

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, February 8, 2012
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Minutes: January 10, 2011
- D. New Business and associated Public Hearing:

12Z-04 (3402 Avenue O) Request for variance from the Galveston Zoning Standards Section 29-65(h)(1) regarding the required rear setback in a One Family-Four Dwelling District (1F-4) zoning district. Property is legally described as the south 90 feet of Lots 8 and 9 (2008-2), Southwest Block 37, Galveston Outlots, in the City and County of Galveston, Texas.
Applicant and Property Owner: Harry Rice

12Z-05 (7511, 7302 Avenue J/Broadway and Adjacent 3.6 acre property to the west) Request for variance from the Galveston Zoning Standards Section 29-67(a) regarding parking further than 150-feet, from a permitted land use, in a Light Industrial, Gateway Development Zone, Zone 2 (LI-GDZ-2) zoning district. Property is legally described as Hall & Jones Survey, Part of Lot 515 (515-13), (515-11) and portion of adjacent abandoned road (75th Street) and part of lot 512 (512-1), Reserve A (1-0), Time Warner Communication Galveston hub building and part of Lot (512-4), Trimble and Lindsey, Section 1, in the City and County of Galveston, Texas.
Applicant and Property Owner: Point Glass, LLC. %Charles Doolin, % Bob Randall, AIA

- E. Adjournment

Prepared By:

Athena Petty, Planning Staff Assistant

Date Prepared:

January 30, 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.

POSTED
FEB 01 2012

CITY SECRETARY'S

12Z-04 (3402 Avenue O) Request for variance from the Galveston Zoning Standards Section 29-65(h)(1) regarding the required rear setback in a One Family-Four Dwelling District (1F-4) zoning district. Property is legally described as the south 90 feet of Lots 8 and 9 (2008-2), Southwest Block 37, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant and Property Owner: Harry Rice

Existing Zoning and Land Use:

Zoning	One Family-Four Dwelling District (1F-4)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One Family-Four Dwelling District (1F-4)	One Family-Four Dwelling District (1F-4)	Neighborhood Services (NS)	One Family-Four Dwelling District (1F-4)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of February 8, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
25				

Advertisement Date: January 26, 2012

City Department Notifications:

Airport:	Pending
Building Department:	Pending
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

BACKGROUND

Construction of the rear addition was begun without a building permit. The property has been issued a red-tag for work without a permit. Please note that the survey (Attachment "D") was completed after construction of the addition was begun.

ANALYSIS

The applicant is proposing the construction of a rear addition to the existing house. The proposed addition is 8 feet by 23.5 feet and includes exterior stairs and landing. As proposed the addition is located within the rear setback of 10 feet. The addition is located 6.33 feet from the rear property line and the exterior stairs are located 2.16 feet from the rear property line. Please note, there is an existing accessory building on the site that encroaches the rear setback.

Variance requested:

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

APPLICANT'S JUSTIFICATION

Requesting variance for rear building setbacks to avoid legal issues between legal description and survey. Existing accessory building is currently on the property line.

CONDITIONS FOR A VARIANCE

The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 14.401.C. in Article 14, Administrative Bodies, and if the Board makes a determination in writing that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - i. It does not allow applicants to impair the application of these regulations for:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
 - c. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - ii. The variance will not have a detrimental impact upon:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. Public health, safety, morals and general welfare of the community.
4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

ATTACHMENTS

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

Respectfully submitted,


Catherine Gorman, Planning Manager

1-30-12
Date


Wendy O'Donohue, Director

1/30/12
Date

12Z-05 (7511, 7302 Avenue J/Broadway and Adjacent 3.6 acre property to the west) Request for variance from the Galveston Zoning Standards Section 29-67(a) regarding parking further than 150-feet, from a permitted land use, in a Light Industrial, Gateway Development Zone, Zone 2 (LI-GDZ-2) zoning district. Property is legally described as Hall & Jones Survey, Part of Lot 515 (515-13), (515-11) and portion of adjacent abandoned road (75th Street) and part of lot 512 (512-1), Reserve A (1-0), Time Warner Communication Galveston hub building and part of Lot (512-4), Trimble and Lindsey, Section 1, in the City and County of Galveston, Texas.

Applicant and Property Owner: Point Glass, LLC. %Charles Doolin, %Bob Randall, AIA

Existing Zoning and Land Use

Zoning	Light Industrial, Gateway Development Zone, Zone 2 (LI-GDZ-2), Broadway Corridor District
Land Use	Vacant Land

Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Light Industrial, Gateway Development Zone, Zone 2 (LI-GDZ-2)	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)	Light Industrial, Gateway Development Zone, Zone 2 (LI-GDZ-2)	Light Industrial, Gateway Development Zone, Zone 2 (LI-GDZ-2)
Land Use	Vacant	Residential	Vacant	Motel

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January 26, 2012

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Airport: Pending
 Building Department: Pending
 Fire Chief: Pending
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Private Utility Notifications:

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

ANALYSIS

The applicant is requesting a variance from the Galveston Zoning Standards Section 29-67(a) Vehicle Parking Regulations in order to construct a parking lot at a location that is more than 150 feet from the proposed "Institutions of religious or philanthropic nature" land use. The proposed "Parking Lot, Incidental to Main Use" is a permitted land use in the Gateway Development Zone (GDZ) zoning district.

Sections 29-67(a) of the *Galveston Zoning Standards* state the following:

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is

located unless there shall be provided on the lot or tract, or within 150-feet of such building or structure, parking for at least the number of motor vehicles set forth in Paragraph B below for each applicable zoning district.

The proposed "Sea Scout Base Galveston" development will be located on the properties addressed 7511, 7509 and 7415 Broadway which are located south, across Broadway/I-45, at a distance of approximately 270-feet from the proposed parking lot. The parking lot will be located on the vacant lot adjacent and to the east of the property addressed 7404 Broadway/I-45.

Variance Request:

To increase the distance from the parking lot and the land use from within 150-feet of the use to within 300-feet of the use.

Applicant's Justification

"Multi-purpose facility requires additional parking for scout/student dormitory facility, a five-story banquet, office, program event facility. Shuttle bussing and a proposed future I-45 pedestrian walk-over will provide access to and from the parking lot".

CONDITIONS FOR A VARIANCE

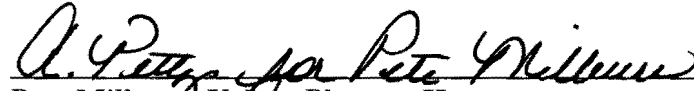
The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 14.401.C. in Article 14, Administrative Bodies, and if the Board makes a determination in writing that all of the following are demonstrated:

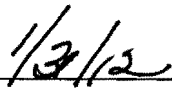
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 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
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5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (*e.g.*, if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
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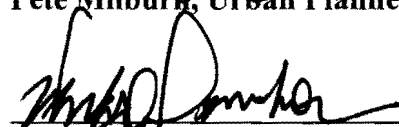
ATTACHMENTS

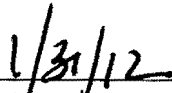
- "A" – Zoning Map
- "B" – Aerial Map
- "C" – Survey
- "D" – Site Plan

Respectfully Submitted,


Pete Milburn, Urban Planner II


Date


Wendy O'Donohoe, Director


Date