



**CITY OF FRIENDSWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, JUNE 22, 2021 - 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
JUNE 22, 2021

1. Call to Order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD ZONING BOARD OF ADJUSTMENT THAT WAS HELD ON TUESDAY, JUNE 22, 2021, AT 07:00 PM AT FRIENDSWOOD CITY HALL COUNCIL CHAMBERS, 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING PRESENT CONSTITUTING A QUORUM:

BOARD MEMBER RONALD DYER
BOARD MEMBER GLEN GRAYBAN
ALTERNATE MEMBER MICHAEL FERNANDEZ
ALTERNATE MEMBER JASON BYERS
CITY ATTORNEY MARY KAY FISCHER
DEPUTY DIRECTOR OF CDD/CHIEF BUILDING OFFICIAL BRIAN ROUANE
DEVELOPMENT COORDINATOR BECKY BENNETT
COUNCIL LIAISON STEVE ROCKEY

BOARD MEMBER GLENN MINTZ, ALTERNATE MEMBER MEGAN MCKAY, ALTERNATE MEMBER CLAY SMITH WERE ABSENT FROM THE MEETING.

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.

No public comments.

3. Public Hearing

Acting Chairman Dyer explained the meeting procedure and swore in persons providing testimony.

- 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.

Rouane stated the contractor began work before applying for a building permit which resulted in a non-conforming structure being removed. He said a city Code Enforcement officer notified the contractor a permit was required for the construction. Because the non-conforming structure was removed without an opportunity for staff to explain the process, the old front porch lost its "grandfather" status and staff could not approve a permit for the new porch to encroach the front building setback. Rouane said the homeowner and contractor were advised a variance request would be the only path forward.

Thomas Offenburger/contractor said the house was built in 1955 before the city was formed. He said the homeowner wanted to replace the porch due to termite damage and did not believe the intent of the non-conforming section of the zoning ordinance was to prevent such a case. Offenburger said replacing the porch is not contrary to the public interest, would be an unnecessary hardship, and is in the spirit of the ordinance, providing substantial justice.

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.

Byers asked if the porch utilizes the same footprint as the former porch. Offenburger stated the new porch is in the exact same location but with new materials. He said the city ordinance precludes expanding a non-conforming structure.

Grayban asked when the piers were set for the new porch. Offenburger answered construction was ongoing in December of 2020. Grayban asked if other repairs were made. Offenburger said they replaced the siding on the house and another contractor replaced the roof.

Dyer asked the contractor why he did not obtain a building permit. Offenburger said his partner, Danny Wright, began the job and only intended to replace the deck boards. He said Wright then discovered the porch structure to be rotted.

Grayban said the ordinance allows for repair or replacement by a value of 50% without a structure losing its non-conformity. Grayban asked Offenburger if he reviewed the ordinance before starting the job. Offenburger responded he does not understand why one would only replace 50% of a dilapidated structure.

****Alternate Member Jason Byers moved to approve 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, finding all legal prerequisites had been met. Seconded by Member Glen Grayban. The motion was approved unanimously.**

5. Approval of Minutes

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

****Member Glen Grayban moved to approve Consider approving the minutes for the Zoning Board of Adjustment Regular Meeting held Tuesday, August 25, 2020. Seconded by Vice Chairman Michael Fernandez. The motion was approved unanimously.**

6. Staff, Board and/or Board Liaison Reports

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

Councilman Rockey reminded the board to not partake in ex parte communication otherwise they will compromise the integrity of the board and case.

7. Adjournment

****Alternate Member Jason Byers moved to approve Adjournment. Seconded by Vice Chairman Michael Fernandez. The motion was approved unanimously.**

This meeting was adjourned at 07:35 PM.