



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Wednesday, January 22, 2025 ~ 5:30 PM
City Hall East Campus
2818 E US Highway 290
Fredericksburg, Texas 78624

Clay Sears, Chair
Eric Hammersen, Vice Chair
Jennifer Eggleston Member
Taylor Williams, Member

Mike Mahoney, Member
Jim McAfee, Alternate Member
Adam Luton, Alternate Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Wednesday, January 22, 2025, at 5:30 PM.

Written Comments: to be submitted remotely: Link to [City of Fredericksburg agenda webpage](#) to watch video of the meeting.

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 jmusgrove@fbgtx.org

Verbal Comments:

Sign up in-person between 5:00 p.m. and 5:30 p.m. at City Hall East Campus
2818 E US Highway 290, Fredericksburg, Texas 78624, in order to comment.
You will be limited to 3 minutes to speak.

1. ROLL CALL

2. CALL TO ORDER

3. APPROVAL OF MINUTES

- A. November 20, 2024 Regular Meeting Minutes

4. PUBLIC HEARING

- A. Request #ZBA2025-01: By Ellen Parks to Consider a Request to the Zoning Board of Adjustment for a Special Exception per Sec. 5.500 - Board of Adjustment Subsection A2 to Allow for an Increase in Occupancy for a Permitted STR for Property Located at 405 South Creek Street. The Current Occupancy is 3 and the Applicant is Requesting an Occupancy of 6.

- i. Presentation by the Applicant

- ii. Presentation by Staff
- iii. Hold a Public Hearing
- iv. Take Action on the Special Exception Request

5. ACTION ITEMS

6. DISCUSSION ITEMS

- A. Director's Report
- B. 2024 Review

7. ADJOURN

CERTIFICATION

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

Jan Musgrove

Jan Musgrove
Planner 1

**STATE OF TEXAS
COUNTY OF GILLESPIE
November 20, 2024
CITY OF FREDERICKSBURG**

ZONING BOARD OF ADJUSTMENT

5:00 P.M.

On the 20th day of November 2024, the Zoning 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 - Chairperson
ERIC HAMMERSEN – Vice Chairperson
JENNIFER EGGLESTON - Member
MIKE MAHONEY- Member
TAYLOR WILLIAMS- Member
ADAM LUTON - Alternate

ABSENT: JIM MCAFEE - Alternate
ANNA HUDSON, Director of Development Services

ALSO PRESENT: SHELBY COLLIER – Senior Planner
JAN MUSGROVE – Planner 1
TYLER BAETHGE – STR Specialist
MICK MCKAMIE – Legal Counsel– Virtual

The meeting was called to order at 5:31 P.M. by Clay Sears.

Election of a Chairperson and a Vice-Chairperson

Jennifer Eggleston made a motion to elect Clay Sears as the Chairperson, Mike Mahoney seconded the motion. All voted Aye and the motion passed.

Clay Sears made a motion to elect Eric Hammersen as the Vice-Chairperson. Mike Mahoney seconded the motion. All voted Aye and the motion passed.

MINUTES:

Eric Hammersen made a motion to approve September 18, 2024, Regular Meeting Minutes with a correction mentioned by Taylor Williams. Seconded by Mike Mahoney. All voted in favor and the motion was carried.

CAPTION: Request #ZBA2024-09:

By Kenneth and Leah Clodfelter to Consider a Request to the Zoning Board of Adjustment for a Special Exception Per Sec. 5.500 - Board of Adjustment Subsection A2 to Allow for an Increase in Occupancy for a Permitted STR for Property Located at 206 South Crockett. The Current Occupancy is 5 and the Applicant is Requesting an Occupancy of 6.

Applicant: Leah Clodfelter, owner, and operator of 206 S Crockett mentioned that she had filled out the original application incorrectly with an occupancy of 5 and it should have been 6, her property management company had brought it to her attention that the occupancy should be 6. Shen mentioned that it was listed with an occupancy of 5 and asked the Board to please consider granting their request.

Presentation: Shelby Collier, Senior Planner

The applicant is requesting a Special Exception to increase the occupancy for property located at 206 South Crockett. The current occupancy is 5 and the applicant is requesting an occupancy of 6.

Staff Recommendation:

Staff finds that the request to increase the occupancy from 5 to 6, is in keeping with the surrounding neighborhood. The lot itself is of average size and the request to increase the occupancy mirrors what the current occupancy calculations are. With that said, If the Board were to grant approval, Staff recommend bringing the property into compliance with Parking minimums and addressing the active demolition by neglect as a condition of the approval

Discussion:

The Board wanted to confirm how many off-street parking spaces were available, the applicant responded that they had 2 or more on site. Some concerns were noted as to why the applicant was only now wanting to change the occupancy. The Applicant responded that she was not aware of the 5-person occupancy until very recently when her management company brought it to her attention. The board was also interested in why the applicant had not responded to the Demo by Neglect letter; the applicant indicated that she had no recollection of receiving one. The Board talked about what the average occupancies were in the surrounding area and determined that the STR in question would set a precedent for other STR's to increase their occupancies.

Shelby Collier mentioned that there had been four (4) public comments received, 2 for approval and 2 in protest. The board members each had copies of the letters.

Mike Mahoney made a motion to approve the request contingent on repairing the garage.

Eric Hammersen seconded the motion.

Mick McKamie, Legal counsel mentioned that ZBA was not an enforcement body and that that condition of approval was not appropriate and that it would exceed the Boards authority.

The board voted as follows on the motion:

Clay Sears – Aye

Jennifer Eggleston – Aye

Eric Hammersen – Aye

Taylor Williams – Nay Mike Mahoney – Nay

The motion passed but the approval failed.

Mike Mahoney made a second motion to deny the increase the occupancy to 6 on 206 S Crockett. Taylor Williams seconded the motion.

The board voted as follows on the motion:

Clay Sears – Nay Taylor Williams – Aye Eric Hammersen – Nay

Jennifer Eggleston – Aye Mike Mahoney – Aye

The motion failed and the application was denied.

Director's Report – Anna Hudson was present at the meeting, Shelby Collier gave a brief report, she introduced Tyler Baethge, the STR specialist to the Board. She noted that the Board each had the new 2025 Meeting's Calendar in front of them and reminded them to please use and check their FBG.org emails to avoid open records requests that would involve their personal emails. If their emails were not working, to contact Staff so that IT could fix the issue.

ADJOURN

With nothing further to come before the Board, Mike Mahoney moved to adjourn the meeting and Taylor Williams seconded the motion. All voted in favor and the meeting was adjourned at 6:39 P.M.

PASSED AND APPROVED this the 22ND day of January 2025.

JAN MUSGROVE, PLANNER 1

CLAY SEARS. CHAIRPERSON



ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: January 22, 2025

CATEGORY: PUBLIC HEARING

CAPTION: Request #ZBA2025-01: By Ellen Parks to Consider a Request to the Zoning Board of Adjustment for a Special Exception per Sec. 5.500 - Board of Adjustment Subsection A2 to Allow for an Increase in Occupancy for a Permitted STR for Property Located at 405 South Creek Street. The Current Occupancy is 3 and the Applicant is Requesting an Occupancy of 6.

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

PRESENTATION:

SUMMARY:

The applicant is requesting a Special Exception to increase the occupancy for property located at 405 South Creek Street. The current occupancy is 3 and the applicant is requesting an occupancy of 6.

FINDINGS:

The subject property is a 5,001 sq ft lot consisting of a 1,102 sq ft, 2-bedroom building that currently has a STR-Nonconforming permit with an occupancy of 3. The applicant requests an occupancy of 6.

Application Number: ZBA2025-01

Address: 405 South Creek

Size of Lot: 5,001 Sq ft

Size of House: 1,102 Sq ft

Bedrooms: 2-Bedroom

Parking Spaces: 3 Spaces

Zoning: **R2, Mixed Residential**

Response to Public Hearing: It is required that a notice of the Public Hearing be sent to property owners who own property within 200 ft of the subject property, notifying them of the Special Hearing and inviting them to provide feedback. As of Friday, January 17, 2024, no comments from owners within 200 ft have been received.

When reviewing properties within 200 ft, Staff identified that 2 properties were operating as STR's with an average occupancy of 6 and these properties have been identified on the accompanying 200 ft map. The details of those properties are as follows:

401 S Creek (1 bedroom unit) is abutting the property to the North and consists of a 23,435 sq ft lot with an occupancy of 4. It is important to note that this property has both a Main residence and a STR.

406 Bluebonnet (2 bedroom unit) consists of a 7,492 sq ft lot with an occupancy of 6

In addition to these properties, there are 2 STRS located on Bell Street to the North.

307 S Creek (2 bedroom unit) consists of a 15,000 sq ft lot with an occupancy of 6

606 Bell St (3 bedroom unit) consists of a 7,535 sq ft lot with an occupancy of 6

Sec. 5.500 - Board of Adjustment

in hearing an application for a Special Exception for Short-Term Rental operations, the Board may consider factors such as the following: Staff's response of the considering factors are in **RED**.

1. Whether such operations 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 has a lot size of 5,001 sq ft, which is the minimum lot size for this zoning district and is in keeping with the overall development of STRs and Single-Family Residences.

2. Whether operations as a Short-Term Rental in the property's zoning district is compatible with the quality of the surrounding area;

Of the 15 properties within 200 ft, 3 are operating as STRs with 10 operating as single-family residences or second homes and 2 properties operating as commercial businesses which include the Gillespie Livestock Company and Gillespie Veterinary Center.

3. Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;

The property provides off-street parking in the form of a 3-car tandem space.

4. Which type of Short-Term Rental, as defined in Section 20-220, the applicant seeks to operate;

The property is currently operating as a STR-Unoccupied, however, with the adoption of Ordinance No. 2023-18, the property is now considered an STR-Nonconforming, as a STR-Unoccupied is no longer permitted by right in the R2, Mixed Residential Zone.

5. 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;

The property first obtained a STR permit under the 2018 STR Ordinance, with the first record of application occurring on 06/29/21 and has been in operation since 2021.

Staff found no record of violations for the property

6. Whether operation with the terms of the Special Exception will adversely impact the residential quality of the surrounding neighborhood;

Staff finds that the property is currently operating as a STR and both the current occupancy and requested occupancy are in range with the average occupancy of the surrounding neighborhood. In addition, calculation of occupancy allows for 2 per bedroom plus 2 meaning if the property were to obtain a STR permit today, the occupancy assigned would be 6.

7. Whether any properties located within a 200-foot radius of the property are operating with public or private primary or secondary educational facility uses; and

No properties within 200 ft are operating as an education facility.

8. Specific property characteristics of the Short-Term Rental, like lot size or large square footage of the structure.

The neighborhood consists of a wide variety of lot and residence sizes with the subject property itself placed between 2 large lots with a property on the smaller side as the lot itself is 5,000 sq ft with the residence sized at 1,102 sq ft.

STAFF RECOMMENDATION:

In reviewing Sec. 5.500, items 1 - 8, Staff found that the request to increase the occupancy from 3 to 6, is in keeping with the surrounding neighborhood as it includes a mix of uses including Commercial uses such as a Veterinary clinic. The requested occupancy mirrors what the current occupancy calculations are and is in keeping with the average occupancy of the area.

Staff recommends approval.

ATTACHMENTS:

1. ZBA2024-01_Location_Zoning Map
2. ZBA2025-01_APPLICATION
3. 405 S Creek - Photos
4. ZBA2024-01_FloorPlan_SitePlan
5. ZBA2025-01 Code Enforcement Confirmation

6. ZBA2025-01 HOT Confirmation
7. buffer_200ft_31284
8. ZBA2024-01 Mailing Labels

APPROVAL/REVIEW:



Date: January 17, 2025

Shelby Collier, Senior Planner





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: Ellen Parks
2. Property Owner (if different from Applicant): _____
3. Applicant Phone: 512-971-6032 Applicant Email: Ellie.parks@gmail.com
4. Description of Subject Property:
Address: 405 S Creek St., Fredericksburg, TX 78624
Legal Description: South Heights Block 12 Lot 1 RR
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: This is a 2 bedroom house. I've only ever rented out
One bedroom as a STR, leaving my personal bedroom locked when guests are on site and I am out of town.
I would like to begin renting out both bedrooms. I would like to increase it from 1 bedroom unit, to a 2 bedroom unit.

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 filling 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.

Gillen C. Parks
Applicant
12/16/24
Date

Property Owner (If different from Applicant)

Date

STAFF USE ONLY

Application No: _____ Date: _____ Payment Type: _____

405 S Creek















JAN FEB MAR APR MAY JUN JUL AUG SEPT OCT NOV DEC																														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

Enter/Exit

2nd Ques

Parking #3

Kitchen
(fire extinguisher
under sink)

7802

2nd Bedroom

20 Feb

Closest

18.5.21

From: [Ted Boyer](#)
To: [Shelby Collier](#); [Darren Eckhardt](#)
Cc: [Raymond Ubinas](#); [Raymond Ortegon](#); [Jan Musgrove](#); [Tyler Debish](#); [Anna Hudson](#)
Subject: Re: 405 S Creek
Date: Tuesday, January 14, 2025 8:29:30 AM
Attachments: [Outlook-oivhsly0.png](#)

Shelby,

I do not see any violations associated with that address in over a year.

Thank you,

Ted Boyer

Police Department / Code Enforcement Officer



1601 East Main Street
Fredericksburg, TX 78624
Office: (830) 990-2022 | tboyer@fbgtx.org

Police Department Mission: Improving life within our community through our commitment to community policing by providing ethical police service to all.

CONFIDENTIALITY NOTICE: This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete this email.

From: Shelby Collier <scollier@fbgtx.org>
Sent: Monday, January 13, 2025 3:49 PM
To: Darren Eckhardt <deckhardt@fbgtx.org>; Ted Boyer <tboyer@fbgtx.org>
Cc: Raymond Ubinas <rubinas@fbgtx.org>; Raymond Ortegon <rortegon@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Debish <tdebish@fbgtx.org>; Anna Hudson <ahudson@fbgtx.org>
Subject: 405 S Creek

Good afternoon all,

Staff has received a Special Exception application requesting an increase in occupancy for a STR property located at 405 S Creek.

As part of that process, Staff has to review any violations the property may have received, therefore, I am reaching out to you to verify the properties compliance with HOT as well as all applicable City regulations.

I welcome your response.

Have a blessed day!

Shelby Collier

Senior Planner



126 W. Main Street

Fredericksburg, TX 78624

Office: (830) 997-7521 | Direct: (830) 990-2013 | scollier@fbgtx.org

City Mission: We're leading with integrity while providing the best customer services to our community.

From: [Darren Eckhardt](#)
To: [Shelby Collier](#); [Ted Boyer](#)
Cc: [Raymond Ubinas](#); [Raymond Ortegon](#); [Jan Musgrove](#); [Tyler Debish](#); [Anna Hudson](#)
Subject: RE: 405 S Creek
Date: Tuesday, January 14, 2025 7:36:39 AM

Good morning Shelby,

HOT is compliant for this STR.

Thanks,

Darren Eckhardt

Accounting Coordinator

City of Fredericksburg

126 W. Main Street

Fredericksburg, TX 78624

Direct: (830) 990-2069 | deckhardt@fbgtx.org

From: Shelby Collier <scollier@fbgtx.org>

Sent: Monday, January 13, 2025 3:49 PM

To: Darren Eckhardt <deckhardt@fbgtx.org>; Ted Boyer <tboyer@fbgtx.org>

Cc: Raymond Ubinas <rubinas@fbgtx.org>; Raymond Ortegon <rortegon@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Debish <tdebish@fbgtx.org>; Anna Hudson <ahudson@fbgtx.org>

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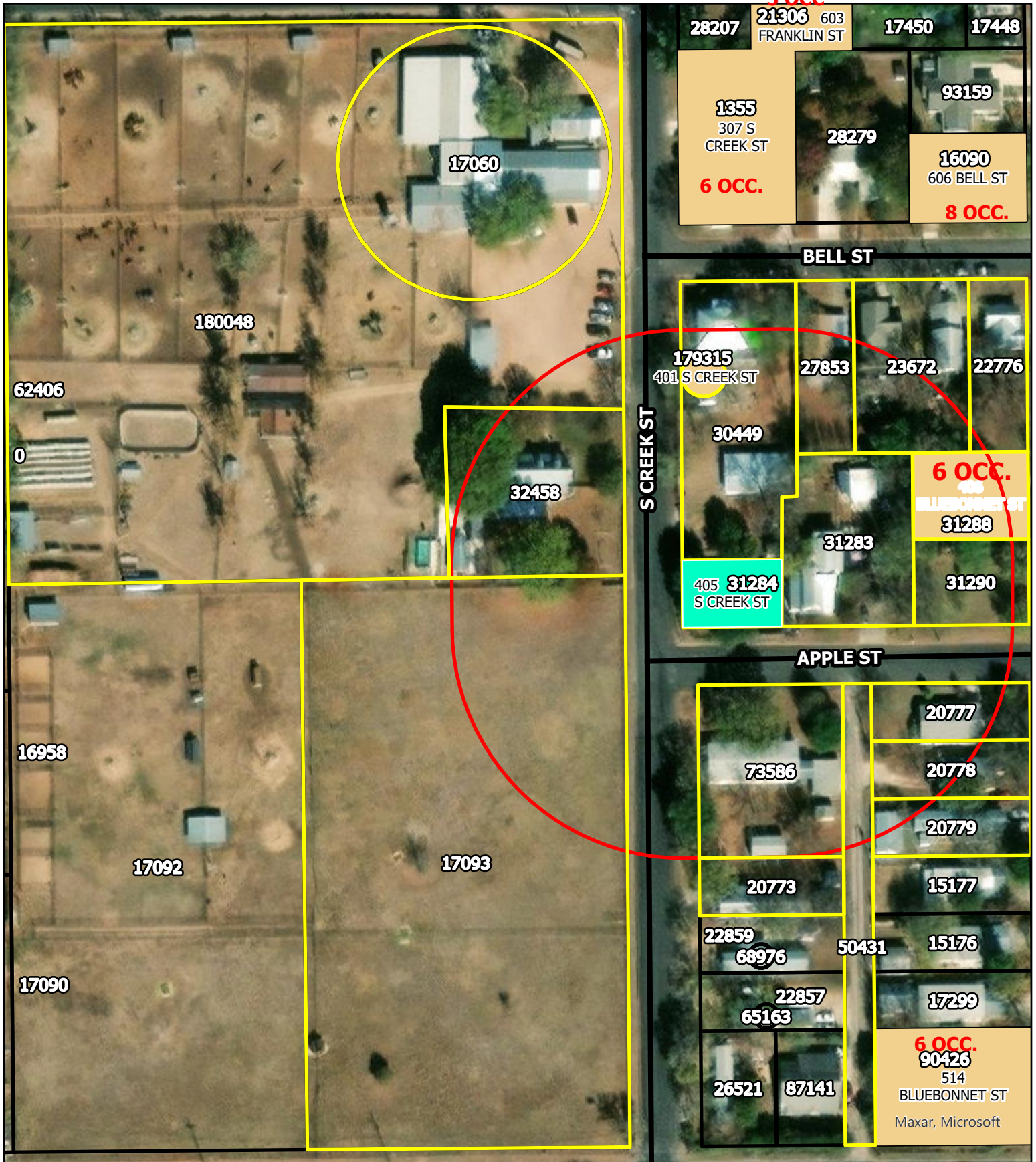
Have a blessed day!

Shelby Collier

Senior Planner



405 S CREEK - CURRENT OCCUPANCY 3



-  GCAD Parcel  Buffer Zone
 GCAD Road  Parcels within 200 feet
 STR Parcel  Target STR Parcel

GILLESPIE LIVESTOCK CO INC
P. O. BOX 454
FREDERICKSBURG, TX 78624

CRUTCHFIELD, ROCHELLE
109 GLENWOOD
FREDERICKSBURG, TX 78624

SCHANDUA, JOSEPH F -LIFE ESTATE
601 APPLE
FREDERICKSBURG, TX 78624

NETHERLAND, SCOTT F ETAL
957 VOGEL RD
FREDERICKSBURG, TX 78624

ALBITER, EFRAIN
807 S COLUMBUS
FREDERICKSBURG, TX 78624

POE, ROGER M & MARIAN J
506 BLUEBONNET ST
FREDERICKSBURG, TX 78624

BRAGG, GERALD & COLLEEN REED
24510 CLEARWATER RUN
SAN ANTONIO, TX 78255

OTTMERS, MICHAEL & GLORIA J
605 BELL
FREDERICKSBURG, TX 78624

LUSSIER, LOUISE -LIFE ESTATE-
D/O BASHAW, JOSHUA LEE & JACOB
603 BELL
FREDERICKSBURG, TX 78624

HARRISON, MARK & MARY
11052 ENDICOTT RD
ENDICOTT, WA 99125

PARKS, STEVEN & CLAIRE & PARKS,
ELLEN C
PO BOX 1443
FREDERICKSBURG, TX 78624

GUTIERREZ, FRANCISCO ESPARZA
28807 CHERRY VALLEY
SAN ANTONIO, TX 78260

HALFMANN PROPERTIES LLC
402 S CREEK STREET
FREDERICKSBURG, TX 78624

SPECK, MICHAEL C & JANA
601 BELL STREET
FREDERICKSBURG, TX 78624

ZBA-2025-01 – 405 S Creek