

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

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

On this the 11th 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 SCHAETTER
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. Schaetter 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 Schaetter seconded the motion. All voted in favor and the motion carried.

With nothing further to come before the Board, Bryon Schaetter 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 15th day of December, 2011.

SHELLEY BRITTON, CITY SECRETARY

MIKE DOOLEY, CHAIR