

AGENDA  
CITY OF FREDERICKSBURG  
BOARD OF ADJUSTMENT  
Thursday, August 14, 2014  
**5:30 P.M.**  
CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

- |    |   |                  |
|----|---|------------------|
| 1. | Call to Order                           | <i>PAGE REF.</i> |
| 2. | Approve Minutes of the May 2014 Meeting | <i>Pg 1 - 2</i>  |

**PUBLIC HEARINGS**

- |    |  |                  |
|----|--|------------------|
| 3. | <u>PUBLIC HEARING:</u> (ZBA2014-4) by Lewis Signs on behalf of Robert T. Rajewski to consider a variance to Section 29-7 of the Code of Ordinances pertaining to maximum sign area allowed on property located at 513 Friendship Lane (Fairfield Inn & Suites) | <i>Pp 3 - 17</i> |
| 4. | Consider taking action on ZBA2014-4  |                  |

**ADJOURN**

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

**BOARD OF ADJUSTMENT  
May 15, 2014  
5:30 P.M.**

On this the 15<sup>th</sup> day of May 2014, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum:

MIKE DOOLEY - Chair  
ROBERT DEMING  
BARBARA HEINEN  
JIM MCAFEE  
GESENA HOUY

ABSENT: CYNTHIA SCROGGINS

ALSO PRESENT: BRIAN JORDAN – Director of Development Services  
PAT MCGOWAN – City Attorney  
TAMMIE LOTH - Development Coordinator

The meeting was called to order at 5:30 P.M. by Mike Dooley.

**MINUTES**

Jim McAfee moved to approve the minutes of the February, 2014 meeting and Barbara Heinen seconded the motion. All voted in favor and the motion carried.

**PUBLIC HEARING - (ZBA 2014-2)** by Fredericksburg Lockers, Inc. dba Opa's Smoked Meats to consider a variance to Section 3.310 of the Zoning Ordinance pertaining to interior side yard setback on property located at 412 S. Washington. Mike Dooley opened Public Hearing ZBA 2014-2 by Fredericksburg Lockers, Inc. dba Opa's Smoked Meats to consider a variance to Section 3.310 of the Zoning Ordinance pertaining to interior side yard setback on property located at 412 S. Washington. Mr. Dooley asked if the applicant would have to come back to the Board for approval if they want to add anything in the future or if this variance, if granted, will cover any future improvements. Mr. Jordan explained the simple solution to adding new buildings would have been to plat the property into one lot because the interior setbacks would be removed, but since there are already non-conforming issues on the property and two buildings encroach into the setbacks, the applicants decided to apply for a variance. Mr. Jordan noted in the future the owners will either have to replat the property or apply for a variance if they want to construct anything new. Robert Deming asked if all existing conditions would be grandfathered if one of the lots is sold and Mr. Jordan noted they would, but explained the likelihood of getting a variance when only a portion of the property is owned would be diminished. Mike Dooley closed Public Hearing ZBA 2014-2.

Robert Deming moved to approve application ZBA 2014-2. Jim McAfee seconded the motion. All voted in favor and the motion carried.

With nothing further to come before the Board, Barbara Heinen moved to adjourn the meeting and Jim McAfee seconded the motion. All voted in favor and the meeting was adjourned at 5:34 p.m.

PASSED AND APPROVED this the 14<sup>th</sup> day of August. 2014.

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SHELLEY BRITTON, CITY SECRETARY

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MIKE DOOLEY, CHAIR



**VARIANCE BRIEF**

*Request # 2014-4*

**APPLICANT:**

Lewis Signs, Ann Lewis on behalf of Robert J. Rajewski  
Fairfield Inn & Suites-Marriott

**ZONING:**

C-2 Commercial

**LOCATION:**

513 Friendship Lane

**REQUEST:**

Variance to Section 29-7(Permanent Signs permitted by district),  
Subsection (3) c, (3) d of the Sign Regulations pertaining to total  
sign area.

**FINDINGS:**

- The subject building has approximately 55ft. of frontage on Friendship Lane.
- The subject property has approximately 175 ft. of street frontage on Friendship Lane.
- Per the Sign Regulations, the site would qualify for the maximum of 80 square feet of signage.
- The applicant is proposing two (2) additional wall signs for the west and east side of the building. Each sign measures 92.07 square feet. The business has been approved for a ground sign at 28.13 square feet and a wall sign at 32.63 square feet, for a total of 60.76 square feet. This gives the applicant 19.24 square feet left for any additional signage to conform to the required 80 square feet.

**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:

- a. 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. **Affirmative**
- b. That all structures on the property for which the sign is proposed that would impede the replacement of a sign was constructed prior to February 17, 1986. **Not Applicable.**
- c. That it is impractical to abide by the existing placement, height or area regulations due to the placement size of construction of existing structures in relationship to the physical characteristics may include topography of the site or surrounding sites, structures on surrounding sites, traffic conditions, street layouts and existing natural vegetation. **While the building is oriented to the north and the lot is long and narrow, there is adequate visibility of the building. The eighty (80) sq. ft. of signage allowed is the same as other like properties.**
- d. 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:
  - (1) The undesirability of altering a historic site to accommodate a sign which would be permitted with no variance under this Ordinance; **the site location of 513 Friendship Lane is neither in the Historical District nor a historic site.**
  - (2) That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
  - (3) That alternatives permitted by this Ordinance are prohibitively expensive; or
  - (4) That alternatives permitted by this Ordinance will not effectively identify the subject of the sign. **Both wall and ground signs are allowed on this site.**
- e. That the proposed sign has been reviewed by the Historic Review Board if applicable. **This property is not within the Historic District.**
- f. That the proposed variance is as close to the requirements of the Sign Ordinance as is feasible. **In our opinion, the size of the signs proposed are not anywhere close to the allowable signage and are therefore not feasible.**

**OPPOSITION/SUPPORT OF REQUEST:** To date, staff has received no comments in the support or opposition of this request.

**STAFF RECOMMENDATION: Disapproval**

The wall sign on the north side of the building, measuring at 32.63 square feet and the ground sign measuring at 28.13 square feet have been approved.

The Variance Request involves the allowance of two wall signs, each measuring 92.07 square feet along the east and west wall. Including this signage places the sum total of all signage over the allotted eighty (80) sq. ft. With the approved and permitted signage of 60.76 square feet, added onto the two proposed wall signs, places the total amount of signage to 214.9 square feet.

The east side proposed wall sign faces on a contiguous residential district. Section 29-6(12) places this sign as a Prohibited Sign when placed on the side or rear of any building or property when such sign faces upon a contiguous residential district.

The west side proposed wall sign, which will face Highway 87 South, will at some time in the future lose its' visibility, when the front part of the adjoining lot is sold and another business is placed on the lot, concealing the proposed signage.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Annette Loth". The signature is written in black ink and is positioned above the printed name.

Annette Loth

\$150.00 application fee

APPEAL NO. 2014-4  
DATE \_\_\_\_\_

VARIANCE REQUEST APPLICATION  
TO  
BOARD OF ADJUSTMENT

1. APPLICANT: Robert T. RANEWSKI - ANN LEWIS / Lewis Sign
2. ADDRESS: 597 Dec st 512-312-4555  
PHONE: <sup>830</sup> 997-9496 FAX: 512 312-4551
3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:  
ADDRESS: 513 FRIENDSHIP LN  
LEGAL DESCRIPTION: Fairfield INN & SUITES  
LOT SIZE: 2.5 ACRE ZONING DISTRICT: Commercial
4. REQUEST IS MADE HERewith TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:  
SECTION: 3.1007 C. 4a or D? PAGE: 9 of 12  
SUBSECTION: Commercial C-2 C 4a or D?  
ITEM: West + East elevation signage  
RELATING TO: Signs  
REQUIRING: Variance for size and number of total signage

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: Requesting a variance for 2 more signs for the longest sides to be branded. The one wall sign approved is the front door.

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.

For proper identification for the success of the business.

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 length of the west and east walls are totally necessary to make enough rooms for the Inn. Corporate designed.

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.

More signs will not harm or impair any adjacent conforming property

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.

NA

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.

NA

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

To brand this INN for the public would make it more safe for travelers looking for a place to stay

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.

new building, not replacement

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.

new building

3. That it is impractical to abide by existing placement, height or area regulations due to the placement, size or 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.

The west and east elevations are 243' 6 1/2" in length and the signs proposed are 92.07 SF much smaller than the 1 1/2 SF per linear ft of frontage that would have been allowed, if the long west or east wall was front, but that is not the design of this building.

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.

*by limiting the size & placement  
 this different than approved 3 times  
 by City & we need to be seen from road*

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

*NA*

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

7. **NOTICE TO APPLICANT: YOU, OR YOUR REPRESENTATIVE ARE STRONGLY URGED TO ATTEND THE BOARD OF ADJUSTMENT MEETING AT WHICH YOUR VARIANCE REQUEST WILL BE CONSIDERED.** 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)

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 *NA* 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.

allowing the West and east elevation signs will  
properly brand the building for better  
locating by the public

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

NA

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

the size are the standard sizes for  
this building recommended by Marriott.

7. **NOTICE TO APPLICANT: YOU, OR YOUR REPRESENTATIVE ARE STRONGLY URGED TO ATTEND THE BOARD OF ADJUSTMENT MEETING AT WHICH YOUR VARIANCE REQUEST WILL BE CONSIDERED.** 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:

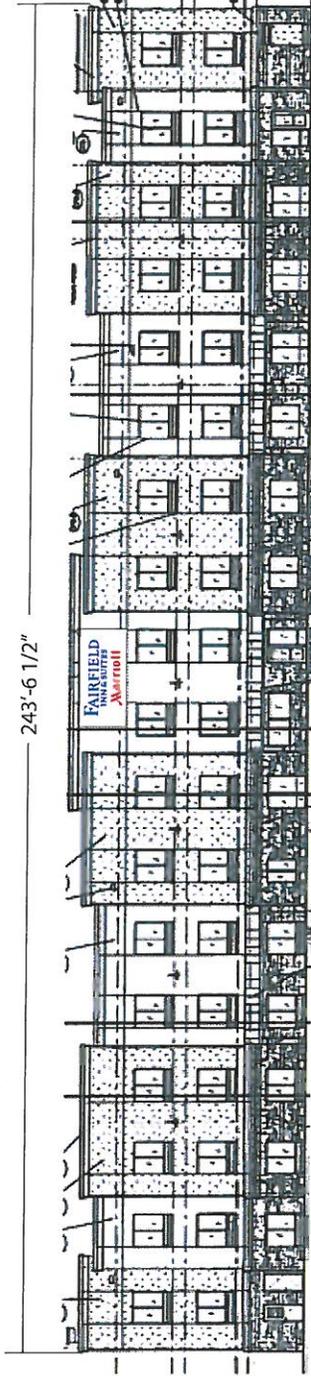
Robert J. Bajowski Jr.

Date: 7-24-14

Fee Paid: \_\_\_\_\_

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

WEST ELEVATION  
SCALE: 1/32" = 1'-0"



30"  
6'-9 7/16"  
25"  
13'-6 7/8"

**FAIRFIELD**  
**INN & SUITES**

**Marriott**

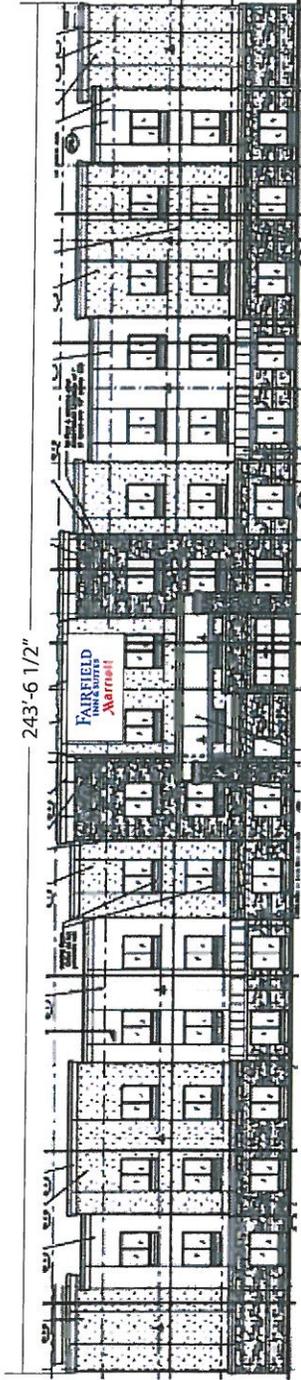
GRAPHIC DETAIL  
SCALE: 3/8" = 1'-0"

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:	<b>FAIRFIELD INN &amp; SUITES</b>	Date:	<b>7-10-14</b>	Prepared By:	<b>CM/PKE/CM/MR/RM</b>	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMXK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	<b>DISTRIBUTED BY SIGN UP COMPANY</b> 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1 (800) 843-9888 • www.personasigns.com
Location:	<b>FREDRICKSBURG, TX</b>	File Name:	<b>128973 - R4 - FREDERICKSBURG, TX</b>	Eng:			



EAST ELEVATION  
SCALE: 1/32" = 1'-0"



30"  
6'-9 7/16"  
25"  
13'-6 7/8"

**FAIRFIELD**  
**INN & SUITES**  
**Marriott**

GRAPHIC DETAIL  
SCALE: 3/8" = 1'-0"

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:	FAIRFIELD INN & SUITES	Date:	7-10-14	Prepared By:	CM/PKE/RM	<p><b>PERSONA</b> SIGN MAKERS / IMAGE BUILDERS</p> <p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1 (800) 843-9888 • www.personasigns.com</p>
Location:	FREDRICKSBURG, TX	File Name:	128973 - R4 - FREDRICKSBURG, TX	Eng:	-	

AREA	SQ. FT.	OCCUPANT LOAD
1st Floor	17,500	87
2nd Floor	17,394	87
2nd Floor	17,394	87
Canopy	1,200	
<b>TOTAL</b>	<b>53,489</b>	<b>261</b>
# OF GUEST ROOMS	78	
SF/ ROOM	686	
Parking Spaces Required		
11 Spaces Required for first 50 guest rooms	55	
1 Space Required for next 28 guest rooms	28	
1 Space Required for 40 sf of Meeting Room	16	636/40
Total Parking Required & Provided	99	
Maximum Building Height	42'-9"	
ZONING	C-2	COMMERCIAL
SETBACKS	North	15'-0" Front Yard
	South	None
	East	10'-0" Side Yard
	West	None
TOTAL SITE AREA	90,459	
Maximum Impervious Allowed at 80%	72,367	
Proposed Impervious at 78 %	70,863	
Maximum Building Coverage Allowed at 75%	67,844	
Proposed Building Coverage at 59 %	53,489	

- 2012 TAS / ADA GENERAL SITE NOTES**
- 1) Texas Accessibility Standard & (ADA) Americans with Disabilities Act, article number. These notes shall supersede any grades shown on any plans. Bring to the attention of the Architect and Civil Engineer any discrepancies.
  - 2) Cross slope on any sidewalk shall not exceed 2 per cent. \*(401.3)
  - 3) Slope in any direction in mobility impaired parking spaces shall not exceed 2 percent. \*(502.4)
  - 4) Slope in any direction in lot out areas shall not exceed 2 per cent. \*(503.1)
  - 5) Maximum slope along any sidewalk or mobility impaired route shall not exceed 5 per cent. Cross slope on any route shall not exceed 2 per cent. \*(402.3)
  - 6) Ramps exceeding 5 per cent shall have hand rails on both sides. Ramps can not rise more than 30" without landings. \*(405.9) Ramps can not rise more than 1/2". \*(405.1) Handrails to meet ADA requirements. \*(405.8)
  - 7) All outside doors shall have ADA landings. Landing slopes shall not exceed 2 per cent in any direction. All exterior door shall have no more than 1/4" to 1/2" ADA level change, this shall include the threshold. \*(404.25)
  - 8) Curb ramp can not exceed 1/2" and can not rise more than 6". Curb ramp side flare can not exceed 1/10 and can not rise more than 6". Ramps can not extend into a parking lot out area. \*(406.1)
  - 9) Slope in any direction at swimming pool deck or under canopy shall be less than 1/2 per cent.



This drawing is preliminary without the professional signature and date on the Architect's or Engineer's Seal.

**TERRY F. BREWER & ASSOCIATES**  
**ARCHITECTS & INTERIOR DESIGNERS**  
 5409 North Jim Miller Road, Suite 110, Dallas, Texas 75227-1500  
 Phone: (972) 298-5525 Fax: (214) 708-5236  
 www.tfbco.com

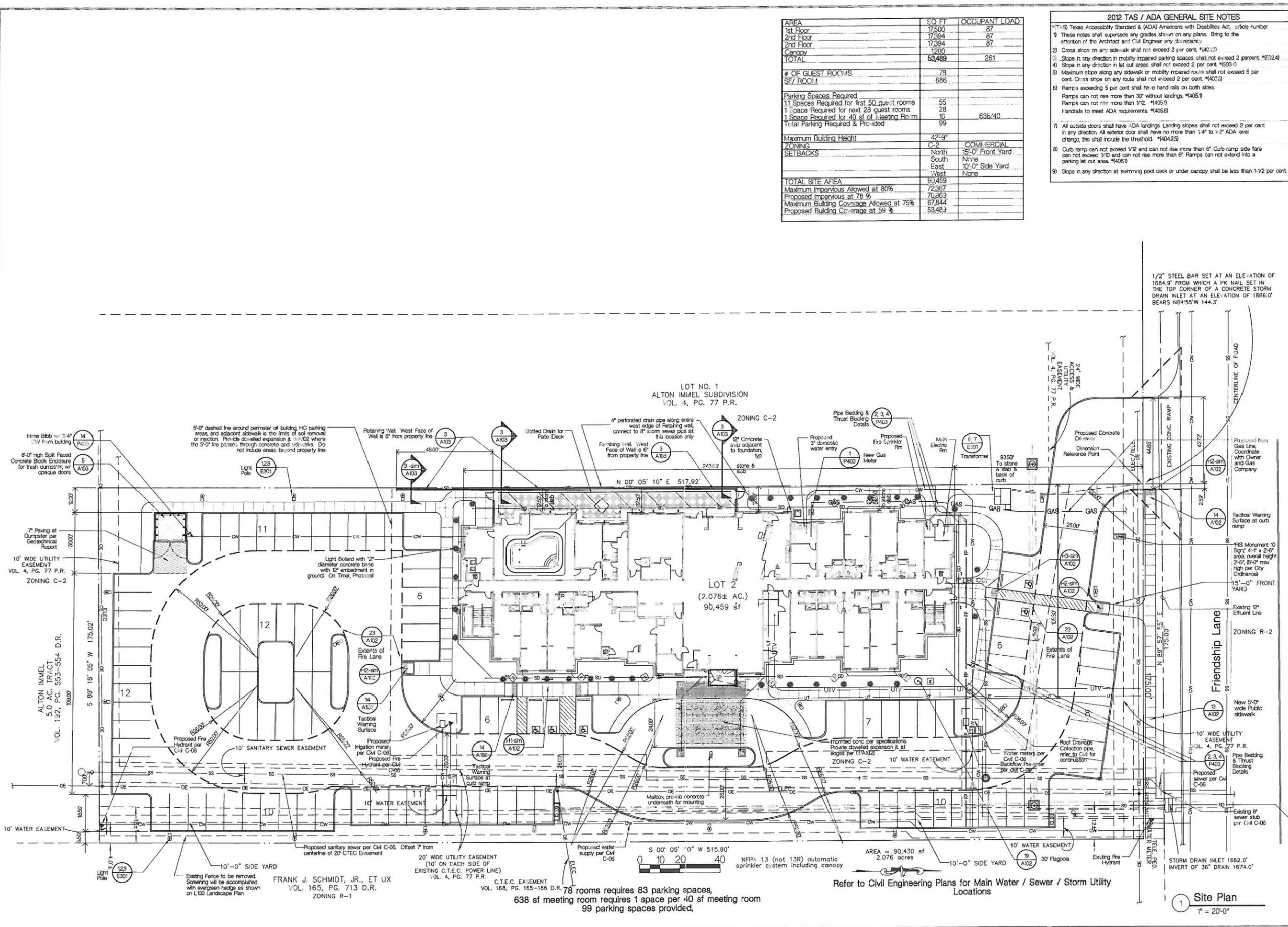
**New Fredericksburg Properties, Inc.**  
**Marriott Project 8306**  
**513 Friendship Lane**  
**Fredericksburg, Texas 78624**



Job #: 2012-6

Time: 024 pm  
 Date: 05/21/2014  
 File: A100-Stdwg  
 File:  
 Dwg By: Mike  
 Revisions:

Sheet No.  
**A10.0**



87 rooms requires 83 parking spaces,  
 638 sf meeting room requires 1 space per 40 sf meeting room  
 99 parking spaces provided,

Refer to Civil Engineering Plans for Main Water / Sewer / Storm Utility Locations

1 Site Plan  
 1" = 20'-0"

13





**NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST**

**HEARING DATE:** August 14, 2014

**TIME:** 5:30 P.M.

**APPEAL NO.** 2014-4

**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.**

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**APPLICANT:** Lewis Signs on behalf of Robert T. Rajewski (Fairfield Inn & Suites)

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**ADDRESS OF THE SUBJECT PROPERTY:** 513 Friendship  
(See accompanying map)

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**EXPLANATION OF REQUEST:** Variance to section 3.1007 of the Sign Ordinance pertaining to maximum sign area allowed

(detach here)

**Appeal No. 2014-4**

As an interested property owner, I (PROTEST) (APPROVE) the requested variance represented by the above appeal number because:

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Signed

Address



2014-4

SUNRISE

DAWN

S. CREEK

DUSK

200' Notification Area

V  
V  
V

S. WASHINGTON (HWY 87 S.)

FRIENDSHIP LN

A

B

C

D

E

E

E

E

H

Subject Property

I

F

F

G

Letter	Owner	
A	Penjay Properties	
B	Barbara Heinen (included in error, not located within 200')	
C	Judy G. Vordenbaum	
D	Betty Ann Heinemann	
E	City of Fredericksburg	
F	Frances L. Schmidt	
G	Alton Immel	
H	Alton Immel	
I	New Fredericksburg Properties, Inc.	