

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, July 3, 2013
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

A. Attendance

B. Conflict of Interest

C. Minutes: May 8, 2013
June 5, 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 - I, Height and Density Development Zone, Zone 1 (C-GDZ-I-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-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

E. New Business and associated Public Hearing:

13Z-23 (1604 Avenue M) Request to appeal the City of Galveston Landmark Commission's decision regarding case 13LC-24 Request for a Certificate of Appropriateness to retain the vinyl windows. Property is legally described as the South eighty feet of Lot 8 (8-1), Block 16, in the City and County of Galveston, Texas.
Applicant and Owner: Cheryl A. Proctor

F. Discussion and Action Items:

1. Increasing the Zoning Board of Adjustment membership from five to seven persons (Staff) CITY SECRETARY'S OFFICE

G. Adjournment

Prepared By:


Athena Petty, Planning Staff Assistant
June 26, 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.

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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 June 5, 2013, voted to continue the above referenced case until the August 7, 2013, regular meeting to allow the applicant time to reconfigure the sign.

This was the sixth 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: June 25, 2013

RE: **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

The Zoning Board of Adjustment at their regular meeting of June 5, 2013, voted to continue the above referenced case until the July 3, 2013, in order for the applicant to be present.

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

xc: File

MEMORANDUM

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

FROM: Catherine Gorman, AICP, Assistant Director/Historic Preservation Officer 
Planning Department

DATE: June 24, 2013

RE: **13Z-23 (1604 Avenue M) Request to appeal the City of Galveston Landmark Commission's decision regarding case 13LC-24** Request for a Certificate of Appropriateness to retain the vinyl windows. Property is legally described as the South eighty feet of Lot 8 (8-1), Block 16, in the City and County of Galveston, Texas.
Applicant and Owner: Cheryl A. Proctor

The Galveston Landmark Commission, at their meeting of April 22, 2013, voted to deny the request regarding a Certificate of Appropriateness for retention of existing vinyl windows. The applicant is appealing the Landmark Commission's decision.

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. The attached staff report references sections of the *Design Standards* that are applicable to the subject case. 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" – Staff Report for 13LC-24, including attachments
- "B" – Action letter for 13LC-24, dated April 23, 2013
- "C" – Transcribed minutes for the April 22, 2013 Landmark Commission meeting
- "D" – Applicant's submittal

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13LC-24 (1604 Avenue M) Request for a Certificate of Appropriateness to retain the vinyl windows. Property is legally described as South eighty feet of Lot 8 (8-1), Block 16, in the City and County of Galveston, Texas.

Applicant and Owner: Cheryl A. Proctor

Existing Zoning and Land Use

Zoning	General Residence, Historic District (GR-H)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	General Residence, Historic District (GR-H)	General Residence, Historic District (GR-H)	General Residence, Neighborhood Conservation District, Zone 1 (GR-NCD-1)	General Residence, Historic District (GR-H)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of April 22, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
8	3	3	0	0

Advertisement Date:

Not required

City Department Notifications:

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

Private Utility Notifications:

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

Galveston Historical Foundation: In Opposition

Historical and/or Architectural Significance:

According to the 1994 Galveston Residential Historic District Survey, the subject structure is in the "Box" style and constructed in 1877. At the time of the survey, the structure had "None to minor" alterations and was in "moderate" condition. The survey state the residence is "Contributing" to the historical significance of the district through location, design, setting, materials, workmanship, feeling, and/or association.

BACKGROUND

The applicant installed new vinyl windows on the front, side and rear facades without Landmark Commission approval. The property was red-tagged for the window installation on August 26, 2009. The Galveston Landmark Commission, at their meeting of June 21, 2010, voted to approve case (10LC-27) with the conditions to remove the vinyl windows on the front façade (south) and replace with wood windows with a 2/2 light pattern. All work was to be completed within six (6) months of the Landmark Commission review. The applicant appealed the Landmark Commission decision to the Zoning Board of Adjustment on August 8, 2010. The

Zoning Board of Adjustment upheld the Landmark Commission decision to replace the vinyl windows on the front façade case (10Z-37). The applicant was unable to replace the windows due to financial hardship within that time frame. The applicant returned to the Landmark Commission to request an additional eighteen months to complete the work. The Landmark Commission approved the additional eighteen-months on August 1, 2011 case (11LC-53). Also note, the storm door was determined by staff to be present on the house years prior to the new window installation and is not part of this case.

ANALYSIS

The applicant is requesting to retain the vinyl windows that were installed on the front façade of the house.

The *Design Standards for Historic Properties of Galveston, Texas* states the following regarding window openings:

Historic Windows

The character-defining features of a historic window should be preserved. Historic windows can be repaired by re-glazing and patching and splicing wood elements such as muntins, frame, sill and casing. Repair and weatherization is more energy efficient, and less expensive than replacement. If an original window cannot be repaired, new replacement windows should be in character with the historic building.

2.13 Preserve the functional and decorative features of a Historic Window.

Appropriate

- Preserve historic window features including the frame, sash, muntins, mullions, glazing, sills, heads, jambs, moldings, operation and groupings of windows.
- Repair, rather than replace, frames and sashes, whenever possible.

2.14 Maintain original window proportions and components.

Appropriate

- Preserve the position, number and arrangement of historic windows in a building wall (flexibility in modifying a window on the rear of a contributing structure may be considered. See "Locating Façade Improvements" on page 29 for more information).
- Maintain the original size, shape and number of panes.
- Repair and maintain windows regularly, including wood trim, glazing putty and glass panes.
- Maintain historic art or stained glass.

Inappropriate

- Do not enclose a historic window opening or add a new opening.
- Do not significantly increase the amount of glass on a primary façade as it will negatively affect the integrity of the structure.

2.15 Preserve the proportions of historic window openings.

Appropriate

- Restore altered window openings on primary façades to their original configuration, when feasible.

Inappropriate

- Do not reduce an original opening to accommodate a smaller window or increase it to accommodate a larger window.

Conformance with the Design Standards

Staff finds the alterations to the windows do not conform to the above stated regulations above.

STAFF RECOMMENDATION

Staff recommends approval of case 13LC-24 with the following conditions:

Specific Conditions to 13LC-24

1. The vinyl windows on the front façade be removed and replaced with wood windows with a 2/2 light pattern ; and,

Standard Conditions

2. All work must be completed within six months (6) months of Landmark Commission review;
3. Any significant alteration from the design approved by the Landmark Commission, shall require the request to be returned to the Commission for review;
4. The applicant shall adhere to all comments/conditions received from City departments and/or private utility companies. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Landmark Commission for additional review and approval. Failure to comply with all comments/conditions may result in penalties and/or revocation of this Certificate of Appropriateness;
5. Any additional work will require a separate building permit from the Department of Planning and Community Development, and may require review by the Landmark Commission and/or the City's Historic Preservation Officer prior to construction;
6. Construction must begin within six (6) months of Landmark Commission approval and be completed within one (1) year of receiving a building permit; and,
7. In accordance with Section 29-80 of the Zoning Standards, should the applicant be aggrieved by the decision of the Landmark Commission, a letter requesting an appeal must be submitted to the Historic Preservation Officer within 10 days of the Commission decision. Additionally, a Zoning Board of Adjustment application must be submitted to the Department of Planning and Community Development by the next respective deadline date.

ATTACHMENTS

- "A" – Zoning Map
- "B" – Sanborn Map
- "C" – 1994 Galveston Residential Historic District Survey
- "D" – Survey
- "E" – Photo

Respectfully Submitted,

Janice Norman, Planner I/ Zoning Administrator

Date

Catherine Gorman, AICP, HPO/Assistant Director of Planning

Date



I3LC-24 1604 Ave M

Map prepared by the Department of Planning and Community Development (normanjan) - 4/9/2013
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

0 25 50 100 Feet

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational

GALVESTON RESIDENTIAL HISTORIC DISTRICT SURVEY

Attachment C

Address 1604 Ave M Owner Teresa Lamb
 Block 16 Lot 8, S. 80' 1604 Ave L
Galveston, TX 77550
 Building Name _____

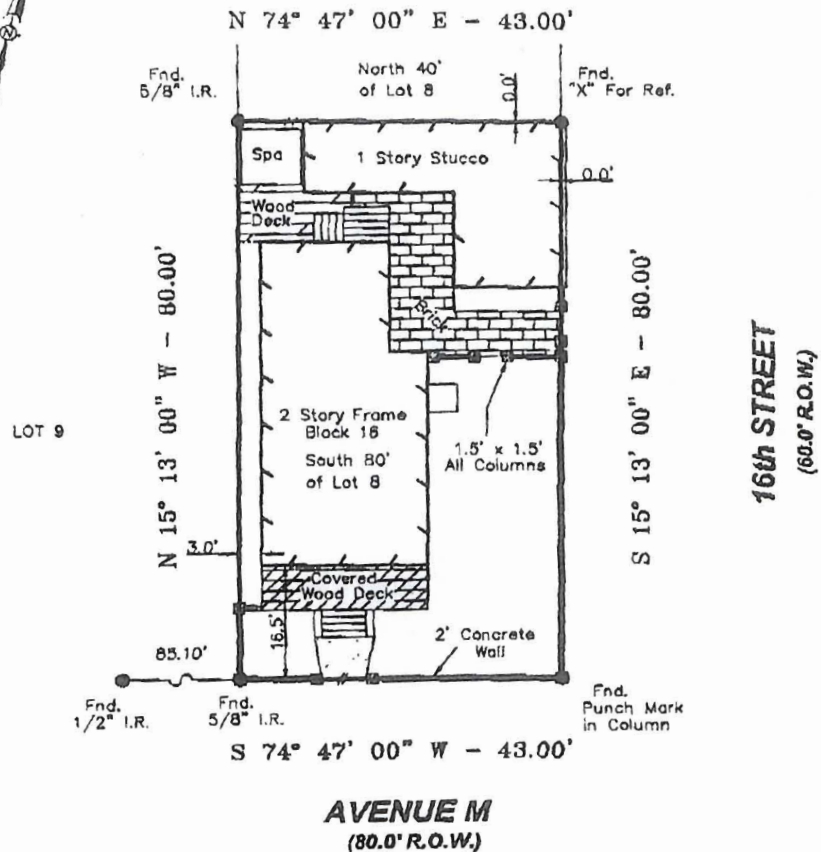
1. Description

- a. Style/Type Bok b. Date 1877-1915 addition
- c. Number of stories: One _____
 Two X
 Three _____
- d. Materials: Frame X
 Brick _____
 Other _____
- e. Alterations: None to Minor X
 Moderate _____
 Major _____
- f. Use: Single-Family X
 Duplex _____
 Multi-Family _____
 Institutional _____
 Commercial _____
 Other _____
- g. Condition: Good _____
 Moderate X
 Poor _____
- h. Secondary Structures: None _____ Garage/Apt. X Shed _____
 Notable Example Detached garage
- i. Comments: wooden pillars replaced by concrete pillars i needs painting

2. Evaluation

- a. Contributing: Contributes to the historical significance of the district through location, design, setting, materials workmanship, feeling, and/or association.
- b. Compatible (supporting): Scale, material, compositional treatment and/or other features provide the setting for more important resources and support the character of the district.
- c. Non-contributing: Neither adds to nor detracts from the sense of time and place and historical development of the district.
- d. Intrusion: Detracts from the historical significance of the district.

3. Historical data available at Galveston Historical Foundation. Note: Rosenberg Library is another possible source



- Notes :
- Basis for Bearings: NORTHWESTERLY R.O.W. OF AVENUE M.
 - Distances shown are ground distances.
 - All abstracting done by title company.
 - All 3 L.L.'s & U.E.'s taken from recorded plat unless otherwise noted.
 - All fences are 6" wood unless otherwise noted.
 - This survey certified for this transaction ONLY.
 - Survey is NOT to be relied upon for ANY other purpose.
 - Dimension ties from improvements to property lines are calculated and should NOT be relied upon for construction and/or removal of any improvements including fences.
 - Building dimensions may not be used to calculate square footage.
 - Party wall & boundary agmt. per Film Code No. 001-14-0965 O.P.R.R.P.G.C..
 - Encroachment of garage, survey dated 03-01-96 by John F. Sissons, R.P.L.S. No. 4930 & survey dated 04-09-97 by Andrew Johnson, Jr., R.P.L.S. No. 1530.

This property appears to be in
the 100 year flood plain, &
in insurance rate map zone A-12,
as per map 4854690026D
Dated 08-15-83 BFE = 11.00'

This determination to be used for flood insurance rate purposes ONLY and is NOT to be relied upon for ANY other purpose. Surveyor has NOT determined whether property lies in a FLOODWAY area and makes NO representation as to whether property lies within a FLOODWAY area.

I certify to the Purchaser, Lender and Title Company named hereon ONLY, that this survey reflects my opinion of the boundary location based on the evidence known as of 12-27-01.

JOHN P. HORNE, R.P.L.S. No. 5099



Surveyor makes No Representation as to whether Property has other Encumbrances City, South 80' of Lot 8		Block 18	SUBDIVISION CITY & COUNTY OF GALVESTON		ACRES -
RECORDED UNRECORDED			COUNTY GALVESTON	STATE TEXAS	
ADDRESS 1604 AVENUE M		CITY GALVESTON	LENDER WORLD SAVINGS		
GRANTOR CHERYL PROCTOR		TITLE COMPANY STEWART TITLE COMPANY		A.P. # 01209777	

GULLETT & ASSOCIATES, INC.
P.O. BOX 230187
HOUSTON, TEXAS 77223
(713) 644-3219 • FAX (713) 644-4945

DRAWN BY: gao
DRAWING NO.: 01122606
TOTAL P.04

Chas. A. Proctor

1004 AVE M



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

April 23, 2013

Cheryl Proctor
1604 Ave M
Galveston, TX 77550

Re: **13LC-24 (1604 Avenue M)** Request for a Certificate of Appropriateness to retain the vinyl windows. Property is legally described as the South eighty feet of Lot 8 (8-1), Block 16, in the City and County of Galveston, Texas.
Applicant and Owner: Cheryl A. Proctor

Dear Ms. Proctor:

The Galveston Landmark Commission, at their regular meeting of April 22, 2013, voted to deny the request to continue the above referenced request until the May 20, 2013, regular meeting. Additionally, the Landmark Commission voted to deny the above referenced request regarding a Certificate of Appropriateness to retain the vinyl windows and placed a condition on the case that the windows must be replaced within 60-days from April 22, 2013.

In accordance with Section 29-80 of the Zoning Standards, should the applicant be aggrieved by the decision of the Landmark Commission, a letter requesting an appeal must be submitted to the Historic Preservation Officer within 10 days of the Commission decision. Additionally, a Zoning Board of Adjustment application must be submitted to the Department of Planning and Community Development by the next respective deadline date.

We ask that you retain a copy of this letter for future reference. Please feel free to contact me at 409/797-3660, should you have any additional questions.

Sincerely,

Janice Norman
Planning Department

/ap

**Verbatim Minutes
Landmark Commission
April 22, 2013**

13LC-24 (1604 Avenue M) Request for a Certificate of Appropriateness to retain the vinyl windows. Property is legally described as South eighty feet of Lot 8 (8-1), Block 16, in the City and County of Galveston, Texas.

Applicant and Owner: Cheryl A. Proctor

Staff read report.

Michael Culpepper opens public hearing.

Brenda Lee: I would like the record to show that I am opposed to this request and I will not be available to speak in May.

Tom Schwenk: As the president of the neighborhood association, I would like to abstain from this case because we had a meeting and talked about it and I would like to speak for them and not for me.

Michael Culpepper: So you want to declare a conflict of interest on it.

Tom Schwenk: Yes

Michael Culpepper: Would anyone else like to speak on this case, Mr. Schwenk?

Tom Schwenk: I am speaking on behalf of the San Jac Neighborhood Association in which I am the president. I live at 1502 Ave L, and our board is in opposition of the continuance and opposition to the windows.

Matt Peltz (GHF): We turned in a comment sheet but it was very late today, so I'm not sure if it got in. I just wanted to say that we are also opposed to the continuance.

Michael Culpepper: Anyone else that would like to speak, hearing none we will bring back to the Commission.

Linda Strevell: Just for the record, this property was red tagged in August 2009. It came to the Landmark Commission in June 2010 and we gave the homeowner six months to make changes. And at that time she had placed a green tinted windows and they are very obviously green tinted windows. We did, in fact I'm the one that made a motion that we have her replace the windows in the front. So, in August 2010 it went to the Zoning Board of Adjustment and they upheld our vote. And then in August 2011 she came back and asked us for an extra eighteen months. So, this has gone on for quite a period of time. And I'm not going to vote for a continuance. I'm going to vote for her to replace those windows in the front of the house.

Michael Culpepper: Do you want to make a motion?

Linda Strevell: How do I make a motion if we don't have a continuance?

Michael Culpepper: You can move to deny

Linda Strevell: I will move to deny the continuance.

Judy Wilkie: Seconded

Catherine Gorman: The request is for a Certificate of Appropriateness to retain the vinyl windows.

Linda Strevell: We have to deny the continuance first?

Catherine Gorman: No you don't have to

Linda Strevell: Well, I will make a motion that for Case 13LC-24, that we deny the request to retain the vinyl windows in front of the home.

Catherine Gorman: And would you like to put a timeframe on that for compliance?

Linda Strevell: Hasn't eighteen months run out?

Catherine Gorman: Yes, it has. Janice is indicating that it expired in January. We generally would give either 30 or 60 days for compliance - 60 days probably because this is a pretty large scale job.

Linda Strevell: Ok, 60 days then.

Michael Culpepper: Of we have a motion and a second, Joe you have something.

Joe Rozier: I would really like the applicant to be here before we vote on this. So I would like to see it continued.

CM Harris-Banks: You said the windows are tinted green?

Linda Strevell: The windows themselves are tinted green.

Michael Culpepper: The glass.

Linda Strevell: And it's very obvious.

Michael Culpepper: Ok, we have a motion and a second any further discussion. I tend to kind of agree with Joe, I think this has gone on long enough but I prefer to have the applicant present.

Linda Strevell moved to deny Case 13LC-24. Judy Wilkie seconded and the following votes were cast:

In Favor:	McNatt, Strevell, Wilkie
Against:	Culpepper, Rozier
Abstain:	Schwenk
Absent:	Lewis, O'Rourke, Smelker

The motion to deny Case 13LC-24 failed due to lack of four (4) affirmative votes.

Joe Rozier: I make a motion to continue Case 13LC-24 until the May 20, 2013 regular meeting.

Michael Culpepper: I will second.

In Favor: Culpepper, Rozier
Against: McNatt, Strevell, Wilkie
Abstain: Schwenk
Absent: Lewis, O'Rourke, Smelker

Michael Culpepper: Ok, Linda you want to make your motion again.

Linda Strevell: I am making a motion that the applicant be requested in the next 60 days to replace the vinyl windows in the front of the home.

Michael Culpepper: And to deny the Certificate of Appropriateness. Judy you second that?

Judy Wilkie: I second.

Joe Rozier: I want to make sure everybody realizes that there are two people missing and those two votes could sway this either way. So it would really be nice if the applicant could be here and we have seven voting members.

Michael Culpepper: I agree with you but we tried that. All in favor of the denial.

In Favor: Culpepper, McNatt, Strevell, Wilkie
Against: Rozier
Abstain: Schwenk
Absent: Lewis, O'Rourke, Smelker

Michael Culpepper: The motion to deny passes and that case is closed.

City of Galveston – Planning

Zoning Board of Adjustment

RE: Hearing July 3, 2013

Attn: Board Members

In reference to my appeal for approval of Special Exception/Variance for the front façade windows at 1604 Ave M, I would like to present the following information for your consideration:

1. The house had pre-existing vinyl siding (which included vinyl trim around the exterior windows) prior to my ownership.
2. After extensive research, and as part of a comprehensive bidding process, I did obtain quotes for Anderson wood windows from Grogan Window Supply in Houston and Taylor Windows and More in Katy, however, because of the already existing vinyl siding, the highly regarded Simonton product seemed to be the appropriate choice. To the casual observer, the look is identical to the wood counterpart, while still maintaining the architectural integrity and creating the least amount of damage to the original structure. In addition, Walls & Windows, experienced in old home window replacement, was the only company that could guarantee to do the job without damaging or changing, both the exterior or interior framing. The fact that the replacement windows would be designed and manufactured to fit the exact opening, without any additional modifications, seemed to be critical to preserving the original pre-storm appearance of the house.
3. Neighborhood petition submission, in addition to the favorable Notice of Public Hearing responses and comments from adjacent property owners.
4. Letter to Zoning Board of Adjustment stating circumstances for request
5. Historical prospectus of the house and property dating back to the 1900's (including photos of original architecture with windows and illustrations of changes over the years.

Once again, I want to reiterate my commitment as a responsible homeowner, who cares very much about maintaining and preserving our beautiful neighborhood. I would never knowingly or intentionally do anything that could have a negative impact on the community.

Cheryl Proctor

Cheryl A. Proctor
1604 Avenue M
Galveston, TX 77550
(409)379-1336

City of Galveston
Dept. of Planning & Community Development
823 Rosenberg, 4th Floor, Rm 401
Galveston, TX 77550

June 6, 2013

Attn: Zoning Board of Adjustment

I am writing to appeal the replacement of the 4 front Ave M façade windows at my 1604 Ave M residence due to special circumstances. When I purchased my home 13 years ago, it already had pre-existing vinyl siding which included vinyl trim around the windows. As a result of Hurricane Ike, the house was determined a total loss. I was left with just the outside structure and had to live in alternate housing. Following a year of construction & renovation, the windows which had been destroyed needed to be replaced before I could move back in. As a responsible homeowner and concerned resident of our neighborhood community, I took this decision very seriously. I spent months researching (locating original house photos and looking at other historic homes in the area), as well as obtaining bids from as many reputable window companies as possible, to ensure the replacement windows would be architecturally accurate and appropriate. Because the house had vinyl siding prior to my ownership, the highly regarded Simonton product seemed to be the best choice. Additionally the contractor, Walls and Windows (a local company with documented experience and expertise replacing windows in the older homes of Galveston) was the only company that could guarantee that they could do the work without altering or damaging the exterior, pre-existing vinyl window casings and interior window frames. The windows were a very costly investment and designed to compliment the historical character of the home. I previously submitted a petition with 75 signatures of property owners in the surrounding area, showing their support. This was in addition to the positive letters and comments already on file, submitted with Notice of Public Hearing sent to homeowners adjacent to the property, indicating they are in favor of my request. Understanding that the house had already been compromised with vinyl siding and trim (including the

window frames) when I purchased it, the neighbors feel the new windows are an asset to the home and add to the beautification of the neighborhood.

In the interim I have attended several of the Landmark Commission meetings that were open to the public to discuss reasonable changes to the Design Standards to allow caring homeowners to improve on their property and provide more energy efficient updates when necessary. As a result of those discussions, it was determined that considerations would be made on a "case by case" basis. The cost to remove and replace the windows would be in excess of \$8,000 (monies I do not have) and would cause extensive damage to the exterior and interior window casing and frames. I am requesting that you will review my circumstances and rule in favorably in my case.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl Proctor". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Cheryl Proctor



1604 Avenue M

**THE
HOLLOWAY
FAMILY**

1604 AVENUE M

GALVESTON, TEXAS

THE FAMILY STORY OF
LAURA BLANCHE FUGE
AND
ERNEST JOHN HOLLOWAY

Compiled by

Laura Holloway Becker Eanes

Georgetown, Texas

2009

Ernest John "Jack" Holloway

We know little of our ancestor's early years. He was referred to as Ernest by his siblings, but in the United States he was known as John or Jack. He and his three sisters and two brothers were all born in Bristol, England. After his father's death in 1898, their mother was unable or unwilling to care for these six children. We know that Ernest John "Jack" Holloway followed in his father's footsteps, and at age fifteen he began a six year apprenticeship as a mason, with his grandfather James Holloway signing the necessary papers. The other two brothers were "put into the (orphans?) homes". We don't know how or where the girls were cared for, but we do know that money earned during his apprenticeship went to help his family.

According to his son, Ernest Robert Holloway, John began work in a chemical plant with a Mr. Phipps, whom we think may have been his foster father. (Was this the same plant his father worked in, and was Phipps a friend of his father's?) During the term of his apprenticeship, John Holloway did not feel that he had been treated fairly insofar as job assignments were concerned. Eventually he broke the apprentice agreement and went to Wales, and since he risked arrest if he returned to England, John immigrated to Canada, by working his way to pay his passage and traveling in the ship's steerage section, but found the Canadian winter too cold for his liking. He knew that Mr. Phipps (or his brother?) had moved to Galveston, where there was plenty of "work to be had" for brick masons following the 1900 Storm, so John entered the United States from Windsor, Ontario, Canada by simply walking across the bridge at Detroit. From there he worked his way south to Galveston, where he met up with and lived in the home of James Phipps. He found employment; one of his first jobs was constructing and repairing the cement curbs around the cemetery plots in the city cemeteries. He saved his earnings and in 1906 sent for his sweetheart, Laura Blanche Fuge, to come from Bristol to marry him.

We do not know how the two of them met, but both were members of St. Aidan's Church, Bristol, Laura from the time of her baptism there on Jan. 30, 1884. (Ernest John Holloway was baptized Jan. 19, 1882 at St. Philips, Bristol.) They were both prepared for confirmation by the priest at St. Aidan's, confirmed at St. Michael's, Bristol, and had their first communion at St. Aidan's, Laura in 1898 and John in 1900. This church certainly played a part in their courtship; it may have been the church that brought them together. (Incidentally, these church records show that EJH must have been born in 1881 to have been baptized in Jan., 1882; however the birthday book records show date of birth as 1882, as does the Hitchcock, Texas cemetery monument. At this point we just don't know which date is correct.)



Laura Blanche Fuge



Ernest John Holloway



ERNEST, SON OF
MR. & MRS. J. HOLLOWAY
GALVESTON



MARGUERITE, DAUGHTER
OF MR. & MRS. J. HOLLOWAY



No. 709012

To be given to the person
naturalized.

UNITED STATES OF AMERICA



CERTIFICATE OF NATURALIZATION

Petition, Volume 5, Number 882
Description of holder: Age, 33 years; height, 5 feet 6 inches; color, White; complexion, Fair; color of eyes, Blue; color of hair, Brown; with distinguishing marks, Tattoo on left arm.
Name, age and place of residence of wife, Laura Blanche Holloway, 32 yrs. Galveston, Texas.
Names, ages and places of residence of minor children, Margaret Gertrude Florence, Born July 26, 1909, lives at Galveston, Texas.
Ernest Robert, Born November 9, 1911, lives at Galveston, Texas.

THE STATE OF TEXAS,
GALVESTON COUNTY

Ernest John Holloway,

He is remembered that Ernest John Holloway, then residing at number #1604 Ave M. Galveston, State of Texas, who previous to his naturalization was a subject of Great Britain & Ireland, having applied to be admitted a citizen of the United States of America pursuant to law, and at a regular term of the DISTRICT Court of GALVESTON COUNTY, held at Galveston, Texas, on the 7th day of December in the year of our Lord nineteen hundred and sixteen, the court having found that the petitioner had resided continuously within the United States for at least five years and in this territory for at least one year immediately preceding the date of the filing of his petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that he was entitled to be so admitted, it was thereupon ordered by the said court that he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the 7th day of December in the year of our Lord nineteen hundred and sixteen, and of our Independence the one hundred and forty-first.

Early Married Life

Three children were born of this marriage, the first of whom was a full term stillborn boy. The heart-broken mother wrote the Birthday Book entry for April 12, 1908: "Our Baby Boy."

The following year their daughter, Marguerite Gertrude Florence, (her middle names were for an aunt on each side of the family) was born on July 26, 1909. The family was living at that time at 1523 Ave, N½, Galveston. Rev. Charles Aves, Rector of Trinity, baptized her on Sunday, Dec. 26, 1909. Sponsors were John Holloway and Miss Lila Holloway, her father's brother and sister. The third sponsor was George H. Robinson, apparently a friend in England.

Homesick for England, in the spring of 1910 the young family with their 9 month old daughter returned to Bristol. Mother and daughter may have gone first, followed a little later by John; at any rate he was in Bristol by Oct. 4 to pay for the inscription on his mother's tombstone in Avon View Cemetery, where several family members are buried. He was also interested in becoming part owner of a pub, but that never materialized.

Unable to find work there and realizing that when he did, because of the weather, he would not be able to work as many days a week as he did in Galveston, he left England and returned to Galveston. Laura and Marguerite, accompanied by Alec Fuge, returned in 1912; family stories have them seeing the Titanic as they were leaving England. (We need to check ship records in the library again to see if we can find dates that would verify this.) Alec was to look out for his sister and her child on the trip; apparently the seaman who had been paid by John to help his family on the trip over did not do this.

The Galveston City Directory of 1911-12 lists John Holloway brick mason living again in rooms at 2212 Winnie, the home of James H. Phipps, bricklayer and general contractor, so no doubt they were working together.

Later that year on Nov, 11, 1912 their son Ernest Robert was born. His middle name was taken from Robert Hall, the man to whom John had been apprenticed. By 1915 they had purchased a home at 1604 Avenue M, which was to remain in the family for half a century. John and Laura became naturalized U.S. citizens on Dec. 7, 1916; Marguerite and Ernest were U.S. citizens by birth.

The home was the center of their lives. The house had survived the 1900 Storm, but was found in the street afterwards. It was replaced on its foundations, and John continually upgraded and remodeled it over the years. An outbuilding in the back was at first a stable and then a garage proudly displaying the sign "John Holloway Brick Contractor"; he is also listed in the same way in the 1918 City Directory.

Later Years

John Holloway's apprenticeship as a brick mason served him well; he worked at his trade all his life. He was for several years Secretary of the Bricklayers International Union No.1 in Galveston and was a delegate to the Texas State Conference Conventions of Houston in 1907, Galveston in 1909 and Temple in 1914. He was described in the Southwestern Bricklayer:

No man has served his union more capably, more faithfully, and more honorably than did John Holloway; quiet and conservative in all his acts but ever on the fighting line, never self-seeking.....recognized as a strong man.

He resigned from the Union to enter into business for himself; he was thanked for his service and given a beautiful tea service.

He remained a brick contractor for the rest of his life; his business was listed on the Galveston Building Trades Council's "Fair List", which were those businesses recognized as being fair to the unions in Building Trades Council. He worked on structures all over the city, one of the last being the brickwork he did in 1939 on his daughter and son-in-law's new residence.

John Holloway was a member of Harmony Lodge #6, A.F. and A.M. Scottish Rite Bodies and El Mina Shrine Temple. The family were also members of Trinity Episcopal Church, where their children were baptized and married. This membership continued through the generations; some of their grandchildren, great-grandchildren, and great-great-granddaughter Emily Eanes were also baptized at Trinity, and four generations have been married there.

John died Feb. 19, 1941 at age 59; the next day the funeral service was held at his home with the Rev. Edmund H. Gibson of Trinity Church officiating. He was buried on the mainland in Galveston Memorial Park in Hitchcock, Texas, not in Galveston; he had seen first hand how a hurricane could devastate a cemetery. The 19th day of the month continued to be a fateful day for him; he was born Dec. 19, baptized Jan. 19, married Aug. 19, and died Feb. 19.

Laura Holloway continued to live in the family home at 1604 Ave. M. Her husband had been buying and building tenant houses in the neighborhood, and the income from these several properties provided for her later years. She and son Ernest visited England in the 1920s, but other than that, she never returned to her native land. During World War II while Ernest served as a Major in the U.S. Army, she sent money and as many parcels as she could to her family overseas, but she never saw them again.

Another widow, Mrs. Elizabeth Schofield, came to live with her; she was also English and a member of Trinity Church. Marguerite and her family continued to live in Galveston; she made it possible for her mother to live in her own home as long as possible, and when that was no longer feasible, brought her to her own home, where Laura passed away on Aug. 15, 1965 at age 81. She was buried from Trinity Church and interred in the family plot.

**"IF I SHOULD DIE, THINK ONLY THIS OF ME:
THAT THERE'S SOME CORNER OF A FOREIGN FIELD
THAT IS FOREVER ENGLAND"**

Island Contractor Succumbs at Home

Ernest John Holloway, 59, contractor and resident of Galveston for 35 years, died this morning at his residence, 1604 M.

Mr. Holloway was born in Barton Hill, near Bristol, England, on Dec. 19, 1881. After he came to Galveston he worked for James Phipps, contractor, and later entered business for himself as a brick contractor.

He was a Mason and member of El Mina Shrine Temple.

Surviving are: His wife, Mrs. Laura Holloway of Galveston; one daughter, Mrs. Margaret Becker, Galveston; one son, Ernest H. Holloway, Magnolia, Ark.; three grandchildren, and other relatives living in England and Canada.

Funeral arrangements will be announced later by the J. Levy & Bro. funeral home.

Final Rites Held For E. J. Holloway

Funeral services for Ernest John Holloway, 59, contractor and resident of Galveston for 35 years, who died yesterday morning at his residence, were held this afternoon from the residence, 1604 M.

Rev. Edmund H. Gibson, rector of Trinity Episcopal Church, officiated, and interment was in Galveston Memorial Park under the direction of J. Levy & Bro. funeral home.

Pallbearers were: August G. Zinke, J. K. Deats, Walter Schofield, Walter Hempel, Charles J. Engelke and A. Sorrells.

Mr. Holloway was born in Barton Hill, near Bristol, England, on Dec. 19, 1881. After he came to Galveston he worked for James Phipps, contractor, and later entered business for himself as a brick contractor.

He was a Mason and member of El Mina Shrine Temple.

Surviving are: His wife, Mrs. Laura Holloway of Galveston; one daughter, Mrs. Margaret Becker, Galveston; one son, Ernest H. Holloway, Magnolia, Ark.; three grandchildren, and other relatives living in England and Canada.

Laura Holloway

Mrs. Laura Blanche Holloway, 87, widow of E. J. Holloway, building contractor, died Sunday afternoon at her daughter's residence, 4608 Woodrow.

Funeral services will be at 11 a.m. Tuesday at Trinity Episcopal Church. Rev. Roger Cille, rector, will officiate. Burial will be in Galveston Memorial Park Cemetery.

Friends may call at the J. Levy & Bro. Funeral Home after 3 p.m. today.

Mrs. Holloway, a Galveston resident for 57 years, was born Dec. 16, 1883, in Bristol, England. She was a member of Trinity Episcopal Church and a charter member of a Trinity Circle.

Survivors include a son, Ernest R. Holloway of Dallas; a daughter, Mrs. Leonard Becker of Galveston; four grandchildren and three great-grandchildren.

Pallbearers will be Ernest R. Holloway Jr. Henry E. Beall, William D. Goff, William M. Guckian, Richard E. Becker and James P. Grace.

"Whenever I have found out that I have blundered, and when I have been contemptuously criticized, and even when I have been over-praised, it has been my greatest comfort to say to myself, 'I have worked as hard and as well as I could, and no man can do more than this.'"

and when the One Great Scorer comes to write against your name, He'll mark—not that you lost or won—but how you played the game.

The Bricklayer in the Spring

Most every one among us
Will welcome gentle spring.
When the flowers and trees are budding
And the birds commence to sing.

We meet the sturdy bricklayer,
With a smile upon his face,
For he's hurrying with his tool bag,
On the line to take his place.

He will tell you of his troubles
Through the winter that has gone;
But his sadness turns to sunshine,
When he hears the Robin's song.

He'll be waiting in the Shanty
For the boss to call the time.
And he'll try to dodge the twig spot
In the center of the line.

Then he'll push along as happy
As a little bug in June;
While he listens to the whistle
Of some new and catchy tune.

He will meet you on a pay day
And with "Straight" he's loaded down.
You'd think the poor old bricklayer
Was the owner of the town.

For he puts away his troubles
And he has no time to think;
You will never find him lacking
In his turn to buy a drink.

Then he'll tell you funny stories
And show you lots of little tricks;
Then he'll change the conversation
And he'll start to lay some brick.

For there's many a splendid castle
And spires high in the sky;
Has been built in some old bar room
By the bricklayers mustered there.

Then he'll drudge along all summer
And he never stops to think,
Of the cold and chilly winter
When he was on the blink.

So in fancy now I see him
On a cold and chilly morn;
Not a nickle in his pocket
And his overcoat in pawn.

When he looks back at his folly,
'Tis a sight that gives him pain,
And he sits at home and wonders
If the spring will come again.

But he gets his share of pleasure
And for troubles does not care;
For you'll always find the bricklayer
Building castles in the air.—Contributed

ENTERS INTO CONTRACTING BUSINESS

Brother John Holloway, for many years Secretary of Union No. 1, Galveston, Texas, has entered into business for himself. It is with deep regret that the Galveston Union accepted his resignation, but they gave Brother Holloway a rising vote of



thanks for his faithful services of the past, presented him with a beautiful tea service and wished him Godspeed, and in this the Conference and the Southwestern Bricklayer most heartily join.

No man has served his union more capably, more faithfully, and more honorably to the union and himself than did John Holloway; quiet and conservative in all his acts but ever on the fighting line, never self-seeking. He was a delegate to the Texas State Conference Conventions of Houston in 1907, Galveston in 1909, Temple in 1914, and was prominent and well known at each Convention and recognized as a strong man. Galveston has honored itself in the testimonial tendered to the brother. John, we wish you success.

Have you read 'The War Cry'?



WILLIAM BOOTH, Founder
GEORGE L. CARPENTER, General

The Salvation Army

National Headquarters :
Queen Victoria Street,
LONDON, E.C. 4

OFFICERS' QUARTERS :

From the Commanding Officer of the
Blackheath

Corps

202. Oldbury Rd.
Blackheath
Birmingham
14.4.41

My Dear Laura

I am writing this letter on Easter Monday, having recieved the sad news of the passing on of Ernest. It was a blow to me because I had always cherished the hope of some day seeing him again. Whilst we never corresponded much I often thought about you both, and Emily used to pass on any news. One wonders sometimes why our family should have been scattered so. We never met together again ever, after the death of our parents. One can only leave it with GOD. He makes no mistakes. I have never forgotten how kind Ern was to us, when we were put into the homes. That is Frank and I. Now they are both gone. Well Laura words are poor comfort at these times. I can only commend you to God our Father. That in his infinite mercy He will be with you. You will know how we are situated. At present we are in the Birmingham area, and in the midst of things. We are all well, and up to know safe. ^{from} ~~But~~ old Bristol has suffered terribly. But have no fear. The Old Country is sound. We shall come out on top. The morale of these people is wonderful. I ought to know seeing I work so much among them. Our oldest lad Wesley has been up with the forces over 18 months. He is still in England and is well. Just anote in closing.

You must rise above your sorrow and loss. The world needs you, all on the other side of the ~~and~~ pond. Who knows what yet might come your way. I trust the

others are keeping well. Goodbye for now. I cannot do much, but I can pray for you.

May the Great Father of us all be around and about us.

yours affectionately
John

PS.

When you will receive this letter I cannot tell. Or where we might be. If you do write back please address as follows

Major. J. J. Holloway

C/O. S. A. Hdqts.

101. Queen. Victoria. St.

LONDON. E. C. 4.

6. John Holloway m. Edith Matthews (known as Annie) - 1918

B. 1890 - d. Feb. 10, 1965

He was a Senior Major and Annie a Captain in the Salvation Army, where they both served from 1915 until 1954. John also served in the 1st Gloucester Regiment in India from 1904 to 1912. He wrote a beautiful tribute to his brother, Ernest John Holloway, in his condolence letter to Laura Holloway in 1941. He was also listed as Godfather to his niece, Marguerite Holloway. There are many pictures of members of this family.

1. Wesley John Holloway b. Sept. 9, 1919 - Was in the forces in WWII
Photo of him as infant with his parents
2. Ruth Christina Holloway "Tina" b. May 28, 1922
Shown in photo "with group of (Salvation Army) cadets at the college"
3. William Holloway b. June 11, 1925 - Was also in the Salvation Army.
Photo as cadet in 1946 and was Major stationed at Andover in 1965
4. Ernest Henry Holloway b. Feb. 28, 1929 - (Named for his uncle?)
Photo as sailor - Inscribed "my baby" by his mother

The family property passed to her children and all was eventually sold. In September, 2008, 1604 M suffered substantial damage from hurricane Ike; by October the owner was already underway with the repair process and planning changes to make the house fit her needs. Prior to the storm the house was attractive and well maintained, an outstanding addition to the neighborhood, as I'm sure it will be once again.

Our beloved grandparents would be so pleased that their legacy continues on in their descendants, especially their namesakes, and in their home, still standing today on Galveston Island. They lived out the American Dream; they progressed from being "strangers in a strange land" to becoming upstanding American citizens, well regarded in their community, but never forgetting their British roots.

Compiled and written by

Laura Holloway Becker Eanes

June, 2009

With assistance from

Leonard John Becker, Jr.

Loretta Holloway Guckian

Jan Davis Holloway

and the loving memories we all share

Special thanks to Lori Eanes

for copying old photos

and printing old negatives

The Marriage of Laura Blanche Fuge and Ernest John Holloway

We were always told that John Holloway paid the passage of Laura Fuge so that she could come to Galveston and marry him. We had no real confirmation of this until I checked the ship passenger lists in Galveston's Rosenberg Library. There it was -- the story of this young woman's journey to the United States to marry her sweetheart.

Laura Blanche Fuge, a single female aged 22 years and 7 months sailed from Liverpool on July 24, 1906 on the S.S. Strada, a vessel carrying 16 passengers. It was recorded that she could read and write, her nationality was British, and her race or people were English. Her last residence was Bristol, and her final destination was Galveston. She had a ticket to this final destination, and the passage had been paid by Ernest John Holloway. She was in possession of \$50.00 and had never before been in the United States. She was going to join a friend; his name and address are given as:

E. J. Holloway c/o J. Phipps
2212 Winnie St., Galveston

The ship arrived at the port of Galveston on August 15, 1906, and a new life began. (This information is on microfilm at the library; photocopies of it are dark and indistinct. At some time in the future it may be possible to have them make a color copy of the actual document for us.)

Galveston was in the throes of the "grade raising", which was the process of pumping in mud from the bay to raise the level of the island. Following the 1900 Storm which had virtually destroyed the city, a 17 foot seawall had been built to protect it from the Gulf of Mexico. The land behind the seawall had to be brought up to that level at the Gulf and gradually sloped to the Bay. Houses were on stilts so that the land could be raised beneath them, and catwalks above the mud were used in place of sidewalks. A canal had been dug across the island, and dredges floated down it bringing sand from the bay and discharging the muddy fill to form the new higher ground.

This must have been the sight that greeted Laura Fuge; no hills or green trees, just a flat, muddy mess, not at all like Bristol. The ship's Master called her to the bridge and said "Miss Fuge, this is your new home." She recounted that she didn't want to get off the ship because it was "the most God-forsaken place" she had ever seen; her shipmates told her that she must because "your young man is waiting".

So she left the ship and joined him. On the following Sunday morning, August 19, 1906, they crossed the street from the Phipps home to Trinity Episcopal Church and were married there, with the congregation as witnesses. They always said that they were "British subjects married in America by the Bishop of Mexico" because it happened that the Rt. Rev. H. D. Aves, D.D., Bishop of Mexico, was filling in for his brother, Rev. Charles S. Aves, the vacationing rector of Trinity Church.

In the Name of the Father and of the Son and of the Holy Ghost Amen
THIS CERTIFIES, THAT

I joined together in

HOLY MATRIMONY

Ernest John Fallovay

Miss Laura Fager

on the Ninth day of August A.D. 1906
According to the Rites of the Protestant Episcopal Church in the
United States of America, and in Conformity with the Laws of
the State of Texas

In Witness Whereof, I have hereunto affixed my name,
this Tenth day of June A.D. 1909

Witnesses

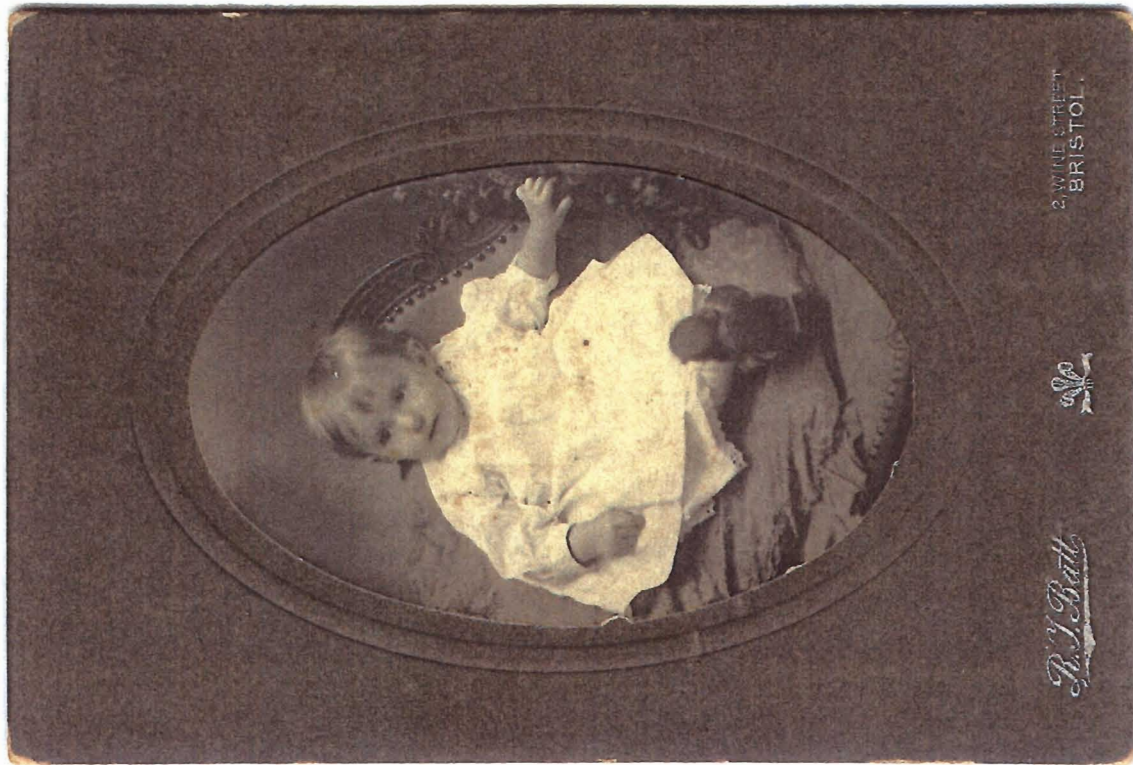
Congregation

Reverend Bishop of Mexico
Copy of Trinity Church Records

Henry W. Van Sledright, Secy. Gen. 1906

per Fred A. A. A.

Rectory of Trinity



Marguerite Holloway
Taken in England

In the Name of the Father, and of the Son,
and of the Holy Ghost. Amen.

+

This Certifies That

Marguerite Gertrude Horner Holloway

Holy Baptism Received

in *Trinity Episcopal Church*
Galveston Texas

on *Sunday*
the *26th* day of *December*

In the Year of our Lord 1909

Parents *Ernest John Holloway*
Mrs Laura Blanchette Holloway

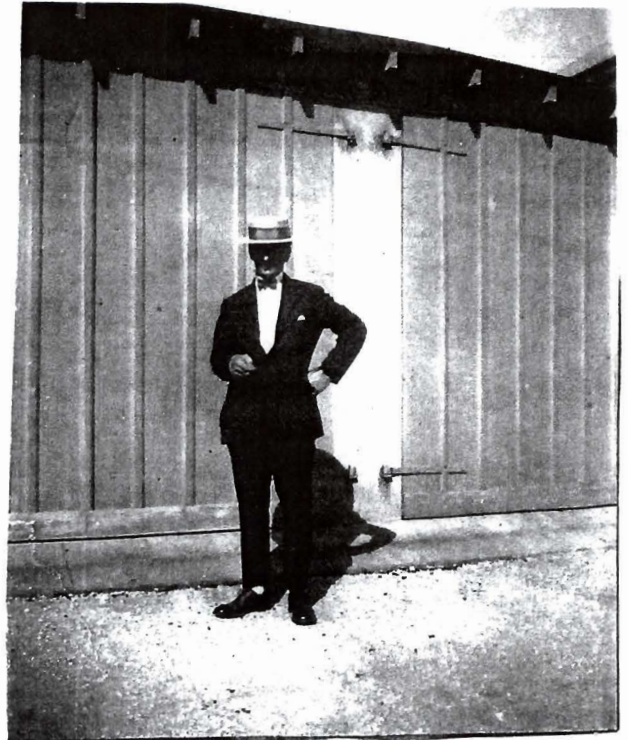
Sponsors
or
Witnesses *John Holloway*
George H Robinson
Miss Lila Holloway
Madame Lucia Dring

Born *July 26* 1909 Recorded Parish Register No. 4 Page 58

The Holloway Family



The new truck



*The new business
John Holloway Brick Contractor*



*Mother and Children
Marguerite Ernest*



Laura Blanche Fuge

1604 Avenue M, Galveston, Texas



C. 1916



C. 1940



Before Hurricane Ike

Everything old
is new
Again!

Addendum



Holloway - Becker Gravesite in

Galveston Memorial Park

Hitchcock, Texas

The Masonic symbol is engraved between the dates on Jack's side.

Both sides are inscribed "Born in Bristol Eng."