

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE  
BOARD OF ADJUSTMENT**

December 11, 2014 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on December 11, 2014, at 12:00 p.m. in the Civic Center Meeting Room, 16327 Lakeview Drive, Jersey Village, Texas.

**A. The meeting was called to order by Vice Chairman Tom Simchak at 12:00 p.m. and the roll of appointed officers was taken. Board Members present were:**

Thomas Simchak, Vice Chairman	Debra Sappington, Board Member
Ken Nguyen, Board Member	Robert Cunningham, Board Member
Joe Pennington, Alternate Board Member	Reza Khalili, Alternate Board Member

Henry Hermis, Chairman was not present.

Council Liaison, Tom Eustace was present.

City Attorney, Bobby Gervais was present.

City Staff in attendance: Mike Castro: City Manager, Courtney Rutherford, Assistant City Secretary; Gordon Mayer; Interim Public Works Director, Christian Somers, Building Official; and Deborah Capaccioli-Paul, Engineering Technician.

**B. Designate Alternate Members to serve in place of any absent Board Member.**

Vice Chairman Simchak appointed Alternate Board Member No. 1, Joe Pennington, as voting members in the absence of Chairman Hermis.

**C. Consider approval of the minutes for the meeting held on August 21, 2014.**

Board Member Sappington moved to approve the minutes as presented for the meeting held on October 9, 2014. Board Member Cunningham seconded the motion. The vote follows:

Ayes: Board Members Sappington, Cunningham, Nguyen and Pennington  
Vice Chairman Simchak

Nays: None

The motion carried.

**D. Orientation with City Attorney regarding power of Board of Adjustment.**

City Attorney, Bobby Gervais, gave a presentation to the Commissioners regarding their responsibilities and powers as Board Members of the Board of Adjustment. Mr. Gervais began by explaining that the Board is authorized by Texas Local Government Code, Chapter 211 and created by City Council. He then reviewed City of Jersey Village Code of Ordinances, Chapter 14, Article II, Division 1, Section 14-22 which specifically explains appointments, terms and removal from the Board, if needed. He also reviewed the Board's authority in three specific areas; appeals, special exceptions, and variances. Mr. Gervais stated that when making a decision the Board has three questions to consider: 1) is the variance

contrary to the public interest; 2) is there unnecessary hardship; and 3) is the spirit of the ordinance being observed. It takes a vote of 75% or 4 out of 5 members to agree in order for a variance to pass. Mr. Gervais concluded his presentation with a brief summary on the Open Meetings Act and Conflict of Interest. He then gave the Board sample case studies for review and future reference.

In concluding his presentation, City Attorney Gervais fielded questions asked by the Board in connection with the presentation and responded accordingly.

*Vice Chairman Simchak called the next items out of order. He called items E, G, I, K, and M together, as follows:*

- E. Conduct a public hearing on Sparkle Sign Inc.'s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to allow a monument type ground sign along street frontage that is 28 feet less than the required 500 linear feet for the property located at 16518 Jersey Drive, Jersey Village, Texas.**
- G. Conduct a public hearing on Sparkle Sign Inc.'s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to exceed the 200 square feet maximum size per sign by allowing a sign face measuring 1894 square feet for the property located at 16518 Jersey Drive, Jersey Village, Texas.**
- I. Conduct a public hearing on Sparkle Sign Inc.'s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to exceed the 12 feet in height requirement by an additional 8 feet for the property located at 16518 Jersey Drive, Jersey Village, Texas.**
- K. Conduct a public hearing on Sparkle Sign Inc.'s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-252(2)b2(b), by allowing the Jersey Village Baptist Church to place a sign on the property located at 16518 Jersey Drive, Jersey Village, Texas that is less than 25 feet from interior or rear property lines.**
- M. Conduct of public hearing on Sparkle Sign Inc.'s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to exceed the requirement of one monument type ground sign by allowing a second monument sign for the property located at 16518 Jersey Drive, Jersey Village, Texas.**

Vice Chairman Simchak opened the public hearings on items E, G, I, K and M together at 12:33 p.m.

Assistant Board Secretary Courtney Rutherford stated for the record that all notification requirements for both the City and the applicant have been met for these public hearings.

Mr. George Lowery and Mr. Joe Minavi, both from Sparkle Sign, and Pastor Leonard Prater, from Jersey Village Baptist Church, were in attendance for the hearings. The Building

Official, Christian Somers, gave background information on the requests for variance. Mr. Somers stated that Jersey Village Baptist Church is requesting variances to several provisions of the sign ordinance requirements along their US 290 Highway frontage. He also stated that TxDOT has recently acquired additional right of way from the church for the widening of US 290. This right of way taking and the highway construction necessitate the removal of an existing ground sign on the property. The replacement sign being requested is regulated by several provisions of the sign ordinance, but specifically by Section 14-253. Section 14-253 specifies provisions for signs on US 290 frontage. This includes special highway sign numbers and sizes. Section 14-253 was purposely enacted to provide for the special conditions created by and for highway frontage and visibility to highway traffic.

The church is requesting to replace the existing ground sign with a new ground sign. The sign ordinance allows one monument sign per 500' of frontage. This site has only 472' of frontage or 94% of the requirement.

Section 14-253 specifies that monument signs shall be limited to 200 square feet with maximum sign face total of 400 square feet. The sign being removed generally conforms to this requirement. The sign being proposed is 1894 square feet or about 10 times the size of the sign being removed and 10 times the size allowed by the ordinance.

Section 14-253 allows the monument sign to have a maximum height of 12'. The existing sign is 5'-10". The proposed sign is 20'.

The church is also requesting a variance to the interior or rear yard setback less than the required 25'. This appears reasonable because of the lot configuration and location of existing improvements.

The final request is a variance to the limit of signs allowed on the site.

The applicant provided additional information about the design of the sign being proposed and the rationale for the variance request.

Mr. Minavi of Sparkle Sign stated that he doesn't think the sign is 10 times the allowed sign face area, because he believes the back side of the sign should not be included in the measurement since it is not visible from the street. Mr. Minavi also stated that he believes the church's hardship is the fact that they must relocate due the expansion of US 290. He also stated that there are some sign alternatives available for the church.

Pastor Prater stated that the church would like better communication all around. He stated that they want something that looks nice and would like clarification as to what needs to be done so they can move forward.

There was brief discussion among the Board, Staff, Mr. Minavi, Mr. Lowery and Pastor Prater regarding the proposed sign along Highway 290.

With no other party or individual signing up or requesting to speak at these public hearings, Vice Chairman Simchak closed the public hearings at 1:03 p.m.

*In completing the public hearings, Vice Chairman Simchak called the following items on the agenda, as follows:*

- F. Discuss with possible action on Sparkle Sign Inc.’s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to allow a monument type ground sign along street frontage that is 28 feet less than the required 500 linear feet for the property located at 16518 Jersey Drive, Jersey Village, Texas.**

The Board briefly discussed the fact that the church currently has a monument sign and they are basically asking to replace it.

With no further discussion, Board Member Sappington moved to grant the variance request of Sparkle Sign Inc.’s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to install a monument type ground sign along street frontage that is 28 feet less than the required 500 linear feet for the property located at 16518 Jersey Drive, Jersey Village, Texas. Board Member Nguyen seconded the motion. The vote follows:

Ayes: Board Members Sappington, Cunningham, Nguyen and Pennington  
Vice Chairman Simchak

Nays: None

The motion carried.

- H. Conduct a public hearing on Sparkle Sign Inc.’s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to exceed the 200 square feet maximum size per sign by allowing a sign face measuring 1894 square feet for the property located at 16518 Jersey Drive, Jersey Village, Texas.**

There was discussion among the Board and the Sparkle Sign representatives regarding a smaller sign that would meet the sign face area requirement.

After brief discussion, Board Member Sappington moved to deny the variance request of Sparkle Sign Inc.’s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to exceed the 200 square feet maximum size per sign by allowing a sign face measuring 1894 square feet. Board Member Cunningham seconded the motion. The vote follows:

Ayes: Board Members Sappington, Cunningham, and Nguyen  
Vice Chairman Simchak

Nays: Board Member Pennington

The motion carried.

- J. Discuss with possible action on Sparkle Sign Inc.’s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to exceed the 12**

**feet in height requirement by an additional 8 feet for the property located at 16518 Jersey Drive, Jersey Village, Texas**

With no further discussion, Board Member Sappington moved to grant the variance request of Sparkle Sign Inc.'s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to exceed the 12 feet in height requirement by an additional 8 feet for the property located at 16518 Jersey Drive, Jersey Village, Texas. Board Member Cunningham seconded the motion. The vote follows:

Ayes: Board Member Pennington

Nays: Board Members Sappington, Cunningham, and Nguyen  
Vice Chairman Simchak

The motion failed.

- L. Discuss with possible action on Sparkle Sign Inc.'s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-252(2)b2(b), by allowing the Jersey Village Baptist Church to place a sign on the property located at 16518 Jersey Drive, Jersey Village, Texas that is less than 25 feet from interior or rear property lines.**

There was limited discussion among the Board and staff regarding the property line and adjacent property.

After brief discussion, Board Member Sappington moved to grant the variance request of Sparkle Sign Inc.'s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-252(2)b2(b), by allowing the Jersey Village Baptist Church to place a sign on the property located at 16518 Jersey Drive, Jersey Village, Texas that is less than 25 feet from interior or rear property lines. Board Member Cunningham seconded the motion. The vote follows:

Ayes: None

Nays: Board Members Sappington, Cunningham, Nguyen and Pennington  
Vice Chairman Simchak

The motion failed.

- N. Discuss with possible action on Sparkle Sign Inc.'s request, filed on behalf of Jersey Village Baptist Church, for variance to the Jersey Village Code of Ordinances Chapter 14, Article X Section 14-253(c), by allowing the Jersey Village Baptist Church to exceed the requirement of one monument type ground sign by allowing a second monument sign for the property located at 16518 Jersey Drive, Jersey Village, Texas.**

There was brief discussion among staff regarding the posting of this item. Mr. Somers explained that if approved this would actually be the third monument sign and not second as posted. It was determined that if after resubmitting new signs this variance is still needed a meeting and public hearing will be rescheduled.

No action was taken on this item.

- O. Conduct a public hearing on the request of Agent, Mark Welch, representing David Weekley Homes, LLC, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Section 14-103(b)(3)b and Section 14-137, to exceed the 16 foot rear setback by permitting the applicant to build homes with a 10 foot rear setback for one and a half story homes for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.**

Vice Chairman Simchak opened the public hearing on items O at 1:31 p.m.

Assistant Board Secretary Courtney Rutherford stated for the record that all notification requirements for both the City and the applicant have been met for these public hearings.

Brian Robinson and Greg Grahmann, both from David Weekley Homes, LLC, were present at the hearing. The Building Official, Christian Somers, gave background information on the requests for variance. Mr. Somers stated David Weekly Homes LLC is requesting a variance to the rear yard setback requirements for Zoning District C in the Enclave at Castlebridge. The Enclave at Castlebridge is a previously platted townhouse subdivision that has been rezoned to Zoning District "C" to allow patio homes. The size and configuration of the lots caused Weekley to previously request variances to the front, side, and rear yard setback requirements. Zoning District "C" specifies a 16' rear yard setback. Weekley previously received a variance (Order #2013-05) to the existing 16' rear yard to allow one-story homes to have a 10' rear yard. Order #2013-05 also specified that lots 47-56 shall be limited to one story homes only.

This request is for an additional variance to allow for a 1 ½ story home to have the same 10' rear yard setback as the one story homes. Mr. Grahmann explained that the half story is a bonus room and will be the only room on the second floor. He also explained that the bonus room will have a sloped roof and no windows will be installed on the rear facing wall.

With no other party or individual signing up or requesting to speak at these public hearings, Vice Chairman Simchak closed the public hearings at 1:56 p.m.

- P. Discuss with possible action on Agent, Mark Welch, representing David Weekley Homes, LLC, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Section 14-103(b)(3)b and Section 14-137, to exceed the 16 foot rear setback by permitting the applicant to build homes with a 10 foot rear setback for one and a half story homes for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.**

There was brief discussion among the Board, Staff and Mr. Grahmann regarding the hardship of the request. Mr. Grahmann stated that these lots were previously platted for townhomes therefore they are only 110 feet deep, which is very shallow for a single story home. The Board discussed that this development was previously platted for a townhome community that never developed and now David Weekley is developing the land with single family homes.

With no further discussion, Board Member Sappington moved to grant the variance request of Agent, Mark Welch, representing David Weekley Homes, LLC a variance to the Jersey Village

Code of Ordinances at Chapter 14, Section 14-103(b)(3)b and Section 14-137, to exceed the 16 foot rear setback by permitting the applicant to build one and half story homes with a 10 foot rear setback with no windows on the rear facing upper level and lots 8-17 per the McKim and Creed Plat dated October 2013 (Exhibit A) remain one story homes only. Board Member Cunningham seconded the motion. The vote follows:

Ayes: Board Members Sappington, Cunningham, Nguyen and Pennington  
Vice Chairman Simchak

Nays: None

The motion carried.

**Q. Adjournment**

With no additional business, Board Member Cunningham moved to adjourn the meeting. Board Member Sappington seconded the motion. The vote follows:

Ayes: Board Members Sappington, Cunningham, Nguyen and Pennington  
Vice Chairman Simchak

Nays: None

The motion carried and the meeting adjourned at 2:08 p.m.

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Courtney Rutherford, Assistant City Secretary