



CITY OF FREDERICKSBURG

ZONING BOARD OF ADJUSTMENT

TUESDAY, AUGUST 13, 2020 ~ 5:30 P.M.

Travis Neal, Member
Marcus Vidrine, Member
Donnie Finn, Chair

Cynthia Scroggins, Member
Jim McAfee, Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Thursday, August 13, 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://us02web.zoom.us/j/83642579598>

Meeting ID: 836 4257 9598

By phone:

(888)788-0099 (Toll Free)

(877)853-5247 (Toll Free)

Meeting ID: 836 4257 9598

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 August 13, 2020 using the following method:

Please email your comments to scollier@fbgtx.org

4. APPROVAL OF MEETING MINUTES

April 2020 regular meeting minutes

5. PUBLIC HEARING

- A. Request (ZBA2020-03) by Christopher and Mardi Zaeske for a Variance to Section 3.100 of the Zoning Ordinance pertaining to Rear Setback of a R1 Zoned property located at 413 W. Creek. Applicant requests a 5 ft. Rear Setback instead of a 10 ft. Rear Setback.

6. ACTION ITEM

- A. Receive Recommendation and Consider ZBA2020-03

7. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda by 4:30 p.m. on Thursday, August 6, 2020, on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelby Collier
Development Services Coordinator

BOARD OF ADJUSTMENT
April 21, 2020
5:30 P.M.

PRESENT

ABSENT:

ALSO PRESENT:

The meeting was called to order at 5:31 P.M. by Donnie Finn.

Marcus Vidrine made a motion to approve the minutes from the February 2020 Meeting. Jeff Lawrence seconded the motion. All voted in favor and the motion carried.

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.

Travis Halfmann explained his desire to build a 7 ft fence along the property line along South Creek Street. He believed this was necessary to protect his children from unwanted visitors and interaction with people walking down the street.

Jim McAfee made a motion to close the public hearing. Jeff Lawrence seconded the motion. All voted in favor and the motion carried.

Brian Jordan, Director of Development, stated that 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. Staff recommends approval, conditioned upon the portion of fence along Creek 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 ZBA2020-02 to a height of 7' and same material as existing fence by Jim McAfee. Jeff Lawrence seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Jim McAfee moved to adjourn the meeting and Jeff Neal seconded the motion. All voted in favor and the meeting was adjourned at 5:42 P.M.

PASSED AND APPROVED this the 13th Day of August, 2020

SHELBY COLLIER, DEVELOPMENT COORDINATOR

DONNIE FINN, CHAIR

VARIANCE BRIEF
Request # 2020-03

<u>APPLICANT:</u>	Christopher & Mardi Zaeske
<u>ZONING:</u>	R-1, Single Family Residential, and Historic District
<u>LOCATION:</u>	413 W. Creek Street (corner of W. Creek Street and S. Edison Street)
<u>REQUEST:</u>	Variance to Section 3.100 of the Zoning Ordinance, pertaining to the required 10' rear yard setback.
<u>FINDINGS:</u>	• The subject property is currently occupied by a historic home, a historic accessory building with a 2000 addition. • The applicant has the property under contract and intends to remove the modern addition attached to the accessory structure. In addition, they intend to subdivide the property and create an additional lot fronting on S. Edison Street. • The Historic Review Board approved the demolition of the 2-story addition to the rear structure in July 2020. • The lot is approximately 0.584 acres (25,436 square feet) in size (see survey). • The applicants intend to subdivide the lot, and in doing so, they would like to retain the two historic structures on the same lot, while creating a separate lot in the process. • In creating the new lot and meeting the minimum lot width of 70', the historic building lies approximately 5' from the proposed lot line. • Section 3.100 of the Zoning Ordinance requires a Rear Yard Setback of 10'.

The Board of adjustment may grant a variance if it makes affirmative findings of fact on **each** of the criteria described below:

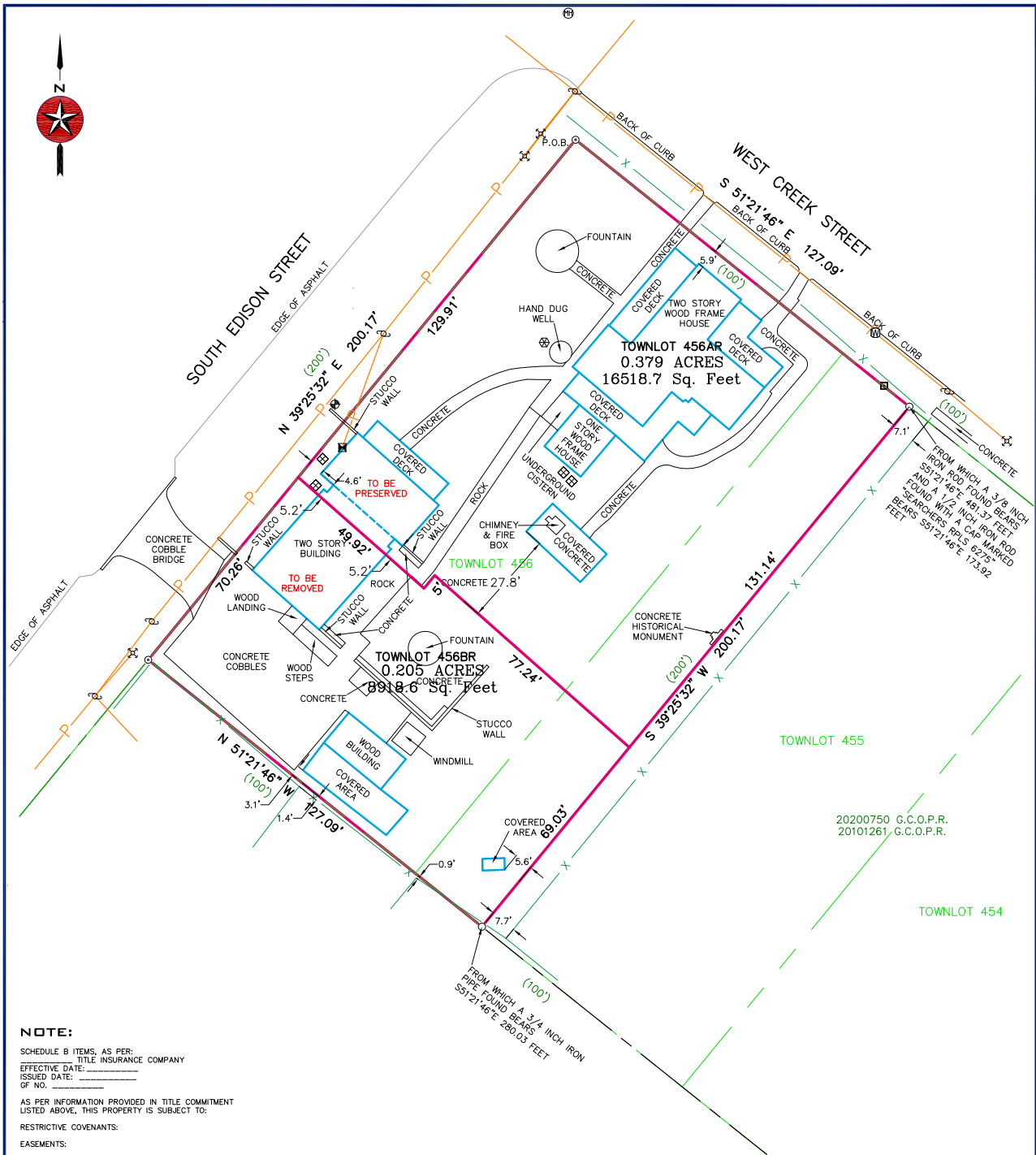
- a. The Zoning Regulations applicable to the property do not allow for reasonable use. **This request is the result of an intent to subdivide the property and retain the two historic structures on the same lot. In doing so, a variance is necessary to meet the R-1 Zoning regulations. In this case, reasonable use is limited by the location of the accessory structure and the intent to keep both historic structures on the same 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 circumstances in this case were not created by the applicant. They are simply trying to take advantage of a subdividing a large city lot while maintaining the historic structures on the same property. This could be accomplished by keeping the property all as one lot as well. It is very likely that when the 2000 addition was made to the building, the issue of an additional lot being created was not considered.**
- 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 do not expect this variance to alter the character of the adjacent property.**

OPPOSITION/SUPPORT OF REQUEST: No letters received.

STAFF RECOMMENDATION: Approval.





NOTE:

SCHEDULE B ITEMS, AS PER:
TITLE INSURANCE COMPANY
EFFECTIVE DATE: _____
ISSUED DATE: _____
OF NO. _____

AS PER INFORMATION PROVIDED IN TITLE COMMITMENT
LISTED ABOVE, THIS PROPERTY IS SUBJECT TO:

RESTRICTIVE COVENANTS:

EASEMENTS:

SURVEY NOTES:

1. BEARINGS, DISTANCES & ACREAGE ARE GRID, NAD 83 US TX CENTRAL ZONE 4203.
2. UNDERGROUND UTILITIES, PIPELINES, SPRINKLER SYSTEMS, VALVES, BOXES, AND/OR SPRINKLER HEADS THAT MAY EXIST, ARE NOT SHOWN HEREON.
3. RECORD EASEMENTS, RESTRICTIONS, AND/OR COVENANTS ARE ADDRESSED/SHOWN HEREON AS PER ITEMS LISTED IN TITLE COMMITMENT PROVIDED BY TITLE COMPANY NAMED HEREON.
4. A "1/2 INCH IRON ROD SET" IS A 1/2 INCH REBAR WITH PLASTIC CAP MARKED "SEARCHERS RPLS 6276".
5. A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS PLAT.

LEGEND:

BOUNDARY LINE	POINT	PEDESTAL	MAILBOX
ADJOINER LINE	1/2" IRON ROD FOUND	UTILITY POLE	SEWER MANHOLE
TOWNLOT LINE	1/2" IRON ROD SET	GUY	SEWER CLEANOUT
BURIED UTILITY LINE	3/8" IRON ROD FOUND	ELECTRIC METER	SEPTIC TANK
OVERHEAD UTILITY LINE	IRON PIPE FOUND	BURIED CABLE SIGN	WATER WELL
FENCE	1200 NAIL FOUND	GAS METER	WATER METER
PIPE FENCE CORNER POST FOUND	NAIL SET	AIR CONDITIONER	FIRE HYDRANT
WOOD FENCE CORNER POST FOUND	CONCRETE MONUMENT FOUND	HISTORICAL MARKER	WELL HAND PUMP
U.E. - UTILITY EASEMENT	BENCH MARK		
B.L. - BUILDING SETBACK LINE			
G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS			
G.C.D.R. - GILLESPIE COUNTY DEED RECORDS			

PRELIMINARY BOUNDARY SURVEY RELEASED FOR REVIEW.

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE PLAT AS SHOWN HEREON WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION AND COMPLETED ON JUNE 18, 2020; THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS, OR PROTRUSIONS EXCEPT AS SHOWN HEREON.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

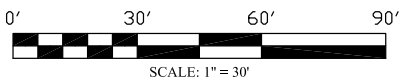
JOSH W. LEAMONS
REGISTERED PROFESSIONAL LAND SURVEYOR #6276

07-22-2020
DATE



SEARCHERS
SURVEYING & ENGINEERING LLC
MASON | FREDERICKSBURG

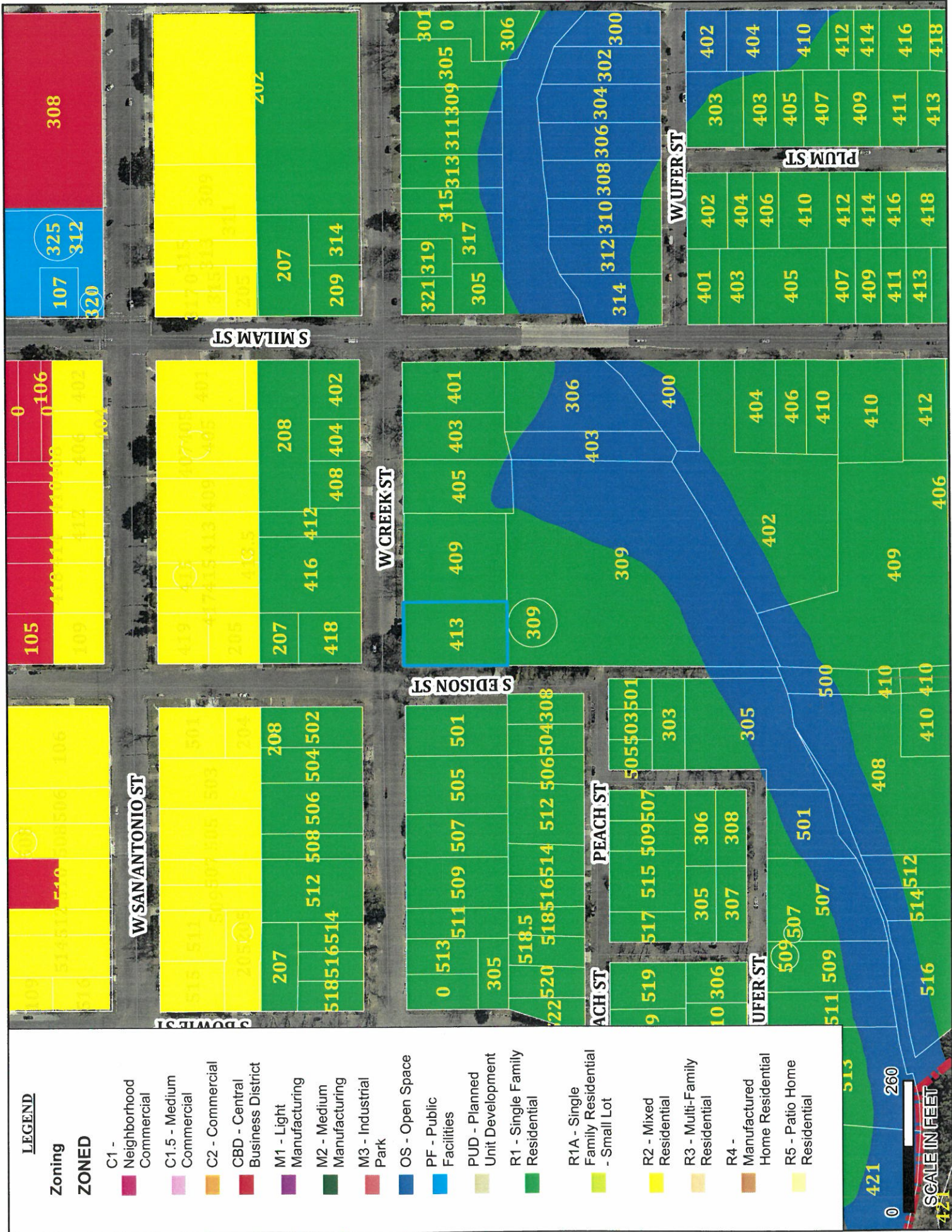
P.O. Box 528 Mason, TX 76856 | 325-347-7489 | Firm #10193966
P.O. Box 1504 Fredericksburg, TX 78624 | 830-383-1211 | Firm #10194211
www.searchersllc.com



8

TITLE SURVEY
0.584 ACRES BEING ALL OF TOWNLOT 456 AND A PORTION OF TOWNLOT 455 AS SHOWN ON THE MAP OF FREDERICKSBURG AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS.

REFERENCE: _____ JOB NO. 20-4197
ADDRESS: 413 WEST CREEK STREET REV. 0 DRAWN BY: N/A



ZBA2020-03 - 413 W. CREEK

- <all other values>
- desc_
- 200' BUFFER
- AFFECTED PROPERTY
- SUBJECT PROPERTY



desc_



200' BUFFER



AFFECTED PROPERTY



SUBJECT PROPERTY

W CREEK ST

PEACH ST

PEACH ST

COTTONWOOD ST

ROSE ST

SCALE IN FEET

Document Path: J:\ArcMap\Shelby.mxd

Letter	Owner	Address
1	SUBJECT PROPERTY	
2	SUBJECT PROPERTY WITH 200' BUFFER	
3	CHRISTOPHER & MELISSA KAM	308 S. EDISON ST FREDERICKSBURG, TX 78624
4	JANE SCHOFIELD	418 W. CREEK ST FREDERICKSBURG, TX 78624
5	JULIA BATES	132 WAGON TRAIL FREDERICKSBURG, TX 78624
6	STEVE & RHONDA HOERSTER	204 W. WINDCREST ST FREDERICKSBURG, TX 78624
7	JORGE & DORA MIRELEZ	506 W. PEACH FREDERICKSBURG, TX 78624
8	CURTIS & BETTY JUNG	416 W. CREEK FREDERICKSBURG, TX 78624
9	JERALD & BUSBY JENKINS LIFE ESTATE	501 W. CREEK FREDERICKSBURG, TX 78624
10	SUBJECT PROPERTY OWNER: YOUNG AMERICA'S FOUNDATION	110 ELDEN ST HERNDON, VA 20170
11	HENRY JOHNSON	405 W. CREEK FREDERICKSBURG, TX 78624
12	CHARLES & GINA ENDERLIN	709 W. SAN ANTONIO FREDERICKSBURG, TX 78624
13	CONLON FAMILY TRUST	13437 FM 2093 FREDERICKSBURG, TX 78624
14	KRALICH INVESTING LLC	1222 BROOKFIELD LN MANSFIELD, TX 76063
15	ROBERT & JULIE SAWTELLE	405 W. CREEK FREDERICKSBURG, TX 78624
16	YVONNE ALBERTHAL	505 W. CREEK FREDERICKSBURG, TX 78624
ZBA2020-03 - 413 W. CREEK		