



CITY OF FREDERICKSBURG
ZONING BOARD OF ADJUSTMENT
THURSDAY, APRIL 11, 2019 ~ 5:30 P.M.
CITY HALL CONFERENCE ROOM ~ 126 W. MAIN ST

Robert Deming, Chair
John Smiljanic, Member
Donnie Finn, Member

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

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on April 11, 2019 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 April 5, 2019 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. APPROVAL OF MEETING MINUTES

October 2018 regular meeting minutes

4. PUBLIC HEARING

- A. Request (ZBA2019-01) by Gail Galle at 605 E. Austin Street for a Variance to 29-7 of the Sign Ordinance. The applicant is requesting a Variance to have a sign attached to an existing perimeter wall exceeding the maximum height.

5. ACTION ITEM

- A. Receive Recommendation and Consider ZBA2019-01

6. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda at 11:00 a.m. on Friday, April 5, 2019, on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelby Collier
Development Coordinator

**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**BOARD OF ADJUSTMENT
OCTOBER 16, 2018
5:30 P.M.**

On this the 16th day of October 2018, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum

PRESENT
CYNTHIA SCROGGINS
JOHN SMILJANIC
JEFF LAWRENCE
ROBERT DEMING
DONNIE FINN

ABSENT: JIM MCAFEE

ALSO PRESENT: BRIAN JORDAN - Director of Development Services

Robert Deming called the meeting was called to order at 5:30 P.M.

MINUTES

John Smiljanic made a motion to approve the minutes from the June 2018 Meeting. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

Consider (ZBA2018-07) by Daniel Jenschke at 720 Emory for a Variance to Section 3.100 of the Zoning Ordinance, pertaining to Single Family Residential lots that require a 15' Street Side Set Back. The applicant is requesting a Variance to have 5" encroachment into the 15' Street Side Set Back.

Donnie Finn made a motion to open the public hearing. Cindy Scroggins seconded the motion. All voted in favor and the motion carried.

Daniel Jenschke, the owner, presented the application. He explained that due to an error made when locating the property line, the house was constructed with a 5" encroachment into the Street Side Set Back. He stated it was unintentional but is obviously an issue.

Cindy Scroggins made a motion to close the public hearing. John Smiljanic seconded the motion. All voted in favor and the motion carried.

Brian Jordan, Director of Development, stated that staff recommends approval as it is not believed that this minor variance will alter or effect the adjacent property and will not be noticeable. He went on to say that the circumstances in this case were due to an error being made when the property lines were located. This error is not uncommon when a street appears to be straight and is not due to a large curvature.

John Smiljanic stated this seems like a simple request, he saw no issue with the application. Jeff Lawrence agreed.

Motion made to approve Application ZBA2018-07 by John Smiljanic. Donnie Finn seconded the motion. All voted in favor and the motion carried.

Consider (ZBA2018-08) by Milton Driver at 702 N. Orange for a Variance to Section 3.100 of the Zoning Ordinance, pertaining to Single Family Residential lots that require a 10' Rear Set Back. The applicant is requesting a Variance to have encroachment into the 10' Rear Set Back.

Donnie Finn made a motion to open the public hearing. Cindy Scroggins seconded the motion. All voted in favor and the motion carried.

Barry Wagner, the Architect, presented the application. He stated the owner wanted to preserve the large pecan tree on the property and believed this design would protect the root system of the decades old tree.

Cindy Scroggins made a motion to close the public hearing. John Smiljanic seconded the motion. All voted in favor and the motion carried.

Brian Jordan, Director of Development, stated the applicant intends to construct the new garage in the vicinity of the old garage and encroach into the rear yard setback. The purpose of this request is to move the building a minimum of 8' from the base of an existing Pecan Tree. Brian stated while staff certainly understands the desire to have a separation between the building and an existing tree, staff does not think this is grounds for a variance and recommends denial.

Cindy Scroggins asked if the neighbors voiced any complaints regarding this request. Brian stated no comments were received, although, the applicant visited with the owner of the adjoining property and they have no problem with the proposed building.

Robert Deming stated this Ordinance is clear and this application does not appear to meet the requirements for a variance.

Motion made to deny Application ZBA2018-08 by John Smiljanic . Donnie Finn 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 Cynthia Scroggins seconded the motion. All voted in favor and the meeting was adjourned at 5:57 P.M.

PASSED AND APPROVED this the 11th of April

SHELBY COLLIER, DEVELOPMENT COORDINATOR

ROBERT DEMING, CHAIR

VARIANCE BRIEF

Request # 2019-01

APPLICANT:

Gail Galle

ZONING:

C-2, Commercial

LOCATION:

605 E. Austin Street

REQUEST:

Variance to Section 29.7 of the Sign Ordinance, pertaining to permanent wall sign location and maximum sign height.

FINDINGS:

- The property is located at 605 E. Austin Street and consists of 4 garden homes/sunday houses (two of which are under construction)
- An 8' stucco masonry wall surrounds the complex. The applicant intends to place a sign on the front of the existing wall facing Main Street (see attached).
- The property is unique in that it has Main Street frontage but does not have access to Main Street.
- The front half of the property is zoned C-2 Commercial and the rear half is zoned R-2, Mixed Residential.

Signs: Criteria – The Board may grant a Variance to a regulation prescribed by the Sign Ordinance with respect to the placement of signs, the height of signs or the area of signs if it affirmatively finds each of the following:

- a. That a sign is being replaced. For the purpose of this Section, replacement shall include the erection of a new or different sign due to the removal of another sign for any reason, including the change in name of a business, whether from change of ownership, business being conducted, or otherwise, the change of a sign for a continuing business containing the same or different information as the sign being replaced, and the replacement of signs due to damage or vandalism. **The sign is new and will be placed on the existing Stucco wall facing Main Street.**
- b. That all structures on the property for which the sign is proposed that would impede the replacement of a sign were constructed prior to February 17, 1986.
NA
- c. That it is impractical to abide by existing placement, height or area regulations due to the placement, size of construction of existing structures in relationship to the physical characteristics of the site. For the purposes of illustration, physical characteristics may include topography of the site or the surrounding sites, structures on surrounding sites, traffic conditions, street layouts and existing

natural vegetation. **A permitted sign placed on the wall of one of the buildings or a ground sign placed in front of the wall does not seem practical. A sign attached to the wall as proposed by the applicant is a reasonable solution to existing conditions on site.**

- d. That the other types of signs which are permitted by the Ordinance cannot practically be used. In making this determination of practicality, the Board may consider:
 - 1. The undesirability of altering a historic site to accommodate a sign which would be permitted with no variance under this ordinance, or
 - 2. That alternatives permitted by this ordinance would involve extensive reconstruction of structures; or
 - 3. That alternatives permitted by this ordinance are prohibitively expensive; or
 - 4. That alternatives permitted by this ordinance will not effectively identify the subject of the sign. **This section would apply to the subject request.**
- e. That the proposed sign has been reviewed by the Historic Review Board if applicable. **NA**
- f. That the proposed variance is as close to the requirements of the sign ordinance as is feasible. **The proposed sign is a reasonable alternative and the size would otherwise be permitted.**

OPPOSITION/SUPPORT OF REQUEST: None to date.

STAFF RECOMMENDATION: Approval of the variance request.



VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

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

1. Applicant: GAIL GALLE
2. Owner: GAIL GALLE
3. Phone: 830 997 2484 Email: galledesign609@gmail.com
4. Description of property involved in this request.
Address: 605 E AUSTIN ST.
Legal Description: LOTS 11, 12, 13, & 14 BLOCK 29, SOUTH HEIGHTS ADDN.
Lot Size: 1.15 AC Zoning District: C-2
5. Request is made to the Board of Adjustment that a variance be granted to the following provisions of the Zoning Ordinance.
Section: 7.400 SIGNS Subsection: D-FOR C-2 SIGNS
Item: 7.430 PERMANENT SIGNS Relating To: WALL SIGNS & GROUND
Requiring: 50 SQ FT SIGN - SIGNS - COMBINATION
BLDG'S = 86 LIN. FT X 1.5 SQ FT OF SIGN = 129 SQ FT OF SIGN
50 SQ FT MAX - MY SIGN = 50 SQ FT
(3'-2" x 15'-6" = 49.08')
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.

03/12/19
CHK #1157
\$150.00

- B. **PARKING : ADDITIONAL CRITERIA**-The Board may grant a Variance to a regulation prescribed by this ordinance with respect to the number of off-street spaces required if it makes findings of fact that the following additional criteria are also satisfied:

Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

N/A

The granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets.

N/A

The granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of this ordinance.

N/A

The Variance shall run with the use or uses to which it pertains and shall not run with the site.

N/A

That the other types of signs which are permitted by this Ordinance cannot practically be used. In making this determination of practicality, the Board may consider

- A. The undesirability of altering a historic site to accommodate a sign which would be permitted with no variance under this Ordinance; or
- a. That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
 - 1. That alternatives permitted by this Ordinance are prohibitively expensive; or
 - 2. That alternatives permitted by this Ordinance will not effectively identify the subject of the sign.

NEITHER IS TRUE

- ii. That the proposed sign has been reviewed by the Historic Review Board if applicable.

N/A

- iii. That the proposed variance is as close to the requirements of the sign ordinance as is feasible.

IT IS 50 SQ FT - REQUIREMENT MET
TO PUT A FREESTANDING SIGN 2" FROM WALL
WOULD BE REDUNDANT WHEN THE
WALL ALREADY EXISTS.

Staff Use Only

Application No: _____

Date: _____

Payment Type: _____

GALLE  DESIGN

Fredericksburg Historic Style Homes

The Gardens of Baron's Creek

GARTENLAUBEN

BED & BREAKFAST

605 E. Austin St.
Fredericksburg, Texas 78624

(830) 997-2484
galledesign609@gmail.com

The Gardens of Baron's Creek — DARK GREEN

GARTENLAUBEN — BLACK — BED & BREAKFAST

GARTENLAUBEN

BLACK

15'-6"

BLUE

STUCCO

32'-6"

BLGS = 86 LIN. FT x 1.5 sq ft of sign = 129
3'-2" x 15'-6" = 49.08 sq ft

date

scale

DEC 3 2018
FEB 25 2019

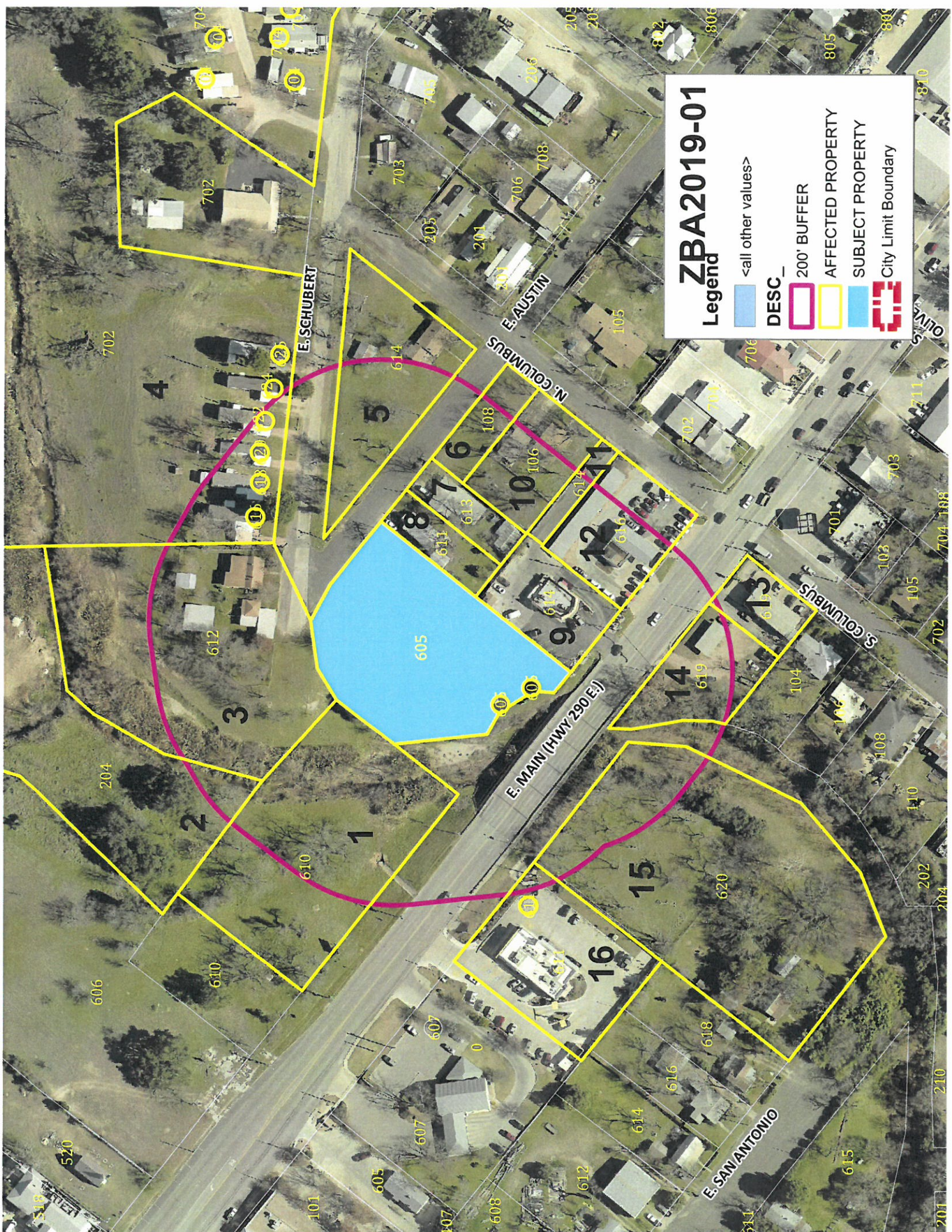
1/2" = 1'-0"

MAR 12 2019

THE GARDENS OF BARONS CREEK
WALL SIGNAGE

GALLE 

FREDERICKS



ZBA2019-01

Legend

<all other values>

DESC_

200' BUFFER

AFFECTED PROPERTY

SUBJECT PROPERTY

City Limit Boundary

#	Owner	Address
1	EVC FRIENDSHIP MAIN LP LP	3501 SW FAIRLAWN RD STE 200 TOPEKA, KS
2	ADMIRAL NIMITZ FOUNDATION	340 E. MAIN ST FREDERICKSBURG, TX 78624
3	SANDRA KLETT	102 WEESE LN PLEASANTON, TX
4	BARON'S CREEK COMMUNITY LLC	P.O. BOX 90044 AUSTIN, TX
5	VIRGINIA OEHLER	107 CRISTOL DR FREDERICKSBURG, TX 78624
6	KRISTOPHER & LESLIE KNEESE	4977 RR 1631 FREDERICKSBURG, TX 78624
7	CLINTON & AGNES KLAERNER	613 E AUSTIN FREDERICKSBURG, TX 78624
8	ALAN HICKS & SHEILA PADILLA	3323 GRAPE CREEK RD FREDERICKSBURG, TX 78624
9	RJ BOWEN LEASING INC	313 SCHREINER ST KERRVILLE, TX 78028
10	KRISTOPHER & LESLIE KNEESE	4977 RR 1631 FREDERICKSBURG, TX 78624
11	RJ BOWEN LEASING INC	313 SCHREINER ST KERRVILLE, TX 78028
12	PENICK R & C LP	240 W. MAIN FREDERICKSBURG, TX 78624
13	HAROLD & KATHLEEN COATES	P.O. BOX 877 FREDERICKSBURG, TX 78624
14	HAROLD & KATHLEEN COATES	P.O. BOX 877 FREDERICKSBURG, TX 78624
15	FV HOTEL LLC	5501 - A BALCONES DR STE 303 FREDERICKSBURG, TX 78624
16	MOELLENDORF MARITAL DEDUCTION TRUST	611 E. MAIN ST KERRVILLE, TX 78028
ZBA2019-01		