

MINUTES
BOARD OF ADJUSTMENTS
PUBLIC HEARING/ SPECIAL MEETING
MONDAY FEBRUARY 13, 2017, 6:30 P.M.
CITY HALL ANNEX – COUNCIL CHAMBERS
310 N. MAIN STREET

1. **Call to order:** Chairman Franklin Boettcher called the meeting to order at 6:30 pm with the following present: Franklin Boettcher, Ruby Simms, Shifton McShan, Lynn Cottle, Brenda Pifia, Gary N. Cooke, Secretary, Carlos Navejas, Staff, Michael Hinds, Staff, and Melissa Lipiec, Staff.

Absent: None

Guest: Edward T. Harvey, Angela Bailey, Kory & Teresa Overby, and Joe Cottle

2. **Minutes:** Ruby Simms made a motion to accept the minutes of February 12, 2014 Lynn Cottle seconds, motion passed unanimously.

3. **Unfinished Business:** None

4. **New Business:**

1) REVIEW AND TAKE ACTION ON A VARIANCE REQUEST FILED BY EDWARD T. HARVEY FOR HIS PROPERTY LOCATED AT 1000 W 2ND STREET, IN THE SUNSET HEIGHTS, BLOCK 1, LOT 22, CITY OF ELGIN, COUNTY OF BASTROP, TEXAS FOR A VARIANCE OF ELEVEN FEET (11') ON THE EAST SIDE OF HIS PROPERTY SO THAT HIS NEW STORAGE BUILDING CAN REMAIN AT ITS CURRENT LOCATION. Gary N. Cooke addressed the commission and informed them that a copy of the original application was before them, along with a copy of the plat which is the original plat map for Sunset Heights. He also stated that he had made a site visit and found the measurements on the plat to be correct. He explained that R-1 zoning requires corner lots that abut another lot have a side yard of 15 feet. The storage building in question lies 4 feet from his property line, therefore he is requesting a variance of 11 feet. Chairman Boettcher called Mr. Edward Harvey of 1000 W 2nd Street up to address the Commission members. He stated that he was unaware of the 15 foot side yard requirement. He made sure there were no utilities in the ground in the area where he built the storage building. He situated the building 10 feet off the curb where he mistakenly thought he would be ok. He stated that his building does not obstruct view of traffic and he is hoping to keep the building at its current location. Brenda Pifia asked if a citation had been issued. Gary N. Cooke responded that one of our Code Enforcement officers saw the building being built and informed Mr. Harvey at that time that he needed a permit. Mr. Harvey came into the office right away and applied for a permit. That is when he was informed that the building was in within the side setback area. Lynn Cottle stated that she made a site visit and verified that the building does not obstruct the view of traffic at the intersection. Kory Overby of 1006 W 2nd Street stated that the storage building and foundation were professional installed and is visually appealing. It is his opinion that the building provides both visual and sound buffering for the daily traffic on the street. He further stated that he would like to see his neighbor Ed receive a variance so the building can stay at its current location. Angela Bailey of 1004 W 2nd Street stated that she has lived next to the property for the past ten years. She also stated she works at Phoenix School which is located at the back of the former high school. She is in favor of granting Mr. Harvey the variance. She reiterated Mr. Overby's comments about visual and sound buffering. Ms. Ruby Simms asked Ms. Bailey if she believes that the building is an asset to the neighborhood. Ms. Bailey responded that she is very happy with the way Mr. Harvey has improved and maintained the property since he purchased it. Gary N. Cooke asked Melissa Lipiec how many letters were sent out and she responded that there were a total of 9 letters sent with none being returned. Lynn Cottle asked what type of foundation the building was on. Mr. Harvey responded that it is on a concrete slab. Lynn Cottle made a motion to approve the variance request filed by Edward T. Harvey for his property located at 1000 W 2nd Street. Brenda Pifia seconded the motion and a vote was taken. The motion passed with a vote of 5 for and 0 against.

5. **Announcements:** Melissa Lipiec announced that a written variance request has been received by Gene and Ann Franz of 701 N Ave H so there will be another meeting next month.

6. **Adjournment:** Meeting adjourned at 6:48 pm.


Franklin Boettcher, Chairperson


Gary N. Cooke, Secretary