



**CITY OF FRIENDSWOOD
ZONING BOARD OF ADJUSTMENT
TUESDAY, JUNE 23, 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

- A. To receive comments, both oral and written, regarding a request for a variance of 3 feet from the required 10-foot interior side yard setback on the property located at 16802 David Glen Drive, being Lot 20, Block 5, Forest Bend Subdivision Section 1, Friendswood, Harris County, Texas

4. Consideration and Possible Actions

- A. Consideration and possible action regarding a request for a variance of 3 feet from the required 10-foot interior side yard setback on the property located at 16802 David Glen Drive, being Lot 20, Block 5, Forest Bend Subdivision Section 1, Friendswood, Harris County, Texas

5. Public Hearing

- A. To receive comments, both oral and written, regarding a request for a variance of 10 feet from the required 20-foot exterior side yard setback on the property located at 16802 David Glen Drive, being Lot 20, Block 5, Forest Bend Subdivision Section 1, Friendswood, Harris County, Texas

6. Consideration and Possible Actions

- A. Consideration and possible action regarding a request for a variance of 10 feet from the required 20-foot exterior side yard setback on the property located at 16802 David Glen Drive, being Lot 20, Block 5, Forest Bend Subdivision Section 1, Friendswood, Harris County, Texas

7. Approval of Minutes

- A. Minutes for the regular meeting held Tuesday, May 19, 2020

8. Staff and/or Council or Board Liaison Reports

9. Adjournment

Becky Bennett

Becky Summers
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: June 8, 2020

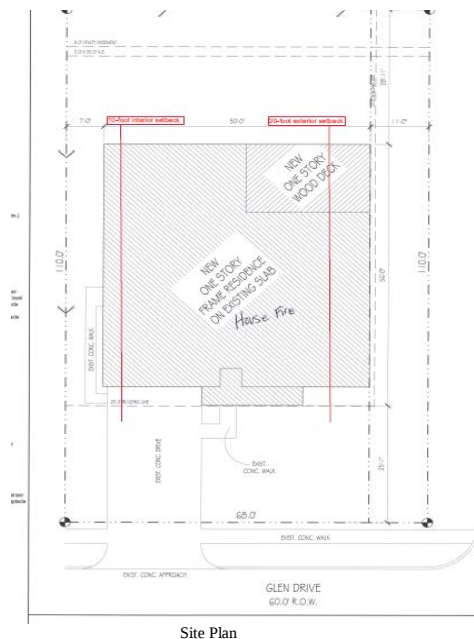
Subject: 16802 David Glen Drive

The applicant is requesting the following:

To encroach 3-feet into the required interior side yard setback of 10-feet, being a variance to Appendix C, Zoning Ordinance, Section 7.Q.2. Regulation Matrix – Residential Districts; and

To encroach 10-feet into the required exterior side yard setback of 20-feet, being a variance to Appendix C, Zoning Ordinance, Section 7.Q.2. Regulation Matrix – Residential Districts.

The applicant is proposing to rebuild the home following a house fire. The owner intends to use the existing building foundation.



The subject property is zoned Single Family Residential (SFR) and is abutted by other properties zoned Single Family Residential (SFR).

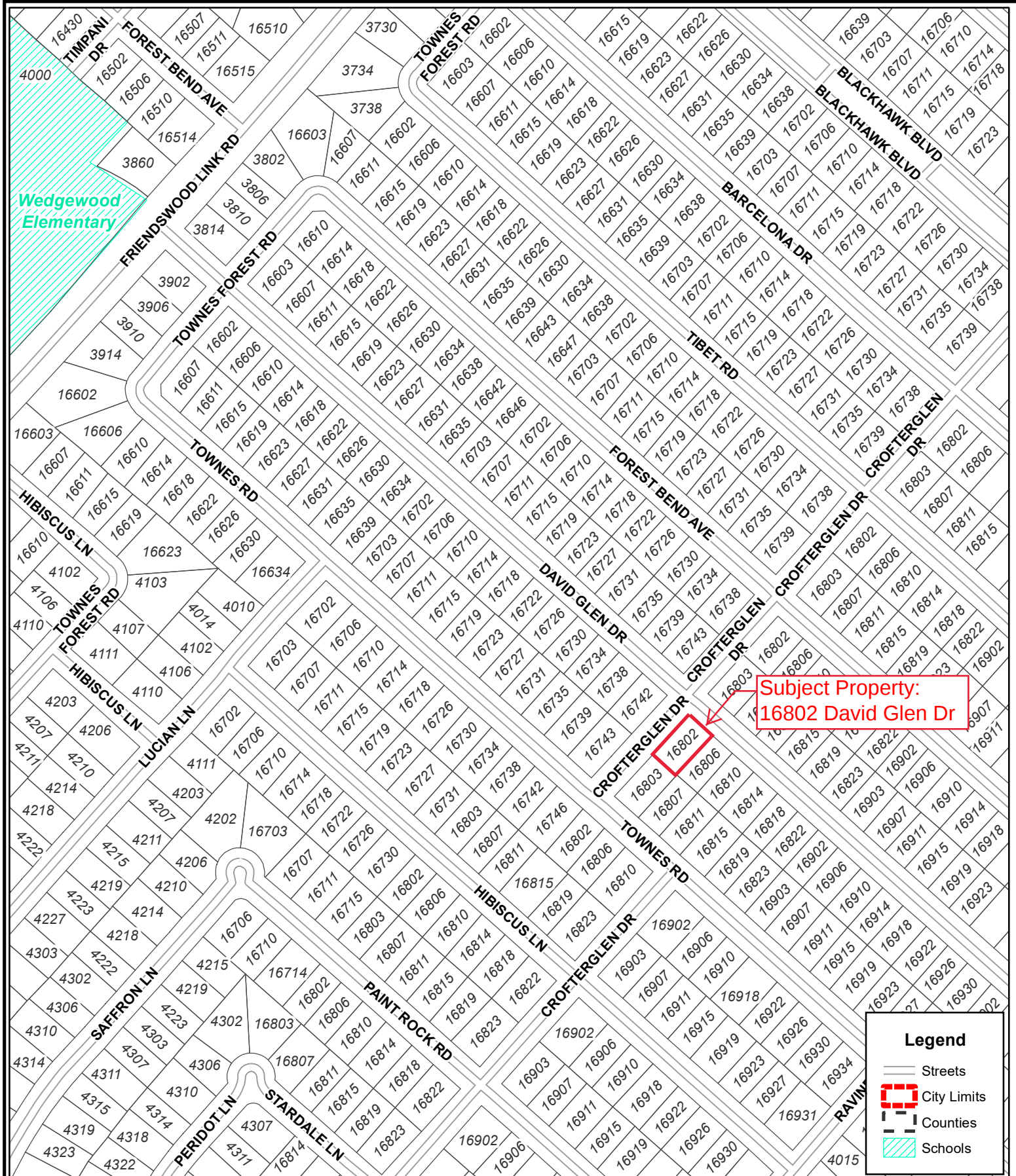
The subject property is a non-conforming lot as it is 68-feet wide and does not meet the current minimum lot size width of 90-feet. With the exception of corner lots, the average lot sizes in the Forest Bend Subdivision are 55, 60, and 65-feet wide.

1. *Development.* Development shall be permitted on any single nonconforming lot of record. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply if the lot is nonconforming only because it fails to meet the requirements for size (area, width, or depth) that are generally applicable in such district. Yard dimensions and requirements, other than those applying to area, width, or depth, any or all, of the lot shall conform to the regulations of applicable zoning district. Variance of yard requirements shall be obtained only through action of the board of adjustment.



Friendswood GIS Zoning Map

- Maps: Location, Aerial and Zoning Map
- ZBOA Application
- Denied site plan/survey
- Residential Regulation Matrix – SFR setbacks
- Forest Bend Subdivision Section 1 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.

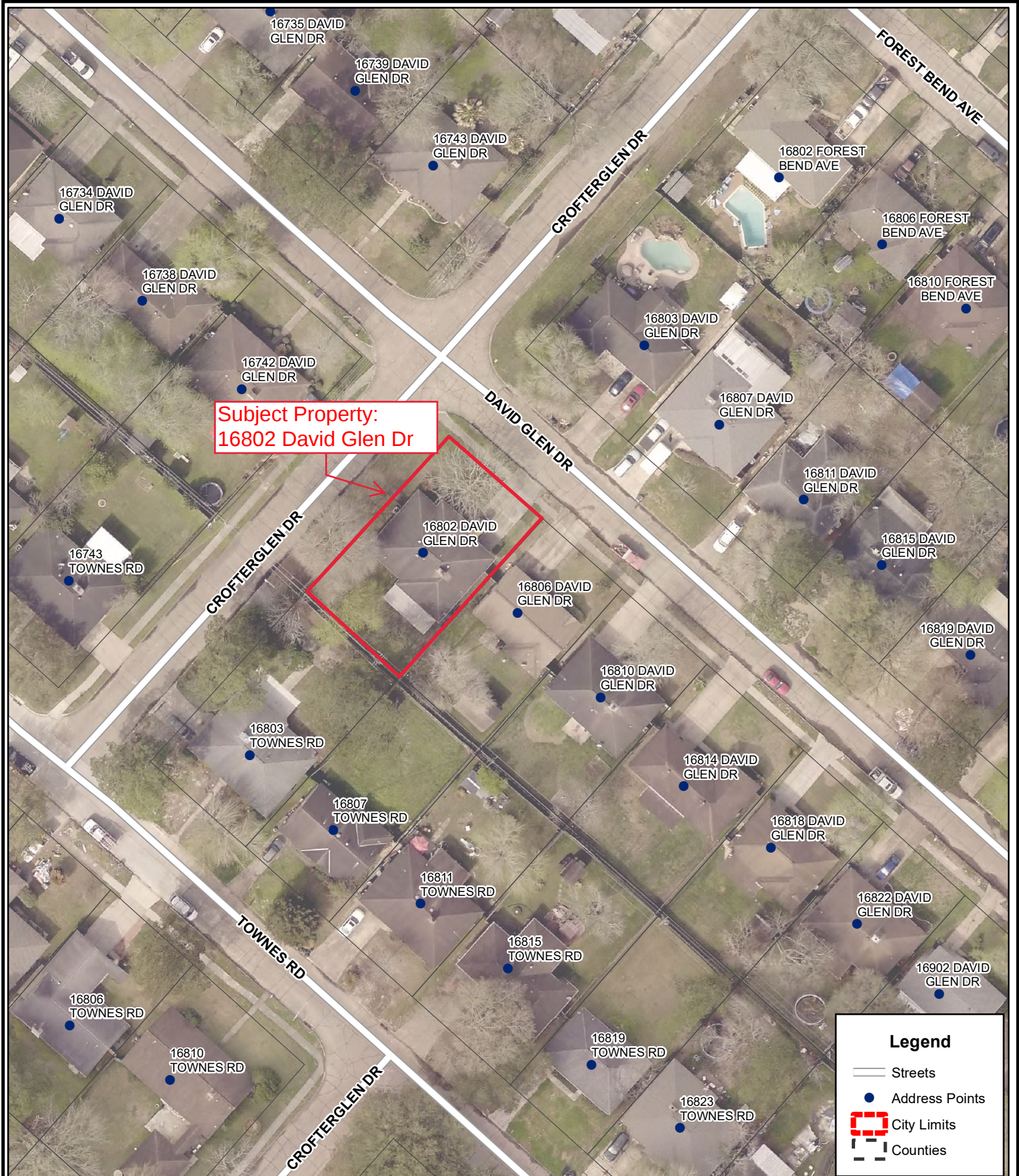


City of Friendswood
 910 South Friendswood Drive
 Friendswood, Texas 77546
 (281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 261'



City of Friendswood
910 South Friendswood Drive
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Friendswood GIS Mapping



1" = 65'
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City of Friendswood
910 South Friendswood Drive
Friendswood, Texas 77546
(281) 996-3200
www.ci.friendswood.tx.us

Friendswood GIS Mapping



1" = 65'



FRIENDSWOOD ZONING BOARD OF ADJUSTMENT

\$100 Application Fee

City of Friendswood
MAY 28 2020
Received by: *BB*

2020-0022

☒ Request for Variance

☐ Request for Appeal

☐ Request for Special Exception

Property Address: 16802 DAVID GLEN DR

Legal Description of Property (attach certified metes & bounds): LT 20 BLK 5 FOREST BEND
SEC 1

County: _____

Property Owner Information:

BRIAN K FONTENOT
Printed Name
fon10knot@ATT.NET
Email
281 610 2368

Phone
Brian K Fontenot 5.27.20
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. Residential Regulation Matrix

ZONING ORDINANCE SECTION 6D NON CONFORMING STRUCTURE

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:

DUE TO FIRE THAT DESTROYED OUR HOUSE IN MARCH
OF THIS YEAR, WE ARE WANTING TO REBUILD ON THE
EXISTING SLAB, IN SO DOING STAYING IN CHARACTER WITH
NEIGHBORING HOMES.

5-28-2020 10:17am
Date & Time Received

Becky Bennett
City Official

ABBREVIATIONS
SCALE: N.T.S.

STREET MAP
SCALE: N.T.S.

VICINITY MAP
SCALE: N.T.S.

DRAWING SYMBOLS

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.

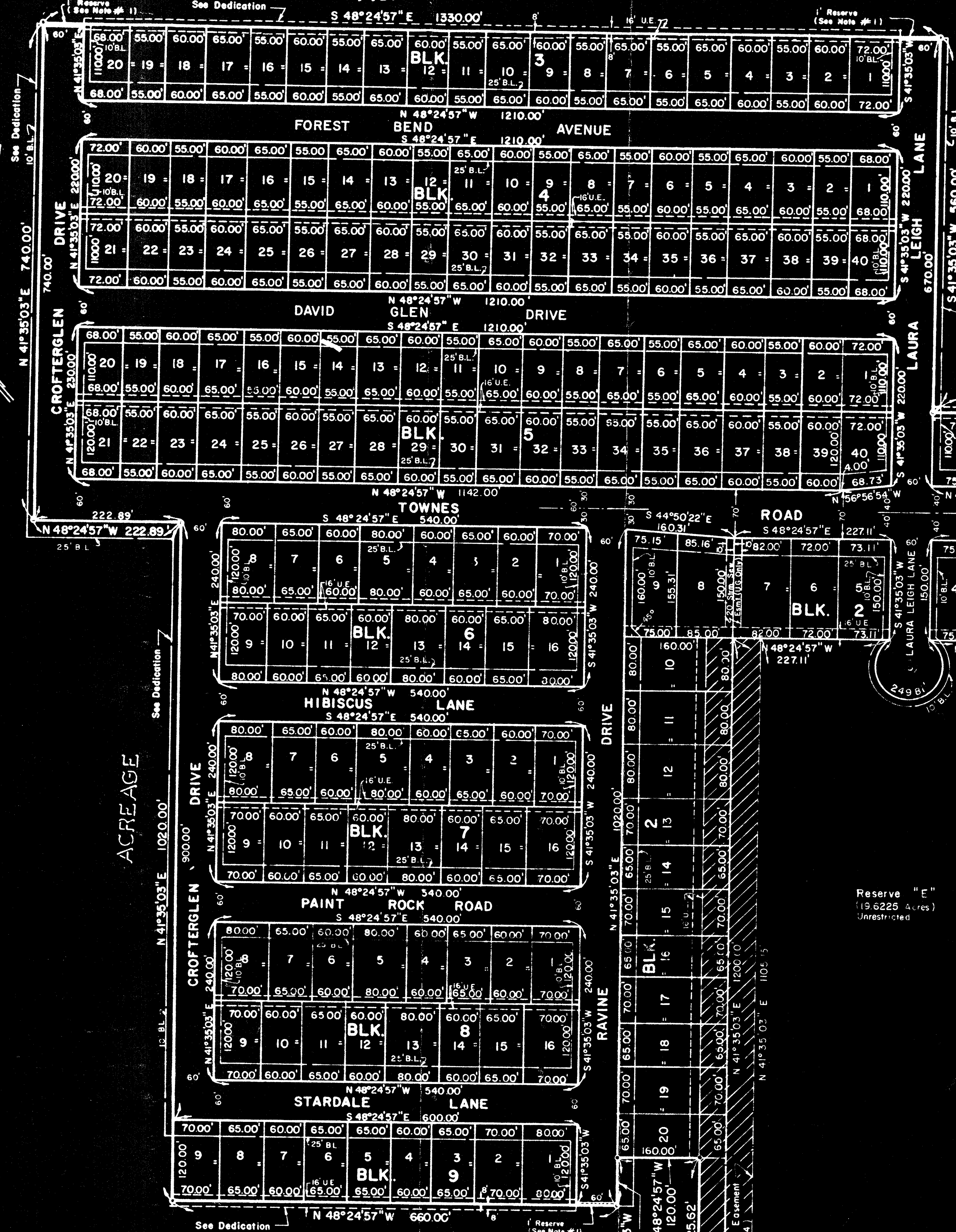
e.

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.

ACREAGE



ACREAGE

Radius	Delta	Length	Tangent
543.00'	39°37'41"	375.56'	195.64'
623.00'	39°37'41"	430.89'	224.47'
500.00'	286°15'40"	249.81'	37.50'

MEANDERS OF THE NORTH WATER'S EDGE OF CLEAR CREEK

Bearing	Distance
N 05°56'32"E	91.65'
N 08°15'54"E	57.56'
N 04°56'04"W	30.68'
N 03°35'46"E	40.45'
N 02°04'14"W	40.03'
N 07°26'45"W	45.04'
N 04°56'06"W	40.00'
N 13°27'53"W	40.45'
N 33°14'22"W	21.18'
N 19°20'25"W	79.23'
N 31°50'07"W	40.03'
N 51°23'51"W	41.76'
N 34°41'52"W	34.00'
N 64°33'47"W	57.64'
N 68°11'31"W	26.31'
N 79°50'52"W	30.02'
N 68°37'40"W	30.60'
S 79°37'35"W	32.70'
N 83°05'39"W	25.00'

NOTES:

- One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets in subdivision plat where such streets abut adjacent acreage tracts; the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes (and the fee title thereto shall revert to and revest in the dedicant, his heirs, assigns, or successors.)
- Side lot lines are radial to curved street lines or at right angles to straight street lines unless otherwise indicated.
- All utility easements extend eight (8) feet on either side of a common lot line unless otherwise indicated.
- This easement shall be kept clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement except by means of an approved drainage structure.
- B.L. indicates Building Line.
U.E. indicates Utility Easement.
U.G. indicates Underground.

This is to certify that I, L. C. Loper, a registered public surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground, and that all block corners, angle points, and points of curve are properly marked with 5/8" iron rods, 18" in length, and that this plat correctly represents that survey made under my supervision.

Texas Registration Number 929



THOMAS CHOATE LEAGUE A-12

STATE OF TEXAS COUNTY OF HARRIS

We, Guy Odom and LaVerne Horelica, President and Secretary respectively of Norwood Homes, Inc., owner of the property subdivided in the above and foregoing map of Forest Bend, Section 1, do hereby make subdivision of said property for and on behalf of said Norwood Homes, Inc., according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown and designate said subdivision as Forest Bend, Section 1, located in the Sarah McKissick Survey, Abstract 549, Harris County, Texas, and on behalf of said Norwood Homes, Inc., and dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon forever, and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.

This is to certify that we, Guy Odom and LaVerne Horelica, President and Secretary respectively of Norwood Homes, Inc., owner of the property subdivided in the above and foregoing map of Forest Bend, Section 1, have complied or will comply with the existing Harris County Road Law, Section 31-C as amended by House Bill 389, Acts of 1959, 56th Legislature, and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County, Texas.

There is also dedicated for utilities an unobstructed aerial easement two (2) feet wide from a plane twenty (20) feet above the ground upward located adjacent to all easements shown hereon.

FURTHER, we do hereby dedicate forever to the public a strip of land fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs, or other natural drainage courses located in said subdivision, as easements for drainage purposes, giving Harris County and/or any other public agency the right to enter upon said easement at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures. We hereby covenant and agree with the City of Houston and/or Harris County and/or any property owner that the utilities easements shown in adjacent acreage are hereby established as shown.

We hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted and that the building lines and utility easements shown in adjacent acreage are hereby established as shown.

FURTHER, all of the property in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title of the property; and shall be enforceable at the option of Harris County, by Harris County or any citizen thereof, by injunction, as follows:

- The drainage of septic tanks into road, street, alley or other public ditches, either directly or indirectly, is strictly prohibited.
- Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (1-3/4) square feet (16" diameter pipe culvert). Culverts or bridges must be used for driveways and/or walks.

WITNESS our hand in Houston, Harris County, Texas, this 20th day of January, 1969.

BY: *Guy Odom* President
BY: *LaVerne Horelica* Secretary

STATE OF TEXAS COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Guy Odom, President and LaVerne Horelica, Secretary of Norwood Homes, Inc., known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledge to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein expressed, and in the capacity therein and herein set out, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20th day of January, 1969.

Harry Allen Parker
Notary Public in and for Harris County, Texas

I, T. R. Longford, Flood Control Engineer of Harris County Flood Control District, Harris County, Texas, do hereby certify that the plat of this subdivision complies with requirements for internal subdivision drainage as adopted by Commissioners' Court; however, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream, or on any other area or subdivision within the watershed.

T. R. Longford
Flood Control Engineer

I, Richard P. Doss, County Engineer of Harris County, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court; and further, that it complies with or will comply with all of the laws included in the Harris County Road Law, also including Section 31-C as amended by House Bill 389, Acts of 1959, 56th Legislature.

Richard P. Doss
County Engineer

This is to certify that the City Planning Commission of the City of Houston, Texas has approved this plat and subdivision of Forest Bend, Section 1, as shown hereon.

In Testimony whereof, witness the official signature of the Chairman and Secretary of the City Planning Commission of the City of Houston, Texas, this 1st day of April, 1969.

Research House
Secretary-Engineer

Charles R. Doss
Chairman

APPROVED by the Commissioners' Court of Harris County, Texas, this 1st day of April, 1969.

Commissioner Precinct 1
Commissioner Precinct 2
Commissioner Precinct 3
Commissioner Precinct 4
County Judge

STATE OF TEXAS COUNTY OF HARRIS

I, R. E. Turrentine, Jr., Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certification of authentication was filed for registration in my office of _____, 1969, at _____ o'clock, _____ M., and duly recorded on _____, 1969, at _____ o'clock, _____ M., in Vol. _____ Page _____ of record of _____ for said County.

WITNESS my hand and seal of office, at Houston, the day and date last above written.

R. E. Turrentine, Jr.
R. E. Turrentine, Jr., Clerk, County Court
Harris County, Texas

Deputy

FOREST BEND SECTION 1 A SUBDIVISION OF 72.4762 ACRES OUT OF THE SARAH MCKISSICK SURVEY, A-549, HARRIS COUNTY, TEXAS

OWNER: NORWOOD HOMES INC.
ENGINEER: L. C. LOPER

9 BLOCKS
181 LOTS

JANUARY, 1969





City of Friendswood

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

June 12, 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: **Brian K. & Cynthia A. Fontenot**

LOCATION OF PROPERTY: **16802 David Glen Drive**
Lot 20, Block 5, Forest Bend Subdivision Section 1, Harris
County, Texas

REQUEST: To encroach 3-feet into the required interior side yard setback of 10-feet, being a variance to Appendix C, Zoning Ordinance, Section 7.Q.2. Regulation Matrix – Residential Districts; and

To encroach 10-feet into the required exterior side yard setback of 20-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: **June 23, 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



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

Minutes

**MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT 910 S. FRIENDSWOOD
DRIVE, FRIENDSWOOD, TEXAS**

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
MAY 19, 2020

1. Call to Order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD ZONING BOARD OF ADJUSTMENT THAT WAS HELD ON TUESDAY, MAY 19, 2020, AT 07:00 PM AT FRIENDSWOOD CITY HALL COUNCIL CHAMBERS, 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, WITH THE FOLLOWING PRESENT CONSTITUTING A QUORUM:

CHAIRMAN PHILIP RATISSEAU
VICE-CHAIRMAN MIKE CZAROWITZ
BOARD MEMBER RONALD DYER
BOARD MEMBER DAVID O'BRIEN III
BOARD MEMBER GLENN MINTZ
CITY ATTORNEY MARY KAY FISCHER
DEPUTY DIRECTOR OF CDD/CHIEF BUILDING OFFICIAL BRIAN ROUANE
DIRECTOR OF CDD/PLANNING AUBREY HARBIN
DEVELOPMENT COORDINATOR BECKY BENNETT
COUNCIL LIAISON STEVE ROCKEY

ALTERNATE MEMBERS PRESENT: FERNANDEZ, GRAYBAN.
ALTERNATE MEMBER LINDA THORNTON WAS ABSENT FROM THE MEETING.

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.)

Chairman Ratisseau explained the meeting format and swore in all persons speaking during the hearing.

No public comments.

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

Rouane stated the property flooded during Hurricane Harvey and the owner now has an opportunity to rebuild utilizing a grant from the General Land Office. He explained during the review process, the property was found to be unplatted. He said the property is fronted by East Heritage Drive, a road which was constructed outside the dedicated right-of-way boundaries. Rouane said to correct some sins of the past, the city is asking the property owner to dedicate right-of-way during platting, for where the road was physically constructed. He explained in doing so, the new home will be unable to meet the required front yard setback due to floodway on the rear on the property.

Kevin Jenkins/Brizo Construction said the owner is eligible for a rebuild grant offered to low-moderate income households. He explained this is a complex piece of property due to the floodplain designations. He said the intent is to keep the new home as far away from the high hazard flood zone, as possible. Jenkins stated the owner is also planning on keeping the existing concrete pads for structural integrity of the lot.

Edwin Benson/neighbor said he is a partner in the property across the street, formerly the health care center. He said he grew up in the neighborhood and his family still lives in the neighborhood, as well. Benson said the new home replacing the old mobile home, further from the creek, would be an improvement.

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

O'Brien asked if the drawing included steps into the home. Jenkins explained the front steps would lead to a landing then the home. He said they normally included ADA ramps for access but did not have room on this lot outside of the floodway to include a ramp.

Dyer asked why the builder mentioned using the existing slab when the mobile home is set on pier and beam. Jenkins clarified the new home would not be built over an existing foundation but rather the other concrete slabs onsite, such as the rear patio, would remain. He said the new home would be placed in-between the remaining concrete slabs but elevated 10-feet off the ground on piers. Dyer asked what the new home elevation would look like. Jenkins answered the new structure would be an elevated, two-story home.

****Vice-Chairman Mike Czarowitz moved to find all necessary legal requirements have been met regarding 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. Seconded by Board Member Ronald Dyer. The motion was approved unanimously.**

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

Rouane explained the variance was identical to the last agenda item but for the side yard setback, instead of the front yard setback.

Jenkins said the purpose for the side yard variance request was the same; to keep the new structure out of the floodway.

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

Dyer asked if the property nearest the side yard variance was right-of-way. Rouane confirmed the property to the north east was a 60-foot drainage easement and the new structure would not encroach an adjacent neighbor.

O'Brien asked staff the difference between a right-of-way and an easement. Bennett clarified a right-of-way is commonly public land used for roads and such while an easement is an overlay on private property. She said an easement grants use of or access to private property to another entity for a specific use such as utilities or drainage.

****Board Member David O'Brien III moved to find all necessary legal requirements have been met regarding 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. Seconded by Board Member Glenn Mintz. The motion was approved unanimously.**

7. Approval of Minutes

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

1) October 22, 2019 special meeting

****Board Member Ronald Dyer moved to approve Consideration and possible action regarding approval of minutes for the:**

1) October 22, 2019 special meeting. Seconded by Board Member David O'Brien III. The motion was approved unanimously.

8. Staff and/or Council or Board Liaison Reports

- A. Staff - No Items

Council Liaison - Steve Rockey

P&Z Liaison - Dick Clark

Council Liaison Rockey congratulated Chairman Ratisseau on his first meeting and his first meeting as chair. Rockey told the board Council approved the changes to ZBOA's authority to better align with state regulations. He explained the changes provide the board more flexibility when hearing cases.

9. Adjournment

****Chairman Philip Ratisseau moved to approve Adjournment. Seconded by Board Member Ronald Dyer. The motion was approved unanimously.**