AGENDA
CITY OF FREDERICKSBURG
BOARD OF ADJUSTMENT

Thursday, January 12, 2012

5:30 P.M.

CITY HALL CONFERENCE ROOM, 126 W. MAIN ST.

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

PUBLIC HEARINGS

3.	PUBLIC HEARING: (ZBA2011-5) by Paul & Mona Knopp at 214 E. Orchard to consider a variance to Section 3.100 of the Zoning Ordinance pertaining to street side yard setback.	*Pp 3 - 17*
4.	Consider taking action on ZBA2011-5	

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
December 15, 2011
5:30 P.M.

On this the 15th day of December, 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 SCHAETTER
KATHY SANFORD
JIM MCAFEE
BARBARA HEINEN

ABSENT: KAREN OESTREICH

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

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

MINUTES

Bryon Schaetter moved to approve the minutes of the August 11, 2011 regular meeting and Jim McAfee seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING - (ZBA 2011-5)- 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. Tim Bolton, applicant, and Bruce Woerner, owner of the building, were both present to answer questions. Mike Dooley asked if any letters were received in opposition or in favor and it was noted there was one letter received in opposition and one letter that just asked that any new signs meet the historic nature of the property. Bryon Schaetter asked if the sign is planned to go over the two doors on the front of the building and Mr. Bolton noted it was.

STAFF COMMENTS

Annette Loth, Code Enforcement Officer, presented photos of the building that showed the entire length of the building and pointed out where the applicant would like to put his sign. Ms. Loth noted her recommendation was to allow a 60 square foot sign above the doors and also allow a 20 square foot projecting sign on the edge of the building to draw traffic from Main Street. Kathy Sanford asked if there are any other projecting signs and Ms. Loth noted there is not in this block, but there is one in the adjacent block. Brian Jordan, Director of Development Services, added the sign has to be under the roofline and it was then discussed where the roofline was since it is behind a parapet wall. Mr. Woerner noted the roof is 12 to 14 feet and it does have a pitch.

Robert Deming noted the real question is whether the historic sign is relevant and if it is really a sign. Mr. Dooley asked if it was a sign or if it was decoration since that is not what is located in that building any longer. Mr. Woerner noted there isn't a sign anywhere on the building of a company that is in business any longer, but he left them in place because they are interesting and historic. Mr. Deming commented all the signs currently on the building are irrelevant to Mr. Bolton's business. Mr. Dooley noted the large painted sign cannot be removed because it is a historic sign.

Mike Dooley closed Public Hearing 2011-2.

Robert Deming moved to approve request 2011-4 since the old sign located on the building is not relevant and cannot be removed. Jim McAfee seconded the motion. All voted in favor and the motion carried.

With nothing further to come before the Board, Kathy Sanford moved to adjourn the meeting and Jim McAfee seconded the motion. All voted in favor and the meeting was adjourned at 5:41 p.m.

PASSED AND APPROVED this the 12th day of January, 2012.

SHELLEY BRITTON, CITY SECRETARY	MIKE DOOLEY, CHAIR

VARIANCE BRIEF

Request # 2011-5

APPLICANT: Paul and Mona Knopp

ZONING: R-1, Single Family Residential District

LOCATION: 214 E. Orchard St. (Northwest corner of Lincoln and Orchard Streets)

REQUEST: Variance to Section 3.100 of the Zoning Ordinance, pertaining to a reduction in the Street Side Yard Setback from 15' to 0', to allow a lattice structure over a well.

FINDINGS:

- The subject property is located at the northwest corner of Lincoln Street and E. Orchard Street (214 E. Orchard St).
- The subject property contains approximately 0.48 acres, with approximately 108' of frontage on Orchard St. and 192' of frontage on Lincoln St.
- The property is zoned R-1, Single family Residential, as is all surrounding properties.
- Setbacks per the zoning are 25' along Orchard St. and 15' along Lincoln St.
- The applicant would like to restore an existing hand dug well located just inside the property line adjacent to Lincoln Street, and place a structure over the well. A 6' diameter lattice structure with roof covering has been constructed over the well. No permit was obtained and the structure encroaches into the Lincoln Street right-of-way.
- All other structures within the property appear to meet the required setbacks. The home on the property has recently been restored.

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. **While there is ample room to build the proposed structure elsewhere on site, the applicant would like to restore the well in its existing historic location. The owners are attempting to enhance the existing historical feature original to the property.**

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. **The circumstances relating to the property are unique and were not created by the applicant. The well location was established years ago.**

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. **Aside from the portion of the structure that encroaches into the street right-of-way, we do not think the structure proposed would negatively affect nearby properties.**

OPPOSITION/SUPPORT OF REQUEST: We have received 6 letters in support, and no comments in opposition to the variance request.

STAFF RECOMMENDATION:

Approval: The location of the old well is unique to the property. While we have not been provided evidence that indicates there was a structure over the well, it would seem reasonable to assume there was. In an effort to support the other renovations done to the property, we would not object to the variance to allow the reconstruction of a structure over the well. However, the portion of the structure encroaching into the right-of-way must be removed.

$50.00 application fee

APPEAL NO. 2011-5
DATE

VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT

1. APPLICANT: PAUL + MONA KNOPP

2. ADDRESS: 214 E. ORCHARD

PHONE: 847-612-3437 - PAUL FAX:
847-651-0102 MONA

3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

ADDRESS: 214 E. ORCHARD

LEGAL DESCRIPTION: VANDERSTUCKER & GOULET 13 - PT + 14

LOT SIZE: .4836 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: CDB 24

SECTION: 3.100 PAGE: ~~CDB 23~~ SORRY

SUBSECTION: —

ITEM: SITE DEVELOPMENT REGS.

RELATING TO: STREET SIDE YARD MIN. 15' SETBACK

REQUIRING: — —

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
DEC 19 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: RESTORATION OF HISTORICAL RESIDENCE AND HAND DUG WELL ± 100 YRS w/ PROPOSED ROOF/ LATTICE COVERING w PULLEY/BUCKET. METAL SAFETY COVERING OVER THE ACTUAL WELL

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.

EHHANCING AN EXISTING HISTORICAL FEATURE ORIGINAL TO THE PROPERTY MAKING IT SAFE AND NOT DESTROYING THE HISTORICAL VALUE. THE WELL IS NOT MOVABLE.

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.

PROPERTY IS NOT IN HISTORICAL DISTRICT HOWEVER ALL RESTORATION/NEW CONSTRUCTION HAS BEEN PRESENTED TO HISTORICAL REVIEW BOARD

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.

DOES NOT OBSTRUCT VIEW, TRAFFIC FLOW BOTH PEDESTRIAN, VEHICULAR, ONLY ENHANCES & PERSERVES THE HISTORICAL/LANDSCAPE FEATURE OF THIS PROPERTY

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

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

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

_____

_____

_____

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

_____

_____

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

_____

_____

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

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

_____

_____

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.

_____

_____

_____

_____

4. That the other types of signs which are permitted by this Ordinance cannot practically be used. In making this determination of practicality , the Board may consider

   a. The undesirability of altering a historic site to accommodate a sign which would be permitted with no variance under this Ordinance ; or
   b. That alternatives permitted by this Ordinance would involve extensive reconstruction of structures; or
   c. That alternatives permitted by this Ordinance are prohibitively expensive; or
   d. That alternatives permitted by this Ordinance will not effectively identify the subject of the sign.

_____

_____

_____

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

_____

_____

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

_____

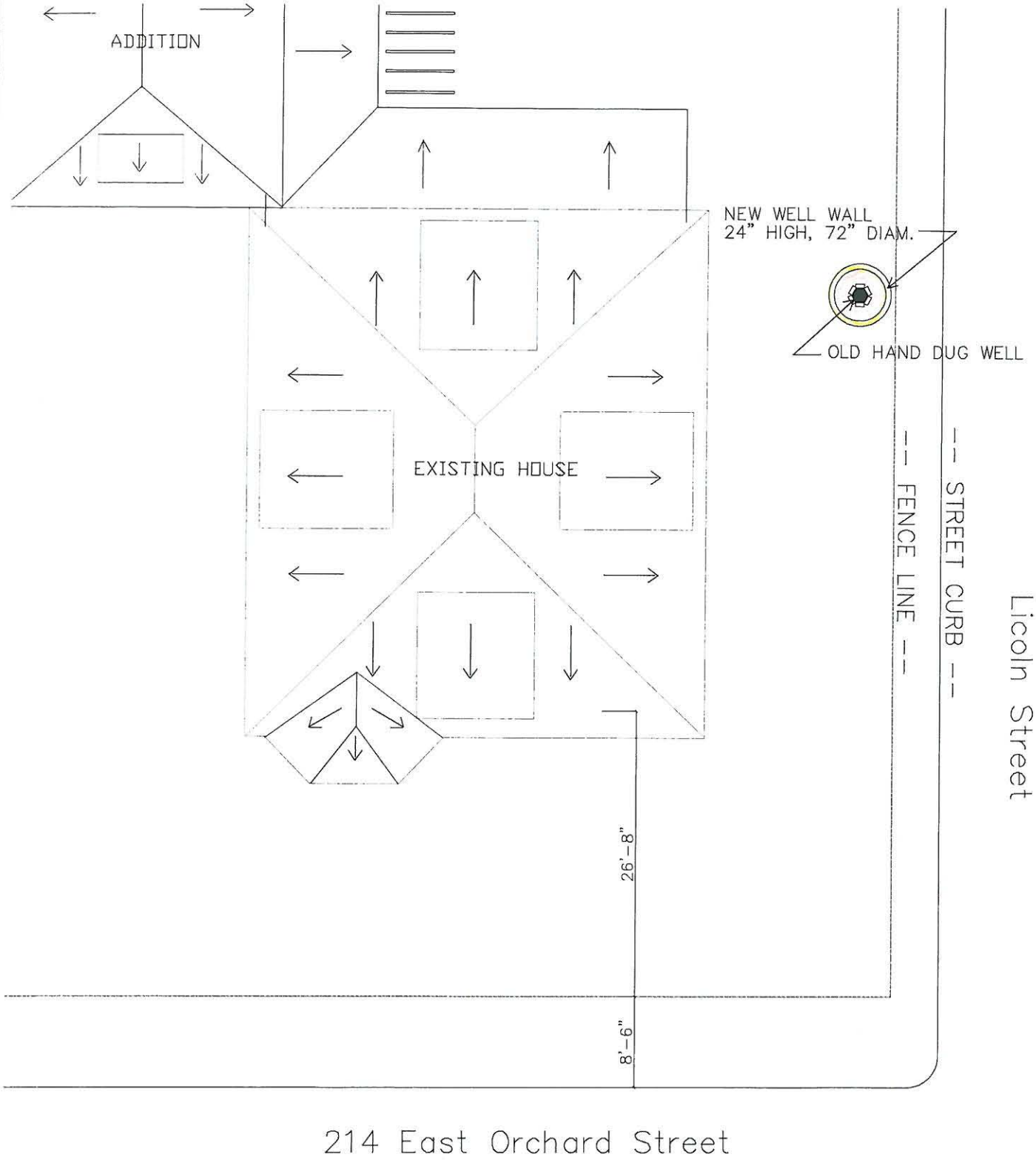
_____

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: Mona Knopp

Date: 12/19/11 Fee Paid: _____

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



LANDSCAPE NOTES:
HAND DUG WELL LOCATED ON SITE PLAN

KNOPP RESIDENCE - RENOVATION/REMODEL
214 EAST ORCHARD STREET
FREDERICKSBURG, TEXAS

PROJECT

SCALE: NONE

DATE: 12-8-11

JUDY LUCKENBACH
INTERIOR DESIGN
924-B Barnett St.
Kerrville, TX 78028
830.257.0099
www.judysdesignstudio.com

10

OPTION 1: IN ADDITION TO A LOW WALL TO PROTECT THE WELL, REPAIRING THE TOP EDGE MASONRY OF THE WELL ITSELF, AND INSTALLING A METAL GRATE FOR SAFETY OVER THE WELL OPENING, FOR AESTHETIC PURPOSES, A "WISHING WELL" TREATMENT WITH SHADE ROOF AND NON-FUNCTIONAL WATER BUCKET SYSTEM IS SUGGESTED ABOVE.

HEIGHT SPECIFIED TO AVOID ANY OBSTRUCTION OF WALKWAYS AND VIEWS.

JUDY LUCKENBACH
INTERIOR DESIGN

924-B Barnett St.
Kerrville, TX 78028
830.257.0099
www.judysdesignstudio.com

DATE: 12-8-11

SCALE: 1/4"=1'-0"

PROJECT

KNOPP RESIDENCE - RENOVATION/REMODEL
214 EAST ORCHARD STREET
FREDERICKSBURG, TEXAS

LANDSCAPE NOTES:
HAND DUG WELL FEATURE
OPT.1 ELEVATION

OPTION 2: REPAIR THE TOP EDGE MASONRY OF THE OLD WELL, SECURE WITH A METAL GRATE, AND PROTECT WITH A LOW WALL. INSTEAD OF A SHINGLE ROOF FOR SHADE AND AESTHETIC PURPOSES, A TRELLIS DESIGNED TO COMPLIMENT THE RECENTLY BUILT PERGOLA IN THE BACK YARD COULD BE USED TO ACHIEVE A FINISHED APPEARANCE.

HEIGHT SPECIFIED TO AVOID ANY OBSTRUCTION OF WALKWAYS AND VIEWS.

JUDY LUCKENBACH
INTERIOR DESIGN

924-B Barnett St.
Kerrville, TX 78028
830.257.0099
www.judysdesignstudio.com

DATE: 12-8-11

SCALE: 1/4"=1'-0"

PROJECT

KNOPP RESIDENCE - RENOVATION/REMODEL
214 EAST ORCHARD STREET
FREDERICKSBURG, TEXAS

LANDSCAPE NOTES:
HAND DUG WELL FEATURE
OPT.2 ELEVATION


STOP
01/04/2012


11/30/2011

14


2011-5
200' Notification Area
Subject Property
CORA ST.
E. ORCHARD
N. LLANO (HWY 16 N.)
E. ORCHARD
N. LINCOLN
E. CENTRE
E. COLLEGE
SPRUCE
E. TRAVIS
SYCAMORE
N. WASHINGTON
E. SCHUBERT
N. LINCOLN
PINE
N

A	Church of Christ	
B	Fredbg Church of Christ	
C	Larry J. & Linda Nevels Living Trust	
D	Joe P. Meurer,Sr.	
E	Johnny & Theresa Hutcherson	
F	Jonathan D. Baethge etux	
G	Jerry & Bennie Holt	
H	Charles H. Jenkins	
I	Lance E. & Eunice Tatum	
J	Alfredo Madera & Fernanda Leal Avalos	
K	Jason S. & Robin J. Barnes	
L	C. David Stone	
M	Paul E. & Victoria Chamberlain	
N	Gregory G. & Mary E. Alexander	
O	Larry Kolmeier	
P	Marvin F. & Vivian L. Schroeder	
Q	Thomas & Patricia K. Sigg	
R	Ray C. & Brenda Newman	
S	Burleigh & Sue Arnecke	
T	David W. & Nancy J. Wieting	
U	Stephen & Sandra L. Campbell	
V	Emil S. & Marcy B. Willmann	
W	Paul & Mona Knopp	

2011-5

City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST

HEARING DATE: January 12, 2012 **TIME: 5:30 P.M.** **APPEAL NO. 2011-5**

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

According to City Tax Record, you are the owner of real property 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: **Paul & Mona Knopp**

ADDRESS OF THE SUBJECT PROPERTY: **214 E. Orchard**

EXPLANATION OF REQUEST: **Variance to section 3.100 of the Zoning Ordinance pertaining to street side yard setback**

(detach here)

Appeal No. 2011-5
As an interested property owner, I (PROTEST) (APPROVE) the requested variance represented by the above appeal number because:

_____

_____

_____

Signed Address