



CITY OF FREDERICKSBURG

ZONING BOARD OF ADJUSTMENT THURSDAY, FEBRUARY 13, 2020 ~ 5:30 P.M. CITY HALL CONFERENCE ROOM ~ 126 W. MAIN ST

Travis Neal, Member
Marcus Vidrine, Member
Donnie Finn, Chair

Cynthia Scroggins, Member
Jim McAfee, Member
Jeff Lawrence, Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on February 13, 2020 at 5:30 p.m. in the Conference Room, 126 West Main Street, Fredericksburg, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on February 7, 2020 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

(Please turn off all pagers and phones, except emergency on-call personnel.)

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

This Zoning Board of Adjustment (ZBA) welcomes public comments concerning items on this agenda. Each member of the public who desires to address the ZBA regarding an item on this agenda is required to sign up to speak, prior to the start of the meeting. All public comments shall be limited to discussion of items on this agenda, and shall be limited to 3-minutes in duration. At the discretion of the ZBA Chair, or upon an affirmative vote of the ZBA, the public comment time limit applicable to all speakers may be lengthened or shortened as required to allow the ZBA to complete its legislative agenda. Persons addressing the ZBA are prohibited from trading time with other speakers or reserving of time.

4. APPROVAL OF MEETING MINUTES

October 2019 regular meeting minutes

5. PUBLIC HEARING

- A. Request (ZBA2020-01) by Julie Festervan at 419 W. San Antonio for a Variance to allow the reconstruction of a wood picket fence within the public right – of – way of West San Antonio Street and South Edison Street.

6. ACTION ITEM

- A. Receive Recommendation and Consider ZBA2020-01

7. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda at 11:00 a.m. on Friday, February 7, 2020, on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelby Collier
Development Coordinator

**BOARD OF ADJUSTMENT
OCTOBER 17, 2019
5:30 P.M.**

PRESENT	MARCUS VIDRINE
	JEFF LAWRENCE
	JIM MCAFEE
	DONNIE FINN
	TRAVIS NEAL

ALSO PRESENT: SHELBY COLLIER - Development Coordinator
MICHAEL ERWIN – Building Inspector

MINUTES

ACTION ITEM

Marcus Vidrine made a motion to nominate Cynthia Scroggins for Vice Chair. Jeff Lawrence seconded the motion. All voted in favor and the motion carried.

Request (ZBA2019-03) by GT Development at 702 Chinkapin Drive for a Variance to 3.101 of the Zoning Ordinance pertaining to Single Family Residential Lots that require at 10 Ft. Rear Setback.

3

Jacob Grant explained that he is the developer and once he took over construction duties from his previous builder, found that he had a slight encroachment into the rear set back.

Shelby Collier, Development Coordinator explained the circumstances in this case were due to an error being made when the foundation was established. The plans approved by the Building Department showed that the 10' minimum setback was to be met. However, when the forms were set an encroachment of 3 – 5 inches occurred. Something this minor is not normally caught by a field inspection. Due to the frequency of this type of error, City Staff now requires form surveys on all new construction.

Marcus Vidrine made a motion to close the public hearing. Jeff Lawrence seconded the motion. All voted in favor and the motion carried.

Marcus Vidrine asked why this was not caught during inspection. Shelby Collier stated, unfortunately an encroachment this minute is not normally caught during a field inspection.

Jeff Lawrence asked if form surveys are now required on all new construction. Shelby Collier said that is correct.

Donnie Finn said the Board should no longer see requests for this issue then. Shelby Collier said that is accurate, however, a builder may still choose to pour without a form survey but then the builder would be in violation of the building permit. Donnie Finn said he understood.

Jim McAfee stated he believes there should be a penalty for this type of violation. The \$150.00 fee paid for the variance is not enough. Shelby Collier said she could inform the Director of Development, Brian Jordan, of his comments.

Motion made to approve Application ZBA2019-03 by Donnie Finn . Marcus Vidrine seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Donnie Finn moved to adjourn the meeting and Jeff Lawrence seconded the motion. All voted in favor and the meeting was adjourned at 5:45 P.M.

PASSED AND APPROVED this the 13th of February, 2020

SHELBY COLLIER, DEVELOPMENT COORDINATOR

DONNIE FINN, CHAIR

VARIANCE BRIEF
Request # 2020-01

<u>APPLICANT:</u>	Julie S. Festervan
<u>ZONING:</u>	R-1, Single Family Residential, and Historic District
<u>LOCATION:</u>	419 W. San Antonio Street
<u>REQUEST:</u>	Variance to allow a fence to be constructed in the public right-of-way.
<u>FINDINGS:</u>	• The subject property is currently occupied by a historical residential structure located in the Historic District. • The property is located on the corner of W. San Antonio Street and S. Edison Street. • The lot is approximately 10,200 square feet in size (see survey). • The applicant intends to replace the picket fence on San Antonio Street and Edison Street that existed on the subject property since the 1990's. Prior to the purchase of the property by the current owners, the fence was removed. • In the event the Board of Adjustment approves the variance, the Historic Review Board has taken action to approve the fence (HRB Brief attached). • There is another similar fence located within the right-of-way within this same block. • Under normal circumstances, no structures are allowed in the public right-of-way.

The Board of adjustment may grant a variance if it makes affirmative findings of fact on **each** of the criteria described below:

- a. The Zoning Regulations applicable to the property do not allow for reasonable use. **Zoning regulations allow for reasonable use of the property. However, in this case, the San Antonio Street right-of-way is very wide and the historic home was built prior to any zoning setbacks being established.**
- b. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the

zoning district in which the property is located. **The circumstances in this case are unique in that the adjacent right-of-way is excessive and the existing porch structure already encroaches into the right-of-way.**

- c. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purposes or regulations to the zoning district in which the property is located. **Since the proposal is to replace a previous fence and because there are other similar conditions within the block, we do not expect this variance to effect the adjacent property. The Engineering Department is not opposed to the fence as long as it is wood picket.**

OPPOSITION/SUPPORT OF REQUEST: No letters received.

STAFF RECOMMENDATION: Approval, conditioned upon the following:

1. The portion of fence along Edison Street be located inside the property line,
2. The fence not encroach into the 30'x30' visibility triangle at the intersection, and
3. The new fence match the previous fence in design, material and height,

Fredericksburg Historic Review Board
Application Information

Application Number: 19-163
Date: January 14, 2020
Address: 419 W San Antonio
Zoning: R1
Owner: Julie Festervan
Applicant: Julie Festervan
Rating: High
Proposal: replace previously removed picket fence

Request:

The applicant is requesting approval to:

1. replace a picket fence that was removed before the recent purchase of the property. The fence was previously in City right of way and will require a variance to be allowed to be put back in the ROW.

Relevant Secretary of Interior's Standards:

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Staff findings and recommendation:

1. the picket fence was removed in the last year or so, before the current owner purchased the property. The fence was installed) and before 2005 (survey photo). The City's ROW actually encroaches to the covered front porch patio. The fence previously was just in front of the porch/patio. Staff recommends approval of the replacement of the picket fence in the same location as shown on the survey provided by the new owner.

The HRB's recommendation will be forwarded to the Zoning Board of Adjustment.

City of Fredericksburg, Texas | Previous Historic Resources Survey Data

Compiled by Cox|McLain Environmental Consulting, Inc. 2018

2002 SURVEY DATA

Property Information

2002 ID

196

Address

419 W. San Antonio

Parcel Number

2157

GCAD Valuation (as of 2017; where available)

\$637,180

Year Built

1880

Year Altered

Area

Historic District

Historic District

Yes

Recommendation

Priority

High

Assessment

An outstanding, unique, or good representative example of architecture with only minor alterations or no alterations. Despite alterations or deterioration, resource retains much of its original form and character. Alterations are sensitive to original historic appearance.

2002 Photo



Photo Information & Notes

Image Name

0196_1.JPG

Photo References

0196_*.jpg

Notes

Resource has a rear wood-frame addition.
Wood picket fence removed in 2019.

2002 SURVEY DATA (continued)

Property Description

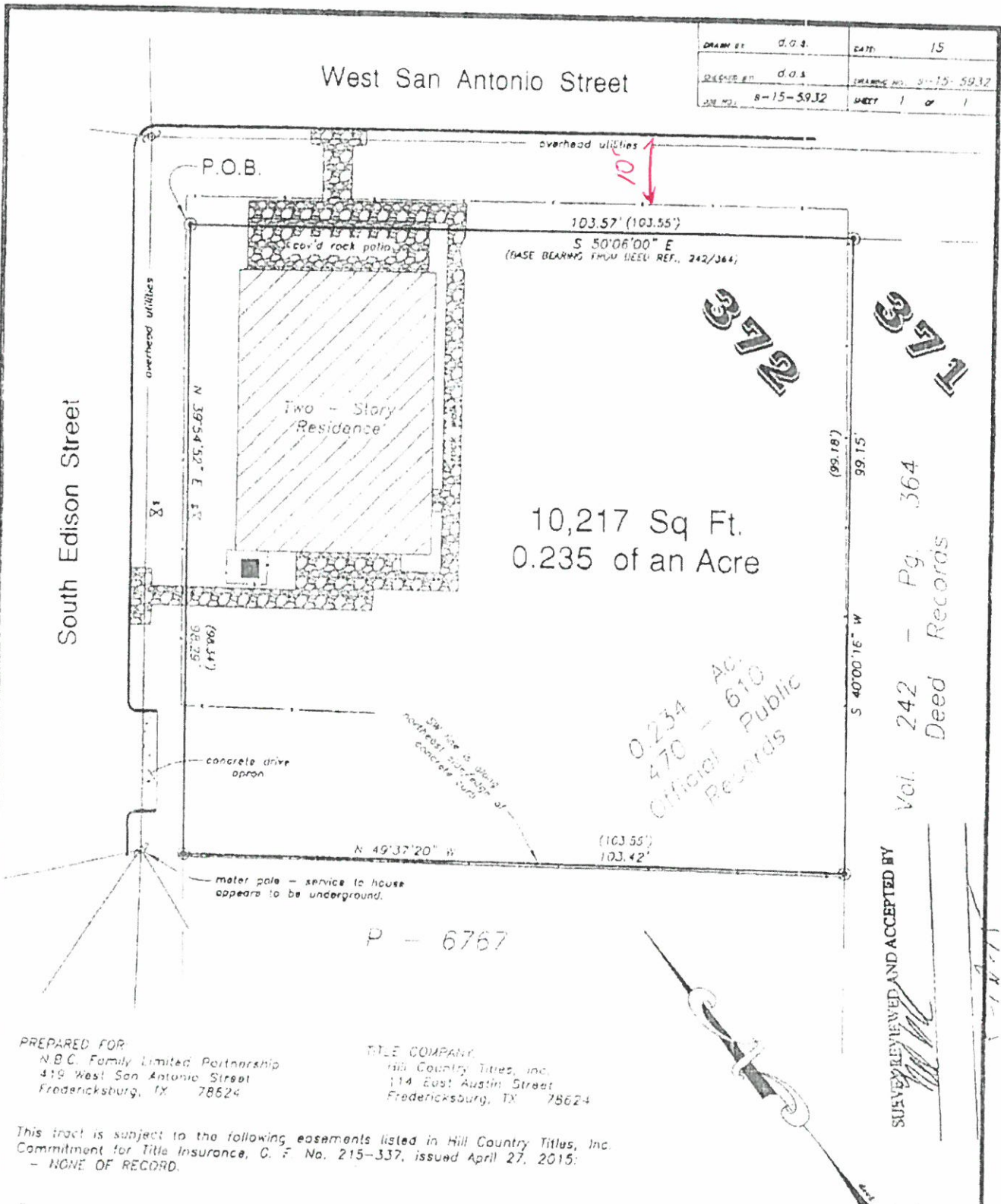
Function	Domestic: Single-Family	No of Stories	1.5
Style	vernacular	Construction	wood-frame
Plan	square	Foundation	stone
Exterior Walls	wood siding	Roof	gable
Porches	shed	Windows	double-hung wood sash
Outbuildings	not provided	Doors	single-leaf door
Alterations	addition		

1983 SURVEY DATA

1983 Survey Site No	700	1983 Survey Ranking	1
1983 Photo References			

All matters appearing hereon, including any encroachments or protrusions, have been reviewed and accepted by the undersigned.

By Julia H. Lewis Date: 12/17/19
 By _____ Date: _____





VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

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1. Applicant: Julie S. Festervan
 2. Owner: Julie S. Festervan
 3. Phone: 318.990.1921 Email: Festervan4608@gmail.com
 4. Description of property involved in this request.
Address: 419 W. San Antonio Street
Legal Description: Fredericksburg Lot 312-PT Block 20
Lot Size: 10,000 sq-ft. Zoning District: R-2
 5. Request is made to the Board of Adjustment that a variance be granted to the following provisions of the Zoning Ordinance.
Section: 3.110 Subsection: _____
Item: _____ Relating To: Front and Side yard setback
Requiring: Reinstating picket fence that was taken down prior to purchase that was in City Right of Way and setback since 1990's (photograph verifies).
 6. INFORMATION TO BE SUBMITTED BY THE APPLICANT:
 - A. Site plans, preliminary building elevations, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the Variance application:
 - i. Existing and proposed location and arrangement of uses on the site, and on abutting sides within 50-feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.

- iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvements related to or necessitated by the proposed use.

The Board of Adjustment may grant a variance if it makes affirmative findings of **FACT** on EACH of the criteria. The applicant shall give a reason why the request complies with the following criteria:

1. The Zoning Regulations applicable to the property do not allow for a reasonable use.

Historical house and fence was there before
Variance Rules. I just want to put
it back.

2. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the zoning district in which the property is located.

The fence was taken down a short period
time ago by previous owner due
to wood rot. I would like to put it back.
The previous owner died suddenly before
fence could be replaced.

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purposes or regulations to the Zoning District in which the property is located.

Reinstalling the picket fence adds
character to the lot visually and
serves the purpose of containing my
dog.

* New Electrical lines, New sewer line + plumbing, New gas line has all been installed (newly) in this area based on survey that depicts Fence location.

ZBA2020-01

Legend

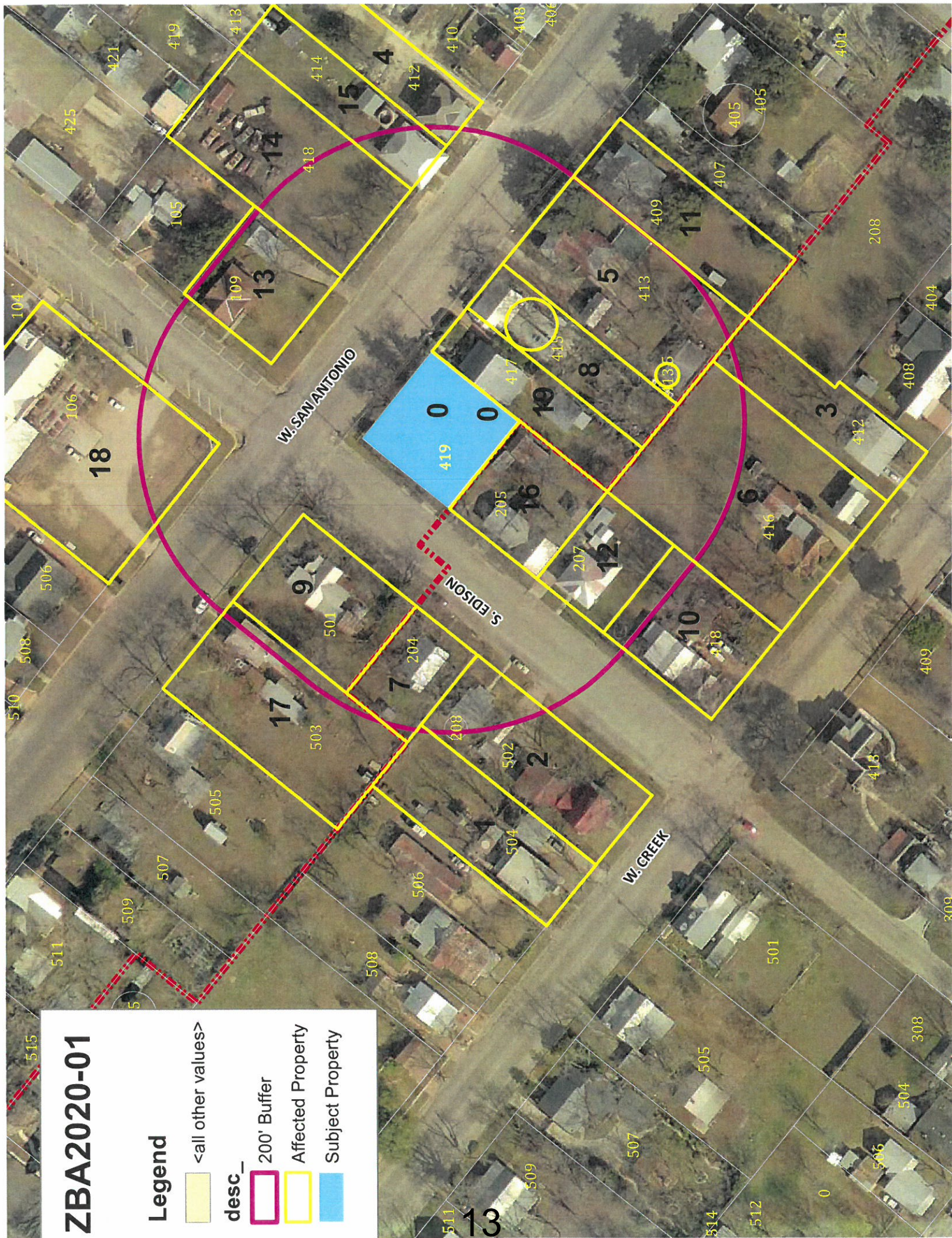
<all other values>

desc_

200' Buffer

Affected Property

Subject Property



#	Owner	Address
1	KRALICH INVESTING LLC	1222 BROOKFIELD LN MANSFELD, TX
2	CONLON FAMILY TRUST	13437 FM 2093 FREDERICKSBURG, TX 78624
3	CHARLES & GINA ENDERLIN	709 W. SAN ANTONIO FREDERICKSBURG, TX 78624
4	MJTJ INVESTMENTS LP	815 W. MAIN FREDERICKSBURG, TX 78624
5	CODY & NICOLE ROBERTS	887 CATALINA LN AUSTIN, TX
6	CURTIS & BETTY JUNG	416 W. CREEK FREDERICKSBURG, TX 78624
7	MARK & BRENDA RUSSELL	204 S. EDISON FREDERICKSBURG, TX 78624
8	MICHAEL & MARGARET GILLESPIE	415 W. SAN ANTONIO FREDERICKSBURG, TX 78624
9	MARK & CONSTANCE RADLE	327 WEINBAUER RD FREDERICKSBURG, TX 78624
10	JANE SCHOFIELD	418 W. CREEK FREDERICKSBURG, TX 78624
11	DAMON & KAREN BORICH	1810 KENWOOD AVE AUSTIN, TX
12	SANDRA HAINES	207 S. EDISON FREDERICKSBURG, TX 78624
13	VERNELL SCOTT	109 S. EDISON FREDERICKSBURG, TX 78624
14	MJTJ INVESTMENTS LP	815 W. MAIN FREDERICKSBURG, TX 78624
15	MJTJ INVESTMENTS LP	815 W. MAIN FREDERICKSBURG, TX 78624
16	KENNETH TREIBS & CAROL HARTMANN	5561 RANCH ROAD 1631 FREDERICKSBURG, TX 78624
17	ZEMORA CALLIS	12110 UPTON PARK SAN ANTONIO, TX
18	GREATER LIFE CHRISTIAN CENTER	P.O. BOX 441 FREDERICKSBURG, TX 78624
19	CLARENCE & ANEDA BRYK	417 W. SAN ANTONIO FREDERICKSBURG, TX 78624
ZBA2020-01		

