

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., Wednesday, August 6, 2014
City Council Chambers, 2nd Floor of City Hall
823, Rosenberg, Galveston, Texas

A. Attendance

B. Conflict of Interest

C. Minutes: July 9, 2014

D. Election of Chairperson and Vice-Chairperson

E. Old Business and Associated Public Hearing

14Z-20 (1622 Ave D/Market)

Request to appeal the City of Galveston Landmark Commission's decision regarding case 14LC-22 Request for a Certificate of Appropriateness for alterations to the structure including the replacement of siding with Cementitious Fiberboard siding, commonly known as Hardiplank for the east side of 1886 portion of the house. Property is legally described as East ½ of Lot 13 (13-2) Block 556 Galveston, in the City and County of Galveston, Texas.
Applicant and Owner: David Mullican

Documents: [14Z-20 MEMO2.PDF](#)

F. New Business and Associated Public Hearing

14Z-21 (1301 52nd Street)

Request for a variance regarding side yard setback requirements in a General Residence (GR) zoning district. Property is legally described as North 40 Feet of Lots 11 & 12 (11-2) Block 44 Denver Resurvey, in the City and County of Galveston, Texas.
Applicant: Heather Williams
Property Owner: Patricia Bailey

Documents: [14Z-21 STF.PDF](#)

14Z-22 (3520 Avenue S 1/2)

Request for a variance regarding side yard setback requirements in a Multiple Family-One (MF-1) zoning district. Property is legally described as Lot 12 and the East half of Lot 13, Northeast Block 161, Galveston Outlots, in the City and County of Galveston, Texas.
Applicant and Property Owner: Robert Spagnola

Documents: [14Z-22 STF.PDF](#)

G. Adjournment

Prepared By:



Athena Petty, Planning Assistant

Date Prepared: July 31, 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: William Clement, Chair and Board Members
Galveston Zoning Board of Adjustment

FROM: Catherine Gorman, Assistant Director/HPO
Planning Department

DATE: July 31, 2014

RE: **14Z-20 (1622 Ave D/Market)** Request to appeal the City of Galveston Landmark Commission's decision regarding case 14LC-22: Request for a Certificate of Appropriateness for alterations to the structure including the replacement of siding with Cementious Fiberboard siding, commonly known as Hardiplank for the east side of 1886 portion of the house. Property is legally described as East ½ of Lot 13 (13-2) Block 556 Galveston, in the City and County of Galveston, Texas.
Applicant and Owner: David Mullican

On July 9, 2014, the Zoning Board of Adjustment voted to continue the above referenced case to the August 6, 2014 meeting at the request of the applicant. Please refer to the packet materials from the July 9, 2014 meeting. If you need additional copies, please contact Athena Petty at 409-797-3608.

This was the first request for a continuance and there are no costs associated with the request.

S:\Planning\Planning Division\ZBA\Staff Reports\14zba\14Z-20\14Z-20 Memo 2.docx

14Z-21 (1301 52nd Street) Request for a variance regarding side yard setback requirements in a General Residence (GR) zoning district. Property is legally described as North 40 Feet of Lots 11 & 12 (11-2) Block 44 Denver Resurvey, in the City and County of Galveston, Texas.

Applicant: Heather Williams

Property Owner: Patricia Bailey

Case Manager: Ian Knox, Urban Planner II

Existing Zoning and Land Use:

Zoning	General Residence (GR)
Land Use	Residential

Surrounding Zoning and Land Use:

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

Property Owner Notification as of August 6, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
39				

City Department Notifications:

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

ANALYSIS

The applicant is seeking a variance from side yard setbacks due to a lift being constructed over the three foot side setback.

Requested Variance(s)

Side yard setback: from the requirement of 3 feet to 2 foot.

Applicant's Justification

"Addition of Handicap Lift per GLO Plans"

CONDITIONS FOR A VARIANCE

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

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

APPEAL FROM DECISION OF BOARD

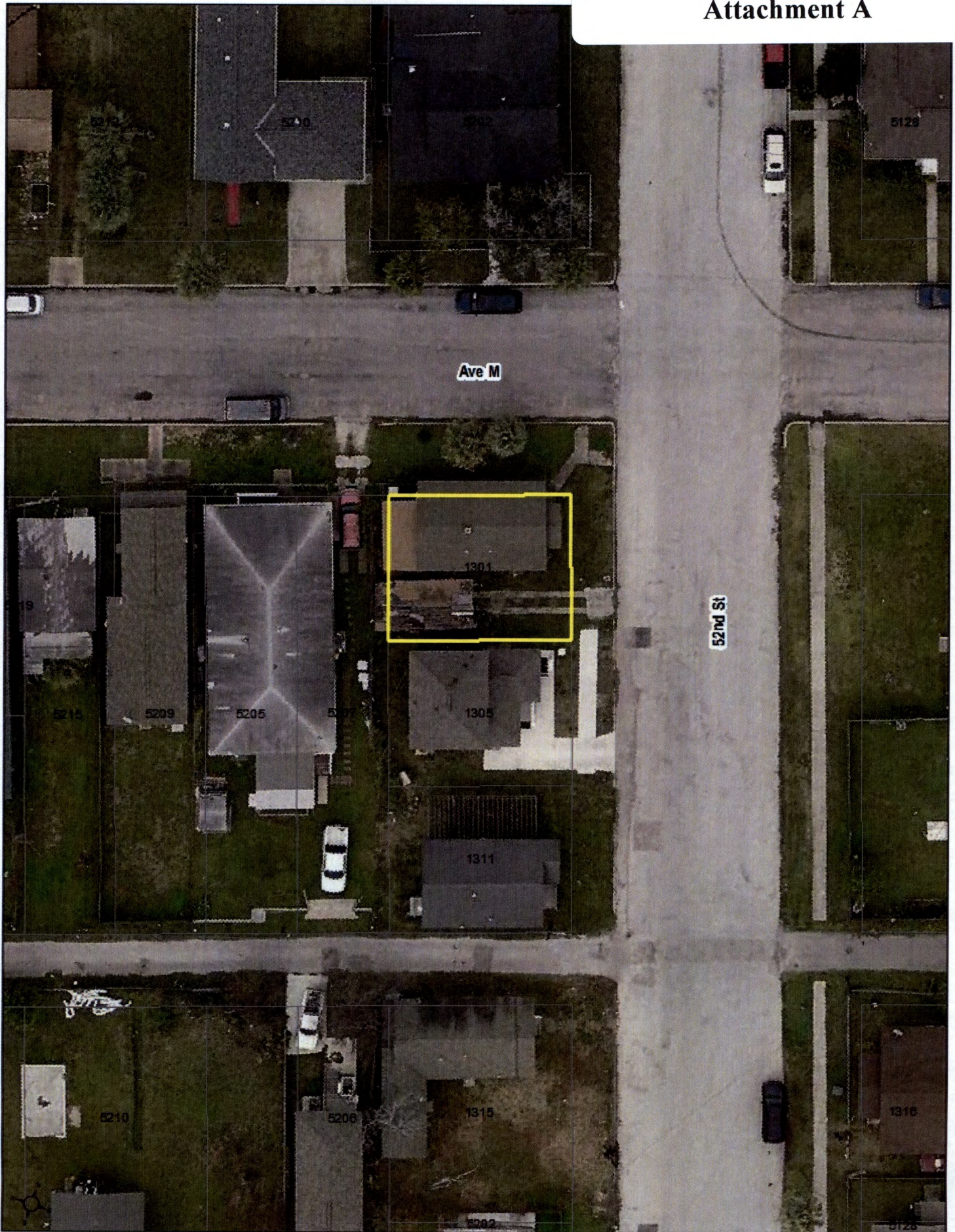
In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

ATTACHMENTS

“A” – Aerial Map

“B” – Survey / Site Plan

Attachment A



Planning Department

Map prepared by the City of Galveston Planning Department (Knoxian) - 7/18/2014

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or planning 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

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 database. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.



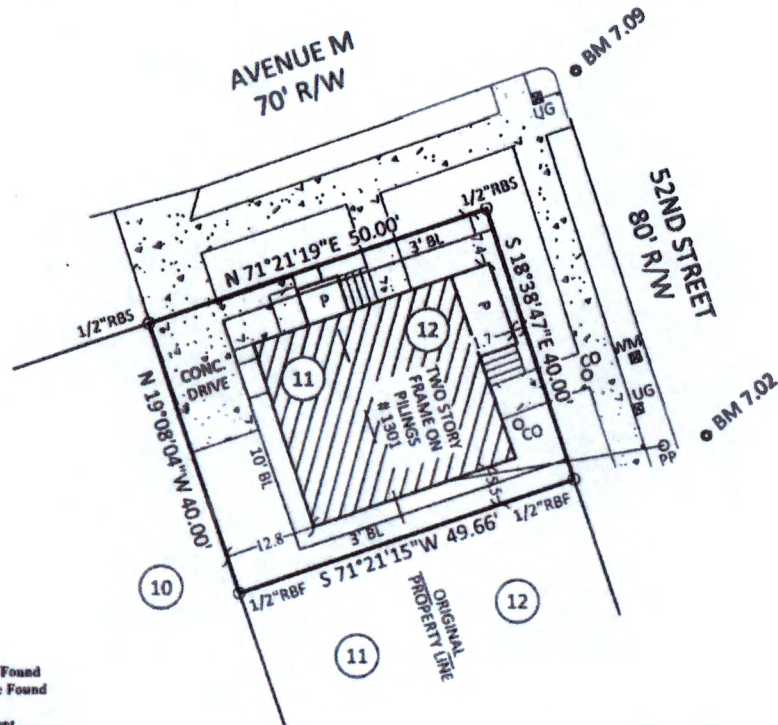
GENERAL NOTES

1. THIS PROPERTY IS SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS OF RECORD.
2. THIS PLAT IS FOR EXCLUSIVE USE BY CLIENT. USE BY THIRD PARTIES IS AT THEIR OWN RISK.
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.

AREA: 1,994 SF ~ 0.05 ACRES
VOLUME 91, PAGE 196

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
UG- Underground Gas
CO- Sanitary Sewer Cleanout
-F- 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' (AVG ALIGNMENT)

OWNER: PATRICIA BAILEY (APP. # CG200306)
ADDRESS: 1301 52ND STREET
GOVERNING AUTHORITY: CITY OF GALVESTON
ZONING DISTRICT: GR
FEMA MAP #: 48167C0437 G
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.

FINAL SURVEY FOR:
JAMES W. TURNER

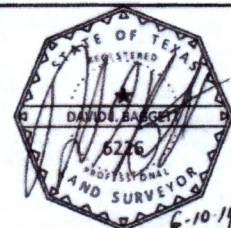
SUBDIVISION: DENVER RESURVEY
LOT: PART OF 11 & 12 (11-2) BLOCK: 44
CITY OF GALVESTON
GALVESTON COUNTY, TEXAS
FIELD WORK DATE: 06-10-2014

2014060451 JWT

**CARTER LAND SURVEYORS
AND PLANNERS**

2780 Peachtree Industrial Boulevard
Duluth, GA 30097
Ph: 770.495.9793
Toll Free: 866.637.1048
www.carterland.com

Atlanta • Charlotte • Houston • Dallas
Galveston • Beaumont



14Z-22 (3520 Avenue S 1/2) Request for a variance regarding side yard setback requirements in a Multiple Family-One (MF-1) zoning district. Property is legally described as Lot 12 and the East half of Lot 13, Northeast Block 161, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant and Property Owner: Robert Spagnola

Case Manager: Adriel Montalvan, Urban Planner II

Existing Zoning and Land Use:

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

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	General Residence (GR)	Retail, Seawall Development Zone 2, Height Density Development Zone 3 (R-SDZ-2-HDDZ-3)	Multiple Family-One (MF-1)	Multiple Family-One (MF-1)
Land Use	Residential	Restaurant	Residential	Residential

Property Owner Notification as of August 6, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
23				

City Department Notifications:

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

ANALYSIS

The applicant is seeking a variance to construct a garage apartment situated 12 inches from the side property line, on an existing garage slab. Detached accessory structures are not allowed closer than 3 feet to a common property line.

Requested Variance(s)

- Side yard setback: from the requirement of 3 feet to 1 foot.

Applicant's Justification

"Please allow less than 12" setback variance as previous footprint of building now has a conflict with the new rules."

CONDITIONS FOR A VARIANCE

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

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

APPEAL FROM DECISION OF BOARD

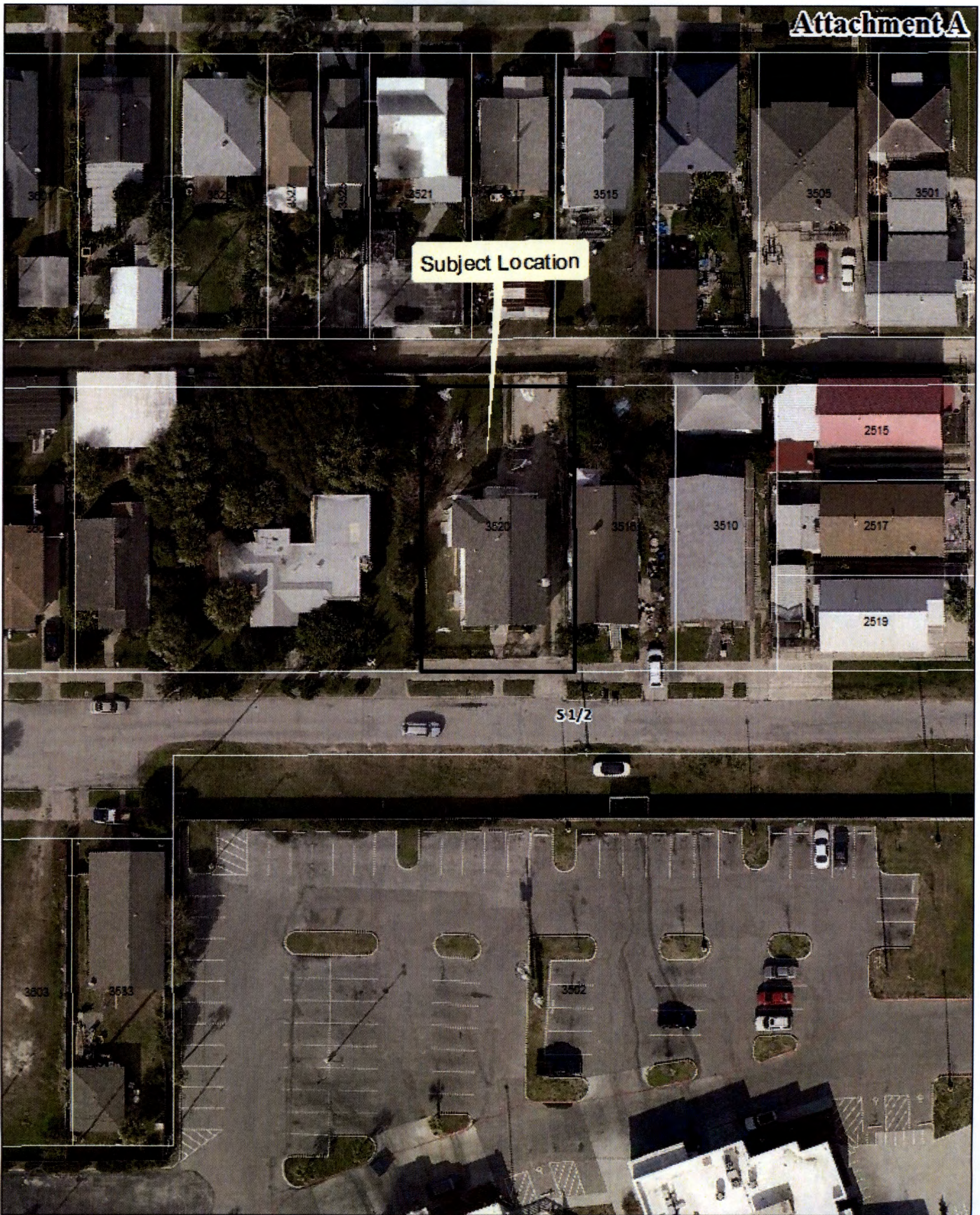
In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

ATTACHMENTS

"A" – Aerial Map

"B" – Survey / Site Plan

"C" – Elevation / Floor Plans



14Z-22 (3520 Avenue S 1/2)

Map prepared by the Department of Planning and Community Development (montalvanadi) - 7/17/2014
 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.

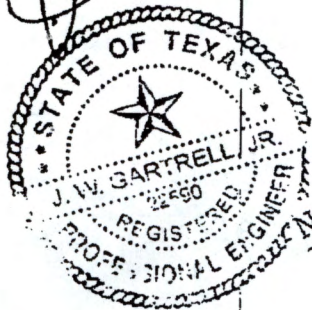
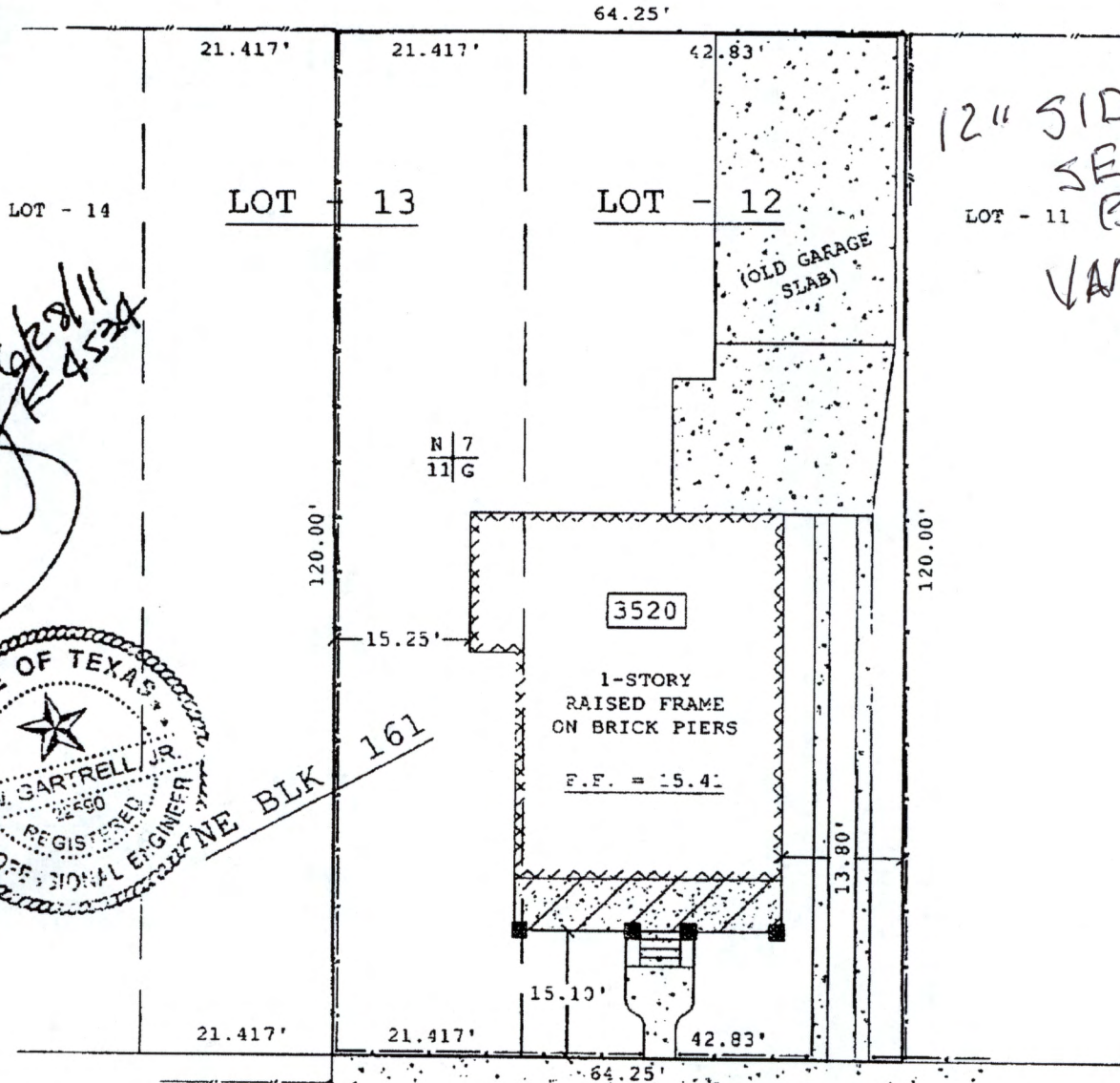
0 30 60 120 Feet

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 data sets. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.



20' 0' 20'
SCALE 1" = 20'

20' ALLEY



BLK 161

AVENUE S-1/2

(06/23/11)
SITE PLAN

6		GULF COAST ENGINEERING AND SURVEYING P.O. BOX 302 LA MARQUE, TX 77506 JAMES W. GARTRELL JR., P.E., R.P.L.S. FIRM REGISTRATION: F-4534 TEL. 408-936-2402 TEL. 281-458-0940 FAX. 408-936-9367	SPAGNOLA RESIDENCE 3520 AVENUE S 1/2 GALVESTON, TX 77550
---	--	--	---

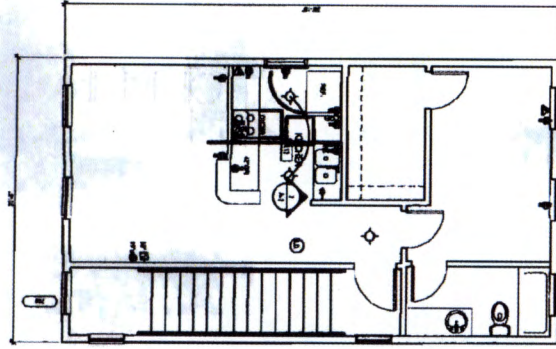
Spagnola Residence
3520 Avenue S 1
Galveston, TX 77550

[illegible]

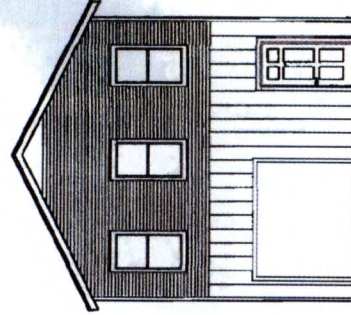
Preliminary Plan For Client Review
2/4/2013
Not for permit or construction
Cathleen Hart, AIA
Texas Registration #18685

Project Name	PROJECT FINANCE
Project Manager	Bill
Cost Per Hour	\$25.00 per hour
Duration	1000 hours
Est. Cost	\$25,000

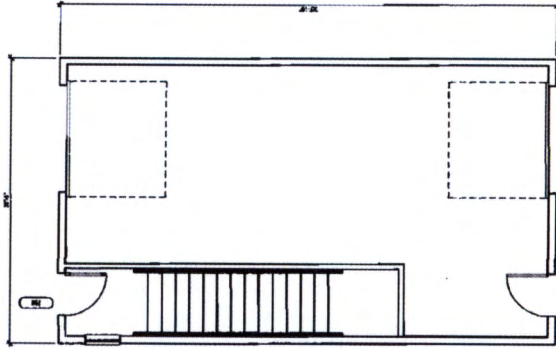
A-4



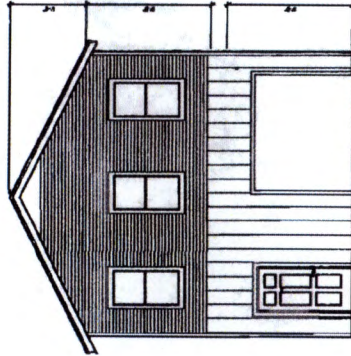
4 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 BACK - NORTH ELEVATION



3 **FIRST FLOOR PLAN**
SCALE: 1/8" = 1'-0"



1 FRONT - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"