



**MEETING AGENDA  
SCHERTZ BOARD OF ADJUSTMENT  
March 6, 2023**

**HAL BALDWIN MUNICIPAL COMPLEX COURTROOM  
1400 SCHERTZ PARKWAY BUILDING #1  
SCHERTZ, TEXAS 78154**

**CITY OF SCHERTZ CORE VALUES**

**Do the right thing**

**Do the best you can**

**Treat others the way you want to be treated**

**Work cooperatively as a team**

**AGENDA**

**MONDAY, MARCH 6, 2023 at 6:00 p.m.**

The Board of Adjustment will hold this meeting at 6:00p.m., Monday, March 6, 2023, at the Municipal Courtroom. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.

- 1. CALL TO ORDER / ROLL CALL**
- 2. SEAT ALTERNATE TO ACT IF REQUIRED**

**3. HEARING OF RESIDENTS**

*Residents who choose to watch the meeting via live stream, but who would like to participate in Hearing of Residents, should email their comments to the Planning Division, at [planning@schertz.com](mailto:planning@schertz.com) by 5:00p.m. on Monday, March 6, 2023, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.*

*This time is set aside for any person who wishes to address the Board of Adjustment. Each person should fill out the Speaker's register prior to the meeting. Presentations should be limited to no more than three (3) minutes. Discussion by the Board of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

**4. CONSENT AGENDA:**

- A. Minutes for the November 29, 2022 Regular Meeting.**
- B. Minutes for the January 31, 2022, Regular Meeting.**

**5. PUBLIC HEARING:**

The Board of Adjustment will hold a public hearing related to variance requests within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant's request, and any other interested persons. Upon completion, the public hearing will be closed. The Board will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Board will act on the applicant's request.

- A.** PLVAR20220227 - Hold a public hearing, consider and act upon a request for a variance to Unified Development Code Article 11, Section 21.11.12- Multi-Tenant Signs, in order to permit a multi-tenant sign with increased maximum height, increased maximum area, and removal of the requirement for masonry on multi-tenant signs, located at 17975 IH 35 N, Unit B, City of Schertz, Guadalupe County, Texas.

**6. ANNOUNCEMENTS:**

**A.** Announcements by Members

- City and community events attended and to be attended
- Continuing education events attended and to be attended

**B.** Announcements by City Staff

- City and community events attended and to be attended
- Continuing education events attended and to be attended

**7. ADJOURNMENT OF THE REGULAR MEETING**

**CERTIFICATION**

I, Emily Delgado, Planning Manager, of the City of Schertz, Texas, do hereby certify that the above agenda was posted on the official bulletin boards on this the 2nd day of March, 2023 at 5:00 p.m., which is a place readily accessible to the public at all times and that said notice was posted in accordance with chapter 551, Texas Government Code.

*Emily Delgado*

Emily Delgado, Planning Manager

I certify that the attached notice and agenda of items to be considered by the Schertz Board of Adjustment was removed from the official bulletin board on \_\_\_\_ day of \_\_\_\_\_, 2023. \_\_\_\_\_ title: \_\_\_\_\_

*This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services please call 619-1030 at least 24 hours in advance of meeting.*

The Board of Adjustment for the City of Schertz reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**BOARD OF ADJUSTMENT MEETING: 03/06/2023**  
**Agenda Item 4 A**

TO: Board of Adjustment  
PREPARED BY: Samuel Haas, Senior Planner  
SUBJECT: Minutes for the November 29, 2022 Regular Meeting.

---

---

**Attachments**

Draft Minutes for the November 29, 2022 Board of Adjustment Meeting

---

---

# DRAFT

## BOARD OF ADJUSTMENT MINUTES

November 29, 2022

The Schertz Board of Adjustment convened on November 29, 2022 at 6:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Richard Dziewit, Chair  
Reginna Agee, Board Member  
Earl Hartzog, Board Member  
Frank McElroy, Board Member  
Yvonne Griffen, Board Member

City Staff: Emily Delgado, Senior Planner  
Samuel Haas, Planner  
Tiffany Danhof, Administrative Assistant  
Ralph Gutierrez, Council Liaison

### 1. CALL TO ORDER / ROLL CALL

Mr. Dziewit called the meeting to order at 6:02 P.M.

### 2. SEAT ALTERNATE TO ACT IF REQUIRED

Mrs. Griffin was seated as the alternate.

### 3. HEARING OF RESIDENTS

*Residents who choose to watch the meeting via live stream, but who would like to participate in Hearing of Residents, should email their comments to the Planning Division, at [planning@schertz.com](mailto:planning@schertz.com) by 5:00p.m. on Tuesday, November 29, 2022, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.*

*This time is set aside for any person who wishes to address the Board of Adjustment. Each person should fill out the Speaker's register prior to the meeting. Presentations should be limited to no more than three (3) minutes. Discussion by the Board of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

No one spoke.

### 4. CONSENT AGENDA:

A. Minutes for the November 7, 2022, BOA Meeting.

Motioned by Board Member Earl Hartzog, seconded by Board Member Yvonne Griffen to approve

**Vote:** 5 - 0 Passed

**5. PUBLIC HEARING:**

The Board of Adjustment will hold a public hearing related to variance requests within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant's request, and any other interested persons. Upon completion, the public hearing will be closed. The Board will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Board will act on the applicant's request.

- A.** PLVAR20220141 - The property owner of 2937 Mistywood Lane has requested a variance to Unified Development Code Article 5 Section 21.5.7 Dimensional and Developmental Standards in order to permit a building expansion (enclosed covered patio) into the required twenty-foot (20') rear setback.

Mr. Haas gave a presentation.

Mr. Dziewit opened the public hearing at 6:09 P.M.

No one spoke

Mr. Dziewit closed the public hearing at 6:09 P.M.

There was a discussion on:

- Clarification on R7
- Clarification on an onsite view of the property
- Any current variance in the surrounding area
- Applicant applying for HOA approval
- How long the applicant Owned the property in the decision
- Verification of the material of the slab
- Impervious coverage

Motioned by Board Member Yvonne Griffen, seconded by Board Member Frank McElroy to disapprove

**Vote:** 5 - 0 Passed

**6. ANNOUNCEMENTS:**

**A. Announcements by Members**

- City and community events attended and to be attended
- Continuing education events attended and to be attended

There were announcements by Mr. Hartzog on January 31, 2022, minutes.

**B. Announcements by City Staff**

- City and community events attended and to be attended
- Continuing education events attended and to be attended
- Committee of Committees Advisory Board Meeting Summaries

There were no announcements by City Staff.

**7. ADJOURNMENT OF THE REGULAR MEETING**

**Mr. Dziewit adjourned the regular meeting at 6:23 P.M.**

---

Chairman, Board of Adjustment

---

Recording Secretary, City of Schertz

**BOARD OF ADJUSTMENT MEETING: 03/06/2023**  
**Agenda Item 4 B**

TO: Board of Adjustment  
PREPARED BY: Samuel Haas, Senior Planner  
SUBJECT: Minutes for the January 31, 2022, Regular Meeting.

---

**BACKGROUND**

Board Member Earl Hartzog requested these minutes be pulled and reviewed. There was an issue with Public Hearing Item C. BOA2022-001. The original minutes had this motion passed on a vote of 3-1. However, as there were only 4 members present at this meeting, the item would have needed all four members to vote in the affirmative to pass. As a result, the minutes and the item have been changed from passed to fail.

---

**Attachments**

Draft Minutes for the January 31, 2022 Board of Adjustment Meeting

---

**BOARD OF ADJUSTMENT MINUTES**  
**January 31, 2022**

The Schertz Board of Adjustment convened on January 31, 2022 at 6:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Richard Dziewit, Chair  
Earl Hartzog, Board Member  
Frank McElroy, Board Member  
Yvonne Griffen, Board Member

Absent: Reginna Agee, Board Member  
Danielene Salas, Board Member

City Staff: Brian James, Assistant City Manager  
Lesa Wood, Director of Planning & Community Development  
Megan Harrison, Planner  
Daniel Santee, City Attorney  
Tiffany Danhof, Administrative Assistant

**1. CALL TO ORDER / ROLL CALL**

Mr. Dziewit Called the meeting to order at 6:01 P.M.

**2. SEAT ALTERNATE TO ACT IF REQUIRED**

Mrs. Griffin was seated as the alternate.

**3. HEARING OF RESIDENTS**

*Residents who choose to watch the meeting via live stream, but who would like to participate in Hearing of Residents, should email their comments to the Planning Division, at [planning@schertz.com](mailto:planning@schertz.com) by 5:00p.m. on Monday, January 31, 2022, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.*

*This time is set aside for any person who wishes to address the Board of Adjustment. Each person should fill out the Speaker's register prior to the meeting. Presentations should be limited to no more than three (3) minutes. Discussion by the Board of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

**4. PRESENTATION AND DISCUSSION:**



**A. Presentation and Discussion on the Board of Adjustment Laws, Rules, and Regulations**

Daniel Santee provided a presentation.

**5. CONSENT AGENDA:**

**A. Minutes for the July 27, 2020, Regular Meeting.**

Motioned by Board Member Frank McElroy, seconded by Board Member Earl Hartzog to approve

**Vote:** 4 - 0 Passed

**6. PUBLIC HEARING:**

The Board of Adjustment will hold a public hearing related to variance requests within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant's request, and any other interested persons. Upon completion, the public hearing will be closed. The Board will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Board will act on the applicant's request.

**A. BOA2021-001 Hold a public hearing, consider and act upon a request for a variance to the Unified Development Code Article 11, Signs and Advertising, in order to permit a second multi-tenant sign, increased maximum wall sign area, increased number of wall signs for two proposed signs, removal of the requirement for masonry on multi-tenant signs, and to remove the requirement that all text or graphic elements be limited to 6 inches from outer limits, located at 3701 FM 3009, City of Schertz, Guadalupe County, Texas.**

Mrs. Harrison and the applicant gave a presentation.

Mr. Dziewit opened the public hearing at 6:41 P.M.

Margie Crenshaw- 3708 William Scarebrough

Mr. Dziewit closed the public hearing at 6:43 P.M.

There was a discussion on:

- Clarification on staff's recommendation
- Masonry requirements
- Sign size requirements
- Roadway sign/electronic requirements
- Reviewing/modifications on Sign ordinance

Motioned by Board Member Frank McElroy, seconded by Board Member Yvonne Griffen to approve UDC Sec.21.11.9.C 4 wall signs

**Vote:** 4 - 0 Passed

Motioned by Board Member Frank McElroy, seconded by Board Member Earl Hartzog to approve UDC Sec.21.11.9.C 2 wall signs on one wall

**Vote:** 4 - 0 Passed

Motioned by Board Member Earl Hartzog, seconded by Board Member Frank McElroy to disapprove UDC Sec.21.11.12.D 2 multi-tenant signs

**Vote:** 2 - 2 Failed

NAY: Chair Richard Dziewit  
Board Member Yvonne Griffen

Motioned by Board Member Yvonne Griffen, seconded by Chair Richard Dziewit to approve UDC Sec.21.11.12.D 2 multi-tenant signs

**Vote:** 2 - 2 Failed

NAY: Board Member Earl Hartzog  
Board Member Frank McElroy

Motioned by Board Member Yvonne Griffen, seconded by Board Member Earl Hartzog to approve UDC Sec.21.11.12.D 2 multi-tenant signs

**Vote:** 2 - 2 Failed

NAY: Board Member Earl Hartzog  
Board Member Frank McElroy

Motioned by Board Member Frank McElroy, seconded by Board Member Yvonne Griffen to approve UDC Sec.21.11.12.C, UDC Sec.21.11.12.G, and UDC Sec.21.11.12.G

**Vote:** 4 - 0 Passed

- B.** BOA2021-002 Hold a hearing, consider and act upon a request for a variance to Unified Development Code Article 5, Section 21.5.7 Dimensional and Development Standards, Single-Family Residential District-6 (R-6) in order to reduce the front yard setback from twenty-five feet (25') to twenty feet (20'), reduce the side yard setback from ten feet (10') to five feet (5') and reduce the rear yard setback from twenty feet (20') to zero feet (0'), located at 3709 Hillside, City of Schertz, Guadalupe County, Texas.

Mrs. Harrison and the applicant gave a presentation.

Mr. Dziewit opened the public hearing at 7:34 P.M.

Pia Caruso- 3705 Hillside

Mr. Dziewit closed the public hearing at 7:43 P.M.

There was a discussion on:

- Clarification of the re-plat, parcel, zoning, and annexation of the property
- Square feet of proposed new home

Motioned by Board Member Frank McElroy, seconded by Board Member Yvonne Griffen to

approve

Vote: 3 - 1 Failed

NAY: Board Member Earl Hartzog

Due to the Board of Adjustment having 4 members present, since 3 members voted aye and 1 member voted nay, the motion failed and the variance request was denied.

- C.** BOA2022-001 Hold a public hearing, consider and act upon a request for a variance to Unified Development Code Article 5, Section 21.5.7 Dimensional and Development Standards, General Business District (GB) in order to reduce the front setback from fifty feet (50') to twelve feet (12'), and to Unified Development Code Article 14, Section 21.14.3.C to eliminate the twenty-foot (20') landscape buffer requirement adjacent to public right-of-way, located at 16842 IH-35, City of Schertz, Guadalupe County, Texas.

Mrs. Harrison and the applicant gave a presentation.

Mr. Dziewit opened the public hearing at 8:03 P.M.

No one spoke.

Mr. Dziewit closed the public hearing at 8:04 P.M.

There was a discussion on:

- Clarification on immanent domain of current structure on the property

Motioned by Board Member Frank McElroy, seconded by Board Member Yvonne Griffen to approve

Vote: 3 - 1 Failed

NAY: Board Member Earl Hartzog

Due to the Board of Adjustment having 4 members present, since 3 members voted aye and 1 member voted nay, the motion failed, and the variance request was denied.

## **7. ANNOUNCEMENTS:**

### **A. Announcements by Members**

- City and community events attended and to be attended
- Continuing education events attended and to be attended

There were announcements by Members.

### **B. Announcements by City Staff**

- City and community events attended and to be attended
- Continuing education events attended and to be attended

There were no announcements by City Staff.

## **8. ADJOURNMENT OF THE REGULAR MEETING**

Mr. Dziewit adjourned the regular meeting at 8:00 P.M.

Chairman, Board of Adjustment

Recording Secretary, City of Schertz

**BOARD OF ADJUSTMENT MEETING: 03/06/2023**  
**Agenda Item 5 A**

TO: Board of Adjustment  
 PREPARED BY: Emily Delgado, Planning Manager  
 CASE: PLVAR20220227  
 SUBJECT: PLVAR20220227 - Hold a public hearing, consider and act upon a request for a variance to Unified Development Code Article 11, Section 21.11.12- Multi-Tenant Signs, in order to permit a multi-tenant sign with increased maximum height, increased maximum area, and removal of the requirement for masonry on multi-tenant signs, located at 17975 IH 35 N, Unit B, City of Schertz, Guadalupe County, Texas.

---

**GENERAL INFORMATION:**

Owner: PV Schertz, LLC  
 Applicant: Apex Sign Group/Katlyn Smith

**REQUEST**

The property owner of 17975 IH 35 N, Unit B has requested a variance to Unified Development Code Article 11, Section 21.11.12, Multi-Tenant Sign Standards in order to have increased height, increased maximum area, and to remove all masonry requirements for a proposed multi-tenant sign.

**PUBLIC NOTICE:**

The public hearing notice was published in the "San Antonio Express" on February 15th, 2023. There were 8 notices mailed to surrounding property owners on February 14th, 2023. At the time of this staff report, staff has received no responses in favor or opposed to the requested variance.

**ITEM SUMMARY:**

The applicant would like to build a multi-tenant sign shown in the attachments. The sign will be 40 feet tall, with an area of 280 square feet. The top of the sign has an oval Murdoch's advertisement and logo that is 19 feet 2 inches wide by 11 feet 6 inches in height. Directly below the proposed Murdoch sign are two tenant signs in a single frame that is 10 feet wide by 6 foot tall. The maximum width of the signs is 30 inches. The supporting pole structure would be encapsulated by a black aluminum façade box.

The table below identifies the current Unified Development Code (UDC) requirements for Multi-tenant Signs, which is specifically identified in Article 11 Section 21.11.12.

UDC Section	Currently Allowed	Requested	Why Variance would be required:
Art. 11 Section 21.11.12.B: Maximum Height	20 feet	40 feet	Due to the property being adjacent to IH 35 which is classified as "Areas with Limited Access" the maximum height is 20 feet. The proposal is to increase the height of the sign by an additional 20 feet for a total height of 40 feet.

Art. 11 Section 21.11.12.C: Maximum Area	Area shall be equivalent to 1% of the gross building square footage with a maximum of 150 square feet	280 square feet	The proposed signage would increase the maximum area by an additional 130 square feet for a total signage of 280 square feet.
Art. 11 Section 21.11.12.G: Material Requirements	All multi-tenant monument signs shall be constructed of masonry material consisting of brick, stone or split face concrete block which shall be consistent in nature with the overall theme of the development.	No masonry proposed. Aluminum cladding over angle framing-painted black	The proposed signage does not provide the masonry required per the UDC and instead is proposing to be aluminum painted black.

### **SUBJECT PROPERTY GENERAL LOCATION, LAND USE AND ZONING:**

The property is located at 17975 IH 35 N, Unit B in the Garden Ridge Commercial Subdivision

<b>Existing Zoning</b>	<b>Land Use</b>
Planned Development District (PDD)	Showroom/Warehouse

Adjacent Properties:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Four Oaks Lane Right of Way	Right of Way
<b>South</b>	IH 35 Right of Way	Right of Way
<b>East</b>	General Business (GB)	Commercial/Retail
<b>West</b>	General Business (GB)	Commercial/Retail

### **CRITERIA FOR REVIEW**

According to Unified Development Code (UDC), Article 3, Section 21.3.4.B, in order to make a finding of hardship and grant a variance from the zoning regulations of the UDC, the Board must determine the following:

**1. The requested variance does not violate the intent of the UDC or its amendments;**

The purpose of Article 11 is to recognize the safety, commercial, emergency, and informational needs for signs. Additionally, this Article is intended to enhance property values, maintain aesthetic attractiveness, and promote commercial opportunity in the City. The requested variance does not violate this intent as the increased height and area would assist customers in locating the businesses at this property.

**2. Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district ;**

There are no special conditions of restricted area, topography, or physical features that are peculiar to this parcel compared with the parcels in the proximity in the same zoning district.

**3. The hardship is the result of the applicant's own actions; or**

The applicant is requesting a variance to build a different / larger sign than the UDC allows.

**4. The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.**

Adjacent properties do advertise with signs that appear taller than 20 feet. However, these signs are single tenant signs. The applicant's sign would be primarily be advertising a single tenant with smaller spaces for products/tenants within the business, therefore the city believes that this provision of the UDC would deprive the

applicant of rights commonly enjoyed by adjacent properties. Additionally, the subject property is located on IH 35, which has increased traffic and speed. The increased signage height and area will allow for ease of visibility for customers.

#### **STAFF ANALYSIS AND RECOMMENDATION:**

In evaluating the proposed multi-tenant signage staff identified that there is a significant difference between what is permitted for a multi-tenant versus a single tenant (freestanding ground sign). The table below identifies the differences between the two signage designations specifically as it relates to properties along IH 35.

<b>Multi-Tenant Signage Requirements (Article 11 Section 21.11.12)</b>	
Maximum Height:	20 Feet
Maximum Area:	150 Square Feet
Material Requirement:	Masonry required
<b>Freestanding Ground Sign (Article 11 Section 21.11.10)</b>	
Maximum Height:	50 Feet
Maximum Area:	250 Square Feet
Material Requirement:	No material requirements

When reviewing the differences between a multi-tenant versus a single tenant / freestanding ground sign it was determined that there are inconsistencies in relation to the height, area, and material requirements. In other words, if the subject property was proposing a single tenant sign they would be allowed a 50 foot tall 250 square foot sign. However, since they are proposing to have spaces for other tenants on the property they are limited to 20 feet and 150 square feet in area. After reviewing this UDC section in relation to this variance request it was discussed at the Development Subcommittee that a UDC amendment should be considered that would modify the Multi-Tenant signage requirements to be in line with what is currently allowed as a freestanding ground sign.

Due to the proposed upcoming Unified Development Code Amendment in relation to signage, staff is recommending approval to increase the allowable height and allowable area to be consistent with the freestanding ground sign requirements. Due to the proposal being for a maximum height of 40 feet, this is recommended for approval by staff. In relation to the proposed area of 280 square feet, staff is recommending the Board of Adjustment only approve a maximum area of 250 square feet which would require the applicant to modify the proposed sign to reduce the overall area by 30 square feet. In relation to the proposal to not provide a masonry material, staff is recommending approval.

---

#### **Attachments**

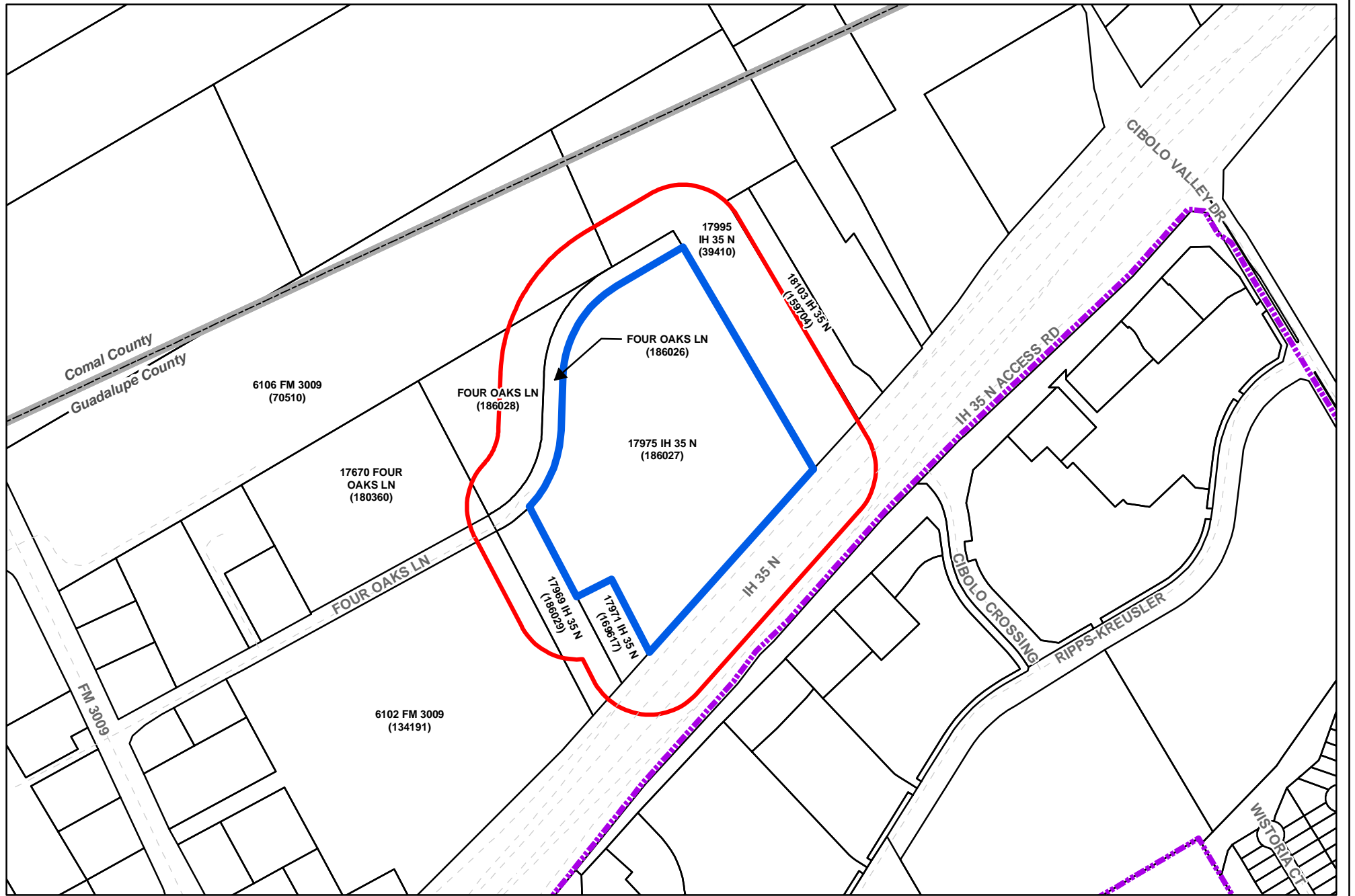
Aerial Exhibit  
Public Hearing Notice Map  
Sign Exhibit  
Variance Application & Supporting Documents

---









**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

Last Update: January 10, 2023

City of Schertz, GIS Specialist: Bill Gardner, gis@schertz.com (210) 619-1185

"The City of Schertz provides this Geographic Information System product "as is" without any express or implied warranty of any kind including but not limited to the implied warranties of merchantability and fitness for a particular purpose. In no event shall the City of Schertz be liable for any special, indirect or consequential damages or any damages whatsoever arising out of or in connection with the use of or performance of these materials. Information published in this product could include technical inaccuracies or typographical errors. Periodical changes may be made and information may be added to the information herein. The City of Schertz may make improvements and/or changes in the product(s) described herein at any time."

# City of Schertz

## Murdoch's Sign Variance (PLVAR20220227)



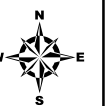
Project Area



200' Buffer



City Limit Boundary





## AFFIDAVIT OF PERMIT AUTHORIZATION

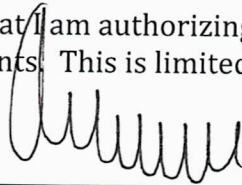
*This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain approval(s) on behalf of a property owner. This form is completed by the property owner or the company containing the authority to sign for the legal land owner.*

I, Andrew M. Kaplan, Manager of the owner of the property listed below certify that I have granted, Apex Signs and their permit expeditor Expedite The Diehl, my duly authorized agent(s), permission to obtain the variance, sign permits and related documents necessary for the construction (or installation) of signs at the following address:

17975 IH35, Schertz, TX

Address of permit location

I understand that I am authorizing them to apply for necessary permits and related permit documents. This is limited to what is necessary for sign permit projects to be completed.



Signature of Property Owner

12/5/2022

Date

~~Notary~~

~~State of \_\_\_\_\_~~

~~City/ County of \_\_\_\_\_~~

~~I, \_\_\_\_\_ Notary Public in and for the aforesaid State hereby  
certify that \_\_\_\_\_ appeared before me in the State and  
City/County aforesaid and executed this affidavit on this \_\_\_\_\_ day of "20\_\_ .~~

~~\_\_\_\_\_  
Notary Public~~

~~My Commission Expires the \_\_\_\_\_ day of \_\_\_\_\_  
Date Month year~~

Seal

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of SAN DIEGO )

On December 5, 2022 before me, JOSEFIN MANELSKI, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared Andrew M. Kaplan  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are Andrew M. Kaplan,  
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in  
his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

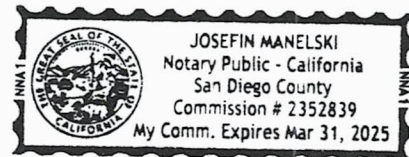
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Manelski*

(Seal)







CASE NUMBER: \_\_\_\_\_

**CITY OF SCHERTZ**  
**DEVELOPMENT APPLICATION**  
 Incomplete applications will be returned to the applicant.

**TYPE OF REQUEST:**

Annexation	\$	Vacating/Replat Plat	\$
Zone Change	\$	Variance	\$
Specific Use Permit	\$	Amending Plat	\$
Site Plan	\$	Minor Plat	\$
Master Development Plan	\$	Amendment to the U.D.C.	\$
Preliminary Plat	\$	Amendment to the C.L.P.	\$
Final Plat	\$	Other	\$

Name of Subdivision/Development: Garden Ridge Commerical

Lot: 1 Block: 1 Address: 17975 IH 35, Schertz, TX 78154

NOTE: If no address has been assigned, please provide an **ADDRESS REQUEST FORM** with this application.  
 (See Development Manual)

Survey Name: John Saladin Abstract#: 299 Tract # 404

General Location of Property: Approx. 0.40 miles NE of IH-35 and FM 3009 Total Acreage: 20.01

# Of Residential Lots: <u>N/A</u>	# Of Multi-Family Units: <u>N/A</u>	# Of Commercial Lots: <u>N/A</u>
Dwelling units per acre: <u>N/A</u>	Dwelling units per acre: <u>N/A</u>	Building Square Feet: <u>N/A</u>

Acreage of parkland in residential subdivisions: N/A public/private (circle one)

Present Zoning: Planned Development District (PDD) Requested Zoning (if applicable): \_\_\_\_\_

Existing Use: Commercial/Retail Proposed Use: Commercial/Retail/Warehouse

Current Property Owner: PV Schertz LLC  
 (Print Name and Title)

Street Address, City, State, Zip: 4340 E. Indian School Drive, Suite 21-222, Phx, AZ 85018

Ph#: 858-625-0100 Fax#: 858-625-9293 E-Mail: AKaplan@PacVest.com

**Applicant:** Apex Sign Group - Katlyn Smith  
(Company Name/Contact person/Title)

Street Address, City, State, Zip: 7208 South WW White RD San Antonio, TX 78222

Ph#: 210.441.6937 Fax#: \_\_\_\_\_ E-Mail: Katlyn.Smith@apexsigngroup.com

**Engineer's Name / Company:** Murdoch Engineering  
(Company Name/Contact person/Title)

Street Address, City, State, Zip: \_\_\_\_\_

Ph#: 973.570.8215 Fax#: \_\_\_\_\_ E-Mail: projects@murdochengineering.com

**Authorized Agent Name / Company:** Liberty Sign/ Apex Sign Group - Katlyn Smith and Shana Downs  
(Company Name/Contact person/Title)

Street Address, City, State, Zip: Liberty - PO Box 12157 Austin, TX 78711

Ph#: 512.255.3887 Fax#: \_\_\_\_\_ E-Mail: Shana@libertysignstx.com

### OWNER ACKNOWLEDGEMENT

Please confirm below that you, as the owner of this property have reviewed the application and all information submitted herein is true and correct.

Owner Signature PU Schertz, LLC  
By: PU General Partner, LLC (Manager)  
Date \_\_\_\_\_

By: Andrew M. Kaplan  
Andrew M. Kaplan, Manager

12/12/2022

4350 La Jolla Village Drive, Suite 110  
San Diego, CA 92122



Telephone: 858.625.0100  
Facsimile: 858.625.9243

December 14, 2022

**VIA FedEx**

Attn Tracey Diehl  
6487 Hilliard Drive,  
Canal Winchester, Ohio 43110

Re: PV Schertz, LLC / Development Application

Dear Tracey:

In connection with the above reference matter, we enclose the following original documents:

1. Affidavit of Permit Authorization; and
2. Development Application.

Please do not hesitate to contact us with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Wechter", is written over a horizontal line.

Kevin Wechter

Cc: Andrew Kaplan  
Oscar Garcia  
Joe Simmons  
Dustin Hogzett



1.The requested variance does not violate the intent of this UDC or its amendments;

Signs in general are designed to provide for clear direction, instruction, visibility to all motorists at all posted speed limits in all types of traffic and weather conditions. The proposed sign is in keeping with the overall intent of the ordinance as it is designed in accordance with the United States Sign Council guidelines for visibility and safety.

This UDC is adopted to:

- protect, promote, improve and provide for the public health, safety and general welfare of the citizens of the City;
- ensure the safe, orderly and efficient development and expansion of the City in accordance with and pursuant to its Comprehensive Land Plan and Master Thoroughfare Plan;
- conserve, develop, protect and utilize natural resources, in keeping with the public interest;
- prevent the overcrowding of land and avoid undue concentration or diffusion of population;
- protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- provide for open space;
- minimize pollution of air and water, assure the adequacy of drainage facilities, safeguard water resources and preserve the integrity and aesthetic quality of the community;
- lessen congestion in the streets and provide convenient, safe and efficient circulation for vehicular and pedestrian traffic; and
- facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, public safety and recreational facilities, and other public facilities and services.

Adequate signage protects from traffic incidents, provides public information, does not create hazards to health, environment or water supplies but rather lessens congestion by providing for clear motorist instruction and identification of landmarks as well as destinations.

2.Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;

Coming from the North on IH35 the street level is below the surface road that the building is located on and thus customers will not be able to see where the store is located. Coming from the South on IH35 the store is blocked by the tire store and thus not able to see our sign. This property is visible from a multi lane interstate highway that is already in existence. Persons seeking this destination will be traveling from outlying areas. The existing lot is also uniquely shaped and positioned at a dead end roadway.

Viewer Reaction Time (VRT) dictates how a motorist sees a sign when traveling at posted speed limits. The proposed sign is designed to be legible at posted speed limits along a multi lane

highway where parallel wall signs may not be as effective in notifying a motorist of their destination.

3.The hardship is in no way the result of the applicant's own actions; and

Building has been at this location for 40 years. There was a billboard sign that was removed at city request. The intent is to take a vacant retail structure and make use of it. The property is at a dead end cul-de-sac location that actually fronts on Four Oaks Lane and Exchange Avenue as well as having visibility from Monarch Highway (I35). It is imperative that motorists traveling at posted speed limits be able to identify this Murdoch's location from all adjacent roadways. Because the building will have additional tenants, to prevent sign clutter, we are proposing that all tenants be on one sign.

4.The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

There are signs that predate this ordinance in this area and those signs exceed the height allowance. Murdoch's wishes to take it's place in the community and be identified thru the use of signage along the roadway. Walmart, Discount Tire, SAS Shoes, and M&E Equipment services have very tall signs in place. The request is not going to take away from the zoning intent of this commercial area. The United States Sign Council guidelines are in place to help us design signs that are effective and visible for motorist safety. The line of site along a multi lane roadway can easily be obstructed and letters must be large enough to be legible and visible to motorists. Signs of this size and type area already in existence here and the denial of this sign would deprive the tenants at this location of rights enjoyed by other properties in this area.

United States Sign Council:

<https://usscfoundation.org/wp-content/uploads/2018/03/USSC-Parallel-Sign-Legibility-2018.pdf>