



**CITY OF FRIENDSWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, MAY 19, 2020 - 7:00 PM**

AGENDA

NOTICE IS HEREBY GIVEN OF A FRIENDSWOOD ZONING BOARD OF ADJUSTMENT REGULAR MEETING TO BE HELD AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, FRIENDSWOOD CITY HALL, COUNCIL CHAMBERS, REGARDING THE ITEMS OF BUSINESS ACCORDING TO THE AGENDA LISTED BELOW:

- 1. Call to Order**
- 2. Communications from the Public**
 - A. (To comply with provisions of the Open Meetings Act, the Board may not deliberate on subjects discussed under this agenda item. However, the Board may direct such subjects be placed on a later regular agenda for discussion and/or possible action.)
- 3. Public Hearing - 5ft front yard variance request**
 - A. To receive comments both oral and written regarding a request for a variance of 5-feet from the required 25-foot front yard setback on the property located at **212 E. Heritage Drive**, being part of Lot 1, Block 2 Friendswood Subdivision, Friendswood, Galveston County, Texas
 - 1) Staff Presentation
 - 2) Applicant Presentation
 - 3) Public Comments
- 4. Consideration and Possible Action - 5ft front yard variance request**
 - A. Consideration and possible action regarding a request for a variance of 5-feet from the required 25-foot front yard setback on the property located at **212 E. Heritage Drive**, being part of Lot 1, Block 2 Friendswood Subdivision, Friendswood, Galveston County, Texas
- 5. Public Hearing - 5ft side yard variance request**

- A. To receive comments both oral and written regarding a request for a variance of 5 feet from the required 10-foot side yard setback on the property located at **212 E. Heritage Drive**, being part of Lot 1, Block 2 Friendswood Subdivision, Friendswood, Galveston County, Texas

- 1) Staff Presentation
- 2) Applicant Presentation
- 3) Public Comments

6. Consideration and Possible Actions - 5ft side yard variance request

- A. Consideration and possible action regarding a request for a variance of 5 feet from the required 10-foot side yard setback on the property located at **212 E. Heritage Drive**, being part of Lot 1, Block 2 Friendswood Subdivision, Friendswood, Galveston County, Texas

7. Approval of Minutes

- A. Consideration and possible action regarding approval of minutes for the:
 - 1) October 22, 2019 special meeting

8. Staff and/or Council or Board Liaison Reports

- A. Staff - No Items
Council Liaison - Steve Rockey
P&Z Liaison - Dick Clark

9. Adjournment

Becky Bennett

Becky Bennett
Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made **two (2)** business days or more prior to this meeting. Please contact the City Secretary's Office at (281) 996-3270 for further information.

**I, MELINDA WELSH, CITY SECRETARY OF THE CITY OF FRIENDSWOOD DO
HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE
FRIENDSWOOD ZONING BOARD OF ADJUSTMENT WAS POSTED IN A PLACE
CONVENIENT TO THE GENERAL PUBLIC IN COMPLIANCE WITH CHAPTER 551,
TEXAS GOVERNMENT CODE, ON**

DATE

AT TIME

MELINDA WELSH, TRMC
CITY SECRETARY

All meetings of the Zoning Board of Adjustment are open to the public, except when there is a necessity to meet in an Executive Session (closed to the public) under the provisions of Section 551, Texas Government Code. The Zoning Board of Adjustment reserves the right to convene into Executive Session to hear any of the above described agenda items that qualifies for an executive session by publicly announcing the applicable section number of the Open Meetings Act.

Memo

To: Zoning Board of Adjustment Members

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

Date: May 11, 2020

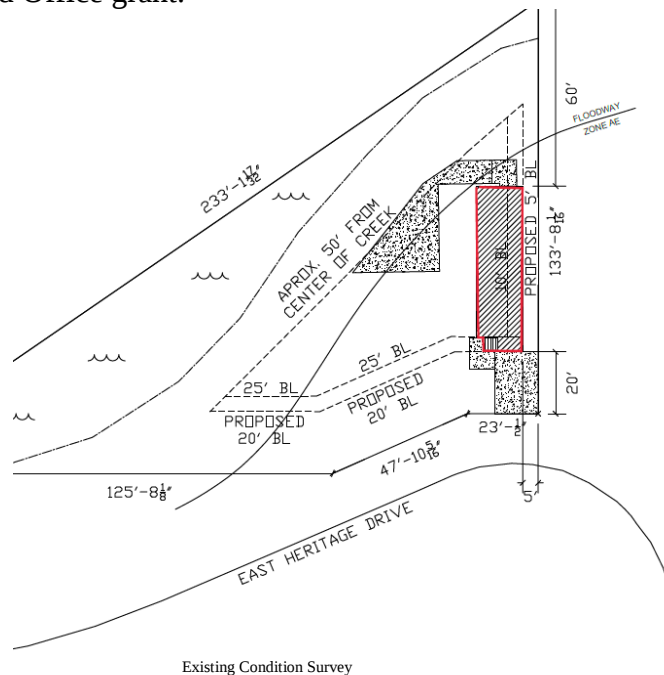
Subject: 212 E. Heritage Drive.

The applicant is requesting the following:

To encroach 5-feet into the required front yard setback of 25-feet, being a variance to Appendix C, Zoning Ordinance, Section 7.Q.2. Regulation Matrix – Residential Districts; and

To encroach 5-feet into the required side yard setback of 10-feet, being a variance to Appendix C, Zoning Ordinance, Section 7.Q.2. Regulation Matrix – Residential Districts.

The applicant is proposing to demolish a flooded mobile home and rebuild an elevated home utilizing a General Land Office grant.

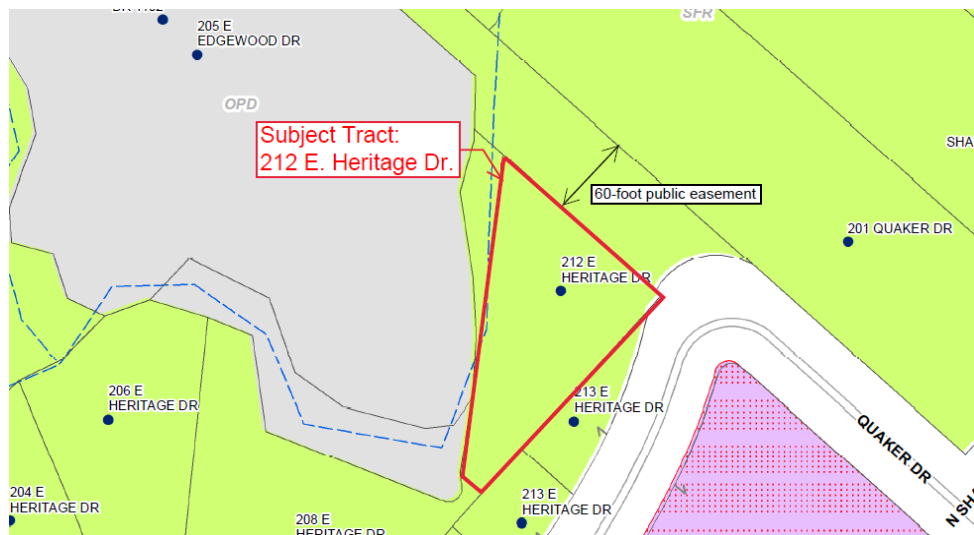


Current City of Friendswood zoning regulations require a lot that is zoned Single Family Residential (SFR) to abide by the following minimum setbacks – 25' front yard, 25' rear yard, 10' interior side yard setback when abutting a residential zoning district, and 20' exterior side yard.

The subject property has never been platted. The property must be platted prior to the issuance of building permits. Due to the location of the existing roadway for East Heritage Drive, the owner will be required to dedicate part of the front portion of her property as right-of-way to the City.

The subject property is zoned Single Family Residential (SFR) and is abutted by Mary's Creek along the rear, a 60-foot unused, public easement on the east and the remainders of residential properties along the southwest. Additionally, the delineation of the AE flood zone and floodway are located on the property, at the rear of the location of the proposed structure.

The owner intends to use the existing driveway and other existing concrete pads for the new home. The dedication of the additional right-of-way makes it difficult to meet the front yard setback due to not being able to move the structure back due to flood zones and utilizing the existing concrete driveway and pads.



Attachments:

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

Subject Tract:
212 E. Heritage Dr.

60-foot public easement

To be dedicated as
right-of-way during
platting.

212 E
HERITAGE DR

213 E
HERITAGE DR

213 E
HERITAGE DR

208 E
HERITAGE DR

209 E
HERITAGE DR

QUAKER DR

E HERITAGE DR

Legend

- Streets
- Lot Lines
- Address Points
- Creeks
- City Limits
- Counties

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.



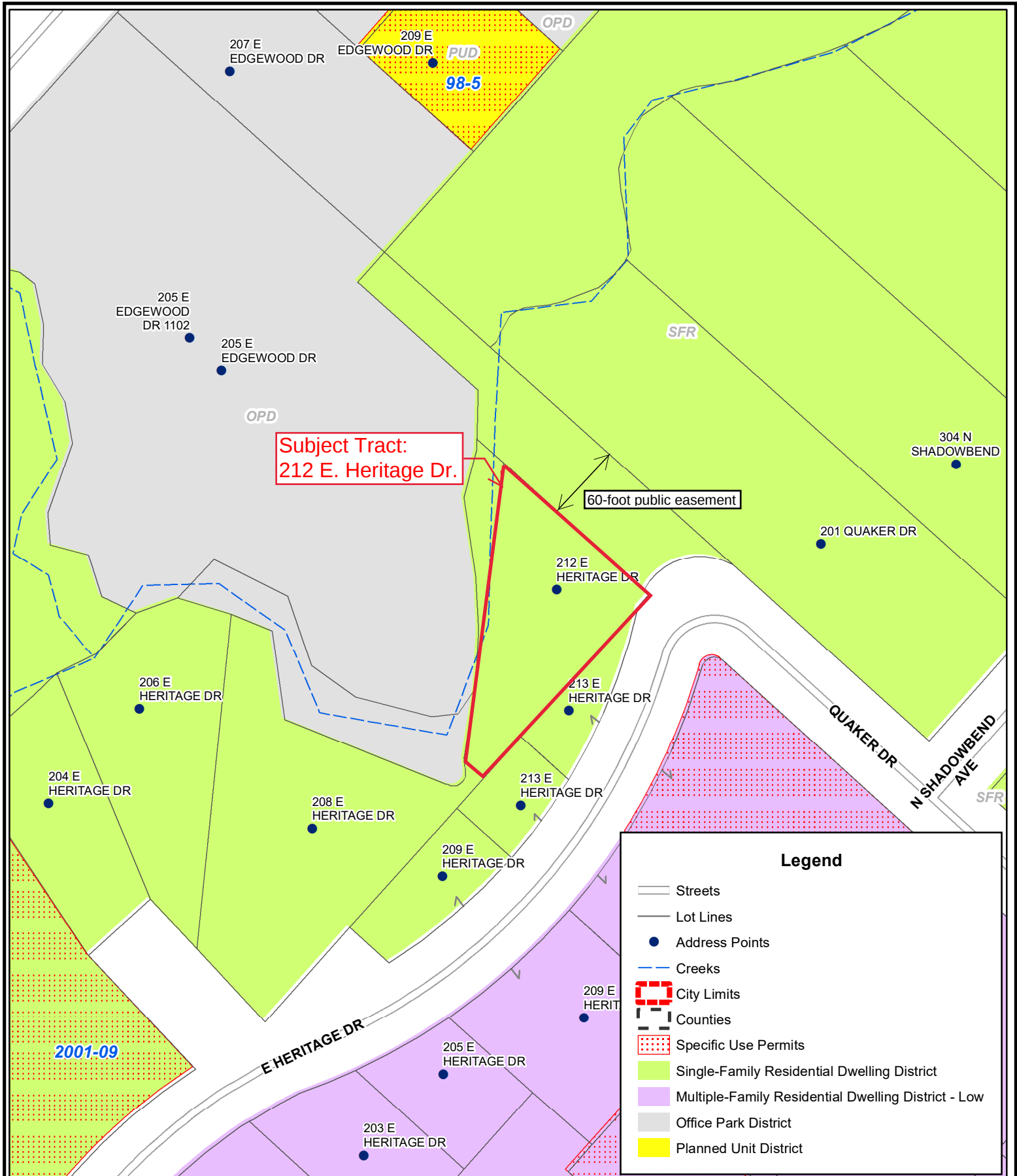
City of Friendswood
910 South Friendswood Drive
Friendswood, Texas 77546
(281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 49'

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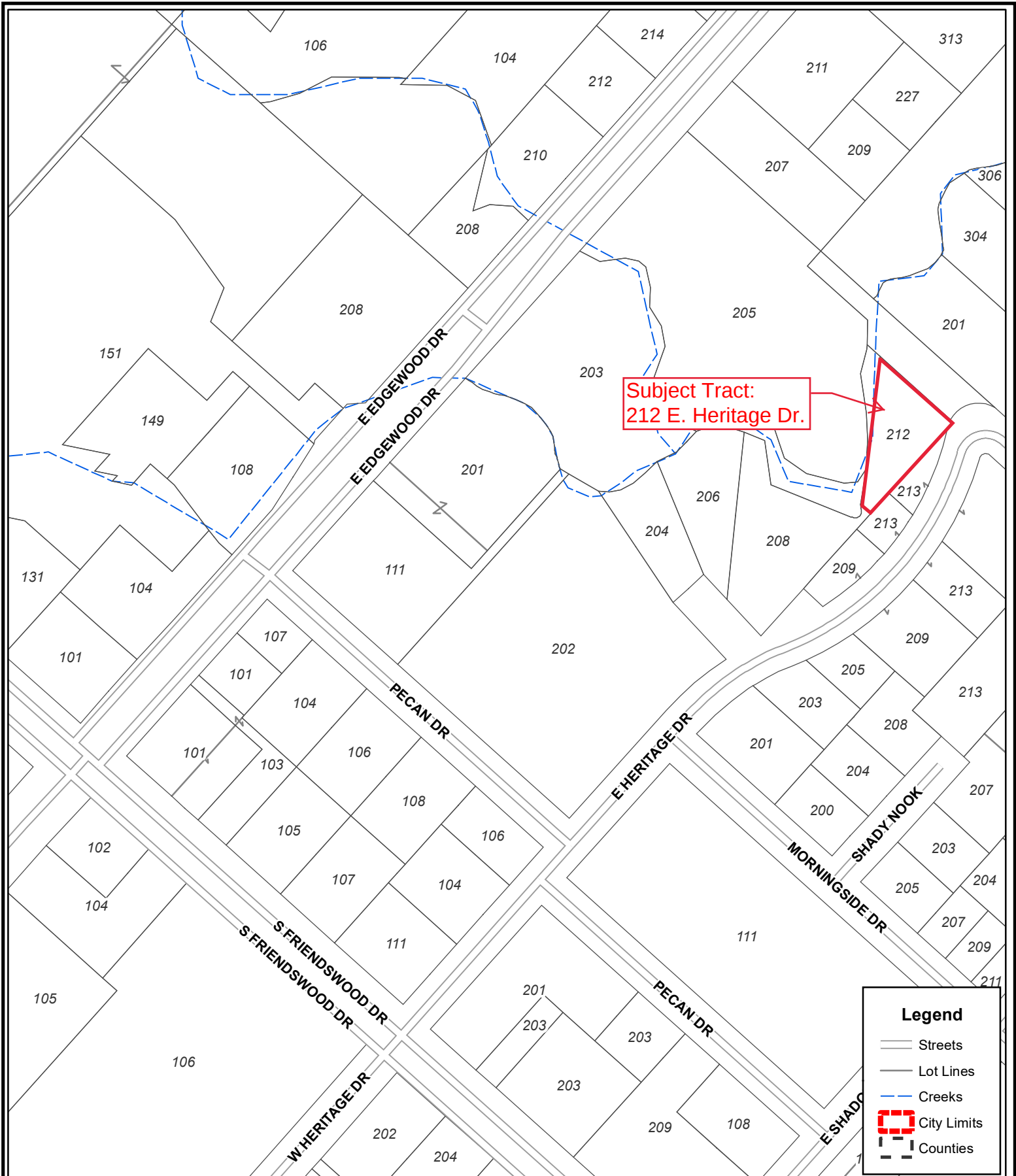


City of Friendswood
910 South Friendswood Drive
Friendswood, Texas 77546
(281) 996-3200
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Friendswood GIS Mapping



1" = 98'



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
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Friendswood GIS Mapping



1" = 196'
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FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

\$100 Application Fee

☒ Request for Variance

☐ Request for Appeal

☐ Request for Special Exception

Property Address: 212 E. Heritage Dr

Legal Description of Property (attach certified metes & bounds): Part of Lot 1, Block 2 Friendswood S/D

County: Galveston

Property Owner Information:

Jennifer Sanders

Printed Name

starpupsjen@yahoo.com

Email

832-893-9535

Phone

Signature

Date

Agent Information: (if applicable)

Brizo Construction

Printed Name

Kevin Jenkins

Email

kevin.jenkins@brizoconstruction.com

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)

Appendix B-Subdivisions/Section III I & J and section 7-Q.2 of the Zoning Ordinance

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:

The property is located on Mary's creek in a floodway. We are proposing the build site to be as far as possible from the floodway and creek easement, we are requesting a 5 ft build line variance on the right side of the property and a 5 ft variance on the front build line. Please see attached site plan.

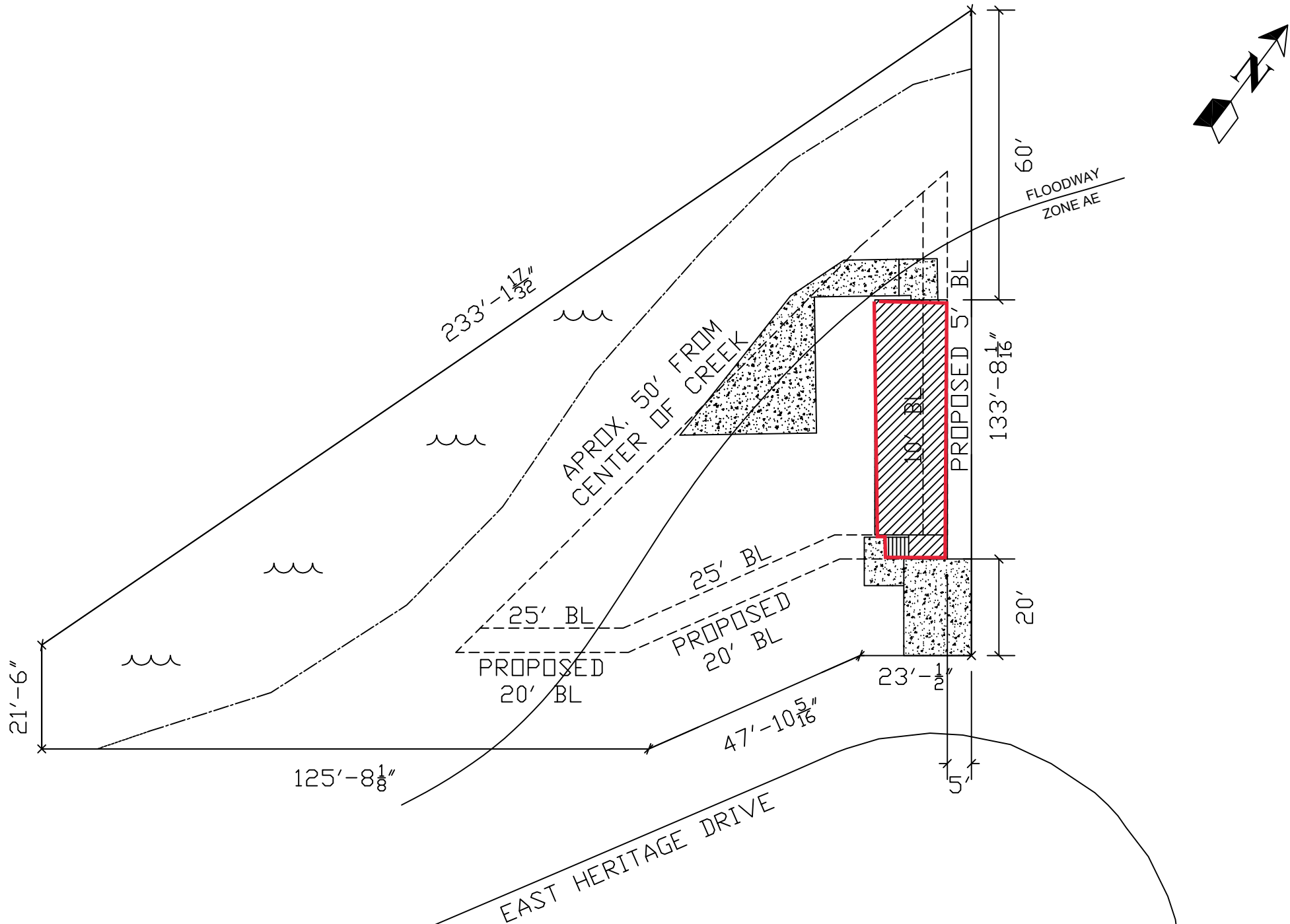
5.7.2020
Date & Time Received

16:18

Becky Bennett
City Official

SITE PLAN

212 EAST HERITAGE DRIVE,
FRIENDSWOOD, TX 77546



ALL ADA ACCESSIBILITY DEPICTED IN THIS DESIGN IS FOR ILLUSTRATION PURPOSES ONLY. IT IS THE OWNER/CONTRACTOR RESPONSIBILITY TO INSURE STRICT COMPLIANCE WITH ALL ADA ACCESSIBILITY REQUIREMENTS.

ALL PROPERTY BOUNDARY INFORMATION OBTAINED FROM OTHERS. REFER TO SURVEY FOR MORE INFORMATION



THIS DRAWING, AND RELATED DOCUMENTS, REMAIN THE PROPERTY OF CES, INC. AND ARE NOT TO BE REPRODUCED OR COPIED, WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT FROM THE ABOVE-SIGNED ENGINEER.

MARK	DATE	DESCRIPTION

CES

CIVIL + STRUCTURAL

Office: (832) 377-1501 Email: cesinctx@gmail.com
www.cesinctx.com

Brizo Construction

FRIENDSWOOD SUBDIVISION,
SARAH MCKISSICK LEAGUE,
TRACT G1, LOT 1, BLOCK 2,
FRIENDSWOOD, GALVESTON
COUNTY, TX 77546

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

May 7, 2020

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: **Jennifer Sanders**

LOCATION OF PROPERTY: **212 E. Heritage Drive**
Abstract 151, Page 4, Part of Lot 1 (1-6), Block 2,
Friendswood Subdivision, Texas, Galveston County

REQUEST: To encroach 5-feet into the required front yard setback of 25-feet, being a variance to Appendix C, Zoning Ordinance, Section 7.Q.2. Regulation Matrix – Residential Districts; and

To encroach 5-feet into the required side yard setback of 10-feet, being a variance to 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: May 19, 2020

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

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

1. Call to order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD ZONING BOARD OF ADJUSTMENT THAT WAS HELD ON TUESDAY, OCTOBER 22, 2019, AT 07:00 PM AT FRIENDSWOOD CITY HALL COUNCIL CHAMBERS, 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING PRESENT CONSTITUTING A QUORUM:

CHAIRMAN PHIL RATISSEAU
VICE-CHAIRMAN MIKE CZAROWITZ
BOARD MEMBER RONALD DYER
BOARD MEMBER DAVID O'BRIEN III
ALTERNATE MEMBER MICHAEL FERNANDEZ
CITY ATTORNEY MARY KAY FISCHER
CHIEF BUILDING OFFICIAL BRIAN ROUANE
DIRECTOR OF CDD/PLANNER AUBREY HARBIN

PRESENT: LINDA THORNTON

ABSENT: GLENN MINTZ, GLEN GRAYBAN, JASON BYERS

2. Communications from the Public

None.

3. Consideration and possible action items

A. Appointment of a chairman and vice chairman

Motion to approve Phil Ratisseau as Chairman.

****Vice-Chairman Ronald Dyer moved to approve Appointment of a chairman and vice chairman.**

Seconded by Board Member David O'Brien III. The motion was approved unanimously.

Motion to approve Mike Czarowitz as Vice-Chairman.

****Chairman Phil Ratisseau moved to approve Appointment of a chairman and vice chairman.**

Seconded by Board Member David O'Brien III. The motion was approved unanimously.

B. Approval of minutes for the November 27, 2018 regular meeting

****Vice-Chairman Ronald Dyer moved to approve Approval of minutes for the November 27, 2018 regular meeting.**

Seconded by Board Member Mike Czarowitz. The motion was approved unanimously.

4. Discussion Items

A. Discussion regarding the number of regular and alternate members appointed to the Zoning Board of Adjustment

Harbin explained Council and staff had discussed appointing seven regular members plus two alternate members. She said state law requires a minimum of five regular members and a 75 percent vote for approval. Harbin talked about the number of members appointed by other cities. She said a change in members would require public hearings and Council approval.

Councilman Rockey said having more members gives the appearance of being more fair. He said with either five or seven members, if two people vote against an item, the case fails either way.

Dyer said he is concerned with having a quorum if the number of members is increased. The board came to a consensus to keep the number of members as is.

B. Discussion regarding amending the authority of the Zoning Board of Adjustment in the Zoning Ordinance to be consistent with State law, specifically Local Government Code Section 211.009

Harbin provided the staff summary explaining the current zoning ordinance is more restrictive than state law. She stated Council suggested amending the authority of the board to more consistent with state law. Fischer said state law still contains requirements for approval the board would need to follow.

Rockey stated following the hearing of the 505 Brandywyne Drive carport case, after the board denied the variance request, City Council thought the board needed more flexibility when hearing cases.

The board agreed with the proposed changes.

5. Comments from Board Members

Dyer congratulated the new Chair and Vice-Chairman.

6. Staff and/or Council or Board Liaison Reports

No comments.

7. Adjournment

**Board Member Mike Czarowitz moved to approve Adjournment. Seconded by Board Member David O'Brien III. The motion was approved unanimously.

This meeting was adjourned at 07:40 AM