

City of Galveston



Department of Planning and Community Development

P. O. Box 779 / Galveston, Texas 77553-0779 / Ph (409) 797-3660 / Fax (409) 797-3661

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m., Wednesday, January 11, 2012
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Minutes: December 7, 2011
- D. Old Business and associated Public Hearing:

11Z-96 (1212 11th Street) Request for variances from the Galveston Zoning Standards Section 29-65 regarding the minimum setback requirements and the minimum lot depth requirements within the Multiple-Family-One, within the San Jacinto Neighborhood Conservation District (MF-1-NCD-1) zoning district. Property is legally described as the South 71.5 feet of Lot 1 (1-2), Block 10, in the City and County of Galveston, Texas.

Applicant: Compass Pointe Homes

Property Owner: John Williams

- E. New Business and associated Public Hearing:

12Z-01 (601 – 627 Avenue L) Request for variance from the Galveston Zoning Standards Section 29-66 (a) regarding height requirements in a Resort, Seawall Development Zone (RES-SDZ-2) zoning district. Property is legally described as Lots 1 through 7, Block 6, in the City and County of Galveston, Texas.

Applicant: Michael Gaertner, Architect

Property Owner: TSB, Ltd.

12Z-02 (814 41st Street) Request for a variance from the Galveston Zoning Standards Section 29-67 (b)(1)(a) regarding parking requirements in a General Residence (GR) zoning district. Property is legally described as the north 36 feet of Lot 14 (14-2), Block 280, in the City and County of Galveston, Texas.

Applicant: Mauro Ventura

Property Owner: Wilfredo Contreras and Mauro Ventura

12Z-03 (4428 Sherman) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a General Residence (GR) zoning district. Property is legally described as Lot 1 and part of Lot 2 in the Yeager Subdivision, in the City and County of Galveston, Texas.

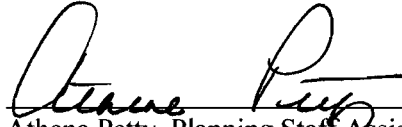
Applicant and Property Owners: Jayson and Karla Levy

F. DISCUSSION ITEMS

1. Discussion of recently adopted code amendments (Staff)
2. Land Development Regulations technical workgroup update

G. Adjournment

Prepared By:


Athena Petty, Planning Staff Assistant

Date Prepared:

January 3, 2012

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409 797-3510).

MEMBERS OF CITY COUNCIL MAY BE ATTENDING AND PARTICIPATING IN THIS MEETING.

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P O S T E D

JAN 06 2012

CITY SECRETARY'S
OFFICE


H.A.M.

MEMORANDUM

TO: Carolyn Sunseri, Chair and Board Members
Zoning Board of Adjustment

FROM: Dustin Henry, Urban Planner II, Planning GIS Analyst
Department of Planning and Community Development
henrydus@cityofgalveston.org or 409-797-3669

DATE: Thursday, January 05, 2012

RE: **11Z-96 (1212 11th Street)** Request for variances from the Galveston Zoning Standards Section 29-65 regarding the minimum setback requirements and the minimum lot depth requirements within the Multiple-Family-One, within the San Jacinto Neighborhood Conservation District (MF-1-NCD-1) zoning district. Property is legally described as the South 71.5 feet of Lot 1 (1-2), Block 10, in the City and County of Galveston, Texas.
Applicant: Compass Pointe Homes
Property Owner: John Williams

The Zoning Board of Adjustment deferred this request until the January 10, 2012 regular meeting in order to give the Landmark Commission time to consider this case and make a recommendation.

On December 19, 2011, the Landmark Commission voted to recommend approval of the above referenced request regarding Variances from the Galveston Zoning Standards Section 29-65 regarding the minimum setback requirements and the minimum lot depth requirements.

xc: Wendy O'Donohoe, Director
Department of Planning and Community Development

12Z-01 (601 – 627 Avenue L) Request for variance from the Galveston Zoning Standards Section 29-66 (a) regarding height requirements in a Resort, Seawall Development Zone (RES-SDZ-2) zoning district. Property is legally described as Lots 1 through 7, Block 6, in the City and County of Galveston, Texas.

Applicant: Michael Gaertner, Architect

Property Owner: TSB, Ltd.

Existing Zoning and Land Use:

Zoning	Resort, Seawall Development Zone 2 (RES-SDZ-2)
Land Use	Vacant

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Resort, Seawall Development Zone 2 (RES-SDZ-2)	Resort, Seawall Development Zone 2 (RES-SDZ-2)	Resort, Seawall Development Zone 2 (RES-SDZ-2)	Resort, Seawall Development Zone 2 (RES-SDZ-2)
Land Use	Beach	Beach	Beach	Beach

Property Owner Notification as of January 11, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
9				

Advertisement Date: December 28, 2011

City Department Notifications:

Airport: Pending

Building Department: No Objection

Fire Chief: Pending

Fire Marshal: No Objection with the following comment/condition:

Engineer/maintain proper fire apparatus access in accordance with 2009 IFC. Comply with all fire code requirements as stated in 2009 IRC.

Police Department: Pending

Public Works: Pending

Private Utility Notifications:

A T & T: Pending

CenterPoint Energy: Pending

Comcast: No Objection

Texas Gas Service: Pending

ANALYSIS

The applicant is requesting a variance from the maximum height allowed in the Resort (RES) zoning district. Attachment "E", submitted by the applicant, indicates that the height of the proposed structure is 250 feet above the Base Flood Elevation (BFE). The BFE at this location is 19 feet. Therefore the total proposed height of the structure is 269 feet. Assuming a plate height of 12 feet, a building of the proposed height could result in 20 stories.

For reference the table below lists the approximate height of some Galveston buildings:

Building	Total Height of Structure	Number of Stories
Palisade Palms	380'	27
American National Insurance Co.	345'	21
San Luis Resort Hotel	210'	15
Emerald by the Sea	192'	16
Breakers	156'	13
Galvestonian Condominium	168'	12 + Parking
Medical Arts Building	170'	12

Variance Request:

From: Three stories or 55 feet to 269 feet.

Applicant's Justification

Additional height is needed to construct multi-family project with parking underneath and to be elevated above the Base Flood Elevation.

CONDITIONS FOR A VARIANCE

A variance may be granted from a requirement of the Zoning Ordinance when the Zoning Board of Adjustment finds that all of the following conditions have been met:

1. Not be contrary to public interest;
2. Enforcement of the ordinance will result in unnecessary hardship by reason of exception narrower, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the Applicant or property owner's own actions; and,
3. The spirit of the ordinance will be observed; substantial justice will be done. The burden of proving to the Board that the foregoing conditions have been met is upon the applicant.

APPEAL FROM DECISION OF BOARD

In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

ATTACHMENTS

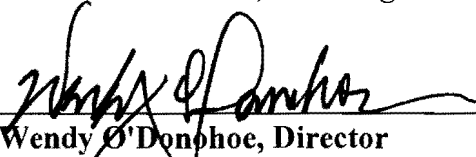
- "A" – Zoning Map
- "B" – Aerial Map
- "C" – Photographs
- "D" – Site Plan
- "E" – Proposed Height

Respectfully Submitted,



Catherine Gorman, Planning Manager

11/5/12
Date



Wendy O'Donohoe, Director

11/5/12
Date

12Z-02 (814 41st Street) Request for a variance from the Galveston Zoning Standards Section 29-67 (b)(1)(a) regarding parking requirements in a General Residence (GR) zoning district. Property is legally described as the north 36 feet of Lot 14 (14-2), Block 280, in the City and County of Galveston, Texas.

Applicant: Mauro Ventura

Property Owner: Wilfredo Contreras and Mauro Ventura

Existing Zoning and Land Use:

Zoning	General Residence (GR)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	General Residence (GR)	General Residence (GR)	General Residence (GR)	Multiple Family-One (MF-1)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of January 11, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
21				

Advertisement Date: December 28, 2011

City Department Notifications:

Airport: Pending
 Building Department: No Objection
 Fire Chief: Pending
 Fire Marshal: Pending
 Police Department: Pending
 Public Works: Pending

Private Utility Notifications:

A T & T: Pending
 CenterPoint Energy: Pending
 Comcast: Pending
 Texas Gas Service: Pending

ANALYSIS

The applicant is requesting a variance from *Section 29-67: VEHICLE PARKING REGULATIONS* in order to convert a single family residential structure into a Multiple-family dwelling consisting of three (3) individual units. Currently, no off-street parking is being provided on the property. Section 29-67(b)(1) of the Galveston Zoning Standards state the following with regards to parking requirements for residential uses:

Section 29-67: VEHICLE PARKING REGULATIONS

(b) Parking Requirements in Various Zoning Districts

- (1) The minimum off-street parking spaces for residential uses shall be as follows:
 - (a) 1 space per single-family dwelling, detached.
 - (b) 1.5 spaces per townhouse, duplex unit, of one-bedroom or smaller multifamily unit.
 - (c) 1.85 spaces per two-bedroom multifamily unit.
 - (d) 2.5 spaces per three bedroom or larger multifamily unit.

Note, Section 29-67(d)(4) of the Galveston Zoning Standards offers a parking exemption for properties that meet all criteria listed below:

(d) Special Off-Street Parking Regulations

- (4) Exemption: For all zoning districts that require off-street parking. If the property meets all of the following criteria, off-street parking will not be required. (Ord. 06-050)
- (a) The building was constructed prior to the adoption of the applicable parking regulations;
 - (b) The total number of required off-street parking spaces cannot be accommodated on the subject lot;
 - (c) The parking requirement for the applicable land use does not exceed five (5) parking spaces;
 - (d) The total square footage of the land use does not exceed 2,000 square feet.

The table below shows a breakdown of the proposed multiple family conversion and the off-street parking requirements:

Unit Number	# of Bedrooms	Parking spaces required
#1	3	2.5
#2	2	1.85
#3	1	1.5
		5.85 = 6 total spaces

The proposed conversion into a Multiple-family dwelling will require more than five (5) parking spaces, thereby canceling the qualification for the aforementioned parking exemption. Hence, the applicant is requesting the following variance.

Variance Requested

The applicant is requesting a variance from six (6) off-street parking spaces to zero (0) off-street parking spaces.

Applicant's Justification

"The reason why I need this variance is because I need to provide 3 parking spaces and as you can see on the survey, I have no land on my property to build a driveway. So I need to use street parking."

CONDITIONS FOR A VARIANCE

A variance may be granted from a requirement of the Zoning Ordinance when the Zoning Board of Adjustment finds that all of the following conditions have been met:

1. Not be contrary to public interest;
2. Enforcement of the ordinance will result in unnecessary hardship by reason of exception narrower, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the Applicant or property owner's own actions; and,
3. The spirit of the ordinance will be observed; substantial justice will be done. The burden of proving to the Board that the foregoing conditions have been met is upon the applicant.

APPEAL FROM DECISION OF BOARD

In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

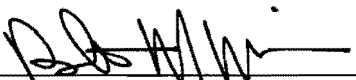
ATTACHMENTS

"A" – Zoning Map

"B" – Aerial Map

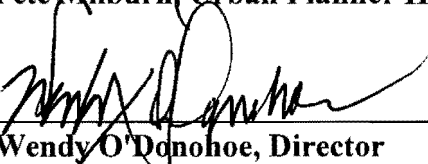
"C" – Survey/Site Plan

Respectfully Submitted,



Pete Milburn, Urban Planner II

12-30-11
Date



Wendy O'Donohoe, Director

12/30/11
Date

12Z-03 (4428 Sherman) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family-Three (1F-3) zoning district. Property is legally described as Lot 1 and part of Lot 2 in the Yeager Subdivision, in the City and County of Galveston, Texas.

Applicant and Property Owners: Jayson and Karla Levy

Existing Zoning and Land Use:

Zoning	One Family-Three (1F-3)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One Family-Three (1F-3)	One Family-Three (1F-3)	One Family-Three (1F-3)	One Family-Three (1F-3)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of January 11, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
19				

Advertisement Date: December 28, 2011

City Department Notifications:

Airport: Pending
 Building Department: No Objection with the following comment/condition: Must comply with table R302.1 of the 2009 IRC.
 Fire Chief: Pending
 Fire Marshal: Pending
 Police Department: Pending
 Public Works: Pending

Private Utility Notifications:

A. T. & T: Pending
 CenterPoint Energy: Pending
 Comcast: Pending
 Texas Gas Service: Pending

ANALYSIS

The applicant is proposing the construction of a rear room addition to the existing one-story structure. The proposed addition includes 60 square-feet (6'x10') of enclosed structure with approximately seven (7) linear feet of deck and stairs. As proposed the addition will encroach to within two (2) feet of the rear (north) property line and align with the furthest existing rear yard encroachment. Currently, the rear of the structure encroaches the 10-foot rear yard setback with approximately 115-linear feet of structure, see "Attachment C". Additionally, the subject lot conforms to the City's lot area requirements with regards to width, depth and area.

Variance requested:

- Rear yard setback from 10-feet to 2-feet.

CONDITIONS FOR A VARIANCE

A variance may be granted from a requirement of the Zoning Ordinance when the Zoning Board of Adjustment finds that all of the following conditions have been met:

1. Not be contrary to public interest;
2. Enforcement of the ordinance will result in unnecessary hardship by reason of exception narrower, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the Applicant or property owner's own actions; and,
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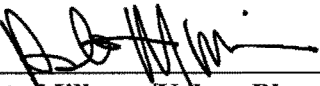
ATTACHMENTS

"A" – Zoning Map

"B" – Aerial Map

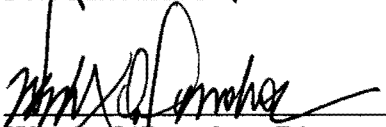
"C" – Survey/Site Plan

Respectfully submitted,



Pete Milburn/Urban Planner II

12-30-11
Date



Wendy O'Donohoe, Director

12/30/11
Date