

**AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., WEDNESDAY, April 9, 2014
CITY COUNCIL CHAMBERS, 2ND FLOOR OF CITY HALL
823 ROSENBERG, GALVESTON, TEXAS**

A. Attendance

C. Approval of Minutes: March 5, 2014

B. Conflict of Interest

D. Old Business and Associated Public Hearing

13Z-43 (3821 Ave Q 1/2)

Request for variances from the Galveston Zoning Standards Section 29-65 regarding side setback requirements. Property is legally described as North part of lots 2 & 3 & South 1/2 of Adjacent Avenue Q 1/2 (2002-1) South-West Block 110 Galveston Outlots, in the City and County of Galveston, Texas.

Applicant and Property Owner: Santos Vargas

14Z-02 (1909 and 1911 25th/Rosenberg)

Request for a variance from the Galveston Zoning Standards Section 29-65 regarding the lot area/lot width requirements within the One Family-Four (1F-4) zoning district. Property is legally described as South 1/2 of Lots 6 & 7 (1006-1) Northeast Block 91 Galveston Outlots, in the City and County of Galveston, Texas.

Applicant & Property Owner: Michael R. Piana

Documents: [14P-02 DEFERRAL MEMO.PDF](#)

E. New Business and Associated Public Hearing

14Z-08 (6918 Broadway Boulevard)

Request for a variance from the Galveston Zoning Standards Section 29-84,(b) (1) regarding the installation of a new LED "Billboard" sign, 29-82 (k)(3) regarding sign size, and 29-82 (f) (2) regarding sign height, in a Light Industrial, Gateway Development Zone, Zone-2, (LI-GDZ-2) zoning district. Property is legally described as part of Lot 534 (534-4), Trimble and Lindsey Section One, in the City and County of Galveston, Texas.

Applicant: Mark Davis & Dick Daugird c/o TX Lighthouse Foundation

Property Owner: L&L Realty Partnership

Documents: [14Z-08 STF.PDF](#)

F. Adjournment

Prepared By:



Athena Petty, Planning Assistant

Date Prepared: April 2, 2014

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.

MEMORANDUM

TO: Joe Rozier, Chair and Commissioners
Galveston Planning Commission

FROM: Ian Knox, Urban Planner I
Department of Planning and Community Development
knoxian@cityofgalveston.org or 409-797-3659

DATE: Wednesday, April 02, 2014

RE: **14Z-02 (1909 and 1911 25th/Rosenberg)** Request for a variance from the Galveston Zoning Standards Section 29-65 regarding the lot area/lot width requirements within the One Family-Four (1F-4) zoning district. Property is legally described as South 1/2 of Lots 6 & 7 (1006-1) Northeast Block 91 Galveston Outlots, in the City and County of Galveston, Texas.
Applicant & Property Owner: Michael R. Piana

On March 5, 2014 the Galveston Planning Commission deferred the above request until the April 9, 2014 regular meeting in order to allow the applicant to be present.

xc: Richard Vasquez, Director
Department of Planning

14Z-08 (6918 Broadway Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-84 (b) (1) regarding the installation of a new LED “Billboard” sign, 29-82 (k)(3) regarding sign size, and 29-82 (f) (2) regarding sign height, in a Light Industrial, Gateway Development Zone, Zone-2, (LI-GDZ-2) zoning district. Property is legally described as part of Lot 534 (534-4), Trimble and Lindsey Section One, in the City and County of Galveston, Texas.

Applicant: Mark Davis & Dick Daugird c/o TX Lighthouse Foundation

Property Owner: L&L Realty Partnership

Case Manager: Janice Norman, Planner II, Zoning Administrator

Existing Zoning and Land Use:

Zoning	Light Industrial, Gateway Development Zone, Zone -2 (LI-GDZ-2)
Land Use	Commercial

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Light Industrial, Gateway Development Zone, Zone-2 (LI-GDZ-2)	Commercial, Height and Density Development Zone, Zone- 1	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)	Commercial, Height and Density Development Zone, Zone 1 (C-HDDZ-1)
Land Use	Commercial	Residential	Commercial	Commercial

Property Owner Notification as of April 9, 2014:

Sent	Returned	In Favor	In Opposition	No Comment

Advertisement Date: March 27, 2014

City Department Notifications:

Airport: No Objection
 Building Department: Pending
 Fire Chief: Pending
 Fire Marshal: No Objection
 Police Department: No Objection
 Public Works: No Objection with comment: *The sign location as indicated on Google Earth is close to Galveston’s 30-inch water line. See attached City utility map, the blue line is closest to the building, is the old 30-inch water transmission line. Coordinate with Utility Division Director David Van Riper at 409-797-3962 to ensure location of 3—inch line is clearly marked prior to any excavation begins.*

ANALYSIS

The applicant is requesting variances from the Galveston Zoning Standards in order to install a new “V” shaped LED “Billboard” sign. According to Section 29-84 (a) (4), new “Billboard” signs are prohibited in the City of Galveston. In addition the Billboard sign will exceed the sign size and height requirements in a Light Industrial, Gateway Development Zone, Zone-2 zoning district.

Zoning District: Light Industrial, Gateway Development Zone, Zone-2, (LI-GDZ-2)

	Sign Type “Billboard”	Electronic Sign Display	Size	Height
Required	Not Permitted	Not Permitted	200 square feet maximum	50 feet
Proposed	“V” shaped Billboard	Electronic Sign	1,344 square feet	59 feet

1) Section 29-84: ADVERTISING (Billboards)**Section 29-84 (a) (4)****(a) Permits**

- (4) “ E l e s c t r o n i c s i g n ” means a sign, display, or device that changes its message or copy by programmable mechanical or electronic processes. The use of an electronic image on a digital display device is not the use of a flashing, intermittent, or moving light for the purposes of these regulations. Any flashing intermittent or moving light or lights including any type of screen using animated or scrolling displays except those giving only public service information such as time, date, temperature, weather or similar information is prohibited.

Section 29-84 (b) (1)

- (1) The City shall not issue permits for the construction of new Billboards. The City may issue permits for the repair of legal, non-conforming Billboards that existed on October 29, 1997 per the provisions of this section. A Billboard permit shall be valid at the sign location for twelve (12) months unless sooner revoked or canceled.

Variance(s) Requested - the applicant is requesting a variance to allow a new LED Billboard Sign to be erected in the City of Galveston.

2) Section 29-82 (k) (1)**(k) Signs In The PD, R, C, LI, and HI Districts:**

- (1) Detached sign, one for each street frontage associated with any business, (owner-identification) shall not exceed sixty (60) square feet of area for each sixty feet (60') of street frontage or proportion thereof. The permitted sign area for detached signs may be cumulative, but no one (1) sign shall exceed two hundred (200) square feet in area.

Variance(s) Requested – Sign area from 200 square feet maximum, to 672 square feet times two sign faces for a total of 1,344 square feet.

3) Section 29-82 (f) (2)**(f) Detached Signs**

- (2) In B, PD, REC, RES, NS, R, WA, Commercial and Industrial Districts, detached signs shall not exceed a height of fifty feet (50').

Variance(s) Requested – Sign height from 50 feet to 59 feet.

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. 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:
 - a. It does not allow applicants to impair the application of these regulations for:
 - i. Self-imposed hardships;
 - ii. Hardships based solely on financial considerations, convenience or inconvenience; or
 - iii. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - b. The variance will not have a detrimental impact upon:
 - i. The current or future use of adjacent properties for purposes for which they are zoned;
 - ii. Public infrastructure or services; and
 - iii. 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” – Site Plan/Aerial

“C” – Applicant’s Submittal (Narrative and Picture of similar sign)

“D” – Public Works Utility Map