The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Thursday, August 13, 2020. This meeting will be held remotely via Zoom Teleconferencing, and in person attendance will not be available. Members of the public may attend the meeting remotely by web or telephone via Zoom Teleconferencing (see details below). These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government code.

Members of the public may join the Zoom Meeting by one of the following:

By web:
https://us02web.zoom.us/j/83642579598
Meeting ID: 836 4257 9598

By phone:
(888)788-0099 (Toll Free)
(877)853-5247 (Toll Free)
Meeting ID: 836 4257 9598

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

   During the COVID-19 pandemic, The City of Fredericksburg is allowing public comments to be submitted remotely, by 3 p.m. on August 13, 2020 using the following method:

   Please email your comments to scollier@fbgtx.org

4. APPROVAL OF MEETING MINUTES

   April 2020 regular meeting minutes

5. PUBLIC HEARING

   A. Request (ZBA2020-03) by Christopher and Mardi Zaeske for a Variance to Section 3.100 of the Zoning Ordinance pertaining to Rear Setback of a R1 Zoned property located at 413 W. Creek. Applicant requests a 5 ft. Rear Setback instead of a 10 ft. Rear Setback.
6. **ACTION ITEM**

   A. Receive Recommendation and Consider ZBA2020-03

7. **ADJOURN**

This is to certify that I, Shelby Collier, posted this Agenda by 4:30 p.m. on Thursday, August 6, 2020, on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

______________________________

Shelby Collier  
Development Services Coordinator
On this the 21th day of APRIL 2020, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum

PRESENT
MARCUS VIDRINE
JEFF LAWRENCE
CYNTHIA SCROGGINS
DONNIE FINN
JIM MCAFEE

ABSENT:
TRAVIS NEAL

ALSO PRESENT:
BRIAN JORDAN – Director of Development
DANIEL JONES – City Attorney
SHELBY COLLIER - Development Coordinator

The meeting was called to order at 5:31 P.M. by Donnie Finn.

MINUTES

Marcus Vidrine made a motion to approve the minutes from the February 2020 Meeting. Jeff Lawrence seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

Request (ZBA2020-02) by Travis Halfmann for a variance to install a 7 ft. fence in the Front Yard Setback at 406 S. Creek Street.

Marcus Vidrine made a motion to open the public hearing. Jim McAfee seconded the motion. All voted in favor and the motion carried.

Travis Halfmann explained his desire to build a 7 ft fence along the property line along South Creek Street. He believed this was necessary to protect his children from unwanted visitors and interaction with people walking down the street.

Jim McAfee made a motion to close the public hearing. Jeff Lawrence seconded the motion. All voted in favor and the motion carried.
Brian Jordan, Director of Development, stated that the applicant has noted in his application that the condition of S. Creek Street prohibits his children from playing outside due to the low fence and interactions with pedestrians. It should be noted that this condition existed prior to the owner having purchased the property. However, given the criteria noted above, we would recommend approval to allow a fence taller than 4’ in height. As an alternative to the 7’ fence requested, a 6’ fence of similar material is recommended. Staff recommends approval, conditioned upon the portion of fence along Creek Street be located inside the property line and the fence not encroach into the 30’x30’ visibility triangle at the intersection. Also, the new fence must match the previous fence in design, material and height.

Motion made to approve Application ZBA2020-02 to a height of 7’ and same material as existing fence by Jim McAfee. Jeff Lawrence seconded the motion. 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 Jeff Neal seconded the motion. All voted in favor and the meeting was adjourned at 5:42 P.M.

PASSED AND APPROVED this the 13th Day of August, 2020

______________________________  ______________________________
SHELBY COLLIER, DEVELOPMENT COORDINATOR  DONNIE FINN, CHAIR
VARIANCE BRIEF
Request # 2020-03

APPLICANT: Christopher & Mardi Zaeske

ZONING: R-1, Single Family Residential, and Historic District

LOCATION: 413 W. Creek Street (corner of W. Creek Street and S. Edison Street)

REQUEST: Variance to Section 3.100 of the Zoning Ordinance, pertaining to
the required 10’ rear yard setback.

FINDINGS:

- The subject property is currently occupied by a historic home, a
  historic accessory building with a 2000 addition.

- The applicant has the property under contract and intends to
  remove the modern addition attached to the accessory structure.
  In addition, they intend to subdivide the property and create an
  additional lot fronting on S. Edison Street.

- The Historic Review Board approved the demolition of the 2-
  story addition to the rear structure in July 2020.

- The lot is approximately 0.584 acres (25,436 square feet) in size
  (see survey).

- The applicants intend to subdivide the lot, and in doing so, they
  would like to retain the two historic structures on the same lot,
  while creating a separate lot in the process.

- In creating the new lot and meeting the minimum lot width of
  70’, the historic building lies approximately 5’ from the
  proposed lot line.

- Section 3.100 of the Zoning Ordinance requires a Rear Yard
  Setback of 10’.

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. This
request is the result of an intent to subdivide the property and retain the two
historic structures on the same lot. In doing so, a variance is necessary to meet the
R-1 Zoning regulations. In this case, reasonable use is limited by the location of the
accessory structure and the intent to keep both historic structures on the same
property.

5
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 in this case were not created by the applicant. They are simply trying to take advantage of a subdividing a large city lot while maintaining the historic structures on the same property. This could be accomplished by keeping the property all as one lot as well. It is very likely that when the 2000 addition was made to the building, the issue of an additional lot being created was not considered.

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. We do not expect this variance to alter the character of the adjacent property.

**OPPOSITION/SUPPORT OF REQUEST:** No letters received.

**STAFF RECOMMENDATION:** Approval.
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<thead>
<tr>
<th>Letter</th>
<th>Owner</th>
<th>Address</th>
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<tbody>
<tr>
<td>1</td>
<td>SUBJECT PROPERTY</td>
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<tr>
<td>2</td>
<td>SUBJECT PROPERTY WITH 200' BUFFER</td>
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<tr>
<td>3</td>
<td>CHRISTOPHER &amp; MELISSA KAM</td>
<td>308 S. EDISON ST FREDERICKSBURG, TX 78624</td>
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<td>4</td>
<td>JANE SCHOFIELD</td>
<td>418 W. CREEK ST FREDERICKSBURG, TX 78624</td>
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<td>JULIA BATES</td>
<td>132 WAGON TRAIL FREDERICKSBURG, TX 78624</td>
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<td>STEVE &amp; RHONDA HOERSTER</td>
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<td>JORGE &amp; DORA MIRELEZ</td>
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<td>CURTIS &amp; BETTY JUNG</td>
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<td>JERALD &amp; BUSBY JENKINS LIFE ESTATE</td>
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<td>SUBJECT PROPERTY OWNER: YOUNG AMERICA'S FOUNDATION</td>
<td>110 ELDEN ST HERNDON, VA 20170</td>
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<td>HENRY JOHNSON</td>
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<td>CHARLES &amp; GINA ENDERLIN</td>
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<td>CONLON FAMILY TRUST</td>
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<td>KRALICH INVESTING LLC</td>
<td>1222 BROOKFIELD LN MANSFIELD, TX 76063</td>
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<td>ROBERT &amp; JULIE SAWTELLE</td>
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<td>YVONNE ALBERTHAL</td>
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