

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

October 31, 2016 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on October 31, 2016, 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 12:01 p.m. and the roll of appointed officers was taken. Board Members present were:

Henry Hermis, Chairman	Thomas Simchak, Vice Chairman
Ken Nguyen, Board Member	Joe Pennington, Board Member
Debra Sappington, Board Member	Doyle Stuckey, Alternate 1, Board Member

M. Reza Khalili, Alternate 2 Board Member, was not present at this meeting

Council Liaison, Gary Wubbenhorst was present.

City Staff in attendance: Kim Mickelson, City Attorney, Lorri Coody, Board 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 Member.

No action was taken on this item.

C. Election of Chair and Vice Chair for one year term.

Chairman Hermis opened nominations for Chair of the Board for a one year term beginning October 1, 2016 and ending September 30, 2017. Board Member Simchak nominated Board Member Henry Hermis. Board Member Sappington seconded the nomination. With no other nominations being made, the vote follows:

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

Nays: None

The motion carried.

Chairman Hermis opened nominations for the office of Vice Chair for a one year term beginning October 1, 2016 and ending September 30, 2017. Board Member Sappington nominated Board Member Thomas Simchak. Board Member Nguyen seconded the nomination. With no other nominations being made, the vote follows:

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

Nays: None

The motion carried.

D. Consider approval of the minutes for the meeting held on June 14, 2016.

Board Member Sappington moved to approve the minutes for the meeting held on June 14, 2016. Board Member Simchak seconded the motion. The vote follows:

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

Nays: None

The motion carried.

E. EXECUTIVE SESSION**1. Pursuant to the Texas Open Meetings Act Section 551.071 – Consultation with Attorney regarding pending or contemplated litigation, or any matter listed on the agenda. *Olson & Olson – City Attorney***

This item was not called. No action was taken.

F. Conduct a public hearing on Haley Lee’s request, filed on behalf of the 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 and to exceed the total sign face area for all signs allowed by more than 400 square feet for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040.

Chairman Hermis opened the public hearing at 12:03 p.m. on Haley Lee’s request, filed on behalf of the 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 and to exceed the total sign face area for all signs allowed by more than 400 square feet for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040.

The Board found that all notification requirements for both the City and the applicant have been met for this public hearing.

Chairman Hermis had those appearing on behalf of the applicant state their name as follows:

Haley Lee – National Signs

Matthew Nicolay – National Signs

Ed Lara – Treasurer, Jersey Village Baptist Church

George Moore – Interim Pastor, Jersey Village Baptist Church

Leonard Prater – Associate Pastor, Jersey Village Baptist Church

The Building Official, Christian Somers, gave background information on Haley Lee’s request, filed on behalf of the 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 and to exceed the total sign face area for all signs allowed by more than 400 square feet for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040. He explained that the Church is requesting a pole

sign to replace the ground sign along US HWY 290. Mr. Somers explained that City Ordinances only allow for one pole sign for this property, and the Church already has a pole sign (the cross). Additionally, the Church already exceeds the maximum square footage for sign face area. Both issues have previously been discussed and ruled upon by this Board.

Mr. Somers then reminded the Board that in making its decision on this request for variance, it must consider:

- if the request for variance is contrary to the public's interest;
- if, due to special conditions, enforcement of Chapter 14, Article X, Section 14-253 (d) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

The Board then reviewed the information in the meeting packet, including the site plan for the variance request. Discussion was had concerning the request and the signs that had been previously placed on the property. The Board also discussed its previous ruling wherein the large cross located on the property was ruled a pole sign. Accordingly, any new pole signs will exceed the maximum permitted by City Ordinance.

The Board discussed the particulars concerning this new request. The Building Official explained that it will be an electronic pole sign and the placement of same will require the removal of trees in order to make the sign visible.

The Board then called upon Matthew Nicolay with National Signs, appearing on behalf of the Jersey Village Baptist Church, to present information in support of the variance request. Mr. Nicolay told the Board that the Church is asking for a variance for an additional pole sign. He explained that while the existing pole sign, the cross, denotes a church, it does not communicate the domination or the type of church. For this reason, the sign being proposed permits the church to communicate who they are.

With no one else desiring to speak, Chairman Hermis, closed the public hearing at 12:15 p.m.

G. Discuss and take appropriate action on Haley Lee's request, filed on behalf of the 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 and to exceed the total sign face area for all signs allowed by more than 400 square feet for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040.

The Board engaged in discussion about the variance request for an additional pole sign and the three (3) parameters they must consider in granting a variance:

- if the request for variance is contrary to the public's interest;
- if, due to special conditions, enforcement of Chapter 14, Article X, Section 14-253 (d) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

There was additional discussion about the sign being proposed. It will be an electronic pole sign with two poles for support. Nonetheless, it is still considered one (1) pole sign. While

the face area is 400 square feet, adding the sign will exceed the face area requirements for the property as a whole.

The Board then discussed if there were other signage solutions. The Building Official offered that they can only use temporary banner signs. Some Board Members wanted to know if the applicant could install another ground sign as opposed to the pole sign. The Building Official stated that they could not because they already have three (3) monument signs.

The Board then reviewed and discussed the written response of one (1) land owner who opposes the request. They again visited the three (3) parameters they must consider in granting a variance. They also discussed the various codes pertaining to pole signs and the options of the applicant to: (1) apply for a legislative change to the ordinance; or (2) apply to the Planning and Zoning Commission for an alternative signage plan.

The Board examined “hardship” and asked the applicant to define their hardship. The applicant explained that their hardship is not being able to get their message out because the cross has been ruled a sign. They have looked into removing the cross but the work necessary is cost prohibitive. The applicant also explained that there are three (3) roads that surround their property and a sign is needed at each of the three (3) roads in order to let others know who they are and to deliver their mission. They have three (3) streets and need three (3) signs.

With no further discussion on the matter, Board Member Simchak moved to deny the request to vary from the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-253 (d) by allowing the applicant to exceed the maximum of one ground-pole sign and to exceed the total sign face area for all signs allowed by more than 400 square feet for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040. Board Member Sappington seconded the motion. The vote follows:

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

Nays: None

The motion carried.

H. Adjournment

With no other business before the Board, Chairman Hermis adjourned the meeting at 12:37 p.m.

Lorri Coody, Board Secretary