

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

**BOARD OF ADJUSTMENT
August 13, 2020
5:30 P.M.**

On this the 13th day of AUGUST 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
CYNTHIA SCROGGINS
DONNIE FINN
TRAVIS NEAL

ABSENT:
JIM MCAFEE

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

The meeting was called to order at 5:30 P.M. by Donnie Finn.

MINUTES

Cynthia Scroggins made a motion to approve the minutes from the April 2020 Meeting. Marcus Vidrine seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

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.

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

The applicant, Mardi Zaeske, presented the application. She stated it was her desire to subdivide the property but preserve the original back structure. The only way to make that work, was to obtain a variance to allow the rear setback to be 5 feet instead of 10 feet.

Marcus Vidrine made a motion to close the public hearing. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

Brian Jordan, Director of Development, stated that 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.

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. Staff recommends approval.

Motion made to approve Application ZBA2020-03 by Cynthia Scroggins. Seconded by Donnie Finn. Travis Neal and Marcus Vidrine voted in opposition. The motion died.

The board was unable to reach an approved motion and were advised by the City Attorney Daniel Jones that in the event the Board obtained a split decision, the Application would be denied automatically.

ADJOURN

With nothing further to come before the Board, Travis Neal moved to adjourn the meeting and Cynthia Scroggins seconded the motion. All voted in favor and the meeting was adjourned at 6:00 P.M.

PASSED AND APPROVED this the 15th day of OCTOBER 2020



SHELBY COLLIER, DEVELOPMENT COORDINATOR



~~DONNIE FINN, CHAIR~~

Cynthia Scroggins, Vice Chair