



**CITY OF FRIENDSWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, DECEMBER 21, 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
DECEMBER 21, 2021

1. Call to Order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD ZONING BOARD OF ADJUSTMENT THAT WAS HELD ON TUESDAY, DECEMBER 21, 2021, 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 GLEN GRAYBAN
BOARD MEMBER RON DYER
BOARD MEMBER GLENN MINTZ
BOARD MEMBER MICHAEL FERNANDEZ
ALTERNATE MEMBER LES FRENCH
DIRECTOR OF CDD/CHIEF BUILDING OFFICIAL BRIAN ROUANE
DEVELOPMENT COORDINATOR BECKY BENNETT
CITY ATTORNEY MARY KAY FISCHER

ALTERNATE MEMBERS MCKAY, BYERS, AND SMITH WERE ABSENT. COUNCIL LIAISON ROCKEY WAS ABSENT.

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.

The Chairman explained the meeting procedure and swore in speakers.

3. City Attorney Communication

- A. Receive a legislative update from City Attorney.

Fischer explained House Bill 1475 added requirements for an applicant to qualify for a hardship. She stated the necessity for a hardship is not a new requirement, but the state now specifies what qualifies as a hardship to provide consistency across boards of appeals.

4. Public Hearing

- A. Conduct a public hearing to receive comments, both oral and written, regarding a request for a variance of 10 feet, 11 inches from the required rear yard setback of 25 feet on the property located at 902 Pine Breeze Drive, Lot 25, Block 1 of The Forest subdivision, Section Eleven (11), Galveston County, Friendswood, Texas. The hearing will include:

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

Building Official Rouane stated the applicant submitted a permit application to extend a patio cover which would encroach the rear building setback. He said the city notified the applicant the permit could not be issued in violation of the zoning ordinance.

Mr. Ted Conlon/902 Pine Breeze Dr said he is asking to extend a patio cover. He said the shape of the lot and the 25-foot setback limits what they can build. Mr. Conlon mentioned there are no rear neighbors but a pipeline easement.

Steve Maricelli/Forest of Friendswood ACC stated the declarations of covenants for the subdivision include a 10-foot rear setback and they were not aware of a 25-foot setback.

City Attorney Fischer stated the city zoning ordinance supersedes a deed restriction. Bennett further explained deed restrictions very often conflict with city ordinance but the more stringent will always apply.

5. Discussion and Possible Actions

- A. Discuss and take possible action regarding a request for a variance of 10 feet, 11 inches into the required rear yard setback of 25 feet on the property located at 902 Pine Breeze Drive, Lot 25, Block 1 of The Forest subdivision, Section Eleven (11), Galveston County, Friendswood, Texas.

Dyer asked Mr. Conlon whom of his neighbors have patios that encroach on the 25-foot rear setback. Conlon said he can see structures along the same fence line that are viewable from the pipeline easement. Dyer asked if he would be replacing the pavers with concrete. Conlon answered

the pavers would remain but he would like to remove the existing, portable cover with a permanent structure. Ratisseau asked Rouane if a permit was required for pavers or a temporary structure. Rouane answered that permits are not required for temporary structures. Ratisseau commented that the swimming pool encroaches on the building setback. Rouane explained only vertical structures are subject to building setbacks. He also said there are different setbacks for attached structures versus detached structures.

Grayban asked for clarification between a primary structure and an accessory structure. Rouane said the main house is the primary structure and by attaching the patio cover it then requires the same setback. Grayban said a detached garage would be different then. Rouane confirmed a detached structure would have a 10-foot rear setback.

Mintz asked Rouane if he had any knowledge of nearby projects that would appear to encroach on the setback. Rouane said there is a secondary detached structure nearby. Grayban asked for clarification. Rouane answered about a patio cover attached to a detached garage. Fernandez questioned breezeways. Rouane stated garages connected with a breezeway are still considered detached.

Mintz asked Conlon what percentage of the property became unusable by complying with the 25-foot setback. Conlon answered about 20 percent.

Ratisseau read through the Fact of Findings and the board agreed the variance would not be contrary to public interest. Two out of three board members did not believe there were special conditions peculiar to the property. Fischer advised the board the case could go no further.

****Board Member Ronald Dyer moved to approve the request for a variance of 10 feet, 11 inches into the required rear yard setback of 25 feet on the property located at 902 Pine Breeze Drive, Lot 25, Block 1 of The Forest subdivision, Section Eleven (11), Galveston County, Friendswood, Texas. Seconded by Board Member Glenn Mintz. The motion failed 1-4 with Chairman Philip Ratisseau, Board Member Ronald Dyer, Board Member Glenn Mintz, Member Glen Grayban opposed.**

6. Approval of Minutes

A. Consider approving the minutes for the Zoning Board of Adjustment regular meeting held Tuesday, October 26, 2021.

****Board Member Ronald Dyer moved to approve Consider approving the minutes for the Zoning Board of Adjustment regular meeting held Tuesday, October 26, 2021. Seconded by Member Glen Grayban. The motion was approved unanimously.**

7. Staff, Board and/or Board Liaison Reports

A. Receive comments from members of the staff, board and/or board liaison.
No comments.

8. Adjournment

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

This meeting was adjourned at 07:31 PM.

