

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE  
BOARD OF ADJUSTMENT  
December 13, 2023 – 6:00 p.m.**

The Board of Adjustment of the City of Jersey Village, Texas, convened on December 13, 2023, 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 Andrew Mitcham at 6:07 p.m. and the roll of appointed officers was taken. Board Members present were:**

Andrew Mitcham, Chairman	Nester Mena, Board Member
M. Reza Khalili, Board Member	Judy Tidwell, Board Member
Ken Nguyen, Board Member	Bill Smothers, Alternate Place 1
Nelson L. Feeney, Alternate Place 2	

Council Liaison, Jennifer McCrea was present at this meeting.

City Staff in attendance: Justin Pruitt, City Attorney; Lorri Coody, City Secretary; Joe Newton, Building Official Representative; and Miesha Johnson, Community Development Manager.

**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.

**Kimberly Henao, 15601 Singapore Lane, Jersey Village, Texas (832) 689-9878** – Ms. Henao introduced herself. She is a resident of Jersey Village.

**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, gave a PowerPoint Presentation concerning the duties and responsibilities of the Board that included a review of the Board's Rules and Procedures document. Items covered in the presentation are as follows:

1. Legal Authority
2. City Code of Ordinances Section 14-22
3. Texas Local Government Code Section 211.008
4. Texas Local Government Code Section 211.009
5. Rules of Procedure Document
  - a. Sections I thru IV
  - b. Section V – Hearings and Decisions
  - c. The Public Hearing Script
  - d. The Action Item
  - e. Formal Proceedings

- f. Appendix A – Procedures for Interpretation of Appeals
- g. Appendix B – Procedures for Special Exceptions
- h. Appendix C – Procedures for Variance

Mr. Pruitt gave detailed information about the ground rules for unnecessary hardship. The information is important because the Board will need to determine if the five items included below should be added to the Rules and Procedures document:

The Board had questions concerning the presentation to which City Attorney Pruitt responded accordingly.

- (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.

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

City Attorney Pruitt introduced the item. He explained the changes to the Rules and Procedures document concerning the appointment of the Chair and Vice Chair and that this amendment is needed to bring the Rules and Procedures document in compliance with the recent changes made to the Code of Ordinances by City Council.

With limited discussion on the matter, Board Member Khalili moved to approve the proposed amendments to the Rules and Procedures document concerning the appointment of the Board's Chair and Vice Chair. Board Member Mena seconded the motion. The vote follows:

Ayes: Board Members Khalili, Nguyen, Mena, and Tidwell  
Chairman Mitcham

Nays: None

The motion carried.

The Board also considered the additional requirements pertaining to variances concerning the grounds for unnecessary hardships presented during the training portion of the agenda. There was discussion about these grounds for unnecessary hardship. Some wondered if they are added to the rules, will it change the application form. City Attorney Pruitt stated that it would probably be a good idea to update the form in order to incorporate the change should the Board elect to include these grounds in the Rules and Procedure document.

Some board members wanted to add it so that they would have the ability to ask applicants about costs. Others were a bit confused about the "may" language in state law and wondered if the Board must include the grounds simply because it is listed in State law. City Attorney

Pruitt explained that the Board does not have to include these grounds, because state law used the term “may” and not “shall.” He further explained that should the Board decide not to include the grounds for unnecessary hardship in the Rules, the Board will still have the ability to consider the grounds under the state law.

Members felt that the application form should help guide applicants as to what the Board would consider. Some felt that these five grounds should be listed in the Boards Rules and that the application should be updated to reflect same.

Question 4 on the current form was discussed.

In conclusion, before adding these grounds to the Rules document, the Board would like to look at other cities have for Board of Adjustment Applications and how they are incorporating the five grounds for unnecessary hardship. The Board would like to have another meeting scheduled in the new year in late January or early February.

**F. Consider approval of the minutes for the meeting held on November 15, 2022.**

Board Member Mena moved to approve the minutes for the meeting held on November 15, 2022. Board Member Khalili seconded the motion. The vote follows:

Ayes: Board Members Khalili, Nguyen, Mena, and Tidwell  
Chairman Mitcham

Nays: None

The motion carried.

**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.**

Chairman Mitcham opened the public hearing at 7:00 p.m. in order 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.

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

Chairman Mitcham called upon the applicants to present their case and all evidence supporting same.

Mr. Green presented on behalf of the applicants. He gave each Board Member a handout showing pictures of his property. He explained that he purchased the home in the late 1990's and did a complete remodel in 2003. He purchased the lot next door in 2017.

He recently planned to add on to the existing home but discovered that there really isn't any good options for an addition. Because he pays quite a bit of money for storage and because he would like a home gym, he wants to build an accessory structure (garage) on the lot next door. The structure will match the characteristics of the home. He would put the garage on the lot behind the trees. That way, in the event the lot is sold, the new owner could build a home in front of the garage. He pointed out that he is not asking for something that has already been done. He pointed to the pictures in his application concerning a home in the city that has already done this. He pointed out that he does not see how his plans would hurt the neighborhood.

Once the applicants had completed their case, Chairman Mitcham called upon the Building Official to present any information that he deems necessary or appropriate to the application.

Building Official Representative, Joe Newton, highlighted that this construction would be considered an accessory structure. Accessory structures are not permitted on a lot in the city that does not have a principal home. Because of this requirement, Mr. Green is asking the Board for a variance that would permit Mr. Green to move forward with construction of the accessory structure on the vacant lot located next to the lot where his home is built.

Mr. Newton stated he and Mr. Green discussed combining his two lots through a replat in order to resolve the issue. However, in re-platting the lots into one lot, he still has the issue with Section 14-100(h)(1): No lot in this district for a single-family detached dwelling shall have a total area that exceeds by more than 20 percent the total area of any other lot for a single-family detached dwelling on the same block face.

The board had questions concerning the joining of the lots, to which Mr. Newton responded accordingly.

Once the Building Official had completed the presentation of his information, Chairman Mitcham called upon those opposed to the granting of the application to present their evidence and arguments.

**Dennis Petersen, 16552 Cornwall, Jersey Village, Texas (713) 412-6886** - Mr. Petersen stated that the information in the applicant's application was not very detailed. It only stated what the front of the accessory building would look like. Listening to the information presented at this public hearing gave a bit more of the details. He explained that he lives on the backside of the home or behind Mr. Green. Mr. Petersen had concerns about where Mr. Green intended to locate the building on the lot. He wanted to know how tall the structure was going to be and if it was going to obstruct his view of the bayou. He wondered if the trees on the lot would be cut down. He stated that this information was not included in the application. He gave the Board information about the homes that surround his home and Mr. Green's home. He stated that there are way too many unknowns and would ask that the variance be rejected.

Once those opposing the granting of the application were heard, Chairman Mitcham called upon the applicant for the right of rebuttal.

Mr. Green stated the trees will not come down. He did not consider the view in connection with his plans.

With no further input for the public hearing, Chairman Mitcham closed the public hearing 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. at 7:15 p.m.

**(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.**

After conducting the public hearing, the Board engaged in discussion concerning the request for variance.

Building Official Representative, Joe Newton, read Section 14-100 (h)(1) for the benefit of the Board concerning the joining of the two lots. He explained that the applicant could submit an amended plat. The prohibition is on the street face. The parameters of this code was discussed to see if there is alternative solution for Mr. Green to build the structure.

The idea of re-platting the property by joining the back half of Lot 2 with the lot where the home is built. This action would result in a kind of "L" shaped lot, leaving the front half of Lot 2 untouched. This idea was discussed in detail by the Board.

Re-platting the lots appears to be an alternative solution. The Building Official Representative stated that this type of re-platting would be permitted. Given this alternative, the property setbacks were discussed. Height requirements were also discussed. For all sections there is a 5-foot setback. The building is 24x36. So with the setbacks, the Board discussed if the lot was large enough.

The existing lot was discussed. Also, the number of accessory structures was discussed. Four accessory structures are permitted on a lot.

The applicant is keeping all the trees on the lot. There was a concern that should the re-platting route be followed, anyone having access to two or more lots could join the lots. This was discussed and City Attorney Pruitt explained the variance that we are discussing is only for the property listed in Mr. Green's application, and any new replats would have to comply with City Ordinances. This request is to put an accessory structure on a vacant lot that does not have a primary structure.

Mr. Newton explained that the applicant has proposed a design that would enable a future owner to build a primary structure on this lot. However, the general rule is that an accessory structure should be an accessory to a primary structure, thus the variance request.

The definition of detached garage was discussed.

Some board members felt that in the spirit of our responsibilities, there is not a hardship proven for this request. Also, there is an alternative solution, but this was not part of the

application. When matching the face of the application to the City’s Code of Ordinances, there does not appear to be a hardship.

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

Ayes: Board Member Mena

Nays: Board Members Khalili, Nguyen, and Tidwell  
Chairman Mitcham

The motion carried.

*The Board’s Original Order No. 2023-01 is attached as Exhibit A and made a part of these minutes.*

**H. Adjourn**

With no other business before the Board, Chairman Mitcham adjourned the meeting at 7:59 p.m.



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Lorri Coody, City Secretary



**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.

S/Andrew Mitcham, Chairman

**ATTEST:**

S/Lorri Coody, City Secretary

