

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, September 5, 2012

City Council Workshop Room 204, 2nd Floor of City Hall

823 Rosenberg, Galveston, Texas

A. Attendance

B. Conflict of Interest

C. Minutes: May 9, 2012
June 6, 2012
July 11, 2012
August 8, 2012

D. New Business and associated Public Hearing:

12Z-29 (4402 Ave F/Church) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a Light Industrial (LI) zoning district. Property is legally described as the south 65-feet of Lot 8 and south east part of Lot 9 (8-2), Block 464, in the City and County of Galveston, Texas.

Applicant: Burghli Homes, % Sandra Rodriquez

Property Owner: Gilbert Hernandez

12Z-30 (8614 Teichman) Request for a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) regarding wall plane articulation. Property is legally described as part of Lot 524 (524-6) Trimble and Lindsey, Section 1; in the City and County of Galveston, Texas.

Applicant: Ferrell/Brown & Associates, Inc.

Property Owner: Gulf of Mexico Foundation

POSTED
Zoning Board of Adjustment

AUG 29 2012
ND Spm
CITY SECRETARY'S
OFFICE

Prepared By:

Date Prepared:

Athena Petty, Planning Staff Assistant
August 28, 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-29 (4402 Ave F/Church) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a Light Industrial (LI) zoning district. Property is legally described as the south 65-feet of Lot 8 and south east part of Lot 9 (8-2), Block 464, in the City and County of Galveston, Texas.

Applicant: Burghli Homes, % Sandra Rodriquez

Property Owner: Gilbert Hernandez

Existing Zoning and Land Use:

Zoning	Light Industrial (LI)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Light Industrial (LI)	Light Industrial (LI)	Light Industrial (LI)	Light Industrial (LI)
Land Use	Residential	Storage Warehouse	Wrecking/ Salvage yard	Residential

Property Owner Notification as of September 5, 2012

Sent	Returned	In Favor	In Opposition	No Comment
19				

Advertisement Date: August 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 for access stairs that were added to a home that was elevated through the CDBG disaster recovery program. The new stairs encroach the 3' side setback requirement.

Variance requested:

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

Applicant's Justification

Home was elevated as part of the CDBG recovery program. Previous elevation did not require existing step. Now that the home has been elevated 7.2 ft the staircase that faces 44th street will encroach 3 ft into set building 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.

APPEAL FROM DECISION OF BOARD

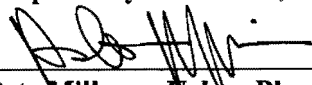
In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal 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.

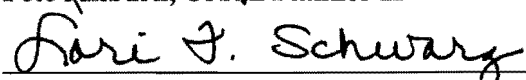
ATTACHMENTS

"A" – Zoning Map

"B" – Site Plan

Respectfully Submitted,


Pete Milburn, Urban Planner II


Lori Feild Schwarz, AICP, Interim Director

8-27-12
Date

8/24/12
Date

12Z-30 (8614 Teichman) Request for a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) regarding wall plane articulation. Property is legally described as part of Lot 524 (524-6) Trimble and Lindsey, Section 1; in the City and County of Galveston, Texas.

Applicant: Ferrell/Brown & Associates, Inc.

Property Owner: Gulf of Mexico Foundation

Existing Zoning and Land Use:

Zoning	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)
Land Use	Vacant

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)
Land Use	Vacant	Institutional	Commercial	Vacant

Property Owner Notification as of September 5, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
7				

Advertisement Date: August 24, 2012

City Department Notifications:

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

Private Utility Company Notifications:

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

BACKGROUND

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.

A recent change to the HDDZ regulations eliminated the requirement of Wall Plane Articulation when not adjacent to a right-of-way, residentially zoned property, or body of water. In this case, the Wall Plane Articulation is not required on the rear. The recent changes also provided Staff with the ability to provide some flexibility in meeting the Wall Plane Articulation requirements for 'Very-Low Rise' buildings as follows:

The Director of the Planning and Community Development Department may permit an increase of up to 40 feet to the maximum building wall length, a reduction of up to 3 feet in minimum offset depth and /or a reduction of up to 5 feet in minimum offset length for very low-rise buildings.

However, as proposed, the building exceeds the reductions listed above in regards to maximum building wall length.

ANALYSIS

The applicant is requesting a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ).

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:

The applicant is requesting the following variance from the Wall Plane Articulation requirements for Grade to 3 Stories. In the table below, 'n/a' indicates that that portion of the Wall Plane Articulation requirement is being met and a variance is not required:

Requirement	Building Wall Length 40 feet (max)	Offset Depth 2 feet (min)	Offset Length 5 feet (min)
South Elevation	85 feet	n/a	n/a
East Elevation	88 feet	n/a	n/a
North Elevation	n/a	n/a	n/a
West Elevation	110 feet	n/a	n/a

APPLICANT'S JUSTIFICATION

Please see Attachment "C".

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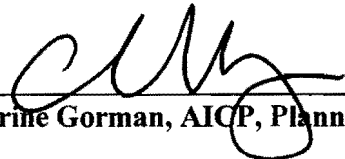
ATTACHMENTS

"A" – Zoning Map

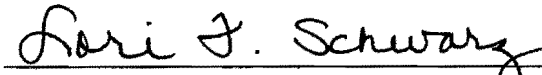
"B" – Aerial Map

"C" – Applicant's Submittal

Respectfully Submitted,


Catherine Gorman, AICP, Planning Manager/Assistant HPO

8-28-12
Date


Lori Feild Schwarz, AICP, Interim Director/HPO

8/28/12
Date