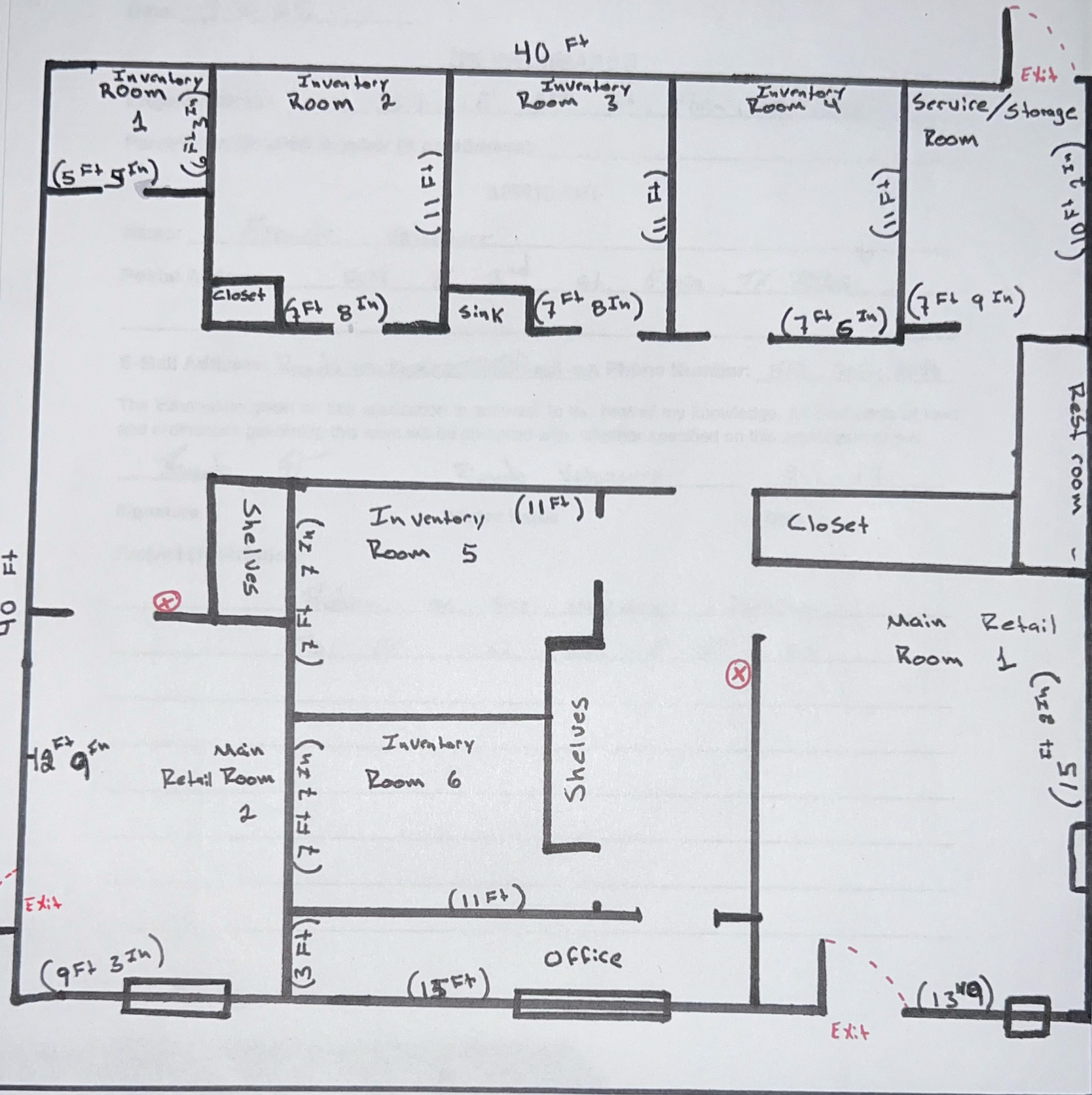
© COPYRIGHT 2023 WINDROSE LAND SERVICES - AUSTIN. ALL RIGHTS RESERVED.

REVISIONS	
DATE	REASON

- #### LEGEND
- CL - CABLE LID
 - EM - ELECTRIC METER
 - HP - HANDICAP PARKING SPACE
 - CM - CABLE MANHOLE
 - GA - GUY ANCHOR
 - PP - POWER POLE
 - OP - OVERHEAD POWER LINE
 - WM - WATER METER
 - NG - NATURAL GROUND
 - - FOUND 3/4" IRON ROD
 - - FOUND 5/8" IRON ROD
 - - FOUND 1/2" IRON ROD
 - - FOUND CAPPED 1/2" IRON ROD
 - - FOUND 60D NAIL
 - - FOUND 2" IRON PIPE
 - - FOUND 4" BRASS DISK
 - - SET CUT "X" IN CONCRETE
 - () - RECORD INFORMATION CABINET 1, PAGE 100B, B.C.P.R.
 - [] - RECORD INFORMATION CABINET 2, PAGE 319A, B.C.P.R.
 - [] - RECORD INFORMATION DOC. NO. 201817304, B.C.O.P.R.
 - < > - RECORD INFORMATION VOL. 502, PG. 150, B.C.D.R.
 - () - RECORD INFORMATION DOC. NO. 201807461, B.C.O.P.R.
 - || - RECORD INFORMATION VOL. 136, PG. 601, B.C.D.R.
 - P.O.B. - POINT OF BEGINNING
 - P.O.C. - POINT OF COMMENCEMENT

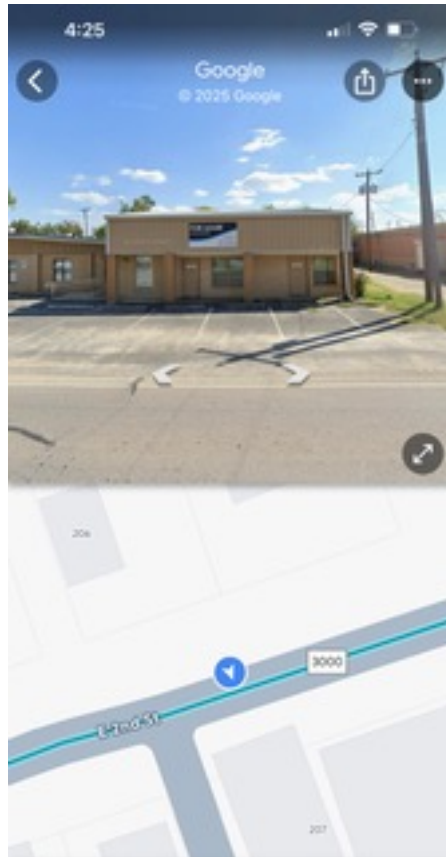
Attachment #2 Floor Plan

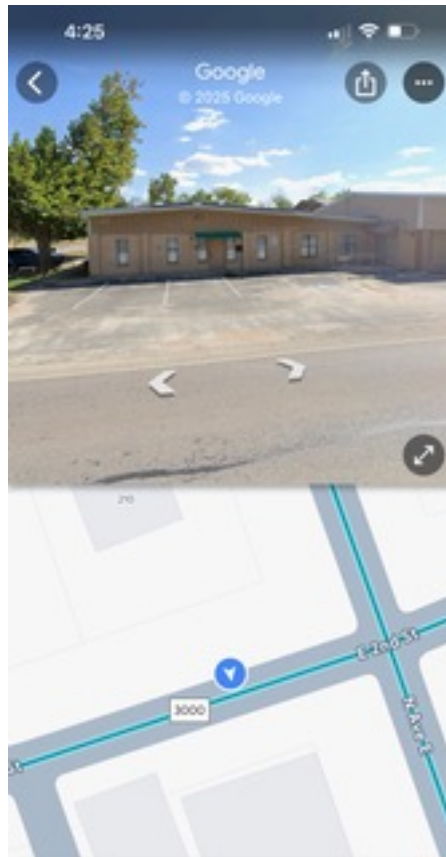
207 E 2nd St



E 2nd St

Attachment #3
Applicant Photos





Vicinity Map





February 24, 2025

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 shaded rectangle) and your lot within the notice area (blue shaded circle). This notice is to inform you of a public hearing to be held by Board of Adjustment as denoted below:

Project #202500013: A zoning variance from Section 46-635 in order to reduce the minimum onsite parking to zero spaces in the “C-2” – General Commercial District at 207 E 2nd St (Parcel number 12417 Puckett, Block 40, Lot FRS 6, 17 & 18, as located in Bastrop Co.).

Notice is given of a public hearing to be held by the Board of Adjustment on **March 13, 2025**, 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 12417
200' REZONING
NOTIFICATION

Red Shading: Parcels 12417
Requesting Rezoning
Blue Shading: Notified Properties
Within 200'



Development Services Department

STAFF REPORT

Application for Zoning Variance

File Number: 202500014

Date: March 4, 2025
Applicant: Richard Moore
Representative: SAME
Hearing Date: Board of Adjustment – March 13, 2025
Location: 34 N. Ave. C

APPLICATION SUMMARY

Consideration (action) by the Board of Adjustment of a Zoning Variance from [Section 46-635](#) to reduce the minimum on-site parking requirements to zero (0) required parking spaces for a new professional office business.

This application has been **WITHDRAWN** by the applicant, but due to it having been noticed it is still required to appear on the agenda.

DEPARTMENT COMMENTS

The Applicant Richard Moore is the owner of 34 N. Ave. C, in the process of facilitating his tenants opening a curio shop Things Celtic. He had initially been informed by Staff and by the Historic District Administrator that 34 N. Ave. C is outside the Downtown Historic District and as such he would be required to have an impervious asphalt parking lot in accordance with Section 46-635(a)(12), as is the case for any business not exempted from parking outright due to being in the Downtown Historic District. As the construction of such a parking lot would prove to be a financial burden and aesthetically displeasing, Richard Moore had applied for a variance to Section 46-635.

It later came to our attention that while the property is not within the Downtown Historic District it is still within the [Downtown Overlay District](#). Per Section 46-500(g) there are multiple options of paving materials for parking areas including crushed granite with a concrete border, cut stone, natural rock, or permeable asphalt. Upon learning this, Richard Moore determined that a parking lot meeting the requirements set forth by Section 46-635 but with the above paving material options would be more feasible than the asphalt requirement. As a result, he formally withdrew his variance application and is proceeding with the construction of the parking lot.