



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Thursday, July 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

Jennifer Eggleston, Member
Jim McAfee, Member
Eric Hammersen, Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on July 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 July 20, 2023 .
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to ahudson@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. CHAIR'S STATEMENT

4. APPROVAL OF MINUTES

- A. April 2023, Regular Meeting Minutes

5. ACTION ITEMS

- A. #ZBA2023-03 BY JULIE TERHUNE, TO CONSIDER A VARIANCE TO SEC. 3.700, FRONT YARD SETBACK, FOR PROPERTY LOCATED AT **520**

WINDING WAY. THE APPLICANT WOULD LIKE TO OBTAIN A VARIANCE TO ALLOW FOR AN ENCROACHMENT OF 11 INCHES TO THE FRONT YARD SETBACK FOR AN EXISTING RESIDENCE

6. DISCUSSION ITEMS

A. Director's Report

7. ADJOURN

CERTIFICATION

This is to certify that I, Shelby Collier, posted this Agenda at 11:00 AM. on July 17, 2023, 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
APRIL 20, 2023
5:30 P.M.

On this the 20th day of April 2023, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum.

PRESENT DEVIN MULLEN
 MARCUS VIDRINE
 ERIC HAMMERSEN
 TAYLOR WILLIAMS
 JIM MCAFEE

ABSENT: ASHLEY HUNTER
 CLAY SEARS

ALSO PRESENT: ANNA HUDSON – Interim Director of Development Services
 SHELBY COLLIER – Associate Planner

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

MINUTES

Jim McAfee made a motion to approve the December 2022, Regular Meeting Minutes. Seconded by Marcus Vidrine. All voted in favor and the motion carried.

PUBLIC HEARING

Consider 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.

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

Tony Roberts presented the application. He stated that it was his desire to build a residence on the lot for his mother. The shape of the lot and the location of an existing drainage easement along South Bowie created challenges to the layout of the residence. He asked for a variance to allow for an encroachment into the street side setback.

Eric Hammersen made a motion to close the public hearing. Seconded by Taylor Williams. All voted in favor and the motion carried.

Shelby Collier, Associate Planner, stated that 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 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 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.

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.

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.

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.](#)

Jim McAfee made a motion to approve application ZBA2023-02 as presented. Seconded by Taylor Williams. All voted in favor and the motion carried.

DISCUSSION ITEMS

STR Update. Anna Hudson, Interim Director of Development Services, provided the Board with an update regarding the ongoing discussion surrounding Short-Term Rentals. The City Council is considering an update to the existing Ordinance that may result in Special Exceptions that will be considered by Zoning Board of Adjustment.

ADJOURN

With nothing further to come before the Board, Jim McAfee moved to adjourn the meeting and Eric Hammersen seconded the motion. All voted in favor and the meeting was adjourned at 5:50 P.M. PASSED AND APPROVED this the 20th day of July 2023.

SHELBY COLLIER, ASSOCIATE PLANNER

DEVIN MULLEN, CHAIRMAN



HISTORIC REVIEW BOARD AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM: Anna Hudson, Director of Development Services

MEETING DATE: July 20, 2023

CATEGORY: ACTION ITEMS

CAPTION: #ZBA2023-03 BY JULIE TERHUNE, TO CONSIDER A VARIANCE TO SEC. 3.700, FRONT YARD SETBACK, FOR PROPERTY LOCATED AT **520 WINDING WAY**. THE APPLICANT WOULD LIKE TO OBTAIN A VARIANCE TO ALLOW FOR AN ENCROACHMENT OF 11 INCHES TO THE FRONT YARD SETBACK FOR AN EXISTING RESIDENCE

PRESENTATION:

SUMMARY:

An application for a variance to the front yard setback of 15 feet has been received for property located at 520 Winding Way. The property is an existing residence that was built in 1997.

BACKGROUND: **APPLICANT:** Julie Terhune

ZONING: PUD, Planned Unit Development

LOCATION: 520 Winding Way (Windcrest Subdivision Patio Homes)

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

FINDINGS:

- The property is currently for sale and as part of the Survey, was discovered to have an existing encroachment.
- The applicant's home was built in 1997 on the subject property and at the time it was built, was built 11 inches over the front setback.
- The lot is approximately 5,527 sq ft in size (see survey).
- The lot is located in the Windcrest Subdivision.
- The PUD Zoning 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.

Zoning regulations allow for reasonable use of the property. In this case, an error was made when the house was built and has only recently been identified with a new survey for the sale 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 owner is new to the property, only having come into ownership in February 2023. The encroachment has existed since the property was built in 1997 and the new owner would like to bring the property into compliance by obtaining a variance acknowledging the encroachment.

- 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.

As the encroachment has existed for more than more than 20 years, Staff does not believe this minor variance will alter or effect the adjacent properties and will not be noticeable.

OPPOSITION/SUPPORT OF REQUEST: No letters received.

STAFF RECOMMENDATION: Approval.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

ATTACHMENTS:

1. ZBA2023 - 03 Application
2. Survey with Encroachment
3. ZBA2023-03 PH Map
4. ZBA2023-03 Mailing Labels
5. Street View Images

APPROVAL/REVIEW:



VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

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

-
1. Applicant: _____
 2. Owner: _____
 3. Phone: _____ Email: _____

4. Description of property involved in this request.

Address: _____

Legal Description: _____

Lot Size: _____ 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: _____

Requiring: _____

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.

- 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.

- 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.

- 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.

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.

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

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.

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.

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.

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.

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.

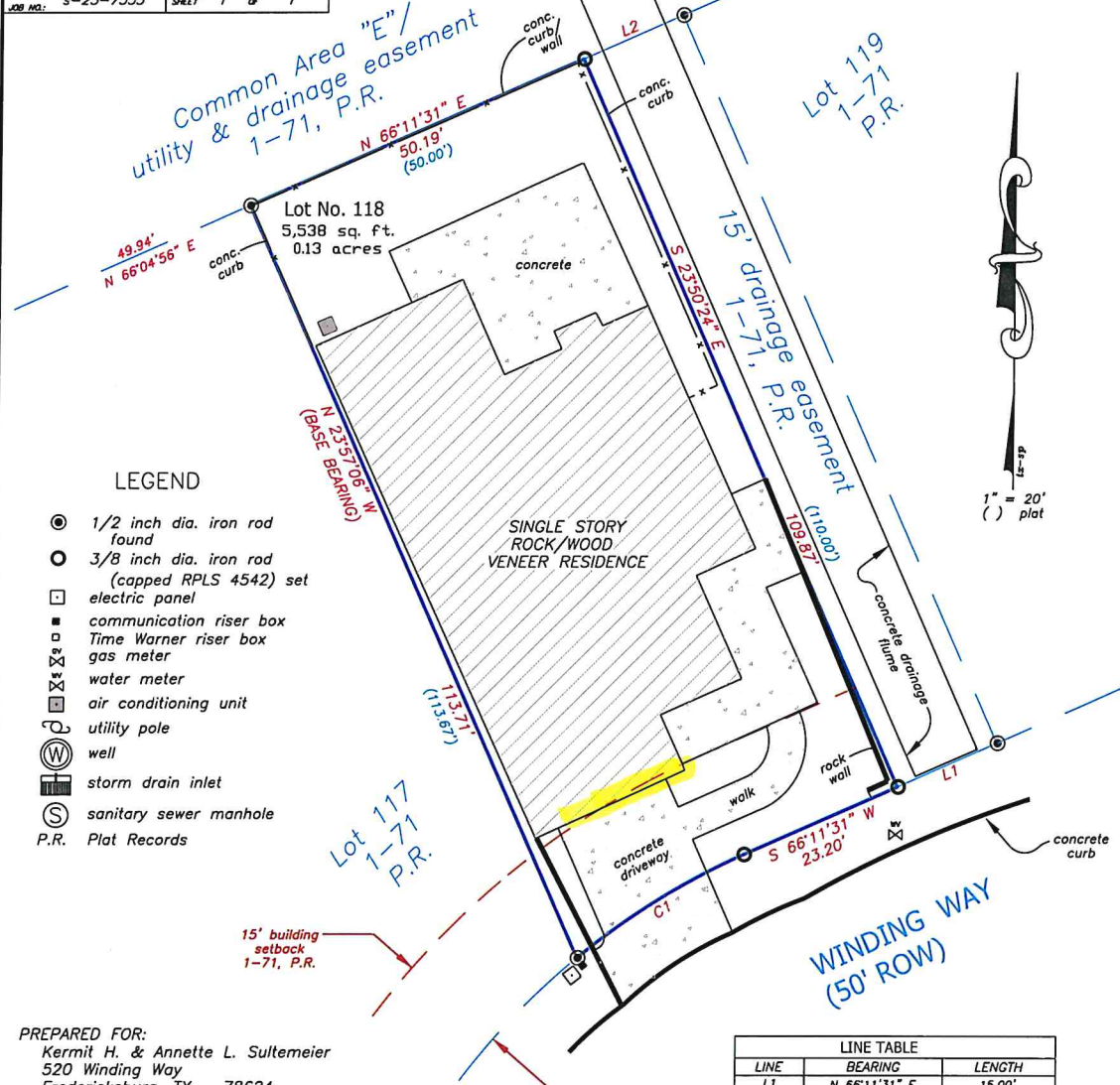
iii. That the proposed variance is as close to the requirements of the sign ordinance as is feasible.

Staff Use Only

Application No: _____
Payment Type: _____

Date: _____

DRAWN BY: d.a.s.	DATE: 23
CHECKED BY: d.a.s.	DRAWING NO.: S-23-7355
JOB NO.: S-23-7355	SHEET 1 OF 1



PREPARED FOR:
Kermit H. & Annette L. Sultemeier
520 Winding Way
Fredericksburg, TX 78624

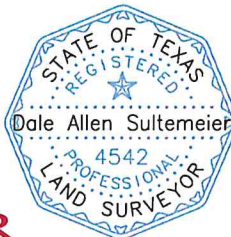
TITLE COMPANY:
Fredericksburg Titles, Inc.
203 West Austin Street
Fredericksburg, TX 78624

This tract is subject to the following easements listed in Fredericksburg Titles, Inc. Commitment for Title Insurance, G. F. 2023238, issued June 1st, 2023:
- CCRs recorded in Vol. 140, Pg. 489 & Vol. 140, Pg. 520, Deed Records of Gillespie Co., TX and under Clerk's File No. 20175786 & File No. 20220799, Official Public Records of Gillespie County, TX. and in Vol. 1 Pg. 71, Plat Records of Gillespie Co., TX.
- Building setback lines shown on plat recorded in Vol. 1, Pg. 71, Gillespie Co. Plat Records. SHOWN HEREON

The undersigned does hereby certify that a survey was made on the ground of the property shown hereon, that it is correct and that there are no obvious boundary line conflicts, encroachments, overlapping of improvements or roads in place except as shown hereon and that said property has access to and from a dedicated roadway except as shown.

Dale Allen Sultemeier

Dale Allen Sultemeier
Registered Professional Land
Surveyor
No. 4542 - State of Texas



06-06-2023



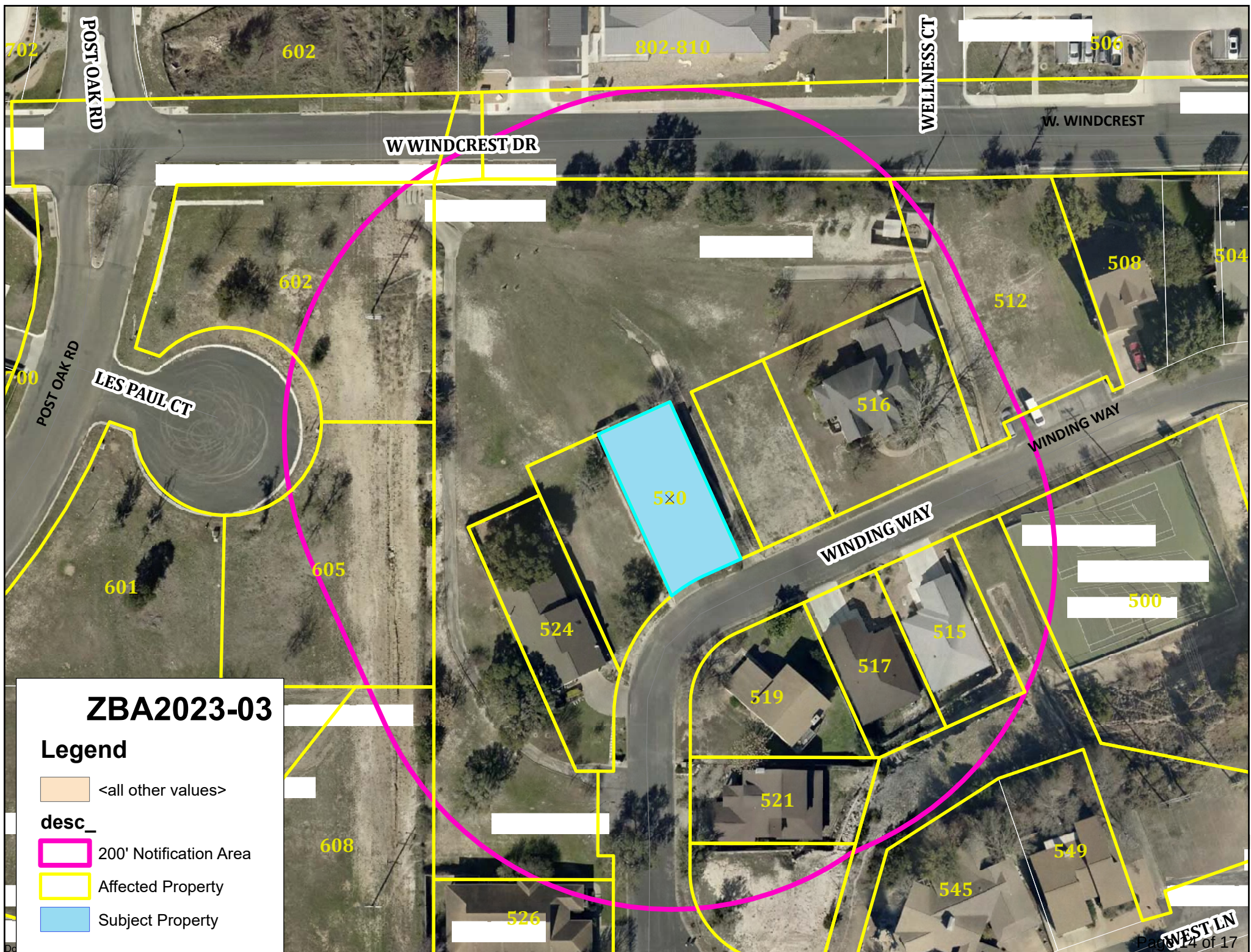
SULTEMEIER
SURVEYING & ENGINEERING

Boundary-Title-Topographic-Construction Surveys
Engineering - Land Development Services
501 West Main, Suite 102
Fredericksburg, Texas 78624
(830) 990-1221

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sultemeiersurveying.com

LICENSED SURVEYING FIRM: 100930-00

Lot No. 118
WINDCREST
Vol. 1 - Pg. 71
Gillespie County Plat Records
Gillespie County, TX



ZBA2023-03

Legend

-  <all other values>
- desc_**
-  200' Notification Area
-  Affected Property
-  Subject Property

Windcrest Patio Homes Assoc Inc
P.O. Box 2105
Fredericksburg, TX 78624

Brainerd & Kathleen Parrish
516 Winding Way
Fredericksburg, TX 78624

Jessica Bosquez Life Estate
518 Winding Way
Fredericksburg, TX 78624

Richard Atwell
689 FM 2093
Fredericksburg, TX 78624

Philip & Carol Valentine
524 Winding Way
Fredericksburg, TX 78624

Texas 5A Properties LLC
510 Post Oak
Fredericksburg, TX 78624

David & Pamela Wolfe
7721 Tremayne Pl
Apt 201
McLean, VA 22102

Barons Creekside LTD
80 Neffendorf Trl
Fredericksburg, TX 78624

Adan & Elizabeth Albiter
705 Alfred
Fredericksburg, TX 78624

Ironbreaker Development LLC
P.O. Box 2526
Fredericksburg, TX 78624

Maci & Jacklyn Wilkins
523 Winding Way
Fredericksburg, TX 78624

Kinnan Stockton & Susan Davis
P.O. Box 491
Louise, TX 77455

Anne Hostetter
519 Winding Way
Fredericksburg, TX 78624

Edward Belcik
121 FM 3201
Breckenridge, TX 76424

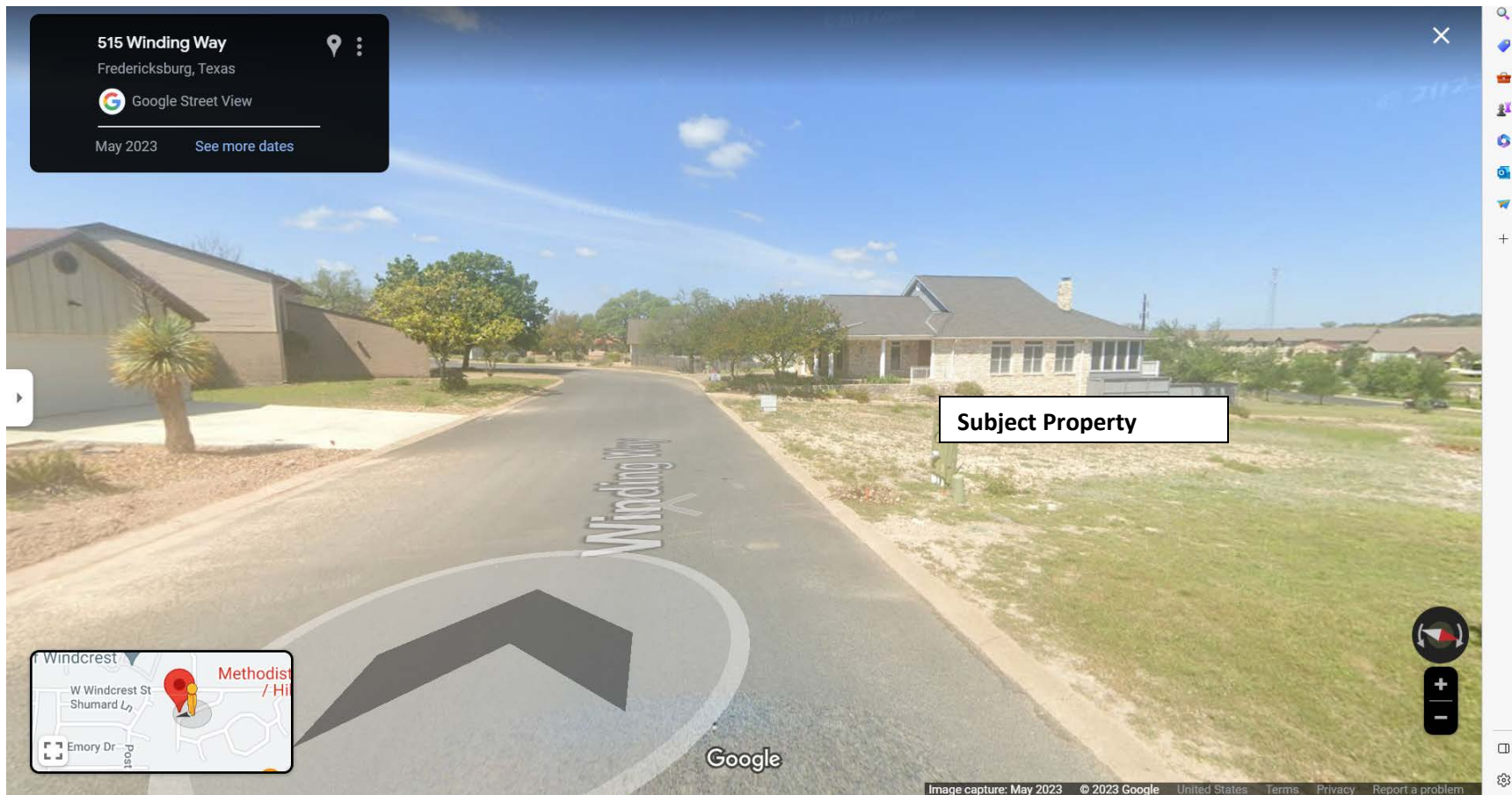
Joseph Yonke
515 Winding Way
Fredericksburg, TX 78624

Windcrest Town Homes Assoc Inc
P.O. Box 1162
Fredericksburg, TX 78624

ZBA2023-03 – 520 Winding Way



Front of House



Winding Way looking towards subject property.