



AGENDA

BOARD OF ADJUSTMENT

SPECIAL MEETING

MONDAY, APRIL 19, 2021, 6:30 P.M.

OLD COUNCIL CHAMBERS, CITY HALL

310 NORTH MAIN STREET

1. CALL TO ORDER

2. PUBLIC COMMENTS FOR NON-AGENDA RELATED ITEMS

Individuals may request to speak on items not on the agenda. Speaker comments are limited to three (3) minutes and no formal action can be taken. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Commissioner, Staff, or others.

3. CONSENT AGENDA

All matters listed below are to be considered routine by the Board and will be enacted in one motion. There will not be separate discussion on the items. If discussion is desired, that items can be removed from the consent agenda and will be considered separately as a new business item.

1. Consider approval of the following Minutes

3.I. November 2, 2020 Minutes.

Documents:

[NOVEMBER 2, 2020 SPECIAL MINUTES.PDF](#)

4. NEW BUSINESS

4.I. Project #202100692: A Zoning Variance From Section 46-335 To Remove The Requirement For Covered Parking For A Minimum Of 25% Of All Parking Spaces For A New Duplex In The "A" Multiple Family Residential District Located At 410 Madison St. (Smith, J.S. Lot 10B, ACRES 0.16 As Located In Bastrop Co.).

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing

- D. Close Public Hearing
- E. Discussion
- F. Consideration

Documents:

[COMBINED PACKET FOR 410 MADISON.PDF](#)

5. ANNOUNCEMENTS

6. ADJOURNMENT

The Board may adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code. The board will return to an open session for possible discussion and action as a result of the Executive Session.

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) 281-5724. Please provide a forty-eight (48) hour notice when feasible.

Para informacion en espanol favor de llamar (512) 281-0119. Servicios de traduccion disponible en la reunion.

**MINUTES
CITY OF ELGIN BOARD OF ADJUSTMENTS
SPECIAL TELECONFERENCE MEETING
MONDAY, NOVEMBER 2, 2020 – 6:30 P.M.**

CALL TO ORDER : The Chair called the meeting to order at 6:30 P.M. with the following members present via teleconference: Chair Regan Dumbeck, Brenda Piña (until 7:16 P.M and from 8:12 P.M. onward.), Stephen Kylberg, Darren Mogonye, Franklin Boettcher and Shifton McShan.

ABSENT: Ruby Simms & Brenda Piña (from 7:17 P.M – 8:11 P.M.)

STAFF: Planning Technician Melissa Lipiec & ATS Engineers, Inc. Fire Consultant Gilbert Watt.

CONSENT AGENDA

1. June 23, 2020 Special Meeting.

On a motion by Brenda Piña, seconded by Stephen Kylberg, the Board voted unanimously to approve the minutes.

NEW BUSINESS

1. Project #202001033: A fire code variance from Section 903.2.7 of the 2006 International Fire Code as adopted under Section 18.23 to not provide fire sprinklers within a Group R (Residential) Occupancy as a new occupancy use for a building located at 112 Depot St. (ELGIN CITY, BLOCK 17, LOT 7).
 - A. Staff Presentation – Melissa Lipiec read the report into the record and introduced Gilbert Watt to the Board who indicated he was here for any questions.
 - B. Applicant Presentation – Melissa Cole provided answers to the Board questions regarding cost of improvements. Staff briefly discussed the zoning code, interpretation of fire code by the Building Official, materials associated with meeting fire code requirements, specific portions of the fire code, fire barriers, fire walls.
 - C. Open Public Hearing – This was not opened by the Chair.
 - D. Close Public Hearing – Since this was not opened by the Chair there was no need to close.
 - E. Discussion - There was a brief discussion by the Board in subsection B.
 - F. Consideration - On a motion by Stephen Kylberg, seconded by Darren Mogonye, the Board unanimously voted to approve Project #202001033 with the condition that the Code approved fire barrier be in place and a unified fire alarm system would exist in the residential and commercial portions of the building.

ELECTION OF CHAIR AND VICE CHAIR FOR 2021: On a motion by Brenda Piña, seconded by Shifton McShan, Regan Dumbeck was nominated as Chair for 2021 and Stephen Kylberg for Vice-Chair for 2021, the Board unanimously approved the officers and both officers accepted their positions.

ANNOUNCEMENTS: There were no announcements.

ADJOURNMENT: The Chair adjourned the meeting at 8:16 P.M.

Regan Dumbeck, Chair

Attested: _____
Melissa Lipiec, Secretary

On a motion by _____, seconded by _____ the
foregoing instrument was passed and approved this _____ day of _____, 2021.



Development Services Department

STAFF REPORT

Application for Zoning Variance

File Number: 202100692

Date: April 6, 2021
Applicant: Francisco Bonequi
Representative: SAME
Hearing Date: Board of Adjustment – April 19, 2021
Location: 410 Madison St.

APPLICATION SUMMARY

Consideration (action) by the Board of Adjustment of a Variance from Sec. 46-335 to remove the requirement for covered parking for a minimum of 25% of all parking spaces for a new duplex in the “A” Multiple Family Residential District. The proposed carport location is highlighted in red on the attached site plan (see attachment 2). This removal will avoid another separate variance as the building would be in the twenty-five (25) foot front setback.

DEPARTMENT COMMENTS

Under Section 46-87 the Board must determine the 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. Since there are five (5) regular Board Members, there would need to be four (4) present and four (4) would need to approve the request.

STAFF ANALYSIS

Staff believes the variance would not be contrary to the public interest since the removal avoids review of another variance to the twenty-five (25) foot front setback. Also based on aerial observation, the neighboring area along Madison St. do not have this similar carport within the front yard (see attachment 2) and therefore the carport at its present location is not an area development pattern. To build and maintain the zoning setbacks of twenty-five (25) feet front setback and fourteen (14) feet side setback the duplex must be in its present location and therefore the parking spaces cannot be re-located and must remain within the front setback. Based on this information staff believes 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. Staff Maps
3. Site Plan

Attachment 1

Application

ZONING VARIANCE APPLICATION

Date: 2-9-2021

SITE INFORMATION

Project Address: 410 Madison St.

Parcel Identification Number (if no address): 12964

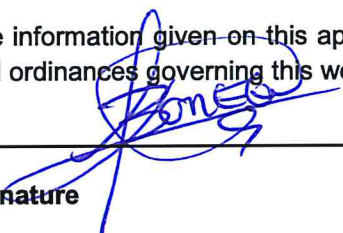
APPLICANT

Name: Francisco Bonequi

Postal Address: 410 Madison Street Elgin TX 78621

E-Mail Address: fbonequi@gmail.com; Phone Number: (512) 350-8454

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>Francisco Bonequi</u>	<u>2-9-2021</u>
Signature	Printed Name	Date

Project Description:

Variance Remove covered parking per zoning variance Section 46-335.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

ATX Design Group

1301 S. IH 35 #316
Austin, Texas 78741

Tel. 512 584 0211
Email: rduranjr.atx@gmail.com

April 2, 2021

David Harrell, AICP
Development Services Director
Development Services Dept.
City of Elgin
Direct: 512-229-3254
Main: 512-281-5724

Re: ***ELGIN DUPLEXES***
410 Madison St.
Elgin, Texas 78621
NARRATIVE LETTER

Dear Mr. Harrell ,

We would like to request a variance to remove the covered parking per zoning Section 46-335. This property is private and will not be contrary to the public interest. The variance for the covered parking is unnecessary hardship and is recommended by city staff not to built them. The zoning ordinance will allow us not to built the covered parking. Also, there are no covered parking to the neighboring duplexes. Again, this is a private property and there area no existing covered parking in the neighboring duplexes. We are attaching pictures of adjacent and neighboring duplexes that clearly show no existing covered parking.

Please contact me if you have any questions.

Thank you,



Ramon Duran Jr.
ATX Design Group

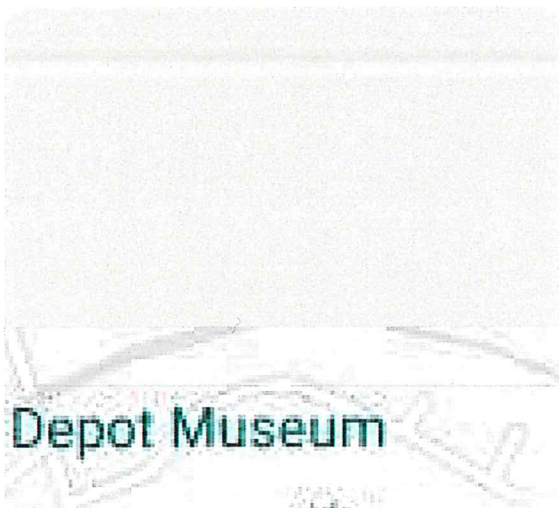
ATTACHMENTS

C:\dwgs\Elgin Duplexes\win\Narrative Ltr.doc

Google Maps 200 Hall St



Image capture: Apr 2011 © 2021 Google



202
Google Maps Hall St



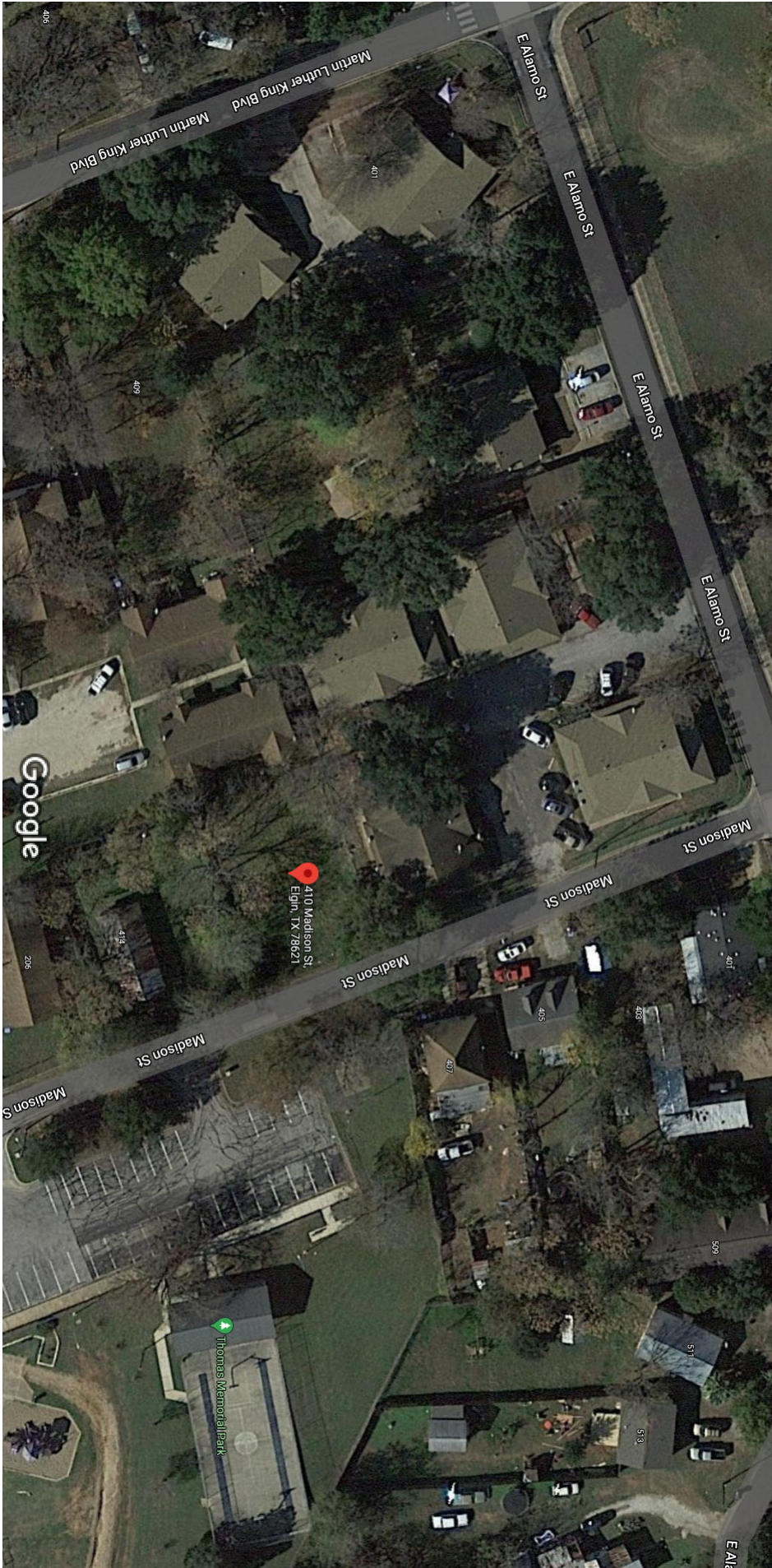
Image capture: Apr 2011 © 2021 Google



Attachment 2

Staff Maps

Google Maps 410 Madison St



Imagery ©2021 CAPCOG, Maxar Technologies, U.S. Geological Survey, Map data ©2021 20 ft

ArcGIS Web Map



4/6/2021, 9:33:52 AM

Bastrop County Parcels

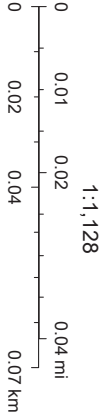
Zoning

R-2 Single Family and Garage Apartment District

R-3 Single Family, Two-Family and Industrialized Housing District

A Multiple Family Residential District

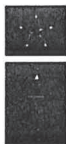
C-1 Neighborhood Shopping District



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS user community

Attachment 3

Site Plan



SCALE: 1"=20'-0"

LEGEND

BOUNDARY LINE	—●—
1/2" REBAR SET	○
RECORDED ON PLAT	()
BUILDING SETBACK	B.S.
PUBLIC UTILITY EASEMENT	P.U.E.
WOOD FENCE	—//—
CHAIN LINK FENCE	—- - - -
UTILITY POLE	⊗
WATER METER	⊗ WM
GAS METER	⊗ G
SEWER MANHOLE	⊗ S
LIGHT POLE	⊗ L
CLEAN OUT	⊗ CO
ELECTRIC METER	⊗ EM
UNDERGROUND ELECTRIC	—UE—
DISCONNECT	D
FIRE HYDRANT	⊗ FH
GAS METER	⊗ G
EXISTING TREE	⊗

NOTES

- WOODEN PRIVACY FENCES SHALL HAVE METAL POST OF SUFFICIENT GAUGE AND DIAMETER, EMBEDDED IN CONCRETE TO SUPPORT THE WEIGHT AND WIND LOAD OF THE FENCE. (SECTION 46.534, CITY CODE)
- ON-SITE DRIVEWAYS ARE CONSTRUCTED WITH A SEALED SURFACE SUCH AS CONCRETE (SECTION 46.636, CITY CODE)

Code requires a minimum 25% be covered parking however the carport would be in the 25' front setback. Hence the variance request to remove this standard.

