



**MEETING AGENDA
SCHERTZ BOARD OF ADJUSTMENT
March 4, 2024**

**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, MARCH 4, 2024 at 6:00 p.m.

The Board of Adjustment will hold this meeting at 6:00p.m., Monday, March 4, 2024 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

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 October 4, 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. PLVAR20240018- Conduct a public hearing and consider a request for a variance to Unified Development Code Article 11 - Signs. The variance request is specifically in relation to Section 21.11.9.C. Maximum Number of Signs, to permit a secondary wall sign that is larger than seventy-five percent (75%) of the area of the primary wall sign, located at 650 Roy Richard, 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 27th day of February, 2024 at 10:00 a.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 _____, 2024. _____ 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: 03/04/2024
Agenda Item 4 A

TO: Board of Adjustment
PREPARED BY: Emily Delgado, Planning Manager
SUBJECT: Minutes for the October 4, 2023 Regular Meeting.

Attachments

Draft Minutes for the October 4, 2023 Board of Adjustment Meeting

DRAFT

BOARD OF ADJUSTMENT MINUTES

October 4, 2023

The Schertz Board of Adjustment convened on October 4, 2023 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
Ferrando Heyward, Board Member
Yvonne Griffen, Board Member

Absent: Reginna Agee, Board Member
Alfred Degollodo, 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 6:02 P.M.

2. SEAT ALTERNATE TO ACT IF REQUIRED

Yvonne Griffin was seated as the alternate.

3. HEARING OF RESIDENTS

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No one spoke.

4. CONSENT AGENDA:

A. Minutes for the June 5, 2023, Board of Adjustment Meeting.

Motioned by Board Member Yvonne Griffen, seconded by Board Member Ferrando Heyward 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.** PLVAR20230216- Conduct a public hearing and consider a request for a variance to Ordinance No. 19-S-20, which established the Planned Development District (PDD) Zoning for the Parklands II development, the variance request is specifically in relation to Dimensional and Development Standards Section 21.5.7, in order to permit a decreased front yard building setback from thirty feet (30') to allow a twenty-five foot (25') front yard setback, located at 5197 Pinder Way, City of Schertz, Guadalupe County, Texas.

Mrs. Delgado gave a presentation.

Mr. Dziwit opened the public hearing at 6:12 P.M.

No one spoke.

Mr. Dziwit closed the public hearing at 6:13 P.M.

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

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 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. Dziwit adjourned the regular meeting at 6:28 P.M.

Chairman, Board of Adjustment

Recording Secretary, City of Schertz

BOARD OF ADJUSTMENT MEETING: 03/04/2024
Agenda Item 5 A

TO: Board of Adjustment
PREPARED BY: Daisy Marquez, Planner
CASE: PLVAR20240018
SUBJECT: PLVAR20240018- Conduct a public hearing and consider a request for a variance to Unified Development Code Article 11 - Signs. The variance request is specifically in relation to Section 21.11.9.C. Maximum Number of Signs, to permit a secondary wall sign that is larger than seventy-five percent (75%) of the area of the primary wall sign, located at 650 Roy Richard, City of Schertz, Guadalupe County, Texas.

GENERAL INFORMATION:

Owner: Schertz RE Company LLC
Applicant: Keller Custom Signs

REQUEST

Keller Custom Signs, on behalf of Health Texas, has requested a variance to Unified Development Code Article 11 - Signs, specifically in relation to Section 21.11.9.C. Maximum Number of Signs, which requires each sign in excess of the primary wall sign, shall be a maximum seventy-five percent (75%) of the area of the primary wall sign.

The requested variance is in order to allow the sign that is in excess of the primary wall sign, the secondary sign, to surpass the maximum seventy-five percent (75%) sign area allowed. Ultimately, if approved, the variance would allow the secondary wall sign to have the same area as the primary sign.

PUBLIC NOTICE:

The public hearing notice was published in the "San Antonio Express" on February 14, 2024. There were 6 notices mailed to surrounding property owners on February 13, 2024. At the time of this staff report, staff has received 0 responses.

ITEM SUMMARY:

The applicant, Keller Signs, submitted a sign permit for 6050 FM 3009, on August 14, 2023 for two (2) wall signs, and one (1) freestanding sign. The submitted sign plans demonstrated dimensions for two proposed wall signs with the same dimensions. The permit was reviewed, approved, and issued on August 15, 2023 with the two proposed wall signs showing the same dimensions and ultimately the same sign area.

The subject property, 650 Roy Richard, also known as 650 FM 3009, is zoned General Business District (GB), is located immediately adjacent to FM 3009, and is a single tenant building. The proposed wall signs fall under the restrictions of Unified Development Code (UDC) Article 11, Section 21.11.9- Wall Signs. Since the sign is located immediately adjacent to FM 3009, the maximum area of the primary wall sign is restricted to the maximum allowed in "areas with unlimited access," which is 12% of the facade area or 125 square feet, whichever is less, as per UDC Section 21.11.9.B. The proposed primary wall sign was demonstrated on the sign plans as being approximately 92.87 square feet in area and complies with the UDC.

Unified Development Code Section 21.11.9.C- Maximum Number of Signs, stipulates that the maximum number of signs permitted for single occupancy or single tenant buildings shall be limited to one (1) per wall with a maximum of three (3) signs and each sign in excess of the primary wall sign shall be a maximum of seventy-five percent (75%) of the area of the primary wall sign. The second wall sign shown in the sign plans submitted should have been seventy-five percent (75%) of the area, of the 92.87 square feet of the primary wall sign, thus the secondary wall sign should have been approximately a maximum of 69.65 square feet in area.

	Allowed Maximum Sign Area	Actual Sign Area
Primary Sign	Areas with unlimited access are restricted to a maximum sign area that is 12% of the facade area or 125 square feet, whichever is less.	92.87 square feet
Secondary Sign	Single occupancy or single tenant shall be limited to one (1) sign per wall with a maximum of three (3) signs. Each sign in excess of the primary wall sign shall be a maximum of seventy-five percent (75%) of the area of the primary wall sign. In this case, the maximum allowed sign area of the secondary sign should be 75% of 92.87 square feet, which is 69.65 square feet.	92.87 square feet

In the supporting documentation provided by the applicant, they stated that they were issued a sign permit, they manufactured and installed the signs, as per their issued sign permit, and were notified after installation of its non-compliance with Unified Development Code Section 21.11.9.C.

Although the applicant did submit a sign permit, received approval of the sign plans, and installed them per the issued sign permit, they had not yet requested their final sign inspection, nor has the permit been closed. The Building Inspections Division received notification that both signs at the development looked to be the same size. After this was brought to their attention, the Building Inspections Division conducted a courtesy inspection on January 3, 2024 to inspect the sizes of the signs. With confirmation that both signs were the same size, the applicant was contacted about the situation on January 9, 2024 and were given the option to remove the secondary sign and replace it with a smaller one that meets the Unified Development Code, or apply for a variance.

SUBJECT PROPERTY GENERAL LOCATION, LAND USE AND ZONING:

The property is located at 650 Roy Richard.

Existing Zoning	Land Use
General Business District (GB)	Medical Office

Adjacent Properties:

	Zoning	Land Use
North	General Business District (GB)	Vacant
South	General Business District (GB)	Vacant
East	Apartment/Multifamily District (R-4)	Merrit Lakeside Senior Apartments
West	Right of Way	FM 3009/ Roy Richard

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;

Unified Development Code Article 11- Signs, states the purpose and intent of Article 11 is to protect the health, safety, and welfare of the citizens by regulating the location, construction, duration, size, height, installation, and maintenance of all signs within the City of Schertz. Although the built and installed secondary sign located at 650

Roy Richard exceeds the maximum allowed sign area, it does not diminish the intent of Article 11 to protect the health, safety, and welfare of the citizens of the city.

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 for 650 Roy Richard that are not applicable to other properties in the same zoning district.

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

The hardship is the result of the applicant's own actions. The applicant submitted a sign permit with the incorrect maximum sign area for the secondary sign. However, during the review process for the Sign Permit and permit issuance, the City of Schertz Building Inspections Division did not identify that the second sign was the same dimensions and the same area as the primary sign or correct the secondary sign to the required allowed 75% maximum sign area of the primary sign 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.

The applicant did submit plans that did not conform with the UDC requirements of Article 9- Signs, but since the City of Schertz issued the permit without identifying the error and correcting it, the applicant manufactured and installed the sign as permitted in their issued sign permit. If the requested variance is not approved, the applicant would need to remove the sign that was manufactured and installed as per the approved sign permit issued by the City of Schertz. Allowing this variance does not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

STAFF ANALYSIS AND RECOMMENDATION:

The City of Schertz Building Inspections Division understands and acknowledges their oversight of this sign area error. To prevent sign permits from being issued without Article 11 compliance, there has been additional staff training on sign permits and internal training documents created to ensure compliance with Article 11 when staff is reviewing and issuing future sign permits.

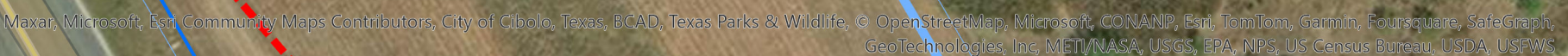
Based on the sign plans being submitted with the error in maximum sign area, the issue not being identified during plan review, and the sign permit being issued with the error, and the signs being installed per the issued sign permit, staff recommends approval of the requested sign variance to allow the secondary sign to be the same area as the primary sign for 650 Roy Richard with an area of approximately 92.87 square feet.

Attachments

Aerial Exhibit

Public Hearing Notice Map

Variance Justification Form and Supporting Documents from Applicant



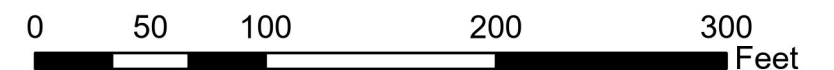
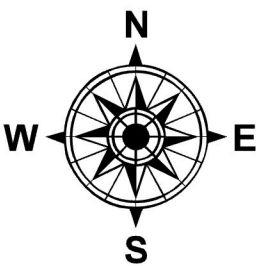


City of Schertz

HEALTH TEXAS WALL SIGNS
(PLVAR20240018)

 200' Buffer

 Project Area



VARIANCE JUSTIFICATION FORM

UDC 21.4.12: The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of this UDC would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.

1. Description of variance request and Unified Development Code (UDC) section the project or request is varying from:

We were granted a permit. We manufacture and installed the project and then told were were out of compliance with the UDC.

2. 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:

Yes, but we did not realize this and nothing was disclosed during the permit review from the City.

3. 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:

No, this would be more cost to our client.

4. Is the hardship the result of the applicant's own actions or intended for financial interest?

(YES/NO) Explain:

Yes, the cost to our client. The undue damage to the new building if we have to remove and reinstall a new set of channel letters.

5. Would granting this variance be detrimental to the public welfare or injurious to the value of property in the vicinity?

(YES/NO) Explain:

No, there would be no harm or detriment to any business or property.

City of Schertz
Sign Permit
Permit PRSG202302278

Date Issued: August 15, 2023

Expires: February 11, 2024

Project Address: 650 ROY RICHARD DR;

Subdivision:

;

Lot # 2;

Block # 1;

Owner Information:

SCHERTZ RE COMPANY LLC

Contractor:

Sign Contractor: Keller Custom Signs

Electrical Contractor: Keller Custom Signs

Proposed Use: Commercial

Description of Work:

- Sign: Electronic Sign Freestanding Ground Sign Sign - Other
- Electrical: New Non-Residential Electrical

Conditions:

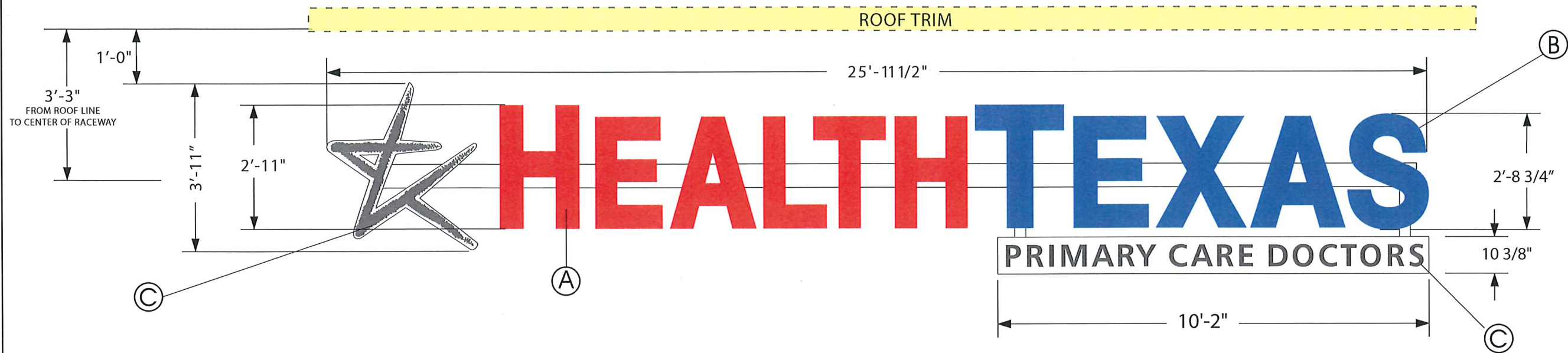
Issued By:
Inspections Division



Sarah Rodriguez
Permit Technician
(210) 619-1752

Permits are non-transferable and shall be displayed on site at all times.



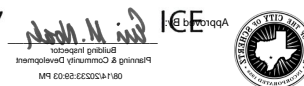


FABRICATE AND INSTALL (1) ONE SET OF FRONT LIT ALUMINUM CHANNEL LETTERS AND CAPSULE. CHANNEL LETTERS TO BE MOUNTED ON 4" X 7" RACEWAY. RACEWAY PAINTED TO MATCH SW 7647 WHITE PLEXI FACES WITH 3M VINYL OVERLAY.

A. #3630-53 CARDINAL VINYL OVERLAY / 5" RED RETURNS / STANDARD RED JEWELITE TRIM CAP

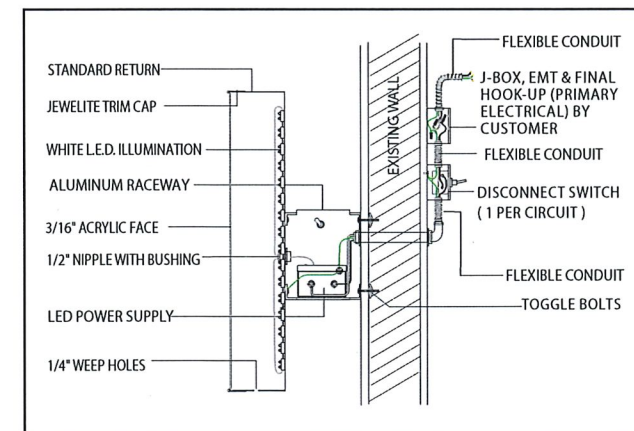
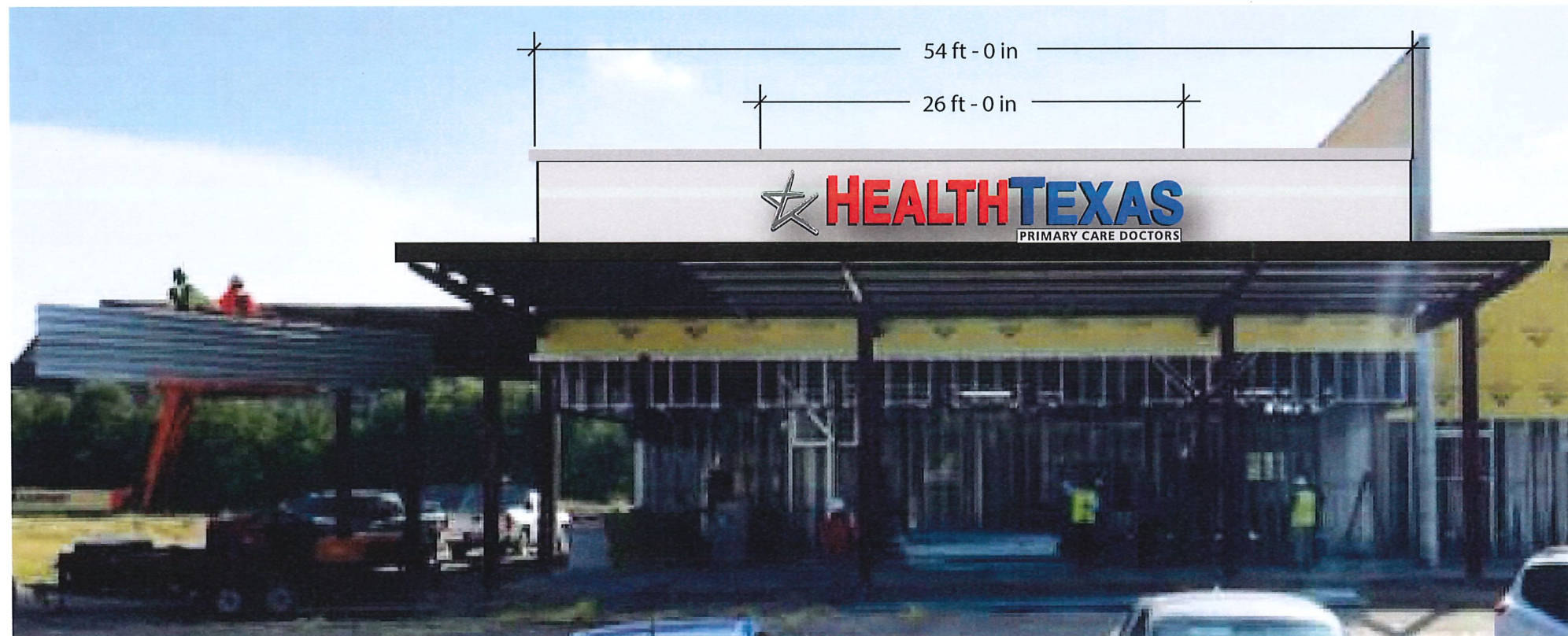
B. # 3630-36 BLUE VINYL OVERLAY / TRIM CAP & 5" RETURN TO MATCH #3630-36 BLUE

C. #3630-61 SLATE GRAY VINYL OVERLAY / WHITE 5" RETURN & WHITE TRIM CAP



NOTE: SIGNS TO BE LABELED UL LISTED

FRONT ELEVATION



KELLER
CUSTOM SIGNS
1234 San Francisco • San Antonio, Tx. 78201
(210) 695-8767 • Fax: (210) 695-8760
www.kellercustomsigns.com



Sign Design Project For:



650 FM 3009
Schertz, Texas 78154

Date: 7.17.23

Customer Approval

Date: _____

THIS UNPUBLISHED DESIGN IS THE PROPERTY OF KELLER CUSTOM SIGNS & DESIGNS AND IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT WE ARE PLANNING FOR YOU. IT IS NOT TO BE MODIFIED, COPIED, REPRODUCED, EXHIBITED OR SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION WITHOUT WRITTEN PERMISSION OF KELLER CUSTOM SIGNS & DESIGNS. VIOLATION OF THE ABOVE, ENTITLES KELLER CUSTOM SIGNS & DESIGNS TO COLLECT FEES FOR ART AND STAFF TIME FROM THE CUSTOMER.

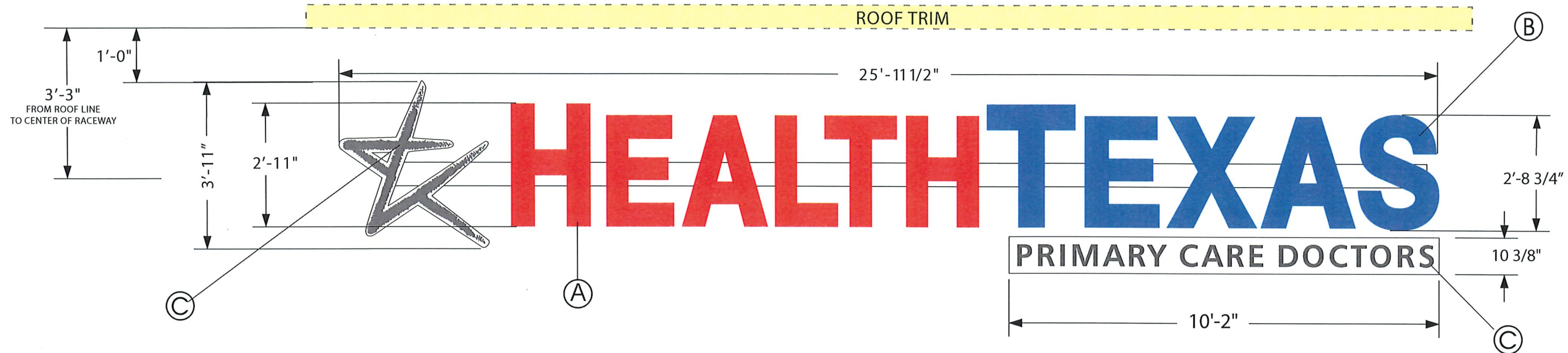
CLIENT ACKNOWLEDGEMENT

ALL SIGNS WIRED 120V UNLESS SPECIFIED OTHERWISE ...

Sales Rep.: JD

SCALE: 3/8" = 1'-0"

Dwg.#: 82476-A1



FABRICATE AND INSTALL (1) ONE SET OF FRONT LIT ALUMINUM CHANNEL LETTERS AND CAPSULE. CHANNEL LETTERS TO BE MOUNTED ON 4" X 7" RACEWAY. RACEWAY PAINTED TO MATCH BRUSHED SILVER.

WHITE PLEXI FACES WITH 3M VINYL OVERLAY.

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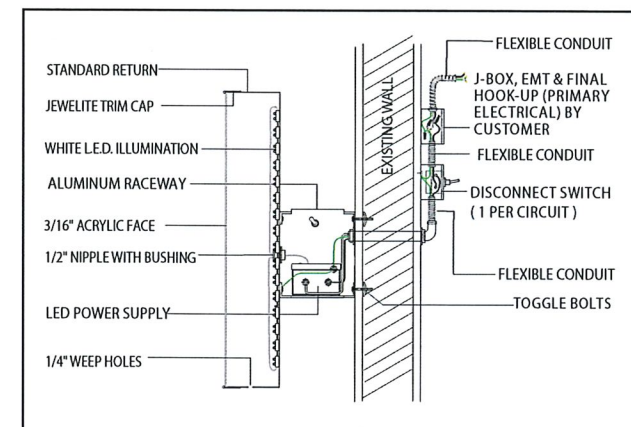
B. # 3630-36 BLUE VINYL OVERLAY / TRIM CAP & 5" RETURN TO MATCH #3630-36 BLUE

C. #3630-61 SLATE GRAY VINYL OVERLAY / WHITE 5" RETURN & WHITE TRIM CAP

08-14-2023 09:00 PM
Planning & Community Development
Building Inspection
City of San Antonio



NOTE: SIGNS TO BE LABELED UL LISTED



UL Listed

KELLER

CUSTOM SIGNS

1234 San Francisco • San Antonio, Tx. 78201
(210) 695-8767 • Fax: (210) 695-8760
www.kellercustomsigns.com



Sign Design Project For:



650 FM 3009
Schertz, Texas 78154

Date: 7.17.23

Customer Approval

Date: _____

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VIOLATION OF THE ABOVE, ENTITLES KELLER CUSTOM SIGNS & DESIGNS TO COLLECT FEES FOR ART AND STAFF TIME FROM THE CUSTOMER.

CLIENT ACKNOWLEDGEMENT

ALL SIGNS WIRED 120V UNLESS SPECIFIED OTHERWISE...

Sales Rep.: JD

SCALE: 1/2" = 1'-0"



Dwg.#: 82476-B1