

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

June 19, 2012 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on June 19, 2012, at 12:00 p.m. in the Civic Center Meeting Room, 16327 Lakeview, Jersey Village, Texas.

A. The meeting was called to order at 12:00 p.m. and the roll of appointed officers was taken. Board Members present were:

Andrew Henderson, Chairman;
Robert Cunningham, Board Member;
Thomas Simchak, Board Member;
Henry Hermis, Board Member;
Debra Sappington, Alternate Board Member
Ken Nguyen, Alternate Board Member

Council Member Sheri Sheppard was present.

City Staff attending the meeting were as follows:

Courtney Rutherford, Assistant City Secretary;
Danny Segundo, Public Works Director;
Christian Somers-Kuenzel, Building Official; and
Deborah Capaccioli-Paul, Engineering Technician

B. Consider approval of the minutes for the meeting held on November 29, 2011.

Board Member Hermis moved to approve the minutes as presented for the meeting held on November 29, 2011. Board Member Simchak seconded the motion. The vote follows:

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

Nays: None

The motion carried.

Chairman Henderson called items C and D together:

C. Conduct a public hearing on Ron Clary-Fretz Construction's application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article VII, Section 14-176, to relieve the applicant from having to install, at a minimum, four feet wide sidewalks along the street for the property located at 8350 Jones Rd, Lot 1, Block 1, Foundry United Methodist Church Subdivision, Houston, Texas 77065.

D. Discussion with possible action on Ron Clary-Fretz Construction's application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article VII, Sections 14-176, to relieve the applicant from having to install, at a minimum, four feet wide sidewalks

along the street for the property located at 8350 Jones Rd, Lot 1, Block 1, Foundry United Methodist Church Subdivision, Houston, Texas 77065.

Chairman Henderson opened the public hearing on Ron Clary-Fretz Construction's application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article VII, Section 14-176 at 12:02 p.m.

Board Secretary Courtney Rutherford stated for the record that all notification requirements for the City had been met and that the applicant also presented the Applicant's Certification of Public Hearing Posting Requirements.

The Building Official explained that he had approved for permitting and reconstruction the Foundry UMC's Fellowship Hall only upon the contractor's inclusion of a portion of the required public walkway within the set of construction documents, as required by Sec. 14-8 (14) which states:

"No permit for the erection, alteration, reconstruction, conversion or use of any building shall be issued by the development officer unless the plan provided for in section 14-114 provides for a sidewalk to be constructed on all street sides of such building. This subsection shall apply to all districts of the city, with the exception of Block 42. All work will be subject to field inspections and approvals."

Rather than "all street sides," the building official deemed that 96 linear feet was an "equitable exaction," commensurate with the scope of work / project valuation.

The Building Official further explained that he had recommended within the plan review comment letter that an appeal of staff's interpretation of "reconstruction" be pursued, however; the applicant requested a variance instead.

Bob Underwood and Jeff Roberts were both present on behalf of the Foundry United Methodist church. Mr. Roberts explained that they were not doing new construction. He stated that they were only doing repairs due to damage received from Hurricane Ike. The repair work involves removing sheet rock and exterior wall to make the repairs and then putting everything back the same way.

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

Upon closing the public hearing, and in consideration of the discussions had during the public hearing, the applicant chose to withdraw his request for variance, reserving his right to come back at a later date with a request for an appeal on this issue.

Accordingly, no action was taken by the Board on item D.

Chairman Henderson then called items E and F together as follows:

E. Conduct a public hearing on Signs Mfg. & Maintenance Corporation's application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Sections 14-252(2)b1(a), to permit applicant to install a wall sign that exceeds the allowable sign area of one square foot for each linear foot of street frontage for the property located at 18670 Northwest Freeway, Lot 1, Block 1, US 290 @ West Rd. Subdivision, Houston, Texas 77040.

F. Discussion with possible action on Signs Mfg. & Maintenance Corporation's application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Sections 14-252(2)b1(a) to permit applicant to install a wall sign that exceeds the allowable sign area of one square foot for each linear foot of street frontage property located at 18670 Northwest Freeway, Lot 1, Block 1, US 290 @ West Rd. Subdivision, Houston, Texas 77040.

Chairman Henderson opened the public hearing on Signs Mfg. & Maintenance Corporation's application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Sections 14-252(2)b1(a) at 12:13 p.m.

Board Secretary Courtney Rutherford stated for the record that all notification requirements for the City had been met and that the applicant also presented the Applicant's Certification of Public Hearing Posting Requirements.

The Building Official explained that Signs Manufacturing applied for a new ground sign and new wall signage on behalf of Altex. These requests were initially rejected, however; the ground-pole-type sign was eventually approved upon receiving additional information which included the dimensions for street frontage and showing the sign @ no > 35'H (a new cabinet = a new sign, unlike a re-face of a sign's cabinet).

The Building Official explained that in order to fulfill the submittal requirements for the wall signage, the applicant provided the square footage of all existing (that which will not be replaced) wall signage and proposed wall signage, so that the building official could verify that the wall sign total does not exceed 1 square foot / linear foot of street frontage, as per Sec. 14-252 (2) b. 1. (a). Unfortunately, the proposed installation exceeds that which is allowed, but would be < that which exists.

If the wall signs are to be installed, they'll require a variance from the above 1 SF / linear feet of street frontage criterion to obtain a permit for construction.

Robert Vega and Harley Butler were present representing Altex. Mr. Vega stated that they want to change their signs to match the national logo for Altex. The Board suggested making the signs smaller or removing some existing signs to get within the allowed square footage. Mr. Vega and Mr. Butler argued that they needed all of the signage they were proposing so people passing by would know Altex's type of business. There was also discussion that the current signage does not meet current code requirements and if they chose to make changes at this time they will have to bring all signage up to code.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Henderson closed the public hearing for both items at 12:47 p.m.

Upon closing the public hearing, and in consideration of the discussions had during the public hearing, the applicant chose to withdraw his request for variance, reserving his right to come back at a later date with a request for an appeal on this issue.

Accordingly, no action was taken by the Board on item F.

G. Adjournment

With no additional business, Board Member Simchak moved to adjourn the meeting. Board Member Cunningham seconded the motion. The vote follows:

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

Nays: None

The meeting was adjourned at 12:48 p.m.

Courtney Rutherford, Assistant City Secretary