

AGENDA
CITY OF FREDERICKSBURG
BOARD OF ADJUSTMENT

Thursday, April 11, 2013

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 2012 Meeting | <i>Pp 1 - 2</i> |

PUBLIC HEARINGS

- | | | |
|----|--|------------------|
| 3. | <u>PUBLIC HEARING:</u> (ZBA2013-1) by Pamela and Bubba Schnelle at 134 Boos Lane to consider a variance to Section 29-7, Subsection 6, Item C-2 of the Sign Ordinance pertaining to total sign area for a free standing sign | <i>Pp 3 - 20</i> |
| 4. | Consider taking action on ZBA2013-1 | |

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
August 16, 2012
5:30 P.M.

On this the 16th day of August, 2012, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum:

ROBERT DEMING – Vice-Chair
BRYON SCHAEETTER
BARBARA HEINEN
CYNTHIA SCROGGINS

ABSENT: MIKE DOOLEY
KAREN OESTREICH
JIM MCAFEE

ALSO PRESENT: BRIAN JORDAN - Director of Development Services
TAMMIE LOTH - Development Coordinator

The meeting was called to order at 5:30 P.M. by Robert Deming.

MINUTES

Bryon Schaeetter moved to approve the minutes of the May 2012 regular meeting and Barbara Heinen seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING - (ZBA 2012-2)- by Tim Bobo on behalf of Gwynne Juett at 305 Cottonwood Street to consider a variance to Section 7.530 (a) of the Zoning Ordinance pertaining to maximum fence height. Tim Bobo presented the application. Mr. Bobo stated the lot is L-shaped with frontage on both Cottonwood and W. Ufer Street. Mr. Bobo noted the homeowner wants to build a six foot high deer proof fence on her back yard and they are running into issues because she has frontage on two streets. Mr. Bobo stated there is a short section of fence in her backyard that would be in violation of the 4' allowed height and they are asking for a variance to continue the 6 foot fence all the way over in her back yard. Mr. Bobo commented they are also asking for a variance in her front yard to encroach by allowing the 6' fence to continue the full distance to the Ufer Street frontage.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the part of the fence that is actually in question is on the far side of the house and at that point a 4 foot fence is allowed, so the applicant is asking for two additional feet. Mr. Jordan stated the applicant could meet the required setbacks to build the fence, but that would put the fence in the flood zone and a building permit

cannot be issued for anything in the flood zone. Mr. Jordan commented this property has two unique characteristics, one being there is frontage on two streets and the other being part of the property is located in the flood plain. Mr. Jordan noted due to the frontage and the constraint of the flood plain and because the applicant is proposing a wire fence as opposed to a solid fence, Staff has no objection to granting the variance.

Barbara Heinen stated she drove by the property and sees no problem with allowing the variance. Mr. Jordan noted one letter was received from a property owner within the 200' notification area and her comments seem to be in favor of the allowing the variance.

Bryon Schaetter moved to approve Application ZBA 2012-3 with the stipulation the fence be constructed with wire material. Barbara Heinen 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 Barbara Heinen seconded the motion. All voted in favor and the meeting was adjourned at 5:39 p.m.

PASSED AND APPROVED this the 11th day of April, 2013.

SHELLEY BRITTON, CITY SECRETARY

ROBERT DEMING, VICE-CHAIR

VARIANCE BRIEF

Appeal # 2013-1

APPLICANT:

Pamela and Bubba Schnelle
Mr. Gatti's

ZONING:

C-2 Commercial

LOCATION:

134 Boos Lane

REQUEST:

Variance to Section 29-7(Permanent Signs permitted by district), Subsection (6) Item c, (2) of the Sign Regulations pertaining to maximum sign area, for freestanding ground sign.

FINDINGS:

- The lot frontage along South State Highway 16 is 179.89 square feet.
- The subject building sits back from the street approximately 179 feet.
- Per the Sign Regulations, the site would qualify for the Thirty-two square feet or one square foot for each five linear feet of lot frontage, which is 35.978 square feet.
- The applicant is proposing 83.54 square feet as measured by the front lot line and the rear lot line, for the freestanding sign.

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 there is adequate visibility of the building. **The thirty two square feet or the one square foot for each linear feet of lot frontage 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 134 Boos Lane 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 freestanding sign proposed is to include the Mr. Gatti's sign and four additional businesses, three B&B's and one retail store(not open at this time). The B&B's all have wall signage, identifying them as B&B's.

The Mr. Gatti's building has been approved for a 72 square foot internally illuminated sign on the front wall of the business, which is in compliance with the Sign Ordinance.

In our opinion, the proposal for additional signage does not meet the criteria for granting a variance. Circumstances relating to this property are unique, as it pertains to having a front lot abutting a major highway and a rear lot abutting a secondary road. However, the Zoning definition clearly states a front lot line, on a through lot, is the lot line abutting the street providing the **primary access to the lot.**

VARIANCE REQUEST APPLICATION
TO
BOARD OF ADJUSTMENT

1. APPLICANT: Pamela and Bubba Schnelle
2. ADDRESS: 134 Boos Lane, Fredericksburg, TX 78624
PHONE: 830.992.1920 FAX: _____
3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: 134 Boos Lane, Fredericksburg, TX 78624
LEGAL DESCRIPTION: Lot 1 BB-R, Elmon Priess Subdivision
LOT SIZE: 1.715 acres ZONING DISTRICT: C-2 Commercial
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: 11 of 12
SUBSECTION: 6
ITEM: c. sub item 2
RELATING TO: Total sign area for a free standing sign is based on linear feet of lot frontage
REQUIRING: One square foot for each five linear feet of lot frontage, with a maximum of one 100 square feet. Applicant is asking for the allowable free standing sign to be 83.6 square feet total as based on the current lot frontage of the property.
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
MAR 22 2013

6

- 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:
INTEGRATED BUSINESS IN C-2 ZONING DISTRICT

ACCORDING TO CHAPTER 29, SECTION 29-7, PARAGRAPH 6, ITEM C, SUB ITEM 2 THE TOTAL SIGN AREA PERMITTED SHALL NOT EXCEED ONE SQUARE FOOT FOR EACH FIVE LINEAR FEET OF LOT FRONTAGE WITH A MAXIMUM OF 100 SQUARE FEET. The subject property has separate lot frontage on two (2) streets that do not intersect or form an intersection. Therefore according to the requirements of the ordinance the lot frontage shall be calculated using both streets. Current City staff interpretation is that only one side (Hwy 16) is to be used - however this is not stated in the current ordinance

- 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.

NA

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.

One square foot for each five linear feet of lot frontage, with a maximum of one 100 square feet. Applicant is asking for the allowable free standing sign to be 83.6 square feet total as based on the current lot frontage of the property.

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.

N/A

- 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.

NA

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.

N/A

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.

N/A

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.

N/A

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.

N/A

7. **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:

Amela A. Schmelle

Date: 3/22/13

Fee Paid: 50⁰⁰ CK # 4309

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

GATTI'S PIZZA
134 BOOS LANE

LOT FRONTAGE ON HWY 16 SOUTH AND
BOOS LANE. ENGRESS AND EGRESS TO THE
PROPERTY IS VIA BOTH.

TOTAL LOT FRONTAGE: 418 LINEAR FEET

238' ALONG BOOS LANE
180' ALONG HWY 16 SOUTH

INTEGRATED BUSINESS IN C-2 ZONING
DISTRICT

ACCORDING TO CHAPTER 29, SECTION 29-7,
PARAGRAPH 6, ITEM C, SUB ITEM 2 THE
TOTAL SIGN AREA PERMITTED SHALL NOT
EXCEED ONE SQUARE FOOT FOR EACH FIVE
LINEAR FEET OF LOT FRONTAGE WITH A
MAXIMUM OF 100 SQUARE FEET

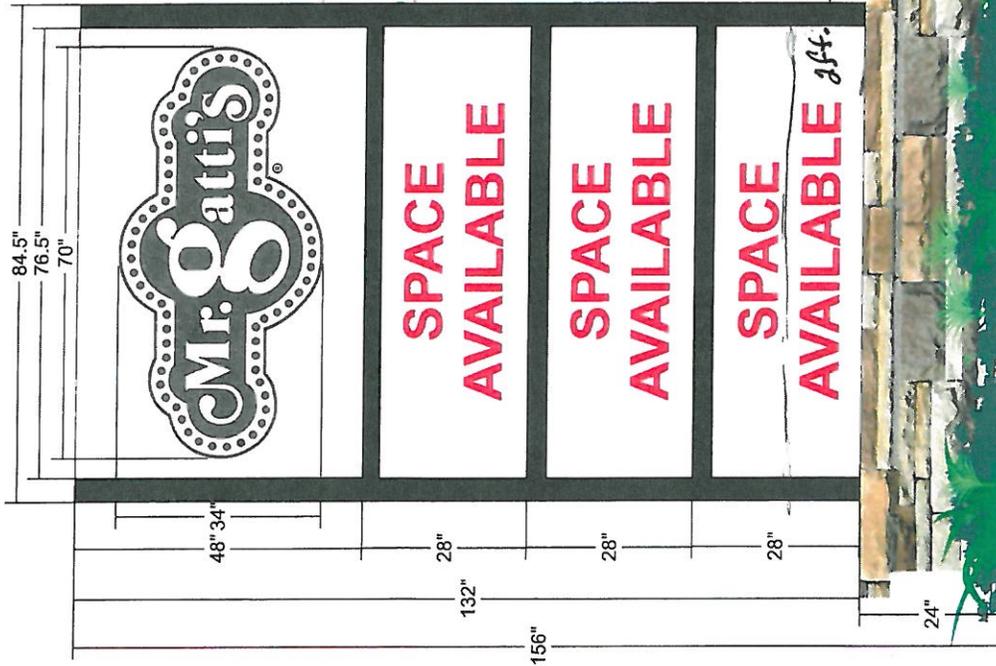
418 LINEAR LOT FRONTAGE / 5 = **83.6 SQFT**

A FREESTANDING SIGN, IN C-2 FOR AN
INTEGRATED BUSINESS WITH LOT
FRONTAGE OF 418 FEET SHALL BE ALLOWED
TO BE 83.6 SQUARE FEET





MONUMENT



March 22nd
Apr. 11 - hearings

Construction -
15

2/22
Maximum
60.53sf

Now 36.2sf
5/12

4" x 4" pipe
1/4" wall
thickness

SPACE AVAILABLE 28ft.



S
731-92

These plans are the exclusive property of Design Team, Sign and Graphics, Inc. They are submitted to your company for the sole purpose of providing a visual representation of the product manufactured according to these plans. Distribution of these plans or the use of these plans to construct a product other than that specified herein, is expressly prohibited. In the event of any dispute, the design team shall be the final authority. Company aspects to be reimbursed \$500 in compensation for time and effort entailed in creating these plans.

Client: Gatti's
 Location: Fredericksburg, TX
 Drawn By: ANS
 Date: 1/9/13
 Approved By: [Signature]
 Scale: [Blank]

File: z:\corpres\gattis\bfredricksburg\proofs

APPROVAL INFORMATION & CONFIRMATION

Proof is approved. Proceed with production of order.

Proof is approved with corrections. Make corrections as indicated and proceed with production of order.

SIGNATURE _____ PRINT NAME _____ DATE _____

I have reviewed this plan in regard to Sign type, order quantity, and accuracy of icons, symbols, and text (e.g. spelling capitalizations, punctuation)

21 0E-01 ETITE 20007
2000 2000 2000

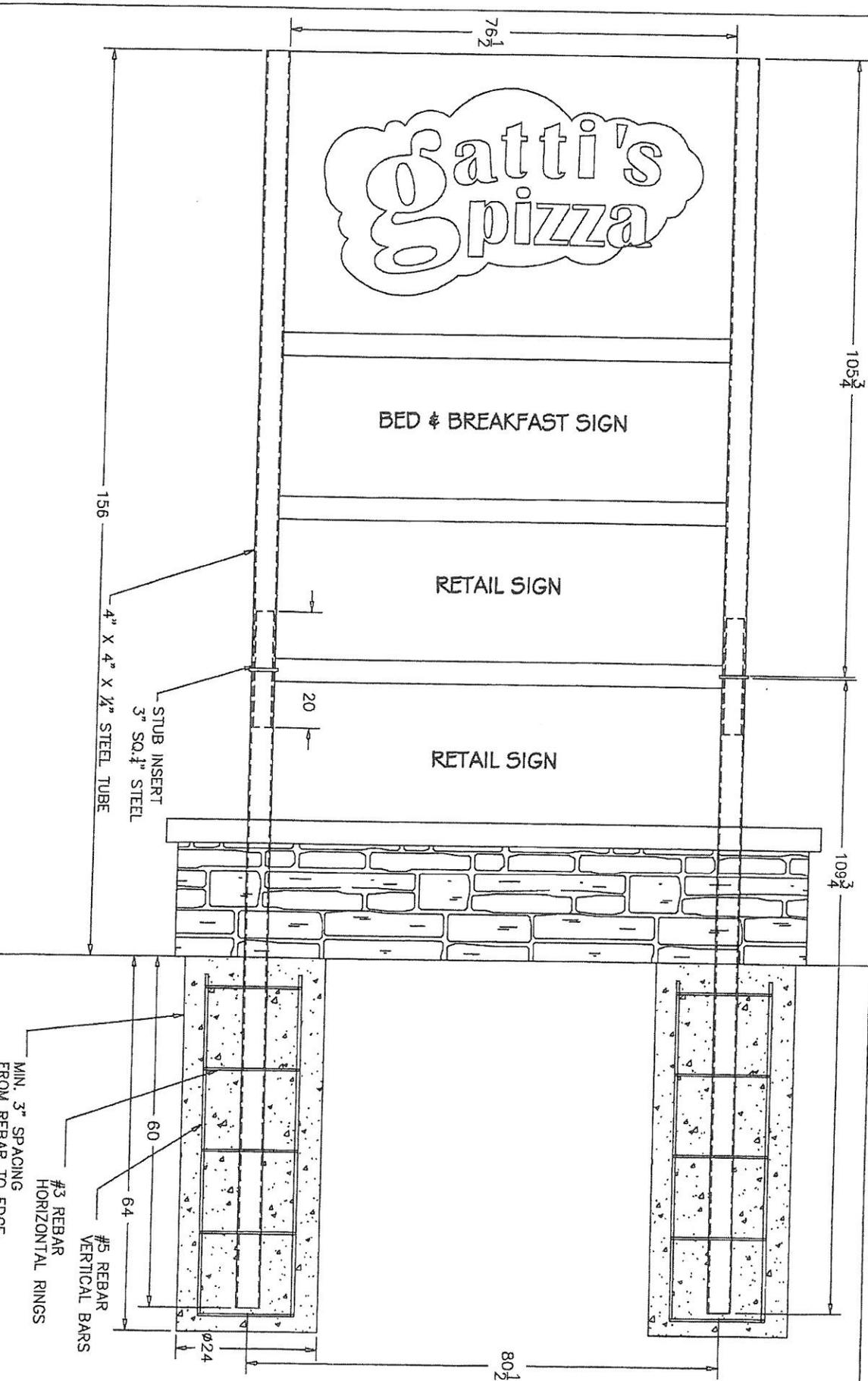
12

Revision/Review	
1	JOB NO. XXXXX
2	ADD CABINETS WTK 01-09-13
3	ADD STUB JHD 01-16-13

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Savannah, TN 38372
www.designteam.net



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Design
DESIGN TEAM SIGN COMPANY

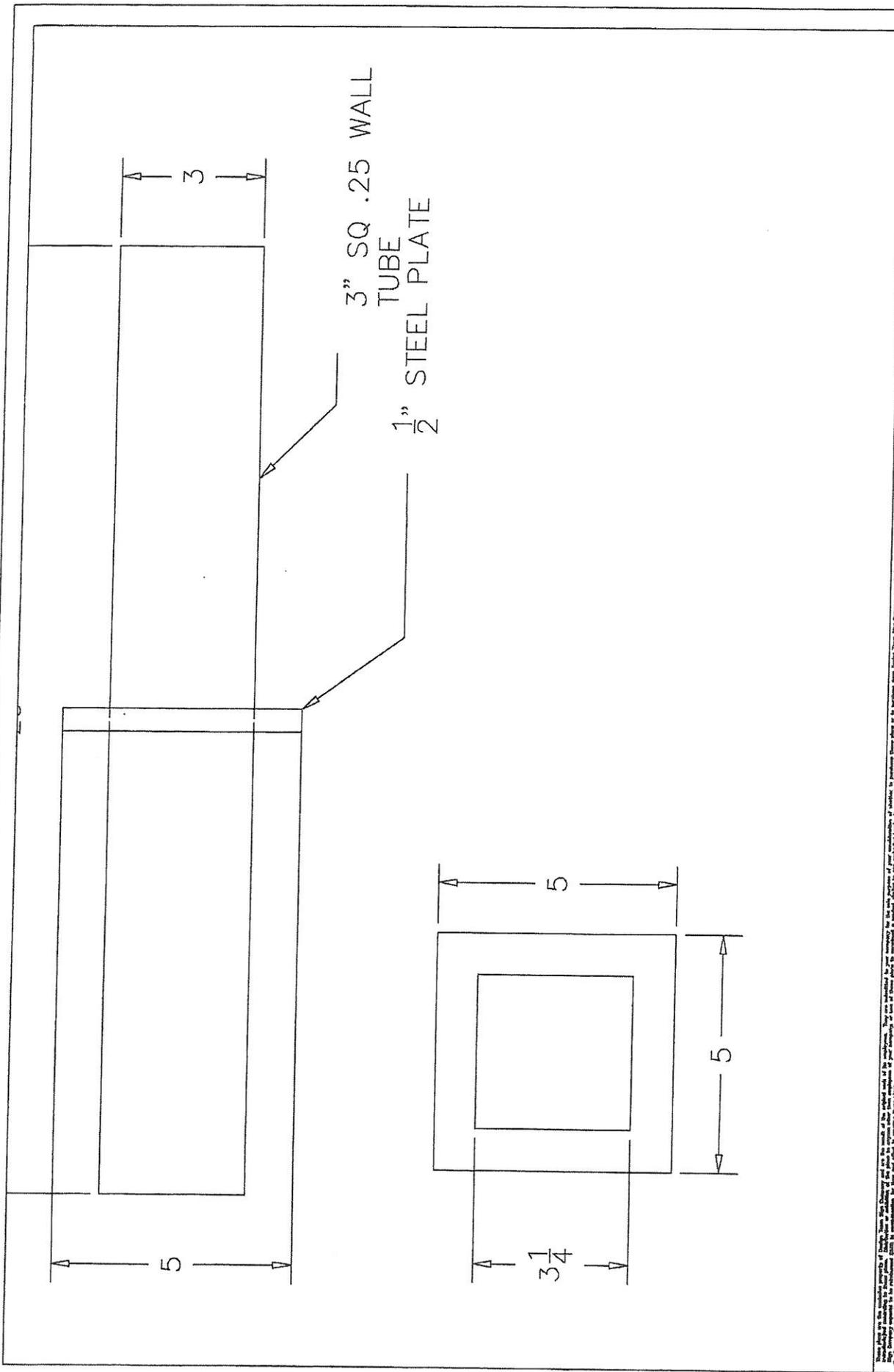
Client: **GATTI'S PIZZA**

350 Pinhook Drive
Savannah, TN 38372
1-800-953-3744
www.designteam.net

132" X 84" X
24" PYLON SIGN
A
1 OF 2

Job No. XXXXX
Date 01-04-13
Dwg. No. XXXXX

14



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3	JHD 01-16-13	ADD STUB
2	WTK 01-09-13	ADD CABINETS
1		JOB NO. XXXXX

Revision/Review

Scale: 1/8" = 1'-0"

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

Scale: 1/2" = 1'-0"

Scale: 3/4" = 1'-0"

Scale: 1" = 1'-0"

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Design

DESIGN CONSULTANTS, INC.

Client: GATTI'S PIZZA

Description: 132" X 84" X 24" PYLON SIGN

Date: 01-04-13

Drawn By: WTK

Job No: XXXXX

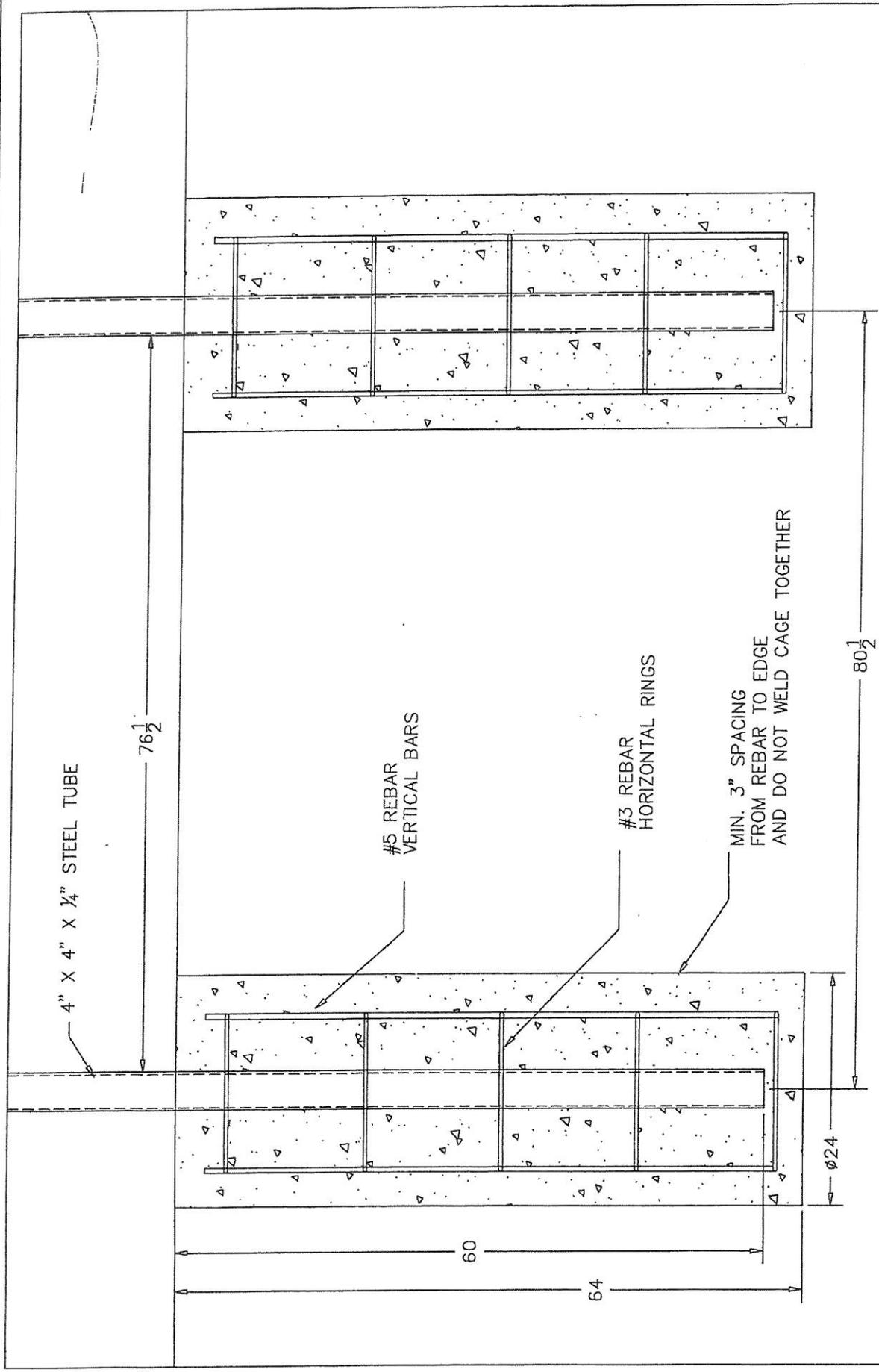
Appv By: XXXXX

Div. No: XXXXX

Sheet No: A

2 OF 2

350 Pinhook Drive
Savannah, TN 38372
1-800-963-3744
www.designteam.net



4" X 4" X 1/4" STEEL TUBE

76 1/2

#5 REBAR VERTICAL BARS

#3 REBAR HORIZONTAL RINGS

MIN. 3" SPACING FROM REBAR TO EDGE AND DO NOT WELD CAGE TOGETHER

60

64

Ø24

80 1/2

THIS IS A CADD DRAWING, DO NOT CHANGE MANUALLY

		150 Pinhook Drive Savannah, TN 38572 1-800-953-3744 www.designteam.com.nat	
Client: GATTI'S PIZZA		Description: 132" X 84" X 24" PYLON SIGN	
Drawn By: WTK	Job No.: XXXXX	Date: 01-04-13	Dwg. No.: XXXXX
Appv By:	Job No.: XXXXX	Date:	Dwg. No.:
Scale: 1/8" = 1'-0" XX = 3/16" XXX = 1/4" XXXX = 5/16" XXXXX = 3/8"		Sheet No. A 1 OF 1	
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2013-1

BOOS LN

HWY 16 SOUTH

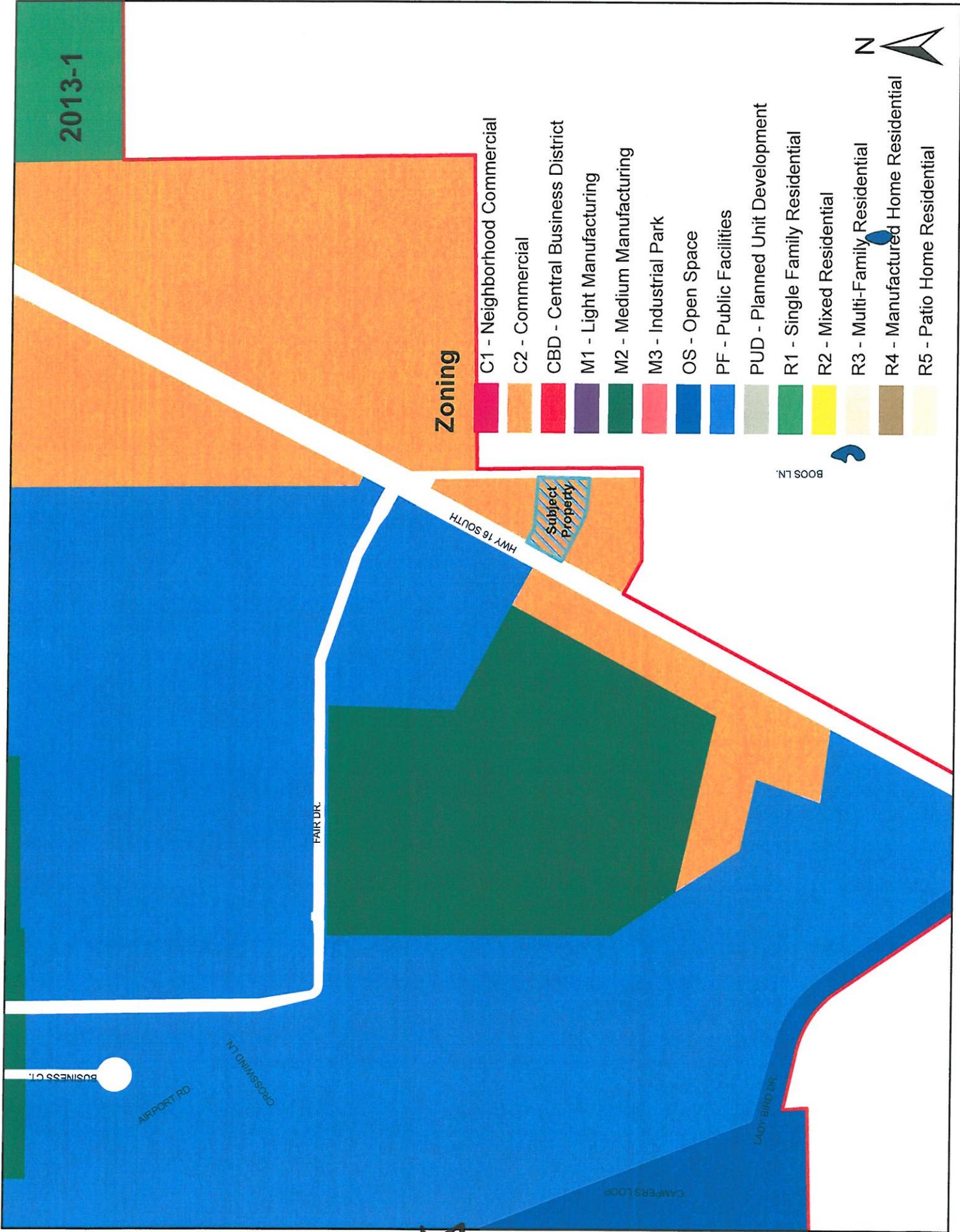
16



2013-1

Zoning

- C1 - Neighborhood Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space
- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential



BOOS LN.

11

2013-1



A

200' Notification Area

E

V

V

F

G

B

D

C

HWY 16 SOUTH

FAIR DR.

AIRPORT RD.

LADY BIRD DR.

Subject Property

18

Letter	Owner
A	Ricky Dean Boos
B	Hill Country Society for the Prevention of Cruelty to Animals
C	Bill Hamm
D	City of Fredericksburg
E	Cotton Gin, Ltd
F	Ross J. & Maria E. Burtwell
G	Carlmeia's Properties, LLC % Carleton & Pam Schnelle



City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST

HEARING DATE: April 11, 2013

TIME: 5:30 P.M.

APPEAL NO. 2013-1

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: Bubba and Pamela Schnelle

ADDRESS OF THE SUBJECT PROPERTY: 134 Boos Lane

EXPLANATION OF REQUEST: Variance to section 29-7 (Permanent signs permitted by district), Subsection 6c2 of the Sign Regulations pertaining to total sign area for a free standing sign.

(detach here)

Appeal No. 2013-1

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

Signed

Address