

AGENDA
CITY OF FREDERICKSBURG
ZONING BOARD OF ADJUSTMENT

Thursday, June 14, 2018

5:30 P.M.

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

1. Call to Order
2. Approve minutes from the May 2018 Regular Meeting

PUBLIC HEARING

3. (ZBA2018-05) Variance to Section 7.860 of the Zoning Ordinance, pertaining to single family residential lots that are permitted two accesses provided the lot has a minimum of one hundred feet of street frontage. The applicant is requesting a variance to have two 12' wide driveways on a lot that has less than one hundred feet of frontage.

ACTION ITEM

4. Receive Recommendation and Consider ZBA2018-05

ADJOURN

CERTIFICATE

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

8 day of June, 2018

S. Britton

City Secretary

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

**BOARD OF ADJUSTMENT
MAY 17, 2018
5:30 P.M.**

On this the 17th day of May 2018, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum

PRESENT
CYNTHIA SCROGGINS
JOHN SMILJANIC
DONNIE FINN
JIM MCAFEE

ABSENT:
ROBERT DEMING
BARBARA HEINAN

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

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

The meeting was called to order at 5:28 P.M. by Jim McAfee

MINUTES

Donnie Finn made a motion to approve the minutes from the April 2018 Meeting, the February 2018 Meeting and the October 2016 Meeting. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

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

Denis Kaderli, the applicant, began his presentation by telling the Board of his desire to construct a carport. When the garage on his property was built it complied with the regulations, now, several years later, he is wanting to expand and is limited by the current zoning ordinance.

Jim asked if the new carport was constructed, where did the applicant plan on placing items, in the garage or the carport.

Brian stated Denis would eventually enclose the carport

John asked the Board why would they issue a variance when nothing else in the area seems to have a similar problem.

Denis stated the neighborhood does have a problem, a lot of the neighborhood is no longer in compliance as it is an older neighborhood.

Brian asked John if he was thinking a carport was appropriate but not closed in.

John stated that was correct.

Brian stated from a City Staff standpoint whether open or closed the setback was one and the same.

Motion made to approve Application ZBA2018-04 by Donnie Finn. Cynthia Scroggins 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 5:42 P.M.

PASSED AND APPROVED this the 14th of JUNE

SHELBY COLLIER, DEVELOPMENT COORDINATOR

ROBERT DEMING, CHAIR

VARIANCE BRIEF

Request # 2018-05

<u>OWNER/APPLICANT:</u>	Jerry and Donna Dunn
<u>ZONING:</u>	R-1, Single Family Residential
<u>LOCATION:</u>	2306 Stone Cross (Stone Ridge)
<u>REQUEST:</u>	Variance to Section 7.860 of the Zoning Ordinance pertaining to number of driveways permitted
<u>FINDINGS:</u>	• The subject property is part of Stone Ridge Unit 9, and a home is currently under construction on the lot. • The property is a pie shaped lot on a cul-de-sac street, with a lot frontage of 89.89'. • The adjoining lots are presently undeveloped. • The applicant is proposing to construct two 12' driveways to accommodate access to a garage positioned in the rear of the lot and to provide a circular drive in front of the home. • Section 7.860 of the Zoning Ordinance limits the number of driveways on a property to one, unless the lot is 100' or more, where a second driveway is permitted.

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 shape of the lot does present limitations on the property that could be considered both desirable and undesirable. However, it is our opinion that the zoning regulations do allow for reasonable use of the property without the need for a variance. The applicant has chosen to build a 3-vehicle garage and position the garage in the rear of the property.**
- 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 shape of the lot could be considered unique, but is the result of lots on a cul-de-sac street. The applicant is permitted a driveway and the condition limiting the number of driveways has been in place since before the Stone Ridge project was developed.**

- 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. **Other than establishing a precedent, we would not expect the proposed driveway to affect the character of adjacent property or impair the use of adjacent property. As noted in the application, the additional driveway would provide space for parking on the site rather than in the street.**

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.

meeting Date 06/14/18

\$150.00 application fee

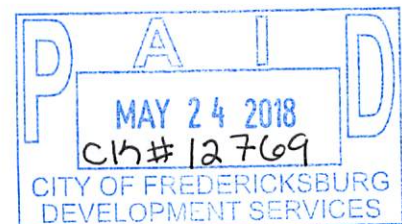
APPEAL NO. Z-1805
DATE 05/24/18

SC

VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT

1. APPLICANT: JERRY + DONNA DUNN
2. ADDRESS: 2306 STONE CROSS
PHONE: (760) 413-2228 FAX: Rick SCHAFER (830) 456-9056
3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: 2306 STONE CROSS
LEGAL DESCRIPTION: LOT 330 STONE RIDGE UNIT IX VOL 5 - PAGE 107
LOT SIZE: SEE DIAGRAM ZONING DISTRICT: _____
4. REQUEST IS MADE HEREWITH TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:
SECTION: 6.04 7.862 PAGE: 69
SUBSECTION: H N/A
ITEM: DRIVEWAY DESIGN FOR CITY MAINTAINED ROADWAY
RELATING TO: DRIVEWAYS WITHIN 89'
REQUIRING: 2 DRIVEWAYS 12' WIDE WITHIN 89'

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: DESIRE TO HAVE 2 DRIVEWAY ACCESSES TO CUL DE SAC OF STONE CROSS STREET. DUE TO MINIMAL STREET FRONTAGE (89.89')
BECAUSE OF SHAPE OF LOT, GUEST PARKING IS LIMITED. A CIRCLE DRIVEWAY WILL ALLOW FOR MORE PARKING ON PROPERTY, NOT THE STREET.

- 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.

LIMITS MORE THAN ONE DRIVEWAY ONTO STREET IF FRONTAGE IS 100 FEET OR LESS.

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.

THIS WOULD ALLOW FOR MORE "OFF STREET" PARKING.

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 CUL DE SAC DOES LIMIT PARKING SPACE IN FRONT OF PROPERTY. THIS REQUEST WOULD ARGUABLY MINIMIZE PARKING LIMITATIONS IN THIS PARTICULAR SITUATION.

- 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.

NOT APPLICABLE AS IT IS USED ONLY AS A SINGLE FAMILY RESIDENCE.

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.

MINIMIZES PARKING ON STREET.

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

NONE AT ALL.

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:

Richard W. Schupp for Terry/Dwight Dean

Date:

5-24-18

Fee Paid:

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

survey. THERE MAY BE
OT THAT ARE NOT LISTED

data.

ction and supervision.

une 13th, 2017

329

323

322

321

331

146.30'
S 16°10'01" W

5 ft. side
building setback line
(typ.)

mott of
6 live oaks,
6" - 12" dia.

25 ft. front
building setback line

L=89.89'
R=60.00

N 73°49'59" W
260.00'

10 ft. rear
building setback line (typ.)

mott of
5 live oaks,
6" - 8" dia

GARAGE

49.61'
S 11°34'23" W

S 74°19'16" W
216.80'

LEGEND

- 1/2 inch dia. iron rod found
- 2.875 inch dia. iron pipe found
- electric meter pad
- Verizon riser box
- Time Warner riser box
- gas meter
- water meter

Tree Survey
for:
Lot 330
STONE RIDGE
Init TV

ONE CROSS

