

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

June 9, 2015 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on June 9, 2015, at 12:00 p.m. in the Civic Center Meeting Room, 16327 Lakeview Drive, Jersey Village, Texas.

A. The meeting was called to order by Chairman Henry Hermis at 12:00 p.m. and the roll of appointed officers was taken. Board Members present were:

Henry Hermis, Chairman	Thomas Simchak, Vice Chairman
Debra Sappington, Board Member	Ken Nguyen, Board Member
Robert Cunningham, Board Member	Joe Pennington, Alternate Board Member

Reza Khalili, Alternate Board Member, was not present.

Council Liaison, Tom Eustace was present.

City Attorney, Kim Mickelson was present.

City Staff in attendance: Courtney Rutherford, Assistant City Secretary; Brian Breeding; Public Works Director, Christian Somers, Building Official; and Jim Bridges, Engineering Technician.

B. Designate Alternate Members to serve in place of any absent Board Member.

No action taken.

C. Consider approval of the minutes for the meeting held on May 21, 2015.

Board Member Sappington moved to approve the minutes as presented for the meeting held on May 21, 2015. Board Member Simchak seconded the motion. The vote follows:

Ayes: Board Members Sappington, Cunningham, Nguyen and Simchak
Chairman Hermis

Nays: None

The motion carried.

D. Conduct the public hearing continued from May 21, 2015 Board of Adjustment Meeting pertaining to Leonard Prater's request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253 (d) by allowing the applicant to exceed the 400 square feet of total sign face area that is the maximum allowed for all signs on the property located at 16518 Jersey Drive, Jersey Village, Texas.

Chairman Hermis, at 12:01pm, continued the public hearing which was initially opened on May 21, 2015 in connection with this item.

The Building Official, Christian Somers, gave background information on the request for appeal. Mr. Somers stated that this is a continuation of the public hearing from May 21, 2015. He stated that during the last meeting new information was found regarding the Special Exception granted to the Church in 1999 for the large cross. He also stated that he looked over the plans a documents and the cross was not built as approved back in 1999. Jersey Village Baptist Church Lead Pastor, Andrew Werley, was present and stated that the church recently received notification that the City has acquired the land where the cross currently sits for a utility easement. Haley Lee, representative from National Signs was also present and showed the Board an example of another entity with a cross that is not considered a sign, however this cross is in the City of Houston which had different ordinances.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Hermis closed the public hearing at 12:14 p.m.

E. Discuss and take appropriate action on Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253 (d) by allowing the applicant to exceed the 400 square feet of total sign face area that is the maximum allowed for all signs on the property located at 16518 Jersey Drive, Jersey Village, Texas.

The Board, the City Attorney, and Staff briefly discussed the details of Order 99-01 dated February 18, 1999, pertaining to the special exception allowing the cross. Ms. Mickelson, the City Attorney, stated that the details of the special exception are very vague and there is no way to determine the interpretation of the Board at that time. Mr. Somers again stated that the cross was approved with special exception, but it was also supposed to be part of the monument sign and was not built according to the plans. The Board reviewed the definition of monuments and the City’s definition of signs again. Ms. Mickelson pointed out that both the Building Official and the Board have already ruled the cross as a sign.

At this point in the meeting, Chairman Hermis elected to call item F in order to provide the Board with additional information as follows:

F. Conduct the public hearing continued from May 21, 2015 Board of Adjustment Meeting pertaining to Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-253 (d) to allow the applicant to exceed the maximum of one ground-pole sign for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040.

Chairman Hermis opened the public hearing 12:41 p.m.

The Building Official, Christian Somers, stated that the second requested variance pertains to the same code section of the Jersey Village Code of Ordinances, and also needs to be considered by the Board given that the Board ruled the large cross structure located on the Jersey Village Baptist Church be classified as a sign.

Jersey Village Baptist Church Lead Pastor, Andrew Werley, read aloud, from Black’s Law Dictionary, the definition for a “monument.” He stated that a monument is anything by

which the memory of a person or an event is preserved or perpetuated. Haley Lee, representative from National Signs stated the sign only needs to be replaced due to the US290 expansion.

With no other party or individual signing up or requesting to speak at this public hearing, Chairman Hermis closed the public hearing at 12:45 p.m.

At this point in the meeting, Chairman Hermis recalled Item E along with Item G for discussion by the Board as follows:

- E. Discuss and take appropriate action on Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253 (d) by allowing the applicant to exceed the 400 square feet of total sign face area that is the maximum allowed for all signs on the property located at 16518 Jersey Drive, Jersey Village, Texas.**
- G. Discuss and take appropriate action on Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-253 (d) to allow the applicant to exceed the maximum of one ground-pole sign for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040.**

There was additional discussion among the Board regarding these two items and the special exception granted in 1999. The Board agreed that they cannot determine the intentions of the Board from 1999 and that they need to make a decision regarding the current codes. There was discussion among the Board that since the cross has been ruled a sign they could still install a new monument sign to code.

In closing the discussions, Chairman Hermis called for a motion on Item E as follows:

- E. Discuss and take appropriate action on Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article X, Section 14-253 (d) by allowing the applicant to exceed the 400 square feet of total sign face area that is the maximum allowed for all signs on the property located at 16518 Jersey Drive, Jersey Village, Texas.**

Board Member Sappington moved to grant the request of Leonard Prater, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-253 (d) allowing the applicant to keep the existing cross, being treated as a pole sign, to exceed the 400 square feet of total sign face area as currently built on the property. Board Member Simchak seconded the motion. The vote follows:

Ayes: Board Members Simchak, Sappington, Cunningham, and Nguyen
Chairman Hermis

Nays: None

The motion carried.

Chairman Hermis then called for a motion on Item G as follows:

G. Discuss and take appropriate action on Leonard Prater’s request, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-253 (d) to allow the applicant to exceed the maximum of one ground-pole sign for the property located at 16518 Jersey Dr., Jersey Village, Texas, 77040.

Board Member Sappington moved to deny the request of Leonard Prater, filed on behalf of Jersey Village Baptist Church, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article X, Section 14-253 (d) allowing the applicant to exceed the maximum of one ground-pole sign for the property. Board Member Simchak seconded the motion. The vote follows:

Ayes: Board Members Simchak, Sappington, and Cunningham

Nays: Chairman Hermis and Board Member Nguyen

The motion carried.

H. Adjournment

With no other business before the Board, Chairman Hermis adjourned the meeting at 1:20 p.m.

Courtney Rutherford, Assistant City Secretary