



**CITY OF FRIENDSWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, JUNE 22, 2021 - 7:00 PM**

AGENDA

NOTICE IS HEREBY GIVEN OF A FRIENDSWOOD ZONING BOARD OF ADJUSTMENT REGULAR MEETING TO BE HELD AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, FRIENDSWOOD CITY HALL, COUNCIL CHAMBER, REGARDING THE ITEMS OF BUSINESS ACCORDING TO THE AGENDA LISTED BELOW:

1. Call to Order

2. Communications from the Public

- A. In order to comply with the provisions of the Open Meetings Act, the Board may not deliberate on subjects discussed under this agenda item, but may direct such subjects be placed on a later regular agenda for discussion and/or possible action.

3. Public Hearing

- A. Conduct a public hearing to receive comments, both oral and written, regarding a request for a variance of 11 feet, 3 inches from the required front yard setback of 25 feet on the property located at 202 E. Magnolia Street, being 0.126 acres of land out of Lot 11, Block 2, Friendswood Subdivision, Galveston County, Friendswood, Texas. The hearing will include:

1. Staff Presentation;
2. Applicant Presentation; and
3. Public Comments.

4. Discussion and Possible Actions

- A. Discuss and take possible action regarding a request for a variance of 11 feet, 3 inches from the required front yard setback of 25 feet on the property located at 202 E. Magnolia Street, being 0.126 acres of land out of Lot 11, Block 2, Friendswood Subdivision, Galveston County, Friendswood, Texas.

5. Approval of Minutes

- A. Consider approving the minutes for the Zoning Board of Adjustment Regular Meeting held Tuesday, August 25, 2020.

6. Staff, Board and/or Board Liaison Reports

- A. Receive comments from members of the staff, board and/or board liaison.

7. Adjournment

Becky Bennett

Becky Bennett
Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made **two (2)** business days or more prior to this meeting. Please contact the City Secretary's Office at (281) 996-3270 for further information.

I, LETICIA BRYSCH, CITY SECRETARY OF THE CITY OF FRIENDSWOOD DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE FRIENDSWOOD ZONING BOARD OF ADJUSTMENT WAS POSTED IN A PLACE CONVENIENT TO THE GENERAL PUBLIC AND IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT, ON THE 18TH DAY OF JUNE, 2021, AT 12:00 P.M.

Leticia Brysch

LETICIA BRYSCH, CITY SECRETARY

ALL MEETINGS OF THE ZONING BOARD OF ADJUSTMENT ARE OPEN TO THE PUBLIC, EXCEPT WHEN THERE IS A NECESSITY TO MEET IN AN EXECUTIVE SESSION (CLOSED TO THE PUBLIC) UNDER THE PROVISIONS OF SECTION 551, TEXAS GOVERNMENT CODE. THE ZONING BOARD OF ADJUSTMENT RESERVES THE RIGHT TO CONVENE INTO EXECUTIVE SESSION TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFIES FOR AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT.

Memo

To: Zoning Board of Adjustment Members

From: Brian Rouane, Building Official
Becky Bennett, Development Coordinator

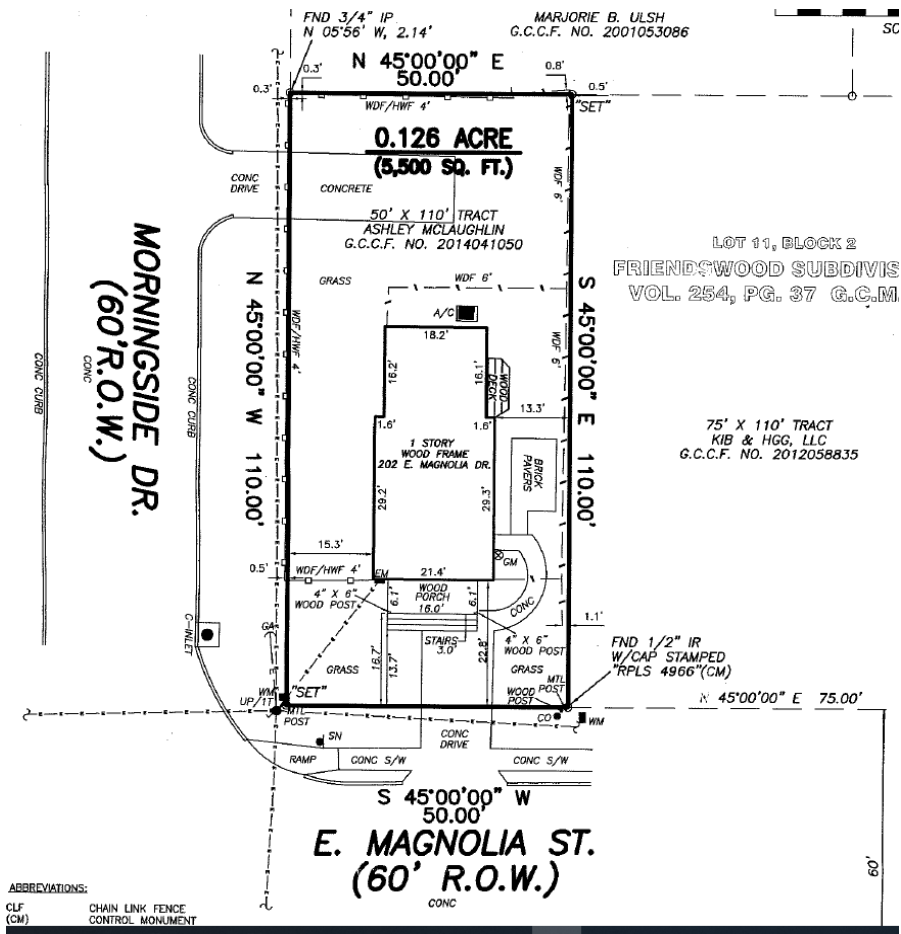
Date: June 8, 2021

Subject: 202 E Magnolia St

The applicant is requesting the following:

To encroach 11.3-feet into the required front yard setback of 25-feet, being a variance to Appendix C, Zoning Ordinance, Section 7.Q.2. Regulation Matrix – Residential Districts.

December 9, 2020	The city code enforcement officer was notified of work being performed without a building permit. The front porch and stairs had been removed and were being rebuilt.
January 26, 2021	A building permit application was submitted by Noble/Offenburger Joint Venture.
January 29, 2021	The city informed Mr. Offenburger the plan does not comply with the required front yard setback.
February 5, 2021	Mr. Offenburger emailed a request for the city to approve the permit.
February 10, 2021	City staff responded that removal of the structure caused a loss of non-conformity or “grandfathering”.
May 11, 2021	Property owner submitted a new building permit application.
May 25, 2021	Property owner and Mr. Offenburger submitted a variance application for ZBOA.



Proposed Site Plan



Code Enforcement Photograph of new construction



Google Street View Picture of Nonconforming structure - "Grandfathered"

Zoning Ordinance, Section 6. – Nonconforming uses, structures, and lots.

A.2. *Nonconforming structure.* Any structure that does not conform to zoning ordinance provisions regulating structures, including, but not limited to, the following requirements: lot coverage area, required minimum lot dimensions, **front yard**, side yard, rear yard, height, parking, landscaping, buffer yards, screening, architectural design, exterior construction materials or other structural regulations of the district in which it is located.

D. *Nonconforming structures.*

1. **It is the intent of this appendix to permit nonconforming structures to remain but to prohibit any nonconforming structure from being enlarged or altered in a manner which increases its nonconformity.** Nonconforming structures can be enlarged or altered, provided the enlargement or alteration itself conforms to current regulations. If the enlarged or altered portion of the structure conforms to current regulations, the existing nonconforming portion of the structure may remain in its existing nonconforming condition.
2. Where a nonconforming structure exists, or where a lawful structure becomes nonconforming by the future adoption or amendment of an ordinance, such structure may continue to exist as long as it remains otherwise lawful, subject to the following provisions:

...

...

...

d. *Relocation of structure.* Should any such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the structural regulations for the district in which it is located after it is moved.

e. ***Repairs and maintenance.***

- (1) On any nonconforming structure or portion of a nonconforming structure, work may be done in any period of 36 consecutive months on **ordinary repairs, or on repair or replacement of nonbearing walls**, fixtures, wiring, or plumbing, to an extent **not exceeding 50 percent of the current replacement cost** of the nonconforming

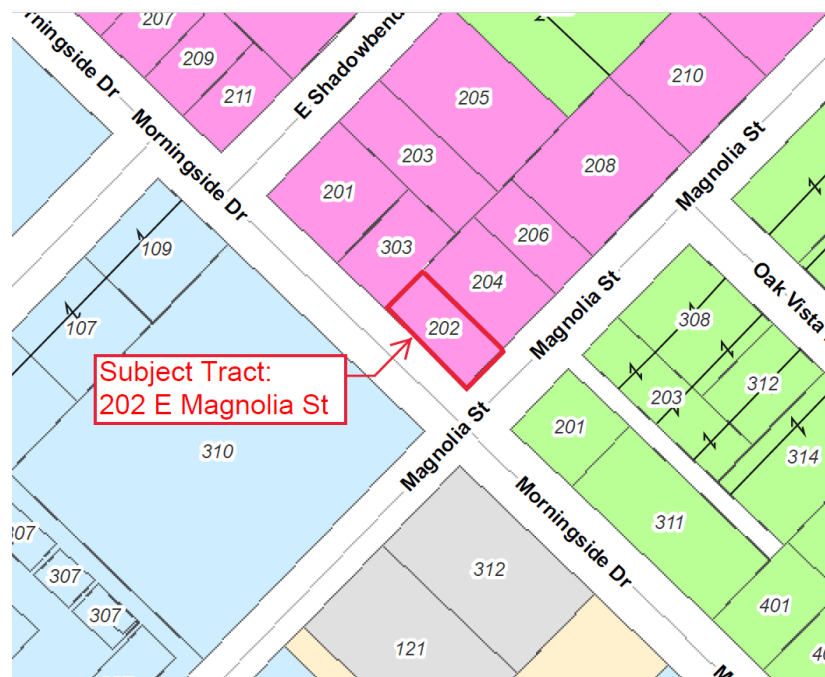
structure or portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(2) A property owner may apply to the commission for an increase in the time period or the percentage limits contained herein to enable repairs necessary for the protection of the public health, safety, and welfare.

Current City of Friendswood zoning regulations require a lot that is zoned Multi Family Residential-Low (MFR-L) to abide by the following minimum setbacks – 25' front yard, 25' rear yard, 10' interior side yard setback when abutting a residential zoning district, and 25' exterior side yard when backing up to an abutting side yard.

The subject property is zoned Multi Family Residential (MFR-L) and is abutted by other properties zoned Multi Family Residential (MFR-L).

The subject property is unplatted and part of a survey called Friendswood Subdivision.



Friendswood GIS Zoning Map

Attachments:

- Maps: Location, Aerial and Zoning Map
- ZBOA Application
- Denied site plan/survey May 2021
- Permit application form May 2021
- Correspondence
- Residential Regulation Matrix – MFR-L setbacks
- Copy of the property owner notice that was mailed to owners within 200 feet of the subject property



FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

\$100 Application Fee

☒ Request for Variance

☐ Request for Appeal

☐ Request for Special Exception

Property Address: 202 E. Magnolia St.

Legal Description of Property (attach certified metes & bounds): _____

County: Galveston

Property Owner Information:

Cher Salinas

Printed Name

sue5sali@gmail.com

Email

281-650-5523

Phone

[Signature] 5/25/2021

Signature

Date

Agent Information: (if applicable)

Thomas Offenberg

Printed Name

thomas@offenburgerbuilders.com

Email

281-648-5050

Phone

[Signature] 5/25/2021

Signature

Date

VARIANCE: From what ordinance (number and section) is the variance being requested?

(Variance cannot be for the purpose of rezoning - see Appendix C, Zoning, Section II B)

Zoning Ord. Section 7.0.2. Residential Regulation Matrix -
25ft front yard building line

APPEAL: From what order, requirement, decision or determination of the administrative official is the appeal being requested?

SPECIAL EXCEPTION: From what ordinance (number and section) is the special exception being requested?

Please state the grounds for the appeal/variance/special exception you are seeking:

Previous non-conforming structure (front porch) was
removed. A permit cannot be issued for replacement
of the porch without a variance. House that porch was attached
to is existing and will remain.
16:30

Date & Time Received

City of Friendswood

City Official

MAY 25 2021

Received by: BB

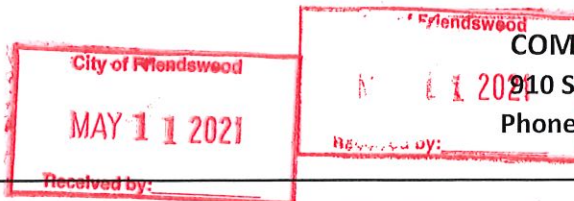
Becky Bennett

**CITY OF FRIENDSWOOD****COMMUNITY DEVELOPMENT DEPARTMENT**

910 S. Friendswood Dr., Friendswood, TX 77546

Phone: 281-996-3201

Fax: 281-996-3260

**RESIDENTIAL ADDITION / REMODEL PERMIT APPLICATION****PROPERTY INFORMATION**Project Address: 202 MAGNOLIAProperty Owner Name: CHERI SALINASPhone: 281 650-5523**CONTRACTOR INFORMATION**Contractor/Company Name: CHERI SALINAS

Company Address:

Company Phone: 281 650-5523Company Email: sue5sali@gmail.com**PROJECT INFORMATION**

TOTAL VALUE

OF IMPROVEMENT: \$ 1500⁰⁰xx

LOT SIZE

50x110

% LOT COVERAGE

Vertical Structures

TOTAL IMPERVIOUS COVER*

Square Feet NONE ADDED

*Added impervious cover may be subject to additional fees assessed by the Galveston County Consolidated Drainage District.

REMODEL:REPLACE OLD PORCH

1st FLOOR SQ FT

Air conditioned area

GARAGE SQ FT

2nd FLOOR SQ FT

Air conditioned area

OUTDOOR SQ FT

Non-Air Conditioned

965 S.F.**ADDITION:**

1st FLOOR SQ FT

Air conditioned area

GARAGE SQ FT

2nd FLOOR SQ FT

Air conditioned area

OUTDOOR SQ FT

Non-Air Conditioned

APPLICANT AUTHORIZATION*I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not.*Cheri Salinas

Applicant Signature

CHERI SALINAS

Applicant Printed Name

sue5sali@gmail.com

Applicant Email Address

5/11/2021

Date

281 650-5523

Applicant Phone

EMAIL IS PRIMARY CONTACT FOR CORRESPONDENCE**OFFICIAL USE ONLY:**

Received

KMC

Date

5.11.21

Planning

Date

Zone

Date

CFM

Zone: A AE AO SX UNX FW

Plans Examiner

Date

Attachment 4

Date

PERMIT NO:

21-1576

Plan Review

Issuance Fee

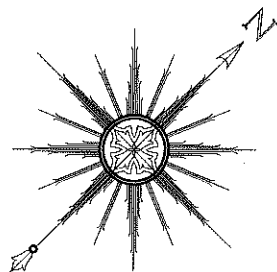
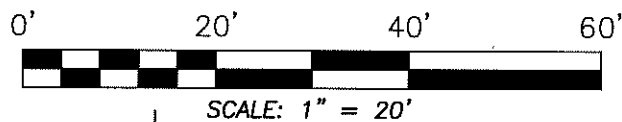
\$10.00

Permit Fees

TOTAL FEES

\$

SARAH MCKISSICK LEAGUE, A-151



FND 3/4" IP
N 05°56' W, 2.14'

CALLED 0.1492 ACRE
MARJORIE B. ULSH
G.C.C.F. NO. 2001053086

N 45°00'00" E
50.00'

0.126 ACRE
(5,500 SQ. FT.)

50' X 110' TRACT
ASHLEY MCLAUGHLIN
G.C.C.F. NO. 2014041050

LOT 11, BLOCK 2
FRIENDSWOOD SUBDIVISION
VOL. 254, PG. 37 G.C.M.R.

75' X 110' TRACT
KIB & HGG, LLC
G.C.C.F. NO. 2012058835

NOT APPROVED

FND 1/2" IR
W/CAP STAMPED
"RPLS 4966"(CM)

FND 1/2" IR
S 36°43' E, 0.38'

E. MAGNOLIA ST.
(60' R.O.W.)

ABBREVIATIONS:

CLF	CHAIN LINK FENCE
(CM)	CONTROL MONUMENT
CO	CLEANOUT
-E-	OVERHEAD ELECTRIC
EM	ELECTRIC METER
FND	FOUND
FNC	FENCE
G.C.C.F.	GALVESTON COUNTY CLERK'S FILE
G.C.D.R.	GALVESTON COUNTY DEED RECORDS
G.C.M.R.	GALVESTON COUNTY MAP RECORDS
GM	GAS METER
HWF	HOG WIRE FENCE
IR	IRON ROD
IP	IRON PIPE
MB	MAILBOX
"SET"	SET 5/8" IR W/CAP
SP	SERVICE POLE
P.L.	PROPERTY LINE
PED	PEDESTAL
R.O.W.	RIGHT-OF-WAY
T	TRANSFORMER
WDF	WOOD FENCE
WIF	WROUGHT IRON FENCE
WM	WATER METER

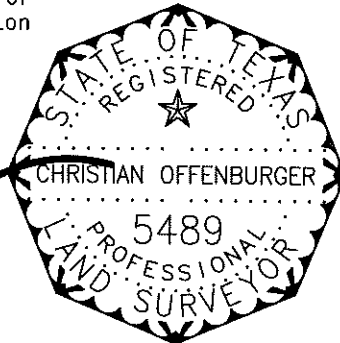
NOTES:

- 1.) This survey reflects boundary and easement information as per a commitment for title insurance issued by First American Title Guaranty Company, G.F. Number 2331877-H045, dated May 31, 2018; no additional research regarding the existence of easements or restrictions of record has been performed by Boundary One, L.L.C.
- 2.) This tract lies in Zone "X" (unshaded), designated as "Areas determined to be outside the 500-year flood plain", and therefore, outside the 100-year flood plain, as per the National Flood Insurance Program FIRM Community Panel Number 485468-0005-E, latest available published revision dated September 28, 1999. This flood statement does not imply that the subject tract and/or the improvements thereon will be free from flooding damage. The flood hazard area is subject to change as detailed studies occur and/or as watershed or channel conditions change.
- 3.) Future development of this tract is subject to the developmental requirements of the City of Friendswood Subdivision Ordinance. Proposed usage of this tract will determine actual building setback line(s) along any adjoining streets.
- 4.) Surface or subsurface faulting, hazardous waste, wetland designations or other environmental issues have not been addressed within the scope of this survey.
- 5.) Fences shown hereon are graphic only, with dimensioned ties shown at specific locations where they were physically measured; the fence lines may meander between said measured locations.
- 6.) Bearings are oriented to the bearing base reflected on FRIENDSWOOD SUBDIVISION, a subdivision plat of record in Volume 238, Page 14, Galveston County Map Records.
- 7.) Property lies within the boundaries of the Galveston County Consolidated Drainage District.

To: Cheri C. Salinas;
Ashley McLaughlin a/k/a
Ashley Nicole McLaughlin;
First American Title Guaranty Company

I hereby certify that this plat correctly represents a survey made on the ground under my supervision on June 19, 2018, and that said survey substantially complies with the current Texas Society of Professional Surveyors Standards for Land Surveys for a Category 1A, Condition II Land Title Survey.

Christian Offenburger
Registered Professional
Land Surveyor
Texas Registration No. 5489



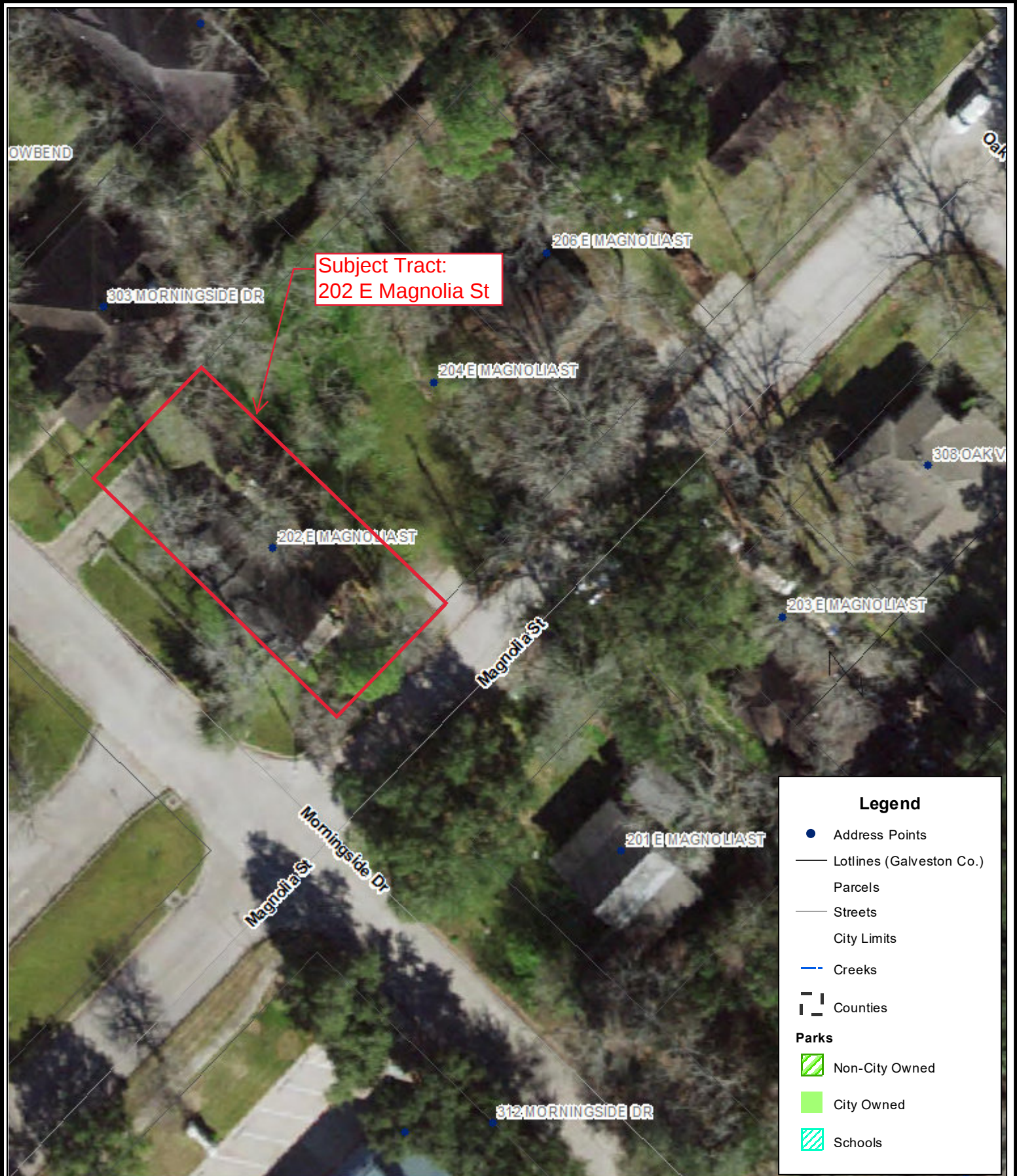
**A LAND TITLE SURVEY OF
0.126 ACRE OF LAND OUT OF LOT 11
BLOCK 2, FRIENDSWOOD SUBDIVISION
VOL. 254, PG. 37 G.C.M.R.
SARAH MCKISSICK LEAGUE, A-151
CITY OF FRIENDSWOOD
GALVESTON COUNTY, TEXAS**

boundary one
professional surveyors

TBPLS FIRM NO. 10084600
150 West Shadowbend Avenue, Suite 303
Friendswood, TX 77546
Office (281) 648-3151 Fax (281) 648-3737

SURVEYED FOR:
CHERI SALINAS
202 E. MAGNOLIA ST.
FRIENDSWOOD, TX 77546
(281) 650-5523
sue5sali@gmail.com

TITLE CO:	FIRST AMERICAN
GF NO:	2331877-H045
PURCHASER:	SALINAS
JOB NO:	1851-1834-616Z
DATE:	06/19/18
DRAWN BY:	KP/CVO
CHECKED BY:	CVO
SCALE:	1" = 20'



Subject Tract:
202 E Magnolia St

Legend

- Address Points
- Lotlines (Galveston Co.)
- Parcels
- Streets
- City Limits
- Creeks
- Counties
- Parks**
 - Non-City Owned
 - City Owned
 - Schools

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Friendswood makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Friendswood from any damage, loss, or liability arising from such use.

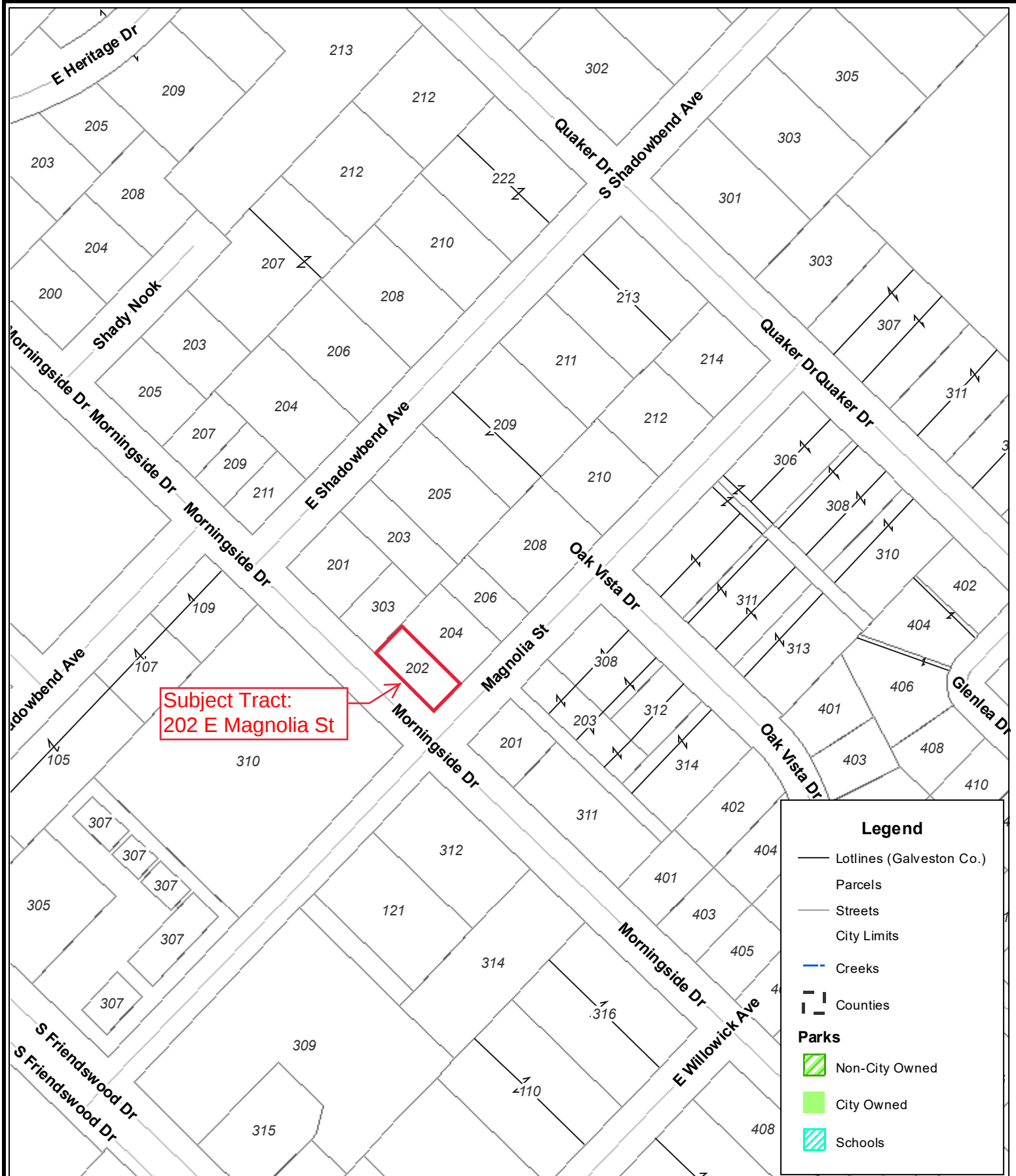


City of Friendswood
910 South Friendswood Drive
Friendswood, Texas 77546
(281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 47'



Subject Tract:
202 E Magnolia St

Legend

- Lotlines (Galveston Co.)
- Parcels
- Streets
- City Limits
- Creeks
- Counties

Parks

- Non-City Owned
- City Owned
- Schools

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City of Friendswood
910 South Friendswood Drive
Friendswood, Texas 77546
(281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 188'



Subject Tract:
202 E Magnolia St

Legend

- Lotlines (Galveston Co.)
- Parcels
- Streets
- City Limits

Zoning- Zoning Codes by Parcel

- DD
- LI
- MFR-L
- OPD
- PUD
- SFR

- Creeks

- Counties

Parks

- Non-City Owned
- City Owned
- Schools

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Friendswood GIS Mapping



1" = 188'
Page 12 of 24

NOBLE/OFFENBURGER JOINT VENTURE, LLC

150 W. Shadowbend, Suite 300

Friendswood, Texas 77546

PHONE (281) 648-5050

Email: thomas@offenburgerbuilders.com

February 5, 2021

City of Friendswood
Community Development Department
Brian Rouane, Building Official
Becky Bennett, Assistant Building Official
910 S Friendswood Dr.
2nd Floor
Friendswood, TX 77546

Re: 202 Magnolia
Front porch

We are requesting a building renovation permit for this project for which you have the engineered plans and permit application.

The following attachments are included:

- GCAD property details showing that this home was built in 1955.
- Excerpt from Friendswood Code of Ordinances, Appendix C, Zoning, Section 6. – Nonconforming uses, structures, and lots.
- Google Earth image showing house and front porch 2020.

The old porch was dilapidated and our client, Ms. Salinas, very much wanted it to be safer and also to have her home look much better in the neighborhood.

Please contact myself or Danny Wright if you need further information.

Sincerely

A handwritten signature in black ink that reads "Thomas Offenburger". The signature is written in a cursive, flowing style.

Noble/Offenburger Joint Venture, LLC

From: [Brian T. Rouane](#)
To: [Thomas Offenburger](#)
Cc: [permits](#); [Becky Bennett](#); [Aubrey Harbin](#)
Subject: FW: [EXTERNAL]202 Magnolia
Date: Wednesday, February 10, 2021 2:44:49 PM
Attachments: [doc03107920210205155143.pdf](#)
[doc03107820210205154832.pdf](#)
[202 Magnolia 2-5-2021.doc](#)
[image002.png](#)

Mr. Offenburger

I drove by the site this afternoon to verify the scope of the project. If you will note the email below from Becky, it better explains the Staff's position on the denial for the permit. The ordinance allows repairs and maintenance **not to exceed 50% of the value of the nonconforming structure.**

Removing and replacing the porch exceeds the 50% threshold. Given the clear and explicit language of the ordinance, we cannot issue a noncompliant permit.

Brian T. Rouane
Chief Building Official
City of Friendswood

From: Becky Bennett <bbennett@friendswood.com>
Sent: Monday, February 8, 2021 8:47 AM
To: Brian T. Rouane <brouane@friendswood.com>
Subject: FW: [EXTERNAL]202 Magnolia

Section 6.B. pertains to Non-conforming uses and would not be the correction section regarding the porch replacement.

Section 6.D. is Non-conforming Structures. Since the porch was removed and replaced, the scope of work exceeds 50% of the replacement cost.

D. Nonconforming structures.

1. It is the intent of this appendix to permit nonconforming structures to remain but to prohibit any nonconforming structure from being enlarged or altered in a manner which increases its nonconformity. Nonconforming structures can be enlarged or altered, provided the enlargement or alteration itself conforms to current regulations. If the enlarged or altered portion of the structure conforms to current regulations, the existing nonconforming portion of the structure may remain in its existing nonconforming condition.

2. Where a nonconforming structure exists, or where a lawful structure becomes nonconforming by the future adoption or amendment of an ordinance, such structure may continue to exist as long as it remains otherwise lawful, subject to the following provisions:

a. *Enlargement.* No such nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity. Nonconforming structures can be enlarged or altered, provided the enlargement or alteration itself conforms to current regulations. If the enlarged or altered portion of the structure conforms to current regulations, the existing nonconforming portion of the structure may remain in its existing nonconforming condition.

e. Repairs and maintenance.

(1) On any nonconforming structure or portion of a nonconforming structure, work may be done in any period of 36 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming structure or portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(2) A property owner may apply to the commission for an increase in the time period or the percentage limits contained herein to enable repairs necessary for the protection of the public health, safety, and welfare.



From: Thomas Offenburger <thomas@offenburgerbuilders.com>

Sent: Friday, February 5, 2021 4:56 PM

To: Brian T. Rouane <brouane@friendswood.com>

Cc: Becky Bennett <bbennett@friendswood.com>

Subject: [EXTERNAL]202 Magnolia

Thomas Offenburger
Noble/Offenburger Joint Venture, LLC
150 W. Shadowbend Ave, Suite 300
Friendswood, TX 77546
thomas@offenburgerbuilders.com
(281) 648-5050 office
(281) 686-8227 mobile

REGULATION MATRIX - RESIDENTIAL DISTRICTS

Circled letters (letters in parentheses) refer to paragraphs in section 7-Q.3

	Units per Acre	Lot Area Minimum Square Feet	Lot Width	Yards - Minimum Feet					Height Maximum Feet (b and e)	Parking Requirement Unit	Zero Lot Lines Y or N	Maximum Lot Coverage
				Front	Rear (a)	Side						
						Interior (d)	Exterior (Corner Lot)					
							Backing Up to an Abutting Side Yard	Backing Up to an Abutting Rear Yard				
SFR Single Family Residential	2.7	11,600	90 A	25 B	25	10 F	25 A	20 C	40	K	No	35%
SFR Single Family Residential	2.7	15,600	120 A	25 B	25	10	25 B	20 C	40	K	No	35%
SFR - E Single Family Residential Estate	0.5	87,120	150 A	75	25	25	35	35	40	K	No	20
MFR - L Multi Family - Low	6 G	7,260 G	45 G	25 B	25	10 E, I	25 B	20 C	40	K	No	50

MFR - M Multi Family - Medium	9	—	—	<u>25</u> B	0	10 E, I	<u>25</u> B	<u>20</u> C	40	K	No	<u>50</u>
MFR - H Multi Family - High	12	—	—	<u>25</u> B	0	10 E, I	<u>25</u> B	<u>20</u> C	40	K	No	<u>50</u>
MHR Mobile Home	10	—	—	<u>25</u> B	<u>25</u>	10 I	<u>30</u>	<u>25</u> B	<u>20</u>	K	No	<u>50</u>
A I	—	—	—	<u>25</u> B	<u>25</u>	10 I	<u>25</u> B	<u>20</u> C	40	K	No	10%
MFR-GHD Garden Home District	6	6,000	60	<u>20</u> B, H	<u>20</u>	0 D, J	5 B, H	4 C, H	40	K	Yes D	<u>50</u>

- A. Lots of less than 120 feet wide require curbs. Lots 120 feet wide or greater may use open ditches.
- B. Thirty-five feet on thoroughfares.
- C. Twenty-five feet on thoroughfares.
- D. Zero set-back on side only, minimum five-foot separation between buildings.
- E. Ten foot minimum separation between buildings.
- F. Lots currently in existence with less than 90 feet of width may continue with the same existing set back provided they are not less than a minimum of five feet.
- G. Developer must elect either units per acre or lot area. Two family residential units on two lots are required when lot area is elected.
- H. Front yard and exterior side yard setbacks shall be measured from the edge of the street ROW or the edge of the Drain age Utility/Access easement (if streets are private) whichever is greater.
- I. Twenty-five feet when abutting land zoned single-family residential (SFR) district.
- J. Ten feet when abutting land zoned anything other than MFR - GHD (Garden Home District).
- K. Parking is required in accordance with the Parking Group Table in the Design Criteria Manual.

3. *Area and height exceptions.*

- a. Height maximum in community shopping center (CSC), neighborhood commercial (NC), office park district (OPD), light industrial (LI), industrial (I), and business park (BP) districts may exceed 40 feet in height when the building setback from the nearest property line is equal to the building height. Further, the building or structure shall fit under an imaginary line that is not greater than 45.0 degrees at the property line from a horizontal line established at the minimum habitable floor elevation, provided, however, no building or structure on property adjacent to a residential zone shall have a height that exceeds 50 feet.
- b. Exceptions for community shopping center (CSC), neighborhood commercial (NC), office park district (OPD), light industrial (LI), industrial (I), and business park (BP) districts:
 - 1. On buildings or structures located in these districts, finials, crosses, and other religious symbols shall not extend more than ten feet above the building or extend more than ten feet above the allowable building height; and
 - 2. Finials, crosses and other religious symbols shall not be accessible and shall not be illuminated above the roofline.
- c. Exceptions for the downtown district (DD):
 - 1. On buildings or structures located in the downtown district (DD), finials, crosses and other religious symbols shall not extend more than 18 feet above the building or extend more than 18 feet above the allowable building height; and
 - 2. Finials, crosses, and other religious symbols shall not be accessible and shall not be illuminated above the roofline.
- d. Communications towers height criteria:
 - 1. Height limitations of communication towers. The maximum communication tower height, including antennae, lightning rods and accessories, in residential districts shall not exceed 40 feet and in non-residential districts shall not exceed 200 feet, unless otherwise approved by city council.
 - 2. Height limitations for communication towers placed on existing buildings. Communication towers and antennae, which are located on top of buildings or structures shall not be more than 30 percent of the structure height above the structure.
 - 3. This section applies to telecommunication towers, ham radio and television antennas, microwave relay, radio and television transmission towers.
- e. Buildings or structures located in a planned unit development (PUD): Buildings and structures located in a planned unit development (PUD) shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a PUD application will be as established in the ordinance authorizing and approving the PUD.
- f. Accessory buildings or structures in residential districts: Unattached accessory buildings or structures less than 25 feet in height, as measured from the adjacent grade to the highest point of any portion of such building or structure, may be located in required rear or side yards within

residential districts, provided they are set back not less than five feet from any interior side lot line, 20 feet from any side lot line adjacent to a side street, and ten feet from any rear lot line.

- g. Interior side yards shall not be required for abutting properties in the same zoning district if both properties are developed as a unit under a common development plan.
- h. When individual attached townhouses or condominiums are to be sold separately, there shall be no minimum lot area requirements, provided that the total land area of the project, including the land on which the units are located and the land held in common ownership by the unit owners, is equal to the total minimum land area required per dwelling unit or lot in the district in which the project is located.
- i. Minimum front yard setbacks for lots with predominant frontage on the curved radius of a cul-de-sac shall be 15 feet.
- j. Stairs in certain situations. In residential zoning districts that have minimum front yard requirements, uncovered stairways associated with a residential use may project into the required front yard but shall remain a minimum of ten feet from the front property line, if:
 - 1. A building is being elevated or reconstructed on an existing foundation to meet or exceed current city floodplain standards; and
 - 2. The stairway projection into the required front yard is limited to the minimum area required to meet elevation standards; and the stairway, at its widest point, shall not exceed ten feet.



City of Friendswood

Community Development Department
910 S. Friendswood Drive
Friendswood, Texas 77546-4856

June 8, 2021

TO WHOM IT MAY CONCERN:

In accordance with State and Local Zoning Law, all owners of land within two hundred feet of any property being considered for an appeal, variance, or a special exception must be afforded an opportunity to address the subject at a public meeting held for this purpose.

You are hereby notified that the **Friendswood Zoning Board of Adjustment** will hold a Public Hearing to consider a request for a variance that may be of interest to you.

PROPERTY OWNER: Cheri Salinas

LOCATION OF PROPERTY: **202 E. Magnolia St.**
0.126 acre of land out of Lot 11, Block 2, Friendswood
Subdivision, Sarah McKissick League, Abstract 151,
Galveston County, Texas

REQUEST: To encroach 11.3-feet into the required front yard setback of 25-feet, being a variance to Appendix C, Zoning Ordinance, Section 7.Q.2. Regulation Matrix – Residential Districts.

The Public Hearing will be held at
Friendswood City Hall, Council Chambers, 910 S. Friendswood Drive
Friendswood, Texas

PUBLIC HEARING DATE: June 22, 2021

PUBLIC HEARING TIME: 7:00 PM

Documentation will be available online 72 hours prior to the meeting.

www.ci.friendswood.tx.us

Government Information > Meeting Agendas & Minutes

Staff contact: Becky Bennett, Development Coordinator
281-996-3290 or Email: bbennett@friendswood.com



**CITY OF FRIENDSWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, AUGUST 25, 2020 - 7:00 PM**

Minutes

MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, FRIENDSWOOD CITY HALL, COUNCIL CHAMBERS

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
AUGUST 25, 2020

1. Call to Order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD ZONING BOARD OF ADJUSTMENT THAT WAS HELD ON TUESDAY, AUGUST 25, 2020, AT 07:00 PM AT FRIENDSWOOD CITY HALL COUNCIL CHAMBERS, 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING PRESENT CONSTITUTING A QUORUM:

CHAIRMAN PHILIP RATISSEAU
VICE-CHAIRMAN MIKE CZAROWITZ
BOARD MEMBER RONALD DYER
BOARD MEMBER GLENN MINTZ
BOARD MEMBER GLEN GRAYBAN
CITY ATTORNEY MARY KAY FISCHER
DEPUTY DIRECTOR OF CDD/CHIEF BUILDING OFFICIAL BRIAN ROUANE
DEVELOPMENT COORDINATOR BECKY BENNETT
COUNCIL LIAISON STEVE ROCKEY

ALTERNATE MEMBERS JASON BYERS, MICHAEL FERNANDEZ, AND MEGAN MCKAY WERE PRESENT FOR THE MEETING. ALTERNATE MEMBER CLAY SMITH WAS ABSENT FROM THE MEETING.

2. Action Items

- A. Oath of Office: Aubrey Harbin, Notary Public, will administer an Oath of Office for two new Alternate Board Members, Clay Smith and Megan McKay, re-appointments for Regular

Board members, Ronald Dyer and Mike Czarowitz, re-appointment for Alternate Board member, Jason Byers, and appointment from Alternate Board Member to Regular Board Member, Glen Grayban

Harbin administered the oath to McKay, Dyer, Czarowitz, Byers, and Grayban.

3. Communications from the Public

- A. (To comply with provisions of the Open Meetings Act, the Board may not deliberate on subjects discussed under this agenda item. However, the Board may direct such subjects be placed on a later regular agenda for discussion and/or possible action.)

No public comments.

Chairman Ratisseau explained the meeting procedure, that a super majority vote is required for approval, and the appeal process. Ratisseau swore in all persons to speak to the board during the meeting.

4. Public Hearing

- A. To receive comments, both oral and written, regarding a request for a variance of 8 feet, 10 inches from the required rear yard setback of 25 feet on the property located at 311 Morningside Drive, being part of Lot 12 (12-6), Block 2, Friendswood Subdivision, Galveston County, Friendswood, Texas

- A. Staff Presentation
- B. Applicant Presentation
- C. Public Comments

Rouane stated the property owner is proposing to demolish the existing house. He said the owner has an opportunity to rebuild with the help of Fuller Center Disaster Rebuilders. Rouane explained the property is unique in that there is a right-of-way in front of the lot and behind the lot. He said the lot is very wide with little depth at only 80-feet. Rouane said the applicant is proposing to encroach the rear 25-foot build line by 10-inches with the main structure and another 8-feet for a covered patio.

Jimmy Elmore/ Operations Director of Fuller Center Disaster Rebuilders said they were contacted by a city official looking for assistance for the property owner. He said the Center found a house plan that would work for Mr. Cole and later found out the alley behind the property was not part of the lot. Elmore said with a 25-foot front build line and a 25-foot rear build line, 30-feet left for the house depth made the lot too tight for something reasonable.

No public comments for or against the variance.

5. Discussion and Possible Actions

- A. Consideration and possible action regarding a request for a variance of 8 feet, 10 inches from the required rear yard setback of 25 feet on the property located at 311 Morningside Drive, being part of Lot 12 (12-6), Block 2, Friendswood Subdivision, Galveston County, Friendswood, Texas

Dyer asked the rear setback of the current home. Elmore answered the existing home is 9-feet from the rear property line and the proposed structure would be 16-feet from the rear property line.

Grayban asked if the attached porch would be the same as the house or a metal patio. Elmore answered the porch would continue the roofline of the home. Graban asked if the alley would be inside the backyard fencing. Bennett answered the alley is a 20-foot public right-of-way that would not be part of the fenced yards.

****Board Member Ronald Dyer moved to approve Consideration and possible action regarding a request for a variance of 8 feet, 10 inches from the required rear yard setback of 25 feet on the property located at 311 Morningside Drive, being part of Lot 12 (12-6), Block 2, Friendswood Subdivision, Galveston County, Friendswood, Texas. Seconded by Board Member Glenn Mintz. The motion was approved unanimously.**

6. Public Hearing

- A. To receive comments, both oral and written, regarding a request for a variance of 5 feet from the required interior side yard setback of 10 feet on the property located at 5318 Kingsmill Road, being Lot 12, Block 11, Wedgewood Village Subdivision Section 2, Harris County, Friendswood, Texas

- A. Staff Presentation
- B. Applicant Presentation
- C. Public Comments

Rouane said the applicant was a victim of flooding during Hurricane Harvey and has since demolished the home. He said the owner is proposing to self-mitigate by rebuilding an elevated structure and using as much existing impervious cover as possible. He said the 5-foot side yard setback is less than the 10-foot required by city ordinance but is in line with the neighborhood. Rouane said the subdivision was constructed before being annexed into the city limits.

Perez stated the proposed location of the home would place them outside the regulatory floodway with only a corner clipping that high hazard area. She said the structure would be elevated with a crawlspace beneath to allow water to flow in the event of another flood.

7. Discussion and Possible Actions

- A. Consideration and possible action regarding a request for a variance of 5 feet from the required interior side yard setback of 10 feet on the property located at 5318 Kingsmill Road, being Lot 12, Block 11, Wedgewood Village Subdivision Section 2, Harris County, Friendswood, Texas

Ratisseau asked how high the home would be elevated. Rouane said the house would be raised about 4-feet.

Dyer stated the neighbor did not object to the encroachment but was not present at the meeting. Fischer stated without the person there to testify, the statement was hearsay and not admissible.

Grayban asked if the other neighbors had 5-foot setbacks. Rouane answered the 5-foot side yard

setback was pretty consistent throughout the subdivision. Dyer commented there was lots of space between the proposed building and the adjacent home.

**Board Member Ronald Dyer moved to approve Discussion and Possible Actions. Seconded by Board Member Glenn Mintz. The motion was approved unanimously.

8. Approval of Minutes

A. Minutes of the regular meeting held Tuesday, June 23, 2020

**Board Member Ronald Dyer moved to approve Minutes of the regular meeting held Tuesday, June 23, 2020. Seconded by Vice-Chairman Mike Czarowitz. The motion was approved unanimously.

9. Staff and/or Council or Board Liaison Reports

No comments.

10. Adjournment

**Board Member Ronald Dyer moved to approve Adjournment. Seconded by Board Member Mike Czarowitz. The motion was approved unanimously.

This meeting was adjourned at 07:37 PM.