

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

December 5, 2017 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on December 5, 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 Chairman Henry Hermis at 12:00 p.m. and the roll of appointed officers was taken. Board Members present were:

Henry Hermis, Chairman	Debra Sappington, Board Member
Thomas G. Simchak, Vice Chairman	Ken Nguyen, Board Member
Joe Pennington, Board Member	

Board Members, M. Reza Khalili and Doyle Stuckey were not present at this meeting.

Council Liaison, Gary Wubbenhorst was present.

City Staff in attendance: 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.

No action was taken on this item as alternate members were not needed.

C. Election of chairperson and vice-chairperson for one year term beginning October 1, 2017 and ending September 30, 2018.

Chairman Hermis opened nominations for Chair of the Board for a one year term beginning October 1, 2017 and ending September 30, 2018. Chairman Hermis nominated Board Member Thomas G. Simchak. Board Member Pennington seconded the nomination. With no other nominations being made, the vote follows:

Ayes: Board Members Simchak, Sappington, Nguyen, and Pennington
Chairman Hermis

Nays: None

The motion carried.

Board Member Hermis opened nominations for the office of Vice Chair for a one year term beginning October 1, 2017 and ending September 30, 2018. Chairman Simchak nominated Board Member Hermis. Board Member Pennington seconded the nomination. With no other nominations being made, the vote follows:

Ayes: Board Members Hermis, Sappington, Nguyen, and Pennington
Chairman Simchak

Nays: None

The motion carried.

In completing the election of officers, newly elected Chairman Simchak called the next item on the agenda as follows:

D. Consider approval of the minutes for the meeting held on August 31, 2017.

In calling the item, Board Secretary, Lorri Coody, called the Board's attention to a correction needed on Item D2 on page 6. She suggested that the minutes at this location be corrected to read: "With no **further** discussion on the matter...."

With no discussion on the matter, Board Member Hermis moved to approve the minutes for the meeting held on August 31, 2017 with the amendment suggested. Board Member Pennington seconded the motion. The vote follows:

Ayes: Board Members Hermis, Sappington, Nguyen, and Pennington
Chairman Simchak

Nays: None

The motion carried.

E. Consider Board of Adjustment Order 2017-10, correcting Board of Adjustment Order 2017-04 to correctly reflect the findings of the Board.

Lorri Coody, Board Secretary, introduced the item. She explained that on February 9, 2017, Landmark Industries Energy's filed a request 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 3,960 square foot structure to be located no closer than three feet to the side lot line for the property located at 17438 Northwest Freeway, Jersey Village, Texas 77040.

On March 7, 2017, the Board of Adjustment Order No. 2017-04 was passed allowing the application to locate its 3,960 square foot structure no closer than three feet to the side lot line **or street line** for the property located at 17438 Northwest Freeway, Jersey Village, Texas 77040.

The Board's Order on March 7, 2017 contained an error by including the words "**or street line**" in their finding.

It was the intent of the Board to GRANT the request of Landmark Industries Energy 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 3,960 square foot structure to be located no closer than three feet to the side lot line of the property located at 17438 Northwest Freeway, Jersey Village, Texas 77040.

This item is to correct Board of Adjustment Order 2017-04 to correctly reflect the findings of the Board.

With limited discussion on the matter, Board Member Hermis moved to approve Order 2017-07, correcting Board of Adjustment Order 2017-04 to correctly reflect the finding of the Board by removing the words "or street line" from its findings. Board Member Sappington seconded the motion. The vote follows:

Ayes: Board Members Hermis, Sappington, Nguyen, and Pennington
Chairman Simchak

Nays: None

The motion carried.

- F. Conduct a public hearing on Landmark Industries Energy’s request for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) by allowing the applicant to install ancillary utility structures, except new signage and collection bins, having a maximum footprint of 12 sq. ft., within the 10’ rear and/or side setbacks, but no closer than 1’ into the rear and interior lot lines but not to encroach into any utility easements for the property located at 17438 Northwest Freeway, Jersey Village, Texas 77065.**

Chairman Simchak opened the public hearing at 12:10 p.m. in order to receive written and oral comments from any interested person(s) concerning Landmark Industries Energy’s request for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) by allowing the applicant to install ancillary utility structures, except new signage and collection bins, having a maximum footprint of 12 sq. ft., within the 10’ rear and/or side setbacks, but no closer than 1’ into the rear and interior lot lines but not to encroach into any utility easements for the property located at 17438 Northwest Freeway, Jersey Village, Texas 77065.

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

Building Official Somers explained that this request has been filed by applicant Landmark Industries. It is very much like the previous requests filed by this applicant for this property, which is very difficult to develop as a result of the US HWY 290 Expansion Project. The request is to allow the applicant to vary from the Code of Ordinances when installing ancillary utility structures on this property. The ancillary structures do not include any new signage or collection bins, and it must not exceed a maximum footprint of 12 sq. ft. The ancillary buildings must be located within the 10’ rear and/or side setbacks, but may not be closer than 1’ into the rear and interior lot lines and may not encroach into any utility easements for the property located at 17438 Northwest Freeway, Jersey Village, Texas 77065.

The Board engaged in discussion about the request. Some felt that in granting the request it provides flexibility in developing this property, which has been complicated by the expansion of the US HWY 290 project. The Board also discussed that the structures may not be located closer than 1’ into the rear and interior lot lines. Some members wanted to know where this building line is located. Mr. Somers explained that the building line is located within the integrated business development. He also mentioned that in granting a variance it will not affect the street poles. It was also mentioned that the construction of ancillary buildings cannot be located in the parking lot and as a result it is a challenge to develop this property.

Mr. Mark Thompson, Agent appearing on behalf of Landmark Industries stated that the ancillary structures are there now and have been in the same locations for some 20 years. Their plan is to merely replace the existing structures where they currently sit on the property with new structures. He added that the vent pipes are quite small and blend in with the landscaping. The light poles will be 20 feet tall and will provide adequate lighting for safety.

The Board engaged in discussion about the fuel vents. Some wondered if these vents would affect other vendors located on this property. Staff stated that it would not.

With no one else signing up to speak at this public hearing, Chairman Simchak closed the public hearing concerning Landmark Industries Energy's request for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) by allowing the applicant to install ancillary utility structures, except new signage and collection bins, having a maximum footprint of 12 sq. ft., within the 10' rear and/or side setbacks, but no closer than 1' into the rear and interior lot lines but not to encroach into any utility easements for the property located at 17438 Northwest Freeway, Jersey Village, Texas 77065 at 12:16 p.m.

F1. Discuss and take appropriate action on Landmark Industries Energy's request for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) by allowing the applicant to install ancillary utility structures, except new signage and collection bins, having a maximum footprint of 12 sq. ft., within the 10' rear and/or side setbacks, but no closer than 1' into the rear and interior lot lines but not to encroach into any utility easements for the property located at 17438 Northwest Freeway, Jersey Village, Texas 77065.

The Board engaged in discussion concerning the construction of the ancillary utility structures. Building Official Somers confirmed that aside from the variances being discussed herein, all other building codes apply. The City Attorney reminded the Board that the variance process is in addition to all other approvals needed during the construction process.

She told the Board that in making its decision to grant the request for variance, they must consider:

- if the request for variance is contrary to the public's interest;
- if, due to special conditions, enforcement of Chapter 14, Article IV, Section 14-105(b)(3) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

With no further discussion on the matter, Board Member Hermis moved to grant Landmark Industries Energy a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(b)(3) by allowing Landmark Industries Energy to install ancillary utility structures, except new signage and collection bins, having a maximum footprint of 12 sq. ft., within the 10' rear and/or side setbacks, but no closer than 1' into the rear and interior lot lines but not to encroach into any utility easements for the property located at 17438 Northwest Freeway, Jersey Village, Texas 77065. Board Member Sappington seconded the motion. The vote follows:

Ayes: Board Members Hermis, Sappington, Nguyen, and Pennington
Chairman Simchak

Nays: None

The motion carried.

G. Adjourn

With no other business before the Board, Chairman Hermis adjourned the meeting at 12:20 p.m.

Lorri Coody, Board Secretary