

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

December 6, 2012 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on December 6, 2012, at 12:00 p.m. in the Civic Center Meeting Room, 16327 Lakeview, Jersey Village, Texas.

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

Andrew Henderson, Chairman;  
Henry Hermis, Vice Chairman;  
Thomas Simchak, Board Member;  
Gerald Laws, Board Member;  
Robert Cunningham, 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;  
Christian Somers-Kuenzel, Building Official; and  
Deborah Capaccioli-Paul, Engineering Technician

**B. Nomination and Election of Chair and Vice Chair for one year term.**

Chairman Henderson opened nominations for the office of Chairman for a one year term beginning October 1, 2012 and ending September 30, 2013. Board Member Simchak nominated Board Member Andrew Henderson. Board Member Cunningham seconded the nomination. With no other nominations being made, the vote follows:

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

Nays: None

The motion carried.

Chairman Henderson opened nominations for the office of Vice Chairman for a one year term beginning October 1, 2012 and ending September 30, 2013. Board Member Simchak nominated Board Member Henry Hermis. Chairman Henderson seconded the nomination. With no other nominations being made, the vote follows:

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

Nays: None

The motion carried.

**C. Consider approval of the minutes for the meeting held on August 23, 2012.**

Board Member Hermis moved to approve the minutes as presented for the meeting held on August 23, 2012. Board Member Simchak seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**D. Conduct a public hearing on ALS Projects Group, Inc.'s application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88(a)(25), to permit the applicant to install chain link fence over four feet tall with 11 gauge material for the property located at 18700 Northwest Freeway, Lot Reserve B, Block 2, NW Station Section 1 Subdivision, Houston, Texas 77040.**

**E. Discussion with possible action on ALS Projects Group, Inc.'s application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88(a)(25), to permit the applicant to install chain link fence over four feet tall with 11 gauge material for the property located at 18700 Northwest Freeway, Lot Reserve B, Block 2, NW Station Section 1 Subdivision, Houston, Texas 77040.**

Chairman Henderson called items D and E together and opened the public hearing at 12:03 p.m. on ALS Projects Group, Inc.'s application for variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88(a)(25), to permit the applicant to install chain link fence over four feet tall with 11 gauge material for the property located at 18700 Northwest Freeway, Lot Reserve B, Block 2, NW Station Section 1 Subdivision, Houston, Texas 77040.

Board Secretary Courtney Rutherford stated for the record that all notification requirements for the City and the applicant had been met.

Mike Keavney was in attendance representing Group 1 Automotive and ALS Projects Group, Inc. Building Official Somers explained that this was a very difficult plan review which he rejected four times in January 2012, and he over looked the material of the fence. It was not until he went out to the property for the final inspection that he realized 11 gauge fencing material had been used. Mr. Somers explained that even though this was an oversight at the time of the plan review it still needs to be corrected and has issued a temporary certificate of occupancy.

Discussion was had between the Board, staff, and Mr. Keavney. Mr. Keavney explained that the tinsel strength of 9 and 11 gauges are the same and both meet the 110 mile per hour wind speed requirements.

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.

After limited discussion on the matter, Board Member Simchak moved to grant the variance as requested to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-88(a)(25), to permit the applicant to install chain link fence over four feet tall with 11 gauge material for the property located at 18700 Northwest Freeway, Lot Reserve B, Block 2, NW Station Section 1 Subdivision, Houston, Texas 77040, by permitting the applicant to keep the existing 8-foot 11 gauge chain link fence installed, and this variance pertains to the existing fence and no others. Member Hermis seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**F. Conduct a public hearing on Energy Capital Credit Union's request for an appeal of the City of Jersey Village's decision pursuant to the Jersey Village Code of Ordinances Chapter 14, Article X, Section 14-244 (b)(1)(r), to allow the applicant to install signs at each drive thru lane for marketing and business purposes for the property located at 18540 Northwest Freeway, Lot 2A, Block 1, US 290 @ West Road Boundary Adjustment Subdivision, Houston, Texas 77065.**

**G. Discussion with possible action on Energy Capital Credit Union's request for an appeal of the City of Jersey Village's decision pursuant to the Jersey Village Code of Ordinances Chapter 14, Article X, Section 14-244 (b)(1)(r), to allow the applicant to install signs at each drive thru lane for marketing and business purposes for the property located at 18540 Northwest Freeway, Lot 2A, Block 1, US 290 @ West Road Boundary Adjustment Subdivision, Houston, Texas 77065.**

Chairman Henderson called items F and G together and opened the public hearing at 12:13 p.m. on Energy Capital Credit Union's request for an appeal of the City of Jersey Village's decision pursuant to the Jersey Village Code of Ordinances Chapter 14, Article X, Section 14-244 (b)(1)(r), to allow the applicant to install signs at each drive thru lane for marketing and business purposes for the property located at 18540 Northwest Freeway, Lot 2A, Block 1, US 290 @ West Road Boundary Adjustment Subdivision, Houston, Texas 77065.

Ricardo Yeppez, Alicia Mersivsky, and Linda Pearsall were in attendance representing Energy Capital Credit Union's (ECCU). Building Official Christian Somers explained that back in August Energy Capital Credit Union submitted plans for signs for their drive thru lanes. Mr. Somers reviewed the guidelines for both ground signs and wall signs and determined that these signs would exceed the allowable square footage. ECCU argued that the signs should be classified as "on premise signs," which do not require a permit. Discussion was had between the Board, Staff, and the applicants. Mr. Yeppez explained that the signs would be placed in cement at the drive thru lanes and would not be visible from a distance greater than 12 feet. He also

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stated that signs would be a menu of services provided by their business. The board also discussed that a menu board simply displays what products or services are available at a business.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Henderson closed the public hearing 12:25 p.m.

After limited discussion on the matter, Board Member Hermis moved to approve the appeal Energy Capital Credit Union to the City of Jersey Village's decision pursuant to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-244 (b)(1)(r), to allow the applicant to install signs at each drive thru lane for marketing and business purposes for the property located at 18540 Northwest Freeway, Lot 2A, Block 1, US 290 @ West Road Boundary Adjustment Subdivision, Houston, Texas 77065. Board Member Simchak seconded the motion. The vote follows:

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

Nays: None

The motion carried.

## **H. Adjournment**

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

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

Nays: None

The motion carried and the meeting was adjourned at 12:30 p.m.

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Courtney Rutherford, Assistant City Secretary