



**NOTICE OF A MEETING**

**(In compliance with Sec. 551.041, Et. Seq., Tex. Gov't. Code)**

NOTICE is hereby given that the City of Jersey Village Board of Adjustment will hold a meeting on December 10, 2018 at 12:00 p.m in the Municipal Civic Center Meeting Room at 16327 Lakeview Drive, Jersey Village, Texas 77040. The City of Jersey Village Board of Adjustment reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

ITEM(S) to be discussed/acted upon by the Board is/are listed on the attached agenda.

**AGENDA**

- A. Open Meeting. Call the meeting to order and the roll of appointed officers will be taken. *Board Chairman*
- B. Designate alternate members to serve in place of any absent Board Members. *Board Chairman*
- C. Election of chairperson and vice-chairperson for one-year term beginning October 1, 2018 and ending September 30, 2019. *Board Chairman*
- D. Consider approval of the minutes for the meeting held on August 15, 2018. *Danielle Amason, Assistant City Secretary*
- E. Conduct a public hearing on William Dewayne Ashdown’s requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5’ and the side setback by 2’ for the property located at 16225 Tahoe Drive, Jersey Village, Texas. *Board Chairman*
  - (1) Discuss and take appropriate action on William Dewayne Ashdown’s requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5’ and the side setback by 2’ for the property located at 16225 Tahoe Drive, Jersey Village, Texas. *Christian Somers, Building Official*
- F. Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify in accordance with the Texas Open Meeting Act, the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at City Hall, 16327 Lakeview, Jersey Village, TX 77040, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: November 21, 2018 at 10:15 a.m. and remained so posted until said meeting was convened.

\_\_\_\_\_  
Danielle Amason, Assistant City Secretary



In compliance with the Americans with Disabilities Act, the City of Jersey Village will provide for reasonable accommodations for persons attending City Council meetings. Request for accommodations must be made to the City Secretary by calling 713 466-2102 forty-eight (48) hours prior to the meetings. Agendas are posted on the Internet Website at [www.jerseyvillage.info](http://www.jerseyvillage.info)

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 10, 2018

**BOARD OF ADJUSTMENT  
CITY OF JERSEY VILLAGE, TEXAS  
AGENDA REQUEST**

**AGENDA DATE:** December 10, 2018

**AGENDA ITEM:** C

**AGENDA SUBJECT:** Election of chairperson and vice-chairperson for one-year term beginning October 1, 2018 and ending September 30, 2019.

**Department/Prepared By:** Danielle Amason

**Date Submitted:** November 7, 2018

**EXHIBITS:** None

**BUDGETARY IMPACT:** None

**CITY MANAGER APPROVAL:**

**BACKGROUND INFORMATION:**

In accordance with the City of Jersey Village Code of Ordinance Section 14-22(b) the Board shall elect a chairperson and vice-chairperson, who shall serve for a period of one year, at the first regularly scheduled meeting after the October appointments.

According to the December 5, 2017 meeting minutes, Tom Simchak was elected to a one year term as chairperson, beginning October 2017 and ending September 2018; and Henry Hermis was elected to a one year term as vice-chairperson, beginning October 2017 and ending September 2018.

It is appropriate for the Board to make these elections at this meeting for the term beginning October 2018 and ending September 2019.

**RECOMMENDED ACTION:**

Elect Officers

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

August 15, 2018 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on August 15, 2018, at 12:00 p.m. in the Fire Department Training Room, 16501 Jersey Drive, Jersey Village, Texas.

**A. The meeting was called to order by Chairman Tom G. Simchak at 12:01 p.m. and the roll of appointed officers was taken. Board Members present were:**

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

Board Member Debra Sappington was not present at this meeting.

Council Liaison, Gary Wubbenhorst was present.

City Staff in attendance: Leah Hayes, City Attorney; Lorri Coody, Board Secretary; Danielle Amason, Assistant City 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.**

Chairman Simchak appointed Alternate Board Member No. 1, Doyle Stuckey as a voting member in the absence of Board Member, Debra Sappington.

**C. Consider approval of the minutes for the meeting held on April 18, 2018.**

Board Member Hermis moved to approve the minutes for the meeting held on April 18, 2018. Board Member Pennington seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**D. Conduct a public hearing on Maria Monreal's request for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88(a)(26) to allow the applicant to erect a nonresidential, one-story building on a lot abutting a subdivision containing residential structures by encroaching the 50 foot setback requirement for the property located at 17300 Jersey Meadow Drive, Jersey Village, Texas.**

Chairman Simchak opened the public hearing at 12:01 p.m. in order to receive written and oral comments from any interested person(s) concerning Maria Monreal's request for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88(a)(26) to allow the applicant to erect a nonresidential, one-story building on a lot abutting a subdivision containing residential structures by encroaching the 50 foot setback requirement for the property located at 17300 Jersey Meadow Drive, 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:

- 1) By right, the applicant may develop a building, which fronts to the east (facing Lakes of Jersey Village). Developing as such will result in a parking lot and vehicular drive being constructed between the building and the residential properties. Mr. Somers explained that the vehicular drive, eventually, will tie all the way to iShine and beyond, once the lot between CVS and iShine is developed. Ms. Monreal has appealed to HSPNT to eliminate the shared access driveway, to no avail.
  - a. Lakes of Jersey Village residents may not recall iShine’s proposed revision to the approved set of development / construction documents, one showing development of the drive, and this prior to development of all the lots, I rejected, taking the position that the City hasn’t the responsibility to facilitate development of what was and is, essentially, a private access agreement, until all contiguous lots have been developed. iShine’s appeals were not successful; hence, a driveway through to Jersey Meadow wasn’t permitted for construction.
- 2) This iteration of the site development plan, the one before the BOA today, will not allow for “back-loading” to the building, either. Locating the building such that it fronts to the west will result in the following:
  - a. Mitigating some of the noise results of development adjacent to any given properties (often referred to, economically-speaking, as a “negative exaction”), such as:
    - i. Additional buffering of vehicular traffic noise – especially that associated with the completion of the entire development’s through driveway.
    - ii. Ditto any associated lighting. Lighting, often, even when oriented away from one’s property, can still be bothersome. I do require that the developer install lighting that does not exceed Exterior Lighting Zone Level 2 (whereas a Level 4 is for High-Activity commercial districts in major metropolitan areas, as determined by the local planning authority).
  - b. Eliminating pavement over the City’s U.E. (Sanitary Sewer Main). We allow for pool decks, etc., driveway approaches over same – and also where many of our commercial properties were adversely affected by TxDOT’s takings for the 290 Expansion Project – but prefer we not have to bust through or bore under paving.
  - c. It trigger ours development codes’ enhanced buffer-yard criteria (essentially, denser landscape screening).
  - d. Development will proceed, variance or not, but development of the building such that the front is oriented toward Jones Road is more economically viable, since that’s a building with more exposure and one that would be less likely to result in a moribund development, one that could be shuttered and abandoned, at worse.

Without the variance, the building will be developed as previously shown within what was – and still is – an inchoate and incomplete development review (we pursued same since the primary motivation on the part of the applicant was to ensure that a building footprint and associated paving meets the development code prior to committing money to further design work, whichever iteration they may legally pursue).

The applicant, Maria Monreal, explained that she purchased this piece of land to expand her business, Brass Thimble, which specializes in tailoring services. Ms. Monreal worked with her architect to develop plans for locating the building on the property. Two sets of plans were developed. One of the plans requires a variance in order to locate the building toward the back part of the property within the 50' setback of the neighboring residential properties. Situating the building on the property in this manner, shielded the neighbors from lighting and traffic noise. The other plan does not require a variance and locates a parking lot between the building and the residential neighbors. The characteristics of the proposed building are similar to the homes in the area. In connection with the characteristics of the proposed building, City Attorney, Leah Hayes, pointed out that the request presented before the Board was only related to the location of the proposed building on the property.

With no other input from the applicant, Chairman Simchak called upon those signing up to speak at the public hearing as follows:

**Deborah Finlay, 30 Cherry Hills, Jersey Village, Texas (713) 816-2088:** Ms. Finlay suggested the Board deny the variance request. She explained that the business would be too close to her home and pointed out that the proposed building will be 50' from her backdoor.

**Marsha Webb, 5 Spyglass Court, Jersey Village, Texas (281) 736-0961:** Ms. Webb suggested the Board deny the variance request.

**James Fields, 16413 Saint Helier, Jersey Village, Texas (713) 466-0804:** Mr. Fields suggested the Board deny the variance request. He felt it would affect the values of the neighboring properties. Additionally, he stated that he felt that Board Member Stuckey has a conflict of interest because he was the developer of this subdivision.

**Bill Schuster, 8 Peachtree Court, Jersey Village, Texas (832) 407-9011:** Mr. Schuster suggested the Board deny the variance request. He stated home values started to decline after commercial properties were built in the area. He also expressed concern for drainage issues.

**Robert Castillo, 100 Cherry Hills, Jersey Village, Texas (281) 653-2776:** Mr. Castillo suggested the Board deny the variance request. He explained that the proposed location of the business on the property could potentially bring crime, traffic and noise to the subdivision. He is also concerned about drainage issues.

**Luisa Lago, 117 Cherry Hills, Jersey Village, Texas (713) 392-2004:** Ms. Lago suggested the Board deny the variance request. She referenced the City Ordinance that prevents commercial property from building closer than 50' to a home.

**Lois Moncrief, 67 Cherry Hills, Jersey Village, Texas (281) 413-9643:** Ms. Moncrief suggested the Board deny the variance request. She explained the desire to keep the area safe and secure.

**Lindy Mandy, 7 Peachtree Court, Jersey Village, Texas (713) 816-8955:** Ms. Mandy suggested the Board deny the variance request. She explained that she is in favor of the City's strict ordinances and is concerned about issues with flooding.

**Sylvia Barnes, 10 Peachtree Court, Jersey Village, Texas (713) 906-8013:** Ms. Barnes suggested the Board deny the variance request. She is of the opinion that an exception to the ordinance will lead others to request similar variances in the future.

**Joy Priest, 32 Cherry Hills, Jersey Village, Texas (281) 890-6601:** Ms. Priest suggested the Board deny the variance request. She referenced the ordinance preventing commercial properties from being built 50' from residential homes and expressed a concern for flooding.

**Leslie Wenske, 9 Peachtree Court, Jersey Village, Texas (832) 265-4007:** Ms. Wenske suggested the Board deny the variance request.

**Brook Cunningham, 9 Peachtree Court, Jersey Village, Texas (832) 372-9809:** Ms. Cunningham suggested the Board deny the variance request. She expressed the feeling of discomfort having a business close to her home.

**Stephen Reid, 52 Cherry Hills, Jersey Village, Texas (281) 461-4406:** Mr. Reid suggested the Board deny the variance request. He explained that does not want a business at his doorstep.

**Carlos Pereira, 80 Cherry Hills, Jersey Village, Texas (281) 381-2125:** Mr. Pereira suggested the Board deny the variance request.

**Simon Rowe, 1 Spyglass Court, Jersey Village, Texas (713) 449-3799:** Mr. Rowe suggested the Board deny the variance request.

**Maria Rowe, 1 Spyglass Court, Jersey Village, Texas (713) 280-9113:** Ms. Rowe suggested the Board deny the variance request. She asked that the Board consider the residents over a business.

**Dilip Amin, 33 Cherry Hills, Jersey Village, Texas (832) 287-1188:** Mr. Amin suggested the Board deny the variance request. He expressed concern that a building blocking the view from the street will lead to possible home break-ins.

**Marilyn Schuster, 8 Peachtree Court, Jersey Village, Texas (832) 594-1310:** Ms. Schuster suggested the Board deny the variance request. She is of the opinion that the applicant did not do due diligence before purchasing the property and wants to protect the value of the homes in the area.

With no one else seeking to speak at this public hearing, Chairman Simchak closed the public hearing concerning Maria Monreal's request for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88(a)(26) to allow the applicant to erect a nonresidential, one-story building on a lot abutting a subdivision containing residential structures by encroaching the 50 foot setback requirement for the property located at 17300 Jersey Meadow Drive, Jersey Village, Texas at 12:44 p.m.

- D1 Discuss and take appropriate action on Maria Monreal's request for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88(a)(26) to allow the applicant to erect a nonresidential, one-story building on a lot abutting a subdivision containing residential structures by encroaching the 50 foot setback**

**requirement for the property located at 17300 Jersey Meadow Drive, Jersey Village, Texas.**

Building Official Somers explained that development of this property is by right. It can either be developed with a parking lot at the setback or with a building encroaching the 50' setback by 25'. He explained that the first review for this property was with the parking lot at the setback, but after much discussion concerning traffic noise and lighting, the requestor came back with a plan to place the building into the 50' residential setback.

Mr. Somers explained the benefits of having the building encroach the residential setback. He called the Board's attention to the initial comment letter, which was included in the meeting packet and he told the Board that the other issues such as drainage and lighting will be considered during the development process. He stated that the request before the Board is only to decide if the development can encroach the 50' setback.

City Attorney Hayes explained the conflict of interest statute and that a Board Member would be disqualified only if he/she has a substantial interest in the property in question. If not, then the Board Member is not disqualified under the conflict of interest statute and can participate in the vote.

City Attorney Hayes also explained property rights and the definition of the term hardship. This applicant meets the hardship requirement due to the size and location of the property. Financial concerns are not hardships. She further explained that each variance request considered by the Board is on a case-by-case basis so there is no need to be concerned about setting a precedence. Ms. Hayes explained that the Board in making its decision on this request for variance 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 14-88(a)(26) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

In connection with the public comments about traffic noise, crime, etc., City Attorney Hayes explained a recent Court ruling that found that a business/building cannot be found to be a nuisance before it is built.

The Board discussed the variance request. Basically, the issue at hand concerns which way the building is situated on the property. If it is set to the east, than no variance is needed. The Board also discussed the shape and contour of the property and the location of the building on the property in connection with the subdivision.

Some wondered about the various uses allowed in the Code of Ordinances for this property. In connection with same, City Attorney Hayes read the various uses for Zone F from the City's Code of Ordinances and stated that all those listed are allowed by right to a property owner. The Brass Thimble fits within the uses prescribed for Zoning District F.

The Board discussed the various types of businesses permitted. There was also discussion that the Board must decide if the application for variance meets the threshold to grant a variance. In considering same, there was discussion about the location of the building on the

property and benefits of each location. The Board also took into consideration the comments made during the public hearing.

With no further discussion on the matter, Board Member Pennington moved to deny the request of Maria Monreal for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88(a)(26) to allow the applicant to erect a nonresidential, one-story building on a lot abutting a subdivision containing residential structures by encroaching the 50 foot setback requirement for the property located at 17300 Jersey Meadow Drive, Jersey Village, Texas. Board Member Hermis seconded the motion. The vote follows:

Ayes: Board Members Pennington, Hermis, Nguyen, and Stuckey

Nays: Chairman Simchak

The motion carried.

**E. Adjourn**

With no other business before the Board, Chairman Simchak adjourned the meeting at 1:16 p.m.

\_\_\_\_\_  
Lorri Coody, City Secretary



DRAFT



**BOARD OF ADJUSTMENT  
CITY OF JERSEY VILLAGE, TEXAS  
AGENDA REQUEST**

**AGENDA DATE:** December 10, 2018    **AGENDA ITEMS:** E

**AGENDA SUBJECT:** Conduct a public hearing on William Dewayne Ashdown's requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5' and the side setback by 2' for the property located at 16225 Tahoe Drive, Jersey Village, Texas.

**Department/Prepared By:** Danielle Amason, Assistant City Secretary

**EXHIBITS:** [EX A](#) – Application Requesting Variance for Rear Setback  
[EX B](#) – Application Requesting Variance for Side Setback  
[EX C](#) – Section 14-88 (b)  
[EX D](#) – City's Certification of Public Hearing Posting Requirements  
[EX E](#) – Applicant's Certification of Public Hearing Posting Requirements  
[PH Script](#)

**BACKGROUND INFORMATION:**

William Dewayne Ashdown filed requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5' and the side setback by 2' for the property located at 16225 Tahoe Drive, Jersey Village, Texas.

Before the Board can consider the applications for variance, it must conduct a public hearing in order to receive written and oral comments from any interested person(s) concerning William Dewayne Ashdown's request.

This item is to conduct the public hearing.

**RECOMMENDED ACTION:**

Conduct a public hearing on William Dewayne Ashdown's requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5' and the side setback by 2' for the property located at 16225 Tahoe Drive, Jersey Village, Texas.

# CITY OF JERSEY VILLAGE

16501 Jersey Drive  
Jersey Village, TX 77040-1999  
Inspection Request 713-466-2138

# CITY COPY

**\*\*EACH INDIVIDUAL TRADE MUST CALL THEIR OWN INSPECTION\*\***


## VARIANCE

PERMIT #: 0000007088		DATE ISSUED: 11/07/2018	
JOB ADDRESS: 16225 TAHOE DR	PARCEL ID: PARC1998-1694	LOT #: 2	BLK #: 46A
SUBDIVISION:		ZONING: A	
ISSUED TO: WILLIAM D ASHDOWN	ADDRESS: 16225 TAHOE DR	CONTRACTOR: WILLIAM D ASHDOWN	ADDRESS: 16225 TAHOE DR
CITY, STATE ZIP: JERSEY VILLAGE TX 77040-1249	PHONE: 713-249-5166	CITY, STATE ZIP: JERSEY VILLAGE TX 77040-1249	PHONE:
STRUCTURE USE:		VALUATION: \$ 0.00	
FLOOR AREAS:		IMPERVIOUS SURFACES:	
LIVING SPACE:		HOUSE:	
BASEMENT/STORAGE:		GARAGE:	
GARAGE:		DRIVEWAYS:	
DECKS:		PORCH/WALK:	
PORCHES:		OTHER:	
OTHER:		TOTAL:	
TOTAL AREA: 0.00	SITE AREA:	PERCENTAGE OF SITE:	
STRUCTURE AREA:			

FEE CODE	DESCRIPTION	AMOUNT
Z-999	OTHER FEE	\$ 300.00
<b>TOTAL RECEIPTS</b>		<b>\$ 300.00</b>
<b>BALANCE</b>		<b>\$ 0.00</b>
<b>TOTAL RECEIPTS</b>		<b>\$ 300.00</b>

**CONDITIONS:**

**I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.**

 (SIGNATURE OF CONTRACTOR OF)	<b>CITY OF JERSEY VILLAGE</b> REC#: 00621647    11/07/2018    8:25 AM OPER: PB    TERM: 001 REF#: 7317 TRAN: 153.0000    BUILDING PERMITS 0000007089    300.00CR ASHDOWN, WILLIAM D 16225 TAHOE DR Z-MISC    300.00CR TRAN: 153.0000    BUILDING PERMITS 0000007088    300.00CR ASHDOWN, WILLIAM D 16225 TAHOE DR Z-MISC    300.00CR TENDERED: 600.00 CHECK APPLIED: 600.00- CHANGE: 0.00	11, 7, 18 DATE 11, 7, 18 DATE
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BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 10, 2018

**CITY OF JERSEY VILLAGE**  
Application for Request for Variance

**\$300.00 non-refundable fee due upon submission of the request**

PROPERTY INFORMATION

Address 16225 Tahoe Dr

Legal Description: Lot 2 Block: 46A Subdivision: JVCCE, Sec. 4

APPLICANT INFORMATION

(If different than owner, application must be accompanied by an Appointment of Agent Affidavit)

Applicant: William Dewayne Ashdown Phone: 713 249-5166

Address: 16225 Tahoe Dr.

City: Jersey Village State: TX Zip: 77040

OWNER INFORMATION

Property Owner \_\_\_\_\_ Telephone Number \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Describe variance sought: Proposed construction of an addition to the primary structure resulting in a rear setback of 12.5', which does not exacerbate the existing condition.

Describe existing standard: .Sec 14-88 (b) provide for a minimum 25' rear BL setback.

\_\_\_\_\_

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 10, 2018

In accordance with Section 14-9 of the City of Jersey Village Code of Ordinances, to obtain a variance the application must meet the following criteria:

(1) What special conditions and circumstances exist which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures or buildings in the same district?

Due to the shape of the lot, and the placement of the existing structure, it is impossible to complete the addition without encroaching on the existing setbacks.

(2) Why does the literal interpretation of the provisions of this Code result in unnecessary hardship? Unnecessary hardship is due to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or owner's own action.

The lot is a trapezoid. In order to maintain the architectural integrity of the structure and to create a fully functional garage access, this variance is necessary. The permeable surface of the property will be increased by approximately 60 sq. ft

(3) Are the special conditions and circumstances the result of the actions of the applicant? (i.e. can the size of the structure be changed to meet the requirements of the Code.)

No

(4) Does granting the variances as requested confer on the applicant any special privilege that is denied by the Code to other lands, structures, or buildings in the same district?

No

William J. B.  
Signature of Applicant

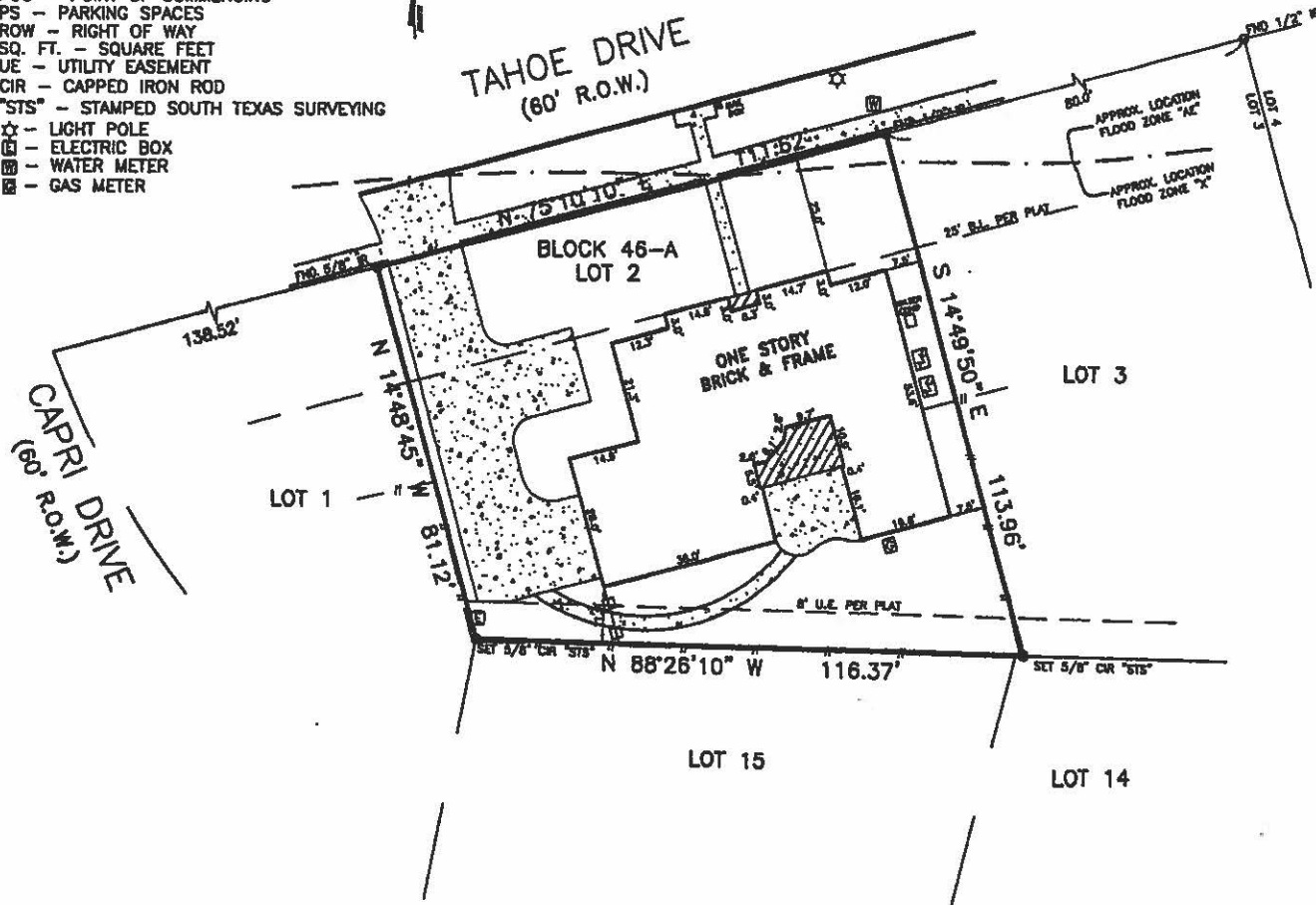
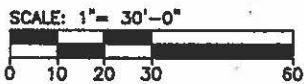
11/12/18  
Date

**REQUESTS MUST BE SUBMITTED NO LATER THEN 4:30 P.M. SIXTEEN (16) DAYS PRIOR TO THE OFFICIAL MEETING DATE.**

<b>OFFICE USE ONLY</b>	
Received by: _____	Date: _____
Fee paid (amount): \$ _____	

**LEGEND:**

- AE - AERIAL EASEMENT
- BL - BUILDING LINE
- BLDG - BUILDING
- ESMT - EASEMENT
- FND - FOUND
- HL&P - HOUSTON LIGHTING & POWER
- IP - IRON PIPE
- IR - IRON ROD
- HCCF - HARRIS COUNTY CLERKS FILE
- HCDR - HARRIS COUNTY DEED RECORDS
- HCMR - HARRIS COUNTY MAP RECORDS
- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCING
- PS - PARKING SPACES
- ROW - RIGHT OF WAY
- SQ. FT. - SQUARE FEET
- UE - UTILITY EASEMENT
- CIR - CAPPED IRON ROD
- "STS" - STAMPED SOUTH TEXAS SURVEYING
- ☆ - LIGHT POLE
- ⊠ - ELECTRIC BOX
- ⊞ - WATER METER
- ⊞ - GAS METER



- NOTES:**
1. BEARING BASIS IS THE SOUTHERLY RIGHT-OF-WAY LINE TAHOE DRIVE BEING NORTH 75°10'10" EAST.
  2. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
  3. THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF.
  4. SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY.
  5. THE FINDINGS AND OPINIONS OF SOUTH TEXAS SURVEYING ASSOCIATES, INC. REFLECTED HEREON ARE PRIVILEGED, CONFIDENTIAL AND INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY FOR WHOM THIS WORK WAS PREPARED. IT IS UNDERSTOOD THAT THE USE OF, RELIANCE ON, OR REPRODUCTION OF SAME, IN WHOLE OR IN PART, BY OTHERS WITHOUT THE EXPRESS WRITTEN CONSENT OF SOUTH TEXAS SURVEYING ASSOCIATES, INC. IS PROHIBITED AND WITHOUT WARRANTY, EXPRESS OR IMPLIED. SOUTH TEXAS SURVEYING ASSOCIATES, INC. SHALL BE HELD HARMLESS AGAINST DAMAGES OR EXPENSES RESULTING FROM SUCH UNAUTHORIZED USE, RELIANCE OR REPRODUCTION. COPYRIGHT 2016. ALL RIGHTS RESERVED.
  6. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. CERTAIN EASEMENTS AND/OR BUILDING LINES MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. THIS SURVEY WAS DONE WITHOUT BENEFIT OF DEED. OWNER SHOULD OBTAIN A TITLE COMMITMENT BEFORE DESIGN OR CONSTRUCTION COMMENCES.

**BOUNDARY SURVEY OF**

**LOT 2 IN BLOCK 46-A OF JERSEY VILLAGE COUNTRY CLUB ESTATES, SECTION 4, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 282, PAGE 22 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.**

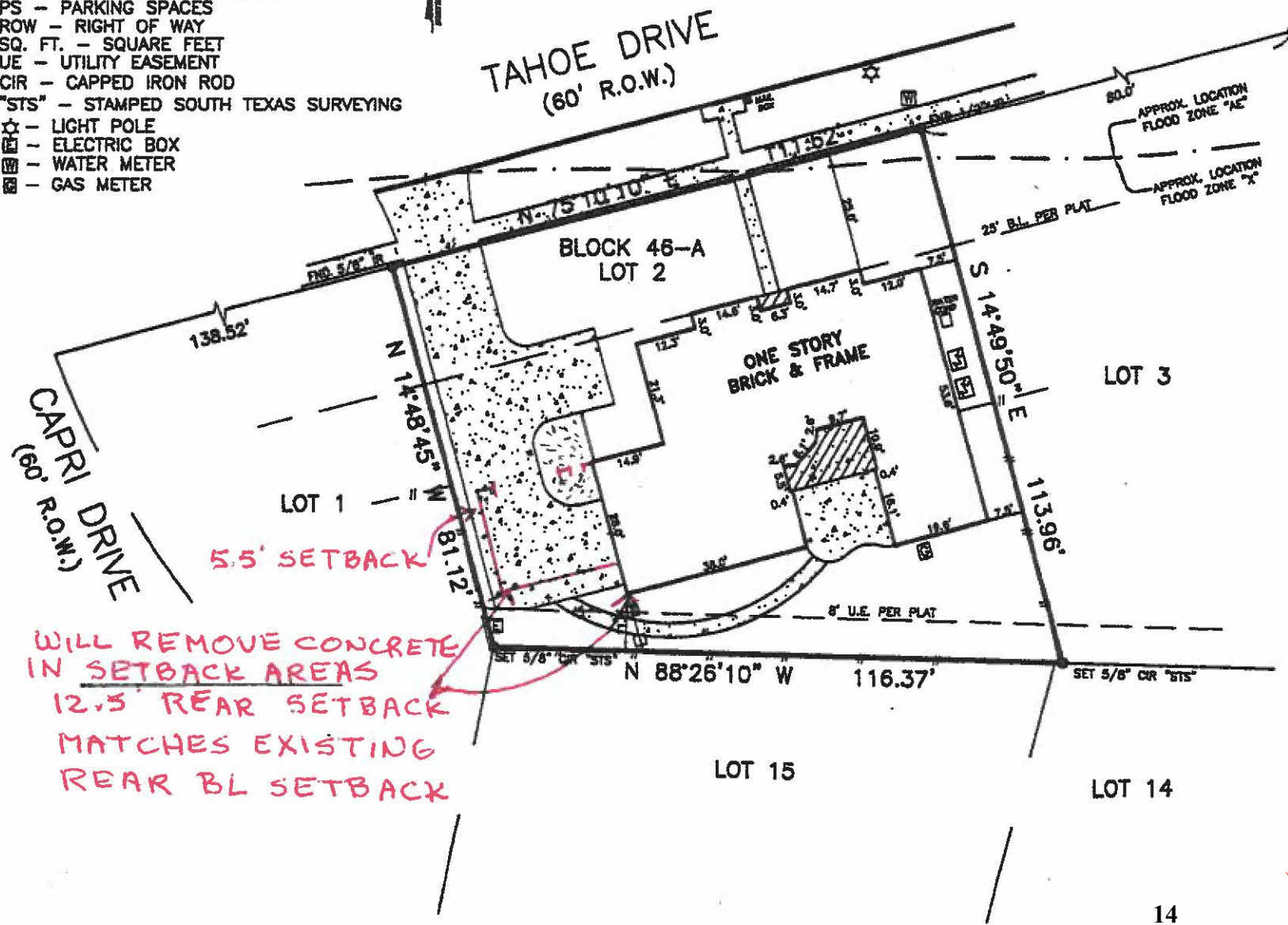
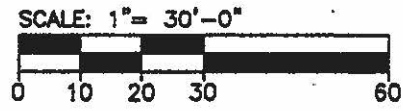
**SURVEYOR'S CERTIFICATION**

PROPERTY SUBJECT TO CITY ORDINANCES AND SUBDIVISION COVENANTS, CONDITIONS AND RESTRICTIONS. I hereby certify that this survey was made on the ground and that this plot correctly represents the facts found at the time of survey showing any improvements, from legal descriptions supplied by client. There are no encroachments apparent on the ground, except as shown. This survey is only certified for boundary and this transaction only. Surveyor did not obstruct property. Easements, building lines, etc. shown are as identified by:

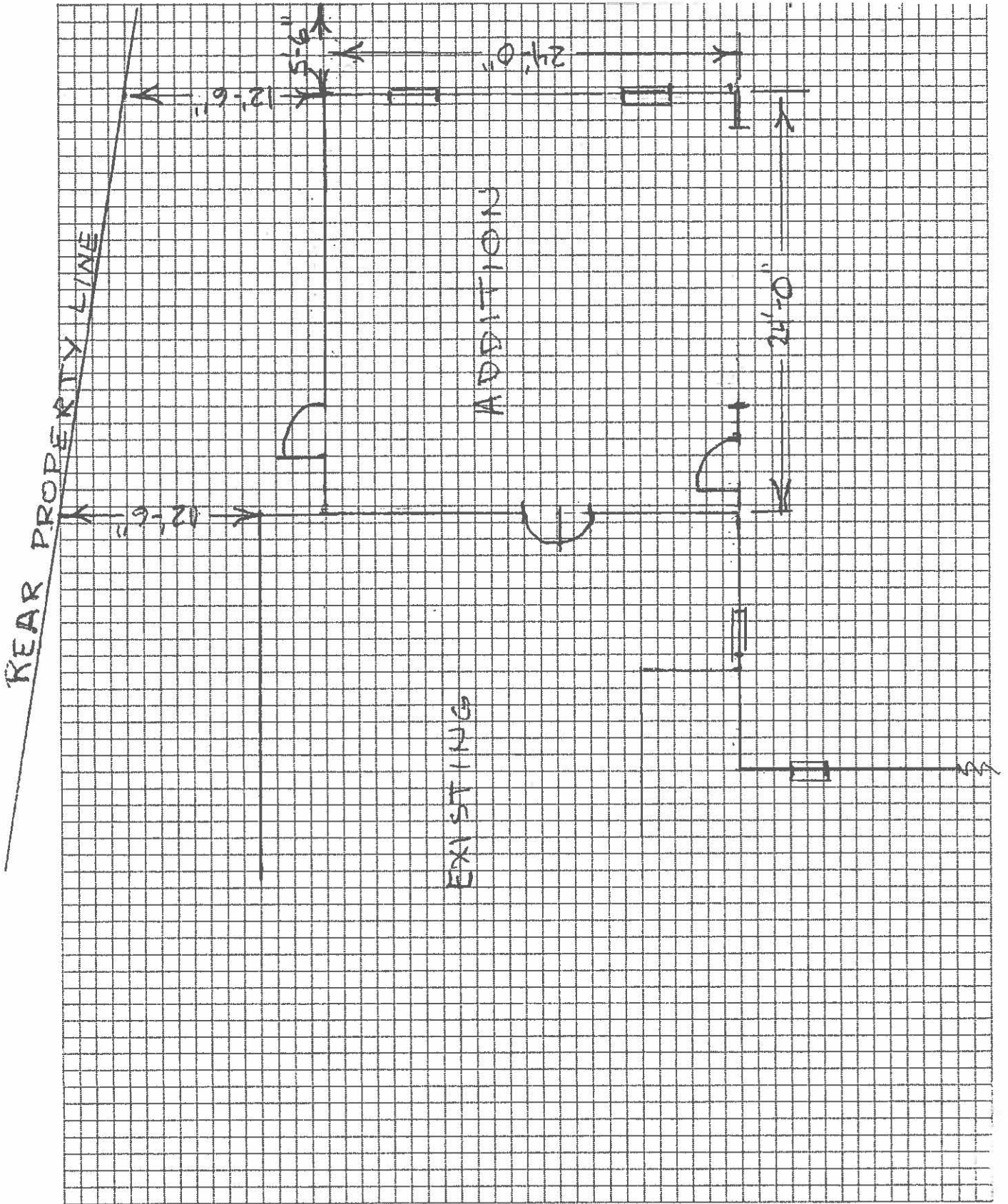
PROPERTY LIES WITHIN FLOOD ZONE AE/X SHADED, ACCORDING TO F.I.R.M. MAP NO. 48E01C 0440M, DATE 06-09-14 BY GRAPHING PLOTTING ONLY, WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION. BEFORE ANY DEVELOPMENT PLANNING, DESIGN, OR CONSTRUCTION IS STARTED, THE COMMUNITY, CITY AND COUNTY IN WHICH SUBJECT TRACT EXISTS SHOULD BE CONTACTED, SAID ENTITIES MAY IMPOSE LARGER FLOOD PLAN AND FLOODWAY AREAS THAN SHOWN BY F.I.R.M. MAPS THAT WILL AFFECT DEVELOPMENT.

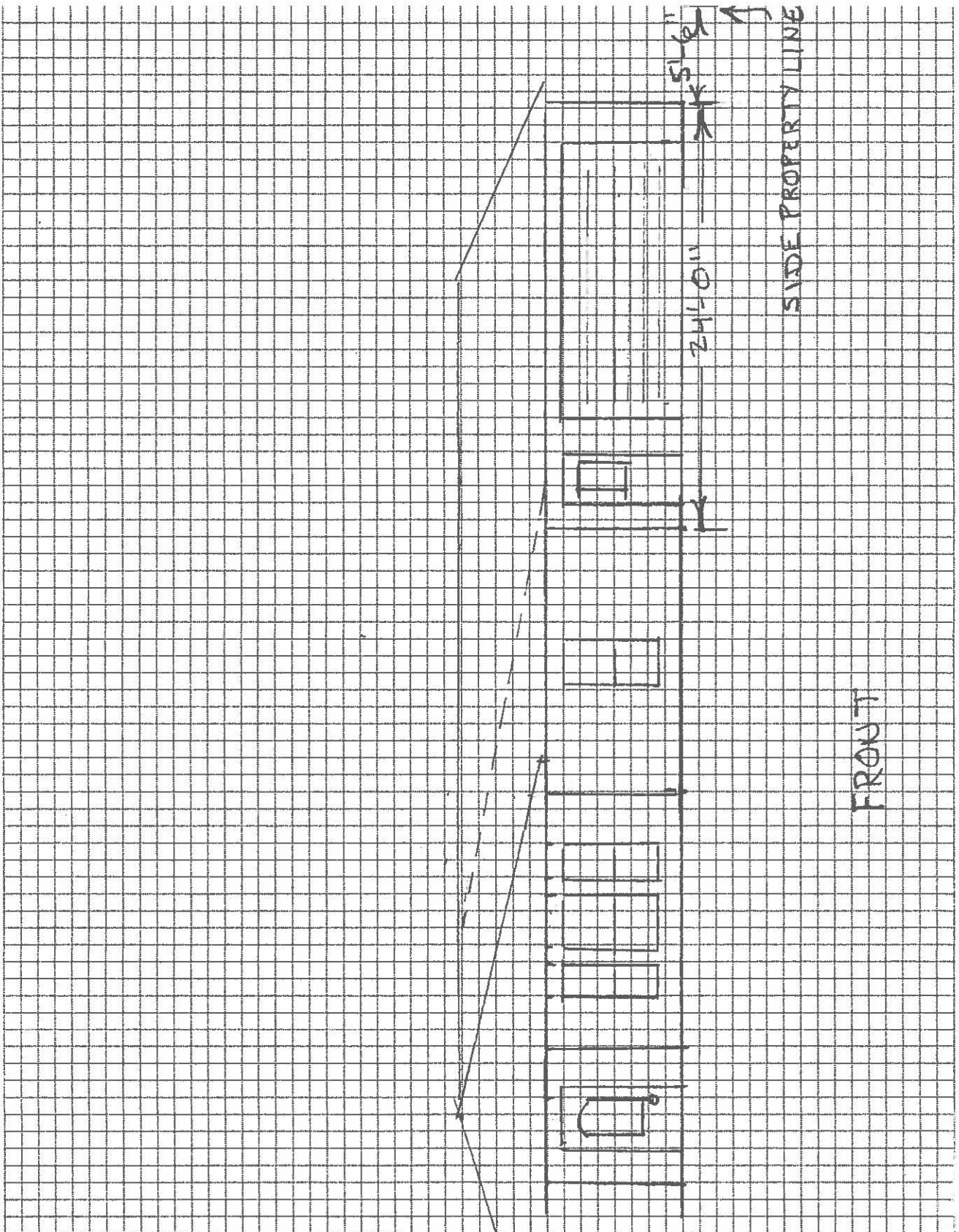
**LEGEND:**

- AE - AERIAL EASEMENT
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- BLDG - BUILDING
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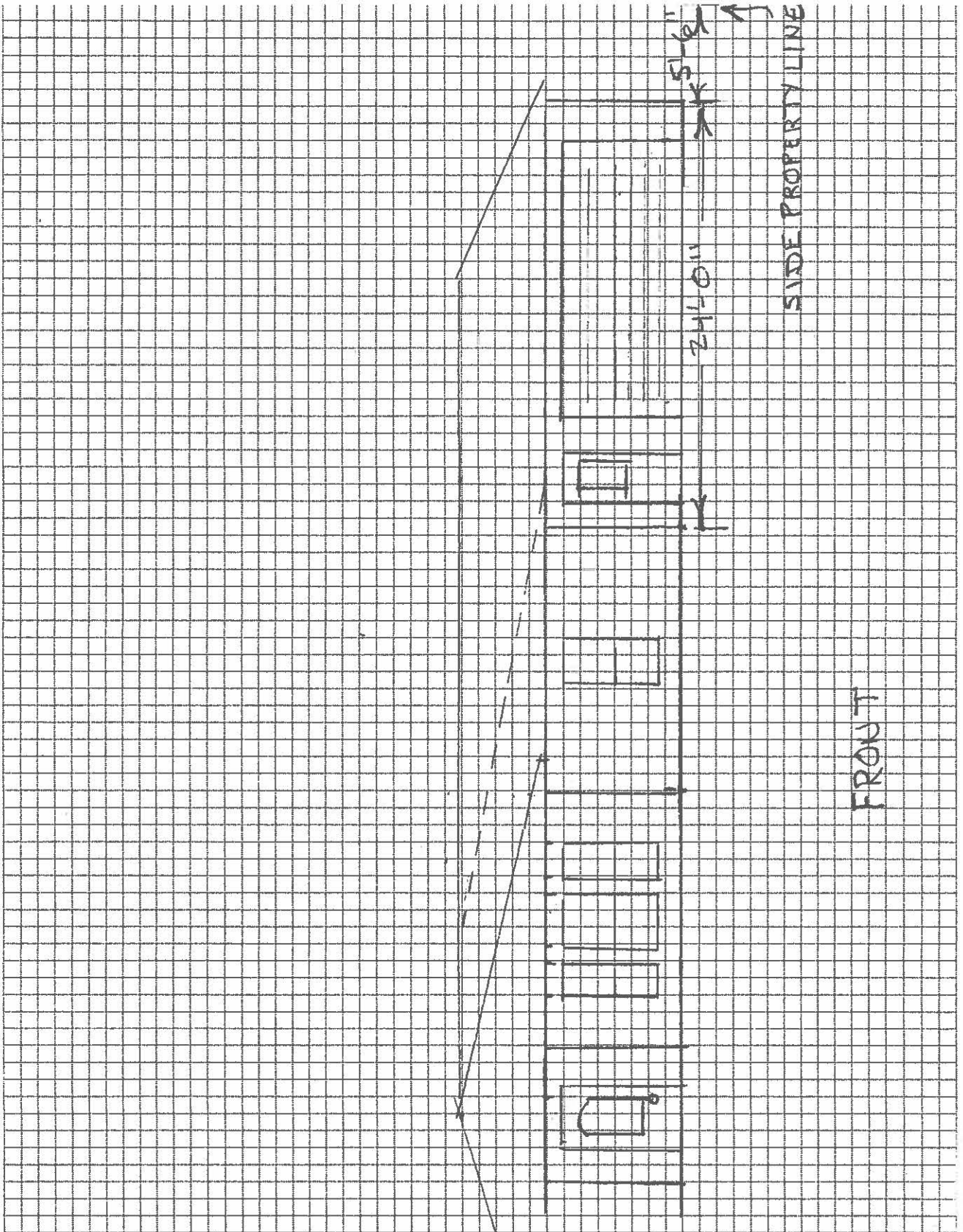


BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 10, 2018









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# CITY OF JERSEY VILLAGE

16501 Jersey Drive  
Jersey Village, TX 77040-1999  
Inspection Request 713-466-2138

# CITY COPY

\*\*EACH INDIVIDUAL TRADE MUST CALL THEIR OWN INSPECTION\*\*


## VARIANCE

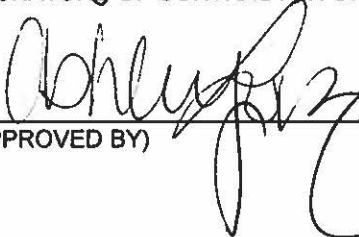
PERMIT #: 0000007089		DATE ISSUED: 11/07/2018	
JOB ADDRESS: 16225 TAHOE DR	PARCEL ID: PARC1998-1694	LOT #: 2	BLK #: 46A
SUBDIVISION:		ZONING: A	
ISSUED TO: WILLIAM D ASHDOWN	ADDRESS: 16225 TAHOE DR	CONTRACTOR: WILLIAM D ASHDOWN	ADDRESS: 16225 TAHOE DR
CITY, STATE ZIP: JERSEY VILLAGE TX 77040-1249	PHONE: 713-249-5166	CITY, STATE ZIP: JERSEY VILLAGE TX 77040-1249	PHONE:
STRUCTURE USE:		VALUATION: \$ 0.00	
FLOOR AREAS:		IMPERVIOUS SURFACES:	
LIVING SPACE:		HOUSE:	
BASEMENT/STORAGE:		GARAGE:	
GARAGE:		DRIVEWAYS:	
DECKS:		PORCH/WALK:	
PORCHES:		OTHER:	
OTHER:		TOTAL:	
TOTAL AREA: 0.00			
STRUCTURE AREA:	SITE AREA:	PERCENTAGE OF SITE:	

FEE CODE	DESCRIPTION	AMOUNT
Z-999	OTHER FEE	\$ 300.00
<b>TOTAL RECEIPTS</b>		<b>\$ 300.00</b>
		<b>\$ 0.00</b>
<b>BALANCE</b>		<b>\$ 300.00</b>

**CONDITIONS:**

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

  
\_\_\_\_\_  
(SIGNATURE OF CONTRACTOR OF

  
\_\_\_\_\_  
(APPROVED BY)

### CITY OF JERSEY VILLAGE

REC#: 00621647    11/07/2018    8:25 AM  
OPER: PB    TERM: 001  
REF#: 7317

11/7/18  
DATE

TRAN: 153.0000    BUILDING PERMITS  
0000007089    300.00CR  
ASHDOWN, WILLIAM D  
16225 TAHOE DR  
Z-MISC    300.00CR

11,7,18  
DATE

TRAN: 153.0000    BUILDING PERMITS  
0000007088    300.00CR  
ASHDOWN, WILLIAM D  
16225 TAHOE DR  
Z-MISC    300.00CR

TENDERED: 600.00 CHECK  
APPLIED: 600.00-

CHANGE: 0.00

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 10, 2018

**CITY OF JERSEY VILLAGE**  
Application for Request for Variance

**\$300.00 non-refundable fee due upon submission of the request**

PROPERTY INFORMATION

Address 16225 Tahoe Dr

Legal Description: Lot 2 Block: 46A Subdivision: JVCCE, Sec. 4

APPLICANT INFORMATION

(If different than owner, application must be accompanied by an Appointment of Agent Affidavit)

Applicant: William Dewayne Ashdown Phone: 713 249-5166

Address: 16225 Tahoe Dr.

City: Jersey Village State: TX Zip: 77040

OWNER INFORMATION

Property Owner \_\_\_\_\_ Telephone Number \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Describe variance sought: Proposed construction of an addition to the primary structure resulting in a side setback of 5.5'.

Describe existing standard: Sec 14-88 (b) provide for a minimum 7.5' side setback.

\_\_\_\_\_

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 10, 2018

In accordance with Section 14-9 of the City of Jersey Village Code of Ordinances, to obtain a variance the application must meet the following criteria:

(1) What special conditions and circumstances exist which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures or buildings in the same district?

Due to the shape of the lot, and the placement of the existing structure, it is impossible to complete the addition without encroaching on the existing setbacks.

(2) Why does the literal interpretation of the provisions of this Code result in unnecessary hardship? Unnecessary hardship is due to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or owner's own action.

The lot is a trapezoid. In order to maintain the architectural integrity of the structure and to create a fully functional garage access, this variance is necessary. The permeable surface of the property will be increased by approximately 60 sq. ft.

(3) Are the special conditions and circumstances the result of the actions of the applicant? (i.e. can the size of the structure be changed to meet the requirements of the Code.)

No

(4) Does granting the variances as requested confer on the applicant any special privilege that is denied by the Code to other lands, structures, or buildings in the same district?

No

William D. G.  
Signature of Applicant

11/12/18  
Date

REQUESTS MUST BE SUBMITTED NO LATER THEN 4:30 P.M. SIXTEEN (16) DAYS PRIOR TO THE OFFICIAL MEETING DATE.

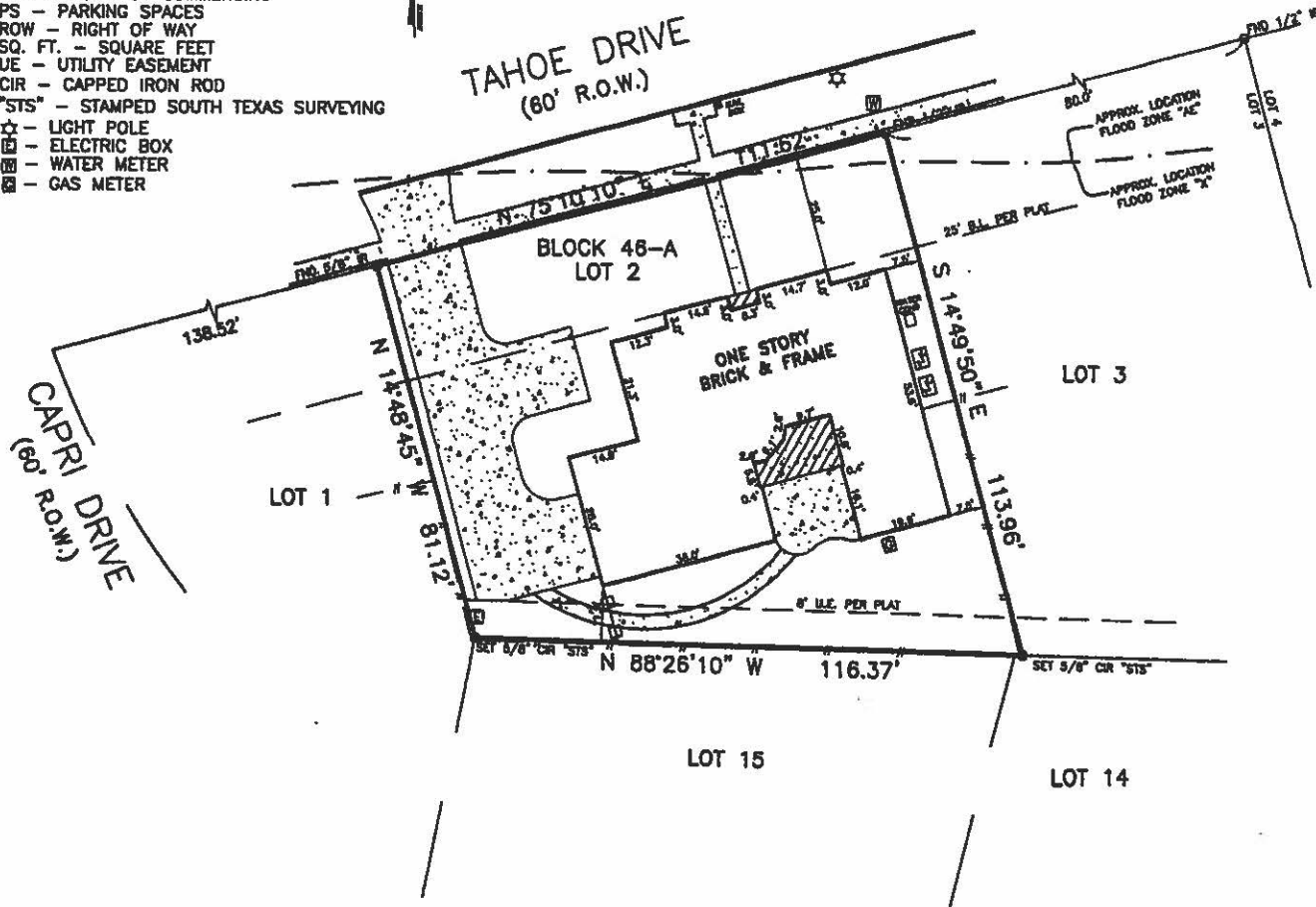
<b>OFFICE USE ONLY</b>	
Received by: _____	Date: _____
Fee paid (amount): \$ _____	

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 10, 2018

**LEGEND:**

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- BL - BUILDING LINE
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- ⊠ - ELECTRIC BOX
- ⊡ - WATER METER
- ⊞ - GAS METER

SCALE: 1" = 30'-0"



- NOTES:**
1. BEARING BASIS IS THE SOUTHERLY RIGHT-OF-WAY LINE TAHOE DRIVE BEING NORTH 79°10'10" EAST.
  2. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
  3. THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF.
  4. SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY.
  5. THE FINDINGS AND OPINIONS OF SOUTH TEXAS SURVEYING ASSOCIATES, INC. REFLECTED HEREON ARE PRIVILEGED, CONFIDENTIAL AND INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY FOR WHOM THIS WORK WAS PREPARED, IT IS UNDERSTOOD THAT THE USE OF, RELIANCE ON, OR REPRODUCTION OF SAME, IN WHOLE OR IN PART, BY OTHERS WITHOUT THE EXPRESS WRITTEN CONSENT OF SOUTH TEXAS SURVEYING ASSOCIATES, INC. IS PROHIBITED AND WITHOUT WARRANTY, EXPRESS OR IMPLIED, SOUTH TEXAS SURVEYING ASSOCIATES, INC. SHALL BE HELD HARMLESS AGAINST DAMAGES OR EXPENSES RESULTING FROM SUCH UNAUTHORIZED USE, RELIANCE OR REPRODUCTION. COPYRIGHT 2018. ALL RIGHTS RESERVED.
  6. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. CERTAIN EASEMENTS AND/OR BUILDING LINES MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. THIS SURVEY WAS DONE WITHOUT BENEFIT OF DEED. OWNER SHOULD OBTAIN A TITLE COMMITMENT BEFORE DESIGN OR CONSTRUCTION COMMENCES.

**BOUNDARY SURVEY OF**

**LOT 2 IN BLOCK 46-A OF JERSEY VILLAGE COUNTRY CLUB ESTATES, SECTION 4, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 282, PAGE 22 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.**

**SURVEYOR'S CERTIFICATION**

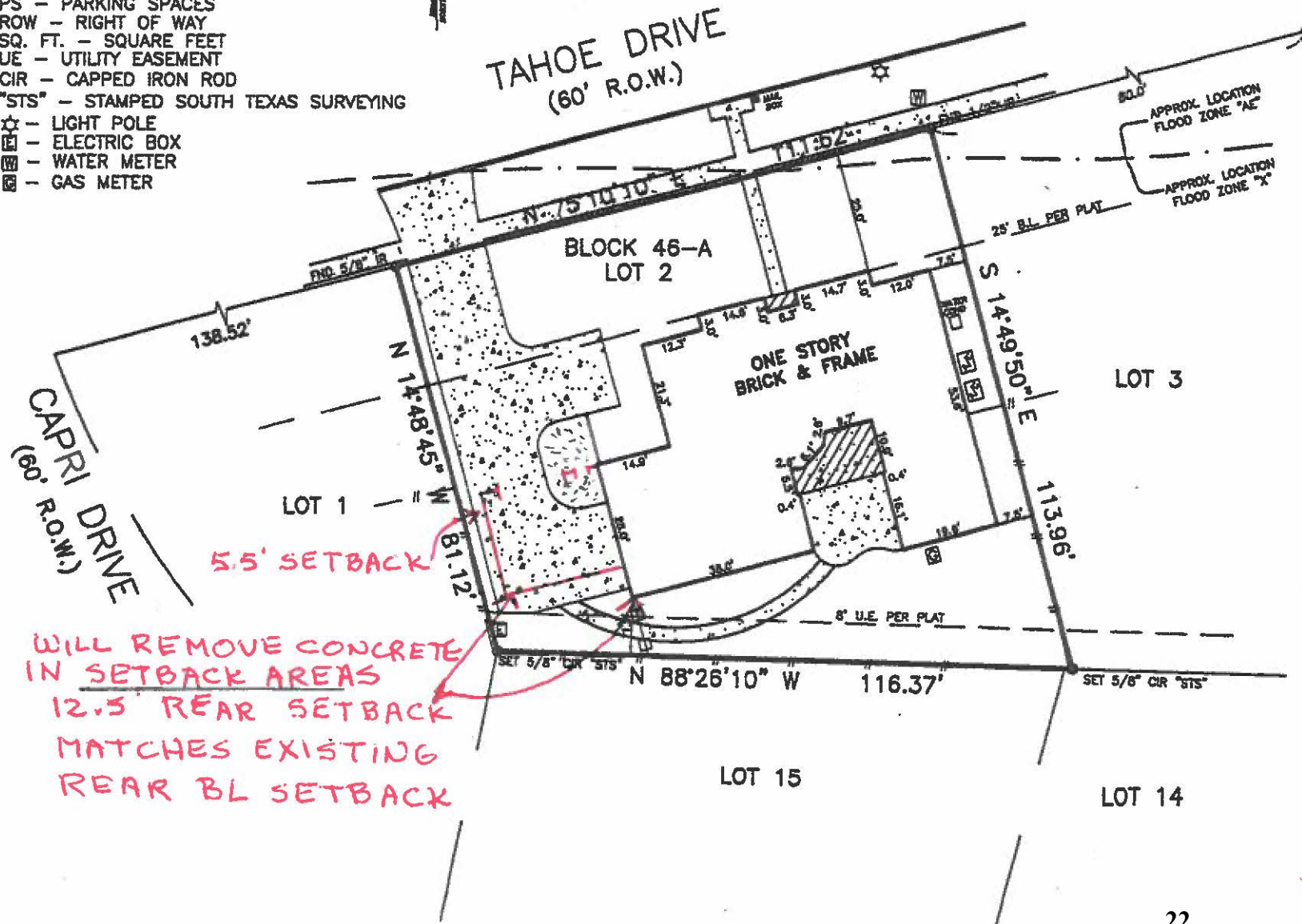
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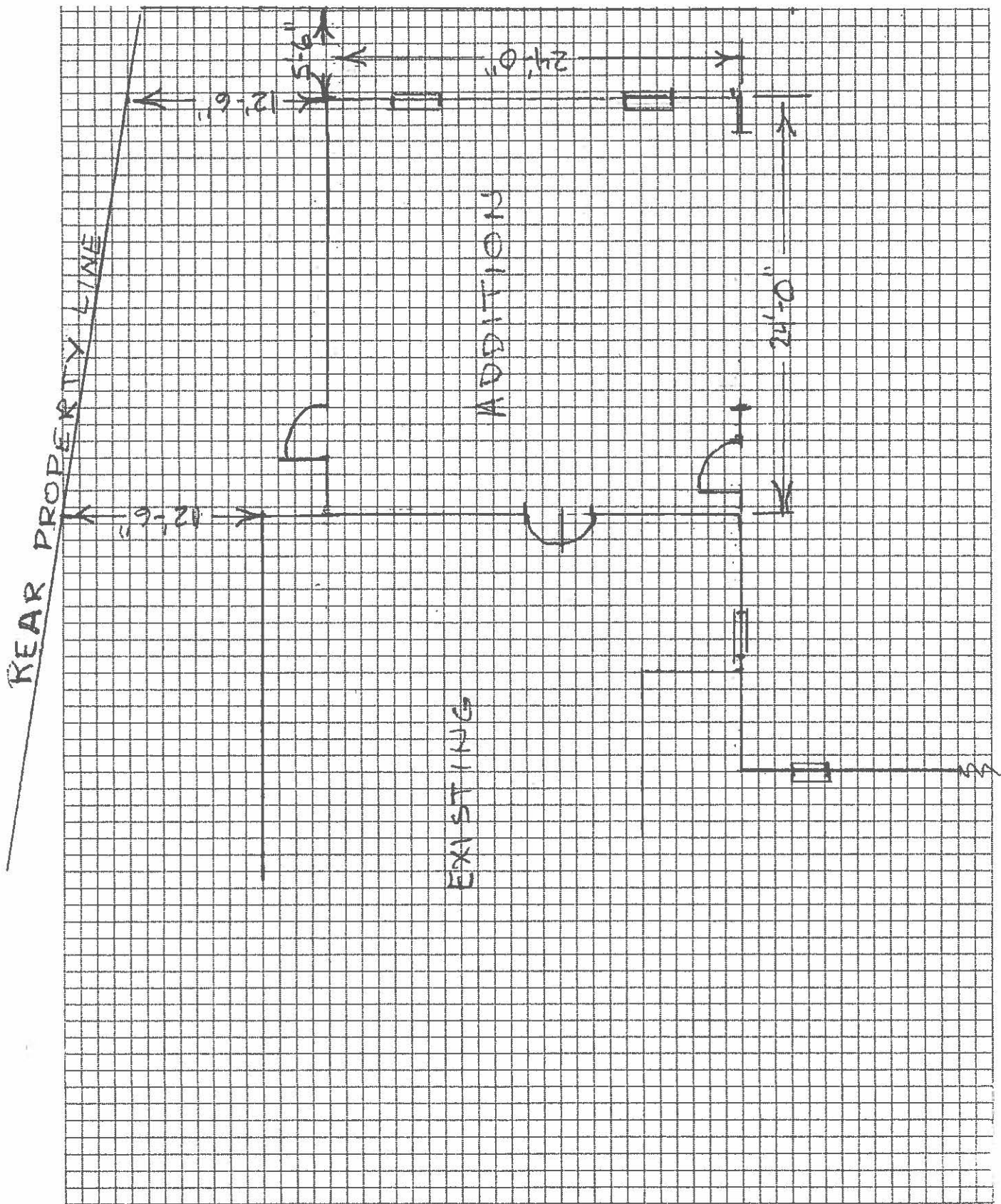
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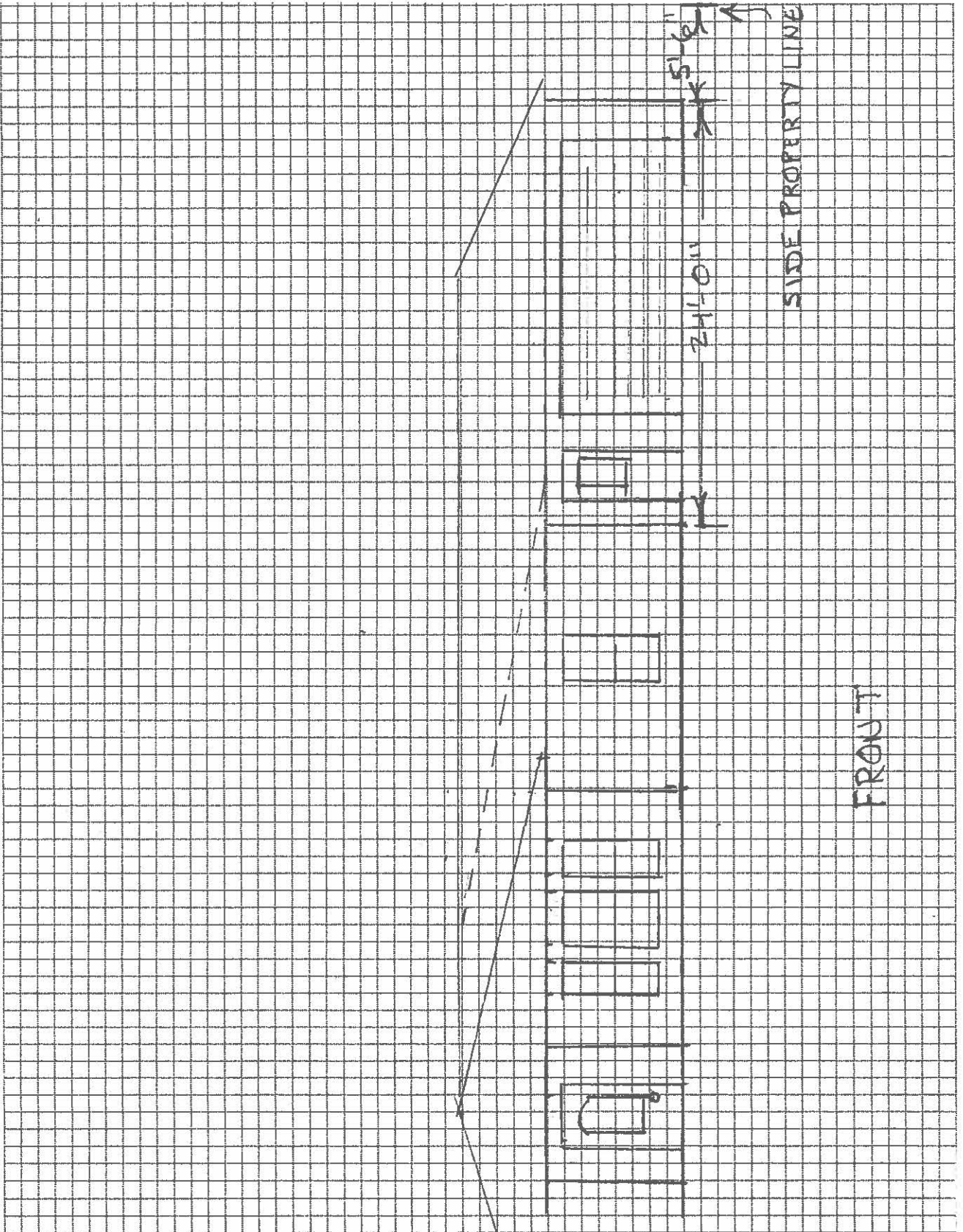
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BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 10, 2018

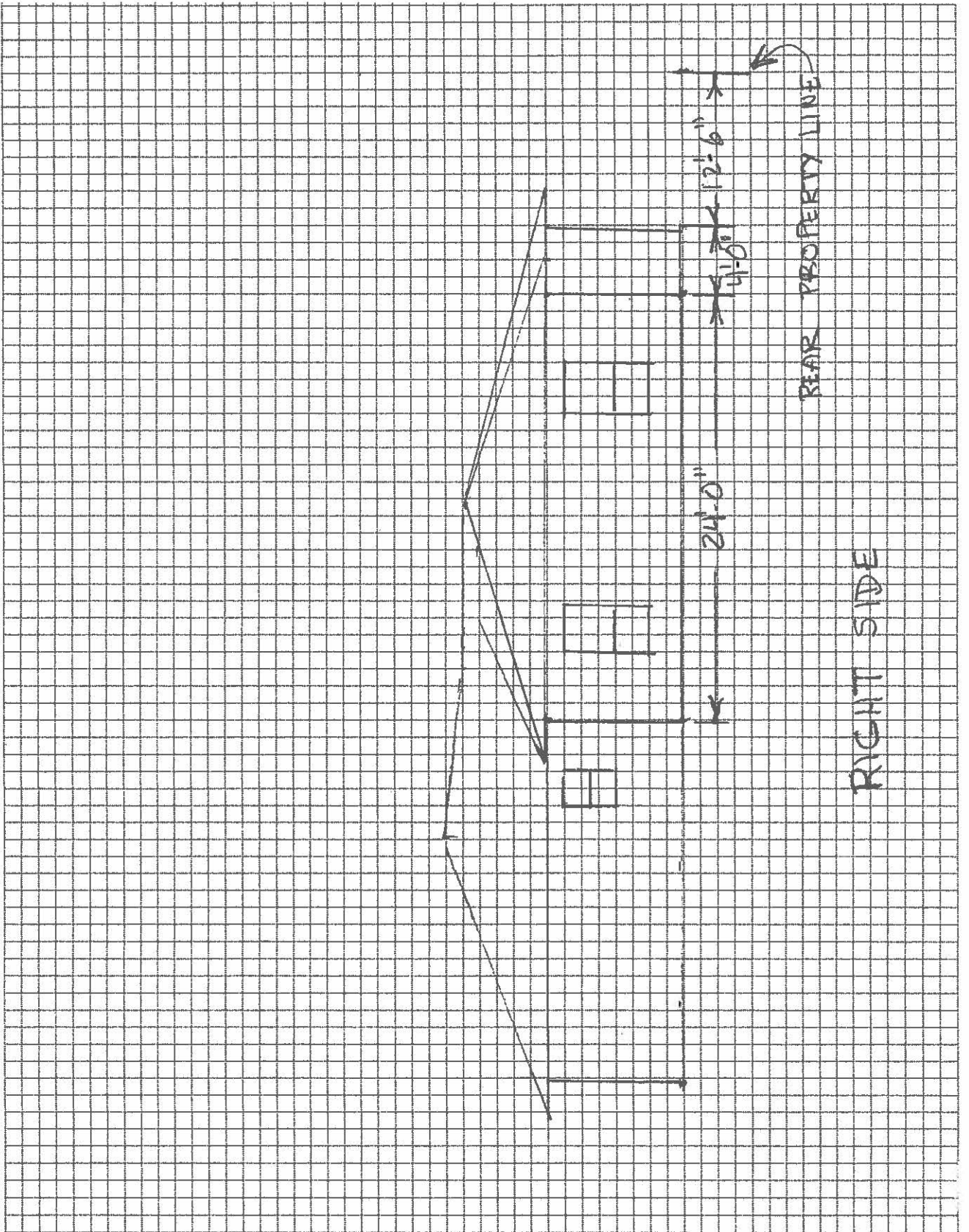




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Sec. 14-88. - Regulations that apply to all districts.

(b) *Building setbacks.* Unless otherwise specifically provided elsewhere in this article, all buildings and structures located in a district within the city shall conform to the following setbacks (as measured from the property line):

Lot Line	Setback (In Feet)	Modifier
Front	25	—
Rear	25	(1) Excluding fencing
Side street	10	(1) 25 feet where one or more lots have frontage on the street.

**CITY OF JERSEY VILLAGE  
 CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS  
 BOARD OF ADJUSTMENT - PUBLIC HEARING  
 December 10, 2018 at 12:00 P.M.**

Reason for Public Hearing:

To receive written and oral comments from any interested person(s) concerning William Dewayne Ashdown's requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5' and the side setback by 5.5' for the property located at 16225 Tahoe Drive, Jersey Village, Texas.

I, Danielle Amason, the duly appointed and acting Assistant City Secretary of the City of Jersey Village, Harris County, Texas, do hereby certify and attest that as part of my duties, I post official notices for the City of Jersey Village. As such, on November 19, 2018, and in accordance with the Jersey Village Code of Ordinances Part II, Ch. 14, Art. X, Section 14-10 (b)(2)(a) written notices were mailed to adjacent property owners at least eleven (11) days prior to date of the Public Hearing. The property owners were mailed a written notice to the address listed in the following table:

owner_name	mailing address	city	state	zip code
Current Owner	16213 Tahoe Dr	Jersey Village	TX	77040-1249
Oralia & Timothy J Spriggs	16214 Tahoe Dr	Jersey Village	TX	77040-1250
Larry & Barbara Biemer	16217 Tahoe Dr	Jersey Village	TX	77040-1249
Mary Helen Post	16218 Tahoe Dr	Jersey Village	TX	77040-1250
Shane & Judy Morey	16221 Tahoe Dr	Jersey Village	TX	77040-1249
M K O'Kelley	16222 Tahoe Dr	Jersey Village	TX	77040-1250
Lloyd Michael Guy	16226 Tahoe Dr	Jersey Village	TX	77040-1250
Brenda Marie Roberts	16229 Tahoe Dr	Jersey Village	TX	77040-1249
Current Owner	16122 Lakeview Dr	Jersey Village	TX	77040-2026
Bill & Sheri L Sheppard	16234 Tahoe Dr	Jersey Village	TX	77040-1250
Gilbert A & Annette F Hernandez	16302 Tahoe Dr	Jersey Village	TX	77040-1252

Witness my hand and seal of the City this 19th day of November, 2018.



*Delli*

Danielle Amason, Assistant City Secretary

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 10, 2018

## CHAIRMAN

### Script for BOA Public Hearings on December 10, 2018

**Read Item E on the Agenda and confirm that all meeting posting requirements have been met - then say:**

I now call to order this public hearing. Everyone desiring to speak shall give his name and address and will be given 5 minutes to present information during the meeting.

The purpose of today's hearing is to receive written and oral comments from any interested person(s) concerning William Dewayne Ashdown's requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5' and the side setback by 2' for the property located at 16225 Tahoe Drive, Jersey Village, Texas. **Call the first person signing up to speak.**

**(After everyone has spoken . . . or if no one desires to speak, finish the meeting with the following)**

There being no one (else) desiring to speak, I now close this public hearing concerning William Dewayne Ashdown's requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5' and the side setback by 2' for the property located at 16225 Tahoe Drive, Jersey Village, Texas.

**BOARD OF ADJUSTMENT  
CITY OF JERSEY VILLAGE, TEXAS  
AGENDA REQUEST**

**AGENDA DATE:** December 10, 2018    **AGENDA ITEM:** E1

**AGENDA SUBJECT:** Discuss and take appropriate action on William Dewayne Ashdown's requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5' and the side setback by 2' for the property located at 16225 Tahoe Drive, Jersey Village, Texas.

**Department/Prepared By:** Danielle Amason, Assistant City Secretary

**EXHIBITS:** Application and Other Documents Included in PH Item

**BACKGROUND INFORMATION:**

William Dewayne Ashdown filed a request for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5' and the side setback by 2' for the property located at 16225 Tahoe Drive, Jersey Village, Texas.

The Board has previously conducted the Public Hearing in connection with this request. This item is to act upon the request.

The Board, in making its decision on this request for variance, 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 14-88(b) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

**RECOMMENDED ACTION:**

Discuss and take appropriate action on William Dewayne Ashdown's requests for variances to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88 (b) to allow the applicant to construct an addition to the primary structure encroaching the rear setback by 12.5' and the side setback by 2' for the property located at 16225 Tahoe Drive, Jersey Village, Texas.