

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 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. Dziejwit opened the public hearing at 6:41 P.M.

Margie Crenshaw- 3708 William Scarebrough

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

No one spoke.

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

Chairman, Board of Adjustment

Recording Secretary, City of Schertz