AGENDA
CITY OF FREDERICKSBURG
BOARD OF ADJUSTMENT

Thursday, August 11, 2011

5:30 P.M.

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

		PAGE REF.
1.	Call to Order	
2.	Approve Minutes of the June 2011 Meeting	*Pp 1 - 3*

PUBLIC HEARINGS

3.	PUBLIC HEARING: (ZBA2011-2) by Fredericksburg TMAC, LLC at 518 E. Main Street to consider a variance to Section 29.7, Subsection 3c and d of the Sign Ordinance pertaining to maximum sign area and wall signs.	*Pp 4 - 24*
4.	Consider taking action on ZBA2011-2	
5.	PUBLIC HEARING: (ZBA 2011-3) by AutoZone Stores, Inc. at 1430 E. Main Street to consider a variance to Section 29.7, Subsection 3c, d, and e of the Sign Ordinance pertaining to maximum sign area, wall signs, and ground signs.	*Pp 25 - 41*
6.	Consider taking action on ZBA2011-3	

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
June 16, 2011
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
ROBERT DEMING
KAREN OESTREICH
KATHY SANFORD
BARBARA HEINE\N
JIM MCAFEE

ABSENT: STEVE THOMAS
BRYON SCHAETTER

ALSO PRESENT: BRIAN JORDAN - Director of Development Services
KYLE STAUDT – City Inspector
TAMMIE LOTH - Development Coordinator
PAT MC GOWAN-City Attorney

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

MINUTES

Barbara Heinen moved to approve the minutes of the May 13, 2010 regular meeting after one date correction was made. Karen Oestreich seconded the motion. All voted in favor and the motion carried.

Robert Deming moved to approve the minutes of the May 27, 2010 special meeting. Barbara Heinen seconded the motion. All voted in favor and the motion carried.

Mike Dooley opened Public Hearing ZBA 2011-1.

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. Bruce Busby, Eric Mustard and Larry Jackson presented the application. Eric Mustard noted the Busbys are asking for a consideration on the side street setback because it would give them a larger back yard and some separation from their neighbor and commented allowing the variance would not be a detriment to the neighborhood. Mr. Mustard stated they are asking that 3 corners extend over the setback and a total of 183 square feet would encroach. Mr. Mustard noted there was a generous right of way so the house would not be right next to the curb and also noted there are several houses that are built over the designated building setback lines in the neighborhood.

Mike Dooley asked how many letters were received back from the notices that were sent out to surrounding neighbors. Brian Jordan, Director of Development Services, stated City Staff received 12 letters, 9 in opposition of the request and 3 in favor of the request.

STAFF COMMENTS

Mr. Jordan summarized some of the existing conditions in the neighborhood and noted the lot is not a rectangular shaped lot, but the size is relatively large. Mr. Jordan also explained the provision in the zoning ordinance that allows an individual to calculate an average setback if more that 25% of the homes on the block are built over a required setback. Mr. Jordan noted the applicants have taken advantage of this provision regarding the front yard setback and the City has granted them permission to build 19 ½ feet from the curb, which is where the average is measured from, instead of the normal required 25 feet from the property line. Mr. Jordan stated the owners have not met the three criteria required to allow a variance and explained each stating:

- There is adequate space on the lot for a reasonable type structure to be built
- Although the property is odd shaped, there is still ample room to build and the applicant's desire for a larger yard does not meet the criteria required
- It is the opinion of City Staff that a home constructed seven feet from the property line would negatively impact the neighborhood.

Mr. Jordan noted Staff recommendation of denial due to the fact the circumstances are not unique and are being created by the owner to have a particular size structure and a particular size yard.

PUBLIC COMMENTS

Kurt Ditges at 215 W. Peach Street stated a house of the proportions presented is totally out of line and alien to the neighborhood and read a response letter to information the applicants presented in a letter to their neighbors as well as on their application.

Maggie Payne at 214 W. Peach Street stated a neighbor on Ufer Street constructed an addition to his house and asked to build two feet into the property line and the City denied his request.

Mr. Dooley stated the city has a very fine zoning ordinance and allows citizens to request a variance, and as members of the Board they are required to look at a set of objective criteria to determine if the applicant meets that criteria, but in this case the applicant does not meet any of the required criteria. Mr. Dooley also stated in the area of town of the subject property many of the homes were built before the City had a zoning ordinance, and so a variance cannot be granted because of something the neighbor may or may not have, which was quite possibly in place before there were any required building setbacks.

Karen Oestreich commented she has lived in Fredericksburg all her life and the rules are in place for a reason. Ms. Oestriech noted the setback requirements are reasonable and the home the applicants are wishing to build can fit inside the setbacks.

Larry Jackson stated the two houses adjacent to the property are the same size or larger than the house the Busbys are wanting to build, and one house is nine feet from the property line and the other one is eight feet from the property line. Mr. Jackson commented he knows those structures are grandfathered but the facts still remain. Mr. Jackson also noted the garage that was previously on the lot was the only obsturction with the line of site for the neighbors and that garage has been removed.

Mike Dooley closed Public Hearing ZBA2011-1.

Robert Deming moved to deny Application ZBA 2011-1. Karen Oestreich seconded the motion. All voted in favor with the exception of Jim McAfee who abstained from voting as an alternate member of the Board.

With nothing further to come before the Board, Karen Oestreich moved to adjourn the meeting and Barbara Heinen seconded the motion. All voted in favor and the meeting was adjourned at 5:58 p.m.

PASSED AND APPROVED this the 11th day of August, 2011.

SHELLEY BRITTON, CITY SECRETARY	MIKE DOOLEY, CHAIR

VARIANCE BRIEF
Request # 2011-2

APPLICANT: Shane Holder
K-Bobs Steakhouse

ZONING: C-2 Commercial

LOCATION: 518 East Main (The old Chili's Restaurant)

REQUEST: Variance to Section 20-7(Permanent Signs permitted by district), Subsection (3)c,(3)d and (3)e of the Sign Regulations pertaining to maximum sign area, wall signs and ground signs

FINDINGS:

- The existing building is approximately 53ft. in length.
- The subject building sits back from the street approximately 18ft.
- The subject property has approximately 132 ft. of street frontage.
- Per the Sign Regulations, the site would qualify for the maximum of 80 square feet of signage.
- The applicant is proposing twenty (20) sq. ft. of ground sign and 151.28 sq. ft. of wall signage, for a total of 171.28 sq. ft.

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 west 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 518 East Main 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, compliance with the Ordinance is feasible. A reduction in the size of certain signs would allow all the sign types to be utilized.**

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 west, front entrance measured at 40 sq. ft., the wall sign on the south wall of the building, measured at 17.77 sq. ft. and the monument/ground sign, measured at 20 sq. ft. are all in compliance with the Sign Ordinance.

The Variance Request involves the use of band signage along the west, front entrance and along the south wall. Including this signage places the sum total of all signage over the allotted eighty (80) sq. ft. The total band signage, by itself is measured at 93.51 sq. ft., which when added to the other signage gives a total of 171.28 sq.ft of requested signage.

A request was also put forth to allow the orange flames included in the internally illuminated signage, to flicker. **Per Section 29-6 Prohibited Signs, (3) Signs which move or contain visible moving parts**, the orange flames will not be allowed to flicker. The internally illuminated signs are regulated with two boxes, one for the main sign and the other for the flames. The sign can be used without the illumination of the flames.

The contractor is willing to reduce the banding to the remaining allotted square footage to make the eighty (80) sq. ft., if the variance decision is negative.

In our opinion, the proposal for additional signage does not meet the criteria for granting a variance. Circumstances relating to this property are not unique and the additional signage is being mandated by the business brand.

$50.00 application fee

APPEAL NO. 2011 - 2
DATE _____

VARIANCE REQUEST APPLICATION TO BOARD OF ADJUSTMENT

1. APPLICANT: FREDERICKSBURG TM.AC, LLC dba R-BOB'S STEAKHOUSE

2. ADDRESS: 518 E. MAIN street, FREDERICKSBURG, TX 78624

   PHONE: _____ FAX: _____

3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

   ADDRESS: 518 E. MAIN ST., FREDERICKSBURG, TX 78624

   LEGAL DESCRIPTION: SEE ATTACHMENT

   LOT SIZE: _____ ZONING DISTRICT: C-2

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

   SECTION: 29.7 PAGE: SIGN 29:11

   SUBSECTION: 3c

   ITEM: Maximum Sign Area

   RELATING TO: C-2 Zoning district

   REQUIRING: additional signage + decor signs to be placed on the building itself

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
JUL 22 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: To Put SIGNAGE ON THE BUIDING AT 518 E. MAIN St.

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 enough Signage to be placed or erected On Site to make the general public aware of what is here

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 building + signage areas does not allow the establishment to be seen especially traveling West on Hwy 209

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 request will not impair nor hamper the adjacent properties.

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.

We are not replacing any signs. We are installing new signs.

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.

no

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.

It is impractical to abide as the building sits on the property in such a fashion that the general public driving by does not notice the building until they have passed the entrance.

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.

This requires no altering of a historic site or the alteration of exciting structure

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.

We are asking for an addition to the requirements to add public awareness of the building

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: Ed [illegible], Managing Member

Date: 7/20/11 Fee Paid:

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

EXHIBIT A

LEGAL DESCRIPTION

1.008 ACRE (43,909 SQUARE FEET) TRACT OF LAND SITUATED IN THE CITY OF FREDRICKSBURG, GILLESPIE COUNTY, TEXAS, BEING ALL OF TOWNLOT 198, PART OF TOWNLOT 197 AND PARTS OF TWO UNNUMBERED TOWNLOTS LYING NORTHEAST OF SAID TOWNLOTS 197 AND 198, AS SHOWN ON THE MAP OF FREDRICKSBURG, TEXAS AND BY THE GERMAN EMIGRATION COMPANY AND BEING THAT 0.9863 OF AN ACRE TRACT OF LAND DESCRIBED IN CONVEYANCE TO GOLDEN CORRAL CORPORATION BY JOE LAPINSKI, ET UX. AS RECORDED IN VOLUME 165, PAGES 29-31 OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN A CLOCKWISE MANNER AS FOLLOWS:

BEGINNING at a found 1/2" rebar with cap stamped 4447 in the northwest right of way line of North Lee Street (not built), (also called Townlot 604) and the northeast right of way line of East Main Street, for the South corner of Townlot 198, and of this tract;

THENCE N 50° 26' 55" W, 129.87 feet (130.00 record) with the northeast right of way line of East Main Street, to a found 1/2" rebar with cap stamped 4447 and passing the south corner of said Townlot 197, for the southwest corner of this tract;

THENCE N 40° 02' 00" E, 200.70 feet leaving the northeast right of way line of East Main Street, to a found 1/2" rebar along the southeast portion of said Townlot 197;

THENCE N 39° 29' 00" E, 141.00 feet to a point in the centerline of of Town Creek for the north corner of this tract from whence a found 1/2" rebar with cap stamped MBC ENG for reference bears S 38° 48' 26" W, 10.05 feet, 10.05 feet;

THENCE down the meanders of the centerline of Town Creek, being the northeast line of this tract as follows:

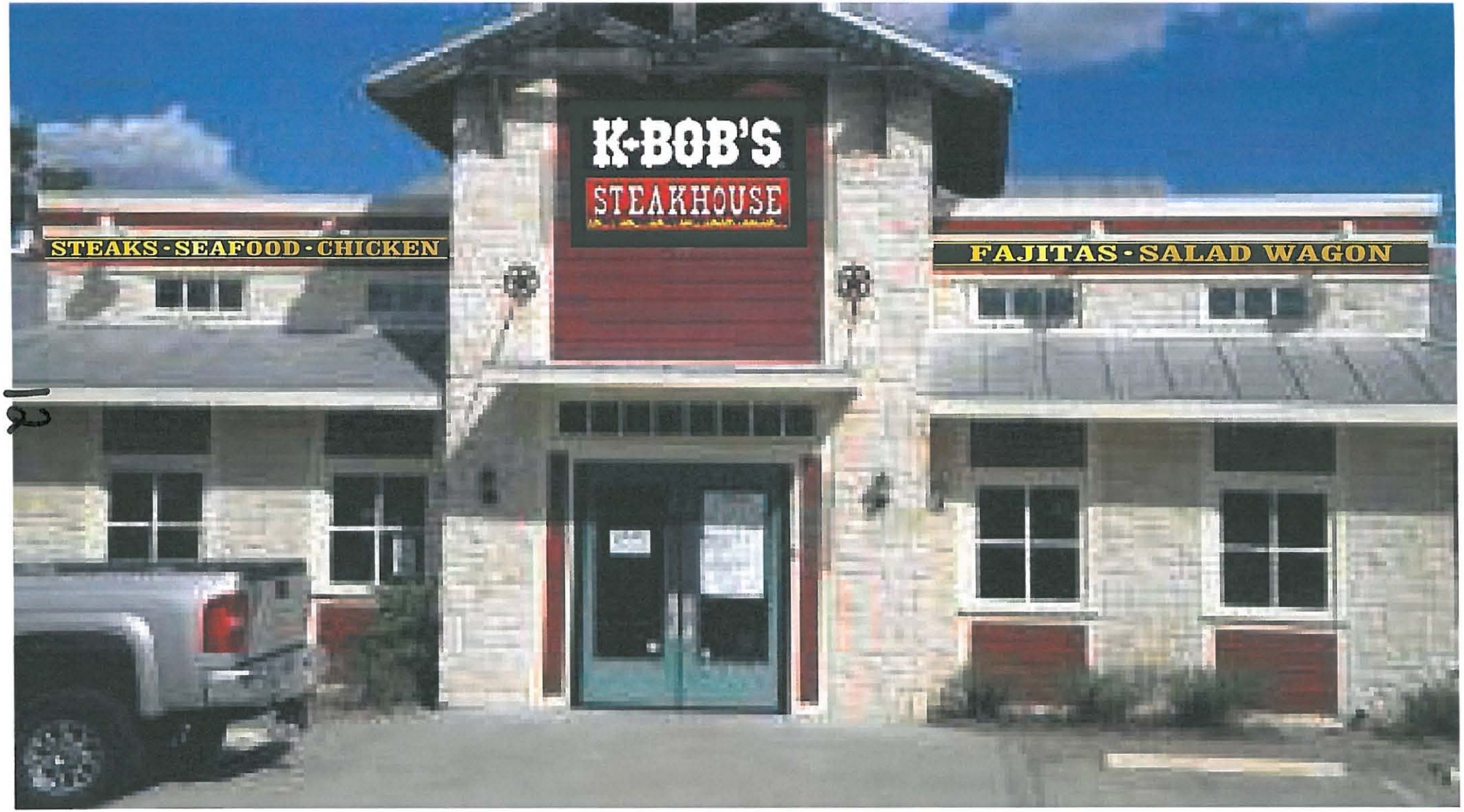
S 42° 30' 00" E, 44.20 feet to a point:

S 47 ° 27' 00" E, 31.20 feet to a point;

S 60° 28' 32" E, 55.96 feet (S 60° 29' 00" E, 55.90 feet record) to a point in the northwest right of way line of North Lee Street (not built) for the northeast corner of this tract from whence a 5/8" rebar with cap stamped TX 4707 AZ 25085 beats S39°29' 00" W, 10.13';

THENCE S 39° 29' 00" W, 143.70 feet to a found 1/2" rebar with cap stamped MBC ENG along the southeast line of said Townlot 198;

THENCE S 40° 05' 06" W, 200.00 feet (S 40° 01' 45" W record) to the True Point of Beginning of this 1.008 acre tract.

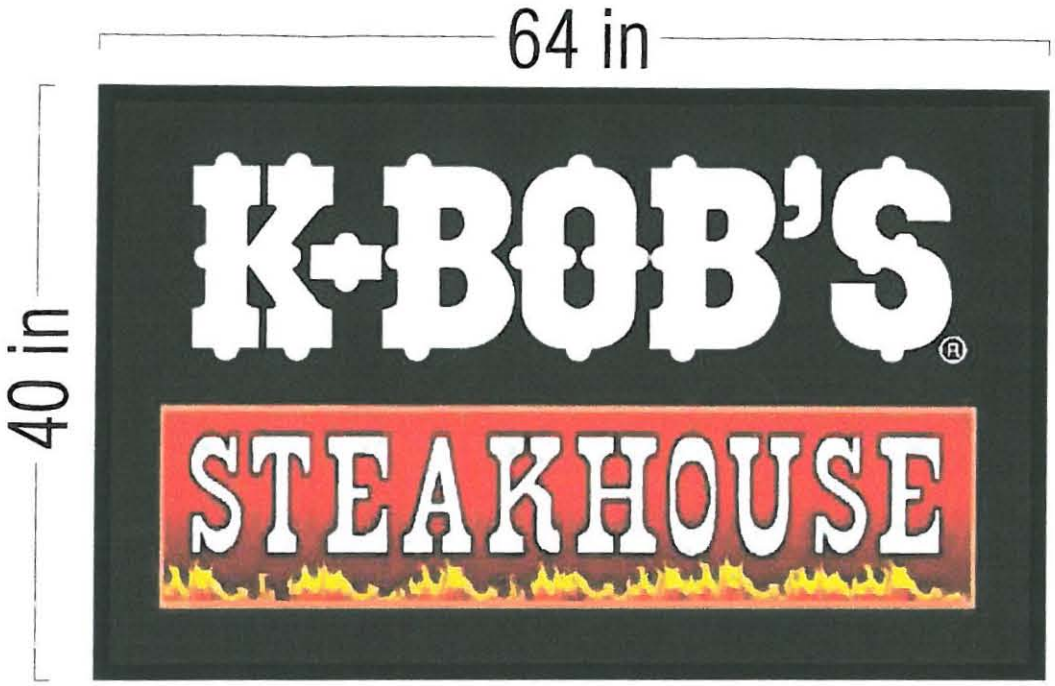


2223

40 sf.
8x5

2560

17.77

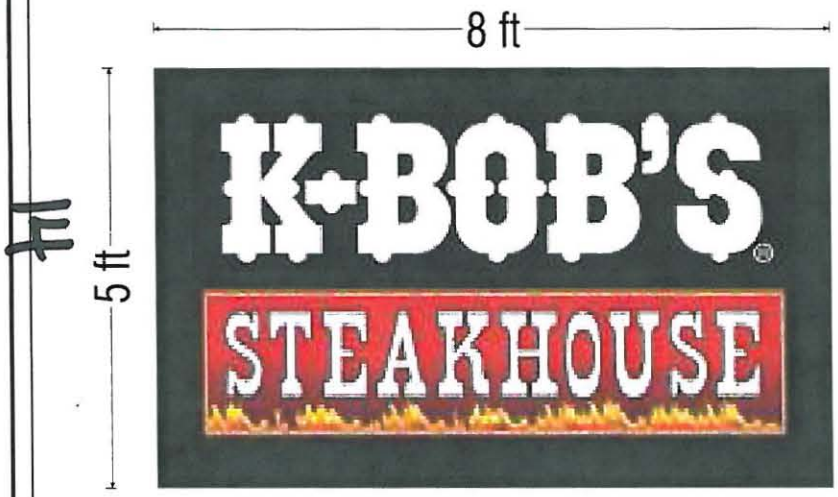


BLDG. SIGN

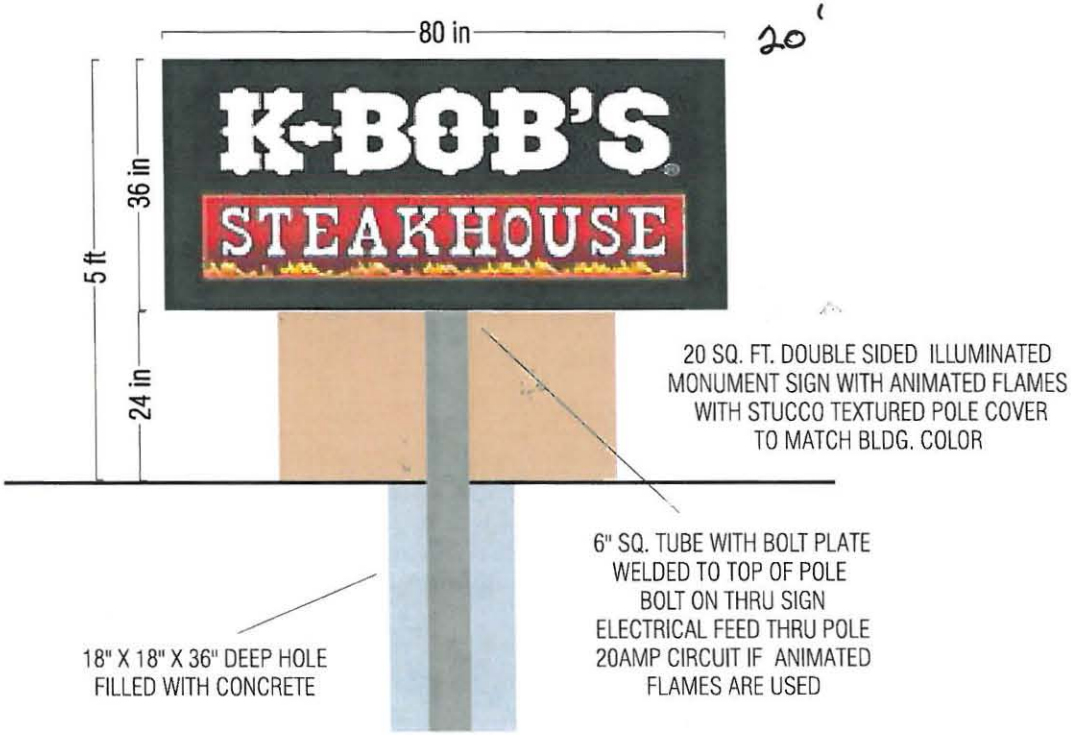
2221

13

1/2" THICK CLEAR ACRYLIC WITH ROUTED COPY EDGE LIT WITH GREEN LEDS
SINGLE FACE



SINGLE FACE ILLUMINATED
WALL SIGN WITH ANIMATED LED FLAMES
15 AMP CICUIT IF ANIMATED FLAMES ARE USED



SIGNAGE FOR FREDERICKSBURG,TX

Richard Mordecki

RAM Studios Signs
Established 1990

1111 San Juan Blvd. Farmington,NM 87401
e-mail-richard@ramsigns.com
505-326-5801

Accepted by:

Signature

Print Name

93.51'

200 in

8.75 in

STEAKS · SEAFOOD · CHICKEN · FAJITAS · SALAD WAGON

12.15

195 in

10 in

STEAKS · SEAFOOD · CHICKEN · FAJITAS · SALAD WAGON

13.54

29.13

381.37 in

11 in

STEAKS · SEAFOOD · CHICKEN · FAJITAS · SALAD WAGON

11.31

181 in

9 in

STEAKS · SEAFOOD · CHICKEN

11.93

180.88 in

9.5 in

FAJITAS · SALAD WAGON

15.45

212 in

10.5 in

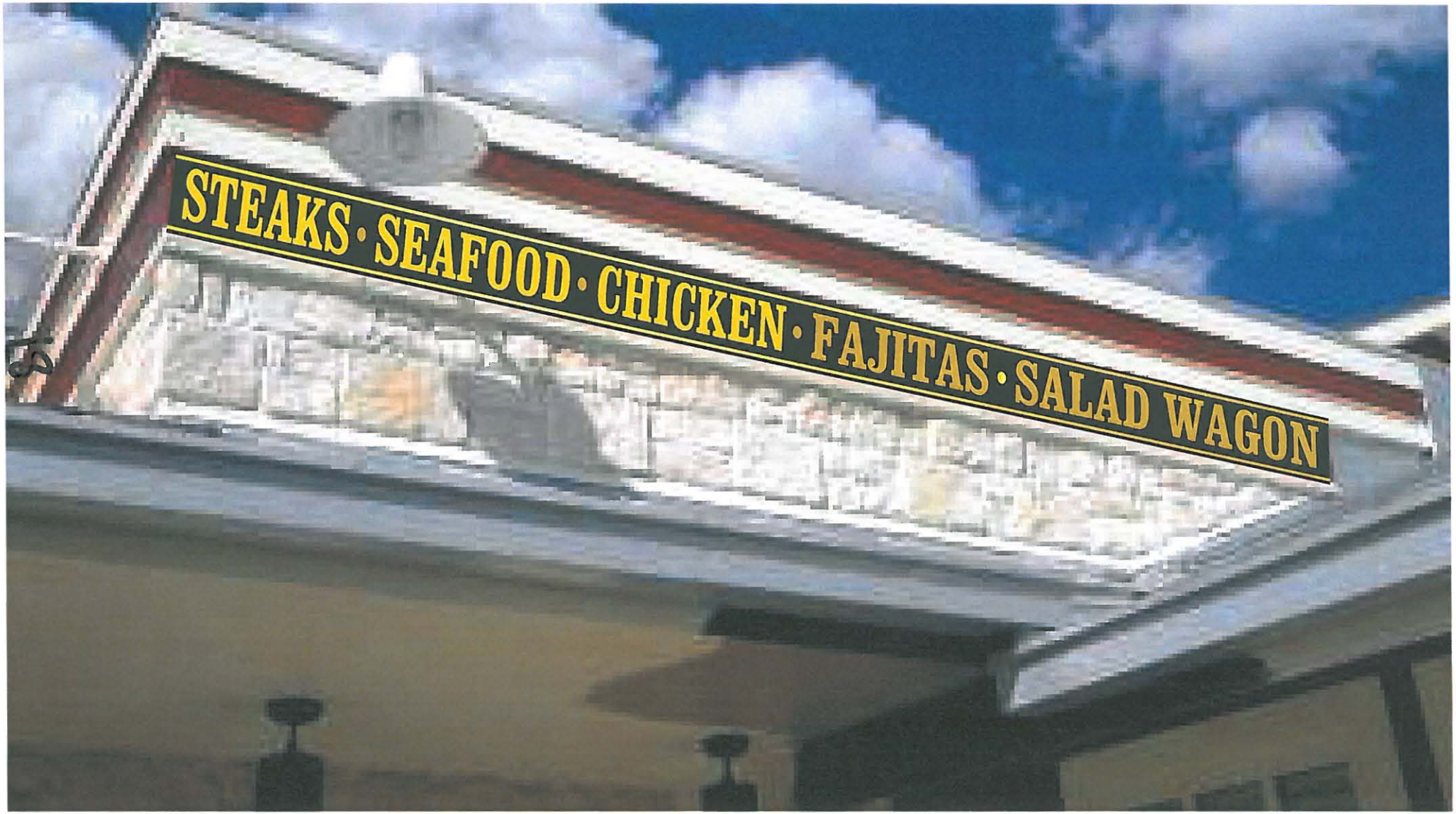
STEAKS · SEAFOOD · CHICKEN · FAJITAS · SALAD WAGON

161 in

BANDED SIGNS

2220

2217

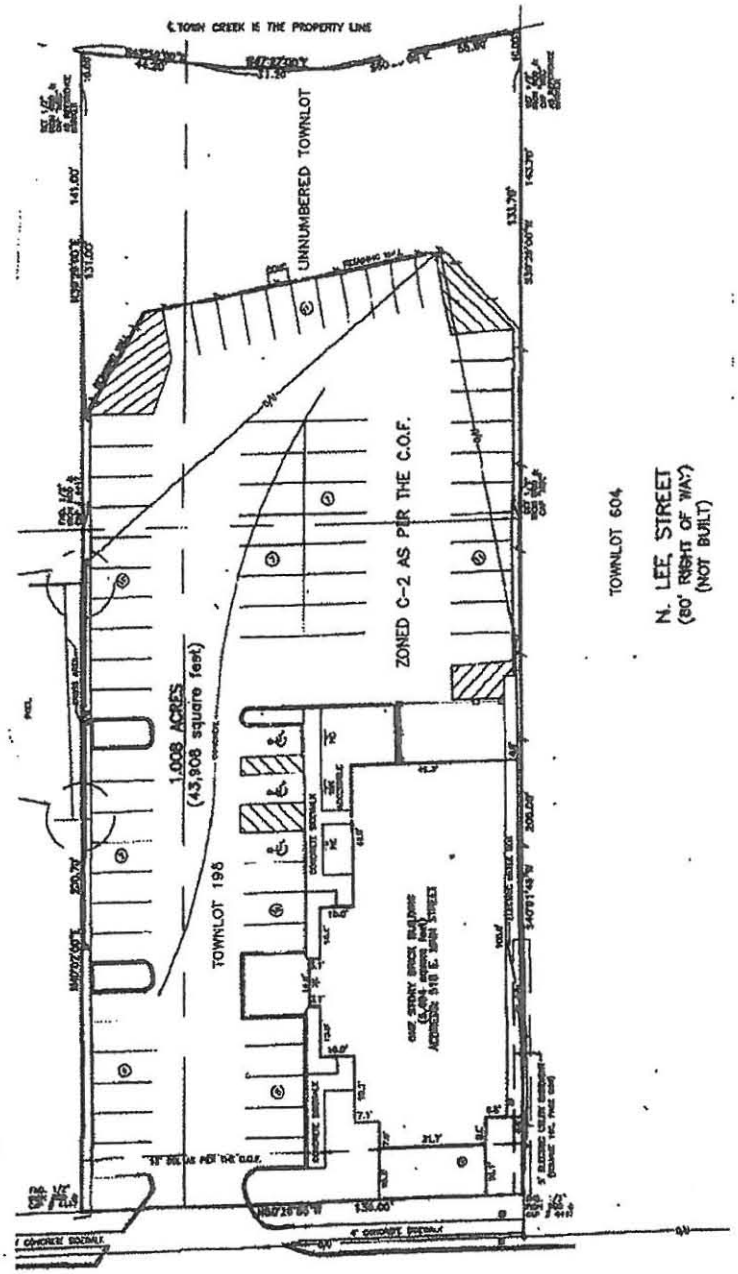


2219

SRS
Real Estate Partners

Exhibit A-1

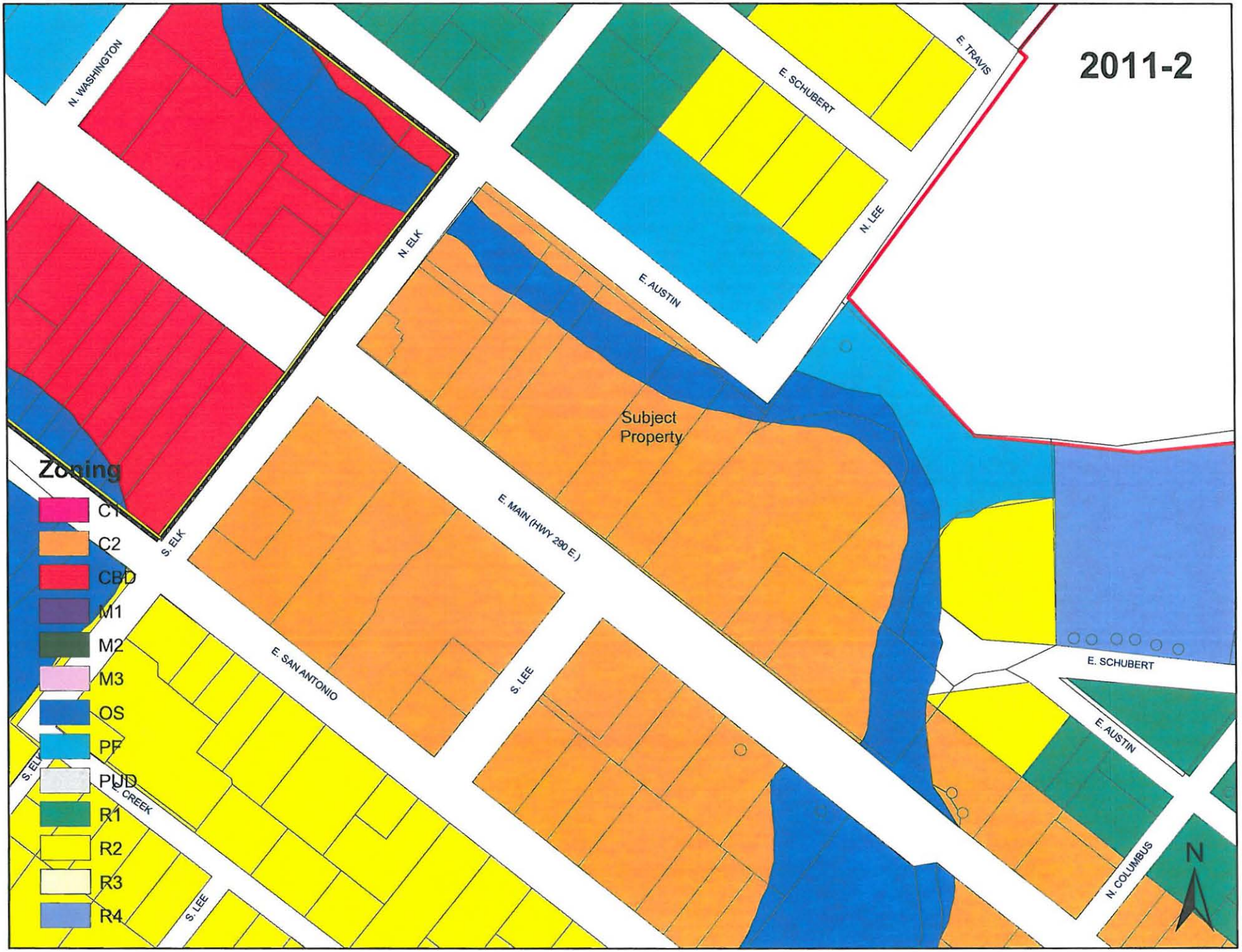
Site Plan



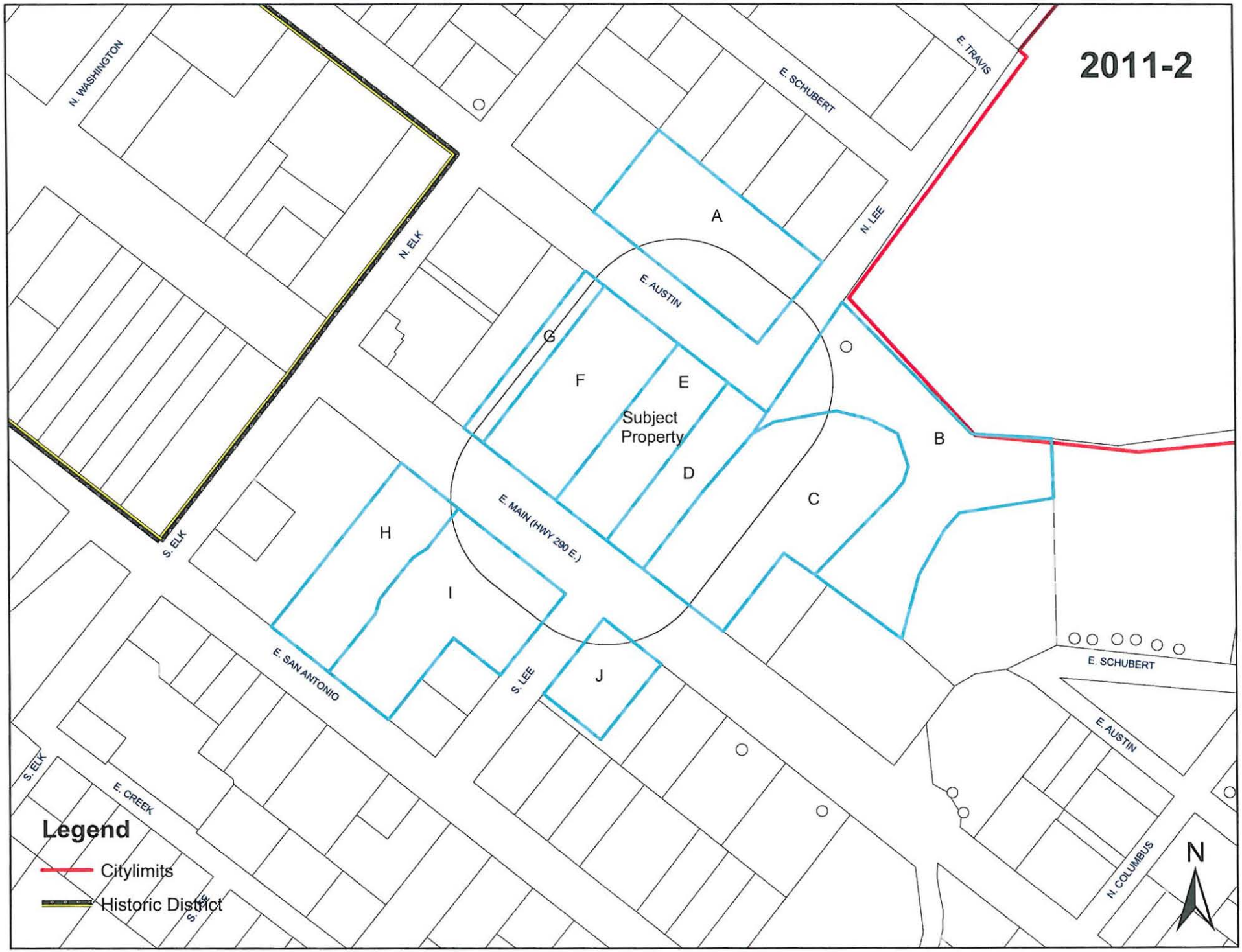
8343 Douglas Avenue, Suite 200
Dallas, Texas 75225
214.560.3200 Fax 214.560.6900

www.srsre.com

11/19/10


2011-2
N. WASHINGTON
E. TRAVIS
E. SCHUBERT
N. LEE
N. ELK
E. AUSTIN
Subject Property
E. MAIN (HWY 290 E.)
S. ELK
E. SAN ANTONIO
S. LEE
E. SCHUBERT
E. AUSTIN
N. COLUMBUS
S. ELK
E. CREEK
S. LEE
N
Zoning
C1
C2
CBD
M1
M2
M3
OS
PF
PUD
R1
R2
R3
R4


2011-2
N
E. AUSTIN
E. MAIN (HWY 280 E.)
S LEE
N ELK


2011-2
N. WASHINGTON
N. ELK
S. ELK
E. SCHUBERT
E. TRAVIS
N. LEE
E. AUSTIN
E. MAIN (HWY 290 E.)
E. SAN ANTONIO
S. LEE
E. CREEK
N. COLUMBUS
A
B
C
D
E
F
G
H
I
J
Subject Property
Legend
Citylimits
Historic District
N

A	Texas Historical Commission	
B	Admiral Nimitz Foundation	
C	Mahesh G. Patel etal	
D	Colored Methodist Episcopal Church	
E	Cole CH Fredericksburg TX, LLC (Brinker Int'l)	
F	Daniel J. Michalak	
G	Mamacita's	
H	Kenneth K. Kothe	
I	Kenneth K. & Joann Kothe	
J	Cathy L. Tatsch	

23

2011-2

City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST

HEARING DATE: August 11, 2011 **TIME: 5:30 P.M.** **APPEAL NO. 2011-2**

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 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: **Fredericksburg TMAC, LLC dba K-Bob's Steakhouse**

ADDRESS OF THE SUBJECT PROPERTY: **518 E. Main Street**

EXPLANATION OF REQUEST: **Variance to section 29-7 (Permanent signs permitted by district), Subsection 3c of the Sign Regulations pertaining to maximum sign area.**

(detach here)

Appeal No. 2011-2
As an interested property owner, I (PROTEST) (APPROVE) the requested variance represented by the above appeal number because:

_____

_____

_____

Signed _____ Address _____

VARIANCE BRIEF
Request # 2011-3

APPLICANT: Brian Siddall
Auto Zone Store

ZONING: C-2 Commercial

LOCATION: 1430 East Main (The current Sear's Building)

REQUEST: Variance to Section 20-7(Permanent Signs permitted by district), Subsection (3)c,(3)d and (3)e of the Sign Regulations pertaining to maximum sign area, wall signs and ground signs

FINDINGS:

- The existing building is approximately 125ft. in length.
- The subject building sits back from the street approximately 75ft.(measured in the center of the building)
- The subject property has approximately 220ft. of street frontage.
- Per the Sign Regulations, the site would qualify for the maximum of 80 square feet of signage.
- The applicant is proposing a total of 294 sq. ft. of signage, including 244 sq. ft. of wall signs and a 20 ft. tall pylon sign of 50 sq. ft.
- The elevation of the building is lower than the elevation of the roadway by approximately 3 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 site elevation does place the building below the elevation of the adjacent roadway, the Ordinance allows the applicant to take advantage of the average ground elevation. In other words, they would be allowed to add 3 feet, in height to their ground sign, so that the sign is placed relative to the roadway elevation and not the lower building elevation.**

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 1430 East Main 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. **We do not believe that the amount of signage proposed (3 ½ times the amount allowed) is reasonable, nor necessary to identify the proposed use.**

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

STAFF RECOMMENDATION: Disapproval

The wall signs to be placed on the front wall facing south and the east and west wall are not in compliance with the Sign Ordinance. Each worded wall sign measures 67 sq. ft. The request is for three of these signs.

Section 29-7 (7) c, The maximum sign area of the combination of residential, wall and ground signs of this subsection for a property in this district shall not exceed 80 square feet for each 125 feet of business frontage, provided that such shall not be prorated based on the number of actual feet of business frontage, nor shall such allowable square footage be combined into one sign except for integrated signage. For example, a business must have 250 feet of business frontage in order to erect a second sign or signs containing no more than 80 square feet. **(This site does not qualify based on the property frontage.)**

The ground sign requested is a pylon sign, measuring 50 sq. ft. worded sign placed on a 20 ft. pole.

Sign Ordinance, Section 29-3: Height of Sign, by definition means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher and the average established ground level beneath the sign, unless curb elevation is higher than the ground level, in which case, the height shall be measured from the curb.

Due to the highway curvature and elevation at this site, the Engineering Department measured and found a three (3) foot difference from curb level to ground level. **Therefore, they could establish the height of the ground sign from the adjoining curb elevation**

Section 29-7, 3(3), the height of a sign, including the sign structure, shall not exceed five feet above the adjacent ground and the lowest point of the sign face shall not exceed two feet above the ground.

This would allow an additional three (3) feet added to the Ordinance regulation of five (5) feet to being the ground sign in compliance and give maximum sign visibility.

The combination of the three worded signs exceeds the 80 sq. ft. as permitted by the Sign Ordinance.

While the building elevation is lower than the adjacent roadway and the building is not parallel to the street, we do not believe it is necessary to have 3 ½ times the allowable signage to identify the building and business. The Ordinance allows the ground sign to be measured from the elevation of the adjoining street.

In our opinion, the proposal for additional signage does not meet the criteria for granting a variance. Circumstances relating to this property are not unique and the additional signage is being mandated by the business brand.

$50.00 application fee

APPEAL NO. 2011-3
DATE_____

VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT

1. APPLICANT: AUTO ZONE STORES INC. (BRIAN SIDDALL)

2. ADDRESS: 123 SOUTH FRONT ST 3rd FLOOR

PHONE: (901) 495-7996 ~~FAX~~ email: brian.siddall@autozone.com

3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

ADDRESS: 1430 E. MAIN STREET; FREDERICKSBURG, TX

LEGAL DESCRIPTION: TAX ID # 27043

LOT SIZE: 1.0005 ACRES ZONING DISTRICT: C-2

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

SECTION: 29-7 PAGE: 12

SUBSECTION: c, d, e

ITEM: MAXIMUM SIGN AREA; WALL SIGNS; GROUND SIGNS

RELATING TO: SIGNAGE ALLOWANCES

REQUIRING: VARIANCE REQUEST: FRONT WALL SIGN - 110 square feet
LEFT & RIGHT WALL SIGNS: 67 square feet each
Pylon Sign: 50 square feet @ 20' overall height.

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
JUL 22 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: A variance to allow more signage on an existing building due to the building's unique location. Also, so that our future store can be readily visible from all roadways.

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.

Due to the way the building sits on the property, one small sign on the façade of the building, does not allow for ample recognition.

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 building is existing & was turned in a way that is not suitable for sign recognition on the front wall only.

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 variance will harm no part of the neighboring properties in any way. The variance is only going to improve visibility of our future store.

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.

N/A

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.

N/A

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

N/A

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

N/A

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.

Sign is being replaced because of new ownership & new retail use.

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.

N/A

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.

It is impractical because visibility is crucial in retail sales. Being able to see a retail store (by means of ample signage) while driving, is an important safety issue. It reduces accidents caused by sudden stops that were caused by motorists not being able to identify the retail business.

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.

I am proposing signs that are practical & proportionate in size compared to our building. They are not too large & they "fit" the building

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

N/A

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

I consider my request Feasible

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

Signature of Owner: [signature] For AutoZone Store Development

Date: 7/21/11 Fee Paid: $50.00

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

123 South Front Street Memphis, TN 38103 (901)495-7996 FAX (901) 495-8300

Date: 7/21/11

AutoZone Store # 4264
1430 E. Main Street
Fredericksburg, TX

Hello Tammie!

Please find included in this envelope, my variance package for a request for additional signage at our new store project in Fredericksburg. Per our email conversation today. I am sending this package now and I will get a check in the mail tomorrow to be delivered Monday for the $50.00 fee.

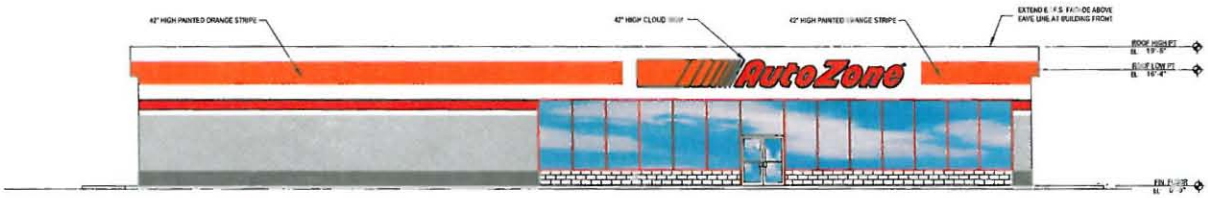
Just so that the application doesn't clearly point out the variance I am requesting, I have listed the items here:

Front Wall Sign: 42" AutoZone w/ Stripes (110 square feet)
Left & Right Wall Signs: 42" AutoZone words only (67 square feet each)
Pylon Sign: 3x13x20' pylon sign (50 square feet)

Please let me know if you have any questions and I will be happy to oblige.

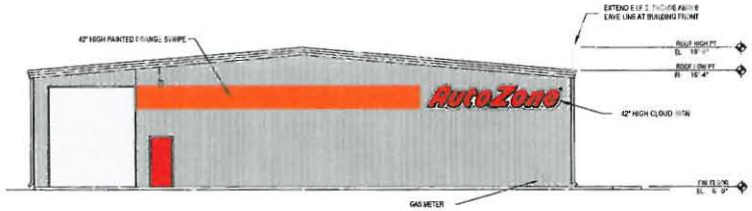
Have a great weekend!

Brian Siddall
Sign Manager
Autozone, Inc.
123 South Front Street
Memphis, TN 38103
(901) 495-7996
brian.siddall@yahoo.com



1 SOUTHWEST ELEVATION

2 SOUTHEAST ELEVATION



3 NORTHEAST ELEVATION

AutoZone

42" LEFT STRIPES
110 S.F.

AutoZone

42" NO STRIPES
67 S.F.

SIGN DETAILS - NOT TO SCALE

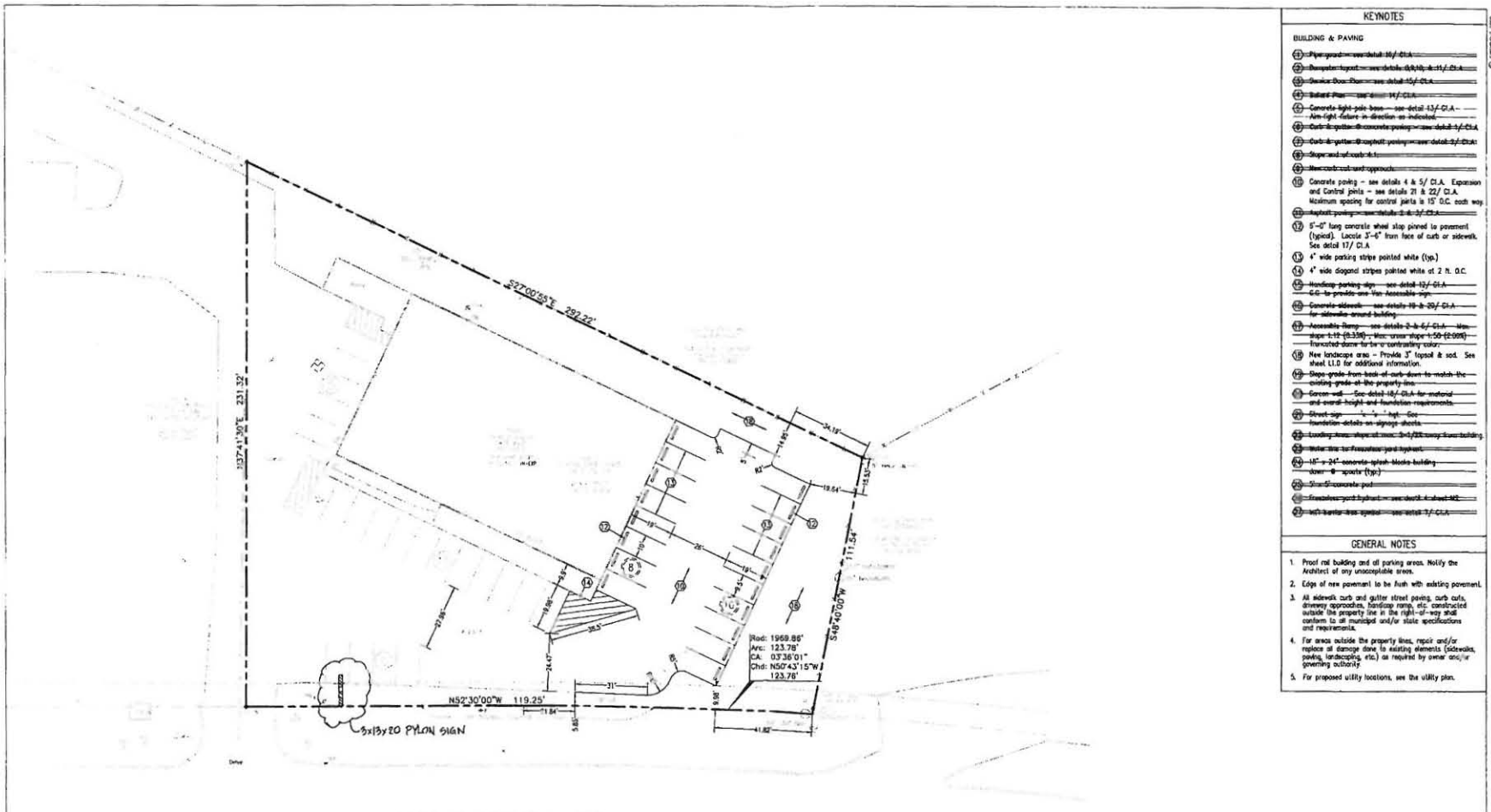
Color Elevation
AutoZone Store #4264
Fredericksburg, TX

AutoZone

JULY 21, 2011

33

34



KEYNOTES

BUILDING & PAVING

1. ~~Pipe grate — see detail 16/ C1.A~~
2. ~~Dumpster layout — see details 8,9,10, & 11/ C1.A~~
3. ~~Service Door Plan — see detail 15/ C1.A~~
4. ~~Bollard Plan — see detail 14/ C1.A~~
5. ~~Concrete light pole base — see detail 13/ C1.A — Aim light fixture in direction as indicated.~~
6. ~~Curb & gutter @ concrete paving — see det.2 1/ C1.A~~
7. ~~Curb & gutter @ asphalt paving — see detail 3/ C1.A~~
8. ~~Slope end of curb 4:1~~
9. ~~New curb cut and approach~~
10. Concrete paving – see details 4 & 5/ C1.A. Expansion and Control joints – see details 21 & 22/ C1.A. Maximum spacing for control joints is 15' O.C. each way.
11. ~~Asphalt paving — see details 2 & 3/ C1.A~~
12. 5'-0" long concrete wheel stop pinned to pavement (typical). Locate 3'-6" from face of curb or sidewalk. See detail 17/ C1.A
13. 4" wide parking stripe painted white (typ.)
14. 4" wide diagonal stripes painted white at 2 ft. O.C.
15. ~~Handicap parking sign — see detail 12/ C1.A C.G. to provide one Van Accessible sign.~~
16. ~~Concrete sidewalk — see details 18 & 20/ C1.A for sidewalks around building.~~
17. ~~Accessible Ramp — see details 2 & 6/ C1.A. Max. slope 1:12 (8.33%) Max. cross slope 1:50 (2.00%) Truncated dome to be a contrasting color.~~
18. New landscape area – Provide 3" topsoil & sod. See sheet L1.0 for additional information.
19. ~~Slope grade from back-of-curb down to match the existing grade at the property line.~~
20. ~~Screen wall — See detail 18/ C1.A for material and overall height and foundation requirements.~~
21. ~~Street sign — 'x' 'x' ' hgt. See foundation details on signage sheets.~~
22. ~~Loading Area: Slope at max. 2:1/2% away from building.~~
23. ~~Water line to Freestanding yard hydrant.~~
24. ~~18" x 24" concrete splash blocks building down @ spouts (typ.)~~
25. ~~5' x 5' concrete pad~~
26. ~~Freestanding yard hydrant — see detail 4, sheet M2~~
27. ~~Inf. barrier free symbol — see detail 7/ C1.A~~

GENERAL NOTES

1. Proof roll building and all parking areas. Notify the Architect of any unacceptable areas.
2. Edge of new pavement to be flush with existing pavement.
3. All sidewalk curb and gutter street paving, curb cuts, driveway approaches, handicap ramp, etc. constructed outside the property line in the right-of-way shall conform to all municipal and/or state specifications and requirements.
4. For areas outside the property lines, repair and/or replace at damage done to existing elements (sidewalks, paving, landscaping, etc.) as required by owner and/or governing authority.
5. For proposed utility locations, see the utility plan.

AutoZone
BLDG AREA = 5,114 sq.ft.
PARKING SPACES = 12 new (38 total)
FINISH FLOOR ELEV = 6'-0"

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

OWNER
AutoZone, Inc.
123 S. FRONT STREET, 3rd FLOOR
MEMPHIS, TENNESSEE 38103

PREPARED FOR: AutoZone STORE DEVELOPMENT
Store No.: 4264
1430 East Main Street
Fredericksburg Tx 78624

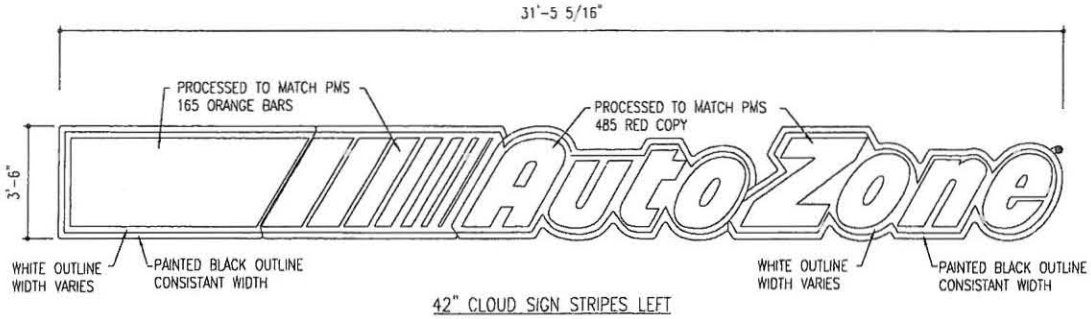
SITE PLAN

SCALE: 1" = 20'-0"

REVISIONS
1.
2.
3.
4.
5.
6.
7.

ARCHITECT:
DRAFTSMAN: OR
CHECKED BY: JM
DATE 07-01-2011
PROJECT TYPE BASE
TN-EXP

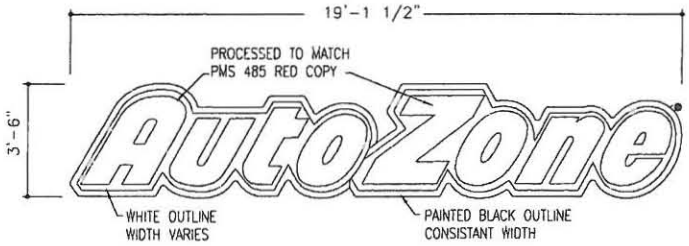
C1.0



42" CLOUD SIGN STRIPES LEFT

103.29 S.F.

110 sq. ft



42" CLOUD SIGN NO STRIPES

60.22 S.F.

67 sq. ft.

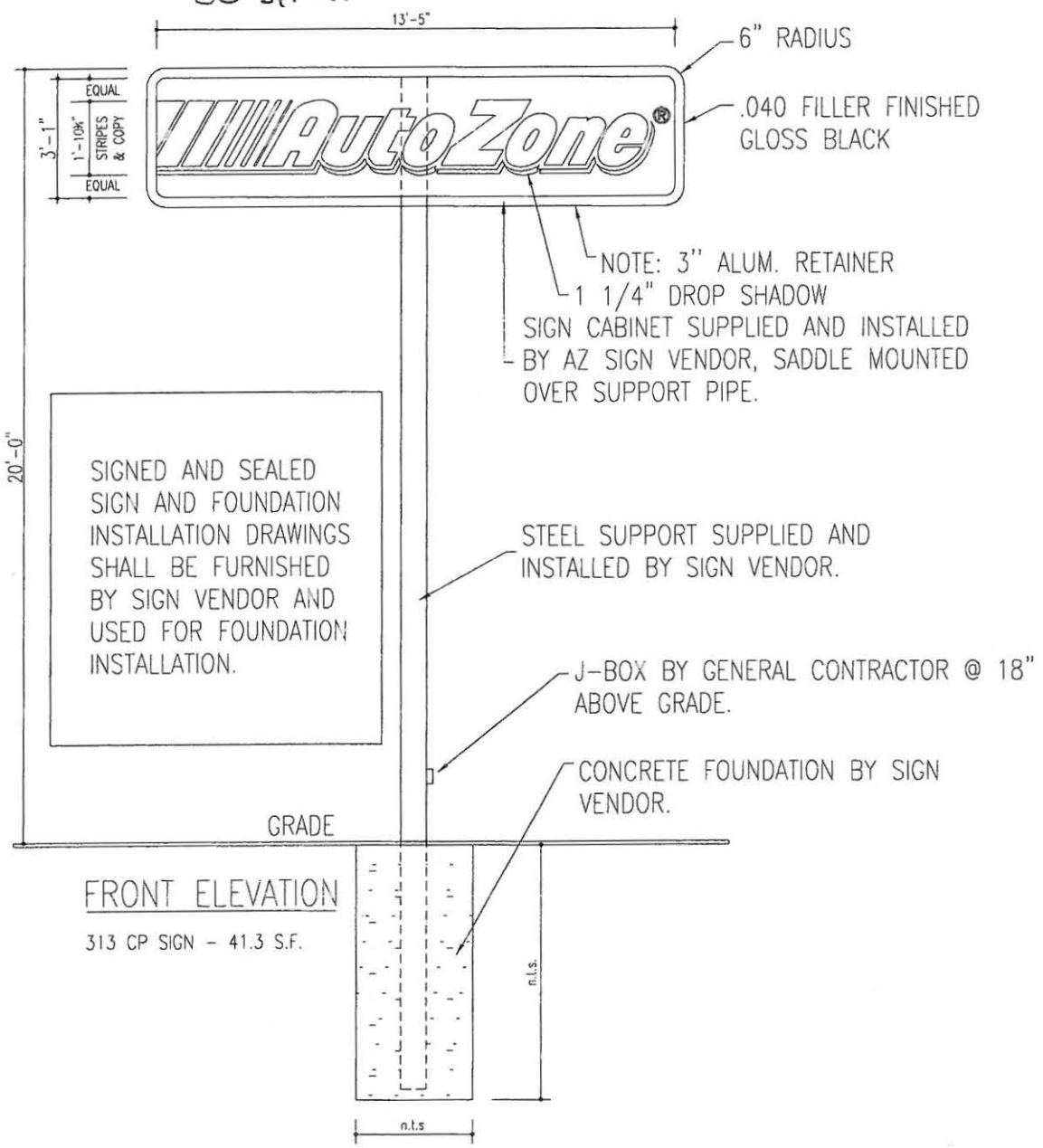
GENERAL SPECIFICATIONS:
CLOUD SIGN

COLORS:
CLOUD BACKS----WHITE
FACE OUTLINE----PAINTED BLACK
AUTOZONE-------PROCESSED TO MATCH PMS 485 RED
STRIPES--------PROCESSED TO MATCH PMS 165 ORANGE
COPY BACKGROUND-WHITE
"R"----------MATCH PMS 485 RED

UNDERWRITERS LABORATORIES INC. ELECTRIC SIGN

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING

50 sq. ft.



FRONT ELEVATION

313 CP SIGN - 41.3 S.F.

REVISIONS

1	
2	
3	
4	
5	
6	

AutoZone Store No. 4264
1430 EAST MAIN STREET
FREDERICKSBURG TX 78624

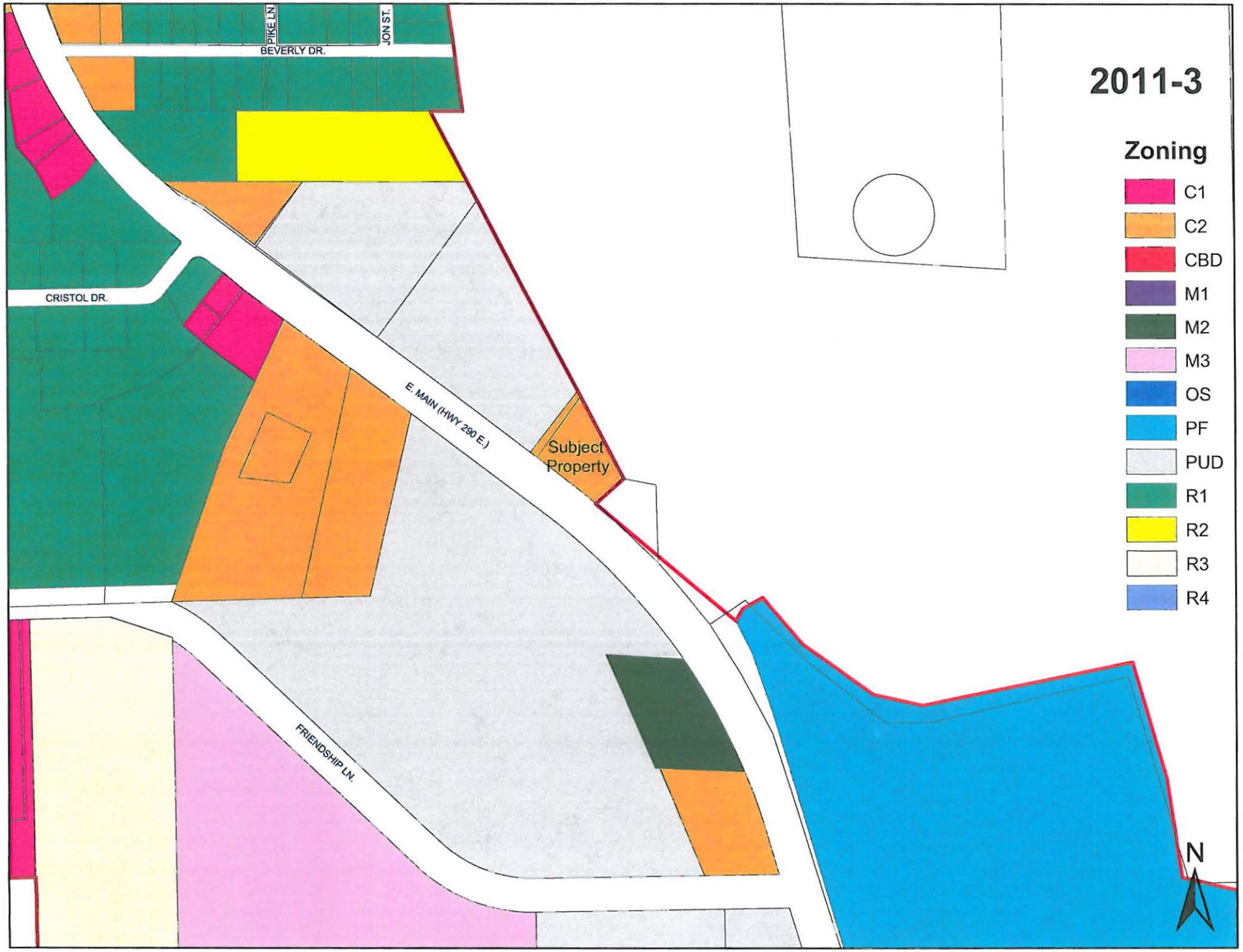
PROJECT SIGNAGE SHEET

Architect: PHIL PECORD
123 South Front Street
Memphis, Tennessee 38103
TEL:901-495-8706 FAX: (901) 495-8969
For Bidding & Contractor Information Contact:
F. W. Dodge Plan Room Tel. 615-884-1017

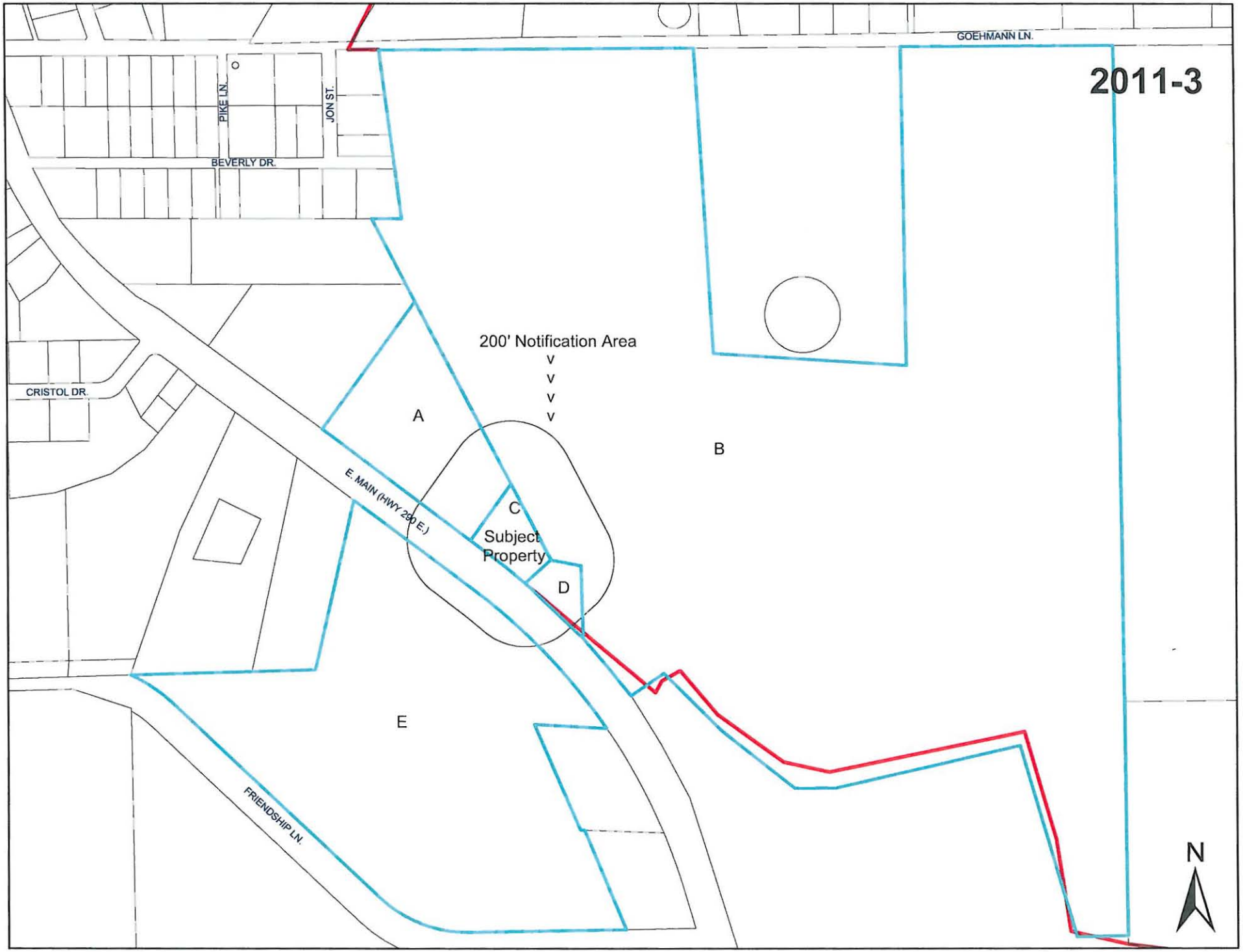
07/20/11

65W2-REMODEL

SN-1


2011-3
Zoning
C1
C2
CBD
M1
M2
M3
OS
PF
PUD
R1
R2
R3
R4
BEVERLY DR.
PIKE LN.
JON ST.
CRISTOL DR.
E. MAIN (HWY 290 E.)
Subject Property
FRIENDSHIP LN.
N


2011-3
E MAIN (HWY 230 E)
FRIENDSHIP LN
Zoning
N


2011-3
GOEHMANN LN.
PIKE LN.
JON ST.
BEVERLY DR.
CRISTOL DR.
E. MAIN (HWY 290 E.)
FRIENDSHIP LN.
200' Notification Area
A
B
C
Subject Property
D
E
N

A	RPS Partnership, LP	
B	Judy Kay Feller etal	
C	Morris Lee & Sherrie DeLong	
D	Judy Kay Feller etal	
E	Wal-mart Real Estate Business Trust	

City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST

HEARING DATE: August 11, 2011 **TIME: 5:30 P.M.** **APPEAL NO. 2011-3**

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 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: **AutoZone Stores**

ADDRESS OF THE SUBJECT PROPERTY: **1430 E. Main Street**

EXPLANATION OF REQUEST: **Variance to section 29-7 (Permanent signs permitted by district), Subsection 3c, d, and e of the Sign Regulations pertaining to maximum sign area, wall signs, and ground signs.**

(detach here)

Appeal No. 2011-3
As an interested property owner, I (PROTEST) (APPROVE) the requested variance represented by the above appeal number because:

_____

_____

_____

Signed Address