

Memo

To: Zoning Board of Adjustment Members

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

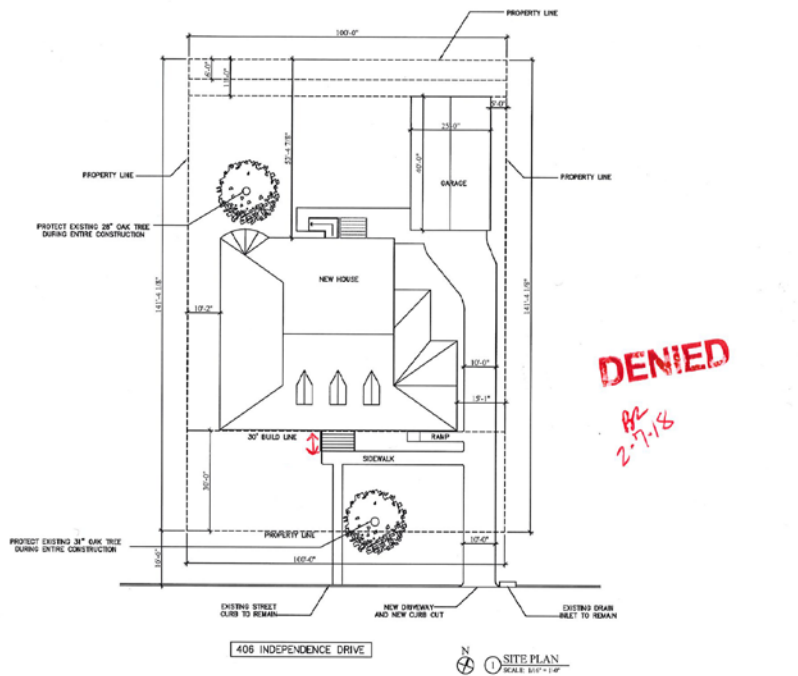
Date: February 12, 2018

Subject: 406 Independence Drive

The applicant is requesting the following:

To encroach the front building line by 6' 8" with entry stairs - being a variance from the recorded Heritage Estates Section 1 Final Plat, being more restrictive than the Zoning Ordinance Section 7.Q.2. Regulation Matrix – Residential Districts.

The applicant is proposing demolition of the current house to build an elevated home on the existing foundation. The addition of front entryway stairs would encroach the required front yard setback by 6 feet 8 inches.



Architect provided drawing

The subject property is zoned Single Family Residential (SFR) and is surrounded by Single Family Residential lots.



Friendswood GIS Zoning Map

The subject property located at 406 Independence Drive was platted as Heritage Estates Section 1 in 1973. The developer platted a front building line of 30-feet, being more restrictive than the Zoning Ordinance Section 7.Q.2. which has a minimum front building line of 25-feet.

Definitions from Zoning Ordinance:

Building line. A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

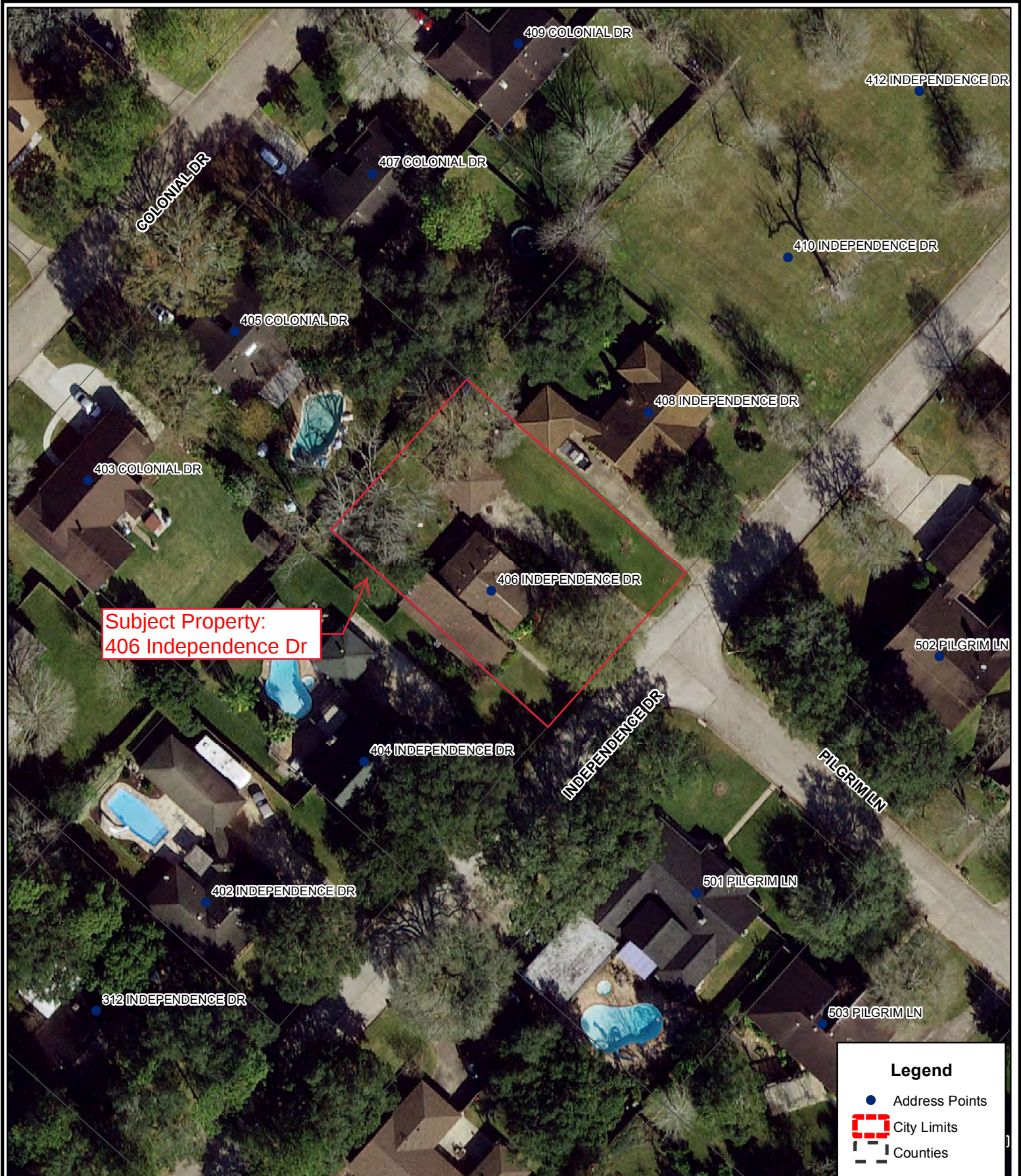
Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

Yard. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward except for fences and walls.

Yard, front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as specified in each zoning district.

Attachments:

- Maps: Location, Aerial and Zoning Map
- ZBOA Application
- Denied site plan/survey
- Heritage Estates Section 1 plat
- Residential Regulation Matrix – SFR setbacks
- Copy of the property owner notice that was mailed to owners within 200 feet of the subject property



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.

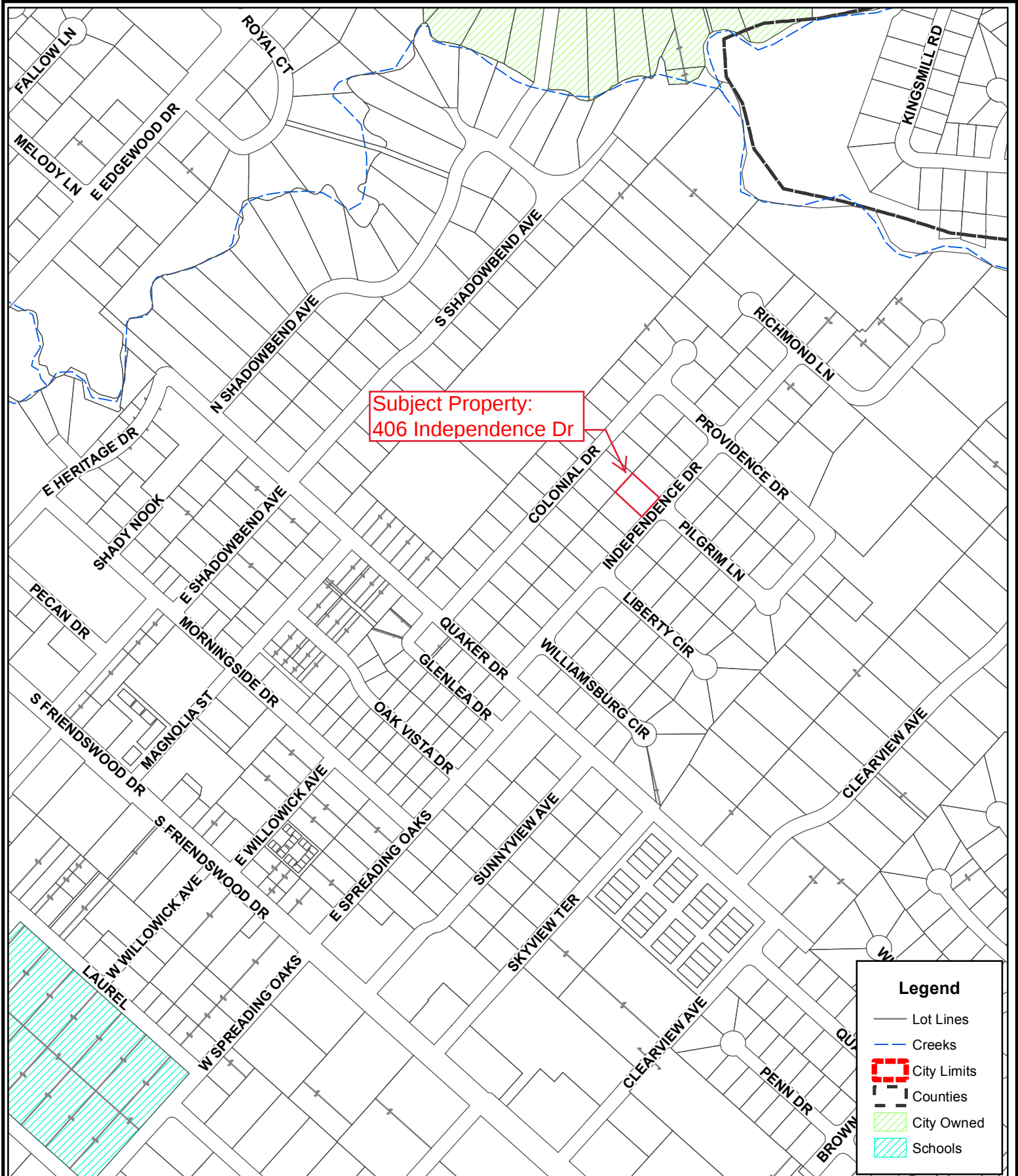


City of Friendswood
910 South Friendswood Drive
Friendswood, Texas 77546
(281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 62'



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1" = 501'



Subject Property:
406 Independence Dr

Legend

 City Limits

 Counties

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Friendswood GIS Mapping

 1" = 125'



FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

\$100 Application Fee

☒ Request for Variance

☐ Request for Appeal

☐ Request for Special Exception

Property Address: 406 Independence Drive

Legal Description of Property (attach certified metes & bounds): Heritage Estates
Lot 9 Block 1

County: Galveston

Property Owner Information:

Agent Information: (if applicable)

Larry Musick
Printed Name

musi@peoplepc.com
Email

281-635-6131
Phone

Printed Name

Email

Phone

Larry Musick 2.6.18
Signature Date

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 ordinance Section 7.0.2. Regulation Matrix-
Residential Districts Heritage Estates Sec 1 Final Plat - more restrictive front build 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:

attached letter

2.6.18 12:00pm
Date & Time Received

Becky Summer
City Official



February 6, 2018

Zoning Board of Adjustments and Appeals
City of Friendswood
Friendswood City Hall
910 S. Friendswood Drive
Friendswood, TX 77546

Re: Variance request for new stairs into front build line at 406 Independence Drive

Dear Esteemed Members of the Zoning Board of Adjustments and Appeals:

Please consider a setback variance from the 30' build line in regard to the residence located at 406 Independence Drive. This residence received significant flooding during Hurricane Harvey in August 2017. This existing one story structure will be demolished and removed from site. There are existing concrete piers at the existing foundation that will remain. This location of the existing piers created the building footprint for the new structure. The new residence will be built on a new foundation on top of the existing piers. The new finish floor height will be approximately 4'-6" above existing finish floor height. This change in height (raising finish floor) will require new stairs that would encroach the 30' build line. No other part of the residence would encroach the build line. There is a large tree in the backyard that prevents the new house from being shifted further back. Also, please note that the back of curb is 48' to the front of the build line (there is a 60' R.O.W. on Independence Drive).

Due to these reasons listed above, we are asking for a variance for the front entry stairs to extend into the 30' build line.

Please let me know if you have any questions.

Sincerely,

Jenny Sartain, AIA
Town Square Architecture

Donna & Larry Musick
Owners of 406 Independence Drive

From: jenny@townsquarearchitecture.com
To: [Becky Summers](mailto:Becky_Summers); musi@peoplepc.com; costaconstructionservicestx@gmail.com
Subject: [EXTERNAL]RE: Variance request
Date: Wednesday, February 14, 2018 2:16:53 PM

Hi Becky,

The steps would encroach approx. 9'-0" wide x 6'-8" deep into the build line.

Thanks

Jenny

From: Becky Summers [mailto:bsummers@ci.friendswood.tx.us]
Sent: Tuesday, February 13, 2018 2:57 PM
To: musi@peoplepc.com; jenny@townsquarearchitecture.com
Subject: Variance request

Mr. Musick or Ms. Sartain,

Would you mind responding to this email with the amount of encroachment you are requesting? I know it is on the site plan but since it was not specified in your application, I just want to clarify.

Thank you in advance.

Becky Summers

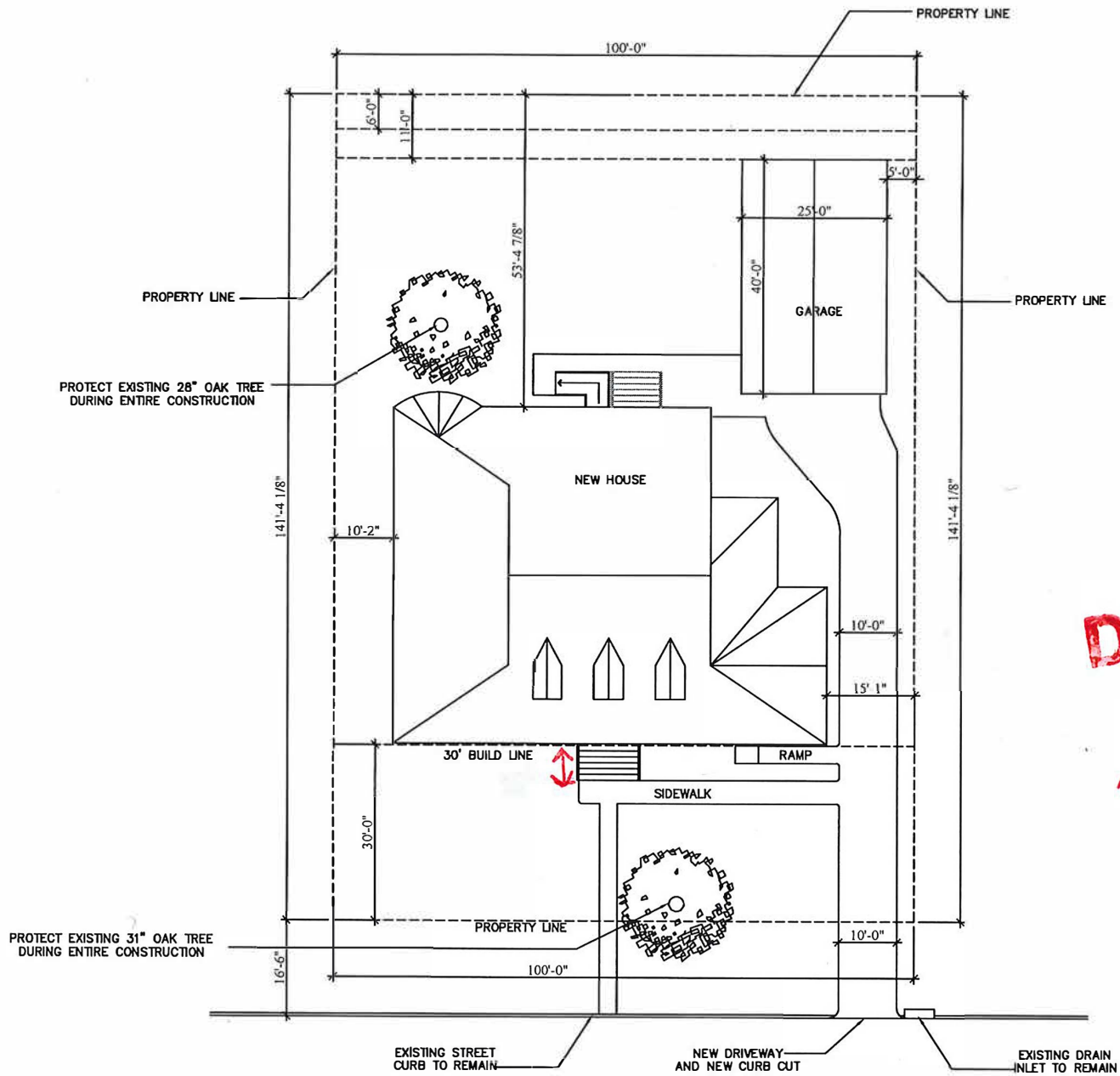
Development Coordinator

City of Friendswood – Planning Dept.

910 S. Friendswood Dr.

Friendswood, TX 77546

281-996-3290



DENIED

AR
2-7-18

406 INDEPENDENCE DRIVE



① SITE PLAN
SCALE: 1/16" = 1'-0"

HERITAGE ESTATES

SECTION ONE

BLOCKS 1 AND 5, 39 LOTS, 30.7 ACRES

A SUBDIVISION OF PART OF LOTS 1 & 5, BLK 10, & PART OF LOTS 6 & 7, BLK 9, FRIENDSWOOD SUBDIVISION, SARAH MCKISSICK LEAGUE, ABSTRACT NO. 151, GALVESTON COUNTY, TEXAS

ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 254-A, PAGE 18 IN THE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF GALVESTON

WE, JAMES F. FAIRLEIGH AND MARGARET FAIRLEIGH, PRESIDENT AND SECRETARY RESPECTIVELY OF FAIRLEIGH, INC., OWNER OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FORGING MAP OF HERITAGE ESTATES, SECTION ONE, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID FAIRLEIGH, INC. ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS AND EASEMENTS THEREON SHOWN AND DESIGNATE SAID SUBDIVISION AS HERITAGE ESTATES, SECTION ONE, LOCATED IN THE SARAH MCKISSICK SURVEY IN GALVESTON COUNTY, TEXAS, AND ON BEHALF OF SAID FAIRLEIGH, INC., DEDICATE TO THE PUBLIC USE, AS SUCH ALL OF THE STREETS, ALLEYS, PARKS AND EASEMENTS SHOWN THEREON FOREVER.

THERE IS ALSO DEDICATED FOR UTILITIES AN UNOBSTRUCTED AERIAL EASEMENT FIVE (5) FEET WIDE FROM A PLANE TWENTY (20) FEET ABOVE THE GROUND UPWARD, LOCATED ADJACENT TO ALL UTILITY EASEMENTS AND STREETS SHOWN HEREON.

IN TESTIMONY WHEREOF, THE FAIRLEIGH, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY JAMES F. FAIRLEIGH, ITS PRESIDENT, THEREUNTO AUTHORIZED, ATTESTED BY ITS SECRETARY, MARGARET FAIRLEIGH, AND ITS COMMON SEAL HERETO AFFIXED, THIS 5TH DAY OF DECEMBER, 1973.

FAIRLEIGH, INC.

JAMES F. FAIRLEIGH
PRESIDENT, JAMES F. FAIRLEIGH

MARGARET FAIRLEIGH
SECRETARY, MARGARET FAIRLEIGH

THE STATE OF TEXAS
COUNTY OF GALVESTON

I, JAMES F. FAIRLEIGH, owner of the property subdivided in the above and foregoing map of HERITAGE ESTATES, SECTION ONE, do hereby make subdivision of said property according to the lines, lots, building lines, streets and/or easements shown thereon and do designate the said subdivision as "HERITAGE ESTATES", located in Friendswood, Sarah McKissick League in Galveston County, Texas and do hereby dedicate to the public use as such, all of the streets and easements shown thereon forever, including an aerial easement 5 feet in width adjoining all utility easements from a plane 20 feet above the natural ground.

JAMES F. FAIRLEIGH

THE STATE OF TEXAS
COUNTY OF GALVESTON

Before me, the undersigned authority, on this day personally appeared James F. Fairleigh, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 21ST day of MAY 1973 A.D.

JAMES W. GARTRELL, JR.
Notary Public in and for Galveston County, Texas

THIS is to certify that I, James W. Gartrell, Jr., a Registered Professional Engineer and a Registered Public Surveyor, of the State of Texas, have plotted the above subdivision from an actual survey on the ground and that all lot and block corners are properly marked with iron pipes and that this plat correctly represents that survey made by me.

JAMES W. GARTRELL, JR., P. E.

Approved By The City Council of the City of Friendswood on this 22ND day of MAY, 1973.

ATTEST:

Mayor of the City of Friendswood

REC. # 5869

City Secretary of the City of Friendswood

FILED FOR RECORD MAY 24 1973, at 3:15 o'clock, P.M. RECORDED JAN. 24 1974, at 4:00 o'clock, P.M.

VOL. 15, PAGE 7

GERTRUDE MCKENNA, COUNTY CLERK, BY:

DEPUTY

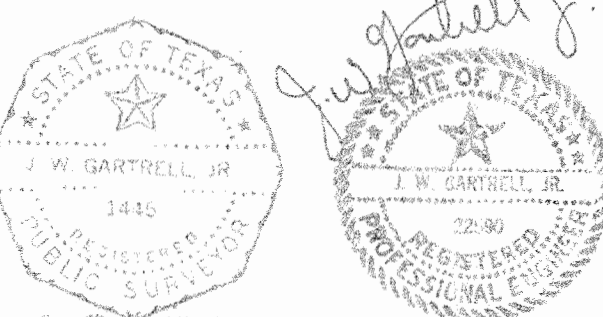
Approved By The Planning Commission Of The City of Friendswood. This 17TH day of MAY, 1973.

Secretary City Planning Commission

C. C. BOST, CHAIRMAN

Approved By The City Engineer Of The City of Friendswood THIS 21ST Day of MAY, 1973.

City Engineer

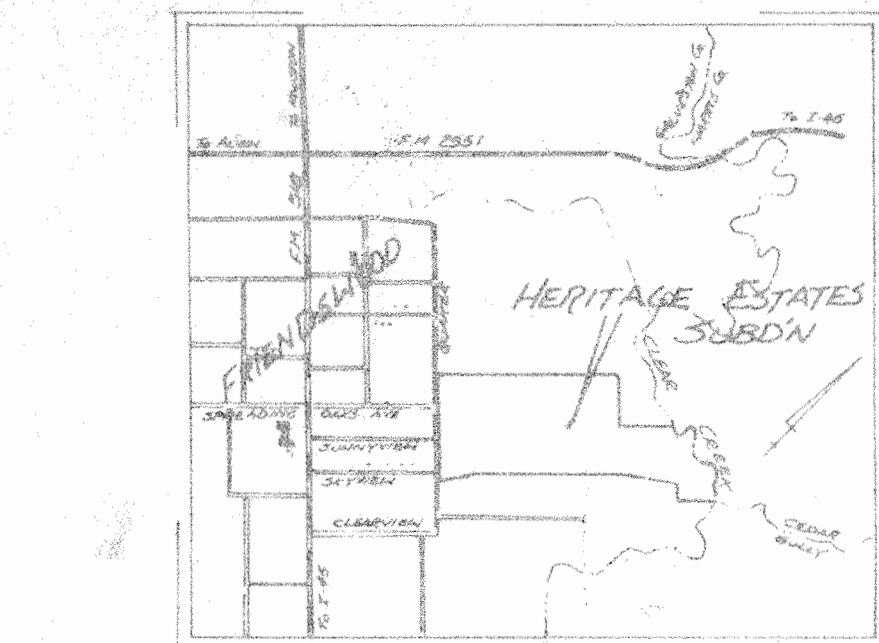


J. W. GARTRELL, JR.
GULF COAST ENGINEERING & SURVEYING
P. O. BOX 382
LA MARQUE, TEXAS 77568
713-935-2462

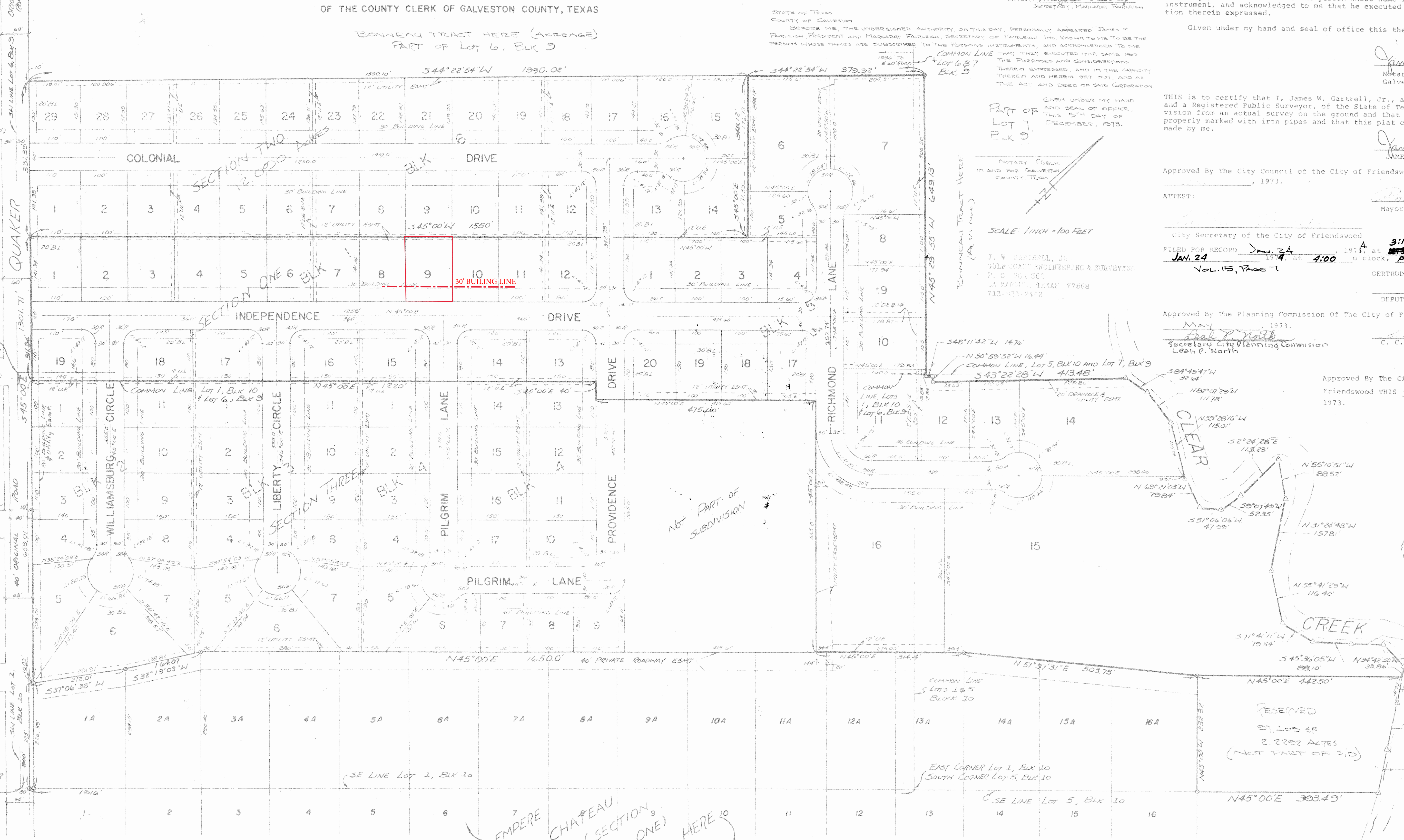
REV #1 4/28/73
REV. No. 2 January 14, 1974

J. F. FAIRLEIGH, JR.
REGISTERED PROFESSIONAL ENGINEER & SURVEYOR

HERITAGE EST. SECT 1



LOCATION MAP
SCALE 1/4" = 100' FEET



EMPERE CHATEAU (SECTION ONE) HERE

RESERVED
27,205 SF
2.2252 ACRES
(NOT PART OF S.D.)

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 that have structures already built upon them may continue with the same existing set back for additions 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 Drainage 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.

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.

b.

A building structure may not exceed 40 feet in height measured from the minimum habitable floor elevation; provided, however, that:

1.

Buildings or structures in Community Shopping Center (CSC), Neighborhood Commercial (NC), Office Park (OPD), Light Industrial (LI), Industrial (I), Business Park (BP) districts may exceed 40 feet in height when:

a.

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 unless a specific use permit shall have been granted therefore in accordance with subsection 9.G. of this appendix.

b.

Buildings or structures of 40 feet or less in height shall meet the setback requirements as defined in this appendix.

2.

Exceptions: Structures located within a General PUD or PUD-Mixed Use shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a General PUD or PUD-Mixed Use application will be as established in the Ordinance authorizing and approving the Planned Unit Development.

3.

The maximum height allowed for structures within the Downtown District (DD) is 70 feet as measured in accordance with the method prescribed in [Section 20](#), Definitions, subsection OO, Height.

c.

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.

d.

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.

e.

The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.

f.

Minimum front yard setbacks for lots with predominant frontage on the curved radius of a cul-de-sac shall be 15 feet.



City of Friendswood

Community Development Department

910 S. Friendswood Drive

Friendswood, Texas 77546-4856

February 14, 2018

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: **Larry & Donna Musick**

LOCATION OF PROPERTY: **406 Independence Drive**
Block 1, Lot 9, Heritage Estates Section 1, Friendswood,
Texas, Galveston County

REQUEST: To encroach 6' 8" into the required 30 foot front yard - being a
variance from the recorded Heritage Estates Section 1 Final Plat
being more restrictive than the 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: February 27, 2018

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

Documents are currently available for viewing at City Hall in the
Community Development Department - 2nd Floor, 910 S. Friendswood Dr., Friendswood, Texas

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

Memo

To: Zoning Board of Adjustments Members

From: Brian Rouane, CFM, Chief Building Official
Becky Summers, Development Coordinator

Date: February 14, 2018

Subject: 505 Brandywyne Drive

The applicant is requesting the following:

To allow a carport to encroach the front 25-foot building line by 9 feet - being a variance from the Zoning Ordinance Section 7.Q.2. Regulation Matrix – Residential Districts; and

To allow a carport to encroach the front 25-foot building line by 9 feet - being a permanent de minimus special exception from the Zoning Ordinance Section 7.Q.2. Regulation Matrix – Residential Districts.

The applicant is requesting a variance to be allowed to keep a carport that encroaches the front 25-foot building setback by 9 feet.

Variance; conditions governing applications; authority and limitations. To authorize upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

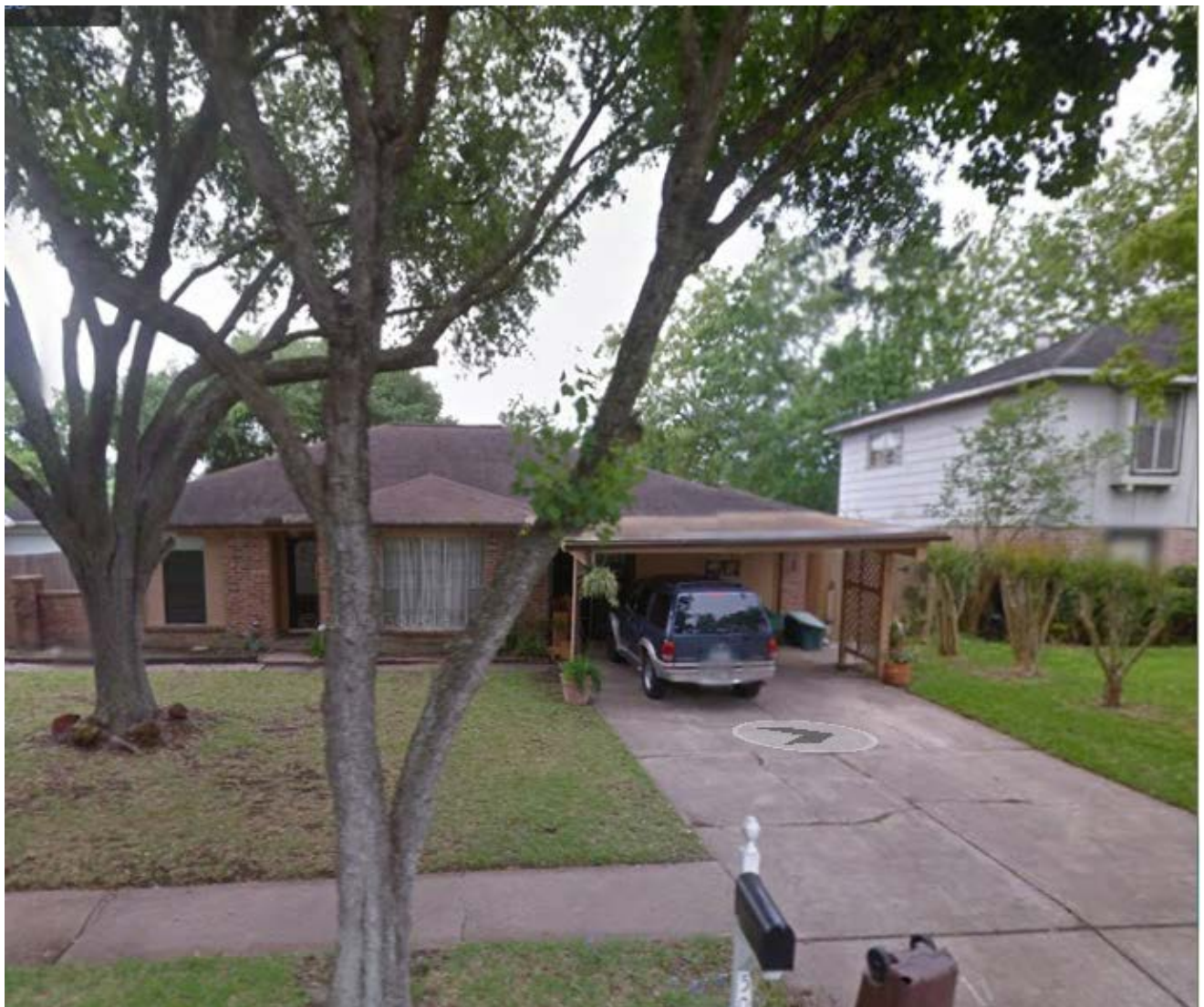
The same applicant presented this request to the Board November 2015. Pursuant to Appendix C, Section 12.B. *Reapplication*. No application for a variance, special exception, or appeal which has been denied shall be again filed earlier than one year from date of original denial. A copy of the 2015 application and is included in the backup material.

There was an existing, metal carport in place when the current owner purchased the property. Based on the statements made in her application, it appears that the applicant is contending that the existing carport was improved, that the existing carport was a non-conforming structure and the improvements made did not enlarge or alter the carport in a manner which increases its nonconformity.

Repairs and maintenance. 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.

The carport did not undergo ordinary repairs but was replaced entirely, including the structural supports. Replacing the flat roof with a pitched roof also increased the structure height and cubic content.

Below is a Google Street View picture of the original, metal carport with a flat roof constructed in the early/mid 1990s.



Below are pictures of the new, wood framed carport with pitched roof at the time of the November 2015 variance application :



Below are pictures of the finished carport taken February 13, 2018:



The applicant is alternatively requesting a permanent de minimus special exception to allow the carport to remain. The posts of the structure encroach the required 25-foot front building line by 9-feet being a 36% encroachment.

De Minimus exception. The board may grant a special exception for very small exceptions to the zoning ordinance, where the spirit of the Code is met and there is an overriding benefit to the applicant with no detriment to the surrounding neighbors or the city. (An example would be where a 9.5-foot setback for building would be allowed where a ten-foot setback is required, to allow the property owner to save an oak tree.)

The subject property is zoned Single Family Residential (SFR) and is surrounded by properties also zoned Single Family Residential (SFR).



Friendswood GIS Zoning Map

The subject property located at 505 Brandywyne Dr. is in the Annalea Kingspark and Whitehall Section B Subdivision, which was annexed in 1967.

The Residential Regulation Matrix in the Zoning Ordinance (Section 7.Q.2; also see attached matrix) outlines the required setbacks, building height, and lot coverage for the various residential zoning districts. For a tract that is zoned SFR, the front building line is 25 feet.

More Definitions from Zoning Ordinance:

Building line. A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

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.

Yard. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward except for fences and walls.

Yard, front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as specified in each zoning district.

Attachments:

- Maps: Location, Aerial and Zoning Map
- ZBOA Applications (2015 and 2018)
- Denied site plan/Survey
- ZBOA meeting minutes (2015)
- City of Friendswood Regulation Matrix – Residential
- Copy of the Public Notice that was mailed to owners within 200 feet of the subject property



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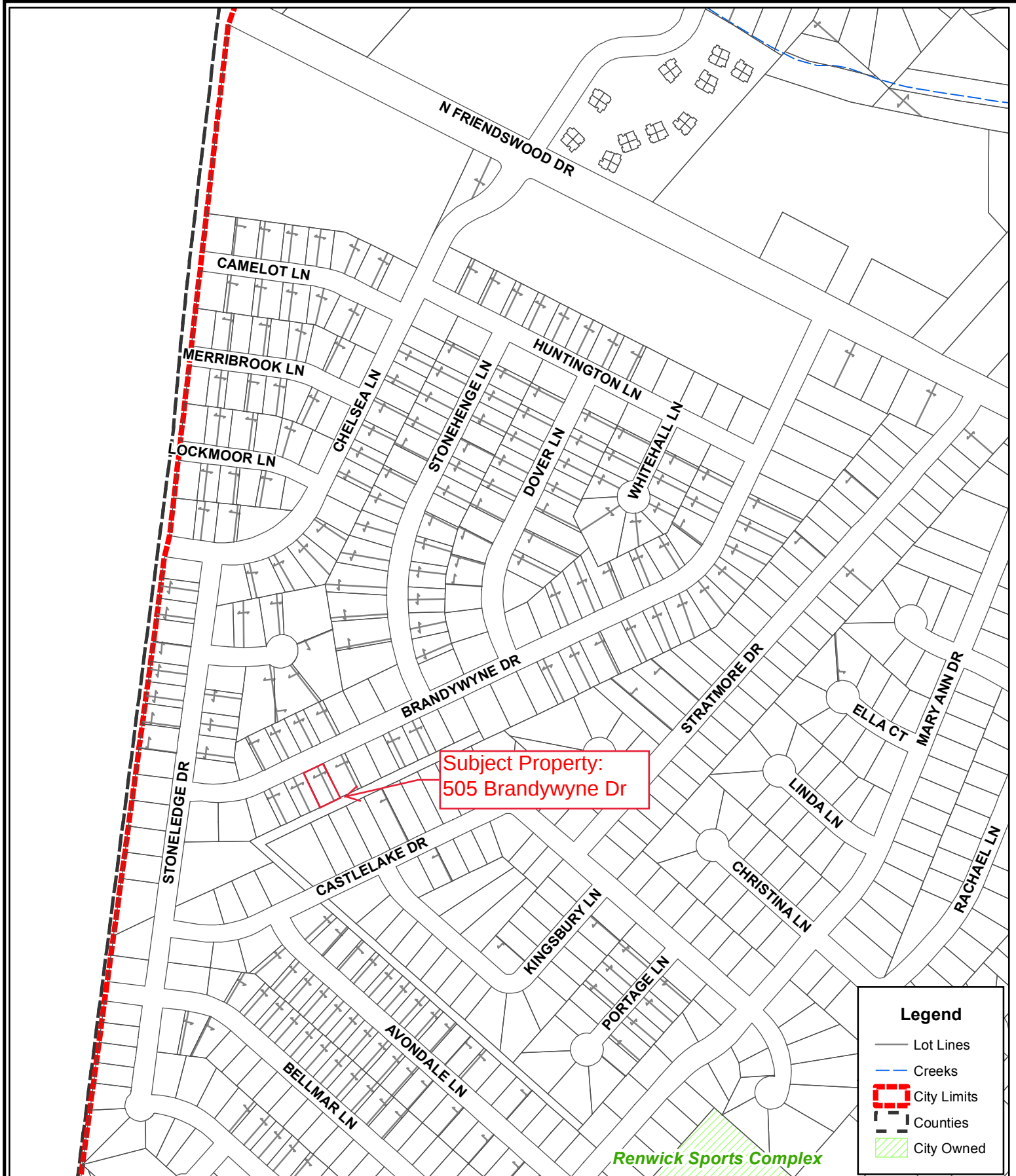


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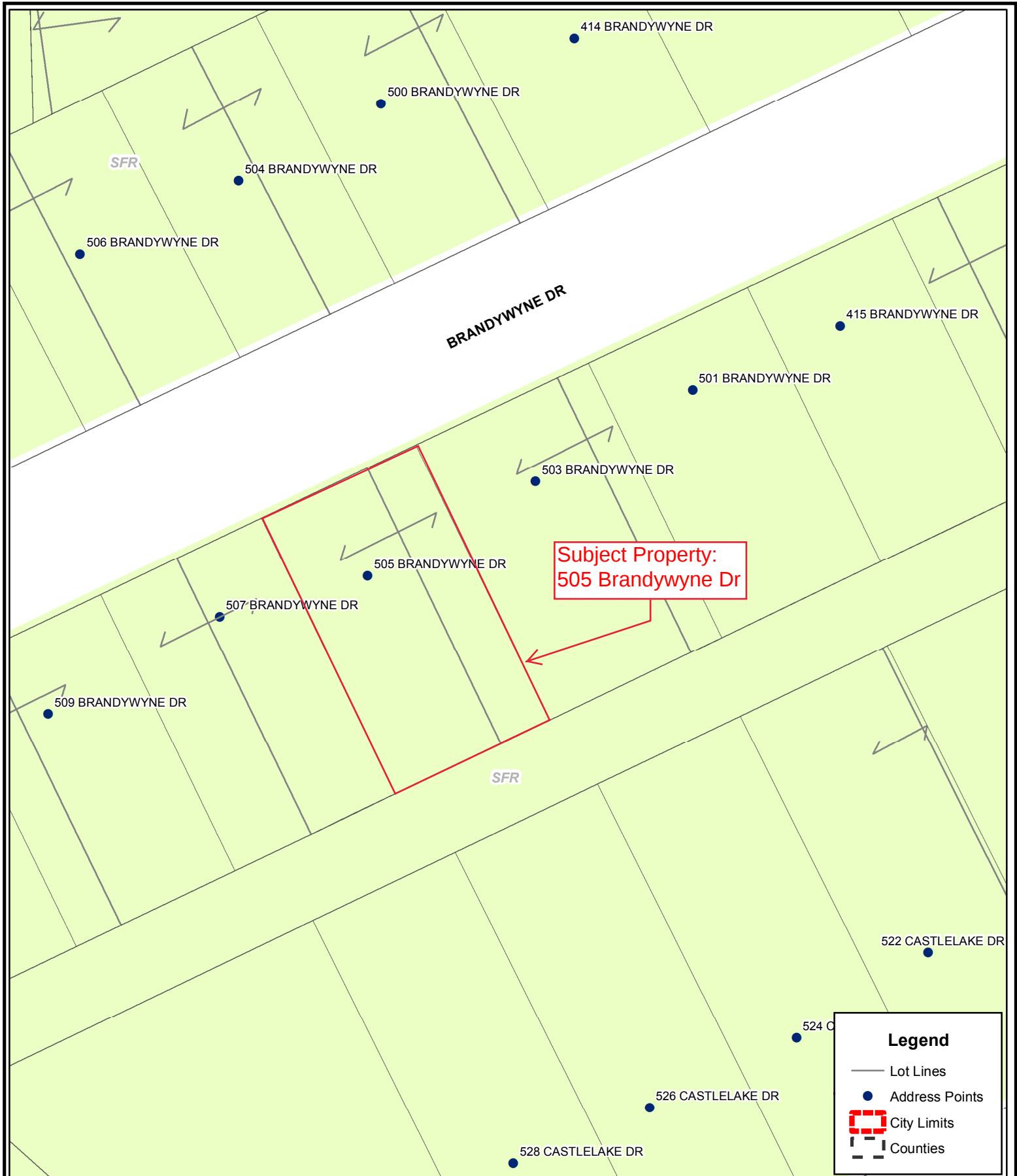


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 (281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 382'



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" = 48'

FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

☒ Request for Variance ☒ Request for Appeal ☒ Request for Special Exception

Fee: \$100

Fee Paid (date): _____

Applicant's Name: CHRISTINE-AUDIBERT GRUBBS Phone: (713) 315-7844

Property Address: 505 BRANDY WYNE

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

County: HARRIS

CHRISTINE-AUDIBERT GRUBBS
Printed Name of Owner

15807 ST. LAWRENCE COVE
Address of Owner
FRIENDSWOOD TX 77546 Date 10/20/2015
[Signature] Date 10-23-2015
Signature of Owner

BONNIE CERACE
Designated Representative

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

Zoning Ordinance - Section 7.0.2. Regulation Matrix -
Residential Districts - 25' Front BL

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

Zoning Ordinance - Section 7.0.2. Regulation Matrix -
Residential Districts - 25' Front BL

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

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

Zoning Ordinance - Section 7.0.2. Regulation Matrix -
Residential Districts - 25' Front BL

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

See attached

10/20/15 7:30am
Date & Time Received

[Signature]
City Official Date

FOR APPEAL SECTION:

When we purchased the home, there was an existing carport made of metal and plywood which was rotting. Not only was it an eyesore, we were also concerned with the safety of it because of the rotted plywood. In addition, the soffit of the home was incurring damage due to the roof failure at the joint of the carport and home. In an attempt to improve the safety and surrounding aesthetics of the neighborhood we have remodeled the home and had an architect produce drawings for a cantilevered carport, which matches the existing roof line.

The building requirement for support posts and the distance they are required to be from the building line is the basis for this appeal. The owner of 505 Brandywyne recently discovered that after turning the carport project over to a licensed contractor, Mr. Blu Shields, the contractor placed the structure's new posts in the placement of the original posts. The contractor assured the owner he had approval from the city to place the posts in the same location as the original posts, and he chose to move forward and build the carport. The majority of the structure has been completed and the owner is just learning the placement of the posts was not approved by the city. We also learned the contractor, Blu Shields, never picked up the city's approved plans before he built the structure. We are appealing to the zoning committee to allow the structure to be completed and remain as a part of the home.

FOR VARIANCE SECTION:

We are requesting a variance for a carport structure to remain at 505 Brandywyne due to the aforementioned reasons. We are aware if the zoning committee should deny a variance we will be required to remove the structure which would definitely set the project behind weeks.

SPECIAL EXCEPTION:

We would appreciate the zoning committee considering making this request a special exception due to the fact the structure was built without knowledge from the homeowner that the city had not yet approved that the new posts be set in the same location as the original posts.



FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

\$100 Application Fee

City of Friendswood

JAN 30 2018

Received by: *BS*

☒ Request for Variance

☐ Request for Appeal

☒ Request for Special Exception

Property Address: 505 BRANDYWYNE DRIVE, FRIENDSWOOD, TEXAS 77546

Legal Description of Property (attach certified metes & bounds): THE SOUTHWEST 20.5 FEET OF LOT TWENTY-FOUR (24) AND THE ADJOINING
NORTHEAST 44.5 FEET OF LOT TWENTY-FIVE (25), IN BLOCK FIVE (5) OF ANNALIA KINGSPARK, "SECTION B" & WHITEHALL, SECTION "B", ACCORDING TO THE MAP OR
PLAT THEREOF RECORDED IN VOLUME 1616, PAGE 100 (PLEASE SEE ATTACHED)

County: GALVESTON

Property Owner Information:

CHRISTINE AUDIBERT

Printed Name

RSGRUBBS@GMAIL.COM

Email

(832) 876-4064

Phone

Christine Audibert

1-30-2018

Signature

Date

Agent Information: (if applicable)

Printed Name

Email

Phone

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)

ORDINANCE 84-15; SECTION 7(A)(1) Q.2.

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?

ORDINANCE 84-15; SECTION 7(A)(1) Q.2.

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

PLEASE SEE ATTACHED

1-30-18 1:15 PM
 Date & Time Received

Becky Summers
 City Official

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

The existing carport, on the real property provided above, was improved to make it more aesthetically pleasing. Although the improvements made to the existing carport were within the same area, I have received notices alleging a violation of Section 7(Q)(2) of Appendix C.

Assuming the existing carport was a nonconforming structure, it is the specific intent of the foregoing ordinance to permit nonconforming structures to remain as long as the nonconforming structure is not enlarged or altered in a manner which increases its nonconformity.

In this case, the improvements did not enlarge or alter the existing carport in a manner which increased its nonconformity.

This variance sought is not contrary to the public interest; it will prevent unnecessary hardship; ensure the spirit of the ordinance is observed; and, ensure that substantial justice is done.

Alternatively, I am requesting a permanent De Minimus Exception to the ordinance as the spirit of the Code is met and there is an overriding benefit without any detriment to the surrounding neighbors or the City of Friendswood.

LEGEND * ITEMS THAT MAY APPEAR IN * DRAWING BELOW

M.U.E. = MUNICIPAL UTILITY EASEMENT
U.E. = UTILITY EASEMENT
A.E. = AERIAL EASEMENT
D.E. = DRAINAGE EASEMENT
S.S.E. = SANITARY SEWER EASEMENT
S.M.S.E. = STORM SEWER EASEMENT
W.L.E. = WATER LINE EASEMENT

F.I.R. = FOUND IRON ROD
F.I.P. = FOUND IRON PIPE
S.I.R. = SET IRON ROD
W.P. = WOODEN POST
M.P. = METAL POST
C.F.# = CLERK'S FILE NUMBER
P.O.B. = POINT OF BEGINNING
B.L. = BUILDING LINE
FND. = FOUND
BRS. = BEARS

P.A.E. = PERMANENT ACCESS EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
W.S.E. = WATER & SEWER EASEMENT
E.E. = ELECTRIC EASEMENT
P.C. = POINT OF CURVATURE
P.T. = POINT OF TANGENCY
P.R.C. = POINT OF REVERSE CURVATURE
P.C.C. = POINT OF COMPOUND CURVATURE
P.P. = POWER POLE
S.F.N.F. = SEARCHED FOR, NOT FOUND
U.T.S. = UNABLE TO SET

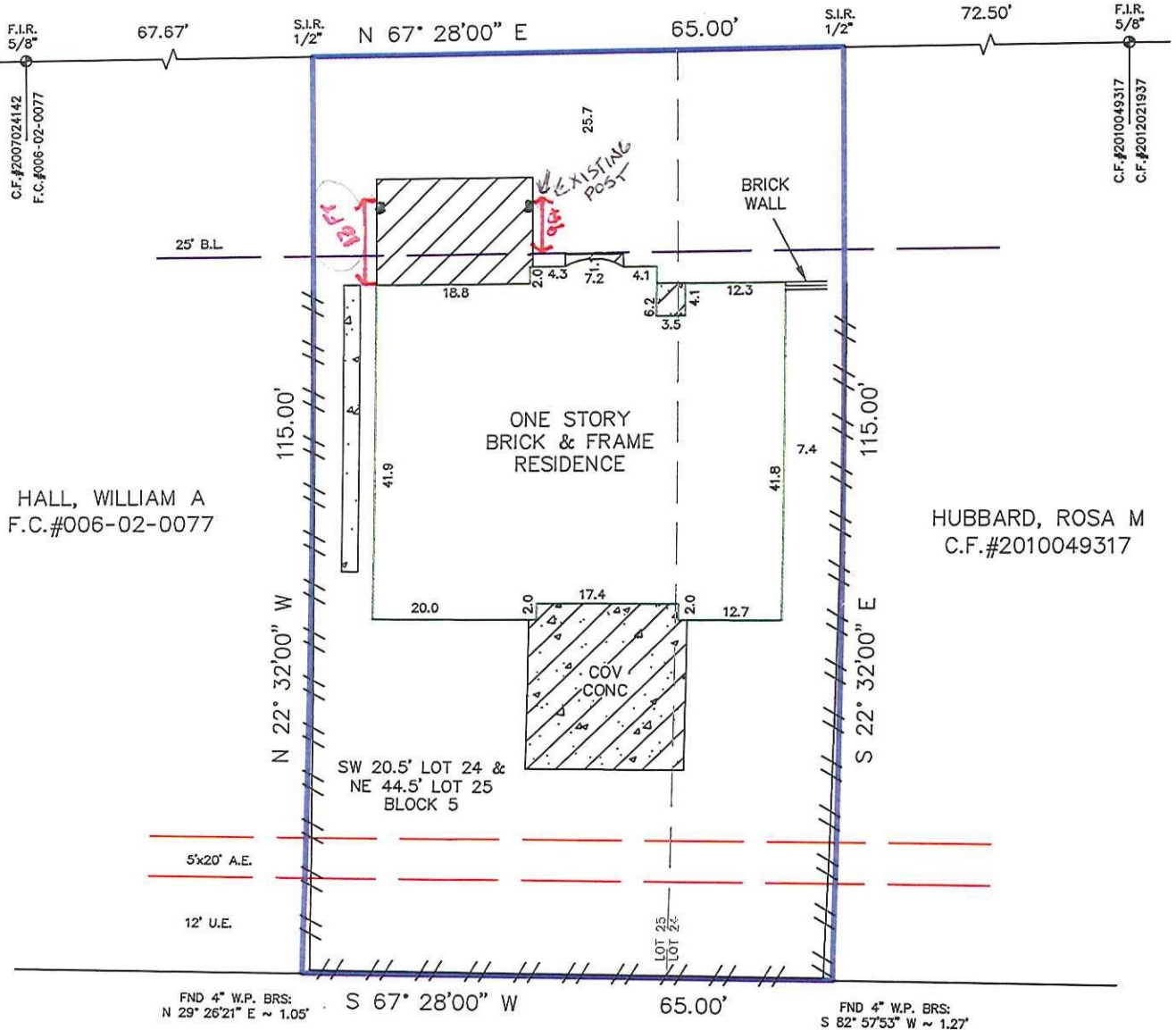
⊕ CONTROL MONUMENT
— PROPERTY LINE
- - - EASEMENT LINE
- - - BUILDING SETBACK LINE
— BUILDING WALL

— WOODEN FENCE
— CHAIN LINK FENCE
— METAL FENCE
— WIRE FENCE
— VINYL FENCE

SCALE
1"=20'



505 BRANDYWYNE DRIVE
60' R.O.W.



HALL, WILLIAM A
F.C.#006-02-0077

HUBBARD, ROSA M
C.F.#2010049317

30' DRAINAGE EASEMENT

DENIED

By FHM
Date 11-02-15

Reviewed & Accepted by: _____ Date: _____

NOTES:
- BEARING BASIS: PLAT
- SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS
- SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED PROPERTY
- UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY
- THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS
- THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT/COMMITMENT, ADDITIONAL BUILDING SETBACK LINES, EASEMENTS OR RIGHTS-OF-WAY MAY APPLY
- SUBJECT TO ZONING AND BUILDING ORDINANCES ENFORCED BY LOCAL MUNICIPALITIES
- NO PERMANENT ACCESS TO RIGHT-OF-WAY AT TIME OF SURVEY. PROPERTY UNDER CONSTRUCTION

LEGAL DESCRIPTION

THE SOUTHWEST 20.5 FEET OF LOT TWENTY-FOUR (24) AND THE NORTHEAST 44.5 FEET OF LOT TWENTY-FIVE (25), IN BLOCK FIVE (5), OF ANNALEA KINGSPARK, SECTION "B" AND WHITEHALL SECTION "B", A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1616, PAGE 100 AND TRANSFERRED TO PLAT RECORD 1, MAP NO. 15 OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS.

SEAN GRUBBS

ADDRESS

505 BRANDYWYNE DRIVE



I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON (OR ON ATTACHED SHEET), AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN, AND WAS DONE BY ME OR UNDER MY SUPERVISION, AND CONFORMS TO OR EXCEEDS THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

JOB # 1509343

DATE 09/30/2015

GF# 1416744976

PRO-SURV

P.O. BOX 1366, FRIENDSWOOD, TX 77549
PHONE- 281-996-1113 FAX - 281-996-0112
EMAIL: orders@prosurv.net
TBPLS FIRM NO.: 10119300

ONLY SURVEY MAPS WITH THE SURVEYOR'S ORIGINAL SIGNATURE ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
© 2015 PRO-SURV - ALL RIGHTS RESERVED

We want a variance for 13' or 9' beyond the 4' mark-



ZONING BOARD OF ADJUSTMENT

MINUTES OF A
REGULAR MEETING HELD
TUESDAY, NOVEMBER 17, 2015 AT 7:00 PM

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

1. The meeting was called to order at 7:00 pm with the following people in attendance:

Vice Chairman Ron Dyer
Regular Member Delvin Kendrick
Alternate Member Glenn Mintz
City Attorney Arnold Polanco
Planning Manager/PIO Nick Haby

Regular Member Steve Knis
Alternate Member Linda Thornton
Building Official Frank Manigold
Board Secretary/City Planner Aubrey Harbin

Absent: Chairman Greg Hughes, Regular Member David O'Brien III, Alternate Member Glen Grayban

2. Arnold Polanco, City Attorney, gave a presentation to the Board explaining their duties and responsibilities as defined by both local and state law.

Vice Chairman Ron Dyer explained the procedure for the meeting and swore in everyone who would be speaking in regards to the request and public hearing. He explained that in order to be approved, an item must have four votes.

3. The Board conducted a public hearing to consider a request to allow a carport to encroach the front building line by 9 feet at 505 Brandywyne Dr., also known as the southwest 20.5 feet of lot twenty-four (24) and the northeast 44.5 feet of lot twenty-five (25), in Block Five (5), of Annalea Kingspark, Section "B" and Whitehall Section "b", A subdivision in Friendswood, Galveston County, Texas, according to the map or plat thereof recorded in Volume 1616, Page 100 and transferred to plat record 1, Map No. 15 of the Map Records of Galveston County, Texas:

A. Staff Presentation

Frank Manigold, Building Official/Deputy Director of Community Development, explained that a Code Enforcement Officer stopped work at this location because the contractor was working without a permit. Plans were submitted for a permit and during the plan review process, there was a discrepancy on the site plan regarding the front and rear patio and the carport. The existing carport with a flat roof was removed by the contractor a new one was constructed without approved plans or permits. This has been ongoing since May, and in

October a survey of the property was received which showed the new structure encroaching 9 feet.

B. Applicant Presentation

Christine Grubbs, stated that she hired a contractor and that he said he obtained a permit to do the work. She left the country and came back to the addition of the carport being a problem. The contractor said that he was allowed to replace existing posts. He never picked up the approved plans.

C. Public Comments

Kary Haskel, Friendswood, stated that he knew the previous owner. The previous agreement in 1989 was to move posts back to where they are now. He is excited about the improvement to the property and wants it to be finished. He asked that Board allow it and stated that he is not sure why it's a problem.

The public hearing was closed at 7:20pm.

D. Consideration of Evidence by Board

Knis confirmed with the owner that she was planning to live in the house and also asked Frank Manigold to confirm that the house meets the required 25-foot front building setback. Both statements were confirmed. He also inquired as to whether or not the owner needed the garage. She explained that the garage had already been converted to living space. Knis stated that he was clarifying any needs related to medical necessity, etc.

Dyer verified that the posts are in the same location as the previous carport.

Frank another representative contracted Frank in August to help resolve the outstanding issues with the permit. The initial permit was a remodel permit for the interior of the house.

Thornton stated that she remembered the previous owner being required to shorten the carport because this same request was denied in 1989.

Dyer stated that there are no other houses with carports built on to the front of the house in this way.

Grubbs stated that the HOA approved the plans.

- 1) A variance from Appendix C - Zoning Ordinance, Section 7.Q.2.
Motion to approve the variance of a 9-foot encroachment: Knis
Second: Mintz
Vote: 1-4 (Dyer, Kendrick, Knis, Thornton opposed) **Motion Failed**
- 2) A special exception to Appendix C - Zoning Ordinance, Section 7.Q.2.

No action.

- 3) An appeal to Appendix C - Zoning Ordinance, Section 7.Q.2.
No action.

4. Consideration and possible action regarding approval of minutes for the:

A. **October 27, 2015 regular meeting**

Motion to approve with one correction: Kendrick

Second: Knis

Vote: 5-0 (unanimous)

Motion Carried

5. Comments from Board Members

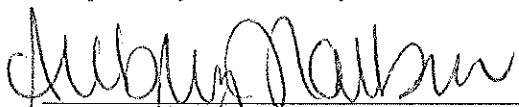
Vice Chairman Dyer stated that a couple of years ago, he brought up the idea of alternating alternate members to be able to act as regular members occasionally or for a period of time. He asked staff to research if that would be a possibility.

8. Staff and/or Council or Board Liaison Reports

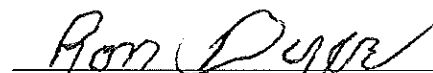
Councilman Jim Hill reported that a recent tornado did quite a bit of damage and the City has assisted in cleaning up most of the debris.

9. The meeting adjourned at 7:52pm.

Respectfully submitted by:


Aubrey Harbin, City Planner

Approved by:


Greg Hughes, Chairman
Ron Dyer, Vice Chairman

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 that have structures already built upon them may continue with the same existing set back for additions 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 Drainage 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.

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.

b.

A building structure may not exceed 40 feet in height measured from the minimum habitable floor elevation; provided, however, that:

1.

Buildings or structures in Community Shopping Center (CSC), Neighborhood Commercial (NC), Office Park (OPD), Light Industrial (LI), Industrial (I), Business Park (BP) districts may exceed 40 feet in height when:

a.

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 unless a specific use permit shall have been granted therefore in accordance with subsection 9.G. of this appendix.

b.

Buildings or structures of 40 feet or less in height shall meet the setback requirements as defined in this appendix.

2.

Exceptions: Structures located within a General PUD or PUD-Mixed Use shall be exempt from the height limitations contained herein. Height limitations for buildings or structures located within a General PUD or PUD-Mixed Use application will be as established in the Ordinance authorizing and approving the Planned Unit Development.

3.

The maximum height allowed for structures within the Downtown District (DD) is 70 feet as measured in accordance with the method prescribed in [Section 20](#), Definitions, subsection OO, Height.

c.

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.

d.

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.

e.

The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.

f.

Minimum front yard setbacks for lots with predominant frontage on the curved radius of a cul-de-sac shall be 15 feet.



City of Friendswood

Community Development Department

910 S. Friendswood Drive

Friendswood, Texas 77546-4856

February 13, 2018

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 that may be of interest to you.

PROPERTY OWNER: Christine Audibert

LOCATION OF PROPERTY: 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, Texas, Galveston County

REQUEST: To encroach 9 feet into the required 25 foot front yard - being a variance from the Zoning Ordinance Section 7.Q.2. Regulation Matrix – Residential Districts; and

To encroach 9 feet into the required 25 foot front yard - being a permanent de minimus special exception from the 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: February 27, 2018

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

Documents are currently available for viewing at City Hall in the
Community Development Department - 2nd Floor, 910 S. Friendswood Dr., Friendswood, Texas

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