

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

August 31, 2017 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on August 31, 2017, at 12:02 p.m. in the Civic Center Meeting Room, 16327 Lakeview Drive, Jersey Village, Texas.

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

Henry Hermis, Chairman	Debra Sappington, Board Member
Thomas Simchak, Vice Chairman	M. Reza Khalili, Alternate 2, Board Member

Board Members, Joe Pennington, Ken Nguyen, and Doyle Stuckey were not present at this meeting.

Council Liaison, Gary Wubbenhorst was present.

City Staff in attendance: Akilah Mance, City Attorney; Lorri Coody, Board Secretary; Kevin T. Hagerich, 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.

Chairman Hermis appointed Alternate Board Member No. 2, M. Reza Khalili as a voting member in the absence of Board Member, Joe Pennington.

C. Consider approval of the minutes for the meeting held on April 12, 2017.

Board Member Simchak moved to approve the minutes for the meeting held on April 12, 2017. Board Member Sappington seconded the motion. The vote follows:

Ayes: Board Members Simchak, Sappington, and Khalili
Chairman Hermis

Nays: None

The motion carried.

D. Conduct a public hearing on Paragan Solutions, LLC's request, filed on behalf of Kal Patel, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-281(c)(7) to allow: (1) the applicant's proposed parking lot to encroach the 10 foot right side property line setback by 4' – 4.5" feet; and (2) the applicant's proposed parking lot to encroach the 10 foot left side property line setback by 3' feet for the property located at 8221 Jones Road, Jersey Village, Texas 77065.

Chairman Hermis opened the public hearing at 12:05 p.m. in order to receive written and oral comments from any interested person(s) concerning Paragan Solutions, LLC's request, filed on behalf of Kal Patel, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-281(c)(7) to allow: (1) the applicant's proposed parking lot to encroach the 10 foot right side property line setback by 4' – 4.5" feet; and (2) the

applicant's proposed parking lot to encroach the 10 foot left side property line setback by 3' feet for the property located at 8221 Jones Road, Jersey Village, Texas 77065.

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

Building Official Somers clarified that the applicant's request is to encroach the 10 foot right side property line by 5.5 to 6 feet and to encroach the 10 foot left side property line by 7 feet for a parking lot.

Lokesh Khosla with Paragan Solutions and representing the Owner, Kal Patel, explained the hardship that supports the variance request. He told the Board that the four (4) story building will be located in the center of the property and has a drive that goes all the way around the facility for safety and first-aid responders. The proposed plan meets the minimum parking and landscaping requirements and will be fenced with 80 rooms. All of this is in accordance with the franchise agreement for Candlewood Suites.

The Board engaged in discussion about the proposed plan and the site where the facility will be located along Jones Road. The property driveway fronts Jones Road and the lot goes all the way back to the neighboring property line (Enterprise Car Rental). There was discussion about relocating the pool and the building on the lot in order to accommodate the City's Ordinances. However, Mr. Khosla stated that all Candlewood Suites franchise requirements must be met and the plan submitted meets the franchise requirements.

The Board also asked about drainage. The applicant explained that they are proposing an underground system that runs under the parking lot that has already been approved by Harris County and the City's Engineer. No water will drain to adjacent properties.

Board Members agreed that the proposed plan is very "tight" because of the swimming pool. Some members felt that locating the swimming pool on the property in accordance with franchise requirements was the real hardship.

The Board reviewed the requirements of the City's Ordinance and the location of utility easements. They reviewed the photos that were presented with the application for variance in order to get a feel for how the applicant's property relates to neighboring properties.

The Board discussed the possibility of angled parking or shared parking with the retail property that also fronts Jones Road in order to conform to the City's Ordinances without variance. They also inquired if the applicant had asked the Candlewood Suites franchise for permission to vary from the franchise requirements. They had not.

The hardship was discussed.

With no one else desiring to speak at the public hearing, Chairman Hermis closed the public hearing at 12:27 p.m.

- D1. Discuss and take appropriate action on Paragan Solutions, LLC's request, filed on behalf of Kal Patel, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-281(c)(7) to allow the applicant's proposed parking**

lot to encroach the 10 foot right side property line setback by 4' – 4.5" feet for the property located at 8221 Jones Road, Jersey Village, Texas 77065.

In closing the public hearing, the Board asked the City Attorney if the Candlewood Suite's franchise requirements could be considered a hardship. The City Attorney stated that it could be considered a hardship if the franchise had a certain building foot print for a specified number of rooms and the Board after considering all the information before it found it to be a hardship. She further stated that because the applicant had not approached Candlewood Suites for permission to vary from the franchise requirements, the Board may have a difficult time finding hardship.

The Board further reviewed the site plan submitted in order to determine if there were alternative solutions that would permit the construction without variance. It was the consensus of the Board that alternative solutions were possible to permit construction without variance.

With no further discussion on the matter, Board Member Simchak moved to deny Paragan Solutions, LLC's request, filed on behalf of Kal Patel, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-281(c)(7) to allow the applicant's proposed parking lot to encroach the 10 foot right side property line setback by 5.5' – 6" feet (noting the correction stated earlier by the Building Official) for the property located at 8221 Jones Road, Jersey Village, Texas 77065. The motion was seconded by Board Member Sappington. The vote follows:

Ayes: Board Members Simchak, Sappington, and Khalili
Chairman Hermis

Nays: None

The motion carried.

D2. Discuss and take appropriate action on Paragan Solutions, LLC's request, filed on behalf of Kal Patel, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-281(c)(7) to allow the applicant's proposed parking lot to encroach the 10 foot left side property line setback by 3' feet for the property located at 8221 Jones Road, Jersey Village, Texas 77065.

With no further discussion on the matter, Board Member Simchak moved to deny Paragan Solutions, LLC's request, filed on behalf of Kal Patel, owner, for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-281(c)(7) to allow the applicant's proposed parking lot to encroach the 10 foot left side property line setback by 7' feet (noting the correction stated earlier by the Building Official) for the property located at 8221 Jones Road, Jersey Village, Texas 77065. Board Member Sappington seconded the motion. The vote follows:

Ayes: Board Members Simchak, Sappington, and Khalili
Chairman Hermis

Nays: None

The motion carried.

E. Adjournment

With no other business before the Board, Chairman Hermis adjourned the meeting at 12:27 p.m.

Lorri Coody, Board Secretary