

AGENDA
CITY OF FREDERICKSBURG
ZONING BOARD OF ADJUSTMENT

Thursday, April 12, 2018

5:30 P.M.

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

1. Call to Order

PUBLIC HEARING

2. (ZBA2018-02) Variance to Section 6.04, H (1) of the Sub Division Ordinance, pertaining to Maximum width of driveway. The applicant is requesting a variance to install a driveway Wider than 24 ft.
3. (ZBA2018-03) Appeal the Historic Review Board ruling pertaining to the issuance of a Certificate of Appropriateness per Section 23-61, B of the Code of Ordinances.

ACTION ITEM

4. Receive Recommendation and Consider ZBA2018-02
5. Receive Recommendation and Consider ZBA2018-03

ADJOURN

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

**BOARD OF ADJUSTMENT
FEBRUARY 15, 2018
5:30 P.M.**

On this the 15th day of February 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
BARBARA HEINAN
JOHN SMILJANIC
TOM MUSSLEMAN

ABSENT:
DONNIE FINN
JIM MCAFEE
ROBERT DEMING

ALSO PRESENT:
BRIAN JORDAN - Director of Development Services
SHELBY COLLIER - Development Coordinator

Barbara Heinen moved to elect Tom Mussleman as acting Chairman. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

The meeting was called to order at 5:31 P.M. by Tom Mussleman

MINUTES

No minutes were considered.

PUBLIC HEARING

Consider (ZBA2018-1) Variance to Section 29-7 of the Zoning Ordinance, pertaining to maximum height of signage. The applicant is requesting a variance to install a sign taller than 5 ft.

Jeryl Hoover on behalf of Gillespie County Historical Society presented the application. He explained that the Historical Society owns 3 ½ acres with little signage at 325 W. Main. They would like to create a pedestrian entrance gate that incorporates the signage leading into the main yard for special events.

Photos were presented and Barbara Heinen stated she liked it, it looks like it would work well.

Jeryl stated that he does not anticipate additional signage for this location.

Brian Jordan, Director of Development Services, stated that this location has the advantage of being set back off of Main Street. The Historic Review Board recommended approval of this sign as does City Staff.

Tom Musslemann stated the proposed sign is in keeping with other historical signage in town.

Motion made to recommend approval of Application ZBA1801-1 by Barbara Heinen. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Barbara Heinen moved to adjourn the meeting and John Smiljanic seconded the motion. All voted in favor and the meeting was adjourned at 5:40 P.M.

PASSED AND APPROVED this the

SHELLEY BRITTON, CITY SECRETARY

ROBERT DEMING, CHAIR

VARIANCE BRIEF

Request # 2018-02

<u>OWNER/APPLICANT:</u>	Terry Neans
<u>ZONING:</u>	R-1, Single Family Residential
<u>LOCATION:</u>	113 E. Highway Street
<u>REQUEST:</u>	Variance to Section 6.04 H (1) of the Subdivision Ordinance pertaining to maximum driveway width.
<u>FINDINGS:</u>	• The subject property is currently undeveloped and the applicant intends to build a single family home (see attached site plan). • The property is located at the southwest corner of Highway Street and Thiele Lane. • The lot has approximately 88' of frontage on Highway Street and 119' of frontage on Thiele Lane. • The applicant is proposing to construct a 34' wide driveway on Thiele Lane to serve a proposed 3 car garage. • Section 6.04 H (1) of the Subdivision Ordinance limits the width of a driveway for a Single Family home to 24'.

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. **The lot is approximately 10,470 square feet in size, significantly larger than the minimum lot size required in the R-2 zoning district. As such, the property provides for reasonable use without the need for a variance.**
- 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. **We do not believe there are unique circumstances on this property to justify a wider driveway than permitted. The applicant is proposing a 3-car garage and is thereby creating the circumstances for a wider driveway.**
- 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. **We would not expect**

the proposed driveway to affect the character of adjacent property or impair the use of adjacent property.

OPPOSITION/SUPPORT OF REQUEST: No letters have been received.

STAFF RECOMMENDATION:

We do not believe this case meets the requirements for the issuance of a variance. Denial is recommended.

\$150.00 application fee

APPEAL NO. ZBA2018-02
DATE 03/23/18

VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT

1. APPLICANT: 113 E. Hwy
2. ADDRESS: 113 E. Hwy St, FREDERICKSBURG TX 78604
PHONE: 830-822-7495 FAX: MKELLERCONSULTING@GMAIL.COM
3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: 113 E. Hwy St
LEGAL DESCRIPTION: KLETT SUBD. LOT 2AR
LOT SIZE: 0.2408 Ac ZONING DISTRICT: R2 MIXED RESIDENTIAL
4. REQUEST IS MADE HERewith TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:
SECTION: 6 PAGE: _____
SUBSECTION: 6.04
ITEM: H (1)
RELATING TO: MAXIMUM DRIVEWAY DIMENSION
REQUIRING: SINGLE FAMILY DRIVEWAY TO BE MAX OF 24' WIDE AT CITY RIGHT OF WAY LINE
5. 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:
 - a. Existing and proposed location and arrangement of uses on the site, and on abutting sides within 50-feet.
 - b. 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.
 - c. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - d. 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.

- B. The Building Official and/ or Director of Development Services may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a Variance exists.

6. REASONS FOR THE REQUEST: REQUEST VARIANCE TO GRANT A
34' WIDE DRIVEWAY AT CITY RIGHT OF WAY TO
ACCOMMODATE A 3-CAR GARAGE

- A. 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.

DUE TO THE SIZE AND SHAPE OF THE CORNER
LOT AND THE SIZE AND SHAPE OF THE HOUSE
IT DOES NOT ALLOW THE USE OF A SIDE ENTRY GARAGE.

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.

DUE TO SIZE LIMITATIONS OF LOT AND SHAPE
OF NEW HOUSE, HE HAS TO HAVE A FRONT ENTRY
GARAGE WITH A 34' WIDE DRIVEWAY

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.

VARIANCE WILL NOT ALTER THE USE OF THE ADJ.
PROPERTY AND WILL ALSO PREVENT THE LOADING
OF PARKING WITHIN THE CITY STREET.

- 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:

1. 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.

2. 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.

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

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

C. **SIGNS: ADDITIONAL 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.

1. That a sign is being replaced. For the purposes 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 of 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.

2. 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.

3. 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 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.

4. 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
 - b. That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
 - c. That alternatives permitted by this Ordinance are prohibitively expensive; or
 - d. That alternatives permitted by this Ordinance will not effectively identify the subject of the sign.

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

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

7. **NOTICE TO APPLICANT: YOU, OR YOUR REPRESENTATIVE ARE STRONGLY URGED TO ATTEND THE BOARD OF ADJUSTMENT MEETING AT WHICH YOUR VARIANCE REQUEST WILL BE CONSIDERED.** The Board will consider whatever evidence is presented at that time, and may approve, deny, or postpone consideration of your request. Failure to attend may result in the presentation of inadequate or inaccurate information which may result in denial or postponement.

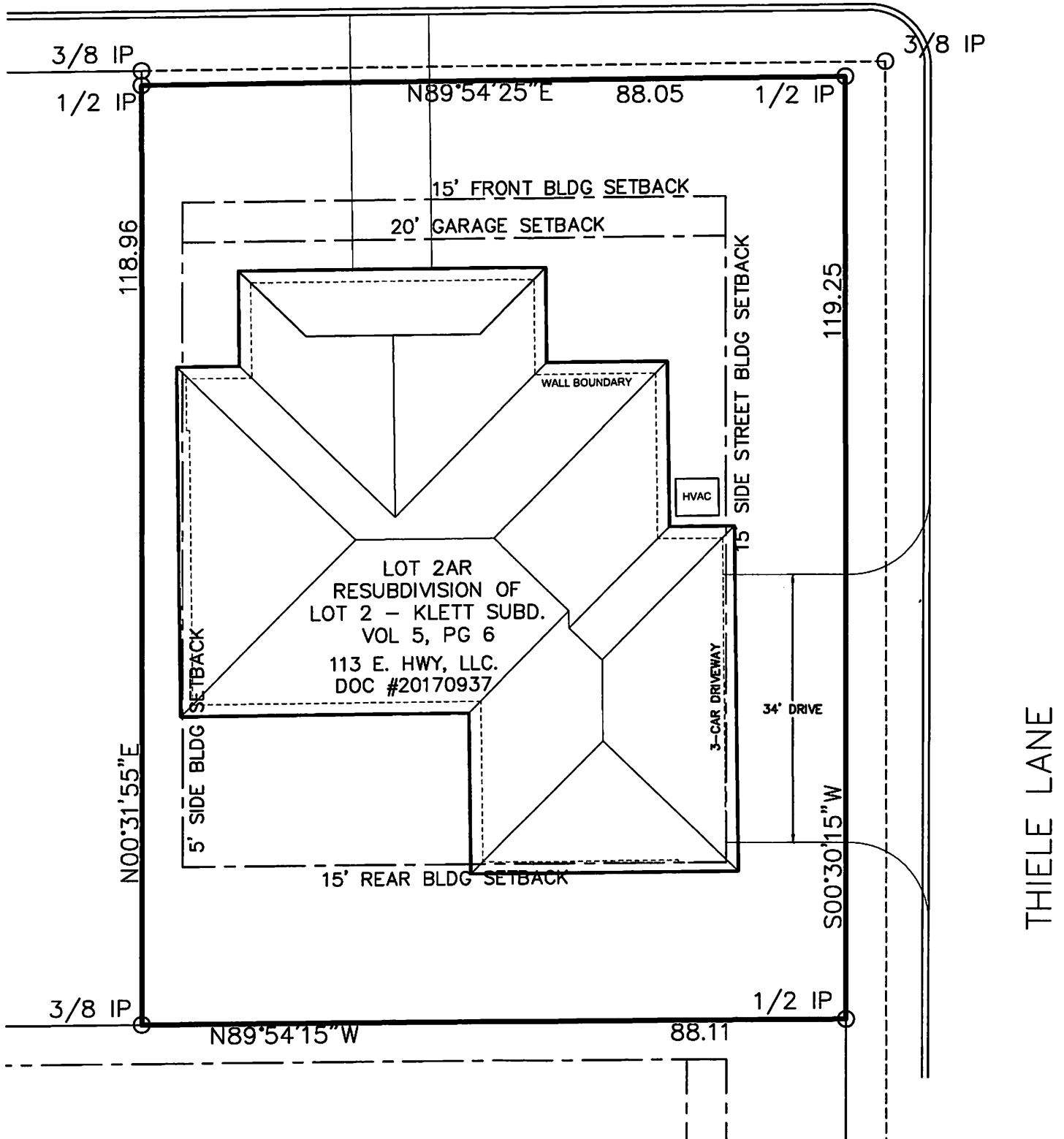
Signature of Owner: 113 E. Hwy, LLC Jerry D. Means

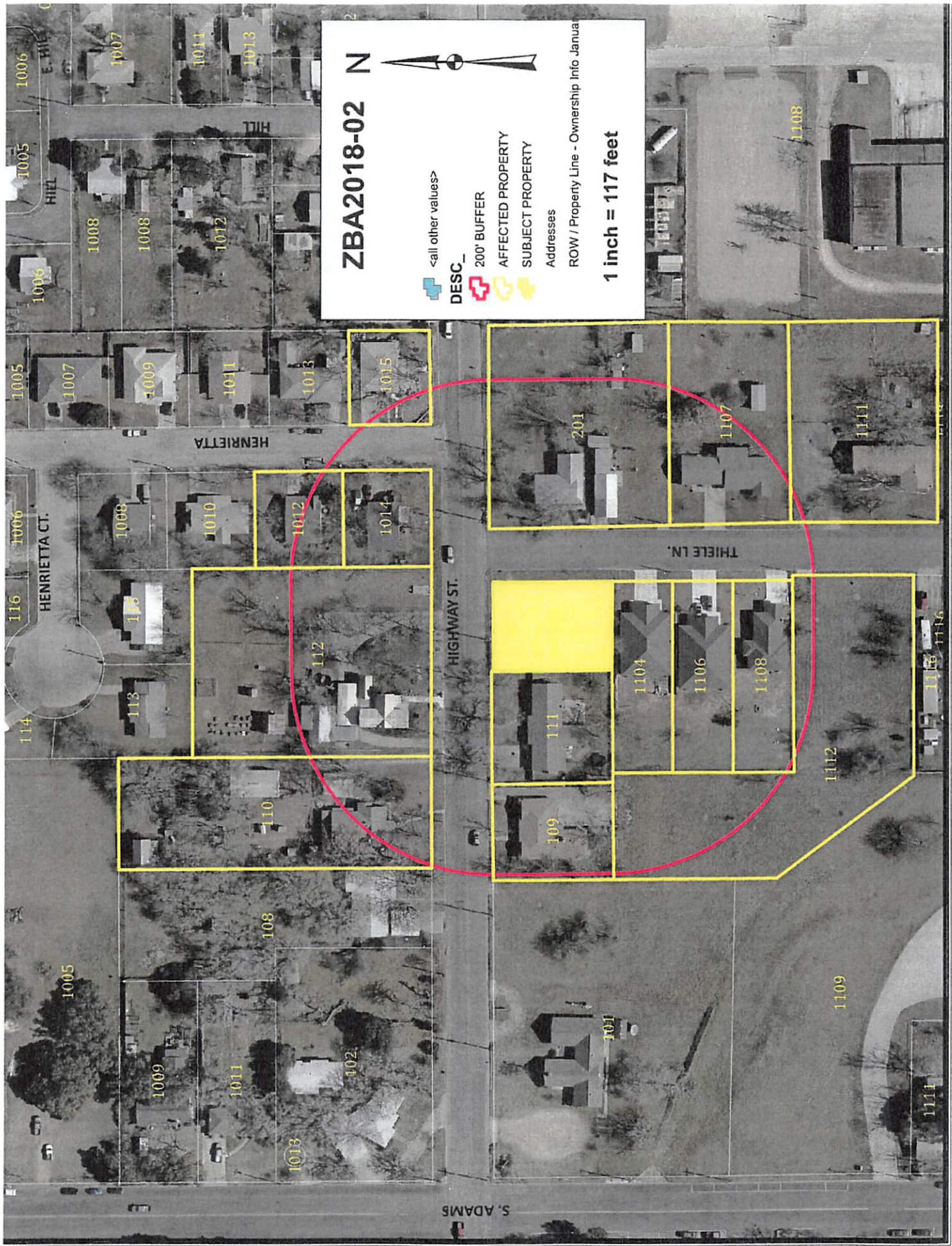
Date: 3/21/18

Fee Paid: \$150 ck # 24964

8. List of property owners within 200 ft. (Provided by City)

HIGHWAY STREET





ZBA2018-02



<all other values>

DESC_

200' BUFFER

AFFECTED PROPERTY

SUBJECT PROPERTY

Addresses

ROW / Property Line - Ownership Info January

1 inch = 117 feet

NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST

HEARING DATE: APRIL 12, 2018

TIME: 5:30 PM

APPEAL NO. 2018-2

The BOARD OF ADJUSTMENT of the City of Fredericksburg will hold a public hearing at the above stated time and date in the Conference room of City Hall, 126 W. Main St., to consider a variance request as indicated below.

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the BOARD OF ADJUSTMENT on the requested variance is final. For additional information please do not hesitate to contact the Development Services Department at 830-997-7521

APPLICANT: TERRY NEANS

LOCATION: 113 E. HIGHWAY ST
(see accompanying map)

EXPLANATION OF REQUEST:

Variance to section section 6.04, H (1) of the SubDivision Ordinance, pertaining to maximum width of driveway. The applicant is requesting a 34' driveway on Thiele Ln (24' permitted)

(DETACH BELOW)

Appeal No. 2018-2

As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed

Date

Printed Name

Address

Letter	Owner	Address
A	MJTJ INVESTMENTS LP	815 W. MAIN ST FREDERICKSBURG, TX 78624
B	LLOYD & MARIAN JOLLY	411 SUMMIT CIRCLE FREDERICKSBURG, TX 78624
C	157 PROPERTIES LLC	P.O. BOX 3079 FREDERICKSBURG, TX 78624
D	KAY STEINBRING	11692 RR 1631 FREDERICKSBURG, TX 78624
E	E. W. JR HALLFORD	357 HALLFORD LN FREDERICKSBURG, TX 78624
F	ITZ INN LLC	105 SCENIC RIDGE DR FREDERICKSBURG, TX 78624
G	ITZ INN LLC	105 SCENIC RIDGE DR FREDERICKSBURG, TX 78624
H	CHLOE RESTAURANT PROPERTIES INC	P.O. BOX 729 FREDERICKSBURG, TX 78624
I	COMPASS BANK	15 S. 20TH ST SUITE 501 BIRMINGHAM AL
J	301 WEST MAIN LLC	P.O. BOX 814 FREDERICKSBURG, TX 78624
K	MARIPOSA SPRINGS LLC	250 GRANDVIEW DR STE 400 FT MITCHELL KY
L	ST MARYS CATHOLIC CHURCH	307 W. MAIN FREDERICKSBURG, TX 78624
M	KNOPP & METZGER INC	P.O. BOX 426 FREDERICKSBURG, TX 78624
N	ST MARYS CATHOLIC CHURCH	307 W. MAIN FREDERICKSBURG, TX 78624
O	ST MARYS CATHOLIC CHURCH	307 W. MAIN FREDERICKSBURG, TX 78624
P	ST MARYS CATHOLIC CHURCH	307 W. MAIN FREDERICKSBURG, TX 78624
Q	ST MARYS CATHOLIC CHURCH	307 W. MAIN FREDERICKSBURG, TX 78624
R	ARNOLD & JAN CUELLAR	112 E. ORCHARD FREDERICKSBURG, TX 78624
S	JANE WILSON LIFE ESTATE	P.O. BOX 2283 FREDERICKSBURG, TX 78624
T	JANE WILSON LIFE ESTATE	P.O. BOX 2283 FREDERICKSBURG, TX 78624
U	PEGGY METZGER	401 W. SAN ANTONIO FREDERICKSBURG, TX 78624
V	GERALD & MELINDA SCHOPPE	402 W. SAN ANTONIO FREDERICKSBURG, TX 78624
W	CUTTER & JUDITH WAGLEY	317 SIDNEY BAKER ST SUITE 400 KERRVILLE, TX 78028
X	MJTJ INVESTMENTS LP	815 W. MAIN ST FREDERICKSBURG, TX 78624
Y	MJTJ INVESTMENTS LP	815 W. MAIN ST FREDERICKSBURG, TX 78624
ZBA2018-02		

APPEAL BRIEF
Request # 2018-03

OWNER/APPLICANT: Damon Dozier for Alpha Securities, LLC

ZONING: C1-H, Neighborhood Commercial with Historic District Overlay

LOCATION: 201 N Milam

REQUEST: Appeal Historic Review Board decision on application 18-19.

FINDINGS:

- The property is located within the boundaries of the local historic district and the National Register Historic District.
- The applicant was allowed to install a sloping sidewalk to give ADA access to the Austin Street door (approved 12/28/2017).
- The property has 2 entry doors, one facing Austin Street and one facing Milam Street. Both original doors measuring 30" wide were replaced without a Certificate of Appropriateness.
- The HRB first heard the case on February 13, 2018. Applicant asked the HRB to postpone making a decision and to re-set the case to the March 13, 2018 meeting.
- At the March HRB meeting the board took action "approval of door currently installed facing Austin St. Door on Milam Street entrance to be replaced with wood door that matches the design of original, can retain 36" width.

The Board of Adjustment may overturn the Board's decision or requirement if it makes affirmative findings of fact on each of the following criteria:

(A) The historic review regulations set forth herein, or findings of the Board do not allow for a reasonable use.

The applicant claims the HRB is not allowing the building to be brought up to ADA requirements, however the HRB agreed to let the door facing Austin Street remain. The ADA ramp leads to the Austin Street door. The door facing Milam Street is readily visible and so the HRB made a motion to have the current, mostly glass 36" door to be replaced with a wood door that matches the style of the original door measuring 36".

(B) The action of the Board was not based upon the preponderance of the evidence presented to the Board.

The Historic Review Board based their decision on the Secretary of the Interior's Standards and City of Fredericksburg Design Guidelines.

(C) 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.

Properties within the historic district are a mix of traditional commercial buildings and houses. Many such houses have been converted into commercial and office uses and have been made ADA compliant. There are no unique circumstances at this property.

(D) The reversal of the Board's decision or requirement 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 of this article or regulations to the Zoning District in which the property is located.

The reversal of the HRB decision will alter the character of the building in question. The applicant can meet ADA requirements without changing the style of the building features.

(E) In addition, or alternately, other legal precedent or established law or is challenging or requesting a change to a rating.

(F) The Board of Adjustment may apply conditions to its decision or modification of the Board's decision or requirement.

STAFF RECOMMENDATION:

We do not believe this case meets the requirements to overturn the decision of the Historic Review Board. Denial of the appeal is recommended.

March 23, 2018

Alpha Securities
201 N Milam
Fredericksburg, Texas, 78624

City of Fredericksburg
126 W Main
Fredericksburg, Texas, 78624

HA
HAG
Design

RECEIVED
MAR 23 2018

paid 3/23/18 AH

Re: Appeal and response to Historic Review Board decision
Application 18-19

Response:

201 N. Milam must comply with both Federal and State Laws, and provide "access" to entrances. Since the door facing North Milam now has access to the public – the City of Fredericksburg "may not enact a law or rule that is in violation of State or Federal law.

Texas Department License Registration (TDLR) response:

Cities may not enact a law or rule that is in violation of State or Federal law. City requirements do not have jurisdiction over, or override, State law. All deviations from the Elimination of Architectural Barriers, Government Code Chapter 469, which is a state law, must be approved through the variance process.

Because the facility is not a Qualified Historic Building, it would not be eligible for any exemptions provided under TAS 202.5 and must fully comply with all applicable sections of Texas Accessibility Standards. That includes providing the required number of accessible entrances.

The law states that the City of Fredericksburg does not have jurisdiction over any "deviations from the Eliminations of Architectural Barriers" the door facing N Milam on the property located on 201 N Milam, in an effort for the property owner, Alpha Securities, comply with both State and Federal law, because the alterations created a primary function area – 2012 Texas Accessibility Standards (TAS). Since the path of travel has been altered – 201 N Milam the property owner.

There are exceptions for alterations to qualified historic buildings and facilities for accessible routes (206.2.1 Exception 1 and 206.2.3 Exception 7); entrances – **however since the property does not qualify under TAS [TAS 106.5.52 Qualified Historic Building or Facility. A building or facility that is listed in or eligible for listing in the National Register of Historic Places, or designated as a Recorded Texas Historic Landmark or State Archaeological Landmark] ---**

The property owner is exempt and Alpha Securities, owner of 201 N Milam shall enjoy the "safe harbor and be required to "retrofitted".

Texas Accessibility Standards (TAS) they will enjoy safe harbor and are not required to be retrofitted to reflect the incremental changes in the 2012 TAS solely because of an

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Listing NR District

alteration to a primary function area served by that path of travel"

Source: 2012 Texas Accessibility Standards (TAS) Chapter 2: Scoping Requirements

Section 202 Existing Buildings and Facilities and all subsections that apply:

202.5 Alterations to Qualified Historic Buildings and Facilities

202.3 Alterations

202.4 Alterations Affecting Primary Function Areas

202.5 Alterations to Qualified Historic Buildings and Facilities

See - Texas Government Code, Chapter 469

For purposes of ensuring compliance with requirements of Texas Government Code, Chapter 469, all determinations of maximum extent feasible and disproportionality are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code. If elements of a path of travel at a subject building or facility that have been previously constructed or altered in accordance with the April 1, 1994 Texas Accessibility Standards (TAS) they will enjoy safe harbor and are not required to be retrofitted to reflect the incremental changes in the 2012 TAS solely because of an alteration to a primary function area served by that path of travel. Those elements would be subject to compliance with the 2012 TAS only when the elements of a path of travel are being altered.

Alpha Securities complied with the City of Fredericksburg's "sidewalk plan" in order to obtain a Certificate of Occupancy, this adding sidewalk. In an effort to maintain the historic presentation of the property, Alpha Securities' changed original site plan proposal, which proposed ADA ramp with handrails facing North Milam, but changed site plan to a "sloped sidewalk" facing Austin. Certainly this effort assisted property in maintaining the integrity of the City of Fredericksburg's Historic Shopping District. The results of the site plan, in an effort to comply with the "sidewalk plan", and convert property from residence to commercial, changed the common access to the property.

201 N. Milam must comply with both Federal and State Laws, and provide "access" to entrances. Since the door facing North Milam now has access to the public – the City of Fredericksburg "may not enact a law or rule that is in violation of State or Federal law.

The city of Fredericksburg must make a variance to their city code(s) in an effort to comply with state and federal law.

Respectfully Submitted,



Alpha Securities

3/23/18

R2

**VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT**

1. APPLICANT: Alpha Securities, LLC
2. ADDRESS: 602 N Milam, Fredericksburg TX
PHONE: 210-273-6659 FAX: _____
3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: 201 N Milam, Fredericksburg TX
LEGAL DESCRIPTION: FBG ADDN BLK 29 LOT 55-PT & 56-PT
LOT SIZE: 0.1832 ZONING DISTRICT: Central Business
4. REQUEST IS MADE HEREWITH TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:
SECTION: 23-61 PAGE: _____
SUBSECTION: B
ITEM: Certificate of Appropriateness
RELATING TO: Door on Milam
REQUIRING: Replicating original door from 30" to 36"

5. 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:
 - a. Existing and proposed location and arrangement of uses on the site, and on abutting sides within 50-feet.
 - b. 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.
 - c. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - d. 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.

- B. The Building Official and/ or Director of Development Services may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a Variance exists.

6. REASONS FOR THE REQUEST: Per Secretary of Interior Standard, Design Guidelines, NHPA (1966), Texas Accessibility Standards, ADA and any other applicable federal, state and local laws.

- A. 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.

See attachments and written response

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.

See attachments and written response

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.

See attachments and written response

- 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:

1. 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.

2. 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.

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

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

C. **SIGNS: ADDITIONAL 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.

1. That a sign is being replaced. For the purposes 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 of 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.

2. 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.

3. That it is impractical to abide by existing placement, height or area regulations due to the placement, size or construction of existing structures in relationship to the physical characteristics of the site. For 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.

3

4. 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
 - b. That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
 - c. That alternatives permitted by this Ordinance are prohibitively expensive; or
 - d. That alternatives permitted by this Ordinance will not effectively identify the subject of the sign.

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

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

7. **NOTICE TO APPLICANT: YOU, OR YOUR REPRESENTATIVE ARE STRONGLY URGED TO ATTEND THE BOARD OF ADJUSTMENT MEETING AT WHICH YOUR VARIANCE REQUEST WILL BE CONSIDERED-** The Board will consider whatever evidence is presented at that time, and may approve, deny, or postpone consideration of your request. Failure to attend may result in the presentation of inadequate or inaccurate information which may result in denial or postponement.



Signature of Owner: _____

Date: March 23, 2018

Fee Paid: \$150 Check # 1015

8. List of property owners within 200 ft. (Provided by City)

4

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C-1 BUSINESS OFFICE:

EXISTING STRUCTURE HAS BEEN USED AS A RESIDENCE AND MOST RECENT AS A FREE STANDING B & B RENTAL. THE NEW OWNER PROPOSES TO UTILIZE WOOD STRUCTURE FOR HIS OFFICES, A PERMITTED USE PER C-1 ZONING.

PROPOSED ON-SITE PARKING:

EXISTING GRANITE SURFACE PARKING AREA IMPROVED NOTING 4 PARKING SPACES. ADDITIONAL PARKING COULD BE ACHIEVED WITH THE REMOVABLE OF THE EXISTING GARAGE / OUT BUILDING TO THE REAR OF THE PROPERTY. CITY OF FREDERICKSBURG ORDINANCE 25-017, SEC. T.9.25, SPECIAL PROVISION ITEM C #2, IS APPLICABLE TO SITE.

EXISTING TREE AND LANDSCAPE:

OWNER PLANS TO IMPROVE EXISTING TURF AND PERVIOUS AREA AROUND THE STRUCTURE. CONCRETE CURBS AT PLANTING BEDS REMOVED TO EXTEND TURF. EXISTING AMERICAN ELM TREE TO REMAIN.

SITE LIGHTING - SIGN

EXISTING STREET LIGHTING MEETS REQUIREMENTS OF THE OWNER'S PROPOSED USE OF THE PROPERTY. GROUND SIGN AT CORNER OF PROPERTY AT LOCATION INDICATED.

EXISTING UTILITY SERVICES:

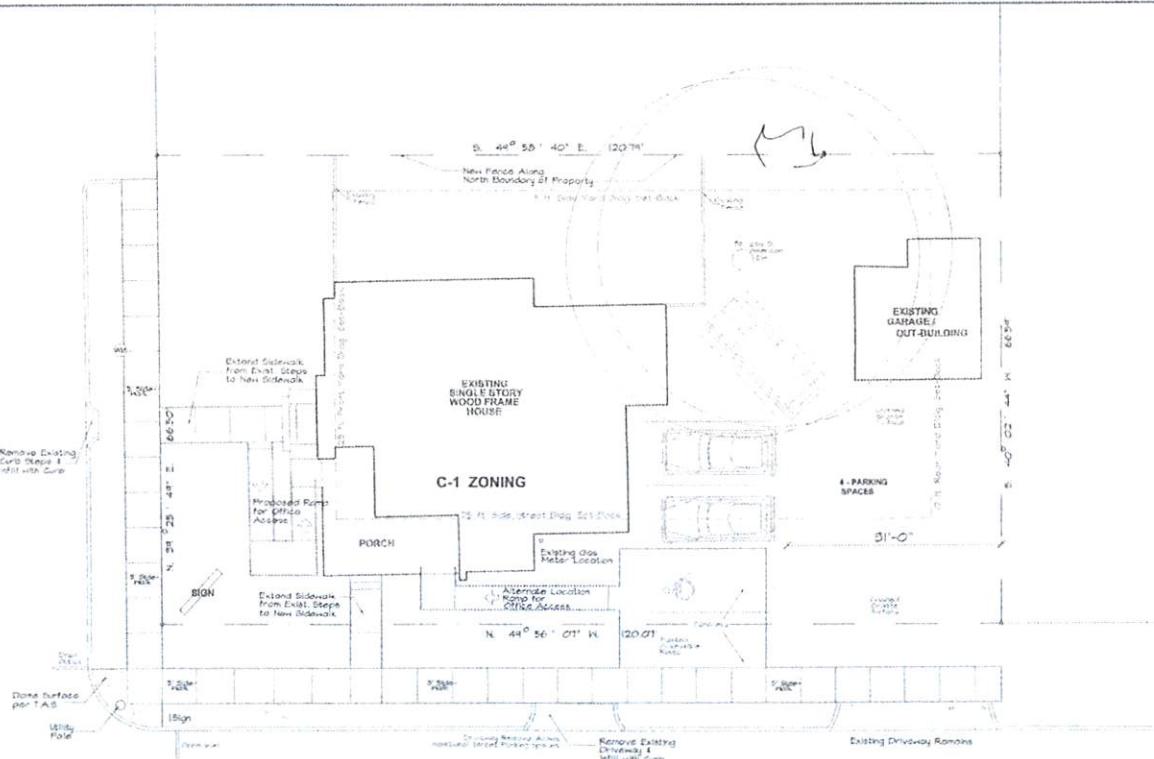
OWNER WILL CONTINUE WITH OVERHEAD ELECTRICAL SERVICE AND ALL UTILITY SERVICES. ROLL OUT TYPE GARAGE COLLECTION WILL BE AT STREET ON PICK-UP DAY.

C-1 ZONING - IMPREVIOUS - PERVIOUS:

C-1 TRACT IS APPROXIMATELY 8,014 S.F.
EXISTING IMPREVIOUS BUILDINGS - 2124 S.F.
PROPOSED RAMP AND ACCESSIBLE CONCRETE SIDEWALK AREA - 448 S.F.
33 % IMPREVIOUS

MAXIMUM IMPREVIOUS COVERAGE -10%

N. Milam Street/RR 965



W. Austin Street

201 NORTH MILAM
SITE PLAN
1/8"=1'-0"

PLAT INDICATES 8,014 SQ. FT. (0.184 OF AN ACRE TRACT OF LAND WHICH COMPRISES PART OF TOWNLOTS NO 55 & 56 AS SAID TOWNLOTS ARE DESIGNATED ON THE MAP OR PLAT OF THE CITY OF FREDERICKSBURG AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, GILLESPIE COUNTY

Owner's Agent
DAMON S. DOZIER
116-TH-669
STERLING
CELL 562-78-125

Existing Structure for Office Use
Alpha Securities L.L.C.
201 NORTH MILAM STREET
FREDERICKSBURG, TEXAS

DATE: 03 DEC 2017
PROJECT: 116-TH-669
REVISION:

ARCHITECTURAL
SITE PLAN

A-0



201 N Milam St

Topical View



Imagery ©2018 Google, Map data ©2018 Google

50 ft



201 N Milam St

Fredericksburg, TX 78624



b

CODE-REQUIRED WORK

RECOMMENDED

NOT RECOMMENDED

Sensitive solutions to meeting code requirements are an important part of protecting the historic character of the building and site. Thus, work that must be done to meet accessibility and life-safety requirements in the treatment Preservation must also be assessed for its potential impact on the historic building and site.

ACCESSIBILITY

Identifying the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting which may be affected by accessibility code-required work.	Undertaking accessibility code-required alterations before identifying those exterior features, interior spaces, features, and finishes, and features of the site and setting which are character defining and, therefore, must be preserved.
Complying with barrier-free access requirements in such a manner that the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting are preserved or impacted as little as possible.	Altering, damaging, or destroying character-defining exterior features, interior spaces, features, and finishes, or features of the site and setting while making modifications to a building, its site, or setting to comply with accessibility requirements.
Working with specialists in accessibility and historic preservation to determine the most sensitive solutions to comply with access requirements in a historic building, its site, and setting.	Making changes to historic buildings, their sites, and setting without first consulting with specialists in accessibility and historic preservation to determine the most appropriate solutions to comply with accessibility requirements.
Providing barrier-free access that promotes independence for the user while preserving significant historic features.	Making access modifications that do not provide independent, safe access or preserve historic features.
Finding solutions to meet accessibility requirements that minimize the impact of any necessary alteration for accessibility on the historic building, its site, or setting, such as compatible ramps, paths, and lifts.	Making modifications for accessibility without considering the impact on the historic building, its site, and setting.

CODE-REQUIRED WORK

RECOMMENDED

NOT RECOMMENDED

Using relevant sections of existing codes regarding accessibility for historic buildings that provide alternative means of compliance when code-required work would otherwise negatively impact the historic character of the property.	
Minimizing the visual impact of accessibility ramps by installing them on secondary elevations when it does not compromise accessibility or by screening them with plantings.	
Adding a gradual slope or grade to the sidewalk, if appropriate, to access the entrance rather than installing a ramp that would be more intrusive to the historic character of the building and the district.	
Installing a lift as inconspicuously as possible when it is necessary to locate it on a primary elevation of the historic building.	Installing a lift at a primary entrance without considering other options or locations.

[26] A temporary ramp—unobtrusive and easily removed—facilitates access to the entrance of this museum and does not affect its historic character.

[27] The access ramp at the left of the entrance is concealed by a hedge which minimizes its visibility and impact on the character of the historic apartment building.



8

CODE-REQUIRED WORK

RECOMMENDED

NOT RECOMMENDED

LIFE SAFETY

Identifying the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting which may be affected by life-safety code-required work.	Undertaking life-safety code-required alterations before identifying those exterior features, interior spaces, features, and finishes, and features of the site and setting which are character defining and, therefore, must be preserved.
Complying with life-safety codes (including requirements for impact-resistant glazing, security, and seismic retrofit) in such a manner that the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting are preserved or impacted as little as possible.	Altering, damaging, or destroying character-defining exterior features, interior spaces, features, and finishes, or features of the site and setting while making modifications to a building, its site, or setting to comply with life-safety code requirements.
Removing building materials only after testing has been conducted to identify any hazardous materials, and using only the least damaging abatement methods.	Removing building materials without testing first to identify any hazardous materials, or using potentially damaging methods of abatement.
Providing workers with appropriate personal equipment for protection from hazards on the worksite.	Removing hazardous or toxic materials without regard for workers' health and safety or environmentally-sensitive disposal of the materials.
Working with code officials and historic preservation specialists to investigate systems, methods, or devices to make the building compliant with life-safety codes to ensure that necessary alterations will be compatible with the historic character of the building.	Making life-safety code-required changes to the building without consulting code officials and historic preservation specialists, with the result that alterations negatively impact the historic character of the building.
Using relevant sections of existing codes regarding life safety for historic buildings that provide alternative means of code compliance when code-required work would otherwise negatively impact the historic character of the building.	
Upgrading historic stairways and elevators to meet life-safety codes so that they are not damaged or otherwise negatively impacted.	Damaging or making inappropriate alterations to historic stairways and elevators or to adjacent spaces, features, or finishes in the process of doing work to meet code requirements.
Installing sensitively-designed fire-suppression systems, such as sprinklers, so that historic features and finishes are preserved.	Covering character-defining wood features with fire-retardant sheathing, which results in altering their appearance.
Applying fire-retardant coatings when appropriate, such as intumescent paint, to protect steel structural systems.	Using fire-retardant coatings if they will damage or obscure character-defining features.



[28] A simple railing added on the inner side of an elaborate wood and cast-iron stair railing meets life-safety code requirements without greatly impacting its historic character.



[29] A safety cone outside of a house where lead paint is being removed warns of the hazardous conditions on the site.

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

toric documentation of its form and detailing. As with repair, the preferred option is always replacement of the entire feature in kind (i.e., with the same material, such as wood for wood). However, when this is not feasible, a compatible substitute material that can reproduce the overall appearance of the historic material may be considered.

It should be noted that, while the National Park Service guidelines recommend the replacement of an entire character-defining feature that is extensively deteriorated, the guidelines never recommend removal and replacement with new material of a feature that could reasonably be repaired and, thus, preserved.

Design for the Replacement of Missing Historic Features

When an entire interior or exterior feature is missing, such as a porch, it no longer plays a role in physically defining the historic character of the building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historic appearance. If the feature is not critical to the survival of the building, allowing the building to remain without the feature is one option. But if the missing feature is important to the historic character of the building, its replacement is always recommended in the **Rehabilitation** guidelines as the first, or preferred, course of action. If adequate documentary and physical evidence exists, the feature may be accurately reproduced. A second option in a rehabilitation treatment for replacing a missing feature, particularly when the available information about the feature is inadequate to permit an accurate reconstruction, is to *design* a new feature that is compatible with the overall historic character of the building. The new design should always take into account the size, scale, and material of the building itself and should be clearly differentiated from the authentic historic features. For properties that have changed over time, and where those changes have acquired

significance, reestablishing missing historic features generally should not be undertaken if the missing features did not coexist with the features currently on the building. Juxtaposing historic features that did not exist concurrently will result in a false sense of the building's history.

Alterations

Some exterior and interior alterations to a historic building are generally needed as part of a **Rehabilitation** project to ensure its continued use, but it is most important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include changes to the site or setting, such as the selective removal of buildings or other features of the building site or setting that are intrusive, not character defining, or outside the building's period of significance.

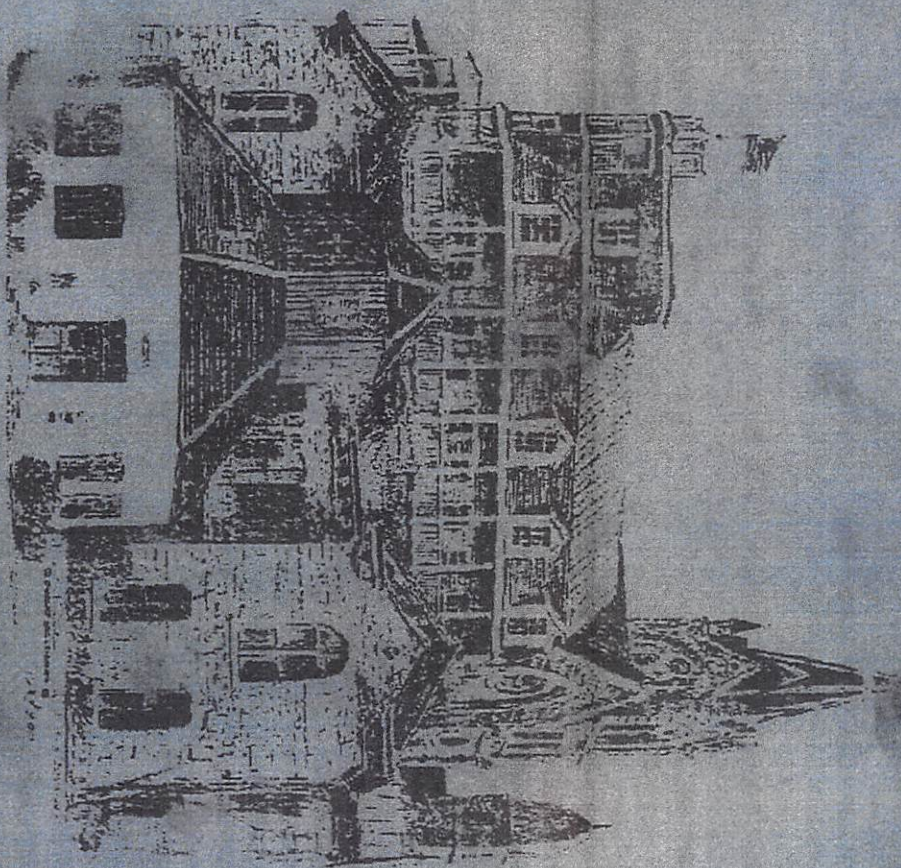
Code-Required Work: Accessibility and Life Safety

Sensitive solutions to meeting code requirements in a **Rehabilitation** project are an important part of protecting the historic character of the building. Work that must be done to meet accessibility and life-safety requirements must also be assessed for its potential impact on the historic building, its site, and setting.

Resilience to Natural Hazards

Resilience to natural hazards should be addressed as part of a **Rehabilitation** project. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. These should always be used to best advantage when considering new adaptive treatments so as to have the least impact on the historic character of the building, its site, and setting.

DESIGN GUIDELINES



Fredericksburg, Texas

BUNGALOW

This fashion of homes and structures became popular from 1905 to the 1920s. It originated in southern California and spread throughout the country via pattern books and magazines. The style was first recognized as the Craftsman style and as more one story, vernacular homes were built, it became known as the Bungalow or Bungalowoid style. However, this trend began to fade around the 1930s and few were built after such time.

Some of the identifying features of the Bungalow are: low pitched gabled roof with a wide, unenclosed eave overhang; exposed roof rafters; nonstructural, decorative beams or braces; full or partial width porches; and a roof supported by tapered square columns or pedestals usually extended to the ground level.

Identifying Characteristics:

1. Decorative Beams or Braces
2. Partial Width, Deep Porches
3. Tapered or Square Columns
4. Unenclosed Eave Overhang
5. Exposed Roof Rafters
6. Low Pitched Gabled Roof

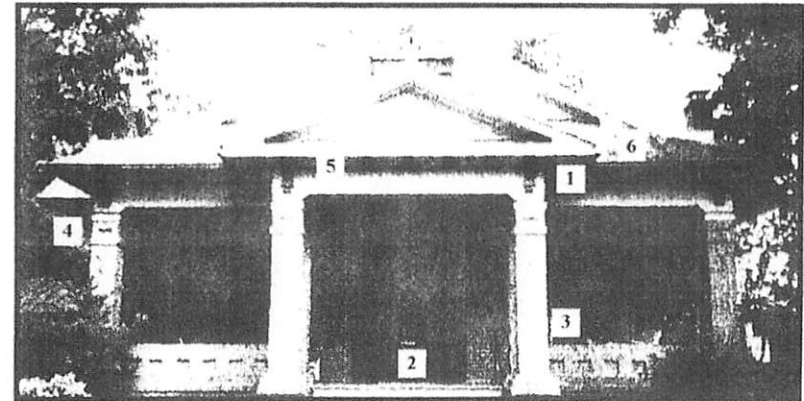


Figure 25: Residence, North Adams

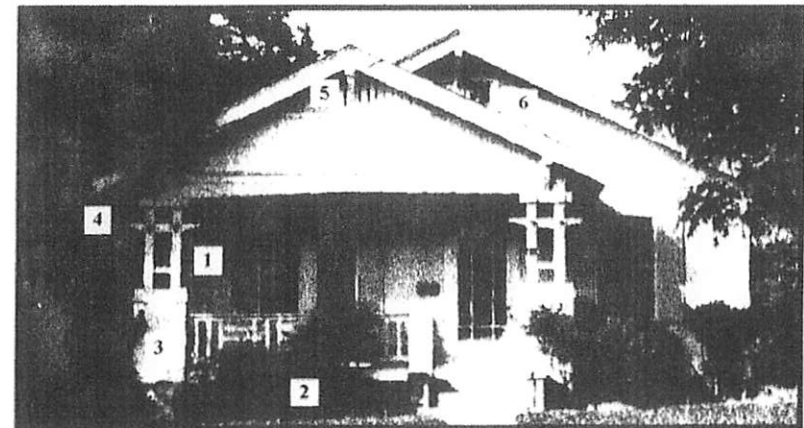


Figure 26: Residence, West Austin

DOORS

Doors and windows aid in drawing people to the structure and are the first contact a person has with a shop or building. As such, it is recommended to properly maintain and, if the original is still intact, preserve the original door.

Recommended

1. Using a door that is unobtrusive to the visual appearance of the building.
2. Retaining, preserving, and maintaining the original door and its hardware, if available.

Not Recommended

1. Using doors that obscure the overall image of the original structure.

Repairing and Replacing

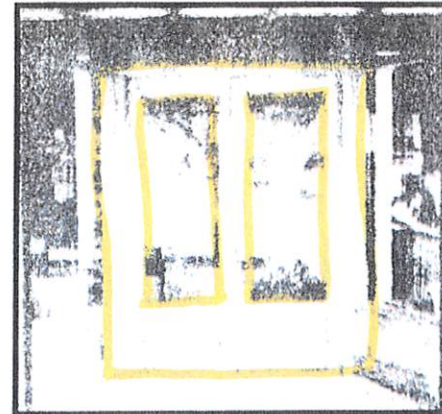
Recommended

1. Repairing rather than replacing the original door and its hardware, if possible.

2. Using a door and other hardware, brand new or salvaged, that is compatible with the overall character of the building.

Not Recommended

1. Replacing a door that is in repairable condition.
2. Introducing and installing new door openings, or enlarging or reducing openings to fit stock doors.
3. Altering the size and scale of the doors, in respect of the building as a whole.



✓ Figure 48: Store entrance, West Main. This original door and hardware has been refinished and put back into use.

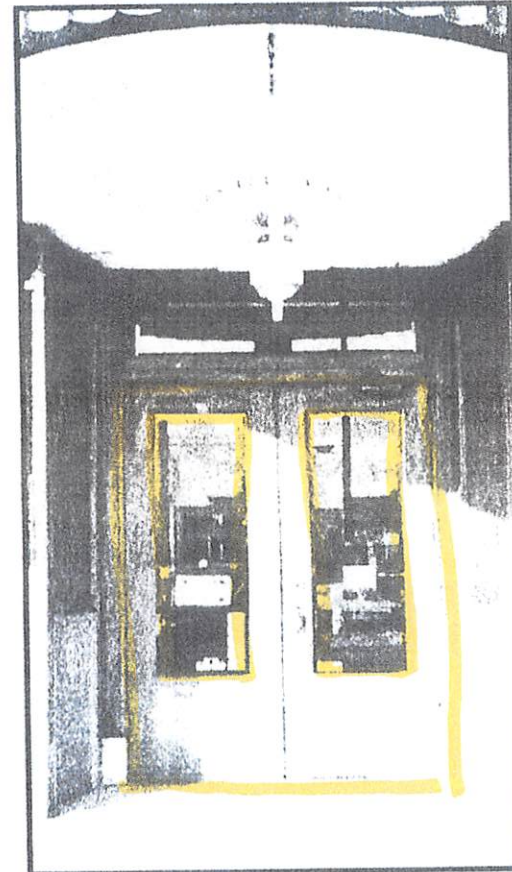
Cleaning Metalwork

Recommended

1. Using the gentlest cleaning method possible to avoid further erosion. Do not use a cleaning method that abrades the surface.
2. Prior to application, test all cleaning methods on specimens of the type of metal used on the historical building or structure.
3. Cleaning metal to remove corrosion prior to repainting or application of other protective coatings.
4. Use sensitive cleaning methods that do not harm the finish or color of soft metal such as: copper, lead, and tin.

Not Recommended

1. Exposing metals that should be protected from the environments.



✓ Figure 38: Commercial Entrance, East Main. The owner has preserved this Art Deco, bronze entrance while allowing the natural, historical patina to remain on the door and overhang.

TAS 202.4 Alterations Affecting Primary Function Area

202.4 Alterations Affecting Primary Function Areas. In addition to the requirements of 202.3, an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, including the parking areas, rest rooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope. For purposes of ensuring compliance with requirements of Texas Government Code, Chapter 469, all determinations of maximum extent feasible and disproportionality are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code. If elements of a path of travel at a subject building or facility that have been previously constructed or altered in accordance with the April 1, 1994 Texas Accessibility Standards (TAS) they will enjoy safe harbor and are not required to be retrofitted to reflect the incremental changes in the 2012 TAS solely because of an alteration to a primary function area served by that path of travel. Those elements would be subject to compliance with the 2012 TAS only when the elements of a path of travel are being altered.

EXCEPTIONS:

1. Residential dwelling units shall not be required to comply with 202.4.
2. If a tenant is making alterations as defined in 106.5.5 that would trigger the requirements of this section, those alterations by the tenant in areas that only the tenant occupies do not trigger a path of travel obligation upon the landlord with respect to areas of the facility under the landlord's authority, if those areas are not otherwise being altered.

Advisory 202.4 Alterations Affecting Primary Function Areas. An area of a building or facility containing a major activity for which the building or facility is intended is a primary function area. There can be multiple areas containing a primary function in a single building. Primary function areas are not limited to public use areas. For example, both a bank lobby and the bank's employee areas such as the teller areas and walk-in safe are primary function areas. Also, mixed use facilities may include numerous primary function areas for each use. Areas containing a primary function do not include: mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, or restrooms. Additional information about primary function areas is provided in 106.5.45.

Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order:

- (i) An accessible entrance;

(ii) An accessible route to the altered area;

(iii) At least one accessible restroom for each sex or a single unisex restroom;

(iv) Accessible telephones; (v) Accessible drinking fountains; and

(vi) When possible, additional accessible elements such as parking, storage, and alarms.

Additional information about disproportionality and path of travel and is provided in 106.5.25 and 106.5.41.

TAS Title 16: Economic Regulation

Chapter 68.2

201 N Milam

(a) A building or facility used by the public is subject to compliance with the Texas Accessibility Standards (hereinafter "TAS") if it is constructed, renovated, or modified, in whole or in part, on or after January 1, 1970, using funds from the state or a county, municipality, or other political subdivision of the state.

(b) A building or facility leased for use or occupied, in whole or in part, by the state under a lease or rental agreement entered into on or after January 1, 1972, is subject to the TAS except as modified under §68.101.

(c) The following private buildings and facilities constructed, renovated, or modified on or after January 1, 1992 and defined as a "public accommodation" by Section 301, Americans with Disabilities Act of 1990 (42 U.S.C. Section 12181), and its subsequent amendments, are subject to the TAS:

(1) an inn, hotel, motel, or other place of lodging except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

(2) a restaurant, bar, or other establishment serving food or drinks;

(3) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(4) an auditorium, convention center, lecture hall, or other place of public gathering;

(5) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(6) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(7) a terminal, depot, or other station used for specified public transportation;

(8) a park, zoo, amusement park, or other place of recreation;

TAS 202.5 Alterations to Qualified Historic Buildings and Facilities.

201 N Milam

202.5 Alterations to Qualified Historic Buildings and Facilities. Alterations to a qualified historic building or facility shall comply with 202.3 and 202.4. Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places or are designated as a Recorded Texas Historic Landmark or State Archaeological Landmark shall comply to the **maximum extent feasible** with this part. If it is determined that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or the facility, alternative methods of access shall be provided pursuant to these requirements.

EXCEPTION: Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the exceptions for alterations to qualified historic buildings or facilities for that element shall be permitted to apply when approved by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code. Advisory 202.5 Alterations to Qualified Historic Buildings and Facilities Exception. State Historic Preservation Officers are State appointed officials who carry out certain responsibilities under the National Historic Preservation Act. State Historic Preservation Officers consult with Federal and State agencies, local governments, and private entities on providing access and protecting significant elements of qualified historic buildings and facilities. There are exceptions for alterations to qualified historic buildings and facilities for accessible routes (206.2.1 Exception 1 and 206.2.3 Exception 7); entrances (206.4 Exception 2); and toilet facilities (213.2 Exception 2). When an entity believes that compliance with the requirements for any of these elements would threaten or destroy the historic significance of the building or facility, the entity should consult with the State Historic Preservation Officer. **If the State Historic Preservation Officer agrees that compliance with the requirements for a specific element would threaten or destroy the historic significance of the building or facility, use of the exception is permitted when approved by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.**

Notes:

The city's HRB cannot exempt a project from TAS. They cannot override a State Law. Even "Qualified Historic Buildings" are required to comply to the maximum extent feasible unless they are granted a variance from TDLR. If the building does not meet the qualifications per 106.5.52 then it would need to comply unless a variance is approved by TDLR.

106.5.52 Qualified Historic Building or Facility. A building or facility that is listed in or eligible for listing in the National Register of Historic Places, or designated as a Recorded Texas Historic Landmark or State Archaeological Landmark.

(9) a museum, library, gallery, or other place of public display or collection;

(10) a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;

(11) a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

(12) a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

(d) Commercial facilities are subject to the Act if they are intended for non-residential use and if their operations will affect commerce. Such application shall not include railroad locomotives, railroad freight cars, railroad cabooses, railroad cars described in the Americans with Disabilities Act (ADA) §242, or covered under the ADA, Title III, railroad rights-of-way, or facilities that are covered or expressly exempted from coverage under the federal Fair Housing Act of 1968.

(e) Buildings or facilities of a religious organization are subject to the Act except for areas exempted under §68.30.

(f) Buildings or facilities not subject to the Act may be registered, reviewed, and/or inspected upon request and payment of the applicable fee(s) in accordance with §68.54.

Source Note: The provisions of this §68.20 adopted to be effective November 5, 2001, 26 TexReg 8807; amended to be effective February 1, 2005, 30 TexReg 382; amended to be effective March 1, 2007, 32 TexReg 884

Google Maps 201 N Milam St

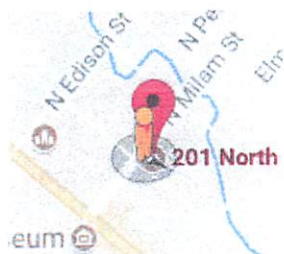


Image capture: May 2011 © 2018 Google

Fredericksburg, Texas

 Google, Inc.

Street View - May 2011



prior to ownership

21

Google Maps 398 W Austin St



Image capture: May 2016 © 2018 Google

Fredericksburg, Texas

 Google, Inc.

Street View - May 2016



22



prior to ownership



prior to ownership

UNVENT







**Historic Review Board
Certificate of Appropriateness**

Application Number: 18-19
Date: March 13, 2018
Address: 201 N Milam
Zoning: C1
Owner: Alpha Securities
Applicant: Damon Dozier
Rating: Medium
Proposed Modifications: Replace 2 doors with new metal ADA compliant doors

Request:

The applicant is requesting a Certificate of Appropriateness for approval to:

1. Replace two wood doors (2' 6" wide) with metal and glass doors (3' wide) to be ADA compliant.

Relevant Secretary of Interior's Standards and Fredericksburg Design Guidelines:

SOI 2 - The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

FGB Design Guidelines – Doors - Doors and windows aid in drawing people to the structure and are the first contact a person has with a shop or building. As such, it is recommended to properly maintain and, if the original door is still intact, preserve the original door. 1. Using a door that is unobtrusive to the visual appearance of the building
2. Retaining, preserving, and maintaining the original door and hardware. Not recommended: 1. Replacing a door that is in repairable condition. 3. Altering the size and scale, in respect of the building as a whole.

Staff Recommendation/Findings:

1. The building has 3 visible doors as it sits at the corner of Milam and Austin Streets. An ADA ramp has been installed along Austin Street. Two metal and glass doors measuring 36" inches have already been installed replacing 30" doors: one facing

City of Fredericksburg

Milam and one on the Austin Street side. Staff recommends the door facing Milam street be replaced with the original door, or a replica that is the same material and style. The door facing Milam does not need to be 36" wide. Although readily visible, the door facing Austin is not on the primary façade, staff recommends approval of the changes to the door for ADA compliance.

Board Action:

Approval of door currently installed facing Austin. Door on Milam Street entrance to be replaced with a wood door that matches the design of original, can be kept at existing 36" width.

Anna Hudson 3/14/18

Anna Hudson

Historic Preservation Officer



Damon Dozier <damon@dozier.us>

C of A for 201 N Milam

1 message

Anna Hudson <ahudson@fbgtx.org>

Wed, Mar 14, 2018 at 10:33 AM

To: "Damon Dozier (damon@dozier.us)" <damon@dozier.us>

Cc: Shelby Collier <scollier@fbgtx.org>, Kyle Staudt <kstaudt@fbgtx.org>, Michael Erwin <merwin@fbgtx.org>, Brian Jordan <bjordan@fbgtx.org>

Mr. Dozier,

Please find the attached Certificate of Appropriateness for 201 N Milam.

The door facing Austin Street can be retained as is. The door facing Milam needs to be changed to a wood door that matches the design of the original door. The width of the replacement door can be the current 36". Once the door has been replaced please notify me and I'll be able to conduct a quick inspection and sign-off on the Certificate of Occupancy. Let me know if you have any questions.

Anna Hudson <<https://www.linkedin.com/in/anna-hudson-7131159/>>

Historic Preservation Officer

City of Fredericksburg

O: 830-990-2026

**CoA 201 N Milam_March 2018.pdf**

457K

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