



ZONING BOARD OF ADJUSTMENT

MINUTES OF A
REGULAR MEETING HELD
TUESDAY, FEBRUARY 27, 2018 AT 7:00 PM

CITY HALL COUNCIL CHAMBERS
910 S. FRIENDSWOOD DRIVE
FRIENDSWOOD, TEXAS

1. The meeting was called to order at 7:03 pm with the following people in attendance:

Chairman Greg Hughes
Alternate Member Glen Grayban
Alternate Member Linda Thornton
Brian Rouane, Building Official
Jim Hill, City Council Liaison

Regular Member Ron Dyer
Alternate Member Glenn Mintz
Mary K. Fischer, City Attorney
Becky Summers, Dev. Coordinator

Alternate members present: Mike Czarowitz

Absent: O'Brien

Chairman Hughes explained the procedure of the meeting and explained that 4 out of 5 votes are required in order for a request to be approved. He stated that if a request is not granted, the applicant has 10 days to file an appeal to Galveston County. Hughes administered an oath to everyone who would be speaking during the meeting.

2. The Board will conduct a public hearing and consider a request for a variance **to encroach 5 feet into the required 30 foot front yard** on the property located at **406 Independence Drive**, Block 1, Lot 9, Heritage Estates Section 1 Subdivision, Friendswood, Galveston County, Texas:

Brian Rouane, Building Official, explained the homeowner would be demolishing the existing home and rebuilding. He stated the new home would be elevated and the entry stairs up into the home would extend past the front building line on the recorded plat.

Larry & Donna Musick, applicants, said the new home would sit on the existing under-slab piers since they were undamaged in the flood. Mr. Musick said he did not want to move the house further back because it would mean removing a large, oak tree. He said the house sits far back from the curb due to the large right-of-way. Mrs. Musick said the new home only needed to be elevated about 2-feet but after going through Hurricane Harvey she did not want to experience that again. She said the new home would be 4-feet elevated and they needed the stairs to access the home.

Several of the Musick's neighbors spoke in favor of the variance; Jill Groeschel, Mike Mendenhall, Morgan Hill.

Dyer asked if the footprint of the house would be the same. Rouane answered it would be.

Motion to approve: Dyer

Second: Thornton

Vote: 5-0 (unanimous)

Motion Passed

Chairman Hughes read the fact finding sheet and the Board took another vote of 5-0 unanimous.

3. The Board will conduct a public hearing and consider a request for a variance **to encroach 9 feet into the required 25 foot front yard** on the property located at **505 Brandywyne Drive**, SW 20.5 feet of Lot 24 & NE 44.5 feet of Lot 25 (25-1) Block 5 Annalea Kingspark Section B & Whitehall Section B, Friendswood, Galveston County, Texas:

Rouane stated the applicant was requesting to keep a carport that encroached the front building line by 9-feet. He said the applicant and structure were the same from a 2015 variance request that had been denied. He explained the Building Department issued a stop work order when the structure was being built without proper approval. Rouane showed photos of the original carport, the new carport under construction, and the carport completed after the variance was denied.

The applicant was not present. Hughes consulted the City Attorney whether to move forward with the agenda item. The meeting proceeded.

Carey Haskell/neighbor spoke in favor of the variance. He said he had lived there since 1982 and was present for the previous owner's request for a variance in the 1990s. He said the new carport is a significant improvement.

Hughes asked if the old carport variance was the same situation. Rouane stated it was the same situation, a similar structure but a different owner/applicant.

Dyer asked if the current applicant appealed the 2015 denial to which Rouane said the owner did not file an appeal of the Board's decision. Dyer asked what action the City has taken. Rouane said Code Enforcement has been issuing citations but they have yet to go to court.

Dyer clarified the structure was completed after the Board denied the variance. Rouane said the structure was finished without any City inspections.

Motion to approve: Dyer

Second: Thornton

Vote: 0-5 (unanimous)

Motion Failed

Hughes read the fact finding sheet and the Board voted again 0-5 unanimous.

4. The Board will conduct a public hearing and consider a request for a special exception to **encroach 9 feet into the required 25 foot front yard** on the property located at **505 Brandywyne Drive**, SW 20.5 feet of Lot 24 & NE 44.5 feet of Lot 25 (25-1) Block 5

Annalea Kingspark Section B & Whitehall Section B, Friendswood, Galveston County, Texas:

Rouane read the definition of a de minimus exception and stated the structure was encroaching the setback by 36%. Dyer said he did not believe more than one-third encroachment to be de minimus.

Motion to approve: Dyer

Hughes stated he construed the motion to include the prerequisites for finding a special exception.

Second: Mintz

Vote: 0-5 (unanimous)

Motion Failed

Hughes stated he noticed a request for an appeal in the application but it was not on the agenda. He explained an appeal was to appeal the decision of a city official that was disfactually wrong.

Motion to approve appeal: Dyer

Second: Thornton

Vote: 0-5 (unanimous)

Motion Failed

5. Consideration and possible action regarding approval of minutes for the:
A. **February 6, 2018 special meeting**

Hughes read the minutes aloud then took a vote.

Motion to approve: Thornton

Second: Dyer

Vote: 5-0 (unanimous)

Motion Passed

6. Comments from Board Members
No comments.

7. Staff and/or Council or Board Liaison Reports

Councilman Hill said it was refreshing to see people who've been through so much willing to reinvest in Friendswood and rebuild their homes.

Hughes suggested Council pass a blanket rule for elevated homes to encroach the building line with stairs.

8. The meeting was adjourned at 7:44pm.

Motion to adjourn: Dyer

Second: Mintz

Vote: 5-0 (unanimous)

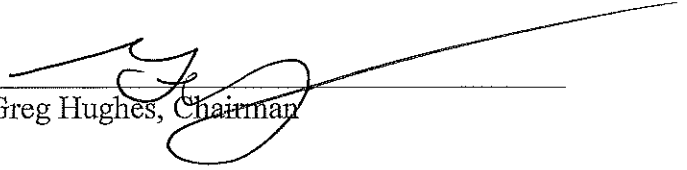
Motion Passed

Respectfully submitted by:

Becky Summers

Becky Summers, Development Coordinator

Approved by:



Greg Hughes, Chairman