

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

- A. Attendance
- B. Conflict of Interest
- C. New Business and associated Public Hearing:

12Z-13 (2501 Seawall) Request for a variance from the Galveston Zoning Standards Section 29-82 (k) and 29-102 (k) regarding signage in a Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2) zoning district. Property is legally describes as M. Menard Survey, NE & SE Blocks 141 & Adjacent Acreage Tract (141-3000-0), Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: Jonathan Greene

Property Owner: Bubba Gump c/o Willie G's Post Oak Inc.

12Z-14 (3501 Sealy/Avenue I) 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 the Northeast part of Lot 7(7-2), Block 215, in the City and County of Galveston, Texas.

Applicant: Tegrity Homes

Property Owner: Teresa Grandson

- D. Adjournment

Prepared By:

Athena Petty, Planning Staff Assistant

Date Prepared:

April 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.

12Z-13 (2501 Seawall Blvd.) Request for variance from the Galveston Zoning Standards Section 29-82 (k) and Section 29-102 (k) regarding signage in a Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2). Property is legally described as M. Menard Survey, NE & SE Blocks 141 & Adjacent Acreage Tract (141-3000-0), Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: Jonathan Greene

Property Owner: Bubba Gump c/o Willie G's Post Oak Inc.

Existing Zoning and Land Use

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

Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (R-SDZ-2-HDDZ-3)	Water (W)	Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2) and Water (W)	Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2) and Water (W)
Land Use	Commercial	Water	Beach	Beach

Property Owner Notification as of April 11, 2010:

Sent	Returned	In Favor	In Opposition	No Comment
8				

Advertisement Date:

October 21, 2009

City Department Notifications:

Airport:

Pending

Building Department:

Pending

Fire Chief:

Pending

Fire Marshal:

Pending

Police Department:

Pending

Public Works:

Pending

Private Utility Notifications:

AT&T:

Pending

CenterPoint Energy:

Pending

Comcast:

Pending

Texas Gas Service:

Pending

ANALYSIS

The applicant is requesting a variance from the signage regulations of the Seawall Development Zone (SDZ) in order to erect flat wall signs at the Bubba Gump building on the Pleasure Pier. The SDZ sign regulations reference Section 29-82 (k)(1) for the regulations regarding flat wall signs. Section 29-82 (k)(1) states the following:

Flat signs, owner-identification, (limited to a maximum of four (4) signs for each business) shall not exceed an aggregate sign area of three and one-half (3½) square feet of area for each one (1) linear foot of wall fronting on a street when any portion of such sign is placed upon a wall so as to be within fifteen feet (15') above grade. The permitted sign area may be increased by one percent (1%) for each foot above the first ten feet (10') of building height above grade that the lowest point of a sign is placed on the building. Flat signs shall be located along the street frontage which the permitted sign area is based, provided,

however, two (2) of the four (4) signs permitted for each street frontage may be located on a side wall of a building that is oriented to a common side lot line.

Attachment "C" illustrates the requested signs. Signs F and G are not under consideration. These signs have been permitted.

Variance Request:

The applicant is requesting the following variances:

1. Sign Area: from 280 square feet to 442.3 square feet; and
2. Number of signs: from 4 to 5.

Applicant's Justification

"Narrowness of lot Bubba Gump sits on only allows the short side of the building to front Seawall Blvd. and this is actually not the entrance. Additionally the building is 50' – 200' away from the actual Seawall so larger signage is needed."

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.

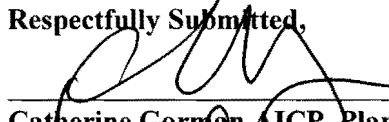
APPEAL FROM DECISION OF BOARD

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.

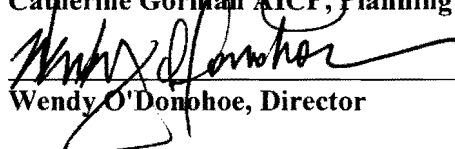
ATTACHMENTS

- "A" – Zoning Map
- "B" – Photographs
- "C" – Applicant's Submittal

Respectfully Submitted,



Catherine Gorman AICP, Planning Manager/Assistant HPO



Wendy O'Donohoe, Director

4/4/12

Date

4/3/12

Date

12Z-14 (3501 Sealy/Avenue I) 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 the Northeast part of Lot 7(7-2), Block 215, in the City and County of Galveston, Texas.

Applicant: Tegrity Homes

Property Owner: Teresa Grandson

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)	Retail (R)	General Residence (GR)
Land Use	Residential	Residential	Commercial	Vacant

Property Owner Notification as of April 11, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
32				

Advertisement Date: March 30, 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 variances from side setback from the required three feet to one foot along the north property line, adjacent to Sealy/Avenue I. The property has previously received variances from the Zoning Board of Adjustment for front and rear setbacks.

Variance requested:

Side yard setback from 3 feet to 1 foot.

Applicant's Justification for the Variance:

"The plot plan that was approved by ZBA and Permitting was revised after the fact by the prior contractor. The surveyor set pins on lot according to the revised, not approved, plot plan. We need the variance on this completed home to obtain the Certificate of Occupancy and get the homeowner back in her home".

CONDITIONS FOR A VARIANCE

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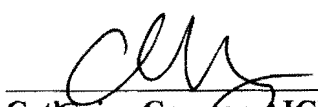
ATTACHMENTS

"A" – Zoning Map

"B" – Aerial Map

"C" – Site Plan

Respectfully submitted,


Catherine Gorman AICP, Planning Manager/Assistant HPO

Date

4-2-12


Wendy O'Donohoe, Director

Date

4/2/12