

City of Galveston



Department of Planning and Community Development

P.O. Box 779 / Galveston, Texas 77553-0779 / Ph (409) 797-3600 / Fax (409) 797-3601

**AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m., Wednesday, October 3, 2012
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas**

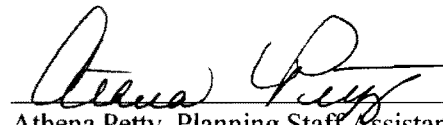
- A. Attendance
- B. Conflict of Interest
- C. Minutes: September 5, 2012
- D. New Business and associated Public Hearing:

12Z-31 (15 South Shore Dr) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family-One (1F-1) zoning district. Property is legally described as Lot 17 and East ½ of Lot 18, South Shore subdivision, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Gildario Lopez

- E. Adjournment

Prepared By:


Athena Petty, Planning Staff Assistant

Date Prepared:

September 24, 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
SEP 28 2012

CITY SECRETARY'S
OFFICE

R.D.
8:45 AM

12Z-31 (15 South Shore Dr) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family-One (1F-1) zoning district. Property is legally described as Lot 17 and East ½ of Lot 18, South Shore subdivision, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Gildario Lopez

Existing Zoning and Land Use:

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

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One-Family One (1F-1)	One-Family Two (1F-2)	One-Family One (1F-1)	One-Family One (1F-1)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of October 3, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
25				

Advertisement Date: September 22, 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 has constructed a new single family home to replace a previously existing home that had been destroyed by Hurricane Ike. As built, the new home is encroaching the 20-foot front yard setback and the 5-foot side yard setback, on the west side. The front of the structure is positioned 17.5-feet from the front property line and the A/C platform is located 2.5-feet from the west side property line. Additionally, a bay window encroaches the west side setback by .5-feet. However, the bay window encroachment is 2-feet less than the encroachment of the A/C platform. Additionally, the subject lot conforms to the City's lot area requirements with regards to width, depth and area.

Variance requested:

- Front yard setback from 20-feet to 17.5-feet.
- Side yard (west) setback from 5-feet to 2.5-feet.

Applicant's Justification:

"Measured property line from curb at front of house. West side fence 6" (inches) off to west side. Driveway 6' (feet) from east side".

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

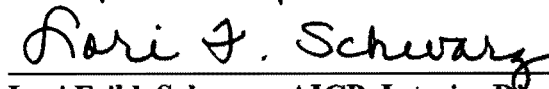
"B" – Aerial Map

"C" – Survey

Respectfully submitted,



Pete Milburn/Urban Planner II



Lori Feild Schwarz, AICP, Interim Director/HPO

9-21-12

Date

9/21/12

Date