

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, May 8, 2013

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

- A. Attendance
- B. Conflict of Interest
- C. Minutes: April 10, 2013
- D. 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

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

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 April 10, 2013, voted to continue the above referenced case until the May 8, 2013, regular meeting to allow the applicant time to reconfigure the sign.

The applicant is requesting that this case be continued until the June 5, 2013, regular meeting to allow more time to redesign the sign.

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

XC:

Rick Vasquez, Director
Department of Planning

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MEMORANDUM

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

FROM: Catherine Gorman, AICP, Assistant Director/HPO 
Planning Department

DATE: April 30, 2013

RE: **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.

The Zoning Board of Adjustment at their regular meeting on April 10, 2013, voted to continue the above referenced case until their regular meeting on May 8, 2013, to allow the applicant time to explore options for the sign.

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

xc: Rick Vasquez, Director
Planning Department

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: April 11, 2013

RE: **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

The Zoning Board of Adjustment at their regular meeting on April 10, 2013, voted to continue the above referenced case until their regular meeting on May 8, 2013, to allow the applicant time to explore options for the fence.

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

xc: Rick Vasquez, Interim Director
Department of Planning and Community Development

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: April 11, 2013

RE: **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

The Zoning Board of Adjustment at their regular meeting on April 10, 2013, voted to continue the above referenced request until the May 8, 2013 regular meeting to allow the applicant to explore alternatives for the signs.

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

xc: Rick Vasquez, Interim Director
Department of Planning and Community Development

13Z-12 (2901 Avenue Q 1/2) Request for a variance from the Galveston Zoning Standards Section 29-68, regarding fence height requirement within the One Family-One, (1F-1) zoning district. Property is legally described as M. Menard Survey, North 80 feet of Lots 6 and 7, and North East part of Lot 5 (3006-3), South East Block 114, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant and Property Owner: Stephanie DeJesus and Cynthia Festa

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	Residential	Residential	Residential	Residential

Property Owner Notification as of May 8, 2013

Sent	Returned	In Favor	In Opposition	No Comment
34				

Advertisement Date: April 25, 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 compliance case (12ZC-0030) was opened on March 26, 2012, regarding the fence height exceeding the eight foot (8') height limit for side and rear yard fences. The applicant was repairing the east side yard fence when a compliance officer determined there was no permit for the repair. The applicant came to the City to obtain a permit for a ten-foot (10') tall side yard fence and it was determined at that time the fence was not in compliance.

Upon further investigation, it was determined that in 2004 a fence permit was issued for an eight-foot (8') tall fence at this location. However, a ten-foot (10') tall fence was built. The fence had gone undetected due to the heavy foliage that covered the east side yard, which no longer exists.

The property owner went before the Zoning Board of Adjustment on December 5, 2012, requesting a variance from the fence height requirement. The Zoning Board of Adjustment failed to take action on the request, due to the lack of four affirmative votes.

ANALYSIS

The applicant is requesting a variance from Section 29-68 (a) (1) to retain an existing ten foot (10') tall fence that is located in the side and rear yard.

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

Fence Height	Side Yard
Required	8'
Proposed	10'

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

- Side yard fence height– from 8' to 10'
- Rear yard fence height – from 8' to 10'

Applicants Justification

One of the reasons the applicant purchased the house was because of the security a ten feet (10') tall fence would provide.

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

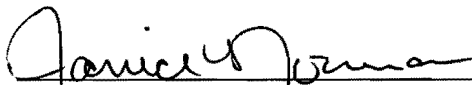
"B" – Aerial Map

"C" – Survey

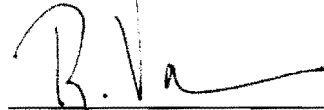
"D" – Applicant's Narrative

"E" – Photo of Fence

Respectfully Submitted,



Janice Ndrman, Urban Planner I, Zoning Administrator



Rick Vasquez, Director of Planning

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4/23/13
Date

4-23-13
Date

13Z-013 (4502 Sherman Blvd) Request for a variance from the Galveston Zoning Standards Section 29-65(g) regarding the side yard setback. Property is legally described as Lot 10, Harris-Damiani Subdivision, a Subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Robert Lilly

Zoning	One-Family-Four (1F-3)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One-Family Three (1F-3)	One-Family Three (1F-3)	One-Family Three (1F-3)	One-Family Three (1F-3)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of May 8, 2013

Sent	Returned	In Favor	In Opposition	No Comment
35	0	2	0	1

Advertisement Date: April 25, 2013

City Department Notifications:

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

Police Department:

No Objection

Private Utility Notifications:

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

ANALYSIS

The applicant is requesting a variance from Section 29-65 (g) to encroach into a side yard setback.

Zoning District: One-Family-Four (1F-3)

Side yard	Side Yard
Required	3'
Proposed	0'

The applicant will be required to comply with Section 302.1 of the 2009 IRC (Fire Resistant Construction).

Variance(s) Requested –

The applicant is requesting a variance from the following: Side yard setback– from 3' to 0'

Applicants Justification: Enhancement of property and functional use of existing structure.

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.

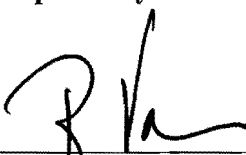
ATTACHMENTS

"A" – Application

"B" – Survey

"E" – Elevations

Respectfully Submitted,



Rick Vasquez, Director of Planning

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5/3/13

Date

13Z-014 (1615 37th St.) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding lot area and lot width. Property is legally described as Lot 8, 9, and the east ½ of 10, Block 35, Galveston Outlots, a Subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Marita Burns & Carl Hallgren

Zoning	Neighborhood Services
Land Use	Office, Dry cleaner, Storage garage

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	General Residence	General Residence	General Residence	General Residence
Land Use	Residential	Residential	Residential	Vacant

Property Owner Notification as of May 8, 2013

Sent	Returned	In Favor	In Opposition	No Comment
38	0	1	0	1

Advertisement Date: April 25, 2013

City Department Notifications:

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

Police Department:

No Objection

Private Utility Notifications:

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

BACKGROUND

The site is located at the southwest corner of Avenue "O" and 37th Street. Currently, Lot 8 and 9 are occupied by 5 structures. The east ½ of Lot 10 is vacant.

The property is zoned GR and the minimum lot area required is 3,000 square feet and the minimum required lot width is 40 feet.

Variance(s) Requested –

The property owner is requesting the following variances:

1. Lot 1 – Lot area from 3,000 to 2,469 square feet.
2. Lot 2 – Lot width from 40 feet to 37.7 feet
3. Lot 3 – No variance needed
4. Lot 4 – Lot width from 40 feet to 25 feet.

Applicants Justification: Subdivision of land for sale purposes.

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:

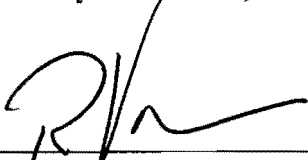
1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an 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" – Application

"B" – Survey

Respectfully Submitted,



Rick Vasquez, Director of Planning

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5/3/13

Date

13Z-15 (29 Adler Circle) Request for a variance from the Galveston Zoning Standards Section 29-68: Fence Regulations regarding fence height in a One Family-One (1F-1) zoning district. Property is legally described as M Menard survey, Lots 33 and 34, AKA Tract A of replat, of Westwood Subdivision, in the City and County of Galveston, Texas

Applicant: Frank Marczak

Property Owner: Elvin J. Peterson

Existing Zoning and Land Use:

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

Surrounding Zoning and Land Use:

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

Property Owner Notification as of May 8, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
34				

Advertisement Date: April 25, 2013

City Department Notifications:

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

Private Utility Notifications:

A. T. & T: Pending
 CenterPoint Energy: Pending
 Comcast: No Objection
 Texas Gas Service: No Objection

ANALYSIS

The applicant is requesting a variance from the maximum fence and wall height allowed for a front yard fence for a residential use. The applicant is proposing to construct an 8-foot tall solid fence along the property line in the front yard area between the residential structure and the 72nd Street right-of-way.

1. Variance regarding fence and wall height allowed for a front yard residential fence

Please reference the table below for the maximum fence or wall height allowed for a residential use, per Section 29-68(a)(1) of the Galveston Zoning Standards:

Maximum Fence or Wall Height, Residential Use

	Front Yard	Side or Rear Yard
Maximum Height	4 feet, or 5 feet if the fence or wall is at least sixty percent (60%) open	8 feet
Proposed	8 feet	N/A

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

- Front yard fence height – from 4' to 6'

Applicant's Justification

"Per Code raised height of lot 28" Hence when owner is standing at front door of house, on a four foot fence/wall as allowed by city now, he would be looking over fence/wall."

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" – Survey (Previous home)

"C" – Survey/Site Plan

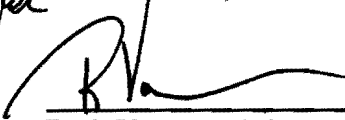
"D" – Applicant Submittal (Elevations and Photos)

Respectfully Submitted,

Yes 

Pete Milburn, Urban Planner II

Date 5/3/13



Rick Vasquez, Director of Planning

Date 5/3/13

13Z-16 (10023 Co-Pilot Lane, 1317 and 1319 Pilot Lane) Request for a variance from the Galveston Zoning Standards Section 29-65 (b) regarding lot width in conjunction with a replat. Property is legally described as Lots 1A and 2, of Airport Homesites, Section 2, a Subdivision in the City and County of Galveston, Texas.

Applicants and Property Owners: Thomas E. and Bonnie L. Farmer

Existing Zoning and Land Use:

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

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One Family-One (1F-1)	Water (W) and Planned Development (PD)	One Family-One (1F-1)	Water (W)
Land Use	Residential	Crash Boat Basin	Residential	Crash Boat Basin

Property Owner Notification as of May 8, 2013:

Sent	Returned	In Favor	In Opposition	No Comment

Advertisement Date: April 25, 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

BACKGROUND

The applicant owns Lot 1 and Lot 2 and in 1988 requested the end of Pilot Lane be closed Ordinance 88-06 and the property was purchased from the City of Galveston. The applicant had replatted Lot 1 and the closed street into 2 Lots, which was approved by Planning Commission on December 19, 1989. The width of the lots were approved for 25.49' for Lot 1 A and 25.50' for Lot 1B.

ANALYSIS

The applicant is requesting a variance from Section 29-65 (b) of the Galveston Zoning Standards regarding the minimum lot width for single-family residential property.

The proposed replat will meet the minimum lot area, lot depth, but due to the configuration the property located at 1319 Pilot Lane, will not meet the minimum lot width and the applicant is seeking a variance from the minimum lot width:

1. Variance regarding Lot width in the One Family-One (1F-1) zoning district

The minimum lot width is also shown below:

Variance(s) Requested - the applicant is requesting variances from the following 29-65 (b):

- 1319 Pilot Lane Lot width – from 50' to 20'

Should the variance request be denied, the applicant will not be able to replat the properties from 2 lots to 3. Should the Zoning Board of Adjustment approve the variance request, the applicant will be required to obtain an administrative plat to relocate the front property line to meet the requested variance.

Applicant's Justification

"In conjunction with replat for residential development."

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;
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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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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.

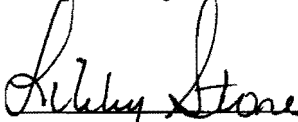
ATTACHMENTS

"A" – Aerial Zoning Map

"B" – Aerial Map of the Proposed Replat

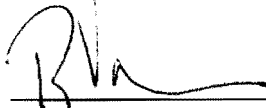
"C" – Site Plan of the Proposed Replat

Respectfully Submitted,



Libby Stone, Coastal Development Planner

4/25/13
Date



Rick Vasquez, AICP, Director

4/25/13
Date

E. New Business and associated Public Hearing:

13Z-12 (2901 Avenue Q 1/2) Request for a variance from the Galveston Zoning Standards Section 29-68, regarding fence height requirement within the One Family-One, (1F-1) zoning district. Property is legally described as M. Menard Survey, North 80 feet of Lots 6 and 7, and North East part of Lot 5 (3006-3), South East Block 114, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant and Property Owner: Stephanie DeJesus and Cynthia Festa

13Z-13 (4502 Sherman Blvd) Request for a variance from the Galveston Zoning Standards Section 29-65(g) regarding the side yard setback. Property is legally described as Lot 10, Harris-Damiani Subdivision, a Subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Robert Lilly

13Z-14 (1615 37th St.) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding lot area and lot width. Property is legally described as Lot 8, 9, and the east ½ of 10, Block 35, Galveston Outlots, a Subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Marita Burns
& Carl Hallgren

13Z-15 (29 Adler Circle) Request for a variance from the Galveston Zoning Standards Section 29-68: Fence Regulations regarding fence height in a One Family-One (1F-1) zoning district. Property is legally described as M Menard survey, Lots 33 and 34, AKA Tract A of replat, of Westwood Subdivision, in the City and County of Galveston, Texas

Applicant: Frank Marczak

Property Owner: Elvin J. Peterson

13Z-16 (10023 Co-Pilot Lane, 1317 and 1319 Pilot Lane) Request for a variance from the Galveston Zoning Standards Section 29-65 (b) regarding lot width in conjunction with a replat. Property is legally described as Lots 1A and 2, of Airport Homesites, Section 2, a Subdivision in the City and County of Galveston, Texas.

Applicants and Property Owners: Thomas E. and Bonnie L. Farmer

F. Discussion and Action Items

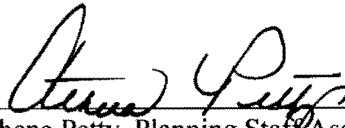
1. Legal Opinion regarding appeals to the ZBA (Staff)
2. Motion to reconsider Case 13Z-05 (Sunseri)
3. Consider date certain for motion to reconsider (Sunseri)

POSTED
MAY 02 2013

CITY SECRETARY'S
OFFICE

G. Adjournment

Prepared By:


Athena Petty, Planning Staff Assistant
April 29, 2013

Date Prepared:

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.