



CITY OF FREDERICKSBURG

ZONING BOARD OF ADJUSTMENT

THURSDAY, JUNE 13, 2019 ~ 5:30 P.M.

CITY HALL CONFERENCE ROOM ~ 126 W. MAIN ST

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

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

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on June 13, 2019 at 5:30 p.m. in the Conference Room, 126 West Main Street, Fredericksburg, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on June 7, 2019 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

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

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

This time is for citizens to address the ZBA on issues and items of concern not on this agenda.
There will be no action at this time.

4. APPROVAL OF MEETING MINUTES

April 2019 regular meeting minutes

5. PUBLIC HEARING

- A. Request (ZBA2019-02) by Daniel Jenschke at 718 Chinkapin Drive for a Variance to 3.101 of the Zoning Ordinance pertaining to Single Family Residential Lots that require a 15 Ft. Street Side Setback.

6. ACTION ITEM

- A. Receive Recommendation and Consider ZBA2019-02

7. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda at 11:00 a.m. on Friday, June 7, 2019, on the entrance door and bulletin board at the City of Fredericksburg City Hall 126 W. Main St., Fredericksburg, Texas.



Shelby Collier
Development Coordinator

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

**BOARD OF ADJUSTMENT
April 11, 2019
5:30 P.M.**

On this the 11th day of April 2019, 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
JEFF LAWRENCE
ROBERT DEMING
DONNIE FINN

ABSENT:
JIM MCAFEE
JOHN SMILJANIC

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

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

MINUTES

Donnie Finn made a motion to approve the minutes from the October 2018 Meeting. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

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

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

Gail Galle, the owner, presented the application. She stated this project is called Gardens of Barons Creek which is a Bed and Breakfast Complex. She would like to provide signage that emulates the feeling of old town Fredericksburg. She provided several photos of painted signage around town that she would like to duplicate for her building.

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

Brian Jordan, Director of Development, states that this is a clear example of an unusual situation. She has frontage on Main Street but does not have access to Main Street. He believes the proposed signage is a reasonable solution and Staff supports the request.

Motion made to approve Application ZBA2019-01 by Cynthia Scroggins. Jeff Lawrence seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Cynthia Scroggins moved to adjourn the meeting and Donnie Finn seconded the motion. All voted in favor and the meeting was adjourned at 5:40 P.M.

PASSED AND APPROVED this the 13th day of June, 2019

SHELBY COLLIER, DEVELOPMENT COORDINATOR

ROBERT DEMING, CHAIR

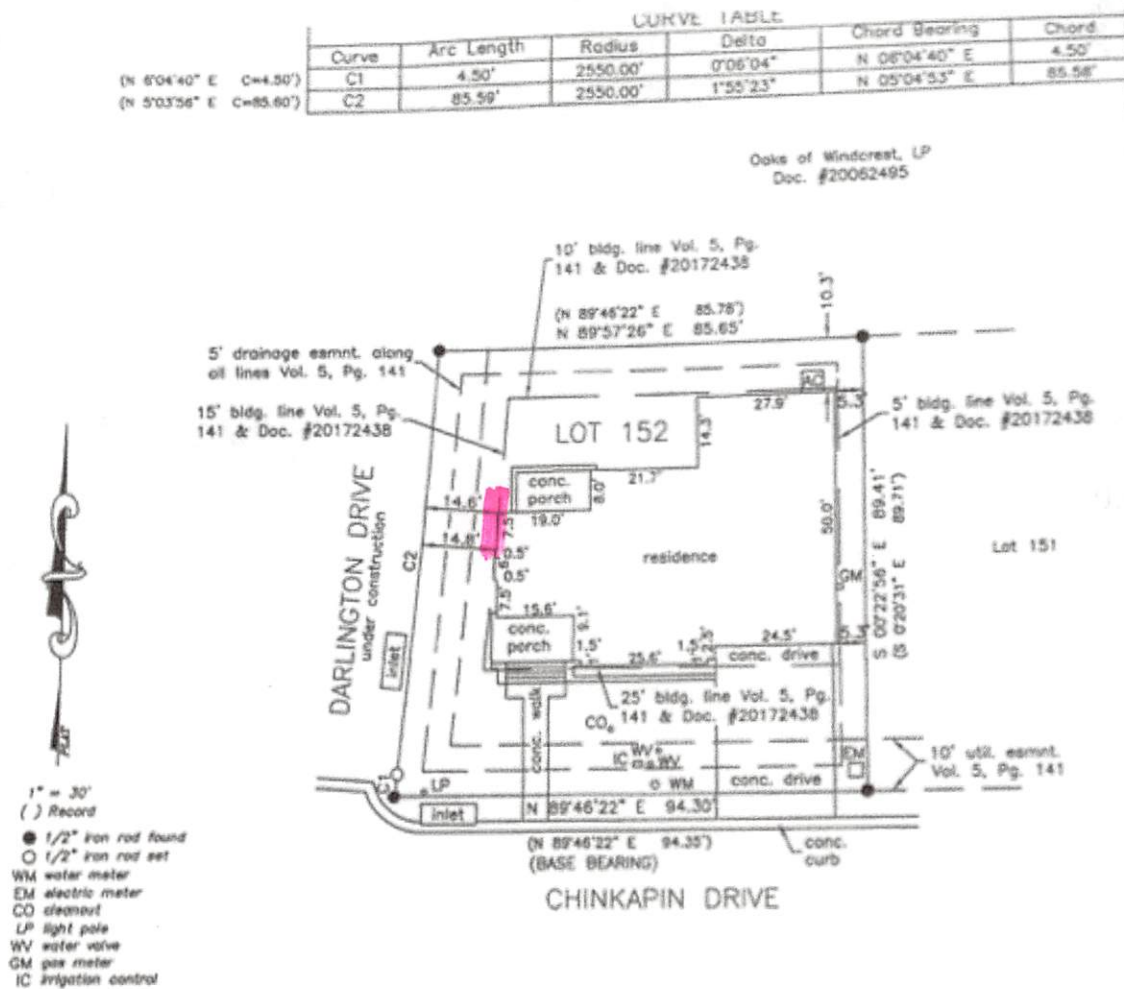
From: Becca Turbeville becca.tiemann@gmail.com
Subject: Fwd: [Scan] Survey
Date: April 30, 2019 at 6:17 PM
To: jenschkebuilders@icloud.com

BT

Begin forwarded message:

From: Becca Tiemann <becca.tiemann@gmail.com>
Subject: [Scan] Survey
Date: April 30, 2019 at 6:15:18 PM CDT
To: becca.tiemann@gmail.com

Sent with Genius Scan for iOS.
<https://dl.tglapp.com/genius-scan>



This lot is subject to any and all easements, restrictions, setbacks and potential Right-of-Way takes that may affect it. The easements and building setback lines shown below are listed in Hill Country Titles, Inc. Commitment for Title Insurance G. F. #219-306, issued April 2, 2019:

1. Easements and building setback lines recorded in Vol. 5, Pg. 141

MAP SHOWING LOT 152,
OAKS OF WINDCREST IV,
RECORDED IN
VOLUME 5, PAGE 141,
PLAT RECORDS

1. Easements and building setback lines recorded in Doc. #20172438, Official Public Records, Gillespie County, Texas.

2. Easements and building setback lines recorded in Doc. #20172438 and Doc. #20172439, Official Public Records, Gillespie County, Texas.

GILLESPIE COUNTY, TEXAS

SURVEY REVIEWED AND ACCEPTED BY

Walter Allen Ladd

Rebecca A. Ladd

DATE 4/29/19

The undersigned does hereby certify that a survey was made on the ground of the property shown hereon, that it is correct to the best of my knowledge and that there are no visible encroachments or overlapping of improvements on the boundary except as shown hereon.

Don M. Kuhlmann

Don M. Kuhlmann
Registered Professional Land
Surveyor No. 5646
State of Texas



4/2/19

RE: 219-306/Turbeville
Address: 718 Chickopin Drive

Sent from my iPhone

ZBA2019-02

Legend

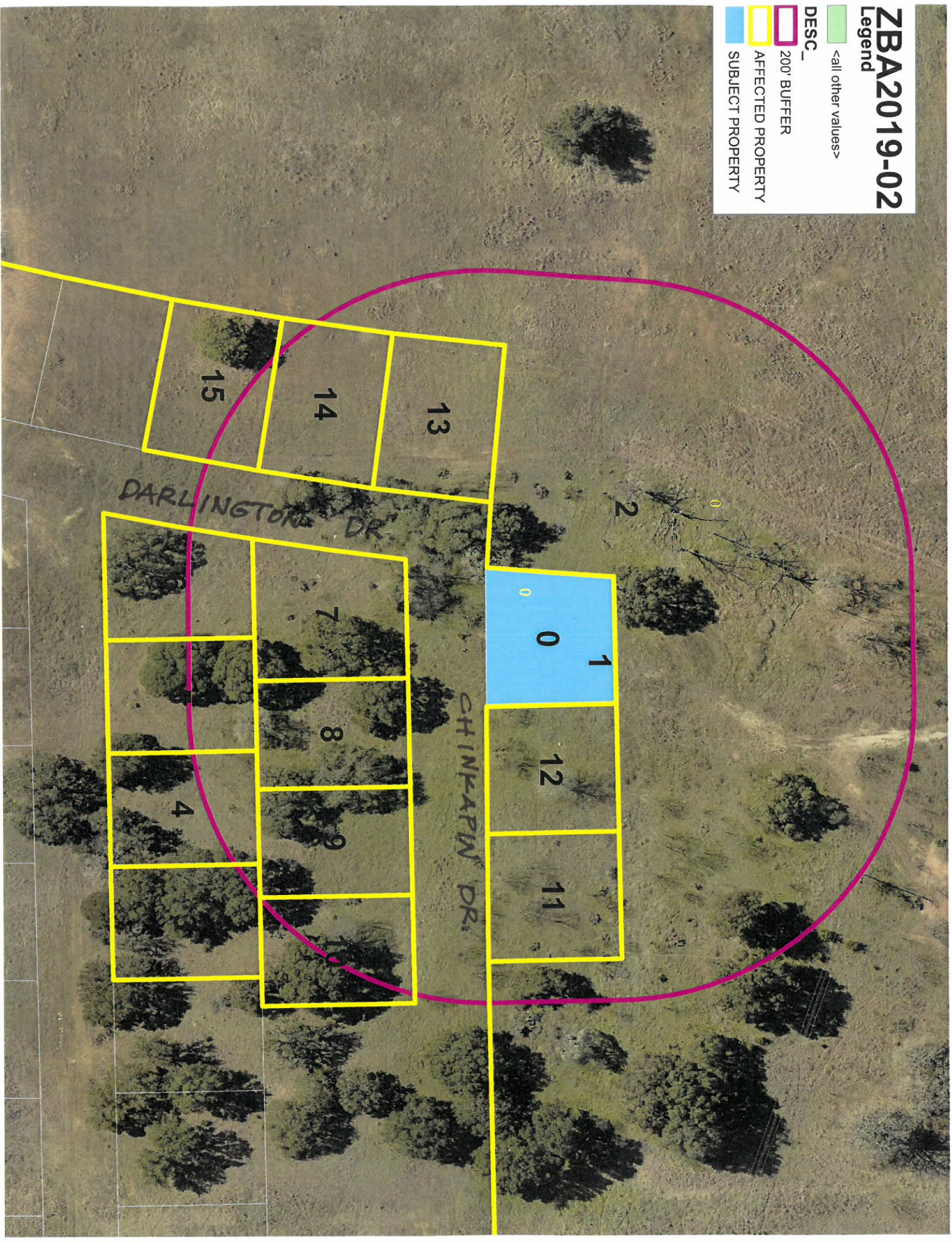
<all other values>

DESC_

200' BUFFER

AFFECTED PROPERTY

SUBJECT PROPERTY



#	Owner	Address
1	WILLIAM & REBECCA TURBEVILLE	421 CROSS MTN DR FREDERICKSBURG, TX 78624
2	OAKS OF WINDCREST LP	4109 FRONT RANGE LN AUSTIN, TX
3	GRAPE CREEK HOMES INC	714 EMORY DR FREDERICKSBURG, TX 78624
4	HUGO SEVCIK	412 S ADAMS FREDERICKSBURG, TX 78624
5	RED BARN TRIBE LLC	1174 FUNF KINDER FREDERICKSBURG, TX 78624
6	AL & DIANE ONEILL	720 EMORY DR FREDERICKSBURG, TX 78624
7	RED BARN TRIBE LLC	1174 FUNF KINDER FREDERICKSBURG, TX 78624
8	TRACY STAATS	717 CHINKAPIN FREDERICKSBURG, TX 78624
9	HILL COUNTRY HOMES OF FREDERICKSBURG	3351 RR 1631 FREDERICKSBURG, TX 78624
10	DEREK & ABIGAL MUND	713 CHINKAPIN FREDERICKSBURG, TX 78624
11	DANIEL & LAURA JENSCHKE	903 DURST MAURER RD FREDERICKSBURG, TX 78624
12	CHARLES & SHIRLEY ITZ	804 E MAIN FREDERICKSBURG, TX 78624
13	HENRY & CONNIE ENGEL	745 DARLINGTON FREDERICKSBURG, TX 78624
14	ROCKFORD HOMES LLC	P.O. BOX 150308 AUSTIN, TX
15	CHARLES & RITA PEARSON	741 DARLINGTON FREDERICKSBURG, TX 78624

ZBA2019-02

60-104175
PI: F1430

Yellowish-brown
in color

(at entrance of ...
the ...)

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A-1 - A

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VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT

Tyler Turbeville,
owner

1. APPLICANT: Daniel Jenschke (building contractor)
2. ADDRESS: 718 Chinkapin Drive
PHONE: 830-889-4071 - Daniel FAX: _____
3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: 718 Chinkapin Drive
LEGAL DESCRIPTION: Lot 152 at The Oaks of Windcrest
LOT SIZE: 94'35" x 89'71" ZONING DISTRICT: R-1-A
4. REQUEST IS MADE HERewith TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:
SECTION: Sec. 5 - 345 / Division 2 PAGE: _____
SUBSECTION: Sec 5 - 345
ITEM: Asking for variance on the 4" and 2" overage into 15' setback
RELATING TO: 15' set back from the road. (Darlington Drive)
REQUIRING: _____

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.

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.

NA or No

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

no

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

yes

 **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.

- 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: _____

- 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.

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.

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.

It will not alter the character of the
area adjacent to the property.



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.

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.
-
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5. That the proposed sign has been reviewed by the Historic Review Board if applicable.
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6. That the proposed variance is as close to the requirements of the sign ordinance as is feasible.
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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: _____



cont. by David J. Le...

Date: _____

5/15/19

Fee Paid: _____

CH# 8536 \$150.00

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