

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, August 7, 2013

City Council Chambers, 2nd Floor of City Hall

823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Minutes: May 8, 2013
July 3, 2013
- D. Election of Chairperson and Vice-Chairperson
- E. New Business and associated Public Hearing:

13Z-24 (4121 Sealy/Avenue I /Rear) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a Multi-Family One (MF-1) zoning district and Section 29-67 (b)(1)(a) regarding parking requirements. Property is legally described as the south half of Lot A and the south half of the west 3 feet and 4 inches or Lot B (1-1), Manson and Ellis Special Subdivision, in the City and County of Galveston, Texas.

Applicant: URS c/o Zach Martin

Property Owner: James Hollins and Karen Hollins Washington

13Z-25 (2326 65th Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a Retail (R) zoning district. Property is legally described as the Middle Part of Lot 4 (4-3), Block 24, Hollywood Heights, a Subdivision in the City and County of Galveston, Texas.

Applicant: Zach Martin, URS

Property Owner: Issac and Mae DeLeon

13Z-26 (2402 Avenue O/1609 24th Street) Request for a recommendation for variances from the Galveston Zoning Standards Section 29-65 regarding the lot area and setback requirements within the One Family-Four, Historical (1F-4-H) zoning district. Property is legally described as Southeast Part of Southwest Block 42, and Part of Adjacent 24th Street (42-2000-3), Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: James Porter

Property Owners: Ashley M. Porter, Constance M. Porter, and James Porter

13Z-27 (600 Ferry Road) Request for variance from the Galveston Zoning Standards Section 29-107 regarding build- to- line (30%) regulation in the Seawall East Height and Density Character Area. Property is legally described as Abst. 628, Page 142, NW Part of Lots 1 & 2, Block 361 & Part of Lots 5 – 14, Block 421, and part of Adjacent Ave F (1-), in the City and County of Galveston, Texas.

Applicant: Michael Gaertner

Property Owner: SRI Galveston Hospitality, LLC

13Z-28 (22823 Gulf Drive) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family-One (1F-1) zoning district. Property is legally described as Lot 9, Block 1, and ¼, Undivided Interest of Residential B Block, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Ashok & Julieanne Mani

13Z-29 (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-30 (4202 Church) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding side and rear yard setbacks. Property is legally described as South half of Lot 8 (8-2), Block 462, in the City and County of Galveston, Texas.

Applicant: Mack Gray

Property Owner: Breonna Gray and Kaniria Kirven

F. Adjournment

Prepared By:


Athena Petty, Planning Staff Assistant

Date Prepared:

July 29, 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.

S:\Planning\Planning Division\ZBA\Agendas\Agendas 13\080713.doc

POSTED
AUG 01 2013

CITY SECRETARY'S
OFFICE

13Z-24 (4121 Sealy/Avenue I /Rear) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a Multi-Family One (MF-1) zoning district and Section 29-67 (b)(1)(a) regarding parking requirements. Property is legally described as the south half of Lot A and the south half of the west 3 feet and 4 inches or Lot B (1-1), Manson and Ellis Special Subdivision, in the City and County of Galveston, Texas.

Applicant: URS c/o Zach Martin

Property Owner: James and Karen Hollins Washington

Existing Zoning and Land Use:

Zoning	Multiple Family-One (MF-1)
Land Use	Single-Family Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Multiple Family-One (MF-1)	Commercial, Broadway Overlay Zone, Zone 3	Multiple Family-One (MF-1)	Multiple Family-One (MF-1)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of August 7, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
20				

Advertisement Date: July 26, 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 requesting variances in order to construct a new home through the CDBG disaster recovery program. The proposed new construction will encroach the front yard setback and the 10' rear yard setback. Please note the house being positioned on a rear lot makes the back yard the side that faces south toward the alley and the front yard the side that faces north toward Sealy. Additionally, no off street parking is proposed for the new construction.

According to the Galveston Zoning Standards Section 29-67(b) (1) that states there is a minimum of one (1) space of off-street parking required for a detached single-family residential use. The current configuration of the proposed single-family construction on the lot does not provide an off-street parking space.

1. Variance regarding setbacks in the Multiple Family-One (MF-1) zoning district

Please reference the table below for the required setbacks for single-family residential development in the Multiple Family-One (MF-1) zoning district, per Section 29-65. The setbacks for the proposed new construction are also shown below:

Zoning District: Multiple Family-One (MF-1)

Setback	Front Yard	Rear Yard
Required	Average Alignment	10'
Proposed	0'	0'

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

- Front yard setback – from Average Alignment to 0’;
- Rear yard setback – from 10’ to 0’

2. Variance regarding minimum off-street parking required

Section 29-67(b)(1): VEHICLE PARKING REGULATIONS

(b) Parking Requirements in Various Zoning Districts

(1) The minimum off-street parking spaces for residential uses shall be as follows:

(a) 1 space per single-family dwelling, detached.

Variance(s) Requested - the applicant is requesting a variance from one (1) off-street parking space to zero (0) off-street parking spaces.

Applicant's Justification

Program allows for owner to increase the size of the home to the next 100th sq. ft. increasing the size of the new home. Also the addition of a lift to each home increases the footprint of the new structure. Parking: New structure will not allow for off street parking.

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.

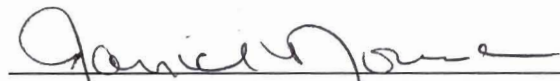
APPEAL FROM DECISION OF BOARD

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" – Survey of Existing Home
"C" – Proposed Survey

Respectfully Submitted,



Janice Norman, Planner II, Zoning Administrator



Rick Vasquez, Director

7/25/13
Date

7/30/13
Date

Sealy

42nd

4127

4121

MF-1

4119

4113

4121

Subject Location

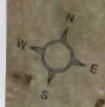
4128

4124

C-BOZ-3

4120

4116



13Z-24 4121 Avenue I/Sealy

Map prepared by the Department of Planning and Community Development (normanjan) - 7/10/2013
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.
 It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 15 30 60 Feet

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GENERAL NOTES

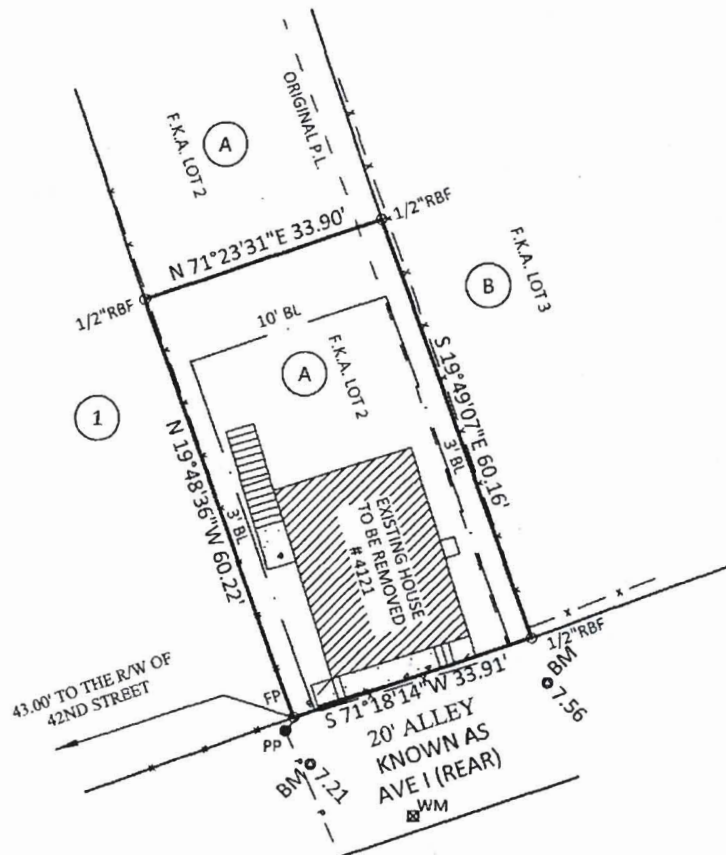
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3. DIMENSIONS FROM HOUSE TO PROPERTY LINES SHOULD NOT BE USED TO ESTABLISH FENCES.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.
5. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 7 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
6. EQUIPMENT USED: TOPCON APL1 TOTAL ROBOTIC STATION.

REVISION #	DATE	REVISION
1	02/05/2013	CLARIFY LOT NUMBERS PER URS REQUEST. (RE-SUBD. OF LOTS IS UNRECORDED)

AREA: 2040 SF ~ 0.05 ACRES
INSTRUMENT NO. 8835465
MAP # 357-A

SCALE: 1" = 20'

20' 10' 0' 20'
GRAPHIC SCALE - FEET

**LEGEND:**

RBS- Rebar Set
RBF- Rebar Found
OTF- Open Top Pipe Found
CTF- Crimp Top Pipe Found
BL- Building Line
DE- Drainage Easement
SSE- Sanitary Sewer Easement
P- Porch
UE- Utility Easement
PP- Power pole
FP- Fence Post
WM- Water Meter
GM- Gas Meter
-P- Power Line
-X- Fence
-D- Drainage Easement
-S- Sewer Easement
CB- Catch Basin
R/W- Right of Way
CONC- Concrete
Dk- Deck
Pat- Patio
S- Stoop
BM- Benchmark

FRONT BL: AVG ALIGNMENT

OWNER: JAMES HOLLINS &
KAREN HOLLINS (APP. # G1100002531)
ADDRESS: 4121 AVENUE I (REAR)
GOVERNING AUTHORITY: CITY OF GALVESTON
ZONING DISTRICT: MF-1
FEMA MAP #: 485469 0022 E
FEMA FLOOD ZONE: AE
BASE FLOOD ELEVATION: 11'

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED WITHIN THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

SURVEY FOR:**URS CORPORATION**

SUBDIVISION: MANSON & ELLIS SPECIAL SUB
LOT: PARTS OF LOTS A & B (1-1) BLOCK: 221
(RE-SUBD. OF LOTS 2-6 BLOCK 221)
CITY OF GALVESTON
GALVESTON COUNTY, TEXAS
FIELD WORK DATE: 01-24-2013

2013010534 URS

**CARTER LAND SURVEYORS
AND PLANNERS**

2780 Peachtree Industrial Boulevard
Duluth, GA 30097
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Galveston • Beaumont



7389 FLORIDA BLVD. STE. 300
NATION SQUARE, LA 90004
P. 213 922 6200 F. 213 922 5701

GALVESTON, TEXAS 77553

DISASTER RECOVERY HOUSING

APPLICATION NUMBER: 2531
4121 AVENUE I (REAR), GALVESTON, TX 77550

100	100
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ISSUED: 08/01/13

PROJECT #

19230006 Xa

0.0010

© 2013 EIT
URS Corporation

including and

1000

100

100

10

100

1

10

URS EXHIBIT PROPOSED DWELLING SITING PLAN

ORIGINAL SURVEY BY:

**CARTER LAND SURVEYORS
AND PLANNERS**

2780 Peachtree Industrial Boulevard

Duluth, GA 30097

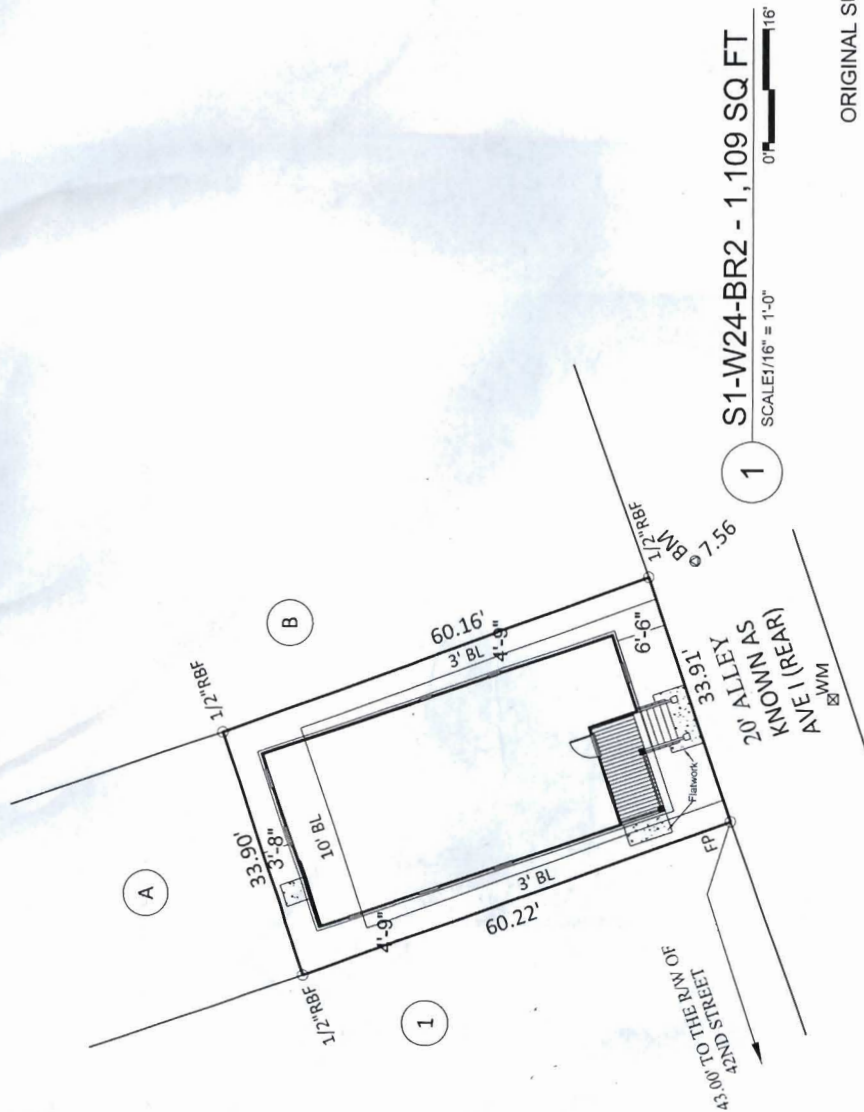
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Galveston • Beaumont



PRELIMINARY

NOT TO BE USED FOR CONSTRUCTION, BIDDING,
RECORDATION, CONVEYANCE, SALES OR AS THE BASIS
FOR THE ISSUANCE OF A PERMIT

13Z-25 (2326 65th Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a Retail (R) zoning district. Property is legally described as the Middle Part of Lot 4 (4-3), Block 24, Hollywood Heights, a Subdivision in the City and County of Galveston, Texas.

Applicant: Zach Martin, URS

Property Owner: Issac & Mae Deleon

Existing Zoning and Land Use:

Zoning	Retail (R)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Retail (R)	Retail (R)	Retail (R)	Retail (R)
Land Use	Residential	Residential	Residential	Retail

Property Owner Notification as of August 7, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
16				

Advertisement Date: July 26, 2013

City Department Notifications:

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

Private Utility Notifications:

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

Public Works: No Objection with the following comments: *"The roof drainage system for the new home should ensure runoff is not trapped on the mutual property line with 6408 Stewart Road. Provisions need to be made to move runoff into 65th Street."*

ANALYSIS

The applicant is requesting variances in order to construct a new home through the Community Development Block Grant (CDBG) disaster recovery program. The proposed new construction will encroach over the required 10 foot rear yard setback.

1. Variance regarding setbacks in the Retail (R) zoning district

Please reference the table below for the required setbacks for single-family residential development in the Retail (R) zoning district, per Section 29-65. The setbacks for the proposed new construction are also shown in a table on the following page:

Zoning District: Retail (R)

Setback	Front Yard	Side Yard	Rear Yard
Required	None	3'	10'
Proposed	1'-10'	5' (north side) 9'-2" (south side)	5'

Applicant's Justification

"Due to proposed dwelling design and lot restrictions we are requesting the rear setback of 10' be reduced to 5'."

CONDITIONS FOR A VARIANCE

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APPEAL FROM DECISION OF BOARD

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ATTACHMENTS

"A" – Aerial Map

"B" – Survey

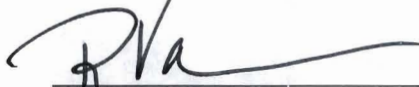
"C" – Site Plan

Respectfully Submitted,



Dustin Henry, AICP, Senior Planner

2013/08/01
Date



Rick Vasquez, Director

7/31/13
Date



13Z-25 - 2326 65th Street

Map prepared by the City of Galveston Planning Department (henrydus) - 7/1/2013

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0 55 110 220 Feet

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6. EQUIPMENT USED: TOPCON APL1 TOTAL ROBOTIC STATION.

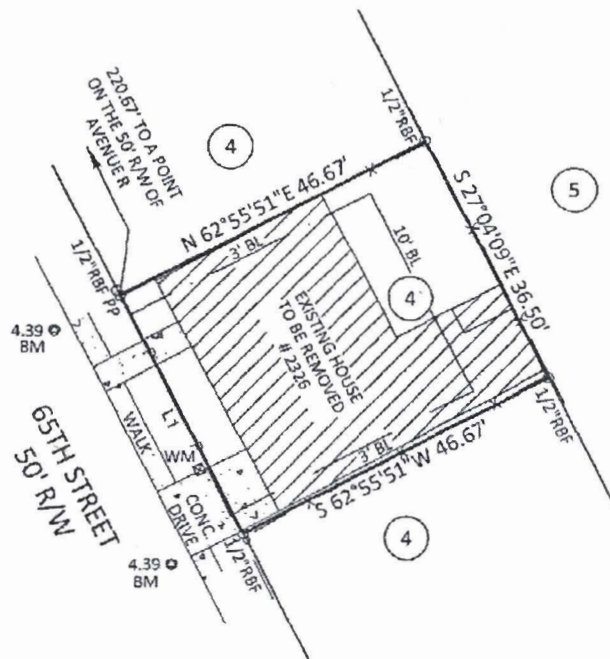
Course	Bearing	Distance
L1	N 27°04'09" W	36.50'

AREA: 1,703 SF ~ 0.04 ACRES

MAP VOL. 4, PAGE (S) 48.1

SCALE: 1" = 20'

20' 10' 0' 20'
GRAPHIC SCALE - FEET



LEGEND:

RBS- Rebar Set
RBF- Rebar Found
OTF- Open Top Pipe Found
CTF- Crimp Top Pipe Found
BL- Building Line
DE- Drainage Easement
SSE- Sanitary Sewer Easement
P- Porch
UE- Utility Easement
PP- Power pole
FP- Fence Post
WM- Water Meter
GM- Gas Meter
P- Power Line
X- Fence
D- Drainage Easement
S- Sewer Easement
CB- Catch Basin
R/W- Right of Way
CONC- Concrete
Dk- Deck
Pat- Patio
S- Stoop
BM- Benchmark

FRONT BL: 0'

OWNER: ISSAC DELEON AND MAE DELEON (APP. # G1000002342)
ADDRESS: 2326 65TH STREET
GOVERNING AUTHORITY: CITY OF GALVESTON
ZONING DISTRICT: R
FEMA MAP #: 485469 0024 E
FEMA FLOOD ZONE: AE
BASE FLOOD ELEVATION: 11'

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED WITHIN THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

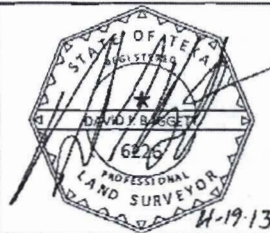
SURVEY FOR:

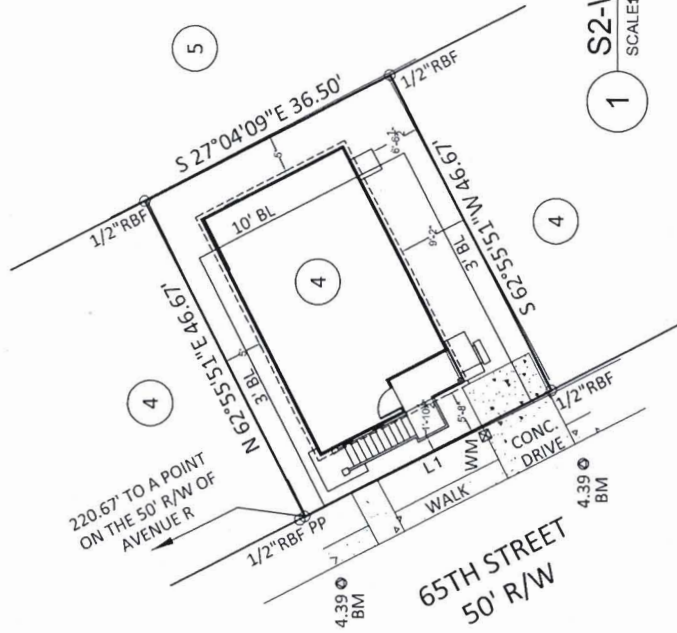
URS CORPORATION
SUBDIVISION: HOLLYWOOD HEIGHTS
LOT: PART OF 4 (4-3) BLOCK: 24
CITY OF GALVESTON
GALVESTON COUNTY, TEXAS
FIELD WORK DATE: 04/18/2013

2013040241 URS

CARTER LAND SURVEYORS AND PLANNERS

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Toll Free: 866.637.1048
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Galveston • Beaumont





SCALE 1/16" = 1'-0"

SURVEY BY:
SEER LAND SURVEYORS
AND PLANNERS
2780 Peachtree Industrial Boulevard
Duluth, GA 30097
Ph: 770.495.9793
Toll Free: 866.637.1048
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Galveston • Beaumont

UPS



EQUAL HOUSING
OPPORTUNITY
GALVESTON, TEXAS 77553

APPLICATION NUMBER: 2342
2326 65TH STREET, GALVESTON,
DISASTER RECOVERY HOUSING

[illegible]

13Z-26 (2402 Avenue O/1609 24th Street) Request for variances from the Galveston Zoning Standards Section 29-65 regarding the lot area and setback requirements within the One Family-Four, Historical (1F-4-H) zoning district. Property is legally described as Southeast Part of Southwest Block 42, and Part of Adjacent 24th Street (42-2000-3), Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: James Porter

Property Owners: Ashley M. Porter, Constance M. Porter, and James Porter

Existing Zoning and Land Use:

Zoning	One Family-Four, Historical (1F-4-H)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One Family-Four, Historical (1F-4-H)	One Family-Four, Historical (1F-4-H)	One Family-Four, Historical (1F-4-H)	One Family-Four, Historical (1F-4-H)
Land Use	24 th Street ROW	Residential	Residential	Residential

Property Owner Notification as of August 7, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
32				

Advertisement Date: July 26, 2013

City Department Notifications:

Airport: Pending
 Building Department: Pending
 Fire Chief: Pending
 Fire Marshal: Pending
 Police Department: Pending
 Public Works: No Objection with comments: See Attachment

Private Utility Notifications:

AT&T: Pending
 Center Point Energy: Pending
 Comcast: Pending
 Texas Gas Service: Pending

ANALYSIS

The applicant is proposing to replat the property by dividing the one residential lot into two lots. The property currently consists of two structures, the primary structure, a single family residence and a residential accessory structure. As proposed, the replat will result in an encroachment in the City's setback requirements and a lot that does not meet the minimum lot requirements.

Because the property is in a Historic District, the Landmark Commission was required to review the variance requests. At the regular meeting of July 1, 2013, the Landmark Commission voted to send the request for recommendation for variances to Zoning Board of Adjustment with no recommendation due to the lack of historic impact. The Zoning Board of Adjustment has final decision regarding variances.

The following variances are being requested for 1609 24th Street (2402 Ave O rear):

Lot Area, Section 29-65 (a) – from 3,000 sq-ft to 2,000 sq-ft

Lot Depth, Section 29-65 (c) – from 70' to 56'

Rear Yard Setback, Section 29-65 (g) – from 10' to 7'

CONDITIONS FOR A VARIANCE

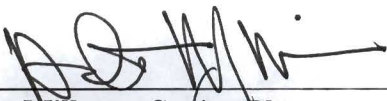
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3. The variance is not contrary to the public interest, in that:
 - i. It does not allow applicants to impair the application of these regulations for:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
 - c. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - ii. The variance will not have a detrimental impact upon:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. Public health, safety, morals and general welfare of the community.
4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (*e.g.*, if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

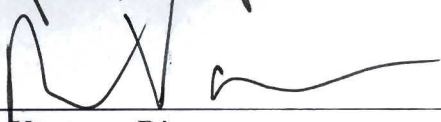
ATTACHMENTS

- "A" – Zoning Map
- "B" – Aerial Map
- "C" – Applicant's Justification
- "D" – Public Works Comments/Conditions
- "E" – Survey/Replat

Respectfully submitted,



Pete Milburn, Senior Planner



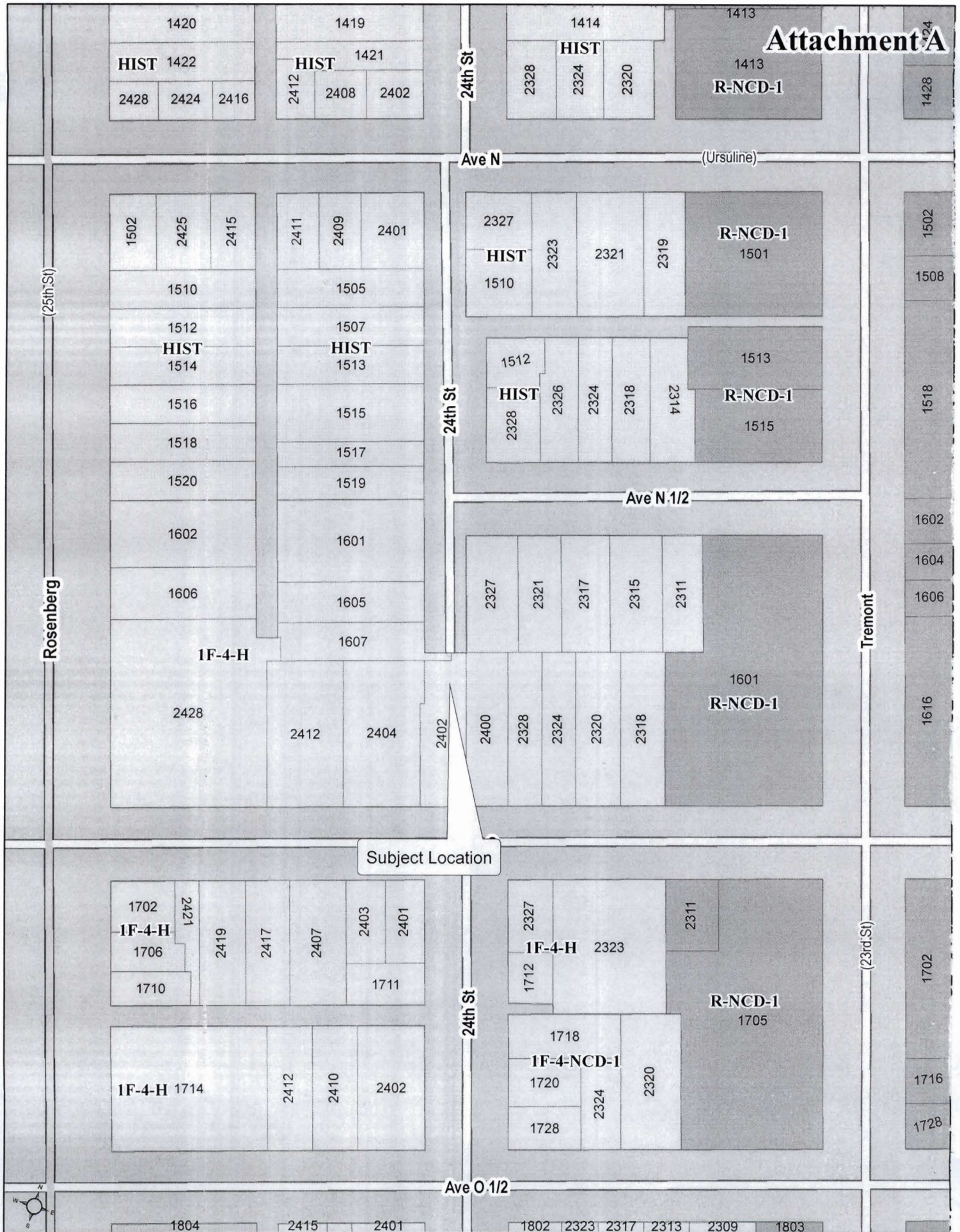
Rick Vasquez, Director

8-1-13

Date

8/1/13

Date





There are two houses on one 6,026 sq ft lot. Each house has its own address. One house, 2402 Avenue O, fronts on Avenue O; the other house, 1609 24th St, fronts on 24th St. We wish to divide the property into 2 lots. 2402 Avenue O would be 4026 sq ft and 1609 24th St. would be 2000 sq ft. with the intent to sell .

The 1609 24th St house is unique in that it is attached to the garage belonging to the property next to it. 2402 Avenue O is a standalone house. Since both are completely separate houses with their own address, it only makes sense to create two affordable housing options instead of one higher priced property with the 24th st property most likely being underutilized .

MEMORANDUM

TO: Airport
Building Department
Fire Chief
Fire Marshal
Police Department
✓ Public Works Department

FROM: Planning Department
City of Galveston, Texas

DATE: July 23, 2013

RE: 13Z-26

RECEIVED
JUL 30 2013
PLANNING

13Z-26 (2402 Avenue O/1609 24th Street) Request for a recommendation for variances from the Galveston Zoning Standards Section 29-65 regarding the lot area and setback requirements within the One Family-Four, Historical (1F-4-H) zoning district. Property is legally described as Southeast Part of Southwest Block 42, and Part of Adjacent 24th Street (42-2000-3), Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: James Porter

Property Owners: Ashley M. Porter, Constance M. Porter, and James Porter

MEETING DATE: August 7, 2013

PLEASE REVIEW AND RETURN WITH YOUR COMMENTS BY: July 31, 2013

PLEASE CHECK AND/OR COMMENT:

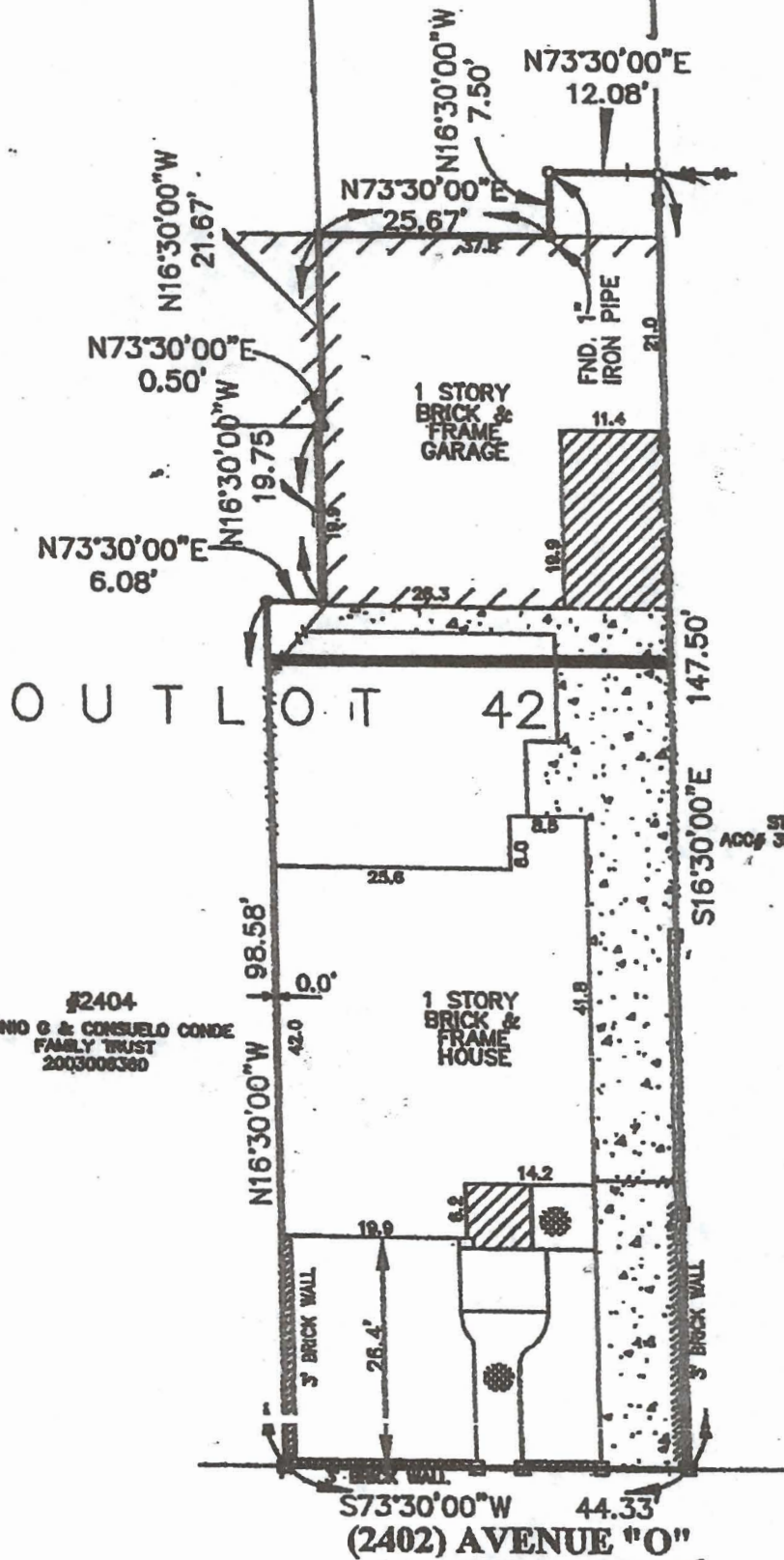
☐ NO OBJECTION

☒ NO OBJECTION WITH THE FOLLOWING COMMENTS/CONDITIONS: *ARB. 7/30/2013.*

☐ OBJECTION WITH THE FOLLOWING COMMENTS:

The Lot contains two(2) structures. Primary residence is on Avenue O. Garage apartment takes access from a 1/2 block extension of 24th Street from Ave N 1/2 to the subject property. An 8-inch water line in Ave. O provides water service to both structures. Also an 8-inch sanitary sewer runs along the rear property line (at Southern end of 24th Street) and provides sewer service. Should the two(2) structures be sold to PM different owners of separate lots, Public Works needs to be assured each owner will ^{have the} right to cross the other lot should they desire or need to replace an old sanitary or water service line with a new service connection.

24TH STREET



200SF
SF (+/-)

24TH ST.
56'

#2400
STEVE D BRORICH
ACCS 3810-0042-3000-001

(4,056 SF) (+/-)
2402 AVENUE "O"
27.5 (+/-)

#2404
ANTONIO C & CONSUELO CONDE
FAMILY TRUST
2003008380

JAMES W. GARTRELL, JR.

GULF COAST ENGINEERING
AND SURVEYING

CONSULTING ENGINEER - SURVEYOR
P.O. BOX 382 LA MARQUE, TEXAS 77568

409/935-2462 TEXAS CITY 281/488-6969 HOUSTON

13Z-27 (600 Ferry Road) Request for variance from the Galveston Zoning Standards Section 29-107 regarding build- to- line (30%) regulation in the Seawall East Height and Density Character Area. Property is legally described as Abst. 628, Page 142, NW Part of Lots 1 & 2, Block 361 & Part of Lots 5 – 14, Block 421, and part of Adjacent Ave F (1-), in the City and County of Galveston, Texas.

Applicant: Michael Gaertner

Property Owner: SRI Galveston Hospitality, LLC

Existing Zoning and Land Use:

Zoning	
Land Use	Vacant

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	R-HDDZ-2	RES-SDZ-2	R-SDZ-2-HDDZ-2	R-SDZ-2-HDDZ-2
Land Use	Vacant	Travel Trailer Park	Retail	Parking

Property Owner Notification as of August 7, 2013:

Sent	Returned	In Favor	In Opposition	No Comment

Advertisement Date:

City Department Notifications:

Airport: Pending
 Building Department: No objection
 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 requesting a variance to the Seawall HDDZ 30% build-to-line regulation in order to construct a new hotel. The intent of the build-to-line is to create a defined development pattern. The build-to-line ensures that new development will be appropriate to the Seawall HDDZ and to the community vision for Seawall Boulevard development.

1. Variance regarding

Applicant's Justification

The "build-to" line is defined as the "inside edge of the sidewalk at the front of the property. This area is subject to an easement under the control of the County of Galveston.

CONDITIONS FOR A VARIANCE

A variance may be granted from a requirement of the Zoning Ordinance when the Zoning Board of Adjustment finds that all of the following conditions have been met:

1. Not be contrary to public interest;
2. Enforcement of the ordinance will result in unnecessary hardship by reason of exception narrower, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question; unnecessary hardship shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the Applicant or property owner's own actions; and,
3. The spirit of the ordinance will be observed; substantial justice will be done. The burden of proving to the Board that the foregoing conditions have been met is upon the applicant.

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.

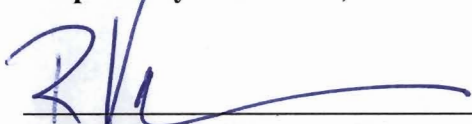
ATTACHMENTS

"A" – Applicant's site plan

"B" – Site plan with building footprint that meets code

"C" – Aerial photo

Respectfully Submitted,

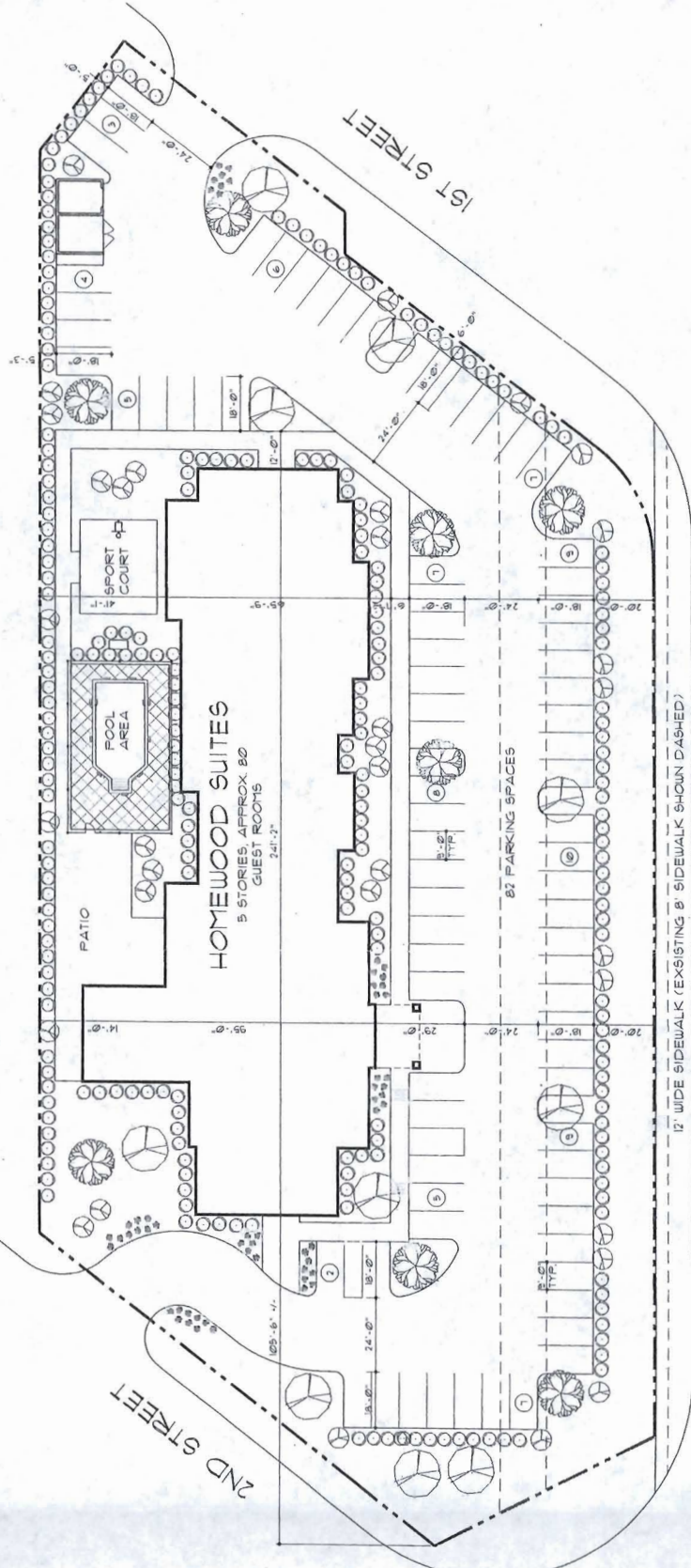


Rick Vasquez, Planning Director

7/30/13

Date

PRELIMINARY - FOR REVIEW ONLY

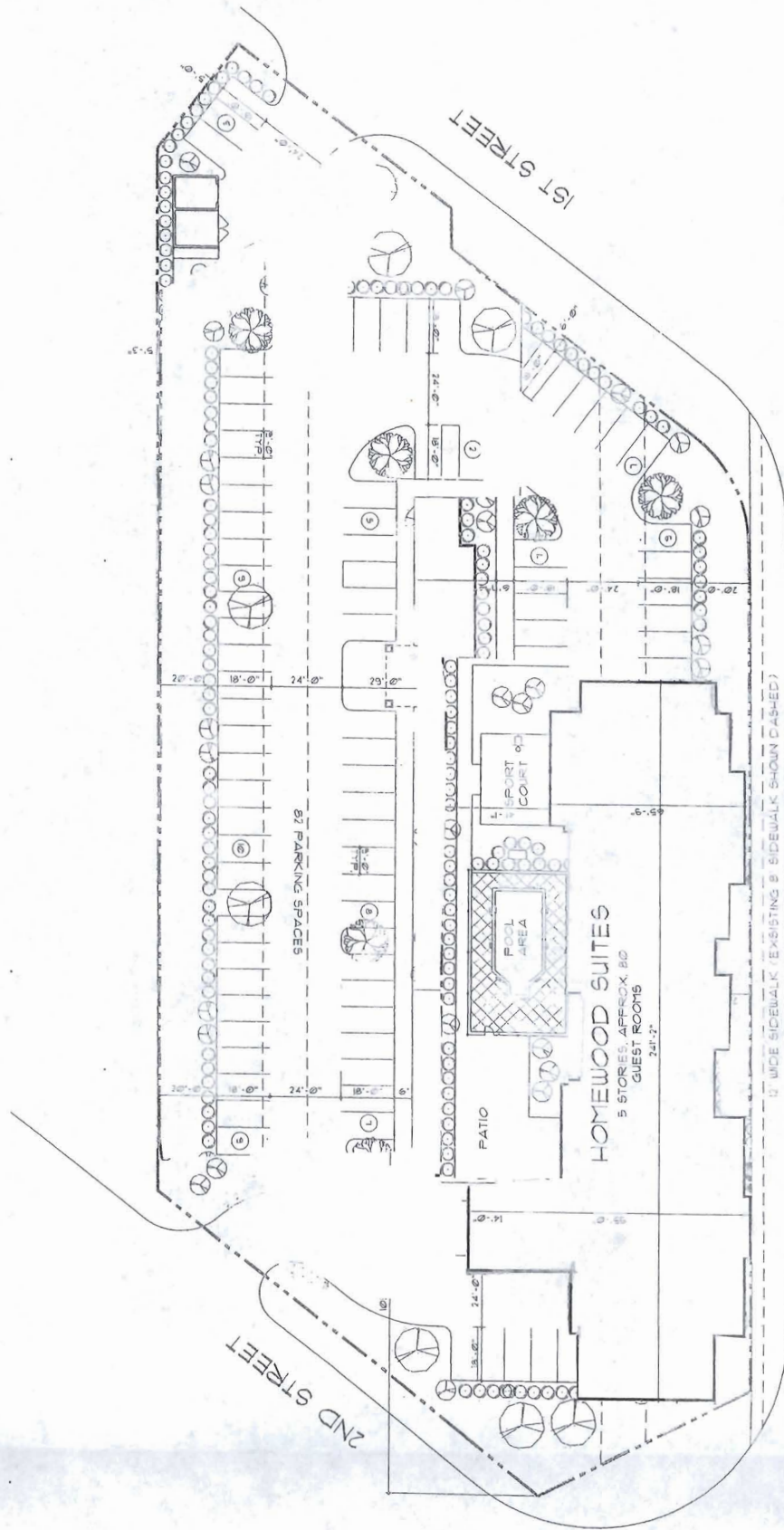


SEAWALL BLVD.

PRELIMINARY
SITE CONCEPTUAL PLAN
SCALE: 1" = 20'-0"

1

REVISION NO. 1 2 3 4 5 6 7 8 9 10		DATE 9-11-02	JOB 11001	BY [Signature]	DATE 9-11-02
HOMEWOOD SUITES AT SEAWALL BOULEVARD GALVESTON, TX		HOMEWOOD SUITES Hilton		RSS ARCHITECTS, LLC 2300 WEST 11TH STREET, SUITE 105 FORT WORTH, TEXAS 76102 FAX: (817) 949-4400	



SEAWALL BLVD.

PRELIMINARY
 1 SITE CONCEPTUAL PLAN
 SCALE: 1" = 20'-0"



13Z-28 (22823 Gulf Drive) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family-One (1F-1) zoning district. Property is legally described as Lot 9, Block 1, and ¼, Undivided Interest of Residential B Block, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Ashok & Julieanne Mani

Existing Zoning and Land Use:

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

Surrounding Zoning and Land Use:

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

Property Owner Notification as of August 7, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
9				

Advertisement Date: July 26, 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 requesting a variance from the Galveston Zoning Standards Section 29-65 (g) (1) (g) regarding side yard setback requirements in order to build a new home on a beachfront lot that is irregularly shaped. The Galveston Zoning Standards Section 29-90 (j) (1) (h) states that paving or altering the ground below the lowest habitable floor is prohibited in the area between the line of vegetation and 25-feet landward of the north toe of the dune. The applicant will have to move the house as far landward as possible, which will eliminate the side yard setbacks. Please reference Attachment "C" site plan.

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

Please reference the table below for the required setbacks for single-family residential development in the One Family-One (1F-1) zoning district, per Section 29-65. The setbacks for the new construction are also shown below:

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

Setback	Front Yard	Side Yard	Rear Yard
Required	20'	5'	10'
Proposed	20'	0'	60'

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

- Side yard setback – from 5' to 0'

Applicant's Justification

"In order to construct a new house on the lot and comply with Section 29-90 of the Galveston Beach Regulations a variance is required".

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.

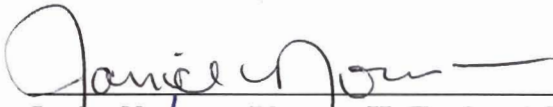
ATTACHMENTS

"A" – Zoning Map

"B" – Survey

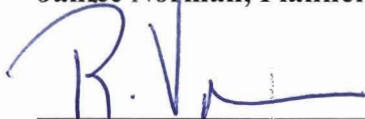
"C" – Site Plan

Respectfully Submitted,



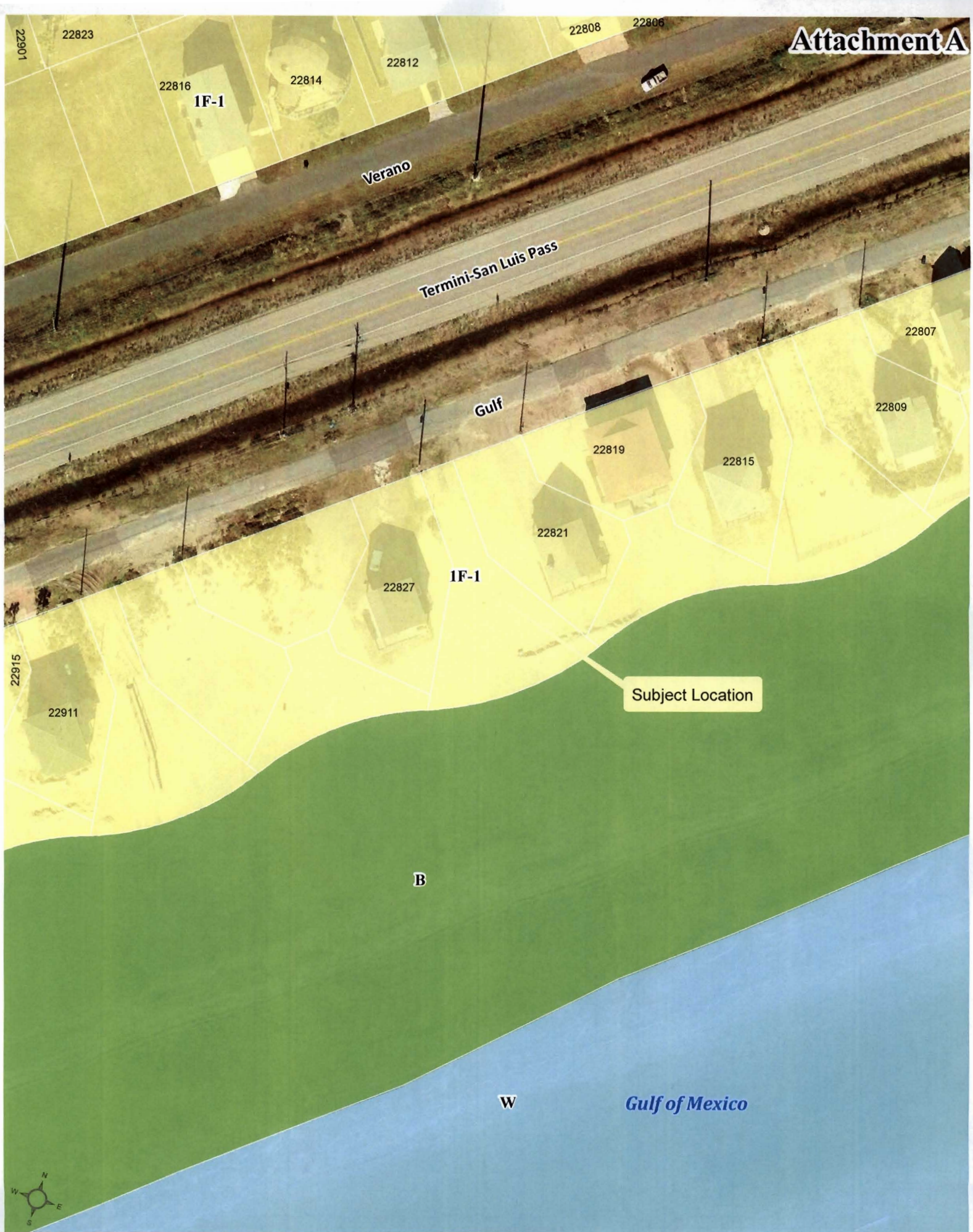
Janice Norman, Planner II, Zoning Administrator

7/25/13
Date



Rick Vasquez, Director

7/30/13
Date

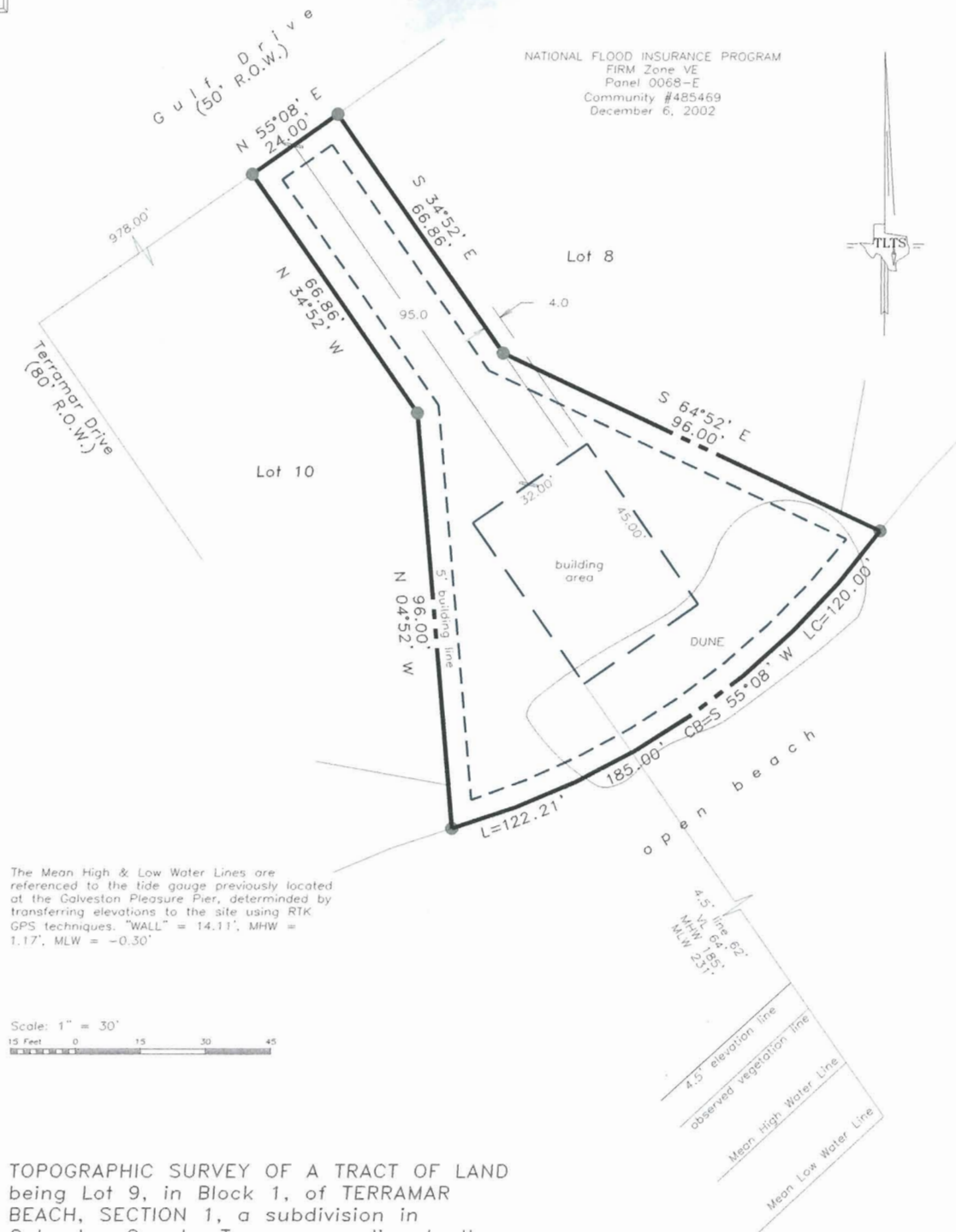


13Z-28 22823 Gulf Drive

Map prepared by the Department of Planning and Community Development (normanjan) - 7/10/2013
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.
 It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 50 100 200 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 purposes only and should not be construed to be legally binding.



TOPOGRAPHIC SURVEY OF A TRACT OF LAND being Lot 9, in Block 1, of TERRAMAR BEACH, SECTION 1, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 1616, Page 10 and transferred to Plat Record 9, Map No. 23, both of the Map Records of Galveston County, Texas.

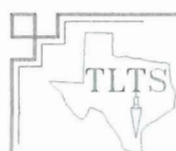
Vacant property: Gulf Drive
Galveston County, Texas
To Seaside Construction;

I hereby certify that this survey was made on the ground under my direct supervision and that this plat correctly represents the facts found at the time of the survey.

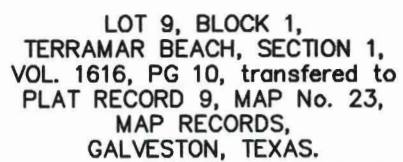


Laurence C. Wall

Laurence C. Wall
RPLS #4814
May 24, 2013



TLTS, Inc.
TEXAS LAND TITLE SURVEYORS
1801 Moody Avenue
Galveston, Texas 77550
(409) 765-8883



plan	TOTH
client	TOTH

ALL INFORMATION ON THIS PLOT PLAN INCLUDING ANY SQUARE FOOTAGE CALCULATIONS, SITE ELEVATIONS, AND PROPOSED GRADING IS PRELIMINARY AND APPROXIMATE. ACTUAL CONSTRUCTION OF THE STRUCTURE ON SITE MAY DEVIATE FROM THE PLOT PLAN WITHOUT NOTICE AT THE DISCRETION OF BUILDER.

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 August 7, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
36				

Advertisement Date:

July 26, 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 "C".

Requested Variances

The applicant is requesting the following variances:

Variance #1 - 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 "C").

Variance #2 - 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 "B"

CONDITIONS FOR A VARIANCE

The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 14.401.C. in Article 14, Administrative Bodies, and if the Board makes a determination in writing that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - i. It does not allow applicants to impair the application of these regulations for:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
 - c. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - ii. The variance will not have a detrimental impact upon:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. Public health, safety, morals and general welfare of the community.
4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

APPEAL FROM DECISION OF BOARD

In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall

be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

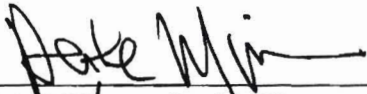
ATTACHMENTS

"A" – Aerial Map

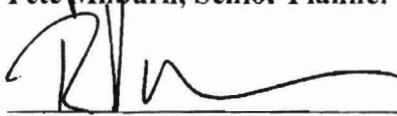
"B" – Applicant's Justification

"C" – Sign Design

Respectfully Submitted,



Pete Milburn, Senior Planner



Richard M. Vasquez, Director

8-1-13

Date

8/1/13

Date



May 8, 2013

City of Galveston Texas
823 Rosenberg,
4th Floor, Room 401
Galveston, TX 77550
Attn: Zoning Board of Adjustment

RE: Gaido's Properties II,
3802 Seawall Blvd, P O Box 3130
Galveston, TX 77552

To Whom It May Concern;

Our company has submitted an application to the Zoning Board of Adjustment for the above mentioned property on Seawall Blvd. Our request is for a variance from the zoning standards relative to the attached application.

We are proposing a variance for "Nick's Kitchen & Beach Bar" signage at our location of 3802 Seawall Blvd. Our proposed signage includes the "Nick's Kitchen & Beach Bar" along with a bottle-neck logo behind the brand name.

Because of Nick's restaurant being located in the middle of the property and the unique property site, there is only one appropriate space for the sign. There is detached signage in place on the property; however, that signage belongs to Gaido's Restaurant and Gaido's Seaside Inn. Due to the unique setting of our real estate, new patio and pool bar, the only placement for the sign is adjacent to the patio. Any other space would infringe on the property of Seaside Inn and would eliminate valuable parking space. Nick's Kitchen & Beach Bar cannot afford to reduce the already limited customer parking.

Page 2

This logo signage, as per design concepts, includes aluminum fabricated pole cover and concrete base. Ideally, the logo ("Nick's") stands at 25-ft, as zoning standards dictate; however, the background (the fish-bottleneck design) of our logo extends slightly further at just over 29-ft.

We have made many adjustments to our signage to accommodate the zoning requirements to the extent that any further changes would conflict with the integrity of the sign display.

Our design concept is in line with the intention of not obstructing the customers gulf view. If we created a "monument" style sign this would create a wall and defeat that purpose. Therefore, we intended the open view of the gulf beachfront by following the guidelines of the site plan attached.

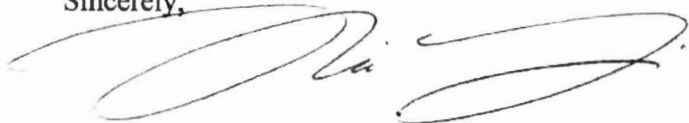
As we anticipate our grand-opening of "Nick's Kitchen & Beach Bar" during the first week of June, we look forward to celebrating with all-new signage and marketing materials.

Along with new and improved branding of our restaurant, we are re-marketing our business, having updated uniforms, in-house market materials such as banners and barware. We have also completely updated our website with the new logo that is intended for our Seawall signage.

As we have met with the planning committee to share our plans and goals, we want to share the same intentions with you as we hope for your approval on our beautiful new outdoor logo and signage on the Seawall.

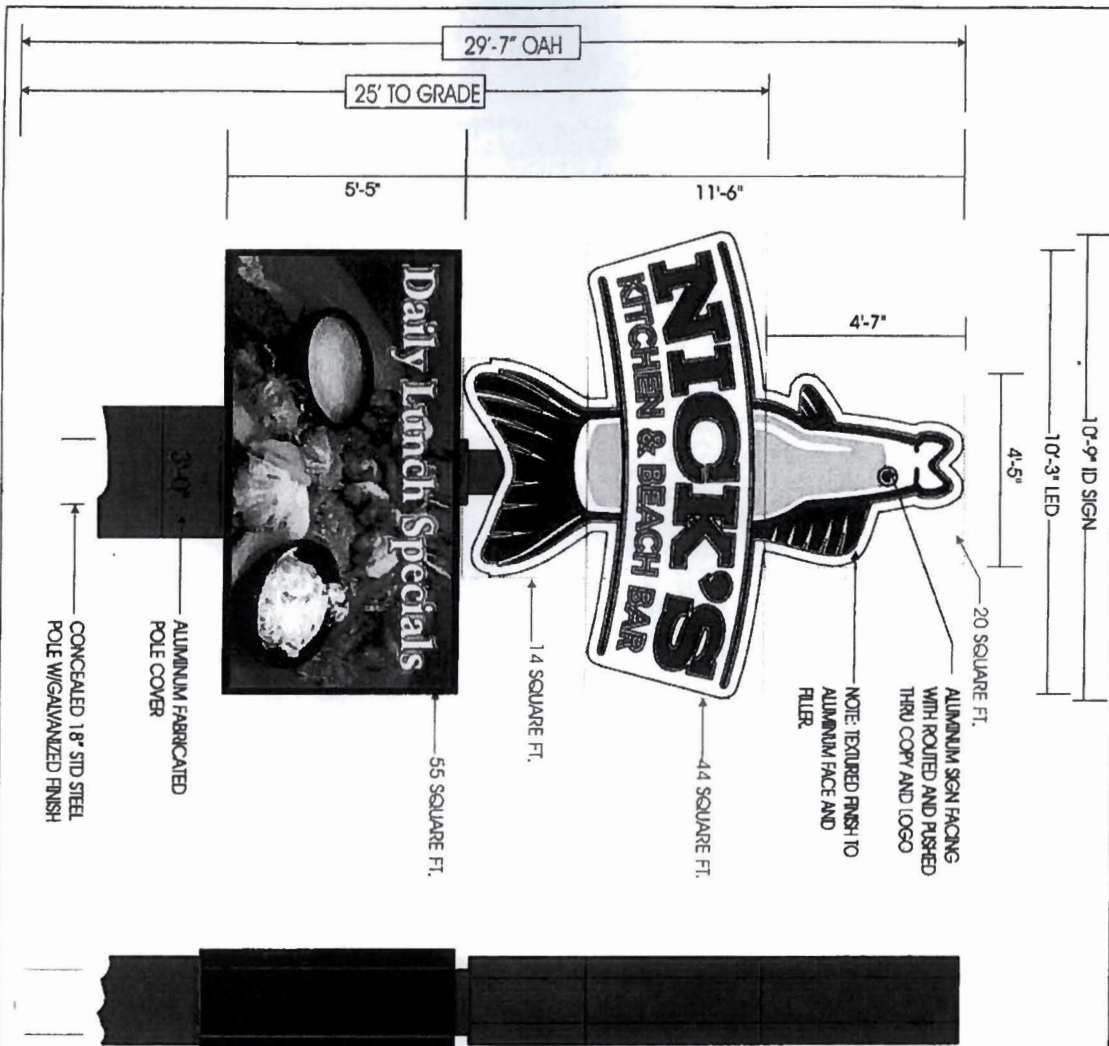
Thank you for your consideration of our plans and signage with the variance allowance. We look forward to a long and successful relationship with the City of Galveston!

Sincerely,

A handwritten signature in dark ink, appearing to read 'Nicolas A. Gaido', written over a horizontal line.

Nicolas A. Gaido

INTERNALLY ILLUMINATED CUSTOM SHAPED SIGN WITH NEW LED



SCOPE OF WORK

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

LED SIGN: TO PROVIDE AND INSTALL 1-NEW 11'-5" TALL X 10'-9" WIDE CUSTOM SHAPED INTERNALLY ILLUMINATED SIGN DISPLAY.

SIGN CABINET FABRICATED OF ALUMINUM WITH ALUMINUM ROUTED FACES AND RISED THRU LOGO AND COPY.

FINISH OF TEXTURED BACKGROUND TO GUARD AGAINST CORROSION.

LIGHTING: ALL ILLUMINATION OF BRITE WHITE LED MODULES WITH CONCEALED POWER SUPPLIES.

FULL COLOR LED SIGN:

TO PROVIDE AND INSTALL NEW FULL COLOR LED DISPLAY 2- FACE - X/S 19mm FULL COLOR LED DISPLAYS.

MATRIX: 80 PIXELS X 160 PIXELS. CABINET SIZE: 5'-5" X 10'-3" X 8" DEEP

3- LEDS PER PIXEL 1- RED, 1- BLUE, 1- GREEN CABINET COLOR - SATIN BLACK

COLOR SCHEDULE

3M VANT # 3630-246 TEAL GREEN (CLOSEST MATCH TO PMS #814)

3M #3630-75 MARIGOLD TRANSLUCENT VANT (CLOSE MATCH TO PMS #7409)

3M #3630-22 BLACK TRANSLUCENT VANT

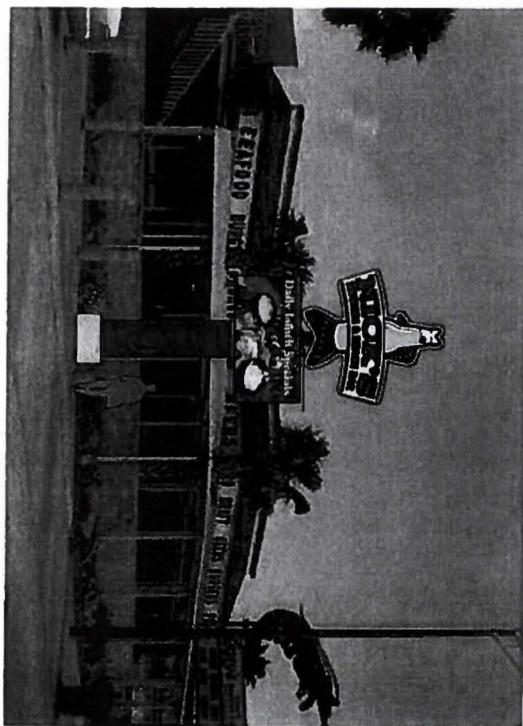
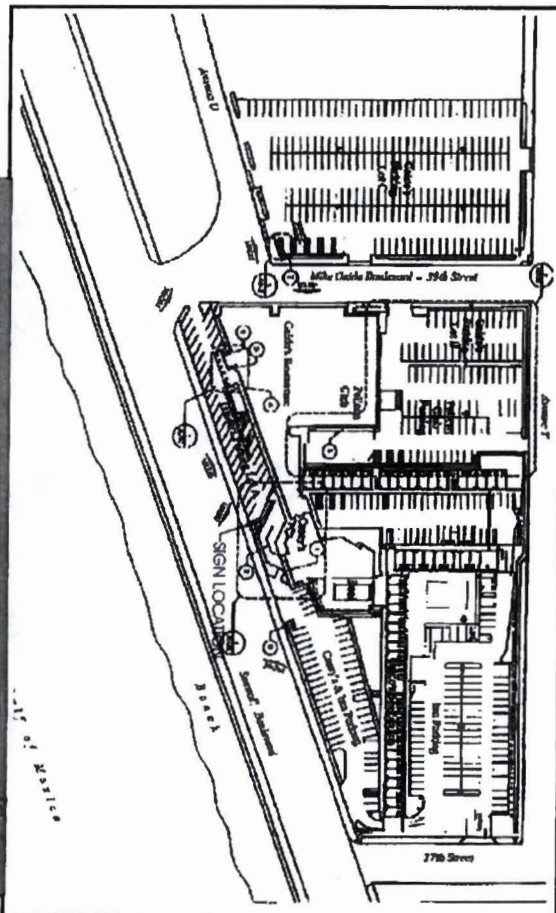
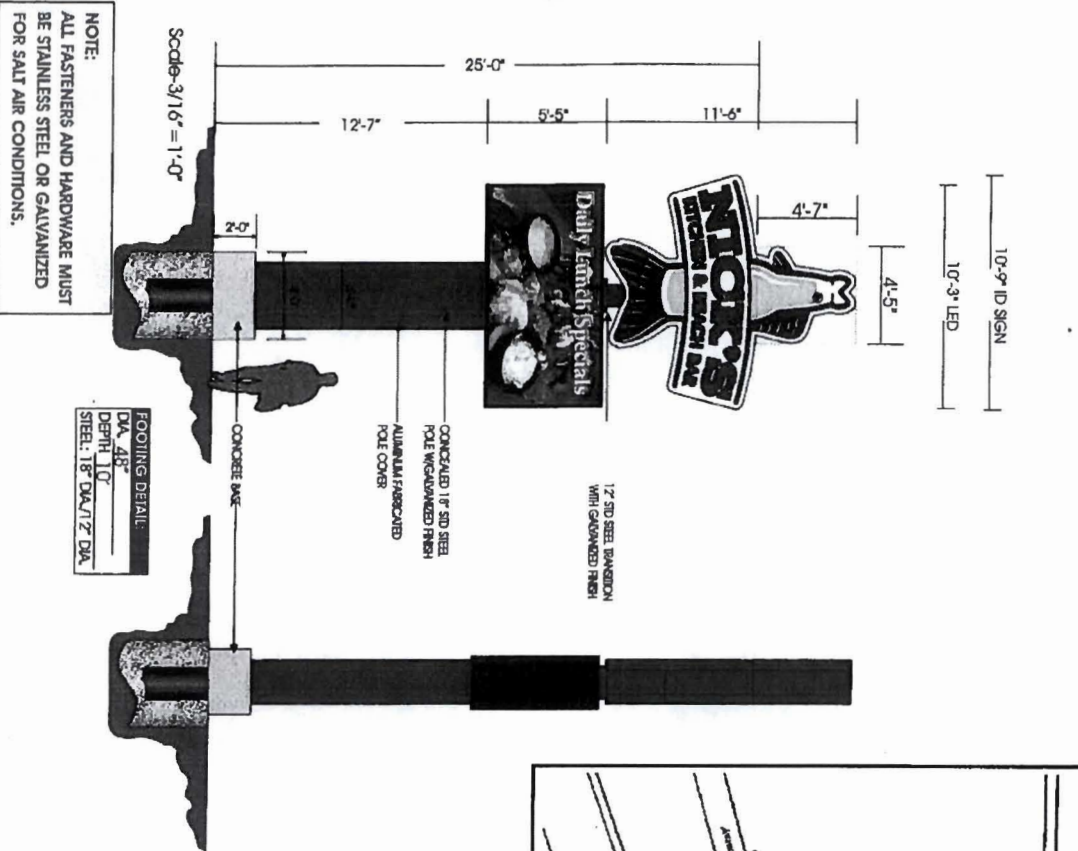
NOTE:

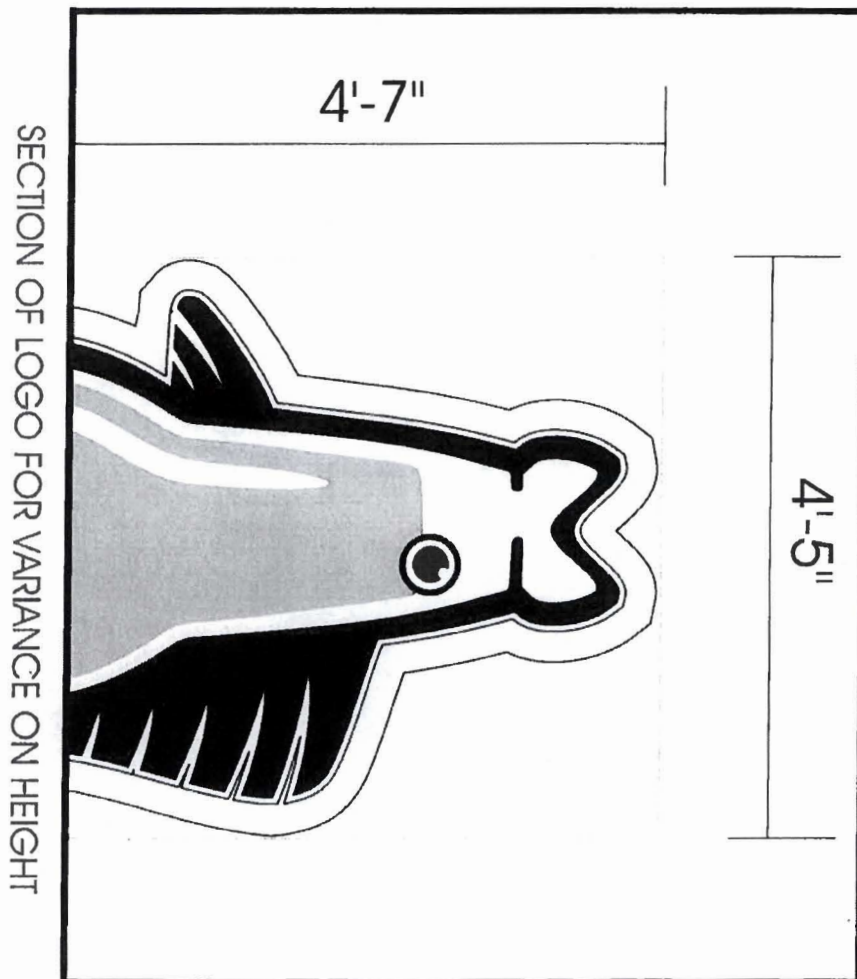
ALL FASTENERS AND HARDWARE MUST BE STAINLESS STEEL OR GALVANIZED FOR SALT AIR CONDITIONS.

© COPYRIGHT 2013 SPARKLE SIGN CO., INC.

5-8-13

SITE PLAN





13Z-30 (4202 Church) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding side and rear yard setbacks. Property is legally described as South half of Lot 8 (8-2), Block 462, in the City and County of Galveston, Texas.

Applicant: Mack Gray

Property Owner: Breonna Gray and Kaniria Kirven

Existing Zoning and Land Use:

Zoning	Light Industrial (LI)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Light Industrial (LI)	Light Industrial (LI)	Light Industrial (LI)	Light Industrial (LI)
Land Use	Vacant	Residential	Warehouse	Residential

Property Owner Notification as of August 7, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
33				

Advertisement Date: July 26, 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
 Center Point Energy: Pending
 Comcast: Pending
 Texas Gas Service: Pending

ANALYSIS

The applicant is requesting a variance in order to obtain a Certificate of Occupancy for a newly built single family structure. The previous structure was demolished as a result of damage sustained during Hurricane Ike. The encroachment into the required side and rear setback areas was discovered by staff when the final survey was submitted with the request for the Certificate of Occupancy. Please see Attachment "C" for the existing conditions of the site.

Requested Variances:

Side setback: from 3 feet to 2 feet

Rear setback: from 10 feet to 7 feet

Applicant's Justification:

"My home was built too close to the side and rear property line."

Additional Requirement:

The applicant will be required to provide one off-street parking space on site before the Planning Department can approve a final Certificate of Occupancy. Per Section 29-67(e)(1) the parking space must be an all-weather surfaced area with a minimum dimension of 9' x 20'.

CONDITIONS FOR A VARIANCE

The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 14.401.C. in Article 14, Administrative Bodies, and if the Board makes a determination in writing that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - i. It does not allow applicants to impair the application of these regulations for:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
 - c. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - ii. The variance will not have a detrimental impact upon:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. Public health, safety, morals and general welfare of the community.
4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (*e.g.*, if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

ATTACHMENTS

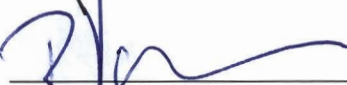
"A" – Zoning Map

"B" – Aerial Map

"C" – Survey

Respectfully submitted,



Pete Milburn, Senior Planner

Rick Vasquez, Director

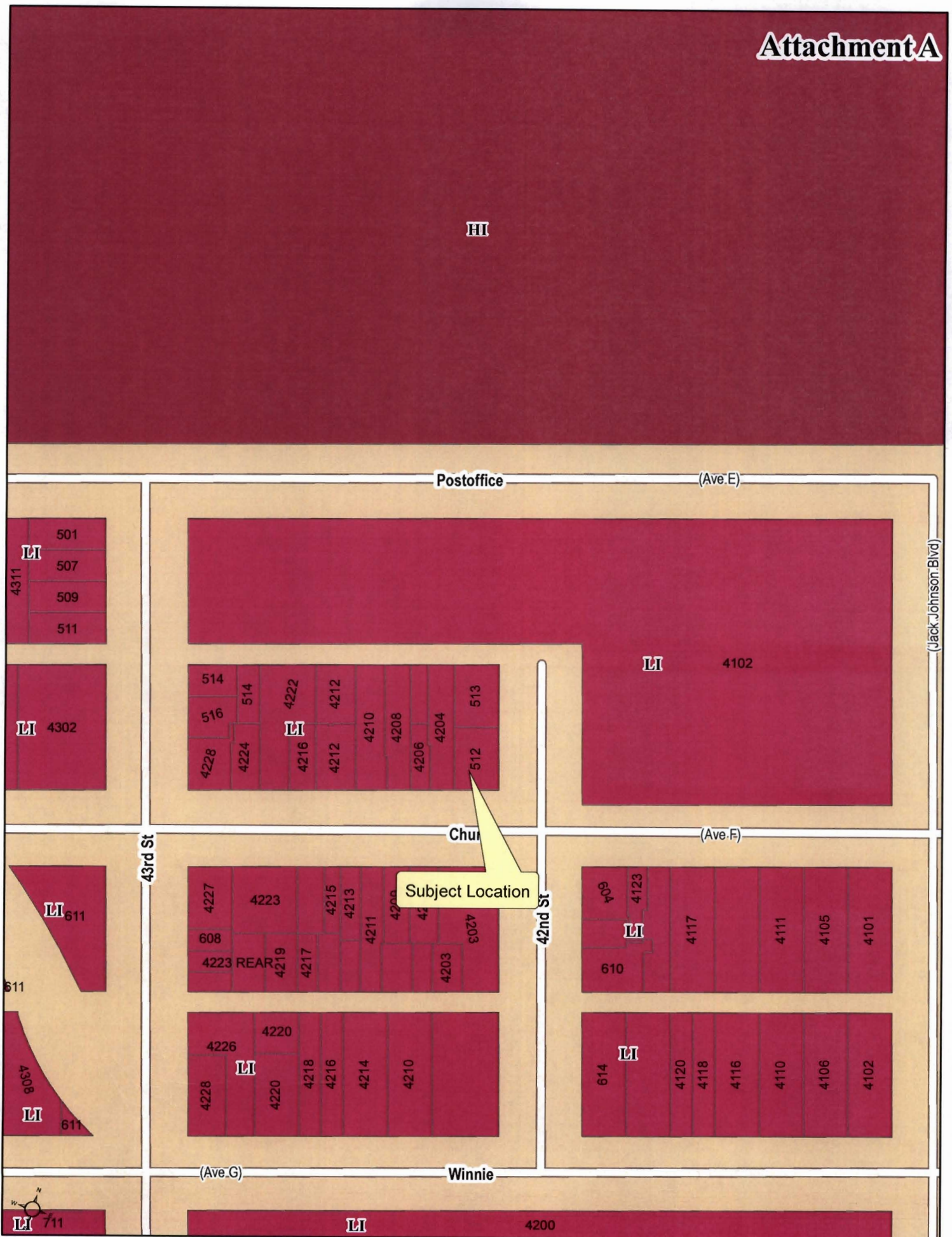
8-1-13

Date

8/1/13

Date

Attachment A



Planning Department

Map prepared by the City of Galveston Planning Department (milburnpet) - 8/1/2013

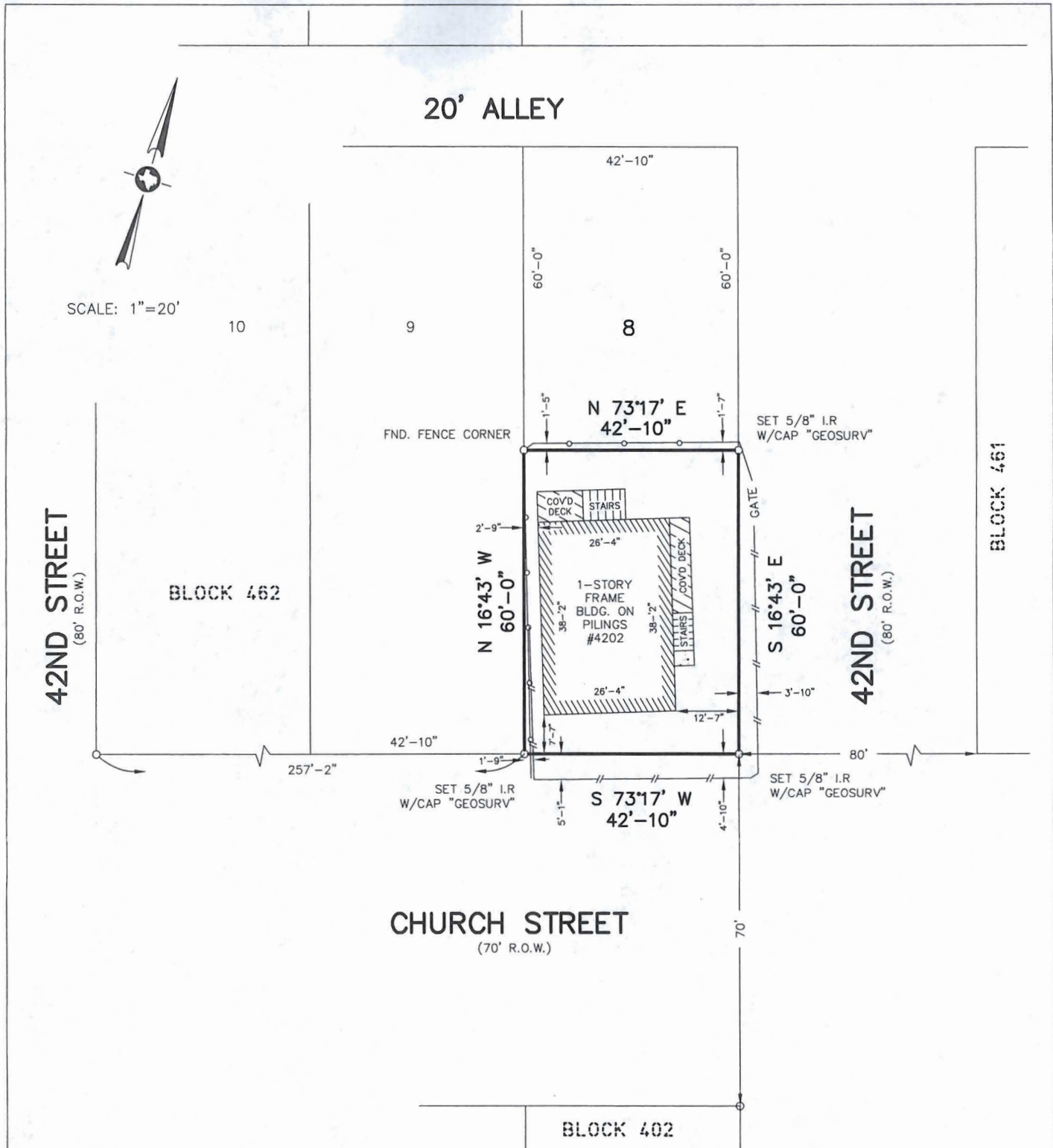
This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 70 140 280 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 purposes only and should not be construed to be legally binding.







Survey Prepared for: Mack W. Gray

Notes:

- 1.) This property does lie within the 1% annual chance flood (100-Year Flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. As shown on FIRM 485469, 0026 E, Zone "AE" with a base flood elevation of 11', map revised December 6, 2002.
- 2.) This survey has been prepared without the benefit of a current title report or title commitment. This property may be subject to matters of record not reflected hereon which such a title report or title commitment may reveal.

June 1, 2012

Survey of the South 1/2 of Lot Eight (8) in Block Four Hundred Sixty-Two (462) in the City Galveston, Galveston County, Texas, according to the Sanduskey Map of 1845 of the City of Galveston, now in and accepted use.

I hereby certify that on the above date, the herein described Lot, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.



GeoSurv, LLC

Dale L. Hardy
Registered Professional
Land Surveyor 4847