



## 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 December 13, 2023, 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. Conduct a review of the duties and responsibilities of the Board of Adjustment as well as review the Board's Rules and Procedures document. *Justin Pruitt, City Attorney*
- E. Consider amendments to the Rules of Procedure for the Board of Adjustment of the City of Jersey Village, Texas. *Justin Pruitt, City Attorney*
- F. Consider approval of the minutes for the meeting held on November 15, 2022. *Lorri Coody, City Secretary*
- G. Conduct a Public Hearing at 7 PM on the request of Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040. *Board Chairman*
  - (1) Discuss and take appropriate action concerning Ralph M. and Nancy W. Green's request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040. *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: December 5, 2023 at 1:00 p.m. and remained so posted until said meeting was convened.

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



In compliance with the Americans with Disabilities Act, the City of Jersey Village will provide for reasonable accommodations for persons attending City Council meetings. Request for accommodation 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."

**BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023**

- 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*

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

**AGENDA DATE:** December 13, 2023

**AGENDA ITEM:** D

**AGENDA SUBJECT:** Conduct a review of the duties and responsibilities of the Board of Adjustment as well as review the Board's Rules and Procedures document.

**Dept./Prepared By:** Lorri Coody, City Secretary **Date Submitted:** November 29, 2023

**EXHIBITS:** PowerPoint Presentation  
Rules of Procedure with recent CC Amendment

**BACKGROUND INFORMATION:**

This item is to review the duties and responsibilities of the Board of Adjustment. The review will include the legal references that establish the responsibilities of the Board as well as the Rules of Procedure document that was approved by the Board on July 17, 2019.

**RECOMMENDED ACTION:** Conduct a review of the duties and responsibilities of the Board of Adjustment as well as review the Board's Rules and Procedures document.

**BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023**

**RULES OF PROCEDURE OF THE BOARD OF ADJUSTMENT  
OF THE CITY OF JERSEY VILLAGE, TEXAS**

**Whereas**, Texas Local Government Code Section 211.008(e) provides that the Board of Adjustment (the “Board”), by majority vote, shall adopt rules in accordance with any ordinance adopted under Chapter 211, and with the approval of City Council; and

**Whereas**, Texas Local Government Code Sections 211.008-211.011 provide for the appointment of the Board, the authority of the Board, the appeal to the Board, and the judicial review of Board decisions; and

**Whereas**, the City Council has adopted ordinances codified, in part as Jersey Village Code of Ordinances (“Code”) Sec. 14-22, providing for the Board; and

**Whereas**, these rules are intended to complement and supplement the applicable state law and city ordinances regarding the Board; **NOW THEREFORE**,

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

**I. ORGANIZATION AND OFFICERS**

101. Organization

The Board of Adjustment (the “Board”) shall consist of at least five (5) regular members and two (2) alternate members as appointed by the City Council of the City of Jersey Village, Texas (the “City”), and shall be organized and shall exist under and pursuant to the laws of the State of Texas and the ordinances of the City of Jersey Village. Code Sec. 14-22.

102. Officers

~~A Chairman and a Vice-Chairman shall be selected from among the regular members of the Board, and shall serve in such capacities for one-year terms that expire October 31st each year.~~  
**The city council shall appoint a chairperson and vice-chairperson after the September appointments who shall serve for a period of one year.** If at any meeting of four (4) or more members of the Board neither the Chairman nor the Vice-Chairman is present, then those Board’s members present shall elect one of their number to be Chairman for conducting the meeting as provided herein. Code Sec. 14-22.

103. Duties

- A. The Chairman, or in the Chairman’s absence the Vice-Chairman, shall preside at all meetings, shall decide all points of order or procedure, and as necessary shall administer oaths and compel attendance of witnesses.
- B. The City Secretary or the City Secretary’s designee shall be the ex-officio (non-voting) Secretary of the Board, and shall keep minutes, books, files and other

records of the board and perform such other duties as are incidental to the office, and shall cause to be given such notices as are required in the manner prescribed by state law and the City’s ordinances. Code Sec. 14-22(b).

104. Alternate Members.

The selection order for alternate service shall be determined by the alternate position number, with Alternate 1 serving for the first absence and so on. Alternate members of the Board may also serve in the absence of a regular member when requested to do so by the Mayor or the City Manager. Alternate members are authorized to attend meetings when not serving in the place of a regular member, but shall not have a vote during those meetings. Code Sec. 14-22.

**II. MEETINGS**

201. Quorum

A quorum to conduct business, including to consider an appeal, request for variance or request for special exception, shall consist of four (4) voting members. Code Sec. 14-22(b).

202. Agenda

An agenda for each meeting of the Board shall be prepared by the City Secretary and/or Zoning Official. The agenda shall describe the matters scheduled for consideration by the Board, which may include, but not be limited to, appeals, requests for special exceptions, requests for variances, other matters for which the Board is required to act under the City’s ordinances, and matters pending that require further action by the Board.

203. Meetings

The Board shall meet the third Wednesday of each month if any busy is pending, or as necessary for any purpose on the call of the Chairman, the City’s Zoning Official, the City Manager or the Mayor.

204. Public Meetings

All meetings shall be held in full compliance with the provisions of State law, the ordinances of the City, and these Rules of Procedure. All meetings of the Board shall be open to the public, except where the holding of a closed meeting is authorized under state law. The City Secretary shall post or publish notice of each meeting as required by the state law and the City’s ordinances or as otherwise directed by the Board.

205. Appearance by counsel

Any party in interest may appear in his own behalf or be represented by an agent and/or counsel.

**III. OFFICIAL RECORDS**

301. Definitions

(a) The official records of the Board shall include these Rules of Procedure and the minutes of the Board, together with all appeal and application forms and documentation submitted either in favor or against a request findings, decisions, and other official actions. Notes taken by individual Board members for their personal use, and not filed with the City Secretary, are not official records of the Board.

(b) Zoning Official shall mean the administrative official of the City that makes an administrative decision under the City’s zoning ordinances, and includes the City Manager, the City building official, the City’s director of public works, or any other administrative official, department, board or bureau of the City that makes an administrative decision under the City’s zoning ordinances.

(c) Zoning Ordinance shall mean the ordinances of the City adopted under authority of Chapter 211 of the Texas Local Government Code, including the City’s zoning regulations and the City’s zoning boundaries.

302. Recording of Vote

The minutes of the Board’s proceedings shall show the vote of each member present on each decision of the Board, or if a member is absent or fails to vote shall indicate that fact.

303. Files - Retention

Records of all matters coming before the Board shall be filed in the records of the Board. Original papers shall be retained in accordance with the City’s applicable records retention schedules.

304. Public Record

Records of the Board shall be kept on file in the City’s offices and shall be made available for public inspection in accordance with applicable open records laws.

**IV. MATTERS FOR CONSIDERATION AND PROCEDURES**

401. Authority of Board

In accordance with § 211.009 and 211.010, TEXAS LOCAL GOVERNMENT CODE, as amended, and the Zoning Code, the Board may:

- A. hear and decide appeals that allege error in an order, requirement, decision, or determination by the City’s Zoning Official in the enforcement of the Zoning Ordinance (see Appendix A);
- B. hear and decide requests for special exceptions as may be provided in the Zoning Ordinance when the Zoning Ordinance authorizes the Board to do so (see Appendix B);
- C. authorize variances from the terms of the Zoning Ordinance, as will not be contrary to public interest, and where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship, and so that the spirit of such Ordinance is observed and substantial justice is done (see Appendix C); and
- D. hear and decide other matters authorized by the City’s Ordinances.

402. Refusal Required

A request for consideration by the Board of an appeal, the granting of a special exception, or the granting of a variance, shall be filed on the appropriate form(s) provided by the City, shall be accompanied by the prescribed fee, and shall be complete in all respects before being accepted for filing. The appeal or application shall bear the signature of the owner of the affected property or, if signed by someone other than the owner, accompanied by an acknowledged power of attorney authorizing the applicant to file on behalf of the owner. Appeals from a decision, order, requirement, or determination of the Zoning Official shall be signed by the person making the appeal. An incomplete appeal or application, or a communication purporting to be an application and not made in the form prescribed, shall be regarded only as a notice of intent to apply, and shall not be considered or acted upon by the Board. If an agent is to speak for an appellant or applicant on a matter before the Board in the absence of the appellant or applicant, a notarized letter of designation must be included with the appeal or application.

403. Guidelines for Appeal/Application and Decision

An appeal or application shall be considered by the Board according to the guidelines contained in the Appendices hereto for the matter under consideration. A single request may combine an appeal and one or more applications for variances or special exceptions if they all relate to a single property.

404. Appeal Filing Deadline; Appeal Hearing Schedule

a. Filing Deadline. An appeal of a decision made by an administrative official of the City shall be filed within a reasonable time after the date of such decision that is the subject of the appeal; provided, further, any such appeal must be filed not later than the 20th day after the date the administrative decision is made. Every appeal shall be filed with the City Secretary of the City.

b. Hearing Schedule. The Board will schedule a hearing on the appeal as soon as practicable following the submission of an appeal or application for hearing. No appeal is complete until all applicable fees have been paid. No public hearing shall be held until public notice has been provided. The Board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

405. City Secretary authorized to reject incomplete forms.

The City Secretary is authorized to act for the Board to reject any appeal or application that is: a) not filed by the applicable deadline; b) not substantially complete, or c) that is not accompanied by the required fee. An appellant or applicant who believes that his or her appeal or application was wrongfully rejected may appeal the City Secretary's decision to the Board by filing a written notice of appeal with the City Secretary who shall place the matter on the agenda for the next meeting of the Board.

406. Notice

Public notice of all meetings of the Board shall be given as prescribed in the Texas Open Meetings Act. All notices shall be made in accordance with applicable state law and the applicable Zoning Ordinance provisions. All notices shall identify the applicant, the location of the property in issue, the nature of the application, and the applicable Zoning Ordinance provisions. The Board may, on motion by an affected party or on its own, determine due notice to the parties in interest. The City Secretary shall provide notice of each meeting as required by state law and the City's ordinances. Tex.Gov't Code Chapter 551; Tex.Loc.Gov't Code Sec. 211.010; Code Sec. 14-10.

407. Submission of Evidence

Evidence relating to any matter before the Board shall be submitted only to the Board in public meeting.

408. Withdrawal

Any request for Board action may be withdrawn upon written notice to the City Secretary; but no request shall be withdrawn after the giving of public notice and prior to Board action thereon without formal consent of the Board.

409. Appeal or Application After Board Denial

No appeal or application that has been denied shall be further considered in a new proceeding unless there has been a material change in conditions or unless substantial new evidence becomes available.

**V. HEARINGS AND DECISIONS**

501. Public Hearings

Hearings on all matters on which a decision of the Board is required by law or by the Zoning Ordinance shall be open to the public. The appellant or applicant may appear in appellant or applicant’s own behalf or may be represented by an agent and/or counsel.

502. Order of Business

The Chairman shall call the Board to order and the Secretary shall record the members present and absent. The Chairman shall publicly advise those present of the procedures to be followed in the hearing and the disposition of applications; the Chairman shall call each matter in the order in which it was filed, and shall announce the name of the applicant, the location of the property involved, and the nature of the request. Supporting evidence for and against each case shall be presented to the Board. Each case may be taken under advisement until all have been heard.

503. Procedure for Hearing

- A. The Chairman shall first call upon the appellant/applicant to present the appellant/applicant’s case and all evidence supporting the appellant/applicant’s plea. The Chairman shall then inquire of the appellant/applicant if there are others affected who support the appeal/application.
- B. The Chairman shall next call on the Zoning Official to present any information that the Zoning Official deems necessary or appropriate relative to the appeal/application.
- C. The Chairman shall next call on those opposed to the granting of the appeal/application to present their evidence and arguments. The appellant/applicant shall then have the right of rebuttal. Following rebuttal, the Chairman shall order the hearing closed.
- D. Each side shall proceed without interruption by the other, and all arguments and pleadings shall be addressed to the Chairman. No questioning or arguments between individuals appearing before the Board will be permitted.

- E. The Board may elect to continue a hearing on any matter for which the appellant/applicant fails to appear unless the appellant/applicant has requested that the Board act without the appellant/applicant being present at the hearing; provided, however, the Board shall hear those persons appearing in response to the notice of such hearing.

504. Board’s Questions

The Board may direct any question to the appellant/applicant, or to any person speaking on the appeal/application, in order to bring out all relevant facts, circumstances, and conditions affecting the appeal/application, and the Chairman shall call for questions from other members of the Board and from the staff before closing the hearing on each appeal/application.

505. Decision

After each appeal/application has been heard, and the public hearing closed, it shall be reviewed and acted upon. For an appeal, the Board may reverse or affirm, in whole or in part, or modify the administrative official’s order or decision from which the appeal is taken, and make the correct order or decision. For a special exception or variance, the Board may grant, may grant conditional approval, may grant with modifications, or may deny an application. The Board may also defer action on any matter whenever it concludes that additional evidence is needed or that alternate solutions need further study. An appeal or application may be dismissed when the Board finds that it has been improperly filed or upon notification by the Zoning Official that a permit has been issued which negates the appeal or application.

506. Vote Required

The concurring vote of four (4) members shall be necessary to grant, or to grant conditionally, any matter requested of the Board. When a motion in favor of an applicant fails to receive four (4) affirmative votes, the Secretary shall record that fact and shall note in the minutes of the Board that the appeal or request has been denied.

507. Procedures applicable to formal proceedings.

The following additional procedures shall be applicable in all appeals and applications where: 1) one or more persons, other than the appellant/applicant or Zoning Official, are admitted as formal parties; and 2) in appeals from decisions of the Zoning Official, where the appellant specifically requests that these procedures be followed.

- A. The appellant/applicant shall be given the right to open and close the evidence.
- B. The appellant/applicant may, at its sole election, permit City staff to present its recommendation on the matter during the appellant/applicant’s opening. Otherwise, the staff shall present its recommendation, if any, after the appellant/applicant and any other parties have completed their presentations.

- C. If one or more of the parties file a written request for the right to cross examine witnesses, all witness testimony shall be submitted in question and answer form, and all parties shall have the right to cross-examine any witnesses whose testimony is adverse to that party’s position.
- D. Members of the Board may question any witness or party, regardless of whether the witness testimony is presented in question and answer form.
- E. Any written or physical evidence offered by the parties or by City staff shall be submitted through the Chairman or the Secretary to the Board during a public meeting. Strict rules of evidence shall not be followed with regard to physical or written evidence, but the Board may allow any party or the Zoning Official to point out questions of authenticity, reliability, relevance, bias, prejudice, etc.

**VI. CERTIFICATION AND AMENDMENTS**

601. Certified Copy

A certified copy of these Rules of Procedure and any amendments hereto shall be placed on record in the office of the City Secretary.

602. Repealing Clause

All previously adopted rules and regulations of the Board shall be, and the same are hereby, expressly repealed.

603. Amendment Procedure

Amendments to these Rules of Procedure may be made only by action by the Board.

604. Effective Date.

These rules shall become effective upon approval by the City Council.

**APPENDIX “A”**  
**TO BOARD OF ADJUSTMENT RULES OF PROCEDURE**

INTERPRETATION APPEALS

A-1. Interpretation: Basis for Filing

Whenever it is alleged that there is an error in any determination interpreting or applying the requirements of the Zoning Ordinance by the Zoning Official, an appeal of such determination may be filed with the Board.

A-2. Interpretation: Papers Required

An appeal shall include:

1. a statement by the applicant describing the way it is alleged the Zoning Ordinance should be interpreted, together with diagrams and charts illustrating the erroneous and the proper application of the map or text provisions; and
2. a statement by the Zoning Official giving the reasons for the Zoning Official’s interpretation of the Zoning Ordinance.

A-3. Interpretation: Basis for Action

1. Before acting on an appeal for interpretation, the Board shall consider:
  - a. the facts and statements filed in the application;
  - b. the testimony presented at the public hearing;
  - c. the City staff’s report on the appeal; and
  - d. the Board’s independent investigation of the language of the Zoning Ordinance and of related ordinances having a bearing thereon.
2. The Board shall make an interpretation after finding that the following conditions exist:
  - a. the interpretation is in conformity with the spirit and intent of the Zoning Ordinance; and
  - b. the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.

**APPENDIX “B”**  
**TO BOARD OF ADJUSTMENT RULES OF PROCEDURE**

SPECIAL EXCEPTIONS

B-1. Special Exception: Basis for Filing

Whenever an applicant wishes to develop property pursuant to a special exception as provided in the Zoning Ordinance, an application for a special exception shall be approved by the Board before the Zoning Official shall issue a permit for the proposed construction or use.

B-2. Special Exception: Papers Required

An application for a special exception shall include:

1. a site plan, drawn to scale, showing all lot dimensions, and the location and dimensions of all existing and proposed lot improvements;
2. a statement by the Zoning Official citing the reason a special exception is required; and
3. a statement by the applicant describing the manner in which all conditions prescribed by the Zoning Ordinance and by these Rules will be met.

B-3. Special Exception: Basis for Action

1. Before acting on the application, the Board shall consider:
  - a. the facts filed with the application;
  - b. the testimony presented at the public hearing;
  - c. the City staff’s report on the application; and
  - d. when appropriate, the observations of individual Board members’ field inspections of the property.
2. The Board may grant the application provided the applicant has demonstrated, to the satisfaction of the Board, that:
  - a. all conditions enumerated in the Zoning Ordinance for the requested special exception exist; and
  - b. the granting of the exception will further the objectives, spirit, and intent of the Zoning Ordinance.

**APPENDIX “C”**  
**TO BOARD OF ADJUSTMENT RULES OF PROCEDURE**

VARIANCES

C-1. Variance: Basis for Filing

Whenever, owing to exceptional and extraordinary conditions, the literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship to the applicant in the use or development of his property, a request for a variance may be filed with the Board. Code Sec. 14-9(b) (The board of adjustment may authorize in specific cases a variance from the terms of chapter 14 other than the platting and subdivision requirements of article III, the public easement requirements of article VI, the public utility requirements of article VIII, the storm drainage requirements of article IX and the driveway requirements of article XI. The board may not authorize a variance unless it finds, in writing, after a hearing, that the variance is not contrary to the public interest, that, due to special conditions, a literal enforcement of Chapter 14’s provisions would result in unnecessary hardship, and that in granting the variance, the spirit of Chapter 14 will be observed and substantial justice will be done).

C-2. Variance: Papers Required

A request for variance shall include:

1. a SITE PLAN drawn to scale, showing the location and dimensions of the lot, all existing and proposed improvements; and all structures located adjacent and contiguous to the lot for which the variance(s) is requested;
2. a STATEMENT OF FACTS AND REASONS why a literal enforcement of the Zoning Ordinance should not be applied to the property in question and how the standards governing the Board’s actions would be satisfied; and
3. a description of the specific variance requested, either in narrative form or by depiction on a drawing and/or photograph, and in such detail as to inform Board members of the exact nature of the prohibited conduct for which the variance is being sought.

C-3. Variance: Basis for Action

1. Before acting on a request for variance, the Board shall consider:
  - a. the facts filed with the application;
  - b. the testimony presented at the public hearing on the application;
  - c. the City staff’s report on the appeal; and
  - d. the observations of individual Board members’ field inspections of the property.
2. The Board may grant the requested variance, subject to such terms and conditions as it may impose, provided the applicant has demonstrated, to the satisfaction of the Board, that the conditions governing the granting of a variance as set forth in the Zoning Ordinance have been satisfied, and that the decision of the Board would further the spirit and intent of such Ordinance.

# The City of Jersey Village Board of Adjustment

December 13, 2023

## Legal Authority

- Section 14-22 of the City Code of Ordinances
- Section 211.008 and Section 211.009 of the Texas Local Government Code.

## City Code of Ordinances

- City Council Appoints Residents - 2 Year Terms
- Five voting members and two alternates
- Alternates Fill positions of absent Members
- Chair and Vice Chair – Appointed by Council
- Four Members Constitute a Quorum
- City Secretary Serves as Secretary to the Board
- Appeals-Special Exceptions-Variance Requests

## Texas Local Government Code – Board Composition – Section 211.008

- Governing Body Appoints - 2 Year Terms
- Five voting members and two alternates
- Four Members Constitute a Quorum
- Board shall adopt Rules of Procedure
- Meeting Open to the Public
- Board Minutes to reflect vote of each Member

# Texas Local Government Code – Board Authority – Section 211.009

1. Hear/decide appeals alleging error in bldg. official's ruling
2. Hear/decide special exceptions to zoning ordinance terms
3. Authorize variances to zoning ordinance terms:
  - if the request for variance is contrary to the public's interest;
  - if, due to special conditions, enforcement of would result in an unnecessary hardship; and
  - that in granting the variance, the spirit of this chapter would be upheld and observed.

## LGC Section 211.009 – Grounds for Unnecessary Hardship

- (1) the financial cost of compliance is greater than 50% of the appraised value of the structure;
- (2) compliance results in lot loss of at least 25% of the area on which development may physically occur;
- (3) compliance results in the structure not being in compliance with the City's Ordinance or Building Code requirements;
- (4) compliance results in the unreasonable encroachment on an adjacent property or easement; or
- (5) the City considers the structure to be a nonconforming structure.

## LGC Section 211.009 – The Decision

A concurring vote of 75% of the Board Members is necessary to:

- Reverse an Order, Requirement or Decision of the Building Official;
- Decide in favor of the applicant on a zoning ordinance matter; and
- Authorize a variation from the terms of the zoning ordinance.

# Rules of Procedure

- Required by Section 211.008 of the LGC
- Initially adopted by the Board – July 17, 2019
- October 23, 2023, City Council amends Section 14-22 of the Code concerning appointment of the Board’s Chair and Vice Chair

## Rules of Procedure – I thru IV

- Section I covers Organization and Officers
- Section II covers Meetings
- Section II covers Official Records
- Section IV covers Authority of the Board

## Rules of Procedure – IV Continued

- Section IV also covers
  - Refusal Required
  - Guidelines for Applications and Decisions
  - Filing Deadlines
  - Rejection of incomplete forms
  - Public Notice
  - Submission of Evidence / Withdrawal of Application
  - Reapplication after Board's Denial

# Rules of Procedure – Section V

- Hearings and Decisions
  - Order of Business
    - The Chair will Call each item in the order listed on the agenda. Each appeal, special exception, or variance will have a public hearing item first followed by an action item.
  - Procedures for the Hearing
    - The Chair will be responsible for managing the meeting and public hearing.
    - A public hearing script will be provided that outlines the order of events for the public hearing

# Rules of Procedure – PH Script

**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

**Board Questions** – The Board may ask questions at each interval to bring out relevant facts affecting the application.

## Rules of Procedure – Action Item

A concurring vote of 75% of the Board Members is necessary to:

- Reverse an Order, Requirement or Decision of the Building Official;
- Decide in favor of the applicant on a zoning ordinance matter; and
- Authorize a variation from the terms of the zoning ordinance.

## Rules of Procedure – Formal Proceedings

Procedures when one or more are admitted as formal parties:

- A. Applicant opens and closes the evidence
- B. Applicant may request City Staff to present its recommendation during opening
- C. Cross examination of witness via question-and-answer format
- D. Board may question witnesses
- E. Physical evidence through Chair or Secretary

## Rules of Procedure – Appendices A, B & C

The information provided in Appendices A, B & C is a reiteration of the information that has already been covered. The appendices summarize the process for appeals, special exceptions, and variances.

# Rules of Procedure – Appendix A

- Procedures for Interpretation Appeals
  - Applicant to state how the Ordinance should be interpreted
  - The Building Official shall give reasons for the interpretation
  - Board to consider application, facts, testimony, staff’s report and Board’s independent investigation of ordinance language

## Rules of Procedure – Appendix A

- Interpretation Appeals – The Board shall make an interpretation after finding:
  - The interpretation is in conformity with the spirit and intent of the Ordinance and
  - The resulting interpretation will not grant a special privilege to one property with other properties or uses similarly situated.

## Rules of Procedure – Appendix B

- Procedures for Special Exceptions
  - Involves developing property by special exception as provided by City Ordinance.
  - Application to include site plan, Zoning Official’s reasoning for the special exception, and applicant’s statement how the special conditions will be met.
  - Board to consider application, testimony, staff’s report, and Board’s investigation of the property.

## Rules of Procedure – Appendix B

- Special Exceptions – The Board may grant the application for Special Exception provided the applicant has:
  - Demonstrated that all conditions required by the special exception have been met; and
  - That granting the exception will further the objectives, spirit, and intent of the Zoning Ordinance.

# Rules of Procedure – Appendix C

- Procedures for Variance
  - Applicant may apply for a variance whenever enforcement of the Ordinance will result in unnecessary hardship.
  - The application must be in writing, include a site plan, statement of fact/reasons why the variance is needed and include the Section of the Code that applies to the request.

# Rules of Procedure – Appendix C

- Variances – Basis for Action
  - The Board shall consider the application, testimony, staff’s report, and the Board’s investigation of the property.
  - In granting the variance, the Board shall consider
    - If the request is contrary to public interest
    - If enforcement will result in unnecessary hardship and
    - If granting the variance will uphold the spirit of the Ordinance.

# The City of Jersey Village Board of Adjustment

● QUESTIONS?

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

**AGENDA DATE:** December 13, 2023

**AGENDA ITEM:** E

**AGENDA SUBJECT:** Consider amendments to the Rules of Procedure for the Board of Adjustment of the City of Jersey Village, Texas.

**Dept./Prepared By:** Lorri Coody, City Secretary **Date Submitted:** November 29, 2023

**EXHIBITS:** Rules of Procedure with recent CC Amendment

**BACKGROUND INFORMATION:**

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

On July 17, 2019, the Board adopted a Rules and Procedures document in accordance with the Local Government Code.

On October 23, 2023, City Council approved Ordinance 2023-25, amending the Code of Ordinances of the City of Jersey Village at Chapter 14, Article II, Section 14-22, Subsection (a) to correct the appointment month and at Subsection (b) to address the method of the appointment of the board's chair and vice chair.

Given that the Board's Rules and Procedures must comply with the City's Ordinances as well as LGC Section 211.008(e), this item has been placed on the agenda for the Board to amend its Rules and Procedures.

Amendments are indicated on the attached Rules and Procedures document by striking through the language to be deleted and underlining the language to be included.

**RECOMMENDED ACTION:**

**MOTION:** To approve amendments to the Rules of Procedure for the Board of Adjustment of the City of Jersey Village, Texas.

**BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023**

**RULES OF PROCEDURE OF THE BOARD OF ADJUSTMENT  
OF THE CITY OF JERSEY VILLAGE, TEXAS**

**Whereas**, Texas Local Government Code Section 211.008(e) provides that the Board of Adjustment (the “Board”), by majority vote, shall adopt rules in accordance with any ordinance adopted under Chapter 211, and with the approval of City Council; and

**Whereas**, Texas Local Government Code Sections 211.008-211.011 provide for the appointment of the Board, the authority of the Board, the appeal to the Board, and the judicial review of Board decisions; and

**Whereas**, the City Council has adopted ordinances codified, in part as Jersey Village Code of Ordinances (“Code”) Sec. 14-22, providing for the Board; and

**Whereas**, these rules are intended to complement and supplement the applicable state law and city ordinances regarding the Board; **NOW THEREFORE**,

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

**I. ORGANIZATION AND OFFICERS**

101. Organization

The Board of Adjustment (the “Board”) shall consist of at least five (5) regular members and two (2) alternate members as appointed by the City Council of the City of Jersey Village, Texas (the “City”), and shall be organized and shall exist under and pursuant to the laws of the State of Texas and the ordinances of the City of Jersey Village. Code Sec. 14-22.

102. Officers

~~A Chairman and a Vice-Chairman shall be selected from among the regular members of the Board, and shall serve in such capacities for one-year terms that expire October 31st each year.~~  
**The city council shall appoint a chairperson and vice-chairperson after the September appointments who shall serve for a period of one year.** If at any meeting of four (4) or more members of the Board neither the Chairman nor the Vice-Chairman is present, then those Board’s members present shall elect one of their number to be Chairman for conducting the meeting as provided herein. Code Sec. 14-22.

103. Duties

- A. The Chairman, or in the Chairman’s absence the Vice-Chairman, shall preside at all meetings, shall decide all points of order or procedure, and as necessary shall administer oaths and compel attendance of witnesses.
- B. The City Secretary or the City Secretary’s designee shall be the ex-officio (non-voting) Secretary of the Board, and shall keep minutes, books, files and other

records of the board and perform such other duties as are incidental to the office, and shall cause to be given such notices as are required in the manner prescribed by state law and the City’s ordinances. Code Sec. 14-22(b).

104. Alternate Members.

The selection order for alternate service shall be determined by the alternate position number, with Alternate 1 serving for the first absence and so on. Alternate members of the Board may also serve in the absence of a regular member when requested to do so by the Mayor or the City Manager. Alternate members are authorized to attend meetings when not serving in the place of a regular member, but shall not have a vote during those meetings. Code Sec. 14-22.

**II. MEETINGS**

201. Quorum

A quorum to conduct business, including to consider an appeal, request for variance or request for special exception, shall consist of four (4) voting members. Code Sec. 14-22(b).

202. Agenda

An agenda for each meeting of the Board shall be prepared by the City Secretary and/or Zoning Official. The agenda shall describe the matters scheduled for consideration by the Board, which may include, but not be limited to, appeals, requests for special exceptions, requests for variances, other matters for which the Board is required to act under the City’s ordinances, and matters pending that require further action by the Board.

203. Meetings

The Board shall meet the third Wednesday of each month if any busy is pending, or as necessary for any purpose on the call of the Chairman, the City’s Zoning Official, the City Manager or the Mayor.

204. Public Meetings

All meetings shall be held in full compliance with the provisions of State law, the ordinances of the City, and these Rules of Procedure. All meetings of the Board shall be open to the public, except where the holding of a closed meeting is authorized under state law. The City Secretary shall post or publish notice of each meeting as required by the state law and the City’s ordinances or as otherwise directed by the Board.

205. Appearance by counsel

Any party in interest may appear in his own behalf or be represented by an agent and/or counsel.

**III. OFFICIAL RECORDS**

301. Definitions

(a) The official records of the Board shall include these Rules of Procedure and the minutes of the Board, together with all appeal and application forms and documentation submitted either in favor or against a request findings, decisions, and other official actions. Notes taken by individual Board members for their personal use, and not filed with the City Secretary, are not official records of the Board.

(b) Zoning Official shall mean the administrative official of the City that makes an administrative decision under the City’s zoning ordinances, and includes the City Manager, the City building official, the City’s director of public works, or any other administrative official, department, board or bureau of the City that makes an administrative decision under the City’s zoning ordinances.

(c) Zoning Ordinance shall mean the ordinances of the City adopted under authority of Chapter 211 of the Texas Local Government Code, including the City’s zoning regulations and the City’s zoning boundaries.

302. Recording of Vote

The minutes of the Board’s proceedings shall show the vote of each member present on each decision of the Board, or if a member is absent or fails to vote shall indicate that fact.

303. Files - Retention

Records of all matters coming before the Board shall be filed in the records of the Board. Original papers shall be retained in accordance with the City’s applicable records retention schedules.

304. Public Record

Records of the Board shall be kept on file in the City’s offices and shall be made available for public inspection in accordance with applicable open records laws.

**IV. MATTERS FOR CONSIDERATION AND PROCEDURES**

401. Authority of Board

In accordance with § 211.009 and 211.010, TEXAS LOCAL GOVERNMENT CODE, as amended, and the Zoning Code, the Board may:

- A. hear and decide appeals that allege error in an order, requirement, decision, or determination by the City’s Zoning Official in the enforcement of the Zoning Ordinance (see Appendix A);
- B. hear and decide requests for special exceptions as may be provided in the Zoning Ordinance when the Zoning Ordinance authorizes the Board to do so (see Appendix B);
- C. authorize variances from the terms of the Zoning Ordinance, as will not be contrary to public interest, and where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship, and so that the spirit of such Ordinance is observed and substantial justice is done (see Appendix C); and
- D. hear and decide other matters authorized by the City’s Ordinances.

402. Refusal Required

A request for consideration by the Board of an appeal, the granting of a special exception, or the granting of a variance, shall be filed on the appropriate form(s) provided by the City, shall be accompanied by the prescribed fee, and shall be complete in all respects before being accepted for filing. The appeal or application shall bear the signature of the owner of the affected property or, if signed by someone other than the owner, accompanied by an acknowledged power of attorney authorizing the applicant to file on behalf of the owner. Appeals from a decision, order, requirement, or determination of the Zoning Official shall be signed by the person making the appeal. An incomplete appeal or application, or a communication purporting to be an application and not made in the form prescribed, shall be regarded only as a notice of intent to apply, and shall not be considered or acted upon by the Board. If an agent is to speak for an appellant or applicant on a matter before the Board in the absence of the appellant or applicant, a notarized letter of designation must be included with the appeal or application.

403. Guidelines for Appeal/Application and Decision

An appeal or application shall be considered by the Board according to the guidelines contained in the Appendices hereto for the matter under consideration. A single request may combine an appeal and one or more applications for variances or special exceptions if they all relate to a single property.

404. Appeal Filing Deadline; Appeal Hearing Schedule

a. Filing Deadline. An appeal of a decision made by an administrative official of the City shall be filed within a reasonable time after the date of such decision that is the subject of the appeal; provided, further, any such appeal must be filed not later than the 20th day after the date the administrative decision is made. Every appeal shall be filed with the City Secretary of the City.

b. Hearing Schedule. The Board will schedule a hearing on the appeal as soon as practicable following the submission of an appeal or application for hearing. No appeal is complete until all applicable fees have been paid. No public hearing shall be held until public notice has been provided. The Board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

405. City Secretary authorized to reject incomplete forms.

The City Secretary is authorized to act for the Board to reject any appeal or application that is: a) not filed by the applicable deadline; b) not substantially complete, or c) that is not accompanied by the required fee. An appellant or applicant who believes that his or her appeal or application was wrongfully rejected may appeal the City Secretary's decision to the Board by filing a written notice of appeal with the City Secretary who shall place the matter on the agenda for the next meeting of the Board.

406. Notice

Public notice of all meetings of the Board shall be given as prescribed in the Texas Open Meetings Act. All notices shall be made in accordance with applicable state law and the applicable Zoning Ordinance provisions. All notices shall identify the applicant, the location of the property in issue, the nature of the application, and the applicable Zoning Ordinance provisions. The Board may, on motion by an affected party or on its own, determine due notice to the parties in interest. The City Secretary shall provide notice of each meeting as required by state law and the City's ordinances. Tex.Gov't Code Chapter 551; Tex.Loc.Gov't Code Sec. 211.010; Code Sec. 14-10.

407. Submission of Evidence

Evidence relating to any matter before the Board shall be submitted only to the Board in public meeting.

408. Withdrawal

Any request for Board action may be withdrawn upon written notice to the City Secretary; but no request shall be withdrawn after the giving of public notice and prior to Board action thereon without formal consent of the Board.

409. Appeal or Application After Board Denial

No appeal or application that has been denied shall be further considered in a new proceeding unless there has been a material change in conditions or unless substantial new evidence becomes available.

**V. HEARINGS AND DECISIONS**

501. Public Hearings

Hearings on all matters on which a decision of the Board is required by law or by the Zoning Ordinance shall be open to the public. The appellant or applicant may appear in appellant or applicant’s own behalf or may be represented by an agent and/or counsel.

502. Order of Business

The Chairman shall call the Board to order and the Secretary shall record the members present and absent. The Chairman shall publicly advise those present of the procedures to be followed in the hearing and the disposition of applications; the Chairman shall call each matter in the order in which it was filed, and shall announce the name of the applicant, the location of the property involved, and the nature of the request. Supporting evidence for and against each case shall be presented to the Board. Each case may be taken under advisement until all have been heard.

503. Procedure for Hearing

- A. The Chairman shall first call upon the appellant/applicant to present the appellant/applicant’s case and all evidence supporting the appellant/applicant’s plea. The Chairman shall then inquire of the appellant/applicant if there are others affected who support the appeal/application.
- B. The Chairman shall next call on the Zoning Official to present any information that the Zoning Official deems necessary or appropriate relative to the appeal/application.
- C. The Chairman shall next call on those opposed to the granting of the appeal/application to present their evidence and arguments. The appellant/applicant shall then have the right of rebuttal. Following rebuttal, the Chairman shall order the hearing closed.
- D. Each side shall proceed without interruption by the other, and all arguments and pleadings shall be addressed to the Chairman. No questioning or arguments between individuals appearing before the Board will be permitted.

- E. The Board may elect to continue a hearing on any matter for which the appellant/applicant fails to appear unless the appellant/applicant has requested that the Board act without the appellant/applicant being present at the hearing; provided, however, the Board shall hear those persons appearing in response to the notice of such hearing.

504. Board’s Questions

The Board may direct any question to the appellant/applicant, or to any person speaking on the appeal/application, in order to bring out all relevant facts, circumstances, and conditions affecting the appeal/application, and the Chairman shall call for questions from other members of the Board and from the staff before closing the hearing on each appeal/application.

505. Decision

After each appeal/application has been heard, and the public hearing closed, it shall be reviewed and acted upon. For an appeal, the Board may reverse or affirm, in whole or in part, or modify the administrative official’s order or decision from which the appeal is taken, and make the correct order or decision. For a special exception or variance, the Board may grant, may grant conditional approval, may grant with modifications, or may deny an application. The Board may also defer action on any matter whenever it concludes that additional evidence is needed or that alternate solutions need further study. An appeal or application may be dismissed when the Board finds that it has been improperly filed or upon notification by the Zoning Official that a permit has been issued which negates the appeal or application.

506. Vote Required

The concurring vote of four (4) members shall be necessary to grant, or to grant conditionally, any matter requested of the Board. When a motion in favor of an applicant fails to receive four (4) affirmative votes, the Secretary shall record that fact and shall note in the minutes of the Board that the appeal or request has been denied.

507. Procedures applicable to formal proceedings.

The following additional procedures shall be applicable in all appeals and applications where: 1) one or more persons, other than the appellant/applicant or Zoning Official, are admitted as formal parties; and 2) in appeals from decisions of the Zoning Official, where the appellant specifically requests that these procedures be followed.

- A. The appellant/applicant shall be given the right to open and close the evidence.
- B. The appellant/applicant may, at its sole election, permit City staff to present its recommendation on the matter during the appellant/applicant’s opening. Otherwise, the staff shall present its recommendation, if any, after the appellant/applicant and any other parties have completed their presentations.

- C. If one or more of the parties file a written request for the right to cross examine witnesses, all witness testimony shall be submitted in question and answer form, and all parties shall have the right to cross-examine any witnesses whose testimony is adverse to that party’s position.
- D. Members of the Board may question any witness or party, regardless of whether the witness testimony is presented in question and answer form.
- E. Any written or physical evidence offered by the parties or by City staff shall be submitted through the Chairman or the Secretary to the Board during a public meeting. Strict rules of evidence shall not be followed with regard to physical or written evidence, but the Board may allow any party or the Zoning Official to point out questions of authenticity, reliability, relevance, bias, prejudice, etc.

**VI. CERTIFICATION AND AMENDMENTS**

601. Certified Copy

A certified copy of these Rules of Procedure and any amendments hereto shall be placed on record in the office of the City Secretary.

602. Repealing Clause

All previously adopted rules and regulations of the Board shall be, and the same are hereby, expressly repealed.

603. Amendment Procedure

Amendments to these Rules of Procedure may be made only by action by the Board.

604. Effective Date.

These rules shall become effective upon approval by the City Council.

**APPENDIX “A”**  
**TO BOARD OF ADJUSTMENT RULES OF PROCEDURE**

INTERPRETATION APPEALS

A-1. Interpretation: Basis for Filing

Whenever it is alleged that there is an error in any determination interpreting or applying the requirements of the Zoning Ordinance by the Zoning Official, an appeal of such determination may be filed with the Board.

A-2. Interpretation: Papers Required

An appeal shall include:

1. a statement by the applicant describing the way it is alleged the Zoning Ordinance should be interpreted, together with diagrams and charts illustrating the erroneous and the proper application of the map or text provisions; and
2. a statement by the Zoning Official giving the reasons for the Zoning Official's interpretation of the Zoning Ordinance.

A-3. Interpretation: Basis for Action

1. Before acting on an appeal for interpretation, the Board shall consider:
  - a. the facts and statements filed in the application;
  - b. the testimony presented at the public hearing;
  - c. the City staff's report on the appeal; and
  - d. the Board's independent investigation of the language of the Zoning Ordinance and of related ordinances having a bearing thereon.
2. The Board shall make an interpretation after finding that the following conditions exist:
  - a. the interpretation is in conformity with the spirit and intent of the Zoning Ordinance; and
  - b. the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.

**APPENDIX “B”**  
**TO BOARD OF ADJUSTMENT RULES OF PROCEDURE**

SPECIAL EXCEPTIONS

B-1. Special Exception: Basis for Filing

Whenever an applicant wishes to develop property pursuant to a special exception as provided in the Zoning Ordinance, an application for a special exception shall be approved by the Board before the Zoning Official shall issue a permit for the proposed construction or use.

B-2. Special Exception: Papers Required

An application for a special exception shall include:

1. a site plan, drawn to scale, showing all lot dimensions, and the location and dimensions of all existing and proposed lot improvements;
2. a statement by the Zoning Official citing the reason a special exception is required; and
3. a statement by the applicant describing the manner in which all conditions prescribed by the Zoning Ordinance and by these Rules will be met.

B-3. Special Exception: Basis for Action

1. Before acting on the application, the Board shall consider:
  - a. the facts filed with the application;
  - b. the testimony presented at the public hearing;
  - c. the City staff’s report on the application; and
  - d. when appropriate, the observations of individual Board members’ field inspections of the property.
2. The Board may grant the application provided the applicant has demonstrated, to the satisfaction of the Board, that:
  - a. all conditions enumerated in the Zoning Ordinance for the requested special exception exist; and
  - b. the granting of the exception will further the objectives, spirit, and intent of the Zoning Ordinance.

**APPENDIX “C”**  
**TO BOARD OF ADJUSTMENT RULES OF PROCEDURE**

VARIANCES

C-1. Variance: Basis for Filing

Whenever, owing to exceptional and extraordinary conditions, the literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship to the applicant in the use or development of his property, a request for a variance may be filed with the Board. Code Sec. 14-9(b) (The board of adjustment may authorize in specific cases a variance from the terms of chapter 14 other than the platting and subdivision requirements of article III, the public easement requirements of article VI, the public utility requirements of article VIII, the storm drainage requirements of article IX and the driveway requirements of article XI. The board may not authorize a variance unless it finds, in writing, after a hearing, that the variance is not contrary to the public interest, that, due to special conditions, a literal enforcement of Chapter 14’s provisions would result in unnecessary hardship, and that in granting the variance, the spirit of Chapter 14 will be observed and substantial justice will be done).

C-2. Variance: Papers Required

A request for variance shall include:

1. a SITE PLAN drawn to scale, showing the location and dimensions of the lot, all existing and proposed improvements; and all structures located adjacent and contiguous to the lot for which the variance(s) is requested;
2. a STATEMENT OF FACTS AND REASONS why a literal enforcement of the Zoning Ordinance should not be applied to the property in question and how the standards governing the Board’s actions would be satisfied; and
3. a description of the specific variance requested, either in narrative form or by depiction on a drawing and/or photograph, and in such detail as to inform Board members of the exact nature of the prohibited conduct for which the variance is being sought.

C-3. Variance: Basis for Action

1. Before acting on a request for variance, the Board shall consider:
  - a. the facts filed with the application;
  - b. the testimony presented at the public hearing on the application;
  - c. the City staff’s report on the appeal; and
  - d. the observations of individual Board members’ field inspections of the property.
2. The Board may grant the requested variance, subject to such terms and conditions as it may impose, provided the applicant has demonstrated, to the satisfaction of the Board, that the conditions governing the granting of a variance as set forth in the Zoning Ordinance have been satisfied, and that the decision of the Board would further the spirit and intent of such Ordinance.

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE  
BOARD OF ADJUSTMENT  
November 15, 2022 – 6:00 p.m.**

The Board of Adjustment of the City of Jersey Village, Texas, convened on November 15, 2022, at 6:00 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 6:00 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. Feeny, Alternate Place 2	

Council Liaison, Jennifer McCrea was present at this meeting.

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

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

This item was not needed. All Regular Members of the Board were present.

**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 no Citizens' Comments.

**D. Consider approval of the minutes for the meeting held on October 17, 2022.**

Board Member Mena moved to approve the minutes for the meeting held on October 17, 2022. Board Member Khalili seconded the motion. The vote follows:

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

Nays: None

The motion carried.

**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.**

Chairman Simchak opened the public hearing at 6:04 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 Building Official to make his presentation regarding the appeal.

Mr. Duvall told the Board that he was contacted in January of 2022 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.

Chairman Simchak then 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 passed out a binder for the City Attorney and the voting members of the Board containing his documents in support of the appeal. He stated that he is here because Section 14-5 of the City's Code establishes the definition for "hookah." He read this definition from the City's Code aloud. He stated that his clients are approved for a bar and restaurant and the sale of hookah is just a portion of their sales. He directed the Board to the third page of the binder containing point of sale information that demonstrates that hookah is only 16% of sales at a location in Houston that is similar to that of his clients. He likened the sale of hookah to that of a convenience store selling tobacco. The sale of tobacco does not make the convenience store a smoke shop.

On page 4, there is a letter that also states that the sale of hookah is not a primary sale for this business. There was additional information about hookah sales on page 5.

Mr. Devon then called **Gregory Martin, 27467 Vivace Drive, Spring, Texas (281) 226-3937**, owner and managing partner of Legendary Vibes, LLC d/b/a Cru Lounge (Cru). He stated that his establishment will have hookah for sale, pointing out that having hookah is more of a marketing strategy to draw in clients. It is a specialty, but they will sell more food and liquor than hookah. He is before the Board to ask for the approval of the sale of hookah since it is part of their marketing strategy.

Mr. Devon then called **Henry J. Jordan, Jr., 18419 Westone Creek Drive, Cypress, Texas (832) 797-5242**. Mr. Jordan owns property near Jersey Village and knows this area very well. He thanked the Board for this opportunity. He stated that he has spent almost a year on this establishment. He has spent much time and money on this venture. He stated that this establishment is a franchise. There are 18 across the country. There is one in downtown

Houston. He wants to locate his business in Jersey Village because of the location. He stated that he has done his due diligence and was given approval to sell liquor, food, and hookah in District F and District J in Jersey Village by the City's Building Official. He has followed the permitting process. He believes his business will add value to Jersey Village and wants the Board to permit him to follow their business model. He pointed out that selling Hookah is not the main part of the business.

The Board asked if the establishment is currently opened. Mr. Jordan explained that it is not open yet. He is waiting for his certificate of occupancy.

Mr. Martin came forward and told the Board that he has a building permit. He is vested in the process. He has put in air conditioning and mechanical and has invested in the business since they were given prior approval.

The Board had questions concerning the build out of the establishment. Mr. Martin explained that the hookah portion of the establishment will be separate from the food and liquor sections. The Board asked about the percentage of completion of the establishment. Mr. Martin explained that it is 98% complete.

The Board had questions about copies of the establishment's webpage that had previously been passed out by Council Member McCrea. These pages seemed to represent that Cru franchises are hookah bars. The applicant confirmed that these pages accurately reflect their business model with the exception that the information was for a business located at 311 Travis in Houston, Texas. The City pointed out that the applicant used this location to provide numbers for hookah sales. The applicant stated that his establishment is a separate franchise.

Mr. Deyon stated that his clients actual Instagram page for Cru 290 does not describe it as a hookah bar. He pointed out that the documents discussed earlier were not from their location. Mr. Deyon reaffirmed that his clients' establishment is a restaurant that mainly serves food and liquor with hookah as an offering.

The Board confirmed that these owners do not own or have interest in the bar on Travis Street in downtown Houston. Mr. Deyon referred back to the definition of the City in Section 14-5 which states it is a hookah lounge if it "primarily" sells hookah, but their business primarily sells liquor and food, not hookah.

There was a question for Mr. Duvall concerning the certificate of occupancy status. Mr. Duvall explained where the City is at in approving this certificate of occupancy. He stated that the Fire Marshal had requested that some corrections be made during this process that are still being worked. Mr. Duvall pointed out that once the Fire Marshal approves the requested corrections, the certificate of occupancy will be issued for just a bar and a restaurant. It does not include hookah, as it is not allowed under the Code.

City Attorney Pruitt explained that the Building Official determined that this establishment is a hookah bar and lounge. The Board needs to determine if the Building Official is correct in his interpretation of the ordinance. He further explained that if the Board follows the Building Official's interpretation, the hookah bar is not permitted. If the Board overrules the Building Official, then hookah can be smoked on the premises to be located at 17350 NW Freeway.

The Board confirmed that the Building Official made this determination based upon the application submitted. City Attorney Pruitt explained that the portion of the City’s definition containing the word “primarily” was used by the Building Official to determine it was a hookah bar. The Building Official says “primarily” applies to the first part of the definition and not that second part that follows the word “or”. The Applicant disagrees and believes that “primarily” applies to both portions of the definition.

The Board reviewed the chart presented by the applicant on page 3 of the binder.

City Attorney Pruitt stated that when it comes time to take action, the Board needs to either find that the Building Officials determination was correct or incorrect. He pointed out the following motions for each instance that were included in the meeting packet:

**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.

He stated that we needed to come back to rehear this application because last time the finding of the Board was not clear.

City Attorney Pruitt asked the applicant that if the Board denies the application, meaning that the applicant would not be able to sell hookah, would the franchise still permit you to sell just liquor and food or would they demand that you close the establishment?

Keith Redmond, appearing on behalf of the applicant, addressed the Board. He stated that he is responsible to the franchise to sell hookah. He went on to say that the City does not have a smoking ordinance and as a result, he feels that they should be able to sell hookah. He further stated that it is required by the franchise.

There was a question about how long the downtown location was open. One year. It was pointed out by the Board that the financial information presented represents July 1 thru Sept 30 of 2022. The Board wanted to know if these numbers are representative for the other quarters that they were open. Mr. Redman stated that it is a good representation.

Council Member McCrea wanted to know if hookah sales are required by the franchise how is hookah not the primary part of the business. Mr. Redman stated that the franchise has not said specifically that they cannot operate without hookah, but while a small part of the brand, it is an important part of the brand, so the franchise is pushing for the sale of hookah. Given the response, the Council Member felt that it seems that the sale is an important part of the business.

There was further discussion about the process before the Board and what is at issue in this appeal.

With no other comments, Chairman Simchak called upon those in favor of or those opposed to the granting of this application to come forward and present their evidence and arguments. No one other than those already addressing the Board came forward.

The Board wanted to know the hours of operation. The applicant explained their hours as well as the approval of their neighboring businesses. Their hours will be 7 p.m. to 2 a.m.

The Board wanted to know about any police calls for service or crimes in connection with a business of this type. Mr. Deyon called upon Gregory Martin and Henry Jordan who gave information about their due diligence that included information about the area. Mr. Jordan lives in this area. He does not know about locations outside of Texas. He visits the downtown location, and they have a security officer on location while open. He stated that the location in Jersey Village is a safe location. Mr. Martin also has visited downtown, stating that it is a great location just off Travis Street and there have not been any issues when he visited this location. Mr. Martin likes Jersey Village because it is a safe location. Mr. Redman stated that as far as around the country, Mr. Martin has visited several locations and while the menu and offerings are the same, the size of the establishments and the types of environment differ.

There were further questions by the Board concerning activities that happen inside these type of establishments. There was concern that this type of establishment will attract a criminal element. The applicant responded by giving examples of locating a MacDonalds at high crime areas and low crime areas, pointing out the possibility of criminal activity to be greater in a high crime area, which is why they want to locate their business in the low crime area of Jersey Village. The applicant also pointed out that they will regulate the crowd and will dedicate their franchise to an older crowd.

The Board wanted to know the owners' prior business experience in selling alcohol. Mr. Martin stated he has 10 years of experience. Mr. Jordan gave information about his experience with restaurants. Mr. Redman also gave information about his business experience.

Before closing the public hearing, Chairman Simchak called upon the application for rebuttal comments. There were no further comments by the applicants.

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 7:00 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.**

There was discussion about this application for appeal. City Attorney Pruitt pointed out the two actions outlined in the packet on page 29. He explained the two motions and what they mean.

The City Attorney stated that for either motion to carry, it will take a vote of at least four (4) members of the Board.

There was discussion about the definition outlined in Section 14-5. Some felt that the ordinance does not distinguish between the sale or the consumption. Some felt that the Ordinance was split into two different pieces.

City Attorney Pruitt pointed out that the applicant also agrees that it is not two separate issues, but the decision also has to be made concerning the word “primarily.” In this case, the Building Official has ruled that hookah is a primary sale of the business.

It was discussed that hookah is allowed in District H with an Specific Use Permit. The rezoning was done on April 18, 2022. The process of due diligence began in January of 2022 and the zoning was changed April 18, 2022. City Attorney Pruitt explained that prior to April, hookah was not listed in the City Code; and therefore, was not allowed anywhere in the City. The use was authorized in the City in April of 2022. There was an application for the certificate of occupancy for just a bar and restaurant in August. The certificate of occupancy has not yet been approved.

With no further discussion on the matter, Board Member Mena moved 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 Member Nguyen seconded the motion. The vote follows:

Ayes: Board Members Mena and Nguyen

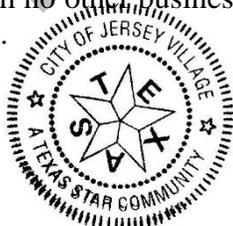
Nays: Chairman Simchak and Board Members Pennington and Khalili

The motion failed because 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 the Applicant’s appeal, so the Board failed to deny or approve the Applicant’s appeal, and the decision of the Building Official remains in force and the Applicant is not permitted to sell hookah at the Site.

*The Board’s Original Order No. 2022-08 is attached as Exhibit A and made a part of these minutes.*

**F. Adjourn**

With no other business before the Board, Chairman Simchak adjourned the meeting at 7:16 p.m.



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

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023



**CITY OF JERSEY VILLAGE - BOARD OF ADJUSTMENT  
ORDER NO. 2022-08**

**WHEREAS**, on September 30, 2022, Legendary Vibes, LLC, d/b/a Cru Lounge (Cru) (the “Applicant”), filed an appeal of the City of Jersey Village Building Official’s (the “Building Official”) ruling that the Applicant’s proposed use within District F is a Hookah Bar/Lounge; 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 “Site”); and

**WHEREAS**, the Board of Adjustment of the City of Jersey Village (the “Board”) conducted a Public Hearing and received information from the Public and from the Applicant on November 15, 2022 (the “Hearing”); and

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

**THE BOARD OF ADJUSTMENT OF JERSEY VILLAGE, TEXAS HEREBY ORDERS:**

**SECTION 1. THAT**, in consideration of the information before the Board regarding the Applicant’s appeal of the Building Official’s ruling that the Applicant’s proposed use at the Site is a Hookah Bar/Lounge, and therefore, the Applicant is not permitted to sell hookah at the Site, the Board considered the following motion:

“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 Member Mena made the motion and Board Member Nguyen seconded the motion. The vote followed:

*Ayes:* Board Members Mena and Nguyen

*Nays:* Chairman Simchak and Board Members Khalili and Pennington

The motion failed because 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 the Applicant’s appeal, so the Board failed to deny or approve the Applicant’s appeal, and the decision of the Building Official remains in force and the Applicant is not permitted to sell hookah at the Site.

**ORDERED** this 15<sup>th</sup> day of November 2022.

**ATTEST:**

s/Lorri Coody, City Secretary

**FOR THE BOARD:**

s/Thomas G. Simchak, Chairman



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

**AGENDA DATE:** December 13, 2023

**AGENDA ITEM:** G

**AGENDA SUBJECT:** Conduct a Public Hearing on the request of Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

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

**EXHIBITS:** Application with HCAD Listing  
City's Certification of Public Hearing Posting Requirements  
Applicant's Certification - Posting Requirements  
PH Script

**BACKGROUND INFORMATION:**

Ralph M. and Nancy W. Green, owners of the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas have filed a request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

Section 14-100 is the Residential Permitted Use Table. It requires that accessory structures must be located on the same lot as a principal structure. Mr. and Mrs. Green are requesting a variance to be allowed to build a detached garage, an accessory structure, on their vacant lot which is located next to the lot where their principal structure is built.

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 Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

**BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023**

-----  
DATE : 11/16/2023 12:38 PM  
OPER : PB  
TERM : 1  
REC# : R00847949  
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192.0000 MISC. REVENUE 200.00  
VARIANCE 16521 DELOZIER & 16525  
DELOZIER

Paid By: VARIANCE 16521 DELOZIER & 16525  
2-CK 200.00 REF:4079

-----  
APPLIED 200.00  
TENDERED 200.00  
-----  
CHANGE 0.00  
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DATE : 11/9/2023 1:39 PM  
OPER : PB  
TERM : 1  
REC# : R00847638  
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192.0000 MISC. REVENUE 300.00  
16521 DELOZIER + 16525 DELOZIER  
VARIANCE

Paid By:16521 DELOZIER + 16525 DELOZIER  
2-CK 300.00 REF:2617

-----  
APPLIED 300.00  
TENDERED 300.00  
-----  
CHANGE 0.00  
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**CITY OF JERSEY VILLAGE**  
Application for Request for Variance

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

PROPERTY INFORMATION

Address: 16521 De Lozier Street + 16525 De Lozier Street  
Legal Description: Lot 2&3 Block: 34 Subdivision: Jersey Village

APPLICANT INFORMATION

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

Applicant: Ralph M & Nancy W Green Phone: (713)896-8239  
Address: 16521 De Lozier Street + 16525 De Lozier Street  
City: Jersey Village State: TX Zip: 77040

OWNER INFORMATION

<u>Ralph M &amp; Nancy W Green</u>			<u>(713)896-8239</u>
<u>Property Owner</u>			<u>Telephone Number</u>
<u>16521 De Lozier Street</u>	<u>Jersey Village</u>	<u>TX</u>	<u>77040</u>
<u>Street Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>

Describe variance sought: \_\_\_\_\_  
To construct a 24'x36' detached garage on the rear of Lot 2, Block 34,  
Jersey Village Country Club Estates Sec 3 R/P, 16525 De Lozier Street on a  
residential lot with no currently existing proposed principal structure on the lot.

Describe existing standard: Per Sec. 14-100, the Residential Permitted Use Table,  
a detached garage is considered an accessory structure which must be  
located on the same lot as a principal structure.

**BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023**

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?

We own the lot and have no intentions of selling it. We want to build a garage.

(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.

Because we want to build a garage but not a house

(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.)

We want to convert the existing garage on lot 3 into a home gym and storage room.

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

No. Please note: 16530 De Lozier Street adjoining 16534 De Lozier Street (lot 1&2) pic attached

*There is a garage and a gazebo on lot with no house.*

*Ralph M. Green Nancy W. Green*

Signature of Applicant *Ralph M. Green*  
*Nancy W. Green*

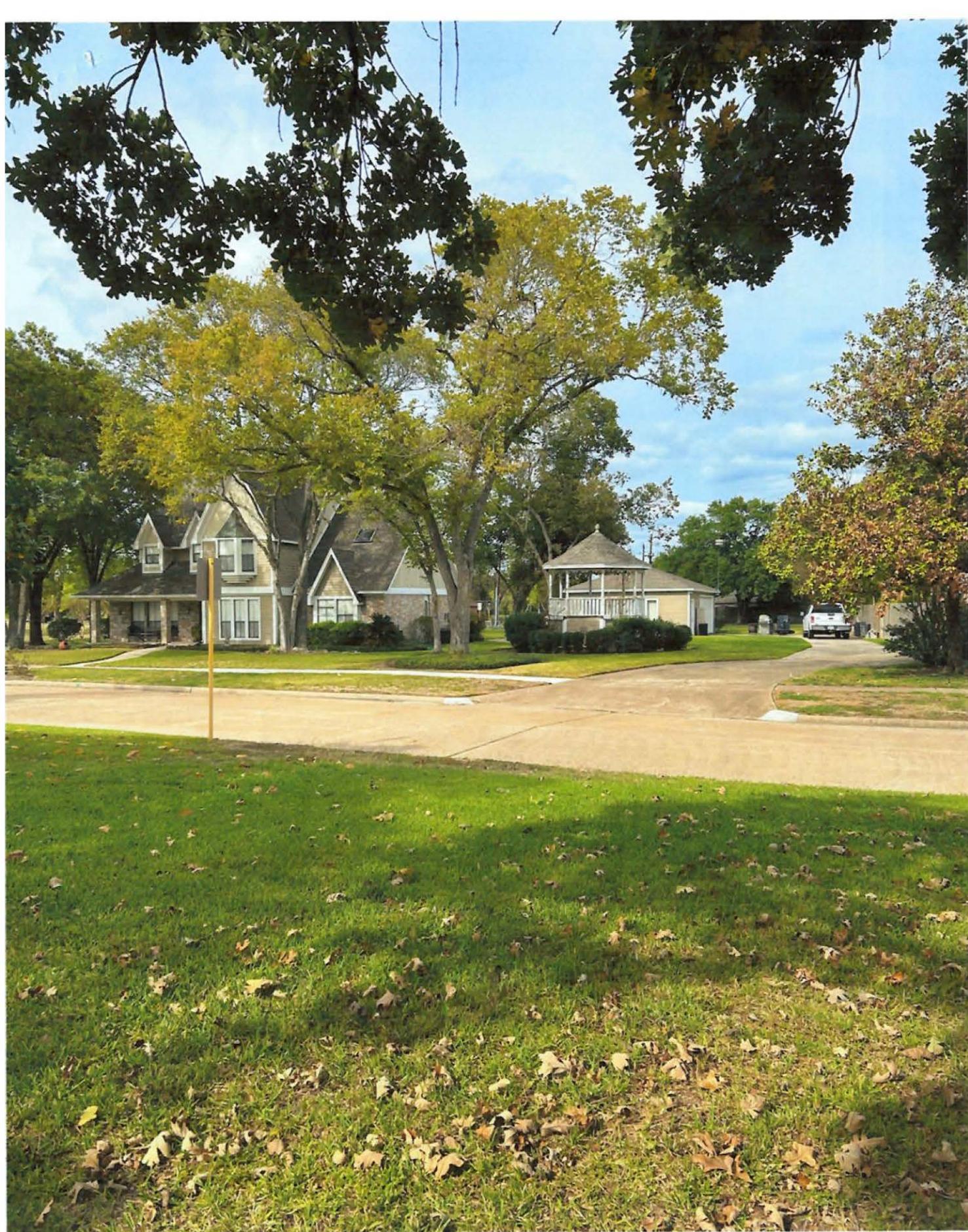
*November 9, 2023*

Date

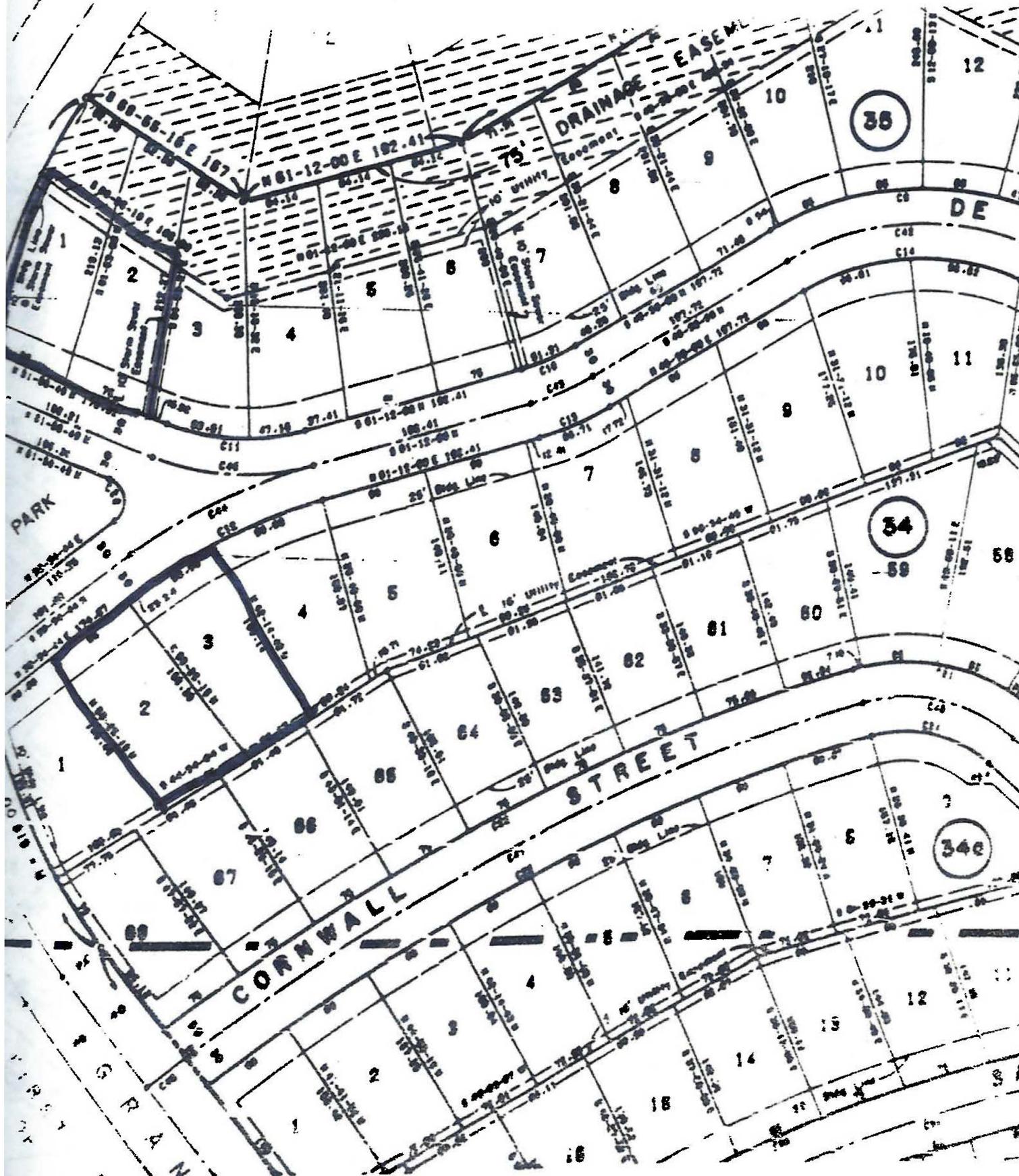
**REQUESTS MUST BE SUBMITTED NO LATER THEN 4:30 P.M. SIXTEEN (16) DAYS PRIOR TO THE OFFICIAL MEETING DATE.**

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

BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023



**BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023**



Tax Year: 2023

HARRIS CENTRAL APPRAISAL DISTRICT  
 REAL PROPERTY ACCOUNT INFORMATION  
 ACCOUNT NUMBER **107452000002**

Print E-mail

File A Protest	Similar Owner Name	Nearby Addresses	Same Street Name	Related Map 4862B
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**Ownership History**

Owner and Property Information

Owner Name & Mailing Address: **GREEN RALPH  
 16521 DE LOZIER ST  
 JERSEY VILLAGE TX 77040-2055**

Legal Description: **LT 2 BLK 34  
 JERSEY VILLAGE  
 COUNTRY CLUB ESTATES SEC 3 R/P**  
 Property Address: **16529 DE LOZIER ST  
 HOUSTON TX 77040**

State Class Code

A1 -- Real, Residential, Auxiliary Buildings

Land Use Code

1001 -- Residential Improved

Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
12,800 SF	0 SF	159	4015	224 -- ISD 04 - Northwest, btwn Beltway 8 and Hwy 6	4862B	409L

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	03/31/2023	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2022 Rate	2023 Rate
<b>None</b>	004	CYPRESS-FAIRBANKS ISD		Certified: 08/18/2023	1.294800	1.081100
	040	HARRIS COUNTY		Certified: 08/18/2023	0.343730	0.350070
	041	HARRIS CO FLOOD CNTRL		Certified: 08/18/2023	0.030550	0.031050
	042	PORT OF HOUSTON AUTHY		Certified: 08/18/2023	0.007990	0.005740
	043	HARRIS CO HOSP DIST		Certified: 08/18/2023	0.148310	0.143430
	044	HARRIS CO EDUC DEPT		Certified: 08/18/2023	0.004900	0.004800
	045	LONE STAR COLLEGE SYS		Certified: 08/18/2023	0.107800	0.107600
	070	JERSEY VILLAGE		Certified: 08/18/2023	0.742500	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, 2022		Value as of January 1, 2023	
	Market	Appraised	Market	Appraised
Land	102,600		102,600	
Improvement	475		475	
Total	103,075	103,075	103,075	103,075

**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	10,000	1.00	1.00	1.00	--	1.00	9.00	9.00	90,000.00
2	1001 -- Res Improved Table Value SF3 -- Primary SF	SF	2,800	1.00	0.50	1.00	--	0.50	9.00	4.50	12,600.00

Building

**Vacant (No Building Data)**

Extra Features

Line	Description	Quality	Condition	Units	Year Built
1	Metal Utility Shed	Average	Average	190	1986

**CITY OF JERSEY VILLAGE  
 CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS  
 BOARD OF ADJUSTMENT - PUBLIC HEARING  
 December 13, 2023, at 7:00 P.M.**

Reason for Public Hearing:

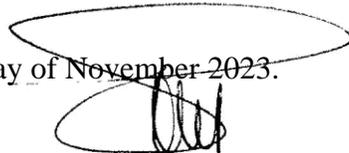
To receive written and oral comments from any interested person(s) concerning on the request of Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

Owner	Address	City, State, Zip
Alvin & Tammal Berkovsky	16534 De Lozier	Jersey Village, TX 77040
Alvin & Tammal Berkovsky	16534 De Lozier	Jersey Village, TX 77040
Adolfo E & Rosibel G Tobias	16526 De Lozier	Jersey Village, TX 77040
Current Owner	16522 De Lozier	Jersey Village, TX 77040
Jed A. & Margaret A. Stever	16518 De Lozier	Jersey Village, TX 77040
Sara Vivian Bond	16529 De Lozier	Jersey Village, TX 77040
Ralph Green	16529 De Lozier	Jersey Village, TX 77040
Ralph M. & Nancy Green	16521 De Lozier	Jersey Village, TX 77040
Billy S. Jr. & Kathryn Johnson	16517 De Lozier	Jersey Village, TX 77040
Gary Vossler	16513 De Lozier	Jersey Village, TX 77040
Newton Enterprises, LLC	PO Box 40364	Houston, TX 77240-0364
Jersey Village Baptist Church	16518 Jersey Dr.	Jersey Village, 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 November 27, 2023, and in accordance with the Jersey Village Code of Ordinances Part II, Ch. 14, Art. X, Section 14-10 (b)(2)(a) written notices were mailed to adjacent property owners at least eleven (11) days prior to date of the Public Hearing. The property owners were mailed a written notice to the address listed in the following table:

Witness my hand and seal of the City this 27th day of November 2023.

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



BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023

**CITY OF JERSEY VILLAGE**  
**APPLICANT CERTIFICATION OF PUBLIC HEARING POSTING REQUIREMENTS**  
**BOARD OF ADJUSTMENT – December 13, 2023 – 7:00 P.M.**

Reason for Public Hearing:

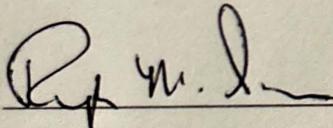
To receive written and oral comments from any interested person(s) concerning the request of Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

I, Ralph M. and Nancy W. Green, applicants and/or property owners, do hereby certify that:

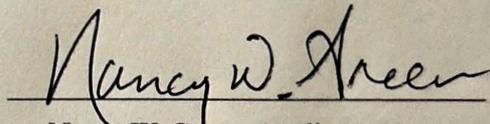
On December 2, 2023, at least ten days prior to the date of the hearing, placed on the property at 16525 DeLozier, Lot 2, Jersey Village, Texas which is the subject of this hearing, signs indicating the type of relief sought or the proposed change in status of the property as well as the date, time and 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 2<sup>nd</sup> day of December, 2023.



Ralph M. Green – Applicant



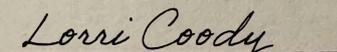
Nancy W. Green, Applicant

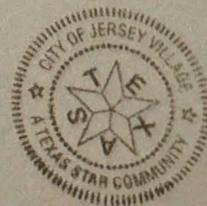
THE STATE OF TEXAS       §

COUNTY OF HARRIS       §

BEFORE ME, the undersigned authority, this day personally appeared Ralph M. Green and Nancy W. Green, persons known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed.

GIVEN UNDER my hand and seal of office this 4th day of December, 2023.

  
Lorri Coody, City Secretary



BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023

**Script for BOA Public Hearing on December 13, 2023**

**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 the request of Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, 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 Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

**BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023**

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

**AGENDA DATE:** December 13, 2023

**AGENDA ITEM:** G1

**AGENDA SUBJECT:** Discuss and take appropriate action on the request of Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

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

**EXHIBITS:** Application and Other Documents Included in PH Item  
14-100 – Residential Permitted Use Table  
Proposed Order

**BACKGROUND INFORMATION:**

Ralph M. and Nancy W. Green, owners, have filed a request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, 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 14-100 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 the request of Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

**BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023**

Sec. 14-100. - Residential permitted use table.

USE	District	District	District	District
	A	B	C	M
Churches or other places of worship and related schools	PC (1)	PC (1)		
Electric Power Lines and Substations	PC (2)	PC (2)		
Golf Courses and Country Clubs	P	P		
Home Occupations	PC (3)	PC (3)	PC (3)	PC (3)
Model Homes	PC (4)	PC (4)	PC (4)	
Multi-family Dwellings				PC (5)
Municipal Government Buildings, Police Stations, Fire Stations, and Public Libraries	P	P		
Patio Homes		P	P	

Public Parks and Playgrounds, Public Recreational Facilities, Public Schools, Community Buildings and Public Museums not operated for profit	P	P		
Short-term Rentals				P
Single-Family Dwelling	P	P		
Townhouses		PC <sup>(6)</sup>	PC <sup>(6)</sup>	
Water Supply Reservoirs, Filter Beds, Towers, Surface or Below Surface Tanks, Artesian Wells, Water Pumping Plants and Water Wells	P	P		
Additional Structures. Accessory uses and freestanding structures in addition to a single-family dwelling:				
Accessory Quarters	PC <sup>(7)</sup>	PC <sup>(7)</sup>		
Cabana/Dressing Room	A	A	A	A
Detached Carport	A	A		A
Detached Private Garage (1 per building site)	A	A		

Gazebo	A	A	A	A
Greenhouse	A	A	A	A
Hobby Structure	A	A	A	A
Pet House	A	A		
Playhouse	A	A		
Pool	A	A	A	A
Pool Cover	A	A	A	A
Utility Structure	A	A		

PC Notes.

*Note 1:* Churches or other places of worship which shall:

(1) Contain not less than 4,000 sq ft of ground floor area.

(2) No church or other place of worship shall be constructed on a lot having less than five acres of total area.

*Note 2:* Power lines and substations may include accessory uses customarily incidental thereto; provided such accessory uses shall not be so obnoxious or offensive as to be reasonably calculated to disturb persons of ordinary temper, sensibilities, and disposition by reason of vibration, noise, emission of odor, dust, smoke, or pollution.

*Note 3:* To operate a home occupation, the following standards shall be met:

- (1) The home occupation must be clearly incidental to the use of the dwelling as a residence;
- (2) No outdoor sign, display or storage of materials, goods, supplies or equipment shall be allowed;
- (3) There shall be no change to the exterior of the building nor any visible evidence or signs that the residence contains a home occupation;
- (4) A home occupation shall not generate a nuisance such as traffic, on-street parking, noise, and electrical interference or hazards;
- (5) The maximum area devoted to a home occupation shall be 25% of the gross floor area of the dwelling unit; and
- (6) The home occupation shall not use employees who do not reside on the premises.

*Note 4:* Provided that a builder may have no more than one model home in a subdivision. A model home must have a temporary certificate of occupancy and may be open for business only between the hours of 6:00 a.m. and 9:00 p.m. Use of a structure as a model home shall terminate on the first of the following events to occur:

- (1) 30 days after building permits have been issued for 90% of the lots in the subdivision;
- (2) 30 days after building permits have been issued for all lots owned by the builder in the subdivision; or
- (3) 180 days after issuance of the latest building permit to the builder for a lot in the subdivision.

*Note 5:* New multi-family dwelling districts shall contain less than 100 acres of land.

*Note 6:* No "flats" or apartment style building shall be constructed in single-family townhouse style dwelling units in a unified development.

*Note 7:* Accessory quarters shall comply with all the following standards:

- (1) Accessory quarters (may include a full kitchen) must be located on the same building site as a principal building containing a single-family dwelling (detached) use;
- (2) Must include no more than 600 sq ft of gross floor area; unless located on the second story of a garage, in which case the maximum gross floor area is the footprint of the garage; and
- (3) An existing private garage structure shall not be converted to habitable space for the purpose of constructing accessory quarters.

**Legend**

P = Permitted Use

A = Accessory Use

PC = Permitted Use with Conditions

(Ord. No. 2022-39, § 3, 10-17-2022; Ord. No. 2023-12, § 2, 5-17-2023)



**CITY OF JERSEY VILLAGE - BOARD OF ADJUSTMENT  
ORDER NO. 2023-01**

**WHEREAS**, on November 16, 2023, Ralph M. and Nancy W. Green, owners, filed a request for variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

**WHEREAS**, the Board conducted a Public Hearing and received information from the Public and from the Applicant on December 13, 2023; 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 100 will result in an unnecessary hardship for Ralph M. and Nancy W. Green; and
- that in granting the variance, the spirit of this chapter will be upheld and observed;

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

**SECTION 1.** In consideration of the information before the Board, with a concurring vote of at least four (4) members, the Board voted to \_\_\_\_ GRANT \_\_\_\_ DENY the request of Ralph M. and Nancy W. Green, owners, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-100, the Residential Permitted Use Table, to allow a detached garage, which is considered an accessory structure, on their vacant lot for the property located at 16525 De Lozier, Lot 2, Jersey Village, Texas 77040.

**PASSED, APPROVED, AND ORDERED** this 13th day of December 2023.

\_\_\_\_\_  
Andrew Mitcham, Chairman

**ATTEST:**

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



**BOARD OF ADJUSTMENT MEETING PACKET FOR THE MEETING TO BE HELD ON DECEMBER 13, 2023**