AGENDA
CITY OF FREDERICKSBURG
BOARD OF ADJUSTMENT

Thursday, June 16, 2011

5:30 P.M.

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

PAGE REF.

1. Call to Order

MINUTES

2. Approve minutes of May 13, 2010 Regular Meeting *Pp 1 - 3*

3. Approve minutes of May 27, 2010 Special Meeting *Pp 4 - 7*

PUBLIC HEARINGS

4. PUBLIC HEARING (ZBA 2011-1) by Bruce and Cindy Busby at 215 W. Peach St. to consider a variance to Section 3, Subsection 3.100 of the Zoning Ordinance pertaining to Side Street Setbacks *Pp 8 - 19*

5. Consider making a recommendation on ZBA 2011-1

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
May 13, 2010
5:30 P.M.

On this the 16th day of June, 2011, 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
STEVE THOMAS
KAREN OESTREICH
BRYON SCHAETTER
BARBARA HEINEN

ABSENT: ROBERT DEMING
KEITH NEFFENDORF

ALSO PRESENT: BRIAN JORDAN - Director of Development Services
MARLIN HARTMANN – City Inspector
KYLE STAUDT – City Inspector
EDGAR MARSHALL - Code Enforcement Officer
TAMMIE LOTH - Development Coordinator
PAT MC GOWAN-City Attorney

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

MINUTES

Bryon Schaetter moved to approve the minutes of the September 2009 meeting. Karen Oestreich seconded the motion. All voted in favor and the motion carried.

Mike Dooley opened Public Hearing ZBA 2010-1.

PUBLIC HEARING - (ZBA 2010-1)- by Cass Phillips at 912 Hill Street to consider a variance to Section 7.300, Subsection 7.330 of the Zoning Ordinance pertaining to front yard setbacks / eaves extensions. Cass Phillips presented the application. Mr. Phillips stated when the property was deeded to the City to make a street, Hill Street became a rectangle and when the City rounded off the corners it created a significant pie shaped right-of-way on his lot. He noted the lot is a narrow 50 foot lot that has been grandfathered and he is trying to erect a 12 foot overhang to park a vehicle under. Mr. Phillips stated the ordinance allows a three foot overhang into the setback and he is requesting a six foot overhang into the setback.

STAFF COMMENTS

Brian Jordan, Director of Development Services, commented it is important to understand the applicant is not proposing to put the vertical poles of the carport into the setback, they will stay at the required 15 feet. Mr. Phillips is only asking that the cantilever be extended an additional three feet. Mr. Dooley clarified he is wanting to extend the overhang toward the street where it

makes the curve. Karen Oestreich stated she has no objection to the request. Mike Dooley closed the public hearing. Steve Thomas asked the applicant if the structure would be more sound if the Board allows the vertical poles to be extended into the setbacks. Mr. Phillips noted he has it worked out to where the support will be fine. Mr. Thomas commented if it would help, he would be in favor of allowing the support poles to encroach into the setback. Mr. Jordan noted Staff would not have any objection to allowing the same.

Steve Thomas moved to approve ZBA 2010-1 as presented and also stated if more structural integrity is needed, the poles would be allowed to be moved three foot into the setbacks. Karen Oestreich seconded the motion. All voted in favor and the motion carried.

For the following application Mike Dooley stepped down from the Board stating he had spoken with the applicant and directed her to contact the City. Bryon Schaetter moved to appoint Steve Thomas as Vice-Chair for the consideration of ZBA 2010-2. Karen Oestreich seconded the motion. All voted in favor and the motion carried.

Steve Thomas opened Public Hearing ZBA 2010-2.

PUBLIC HEARING – (ZBA 2010-2) – by Maggie Wendel at 602 West Austin to consider a variance to Section 7.300, Subsections 7.320 and 7.330 of the Zoning Ordinance pertaining to yard and setback regulations. Maggie Wendel presented the application and noted the application is multi-layered. Ms. Wendel stated the Queen's Crown plant located on the east side of the house has been on the property for 150 years and is classified as a Class 2 invasive vine with runners that reach 40 feet. Ms. Wendel commented in 1997 or 1998 her father ran string from the top of the eave to have the vines grow up, but she is trying to get the vines off the string because they attach themselves to the rock façade, which causes moisture to build up and deteriorate the rock. Ms. Wendel stated she has placed antique bed springs in front of the window units by the vines to construct something for the vines to attach to and also to meet the requirements of the 1997 Architectural Design and Landscape Design Guidelines which states any type of air conditioning unit should be shielded. Ms. Wendel noted her future plan is to attach J-hooks and wire to the top of the eave and angle them away from the rock façade to allow the vines to keep growing but not attach to the house structure. Ms. Wendel noted the plant is a spectacular array of colors in the summer and attracts birds, butterflies and bees, provides shade to the house and keeps the dust and dirt from Austin Street from coming into her house. Ms. Wendel noted the front yard setback is 25 feet, which is one foot from her front door, and the side street setback is 15 feet, which is one foot onto the right hand side of her front porch. Ms. Wendel stated she needs something for the vine to adhere to or it will take over the property and extend into the sidewalk, which will cause a hazard to pedestrians because of the bees it attracts. Ms. Wendel noted she is trying to protect the plant and the exterior of the house, both of which are historically significant.

STAFF COMMENTS

Edgar Marshall, Code Enforcement Officer, noted the setbacks on Ms. Wendel's property do not allow normal use of her yard because the corners of the house are already in the setbacks. Mr. Marshall noted if a variance is allowed, Staff believes the height of the structure should be limited to eight feet, which is the allowable height of a fence.

PUBLIC COMMENTS

Mimi Bartel from 609 W. Schubert handed the Board photos of the property, specifically the area around the sidewalk. Ms. Bartel stated she agrees with Ms. Wendel that the plant is spectacular and does not have a problem with allowing a variance, but noted she does not believe the entire six feet of the side yard should be used for the variance. Ms. Bartel noted that would block the sidewalk and create a hazard for pedestrians. Ms. Bartel voiced her support to allow the variance and requested the structure extend only two feet from the residence. Ms. Bartel noted the plant is a perennial, which means it will die in the winter, and all the items used for the structure will then be visible. Ms. Bartel commented the property is in the Historic District and asked the Board to consider a revocable variance allowing Ms. Wendel to construct a temporary trellis, not to exceed 8 feet in height and 2 feet in depth, along the entire east side of her house, which allows ample space for the Queen's Crown to thrive and also maintains a clear sidewalk for pedestrian traffic. Ms. Oestreich commented she also presented the Board members with a letter from another neighbor which states basically the same thing as Ms. Bartel, that a variance be granted but only for a specified amount of space. Mr. Thomas asked if the sidewalk is assumed to be Ms. Wendel's property and Mr. Jordan noted the exact property lines could not be located, but they believe the back of the sidewalk is the edge of Ms. Wendel's property. Ms. Oestreich commented if the Board allows the variance as Ms. Wendel has requested, the vines will very easily grow into the sidewalk. Ms. Wendel stated it is not her intention to have the vines grow into the sidewalk and she noted she keeps the plant trimmed. Steve Thomas noted the sidewalk is in place and it is inviting people to walk which places an inherent responsibility on the City and the Owner. Ms. Oestreich stated she understands what Ms. Wendel is trying to create but believes there needs to be some room between the plant and the sidewalk so a variance should be granted, but not for the distance Ms. Wendel has requested. Bryon Schaetter stated he goes for a walk every day and he also gardens so he can see both sides and believes the Board and Ms. Wendel can meet in the middle by moving the structure away from the sidewalk, but still allowing it to be eight feet high to show off the flowering plant.

Steve Thomas closed Public Hearing ZBA 2010-2.

Bryon Schaetter moved to approve ZBA 2010-2 with the condition the structure used to support the plant materials be no more than 2 feet in width from the building and 8 feet high . Karen Oestreich seconded the motion. All voted in favor and the motion carried.

Mike Dooley returned to the Board.

With nothing further to come before the Board, Bryon Schaetter moved to adjourn the meeting and Barbara Heinen seconded the motion. All voted in favor and the meeting was adjourned at 6:23 p.m.

PASSED AND APPROVED this the 16th day of June, 2011.

SHELLEY BRITTON, CITY SECRETARY

MIKE DOOLEY, CHAIR

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
May 27, 2010
5:30 P.M.

On this the 27th day of May, 2010, the BOARD OF ADJUSTMENT convened in special session at the regular meeting place thereof with the following members present to constitute a quorum:

MIKE DOOLEY
ROBERT DEMING
STEVE THOMAS
KAREN OESTREICH
BRYON SCHAETTER
BARBARA HEINEN

ABSENT: KEITH NEFFENDORF

ALSO PRESENT: BRIAN JORDAN - Director of Development Services
CRAIG WALLENDORF - Director of Public Works
TAMMIE LOTH - Development Coordinator
PAT MC GOWAN-City Attorney

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

PUBLIC HEARING - (ZBA2010-3)- by Frank Schmidt at 525 Friendship Lane for a variance to the Water Conservation Measures as provided in Section 47-105 of the Code of Ordinances. Mr. Dooley opened the public hearing and noted Mr. Schmidt was requesting relief, in the form of a variance, from the City's Water Conservation Measures. Mr. Dooley also noted the request is for reasons of economic hardship. Mr. Schmidt and his wife, Frances Schmidt, were in attendance to present the application. Mr. Schmidt noted the correct address of the property is 521 Friendship Lane. Mr. Schmidt stated he is not requesting a variance from the document Mr. Dooley stated. Pat McGowan, City Attorney, noted there is a limitation of how many hours an individual can water, whether the individual is on city water or a well and Mr. Schmidt is requesting a variance on that subject. Ms. McGowan also noted the Board should be thinking of what type of variance they would allow should the application be approved. Ms. McGowan also noted for each stage of water rationing, a new variance would have to be requested unless the allowances for each stage are specified in the original approval. Craig Wallendorf, Director of Public Works, stated he believes Mr. Schmidt would like to know how the well on his property ties into the City's ordinance.

Mr. Schmidt noted he lives on the family farm his father purchased in 1934. Mr. Schmidt stated his family moved into a house his father built on the property in 1935 and between that year and 1940 his father planted hundreds of pecan trees on the property. Mr. Schmidt stated he retired from the military in 1985 and built his home on the mature pecan grove of about 40 trees. Mr. Schmidt commented between then and 1995 he landscaped with approximately 100 peach trees, 100 Leland cypress trees, 100 rose bushes, 6 pecan trees and put in an underground irrigation

system. On April 1, 1999, the entire area was contaminated with a herbicide. Mr. Schmidt noted he spoke to someone at the herbicide lab and was told everything on his property would die. Mr. Schmidt noted about 2 months later plants started dying and he currently has a dozen pecan trees that are in very bad shape, but he is still working on keeping the pecan trees alive. Mr. Schmidt stated he is losing 10 - 15% of scaffolding on the pecan trees every year. Mr. Schmidt noted the herbicide is in the tree and not just in the soil. Mr. Schmidt noted in 1999 the City began annexation proceedings on his property and he had many discussions about watering and was told concessions would be made for him to continue to water as he needed. Mr. Schmidt stated the first few years concessions were made for him but in 2009 those concessions stopped. Mr. Schmidt stated he acquired city water service in 2003 for domestic use only and stated he and his wife are conservative with their water and presented his water bills to the Board. Friendship Lane was then improved in 2007 and during that time the city penetrated the Hensel Sands Aquifer and Mr. Schmidt noted he believes the city is wasting water every day and draining the aquifer when he is not allowed to water as he likes. Mr. Schmidt then stated he lost 30 to 40 trees between 2008 and 2009. Mr. Schmidt asked the Board if they were familiar with the right of capture which he said states the aquifer water belongs to the owner of the property and there are set rules about who can pump what amount of water from the aquifer. Mr. Schmidt stated he has a non-permitted well which allows him to pump 25,000 gallons of water a day. Mr. Schmidt noted it is located on a 10 acre plot which allows him to follow the rules of capture but the City is not allowing him to pump the allowed amount and he is losing various trees and landscaping on his property. Bryon Schaetter asked how his property got contaminated and Mr. Schmidt noted his neighbor on the east and south side sprayed a fog spray of herbicide, instead of a course spray, which infected everything that surrounded the property. Barbara Heinen asked if he received any compensation for his losses and Mr. Schmidt stated an adjuster did come by after several requests but the adjuster noted he saw no herbicide damage. Mr. Schmidt said he then consulted with an attorney, but the attorney said the company would continue to appeal the case and run Mr. Schmidt into the ground so he dropped the idea of a lawsuit. Mike Dooley asked if Mr. Schmidt is using the well for the entire 30 acres and he stated his primary concern now is the front yard trees and that area totals approximately an acre to an acre and a half. Karen Oestreich asked how much he watered and he commented approximately an inch an week, depending on how much rain falls. Mr. Dooley asked if he could not furnish the pecan trees with an inch of water a week with the restrictions the City is putting on him. Mr. Schmidt stated he is authorized by the State to pump 25,000 gallons a day and the City is only allowing him 48,000 gallons a week, which is about 1/3 of his requirement.

STAFF COMMENTS

Craig Wallendorf, Director of Public Works, stated the herbicide is an effective herbicide and he won't debate it didn't drift into Mr. Schmidt's property because he thinks it did. Mr. Wallendorf noted the herbicide does have a certain shelf life as far as time in stays in the ground and the tree. The City contacted a tree expert and in his report to the City he noted "the ability to irrigate these trees on a once-weekly basis should be more than adequate to keep the trees healthy". Mr. Wallendorf noted Mr. Schmidt has a water tap available to him to use for irrigation if he is not able to pump the amounts of water from his well that he wants. Mr. Wallendorf noted the right of capture is a completely separate issue and the Board is assembled to determine if Mr. Schmidt really needs relief from the city's code.

Barbara Heinen stated she is confused about how many hours a day Mr. Schmidt needs to water and Mr. Schmidt stated if we receive the average rainfall of two and a half inches a month, he doesn't water much, but during times of severe drought he waters 18 hours a day. Mr. Dooley asked if he was saying 48,000 gallons of water a week is not enough to water the pecan trees. Mr. Schmidt stated he also needs to water the Leland Cypress trees with the water from the well. Mr. Dooley asked if Mr. Schmidt has a letter from an arborist saying the trees are dying from drought stress. Mr. Schmidt said he had what the county agent told him in 1999, which was the disease from the herbicide will never go away and will eventually kill the trees. Mr. Dooley commented that he is just trying to postpone the inevitable. Mr. Schmidt stated yes, he would rather not see all the trees die in his lifetime. Pat McGowan noted watering large amounts of water will not save the trees. Mr. Schaetter commented that Mr. Schmidt was able to water what he wanted a year ago and now he is not. Ms. McGowan said if you take out the effect of herbicide, which has been noted is not affecting the trees anymore, you need to look at everyone else in the city and put them on equal footing and they are not allowed to use more than the code allows. Mr. Schmidt asked why the City is objecting to him using his water and Mr. Wallendorf stated it is a code issue and everyone in the City has to follow the same code. Mr. Wallendorf showed the Board photos he took of Mr. Schmidt's property, specifically trees that are not being irrigated, and stated they do not appear to be in severe drought stress. Mr. Wallendorf also showed photos of dead Leland Cypress trees and noted the arborist he spoke to said over watering is the biggest killer of those type of trees. Mr. Schmidt stated some of the trees Mr. Wallendorf took pictures were not as heavily affected by the herbicide as the ones he is trying to save. Mr. Dooley stated he still has not seen anything from someone stating how many gallons of water are needed to save the trees. Robert Deming commented the ordinance probably came out as a desire to keep enough water for the city and he doesn't see the difference between Mr. Schmidt's pecan trees and his pecan trees so they should, and are, all under the same restrictions. Mr. Schaetter stated he believes the problem is Mr. Schmidt is being told he can't pump out of his own well the amount of water he wants to use. Ms. McGowan stated one inch of water, which Mr. Schmidt commented he normally waters, requires 27,154 gallons of water and he is allowed to pump 25,000 gallons of water a week from his well. Mr. Dooley asked if the City has granted a variance on any other well and Gary Neffendorf, City Manger, stated no one else has asked. Mr. Dooley asked if that was because the former Director of Public Works allowed anyone to water as much as they wanted and Mr. Wallendorf noted he does not know that information. Mr. Schaetter stated the well belongs to Mr. Schmidt and he believes it is a property rights consideration. Mr. Deming stated he sees many other people requesting a variance if Mr. Schmidt is allowed to water more that what the code allows because the variance would change the rules, which would allow anyone to come forth with their own personal watering problems asking for special considerations, and that could cause a huge problem for the city. Ms. McGowan commented there is no evidence that there is a link between the trees dying and Mr. Schmidt not being able to water as many hours as he wishes. Mr. Schaetter suggested allowing a variance that states the number of gallons allowed for a specified amount of acreage so that criteria will have to be met if someone else comes and asks for a variance.

Robert Deming moved to deny request ZBA 2010-3. Karen Oestreich seconded the motion. All voted in favor and the motion carried. Bryon Schaetter opposed the motion but was seated as an alternate and the vote was not needed for a quorum.

With nothing further to come before the Board, Mike Dooley adjourned the meeting at 6:30 p.m.

PASSED AND APPROVED this the _____ day of _____, 20____.

_____	_____
SHELLEY BRITTON, CITY SECRETARY	MIKE DOOLEY, CHAIR

VARIANCE BRIEF

Request # 2011-1

APPLICANT: Bruce and Cindy Busby

ZONING: R-1, Single Family Residential

LOCATION: 215 W. Peach

REQUEST: Variance to Section 3, Subsection 3.100 of the Zoning Ordinance pertaining to street side yard setback.

FINDINGS:

- The subject property is located on the south east corner of South Orange and Peach Street. (see attached map for location)
- The subject property is Lot 3 of the PFEIL addition, subject property is 125' across the front at Peach St., 158.22' along S. Orange St., 75' at the rear, and 150.18' along the interior of the lot, containing approximately 0.34 acres (see attached survey).
- While the aerial photo shows structures on the property, the lot is currently vacant.
- Single-family homes surround this property on the north, east and south sides. Barons Creek is located to the west.
- The allowable setback on the street side of an R-1 lot is 15'. The request is to position the structure within 7' of the property line.
- The property is zoned R-1, and has a front yard setback of 25', however, city staff has calculated the average front yard setback along Peach Street to be 19'6", measured from the curb line. This is possible since Section 7.320 F of the Zoning Ordinance allows a reduced setback within blocks where homes have been built at less than the required setback.

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. **There is adequate space on the east side of the lot to move the residence over so it**

will not encroach into the street side setback. The lot is relatively large (approx. 14,800 SF) and would allow ample room for a reasonable sized structure to be built without the need for a variance.

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. **While the lot is wider in the front than in the rear, there is ample room to build a home, consistent with homes in the area. There does not appear to be any unique circumstances existing on the property that would justify the granting of a variance. The desire to encroach into the setback is being created by the owner, due to the desire to have a large home (approx. 6,000 SF on ground floor) constructed on the property, and to increase the size of the yard area.**

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. **We believe the proposed home, with a 7' setback will impact the character of the neighborhood. In addition, the granting of such a variance will establish precedence for granting future requests.**

OPPOSITION/SUPPORT OF REQUEST: One comment received in opposition, none in support.

STAFF RECOMMENDATION:

Denial: The circumstances relating to this property are not unique, and are being created by the owner's desire to build a particular size structure, and to have a particular size yard.

$50.00 application fee

APPEAL NO._____
DATE_____

VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT

1. APPLICANT: BRUCE & CINDY BUSBY

2. ADDRESS: 208 BELLA RIVA DR. AUSTIN, TX 78734

   PHONE: 512-695-8330 FAX: 512-266-6494

3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

   ADDRESS: 215 W. PEACH ST. FREDERICKSBURG, TX 78624

   LEGAL DESCRIPTION:_____

   LOT SIZE: 15000 SF ZONING DISTRICT: R-1

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 PAGE: 42

   SUBSECTION: 3.100

   ITEM: SITE DEVELOPMENT REGULATIONS

   RELATING TO: SET BACKS

   REQUIRING: 15 FOOT MINIMUM STREET SIDE YARD SETBACK

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
MAY 27 2011

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: INCREASE SPACE BEHIND THE HOUSE. (THE EAST SIDE)

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 SPACE BEHIND THE HOUSE IS TOO SMALL (THE EAST SIDE).

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 ODD SHAPE OF THE LOT MAKES IT DIFFICULT TO USE EFFICIENTLY. THE SET BACK REQUIREMENT WAS NOT COMMUNICATED CLEARLY TO THE OWNER BEFORE THE LOT WAS PURCHASED

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 PREVIOUS BUILDING ON THE PROPERTY WAS NOT ONLY IN THE SET BACK, BUT OVER THE PROPERTY LINE. THE NIEGHBORING HOUSES ARE BOTH CLOSER TO THE STREET. THERE IS A LARGE RIGHT OF WAY ON ORANGE. THERE ARE NO LOTS ON THE OPPOSITE SIDE OF ORANGE

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.

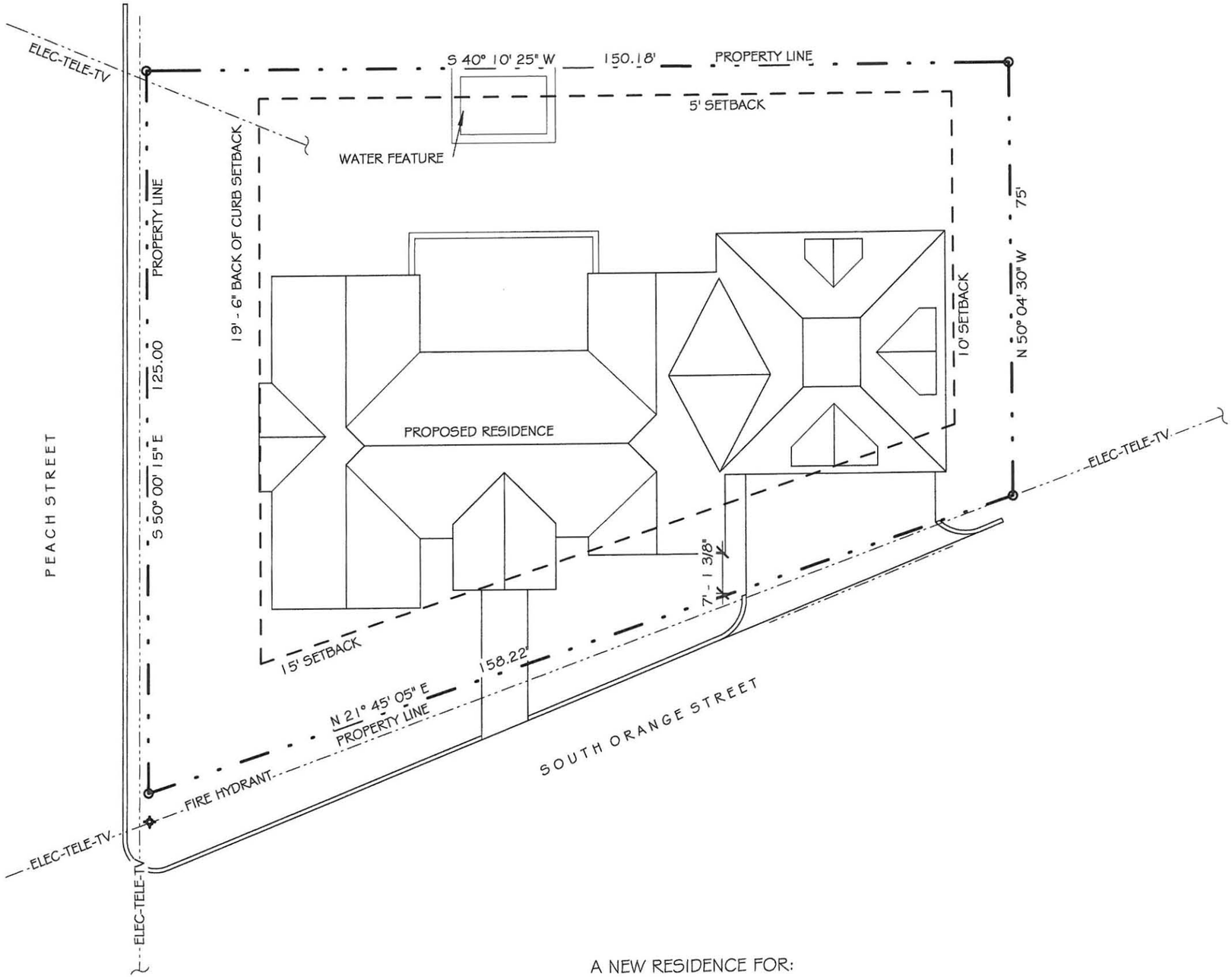
_____

_____

_____

_____

PRELIMINARY
THESE DRAWINGS ARE FOR INTERIM REVIEW AND NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.
ANDREW BRAY
18754



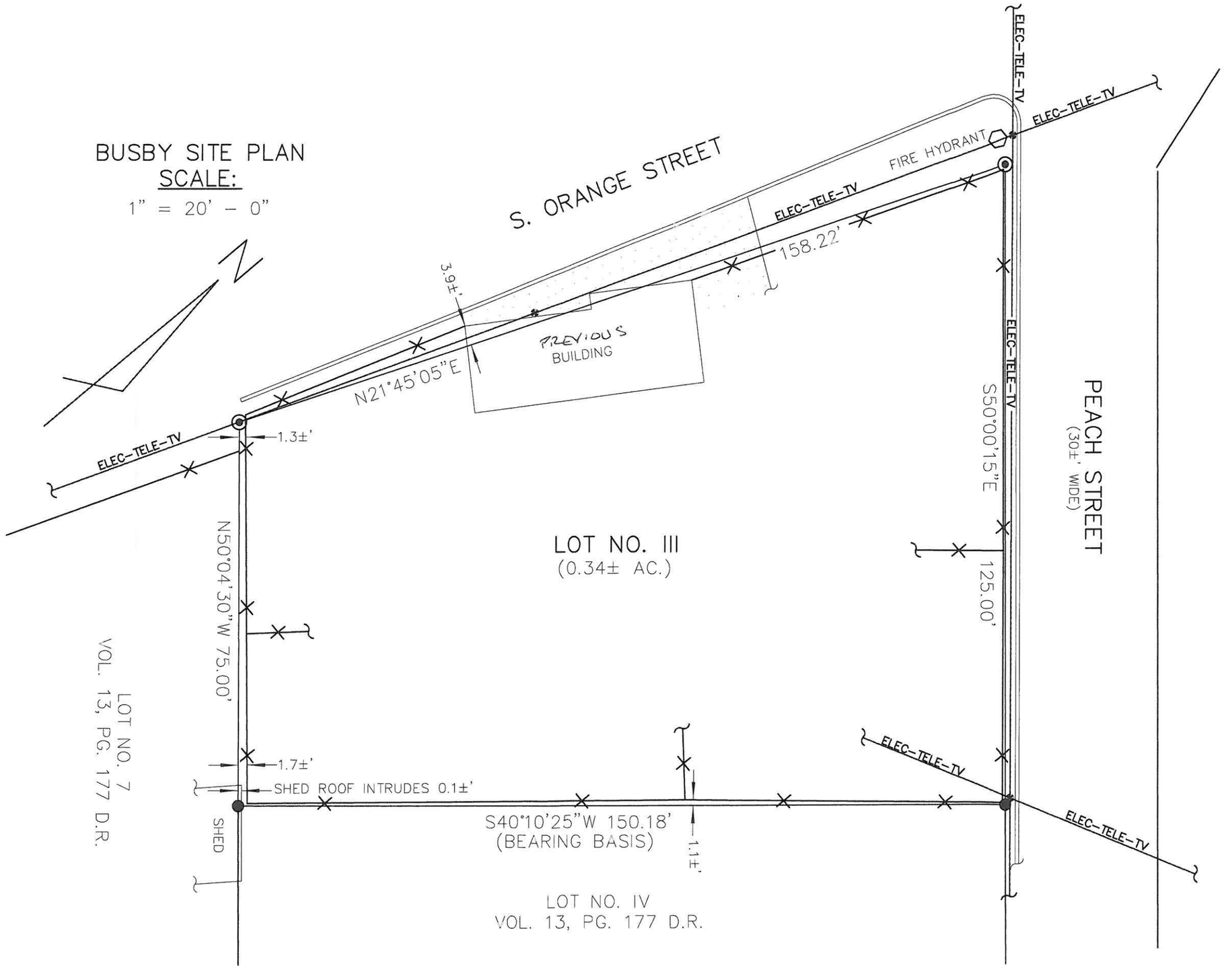
SITE PLAN
SCALE: 1" = 20'-0"

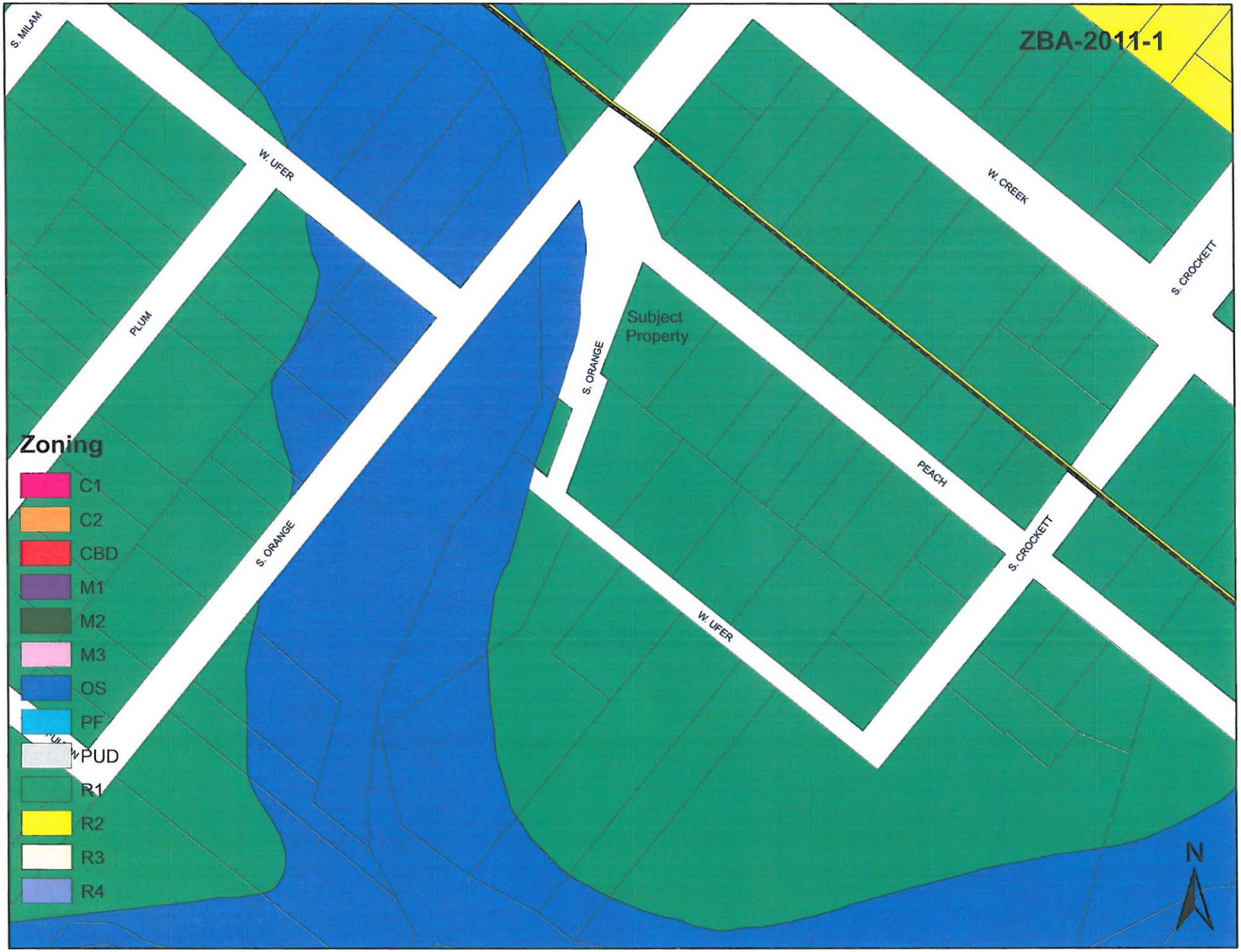
A NEW RESIDENCE FOR:

MR. & MRS. BRUCE BUSBY

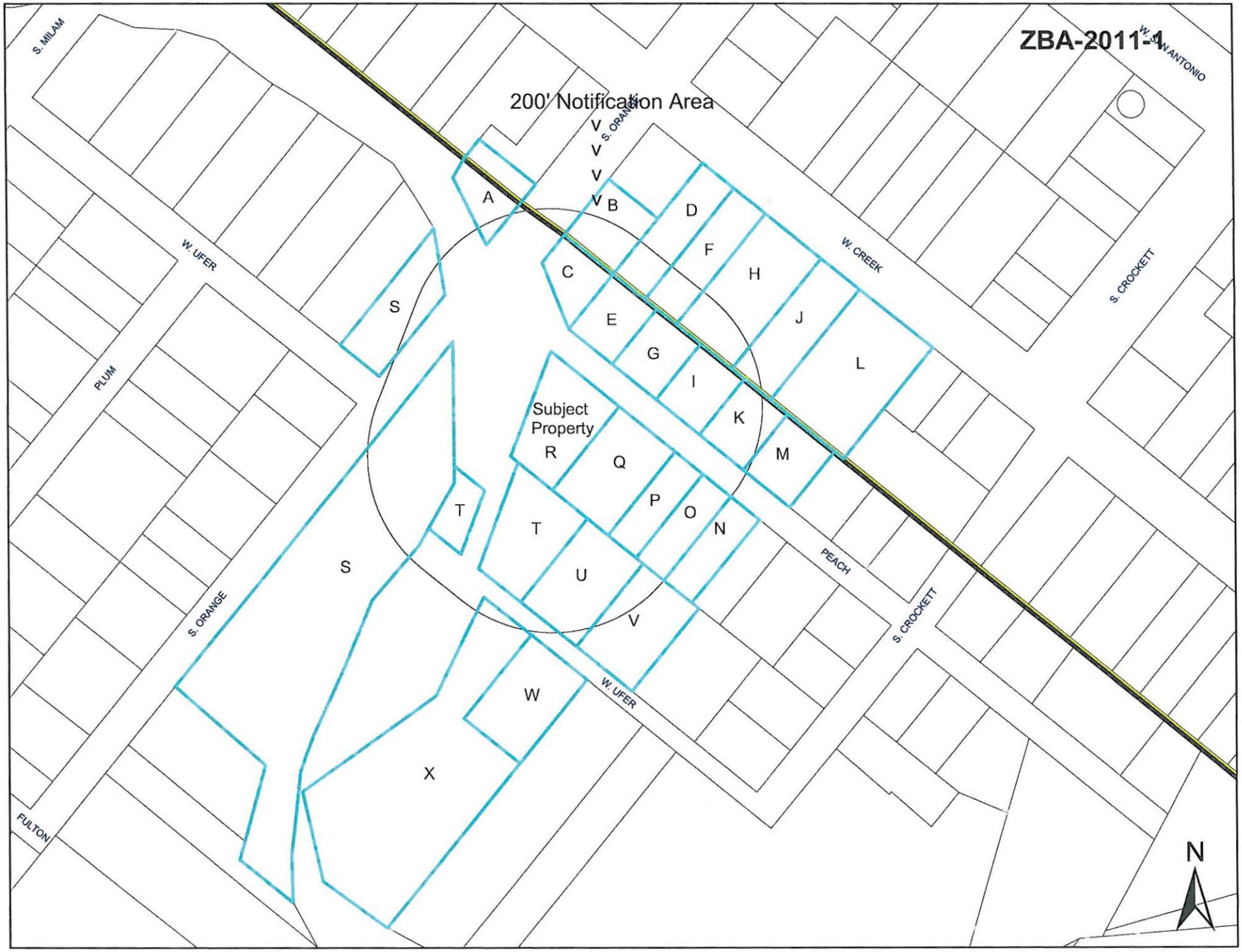
215 WEST PEACH ST
FREDERICKSBURG, TX

MUSTARD DESIGN
150 EAST MAIN ST., SUITE 201
FREDERICKSBURG, TEXAS 78624
830.997.7024
830.990.8425 FAX 05/27/11


BUSBY SITE PLAN
SCALE:
1" = 20' - 0"
N
S. ORANGE STREET
PEACH STREET
(30± WIDE)
FIRE HYDRANT
ELEC-TELE-TV
158.22'
3.9±'
PREVIOUS BUILDING
N21°45'05"E
1.3±'
S50°00'15"E
125.00'
LOT NO. III
(0.34± AC.)
N50°04'30"W 75.00'
LOT NO. 7
VOL. 13, PG. 177 D.R.
1.7±'
SHED ROOF INTRUDES 0.1±'
SHED
S40°10'25"W 150.18'
(BEARING BASIS)
1.1±'
LOT NO. IV
VOL. 13, PG. 177 D.R.


ZBA-2011-1
S. MILAM
W. UFER
PLUM
S. ORANGE
W. CREEK
S. CROCKETT
Subject Property
PEACH
W. UFER
S. CROCKETT
Zoning
C1
C2
CBD
M1
M2
M3
OS
PF
PUD
R1
R2
R3
R4
N

ZBA-20-11-1
W. CREEK
S CROCKETT
W UFER
S ORANGE
W. UFER
S ORANGE


ZBA-2011-4
200' Notification Area
S. MILAM
W. UFER
PLUM
S. ORANGE
FULTON
W. CREEK
S. CROCKETT
W. SAN ANTONIO
PEACH
Subject Property
A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
N

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A	Cheryl Colleen Ryan	
B	Vera L. Good	
C	Richard Allen Thompson	
D	Barbara T. Wilkinson	
E	Larry & Margaret Payne	
F	Thomas & Patricia K. Sigg	
G	Larry & Margaret Payne	
H	Stirling Greenlee	
I	Altha Fay Schmidt Carlson etal	
J	Sharon B. Mear	
K	Bernadette Pehl	
L	Peter & Sharon Mear	
M	Kay Grabener Perry	
N	Gaines Teague & Patricia Williams	
O	Kris Weaver	
P	Doris Faye Smith	
Q	Robert C. & Bobbie N. Marsh	
R	Bruce & Cindy Busby	
S	City of Fredericksburg	
T	Raymond Randall & Debora L. Allbritton	
U	R & C Penick, LP	
V	Gregory S. & Candace L. Morgan	
W	John B. & Jerianne Kolber Reeder	
X	Kurt F. & Elke J. Ditges	

2011-1

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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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: <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: Cynthia D. Bosley

Date: 5/27/11 Fee Paid: $50.00

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