

**MINUTES
CITY OF ELGIN BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, JUNE 12, 2025**

- I. CALL TO ORDER-ROLL CALL:** The Chair called the meeting to order at 6:31 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 Finley, S. H. McShan.

BOARD ABSENT: Stephen Kylberg, Suzannah DesRoches (Senior Alternate)

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

STAFF ABSENT: Alyssa Loveday of WGA, Assistant Project Manager

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

III. CONSENT AGENDAS

1. March 13, 2025 Minutes.

Stephen Finley moved that the Board approve the consent agenda. Vice-Chair Darren Mogonye seconded the motion. The motion passed unanimously with a vote of four (4) for and zero (0) against.

IV. NEW BUSINESS

1. Project #202500055: A sign variance from Section 32-217(3)(a) in order to increase the allowed area of a sign from 26.25 square feet to 31.667 square feet for a commercial establishment located at 34 N. Ave C (Parcel number 12331, ELGIN CITY, BLOCK 16, LOT 18,19,20 & 21 (FR), as located in Bastrop Co.).
- A. Staff Presentation – Director Beau Perry presented the situation as a sign whose spacing and central electrical conduit resulted in a larger sign per Ordinance measurement than the sign itself would appear, and so the applicant is requesting a variance to allow for the increased area. The increase would be 20% of the current maximum, which is half of the maximum 40% increase allowed by the variance.
 - B. Applicant Presentation – The Applicants Bob Rafferty and Nickki Richardson-Rafferty stood to speak. They explained that the sign is already constructed and being repurposed from their previous store rather than having been constructed contrary to the Ordinance, and suggested that because the issue is with the spacing and conduit rather than the display it would not be unreasonable to allow.
 - C. Open Public Hearing – The public hearing was opened at 6:40 P.M. No member of the public stood to speak on the project.
 - D. Close Public Hearing – The public hearing was closed at 6:40 P.M.
 - E. Discussion – Vice-Chair Darren Mogonye asked if a variance granted for a sign at this property would carry over to future tenants of 34 N. Ave C, and Director Perry confirmed that the variance would be for this specific sign and not carry over.
 - F. Consideration – Vice-Chair Darren Mogonye moved to approve the sign variance request as presented. S. H. McShan seconded the motion. The motion passed unanimously with a vote of four (4) for and zero (0) against.

IV. NEW BUSINESS (Cont.)

2. Project #202500040: A zoning variance from Section 46-265 (2) in order to reduce the requirement for a five foot (5') setback in the side yard to three feet, two inches (3', 2") on the south side of the property, and a zoning variance from Section 36-171 in order to reduce the minimum lot width from sixty feet (60') to thirty-nine feet (39') at the front building line in the "R-2" Single Family and Duplex Dwelling District located at 509 W. Cleveland St (Parcel number 14848, BIGGS, ACRES 0.1790, as located in Bastrop Co.).
 - A. Staff Presentation – Director Beau Perry explained that the new owners of this property intended to remodel the existing structure and were required to plat to receive the permit, and since the lot and structure are both noncompliant with the Ordinances they require variances to receive that plat. He communicated that without both variances approved the lot could not be developed in any way. Vice-Chair Darren Mogonye asked when the house was built and Melissa Lipiec found that it was constructed in 1953.
 - B. Applicant Presentation – The Applicant was not present to speak on behalf of the application.
 - C. Open Public Hearing – The public hearing was opened at 6:47 P.M. The neighbors of the property were present but no member of the public stood to speak on the project at this time.
 - D. Close Public Hearing – The public hearing was closed at 6:47 P.M.
 - E. Discussion – Chair Regan Dumbeck expressed a willingness to allow the variances for the purpose of housekeeping and cleaning up unplatted lots in Elgin. Vice-Chair Darren Mogonye expressed frustration at the absence of the Applicant. Chair Regan Dumbeck asked about the status of the neighbors, and noted that if the house could not be remodeled due to denial of the variance then the eventual dilapidation would be detrimental to the neighbors. Melissa Lipiec asked to clarify whether a variance granted for setbacks would persist if the owners decided to demolish the house instead of remodel it and then attempt to build a new structure within the setbacks. Director Perry noted that this would be a condition that the Board of Adjustment could allow or disallow.

Vice-Chair Darren Mogonye called attention to the neighbors who showed up for the meeting but did not speak. Maria Perez from the neighboring 511 W. Cleveland St did stand to speak on the condition of the house which has been abandoned for ten years and which she believes to be in great disrepair. She also spoke to the lack of a driveway, and Director Perry reiterated that all aspects of the Ordinance would eventually have to be met but this variance is the first step.
 - F. Consideration – Vice-Chair Darren Mogonye moved to approve the zoning variance request reducing the lot width to thirty-nine feet, and to approve the zoning variance reducing the side setback to three feet and two inches for the existing structure only. Stephen Finley seconded the motion. The motion passed unanimously with a vote of four (4) for and zero (0) against.
3. Project #202500045: A zoning variance from Section 46-303 (2) in order to reduce the requirement for a five foot (5') setback in the side yard to three feet, seven inches (3', 7") to allow for the placement of a forty-eight inch (48") prefabricated AC pad on the southwest side of the property in a Planned Development District referencing "R-3" Single Family, Duplex, and Zero Lot Line Two Family Dwelling District located at 13512 Barn Chime St (Parcel number 994934, CREEKS CROSSING SEC 1 BLK G LOT 40.).
 - A. Staff Presentation – Director Beau Perry explained that this and the following item are part of the Creeks Crossing subdivision which is under a PDD with negotiated area requirements. The original plans for the house had the air conditioner pad in front of the patio but upon building it was moved into the setback, which violated the PDD agreement and required a variance.

IV. NEW BUSINESS (Cont.)

- B. Applicant Presentation – Thomas Ahrens of Brightland Homes was present to explain the application, and explained that the plans were new prototypes with issues being worked out. Only in construction did they notice the uncomfortable space for the AC pad next to the patio. Chair Regan Dumbeck noted that this placement would not have a problem on a lot of 50 foot width, and questioned why the designer did not notice the issue for this plan. Thomas Ahrens remarked that most municipalities do not have such stringent setback requirements as Elgin, and Director Perry interjected that other cities may have different setback requirements but none allow construction within their declared setbacks.

Chair Regan Dumbeck questioned how many homes of this plan Brightland Homes intended to construct, and whether they expected to apply for a similar variance each time. Thomas Ahrens noted that the problem could be resolved if the entire house was moved over so that one side was flush with the setback, leaving enough space for the AC pad on the other side, which could be a plan moving forward for yet-constructed houses. Stephen Finley asked what issues might arise from off-center houses, and Director Perry said that it should not be an issue. Director Perry recommended that any variance granted be specific for this property and not be phrased to proactively modify future developments. Thomas Ahrens asked if a variance could be issued on the plan as a whole and Director Perry communicated that such a modification would be required to go before City Council to revise the PDD agreement.

- C. Open Public Hearing – The public hearing was opened at 7:20 P.M. Edgar Davidson of 13636 Sierra Lane in the Westwind subdivision stood to speak, having received a 200' notice letter. He spoke on the proximity of a barbed wire fence placed on his property line and the foliage beyond it, and communicated that if the foliage were to be removed there would be a larger space behind the Creeks Crossing property. Director Perry clarified the positioning of the properties involved.
- D. Close Public Hearing – The public hearing was closed at 7:24 P.M.
- E. Discussion – Vice-Chair Darren Mogonye remarked that the designer of the plan should have caught the issue, and expressed a concern that approving the variance would set a precedent that allows for similar mistakes to be approved in future. Chair Regan Dumbeck asked for some options on how else to remedy the currently built piping, and Thomas Ahrens described some possibilities. Director Perry remarked that even with the variance the builders will have to deconstruct what was already installed, and Chair Regan Dumbeck posed whether to deny the variance or to allow it but strictly disallow any future similar variances for either this developer or any other.

Stephen Finley asked what cost is associated with the variance, and Director Perry relayed the application fee was \$600. Stephen Finley rephrased his question to ask what impact the change would have on the structure or neighborhood of the property. Director Perry noted that one compromise would be the integrity of the PDD document agreed to by the developer. Vice-Chair Darren Mogonye expressed a dislike of granting a variance for a new development for convenience compared to older structures out of necessity. Director Perry communicated the thoroughness of staff review and adherence to procedure, and that staff would not allow future developers to imply the granting of a variance based on the decision made here. The Board discussed disallowing future variance requests and Director Perry confirmed that any developer retains the right to apply for a future variance, but the Board has the right to reject any future variance requests of a similar nature.

- F. Consideration – Stephen Finley moved to approve the zoning variance request as presented to allow for specifically the AC pad only, and no other encroachment. S. H. McShan seconded the motion. The motion passed unanimously with a vote of four (4) for and zero (0) against.

IV. NEW BUSINESS (Cont.)

4. Project #202500046:A zoning variance from Section 46-303 (2) in order to reduce the requirement for a five foot (5') setback in the side yard to four feet, two inches (4', 2") to allow for the placement of a forty-eight inch (48") prefabricated AC pad on the southwest side of the property in a Planned Development District referencing "R-3" Single Family, Duplex, and Zero Lot Line Two Family Dwelling District located at 13505 Muny Pkwy (Parcel number 994939, CREEKS CROSSING SEC 1 BLK G LOT 2.).
 - A. Staff Presentation – Director Beau Perry presented the item as identical to the previous item, same builder and subdivision, same floor plan but with a slightly different lot dimension.
 - B. Applicant Presentation – Thomas Ahrens of Brightland Homes was present but had no new information to impart. He communicated that Brightland Homes would be more thorough in review moving forward.
 - C. Open Public Hearing – The public hearing was opened at 7:57 P.M. No member of the public stood to speak on the project.
 - D. Close Public Hearing – The public hearing was closed at 7:57 P.M.
 - E. Discussion – Chair Regan Dumbeck remarked that if this item had been presented first the Board might have approved this one and then denied the other with tighter requirements. The Board discussed briefly on the phrasing of the motion.
 - G. Consideration – Stephen Finley moved to approve the zoning variance request as presented to allow for specifically the AC pad only, and no other encroachment. Vice-Chair Darren Mogonye seconded the motion. The motion passed unanimously with a vote of four (4) for and zero (0) against.

V. ANNOUNCEMENTS

1. Melissa Lipiec announced that the Board is still missing a Junior Alternate to take the place of David Lanford, and encouraged the Board members to reach out to potential interested candidates.

VI. ADJOURNMENT

The meeting was adjourned at 7:59 P.M.



Regan Dumbeck, Chair

ATTEST: Melissa Lipiec
Melissa Lipiec, Secretary

On a motion by DARREN MOGONYE, seconded by SUZANNAH DES ROCHES the foregoing instrument was passed and approved on this 9th day of OCTOBER, 2025.