

Development Services Department

823 Rosenberg, Room 401
Galveston, Texas 77550

Phone (409) 797-3660 planningcounter@cityofgalveston.org



AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m., Wednesday, January 6, 2015
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Minutes: September 2, 2015
- D. New Business and associated Public Hearing:

16Z-001 (4011 Warchest Court) Request for a variance from the Galveston Land Development Regulations, Article 3, Supplemental Standards for the Residential, Single Family (R-1) zoning district regarding rear yard setback requirements. Property is legally described as Lot 51 Block 1, Pirates Beach, Section 8, in the City and County of Galveston, Texas.

Applicant and Property Owner: Gary Johnson, Johnson Homes, Inc.

- E. Adjournment

Prepared By:

Athena Petty, Planning Tech

Date Prepared:

December 21, 2015

SEC. 13.401.B VARIANCES FROM DEVELOPMENT STANDARDS

Approval Standards. The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 12.401.C, and if the Zoning Board of Adjustment 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 enforcement of the strict terms of these regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - a. It does not allow applicants to impair the application of these regulations for:
 - i. Self-imposed hardships;
 - ii. Hardships based solely on financial considerations, convenience, or inconvenience; or
 - iii. Conditions that are alleged to be "special" but that are actually common to many properties within the same zoning district.
 - b. The variance will not have a detrimental impact upon:
 - i. The current or future use of adjacent properties for purposes for which they are zoned;
 - ii. Public infrastructure or services; and
 - iii. Public health, safety, morals, and general welfare of the community.
4. The degree of variance allowed from these 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 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 regulations is observed and substantial justice is done.

APPEAL FROM DECISION OF BOARD

In accordance with Section 13-901 (I) of the Land Development Regulations, Should the applicant or City be aggrieved by or dissatisfied with the decision of the Zoning Board of Adjustment, the applicant or City may pursue all legal remedies to appeal the decision to a court of competent jurisdiction pursuant to Texas Local Government Code, Chapter 211.

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.



16Z-001 STAFF REPORT

ADDRESS:
 4011 Warchest Court

LEGAL DESCRIPTION:
 Property is legally described as Lot 51 Block 1, Pirates Beach, Section 8, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
 Gary Johnson

PROPERTY OWNER:
 Johnson Homes, Inc.

ZONING:
 Residential, Single Family (R-1)

VARIANCE REQUEST:
 Rear yard setback requirement from 10-feet to 5-feet.

APPLICABLE ZONING LAND USE REGULATIONS:
 Article 3, Section 3.300, District Yard, Lot and Setback Standards, Page 3-6, Residential, Single Family One (R-1).

EXHIBITS:
 A – Aerial Map
 B – Current Survey
 C- Article 3, Section 3.300 Page 3-6
 D- Applicants Submittal

STAFF:
 Janice Norman, Planning Manager, CFM
 409-797-3670
 normanjan@cityofgalveston.org

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
29				

City Department Notification: No Objections



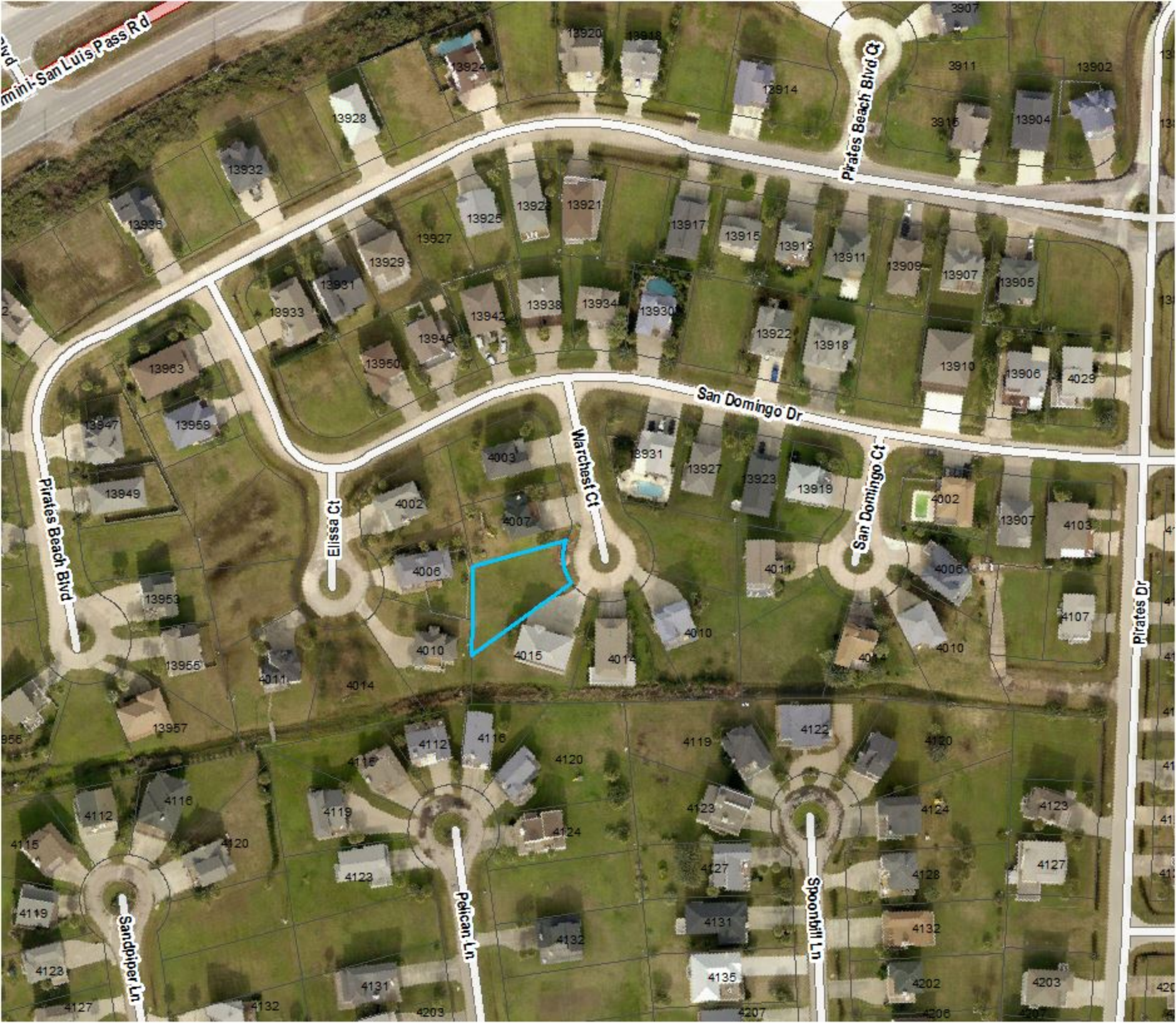
Background
 On February 17, 2015, a building permit was issued for the construction of a new home located at 4011 Warchest Court. All applicable comments and conditions were placed on residential permit number RES2015-00111, including setback information. A Certificate of Occupancy was applied for on December 9, 2015, along with a final survey. The final survey indicated the house had been built five feet from the rear yard property line.

Executive Summary:
 The applicant is requesting a variance from the Galveston Land Development Regulations regarding rear yard setback requirements from 10-feet to 5-feet.

Required Rear Setback	10 Feet
Proposed Rear Setback	5 Feet

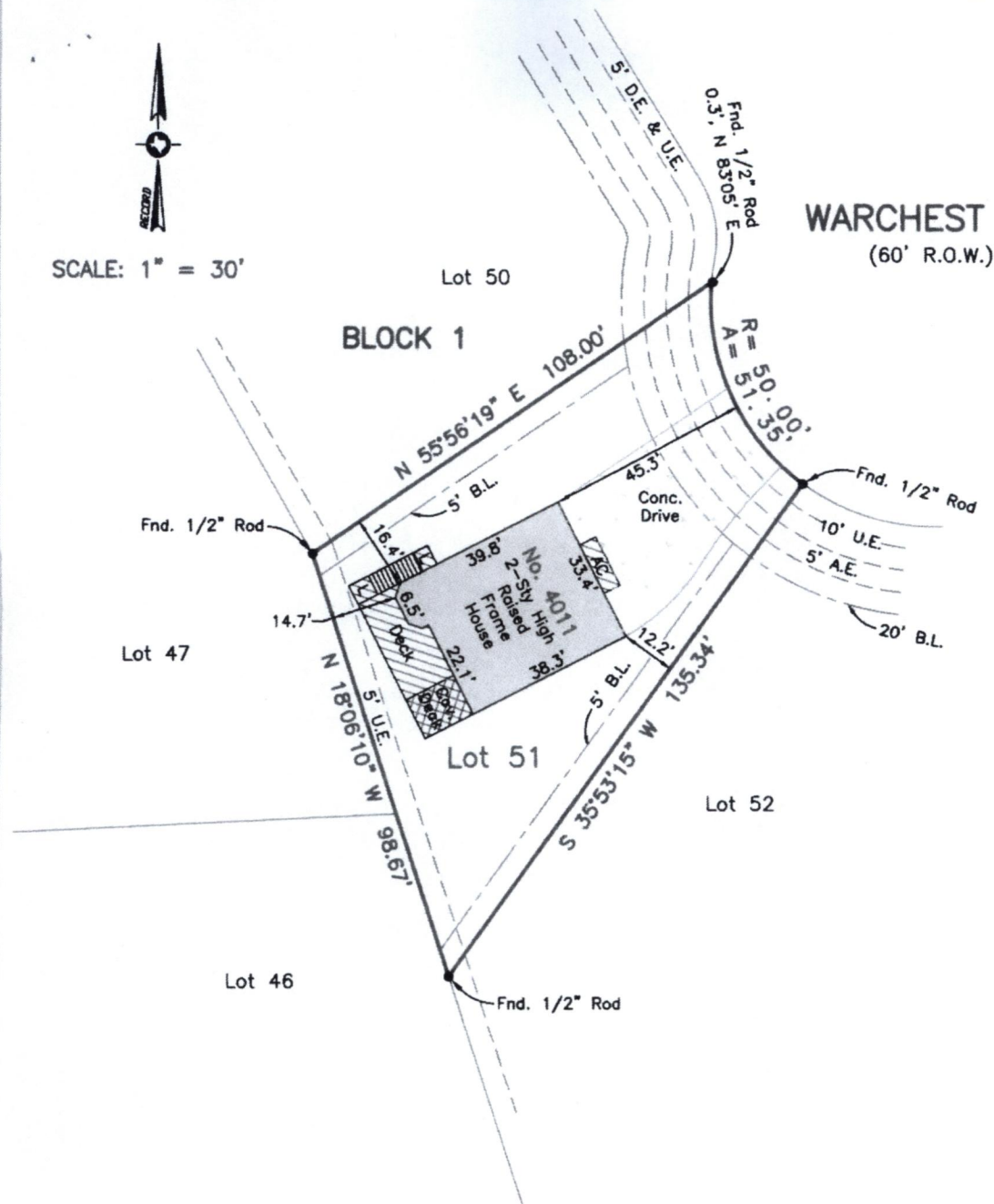
Applicant's Justification:
 The lot is an unusual shape. The Survey and Title Policy both show a 5' utility easement in the rear yard.

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





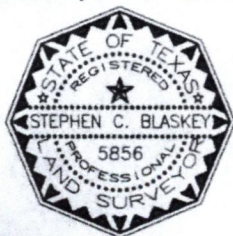
SCALE: 1" = 30'



Survey of Lot Fifty-One (51), in Block One (1) of PIRATES BEACH, SECTION EIGHT (8), a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 18, Map No. 105, 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



8017 HARBORSIDE DRIVE
 P.O. BOX 16142 (mailing)
 GALVESTON, TX 77552
 ph (409) 740-1517

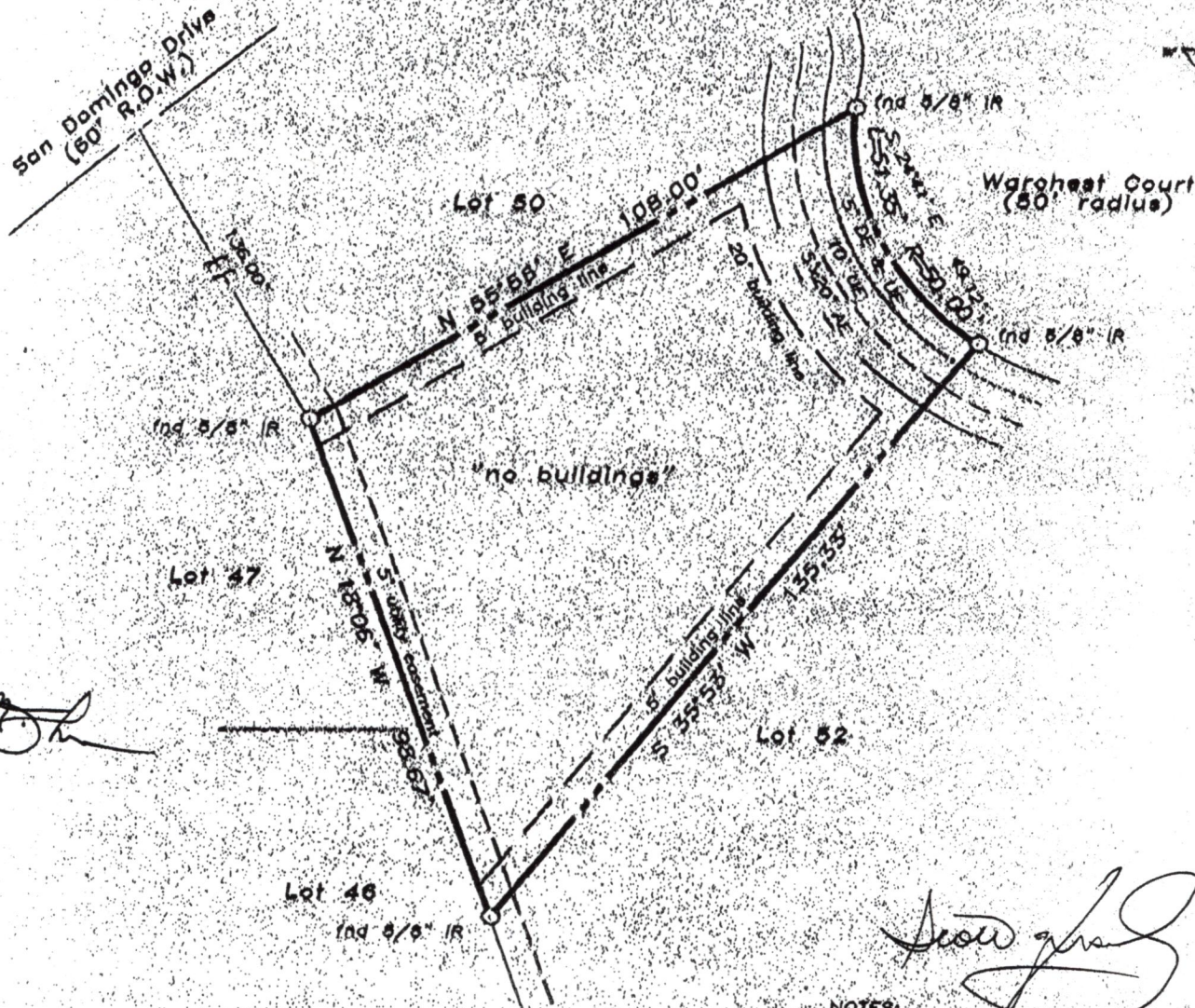
Registration Number: 10193855
www.hightidelandsurveying.com

SURVEY DATE: NOVEMBER 25, 2015
 FILE No.: 5861-0001-0051-000
 DRAFTING: JTK/SCB
 JOB No.: 15-0838

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 and may be subject to setbacks from power lines as established by OSHA (call your power company).
- 3) Bearings based on Monumentation, of R.O.W. line of Warchest Court, being a found 1/2 inch rod at the common Northerly corner of Lots 53 and 54, and a found 1/2 inch rod at the most Easterly corner of Lot 56.
- 4) Surveyed without benefit of a Title Report.

This property is within the 100-Year Special Flood Hazard Area & is designated to be w/in FIRM Zone A17, located on Panel 274-D, Community #485470, August 18, 1993.



Handwritten signature/initials

Handwritten signature

Scale: 1" = 30'

- NOTES:
- RECORD EASEMENTS, RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY, ETC. PROVIDED BY TITLE COMPANY ONLY
 - Restrictions as per recorded plat unless otherwise noted
 - File #8632054, 00000
 - 5' side building lines
 - True ground distances shown
 - Boundaries assumed as platted

51 1
 LAND TITLE SURVEY OF A TRACT OF LAND being Lot 10, in Block 2 of PIRATES BEACH SECTION 8, a subdivision in Galveston County, Texas, according to the plat thereof recorded in Volume 18, Page 108 in the office of the County Clerk of Galveston County, Texas.

Vacant property: Warehouse Court Galveston County, Texas
 To Scott Jenschke Custom Homes and South-Land Title Co., GF #88549-M;
 I hereby certify that this survey was made on the ground under my direct supervision and that this plat correctly



Handwritten signature of Laurence C. Wall

Laurence C. Wall

TO: City of Galveston Planning Department

FROM: Gary Johnson, Johnson Homes, Inc.

4238 Pirates Beach, Galveston, TX. 77554

RE: New single family residence built at 4011 Warchest Court

Lot 51, Blk. 1, Sec. 8 Pirates Beach Subdivision

I am appearing before the Board of Adjustments to ask for a small variance to the back setback line at the above described just completed home. I have provided an as built survey with the building lines described as per High Tide Surveying. In the survey you can see that a portion of the back deck is over the building line and it is for that portion of deck that I ask for a variance.

The house sits in a cul-d-sac which allows virtually no on street parking and because some homes in Pirates Beach are frequently used for short term rentals I wanted to provide as much driveway parking as possible. When I started laying out the house onto the lot I looked at the survey I received from closing when I bought the lot in 2003. The only described easement on the rear of the property is a 5' UE. No other building line was described. I looked at my title policy which was drawn by Alamo Title/Southland Title and only the 5' UE was described at the rear of the property. I laid out the house as per those two documents and later found out that there is an additional 5' easement at the rear of the property line. (Which is also not addressed in the current title policy nor my original as built survey.) After being told by the city there must be a 10' easement I then asked High Tide Surveying to draw the additional rear easement and saw that it takes in part of the back deck. That portion of the back deck is covered with a deck above it and a roof over that.

I have been building homes in Galveston for approximately 15 years and this is the first time one of my homes has had a building line problem of any kind. I would sincerely appreciate the Board granting relief so I can be granted a Certificate of Occupancy and go forward with the pending sale of the house.

A handwritten signature in black ink, appearing to read "Gary N. Johnson". The signature is fluid and cursive, with a large loop at the end of the last name.

This property is within the 100-Year Special Flood Hazard Area & is designated to be w/in FIRM Zone A17, located on Panel 274-D, Community #485470, August 18, 1993.

San Domingo Drive
(60' R.O.W.)

Lot 50

N 55°58' E 108.00'

Warehouse Court
(50' radius)

Ind 5/8" IR

"no buildings"

Lot 37

Lot 46

Ind 5/8" IR

Lot 52

Scale: 1" = 30'

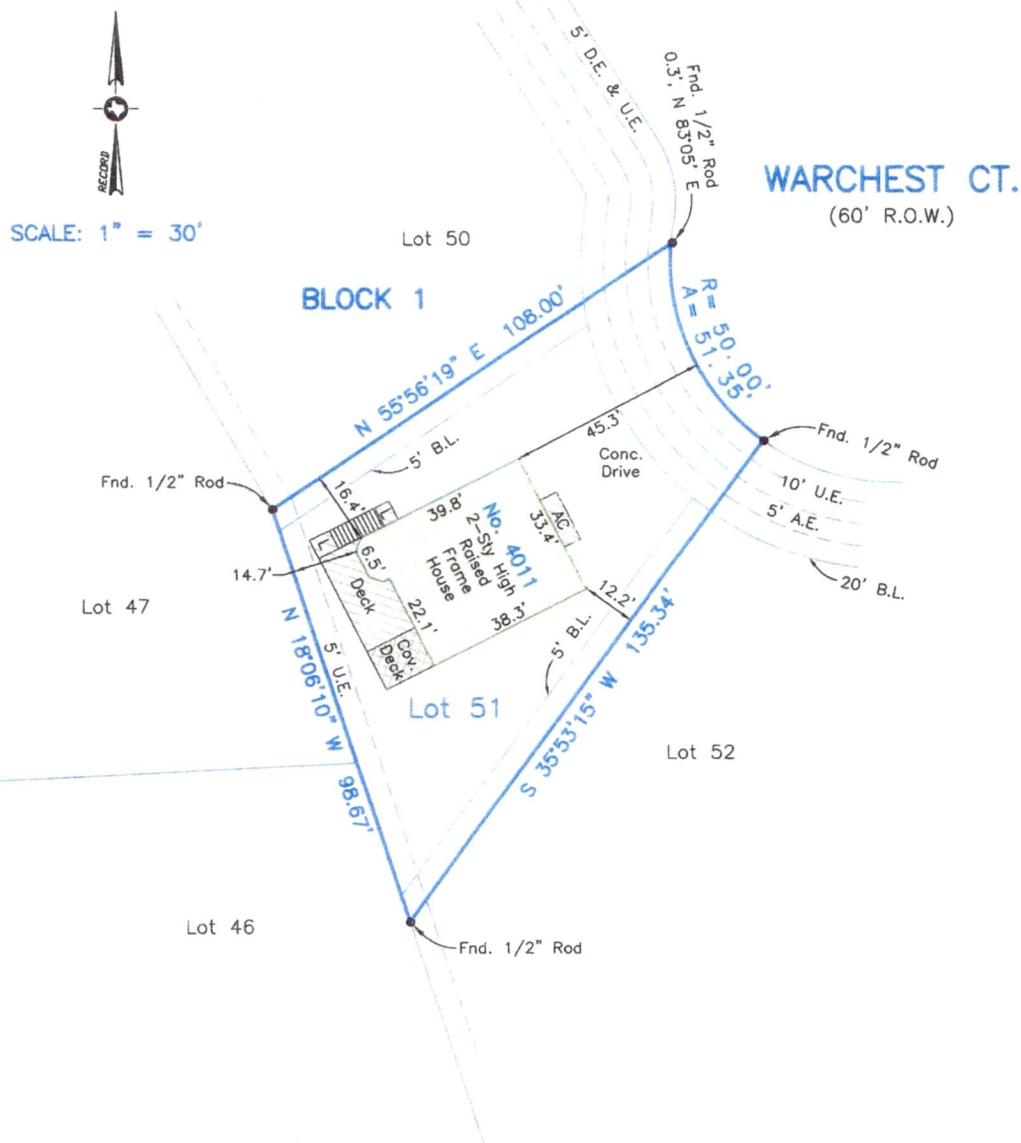
NOTES:
1. RECORD EASEMENTS, RESTRICTIONS,
2. RECORD RIGHTS-OF-WAY, ETC.
3. PROVIDED BY TITLE COMPANY ONLY
4. RESTRICTIONS OR NOT RECORDED
5. UNLESS OTHERWISE NOTED
6. FILE #88549, 00000
7. 1/2" side building lines
8. True ground distances shown
9. Bearings assumed as plotted

51
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Lawrence C. Wall



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Stephen C. Blaskey
 Stephen C. Blaskey
 Registered Professional
 Land Surveyor No. 5856



SURVEY DATE: NOVEMBER 25, 2015
 FILE No.: 5861-0001-0051-000
 DRAFTING: JTK/SCB
 JOB No.: 15-0838



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NOTES:

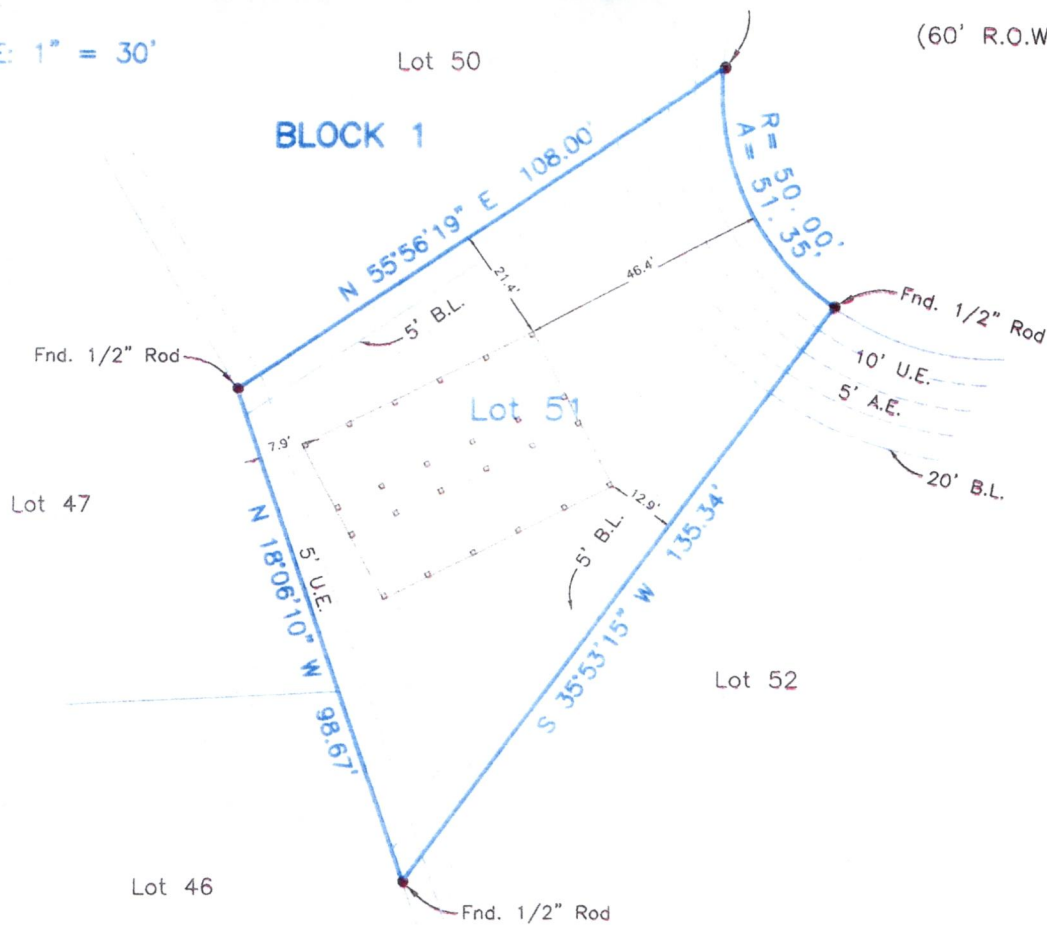
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Lot 50

(60' R.O.W.)

BLOCK 1



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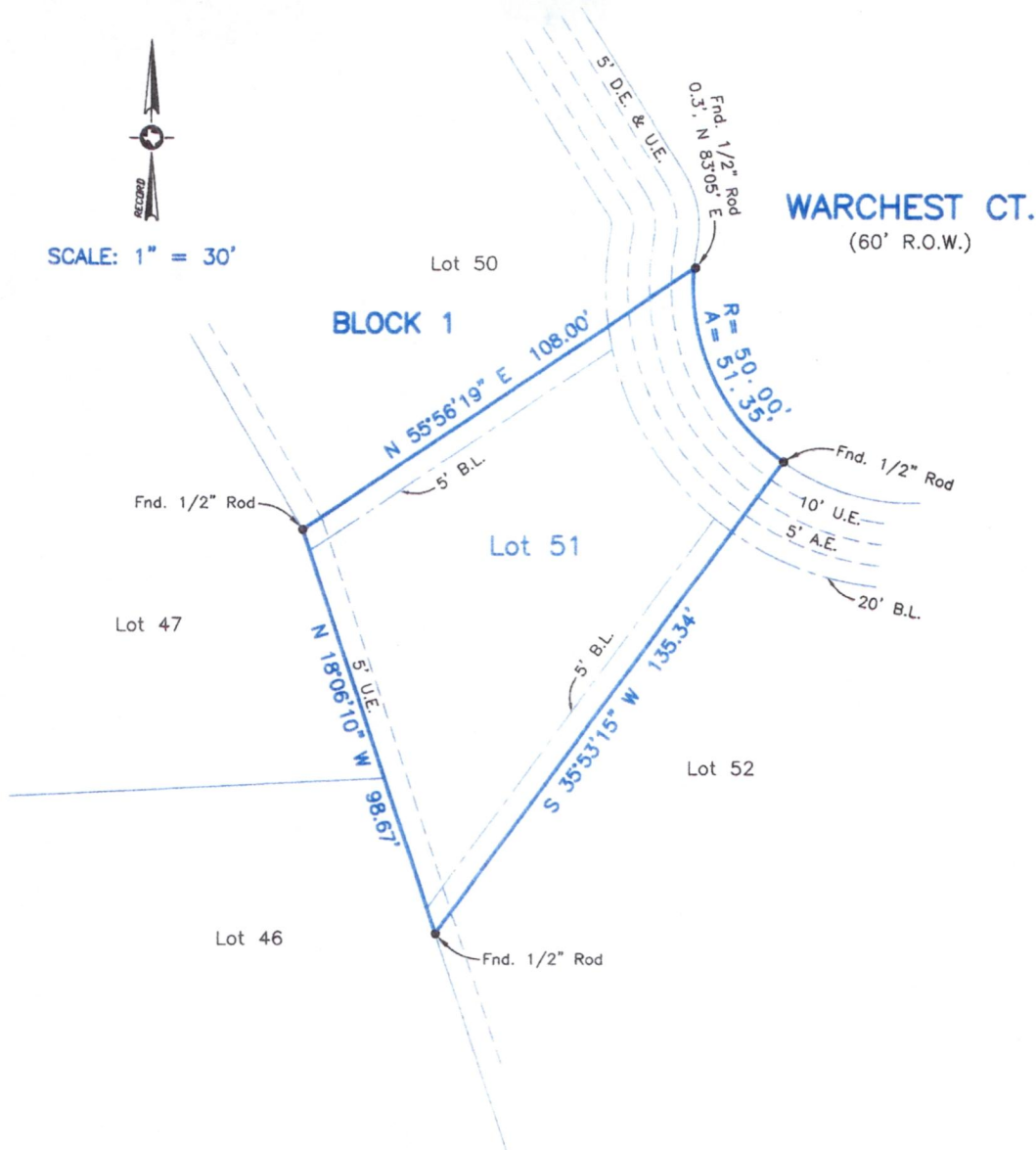
Stephen C. Blaskey

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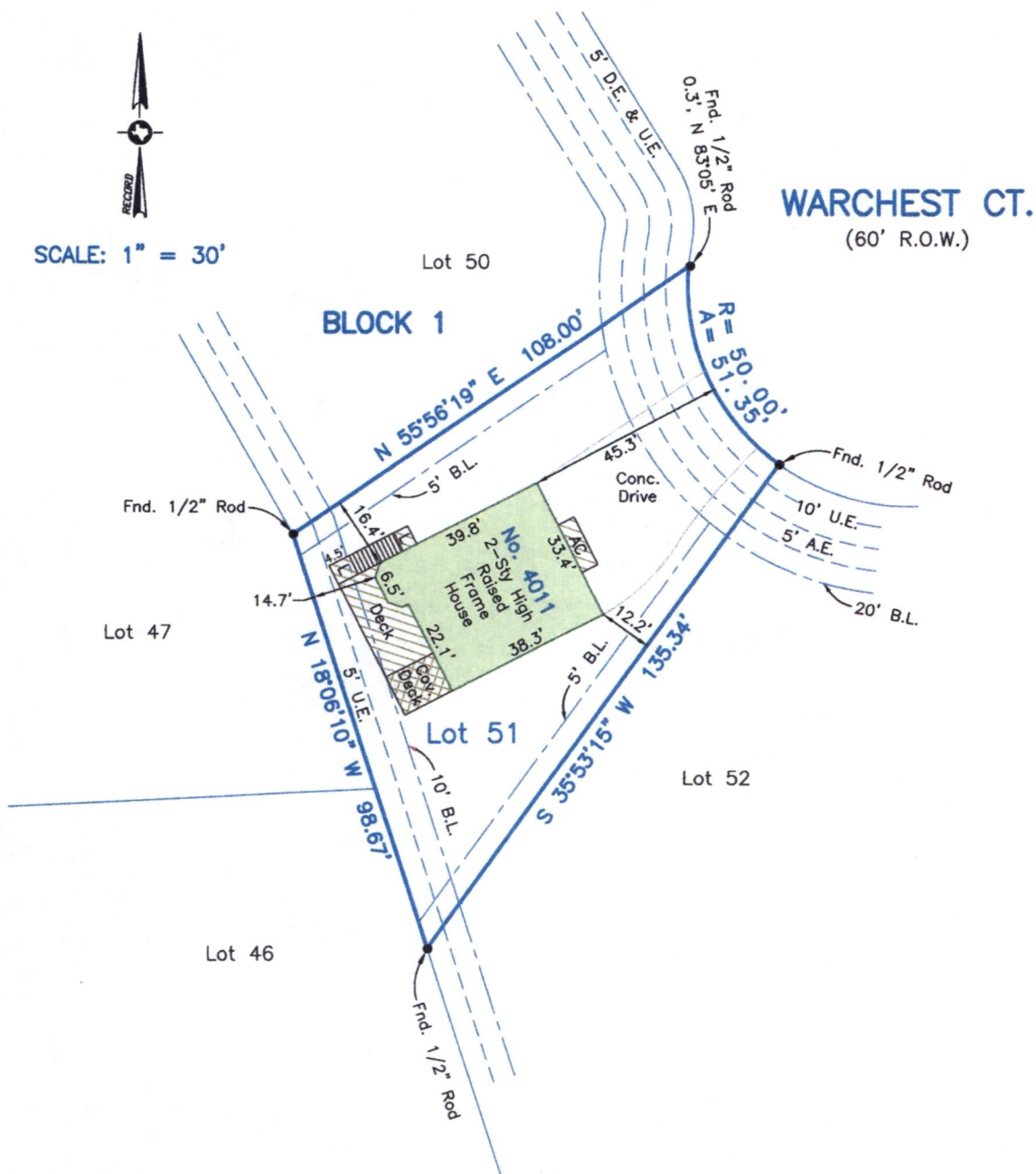


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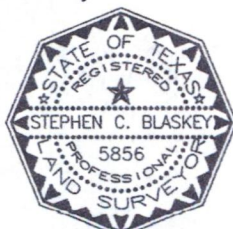
SURVEY DATE: JANUARY 14, 2015
FILE No.: 5861-0001-0051-000
DRAFTING: SCB
JOB No.: 15-0028



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 Land Surveyor No. 5856



REVISION: DECEMBER 15, 2015
 SURVEY DATE: NOVEMBER 25, 2015
 FILE No.: 5861-0001-0051-000
 DRAFTING: JTK/SCB
 JOB No.: 15-0838



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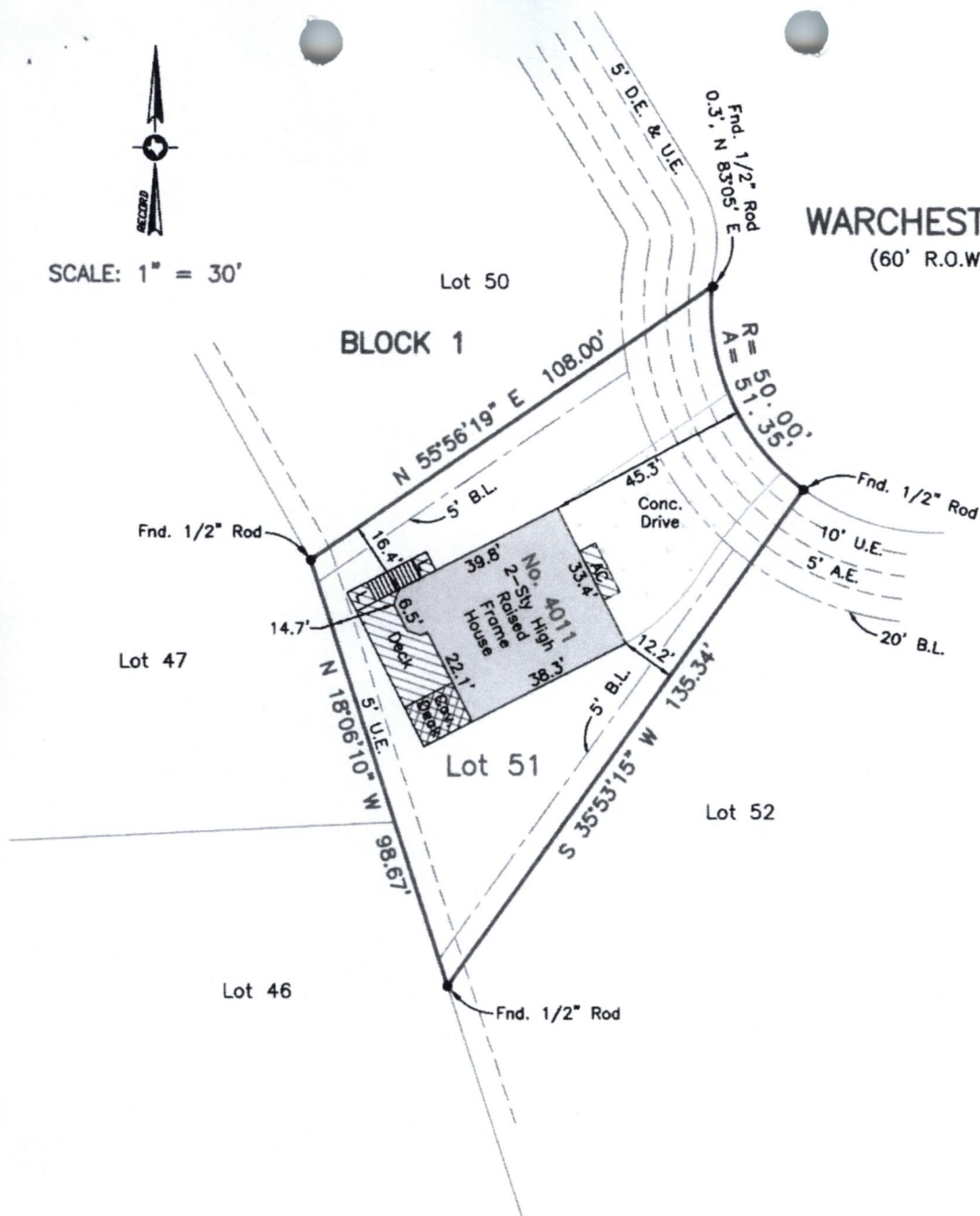
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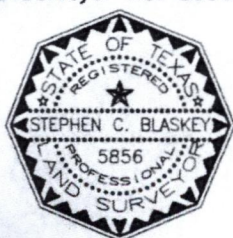
WARCHEST CT.
(60' R.O.W.)



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FILE No.:	5861-0001-0051-000
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REAR (WEST) VIEW

4011 WARCHEST COURT



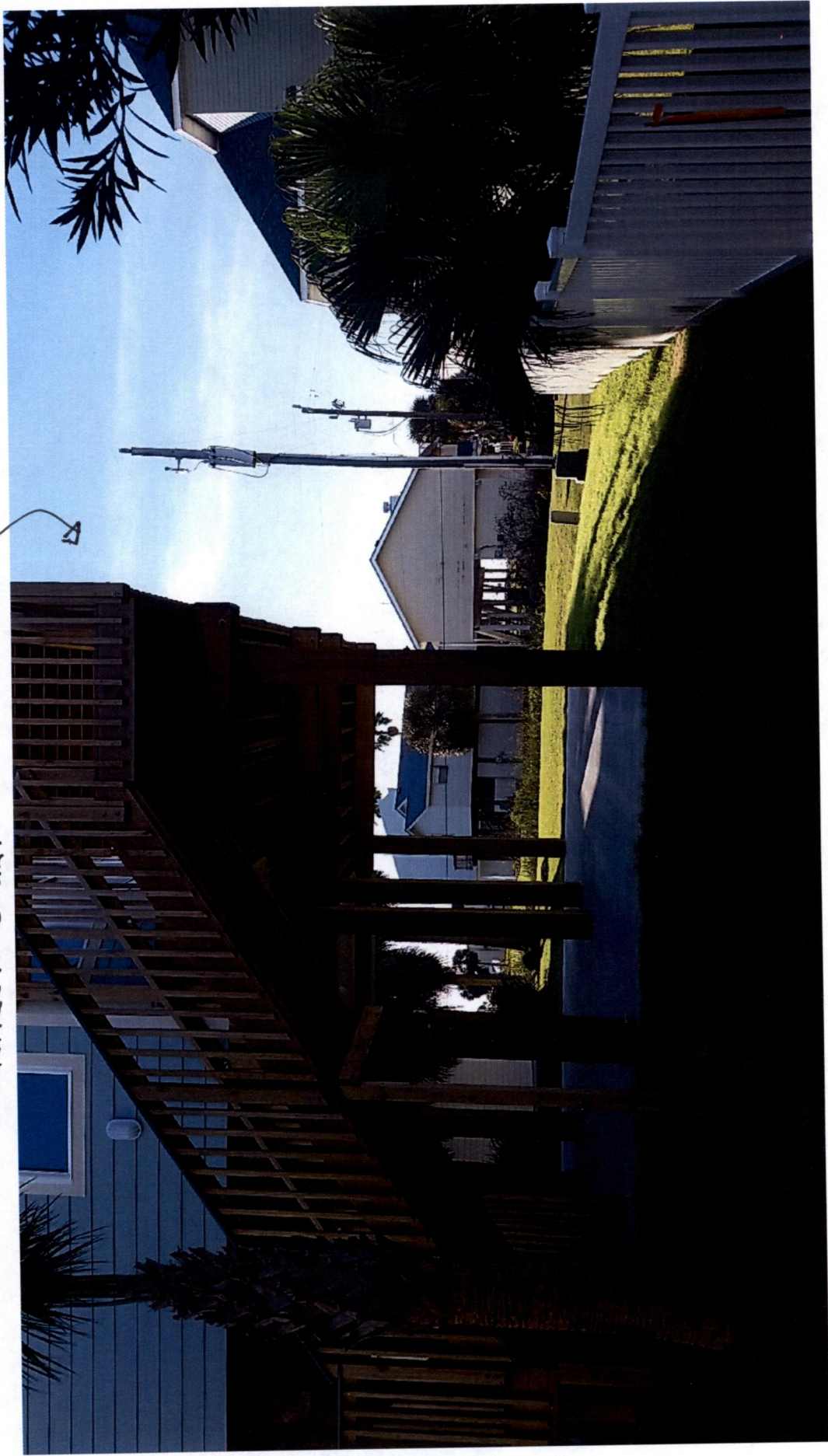
4011 WARCHEST COURT

VIEW LOOKING NORTH ALONG BACK LINE



Looking South Along EASEMENT

4011 WARCHEST COURT



Front View

4011 WARCHEST COURT



NO ON STREET PARKING IN CULD SAC
VIEW OF STREET IN FRONT OF 4011 WARCHEST COURT



4011 WARCHEST COURT - NO PARKING ON STREET



4011 WARCHEST COURT AS BUILT



SINGLE-FAMILY RESIDENTIAL (R-1)

Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water.
3. No projection closer than 12 inches to a common property line. Projections include: roof eaves (up to 36 inches), window sills, belt courses, and other architectural features.
4. Sign, fence, and wall regulations apply.
5. Boat slips, boat docks, shade covers, or decking constructed over water do not require a setback provided the improvement built over water is part of the platted lot.
6. Accessory buildings are permitted in the rear yard. A 3 foot rear yard and side yard setback is required unless abutting alley or street then no required rear yard setback.
7. Unlimited height from the east property line of Stewart Beach and eastward
8. Building setback may conflict with Fire Code refer to Fire Code to determine final building and fire code setbacks.
9. Properties located west of 39th St, east of 61st St, South of Broadway Boulevard, north of Seawall Boulevard – zero front, side and rear bldg. setback; minimum lot area shall be 2,500 sq ft. No lot width or depth requirements. (Ord. 15-029)



City of Galveston
823 Rosenberg
Galveston, TX 77550



Minimum Lot Standards*

Area:	5,000 square feet
Width:	50 feet
Depth:	100 feet

Setbacks*

Front:	20 feet
Side:	3 – 5 feet
Rear:	10 feet

Building Height

Maximum:	50 feet, measured from base flood elevation
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Parking

One space per dwelling unit

Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations.

**See note #8 for properties located west of 39th Street, east of 61st Street, South of Broadway Blvd and north of Seawall Blvd*