



## 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 October 17, 2022, at 12:00 p.m. in the Civic Center Auditorium 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. *Board Chairman*
- D. Election of chairperson and vice-chairperson for one-year term beginning October 1, 2022 and ending September 30, 2023. *Lorri Coody, Board Secretary*
- E. Consider approval of the minutes for the meeting held on June 20, 2022. *Lorri Coody, City Secretary*
- F. Conduct a Public Hearing on the request of Peggy B. Davis, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040. *Board Chairman*
  - (1) Discuss and take appropriate action on Peggy B. Davis's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040. *Evan Duvall, Building Official Representative*
- G. Conduct a Public Hearing on Legendary Vibes, LLC d/b/a Cru Lounge's (Cru) appeal of the Building Official's ruling that the applicant's proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F. *Board Chairman*

- (1) Discuss and take appropriate action concerning Legendary Vibes, LLC d/b/a Cru Lounge's (Cru) appeal of the Building Official's ruling that the applicant's proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F. *Evan Duvall, Building Official Representative*

## H. 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: October 4, 2022 at 5:00 p.m. and remained so posted until said meeting was convened.

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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](http://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*

**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:** October 17, 2022

**AGENDA ITEM:** D

**AGENDA SUBJECT:** Election of chairperson and vice-chairperson for one-year term beginning October 1, 2022 and ending September 30, 2023.

**Department/Prepared By:** Lorri Coody, City Secretary **Date Submitted:** September 29, 2022

**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 January 10, 2022, meeting minutes, Tom Simchak was elected to a one-year term as chairperson, beginning October 2021 and ending September 2022; and M. Reza Khalili was elected to a one-year term as vice-chairperson, beginning October 2021 and ending September 2022.

It is appropriate for the Board to conduct elections at this meeting for the term beginning October 2022 and ending September 2023.

**RECOMMENDED ACTION:**

Elect Officers

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

June 20, 2022 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on June 20, 2022, at 12:02 p.m. in the Civic Center at 16327 Lakeview Drive, Jersey Village, Texas 77040.

**A. The meeting was called to order by Chairman Tom G. Simchak at 12:02 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, Board Member
Ken Nguyen, Board Member	Judy Tidwell, Alternate Place 1
Nelson L. Feeney, Alternate Place 2	

Council Liaison, Jennifer McCrea was present at this meeting.

City Staff in attendance: Justin Pruitt, City Attorney; Austin Bless, City Manager; Lorri Coody, City Secretary; Evan Duvall, Building Official Representative and Robert Basford, Assistant City Manager.

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

Item not needed.

**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.

There were not Citizens' Comments.

**D. Consider approval of the minutes for the meeting held on April 12, 2022.**

Board Member Khalili moved to approve the minutes for the meeting held on April 12, 2022. Board Member Mena seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**E. Conduct a Public Hearing on Saarim Damani's appeal of the Building Official's ruling that a smoke shop is a non-permitted use within District F; and therefore, Saarim Damani's proposed "Smoke & Puff" shop cannot be located at 7412 Senate Ave, Jersey Village, Texas within Zoning District F.**

Chairman Simchak opened the public hearing at 12:05 p.m. in order to receive written and oral comments from any interested person(s) concerning Saarim Damani's appeal of the Building

Official's ruling that a smoke shop is a non-permitted use within District F; and therefore, Saarim Damani's proposed "Smoke & Puff" shop cannot be located at 7412 Senate Ave, Jersey Village, Texas within Zoning District F.

The Board found that the 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 this appeal.

Applicant Saarim Damani presented his evidence. He explained that he got a lease signed back in January for a smoke shop. He told the Board that they intend to carry glass products and CBD. He stated that he will not carry any tobacco. He mentioned that there are already smoke shops located within 3 to 5 minutes from his location.

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

Mr. Duvall told the Board that this came to his attention when someone called in about the smoke shop. At that time there were no permits issued to this establishment. Upon inspection, it was learned that the location was originally permitted for a hair salon and was not permitted for a smoke shop. The current ordinance does not permit locating a smoke shop in District F. After the applicant learned about the Ordinance locating smoke shops in District H, the applicant filed his appeal.

With no discussion or questions, the Board Chairman called if there was anyone else desiring to speak in favor or opposed to this appeal.

**Eric Henao, 15601 Singapore Lane, Jersey Village, Texas** – Mr. Henao presented information about his objection to locating the smoke shop at this location. He was concerned about the many issues that the applicant has encountered in complying with our Ordinances. He mentioned the other smoke shops in our area and is concerned that this market is already saturated. He mentioned issues with the store's signage. He is opposed to locating a smoke shop at this location.

**Rick Faircloth, Chairman of Planning and Zoning, 16010 Lakeview Drive, Jersey Village, Texas** – Mr. Faircloth pointed out that as part of his duties as a member of the Planning and Zoning Commission, he has worked on the Smoke Shop Ordinance and he is opposed to locating the smoke shop at this location.

The applicant spoke again. He told what he has done to prepare the building for a smoke shop. He also addressed the signage. He is working with his sign man to get the sign in compliance with City Ordinances.

With no other comments, Chairman Simchak closed the public hearing on Saarim Damani's appeal of the Building Official's ruling that a smoke shop is a non-permitted use within District F; and therefore, Saarim Damani's proposed "Smoke & Puff" shop cannot be located at 7412 Senate Ave, Jersey Village, Texas within Zoning District F. at 12:12 p.m. and called the next item on the agenda, item E1.

**(1) Discuss and take appropriate action on Saarim Damani’s appeal of the Building Official’s ruling that a smoke shop is a non-permitted use within District F; and therefore, Saarim Damani’s proposed “Smoke & Puff” shop cannot be located at 7412 Senate Ave, Jersey Village, Texas within Zoning District F.**

The Board discussed Saarim Damani’s appeal of the Building Official’s ruling. City Attorney Pruitt addressed the Board. He explained that a function of the Board of Adjustment is to hear appeals of the Building Official’s rulings. In this case, the Building Official has determined that this use cannot be located in District F. Therefore, the Board must decide if the Building Official has made the right decision. If so, the Board shall approve the Building Official’s decision that the smoke shop cannot be located in District F. He also explained why the Building Official would determine that it is a smoke shop rather than some other type of shop, and as such, it is not allowed in District F. He went on to say that recently, City Council passed an Ordinance that placed smoke shops in District H with a specific use permit. Prior to the passage of this Ordinance, “smoke shops” were not mentioned in the City’s Code of Ordinances; so therefore, the use is technically not permitted.

The City Attorney fielded questions from the Board and answered accordingly.

The Building Official explained the signage requirements. He also stated that every other smoke shop already located in the City prior to the Ordinance change is grandfathered.

The Board wanted to know what elements were used to determine this shop as a smoke shop. The Building Official stated that based upon the products being offered he determined it was a smoke shop.

Bobby Hajini, who is associated with the applicant, spoke to the Board. He wanted to know when the rules changed. The City Attorney explained that this happened recently. The Ordinance change located smoke shops in District H. Prior to this change, the word “smoke shop” was never mentioned in the City’s Code of Ordinances.

Mr. Hajini stated he was told that the change happened back in April. Since the lease for the smoke shop was signed in January, he feels that he should be permitted to continue with his plans. He presented the Board with handouts that pointed out the location of other smoke shops in the City. He feels that his shop should be grandfathered.

The Board pointed out that the other locations pointed out by the applicant are not in District F. The applicant agreed but stated that these other shops are 5 and 8 minutes away.

The Board stated that part of locating a business in Jersey Village is to research the Ordinances to insure compliance.

The Building Official explained the products of tobacco and glass pipes trigger it to be a smoke shop. The applicant explained his products as 20% CBD, 40% glass products, with the remainder being Vape items.

The Board discussed the meaning of smoke shop. The definition is located on page 29 of the meeting packet, which is a copy of the Ordinance passed by City Council in April locating smoke shops in District H. The definition from the Ordinance was read by the City Attorney into the record.

The Board pointed out that the applicant in his presentation referred to his place of business as a smoke shop.

The City Attorney pointed out that if a business can dedicate 100% to CBD sales than state law prohibits the City from permitting the business in the City. But, because the applicant will sell other products in addition to CBD, it makes it a smoke shop, which would need to be located in District H.

There was discussion about the use of the glass products. The applicant stated that some people use these products for CBD and for decorative items.

With no further discussion on the matter, Board Member Mena moved to deny Saarim Damani's appeal of the Building Official's ruling that a smoke shop is a non-permitted use within District F; and therefore, Saarim Damani's proposed "Smoke & Puff" shop cannot be located at 7412 Senate Ave, Jersey Village, Texas within Zoning District F. Board Member Pennington seconded the motion. The vote follows:

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

Nays: None

The motion carried.

*The Board's Original Order No. 2022-04 is attached as Exhibit A and made a part of these minutes.*

- F. Conduct a Public Hearing on the request of Jeff and Michelle Moore, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(2)(b), to allow the applicants to exceed the 1,000 square feet of ground floor area for detached garages by 343 sq feet; and to appeal the Building Official's ruling denying the applicants' request to include a stove/oven in a small kitchenette in the garage addition for the property located at 16517 Cornwall, Jersey Village, Texas 77040.**

Chairman Simchak opened the public hearing at 12:34 p.m. in order to receive written and oral comments from any interested person(s) concerning the request of Jeff and Michelle Moore, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(2)(b), to allow the applicants to exceed the 1,000 square feet of ground floor area for detached garages by 343 sq feet; and to appeal the Building Official's ruling denying the applicants' request to include a stove/oven in a small kitchenette in the garage addition for the property located at 16517 Cornwall, Jersey Village, Texas 77040.

The Board found that notification requirements for both the City and the Applicant have been met for this public hearing. The Board also took note of written comments submitted by property owners within the 200-foot radius of the affected property.

Chairman Simchak called upon the Applicant to present his case and supporting evidence concerning the variance requests.

Applicant Jeff Moore presented the request. He explained that there are several homes in Jersey Village with two-story garages. He needs to build this extension to his existing garage for his mother-in-law and father. He wants it to be a living quarters for them. He wants to exceed the square footage and he wants to make this addition livable. He will do whatever it takes to comply with the Ordinances.

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

Mr. Duvall gave the Board background information about accessory buildings. These are becoming more popular to house older parents. He explained that other cities in the area allow these type additions, but some are allowed with a kitchen and some are allowed without a kitchen.

He explained the rules for Jersey Village. He also mentioned that the Planning and Zoning Commission will be presented with a change to consider allowing this type of addition in the near future in Jersey Village.

The area of the addition was discussed by the Board. They wanted to know how ground area is defined. The Building Official explained that it is tricky and that future amendments will make this clearer.

The plans show a two-story structure. Mr. Duvall explained that if you have a two-story home, you can have a two-story garage. If you have a one story you would need a variance to allow for a two-story garage.

The City Attorney gave the definition for building area. The Board wanted to know if the Building Official has a full set of plans. Mr. Duvall explained that before the resident invests in the cost of a full set of plans, he likes to wait until the Board makes its ruling.

The ground area was discussed. The City Attorney explained that the Board will need to decide if this variance request to exceed the maximum 1,000 square feet has any underlying hardship. The second issue is the ruling of the Building Official that there can only be one residential living area per lot. Residential living area is currently defined by an area having a kitchen, which, in this case, would count as a second residential living area.

The Building Official explained that the main thing is to decide if the applicant can build a kitchen in this structure.

The Board wanted to know if the Planning and Zoning Commission will be reviewing this in the near future. Mr. Duvall stated that it will be presented to the Commission in July with many other code proposals. Therefore, it will take some time before any changes are made to the City's Code.

The City Attorney explained unnecessary hardship.

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.

**Eric Henao, 15601 Singapore Lane, Jersey Village, Texas** – Mr. Henao spoke to the Board. He stated that he is attending the Citizen’s Fire and Police Academies. During his training, he learned information about fires in garages in the City. He commends the applicant for wanting to take care of his parents, but he is concerned about adding a living area in the garage and the possibility of fires.

The applicant addressed the problem of fires with smoke detectors. He does not feel that it will be a safety issue.

The Board wanted to know if conditions can be added to the variance. City Attorney Pruitt stated that the Board could not add conditions to the variance. He went on to say that as far as the kitchenette, “kitchenette” cannot currently be found in the City’s Code of Ordinances; and therefore, kitchenettes are not allowed.

It was stated that if a kitchenette is not permitted, then the parents would have to move into the home with the applicants.

Applicant Michelle Moore stated that one of the reasons they want to build the addition is because of the failing health of their parents. They want to be close enough to help without hampering their parent’s freedom to come and go.

The definition of the kitchenette was discussed. City Attorney Pruitt explained that our Code does not define kitchenette because it is not presently defined in our code.

The second floor was discussed. The applicant explained that it will be accessible by elevator and stairs. The power system for the elevator was discussed.

With no other comments from the public or the applicant, Chairman Simchak closed the public hearing on the request of Jeff and Michelle Moore, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(2)(b), to allow the applicants to exceed the 1,000 square feet of ground floor area for detached garages by 343 sq feet; and to appeal the Building Official’s ruling denying the applicants’ request to include a stove/oven in a small kitchenette in the garage addition for the property located at 16517 Cornwall, Jersey Village, Texas 77040 at 1:02 p.m. and called the next item on the agenda, item F1.

**(1) Discuss and take appropriate action on the request of Jeff and Michelle Moore, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(2)(b), to allow the applicants to exceed the 1,000 square feet of ground floor area for detached garages by 343 sq feet; and to appeal the Building Official’s ruling denying the applicants’ request to include a stove/oven in a small kitchenette in the garage addition for the property located at 16517 Cornwall, Jersey Village, Texas 77040.**

The Board discussed the requested variance and appeal. The kitchenette was discussed. Mr. Duvall explained that if the stove is removed, it would not be considered a second living area.

Stoves and ovens were discussed by the Board. The Board also discussed that the Code is going to be reviewed in the near future by the Planning and Zoning Commission.

The City Attorney again explained the two issues before the Board. He asked that the Board make each ruling separate.

City Attorney Pruitt explained how the rulings of this Board will affect the Building Official’s rulings moving forward until a Code change takes place.

If a waiver is granted some members of the Board felt this would set a precedent. City Attorney Pruitt explained that such a waiver could be used by future applicants as support to have their like requests approved as it sets a practice.

With no further discussion on the matter of the appeal, Board Member Mena moved to overrule the Building Official’s ruling denying the applicants’ request to include a stove/oven in a small kitchenette in the garage addition, making it a second residential living area for the property located at 16517 Cornwall, Jersey Village, Texas 77040. Board Member Simchak seconded the motion. The vote follows:

Ayes: Board Members Mena, and Nguyen  
Chairman Simchak

Not having a concurring vote of at least four (4) members of the Board, the motion failed.

The Board then discussed the variance request again in detail. After much discussion, it was determined that since the garage will be a two-story addition, a variance is not needed. Therefore, no action was taken by the Board on the variance request.

*The Board’s Original Order No. 2022-05 is attached as Exhibit B and made a part of these minutes.*

**G. Adjourn**

With no other business before the Board, Chairman Simchak adjourned the meeting at 1:32 p.m.

\_\_\_\_\_  
Lorri Coody, City Secretary



BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022



**CITY OF JERSEY VILLAGE  
BOARD OF ADJUSTMENT  
ORDER NO. 2022-04**

**WHEREAS**, on May 6, 2022, Saarim Damani’s appeal of the Building Official’s ruling that a smoke shop is a non-permitted use within District F; and therefore, Saarim Damani’s proposed “Smoke & Puff” shop cannot be located at 7412 Senate Ave, Jersey Village, Texas within Zoning District F; and

**WHEREAS**, the Board conducted a Public Hearing and received information from the Public and from the Appellant on June 20, 2022; and

**WHEREAS**, after closing the hearing and discussion on the matter, the Board made its findings;  
**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 [ x ] DENY the appeal of Saarim Damani, finding that the ruling of the City’s Building Official that a smoke shop is a non-permitted use within District F; and therefore, Saarim Damani’s proposed “Smoke & Puff” shop cannot be located at 7412 Senate Ave, Jersey Village, Texas within Zoning District F was [ x ] CORRECT [ ] INCORRECT.

**PASSED, APPROVED, AND ORDERED** this 20th day of June 2022.

s/Thomas G. Simchak, Chairman

**ATTEST:**

s/Lorri Coody, City Secretary



**BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022**



**CITY OF JERSEY VILLAGE - BOARD OF ADJUSTMENT  
ORDER NO. 2022-05**

**WHEREAS**, on May 12, 2022, Jeff and Michelle Moore, owner, filed a request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(2)(b), to allow the applicants to exceed the 1,000 square feet of ground floor area for detached garages by 343 sq feet; and to appeal the Building Official’s ruling denying the applicants’ request to include a stove/oven in a small kitchenette in the garage addition for the property located at 16517 Cornwall, Jersey Village, Texas 77040.

**WHEREAS**, the Board conducted a Public Hearing and received information from the Public and from the Applicants on June 20, 2022; and

**WHEREAS**, after closing the hearing, the Board in making its decision on the variance request considered:

- if the request for variance is contrary to the public’s interest;
- if, due to special conditions, enforcement of Chapter 14, Article IV, Division 1, Section 14-101(b)(2)(b) will result in an unnecessary hardship for Jeff and Michelle; and
- that in granting the variance, the spirit of this chapter will be upheld and observed; and

further, the Board considered the information presented concerning the appeal of the Building Official’s ruling; **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, concerning Jeff and Michelle Moore’s request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(2)(b), to allow the applicants to exceed the 1,000 square feet of ground floor area for detached garages by 343 sq feet for the property located at 16517 Cornwall, Jersey Village, Texas 77040, the Board took no action.

**SECTION 2.** In consideration of the information before the Board, the appeal of Jeff and Michelle Moore from the ruling of the City’s Building denying the applicants’ request to include a stove/oven in a small kitchenette in the garage addition for the property located at 16517 Cornwall, Jersey Village, Texas 77040, without a concurring vote of at least four (4) members, did not pass.

**PASSED, APPROVED, AND ORDERED** this 20th day of June 2022.

**ATTEST:**

s/Lorri Coody, City Secretary



s/Thomas G. Simchak, Chairman

**BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022**

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

**AGENDA DATE:** October 17, 2022

**AGENDA ITEM:** F

**AGENDA SUBJECT:** Conduct a Public Hearing on the request of Peggy B. Davis, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040.

**Department/Prepared By:** Lorri Coody, City Secretary

**EXHIBITS:** Application  
City's Certification of Public Hearing Posting Requirements  
Applicant's Certification - Posting Requirements  
Michael A. Craig - Written Comment  
PH Script

**BACKGROUND INFORMATION:**

Peggy D. Davis, owner of the property located at 13 Parkway Place, Jersey Village, Texas has filed a request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, 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 this request.

This item is to conduct the public hearing.

**RECOMMENDED ACTION:**

Conduct a Public Hearing on the request of Peggy B. Davis, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040.

**BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022**

**Monica Garcia**

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**From:** noreply@incode.tylerhosting.cloud  
**Sent:** Wednesday, August 31, 2022 12:06 PM  
**To:** Monica Garcia  
**Subject:** Receipt #R00819114

DATE : 8/31/2022 12:05 PM  
OPER : MG  
TKBY : MG  
TERM : 9  
REC# : R00819114  
192.0000 MISC. REVENUE  
Variance for 13 Parkway Place 1000.00

Paid By:Variance for 13 Parkway Place  
2-CK 1000.00 REF:7268

**BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022**

**CITY OF JERSEY VILLAGE**  
Application for Request for Variance

**\$300 non-refundable deposit due upon submission of the request  
with additional invoicing in accordance with Sec. 2-142(4)(c).**

PROPERTY INFORMATION

Address: \_\_\_\_\_

Legal Description: Lot \_\_\_\_ Block: \_\_\_\_ Subdivision: \_\_\_\_\_

APPLICANT INFORMATION

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

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

OWNER INFORMATION

\_\_\_\_\_  
Property Owner Telephone Number

\_\_\_\_\_  
Street Address City State Zip Code

Describe variance sought: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe existing standard: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 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?

Please see Attachment, pages 2 & 3

Please see Attachment, pages 2 & 3

Please see Attachment, pages 2 & 3

(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.

Please see Attachment, pages 2 & 3

Please see Attachment, pages 2 & 3

(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

No

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?

Don't know.

Don't know.

Duggan B. Davis  
Signature of Applicant

8/31/2022  
Date

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

<b>OFFICE USE ONLY</b>	
Received by: _____	Date: _____
Fee paid (amount): \$ _____	

BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022

City of Jersey Village, TX  
APPLICATION FOR REQUEST OF VARIANCE  
13 Parkway Place  
Lot 13, Block 73  
The Park at Jersey Village

Peggy B. Davis; Property Owner & Applicant

Application Variance Request Form, Page 1:

**Describe Variance Sought:**

The current property owner contracted with DWR Exteriors, a construction company located in Spring, TX, to remove a problematic, leaking glass enclosed sunroom attached to the back of the Jersey Village residence. After the sunroom removal, a roofed, open patio area has been designed to replace the prior glass sunroom. The patio area is designed to use the existing floor of the sunroom.

DWR Exteriors applied to the Jersey Village third-party contract permit group, BBG, for the project's building permit. BBG denied DWR's permit request because they said the plan did not meet the current city building ordinance. **The BBG suggested that the homeowner apply for a variance.**

Apparently, the permit denial relates to the setback area between the back property line and the back of the house. Evidently, current code has been modified since the **previous property owner** attached the glass sunroom to the back of the house about 25 years ago.

The current property owner is only asking for a permit to remove the existing, problematic leaking sunroom and replace it with a very attractive, beautiful, roofed patio area, using the existing sunroom floor, located on the exact same footprint where the sunroom is located.

The property owner submits the following property background information to assist the Variance Committee with a better understanding of the critical situation that presently exists. The glass enclosed sunroom MUST be removed; the excessive leaking problem is damaging the residence.

Therefore, the property owner respectfully requests the permit approval of the Variance Committee in order to proceed with the described construction project at 13 Parkway Place, Houston, TX 77040.

**NOTE:**

The property owner has received approval for the project from the Architectural Committee of the Park at Jersey Village Homeowners Association.

**Property History:**

1. The property owner/applicant has owned the property, referenced above, since October 2004; approximately 18 years. At the time of purchase by the current owner, there was a pre-existing glass sunroom attached across the back of the house. The sunroom structure consists of a metal frame that holds glass panels together making up the walls and roof of the room.
2. The prior homeowner owned the property for about 5 years. It is the current homeowner's understanding that the prior owner was the owner who added the glass sunroom across the back of the house.

**Sunroom Issues:**

3. After purchase of the residence, the current property owner quickly discovered that the sunroom has 2 major issues:
  - (a) Because the room is totally enclosed with no ventilation; the room is totally useless, as it is too cold in winter and too hot in summer. The prior owner installed a separate heat/air combined unit to mitigate the temperature issue. This is totally unacceptable because the heat/air unit is so noisy and loud that it sounds like a jet airplane constantly taking off in the sunroom.
  - (b) About 2 years after the current homeowner purchased the residence, the roof portion of the sunroom began to leak during rainy weather.
  - (c) As time passed, the metal structure began to deteriorate leading to an extreme leaking problem. Basically, when it rains in Jersey Village, the leaking has become so bad that there are not enough buckets in Home Depot to catch the amount of rainwater that pours through the roof area inside the sunroom.

**NOW, Critical Problem:**

4. Currently, the leaking problem has gone from bad to extremely critical:
  - (a) Whenever Jersey Village has rain, water pours through the seam where the sunroom connects to the house outside of the downstairs master suite.
  - (b) **NOW**, rain gushing off of the roof of the house, hitting the sunroom roof, has found its way between the brick wall and the sheetrock of the living room and master suite areas of the downstairs portion of the house (where the sunroom connects to the outside brick wall of the house).
  - (c) **Finally**, if the rainwater leaking into the sunroom is not problem enough; there could possibly be **MOLD** growing between the back brick wall of the house and the inside sheet rocked wall along the area where the sunroom is attached to the house.
  - (d) **Why MOLD??** a couple of days after Jersey Village last had significant rainfall, the smell of mold was so very bad inside the house, the property owner could not sleep in the master bedroom for several nights!!
  - (e) **This problem has become critical and MUST be FIXED**

**Problem Solution:**

- (a) Repairing the current glass sunroom is not an option. The property owner has had meetings with several construction companies and general contractors about repair; **no one will repair this type of sunroom structure.**
- (b) After being told that repair was not an option, the property owner met with a couple of companies who specialize in enclosed sunrooms and covered patios. Afterwards, the property owner decided to contract with DoingWhat'sRightExteriors (DWR) of Spring, Texas.
- (c) The DWR Sales & Design Group suggested a plan, as follows:
  - (i) Remove the existing glass sunroom leaving the existing floor/foundation.
  - (ii) Replace removed sunroom with a covered outdoor patio area using the exact same 'footprint/foundation' of the previous sunroom.
  - (iii) New covered patio roof area will use shingles matching those on the house and supporting brick columns will match the brick of the house.
  - (iv) Again, the new covered patio will be constructed on the same exact area (footprint) occupied by the glass sunroom.
  - (v) The new covered patio design will be quite beautiful as well as very enjoyable for the property owner to enjoy for many years to come.

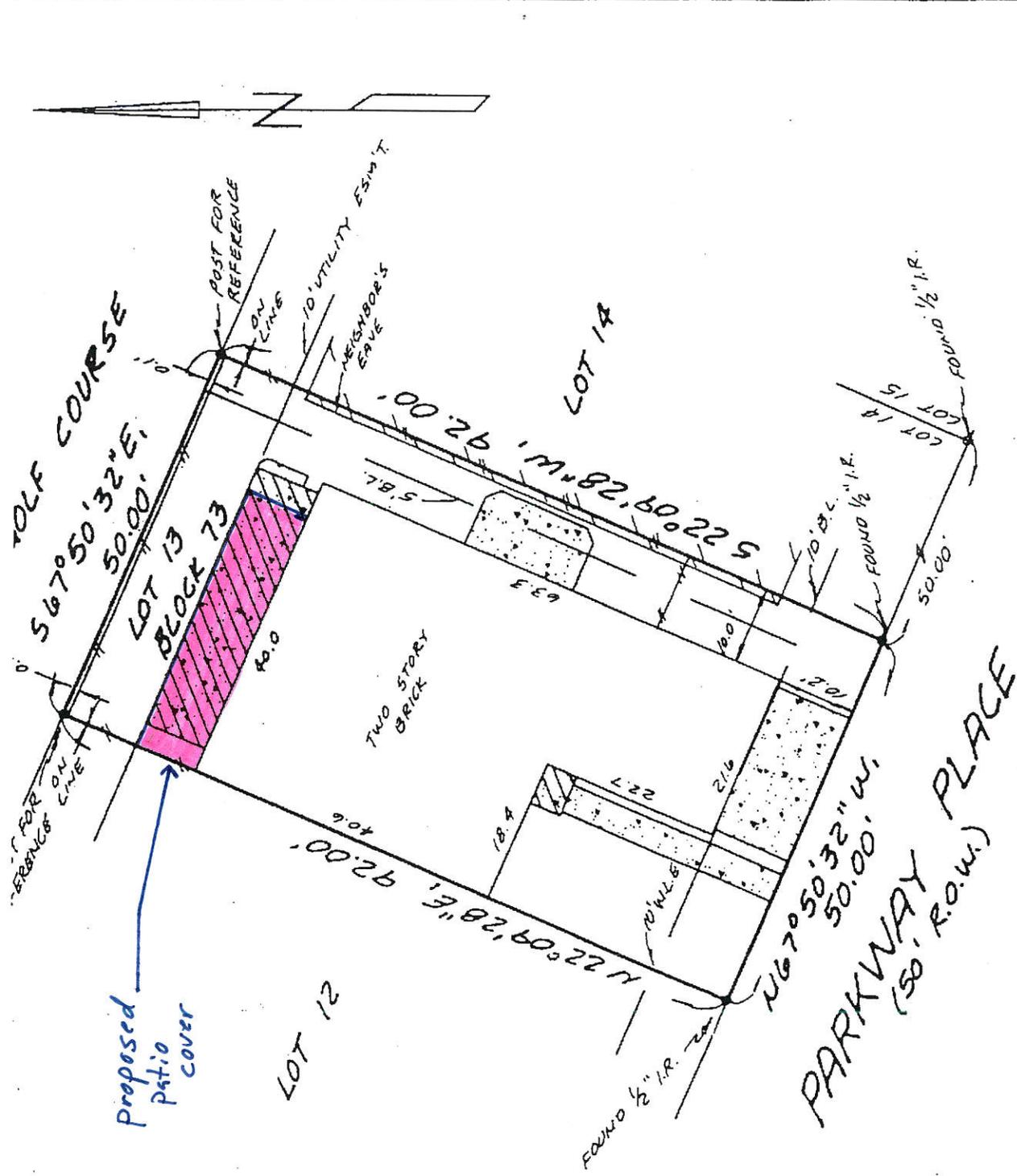


## BBG CONSULTING, INC.

Project Address	13 Parkway Place	
Date	7/26/2022	
Square Footage	282	
Flood Zone	Zone X	
Zoning:	<b>Zone A – Single Family Residential</b>	
<b>Requirement</b>	<b>Code Reference</b>	<b>Comment</b>
Building Codes	2018 IRC 131 mph Wind Load	<b>Provide</b>
Property Platted	shall not apply to any subdivision, recorded or unrecorded, that was in existence prior to March 15, 1976, nor to any lot of such subdivision, the last recorded conveyance of which was prior to March 15, 1976.	N/A
Landscaping	Residential lots shall have a minimum of 50 percent of the required front yard and required side yards adjacent to a side street devoted to landscaping.	N/A
Setbacks (Main Structure) -	Front Yard: 25' Rear Yard: 25' Side Yard: 7 ½' Corner side yard: 10'	<b>Does not Comply</b>
Garage setbacks	In no case may the vehicular access doors of an attached private garage be located closer to the front building line than any other point on the front façade of the dwelling, <i>unless the dwelling is on an interior lot within a block and the attached private garage is oriented for side loading.</i>	N/A
Side Street Garages	An attached or detached private garage which loads from a side street shall not be located closer than 20 feet to the side street line.	
Flood Prevention 14-225		

Plan Review Comments

1. The patio cover does not meet the rear setback requirement of 25'. Only accessory structures are allowed a 10' rear setback.



NOTES:

- SUBJECT TO ZONING, ORDINANCES, AND COVENANTS, CONDITIONS, AND RESTRICTIONS OF SUBDIVISION.
- CONCRETE WALK AND DRIVE PROTRUDES OVER THE 10' WATER LINE EASEMENT.
- NEIGHBOR'S EAVE INTRUDES OVER EASTERLY PROPERTY LINE BY 1.0'.
- H.L. & P. CO. AGREEMENT PER H.C.C.F. NO. P999040.
- CABLE TV AGREEMENT PER H.C.C.F. NO. S206023.
- BEARINGS ARE BASED ON THE RECORDED PLAT.

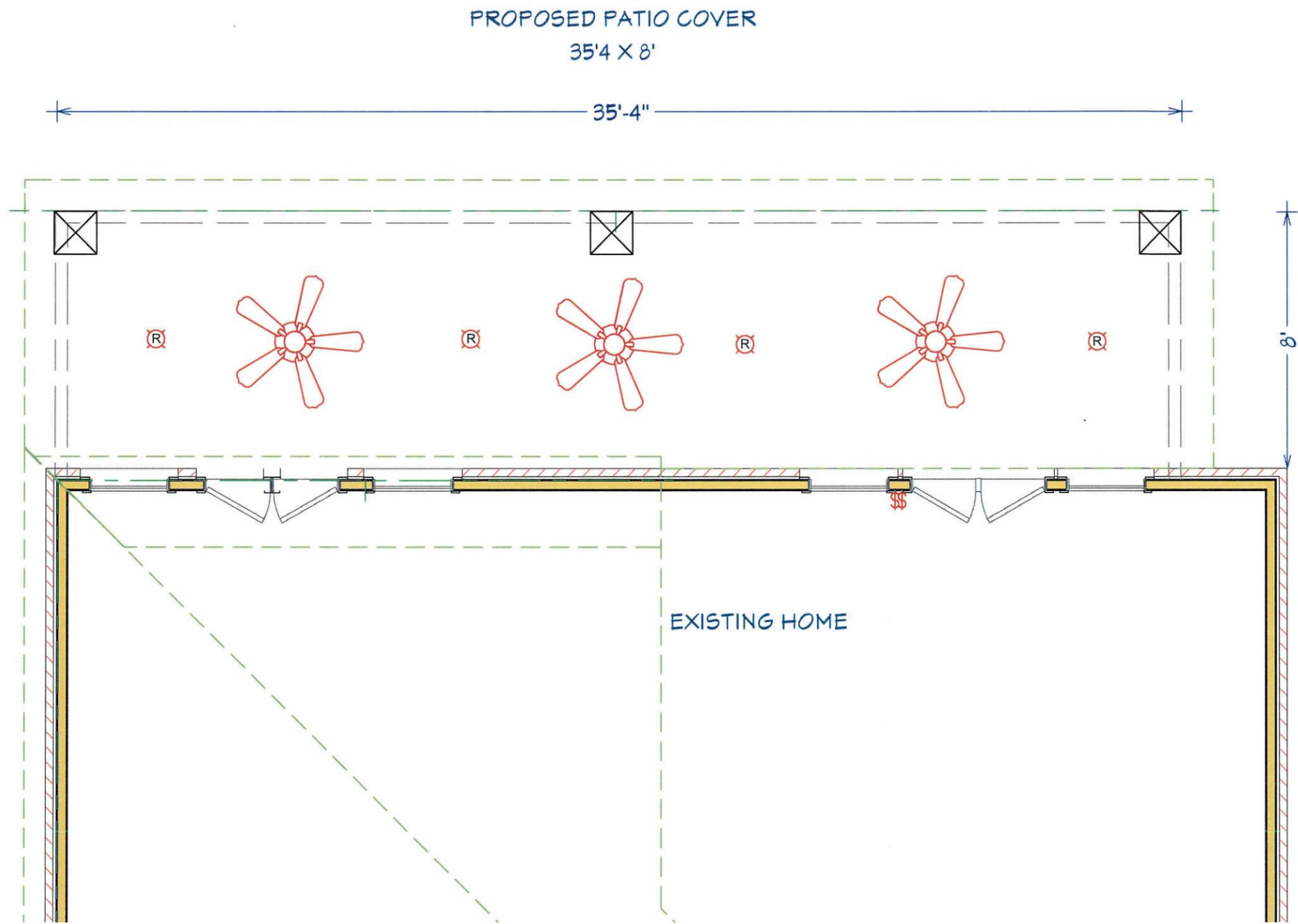
*Paul J. Bennett*

*Dygg B. Davis*

*Peter Bunosky*

*Susan Bunosky*

PURCHASER: PETER D. BUNOSKY AND SUSAN BUNOSKY		This lot <u>DOES NOT</u> lie in the 100 year floodplain and is in	
ADDRESS: 13 PARKWAY PLACE - HOUSTON, TEXAS 77040		ZONE X as located by the Federal Insurance Administration designated Flood Hazard Area Community Panel No. 480300 0440 K dated 4-20-00	
LEGAL DESCRIPTION: LOT THIRTEEN (13), IN BLOCK SEVENTY-THREE (73), OF FINAL PLAT, AMENDING PLAT OF THE PARK AT JERSEY VILLAGE, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT HEREOF RECORDED IN FILM CODE NO. 364095, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.		No responsibility assumed for Floodplain Determination or Floodway.	
LENDER: SOUTHWEST BANK OF TEXAS, N.A.		TITLE CO: TEXAS AMERICAN TITLE CO.	
I do certify that this survey was this day made on the ground and that this plat correctly represents the property legally described hereon. That the facts found at the time of this survey shows the improvements and that there are no discrepancies apparent on the ground, except as shown. This survey is based on the title commitment referenced in G.F. No. <u>475-01-5095</u> . This survey is certified for this transaction only.			
S. F. NO. 475-01-5095		Baldridge Surveying	
SCALE: 1" = 20'		P.O. Box 266233 - Houston, Texas 77202	
DATE: 11-8-01		(713) 643-2868	
JOB NO. 62443		FAX (713) 643-0734	
		<i>Ralph L. Hennessy</i>	



FLOORPLAN 1/4" SCALE

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

**BOARD OF ADJUSTMENT**  
MEDICAL CENTER  
13 Parkway Place  
Patio Cover

**MEETING FOR**  
OCTOBER 13, 2022

DRAWINGS PROVIDED BY:  
Doing What's Right  
13 Parkway Place  
OCTOBER 13, 2022

DATE:

7/8/2022

SCALE:

1/4"

SHEET:

P-1



REAR ELEVATION 1/4" SCALE

\*ALL MATERIALS TO MATCH EXISTING HOME

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

BOARD OF ADJUSTMENT MEETING P. K. KUMAR FOR OCTOBER 13, 2022  
 Patio Cover

The Davis Residence  
 13 Parkway Place  
 KENNESAW, GA 30144

DRAWINGS PROVIDED BY:  
 Doing What's Right  
 13, 2022

DATE:

7/8/2022

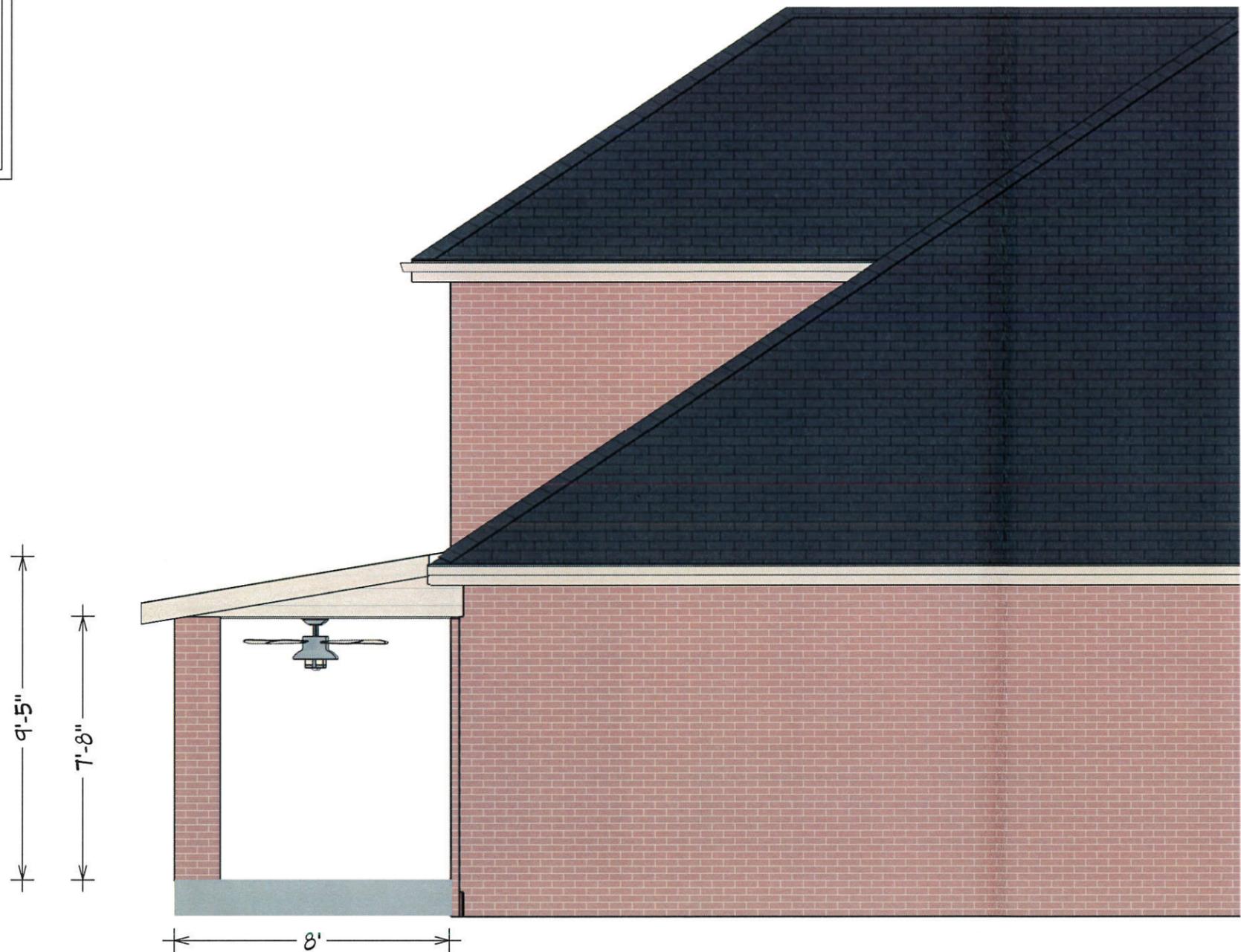
SCALE:

1/4"

SHEET:

P-2

MATCH EXISTING  
SOFFIT AND FASCIA  
MATCH EXISTING SHINGLES



SIDE ELEVATION 1/4" SCALE

NUMBER	DATE	REVISION	DESCRIPTION

BOARD OF ADJUSTMENT  
Patio Cover

The Davis Residence  
13 Parkway Place  
MIDDLETOWN, CT 06457

DRAWINGS PROVIDED BY:  
Doing What's Right  
13 Parkway Place  
Middletown, CT 06457  
October 13, 2022

DATE:

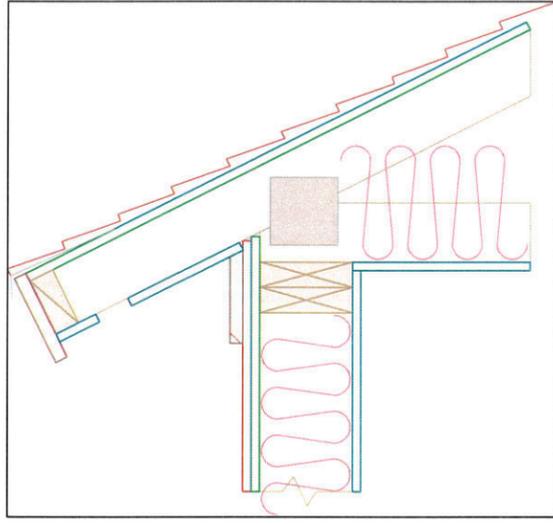
7/8/2022

SCALE:

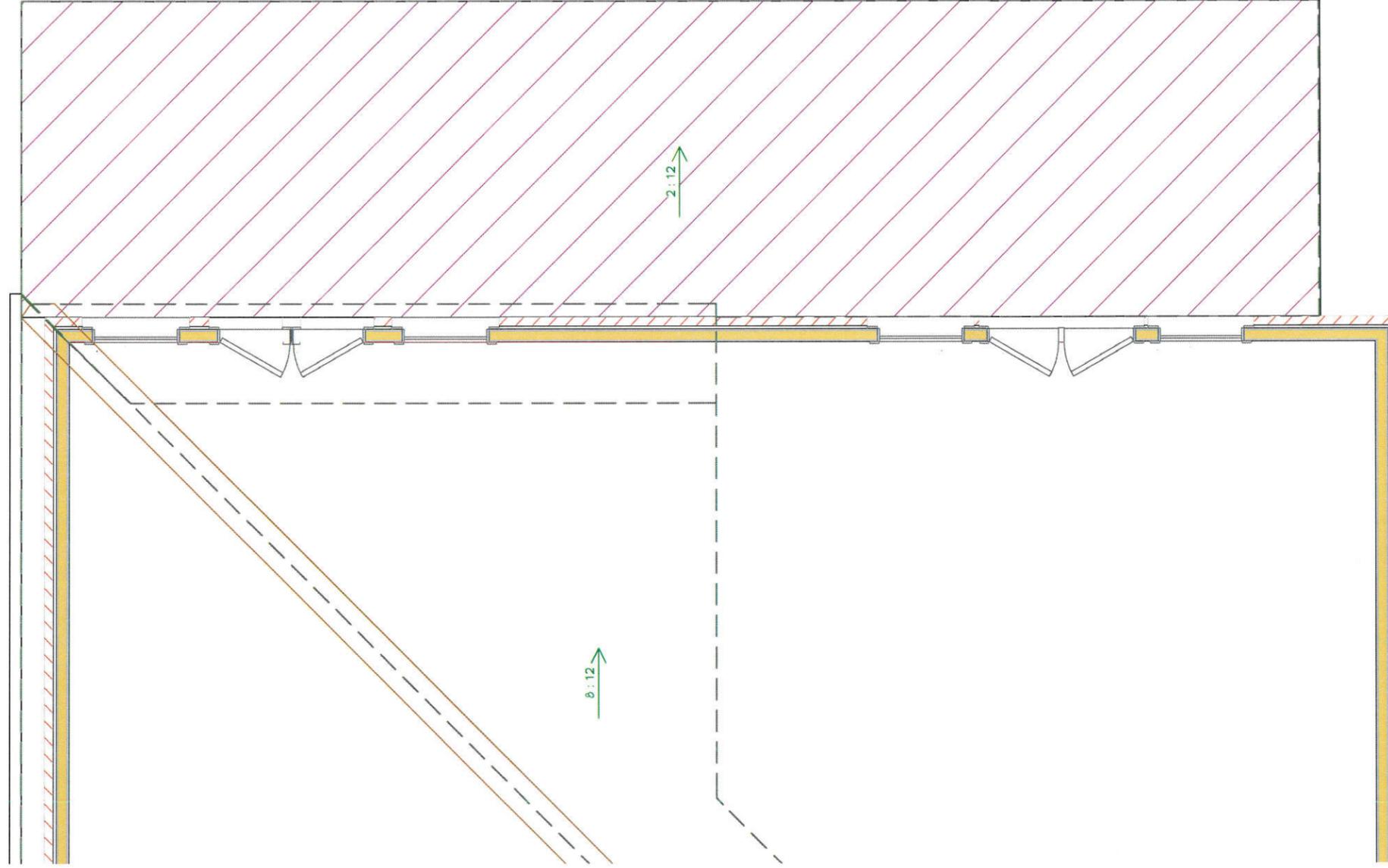
1/4"

SHEET:

P-3



NEW ROOF EXTENSION



ROOFING PLAN 1/4" SCALE

REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

**BOARD OF ADJUSTMENT**  
**MEETING PACKETS FOR OCTOBER 17, 2022**  
 P-4  
 Patio Cover

The Davis Residence  
 13 Parkway Place  
 Portland, ME 04103

DRAWINGS PROVIDED BY:  
 Doing What's Right  
 Exterior  
 Architects

DATE:

7/8/2022

SCALE:

1/4"

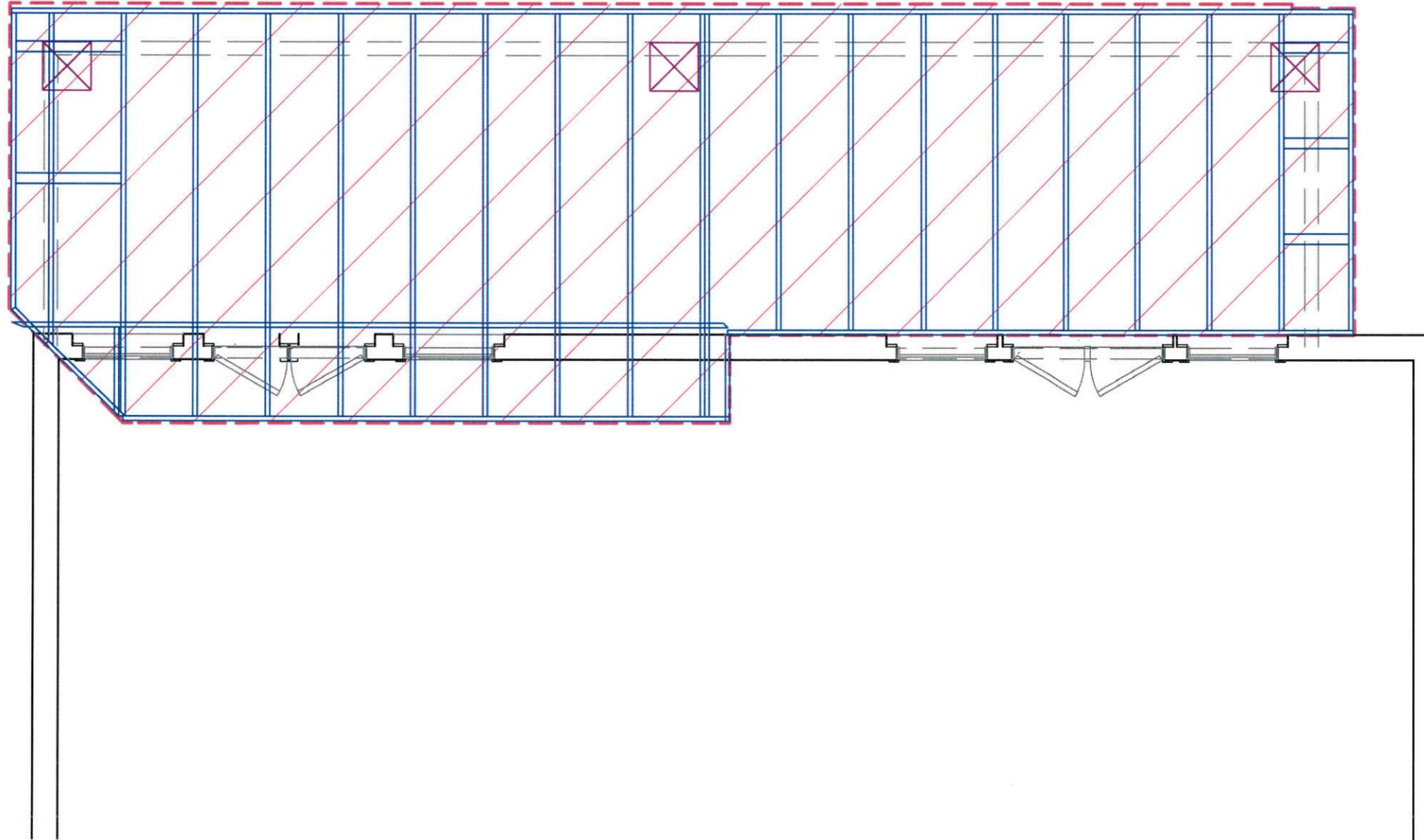
SHEET:

P-4

**FRAMING PACKAGE INCLUDES:**

Ridge board Rafters 16" OC,  
 2"x6" OR 2"x8" Framing  
 Collar ties, 1" x 6", 48" OC

**NEW ROOF FRAMING**



**FRAMING PLAN 1/4" SCALE**

REVISION TABLE	NUMBER	DATE	REVISION DESCRIPTION

**BOARD OF ADJUSTMENT MEETING**  
 P-5  
 Patio Cover

The Davis Residence  
 13 Parkway Place  
 Kalamazoo, MI 49001

DRAWINGS PROVIDED BY:  
 Doing What's Right  
 17.2022-3-E

DATE:

7/8/2022

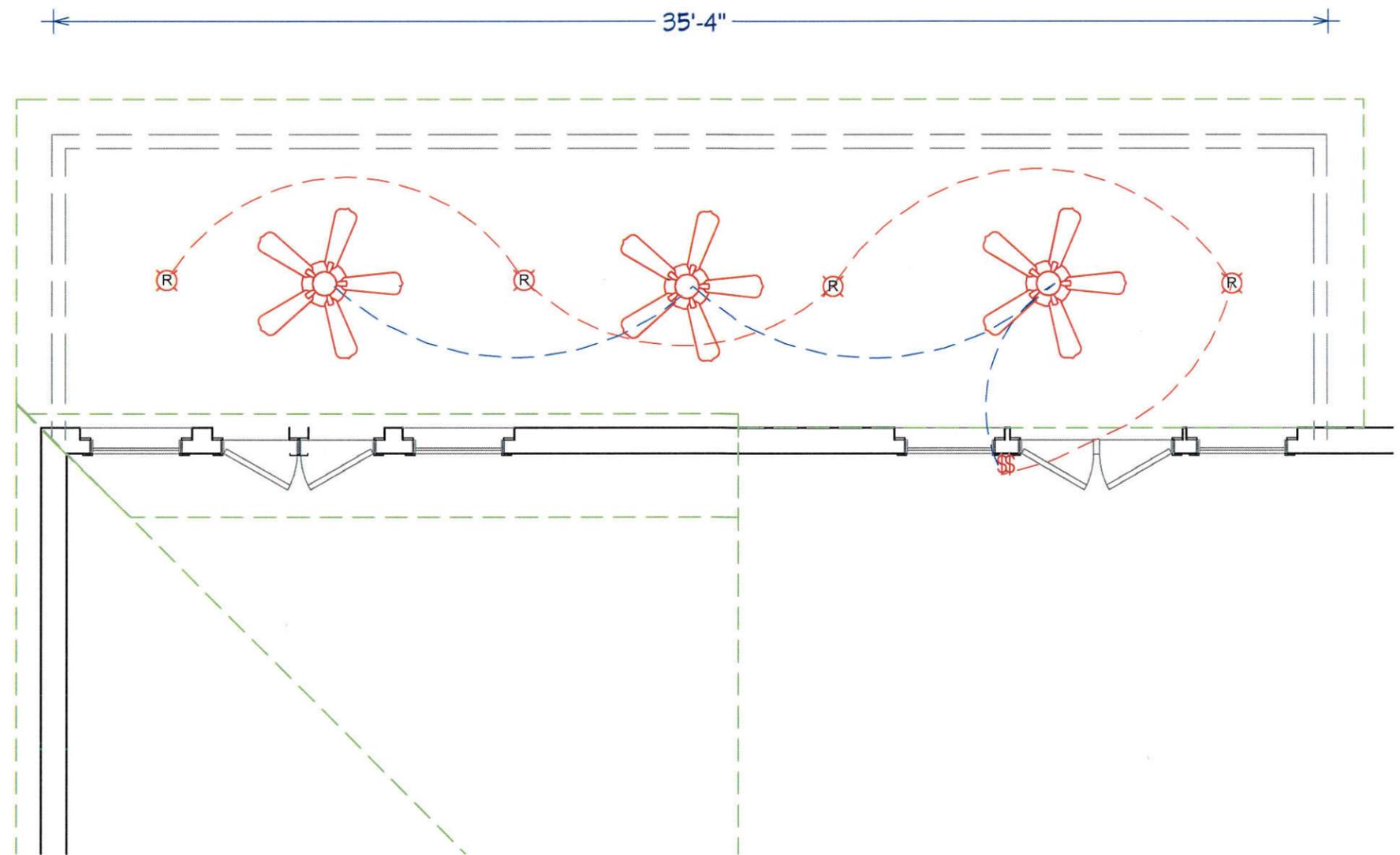
SCALE:

1/4"

SHEET:

P-5

ELECTRICAL - DATA - AUDIO LEGEND	
SYMBOL	DESCRIPTION
	Ceiling Fan
	Ventilation Fans: Ceiling Mounted, Wall Mounted
	Ceiling Mounted Light Fixtures: Surface/Pendant, Recessed, Heat Lamp, Low Voltage
	Wall Mounted Light Fixtures: Flush Mounted, Wall Sconce
	Chandelier Light Fixture
	Fluorescent Light Fixture
	240V Receptacle
	110V Receptacles: Duplex, Weather Proof, GFCI
	Switches: Single Pole, Weather Proof, 3-Way, 4-Way
	Switches: Dimmer, Timer
	Audio Video: Control Panel, Switch
	Speakers: Ceiling Mounted, Wall Mounted
	Wall Jacks: CAT5, CAT5 + TV, TV/Cable
	Telephone Jack
	Intercom
	Thermostat
	Door Chime, Door Bell Button
	Smoke Detectors: Ceiling Mounted, Wall Mounted
	Electrical Breaker Panel



## ELECTRICAL PLAN 1/4" SCALE

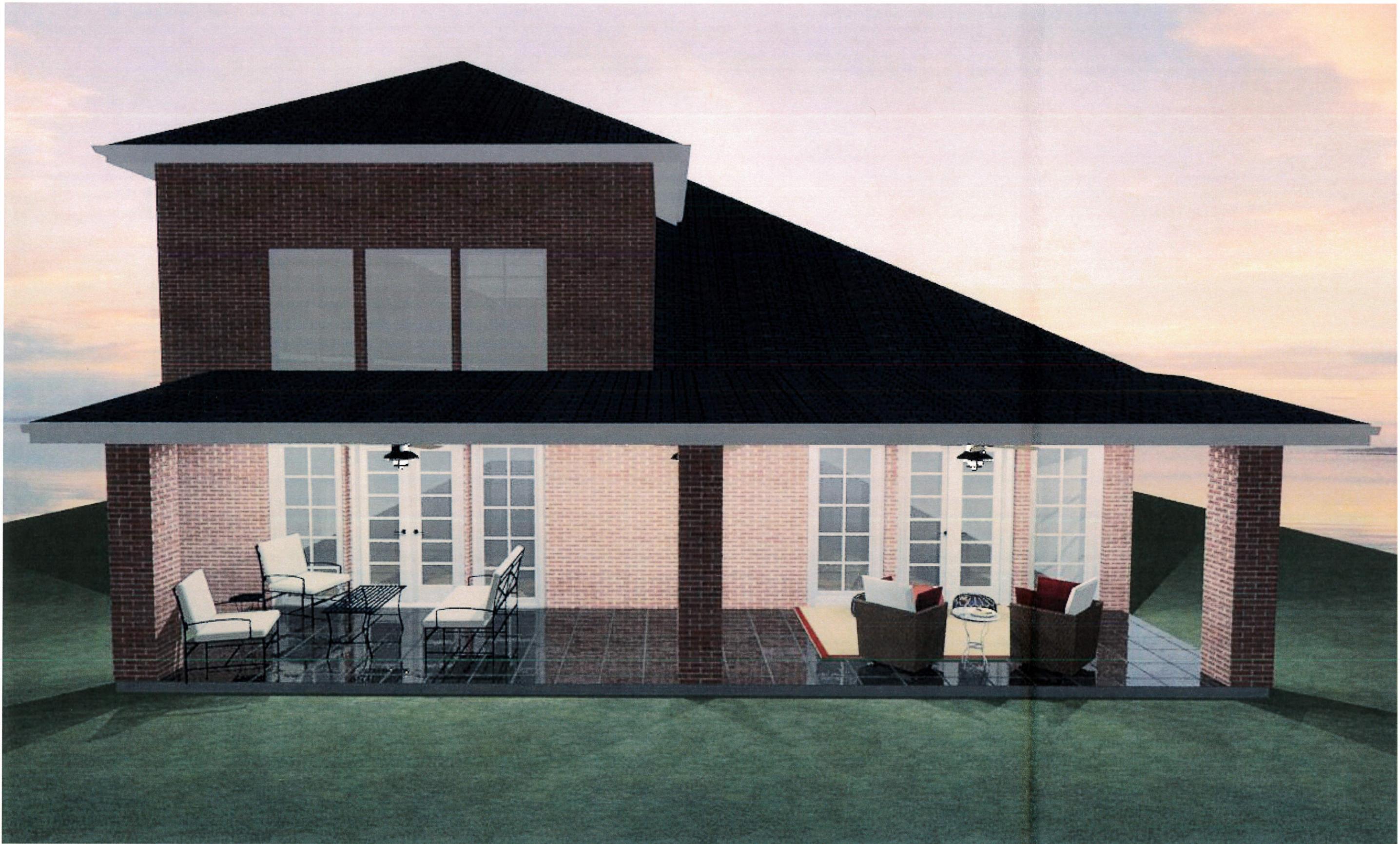
REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION

BOARD OF ADJUSTMENT MEETING  
 13 Parkway Place  
 Patto Cover

The Davis Residence  
 13 Parkway Place  
 10/13/2022

DRAWINGS PROVIDED BY:  
 Doing What's Right  
 13/2022

DATE:	7/8/2022
SCALE:	1/4"
SHEET:	P-6



NUMBER	DATE	REVISION	DESCRIPTION

BOARD OF ADJUSTMENT MEETING PAKKIA FOR OCTOBER 13, 2022  
 The Davis Residence  
 13 Parkway Place

DRAWINGS PROVIDED BY:  
 Doing What's Right

DATE:

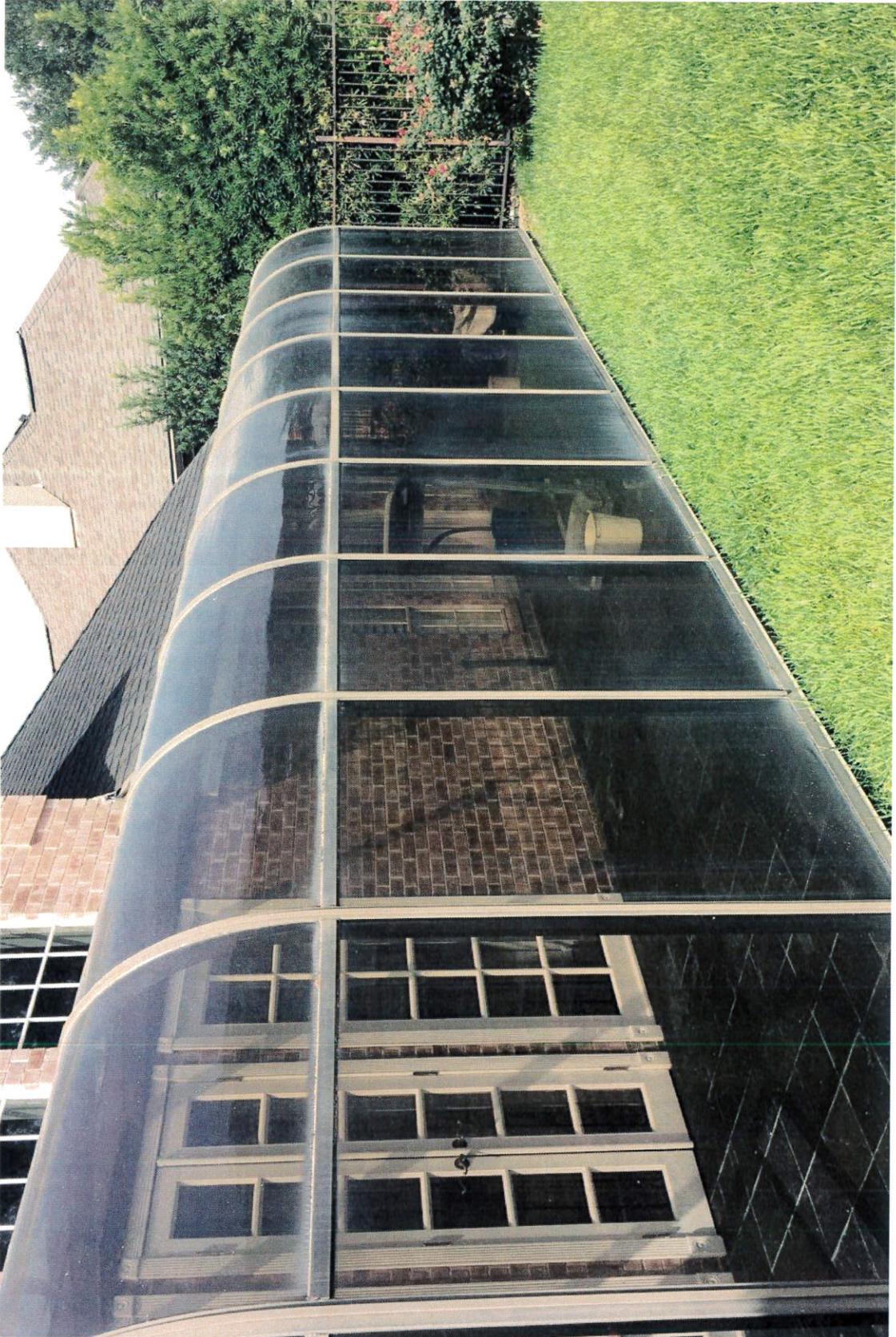
7/8/2022

SCALE:

1/4"

SHEET:

P-7





Tax Year: 2022

HARRIS COUNTY APPRAISAL DISTRICT  
 REAL PROPERTY ACCOUNT INFORMATION  
 ACCOUNT NUMBER **1180200730013**

Print E-mail

File A Protest	Similar Owner Name	Nearby Addresses	Same Street Name	Related Map 4862B
----------------	--------------------	------------------	------------------	-------------------

**Ownership History**

Owner and Property Information

Owner Name & Mailing Address: **DAVIS PEGGY B  
 13 PARKWAY PL  
 HOUSTON TX 77040-1008**

Legal Description: **LT 13 BLK 73  
 THE PARK AT JERSEY VLG AMEND**

Property Address: **13 PARKWAY PL  
 JERSEY VILLAGE TX 77040**

State Class Code

A1 -- Real, Residential, Single-Family

Land Use Code

1001 -- Residential Improved

Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
4,600 SF	2,564 SF	117.01	4024	224 -- ISD 04 - Northwest, btwn Beltway 8 and Hwy 6	4862B	409K

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	03/31/2022	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2021 Rate	2022 Rate
<b>Residential Homestead (Multiple)</b>	004	CYPRESS-FAIRBANKS ISD	126,907	Certified: 08/19/2022	1.339200	
	040	HARRIS COUNTY	309,537	Certified: 08/19/2022	0.376930	
	041	HARRIS CO FLOOD CNTRL	309,537	Certified: 08/19/2022	0.033490	
	042	PORT OF HOUSTON AUTHY	309,537	Certified: 08/19/2022	0.008720	
	043	HARRIS CO HOSP DIST	309,537	Certified: 08/19/2022	0.162210	
	044	HARRIS CO EDUC DEPT	309,537	Certified: 08/19/2022	0.004990	
	045	LONE STAR COLLEGE SYS	80,000	Certified: 08/19/2022	0.107800	
	070	JERSEY VILLAGE	161,907	Certified: 08/19/2022	0.742500	

Estimated taxes for this property can be found at [www.harrispropertytaxes.org](http://www.harrispropertytaxes.org).

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway](#).

Valuations

	Value as of January 1, 2021			Value as of January 1, 2022		
	Market	Appraised		Market	Appraised	
Land	62,468		Land	62,468		
Improvement	218,930		Improvement	279,586		
Total	281,398	281,398	Total	342,054	309,537	

**5-Year Value History**

**Value Notice**

Land

Market Value Land

Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1001 -- Res Improved Table Value SF1 -- Primary SF	SF	3,800	1.00	1.00	1.40	--	1.40	11.50	16.10	61,180.00
2	1001 -- Res Improved Table Value SF3 -- Primary SF	SF	800	1.00	0.10	1.40	--	0.14	11.50	1.61	1,288.00

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
----------	------------	------	-------	---------	------------	------------------

BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022

1      1995      Residential Single Family      101 -- Residential 1 Family      Good      2,564 \*      Displayed

\* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

Building Data		Building Areas	
Element	Details	Description	Area
Cond / Desir / Util	Average	BASE AREA PRI	418
Foundation Type	Slab	ONE STORY MAS PRI	1,222
Grade Adjustment	B	ENCL FRAME PORCH PRI	280
Heating / AC	Central Heat/AC	MAS/BRK GARAGE PRI	506
Physical Condition	Average	OPEN MAS PORCH PRI	24
Exterior Wall	Brick / Veneer	BASE AREA UPR	418
Cost and Design	New / Rebuilt	ONE STORY MAS UPR	506
Element	Units		
Room: Total	7		
Room: Rec	1		
Room: Half Bath	1		
Room: Full Bath	2		
Room: Bedroom	3		
Fireplace: Metal Prefab	1		

BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022

**CITY OF JERSEY VILLAGE  
 CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS  
 BOARD OF ADJUSTMENT - PUBLIC HEARING  
 October 17, 2022 at 12:00 P.M.**

Reason for Public Hearing:

To receive written and oral comments from any interested person(s) concerning the request of Peggy B. Davis, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040.

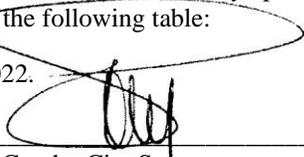
Owner	Street Address	City, State, Zip
M A & Mina Sami	8 Parkway Place	Jersey Village, TX 77040
Timothy S & Becky A Flowers	9 Parkway Place	Jersey Village, TX 77040
Mehdi & Mary R Razmandi	10 Parkway Place	Jersey Village, TX 77040
James & Carlas Barrow	11 Parkway Place	Jersey Village, TX 77040
Peggy A Kunkel	12 Parkway Place	Jersey Village, TX 77040
Peggy B Davis	13 Parkway Place	Jersey Village, TX 77040
Michael Skowronek	14 Parkway Place	Jersey Village, TX 77040
Doris M Wells	15 Parkway Place	Jersey Village, TX 77040
Michael A Craig	16 Parkway Place	Jersey Village, TX 77040
Charlita Marrs	17 Parkway Place	Jersey Village, TX 77040
William J Hambrick	18 Parkway Place	Jersey Village, TX 77040
Donald & Polly Brady	61 Parkway Place	Jersey Village, TX 77040
Joseph J & Jean Y Paul	62 Parkway Place	Jersey Village, TX 77040
Norap Klier	63 Parkway Place	Jersey Village, TX 77040
Jerry B & Linda G Gates	64 Parkway Place	Jersey Village, TX 77040
George S & Georgette Mullen	65 Parkway Place	Jersey Village, TX 77040
Sarah Guzzetta	66 Parkway Place	Jersey Village, TX 77040
Mariana Lanzilli Antonio Palmieri	45 Cherry Hills Drive	Jersey Village, TX 77064-4055
Julian & Pearlie Kubeczka	15914 Capri Drive	Jersey Village, TX 77040-1203
Song Min	49 Cherry Hills Drive	Jersey Village, TX 77064-4055
Ashur & Linda Toma	51 Cherry Hills Drive	Jersey Village, TX 77064-4055
Lorena & Kevin Sullivan	4 Pinehurst Court	Jersey Village, TX 77064-4064

BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022

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 September 30, 2022, 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 30th day of September, 2022.

  
 \_\_\_\_\_  
 Lorri Coody, City Secretary



**CITY OF JERSEY VILLAGE  
APPLICANT CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS  
BOARD OF ADJUSTMENT – October 17, 2022 - 12:00 P.M.**

Reason for Public Hearing:

To receive written and oral comments from any interested person(s) concerning the request of Peggy B. Davis, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040.

I, Peggy B. Davis, applicant and/or property owner, do hereby certify that:

On OCTOBER 6, 2022, at least ten days prior to the date of the hearing, placed on the property at **13 Parkway Place, 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.

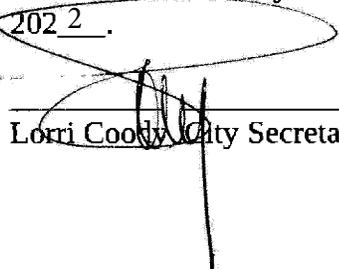
Signed this the 6<sup>th</sup> day of OCTOBER, 2022.

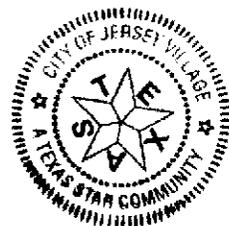
  
\_\_\_\_\_  
Peggy B. Davis - Appellant

THE STATE OF TEXAS    §  
COUNTY OF HARRIS    §

BEFORE ME, the undersigned authority, this day personally appeared Peggy B. Davis, 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 6<sup>th</sup> day of October,  
2022.

  
\_\_\_\_\_  
Lorri Cooty, City Secretary



BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022

## Lorri Coody

---

**From:** Michael A. Craig <mraiglaw@aol.com>  
**Sent:** Saturday, October 8, 2022 7:11 PM  
**To:** Lorri Coody  
**Cc:** pdavis003@comcast.net  
**Subject:** Written Comments - 13 Parkway Place  
**Attachments:** IMG\_2747.jpg

Dear Ms. Coody,

I am writing in support of the variance on the residence of Ms. Peggy Davis at 13 Parkway Place in the Park at Jersey Village with respect to the variance hearing on October 17. I am on the Architectural Control Committee for the Park at Jersey Village, and we approved of the intended improvements to her rear porch as conforming with our deed restrictions.

I am writing and sending the attached photograph because I noted that in the documents that Ms. Davis sent you, there was no photo containing both the rear porch and the fence in relation to each other, which is 10' apart. The plasti-glass sun porch cover that currently exists was installed by the previous owners some 25 years ago when the house was built; it is now leaking and faded, and she intends to replace it with a simple porch roof that extends no further to the golf course fence than the current porch and sun porch cover does, no less and no more. From the drawings I saw, the new porch cover will look far more attractive from the golf course than the previous sun porch cover.

I would think that given the length of time that the current structure has been there, and the new one is to be no closer to the golf course fence, it would certainly merit a variance.

Sincerely,

**Michael A. Craig (#16 Parkway Place)**  
**Attorney at Law**  
[mraiglaw@aol.com](mailto:mraiglaw@aol.com)  
950 Echo Lane, Suite 200  
Houston, Texas 77024  
Phone: 713-627-8991  
Fax: 1-713-627-8992



**Script for BOA Public Hearings on October 17, 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 the request of Peggy B. Davis, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040.

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

*Step 2: Call the zoning official to present any information that he/she 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 the request of Peggy B. Davis, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040.

**BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022**

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

**AGENDA DATE:** October 17, 2022

**AGENDA ITEM:** F1

**AGENDA SUBJECT:** Discuss and take appropriate action on Peggy B. Davis’s request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040.

**Department/Prepared By:** Lorri Coody, City Secretary

**EXHIBITS:** Application and Other Documents Included in PH Item  
14-103 – Regulations for District C

**BACKGROUND INFORMATION:**

Peggy B. Davis, owner, has filed a request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, 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 the 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, Division 2, Section 14-103(b)(3)(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 Peggy B. Davis’s request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-103(b)(3)(b) to allow a 10-foot rear yard setback where 16 feet is required for a new patio cover, where a previous attached glass sunroom existed for the property located at 13 Parkway Place, Jersey Village, Texas 77040.

**BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022**

Sec. 14-103. - Regulations for district C—Townhouse/patio home district.

- (a) *Use regulations.* No building or land shall be used and no building shall be erected, moved or altered except for one or more of the following uses.
- (1) Townhouses.
  - (2) Patio (garden) homes.
  - (3) Accessory uses customarily incident to the above uses, provided that such use be 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.
  - (4) Home occupations as permitted in district A.
  - (5) Model homes as permitted in district A.
- (b) *Height and area regulations.*
- (1) *Height.* For townhouses and patio homes the height of buildings shall not exceed two stories and 30 feet. For other uses building shall not exceed 25 feet in height.
  - (2) *Building area.* For townhouses and patio homes the building area shall be not less than 1,400 square feet.
  - (3) *Location on lot.* For townhouse lots, the setbacks established in section 14-88(b) are modified as follows: Buildings that do not abut a building on an adjacent lot with a common firewall between them shall not be closer than five feet to a side lot line on that side. Abutting buildings shall have a common firewall that complies with current city building codes. A series of abutting buildings shall not have a combined width of greater than 300 feet. Each group of abutting buildings shall be separated on the side by an open space of not less than ten feet to the next side lot line. For patio lots the setbacks established in section 14-88(b) are modified as follows: One side of the living unit may be placed on the property as provided in section 14-108(c). Side street setbacks for townhouses or garden homes shall be a minimum of ten feet.
    - a. For townhouses: The minimum lot size shall be 2,000 square feet, with a maximum density not to exceed ten dwelling units per acre.
    - b. The setbacks established in section 14-88(b) may be modified as follows: A nonresidential building shall not be located closer than 25 feet to the front lot line, 25 feet to a side lot line, or 25 feet to the rear lot line. A residential building may not be located closer than 16 feet to the rear lot line.
- (c) *Construction.*
- (1) Exterior walls shall have at least 75 percent masonry construction to the top elevation line of the building sides of the first floor.
    - a. Masonry construction may include brick, stucco, or stone material.
    - b. Use of CMU for exterior wall veneers prohibited in this district. EIFS is prohibited.
  - (2) Townhouses:
    - a. At least one wall of the living unit must be wholly coincident with the zero line.
    - b. Walls coincident with zero property lines must be masonry without openings. If an open court is placed on the zero property line, a minimum of six feet high masonry wall shall enclose the side of the court coincident with the zero property line.
    - c. No roof water may be drained to the zero property line side.
    - d. No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on the zero property line wall.
    - e. Where a roof overhang over an adjacent lot is proposed a ten-foot access easement for maintenance shall be provided on said adjacent lot.

(3) Garden/patio homes:

- a. The wall that is coincident with or less than five feet to a property line must be masonry without openings.
- b. No roof water may be drained on to the adjacent lot or lots.
- c. No water, electrical panels, plumbing elements, fireplace cleanouts, etc. may be placed on a wall coincident with or less than five feet to a property line.
- d. The minimum building separation between the sides of adjacent dwellings shall be ten feet.
- e. Where a roof overhang over an adjacent lot is proposed a five-foot access easement for maintenance shall be provided on said adjacent lot.
- f. See also subsection 14-135(b), lot line developments, for subdivision platting standards.

(d) *Other regulations; fences and hedges.*

- (1) No fence in district C shall be permitted in the front yard, extending past the building setback line. For side street fencing, where one or more lots have frontage on the street, wrought iron style fencing may be installed to within two feet of the public sidewalk and shall not encroach beyond the side lot line.
- (2) Fences in district C may not be erected and hedges may not be planted directly on a property line without the express agreement of the property owners on both sides of the property line.
- (3) Fences in district C shall not exceed eight feet in height, and shall be of a permanent type, such as chainlink, redwood, cedar, wrought iron, brick or other approved material of equal quality.

(Ord. No. 99-31, § 9, 11-15-99; Ord. No. 00-28, § 1, 8-21-00; Ord. No. 02-09, § 3, 4-15-02; Ord. No. 03-04, § 2, 1-20-03; Ord. No. 2017-56, § 2, 12-18-17; Ord. No. 2017-59, § 2, 12-18-17)

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

**AGENDA DATE:** October 17, 2022

**AGENDA ITEM:** G

**AGENDA SUBJECT:** Conduct a Public Hearing on Legendary Vibes, LLC d/b/a Cru Lounge’s (Cru) appeal of the Building Official’s ruling that the applicant’s proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.

**Department/Prepared By:** Lorri Coody, City Secretary

**EXHIBITS:** Application  
EX A – Correspondence Clarifying Applicant’s Request  
City’s Certification of Public Hearing Posting Requirements  
Applicant’s Certification - Posting Requirements – Not Submitted  
PH Script

**BACKGROUND INFORMATION:**

Legendary Vibes, LLC d/b/a Cru Lounge’s (Cru), tenant of the property located at 17350 NW Freeway, Jersey Village, Texas has filed an appeal of the Building Official’s ruling that the applicant’s proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.

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

This item is to conduct the public hearing.

**RECOMMENDED ACTION:**

Conduct a Public Hearing on Legendary Vibes, LLC d/b/a Cru Lounge’s (Cru) appeal of the Building Official’s ruling that the applicant’s proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.



## Payment receipt

Confirmation number      WPFJ3V46T3

Paid to                      ONLINE PAYMENTS! - Building Projects

Payment method      Visa (ends in 6592)

Project                      17350 NORTHWEST FWYLEGENDARY VIBES, LLC #0000009279

Segment                    MISCELLANEOUS CONVERTEDLEGENDARY VIBES, LLC

User's Email              ddeyon@deyonlawgroup.com

Current Balance           \$300.00

Amount paid              \$300.00

Subtotal	<b>\$300.00</b>
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Service Fee *	<b>\$7.50</b>
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Total	<b>\$307.50</b>
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BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022

**CITY OF JERSEY VILLAGE**  
Application for Appeal to the Board of Adjustment

PROPERTY INFORMATION

Address: 17350 Northwest Freeway, Houston, Texas 77040  
Legal Description: Lot \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

APPLICANT INFORMATION

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

Applicant: Legendary Vibes, LLC (tenant) Phone: 346-229-0106  
Address: 17350 Northwest Freeway  
City: Houston State: TX Zip: 77040

OWNER INFORMATION

Harwin Gessner Investment, Inc. (landlord) 713-819-5534  
Property Owner Telephone Number  
9720 Town Park, #180, Houston, TX 77036  
Street Address City State Zip Code

State the specific ordinance requirements or the administrative ruling that forms the basis for your appeal:  
Legendary Vibes, LLC requests that Section 14 - 105(21) include a Specific Use  
Permit for Hookah Bars/Lounge or in the alternative that Legendary Vibes, LLC  
be allowed to sell Hookah on its establishment for the reasons in the letter  
attached to this Application.

Summarize the nature of your appeal:  
Please see the Letter attached to this Application  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets and diagrams if necessary)

**A fee of \$300 is due upon submitting of the appeal application.**

 9/30/2022  
Signature of Applicant Date

<b>OFFICE USE ONLY</b>	
Received by: _____	Date: _____
Fee paid (amount): \$ _____	

**BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022**

# THE DEYON LAW GROUP, P.L.L.C.

ATTORNEYS AT LAW  
440 LOUISIANA STREET, SUITE 900  
HOUSTON, TEXAS 77002  
www.deyonlawgroup.com

Derek H. Deyon  
Attorney

O: (346) 229 – 0106  
F: (346) 202 – 0230  
D: (346) 317 – 8902  
ddeyon@deyonlawgroup.com

September 23, 2022

**Regular U.S. Mail**

City of Jersey Village  
Justin Pruitt – City Attorney  
16327 Lakeview Drive  
Jersey Village, Texas 77040

**Regular U.S. Mail**

Via Direct Email [ableess@jerseyvillagetx.com](mailto:ableess@jerseyvillagetx.com)  
City of Jersey Village  
Attn: Austin Bleess – City Manager  
16501 Jersey Drive  
Jersey Village, Texas 77040 – 1999

**Regular U.S. Mail**

Via Direct Email to [anlopez@jerseyvillagetx.com](mailto:anlopez@jerseyvillagetx.com)  
City of Jersey Village  
Attn: Permit Technician  
16501 Jersey Drive  
Jersey Village, Texas 77040 – 1999

RE: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Good Day To All,

Legendary Vibes, LLC d/b/a Cru Lounge (“Cru”) retained this office to assist the company with securing permits with The City of Jersey Village to include Hooka as an option for customers to enjoy while Cru primarily operates as a restaurant that sells both food and liquor. Please let this letter serve as my client’s good faith effort to resolve this matter as soon as possible so that Cru can service the great customers that Jersey Village provides. Going forward, could you please send all communications concerning this matter to my office.

As background, Cru is a national franchise with store fronts located in fourteen (14) different metropolitan areas including the Houston area. My client’s own and operate the Cru

franchise located at 17350 Northwest Freeway, Jersey Village, TX 77040, which is located in District F. The City of Jersey Village has twelve (12) zoning Districts, which consist of Districts A – M. Cru is located in District F, which is governed by City Ordinance Section 14 – 105. This ordinance regulates the types of businesses that can operate within District F. With regards to Cru, my client can operate as a restaurant per Section 14 – 105(13), and apply for a Specific Use Permit to sell alcoholic beverages pursuant to Section 14 – 105(21)(d.). The only issue that my client faces is selling Hookah on its premises.

Section 14 – 5 defines Hookah bar/lounge as an establishment used primarily for the sale of shisha for consumption on the premises or for sale or rental of accessories used for smoking shisha on the premises. My client requests that it be allowed to provide Hookah for its customers to enjoy because my client’s primary business model is to sell food and liquor, while Hookah will only be one non – primary item for my client’s customers to purchase. My client’s primary revenue streams will come from selling food and liquor.

The City Manager requested that we submit an Application for Appeal to the Board of Adjustment; however, my office doesn’t believe that that is necessary seeing that Cru fits within the requirements of the current city ordinances. I will give The City Attorney a call today and if we are required to submit the Application for Appeal to the Board of Adjustment, we will submit the application; and work through the proper procedures and hearing process. Thank you in advance for your consideration.

Many Thanks,

*/s/Derek H. Deyon*

Derek H. Deyon  
*Attorney at Law*

**From:** [Derek Deyon](#)  
**To:** [Justin Pruitt](#); [Lorri Coody](#)  
**Subject:** Re: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.  
**Date:** Friday, September 30, 2022 11:19:30 AM

---

Many Thanks!

Derek H. Deyon  
The Deyon Law Group, PLLC  
Attorney at Law  
440 Louisiana Street, Suite 900  
Houston, Texas 77002  
346 - 229 - 0106 (Phone)  
346 - 202 - 0230 (Fax)  
346 - 317 - 8902 (Direct)  
ddeyon@deyonlawgroup.com

Derek Deyon Managing Attorney The Deyon Law Group, P.L.L.C., 440 Louisiana Street, Suite 900, Houston, Texas 77002, (346) – 229 – 0106 (Office) (346) – 202 – 0230 (Fax) NOTICE: This message is intended only for the addressee and may contain information that is privileged, confidential and/or attorney work product. If you are not the intended recipient, do not read, copy, retain or disseminate this message or any attachment. If you have received this message in error, please call the sender immediately at (346) 229 - 0106 and delete all copies of the message and any attachment. Neither the transmission of this message or any attachment, nor any error in transmission or mis - delivery shall constitute waiver of any applicable legal privilege.

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**From:** Justin Pruitt <jpruitt@olsonllp.com>  
**Sent:** Friday, September 30, 2022 11:17 AM  
**To:** Derek Deyon <ddeyon@deyonlawgroup.com>; Lorri Coody <lcoody@jerseyvillagetx.com>  
**Subject:** RE: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Derek,

Thanks for the clarification. The City Secretary is included on this message, and she will make sure that your appeal hearing is scheduled for the ZBA's October 17 meeting. If you have any questions between now and Oct. 17, then feel free to reach out to either of us.

Justin Pruitt  
Olson & Olson, LLP

---

**From:** Derek Deyon <ddeyon@deyonlawgroup.com>  
**Sent:** Friday, September 30, 2022 11:12 AM  
**To:** Justin Pruitt <jpruitt@olsonllp.com>  
**Subject:** Re: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Justin,

To clarify, my client's stance is that it is not a Hookah Bar/Lounge. Yes, it is my client's intent to appeal to the Zoning Board of Adjustment the City's determination that my client's proposed use is a "hookah bar/lounge".

Many Thanks,

Derek H. Deyon  
The Deyon Law Group, PLLC  
Attorney at Law  
440 Louisiana Street, Suite 900  
Houston, Texas 77002  
346 - 229 - 0106 (Phone)  
346 - 202 - 0230 (Fax)  
346 - 317 - 8902 (Direct)  
[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)

Derek Deyon Managing Attorney The Deyon Law Group, P.L.L.C., 440 Louisiana Street, Suite 900, Houston, Texas 77002, (346) – 229 – 0106 (Office) (346) – 202 – 0230 (Fax) NOTICE: This message is intended only for the addressee and may contain information that is privileged, confidential and/or attorney work product. If you are not the intended recipient, do not read, copy, retain or disseminate this message or any attachment. If you have received this message in error, please call the sender immediately at (346) 229 - 0106 and delete all copies of the message and any attachment. Neither the transmission of this message or any attachment, nor any error in transmission or mis - delivery shall constitute waiver of any applicable legal privilege.

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**From:** Justin Pruitt <jpruitt@olsonllp.com>  
**Sent:** Friday, September 30, 2022 10:51 AM  
**To:** Derek Deyon <ddeyon@deyonlawgroup.com>  
**Subject:** RE: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Mr. Deyon,

As it stands, the City's determination is that your client's proposed use is a "hookah bar/lounge" as

that term is defined under the City's Code. Your only course of action at this time is to appeal the determination. Your application is not clear in that it requests a Specific Use Permit for a Hookah Bar (which is not an option in that District), and it also requests that your client be allowed to sell Hookah at the location for the reasons you provide – but you state that you do not think an appeal is necessary.

Is it your intent to appeal to the Zoning Board of Adjustment the City's determination that your client's proposed use is a "hookah bar/lounge"? If so, then we will make sure that you are on the ZBA's hearing schedule for October 17. If you are not choosing to appeal the City's determination, then please let me know.

Thanks,  
Justin Pruitt  
Olson & Olson, LLP

---

**From:** Derek Deyon <[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)>  
**Sent:** Friday, September 30, 2022 8:09 AM  
**To:** Justin Pruitt <[jpruitt@olsonllp.com](mailto:jpruitt@olsonllp.com)>  
**Subject:** Fw: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Derek H. Deyon  
The Deyon Law Group, PLLC  
Attorney at Law  
440 Louisiana Street, Suite 900  
Houston, Texas 77002  
346 - 229 - 0106 (Phone)  
346 - 202 - 0230 (Fax)  
346 - 317 - 8902 (Direct)  
[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)

Derek Deyon Managing Attorney The Deyon Law Group, P.L.L.C., 440 Louisiana Street, Suite 900, Houston, Texas 77002, (346) – 229 – 0106 (Office) (346) – 202 – 0230 (Fax) NOTICE: This message is intended only for the addressee and may contain information that is privileged, confidential and/or attorney work product. If you are not the intended recipient, do not read, copy, retain or disseminate this message or any attachment. If you have received this message in error, please call the sender immediately at (346) 229 - 0106 and delete all copies of the message and any attachment. Neither the transmission of this message or any attachment, nor any error in transmission or mis - delivery shall constitute waiver of any applicable legal privilege.

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**From:** Derek Deyon <[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)>  
**Sent:** Friday, September 30, 2022 8:02 AM  
**To:** Lorri Coody <[lcoody@jerseyvillagetx.com](mailto:lcoody@jerseyvillagetx.com)>  
**Cc:** Evan Duvall <[eduvall@bbgcode.com](mailto:eduvall@bbgcode.com)>; Ashley Lopez <[anlopez@jerseyvillagetx.com](mailto:anlopez@jerseyvillagetx.com)>; Tim Nguyen <[TNguyen@jerseyvillagetx.com](mailto:TNguyen@jerseyvillagetx.com)>  
**Subject:** Re: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Good Morning To All,

Please see the attached:

1. City of Jersey Village Application for Appeal to the Board of Adjustment.

My office will pay the \$300 fee online in a few minutes.

Many Thanks,

Derek H. Deyon  
The Deyon Law Group, PLLC  
Attorney at Law  
440 Louisiana Street, Suite 900  
Houston, Texas 77002  
346 - 229 - 0106 (Phone)  
346 - 202 - 0230 (Fax)  
346 - 317 - 8902 (Direct)  
[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)

Derek Deyon Managing Attorney The Deyon Law Group, P.L.L.C., 440 Louisiana Street, Suite 900, Houston, Texas 77002, (346) – 229 – 0106 (Office) (346) – 202 – 0230 (Fax) NOTICE: This message is intended only for the addressee and may contain information that is privileged, confidential and/or attorney work product. If you are not the intended recipient, do not read, copy, retain or disseminate this message or any attachment. If you have received this message in error, please call the sender immediately at (346) 229 - 0106 and delete all copies of the message and any attachment. Neither the transmission of this message or any attachment, nor any error in transmission or mis - delivery shall constitute waiver of any applicable legal privilege.

---

**From:** Lorri Coody <[lcoody@jerseyvillagetx.com](mailto:lcoody@jerseyvillagetx.com)>  
**Sent:** Thursday, September 29, 2022 10:22 AM  
**To:** Derek Deyon <[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)>  
**Cc:** Evan Duvall <[eduvall@bbgcode.com](mailto:eduvall@bbgcode.com)>; Ashley Lopez <[Anlopez@jerseyvillagetx.com](mailto:Anlopez@jerseyvillagetx.com)>; Tim Nguyen <[TNguyen@jerseyvillagetx.com](mailto:TNguyen@jerseyvillagetx.com)>  
**Subject:** RE: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Derek:

Thank you for speaking with me concerning the October 17 Meeting date. You mentioned that you will be able to file your application tomorrow. That will work in getting your appeal on the agenda. To file the request, you will need to pay the fee. I believe you can do that on-line, but you will need to work with Ashley Lopez to do that. Her number at her desk is 713-466-2110 and I have copied her on this email.

Once you file the request and pay the fee, Evan Duvall will give the application a look to make sure it has all that is needed to be presented to the Board. After his approval that all is in order, I will place the item on the agenda and send you information regarding the notice requirements.

Thanks Lorri

***Lorri Coody, TRMC***

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

---

**From:** Lorri Coody

**Sent:** Thursday, September 29, 2022 10:04 AM

**To:** [ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)

**Subject:** FW: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Derek:

The Jersey Village Board of Adjustment will be meeting on October 17, 2022 at 12:00 noon for another variance request. I understand that you are representing a client that is interested in filing an appeal to the Building Official's ruling regarding a hookah bar. If you want to get on the agenda for October 17, 2022, I will need to have your application along with the filing fee of \$300 no later than October 4, 2022 in order to meet the notice requirements of mailing letters to residents within a 200 ft radius of the affect property 11 days prior (October 6) to the hearing date of October 17. The applicant will be responsible for posting signs along the property no later than October 7.

I know the time table is tight, but I wanted you to know about this opportunity. If you believe that you can meet the time requirements, please let me know something ASAP. My cell number is 281-389-0772 and this is the best number at which to reach me.

If you cannot make the October 17 meeting, we will need to look at another

date towards the end of November or beginning of December given the holidays.

Thanks Lorri

***Lorri Coody, TRMC***

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

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**From:** Justin Pruitt <[jpruitt@olsonllp.com](mailto:jpruitt@olsonllp.com)>  
**Sent:** Friday, September 23, 2022 2:18 PM  
**To:** Derek Deyon <[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)>  
**Cc:** Lorri Coody <[lcoody@jerseyvillagetx.com](mailto:lcoody@jerseyvillagetx.com)>  
**Subject:** RE: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Mr. Deyon,

I am out of the office taking care of a sick kiddo.

I read through your letter and I understand that you disagree with the City's administrative official's determination regarding your client's proposed hookah bar. The process to dispute an administrative official's determination is through an appeal made to the City's Zoning Board of Adjustment. I have attached two documents that are available on the City's website that should help you in an appeal if you choose to go that route. One document is a portion of the City's Code of Ordinances that covers the appeal process, and the other is an application for an appeal. If you choose to file an appeal, then you may submit a completed application to the City Secretary, Lorri Coody, who is copied on this message.

Since I am out of the office, I am not available by phone, but you can reach me via email if you have any questions.

Thanks,  
Justin Pruitt  
Olson & Olson, LLP

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**From:** Derek Deyon <[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)>  
**Sent:** Friday, September 23, 2022 1:52 PM  
**To:** Justin Pruitt <[jpruitt@olsonllp.com](mailto:jpruitt@olsonllp.com)>  
**Subject:** RE: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Attorney Pruitt,  
I called your office and your secretary informed me that you were away from your phone. Please

see the attached and let me know your thoughts via email or phone call.

Many Thanks,

Derek H. Deyon  
The Deyon Law Group, PLLC  
[www.deyonlawgroup.com](http://www.deyonlawgroup.com)  
Attorney at Law  
440 Louisiana Street, Suite 900  
Houston, Texas 77002  
346 - 229 - 0106 (Phone)  
346 - 202 - 0230 (Fax)  
346 - 317 - 8902 (Direct)  
[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)

Derek Deyon Managing Attorney The Deyon Law Group, P.L.L.C., 440 Louisiana Street, Suite 900, Houston, Texas 77002, (346) – 229 – 0106 (Office) (346) – 202 – 0230 (Fax) NOTICE: This message is intended only for the addressee and may contain information that is privileged, confidential and/or attorney work product. If you are not the intended recipient, do not read, copy, retain or disseminate this message or any attachment. If you have received this message in error, please call the sender immediately at (346) 229 - 0106 and delete all copies of the message and any attachment. Neither the transmission of this message or any attachment, nor any error in transmission or mis - delivery shall constitute waiver of any applicable legal privilege.

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**From:** Derek Deyon <[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)>  
**Sent:** Friday, September 23, 2022 8:08 AM  
**To:** [ableess@jerseyvillagetx.com](mailto:ableess@jerseyvillagetx.com) <[ableess@jerseyvillagetx.com](mailto:ableess@jerseyvillagetx.com)>; [anlopez@jerseyvillagetx.com](mailto:anlopez@jerseyvillagetx.com) <[anlopez@jerseyvillagetx.com](mailto:anlopez@jerseyvillagetx.com)>  
**Subject:** RE: Letter of Representation/Legendary Vibes, LLC d/b/a Cru Lounge/17350 Northwest Freeway, Jersey Village, TX 77040.

Good Day,

Please see the attached Correspondence. Hard copies will follow via mail. If possible, can you please email me The City Attorney's email address.

Many Thanks,

Derek H. Deyon  
The Deyon Law Group, PLLC  
Attorney at Law  
440 Louisiana Street, Suite 900  
Houston, Texas 77002  
346 - 229 - 0106 (Phone)  
346 - 202 - 0230 (Fax)  
346 - 317 - 8902 (Direct)  
[ddeyon@deyonlawgroup.com](mailto:ddeyon@deyonlawgroup.com)

Derek Deyon Managing Attorney The Deyon Law Group, P.L.L.C., 440 Louisiana Street, Suite 900, Houston, Texas 77002, (346) – 229 – 0106 (Office) (346) – 202 – 0230 (Fax) NOTICE: This message is intended only for the addressee and may contain information that is privileged, confidential and/or attorney work product. If you are not the intended recipient, do not read, copy, retain or disseminate this message or any attachment. If you have received this message in error, please call the sender immediately at (346) 229 - 0106 and delete all copies of the message and any attachment. Neither the transmission of this message or any attachment, nor any error in transmission or mis - delivery shall constitute waiver of any applicable legal privilege.

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**CITY OF JERSEY VILLAGE  
 CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS  
 BOARD OF ADJUSTMENT - PUBLIC HEARING  
 October 17 at 12:00 P.M.**

Reason for Public Hearing:

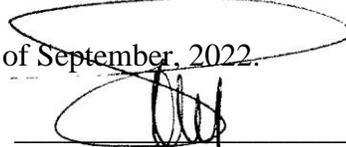
To receive written and oral comments from any interested person(s) concerning Legendary Vibes, LLC d/b/a Cru Lounge's (Cru) appeal of the Building Official's ruling that the applicant's proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.

Owner	Street Address	City, State, Zip
Om VJ LLC	17140 Northwest Freeway	Houston, TX 77040
United Rentals Realty LLC	17138 Northwest Freeway	Houston, TX 77040
Cabrera Brothers II LP	17386 Northwest Freeway	Houston, TX 77040
Gordon NW Village LP	17360 Northwest Freeway	Houston, TX 77040
Weeger Investments LTD	17341 Village Green Drive	Houston, TX 77040

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 September 30, 2022, 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 30th day of September, 2022.

  
 \_\_\_\_\_  
 Lorri Coody, City Secretary



BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022

**Script for BOA Public Hearings on October 17, 2022**

**Read Item G 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 Legendary Vibes, LLC d/b/a Cru Lounge's (Cru) appeal of the Building Official's ruling that the applicant's proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.

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

*Step 2: Call the zoning official to present any information that he/she 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 Legendary Vibes, LLC d/b/a Cru Lounge's (Cru) appeal of the Building Official's ruling that the applicant's proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.

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

**AGENDA DATE:** October 17, 2022

**AGENDA ITEM:** G1

**AGENDA SUBJECT:** Discuss and take appropriate action concerning Legendary Vibes, LLC d/b/a Cru Lounge’s (Cru) appeal of the Building Official’s ruling that the applicant’s proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.

**Department/Prepared By:** Lorri Coody, City Secretary

**EXHIBITS:** Application and Other Documents Included in PH Item  
Section 14-5 – Definition of Hookah Bar  
Section 14-105 – Regulations for District F

**BACKGROUND INFORMATION:**

Legendary Vibes, LLC, Tenant, has filed an appeal of the Building Official’s ruling that the applicant’s proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.

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

To assist the Board in making its decision, included in the meeting packet are copies of Section 14-5’s definition of Hookah Bar and Section 14-105 of the Code of Ordinances.

**RECOMMENDED ACTION:**

Discuss and take appropriate action concerning Legendary Vibes, LLC d/b/a Cru Lounge’s (Cru) appeal of the Building Official’s ruling that the applicant’s proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.

**BOARD OF ADJUSTMENT MEETING PACKET FOR OCTOBER 17, 2022**

Section 14-5 – Definition of Hookah Bar:

*Hookah bar/lounge* means an establishment used primarily for the sale of shisha for consumption on the premises or for sale or rental of accessories used for smoking shisha on the premises.

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)