



**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 November 15, 2022, at 6:00 p.m. in the Civic Center 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. Consider approval of the minutes for the meeting held on October 17, 2022. *Lorri Coody, City Secretary*
- E. 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*
- F. 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: November 4, 2022 at 5:00 p.m. and remained so posted until said meeting was convened.

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



Board of Adjustment Meeting Packet for the Meeting to be held on November 15, 2022

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."

**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.

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE  
BOARD OF ADJUSTMENT  
October 17, 2022 – 12:00 p.m.**

The Board of Adjustment of the City of Jersey Village, Texas, convened on October 17, 2022, at 12:00 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
Judy Tidwell, Alternate Place 1	Nelson L. Feeney, Alternate Place 2

Board Member Ken Nguyen was not present at this meeting.

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; and Evan Duvall, Building Official Representative.

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

Alternate Board Member Judy Tidwell was designated to serve in the place of Board Member Ken Nguyen.

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

Chairman Simchak opened nominations for Chair of the Board for a one-year term beginning October 1, 2022 and ending September 30, 2023. Board Member Khalili nominated Board Member Thomas G. Simchak. Board Member Mena seconded the nomination. With no other nominations being made, the vote follows:

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

Nays: None

The motion carried.

Chairman Simchak opened nominations for the office of Vice Chair for a one-year term beginning October 1, 2022 and ending September 30, 2023. Board Member Khalili nominated

Board Member M. Reza Khalili. Board Member Pennington seconded the nomination. With no other nominations being made, the vote follows:

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

Nays: None

The motion carried.

**E. Consider approval of the minutes for the meeting held on June 20, 2022.**

Board Member Mena moved to approve the minutes for the meeting held on June 20, 2022. Board Member Khalili seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**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.**

Chairman Simchak opened the public hearing at 12:04 p.m. in order 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.

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 her case and supporting evidence concerning this request.

Applicant Peggy B. Davis presented her evidence. She told the Board she has owned the property for 18 years. When purchased, there was a glass sunroom on the back of the home. This sunroom was attached to the home some 25 years ago. The sunroom roof is currently leaking. It is worn out and needs to be replaced since it cannot be repaired. She would like to replace the sunroom with a patio cover. She will keep the floor as is and the roof will be extended out just a bit further to cover the existing floor. She intends to keep the current setback of 10 feet.

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 there is an existing glass sunroom on the home. The existing structure is at the 10-foot setback mark and because the current setback is 16 feet, it cannot be approved without a variance.

There were questions by the Board concerning the structure. Some wanted to know if it will be an integral part of the main residence. Mr. Duval answered the question stating that it is difficult to state if it is an integral part, but as the home is laid out, based upon code, there is only 2 feet to do something in the back yard. That being said, it could be considered integral. The Chair clarified his understanding of integral stating that he wanted to know if the structure can be removed from the home without making the home unusable. Mr. Duvall stated that it is not integral based upon this definition. The proposed structure is to be open air. The current glass sunroom does provide air conditioning and heating, but it is very loud and therefore unusable. The new structure will not have climate control. The applicant gave further details about the proposed structure.

There was discussion about why the rear setback is where it is currently located. Mr. Duvall did not have any information as to why but stated that there are no easements that will be affected with the proposed structure. The flooring was discussed. Some wondered if there needs to be a Code amendment to address this problem of setbacks in this area of the City. Mr. Duvall explained the issue further and stated that Staff would review the Code to determine if this is necessary.

Because of the size of the lot, some members felt that this project is eligible for a variance. The Chair called upon the City Attorney to explain the requirements for the variance to which he replied accordingly, to include unnecessary hardship requirements.

There was discussion about neighboring homes and how these homes also encroach the rear setback.

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

**Mr. Michael A. Craig, 16 Parkway Place, Jersey Village, Texas (713) 882-0172** spoke to the Board. He stated he has inspected the property and does not have any objections. He also stated that he has sent the Board his written reply of support. He went on to explain the proposed structure and recommends the proposed variance. The Board asked Mr. Craig about the windows on the rear side of homes in that area concerning zero protection from golf balls. Mr. Craig stated that in the past 25 years he has only experienced two stray golf balls. He pointed out that the proposed structure will have a protective roof.

With no other comments, Chairman Simchak closed the 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 at 12:21 p.m. and called the next item on the agenda, item F1.

**(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.**

With no further discussion on the matter, Board Member Mena moved to grant the request of Peggy B. Davis 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 Member Khalili seconded the motion. The vote follows:

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

Nays: None

The motion carried.

*The Board's Original Order No. 2022-06 is attached as Exhibit A and made a part of these minutes.*

**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.**

Chairman Simchak opened the public hearing at 12:22 p.m. in order to receive written and oral comments from any interested person(s) 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.

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 supporting evidence concerning this appeal.

**Mr. Derek Devon, Attorney for the Applicant, 440 Louisiana Street, Suite 900, Houston, Texas 77002 (346) 229-0106** presented evidence in support of the appeal. He told the Board that the applicants own a company called Cru Lounge and they have signed a lease in Jersey Village where they own and operate a food and liquor establishment. In addition to the food and liquor, they want to be able to sell hookah. He read the definition of hookah from the City Code. He argues that the restaurant and bar is not primarily going to sell hookah, rather they will primarily sell food and liquor and hookah will be a small part of their offering. He likened the sale of hookah to that of a convenience store that primarily sells gas, but also has other products such as soft drinks and snacks. In this case, hookah is just one of the things they will be selling.

Mr. Deyon called **Mr. Gregory Martin, 27467 Vivace Drive, Spring, Texas (281) 226-3937** to give further information. Mr. Martin told the Board that he wanted to be grandfathered in and permitted to sell hookah. He stated that prior to signing the lease, he did due diligence wherein he stated he reached out to the City to see if they were able to sell hookah in addition to food and alcohol at 17350 NW Freeway, Jersey Village, Texas in District J. He stated that he visited with Mr. Duvall, the Building Official, about their plans, and received a response that he could sell hookah in District J. Attorney Deyon submitted a copy of the email in question wherein permission was granted by the City. Mr. Martin went on to say that once he had received this confirmation, he signed the lease and began buildout of the facility.

The Board asked what facility was previous in the leased space. Mr. Martin stated it was a restaurant. Once the buildout was underway, Mr. Martin then submitted a request for Certificate of Occupancy and the request was denied because of his intent to sell hookah. Mr. Martin explained that hookah is part of their business model.

In response to Mr. Martin's statements to the Board, Building Official Duvall stated that at the time of the email, hookah was permitted. The City amended its Ordinance in April of 2022, which made hookah only allowed in District H.

Mr. Henry George Jr. spoke to the Board. He stated he has lived around Jersey Village for quite some time and is interested in having his business here. He stated that he did due diligence in making this investment. His business is a national brand with 13 locations throughout the US. He told the Board that he will sell food, alcohol, and hookah. He gave particulars about the steps of his due diligence. He stated the business model was approved in January of 2022, the lease was signed in February based upon the approval of the City. He started his application for Certificate of Occupancy was submitted in February of 2022, but the application expired and was not restarted until August of 2022 and was later denied by the City in terms of the sale of hookah. He stated that he was never given notice that the City's rules changed during this process. He stated that he currently has over \$100,000 invested in this business. The change in code has damaged the owners of this establishment.

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 he was contacted in January and the approval email was sent. However, there was a change in the ordinance in April of 2022. He went on to explain that when there is a change in Ordinance, as a practice, he reviews open permits in order to notify any affected requestors of the change. In this case, there was mechanical and water and gas line work being done, but nothing concerning Hookah; therefore, no notice was given or required. After the ordinance change and the second certificate of occupancy permit was received, Mr. Duvall did reach out to the requestor and explained that hookah would not be permitted.

The timeline was discussed. The change in the ordinance was discussed. Mr. Pruitt explained that this is an appeal of the Building Official's ruling and what the Board needs to look at is the definition of Hookah Bar to determine if the Building Official has made the right determination.

The applicant is objecting to the ruling of the Building Official because the sale of hookah is not their primary product for sale as they are also selling food and alcohol, which they feel make up the majority of their offerings.

City Manager Bless stated that the City has looked at the applicant's media and social media pages, which state it is a hookah bar. Handouts concerning same were distributed to the Board for review.

The City Attorney explained that if the Board follows the Building Official's interpretation the hookah bar is not permitted. If the Board overrules the Building Official, than hookah can be smoked on the premises to be located at 17350 NW Freeway. The social media information was discussed as well as the published menu for this establishment. Mr. Deyon submitted a hard copy of the menu which was marked as Applicant's Exhibit #2. Mr. Deyon pointed out that the word "primarily" as used in the statute applies to both the first part of the statute and to the second part following the word "or." Information from social media was read aloud concerning the sale of hookah by this business. Mr. Deyon also submitted further information concerning the business.

The Board had questions, wondering if the two who previously spoke are owners. It was confirmed that they are owners of this establishment. The Board wanted to know if there is a written timeline of the activities leading up to the denial of the certificate of occupancy. The applicant submitted a written timeline for the Board's review. It was not marked as an exhibit.

The definition of hookah was also discussed. City Attorney Pruitt explained the definition. Hookah is the pipe and the shisha is the tobacco placed inside of the pipe for smoking. The City does not have a smoking ordinance. With this in mind, the difference between smoking tobacco and smoking hookah was discussed by the Board. City Attorney Pruitt explained the difference is that there is a definition of hookah in our Code and hookah is not allowed. Adding this definition created a use wherein it is not allowed in Zone F. Hookah is permitted in Zone H.

The approval of the Building Official was discussed. This approval was initially approved for Zone J and was written before the Code was amended in April. What is being reviewed today is the definition of a hookah bar and the Building Official's ruling concerning same.

The Board asked what percentage of the customers smoke Hookah at other establishments owned by the applicant. The applicant explained that of the 60 to 70 people at one of their locations, about 7 would be smoking. The applicant explained that smoking Hookah is part of their business model, but it is not a primary focus of their business. The applicant addressed the reference to Zone J in the presented email, acknowledging that his business is located in District F. Nonetheless, the applicant pointed out that the email does include the address of 13750 NW Freeway, which is located in Zone F. He also pointed out that hookah accounts for less than 15% of their sales. The applicant pointed out that the business is a restaurant and bar with the sale of hookah and serves customers 21 and up.

The Board asked for the City Attorney to give a recommendation concerning this request. City Attorney Pruitt stated that he will not direct the Board on what to do, but stated what would happen in each instance concerning the Board's action.

With no other comments, Chairman Simchak closed the 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 at 12:58 p.m. and called the next item on the agenda, item G1.

**(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.**

With no further discussion on the matter, Board Member Mena moved to deny the Hookah Lounge and stand before our Officer’s Decision. In hearing the motion, Chairman Simchak stated, “to clarify the motion was to affirm the decision of the Building Official, is that correct?” Board Member Mena stated, “that is correct.” Board Member Tidwell seconded the motion. The vote follows:

Ayes: Board Members Mena and Tidwell  
Chairman Simchak

Nays: Board Member Khalili

Abstain: Board Member Pennington

The motion failed. A concurring vote of four (4) members of the Board is necessary to reverse an order, requirement, decision, or determination of an administrative official. Not having the necessary vote for action, the Board did not consider any further motion regarding this appeal; therefore, the Board took no action regarding this item.

*The Board’s Original Order No. 2022-07 is attached as Exhibit B and made a part of these minutes.*

**H. Adjourn**

With no other business before the Board, Chairman Simchak adjourned the meeting at 1:01 p.m.

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



Board of Adjustment Meeting Packet for the Meeting to be held on November 15, 2022



**CITY OF JERSEY VILLAGE - BOARD OF ADJUSTMENT  
ORDER NO. 2022-06**

**WHEREAS**, on August 31, 2022, Peggy B. Davis, owner, 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.

**WHEREAS**, the Board conducted a Public Hearing and received information from the Public and from the Applicant on October 17, 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 2, Section 14-103(b)(3)(b) will result in an unnecessary hardship for Peggy B. Davis; and
- that in granting the variance, the spirit of this chapter will be upheld and observed;

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

**SECTION 1.** In consideration of the information before the Board, with a concurring vote of at least four (4) members, the Board voted to  X  GRANT \_\_\_\_\_ DENY the request of Peggy B. Davis 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.

**PASSED, APPROVED, AND ORDERED** this 17th day of October 2022.

S/Thomas G. Simchak, Chairman

**ATTEST:**

S/Lorri Coody, City Secretary



EXHIBIT A



**CITY OF JERSEY VILLAGE - BOARD OF ADJUSTMENT  
ORDER NO. 2022-07**

**WHEREAS**, on September 30, 2022, Legendary Vibes, LLC, d/b/a Cru Lounge (Cru), Tenant, 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; and

**WHEREAS**, the Board conducted a Public Hearing and received information from the Public and from the Applicant on October 17, 2022; and

**WHEREAS**, after closing the hearing and discussion on the matter, the Board made its findings; and **NOW THEREFORE**,

**BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF JERSEY VILLAGE:**

**SECTION 1. THAT** in consideration of the information before the Board, regarding Legendary Vibes, LLC, d/b/a Cru Lounge’s (Cru) appeal of the City’s 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 was unable to reach a concurring vote of four (4) members on the following motion:

Board Member Mena moved to deny the Hookah Lounge and stand before our Officer’s Decision. In hearing the motion, Chairman Simchak stated, “To clarify, the motion was to affirm the decision of the Building Official. Is that correct?” Board Member Mena stated, “That is correct.” Board Member Tidwell seconded the motion. The vote followed:

*Ayes:* Chairman Simchak, Board Member Mena, and Board Member Tidwell

*Nays:* Board Member Khalili

*Abstain:* Board Member Pennington

The motion failed. The concurring vote of four (4) members of the Board is necessary to reverse an order, requirement, decision, or determination of an administrative official. The Board did not consider any further motion regarding this appeal, so the Board took no action regarding this item.

**ORDERED** this 17<sup>th</sup> day of October 2022.

**FOR THE BOARD:**

**S/Thomas G. Simchak, Chairman**

**ATTEST:**

**S/Lorri Coody, City Secretary**



Board of Adjustment Meeting Packet for the Meeting to be held on November 15, 2022

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

**AGENDA DATE:** November 15, 2022

**AGENDA ITEM:** E

**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  
City’s Certification - Posting Requirements  
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.

**Board of Adjustment Meeting Packet for the Meeting to be held on November 15, 2022**



## 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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**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 the Meeting to be held on November 15, 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  
City of Jersey Village  
Attn: Austin Bless – City Manager  
16501 Jersey Drive  
Jersey Village, Texas 77040 – 1999

**Regular U.S. Mail**

Via Direct Email to 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

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**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

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**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.

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**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*

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**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  
 November 15, 2022 at 6:00 P.M.**

Reason for Public Hearing:

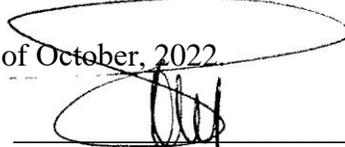
To receive written and oral comments from any interested person(s) concerning Legendary Vibes, LLC d/b/a Cru Lounge's (Cru) appeal of the Building Official's ruling that the applicant's proposed use within District F is a Hookah Bar; and therefore, the applicant is not permitted to sell Hookah at its 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 October 26, 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 26th day of October, 2022

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



Board of Adjustment Meeting Packet for the Meeting to be held on November 15, 2022

**CITY OF JERSEY VILLAGE**  
**APPLICANT CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS**  
**BOARD OF ADJUSTMENT – November 15, 2022 - 6:00 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.

I, TIM NGUYEN, City Employee for the City of Jersey Village, do hereby certify that:

On OCTOBER 31, 2022, at least ten days prior to the date of the hearing, placed on the property at 17350 NW Freeway, Jersey Village, Texas which is the subject of this hearing, signs indicating the type of relief sought or the proposed change in status of the property as well as the date, time and place of the hearing. The signs were placed at not more than 300-foot intervals across the property line fronting on the existing streets and were clearly visible from the streets. Each sign was located no more than ten feet from the property line and was no smaller than 18 inches by 24 inches,

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

Signed this the 1<sup>ST</sup> day of NOVEMBER, 2022.

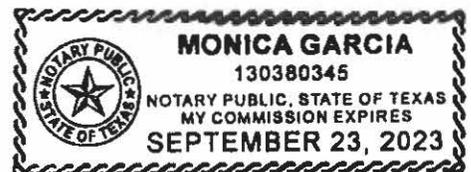
Tim Nguyen  
City Employee

THE STATE OF TEXAS     §  
COUNTY OF HARRIS     §

BEFORE ME, the undersigned authority, this day personally appeared Tim Nguyen, 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 1<sup>st</sup> day of November, 2022.

Monica Garcia  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



Board of Adjustment Meeting Packet for the Meeting to be held on November 15, 2022

**Script for BOA Public Hearings on November 15, 2022**

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

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

The purpose of today's hearing is to receive written and oral comments from any interested person(s) concerning 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 Meeting Packet for the Meeting to be held on November 15, 2022

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

**AGENDA DATE:** November 15, 2022

**AGENDA ITEM:** E1

**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

**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:**

**MOTION TO GRANT THE APPEAL:**

I move to ***GRANT*** the appeal of Legendary Vibes, LLC d/b/a Cru Lounge (Cru), finding that the ruling of the City’s Building Official was ***INCORRECT*** and that the applicant’s proposed use within District F ***IS NOT A HOOKAH BAR***; and therefore, the applicant ***IS PERMITTED TO SELL HOOKAH*** at its establishment located at 17350 Northwest Freeway, Jersey Village, Texas within Zoning District F.

**MOTION TO DENY THE APPEAL:**

I move to ***DENY*** the appeal of Legendary Vibes, LLC d/b/a Cru Lounge (Cru), finding that the ruling of the City’s Building Official was ***CORRECT*** and 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 the Meeting to be held on November 15, 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.