



CITY OF FREDERICKSBURG

ZONING BOARD OF ADJUSTMENT THURSDAY, OCTOBER 15, 2020 ~ 5:30 P.M.

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

Cynthia Scroggins, Member
Jim McAfee, Member
Devin Mullen, Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Thursday, October 15, 2020 at 5:30 P.M. This meeting will be held remotely via Zoom Teleconferencing, and in person at the Gillespie County Law Enforcement Center, 1601 E. Main St. Fredericksburg TX, 78624. Members of the public may attend the meeting in person or 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/81615469124>

Meeting ID: 816 154 69124

By phone:

(888)788-0099 (Toll Free)

(877)853-5247 (Toll Free)

Meeting ID: 836 4257 9598

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- 1. CALL TO ORDER**
 - 2. ROLL CALL**
 - 3. APPROVAL OF MEETING MINUTES**

April 2020 regular meeting minutes

- 4. PUBLIC COMMENTS**

During the COVID-19 pandemic, the City of Fredericksburg is allowing public comments to be submitted remotely, **by 2:00 p.m. on OCTOBER 15, 2020**, using any of the following methods:

Email your comments to scollier@fbgtx.org; or

Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main St, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

The Zoning Board of Adjustment Commission (ZBA) welcomes public comments concerning items on this agenda. Each member of the public who desires to address the ZBA regarding an item on this agenda is required to sign up to speak, prior to the start of the meeting. All public comments shall be limited to discussion of items on this agenda and shall be limited to 3-minutes in duration. At the discretion of the ZBA Chair, or upon an affirmative vote of the ZBA, the public comment time limit applicable to all speakers may be lengthened or shortened as required to allow the ZBA to complete its legislative agenda. Persons addressing the ZBA are prohibited from trading time with other speakers or reserving of time.

5. PUBLIC HEARING

- A. Consider ZBA2020-04 – Request by Gary and Jenny Neffendorf for a Variance to Section 3.101 of the Zoning Ordinance pertaining to a Front Setback of an R1-A Zoned property located at 204 Winston. Applicant requests a 5-foot setback instead of a 15-foot setback to construct a fence.

6. ACTION ITEMS

- A. Receive recommendation and consider (ZBA2020-04)

6. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda before 5:00 PM. on October 9, 2020 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
August 13, 2020
5:30 P.M.

On this the 13th day of AUGUST 2020, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum

PRESENT
MARCUS VIDRINE
CYNTHIA SCROGGINS
DONNIE FINN
TRAVIS NEAL

ABSENT: JIM MCAFEE

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

The meeting was called to order at 5:30 P.M. by Donnie Finn.

MINUTES

Cynthia Scroggins made a motion to approve the minutes from the April 2020 Meeting. Marcus Vidrine seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

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.

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

The applicant, Mardi Zaeske, presented the application. She stated it was her desire to subdivide the property but preserve the original back structure. The only way to make that work, was to obtain a variance to allow the rear setback to be 5 feet instead of 10 feet.

Marcus Vidrine 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, stated that 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.

The circumstances in this case were not created by the applicant. They are simply trying to take advantage of 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. Staff recommends approval.

Motion made to approve Application ZBA2020-03 by Cynthia Scroggins. Seconded by Donnie Finn. Travis Neal and Marcus Vidrine voted in opposition. The motion died.

The board was unable to reach an approved motion and were advised by the City Attorney Daniel Jones that in the event the Board obtained a split decision, the Application would be denied automatically.

ADJOURN

With nothing further to come before the Board, Travis Neal moved to adjourn the meeting and Cynthia Scroggins seconded the motion. All voted in favor and the meeting was adjourned at 6:00 P.M.

PASSED AND APPROVED this the , 2020

SHELBY COLLIER, DEVELOPMENT COORDINATOR

DONNIE FINN, CHAIR

VARIANCE BRIEF
Request # 2020-04

APPLICANT: Gary and Jenny Neffendorf

ZONING: R-1A, Single Family Residential – Small Lot

LOCATION: 204 Winston Drive (Crabapple Grove Subdivision)

REQUEST: Variance to Section 3.101 of the Zoning Ordinance, pertaining to the Front Yard Setback.

FINDINGS:

- The applicant’s home was recently completed on the subject property.
- The lot is located at the end of a Cul-de-sac street known as Winston Drive. This street is essentially built-out with single-family homes.
- The lot is unique in shape due to the cul-de-sac street being offset to the east side of the end of the street (see attached overall plat), causing an irregular shaped lot and excessive area not typically usable for the main structure. In most cases, the cul-de-sac of a street is centered on the street.
- The lot is approximately 0.3424 acres in size (see survey).
- The applicants intend to build a privacy fence that extends from the front corner of their home to the existing fence that surrounds the existing detention pond adjoining the property.
- The lot is surrounded by homes to the west, north and east, and the City’s detention pond to the south.
- Section 3.101 of the Zoning Ordinance requires a Front Yard Setback of 15’.

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 fact that the street cul-de-sac street is offset to the applicant’s side of the street, this creates a unique lot configuration that is difficult or unusable for building purposes.**
- 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 enclose this side of their lot as part of their side yard and not be required to build a curved fence that follows the setback line.

- 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 adjacent properties.**

OPPOSITION/SUPPORT OF REQUEST: No letters received.

STAFF RECOMMENDATION: Approval.



VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

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

1. Applicant: GARY + JENNY NETTENDORF
2. Owner: SAME
3. Phone: 830-456-2864 Email: GNETTENDORF@UTEXAS.EDU

4. Description of property involved in this request.
Address: 204 WINSTON DR.
Legal Description: LOT 139, CRABAPPLE GROVE # 2
Lot Size: 0.3424 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: _____ Subsection: _____
Item: _____ Relating To: FENCE SETBACK - 15'
Requiring: SET BACK FROM FRONT OF PROPERTY
VARIANCE REQUESTING 5 FT. SETBACK OR OTHER NUMBER OF FEET LESS
THAN 15 FT.

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 CURVED CUL-DE-SAC ROADWAY REDUCES THE LENGTH OF THE LOT FROM 115.01 FT. AT ITS LONGEST TO APPROX. 65 FT. NO REASONABLY-SHAPED BUILDING COULD BE OR WILL BE BUILT THERE, SO IT IS A LARGE SIDE YARD.
THE CUL-DE-SAC CURVE IS ALL ON THIS SIDE OF THE STREET.

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.

THE CURVATURE OF THE CUL-DE-SAC REDUCES THE LOT LENGTH BY UP TO 50 FT. A 15 OR 20 FT. SETBACK ON A 65 FT. LENGTH WOULD PUT THE FENCE OVER 135 FT. AWAY FROM THE HOUSE ACROSS THE STREET. TO ALLOW THE FENCE TO BE BUILT WITH ONLY A 5 FT. SETBACK AT ITS CLOSEST POINT TO THE CURVED STREET ~~SEEN~~ WOULD ALLOW FOR A BIGGER BACKYARD AND NOT HARM ANY NEIGHBOR.

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 PROPERTY ADJACENT TO THIS PART OF THE LOT IS A DETENTION POND. THE GARAGE OR FRONT OF ANY HOUSE IS CLOSER TO THE NEIGHBOR ACROSS THE STREET THAN THIS FENCE WOULD BE TO EITHER NEIGHBOR ACROSS THE WIDE CUL-DE-SAC.

ZBA2020-04

DESC_



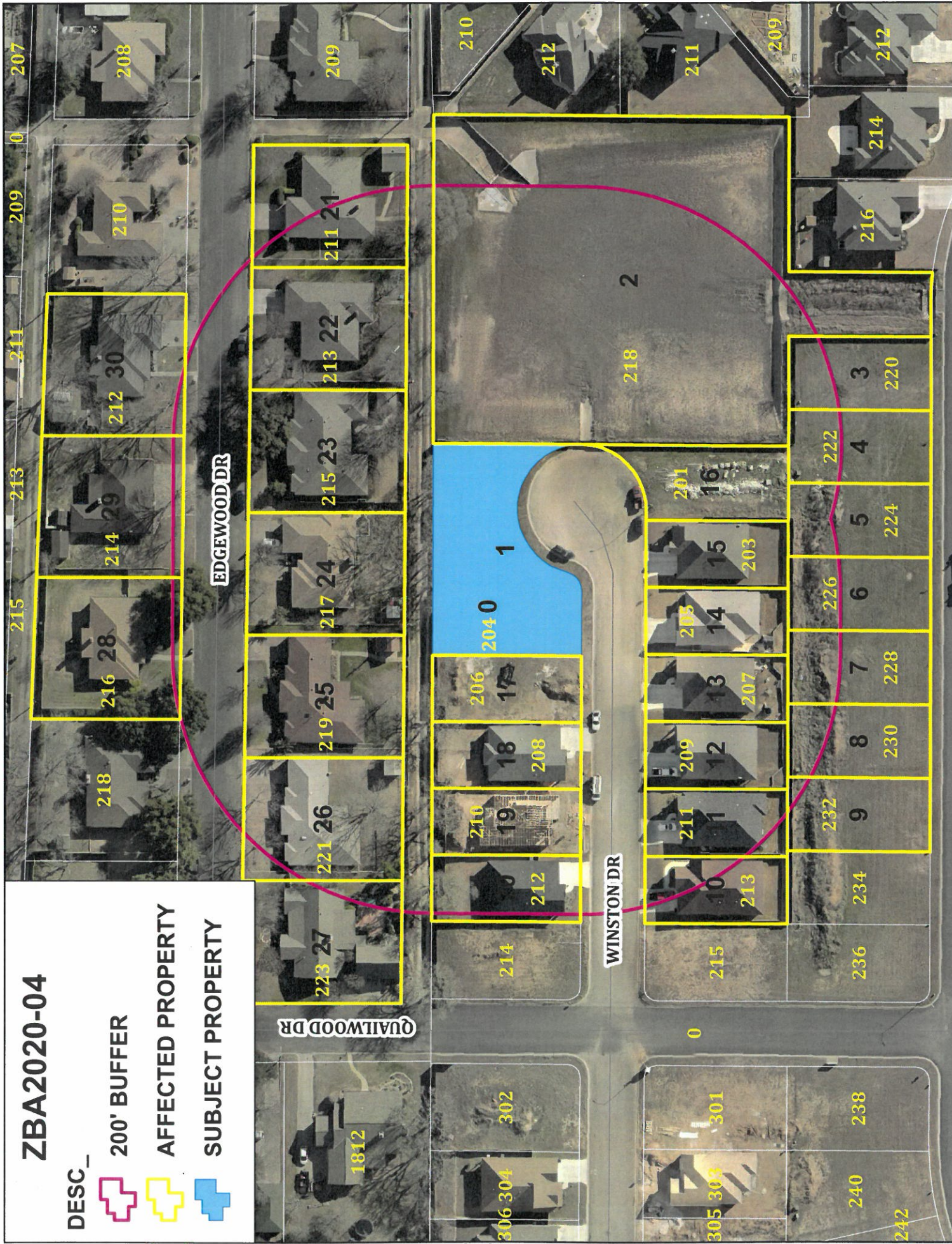
200' BUFFER



AFFECTED PROPERTY



SUBJECT PROPERTY



Letter	Owner	Address
0	SUBJECT PROPERTY	
1	SUBJECT PROPERTY WITH 200' BUFFER	
2	CITY OF FREDERICKSBURG	126 W. MAIN FREDERICKSBURG, TX 78624
3	FRIENDS DEVELOPMENT LTD	P.O. BOX 910 FREDERICKSBURG, TX 78624
4	FRIENDS DEVELOPMENT LTD	P.O. BOX 910 FREDERICKSBURG, TX 78624
5	FRIENDS DEVELOPMENT LTD	P.O. BOX 910 FREDERICKSBURG, TX 78624
6	FRIENDS DEVELOPMENT LTD	P.O. BOX 910 FREDERICKSBURG, TX 78624
7	FRIENDS DEVELOPMENT LTD	P.O. BOX 910 FREDERICKSBURG, TX 78624
8	FRIENDS DEVELOPMENT LTD	P.O. BOX 910 FREDERICKSBURG, TX 78624
9	FRIENDS DEVELOPMENT LTD	P.O. BOX 910 FREDERICKSBURG, TX 78624
10	GUADALUPE ASSET MANAGEMENT LLC	29700FM 306 SPRING BRANCH, RI 78070
11	GUADALUPE ASSET MANAGEMENT LLC	29700FM 306 SPRING BRANCH, RI 78070
12	209 WINSTON LLC	207 E. MULBERRY FREDERICKSBURG, TX 78624
13	JOHN & MARTHA WELLS	207 WINSTON FREDERICKSBURG, TX 78624
14	JOHN & JORDAN ECHEVERRIA	205 WINSTON FREDERICKSBURG, TX 78624
15	LINAKA INVESTMENTS LLC	P.O. BOX 341959 AUSTIN, TX 78738
16	CRABAPPLE HOMES LLC	29700 FM 306 SPRING BRANCH, TX 78070
17	CRABAPPLE HOMES LLC	29700 FM 306 SPRING BRANCH, TX 78070
18	CRABAPPLE HOMES LLC	29700 FM 306 SPRING BRANCH, TX 78070
19	CRABAPPLE HOMES LLC	29700 FM 306 SPRING BRANCH, TX 78070
20	MICHAEL & CYNTHIA HABY	434 DOLPHIN PLACE CORPUS CHRISTI, TX 78411
21	JAMES & MELBA ANGERSTEIN	211 EDGEWOOD DR FREDERICKSBURG, TX 78624
22	KATHY BOOS	3610 MORRIS RANCH RD FREDERICKSBURG, TX 78624
23	KATHLEEN WEED	215 EDGEWOOD FREDERICKSBURG, TX 78624
24	ROBERT & VIRGINIA THOMASON	217 EDGEWOOD FREDERICKSBURG, TX 78624
25	CARLOS & BOYDEN WILSON	219 EDGEWOOD FREDERICKSBURG, TX 78624
26	PAULA WEBER	221 EDGEWOOD FREDERICKSBURG, TX 78624
27	JEANNINE MILLER	223 EDGEWOOD FREDERICKSBURG, TX 78624
28	DAVID & LISA SOLDER	1230 VIRGINIA DR KERRVILLE, TX 78028
29	JACQUELINE OLIN	214 EDGEWOOD FREDERICKSBURG, TX 78624
30	MATTHEW & MINDI WOOD	212 EDGEWOOD FREDERICKSBURG, TX 78624
ZBA2020-04 - 204 WINSTON		