



CITY OF FREDERICKSBURG

ZONING BOARD OF ADJUSTMENT

THURSDAY, APRIL 16, 2020 ~ 5:30 P.M.

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 Thursday, April 16, 2020. **This meeting will be held remotely via Zoom Teleconferencing, and in person attendance will not be available. Members of the public may attend the meeting remotely by web or telephone via Zoom Teleconferencing (see details below).** These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government code.

Members of the public may join the Zoom Meeting by one of the following:

By web:

<https://zoom.us/j/375778926>

Meeting ID: 375 778 926

By phone:

(888)788-0099 (Toll Free)

(877)853-5247 (Toll Free)

Meeting ID: 375 778 926

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

During the COVID-19 pandemic, The City of Fredericksburg is allowing public comments to be submitted remotely, by 3 p.m. on April 16, 2020 using the following method:

1. Email your comments to scollier@fbgtx.org

4. APPROVAL OF MEETING MINUTES

February 2020 regular meeting minutes

5. PUBLIC HEARING

- A. Request (ZBA2020-02) by Travis Halfmann for a Variance to install a 7 ft. fence in the Front Yard Setback at 406 S. Creek Street.

6. ACTION ITEM

- A. Receive Recommendation and Consider ZBA2020-02

7. ADJOURN

This is to certify that I, Brian Jordan, posted this Agenda by 4:30 p.m. on Thursday, April 9, 2020, on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Brian Jordan
Director of Development Services

**BOARD OF ADJUSTMENT
FEBRUARY 19, 2020
5:00 P.M.**

PRESENT

MARCUS VIDRINE
JEFF LAWRENCE
CYNTHIA SCROGGINS
DONNIE FINN
TRAVIS NEAL

JIM MCAFEE

BRIAN JORDAN – Director of Development Services
DANIEL JONES – City Attorney
SHELBY COLLIER - Development Coordinator

MINUTES

PUBLIC HEARING

Marcus Vidrine made a motion to open the public hearing. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

Todd Eidson, the owners builder, stated it was the applicants desire to replace the historic picket fence that had been taken down last year for repairs.

Cynthia Scroggins made a motion to close the public hearing. Travis Neal seconded the motion. All voted in favor and the motion carried.

Brian Jordan, Director of Development Services, stated that the applicant is specifically requesting permission to place a fence in the City right-of-way. 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, 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.

Staff recommends approval, conditioned upon the portion of fence along Edison Street be located inside the property line and the fence not encroach into the 30'x30' visibility triangle at the intersection. Also, the new fence must match the previous fence in design, material and height.

Motion made to approve Application ZBA2020-01 by Marcus Vidrine. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Jeff Lawrence moved to adjourn the meeting and Travis Neal seconded the motion. All voted in favor and the meeting was adjourned at 5:18 P.M.

PASSED AND APPROVED this the 16th DAY OF APRIL , 2020

SHELBY COLLIER, DEVELOPMENT COORDINATOR

DONNIE FINN, CHAIR

VARIANCE BRIEF
Request # 2020-02

APPLICANT: Travis Halfmann

ZONING: C-1, Neighborhood Commercial

LOCATION: 406 S Creek Street

REQUEST: Variance to allow a 7' high fence to be constructed in the Front Yard Setback along S. Creek Street. The plan is to replace the existing 4' fence.

FINDINGS:

- The subject property is currently occupied by a single family residence.
- The property in question is part of the veterinary clinic property at 402 S. Creek Street.
- The lot is approximately 0.5 acres, or 22,000 square feet in size.
- The residence at this location is occupied by Mr. Halfmann and his family. Mr. Halfmann purchased the business and property from Daniel Fritz in 2014.
- The applicant intends to replace the 4' wood fence on S. Creek Street with a 7' wood fence of the same type.
- Since the Creek Street side of the lot is considered the "front" of the lot, no structures above 4' are permitted in the Front Setback Line which is 25'.
- We do not have a record for a permit for the existing fence. The property was annexed into the City in 1994.

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, when the house was built, it was oriented with the front of the house facing the veterinary clinic to the north. All of the property was under the same ownership when constructed and the house tract was not separate from the remaining property. At the time the house was built, it was unlikely that the setbacks and lot orientation were considered.**

- 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 residence and surrounding yard was set up facing the north and not the Creek Street side of the property. While the Creek Street side of the lot is the "front" side of the lot, this property was not developed in the normal style of a subdivision. In other words, the property was developed as a commercial business, and the house was built to support the business owners. Were this property developed for residential purposes, the orientation of the lots would have been taken into consideration.**
- 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. **The two lots directly across Creek Street are oriented such that they are permitted to have fences 6' in height. 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 affect the adjacent property.**

OPPOSITION/SUPPORT OF REQUEST: No letters received.

STAFF RECOMMENDATION: The applicant has noted in his application that the condition of S. Creek Street prohibits his children from playing outside due to the low fence and interactions with pedestrians. It should be noted that this condition existed prior to the owner having purchased the property. However, given the criteria noted above, we would recommend approval to allow a fence taller than 4' in height. As an alternative to the 7' fence requested, a 6' fence of similar material is recommended.



VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

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

-
1. Applicant: Travis Halfmann
 2. Owner: Same
 3. Phone: 979-214-2869 Email: halfmanntravis@gmail.com
 4. Description of property involved in this request.
Address: 406 South Creek St.
Legal Description: _____
Lot Size: _____ Zoning District: _____
 5. Request is made to the Board of Adjustment that a variance be granted to the following provisions of the Zoning Ordinance.
Section: 7.530 Subsection: _____
Item: Fencing, Walls, and Visibility Relating To: 4' maximum height
Requiring: _____
Would request variance to allow fence to be raised to 7' high.
 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.

The orientation of my residence has my backyard bordering South Creek St. which has become very busy and prohibits my children from being able to play outside due to the low fence and multiple interactions with pedestrians.

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.

My residence faces the veterinary clinic which were both established in the 70's. Therefore the side of my house is the address, which leaves my back yard bordering a now extremely busy street.

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.

The majority of my neighbors have privacy fences already, therefore it should not alter any character.

- 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

- 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.

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.

N/A

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.

N/A

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.

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.

N/A

- 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.

N/A

Staff Use Only

Application No: ZBA2020-02
Payment Type: CH#1272 \$150

Date: 03/17/20

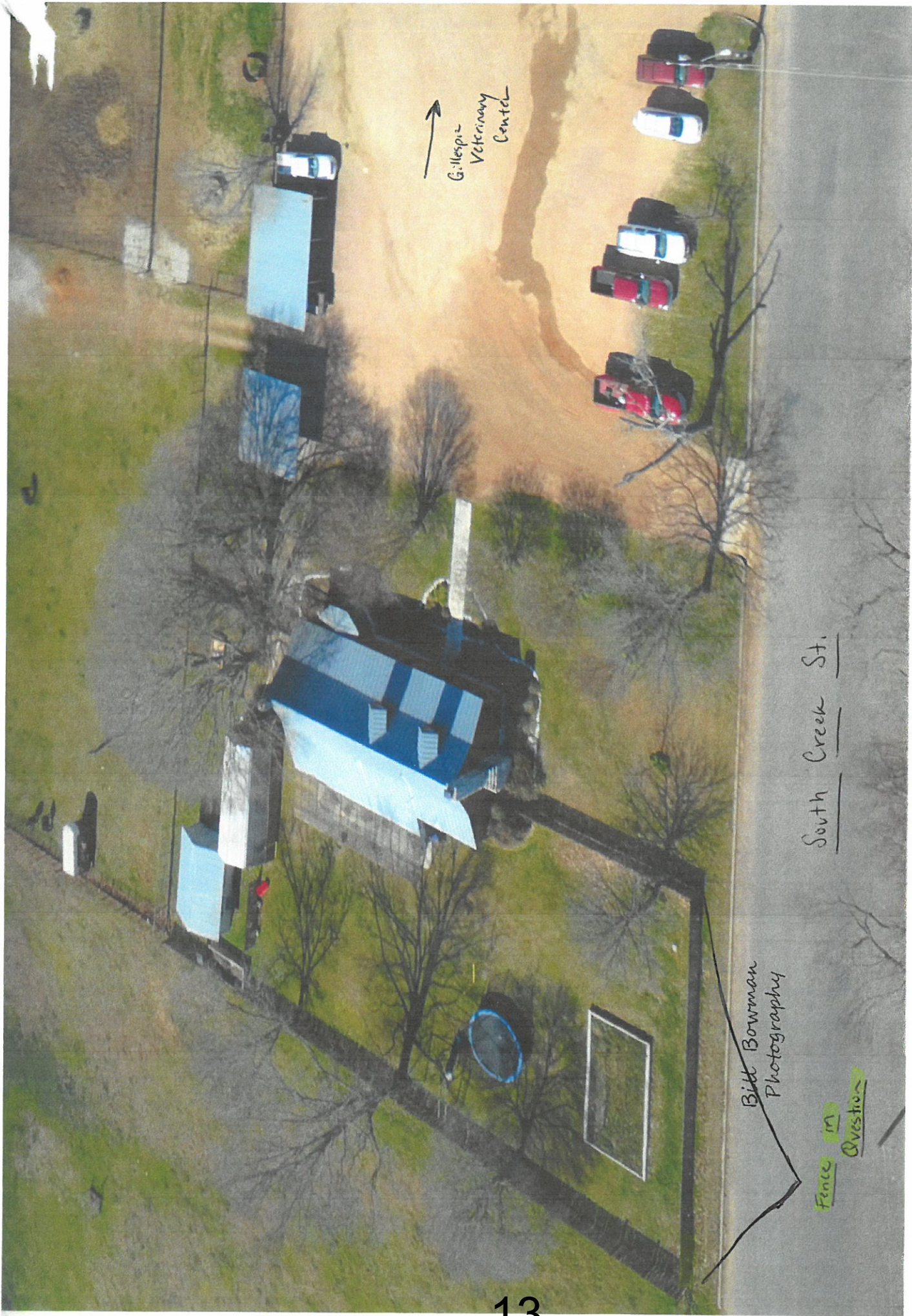


Bed and Breakfast

Fence in Question

My residence faces the
veterinary clinic.
The address is South Creek St.

Haltmann Property
406 South Creek St.



Halfmann Property
406 South Creek St.



Haltmann Property
406 South Creek St

View from
South Creek St
into my
backyard

Concern: 4' fence
prohibits children
from being able
to play in back
yard due to
safety concerns



Halfmann Property
406 South Creek St.

Fence in Question

Request: Using same materials, but raising fence to 7'. This will involve replacing current cedar stays with 7' posts.

ZBA2020-02

 <all other values>

 200' BUFFER

☐ AFFECTED PROPERTY

 SUBJECT PROPERTY

S. CREEK

BLUEBONNET

16

#	Owner	Address
A	HORACE JR & SHERYL RILEY	2884 MCKINNEY LP BLANCO, TX
B	MICHAEL & JANA SPECK	601 BELL ST FREDERICKSBURG, TX 78624
C	LOUISE LUSSIER	603 BELL ST FREDERICKSBURG, TX 78624
D	MICHAEL OTTMERS	605 BELL ST FREDERICKSBURG, TX 78624
E	MICHAEL & JANA SPECK	601 BELL ST FREDERICKSBURG, TX 78624
F	MARK & MARY HARRISON	11052 ENDICOTT RD ENDICOTT, WA
G	JOSEPH SCHANDUA	601 APPLE ST FREDERICKSBURG, TX 78624
H	GILLESPIE LIVESTOCK CO INC	P.O. BOX 454 FREDERICKSBURG, TX 78624
I	GILLESPIE LIVESTOCK CO INC	P.O. BOX 454 FREDERICKSBURG, TX 78624
J	HALFMANN PROPERTIES LLC	402 S. CREEK ST FREDERICKSBURG, TX 78624
K	HALFMANN PROPERTIES LLC	402 S. CREEK ST FREDERICKSBURG, TX 78624

ZBA2020-02