

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, July 11, 2012
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

A. Attendance

B. Conflict of Interest

C. Minutes: May 9, 2012
June 6, 2012

D. New Business and associated Public Hearing:

12Z-21 (7805 and 7809 Broadway) Request for variances from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) and Section 29-106: Development Standards regarding wall plane articulation and outdoor lighting associated with a Marina and Restaurant development within the Commercial, Height and Density Development Zone, Zone 1, (C-HDDZ-1) zoning district. Property is legally described as part of Lot 516 (516-10), Tremble & Lindsey, Section 1, Lease Tract, and part of Lot 516 (516-6), Trimble and Lindsey, Section 1; in the City and County of Galveston, Texas.

Applicant: Harry C. Schultz, Jr., % Shelmark Engineering, % Rhonda Gregg
Property Owner: Schultz Partners, LTD

E. Discussion and Action Items, including Public Comment:

- Land Development Regulation: board and/or commission member technical work group participation (Staff)

F. Adjournment

Prepared By:

Athena Petty, Planning Staff Assistant

Date Prepared:

July 2, 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).

POSTED
JUL 05 2012

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

CITY SECRETARY'S
OFFICE

PD
10 am

12Z-21 (7805 and 7809 Broadway) Request for variances from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) and Section 29-106: Development Standards regarding wall plane articulation and outdoor lighting associated with a Marina and Restaurant development within the Commercial, Height and Density Development Zone, Zone 1, (C-HDDZ-1) zoning district. Property is legally described as part of Lot 516 (516-10), Tremble & Lindsey, Section 1, Lease Tract, and part of Lot 516 (516-6), Trimble and Lindsey, Section 1; in the City and County of Galveston, Texas.

Applicant: Harry C. Schultz, Jr., % Shelmark Engineering, % Rhonda Gregg

Property Owner: Schultz Partners, LTD

Existing Zoning and Land Use:

Zoning	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)
Land Use	Marina/Bait and tackle sales/Proposed Restaurant

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Light Industrial, Gateway Development Zone, Zone 2 (LI-GDZ-2)	Water (W)	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)	Commercial Height and Density Development Zone, Zone 1 (C-HDDZ-1)
Land Use	Auto Sales	Offatts Bayou	Vacant	Commercial

Property Owner Notification as of July 11, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
3				

Advertisement Date: June 28, 2012

City Department Notifications:

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

Private Utility Company Notifications:

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

ANALYSIS

The applicant is requesting variances from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ). Adopted in April of 2008, the HDDZ regulations were created to provide new prescriptive development standards for key areas of the city in order to:

1. Promote development and redevelopment that is compatible in height, mass and scale with surrounding neighborhoods and preserves view corridors and access to Gulf breezes;
2. Promote development and redevelopment that meets community objectives and supports an overall future vision for the island;

3. Promote sustainable design within the overlay zones; and
4. Allow for the continued growth and expansion of the local economy.

The applicant is requesting the following variances:

1. Wall Plane Articulation 29-107 (f)(4)(c)

The Wall Plane Articulation requirement states that in base tier development, for every 30 feet of building wall length, there must be an offset of at least 5 feet in depth and 10 feet in length. After the third story, the maximum wall length increases to 50 feet. The purpose of this regulation is to provide for more variation in building design and eliminate featureless blank walls. The following chart outlines the three components of the Wall Plane Articulation requirement:

Wall Plane Articulation

Vertical Building Section		Building Wall Length (max.)	Offset Depth (min.)	Offset Length (min.)
From	To			
Grade	3 Stories or 35'	30 feet	5 feet	10 feet

Requested Variance #1:

The applicant is proposing to construct a 75-foot flat wall onto the rear side of the building eliminating any wall plane offsets. The applicant is requesting the following variance from the Wall Plane Articulation requirements for Grade to 3 Stories:

Requirement	Building Wall Length 30 feet (max)	Offset Depth 5 feet (min)	Offset Length 10 feet (min)
South (water facing)	75 feet (max)	0 feet	0 feet

2. Parking area and Roadway Lighting 29-107 (f)(10)(e)(1):

The Parking area and Roadway lighting states that only low intensity lighting shall be used and such lighting shall be set on a base which raises the source of light no higher than 96 inches (8-feet) off the ground for parking areas. The applicant is proposing light poles that will raise the source of light up to 20-feet.

Requested Variance #2:

To increase the lighting pole height from 96 inches (8-feet) to 20-feet.

APPLICANT'S JUSTIFICATION

"The proposed restaurant will be constructed on grade using timber framing with a custom structural truss roof system providing an open-air dining area. Any articulations of a wall projection is truly a structural burden to the building as the walls project approximately 33-feet above the finish floor and require additional modifications to the roof trusses and foundation. Modifications have been made to 3 sides of the proposed structure to provide wall articulation as described in Sec 29-107(f)(4)(c). The site provides a visual interest that is the spirit of this portion of the regulation (see attachments). Parking lights have been re-installed in original site locations and height provides a safe & secure parking facility for marina patrons".

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.

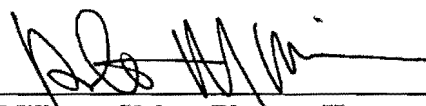
ATTACHMENTS

"A" – Zoning/Lighting Map

"B" – Aerial Map

"C" – Applicant's Submittal (7 pages – site plan, elevations, photos)

Respectfully Submitted,



Pete Milburn, Urban Planner II

7-3-12

Date



Lori Schwarz, Interim Director

7/3/12

Date