



**MEETING AGENDA
SCHERTZ BOARD OF ADJUSTMENT
April 24, 2023**

**HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS
1400 SCHERTZ PARKWAY BUILDING #4
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, APRIL 24, 2023 at 6:00 p.m.

The Board of Adjustment will hold this meeting at 6:00p.m., Monday, April 24, 2023 at the Municipal Complex Council Chambers. 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 by 5:00p.m. on Monday, April 24, 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 March 6th, 2023 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. PLVAR20230038 - A request for a variance to Unified Development Code Article 9 Section 21.9.8 Screening and Fencing, in order to permit an opaque fence within the front yards of 4710 Shady Lane and 4715 Troy Lane, City of Schertz, Guadalupe County, Texas
- B. PLVAR20230027 - A request for a variance to Unified Development Code Section 21.11.9 in order to permit an additional wall sign on a multi-tenant building located at 17670 Four Oaks Lane, 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
- Committee of Committees Advisory Board Meeting Summaries

7. ADJOURNMENT OF THE REGULAR MEETING

CERTIFICATION

I, Samuel Haas, Senior Planner, of the City of Schertz, Texas, do hereby certify that the above agenda was posted on the official bulletin boards on this the 21st day of April, 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.

Samuel Haas

Samuel Haas, Senior Planner

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: 04/24/2023
Agenda Item 4 A

TO: Board of Adjustment
PREPARED BY: Samuel Haas, Senior Planner
SUBJECT: Minutes for the March 6th, 2023 Regular Meeting.

Attachments

BOA Minutes 3.06.23

DRAFT

BOARD OF ADJUSTMENT MINUTES

March 6, 2023

The Schertz Board of Adjustment convened on March 6, 2023 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
Ferrando Heyward, Board Member
Yvonne Griffen, Board Member

Absent: Danielene Salas, Board Member

Staff present: Emily Delgado, Planning Manager
Tiffany Danhof, Administrative Assistant

1. CALL TO ORDER / ROLL CALL

Mr. Dziewit called the meeting to order at 6:04 P.M.

2. SEAT ALTERNATE TO ACT IF REQUIRED

Mr. Heyward 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 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.

No one spoke.

4. CONSENT AGENDA:

A. Minutes for the November 29, 2022 Regular Meeting.

Motioned by Board Member Frank McElroy, seconded by Board Member Earl Hartzog to approve November 29, 2022 Regular Meeting

Vote: 5 - 0 Passed

B. Minutes for the January 31, 2022, Regular Meeting.

Motioned by Board Member Earl Hartzog, seconded by Board Member Reginna Agee to approve January 31, 2022 Regular Meeting

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. 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.

Mrs. Delgado gave a presentation.

Mr. Dziewit opened the public hearing at 6:20 P.M.

- Greg Burkett-7208 South WW White Rd
- Will Holbsock- Construction Manager of Murdoch's Project
- Joe Simmons- Owner of property 17975 IH 35 N

Mr. Dziewit closed the public hearing at 6:22 P.M.

Motioned by Board Member Frank McElroy, seconded by Board Member Ferrando Heyward to approve the increased maximum 280 square area, 50ft maximum height, and removal of the requirement for masonry on the multi-tenant signs

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 no 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.

7. ADJOURNMENT OF THE REGULAR MEETING

Mr. Dziewit adjourned the regular meeting at 6:44 P.M.

Chairman, Board of Adjustment

Recording Secretary, City of Schertz

BOARD OF ADJUSTMENT MEETING: 04/24/2023
Agenda Item 5 A

TO: Board of Adjustment
 PREPARED BY: Emily Delgado, Planning Manager
 CASE: PLVAR20230038
 SUBJECT: PLVAR20230038 - A request for a variance to Unified Development Code Article 9 Section 21.9.8 Screening and Fencing, in order to permit an opaque fence within the front yards of 4710 Shady Lane and 4715 Troy Lane, City of Schertz, Guadalupe County, Texas

GENERAL INFORMATION:

Owner / Applicant: Todd Alexander

REQUEST

Date	Application Type
February 28, 2023	Variance Application

PUBLIC NOTICE:

The public hearing notice was published in the "San Antonio Express" on April 5, 2023. There were twenty-five (25) notices mailed to surrounding property owners on March 30, 2023. At the time of this staff report, staff has received three (3) responses in favor and zero (0) responses opposed or neutral to the request

ITEM SUMMARY:

The property owner of 4710 Shady Lane and 4715 Troy Lane has requested a variance to UDC Article 9 Section 21.9.8 Screening and Fencing, in order to permit an opaque fence within the front yards of the subject properties.

Article 9 Section 21.9.8 stipulates that a fence in the front yard can be a maximum of four feet (4') in height and shall be non-opaque, decorative fence material. However, the applicant is requesting to install a six foot (6') opaque wood privacy fence in order to increase privacy and security of their property.

The subject properties (4710 Shady Lane and 4715 Troy Lane) are located within the Live Oak Hills Subdivision. This subdivision, although platted property and platted lots do not have water, sewer, and both Shady Lane and Troy Lane are unimproved / undeveloped roadways. The applicant uses the subject properties for residential purposes.

SUBJECT PROPERTY GENERAL LOCATION, LAND USE AND ZONING:

The subject properties are located at 4710 Shady Lane and 4715 Troy Lane, which are part of the Live Oak Hills Subdivision.

Existing Zoning	Land Use
Single-Family Residential District (R-2)	Residential

Adjacent Properties:

	Zoning	Land Use
North	Single-Family Residential District (R-2)	Undeveloped
South	Single-Family Residential District (R-5)	Residential (Carolina Crossing)

East	Undeveloped Right of Way	Troy Lane
West	Undeveloped Right of Way	Shady Lane

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 violate the intent of the UDC or its amendments;

The requested variance does violate the UDC based on the maximum allowable fence height and material allowed in the front yard of a residential property. However, based on the properties conditions of being adjacent to undeveloped properties with no current City services (water or sewer), and being located at the terminus of Shady Lane and Troy Lane which are non-constructed streets, and the proposed fence is to ensure privacy and security on the residential property, there is a minimal impact on the adjacent undeveloped properties and the rear properties of the adjacent Carolina Crossing subdivision. Additionally, in 2019 a variance request (BOA2019-002) was approved for 4709 Shady Lane, which is directly across the Shady Lane right of way from the subject properties. This variance granted the property owner the ability to install a six foot tall wood privacy fence in the front yard, which is consistent with the current request for 4710 Shady Lane and 4715 Troy Lane.

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 ;

The subject property does not have any special conditions that would not be applicable to other properties currently zoned Single Family Residential (R-2) zoned properties. However, the Live Oak Hills Subdivision, although a platted subdivision does not have public infrastructure (water, sewer, sidewalks, and paved roadways) that similar platted subdivisions have installed. The subject properties are at the terminus of Shady Lane right of way and Troy Lane right of way. Due to the properties being at the terminus of unconstructed roadways, they should be evaluated differently than a standard residential lot.

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

The property owner is requesting the increased height and opaque fence material (6 foot tall wood privacy fence). Per the variance justification letter submitted by the applicant the desire to have the opaque fence in the front yard is to increase privacy and safety with the newly created City of Schertz walking trail which is approximately 55 feet from the subject properties. However, based on the previous variance case in 2019 being granted, and being for the property across Shady Lane right of way, the proposed variance request would be consistent with what is already occurring in the area.

4. The interpretation of the provisions in this UDC or any amendments thereto would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

Although utilizing the UDC in its strict interpretation would be consistent with allowable fence in other areas in the City of Schertz, the two subject properties are unique in nature. The subject properties are at the terminus of two roadways that have not been constructed, there is no water or sewer facilities in the area, and the City of Schertz recently constructed a walking trail in the area. The subject properties are in between the City of Schertz trail and the rear of the Carolina Crossing Subdivision, which make them unique in nature compared to other properties with the same zoning designation.

STAFF ANALYSIS AND RECOMMENDATION:

Staff recommends approval of PLVAR20230038, if approved the variance would allow for the desired privacy fence in the front yards of 4710 Shady Lane and 4715 Troy Lane. In addition, it would allow the entirety of these lots to have a consistent 6 foot high, opaque (wood privacy fence) which would provide the desired safety and security of the property owner. The proposed fence is consistent with the fence located at 4709 Shady Lane (directly across Shady Lane right of way) that previously received a variance for the fence material. The proposed variance and desired fence would pose a minimal to no impact on the adjacent property owners (the City of Schertz, and the rear of adjacent lots in Carolina Crossing). Additionally, the wood fence would eliminate the current wire fence with black material (as shown in the photos provided by the applicant) and would increase the

aesthetic quality of the fence for those utilizing the walking trail while providing the privacy desired by the property owner. Staff recommends approval of PLVAR20230038, to allow a 6 foot high wood privacy fence in the front yards of 4710 Shady Lane and 4715 Troy Lane.

Attachments

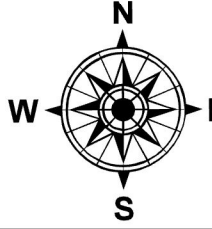
Aerial Exhibit

Public Hearing Notice Map

Variance Justification Form and Supporting Documents from Applicant

Public Hearing Responses








SCHERTZ


COMMUNITY • SERVICE • OPPORTUNITY


Troy x Shady Lane Variance
(PLVAR20230038)


 Highways


 Major Roads


 Minor Roads


 Freeway


 Principal Arterial


 Planned Principal Arterial


 Secondary Arterial


 Planned Secondary Arterial


 Secondary Rural Arterial


 Planned Secondary Rural Arterial


 Residential Collector


 Planned Residential Collector


 Planned Commercial Collector B


 Commercial Collector A


 Planned Commercial Collector A


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
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
 3"


 4"


 6"


 8"


 10"


 12"


 16"


 18"


 20"


 24"


 30"


 36"


 Unknown


 Schertz Gravity


 Schertz Pressure


 Neighboring Gravity


 Private Pressure


 Hydrant


 Manholes


 CCMA Lift Station


 Private Lift Station


 Schertz Lift Station


 CCMA Treatment Plant

 Project Boundary

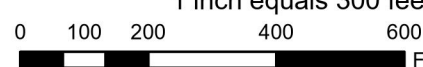
 County Boundaries

 Schertz Municipal Boundary

 ETJ

 200' Buffer

1 inch equals 300 feet





Esri Community Maps Contributors, BCAD, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONAMP, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, IMETI/NASA, USGS, EPA, NRS, US Census Bureau, USDA



Last update: March 24, 2023

City of Schertz, GIS Specialist: Alexa Venezia Dasse, avdasse@schertz.com (210) 619-1174

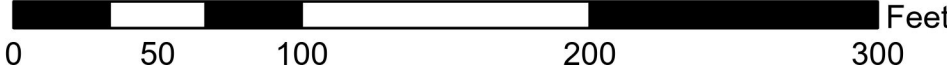
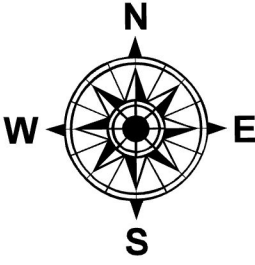
The City of Schertz provides this Geographic Information System product "as is" without any express or implied warranty of any kind including but not limited to the implied warranties of merchantability and fitness for a particular purpose. In no event shall The City of Schertz be liable for any special, 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 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

4715 Troy Lane x 4710 Shady Lane
Zoning Variance
(PLVAR20230038)

 Project Area

 200' Buffer



Board of Adjustment may grant variances or modifications of height, yard, area, coverage, parking regulations, accessory building and non-conforming use subject to making a finding of hardship that the variance meets all four of the following criteria. State how your request meets these conditions.

Description of variance request:

The variance request is a **modification** of the current, previously permitted fence. Change from transparent (cattle wire) to Opaque (6' wood fence boards) fencing making the fence materials align with most of the property fencing within the city and other neighborhoods.

1. Does the requested variance violate the intent of the Unified Development Code or deprive the applicant of right commonly enjoyed by other properties in the same zoning district that comply with the same provisions?
- ☒ Yes ☐ No

Explain: Due to actions by the city we are currently being deprived of our right to privacy, safety, and enjoyment of our parcels of land. It would only violate the code if the request was for a new fence, but the request is for modification on an existing fence installed many years ago with a permit. At the time the fence was installed, there was no need for an opaque fence, however, due to the new walking trail and the subsequent exposure to public view, there is a need now. The variance is not for a new fence, it is for modification of materials from transparent to opaque. Based on the properties conditions of being adjacent to undeveloped properties with no current City services (water or sewer), and being located at the terminus of Shady Lane and Troy Lane, non - constructed streets, and being located directly adjacent to our residential property, the constructed fence height and material poses minimal impact on the adjacent undeveloped properties.

2. Do special conditions or restricted area, shape, topography, or physical features exist that are irregular to the subject parcel of land and not applicable to other parcels of land in the same zoning districts?
- ☒ Yes ☐ No

Explain: Yes, this was an undeveloped area without plans for development 16 years ago when the fence was permitted. At that time there was no need for an opaque fence. The property was secluded with only right-of-way access to the property. That has been changed by the city. The city created a public path approximately 55 feet from our parcel of land which has made our parcels of land viewable to the public making us vulnerable to public actions, public viewing, and reduction of safety which results in us no longer being able to enjoy our land or privacy. The subject properties do not have any special conditions that would not be applicable to other properties currently zoned Single Family Residential (R -2) zoned properties. However, the Live Oak Hills Subdivision, although a platted subdivision, does not have public infrastructure (water, sewer, sidewalks, and paved roadways) that similar platted subdivisions have installed. The subject properties are at the terminus of Shady Lane and Troy Lane and directly adjacent to the rear of our residential property and City of Schertz owned properties.

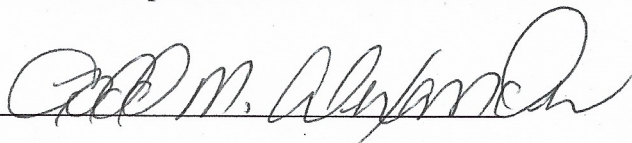
3. Is the hardship the result of the applicant's own actions or intended for financial interest?
- ☐ Yes ☒ No

Explain: No, the construction of a walking trail approximately 55 feet from the properties and the denial of a permit to modify the current fencing to regain our privacy, safety, and enjoyment is what caused the hardship.

4. Would granting this variance be detrimental to the public welfare or injurious to the value of property in the vicinity?
- ☐ Yes ☒ No

Explain: No, it would have a positive effect on the public walking path. It would be more pleasing to the eye from the walking trail, aligning with all the other privacy fences the pedestrians travel past on the trail. It would also align with the perimeter privacy fence that was permitted and constructed in 2019 across the street at 4709 Shady Lane.

Preparer's Signature: _____



Printed Name: Todd M Alexander

Date prepared: _____

16-Variance Checklist


Updated 10-2009

Page 2 of 2



 **Walking Trail**

 **Residence**

 **Properties**

 **Neighbor Fence**





NOTICE OF PUBLIC HEARING

March 30, 2023

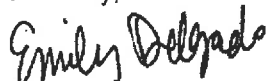
To whom it may concern,

The City of Schertz Board of Adjustment will conduct a public hearing on **Monday, April 24, 2023 at 6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and act upon the following item:

PLVAR20230038 - A request for a variance to Unified Development Code Article 9 Section 21.9.8 Screening and Fencing, in order to permit an opaque fence within the front yards of 4710 Shady Lane and 4715 Troy Lane, City of Schertz, Guadalupe County, Texas.

Because you own property within 200 feet of the subject property, the Board of Adjustment would like to hear how you feel about this request and invites you to attend the public hearing. If you would like to express how you feel, please complete the bottom portion of this letter and return before the public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Bldg. 1, Schertz, Texas 78154, or by e-mail planning@schertz.com. If you have any questions please feel free to call Emily Delgado, Planning Manager directly at (210) 619-1784.

Sincerely,



Emily Delgado
Planning Manager

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLVAR20230038**

COMMENTS: _____

NAME: Joseph W LeBouff SIGNATURE Joseph W. LeBouff
(PLEASE PRINT)

STREET ADDRESS: 3652 Diamond Falls

DATE: April 12, 2023

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLVAR20230038**

COMMENTS: I have no problems with a fence.

NAME: David Ketron SIGNATURE David Ketron
(PLEASE PRINT)

STREET ADDRESS: 3665 Diamond Falls Schertz, TX. 78154

DATE: April 3, 2023

1400 Schertz Parkway

Schertz, Texas 78154

210.619.1000

schertz.com

Emily Delgado

From: Mario Jr.
Sent: Thursday, April 13, 2023 9:04 AM
To: planning@schertz.com
Subject: PLVAR20230038 - Reply Form
Attachments: schertz_plvar20230038.pdf

Emily,

Good morning. Attached is a signed copy of the reply form with my comments. A wooden fence is acceptable to me. No visible chain link fencing with privacy (mesh) screens.

Attendance for the public hearing on the 24th is optional is that correct? Is my signed reply form and this email sufficient enough for me not to attend?

Very Respectfully,

Mario Viemann

NOTICE OF PUBLIC HEARING

March 30, 2023

To whom it may concern,

The City of Schertz Board of Adjustment will conduct a public hearing on **Monday, April 24, 2023 at 6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and act upon the following item:

PLVAR20230038 - A request for a variance to Unified Development Code Article 9 Section 21.9.8 Screening and Fencing, in order to permit an opaque fence within the front yards of 4710 Shady Lane and 4715 Troy Lane, City of Schertz, Guadalupe County, Texas.

Because you own property within 200 feet of the subject property, the Board of Adjustment would like to hear how you feel about this request and invites you to attend the public hearing. If you would like to express how you feel, please complete the bottom portion of this letter and return before the public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Bldg. 1, Schertz, Texas 78154, or by e-mail planning@schertz.com. If you have any questions please feel free to call Emily Delgado, Planning Manager directly at (210) 619-1784.

Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLVAR20230038**

COMMENTS: No issue with a wooden fence. chain linked fencing in front yard with fence screen
NAME: Mario Vielmann SIGNATURE *Mario Vielmann*
(PLEASE PRINT)

STREET ADDRESS: 3649 Diamond Falls

DATE: 4/12/2023

BOARD OF ADJUSTMENT MEETING: 04/24/2023
Agenda Item 5 B

TO: Board of Adjustment
 PREPARED BY: Samuel Haas, Senior Planner
 CASE: PLVAR20230027
 SUBJECT: PLVAR20230027 - A request for a variance to Unified Development Code Section 21.11.9 in order to permit an additional wall sign on a multi-tenant building located at 17670 Four Oaks Lane, City of Schertz, Guadalupe County, Texas

GENERAL INFORMATION:

Owner: Four Oaks Distribution Center, LLC.
 Applicant: Aria Signs & Design

REQUEST

Date: 02/20/2023
 Application Type: Variance Application

PUBLIC NOTICE:

The public hearing notice was published in the "San Antonio Express" on April 5th, 2023. There were seven (7) notices mailed to surrounding property owners on March 30th, 2023. At the time of this staff report, staff has received zero (0) responses opposed, neutral, or in favor.

ITEM SUMMARY:

The property owner at 17670 Four Oaks Lane is requesting a variance to UDC Section 21.11.9 Wall Signs, in order to permit a sign greater than the maximum allowable square footage, as well as additional signs on a multi-tenant building.

Article 11, Section 21.11.9.B states that the maximum allowable square footage for a wall sign on Four Oaks Lane is 80 square feet. The applicant is proposing 2 signs that are each 140 square feet in size.

Article 11, Section 21.11.9.C. states that the maximum number of signs permitted for multi-tenant buildings shall be limited to one (1) per tenant or lease space except for those spaces located on the ends of buildings which may have one (1) additional wall sign to be located on the side wall of the structure and being a maximum of seventy-five percent (75%) of the area of the primary wall sign. In no case shall the number of wall signs permitted for any single tenant within a multi-tenant development exceed a maximum of two (2) signs.

The applicant is proposing one large sign on the primary wall an additional sign on the side wall, and two additional signs for the primary wall above the showroom entrance.

UDC Section	Currently Allowed	Requested	Variance Proposal
Art. 11 Section 21.11.9.B.: Wall Sign Size	80 sq feet	140 feet	Due to the property being an industrial building applicant proposes a larger wall sign.

Art. 11 Section 21.11.9.C: Maximum Allowable Signs	Multi-tenant buildings allow for 2 total signs. 1 on the primary facade and 1 on the secondary wall.	4 signs	The proposed signage would have 3 primary facade signs and 1 secondary wall sign
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SUBJECT PROPERTY GENERAL LOCATION, LAND USE AND ZONING:

The property is located at 17670 Four Oaks Lane within the Four Oaks Commercial subdivision.

Existing Zoning	Land Use
Manufacturing - Light District (M-1)	Warehouse/Industrial

Adjacent Properties:

	Zoning	Land Use
North	Manufacturing - Light District (M-1)	Industrial
South	Right of Way	Four Oaks Lane
East	Planned Development District (PDD) - Garden Ridge Commercial	Vacant
West	Manufacturing - Light District (M-1)	Hotel

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 violate the intent of the UDC or its amendments;

The requested variance does violate the intent of the UDC based on the maximum square footage allowed for a wall sign on an industrial property on Four Oaks Lane. The UDC has wall sign square footage limits for three different classifications of streets: "Areas with Limited Access, Areas with Unlimited Access, and All Other Streets". Four Oaks Lane is considered "All Other Streets" and thus the maximum allowable square footage for a sign is 80 square feet.

The requested variance also violates the intent of the UDC based on the maximum allowable signs for multi-tenant buildings. The request is asking for two additional signs on the primary wall when only one is permitted. The total maximum allowable signs for a multi-tenant building is two (2). One for the primary facade, and one for the secondary wall.

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 that exist on the property. The subject property has similar topography and physical features as other parcels within the same zoning district. The applicant has stated that the size and use of the building is a factor when determining wall signs; however, there are other similar uses and buildings within the same zoning district that abide by the UDC wall sign requirements.

Other buildings in the same zoning district about different classifications of roadways. The IH 35 frontage road for example is an "Area with Limited Access" and this has a greater maximum square footage allowed for wall signs. Four Oaks Lane; however, is listed as "All Other Streets".

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

The hardship is the result of the applicant's own actions. The UDC allows for two wall signs, and the maximum square footage for the primary sign is 80 square feet, while the maximum for the secondary sign is 75% of the primary.

4. The interpretation of the provisions in this UDC or any amendments thereto would not deprive the

applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

There are similar uses and buildings within the Manufacturing - Light (M-1) District that abide by the UDC wall sign standards. The interpretation and provisions in UDC Article 11 are commonly adhered to and do not deprive the applicant of any rights that other property owners have.

STAFF ANALYSIS AND RECOMMENDATION:

UDC Article 11, Section 21.11.9. has limitations on the maximum allowable square footage for a wall sign on an industrial building that abuts Four Oaks Lane. Due to the classification of roadway, and the property location, staff believes that the UDC requirements are appropriate. The UDC also has clear limitations for industrial buildings with multiple tenants, with only allowing two wall signs. One (1) sign on the primary wall, and another on the secondary wall. The applicant is requesting three (3) total signs on the primary wall for a total of four (4) signs.

This request violates the intent of the UDC and would provide the applicant special privileges that other property owners within the same zoning district do not have. Therefore, staff is recommending denial of the variance request.

Attachments

Aerial Exhibit

Public Hearing Notice Map

Variance Application & Supporting Documents



MSI SURFACES
(PLVAR20230027)

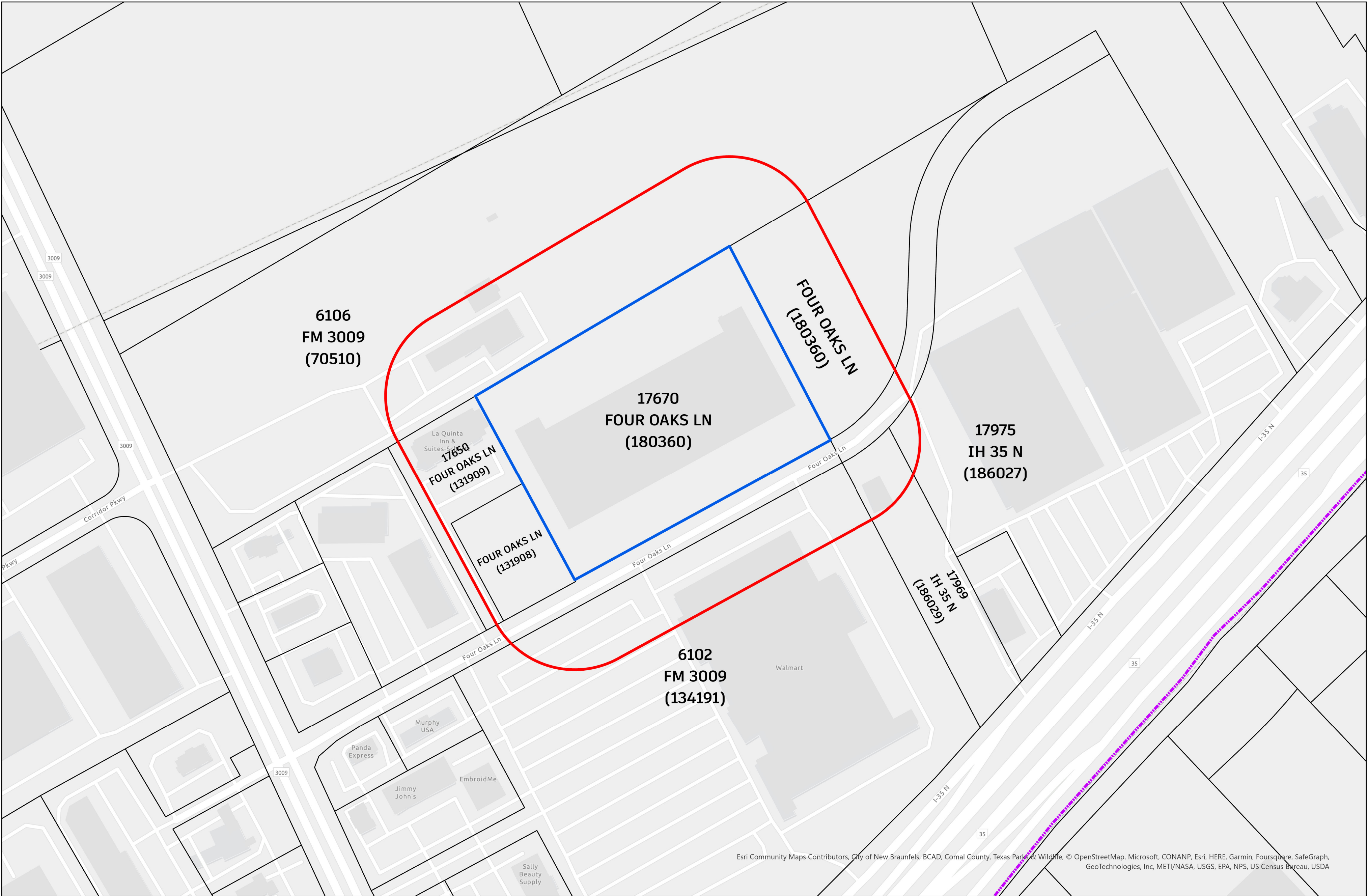
<all other values>	<all other values>	Planned Secondary Arterial	Commercial Collector B	1"	8"	20"	Schertz Gravity
Major Roads	Principal Arterial	Secondary Rural Arterial	Planned Commercial Collector B	2"	10"	24"	Schertz Pressure
Minor Roads	Planned Principal Arterial	Planned Secondary Rural Arterial	Commercial Collector A	3"	12"	30"	Neighboring Gravity
Other Cities	Secondary Arterial	Residential Collector	Planned Commercial Collector A	4"	16"	36"	Private Gravity
		Planned Residential Collector		6"	18"		Private Pressure

Hydrant	200' Buffer
Manholes	Schertz Municipal Boundary
	County Boundaries

1 Inch = 200 Feet

0 100 200 400 600 800 Feet

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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Last update: April 1, 2023

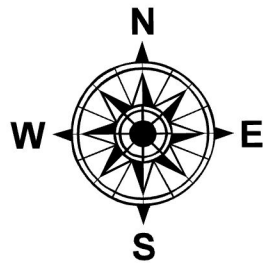
City of Schertz, GIS Specialist: Alexa Venezia Dasse, avdasse@schertz.com (210) 619-1174

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City of Schertz

17670 Four Oaks Lane
Zoning Variance
(PLVAR20230027)

-  Project Area
-  200' Buffer



0 75 150 300 450 600 Feet

To Whom it may concern:

Per City Ordinance, Only permitted 1 wall side on the front and side facade and less than 250sf in size. Sec. 21.11.9. - Wall Signs

- Adjust Commercial Signage to allow appropriate signage for Industrial size buildings.
1. No.
 - a. The spirit and intent of the signage code is to establish standards that are appropriate to the zoning districts.
 - i. Due to the industrial size of the building, we ask for a special waiver request to be granted. It is unfair to hold all business storefront signage to the same standard, as this building should not be measured in the same category as a small strip center.
 - b. Allow effective and adequate signs to communicate identification while preventing signs from dominating the visual appearance of the area in which they are located. An 80 sq. ft. & 60 Sq. Ft. Sign would hinder the full use and enjoyment of this location. A sign 80 square feet would not allow for proper commercial advertising as compared to other signage in the same zoning district.
 - c. Protect and enhance the view of properties for public rights-of-way.
 - i. N/A
 - d. Avoid confusing or misleading a driver or obstructing necessary vision for traffic safety.
 - i. N/A
 - e. Insure that permitted signs do not become a hazard or nuisance.
 - i. N/A
 - f. Advance economic stability, enhancement, and preservation of property values.
 - i. N/A
 - g. Ensure and advance the positive impact and image of the town. These regulations are designed to provide flexibility for the individual needs of a business identification for general communication opportunities.
 - i. With this purpose, we ask a variance to be granted as a commercial facility of this size can not and should not be held to the same signage standards as a facility with only 1,000 square feet of space for store front.
 2. Yes – Commercial property in question is 10,000+ in square footage and should not be held to the sign standard as much smaller commercial locations. This would be considered an industrial size building.
 3. No – Applicant needs ample room for manufacturing and storage.
 4. No – The signage requested only covers .08% of the storefront façade. In the code, there is a reference to 10% of the building façade and we request that this standard be used when measuring appropriate signage for this industrial commercial location.

Keeping the set code restrictions would deprive any business owner of a building this size. The long-term adverse financial hardship placed on this business owner is much greater for the commercial marketing and advertising granted to every business. Investing money into a sign is part of the functioning body of any business. It is what places the business name into the flow and stream of commerce. To hinder the size of this signage would prove to be harmful to many aspects of the functions of commercial business.

Per City Ordinance, Only permitted 1 wall side on the front and side facade and less than 250sf in size. Sec. 21.11.9. - Wall Signs



EXISTING CONDITION

HEIGHT FROM GROUND TO TOP OF SIGN
36'-0"

PROPOSED SIGNAGE
SCALE PROPORTIONALLY

A

Store front sign:

Fabrication and install of a set of non-illuminated channel letters



A

TOTAL WIDTH OF SIGN
14'- 0"

B

SHOWROOM

C

Making Dream Surfaces Attainable

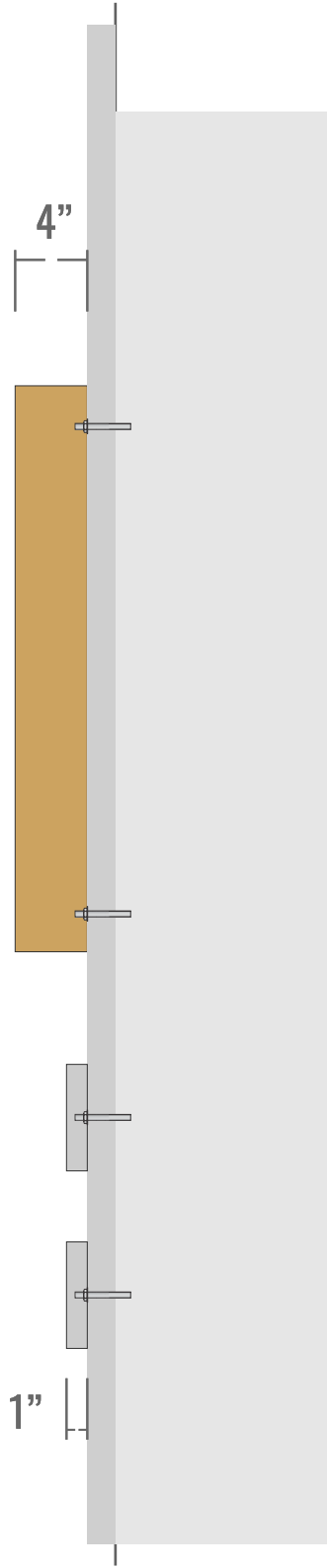
Building Frontage
+252'

MSI Surfaces:
17670 Four Oaks Lane, Schertz, TX 78154

Store front sign:
Fabrication and install of a set of non-illuminated channel letters



FRONT ELEVATION
SCALE PROPORTIONALLY



SIDE ELEVATION
SCALE PROPORTIONALLY

MSI Surfaces:
17670 Four Oaks Lane, Schertz, TX 78154



EXISTING CONDITION

B

Store front sign:

Fabrication and install of a set of non-illuminated channel letters

TOTAL WIDTH OF SIGN

14'- 0"

A

MSI
F L O O R I N G
C O U N T E R T O P S

B

SHOWROOM

C

Making Dream Surfaces Attainable

HEIGHT FROM GROUND TO TOP OF SIGN

20'-0"

Building Frontage

+252'

PROPOSED SIGNAGE
SCALE PROPORTIONALLY

MSI Surfaces:
17670 Four Oaks Lane, Schertz, TX 78154

Store front sign:
Fabrication and install of a set of non-illuminated channel letters

ARINTM

SIGNS & DESIGN

+Architectural Products

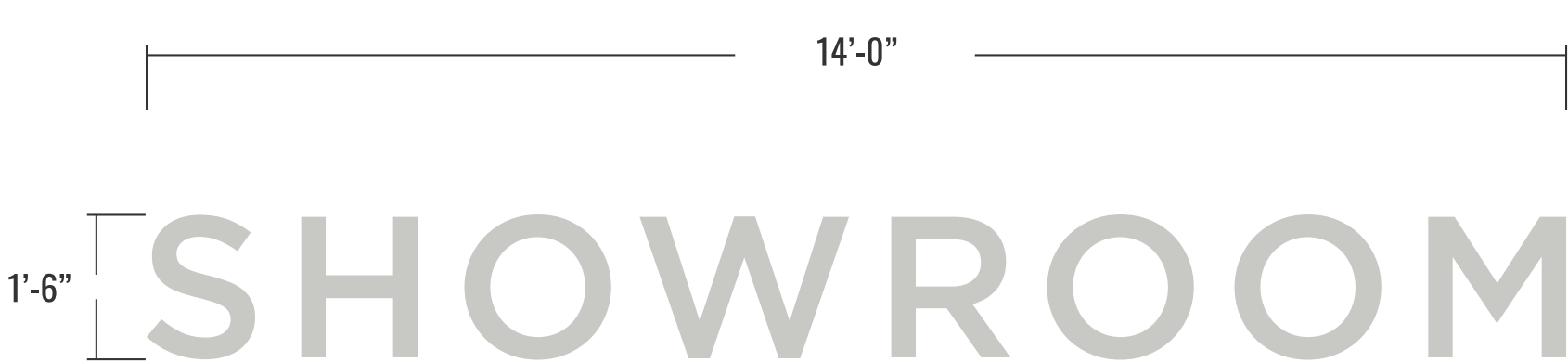
WWW.ARIASIGNS.COM

713-259-3737

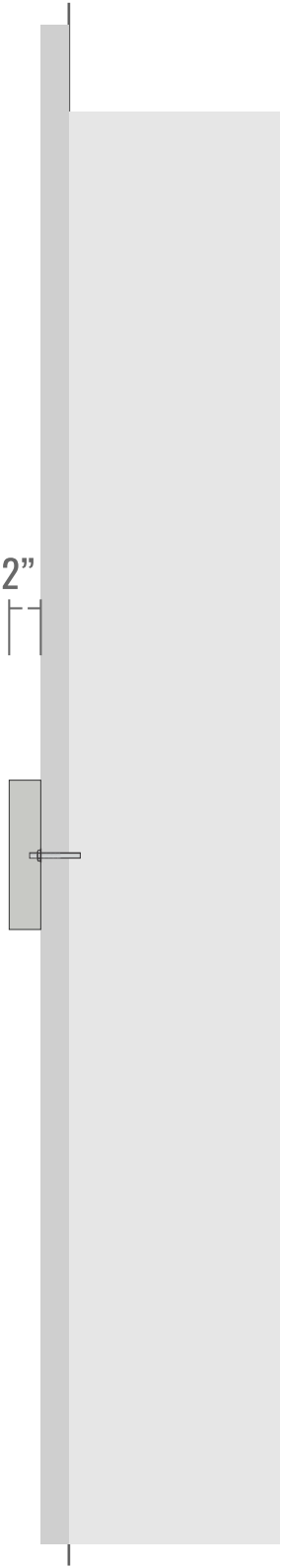
SALES@ ARIASIGNS.COM

14409 REEVESTON RD

HOUSTON, TX. 77039



FRONT ELEVATION
SCALE PROPORTIONALLY



SIDE ELEVATION
SCALE PROPORTIONALLY

MSI Surfaces:
17670 Four Oaks Lane, Schertz, TX 78154



EXISTING CONDITION

C

Store front sign:

Fabrication and install of a set of non-illuminated channel letters



HEIGHT FROM GROUND TO TOP OF SIGN

13'-0"

TOTAL WIDTH OF SIGN

19'- 0"

Building Frontage

+252'

PROPOSED SIGNAGE
 SCALE PROPORTIONALLY

MSI Surfaces:
 17670 Four Oaks Lane, Schertz, TX 78154



Store front sign:
Fabrication and install of a set of non-illuminated channel letters



D

Store front sign:

Fabrication and install of a set of non-illuminated channel letters



EXISTING CONDITION



HEIGHT FROM GROUND TO TOP OF SIGN

36'-0"

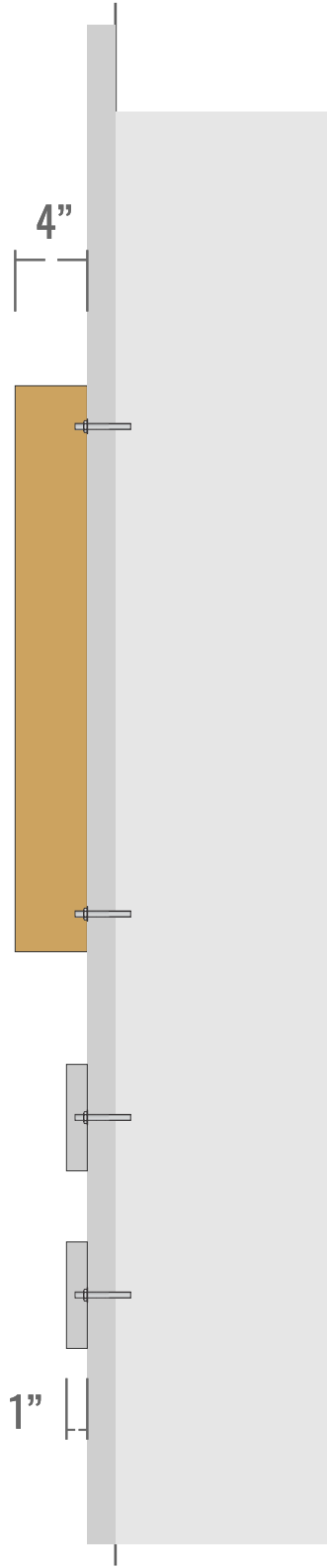
PROPOSED SIGNAGE
SCALE PROPORTIONALLY

MSI Surfaces:
17670 Four Oaks Lane, Schertz, TX 78154

Store front sign:
Fabrication and install of a set of non-illuminated channel letters



FRONT ELEVATION
SCALE PROPORTIONALLY



SIDE ELEVATION
SCALE PROPORTIONALLY

MSI Surfaces:
17670 Four Oaks Lane, Schertz, TX 78154

