



City of Fredericksburg

Zoning Board of Adjustment Meeting Agenda
Wednesday, May 20, 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 Wednesday, May 20, 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 May 20, 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. March 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. **(Old Business For Potential Consideration)**

- B. **ZBA2026-03:** Request by 3L Land Holdings (Rick Laplante) to consider an administrative appeal regarding the applicability of Chapter 29 (29-4(A) & 29-4(B) of the Fredericksburg Code of Ordinances pertaining to the installation of a construction sign for property located at 1505 S. Creek Street, Fredericksburg,

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 May 14, 2026, on the bulletin board of the City of Fredericksburg, New City Hall at East Campus, 2818 E. U.S. Hwy. 290, Fredericksburg, Texas 78624.

Jan Musgrove

Jan Musgrove
Planner 1

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

**ZONING BOARD OF ADJUSTMENT
MARCH 18, 2026
MEETING MINUTES
5:30 P.M.**

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

PRESENT: ERIC HAMMERSEN
 MIKE MAHONEY
 ADAM LUTON
 JIM MCAFEE
 JIMMY CULP
 JENNIFER EGGLESTON

ABSENT: CLAY SEARS

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:

February 18, 2026, Regular Meeting Minutes were approved. All voted Aye and the motion carried.

Action Item:

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

Applicant: Ms. Heifner was sworn in at 5:44PM.

Cindy Heifner explained that she was the owner of the property and that she wanted to subdivide the 22,326 square foot lot into two lots but discovered the frontage for each lot did not have the required seventy (70) feet for each lot required in the R1 zoning district. She mentioned that she would either like to sell the lot so that a home could be built on it or that she might like to sell her current home and build herself a home on the vacant lot. She confirmed that neither lot would contain a Short-term rental.

Staff Summary: Cliff Cross

Cliff outlined the criteria for granting a variance, emphasizing the need for unique circumstances not created by the owner, and clarified that approval of the subdivision variance would not automatically make the new lot buildable, a separate variance would be required to construct a home due to setback and width constraints. Discussion between Cliff and the board continued around historical maps and legal records, noting that the lot may have originally been two separate lots, with two curb cuts and a lot pattern consistent with neighboring properties, but no formal record of consolidation was found, prompting a recommendation for further surveyor investigation.

Public Hearing opened at 5:56PM and closed at 5:56PM

Board Discussion:

Eric Hammersen provided guidance on the complexities of building on a substandard (non-buildable) lot, including the need for additional variances and the logistical challenges posed by setbacks and driveway access for the new build. After extensive discussion, the board, with Cindy's agreement, decided to table the variance request for approximately two months to allow her to prepare a combined application for both subdivision and buildability, with the understanding that approval of the current request alone would not guarantee the ability to build on the new lot.

Mike Mahoney made a motion to table the motion so the applicant could return with a more complete application. Jim McAfee seconded the motion. All voted Aye and the motion carried.

Director's Report:

Cliff provided the board with updates on the initiation of the Unified Development Code (UDC) process, recent adoption of the 2021 ICC building codes, and the implementation of a new fee structure for building permits, plan reviews, and engineering services. An anticipated project duration of 18 to 24 months, during which input will be sought from various boards, business representatives, and community members.

ADJOURN

With nothing further to come before the Board. The meeting was adjourned at 6:21PM

PASSED AND APPROVED this on the 20th day of May 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: May 20, 2026

CATEGORY: PUBLIC HEARING

CAPTION: **ZBA2026-03:** Request by 3L Land Holdings (Rick Laplante) to consider an administrative appeal regarding the applicability of Chapter 29 (29-4(A) & 29-4(B) of the Fredericksburg Code of Ordinances pertaining to the installation of a construction sign for property located at 1505 S. Creek Street, Fredericksburg,

SUMMARY:

The applicant is requesting an administrative appeal of staff's interpretation that the identified "Construction Sign" is exempt from the regulations of both sections 29.4 and 29.7 and are exempt from obtaining a permit and exempt from the permanent sign provisions of permanent signs within an underlying zoning district.

In summary, the applicant is seeking relief that would exempt the "construction sign" from obtaining a permit and allow its continued placement on two existing posts exceeding the maximum 5' foot in height requirement.

FINDINGS:

Sec. 5.700. ADMINISTRATIVE APPEALS PROCEDURES.

This procedure is intended to afford review of administrative actions taken pursuant to the Zoning Regulations where such actions may be in error.

Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the City affected by any administrative decision of the Director of Planning and Building. Such appeal shall be taken within 30 days after the decision, by filing with the Director of Planning and Building, and with the Board of Adjustment a notice of appeal, which shall specify the grounds thereof. The Director of Planning and Building shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Sec. 29-4. Permit required.

(a) No person shall erect, construct, alter, repair, or relocate a sign without first obtaining a permit from the building official. The signs described in section 29-5 shall be an exception to the requirement.

Sec. 29-5. Signs exempted from certain regulations.

The signs described in the following subsections are exempt from the regulations provided for in this chapter. However, such signs shall remain subject to the construction and electrical standards of the city codes:

(5) One sign per street frontage of a building which is under construction, structural alteration or repair announcing the character of the building or enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, owners, and others, provided the area of such signs does not exceed 32 square feet in nonresidential districts, and 16 feet in residential districts. Individual

contractor signs (one per contractor), not exceeding three square feet in area, are allowed in addition to the construction sign described earlier in this subsection. All such contractor or construction signs shall be removed within 30 days after the completion of the construction project. All such signs which are larger than three square feet in area shall be set back from the property line to the normal building setback line required in the applicable zoning district. For the purposes of this subsection, the term "under construction" means under active construction and before substantial completion. Such signs shall not be erected, placed or allowed to remain in the absence or lapse of a building permit for the property to which it relates, or if a certificate of occupancy has been issued for such property. Trade repair or improvement signs (e.g., landscape and air conditioner repair signs) are limited to four square feet and may be placed only for the length of time the active repair or installation is underway not to include any maintenance period.

Sec. 29-7. Permanent signs permitted by district.

All signs listed in this section shall be required to meet any applicable standards as listed in this section and a construction permit shall be required prior to the erection of any signs described in this section:

(5) The following signs shall be permitted in industrial (M-1, M-2 and M-3) districts:

- a. Banners/temporary signs as permitted in subsection (3)b of this section.
- b. Areas zoned for industrial uses shall have the same regulations for wall signs and ground signs as permitted in subsections (3)d and e, respectively, of this section.

(3) The following signs shall be permitted in commercial (C-2) districts:

b. Banners/temporary signs.

1. Banners shall be permitted for each business property provided they do not exceed either two square feet per lineal foot of business building frontage or 80 square feet maximum in area. This applies to C-2 and industrial districts only.
2. Temporary signs shall be permitted for each business property provided they are not more than 16 square feet in area.
3. A permit shall be issued for a 20-day period.
4. The number of permits shall be limited to six per calendar year per property.
5. Each permit may be linked together for a consecutive period (e.g., 20, 40, 60, 80, 100 or 120 days). Each 20-day period, even if linked together, shall carry a separate permit fee.
6. Temporary signs shall be mounted as wall signs on a building in accordance with subsection (3)d of this section or as freestanding or ground signs in accordance with subsection (3)e of this section, or erected as medallion or shield signs in accordance with subsection (7)b of this section.
7. Banners shall be mounted wholly within the business property on either the building entirely, or on an existing freestanding sign entirely, and shall not be attached to any utility pole or structure within the right-of-way.

d. Wall signs.

1. Wall signs are permitted for each business with a maximum total sign area of 1½ square feet for each linear foot of building frontage.
2. No wall signs shall project above the roof line of the building to which they are attached.
3. Wall signs shall not extend outward more than two feet from the building wall to which they are attached.

e. Ground signs.

1. One ground sign is permitted for each 125 feet of business frontage. A business must have 250 feet of business frontage in order to erect a second sign.
2. The maximum total sign area per sign shall not exceed 50 square feet.
3. The height of the sign, including the sign structure, shall not exceed five feet above the adjacent ground and the lowest point of the sign face shall not exceed two feet above the ground.

STAFF RECOMMENDATION:

Not Applicable / Administrative Appeal

ATTACHMENTS:

1. 1505 S Creek Notification Map
2. Zoning Board of Adjustment Administrative Appeal Application Fillable_Redacted
3. ZBA2026-03_Redacted

APPROVAL/REVIEW:



Cliff Cross, Director of Development Services

Date: May 15, 2026

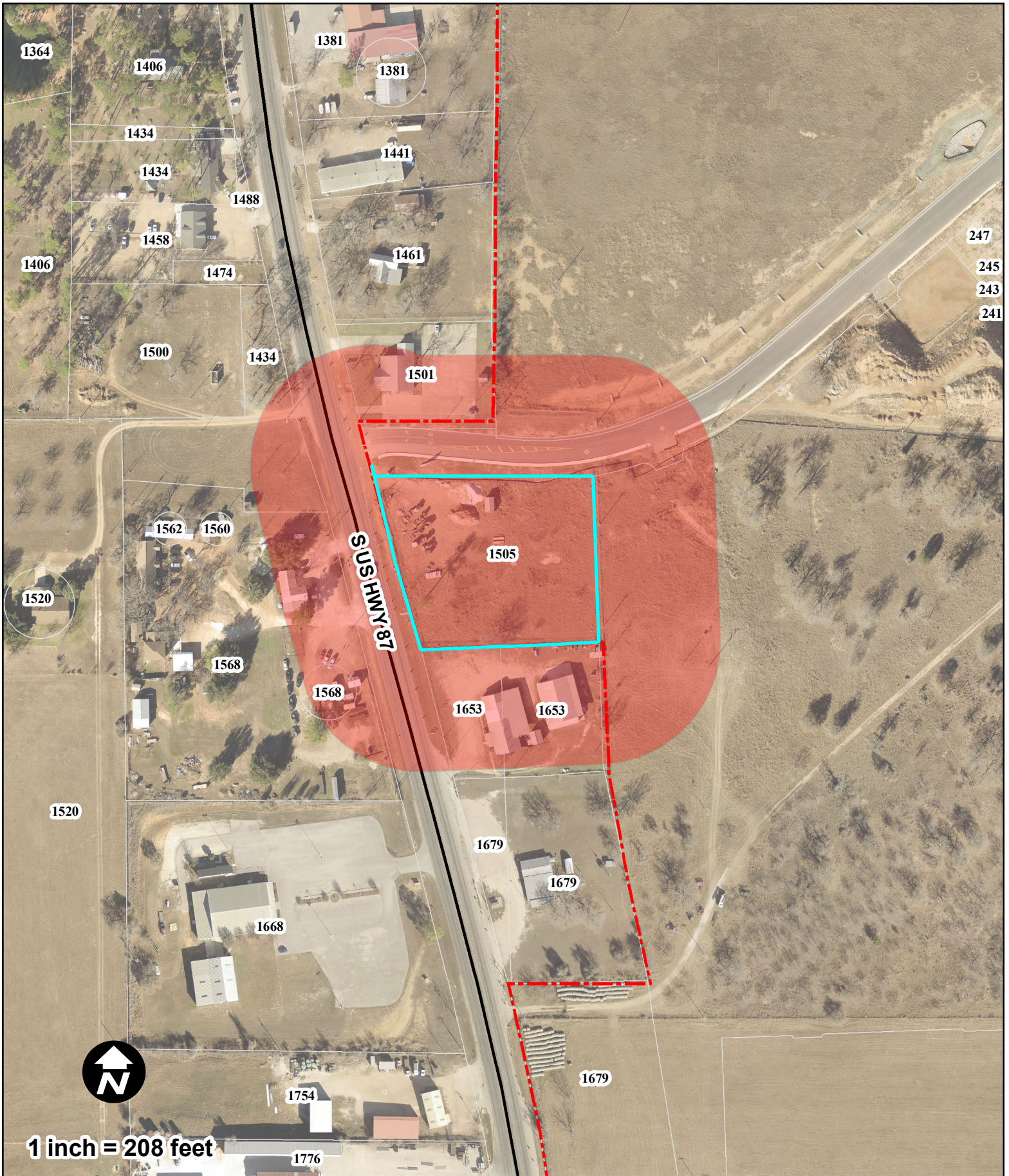


FIGURE 1
 City of Fredericksburg
 Z-2026-03 1505 S. Creek St.

LEGEND

- 200' Notification Buffer
- GCAD Parcels



ZONING BOARD OF ADJUSTMENT APPEAL OF AN ADMINISTRATIVE DECISION

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

Applicant: _____

Phone: [REDACTED] _____

Email: [REDACTED] _____

Owner: _____

Phone: [REDACTED] _____

Email: [REDACTED] _____

Appeal Fee: \$300 Legal Notice Fee: \$100 Public Hearing Notice Fee: \$150

Total of \$550.00

Please mail a check for the fees, application and any supporting documentation to 126 W Main, Fredericksburg, Texas 78624.

Address: 1505 S Creek St _____

Legal Description: _____

Lot Size: 2.33 acres _____ Zoning District: M-1 _____

Administrative Decision being appealed: Requirement for sign permit and height restrictions

Section of Code to be appealed: Chapter 29, specifically 29-4(a) and 29-5(5)

Date of Decision: 3/26/26 _____

The Zoning Board of Adjustment will consider the same criteria and standard of review considered by Director of Development Services.

The Zoning Board of Adjustment may overturn the Administrative decision if it makes affirmative findings of fact on each of the following criteria.

Explain how your appeal meets these requirements.

- **The administrative decision set forth herein, or findings of the Staff do not allow for a reasonable use.** [The staff position is unreasonable, and prevents a reasonable use as defined by 29-5\(5\) which explicitly allows a temporary construction sign without permit \(see 29-4\(a\)\) and no height requirements, only sqft/area ones.](#)
- **The action of City Staff was not based upon the preponderance of the evidence presented.** [The attached letter clearly shows the basis for our temporary construct sign, which meets any requirement specified in 29-5\(5\). The city actually agrees that our sign is permitted under 29-5\(5\), they are simply applying additional rules without any evidence in the code for such additional constraints and which directly contradict the plain language of the code section 29.](#)
- **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 reversal of Staff’s decision 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 of this article or regulations to the Zoning District in which the property is located.**
- **In addition, or alternately, other legal precedent or established law or is challenging or requesting a change to a rating.**
[See attached letter which provides clear legal reading of the code section 29](#)
- **The Board may apply conditions for its decision or modification of the Staff’s decision.**

Staff Use Only

Application No: _____ Date: _____

Payment Type: _____ ZBA Hearing Date: _____

Formal Appeal Letter

March 26, 2026

Board of Adjustment
City of Fredericksburg
126 W. Main Street
Fredericksburg, TX 78624

Re: Appeal of Administrative Interpretation – Chapter 29 Sign Regulations (Section 29-5 vs. 29-7)

Dear Members of the Board:

I am writing to formally appeal an administrative interpretation made by City staff regarding the applicability of Chapter 29 of the Fredericksburg Code of Ordinances as it relates to a construction sign installed at our project site for **Pour Choices Brewing Company**.

This appeal is made pursuant to Section 5.700 of the Zoning Code.

Background

Our project is currently under active construction and has a valid building permit. In connection with this activity, we installed a sign intended to:

- Announce the character of the enterprise
- Communicate the purpose of the building
- Increase public awareness during the construction phase

This sign was installed in reliance on **Section 29-5(5)** of the Code, which expressly permits:

“One sign per street frontage of a building which is under construction... announcing the character of the building or enterprise or the purpose for which the building is intended...”

The sign exists in a “freestanding frame” that has existing on the property for decades with a height of under 12’. The sign is not illuminated in any way and sits within the building setback. The sign (including existing freestanding frame) is a temporary construction sign and will be completely removed within 5 months.

Areas of Agreement

Initially code enforcement determined that the sign had no basis and therefore had to be removed. Upon discussion with the Assistant Director and Director of the Planning Department it was agreed upon by staff that in fact the sign falls under the exemption provisions identified under section 29-5 subsection (5), and that it complies with the stated requirements of this subsection, including size and timing. Further, staff agree that 29-5(5) does not explicitly provide any height requirements, unlike other subsections of 29-5.

Basis of Appeal

The disagreement with staff centers on two key interpretations:

1. Whether a Sign Permit Is Required

Staff have indicated that a sign permit is still required under Section 29-5. However, directly prior to Section 29-5, Section 29-4(a) clearly states:

“No person shall erect, construct, alter, repair, or relocate a sign without first obtaining a permit from the building official. **The signs described in section 29-5 shall be an exception to the requirement [for a permit].**”

Section 29-4(a) expressly exempts signs described in Section 29-5 from permit requirements. No additional permitting requirement is stated or implied.

Staff offered the following text from 29-5(5) which they believe implies that a sign permit is still required:

“...Such signs shall not be erected, placed or allowed to remain in the absence or lapse of a building permit **for the property** to which it relates, or if a certificate of occupancy has been issued **for such property.**”

This language does not authorize or require a sign permit. In both instances, the clause is tied to the **status of the property** — specifically the existence of a building permit — **not to the sign itself**. Rather, it establishes a **timeline** for when Section 29-5(5) construction signs may be displayed: beginning with the issuance of a building permit “for the property to which it relates” and ending upon issuance of a certificate of occupancy for that property.

Interpreting this provision otherwise would **render the timing language meaningless**, allowing such signs to be placed well before construction begins and to remain indefinitely thereafter.

Our interpretation is that:

- Section 29-5 clearly establishes, and in fact exists solely for the purpose of establishing a category of **permit-exempt signs**
- The specific text referenced by staff governs the timing of the sign—limiting its display to the period of active construction between building permit issuance and either a lapse or delivery of the Certificate of Occupancy —and does not create a requirement for a sign permit. **Reading this clause otherwise would conflict with the explicit exemption established in Section 29-4(a) and remove any limits on timing for such signs.**

2. Applicability of the 5-Foot Height Restriction

Staff have further interpreted that a **5-foot maximum height** applies to this sign by referencing Section 29-7 (permanent sign standards).

The evidence offered for this interpretation from staff in email is:

“Although the height restrictions are not specifically identified within that section, the interpretation of the code is that the 5' max height for any ground erected sign would fall under and be consistent with the permanent sign provisions identified within section 29-7...”

Staff's interpretation relies on provisions outside Section 29-5, specifically Section 29-7. However, Section 29-5 begins with this sentence:

“The signs described in the following subsections are *exempt from the regulations provided for in this chapter (29)*”

Accordingly, the regulations set forth in Section 29-7—which govern permitted permanent signs—do not apply to signs authorized under Section 29-5. Any other interpretation **is contrary to the structure and language of the Code.**

Given that:

- Section 29-5(5) includes **no height limitation**, only area and timing restrictions
- Other subsections of 29-5 (see subsections 1, 11, and 15) including height restrictions explicitly is evidence that had there been desire for a height restriction intended for subsection (5), **it would have been explicitly stated.**
- Signs under 29-5 are exempt from all other requirements of Chapter 29

Our interpretation is that:

- Staff interpretation **improperly expands regulatory requirements** beyond those authorized by the ordinance and **contradicts the plain language** of the ordinance.

Summary of Position

We respectfully assert that:

1. Signs authorized under Section 29-5(5) are **exempt from permit requirements** pursuant to Section 29-4(a);
2. Such signs are **not subject to other provisions** of Chapter 29, including Section 29-7 pursuant to Section 29-5;
3. Section 29-5(5) **imposes no height limitation**; and
4. The installed **sign complies with all applicable provisions** of Section 29-5.

Good Faith and Cooperation

We want to emphasize that we are committed to being good partners with the City of Fredericksburg and respectful of community standards.

If the Board ultimately determines that a height limitation is required by Code, we are willing to modify the sign accordingly. However, we believe it is important to obtain a clear and consistent interpretation of the ordinance for both this project and future applicants.

Requested Action

We respectfully request that the Board of Adjustment:

- Reverse or clarify the administrative interpretation made by staff
- Confirm that signs permitted under Section 29-5(5):
 - Do not require a sign permit
 - Are not subject to Section 29-7 height restrictions

Thank you for your time and consideration. I would be happy to attend the hearing and provide any additional information needed.

Sincerely,



Rick LaPlante
Managing Member
Pour Choices Brewing Company

Exhibit A – Interpretation Comparison

Issue	Staff Interpretation	Ordinance Language
Permit Requirement	Sign permit required	29-4(a): 29-5 signs exempt from permit
Applicability of 29-7	Permanent sign rules apply	29-5: exempt from all Chapter 29 requirements
Height Restriction	5-ft limit applies	29-5(5): no height limit
Building Permit Clause	Creates permit requirement	Only limits timing (construction phase)