

AGENDA  
CITY OF FREDERICKSBURG  
BOARD OF ADJUSTMENT

Thursday, December 15, 2011

**5:30 P.M.**

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

- |    |  |                  |
|----|--|------------------|
| 1. | Call to Order                              | <i>PAGE REF.</i> |
| 2. | Approve Minutes of the August 2011 Meeting | <i>Pp 1 - 3</i>  |

**PUBLIC HEARINGS**

- |    |   |                  |
|----|---|------------------|
| 3. | <u>PUBLIC HEARING:</u> (ZBA2011-4) by Tim Bolton at 305 S. Lincoln to consider a variance to Section 29.7, Subsection 4c of the Sign Ordinance pertaining to maximum sign area. | <i>Pp 4 - 18</i> |
| 4. | Consider taking action on ZBA2011-4   |                  |

**ADJOURN**

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

**BOARD OF ADJUSTMENT  
August 11, 2011  
5:30 P.M.**

On this the 11<sup>th</sup> day of August, 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  
BRYON SCHAEFFER  
KATHY SANFORD  
JIM MCAFEE

ABSENT: STEVE THOMAS  
BARBARA HEINEN  
KAREN OESTREICH

ALSO PRESENT: BRIAN JORDAN - Director of Development Services  
ANNETTE LOTH – Code Enforcement Officer  
TAMMIE LOTH - Development Coordinator

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

**MINUTES**

Jim McAfee moved to approve the minutes of the June 16, 2011 regular meeting and Robert Deming seconded the motion. All voted in favor and the motion carried.

**PUBLIC HEARING - (ZBA 2011-2)**- 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. Mike Dooley opened Public Hearing ZBA 2011-3 and Shane Holder, representing K-Bob's Steakhouse, presented the application. Mr. Holder noted where the building sits and how it sits on the lot, it is not noticeable from the street, so they are asking for additional signage. Mr. Holder noted there is a green banded sign that goes on all K-Bob's restaurant along the top of the building that lists menu items such as seafood, steak, fajitas, and they would like to put that up as a decorative sign. Mr. Holder also noted they would like to add a wall sign to the south side of the building that faces Hwy 290 to allow for more visibility. Mr. Holder stated they are planning to put a wall sign over the front door and a sign on each side of the building. Mr. Holder noted these three signs are under the 80 square feet they are allowed. Mr. Dooley asked if any letters were received by Staff in opposition or support of the variance request and Brian Jordan noted none were.

**STAFF COMMENTS**

Annette Loth, Code Enforcement Officer, stated she has been working with Mr. Holder. Ms. Loth stated she informed Mr. Holder the banded sign would not be allowed because it was too

much square footage. Ms. Loth stated Mr. Holder told her from the beginning the layout of the building and lot did not afford them much visibility, but she noted they will have their ground sign in the front of the building at the entrance, a sign on the south side, and a monument sign so there will be ample signage on the lot without the extra signs requested by this variance. Mike Dooley asked for some clarification of the monument sign and Ms. Loth noted it would be 2-sided. Kathy Sanford asked how far above the ground the main sign would be and Ms. Loth noted it will be within the allowable five feet. Mr. Dooley commented the banded sign is very much out of the allowable square footage and asked if the K-Bob's main sign is reduced in size if they would be allowed more square footage on a sign elsewhere. Ms. Loth noted they would be. Mr. Dooley closed Public Hearing 2011-2.

Mr. Dooley stated there is very objective sign criteria, very objective ordinances and some very objective criteria the Board has to go by in making a decision to grant or deny a variance. Mr. Dooley noted the applicant is asking for more than double the total amount of signage that is allowed. Kathy Sanford stated the surrounding businesses are compliant and does not believe K-Bob's should be allowed more square footage for signage. Ms. Sanford stated they need to configure their signs to give them the maximum amount of visibility.

Kathy Sanford moved to deny Application 2011-2 and Robert Deming seconded the motion. All voted in favor and the motion carried.

**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. Mike Dooley open Public Hearing ZBA 2011-3 and Brian Siddell, representing AutoZone Stores Development, presented the application. Mr. Siddell noted he visited the site for the first time today and commented there is 67 square feet of signage proposed on each side of the building, but he is not sure that size is necessary now since he has seen the building and surrounding area. Mr. Siddell stated he believes the signs could be reduced to 48 square feet each. Mr. Siddell noted he realized the pylon sign they are asking for is far fetched but he had to ask. Mr. Dooley asked Mr. Siddell to clarify he was asking for only 96 square feet of wall signs now. Mr. Siddell explained that was not correct, he wants the front wall sign to stay the same, but the signs on the side of the building could be reduced to 48 square feet each. Robert Deming confirmed the orange line behind the letters doesn't count toward the square footage and Ms. Loth noted that was correct. Bryon Schaeffer asked the applicant if he is changing what he is asking for and Mr. Dooley noted he is trying to calculate the total square footage he is asking for. Mr. Siddell stated he would like a front sign of 110 square feet and two side wall signs at 48 square feet each. Mr. Dooley asked if there were any response letters received and it was noted one letter was received in support of the variance from the owner of the subject property.

### **PUBLIC COMMENTS**

Bill Pipkin at 204 S. Edison noted his concern is this building is at the gateway of Fredericksburg and the entrance to the community and the signs are very colorful to highlight their logo, which is a national logo, and he feels 80 square feet is sufficient for property recognition.

## STAFF COMMENTS

Annette Loth, Code Enforcement Officer, noted the ground sign is 50 square feet and the applicant wanted a 20 foot high pylon sign, which she informed would not be allowed. Ms. Loth stated there is a three foot difference in the elevation between the street and the existing building, so they will be allowed to add three feet to their ground sign, which will make the sign eight feet high, but the amount of signs they are requesting is over the allowable 80 square feet.

Brian Jordan, Director of Development Services, noted the city understands the concern of the elevation challenge and that is recognized in the ordinance and has been addressed individually for this specific property. Mr. Jordan commented if they choose to keep 50 square feet on the ground sign, they can only have 30 square feet on the building, either on the south side or front, whichever they choose. Mr. Dooley asked if there was any restriction how far back they move their ground sign because he believes they may get more visibility if they move it further back from the roadway. Mr. Jordan stated there are no restrictions on how far back the sign is placed, but Staff believes they have it located in the perfect spot because of other restrictions on the lot. Mr. Schaeffer noted the orange stripe behind the letters is not included in the square footage so if the wall sign is put on the front of the building he believes the stripe will be a continuation of the sign, and that will help with the visibility. Ms. Sanford commented there is a traffic light at the entrance to the building which causes traffic to slow down or stop completely, so people are able to look around and will see the store. Robert Deming stated 80 square feet is the rule and the Board cannot allow more than that. Mr. Deming noted they have been asked before and have not allowed it. Mr. Dooley closed Public Hearing 2011-3.

Robert Deming moved to deny Application 2011-3 and Bryon Schaeffer seconded the motion. All voted in favor and the motion carried.

With nothing further to come before the Board, Bryon Schaeffer moved to adjourn the meeting and Robert Deming seconded the motion. All voted in favor and the meeting was adjourned at 5:50 p.m.

PASSED AND APPROVED this the 15<sup>th</sup> day of December, 2011.

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SHELLEY BRITTON, CITY SECRETARY

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MIKE DOOLEY, CHAIR



**VARIANCE BRIEF**

*Request # 2011-4*

**APPLICANT:**

Tim Bolton  
Carol Hicks Bolton Antiques

**ZONING:**

CBD-Central Business District

**LOCATION:**

305 South Lincoln-Woerner Warehouse

**REQUEST:**

Variance to Section 29-7(Permanent Signs permitted by district), Subsection (4)c and (4)d of the Sign Regulations pertaining to maximum sign area, wall signs.

**FINDINGS:**

- The subject building sits back from the street approximately 16ft.
- The portion of the building being leased by the applicant has approximately 123 ft. of street frontage. We measured the entire building to be approximately 183' in length.
- Per the Sign Regulations, the building would qualify for the maximum of 80 square feet of signage.

## 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. **The 60 square foot sign, painted on the north side of the building is of historical value and the owner of the building does not want the sign removed.**
- 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. **Affirmative.**
- 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 of the site. For purposes of illustration, physical characteristics may include topography of the site or surrounding sites, structures on surrounding sites, traffic conditions, street layouts and existing natural vegetation. **The existing historic sign is 60 square feet in size. The signage allowed on the building is 80 square feet. This leaves 20 square feet remaining for the new business, in a 14,000 square foot building.**
- 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 305 South Lincoln is in the Historical District. The building is a low rated 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. **A wall sign is allowed on this site. A Ground Sign is not allowed or practical on the front of the property due to the property line beginning at the base of the front walls of the building.**

- e. That the proposed sign has been reviewed by the Historic Review Board if applicable. **Proposed signage has not been reviewed by the Historical Review Board.**
- f. That the proposed variance is as close to the requirements of the Sign Ordinance as is feasible. **In our opinion, the allowance of additional signage, due to the existing 60 square foot historical sign on the north side of the building, represents a reasonable request.**

**OPPOSITION/SUPPORT OF REQUEST:** To date, staff has received no letters in the support and one letter in opposition of this request.

**STAFF RECOMMENDATION: APPROVAL**

The existing historical wall sign, located on the north side of the building measures 60 square feet. This sign is historical and is not being removed from the building. The new business will only be allowed 20 square feet of signage, due to this existing sign. The applicant is requesting to hang a 4'x20' foot sign above the double doors, thus utilizing the total allowable 80 square feet.

The Variance Request involves the business to use the allowable 80 square feet, which reads, per Section 29-7 (4)c, The maximum total sign area shall not exceed to two square feet of sign area per foot of business frontage, but in no case shall exceed 80 square feet.

In our opinion, the proposal for additional signage relating to this property meets the criteria for granting a variance.

VARIANCE REQUEST APPLICATION  
TO  
BOARD OF ADJUSTMENT

1. APPLICANT: TIM BOLTON  
2. ADDRESS: 230 E. MAIN FBG. TX 78624  
PHONE: 830-997-5551 FAX: 830-997-6888

3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:  
ADDRESS: 305 S. LINCOLN  
LEGAL DESCRIPTION: \_\_\_\_\_  
LOT SIZE: .9182 acre ZONING DISTRICT: CBD

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 of Sign Ordinance PAGE: 29:9  
SUBSECTION: 4  
ITEM: C  
RELATING TO: maximum sign area  
REQUIRING: In no case shall the sign area exceed 80 square feet

5. INFORMATION TO BE SUBMITTED BY THE APPLICANT:
- A. Site plans, preliminary building elevations, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the Variance application:
    - a. Existing and proposed location and arrangement of uses on the site, and on abutting sides within 50-feet.
    - b. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
    - c. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
    - d. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvements related to or necessitated by the proposed use.



B. The Building Official and/ or Director of Development Services may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a Variance exists.

6. REASONS FOR THE REQUEST: WE ARE LEASING BLDG AND BLDG ALREADY HAS A "WOERNER WHSE" SIGN ON SIDE WHICH BY CODE PROHIBITS US FROM PUTTING OUR BUSINESS SIGN UP.

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.

AS THE NEW TENANT WE SHOULD BE ALLOWED TO PUT OUR BUSINESS NAME ON THE BUILDING IR-RESPECTIVE OF THE WOERNER WHSE SIGN

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 CITY REQUIRES THE OLD SIGN TO STAY UP BUT THAT HAS NOTHING TO DO WITH THE CURRENT TENANT

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.

SIGNEAGE WILL ONLY HELP GET MORE TRAFFIC OFF OF THE ALREADY CONGESTED MAIN STREET

B. PARKING: ADDITIONAL CRITERIA-The Board may grant a Variance to a regulation prescribed by this ordinance with respect to the number of off-street spaces required if it makes findings of fact that the following additional criteria are also satisfied:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

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

2. The granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets.

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

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

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C. SIGNS: ADDITIONAL CRITERIA-The Board may grant a Variance to a regulation prescribed by the Sign Ordinance with respect to the placement of signs, the height of signs or the area of signs if it affirmatively finds each of the following.

1. That a sign is being replaced. For the purposes of this Section, replacement shall include the erection of a new or different sign due to the removal of another sign for any reason, including the change of name of a business, whether from change of ownership, business being conducted, or otherwise, the change of a sign for a continuing business containing the same or different information as the sign being replaced, and the replacement of signs due to damage or vandalism.

TOTAL CHANGE OF BUSINESS FROM  
WOERNER WARE TO CARDCHICKS BOLTON ANTIQUES

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.

THIS WOULD BE A SIGN AGAINST  
AN OUTSIDE WALL

3. That it is impractical to abide by existing placement, height or area regulations due to the placement, size or construction of existing structures in relationship to the physical characteristics of the site. For purposes of illustration, physical characteristics may include topography of the site or the surrounding sites, structures on surrounding sites, traffic conditions, street layouts and existing natural vegetation.

CURRENT "WOERNER WARE" SIGN IS  
PROX 60' & THUSLY THERE WOULD ONLY  
BE 20' OF SIGNAGE FOR NEW TENANT  
IN THIS 14,000' BLOC.

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.

WITH THE CURRENT HISTORICAL SIGN THAT IS ON THE BUILDING - WE WOULD ONLY HAVE 20 SQUARE FEET OF SIGNAGE FOR A 14,000 SQUARE FOOT BUILDING WHICH WOULD BE INADEQUATE

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

CURRENTLY WE NEED TO FIND OUT IF THE VARIANCE IS A GRANT BEFORE WE CAN DESIGN A SIGN

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

VARIANCE WOULD ALLOW AN ADEQUATE SIGN ON THE FRONT OF THE BUILDING \* ALSO ALLOW FOR THE OLD SIGN TO REMAIN ON THE SIDE OF THE BUILDING

**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: Tim Bolta

Date: 11-9-11 Fee Paid: \_\_\_\_\_

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

# CAROL HICKS BOLTON

ANTIQUITÉS

LABORATOIRE DE DESIGN

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GRANITE AVE

E UFER

S LINCOLN

E CREEK

AUGUST ST

E SAN ANTONIO

S WASHINGTON HWY 281

MAIN HWY 281

N WASHINGTON

12

WAREHOUSE

WOERNER *manufacturers of*

**WOERNER'S  
FEED**

13

10/27/2011

 **WOERNER** **WAREHOUSE** 

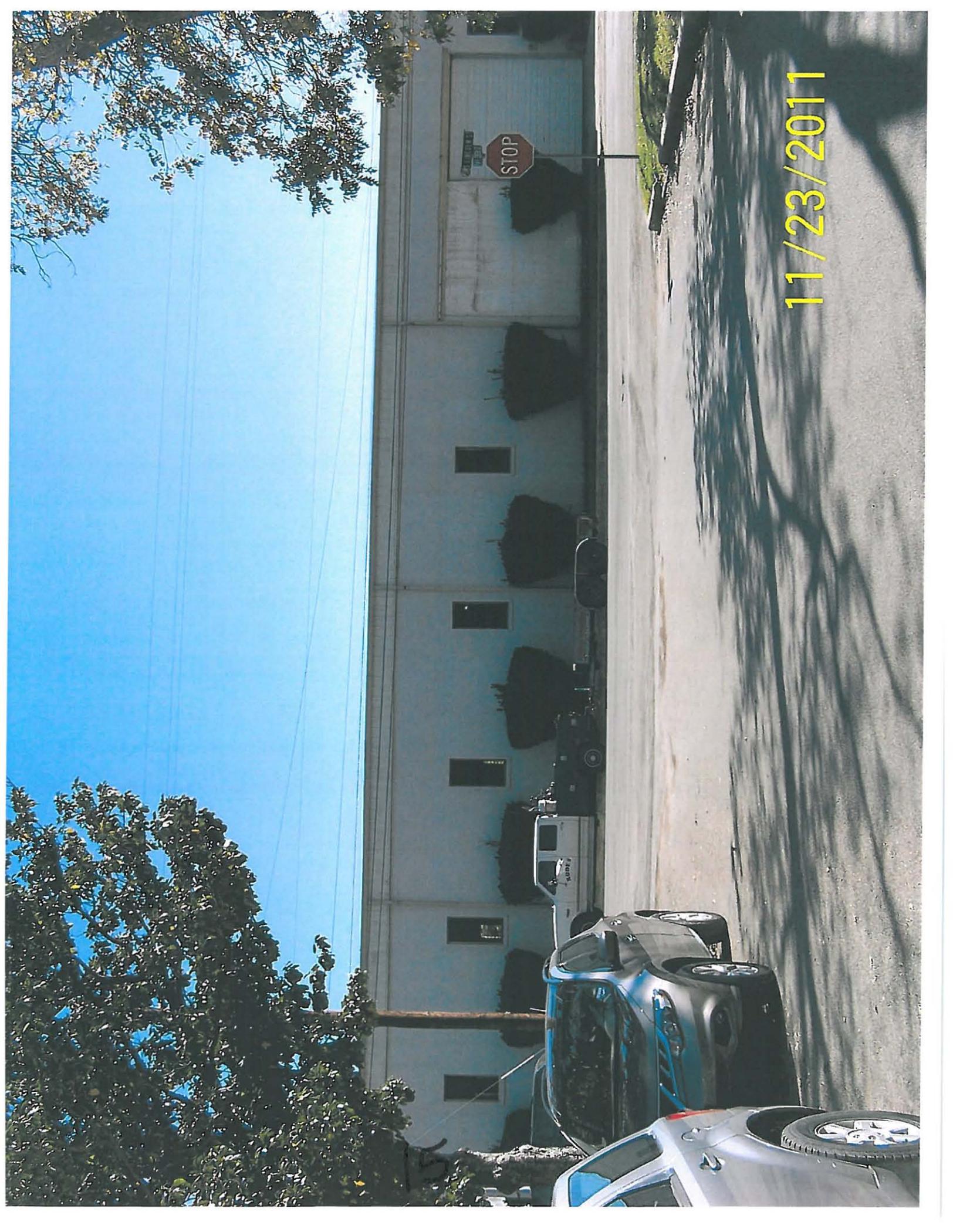
**WOOL**

**MOHAIR**



12/08/2011

14



11/23/2011

2011-4



200' Notification Area

V V V V

D

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E. UFER

GRANITE AVE.

S. WASHINGTON (HWY 87 S)

AUGUSTE ST.

**Subject Properties**

16

A	W.J. & Nelda H. Simonsen	
B	Rosa L. Caddel	
C	Judy Kay Feller	
D	Andrew P. & Melissa Rockwood	
E	Schaetter Properties, LP	
F	Calvin E. Rode	
G	Oliver & Evelyn Schaetter	
H	Bryon Schaetter	
I	James A. Cothren	
J	William A. Tietz	
K	Heritage Hotels Fredbg, LLC	
L	Heritage Hotels Fredbg, LLC	
M	Green Woerner Limited	
N	Herbert A. Oehler	
O	Bruce E. Woerner	
P	Gregory L. & Donna T. Oehler	
Q	Cynthia Burnside Revocable Trust	

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2011-4



**City of Fredericksburg**  
126 West Main Street  
Fredericksburg, TX 78624

**NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST**

**HEARING DATE: December 15, 2011      TIME: 5:30 P.M.      APPEAL NO. 2011-4**

**The BOARD OF ADJUSTMENT of the City of Fredericksburg will hold a public hearing at the above stated time and date in the Conference Room of City Hall, 126 W. Main St. to consider a variance request as indicated below.**

According to City Tax Record, you are the owner of real property within 200' of the requested variance. You are not required to attend the hearing, but if you care to attend you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, Texas 78624. All protests must be submitted in writing.

**The decision of the BOARD OF ADJUSTMENT on the requested variance is final. For additional information please do not hesitate to contact the Development Services Department at 830-997-7521.**

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APPLICANT: **Tim Bolton**

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ADDRESS OF THE SUBJECT PROPERTY: **305 S. Lincoln**

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EXPLANATION OF REQUEST: **Variance to section 29-7 (Permanent signs permitted by district), Subsection 4c of the Sign Regulations pertaining to maximum sign area.**

(detach here)

**Appeal No. 2011-4**

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

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Signed

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Address