

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m., Wednesday, February 6, 2013
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Minutes: January 9, 2013
- D. New Business and associated Public Hearing:

13Z-01 (1014 61st Street) Request for a variance from the Galveston Zoning Standards Section 29-105 (c) (1) (d) (1&2) regarding sign height, type and square footage, in a Commercial, Gateway Development Zone, Zone -1, Height and Density Development Zone, Zone 1 (C-GDZ-1-HDDZ-1) zoning district. Property is legally described as part of Lot 34 (34-2), Trimble and Lindsey, in the City and County of Galveston, Texas
Applicant and Property Owner: Lamson Nguyen

13Z-02 (6702 Seawall Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-102(k)(7)b. regarding a pylon sign within the Retail, Seawall Development Zone, Zone 4, Height and Density Development Zone, Zone 5, (R-SDZ-4-HDDZ-5) zoning district. Property is legally described as Hall & Jones Survey, Part of Lots 90 and 101 (76-4), Trimble and Lindsey Section 1, in the City and County of Galveston, Texas.

Applicant: CMA c/o Bruce Carlson

Property Owner: Walmart Real Estate Business Trust % Walmart Stores, Inc. # 504 c/o Dana Morrison

13Z-03 (2828 Seawall Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-67 Vehicle Parking. Property is legally described as Lots 1 through 4, Southwest Block 140 of the Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: John Listowski/HomeLife Builders

Property Owner: Inman Investments, Inc.

- E. Adjournment

Prepared By:

Athena Petty, Planning Staff Assistant

Date Prepared:

January 29, 2013

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.

13Z-01 (1014 61st Street) Request for a variance from the Galveston Zoning Standards Section 29-105 (c) (1) (d) (1&2) regarding sign height, type and square footage, in a Commercial, Gateway Development Zone, Zone -1, Height and Density Development Zone, Zone 1 (C-GDZ-1-HDDZ-1) zoning district. Property is legally described as part of Lot 34 (34-2), Trimble and Lindsey, in the City and County of Galveston, Texas

Applicant and Property Owner: Lamson Nguyen

Existing Zoning and Land Use:

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

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Light Industrial, Gateway Development Zone, Zone-1, (LI-GDZ-1)	Recreation (REC)	Commercial, Gateway Development Zone Zone-1, Height and Density Development Zone Zone-1 (C-GDZ-1-HDDZ-1)	Commercial, Height and Density Development Zone, Zone-1 (C- HDDZ-1)
Land Use	Commercial	Commercial	Commercial	Commercial

Property Owner Notification as of February 6, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
6				

Advertisement Date: January 25, 2013

City Department Notifications:

Airport: Pending
 Building Department: Pending
 Fire Chief: Pending
 Fire Marshal: Pending
 Police Department: Pending
 Public Works Department: Pending

Private Utility Notifications:

A T & T: Pending
 Center Point Energy: Pending
 Comcast: Pending
 Texas Gas Service: Pending

ANALYSIS

The applicant is requesting a variance from the signage regulations of the Gateway Development Zone Zone-1 (GDZ-1) in order to erect a detached pole sign for the Sherwin Williams building that is being proposed to be built on this property. The sign will be placed on the north side of the lot and on the west side of one of the proposed entrance to the parking lot adjacent to highway 45 frontage road. Please reference Section 29-105 (c) (1)(d) sign regulations for the Gateway Development Zone Zone-1 below:

Section 29-105: Gateway Development Zone Guidelines (Ord. 03-106, 06-038, 11-012, 11-046, 12-070)

c. **Signage** (Ord. 06-038)

1. Zone 1: Justice Center District**d. Detached (Monument) Signs:**

- (1) *Freestanding signs shall be monument signs of a height no greater than 12-feet including the base of the sign.*
- (2) *The sign face, which is defined as the sign area above the base of the sign, shall be no more than 48 square feet for one (1) tenant property and no greater 64 square feet for more than one tenant.*
- (3) *Monument signs constructed in accordance with this ordinance shall be constructed of the same materials, colors and architectural style as buildings on the site.*
- (4) *One (1) detached sign shall be allowed for each street frontage for any one (1) development project. Properties with greater than 300 linear feet of the primary street frontage are permitted a total of two (2) detached signs. No signs on the same street frontage shall contain the same owner-identification information, with the exception of the development name/title. All signs shall be separated by a minimum of 50-feet.*

As stated above all detached signs located in the Gateway Development Zone Zone-1 (GDZ-1) are to be monument with a maximum height of twelve-feet (12') and a maximum square footage of forty-eight (48) square-feet. The applicant is proposing a pole sign that is sixty-feet (60') in height and two hundred seven-square feet (207) in size. Please reference Attachment "C" and "D" for more details.

Requested Variances:

	Sign Type	Sign Height	Sign Size
Permitted	Monument Sign	12-Foot	48-Square-feet
Variance Requested	Pole Sign	60-feet	207-Square-feet

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.

NOTE: Illumination of the sign must conform to Section 29-106(c) of the Galveston Zoning Standards regarding the Regulation of Outdoor Lighting. Should the proposed sign not comply with Section 29-106(c), a separate variance request will be required.

ATTACHMENTS

- "A" – Zoning Map
- "B" – Aerial Map
- "C" – Site Plan
- "D" – Sign Design

Respectfully Submitted,



Janide Norman, Planner I, Zoning Administrator



Rick Vasquez, Director of Planning

2/1/13
Date

Date

MEMORANDUM

TO: Carolyn Sunseri, Chairperson and Zoning Board of Adjustment Members

FROM: Libby Stone, Coastal Development Planner *LS*
Planning Department

DATE: January 25, 2013

RE: **13Z-02 (6702 Seawall Boulevard)** Request for a variance from the Galveston Zoning Standards Section 29-102(k)(7)b. regarding a pylon sign within the Retail, Seawall Development Zone, Zone 4, Height and Density Development Zone, Zone 5, (R-SDZ-4-HDDZ-5) zoning district. Property is legally described as Hall & Jones Survey, Part of Lots 90 and 101 (76-4), Trimble and Lindsey Section 1, in the City and County of Galveston, Texas.
Applicant: CMA c/o Bruce Carlson
Property Owner: Walmart Real Estate Business Trust % Walmart Stores, Inc. # 504 c/o Dana Morrison

The applicant is requesting a continuance for the above request until the next regular Zoning Board of Adjustment meeting on March 6, 2013, in order to gather further information regarding the destroyed pylon sign.

This is the first continuance of this case and there are no additional costs associated with the continuance.

xc: Rick Vazquez, AICP, Director
Department of Planning and Community Development

13Z-03 (2828 Seawall Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-67 Vehicle Parking. Property is legally described as Lots 1 through 4, Southwest Block 140 of the Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: John Listowski/HomeLife Builders

Property Owner: Inman Investments, Inc.

Existing Zoning and Land Use:

Zoning	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3(R-SDZ-2-HDDZ-3)
Land Use	Commercial, Restaurant

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)	Resort, Seawall Development Zone, Zone 2 (R-SDZ-2)	Resort, Seawall Development Zone, Zone 2 (R-SDZ-2)	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (R-SDZ-2-HDDZ-3)
Land Use	Commercial, Hotel	Vacant, Beach	Vacant, Beach	Commercial, Retail

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Advertisement Date: January 25, 2013

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 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

Background

The Zoning Board of Adjustment previously granted a variance from the number of required off-street parking requirements, parking design standards, and improvement requirements in April 2006 (Case 06Z-33). The variance granted reduced the number of required off-street parking spaces from fourteen (14) to five (5).

ANALYSIS

The applicant plans to construct two elevated deck additions in order to provide outdoor seating for patrons of the restaurant and bar. The additional outdoor seating will require an additional 27 off-street parking spaces in order to comply with the vehicle parking regulations of Section 29-67 of the Zoning Standards. There is insufficient space on the premises to construct the number of off-street parking

spaces; therefore the applicant is requesting a variance from the number of required off-street parking spaces.

1. Variance regarding parking space schedule for non-residential uses

The proposed project is subject to the following requirements per Section 29-67(c)(9): Vehicle Parking Regulations of the Galveston Zoning Standards:

Restaurant or Cafeteria - One (1) space for each four (4) seats for fixed seating and one (1) space for each forty (40) square feet of floor area for moveable seating under maximum seating arrangement.

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

- Required Parking Space Schedule – from 41 parking spaces to 5 parking spaces

Applicant's Justification

The applicant has provided the following justification for the request:

On April 12, 2006 (Case #06Z-33), the Zoning Board of Adjustment voted to approve a variance in the number of parking spaces needed at 2828 Seawall Boulevard. The variance was to reduce the number of parking spaces from 14 to 5 spaces. This was the maximum number of spaces that could be provided on the property.

The business owner is proposing to add additional outdoor seating. The additional seating would require 27 additional parking spaces based on section 29-67 of the Zoning Ordinance.

The majority of the additional traffic will be seasonal and walk in. We do not anticipate the need for additional parking spaces because of this reason.

The owner would like to request the Zoning Board of Adjustment approve a variance from 41 off street parking spaces to 5.

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.
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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.
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ATTACHMENTS

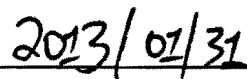
"A" – Aerial Map

"B" – Applicant Submittal (Ground Floor Plan, Upper Deck Plan, Seating Plan, Site Plan)

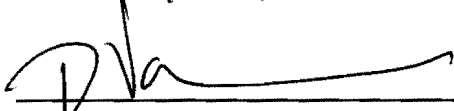
Respectfully Submitted,



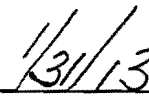
Dustin Henry AICP, Urban Planner II/Planning GIS Analyst



Date



Richard Vasquez Director of Planning



Date