

Planning Department

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Galveston, Texas 77550

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AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m., Wednesday, April 8, 2015
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Minutes: March 4, 2015
- D. Election of Chairperson and Vice-Chairperson
- E. New Business and associated Public Hearing:

15Z-013 (5810 Avenue Q) Request for a variance from the 1991 Galveston Zoning Standards Section 29-65 regarding lot width requirements in conjunction with a replat. The Property is legally described as Lots 14 – 17, Block 1, Kinkeads Addition, in the City and County of Galveston, Texas.

Applicant: Brax Easterwood

Property Owner: George Zendehele

- E. Adjournment

Prepared By:

Athena Petty, Planning Tech

Date Prepared:

March 30, 2015

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.

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.



15Z-013

STAFF REPORT

ADDRESS:

5810 Avenue Q

LEGAL DESCRIPTION:

The Property is legally described as Lots 14 – 17, Block 1, Kinheads Addition, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Brax Easterwood, AIA

PROPERTY OWNER:

George Zendehele

ZONING:

One Family-Two (1F-2)

VARIANCE REQUEST:

Lot width in conjunction with a replat.

APPLICABLE ZONING LAND USE

REGULATIONS:

Section 29-65, Schedule Two, of the Galveston Zoning Standards.

EXHIBITS:

- A – Aerial Map
- B – Current Survey
- C – Site Plan

STAFF:

Adriel Montalvan, Urban Planner II
 409-797-3667
 montalvanadr@cityofgalveston.org

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
27				

City Department Notification Responses:

No objection from any City department with the following comments from Public Works and Building departments:

Building - Building Division requires that any new construction comply with the current adopted building code.

Public Works - Public Works has no objection to replating (4) 25-foot wide lots into (3) 33 foot-4 inch wide lots. We looked at our utility map of the area. The alley north of the property does not contain any City of Galveston lines. Avenue Q on the south side of the property has a four inch water line along the north side of the street and an eight inch sanitary sewer along the south side of the street.



Executive Summary:

The property owner would like to replat four lots into three. The newly created lots will not meet the minimum lot width required for a one-family detached dwelling in the One Family-Two (1F-2) zoning district.

Required Lot Width	40 Feet
Proposed Lot Width	33.333 Feet

Note: This request will be processed under the 1991 Galveston Zoning Standards.

Applicant's Justification:

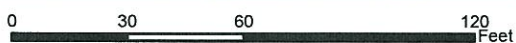
Narrow 25' wide lots are difficult to build, especially with fire wall requirements.

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

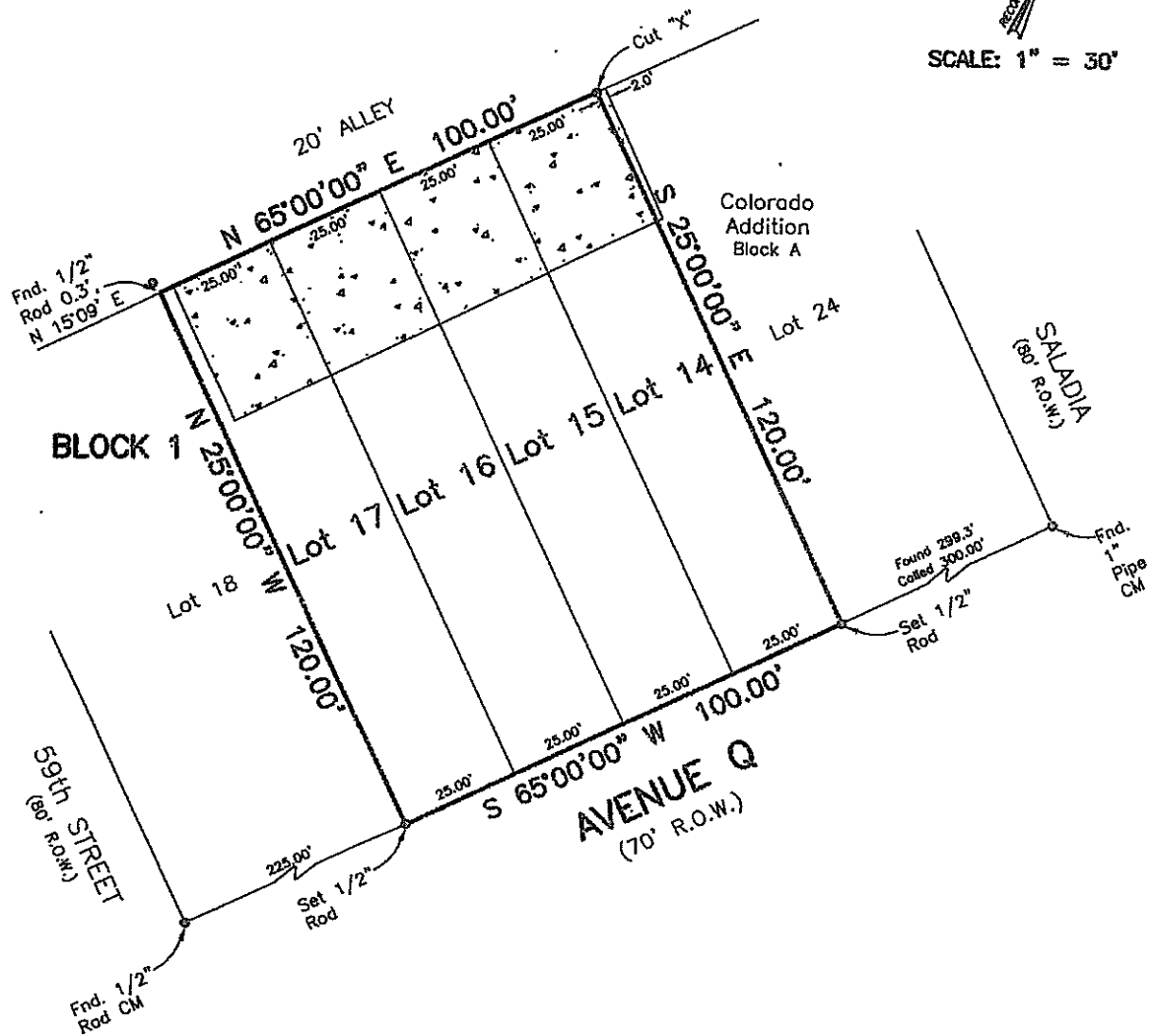


15Z-013 (5810 Ave Q)

Map prepared by the Department of Planning and Community Development (montalvanadr) - 3/27/2015
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.



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

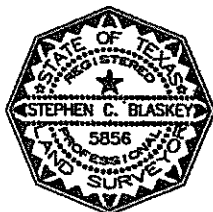


Survey of Lots 14, 15, 16, and 17, in Block 1 of KINKEAD SUBDIVISION, out of Lot 17, Section 1, Trimble & Lindsey Survey of Galveston Island, Galveston County, Texas, according to the map or plat thereof recorded in Volume 140, Page 19, of the Map Records in the Office of the County Clerk of Galveston County, Texas.

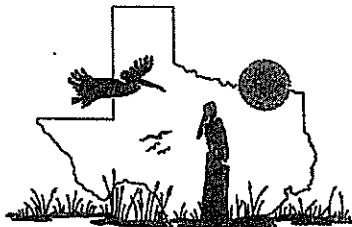
I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Stephen C. Blaskey

Stephen C. Blaskey
Registered Professional
Land Surveyor No. 5856



SURVEY DATE "March 16, 2009"
FILE No. 4385-0001-0014-000
DRAFTING cb
JOB No. 09-0202



COASTAL SURVEYING OF TEXAS, INC.
GALVESTON OFFICE
8017 HARBORSIDE DRIVE
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CRYSTAL BEACH OFFICE
975 LAZY LANE WEST
P.O. BOX 2742 (mailing)
CRYSTAL BEACH, TX 77600
www.SURVEYCALVESTON.COM

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 R.O.W. line of Avenue Q
- 4) CM denotes Control Monument.
- 5) Surveyed without benefit of a Title Report.

