



## AGENDA

### BOARD OF ADJUSTMENT

### REGULAR MEETING

THURSDAY, JULY 13, 2023, 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. December 1, 2022, Minutes

Documents:

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

#### 4. NEW BUSINESS

##### 4.I. Project #202300073: Zoning Variance To Sec 46-635 To Reduce Onsite Minimum Parking To Zero Spaces.at 209 E. 2nd St. (ELGIN FAMILY MEDICAL CENTER)

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

D. Closed Public Hearing

E. Discussion

F. Consideration

Documents:

[ZONING VARIANCE 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  
THURSDAY, DECEMBER 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, and Shifton McShan.

**BOARD ABSENT:** Vice-Chair Stephen Kylberg (Senior Alternate), Darren Mogonye (Junior Alternate), & Stephen Finley.

**STAFF PRESENT:** David Harrell, Development Services Director (Acting Secretary).

**II. CONSENT AGENDA.**

1. September 1, 2022, Minutes.

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

**III. NEW BUSINESS.**

1. Election of Chair and Vice Chair for 2023.

On a motion by Ruby Simms, seconded by Shifton McShan, the Board voted unanimously (4-0) to approve Regan Dumbeck as Chair and Stephen Kylberg (Senior Alternate) as Vice-Chair for 2023. The Chair elect accepted his position. However, since the Vice-Chair elect was not present to accept the position, David Harrell indicated he would email the Vice-Chair to see if he would accept the position.

**V. ANNOUNCEMENTS:** None.

**VI. ADJOURNMENT:** Regan Dumbeck adjourned the meeting at 6:32 P.M.

\_\_\_\_\_  
Regan Dumbeck, Chair

Attested: \_\_\_\_\_  
Melissa Lipiec, Secretary

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_ the  
foregoing instrument was passed and approved this 13<sup>th</sup> day of July, 2023.



# Development Services Department

## STAFF REPORT

### Application for Zoning Variance

**File Number: 202300093**

**Date:** June 13, 2023  
**Applicant:** Ricardo Velazquez  
**Representative:** SAME  
**Hearing Date:** Board of Adjustment – July 13, 2023  
**Location:** 209 E. 2<sup>nd</sup> St.

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#### **APPLICATION SUMMARY**

Consideration (action) by the Board of Adjustment of a Zoning Variance from Section 46-635 to reduce the minimum on-site parking requirements from to zero (0) required parking spaces for a new professional office business.

#### **DEPARTMENT COMMENTS**

The site is under new ownership from the previous owner. Originally this site was built in a layout where parking spaces exist partially on the site and within the State and City right-of-way (see attachment 2). Technically parking stalls must be fully on-site to count towards the required minimum parking for the Use. Since the use of the property is changing from medical office (WellMed) to professional office, the Code requires the site to be in compliance with the minimum parking requirements. Since this site cannot meet these standards, a zoning variance is needed to reduce the minimum parking requirements to zero (0).

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. At least four (4) of the five (5) members need to be in attendance at the meeting to vote and the same number must vote to approve the request.

#### **STAFF ANALYSIS**

Staff believes the variance would not be contrary to the public interest since the present layout existed before the new owners were deeded the property. Since the building occupies the majority of the site, there is no possible way the site can accommodate any on-site parking spaces, and this necessitates a hardship. The site already uses dedicated parking spaces, they just don't fully exist onsite. 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. Proposed Site Plan & Floor Plan
3. Applicant Photos
4. Aerial Maps

# Attachment 1

## Application

## ZONING VARIANCE APPLICATION

Date: 06-05-2023

### SITE INFORMATION

Project Address: 209 E. 2nd St Elgin Tx 78621

Parcel Identification Number (if no address): \_\_\_\_\_

### APPLICANT

Name: Ricardo Velazquez

Postal Address: 104 West highfield st  
Hutto Tx 78634

E-Mail Address: ricardovelazquez22293@gmail.com Phone Number: 512 705 3043

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.

Ricardo Ricardo I Velazquez 6-5-23

Signature

Printed Name

Date

This letter is to whom it may concern,

My name is Ricardo Velazquez I am the new Owner to 209&207 E 2<sup>nd</sup> st. I am very excited to be joining the City of Elgin I've heard many great things about this City.

My Project with 209 E. 2nd St is to remodel the building and have it set to be my warehouse for my business. When I bought this Property back in early 2023, I was not aware about having to re-apply to the Zoning Variance to ask to use the current parking lot available. I Do apologize in advance since this is my first business and I am learning new things as I go. My Request to the City of Elgin today is to be able to use the current parking conditions that have been used since 1985, the previous owners of the Well Med Building used this parking lot for many years, and my intent is not to change or add anything additional but be able to use it for many more years. Since this is a commercial parcel, all business must have parking of some sort for day-to-day operations. It is not our intent to break any zoning regulations, as we do understand that these regulations help our City of Elgin keep everything in code. All we ask to have today is to be Grandfathered in the current parking variance that has been used for the past years, I have attached pictures of how our current parking lot does not in any way impede traffic or stop traffic in any way on E 2<sup>nd</sup> St. We also commit to always having a Clean and Stripped Parking Lot. My Next-door neighbors are also commercial parcel's and neither of them have any asphalt paving or stripping on their parking, like we do. Just like Most of our current business located on here in Elgin's Main St. they are also using some type of parking variance, but this does not affect our main St. which is what the same thing we are asking. Our request is not contrary to the public's interest nor to the Zoning Ordinance.

We would not be able to run our business without a parking lot and this would cause many unnecessary hardships on my family and my business. If you have any questions, feel free to call me at any time

(512)705-3043

Thank You, Ricardo Velazquez

802 N. Ave. C  
P.O. Box 591  
Elgin, Texas, 78621  
(512) 281-0119

www.elgintexas.gov

June 6<sup>th</sup> 2023

Ricardo I Velazquez  
104 West Highfield St  
Hutto Tx 78634

Authorization Letter –  
209 & 207 E 2<sup>nd</sup> st Elgin Tx 78621

To whom it may concern,

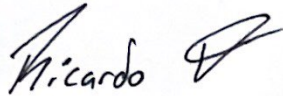
As the owner of 209 & 207 E 2<sup>nd</sup> Street Elgin Tx 78621 (lots 6 ,17 & 18 on block 40 addition to the city of Elgin Bastrop County, Puckett )

I grant Rocio Isabel Velazquez Romo to act as a Authorized Agent on Development Applications associated with this property.

This includes but is not limited to Subdivision platting, Construction Documents, Permits, Zoning Variances, and any or all related applications as may be required.

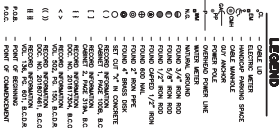
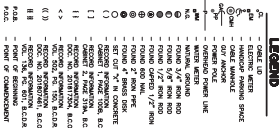
Please contact me if you have any further questions.

Sincerely

A handwritten signature in black ink that reads "Ricardo" followed by a stylized flourish.

Ricardo Velazquez  
[Ricardovelazquezz93@gmail.com](mailto:Ricardovelazquezz93@gmail.com)  
512-705-3043

Attachment 2  
Proposed Site Plan & Floor Plan



| REVISIONS |        |
|-----------|--------|
| DATE      | REASON |
| -         | -      |
|           |        |
|           |        |
|           |        |

## SURVEY OF

TRACT 1:  
BRING ALL OF ELGIN FAMILY MEDICAL CLINIC SUBDIVISION, A SUBDIVISION  
IN BASTROP COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN PLAT  
CABINET 2, PAGE 319A, PLAT RECORDS OF BASTROP COUNTY, TEXAS.

TRACT 2:

BEING A 0.66 ACRE OR 2,868 SQ. FT. TRACT OF LAND, CONSISTING OF PORTIONS OF LOTS 5, 17 AND 18, BLOCK 40, PUCKETT ADDITION TO THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 29, PAGE 167, DEED RECORDS OF BASTROP COUNTY, TEXAS AND RECORDED IN PLAT CABINET 1, PAGE 100B, PLAT RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SHOWN HEREON.

**TRACT 2 - LEGAL DESCRIPTION**

BEING THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING ADEER ACRE OR 2,669 SQ. FT., CONSISTING OF PORTIONS OF LOTS 6, 7, 14 AND 18, BLOCK 48, PICKETT ADDITION TO THE CITY OF EL DORNO, BASTROP COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 23, PAGE 67, BASTROP COUNTY DEED RECORDS, BEING THE TRACT OF LAND CONVEYED TO WILLIAM T. JENKINS AND KENNETH R. SHIRAH BY DEED RECORDED IN VOLUME 92, PAGE 150, A.C.R., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: ALL BOUNDARIES ARE BASED ON THE TEXAS STATE COORDINATE SYSTEM (CENTRAL, ZONE 102), NAD83.

COMMENCING FOR REFERENCE AT A FOUND 2" IRON PIPE AT THE INTERSECTION OF THE SOUTHERLY R.O.W., LINE OF EAST 2ND 100' R.O.W., AND THE WESTERLY R.O.W. LINE OF N. ALLEY 20' R.O.W., SITUATED IN SAID BLOCK 40, AND BEING AT THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS A 250 FT. PORTION OF LOTS 7-11, BLOCK 40 OF SAID PUCKETT ADDITION CONVEYED TO SOUTHWESTERN BELL TELEPHONE COMPANY BY DEED RECORDED IN VOLUME 136, PAGE 801 B.C.D.,

**REFERENCE:** NORTH 69°17'02" EAST WITH THE SOUTHERLY R.O.W., LINE OF SAID EAST 2ND ST., SAME BEING THE NORTHERLY LINE OF SAID ALLEY, A DISTANCE OF 20.32 TO FIND A "X" MARK ROD AT THE INTERSECTION OF THE NORTHERLY R.O.W., LINE OF SAID EAST 2ND ST. AND THE EASTERLY R.O.W., LINE OF SAID ALLEY, FOR THE NORTHWEST CORNER OF SAID LOT 18 AND THE NORTHWEST CORNER AND TRUE POINT OF BEGINNING

THE SOUTHERLY LINE OF SAID EAST 2ND ST. BEING THE SOUTHERLY LINE OF SAID LOT 18 AND THE NORTHERLY LINE HEREOF, A DISTANCE OF 38.87' TO A SET CURB ON THE SOUTHERLY R.O.W., LINE OF SAID EAST 2ND ST. BEING IN THE NORTHERLY LINE OF SAID LOT 18, AND BEING AT THE NORTHWEST CORNER OF ELGIN FAMILY MEDICAL CENTER SUBDIVISION, A

ENCE SOUTH 20°39'49" EAST, PASSING THROUGH AN ACROSS SAID LOTS 16 AND 17, WITH THE WESTERLY CORNER OF SAID ELMGAIN FAMILY MEDICAL CENTER SUBDIVISION BEARS NORTH 69°17'02" EAST, A DISTANCE OF 4.75';

OF SAID EIGHTHLY MEDICAL CENTER SUBDIVISION, SAME BEING THE EASTERLY LINE HEREOF, A DISTANCE OF 71.97' TO A POINT 7' FROM THE SOUTHERLY LINE OF SAID LOT 17, BEING IN THE NORTHERLY LINE OF SAID LOT 6, BEING IN THE WESTERLY LINE OF SAID EIGHTHLY MEDICAL CENTER SUBDIVISION, AND BEING AT AN ANGLE POINT IN THE NORTHERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 0.25 ACRES INCLUDING LOTS 4 AND 5, AND PARTS OF LOTS 6 AND 17, OF SAID BLOCK 40

CONVEYED TO KIMBLE, ANN TORRES-SINGLETON BY DEED RECORDED IN DOCUMENT NO. 201817304, CASTRO COUNTY OFFICIAL PUBLIC RECORDS (O.C.P.R.), FOR THE SOUTHEAST CORNER HEREOF, FROM WHICH A FOUND 1/2" IRON ROD AT THE SOUTHWEST CORNER OF SAID ELGIN FAMILY MEDICAL CENTER BUILDING BEARS AN ANGLE POINT IN THE NORTHERLY LINE OF SAID TORRES-SINGLETON TRACT BEARS SOUTH 20°39'40" EAST, A DISTANCE OF 14.06';

SECTION SOUTH 6, 9, 26, 35, WEST PASSING THROUGH AND ACROSS SAID LOT 6, WITH THE NORTHERLY LINE OF SAID TORGES-STEINER TRACT, SAME BEING THE SOUTHERLY LINE, HEREOF, A DISTANCE OF 39.74' TO A ROUND END NAIL IN THE EASTERLY R.O.W. LINE OF SAID ALLEY BEING IN THE WESTERLY LINE OF SAID LOT 6, AND BEING AT THE NORTHWEST CORNER OF SAID TORGES-STEINER TRACT, FOR THE SOUTHWEST CORNER OF SAID TRACT, FROM WHICH A FOUND 58' IRON ROD AT THE NATION WEST CORNER OF LOT 4 AND 3 OF SAID

REFERENCE NORTH 20°46'13" WEST, WITH THE EASTERN R.W. LINE OF SAID ALLEY SAME BEING THE WESTERLY CORNER OF THE SOUTH WEST CORNER OF SAID THOMAS-SCARLE LOT 10A(1), AND BEING AT THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 0.20 AC. BEING ALL OF LOTS 1, 2 AND 3 OF SAID BLOCK 40 CONVEYED TO 208 E. 1ST LLY BY DEED RECORDED IN DOCUMENT NO. 201807461, C.O.P.R., BEARS SOUTH 20°46'13" EAST, A DISTANCE OF 103.13'

**GENERAL NOTES**

THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN TITLE COMMITMENT OF NO. 631-170631225000004 OF AUSTIN TITLE, EFFECTIVE DATE OF JANUARY 13, 2023. SURVEYOR DID NOT ASSESS DEED PROPERTY.

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, NAD83.

THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (UNSHED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480203 0100 E. REVISION 19, 2006. ZONE DETERMINATION WAS DONE BY GRAPHIC PLOTTING FROM THE FEMA MAP. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

MICHAEL TIERNEY DO HEREBY CERTIFY THAT THE SURVEY WAS THIS DAY MADE ON THE GROUNDS DESCRIBED IN ALL APPLICABLE CITY AND/OR COUNTY DEVELOPMENT CODES AND ORDINANCES.

AND THAT THIS PLAN CORRECTLY REPRESENTS THE PROPERTY LEGALLY DESCRIBED HEREON, THAT THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE FACTS FOUND AT THE TIME OF THIS SURVEY SHOW THE IMPROVEMENTS AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND EXCEPT AS SHOWN, SURVEYOR FOR WINDROSE AND SERVICES - AUSTIN,



STATE OF TEXAS  
MICHAEL TURNER

2/13/23

DATE \_\_\_\_\_  
JAMES L. TURNER, JR., REGISTERED PROFESSIONAL LAND SURVEYOR  
S. NO. 6441

|             |    |        |
|-------------|----|--------|
| FIELD BY:   | NG | 02/06/ |
| DRAWN BY:   | JC | 02/10/ |
| CHECKED BY: | MT | 02/13/ |

RICARDO ISRAEL VELAZQUEZ ROMO  
TRACT 1: 209 EAST 2ND ST. ELGIN, TX 78621  
TRACT 2: 207 EAST 2ND ST. ELGIN, TX 78621  
BIO - STEPHAN PARTNERSHIP, LLC

COMPANY: AUSTIN TITLE

008 NO. 4225  
SHEET 1 OF 1

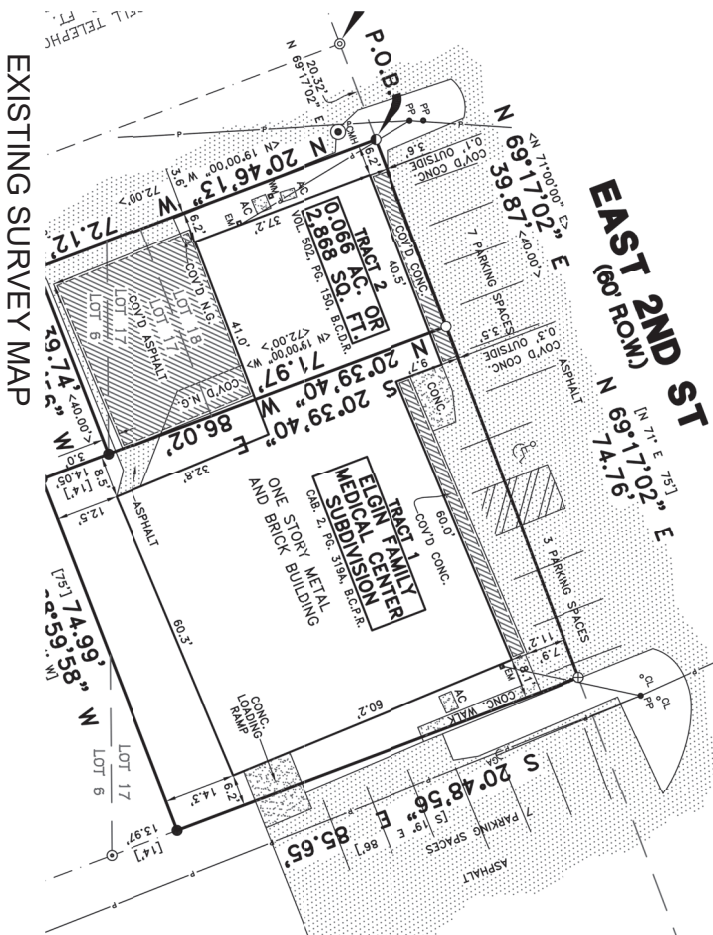
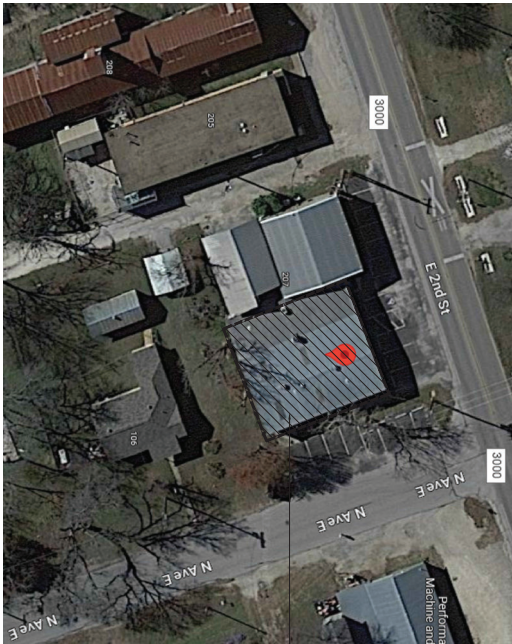


4120 COMMERCIAL CENTER DRIVE  
SUITE 300  
AUSTIN, TEXAS 78744  
FAX REGISTRATION NO. 10110400

Telephone: (512) 326-21  
Fax: (512) 326-22

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## SHEET INDEX:

- A1-0 COVER /INDEX SHEET
- A1-1 TEXAS ARCHITECTURAL BARRIER DETAILS
- A2-1 ARCHITECTURAL FLOOR PLAN & DETAILS
- A2-2 REFLECTED CEILING PLAN & DETAILS
- A3-1 PARTITION DETAILS
- M2-1 MECHANICAL FLOOR PLAN & SCHEDULES
- M3-1 MECHANICAL DETAILS
- M4-1 MECHANICAL SPECIFICATIONS
- P1-0 PLUMBING LEGEND & SCHEDULES
- P2-1 PLUMBING FLOOR PLAN
- P3-1 PLUMBING RISER DIAGRAM
- P4-1 PLUMBING SPECIFICATIONS
- P4-2 PLUMBING SPECIFICATIONS
- E2-1 ELECTRICAL FLOOR PLAN & PANEL SCHEDULES
- E2-2 LIGHTING FLOOR PLAN
- E3-1 ELECTRICAL DETAILS
- E4-1 ELECTRICAL SPECIFICATIONS

## CODES INFORMATION:

- 2021 :  
INTERNATIONAL  
BUILDING CODE & LOCAL AMENDMENTS  
MECHANICAL CODE LOCAL AMENDMENTS  
PLUMBING CODE & LOCAL AMENDMENTS  
FUEL GAS CODE & LOCAL AMENDMENTS  
ENERGY CONSERVATION CODE & LOCAL AMENDMENTS  
FIRE CODE LOCAL AMENDMENTS  
EXISTING BUILDING CODE
- 2020:  
NATIONAL ELECTRICAL CODE
- 2012:  
(TAS) TEXAS ARCHITECTURAL ACCESSIBILITY STANDARDS  
2020:  
ONCOR ELECTRICAL SERVICE GUIDELINE MANUAL
- ## PROJECT INFORMATION:
- PROJECT DESCRIPTION: 1-STORY PRE-FAB METAL /  
STONE BUILDING, NON-SPRINKLER.



Attachment 3  
Applicant Photos



159 N Avenue C



Google



Google

(30°20'56"N 97°22'19"W) 590 ft





144 W 2nd St



Google





176 E 2nd St



Google



9:44



206 E 2nd St



Google



Google

(30°20'59"N 97°22'10"W) 584 ft



9:45



224 E 2nd St



Google



Google

(30°21'00"N 97°22'08"W) 585 ft



9:46



226 E 2nd St



Google



Google

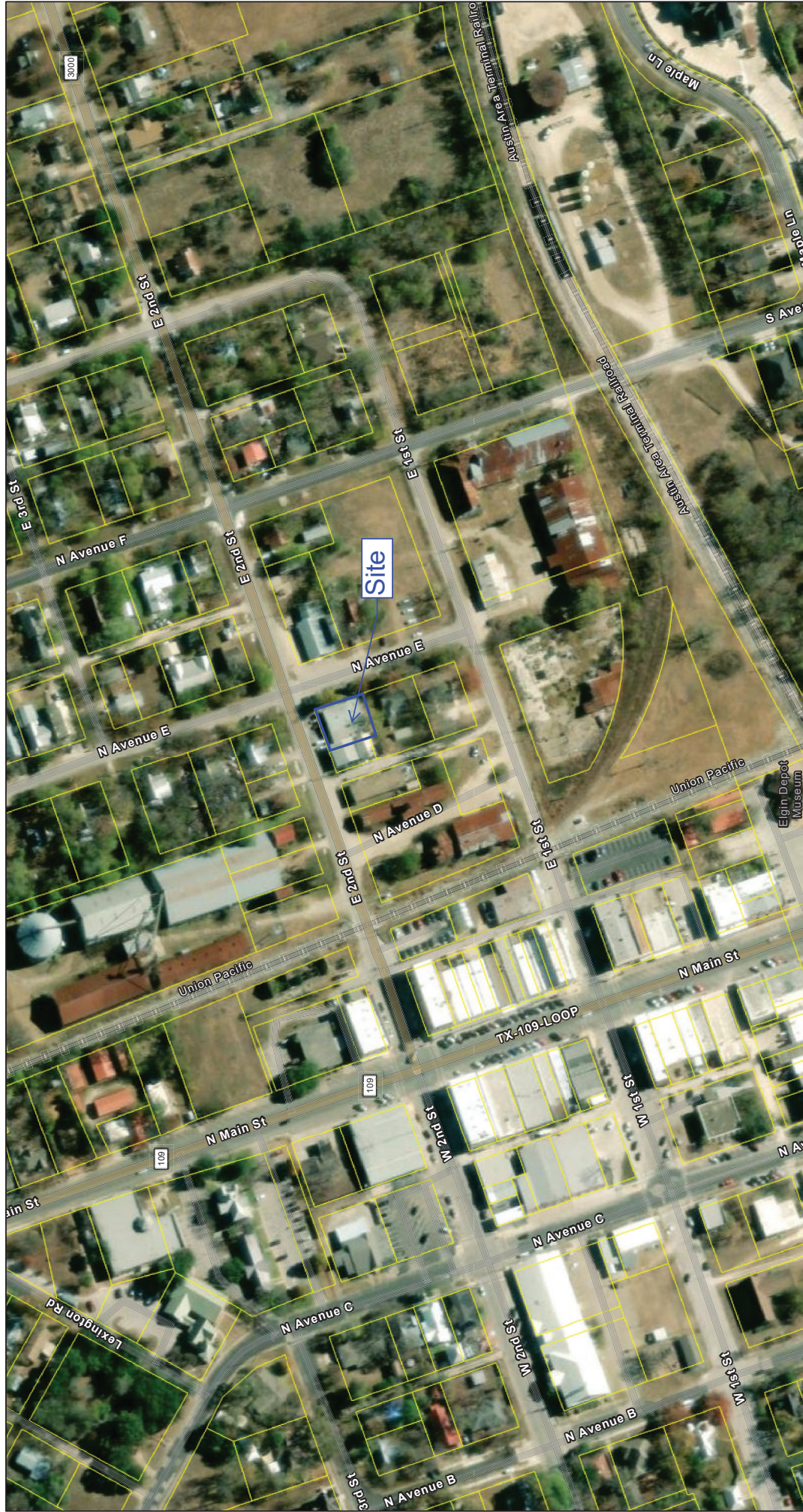
(30°21'00"N 97°22'08"W) 585 ft



# Attachment 4

## Aerial Maps

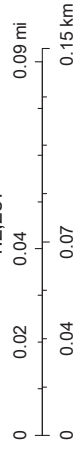
# Aerial Map



6/13/2023, 5:19:27 PM

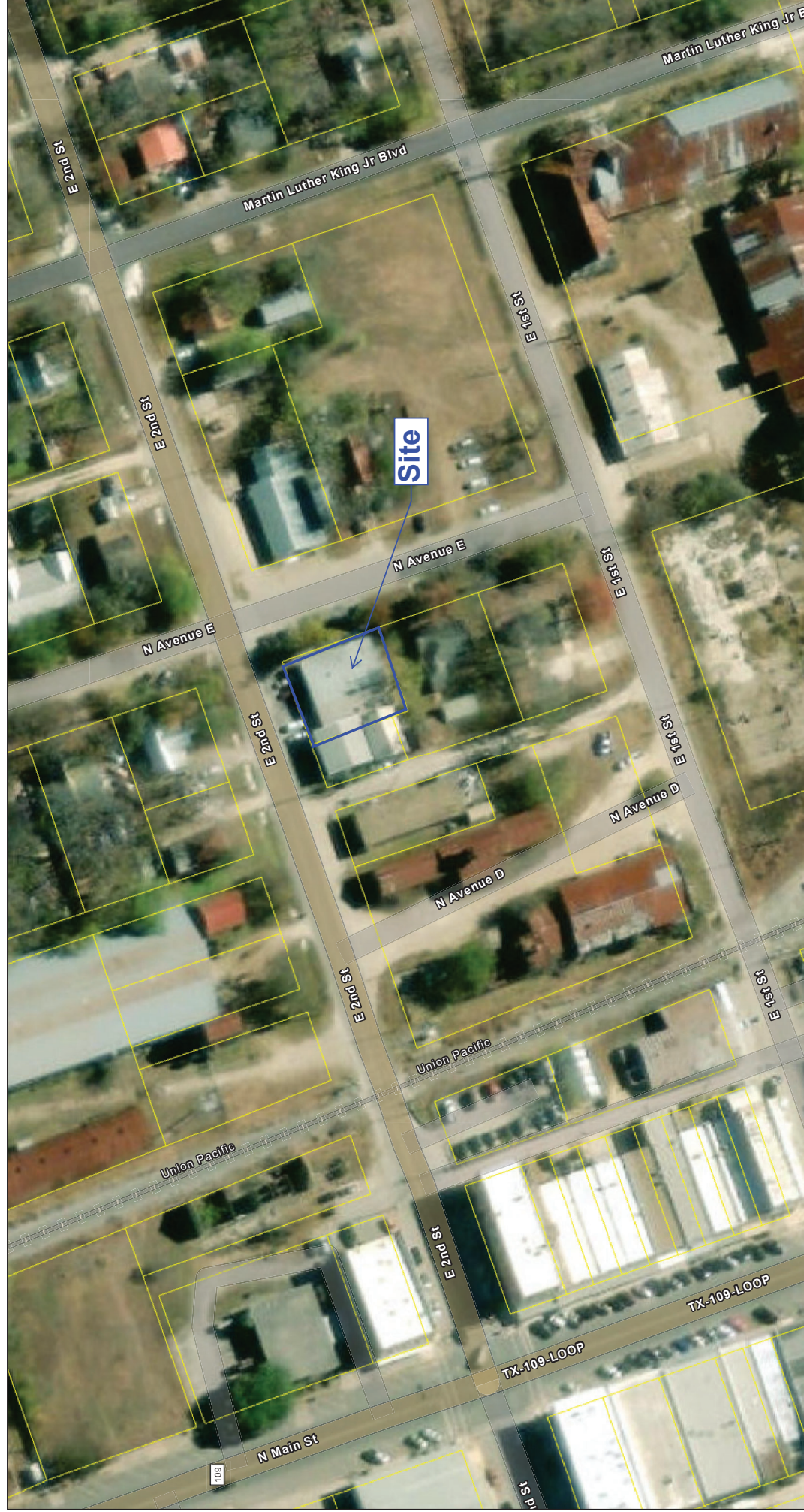
 Bastrop Parcels April 2023

1:2,257



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# Aerial Map 2



6/13/2023, 5:26:33 PM

 Bastrop Parcels April 2023

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