



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 January 10, 2022, at 3:00 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. **CITIZENS' COMMENTS** - Any person who desires to address the Board of Adjustment regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Board Members are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Board of Adjustment.
- D. Election of chairperson and vice-chairperson for one-year term beginning October 1, 2021 and ending September 30, 2022. *Board Chairman*
- E. Consider approval of the minutes for the meeting held on September 9, 2020. *Lorri Coody, City Secretary*
- F. Conduct a Public Hearing on Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040. *Board Chairman*
 - (1) Discuss and take appropriate action on Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040. *Evan Duvall, Building Official Representative*
- 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 3, 2022 at 3:00 p.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."

C. CITIZENS' COMMENTS - Any person who desires to address the Board of Adjustment regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Board Members are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Board of Adjustment.

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

AGENDA DATE: January 10, 2022

AGENDA ITEM: D

AGENDA SUBJECT: Election of chairperson and vice-chairperson for one-year term beginning October 1, 2021 and ending September 30, 2022.

Department/Prepared By: Lorri Coody, City Secretary **Date Submitted:** December 20, 2021

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 February 12, 2020, meeting minutes, Tom Simchak was elected to a one-year term as chairperson, beginning October 2019 and ending September 2020; and Joe Pennington was elected to a one-year term as vice-chairperson, beginning October 2019 and ending September 2020.

Given that there were no meetings since September of 2020, there were no officers appointed for the term beginning October 2020 and ending September 2021. Those appointed previously carry over as a matter of law.

It is appropriate for the Board to conduct elections at this meeting for the term beginning October 2021 and ending September 2022.

RECOMMENDED ACTION:

Elect Officers

MINUTES OF THE MEETING FOR THE BOARD OF ADJUSTMENT OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON SEPTEMBER 9, 2020 AT 1:00 P.M. PURSUANT TO SECTION 418.016 OF THE TEXAS GOVERNMENT CODE.

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, the public was not allowed to be physically present at this 2020 Charter Review Commission Meeting for the City of Jersey Village, Texas, but the meeting was available to members of the public and allowed for two-way communications for those desiring to participate via telephone with the following toll-free number: **346-248-7799 along with Webinar ID: 913 2407 8054.**

A. The meeting was called to order by Chairman Tom G. Simchak at 1:07 p.m. and the roll of appointed officers was taken. Board Members present were:

| | |
|------------------------------|---------------------------------|
| Thomas G. Simchak, Chairman | M. Reza Khalili, Board Member |
| Joe Pennington, Board Member | Nester Mena, Alternate Place 1 |
| Ken Nguyen, Board Member | Judy Tidwell, Alternate Place 2 |

Council Liaison, Gary Wubbenhorst was present.

Board Member, Henry Hermis was not present at this meeting.

City Staff in attendance: Scott Bounds, City Attorney; Lorri Coody, City Secretary; Christian Somers, Building Official and Harry Ward, Public Works Director.

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

Chairman Simchak designated Nester Mena, Alternate Place 1 to serve in the place of Board Member Henry Hermis.

C. Consider approval of the minutes for the meeting held on June 8, 2020.

Board Member Khalili moved to approve the minutes for the meeting held on June 8, 2020. Board Member Nguyen seconded the motion. The vote follows:

Ayes: Board Members Pennington, Nguyen, Khalili and Mena
Chairman Simchak

Nays: None

The motion carried.

D. Conduct a public hearing on Joe Brothers' request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 25 foot rear setback by up to nine (9) feet for the property located at 15710 Australia, Jersey Village, Texas 77040.

Chairman Simchak opened the public hearing at 1:11 p.m. in order to receive written and oral comments from any interested person(s) concerning Joe Brothers' request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 25 foot rear setback by up to nine (9) feet for the property located at 15710 Australia, Jersey Village, Texas 77040.

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

Chairman Simchak called upon the applicant to present his case and supporting evidence concerning the variance request.

Mr. Brothers presented his request. He told the Board that he wants to build a patio cover at the rear of his home. The cover will encroach the rear setback by up to nine (9) feet. He shared his screen with the Board in order to show pictures of what he wants to do and how his plans affect the rear setback. He also showed a site plan which depicts his lot size and shape. The lot is an odd shape.

The Board wondered about the square footage of the area that will be encroached. City Building Official Somers stated that the problem is not so much the square footage of the encroachment, rather the two to three columns that will encroach the rear setback.

There were questions about where the columns will be placed upon the property. Mr. Brothers showed another site plan of the roof line and the columns that will encroach the rear setback.

City Building Official Somers gave City Code information about primary structures and lot lines. The Board wondered what would happen if the patio cover was free standing and not attached. Mr. Somers explained that such a structure would be allowed to be three (3) feet from the lot line but would not be permitted to encroach any easements unless it was placed on skids or was a pool deck.

There was discussion about the rear building line, which is the issue that encroaches the rear setback.

With no further comments from the Applicant, Board Chairman Simchak called Christian Somers, the City's Building Official, to present any information that he deemed necessary, appropriate, or relative to the application.

Mr. Somers stated that the Board has granted requests in the past for carports that encroach the side setbacks. There was another request where steel I beams were used where the right front pole encroached the setback. In this case, the structure in question is the rear of the home and is not visible from the right of way. So given past rulings and the fact that it will not be visible from the right of way, this request should be granted.

City Attorney Bounds stated that what is distinguishing about this case is the dimensions of the lot and that the lot shape is unique. He also stated that the structure is unlikely to affect any privacy issues. He cautioned the Board that variances are determined on a case by case bases and any rulings by the Board will not affect other cases.

The Board wanted to know if there are any negatives to granting this request. City Building Official Somers stated that he cannot see any negatives. If the variance is granted and the patio is built, there will still be 50% of permeable cover in Mr. Brothers’ back yard.

With no further discussion or questions, the Board Chairman called if there was anyone else desiring to speak in favor or opposed to the granting of the application.

Hearing no one desiring to speak, the Board Chairman called upon the applicant to make any rebuttal statements.

Mr. Brothers stated he would like the variance granted.

The Board then discussed the request, and with no other comments, Chairman Simchak closed the public hearing on Joe Brothers’ request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 25 foot rear setback by up to nine (9) feet for the property located at 15710 Australia, Jersey Village, Texas 77040 at 1:29 p.m.

(1) Discuss and take appropriate action on Joe Brothers’ request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 25 foot rear setback by up to nine (9) feet for the property located at 15710 Australia, Jersey Village, Texas 77040.

Some Board Members felt that the variance should be granted because of the irregular shape of lot and because the planned structure will not be enclosed.

With no further discussion on the matter, Board Member Pennington moved to grant Joe Brothers’ request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 25 foot rear setback by up to nine (9) feet for the property located at 15710 Australia, Jersey Village, Texas 77040. Board Member Khalili seconded the motion. The vote follows:

Ayes: Board Members Pennington, Khalili, Nguyen, and Mena
Chairman Simchak

Nays: None

The motion carried.

The Board’s Original Order No. 2020-07 is attached to and made a part of these minutes.

E. Conduct a public hearing on Elizabeth Earnest’s request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 7 and 1/2 foot side setback by 1 and 1/2 feet for the property located at 16210 Singapore, Jersey Village, Texas 77040.

Chairman Simchak opened the public hearing at 1:31 p.m. in order to receive written and oral comments from any interested person(s) concerning Elizabeth Earnest’s request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 7 and 1/2 foot side setback by 1 and 1/2 feet for the property located at 16210 Singapore, Jersey Village, Texas 77040.

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

Chairman Simchak called upon the applicant to present her case and supporting evidence concerning the variance request.

Ms. Earnest explained her request for variance. She plans to add onto her home and wants a variance to encroach the side setback. She shared pictures of her plans that depict her remodel. The new structure will meet with the existing structure that already encroaches the side setback by 1 and ½ feet.

The Board had a few questions for the applicant about the plans she shared. She responded accordingly.

With no further comments from the Applicant, Board Chairman Simchak called Christian Somers, the City's Building Official, to present any information that he deemed necessary, appropriate, or relative to the application.

Mr. Somers stated that when the home was built, it encroached the side setback. If the variance is not granted, the remodel would have to move left and would not be pleasing from the right of way. He reported that the City has not received any complaints about the existing home encroaching the side setback. Accordingly, the City does not object to the request.

With no further discussion or questions, the Board Chairman called if there was anyone else desiring to speak in favor or opposed to the granting of the application.

Hearing no one desiring to speak, the Board Chairman called upon the applicant to make any rebuttal statements.

Ms. Earnest stated she checked with the neighbors and they did not have any problems with her plans to add onto her existing home.

With no other comments, Chairman Simchak closed the public hearing on Elizabeth Earnest's request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 7 and 1/2 foot side setback by 1 and 1/2 feet for the property located at 16210 Singapore, Jersey Village, Texas 77040 at 1:38 p.m.

(1) Discuss and take appropriate action on Elizabeth Earnest's request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 7 and 1/2 foot side setback by 1 and 1/2 feet for the property located at 16210 Singapore, Jersey Village, Texas 77040.

Chairman Simchak asked the City Attorney for input. City Attorney Bounds stated that he is not aware of any City Ordinances that address additions onto non-conforming structures so there is no further guidance.

With no further discussion on the matter, Board Member Pennington moved to grant Elizabeth Earnest's request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 7 and 1/2 foot side setback by 1 and 1/2 feet for the property located at 16210 Singapore, Jersey Village, Texas 77040. Board Member Khalili seconded the motion. The vote follows:

Ayes: Board Members Pennington, Khalili, Nguyen, and Mena
Chairman Simchak

Nays: None

The motion carried.

The Board's Original Order No. 2020-08 is attached to and made a part of these minutes.

F. Adjourn

With no other business before the Board, Chairman Simchak adjourned the meeting at 1:40 p.m.

s/Lorri Coody, City Secretary



DRAFT



**CITY OF JERSEY VILLAGE
BOARD OF ADJUSTMENT
ORDER NO. 2020-07**

WHEREAS, on August 17, 2020, Joe Brothers filed a request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 25 foot rear setback by up to nine (9) feet for the property located at 15710 Australia, Jersey Village, Texas 77040.

WHEREAS, the Board conducted a Public Hearing and received information from the Public and from the Applicants on September 9, 2020; and

WHEREAS, after closing the hearing, the Board in making its decision considered:

- if the request for variance is contrary to the public’s interest;
- if, due to special conditions, enforcement of Chapter 14, Article IV, Section 14-88(b) will result in an unnecessary hardship for Joe Brothers; and
- that in granting the variance, the spirit of this chapter will be upheld and observed;

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF JERSEY VILLAGE THAT:

SECTION 1. In consideration of the information before the Board, with a concurring vote of at least four (4) members, the Board voted to GRANT the request of Joe Brothers for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 25 foot rear setback by up to nine (9) feet for the property located at 15710 Australia, Jersey Village, Texas 77040.

PASSED, APPROVED, AND ORDERED this 9th day of September 2020.

s/Thomas G. Simchak, Chairman

ATTEST:

s/Lorri Coody, City Secretary



BOARD OF ADJUSTMENT MEETING PACKET FOR JANUARY 10, 2022



**CITY OF JERSEY VILLAGE
BOARD OF ADJUSTMENT
ORDER NO. 2020-08**

WHEREAS, on August 21, 2020, Elizabeth Earnest filed a request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 7 and 1/2 foot side setback by 1 and 1/2 feet for the property located at 16210 Singapore, Jersey Village, Texas 77040.

WHEREAS, the Board conducted a Public Hearing and received information from the Public and from the Applicants on September 9, 2020; and

WHEREAS, after closing the hearing, the Board in making its decision considered:

- if the request for variance is contrary to the public's interest;
- if, due to special conditions, enforcement of Chapter 14, Article IV, Section 14-88(b) will result in an unnecessary hardship for Elizabeth Earnest; and
- that in granting the variance, the spirit of this chapter will be upheld and observed;

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF JERSEY VILLAGE THAT:

SECTION 1. In consideration of the information before the Board, with a concurring vote of at least four (4) members, the Board voted to GRANT the request of Elizabeth Earnest for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Section 14-88(b), to encroach the 7 and 1/2 foot side setback by 1 and 1/2 feet for the property located at 16210 Singapore, Jersey Village, Texas 77040.

PASSED, APPROVED, AND ORDERED this 9th day of September 2020.

s/Thomas G. Simchak, Chairman

ATTEST:

s/Lorri Coody, City Secretary



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

AGENDA DATE: January 10, 2022

AGENDA ITEM: F

AGENDA SUBJECT: Conduct a public hearing on Lester Jones’ request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

Department/Prepared By: Lorri Coody, City Secretary

EXHIBITS: [Application for SUP](#)
[City’s Certification](#) of Public Hearing Posting Requirements
[Applicant’s Certification](#) - Posting Requirements
[PH Script](#)

BACKGROUND INFORMATION:

Lester Jones’ filed a request, on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

Before the Board can consider the application for this variance, it must conduct a public hearing in order to receive written and oral comments from any interested person(s) concerning Lester Jones’ request.

This item is to conduct the public hearing.

RECOMMENDED ACTION:

Conduct a public hearing on Lester Jones’ request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

CITY OF JERSEY VILLAGE
Application for Request for Variance

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

PROPERTY INFORMATION

Address: 8307 JONES ROAD
Legal Description: Lot 1 Block: 1 Subdivision: KIMKEL ALRES

APPLICANT INFORMATION

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

Applicant: TEXAS SN JERSEY VILLAGE, LLL Phone: 713-208-7733
Address: 5629 FM1960 ROAD WEST, SUITE 314
City: HOUSTON State: TX Zip: 77069

OWNER INFORMATION

| | |
|-------------------------------------|---------------------|
| <u>TEXAS SN JERSEY VILLAGE, LLL</u> | <u>713-208-7733</u> |
| Property Owner | Telephone Number |
| <u>5629 FM 1960 WEST, SUITE 314</u> | <u>HOUSTON, TX</u> |
| Street Address | City |
| | <u>77069</u> |
| | State |
| | Zip Code |

Describe variance sought: REDUCTION IN MINIMUM BUILDING SQUARE FOOTAGE TO 664 SF

Describe existing standard: MINIMUM BUILDING SQUARE FOOTAGE IS 1,000 SF

BOARD OF ADJUSTMENT MEETING PACKET FOR JANUARY 10, 2022

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?

THE PROPOSED BUILDING IS A STAND-ALONE DRIVE THRU ONLY COFFEE
KIOSK. THIS USE AND CONCEPT DID NOT EXIST WHEN THE CURRENT
ZONING CODE WAS WRITTEN.

(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 CODE DOES NOT TAKE INTO ACCOUNT THAT THIS
IS PART OF A LARGER OVERALL DEVELOPMENT, AND WOULD GO
AGAINST THE TENANT'S BUSINESS MODEL.

(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, EXPANDING THE BUILDING WOULD RENDER IT IMPRACTICAL
FOR THE PROPOSED USE.

(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, THE TOTAL SQUARE FOOTAGE ON THE TRACT WILL FAR EXCEED
1,000 SF



Signature of Applicant

12/1/2021

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): \$ _____ | |

Ashley Lopez
City of Jersey Village
16327 Lakeview Drive
Jersey Village, Texas 77040
anlopez@jerseyvillagetx.com

Re: Village 290 - Variance Application Support Letter

Ms. Lopez-

Thank you for your time and consideration related to the variance request for the proposed Scooter's Coffee Kiosk located within the Village 290 project. We have been working diligently over the past year to redevelop the abandoned Landmark Furniture store into a modern retail and business complex and in support of that effort, we are happy to announce that we have entered into a lease agreement with Scooter's Coffee to construct a new kiosk at this location. While the lease is contingent on the approval of this variance, we are thrilled to have such strong interest from a national coffee user and are confident that their presence within the project will drive further leasing activity.

Scooter's Coffee is a nationwide coffee company based on Omaha, Nebraska that specializes in providing coffeehouse quality drinks with drive-thru convenience. Scooter's currently operates over 400 locations and are one of the fastest growing quick service restaurant brands in the nation.

The Scooter's prototypical kiosk has an interior building area of 664 square feet, which is 336 square feet smaller than the minimum building square footage required by the zoning ordinance. In support of this variance request, please see the following justifications:

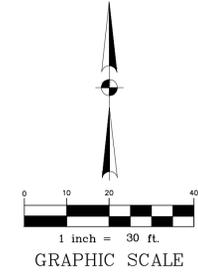
- 1) The Village 290 Project currently consists of over 40,000 square feet of building square footage. Moreover, the current Phase 2 plan is to construct an additional 30,000 sf of premium retail/flex space, which would bring the ultimate project square footage to over 70,000 square feet. In other words, while the square footage of the Scooter's building itself may be under the required 1,000 square feet, it is part of an overall development that far exceeds the minimum square footage requirement.
- 2) When the zoning code was originally written, this type of use was not commonplace. Long-term trends in the quick service restaurant industry - combined with temporary COVID related restrictions and safety concerns - have permanently changed consumer habits and placed a premium on drive thru services and convenience.
- 3) While the overall square footage of the building is 664 sf, the average annual volume of a Scooter's unit is \$925,000 in gross sales. The structure is placed on a permanent concrete foundation and the building is constructed onsite. To put the anticipated investment into scale, the permitting, construction, and fixturing costs of the store are anticipated to be over \$1,000 per square foot.

Thanks again for your consideration of this variance, and as always, please don't hesitate to call if I can be of any assistance.

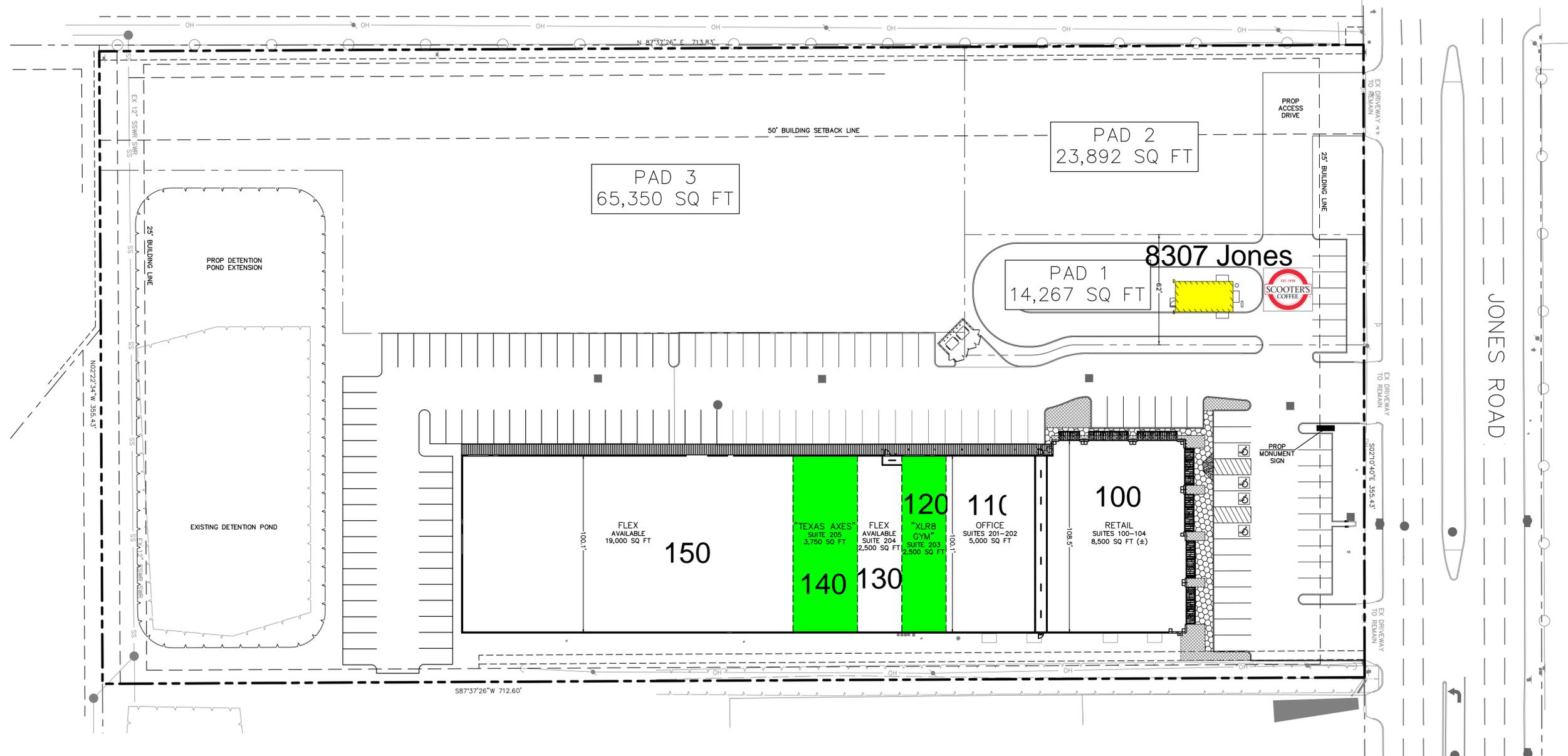
Sincerely,



Lester Jones
Partner
Texas SN Jersey Village, LLC
5629 FM1960 West, Suite 314
Houston, TX 77069
Email: ljones@aljindsey.com
Office: 713-208-7733



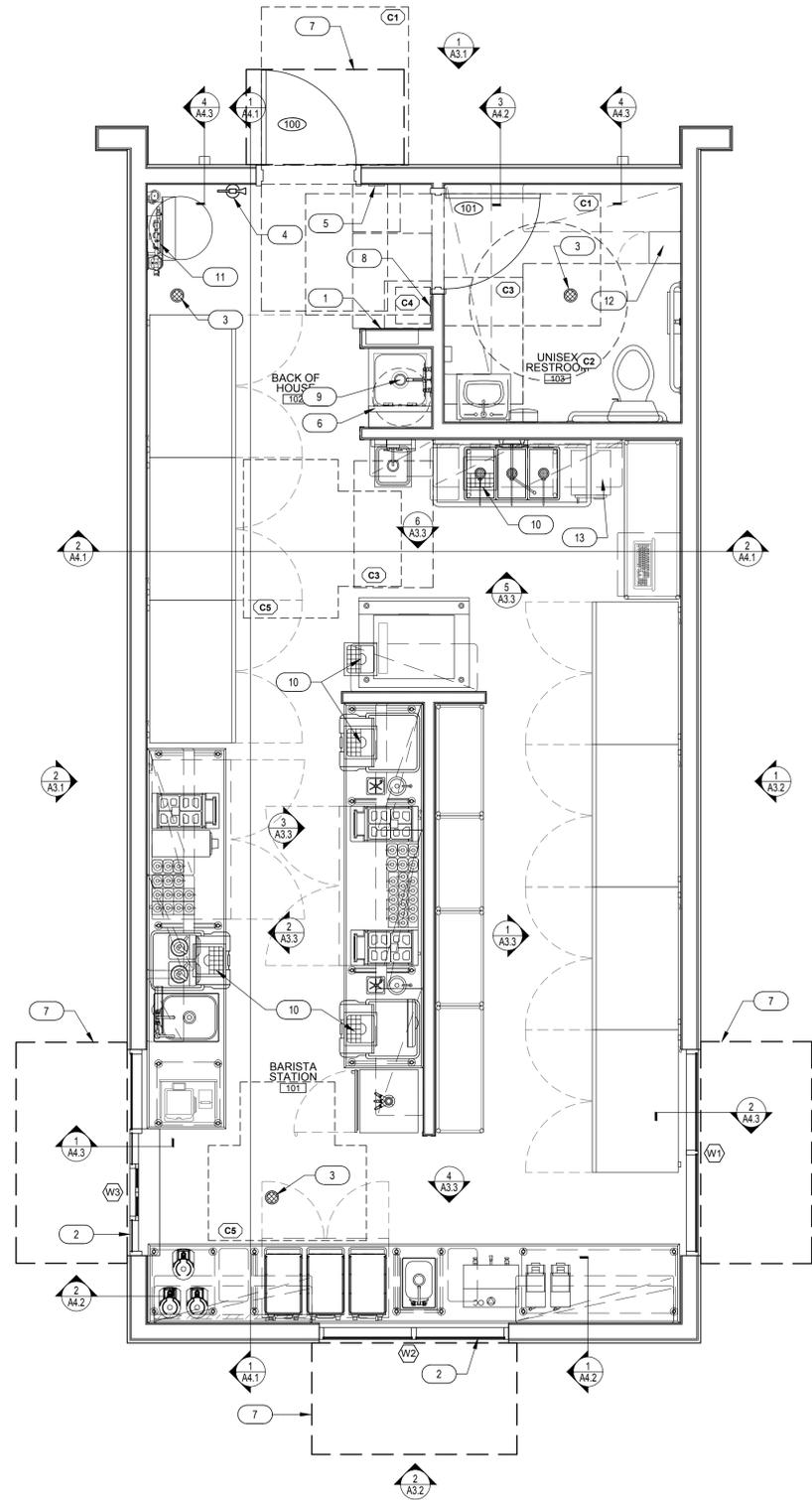
PARKING ANALYSIS:
TOTAL PARKING SPACES 140 SPACES



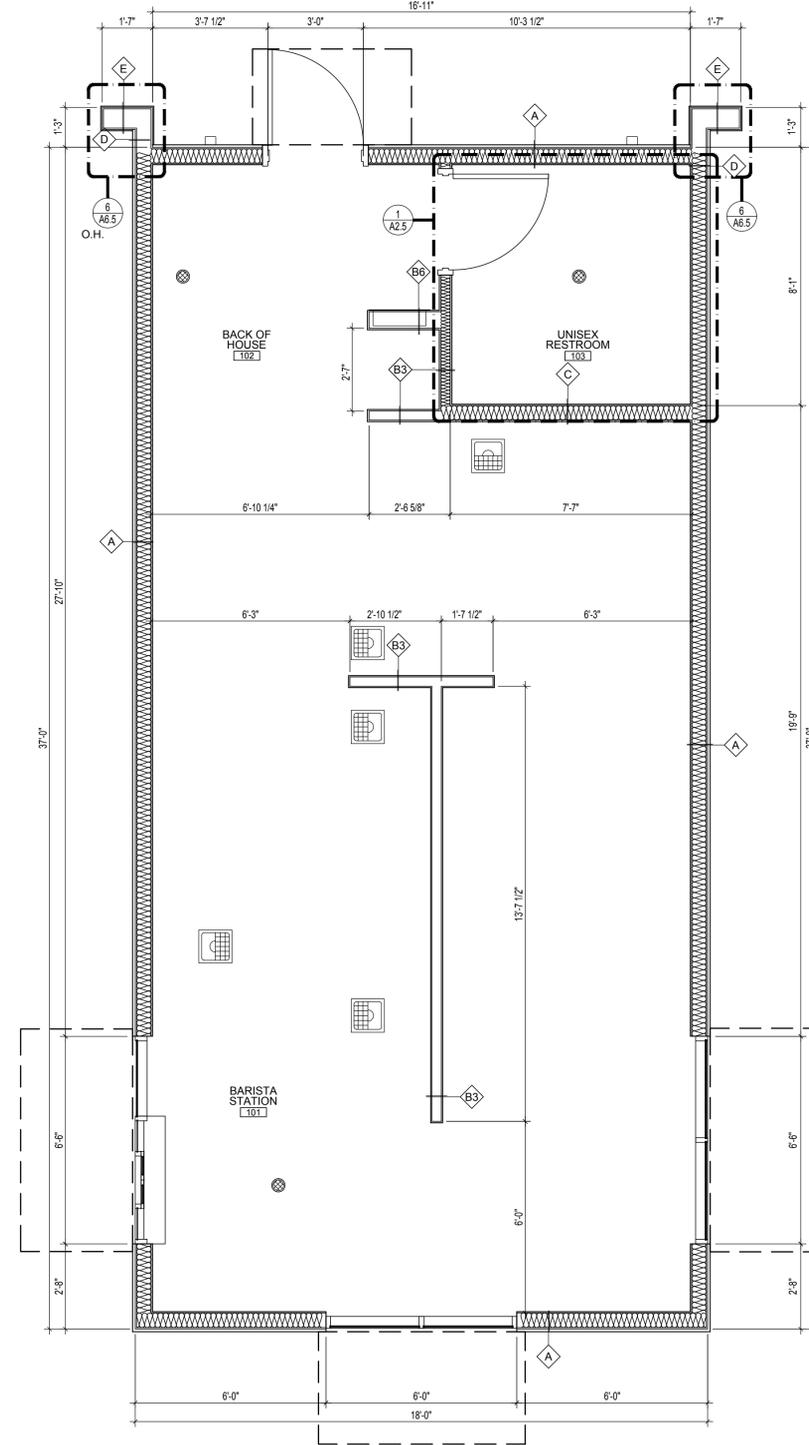
| | | | | | |
|---|-----------------|-----------------|---------------|-----------------|------|
| AL PROJECT NO. 070-20-00029 | DATE: OCT. 2021 | SCALE: 1" = 30' | DRAWN BY: KAD | CHECKED BY: KAD | |
| SITE PLAN - 36 10/29/2021 | | | | | |
| VILLAGE 290 8301 JONES ROAD JERSEY VILLAGE, TEXAS | | | | | |
| SHEET EX-1 | | | | | |
| | | | | REVISIONS | DATE |
| | | | | No. | |
| ALJLindsey Civil Engineers, Inc. - Suite 314 Houston, TX 77066 281.301.5955 FRN F11526 | | | | | |

BOARD OF ADJUSTMENT MEETING PACKET FOR JANUARY 10, 2022

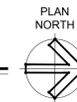
THIS DRAWING AND ITS CONTENTS ARE THE COPYRIGHTED PROPERTY OF GHA ARCHITECTS. USE THEREOF IS LIMITED TO THE SPECIFIC PROJECT AND SITE SET FORTH ABOVE, AND MAY NOT BE OTHERWISE USED OR REPRODUCED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF GHA ARCHITECTS. THE ARCHITECT, THIS DRAWING IS TO BE RETURNED UPON REQUEST.



2 FLOOR PLAN
 SCALE: 3/8" = 1'-0"



1 DIMENSION PLAN
 SCALE: 3/8" = 1'-0"



GENERAL NOTES

- A. PROVIDE PAINTED METAL ACCESS PANELS IN WALLS AND CEILINGS AT CONCEALED ITEMS SUCH AS VALVES, SHOCK ABSORBERS, CONTROLS, SWITCHES, ETC. AND ANY ITEMS WHICH MAY REQUIRE ACCESS NOT OTHERWISE PROVIDED.
- B. GENERAL CONTRACTOR WILL FURNISH AND INSTALL 5LB MULTIPURPOSE DRY CHEMICAL (2A/10BC) RATED FIRE EXTINGUISHERS WITH MOUNTING BRACKETS AND ACCESSORIES AT 4'-0" A.F.F. AS REQUIRED BY GOVERNMENTAL AUTHORITIES. MAXIMUM TRAVEL DISTANCE OF 75'-0" FOR PLACEMENT.
- C. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO COORDINATE, LOCATE, AND CONFIRM ALL FLOOR SINK, UNDERGROUND / OVERHEAD PLUMBING AND ELECTRICAL STUB-UPS.
- D. SEE ROOM FINISH SCHEDULE FOR ALL ROOM FINISHES, SHEET A2.2.
- E. SEE KITCHEN DRAWINGS FOR EQUIPMENT INFORMATION, SHEET K1.0.
- F. GENERAL CONTRACTOR TO CAULK AND SEAL ALL EXPANSION AND SAW CUT JOINTS AT ALL EXTERIOR/INTERIOR CONCRETE - SEE JOINT SEALERS SPECIFICATIONS.
- G. ALL ITEMS SUCH AS LIGHT SWITCHES, FIRE EXTINGUISHERS, FIRE ALARM PULLS AND OTHER ITEMS TO BE LOCATED AS CLOSE AS POSSIBLE TO THE ADJACENT DOOR FRAME.
- H. AT MOP SINK AND SINKS, PROVIDE 120 CLEANING SOLUTION DISPENSER ON HOSE BIBB SIDE. THERE SHALL BE A MAXIMUM 1/2" OFFSET AT ALL THRESHOLDS AND AT ANY CHANGE OF FLOORING MATERIALS. OFFSETS GREATER THAN 1/4" REQUIRE A MAXIMUM BEVELED SLOPE OF 1 UNIT VERTICAL TO 2 UNITS HORIZONTAL.
- J. ALL DOORS ARE 4" OFF ADJACENT WALLS UNO.
- K. ALL EXTERIOR DOOR LANDING GRADES SHALL HAVE A SMOOTH TRANSITION TO THE ADJACENT PAVED SURFACE, AND THE MAX. RUNNING AND CROSS SLOPE OF ALL LANDINGS WILL BE 2%.
- L. PROVIDE THERMOMETER ACCURATE TO 2 DEGREES FAHRENHEIT IN REFRIGERATORS IF ONE IS NOT INCLUDED WITH FIXTURE.
- M. ALL HAND SINKS MUST BE PROVIDED WITH A HAND WASHING SIGN, PAPER TOWEL DISPENSER AND HAND SOAP DISPENSER.

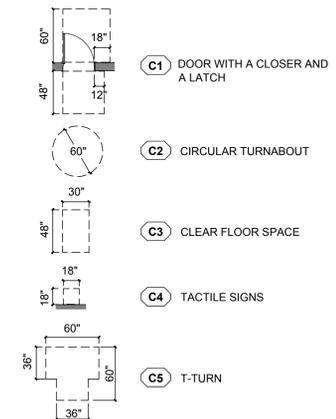
WALL LEGEND

- FRAMING / DIMENSIONING NOTE:
 ALL DIMENSIONS ARE TO FACE OF STUD, TYP.
- A EXTERIOR WALL:
 HARDIE BOARD OVER WEATHER RESISTANT BARRIER (WRB) OVER SHEATHING OVER 2x6" WOOD STUDS @ 16" O.C., 1/2" CEMENT BOARD AT BASE W/ 1/2" PLYWOOD ABOVE AND FRP PANEL TO 10'-6" A.F.F., PROVIDE BATT INSULATION PER COMCHECK IN ALL EXTERIOR WALLS.
 - B3 INTERIOR PARTITION WALL:
 2x4" WOOD STUDS @ 16" O.C., 1/2" CEMENT BOARD AT BASE W/ 1/2" PLYWOOD ABOVE AND FRP PANEL FINISH TO 10'-6" A.F.F. BOTH SIDES. PROVIDE R-13 ACOUSTICAL BATT INSULATION AT RESTROOM.
 - B6 INTERIOR PARTITION WALL:
 2x6" WOOD STUDS @ 16" O.C., 1/2" CEMENT BOARD AT BASE W/ 1/2" PLYWOOD ABOVE AND FRP PANEL FINISH TO 10'-6" A.F.F. BOTH SIDES. PROVIDE R-13 ACOUSTICAL BATT INSULATION AT RESTROOM.
 - C PLUMBING PARTITION:
 2x6" WOOD STUDS @ 16" O.C. 1/2" CEMENT BOARD AT BASE W/ 1/2" MOISTURE RESISTANT GYP BD ON RESTROOM SIDE AND 1/2" CEMENT BOARD AT BASE W/ 1/2" PLYWOOD FOR BACK OF HOUSE WITH FRP PANEL TO 10'-6" A.F.F. BOTH SIDES. PROVIDE R-13 ACOUSTICAL BATT INSULATION IN PARTITION.
 - D EXTERIOR WING WALL:
 HARDIE BOARD OVER WEATHER RESISTANT BARRIER (WRB) OVER SHEATHING OVER 2x6" WOOD STUDS @ 16" O.C., SHEATHING AND BREAK METAL ONE SIDE.
 - E EXTERIOR WING WALL:
 2x6" WOOD STUDS @ 16" O.C. OVER WEATHER RESISTANT BARRIER (WRB) OVER SHEATHING AND BREAK METAL BOTH SIDES.

KEYNOTES - FLOOR PLAN

- 1. NEW ELECTRICAL PANEL, SEE ELECTRICAL DRAWINGS
- 2. GRAPHICS ON WINDOW BY OWNER
- 3. FLOOR DRAIN, SEE PLUMBING DRAWINGS
- 4. 2A-10BC MINIMUM RATED FIRE EXTINGUISHER
- 5. PROVIDE TACTILE EXIT SIGN AT EXIT DISCHARGE
- 6. WATER HEATER ABOVE, SEE PLUMBING DRAWINGS
- 7. LINE OF CANOPY ABOVE BY OTHERS
- 8. ACCESSIBLE RESTROOM SIGN
- 9. MOP SINK, SEE PLUMBING DRAWINGS
- 10. FLOOR SINK, SEE PLUMBING DRAWINGS
- 11. R.O. SYSTEM, SEE PLUMBING DRAWINGS
- 12. 6 DOOR EMPLOYEE LOCKERS ANCHORED TO WALL BY GC
- 13. FLOOR SAFE BY OWNER, BOLTED TO FLOOR BY G.C.

CLEARANCE KEYNOTE



| DOOR LEGEND | |
|---------------|--|
| # | DOOR TAG. REFER TO SCHEDULE ON SHEET A5.2 |
| WINDOW LEGEND | |
| # | WINDOW TAG. REFER TO DETAILS ON SHEET A5.1 |



PROJECT ADDRESS:
 8311 JONES RD
 JERSEY VILLAGE,
 TX 77065

REVISIONS:

TITLE:
DIMENSION PLAN & FLOOR PLAN

DATE:
 12/02/2021
 PROJECT NO.
 210XXX

- DESIGN DEVELOPMENT
- PERMIT SUBMITTAL
- BID PACKAGE
- CONSTRUCTION ISSUE

SHEET NO.

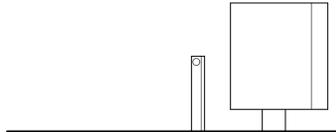
A2.1

BOARD OF ADJUSTMENT MEETING PACKET FOR JANUARY 10, 2022

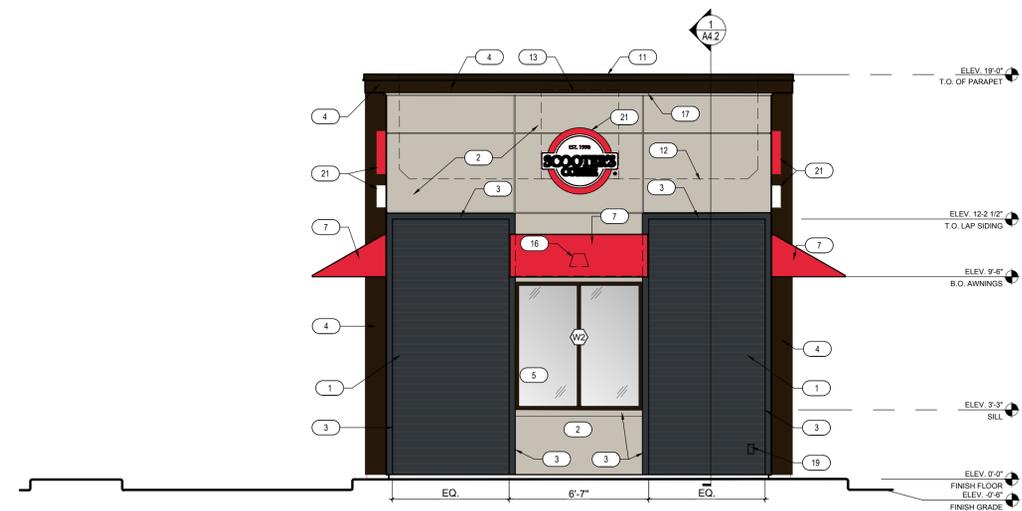
KEYNOTES

1. HARDIE PLANK HZ10 LAP SIDING CEDARMILL 6-1/4", SEE HARDIE DETAIL SHEET A6.5 - COLOR: SHERWIN WILLIAMS SW6992 INKWELL EGGSHELL FINISH
2. HARDIE REVEAL PANEL SYSTEM WZ10 - SMOOTH FINISH, SEE HARDIE DETAIL SHEET A6.5 - COLOR: SW 1015 SKYLINE STEEL
3. 3 1/2" HARDIE TRIM, SEE HARDIE DETAIL SHEET A6.5 - COLOR: SHERWIN WILLIAMS SW6992 INKWELL EGGSHELL FINISH
4. 20 GAUGE METAL ACCENTS AND SOFFITS - COLOR: BLACK
5. INSULATED DARK BRONZE ALUMINUM WINDOWS WITH DUAL PANE TEMPERED GLASS
6. QUICKSERVE 48X48 WINDOW - COLOR: DARK BRONZE
7. AWNING BY OTHERS - COLOR: RED
8. INSULATED HOLLOW METAL DOOR AND FRAME - COLOR: SHERWIN WILLIAMS SW6992 INKWELL EGGSHELL FINISH
9. PEEP HOLE, BY DOOR MANUFACTURER
10. DOOR BELL
11. 20 GAUGE METAL PARAPET CAP
12. LINE OF ROOF BEYOND
13. ROOF TOP UNIT BEYOND, SEE MECHANICAL DRAWINGS
14. ROOF SCUPPER AND DOWNSPOUT, SEE DETAIL 8/A6.3
15. MAILBOX BY OWNER
16. WALL MOUNTED LIGHT FIXTURE, SEE ELECTRICAL DRAWINGS
17. LED LIGHT BAND, SEE ELECTRICAL DRAWINGS
18. SES PANEL, SEE ELECTRICAL DRAWINGS
19. ELECTRICAL OUTLETS, SEE ELECTRICAL DRAWINGS
20. HOSE BIBB, SEE PLUMBING DRAWINGS
21. SIGNAGE BY OTHERS, UNDER A SEPARATE PERMIT
22. SPANDREL GLASS
23. CONNECT DOWNSPOUTS TO UNDERGROUND PIPING, REF. CIVIL.

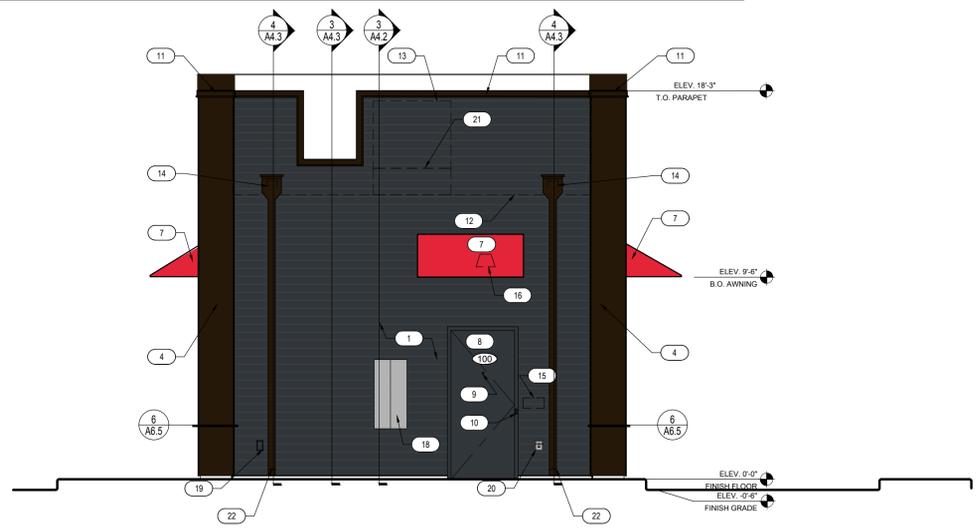
X



4 EXTERIOR ELEVATIONS
 SCALE: 1/4" = 1'-0"



3 EXTERIOR ELEVATIONS
 SCALE: 1/4" = 1'-0"



2 EXTERIOR ELEVATIONS
 SCALE: 1/4" = 1'-0"



1 EXTERIOR ELEVATIONS
 SCALE: 1/4" = 1'-0"



PROJECT ADDRESS:
 8311 JONES RD
 JERSEY VILLAGE,
 TX 77065

REVISIONS:

TITLE:
**EXTERIOR
 COLOR
 ELEVATIONS**

DATE:
 12/02/2021
 PROJECT NO.
 210XXX

- DESIGN DEVELOPMENT
- PERMIT SUBMITTAL
- BID PACKAGE
- CONSTRUCTION ISSUE

SHEET NO.

A3.0

THIS DRAWING AND ITS CONTENTS ARE THE COPYRIGHTED PROPERTY OF GHA ARCHITECTS USE THEREOF IS LIMITED TO THE SPECIFIC PROJECT AND SITE SET FORTH ABOVE, AND MAY NOT BE OTHERWISE USED OR REPRODUCED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF GHA ARCHITECTS, THE ARCHITECT. THIS DRAWING IS TO BE RETURNED UPON REQUEST.

BOARD OF ADJUSTMENT MEETING PACKET FOR JANUARY 10, 2022

Lorri Coody

From: Lorri Coody
Sent: Tuesday, December 14, 2021 1:00 PM
To: Evan Duvall; Taylor Kevin (ktaylor@bbgcode.com)
Cc: Ashley Lopez
Subject: RE: 8311 Jones Rd.--Variance Application
Attachments: Building Projects Payment Notification; Jones Road Scooters Letter.pdf; 20211028_Jones Rd-Village 290 - SITE PLAN 36.pdf; 1496_211202114616_001.pdf; A2.1 - DIMENSION_FLOOR PLAN-A2.1.pdf; A3.1 - EXTERIOR ELEVATIONS-A3.0.pdf; BOA Rules of Procedure - Adopted 7.17.2019 - PDFa.pdf

Evan:

Thank you for visiting with me on the attached application.

We decided that it will not be necessary to have the applicant update the application, but in moving forward, you will work with applicants to insure that this information is included in the application.

You told me that the place in the code for this particular request is Section 14-109(b)(2) - *Building area*. The building area of each building shall not be less than 1,000 square feet of ground floor area except gasoline filling stations which shall contain not less than 500 square feet of ground floor area.

I will move forward with this information and try to get a quorum of the BOA sometime in early January. Also, since I am not sure you have our Rules of Procedure, I have attached same here for your review.

Thanks Lorri

Lorri Coody, TRMC

*City Secretary, City of Jersey Village
Office (713) 466-2102 / Fax (713) 466-2177*



ONLINE PAYMENTS!

This is your payment receipt.

Confirmation Number
45DRR5QMDX

Payment Date
12/13/2021 2:48 PM

| Project | Segment | User's Email | Amount paid |
|---|--|--|-------------|
| 8311 JONES TEXAS SN JERSEY VILLAGE #0000009270 | MISCELLANEOUS CONVERTED TEXAS SN JERSEY VILLAGE | ljones@aljindsey.com | \$350.00 |

[Municipal Online Services](#)

[Login](#)

21

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709



**Certificate of Formation
Limited Liability Company**

Filing Fee: \$300

Filed in the Office of the
Secretary of State of Texas
Filing #: 803873257 12/28/2020
Document #: 1015987650002
Image Generated Electronically
for Web Filing

Article 1 - Entity Name and Type

The filing entity being formed is a limited liability company. The name of the entity is:

TEXAS SN JERSEY VILLAGE, LLC

Article 2 – Registered Agent and Registered Office

A. The initial registered agent is an organization (cannot be company named above) by the name of:

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

Alfred L. Jones

C. The business address of the registered agent and the registered office address is:

Street Address:

5629 FM 1960 West, Ste. 314 Houston TX 77069

Consent of Registered Agent

A. A copy of the consent of registered agent is attached.

OR

B. The consent of the registered agent is maintained by the entity.

Article 3 - Governing Authority

A. The limited liability company is to be managed by managers.

OR

B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Manager 1: **James Schuepbach**

Title: **Manager**

Address: **242 Prado Crossing Boerne TX, USA 78006**

Manager 2: **Jonathan Hicks**

Title: **Manager**

Address: **10610 Dayspring Dr. Cypress TX, USA 77433**

Manager 3: **Alfred L. Jones**

Title: **Manager**

Address: **10201 S. Autumnleaf Circle Magnolia TX, USA 77354**

Article 4 - Purpose

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

Supplemental Provisions / Information

BOARD OF ADJUSTMENT MEETING PACKET FOR JANUARY 10, 2022

[The attached addendum, if any, is incorporated herein by reference.]

Consent to Use of Similar Name (Investments, Louetta & Lumberton) - COMPILED AND SIGNED.pdf

Organizer

The name and address of the organizer are set forth below.

Mona Ghogomu **4408 Spicewood Springs Road, Austin, TX 78759**

Effectiveness of Filing

A. This document becomes effective when the document is filed by the secretary of state.

OR

B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Mona Ghogomu

Signature of Organizer

FILING OFFICE COPY

| | | |
|--|--|--|
| <p>Form 509 (Revised 05/19)</p> <p>Submit with relevant filing instrument.</p> <p>Filing Fee: None</p> |  <p>Consent to Use of Similar Name</p> | |
|--|--|--|

(1) TEXAS SN LOUETTA, LLC (File No. 802363997)

Name and file number of the entity or individual who holds the existing name on file with the secretary of state
consents to the use of

(2) TEXAS SN JERSEY VILLAGE, LLC

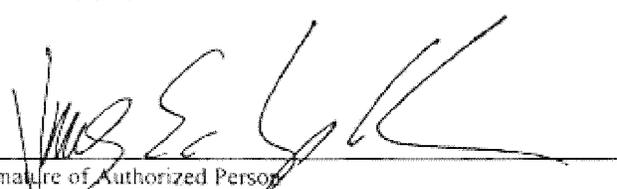
Proposed name

as the name of a filing entity or foreign filing entity in Texas for the purpose of submitting a filing instrument to the secretary of state.

(3) The undersigned certifies to being authorized by the holder of the existing name to give this consent. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date:

12/23/2020



Signature of Authorized Person

James Schuepbach

Name of Authorized Person (type or print)

Manager

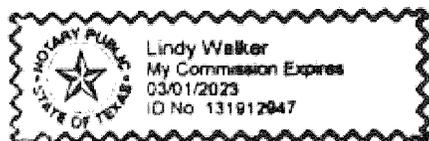
Title of Authorized Person, if any (type or print)

State of Texas

County of Kendall

This instrument was acknowledged before me on 12/23/20 by James Schuepbach
(date) (name of authorized person)

(Seal)




Notary Public's signature

| | | |
|--|--|--|
| <p>Form 509 (Revised 05/19)</p> <p>Submit with relevant filing instrument.</p> <p>Filing Fee: None</p> |  Consent to Use of Similar Name | |
|--|--|--|

(1) TEXAS SN LUMBERTON, LLC (File No. 802931305)
Name and file number of the entity or individual who holds the existing name on file with the secretary of state

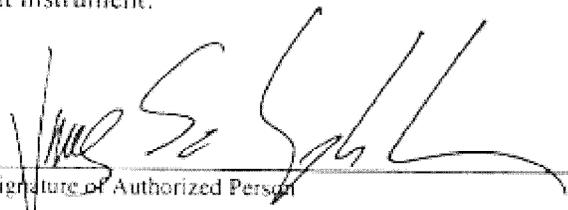
consents to the use of

(2) TEXAS SN JERSEY VILLAGE, LLC
Proposed name

as the name of a filing entity or foreign filing entity in Texas for the purpose of submitting a filing instrument to the secretary of state.

(3) The undersigned certifies to being authorized by the holder of the existing name to give this consent. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: 12/23/2020



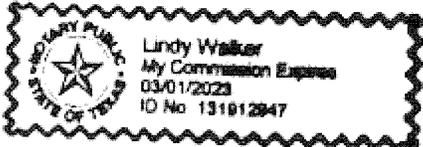
 Signature of Authorized Person
 James Schupebach

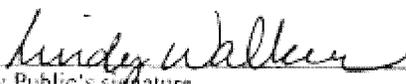
 Name of Authorized Person (type or print)
 Manager

 Title of Authorized Person, if any (type or print)

State of Texas
 County of Kendall

This instrument was acknowledged before me on 12/23/20 by James Schupebach
 (date) (name of authorized person)

(Seal) 



 Notary Public's signature

| | | |
|--|---|--|
| <p>Form 509 (Revised 05/19)</p> <p>Submit with relevant filing instrument.</p> <p>Filing Fee: None</p> |  <p>Consent to Use of Similar Name</p> | |
|--|---|--|

(1) TEXAS SN INVESTMENTS, LLC (File No. 801814612)
Name and file number of the entity or individual who holds the existing name on file with the secretary of state

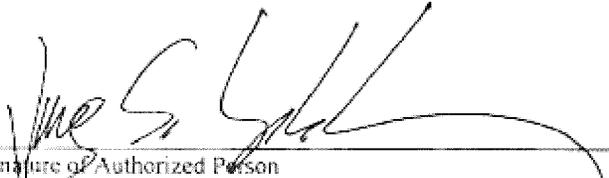
consents to the use of

(2) TEXAS SN JERSEY VILLAGE, LLC
Proposed name

as the name of a filing entity or foreign filing entity in Texas for the purpose of submitting a filing instrument to the secretary of state.

(3) The undersigned certifies to being authorized by the holder of the existing name to give this consent. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: 12/23/2020



 Signature of Authorized Person
 James Schuepbach

 Name of Authorized Person (type or print)
 Manager

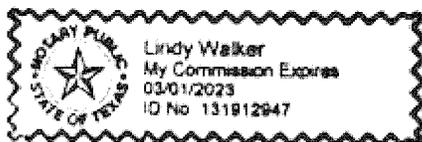
 Title of Authorized Person, if any (type or print)

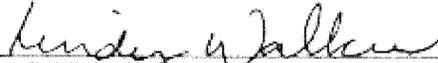
State of Texas

County of Kendall

This instrument was acknowledged before me on 12/23/20 by James Schuepbach
 (date) (name of authorized person)

(Seal)





 Notary Public's signature

**CITY OF JERSEY VILLAGE
 CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS
 BOARD OF ADJUSTMENT - PUBLIC HEARING
 January 10, 2022 at 3:00 P.M.**

Reason for Public Hearing:

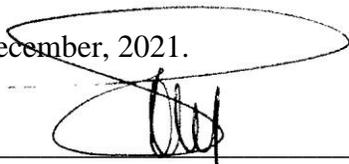
To receive written and oral comments from any interested person(s) concerning Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

| Owner | Address | City, State, Zip |
|-----------------------------------|---------------------------|-------------------------|
| Arop Promenade Jersey Village LLC | 11111 Pleasant Colony Dr. | Houston TX 77065 |
| Anne M. Vaughan | 17800 Northwest Fwy. | Houston TX 77065 |
| Kensinger Properties LTD | 17724 Northwest Fwy. | Houston TX 77065 |
| Ayoub & Farideh Razmandi | 8235 Jones Rd. | Houston TX 77065 |
| Foundry Methodist Church | 8350 Jones Rd. | Houston TX 77065 |
| City of Jersey Village | 16501 Jersey Dr. | Jersey Village TX 77040 |
| Ingram Barhorst LLC | 8220 Jones Rd. | Houston TX 77065 |

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 December 21, 2021, 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 21st day of December, 2021.



 Lorri Coody, City Secretary



BOARD OF ADJUSTMENT MEETING PACKET FOR JANUARY 10, 2022

CITY OF JERSEY VILLAGE
APPLICANT CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS
BOARD OF ADJUSTMENT – January 10, 2022 - 3:00 P.M.

Reason for Public Hearing:

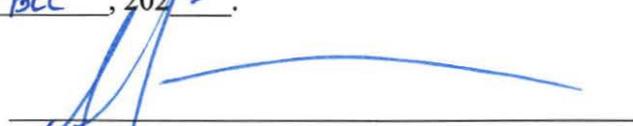
To receive written and oral comments from any interested person(s) concerning Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

I, A. LESTER JONES, applicant and/or property owner, do hereby certify that:

On 12/30, 2021, at least ten days prior to the date of the hearing, placed on the property at **8311 Jones Road, 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 30th day of DECEMBER, 2021.



Lester Jones - Applicant

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, this day personally appeared Lester Jones, 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 30th day of December, 2021.



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



BOARD OF ADJUSTMENT MEETING PACKET FOR JANUARY 10, 2022

Script for BOA Public Hearings on January 10, 2022

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 Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, 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 Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

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

AGENDA DATE: January 10, 2022

AGENDA ITEM: F1

AGENDA SUBJECT: Discuss and take appropriate action on Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

Department/Prepared By: Lorri Coody, City Secretary

EXHIBITS: Application and Other Documents Included in PH Item
[Section 14-109 - District J Regulations](#)

BACKGROUND INFORMATION:

Lester Jones filed a request, on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

The Board has previously conducted the Public Hearing in connection with this request. This item is to act upon the request.

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 IV, Section 14-88(b) would result in an unnecessary hardship; and
- that in granting the variance, the spirit of this chapter would be upheld and observed.

In exercising its authority, the Board may consider the following as grounds, as presented by the applicant, to determine whether compliance with the ordinance as applied to a structure would result in unnecessary hardship:

- (1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
- (2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- (3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (5) the municipality considers the structure to be a nonconforming structure.

RECOMMENDED ACTION:

Discuss and take appropriate action on Lester Jones' request, filed on behalf of Texas SN Jersey Village, LLC, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-109(b)(2), to allow the applicant to construct a 642 square foot building, which is 358 square foot smaller than the required 1,000 square foot of ground floor area, for the property located at 8311 Jones Road, Jersey Village, Texas 77040.

Sec. 14-105. - Regulations for district F (first business district).

- (a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered in district F except for one or more of the following uses:
 - (1) Townhouses and patio homes.
 - (2) Banks.
 - (3) Barber and beauty shops.
 - (4) Professional offices and business offices.
 - (5) Educational institutions.
 - (6) Hospitals, clinics and nursing care centers.
 - (7) Churches and other places of worship.
 - (8) Hotels and motels.
 - (9) Public parks and playgrounds, public recreational facilities and community buildings.
 - (10) Municipal and governmental buildings, police stations and fire stations.
 - (11) Parking lots.
 - (12) Gasoline filling stations, provided that all storage tanks for gasoline shall be below the surface of the ground.
 - (13) Restaurants, cafes and cafeterias.
 - (14) Stores and shops for retail sales and personal service shops.
 - (15) Theaters.
 - (16) Water supply reservoirs, filter beds, towers, surface or below surface tanks, artesian wells, water pumping plants and water wells.
 - (17) Garages, public.
 - (18) Accessory uses customarily incident to any of the above uses, provided that such use is not so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibration, noise, view or the emission of odor, dust, smoke or pollution of any other kind.
 - (19) Golf courses, country clubs, miniature golf courses, and driving ranges.
 - (20) Electric power lines and electric substations, including accessory uses customarily incidental thereto; provided that any such accessory use shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities and disposition by reason of vibrations, noise, view or the emission of odor, dust, smoke or pollution of any other kind. The height and area, construction, and other regulations provided by this section shall not apply to uses allowed in the subpart.
 - (21) The following uses are permitted in district F with a specific use permit:
 - a. Telephone switching facilities;

- b. Child day-care operations (licensed child-care centers and school-age program centers);
- c. Car wash facilities.
- d. Retail establishment selling or offering for sale any alcoholic beverage.
- e. Massage establishment.

(22) Model homes as permitted in district A.

(23) Grocery store.

(24) Health club.

(b) *Height and area regulations.* The heights of buildings, the minimum area of buildings, the minimum lot size and the minimum dimensions of yards upon any lot or parcel of land in district F shall be as follows:

- (1) *Height.* Buildings shall not exceed 56 feet in height except gasoline filling stations shall not exceed one story in height. For townhouse and patio homes, the height and area regulations provided in subsection 14-103(b) shall apply.
- (2) *Building area.* The building area of each building shall be not less than 1,000 square feet of ground floor area except gasoline filling stations which shall contain not less than 500 square feet of ground floor area. For townhouse and patio homes, the height and area regulations provided in subsection 14-103(b) shall apply.
- (3) *Location on lot.* For townhouse and patio home lots, the setbacks established in subsection 14-103(b) shall apply. Any nonresidential building or structure erected on a lot abutting district A may not be closer to the boundary line of district A than 50 feet for a single story, 100 feet for a two-story, or 150 feet for a three- or four-story. For nonresidential buildings the setbacks established in subsection 14-88(b) are modified as follows: Buildings or structures shall not be located closer than 25 feet to the front property line, or ten feet to a side lot line or street line or ten feet to a rear lot line.
- (4) *Lot size.* The minimum lot size as established in Table 14-2 shall apply.
- (5) *Open area.*
 - a. A minimum of ten percent of total area within the property lines shall be devoted to landscaping. All open unpaved space including, but not limited to, front, side and rear building setback areas shall be planted and landscaped.
 - b. Building fronts. An average of at least ten feet and a minimum of five feet shall be a green area and walkway between the building and parking areas.

(c) *Construction.* The exterior walls on all buildings shall be masonry or concrete construction with masonry, exterior insulation finish system (EIFS), concrete and wood or metal fascia. EIFS must be installed at levels no less than eight feet above grade or platforms. Plain CMU shall not be used for the exterior walls, however, split-face CMU is permissible.

(Ord. No. 95-04, § 1(303.5), 2-20-95; Ord. No. 97-04, §§ 10—13, 4-21-97; Ord. No. 98-15, § 3, 6-15-98; Ord. No. 99-05, §§ 7, 8, 2-15-99; Ord. No. 99-31, § 10, 11-15-99; Ord. No. 00-41, § 1, 1-18-00; Ord. No. 01-15, § 1, 5-21-01; Ord. No. 02-09, § 2, 4-15-02; Ord. No. 03-04, § 3, 1-20-03; Ord. No.2006-11, § 1, 2-20-06; Ord. No. 2013-10, § 2, 3-18-13; Ord. No. 2013-45, § 2, 12-16-13; Ord. No. 2014-34, § 1, 10-20-14; Ord. No. 2017-27, § 2, 7-17-17; Ord. No. 2017-29, § 2, 7-17-17; Ord. No. 2017-62, § 2, 12-18-17; Ord. No. 2019-31, § 2, 7-15-19; Ord. No. 2021-32, § 2, 7-19-21)