

AGENDA  
CITY OF FREDERICKSBURG  
BOARD OF ADJUSTMENT  
Thursday, September 11, 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 August 2014 Meeting | <i>Pp 1 - 2</i>  |

**PUBLIC HEARINGS**

- |    |                                                                                                                                                                                                                                           |                  |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 3. | <u>PUBLIC HEARING:</u> (ZBA2014-5) by Bob Price Chevrolet, Buick, GMC to consider a variance to Section 29-7 of the Code of Ordinances pertaining to permanent signs permitted by district on property located at 1225 South State Hwy 16 | <i>Pp 3 - 13</i> |
| 4. | Consider taking action on ZBA2014-5                                                                                                                                                                                                       |                  |

**ADJOURN**

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

**BOARD OF ADJUSTMENT  
August 14, 2014  
5:30 P.M.**

On this the 14<sup>th</sup> day of August 2014, 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  
BARBARA HEINEN  
JIM MCAFEE  
GESENA HOUY  
CYNTHIA SCROGGINS  
DONNIE FINN

ABSENT: MIKE DOOLEY

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 Robert Deming.

**MINUTES**

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

**PUBLIC HEARING - (ZBA 2014-4)** 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). Robert Deming opened Public Hearing ZBA 2014-4 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). Ann Lewis of Lewis Signs, Robert Rajewski, developer, and Dan Venis, Building Foreman were in attendance to present the application. Mr. Rajewski stated the denial of the requested signs came about a month ago after the signs were originally approved six years ago and again a year ago and added he received permission to move the wall sign from the south side of the building to the north side. Mr. Rajewski noted all the permits and fees were paid based on drawings that were presented and returned with the permit and the signs were on those drawings. Mr. Rajewski noted if there were problems with the signs they should have been addressed at the time of permitting. Mr. Rajewski added Marriott has approved the signs and he is not trying to request anything out of the ordinary. Brian Jordan, Director of Development Services, noted the permit Mr. Rajewski obtained is a building permit and not a sign permit. Mr. Jordan stated the site plan was submitted, which included a full set of plans, and those were approved and the signs were shown on the plans, but permits are not issued based on site plan applications and signs are not reviewed through the site

plan approval process. Mr. Jordan noted sign permits are not issued until a developer comes in and requests signage. Mr. Rajewski commented he had to make changes on the fire lane and water and sewer lines during the site plan review process and questioned why he was not told there would have to be changes to the signs. Mr. Jordan explained the changes he made are items that are reviewed during the site plan review process, but signs are not reviewed until an application for a sign permit is requested. Barbara Heinen asked Mr. Rajewski when he applied for the signs and he noted it was approximately one month ago. Cindy Scroggins asked if this was a common problem and Mr. Jordan noted City Staff does not run into this often, but what would have helped the applicants is if it had been made clear to them that the signs were not reviewed as part of the site plan and building permit application. Mr. Rajewski commented everything should be reviewed at the same time before the developer has spent money and finds out he isn't allowed to have what is shown on the site plan. Mr. Jordan noted the sign ordinance and the amount of signage allowed has not changed from the time of their original site plan application. Mr. Venis asked if the wall sign could be moved from the north side to the west side so vehicles on Highway 87 will be able to see it and Mr. Jordan noted they could if the square footage of the sign is allowed.

There followed discussion about Marriott's requirements and the decreased visibility of the property and the best direction for the wall sign to face. Ann Lewis asked if there was any way they could meet in the middle to allow some variance and Mr. Deming noted the criteria is set for approval and that has to be strictly met in order to be granted a variance. Gesena Houy asked if there are any competitors that have larger signs or more square footage and Mr. Deming stated they have not allowed signs that fall outside of the ordinance allowance. Ms. Heinen added the City has other chain businesses that had to lessen their sign area. Cindy Scroggins noted there are a lot of businesses that have a ground sign and nothing over the front door in order to meet the allowable square footage. Ms. Lewis asked if they could have directional signage in the parking lot and Mr. Jordan stated they could, but there could not be any advertisement on those signs. Donnie Finn agreed the Board needs to be consistent with their rulings.

Gesena Houy moved to deny Application ZBA 2014-4 and Cindy Scroggins seconded the motion. All voted in favor and the motion carried.

With nothing further to come before the Board, Jim McAfee moved to adjourn the meeting and Cindy Scroggins seconded the motion. All voted in favor and the meeting was adjourned at 5:46 p.m.

PASSED AND APPROVED this the 11<sup>th</sup> day of September, 2014.

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SHELLEY BRITTON, CITY SECRETARY

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MIKE DOOLEY, CHAIR



## VARIANCE BRIEF

*Request # 2014-5*

**APPLICANT:** Bob Price Chevrolet, Buick, GMC

**ZONING:** C-2 Commercial

**LOCATION:** 1225 South SH 16

**REQUEST:** Variance to Section 29-7(Permanent Signs permitted by district), Subsection (3) d (2), of the Sign Regulations pertaining to Wall signs.

### **FINDINGS:**

- The subject building has approximately 90ft. of frontage on South SH 16.
- The subject property has approximately 323.97 sf. of highway frontage on South SH 16.
- The applicant is proposing to mount a Wall sign that projects above the roof line of the building. **Section 29-7 (3) (d) (2)**, specifically states no wall signs shall project above the roof line of the building to which it is attached. Under **Section 29-3-Definitions**, Wall sign, “No wall sign shall be affixed to any structural addition to a building which has been added primarily to evade the limitations of this ordinance, or which projects above the roof line of the building

### **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. For purposes of illustration, physical characteristics may include topography of the site or surrounding sites, structures on surrounding sites, traffic conditions, street layouts and existing natural vegetation. **The building is oriented to the west and there is adequate visibility of the building. The 160 sq. ft. of signage allowed is the same as other like properties. Lowering the signage to comply with the ordinance would not reduce the visibility of the sign.**
- 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 1225 South SH 16 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 allowance of the proposed roof sign is 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 Variance Request involves the allowance of mounting the wall sign above the roof line, because of a structural column specifically added to allow the sign to be placed.

**Section 29-3-Definitions**, states: No wall sign shall be affixed to any structural addition to a building which has been added primarily to evade the limitations of this ordinance, or which projects above the roof line of the building

Respectfully Submitted,

Annette Loth

VARIANCE REQUEST APPLICATION  
TO  
BOARD OF ADJUSTMENT

1. APPLICANT: Bob Price Chevrolet, Buick, GMC  
2. ADDRESS: 1225 S. State Hwy 16 78624  
PHONE: (830)990-9998 FAX: \_\_\_\_\_

3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:  
ADDRESS: 1225 S. State Hwy 16, Fredericksburg, TX 78624  
LEGAL DESCRIPTION: Auto Dealership  
LOT SIZE: 5.83 Acres ZONING DISTRICT: \_\_\_\_\_

4. REQUEST IS MADE HEREWITH TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:  
SECTION: ~~29-6~~ 29-7 PAGE: 2-3  
SUBSECTION: \_\_\_\_\_  
ITEM: ~~Prohibited Signs~~ Permanent Signs Permitted by District  
RELATING TO: Location of sign as related to the roof line.  
REQUIRING: That no portion of the sign shall appear above the roof line.

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.

The design of our building follows the guidelines set forth by our manufacturer for building design. These plans are uniform and used by many dealers throughout the country.

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.

There is no intention to violate a zoning ordinance. With the downward slope of the property from the highway, the proposed height of the sign will aid visibility.

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.

With the elevation of the building, centering this sign will add to the aesthetic appeal and overall curb appearance of the building.

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.

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

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

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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.

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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.

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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.

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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.

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

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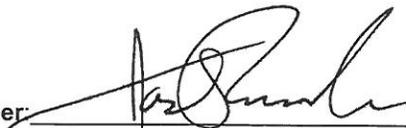
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6. That the proposed variance is as close to the requirements of the sign ordinance as is feasible.

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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: August 22, 2014 Fee Paid: 150.00

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





2014



GREEN MEADOWS BLVD

GREEN MEADOWS LN  
GREEN CT

FM RD

HWY 75 SOUTH

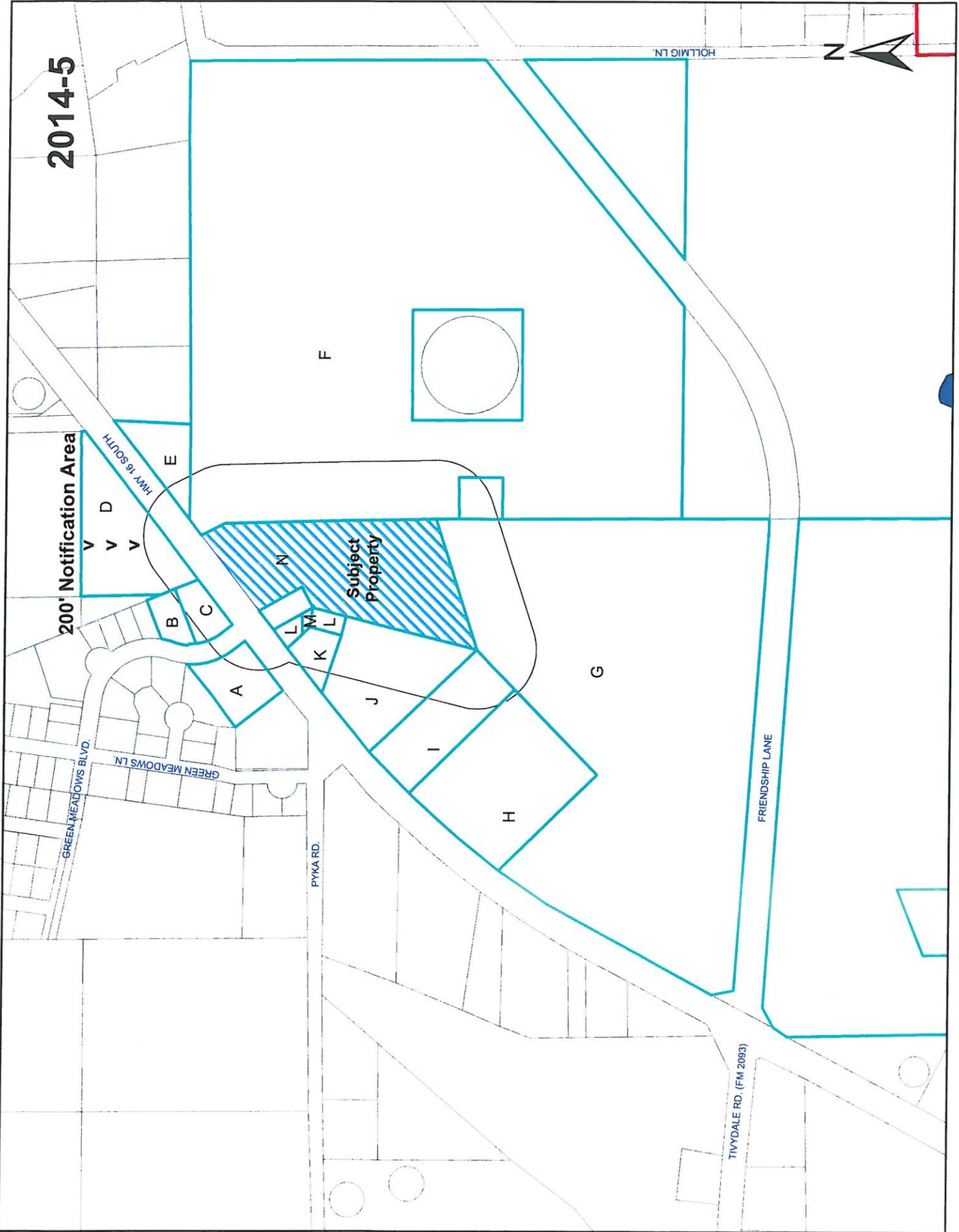
TIMDALE RD (FM 2005)

FRIENDSHIP LANE



2014-5

200' Notification Area







**NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST**

**HEARING DATE: September 11, 2015      TIME: 5:30 P.M.      APPEAL NO. 2014-5**

**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: Bob Price Chevrolet, Buick, GMC**

\_\_\_\_\_  
**ADDRESS OF THE SUBJECT PROPERTY: 1225 S. State Hwy 16**  
(See accompanying map)

\_\_\_\_\_  
**EXPLANATION OF REQUEST: Variance to section 29-7 of the Sign Ordinance pertaining to permanent signs permitted by district**

(detach here)

**Appeal No. 2014-5**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed

Address