



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Monday, October 6, 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 special session on October 6, 2025, at 5:30PM. The meeting will be available within 24 hours to re-watch on the City's website: fredericksburgtx.portal.civicclerk.com.

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. on October 6, 2025.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to 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. July 16, 2025 - Regular Meeting Minutes

4. PUBLIC HEARING

5. ACTION ITEMS

- A. **REQUEST #ZBA2025-09**; By Maxwell Morrison, To Consider A Special Exception per Sec.5.500 - Board of Adjustment Subsection A3, 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 10.

- i. Presentation by the applicant
 - ii. Staff Report
 - iii. Hold a Public Hearing
 - iv. Take action on the Special Exception
- B. **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.
- i. Presentation by the Applicant
 - ii. Presentation by Staff
 - iii. Hold a Public Hearing
 - iv. Take Action on the Public Hearing
- C. **ZBA2025-07** - Request by Krista Duderstadt to request a setback variance per section 5.600 "Variance Proceedure" to allow for a 5-foot side yard setback from the street side yard instead of the required 15-foot side yard setback for the property commonly known as 401 East College Street.
- D. **ZBA2025-08** - Request by Shelby Collier to request a setback variance per section 5.600 "Variance Proceedure" to allow for a zero (0) interior side yard setback instead of the required 5-foot interior side yard setback for the property commonly known as 313 West Creek Street.

6. EXECUTIVE SESSION

- A. Pursuant to Section 551.071 of the Texas Government Code, the Zoning Board of Adjustment reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

7. DISCUSSION ITEMS

- A. Director's Report

8. ADJOURN

CERTIFICATION

This is to certify that I, Jan Musgrove, posted this Agenda before 4:30PM. on Tuesday, September 30, 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
JULY 16, 2025
MEETING MINUTES
5:30 P.M.**

On the 16TH day of July 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: CLAY SEARS – Chairperson
ERIC HAMMERSEN – Vice Chairperson
MIKE MAHONEY- Member
JENNIFER EGGLESTON – Member
ADAM LUTON - Alternate

ABSENT: JIM MCAFEE – Alternate
TAYLOR WILLIAMS- Member

ALSO PRESENT: CLIFF CROSS – Director of Development Services
JAN MUSGROVE – Planner 1
ANNABELLE ACKLING– Legal Counsel, Virtual

The meeting was called to order at 5:41 P.M. by Clay Sears.

Letty Vacek, City Secretary, swore Clay Sears in as his term on board had been extended until June 30th, 2027.

Introduction of Director of Development Services: The new Director of Development Services, Cliff Cross, shared some of his extensive background in municipal government including roles; as zoning administrator, planning director, building official, fire marshal, floodplain administrator, and economic development grant writer. He emphasized his comprehensive understanding of development services from subdivision to certificate of occupancy and how excited he was to work for the City of Fredericksburg and the Zoning Board of Adjustment.

Minutes:

Eric Hammersen made a motion to approve April 16, 2025, Regular Meeting Minutes. Second, by Mike Mahoney. All voted in favor and the motion carried.

ZBA2025-05 - Request by John Scribner of Sign Remedy for Multi-Tenant Monument Sign. The sign is 67.5 Square Feet wide and an overall height of twelve feet. The sign would house panels for three different tenants of their business center, which is ten acres.

Clay Sears swore Stephanie Stewart in.

Applicant: Stephanie Stewart representing Sign Remedy, the proposed sign would be 67.5 square feet in size and twelve feet in height. It would house panels for three different tenants within the business center, which spans approximately ten acres.

Staff Summary:

A variance has been requested due to the uniqueness of the lot configuration. One of the lots does not have street frontage and only has exist access to Hwy 87. A land use agreement exists between the landowners for shared signage. Staff reviewed the variance request, highlighting the unique circumstances of the property, including its layout and access points. It was noted that the site plan approval process had considered these factors. Emphasis on the importance of maintaining aesthetic consistency within the development and re-stated that a single, well-designed monument sign would be preferable to multiple smaller signs, which could create visual clutter. The variance would not be inconsistent with the intent of the city code, given the unique circumstances of the property. Similar variances had been granted in other cases where the layout and access points justified a taller sign.

Board Discussion: The board raised concerns about the sign's height, noting that it exceeded the typical height for signs in the area. They discussed the potential precedent it might set and the impact on the surrounding area. They discussed the possibility of tabling the decision to gather more information. They noted that most signs in the vicinity were shorter and that a 12-foot sign might stand out in a way that was not desirable.

Applicant:

Stephanie Stewart justified the request by explaining that a taller sign would be more visible and effective for the three businesses involved, especially given the layout of the development. She emphasized the need for a unified sign rather than multiple smaller signs.

Eric Hammersen made a motion to table the item and to revisit it at next month's meeting.

Jennifer Eggleston seconded the motion. All voted aye and the motion carried unanimously.

ZBA2025-06 - Request by Gerado Noriega, GNA Architecture, on behalf of Create Healthy for a variance to reduce the required number of parking spaces from 197 to 151 spaces to accommodate the expansion of the existing wellness center at the property commonly known as 1006 S. State Hwy 16.

Clay Sears swore Dawn Bourgeois in.

Applicant:

Dawn Bourgeois, Director of the Wellness Center mentioned that the request was based on the shared parking ratios and the facility's usage patterns. The applicant maintained that the current parking capacity was sufficient to accommodate the expansion without significantly increasing concurrent usage. She stated that the expansion was necessary to enhance the quality of services

and accommodate the growing membership. She noted that the current facilities were near the end of their lifespan, particularly the pool and required significant upgrades.

Clay Sears opened the floor to the public hearing at 6:11PM

Public Comments on Parking Variance: Several members of the public, including long-time Wellness Center members, expressed their support for the parking variance, noting that the current parking capacity was sufficient and the expansion would benefit the community. Members highlighted the benefits of the expansion for the community, including enhanced services, more comfortable spaces, and the ability to host small regional swim meets. They emphasized the importance of the Wellness Center as a community asset. Members shared their observations that the parking lots were rarely full, even during peak times. They noted that the Ruben St. parking lot was often empty, indicating that the current parking capacity was more than adequate.

Mary Pennick, a business owner located nearby expressed her concern about “what if the extra parking lot on Reuben street were to be sold separately”

Dawn Bourgeois, Director of the Wellness Center assured her and the Board that that would never happen, that it would always be a part of the wellness center.

Clay Sears closed the public hearing at 6:41PM.

Discussion: The board reviewed the facility's usage patterns, noting that the Wellness Center had multiple uses that did not all require parking at the same time. They considered the historical parking data and the adequacy of the current parking capacity. The board deliberated on the potential impact of losing the off-site parking lot on Reuben Street. They discussed the possibility of attaching conditions to the variance. The board members asked for legal counsel’s input into the possibility of the property owner submitting a voluntary legal document that binds the two parking lot areas together with the Wellness Center property and to review the legal implications and feasibility of attaching conditions to the variance that ensured the Ruben St. parking lot remains part of the Wellness Center property and if the parking requirements and the possibility of a deed restriction as part of the site plan approval process could be confirmed. provide documentation showing that the Ruben St. parking lot will always be part of the Wellness Center property.

Eric Hammersen made a motion to approve the parking variances noting that the Site plan still had to be approved and that conditions could be added to it concerning securing the off -street parking lot on Reuben Street.

Adam Luton seconded the motion. All voted aye, and the motion carried unanimously.

Director's Report: The Director of Development Services, Cliff Cross, provided an update on his approach to keeping the board informed and involved in the development of the new unified land development code. He emphasized the importance of adapting the code to address recurring variance requests.

ADJOURN

With nothing further to come before the Board, Mike Mahoney moved to adjourn the meeting. The meeting was adjourned at 6:56P.M.

PASSED AND APPROVED this the 20th day of August 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: October 6, 2025

CATEGORY: ACTION ITEMS

CAPTION: REQUEST #ZBA2025-09; By Maxwell Morrison, To Consider A Special Exception per Sec.5.500 - Board of Adjustment Subsection A3, 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 10.

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

SUMMARY:

The applicant is requesting a Special Exception to increase the occupancy for property located at 106 West College. The current occupancy is 8 the requested occupancy is 10.

FINDINGS:

Sec. 20-223 - Special Exceptions Available To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements. The subject property has 19 properties within 200 ft. 7 of those properties are permitted Short-Term Rentals with an average occupancy of 5 when including the subject property which has the highest occupancy of the surrounding permitted properties.

Application Number: ZBA2025-09

Address: 106 W. College

Size of Lot: 18,714 sq ft

Size of House: 2,909 sq ft

Bedrooms: 5 bedrooms

Parking Spaces:

Zoning: R1, Single Family Residential

Response to Public Hearing: 2 Protest 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 subject property has a lot size of 18,000 sq ft which is double the average lot size in this area, however, the requested occupancy is more than double the average for this neighborhood.**

Whether operation as a short-term rental in the property's zoning district is compatible with the quality of the surrounding area; **Of the 19 properties within 200 ft, 1 is the middle school which is across West College and 7 others are operating as a STR with 11 operating as residences, meaning more than half of the properties in the neighborhood are homes.**

Whether such an operation will substantially impact nearby streets, including whether the property provides only limited off-street parking; **The property provides ample parking as it has a large lot with parking available on the east side able to accommodate 7 vehicles.**

Which type of short-term rental, as defined in section 20-220, the applicant seeks to operate; STR-Unoccupied 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 obtained an STR-Unoccupied permit on 03/29/22 and has maintained the permit in good standing. The property transferred ownership from the previous owner to the current owner on 01/11/24 with the new owner requesting an increase in occupancy.

Whether operation with the terms of the special exception will adversely impact the residential quality of the surrounding neighborhood; **Staff has not identified any negative impacts that the proposed increased occupancy would have on the surrounding properties. Although, the total occupants allowed would be more then neighboring properties, there is adequate on-site parking and square footage to accommodate the proposed increase.**

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 Specific property characteristics of the short-term rental like lot size or large square footage of the structure." **The middle school is located directly across West College and while the lot is large, 18,700 sq ft, it also possesses the highest occupancy in the neighborhood.**

STAFF RECOMMENDATION:

The property is located across from the middle school campus and in a neighborhood that consists of mainly residences. Of the 8 STRS located in the neighborhood, 5 have an occupancy of 4, 1 has an occupancy of 2 and 1 has an occupancy of 7, creating an average occupancy of 5. The property consists of a 2-story, 2,900 sq ft house that consists of 5 bedrooms. The property provides 7 parking spaces on a 18,700 sq ft lot.

ATTACHMENTS:

1. 106 W College_Photos
2. College Street fred siteplan floorplan
3. ZBA2024-02 Surrounding Use and Occupancy Map
4. ZBA2024-02 Public Hearing Map

APPROVAL/REVIEW:



Date: September 29, 2025

Cliff Cross, Director of Development Services



Front of 106 W College



East Side of 106 W College - Driveway



East Side of 106 W College



Back of 106 W. College - Guest House



106 W College - Guest House



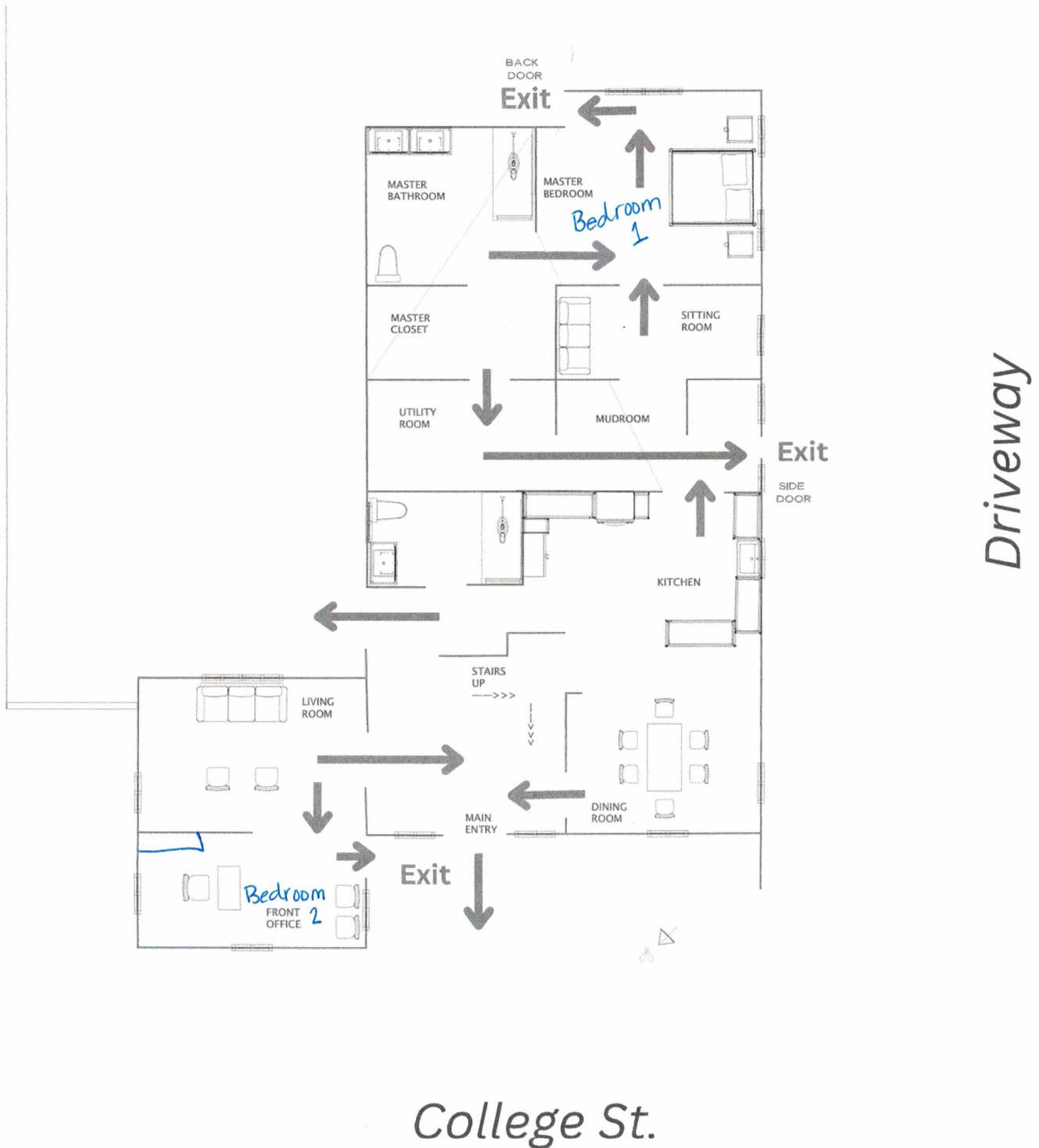
Back of Property - Parking Lot



West Side of 106 W College

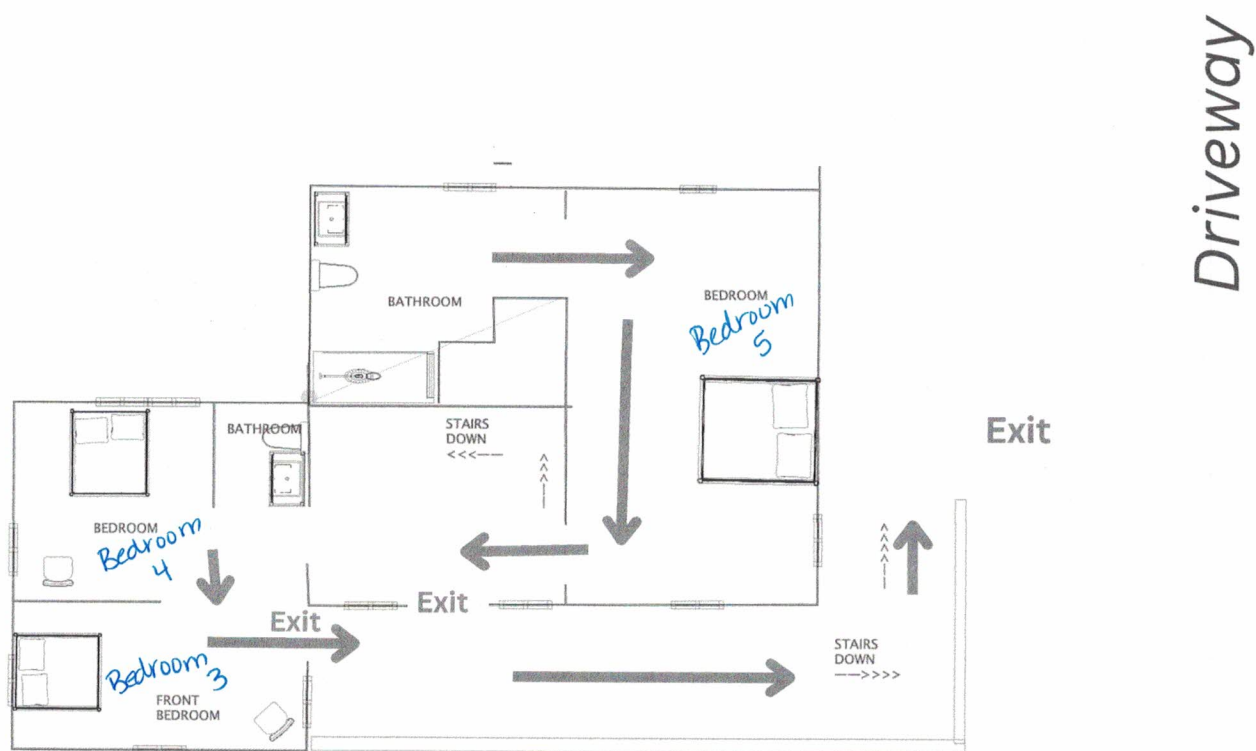
College House Fire Evacuation Plan

1st Floor

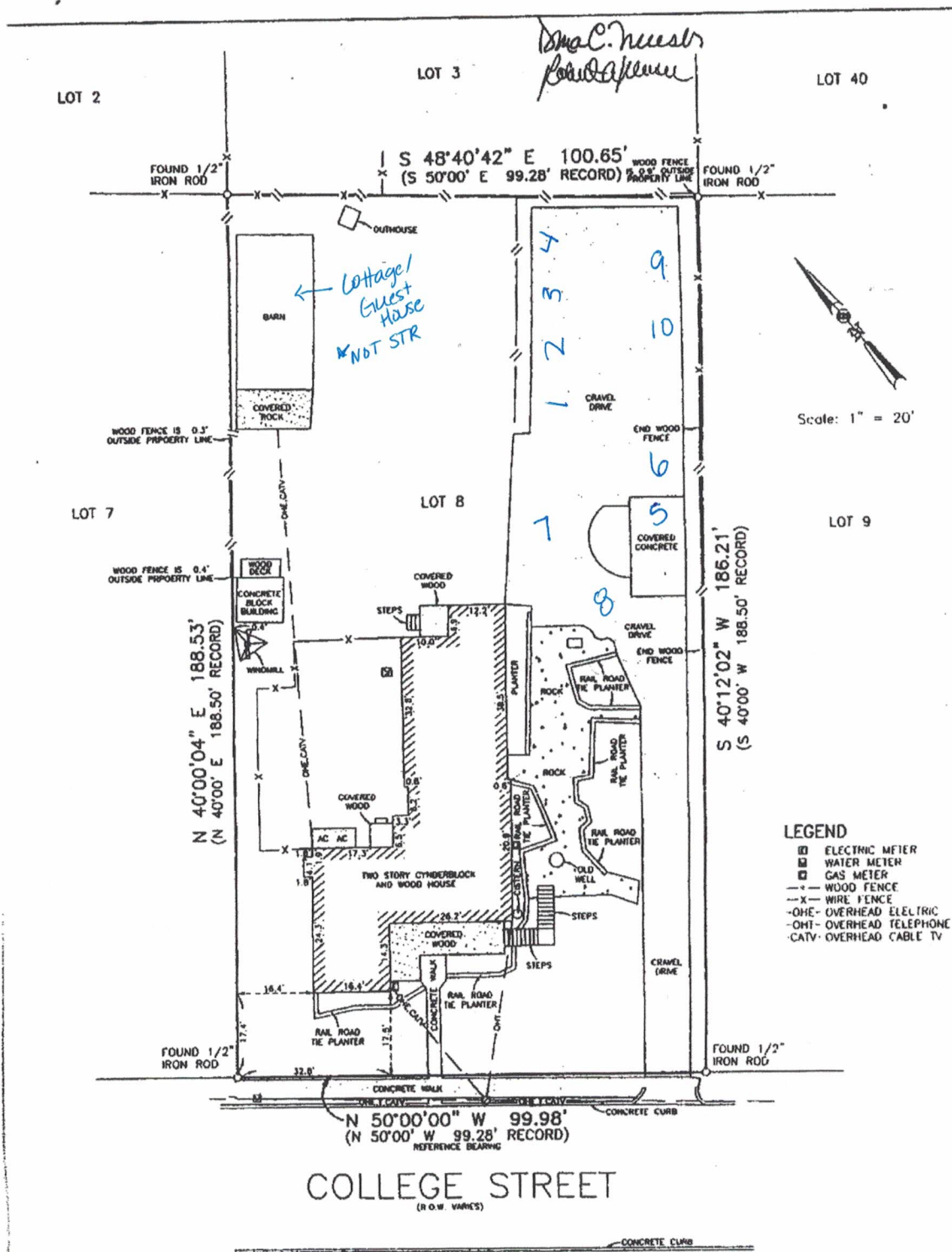


College House Fire Evacuation Plan

2nd Floor



College St.



- LEGEND**
- ELECTRIC METER
 - WATER METER
 - GAS METER
 - - - WOOD FENCE
 - x- WIRE FENCE
 - O-E- OVERHEAD ELECTRIC
 - O-T- OVERHEAD TELEPHONE
 - CATV- OVERHEAD CABLE TV

COLLEGE STREET
(R.O.W. VARIES)

NOTE:
BASIS OF BEARING WAS ESTABLISHED FROM THE STREET BEARING ALONG COLLEGE STREET ON A PLAT RECORDED IN VOLUME 22, PAGE 302, DEED RECORDS, GILLESPIE COUNTY, TEXAS.

PLAT SHOWING: LOT 8, BLOCK C, COLLEGE ADDITION, RECORDED IN VOLUME 12, PAGE 61, DEED RECORDS, GILLESPIE COUNTY, TEXAS.

M.D.S. LAND SURVEYING CO.
121 S. PECAN ST.
BOERNE, TEXAS 78006
PHONE: (830) 249-9188



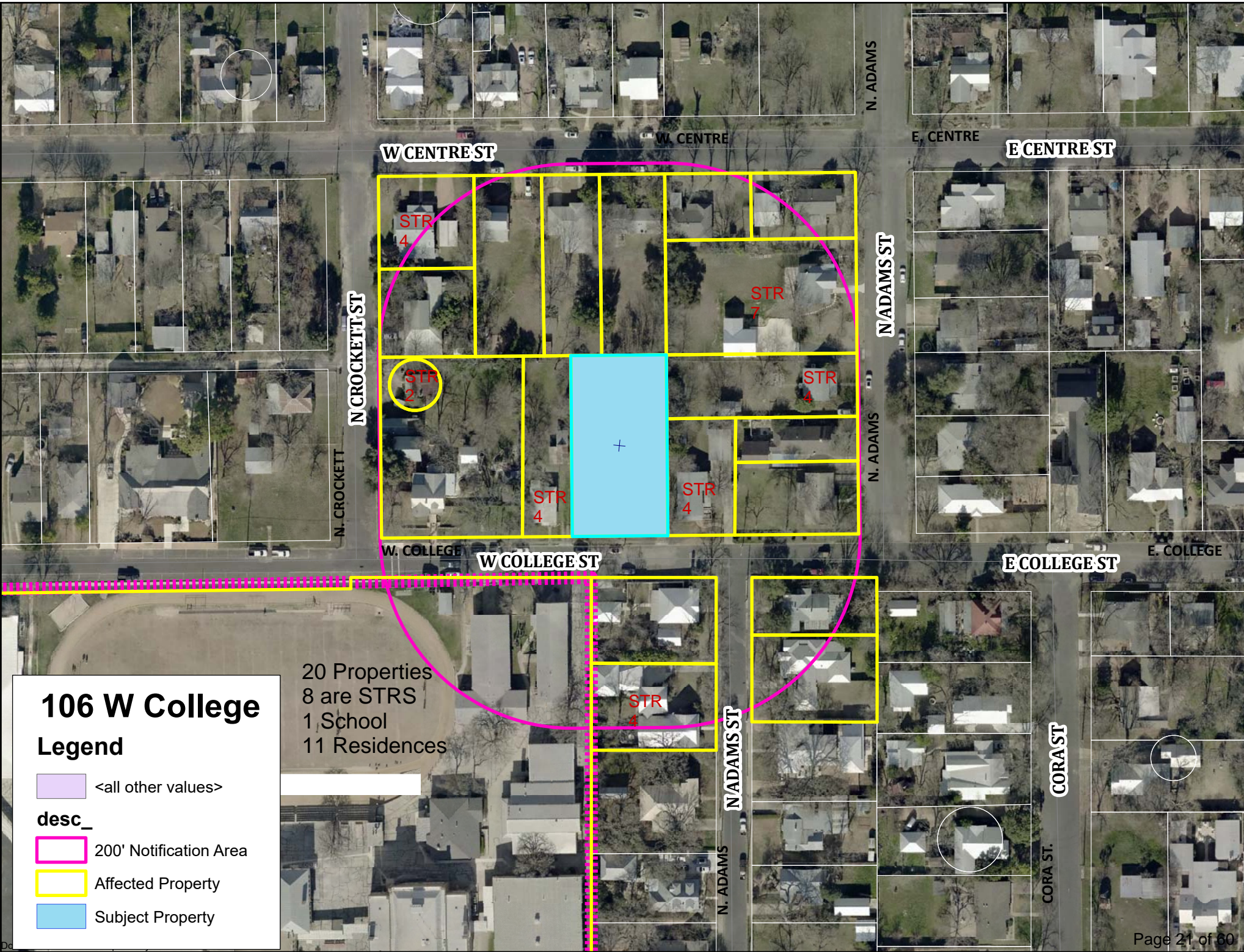
BORROWERS:
ROBERT NEUSER JR AND DINA NEUSER

FLOOD NOTE:
THIS LOT IS NOT LOCATED WITHIN FLOOD ZONE A ACCORDING TO FEDERAL INSURANCE RATE MAP # 480252 0002 @ DATED MAY 19, 1981

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

JEFF BOERNER
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS
REG. NO. 4939

DATE: FEBRUARY 23, 2000 JOB # 00-208

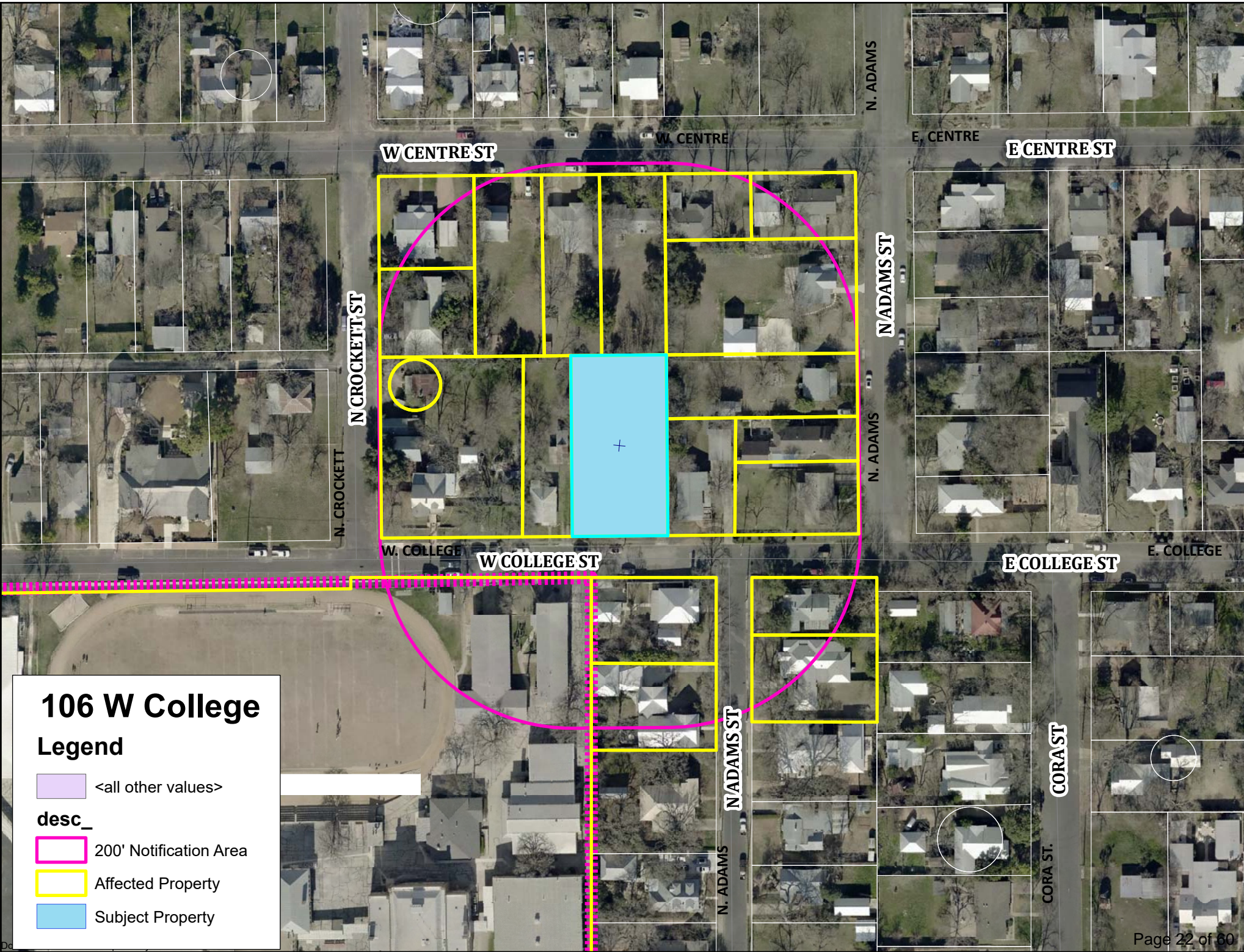


106 W College

Legend

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

20 Properties
 8 are STRS
 1 School
 11 Residences





ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: October 6, 2025

CATEGORY: ACTION ITEMS

CAPTION: 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.

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

SUMMARY:

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 actively been 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.

FINDINGS:

The subject property is 7,500 sq ft lot consisting of a 1,300 sq ft, 2-bedroom building.

Application Number: ZBA2025-02

Address: 209 S Elk

Size of Lot: 7,500 sq ft

Size of House: 1,300 sq ft

Bedrooms: 2

Parking Spaces: 2

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

When reviewing properties within 200 ft, Staff identified that 10 properties were operating as STR's with a total of 13 units 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:

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 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 a 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 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 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 drive way 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 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.

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. Furthermore, staff previously found evidence that the property is illegally operating as an STR as 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. Staff felt that was not in keeping with Item 5 of the review criteria.

ATTACHMENTS:

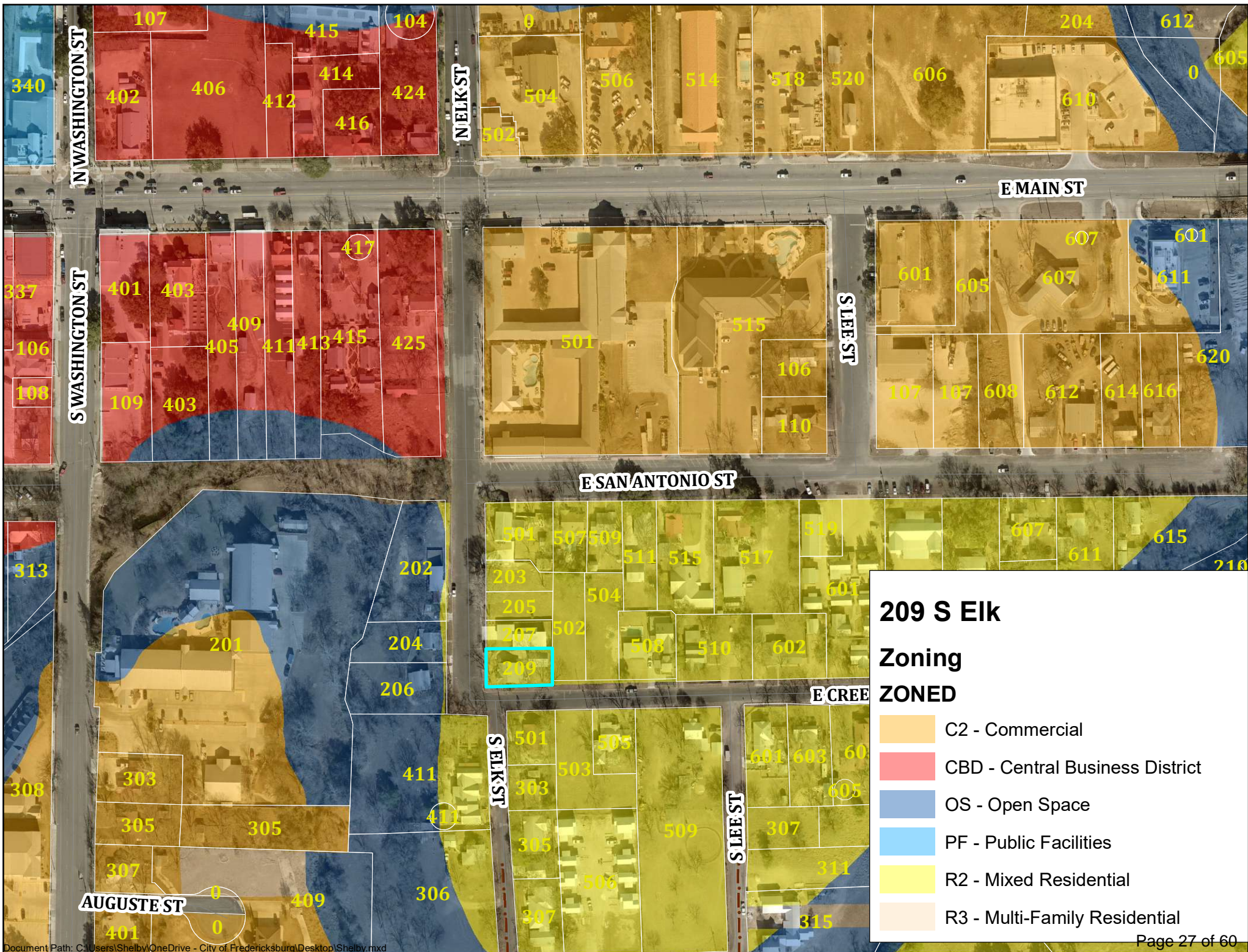
1. ZBA2025-02 Location_Zoning Map
2. 209 S Elk_Photos
3. Floor Plan - 209 S. Elk
4. Site Plan - 209 S. Elk
5. 209 S Elk Public Hearing Map

APPROVAL/REVIEW:



Date: September 29, 2025

Cliff Cross, Director of Development Services



209 S Elk

Zoning

ZONED

- C2 - Commercial
- CBD - Central Business District
- OS - Open Space
- PF - Public Facilities
- R2 - Mixed Residential
- R3 - Multi-Family Residential

209 S Elk - Photos



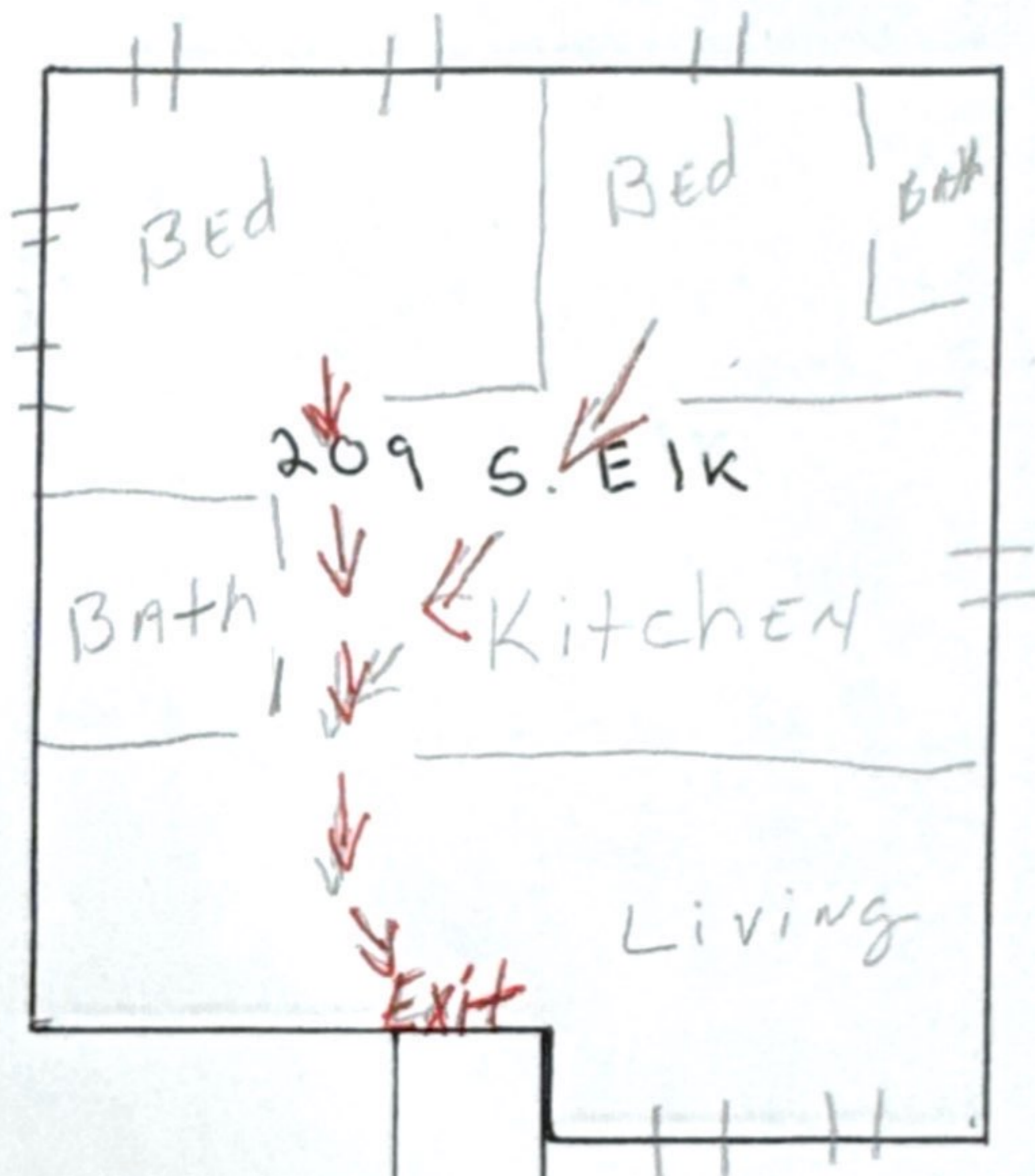


Garage

Parking space

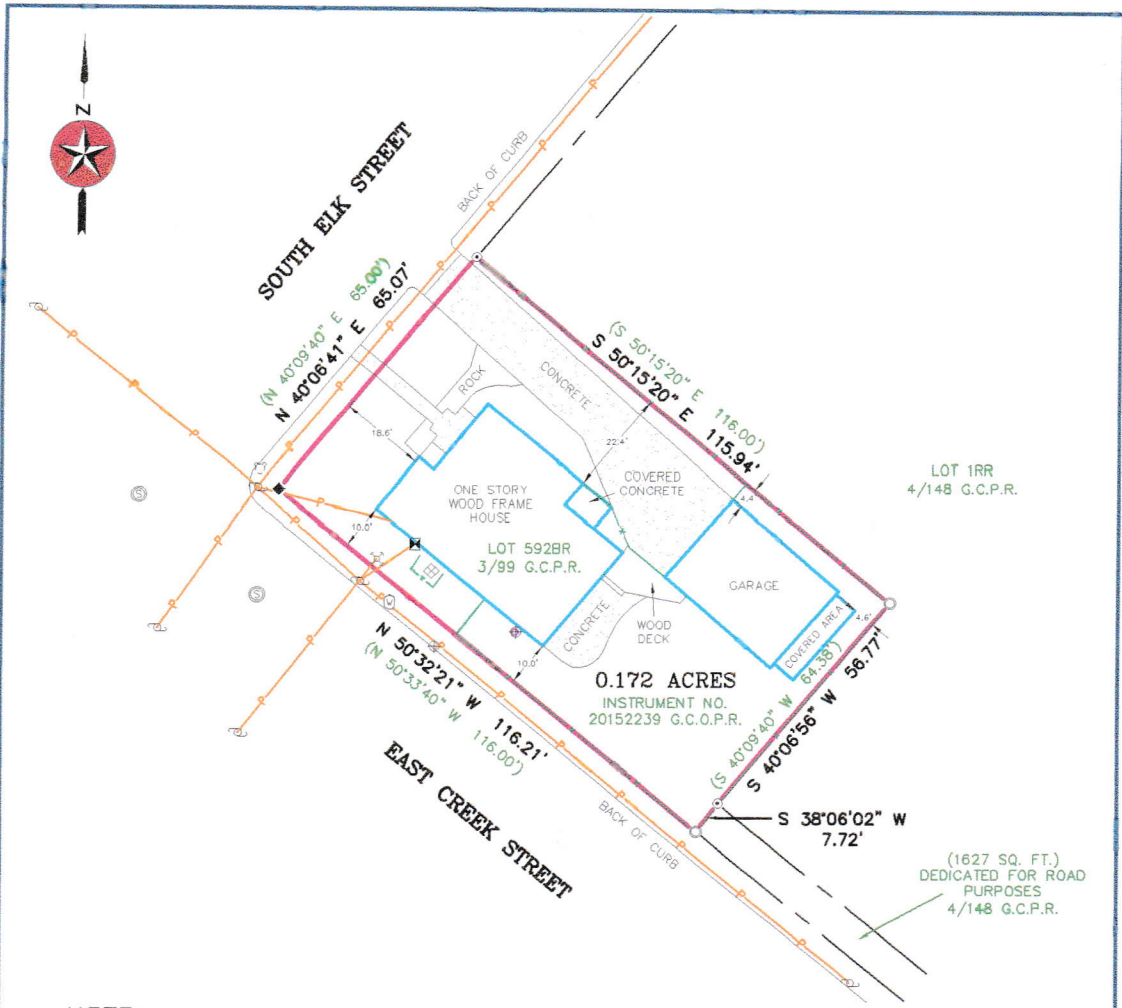
Parking space

Driveway



Creek St

Elk St

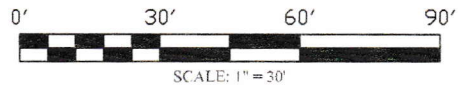


NOTE:

SCHEDULE B ITEMS, AS PER:
 FIRST NATIONAL TITLE INSURANCE COMPANY
 EFFECTIVE DATE: MAY 23, 2017, 4:00 PM
 ISSUED DATE: _____
 OF NO. 217-925

AS PER INFORMATION PROVIDED IN TITLE COMMITMENT LISTED ABOVE, THIS PROPERTY IS SUBJECT TO:

EASEMENTS: 48/115 G.C.D.R.



SURVEY NOTES:

1. BEARINGS ARE BASED ON THE RECORD NORTHEAST LINE OF LOT 592BR.
2. UNDERGROUND UTILITIES, PIPELINES, SPRINKLER SYSTEMS, VALVES, BOXES, AND/OR SPRINKLER HEADS THAT MAY EXIST, ARE NOT SHOWN HEREON.
3. RECORD EASEMENTS, RESTRICTIONS, AND/OR COVENANTS ARE ADDRESSED/SHOWN HEREON AS PER ITEMS LISTED IN TITLE COMMITMENT PROVIDED BY TITLE COMPANY NAMED HEREON.
4. A "1/2 INCH IRON ROD SET" IS A 1/2 INCH REBAR WITH PLASTIC CAP MARKED "SEARCHERS RPLS 6275."

LEGEND:

BOUNDARY LINE	POINT	FIRE HYDRANT	GAS METER
ADJOINER LINE	1/2" IRON ROD FOUND WITH CAP MARKED "BONN 4447"	UTILITY POLE	AIR CONDITIONER
SURVEY LINE	1/2" IRON ROD SET	GUY	PEDESTAL
BURIED UTILITY LINE	3/8" IRON ROD FOUND	WATER METER	RECORD CALL (BRG.-DIST.) - RECORD CALL P.O.B. - POINT OF BEGINNING
OVERHEAD UTILITY LINE	IRON PIPE FOUND	ELECTRIC METER	G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS
FENCE	120D NAIL FOUND	NAIL SET	G.C.D.R. - GILLESPIE COUNTY DEED RECORDS
PIPE FENCE CORNER POST FOUND	NAIL SET	BOLT FOUND	G.C.O.P.R. - GILLESPIE COUNTY OFFICIAL PUBLIC RECORDS
6" CEDAR FENCE CORNER POST FOUND	SEWER CLEANOUT		G.C.R.P.R. - GILLESPIE COUNTY REAL PROPERTY RECORDS
U.E. - UTILITY EASEMENT			
B.L. - BUILDING SETBACK LINE			



I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE PLAT AS SHOWN HEREON WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION AND COMPLETED ON MAY 22, 2017; THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS, OR PROTRUSIONS EXCEPT AS SHOWN HEREON.

Abraham J. Leamons
 ABRAHAM J. LEAMONS
 REGISTERED PROFESSIONAL LAND SURVEYOR #6275

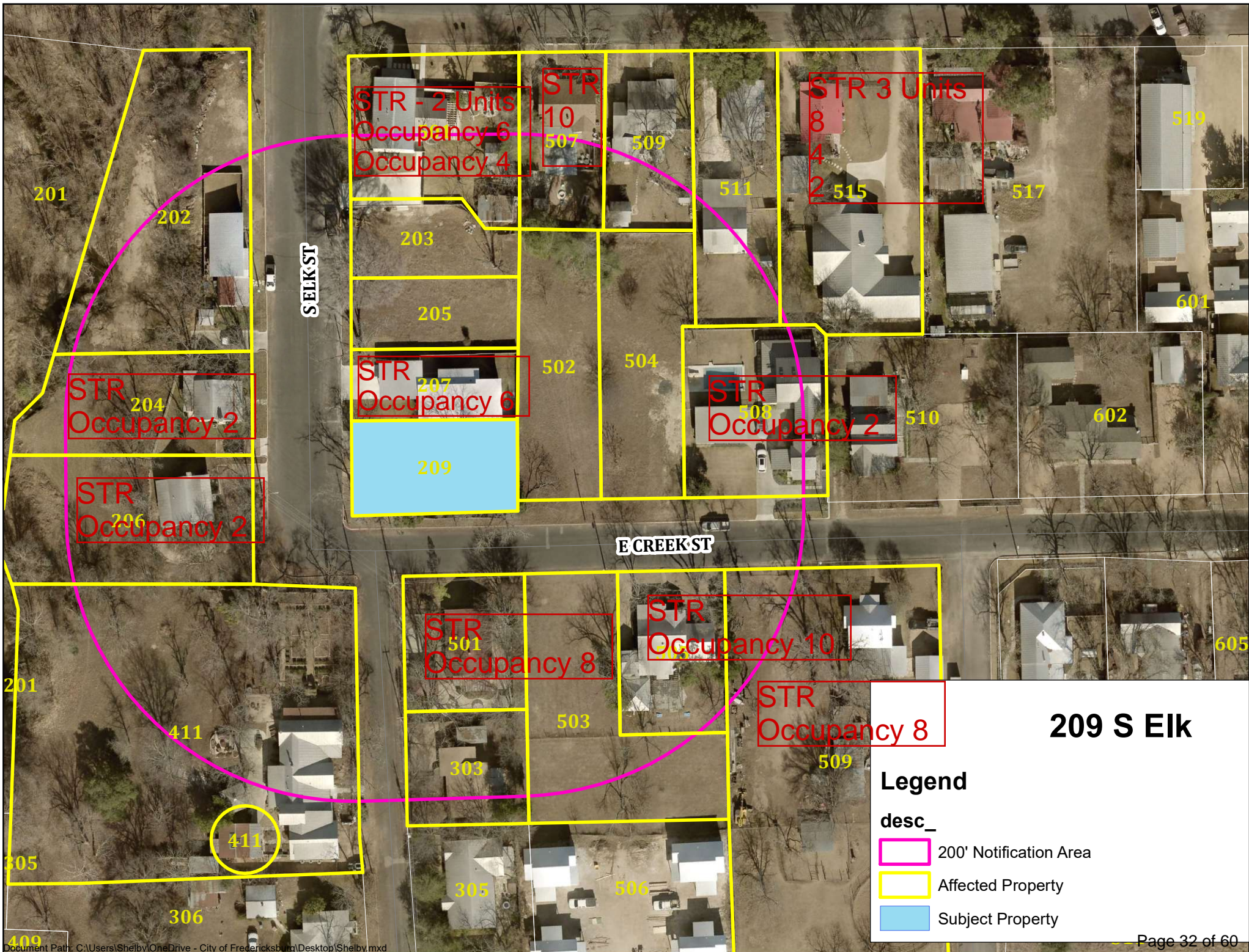
5-24-2017
 DATE

SEARCHERS
 LAND SURVEYING, LLC
 MASON | FREDERICKSBURG

P.O. Box 528 Mason, TX 76856 | 325-347-7499 | TBPLS Firm #10193966
 P.O. Box 1504 Fredericksburg, TX 78624 | 816-252-9810 | TBPLS Firm #10194211
 www.searcherslls.com

TITLE SURVEY
 BEING 0.172 ACRES, ALL OF LOT NO. 592BR OF THE RESUBDIVISION OF ALL OF TOWNLOTS NO. 592 & 593, PARTS OF TOWNLOTS NO. 594, 595 & 596, A STRIP OF LAND LYING SOUTHWEST OF SAID TOWNLOT NO. 592 & ALL OF LOT NO. 1, F.W. LANGERHANS ADDITION IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS AS SHOWN ON PLAT RECORDED IN VOLUME 3, PAGE 99 OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS.

REFERENCE: CHARLES TANNER AND BEVERLY K. TANNER JOB NO. 17-2034
 ADDRESS: 208 S ELK STREET REV. 0 DRAWN BY: JIL





ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: October 6, 2025

CATEGORY: ACTION ITEMS

CAPTION: **ZBA2025-07** - Request by Krista Duderstadt to request a setback variance per section 5.600 "Variance Proceedure" to allow for a 5-foot side yard setback from the street side yard instead of the required 15-foot side yard setback for the property commonly known as 401 East College Street.

SUMMARY:

The applicant is requesting a 5-foot setback from the street side yard instead of the required 15-foot side yard setback to allow for the reconstruction of a historic accessory structure within the prior existing footprint. The request to demolish and rebuild the structure appeared before the Historic Review Board and received approval on July 8, 2025. As part of that process, the Historic Review Board made a recommendation to obtain a variance to reconstruct the historic accessory structure within the existing footprint.

FINDINGS:

A variance has been requested pertaining to the required street side yard setback of 15 feet per section 3.100 of the zoning ordinance. Section 5.600 sets the variance procedure to make an application and appear before the ZBA for consideration and determination of findings per section 5.650. The findings of fact are as follows:

Sec. 5.650. - Findings.

Basic Criteria. The Board of Adjustment may grant a Variance if it makes affirmative findings of fact on each of the following criteria:

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

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 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.

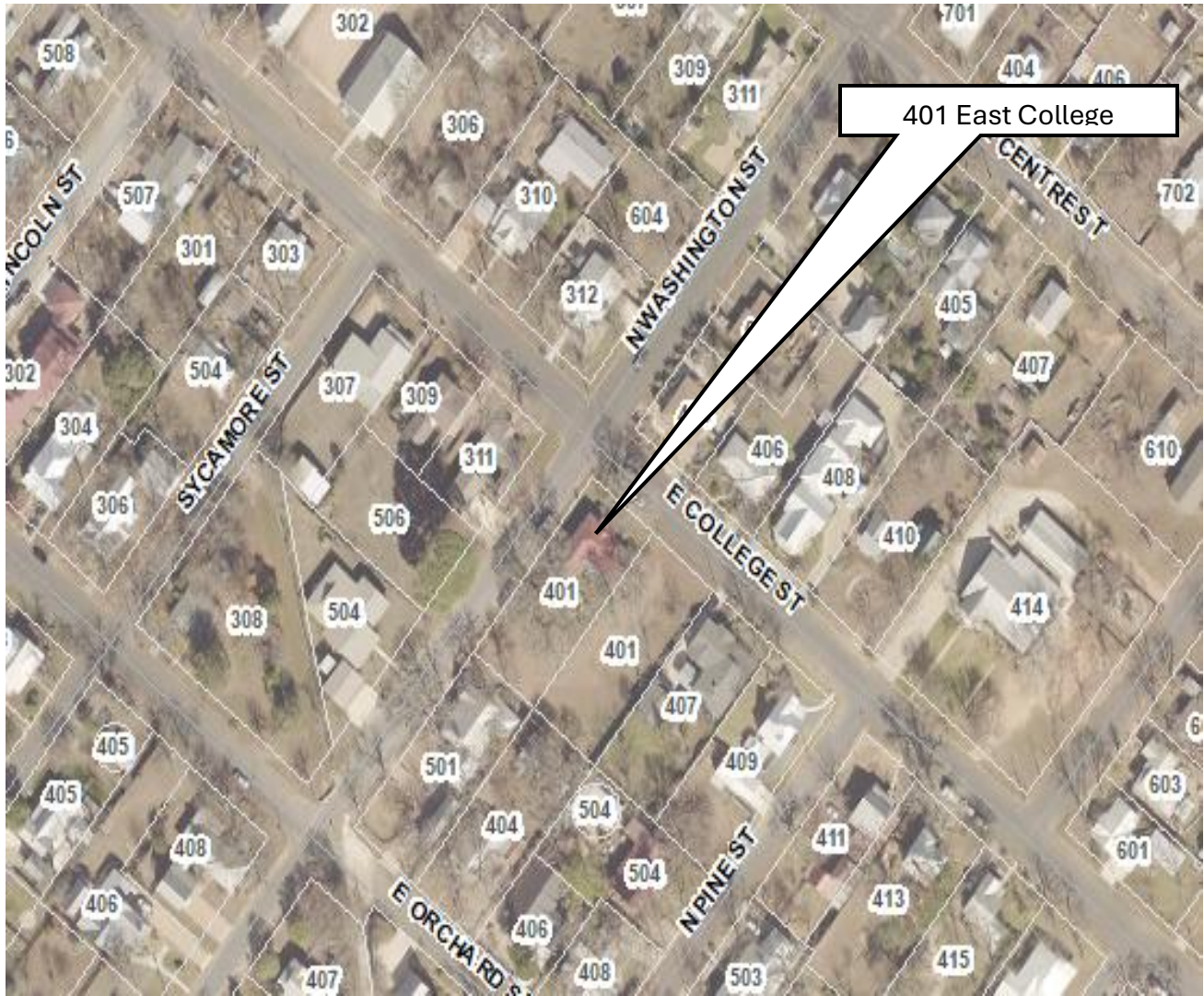
STAFF RECOMMENDATION:

In reviewing this application, the HRB has requested this request be forwarded to the Board of Adjustment to obtain a variance to construct the accessory structure within the existing footprint. The HRB approved the demolition and reconstruction of the new accessory structure with the provision that it maintains its historical significance. The construction of the accessory structure is intended to preserve the historical significance of the original accessory building. Furthermore, based upon the historic district location and directive, staff does consider this a unique circumstance that was not created by the owner. In addition, staff does not believe the variance will alter the character of the property or the adjacent properties.

ATTACHMENTS:

1. Location Map
2. Zoning Map
3. Photos Existing Outbuilding
4. 2025-592-builder letter_Redacted

APPROVAL/REVIEW:





401 East College – Photos Existing Outbuilding











HILLS OF TEXAS HOMES, Inc.

[REDACTED] [REDACTED]

April 29, 2005

City of Fredericksburg
126 W. Main St.
Fredericksburg, TX. 78624

Attn: Shelby Collier
City of Fredericksburg Historical Officer

Ref: Duderstadt renovation of existing carriage house
[REDACTED]

Dear Ms. Collier,

I have been hired to renovate/update the existing carriage house for Krista and Marc Duderstadt, owners of [REDACTED]. It has been brought to my attention that Mrs. Duderstadt has already presented a proposed plan to the Historic Commission that was met with some resistance and the response was to work with the existing structure because it was rated "medium". Mrs. Duderstadt requested to have the rating changed to "low" and it was dismissed.

I have thoroughly inspected the structure and it is not in a condition that can be utilized for restoration. I have also met with a Professional Engineer and a roofer at the property and they have both submitted letters about their findings.

In order to build a safe and code compliant outbuilding, we need to have the rating lowered to a low status to allow us to disassemble what is necessary and building an exact replica of the existing style in the same location. We have full intentions of using whatever material is usable from existing siding on the final project, but the structure (or lack thereof) is completely unusable and unsafe.

If you cannot authorize the change of status based on the recommendations of the Professional Engineer and roofer, I would propose to set up a meeting on site with you and several members of the historic review board prior to the next historical review board meeting so they we can discuss the actual condition of the existing structure. It would best if we could involve the members that were against this when Mrs. Duderstadt presented it so they can make an educated decision.

I have also included several photos of the existing structure for your review and consideration to allow the Duderstadts to revitalize this structure and contribute to the neighborhood instead of having a run-down carriage house that is currently at the residence. The Duderstadts have expressed to me that they want to maintain the original look and character of the building, if at all possible.

Please find attached the proposed floor plan as well as renderings of the proposed structure style and finishes. I have already been in contact with Antique Timberworks and we have located reclaimed 12” wide barn siding that will be a perfect complement to the project. I can provide more information on this, if necessary.

Please call if you have any questions and let me know if an on site meeting is a possibility.

Sincerely,

Todd Stephens
President
Hills of Texas Homes

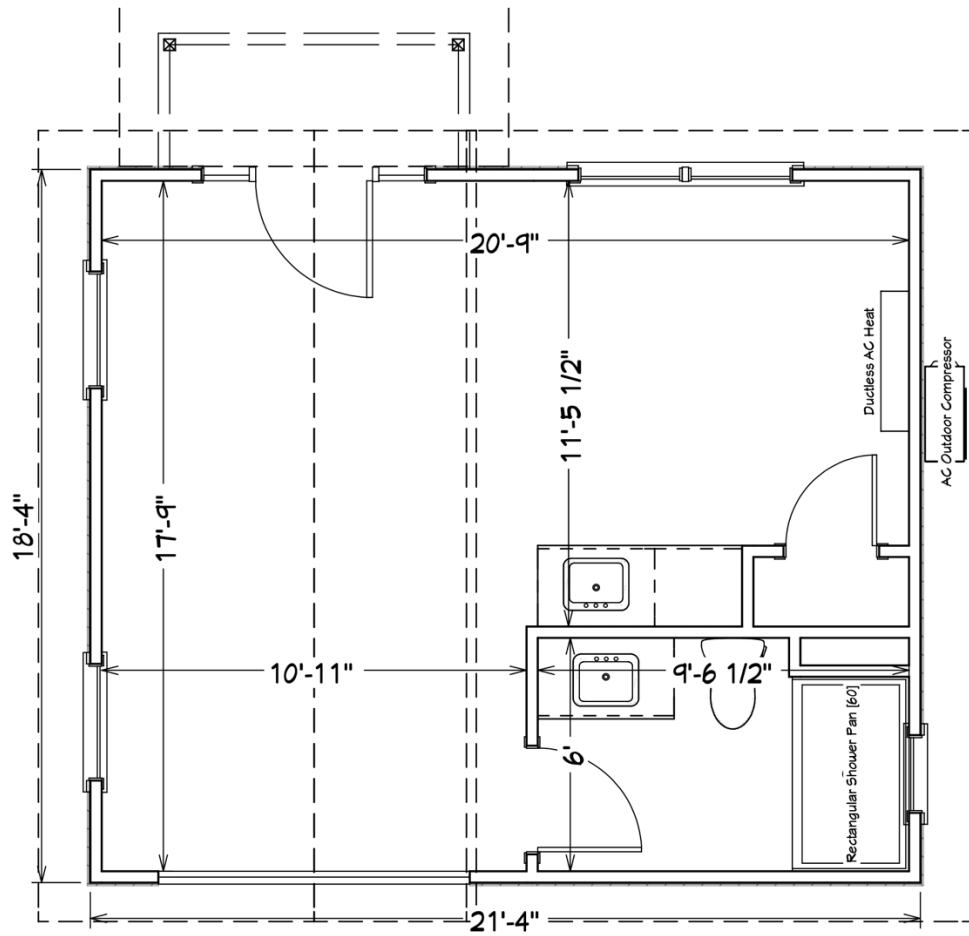














ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: October 6, 2025

CATEGORY: ACTION ITEMS

CAPTION: **ZBA2025-08** - Request by Shelby Collier to request a setback variance per section 5.600 "Variance Proceedure" to allow for a zero (0) interior side yard setback instead of the required 5-foot interior side yard setback for the property commonly known as 313 West Creek Street.

SUMMARY:

The applicant is requesting a zero (0) yard interior side yard setback instead of the required 5-foot side yard interior setback to allow for the construction of an accessory garage along the southeast interior property line. The applicant has requested the variance to accommodate the construction of the accessory garage within a location that they have indicated will ensure historical development patterns are maintained.

FINDINGS:

A variance has been requested pertaining to the required interior side yard setback of 5 feet per section 3.100 of the zoning ordinance. Section 5.600 sets the variance procedure to make an application and appear before the ZBA for consideration and determination of findings per section 5.650. The findings of fact are as follows:

Sec. 5.650. - Findings.

Basic Criteria. The Board of Adjustment may grant a Variance if it makes affirmative findings of fact on each of the following criteria:

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

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 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.

STAFF RECOMMENDATION:

In evaluating the request the area in general has a distinct pattern of development. It contains various lot sizes and building locations creating a range of existing setbacks and building placements. A determination that unique circumstances exist for the property, and not created by the owner, would need to be identified within the findings of fact for approval.

ATTACHMENTS:

1. Location Map
2. Zoning Map
3. ZBA2025-08_3.4.1 Lot Coverage
4. ZBA2025-08_313 W Creek_Survey
5. ZBA2025-08_313 W Creek_Plans
6. ZBA2025-08_APPROVAL_Redacted

APPROVAL/REVIEW:

3.4.1. Lot Coverage

Zoning as the Baseline for *Maximum* Lot Coverage
 Fredericksburg’s zoning ordinance sets the baseline for the *maximum* allowable lot coverage. These standards require contextual assessment of lot coverage based on the surrounding historic properties. In many instances, the lot coverage permitted by these standards will be **less than the maximum permitted by the zoning ordinance**. The current zoning ordinance is available at https://library.municode.com/tx/fredericksburg/codes/code_of_ordinances?nodeId=PTIICOOR_APXBZOR.

Priority Rankings and Lot Coverage
 If a property includes an existing historic building, lot coverage standards are affected by the property’s priority ranking. For the purposes of lot coverage standards, **previously empty lots are treated as Low Priority properties**.

Preservation

- (a) Avoid removing historic resources or landscape features in order to construct a parking area, new accessory building, or new landscape feature (SOI Standard 2).

High Priority	Medium Priority	Low Priority
Required	Required	Required

Site Layout

- (b) Consider the complex types prevalent among contributing properties on the block based on *Section 2.3*. Design the new site plan so that it generally reflects the character-defining features of the prevalent neighboring complex type(s).

High Priority	Medium Priority	Low Priority
Required	Required	Recommended

- (c) Consider maintaining historic-site development patterns for the relevant complex type discussed in *Section 2.3*; for example, residential rear yards should maintain a central open core for domestic and recreational use, and industrial complexes should maintain wide circulation paths historically needed for machinery.

High Priority	Medium Priority	Low Priority
Recommended	Recommended	Recommended

- (d) Appropriate setbacks from the property lines must be consistent with the surrounding context: for new residential construction, as well as commercial construction on Main Street west of Milam Street, front and side yard setbacks must be within 5 feet of the average setbacks of contributing buildings on the same block; on Main Street east of Milam Street, the front wall must be set flush with the property line. This may allow setbacks that are deeper or shallower than the base zoning. (Refer to the map in *Appendix C*.)

High Priority	Medium Priority	Low Priority
Required	Required	Required

- (e) Maintain appropriate setbacks between new accessory buildings and historic primary buildings on the property, reflecting historic patterns within the district, unless granted an exception due to small lot size. (See fig. 3-58.)

High Priority	Medium Priority	Low Priority
Maintain at least a 15-foot setback	Maintain at least a 10-foot setback	Required if visible from the public ROW; maintain at least a 10-foot setback

- (f) The maximum lot coverage allowable will not exceed the base zoning. Maximum allowable lot coverage may be less than the base zoning after deducting the required setbacks from the property lines [standard 3.4.1(d)] and setbacks from historic primary buildings on the property [standard 3.4.1.(e)].

High Priority	Medium Priority	Low Priority
Required	Required	Required

- (g) In areas zoned R1 and R2, the footprint of any single accessory dwelling building (commonly referred to as “Accessory Dwelling Unit” or “ADU”) shall not cover a larger footprint of the lot than the primary building. (See zoning map in *Appendix C*.)

High Priority	Medium Priority	Low Priority
Required	Required	Recommended

- (h) All accessory buildings, except any accessory dwelling building subject to Section 3.4.1(g) above, shall not exceed 800 sf or 50% of the primary building square footage, whichever is greater.

High Priority	Medium Priority	Low Priority
Required	Required	Recommended

Service Areas and Parking

- (i) Locate service areas at the rear of the site, unless it will entail impacting a historic resource or landscape feature; the side of the property may be permitted in some instances.

High Priority	Medium Priority	Low Priority
Required	Required	Required

- (j) Locate off-street parking to the rear of the site, unless it will entail impacting a historic resource or landscape feature; the side of the property may be permitted in some instances.

High Priority	Medium Priority	Low Priority
Required	Required	Required

- (k) Always use landscaping as a buffer between service areas/parking lots and streets or buildings, as well as to break up the visual effect of a parking lot – regardless of the location of the service area or parking lot.

High Priority	Medium Priority	Low Priority
Required	Required	Required

- (l) Design large parking lots to be broken into smaller components to reduce the visual impact of large, paved areas.

High Priority	Medium Priority	Low Priority
Required	Required	Required

- (m) Construct parking areas in accordance with City standards (*Appendix D*).

High Priority	Medium Priority	Low Priority
Required	Required	Required



Figure 3-57. Aerial photograph showing a sampling of setback measurements between historic main houses and historic accessory buildings within the Fredericksburg Historic District. Note a range of setbacks between 15 feet and 66 feet. Source: Basemap and measurements from Google Earth Pro.

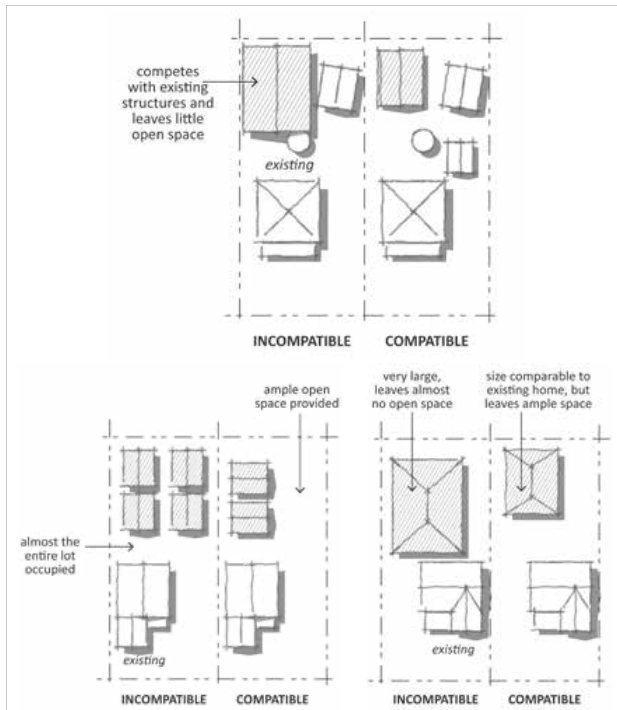


Figure 3-58. Examples of potential **appropriate** site plans that take into consideration historic patterns of lot coverage and open space prevalent among historic residential lots in Fredericksburg. (See *Section 2.3.1.*) Source: HHM archives.



Figure 3-59. Example of an **inappropriate** site plan on E. Travis Street that proposes lot coverage far denser than the surrounding neighborhood. Note the contrast in setbacks between the proposed buildings and the surrounding historic buildings. Note also the proposed inappropriate parking location on the main street, with no buffering or landscaping. Source: City of Fredericksburg Historic Preservation Office.

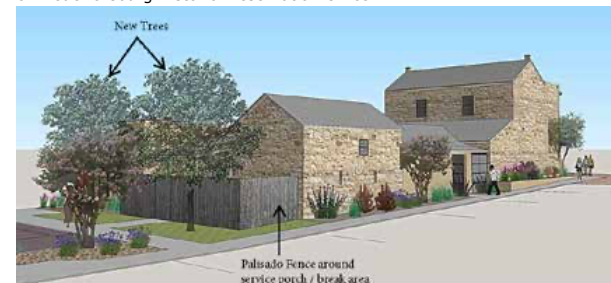
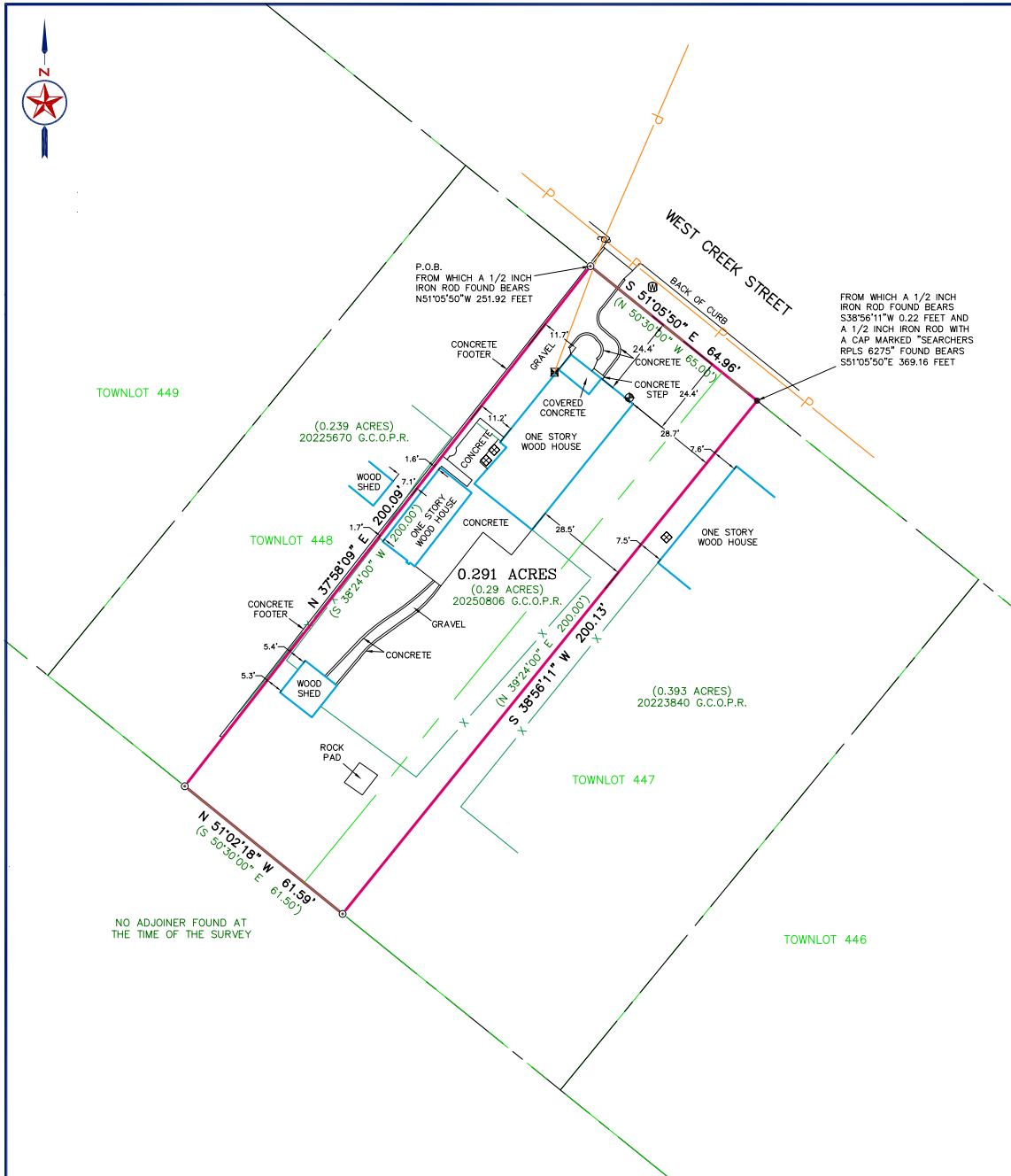


Figure 3-60. Example of locating parking at the side and using new fencing and landscaping to screen a new service area at 342 W. Main Street. Source: SKT Architects.



SURVEY NOTES:

1. BEARINGS, DISTANCES & ACREAGE ARE GRID, NAD 83 US TX CENTRAL ZONE 4203.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT/COMMITMENT. THERE MAY BE EASEMENTS, RESTRICTIONS, AND/OR COVENANTS AFFECTING THIS PROPERTY, NOT SHOWN HEREON.
3. A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS PLAT.
4. A "1/2 INCH IRON ROD SET" IS A 1/2 INCH REBAR WITH PLASTIC CAP MARKED "SEARCHERS RPLS 6275" AND A "MAG NAIL SET" IS A MAG NAIL WITH WASHER MARKED "SEARCHERS RPLS 6275".

LEGEND:

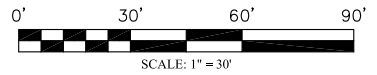
	● POINT		
	○ 1/2" IRON ROD FOUND		
	○ 1/2" IRON ROD SET		
	⊕ 3/8" IRON ROD FOUND		
	⊕ IRON PIPE FOUND		
	△ 1200 NAIL FOUND		
	⊕ NAIL SET		
	◆ CONCRETE MONUMENT FOUND		
	⊕ BENCH MARK		
	⊕ AS MARKED		
	G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS		
	G.C.D.R. - GILLESPIE COUNTY DEED RECORDS		
	G.C.O.P.R. - GILLESPIE COUNTY OFFICIAL PUBLIC RECORDS		
	G.C.R.P.R. - GILLESPIE COUNTY REAL PROPERTY RECORDS		



I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE PLAT AS SHOWN HEREON WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION AND COMPLETED ON FEBRUARY 19, 2025; NO WARRANTY IS MADE OR INTENDED FOR THE LOCATION OF ANY OR ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.

ABRAHAM J. LEAMONS
 REGISTERED PROFESSIONAL LAND SURVEYOR #6275
 02-27-2025
 DATE

SEARCHERS
 SURVEYORS | CONSULTANTS
 MASON | FREDERICKSBURG
 4585 OLD PONTOTOCO ROAD, MASON, TEXAS 76856
 720 MUSTANG STREET, FREDERICKSBURG, TEXAS 78624
 830-383-1211 | F-1D193966 | SEARCHERS.NET

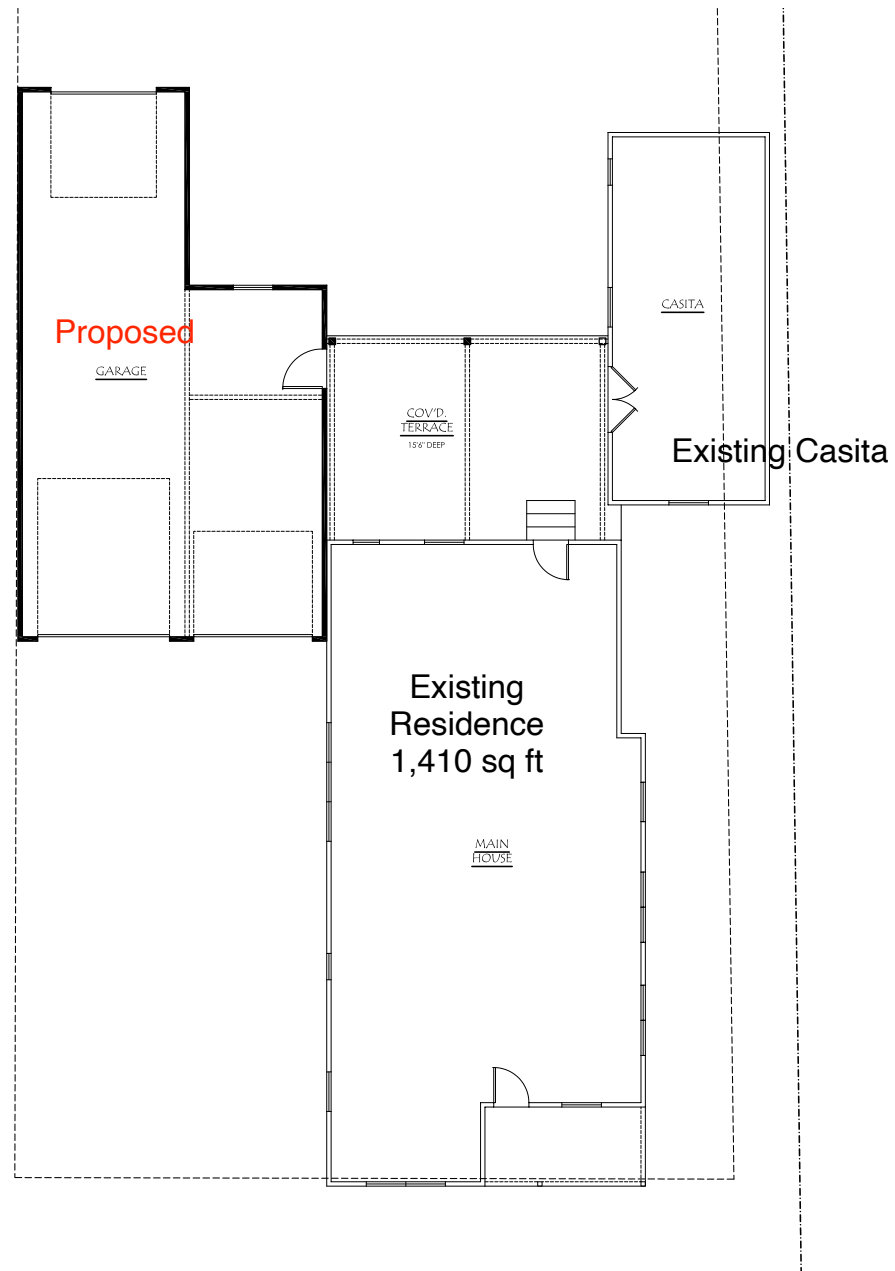


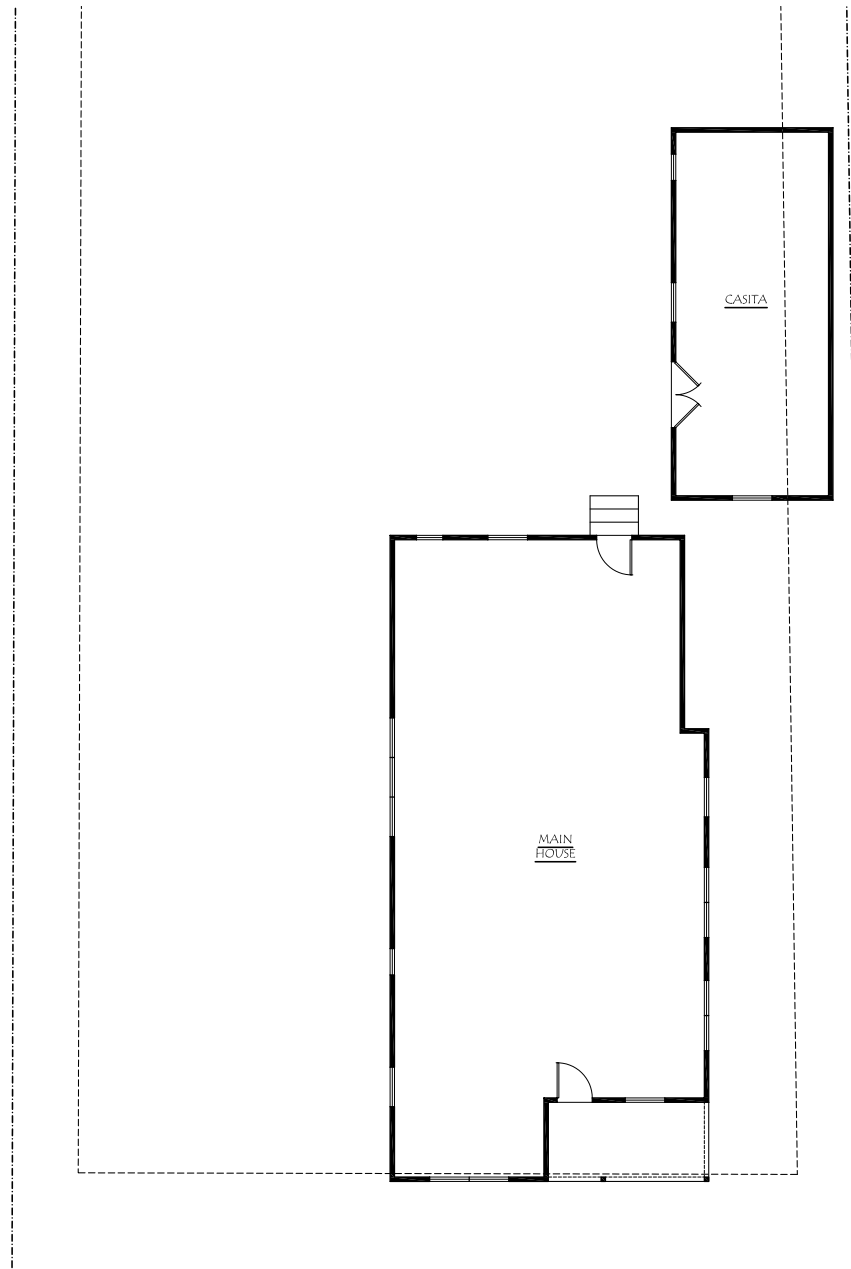
BOUNDARY SURVEY
 0.291 ACRES BEING PORTIONS OF TOWNLOT 448 AND TOWNLOT 447 IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS AS SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY.

REFERENCE: MARK SCHNEIDER
 ADDRESS: 313 W. CREEK
 JOB NO. 25-7455
 REV. 0
 DRAWN BY: JTL

Proposed new construction is to accommodate a garage.

The applicant requests a setback to match the existing setback for the casita on the west side.





If you wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, Attention, Jan Musgrove, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

SETBACK VARIANCE: ZBA2025-08 (313 WEST CREEK)

As an interested property owner, I (Protest) (Approve) the requested setback variance represented by the above file number because:

Katherine F Peake

8/6/2025

Signature

Date

Address



Katherine F. Peake

Printed Name