



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Thursday, April 20, 2023 ~ 5:30 PM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

Devin Mullen, Chair
Marcus Vidrine, Vice Chair
Clay Sears, Member
Taylor Williams, Member

Ashley Hunter, Member
Jim McAfee, Member
Eric Hammersen, Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Thursday, April 20, 2023, at 5:30 PM. Link to City of Fredericksburg YouTube Channel (Fredericksburg, Texas USA - YouTube <https://www.youtube.com/c/FredericksburgTexasUSA>).

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. on .
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to scollier@fbgtx.org

Verbal Comments:

1. Sign up in-person between 5:00 p.m. and 5:30 p.m. at the Law Enforcement Center, 1601E. Main Street, in order to comment.

You will be limited to 3 minutes to speak.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- A. December 15, 2022, Regular Meeting Minutes

4. PUBLIC HEARING

- A. ZBA2023-02 - REQUEST BY TONY ROBERTS TO CONSIDER A VARIANCE FOR PROPERTY LOCATED AT 512 WEST UFER STREET. THE APPLICANT REQUESTS TO BUILD A RESIDENCE WITHIN 12 FEET OF THE PROPERTY

LINE, WHEREAS THE SIDE STREET SETBACK IS 15 FEET PER SEC. 3.100 OF THE ZONING ORDINANCE.

5. ACTION ITEMS

- A. ZBA2023-02 - REQUEST BY TONY ROBERTS TO CONSIDER A VARIANCE FOR PROPERTY LOCATED AT 512 WEST UFER STREET. THE APPLICANT REQUESTS TO BUILD A RESIDENCE WITHIN 12 FEET OF THE PROPERTY LINE, WHEREAS THE SIDE STREET SETBACK IS 15 FEET PER SEC. 3.100 OF THE ZONING ORDINANCE.

6. DISCUSSION ITEMS

7. ADJOURN

CERTIFICATION

This is to certify that I, Shelby Collier, posted this Agenda at TIME. on DATE, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelby Collier
Associate Planner

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

**BOARD OF ADJUSTMENT
DECEMBER 15, 2022
5:30 P.M.**

On this the 15th day of December 2022, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum

PRESENT CLAY SEARS
 DEVIN MULLEN
 ERIC HAMMERSEN
 TAYLOR WILLIAMS

ABSENT: ASHLEY HUNTER
 JIM MCAFEE
 MARCUS VIDRINE

ALSO PRESENT: GARRET BONN – Interim Director of Development Services
 ANNA HUDSON – Historic Preservation Officer
 SHELBY COLLIER – Associate Planner

The meeting was called to order at 5:30 P.M. by Devin Mullen.

MINUTES

Clay Sears made a motion to approve the September 22, 2022, Regular Meeting Minutes. Seconded by Eric Hammersen. All voted in favor and the motion carried.

Clary Sears made a motion to approve the October 10, 2022, Special Meeting Minutes. Seconded by Eric Hammersen. All voted in favor and the motion carried.

PUBLIC HEARING

Consider ZBA2022-04 – Request by Tim Bobo, to Consider a Variance to Sec. 3.100, Front Yard Setback, for Property Located at 305 W. Centre Street. A 6-Foot-Tall Fence in the Front Yard Set Back.

Devin Mullen made a motion to open the public hearing. Eric Hammersen seconded the motion. All voted in favor and the motion carried.

Tim Bobo presented the application. He stated it was his intent to build a 6 ft tall fence along the front of 305 W. Centre Street.

Clay Sears made a motion to close the public hearing. Seconded by Devin Mullen. All voted in favor and the motion carried.

Shelby Collier, Associate Planner, A variance request has been submitted to construct a 6-foot-tall fence in the front yard setback of a property located at 305 West Centre Street. The placement of the fence as proposed would result in height of 6 foot, where the Front Yard Setback allows for a 4-foot-tall fence.

It is worth noting, that the subject property shares a property line with 610 North Orange, which currently has a 6- foot- tall fence along the property line fronting West Centre Street which serves at the Street Side setback which allows for an 8-foot-tall fence to be placed along the property line. The applicant is wanting to build a 6-foot-tall fence along the interior side of the property to connect with the existing fence fronting West Centre Street.

Shelby Collier stated the Board of Adjustment may grant a variance if it makes affirmative findings of fact on 3 specific criteria.

- a. The Zoning Regulations applicable to the property do not allow for reasonable use.
- 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.
- 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.

Through review of the application, it has been determined that the application as presented does not meet the necessary requirements to obtain a Variance and Staff recommends denial per Sec. 5.650. 2 letters of protest were received and one comment letter that did not have a clear opinion.

Taylor Williams stated that given the existing fencing in the neighborhood he feels as though the applicant can meet the specific criteria necessary to obtain a variance.

Devin Mullen stated he agrees with Staff.

Eric Hammersen made a motion to approve application ZBA2022-04 as presented. Seconded by Clay Sears. All voted in favor and the motion carried.

Clay Sears made a motion to reconvene on Wednesday, September 28th to take action. Marcus Vidrine seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Clay Sears moved to adjourn the meeting and Taylor Williams seconded the motion. All voted in favor and the meeting was adjourned at 6:01 P.M. PASSED AND APPROVED this the th day of

SHELBY COLLIER, ASSOCIATE PLANNER

DEVIN MULLEN, CHAIRMAN



HISTORIC REVIEW BOARD AGENDA MEMO

DEPARTMENT: Development Services
TO: Zoning Board of Adjustment
FROM: Shelby Collier, Associate Planner
MEETING DATE: April 20, 2023

CATEGORY: PUBLIC HEARING

CAPTION: ZBA2023-02 - REQUEST BY TONY ROBERTS TO CONSIDER A VARIANCE FOR PROPERTY LOCATED AT 512 WEST UFER STREET. THE APPLICANT REQUESTS TO BUILD A RESIDENCE WITHIN 12 FEET OF THE PROPERTY LINE, WHEREAS THE SIDE STREET SETBACK IS 15 FEET PER SEC. 3.100 OF THE ZONING ORDINANCE.

PRESENTATION:

SUMMARY:

A variance request has been submitted to construct a building within 12 feet of the property line for property located at 512 West Ufer Street. The placement of the building would encroach into the 15-foot streetside setback.

The subject tract is located on a dead-end street that abuts a drainage channel located in the Right of Way between the subject property and South Bowie Street. The subject property is currently vacant as the residence that was previously on the property was demolished in 2020.

This application was reviewed for its conformity with relevant City Ordinances including [Sec. 5.650](#), Board of Adjustment, Findings.

BACKGROUND: Applicant:

Tony Roberts

Zoning:

R1, Single Family Residential [Sec. 3.100](#)

Location:

512 West Ufer Street

Findings:

The property is currently vacant and abuts a drainage channel between the subject tract and South Bowie Street.

The surrounding Zoning is R1, Single Family Residential across West Ufer Street and across the drainage channel towards South Bowie Street.

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 property could be utilized for the use intended by the R1 Zoning District; however, the abutting drainage channel, dead-end street and abnormal lot shape make designing the future residence difficult.

- 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 vacant lot narrows greatly towards the rear of the property, with the initial width being 89 feet and eventually narrowing to 48 feet at the rear property line. This issue coupled with the abutting drainage channel to the west makes the lot difficult to develop as the property does not truly touch South Bowie Street nor does West Ufer connect with South Bowie St leaving a dead-end street at the front of the property with no way to access the side or rear of the property with a public road.

- 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.

Staff recognizes that this request would NOT alter the character of the area as the request in question would not impair any neighboring property's ability to develop or operate as intended by the R1, Zoning district.

OPPOSITION/SUPPORT OF REQUEST: 0 letters received in response to the Public Hearing Notification.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Staff finds that the application meets the necessary requirements to obtain a variance and Staff recommends approval per [Sec. 5.650](#).

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

ATTACHMENTS:

- 1. ZBA2023-02 Application and Docs
- 2. ZBA2023-02 PH Map
- 3. ZBA2023-02 Mailing Labels
- 4. Images

APPROVAL/REVIEW:

A handwritten signature in cursive script, reading "Anna Hudson".

Date: April 14, 2023

Anna Hudson, Interim Director of Development Services



GREGORY A. RICHARDS, P.C.
ATTORNEYS

280 Thompson Drive
Kerrville, Texas 78028
P: 830-257-8080
F: 830-896-8489
Info@GregRichardsLaw.com



March 7, 2023

City of Fredericksburg
Attn: Shelby Collier
126 W. Main
Fredericksburg, TX 78624

Re: Variance Application to Board of Adjustment
R & D Real Estate Holdings, Ltd.
112 W. Ufer Street, Fredericksburg
512 W. Ufer

Dear Ms. Collier:

Please see the attached Variance Application (with Exhibits), along with our firm's check in the amount of \$150.00 for the required fee.

Please confirm this matter will be considered during the Board of Adjustments regular meeting scheduled for April 20, 2023.

Please let me know if you have any questions.

Sincerely,

Gregory A. Richards

www.GregRichardsLaw.com



VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

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

1. Applicant: R&D Real Estate Holdings, Ltd.
2. Owner: Tony Roberts
3. Phone: 830-377-2422 Email: TonyRoberts@aggienetwork.com
4. Description of property involved in this request.
Address: 512 W. Ufer, Fredericksburg, Texas
Legal Description: West End Block 2, Lot 6
Lot Size: 0.1828 acre
Zoning District: R1
5. Request is made to the Board of Adjustment that a variance be granted to the following provisions of the Zoning Ordinance.
Section: 3.100 Subsection: Site Development Regulations
Item: Relating To: Street Side Setback
Requiring: Street side yard setback of 15 feet
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. **See Exhibit “A” (Survey) and Exhibit “B” (Aerial View). The property is in a residential neighborhood, and there exists only residences within 50 feet of the property. The property does not currently have any improvements. A home is planned to be constructed on the site.**
 - 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. **There are no existing improvements on the property. The planned improvements are shown in See Exhibit “C” (Site plan, floor plan and front elevation). No off-site improvements are anticipated.**

- iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.

The existing topography of the lot is flat. It will be graded to drain stormwater away from all improvements. General residential landscaping will be installed.

- 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. **None**

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.

As you can see on the attached survey plat (Exhibit A), there is a 15 foot street side building setback line on the subject property (zoned R-1), as the lot is technically situated on a corner (W. Ufer and Bowie Street). However, there is a large drainage channel between the subject property and S. Bowie Street. The distance from my client's property line to the edge of Bowie Street is approximately 15 feet. With the current setback applied, it significantly restricts the size of home that can be constructed. Any home constructed on this lot would be close to 30 feet from Bowie Street (approx. 15 feet from Bowie to property line and then another 15 feet from property line to building set back line. We are requesting a variance to change the setback from 15 feet to 12 feet to allow for construction of a larger residence.

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.

Applicant believes there to be exceptional circumstances applicable to this property related to surrounding condition and location that do not apply generally to other property in the area and the same zoning district. Even if a new building is constructed with the requested 12 foot set back line, there will still be more than 20 feet between the building and Bowie Street, well above the 15 foot requirement that would exist for a normal street side lot. The attached drawing (Exhibit B) shows the approximate location of the existing and requested set back lines.

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 homes constructed in the immediate area surrounding the property are larger homes, many on larger lots. Allowing for this variance and thereby construction of a larger home on the property will be consistent with the neighborhood. Applicant does not believe the granting of this variance will be contrary to the public's interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located, as the variance requested will still result in an effective setback that meets or exceeds the zoning requirements. The variance requested is the minimum variance that will relieve the hardship applicant has identified.

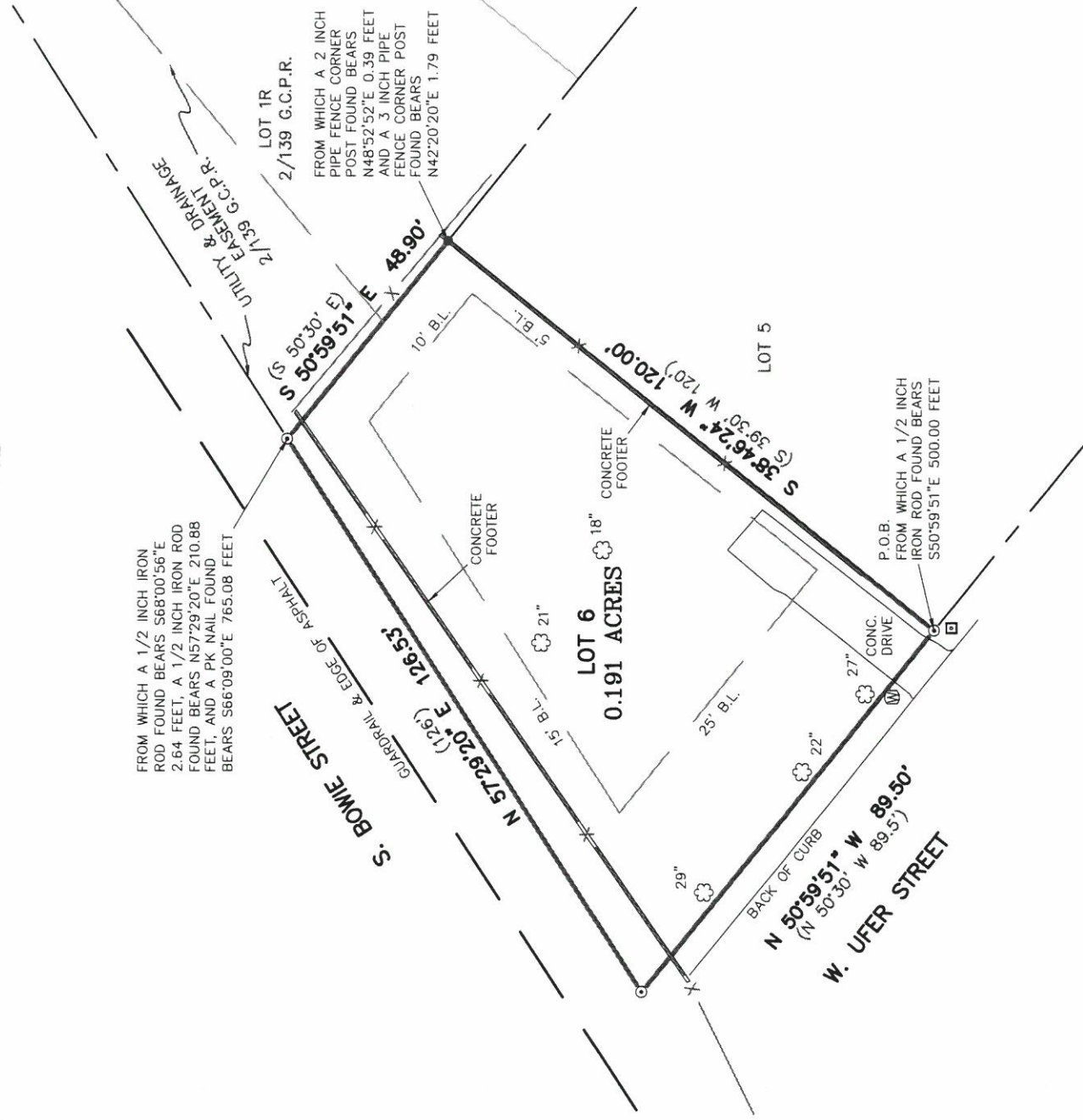
PARKING: Not applicable

SIGNS: Not applicable

Staff Use Only		
Application No:	ZBA2023-02	Date: 03/24/23
Payment Type:	CK#19803 \$150.00	



EXHIBIT "A"



SURVEY NOTES:

1. BEARINGS, DISTANCES & ACREAGE ARE GRID, NAD 83 US TX CENTRAL ZONE 4203.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT/COMMITMENT. THERE MAY BE EASEMENTS, RESTRICTIONS, AND/OR COVENANTS AFFECTING THIS PROPERTY, NOT SHOWN HEREON.
3. A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS PLAT.
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	PEDESTAL	MAILBOX
ADJACENT LINE	1/2" IRON ROD FOUND	UTILITY POLE	SEWER MANHOLE
SURVEY 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	CONCRETE MONUMENT	AIR CONDITIONER	FIRE HYDRANT
WOOD FENCE CORNER POST FOUND	CONCRETE FOUND	ELECTRICAL BOX	AS MARKED
U.E. - UTILITY EASEMENT	BENCH MARK		
BUILDING SETBACK LINE			
G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS			
G.C.D.R. - GILLESPIE COUNTY DEED RECORDS			

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 MARCH 15, 2022; NO WARRANTY IS MADE OR INTENDED FOR THE LOCATION OF ANY OR ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.

Franklin A. Leamons
FRANKLIN A. LEAMONS
REGISTERED PROFESSIONAL LAND SURVEYOR #6889
MAR. 22, 2022
DATE



SEARCHERS
SURVEYING & ENGINEERING LLC
MASON | FREDERICKSBURG

P.O. Box 528 Mason, TX 76856 | P.O. Box 1504 Fredericksburg, TX 78624
830-383-1211 | Firm #10193966
www.searcherslls.com

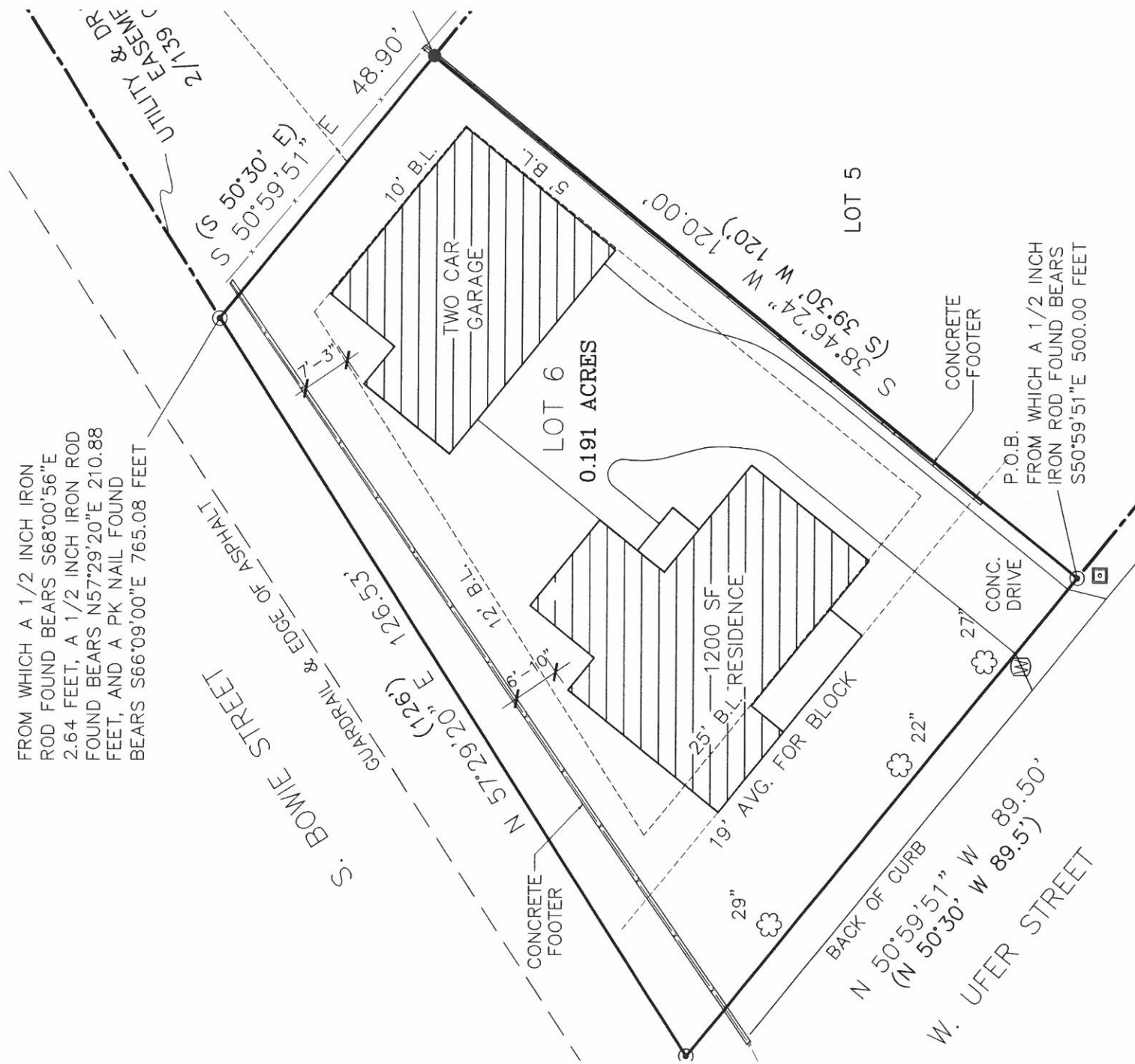
BOUNDARY SURVEY
0.191 ACRES, BEING ALL OF LOT 6, BLOCK 2, WEST
END ADDITION TO THE CITY OF FREDERICKSBURG AS
SHOWN ON THE PLAT RECORDED IN VOLUME 33
PAGE 62 OF THE DEED RECORDS OF
GILLESPIE COUNTY, TEXAS.

REFERENCE: TONY ROBERTS
ADDRESS: 512 W. UFER
REV. 0
JOB NO. 22-5794
DRAWN BY: CNC



Exhibit "B"

✓





OPTION "A"

DOWNSTAIRS:

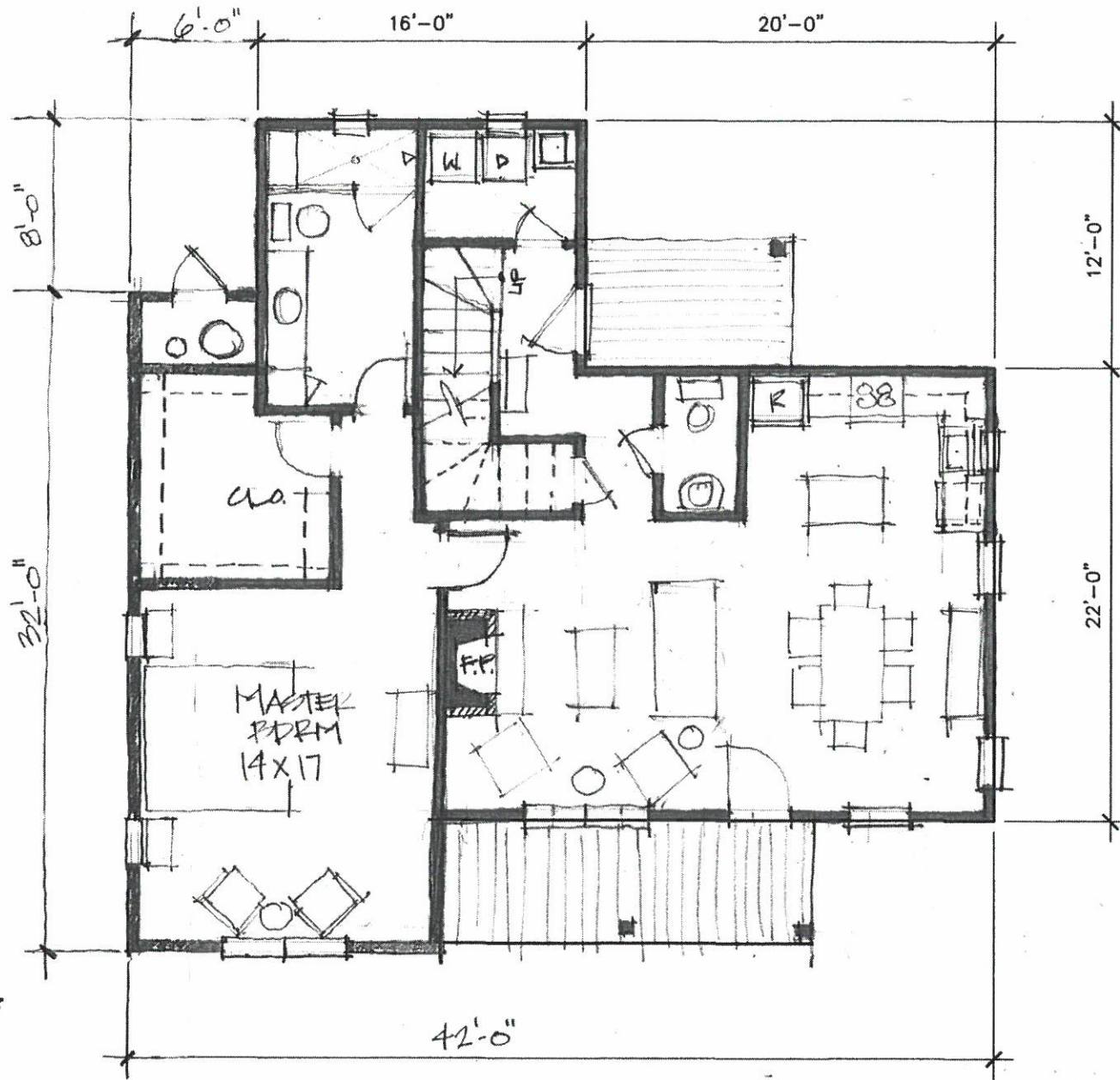
1200 sf

UPSTAIRS:

2 BD / 2 BA

8800 sf

OPTION "A"



RONNIE JUNG
604 W. PEACH ST
FREDERICKSBURG, TX 78624

JAMES CARPENTER
310 S. BOWIE ST
FREDERICKSBURG, TX 78624

CHRISTOPHER & ALISON ACTON
607 W. PEACH ST
FREDERICKSBURG, TX 78624

MARK & JULIANNE KING
& CHRISTINA HARMAN
P.O. BOX 2451
FREDERICKSBURG, TX 78624

GARY FAMILY TRUST
421 POST OAK RD
FREDERICKSBURG, TX 78624

GARY & KIMBERLY ROBERTS
513 W UFER
FREDERICKSBURG, TX 78624

TAMI GIVEN
511 W. UFER
FREDERICKSBURG, TX 78624

CHAD & AUTUMN FAUCHEUX
509 W UFER
FREDERICKSBURG, TX 78624

CHRISTOPHER UNDERWOOD
& CYNTHIA RADLE
16719 S AZURE MIST CT
CYPRESS, TX 77433

WONG FAMILY TRUST
2066 SUMMER DR
EL DORADO HILLS, CA 95762

JK OUTFITTER LLC
10050 HOUSTON OAKS DR
HOUSTON, TX 77064

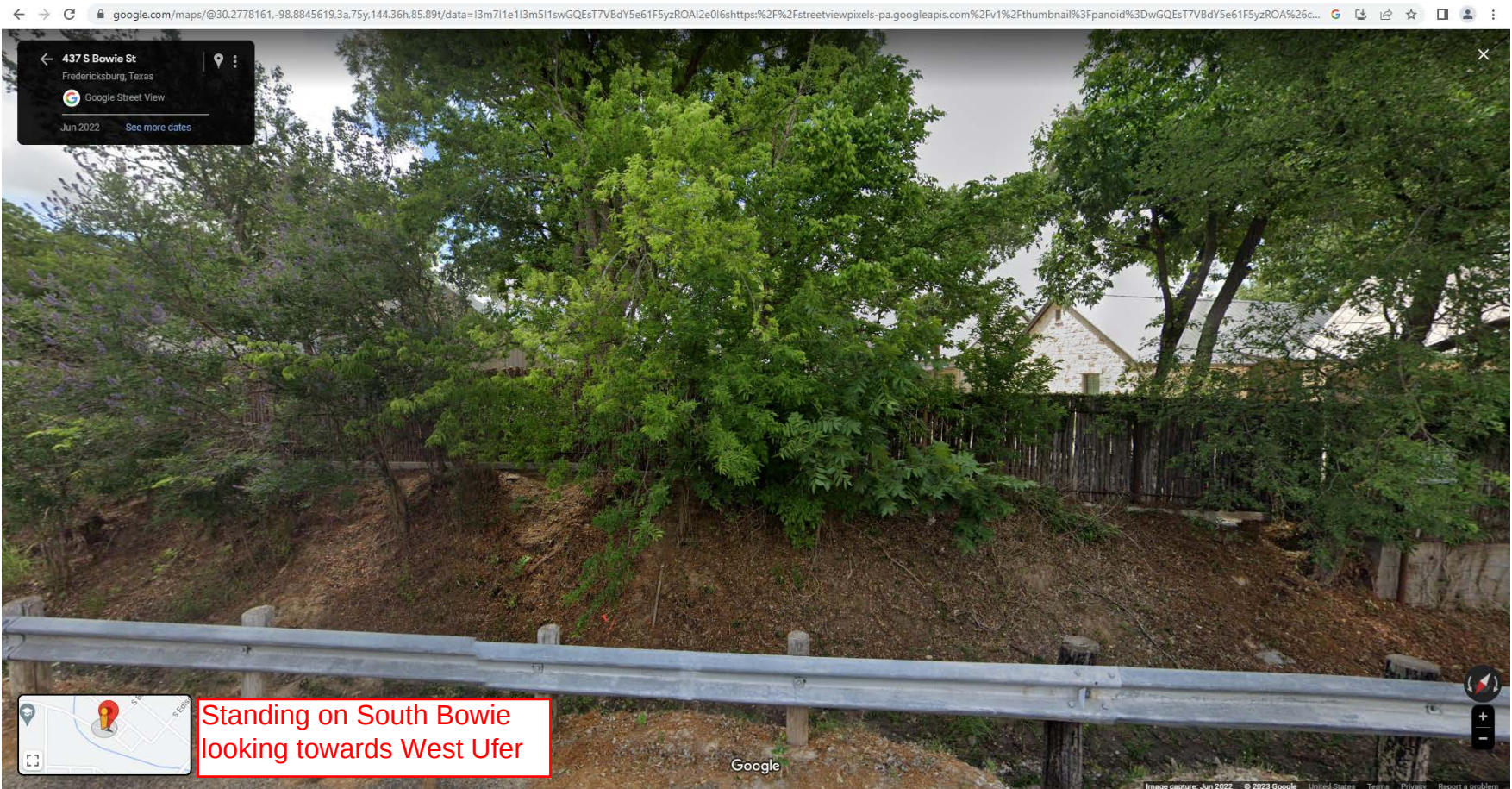
MARTIN SANCHEZ
306 ROSE ST
FREDERICKSBURG, TX 78624

RICHARD & ELIZABETH DAVIS
510 W. UFER ST
FREDERICKSBURG, TX 78624

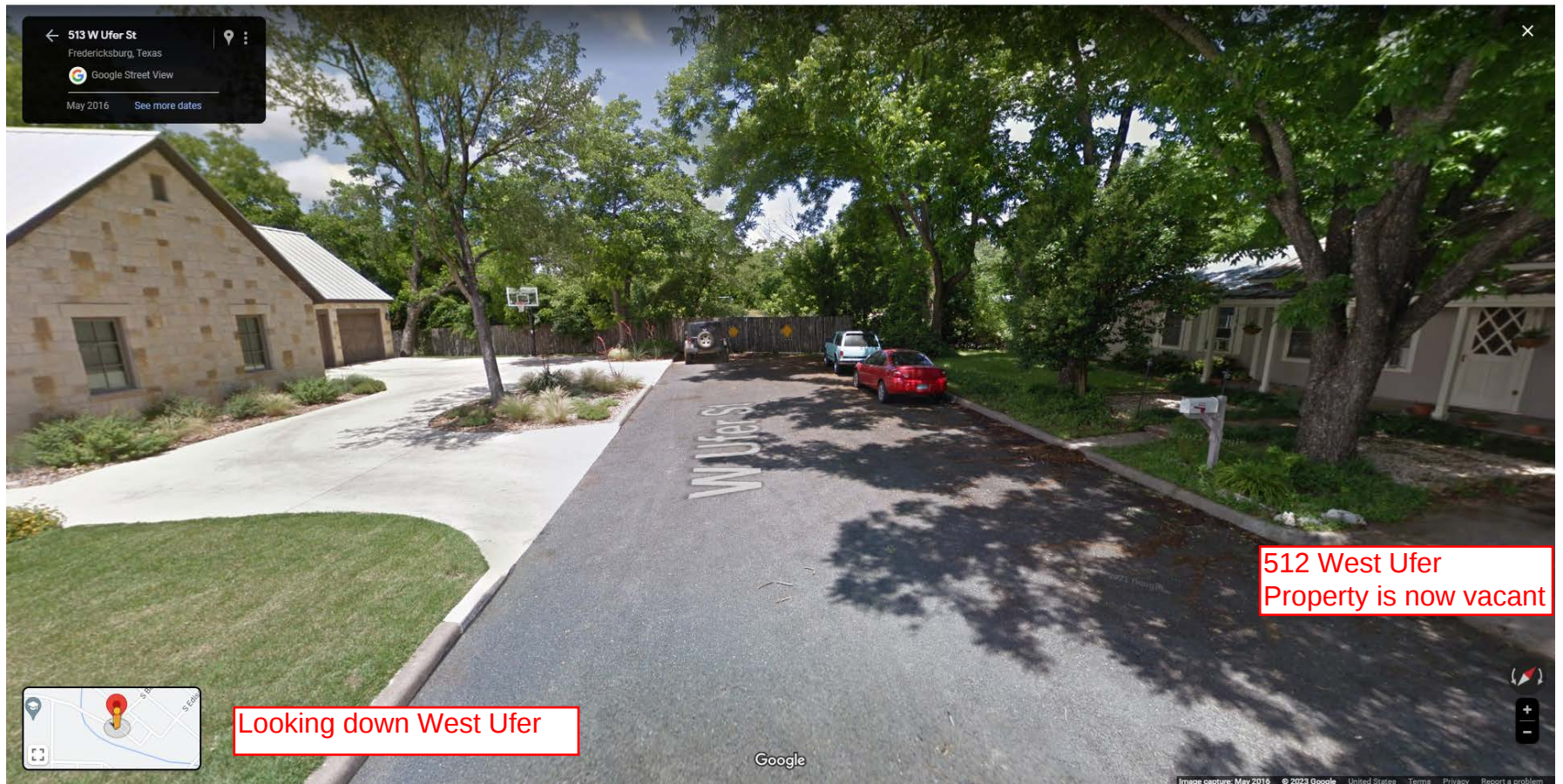
JWS REAL ESTATE HOLDINGS LLC
6010 HAWKES BAY CT
KATY, TX 77494

HATCH-GILLESPIE LTD PARTNERSHIP
2824 WOODLAND DR
WACO, TX 76710

ZBA2023-02 – 512 W. Ufer



Standing on South Bowie
looking towards West Ufer





HISTORIC REVIEW BOARD AGENDA MEMO

DEPARTMENT: Development Services
TO: Zoning Board of Adjustment
FROM: Shelby Collier, Associate Planner
MEETING DATE: April 20, 2023

CATEGORY: ACTION ITEMS

CAPTION:

ZBA2023-02 - REQUEST BY TONY ROBERTS TO CONSIDER A VARIANCE FOR PROPERTY LOCATED AT 512 WEST UFER STREET. THE APPLICANT REQUESTS TO BUILD A RESIDENCE WITHIN 12 FEET OF THE PROPERTY LINE, WHEREAS THE SIDE STREET SETBACK IS 15 FEET PER SEC. 3.100 OF THE ZONING ORDINANCE.

PRESENTATION:

SUMMARY:

A variance request has been submitted to construct a building within 12 feet of the property line for property located at 512 West Ufer Street. The placement of the building would encroach into the 15-foot Streetside setback.

The subject tract is located on a dead-end street that abuts a drainage channel located in the Right of Way between the subject property and South Bowie Street. The subject property is currently vacant as the residence that was previously on the property was demolished in 2020.

This application was reviewed for its conformity with relevant City Ordinances including [Sec. 5.650](#), Board of Adjustment, Findings.

BACKGROUND: Applicant:

Tony Roberts

Zoning:

R1, Single Family Residential [Sec. 3.100](#)

Location:

512 West Ufer Street

Findings:

The property is currently vacant and abuts a drainage channel between the subject tract and South Bowie Street. The surrounding Zoning is R1, Single Family Residential across West Ufer Street and across the drainage channel towards South Bowie Street.

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 property could be utilized for the use intended by the R1 Zoning District; however, the abutting drainage channel, dead-end street and abnormal lot shape make designing the future residence difficult.

- 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 vacant lot narrows greatly towards the rear of the property, with the initial width being 89 feet and eventually narrowing to 48 feet at the rear property line. This issue coupled with the abutting drainage channel to the West makes the lot difficult to develop as the property does not truly touch South Bowie Street nor does West Ufer connect with South Bowie leaving a dead-end street at the front of the property with no way to access the side or rear of the property with a public road.

- 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.

Staff recognizes that this request would NOT alter the character of the area as the request in question would not impair any neighboring property's ability to develop or operate as intended by the R1, Zoning district.

OPPOSITION/SUPPORT OF REQUEST: 0 letters received in response to the Public Hearing Notification.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Through review of the application it has been determined that the application as presented does meet the necessary requirements to obtain a Variance and Staff recommends approval per [Sec. 5.650.](#)

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

ATTACHMENTS:

None

APPROVAL/REVIEW: