



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Wednesday, January 21, 2026 ~ 5:30 PM
City Hall
Conference Room
126 West Main Street
Fredericksburg, Texas 78624

Clay Sears, Chair
Eric Hammersen, Vice Chair
Jennifer Eggleston, Member
Adam Luton, Member

Mike Mahoney, Member
Jim McAfee, Alternate Member
Jimmy Culp, Alternate Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Wednesday, January 21, 2026 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 January 21, 2026.
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. City Hall
Conference Room, 126 West Main Street, Fredericksburg, Texas 78624

You will be limited to 3 minutes to speak.

1. ROLL CALL

2. CALL TO ORDER

3. APPROVAL OF MINUTES

- A. November 19, 2025 - Meeting Minutes

4. PUBLIC HEARING

5. ACTION ITEMS

- A. **REQUEST #ZBA2025-11:** By Kristina Seracen, To Consider A Special Exception per Sec.5.500 - Board of Adjustment Subsection 1, to Allow for a STR-Unoccupied Permit For the Property Located at 209 North Elk Street, Fredericksburg, Texas.

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

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 January 14, 2026 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
NOVEMBER 19, 2025
MEETING MINUTES
5:30 P.M.**

On the 19TH day of November 2025, the Zoning Board of Adjustment convened in regular session in the John Klein Room, Annex #1, 115 North Crockett Street, Fredericksburg, Texas 78624 with the following members present to constitute a quorum.

PRESENT: ERIC HAMMERSEN – Vice Chairperson
MIKE MAHONEY- Member
JENNIFER EGGLESTON – Member
ADAM LUTON - Alternate

ABSENT: CLAY SEARS – Chairperson
JIM MCAFEE – Alternate
TAYLOR WILLIAMS- Member

ALSO PRESENT: CLIFF CROSS – Director of Development Services
JAN MUSGROVE – Planner 1

The meeting was called to order at 5:30 P.M. by Eric Hammersen.

Minutes:

Adam Luton made a motion to approve October 6, 2025, Special Meeting Minutes. Second, by Mike Mahoney. All voted in favor and the motion carried.

As several members of the public were in the audience and had signed up to speak on item ZBA2025-10, this item had been withdrawn from the agenda by the applicant on the morning of November 19th, 2025. The item was moved from third on the Agenda to the first item.

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.

Applicant: Was not in attendance as she had withdrawn her application on the morning of November 19th, 2025.

Staff Summary:

Cliff Cross explained that Miss Alexander officially withdrew her special exception request in writing, which is her right under the ordinance. If she wished to pursue the request in the future, she would have to submit a new application, and the public would be re-notified as with any

new application. Mr. Cross clarified that there is no ordinance-imposed waiting period after a withdrawal, so the applicant could theoretically reapply as soon as next month.

Public hearing opened at 5:39PM despite the withdrawal, noting that several protests had been received and would be incorporated into the public record, even though the case was not heard. The application packet remains part of the public record and is subject to public view.

Lenard Bench spoke for approximately 30 minutes asking for clarification on several items within the Special Exception process and asked about the implications of withdrawal versus denial, including the applicant's ability to reapply and the incorporation of public protests into the record. He raised questions about the calculation of STR percentages, the inclusion of vacant lots, and the occupancy limits, leading to a detailed discussion with the board members and staff about how the ordinance defines 'properties,' the calculation of STR ratios, and the lack of clarity in the ordinance regarding measurement methods and qualifying properties.

At approximately 6:12PM, Dan and Connie Roddy spoke about their neighborhood and showed videos and recordings of the visitors who often occupied the several other large "Party" STR's. They also provided photos of all the cars parked on the street and discussed with the board the impact of STR proliferation on neighborhood quality of life, loss of neighborhood character due to the concentration of STRs, particularly in areas with high guest turnover and amenities like pools and hot tubs. They also spoke about enforcement challenges, and the adequacy of current ordinances and enforcement mechanisms. They reported difficulties in achieving effective enforcement, noting that repeated complaints to police and code enforcement yielded little lasting improvement, and that the burden of enforcement often fell on neighbors rather than property owners or managers.

Public Hearing Closed at 6:12PM

Board Discussion:

Board members acknowledged the concerns, explained the limitations of current ordinances, and indicated that staff are seeking clarification and considering ordinance amendments to address issues such as measurement standards, chronic nuisance provisions, and notification procedures.

ZBA2025-09 (Old Business): By Maxwell Morrison, To Consider A Special Exception Sec.5.500 - Board of Adjustment Subsection A3, to Allow for an Increase in Occupancy for an STR Permit for Property Located at 106 West College Street. The Current Occupancy is 8 and the Applicant is Requesting an Occupancy of 10.

Applicant:

Maxwell Morrison was sworn in at 6:19PM. The applicant presented details of the property, including its five bedrooms, large lot size, and ample on-site parking, arguing that the property could reasonably accommodate ten (10) guests and that the request was consistent with ordinance requirements.

Staff Summary:

Cliff Cross explained that Mr. Morrison was requesting a Special Exception to increase the occupancy for property located at 106 West College. The current occupancy is 8 and the requested occupancy is ten (10). He stated that 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.

Public Hearing was opened at 6:26PM and closed at 6:26PM

Board Discussion:

The board members reviewed and discussed parking, neighborhood impact, ordinance requirements, and setting a precedent. They discussed the basis for occupancy limits, referencing both current and prior ordinance language, the role of on-site parking, and the need to consider neighborhood averages and precedent when evaluating requests for increased occupancy. Concerns were raised about the potential for increased disruption to neighbors, the adequacy of parking, and whether increasing occupancy would set an undesirable precedent for expanding legal nonconformities in the neighborhood.

Adam Luton made amotion to approve the request. Mike Mahoney Seconded the motion.

Roll Call vote: Adam Luton – Aye Eric Hammersen – Aye
Jennifer Eggleston – Nay Mike Mahoney – Nay

A tied vote (2-2), Motion was denied.

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.

Applicants:

Charlie and Beverly Tanner were sworn in at 6:49PM. Mr. Tanner explained that the STR permit lapsed due to a misunderstanding with his property management company and delayed notification from the city, resulting in a period without an active permit despite continued payment of taxes and maintenance.

Staff 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.

Public Hearing was opened at 7PM and closed at 7PM.

Board Discussion:

The board contemplated the request and after clarifying the circumstances of permit lapse, compliance history, and neighborhood context and the fact that there were no code violations, and that Mr. Tanner had not operated the STR without a permit once notified him of the lapse.

Adam Luton made a motion to approve the request with an occupancy of 6. Jennifer Eggleston seconded the motion. All voted Aye and the motion carried.

Discussion:

Cliff Cross updated the board's ongoing efforts to review and amend STR-related ordinances, including clarifying measurement standards, notification procedures, chronic nuisance provisions, and the distinction between land use and permitting. He stated that staff were working on how properties are counted, and how GIS mapping inaccuracies are addressed, with the goal of ensuring consistent application of the ordinance.

He noted that changes are being considered to improve notification procedures, including verification of receipt and public comment handling, as well as the potential requirement for signage on properties seeking STR use. He discussed the possibility of incorporating chronic nuisance provisions into the ordinance, allowing for permit revocation based on repeated documented disturbances, and distinguishing between land use rights and permit privileges.

Follow-up tasks:

Request clarification from City Council regarding the definition of "property" for STR calculations, specifically whether vacant lots and measurement methods (lot-to-lot, structure-to-structure, etc.) should be included in the 200-foot buffer analysis.

Consult with legal counsel and code enforcement to develop and propose a process for identifying and revoking permits for chronic nuisance STR properties based on documented complaints.

Ensure that future meeting packets include all relevant public comments, especially for tabled cases, and verify that notification procedures and documentation are complete and accessible to board members.

ADJOURN

With nothing further to come before the Board. The meeting was adjourned at 7:19 PM

PASSED AND APPROVED this the 21st day of January 2026.

JAN MUSGROVE, PLANNER 1

CLAY SEARS. CHAIRPERSON



ZONING BOARD OF ADJUSTMENT AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustment

FROM:

MEETING DATE: January 21, 2026

CATEGORY:
ACTION ITEMS

CAPTION: REQUEST #ZBA2025-11: By Kristina Seracen, To Consider A Special Exception per Sec.5.500 - Board of Adjustment Subsection 1, to Allow for a STR-Unoccupied Permit For the Property Located at 209 North Elk Street, Fredericksburg, Texas.

- 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 for property located at 209 North Elk Street 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 10,890 sq ft lot consisting of a 3,417 sq ft, 5 bedroom single family residential dwelling.

Application Number: ZBA2025-11

Address: 209 N. Elk

Size of Lot: 10,890 sq ft

Size of House: 3,417 sq ft

Bedrooms: 5

Parking Spaces: 6 (Staff Estimate)

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 Hearing and inviting them to provide feedback. As of Tuesday, January 13, 2026, no comments from owners within 200 ft have been received.

When reviewing properties within 200 ft, Staff identified that 9 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:

413 E. Schubert (4-bedroom unit) consists of a 15,000 sq. ft lot / 2,440 sq. ft. unit with 4 parking spaces and a occupancy of 10.

414 E. Schubert (1-bedroom unit) consists of a 15,000 sq. ft lot / 624 sq. ft. unit with 0 parking spaces and a occupancy of 2.

415 E. Schubert (3-bedroom unit) consists of a 7,840 sq. ft lot / 1,400 sq. ft. unit with 3 parking spaces and a occupancy of 6.

418 E. Schubert (2-bedroom unit) consists of a 6,969 sq. ft lot / 1,468 sq. ft. unit with 2 parking spaces and a occupancy of 7.

502 E. Schubert- Unit A/B (1-bedroom unit / 1- bedroom, unit) consists of a 8,800 sq. ft lot / 420 / 980 sq. ft. units with 2 / 2 parking spaces and a occupancy of 2 / 2.

503 E. Schubert (3-bedroom unit) consists of a 11,000 sq. ft lot / 1,836 sq. ft. unit with 2 parking spaces and a occupancy of 8.

507 E. Schubert (1-bedroom unit) consists of a 1,306 sq. ft lot / 528 sq. ft. unit with 1 parking space and a occupancy of 2.

419 E. Travis (4-bedroom unit) consists of a 12,632 sq. ft lot / 3,320 sq. ft. unit with 4 parking spaces and a occupancy of 16.

204 N. Elk (4-bedroom unit) consists of a 14,619 sq. ft lot / 2,746 sq. ft. unit with 6 parking spaces and a occupancy of 10.

206 N. Elk (2-bedroom unit) consists of a 5,662 sq. ft lot / 1,120 sq. ft. unit with 2 parking spaces and a occupancy of 5.

305 N. Elk (5-bedroom unit) consists of a 11,325 sq. ft lot / 3,332 sq. ft. unit with 7 parking spaces and a occupancy of 12.

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 10,890 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 17 properties within 200 ft, 11 are operating as STRs with 4 operating as residences / second homes and 2 Institutional/Etc.

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. The driveway off of E. Schubert is approximately 28 ft wide and 35 ft long and has access to a 2-car garage. The driveway off of N. Elk is approximately 20 ft wide and 25 ft long. With a parking space requiring 9.5 wide X 18 long. The property appears to have the ability to comfortably accommodate 6 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 5-bedroom unit with an occupancy of 12.

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.

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 17 properties that could be considered in the evaluation of the property. In evaluating the properties, it appears that 17 properties could potentially be impacted. The 17 properties consist of 4 residential and 11 STR unoccupied and 2 institutional.

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 10,890 sq ft and the residence is 3,417sq ft.

STAFF RECOMMENDATION:

The property is located within a location that has several STR properties. Of the 11 STRS located in the neighborhood, 2 have an occupancy of 2, 1 an occupancy of 4, 1 an occupancy of 5, 1 an occupancy of 6, 1 an occupancy of 7, 1 an occupancy of 8, 2 an occupancy of 10, 1 an occupancy of 12 and 1 has an occupancy of 16, creating an average occupancy of 7.5. The property consists of a 3,417 sq ft house that consists of 5 bedrooms. The property provides 5 parking spaces on a 10,890 sq ft lot.

ATTACHMENTS:

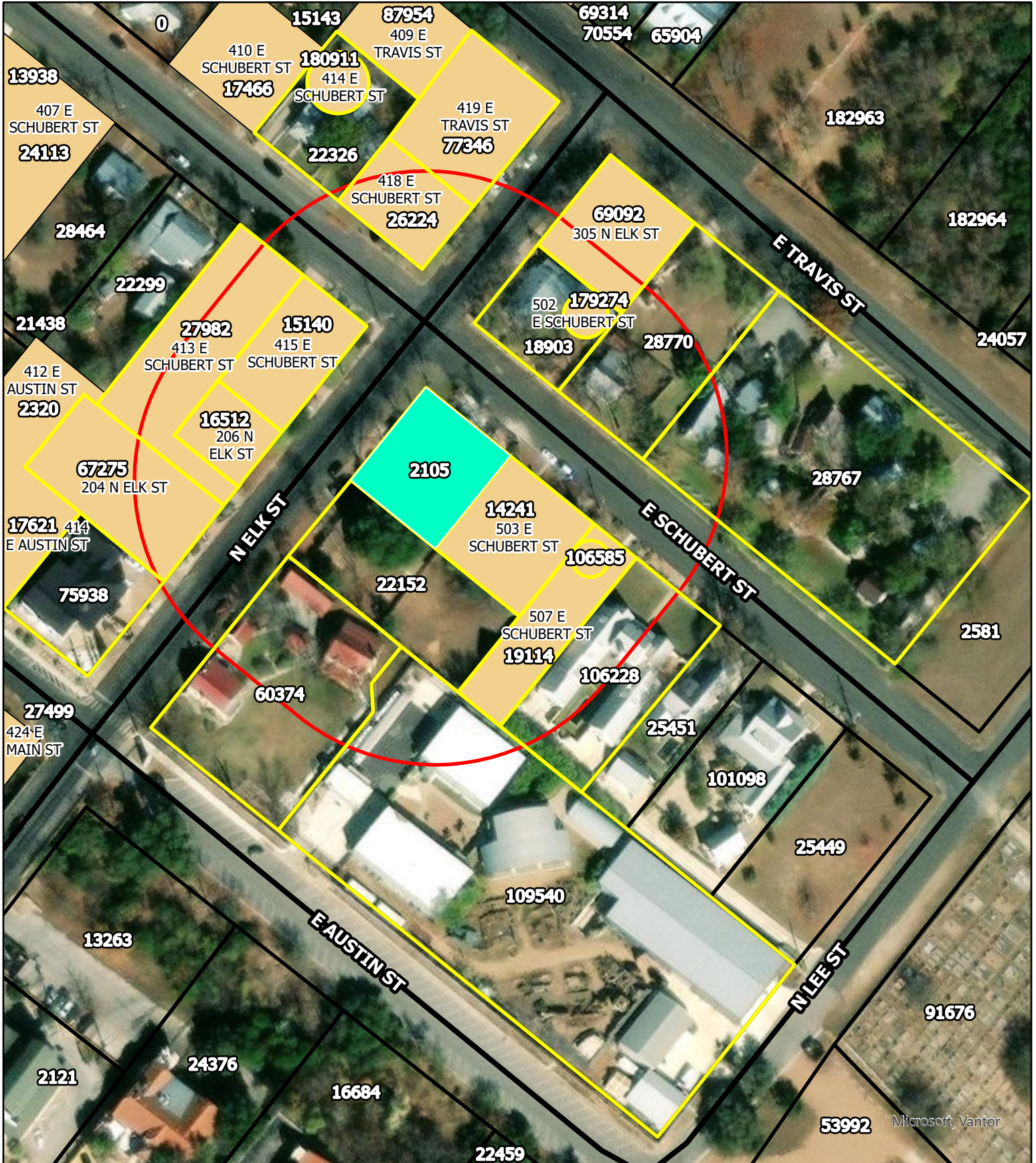
1. buffer_200ft_2105
2. New 209 Elk Zoning Newest Zoning Map
3. ZBA2025-11_209 NORTH ELK_Redacted

APPROVAL/REVIEW:

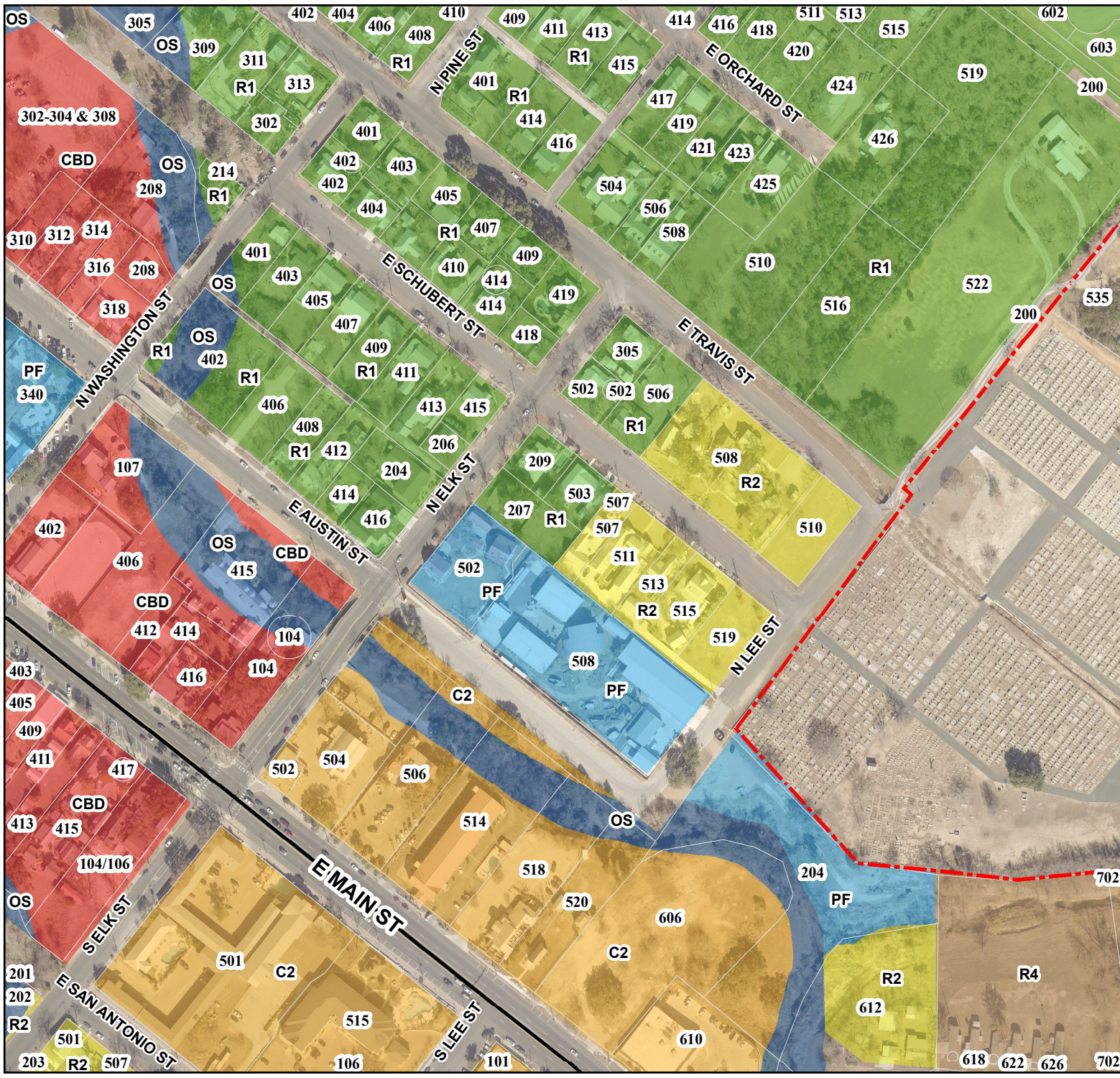


Date: January 13, 2026

Short Term Rental Parcel Report



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



LEGEND

- | | |
|---------------------------------|---|
| GCAD Parcels | PF - Public Facilities |
| Zoning | PUD - Planned Unit Development |
| ZONED | R1 - Single Family Residential |
| C1 - Neighborhood Commercial | R1A - Single Family Residential - Small Lot |
| C1.5 - Medium Commercial | R2 - Mixed Residential |
| C2 - Commercial | R3 - Multi-Family Residential |
| CBD - Central Business District | R4 - Manufactured Home Residential |
| M1 - Light Manufacturing | R5 - Patio Home Residential |
| M2 - Medium Manufacturing | |
| M3 - Industrial Park | |
| OS - Open Space | |



FIGURE 1
City of Fredericksburg
ZBA-2025-11 209 North Elk



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: Kristina Seracen

2. Property Owner (if different from Applicant): _____

3. Applicant Phone: _____ Applicant Email: _____

4. Description of Subject Property:

Address: 209 North Elk Street

Legal Description: _____

Zoning Classification: _____

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: shares lot line with STR (corner lot.)

• More than 50% of properties within 200ft radius of short term unoccupied use. • Reenactment loud for single household. Excessive traffic on Elk St. due to

6. INFORMATION TO BE SUBMITTED BY THE APPLICANT: Washington St. one way.

A. Complete short-term rental application as required by Section 20-221 of the Fredericksburg Municipal Code (excluding application fee; if a special exception is granted, the short-term rental owner and/or operator must promptly pay the short-term rental application fee required by the City Fee Schedule). Applications are available at the City's website: <https://www.fbgtx.org/845/Short-Term-Rentals>.

B. Fee(s) required by the City Fee Schedule.

C. In accordance with the Fredericksburg Zoning Ordinance, the Board of Adjustment may consider the following factors in hearing an application for a

short-term rental special exception. The applicant may, but is not required to, address any of these factors, or provide any additional information in support of the request, by attaching a written response and/or exhibits to this form.

- i. Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
- ii. Whether operation as a short-term rental in the property's zoning district is compatible with the quality of the surrounding area;
- iii. Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
- iv. Which type of short-term rental, as defined in section 20-220, the applicant seeks to operate;
- v. For a short-term rental existing prior to the effective date of chapter 20, article VII of the code, the duration of that short-term rental's operations and the number and type of complaints and/or citations related to that short-term rental;
- vi. Whether operation with the terms of the special exception will adversely impact the residential quality of the surrounding neighborhood;
- vii. Whether any properties located within a two hundred (200) foot radius of the property are operating with public or private primary or secondary educational facility uses; and
- viii. Specific property characteristics of the short-term rental like lot size or large square footage of the structure.

7. ACKNOWLEDGEMENT: I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Zoning Board of Adjustment. I further understand that a concurring vote of 75 percent of the members of the

[Redacted Signature]

(If different from Applicant)

12-12-2025
Date

Date

STAFF USE ONLY

Application No: ZBA 2025-11 Date: 12/26/25

[Redacted]