

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

May 21, 2015 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on May 21, 2015, 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 Henry Hermis at 12:00 p.m. and the roll of appointed officers was taken. Board Members present were:**

Henry Hermis, Chairman	Thomas Simchak, Vice Chairman
Debra Sappington, Board Member	Ken Nguyen, Board Member
Robert Cunningham, Board Member	Joe Pennington, Alternate Board Member
Reza Khalili, Alternate Board Member	

Council Liaison, Tom Eustace was present.

Council Member, CJ Harper was present.

City Attorney, Kim Mickelson was present.

City Staff in attendance: Courtney Rutherford, Assistant City Secretary; Brian Breeding; Public Works Director, Christian Somers, Building Official; and Jim Bridges, 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 April 16, 2015.**

Board Member Cunningham moved to approve the minutes as presented for the meeting held on April 16, 2015. Board Member Sappington seconded the motion. The vote follows:

Ayes: Board Members Sappington, Cunningham, Nguyen and Simchak  
Vice Chairman Hermis

Nays: None

The motion carried.

**D. Conduct a public hearing on Leonard Prater's request, filed on behalf of Jersey Village Baptist Church, for an appeal of the City of Jersey Village's decision that the large cross facing US Highway 290 is considered a sign, based upon the interpretation of the Jersey Village Code of Ordinances at Chapter 14, Article X Section 14-5 definitions for *sign*, for the property located at 16518 Jersey Drive, Jersey Village, Texas.**

Chairman Hermis opened the public hearing on items D at 12:03 p.m.

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

The Building Official, Christian Somers, gave background information on the request for appeal. Mr. Somers stated that he has determined the large cross structure to be considered a sign based on the definition of signs in Section 14-5 and, as such, should be considered in any calculations of sign face area for ground-pole signage. Mr. Matthew Nicolay, of National Signs, stated that he and his client believe the cross is not a sign because it is plain in color with no wording or numbers.

There was brief discussion among the Board, Staff, and Mr. Nicolay regarding the significance of the cross and that it is there as a religious symbol, which is advertisement for the church.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Hermis closed the public hearings at 12:17 p.m.

**E. Discuss with possible action Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for an appeal of the City of Jersey Village’s decision that the large cross facing US Highway 290 is considered a sign, based upon the interpretation of the Jersey Village Code of Ordinances at Chapter 14, Article X Section 14-5 definitions for *sign*, for the property located at 16518 Jersey Drive, Jersey Village, Texas.**

The Board and staff briefly discussed the definition of signs, focusing on “any structure...used as advertisement, attention arrester” and, although the cross does not have any wording or markings, it is used to advertise the church and get the attention of those driving by.

With no further discussion, Board Member Simchak moved to deny the appeal of Leonard Prater, filed on behalf of Jersey Village Baptist Church, finding that large cross facing US Highway 290 is considered a sign in accordance with Chapter 14, Article X Section 14-5. Board Member Sappington seconded the motion. The vote follows:

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

Nays: None

The motion carried.

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

**F. Conduct a public hearing on Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253 (d) by allowing the applicant to exceed the 400 square feet of total sign face area that is the maximum allowed for all signs on the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040.**

**H. Conduct a public hearing Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-253 (d) to allow the applicant to exceed the maximum of one ground-pole sign for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040**

Chairman Hermis opened the public hearing on items D at 12:28 p.m.

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

The Building Official, Christian Somers, stated the two requested variances pertain to the same code section of the Jersey Village Code of Ordinances, and both variances need to be considered by the Board given that the Board ruled the large cross structure located on the Jersey Village Baptist Church be classified as a ground-pole sign. He also stated that the proposed sign meets all of the current sign requirements if this were the only sign on the property.

Matthew Nicolay, of National Signs, stated that he and his client still believe the cross should not be considered a sign, because it is plain in color with no wording or numbers. He stated that they completely reconfigured the proposed sign to meet all code requirements, not taking into account that the cross is a sign.

Jersey Village Baptist Church Lead Pastor, Andrew Werley, was present at this meeting and stated that they are only asking for this new sign because their current sign has to be removed due to the expansion of US Highway 290.

With no other party or individual signing up or requesting to speak at these public hearings, Chairman Hermis closed the public hearings at 12:35 p.m.

*In completing the public hearings, Chairman Hermis called the following items on the agenda, as follows:*

**G. Discuss and take appropriate action on Leonard Prater's request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253 (d) by allowing the applicant to exceed the 400 square feet of total sign face area that is the maximum allowed for all signs on the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040.**

There was discussion among the Board regarding the Church's right to brand and advertise their location. The Board also acknowledged that the current sign has to be removed due to the expansion of US Highway 290. During the discussion, it was discovered that Jersey Village Baptist Church was granted a "special exception" for the cross when the cross was first built in 1999. The City Attorney, Kim Mickelson, stated that the Board should review the conditions of the "special exception" that was granted for the cross before making a ruling on these requests for variance.

Due to this new discovery, Board Member Simchak moved to reopen the public hearing at 1:00 p.m. and leave it open until the Board reconvenes on June 9, 2015 at 12:00 p.m. Board Member Sappington seconded the motion. The vote follows:

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

Nays: None

The motion carried.

- I. Discuss and take appropriate action on Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-253 (d) to allow the applicant to exceed the maximum of one ground-pole sign for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040.**

No action taken.

**J. Adjournment**

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

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

Nays: None

The motion carried and the meeting adjourned at 1:03 p.m.

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Courtney Rutherford, Assistant City Secretary