



# City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda  
Wednesday, April 16, 2025 ~ 5:30 PM  
New City Hall at East Campus  
2818 E. U.S. Hwy. 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 April 16, 2025, at 5:30PM. The meeting will be available within 24 hours to re-watch on the City's website: [fredericksburgtx.portal.civicclerk.com](https://fredericksburgtx.portal.civicclerk.com).

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. on April 16, 2025.
2. Complete the Citizen Comment Form online at [www.fbgtx.org](http://www.fbgtx.org); or
3. Email your comments to [jmusgrove@fbgtx.org](mailto:jmusgrove@fbgtx.org)

Verbal Comments:

1. Sign up in-person between 5:00 p.m. and 5:30 p.m. New City Hall at East Campus  
2818 E. U.S. Hwy. 290, Fredericksburg, Texas 78624

You will be limited to 3 minutes to speak.

---

## 1. ROLL CALL

## 2. CALL TO ORDER

## 3. APPROVAL OF MINUTES

- A. March 19, 2025, Regular Meeting Minutes

## 4. PUBLIC HEARING

- A. Request ZBA2025-04: By Julie Warmbrodt to Consider a Request to the Zoning Board of Adjustment for a Special Exception per Sec. 5.500 - Board of Adjustment Subsection 1 to Allow for an STR-Unoccupied Permit for Property Located at 712 W San Antonio Street.

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

**5. DISCUSSION ITEMS**

- A. Director's Report

**6. ADJOURN**

**CERTIFICATION**

This is to certify that I, Jan Musgrove, posted this Agenda before 4:30PM. on April 11 2025, 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  
CITY OF FREDERICKSBURG

ZONING BOARD OF ADJUSTMENT  
March 19, 2025  
Meeting Minutes  
5:30 P.M.

On the 19th<sup>d</sup> day of March 2025, 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:**

ERIC HAMMERSEN – Vice Chairperson  
MIKE MAHONEY- Member  
JIM MCAFEE – Alternate  
JENNIFER EGGLESTON - Member

**ABSENT:**

CLAY SEARS – Chairperson  
TAYLOR WILLIAMS- Member  
ADAM LUTON - Alternate

**ALSO PRESENT:**

EVAN WILLIAMSON – INTERIM DIRECTOR OF DEVELOPMENT SERVICES  
SHELBY COLLIER – Senior Planner  
JAN MUSGROVE – Planner 1  
TYLER BAETHGE – STR Specialist  
MICK MCKAMIE – Legal Counsel

The meeting was called to order at 5:33 P.M. by Eric Hammersen.

**MINUTES:**

Mike Mahoney made a motion to approve January 22, 2025, Regular Meeting Minutes. Seconded by Jennifer Eggleston. All voted in favor and the motion carried.

**CAPTION: Request #ZBA2025-01:**

Request #ZBA2025-02: By Charles & Beverly Tanner to Consider a Request to the Zoning Board of Adjustment for a Special Exception per Sec. 5.500 - Board of Adjustment Subsection 1 to Allow for an STR-Unoccupied Permit for Property located at 209 South Elk Street.

**Applicant:** Charles Tanner (owner) and Brianna Blacker (Property management representative, FBG Stays).

Mr. Tanner gave a brief description of how the permit came to be lost and why he was before the board asking to have the right to continue to operate the STR. He purchased the home in 2017 to supplement his retirement income. It was a STR before they bought it, and they continued to operate it with Fredericksburg Escapes (FBG Escapes) as their property management company. The property management company took care of all the operations, taxes, permit renewal and cleaning. The company did not take care of it as he thought and that is why he was before the Board today.

**Discussion:**

Mike Mahoney asked when the last rental occurred.

Mr. Tanner responded that it was in January of 2025, that is when he found out that the permit was expired. He explained that due to the property management's change of hand, he was not aware of the permit's status until January.

Mike Mahoney asked when the applicant noticed that he had not re-imbursed the management company for the permit renewal fees.

Mr. Tanner stated that the permit fees were taken out of his earnings and that he never received an invoice for the renewal fee.

Mr. Hammersen asked if the applicant had received any notification from the city that the permit had expired.

Mr. Tanner responded that he had received one for 2025 but not one in 2024.

Mr. Hammersen confirmed that the city continued to accept the Hotel Occupancy Tax payments and still did not send notice of the permit's status.

Mr. Tanner explained the ownership change to the Board. He stated that he was not aware of the previous ownership of the management company and had received notice of the permits needed for renewal. The new owners of the company took possession in October of 2024. He reiterated that he was not aware of the permit's status until January of 2025.

Mr. McAfee asked Mick McKamie, legal counsel, who was legally responsible for the permit renewal. The management company or the owner.

Mick McKamie replied to the owner that the active permit placard should be posted in the unit at all times.

Mr. McAfee asked if Mr. Tanner ever visited his STR.

Mr. Tanner confirmed that they came occasionally.

Mr. McAfee asked if the applicant ever read the permit.

Mr. Tanner replied that he saw it but never paid attention to the date.

Mr. Hammersen wanted to know if the applicant had posted the permit placard or did the management company.

Mr. Tanner responded that the management company took care of that.

Mr. McAfee asked if the City had sent any renewal notices to the applicant or the management company.

Shelby Collier answered that she would be happy to respond and asked if staff could make their presentation.

She was instructed to commence.

Mr. Hammersen then asked if there were any further questions for the applicant.

Jennifer Eggleston asked if she could ask a question of the property management's representative

Mr. Hammersen swore in Brianna Blacker, representative of Fredericksburg Stays.

Jennifer Eggleston restated the timeline of the management company's ownership, the original owner was Mr. Mathis, then he sold to Fredericksburg Escapes, and then they sold back to Mr. Mathis in October of 2024. She mentioned that the Board had seen several owners that had had the same experience with Fredericksburg Escapes.

Mrs. Brianna Blacker responded that Mr. Mathis had purchased the company on October 1, 2024.

Jennifer Eggleston asked when the clients of the new owner know of the ownership change.

Mrs. Blacker responded that all were informed in December of 2024 and another letter in February 2025.

Jennifer Eggleston asked if Mrs. Blacker was the local liaison for the STR owners.

Mrs. Blacker responded that Fredericksburg Stays would manage all aspects of STR management as the owners wanted.

Mike Mahoney stated that the company changed hands in October of 2024, so the STR operated in violation until he asked Mrs. Blacker if she had not noticed that the permit was expired.

Mrs. Blacker replied that the change of ownership had been chaotic and that getting information from the previous owner had been challenging. She stated that it took her two months to get all the properties cataloged and organized.

Mr. Mahoney asked how many properties they had.

Mrs. Blacker responded that they had fifty-six (56) properties at the current time and that they had had around sixty (60) properties initially. She stated that there was no information on when permits were due on file. Once all that organization was completed, that is when it was discovered that this property did not have a valid permit. At that time, the units were blocked online so that no booking could occur. She stated that was when they spoke to their attorney, and this is where we find ourselves today.

**Presentation:**

The applicant is requesting a Special Exception to obtain an STR-Unoccupied permit for property located at 209 South Elk Street.

The current property had an STR permit that expired 8/15/2023 with a grace period of 90 days after expiration, resulting in a loss of permit on 11/15/2023. They have been actively renting through VRBO and remitting HOT payments.

At the time, this property was managed by Marnie Pate with Fredericksburg Escapes and is now being managed by Fredericksburg Stays.

**Staff Recommendation:** Shelby Collier

In reviewing Sec. 5.500, Items 1 - 8, Staff found that the request to operate an STR-Unoccupied could be considered appropriate for this neighborhood given the truly mixed uses including 50% STRS, Commercial businesses and residences.

However, Staff found evidence that the property is illegally operating as an STR as twenty-two (22) reviews were posted on an active VRBO listing from October 23, 2023, to February 11, 2025. All reviews confirmed a stay and experience with a property manager.

The identification of reviews and an active listing, lead Staff to believe that while citations have not been issued for the property, it is clearly in violation of Ordinance No. 2023-18 (2024 STR Ordinance) which requires an STR Permit to operate. This is not in keeping with Item 5 of the review criteria.

Staff recommend denial.

Tyler Debish, STR Specialist, proceeded to outline the details of the loss of the permit as presented in the package:

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, March 14, 2025, no comments from owners within 200 ft have been received.

When reviewing properties within 200 ft, Staff identified that ten (10) properties were operating as STR's with a total of thirteen (13) units with an average occupancy of six (6) and these properties have been identified on the accompanying 200 ft map. The details of those properties are as follows:

207 S Elk (2-bedroom unit) is abutting the property to the West and consists of a 5,815 sq. ft lot with an occupancy of 6.

206 S Elk (1-bedroom ADU unit) consists of a 15,681 sq. ft lot with an occupancy of 2.

204 S Elk (1-bedroom unit) consists of a 10,890 sq. ft lot with an occupancy of 2.

501 E San Antonio (2 units). It is important to note that this is a two-unit facility. One unit is three (3) bedrooms with an occupancy of 6 and the other unit is 2 bedrooms with an occupancy of 4. The lot size is 9,766 sq. ft.

507 E San Antonio (4-bedroom unit) consists of a 9,766 sq. ft lot with an occupancy of 10.

515 E San Antonio (3 units) It is important to note that this is a three-unit facility. One unit is 4 bedrooms with an occupancy of 8, 2 bedrooms with an occupancy of 4. and 1 bedroom occupancy of 2. The lot size is 19,689 sq. ft.

508 E Creek (1-bedroom ADU unit) consists of a 12,022 sq. ft lot with an occupancy of 2.

505 E Creek (3-bedroom unit) consists of an 8,189 sq. ft lot with an occupancy of 10.

501 E Creek (3-bedroom unit) consists of a 7,120 sq. ft lot with an occupancy of 8  
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 is 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 7,500 sq ft, which is more than 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 20 properties within 200 ft, 10 are operating as STRs with 10 operating as single-family residences or second homes.

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 with a driveway that is 22 ft wide and 50 ft long with a parking space requiring 9.5 wide X 18 long. The property can comfortably accommodate 2 off-street parking spaces with the opportunity for 2 more.

4. Which type of Short-Term Rental, as defined in Section 20-220, the applicant seeks to operate; The applicant is requesting an STR-Unoccupied permit for the 2-bedroom unit with an occupancy of 6. It is important to note that the property previously had a STR-Nonconforming permit that was lost due to failure to renew on November 15, 2023.

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 an STR permit under the 2018 STR Ordinance, with the first record of application occurring on 8/15/2021 and had been in operation until the permit expired on 08/15/23 with a permit loss occurring on 11/15/2023 (90 day grace allowed by Ordinance No. 2023-18)  
Staff found no record of violations for the property; however, Code Enforcement did identify that the property has been actively renting according to their VRBO listing.  
Sleeps 6, Two blocks from Main Street in Fredericksburg! - Fredericksburg | VRBO

6. Whether operation with the terms of the Special Exception will adversely impact on the residential quality of the surrounding neighborhood; Staff finds that 50% of the surrounding properties are operating as a STR with an average occupancy of 6. The subject property is 4 lots south of a Hotel (Sunday House Inn) and 1- Block South of additional Commercial activity such as Six-Twists and Ocotillo Wine Bar. This neighborhood is a true mix of Residences, STR's and Commercial uses.

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 on a corner lot with a Lot size of 7,500 sq ft and the residence is 1,300 sq ft.

Shelby Collier explained the notification process and noted that the subject property expired in 2023, and she could not verify if the software in place (Granicus) sent out renewal notices as we did not have access to it anymore.

Dr. Hammersen asked who tracked Hotel Occupancy Tax payments.

Shelby Collier responded that the HOT specialist in the Finance department receives and processes all Hotel Occupancy Tax. Darren Eckhardt was the HOT specialist in 2023 and 2024 and recently Ms. Vanessa Wainwright took over that responsibility.

Dr. Hammersen asked if the payments were cross referenced with whether the property has an active permit.

Shelby Collier replied that it would have started in 2024 with the implementation of the MGO software.

Dr. Hammersen wanted to know why the property was not noticed or cited for operating without a permit until March of 2025.

Shelby Collier responded that it had not been cited.

Mike Mahoney wanted to know how many more of these are out there. He stated that the city has software, but that it is not being used to track listings that do not have a valid permit. Granicus could do that, that was one of the reasons the ordinance called for front of house photo's, items that were not previously required in listings. He wanted to know if that was code enforcement, Development Services responsibility. He asked if this was going to happen again.

Shelly Collier responded that the current permitting software did not have a compliance tool like Granicus had. The City is pursuing other options, there are several options out there and the city is looking into it. Ms. Collier explained that the current software did not have a compliance component but that it did permit very well. She went on to explain that code enforcement does follow up with the properties on the watch list and of course, code enforcement does find violators through complaints from neighbors.

Dr. Hammersen wanted to know why HOT had been received for over a year without an STR permit, why did it take until March of 2025.

Shelby Collier replied that there was correspondence with the property owners, but that it did take time.

The applicant, Mr. Tanner, stepped up to the microphone and vehemently responded that he had no communication with the City. He stated that he did not know where she was getting her information, but it did not happen.

Mr. Mahoney stated, wasn't the property manager acting as the owner's agent. Would not the contact on file get those notices the local contact would have been noticed.

Shelby Collier stated that she no longer managed the Short-Term Rentals lately but that as this went through the special exception process, she had been informed that staff did visit with a representative of the property and that they had been informed of the loss of the permit and that it did qualify for a special exception and here is where we find ourselves.

Dr. Hammersen asked Mrs. Blacker to step back up to the podium, he asked her if after the company took control back, she had received any notification from the city.

Mrs. Blacker replied that she had not, that she had been in contact with the city regarding other properties when she discovered that Mr. Tanners property had expired. That information then started the Special exceptions process. She stated that it occurred around the end of December of 2024.

Jennifer Eggleston specified that it was then possible that the previous property management agent might have received a notice.

Mrs. Blacker replied that yes it was very possible that she had found an email from the city in December of 2023 that stated that the permit had expired. She said that was the only one she had found but that was not to say there were others, she could not find any others.

Dr. Hammersen wanted to know more about the "stranded property."

Shelby Collier replied, When City Council and Planning and Zoning Commission were working on the 2024 STR Ordinance they often referred to a "Stranded Property" sometimes referred to as a "donut". For example, if a property is surrounded by STR's, it felt unfair that once the zoning changed, that property was unable to operate as an STR. City Council and the other boards wanted to allow for some flexibility but not allowing for STR's by right in every zone. Hence the special exception process. Something that is not permitted by right, but if the property qualifies, you could go through this special process to be an exception to the rule. The qualification is as follows, the property must be flanked on either side by an STR-unoccupied, and that 50% or more of the property's in a 200-foot radius must also be legally operated as an STR-unoccupied, or by zoned, C2, CBD and PF (public facility) Or one neighbor operating as an STR -unoccupied if the property is on a corner. That, however, does not guarantee a Short-term rental permit, it allows you to go through this Board, where the board then uses the criteria before you on Page 8 of the packet, Sec. 5.500 which lists the extremely specific items for the Board to consider. If the board finds that the applicant meets those criteria, The board could approve this

property for a STR-unoccupied permit. If the property does not meet those eight criteria, the board can deny the application.

That is how we have transitioned from a “stranded property” to the special exceptions process. This process went into effect on January 1, 2024, with the adoption of the 2024 STR Ordinance.

Mike Mahoney responded that the “Stranded Property” term was never used in the 2024 Ordinance, but it had become a colloquialism. The 2022 Ordinance had used it and had been stricter on the qualifications for obtaining a permit. 2024 Ordinance lowered the percentage requirement from 75% to 50%. So colloquially, this was a “stranded property.”

At 6:20PM Dr. Hammersen asked if there were any members of the public that would like to address the board. No one was present to speak.

Public hearing closed at 6:21PM

Discussion:

Jim McAfee stated that this was a lose, lose, lose. The property owner was neglectful, it was his responsibility to make sure that the permit was taken care of. The management company and the city dropped the ball. I would recommend that we approve the permit. He stated that he did not wish to see the applicant at this Board meeting again.

Mike Mahoney thought that it was unfair to operate for one year and a half without a permit, to reap the benefits and get a permit. The previous Ordinance stated that if you operated without a permit, you could not even apply for a permit for a period. The property was not cited for the violation, but it was mind boggling that the violation went on for this long. This is a serious violation and could have had a fine of up to \$2,000 a day. This was neglect and not good operation. He stated that it was unfair to all those that did mind their business, paying their appropriate permit fees, dealing with inspection and all the things that are required for running a business, to award someone that did not do that a new permit.

Jennifer Eggleston declared that she had some questions. She agreed with all that Mike Mahoney said and that there were catastrophic failures all around but to reward someone for not operating it correctly did not seem correct. She asked if there was a way to fine the property owner if we were to consider approving.

Mick McKamie reminded the Board that they were a quasi-judiciary Board and only the State can override your decision, but that they had no administrative authority to ask for that kind of thing. That there was no statute of limitations on filing in Municipal court for this offense and that there was no statute of limitations for the City to seek injunctive relief

to stop illegal actions. In fact, he stated as some of you may know, the City has seven or eight cases civil court right now.

Dr. Hammersen declared that he understood that as soon as the property owner and the management company became aware of the lack of permit, they stopped renting. He asked if Staff had the administrative right to access the previous permit fee and the current fee.

Shelby Collier responded that no, Staff could not access the previous year's unpaid fees because this was not renewal. This would be treated as a brand-new permit.

Mick McKamie stated that as there was no inspection, there was no cost to be recovered so no, those past due permit fees could not be collected.

Shelby Collier reminded the Board that Staff found evidence of several reviews dated February 2025.

Dr. Hammersen replied that the reviews do not mention date of stay, they were posted in February. He asked again if operations ceased in January.

Mrs. Blacker responded, yes.

Mr. Tanner commented that he had had friends stay and that they had posted reviews as a marketing tool.

Mike Mahoney made a motion to deny the application.

No second. Motion Failed.

Mike Mahoney then made a motion to approve the application.

Jim McAfee seconded the motion.

Jim McAfee and Eric Hammersen voted Aye.

Mike Mahoney and Jennifer Eggleston voted Nay.

Motion passed. The application for a special exception ZBA2025-02 was denied.

Dr Hammersen asked if there was another way for the applicant to get a new permit.

Mike Mahoney stated that they would have to go through this process, the special exception process again.

Shelby Collier responded that was correct. Unless they submitted an STR permit application, which staff would deny as they did not obtain a Special Exception and that obtaining an STR-unoccupied permit in R2 was no longer allowed by right. They could appeal Staff's denial to City Council. These were the only two avenues they could pursue.

Dr. Hammersen asked if the applicant understood his options.

Mr. Tanner responded that he did not.

Dr. Hammersen repeated the explanation that Shelby Collier had supplied.

Shelby Collier said that Staff would be happy to follow up with the applicant and explain the options in more detail.

#### **ADJOURN**

With nothing further to come before the Board, Eric Hammersen moved to adjourn the meeting. The meeting was adjourned at 6:41 P.M.

PASSED AND APPROVED this the 16<sup>h</sup> day of April 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:** April 16, 2025

**CATEGORY:** PUBLIC HEARING

---

**CAPTION:** Request ZBA2025-04: By Julie Warmbrodt to Consider a Request to the Zoning Board of Adjustment for a Special Exception per Sec. 5.500 - Board of Adjustment Subsection 1 to Allow for an STR-Unoccupied Permit for Property Located at 712 W San Antonio Street.

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

**PRESENTATION:**

[PRESENTER\_NO\_BR]

**SUMMARY:**

The applicant is requesting a Special Exception to obtain an STR-Unoccupied permit for property located at 712 W San Antonio.

The current property withdrew their STR permit in 2024 due to family medical issues and wishes to reinstate the STR permit.

**FINDINGS:**

The subject property is 15,400 sq ft lot consisting of a 2,224 sq ft, 4-bedroom building.

**Application Number:** ZBA2025-04

**Address:** 712 W San Antonio St

**Size of Lot:** 15,400 sq ft

**Size of House:** 2,224 sq ft

**Bedrooms:** 4. If approved, the 4-bedroom unit would result in an occupancy of 10

**Parking Spaces:** 4

**Zoning:** R1, 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, April 11, 2025, no comments from owners within 200 ft have been received.

When reviewing properties within 200 ft, Staff identified that 7 properties are operating as STR's with an average occupancy of 8. In addition, 6 properties are zoned C2 Commercial and consist of 1 vacant lot, 1 STR, 1 Historic Landmark, 2 Commercial Offices, and 1 Convenience Store. These properties have been identified on the accompanying 200 ft map. The details of those properties are as follows:

701 W Main is a Historic Landmark zoned C2, Commercial with a lot of size of 24,100 sq ft and living area of 1,266 sq ft.

705 W Main is a vacant lot zoned C2, Commercial with a lot size of 26,653 sq ft.

707 W Main (2-bedroom unit) consists of a 15,000 sq ft lot with an occupancy of 4.

709 W Main is Absolute Charm Real Estate Office zoned C2, Commercial with a lot size of 20,000 sq ft.

711 W Main is Absolute Charm STR office zoned C2, Commercial with a lot size of 20,672 sq ft.

713 W Main is Alon Convenience Store zoned C2, Commercial with a lot size of 20,000 sq ft.

105 S Cherry (4- bedroom unit) consist of a 8,817 sq ft lot with an occupancy of 12.

720 W San Antonio (1- bedroom ADU) consists of a 1,350 sq ft lot with an occupancy of 2.

714 W San Antonio (4-bedroom unit) consists of a 25,401 sq ft lot with an occupancy of 16.

710 W San Antonio (3-bedroom unit) consists of a 17,000 sq ft lot with an occupancy of 6.

711 W San Antonio (2-bedroom unit) consists of a 1568 sq ft lot with an occupancy of 6.

709 W San Antonio (3-bedroom unit) consists of a 21,000 sq ft lot with an occupancy of 8.

### **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 15,400 sq ft, which is more than the minimum lot size for this zoning district and is in keeping with the overall development of STR's 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 22 properties within 200 ft, 7 properties are operating as STR's. 6 properties are zoned C2 Commercial and consist of 1 vacant lot, 1 STR, 1 Historic Landmark, 2 Commercial Offices, and 1 Convenience Store. 9 properties are acting as a single-family residence or second home resulting in a truly mixed neighborhood.**

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

**This portion of West San Antonio is wide and wider than the typical street. In addition, this street runs parallel to Main Street and will occasionally experience overflow traffic. All neighboring properties provide onsite parking and this property can comfortably accommodate 3 tandem parking spaces, plus 1 parking space in the garage. Staff does not believe the approval of this request would negatively impact nearby streets.**

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

**The applicant is requesting an STR-Unoccupied permit for the 4-bedroom unit. If approved without conditions, the 4-bedroom unit would result in an occupancy of 10. It is important to note that the property previously had an STR-Nonconforming permit that was withdrawn due to medical issues in the family in 2024. The STR owner informed HOT Specialist they were not renting as of May 2023 and moved back into the home as primary residence.**

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 an STR permit under the 2018 STR Ordinance, with the first record of application occurring on 12/23/2021 and was in operation until the permit was withdrawn in 2024.**

**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 50% of the surrounding properties are not residential in nature. There are 7 STR's and 6 Commercially zoned properties in this neighborhood resulting in 9 residential units operating as a Single-Family Residences OR Second Homes.**

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 with a lot size of 15,400 sq ft and the residence is 2,224 sq ft. This property abuts C2, Commercial zoning which is the highest commercial zone allowed by the City of**

**Fredericksbrug, and includes possible uses such as Automotive Washing, Cocktail Lounge and Commercial Off-street parking, none of which are conducive to a Single-Family residential experience. In addition, the property is one block off of main street.**

**STAFF RECOMMENDATION:**

In reviewing Sec. 5.500, Items 1 - 8, Staff found that the request to operate an STR-Unoccupied could be considered appropriate for this neighborhood given the truly mixed uses including 50% STRS, Commercial businesses and residences.

This property abuts C2, Commercial zoning which is the highest commercial zone allowed by the City of Fredericksbrug, and includes possible uses such as Automotive Washing, Cocktail Lounge and Commercial Off-street parking, none of which are conducive to a Single-Family residential experience. In addition, the property is one block off of main street and is abutting 3 permitted STR's with a combined occupancy of 26.

With this in mind, Staff recommends approval of the Special Exception request conditioned upon limiting the occupancy to 8 which is the average occupancy of the neighborhood.

---

**ATTACHMENTS:**

1. ZBA2025-04 Correct layout application
2. ZBA2025-04 Photos
3. Site plan
4. Floor plan
5. ZBA2025-04 Public Hearing Map
6. ZBA2025-04 Mailing labels

**APPROVAL/REVIEW:**



Shelby Collier, Senior Planner

Date: April 08, 2025



## 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: Julie Warmbrodt
2. Property Owner (if different from Applicant): Same
3. Applicant Phone: 512-988-0219 Applicant Email: julie@juliekwarm.com
4. Description of Subject Property:  
Address: 712 W. San Antonio St. Fredericksburg, TX 78624  
Legal Description: Single Family Residence  
Zoning Classification: R1 Zone
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: Rescinded STR permit in 2024. Because of family medical that has arisen since, family requests reinstatement of STR permit for main house, per special exception process. Thank you.
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.

Julie Wadsworth  
Applicant  
03-05-2025  
Date

\_\_\_\_\_  
Property Owner (if different from Applicant)  
\_\_\_\_\_  
Date

**STAFF USE ONLY**

Application No: \_\_\_\_\_  
ZBA 2025-04

Date: 3/5/25

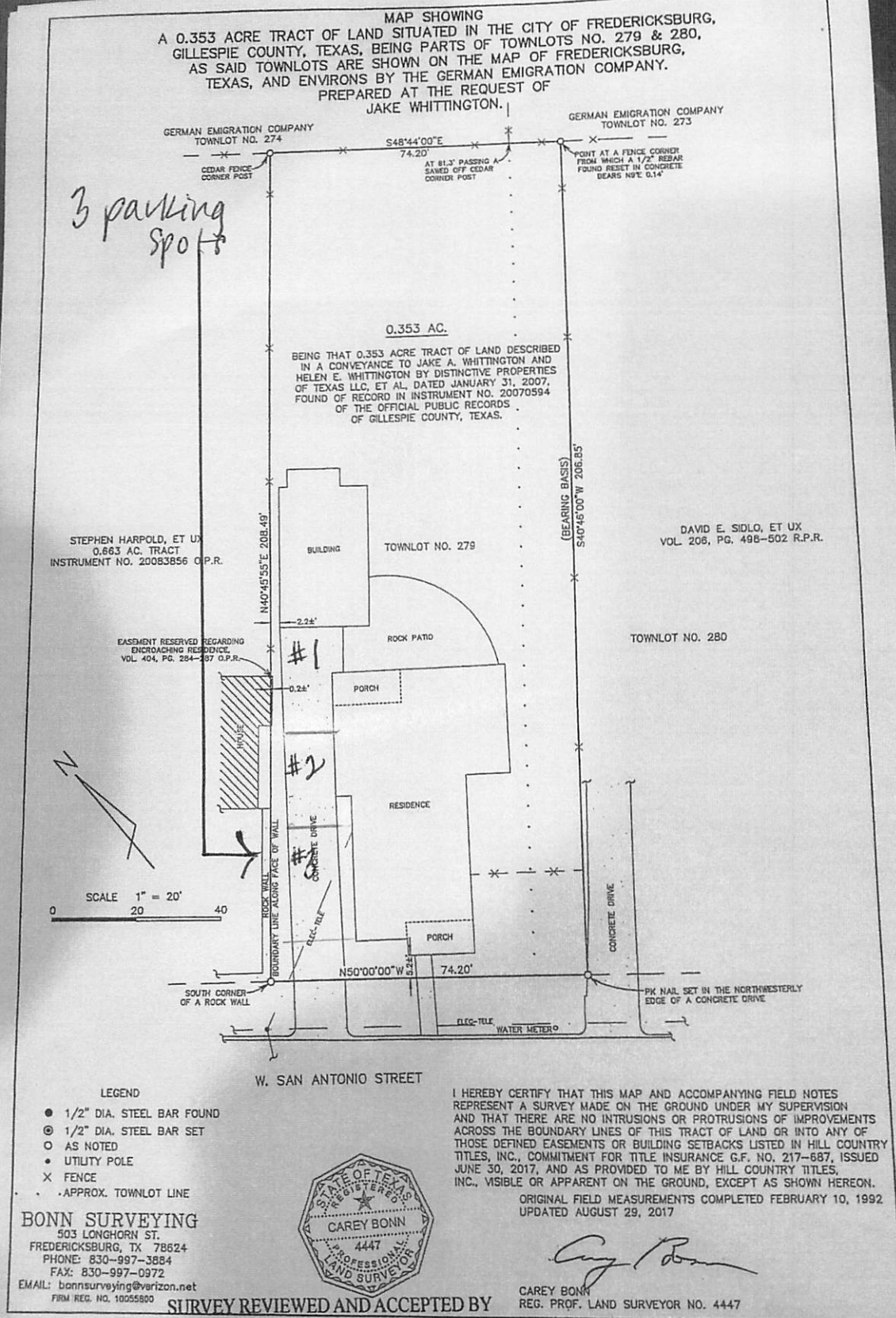
Payment Type: CN \$1050  
#2104

712 W San Antonio – Photos







Warmhoad  
712 W. San Antonio St.

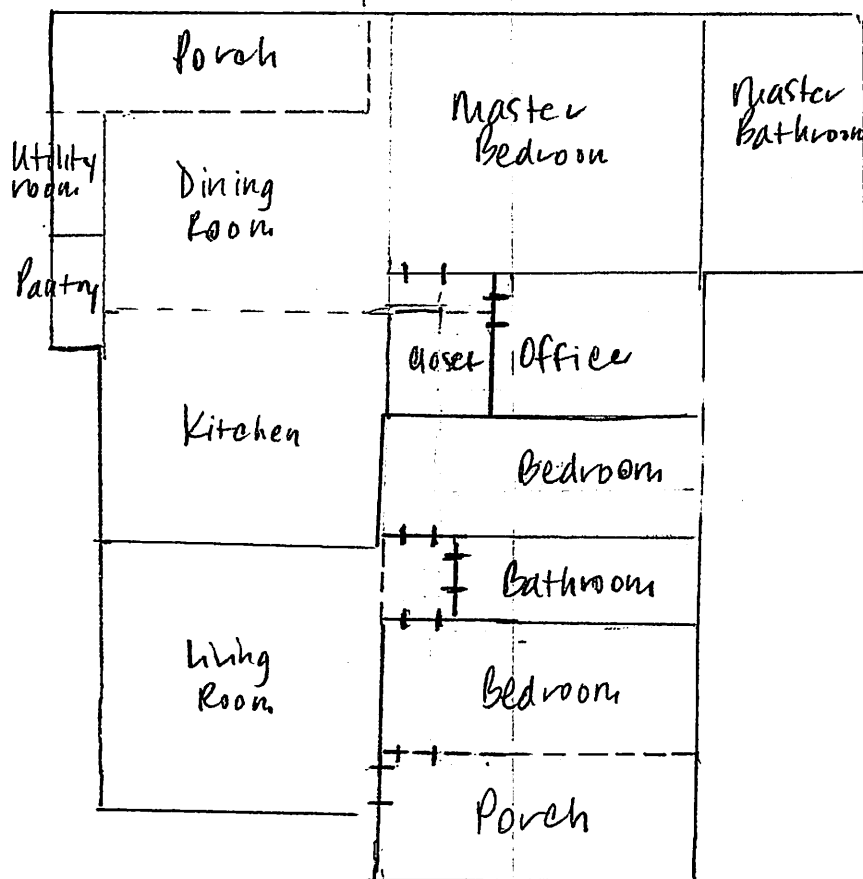
lot

712 W. San Antonio St.

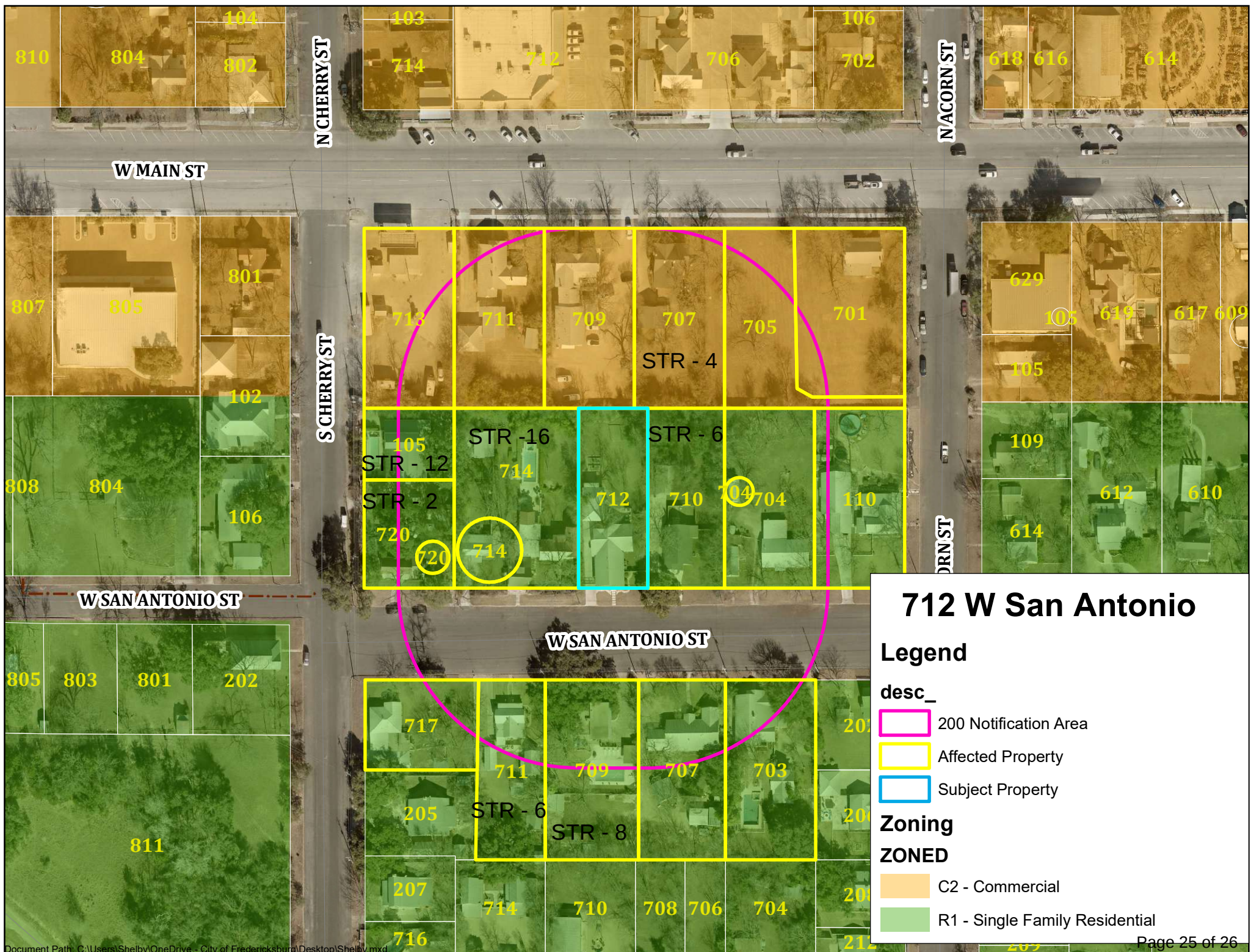
Garage  
(1 car)

Backyard

Driveway for parking



W. San Antonio St.



## 712 W San Antonio

### Legend

desc\_

 200 Notification Area

 Affected Property

 Subject Property

### Zoning

#### ZONED

 C2 - Commercial

 R1 - Single Family Residential

HERBIG, DAVID R & CARLA F  
703 W SAN ANTONIO  
FREDERICKSBURG, TX 78624

HALLMAN, MARK R ENTERPRISES  
LTD  
313 WILDWOOD DR  
FREDERICKSBURG, TX 78624  
ERSCH, JONNIE MAE -LIFE  
ESTATE-

717 W SAN ANTONIO  
FREDERICKSBURG, TX 78624  
ABSOLUTE CHARM HOLDINGS  
LLC - SERIES 711 W MAIN  
709 W MAIN  
FREDERICKSBURG, TX 78624  
SPENCER SUNDAY HOUSE LLC  
PO BOX 2914  
FREDERICKSBURG, TX 78624

PLIEGO, JOSE F  
2213 WARBLER WAY  
AUSTIN, TX 78735

CREATH, ADAM & KRISTI  
720 W SAN ANTONIO  
FREDERICKSBURG, TX 78624

GENTRY, ANDREA & ROY  
110 S ACORN  
FREDERICKSBURG, TX 78624

ENDERLIN, CHARLES C & GINA S  
709 W SAN ANTONIO ST  
FREDERICKSBURG, TX 78624

HASCHKE, KAREN ANN  
4208 VENADO DR  
AUSTIN, TX 78731

ABSOLUTE CHARM HOLDINGS  
LLC - SERIES 709 W MAIN  
709 W MAIN  
FREDERICKSBURG, TX 78624  
WEBER, ESTHER LOUISE -LIFE  
ESTATE-  
704 W SAN ANTONIO  
FREDERICKSBURG, TX 78624  
PALMER, LENDON & PAULINE  
704 W SAN ANTONIO ST  
FREDERICKSBURG, TX 78624

HARPOLD, STEPHEN & JILL  
614 W MAIN  
KERRVILLE, TX 78028

CRENWELGE OIL CO  
P O BOX 452  
FREDERICKSBURG, TX 78624

ENDERLIN, ROY R  
707 W SAN ANTONIO  
FREDERICKSBURG, TX 78624

SIDLO, DAVID E  
547 SMITH RD  
FREDERICKSBURG, TX 78624

SIDLO, DAVID E  
547 SMITH RD  
FREDERICKSBURG, TX 78624

WARMBRODT, TOM & JULIE  
7001 SHOAL CREEK BLVD  
AUSTIN, TX 78757

HARPOLD, STEPHEN & JILL  
614 W MAIN  
KERRVILLE, TX 78028

CREATH, ADAM & KRISTI  
720 W SAN ANTONIO  
FREDERICKSBURG, TX 78624