AGENDA
CITY OF FREDERICKSBURG
BOARD OF ADJUSTMENT

Thursday, October 13, 2016

5:30 P.M.

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

		PAGE REF.
1.	Call to Order	
2.	Approve Minutes of the July 2016 Meeting	*Pp 1 - 3*

PUBLIC HEARINGS

3.	PUBLIC HEARING: (ZBA2016-4) by Robert A. Loth, III on behalf of Central Texas Electric Co-Op at 386 Friendship Lane to consider a variance to Section 7.940, Subsection B of the Zoning Ordinance regarding screening requirements and standards	*Pp 4 -15*
4.	Consider taking action on ZBA2016-4	
5.	PUBLIC HEARING: (ZBA2016-5) by Don B. McDonald on behalf of E.J. and Lana Cop at 603 W. Austin to consider a variance to Section 3.100 of the Zoning Ordinance regarding building setback requiring a 25 foot minimum front yard setback	*Pp 16 - 32*
6.	Consider taking action of ZBA2016-5	

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
July 14, 2016
5:30 P.M.

On this the 14th day of July 2016, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum:

ROBERT DEMING
CYNTHIA SCROGGINS
BARBARA HEINEN
JIM MCAFEE
JOHN SMILIJANIC
TOM MUSSELMAN

ABSENT: DONNIE FINN

ALSO PRESENT: BRIAN JORDAN – Director of Development Services
TAMMIE LOTH - Development Coordinator

The meeting was called to order at 5:30 P.M. by Robert Deming.

MINUTES
Cynthia Scroggins moved to approve the minutes of the July, 2016 meeting and Jim McAfee seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING - (ZBA 2016-3) by The Admiral Nimitz Foundation at 502 E. Austin Street to consider a variance to Section 29, Subsection 7 of the Code of Ordinances pertaining to height of sign, including structure and maximum area of sign. Robert Deming opened Public Hearing ZBA 2016-3 by The Admiral Nimitz Foundation at 502 E. Austin Street to consider a variance to Section 29, Subsection 7 of the Code of Ordinance pertaining to height of sign, including structure and maximum area of sign. General Mike Hagee presented the application. General Hagee showed a video presentation of the Combat Zone and highlighted the old entryway as well as the new, which is where they are requesting the sign. General Hagee noted the City has conveyed a portion of Austin Street and a portion of Lee Street to the Admiral Nimitz Foundation and it was stated in the conveyance they would be allowed to build an archway sign. General Hagee noted Austin Street will be turned into a one way street when the construction is complete, which should be at the end of the year. General Hagee noted the location of the fire hydrant and stated the requested sign will be set back approximately 23 or 24 feet from the property line. Cynthia Scroggins asked how far the sign will be from the fire hydrant and General Hagee noted he has a diagram in his presentation that refers to that and it shows the distance will allow plenty of room for emergency access to the property and also allows plenty of room for the emergency vehicles to connect to the fire hydrant. General Hagee noted the size of the sign meets the code requirements, but the height does not, which is why they are requesting a variance. Barbara Heinen moved to close Public Hearing ZBA 2016-3 and Jim

McAfee seconded the motion. All voted in favor and the motion carried.

Tom Musselman asked how the sign will be attached and General Hagee noted cables will run across the sign which will help reduce the footprint and also keep from having unsightly boards attached to the sign. General Hagee commented this will help highlight the letters of the sign. Barbara Heinen asked if the height is to allow vehicles access to the site and General Hagee confirmed that was true. Robert Deming suggested they are also wanting the sign for visibility as visitors are leaving the museum and General Hagee agreed that was true. Mr. Musselman asked if they considered other signs that would meet city requirements and General Hagee noted the signs that meet the city codes would not allow visibility for anyone trying to find the Combat Zone. Mr. Musselman suggested directional markers and it was noted there are some directional markers in place from the wayfinding project, but they are fairly small. Barbara Heinen noted she likes the sign and also likes that they moved it back onto their property. Mr. Deming had a copy of the conveyance agreement between the City and the Foundation and read the section that states an archway entrance could be added to the site. Brian Jordan, Director of Development Services, noted the wording may sound confusing because in the agreement it is noted there may be a sign added to the archway, but it does not necessarily allow for the arched entrance to be the sign. Mr. Musselman noted the City Council and other Boards are always very cognizant of setting a precedent. Mr. Musselman commented it is clear the proposed sign is in violation of the sign ordinance and under normal circumstances, would not be allowed; however, the agreement gives them some leeway.

Mr. Jordan noted City Staff does not have a strong objection to the sign, but the objective criteria must be examined. Mr. Jordan noted if the Board feels like the sign should be allowed, there should be some specific criteria that is linked to the approval. Mr. Jordan noted there are remedies besides the arched sign, but those are not the Foundation's desire. Mr. Jordan added the City does not give up right-of-way as a common practice so turning those streets over to the Foundation makes this situation somewhat unique. Mr. Musselman noted he feels comfortable approving the request with a legal rational that ties to the conveyance. Mr. Jordan noted one letter was received in support of the request and one letter in opposition.

Barbara Heinen moved to approve Application ZBA 2016-3 based on the following findings:

1) The sign is located on a street relinquished by the City.
2) The distance between Elk Street and the entrance into the Combat Zone is substantial.
3) The sign will provide visual assistance to pedestrians from the Museum.
4) The height is required to allow emergency vehicle access.

John Smilijanic noted another finding is that the sign is a relocation of an existing sign.

Barbara Heinen amended her motion to include the finding that the sign is considered a relocation of the existing sign at the entrance to the Combat Zone. John Smilijanic seconded the motion.

Tom Musselman asked if the existing sign only said Pacific Combat Zone and General Hagee noted that was correct.

All voted in favor of the motion on the table and the motion carried.

ADJOURN

With nothing further to come before the Board, Cynthia Scroggins moved to adjourn the meeting and Jim Smilijanic seconded the motion. All voted in favor and the meeting was adjourned at 5:55 p.m.

PASSED AND APPROVED this the 13th day of October, 2016.

SHELLEY BRITTON, CITY SECRETARY

ROBERT DEMING, CHAIR

VARIANCE BRIEF

Request # 2016-4

APPLICANT: Robert A. Loth, III

OWNER: Central Texas Electric Cooperative

ZONING: C-2, Commercial

LOCATION: 386 Friendship Lane

REQUEST: Variance to Section 7.940 of the Zoning Ordinance pertaining to screening requirements and standards.

FINDINGS:

- The new Operations Center for CTEC is currently under construction on the subject property.
- The applicant would like to secure/enclose the site with an 8' chain link fence, to match the remaining fencing around their facility.
- The adjoining property to the west is owned by CTEC, is vacant and is zoned R-2, Mixed Residential.
- Because the adjoining property is zoned residential, Section 7.940 of the Zoning Ordinance requires a visual screen or buffer of either a solid wood and/or masonry fence or wall at least 6' in height but not greater than 8' in height, or a hedge-like screen of evergreen plant material capable of attaining a height of 8' at maturity.

The Board of adjustment may grant a variance if it makes affirmative findings of fact on **each** of the criteria described below:

a. The Zoning Regulations applicable to the property do not allow for reasonable use. **The zoning regulation pertaining to the screening requirement between a commercial business and a residential zoning district does not restrict the reasonable use of the property.**

b. 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. **CTEC has indicated that they requested that their entire property be zoned commercial when they were annexed. Since the City zoned their westernmost tract residential, the screening requirements are applicable. In other words, the owner did not create the current zoning conditions.**

c. 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. **Although CTEC has no intention of releasing the property to their west at this time, the ordinance requirements are established regardless of ownership because the City does not control when or if this may happen.**

OPPOSITION/SUPPORT OF REQUEST: No letters have been received.

STAFF RECOMMENDATION:

It has been suggested to the owner that the ordinance could be met if the evergreen plant material screen were utilized in combination with the chain link security fence. The owner does not want to utilize this option. In our opinion, this application does not meet all the criteria required for granting a variance. Denial is recommended.

$150.00 application fee

APPEAL NO. 2016-4
DATE_____

VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT

1. APPLICANT: Robert A. Loth, III, On Behalf of Central TX Electric Co-op

2. ADDRESS: 386 Friendship Lane, Fredericksburg, TX 78624

   PHONE: 830-997-2126 FAX: 830-992-2309

3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

   ADDRESS: _____

   LEGAL DESCRIPTION: GE Co #57

   LOT SIZE: 9.777 acres ZONING DISTRICT: C2

4. REQUEST IS MADE HEREWITH TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:

   SECTION: 7.940 PAGE: 149

   SUBSECTION: B

   ITEM: Screening requirements and standards

   RELATING TO: Installation of a buffer

   REQUIRING: A solid wood and/or masonry fence or wall at least six feet

5. 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:

      a. Existing and proposed location and arrangement of uses on the site, and on abutting sides within 50-feet.

      b. 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.

      c. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.

      d. 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.

B. The Building Official and/ or Director of Development Services may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a Variance exists.

6. REASONS FOR THE REQUEST:_____

A. 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.

   See Attached

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.

   See Attached

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.

   See Attached

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:

1. 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.

Variance Request Application to Board of Adjustment

Attachments from Page 2 Questions

A. 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.

   Requirement for a solid wood and/or masonry fence or wall on the west side of the property because the neighboring property (also owned by Central Texas Electric Cooperative) is zoned differently than the rest of the Cooperative's property. For better security and aesthetics, the Cooperative would prefer to have the same type of fence around the new facility, (being an 8 foot chain link fence with 3 barbed wires along the top).

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.

   When Central Texas Electric Cooperative was annexed, it requested that its entire property be zoned the same – commercial. However, the decision resulted in residential zoning.

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.

   As mentioned above, the adjacent property to this property is owned by the Cooperative, and the Co-op has no intention of releasing this adjoining property.

2. 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.

_____

_____

_____

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

_____

_____

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

_____

_____

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.

1. 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.

_____

_____

2. 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.

_____

_____

3. 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.

_____

_____

_____

_____

4. 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
   b. That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
   c. That alternatives permitted by this Ordinance are prohibitively expensive; or
   d. That alternatives permitted by this Ordinance will not effectively identify the subject of the sign.

_____

_____

_____

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

_____

_____

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

_____

_____

7. **NOTICE TO APPLICANT: <u>YOU, OR YOUR REPRESENTATIVE ARE STRONGLY URGED TO ATTEND THE BOARD OF ADJUSTMENT MEETING AT WHICH YOUR VARIANCE REQUEST WILL BE CONSIDERED</u>**- The Board will consider whatever evidence is presented at that time, and may approve, deny, or postpone consideration of your request. Failure to attend may result in the presentation of inadequate or inaccurate information which may result in denial or postponement.

Central Texas Electric Cooperative, Inc.

Signature of Owner: Robert A [illegible] CEO

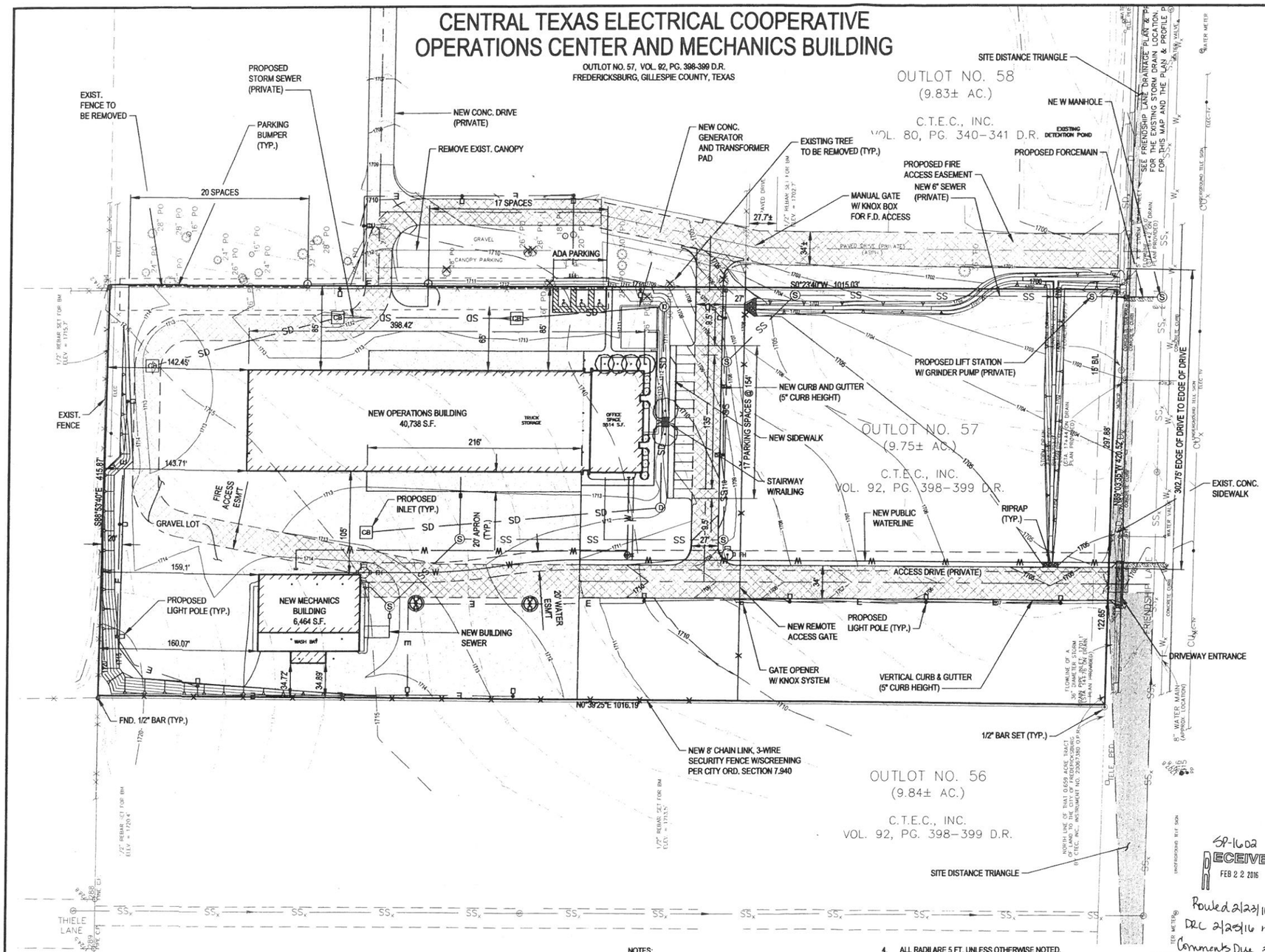
Date: 9-22-16 Fee Paid:_____

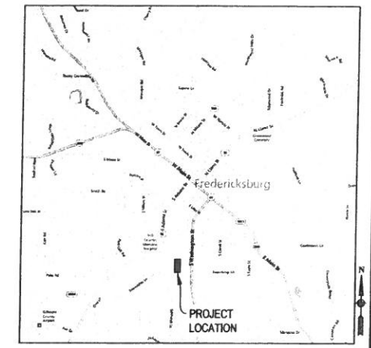
8. List of property owners within 200 ft. (Provided by City)

C.H. GUERNSEY & COMPANY
5555 N. GRAND BLVD.
OKLAHOMA CITY, OK 73112 405.416.8100
C.A. ARCHITECTURE: #12882 EXPIRES FEBRUARY 29, 2016
C.A. ENGINEERING: #F-2298 EXPIRES DECEMBER 31, 2015

CENTRAL TEXAS ELECTRICAL COOPERATIVE OPERATIONS CENTER AND MECHANICS BUILDING

OUTLOT NO. 57, VOL. 92, PG. 398-399 D.R.
FREDERICKSBURG, GILLESPIE COUNTY, TEXAS





ZONING INFORMATION

PROPERTY ZONING	C-2
MINIMUM REQUIRED LOT SIZE (SQ. FT.)	5,000
ACTUAL LOT SIZE (AC.)	9.75±
MAX. BUILDING HEIGHT (FT.)	3 STORIES (38 FEET)
NEW BUILDING HEIGHT (FT.)	
EAVE HEIGHT	17.67
ROOF RIDGE LINE	28
MIN. LOT WIDTH (FT.)	50
ACTUAL LOT WIDTH (FT.)	420.52
SETBACKS (FT.)	
FRONT	15
STREET SIDE YARD	15
INTERIOR SIDE	0
REAR	0
STREET SIDE YARD	
MAX. IMPERVIOUS AREA	80%
NEW IMPERVIOUS AREA	54% (5.27 AC.)
MAX. BUILDING COVERAGE	75% OF LOT AREA
NEW BUILDING COVERAGE	
NEW BUILDING AREA (SQ. FT.)	40,227
% COVERAGE	9.50%

UTILITY INFORMATION

UTILITY	COMPANY	PHONE NUMBER
SEWER	CITY OF FREDERICKSBURG	830.997.7521
WATER	CITY OF FREDERICKSBURG	830.997.7521
ELECTRIC	CITY OF FREDERICKSBURG	830.997.7521
TELEPHONE	VERIZON	1.800.VERIZON
GAS	ATMOS ENERGY	1.888.286.6700
CATV	TIME WARNER CABLE	830.997.4646

FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM	FIRM ZONE	BASE FLOOD ELEVATION
480252	288	C	10/19/2001	X	N/A
480696	288	C	10/19/2001	X	N/A

OFF-STREET PARKING CALCULATIONS

PROPOSED BUILDING (SQ. FT.)	47,202
PARKING REQUIREMENTS = 1 SPACE PER 1,000 SQ. FT.	
NO. OF SPACES REQUIRED	48
NO. OF SPACES PROVIDED	54

SP-16.02
RECEIVED
FEB 22 2016

Routed 2/23/16
DRC 2/25/16 + 3/3/16
Comments Due 3/7/16

APPROVED:
PLANNING & ZONING COMMISSION
3/9/16

NOTES:

1. ALL UNDERGROUND UTILITIES SHOWN WERE LOCATED FROM INFORMATION OBTAINED ON SITE, PREVIOUS SURVEY AND RECORDED DOCUMENTS. NO EXCAVATION WAS PERFORMED TO DETERMINE THE SIZE OR LOCATION. NOT NECESSARILY ALL UNDERGROUND UTILITIES ARE SHOWN AND THOSE SHOWN ARE IN APPROXIMATE LOCATION ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL UNDERGROUND UTILITIES AND THE LOCATION THEREOF PRIOR TO BEGINNING CONSTRUCTION. NO RESPONSIBILITY IS HEREBY EXTENDED FOR LOCATION OF UNDERGROUND UTILITIES.
2. ALL DIMENSIONS ARE TO BACK OF CURB, FACE OF BUILDING, CENTER OF FENCE, CENTER OF PAINT STRIPE, AND TO CENTER OF PIPE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
4. ALL RADII ARE 5 FT. UNLESS OTHERWISE NOTED.
5. ALL PARKING SPACES ARE 9 FT. WIDE AND 19' FT. FROM BACK OF CURB UNLESS OTHERWISE NOTED.
6. TYPICAL SIDEWALK WIDTH IS 6 FT. UNLESS OTHERWISE NOTED.
7. A SOLID WASTE CONTAINER IS NOT PROPOSED. THE EXISTING CONTAINER LOCATED EAST OIF THE SITE ON THE EXISTING CTEC PROPERTY WILL BE USED.
8. PROPOSED SCREENING WILL MEET THE CITY OF FREDERICKSBURG REQUIREMENTS.

PROPOSED FIRE ACCESS EASEMENT

OWNER:
CENTRAL TEXAS ELECTRICAL COOPERATIVE, INC.
P.O. BOX 257
FREDERICKSBURG, TX 78624-0553
PHONE: 830.997.2126

ARCHITECT/ENGINEER:
C.H. GUERNSEY & COMPANY
5555 N. GRAND BLVD.
OKLAHOMA CITY, OK 73122
PHONE: 405.416.8100
CONTACT: CLINT MORRIS, P.E.

BENCHMARK:
ELEVATION DATUM USED HEREON WAS THE USGS BENCHMARK (P 81 - BN0130), BEING A BRASS DISK FOUND MONUMENTED IN CONCRETE ALONG TEXAS STATE HIGHWAY NO. 16, AT A PUBLISHED ELEVATION OF 1695.0' (NAVD 88).

0 50 100
SCALE OF FEET

Texas 811
Know what's below. Call before you dig.

PARIC EXPERIENCE. EXCELLENCE.
COOPERATIVE BUILDING SOLUTIONS
Central Texas Electric Co-op
guernsey
guernsey.us

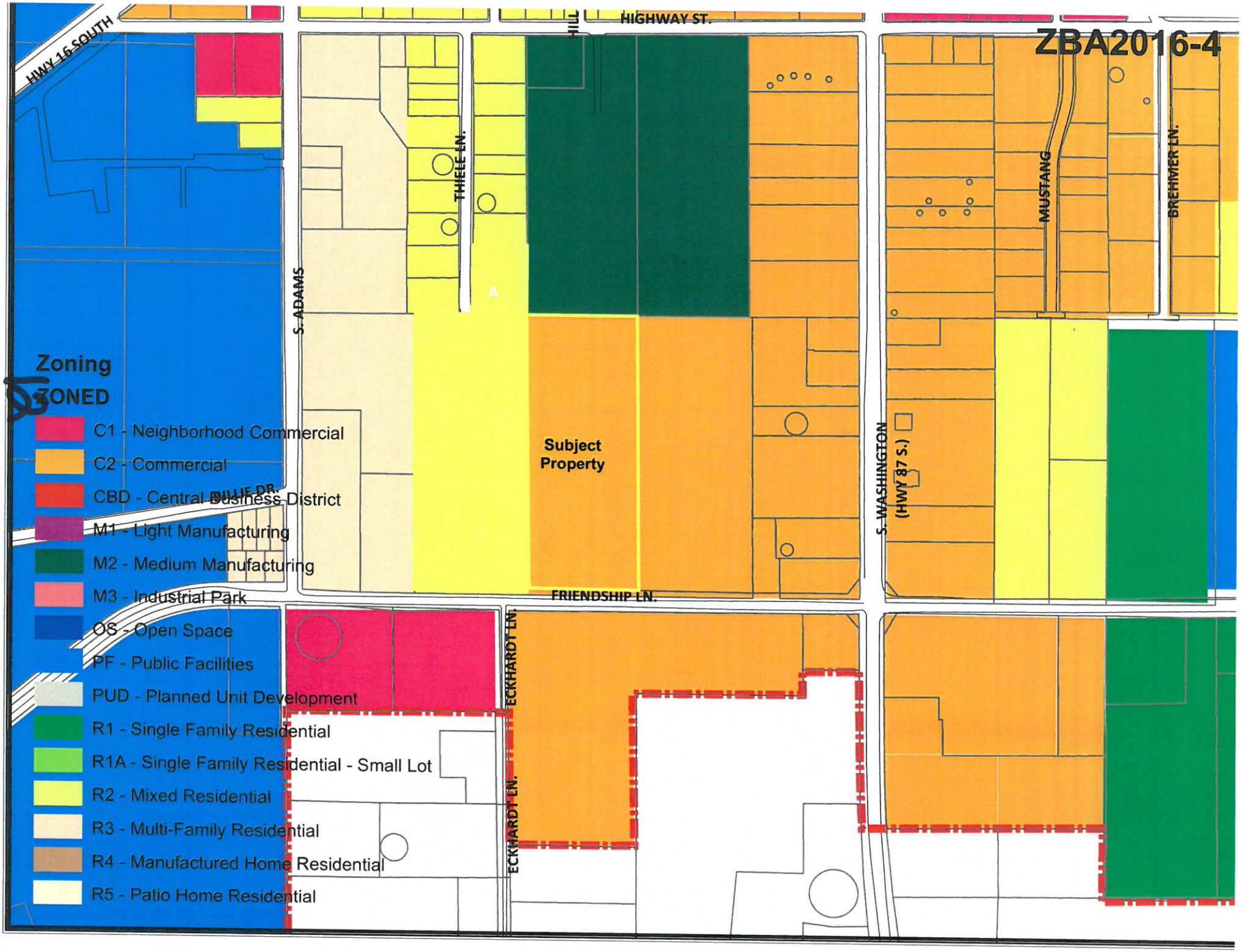
DESIGNED BY: C. MORRIS
DRAWN BY: C. MORRIS
DATE: 01/2/16
PROJECT NO.: CK70234-000

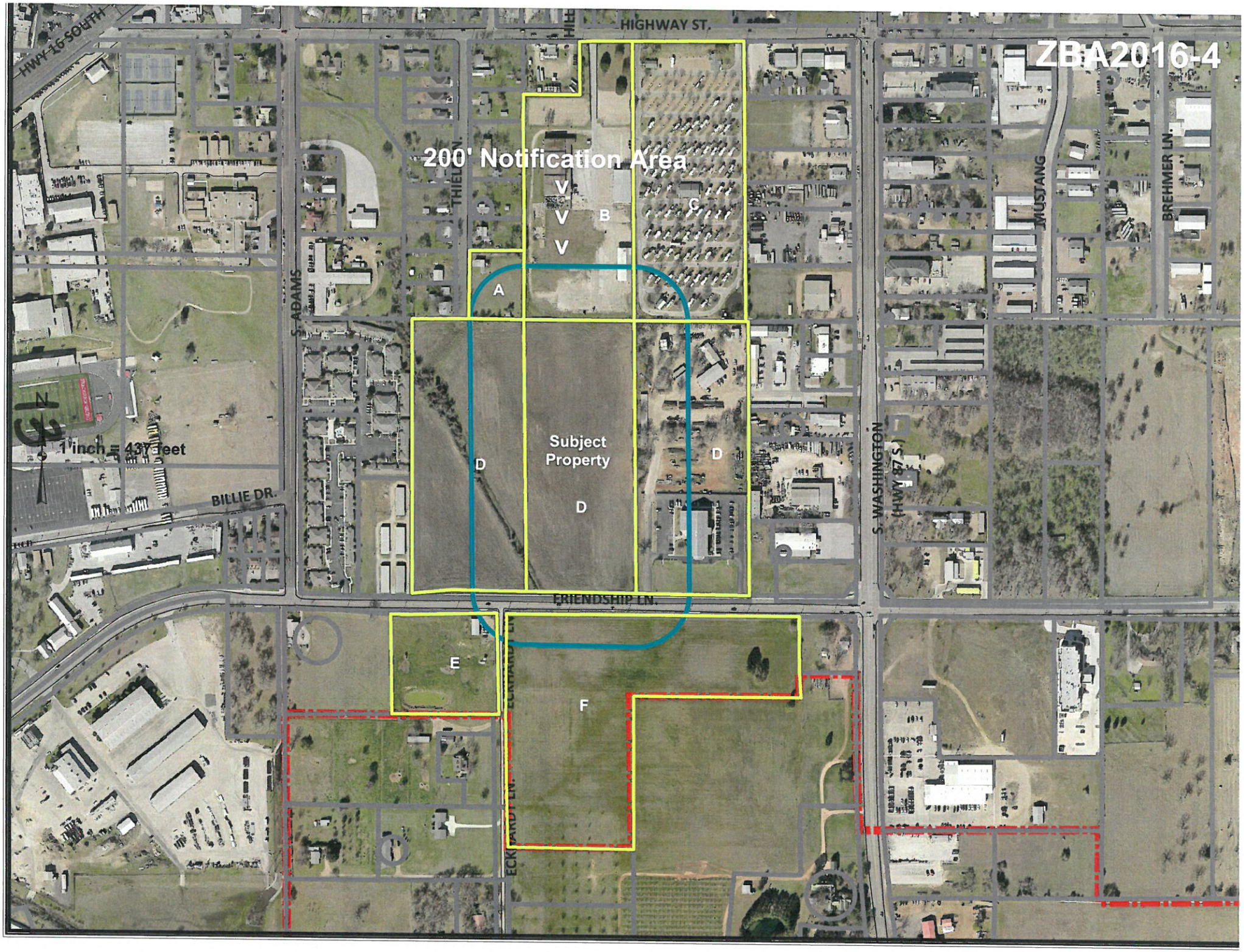
MRK	DESCRIPTION	DATE	BY

CENTRAL TEXAS ELECTRIC COOPERATIVE
OPERATIONS CENTER
FREDERICKSBURG, TEXAS

GENERAL SITE PLAN

1


ZBA2016-4
HWY 16 SOUTH
HILL
HIGHWAY ST.
THIELE LN.
S. ADAMS
MUSTANG
BREHMER LN.
Zoning
ZONED
C1 - Neighborhood Commercial
C2 - Commercial
CBD - Central Business District
M1 - Light Manufacturing
M2 - Medium Manufacturing
M3 - Industrial Park
OS - Open Space
PF - Public Facilities
PUD - Planned Unit Development
R1 - Single Family Residential
R1A - Single Family Residential - Small Lot
R2 - Mixed Residential
R3 - Multi-Family Residential
R4 - Manufactured Home Residential
R5 - Patio Home Residential
BILLIE DR.
Subject Property
S. WASHINGTON
(HWY 87 S.)
FRIENDSHIP LN.
ECKHARDT LN.
ECKHARDT LN.


ZBA2016-4
200' Notification Area
HIGHWAY ST.
HWY 16 SOUTH
THIEL
S. ADAMS
MUSTANG
BREHMER LN.
S. WASHINGTON
HWY 87 S
BILLIE DR.
FRIENDSHIP LN.
ECKHARDT LN.
Subject Property
A
B
C
D
E
F
1 inch = 437 feet
N

LETTER	OWNER	SITE ADDRESS
A	Whailen W. Garcia	1127 Thiele Ln
B	Seitz Four Oaks, LP	1108 Sunco Ave
C	FB Hill Country RV, LLC	305 E. Highway
D	Central Texas Electric Co-op	386 Friendship
D	Central Texas Electric Co-op	386 Friendship
D	Central Texas Electric Co-op	386 Friendship
E	Gillespie Farm Mutual Insurance Co.	319 Friendship
F	Das Peach Haus, Inc.	0 Friendship

2016-4

NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST

HEARING DATE: **October 13, 2016** **TIME:** **5:30 P.M.** **APPEAL NO.** **2016-4**

The BOARD OF ADJUSTMENT of the City of Fredericksburg will hold a public hearing at the above stated time and date in the Conference Room of City Hall, 126 W. Main St. to consider a variance request as indicated below.

According to City Tax Record, you are the owner of real property listed below, or are the owner within 200' of the requested variance. You are not required to attend the hearing, 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, Texas 78624. All protests must be submitted in writing.

The decision of the BOARD OF ADJUSTMENT on the requested variance is final. For additional information please do not hesitate to contact the Development Services Department at 830-997-7521.

APPLICANT: **Robert Loth III on behalf of Central Texas Electric Co-op**

ADDRESS OF THE SUBJECT PROPERTY: **386 Friendship Lane**
(See accompanying map)

EXPLANATION OF REQUEST: **Variance to section 7.940, subsection B of the Zoning Ordinance pertaining to screening requirements and standards**

(detach here)

Appeal No. 2016-4
As an interested property owner, I (PROTEST) (APPROVE) the requested variance represented by the above appeal number because:

_____

_____

_____

_____
Signed Address

VARIANCE BRIEF

Request # 2016-5

APPLICANT: Don B. McDonald

OWNER: E.J. and Lana Cop

ZONING: R-1, Single Family Residential

LOCATION: 603 W. Austin

REQUEST: Variance to Section 3.100 of the Zoning Ordinance pertaining to the Front Yard Building Setback.

FINDINGS:

- The R-1 Single Family Residential Zoning district requires a 25' Front Yard Setback, 5' Side Yard Setbacks and 10' rear Yard Setback.
- The existing structure on the property was recently removed to accommodate the proposed home. A new home is proposed on the site (see the attached site plan and building elevations).
- The lot has 100' of frontage on Austin Street and a depth of 200'.
- The applicant is proposing to build a masonry structure, approximately 8' in height, within the front yard of the property.

The Board of adjustment may grant a variance if it makes affirmative findings of fact on **each** of the criteria described below:

a. The Zoning Regulations applicable to the property do not allow for reasonable use. **The lot is of sufficient size to accommodate a significant sized structure on the property. We believe the lot provides for reasonable use of the property.**

b. 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. **We do not believe there are unique circumstances on this property or within the standard R-1 zoning district regulations.**

c. 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. **Homes within this**

block of W. Austin Street have a similar setback from the street. In our opinion, the proposed structure will be very distinguishable from the other setbacks of homes in the vicinity.

OPPOSITION/SUPPORT OF REQUEST: No letters have been received.

STAFF RECOMMENDATION:

We do not believe this case meets the requirements for the issuance of a variance. Denial is recommended.

$150.00 application fee

APPEAL NO 2016-5
DATE

VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT

1. APPLICANT: DON B McDONALD (ON BEHALF OF E.J. & LANA COP)

2. ADDRESS: 2121 NORTH MAIN AVE, SAN ANTONIO, TX 78212

   PHONE: (210) 735-9722 FAX:

3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

   ADDRESS: 603 W. AUSTIN ST., FREDERICKSBURG, TX 78624

   LEGAL DESCRIPTION: FBG ADD BLK 10 LOT 122

   LOT SIZE: 20,509 SF. ZONING DISTRICT: R-1, HISTORIC.

4. REQUEST IS MADE HEREWITH TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:

   SECTION: 3.100 R-1 SINGLE FAMILY RES. PAGE:

   SUBSECTION:

   ITEM:

   RELATING TO: BUILDING SETBACK.

   REQUIRING: MINIMUM FRONT YARD SETBACK 25'

5. 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:

      a. Existing and proposed location and arrangement of uses on the site, and on abutting sides within 50-feet.

      b. 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.

      c. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.

      d. 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.

B. The Building Official and/ or Director of Development Services may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a Variance exists.

6. REASONS FOR THE REQUEST: INTENT IS TO REINFORCE HISTORIC DISTRICT STANDARDS & MEDIATE 20' WIDE 20th CENTURY DRIVES ON EACH SIDE OF PROPERTY.

A. 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.

1961 ZONING ORDINANCE IS AT ODDS W/ THE 19th CENTURY BUILDING SETBACKS THAT ESTABLISH THE CHARACTER OF FREDERICKSBURG'S HISTORIC DISTRICT.

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.

20' WIDE APPROACHES + DRIVES ON EACH SIDE OF SUBJECT PROPERTY DENIGRATE THE HISTORIC STREET CHARACTER. ONE SMALL STONE STRUCTURE MEDIATES THE OFF-STREET PARKING AND REINFORCES THE UNIQUE CHARACTER OF THE HISTORIC DISTRICT.

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.

STRUCTURE REINFORCES CHARACTER OF HISTORIC DISTRICT. THE UNIQUE CONDITION IS RESOLVED BY INFILL OF ARCHITECTURAL FABRIC BETWEEN NEIGHBORS.

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:

1. 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.

2. 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.

_____

_____

_____

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

_____

_____

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

_____

_____

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.

1. 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.

_____

_____

2. 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.

_____

_____

3. 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.

_____

_____

_____

_____

4. 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
   b. That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
   c. That alternatives permitted by this Ordinance are prohibitively expensive; or
   d. That alternatives permitted by this Ordinance will not effectively identify the subject of the sign.

_____

_____

_____

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

_____

_____

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

_____

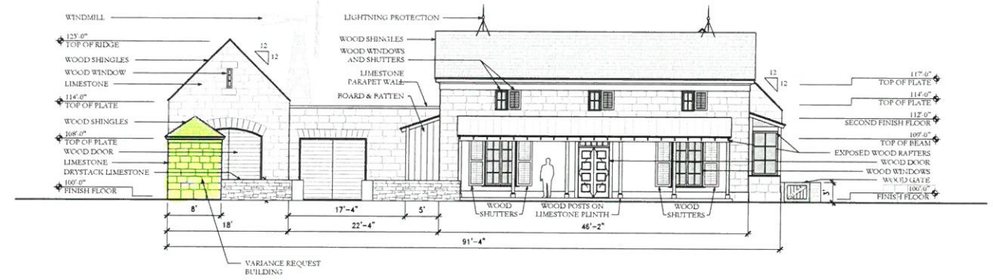
_____

7. **NOTICE TO APPLICANT: <u>YOU, OR YOUR REPRESENTATIVE ARE STRONGLY URGED TO ATTEND THE BOARD OF ADJUSTMENT MEETING AT WHICH YOUR VARIANCE REQUEST WILL BE CONSIDERED</u>**- The Board will consider whatever evidence is presented at that time, and may approve, deny, or postpone consideration of your request. Failure to attend may result in the presentation of inadequate or inaccurate information which may result in denial or postponement.

Signature of Owner:_____

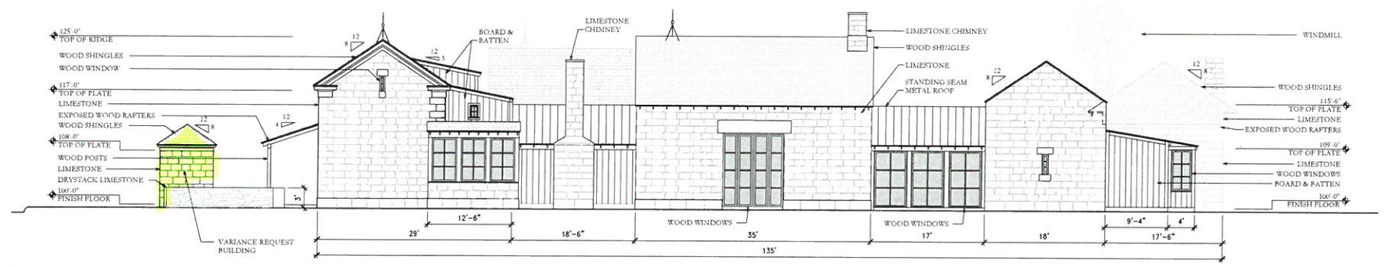
Date:_____ Fee Paid:_____

8. List of property owners within 200 ft. (Provided by City)



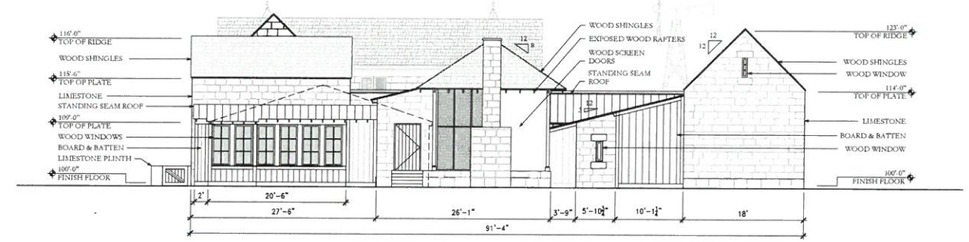
1 Front Elevation

Scale: 1/8"=1'-0"



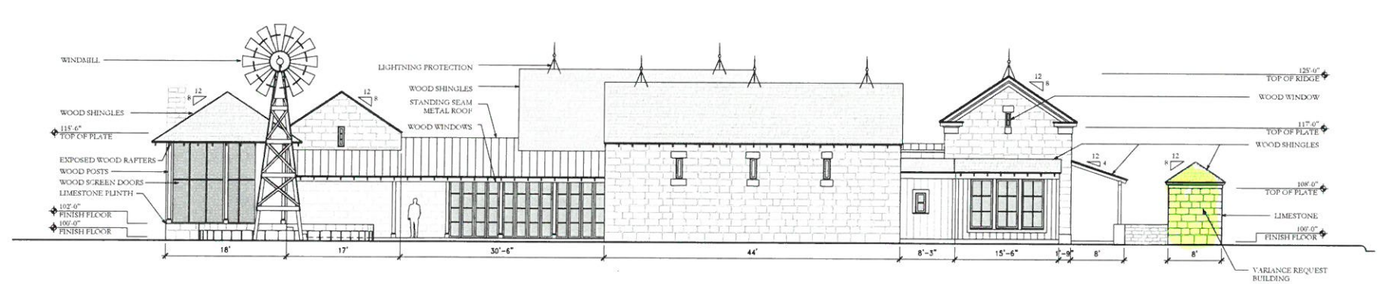
2 West Elevation

Scale: 1/8"=1'-0"



3 East Elevation

Scale: 1/8"=1'-0"



4 East Elevation

Scale: 1/8"=1'-0"

Don McDonald, Architect AIA Ltd.
2121 North Main Avenue
San Antonio, Texas 78212
(210) 735-9722

Elevations

Cop Residence
603 W. Austin Street
Fredericksburg, Texas 78624

September 22, 2016

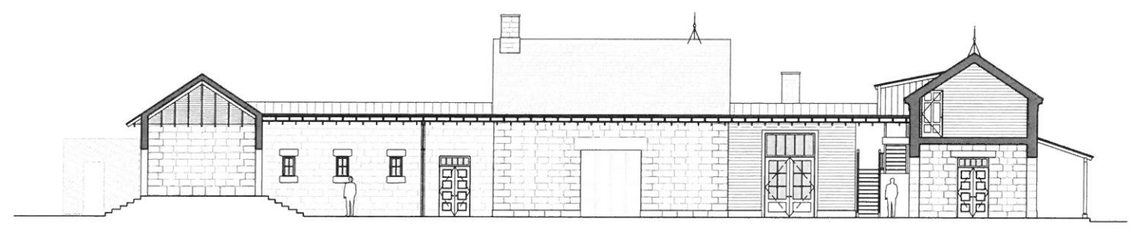
A3.1

SD

22

1 Building Section

Scale: 1/8"=1'-0"



1 Building Section

Scale: 1/8"=1'-0"

Don McDonald, Architect AIA Ltd.
2121 North Main Avenue
San Antonio, Texas 78212
(210) 735-5972

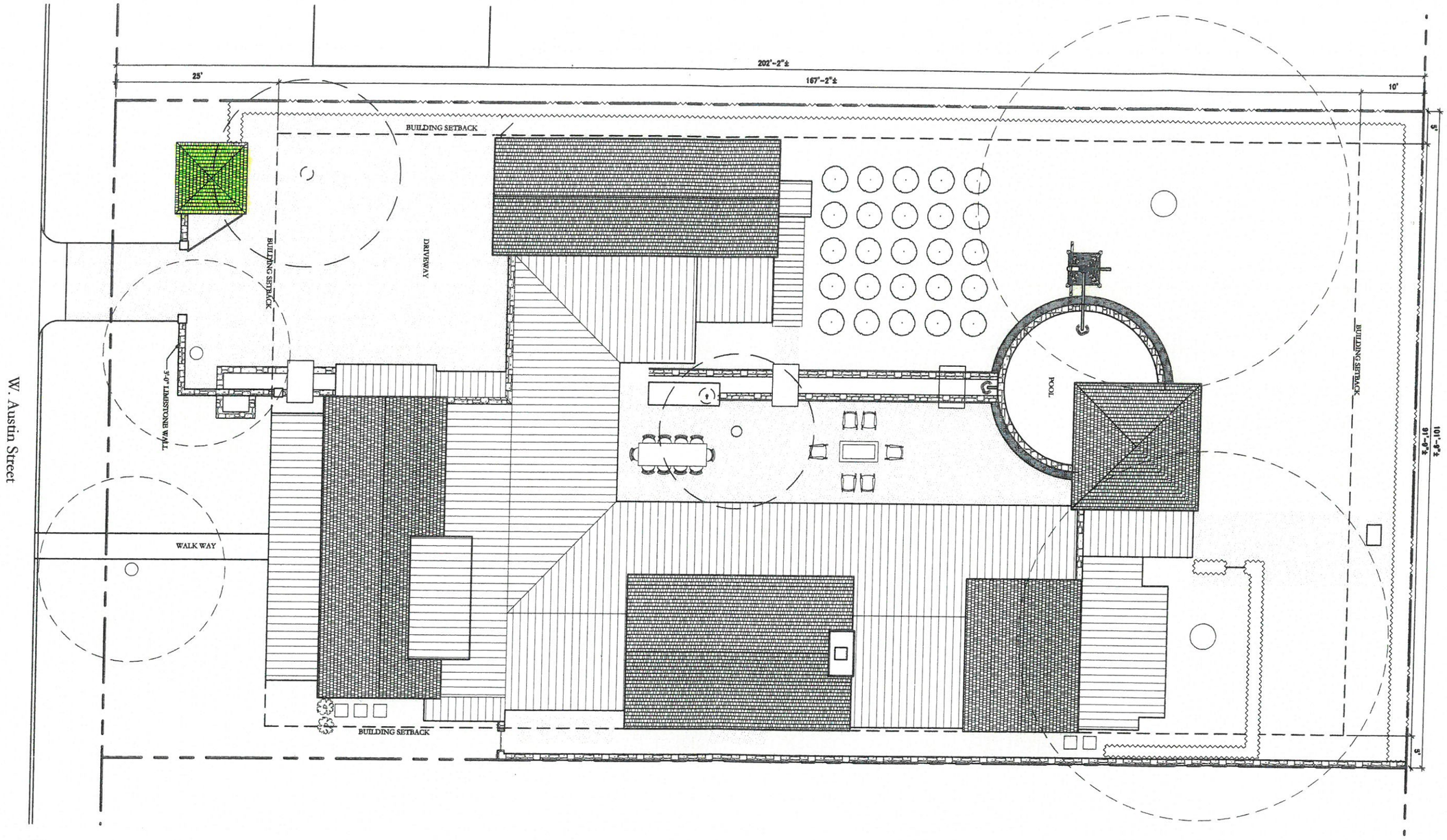
Building Section

Cop Residence
603 W. Austin Street
Fredericksburg, Texas 78624

September 22, 2016

A3.4

23



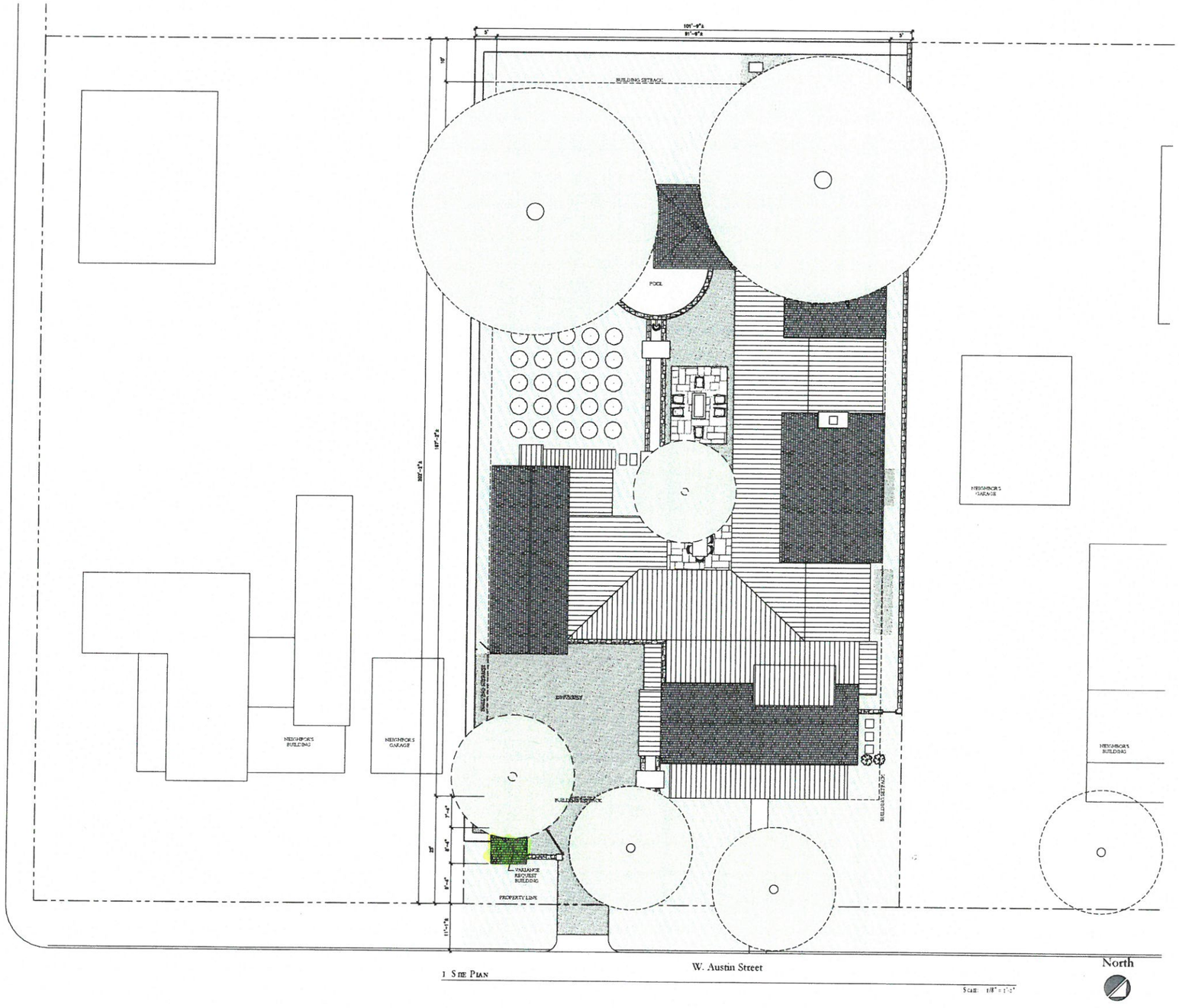
1 SITE PLAN

North

SCALE: 1/16" = 1'-0"

24

Don B. McDonald, Architect AIA Ltd. 2121 North Main Avenue San Antonio, Texas 78212 (210) 735-9722	Address: 609 W. Austin St., Fredericksburg, TX 78624	
	Project: COP	
	Date: 08/25/2016	



1 Site Plan

Scale: 1/8" = 1'-0"

Don McDonald, Architect AIA Ltd.
2121 North Main Avenue
San Antonio, Texas 78212
(210) 734-5722

Site Plan

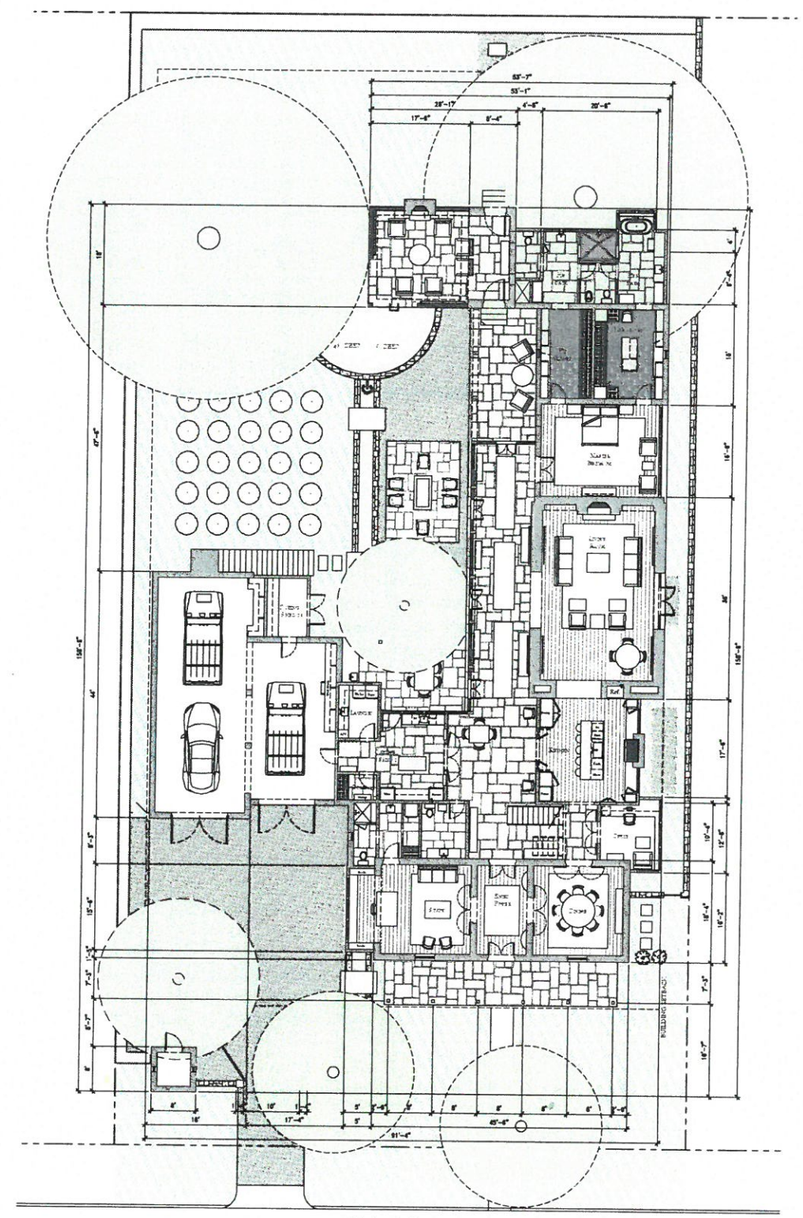
Cop Residence
602 W. Austin Street
Fredericksburg, Texas 78624

September 22, 2016

A1.1

BR

25



1 FLOOR PLAN

SCALE: 1/8" = 1'-0"

Don McDonald Architect AIA Ltd.
2101 North Main Avenue
San Antonio, Texas 78212
(210) 733-9773

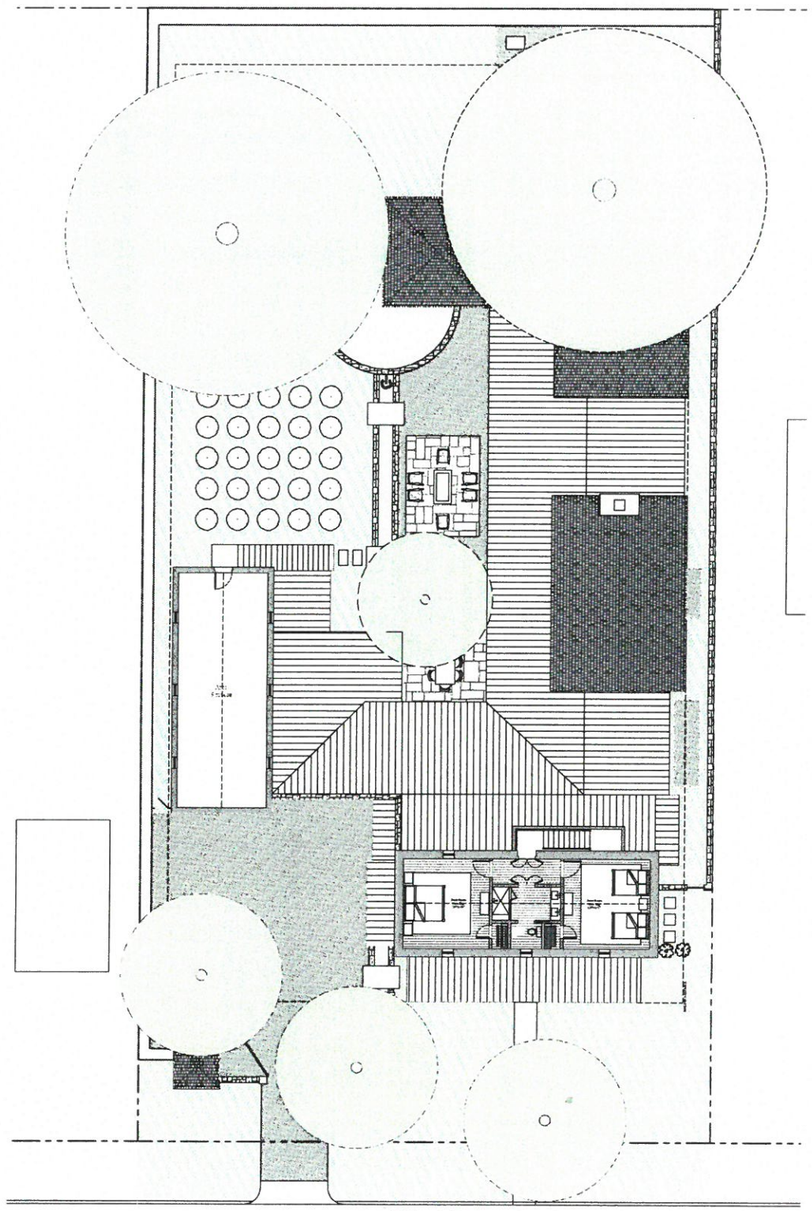
First Floor Plan

Cop Residence
600 W. Austin Street
Fredericksburg, Texas 78624

September 22, 2016

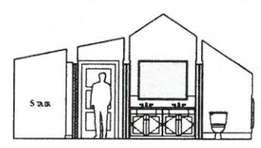
A2.1

26



1 Floor Plan

Scale: 1/8" = 1'-0"



1 Proposed Interior Elevation/Partial Section

Scale: 1/8" = 1'-0"

Dos McDougald Architect AIA Ltd.
2121 North Main Avenue
San Antonio, Texas 78212
(210) 731-9773

Second Floor Plan

Cop Residence
403 W. Austin Street
Fredericksburg, Texas 78624

September 22, 2016

A2.2

27

1 Site Plan with Satellite Imagery

Scale: 1" = 40'

2 Site Plan - Neighborhood

Scale: 1" = 40'

28

Don McDonald Architect AIA Ltd.
2121 North Main Avenue
San Antonio, Texas 78212
(210) 731-9772

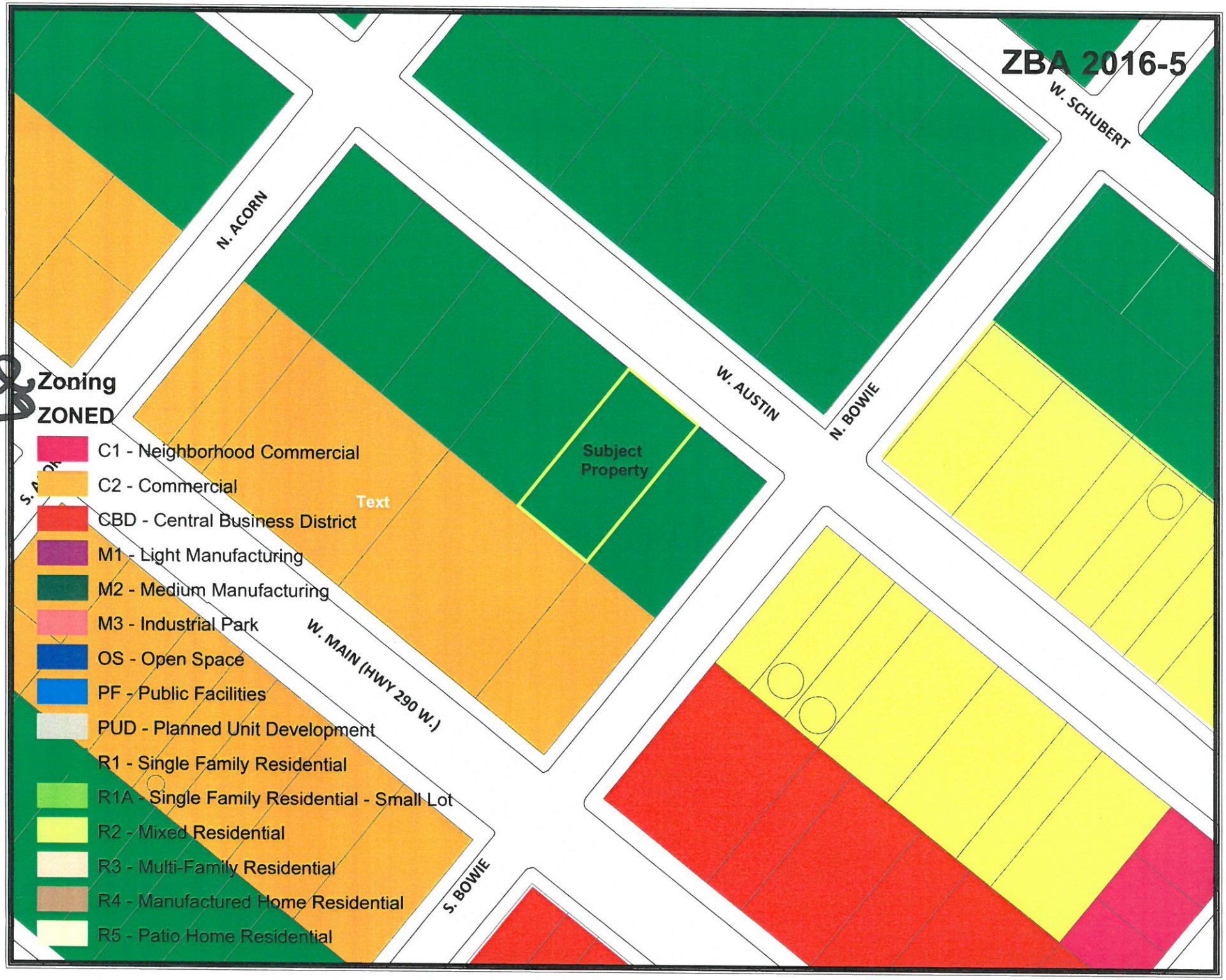
Site Plan - Neighborhood

Cop Residence
603 W. Austin Street
Fredericksburg, Texas 78624

September 22, 2016

A0.1

BB


ZBA 2016-5
Zoning
ZONED
C1 - Neighborhood Commercial
C2 - Commercial
CBD - Central Business District
M1 - Light Manufacturing
M2 - Medium Manufacturing
M3 - Industrial Park
OS - Open Space
PF - Public Facilities
PUD - Planned Unit Development
R1 - Single Family Residential
R1A - Single Family Residential - Small Lot
R2 - Mixed Residential
R3 - Multi-Family Residential
R4 - Manufactured Home Residential
R5 - Patio Home Residential
Text
Subject Property
N. ACORN
W. AUSTIN
N. BOWIE
W. SCHUBERT
W. MAIN (HWY 290 W.)
S. BOWIE


ZBA 2016-5
200" Notification Area
A
V
V
V
B
C
D
P
K
J
I
L
M
H
G
N
E
O
Subject Property
N. ACORN
W. SCHUBERT
W. TRAVIS
SUNSET
N. BOWIE
W. AUSTIN
W. MAIN (HWY 290 W.)
S. BOWIE
N. EDISON

LETTER	OWNER	SITE ADDRESS
A	Harold & Kathleen Coates	608 W. Austin
B	Jack Edward & Lucy Ann Arnold	606 W. Austin
C	Gina M. Wendel - Lockhardt	604 W. Austin
D	Margaret C. Wendel	602 W. Austin
E	Donna Atwood	515 W. Austin
F	Jordan Muraglia	110 N. Bowie
G	Mickey Thomas Dunn	603 W. Austin
H	Mickey Thomas Dunn	605 W. Austin
I	Larry E. & Kathleen M. Burson	607 W. Austin
J	David Blaine & Paige Conn	609 W. Austin
K	Elizabeth Behrend	614 W. Main
L	St. Joseph's Credit Union	610 W. Main
M	Carl D. Newton III	602 W. Main
N	Stroeher & Olfers Properties	528 W. Main
O	Donald W. & Elisabeth K. Brookshire	204 N. Bowie

2016-5

NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST

HEARING DATE: October 13, 2016 **TIME: 5:30 P.M.** **APPEAL NO. 2016-5**

The BOARD OF ADJUSTMENT of the City of Fredericksburg will hold a public hearing at the above stated time and date in the Conference Room of City Hall, 126 W. Main St. to consider a variance request as indicated below.

According to City Tax Record, you are the owner of real property listed below, or are the owner within 200' of the requested variance. You are not required to attend the hearing, 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, Texas 78624. All protests must be submitted in writing.

The decision of the BOARD OF ADJUSTMENT on the requested variance is final. For additional information please do not hesitate to contact the Development Services Department at 830-997-7521.

APPLICANT: **Don B. McDonald on behalf of E.J. and Lana Cop**

ADDRESS OF THE SUBJECT PROPERTY: **603 W. Austin**
(See accompanying map)

EXPLANATION OF REQUEST: **Variance to section 3.100 of the Zoning Ordinance pertaining to Front Yard Building Setback**

(detach here)

Appeal No. 2016-5
As an interested property owner, I (PROTEST) (APPROVE) the requested variance represented by the above appeal number because:

_____

_____

_____

Signed Address