



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Wednesday, March 18, 2026 ~ 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
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 March 18, 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 March 18, 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. 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. February 18, 2026, Regular Meeting Minutes

4. PUBLIC HEARING

- A. **ZBA2026-02** - Request by Cindy Heifner to consider a variance per sec. 5.600 "Variance Procedure" for property located at 205 E Hackberry for relief from the provisions of section 3.100 for the minimum lot size width requirements of 70 feet within the R1- Single Family Residential District.

5. ACTION ITEMS

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 March 11, 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
FEBRUARY 18, 2026
MEETING MINUTES
5:30 P.M.**

On the 18th day of February 2026, the Zoning Board of Adjustment convened in regular session in the Community Room at 2818 E US Highway 290, Fredericksburg, Texas 78624 with the following members present to constitute a quorum.

PRESENT: CLAY SEARS
ERIC HAMMERSEN
ADAM LUTON
JIM MCAFEE
JIMMY CULP
JENNIFER EGGLESTON

ABSENT: MIKE MAHONEY

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

The meeting was called to order at 5:38 P.M. by Eric Hammersen. Clay Sears was not in attendance until 5:43PM.

Minutes:

Adam Luton made a motion to approve the January 21, 2026, Regular Meeting Minutes. Seconded by Jennifer Eggleston. All voted in favor and the motion carried.

Action Item:

ZBA2026-01 - Request by C3 Development Services to consider a variance per sec. 5.600 "Variance Procedure" for property located at 106 W. Peach Street for relief from the provisions of section 3.100 for the minimum lot size requirement of 7,500 square feet within the R1-Single Family Residential District.

Applicant:

Shelby Collier with C3 Development Services explained that the owners of 106 W Peach St. sought to subdivide their property into two lots but discovered the total area was 75 square feet short of the 7,500 square foot minimum required in the R1 zoning district; the property is an original German immigration company lot, unplatted, with two existing curb cuts suggesting intent for two residences, and prior attempts to claim adjacent unclaimed 'outlot' land to meet the minimum were unsuccessful.

Staff Summary: Cliff Cross

Cliff Cross explained with the existing structure on the nonconforming lot subject to nonconforming use provisions—if destroyed beyond 75% of value, it could not be rebuilt without further variance.

Public Hearing opened at 6:19PM and closed at 6:19PM

Board Discussion:

The board, discussed the three required criteria for granting a variance: that the zoning regulations do not allow reasonable use, the hardship is due to unique circumstances not created by the owner, and the variance will not alter the character of the area or impair adjacent properties; they noted the existence of similar nonconforming lots in the area and the unique situation of the unclaimed out lot, concluding that the applicant did not create the hardship.

Eric Hammersen made a motion to approve the variance based on the following criteria: based on the unique circumstances, lack of owner-created hardship, and minimal impact on neighborhoods character.

Adam Luton seconded the motion.

A Roll Call Vote was called:

Clay Sears – Aye	Eric Hammersen – Aye	Adam Luton – Aye
Jim McAfee – Aye	Jennifer Eggleston – Aye	

Unanimously approved, motion carried

Director’s Report:

Cliff informed the board that City Council had approved amendments to the time limits for resubmittals of denied and withdrawn applications related to rezoning and conditional use permits, and that several additional text amendments are forthcoming, including new building codes and fee structures. Cliff Cross announced that City Council had authorized City Manager Clinton Bailey to begin contract negotiations with Kimley Horn, the selected consulting firm from a pool of 13 respondents, to initiate the Unified Development Code process, which aims to comprehensively update and unify the city's development regulations.

ADJOURN

With nothing further to come before the Board. The meeting was adjourned at 6:27PM

PASSED AND APPROVED this the 18th day of March 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: March 18, 2026

CATEGORY: PUBLIC HEARING

CAPTION: **ZBA2026-02** - Request by Cindy Heifner to consider a variance per sec. 5.600 "Variance Procedure" for property located at 205 E Hackberry for relief from the provisions of section 3.100 for the minimum lot size width requirements of 70 feet within the R1- Single Family Residential District.

SUMMARY:

A variance has been requested pertaining to the minimum lot width frontage requirements of buildable lots within the R1 - Single Family Residential District that requires a minimum lot width of 70 feet and a minimum square footage of 7,500 square feet. The applicant is requesting the ability to subdivide the existing 22,326 square foot lot into two lots totaling 13,176 square feet and 9,150 square feet. The newly created lot 1 (13,176 sq. ft) will house the existing single-family residence and lot 2 will be a 9,150 sq ft vacant buildable lot.

FINDINGS: Sec. 3.100. - R-1: Single Family Residential.

Site Development Regulations

Each site in the R-1 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet; or 10,000 square feet for guest houses and short-term rental, accessory uses
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 2½ stories, 28 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet
Residential Density	Maximum Dwelling Units per Lot, 1 per Lot Minimum Dwelling Areas
(Living Area Only)	750 Square feet
Maximum Building Coverage	Percent of Lot Area, 40%
Impervious Cover	Percent of Lot Area, 55%

Nonconforming Uses	Section 6.100
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Temporary/Accessory Building	Section 8.000
Home Occupations	Section 8.300

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. 205 E Hackberry Notification Map
2. ZBA-2026-02 - 205 E HACKBERRY_Redacted

APPROVAL/REVIEW:



Date: March 10, 2026

Cliff Cross, Director of Development Services

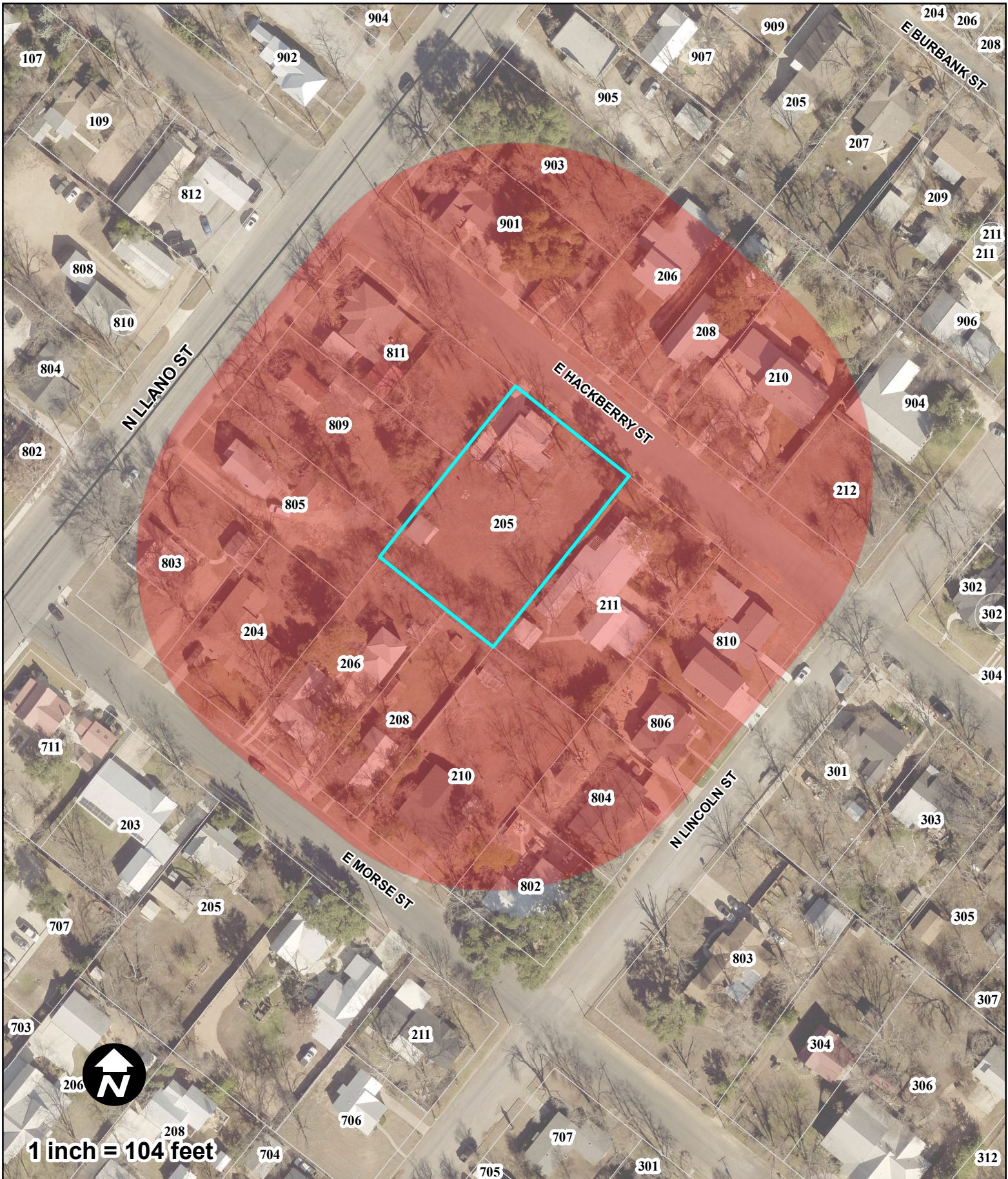


FIGURE 1
 City of Fredericksburg
 Z-2026-02 205 E. Hackberry

LEGEND

	200' Notification Buffer
	GCAD Parcels



VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

1. Applicant: Cindy Heifner
2. Owner: [REDACTED]
3. Phone: [REDACTED] Email: [REDACTED]

4. Description of property involved in this request.
Address: 205 E Hackberry St
Legal Description: BONN BLK A & D LOT 6 & Q
Lot Size: 22,669sq ft / .520 acre Zoning District: R1

5. Request is made to the Board of Adjustment that a variance be granted to the following provisions of the Zoning Ordinance.
Section: 5.600 Subsection: 3.100
Item: minimum lot width - 70ft Relating To: 205 E Hackberry Street
Requiring: Minimum lot area 7,500 sq ft

6. INFORMATION TO BE SUBMITTED BY THE APPLICANT:

A. Site plans, preliminary building elevations, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the Variance application:

- i. Existing and proposed location and arrangement of uses on the site, and on abutting sides within 50-feet.
- ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
- iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.

- iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvements related to or necessitated by the proposed use.

The Board of Adjustment may grant a variance if it makes affirmative findings of FACT on EACH of the criteria. The applicant shall give a reason why the request complies with the following criteria:

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

The applicant requests relief from the provisions of Section 3.100 of the zoning ordinance requiring a minimum lot width of 70 feet within R-1 single family residential district.

Applicant requests the current lot at 205 E Hackberry with lot width of 122ft be recognized as two lots, with the eastern undeveloped fenced lot having 50 ft width and the western lot having 72 ft width.

- 2. 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 unique circumstances are this property was originally platted in this manner, with a larger and a smaller lot; there are several properties with these similar dimensions in the neighborhood.

This includes the properties directly across the street and immediately behind the subject property, as well as five other properties on neighboring streets.

- 3. 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.

Dividing the subject lot into two will thus be in conformity with other properties in the neighborhood and allow an additional, and potentially affordable, home to be built on the vacant eastern lot.

- B. **PARKING: ADDITIONAL CRITERIA**-The Board may grant a Variance to a regulation prescribed by this ordinance with respect to the number of off-street spaces required if it makes findings of fact that the following additional criteria are also satisfied:

Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

As there is ample room for a single-family home, garage and parking within the lot, there would be little need for street parking.

A single-family residence would make minimal change to Hackberry Street volume.

The granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets.

A single-family residence would not interfere with the free flow of traffic on Hackberry Street.

The granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of this ordinance.

A single family residence will not create a safety hazard or any other condition inconsistent with the objectives of this ordinance.

The Variance shall run with the use or uses to which it pertains and shall not run with the site.

The variance would allow the lot to be an individual R-1 lot, for a single-family residence.

- c. **SIGNS: ADDITIONAL CRITERIA**-The Board may grant a Variance to a regulation prescribed by the Sign Ordinance with respect to the placement of signs, the height of signs or the area of signs if it affirmatively finds each of the following.

That a sign is being replaced. For the purposes of this Section, replacement shall include the erection of a new or different sign due to the removal of another sign for any reason, including the change of name of a business, whether from change of ownership, business being conducted, or otherwise, the change of a sign for a continuing business containing the same or different information as the sign being replaced, and the replacement of signs due to damage or vandalism.

N/A

That all structures on the property for which the sign is proposed that would impede the replacement of a sign were constructed prior to February 17, 1986.

N/A

That it is impractical to abide by existing placement, height or area regulations due to the placement, size of construction of existing structures in relationship to the physical characteristics of the site. For purposes of illustration, physical characteristics may include topography of the site or the surrounding sites, structures on surrounding sites, traffic conditions, street layouts and existing natural vegetation.

N/A

That the other types of signs which are permitted by this Ordinance cannot practically be used. In making this determination of practicality, the Board may consider

- A. The undesirability of altering a historic site to accommodate a sign which would be permitted with no variance under this Ordinance; or
 - a. That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
 - 1. That alternatives permitted by this Ordinance are prohibitively expensive; or
 - 2. That alternatives permitted by this Ordinance will not effectively identify the subject of the sign.

N/A

ii. That the proposed sign has been reviewed by the Historic Review Board if applicable.

N/A

iii. That the proposed variance is as close to the requirements of the sign ordinance as is feasible.

N/A

Staff Use Only

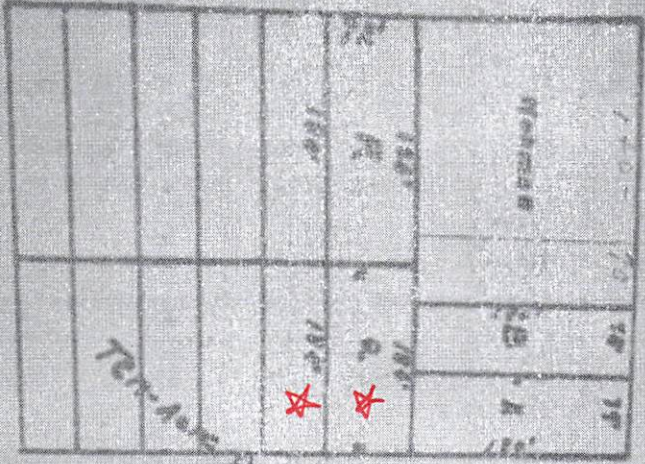
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Date: _____

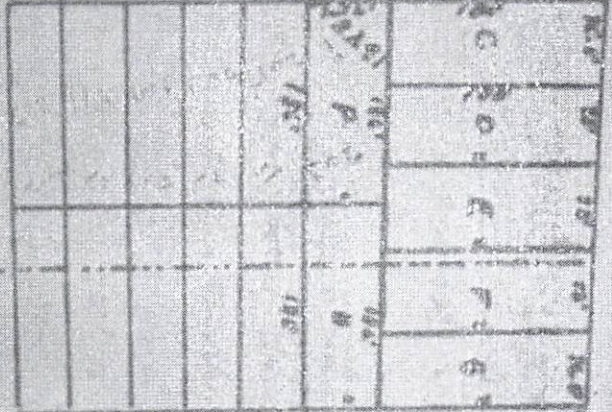
Payment Type: _____

R. BONN SUBDIVISION

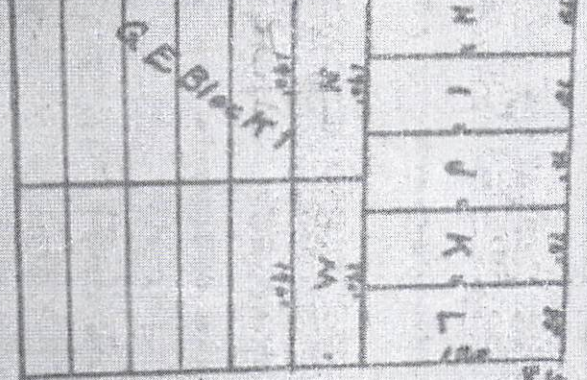
E. Maple St.



E. Hackberry St.



E. Burbank St.



E. Mulberry St.

Lane

Road

* 205 E Hackberry

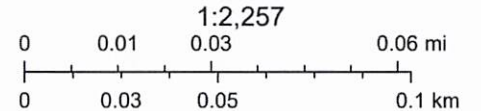
Scale 1 inch = 120'





2/4/2026, 6:43:26 PM

★ - subject lot - 205 E Hackberry
 1, 2, 3, 4 lots of similar dimensions



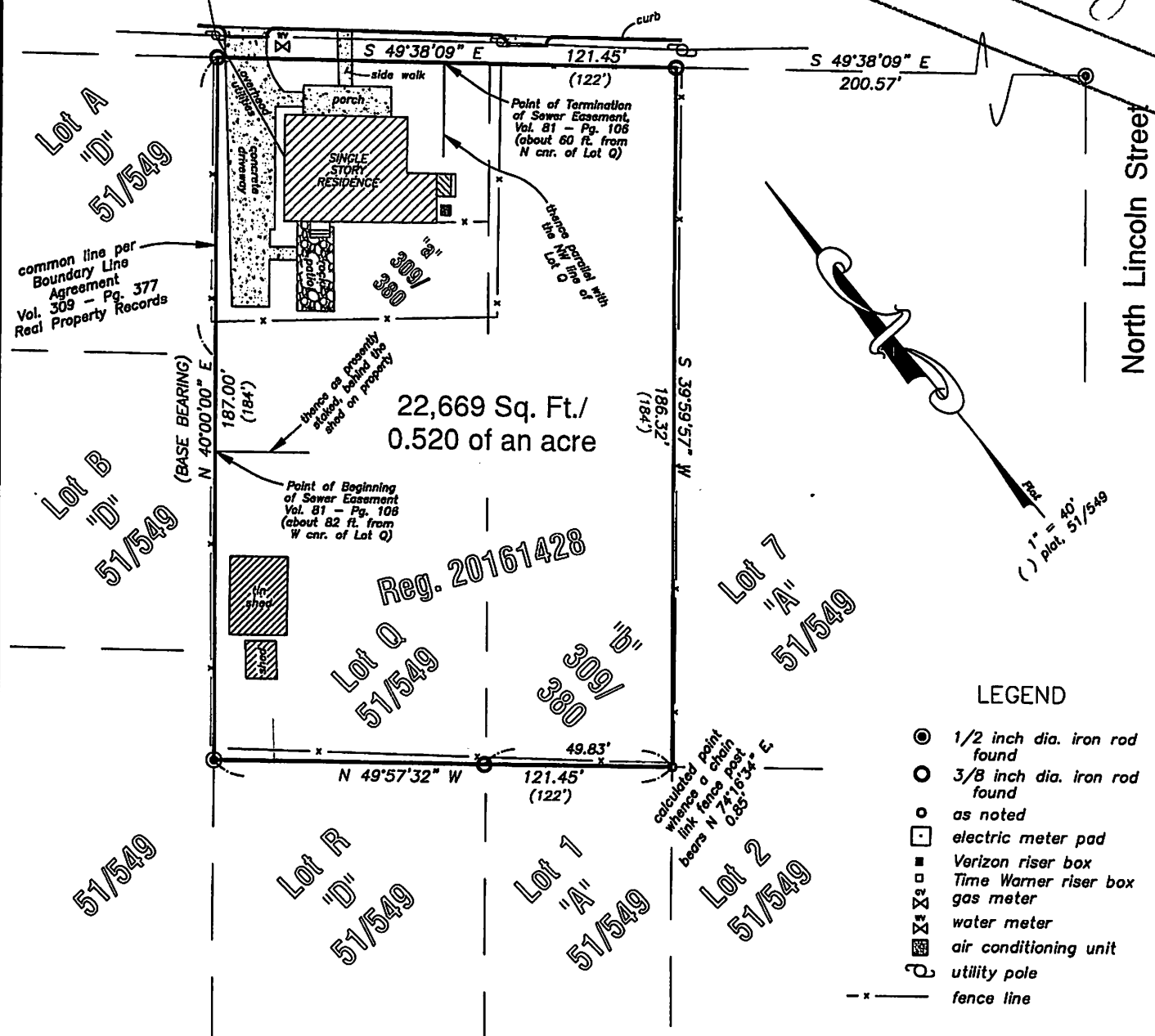
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Gillespie County Appraisal District, BIS Consulting - www.bisconsulting.com

DRAWN BY: d.a.s. DATE: 22
 CHECKED BY: d.a.s. DRAWING NO.: S-22-7179
 JOB NO.: S-22-7179 SHEET 1 OF 1

SURVEY REVIEWED AND ACCEPTED
Cindy Heifner
 DATE _____

East Hackberry Street (60 ft)



PREPARED FOR:
 Cindy Heifner
 205 East Hackberry Street
 Fredericksburg, TX 78624

TITLE COMPANY:
 Hill Country Titles, Inc.
 114 East Austin Street
 Fredericksburg, TX 78624

This tract is subject to the following easements listed in Hill Country Title's Commitment for Title Insurance, G. F. No. 222-112, issued February 16, 2022:
 - Sewer Easement to the City of Fredericksburg recorded in Vol. 81, Pg. 106, Deed Records of Gillespie County, TX.
AFFECTS TRACT - APPROXIMATE LOCATION DEPICTED HEREON.

The undersigned does hereby certify that a survey was made on the ground of the property shown hereon, that it is correct and that there are no obvious boundary line conflicts, encroachments, overlapping of improvements or roads in place except as shown hereon and that said property has access to and from a dedicated roadway.

Dale Allen Sultemeier
 Registered Professional Land Surveyor
 No. 4542 - State of Texas



Feb. 19, 2022



SULTEMEIER
SURVEYING & ENGINEERING

Boundary-Title-Topographic-Construction Surveys
 Engineering - Land Development Services
 501 West Main, Suite 102
 Fredericksburg, Texas 78624
 (830) 990-1221
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 sultemeiersurveying.com
 TBPELS SURVEYING FIRM: 100930-00

PLAT SHOWING A 22,669 SQ. FT./0.250 OF AN ACRE TRACT OF LAND OUT OF THE R. BONN SUBDIVISION TO THE CITY OF FREDERICKSBURG; GILLESPIE COUNTY, TEXAS.