



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Wednesday, May 15, 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, 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 May 15, 2024, at 5:30 P.M. 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 May 15, 2024.
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. March 2024, Regular Meeting Minutes

4. PUBLIC HEARING

- A. Request #ZBA2024-06: By Kory Keller, To Consider a Variance to Sec. 3.200 - Height - To Allow for a Radio Tower With a Height Greater than 38 Feet for Property Located at 1122 South State Highway 16. The Requested Tower Height is 240 Feet.

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

5. DISCUSSION ITEMS

- A. Director's Report

6. ADJOURN

CERTIFICATION

This is to certify that I, Shelby Collier, posted this Agenda before 5:00 P.M. on May 9, 2024, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

A handwritten signature in black ink, appearing to read "Shelby", written in a cursive style.

Shelby Collier
Senior Planner

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
MARCH 20, 2024
5:30 P.M.

On this the 20th day of March 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 TAYLOR WILLIAMS
 MARCUS VIDRINE
 ERIC HAMMERSEN
 JENNIFER EGGLESTON

ABSENT: DEVIN MULLEN
 CLAY SEARS
 JIM MCAFEE

ALSO PRESENT: ANNA HUDSON – Director of Development Services
 MICK MCKAMIE – City Attorney Staff
 JAN MUSGROVE – STR Specialist
 MICHAEL ERWIN – Building Official
 SHELBY COLLIER – Senior Planner

The meeting was called to order at 5:30 P.M. by Marcus Vidrine.

MINUTES

Taylor Williams made a motion to approve the February 2024 Regular Meeting Minutes. Seconded by Eric Hammersen. All voted in favor and the motion carried.

PUBLIC HEARING

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 a STR-Unoccupied Permit for Property Located at 110 South Bowie Street.

Marcus Vidrine administered an oath where Kelly Jo Gonzalez swore to tell the truth.

Kelly Jo Gonzalez presented the application. She stated that she is a realtor that is representing the owner of the property who has an interest in selling the residence as a STR. The property is a large home consisting of 6 bedrooms that is situated on a large lot that has undeveloped space to the north. The property abuts Commercial zoning and is 1 block off of Main Street.

Shelby Collier, Senior Planner, stated that the applicant is requesting a Special Exception to allow for a STR-Unoccupied permit for property located at 110 S Bowie. 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.

The property consists of a 26,000 sq ft lot and a 2-story, 4,400 sq ft residence that contains 6-bedrooms. The property provides 4 parking spaces and 6 are required.

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 to the west. Across South Bowie Street is zoned R2 and Staff found that the subject property does not share a property line with a primary residence.

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

Ann McGee spoke in protest of the request. She said she owns a 3-bedroom STR with a hot tub in the neighborhood but believes a 6-bedroom house will be a party house.

Jack Eisenmenger spoke in protest. He stated that the neighborhood could not handle the increase in traffic and cars and believes that if approved, there will be more people than the property could handle.

Greg Kaderli spoke in protest and believes the neighborhood should be protected.

Ray Rodgers spoke in protest. He stated that he does not feel that the property meets the criteria to obtain a STR permit.

Kelly Jo Gonzalez spoke regarding the location of the property. She reiterated that the property abuts C2 Commercial zoning and is 1 block off of Main Street.

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

Jennifer Eggleston asked Kelly Jo Gonzalez why the owner wanted a STR permit.

Kelly Jo Gonzalez stated that the STR permit would protect the property and adds value.

Jennifer Eggleston asked what the asking price of the property was.

Kelly Jo Gonzalez stated the property was listed for sale at 1,500,00.00 Million.

Eric Hammersen asked if the property could accommodate 6 parking spaces.

Kelly Jo Gonzales said yes.

Jennifer Eggleston said that wanting to sell the property for more money does not mean the property ought to obtain a special exception.

Taylor Williams said that there are many full-time residents in the neighborhood, and he sees many single-family homes still operating as single-family.

Taylor Williams made a motion to Deny Application #ZBA2024-04. Seconded by Jennifer Eggleston. All voted in favor and the motion carried.

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

Marcus Vidrine administered an oath where Scott Frantzen swore to tell the truth.

Scott Frantzen presented the application on behalf of the owner. He stated that the owner had resided at 402 W San Antonio Street for a number of years and has since decided to move due to age and their physical limitations they have decided to sell the property and are asking for a special exception to obtain a STR permit.

Shelby Collier, Senior Planner, stated that the applicant is requesting a Special Exception to allow for a STR-Unoccupied permit for property located at 402 West San Antonio. The property has never operated as a STR.

The property consists of a 13,000 sq ft lot with a 3,000 sq ft, 2-story residence that has 4-bedrooms and provides 3 of the required 4 parking spaces. 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 Street is the Historic Society property, including the Pioneer Museum, and of the 6 R2 zoned properties across West San Antonio, 5 are STRs. Staff does not believe the operation of an STR at the subject property would disrupt adjacent owners.

In addition, the CBD zoned properties to the north would permit STR-Facilities by right and as the surrounding uses are PF and STRs, Staff finds that the requested use is compatible with the neighborhood.

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

Kathy O'Neil spoke in protest stating that there is no proof that the property cannot sell without the STR permit as the property is not even on the market.

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

Marcus Vidrine asked for the occupancy counts of the existing STRs in the area.

Shelby Collier provided occupancy counts from the City of Fredericksburg interactive STR map.

Eric Hammersen stated that the subject property is in a neighborhood.

Shelby Collier stated that the subject property is located in at a busy intersection that consists of a 4-way stop and abuts CBD zoning, which allows for STR facilities. In addition, the property is directly across the street from a commercial use, the pioneer museum.

Jennifer Eggleston stated that the museum does not create additional evening traffic as it closes at 5 PM.

Eric Hammersen made a motion to Deny Application #ZBA2024-05. Seconded by Jennifer Eggleston. All voted in favor and the motion carried.

DISCUSSION ITEMS

Directors Report

Shelby Collier stated that the Comprehensive Plan, which has been a work in progress for almost 2 years, has been adopted by the City Council.

ADJOURN

With nothing further to come before the Board, Taylor Williams moved to adjourn the meeting and Eric Hammersen seconded the motion. All voted in favor and the meeting was adjourned at 6:50 P.M. PASSED AND APPROVED this the 15th day of May 2024.

SHELBY COLLIER, SENIOR PLANNER

DEVIN MULLEN, CHAIRMAN



ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: May 15, 2024

CATEGORY: PUBLIC HEARING

CAPTION: Request #ZBA2024-06: By Kory Keller, To Consider a Variance to Sec. 3.200 - Height - To Allow for a Radio Tower With a Height Greater than 38 Feet for Property Located at 1122 South State Highway 16. The Requested Tower Height is 240 Feet.

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

PRESENTATION:

SUMMARY:

The applicant requests a variance to allow for a 240 ft tower for property located at 1122 South State Highway 16. The property currently has a 380 ft tower and wishes to replace the existing tower with a more modern, smaller tower with a max height of 240 ft.

FINDINGS: The property is located in C2 commercial and has an existing legal nonconforming 380 foot tower on site. The applicant is requesting to replace the tower with a more modern, smaller tower with a max. height of 240 feet.

Applicant: Kory Keller

Zoning: C2, Commercial.

Location: 1122 South State Highway 16. Lot 3 of the Spring Canyon Subdivision

Public Hearing Response: As of May 9, 2024 no responses to the public hearing letters had been received.

Findings:

- The property is located in C2, Commercial Zone, which currently operates as a commercial property with staging of heavy equipment and warehousing.
- The current tower is 380 feet tall with guy wires and the requested tower will be 240 feet without guy wires.

- The current tower cannot support cellular carriers.
- By upgrading the vertical assets, the new tower has the potential to further improve cellular coverage throughout the city and surrounding area.
- The existing 380-foot tower is a legal nonconforming use and has existed since the 1960's.

The proposed 240 tower would decrease the height by 120 feet and up-graded technology to allow for improved connectivity.

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 allow for reasonable.

The zoning of the property does allow for reasonable use but in this case, the applicant is requesting permission to modify a part of the site that has been in existence for 60 (sixty) years.

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 property has long served as the home of Allen Keller Construction and has included the existing 380 ft tower since the 1960's. The tower is unique to this property as there are few towers located within the city limits, and it provides services to the city and surrounding areas. The plight of the owner is unique and not the result of general conditions in the zoning district and the replacement of the existing 380 ft tower with a 240 ft freestanding tower, would be an improvement of the current situation.

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.

It is Staff's opinion that, if issued, the variance would not alter the character of the area as this property already has a tower far exceeding the allowed 38 ft maximum height. In addition, the applicant is requesting permission to improve the existing condition by demolishing the existing tower and constructing a tower that is 120 ft shorter than the existing 380 ft tower.

STAFF RECOMMENDATION:

Given the tower's long history with the site and its ability to provide needed services to the City and surrounding areas, Staff recommends approval of the demolition of the existing tower and construction of the 240 ft freestanding tower with the condition that the placement of the new tower adheres to the required building setbacks.

ATTACHMENTS:

1. ZBA2024-06 Variance Application
2. Nexstream Memo for ZBA2024-06_Variance Application
3. 2403 AK MP Tower Deliverables 04.15.24
4. ZBA2024-06 Public Hearing Map
5. ZBA2024-06 Mailing Labels

APPROVAL/REVIEW:

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



VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

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

-
1. Applicant: Kory Keller
 2. Owner: Spring Canyon Ranch, Ltd
 3. Phone: 830-997-2118 Email: kkeller@allenekllercos.com
 4. Description of property involved in this request.
Address: 1122 South SH 16, Fredericksburg, TX 78624
Legal Description: Lot 3 of the Spring Canyon Subdivision
Lot Size: 2.234 Acres Zoning District: C-2
 5. Request is made to the Board of Adjustment that a variance be granted to the following provisions of the Zoning Ordinance.
Section: 7.250 Subsection: _____
Item: _____ Relating To: tower height
Requiring: Radio towers operated by licensed amateur radio operators no more than sixty (60) feet in height plus fifteen (15) feet for antennae.
A Conditional Use Permit shall be required to exceed tower and antennae height of sixty (60) feet and fifteen (15) feet respectively.
 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.

CK# 1525 \$500.00
\$250 = Application
\$250 = Notices

- iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvements related to or necessitated by the proposed use.

The Board of Adjustment may grant a variance if it makes affirmative findings of FACT on EACH of the criteria. The applicant shall give a reason why the request complies with the following criteria:

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

The existing 380' height tower with guy wires is proposed to be replaced with a 240' height self standing tower.

The zoning regulations do not allow the tower to be greater than 75'. The existing tower has operated on the property since the 1960s for many local users and communications.

2. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the zoning district in which the property is located.

The original tower was constructed prior to city annexation and has been in continuous use for many users.

Most users of the tower do not need the original height and can transfer to the new shorter tower.

Additionally, the removal of the guy wires allows for better redevelopment of the site rather than outside construction storage.

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 ultimate goal is to redevelop this site to an office / warehouse and commercial multi use center as the current user moves the construction and trucking operations out of town. The new tower will not restrict uses of adjoining properties. The adjacent property is undeveloped but proposed for multi use and multi family which are compatible with the tower. The proposed tower will improve local access to communications.

- 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.

Tower will have no added traffic associated with it.

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 related to parking or vehicles other than during demolition of existing and construction of new.

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

N/A related to parking.

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

N/A related to parking.

- 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 related to signs

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 layouts 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: _____



DATE: April 16, 2024

TO: The City of Fredericksburg
Development Services Department
Zoning Board of Adjustment
126 W. Main Street
Fredericksburg, TX 78624

FROM: Nexstream
415 S Washington
Fredericksburg, TX 78624

SUBJECT: Variance Application ZBA2024-06

Applicant: Kory Keller
Email: kkeller@allenkellerco.com

Property involved in request:
1122 South SH 16
Fredericksburg, TX 78624
Lot 3 of the Spring Canyon Subdivision
Zoned: C-2

The purpose of this memorandum is to expand understanding on the utilization and benefit of the existing and proposed tower site.

The current tower provides connectivity to a diverse array of residential, organizational, and commercial users throughout the greater Fredericksburg area. A sampling of these include Fischer and Wieser, the Gillespie County Fair Association, the Admiral Nimitz Museum and Combat Zone, Fredericksburg Brewery, Hangar Hotel, Holy Ghost Lutheran Church, Bridge Church, Grand Central Milam, Mustard Design, West End Pizza, Stonewall Volunteer Fire Department, Oktoberfest, LCRA, Ranch Radio Group, KHCB Christian Radio, among numerous other professional offices, clinics, etc. All current clients and residences would continue to receive connectivity through the proposed 240' tower.

For additional consideration, the current tower cannot support cellular carriers. By upgrading the vertical assets, as proposed, with a structure engineered for multi-carrier capability, there is potential to further improve cellular coverage throughout the city and surrounding area.

A handwritten signature in blue ink, appearing to read 'Hilory Parker'.

Hilory Parker
COO
Nexstream

Direct: 512.870.8311
Email: hparker@nexstream







1122 S State Hwy 16

Legend

 <all other values>

desc_

 200' Notification Area

☐ Affected Property

Subject Property

Zoning

ZONED

C1 - Neighborhood Commercial

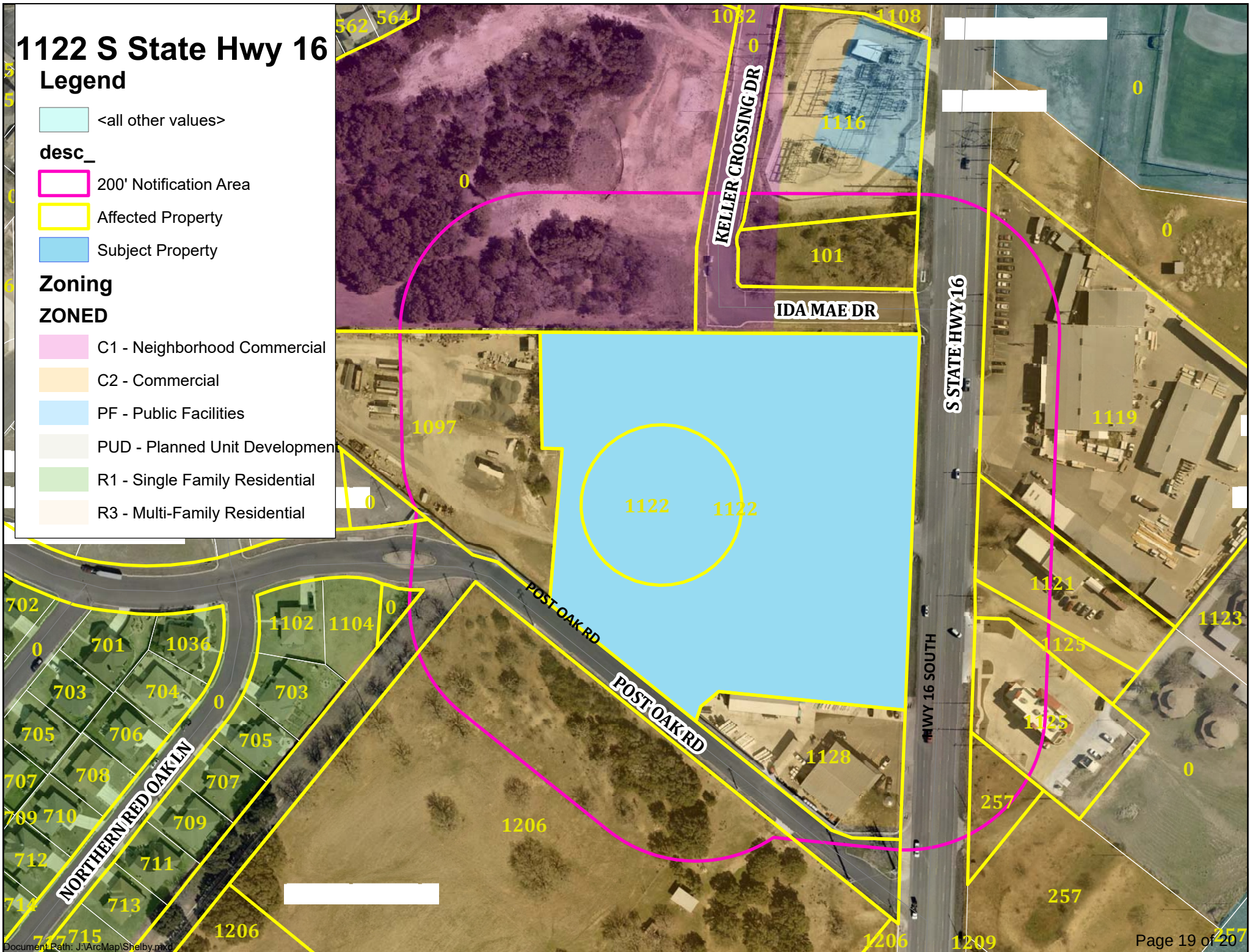
C2 - Commercial

PF - Public Facilities

PUD - Planned Unit Development

R1 - Single Family Residential

R3 - Multi-Family Residential



NUVISTA DEVELOPMENT LLC
1121 S ABE ST
SAN ANGELO, TX 76903

TIMOTHY & LARA BOBO
714 W LIVE OAK
FREDERICKSBURG, TX 78624

LCRA TRANSMISSION SERVICES
PROPERTY TAX DEPARTMENT
P.O. BOX 220 M/S D-140
AUSTIN, TX 78767

LN REAL ESTATE LLC
7595 TECHNOLOGY WAY STE 500
DENVER, CO 80237

THOMSON REAL ESTATE INVESTMENTS
2003 SISTERDALE RD
BOERNE, TX 78006

KNOPP NURSING HOME #2
1208 NORTH LLANO
FREDERICKSBURG, TX 78624

STSJ GROUP LLC
P.O. BOX 2402
FREDERICKSBURG, TX 78624

PENICK ESTATE LIMITED PARTNERSHIP
141 E MAIN
FREDERICKSBURG, TX 78624

IVI ACRES LLC
804 E MAIN
FREDERICKSBURG, TX 78624

KEESEE PARTNERS LTD
118 W CREEKVIEW DR
FREDERICKSBURG, TX 78624

OAKS OF WINDCREST POA
11844 BANDERA RD #466
HELOTES, TX 78023

SPRING CANYON RANCHES LTD
P.O. BOX 393
FREDERICKSBURG, TX 78624

CITY OF FREDERICKSBURG
126 W MAIN
FREDERICKSBURG, TX 78624

ZBA2024-06 – 1102 S State Hwy 16