

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, April 10, 2013

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

- A. Attendance
- B. Conflict of Interest
- C. Minutes: March 6, 2013
- D. Introduction of New Members and Election of Vice-Chairperson
- E. Old 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

- F. New Business and associated Public Hearing:

13Z-05 (2321 Avenue N ½) Request to appeal the City of Galveston Landmark Commission's decision regarding case 13LC-01. Request for a Certificate of Appropriateness for alterations to the structure including elevation. Property is legally described as East 33 Feet of Lot 1 & West 8.33 Feet of Lot 2 (3001-2) Southeast Block 42 Galveston Outlots, in the City and County of Galveston, Texas.
Applicant: Adrienne Campbell, URS
Property Owner: Mary Hill

13Z-07 (3418 Kleimann Ave) Request for a variance from the Galveston Zoning Standards Section 29-65(d) regarding the front yard setback. Property is legally described as Lot 80, Kleinmann Addition, a Subdivision in the City and County of Galveston, Texas.
Applicant and Property Owner: Shirley Henry

13Z-08 (2501 Seawall Blvd.) Request for variance from the Galveston Zoning Standards Section 29-82 (k) and Section 29-102 (k) regarding signage in a Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2). Property is legally described as M. Menard Survey, NE & SE Blocks 141 & Adjacent Acreage Tract (141-3000-0), Galveston Outlots, in the City and County of Galveston, Texas.
Applicant: John Hadaya, Ultrasigns, Inc.
Property Owner: Jonathan Greene, Willie G's Post Oak Inc.

13Z-09 (2701/2709 Broadway Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-99 (g) (1) (a) and (2), regarding front yard fences and fence height requirements within the Commercial, Broadway Overlay Zone, Zone-three (C-BOZ-3) zoning district. Property is legally described as Lots 5, 6 and 7, Block 147, in the City and County of Galveston, Texas.

Applicant and Property Owner: Lynne S. Averett

13Z-10 (1811 61st Street) Request for a variance from the Galveston Zoning Standards Section 29-82 (e) (1) regarding signs attached to an unapproved supporting structure and Section 29-82 (j) (5) regarding exceeding the detached sign limit, in a Recreation, (REC) zoning district. Property is legally described as part of Lot 45 (45-2), Trimble and Lindsey Section 1, in the City and County of Galveston, Texas

Applicant: Jason Reuter

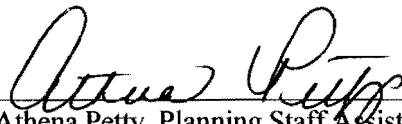
Property Owner: George and Tanna Zendeudel

13Z-11 (1014 61st Street) Request for a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone regarding building massing and outdoor lighting associated with a development within the 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

G. Adjournment

Prepared By:


Athena Petty, Planning Staff Assistant

Date Prepared:

April 1, 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.

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POSTED
APR 04 2013

CITY SECRETARY'S
OFFICE

RD
12/10/13

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

The Zoning Board of Adjustments at their regular meeting of March 6, 2013, voted to continue the above referenced case until the April 10, 2013, regular meeting to allow the applicant time to reconfigure the sign.

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

Attached is the new design of the sign. Below is the new requested variance:

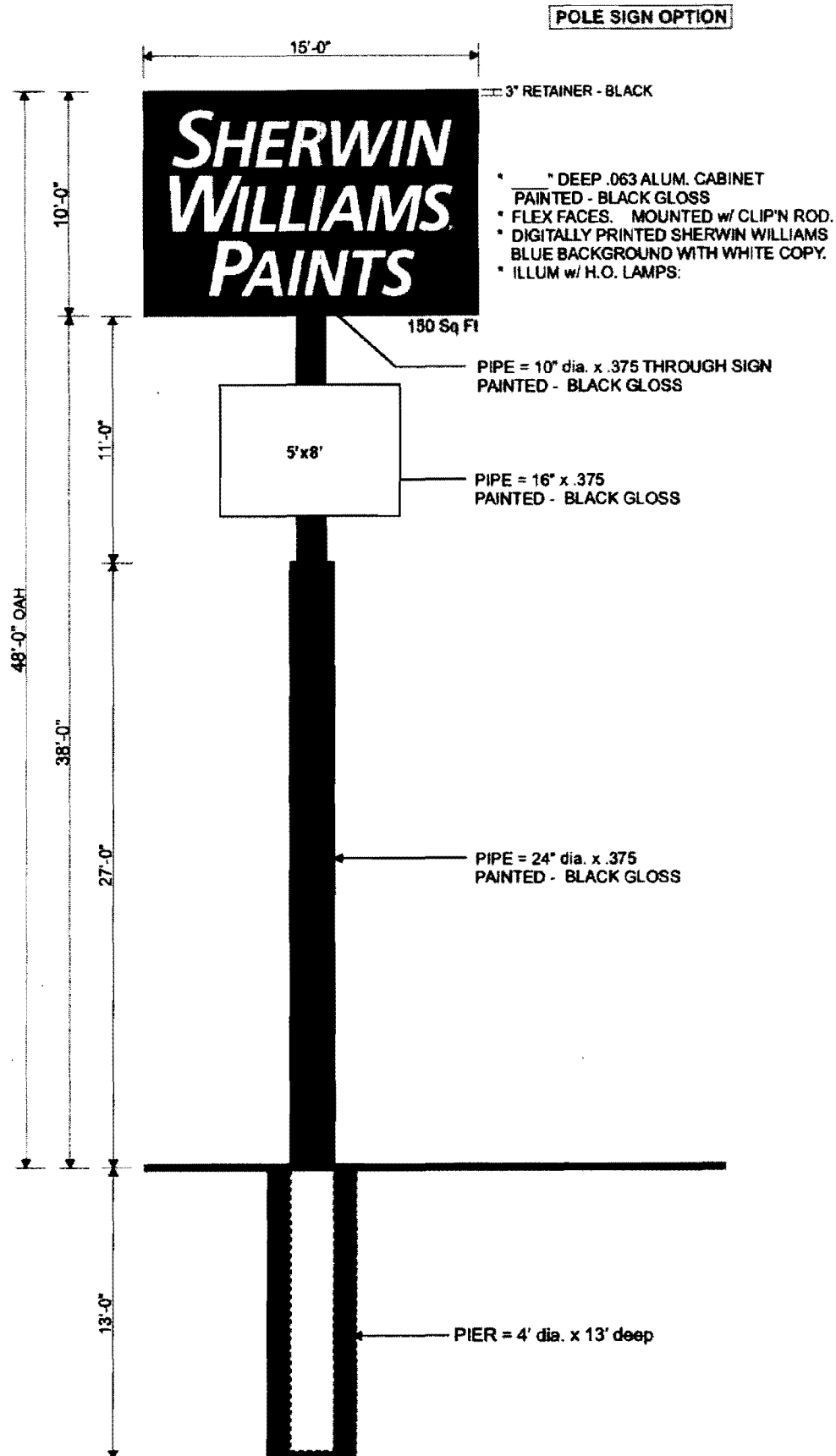
Requested Variances:

	Sign Type	Sign Height	Sign Size
Permitted	Monument Sign	12-Feet	48-Square-feet
Variance Requested	Pole Sign	60-feet	207-Square-feet
Variance Requested New Design	Pole Sign	48-feet	150-Square-feet

XC:

Rick Vasquez, Director
Department of Planning

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DOUBLE FACE POLE SIGN

(1) REQUIRED

Scale: 3/8" = 1'-0"

MEMORANDUM

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

FROM: Janice Norman, Urban Planner I, Zoning Administrator
Planning Department

DATE: March 14, 2013

RE: **13Z-05 (2321 Avenue N 1/2) Request to appeal the City of Galveston Landmark Commission's decision regarding case 13LC-19.** Request for a Certificate of Appropriateness for alterations to the structure including elevation. Property is legally described as East 33 Feet of Lot 1 & West 8.33 Feet of Lot 2 (3001-2) Southeast Block 42 Galveston Outlots, in the City and County of Galveston, Texas.
Applicant: Adrienne Campbell, URS
Property Owner: Mary Hill

The Landmark Commission, at their regular meeting of January 7, 2013, failed to take action on the above referenced request regarding a Certificate of Appropriateness for the elevation of the structure. The applicant reapplied to the Landmark Commission and on March 4, 2013, the Landmark Commission voted to deny the above reference request regarding a Certificate of Appropriateness to elevate the structure (case 13LC-19). Please refer to Attachment "B" for the original staff report and related attachments, as well as Attachment "C" for the action letter sent to the applicant.

Per Section 29-80(h) of the Galveston Zoning Standards, the Landmark Commission is required to base decisions on the following conditions:

(4) Review and decision by Landmark Commission; Appeals

(a) Review Process

- (2) In determining whether to approve or disapprove the application, the commission shall consider applicable design guidelines.*

The *Design Standards for Historic Properties* are the current set of guidelines the Landmark Commission must use to base its decisions on requests for elevation within the Silk Stocking Historic District. The attached staff report references sections of the *Design Standards* that are applicable to the subject case, as well as an attached list with previous cases, which established precedent. If the proposed work will have an adverse impact, the Landmark Commission must deny the application in accordance with the following portion of Section 29-80(h)(4) of the Zoning Standards for the City of Galveston:

(b) Decision

- (3) The Commission shall deny the application if there is a final decision by the Commission that the proposed work will have an adverse effect on:*

- (a) The external architectural features of the historic landmark;*

- (b) The external architectural features of the properties in the block or in the historic district as a whole; or,*
- (c) The future preservation, maintenance or use of the historic landmark or of the historic district.*

Per Section 29-80, the applicant, if aggrieved by the Commission's decision, may appeal the Commission's decision to the Zoning Board of Adjustment. The applicant submitted a letter to the Historic Preservation Officer within ten (10) days of the Landmark Commission decision stating the intention to appeal. Please note that judicial review of the decision of the Zoning Board of Adjustment shall be in accordance with the Texas Local Government Code.

xc: Rick Vasquez, Director
Catherine Gorman, Assistant Director
Planning Department

Attachments

- "A" – Applicant's Justification (1 page)
- "B" – Staff Report for 13LC-19, including attachments (13 pages)
- "C" – Action letter for 13LC-19, dated March 4, 2013
- "D" – Transcribed minutes for the March 4, 2013 Landmark Commission meeting
- "E" – Landmark Commission cases for the elevation since 2009

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13Z-07 (3418 Kleimann Ave) Request for a variance from the Galveston Zoning Standards Section 29-65(d) regarding the front yard setback. Property is legally described as Lot 80, Kleinmann Addition, a Subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Shirley Henry

Existing Zoning and Land Use:

Zoning	One Family, Two (1F-2)
Land Use	Residential

Surrounding Zoning and Land Use:

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

Property Owner Notification as of April 10, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
27				

Advertisement Date:

March 27, 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 plans to reconstruct the front stairs on the single-family dwelling. The existing stairs, according to the applicant's narrative, are too steep and terminate at a sloped landing. The new stairs will be designed to be less steep and terminate at a level landing; however they will project into the required front yard setback area by approximately seven feet. Therefore, the applicant is requesting a variance from the required front yard setback.

1. Variance regarding the required front yard setback in the One Family, Two (1F-2) District:

The Galveston Zoning Standards have a minimum front yard setback requirement of fifteen (15) feet. According to the applicant's site plan, (Attachment "C"), the proposed new stairs will be approximately eight feet from the front property line.

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

- Required Front Yard Setback – from fifteen (15) feet to eight (8) feet

Applicant's Justification

The applicant has provided the following justification for the request:

Property has a steep incline. The build line would make the stairs too steep. Using the existing landing, the stairs would be easier and safer to use.

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.

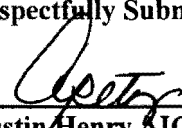
ATTACHMENTS

"A" – Aerial Map

"B" – Stair Drawings

"C" – Site Plan

Respectfully Submitted,


for Dustin Henry AICP, Urban Planner II/Planning GIS Analyst

Date

4/1/13


for Richard Vasquez, Director of Planning

Date

4/1/13

13Z-08 (2501 Seawall Blvd.) Request for variance from the Galveston Zoning Standards Section 29-82 (k) and Section 29-102 (k) regarding signage in a Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2). Property is legally described as M. Menard Survey, NE & SE Blocks 141 & Adjacent Acreage Tract (141-3000-0), Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: John Hadaya, Ultrasigns, Inc.

Property Owner: Jonathan Greene, Willie G's Post Oak Inc.

Existing Zoning and Land Use

Zoning	Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2)
Land Use	Commerical

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)	Water (W)	Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2) and Water (W)	Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2) and Water (W)
Land Use	Commercial	Water	Beach	Beach

Property Owner Notification as of April 9, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
20				

Advertisement Date:

March 27, 2013

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
 CenterPoint Energy: Pending
 Comcast: Pending
 Texas Gas Service: Pending

BACKGROUND

At the April 11, 2012 Zoning Board of Adjustment meeting, the Board approved the following variances for signs on the Bubba Gump's building:

1. Sign Area: from 280 square feet to 442.3 square feet; and
2. Number of signs: from 4 to 5.

ANALYSIS

The applicant is requesting a variance from the signage regulations of the Seawall Development Zone (SDZ) in order to erect one additional flat wall sign at the Bubba Gump building on the Pleasure Pier. The SDZ sign regulations reference Section 29-82 (k)(1) for the regulations regarding flat wall signs. Section 29-82 (k)(1) states the following:

Flat signs, owner-identification, (limited to a maximum of four (4) signs for each business) shall not exceed an aggregate sign area of three and one-half (3½) square feet of area for each one (1) linear foot of wall fronting on a street when any portion of such sign is placed upon a wall so as to be within fifteen feet (15') above grade. The permitted sign area may be increased by one percent (1%) for each foot above the first ten feet (10') of building height above grade that the lowest point of a sign is placed on the building. Flat signs shall be located along the street frontage which the permitted sign area is based, provided, however, two (2) of the four (4) signs permitted for each street frontage may be located on a side wall of a building that is oriented to a common side lot line.

The property has previously received variances from the sign area and the number of signs. The request is for one additional sign. The sign is an illuminated message board and will be located on the north façade of the Bubba Gump's building.

Variance Request

The applicant is requesting the following variances:

3. Sign Area: from 442.3 square feet to 592.3 square feet; and
4. Number of signs: from 5 to 6.

Applicant's Justification

"Increased visibility and identity for the Pleasure Pier. Adds ability to market daily events to tourists already on the Island. Also allows for additional drive-by marketing for other tourist activities to encourage staying."

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

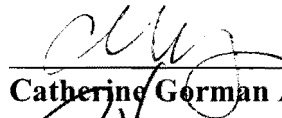
In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal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

Respectfully Submitted,



Catherine Gorman AICP, Assistant Director/HPO



Richard M. Vasquez, Director

4-2-13

Date
4-3-13

Date

13Z-09 (2701/2709 Broadway Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-99 (g) (1) (a) and (2), regarding front yard fences and fence height requirements within the Commercial, Broadway Overlay Zone, Zone-three (C-BOZ-3) zoning district. Property is legally described as Lots 5, 6 and 7, Block 147, in the City and County of Galveston, Texas.

Applicant and Property Owner: Lynne S. Averett

Zoning	Commercial Broadway Overlay Zone- Zone-Three (C-BOZ-3)
Land Use	Commercial

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Commercial Broadway Overlay Zone, Zone-Three (C-BOZ-3)	General Residence (GR)	Commercial Broadway Overlay Zone, Zone-Two (C-BOZ-2)	Commercial Broadway Overlay Zone, Zone-Three (C-BOZ-3)
Land Use	Commercial	Residential	Commercial	Residential

Property Owner Notification as of April 10, 2013:

Sent	Returned	In Favor	In Opposition	No Comment

Advertisement Date: March 27, 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
 Center Point Energy: Pending
 Comcast: Pending
 Texas Gas Service: Pending

BACKGROUND

A complaint was received October of 2012, regarding the front yard fence height at 2709 Broadway Boulevard. The fence was determined to be in violation of the City of Galveston Zoning Standards Section 29-99 by City Staff. A compliance case (12ZC-0123) was opened and a compliance letter was sent on October 30, 2012. A reply was received from the applicant on November 9, 2012, stating that he was not aware of the violation and it was his understanding permits had been pulled by the contractor. The applicant is requesting a variance to retain the fence.

ANALYSIS

The applicant is requesting a variance to retain a commercial, 10-foot tall iron fence located in the front yard of 2709 Broadway Boulevard "The Frog at Home" home interior store. The fence was erected to create an outside sales area for outdoor furniture. The fence is in violation of Section 29-99 (g) (1) (a) and (2) of the City of Galveston Zoning Standards. Please reference Section 29-99 (g) (1) (a) and (2) below:

Section 29-99 Broadway Overlay Zone**g. Fencing**

1. Fencing fronting Broadway is prohibited for all commercial properties located in the Broadway Overlay Zone. However, this provision shall not apply to:
 - (a) A protective barrier that is less than 30-inches in height and that is constructed behind landscaping screening.
 - (b) Fences existing on the effective date of this ordinance.
2. The height of fencing on the sides and rear of property shall not exceed eight feet (8'). Side fencing shall not be placed closer to Broadway Boulevard than the front edge of the building located closest to Broadway.

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

- Front yard fence fronting Broadway Boulevard
- Fence height – from 8' to 10'

Zoning District: Commercial Broadway Overlay Zone-Zone-Three (C-BOZ-3)

Fences for Commercial Properties fronting Broadway Boulevard:	Front Yard	Height
Required	Fences are prohibited for all commercial properties Except for a 30" protective barrier.	Height of fencing shall not exceed 8'
Proposed	10' tall front yard iron fence	10' tall

Applicants Justification

The purpose of erecting the fence was to create a "demising wall" that defines the "Pavilion" outdoor sales area.

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.

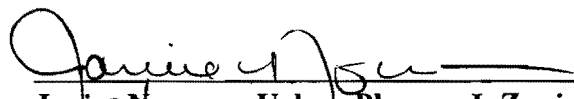
APPEAL FROM DECISION OF BOARD

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

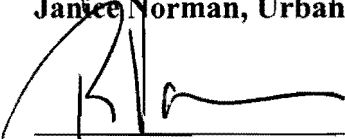
- "A" – Zoning Map
- "B" – Aerial Map
- "C" – Survey
- "D" – Site Plan
- "E" – Applicants Narrative
- "F" – Before and After Photos of Property
- "G" – Photo of Star Furniture on Broadway fence

Respectfully Submitted,



Janice Norman, Urban Planner I, Zoning Administrator

4/1/13
Date



Rick Vasquez, Director

4/3/13
Date

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13Z-10 (1811 61st Street) Request for a variance from the Galveston Zoning Standards Section 29-82 (e) (1) regarding signs attached to an unapproved supporting structure and Section 29-82 (j) (5) regarding exceeding the detached sign limit, in a Recreation, (REC) zoning district. Property is legally described as part of Lot 45 (45-2), Trimble and Lindsey Section 1, in the City and County of Galveston, Texas

Applicant: Jason Reuter

Property Owner: George and Tanna Zendeudel

Existing Zoning and Land Use:

Zoning	Recreation (REC)
Land Use	Commercial

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Recreation (REC)	Recreation (REC)	Recreation (REC)	Recreation (REC)
Land Use	Commercial	Commercial	Commercial	Commercial

Property Owner Notification as of April 10, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
7				

Advertisement Date: March 27, 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

BACKGROUND

A complaint was received regarding the number of signs at Aunt Margie's Bait Shop located at 1811 61st Street. A compliance letter was sent on May 18, 2012, case (12ZC-49) regarding the number of signs. There was no response to the letter so another compliance letter was sent on September 26, 2012. On October 11, 2012 after no compliance with the sign regulations charges were filed through Municipal Court. This variance is a result of the compliance case (12ZC-49).

ANALYSIS

The applicant is requesting a sign variance from the City of Galveston Zoning Standards Section 29-82 (e) (1) to retain signs that have been placed around the handicap railing at Aunt Margie's Bait Shop. According to the City of Galveston Zoning Standards signs placed on an unapproved structure are prohibited signs. Please reference Section 29-82 (e) (1) below:

Section 29-82: SIGN REGULATIONS

(e) *Prohibited Signs*

- (1) *No sign, unless otherwise provided for, by this Ordinance, in subsection (o), shall be attached or applied to trees, utility poles, trash receptacles, or any other unapproved supporting structure. Please reference subsection (o) below;*

(o) **Vertical Banner Signs** (Ord. 04-006)

(1) **Statement of Purpose and Intent**

In order to provide a means to promote pride in the community, promote community activities and promote programs important to the city's image, economic interest and organizations serving the community, banner signs or pennants may be attached or applied to metal utility or light poles in the city right-of-way. These regulations do not apply to individual businesses, or activities not provided for within, which seek to utilize pole banners for off-premise advertising, which is prohibited within the City of Galveston by Section 29-82: Sign Regulations and Section 29-84: Advertising.

Additionally, the applicant is requesting a variance from Section 29-82 (j) (5) to increase the allowable number of detached signs. The nine signs that are placed around the railing are considered detached signs. The applicant currently has one detached sign located on the southeast corner of the property facing 61st Street and these signs on the railing will increase the number of detached signs from one to ten. Please reference 29-82 (j) (5) below:

(j) **Signs In The B, RES, REC, I, NS, and WA Districts**

- (5) *Detached sign, one for each business, (owner-identification) shall not exceed forty (40) square feet of area for each forty feet (40') of street frontage or fraction thereof. The permitted sign area for detached signs may be cumulative, but no one (1) sign shall exceed one hundred (100) square feet in area.*

Variances requested;

	Permitted	Variance Requested
Sign	No sign shall be placed on an unapproved structure.	To retain signs on railing
Detached Signs	1	10

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

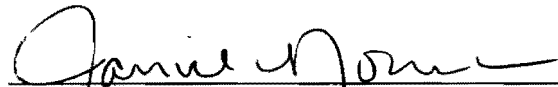
In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal 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's
- "D" – Applicant's Narrative with Picture
- "E" – Photos of signs
- "F" – Photos of other signs on railing

Respectfully Submitted,


Janice Norman, Planner I, Zoning Administrator

4/1/13
Date


Rick Vasquez, Director of Planning

4/1/13
Date

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13Z-11 (1014 61st Street) Request for a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone regarding building massing and outdoor lighting associated with a development within the 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 April 10, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
6				

Advertisement Date: March 27, 2013

City Department Notifications:

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

Private Utility Notifications:

A T & T: Pending
 Center Point Energy: Pending
 Comcast: No Objection
 Texas Gas Service: No Objection

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 two variances from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ).

1. 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, listed in table below:

Requirement	Building Wall Length 40 feet (max)	Offset Depth 2 feet (min)	Offset Length 5 feet (min)
North Elevation (left side)	150 feet	0	0
East Elevation (rear)	150 feet	0	0

2. Parking area and Roadway Lighting (f)(10)(e)(1):

The parking area and Roadway lighting states that only low intensity lighting shall be used and such lighting shall be set on a base which raises the source of light no higher than 96 inches (8-feet) off the ground for parking areas. The applicant is proposing light poles up to 16-feet in height.

Requested Variance #2:

To increase the lighting pole height from 96 inches (8-feet) to 16-feet.

APPLICANT'S JUSTIFICATION

*Light poles - 96" is too low. I would like to match the height of my neighbors' light poles.
Wall - Limited space, not front of building, code is designed for taller buildings.*

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:
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 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
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 - ii. The variance will not have a detrimental impact upon:
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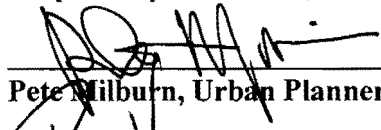
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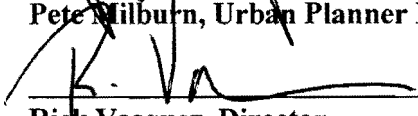
ATTACHMENTS

(For Aerial map, zoning map, and Site Plan, see case 13Z-01)

"A" – Applicant's Submittal (3 pages)

Respectfully Submitted,


Pete Milburn, Urban Planner II


Rick Vasquez, Director

4-3-13
Date

4/3/13
Date