

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, April 4, 2012
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Minutes: March 7, 2012
- D. New Business and associated Public Hearing:

12Z-09 (12250 Jenkins) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements within a One Family-One (1F-1) zoning district. Property is legally described as part of Lots 303 and 304 (303-5), Trimble and Lindsey, Section 2, in the City and County of Galveston, Texas

Applicant: Sullivan Land Services

Property Owner: Donna Girouard

12Z-10 (1205 30th Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements within a General Residence (GR) zoning district. Property is legally described as North 22.5 feet of Lot 7 (7-1), Block 30, Galveston, in the City and County of Galveston, Texas

Applicant: Sullivan Land Services

Property Owner: Reyna Mendoza

12Z-11 (1120 103rd Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family Two (1F-2) zoning district. Property is legally described as Lot 39, Airport Homesites, Section 4, a subdivision, in the City and County of Galveston, Texas.

Applicant: Douglas C. and Ruth P. Kelly c/o Ray Cowart

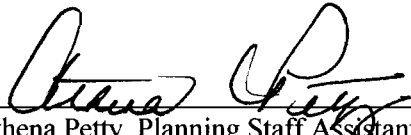
Property Owner: Douglas C. and Ruth P. Kelly

12Z-12 (5305 Avenue K) 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 10, Block 21, Denver Resurvey, a subdivision, in the City and County of Galveston, Texas.

Applicant and Property Owner: Verna Thompson

E. Adjournment

Prepared By:


Athena Petty, Planning Staff Assistant

Date Prepared:

March 27, 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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POSTED
MAR 29 2012

CITY SECRETARY'S
OFFICE

*RG
4pm*

12Z-09 (12250 Jenkins) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements within a One Family-One (1F-1) zoning district. Property is legally described as part of Lots 303 and 304 (303-5), Trimble and Lindsey, Section 2, in the City and County of Galveston, Texas

Applicant: Sullivan Land Services

Property Owner: Donna Girouard

Existing Zoning and Land Use:

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

Surrounding Zoning and Land Use:

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

Property Owner Notification as of April 4, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
9				

Advertisement Date: March 23, 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

ANALYSIS

The applicant is requesting a variance in order to allow the encroachment of the existing structure, into the rear yard setback, to remain. The structure has been elevated through the CDBG disaster recovery program. Prior to the elevation of the structure, a building permit was issued for the home to be elevated within its existing footprint. After the home was elevated, a new survey revealed the structure had been repositioned closer to the rear property line. Please see Attachment "C" for a survey of the structure before the elevation and Attachment "D" for a survey of the structure as it is currently positioned.

Variance requested:

- Rear yard (north) setback from legally non-conforming (grandfathered) 6-feet to 5-feet.

Applicant's Justification for the Variance:

"The home originally encroached and still does after elevation of the home".

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.

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

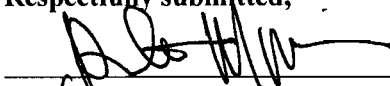
"A" – Zoning Map

"C" – Survey before elevation

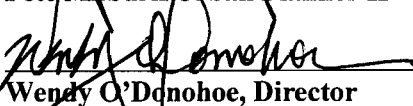
"B" – Aerial Map

"D" – Survey after elevation

Respectfully submitted,


Pete Milburn/Urban Planner II

3-27-12
Date


Wendy O'Donohoe, Director

3/27/12
Date

12Z-10 (1205 30th Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements within a General Residence (GR) zoning district. Property is legally described as North 22.5 feet of Lot 7 (7-1), Block 30, Galveston, in the City and County of Galveston, Texas

Applicant: Sullivan Land Services

Property Owner: Reyna Mendoza

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)	Neighborhood Services (NS)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of April 4, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
30				

Advertisement Date: March 23, 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

ANALYSIS

The applicant is requesting a variance in order to construct new stairs and landing onto an existing home that has been elevated through the CDBG disaster recovery program. The proposed new stair and landing will encroach the required 3' side yard setback (Attachment C).

Variance requested:

- Side yard (south) setback from 3-feet to 0-feet.

Applicant's Justification for the Variance:

"Part of the DRHP, applicant had existing stairs on left side of home that encroached 3' setback. Home has been elevated and homeowner wishing to keep her stairs leading to the door on left side of home".

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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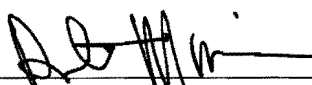
APPEAL FROM DECISION OF BOARD

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ATTACHMENTS

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

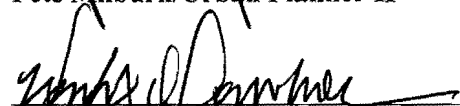
Respectfully submitted,



Pete Milburn/Urban Planner II

3-27-12

Date



Wendy O'Donohue, Director

3/27/12

Date

12Z-11 (1120 103rd Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family Two (1F-2) zoning district Property is legally described as Lot 39, Airport Homesites, Section 4, a subdivision, in the City and County of Galveston, Texas.

Applicant: Douglas C. and Ruth P. Kelly c/o Ray Cowart

Property Owner: Douglas C. and Ruth P. Kelly

Existing Zoning and Land Use:

Zoning	One Family-Two (1F-2)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One Family-Two (1F-2)	One Family-Two (1F-2)	Water (W)	Planned Development (PD)
Land Use	Residential	Residential	Canal	Vacant

Property Owner Notification as of April 4, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
17				

Advertisement Date: February 23, 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

ANALYSIS

The applicant is proposing the construction of a screened porch and restroom addition to the existing raised one-story structure. The applicant is requesting the proposed addition with the western façade of the structure. As proposed, the front addition will encroach two (2) feet into the required 15-foot front yard setback (Attachment C). Additionally, the subject lot conforms to the City's lot area requirements with regard to width, depth and area.

Variance requested:

- Front yard (west) setback from 15-feet to 13-feet.

Applicant's Justification for the Variance:

"Addition requires additional 2' into setback for new bathroom to have walk space from existing structure".

CONDITIONS FOR A VARIANCE

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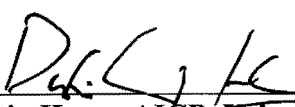
ATTACHMENTS

"A" – Zoning Map

"B" – Aerial Map

"C" – Site Plan

Respectfully submitted,


Dustin Henry AICP, Urban Planner II/GIS Analyst

2012/03/27
Date


Wendy O'Donohue, Director

3/27/12
Date

12Z-12 (5305 Avenue K) 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 10, Block 21, Denver Resurvey, a subdivision, in the City and County of Galveston, Texas.

Applicant and Property Owner: Verna Thompson

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)	General Residence (GR)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of April 4, 2012

Sent	Returned	In Favor	In Opposition	No Comment
37				

Advertisement Date: March 23, 2012

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Airport: Pending
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 Fire Marshal: Pending
 Police Department: Pending
 Public Works: Pending

Private Utility Notifications:

A T & T: Pending
 CenterPoint Energy: Pending
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ANALYSIS

The applicant is requesting variances in order to construct a new home through the CDBG disaster recovery program. The proposed new construction will encroach the 10' front yard setback, and the 3' side yard setbacks for both the east and west property lines.

1. Variance regarding setbacks in the General Residence (GR) zoning district

Please reference the table below for the required setbacks for single-family residential development in the General Residence (GR) zoning district, per Section 29-65. The setbacks for the proposed new construction are also shown below:

Zoning District: General Residence (GR)

Setback	Front Yard	Side Yard	Rear Yard
Required	10'	3'	10'
Proposed	6.8'	1.3'	25.6'

Variance(s) Requested - the applicant is requesting variances from the following:

- Front yard setback – from 10' to 6.8' for 3 linear feet for the stairs
- Side yard setbacks – from 3' to 1.3'

Applicant's Justification

New structure goes over side build lines due to the square footage, garage, lift on the home. This all increases the footprint of the home.

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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ATTACHMENTS

"A" – Zoning Map

"B" – Aerial Map

"C" – Survey

"D" – Site Plan

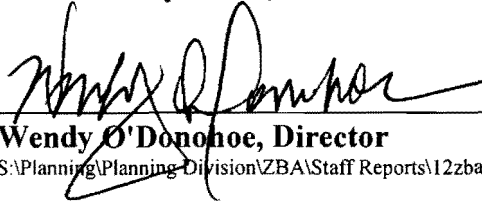
Respectfully Submitted,



Dustin Henry AICP, Urban Planner II/Planning GIS Analyst

2012/03/27

Date



Wendy O'Donohoe, Director

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3/27/12

Date