

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

April 18, 2018 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on April 18, 2018, 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 Tom G. Simchak at 12:00 p.m. and the roll of appointed officers was taken. Board Members present were:

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

Board Member Doyle Stuckey was 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 Members.

This item was not called since the appointment of alternates was not necessary.

C. Consider approval of the minutes for the meeting held on December 5, 2017.

Board Member Hermis moved to approve the minutes for the meeting held on December 5, 2017. Board Member Sappington seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D. Conduct a public hearing on Texas Republic Signs, LLC's request, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2) to allow the applicant: (1) to exceed the one ground sign requirement by one sign; (2) to exceed the 50 square feet in sign area by 15 square feet; (3) to exceed the 8' height requirement for ground signs by 4'; (4) to encroach the 10' street right-of-way setback by 1'; and (5) to encroach the 25' rear property line set back by 23+- feet for the property located at 17438 Northwest Freeway, Jersey Village, Texas.

Chairman Simchak opened the public hearing at 12:05 p.m. in order to receive written and oral comments from any interested person(s) concerning Texas Republic Signs, LLC's request, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2) to allow the applicant:

(1) to exceed the one ground sign requirement by one sign; (2) to exceed the 50 square feet in sign area by 15 square feet; (3) to exceed the 8' height requirement for ground signs by 4'; (4) to encroach the 10' street right-of-way setback by 1'; and (5) to encroach the 25' rear property line set back by 23+- feet for the property located at 17438 Northwest Freeway, Jersey Village, Texas.

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

Christian Somers, Building Official, provided background information on the request as follows: Texas Republic Signs, LLC filed on behalf of Landmark Industries five (5) requests for variance in connection with the business located at 17438 Northwest Freeway, Jersey Village, Texas. The five (5) requests pertain to signage at this location and are as follows: (1) to exceed the one ground sign requirement by one sign; (2) to exceed the 50 square feet in sign area by 15 square feet; (3) to exceed the 8' height requirement for ground signs by 4'; (4) to encroach the 10' street right-of-way setback by 1'; and (5) to encroach the 25' rear property line set back by 23+- feet.

Mr. Somers explained that requests 2 through 5 are dependent upon the request to exceed the one ground sign requirement by one sign. He stated that the requested ground sign will replace the existing sign identified by the letter "A" on the site map included in the meeting packet. Brad Everett, the representative from Texas Republic Signs, LLC told the Board that Landmark Industries is updating the property due to the US HWY 290 construction, which has caused constraints on land usage. Landmark wants to update the look of the ground sign, which will be LED in nature. The sign being replaced is 25' high. The replacement sign is 12', but the maximum allowed by the City's Code of Ordinances is only 8'. The location for this replacement sign is on the NW corner of Jones Road.

There is a monument pole sign located along the NW Freeway. While this sign is governed by the US HWY 290 Corridor regulations, it does affect the number of ground signs allowed upon the property located at this address. Thus, the request to allow the applicant to exceed the one ground sign requirement.

The Board discussed the monument pole sign located along US HWY 290. The Building Official explained that the owner of the property would be permitted to replace this sign as well as long as no structural changes to the sign are made.

The Board discussed in depth the request to exceed the one ground sign requirement trying to understand the regulations for US HWY 290 Corridor and those that govern the signs posted along Jones Road.

The height and width of the sign was discussed as well as the type of information to be included on the sign such as convenience information versus fuel information. The economics of the business in connection with the sign was discussed. Additionally, the City Attorney pointed out that from a franchise owner perspective, signage must be approved by the corporate headquarters.

The rear set back of 25' was discussed. The Building Official pointed out that the rear of the property is by Pizza Hut.

With no one else seeking to speak at this public hearing, Chairman Simchak closed the public hearing concerning Texas Republic Signs, LLC's request, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2) to allow the applicant: (1) to exceed the one ground sign requirement by one sign; (2) to exceed the 50 square feet in sign area by 15 square feet; (3) to exceed the 8' height requirement for ground signs by 4'; (4) to encroach the 10' street right-of-way setback by 1'; and (5) to encroach the 25' rear property line set back by 23+- feet for the property located at 17438 Northwest Freeway, Jersey Village, Texas at 12:22 p.m.

After closing the public hearing, City Attorney Hayes clarified that the US HWY 290 Corridor Standards do not apply to the sign for which the variance is being requested. Therefore, the variance to permit more than one ground sign needs to be considered by the Board. The Board in making its decision on the requested variances 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 14-252(2)(b)(2) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

D1 Discuss and take appropriate action on Texas Republic Signs, LLC's request, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(a) to allow the applicant to exceed the one ground sign requirement by one sign for the property located at 17438 Northwest Freeway, Jersey Village, Texas.

With limited discussion, Board Member Pennington moved to approve the request of Texas Republic Signs, LLC, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(a) to allow the applicant to exceed the one ground sign requirement by one sign for the property located at 17438 Northwest Freeway, Jersey Village, Texas. Board Member Hermis seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D2 Discuss and take appropriate action on Texas Republic Signs, LLC's request, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(a) to allow the applicant to exceed the 50 square feet in sign area by 15 square feet for the property located at 17438 Northwest Freeway, Jersey Village, Texas.

With no further discussion on the matter, Board Member Pennington moved to approve the request of Texas Republic Signs, LLC, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(a) to allow the applicant to exceed the 50 square feet in sign area by 15 square

feet for the property located at 17438 Northwest Freeway, Jersey Village, Texas. Board Member Hermis seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D3 Discuss and take appropriate action on Texas Republic Signs, LLC's request, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to exceed the 8' height requirement for ground signs by 4' for the property located at 17438 Northwest Freeway, Jersey Village, Texas.

With no further discussion on the matter, Board Member Pennington moved to approve the request of Texas Republic Signs, LLC, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to exceed the 8' height requirement for ground signs by 4' for the property located at 17438 Northwest Freeway, Jersey Village, Texas. Board Member Hermis seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D4 Discuss and take appropriate action on Texas Republic Signs, LLC's request, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to encroach the 10' street right-of-way setback by 1' for the property located at 17438 Northwest Freeway, Jersey Village, Texas.

With no further discussion on the matter, Board Member Pennington moved to approve the request of Texas Republic Signs, LLC's request, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to encroach the 10' street right-of-way setback by 1' for the property located at 17438 Northwest Freeway, Jersey Village, Texas. Board Member Hermis seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D5 Discuss and take appropriate action on Texas Republic Signs, LLC's request, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of

Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to encroach the 25’ rear property line set back by 23+- feet for the property located at 17438 Northwest Freeway, Jersey Village, Texas.

With no further discussion on the matter, Board Member Pennington moved to approve the request of Texas Republic Signs, LLC, filed on behalf of Landmark Industries, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to encroach the 25’ rear property line set back by 23+- feet for the property located at 17438 Northwest Freeway, Jersey Village, Texas. Board Member Hermis seconded the motion. The vote follows:

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

Nays: None

The motion carried.

E. Adjourn

With no other business before the Board, Chairman Simchak adjourned the meeting at 12:32 p.m.



Lorri Coody, Board Secretary