

MEMORANDUM

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

FROM: Janice Norman, Urban Planner I, Zoning Administrator
Department of Planning and Community Development

DATE: February 26, 2013

RE: **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

This case was continued from the February 6, 2013, regular meeting to the March 6, 2013, regular meeting, due to the lack of a quorum. The staff report was sent in the February 6, 2013, packet.

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

xc:
Rick Vasquez, Director
Department of Planning

MEMORANDUM

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

FROM: Libby Stone, Coastal Development Planner 
Planning Department

DATE: February 27, 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 regular Zoning Board of Adjustment meeting on May 8, 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

MEMORANDUM

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

FROM: Dustin Henry AICP, Urban Planner II, Planning GIS Analyst
Department of Planning and Community Development
henrydus@cityofgalveston.org or 409-797-3669

DATE: Tuesday, February 26, 2013

RE: **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.

The above request was originally scheduled for consideration at the February 6, 2013 regular Zoning Board of Adjustment meeting, however the applicant requested this case be continued until the March 6, 2013 regular meeting.

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

xc: Rick Vazquez, Director
Planning Department

13Z-06 (3618 Seawall Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-102(d) regarding fence location and height. Property is legally described as the north part of Northwest Block 186, Lot 14, Southwest Block 161, and Part of Adjacent Street (186-0-2) of the Galveston Outlots, in the City and County of Galveston, Texas.

Applicant and Property Owner: COTB, Inc. c/o Gary Roger Druss

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, Hotel or Motel

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)	Beach, Seawall Development Zone, Zone 2 (B-SDZ-2)	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (R-SDZ-2-HDDZ-3)	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (R-SDZ-2-HDDZ-3)
Land Use	Commercial, Surface Parking	Vacant, Beach	Commercial, Restaurant	Commercial, Hotel or Motel

Property Owner Notification as of March 6, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
22				

Advertisement Date: February 22, 2013

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 proposing to repair an existing perimeter fence along the south property line, located between the existing hotel and Seawall Boulevard. Repair work to the fence, approximately 200' in length, will utilize the existing brick piers, with a new iron fence to be installed, resulting in an overall height of the fence between 4'-9" and 5'-3" at the brick columns.

The Seawall Development Guidelines, Section 29-102 of the Galveston Zoning Standards, disallows fencing within the area between the north right-of-way line of Seawall Boulevard and the south façade of the respective structure. Exceptions to this prohibition include fencing to control the sale of alcohol, fencing around parking lots associated with hotel/motel and resort developments, residential uses, and fences around swimming pools that meet the requirements of the 2009 International Residential Code, as

amended and adopted by the City of Galveston, which requires a minimum height of 48" above grade. The proposed fence will be between 9" and 15" taller than the minimum requirements of a swimming pool fence.

1. Variances regarding fence location and height

The proposed fence is subject to the following requirements per 29-102(d)(1) of the Galveston Zoning Standards:

(d) Fencing (Ord 02-091)

- (1) No fencing is permitted within the area between the north right-of-way line of Seawall Boulevard and the south facade of the respective structure. However, this provision shall not apply to:
 - a. A protective barrier, utilized to control the sale of alcohol, in accordance with the Texas Alcoholic and Beverage Commission.
 - b. Fences required around swimming pools, in accordance with Section 10-3 of the Code of the City of Galveston.
 - c. Fences existing on the effective date of this ordinance.
 - d. Residential uses.
 - e. Front yard fencing for properties without direct Seawall Boulevard street frontage shall comply with the existing regulations of Section 29-66 (b) of the Galveston Zoning Standards. (Ord 02-091)
 - f. Parking lots associated with and adjacent to hotel/motel and resort developments. (Ord 02-091)

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

Fence location – between the north right-of-way line of Seawall Boulevard and the south façade of the respective structure

Fence height – from 48" to 63"

Applicant's Justification

Please refer to Attachment "B" for a copy of the applicant's written justification for the request. Among the reasons cited in the narrative, the applicant has indicated that the Galveston County Health Department has indicated that they want a higher fence. Other reasons include securing the privacy and safety of guests of the hotel, as well as the public using Seawall Boulevard.

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.

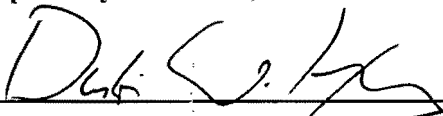
APPEAL FROM DECISION OF BOARD

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" – Aerial Map
- "B" – Applicant's Narrative
- "C" – Site Plan
- "D" – Existing and Proposed Drawings/Photos

Respectfully Submitted,



Dustin Henry AICP, Urban Planner II/Planning GIS Analyst

2013/02/21
Date



Richard Vasquez, Director of Planning

2-21-13
Date