

**AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., Wednesday, September 3, 2014
City Council Chambers, 2nd Floor of City Hall
823, Rosenberg, Galveston, Texas**

A. Attendance

B. Conflict of Interest

C. Minutes: August 6, 2014

D. New Business and Associated Public Hearing

14Z-23 (1516 38th Street)

Request for a variance regarding off-street parking requirements in a General Residence (GR) zoning district. Property is legally described as Part of Lots 18 & 19 (18-1) Bryans Subdivision, in the City and County of Galveston, Texas.

Applicant: URS, Zach Martin

Property Owners: Roberto and Gabriela Meza

Documents: [14Z-23 STF.PDF](#)

14Z-24 (911 35th Street)

Request for a variance regarding off-street parking requirements in a General Residence (GR) zoning district. Property is legally described as South-East Part of Lot 7 (7-3) Block 215 Galveston, in the City and County of Galveston, Texas.

Applicant: URS, Zach Martin

Property Owners: Rita and Junior Ritell

Documents: [14Z-24 STF.PDF](#)

14Z-26 (1207 15th Street)

Request for a variance from the Galveston Zoning Standards Section 29-65 regarding rear yard setback requirements. The property is legally described as the South 76.5 feet of Lot 7 (7-1); Block 15; Lot B of Replat; in the City and County of Galveston, Texas.

Applicant: Gregory P. Lewis, Lewis Design Group

Property Owners: Michael Golas and John Hayes

Documents: [14Z-26 STF.PDF](#)

14Z-27 (2415 39th Street)

Request for a variance from the Galveston Zoning Standards Section 29-65 regarding lot depth requirement in conjunction with a replat. The Property is legally described as Lots 9 and 10, Wisrodt Subdivision, in the City and County of Galveston, Texas.

Applicants and Property Owners: Roberto Folgado and Mariana Gomez

Documents: [14Z-27 STF.PDF](#)

14Z-28 (4321 Caduceus Place)

Request for a variance regarding side yard setback requirements in a One Family-Three (1F-3) zoning district. Property is legally described as Lots 13 thru 15 and 15 feet of Adjacent Street, Northeast Block 182, in the City and County of Galveston, Texas.

Applicant: Chris Arneson, Building Solutions

Property Owners: Barry and Maria Isabel Norman

Documents: [14Z-28 STF.PDF](#)

14Z-29 (1719 22nd Street)

Request for a variance from the Galveston Zoning Standards Section 29-67 regarding off-street parking requirements in a Multi Family-One, Neighborhood Conservation District 1 (MF-1-NCD-1) zoning district. Property is legally described as the East 57.5 feet of Lot 2 (2-1), Northwest Block 68, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: URS c/o Zach Martin

Property Owners: Lawrence Ynigez and Annie Mejia

Documents: [14Z-29 STF.PDF](#)

14Z-33 (5422 Ave M 1/2)

Request for a variance from the Galveston Zoning Standards Section 29-67 (b)(1)(a) regarding parking requirements in a General Residence (GR) zoning district. Property is legally described as Lot 22, Block 46, Denver Resurvey, a subdivision, in the City and County of Galveston, Texas.

Applicant: American Home Builders c/o David Newman

Property Owner: Sarah Underwood

Documents: [14Z-33 STF.PDF](#)

E. Adjournment

Prepared By: 
Athena Petty, Planning Assistant
Date Prepared: August 27, 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.

14Z-23 (1516 38th Street) Request for a variance regarding off-street parking requirements in a General Residence (GR) zoning district. Property is legally described as Part of Lots 18 & 19 (18-1) Bryans Subdivision, in the City and County of Galveston, Texas.

Applicant: URS, Zach Martin

Property Owners: Roberto and Gabriela Meza

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 September 3, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
30				

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 requesting a parking variance to require no off-street parking.

Requested Variance(s)

Parking: Required parking from one to zero.

Applicant's Justification

"The property is very small thus not allowing any room for parking. The existing property did not allow any parking. Therefore, we are requesting to seek a variance from the off-street parking requirement. The new proposed dwelling will be in compliance and fall within the setbacks if the

variance is approved. Variance should not have a detrimental impact upon the current or future use of adjacent properties"

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

Map prepared by the City of Galveston Planning Department (knoxian) - 8/13/2014

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.

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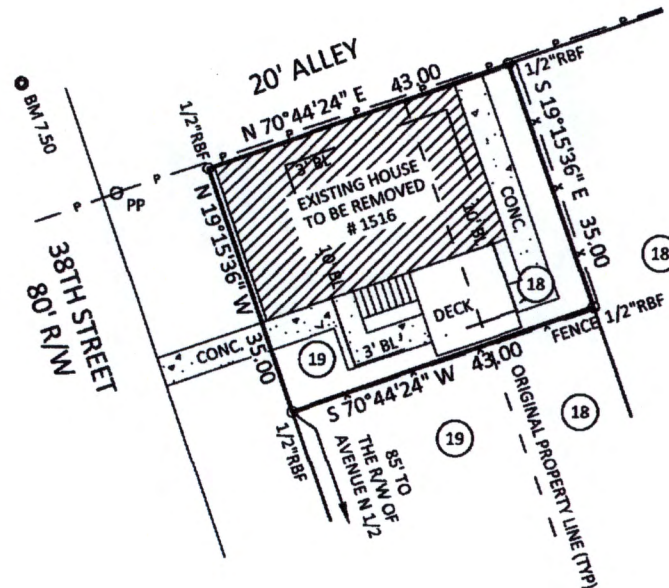
Attachment B

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.

SCALE: 1" = 20'
 20' 10' 0' 20'
 GRAPHIC SCALE - FEET

AREA: 1,505 SF ~ 0.03 ACRES
 MAP: 357-A



LEGEND:

IPF- Iron Pin Found
 IPS- Iron Pin Set
 FP- Fence Post
 OTF- Open Top Pipe Found
 CTF- Crimp Top Pipe Found
 R/W- Right of Way
 BL- Building Line
 DE- Drainage Easement
 SSE- Sanitary Sewer Easement
 UE- Utility Easement
 P- Power Line
 X- Fence
 D- Drainage Easement
 S- Sewer Easement
 BM- Benchmark
 AC- Air Conditioning Unit
 CB- Catch Basin
 CO- Sanitary Sewer Cleanout
 PP- Power Pole
 WM- Water Meter
 CONC- Concrete
 DK- Deck
 PAT- Patio
 POR- Porch
 S- Stoop
 BM- Benchmark

NOTE: WATER METER NOT VISIBLE

FRONT BL: 10' OR AVG ALIGNMENT

OWNER: ROBERTO MEZA (APP. # CG200944)
 ADDRESS: 1516 38TH STREET
 GOVERNING AUTHORITY: CITY OF GALVESTON
 ZONING DISTRICT: GR
 FEMA MAP #: 48167C 0441 G
 FEMA FLOOD ZONE: AE
 BASE FLOOD ELEVATION: 10'

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: BRYANS SUB
 LOT: PT OF 18 & 19 (18-1)
 CITY OF GALVESTON
 GALVESTON COUNTY, TEXAS
 FIELD WORK DATE: 02/25/2014

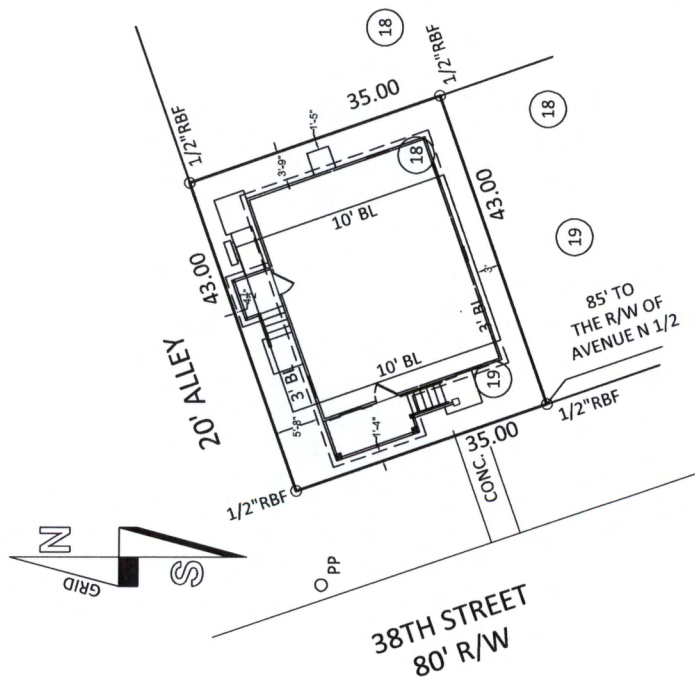
2014020456 URS

CARTER LAND SURVEYORS AND PLANNERS

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



URS EXHIBIT PROPOSED DWELLING SITING PLAN



1 G2-S2-W25-BR3 -- 1,390 SQ FT

ORIGINAL SURVEY BY:
**CARTER LAND SURVEYORS
AND PLANNERS**

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Duluth, GA 30097

Ph: 770.495.9793

Toll Free: 866.637.1048

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PRELIMINARY

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

14Z-24 (911 35th Street) Request for a variance regarding off-street parking requirements in a General Residence (GR) zoning district. Property is legally described as South-East Part of Lot 7 (7-3) Block 215 Galveston, in the City and County of Galveston, Texas.

Applicant: URS, Zach Martin

Property Owners: Rita and Junior Ritell

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)	Commercial-Broadway Overlay Zone-3 (C-BOZ-3)	Retail (R)	General Residence (GR)
Land Use	Residential	Restaurant	Residential	Residential

Property Owner Notification as of September 3, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
28				

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 requesting a parking variance to require no off-street parking.

Requested Variance(s)

Parking: Required parking from one to zero.

Applicant's Justification

"The property is very small thus not allowing any room for parking. The existing property did not allow any parking. Therefore, we are requesting to seek a variance from the off-street parking requirement. The new proposed dwelling will be in compliance and fall within the setbacks if the

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APPEAL FROM DECISION OF BOARD

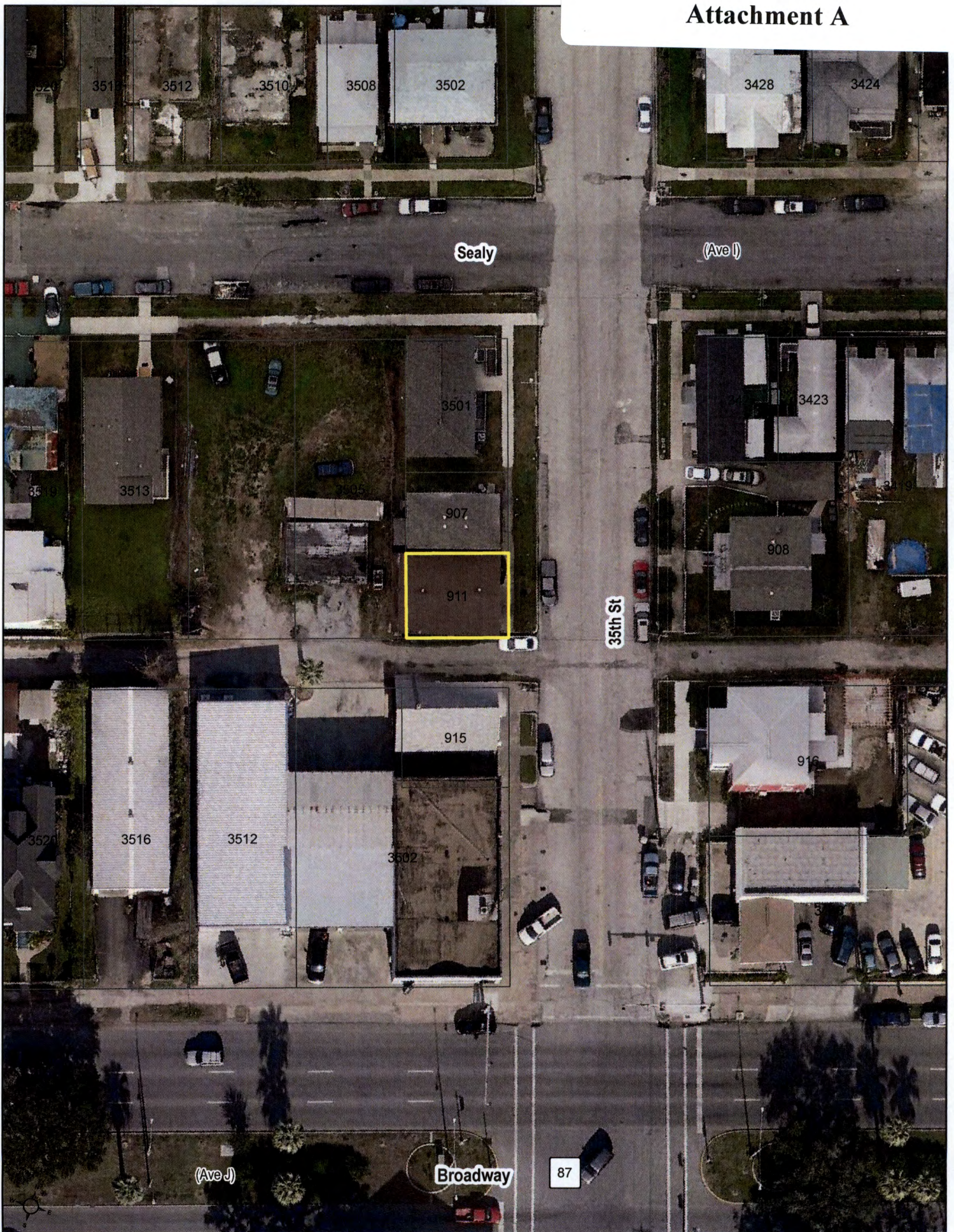
In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal 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) - 8/13/2014

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0 25 50 100 Feet

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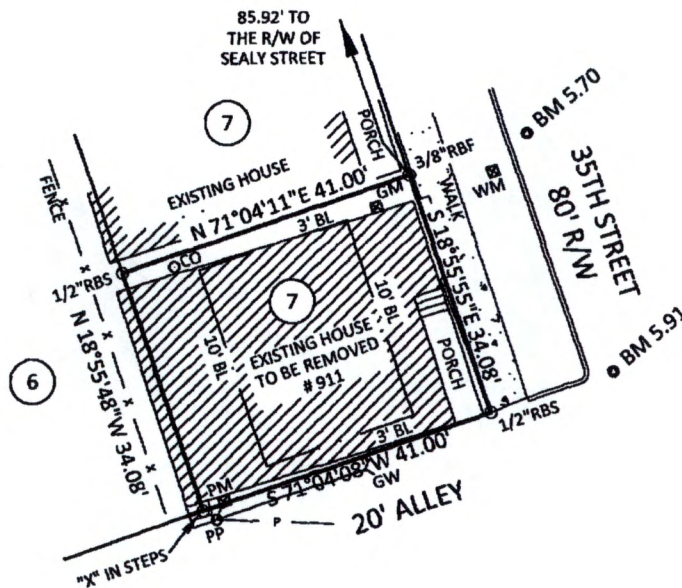
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6. EQUIPMENT USED: TOPCON APL1 TOTAL ROBOTIC STATION.

SCALE: 1" = 20'

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

AREA: 1,397 SF ~ 0.03 ACRES
DEED VOL. 2769, PG. 646
MAP 357-B

**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
PM- Power Meter
GW- Guy Wire
FP- Fence Post
WM- Water Meter
GM- Gas Meter
CO- Sanitary Sewer Cleanout
-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: 10' OR AVG ALIGNMENT

OWNER: RITA RITELL (APP. # CG200399)
ADDRESS: 911 35TH STREET
GOVERNING AUTHORITY: CITY OF GALVESTON
ZONING DISTRICT: GR
FEMA MAP #: 48167C0441 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.

SURVEY FOR:
URS CORPORATION

SUBDIVISION: GALVESTON
LOT: PART OF 7 (7-3) BLOCK: 215
CITY OF GALVESTON
GALVESTON COUNTY, TEXAS
FIELD WORK DATE: 01/27/2014

2014010857 URS

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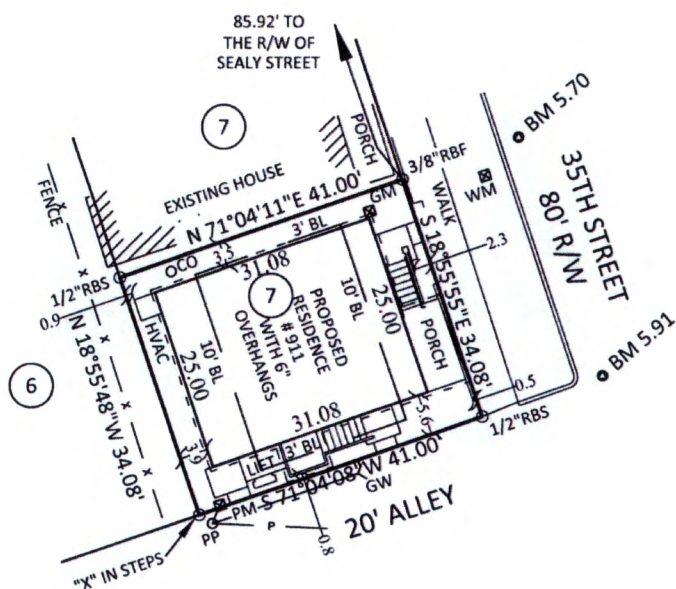
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DEED VOL. 2769, PG. 646
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LEGEND:

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FRONT BL: 10' OR AVG ALIGNMENT

OWNER: RITA RITELL (APP. # CG200399)
ADDRESS: 911 35TH STREET
GOVERNING AUTHORITY: CITY OF GALVESTON
ZONING DISTRICT: GR
FEMA MAP #: 48167C0441 G
FEMA FLOOD ZONE: AE
BASE FLOOD ELEVATION: 11'

PLOT PLAN FOR: SULLIVAN LAND SERVICES

SUBDIVISION: GALVESTON
LOT: PART OF 7 (7-3) BLOCK: 215
CITY OF GALVESTON
GALVESTON COUNTY, TEXAS
BASED ON FIELD WORK DATE: 01/27/2014
ORDER DATE: 07-23-2014
2014071113 SULLIVAN

CARTER LAND SURVEYORS AND PLANNERS

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A

14Z-26 (1207 15th Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding rear yard setback requirements. The property is legally described as the South 76.5 feet of Lot 7 (7-1); Block 15; Lot B of Replat; in the City and County of Galveston, Texas.

Applicant: Gregory P. Lewis, Lewis Design Group

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Case Manager: Catherine Gorman, AICP, Assistant Director

Existing Zoning and Land Use:

Zoning	General Residence, Neighborhood Conservation District 1 (GR-NCD-1)
Land Use	Residential

Surrounding Zoning and Land Use:

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

Property Owner Notification as of September 3, 2014:

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

ANALYSIS

The applicant is requesting a variance from the 10-foot rear setback in order to construct a connector between two existing structures on the lot.

Variance(s) Requested - the applicant is requesting a variance Section 29-65(h)(1):

From: 10 feet to 4 feet

Applicant's Justification

To connect the existing houses with an addition for new bathroom and hallway. Existing houses are currently approximately 4 feet from the property lines.

CONDITIONS FOR A VARIANCE

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APPEAL FROM DECISION OF BOARD

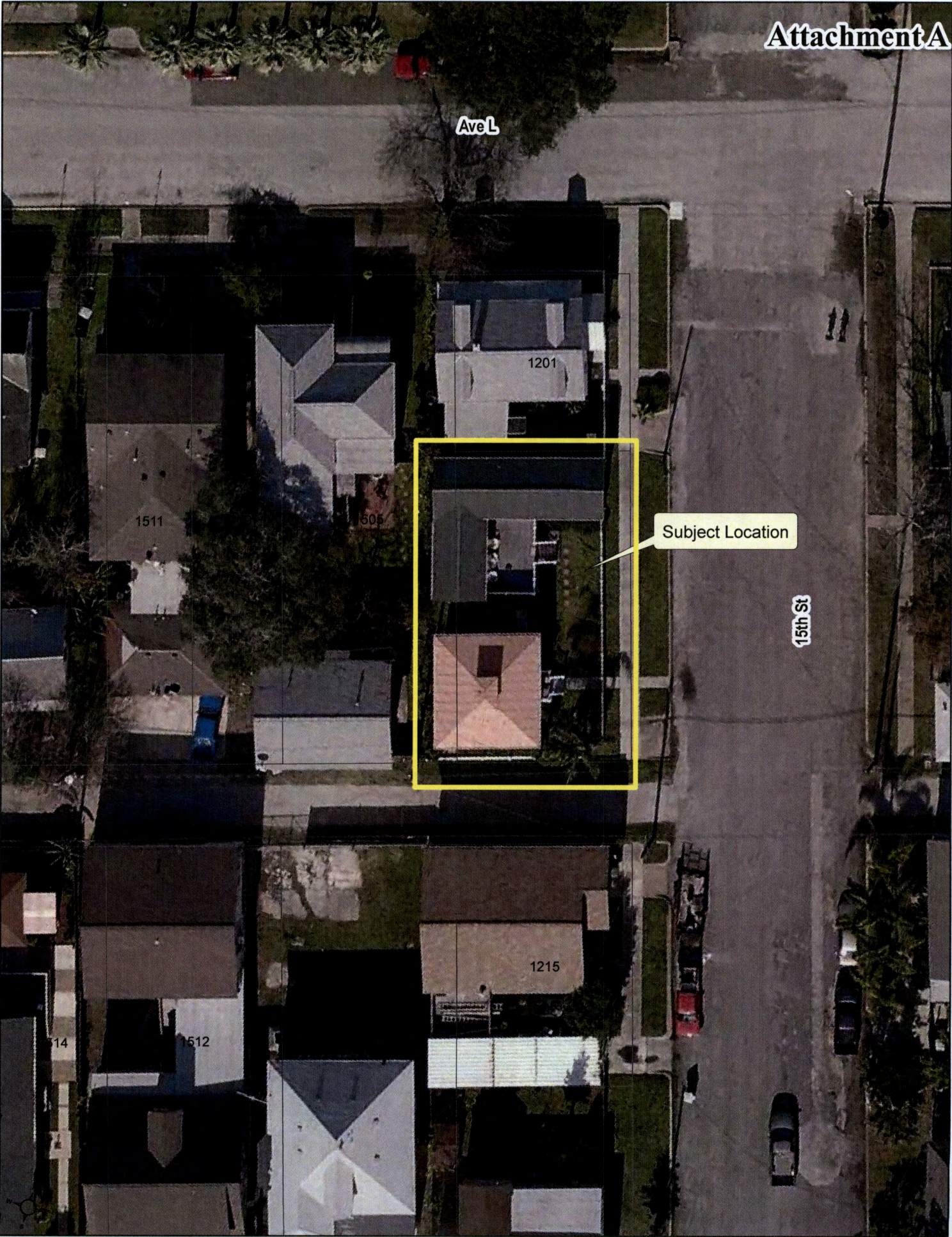
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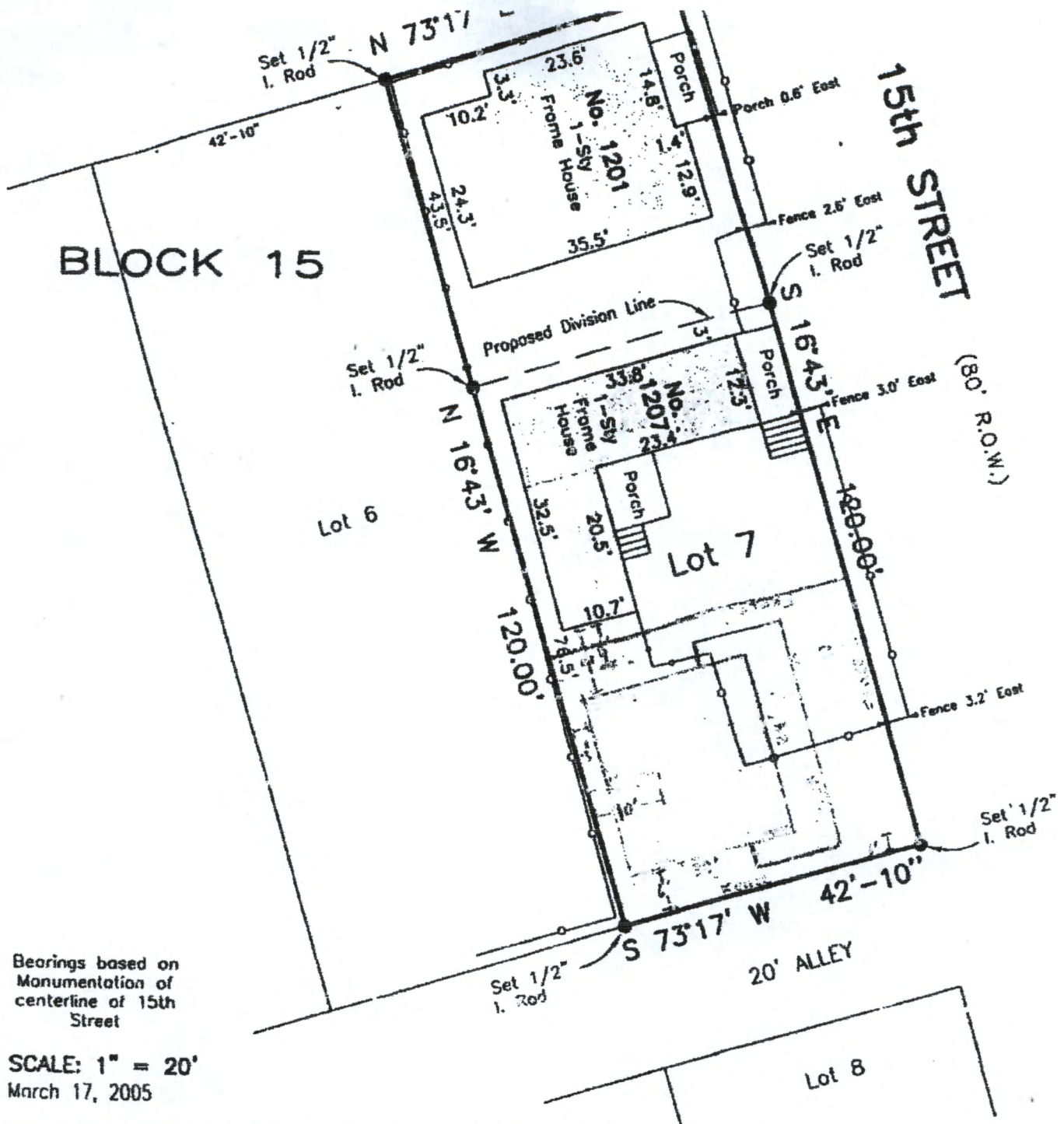
Attachments

"A" – Aerial Photograph

"B" – Survey

"C" – Site Plan

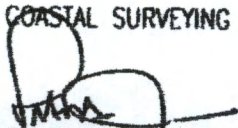




Survey of Lot Seven (7) of Block Fifteen (15), in the City and County of Galveston County, Texas. This survey is based on the map of the City of Galveston in common use.

I hereby certify that on the above date, the herein described property, 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.

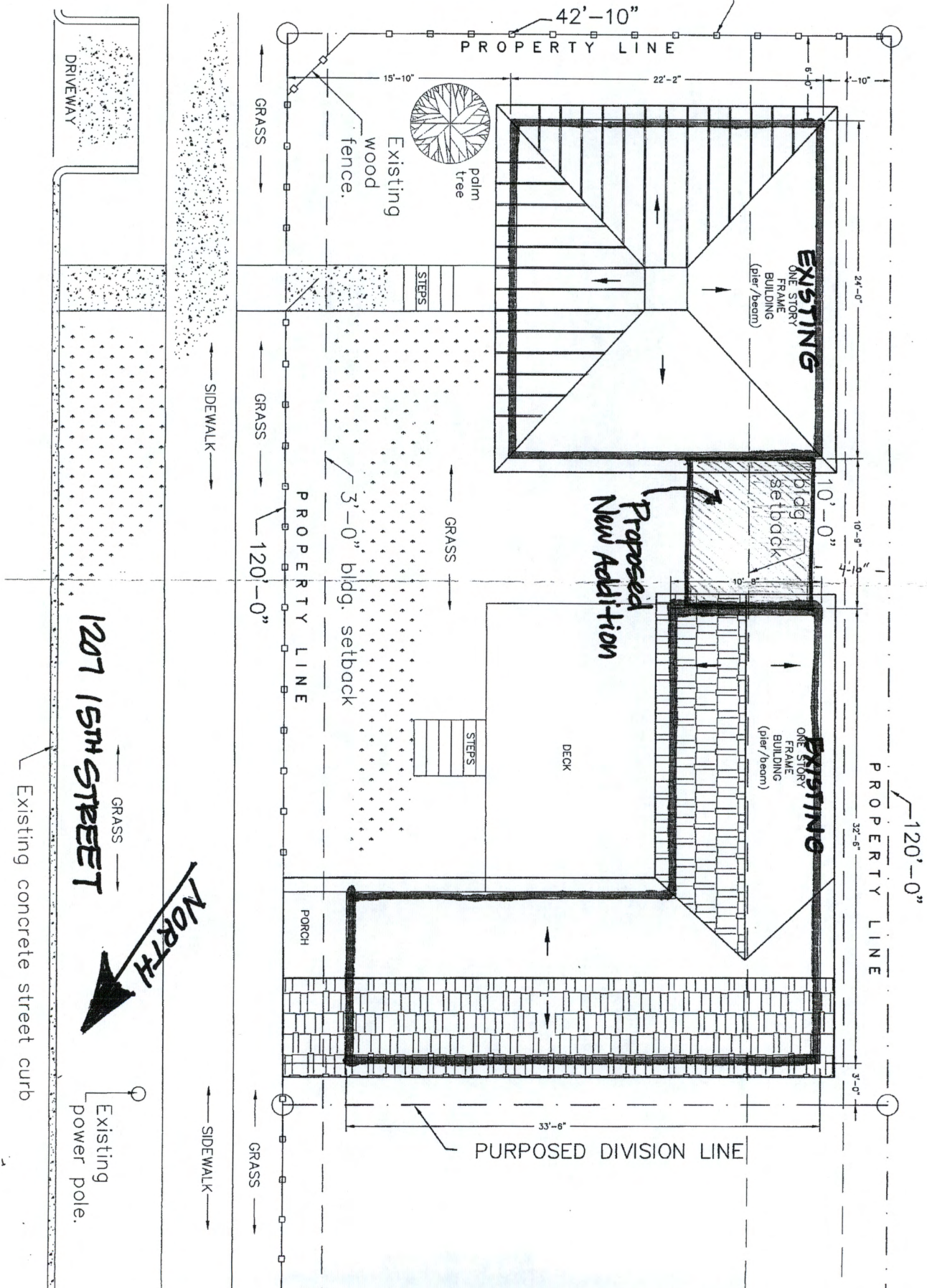
COASTAL SURVEYING OF TEXAS


Patrick A. Jordan
Registered Professional
Land Surveyor 5525

Surveyed without benefit
of a title report.



ALLEY (20' Alley)



14Z-27 (2415 39th Street) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding lot depth requirement in conjunction with a replat. The Property is legally described as Lots 9 and 10, Wisrodt Subdivision, in the City and County of Galveston, Texas.

Applicants and Property Owners: Roberto Folgado and Mariana Gomez

Case Manager: Adriel Montalvan, Urban Planner II

Existing Zoning and Land Use:

Zoning	Neighborhood Service (NS)
Land Use	Vacant / Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Neighborhood Service (NS)	Neighborhood Service (NS)	Retail (R)	General Residence (GR)
Land Use	Residential	Residential	Auto Repair	Residential

Property Owner Notification as of September 3, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
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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 property owner would like to replat one lot into two. The newly created lots will not meet the minimum lot depth required for a two-family dwelling in a Neighborhood Service (NS) zoning district.

Requested Variance(s)

1. Lot depth: from the requirement of 80 feet to 60 feet.

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

Applicant's Justification

"We plan on building a two-family dwelling on one of the lots of 60 x 60 and on a second stage, we will build another two-family dwelling on the second lot of 60 x 60."

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.

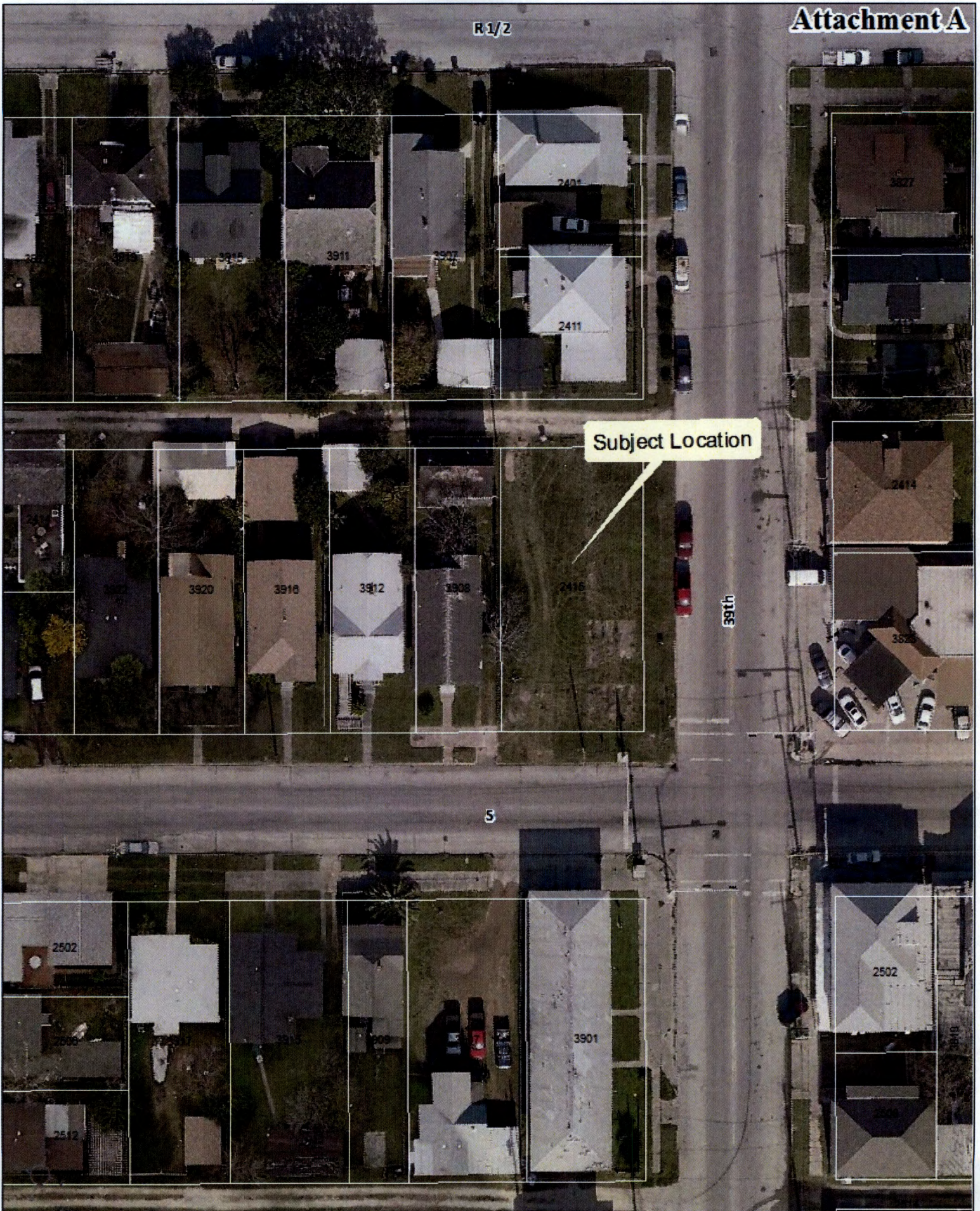
APPEAL FROM DECISION OF BOARD

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
- "C" – Site Plan

R1/2



Subject Location

39th

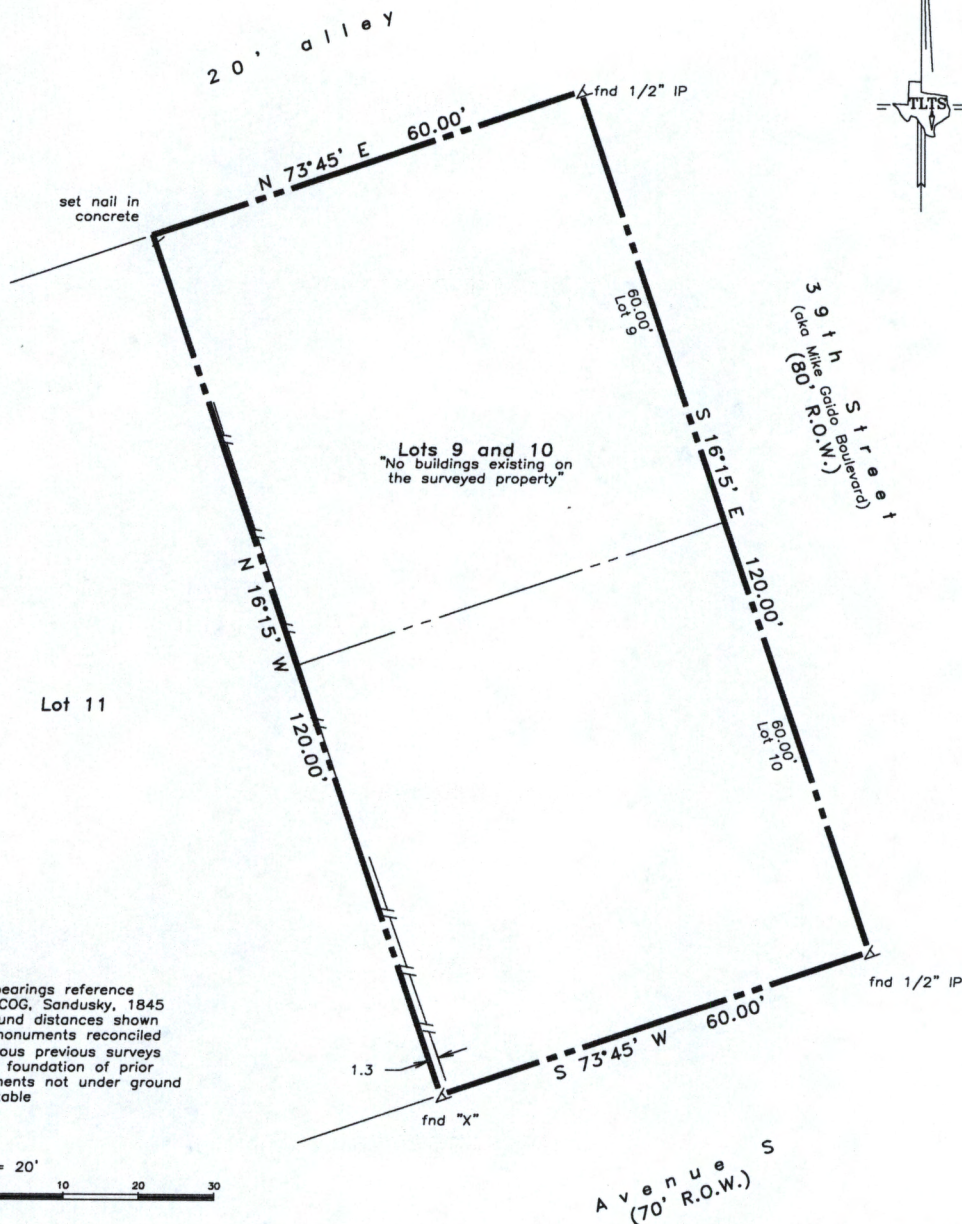
S

14Z-27 (2415 39th Street)

Map prepared by the Department of Planning and Community Development (montalvanado) - 5/13/2014
 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 30 60 120 Feet

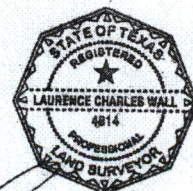
The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the data as is. Therefore, the information presented on this map is for informational purposes only and should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



LAND TITLE SURVEY OF A TRACT OF LAND being Lots 9 and 10 of WISRODT SPECIAL SUBDIVISION of the Southeast Block of Outlot 134, in the City and County of Galveston, Texas, according to the map or plat thereof recorded in Volume 367, Page 445, in the Office of the County Clerk of Galveston County, Texas.

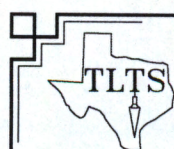
Subject property: 2415 39th Street
Galveston County, Texas
To Nicolas Falgado;

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.



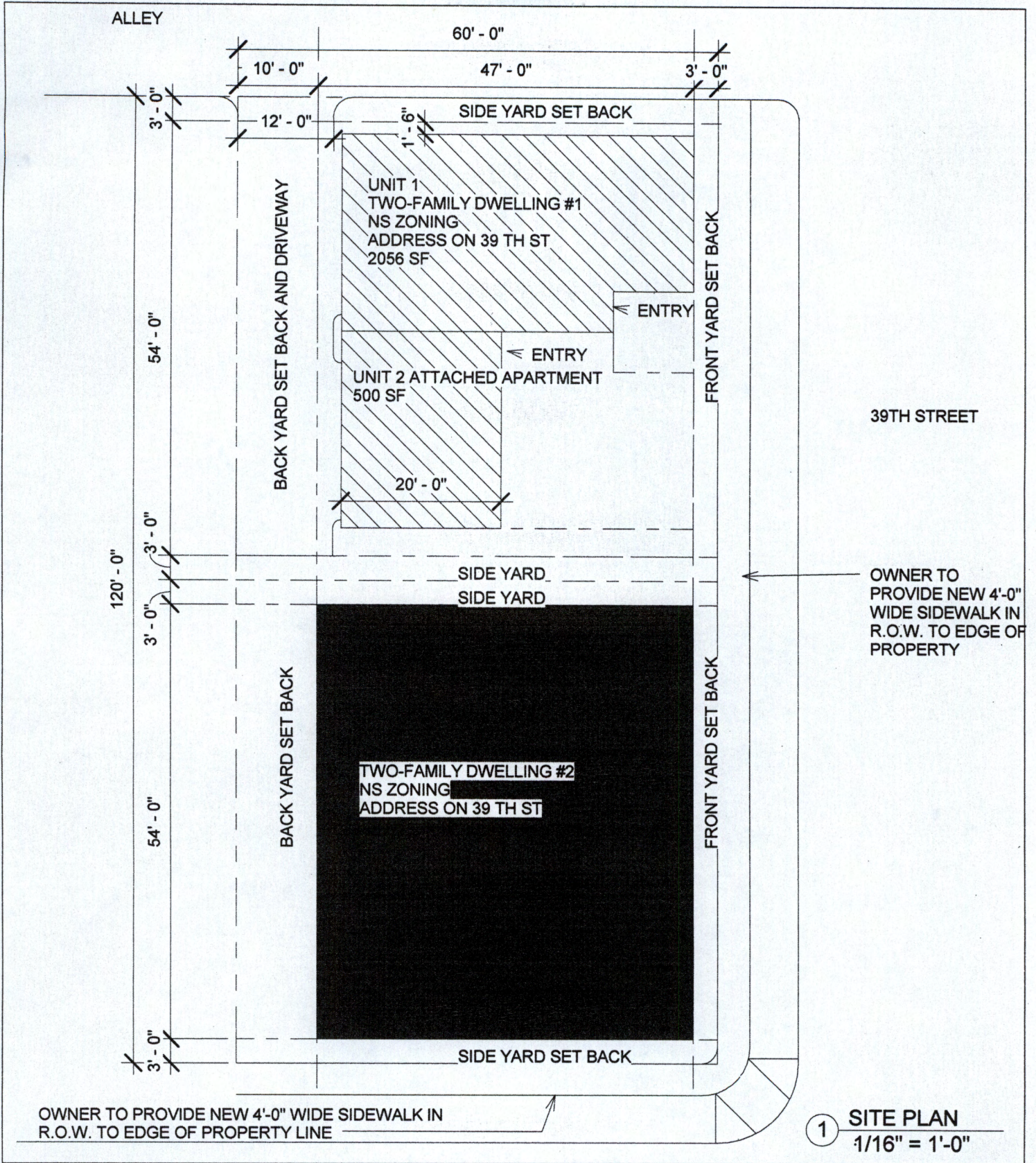
Laurence C. Wall

Laurence C. Wall
RPLS #4814
March 19, 2014



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

Site Plan



1 SITE PLAN
1/16" = 1'-0"

mAke studio	NICOLAS FOLGADO AVENUE S 2415 39TH STREET	ENLARGED SITE PLAN	
		Project number 1401 Date 04.14.14 Drawn by Author Checked by Checker	A002 Scale 1/16" = 1'-0"

14Z-28 (4321 Caduceus Place) Request for a variance regarding side yard setback requirements in a One Family-Three (1F-3) zoning district. Property is legally described as Lots 13 thru 15 and 15 feet of Adjacent Street, Northeast Block 182, in the City and County of Galveston, Texas.

Applicant: Chris Arneson, Building Solutions

Property Owners: Barry and Maria Isabel Norman

Case Manager: Adriel Montalvan, Urban Planner II

Existing Zoning and Land Use:

Zoning	One Family-Three (1F-3)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One Family-Three (1F-3)	One Family-Three (1F-3)	One Family-Three (1F-3)	One Family-Three (1F-3)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of September 3, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
22				

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 an attached garage along the property line adjacent to the unused portion of 44th Street right-of-way and Caduceus Place.

Requested Variance(s)

1. Side yard setback: from the requirement of 5 feet to 0.

Applicant's Justification

Please refer to Attachment "D".

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.

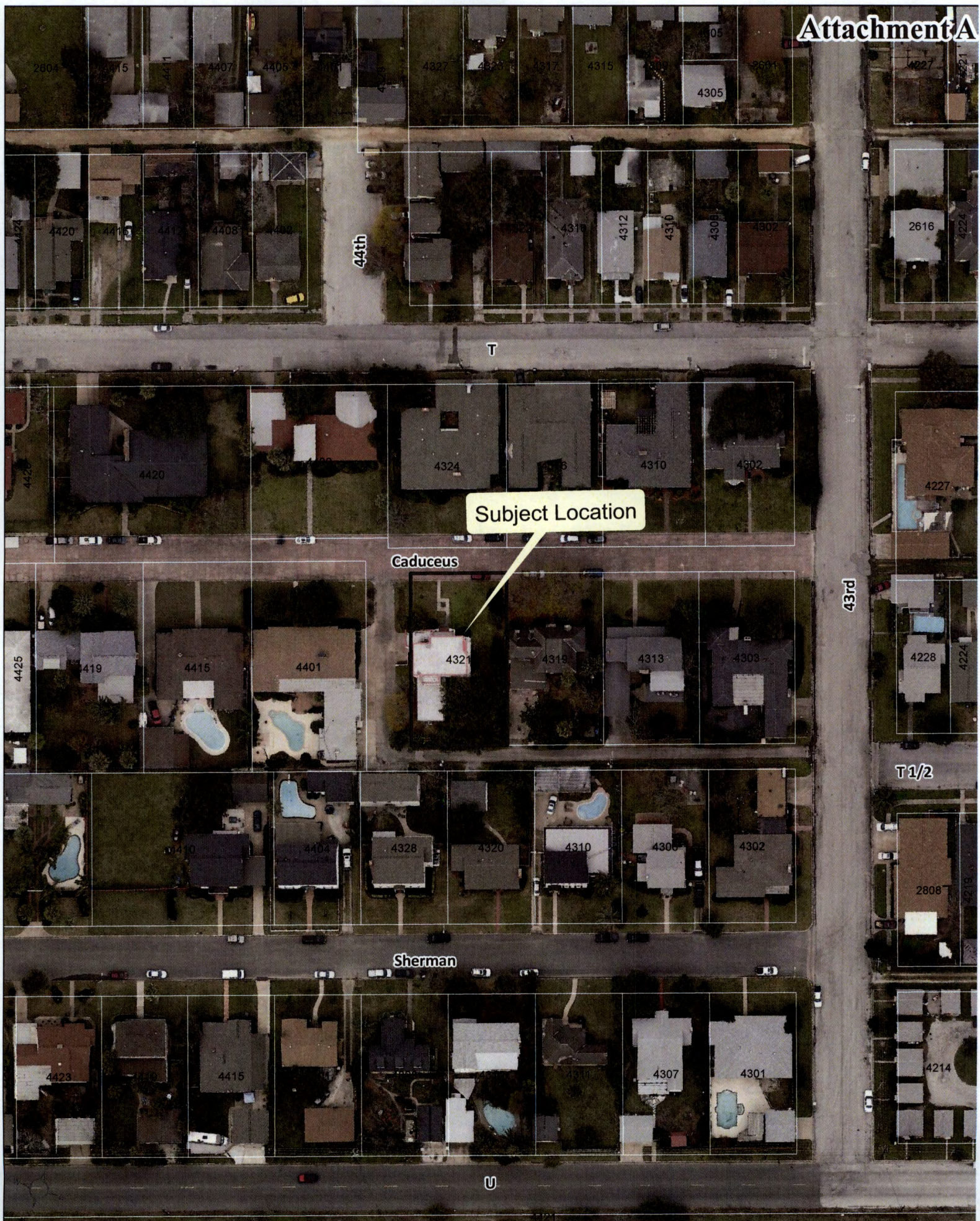
ATTACHMENTS

“A” – Aerial Map

“B” – Survey

“C” – Site Plan

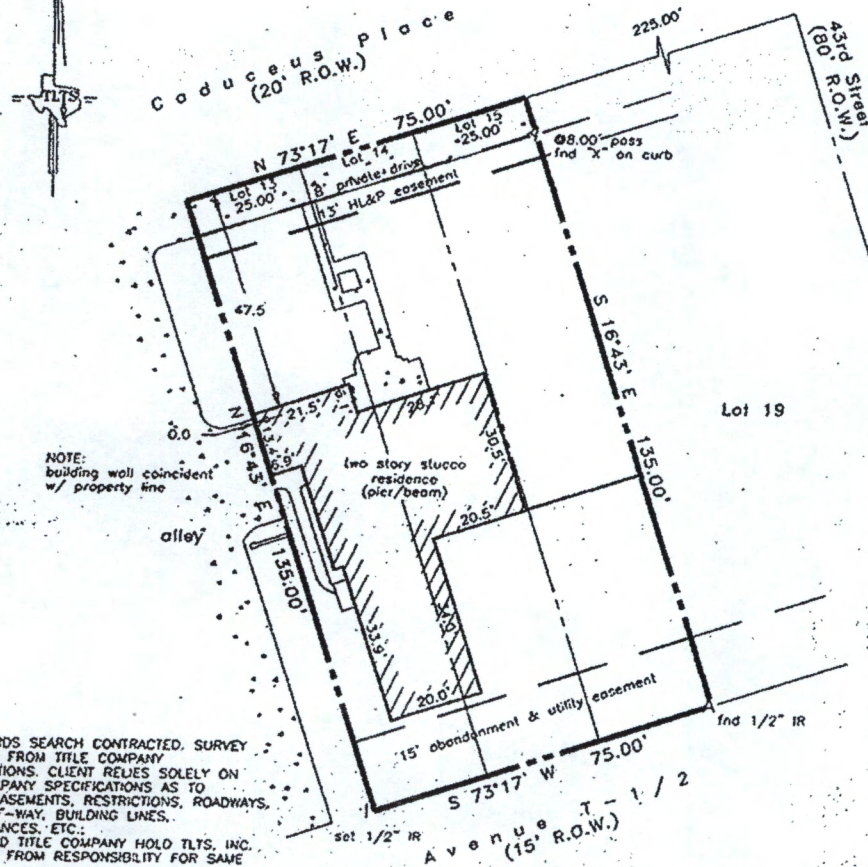
“D” – Applicant’s Narrative



14Z-28 (4321 Caduceus Place)

Map prepared by the Department of Planning and Community Development (montalvanadr) - 8/21/2014
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 It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

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NOTE:
building wall coincident
w/ property line

NOTES:
NO RECORDS SEARCH CONTRACTED. SURVEY
PREPARED FROM TITLE COMPANY
SPECIFICATIONS. CLIENT RELIES SOLELY ON
TITLE COMPANY SPECIFICATIONS AS TO
RECORD EASEMENTS, RESTRICTIONS, ROADWAYS,
RIGHTS-OF-WAY, BUILDING LINES,
ENCUMBRANCES, ETC.:
CLIENT AND TITLE COMPANY HOLD TLTS, INC.
HARMLESS FROM RESPONSIBILITY FOR SAME

- Restrictions as per recorded
plot unless otherwise noted
- True ground distances shown
- Bearings assumed as plotted
- Vol 381, Pg 56, OCCGC
- private drive over North 8'
- Vol 1479, Pg 380, OCCGC
- 13' HL&P easement along front
- Vol 1313, Pg 489, OCCGC
- 15' UE retained over abandonment
- Survey monuments reconciled
w/ numerous previous surveys

Scale: 1" = 30'
15 0 15 30 45

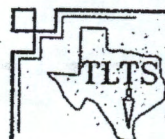
LAND TITLE SURVEY OF A TRACT OF LAND being
Lots 13, 14 and 15, in the SPECIAL SUBDIVISION
of the Northeast Block of Outlot 182, in the City
and County of Galveston, Texas, according to the
plat of record in Volume 135, Page 471, in the
Office of the County Clerk of Galveston County,
Texas, together with a strip 15 feet in width
abutting said Lots on the South, abandoned by
Ordinance of the City of Galveston, a certified
copy recorded in Volume 1313, Page 489, of the
Official Records of Galveston County, Texas.

Subject property: 4321 Caduceus
Galveston County, Texas
To Maria Isabel, Barry Wade Norman and
South-Land Title Co., GF #WE1322016;

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



Laurence C. Wall
RPLS #4814
November 19, 2013



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

August 1, 2014

Planning Submittal

RE: ZBA Application 4321 Caduceus
Includes: Site Plan, Applicant's Narrative

Dear Zoning Board of Adjustment Members,

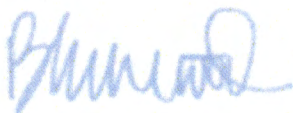
Please accept this letter as our request and justification for reducing the required side setback on the West Side of 4321 Caduceus. We request that the required side setback be reduced from 5 feet to 0. The remnant created by the dead-end, 44th Street right-of-way creates a separation of approximately 35 feet from 4401 Caduceus.

This condition, combined with the access needed to be maintained to the garage of 4328 Sherman creates a hardship and prevents the abandonment of the right-of-way remnant. The north/south 'alley' provides access to garages at 4321 and 4401 Caduceus and 4328 Sherman, all of which are located along their property lines. The proposed garage addition conforms to the development pattern along the drive.

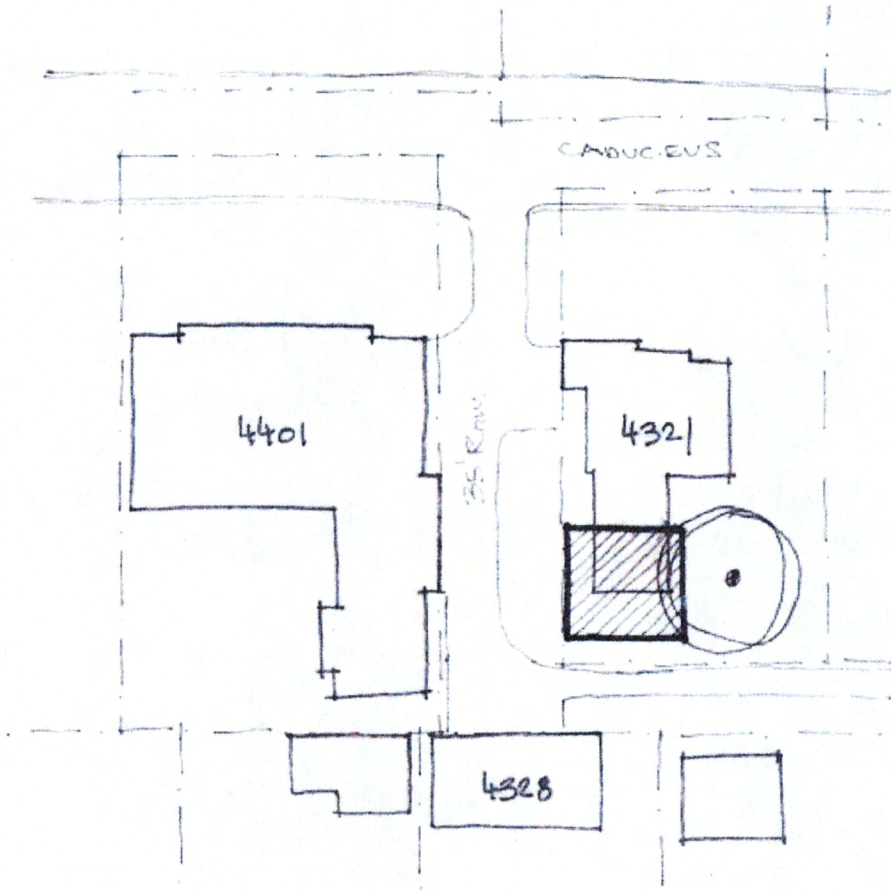
The constraint of a large Magnolia to the East of our proposed addition further prohibits our meeting the required setback, as shifting the structure 5' to the east would require removal of the tree.

Lastly, the COG Zoning Standards allow for reductions of setbacks adjacent to 20' alleys at the rear of properties, but does not include language to address the same condition when it exists at the side of a property. Reducing the setback adjacent to the 35' wide north/south 'alley' requires approval by the Zoning Board of Adjustment for permitting purposes.

Thank you for your consideration,

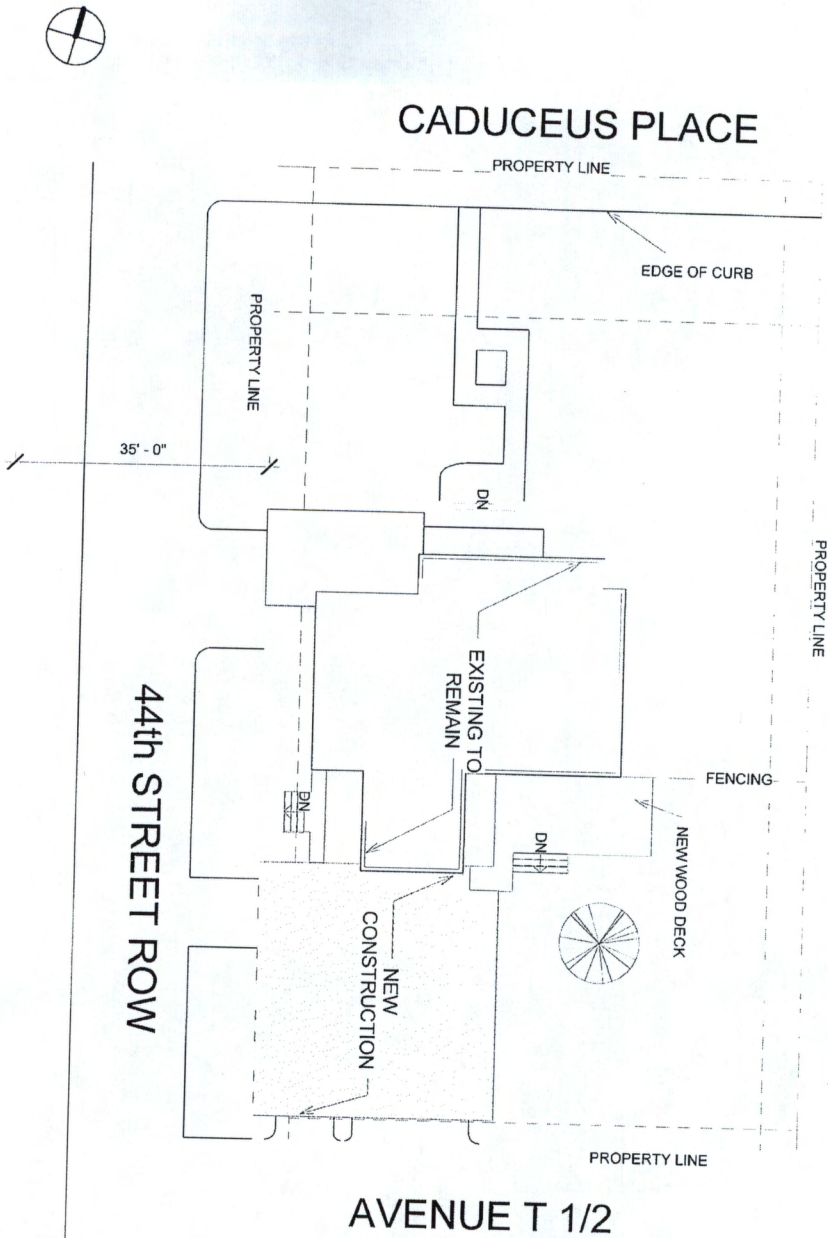


cc: Barry Norman, Maria Isabel - Owner
Chris Arneson - Contractor



- Existing Condition.
- Hatched area indicates proposed footprint.

LEGAL DESCRIPTION
 LOTS 13, 14, AND 15 IN THE SPECIAL SUBDIVISION
 OF THE NORTHEAST BLOCK OF OUTLOT 182 IN
 THE CITY AND COUNTY OF GALVESTON TEXAS



NOTE: BUILDING WALL COINCIDENT W/
 PROPERTY LINE

BRAX EASTERWOOD DESIGN
 architecture + planning
 2728 Ave Q Galveston TX, 77550 409.364.8976

Norman/Isabel
 4321 Caduceus Galveston TX
 77550

No.	Description	Date

Site Plan	
Project number	R14-010.01
Date	08/05/2014
Drawn by	Author
Checked by	Checker
Scale 1/16" = 1'-0"	
A110	

14Z-29 (1719 22nd Street) Request for a variance from the Galveston Zoning Standards Section 29-67 regarding off-street parking requirements in a Multi Family-One, Neighborhood Conservation District 1 (MF-1-NCD-1) zoning district. Property is legally described as the East 57.5 feet of Lot 2 (2-1), Northwest Block 68, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: URS c/o Zach Martin

Property Owners: Lawrence Yniguez and Annie Mejia

Case Manager: Adriel Montalvan, Urban Planner II

Existing Zoning and Land Use:

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

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	Multi Family-One, Neighborhood Conservation District 1 (MF-1-NCD-1)	Multi Family-One, Neighborhood Conservation District 1 (MF-1-NCD-1)	Multi Family-One, Neighborhood Conservation District 1 (MF-1-NCD-1)	Multi Family-One, Neighborhood Conservation District 1 (MF-1-NCD-1)
Land Use	Residential	Residential	Residential	Residential

Property Owner Notification as of September 3, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
31				

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 requesting a parking variance to eliminate the required 9' x 20' off-street parking space.

Requested Variance(s)

Off-street parking: from one to zero.

Applicant's Justification

"The property is in the NCD and must meet those rules and goals for the neighborhood. Since this property does not have automobile access from the alley a new curb cut would be required for parking. Therefore, we are requesting to seek a variance from the off-street parking requirement."

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:
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 - b. Public infrastructure or services; and
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6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

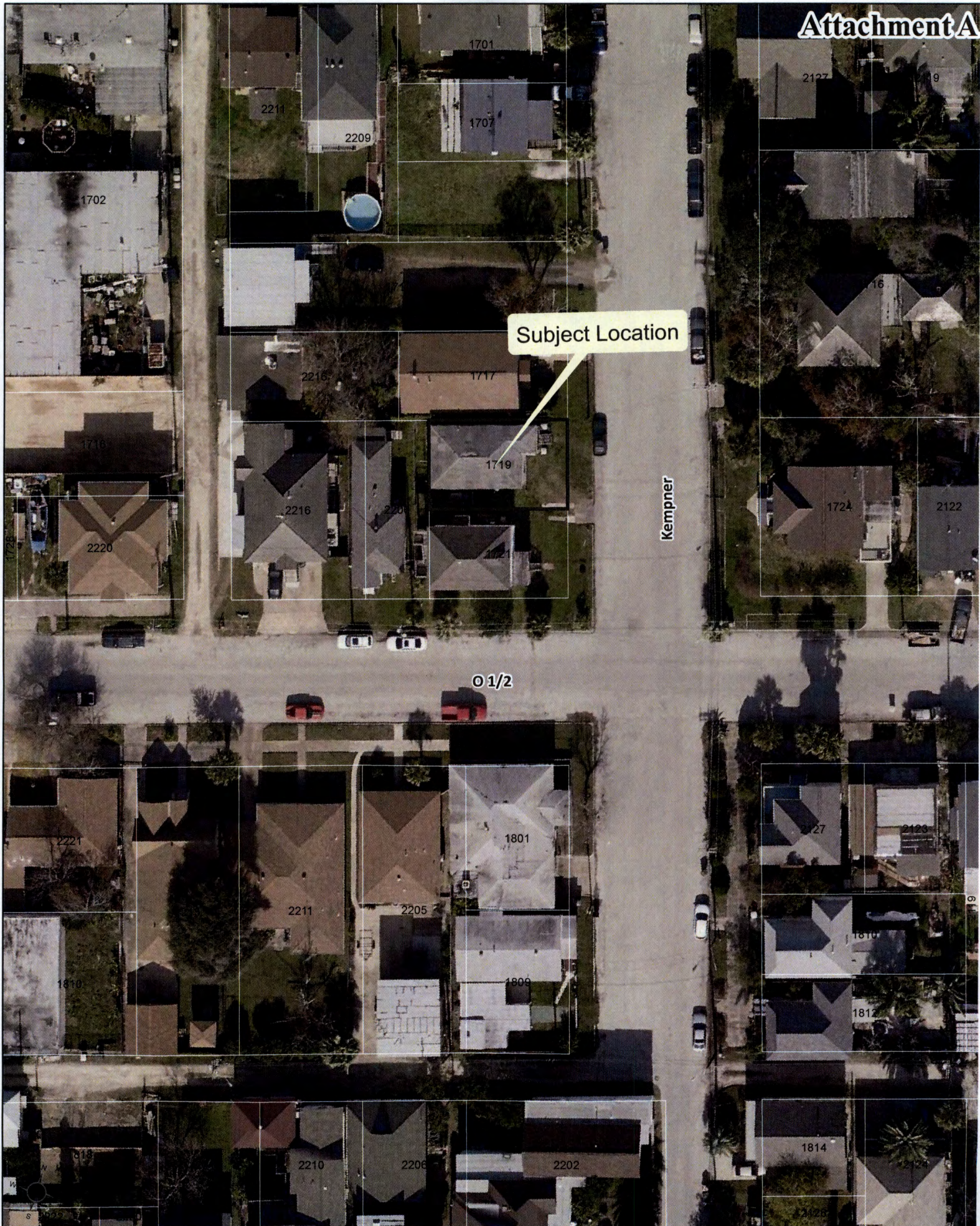
APPEAL FROM DECISION OF BOARD

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



14Z-29 (1719 22nd Street)

Map prepared by the Department of Planning and Community Development (montalvanadr) - 8/21/2014
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0 30 60 120 Feet

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URS

7500 RICHMOND AVE., SUITE 200
HOUSTON, TEXAS 77055
P: 281.992.5000 F: 281.992.5001



REAL ESTATE
DEVELOPMENT
CORPORATION
GALVESTON, TEXAS 77553

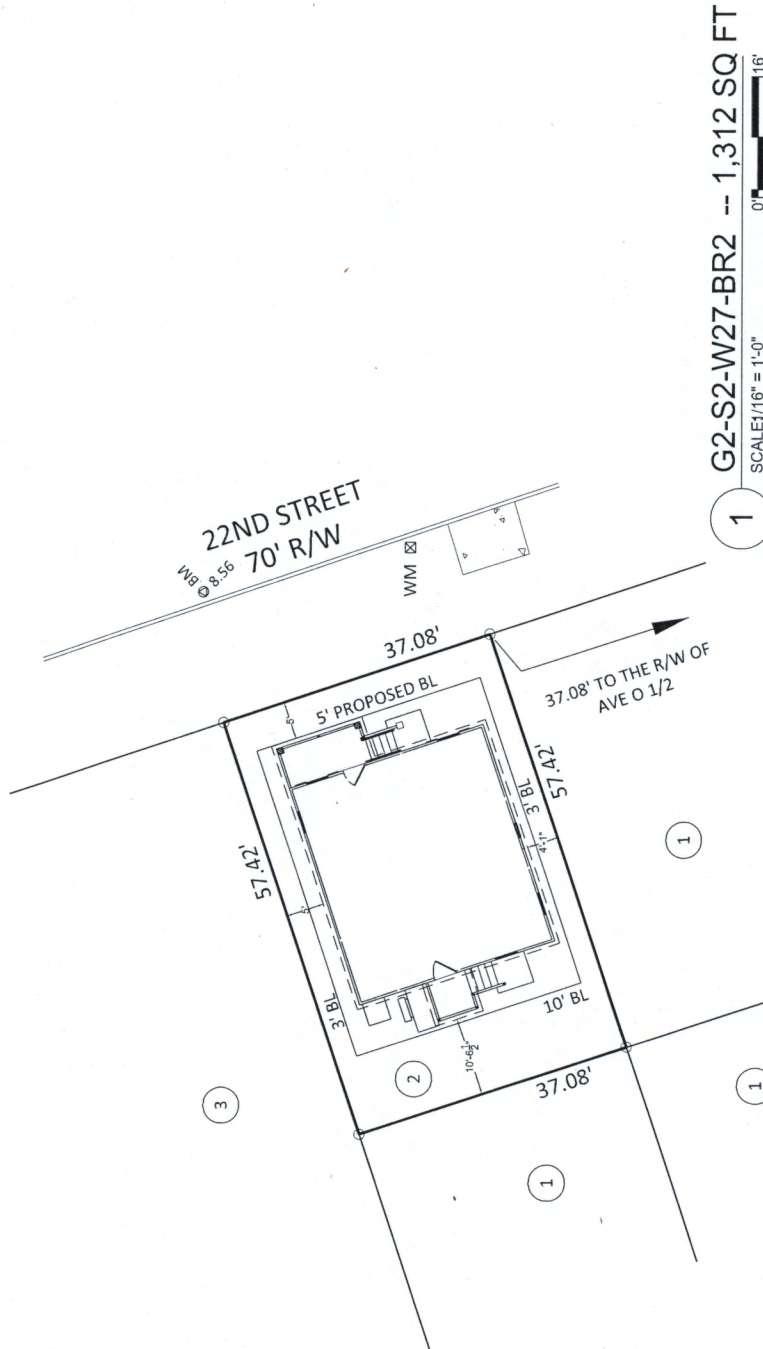
APPLICATION NUMBER: CG201041
1719 22ND STREET (KEMPNER), GALVESTON, TX 77550
DISASTER RECOVERY HOUSING

DATE ISSUED FOR:

PROJECT #:
19230273
CREATED: 7/18/14

6/20/14 BY:
URS Corporation

URS EXHIBIT PROPOSED DWELLING SITING PLAN



G2-S2-W27-BR2 -- 1,312 SQ FT

0' 16'

SCALE 1/16" = 1'-0"

ORIGINAL SURVEY BY:

**CARTER LAND SURVEYORS
AND PLANNERS**

2780 Peachtree Industrial Boulevard
Duluth, GA 30097

Ph: 770.495.9793

Toll Free: 866.637.1048

www.carterland.com

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Galveston • Beaumont

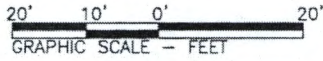
PRELIMINARY

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

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.

SCALE: 1" = 20'



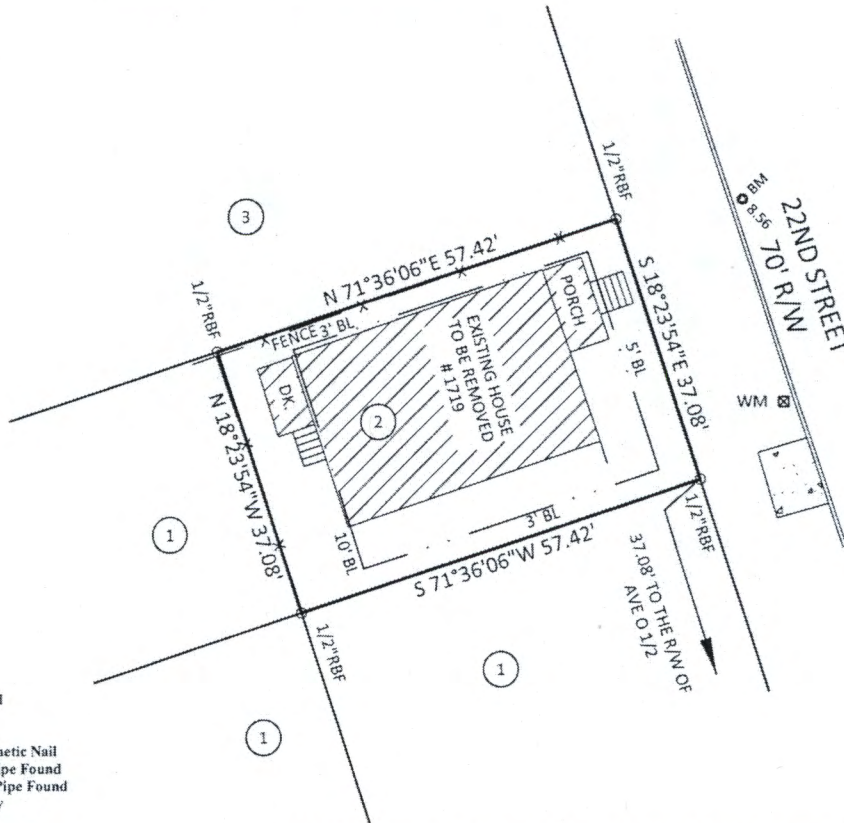
REVISION #	DATE	REVISION
1	06/19/14	ADDED 10' FRONT BLDG LINE
2	07/24/14	CHANGE FRONT BLDG LINE TO 5' PER AVG. ALIGNMENT

AREA: 2129 SF ~ 0.05 ACRES
MAP: 357-B
DEED INSTRUMENT 009-89-1762

DEL
02-13

LEGEND:

RPF- Rebar Found
RPS- Rebar Set
FP- Fence Post
MAG NAIL- Magnetic Nail
OTF- Open Top Pipe Found
CTF- Crimp Top Pipe Found
R/W- Right of Way
BL- Building Line
DE- Drainage Easement
SSE- Sanitary Sewer Easement
UE- Utility Easement
-P- Power Line
-X- Fence
-D- Drainage Easement
-S- Sewer Easement
BM- Benchmark
AC- Air Conditioning Unit
CB- Catch Basin
CO- Sanitary Sewer Cleanout
PP- Power Pole
WM- Water Meter
CONC- Concrete
DK- Deck
PAT- Patio
POR- Porch
S- Stoop
BM- Benchmark



FRONT BL: AVERAGE ALIGNMENT IS REQUIRED WHERE 30% OR MORE OF THE EXISTING BUILDINGS ON ONE SIDE OF A STREET HAVE A SETBACK OF LESS THAN 10'.

OWNER: LAWRENCE YNIGEZ (APP. # CG201041)
ADDRESS: 1719 22ND STREET
GOVERNING AUTHORITY: CITY OF GALVESTON
ZONING DISTRICT: MF-1-NCD-1
FEMA MAP #: 48167C 0441 G
FEMA FLOOD ZONE: AE
BASE FLOOD ELEVATION: 11'

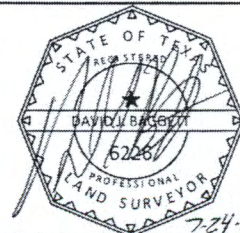
IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED WITHIN THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

SURVEY FOR: URS CORPORATION

SUBDIVISION: GALVESTON OUTLOTS
LOT: PART OF 2 BLOCK: NW 68
CITY OF GALVESTON
GALVESTON COUNTY, TEXAS
FIELD WORK DATE: 03-02-2014
2014020790 URS

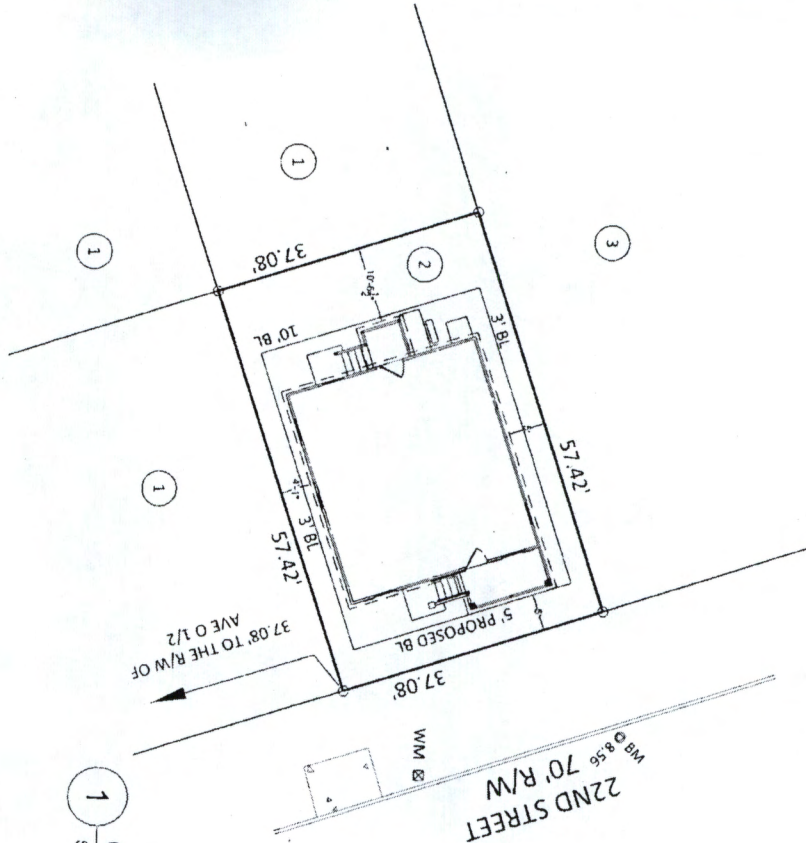
CARTER LAND SURVEYORS AND PLANNERS

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



1 G2-S2-W27-BR2 -- 1,312 SQ FT
SCALE 1/16" = 1'-0"

0' 16'

ORIGINAL SURVEY BY:

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AND PLANNERS**

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Duluth, GA 30097

Ph: 770.495.9793

Toll Free: 866.637.1048

www.carterland.com

Atlanta • Charlotte • Houston • Dallas

Galveston • Beaumont

URS EXHIBIT PROPOSED DWELLING SITING PLAN

URS			
APPLICATION NUMBER: CG201041 1719 22ND STREET (KEMPNER) GALVESTON, TX 77550 DISASTER RECOVERY HOUSING		GALVESTON, TEXAS 77553	
DATE SUBMITTED FOR REVIEW 11/23/2023	PREPARED BY G. ZIMMERMAN URS CORPORATION	URS EXHIBIT PROPOSED DWELLING SITING PLAN	

14Z-33 (5422 Ave M 1/2) Request for a variance from the Galveston Zoning Standards Section 29-67 (b)(1)(a) regarding parking requirements in a General Residence (GR) zoning district. Property is legally described as Lot 22, Block 46, Denver Resurvey, a subdivision, in the City and County of Galveston, Texas.

Applicant: American Home Builders c/o David Newman

Property Owner: Sarah Underwood

Case Manager: Janice Norman, Planning Manager

Existing Zoning and Land Use:

Zoning	General Residence (GR)
Land Use	Residential

Surrounding Zoning and Land Use:

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

Property Owner Notification as of September 3, 2013:

Sent	Returned	In Favor	In Opposition	No Comment
39				

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

ANALYSIS

The applicant is requesting a variance in order to construct a new home through the CDBG disaster recovery program. The program allows for the owner to increase the size of the home to the next 100th sq. ft. By increasing the size of the proposed new home on the existing small lot there is no space available for off-street parking.

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 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

The program allows for owner to increase the size of the home to the next 100th sq. ft. increasing the size of the new home on a small lot will not allow for the 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” – Aerial

“C” – Proposed Survey



14Z-33 (5422 Ave M1/2)

Map prepared by the Department of Planning and Community Development (normanjan) - 8/20/2014
 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 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 information presented on this map is for informational purposes only and should not be construed to be legally binding.



14Z-33 (5422 Ave M1/2)

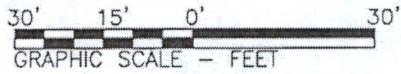
Map prepared by the Department of Planning and Community Development (normanjan) - 8/20/2014
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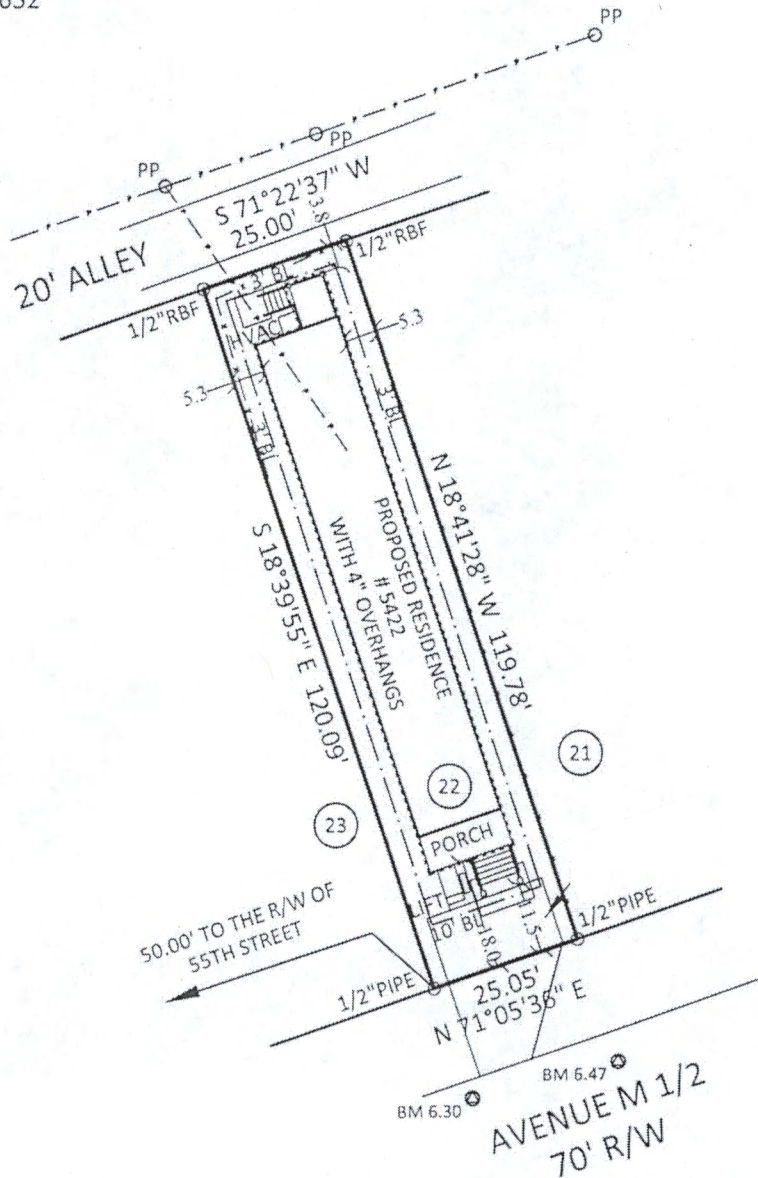
GENERAL NOTES

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.

SCALE: 1" = 30'



AREA: 3004 SF ~ 0.07 ACRES
DEED INSTRUMENT: 2004033652
MAP: 356-D



LEGEND:

RBF- Rebar Found
RBS- Rebar Set
FP- Fence Post
MAG NAIL- Magnetic Nail
OTF- Open Top Pipe Found
CTF- Crimp Top Pipe Found
R/W- Right of Way
BL- Building Line
DE- Drainage Easement
SSE- Sanitary Sewer Easement
UE- Utility Easement
-P- Power Line
-X- Fence
-D- Drainage Easement
-S- Sewer Easement
BM- Benchmark
AC- Air Conditioning Unit
CB- Catch Basin
CO- Sanitary Sewer Cleanout
PP- Power Pole
WM- Water Meter
CONC- Concrete
DK- Deck
RBF- Rebar Found

NOTE: WATER METER NOT VISIBLE

FRONT BL: 10' OR AVG ALIGNMENT

OWNER: SARAH UNDERWOOD (APP. # CG200036)

ADDRESS: 5422 AVENUE M 1/2

GOVERNING AUTHORITY: CITY OF GALVESTON

ZONING DISTRICT: GR

FEMA MAP #: 48167C 0437 G

FEMA FLOOD ZONE: AE

BASE FLOOD ELEVATION: 11'