

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, November 7, 2012

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

- A. Attendance
- B. Conflict of Interest
- C. Minutes: October 3, 2012
- D. New Business and associated Public Hearing:

12Z-32 (2006 and 2008 Avenue K) Request for variances from the Galveston Zoning Standards Section 29-65 regarding lot standards and setback requirements within the Multi Family-One, Historical (MF-1-H) zoning district. Property is legally described as M. Menard Survey, Lot 9 (9-1), Block 140, Galveston, in the City and County of Galveston, Texas.

Applicant and Property Owner: Nicole K. Parker

12Z-33 (1811 29th Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family Four (1F-4) zoning district. Property is legally described as the South 23.14 feet of Lot 7 (3007-3), Southeast Block 64, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: Zach Martin, URS

Property Owner: Chong Y. Jung

- E. Adjournment

Prepared By:

Athena Petty, Planning Staff Assistant

Date Prepared:

October 29, 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.

POSTED

OCT 31 2012

CITY SECRETARY'S
OFFICE

RD
11/1/12

12Z-32 (2006 and 2008 Avenue K) Request for variances from the Galveston Zoning Standards Section 29-65 regarding lot standards and setback requirements within the Multi Family-One, Historical (MF-1-H) zoning district. Property is legally described as M. Menard Survey, Lot 9 (9-1), Block 140, Galveston, in the City and County of Galveston, Texas.

Applicant and Property Owner: Nicole K. Parker

Existing Zoning and Land Use:

Zoning	Multiple-Family-One, Historical (MF-1-HIST)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Commercial, Broadway Overlay Zone, Zone 1 (MF-BOZ-1)	Multiple-Family-One, Neighborhood Conservation District 1 (MF-NCD-1)	Multiple-Family-One, Historical (MF-1-HIST)	Multiple-Family-One, Historical (MF-1-HIST)
Land Use	Church	Public School	Residential	Residential

Property Owner Notification as of November 7, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
20				

Advertisement Date:

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
 Center Point Energy: Pending
 Comcast: Pending
 Texas Gas Service: Pending

BACKGROUND

The applicant was approved for variances by the Zoning Board of Adjustments at their regular meeting December 7, 2011, regarding minimum lot area, lot width, side yard setback requirements per Section 29-65 and off street parking for both properties per Section 29-67 (b) (1) (11Z-98). The applicant was requesting the variances in order to replat her existing property consisting of two residential structures, and one residential accessory structure on a single lot. The property line on the replat of the two lots attached the garage apartment that is located behind 2008 Ave K to the house located at 2006 Ave K. Upon review of the replat documents Public Works determined the water pipes for 2008 Ave K to be located in the rear of the property addressed as 2006 Ave K. The pipes would have to be relocated in order for the replat to be approved. The applicant withdrew her request at that time.

ANALYSIS

The applicant is requesting variances in conjunction with a replat. As stated above, the applicant had variances previously approved. However, the new lot configuration requires additional variances.

The applicant has reconfigured the property line for the two properties between the existing residential structures eliminating the need to move the water pipes. The replat will result in the existing structure at 2008 Avenue K having an encroachment into the City's side yard setback and 2006 Avenue K will not meet the minimum required lot width and lot area requirements. As the property is in a historic district, a recommendation regarding variances is required from the Landmark Commission. The Zoning Board of Adjustment has final decision regarding variances.

The applicant is requesting the following variances:

2006 Avenue K (eastern lot):

Lot Width, Section 29-65 (b) – from 22.5 to 21.32

Lot Area, Section 29-65 (a) (1) – from 3,000 square feet to 2,558.4 square feet.

	Lot Width	Lot Area	Side Yard Setback (west side)
Required	40'	3,000'	3'
Approved	22.5'	N/A	2'
Proposed	21.32'	2,558.4'	1.6'

2008 Avenue K (Both Structures) (western lot):

Side Yard Setback 29-65 (g) –1.5' to 1.3' on the east side of the lot.

	Side Yard (East)
Required	3'
Approved	1.5'
Proposed	1.3'

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.

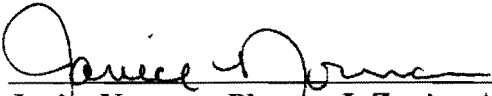
Landmark Commission

Landmark Commission will hear this request at their regular meeting of November 5, 2012, and make a recommendation to the Zoning Board of Adjustment.

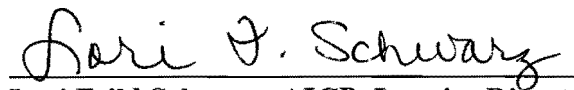
ATTACHMENTS

- "A" – Zoning Map
- "B" – Aerial Map
- "C" – Survey
- "D" – Replat Survey

Respectfully submitted,


Janice Norman, Planner I, Zoning Administrator

10/29/12
Date


Lori Feild Schwarz, AICP, Interim Director of Planning

10/29/12
Date

12Z-33 (1811 29th Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family Four (1F-4) zoning district. Property is legally described as the South 23.14 feet of Lot 7 (3007-3), Southeast Block 64, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: Zach Martin, URS

Property Owner: Chong Y. Jung

Existing Zoning and Land Use:

Zoning	One Family-Four (1F-4)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One Family-Four (1F-4)	One Family-Four (1F-4)	One Family-Four (1F-4)	One Family-Four (1F-4)
Land Use	Vacant (Residential)	Residential	Residential	Residential

Property Owner Notification as of November 7, 2012:

Sent	Returned	In Favor	In Opposition	No Comment
29				

Advertisement Date:

October 25, 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 in order to construct a new home through the Community Development Block Grant (CDBG) disaster recovery program. The proposed new construction will encroach over the required 10' front yard setback, 10' rear yard setback, and 3' side yard setbacks along the both the north property line and south property line, adjacent to the alley.

1. Variance regarding setbacks in the One Family-Four (1F-4) zoning district

Please reference the table below for the required setbacks for single-family residential development in the One Family-Four (1F-4) zoning district, per Section 29-65. The setbacks for the proposed new construction are also shown below:

Zoning District: One Family-Four (1F-4)

Setback	Front Yard	Side Yard	Rear Yard
Required	10' (or Average Alignment)	3'	10'
Proposed	0"	6" (south side) 2' 10-1/2" (north side)	8"

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

- Front yard setback – from 10' (or Average Alignment) to 0"
- Side yard setbacks – from 3' to 6" (along South property line), and from 3' to 2' 10-1/2" (along North property line)
- Rear yard setback – from 10' to 8"

Applicant's Justification

This is an unusually small lot where the existing building exceeded the property boundaries. In order to reconstruct the dwelling to meet Texas State §2306.514 the accessible served by a ramp or no-step entrance will exceed the front footprint of the existing building.

CONDITIONS FOR A VARIANCE

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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.
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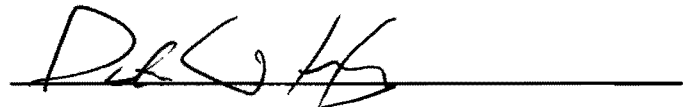
APPEAL FROM DECISION OF BOARD

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.

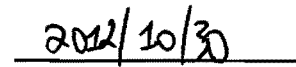
ATTACHMENTS

- "A" – Aerial Map
- "B" – Survey
- "C" – Site Plan

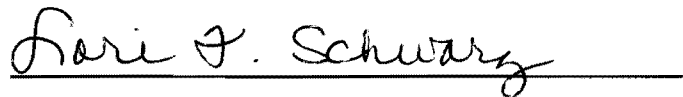
Respectfully Submitted,



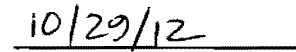
Dustin Henry AICP, Urban Planner II/Planning GIS Analyst



Date



Lori Feild Schwarz, AICP, Interim Director of Planning



Date