

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, June 5, 2013

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

- A. Attendance
- B. Conflict of Interest
- C. Minutes: May 8, 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

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-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

E. New Business and associated Public Hearing:

13Z-17 (1618 17th Street and 1624 Avenue O) Request for a variance from the Galveston Zoning Standards Section 29-65 (a) regarding lot area, Section 29-65 (b) regarding lot width, and Section 29-65 (h)(a) regarding rear setback in conjunction with a replat. Property is legally described as the M. Menard Survey, the North half of Lot 14 and the West half of Lot 13 (2014-1), Southwest Block 46, Galveston Outlots, in the City and County of Galveston, Texas.

Applicants and Property Owners: Gary and Jane McNeel

13Z-18 (2415 & 2423 32 Street; 3210 & 3217 Avenue S) Request for an appeal from an administrative decision regarding the application of a definition of Parking Structure-Mixed Use Commercial to the proposed project.

Applicant & Owner: Dennis Byrd's

13Z-19 (1309 Avenue L) Request to appeal the City of Galveston Landmark Commission's decision regarding case 13LC-28 Request for a Certificate of Appropriateness for demolition of the main structure within the San Jacinto Neighborhood Conservation District. Property is legally described as the Lot 5, Block 13, in the City and County of Galveston, Texas.

Applicant: Adrienne Campbell and Rob Lackowicz, URS

Property Owner: Evelyn Holmes

13Z-20 (8502 Seawall Blvd) Request for a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) regulations regarding build-to-line requirements in the HDDZ zoning district. Property is legally described as part of Lot 215 (215-1), Trimble and Lindsey, Section 1, in the City and County of Galveston, Texas

Applicant: Michael Gaertner

Property Owner: Balaji Builders Inc., % Willis Ghandi

13Z-21 (3800 (3802) Seawall Blvd) Request for a variance from the Galveston Zoning Standards Section 29-102: Seawall Development Zone (SDZ) regulations regarding signage. Property is legally described as northwest and southwest Block 185 and Adjacent abandoned streets, Galveston Outlots and Lots 1-16, Boulevard Subdivision, in the City and County of Galveston, Texas

Applicant and Property Owner: Gaido's Properties II Inc., % Nicolas Gaido

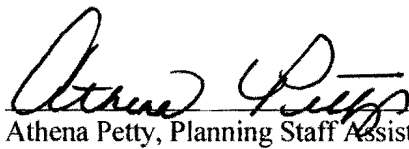
13Z-22 (1813 49th Street) Request for a variance from the Galveston Zoning Standards Section 29-65(g) regarding the side yard setback. Property is legally described as the North 36 feet of Lots 13 and 14 (13-1), Block 104, Denver Resurvey, a Subdivision in the City and County of Galveston, Texas.

Applicant: Zach Martin, URS

Property Owner: Blanca Rojas

F. Adjournment

Prepared By:


Athena Petty, Planning Staff Assistant

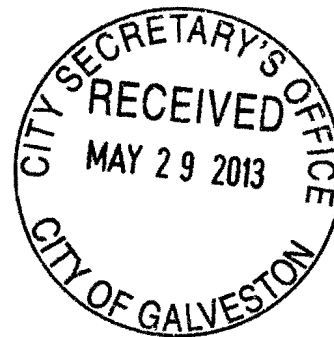
Date Prepared:

May 28, 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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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 May 8, 2013, voted to continue the above referenced case until the June 5, 2013, regular meeting to allow the applicant time to reconfigure the sign.

This is the fifth 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: Janice Norman, Urban Planner I, Zoning Administrator
Planning Department

DATE: May 29, 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 June 5, 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, Director
Planning Department

MEMORANDUM

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

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

DATE: May 29, 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 Zendehtel

The Zoning Board of Adjustment at their regular meeting on May 8, 2013, voted to continue the above referenced request until the June 5, 2013 regular meeting to allow the time to explore an alternative for the signs.

This was the second 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
Planning Department

DATE: May 1, 2013

RE: **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

The Zoning Board of Adjustment at their regular meeting of May 8, 2013, voted to continue the above referenced case until the June 5, 2013, regular meeting so that the applicant could be present.

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: Richard Vasquez, Director
Planning Department

DATE: May 29, 2013

RE: **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 and Carl Hallgren

The Zoning Board of Adjustment at their regular meeting of May 8, 2013, voted to continue the above referenced case until the June 5, 2013..

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 and Community Development

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13Z-17 (1618 17th Street and 1624 Avenue O) Request for a variance from the Galveston Zoning Standards Section 29-65 (a) regarding lot area, Section 29-65 (b) regarding lot width, and Section 29-65 (h)(a) regarding rear setback in conjunction with a replat. Property is legally described as the M. Menard Survey, the North half of Lot 14 and the West half of Lot 13 (2014-1), Southwest Block 46, Galveston Outlots, in the City and County of Galveston, Texas.

Applicants and Property Owners: Gary and Jane McNeel

Existing Zoning and Land Use:

Zoning	Multiple Family-One Dwelling, Neighborhood Conservation District 1 (MF-1-NCD-1)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	General Residence, Neighborhood Conservation District 1 (GR-NCD-1)	Multiple Family-One Dwelling, Neighborhood Conservation District 1 (MF-1-NCD-1)	Multiple Family-One Dwelling, Neighborhood Conservation District 1 (MF-1-NCD-1)	Multiple Family-One Dwelling, Neighborhood Conservation District 1 (MF-1-NCD-1)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of May 8, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
45				

Advertisement Date: May 24, 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 would like to replat one lot into two lots. The property is currently one lot with an unusual "L-shaped" configuration as shown in Attachment "B". The applicant is proposing to create two lots – one addressed 1618 17th Street and one addressed 1624 Avenue O – for possible future resale. No new structures are proposed.

The lot that will be addressed 1624 Avenue O does not meet the minimum lot standards for the MF-1 zoning district. Additionally the HVAC platform for the house at 1624 Avenue O will encroach the rear setback.

Requested Variances

The requested variances are:

1. Lot area: from the requirement of 3,000 square feet to 1,428.7 square feet;
2. Lot width: from the requirement of 40 feet to 21.42 feet; and
3. Rear setback: from the requirement of 10 feet to five feet.

Should the variance request be denied, the applicant will not be able to replat the properties from one lot to two. Should the Zoning Board of Adjustment approve the variance request, the applicant will be required to obtain an administrative plat officially separate the properties

Applicant's Justification

"We hope to re-plat this property into two separate residences for possible future sale."

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

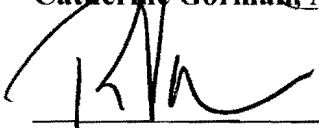
"A" – Aerial Zoning Map

"B" – Survey

"C" – Site Plan of the Proposed Replat

Respectfully Submitted,



Catherine Gorman, AICP, Assistant Director/HPO

Rick Vasquez, DirectorS-28-B5/28/13**Date**

13Z-18 (2415 & 2423 32 Street; 3210 & 3217 Avenue S) Request for an appeal from an administrative decision regarding the application of a definition of Parking Structure-Mixed Use Commercial to the proposed project.

Existing Zoning and Land Use:

Zoning	R
Land Use	Surface Parking Lot

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	1F-4 One Family Four	R-SDZ-2-HDDZ-3 Retail Seawall Development Zone Height Density Development Zone	R Retail	R-SDZ-2-HDDZ-3 Retail Seawall Development Zone 2- height Density Development Zone
Land Use	Residential	Commercial	Motel	Residential

ANALYSIS

Mr. Byrd is proposing to develop a 5 story, 246 space parking garage with 1,991 square feet of retail space.

The appeal surrounds the proposed development of a parking garage, with approximately 2,000 square feet of retail space on the ground floor. The property is zoned R – Retail (Appendix 0, p. 323) and abuts right-of-way on the south and east side of the property.

Parking Lots, Commercial (Ord 04-038); *Parking Lot, Incidental to main use* (Ord04-038; *Parking Structure, Mixed Use Commercial* (Ord 04-038) are permitted uses within the R- Retail Zoning District.

The definition of Parking Structure, Mixed Use Commercial states, “The first floor of the subject structure, adjacent to any public right-of-way, shall be utilized for retail, commercial or office space, as permitted within the subject zoning district.”

The Planning Department staff’s interpretation of this provision, as applied to the applicant’s project, would require a retail, commercial or office use at the first floor of the parking structure and abutting the Avenue S and 32nd Street right-of-way.

The Board of Adjustments must determine if the definition requires a retail, commercial or office use along the entire frontage on Avenue S and 32nd Street or does the applicant’s proposed site plan meet the requirements of Parking Structure, Mixed Use Commercial.

ATTACHMENTS

“A” – Site Plan

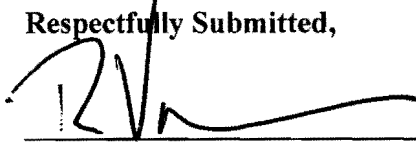
"B" – R – Retail Permitted Uses

"C" – Parking Definitions

"D" – Aerial Photo

"E" - Zoning Map

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'RV', is written over a horizontal line.

Rick Vasquez, Director of Planning

5/29/13

Date

MEMORANDUM

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

FROM: Dustin Henry, Urban Planner II/GIS Analyst
Planning Department

DATE: May 28, 2013

RE: **13Z-19 (1309 Avenue L) Request to appeal the City of Galveston Landmark Commission's decision regarding case 13LC-28** Request for a Certificate of Appropriateness for demolition of the main structure within the San Jacinto Neighborhood Conservation District. Property is legally described as the Lot 5, Block 13, in the City and County of Galveston, Texas.
Applicant: Adrienne Campbell and Rob Lackowicz, URS
Property Owner: Evelyn Holmes

The Galveston Landmark Commission, at their meeting of April 22, 2013, voted to deny the request regarding a Certificate of Appropriateness for demolition of the main structure within the San Jacinto Neighborhood Conservation District. The applicant is appealing the Landmark Commission's Decision.

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 *San Jacinto Neighborhood Conservation District Design Standards* are the current set of guidelines the Landmark Commission must use to base its decisions on requests for demolition within the San Jacinto Neighborhood Conservation District. The attached staff report references sections of the *Design Standards* that are applicable to the subject case, as well as any previous cases, which established precedent regarding specific issues. 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: File

Attachments

- "A" – Applicant's Justification (1 page)
- "B" – Staff Report for 13LC-28
- "C" – Action letter for 13LC-28
- "D" – Transcribed minutes for the April 22, 2013 Landmark Commission meeting

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13Z-20 (8502 Seawall Blvd) Request for a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) regulations regarding build-to-line requirements in the HDDZ zoning district. Property is legally described as part of Lot 215 (215-1), Trimble and Lindsey, Section 1, in the City and County of Galveston, Texas

Applicant: Michael Gaertner

Property Owner: Balaji Builders Inc., % Willis Ghandi

Existing Zoning and Land Use:

Zoning	Retail, Seawall Development Zone, Zone 4, Height and Density Development Zone, Zone 5 (R-SDZ-4-HDDZ-5)
Land Use	Vacant

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Recreation, Height and Density Development Zone, Zone 5 (REC-HDDZ-5)	Water (W)	Retail, Seawall Development Zone, Zone 4, Height and Density Development Zone, Zone 5 (R-SDZ-4-HDDZ-5)	Recreation, Seawall Development Zone, Zone 4, Height and Density Development Zone, Zone 5 (REC-SDZ-4-HDDZ-5)
Land Use	Vacant	Beach	Residential	Vacant

Property Owner Notification as of June 5, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
26				

Advertisement Date: May 24, 2013

City Department Notifications:

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

Private Utility Company Notifications:

AT&T: Pending
 CenterPoint Energy: Pending
 Comcast: Pending
 Texas Gas Service: Pending

ANALYSIS

The applicant is requesting variances from the Galveston Zoning Standards requirements of Section 29-82: Sign Regulations and Section 29-107: Height and Density Development Zone (HDDZ). 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.

The applicant is requesting the following variance:

1. Percent at Build to Line 29-107 (f)(3)(b)

The percent of the building that is required to be at the Build-to-Line is 30%. The purpose of this regulation is to locate the buildings as close to the street as possible in order to create a more pedestrian friendly environment. Due to fact that this property does not have a minimum setback, the Build-to-Line is the edge of the property line along Stewart Road. The applicant is requesting that the percent of the building required to be located at the Build-to-Line be reduced to 0% in order to orient the building more towards Seawall Boulevard. This request, in effect, eliminates the requirement to locate the building as close to the street edge as possible.

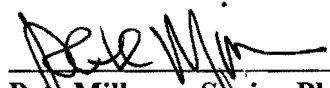
Requested Variance

Reduce percent at Build to Line from 30% to 0%.

ATTACHMENTS

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

Respectfully Submitted,



Pete Milburn, Senior Planner



Rick Vasquez, Director

5-31-13
Date

5/31/13
Date

13Z-21 (3800 (3802) Seawall Blvd) Request for a variance from the Galveston Zoning Standards Section 29-102: Seawall Development Zone (SDZ) regulations regarding signage. Property is legally described as northwest and southwest Block 185 and Adjacent abandoned streets, Galveston Outlots and Lots 1-16, Boulevard Subdivision, in the City and County of Galveston, Texas

Applicant and Property Owner: Gaido's Properties II Inc., % Nicolas Gaido

Existing Zoning and Land Use

Zoning	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (RES-SDZ-2-HDDZ-3)
Land Use	Restaurant/Hotel

Surrounding Zoning and Land Use

	North	South	East	West
Zoning	Multi-Family One (MF-1)	Beach, Seawall Development Zone, Zone 2 (B-SDZ-2)	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (RES-SDZ-2-HDDZ-3)	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (RES-SDZ-2-HDDZ-3)
Land Use	Commercial	Beach	Commercial	Commercial

Property Owner Notification as of June 5, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
36				

Advertisement Date:

May 24, 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

ANALYSIS

The applicant is requesting a variance from the signage regulations of the Seawall Development Zone (SDZ) in order to erect one additional detached sign at the *Gaido's* Restaurant and Hotel development. The regulations for signage within the SDZ are located in Section 29-102: Seawall Development Guidelines of the Galveston Zoning Standards. Section 29-102 (k)(7) applies to detached signage and states the following:

Detached Sign (Monument or Pylon) – All detached signs must either be monument or pylon in design. A total of two (2) detached signs shall be allowed for any one (1) development project, per street frontage, and can be a combination of monument and pylon. Properties with greater than 600 linear feet of the same street frontage are permitted a total of three (3) 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:

a. **Monument Sign:**

- Height: No one (1) sign shall exceed 25-feet in overall height, including any architectural features. A maximum of 2-foot berm and/or base, which may not be used for signage, is permitted, measured from the existing elevation.
- Area: The sign face, which is defined as the sign area above the 2-foot berm and/or base, shall be no more than a total of 100-square feet, with a maximum of five (5) tenants per sign permitted.
- Material: Monument signs constructed in accordance with this ordinance shall be constructed of the primary materials, colors and in the architectural style of the buildings on the site.
- Landscaping: The 2-foot berm or base area must be screened with landscape planting having a minimum height upon planting of 18-inches, creating a continuous row of shrubs after one year of growth.
- Secondary entrance sign: One rear monument sign is permitted for secondary entrances, not to exceed 50% of the permitted square foot for the front or main entrance sign. Maximum width shall not exceed four-feet (4'). The two-foot (2') berm or base shall not be permitted for the secondary entrance sign.

b. **Pylon Sign:**

- Height: No one (1) sign shall exceed 25-feet in overall height including any architectural features. A maximum 2-foot berm and/or base is permitted, measured from the existing elevation, which may not be used for signage.
- Area: The sign face, which is defined as the sign area above the 2-foot berm and/or base, shall be calculated on a 1 to 1 ratio of the linear footage of the property. No sign shall exceed 200-square feet.
- Base Design: The pylon sign base shall have a minimum width of 3-feet but may not exceed 5-feet. The width shall measure at least 1½ times the depth and the depth may not exceed 3-feet. The base may be structurally supported by poles, which are covered with a material as described below. The height of the base must be greater than 50% of the total height of the sign structure.
- Material: Pylon signs constructed in accordance with this ordinance shall be constructed of the primary materials, colors and in the architectural style of the buildings on the site.
- Landscaping: The 2-foot berm or base area must be screened with landscape planting having a minimum height upon planting of 18-inches, creating a continuous row of shrubs after one year of growth.

The SDZ allow two types of detached signage designs, Monument or Pylon. The applicant is proposing to install a Pylon sign to be used in association with the new *Nick's Kitchen and Beach Bar* to replace the existing *Casey's Restaurant*. The proposed sign design is included as Attachment "D".

Requested Variances

The applicant is requesting the following variances:

Variance #1: Increase the number of detached signs from 3 to 4.

The regulations allow up to three detached signs for a development site with greater than 600 linear feet of frontage. The *Gaido's* site has an approximate total of 730 linear feet of Seawall frontage. Currently, the development has three detached signs used in conjunction with *Gaido's* restaurant and hotel. The applicant is proposing to place the detached sign approximately at the center of the linear frontage, adjacent to the "Nick's" restaurant.

Variance #2 - Height: Increase the overall height from 25 feet to 29 feet, 7 inches.

The regulations limit the overall height of detached signs within the SDZ to 25 feet. In meetings with Staff, the applicant has stated the name "Nick's" is conforming to the maximum height limit; however, the background design extends above the 25 foot maximum. Therefore, the applicant is requesting the variance to increase the overall height in order to allow the background design of the logo (Attachment "D").

Variance#3 - Base Design: Reduce the base height from 'greater than 50% of the total height of the sign structure' to 12 feet, 7 inches.

For a sign measuring 25 feet in height, a base designed to measure 12 feet, 7 inches in height is greater than 50% of the total height of the sign and would therefore conform to the regulations. However, because the overall height of the sign is 29 feet, 7 inches, the base would need to measure a distance greater than 14 feet, 9 ½ inches in height in order to conform to the 50% rule.

Applicant's Justification

See Attachment "C"

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.

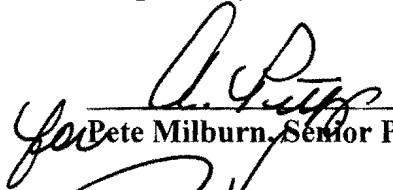
APPEAL FROM DECISION OF BOARD

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.

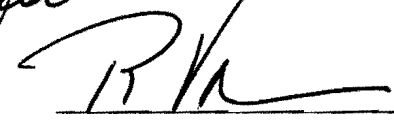
ATTACHMENTS

- "A" – Zoning Map
- "B" – Applicant's Submittal
- "C" – Applicant's Justification (2 pages)
- "D" – Sign Design (2 pages)

Respectfully Submitted,


Pete Milburn, Senior Planner

5/28/13
Date


Richard M. Vasquez, Director

5/28/13
Date

13Z-22 (1813 49th Street) Request for a variance from the Galveston Zoning Standards Section 29-65(g) regarding the side yard setback. Property is legally described as the North 36 feet of Lots 13 and 14 (13-1), Block 104, Denver Resurvey, a Subdivision in the City and County of Galveston, Texas.

Applicant: Zach Martin, URS

Property Owner: Blanca Rojas

Existing Zoning and Land Use:

Zoning	General Residence (GR)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	General Residence (GR)	General Residence (GR)	General Residence (GR)	General Residence (GR)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of June 5, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
30				

Advertisement Date: May 24, 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 constructing a new house on the lot. They are requesting a variance from the side yard setback along the north property line, along the alley. The request is to reduce the required setback from 3 feet to zero feet. The bulk of the setback along the north property line is grandfathered, because the existing house currently encroaches the setback. The footprint of the existing house remains for six months after demolition. However, a portion of the proposed new construction is located outside of the grandfathered footprint and requires a variance.

Requested Variances

The requested variances are:

1. Side Setback: from the requirement of 3 feet square feet to zero feet on the north property line.

Applicant's Justification

"Due to the proposed dwelling layout in relation to the existing dwelling; we are requesting the alley side setback of 3 feet to be reduced to zero. No structural member will exceed the property boundaries if variance is granted."

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 Zoning Map

"B" – Survey

"C" – Site Plan

Respectfully Submitted,


Catherine Gorman, AICP, Assistant Director/HPO

S-Q8-13


Rick Vasquez, Director

5/20/13
Date