

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

September 13, 2013 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on September 13, 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 Henry Hermis at 12:00 p.m. and the roll of appointed officers was taken. Board Members present were:**

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

Board Member, Gerald Laws was not present.

Council Liaison, Sheri Sheppard was present.

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

Director of public Works, Danny Segundo, was not present at this meeting.

**B. Consider approval of the minutes for the meeting held on July 30, 2013.**

Board Member Simchak moved to approve the minutes as presented for the meeting held on July 30, 2013. Board Member Sappington seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**C. 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 14-88(b) and Section 14-137, to exceed the 25 foot front setback by permitting the applicant to build homes with 16 foot front setback for the home and a 20 foot setback for the attached garage for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.**

Chairman Hermis called item C and opened the public hearing at 12:03 p.m. 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 14-88(b) and Section 14-137, to exceed the 25 foot front setback by permitting the applicant to build homes with 16 foot front setback for the home and a 20 foot setback for the attached garage for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.

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

Mark Welch and Kim Rivera, from David Weekley Homes and Jeff Davis, property realtor, were in attendance for the public hearing. The Building Official Christian Somers gave background information on the request for variance. He explained that David Weekley Homes would like to construct single-family, residential homes with specific, established dimensions at a location previously zoned for townhouses and which has infrastructure in place for townhouse development. Zoning District C requires a minimum 25' front lot-line setback / Building Line (B.L.). Weekley Homes desires a minimum front lot-line setback / B.L. of 16', in order to allow for a 16' minimum front lot-line setback for one-story residences.

Discussion was had between the Board, Staff, and Mr. Welch regarding the request. Mr. Welch explained that the property in question was previously designed for townhomes and the existing infrastructure is their hardship. He explained that the streets and utilities are already in place; therefore, they are requesting the three variances in order to build patio on the lots. There was concern among the Board regarding parking in the driveways with a 20 foot setback. Mr. Welch explained that most parking spots are only 20 feet in length. He also stated that they will construct public parking in the area for residence that have longer vehicles and would possibly hang in to the street.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Hermis closed the public hearing 12:33 p.m.

Since all request on the agenda are from the same requestor and pertain to the same property Chairman Hermis called the next time two items for public hearing out of order.

**E. 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-story homes for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.**

Chairman Hermis called item E out of order and opened the public hearing at 12:34 p.m. 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-story homes for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.

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

The Building Official Christian Somers gave background information on the request for variance. Mr. Somers explained that Weekley Homes would like to construct single-family

residential homes with specific, established dimensions at a location previously zoned for townhouses and which has infrastructure in place for townhouse development. Zoning District C requires a minimum 25' rear lot-line setback / Building Line (B.L.) for primary structures. Weekley Homes desires a minimum rear lot-line setback / B.L. of 10'.

There was concern among the board regarding single story and two-story homes being built back to back. They were concerned with the loss of privacy for the one-story home.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Hermis closed the public hearing 12:40 p.m.

**G. 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 14-88(b) and Section 14-137 to exceed the 7.5 foot side setback by permitting the applicant to build single family homes with a 5 foot side yard setback on each side for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.**

Chairman Hermis called item G out of order and opened the public hearing at 12:40 p.m. 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 14-88(b) and Section 14-137 to exceed the 7.5 foot side setback by permitting the applicant to build single family homes with a 5 foot side yard setback on each side for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.

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

The Building Official Christian Somers gave background information on the request for variance. He again explained that Weekley Homes would like to construct single-family residential homes with specific, established dimensions at a location previously zoned for townhouses and which has infrastructure in place for townhouse development. Zoning District C requires either a 7.5' minimum distance from an interior lot-line on one side and up to a zero lot-line placement on the other side – but nothing between 0' – 7.5' (whereas primary structures are allowed to be a minimum of 10' apart). Weekley Homes desires a minimum setback of 5' on each side.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Hermis closed the public hearing 12:41 p.m.

Once all public hearings were closed Chairman Hermis called the Items D, F and H together.

**D. Discussion with possible action 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 14-88(b) and Section 14-137, to exceed the 25 foot front setback by permitting the applicant to build homes with 16 foot front setback for the home and a**

**20 foot setback for the attached garage for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.**

After limited discussion on the matter, Board Member Simchak moved to grant 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 14-88(b) and Section 14-137, permitting the applicant to build homes with 16 foot front setback for the home and a 20 foot setback for the attached garage. Board Member Cunningham seconded the motion. The vote follows:

Ayes: Board Members Simchak, and Cunningham  
Chairman Hermis

Nays: Sappington

The motion failed.

After more discussion the Board reconsidered the motion. The vote follows:

Ayes: Board Members Simchak, Cunningham and Sappington  
Chairman Hermis

Nays: None

The motion carried.

**F. Discussion with possible action 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-story homes for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.**

After limited discussion on the matter, Board Member Simchak moved to grant 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, by permitting the applicant to build homes with a 10 foot rear setback for one-story homes with the requirement that lots 47-56, as documented on the plat provided, attached hereto as Exhibit A, all be one-story homes only. Board Member Sappington seconded the motion. The vote follows:

Ayes: Board Members Simchak, Cunningham and Sappington  
Chairman Hermis

Nays: None

The motion carried.

**H. Discussion with possible action 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 14-88(b) and Section 14-137 to exceed the 7.5 foot side setback by permitting the applicant to build single family homes with a 5 foot side yard setback on each side for properties located at the Enclave at Castlebridge, 12500 West Road, Jersey Village, TX 77065.**

After limited discussion on the matter, Board Member Simchak moved to grant 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 14-88(b) and Section 14-137, permitting the applicant to build single family homes with a 5 foot side yard setback on each side. Board Member Sappington seconded the motion. The vote follows:

Ayes: Board Members Simchak, Cunningham and Sappington  
Chairman Hermis

Nays: None

The motion carried.

**I. Set next meeting date**

This item was placed on the agenda with the anticipation that a resident would soon be submitting application for variance due. 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.

**J. Adjournment**

With no additional business, the meeting adjourned at 1:07 p.m.

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Courtney Rutherford, Assistant City Secretary