

AGENDA
CITY OF FREDERICKSBURG
BOARD OF ADJUSTMENT

Thursday, May 15, 2014

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 February 2014 Meeting | <i>Pg 1</i> |

PUBLIC HEARINGS

- | | | |
|----|---|------------------|
| 3. | <u>PUBLIC HEARING:</u> (ZBA2014-2) by Fredericksburg Lockers, Inc. dba Opa's Smoked Meats to consider a variance to Section 3.310 of the Zoning Ordinance pertaining to interior side yard setback on property located at 412 S. Washington | <i>Pp 2 - 15</i> |
| 4. | Consider taking action on ZBA2014-2 | |

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
February 13, 2014
5:30 P.M.

On this the 13th day of February 2014, 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
BARBARA HEINEN
CYNTHIA SCROGGINS
JIM MCAFEE

ABSENT: GESENA HOUY

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

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

MINUTES

Robert Deming moved to approve the minutes of the June, 2013 meeting and Barbara Heinen seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING - (ZBA 2014-1) by The City of Fredericksburg to consider a variance to Section 3.110 of the Zoning Ordinance pertaining to front yard setback on properties located at 204, 208, 210 and 212 West Schubert. Mike Dooley opened Public Hearing ZBA 2014-1 by the City of Fredericksburg to consider a variance to Section 3.110 of the Zoning Ordinance pertaining to front yard setback on properties located at 204, 208, 210 and 212 West Schubert. Mr. Dooley asked if anyone had any questions or needed any explanation on the information in the meeting packet. There were no questions. Mr. Dooley closed Public Hearing ZBA 2014-4.

Jim MacAfee moved to approve application ZBA 2014-1 and Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

With nothing further to come before the Board, Robert Deming moved to adjourn the meeting and Cynthia Scroggins seconded the motion. All voted in favor and the meeting was adjourned at 5:38 p.m.

PASSED AND APPROVED this the 15th day of May, 2014.

SHELLEY BRITTON, CITY SECRETARY

MIKE DOOLEY, CHAIR



VARIANCE BRIEF

Request # 2014-2

- APPLICANT:** Fredericksburg Lockers, Inc. dba Opa's Smoked Meats
- ZONING:** M-1, Light Manufacturing
- LOCATION:** 412 S. Washington Street.
- REQUEST:** Variance to Section 3.110 of the Zoning Ordinance, pertaining to a reduced Interior Side Yard Setback.
- FINDINGS:**
- Opa's intends to build a new Cooler Building in the current parking area to the north of the main building and office.
 - The property for the proposed Cooler Building is actually a separate Tract from the remainder of the complex. As such, building setbacks are established from each property line, regardless of ownership.
 - The applicant would like to construct the building within a few inches of the interior side yard, which requires a setback of 10'. Other buildings currently encroach into the side yard setback along this property line, including the office addition which was completed in 2005.
 - The basis for the size and layout of the building is a pallet arrangement required to identify and organize finished product being shipped to distribution centers.
 - The property could be replatted to eliminate the interior lot line, but the owner wishes to avoid this process due to the many other non-conforming issues pertaining to this complex.

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 the property is large enough to allow reasonable use, the configuration of the building is restricted by the setbacks of 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

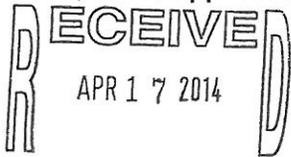
zoning district in which the property is located. **The site selected for the proposed building is the natural location available within proximity of the main plant.**

- 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. **Since Fredericksburg Lockers owns both properties, and because other buildings have been built within the setbacks on the interior property line, the construction of the new building will not alter or impair use of adjacent property.**

OPPOSITION/SUPPORT OF REQUEST: Four letters in support.

STAFF RECOMMENDATION:

The granting of the variance to the interior side yard setback along the interior property line would seem reasonable given the fact that there are already buildings encroaching into the setback and that properties are both owned by Fredericksburg Lockers. Approval is recommended.



VARIANCE REQUEST APPLICATION TO BOARD OF ADJUSTMENT

- 1. APPLICANT: Fredericksburg Lockers, Inc. dba Opa's Smoked Meats
2. ADDRESS: P.O. Box 487 Fredericksburg, Texas 78624
PHONE: (830) 997-3358 FAX: (830) 997-9916
3. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: 412 S. Washington St. Fredericksburg, Texas 78624
LEGAL DESCRIPTION: GE0700 G E CO Multiple Lots 0.48, UNMBR LOT
m LOT SIZE: 0.48 ZONING DISTRICT: M-1 Light Manufacturing
4. REQUEST IS MADE HEREWITH TO THE BOARD OF ADJUSTMENT THAT A VARIANCE BE GRANTED TO THE FOLLOWING PROVISIONS OF THE ZONING ORDINANCE:
SECTION: 3.310 M-1 Light Manufacturing PAGE: Zoning Ordinance
SUBSECTION:
ITEM: Site Development Regulations
RELATING TO: Interior Side Yard
REQUIRING: Minimum Required Setback - 10'
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: Please see attached page.

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.

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.

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.

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.

6. REASONS FOR THE REQUEST: **Fredericksburg Lockers, Inc. is requesting an Interior Side Yard variance to allow the construction of a new Cooler/Freezer Building that would be within inches of the side (South) property line, which requires a minimum side yard setback of 10'.**

- 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:
- B.
 - 1. The Zoning Regulations applicable to the property do not allow for a reasonable use.

The building is designed based on a grid system. The basis for the size and layout of the building is a pallet arrangement required to identify and organize finished product being shipped to distribution centers. The building site is restricted by existing buildings, USDA requirements and the need to meet all other required M-1 zoning conditions for the tract, therefore the only possibility to meet all necessary requirements will be to construct the building within the 10' setback on the interior side of the tract.

- 2. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were nit 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.

Fredericksburg Lockers, Inc. is an USDA inspected processing plant. USDA requires product stabilization after cooked product has been initially chilled and packaged. To maintain the required temperatures of the "finished product" the location of refrigerated storage must be a certain distance from the primary processing plant while limiting exposure to the elements and maintaining the quality and integrity of the product. This regulation is the standard which dictates the choice of construction site for the Cooler / Freezer Building.

- 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.

Fredericksburg Lockers, Inc. owns both tracts of land bordering the interior side (South) property line. Other structures have been constructed within the 10' setback on each tract, the most being an office building expansion built in 2005. The construction of the new building will not alter or impair the use of adjacent property.

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.

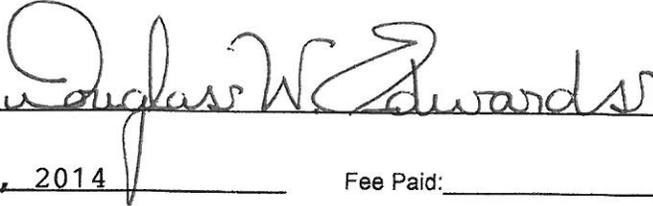
4. That the other types of signs which are permitted by this Ordinance cannot practically be used. In making this determination of practicality, the Board may consider
- a. The undesirability of altering a historic site to accommodate a sign which would be permitted with no variance under this Ordinance; 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: 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:



Date: April 17, 2014

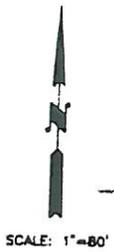
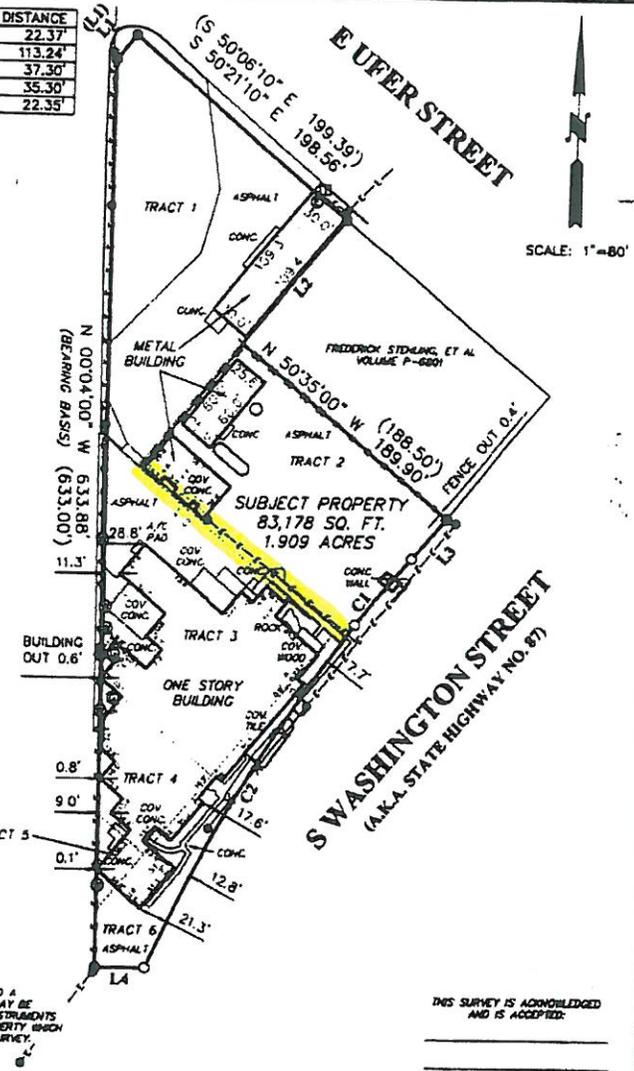
Fee Paid: _____

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

LINE	BEARING	DISTANCE
L1	N 39°33'03" E	22.37'
L2	S 39°33'00" W	113.24'
L3	S 40°04'00" W	37.30'
L4	N 89°56'00" W	35.30'
(L1)	N 39°53'30" E	22.35'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1185.00'	66.46' (75.47')	75.41'	N 39°14'04" E	03°28'38"
C2	1159.00'	281.29'	280.61'	N 29°43'46" E	13°53'41"

GRANITE STREET



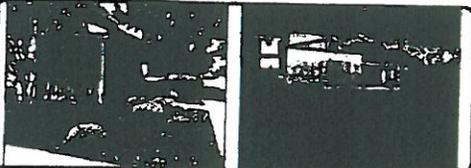
- = SINGLE SIGN
- E— = OVERHEAD ELECTRIC
- P— = PIPE FENCE
- C— = CHAIN LINK FENCE
- X = 2" OF CONCRETE TO SET SET

NOTE:
THE SIGNING SURVEYOR HAS NOT PROVIDED A CURRENT TITLE COMMITMENT AND THERE MAY BE EASEMENTS, RIGHTS OF WAY OR OTHER INSTRUMENTS OF RECORD WHICH MAY AFFECT THIS PROPERTY WHICH ARE NOT SHOWN ON THE FACE OF THIS SURVEY.

NOTE:
BEARINGS SHOWN HEREON ARE ASSUMED.

THIS SURVEY IS ACKNOWLEDGED AND IS ACCEPTED:

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INSURED USE OF THE PROPERTY. THIS PROPERTY IS THE SUBJECT OF THIS SURVEY AND IS LOCATED IN A FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48171C - Flood No. 22001C, which is dated 10/20/2002. By using this FIRM, it is assumed that all or a portion of the property may be in Flood Zone(s) X-1. This flood zone identification is this surveyor's interpretation, which may or may not agree with the interpretation of FEMA or state or local officials, and which may not agree with the FEMA's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov/floodmaps>.



Property Address:
410 WASHINGTON STREET

Property Description:
BEING 1.909 ACRES OF LAND, MORE OR LESS, SITUATED IN THE CITY OF FREDERICKSBURG, BEING PART OF AN UNNUMBERED LOT NORTHEAST OF OUTLOT NO. 40 AND NORTH OF OUTLOT 815, AS SHOWN ON MAP OR PLAN BY GERMAN ENGINEERING COMPANY OF FREDERICKSBURG AND ENVIRONS, AND BEING THAT TRIANGULAR TRACT OF LAND CONVEYED IN VOLUME 74, PAGES 367-378, DEED RECORDS OF GILLESPIE COUNTY, TEXAS.

Owner:
OPAS SMOKE HOUSE

Westar Alamo
LAND SURVEYORS, L.L.C.
P.O. BOX 1020 HOUSTON, TEXAS 77033-1020
PHONE (281) 373-6220 FAX (281) 373-6220

LEGEND

- = 1/2" IRON ROD TO BE SET
- ⊙ = 1/2" IRON ROD
- ⊙ = 1/2" IRON ROD
- () = RECESSED METAL SIGN
- ⊕ = BALANCE STRAP
- ⊕ = ELECTRIC METER
- ⊕ = WATER METER
- ⊕ = POWER POLE
- ⊕ = TRANSFORMER
- ⊕ = GAS METER

DRAWN BY: KLM

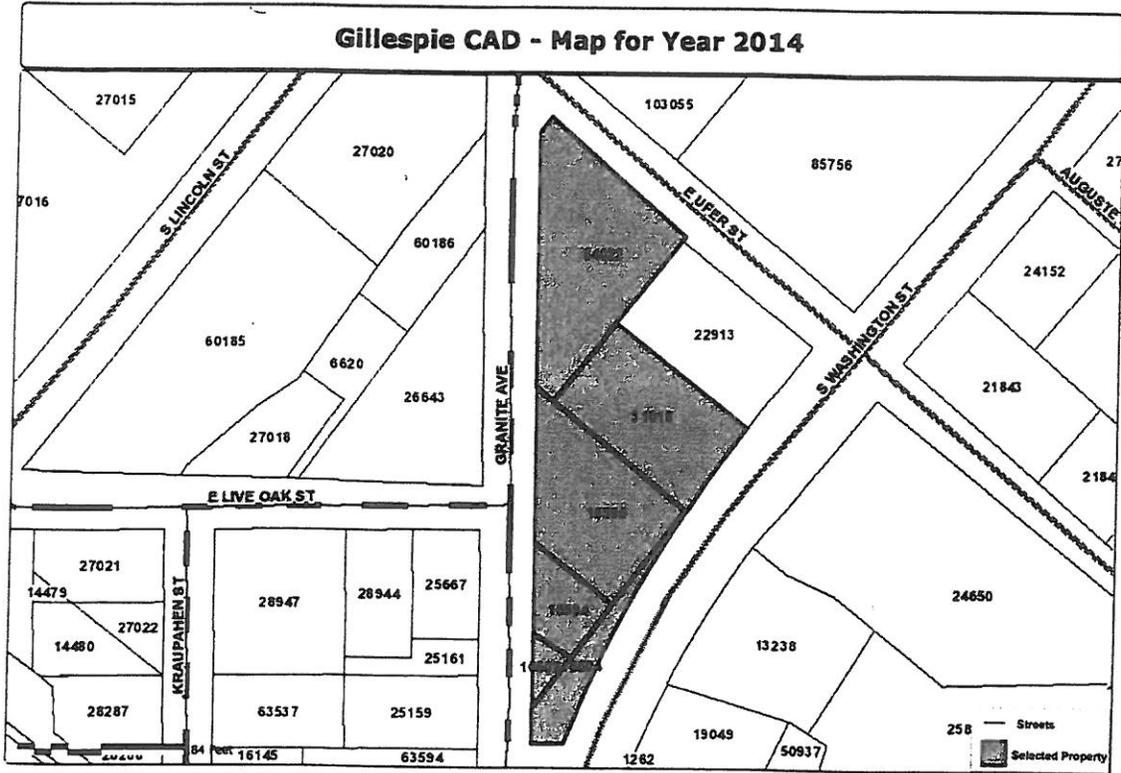
STATE OF TEXAS
REGISTERED
MARK J. EWALD
PROFESSIONAL
LAND SURVEYOR
5995

PRELIMINARY

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5995

C.F. NO. N/A JOB NO. 51502 TITLE COMPANY: N/A DATE: 08-05-11

Gillespie CAD - Map for Year 2014



Property Details

Account	Property ID:
	Geo ID:
	Type:
	Legal Description:
Location	Situs Address:
	Neighborhood:
	Mapsco:
	Jurisdictions:
Owner	Owner Name:
	Mailing Address:
Property	Appraised Value:

<https://propaccess.trueautomation.com/Map/View/Map/52/84022%2c31018%2c16604%2c16602%2c165>

powered by
PropertyACCESS
www.trueautomation.com

Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Gillespie County Appraisal District expressly disclaims any and all liability in connection herewith.



2014-2

AUGUSTEST

S WASHINGTON (HWY B1)

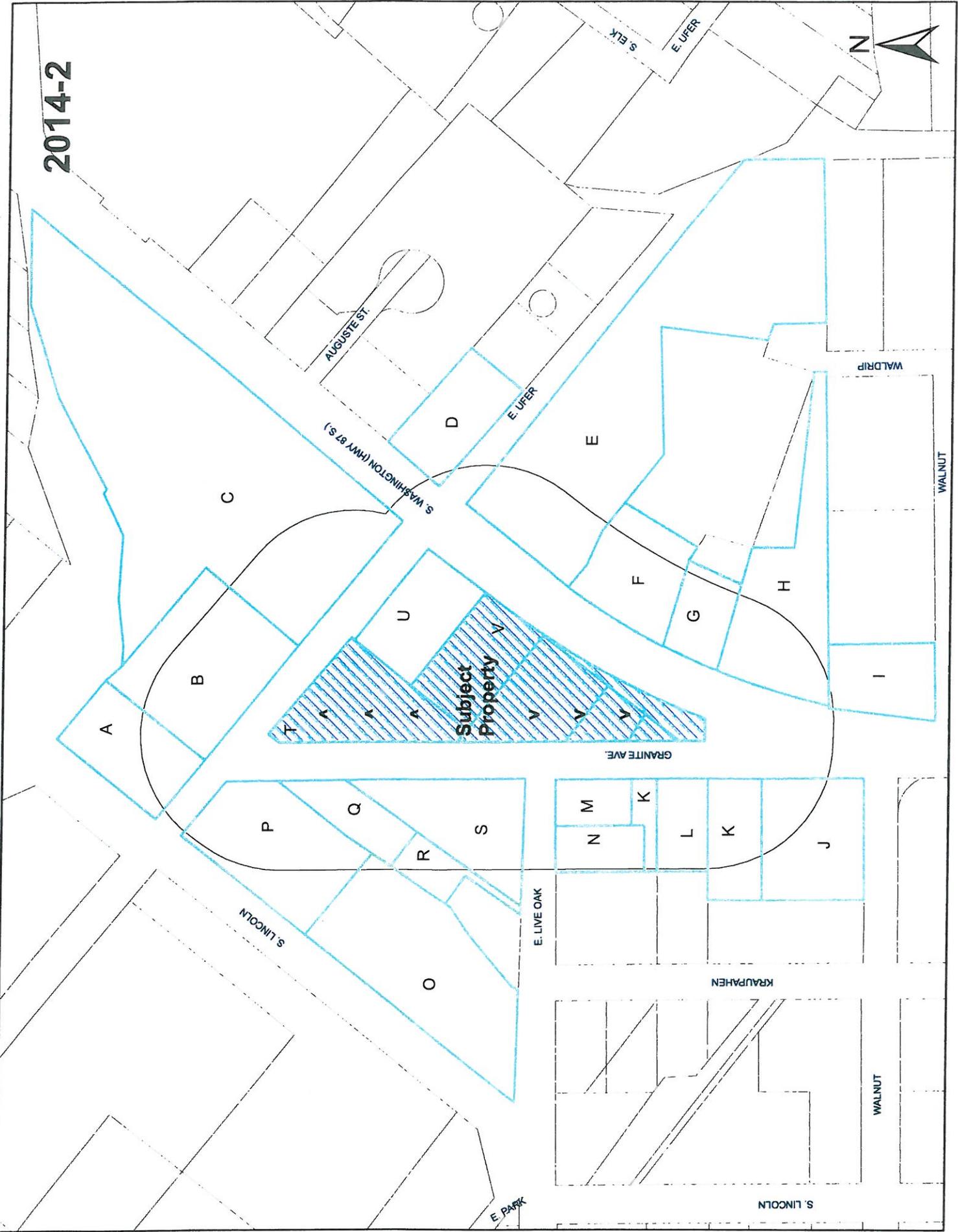
E UPER

GRANITE AVE

E LIVE OAK



2014-2





City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

NOTICE OF PUBLIC HEARING ON VARIANCE REQUEST

HEARING DATE: May 15, 2014

TIME: 5:30 P.M.

APPEAL NO. 2014-2

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 listed below, or are the owner 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 Lockers, Inc. dba Opa's Smoked Meats

ADDRESS OF THE SUBJECT PROPERTY: 412 S. Washington

EXPLANATION OF REQUEST: Variance to section 3.310 of the Zoning Ordinance pertaining to interior side yard setback

(detach here)

Appeal No. 2014-2

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

Signed

Address