

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

April 12, 2017 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on April 12, 2017, 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 Thomas Simchak at 12:00 p.m. and the roll of appointed officers was taken. Board Members present were:**

Thomas Simchak, Vice Chairman	Doyle Stuckey, Alternate 1, Board Member
Ken Nguyen, Board Member	M. Reza Khalili, Alternate 2, Board Member
Debra Sappington, Board Member	

Chairman, Henry Hermis and Board Member, Joe Pennington were not present at this meeting.

Council Liaison, Gary Wubbenhorst was present.

City Staff in attendance: Austin Bless, City Manager; Leah Hayes, City Attorney; Lorri Coody, Board Secretary; Kevin T. Hagerich, Public Works Director; Christian Somers, Building Official; and Jim Bridges, Engineering Technician.

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

Vice Chairman Simchak appointed Alternate Board Member No. 1, Doyle Stuckey and Alternate Board Member, M. Reza Khalili as voting members in the absence of Chairman, Henry Hermis and Board Member, Joe Pennington.

**C. Consider approval of the minutes for the meeting held on March 7, 2017.**

Board Member Sappington moved to approve the minutes for the meeting held on March 7, 2017. Board Member Khalili seconded the motion. The vote follows:

Ayes: Board Members Sappington, Nguyen, Stuckey, and Khalili  
Vice Chairman Simchak

Nays: None

The motion carried.

**D. Conduct a public hearing on Stantec Inc.'s – Jason Link, P.E., agent for Gordon NW Village LP/Gordon Partners, application for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) to allow: (1) the applicant's proposed building structure to encroach the 25 foot front property line setback by 11.18 feet; and (2) the applicant's proposed dumpster structure to encroach the 10 foot side property line setback by 0 feet to 9.5 feet for the property located at 17430 Northwest Freeway, Jersey Village, Texas 77040.**

Vice Chairman Simchak opened the public hearing at 12:01 p.m. on Stantec Inc.'s – Jason Link, P.E., agent for Gordon NW Village LP/Gordon Partners, application for a variance to

the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) to allow: (1) the applicant's proposed building structure to encroach the 25 foot front property line setback by 11.18 feet; and (2) the applicant's proposed dumpster structure to encroach the 10 foot side property line setback by 0 feet to 9.5 feet for the property located at 17430 Northwest Freeway, 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.

Christian Somers, the City's Building Official, introduced the item. He explained the applicant's request to the Board, stating that the planned building structure will encroach the front property setback by 11.18 feet and the planned dumpster structure will encroach the side property setback by 0 to 9.5 feet. He told the Board that he has conducted numerous meetings with the applicant in order to work out set back issues and these are the only two that will need variance approval.

The Board had questions concerning the dumpster structure and the location of the doors on the structure. Mr. Somers explained that the structure will house a dumpster in the front and a small storage shed in the back which is located closest to the proposed building. There were also questions about the three foot set back variance granted recently to the property on the corner and if this set back was taken into consideration in calculating the setback encroachments set out in this request. Mr. Somers explained that the owners of that property are aware of this request; however, the construction design and permitting processes for both properties are handled on a first come first serve basis.

The Board discussed the location of the dumpster in conjunction with surrounding buildings and the possible fire hazard. Mr. Somers explained that any new construction will have to comply with the City's building codes before permitting approval is granted.

Applicant, Jason Link, addressed the Board, explaining his hardship. He told the members that the original building for this property was only 10 feet off of the property line, which was 15 feet within the 25 foot front setback. However, recently, there has been a TxDOT R.O.W taking that has reduced the depth of the lot by 16 to 18 feet and a utility taking of another 10 feet. These takings have reduced the size and functionality of the property and these variances are necessary to develop the property.

There was discussion about what will be stored in the storage shed. The applicant told the board that it will house mops, pails, and other items that are not food related. There will be no electricity to the storage shed, but there will be water.

City Attorney Hayes cautioned the Board about discussing design plans as that is a separate process from the review of this variance request.

With no one else desiring to speak at the public hearing, Vice Chairman Simchak closed the public hearing at 12:12 p.m.

*Vice Chairman Simchak called the next two items together as follows:*

- D1. Discuss and take appropriate action on Stantec Inc.’s – Jason Link, P.E., agent for Gordon NW Village LP/Gordon Partners, application for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) to allow the applicant’s proposed building structure to encroach the 25 foot front property line setback by 11.18 feet for the property located at 17430 Northwest Freeway, Jersey Village, Texas 77040.**
- D2. Discuss and take appropriate action on Stantec Inc.’s – Jason Link, P.E., agent for Gordon NW Village LP/Gordon Partners, application for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) to allow the applicant’s proposed dumpster structure to encroach the 10 foot side property line setback by 0 feet to 9.5 feet for the property located at 17430 Northwest Freeway, Jersey Village, Texas 77040.**

Vice Chairman Simchak asked the City Attorney if the TxDOT and City takings would be considered special conditions for which the enforcement of Chapter 14, Article IV, Section 14-105(b)(3) would result in an unnecessary hardship. City Attorney Hayes stated that it would since it was an involuntary taking that reduced the size of property available for development.

With no discussion on the matter, Board Member Sappington moved to grant Stantec Inc.’s – Jason Link, P.E., agent for Gordon NW Village LP/Gordon Partners, applications for variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) to allow: (1) the applicant’s proposed building structure to encroach the 25 foot front property line setback by 11.18 feet; and (2) the applicant’s proposed dumpster structure to encroach the 10 foot side property line setback by 0 feet to 9.5 feet for the property located at 17430 Northwest Freeway, Jersey Village, Texas 77040. Board Member Khalili seconded the motion. The vote follows:

Ayes: Board Members Sappington, Nguyen, Stuckey, and Khalili  
Vice Chairman Simchak

Nays: None

The motion carried.

## **E. Adjournment**

With no other business before the Board, Vice Chairman Simchak adjourned the meeting at 12:14 p.m.

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Lorri Coody, Board Secretary