



ZONING BOARD OF ADJUSTMENT

MINUTES OF A
REGULAR MEETING HELD
TUESDAY, MAY 15, 2018 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:

Chairman Greg Hughes
Regular Member David O'Brien III
Regular Member Mike Czarowitz
Brian Rouane, Building Official
Aubrey Harbin, Director of CDD/Planner

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

Alternate members present: Thornton, Fernandez

Absent: Byers

2. The Board conducted a public hearing and consider a request for a variance **to allow a carport 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.

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.

Brian Rouane/Building Official presented a timeline history of the subject property explaining the original carport from 1993 had a denied variance for a 20-foot encroachment followed by a denied variance in 1995 for a 12-foot encroachment. Rouane stated a demolition permit was issued in March 2015 followed by a building permit application to include repair of the carport. April 2015 and September 2015 resulted in denied inspections for the replacement of the carport and in November 2015, a 9-foot encroachment variance request was also denied. Rouane said the City has since then tried to have the structure removed and issued a total of 36 citations.

Sebastian Filgueira/attorney for property owner stated City records show variance denials in 1993 and 1995 but eyewitnesses remember the variance being approved. He stated the structure has been in existence for 25 years without the City taking action and shows tacit approval by the City.

Filgueira stated the carport was not a new structure but an updated and remodeled carport. He said the carport is a safety and aesthetic improvement and in the spirit of the city ordinance. Filgueira said 36 citations were ridiculous, a waste of time, and almost a harassment on his client.

Filgueira said the expense of losing the carport would be a significant hardship. He said the structure adds value to the community and reiterated the structure had been there for 25 years and was not made larger. He said the neighbors will testify they like the structure.

Carey Haskell/neighbor stated he has lived there since 1982 and was friends with the original owners, the Robinsons. He said his recollection of the 1995 variance hearing was that the encroachment was approved. He said the current carport is a vast improvement and asked the Board to allow the structure to remain.

Todd Lay/tenant said his family began renting the house after flooding in Hurricane Harvey. He said they looked at several homes and the carport influenced their choice of this particular rental. He said this property was one of the nicer ones in the neighborhood.

Dyer asked what the original carport was built of. Rouane said the original carport was a flat roof, aluminum structure. Rouane explained the permit issued was for minor repair only and the structural components could not be replaced. Dyer stated he would not classify the new structure as a minor repair.

O'Brien said the applicant's request stated the structure was in existence prior to the zoning ordinance. Harbin explained the zoning ordinance was adopted in 1984 and the first carport was built in 1993. Czarowitz said the survey provided shows the carport encroaching the setback and asked why the applicant would continue to build the structure.

Filgueira contended the structure is an existing non-conforming structure and that the structure was not enlarged and is the same structure. Hughes disagreed the structures were the same structures. O'Brien asked if the aluminum carport was demolished. Filgueira said he could not be sure as he was not there during construction. O'Brien stated the structure was rebuilt, not repaired.

The Board viewed a photograph of the aluminum carport side-by-side with the current carport. Dyer said the structure was beautifully built but was not the same structure. Filgueira said the support posts were placed in the same place. He said the carport does not encroach any closer to the road.

O'Brien questioned the 36 citations to which Rouane said they had been issued for not removing the illegal structure. Filgueira stated no citations had been issued in 25 years and O'Brien clarified no citations were issued on the original structure but had been issued on the current structure.

Hughes read the variance requirements and the board voted.

Motion to approve: Dyer

Second: Czarowitz

Vote: 0-5 (unanimous)

Motion Failed

3. The Board conducted a public hearing and consider a request for a permanent de minimus special exception **to allow a carport 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.

Hughes read the special exception requirements and the board voted.

Motion to approve: Dyer

Second: Czarowitz

Vote: 0-5 (unanimous)

Motion Failed

4. Consideration and possible action regarding approval of minutes for the:
A. **March 27, 2018 special meeting**

Motion to approve: Czarowitz

Second: Dyer

Vote: 5-0 (unanimous)

Motion Passed

5. Comments from Board Members
No comments.
6. Staff and/or Council or Board Liaison Reports
No comments.
7. The meeting was adjourned at 7:55pm.

Motion to adjourn: Dyer

Second: Mintz

Vote: 5-0 (unanimous)

Motion Passed

Respectfully submitted by:

Approved by:



Becky Summers, Development Coordinator



Ron Dyer, Vice-Chairman