



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Wednesday, March 20, 2024 ~ 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, Alternate

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

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Wednesday, March 20, 2024, at 5:30 PM. The meeting will be live-streamed at <https://fredericksburgtx.portal.civicclerk.com>

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. CHAIR'S STATEMENT

4. APPROVAL OF MINUTES

- A. February 21,2024, Regular Meeting Minutes

5. PUBLIC HEARING

- A. Request #ZBA2024-04: By Kelly Jo Gonzalez, to Consider a Special Exception per Sec. 5.500 - Board of Adjustment Subsection 1A & 1B to allow for an STR-

Unoccupied Permit for Property Located at 110 South Bowie Street.

- i Presentation by the applicant
 - ii Staff Report
 - iii Hold a Public Hearing
 - iv Take Action on the Special Exception
- B. Request #ZBA2024-05: By Gerald Schoppe, to Consider a Special Exception per SEc. 5.500- Board of Adjustment Subsection 1A & 1B to All for an STR-Unoccupied Permit for Property Located at 402 West San Antonio.
- i Presentation by the Applicant
 - ii Staff Report
 - iii Hold a Public Hearing
 - iv Take Action on the Special Exception

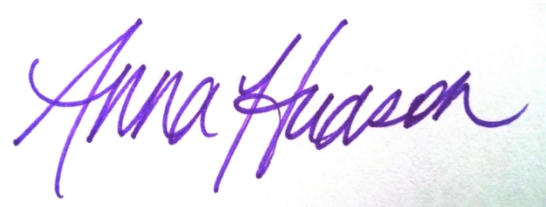
6. DISCUSSION ITEMS

- A. Director's Report

7. ADJOURN

CERTIFICATION

This is to certify that I, Anna Hudson, posted this Agenda at 5:30. on March 13, 2024, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Anna Hudson
Director of Development Services

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
FEBRUARY 21, 2024
5:30 P.M.

On this the 21st day of February 2024, 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
 CLAY SEARS
 ERIC HAMMERSEN
 JENNIFER EGGLESTON
 JIM MCAFEE

ABSENT: TAYLOR WILLIAMS
 MARCUS VIDRINE

ALSO PRESENT: ANNA HUDSON – Director of Development Services
 RACHEL RAGGIO – City Attorney Staff
 MICK MCKAMIE – City Attorney Staff
 JAN MUSGROVE – STR Specialist
 DARREN ECKHARDT – HOT Specialist
 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 January Regular Meeting Minutes. Seconded by Clay Sears. All voted in favor and the motion carried.

PUBLIC HEARING

Consider ZBA2024-02 – By College Street Fred, to Consider a Special Exception per Sec. 5.500 – Board of Adjustment Subsection 3A, to Allow for an Increase in Occupancy for a STR Permit for Property Located at 106 West College Street. The Current Occupancy is 8 and the Applicant is Requesting an Occupancy of 12.

Megan Fults, the applicant, swore an oath to tell the truth and proceeded to present the application on behalf of College Street Fred. She stated that it was her family's desire to obtain a Special Exception to increase the occupancy from 8 to 12. She went on to explain that the 2-story unit consists of 5 bedrooms that could comfortably accommodate 12 and the lot is large enough to accommodate several cars. She stated that the family plans to install decibel monitors and cameras to ensure that noise is not an issue. Megan provided 3 other properties that had an occupancy in excess of 8.

Shelby Collier, Associate Planner, stated that a Special Exception Application had been submitted for 106 West College to increase the occupancy from 8 to 12. She stated the subject property has 19 properties within 200 ft. 7 of those properties are permitted Short Term Rentals with an average occupancy rate of 5 when including the subject property, which has the highest occupancy of the surrounding permitted properties.

Shelby went on to say that the subject property consists of an 18,714 sq ft lot with a 2-story, 5-bedroom house that is 2,909 sq ft in size. She acknowledged the large lot and its ability to park multiple vehicles and believed that 7 parking spaces were available. Shelby stated that while the lot is large the requested occupancy is more than double the average occupancy of the neighborhood. In addition, 11 of the 19 properties within 200 ft are residences.

The property obtained a STR permit on 03/29/22 and has maintained the permit in good standing. The property transferred ownership from the previous owner on 01/11/24 and the new owner is requesting an increase in occupancy.

Staff believes that if approved, the increase in occupancy may adversely impact the neighborhood as the average occupancy is 5 and the property already has the largest occupancy (8) within 200 ft, and more than half of the properties are residences.

Shelby went on to say that Public Hearing Letters were sent to all property owners that own property within 200 ft. Staff received 3 protests and 2 approvals to the requested occupancy increase.

Jennifer Eggleston asked about the location of 610 N. Adams and its occupancy.

Clay Sears made a motion to open the public hearing. Jim McAfee seconded the motion. All voted in favor and the motion carried.

Mike Mahoney spoke in protest of the request. He stated that this section of West College is a one-way street, and that traffic is a concern. He referenced that school pick up occurs on this portion of West College and that most of the properties in the neighborhood are homesteads.

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

Eric Hammersen requested that the Board convene in Executive Session. Seconded by Jim McAfee. All voted in favor and the Executive Session was convened.

Jim McAfee made a motion to return to regular session. Seconded by Clay Sears. All voted in favor and regular session was convened.

Jim McAfee stated that he did not feel that the request meets all of the review criteria. He felt that the increase would negatively impact neighboring property owners' right to the quiet

enjoyment of their property as the requested occupancy is double that of the average in the area.

Eric Hammersen stated that the lot and building are both large but are out of character for the area.

Clay Sears stated that he has concerns regarding the one-way street and traffic on West College. He fears that an increase in occupancy would adversely impact the residential quality of the neighborhood.

Devin Mullen stated that he did not feel that the request met all of the review criteria found in Sec. 5.500 of the Zoning Ordinance.

Jim McAfee made a motion to deny Application ZBA2024-02. Seconded by Clay Sears. All voted in favor and the motion carried.

Consider ZBA2024- 03 – By Justin Hrabovsky, to Consider a Special Exception per Sec. 5.500 – Board of Adjustment Subsection 1A & 1B, to Allow for an STR-Unoccupied Permit for Property Located at 109 South Edison Street.

Justin Hrabovsky, the applicant, swore an oath to tell the truth and proceeded to present the application. He stated that this property had a permit that he had failed to renew but once he was made aware he paid all delinquent Hotel Occupancy Taxes and is now requesting a Special Exception so that he may obtain a STR-Unoccupied permit. He stated that he was never noticed regarding the expiration of the STR-Unoccupied permit and was unaware of the delinquent Hotel Occupancy Taxes as he only received one notice during the 2023 holidays.

Eric Hammersen made a motion to go into executive session. Seconded by Clay Sears. All voted in favor and the motion carried.

Jim McAfee made a motion to go into regular session. Seconded by Eric Hammersen. All voted in favor and the motion carried.

Shelby Collier, Associate Planner, stated that the applicant is requesting a Special Exception to allow for a STR-Unoccupied permit for property located at 109 S Edison. The property previously had a STR-Unoccupied permit but allowed it to expire on 03/11/23 and failed to remit Hotel Occupancy Taxes.

The subject property has 17 properties within 200 ft. 4 of those properties are permitted Short-Term Rentals and 10 of the properties are zoned CBD, Central Business District. The lot size is 10,062 sq ft and the house is a 2-story home consisting of 4 bedrooms and 2,688 sq ft located on the corner of South Edison and West San Antonio Street. The driveway is 10-12 ft wide and roughly 48 ft long and can accommodate 2 parking spaces that are measured at 9 x 18.5. The property should provide 4 parking spaces for the 4-bedroom unit.

The subject property abuts CBD zoning and is surrounded by intense commercial uses with other STR's in the neighborhood. Staff does not believe the STR use will disrupt adjacent users.

With that said, the property failed to pay Hotel Occupancy Taxes for 2 years and illegally operated for 10 months. In addition, the property does not have adequate parking. If approved, the occupancy should be reduced to match parking or parking should be increased to handle occupancy.

Eric Hammersen made a motion to open the public hearing. Seconded by Jim McAfee. All voted in favor and the motion carried.

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

Clay Sears asked about parking. He asked how Staff came to the conclusion that only 2 cars could park in the driveway. Why did Staff not include the garage as a parking spot.

Shelby Collier stated that the garage was not large enough to accommodate the Chevy Tahoe that was shown in the pictures, on site.

Clay Sears asked if the parking space had a height requirement. Shelby Collier said it did not.

Eric Hammersen stated that he did not feel as though the property was properly permitted by the City or properly noticed regarding Hotel Occupancy Tax remittance.

Clay Sears stated that he agreed with Mr. Hammersen he feels that the failure to maintain the permit was an honest mistake and the applicant has since paid all the delinquent Hotel Occupancy Taxes and the Short-Term Rental use would be appropriate in this area.

Jim McAfee commented on the number of existing residences in the area and the property only providing 2 of the required 4 parking spaces.

Eric Hammersen asked if the applicant could widen the driveway and provide more parking. Shelby Collier said yes, that is an option.

Eric Hammersen asked if the applicant could park on the grass, he asked if the grass areas could count toward parking. Shelby Collier said no, the parking has to consist of an improved surface like crushed granite.

Eric Hammersen made a motion to Approve Application ZBA2024-03 with the current parking (2 spaces) which would allow for an occupancy of 6 and 2 bedrooms. Seconded by Clay Sears. Jim McAfee opposed, and all others voted in favor. The motion carried.

Eric Hammersen recommended widening the driveway and the applicant could return to ask for an increase in occupancy.

ADJOURN

With nothing further to come before the Board, Clay Sears moved to adjourn the meeting and Jim McAfee seconded the motion. All voted in favor and the meeting was adjourned at 7:46 P.M. PASSED AND APPROVED this the 20th day of March 2024.

SHELBY COLLIER, ASSOCIATE PLANNER

DEVIN MULLEN, CHAIRMAN



ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: March 20, 2024

CATEGORY: PUBLIC HEARING

CAPTION: Request #ZBA2024-04: By Kelly Jo Gonzalez, to Consider a Special Exception per Sec. 5.500 - Board of Adjustment Subsection 1A & 1B to allow for an STR-Unoccupied Permit for Property Located at 110 South Bowie Street.

- i Presentation by the applicant
 - ii Staff Report
 - iii Hold a Public Hearing
 - iv Take Action on the Special Exception
-

PRESENTATION:

SUMMARY:

The applicant is requesting a Special Exception for property located at 110 S Bowie to allow for an STR-Unoccupied permit. The property has historically been used as a second home and is located in an area that consists of a mix of Commercial, Residential and STR properties.

BACKGROUND:

Sec. 20-223 - Special Exception Available - To permit Short Term Rental unoccupied operations in the R1 and R2 zoning districts if the following conditions are satisfied:

The property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property lawfully operation as a short-term rental unoccupied use or zoned CBD, C2 or PF (excluding properties zoned PF with education facilities) AND

more than fifty (50) percent of the properties within 200 ft meet the same criteria listed above.

110 S Bowie is located in a neighborhood with a mix of commercial (1 block from Main Street), Short-Term Rental, and residential uses. Of the 18 properties within 200 ft, 7 are zoned CBD or C2 and 6 properties are operating as a STR-Unoccupied including the property immediately to the west.

Application Number: ZBA2024-04

Address: 110 S. Bowie

Size of Lot: 26,000 sq ft

Size of House: 4,481 sq ft

Bedrooms: 6 bedrooms

Occupancy: 2 per bedroom plus 2 guests would allow 14 however the STR ordinance provides a max occupancy of 12.

Parking Spaces: 4 spaces, 2-car garage and 2 in the driveway. To permit all 6 bedrooms, 6 parking spaces are required.

Zoning: [R1, Single Family Residential](#) - Historic District

Response to Public Hearing: 1 Protest was received.

Sec. 5.500 of the Zoning Ordinance: In hearing an application for a Special Exception for Short-Term Rental operations, the Board may consider factors such as the following:

Whether such an operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners); **The property is located on the corner of South Bowie and West San Antonio Street. It abuts C2, Commercial to the north and has an STR (zoned R1) to the west. Across South Bowie Street is zoned R2. The property does not share a property line with a primary residence.**

Whether operation as a Short-Term Rental in the property's zoning district is compatible with the quality of the surrounding area; **Of the 18 properties within 200 ft 7 are zoned C2, Commercial, 3 are zoned CBD, Central Business District, and 6 are STR's. All commercial zoned properties allow for STR uses, including STR-Facilities, by right.**

Whether such an operation will substantially impact nearby streets, including whether the property provides only limited off-street parking; **The property is able to park 4 cars with the ability to add additional parking on the vacant property to the north. The property should provide 6 parking spaces onsite to permit all bedrooms so the property currently has a deficit of 2 parking spaces. In addition, the layout and size of the home lend itself to large groups and gatherings.**

Whether operation with the terms of the Special Exception will adversely impact the residential quality of the surrounding neighborhood; **The surrounding uses to the north are commercial and include a restaurant and the uses to the east, west and south include Short-Term Rentals and residences.**

Whether any properties located within two hundred (200) foot radius of the property are operating with public or private primary or secondary educational facility uses and specific property characteristics of the Short-Term Rental like lot size or large square footage of the structure; **N/A**

Specific property characteristics of the short-term rental, like lot size or large square footage of the structure. **The lot is 26,000 sq ft and within walking distance to Main Street. The house is a 2-story, 4,481 sq ft home that is located on the corner of South Bowie and West San Antonio Street.**

STAFF RECOMMENDATION:

ATTACHMENTS:

1. ZBA2024-04 Special Exception Application
2. 110 S Bowie Photos
3. ZBA2024-04 Public Hearing Map
4. ZBA2024-04 Mailing Labels
5. Kaderli Protest

APPROVAL/REVIEW:

_____	Date:
Shelby Collier, Associate Planner	
_____	Date:
Rachel Raggio, TOASE Attorney	
_____	Date:
Anna Hudson, Director of Development Services	



SPECIAL EXCEPTION APPLICATION TO BOARD OF ADJUSTMENT

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

1. Applicant: Kelly Jo Gonzalez
2. Property Owner (if different from Applicant): Robert E. LEE (Jr)
3. Applicant Phone: 28210.860.2668 Applicant Email: Kelly.johillcountry@kw.com
4. Description of Subject Property:
Address: 110 S. Bowie
Legal Description: FBG ADD BLK 9 LOT 287-PT & 288
Zoning Classification: R1

5. Application is made to the Board of Adjustment that a special exception be granted pursuant to the following section of the Zoning Ordinance:

Section: 5.500 – Board of Adjustment Subsection (circle one): (a)(1) (a)(2) (a)(3)

Details of Requested Special Exception: Current owners are wanting to ensure that the home meets all geography and all requirement by the city for new owners to apply for permit once ownership transfers and they meet city requirements.

6. INFORMATION TO BE SUBMITTED BY THE APPLICANT:

A. Complete short-term rental application as required by Section 20-221 of the Fredericksburg Municipal Code (excluding application fee; if a special exception is granted, the short-term rental owner and/or operator must promptly pay the short-term rental application fee required by the City Fee Schedule). Applications are available at the City's website: <https://www.fbgtx.org/845/Short-Term-Rentals>.

B. Fee(s) required by the City Fee Schedule.

C. In accordance with the Fredericksburg Zoning Ordinance, the Board of Adjustment may consider the following factors in hearing an application for a

short-term rental special exception. The applicant may, but is not required to, address any of these factors, or provide any additional information in support of the request, by attaching a written response and/or exhibits to this form.

- i. Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
- ii. Whether operation as a short-term rental in the property's zoning district is compatible with the quality of the surrounding area;
- iii. Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
- iv. Which type of short-term rental, as defined in section 20-220, the applicant seeks to operate;
- v. For a short-term rental existing prior to the effective date of chapter 20, article VII of the code, the duration of that short-term rental's operations and the number and type of complaints and/or citations related to that short-term rental;
- vi. Whether operation with the terms of the special exception will adversely impact the residential quality of the surrounding neighborhood;
- vii. Whether any properties located within a two hundred (200) foot radius of the property are operating with public or private primary or secondary educational facility uses; and
- viii. Specific property characteristics of the short-term rental like lot size or large square footage of the structure.

7. ACKNOWLEDGEMENT: I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Zoning Board of Adjustment. I further understand that a concurring vote of 75 percent of the members of the board is necessary in order to obtain a special exception.

Thuy Do Henguey
Applicant
2-26-24
Date

Robert E Lee Jr
Property Owner (if different from Applicant)
2-26-24
Date

STAFF USE ONLY

Application No: ZBA7024-04 Date: 02/26/24 Payment Type: CIN# 1035
\$650.00

Sq. ft 4,481

110 S. BOWIE

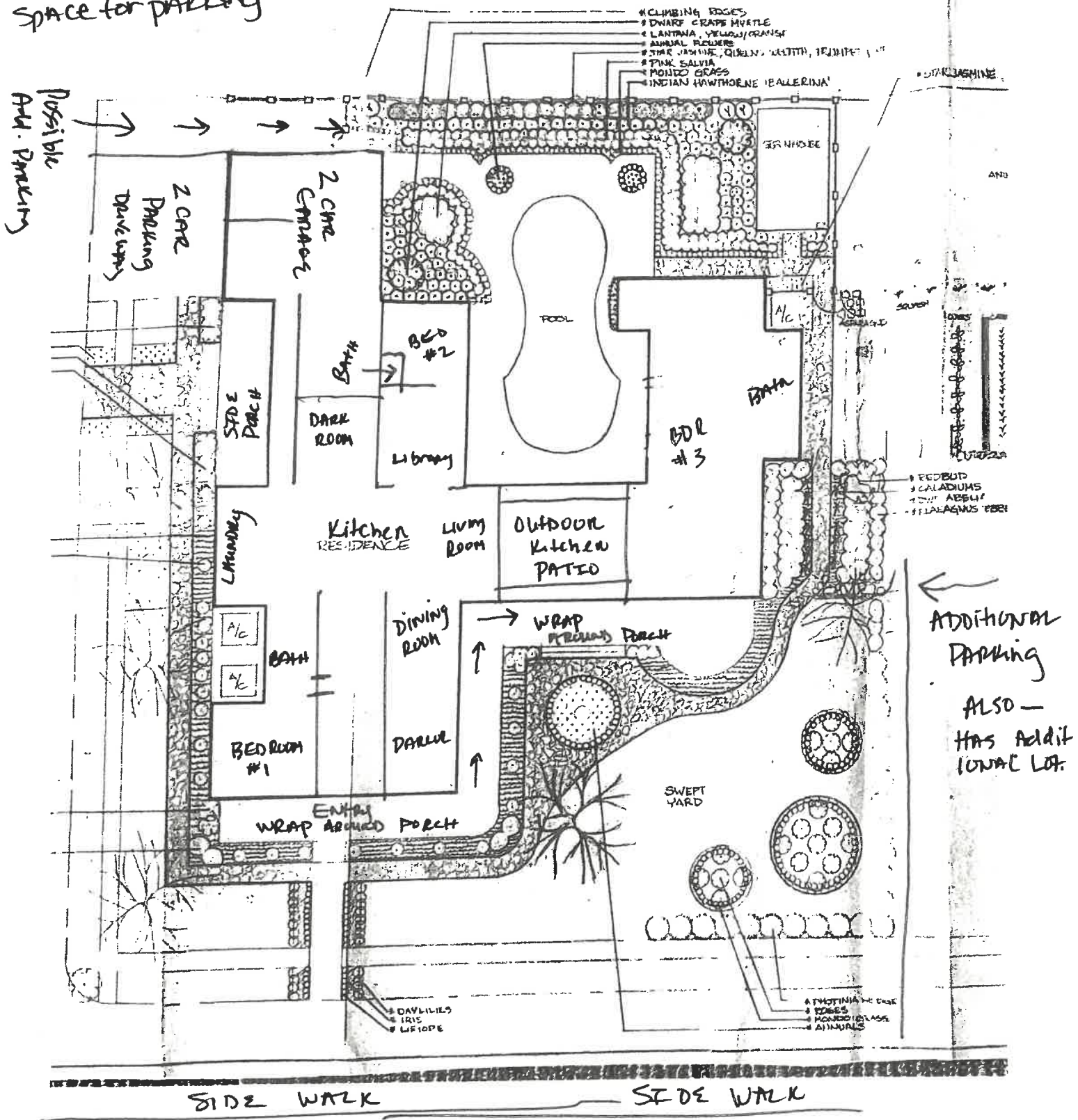
First Floor

3 BEDROOMS

3 Full BATHS

First Floor Layout

2 CAR GARAGE
2 SPOTS in DRIVEWAY
SIDE HOUSE PARKING
* or Right Side of
HOME has additional
SPACE for PARKING

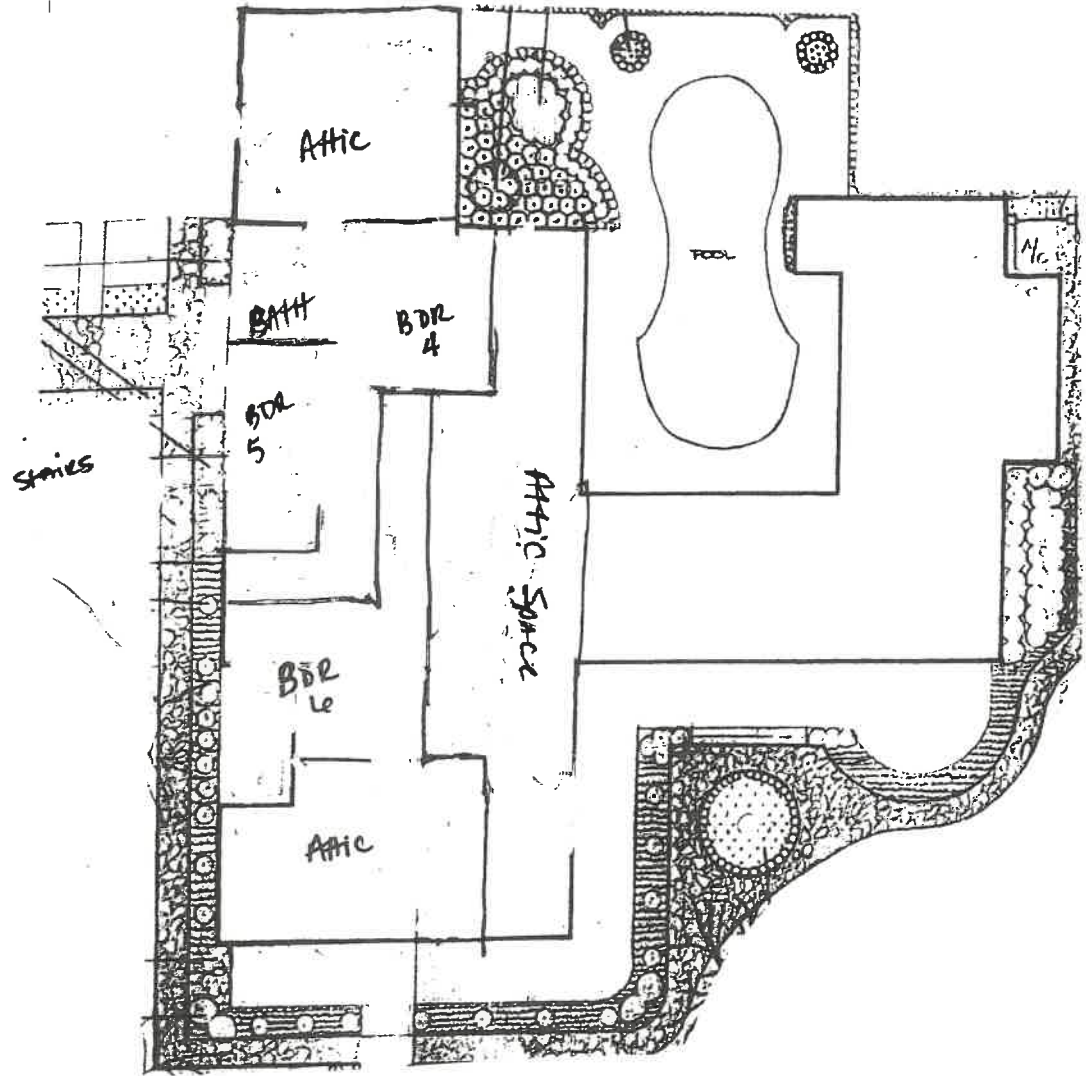


110 S. BOWIE

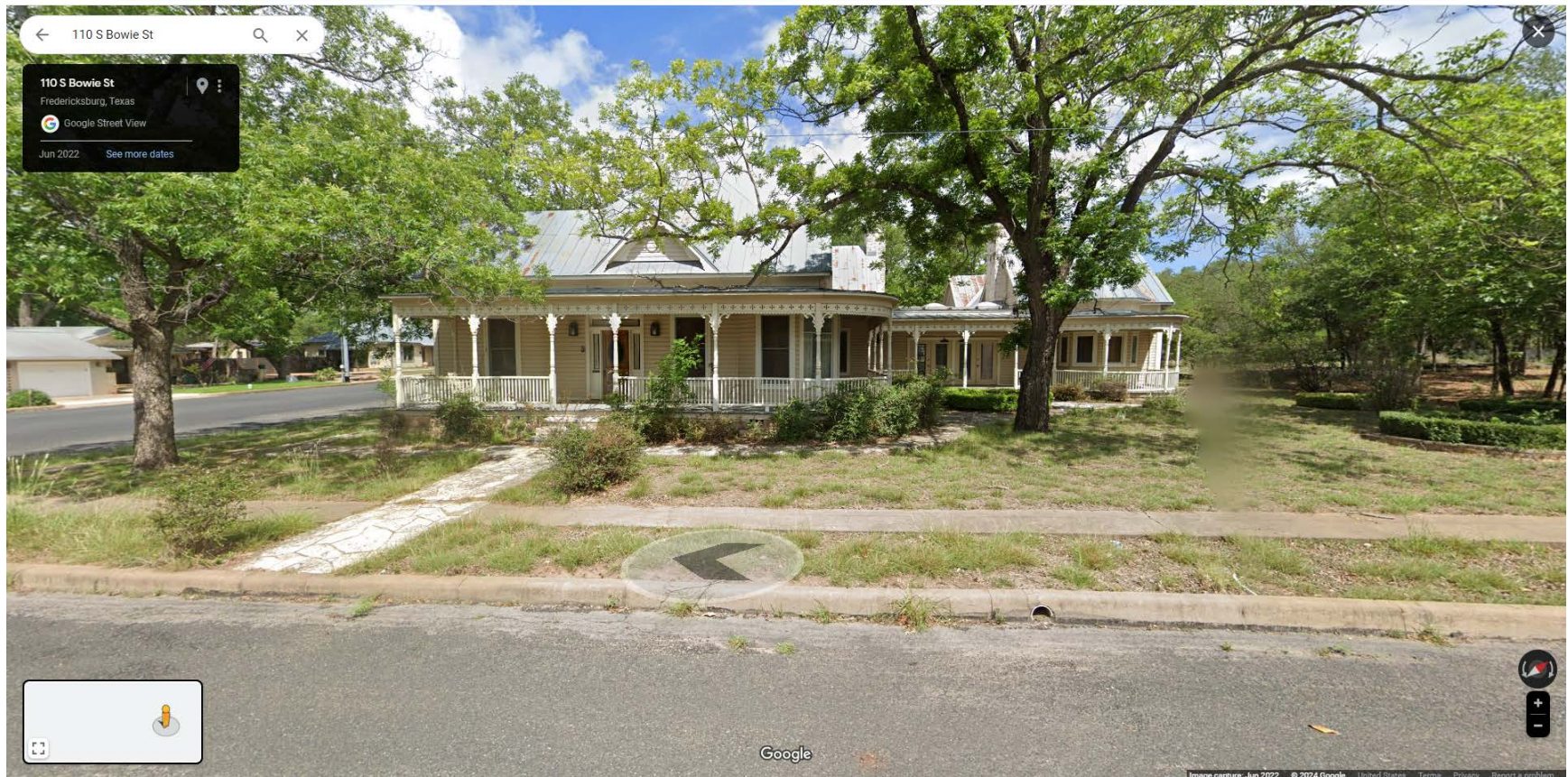
UPSTAIRS

3 BEDROOMS

1 BATH



BDR
#6
* Would need
a window
HAS CLOSETS



Front of 110 S. Bowie



110 S. Bowie from West San Antonio Street



110 S. Bowie from intersection of South Bowie and West San Antonio

110 S Bowie

18 Properties within 200 ft.
7 Properties C2 & CBD Zoned
6 Properties are STR's
Property qualifies for a Special Exception

Legend

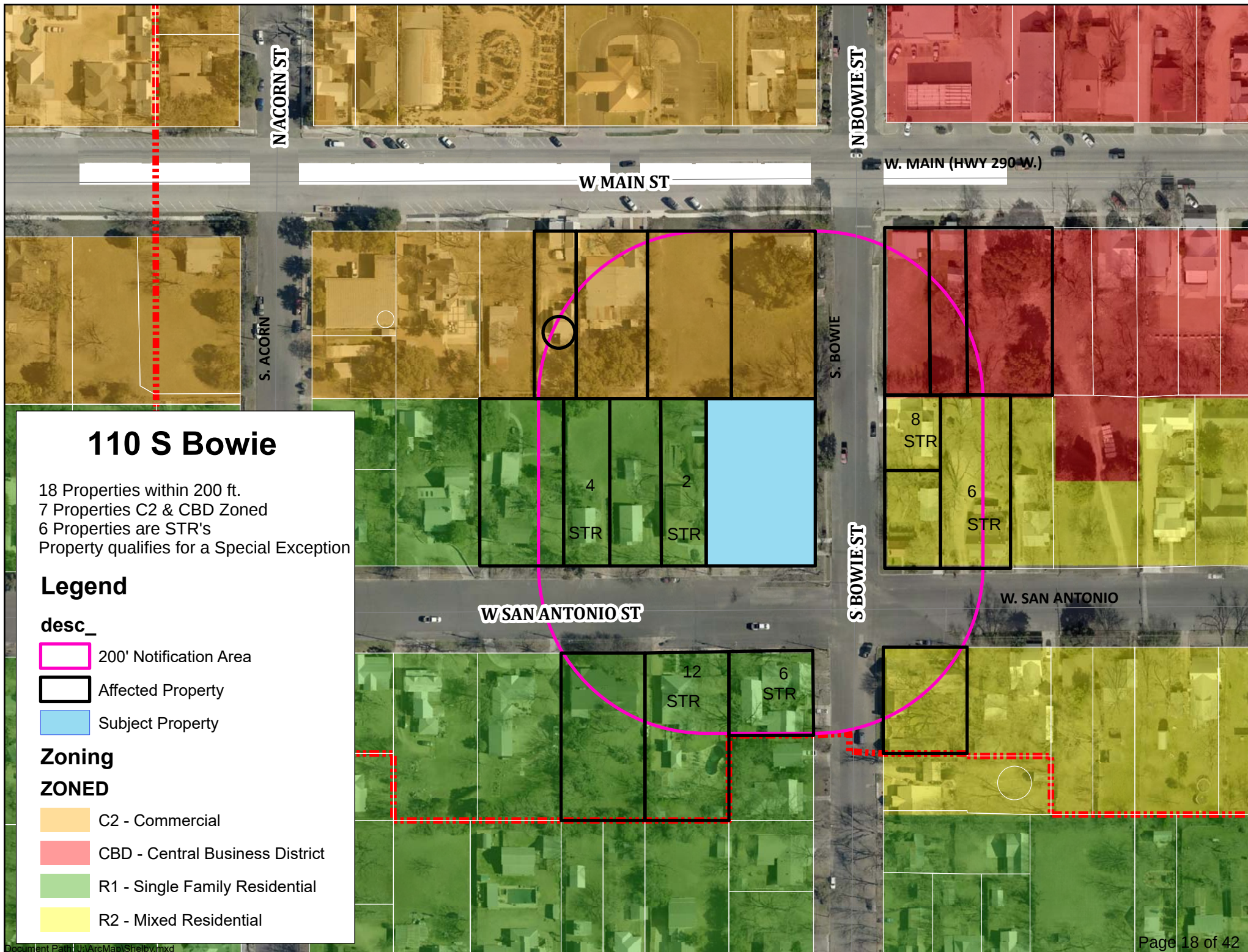
desc_

-  200' Notification Area
-  Affected Property
-  Subject Property

Zoning

ZONED

-  C2 - Commercial
-  CBD - Central Business District
-  R1 - Single Family Residential
-  R2 - Mixed Residential



JACK & ELAINE ISAMINGER
609 W. SAN ANTONIO
FREDERICKSBURG, TX 78624

ANN MCGEE REVOCABLE LIVING TRUST
412 S ADAMS #1187
FREDERICKSBURG, TX 78624

LFP RENTAL INVESTMENTS LTD
420 E COTTER AVE
PORT ARANSAS, TX 78373

MARY MONTGOMERY
4617 S VERSAILLES AVE
DALLAS, TX 75209

ABSOLUTE CHARM HOLDINGS LLC
709 W MAIN
FREDERICKSBURG, TX 78624

JAMES & PATRICIA RICHMOND
516 W SAN ANTONIO
FREDERICKSBURG, TX 78624

SCHIELACK FAMILY REVOCABLE TRUST
459 SAPLING DR
DRIFTWOOD, TX 78619

REBECCAS RENTAL LLC
243 EMU LN
FREDERICKSBURG, TX 78624

CARMIN MCLAUGHLIN
519 W MAIN
FREDERICKSBURG, TX 78624

JOHNNIE & ELAINE WARD
510 JUDY DR
DRIPPING SPRINGS, TX 78620

FRIEDHELM BOPP
905 W MAIN
FREDERICKSBURG, TX 78624

PECAN BROS LLC
607 W MAIN
FREDERICKSBURG, TX 78624

COSME & DORIS AGUILAR
909 E HIGHWAY ST
FREDERICKSBURG, TX 78624

THOMAS & ANNABELLE AUSTIN
610 W SAN ANTONIO
FREDERICKSBURG, TX 78624

ABIGAILS COTTAGE LLC
208 S LLANO
FREDERICKSBURG, TX 78624

RDM PROPERTIES LLC
116 RIDGEWOOD DR
FREDERICKSBURG, TX 78624

JODI BATTEN
510 LUNA VISTA DR
AUSTIN, TX 78738

ZBA2024-04 – 110 S. Bowie

Gregory Kaderli
611 W San Antonio St.
Fredericksburg, TX 78624

March 8, 2024

Zoning Board of Adjustment
City of Fredericksburg
Fredericksburg, TX

Re: Request #ZBA2024-04
Reference property 110 S. Bowie St.

This is to present in writing opposition to granting a variance for an STR for the property located at 110 S. Bowie St., Fredericksburg, TX. I, Gregory Kaderli, am a 39 year resident of W San Antonio, residing at 611 W. San Antonio.

The reasons for opposition are listed as follows:

(The reader should keep in mind that while the residence address and the front of the structure face Bowie and is assigned the Bowie street address, the entire south side of the structure encompasses almost the entire property line on the corner of the 600 Block of W San Antonio St.)

1. The 600 block of W. San Antonio may be the last block of San Antonio street that once was designed for residences to still be occupied in the majority by residences. There are 13 houses on the 600 block and 10 of those houses are occupied as residences. (This is including 110 S. Bowie which fronts on San Antonio and 202 S. Bowie on the next corner also.)

(I do note that two of the residences, while legally designated as STR's are occupied in the main structure by the owner or a resident tenant of the owner)

2. The most important reason to deny the variance is that there is no apparent loss of value to the owner of Bowie due to being bordered by an STR. This statement is predicated on the following and I personally have viewed this property for the last 39 years.

I do state that the owners are free to maintain their property as they please. I grant that. While there is not ill will or a mean spirited attempt here to insult or degrade anyone, I am presenting the facts to make a point.

A. There appears to never have been a concern over the property value. The structure has been unkempt, unoccupied, unvisited and deteriorating for the past 39 years.

B. I had become so accustomed to broken glass at the property and was not phased when in 2014 Constable Warren Ottmers stopped to ask me about the broken window in the garage. He thought it was a recent vandalism at the time. I explained it had been that way for years.

C. The metal roof is currently and has been for years, covered with rust and corrosion.

D. A view of the swimming pool as viewed on the real estate agent listing on their website indicates the pool is very unkempt and unsightly. A previous neighbor, on the west side of the property at 604 W. San Antonio, requested the assistance of code enforcement through the years to require cleaning of stagnant water in the pool.

E. The property has been the subject of citation numerous times by code enforcement for vegetation growth and brush and weed growth. I am aware of this as I have observed the Red Tag Notice placed by code enforcement officers. I am at the time of this writing attempting to verify with code enforcement the number of warnings through the last 39 years on the property.

F. The electricity and water utilities have NOT been connected at this property for many years. This has been suspected by me and now confirmed based on the real estate agent listing. Lack of utilities, indicate there has been no concern for use of the property.

The point is that, if the need for a variance is requested to avoid losing property value -due to adjoining STR or commercial property- that would be a mute point.

It appears there never has been a concern about property value. There never has been a concern about community. There never has been a pride of ownership. Asking for a variance because the value of the property has been negatively affected - by no longer allowing STR's in R-1 - is a paradox - even though the property adjoins another STR. Where was the concern about the value of the property and the ability to utilize it as an STR over the last 39 years?

3. The 600 block's mature family population is now being replaced by families with children under the age of 18. Currently we have one family residing on the block with two more families with children moving in. Recently 615 W San Antonio was sold and being restored for use as a single family resident to be occupied by one the above mentioned families. Keeping the block as a residential area is keeping in the plans to provide housing for families.

4. The 700 block of W San Antonio has 6 full time residences with the possibility of adding 2 more because current STR owners have indicated they wish to move in to their currently operated STR. Leaving the 600 block as residential gives hope to the 700 block.

5. The property designated for which a variance is being sought is subject to being a party house given that it has 5 bedrooms and 4 bathrooms with space on premise for parking. There is also a swimming pool. (Source of information is real estate agent listing.) While city ordinances are intended to regulate disruption by STR's and parties, the city ordinance does not and cannot work as hoped. Gatherings of 10 or 12 people who are in the festive mood and possibly (likely) consuming inebriating (alcoholic) beverages will create roar, laughter and loudness at random times, thereby being unable to police or restrict. This writer has experienced this since 2016 with a nearby STR that is currently in existence.

Please do not allow the variance.

I beg of you to let us keep the last two blocks of W San Antonio St., as a neighborhood.

Respectfully,

Gregory Kaderli



ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: March 20, 2024

CATEGORY: PUBLIC HEARING

CAPTION: Request #ZBA2024-05: By Gerald Schoppe, to Consider a Special Exception per Sec. 5.500- Board of Adjustment Subsection 1A & 1B to All for an STR-Unoccupied Permit for Property Located at 402 West San Antonio.

- i Presentation by the Applicant
 - ii Staff Report
 - iii Hold a Public Hearing
 - iv Take Action on the Special Exception
-

PRESENTATION:

SUMMARY:

The applicant is requesting a Special Exception for property located at 402 W San Antonio to allow for an STR-Unoccupied permit. The property has never operated as a STR.

BACKGROUND:

Sec. 20-223 - Special Exception Available - To permit Short Term Rental unoccupied operations in the R1 and R2 zoning districts if the following conditions are satisfied:

1. The property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property lawfully operation as a short-term rental unoccupied use or zoned CBD, C2 or PF (excluding properties zoned PF with education facilities) AND
2. more than fifty (50) percent of the properties within 200 ft meet the same criteria listed above.

402 W. San Antonio is located in a neighborhood with a mix of commercial, Short-Term Rental, and residential uses. The subject property has 19 properties within 200 ft. 5 of the 19 properties are zoned CBD, Central Business District, 2 are zoned Public Facilities and are not education facilities, and 7 are permitted Short-Term Rentals. 4 of the 19 properties are full time residence or second home.

Application Number: ZBA2024-05

Address: 402 W San Antonio

Size of Lot: 13,024 sq ft

Size of House: 3,030 sq ft

Bedrooms: 4 bedrooms with 2-stories

Parking Spaces: 3 parking spaces

Zoning: [R2, Mixed Residential](#)

Response to Public Hearings:

Sec 5.500 of the Zoning Ordinance: In hearing an application for a Special Exception for Short-Term Rental operations, the board may consider factors such as the following:

i. Whether such an operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners); **The subject property is located on the corner of South Milam and West San Antonio Street and shares a property line with a CBD zoned property to the north and 2 STR's to the immediate west. Across South Milam is the Historic Society property, including the pioneer museum, and of the 6, R2 zoned properties across West San Antonio, 5 are STR's. Staff does not believe the operation of a STR at the subject property would disrupt adjacent owners.**

ii. Whether operation as a short-term rental in the property's zoning district is compatible with the quality of the surrounding area; **The CBD zoned properties to the north, permit STR-Facilities by right and as the surrounding uses are PF and STR's Staff finds that the requested use is compatible with the neighborhood.**

iii. Whether such an operation will substantially impact nearby streets, including whether the property provides only limited off-street parking; **The property provides 2 parking spaces but requires 4, for the 4-bedroom home. The property is located on the northwest corner of a busy intersection and if cars were to park in the street, it would cause serious traffic issues at this 4-way stop.**

iv. Which type of short-term rental, as defined in Sec. 20-220, the applicant seeks to operate; **STR-Unoccupied**

v. for a short-term rental existing prior to the effective date of chapter 20, article VII of the code, the duration of that short-term rental's operations and the number and type of complaints and/or citations related to that short-term rental; **N/A**

vi. Whether operation with the terms of the special exception will adversely impact the residential quality of the surrounding neighborhood; **the site is a busy intersection within walking distance to a major attraction (Pioneer Museum). Given the number of nearby STRs it should not impact the residential quality of the neighborhood.**

vii. Whether any properties located within a two hundred (200) foot radius of the property are operating with public or private primary or secondary educational facility uses; **the property is located near a popular museum with PF zoning, but not near a school.**

vii. Specific property characteristics of the short-term rental like lot size or large square footage of the structure.

The structure is large in comparison to other nearby STRs and the occupancy would be

greater than some of the nearby STRs. The available on-site parking is not sufficient to park per allowed occupancy by bedroom count. The lot is not large and cannot readily provide additional on-site parking.

STAFF RECOMMENDATION:

ATTACHMENTS:

1. ZBA2024-05 Special Exception Application
2. Photos of 402 W. San Antonio
3. ZBA2024-05 Public Hearing Map
4. ZBA2024-05 Mailing Labels

APPROVAL/REVIEW:

_____	Date:
Shelby Collier, Associate Planner	
_____	Date:
Rachel Raggio, TOASE Attorney	
_____	Date:
Anna Hudson, Director of Development Services	



SPECIAL EXCEPTION APPLICATION TO BOARD OF ADJUSTMENT

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

1. Applicant: Gerald Schappe

2. Property Owner (if different from Applicant): _____

3. Applicant Phone: 830-992-9108 Applicant Email: Jerry.Schappe@yahoo.com

4. Description of Subject Property:

Address: 402 W San Antonio, FB

Legal Description: FBG ADDN BIK 21 LOT 300-PT

Zoning Classification: R2

5. Application is made to the Board of Adjustment that a special exception be granted pursuant to the following section of the Zoning Ordinance:

Section: 5.500 – Board of Adjustment Subsection (circle one): (a)(1) (a)(2) (a)(3)

Details of Requested Special Exception: STR Permit

6. INFORMATION TO BE SUBMITTED BY THE APPLICANT:

A. Complete short-term rental application as required by Section 20-221 of the Fredericksburg Municipal Code (excluding application fee; if a special exception is granted, the short-term rental owner and/or operator must promptly pay the short-term rental application fee required by the City Fee Schedule). Applications are available at the City's website: <https://www.fbgtx.org/845/Short-Term-Rentals>.

B. Fee(s) required by the City Fee Schedule.

C. In accordance with the Fredericksburg Zoning Ordinance, the Board of Adjustment may consider the following factors in hearing an application for a

short-term rental special exception. The applicant may, but is not required to, address any of these factors, or provide any additional information in support of the request, by attaching a written response and/or exhibits to this form.

- i. Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
- ii. Whether operation as a short-term rental in the property's zoning district is compatible with the quality of the surrounding area;
- iii. Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
- iv. Which type of short-term rental, as defined in section 20-220, the applicant seeks to operate;
- v. For a short-term rental existing prior to the effective date of chapter 20, article VII of the code, the duration of that short-term rental's operations and the number and type of complaints and/or citations related to that short-term rental;
- vi. Whether operation with the terms of the special exception will adversely impact the residential quality of the surrounding neighborhood;
- vii. Whether any properties located within a two hundred (200) foot radius of the property are operating with public or private primary or secondary educational facility uses; and
- viii. Specific property characteristics of the short-term rental like lot size or large square footage of the structure.

7. ACKNOWLEDGEMENT: I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Zoning Board of Adjustment. I further understand that a concurring vote of 75 percent of the members of the board is necessary in order to obtain a special exception.

MCA Thompson
Applicant
2-26-24
Date

Property Owner (if different from Applicant)

Date

STAFF USE ONLY

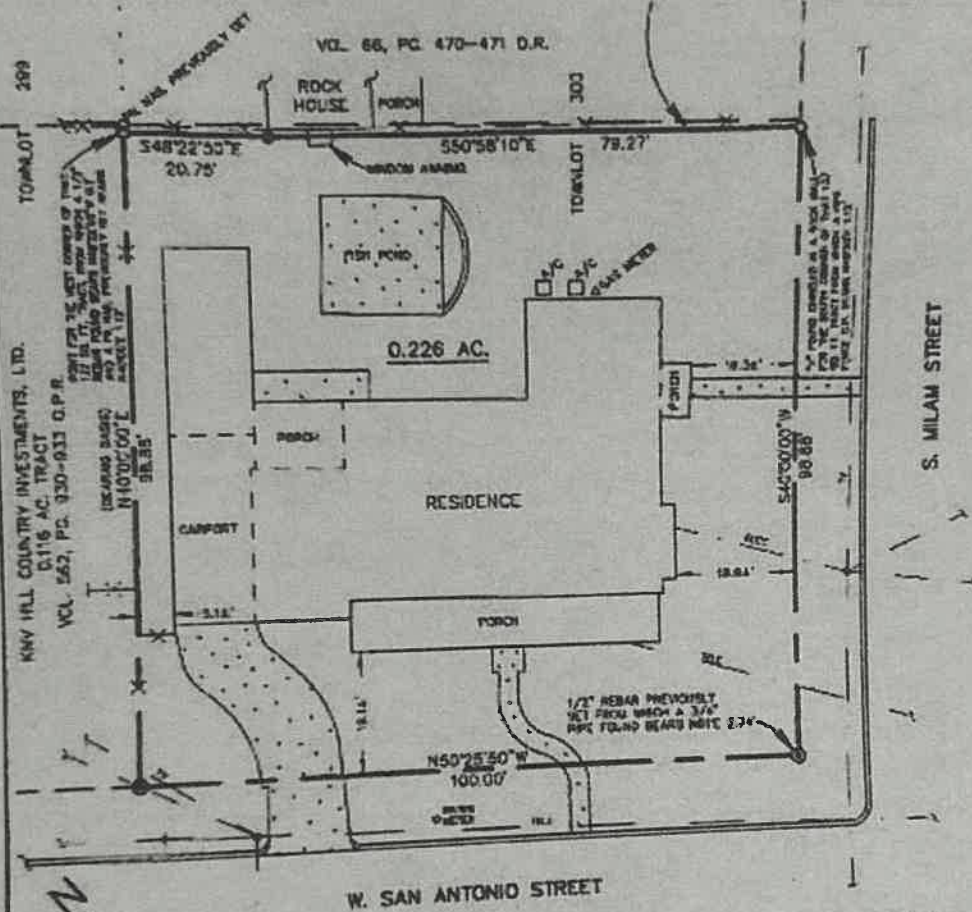
Application No: EB2024-05 Date: 02/26/24 Payment Type: CN# 7276
\$650.00

AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY.
SURVEY MADE AT THE REQUEST OF
GERALD C. SCHOPPE.

BEING PART OF THAT 0.229 ACRE TRACT OF LAND (INCORRECTLY
CALLED 0.299 AC.) DESCRIBED IN A CONVEYANCE TO GERALD C. SCHOPPE, ET UX,
BY RUBY LEE CLARK, ET AL. DATED MARCH 29, 2001, FOUND OF RECORD IN VOLUME 417,
PAGES 344-347 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS.

BORROWER/ PROPERTY ADDRESS:
GERALD SCHOPPE AND
MELINDA SCHOPPE
402 W. SAN ANTONIO STREET
FREDERICKSBURG, TEXAS 78624

137.0 SQUARE FOOT TRACT TO M.T.J.
INVESTMENTS, L.P. BY GERALD C. SCHOPPE, ET UX,
VOL. 583, PG. 635-636 O.P.M.



EASEMENTS, RESTRICTIONS, AND OTHER MATTERS AFFECTING THIS
TRACT OF LAND ARE LISTED IN THE SCHEDULE A PROVIDED. TITLED
OF NO. 57205633, ISSUED NOVEMBER 28, 2012.

I HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING FIELD NOTES
REPRESENT A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION
AND THAT THERE ARE NO INTRUSIONS OR PROTRUSIONS OF
IMPROVEMENTS ACROSS THE BOUNDARY LINES OF THIS TRACT OF LAND
VISIBLE OR APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON.

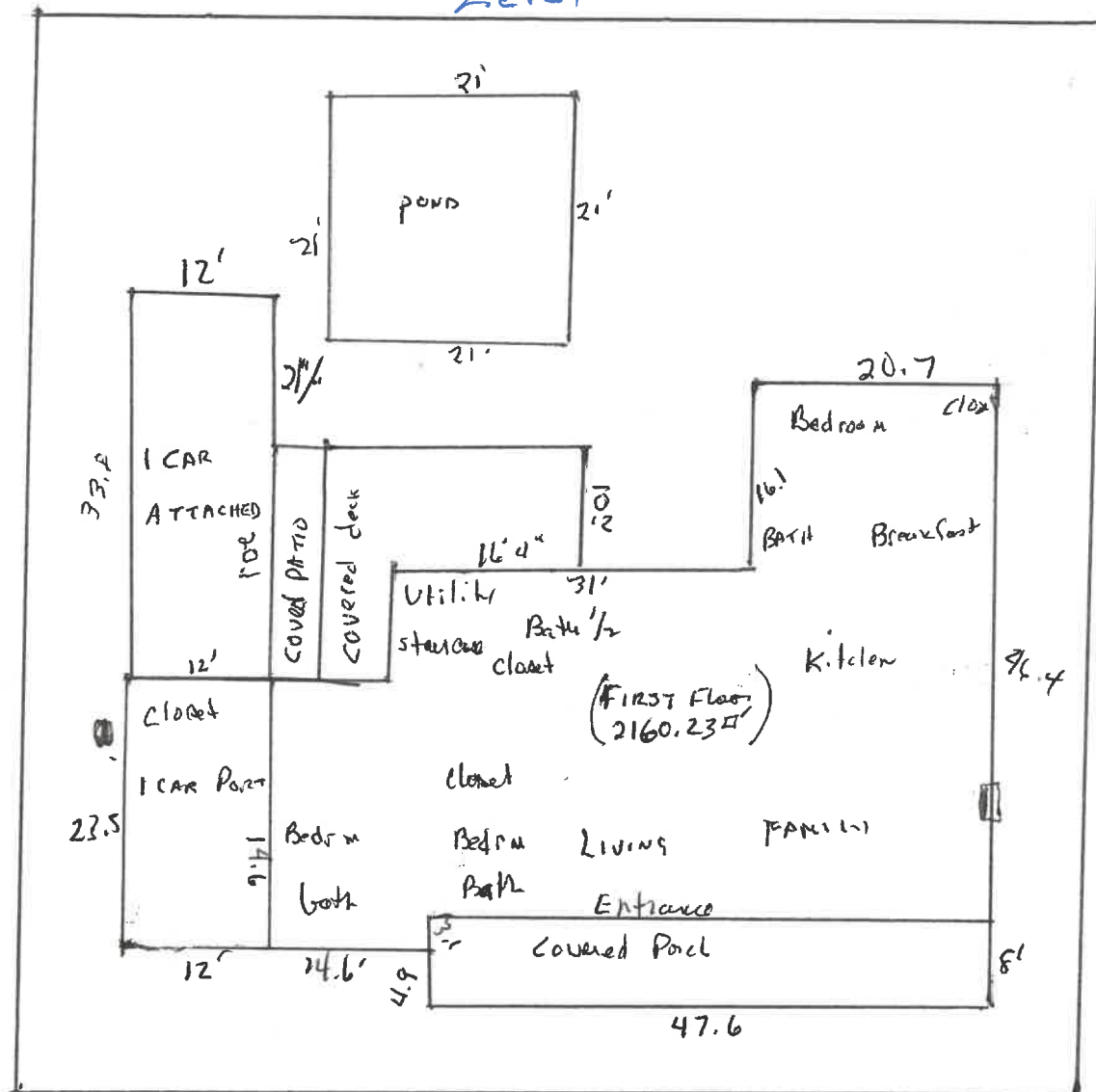
Surveyed March 22, 2001
Reviewed & updated February 23, 2011
Updated January 10, 2013

- LEGEND:
● 1/2" DIA. REBAR PREVIOUSLY SET
● 1/2" DIA. REBAR FOUND
(CAPPED HCLSC 5357)
X AS NOTED
FENCE LINE
--- TOWNLOT LINE

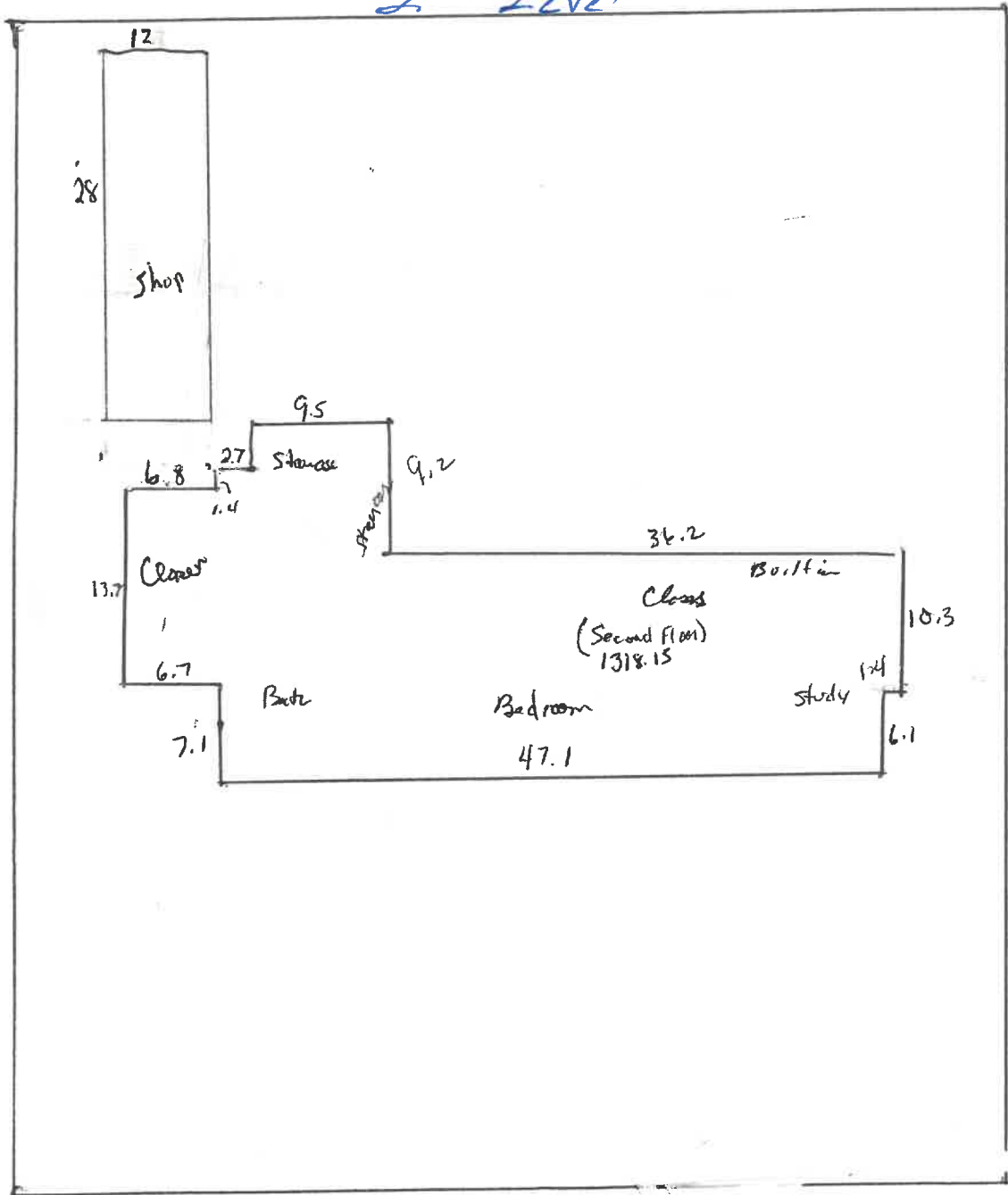


Gerald & Melinda Schopp
402 w San Antonio

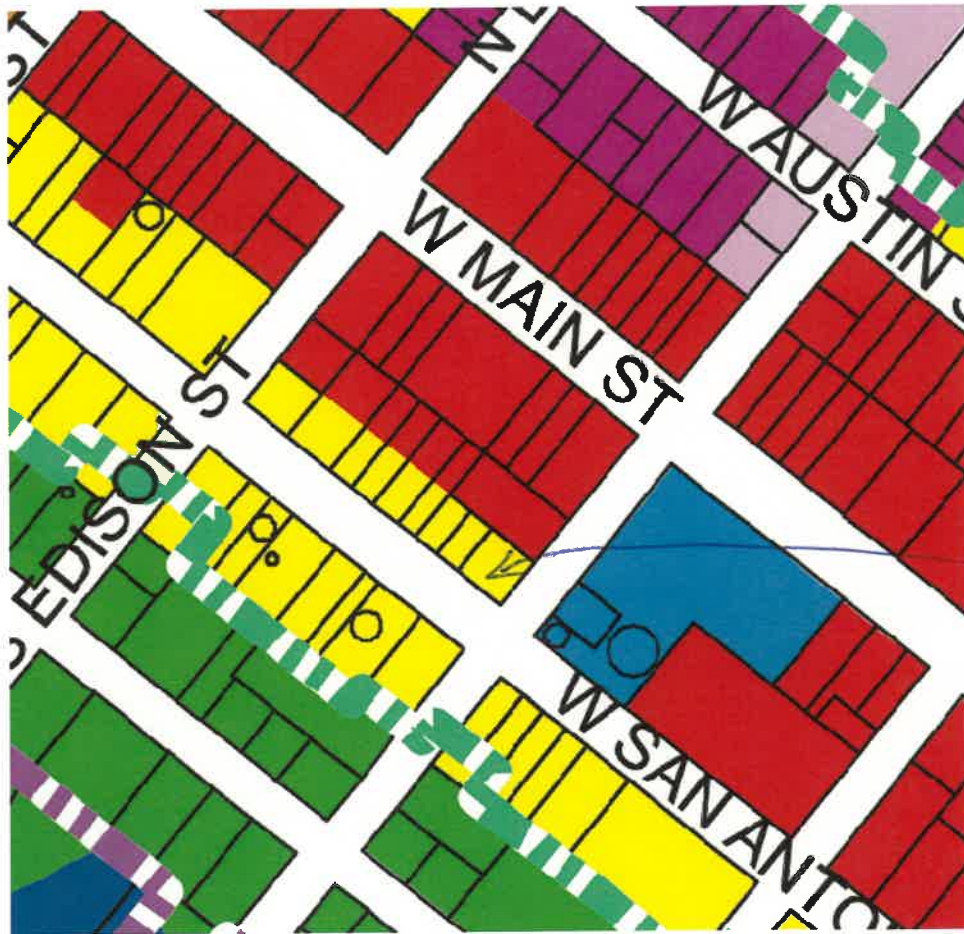
1ST Level



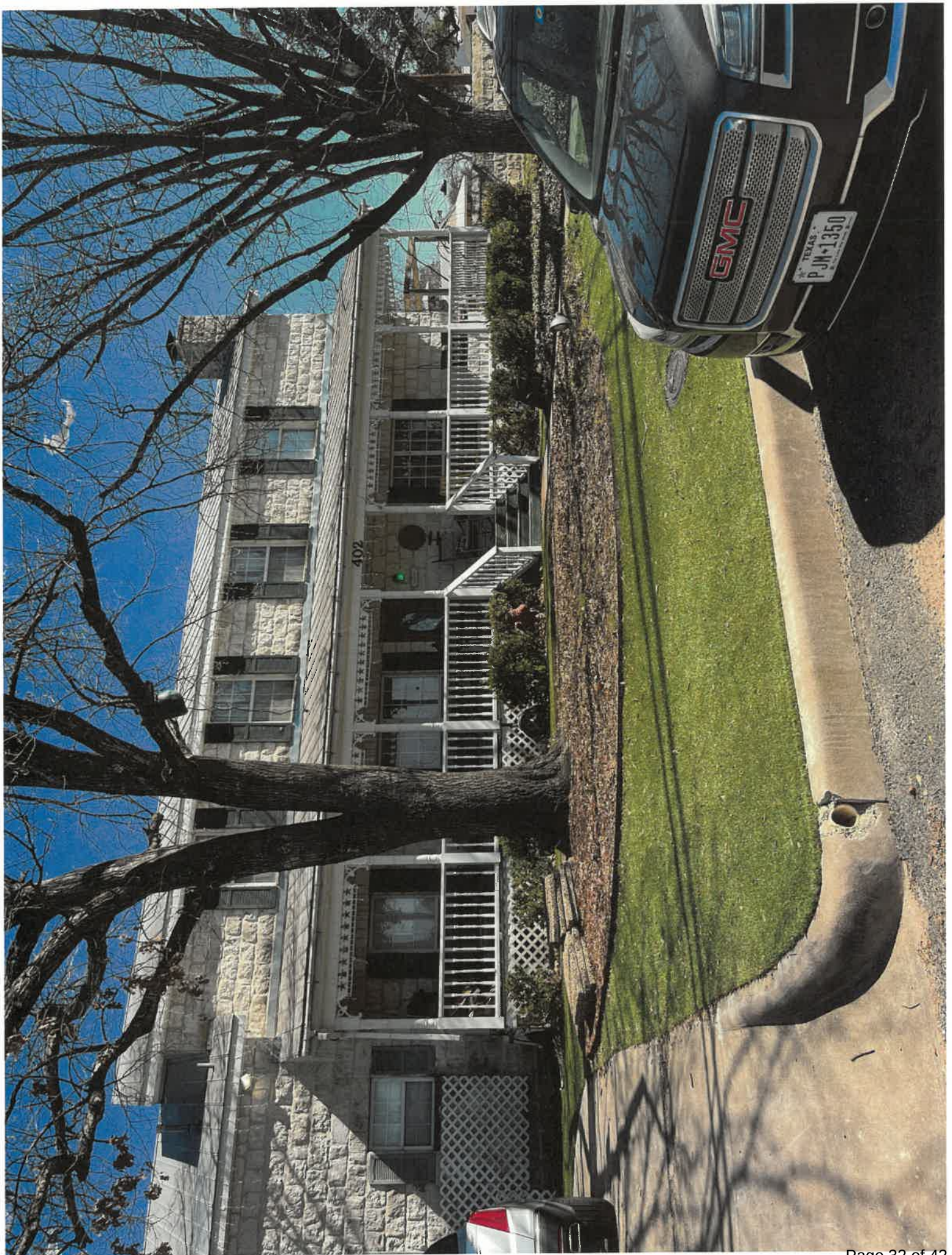
2ND LEVEL



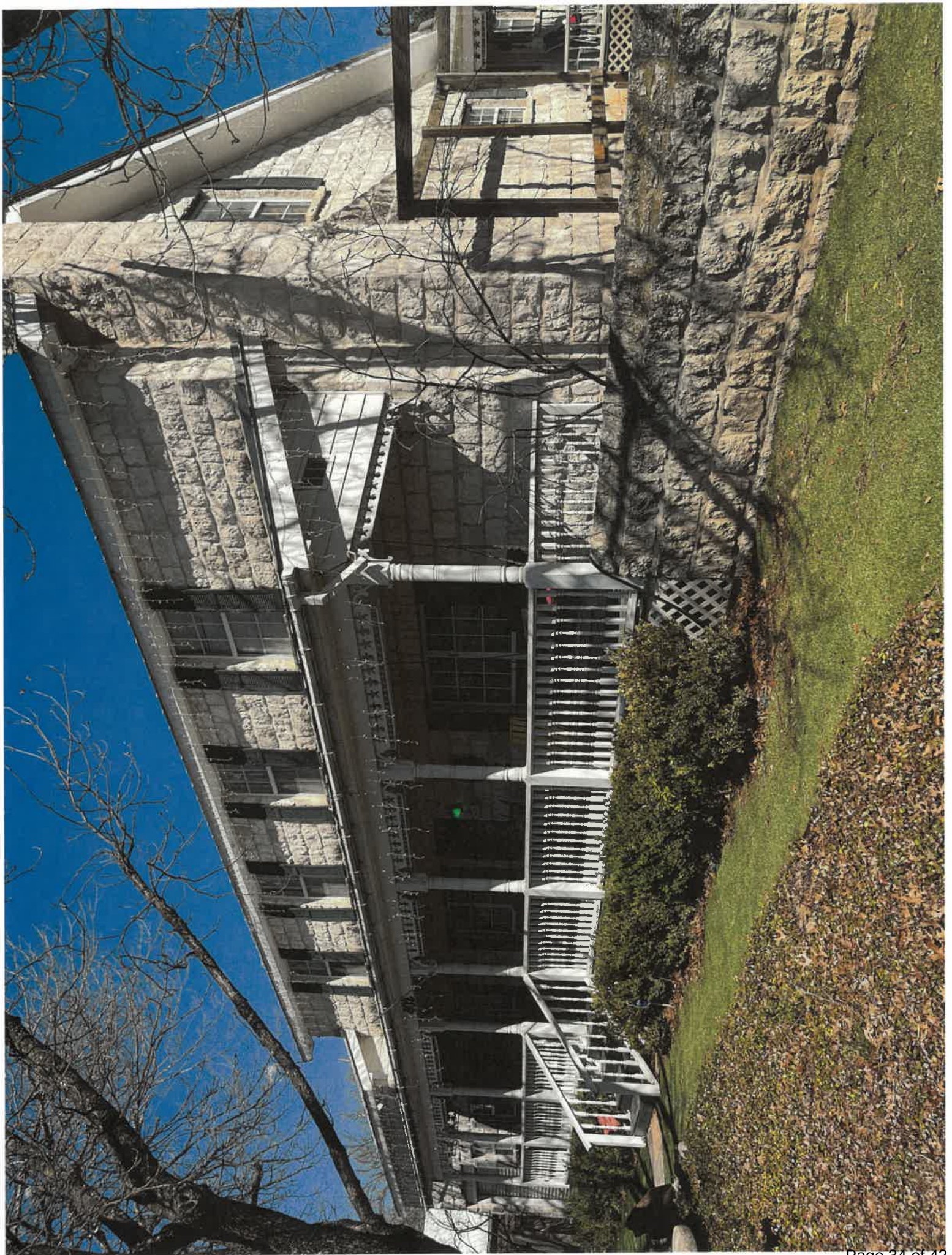
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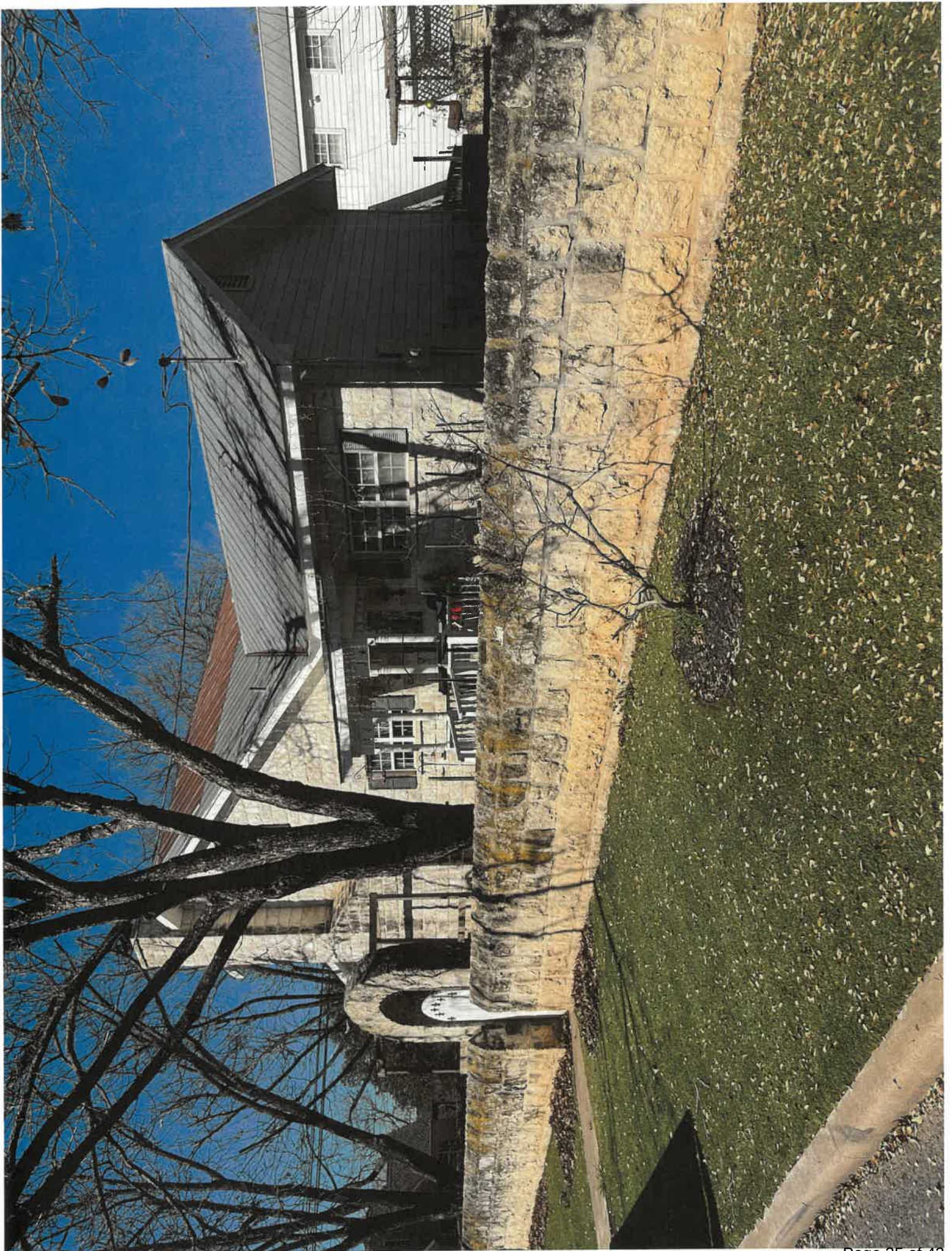






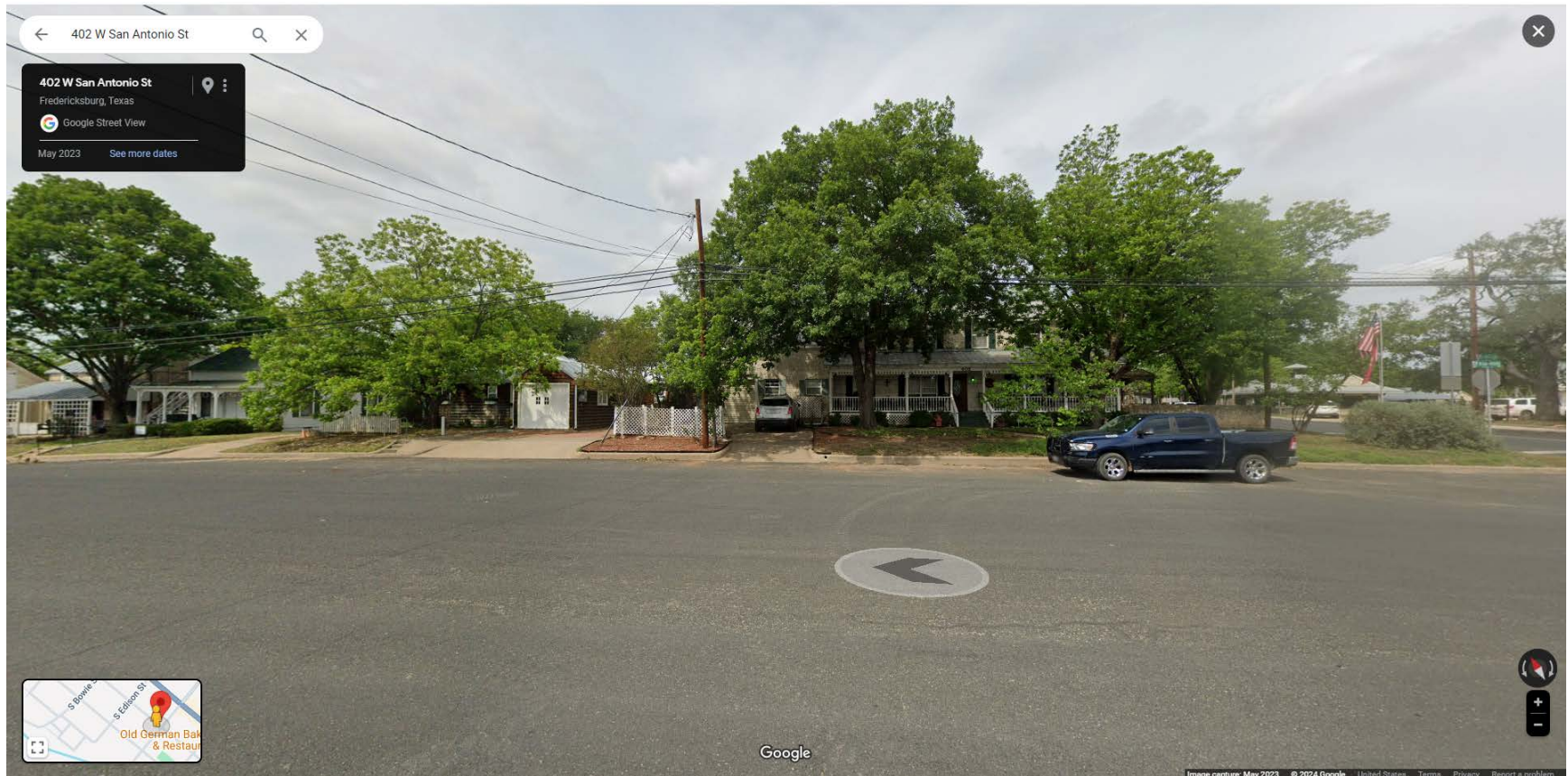












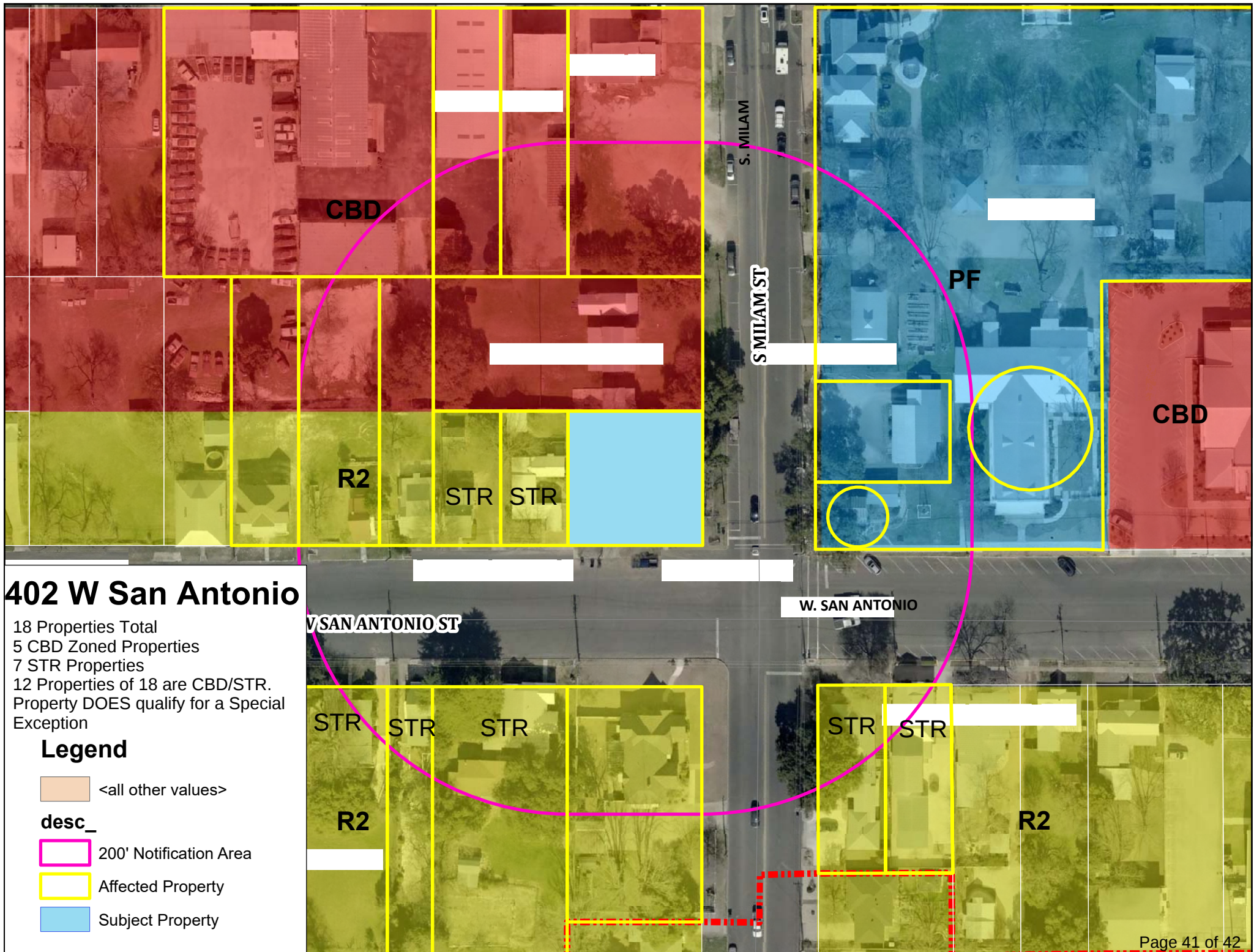
Front of 402 W. San Antonio



402 W. San Antonio from South Milam



View from intersection of West San Antonio and South Milam



402 W San Antonio

18 Properties Total
5 CBD Zoned Properties
7 STR Properties
12 Properties of 18 are CBD/STR.
Property DOES qualify for a Special
Exception

Legend

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

HAUS TOGETHER LLC
1108 N LLANO
FREDERICKSBURG, TX 78624

LITTLESTAR HOLDINGS LLC
2001 HIGH LONESOME
LEANDER, TX 78641

PEGGY METZGER
401 W SAN ANTONIO
FREDERICKSBURG, TX 78624

JJ BRAZONS INC
108 E BAGDAD AVE STE 100
ROUND ROCK, TX 78664

AMELIZ & SCOTT ZESCH
886 KORN PASTURE RD
MASON, TX 76856

DAMON & KAREN BORICH
1810 KENWOOD AVE
AUSTIN, TX 78704

MJTJ INVESTMENTS LP
815 W MAIN ST
FREDERICKSBURG, TX 78624

KNOPP & METZGER INC
P.O. BOX 426
FREDERICKSBURG, TX 78624

CUTTER & JUDITH WAGLEY
317 SIDNEY BAKE STE 400-321
KERRVILLE, TX 78028

GILLESPIE COUNTY HISTORICAL
SOCIETY
312 W SAN ANTONIO ST STE 100
FREDERICKSBURG, TX 78624

ZBA2024-05 – 402 W SAN ANTONIO