

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE
BOARD OF ADJUSTMENT
January 10, 2022 – 3:00 p.m.**

The Board of Adjustment of the City of Jersey Village, Texas, convened on January 10, 2022 at 3:00 p.m. in the Civic Center at 16327 Lakeview Drive, Jersey Village, Texas 77040.

A. The meeting was called to order by Chairman Thomas G. Simchak at 3:01 p.m. and the roll of appointed officers was taken. Board Members present were:

Thomas G. Simchak, Chairman	M. Reza Khalili, Board Member
Joe Pennington, Board Member	Nester Mena, Board Member
Judy Tidwell, Alternate Place 1	Nelson L. Feeney, Alternate Place 2

Board Member, Ken Nguyen was not present at this meeting.

Council Liaison, Gary Wubbenhorst was present at this meeting.

City Staff in attendance: Justin Pruitt, City Attorney; Lorri Coody, City Secretary; Evan Duvall, Building Official Representative and Harry Ward, Public Works Director.

B. Designate alternate members to serve in place of any absent Board Members.

Chairman Simchak designated Judy Tidwell, Alternate Place 1 to serve in the place of Board Member Ken Nguyen.

C. CITIZENS' COMMENTS - Any person who desires to address the Board of Adjustment regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Board Members are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Board of Adjustment.

There were not Citizens' Comments.

D. Election of chairperson and vice-chairperson for one-year term beginning October 1, 2021 and ending September 30, 2022.

Chairman Simchak opened nominations for Chair of the Board for a one-year term beginning October 1, 2021 and ending September 30, 2022. Board Member Khalili nominated Board Member Thomas G. Simchak. Board Member Pennington seconded the nomination. With no other nominations being made, the vote follows:

Ayes: Board Members Khalili, Pennington, Mena, and Tidwell
Chairman Simchak

Nays: None

The motion carried.

Chairman Simchak opened nominations for the office of Vice Chair for a one-year term beginning October 1, 2021 and ending September 30, 2022. Board Member Khalili nominated

Board Member Reza Khalili. Board Member Pennington seconded the nomination. With no other nominations being made, the vote follows:

Ayes: Board Members Khalili, Pennington, Mena, and Tidwell
Chairman Simchak

Nays: None

The motion carried.

E. Consider approval of the minutes for the meeting held on September 9, 2020.

Board Member Khalili moved to approve the minutes for the meeting held on September 9, 2020. Board Member Mena seconded the motion. The vote follows:

Ayes: Board Members Khalili, Pennington, Mena, and Tidwell
Chairman Simchak

Nays: None

The motion carried.

F. Conduct a Public Hearing on Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

Chairman Simchak opened the public hearing at 3:06 p.m. in order to receive written and oral comments from any interested person(s) concerning Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

The Board found that all notification requirements for both the City and the Applicant have been met for this public hearing.

Chairman Simchak called upon the Applicant to present his case and supporting evidence concerning the variance request.

Applicant, Lester Jones, on behalf of Texas SN Jersey Village, LLC, owner presented the item. He gave background information concerning the request. He also told the Board background information about the property and the various businesses in the business park.

Mr. Jones stated that he owns the five-acre business park where the structure that is the subject of this request will be located. He told the Board that he is working on developing the property. It is being developed in phases. He stated that he has been contacted by Scooters Coffee. It is one of the top 10 businesses for coffee in the nation. They have a great business model that makes them very competitive.

He brought exhibits to demonstrate the Scooters concept that he shared with the Board. He explained that Scooters Coffee is a kiosk concept that has no seating, thus the small footprint of the structure. It is built on a concrete foundation. It is not mobile.

With no further comments from the Applicant, Board Chairman Simchak called Evan Duvall, the City's Building Official Representative, to present information that he deemed necessary, appropriate, or relative to the application.

Mr. Duvall stated that he reviewed the application. He gave background information about the requirements of the City's Code for this District. The Board asked if he had concerns. He stated that he does not have any concerns about the size of the building being requested.

The Board discussed the requested variance. They reviewed the site plan, which was explained by the Applicant. It was mentioned that the site is close to Jones Road. As such, there was concern about cars stacking up and impeding traffic on Jones as they wait for coffee. The Applicant explained that the number of cars in line before impeding traffic on Jones Road is about 13 vehicles.

The offerings of Scooters were discussed. The applicant stated that it is limited. Scooters serves prepackaged food with nothing being prepared on site.

The entrances and exits to the property were discussed. The Applicant explained the existing curb cuts and stated that there are no plans to add additional curb cuts.

The hours of operation were discussed. The Code requirements for structures were discussed and explained by the Building Official Representative. Some members wondered if this was a zoning issue as opposed to a variance issue.

The timeline was discussed. The applicant explained that the project is ready to begin very quickly, within 10 weeks. There was discussion if Scooters ever builds larger structures to accommodate 1,000 square feet. The applicant stated that they do, but it is rare given they mostly build kiosk structures, and they are not prepared to build larger buildings in this area.

The City Attorney explained that this is an issue that the Board can rule upon. He explained the process. As far as changing the Zoning Code in the future, it would need to go to the Planning and Zoning Commission for a Code amendment. The Board discussed the pros and cons of moving forward with an ordinance change as opposed to a variance request. City Secretary Coody explained the Planning and Zoning process and timetable along with input from the City Attorney.

The tax value of the property was discussed. The exit doors to the facility were discussed.

With no further discussion or questions, the Board Chairman called if there was anyone else desiring to speak in favor or opposed to the granting of the application.

There were no public comments and the applicant had nothing further to add.

With no other comments, Chairman Simchak closed the public hearing on Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller

than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040 at 3:34 p.m.

(1) Discuss and take appropriate action on Lester Jones’ request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

The Board engaged in discussion about the variance request. It was noted that at this time, in accordance with the direction of the City Attorney, the applicant has no other course of action to build this structure.

With no further discussion on the matter, Board Member Mena moved to grant Lester Jones’ request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040. Board Member Khalili seconded the motion. The vote follows:

Ayes: Board Members Khalili, Tidwell, and Mena
Chairman Simchak

Nays: Board Member Pennington

The motion carried.

The Board’s Original Order No. 2022-01 is attached to and made a part of these minutes.

G. Adjourn

With no other business before the Board, Chairman Simchak adjourned the meeting at 3:38 p.m.



Lorri Coody, City Secretary



**CITY OF JERSEY VILLAGE
BOARD OF ADJUSTMENT
ORDER NO. 2022-01**

WHEREAS, on December 13, 2021, Lester Jones filed, on behalf of Texas SN Jersey Village, LLC, owner, a request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

WHEREAS, the Board conducted a Public Hearing and received information from the Public and from the Applicants on January 10, 2022; and

WHEREAS, after closing the hearing, the Board in making its decision considered:

- if the request for variance is contrary to the public's interest;
- if, due to special conditions, enforcement of Chapter 14, Article IV, Division 2, Section 14-109(b)(2) will result in an unnecessary hardship for Lester Jones; and
- that in granting the variance, the spirit of this chapter will be upheld and observed;

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF JERSEY VILLAGE THAT:

SECTION 1. In consideration of the information before the Board, with a concurring vote of at least four (4) members, the Board voted to GRANT Texas SN Jersey Village, LLC, owner, a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), by allowing the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

PASSED, APPROVED, AND ORDERED this 10th day of January, 2022.

s/Thomas G. Simchak, Chairman

ATTEST:

s/Lorri Coody, City Secretary

