

AGENDA
CITY OF FREDERICKSBURG
ZONING BOARD OF ADJUSTMENT

Thursday, May 24, 2018

5:30 P.M.

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

1. Call to Order
2. Approve minutes from the April 2018 Regular Meeting
3. Approve minutes from the February 2018 Regular Meeting
4. Approve minutes from the October 2016 Regular Meeting

PUBLIC HEARING

5. (ZBA2018-04) Variance to Section 3.200 of the Zoning Ordinance, pertaining to interior side yard set back at 111 E. Centre Street . The applicant is requesting a variance to construct a carport 7 Ft in the set back.

ACTION ITEM

6. Receive Recommendation and Consider ZBA2018-04

ADJOURN

AGENDA
CITY OF FREDERICKSBURG
ZONING BOARD OF ADJUSTMENT

Thursday, May 17, 2018

5:30 P.M.

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

1. Call to Order

PUBLIC HEARING

2. (ZBA2018-04) Variance to Section 3.200 of the Zoning Ordinance, pertaining to interior side yard set back at 111 E. Centre Street . The applicant is requesting a variance to construct a carport 7 Ft in the set back.

ACTION ITEM

3. Receive Recommendation and Consider ZBA2018-04

ADJOURN

CERTIFICATE

I certify that the above notice of meeting
was posted on the bulletin board at
City Hall in Fredericksburg, Texas, on the

11 day of May, 2018

SBittner
City Secretary

cancelled

SBittner

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

**BOARD OF ADJUSTMENT
APRIL 12, 2018
5:30 P.M.**

On this the 12th day of April 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
DONNIE FINN
JIM MCAFEE

ABSENT: ROBERT DEMING

ALSO PRESENT: BRIAN JORDAN - Director of Development Services
DANIEL JONES – City Attorney
ANNA HUDSON – Historic Preservation Officer
SHELBY COLLIER - Development Coordinator

Chairman Robert Deming was absent, vice chair Jim McAfee acted as Chairman.

The meeting was called to order at 5:30 P.M. by Jim McAfee

MINUTES

No minutes were considered.

PUBLIC HEARING

Consider (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.

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

Terry Neans, the applicant, began his presentation by asking Brian Jordan, Director of Development Services if he received any notices in opposition to his request. Brian stated he had not. Terry went on to say that there were many properties on Thiele Ln with driveways as wide as 50 ft. and as such, his request would not deteriorate the neighborhood.

Tom Mussleman asked Terry if he could widen the driveway after the approach. Terry stated he could not.

Brian stated City Staff had received 6 notices in support.

Tom Mussleman made a motion to close public hearing. Donnie Finn seconded the motion. All voted in favor and the motion carried.

Brian stated the lot in question is well over the minimum square footage required for a lot in this Zone. City Staff does not feel as if the conditions of this property are unique or the Zoning restrictive for the proposed use.

Terry asked what was the purpose of the Ordinance. Why is the driveway size regulated?

Brian stated that there are many reasons why this is regulated. You wouldn't want the entire lot paved for one, every drive way is an additional intersection onto a street and the Ordinance states that 24 ft. is the standard width for a driveway and easily accommodates a 2 car garage.

Terry stated that the driveway he is proposing is better than having one of his vehicles parked on the street.

Tom asked if the applicant would be allowed a curb cut on East Highway St. as well as Thiele Ln. Brian stated yes.

Tom asked if that was the case, could Terry transfer his curb cut off of East Highway St onto Thiele Ln so he could have 2.

Brian stated no, the issue at hand is not how many curb cuts he is allowed, the issue is the width of the driveway.

Jim asked if there was anything in the Ordinance about distance between curb cuts. Brian stated yes 10-20 ft. is the distance between cuts.

Motion made to deny Application ZBA1801-02 by John Smiljanic. Donnie Finn seconded the motion. All voted in favor and the motion carried.

Consider (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.

Jim McAfee recused himself. Cindy Scroggins nominated John Smiljanic for Chairman. Donnie Finn seconded the motion. All voted in favor and the motion carried.

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

Damon Dozier began his presentation by asking City Staff if they could explain why they denied his request for his current door. Brian stated the Public Hearing is for the applicant to request an appeal, not to debate City Staff's decision.

Mr. Dozier asked Anna Hudson, Historic Preservation Officer, to view the 1st page of his application. He asked why she would write on his application, he went on to say that he feels the integrity of the Historic Review Board has been compromised.

John Smilijanac asked Mr. Dozier what he was requesting an appeal for.

Damon stated a wooden door on his building was replaced with a metal door.

John stated that Historic Review Board requested he replace the metal door with a wood door.

Damon stated yes, he based his decision to replace the wooden door off of the Fredericksburg Design Guidelines and he is complying with TAS requirements. He asked if the City can supercede Texas and Federal law.

Brian stated that the applicant removed the original wood doors without a Certificate of Appropriateness and replaced them all with metal doors. Anna stated that the Historic Review Board felt it was an agreeable compromise to allow the now replaced doors on Austin St, but requested Milam St to have a wood door installed and the bungalow style door is what needs to be replaced.

Damon stated the reason for tabling the request was because he was not prepared for Historic Review Board. At the 2nd Historic Review Board Meeting the applicant requested the Historic Review Board Chair to recuse herself since she is in the same business. Ms. Joseph did recuse herself from the meeting.

Cindy asked for clarification. The Historic Review Board said the applicant could keep the now 36" width opening but replace the door with a wooden one. Anna stated that was correct.

John stated it was his understanding that the Historic Review Board compromised to allow the now replaced doors on Austin St to stay Metal and requested the Milam St door to be wood. Anna stated that was correct.

Barbara Heinen asked what the applicants objection was to replacing the door.

Damon stated cost and that it doesn't seem reasonable to allow one ADA door and require the other one to be retro-fitted.

Cindy asked if the original doors on Austin St were 30" and wood. Anna stated yes. Cindy said she felt the applicant was lucky that he did not have to retro fit all the doors of his bungalow instead of one.

Jerry Sample, Alternate for Historic Review Board, wanted to speak regarding this request. He stated he was not here as a representative for the Board but as a citizen. He stands behind the decision the Board made and was disappointed with the applicants unwillingness to comply. Mr. Sample also noted that the photo the applicant referencs a commercial door on Main Street and the text below the photo says original materials should be retained.

Tom Mussleman made a motion to close public hearing. Donnie Finn seconded the motion. All voted in favor and the motion carried.

Tom asked if John Klein was the architect. Anna said yes, when she emailed John about the doors he said he was no longer on the project.

Tom stated it appears to him that the applicant made a decision without the proper approval and now the applicant is asked the Zoning Board of Adjustment to review whether or not the Historic Review Board acted inappropriately. If they did it needs to be evaluated on objective criteria. The appeal is based on criteria.

Katie Dozier, wife of Damon Dozier, stated it was not their intent to seem above the rules. They thought the change would be an improvement.

Motion made to deny Application ZBA1801-03 by Donnie Finn. Barbara Heinen 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 6:57 P.M.

PASSED AND APPROVED this the

SHELBY COLLIER, DEVELOPMENT COORDINATOR

ROBERT DEMING, CHAIR

VARIANCE BRIEF

Request # 2018-04

<u>OWNER/APPLICANT:</u>	Denis Kaderli
<u>ZONING:</u>	C-1, Neighborhood Commercial
<u>LOCATION:</u>	111 E. Centre Street
<u>REQUEST:</u>	Variance to Section 3.200 of the Zoning Ordinance, pertaining to a reduction in the Interior Side Setback from 10' to 3'.
<u>FINDINGS:</u>	• The subject property is currently occupied by a single family residence. • The property is located on Centre Street, just west of N. Llano Street. • The lot is relatively small, with a width 60' and a depth of 94', for an overall size of 5,655 square feet (see survey). • A garage structure is located behind the residence. Given the location of the garage in relation to the house, only the western side of the garage is accessible by a vehicle. • The applicant is proposing to construct a covered shed/carport between the house and the side lot line. • Section 3.200 of the Zoning Ordinance requires an Interior Side Setback of 10' when adjacent to R-1 Single Family Residential zoning.

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 size of the lot and location of the structures on the property affect the usability of the property. In addition, the location of the garage behind the house and the interior setback required due to the zoning limits the usability of the west side of the house for any new structures.**
- 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 conditions of the property were existing when the current owner purchased the property. It would appear that the site conditions are unique and were not created by the owner.**

- c. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purposes or regulations to the zoning district in which the property is located. **Since the applicant intends to maintain the existing setback of the garage, we would not expect the shed/carport to affect the character of adjacent property or impair the use of adjacent property. The owner of the adjacent property has submitted a letter in support of the proposed addition.**

OPPOSITION/SUPPORT OF REQUEST: One letter in support has been received, none in opposition.

STAFF RECOMMENDATION:

Approval.

04-10-2018

To Whom It May Concern,

We own 109 East Centre Street. We have spoken with Denis Kaderli regarding his plans to build a carport in his driveway that would be too close to our property line per current City Code. We have no issue with his plans and would ask that you approve his variance request.

Thank you. Tim and Lara Bobo

Tim Bobo

Lara Bobo





ZBA2018-04

<all other values>

DESC_

200' BUFFER

AFFECTED PROPERTY

SUBJECT PROPERTY

Addresses

ROW / Property Line - Ownership Info: January

1 inch = 78 feet

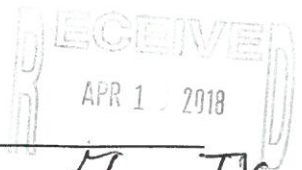


Letter	Owner	Address
A	KAREN PEHL	108 E. CENTRE FREDERICKSBURG, TX 78624
B	KENNETH & KAREN PEHL	108 E. CENTRE FREDERICKSBURG, TX 78624
C	DEL & DEBORAH BASKIN	110 E. CENTRE FREDERICKSBURG, TX 78624
D	JAN COX DWYER	2702 HILLVIEW GREEN LN AUSITN, TX
E	LARRY & LINDA NEVELS	122 TANGLEWOOD DR FREDERICKSBURG, TX 78624
F	JAY SEALE	307 S. ELK FREDERICKSBURG, TX 78624
G	3MNB LLC	609 W. SCHUBERT ST FREDERICKSBURG, TX 78624
H	HOTCHKISS FAMILY HOLDINGS INC	4120 INTERNATIONAL PKWY STE 2000 CARROLLTON, TX
I	4XC LP	9708 ANGELWYLDE DR AUSTIN, TX
J	SMITH	108 E. COLLEGE FREDERICKSBURG, TX 78624
K	MAXIE HOERSTER	520 W. MAIN ST FREDERICKSBURG, TX 78624
L	GERALD & RHONDA GROSS	105 E. CENTRE FREDERICKSBURG, TX 78624
M	RICHARD & LINDA CONOLEY	P.O. BOX 1068 FREDERICKSBURG, TX 78624
N	TIM & LARA BOBO	109 E. CENTRE FREDERICKSBURG, TX 78624
O	STANLEY & PATRICIA CRENWELGE	3877 OLD SAN ANTONIO RD FREDERICKSBURG, TX 78624
P	MARVIN & MARILYN ZGABAY	290 CENTER POINT RD FREDERICKSBURG, TX 78624
Q	MARVIN & MARILYN ZGABAY	290 CENTER POINT RD FREDERICKSBURG, TX 78624
ZBA2018-04		

\$150.00 application fee

APPEAL NO. _____
DATE _____

VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT



1. APPLICANT: Denis Kaderli
2. ADDRESS: 111 E. Centre St. Abq. TX.
PHONE: 830-889-5822 FAX: _____
3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: (My home) 111 E. Centre St.
LEGAL DESCRIPTION: Part of Lot 4 Block D College Addition
LOT SIZE: 5655 sq. ft. ZONING DISTRICT: ~~B-1~~ C-1
4. REQUEST IS MADE HEREWITH TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:
SECTION: 3.200 PAGE: 53
SUBSECTION: _____
ITEM: Interior Setback
RELATING TO: Interior Side Yard Setback
REQUIRING: 10 ft.
(Requesting variance of 7 ft. to construct carport.)
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:

To make reasonable use of space, to cover additional vehicle, and equipment.

- 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.

Back garage was already built when I purchased the property and is only half useable for vehicle storage.

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.

Note comment above. Zoning restricts usability of space because I'm zoned C-1, next to R-1.

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.

I am still honoring established setback. See attached letter from neighbors. Mr. & Mrs. Tim Bobo.

~~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.
