

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

July 30, 2013 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on July 30, 2013, at 12:00 p.m. in the Civic Center Meeting Room, 16327 Lakeview, Jersey Village, Texas.

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

Andrew Henderson, Chairman	Henry Hermis, Vice Chairman
Thomas Simchak, Board Member	Robert Cunningham, Board Member
Debra Sappington, Board Member	Ken Nguyen, Alternate Board Member

Board Member, Gerald Laws was not present. Council Liaison, Sheri Sheppard was not present.

City Staff in attendance: Courtney Rutherford, Assistant City Secretary; Christian Somers, Building Official; and Deborah Capaccioli-Paul, Engineering Technician.

B. Consider approval of the minutes for the meeting held on May 28, 2013.

Board Member Simchak moved to approve the minutes as presented for the meeting held on May 28, 2013. Board Member Cunningham seconded the motion. The vote follows:

Ayes: Board Members Hermis, Simchak, and Cunningham
Chairman Henderson

Nays: None

The motion carried.

C. Nomination and appointment of Officers for the unexpired term which began on December 6, 2012 and will end September 30, 2013.

Chairman Henderson stated that he will be resigning from the board due to the fact that he is moving out of Jersey Village. He then opened nominations for the office of Chairman for the unexpired term which began December 6, 2012 and will end September 30, 2013. Board Member Simchak nominated Board Member Henry Hermis. Board Member Cunningham seconded the nomination. With no other nominations being made, the vote follows:

Ayes: Board Members Hermis, Simchak, Cunningham,
Chairman Henderson
Alternate Board Members Ken Nguyen and Debra Sappington

Nays: None

The motion carried.

Chairman Henderson opened nominations for the office of Vice Chairman for the unexpired term which began December 6, 2012 and will end September 30, 2013. Board Member Hermis nominated Board Member Thomas Simchak. Board Member Cunningham seconded the nomination. With no other nominations being made, the vote follows:

Ayes: Board Members Hermis, Simchak, Cunningham,
Chairman Henderson
Alternate Board Members Ken Nguyen and Debra Sappington

Nays: None

The motion carried.

- D. Conduct a public hearing on Jack and Cassandra Dahnke's application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-101(b)(3)c, permitting the applicant to place a carport closer than three feet to a side lot line on the property located at 15605 Singapore Lane, Track 16, Block 6, Jersey Village Subdivision, Jersey Village, Texas 77040.**
- E. Discussion with possible action on Jack and Cassandra Dahnke's application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-101(b)(3)c, permitting the applicant to place a carport closer than three feet to a side lot line on the property located at 15605 Singapore Lane, Track 16, Block 6, Jersey Village Subdivision, Jersey Village, Texas 77040.**

Chairman Henderson called items D and E together and opened the public hearing at 12:03 p.m. on Jack and Cassandra Dahnke's application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-101(b)(3)c, permitting the applicant to place a carport closer than three feet to a side lot line on the property located at 15605 Singapore Lane, Track 16, Block 6, Jersey Village Subdivision, Jersey Village, Texas 77040.

Board Secretary Courtney Rutherford stated for the record that all notification requirements for both the City and the applicant had been met.

Jack and Cassandra Dahnke, the applicants, were in attendance for the public hearing. The Building Official Christian Somers gave background information on the request for variance. He explained that the contractor had submitted plans, but the plans were not approved. The contractor was confused and thought the plan checking fee paid was for the permit and began constructing the new carport without a permit and approved construction documents. Mr. Somers did approve the plans, but with conditions. Since the majority of the work was done without a permit Mr. Somers did not get to inspect the majority of the work. With that said Mr. Somers stated that staff does not have a problem with the carport encroaching within the three foot side lot line.

Mrs. Dahnke provided pictures, attached as Exhibit A, of the previous carport and current carport to show that the new carport is in the same footprint as the old carport. She also stated that they were not aware that the contractor was working without a permit. The Dahnke's provided several letters of support from neighbors on their street, who were not present at the meeting, to be reviewed by the Board. Mr. Frank Davis also submitted a

written statement stating “If you do it for one (1) you should do it for all.” Mr. Davis was not present at the meeting.

Discussion was had between the Board, Staff, and Mr. and Mrs. Dahnke regarding the carport. The Board Members questioned if the carport met other building code except for encroaching the side lot line. Mr. Somers stated that he does not know at this time since he had not been able to perform all inspections. If approved he will inspect to see that it meets all requirements of the building code.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Henderson closed the public hearing 12:21 p.m.

After limited discussion on the matter, Board Member Simchak moved to grant Mr. and Mrs. Dahnke a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-101(b)(3)c, by permitting the applicant to place a carport closer than three feet to a side lot line on the property and building must meet building code. Board Member Simchak seconded the motion. The vote follows:

Ayes: Board Members Hermis, Simchak, and Cunningham
Chairman Henderson

Nays: None

The motion carried.

- F. Conduct a public hearing on Kevin Marchant’s application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article XX, Section 14-665, permitting the applicant to place a shipping container in the rear yard to be covered with siding and composition shingle roof to be used as a hobby building on the property located at 15805 Singapore Lane, Track 8, Block 6, Jersey Village Subdivision, Jersey Village, Texas 77040.**
- G. Discussion with possible action on Kevin Marchant’s application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article XX, Section 14-665, permitting the applicant to place a shipping container in the rear yard to be covered with siding and composition shingle roof to be used as a hobby building on the property located at 15805 Singapore Lane, Track 8, Block 6, Jersey Village Subdivision, Jersey Village, Texas 77040.**

Chairman Henderson called Items F and G together and opened the public hearing at 12:28 p.m. on Kevin Marchant’s application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article XX, Section 14-665, permitting the applicant to place a shipping container in the rear yard to be covered with siding and composition shingle roof to be used as a hobby building on the property located at 15805 Singapore Lane, Track 8, Block 6, Jersey Village Subdivision, Jersey Village, Texas 77040.

Board Secretary Courtney Rutherford stated for the record that all notification requirements for both the City and the applicant had been met.

Kevin Marchant, the applicant, was in attendance for the public hearing. The Building Official, Christian Somers, gave background information on the request for variance. He stated that the applicant had previously asked him about placing a temporary portable structure unit (TPSU) in his backyard. At that time, Mr. Somers explained that if the TPSU was less than 200 square feet it did not require a permit, but a POD has been placed instead of a TPSU. The Code Enforcement Officer, Gordon Gibson, noticed new fencing on the property, which had been taken down in order to get the POD in the backyard. Mr. Marchant states he will cover the POD/shipping container with siding and composite roof shingles to convert it into a hobby structure. Mr. Somers explained that since the applicant intends to use this POD as a hobby structure he imposed two conditions; it must be on a foundation and be covered with a facade. The applicant explained that the POD is currently sitting on concrete pads made for trailers.

There was discussion between the applicant, the Building Official and Board regarding the final intended purpose/product of the POD. It was determined that the applicant intends for it to be a hobby structure. The Board stated that since it is going to be a hobby structure they do not see why a variance is needed. Staff again stated that a variance is being requested due to the fact that this is a POD/shipping container and POD's are not allowed. The Board stated that does not matter since the applicant intends to convert it into a hobby structure.

There was more discussion regarding the location and number of temporary storage buildings on the property. Mr. Somers stated that there is not a limit to the number of buildings permitted on a particular piece of property as long as the property met the proper landscaping requirements.

The Board reviewed pictures and a letter submitted to the City Secretary's office from Ms. Marie Henry opposing the request for variance.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Henderson closed the public hearing 12:46 p.m.

In consideration of the discussions had during this hearing the applicant chose to withdraw his request for variance on this issue.

H. Set next meeting date

This item was placed on the agenda with the anticipation that David Weekly Homes would soon be submitting application for variance due to rezoning of their plat. There is no application at this time and the Board would like to be contacted via email when an application is received in order to verify dates on their calendars for the next meeting. No date was set at this time.

I. Adjournment

With no additional business, the meeting adjourned at 12:49 p.m.

Courtney Rutherford, Assistant City Secretary