



**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.**