



NOTICE OF A MEETING

(In compliance with Sec. 551.041, Et. Seq., Tex. Gov't. Code)

NOTICE is hereby given that the City of Jersey Village Board of Adjustment will hold a meeting on February 12, 2020 at 12:00 p.m in the Municipal Civic Center Meeting Room at 16327 Lakeview Drive, Jersey Village, Texas 77040. The City of Jersey Village Board of Adjustment reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

A quorum of the City of Jersey Village City Council may be in attendance at this meeting.

ITEM(S) to be discussed/acted upon by the Board is/are listed on the attached agenda.

AGENDA

- A. Open Meeting. Call the meeting to order and the roll of appointed officers will be taken. *Board Chairman*
- B. Designate alternate members to serve in place of any absent Board Members. *Board Chairman*
- C. Election of chairperson and vice-chairperson for one-year term beginning October 1, 2019 and ending September 30, 2020. *Board Chairman*
- D. Consider approval of the minutes for the meeting held on July 17, 2019. *Lorri Coody, City Secretary*
- E. Conduct a public hearing on East Signs of Houston's requests for variance, filed on behalf of Harwin Gessner Investment, Inc., owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit; and for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(c)(2)(b) in order to allow the applicant to place a sign that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040. *Board Chairman*
 - (1) Discuss and take appropriate action on East Signs of Houston's request, filed on behalf of Harwin Gessner Investment, Inc., owner, for variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.
 - (2) Discuss and take appropriate action on East Signs of Houston's request, filed on behalf of Harwin Gessner Investment, Inc., owner, for variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-252 (2)(c)(2)(b) in order to allow the applicant to place a sign on said property that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

F. Conduct a public hearing on Robert Sanders' requests for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10' parking setbacks required for the front, side and rear property lines; for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10' landscape area adjacent to each street right of way; and for (3) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040. *Board Chairman*

(1) Discuss and take appropriate action on Robert Sanders' request for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10' parking setbacks required for the front, side and rear property lines for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

(2) Discuss and take appropriate action on Robert Sanders' request for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10' landscape area adjacent to each street right of way for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

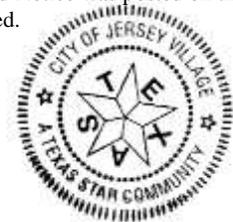
(3) Discuss and take appropriate action on Robert Sanders' request for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

G. Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify in accordance with the Texas Open Meeting Act, the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at City Hall, 16327 Lakeview, Jersey Village, TX 77040, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: January 30, 2020 at 8:00 a.m. and remained so posted until said meeting was convened.

Lorri Coody, City Secretary



In compliance with the Americans with Disabilities Act, the City of Jersey Village will provide for reasonable accommodations for persons attending City Council meetings. Request for accommodations must be made to the City Secretary by calling 713 466-2102 forty-eight (48) hours prior to the meetings. Agendas are posted on the Internet Website at www.jerseyvillagetx.com.

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

- A. Open Meeting. Call the meeting to order and the roll of appointed officers will be taken. *Board Chairman*

- B.** Designate alternate members to serve in place of any absent Board Members. *Board Chairman*

**BOARD OF ADJUSTMENT
CITY OF JERSEY VILLAGE, TEXAS
AGENDA REQUEST**

AGENDA DATE: February 12, 2020

AGENDA ITEM: C

AGENDA SUBJECT: Election of chairperson and vice-chairperson for one-year term beginning October 1, 2019 and ending September 30, 2020.

Department/Prepared By: Lorri Coody, City Secretary **Date Submitted:** January 23, 2020

EXHIBITS: None

BUDGETARY IMPACT: None

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

In accordance with the City of Jersey Village Code of Ordinance Section 14-22(b) the Board shall elect a chairperson and vice-chairperson, who shall serve for a period of one year, at the first regularly scheduled meeting after the October appointments.

According to the December 10, 2018 meeting minutes, Tom Simchak was elected to a one year term as chairperson, beginning October 2018 and ending September 2019; and Henry Hermis was elected to a one year term as vice-chairperson, beginning October 2018 and ending September 2019.

It is appropriate for the Board to make these elections at this meeting for the term beginning October 2019 and ending September 2020.

RECOMMENDED ACTION:

Elect Officers

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

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

July 17, 2019 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on July 17, 2019, at 12:00 p.m. in the Municipal Civic Center Meeting Room at 16327 Lakeview Drive, Jersey Village, Texas 77040.

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

Thomas G. Simchak, Chairman
Henry Hermis, Board Member
Ken Nguyen, Board Member
Joe Pennington, Board Member

M. Reza Khalili, Board Member
Doyle Stuckey, Alternate Place 1
Nester Mena, Alternate Place 2

Council Liaison, Gary Wubbenhorst was present.

City Staff in attendance: Scott Bounds, City Attorney; Austin Bleess, City Manager; Lorri Coody, City Secretary; and Christian Somers, Building Official.

B. Designate alternate members to serve in place of any absent Board Members.

Chairman Simchak indicated that all Board Members were present and there was no need for the appointment of alternate members.

C. Consider approval of the minutes for the meeting held on March 12, 2019.

Board Member Khalili moved to approve the minutes for the meeting held on March 12, 2019. Board Member Nguyen seconded the motion. The vote follows:

Ayes: Board Members Hermis, Pennington, Nguyen, Khalili
Chairman Simchak

Nays: None

The motion carried.

D. Consider approval of the Rules of Procedure of the Board of Adjustment of the City of Jersey Village, Texas.

City Secretary, Lorri Coody, introduced the item. Background information is as follows:

In accordance with the Texas Local Government Code, Section 211.008(e), the Board of Adjustment shall adopt rules in accordance with any ordinance adopted under this subchapter.

Meetings of the Board are held at the call of the presiding officer and at other times as determined by the Board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses.

All meetings of the Board shall be open to the public.

Since this Board has not adopted Rules of Procedure, this item is to discuss and adopt the Board of Adjustment of the City of Jersey Village, Texas Rules of Procedure.

City Attorney Scott Bounds explained that HB 2497 was recently passed by the Legislature, which provided amendments that go into effect on September 1, 2019. The proposed Rules document included in the meeting packet incorporated the HB 2497 amendments.

The Board discussed the timelines outlined in the Rules document in order to compare them with what is currently being practiced. Building Official, Christian Somers, explained the current process and timelines.

With no further discussion on the matter, Board Member Hermis moved to approve the Rules of Procedure that were included in the meeting packet as the Rules of Procedure for the Board of Adjustment of the City of Jersey Village, Texas. Board Member Khalili seconded the motion. The vote follows:

Ayes: Board Members Hermis, Pennington, Nguyen, Khalili
Chairman Simchak

Nays: None

The motion carried.

E. Conduct a public hearing on Gary Ryan's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Division 1, Section 14-88(a)(6)(a) to allow the applicant to park or store a recreational vehicle in the front or side yard at the property located at 16006 Congo Lane, Jersey Village, Texas.

Chairman Simchak opened the public hearing at 12:11 p.m. in order to receive written and oral comments from any interested person(s) concerning Gary Ryan's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Division 1, Section 14-88(a)(6)(a) to allow the applicant to park or store a recreational vehicle in the front or side yard at the property located at 16006 Congo Lane, Jersey Village, Texas.

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

Chairman Simchak called upon the applicant Gary Ryan to present his case and supporting evidence concerning his request for variance. Mr. Ryan thanked the Board for considering his request. He provided the Board with personal background information concerning his education and his disability. He told the Board that he has polio and has been on crutches his entire life; but recently he broke his leg, which has permanently placed him in a wheel chair. He explained to the Board that this is the first time he has asked for an exception due to his disability. He gave information on what it is like to be disabled and explained that the motor home in question is adapted so he can drive it. He is a pilot and a professional wheel chair bowler. The motor home requires 18 feet of clearance to get in and out of it. He has checked various storage facilities and they do not accommodate an 18-foot clearance. He stated that he could rent two spaces, but this would cost double the rental. He is asking for an exception/variance to the Ordinance in order that he be permitted to park his motor home at his home on Congo Lane where accessibility is not a problem. He told the Board that he

has consulted with his neighbors and they do not have any objections. The motor home is a 2015 model and is in very good condition.

Ione Ryan, Mr. Ryan's wife, addressed the Board. She gave a history of their use of a motor home, explaining that over the years they have had four (4) different motor homes. With each new home, additional features were added to assist Mr. Ryan with its operation. In recent years, he has had trouble flying and in making transfers. Because of this, their current motor home is 100% accessible and Mr. Ryan is able to transfer to the motor home and drive it by himself. He is independent and this is why he is seeking a variance to be able to park the motor home at his home on Congo Lane.

In completing their presentation, the Board asked Mr. Ryan about his search for an accessible parking space. Mr. Ryan stated that he has looked, but has been unable to find a facility with enough space to provide him the accessibility that he needs to make the transfer. The Board also asked Mr. Ryan about his travel needs in connection with the motor home. He explained his experience with travel, stating that planes are not ADA compliant and because of this he only travels now by his motor home.

With no more questions for the applicant, Board Chairman Simchak called upon Christian Somers, the City's Building Official to present any information that he deems necessary, appropriate, or relative to the application. Mr. Somers stated that he appreciates the explanation presented by Mr. Ryan. He told the Board that he has reviewed the application. He referred the Board to the three (3) criteria items listed on page 18 of the meeting packet that are needed to obtain a variance. He explained that item one (1) is related to land and other structures, not vehicles. Item two (2) explains unnecessary hardship. Mr. Somers told the Board that financial impacts are not to be considered as an unnecessary hardship. He challenged the special conditions listed by the applicant in Item three (3), stating that the applicant could move off premise or hire a driver.

Mr. Somers told the Board that he feels that applying the ADA requirements to this request would be more applicable to installing a ramp rather than the use of a motor home. He also stated that while the motor home in question is new and in good condition, parking it on his property on Congo Lane brings down property values.

The Board reviewed pictures of the motor home parked on the property located at 16006 Congo Lane. It was noted that the motor home is parked within the property lines. Some wondered if it was possible to build a structure to shield the motor home from public view. In response, Building Official Somers explained what would be required in order to build such a structure. The applicant felt that building a structure is not a fix for the problem. Mr. Somers stated that the applicant's current detached garage could be demolished and a new one put in its place that accommodates the motor home. However, such an action would require at least one (1) variance with respect to an ancillary building encroaching the 10-foot setback to a primary structure. The applicant felt that this solution could be quite costly. He was also concerned about the process of tearing down the existing structure and rebuilding a new structure large enough to house the motor home and how this might affect property values. Mr. Somers pointed out that monetary reasons are not to be considered as an unnecessary hardship.

The Board Chairman called if there was anyone else desiring to speak in favor or opposed to the granting of the application.

Mr. Erwin Camp, 16025 Congo Lane, Jersey Village, Texas appeared. He told the Board that he is Mr. Ryan's neighbor and he does not see the parking of his motor home on his property located at 16006 Congo Lane as a problem. He stated that he cannot see it how it is currently parked.

Board Chairman Simchak called upon City Attorney, Scott Bounds, to address the Board concerning the ADA law. Mr. Bounds explained that this law was originally adopted in 1990 and amended in 2008. Generally, zoning ordinances are considered to be subject to the ADA. In other words, the City in application of its zoning ordinances has to take into consideration the provisions of the ADA.

Under the ADA, there is a general provision for what is called a reasonable accommodation. Under this rule, a city discriminates and is in violation of the ADA when it refuses to make changes to its rules, policies, practices, or services when such accommodation may be necessary to afford a handicapped person an equal opportunity to use and enjoy their dwelling.

Mr. Bounds explained that there is not a lot of case law concerning reasonable accommodation and what has been ruled upon is very new. He told the Board that basically it comes down to a case-by-case decision as to what accommodations should be made to a zoning rule to accommodate a person with a disability. The Courts have generally ruled that the accommodation process be carried out through the variance process as set up by the city.

By state law, the Board, in making a decision on a request for variance, must consider:

- if the request for variance is contrary to the public's interest;
- if, due to special conditions, enforcement of the Ordinance would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

An ADA claim is broader in scope because it is caused not by the condition of the property but by the circumstances of the person occupying the property. In order to prevail in presenting a reasonable accommodation claim, the requestor must first provide the City an opportunity to accommodate them through the City's established procedures. Therefore, the City's variance process is an appropriate avenue in which to make a claim for reasonable accommodation.

Typically, a variance runs with the land. An ADA claim is unique to the person; and therefore, the Board in granting a reasonable accommodation can establish rules that relate to that person's use of the property, which gives more flexibility. Because such a finding does not run with the land, Mr. Bounds recommended that a variance for reasonable accommodation be filed in the county deed records.

The Board engaged in discussion about the City Attorney's explanation regarding reasonable accommodation. They had several questions to which the City Attorney responded.

Chairman Simchak closed the public hearing on Gary Ryan's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Division 1, Section 14-88(a)(6)(a) to allow the applicant to park or store a recreational vehicle in the front or side yard at the property located at 16006 Congo Lane, Jersey Village, Texas at 1:03 p.m.

(1) Discuss and take appropriate action on Gary Ryan's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Division 1, Section 14-88(a)(6)(a) to allow the applicant to park or store a recreational vehicle in the front or side yard at the property located at 16006 Congo Lane, Jersey Village, Texas.

The Board in discussing this request asked if there were any written complaints received by the City. City Secretary Lorri Coody responded that there were no written complaints but the City did receive phone call complaints.

The Board wanted to know the definition of unnecessary hardship. City Attorney Bounds explained that it is not financial in nature and typically relates to the size of the lot. However, the Board needs to decide if it exists. There was concern by some members of the Board that in denying the request it would be considered an unnecessary hardship.

The Board continued to discuss unnecessary hardship. They also discussed the difference between unnecessary hardship and reasonable accommodation. Some felt that granting Mr. Ryan's request was a reasonable accommodation needed for him to carry on with his life.

With no further discussion on the matter, Board Member Hermis moved to grant a reasonable accommodation to Mr. Ryan by allowing him to park or store his motor home in the side yard at 16006 Congo Lane, Jersey Village, Texas, but the RV must be parked behind the front of the home and limited only to Mr. Ryan's vehicle. Board Member Khalili seconded the motion. The vote follows:

Ayes: Board Members Hermis, Pennington, Nguyen, Khalili
Chairman Simchak

Nays: None

The motion carried.

The Board took a five-minute recess at 1:09 p.m. and reconvened at 1:16 p.m. when Chairman Simchak called the next item on the agenda as follows:

F. Conduct a public hearing on Joe Myers Kia's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(c) to allow the applicant's existing ground sign to temporarily exceed the allowed 200 square feet of sign face area for a period not to exceed two (2) years ending May 1, 2021 for the property located at 16484 Northwest Freeway, Jersey Village, Texas.

Chairman Simchak opened the public hearing at 1:20 p.m. in order to receive written and oral comments from any interested person(s) concerning Joe Myers Kia's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(c) to allow the applicant's existing ground sign to temporarily exceed the allowed 200 square

feet of sign face area for a period not to exceed two (2) years ending May 1, 2021 for the property located at 16484 Northwest Freeway, Jersey Village, Texas.

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

Chairman Simchak called upon the applicant Joe Myers Kia to present his case and supporting evidence concerning his request for variance. Ralph Samuels appeared on behalf of Joe Myers Kia and told the Board that as a result of the US HWY 290 expansion project, the building located at 16484 Northwest Freeway will need to be rebuilt. As a result, he is asking that he be permitted to leave the existing signs in place until May 1, 2021 in order to give enough time for the rebuild.

Chairman Simchak called upon the City's Building Official, Christian Somers, to present any information that he deems necessary, appropriate, or relative to the application. Mr. Somers told the Board that on May 1, 2014, this Board of Adjustment granted Joe Myers Dealership L.P. a variance to the Jersey Village Code of Ordinances at Chapter 14, 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 under Order No. 2014-03.

The June 25, 2019 application is a request to extend the temporary variance granted under Order No. 2014-03. Mr. Somers went on to explain that the Kia redevelopment permit was issued July 16, 2019. The existing property will be demolished as a result of the US HWY 290 expansion project and a new building will be built. They will need a variance for the sign face area; however, Kia corporate will have new sign standards in one year. Therefore, in extending Order 2014-03 until May 1, 2021, it gives time to start the redevelopment and also time to get the new sign standards from Kia corporate. If it is not extended, the existing signs is currently 30 sq. feet over and will need to be replaced with a sign that complies.

With no one else desiring to speak at the public hearing, Chairman Simchak closed the public hearing at 1:25 p.m.

- (1) Discuss and take appropriate action on Joe Myers Kia's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(c) to allow the applicant's existing ground sign to temporarily exceed the allowed 200 square feet of sign face area for a period not to exceed two (2) years ending May 1, 2021 for the property located at 16484 Northwest Freeway, Jersey Village, Texas.**

With limited discussion on the matter, Board Member Khalili moved to approve Joe Myers Kia's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(c) to allow the applicant's existing ground sign to temporarily exceed the allowed 200 square feet of sign face area for a period not to exceed two (2) years ending May 1, 2021 for the property located at 16484 Northwest Freeway, Jersey Village, Texas. Board Member Pennington seconded the motion. The vote follows:

Ayes: Board Members Hermis, Pennington, Nguyen, Khalili
Chairman Simchak

Nays: None

The motion carried.

- G. Conduct a public hearing on Joe Myers Kia’s request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to temporarily place a pole type ground sign that exceeds the requirement that the sign be set back not less than 25 feet from the interior or rear property lines for a period not to exceed two (2) years ending May 1, 2021, for the property located at 16484 Northwest Freeway, Jersey Village, Texas.**

Chairman Simchak opened the public hearing at 1:28 p.m. in order to receive written and oral comments from any interested person(s) concerning Joe Myers Kia’s request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to temporarily place a pole type ground sign that exceeds the requirement that the sign be set back not less than 25 feet from the interior or rear property lines for a period not to exceed two (2) years ending May 1, 2021, for the property located at 16484 Northwest Freeway, Jersey Village, Texas.

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

Chairman Simchak called upon the applicant Joe Myers Kia to present his case and supporting evidence concerning his request for variance. Ralph Samuels appeared on behalf of Joe Myers Kia and told the Board that as a result of the US HWY 290 expansion project, the building located at 16484 Northwest Freeway will need to be rebuilt. As a result, he is asking that he be permitted to leave the existing signs in place until May 1, 2021 in order to give enough time for the rebuild.

Building Official, Christian Somers, had no comments.

With no one else desiring to speak at the public hearing, Chairman Simchak closed the public hearing at 1:29 p.m.

- (1) Discuss and take appropriate action on Joe Myers Kia’s request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to temporarily place a pole type ground sign that exceeds the requirement that the sign be set back not less than 25 feet from the interior or rear property lines for a period not to exceed two (2) years ending May 1, 2021, for the property located at 16484 Northwest Freeway, Jersey Village, Texas.**

With limited discussion on the matter, Board Member Hermis moved to approve Joe Myers Kia’s request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-252(2)(b)(2)(b) to allow the applicant to temporarily place a pole type ground sign that exceeds the requirement that the sign be set back not less than 25 feet from the interior or rear property lines for a period not to exceed two (2) years ending May 1, 2021, for the property located at 16484 Northwest Freeway, Jersey Village, Texas. Board Member Nguyen seconded the motion. The vote follows:

Ayes: Board Members Hermis, Pennington, Nguyen, Khalili
Chairman Simchak

Nays: None

The motion carried.

H. Adjourn

With no other business before the Board, Chairman Simchak adjourned the meeting at 1:31 p.m.



Lorri Coody, City Secretary

DRAFT

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

BOARD OF ADJUSTMENT - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: February 12, 2020

AGENDA ITEMS: E

AGENDA SUBJECT: Conduct a public hearing on East Signs of Houston’s requests for variance, filed on behalf of Harwin Gessner Investment, Inc., owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit; and for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(c)(2)(b) in order to allow the applicant to place a sign that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

Department/Prepared By: Lorri Coody, City Secretary

EXHIBITS: [EX A](#) – City’s Certification of Public Hearing Posting Requirements
[EX B](#) – Applicant’s Certification - Posting Requirements
[PH Script](#)

***Applications and Other Documents Included with Discussion Items**

BACKGROUND INFORMATION:

East Signs of Houston, filed requests for variance on behalf of Harwin Gessner Investment, Inc., owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit; and for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(c)(2)(b) in order to allow the applicant to place a sign that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

Before the Board can consider the applications for these variances, it must conduct a public hearing in order to receive written and oral comments from any interested person(s) concerning East Signs of Houston’s requests.

This item is to conduct the public hearing.

RECOMMENDED ACTION:

Conduct a public hearing on East Signs of Houston’s requests for variance, filed on behalf of Harwin Gessner Investment, Inc., owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit; and for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(c)(2)(b) in order to allow the applicant to place a sign that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

**CITY OF JERSEY VILLAGE
 CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS
 BOARD OF ADJUSTMENT - PUBLIC HEARING
 February 12, 2020 at 12:00 P.M.**

Reason for Public Hearing:

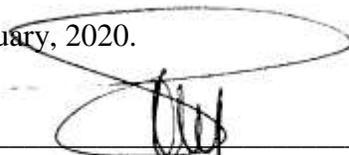
To receive written and oral comments from any interested person(s) concerning East Signs of Houston’s requests for variance, filed on behalf of Harwin Gessner Investment, Inc., owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit; and for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(c)(2)(b) in order to allow the applicant to place a sign that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

Owner Name	Mailing Address	City	State	Zip Code
VJ OM LLC	17140 NORTHWEST FWY	JERSEY VILLAGE	TX	77040-1110
HARWIN GESSNER INVESTMENT INC.	9720 TOWN PARK DR, STE 180	HOUSTON	TX	77036-2370
GORDON NW VILLAGE LP	4900 WOODWAY DR, STE 1125	HOUSTON	TX	77056-1878
CABRERA BROTHERS II LP	876 LOOP 337 BLG 501	NEW BRAUNFELS	TX	78130
CITY OF JERSEY VILLAGE	16327 LAKEVIEW DR	JERSEY VILLAGE	TX	77040-1999
VILLAGE GREEN PROFESSIONAL CTR LLC	17347 VILLAGE GREEN DR, STE 102	HOUSTON	TX	77040-1164
JV WISKERS INC c/o MICHAEL SHAWHAN	17341 VILLAGE GREEN DRIVE	JERSEY VILLAGE	TX	77040-1150

I, Lorri Coody, the duly appointed and acting City Secretary of the City of Jersey Village, Harris County, Texas, do hereby certify and attest that as part of my duties, I post official notices for the City of Jersey Village.

As such, on January 27, 2020, and in accordance with the Jersey Village Code of Ordinances Part II, Ch. 14, Art. X, Section 14-10 (b)(2)(a) written notices were mailed to adjacent property owners at least eleven (11) days prior to date of the Public Hearing. The property owners were mailed a written notice to the address listed in the following table:

Witness my hand and seal of the City this 27th day of January, 2020.



 Lorri Coody, City Secretary



BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

CITY OF JERSEY VILLAGE
APPLICANT CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS
BOARD OF ADJUSTMENT – February 12, 2020 - 12:00 P.M.

Reason for Public Hearing:

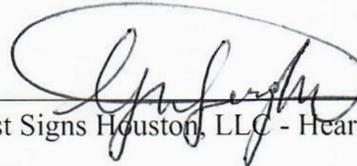
To receive written and oral comments from any interested person(s) concerning East Signs of Houston's requests for variance, filed on behalf of Harwin Gessner Investment, Inc., owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit; and for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(c)(2)(b) in order to allow the applicant to place a sign that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

I, YI FENG LU, applicant and/or property owner, do hereby certify that:

On Jan - 29, 2020, at least ten days prior to the date of the hearing, placed on the property at **17342 NW Freeway, Jersey Village, Texas** which is the subject of this hearing, signs indicating the type of relief sought or the proposed change in status of the property as well as the date, time and place of the hearing. The signs were placed at not more than 300-foot intervals across the property line fronting on the existing streets and were clearly visible from the streets. Each sign was located no more than ten feet from the property line and was no smaller than 18 inches by 24 inches,

All in accordance with Section 14-10(b)(2)(b) of the Jersey Village Code of Ordinances.

Signed this the 29 day of Jan, 2020.

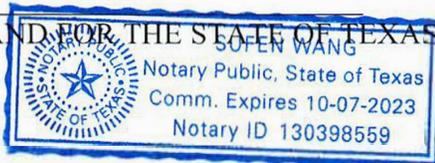


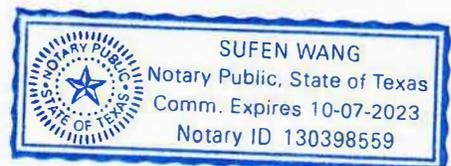
East Signs Houston, LLC - Hearing Applicant

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, this day personally appeared _____, a person known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

GIVEN UNDER my hand and seal of office this 29 day of Jan, 2020.

NOTARY F Sty IN AND FOR THE STATE OF TEXAS




BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

CHAIRMAN

Script for BOA Public Hearings on February 12, 2020

Read Item E on the Agenda and confirm that all meeting posting requirements have been met - then say:

I now call to order this public hearing. Everyone desiring to speak shall give his name and address and will be given 5 minutes to present information during the meeting.

The purpose of today's hearing is to receive written and oral comments from any interested person(s) concerning East Signs of Houston's requests for variance, filed on behalf of Harwin Gessner Investment, Inc., owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit; and for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(c)(2)(b) in order to allow the applicant to place a sign that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

Step 1: Call the applicant to present his case and all evidence supporting his plea

Step 2: Call the zoning official to present any information that he deems necessary or appropriate relative to the application

Step 3: Call on those opposed to the granting of the application to present their evidence and arguments

Step 4: Call the applicant for the right of rebuttal

Step 5: Order the hearing closed

(After everyone has spoken . . . or if no one desires to speak, finish the meeting with the following)

There being no one (else) desiring to speak, I now close this public hearing concerning East Signs of Houston's requests for variance, filed on behalf of Harwin Gessner Investment, Inc., owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit; and for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-252(2)(c)(2)(b) in order to allow the applicant to place a sign that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

BOARD OF ADJUSTMENT - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: February 12, 2020

AGENDA ITEM: E1

AGENDA SUBJECT: Discuss and take appropriate action on East Signs of Houston’s request, filed on behalf of Harwin Gessner Investment, Inc., owner, for variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

Department/Prepared By: Lorri Coody, City Secretary

EXHIBITS: [EX A](#) – Application – 2nd Pole Sign
[EX B](#) – Section 14-253

BACKGROUND INFORMATION:

East Signs of Houston, filed a request on behalf of Harwin Gessner Investment, Inc., owner, for variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

The Board, in making its decision on this request for variance, 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.

RECOMMENDED ACTION:

Discuss and take appropriate action on East Signs of Houston’s request, filed on behalf of Harwin Gessner Investment, Inc., owner, for variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253(d) in order to allow the applicant to install a second pole sign which exceeds the one (1) pole sign limit for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

CITY OF JERSEY VILLAGE

16501 Jersey Drive
Jersey Village, TX 77040-1999
Inspection Request 713-466-2138

CITY COPY

****EACH INDIVIDUAL TRADE MUST CALL THEIR OWN INSPECTION****

VARIANCE

PERMIT #:	0000008047	DATE ISSUED:	1/23/2020
JOB ADDRESS:	17342 NORTHWEST FREEWAY	LOT #:	
PARCEL ID:		BLK #:	
SUBDIVISION:		ZONING:	
ISSUED TO:	EAST SIGNS HOUSTON, LLC	CONTRACTOR:	EAST SIGNS HOUSTON, LLC
ADDRESS:	STE C1	ADDRESS:	STE C1
CITY, STATE ZIP:	HOUSTON TX 77036-2396	CITY, STATE ZIP:	HOUSTON TX 77036-2396
PHONE:	713-779-9999	PHONE:	
STRUCTURE USE:		VALUATION:	\$ 0.00
FLOOR AREAS:		IMPERVIOUS SURFACES:	
LIVING SPACE:		HOUSE:	
BASEMENT/STORAGE:		GARAGE:	
GARAGE:		DRIVEWAYS:	
DECKS:		PORCH/WALK:	
PORCHES:		OTHER:	
OTHER:		TOTAL:	
TOTAL AREA:	0.00		
STRUCTURE AREA:		SITE AREA:	
		PERCENTAGE OF SITE:	

FEE CODE	DESCRIPTION	AMOUNT
Z-999	OTHER FEE	\$ 300.00
Z-999	OTHER FEE	\$ 300.00
TOTAL		\$ 600.00
RECEIPTS		\$ 0.00
BALANCE		\$ 600.00

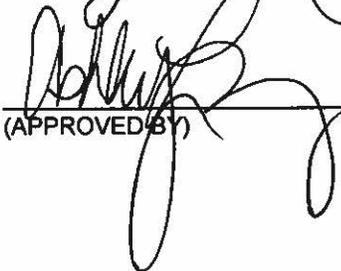
CONDITIONS:

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.



(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

1 23 2020
DATE



(APPROVED BY)

1 23 2020
DATE

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

DATE : 1/23/2020 10:33 AM
OPER : PB
TERM : 1
REC# : R00757421

153.0000 BUILDING PERMITS 600.00
000008047 600.00CR
EAST SIGNS HOUSTON, LLC
17342 NORTHWEST FREEWAY
Z-MISC 600.00CR

Paid By:EAST SIGNS HOUSTON, LLC
2-CK 300.00 REF:2625
Paid By:EAST SIGNS HOUSTON, LLC
2-CK 300.00 REF:2624

APPLIED 600.00
TENDERED 600.00

CHANGE 0.00

CITY OF JERSEY VILLAGE
Application for Request for Variance

1

\$300.00 non-refundable fee due upon submission of the request

PROPERTY INFORMATION

Address: 17342 Northwest Fwy., Jersey Village, TX 77040

Legal Description: Lot Block: Subdivision: Reserved B

APPLICANT INFORMATION

(If different than owner, application must be accompanied by an Appointment of Agent Affidavit)

Applicant: EAST Signs Houston LLC Phone: 713-779-0999

Address: 7636 Clarewood Drive,

City: Houston State: TX Zip: 77036

OWNER INFORMATION

Harwin Gessner Investment Inc. 713-414-5525
Property Owner Telephone Number

9720 Town Park Dr., Suite 180, Houston, TX 77036
Street Address City State Zip Code

Describe variance sought: Allow Two (2) pole type ground signs to be installed in one Commercial development.

Describe existing standard: Currently, City of Jersey Village allow only one (1) pole sign per commercial development. JV Code of Ordinances Sec 14-253 (d)

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

Appointment of Agent

I, CHYI-PING WU / Harwin Gessner Investment Inc., owner of the property and commercial business which is the subject of a request for a zoning change application to be considered by the Board of Adjustment, do hereby appoint EAST SIGNS HOUSTON LLC as Agent and Representative. I understand that in making this appointment, I grant him/her the authority to file the application and to speak on behalf of Harwin Gessner Investment Inc. for purpose of proceedings before the City of Jersey Village Board of Adjustment in connection with the zoning change application being sought.

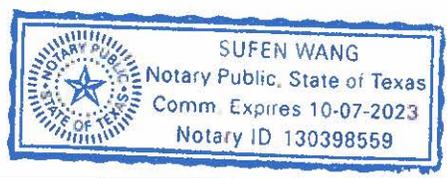
[Handwritten signature] owner

Signed this 9th day of January, 2020.

THE STATE OF TEXAS
THE COUNTY OF HARRIS

BEFORE ME, the undersigned authority, this day personally appeared CHYI-PING WU, owner of the property and commercial business which is the subject of an application for a zoning change application being considered by the Board of Adjustment, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

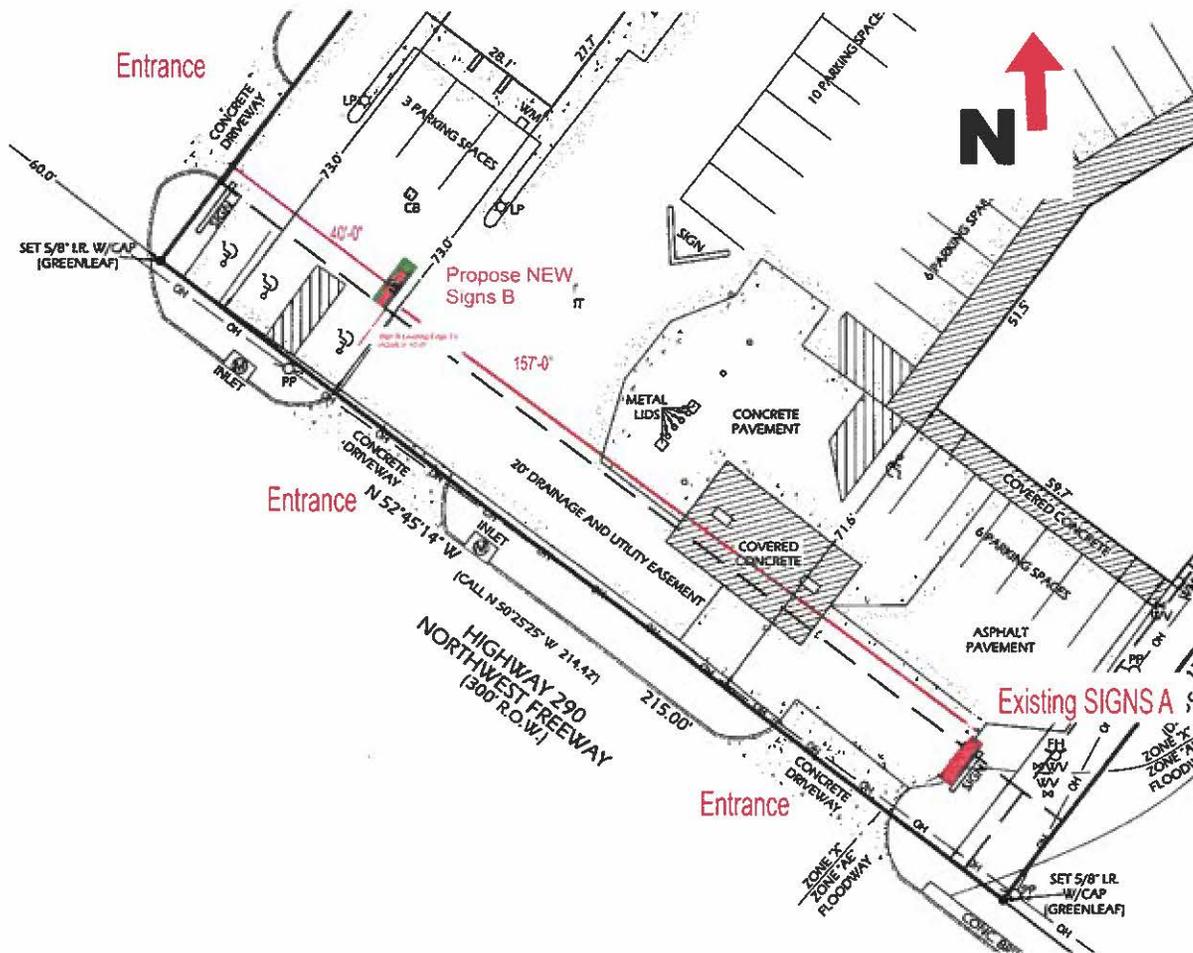
GIVEN UNDER my hand and seal of office this 9 day of Jan, 2020



[Handwritten signature]

Notary Public in and for the
State of Texas

Plot Plan



Sign B Leading Edge To Power Line 10'-0"

Sign B Leading Edge To Village Dr. 40'-0"

Sign B Leading Edge To Existing Signs A 157'-0"

Chris Wu
 A A Realty Co.
 17342 Northwest Fwy
 Jersey Village TX
 (713) 988-0888 x.118



East Signs Houston
 Excellent & Fast

713-779-9999

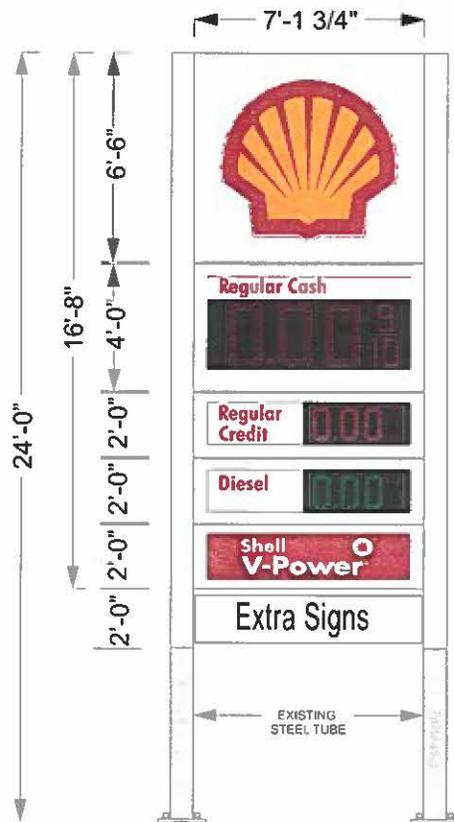
E: eastsignshouston@hotmail.com
 7636 Clarewood Dr, Houston, TX 77036

Job No.:	Date: 01/22/2020
Order Date:	Salesperson: Franky Lu
Sign Dimensions:	Estimate: \$
Comments:	

Existing

Signs A

Existing Ground Signs Double Face
 (16'-8"+2') x 7'-1.75" =132.73 Sqft / Side
 Total=265.50 Sqft.



Propose NEW Signs B

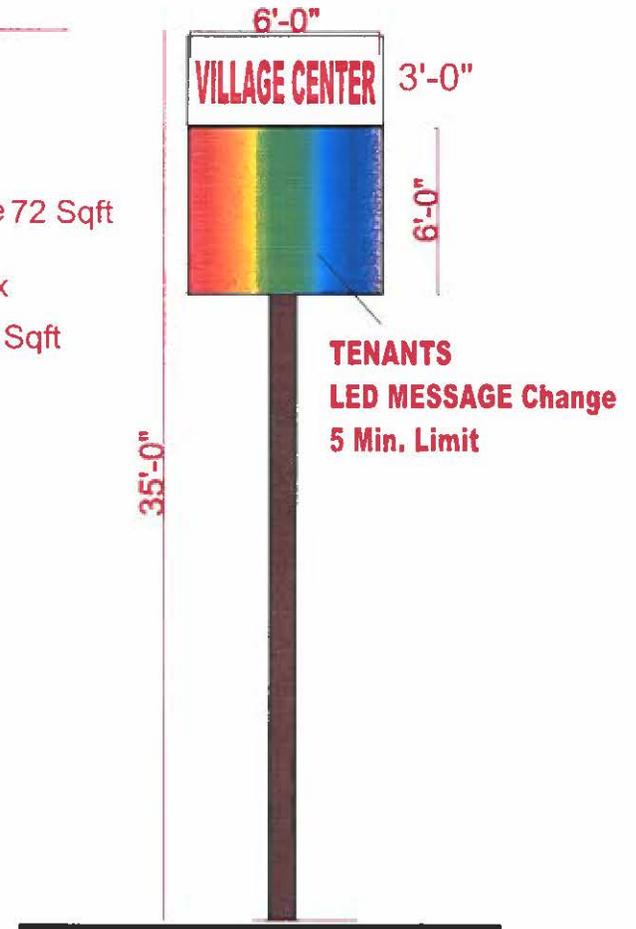
Sec.14-253-U.S.290 code of Ordinances :

400 Sqft.-265.50 Sqft=134.50 Sqft.

Available Space

Signs B

Message LED Tenants / Double Side 72 Sqft
 Plus
 VILLAGE CENTER 3x6' Lighting Box
 Double Side 36 Sqft TOTAL=108 Sqft



Customer:	Chris Wu
Company:	A A Realty Co.
Address:	17342 Northwest Fwy
City:	Jersey Village TX
Phone:	(713) 988-0888 x.118
E-MAIL:	



East Signs Houston
 Excellent & Fast

713-779-9999

E: eastsignshouston@hotmail.com
 7636 Clarewood Dr, Houston, TX 77036

Job No.:	Date:	01/20/2020
Order Date:	Salesperson:	Franky Lu
Sign Dimensions:	Estimate:	\$ \$0.00
Comments:		

Signs B



Sign B Leading Edge To Power Line 10'-0"

TENANTS
LED MESSAGE Change
5 Min. Limit

ORDER BATTER!

Chris Wu
A A Realty Co.
17342 Northwest Fwy
Jersey Village TX
(713) 988-0888 x.118

East Signs Houston
Excellent & Fast
713-779-9999
E: eastsignshouston@hotmail.com
7636 Clarewood Dr, Houston, TX 77036

Job No.	Date: 01/22/2020
Order Date:	Salesperson: Franky Lu
Sign Dimensions:	Estimate:
Comments:	

Sec. 14-253. - U.S. 290 corridor standards.

For the purposes of more specifically regulating ground signage along U.S. 290, a ground sign corridor consisting of a 50-foot wide strip of land adjacent to either side of the right-of-way of U.S. 290 is hereby created. The standards contained in this article shall apply to said corridor except where they conflict with the following regulations:

- (a) Commercial/industrial developments shall be allowed one temporary ground sign per 500 linear feet of street frontage with a maximum size of 64 square feet of sign face area and a height not to exceed 12 feet.
- (b) Commercial/industrial subdivisions containing not less than 40 acres of land may have one permanent, monument type ground sign not exceeding 12 feet in height and 200 square feet of sign face area at each street entrance into the subdivision.
- (c) Commercial or industrial developments may have one monument type ground sign per 500 linear feet of street frontage. The maximum size per sign shall not exceed 200 square feet of sign face area and not exceeding 12 feet in height. The total sign face area for all signs allowed by this provision shall not exceed 400 square feet.
- (d) Commercial or industrial developments may have one pole type ground sign, not to exceed 35 feet in height above natural ground level. The maximum size per sign shall not exceed 200 square feet of sign face area. The total sign face area for all signs allowed by this provision shall not exceed 400 square feet.

(Ord. No. 00-16, § 2, 5-15-00; Ord. No. 01-30, § 11, 10-15-01)

BOARD OF ADJUSTMENT - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: February 12, 2020

AGENDA ITEM: E2

AGENDA SUBJECT: Discuss and take appropriate action on East Signs of Houston’s request, filed on behalf of Harwin Gessner Investment, Inc., owner, for variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-252 (2)(c)(2)(b) in order to allow the applicant to place a sign on said property that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

Department/Prepared By: Lorri Coody, City Secretary

EXHIBITS: [EX A](#) – Application – Encroach 50’ Interior Lot Line
[EX B](#) – Section 14-252

BACKGROUND INFORMATION:

East Signs of Houston, filed a request on behalf of Harwin Gessner Investment, Inc., owner, for variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-252 (2)(c)(2)(b) in order to allow the applicant to place a sign on said property that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

The Board, in making its decision on this request for variance, 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 14-252(2)(c)(2)(b) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

RECOMMENDED ACTION:

Discuss and take appropriate action on East Signs of Houston’s request, filed on behalf of Harwin Gessner Investment, Inc., owner, for variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-252 (2)(c)(2)(b) in order to allow the applicant to place a sign on said property that encroaches the 50 foot interior property line by 10 feet for the property located at 17342 Northwest Freeway, Jersey Village, Texas 77040.

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

CITY OF JERSEY VILLAGE

16501 Jersey Drive
Jersey Village, TX 77040-1999
Inspection Request 713-466-2138

CITY COPY

EACH INDIVIDUAL TRADE MUST CALL THEIR OWN INSPECTION

VARIANCE

PERMIT #: 0000008047		DATE ISSUED: 1/23/2020	
JOB ADDRESS: 17342 NORTHWEST FREEWAY	LOT #:	CONTRACTOR: EAST SIGNS HOUSTON, LLC	ADDRESS: STE C1
PARCEL ID:	BLK #:	CITY, STATE ZIP: HOUSTON TX 77036-2396	PHONE:
SUBDIVISION:	ZONING:		
ISSUED TO: EAST SIGNS HOUSTON, LLC	CONTRACTOR: EAST SIGNS HOUSTON, LLC		
ADDRESS: STE C1	ADDRESS: STE C1		
CITY, STATE ZIP: HOUSTON TX 77036-2396	CITY, STATE ZIP: HOUSTON TX 77036-2396		
PHONE: 713-779-9999	PHONE:		
STRUCTURE USE:	VALUATION: \$ 0.00		
FLOOR AREAS:	IMPERVIOUS SURFACES:		
LIVING SPACE:	HOUSE:		
BASEMENT/STORAGE:	GARAGE:		
GARAGE:	DRIVEWAYS:		
DECKS:	PORCH/WALK:		
PORCHES:	OTHER:		
OTHER:	TOTAL:		
TOTAL AREA: 0.00			
STRUCTURE AREA:	SITE AREA:	PERCENTAGE OF SITE:	

FEE CODE	DESCRIPTION	AMOUNT
Z-999	OTHER FEE	\$ 300.00
Z-999	OTHER FEE	\$ 300.00
TOTAL		\$ 600.00
RECEIPTS		\$ 0.00
BALANCE		\$ 600.00

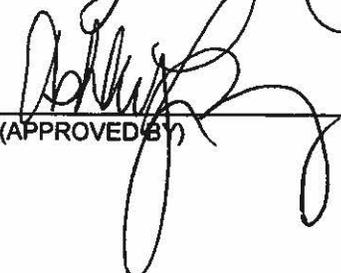
CONDITIONS:

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.



(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

1/23/2020
DATE



(APPROVED BY)

1/23/2020
DATE

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

DATE : 1/23/2020 10:33 AM
OPER : PB
TERM : 1
REC# : R00757421

153.0000 BUILDING PERMITS 600.00
0000008047 600.00CR
EAST SIGNS HOUSTON, LLC
17342 NORTHWEST FREEWAY
Z-MISC 600.00CR

Paid By:EAST SIGNS HOUSTON, LLC
2-CK 300.00 REF:2625
Paid By:EAST SIGNS HOUSTON, LLC
2-CK 300.00 REF:2624

APPLIED 600.00
TENDERED 600.00

CHANGE 0.00

CITY OF JERSEY VILLAGE
Application for Request for Variance

\$300.00 non-refundable fee due upon submission of the request

PROPERTY INFORMATION

Address: 17342 Northwest Fwy., Jersey Village, TX 77040

Legal Description: Lot Block: Subdivision: Reserved B

APPLICANT INFORMATION

(If different than owner, application must be accompanied by an Appointment of Agent Affidavit)

Applicant: EAST Signs Houston LLC Phone: 713-779-0999

Address: 7636 Clarewood Drive,

City: Houston State: TX Zip: 77036

OWNER INFORMATION

Harwin Gessner Investment Inc. 713-414-5525
Property Owner Telephone Number

9720 Town Park Dr., Suite 180, Houston, TX 77036
Street Address City State Zip Code

Describe variance sought: Allow the new pole type ground sign to be located less than 50 ft. from interior property line (Village Drive)

Describe existing standard: Currently, City of Jersey Village ordinance requires the propose pole sign to be not less than 50 ft. from interior property line. JV Code of Ordinances Sec 14-252 (2) (C) (2) (B)

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

In accordance with Section 14-9 of the City of Jersey Village Code of Ordinances, to obtain a variance the application must meet the following criteria:

(1) What special conditions and circumstances exist which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures or buildings in the same district?

Not enough space to place the proposed pole sign 50 ft. away from the interior property line. as this will place the sign in an unsafe location (driveway)

(2) Why does the literal interpretation of the provisions of this Code result in unnecessary hardship? Unnecessary hardship is due to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or owner's own action.

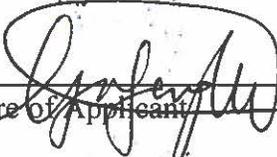
Exceptional narrowness that can not accommodate signage while under Jersey Village Code of Ordinances.

(3) Are the special conditions and circumstances the result of the actions of the applicant? (i.e. can the size of the structure be changed to meet the requirements of the Code.)

No

(4) Does granting the variances as requested confer on the applicant any special privilege that is denied by the Code to other lands, structures, or buildings in the same district?

No


Signature of Applicant

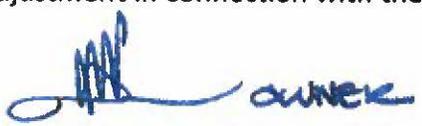
01-22-2020
Date

REQUESTS MUST BE SUBMITTED NO LATER THEN 4:30 P.M. SIXTEEN (16) DAYS PRIOR TO THE OFFICIAL MEETING DATE.

OFFICE USE ONLY	
Received by: _____	Date: _____
Fee paid (amount): \$ _____	

Appointment of Agent

I, CHYI-PING WU / Harwin Gessner Investment Inc., owner of the property and commercial business which is the subject of a request for a zoning change application to be considered by the Board of Adjustment, do hereby appoint EAST SIGNS HOUSTON LLC as Agent and Representative. I understand that in making this appointment, I grant him/her the authority to file the application and to speak on behalf of Harwin Gessner Investment Inc. for purpose of proceedings before the City of Jersey Village Board of Adjustment in connection with the zoning change application being sought.

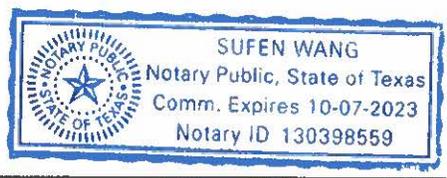
 owner

Signed this 9th day of January, 2020.

THE STATE OF TEXAS
THE COUNTY OF HARRIS

BEFORE ME, the undersigned authority, this day personally appeared CHYI-PING WU, owner of the property and commercial business which is the subject of an application for a zoning change application being considered by the Board of Adjustment, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER my hand and seal of office this 9 day of Jan, 2020

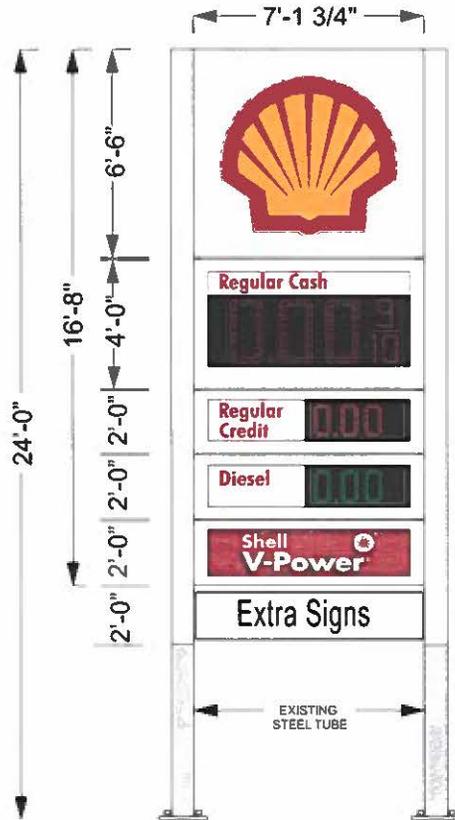




Notary Public in and for the
State of Texas

Existing Signs A

Existing Ground Signs Double Face
 (16'-8"+2') x 7'-1.75" =132.73 Sqft / Side
 Total=265.50 Sqft.

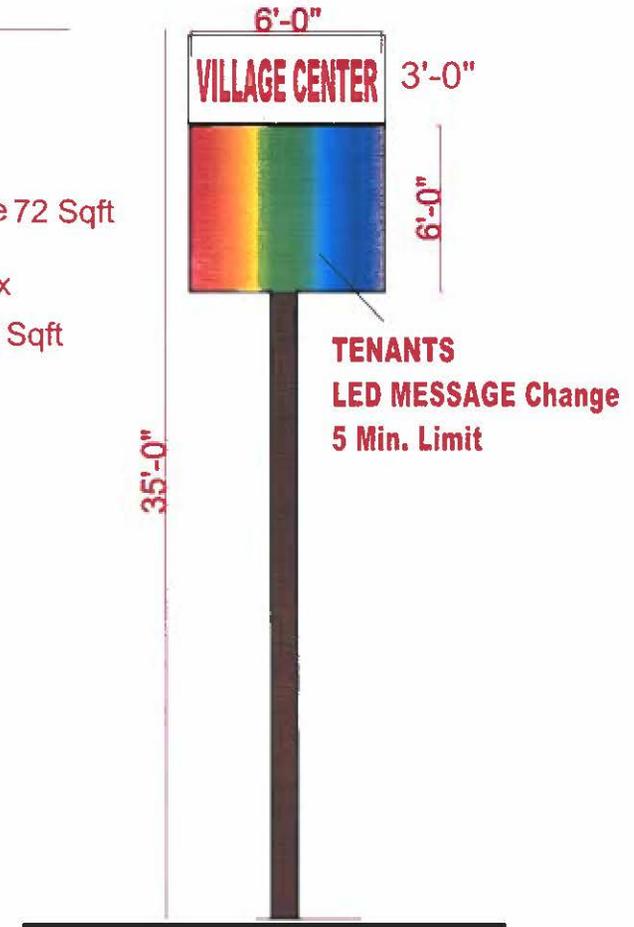


Propose NEW Signs B

Sec.14-253-U.S.290 code of Ordinances :
 400 Sqft.-265.50 Sqft=134.50 Sqft.
 Available Space

Signs B

Message LED Tenants / Double Side 72 Sqft
 Plus
 VILLAGE CENTER 3x6' Lighting Box
 Double Side 36 Sqft TOTAL=108 Sqft



Customer:	Chris Wu
Company:	A A Realty Co.
Address:	17342 Northwest Fwy
City:	Jersey Village TX
Phone:	(713) 988-0888 x.118
E-MAIL:	



East Signs Houston
 Excellent & Fast

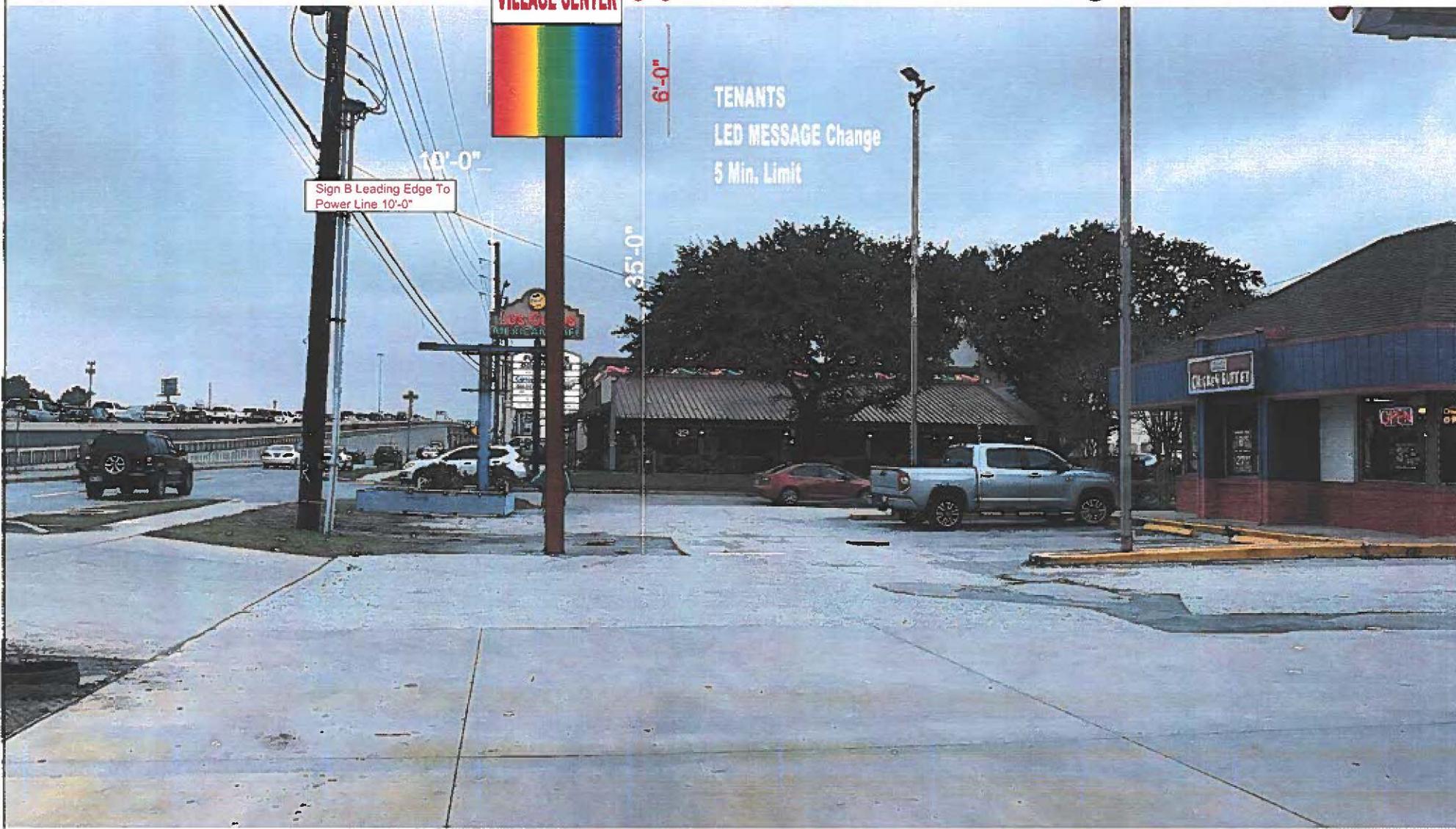
713-779-9999

E: eastsignshouston@hotmail.com

7636 Clarewood Dr, Houston, TX 77036

Job No.:	Date:	01/22/2020
Order Date:	Salesperson:	Franky Lu
Sign Dimensions:	Estimate:	\$
Comments:		

Signs B



6'-0"
VILLAGE CENTER
 3'-0"
 6'-0"

10'-0"
 Sign B Leading Edge To
 Power Line 10'-0"

TENANTS
 LED MESSAGE Change
 5 Min. Limit

35'-0"

Chris Wu
 A A Realty Co.
 17342 Northwest Fwy
 Jersey Village TX
 (713) 988-0888 x.118

 **East Signs Houston**
 Excellent & Fast
 713-779-9999
 E: eastsignshouston@hotmail.com
 7636 Clarewood Dr, Houston, TX 77036

Job No.:	Date: 01/22/2020
Order Date:	Salesperson: Franky Lu
Sign Dimensions:	Estimate:
Comments:	

Sec. 14-252. - Signs in commercial and industrial zoning districts.

The following signs are permitted in commercial and industrial zoning districts when maintained in good condition:

(1) *Temporary signs.*

- a. *For sale, rental or lease signs for commercial lots or structures.* One nonilluminated temporary on-premises ground sign not exceeding 64 square feet shall be allowed for each commercial unit or vacant lot in a platted commercial development in order to give information concerning leasing, renting or selling of such while the unit or lot is actually available for lease, rent or sale. The sign may be located anywhere on the premises; provided, however, that such sign shall not project beyond the property line and shall not have a height greater than eight feet above the natural ground level. No permit shall be required for the erection of such signs.
- b. *Under construction or to be constructed signs.* Temporary ground signs, not to exceed eight feet in height and 32 square feet in size, are allowed for commercial or industrial developments which are under construction in addition to permanent signs as provided by this section in order to give information concerning leasing, renting, selling, financing and/or contracting. The temporary "under construction" sign shall be removed 12 months from the date of its erection or when the construction of the development is completed, whichever first occurs. The sign shall be placed a minimum of ten feet behind the street right-of-way and not in the clear view triangle. See Figure 14-5. No permit shall be required for the erection of such signs.
- c. *Banner signs.*
 1. *Grand opening signs.* One wall sign, in the form of a banner no greater than 32 square feet in area, advertising a grand opening celebration is allowed for a period not to exceed 30 days. Such 30-day period shall begin on the date of erection of the sign, and the sign shall be removed prior to the expiration of the thirtieth day. A grand opening sign shall comply with the location and height standards for wall signs contained in subsection (2)b.1 of this section. No permit shall be required for the erection of such signs.
 2. *Special event signs.* One wall sign, in the form of a banner not to exceed 32 square feet in area, advertising special events such as activities, sales or special consignments may be displayed for a period not to exceed one calendar month (i.e. from the date first displayed through the date minus one day of the next month) and shall be removed not later than one day after such activity or sale is completed. Each commercial or industrial establishment shall be limited to not more than four special even signs per calendar year. Such signs shall not be painted directly on the window glass and shall not utilize fluorescent paint or any type of reflectors. Each such sign must be permitted at least three business days prior to the erection or placement of the sign.
 - (a) *Location and height.* The location and height of such signs will be in accordance with the standards for wall signs contained in subsection (2)b.1 of this section; provided, however, that where such required wall is not available, the special event sign may be suspended by means of ropes or cables between two vertical poles, stakes or freestanding supports. The location of banners shall not obstruct pedestrian traffic or be within the clear view triangle. See Figure 14-5.
 - (b) *Pennants and ribbon streamers.* In the case of a special event consisting of more than one activity occurring at the same time, pennant and ribbon streamers may be used to outline the area of each activity, to separate each activity from the other, to provide a designated path for those attending the event or move from one activity to another without confusion, and to designate a proper parking area for those attending the event. Pennant and ribbon streamers shall not be erected more than four feet above ground level.
 3. *Changing display signs.* One wall sign, in the form of a banner, with a maximum surface area of 200 square feet or two wall signs, in the form of a banner, with a maximum total surface area of 200 square feet advertising special sales opportunities may be displayed on buildings located on lots

fronting U.S. Highway 290. No banner shall exceed 50 percent of the area of the wall on which the sign is displayed nor be mounted within 12 inches of any corner, change of elevation, change of building facade material, glass, or other signage. A banner shall not extend above the roofline or over a glass area, or wrap around a corner of a building. A banner shall be attached with not less than four attachment points, one for each corner, and shall have an attachment point a minimum of every 48 inches on all sides. All banners shall be mounted parallel and level with the ground. All banners shall be professionally constructed. For the purpose of this section, the area of the wall is defined as the wall surface on which the banner is mounted, bounded by any change of surface such as corners, changes of elevation of the structure, changes of building facade material, glass or other signage. An annual permit is required. The city shall be notified in writing, on a form provided by the city, of any change in the permitted signage.

(2) *Permanent signs.*

- a. *Commercial and industrial subdivisions.* A commercial or industrial subdivision containing not less than 40 acres of land may have one permanent identification monument type ground sign not to exceed eight feet in height and not to exceed 32 square feet in surface area at each major street entrance to the subdivision.
- b. *Single-occupant detached commercial and industrial buildings.* Single-occupant detached commercial and industrial buildings may have the following signs:
 1. *Wall signs.*
 - (a) *Size and number.* Wall signs are permitted for each single-occupant detached building with an aggregate allowable sign area of one square foot for each linear foot of street frontage. Only the street frontage that contains the main entrance shall be used for sign size calculations. No more than 50 percent of any wall may be covered with wall sign(s).
 - (b) *Location and height.* A wall sign may not project above the wall line of a building except for buildings with parapet walls, in which case the sign shall be flush with the wall and shall not project above the parapet. Signs placed on mansard roofs must be perpendicular to the ground with all permanent structural supports covered from view. Wall signs may be placed on the front or sides but not on the rear of buildings.
 2. *Ground signs.*
 - (a) *Size and number.* A single-occupant detached commercial or industrial building, may have one ground sign. A pole or monument type ground sign not more than 50 square feet in area is permitted for each lot or tract of land with a street frontage of 100 linear feet or more on which a single-occupant detached building is located;
 - (b) *Location and height.* A ground sign shall not exceed eight feet in height and shall be set back not less than ten feet from the street right-of-way and not less than 25 feet from interior or rear property lines. A ground sign shall not be located within 100 feet of another ground sign, measured from the closest points of the signs; provided however the 100-foot separation does not apply to additional signs permitted elsewhere in this article for signs on the same property.
 - (c) *[Commercial property.]* Any lot on which a commercial building may be legally constructed shall be allowed to have a ground, monument type, sign not to exceed 25 square feet in sign face area and not to exceed four feet in height. The sign shall be located as close to the center of the lot's street frontage as possible and at least ten feet from the street right-of-way in front of the structure. This will not effect [affect] the location of any other ground sign allowed by this article with regards to the 100-foot separation requirement in subsection (b) above.
 3. *Canopy signs.*
 - (a) *Size and number.* The allowable sign face area for canopy signs shall not exceed 50 percent of the canopy surface. This sign face area shall be included in the total signage allowed for wall signs, see subsection (2)b.1. of this section.
 - (b) *Location and height.* Canopy signs must be an integral part of the canopy, i.e. painted or sewn and must not extend above the wall line.

- c. *Signs permitted in integrated business developments.* It shall be the responsibility of the integrated business development owner/leasing manager to advise the monitor compliance with, the sign ordinance. No signs shall be allowed in integrated business developments except as follows:
1. *Wall signs.*
 - (a) *Size and number.* Each business establishment in an integrated business development may have a wall sign not to exceed 50 percent of the wall fascia area designated for that establishment. Individual letters shall not exceed 24 inches in height. See Figure 14-20.
 - (b) *Location and height.* A wall sign may not project above the wall line of a building except for buildings with parapet walls, in which case the sign shall be flush with the wall and shall not project above the parapet. Signs placed on mansard roofs must be perpendicular to the ground with all structural supports covered from view. Wall signs identifying businesses in an integrated business development may be placed on any wall of the building in which the business is located except the rear wall.
 2. *Ground signs.*
 - (a) *Size and number.* The aggregate sign area for all ground signs in an integrated business development shall not exceed 400 square feet and shall not exceed one square foot of sign area for each 300 square feet of gross leasable area or square footage of the buildings; provided, however, that each sign must meet spacing, size and height requirements contained in this subsection. Each integrated business development shall be allowed one 32 square foot ground sign on each street frontage.
 - (b) *Location and height.* A ground sign shall not exceed eight feet in height and shall be set back not less than ten feet from street rights-of-way and not less than 50 feet from interior or rear property lines. A ground sign shall not be located within 100 feet of another ground sign, measured from the closest points of the two signs. If consistent with the above location and setback requirements, a ground sign allowed for a tract may be placed on any street frontage.
 3. *Canopy signs.*
 - (a) *Size and number.* The allowable sign face area for canopies shall not exceed 50 percent of the canopy surface. This sign face area shall be included in the total signage allowed for wall signs, see subsection (2)b.1.(a) of this section.
 - (b) *Location and height.* Canopy signs must be an integral part of the canopy, i.e. painted or sewn and shall not extend above the wall line.

(Ord. No. 00-16, § 2, 5-15-00; Ord. No. 03-24, § 3, 6-16-03; Ord. No. 04-04, § 1, 2-16-04)

BOARD OF ADJUSTMENT - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: February 12, 2020

AGENDA ITEMS: F

AGENDA SUBJECT: Conduct a public hearing on Robert Sanders’ requests for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10’ parking setbacks required for the front, side and rear property lines; for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10’ landscape area adjacent to each street right of way; and for (3) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

Department/Prepared By: Lorri Coody, City Secretary

EXHIBITS: [EX A](#) – City’s Certification of Public Hearing Posting Requirements
EX B – Applicant’s Certification - Posting Requirements (Not Available at Agenda Posting)
[PH Script](#)

***Applications and Other Documents Included with Discussion Items**

BACKGROUND INFORMATION:

Robert Sanders filed requests for variance, on behalf of BHA Real Estate Holdings, LLC, owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10’ parking setbacks required for the front, side and rear property lines; for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10’ landscape area adjacent to each street right of way; and for (3) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

Before the Board can consider the applications for these variances, it must conduct a public hearing in order to receive written and oral comments from any interested person(s) concerning Robert Sanders’ requests.

This item is to conduct the public hearing.

RECOMMENDED ACTION:

Conduct a public hearing on Robert Sanders’ requests for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10’ parking setbacks required for the front, side and rear property lines; for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10’ landscape area adjacent to each street right of way; and for (3) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

**CITY OF JERSEY VILLAGE
 CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS
 BOARD OF ADJUSTMENT - PUBLIC HEARING
 February 12, 2020 at 12:00 P.M.**

Reason for Public Hearing:

To receive written and oral comments from any interested person(s) concerning Robert Sanders' requests for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10' parking setbacks required for the front, side and rear property lines; for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10' landscape area adjacent to each street right of way; and for (3) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

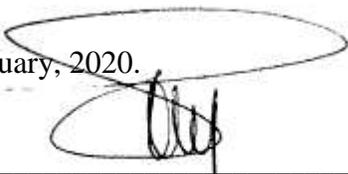
OWNER'S NAME	MAILING ADDRESS	CITY	STATE	ZIP CODE
JERSEY VILLAGE CHURCH	16327 LAKEVIEW DRIVE	JERSEY VILLAGE	TX	77040-2029
CITY OF JERSEY VILLAGE	16501 LAKEVIEW DRIVE	JERSEY VILLAGE	TX	77040-1905
HARRY & MARILYN BURGESS	3333 ALLEN PKWY UNIT 307	HOUSTON	TX	77019-1836
CHERYL DESFORGES	16309 LAKEVIEW DRIVE	JERSEY VILLAGE	TX	77040-2029
ROBERT & GLORIA MCKAY	795 KINGS POINT DRIVE	CANYON LAKE	TX	78133-3233
LUCILLE MITCHELL	16317 LAKEVIEW DRIVE	JERSEY VILLAGE	TX	77040-2029
IRIS JOE	16021 SEATTLE STREET	JERSEY VILLAGE	TX	77040-1925
COLLIN & ASHLEY GREUTER	16306 CONGO LN	JERSEY VILLAGE	TX	77040-2073
ERIN AMMERMAN	16310 CONGO LN	JERSEY VILLAGE	TX	77040-2073
RAYMOND & BETTY PARKER	16305 CONGO LN	JERSEY VILLAGE	TX	77040-2072
MICHAEL & MARILYN MELNAR	16309 CONGO LN	JERSEY VILLAGE	TX	77040-2072
BHA REAL ESTATE HOLDINGS LLC	8333 ROYAL RIDGE PKWY, STE 100	IRVING	TX	75063-2869

I, Orri Coody, the duly appointed and acting City Secretary of the City of Jersey Village, Harris County, Texas, do hereby certify and attest that as part of my duties, I post official notices for the City of Jersey Village.

As such, on January 28, 2020, and in accordance with the Jersey Village Code of Ordinances Part II, Ch. 14, Art. X, Section 14-10 (b)(2)(a) written notices were mailed to adjacent property owners at least eleven (11) days prior to date of the Public Hearing. The property owners were mailed a written notice to the address listed in the following table:

Witness my hand and seal of the City this 28th day of January, 2020.





 Lorri Coody, City Secretary

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

Script for BOA Public Hearings on February 12, 2020

Read Item F on the Agenda and confirm that all meeting posting requirements have been met - then say:

I now call to order this public hearing. Everyone desiring to speak shall give his name and address and will be given 5 minutes to present information during the meeting.

The purpose of today's hearing is to receive written and oral comments from any interested person(s) concerning Robert Sanders' requests for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10' parking setbacks required for the front, side and rear property lines; for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10' landscape area adjacent to each street right of way; and for (3) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

Step 1: Call the applicant to present his case and all evidence supporting his plea

Step 2: Call the zoning official to present any information that he deems necessary or appropriate relative to the application

Step 3: Call on those opposed to the granting of the application to present their evidence and arguments

Step 4: Call the applicant for the right of rebuttal

Step 5: Order the hearing closed

(After everyone has spoken . . . or if no one desires to speak, finish the meeting with the following)

There being no one (else) desiring to speak, I now close this public hearing concerning Robert Sanders' requests for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for (1) a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10' parking setbacks required for the front, side and rear property lines; for (2) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10' landscape area adjacent to each street right of way; and for (3) a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

BOARD OF ADJUSTMENT - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: February 12, 2020

AGENDA ITEM: F1

AGENDA SUBJECT: Discuss and take appropriate action on Robert Sanders’ request for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10’ parking setbacks required for the front, side and rear property lines for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

Department/Prepared By: Lorri Coody, City Secretary

EXHIBITS: [EX A](#) – Application – Parking Setback

[EX B](#) – Section 14-281

[EX C](#) – Site Plan

BACKGROUND INFORMATION:

Robert Sanders, filed a request on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10’ parking setbacks required for the front, side and rear property lines for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

The Board, in making its decision on this request for variance, 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 14-281(c)(7) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

RECOMMENDED ACTION:

Discuss and take appropriate action on Robert Sanders’ request for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article XI, Section 14-281(c)(7) in order to allow the applicant to eliminate the 10’ parking setbacks required for the front, side and rear property lines for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

CITY OF JERSEY VILLAGE

16501 Jersey Drive
 Jersey Village, TX 77040-1999
 Inspection Request 713-466-2138

****EACH INDIVIDUAL TRADE MUST CALL THEIR OWN INSPECTION****

VARIANCE

PERMIT #: 000008048		DATE ISSUED: 1/23/2020	
JOB ADDRESS: 16634 NORTHWEST FREEWAY	LOT #: _____	CONTRACTOR: BHA REAL ESTATE HOLDINGS LLC	
PARCEL ID: PARC1999-25	BLK #: _____	ADDRESS: STE 100	
SUBDIVISION: _____	ZONING: _____	CITY, STATE ZIP: IRVING TX 75063-2869	
ISSUED TO: BHA REAL ESTATE HOLDINGS LLC	CONTRACTOR: BHA REAL ESTATE HOLDINGS LLC		
ADDRESS: STE 100	ADDRESS: STE 100		
CITY, STATE ZIP: IRVING TX 75063-2869	CITY, STATE ZIP: IRVING TX 75063-2869		
PHONE: _____	PHONE: _____		
STRUCTURE USE: _____	VALUATION: \$ 0.00	IMPERVIOUS SURFACES:	
FLOOR AREAS:	HOUSE: _____		
LIVING SPACE: _____	GARAGE: _____		
BASEMENT/STORAGE: _____	DRIVEWAYS: _____		
GARAGE: _____	PORCH/WALK: _____		
DECKS: _____	OTHER: _____		
PORCHES: _____	TOTAL: _____		
OTHER: _____	TOTAL AREA: 0.00		
TOTAL AREA: 0.00	SITE AREA: _____		
STRUCTURE AREA: _____	PERCENTAGE OF SITE: _____		

FEE CODE	DESCRIPTION	AMOUNT
Z-999	OTHER FEE	\$ 300.00
TOTAL RECEIPTS		\$ 300.00
BALANCE		\$ 0.00
		\$ 300.00

CONDITIONS:

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

 (SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

 (APPROVED BY)

1 / 1

 DATE

1 / 23 / 2020

 DATE

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

DATE : 1/27/2020 9:01 AM
OPER : PB
TERM : 1
REC# : R00757935

153.0000 BUILDING PERMITS 300.00
0000008048 300.00CR
BHA REAL ESTATE HOLDINGS LLC
16634 NORTHWEST FREEWAY
Z-MISC 300.00CR

Paid By: BHA REAL ESTATE HOLDINGS
2-CK 300.00 REF:2971

APPLIED 300.00
TENDERED 300.00

CHANGE 0.00

CITY OF JERSEY VILLAGE
Application for Request for Variance

\$300.00 non-refundable fee due upon submission of the request

PROPERTY INFORMATION

Address: 16634 Northwest Fwy, Jersey Village, TX 77040

Legal Description: Lot 1 Block: 1 Subdivision: Joe W Myers No 3

APPLICANT INFORMATION

(If different than owner, application must be accompanied by an Appointment of Agent Affidavit)

Applicant: Robert Sanders Phone: 972-536-2926

Address: 8333 Royal Ridge Pkwy, Suite 100

City: Irving State: TX Zip: 75063

OWNER INFORMATION

BHA Real Estate Holdings, LLC 972-536-2926
Property Owner Telephone Number

8333 Royal Ridge Pkwy, Suite 100 Irving TX 75063
Street Address City State Zip Code

Describe variance sought: We are seeking a variance to the 10' parking setback.

Describe existing standard: The existing standard is Jersey Village Code of Ordinances, Part II, Chapter 14, Article XI, Section 14-281(c)(7).

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

In accordance with Section 14-9 of the City of Jersey Village Code of Ordinances, to obtain a variance the application must meet the following criteria:

(1) What special conditions and circumstances exist which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures or buildings in the same district?

There are two main items that have precipitated the need for a variance request. First, and most importantly, the right-of-way taking by TXDOT for the Hwy 290 frontage road widening pushed the property line into the site, thus reducing potential landscape area. Second, this is an existing development and therefore the building locations cannot be revised.

(2) Why does the literal interpretation of the provisions of this Code result in unnecessary hardship? Unnecessary hardship is due to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or owner's own action.

The existing development has parking adjacent to the building (between building and Hwy 290), that will need to remain after the site has been redeveloped. These spaces are the building's ADA stalls and need to be placed close to the front door. The need for this parking and associated drive aisle does not allow room for a 10' landscape strip.

(3) Are the special conditions and circumstances the result of the actions of the applicant? (i.e. can the size of the structure be changed to meet the requirements of the Code.)

Due to spatial constraints, a redevelopment of the site would be difficult.

(4) Does granting the variances as requested confer on the applicant any special privilege that is denied by the Code to other lands, structures, or buildings in the same district?

No.

Robert Snow
Signature of Applicant

6.17.2020
Date

REQUESTS MUST BE SUBMITTED NO LATER THEN 4:30 P.M. SIXTEEN (16) DAYS PRIOR TO THE OFFICIAL MEETING DATE.

Received by: <u><i>City Secretary</i></u>	OFFICE USE ONLY	Date: <u>1/27/2020</u>
Fee paid (amount): \$ <u>300.00/xx</u>		

Sec. 14-281. - Off-street parking.

- (a) *Minimum number of parking spaces.* The developer shall provide off-street parking spaces in accordance with the standards in this article and table 14-11 when a building or structure is erected or an existing building enlarged, or an old structure or foundation is converted to a new use.
- (b) *Designation of spaces.* The following rules shall be applied in computing the number of off-street parking spaces required:
- (1) Fractional spaces shall be rounded to the next higher whole space.
 - (2) Buildings or structures containing mixed uses shall provide off-street parking spaces equal to the sum of the various uses computed separately.
 - (3) The required off-street parking spaces shall be located on the same lot as the building or use served, except as follows:
 - a. When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed 300 feet from an institutional building served or 500 feet from any other nonresidential building served; provided, however, that a written agreement thereto is properly executed and filed as provided in this subsection.
 - b. When the required off-street parking spaces are not located on the same lot with the building or use served or when the required off-street parking spaces are provided collectively or used jointly by two or more establishments, a written agreement which ensures the retention of such spaces for this purpose shall be drawn and executed by the parties concerned, approved as to form by the city attorney, and filed for record in the office of the county clerk. A copy of the recorded agreement shall be filed with the application for a building permit or certificate of compliance if a change in use is involved.
 - c. Not more than 50 percent of the off-street parking spaces required for theaters, bowling alleys, dancehalls, nightclubs, restaurants or similar uses may be provided and used jointly by uses not normally open, used or operated during the same hours as those listed.
 - d. Not more than 80 percent of the off-street parking spaces required for a church, school auditorium or similar use may be provided and used jointly by uses not normally open, used or operated during the same hours as those listed.
 - e. All parking lots, aisles and spaces required shall conform to the standards in this article.
 - f. The above parking requirements shall not prohibit the enlargement of a building or structure, provided that excess spaces exist and such enlargement does not create a

deficiency in the total number of off-street parking spaces.

- g. Any proposed land use, whether commercial, industrial or residential, not specifically designated in table 14-11, which by its nature generates or attracts vehicular activity or traffic, must provide sufficient parking spaces on or near the site to accommodate the vehicular load for residents, customers, clients, suppliers, etc., which would normally be associated with the proposed land use, to the satisfaction and approval of the city.

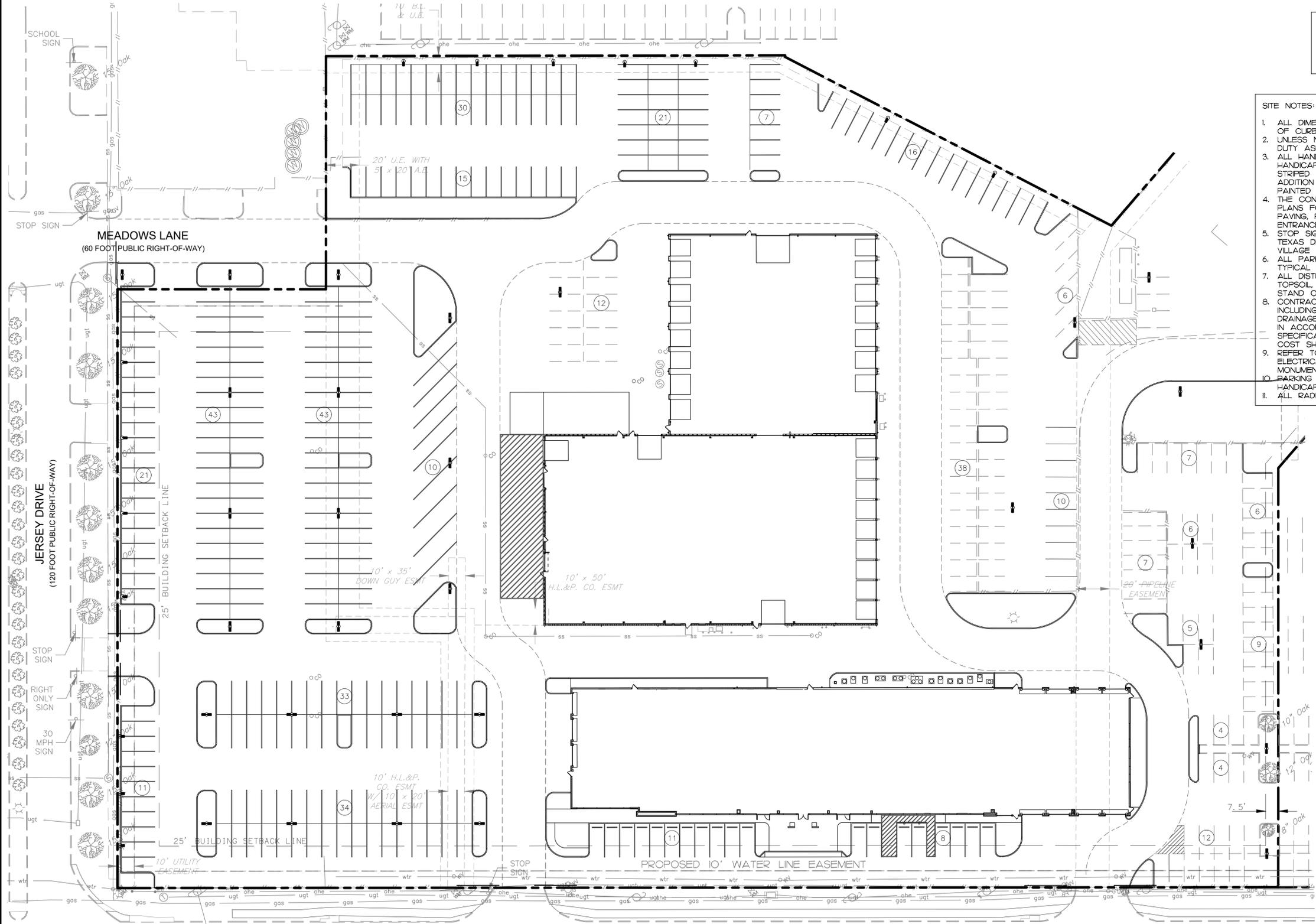
(c) *Parking lots.*

- (1) All parking lots, parking spaces, maneuvering aisles, loading areas and driveways shall be paved according to the following minimum standards:
 - a. Concrete: four inches thick, 3,000 psi and reinforced with 6 by 6 6/6 w.w.m. or #3 bars at 18 inches center-to-center, each way.
 - b. Asphalt: two inches thick asphaltic concrete on a compacted base of 95 percent density.
 - c. Grass paving reinforcement system: Plastic grass paver on compacted sandy gravel road base of 95 percent modified proctor density subgrade. A grass paving reinforcement system shall be allowed only for off-street parking spaces in excess of the minimum number of spaces required.
- (2) Location, size and number of handicapped parking spaces shall conform to the latest building codes, state and federal laws.
- (3) If a development requires ten or more parking spaces, up to ten percent of those spaces may be designed for compact cars. Effective stall dimension shall be a minimum of 7.5 feet by 15 feet, and each space shall be signed "COMPACT CARS ONLY."
- (4) All other parking spaces and lots shall meet the standards provided in figure 14-13.
- (5) All parking spaces shall be clearly delineated and designated by means of painted stripes, wheel stops, signs or other approved methods.
- (6) Parking lots and loading areas shall be designed to allow all vehicle maneuvers such as backing, parking and turning the vehicle, to take place on the lot.
- (7) Parking lots shall not be located closer than ten feet to a front lot line, ten feet to a side lot line or ten feet to a rear lot line.
- (8) The developer shall landscape parking lots according to the standards contained in section 14-311(e).
- (9) Where more than one parking lot is required to satisfy the standards of this chapter, a landscape area of at least ten feet in width shall separate parking lots; provided, however, that sufficient aisle connections shall be provided to ensure adequate traffic flow.
- (10) Parking lot lighting. Parking lot lighting shall be arranged to avoid a spillover outside property lines. Parking lots lights shall have a maximum height of 25 feet and be glare shielded. Lights mounted on a building shall not extend above the building roof line. Lighting for ground-mounted signs shall be affixed to the signs.

(d) *Off-street loading requirements.*

- (1) Any use that receives or distributes materials or merchandise by vehicle shall provide off-street loading space in accordance with the requirements detailed in this subsection (d)(1).
 - a. Industrial uses shall provide one loading space for each 10,000 square feet of floor area.
 - b. Business uses shall provide one loading space for each 15,000 square feet of floor area.
- (2) The following rules shall be applied in computing the number of off-street loading spaces required:
 - a. Floor area shall mean the gross floor area of the use.
 - b. Fractional spaces shall be rounded to the next higher whole space.
- (3) The required off-street loading spaces shall be located on the same lot as the building or use served.
- (4) A loading space shall contain a minimum of 420 square feet and shall be approximately 12 feet in width and 35 feet in depth.

(Ord. No. 95-04, § 1(1001), 2-20-95; Ord. No. 97-09, § 1, 5-19-97; Ord. No. 97-32, §§ 1—3, 12-15-97; Ord. No. 99-17, § 15, 8-16-99; Ord. No. 02-21, § 1, 7-15-02)



SITE LEGEND	
---	BOUNDARY LINE
====	CONCRETE CURB AND GUTTER
○ 7	PARKING SPACE (ROW)
○	AREA LIGHT

THE ERECTION (INCLUDING EXCAVATING), DEMOLITION, ALTERATION OR REPAIR OF ANY BUILDINGS, OTHER THAN BETWEEN THE HOURS OF 7:00 AM AND 6:00 PM ON WEEKDAYS, IS PROHIBITED BY THE CITY OF JERSEY VILLAGE.

- SITE NOTES:**
- ALL DIMENSIONS, UNLESS OTHERWISE NOTED, ARE TO FACE OF CURB, FACE OF BUILDING, OR CENTERLINE OF PARKING.
 - UNLESS NOTED OTHERWISE, PAVEMENT SHALL BE STANDARD DUTY ASPHALT.
 - ALL HANDICAP SPACES ARE TO RECEIVE A HANDICAP SIGN. HANDICAP STALLS TO THE LEFT OF AN 8 FOOT (MINIMUM) STRIPED AISLE SHALL RECEIVE A "VAN ACCESSIBLE" SIGN IN ADDITION TO THE ABOVE. HANDICAP SYMBOLS ARE TO BE PAINTED ON THE ASPHALT.
 - THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF SLOPED PAVING, PRECISE BUILDING DIMENSIONS, AND EXACT UTILITY ENTRANCE POINTS.
 - STOP SIGNS SHALL MEET THE CRITERIA OF THE STATE OF TEXAS DEPT. OF TRANSPORTATION AND CITY OF JERSEY VILLAGE STANDARDS.
 - ALL PARKING SPACES ARE TO BE 9.0' WIDE AND 90' TYPICAL UNLESS NOTED OTHERWISE.
 - ALL DISTURBED AREAS ARE TO RECEIVE SIX INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATION, INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, SIGNS, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN "BASE BID."
 - REFER TO ARCHITECTURAL PLANS FOR THE SITE LIGHTING ELECTRICAL LAYOUT, INCLUDING ELECTRICAL SERVICE TO THE MONUMENT SIGN.
 - PARKING STALL STRIPING SHALL BE WHITE, 4' WIDTH. HANDICAP STRIPING SHALL BE WHITE OR PER LOCAL CODE.
 - ALL RADII, UNLESS OTHERWISE NOTED, ARE 3'.

#	DATE	REVISION DESCRIPTION

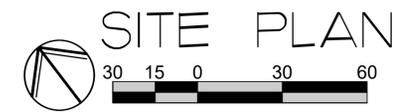
FREELAND and KAUFFMAN, INC.
 Engineers & Landscape Architects
 400 WEST MAIN STREET, SUITE 211
 ROUND ROCK, TX 78664
 PHONE (512) 487-5037
 TEXAS REGISTERED ENGINEERING FIRM F-6891

FOR REVIEW
 PURPOSES ONLY

JOE MYERS FORD
 JERSEY VILLAGE, TX
 BERKSHIRE HATHAWAY AUTOMOTIVE
 8333 ROYAL RIDGE PARKWAY, SUITE 100
 IRVING, TEXAS 75063
 ROBERT SANDERS
 976-536-2727

BERKSHIRE HATHAWAY
 AUTOMOTIVE

DRAWN BY	TBP
CHECKED BY	WDE
DATE	1-9-19
SCALE	1"=30'
SHEET	7



BOARD OF ADJUSTMENT - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: February 12, 2020

AGENDA ITEM: F2

AGENDA SUBJECT: Discuss and take appropriate action on Robert Sanders’ request for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10’ landscape area adjacent to each street right of way for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

Department/Prepared By: Lorri Coody, City Secretary

EXHIBITS: [EX A](#) – Application – 10’ Landscape Strip
[EX B](#) – Section 14-309
[EX C](#) – Site Plan

BACKGROUND INFORMATION:

Robert Sanders, filed a request on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10’ landscape area adjacent to each street right of way for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

The Board, in making its decision on this request for variance, 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 14-309(b)(2) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

RECOMMENDED ACTION:

Discuss and take appropriate action on Robert Sanders’ request for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(2) in order to allow the applicant to eliminate the 10’ landscape area adjacent to each street right of way for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

CITY OF JERSEY VILLAGE

16501 Jersey Drive
Jersey Village, TX 77040-1999
Inspection Request 713-466-2138

****EACH INDIVIDUAL TRADE MUST CALL THEIR OWN INSPECTION****

VARIANCE

PERMIT #: 0000008050		DATE ISSUED: 1/23/2020	
JOB ADDRESS: 16634 NORTHWEST FREEWAY	LOT #: _____		
PARCEL ID: PARC1999-25	BLK #: _____		
SUBDIVISION: _____	ZONING: _____		
ISSUED TO: BHA REAL ESTATE HOLDINGS LLC	CONTRACTOR: BHA REAL ESTATE HOLDINGS LLC		
ADDRESS: STE 100	ADDRESS: STE 100		
CITY, STATE ZIP: IRVING TX 75063-2869	CITY, STATE ZIP: IRVING TX 75063-2869		
PHONE: _____	PHONE: _____		
STRUCTURE USE: _____	VALUATION: \$ 0.00		
FLOOR AREAS:	IMPERVIOUS SURFACES:		
LIVING SPACE: _____	HOUSE: _____		
BASEMENT/STORAGE: _____	GARAGE: _____		
GARAGE: _____	DRIVEWAYS: _____		
DECKS: _____	PORCH/WALK: _____		
PORCHES: _____	OTHER: _____		
OTHER: _____	TOTAL: _____		
TOTAL AREA: 0.00	STRUCTURE AREA: _____	SITE AREA: _____	PERCENTAGE OF SITE: _____

FEE CODE	DESCRIPTION	AMOUNT
Z-999	OTHER FEE	\$ 300.00
TOTAL RECEIPTS		\$ 300.00
BALANCE		\$ 0.00
		\$ 300.00

CONDITIONS:

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

(APPROVED BY)

DATE

1/23/2020
DATE

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

DATE : 1/27/2020 9:03 AM
OPER : PB
TERM : 1
REC# : R00757937

153.0000 BUILDING PERMITS 300.00
0000008050 300.00CR
BHA REAL ESTATE HOLDINGS LLC
16634 NORTHWEST FREEWAY
Z-MISC 300.00CR

Paid By: BHA REAL ESTATE HOLDINGS
2-CK 300.00 REF: 2971

APPLIED 300.00
TENDERED 300.00

CHANGE 0.00

CITY OF JERSEY VILLAGE
Application for Request for Variance

\$300.00 non-refundable fee due upon submission of the request

PROPERTY INFORMATION

Address: 16634 Northwest Fwy, Jersey Village, TX 77040

Legal Description: Lot 1 Block: 1 Subdivision: Joe W Myers No 3

APPLICANT INFORMATION

(If different than owner, application must be accompanied by an Appointment of Agent Affidavit)

Applicant: Robert Sanders Phone: 972-536-2926

Address: 8333 Royal Ridge Pkwy, Suite 100

City: Irving State: TX Zip: 75063

OWNER INFORMATION

BHA Real Estate Holdings, LLC 972-536-2926
Property Owner Telephone Number

8333 Royal Ridge Pkwy, Suite 100 Irving TX 75063
Street Address City State Zip Code

Describe variance sought: We are seeking a variance to the 10' landscape strip adjacent to US 290 Frontage requirement.

Describe existing standard: The existing standard is Jersey Village Code of Ordinances, Part II, Chapter 14, Article XII, Section 14-309(b)(2).

In accordance with Section 14-9 of the City of Jersey Village Code of Ordinances, to obtain a variance the application must meet the following criteria:

(1) What special conditions and circumstances exist which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures or buildings in the same district?

There are two main items that have precipitated the need for a variance request. First, and most importantly, the right-of-way taking by TXDOT for the Hwy 290 frontage road widening pushed the property line into the site, thus reducing potential landscape area. Second, this is an existing development and therefore the building locations cannot be revised.

(2) Why does the literal interpretation of the provisions of this Code result in unnecessary hardship? Unnecessary hardship is due to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or owner's own action.

The existing development has parking adjacent to the building (between building and Hwy 290), that will need to remain after the site has been redeveloped. These spaces are the building's ADA stalls and need to be placed close to the front door. The need for this parking and associated drive aisle does not allow room for a 10' landscape strip.

(3) Are the special conditions and circumstances the result of the actions of the applicant? (i.e. can the size of the lot be changed to meet the requirements of the

Due to spatial constraints, a redevelopment of the site would be difficult.

(4) Does granting the variances as requested confer on the applicant any special privilege that is denied by the Code to other lands, structures, or buildings in the same district?

No.

Patricia K.

11/27/2020

Received by: <u>Wing Jenkins</u>	Date: <u>11/27/2020</u>
Fee paid (amount): \$ <u>300.00/x4</u>	

Sec. 14-309. - Specific standards.

(a) *Residential lots.*

- (1) Residential lots shall have landscaped areas which in the aggregate include not less than 50 percent of the area contained within the building setbacks.
- (2) A minimum of two trees (either existing or planted) measuring one inch or greater in diameter four feet above the ground at time of planting or measurement (if existing) are required within the front or side street setback areas.
- (3) Landscaping shall be in harmony with the surrounding area adequate to minimize visual monotony and barrenness.

(b) *Nonresidential lots.*

- (1) At least ten percent of the total area within a lot shall contain landscaped areas.
- (2) A landscaped area ten feet in width shall be provided adjacent to each street right of way. Drives and sidewalks shall not be included in the required landscaped area except to the extent to which they may be required to cross the buffer to provide access.
- (3) All open, unpaved space including, but not limited to, front, side and rear building setback areas shall be landscaped.
- (4) An average of at least ten feet and a minimum of five feet shall be a landscaped area and walkway between the building and parking areas.
- (5) Trees, either existing or planted, measuring a minimum of two inches average diameter measured four feet above ground level at the time of planting or measurement (if existing) shall be provided according to the following standards:
 - a. In lots containing 20,000 square feet or less, one tree per 2,000 square feet, or fraction thereof;
 - b. In lots containing more than 20,000 square feet, but less than 100,000 square feet, ten trees, plus one tree per 2,500 square feet or fraction thereof in excess of 10,000 square feet;
 - c. In lots containing more than 100,000 square feet, 46 trees plus one tree per 5,000 square feet, or fraction thereof, over 100,000 square feet;

- d. A minimum of 25 percent of the trees required by this section shall be canopy trees with the remainder in noncanopy trees.

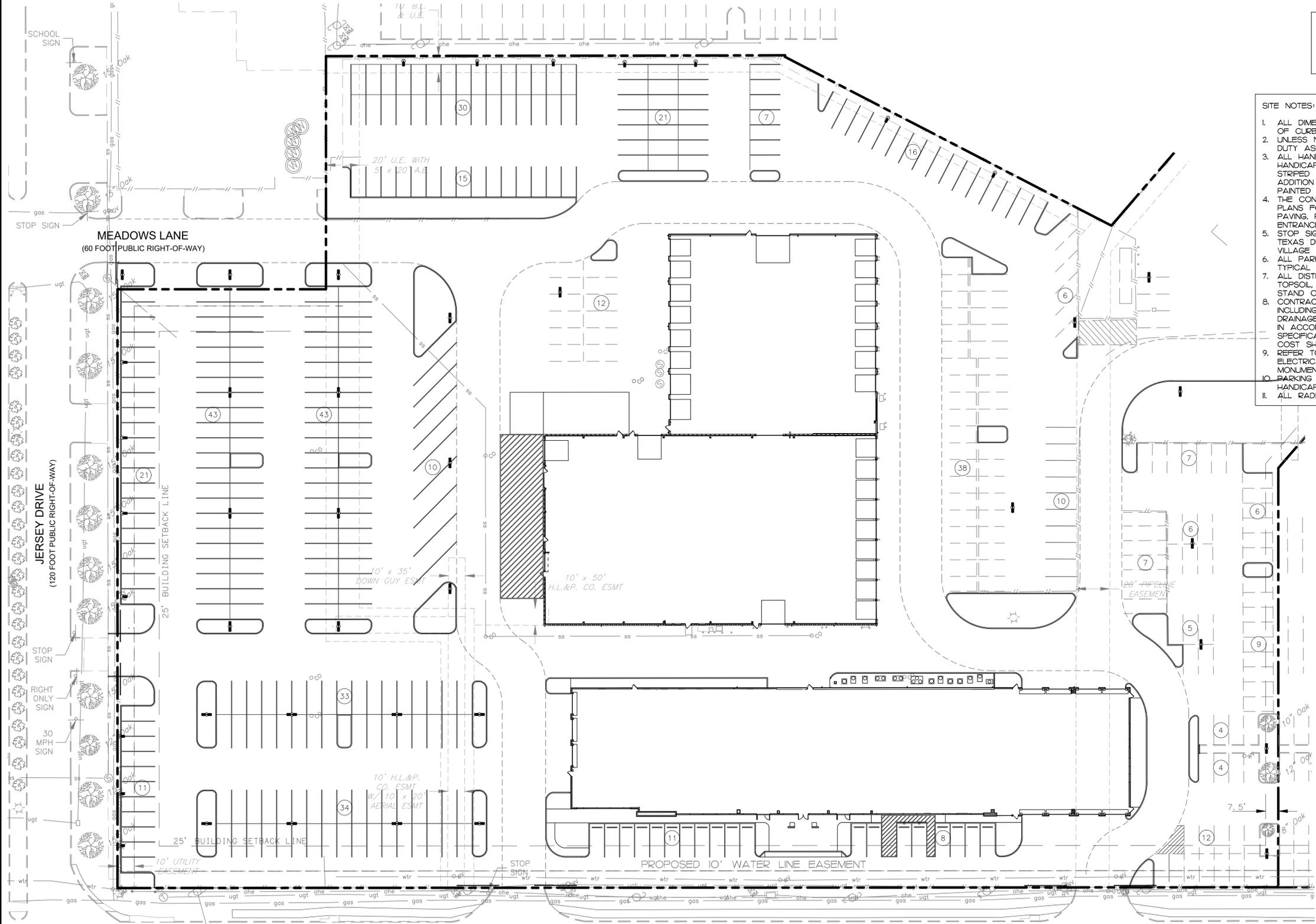
Each tree planted shall be in a planting area with a radius not less than three feet measured from tree trunk to the near edge of the landscaped area. All tree plantings shall be encompassed with an approved curb barrier to prevent access by vehicular traffic.

- (6) Ground signs. A landscaped area not less than ten feet in width shall be located around the supporting structure of each ground sign and extending not less than three feet beyond each end. A hedge or other durable planting, which is not less than one foot in height at the time of planting and which will attain an average height of at least three feet shall extend the entire length and width of the required landscaped setup. Two flowering trees, not less than eight feet in height, shall be located within the required landscape setup. The remainder of the landscaped setup may be in grass or a decorative ground cover.
- (7) Parking lots and other vehicular areas. Vehicular use areas, parking areas, parking lots, and their parked vehicles shall have effective buffering from the street view. A minimum amount of the total area of all vehicular use areas and parking areas of a lot shall be devoted to landscaped islands, peninsulas, or medians. The minimum total area in such islands, peninsulas, and medians shall be 90 square feet for each 12 parking spaces therein. No parking space shall be located further than 50 feet from a permeable landscaped island, peninsula or median or tree. All islands, peninsulas and medians required in the areas stated above, shall be more or less evenly distributed throughout such parking areas, respectively; however, the distribution and location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands, peninsulas, and medians for the respective parking areas above is satisfied.

(Ord. No. 00-15, § 4, 5-15-00)

Editor's note— Ord. No. 00-15, § 4, adopted May 15, 2000, repealed § 14-309, which pertained to procedures, and derived from Ord. No. 95-04, § 1(1103), adopted Feb. 20, 1995. Section 4 of said Ord. No. 00-15 adopted new provisions to read as herein set out.

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020



SITE LEGEND	
---	BOUNDARY LINE
====	CONCRETE CURB AND GUTTER
○ 7	PARKING SPACE (ROW)
○ 8	AREA LIGHT

THE ERECTION (INCLUDING EXCAVATING), DEMOLITION, ALTERATION OR REPAIR OF ANY BUILDINGS, OTHER THAN BETWEEN THE HOURS OF 7:00 AM AND 6:00 PM ON WEEKDAYS, IS PROHIBITED BY THE CITY OF JERSEY VILLAGE.

- SITE NOTES:
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 4. THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF SLOPED PAVING, PRECISE BUILDING DIMENSIONS, AND EXACT UTILITY ENTRANCE POINTS.
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 10. PARKING STALL STRIPING SHALL BE WHITE, 4' WIDTH. HANDICAP STRIPING SHALL BE WHITE OR PER LOCAL CODE.
 11. ALL RADII, UNLESS OTHERWISE NOTED, ARE 3'.

#	DATE	REVISION DESCRIPTION

FREELAND and KAUFFMAN, INC.
 Engineers & Landscape Architects
 400 WEST MAIN STREET, SUITE 211
 ROUND ROCK, TX 78664
 PHONE (512) 487-5037
 TEXAS REGISTERED ENGINEERING FIRM F-6891

FOR REVIEW
 PURPOSES ONLY

JOE MYERS FORD
 JERSEY VILLAGE, TX
 BERKSHIRE HATHAWAY AUTOMOTIVE
 8333 ROYAL RIDGE PARKWAY, SUITE 100
 IRVING, TEXAS 75063
 ROBERT SANDERS
 976-272-7276
 562-6272

BERKSHIRE HATHAWAY
 AUTOMOTIVE

DRAWN BY
 TBP
 CHECKED BY
 WIDE
 DATE
 1-9-19
 SCALE
 1"=30'
 SHEET

7

SITE PLAN
 30 15 0 30 60

BOARD OF ADJUSTMENT - CITY OF JERSEY VILLAGE, TEXAS - AGENDA REQUEST

AGENDA DATE: February 12, 2020

AGENDA ITEM: F3

AGENDA SUBJECT: Discuss and take appropriate action on Robert Sanders’ request for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

Department/Prepared By: Lorri Coody, City Secretary

EXHIBITS: [EX A](#) – Application – 10% Landscape Area
[EX B](#) – Section 14-309
[EX C](#) – Site Plan

BACKGROUND INFORMATION:

Robert Sanders, filed a request on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

The Board, in making its decision on this request for variance, 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 14-309(b)(1) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

RECOMMENDED ACTION:

Discuss and take appropriate action on Robert Sanders’ request for variance, filed on behalf of BHA Real Estate Holdings, LLC, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article XII, Section 14-309(b)(1) in order to allow the applicant to limit the total landscape area for the lot to 6% instead of the required 10% for the property located at 16634 Northwest Freeway, Jersey Village, Texas 77040.

CITY OF JERSEY VILLAGE

16501 Jersey Drive
Jersey Village, TX 77040-1999
Inspection Request 713-466-2138

****EACH INDIVIDUAL TRADE MUST CALL THEIR OWN INSPECTION****

VARIANCE

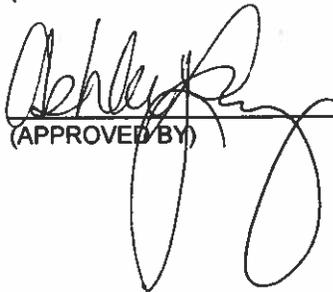
PERMIT #: 0000008049		DATE ISSUED: 1/23/2020	
JOB ADDRESS: 16634 NORTHWEST FREEWAY	LOT #:		
PARCEL ID: PARC1999-25	BLK #:		
SUBDIVISION:	ZONING:		
ISSUED TO: BHA REAL ESTATE HOLDINGS LLC	CONTRACTOR: BHA REAL ESTATE HOLDINGS LLC		
ADDRESS: STE 100	ADDRESS: STE 100		
CITY, STATE ZIP: IRVING TX 75063-2869	CITY, STATE ZIP: IRVING TX 75063-2869		
PHONE:	PHONE:		
STRUCTURE USE:	VALUATION: \$ 0.00		
FLOOR AREAS:	IMPERVIOUS SURFACES:		
LIVING SPACE:	HOUSE:		
BASEMENT/STORAGE:	GARAGE:		
GARAGE:	DRIVEWAYS:		
DECKS:	PORCH/WALK:		
PORCHES:	OTHER:		
OTHER:	TOTAL:		
TOTAL AREA: 0.00	SITE AREA:	PERCENTAGE OF SITE:	
STRUCTURE AREA:			

FEE CODE	DESCRIPTION	AMOUNT
Z-999	OTHER FEE	\$ 300.00
TOTAL RECEIPTS		\$ 300.00
BALANCE		\$ 0.00
		\$ 300.00

CONDITIONS:

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)



(APPROVED BY)

1 / 1

DATE

1 / 23 / 2020

DATE

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

DATE : 1/27/2020 9:03 AM
OPER : PB
TERM : 1
REC# : R00757938

153.0000 BUILDING PERMITS 300.00
0000008049 300.00CR
BHA REAL ESTATE HOLDINGS LLC
16634 NORTHWEST FREEWAY
Z-MISC 300.00CR

Paid By:BHA REAL ESTATE HOLDINGS
2-CK 300.00 REF:2971

APPLIED 300.00
TENDERED 300.00

CHANGE 0.00

CITY OF JERSEY VILLAGE
Application for Request for Variance

\$300.00 non-refundable fee due upon submission of the request

PROPERTY INFORMATION

Address: 16634 Northwest Fwy, Jersey Village, TX 77040

Legal Description: Lot 1 Block: 1 Subdivision: Joe W Myers No 3

APPLICANT INFORMATION

(If different than owner, application must be accompanied by an Appointment of Agent Affidavit)

Applicant: Robert Sanders Phone: 972-536-2926

Address: 8333 Royal Ridge Pkwy, Suite 100

City: Irving State: TX Zip: 75063

OWNER INFORMATION

BHA Real Estate Holdings, LLC 972-536-2926
Property Owner Telephone Number

8333 Royal Ridge Pkwy, Suite 100 Irving TX 75063
Street Address City State Zip Code

Describe variance sought: We are seeking a variance to the 10% total area to be landscaped requirement.

Describe existing standard: The existing standard is Jersey Village Code of Ordinances, Part II, Chapter 14, Article XII, Section 14-309(b)(1).

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020

In accordance with Section 14-9 of the City of Jersey Village Code of Ordinances, to obtain a variance the application must meet the following criteria:

(1) What special conditions and circumstances exist which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures or buildings in the same district?

There are two main items that have precipitated the need for a variance request. First, and most importantly, the right-of-way taking by TXDOT for the Hwy 290 frontage road widening pushed the property line into the site, thus reducing potential landscape area. Second, this is an existing development that does not meet the minimum landscaped area in its existing condition.

(2) Why does the literal interpretation of the provisions of this Code result in unnecessary hardship? Unnecessary hardship is due to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or owner's own action.

Since this is a renovation to an existing dealership, meeting the minimum landscaping requirement would be costly as existing pavement would need to be removed in order to meet this requirement.

(3) Are the special conditions and circumstances the result of the actions of the applicant? (i.e. can the size of the structure be changed to meet the requirements of the Code.)

Due to spatial constraints, a redevelopment of the site would be difficult.

(4) Does granting the variances as requested confer on the applicant any special privilege that is denied by the Code to other lands, structures, or buildings in the same district?

No.

Robert Stinson Signature of Applicant 1-17-2020 Date

REQUESTS MUST BE SUBMITTED NO LATER THEN 4:30 P.M. SIXTEEN (16) DAYS PRIOR TO THE OFFICIAL MEETING DATE.

OFFICE USE ONLY	
Received by: <u>City Secretary</u>	Date: <u>1/27/2020</u>
Fee paid (amount): \$ <u>300.00/KY</u>	

Sec. 14-309. - Specific standards.

(a) *Residential lots.*

- (1) Residential lots shall have landscaped areas which in the aggregate include not less than 50 percent of the area contained within the building setbacks.
- (2) A minimum of two trees (either existing or planted) measuring one inch or greater in diameter four feet above the ground at time of planting or measurement (if existing) are required within the front or side street setback areas.
- (3) Landscaping shall be in harmony with the surrounding area adequate to minimize visual monotony and barrenness.

(b) *Nonresidential lots.*

- (1) At least ten percent of the total area within a lot shall contain landscaped areas.
- (2) A landscaped area ten feet in width shall be provided adjacent to each street right of way. Drives and sidewalks shall not be included in the required landscaped area except to the extent to which they may be required to cross the buffer to provide access.
- (3) All open, unpaved space including, but not limited to, front, side and rear building setback areas shall be landscaped.
- (4) An average of at least ten feet and a minimum of five feet shall be a landscaped area and walkway between the building and parking areas.
- (5) Trees, either existing or planted, measuring a minimum of two inches average diameter measured four feet above ground level at the time of planting or measurement (if existing) shall be provided according to the following standards:
 - a. In lots containing 20,000 square feet or less, one tree per 2,000 square feet, or fraction thereof;
 - b. In lots containing more than 20,000 square feet, but less than 100,000 square feet, ten trees, plus one tree per 2,500 square feet or fraction thereof in excess of 10,000 square feet;
 - c. In lots containing more than 100,000 square feet, 46 trees plus one tree per 5,000 square feet, or fraction thereof, over 100,000 square feet;

- d. A minimum of 25 percent of the trees required by this section shall be canopy trees with the remainder in noncanopy trees.

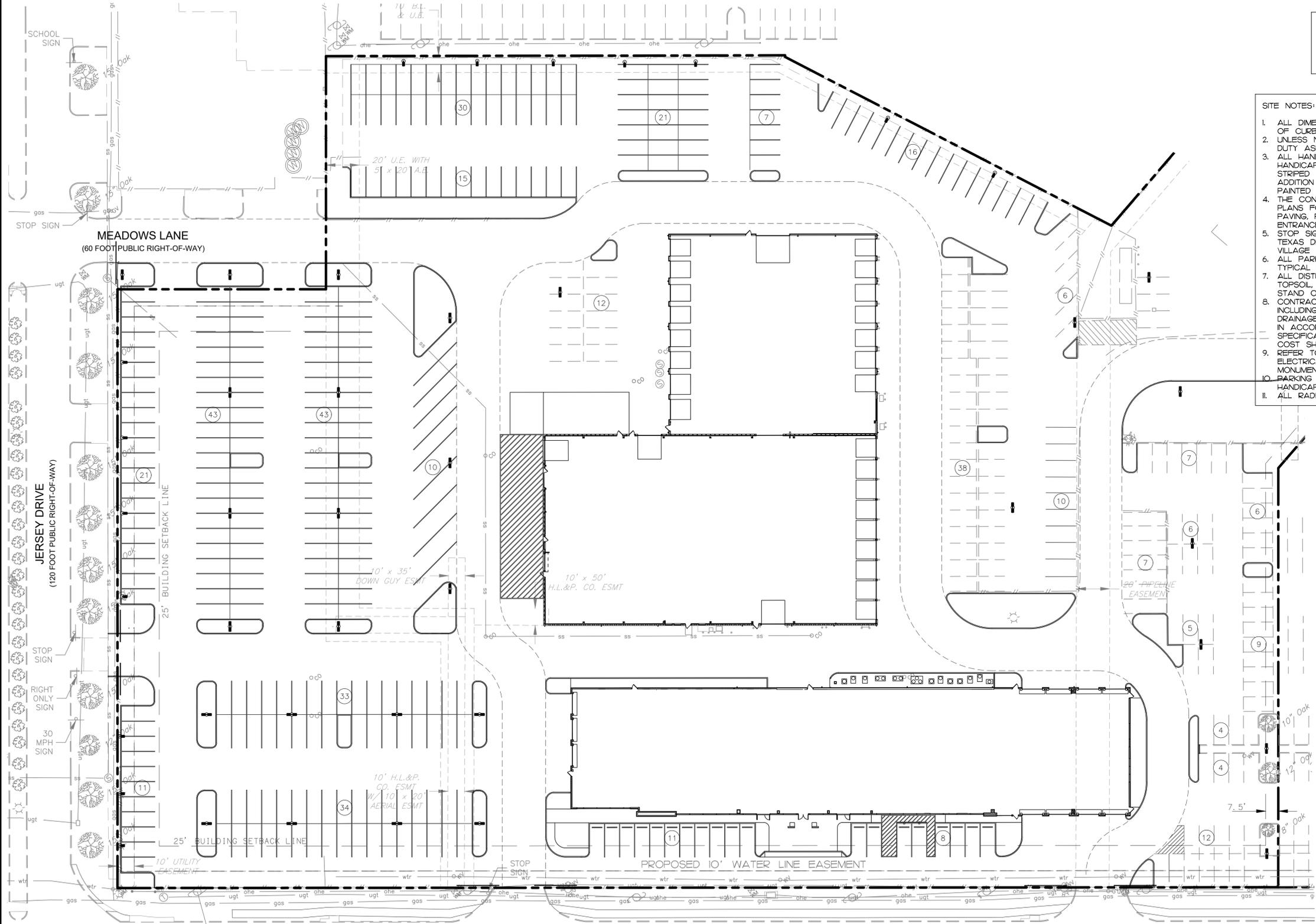
Each tree planted shall be in a planting area with a radius not less than three feet measured from tree trunk to the near edge of the landscaped area. All tree plantings shall be encompassed with an approved curb barrier to prevent access by vehicular traffic.

- (6) Ground signs. A landscaped area not less than ten feet in width shall be located around the supporting structure of each ground sign and extending not less than three feet beyond each end. A hedge or other durable planting, which is not less than one foot in height at the time of planting and which will attain an average height of at least three feet shall extend the entire length and width of the required landscaped setup. Two flowering trees, not less than eight feet in height, shall be located within the required landscape setup. The remainder of the landscaped setup may be in grass or a decorative ground cover.
- (7) Parking lots and other vehicular areas. Vehicular use areas, parking areas, parking lots, and their parked vehicles shall have effective buffering from the street view. A minimum amount of the total area of all vehicular use areas and parking areas of a lot shall be devoted to landscaped islands, peninsulas, or medians. The minimum total area in such islands, peninsulas, and medians shall be 90 square feet for each 12 parking spaces therein. No parking space shall be located further than 50 feet from a permeable landscaped island, peninsula or median or tree. All islands, peninsulas and medians required in the areas stated above, shall be more or less evenly distributed throughout such parking areas, respectively; however, the distribution and location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands, peninsulas, and medians for the respective parking areas above is satisfied.

(Ord. No. 00-15, § 4, 5-15-00)

Editor's note— Ord. No. 00-15, § 4, adopted May 15, 2000, repealed § 14-309, which pertained to procedures, and derived from Ord. No. 95-04, § 1(1103), adopted Feb. 20, 1995. Section 4 of said Ord. No. 00-15 adopted new provisions to read as herein set out.

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020



SITE LEGEND	
---	BOUNDARY LINE
====	CONCRETE CURB AND GUTTER
○ 7	PARKING SPACE (ROW)
○ 8	AREA LIGHT

THE ERECTION (INCLUDING EXCAVATING), DEMOLITION, ALTERATION OR REPAIR OF ANY BUILDINGS, OTHER THAN BETWEEN THE HOURS OF 7:00 AM AND 6:00 PM ON WEEKDAYS, IS PROHIBITED BY THE CITY OF JERSEY VILLAGE.

- SITE NOTES:**
1. ALL DIMENSIONS, UNLESS OTHERWISE NOTED, ARE TO FACE OF CURB, FACE OF BUILDING, OR CENTERLINE OF PARKING.
 2. UNLESS NOTED OTHERWISE, PAVEMENT SHALL BE STANDARD DUTY ASPHALT.
 3. ALL HANDICAP SPACES ARE TO RECEIVE A HANDICAP SIGN. HANDICAP STALLS TO THE LEFT OF AN 8 FOOT (MINIMUM) STRIPED AISLE SHALL RECEIVE A "VAN ACCESSIBLE" SIGN IN ADDITION TO THE ABOVE. HANDICAP SYMBOLS ARE TO BE PAINTED ON THE ASPHALT.
 4. THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF SLOPED PAVING, PRECISE BUILDING DIMENSIONS, AND EXACT UTILITY ENTRANCE POINTS.
 5. STOP SIGNS SHALL MEET THE CRITERIA OF THE STATE OF TEXAS DEPT. OF TRANSPORTATION AND CITY OF JERSEY VILLAGE STANDARDS.
 6. ALL PARKING SPACES ARE TO BE 9.0' WIDE AND 90' TYPICAL UNLESS NOTED OTHERWISE.
 7. ALL DISTURBED AREAS ARE TO RECEIVE SIX INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.
 8. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATION, INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, SIGNS, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN "BASE BID."
 9. REFER TO ARCHITECTURAL PLANS FOR THE SITE LIGHTING ELECTRICAL LAYOUT, INCLUDING ELECTRICAL SERVICE TO THE MONUMENT SIGN.
 10. PARKING STALL STRIPING SHALL BE WHITE, 4' WIDTH. HANDICAP STRIPING SHALL BE WHITE OR PER LOCAL CODE.
 11. ALL RADII, UNLESS OTHERWISE NOTED, ARE 3'.

#	DATE	REVISION DESCRIPTION

FREELAND and KAUFFMAN, INC.
 Engineers & Landscape Architects
 400 WEST MAIN STREET, SUITE 211
 ROUND ROCK, TX 78664
 PHONE (512) 487-5037
 TEXAS REGISTERED ENGINEERING FIRM F-6891

FOR REVIEW
 PURPOSES ONLY

JOE MYERS FORD
 JERSEY VILLAGE, TX
 BERKSHIRE HATHAWAY AUTOMOTIVE
 8333 ROYAL RIDGE PARKWAY, SUITE 100
 IRVING, TEXAS 75063
 ROBERT SANDERS
 976-566-2727

BERKSHIRE HATHAWAY
 AUTOMOTIVE

DRAWN BY
 TBP
 CHECKED BY
 WIDE
 DATE
 1-9-19
 SCALE
 1"=30'
 S-EET

7

SITE PLAN

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON FEBRUARY 12, 2020