



CITY OF FREDERICKSBURG

ZONING BOARD OF ADJUSTMENT

MEETING AGENDA

THURSDAY DECEMBER 15, 2022, ~ 5:30 P.M.

LAW ENFORCEMENT CENTER – 1601 E. MAIN STREET

Devin Mullen, Chair
Marcus Vidrine, Vice Chair
Clay Sears, Member
Taylor Williams, Member

Ashley Hunter, Member
Jim McAfee, Member
Eric Hammersen, Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on **Thursday December 15, 2022, at 5:30 p.m.** The meeting will be in person at the Law Enforcement Center 1601 E. Main Street. This meeting will be held in person and live stream on our YouTube Channel.

Link to City of Fredericksburg YouTube Channel Fredericksburg, Texas USA - YouTube

<https://www.youtube.com/channel/UCrhnIFjVfDS1SPBJD2pYKcQ/featured>

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MEETING MINUTES

September 22, 2022, regular meeting minutes

October 10, 2022, special meeting minutes

4. PUBLIC COMMENTS ON ITEMS LISTED ON AGENDA

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the City Council is limited to either a statement of specific information or recitation of existing policy. TEX. GOV'T CODE § 551.042.

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. on December 15, 2022.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to scollier@fbgtx.org

Verbal Comments:

1. Sign up in-person between 5:00 p.m. and 5:30 p.m. at the Law Enforcement Center, 1601 E. Main Street, in order to comment.

You will be limited to 3 minutes to speak.

5. PUBLIC HEARING

- A. Consider ZBA2022-04 – Request by Tim Bobo, to Consider a Variance to Sec. 3.100, Front Yard Setback, for Property Located at 305 W. Centre Street. A 6-Foot-Tall Fence in the Front Yard Set Back.

6. ACTION ITEMS

- A. Receive recommendation and consider (ZBA2022-04).

7. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda before 12:00 PM. on December 9, 2022, on the bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelby Collier,
Associate Planner

ADJOURN

With nothing further to come before the Board, Clay Sears moved to adjourn the meeting and Devin Mullen seconded the motion. All voted in favor and the meeting was adjourned at 5:40 P.M. PASSED AND APPROVED this the 15th day of DECEMBER 2022

SHELBY COLLIER, ASSOCIATE PLANNER

DEVIN MULLEN, CHAIRMAN

Jim McAfee asked what would happen if the signs violated the lighting ordinance. Shelby Collier responded that a Notice of Violation would be issued and the violation would work through the internal process.

Jim McAfee made a motion to approved Application ZBA2022-03 conditioned upon vacant signs being covered and the signs shall not be lighted when businesses are closed. Seconded by Clay Sears. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Jim McAfee moved to adjourn the meeting and Clay Sears seconded the motion. All voted in favor and the meeting was adjourned at 5:48 P.M. PASSED AND APPROVED this the 15th day of DECEMBER 2022

SHELBY COLLIER, ASSOCIATE PLANNER

DEVIN MULLEN, CHAIRMAN



ZONING BOARD OF ADJUSTMENT MEMO

DATE: December 15, 2022
TO: Zoning Board of Adjustment
FROM: Shelby Collier
SUBJECT: ZBA2022-04 – Request by Tim Bobo to Consider a Variance to Sec. 3.100, Front Yard Setback, For Property Located at 305 West Centre Street.

Summary: A variance request has been submitted to construct a 6-foot-tall fence in the front yard setback of a property located at 305 West Centre Street. The placement of the fence as proposed would result in height of 6 foot, where the Front Yard Setback allows for a 4-foot-tall fence.

It is worth noting, that the subject property shares a property line with 610 North Orange, which currently has a 6- foot- tall fence along the property line fronting West Centre Street which serves at the Street Side setback. The applicant is wanting to build a 6-foot-tall fence along the interior side of the property to connect with the existing fence fronting on West Centre Stree. Please see page **12**.

This application was reviewed for its conformity with relevant City Ordinances including [Sec. 5.650](#), Board of Adjustment, Findings.

Applicant: Tim Bobo
Zoning: R1, Single Family Residential [Sec. 3.100](#)
Location: 305 W. Centre

Findings:

The property is currently under construction and is intending to operate as a STR-Nonconforming property. It is bordered by a highly trafficked alley to the West and a residence to the East. The surrounding Zoning is R1, Single Family Residential across West Centre Street and West as well as South towards College Street and East across North Orange Street.

[Sec. 3.100](#) of the Zoning Ordinance prohibits a 6 foot tall fence in the Front Yard Setback, but does allow for a 4 foot fence.

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.

The property is being utilized for the use intended by the R1 Zoning District. While the front yard setback may create an obstacle to the desired placement and height of the new fence, it does not keep the property from being utilized for its intended use.

- 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 Applicant desires to build a fence to match the existing fence on West Centre Street that was constructed by the owners of 610 North Orange. This existing fence is allowed by right per Sec. 3.100 as West Centre serves as the street side set back for 610 North Orange where as West Centre is the front yard set back for the applicant. This scenerio is not unique and may be found throughout the City of Fredericksburg, including across the street at 304 West Centre. Please see page 16.

The conditions or regulations regarding setbacks are the same general conditions that apply to all other properties in R1 Zones.

- 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.

Staff recognizes that this request would NOT alter the character of the area. It is important to note that the owner of 610 North Orange (the abutting property) has an existing 6-foot-tall fence along West Centre Street and would be able to build up to an 8-foot-tall fence at the rear of their property (which is the property line the applicant is requesting to build upon). Please see page 12. In addition, the property across the

street, 304 W. Centre, has a 6-foot-tall fence between their property and 702 N. Orange. Please see page 16.

OPPOSITION/SUPPORT OF REQUEST: 1 letter of protest received.

STAFF RECOMMENDATION: Through review of the application it has been determined that the application as presented does not meet the necessary requirements to obtain a Variance and Staff recommends denial per [Sec. 5.650](#).

Attachments:

1. Application
 2. Photos
 3. Location Map
 4. Zoning Map
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VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

1. Applicant: Tim Bobo
2. Owner: Matt Kordzik
3. Phone: 830 998 6296 Email: time.bobo@workshop.com
4. Description of property involved in this request.
Address: 305 W. Centre St
Legal Description: RASSE BLK 1 LOT 7-AR
Lot Size: 7500 sqft Zoning District: R-1
5. Request is made to the Board of Adjustment that a variance be granted to the following provisions of the Zoning Ordinance.
Section: Sec. 3.100 Subsection: _____
Item: Front Yard Setback Relating To: _____
Requiring: a 25 foot front yard setback

6. 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:

- i. Existing and proposed location and arrangement of uses on the site, and on abutting sides within 50-feet.
- ii. 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.
- iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.

- iv. 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.

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.

By requiring a fence setback the owner of 610 N. Orange will now have a 6' fence along Centre Street that drops to 4' for 25' before rising to 6'. The owner will not have privacy in the back yard and a fence line that isn't aesthetically pleasing.

- 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.

6' Existing Fences were in place before the new residence was built.

- 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.

New fence will match existing fence currently on 610 N. Orange.



Map data ©2022, Map data ©2022 50 ft

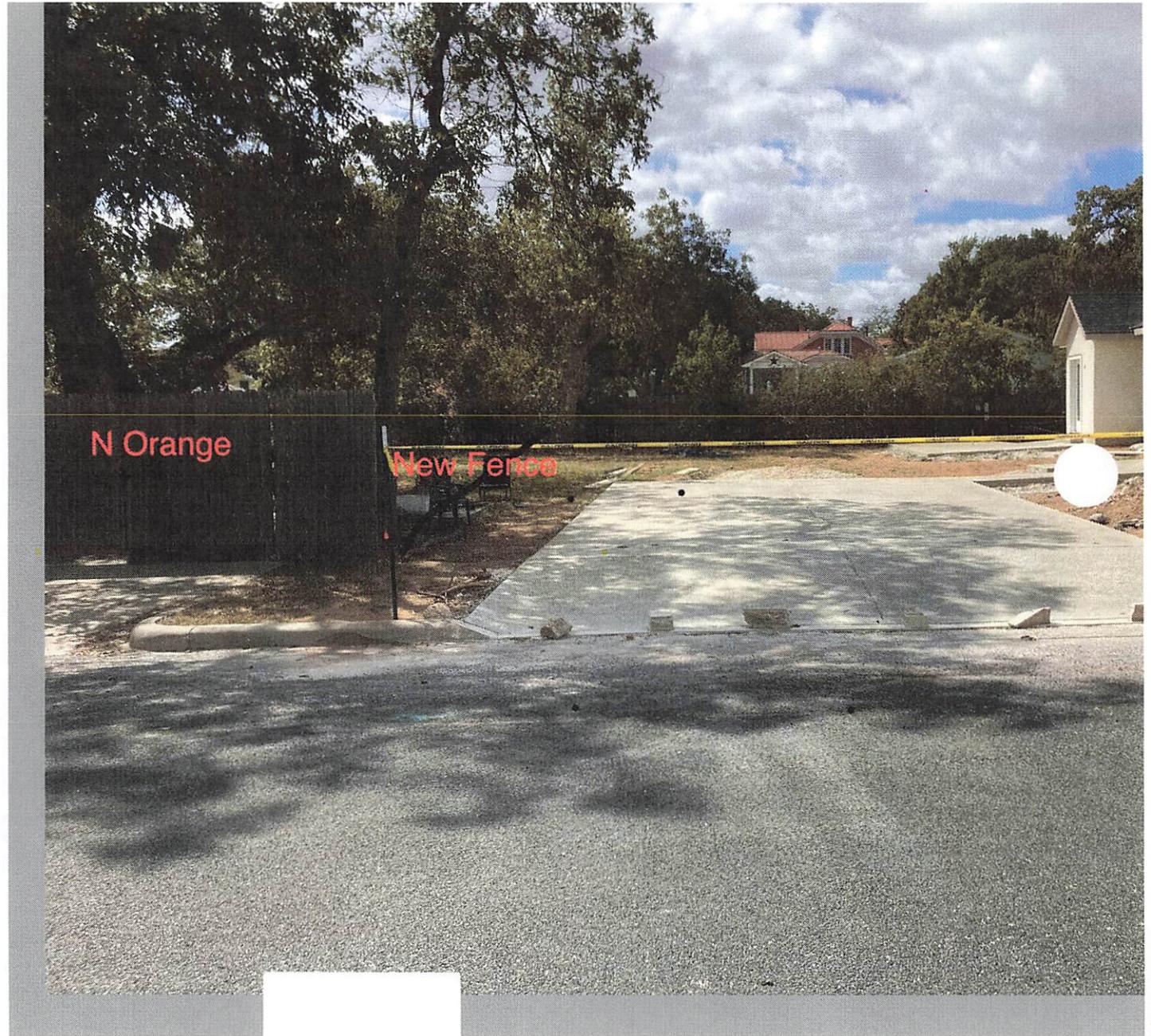
New Fence Line.HEIC

Open with



305 W Centre and Orange property line.HEIC

Open with



Cedar Fence.jpeg

Open with

*Proposed Type of Privacy
Fence*





Legend

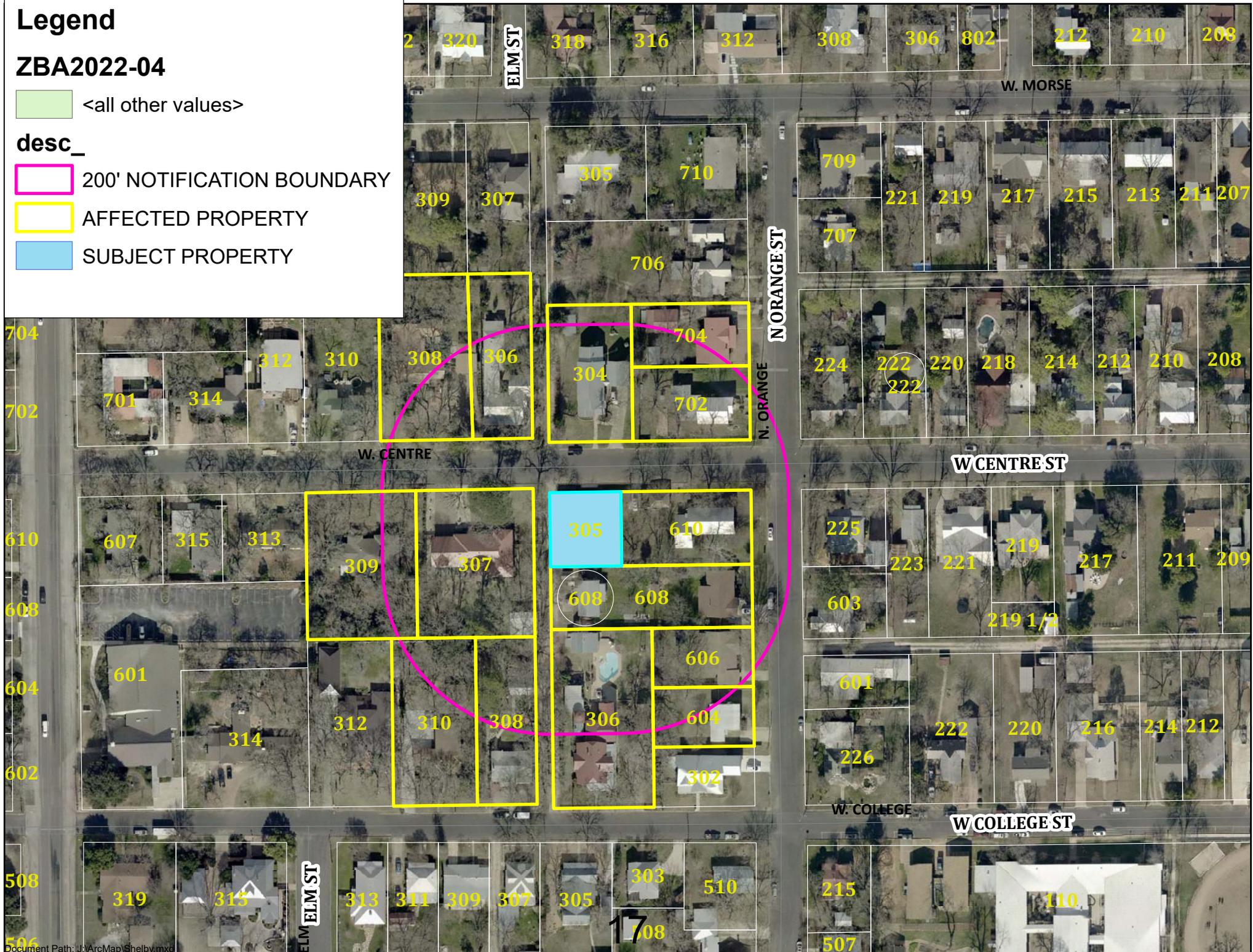
ZBA2022-04

 <all other values>

desc_
 200' NOTIFICATION BOUNDARY

 AFFECTED PROPERTY

 SUBJECT PROPERTY



ZBA2022-04

312

310

308

306

304

704

702

224

222

220

W. CENTRE

W CENTRE ST

N. ORANGE

313

309

307

305

610

225

223

221

601

608

608

603

N ORANGE ST

314

312

310

308

306

606

604

302

601

222

226

18