

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

April 12, 2022 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on April 12, 2022, at 12:00 p.m. in the Civic Center at 16327 Lakeview Drive, Jersey Village, Texas 77040.

A. The meeting was called to order by Chairman Tom G. Simchak at 12:01 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. Feeney, Alternate Place 2	

Council Liaison, Gary Wubbenhorst was present at this meeting.

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

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

Item not needed.

C. CITIZENS' COMMENTS - Any person who desires to address the Board of Adjustment regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and Board Members are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the Board of Adjustment.

There were not Citizens' Comments.

D. Consider approval of the minutes for the meeting held on January 10, 2022.

Board Member Khalili moved to approve the minutes for the meeting held on January 10, 2022. Board Member Mena seconded the motion. The vote follows:

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

Nays: None

The motion carried.

E. Conduct a Public Hearing on the request of Oscar G. Ortiz, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 1, Section 14-88(b), to allow the applicant to encroach the 25-foot front setback by 3 feet 7 inches for the property located at 15710 Seattle Street, Jersey Village, Texas 77040.

Chairman Simchak opened the public hearing at 12:05 p.m. in order to receive written and oral comments from any interested person(s) concerning the request of Oscar G. Ortiz, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 1,

Section 14-88(b), to allow the applicant to encroach the 25-foot front setback by 3 feet 7 inches for the property located at 15710 Seattle Street, Jersey Village, Texas 77040.

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

Chairman Simchak called upon the Applicant to present his case and supporting evidence concerning the variance request.

Applicant Oscar G. Ortiz presented the request. He explained that he wants to add a patio space onto the front of his home that will encroach the front set back by some 3 feet 7 inches.

City Attorney Pruitt was called upon the explained the variance process, particularly the items that the Board must consider when granting a variance.

With no further comments from the Applicant, Board Chairman Simchak called Evan Duvall, the City's Building Official Representative, to present information that he deemed necessary, appropriate, or relative to the application.

Mr. Duvall told the Board about Mr. Ortiz's plans for a front porch. He explained that the patio will encroach the front setback because of the position of the posts on the patio cover.

The Board discussed the requested variance. There were questions about the length of the patio. The applicant explained that it will run the length of the home. It is about 38 feet and 10 inches long. There were questions by the Board if there were ever any other homes making this request. Building Official Representative Duvall explained that prior requests do not have any bearing upon this request as each request must be considered on its specific merits.

With no further discussion or questions, the Board Chairman called if there was anyone else desiring to speak in favor or opposed to the granting of the application.

There were no public comments and the applicant had nothing further to add.

With no other comments, Chairman Simchak closed the public hearing on the request of Oscar G. Ortiz, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 1, Section 14-88(b), to allow the applicant to encroach the 25-foot front setback by 3 feet 7 inches for the property located at 15710 Seattle Street, Jersey Village, Texas 77040 at 12:11 p.m. and called the next item on the agenda, item E1.

(1) Discuss and take appropriate action on the request of Oscar G. Ortiz, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 1, Section 14-88(b), to allow the applicant to encroach the 25-foot front setback by 3 feet 7 inches for the property located at 15710 Seattle Street, Jersey Village, Texas 77040.

The Board discussed the requested variance. City Attorney Pruitt explained what the Board must consider in order to grant the variance, stating that the Board 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, Section 14-88(b) would result in an unnecessary hardship; and

- that in granting the variance, the spirit of this chapter would be upheld and observed.

There was discussion about potential uses of the patio slab in the future. For example, will the slab be wheelchair accessible.

The City Attorney explained that any use or purpose of the proposed request must be stated in the application. Additionally, he said that the Board could set conditions when and if the variance is granted.

The roof line was discussed as well as the reason why the City established setback requirements. City Building Official Representative Duvall explained that the setback is to create a cohesive neighborhood with all homes being setback from the street at the same distance. Some wondered if this 3-foot set back will cause an issue. Mr. Duvall stated that he did not think it would be an issue and it would be hard to notice.

City Attorney Pruitt again explained what the Board must find in granting the variance and that these items will be listed in the Order of the Board.

Some members wondered if they could consider other properties on the street. City Attorney Pruitt stated that it is permissible in terms of the character of the neighborhood.

The definition of the word “caprice” was discussed.

The applicant has owned the home since April 2018.

With no further discussion on the matter, Board Member Mena moved to approve the request of Oscar G. Ortiz, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 1, Section 14-88(b), to allow the applicant to encroach the 25-foot front setback by 3 feet 7 inches for the property located at 15710 Seattle Street, Jersey Village, Texas 77040. Board Member Khalili seconded the motion. The vote follows:

Ayes: Board Members Khalili, Mena, and Nguyen

Nays: Board Member Pennington
Chairman Simchak

The motion failed for lack of a concurring vote of four members of the Board.

The Board's Original Order No. 2022-02 is attached as Exhibit A and made a part of these minutes.

- F. Conduct a Public Hearing on the request of Jim Girouard, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(1), to allow the applicant to exceed the 8 foot utility structure height requirement by 5 feet 7 11/16 inches; and for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Division 2, Section 14-101(b)(2), to allow the applicant to exceed the 100 square foot utility structure area requirement by 620 square feet for the property located at 15714 Tenbury Street, Jersey Village, Texas 77040.**

Chairman Simchak opened the public hearing at 12:21 p.m. in order to receive written and oral comments from any interested person(s) concerning the request of Jim Girouard, owner, for a

variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(1), to allow the applicant to exceed the 8 foot utility structure height requirement by 5 feet 7 11/16 inches; and for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Division 2, Section 14-101(b)(2), to allow the applicant to exceed the 100 square foot utility structure area requirement by 620 square feet for the property located at 15714 Tenbury Street, Jersey Village, Texas 77040.

The Board found that notification requirements for both the City and the Applicant have been met for this public hearing. The Board also took note of written comments submitted by property owners within the 200 foot radius of Mr. Girouard's property.

Chairman Simchak called upon those desiring to speak for or against the request of the applicant as follows:

Jim Pulliam, 15713 Tenbury Street, Jersey Village, Texas: Mr. Pulliam stated that he believes the request will be an asset to the community. He stated he has something similar and uses it for many projects that support the community.

Ruby Wilkerson, 15713 Honolulu Street, Jersey Village, Texas: Ms. Wilkerson stated that she lives behind the applicant. She feels that the building will be an eye sore and affect property values. She stated that her home has never flooded, but she is concerned that the foundation for this building will cause serious water displacement. She is concerned about flooding. She feels the City has invested many dollars to protect against flooding. She is also concerned about the storage of equipment and noise pollution. She does not support this variance.

Mr. Simchak mentioned that there were several written comments. City Secretary Coody read the names of those property owners as follows:

- Dr. James and Merlys Wilkerson
- Gina Demny
- Mrs. Wansik
- Phil Campbell
- Tivadar Horvath
- Vewiser J. Turner, Jr.

All six did not support Mr. Girouard's request.

Chairman Simchak called upon the Applicant to present his case and supporting evidence concerning the variance request.

Applicant Jim Girouard presented the request. He had handouts that were given to the Board to review. He stated that he is a heart patient and is very intentional about promoting good health. He has owned the property since September 2019. He loves living in the Village. The purpose of the hearing is a request for variance. He stated that his Contractor submitted the application which has a contradiction. It refers to a utility structure as opposed to a hobby structure. Nonetheless the structure measurements remain as stated. He explained how the new structure will be placed upon the property. The existing roof (14 feet 8 inches) of his home will be higher than the proposed structure. He explained the handouts.

He stated that BBG Consulting has reviewed the application. The review states it is a hobby structure. Nonetheless, the application has contradictory information confusing utility structure with a hobby structure.

He also presented photos of structures on De Lozier and Singapore that show homes with similar structures.

With no further comments from the Applicant, Board Chairman Simchak called Evan Duvall, the City's Building Official Representative, to present information that he deemed necessary, appropriate, or relative to the application.

Mr. Duvall told the Board that the size of the structure whether utility or hobby is over the size requirements in the code in terms of height and square footage. He stated that there are other options for the applicant to move forward such as attaching the structure to the garage.

With no further discussion or questions, the Board Chairman called if there was anyone else desiring to speak in favor or opposed to the granting of the application.

Wewiser J. Turner, Jr., 15709 Honolulu Street, Jersey Village, Texas: Mr. Turner told the Board that his home was built in 2006 but has owned the lot for much longer. He loves Jersey Village. He is concerned about the aesthetics of this request. He owns a nice home and the neighborhood aesthetic appeal for this request is a concern. It is a barn and not a typical utility structure. He is concerned about the economic issues and water runoff. He believes that there will be a water impact if this structure is permitted. He recommended that if additional space is needed, it should be an addition to the existing home. His home is catty cornered to the affected property.

With no other comments from the public or the applicant, Chairman Simchak closed the public hearing on the request of Jim Girouard, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(1), to allow the applicant to exceed the 8 foot utility structure height requirement by 5 feet 7 11/16 inches; and for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Division 2, Section 14-101(b)(2), to allow the applicant to exceed the 100 square foot utility structure area requirement by 620 square feet for the property located at 15714 Tenbury Street, Jersey Village, Texas 77040 at 12:40 p.m. and called the next item on the agenda, item F1.

(1) Discuss and take appropriate action on the request of Jim Girouard, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(1), to allow the applicant to exceed the 8 foot utility structure height requirement by 5 feet 7 11/16 inches; and for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Division 2, Section 14-101(b)(2), to allow the applicant to exceed the 100 square foot utility structure area requirement by 620 square feet for the property located at 15714 Tenbury Street, Jersey Village, Texas 77040.

The Board discussed the requested variance. Some members wanted to know if the building needs to be on a slab. The Building Official explained that it would require a slab if the structure is to be air conditioned. It was mentioned that should a slab be needed, it

would make the building even higher than what is being requested. The applicant stated that the structure will not be air conditioned.

Mr. Duvall stated that drainage is reviewed during the planning process. If the variance is approved those planning reviews will take place later and the applicant will need to meet any drainage requirements.

There were questions about how close the building will be to the side lot line. Mr. Duvall stated it will be 7 ½ feet from the side lot line.

The shape of the building was discussed. It is a rectangular building with a composition roof. The outside veneer was discussed. Mr. Duvall stated that the law changed sometime back and the City can no longer enforce facade requirements.

There was discussion about the location of the property. It is in the flood zone. The foundation was discussed. The structure will be on 16-inch concrete beams and supported by 2x8 wood beams. The structure will not be higher than 13 feet 8 inches which is 1 foot lower than the existing garage. Runoff was discussed. The applicant stated that there are French drains in the back yard, but some stated that A type drains from the front to the back would be needed.

Mr. Duvall stated that drainage criteria is part of the planning process and that will take place once the variance is approved. There were questions about the existing garage. It is detached from the home. It is approximately 600 square feet. Some felt that it was possible to add some 400 feet to the garage as opposed to building this large utility structure. There were also questions about attaching the garage structure to the home with a breezeway. But a breezeway does not qualify for an attached structure. This option was discussed. If it was attached, the applicant would be permitted to build a 1,000 square foot garage, but it would be hard to argue it is a garage without access since it will be located in the back yard.

With no further discussion on the matter, Chairman Simchak called for a motion to approve the variance request. Hearing no motions, he then called for a motion to deny the request.

Board Member Pennington moved to deny the request of Jim Girouard, owner, for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(1), to allow the applicant to exceed the 8 foot utility structure height requirement by 5 feet 7 11/16 inches; and for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Division 2, Section 14-101(b)(2), to allow the applicant to exceed the 100 square foot utility structure area requirement by 620 square feet for the property located at 15714 Tenbury Street, Jersey Village, Texas 77040. Board Member Mena seconded the request. The vote follows:

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

Nays: None

The motion passed.

The Board's Original Order No. 2022-03 is attached as Exhibit B and made a part of these minutes.

G. Adjourn

With no other business before the Board, Chairman Simchak adjourned the meeting at 12:57 p.m.



Lorri Coody, City Secretary



**CITY OF JERSEY VILLAGE
BOARD OF ADJUSTMENT
ORDER NO. 2022-02**

WHEREAS, on January 7, 2022, Oscar G. Ortiz, owner, filed a request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 1, Section 14-88(b), to allow the applicant to encroach the 25-foot front setback by 3 feet 7 inches for the property located at 15710 Seattle Street, Jersey Village, Texas 77040.

WHEREAS, the Board conducted a Public Hearing and received information from the Public and from the Applicants on April 12, 2022; and

WHEREAS, after closing the hearing, the Board in making its decision 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 1, Section 14-88(b) will result in an unnecessary hardship for Oscar G. Ortiz; 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 X DENY Oscar G. Ortiz, owner, a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 1, Section 14-88(b), to allow the applicant to encroach the 25-foot front setback by 3 feet 7 inches for the property located at 15710 Seattle Street, Jersey Village, Texas 77040.

PASSED, APPROVED, AND ORDERED this 12th day of April 2022.

S/Thomas G. Simchak, Chairman

ATTEST:

S/Lorri Coody, City Secretary





**CITY OF JERSEY VILLAGE
BOARD OF ADJUSTMENT
ORDER NO. 2022-03**

WHEREAS, on March 9, 2022, Jim Girouard, owner, filed a request for a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(1), to allow the applicant to exceed the 8 foot utility structure height requirement by 5 feet 7 11/16 inches; and for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Division 2, Section 14-101(b)(2), to allow the applicant to exceed the 100 square foot utility structure area requirement by 620 square feet for the property located at 15714 Tenbury Street, Jersey Village, Texas 77040.

WHEREAS, the Board conducted a Public Hearing and received information from the Public and from the Applicants on April 12, 2022; and

WHEREAS, after closing the hearing, the Board in making its decision considered:

- if the request for variance is contrary to the public's interest;
- if, due to special conditions, enforcement of Chapter 14, Article IV, Division 2, Section 14-101(b)(1) and (b)(2) will result in an unnecessary hardship for Jim Girouard; 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 __X__ DENY Jim Girouard, owner, a variance to the Jersey Village Code of Ordinance at Chapter 14, Article IV, Division 2, Section 14-101(b)(1), to allow the applicant to exceed the 8 foot utility structure height requirement by 5 feet 7 11/16 inches; and for a variance to the Jersey Village Code of Ordinances at Chapter 14, Article IV, Division 2, Section 14-101(b)(2), to allow the applicant to exceed the 100 square foot utility structure area requirement by 620 square feet for the property located at 15714 Tenbury Street, Jersey Village, Texas 77040.

PASSED, APPROVED, AND ORDERED this 12th day of April 2022.

S/Thomas G. Simchak, Chairman

ATTEST:

S/Lorri Coody, City Secretary

