

MINUTES
BOARD OF ADJUSTMENTS
PUBLIC HEARING/ SPECIAL MEETING
MONDAY MAY 3, 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 6:32 pm with the following present: Franklin Boettcher, Ruby Simms, Shifton McShan, Lynn Cottle, Brenda Piña, Gary N. Cooke, Secretary, Carlos Navejas, Staff, Michael Hinds, Staff, and Melissa Lipiec, Staff.

Absent: None

Guest: Robert Stirling, Carolyn Stirling, Fernando Jonse, Locadia Jonse, Jessica Bega and Joe Cottle

2. **Minutes:** Lynn Cottle made a motion to accept the minutes of February 13, 2017 and Ruby Simms seconds, motion passed unanimously.

3. **Unfinished Business:** None

4. **New Business:**

1) REVIEW AND TAKE ACTION ON A VARIANCE REQUEST FILED BY ROBERT H. AND CAROLYN STIRLING FOR THEIR PROPERTY LOCATED AT 400 S. MAIN STREET, IN THE HAVERLAND SUBDIVISION, LOT 3, CITY OF ELGIN, COUNTY OF BASTROP, TEXAS, FOR A VARIANCE OF THE REQUIRED TWENTY-FIVE FOOT (25') SETBACK ON THE WEST SIDE OF THEIR PROPERTY SO THAT A NEW SIX FOOT (6') TALL PRIVACY FENCE CAN REPLACE THE PREVIOUS THREE FOOT (3') TALL PICKET FENCE ON THE PROPERTY LINE. Gary N. Cooke addressed the commission and gave a brief history on the Haverland Subdivision. He stated that the property was subdivided before zoning came into existence and that all of the lots are considered legal non-conforming lots. This means that you cannot change the footprint of the existing houses. At the time that the house at 400 South Main Street was remodeled; the builder was informed that they were restricted to a three foot (3') picket type fence on the property line. The new home owners are proposing a six foot (6') privacy fence only along a portion of the West property line with a step down to three feet (3') at the intersection. He informed the Board members that a six foot fence is allowed but not in area that create a visual obstruction (such as at intersections). Chairman Franklin Boettcher read correspondence received from Theresa Gonzalez of 105 E Alamo Street in opposition of the six foot (6') fence. Robert Stirling then addressed the Board Members and stated that they looked at the code and are reducing the fence height down to three feet (3') to prevent a visual obstruction at the intersection. Carolyn Stirling then addressed the Board Members and stressed that the reason they needed a six foot fence was for privacy and security. Since they are not allowed to have any more storage structures on the property there is no place to put sports equipment such as kayaks. Fernando Jonse of 104 W Alamo then addressed the Board and stated that he was there to support the Stirlings and was in favor of them completing the fence. Locadia Jonse of 104 W Alamo then stated that she was in favor of the 6' privacy fence. Jessica Bega then addressed the Board Members and stated that she was also in favor of granting the variance. After a bit more discussion about where the three foot (3') fence should begin; Chairman Boettcher asked for a motion. Brenda Piña made a motion "upon moving 8-10 feet back, have a three foot (3') fence in the front and a six foot (6') fence in the back" to approve the variance. Lynn Cottle seconded the motion and a vote was taken. The motion passed unanimously.

5. **Announcements:** Melissa Lipiec announced that there will be a celebration of life for Sheri Mac on Friday, May 5th at the Fleming Center and all Board Members are invited to attend. Lynn Cottle announced that May 14-21st is National Police Officer Appreciation Week. She also announced that Neil Stone passed away that morning. Brenda Piña asked about the Franz Variance request. Gary N. Cooke stated that we still had not received a formal request.

6. **Adjournment:** Meeting adjourned at 7:05 pm.



Franklin Boettcher, Chairperson


Gary N. Cooke, Secretary



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VARIANCE

WHEREAS, the Board of Adjustments of the City of Elgin, Texas is empowered to grant variances to certain provisions of the City of Elgin, Code of Ordinances, and

WHEREAS, Robert H. and Carolyn Stirling have filed a request to allow a variance from Chapter 46, Article V, Section 46-533. Projections into Yards, Code of Ordinances, City of Elgin, Texas, and

WHEREAS, on the 3rd day of May, 2017, at a special called and scheduled meeting, the Board of Adjustments considered said request and made the following finding:

1. That a variance is hereby granted to the owners of 400 South Main Street, Haverland Subdivision, Lot 3, City of Elgin, Bastrop County, Texas, for fifty-eight feet (58') on the West side of their property beginning at the rear property line so that a six foot (6') privacy fence can replace the three foot (3') tall picket fence on the property line. The remainder of the fence extending toward Main Street shall be three feet (3') tall.
2. All other provisions of said Code shall be complied with fully.

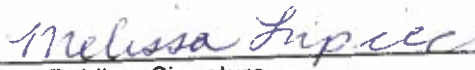
COPY


Franklin Boettcher, Chairman
Board of Adjustments
City of Elgin, Texas

THE STATE OF TEXAS
COUNTY OF BASTROP

This instrument was acknowledged before me on FEBRUARY 8, 2018, by Franklin Boettcher, Chairman of the Board of Adjustments.




Notary Public – Signature

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

After recording return to:

City of Elgin
Gary N. Cooke
P.O. Box 591
Elgin, Texas 78621


February 12, 2018 10:47:46 AM
KRISTAB FEE: \$26.00
ROSE PIETSCH, County Clerk
Bastrop, Texas
201801924

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