

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., Wednesday, November 5, 2014
City Council Chambers, 2nd Floor of City Hall
823, Rosenberg, Galveston, Texas

A. Attendance

B. Conflict of Interest

C. Minutes: October 8, 2014

D. Old Business and Associated Public Hearing

14Z-35 (3814 Avenue Q)

Request for a variance from Section 29-82 of the City of Galveston Zoning Standards regarding detached sign size and illumination requirements in a Multi-Family One (MF-1) zoning district. Property is legally described as the Northwest Block 110 of the Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: Dr. W. Myles Shelton, Galveston College

Property Owner: Galveston College

Documents: [14Z-35 MEMO.PDF](#)

14Z-37 (1305 Avenue M 1/2)

Request for variances from the Galveston Zoning Standards Section 29-65 regarding lot area and width requirements in conjunction with a replat. The Property is legally described as Lot 6, Southeast Block 22, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: Suzanne Corbin

Property Owner: Athena Housing Partners, LLC

Documents: [13Z-37 MEMO.PDF](#)

14Z-38 (5623 Avenue L)

Request for a variance from the Galveston Zoning Standards section 29-67 regarding off-street parking requirements in a General Residence (GR) zoning district. Property is legally described as Lot 3, Block 25, in the City and County of Galveston, Texas.

Applicant: Zach Martin, URS

Property Owner: Aurelia Garcia

Documents: [MEMORANDUM.PDF](#)

E. New Business and Associated Public Hearing

14Z-39 (2627 Avenue K)

Request for a variance from the Galveston Zoning Standards Section 29-65 regarding rear yard

setback requirements. The property is legally described as the North 47-feet of Lot 1 (1-1) Block 86, in the City and County of Galveston, Texas.

Applicant and Property Owner: Shane McDermott, MAPAS, LLC.

Documents: [14Z-39 STF NEW.PDF](#)

14Z-40 (8502 Seawall Boulevard)

Request for a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) regarding wall plane articulation within the Retail, Seawall Development Zone, Zone-4, Height and Density Development Zone, Zone 5, (R-SDZ-4-HDDZ-5) zoning district. Property is legally described as part of Lot 215 (215-1), Tremble & Lindsey, Section 1, in the City and County of Galveston, Texas.

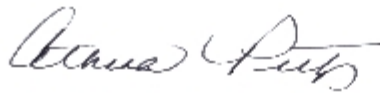
Applicant: Michael Gaertner, Architect

Property Owner: Balaji Resort, Inc./ Willis Gandhi

Documents: [14Z-40 FULL STF.PDF](#)

F. Adjournment

Prepared By:



Athena Petty, Planning Assistant

Date Prepared: October 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: Ian Knox, Urban Planner II
Planning Department

DATE: October 31, 2014

RE: **14Z-35 (3814 Ave Q)** Request for a variance from Section 29-82 of the City of Galveston Zoning Standards regarding detached sign size and illumination requirements in a Multi-Family One (MF-1) zoning district. Property is legally described as the Northwest Block 110 of the Galveston Outlots, in the City and County of Galveston, Texas.
Applicant: Dr. W. Myles Shelton, Galveston College
Property Owner: Galveston College

On October 8, 2014, Zoning Board of Adjustment voted to continue the above referenced case to the November 5, 2014 meeting at the request of the applicant. Please refer to the packet materials from the October 8, 2014 packet. If you need additional copies, please contact Ian Knox at 409-797-3659.

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

MEMORANDUM

TO: William Clement, Chairperson and Zoning Board of Adjustment Members

FROM: Adriel Montalvan, Urban Planner II
Planning Department

DATE: November 5, 2014

RE: **14Z-37 (1305 Ave M 1/2)** Request for variances from the Galveston Zoning Standards Section 29-65 regarding lot area and width requirements in conjunction with a replat. The Property is legally described as Lot 6, Southeast Block 22, Galveston Outlots, in the City and County of Galveston, Texas.
Applicant: Suzanne Corbin
Property Owner: Athena Housing Partners, LLC.

The Zoning Board of Adjustment at their regular meeting of October 8, 2014, voted to continue the above referenced case until the November 5, 2014, regular meeting, to allow the applicant time to explore additional lot configuration options.

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

xc: Rick Vasquez, Director
Planning Department

MEMORANDUM

TO: William Clement, Chair and Board Members
Galveston Zoning Board of Adjustment

FROM: Bryce Johnson, Urban Planner I
Planning Department

DATE: October 31, 2014

RE: **14Z-38 (5623 Avenue L)** Request for a variance from the Galveston Zoning Standards Section 29-67 regarding off-street parking requirements in the General Residence (GR) zoning district. Property is legally described as Lot 3, Block 25, in the City and County of Galveston, Texas.
Applicant: Zach Martin, URS
Property Owner: Aurelia Garcia

On October 8, 2014, Zoning Board of Adjustment voted to continue the above referenced case to the November 5, 2014, due to the absence of the applicant. Please refer to the packet materials from the October 8, 2014 packet. If you need additional copies, please contact Bryce Johnson at 409-797-3669.

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



14Z-39

STAFF REPORT

ADDRESS:

2627 Avenue K

LEGAL DESCRIPTION:

The property is legally described as the North 47-feet of Lot 1 (1-1) Block 86, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Shane McDermott

PROPERTY OWNER:

Shane McDermott, MAPAS, LLC.

ZONING:

Neighborhood Services (NS)

REQUEST:

Rear yard setback

APPLICABLE ZONING LAND USE

REGULATIONS:

Section 29-65 of the Galveston Zoning Standards.

EXHIBITS:

- A – Aerial Map
- B – Survey
- C –Elevation

STAFF:

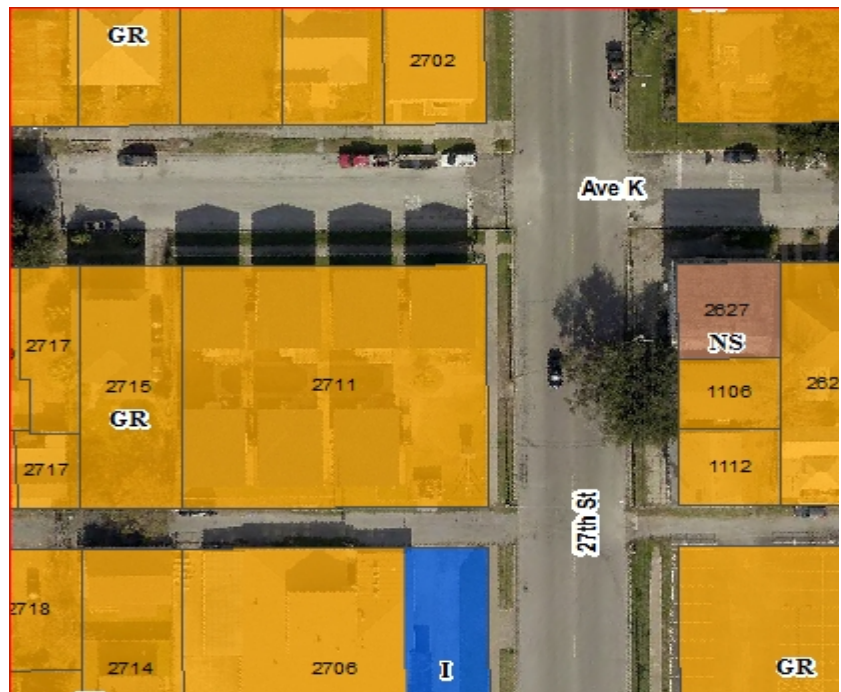
Janice Norman, Planning Manager
 409-797-3670 or
normanjan@cityofgalveston.org

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
22				

City Department Notification Responses:

No Objections



Executive Summary:

The applicant is requesting a variance from the 10-foot rear yard setback requirement in order to extend the existing rear porch out to be even with the building.

Variance(s) Requested - the applicant is requesting a variance from Section 29-65(h)(3):

From: 10 feet to 1 foot

Applicant's Justification

Due to the small lot size a variance will be required to extend the porch even with the structure.

Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Neighborhood Services (NS)	Vacant
North	General Residence (GR)	Residential
South	General Residence (GR)	Residential
East	General Business (GR)	Residential
West	General Business (GR)	Residential

Planning Department

823 Rosenberg, Room 401
Galveston, Texas 77550

Phone (409) 797-3660
Fax (409) 797-3604

planningcounter@cityofgalveston.org



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ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
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- C. Minutes: October 8, 2014
- D. Old Business and associated Public Hearing:

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Applicant: Dr. W. Myles Shelton, Galveston College
Property Owner: Galveston College

14Z-37 (1305 Avenue M 1/2) Request for variances from the Galveston Zoning Standards Section 29-65 regarding lot area and width requirements in conjunction with a replat. The Property is legally described as Lot 6, Southeast Block 22, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: Suzanne Corbin
Property Owner: Athena Housing Partners, LLC

14Z-38 (5623 Avenue L) Request for a variance from the Galveston Zoning Standards section 29-67 regarding off-street parking requirements in a General Residence (GR) zoning district. Property is legally described as Lot 3, Block 25, in the City and County of Galveston, Texas.

Applicant: Zach Martin, URS
Property Owner: Aurelia Garcia

- E. New Business and associated Public Hearing:

14Z-39 (2627 Avenue K) Request for a variance from the Galveston Zoning Standards Section 29-65 regarding rear yard setback requirements. The property is legally described as the North 47-feet of Lot 1 (1-1) Block 86, in the City and County of Galveston, Texas.

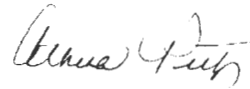
Applicant and Property Owner: Shane McDermott, MAPAS, LLC.

14Z-40 (8502 Seawall Boulevard) Request for a variance from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) regarding wall plane articulation within the Retail, Seawall Development Zone, Zone-4, Height and Density Development Zone, Zone 5, (R-SDZ-4-HDDZ-5) zoning district. Property is legally described as part of Lot 215 (215-1), Tremble & Lindsey, Section 1, in the City and County of Galveston, Texas.

Applicant: Michael Gaertner, Architect
Property Owner: Balaji Resort, Inc./ Willis Gandhi

G. Adjournment

Prepared By:



Athena Petty, Planning Staff Assistant

Date Prepared:

October 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.

S:\Planning\Planning Division\Case Prop\2014\ZBA Agenda 110514.doc

Zoning Board of Adjustment

Planning Department

City of Galveston

November 5, 2014



14Z-40

STAFF REPORT

ADDRESS:

8502 Seawall Boulevard

LEGAL DESCRIPTION:

Property is legally described as part of Lot 215 (215-1), Tremble & Lindsey, Section 1, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Michael Gaertner, Architect

PROPERTY OWNER:

Balaji Resort, Inc./ Willis Gandhi

ZONING:

Residential – Seawall Development Zone – 4
Height and Density Development Zone – 5
(R-SDZ-4-HDDZ-5)

VARIANCE REQUEST:

HDDZ Wall plane articulation offset from five feet to two feet and building wall length from 30 feet to 66 feet 11 inches.

APPLICABLE ZONING LAND USE

REGULATIONS:

Section 29-107 of the Galveston Zoning Standards.

EXHIBITS:

A – Survey (building since demolished)

B – Site Plan

STAFF:

Ian Knox, Urban Planner II

409-797-3659

knoxian@cityofgalveston.org

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
87				

City Department Notification Responses:

Airport: FAA 7460 Height Hazard Approval form required.



Executive Summary

The applicant is requesting a variance from section 29-107: Height and Density Development Zone (HDDZ) to allow wall plane articulation requirements to be reduced from five feet to two feet.

Requested Variance

The Wall Plane Articulation requirement states that for every 30 feet of building wall length, there must be an offset of at least 5 feet in depth and 10 feet in length. The purpose of this regulation is to provide for more variation in building design and eliminate featureless blank walls. The following chart outlines the three components of the Wall Plane Articulation requirement:

Vertical Building Section		Building Wall	Offset Depth	Offset Length
From	To	Length (max.)	(min.)	(min.)
Grade	3 Stories or 35'	30 feet	5 feet	10 feet

The applicant will be providing some articulation of the wall surfaces, but the current design does not meet all of the requirements. The follow chart outlines the requested components of the Wall Plane Articulation requirement:

Vertical Building Section		Building Wall	Offset Depth	Offset Length
From	To	Length (max.)	(min.)	(min.)
Grade	3 Stories or 35'	66 feet 11 inches	2 feet	10 feet

Applicant's Justification

The wall plane articulation requirements allow only 30' x 5' articulation which is not compatible with the design and development of franchised hotels, due to variations in room sized and other considerations.

Please see Agenda for Standard Conditions for a Variance and Appeal from Decision of Board Process

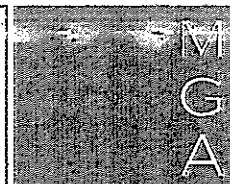


- ### Landscape Legend

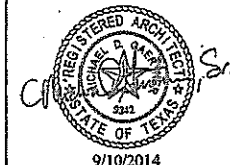
-  Live Oak
-  Crepe Myrtle
-  Fan Palm
-  Dwarf Oleander
-  Potted Plant
-  Seasonal Planting Bed w/ Mulch
-  Stamped and stained concrete

16' 0 3' 16'

GRAPHIC SCALE: 1/16" = 1'-0"



MICHAEL GAERTNER ARCHITECTS
2200 MARSHY ST., SUITE 501, GALVESTON, TX 77550
TEL. 409.762.0500 FAX 409.497.4300 MGAIA.COM



ISSUED FOR
PERMIT

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Geertner, Sr. Architect.

CONSULTANTS

PROJECT NUMBER
341.001

PROJECT NAME

Best Western #763
8502 Seawall Blvd.
Galveston, TX
77551

OWNER
Balaji Resort, Inc.
8710 Seawall Blvd.
Galveston, TX
77554

REVISIONS

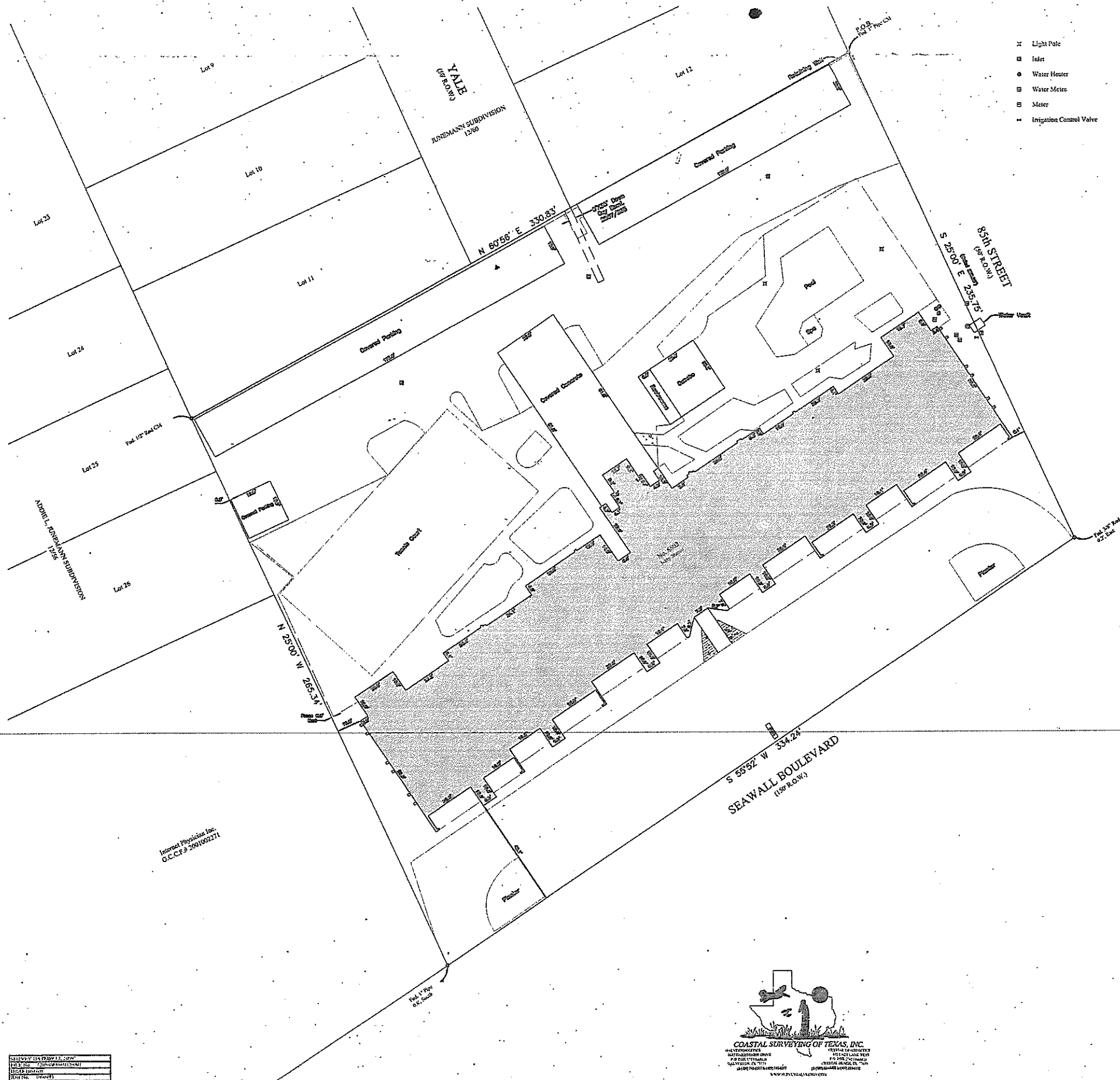
[illegible]

DRAWING NAME

Site Plan

SHEET NUMBER

A010



Survey of a tract of land out of Lot 215 of the Trinity and Trinity Survey, Section 1 in Galveston County, Texas, and being more particularly described as follows:

BEGINNING at a 1 inch pipe found at the West line of 85th Street (50 feet right-of-way), and the Southeast corner of Lot 12 of Junemann Subdivision recorded in Volume 12, Page 60 in the Office of the County Clerk of Galveston County, Texas;

THENCE S 25°00' E, along the West line of said 85th Street, a distance of 235.75 (called 235.80) feet to the intersection of the West line of said 85th Street and the North line of Seawall Boulevard (150 feet right-of-way) and from which point a 3/8 inch rod found bears East, a distance of 0.2 feet;

THENCE S 55°52' W, along the North line of said Seawall Boulevard, a distance of 334.24 feet to the Southeast corner of tract of land conveyed to Internet Physician Inc. recorded in Galveston County Clerk's File No. 2001002271, from which point a 1 inch pipe found bears South, a distance of 0.8 feet;

THENCE N 25°00' W, along the East line of said Internet Physician tract, a distance of 285.34 feet to a 1/2 inch rod found at the East line of Lot 25 of Addie L. Junemann Subdivision recorded in Volume 12, Page 58 in the Office of the County Clerk of Galveston County, Texas, and the Southwest corner of Lot 11 of said Junemann Subdivision;

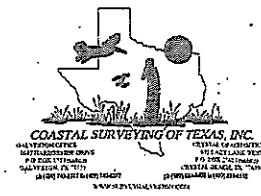
THENCE N 60°56' E, along the South line of said Lot 11, a distance of 330.83 feet to the POINT OF BEGINNING with a calculated area of 1.80 Acres.

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.

Stephen C. Blaney
Registered Professional
Land Surveyor No. 5355



- NOTES:
- 1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
 - 2) This property is subject to any restrictions of record.
 - 3) Bearings based on Monumentation of North line of the herein described tract.
 - 4) CM denotes Control Monument.
 - 5) Chicago Title Insurance Company
Survey: Sabine & Pampa Canals
CITY OF GALVESTON TEXAS
 - 6) Easement easement recorded in Volume 2275, Page 182 in the Office of the County Clerk of Galveston County, Texas does affect subject property.
 - 7) Agreement for the installation, operation, and maintenance of underground/overhead electrical distribution systems granted to Houston Lighting and Power Company recorded in Galveston County Clerk's File No. 313781 does affect property.
 - 8) Easements for structures and/or overhead of improvements erected upon abutting lots and for the maintenance of such improvements as set forth in instrument recorded in Galveston County Clerk's File No. 327514 does affect subject property.



Surveyor's Name	Stephen C. Blaney
Surveyor's No.	5355
Surveyor's Title	Registered Professional Land Surveyor
Surveyor's Address	10000 West Loop South, Suite 1000, Houston, Texas 77042
Surveyor's Phone	(713) 861-1111
Surveyor's Fax	(713) 861-1112
Surveyor's E-mail	sblaney@coastalsurveying.com