



CITY OF FREDERICKSBURG

ZONING BOARD OF ADJUSTMENT THURSDAY, OCTOBER 17, 2019 ~ 5:30 P.M. CITY HALL CONFERENCE ROOM ~ 126 W. MAIN ST

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

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

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on October 17, 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 October 11, 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 Zoning Board of Adjustment (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.

4. APPROVAL OF MEETING MINUTES

June 2019 regular meeting minutes

5. PUBLIC HEARING

- A. Request (ZBA2019-03) by GT Development at 702 Chinkapin Drive for a Variance to 3.101 of the Zoning Ordinance pertaining to Single Family Residential Lots that require a 10 Ft. Rear Setback.

6. ACTION ITEM

- A. Receive Recommendation and Consider ZBA2019-03

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
JUNE 13, 2019
5:30 P.M.**

On this the 13th day of JUNE 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
JIM MCAFEE
DONNIE FINN

ABSENT: ROBERT DEMING

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 5:35 P.M. by Cynthia Scroggins.

MINUTES

Donnie Finn made a motion to approve the minutes from the April 2019 Meeting. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

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 at 15 Ft. Street Side Setback.

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

Daniel Jenschke explained that he has a 4" encroachment into the Street Side Setback.

Brian explained that this was an error made due to the street being built after the house was completed and while the encroachment exists, it is a small issue that does not negatively impact the neighborhood, staff recommends approval.

Jim McAfee said he wanted to find a solution so this issue did not happen again. Brian Jordan stated the solution would be that the City could require a form survey.

Jeff Lawrence asked how many times this has happened in 5 years. Brian stated not many, maybe 3 in 5 years.

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

Jim McAfee called item 6A to consider ZBA2019-02

Motion made to approve Application ZBA2019-02 by Donnie Finn . Jeff Lawrence seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Donnie Finn moved to adjourn the meeting and Cynthia Scroggins seconded the motion. All voted in favor and the meeting was adjourned at 5:53 P.M.

PASSED AND APPROVED this the 17th of October, 2019

SHELBY COLLIER, DEVELOPMENT COORDINATOR

ROBERT DEMING, CHAIR

VARIANCE BRIEF

Request # 2019-03

<u>APPLICANT:</u>	GT Development, LLC
<u>ZONING:</u>	R-1, Single Family Residential
<u>LOCATION:</u>	702 Chinkapin Drive, within the Oaks Of Windcrest, Phase IV-A
<u>REQUEST:</u>	Variance to Section 3.101 of the Zoning Ordinance, pertaining to an encroachment into the 10' Rear Building Setback.
<u>FINDINGS:</u>	• The subject property is currently occupied by a new single family residence. • The property is located on the corner of Chinkapin Drive and Post Oak Rd, in the Oaks of Windcrest, Phase IV-A. • The lot is approximately 0.194 Acres (see survey). • Section 3.101 of the Zoning Ordinance requires a Rear 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. **Zoning regulations allow for reasonable use of the property. In this case, an error was made when the foundation was constructed.**
- 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 due to an error being made when the foundation was established. The plans approved by the Building Department showed that the 10' minimum setback was to be met. However, when the forms were set an encroachment of between 3.6" and 4.8" occurred. Unfortunately, something this minor is not normally caught by a field inspection. Due to the frequency of this type of error, City Staff now requires form surveys on ALL new construction.**
- 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 minor variance to alter or effect the adjacent property and will not be noticeable.**

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: GT Development, LLC
 2. Owner: GT Development, LLC
 3. Phone: 432-230-0259 Email: Jacob.Grant@hotmail.com
 4. Description of property involved in this request.
Address: 702 Chinkapin, 78624
Legal Description: Lot 144, Oaks of Windcrest IV-A
Lot Size: 0.194 Acres Zoning District: R-1
 5. Request is made to the Board of Adjustment that a variance be granted to the following provisions of the Zoning Ordinance.
Section: 3.1000 Subsection: n/a
Item: Site Development Regulations Relating To: Rear Yard Setbacks
Requiring: Minimum required rear setback be 10 feet. Existing home sits approximately 3 to 6 inches in setback. Survey plat is attached.
 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.
Building permit was issued, home has been built to code. Home was placed within the rear setback varying between approximately 3 to 6 inches.

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.

When building permit was issued the roads were not completed yet.
The lot has a unique shape that make the setbacks difficult to navigate.

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 home is only inches within the setback. 2 other setback variances have been issued on Chinkapin homes.

- 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:

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.

N/A

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.

N/A

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

N/A

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

N/A

- 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.

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.

N/A

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.

N/A

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 byouts and existing natural vegetation.

N/A

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

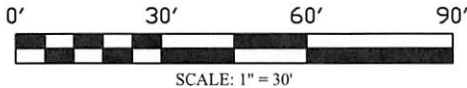
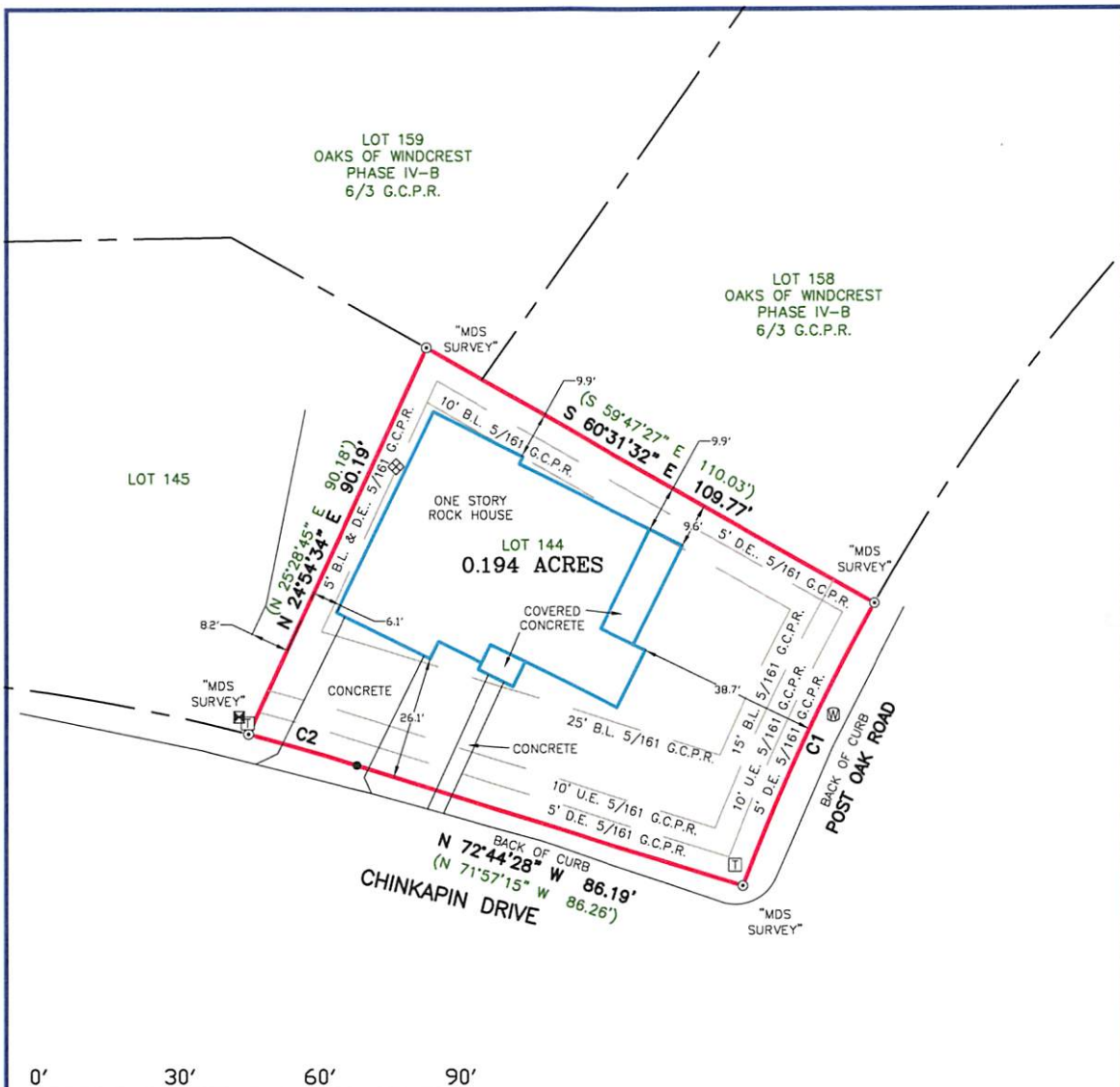
- A. The undesirability of altering a historic site to accommodate a sign which would be permitted with no variance under this Ordinance; or
- a. That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
 - 1. That alternatives permitted by this Ordinance are prohibitively expensive; or
 - 2. That alternatives permitted by this Ordinance will not effectively identify the subject of the sign.

ii. That the proposed sign has been reviewed by the Historic Review Board if applicable.

iii. That the proposed variance is as close to the requirements of the sign ordinance as is feasible.

Staff Use Only

Application No: ZBA2019-03 Date: 09/13/19
Payment Type: CH# 1062 \$150.00



CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	66.23'	430.00'	8°49'28"	S 25°07'34" W	66.16'
C2	24.06'	450.00'	3°03'50"	N 74°13'49" W	24.06'

RECORD CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	66.23'	430.00'	8°49'49"	S 25°47'38.3" W	66.20'
C2	24.26'	450.00'	3°03'48"	N 73°29'9.1" W	24.06'

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 6275."

LEGEND:

BOUNDARY LINE	● POINT	⊕ FIRE HYDRANT	⊕ GAS METER
ADJOINER LINE	○ 1/2" IRON ROD FOUND	⊕ UTILITY POLE	⊕ AIR CONDITIONER
SURVEY LINE	○ 1/2" IRON ROD SET	⊕ GUY	⊕ PEDESTAL
BURIED UTILITY LINE	⊕ 3/8" IRON ROD FOUND	⊕ WATER WELL	⊕ WATER METER
OVERHEAD UTILITY LINE	⊕ IRON PIPE FOUND	⊕ ELECTRIC METER	(BRG.-DIST.) - RECORD CALL
FENCE	⊕ 1200 NAIL FOUND	⊕ P.O.B. - POINT OF BEGINNING	
PIPE FENCE CORNER POST FOUND	⊕ NAIL SET	G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS	
WOOD FENCE CORNER POST FOUND	⊕ AS MARKED	G.C.D.R. - GILLESPIE COUNTY DEED RECORDS	
U.E. - UTILITY EASEMENT	⊕ BENCH MARK	G.C.O.P.R. - GILLESPIE COUNTY OFFICIAL PUBLIC RECORDS	
B.L. - BUILDING SETBACK LINE		G.C.R.P.R. - GILLESPIE COUNTY REAL PROPERTY RECORDS	
D.E. - DRAINAGE EASEMENT			

NOTE:

SCHEDULE B ITEMS, AS PER:
NATIONAL INVESTORS TITLE INSURANCE COMPANY
EFFECTIVE DATE: SEPTEMBER 7, 2019, 4:00 PM
ISSUED DATE: SEPTEMBER 8, 2019, 10:15 AM
OF NO. 219-892

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

RESTRICTIVE COVENANTS: 20172438 G.C.O.P.R., 20172439 G.C.O.P.R., 20186379 G.C.O.P.R. AND 5/161 G.C.P.R.

EASEMENTS: 20172438 G.C.O.P.R., 20172439 G.C.O.P.R., 20186379 G.C.O.P.R., 5/161 G.C.P.R., 20186380 G.C.O.P.R., 20174867 G.C.O.P.R. AND 20194123 G.C.O.P.R.



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 SEPTEMBER 6, 2019; THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS, OR PROTRUSIONS EXCEPT AS SHOWN HEREON.

ABRAHAM J. LEAMONS
REGISTERED PROFESSIONAL LAND SURVEYOR #6275

09-10-2019
DATE



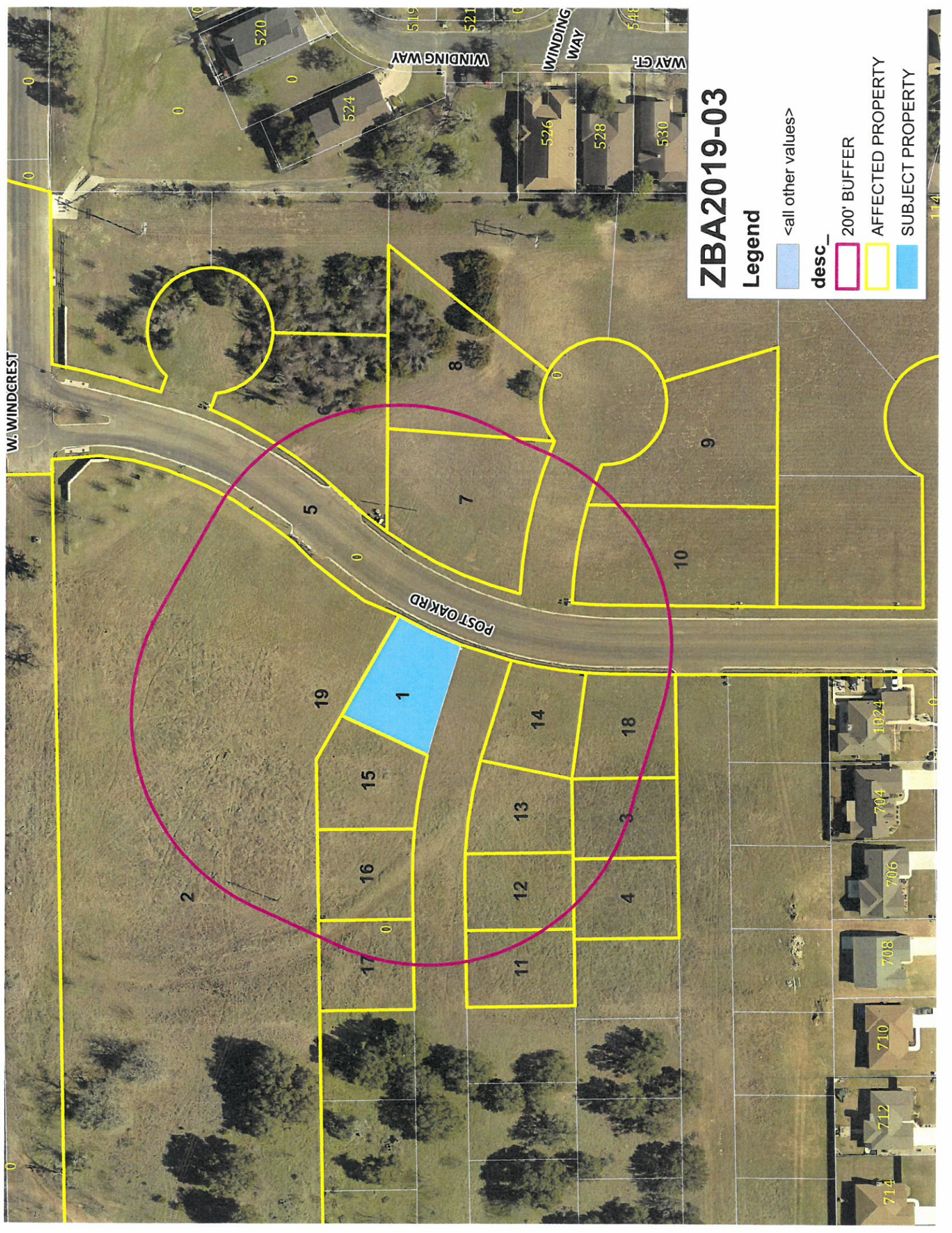
SEARCHERS
LAND SURVEYING, LLC
MASON | FREDERICKSBURG

P.O. Box 528 Mason, TX 76856 | 325-347-7489 | TBPLS Firm #10193966
735 Mustang St. Fredericksburg, TX 78624 | 806-252-9810 | TBPLS Firm #10194211
www.searchersllc.com

TITLE SURVEY

0.194 ACRES BEING ALL OF LOT 144 OF THE OAKS OF WINDCREST IV-A, TO THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS AS SHOWN ON PLAT RECORDED IN VOLUME 5, PAGE 161 THE G.C.P.R.

REFERENCE: JOSEPH JARREAU JOB NO. 19-3371
ADDRESS: 702 CHINKAPIN DRIVE REV. 0 DRAWN BY: AJL



ZBA2019-03

Legend

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

#	Owner	Address
1	GT DEVELOPMENT LLC	412 S ADAMS LMB 1104 FREDERICKSBURG, TX 78624
2	OAKS OF WINDCREST LP	4109 FRONT RANGE LN AUSTIN, TX 78732-1660
3	JORGUE LUIS LOPEZ	205 CHURCH ST CENTER POINT, TX 78010-5644
4	CYNTHIA KING	706 EMORY DR FREDERICKSBURG, TX 78624
5	IRONBREAKER DEVELOPMENT LLC	P.O. BOX 2526 FREDERICKSBURG, TX 78624
6	IRONBREAKER DEVELOPMENT LLC	P.O. BOX 2526 FREDERICKSBURG, TX 78624
7	IRONBREAKER DEVELOPMENT LLC	P.O. BOX 2526 FREDERICKSBURG, TX 78624
8	IRONBREAKER DEVELOPMENT LLC	P.O. BOX 2526 FREDERICKSBURG, TX 78624
9	IRONBREAKER DEVELOPMENT LLC	P.O. BOX 2526 FREDERICKSBURG, TX 78624
10	IRONBREAKER DEVELOPMENT LLC	P.O. BOX 2526 FREDERICKSBURG, TX 78624
11	JOEL ALBITER	P.O. BOX 683 FREDERICKSBURG, TX 78624
12	GUIDO & KATHRYN GHISELLI	705 CHINKAPIN DR FREDERICKSBURG, TX 78624
13	KRIS ADAM HOMES LLC	705 ALFRED FREDERICKSBURG, TX 78624
14	LAWRENCE CHARLES & VIRGINIA NASSOUR	111 W. ANDERSON LANE STE D213 AUSTIN, TX 78752
15	TRINA ITZ	124 OXEN TRL FREDERICKSBURG, TX 78624
16	TRAVIS & BRITTNEY HORTON	969 KNEESE RD FREDERICKSBURG, TX 78624
17	KURT DITGES	217 W. UFER FREDERICKSBURG, TX 78624
18	GIRAL & LAURA JAIMES	149 BEAVER RD FREDERICKSBURG, TX 78624
19	GT DEVELOPMENT LLC	412 S ADAMS LMB 1104 FREDERICKSBURG, TX 78624
ZBA2019-03		