AGENDA
CITY OF FREDERICKSBURG
BOARD OF ADJUSTMENT

Thursday, July 14, 2016

5:30 P.M.

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

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

PUBLIC HEARINGS

3.	PUBLIC HEARING: (ZBA2016-3) 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	*Pp 3 - 15*
4.	Consider taking action on ZBA2016-3	

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
May 12, 2016
5:30 P.M.

On this the 12th day of May 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
Barbara Heinen moved to approve the minutes of the May, 2016 meeting and Tom Musselman seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING - (ZBA 2016-1) by John L. Muraglia at 241 E. Austin street to consider a variance to Section 29-6, Subsection 11 of the Code of Ordinances pertaining to prohibited signs requiring no sign be attached to or located upon amenities. Robert Deming opened Public Hearing ZBA 2016-1. Steve Spangenberg, the owner's contractor, presented the application. Mr. Spangenberg noted the sign will be placed between two columns and will not be any higher than the block wall. Mr. Spangenberg noted the wall will be a natural stucco color and the letters will be black metal that will be cut out and attached to the wall, but away from the wall to give it depth. Mr. Spangenberg added there will be some wrought iron fencing on the left and right side of the columns. Mr. Jordan asked if there would be wrought iron on the inset at the top and Mr. Spangenberg noted there would not be. Mr. Spangenberg noted the same type columns are on the entry of the buildng, which ties the building and the fence together. Tom Musselman stated the rock structure is a wall. There followed some discussion and Mr. Deming agreed the structure forms a fencing function, but it is a wall. Brian Jordan, Director of Development Services, noted the reason for this variance request is there is a prohibition in the ordinance that states signs that are attached to or located upon amenities such as benches, trash containers, or fences are not permitted. Mr. Jordan commented this is a timely discussion regarding walls and fences. Mr. Jordan noted regardless of the specific criteria, it has to be determined if this structure is more of a fence in the context of the description or if it takes on more of an appearance of a wall. Mr. Jordan noted it clearly is not an amenity, but the Board needs to be

careful about their determination because if they consider it to be a wall, there will be others in town that will be pursuing the same type thing. Mr. Jordan then gave examples of other signs in town for consideration and noted if the Board approves the variance, they need to be comfortable with other situations in town. There followed discussion that included characteristics of fences and walls and amenities.

Mr. Musselman asked and clarified the structure in question ties into a wall that comes from the back of the building. Mr. Spangenberg confirmed it did. Ms. Heinen noted it totally encloses the property. Mr. Jordan asked if there was going to be wrought iron to the south and west in the gaps and Mr. Spangenberg noted there would be. Mr. Jordan asked if there was going to be a gate on the Austin Street side and Mr. Spangenberg noted there was. Mr. Jordan took the question a step further and commented if the request was to hang a sign on the wrought iron portion, the answer would be a definite no. Mr. Jordan noted the applicant could however place a sign on the ground in front of the wall and that would be allowed as a ground sign. John Smilijanic asked what the motivation of the requirement was and how long ago it was adopted because it seems to refer to amenities which are less long-lived and somewhat fragile instead of a fence. Mr. Jordan noted he was not employed by the City at that time, but a fence doesn't seem to correspond with amenities. Mr. Jordan stated he believes the intent was probably fences were thought of as wire or wood. Mr. Musselman noted he looks at fences as not permanent and walls as permanent and noted a fence can be torn down with little effort and a wall takes a great deal of effort and expense to tear down. Robert Deming asked what the structure would be if the wrought iron part on the sides of the proposed sign were not there. It was noted that would be a sign, which would be permitted.

Jim McAfee moved to close Public Hearing ZBA2016-1 and Barbara Heinen seconded the motion. All voted in favor and the motion carried.

Tom Musselman moved to approve Application ZBA2016-1 based on the discussion of the differences between a wall and a fence and the conclusion that what is described is a wall. John Smilijanic seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Barbara Heinen 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 14th day of July, 2016.

SHELLEY BRITTON, CITY SECRETARY

ROBERT DEMING, CHAIR

VARIANCE BRIEF

Request # 2016-3

APPLICANT: The Admiral Nimitz Foundation

ZONING: C2 Commercial / Public Facilities

LOCATION: 502 E. Austin Street

REQUEST: Variance to Section 29.7 of the Sign Ordinance, pertaining to prohibitive signage.

FINDINGS:

- The property is located at the southeast corner of Elk Street and E. Austin Street.
- The proposed entry gate to the Pacific Combat Zone will include signage up to a height of 19.6" above the ground. The entry gate also includes a flag pole height of 25'. Actual sign area falls within the maximum of 50 square feet. Actual sign area = 44.39 square feet.(See attached drawings)
- The actual entrance to the Pacific Combat Zone is located approximately 175 feet east of Elk Street and does not face a public road. The applicant intends to install the ground sign to allow for greater visibility for visitors wanting to locate the Pacific Combat Zone.
- The City conveyed the E. Austin Street and Lee Street right of way to the Admiral Nimitz Foundation in January 2015 for use as parking.

Signs: 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 purpose 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 in 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. **The sign will replace the previous Pacific Combat Zone arched sign that was located at 508 E. Austin Street known as townlot #483.**

b. 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. **This section not applicable.**

c. 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 the 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 physical characteristics affecting this site are that the actual entrance to the Pacific Combat Zone Complex is about 175 feet from the intersection of Austin Street and Elk Street. The sign architecturally blends with the new admissions building on the property as well as the George H.W. Bush Gallery. The physical site will be ideal for this type of signage and entry as the actual entrance to the Pacific Combat Zone no longer faces a public road.**

d. That the other types of signs which are permitted by the 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, or
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.

- **An ordinance compliant sign could be placed near the intersection of Austin Street and Elk Street.**

e. That the proposed sign has been reviewed by the Historic Review Board if applicable. **Not applicable**

f. That the proposed variance is as close to the requirements of the sign ordinance as is feasible. **The reason for the height of the proposed sign is that it must allow for the clearance of commercial construction vehicles and emergency vehicles through the entry.**

OPPOSITION/SUPPORT OF REQUEST: None to date.

STAFF RECOMMENDATION: While we don't object to the intended design and purpose of the sign, there does seem to be alternatives for compliant signs without the need for the proposed sign. If the board is inclined to approve the sign, it would need to determine that other alternatives do not effectively identify the Pacific Combat Zone.

$150.00 application fee

APPEAL NO. 2016-3
DATE

VARIANCE REQUEST APPLICATION TO BOARD OF ADJUSTMENT

1. APPLICANT: The Admiral Nimitz Foundation

2. ADDRESS: 328 E. Main Street, Fredericksburg, TX 78624

   PHONE: 830-997-8600 ext 200 FAX:

3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

   ADDRESS: 502 E. Austin Street

   LEGAL DESCRIPTION: SE corner of townlot #481 to NE corner of townlot # 193A

   LOT SIZE: 1.53 acres ZONING DISTRICT: C2 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: 29 Signs PAGE: 2

   SUBSECTION: 7 Permitted By District

   ITEM: 3-e. Ground signs C2 Districts

   RELATING TO: height of sign, including structure. Max area of sign.

   REQUIRING: Height not to exceed 5 feet above the ground. Area of sign not to exceed 50 sq. ft.

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.

RECEIVED
JUN 2 2 2016

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: The proposed entry gate to the Pacific Combat Zone will include signage up to a height of 19'6" above the ground. The entry gate also includes a flag pole height of 25'. Actual sign area falls within the maximum allowed of 50 square feet. Actual sign area = 44.39 sq. ft.

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 height restrictions for ground signs prevent greater visibility for visitors wanting to locate the Pacific Combat Zone

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 actual entrance to the Pacific Combat Zone does not face a public road. The sign will assist visitors in locating the PCZ.

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.

The Admiral Nimitz Foundation owns the property north and south of Austin St between Elk St. and Lee St. See attachment- Conveyence, page 3, item 4, which allows the grantee to add a gate and archway at two locations to the 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.

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.

The sign will replace the previous Pacific Combat Zone arched sign that was located at 508 E. Austin Street known as townlot # 483

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.

There are no structures that would impede the new entry sign.

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.

The sign architectually blends with the new admissions building on the property as well as the George H.W. Bush Gallery. The physical site will be ideal for this type of signage and entry as the actual entrance to the PCZ no longer faces a public road.

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.

   Not applicable

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

   The sign must allow for the clearance of commercial construction vehicles and emergency vehicles through the entry.

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: Michael Hayes

Date: 6/23/16 Fee Paid: $150.00 Check # 15092

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

RICHTER ARCHITECTS

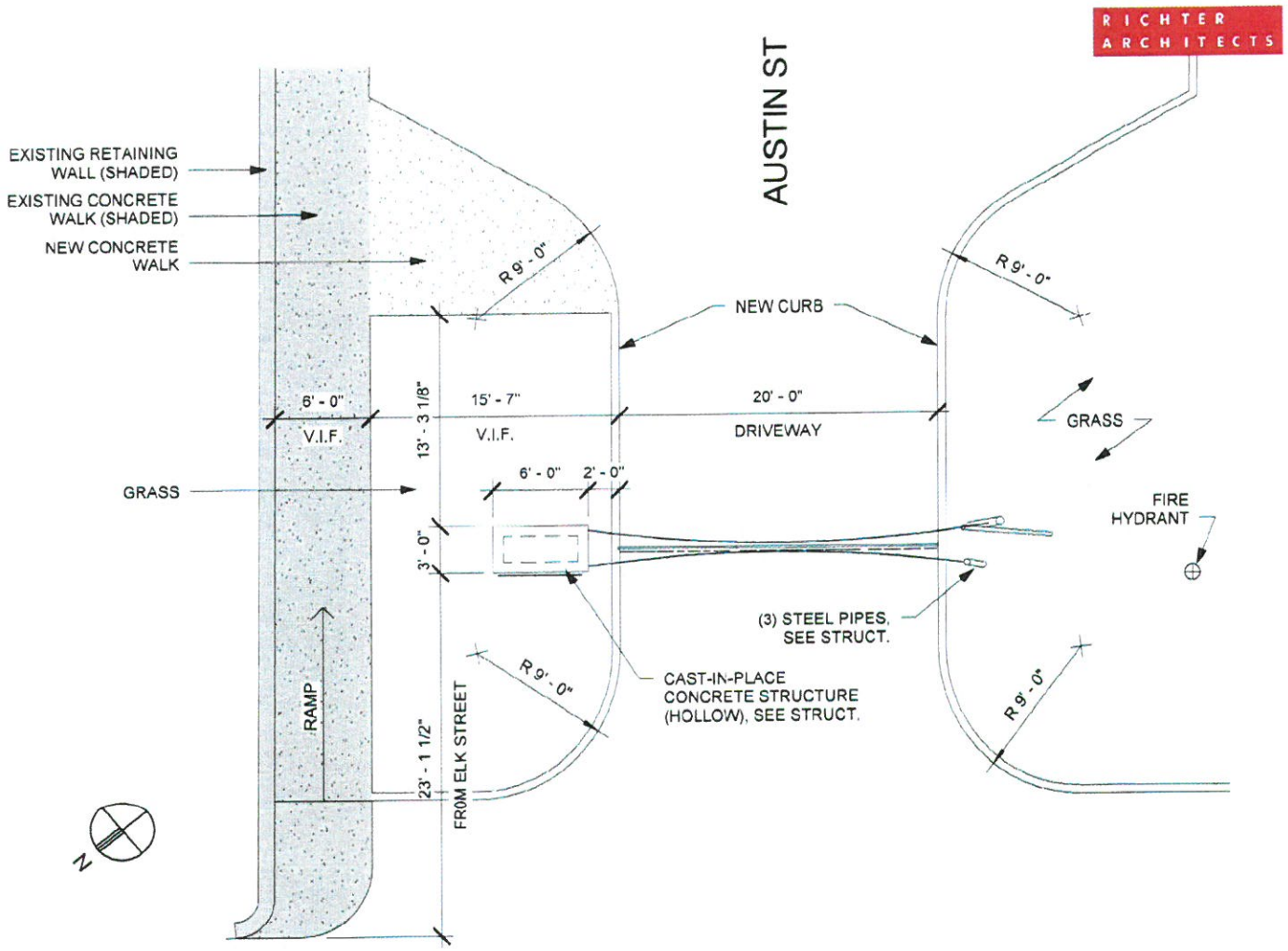
NATIONAL MUSEUM OF THE PACIFIC WAR PACIFIC COMBAT ZONE - ENTRANCE GATE

1 JUNE 2016
PAGE 1 OF 3

RICHTER ARCHITECTS

NATIONAL MUSEUM OF THE PACIFIC WAR PACIFIC COMBAT ZONE - ENTRANCE GATE

1 JUNE 2016
PAGE 2 OF 3



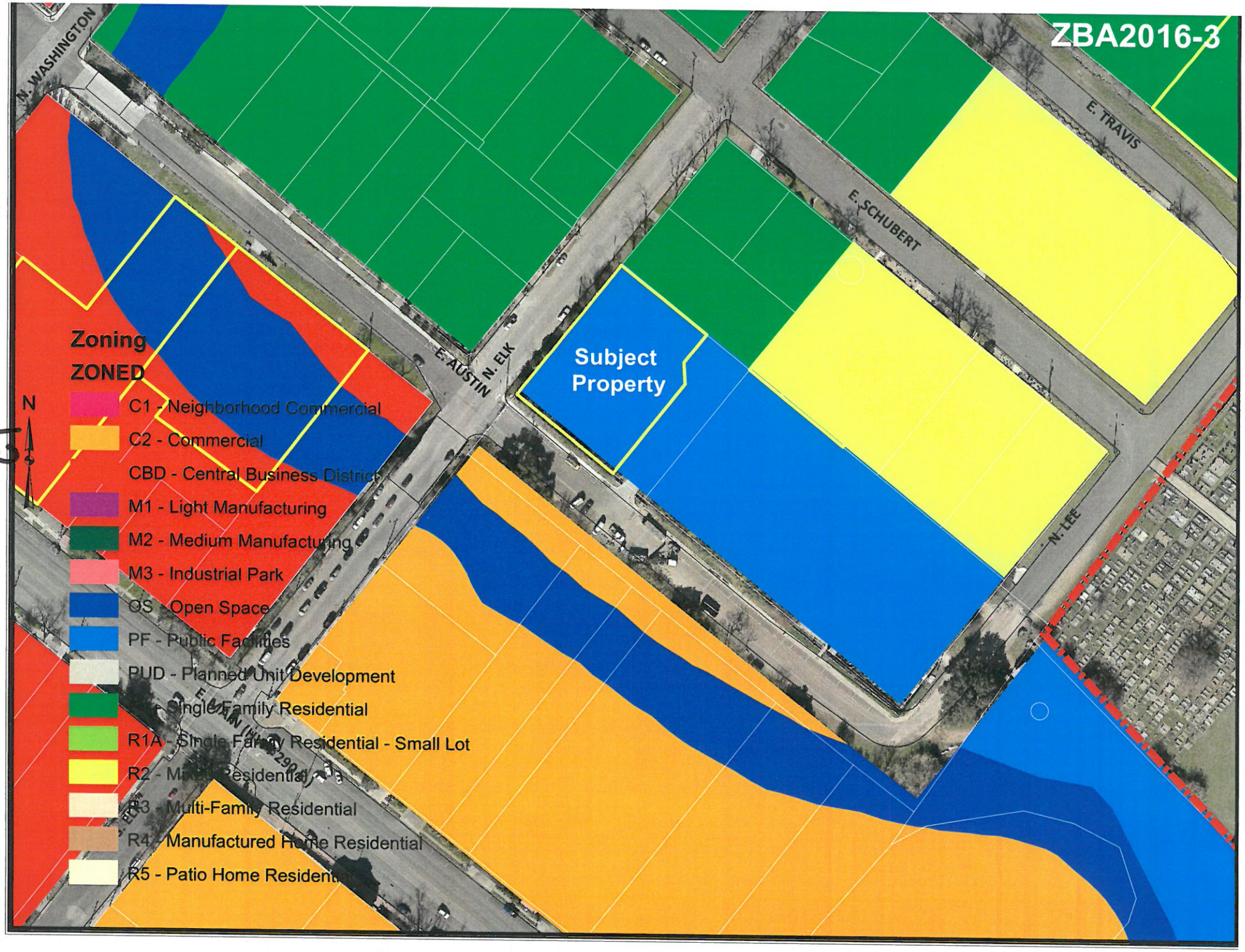
ELK STREET

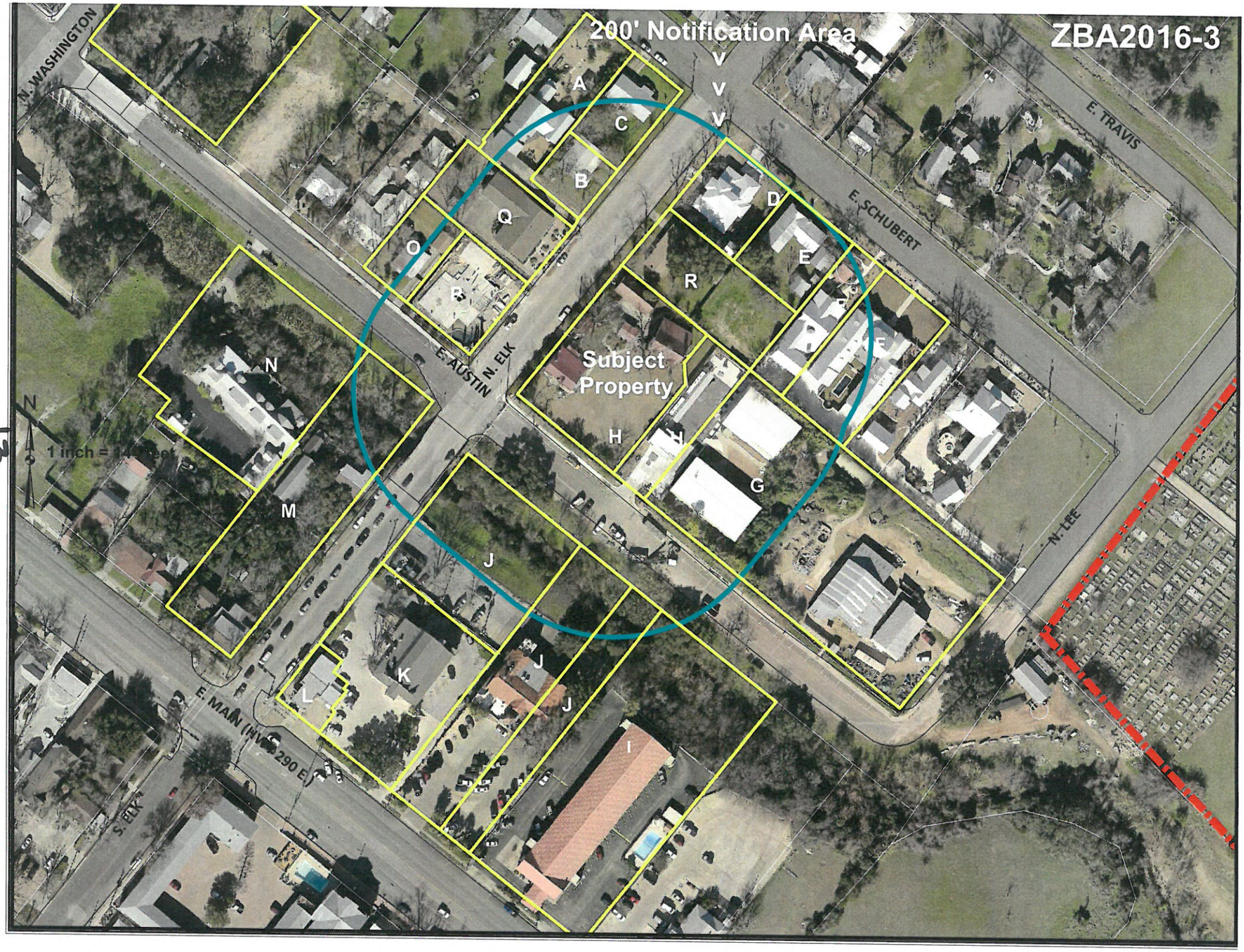
NATIONAL MUSEUM OF THE PACIFIC WAR

PACIFIC COMBAT ZONE - ENTRANCE GATE

1 JUNE 2016

PAGE 3 OF 3


ZBA2016-3
N. WASHINGTON
E. AUSTIN
N. ELK
E. SCHUBERT
E. TRAVIS
N. LEE
Subject Property
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
Single Family Residential
R1A - Single Family Residential - Small Lot
R2 - Multi-Family Residential
R3 - Multi-Family Residential
R4 - Manufactured Home Residential
R5 - Patio Home Residential
N


200' Notification Area
ZBA2016-3
N. WASHINGTON
E. TRAVIS
E. SCHUBERT
E. AUSTIN
N. ELK
Subject Property
N. LEE
E. MAIN (HWY 290 E)
S. ELK
N
1 inch = 144 feet
A
B
C
D
E
F
G
H
I
J
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a)

LETTER	NAME	SITUS
A	G H & Sharon Joy Brunner	413 E. Schubert St.
B	Gary & Sharon Joy Brunner	206 N. Elk
C	Pauline Mary Walch	415 E. Schubert
D	Kristina Kleck & Gina Rae Seracen	209 N. Elk
E	John Kenneth Morgan etal	503 E. Schubert St.
F	Leander R. & Sherlyn G. Solheid	507 E. Schubert St.
G	Mustn't Touch It Trust	511 E. Schubert St.
H	Texas Historical Commission	508 E. Austin St.
I	Texas Parks & Wildlife Dept	502 E. Austin St.
J	The Admiral Nimitz Foundation	502 E. Austin St.
K	Daniel J. Michalak	514 E. Main St.
L	Mamacitas	506 E. Main St.
M	Mamacitas	506 E. Main St.
N	Mamacitas	506 E. Main St.
O	Dave Khuc	504 E. Main St.
P	Gregory L. & Donna T. Oehler	502 E. Main St.
Q	Jimmie D & Su J Lee	104 N. Elk St.
R	Ron Ross Custom Homes, LLC	415 E. Austin St.
S	Dudley & Connie Goulden	414 E. Austin St.
T	Curtis A & Nancy J Roys	416 E. Austin St.
U	Hall Family Living Trust	204 N. Elk St.
V	The Admiral Nimitz Foundation	207 N. Elk St.

2016-3

NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST

HEARING DATE: **July 14, 2016** **TIME:** **5:30 P.M.** **APPEAL NO.** **2016-3**

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: **Admiral Nimitz Foundation**

ADDRESS OF THE SUBJECT PROPERTY: **502 E. Austin**
(See accompanying map)

EXPLANATION OF REQUEST: **Variance to section 29, subsection 7 of the Code of Ordinances pertaining to height of sign, including structure and maximum area of sign**

(detach here)

Appeal No. 2016-3
As an interested property owner, I (PROTEST) (APPROVE) the requested variance represented by the above appeal number because:

Signed Address