



AGENDA

BOARD OF ADJUSTMENT

SPECIAL MEETING

MONDAY, AUGUST 1, 2022, 6:30 P.M.

PUBLIC LIBRARY ANNEX CIVIC CENTER

404 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. April 20, 2022 Minutes.

Documents:

[APRIL 20, 2022 SPECIAL MINUTES.PDF](#)

4. NEW BUSINESS

- 4.I. Project #202200093: Zoning Variance From Section 46-265 To Reduce The Front Setback Along E. 3rd St From Twenty-Five (25) Feet To Zero (0) Feet For A New Accessory Building (Garage) At 300 N. Ave G (Lots 9 & 10, Block 11 Puckett Addition)
 - A. Staff Presentation
 - B. Applicant Presentation
 - C. Open Public Hearing

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

Documents:

[VARIANCE COMBINED PACKET.PDF](#)

4.II. Project #202200099: Special Exception From Sec. 46-634 To Reduce The Parking Stall Sizes From 9' X 20' To 9' X 18' For A New Commercial Development On A Lot At The SE Corner Of Lee Diddy Dr. And Roy Rivers Rd. (Elgin Business Park II, Block C, Lot 8, 2.020 ACRES)

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Consideration

Documents:

[SPECIAL EXCEPTION COMBINED PACKET.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 MEETING
MONDAY, APRIL 20, 2022 – 6:30 P.M.**

I. CALL TO ORDER - ROLL CALL: The Chair called the meeting to order at 6:30 P.M. at the Chamber of Commerce, Board Room, located at 114 N. Central Ave., Elgin, TX U.S.A.

BOARD PRESENT: Chair Regan Dumbeck, Franklin Boettcher, Darren Mogonye (Junior Alternate), and Shifton McShan.

BOARD ABSENT: Ruby Simms & Vice-Chair Stephen Kylberg (Senior Alternate).

STAFF PRESENT: David Harrell, Development Services Director

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

III. CONSENT AGENDA

1. November 15, 2021, Minutes.

On a motion by Franklin Boettcher, seconded by Shifton McShan, the Board voted unanimously (4-0) to approve the Minutes.

IV. NEW BUSINESS

1. Project #202200051: Sign variances from Section 32-216 to reduce the setback of a proposed freestanding sign from ten (10) feet to one (1) foot from side property line & Section 32-217(3)(b) to allow for a thirty-two percent (32%) increase in the proposed sign area for a freestanding sign located at 298 Upper Elgin River Rd. (A59 STANDIFER, ELIZABETH, ACRES 61.211).
 - A. Staff Presentation – David Harrell read the report into the record.
 - B. Applicant Presentation – Todd Swanson, representative of the applicant, indicated he needed the sign to promote commercial activity and indicate the present signage is too small.
 - C. Open Public Hearing - The public hearing was opened at 6:35 P.M. with no members of the public to speak on the item.
 - D. Close Public Hearing – The public hearing was closed at 6:35 P.M.
 - E. Discussion - There was a brief discussion by the Board and City Staff regarding location, height, and size of the future sign.
 - F. Consideration - Regan Dumbeck made a motion to approve the item, seconded by Darren Mogonye, the Board unanimously voted four (4) to zero (0) to approve Project #202200051.

ANNOUNCEMENTS: None.

ADJOURNMENT: Darren Mogonye made a motion to adjourn the meeting, seconded by Franklin Boettcher, the Board unanimously voted four (4) to zero (0) to adjourn at 6:41 P.M.

Regan Dumbeck, Chair

Attested: _____
Melissa Lipiec, Secretary

On a motion by _____, seconded by _____ the
foregoing instrument was passed and approved this 1st day of August 2022.



Development Services Department

STAFF REPORT

Application for Variance

File Number: 202100093

Date: July 21, 2022
Applicant: Anne Zulka
Representative: SAME
Hearing Date: Board of Adjustment – August 1, 2022
Location: 300 N. Avenue G

APPLICATION SUMMARY

Consideration (action) by the Board of Adjustment of a Variance to reduce the front setback along E. 3rd St. from 25 feet to 0 feet for a new accessory building (garage) at 300 N Ave. G. (Lots 9 & 10, Block 11, Puckett Addition).

DEPARTMENT COMMENTS

The applicant intends to build the proposed garage within the general footprint as the previous building (see attachments #3 & 1). However, the portions within the existing right-of-way along 3rd St. will be moved inward so the entire building footprint is within the property (see attachment #2). The applicant has indicated historically that the neighborhood has garages built originally to this standard (See attachment #3). Also, the applicant has photographed the water meter location in their submittal, and it is located within the current driveway. This means their water line is located somewhere on the property between the driveway and the home (see attachment #1)

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. This means at least four (4) members present and four (4) out of five (5) members voting to approve the item.

STAFF ANALYSIS

Staff believes the variance would not be contrary to the public interest since the original garage was originally within this setback (see attachment #2) and this is a historic pattern of the area given the neighboring garage (see attachment #3). Also, given the location of the water meter it is justified to believe the private water line is somewhere within the fenced in area between the present shed and home (see attachment #1). This limits the location to place a garage inside the lot and therefore creates an unnecessary hardship on the applicant.

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 & Other Applicant Information.
2. Site Plans
3. Staff Added Map

Attachment 1

Application & Other Applicant Information

ZONING VARIANCE APPLICATION

Date: 6-13-2022

SITE INFORMATION

Project Address: 300 N Avenue G, Elgin, TX 78621

Parcel Identification Number (if no address): R12393 Puckett Block 11 Lots 9 & 10

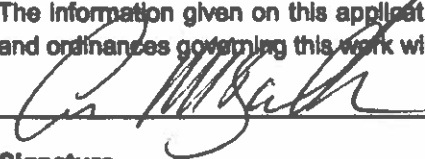
APPLICANT

Name: Anne Zulka

Postal Address: 300 N Avenue G, Elgin, TX 78621

E-Mail Address: annezulka@yahoo.com; Phone Number: 512 925-7239

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.

 Anne Zulka 6-13-2022
Signature Printed Name Date

Project Description:

Replacing original demo-ed 12.3' x 20.5' garage on SW corner of lot (alley/side street).

The original building over hung the south property line (PL) by 2-3' on the side street side. The proposed building will be a 12' x 18' portable unit, it will be located again in the SW corner of the lot. The new building will NOT infringe on the PL on either the alley or the side street side. This building installation will correct the previous code violating PL overhang into the public easement. Historically every other residence on this block has had garage overhang on the the side street PL. This project is effectively exchanging like for like with PL improvement.







Attachment 2

Site Plan

DALE L. CLARK
REGISTERED PROFESSIONAL SURVEYOR
DALLAS, TEXAS 75202

(512) 321-5474

0 IRON ROD SET
FENCE LINE

LOT 8

PROPOSED

PUCKETT ADDITION LOT 9

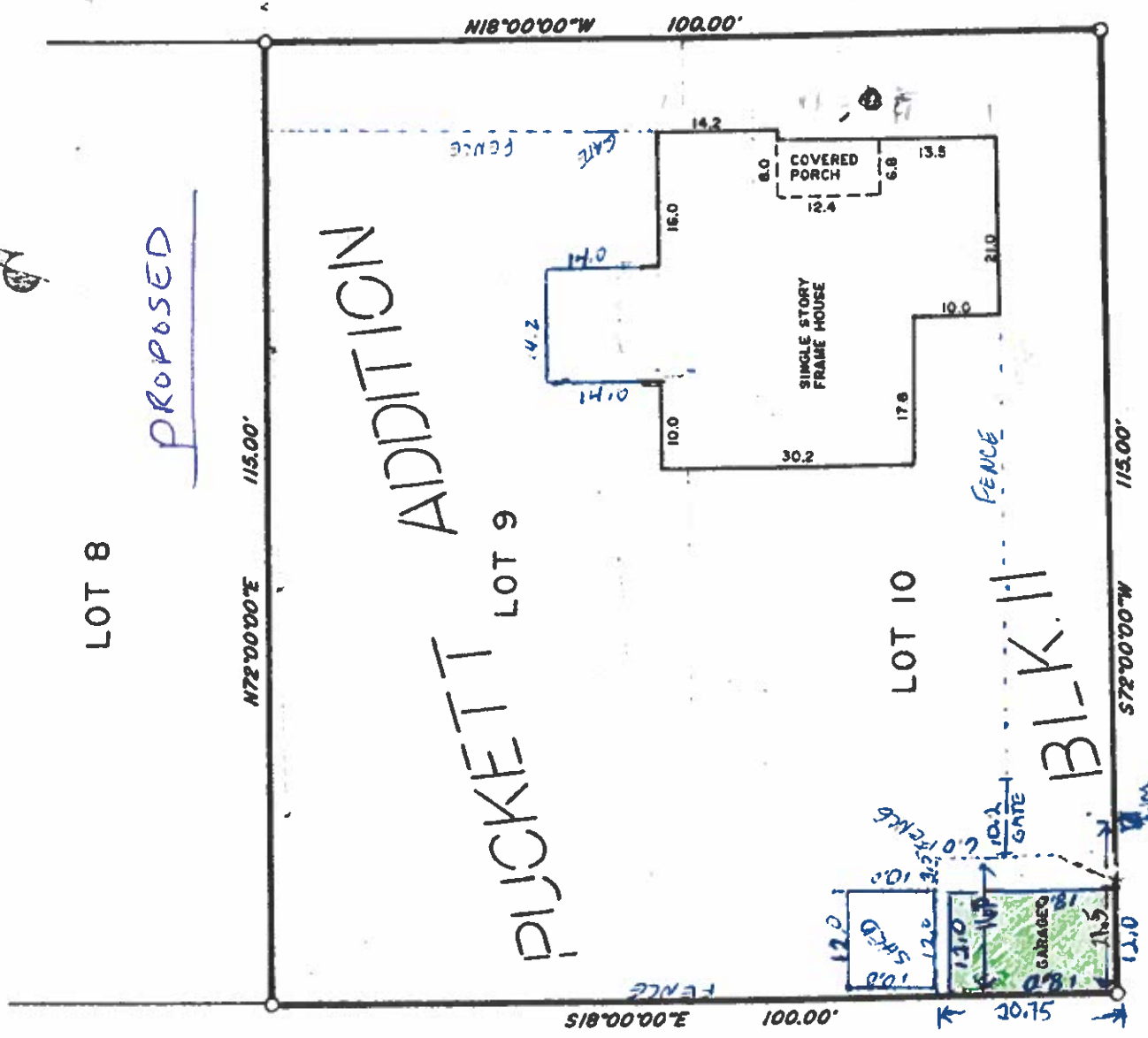
NORTH AVE. G

LOT 10

BLK. 11

EAST 3rd STREET

ALLEY 20'



Attachment 3
Staff Added Map

Google Maps 300 N Ave G



Map data ©2022, Map data ©2022 20 ft



300 N Ave G

Building



Directions



Save



Nearby

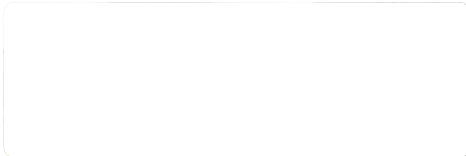
Send to
phone

Share



300 N Ave G, Elgin, TX 78621

Photos





Development Services Department

STAFF REPORT

Application for Special Exception

File Number: 202200099

Date: July 21, 2022

Applicant: Shravan Indrakanti c/o Trinity Elgin Properties

Representative: Brent A. Baker c/o Studio 16:19, LLC

Hearing Date: Board of Adjustment – August 1, 2022

Location: SE Corner of Lee Dildy Dr. and Roy Rivers Rd.

APPLICATION SUMMARY

Consideration (action) by the Board of Adjustment of a Special Exception to reduce a minimum parking stall size from the standard 9" wide x 20" long to a smaller 9" wide x 18" long for a proposed commercial development. This would be a 10% reduction in the minimum parking stall size.

DEPARTMENT COMMENTS

Under Sec. 46-693 the Board may grant a special exception from vehicle parking requirements provided it does not exceed 10% of the allowed requirements. Otherwise, the applicant would file for a zoning variance. A special exception only requires evidence that its granting is not contrary to the public interest or the spirit of the Code. This is a lowered legal threshold than a zoning variance which typically requires a proven hardship to grant the variance. The applicant has provided information to indicate that some existing parking stalls within the City are already at a 9" x 18" stall size (see attachment #1). 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. This means at least four (4) members present and four (4) out of five (5) members voting to approve the item.

STAFF ANALYSIS

Staff believes the special exception would not be contrary to the public interest since the City of Round Rock already allows for minimum parking stall sizes of 9" x 18" as part of its City Code (see attachment #2). Also, the applicant has provided examples in the City where the 9" x 18" stalls already exist with the City (see attachment #1). Therefore, with another City using this standard and it already existing in the City it is within the public interest and therefore within the spirit of the Code to reduce the stall sizes.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application
2. Staff Added City of Round Rock Minimum Parking Stall Sizes
3. Site Plan

Attachment 1

Application

SPECIAL EXCEPTION APPLICATION

Date: _____

SITE INFORMATION

Project Address: _____

Parcel Identification Number (if no address): _____

APPLICANT

Name: _____

Postal Address: _____

E-Mail Address: _____; Phone Number: _____

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.

Signature	Printed Name	Date
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Project Description:



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



(512) 281-0119



www.elgintx.com

July 1, 2022

City of Elgin

Mr. David Harrell
Development Services Director
310 N. Main Street
Elgin, Texas 78621

Re: Special Exception Application Request - Narrative, and Evidence

Project Name: Elgin Elite Plaza
Project Address: Lee Dildy Blvd. & Roy Rivers Road, Elgin, Tx

Dear Mr. Harrell

Per the Elgin Code of Ordinances, the attached plans are submitted for review and approval under a Special Exception Application Request. Due to existing site constraints, expounded on below, the proposed site plan and enhanced landscape design provides, in our professional opinion, the highest achievable level of user experience per the City Code. Also, the proposed overall site plan and enhanced landscape plan meets the general requirements as outlined in the City Code and the following narrative highlights as to why we believe the request is not contrary to the public interest and meets the spirit of the Code. The following areas are currently identified as deficient due to site constraints:

Sec. 46-634. – Size of off-street parking space.

- a. The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by 20 feet, plus adequate area for ingress and egress.

Due to multiple site constraints including existing and required site easements, utilities, necessary building square footage, and maximizing the parking quantity per the GLA proposed uses, we have sized all proposed parking stalls to a standard 9 feet by 18 feet in lieu of the code required 9 feet by 20 feet.

Supporting Narrative:

PARKING STALLS - A standard parking stalls measures 9 feet by 18 feet. These standard stalls can be found in most retail, restaurant, and small local commercial lots. Larger parking stalls (9 feet by 20 feet or 10 feet by 18 feet) are typically found in parking lots catering to construction workers (Home Depot, Lowes), mechanics (O'Reilly, AutoZone), as well as families buying household items in bulk (Sam's Club and Costco). The building usage often dictates the size of the parking stall (Ref. Images in **ATTACHMENT A**). The primary use for the buildings located in Elgin Elite Plaza will house café/coffee shops and small retail neighborhood services businesses (including medical, dentist, chiropractor, nail salon, etc.). This, per building usage, in our opinion justifies parking stalls to be 9 feet by 18 feet rather than the 9 feet 20 feet dimension.

We are also providing 7' sidewalks at all retail buildings which in turns provides a 2' overhang at the raised curb and gutter for potential large truck/ SUV usage. Although the stalls themselves are not 20 feet in length, the sidewalk has room for a larger vehicle to encroach if need be.

ENHANCED LANDSCAPE - Additionally, we have sized all proposed large and small trees on site to be 3" caliper versus the required 2" caliper by code. This provides 18" caliper above and beyond the required ordinance in the landscape to offset the reduction of length in the parking stalls. We believe the larger trees will provide more shade and thus enhance the project site and therefore feel more inviting.

Supporting Evidence:

Attached (**ATTACHMENT A**) is evidence that supports our narrative for the Special Exception.

Evidence includes:

- Google Earth images of parking lots showcasing that roughly only a small percentage of vehicles in a lot are large trucks/ SUVs.
- Google Earth aerial images indicating parking stalls in lots with restaurants and retail measure a standard 9 feet by 18 feet. Lots with buildings housing auto parts businesses, construction, and large retail tend to have the larger stalls measuring 9 feet by 20 feet.

Summary:

We recognize that the general public most likely will not modify their daily driver vehicle depending on a "big box" run or a trip to the coffee shop, but based on how the collective operation of the proposed uses in the this center should not require the need for additional parking stall length to perform normal egress/ ingress to the proposed uses for Elgin Elite Plaza. Therefore, based on the narrative and evidence presented, we believe this request is not contrary to public interest and meets the intent of the City of Elgin code. Please feel free to contact me should you have any questions, comments, or require any additional information. You may reach me via e-mail at brent@studio1619.com or by phone at **512.534.8680**.

Respectfully submitted,

studio 16:19, LLC



Brent A. Baker, ASLA, CLARB
managing principal

cc : file
Shravan Indrakanti, Trinity Elgin Properties
Jason Rodgers, P.E., Bleyl Engineering
Matt Webb, AIA, Trinity Architects

ATTACHMENT A

Supporting Evidence:



Image 1: Walmart Parking Lot



Image 2: HEB Parking Lot

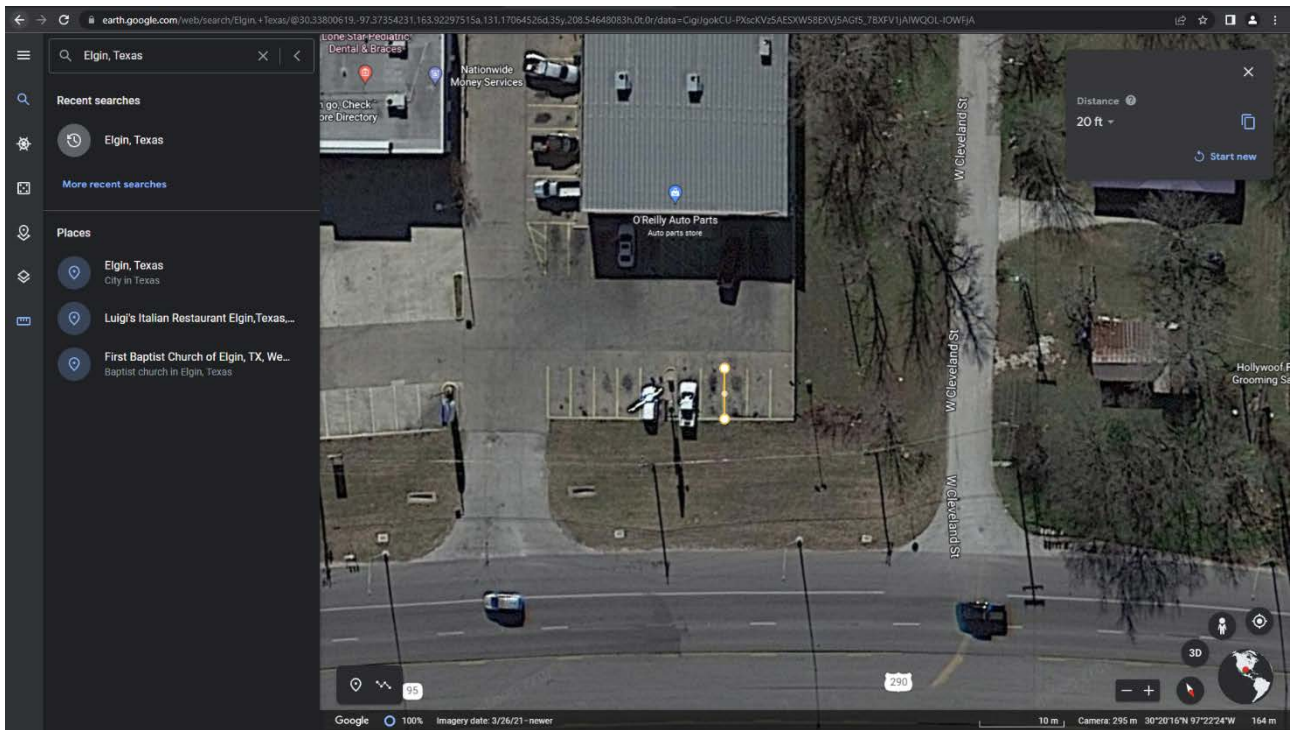


Image 3: O'Reilly 20-foot-long parking stall

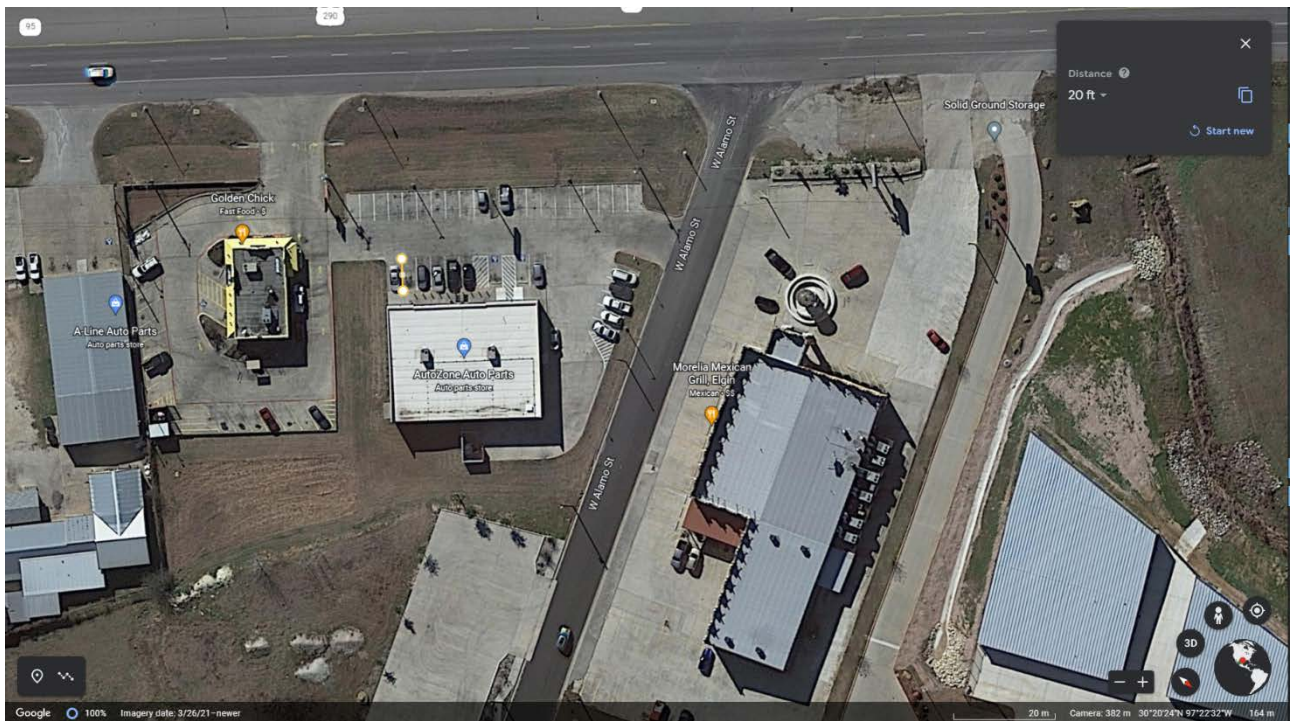


Image 4: AutoZone 20-foot-long parking stall

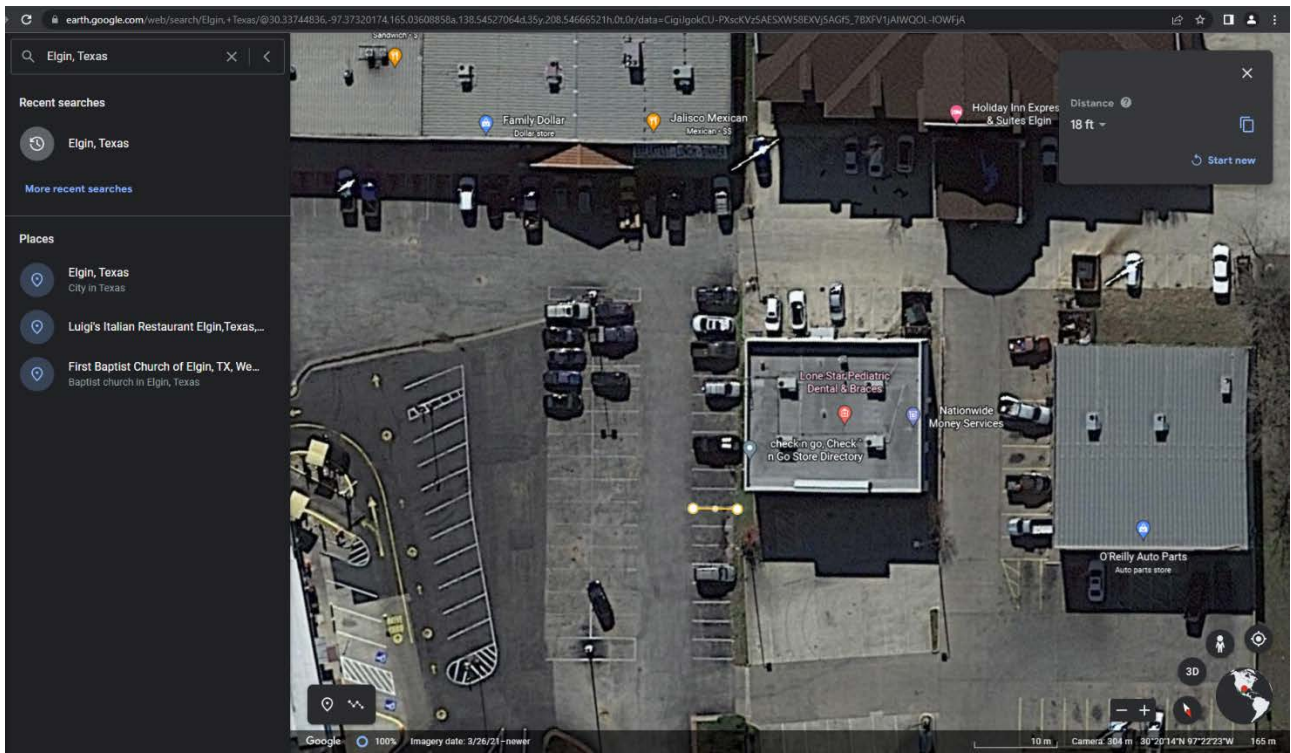


Image 5: Small commercial - 18-foot parking stall

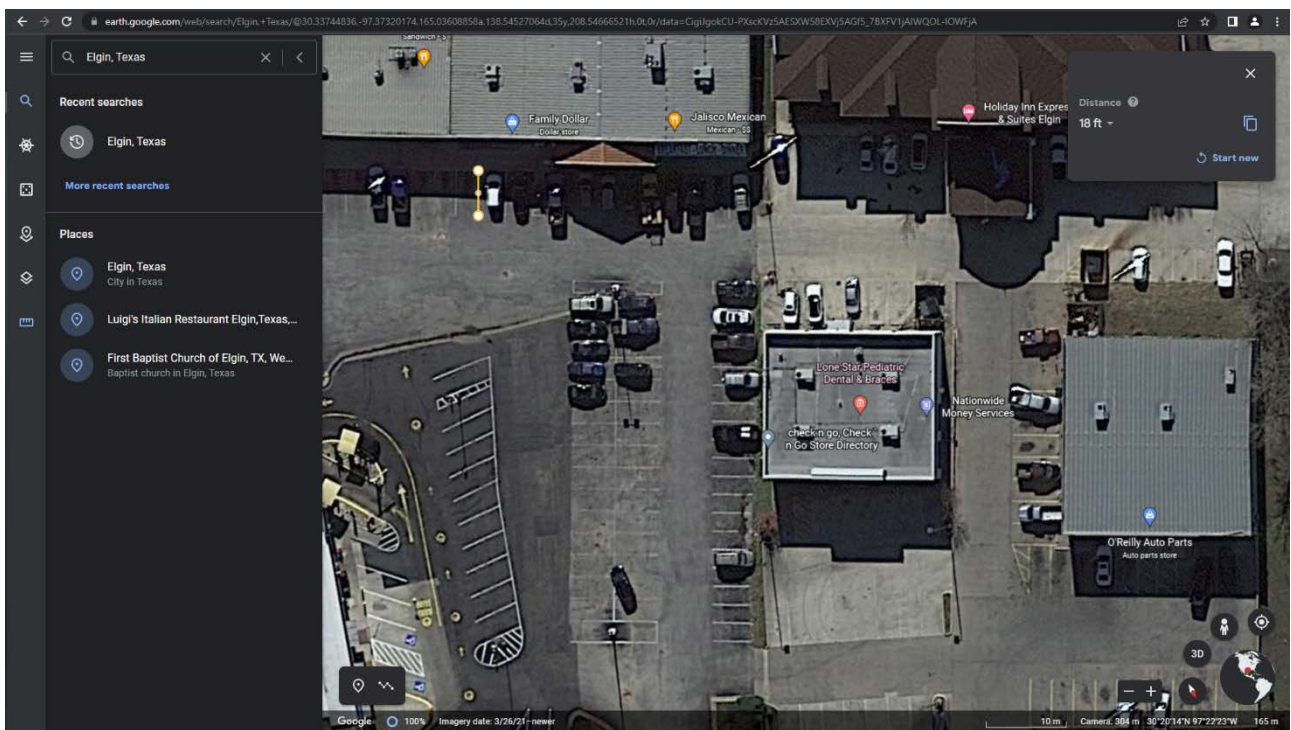


Image 6: Restaurant – 18-foot parking stall

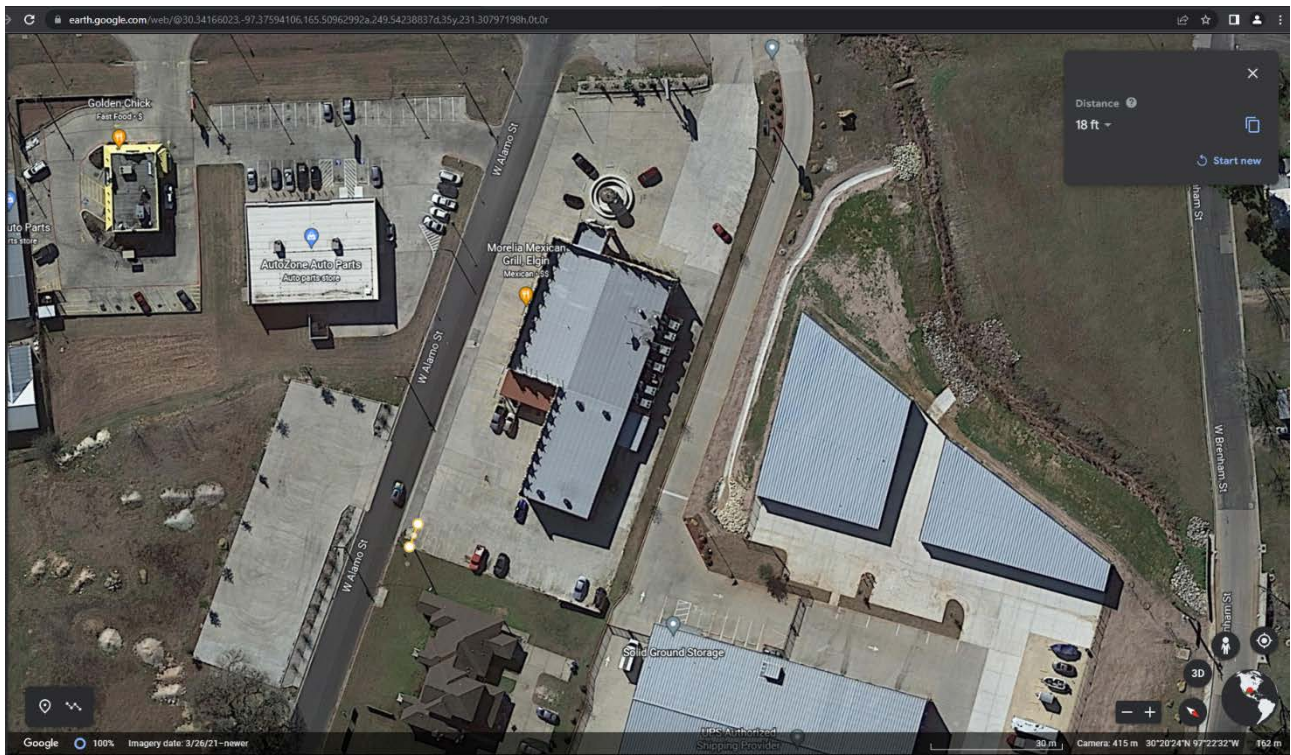


Image 7: Restaurant – 18-foot parking stall

Attachment 2

Staff Added City of Round Rock Minimum Parking Stall Sizes

Sec. 8-52. - Parking space and parking lot design.

- (a) *Parking space dimensions.* Required off-street parking spaces shall have minimum dimensions of nine (9) feet in width by 18 feet in length. Parallel parking spaces shall have minimum dimensions of eight and a half (8.5) feet in width by 22 feet in length.
- (b) *Aisle widths.* Drive aisle widths adjoining off-street parking spaces shall comply with the following standards:

Minimum Width for Specified Parking			
90 degrees	75 degrees	60 degrees	45 degrees or less
26 ft.	23 ft.	16 ft.	12.5 ft.

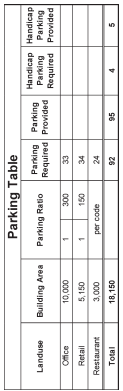
Note: Two-way aisles shall always require a minimum width of 26 feet.

- (c) *Markings.*
- (1) Each required off-street parking space and off-street parking area shall be identified by surface markings at least four (4) inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles.
 - (2) One-way and two-way accesses into required parking facilities shall be identified by directional arrows.
- (d) *Surfacing and maintenance.* All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses shall be paved and kept in a dust-free condition at all times.
- (e) *Access and circulation.*
- (1) Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.
 - (2) Site plans for retail developments greater than a cumulative 50,000 gross square feet shall designate a primary vehicle circulation route entering and exiting the development.
 - a. Landscape median islands or end islands, as described in Sec. 8-10(f)(1)d., shall be immediately adjacent to the primary vehicle circulation route for the entire length of the route (excluding pedestrian access and the face of primary buildings).
 - b. Parking is prohibited along primary vehicle circulation routes in order to prevent overflow

Attachment 3

Site Plan

BLEYL ENGINEERING
PLANNING • DESIGN • MANAGEMENT
7701 San Felipe, Suite 200, Austin TX 78729
Texas Firm Registration No. F-678
Tel. 512-454-2400
www.bleylengineering.com



Benchmarks
 B.M. #1: 12 inch Rebar
 Elevation = 558.12
 B.M. #2: 12 inch Rebar
 Elevation = 559.02
 NAVD 88

