

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

May 1, 2014 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on May 1, 2014, 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 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
Gerald Laws, Board Member
Ken Nguyen, Alternate Board Member

Thomas Simchak, Vice Chairman
Robert Cunningham, Board Member
Joe Pennington, Alternate Board Member

Council Liaison, Sheri Sheppard was present.

City Staff in attendance: Courtney Rutherford, Assistant City Secretary; Mike Castro, City Manager; Christian Somers, Building Official; and Deborah Capaccioli-Paul, Engineering Technician.

B. Designate Alternate Members to serve in place of any absent Board Member.

No action taken.

C. Consider approval of the minutes for the meeting held on February 20, 2014.

Board Member Cunningham moved to approve the minutes as presented for the meeting held on February 20, 2014. Board Member Simchak seconded the motion. The vote follows:

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

Nays: None

The motion carried.

D. Conduct a public hearing on Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign with a height that will exceed the allowed 35 feet in height above natural ground level for Joe Myers Pre-Owned Imports located at 16450 Northwest Freeway, Jersey Village, TX 77040.

Chairman Hermis called item D and opened the public hearing at 12:02 p.m. on the request of Beth Miles, representing Joe Myers Dealership L.P., for a variance to the Jersey Village

Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign with a height that will exceed the allowed 35 feet in height above natural ground level for Joe Myers Pre-Owned Imports located at 16450 Northwest Freeway, Jersey Village, TX 77040.

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

Beth Miles was in attendance representing Joe Myers, as well as Joe Kaupert from Sparkle Sign. The Building Official, Christian Somers, gave background information on the request for variance. He explained that Joe Myers has to remove the current sign due to the expansion of US HWY 290. The current sign is 36 feet 9 inches in height, which is over the allowed 35 feet in height above natural ground level. Nonetheless, they are requesting to relocate this sign to another location on the property until a decision is made with TxDOT and redevelopment of the site is finalized. Ms. Miles and Mr. Somers both stated that the relocation of the sign would be temporary.

There was brief discussion among the Board, Staff, Ms. Miles and Mr. Kaupert regarding the height of the sign and the possibility of cutting the pole of the sign off in order to meet the 35 foot height requirement.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Hermis closed the public hearing 12:11 p.m.

Chairman Hermis called the next items out of order. He called both items F and H together, as follows:

- F. Conduct a public hearing on the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 200 square feet of sign face area for Joe Myers Kia located at 16484 Northwest Freeway, Jersey Village, TX 77040.**
- H. Conduct a public hearing on the request of Beth Miles representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 200 square feet of sign face area for Joe Myers Kia located at 16484 Northwest Freeway, Jersey Village, TX 77040.**

Chairman Hermis called item F and H together and opened the public hearing at 12:11 p.m. on the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 200 square feet of sign face area and Chapter 14, Article X, Section 14-252(2)b2(b), permitting the applicant to install a pole type ground sign that exceeds the requirement that the sign be set back not less

than 25 feet from the interior lot line for Joe Myers Kia located at 16484 Northwest Freeway, Jersey Village, TX 77040.

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

The Building Official, Christian Somers, stated that the reasoning for this request was the same as Item D. Joe Myers has to remove the current sign due to the expansion of US HWY 290. The current sign has a sign face area of approximately 202 square feet, which is over the currently allowed 200 square feet. They are requesting to relocate the existing sign until a decision is made with TxDOT and redevelopment of the site is finalized. Also, if relocated the sign will be less than 25 feet from the interior lot line. Mr. Somers explained that there aren't many options for relocating the sign due to the parking lot. He also explained that although this property has a different address from the adjacent properties they are all owned by the same property owner. He closed by stating that US HWY 290 will be so close to the current store front that moving the sign to the side of lot is better for driving area and emergency vehicle access.

There was brief discussion among the Board, Staff, Ms. Miles and Mr. Kaupert regarding the location and sign face area of the sign.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Hermis closed the public hearing 12:23 p.m.

Chairman Hermis called the next items out of order. He called both items J and L together, as follows:

- J. Conduct a public hearing on the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 35 feet in height above natural ground level for Joe Myers Mazda located at 16500 Northwest Freeway, Jersey Village, TX 77040.**

- L. Conduct a public hearing on the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 200 square feet of sign face area for Joe Myers Mazda located at 16500 Northwest Freeway, Jersey Village, TX 77040.**

Chairman Hermis called item J and L together and opened the public hearing at 12:23 p.m. on the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 35 feet in height above natural ground level and Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 200 square feet of

sign face area for Joe Myers Mazda located at 16500 Northwest Freeway, Jersey Village, TX 77040.

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

The Building Official, Christian Somers, stated that the reasoning for this request was also the same as the previous items discussed. The current sign must be removed due to the expansion of US HWY 290. They are requesting to relocate the existing sign until a decision is made with TxDOT and redevelopment of the site is finalized. The current sign is 40 feet 7 inches and has a sign face area of approximately 276 square feet. Accordingly, the current sign exceeds the allowed 35 feet in height in above natural ground level and has a sign face area that exceeds the allowed 200 square feet.

Ms. Miles explained that Joe Myers is still in negotiations with TxDOT and the settlement will determine how they will move forward all three sites. Ms. Miles stated that once an agreement is met with TxDOT it will take approximately two years to complete the redevelopment.

There was brief discussion among the Board, Staff, Ms. Miles and Mr. Kaupert regarding the height of the sign. There was also discussion regarding setting a time limit for the relocation of the current signs and putting up new signs that meet the current code for all three sites.

The Board engaged in discussion regarding the hardships of these requests. Ms. Somers explained that Joe Myers has a hardship due to the existing buildings, current signs and the TxDOT property lines. He explained that they current signs are grandfathered and once the redevelopment of each site is finalized new signs will be put up that meet code. There was discussion among the Board regarding the height of the two signs that exceed the 35 feet above natural ground level. They stated that they would like the signs to be cut down to meet the 35 feet height rule. Council member Sheppard stated that moving these three signs is temporary and a way to keep cost as low as possible.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Hermis closed the public hearing 12:32 p.m.

In completing the public hearings, Chairman Hermis called the following items out of order, as follows.

- E. Discuss with possible action the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign with a height that will exceed the allowed 35 feet in height above natural ground level for Joe Myers Pre-Owned Imports located at 16450 Northwest Freeway, Jersey Village, TX 77040.**

After limited discussion, Board Member Sappington moved to deny the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign with a height that will exceed the allowed 35 feet in height above natural ground level for Joe Myers Pre-Owned Imports located at 16450 Northwest Freeway, Jersey Village, TX 77040. Board Member Simchak seconded the motion. The vote follows:

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

Nays: None

The motion carried.

- G. Discuss with possible action the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 200 square feet of sign face area for Joe Myers Kia located at 16484 Northwest Freeway, Jersey Village, TX 77040.**

After limited discussion, Board Member Sappington moved to grant the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to relocate the existing pole type ground sign that will exceed the allowed 200 square feet of sign face for a time period not to exceed five years ending May 1, 2019 for Joe Myers Kia located at 16484 Northwest Freeway, Jersey Village, TX 77040. Board Member Simchak seconded the motion. The vote follows:

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

Nays: None

The motion carried.

- I. Discuss with possible action the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-252(2)b2(b), permitting the applicant to install a pole type ground sign that exceeds the requirement that the sign be set back not less than 25 feet from the interior lot line for Joe Myers Kia located at 16484 Northwest Freeway, Jersey Village, TX 77040.**

After limited discussion, Board Member Sappington moved to grant the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to relocate the existing pole type ground sign that exceeds the requirement that the sign be set back not less

than 25 feet from the interior lot line for a time period not to exceed five years ending May 1, 2019 for Joe Myers Kia located at 16484 Northwest Freeway, Jersey Village, TX 77040. Board Member Simchak seconded the motion. The vote follows:

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

Nays: None

The motion carried.

- K. Discuss with possible action the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 35 feet in height above natural ground level for Joe Myers Mazda located at 16500 Northwest Freeway, Jersey Village, TX 77040.**

After limited discussion, Board Member Sappington moved to deny the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 35 feet in height above natural ground level for Joe Myers Mazda located at 16500 Northwest Freeway, Jersey Village, TX 77040. Board Member Simchak seconded the motion. The vote follows:

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

Nays: None

The motion carried.

- M. Discuss with possible action the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to install a pole type ground sign that will exceed the allowed 200 square feet of sign face area for Joe Myers Mazda located at 16500 Northwest Freeway, Jersey Village, TX 77040.**

After limited discussion, Board Member Sappington moved to grant the request of Beth Miles, representing Joe Myers Dealership L.P., for variance to the Jersey Village Code of Ordinances, Chapter 14, Article X, Section 14-253(d), permitting the applicant to relocate the existing pole type ground sign that will exceed the allowed 200 square feet of sign face area for a time period not to exceed five years ending May 1, 2019 for Joe Myers Mazda located at 16500 Northwest Freeway, Jersey Village, TX 77040. Board Member Simchak seconded the motion. The vote follows:

Ayes: Board Members Simchak, Sappington Cunningham and Laws

Chairman Hermis

Nays: None

The motion carried.

N. Adjournment

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

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

Nays: None

The motion carried and the meeting adjourned at 12:55 p.m.

Courtney Rutherford, Assistant City Secretary