



AGENDA

BOARD OF ADJUSTMENT

SPECIAL MEETING

THURSDAY, SEPTEMBER 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. August 1, 2022 Minutes

Documents:

[AUGUST 1, 2022 MINUTES.PDF](#)

4. NEW BUSINESS

- 4.I. Project #202200114: Zoning Variance From Section 46-303 To Reduce The Side Setback From Seven-Point Five (7.5) Feet To Five (5) Feet For A New Two (2) Story Home At 415 Gettysburg Loop (Shenandoah Subdivision Phase IV, Lot 30, Acres 0.1380).

A. Staff Presentation

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

Documents:

[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, AUGUST 1, 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 Public Library Annex (Civic Center), located at 404 N. Main St., Elgin, TX U.S.A.

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

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

STAFF PRESENT: David Harrell, Development Services Director; Melissa Lipiec, Secretary.

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

III. CONSENT AGENDA.

1. April 20, 2022, 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 #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 – David Harrell conducted a PowerPoint presentation of the staff report.
 - B. Applicant Presentation – Anne Zulka, applicant, indicated she was here to answer any questions and that she had letters from neighbors indicating their support.
 - 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 brief discussion between Staff and the Board concerning notifications and whether there had been anyone who had contacted the City.
 - F. Consideration – Ruby Simms made a motion to approve the item, seconded by Franklin Boettcher, the Board unanimously voted four (4) to zero (0) to approve Project #202200093.
2. 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 Dildy Dr. and Roy Rivers Rd. (Elgin Business Park II, Block C, Lot 8, 2.020 ACRES)
 - A. Staff Presentation – David Harrell conducted a PowerPoint presentation of the staff report.
 - B. Applicant Presentation – Shravan Indrakinti, applicant's representative, indicated that he and others for the project were here to answer any questions.
 - C. Open Public Hearing - The public hearing was opened at 6:40 P.M. with one (1) member of the public present and they offered the following public comments:

- i. Jeff Carter, 108 Schuylerville Drive, spoke in neither favor nor opposition but desired additional development information on the item. Staff indicated to the Chair, they could provide this information at a future time.

D. Close Public Hearing – The public hearing was closed at 6:41 P.M.

E. Discussion - There was a brief discussion by the Board and City Staff regarding handicap parking & benefits to reduction in stall sizes.

F. Consideration – Franklin Boettcher made a motion to approve the item, seconded by Shifton McShan, the Board unanimously voted four (4) to zero (0) to approve Project #202200099.

V. ANNOUNCEMENTS: David Harrell indicated that there would be a future zoning variance coming before the Board and he indicated that the meeting would be held on September 1, 2022. Regan Dumbeck indicated that it may be difficult for him to be at the meeting, but all others would in attendance.

VI. ADJOURNMENT: Franklin Boettcher made a motion to adjourn the meeting, seconded by Ruby Simms, the Board unanimously voted four (4) to zero (0) to adjourn at 6:45 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 September 2022.



Development Services Department

STAFF REPORT

Application for Variance

File Number: 202200114

Date: August 22, 2022
Applicant: MonDel Homes.
Representative: SAME
Hearing Date: Board of Adjustment – September 1, 2022
Location: 415 N. Gettysburg Loop

APPLICATION SUMMARY

Consideration (action) by the Board of Adjustment of a Variance to reduce the side setback from 7.5 feet to 5 feet for a two (2) story building at 415 N. Gettysburg Loop (SHENANDOAH SUBDIVISION PHASE IV, LOT 30, ACRES 0.1380).

DEPARTMENT COMMENTS

The applicant intends to build a home on the lot. Initially building plans were turned in that had the two-story home with a 5-foot setback (see attachment 2). Under Sec. 46-303, the property must have a 7.5-foot setback for a two-story home within the R-3 zoning (see attachment 3). City Staff held up the plans and the applicant has filed this variance to seek relief from this standard. The applicant has indicated the purpose of the 7.5-foot setback is for fire related purposes and the owner has spent \$4,000 on plans and not granting the variance will cause the redrawing of the plans and would result in a financial hardship since the company is constructing the home at cost and is making no profit on the project (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 granting of the variance would be contrary to the public interest because the neighborhood development pattern is that two (2) story homes have been built at 7.5 feet under the R-3 zoning (see attachment 3). This would result in a deviation of the standards with no evidence for a reason. There seems to be no evidence provided by the applicant of how there are special conditions or how the literal enforcement of these standards would result in a hardship. The applicant has cited a financial hardship in costs redrawing the plans. It is Staff's professional opinion that a financial hardship

is not the basis for being contrary to the public interest, special conditions, and particularly a hardship. The applicant could simply redraw the plans to increase the setback to 7.5 feet or reduce the home to a one-story building where they could have a 5-foot setback.

Based on this information Staff believes there is NO unnecessary hardship and granting of this variance by the Board would NOT 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: 7/13/2022

SITE INFORMATION

Project Address: 415 Gettysburg Loop, Elgin

Parcel Identification Number (if no address): _____

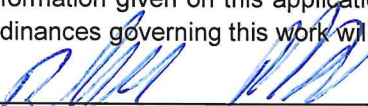
APPLICANT

Name: MonDel Homes on behalf of Jose Luis De La Sancha

Postal Address: PO Box 1654 Gonzales TX 78629

E-Mail Address: vera@mondelhomes.com; Phone Number: 512-595-5302

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.

 Abel Mondragon, President 7/13/2022

Signature

Printed Name

Date

Project Description:

Owner at 415 Gettysburg Loop is wanting to construct a 2-story single family residential home.

The proposed footprint of home encroaches on the 7.5' side setbacks and we are seeking a
variance to reduce the setbacks to 5'. Knowing the 7.5' side setbacks are in place to mitigate fire
from spreading, the builder will add fire-rated soffit to sides of house in order to protect
neighboring properties. The owner has already invested over \$4,000 in architectural and
engineering plans, and enforcement of the 7.5' side setbacks would mean starting over with
new plans resulting in significant financial hardship for the owner. The builder, MonDel Homes,
is constructing this home for owner and family at cost, and will receive no profit on project.



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



(512) 281-0119



www.elgintx.com

OWNER'S AUTHORIZATION LETTER

I/we hereby certify that I/we am/are the owner(s) of the above-described property. I/we am/are respectfully requesting processing and approval of permit(s) and/or project(s) reviews. I/we hereby authorize the Applicant listed on this letter to act on my/our behalf during the processing, review, presentation of this request and any inspections associated with this request. They shall be the principal contact with the City during the processing, review, presentation of this request and any inspections associated with this request

MonDel Homes Inc

4/28/22

Name of Applicant or Company (Print)

Date

Jose L. De La Sancha

4/28/22

1st Owners Signature

Date

Jose Luis De La Sancha

4/28/22

1st Owners Printed Name

Date

2nd Owners Signature

Date

2nd Owners Printed Name

Date

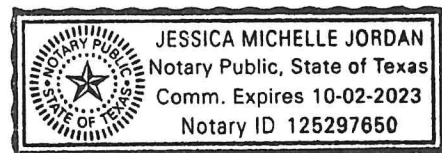
Additional owners please provide their signatures, date, printed name, and date on separate letter. This additional letter will also need to be notarized as well. Failure to provide additional property owner(s) and/or produce incorrectly may result in delay.

Be aware the person(s) who represent a corporation, limited liability company (LLC), or similar type of corporation regarding property ownership must provide documentation along with this letter indicating they have authority to sign for said corporation. Failure to provide may result in delay.

Sworn and subscribed before me this 28th day of April, 2022

Jessica Jordan

Signature of Notary Public



Notary Public in and for the State/Province of:

Texas

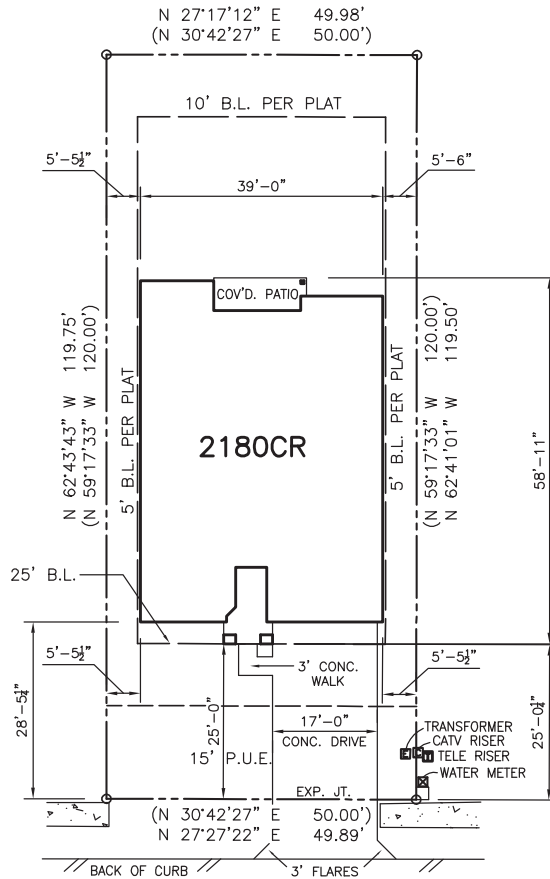
My commission expires on (m/d/y):

10/2/2023

Scanned 5/3/22

Attachment 2

Site Plan



415 GETTYSBURG LOOP

[illegible]

SHENANDOAH

PHASE 3

PLAN: 2180
ADDRESS: 415 GETTYSBURG LOOP
LOT: 4-30
BLOCK: C
ELGIN, TEXAS



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Attachment 3
Staff Added Map

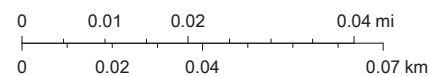
Aerial Map



8/18/2022, 5:20:18 PM

 Bastrop Parcels August 2022

1:1,128



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Web AppBuilder for ArcGIS

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | Esri, HERE, Garmin, (c) OpenStreetMap contributors |

Zoning Map

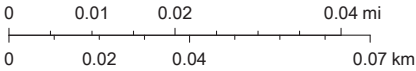


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Zoning

- PDD - Planned Development District
- R3 - Single Family/Two Family/Industrialized Housing District
- Bastrop Parcels August 2022

1:1,128



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community