



# City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda  
Wednesday, November 19, 2025 ~ 5:30 PM  
John Klein Room  
Annex #1, 115 North Crockett Street  
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

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The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Wednesday, November 19, 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 November 19, 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. John Klein Room, Annex #1, 115 North Crockett, Fredericksburg, Texas 78624

You will be limited to 3 minutes to speak.

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**1. ROLL CALL**

**2. CALL TO ORDER**

**3. APPROVAL OF MINUTES**

- A. October 6, 2025 - Special Meeting Minutes

**4. PUBLIC HEARING**

**5. ACTION ITEMS**

- A. **REQUEST #ZBA2025-09 (Old Business):** 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 (Old Business):** 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. **Request ZBA2025-10:** By Judy Alexander 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 510 W. Schubert.
  - i. Presentation by the Applicant
  - ii. Presentation by Staff
  - iii. Hold a Public Hearing
  - iv. Take Action on the Public Hearing

**6. DISCUSSION ITEMS**

- A. Director's Report

**7. ADJOURN**

**CERTIFICATION**

This is to certify that I, Jan Musgrove, posted this Agenda before 4:30PM. on Thursday, November 13, 2025, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

*Jan Musgrove*

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Jan Musgrove  
Planner 1

**STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG**

**ZONING BOARD OF ADJUSTMENT  
OCTOBER 6, 2025  
MEETING MINUTES  
5:30 P.M.**

On the 6<sup>TH</sup> day of October 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  
MIKE MAHONEY- Member  
JENNIFER EGGLESTON – Member  
ADAM LUTON - Alternate

**ABSENT:** ERIC HAMMERSEN – Vice Chairperson  
JIM MCAFEE – Alternate  
TAYLOR WILLIAMS- Member

**ALSO PRESENT:** CLIFF CROSS – Director of Development Services  
JAN MUSGROVE – Planner 1  
GERALD PRUITT – Legal Counsel, Virtual

The meeting was called to order at 5:32 P.M. by Clay Sears.

**Minutes:**

Adam Luton made a motion to approve July 16, 2025, Regular Meeting Minutes. Second, by Mike Mahoney. All voted in favor and the motion carried.

**Executive Session:**

Excutive Session was moved from Item 6 to item 4 per Section 551-071 of the Texas Government Code to consult with the attorney, the session held off the record and outside the main meeting room at 5:34 PM.

**Present board members, Cliff Cross and Mr. Gerald Pruitt returned to the dias at 6:05PM**

**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 occupany for the STR permit located at 106 West College Street. The current occupancy is 8 and the applciant is requesting and occupancy of 10.

**Applicant:** Was not in Attendance.

**Staff Summary:** Cliff Cross

Mr. Cross gave a brief account of the applicant’s request, a special exception to increase the occupancy of the short-term rental property at 106 W College St. from 8 to 10, based on the property's five bedrooms and eligibility under city code. Mr. Cross detailed that 19 properties were within 200 feet, with 7 already permitted for STRs averaging five occupants, and noted previous protests and concerns from neighbors about occupancy increases.

**Public hearing opened at 6:06PM and closed at 6:06PM**

**Board Discussion:**

Board members expressed concern that the applicant was not present to justify their request, emphasizing that it is the applicant's responsibility to present and defend their case for exceptions. They discussed the requested occupancy being higher than the neighborhood average.

Mike Mahoney made a motion to deny the applicatin. Adam Luton seconded the motion. All voted Aye and the motion carried.

**Request ZBA2025-09** – By Charles and 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.

**Clay Sears swore in Briana Blaker**

**Applicant: Briana Blaker – Representative for the Tanner’s**

Mrs. Blaker mentioned that the Tanner’s were out of the Country and that she was here representing them. She noted that they had lost their permit due to the previous Management Company’s inaction and were here before the board for a second time to ask to operate as a STR at 209 S Elk.

**Staff Summary:** Cliff Cross

Mr. Cross mentioned that he would speak for the Tanners. He outlined that the property is in a neighborhood with a high concentration of STRs, with the requested occupancy consistent with surrounding properties, and reviewed the eligibility criteria for special exceptions.

Clay Sears opened the Public Hearing at 6:20PM

Clay Sears swore in Mr. Tom Musselman

Mr. Musselman emphasized the importance of permit holders maintaining compliance and noted City Council's consistent denial of appeals for lapsed permits.

**Board Discussion:**

The board deliberated on Charles and Beverly Tanner's request to reinstate a lapsed STR permit at 209 S Elk St., ultimately tabling the decision to allow the homeowners to attend in person.

After deliberation and a failed motion to approve, the board voted to table the request, requesting the homeowners attend the next meeting to address questions directly.

Jennifer Eggelston made a motion to table the item so that the applicants could represent themselves.

Clay Sears seconded the motion.

Roll Call Vote:           Clay Sears – Aye       Jennifer Eggelston – Aye  
                                  Adam Luton – Aye     Mike Mahoney – Nay

Motion carried to table and bring back in November.

**Request ZBA2025-07** – By Krista Duderstadt to request a setback variance per Section 5.600 “Variance Procedure” to allow for a 5-foot side yard setback from the street side yard instead of the required 15-foot setback for the property commonly known as 401 East College.

**Clay Sears swore in Krista Duderstadt**

**Applicant: Krista Duderstadt**

Krista Duderstadt explained the need for a setback variance due to the property's unique historic circumstances and mentioned that the Historic Review Board recommended the variance approval. She talked about the new structure would have the same elevation as the old barn.

**Clay Sears opened the Public hearing at 6:44PM and closed the hearing at 6:45PM**

**Staff Summary:** Cliff Cross

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.

**Board Discussion:**

The Board members discussed and confirmed the unique property circumstances and sited the support from the Historic Review Board to approve the Variance Setback.

Mike Mahoney made a motion to approve the application. Adam Luton seconded the motion. All voted Aye and the motion carried.

**Request ZBA2025-08** – By Shelby Collier to request a setback variance per Section 5.600 “Variance Procedure” to allow for a 1.6ft setback interior side yard setback instead of the required 5-foot interior yard setback for the property commonly known as 313 West Creek Street.

**Clay Sears Swore in Shelby Collier**

**Applicant: Shelby Collier**

Shelby Collier gave a presentation on the property siting the need to adhere to the Historic Layout of this home and detailed the property's historic status, the prevalence of nonconforming setbacks in the area, and the rationale for the proposed garage location, including maintaining a central courtyard and avoiding floodplain issues.

**Clay Sears opened the Public Hearing at 7:11PM**

**Mr Doug Miller was sworn in by Clay Sears**

Mr. Miller, a neighbour of the applicant asked the Board Members to deny the application as the setback would affect his property aesthetics, property value, and fire safety directly.

**Clay Sears closed the Public Hearing at 7:21PM**

**Staff Summary: Cliff Cross**

The applicant is requesting an interior side yard setback of 1.6ft 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.

**Board Discussion:**

Board members questioned the necessity of the variance given alternative options, the potential precedent set by approving such a request, and the impact on neighboring properties and the lack of a compelling hardship.

Adam Luton made a motion to deny the application. Mike Mahoney seconded the motion. All voted Aye and the motion carried.

**Director's Report: Cliff Cross**

The director provided an update on the city's efforts to develop a unified development code, outlining the timeline for consultant selection and encouraging board members to submit feedback on ordinance disconnects. He stated that the RFQ for a consultant to draft the unified development code would be published soon, with selection expected by mid-December and the process anticipated to take 18–24 months.

Mr Cross was asked by Mike Mahoney to explain what had happened to the sign variance application on Friendship Lane.

Mr. Cross provided a brief update on the previously tabled sign variance for the Friendship property, confirming compliance with commercial district sign height regulations. He confirmed that the integrated business sign for the Friendship property complied with the 15-foot maximum height allowed in commercial districts and that the site plan approval would include this restriction.

Mr. Cross introduced Susana Huerta, the new Assistant Director of Development Services, to the Board and acknowledged her vast experience with Plats and Texas Zoning.

Mr. Cross thanked the members present for their willingness to attend a Special meeting.

**ADJOURN**

With nothing further to come before the Board, Adam Luton moved to adjourn the meeting. The meeting was adjourned at 7:37 PM

PASSED AND APPROVED this the 19th day of November 2025.

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JAN MUSGROVE, PLANNER 1

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CLAY SEARS. CHAIRPERSON



## ZONING BOARD OF ADJUSTMENT AGENDA MEMO

**DEPARTMENT:** Development Services

**TO:** Zoning Board of Adjustment

**FROM:**

**MEETING DATE:** November 19, 2025

**CATEGORY:** ACTION ITEMS

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**CAPTION: REQUEST #ZBA2025-09 (Old Business):** 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

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### **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 than 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.

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### **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: November 14, 2025

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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



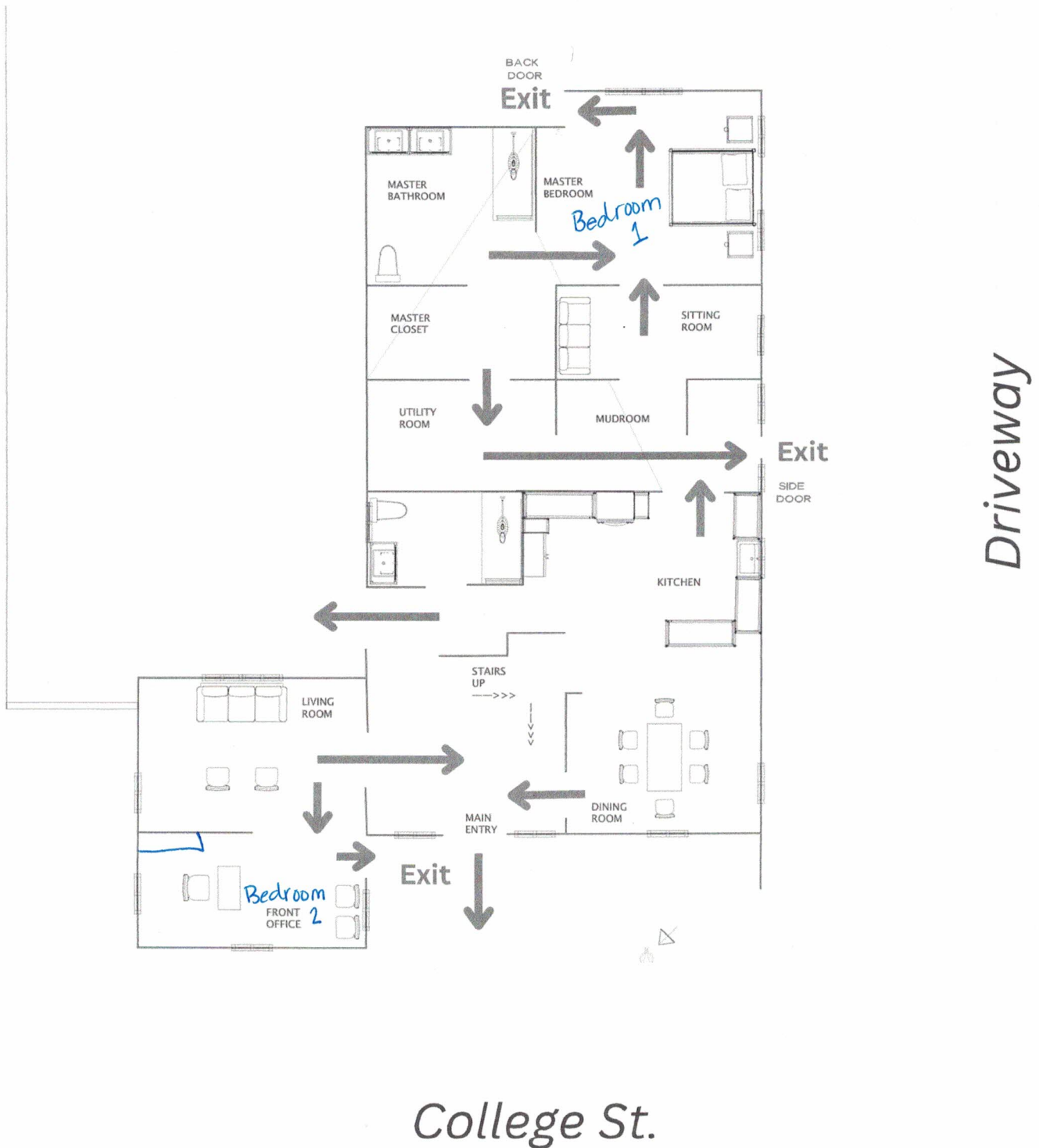
Back of Property - Parking Lot



West Side of 106 W College

# College House Fire Evacuation Plan

## 1st Floor



Driveway

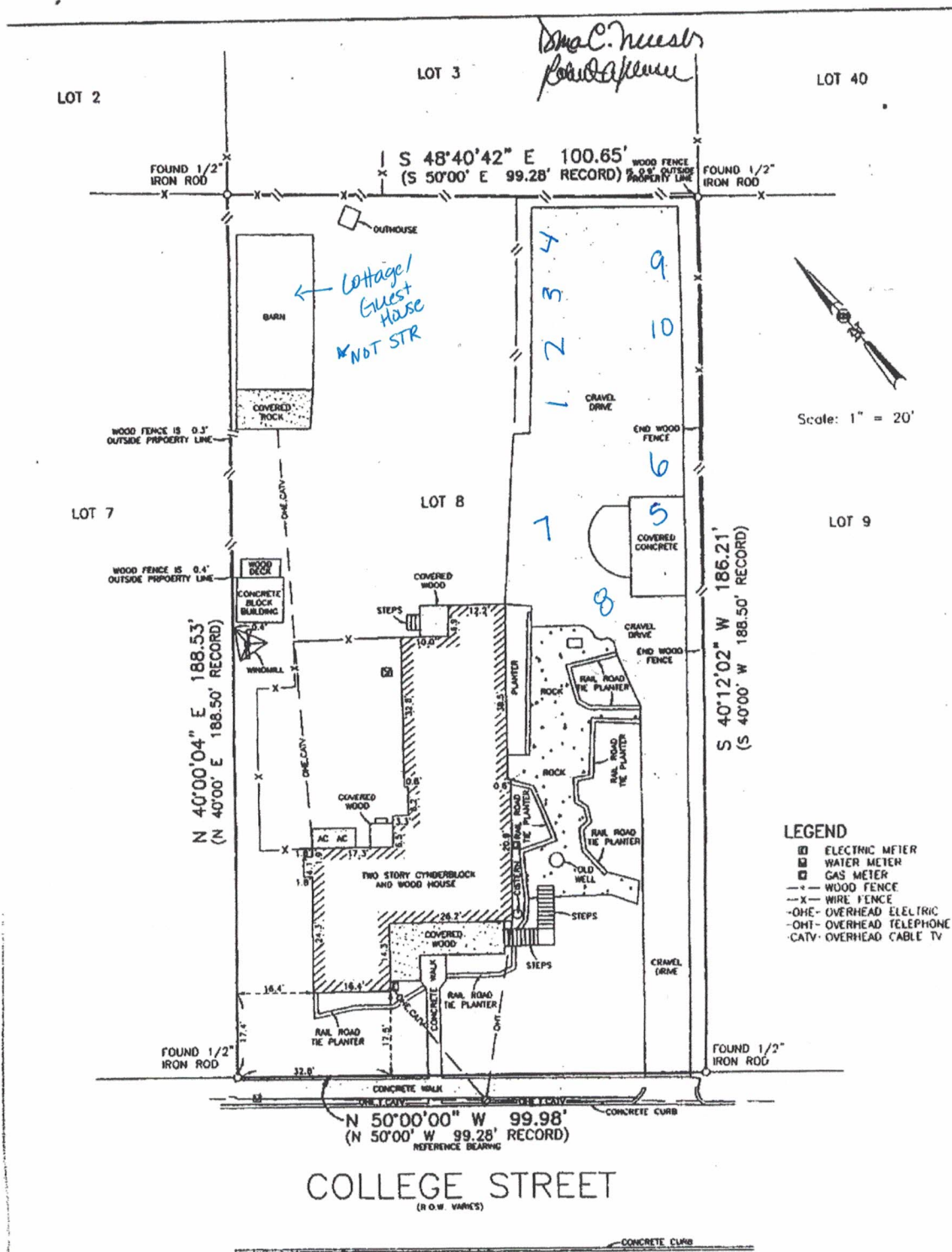
College St.

# College House Fire Evacuation Plan

## 2nd Floor



College St.



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



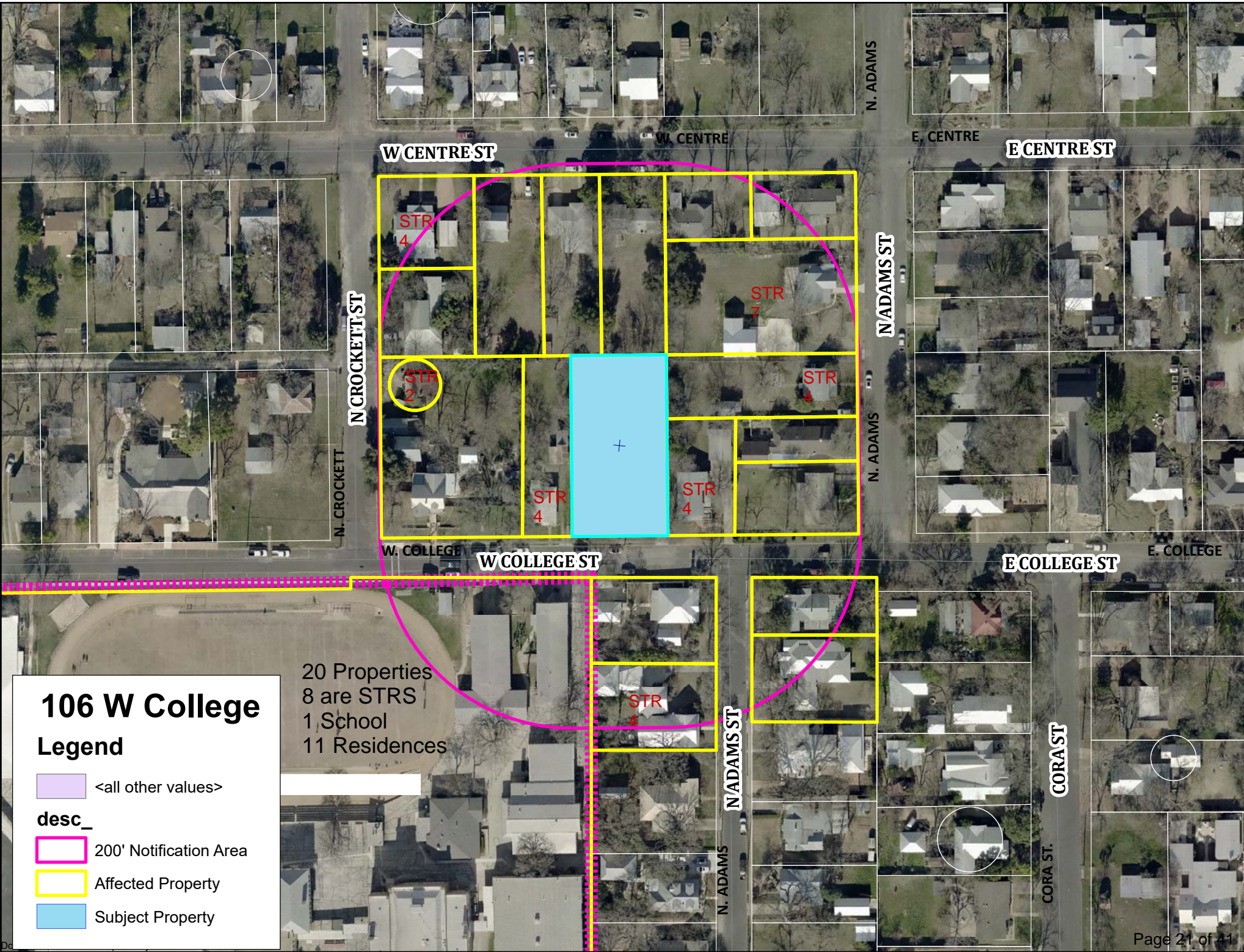
BORROWERS:  
 ROBERT NEUSER JR AND DINA NEUSER

FLOOD NOTE:  
 THIS LOT IS NOT LOCATED WITHIN FLOOD ZONE  
 AS 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

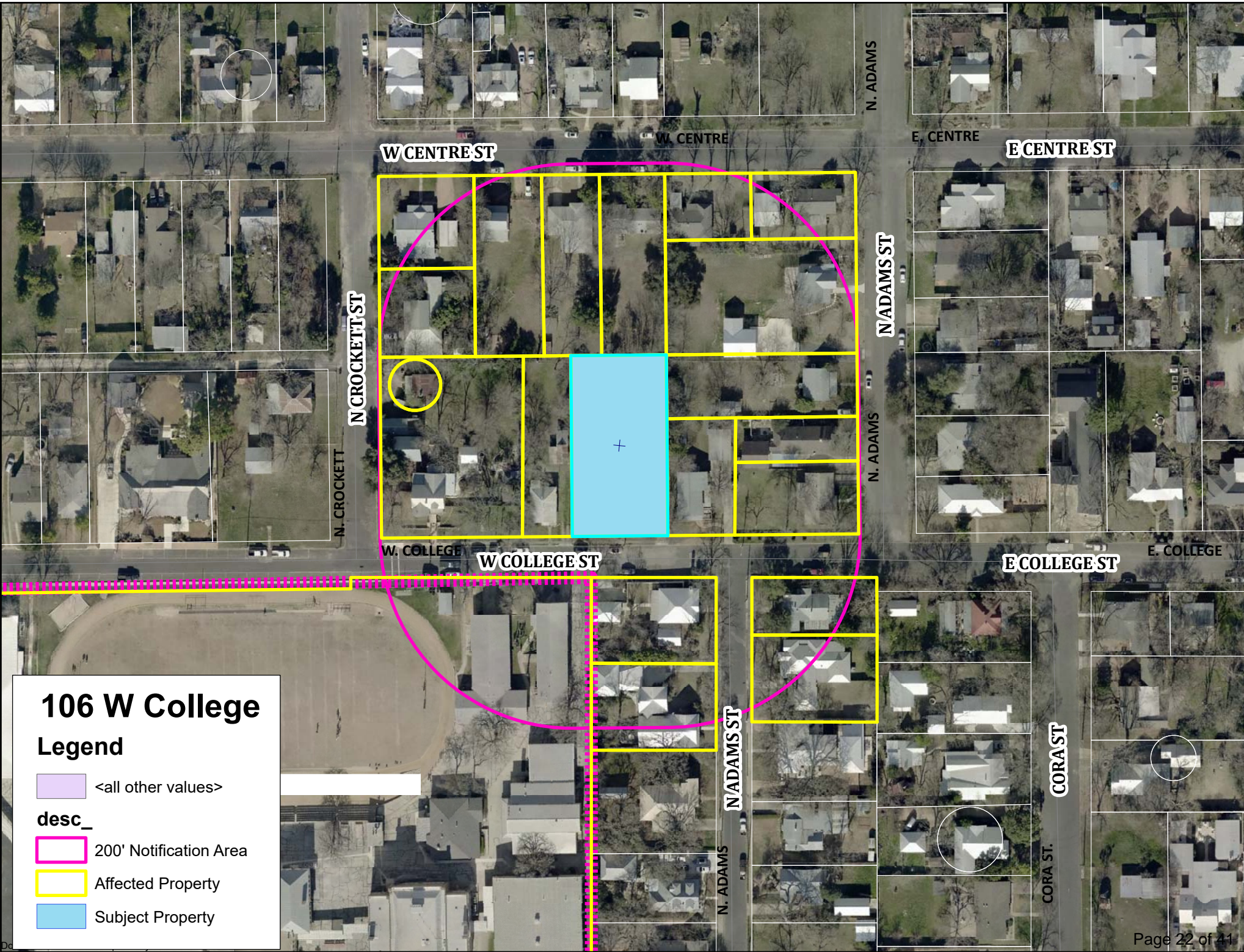


# 106 W College

## Legend

- <all other values>
- desc\_**
- 200' Notification Area
- Affected Property
- Subject Property

20 Properties  
 8 are STRS  
 1 School  
 11 Residences



# 106 W College

## Legend

- <all other values>
- desc\_**
- 200' Notification Area
- Affected Property
- Subject Property



## ZONING BOARD OF ADJUSTMENT AGENDA MEMO

**DEPARTMENT:** Development Services

**TO:** Zoning Board of Adjustment

**FROM:**

**MEETING DATE:** November 19, 2025

**CATEGORY:** ACTION ITEMS

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**CAPTION:** Request ZBA2025-02 (Old Business): 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

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**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.

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**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

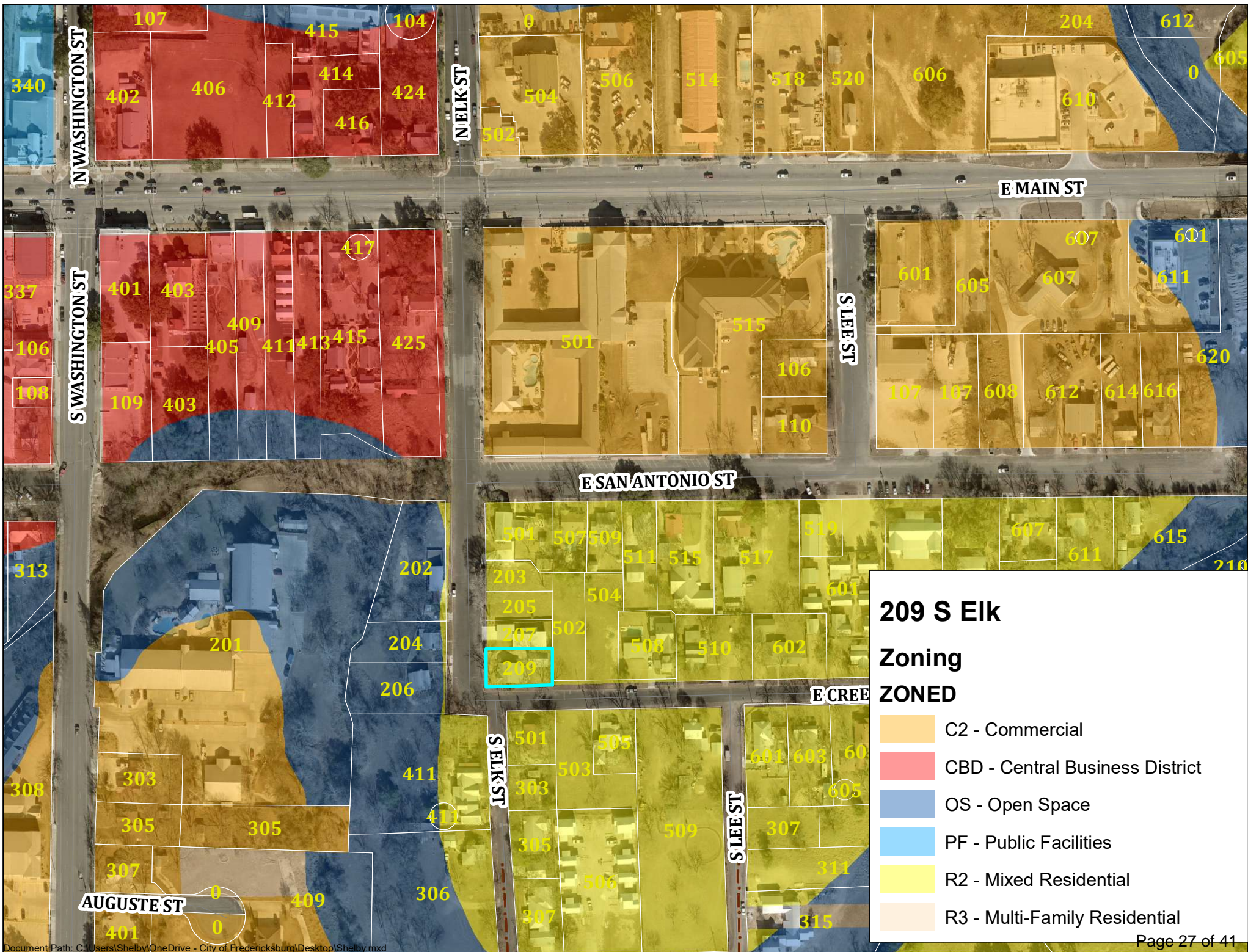
**APPROVAL/REVIEW:**



Date: November 14, 2025

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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

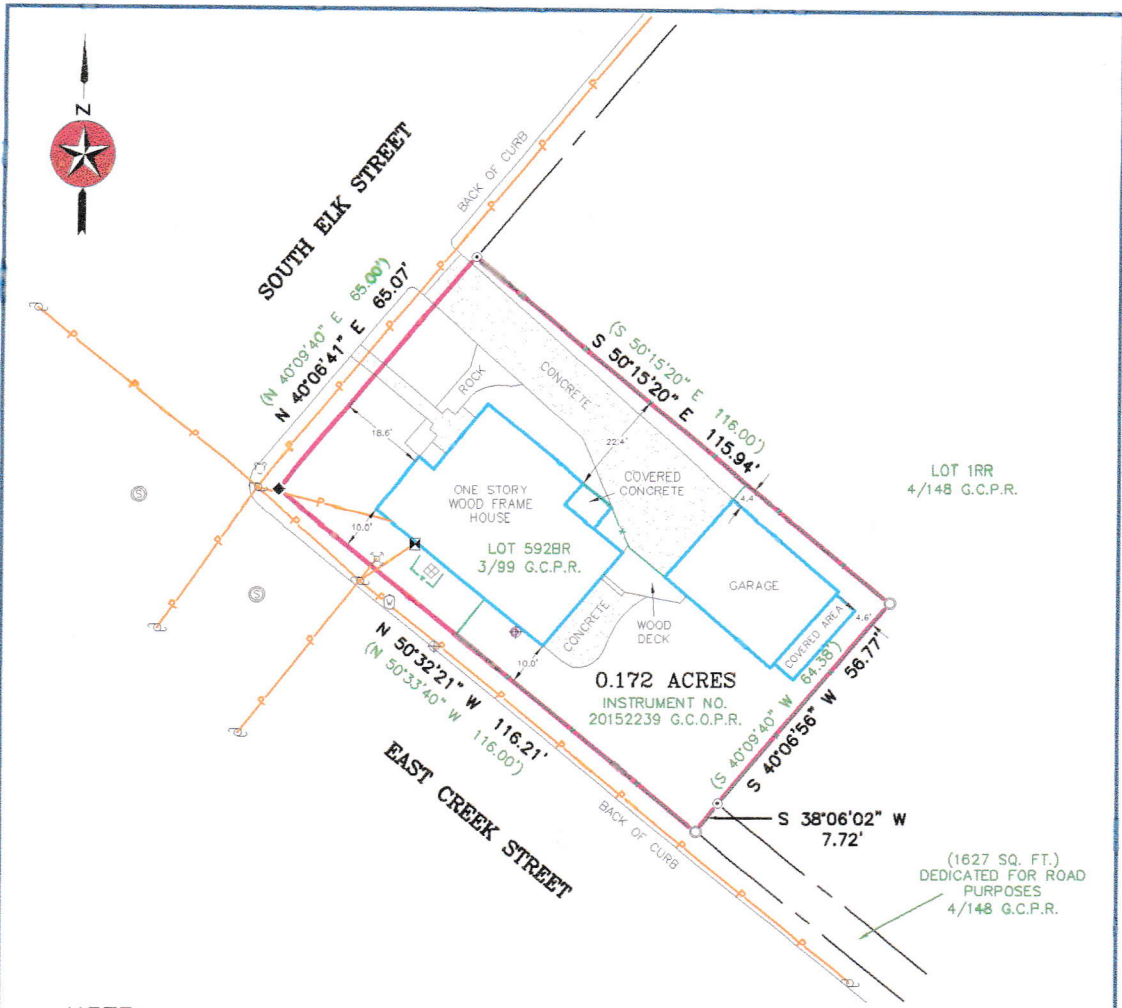
Driveway



sidewalk

Creek St

Elk St

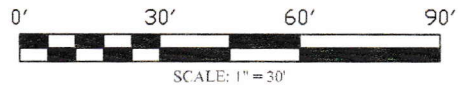


**NOTE:**

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

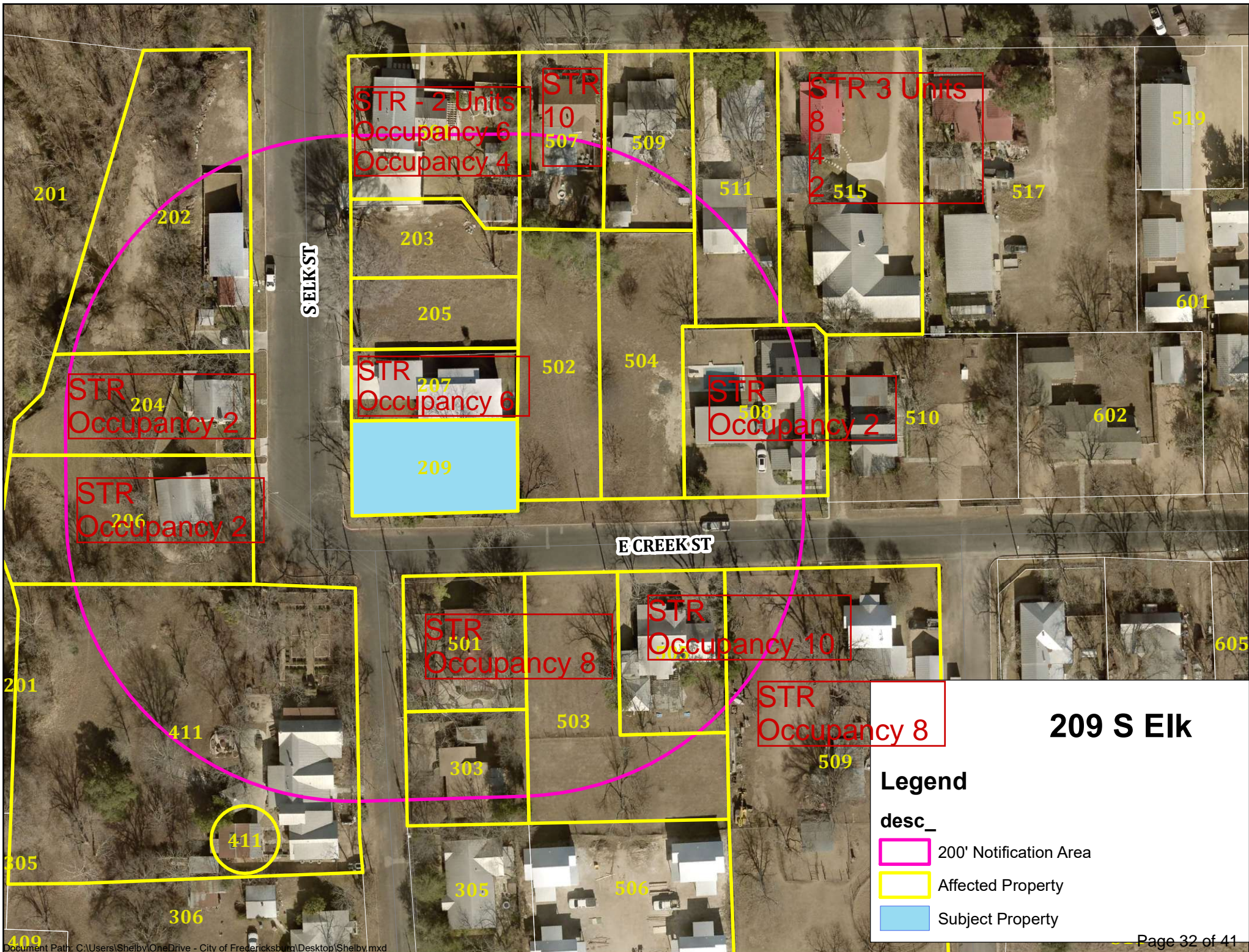
**SEARCHERS**  
 LAND SURVEYING, LLC  
 MASON | FREDERICKSBURG

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



STR - 2 Units  
Occupancy 6  
Occupancy 4

STR  
10  
507

STR 3 Units  
8  
4  
2  
515

STR  
204  
Occupancy 2

STR  
207  
Occupancy 6

STR  
508  
Occupancy 2

STR  
206  
Occupancy 2

STR  
501  
Occupancy 8

STR  
Occupancy 10

STR  
Occupancy 8

201

202

SEEK ST

203

205

502

504

511

509

515

517

519

601

602

510

ECREEK ST

209

605

201

411

303

503

509

305

411

305

506

306

409



## ZONING BOARD OF ADJUSTMENT AGENDA MEMO

**DEPARTMENT:** Development Services

**TO:** Zoning Board of Adjustment

**FROM:**

**MEETING DATE:** November 19, 2025

**CATEGORY:** ACTION ITEMS

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**CAPTION:** Request ZBA2025-10: By Judy Alexander 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 510 W. Schubert.

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

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### **SUMMARY:**

The applicant is requesting a Special Exception for property located at 510 W. Schubert to allow for an STR-Unoccupied permit. The property has historically been used as a primary residence and is located in an area that consists of a mix of Single-Family Residential and STR properties.

### **FINDINGS:**

The subject property is 10,001 sq ft lot consisting of a 1,867 sq ft, 4-bedroom building.

**Application Number:** ZBA2025-10

**Address:** 510 W. Schubert

**Size of Lot:** 10,001 sq ft

**Size of House:** 1,867 sq ft

**Bedrooms:** 4

**Parking Spaces:** 4

**Zoning:** R1, Single-Family 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, November 14, 2025, two comments from owners within 200 ft have been received.

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

209 N Bowie (5-bedroom unit) consists of a 20,796 sq. ft lot / 3,452 sq. ft. unit with an occupancy of 15.

302 N. Bowie (3-bedroom unit) consists of a 10,018 sq. ft lot / 1,152 sq. ft. unit with an occupancy of 4.

304 N. Bowie (3-bedroom unit) consists of a 10,933 sq. ft lot / 1,251 sq. ft. unit with an occupancy of 6.

505 W. Schubert (3-bedroom unit) consists of a 20,000 sq. ft lot / 1,684 sq. ft. unit with an occupancy of 6.

508 W. Schubert (1-bedroom unit) consists of a 10,000 sq. ft lot / 892 sq. ft. unit with an occupancy of 4.

604 W. Travis (2-bedroom unit) consists of a 16,117 sq. ft lot / 1,034 sq. ft. unit with an occupancy of 4.

### **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 10,000 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 12-17 properties within 200 ft, 6 are operating as STRs with 8 operating as single-family residences / second homes and 3 vacant lots.**

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 two driveways that are approximately 16 ft wide and 45 ft long with a parking space requiring 9.5 wide X 18 long. The property can comfortably accommodate 4 off-street parking spaces.**

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 with an occupancy of 10.**

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;

**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.**

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

**Staff evaluated the surrounding properties that consisted of multiple STR properties and single-family residences. There are also vacant lots throughout the area. In evaluating the map, the 200 foot range shows 12-17 properties that could be considered in the evaluation of the property. In evaluating the properties it appears that 12 properties could potentially be impacted. The 12 properties consist of 6 single-family residential and 6 STR unoccupied.**

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 10,001 sq ft and the residence is 1,867 sq ft.**

**STAFF RECOMMENDATION:**

The property is located within a location that has several STR properties. Of the 6 STRS located in the neighborhood, 3 have an occupancy of 4, 2 an occupancy of 6 and 1 has an occupancy of 15, creating an average occupancy of 6.5. The property consists of a 1,867 sq ft house that consists of 4 bedrooms. The property provides 4 parking spaces on a 10,001 sq ft lot.

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**ATTACHMENTS:**

1. buffer\_200ft\_17030
2. ZBA2025-10\_510 W SCHUBERT\_Redacted
3. Pictures
4. ZBA2025-10\_Stotz\_Approval\_Redacted

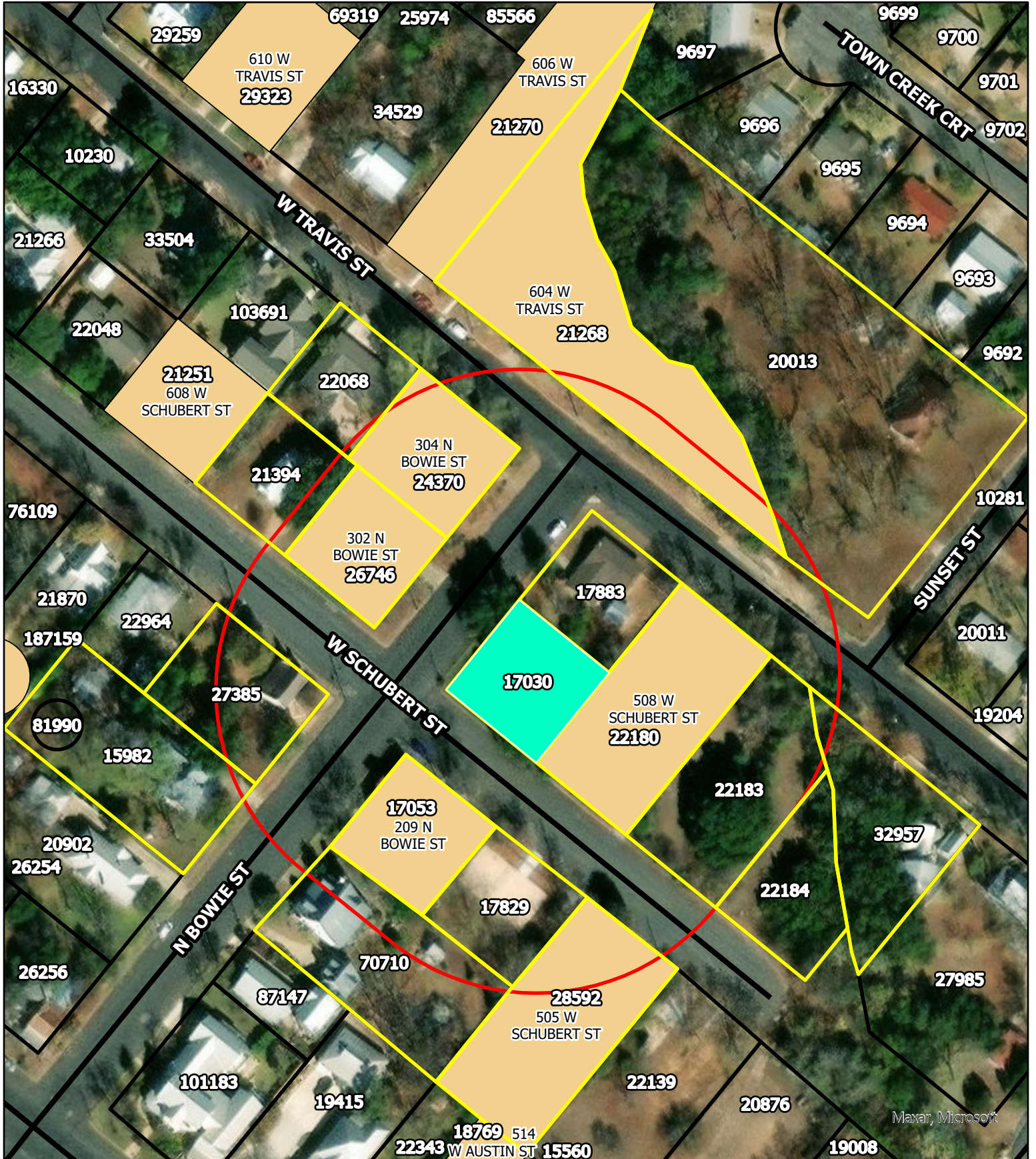
**APPROVAL/REVIEW:**



\_\_\_\_\_  
Cliff Cross, Director of Development Services

Date: November 14, 2025

# Short Term Rental Parcel Report

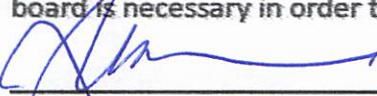


- GCAD Parcel
- GCAD Road
- STR Parcel
- Buffer Zone
- Parcels within 200 feet
- Target STR Parcel

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.

  
\_\_\_\_\_  
Applicant  
\_\_\_\_\_  
Date  
10/24/25

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

**STAFF USE ONLY**

Application No: \_\_\_\_\_ Date: 10/24/25 Payment Type: Special Exception



# 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: Judy L. Alexander
2. Property Owner (if different from Applicant): \_\_\_\_\_
3. Applicant Phone: [REDACTED] Applicant Email: [REDACTED]

4. Description of Subject Property:  
 Address: 510 W. Schubert  
 Legal Description: FBG Addn Blk B Lot 550-PT  
 Zoning Classification: R-1

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: There are 17 parcels within the 200' radius. 6 are qualified STR-unoccupied and 2 vacant lots (that count towards the qualified lots - 22183/509 Travis and 22184/506 W. Schubert) for a total of 8.8 Parcels are 50% of the 17 parcels within the 200' radius. 510 W. Schubert qualifies for a

6. INFORMATION TO BE SUBMITTED BY THE APPLICANT: special exception.

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





**NOTICE OF PUBLIC HEARING ON SPECIAL EXCEPTION**

**HEARING DATE:** November 19, 2025

**TIME:** 5:30 PM

**SPECIAL EXCEPTION NO:** ZBA2025-10 (510 W Schubert)

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on **Wednesday, November 19, 2025, at 5:30 p.m.** The meeting will be in person at The John Klein Room located at Annex # 1, 115 N. Crockett Street, Fredericksburg, Texas.

According to Tax Records, you are the owner of real property within 200' of the proposed permitting of a new Short Term Rental request. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

**The decision of the BOARD OF ADJUSTMENT on the requested Special Exception is final. For additional information please do not hesitate to contact Cliff Cross, Director of Development Services, 830-990-2026.**

*Agenda Center to view meeting:* <https://fredericksburgtx.portal.civicclerk.com>

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**APPLICANT:** Judy Alexander

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**LOCATION:** 510 W Schubert  
(See accompanying map)

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**EXPLANATION OF REQUEST:**

REQUEST #ZBA2025-10; BY JUDY ALEXANDER, TO CONSIDER A SPECIAL EXCEPTION PER SEC. 5.500 – BOARD OF ADJUSTMENT SUBSECTION 1 TO ALLOW FOR A STR-UNOCCUPIED PERMIT FOR PROPERTY LOCATED AT 510 W SCHUBERT.

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

**SPECIAL EXCEPTION NO: ZBA2025-10 (510 W Schubert)**

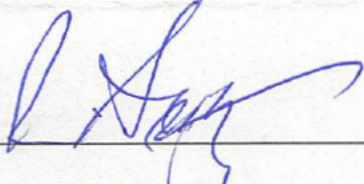
As an interested property owner, I (Protest) (Approve) the requested special exception represented by the above file number because:

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Signature

11/12/2025  
Date

Ronald A. Stutz  
Printed Name

