City of Friendswood

Memo

To: **Zoning Board of Adjustment Members**

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

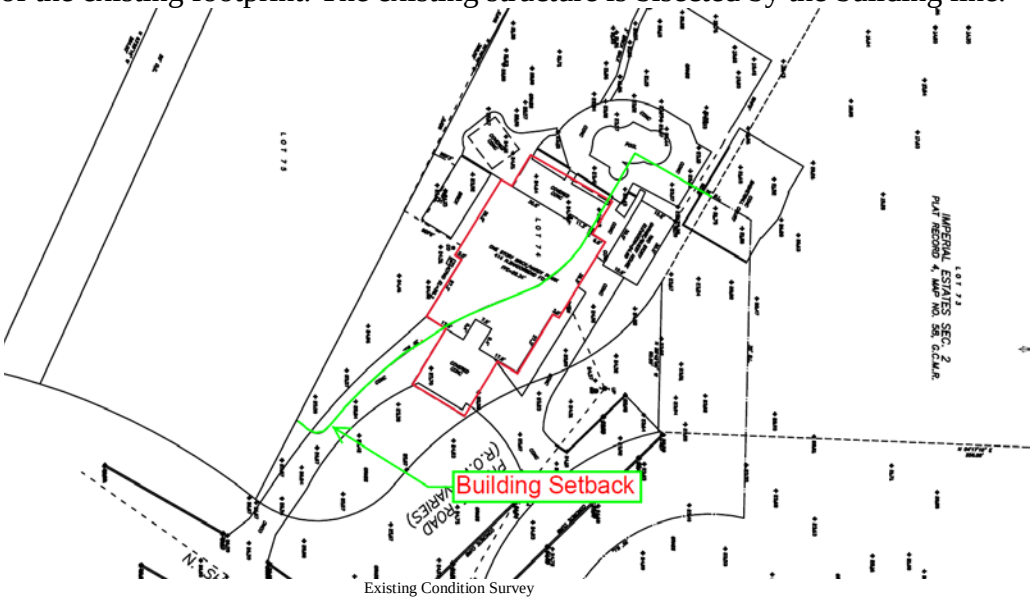
Date: **November 16, 2018**

Subject: **414 N. Shadowbend**

The applicant is requesting the following:

To encroach the required front yard setback of 35 feet to allow a primary residential structure within the footprint as shown on Exhibit B - being a variance from the recorded plat of Imperial Estates Section 2, being more restrictive than the Zoning Ordinance Section 7.Q.2. Regulation Matrix – Residential Districts.

The applicant is proposing to demolish a flooded home and rebuild an elevated home within the confines of the existing footprint. The existing structure is bisected by the building line.



Existing Condition Survey

Current City of Friendswood zoning regulations require a lot that is zoned Single Family Residential (SFR) to abide by the following minimum setbacks – 25’ front yard, 25’ rear yard, 10’ interior side yard setback when abutting a residential zoning district, and 20’ exterior side yard.

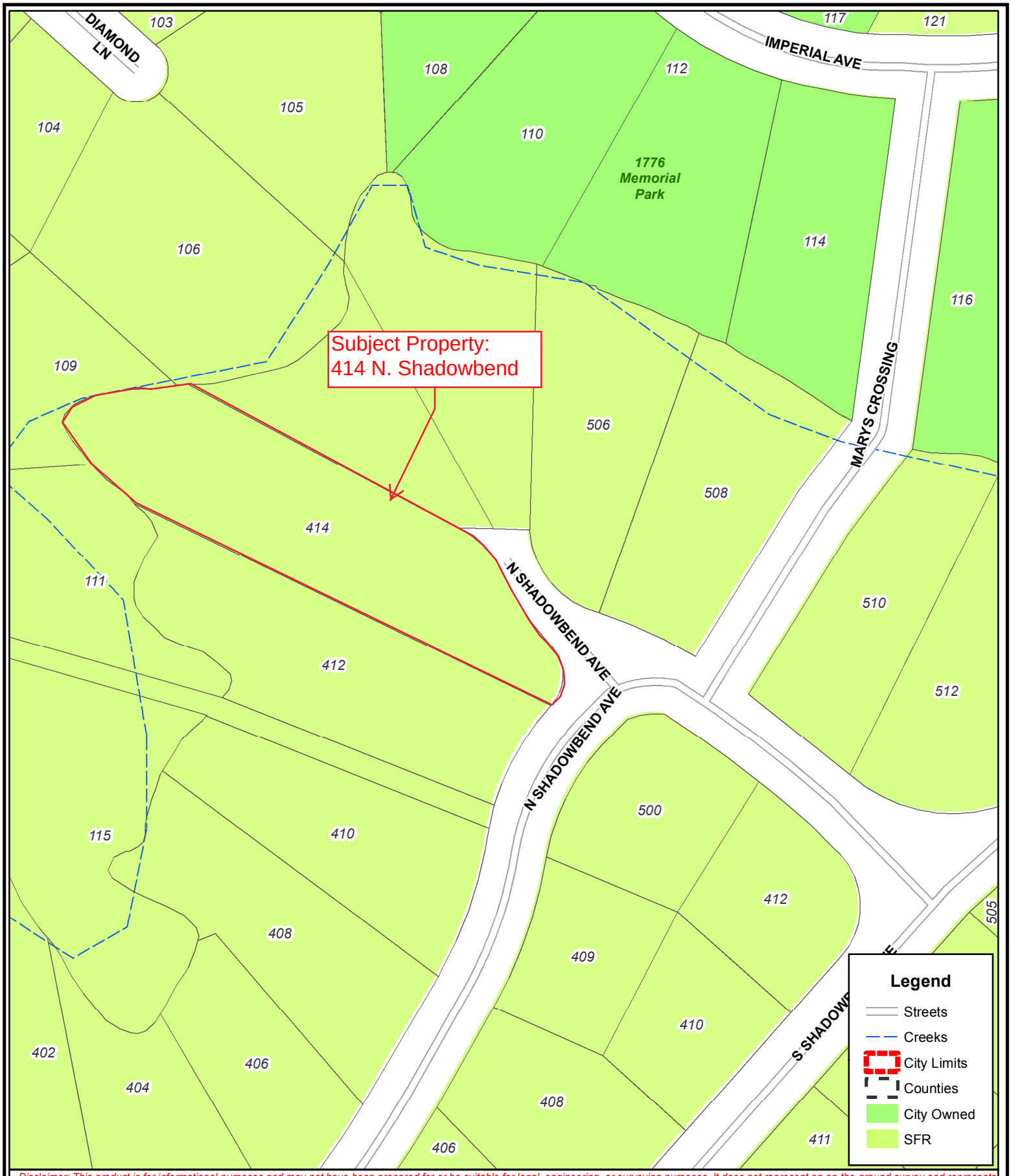
The subject property was platted as part of Imperial Estates Section 2 in 1962 and has an increased front building setback of 35-feet. Due to the odd shape of the lot, the building line wraps around the front and exterior side.

The subject property is zoned Single Family Residential (SFR) and is abutted by all residential lots.

Friendswood GIS Zoning Map

Attachments:

- Maps: Location, Aerial and Zoning Map
- ZBOA Application
- Denied site plan/survey
- Variance Exhibit “A”, “B”, and “C”
- Residential Regulation Matrix – SFR setbacks
- Imperial Estates Section 2 plat
- 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 " = 118 '

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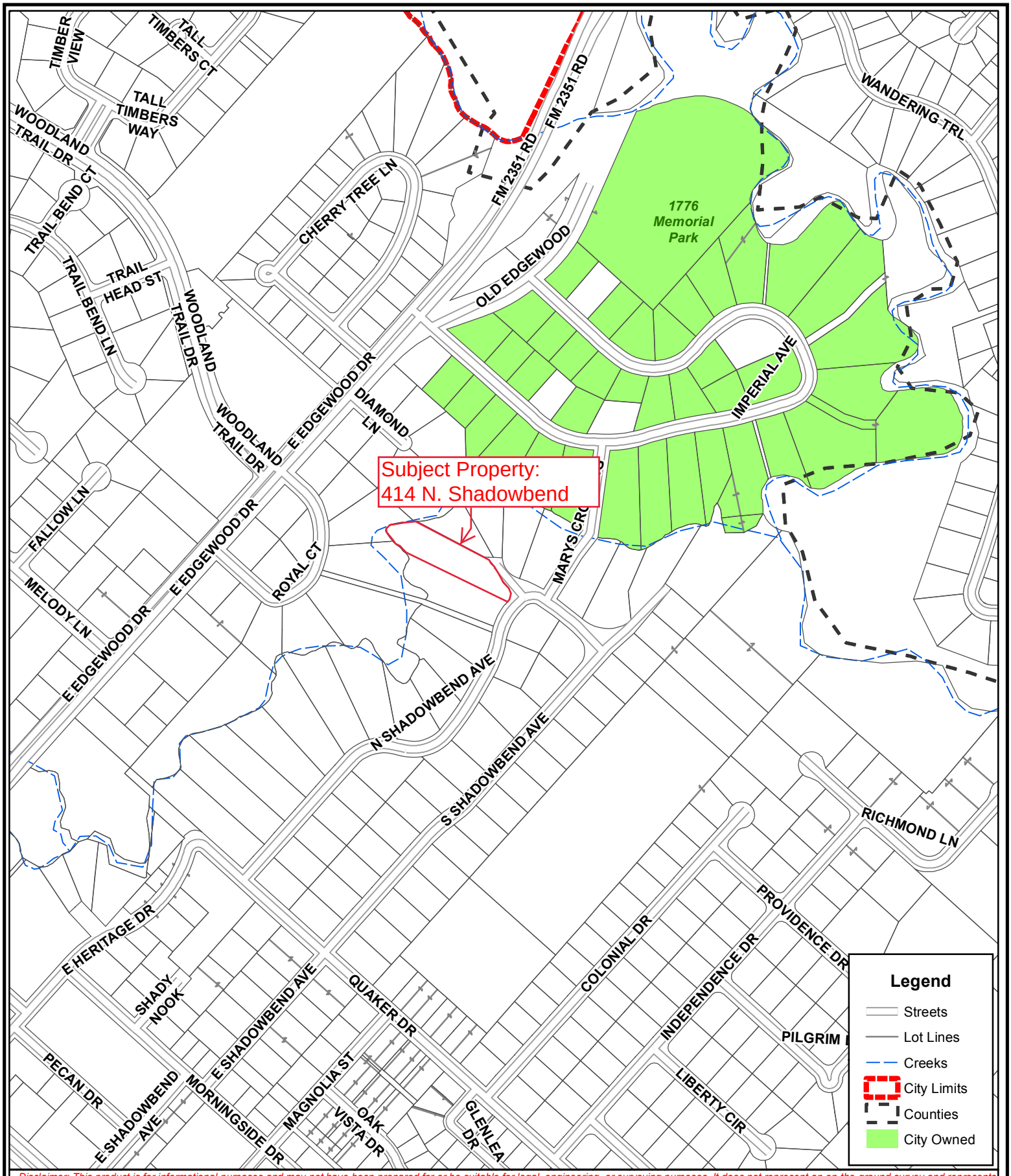

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Friendswood GIS Mapping

1 " = 470 '

ZBOA-2018-0054

FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

$100 Application Fee

☑ Request for Variance ☐ Request for Appeal ☐ Request for Special Exception

Property Address: 414 N Shadowbend Ave

Legal Description of Property (attach certified metes & bounds): Imperial Estates Section 2, Lot 74
Abstract 151, Page 4

County: Galveston

Property Owner Information:

Maxwell Goodgame
Printed Name

mgoodgame@gmail.com
Email

713-816-5076
Phone

11/1/18
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)

Zoning Ordinance, Section 7.Q.2. Regulation Matrix - Residential Districts

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

n/a

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

n/a

****

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

See Attached.

11-1-18 16:39
Date & Time Received

Becky Summers
City Official

2/18/16

FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

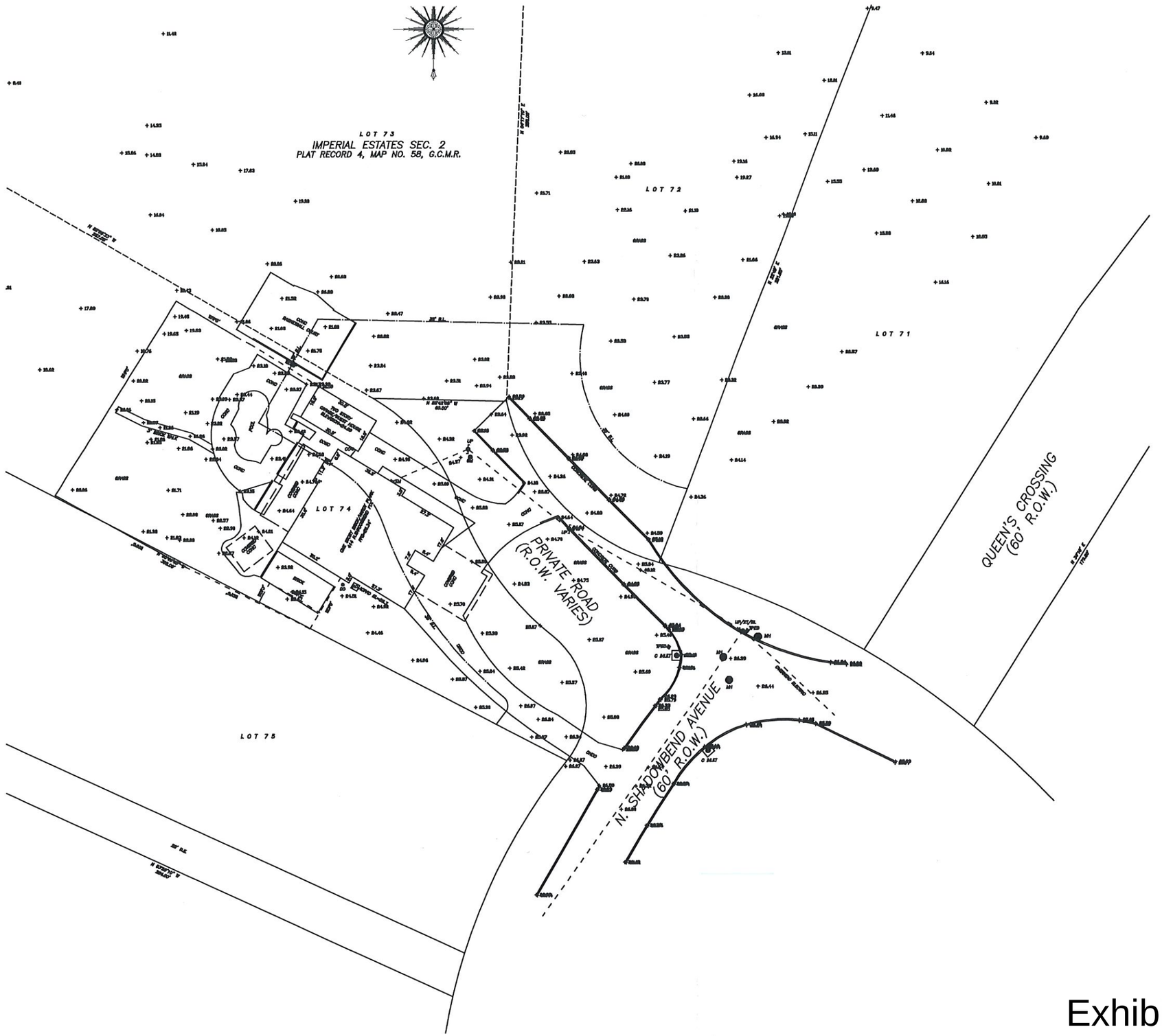
Maxwell Goodgame

414 N Shadowbend Ave

Imperial Estates Section 2, Lot 74

Grounds for the appeal/variance/special exception we are seeking:

We were flooded during Harvey and received notification from the City that we are not allowed to remodel without mitigating the existing house. We are currently located in the flood plain. We are working with an architect to develop construction plans for a new elevated house (on stilts) to be located in the same general area of the existing house, but with the living space well above the flood plain. Based on the survey it appears that the current house is constructed within the existing 35' building line offset from the road right of way (ROW). However, it also appears that the ROW does not follow the alignment of the road and appears to be more on our lot than over the existing street. This creates very limited space for a new house based on the existing survey. We cannot locate the proposed new house further back on the lot because of the existing pool. We also do not want to move the new house closer to the creek because we will then be located more in the flood plain. We own lot 73 which is adjacent to us. Lots 71 and 72 are FEMA condemned lots owned by the City, no one will be able to build a house on them, so no adjacent owners would be impacted.



Denied
BZ
11/5/18

Exhibit A

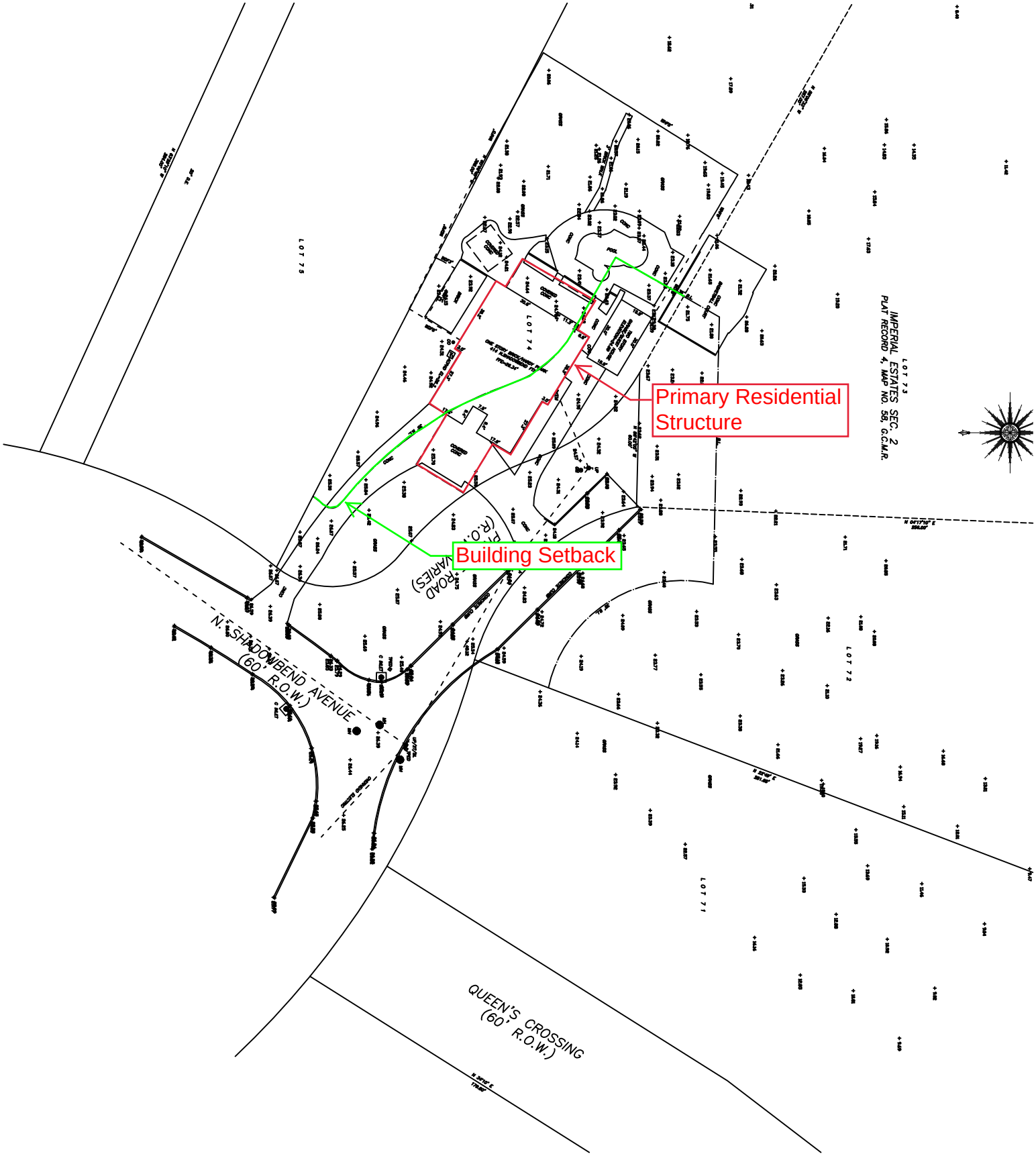

Primary Residential Structure
Building Setback
N. SHADOWBEND AVENUE (60' R.O.W.)
QUEEN'S CROSSING (60' R.O.W.)
IMPERIAL ESTATES SEC. 2 PLAT RECORD 4, MAP NO. 58, G.C.M.R.
LOT 75
LOT 74
LOT 73
LOT 72
LOT 71

Exhibit B

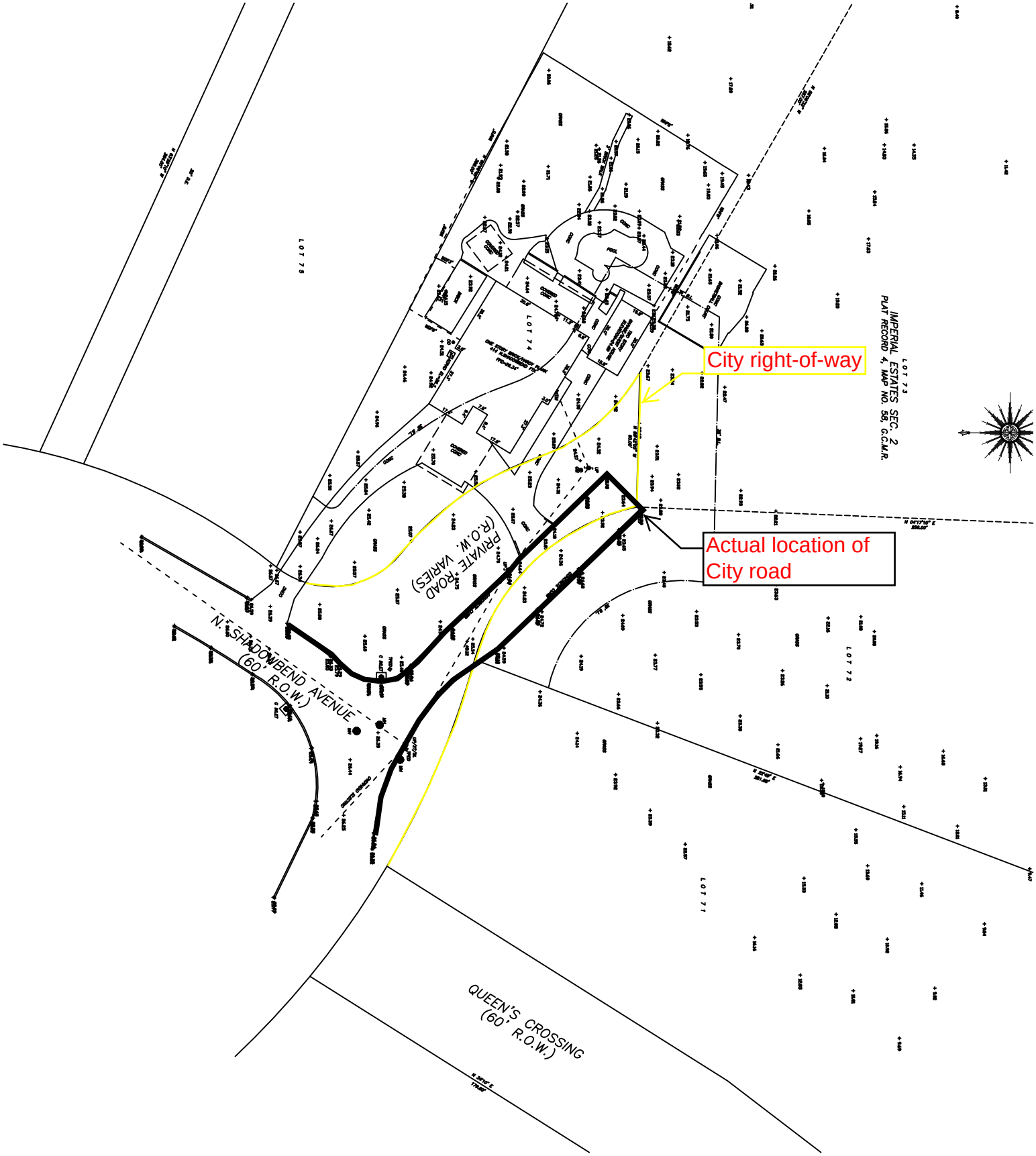

City right-of-way
Actual location of City road
IMPERIAL ESTATES SEC. 2
PLAT RECORD 4, MAP NO. 58, G.C.M.R.
PRIVATE ROAD (R.O.W. VARIES)
N. SHADOWBEND AVENUE (60' R.O.W.)
QUEEN'S CROSSING (60' R.O.W.)
LOT 75
LOT 74
LOT 73
LOT 72
LOT 71

Exhibit C

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	—	—	25 B	0	10 E, I	25 B	20 C	40	K	No	50
MFR - H Multi Family - High	12	—	—	25 B	0	10 E, I	25 B	20 C	40	K	No	50
MHR Mobile Home	10	—	—	25 B	25	10 I	30	25 B	20	K	No	50
A I	—	—	—	25 B	25	10 I	25 B	20 C	40	K	No	10%
MFR-GHD Garden Home District	6	6,000	60	20 B, H	20	0 D, J	5 B, H	4 C, H	40	K	Yes D	50

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.

REORDER BY PART NUMBER 6551

REORDER BY PART NUMBER 6551

IMPERIAL ESTATES
SECTION 2
FRIENDSWOOD, TEXAS
LEON BROWN, DEVELOPER

PAUL A. MILLIGAN
CONSULTING ENGINEER
GALVESTON COUNTY SURVEYOR

SCALE: 1" = 150'

STATE OF TEXAS — PAUL A. MILLIGAN — 5000 — REGISTERED PROFESSIONAL ENGINEER

STATE OF TEXAS — PAUL A. MILLIGAN — 209 — PUBLIC SURVEYOR

5 6 7 8 9

CURVE DATA

PROP. LINE CURVE DATA

Curve No. 1: Δ = 60°08'30" R= 49.83
" 2: Δ = 19°23' R= 267.01
" 3: Δ = 32°21'48" R= 167.29
" 4: Δ = 19°37'42" R= 23.98
" 5: Δ = 19°48'28" R= 199.01

No. 6: Δ = 8°01'58" R= 268.01
" 7: Δ = 65°24'16" R= 38.13
" 8: Δ = 32°12'27" R= 134
" 9: Δ = 90°00'06" R= 39.53

Block 2 of Friendswood Here

Perry & Austin League Here

N45°00'E — ℄ Choate Road — N.W. Line of Friendswood & of Sarah McKissick League

Ellington Field — Webster — Pearland — Friendswood — FM 518 — 528 — League City — Clover Field Airport — Alvin — FM

NOT PART OF SUBDIVISION

DIAMOND LANE — ROYAL COURT — NORTH CREEK — QUEEN'S CROSSING — PRIVATE ROAD — MAJESTIC DRIVE — MARY'S — 60 FOOT STREET

Lot 6 Block 9 Here — Lot 5 Block 9 Here — Northeast Line Lot 5 — South Corner Lot 5 Block 9

A SUBDIVISION OF LOT 5 AND PARTS OF LOTS 3, 4, 8, 9 AND 10, ALL IN BLOCK 9 OF FRIENDSWOOD
A SUBDIVISION IN THE SARAH MCKISSICK OR J. R. WILLIAMS LEAGUE, GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS }
COUNTY OF GALVESTON }

Know all men by these presents, that we, Leon Brown, President and Richard J. Higgins, Secretary, respectively, of IMPERIAL DEVELOPMENT COMPANY, a corporation, owner of the property subdivided in the above and foregoing map of IMPERIAL ESTATES, SECTION 2, do hereby make subdivision of said property for and on behalf of said IMPERIAL DEVELOPMENT COMPANY according to the lines, lots, building lines, streets and easements shown thereon and do designate the said subdivision as IMPERIAL ESTATES, SECTION 2, located in the Sarah McKissick or J. R. Williams League in Galveston County, Texas. There is also dedicated for utilities an unobstructed aerial easement 5 feet wide from a plane 20 feet above the ground upward located adjacent to utility easements shown hereon. There is also provided for utilities an easement of 3 feet by 35 feet at the front corners of each lot where same is on a curve and all private roads indicated on the above map shall also be utility easements.

IN TESTIMONY WHEREOF, the IMPERIAL DEVELOPMENT COMPANY, a corporation, has caused these presents to be signed by Leon Brown, its president, thereunto authorized, attested by its Secretary, Richard J. Higgins, and its common seal hereunto affixed this the 16th day of June, A. D. 1962.

IMPERIAL DEVELOPMENT COMPANY, By: Leon Brown, President ATTEST: Richard J. Higgins Secretary

THE STATE OF TEXAS }
COUNTY OF GALVESTON }

Before me, the undersigned authority, on this day personally appeared Leon Brown and Richard J. Higgins, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed

Given under my hand and seal of office this the 16th day of May, A. D. 1962. S P O'Farrell
Notary Public in & for Galveston County, Texas

APPROVED by the City Council of the City of Friendswood on the 21st day of May, A. D. 1962

ATTEST: Lu Greathouse
City Secretary

Kenneth M Camp
Mayor of the City of Friendswood, Texas

Filed for record _____, 196__, at _____ o'clock, ___.M.

Recorded _____, 196__, at _____ o'clock, ___.M.

JOHN R. PLATTE, County Clerk, By: _____, Deputy

Filed for record at ? o'clock
on 12-28-62 at the Galveston
County Clerks Office, Galveston, Texas.
VOL. ~~Plat~~ Record: 254-A
Pg ~~Map~~ Number: 87
Recording Number: 305078

Original

City of Friendswood

Community Development Department
910 S. Friendswood Drive
Friendswood, Texas 77546-4856

November 16, 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: **Maxwell & Gina Goodgame**

LOCATION OF PROPERTY: **414 N. Shadowbend**
Lot 74, Imperial Estates Section 2, Friendswood, Texas, Galveston County

REQUEST: To allow a primary, residential structure to encroach the required front yard setback of 35-feet within the existing primary footprint as shown on Exhibit B- being a variance from the recorded plat of Imperial Estates Section 2, being more restrictive than Appendix C, 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: November 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