

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, October 5, 2016
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Approval of the August 3, 2016 minutes
- A. Request to Address Commission on Non-Agenda Items (three minute maximum per speaker)
- D. New Business and associated Public Hearing:

16Z-005 (1912 Avenue K) Request to appeal the City of Galveston Landmark Commission's decision regarding case 16LC-044. Request for a Certificate of Appropriateness in order to retain the existing rolling shutter. Property is legally described as the West 26.75 Feet of Lot 9 and the East 16.08 Feet of Lot 10 (9-2), Block 139, in the City and County of Galveston, Texas.

Applicant and Property Owner: Barry and Patricia Elsom

16Z-007 (1014 61st Street) Request for a variance from Article 3 of the Land Development Regulations (LDR) to reduce side setback requirements in a Commercial (C) zoning district. Property is legally described as part of Lot 27 (27-3), part of Lot 34 (34-2), Section 1 of Trimble and Lindsey, in the City and County of Galveston, Texas.

Applicant and Property Owner: Lamson Nguyen

16Z-008 (3228 Seawall Boulevard) Request for a variance from the Galveston Land Development Regulations Article 8, 8.201 D, 1, Parking Spaces for Disabled Persons, and Article 10, Wall Plane Articulation, Lot Coverage and Improved Public Open Space in a Commercial, Height and Density Development Zone, Zone-3 (C-HDDZ-3) zoning district. Property is legally described as Lots 1 through 3 and the west 14.17 Feet of Lot 12 and the adjacent alley in the Northwest Block 163, Galveston Outlots, in the City and County of Galveston, Texas.

Application: Dennis Byrd

Property Owner: DBP Properties

- E. Adjournment

Prepared By:

Athena Petty, Planning Tech

Date Prepared:

September 26, 2016

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-005

MEMORANDUM

TO: Lyssa Graham Reynolds, Chair and Commissioners
Galveston Zoning Board of Adjustment

FROM: Janice Norman, Planning Manager
Development Services Department
jnorman@galvestontx.gov or 409-797-3670

DATE: July 29, 2016

RE: **16Z-005 (1912 Avenue K) Request to appeal the City of Galveston Landmark Commission's decision regarding case 16LC-044.** Request for a Certificate of Appropriateness in order to retain the existing rolling shutters. Property is legally described as the West 26.75 Feet of Lot 9 and the East 16.08 Feet of Lot 10 (9-2), Block 139, in the City and County of Galveston, Texas.
Applicant and Property Owner: Barry and Patricia Elsom

The Galveston Landmark Commission, at their meeting of July 18, 2016, voted to approve the request to retain the rolling shutters with the condition:

1. Remove the rolling shutters from:
 - a. The upstairs side facing west;
 - b. The upstairs window facing south;
 - c. The east side to the last window of the bay window.

Please reference Exhibit "A" for the original staff report and related Exhibits, as well as Exhibit "B" for the action letter sent to the applicant and Exhibit C, the applicant's submittal.

The Design Standards for Historic Properties are the set of guidelines the Landmark Commission must use to base its decisions on requests before the body. The attached staff report references sections of the Design Standards that are applicable to the subject case. The Landmark Commission must deny the application in accordance with the following portion of Article 10, Section 10.106, of the Galveston Land Development Regulations:

Article 10, Section 10.106 (F) Decision by Landmark Commission.

The Commission shall, in an open meeting, approve, approve with conditions or deny the certificate of appropriateness. If the Commission denies an application, the Commission shall state the reasons for the denial.

1. **Consistency with Historic Design Standards for Approval:** To approve an application, the Commission must find that the proposed activity is in compliance with the *Historic Design Standards*.



2. **Approval with Conditions:** The Commission may impose conditions of approval that are necessary to meet the intent of the *Historic Design Standards*.
3. **Required Denial:** The Commission shall deny the application if it finds that the proposed work will have an adverse effect on:
 - a. The external architectural features of the GL;
 - b. The external architectural features of the properties in the block or in the historic overlay district as a whole; or
 - c. The future preservation, maintenance or use of the GL or of the properties within the HOD.

Per Article 10.110, the applicant or any person aggrieved by a decision made by the Commission may appeal the Commission's decision to the Zoning Board of Adjustment. The applicant submitted a letter and application to the Historic Preservation Officer within ten (10) days of the Landmark Commission decision stating intention to appeal. Please note that judicial review of the decision of the Zoning Board of Adjustment shall be in accordance with the Texas Local Government Code.

Exhibits

- A- Staff Report for 16LC-044, including exhibits
- B- Action letter for 16LC-044
- C- Applicants Submittal
- D- Transcribed minutes for the July 18, 2016, Landmark Commission meeting



16LC-044

STAFF REPORT

ADDRESS:

1912 Avenue K

LEGAL DESCRIPTION:

Property is legally described as the West 26.75 Feet of Lot 9 and the East 16.08 Feet of Lot 10 (9-2), Block 139, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Barry and Patricia Elsom

PROPERTY OWNER:

Same

ZONING DISTRICT:

Historic Zoning District, Historic (HZD-H)

HISTORIC DISTRICT:

Lost Bayou

REQUEST:

Request for a Certificate of Appropriateness retain existing rolling shutters to the front, side and rear of the house.

STAFF RECOMMENDATION:

Approval with conditions

EXHIBITS:

- A – Photographs
- B – Historic District Survey
- C- March-April Historic District Survey

STAFF:

Janice Norman, Planning Manager
409-797-3670
jnorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
5				



Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Historic Zoning District, Historic (HZD-H)	Residential
North	Commercial (C)	Commercial/Residential
South	Urban Neighborhood, Neighborhood Conservation District, Zone-1 – (Un-NCD-1)	Galveston Academy School
East	Historic Zoning District, Historic (HZD-H)	Residential
West	Historic Zoning District, Historic (HZD-H)	Residential

Historical and/or Architectural Significance

Date	1886
Style	National Folk
Condition	Excellent
Priority Rating	Medium/Contributing
Additions	Rear addition, Side addition, Multiple additions.

Background

There has been an open compliance case 11ZC-0059, on this house since 2011, regarding the installation of rolling shutters on the upper windows. According to our records it is not clear when the shutters were installed; However, according to the applicant the rolling shutters were installed prior to the purchase of the house in 2000.

Executive Summary

The applicant is requesting approval in order to retain the existing rolling shutters that were installed on the upper windows on the east and west sides of the house and on the upper and lower windows in the rear. There is one large rolling shutter installed on the upper window on the west side addition that faces the street.

Design Standards for Historic Properties

The following Design Standards are applicable to the project:

Storm-Safety Features on Historic Buildings

In some cases it may be necessary or desirable to install storm-safety features such as hurricane shutters or removable window screens on a historic structure. Such features should be selected and installed to minimize visual impacts and damage to historic fabric.

Often, it will be most appropriate to install features that can be re-used such as removable storm screens, rather than relying on strategies that may require repeated, and damaging, installation, such as boarding windows with plywood.

2.38 Minimize the visual impact of hurricane shutters.**Appropriate**

- Place impact-resistant hurricane shutters so as not to be substantially visible from the city right-of-way (preferred approach).

- Place hurricane shutters on a visible façade if they conform to the general design standards for shutters on page 39 (may be appropriate if consistent with the approach described in "Interpreting the Design Standards" on page 16).
- Ensure that the scale, durability and finish of hurricane shutters are substantially similar to historic wooden shutters of the architectural style and/or time period of the building.
- Ensure that the shutters fit the size of the window opening.
- Consider installing impact-resistant window films that are transparent and not visible from the street.
- Replace previously-installed Aramco storm protection with shutters, if possible.

Inappropriate

- Do not remove historic wooden shutters to install hurricane shutters.
- Do not damage historic window frames when installing hurricane shutters.

2.39 Minimize the visual impact of storm windows on historic buildings.

Appropriate

- When necessary, place storm windows internally to avoid visual impacts (preferred approach).
- If storm windows are installed externally, use window inserts designed to match the original frame (may be appropriate if consistent with the approach described in "Interpreting the Design Standards" on page 16).
- Paint existing storm window frames to match wooden frames. If the storm windows are aluminum, they should have a baked-on enamel color.

The comment below is from page 39:

May be Considered on a Case-by-Case Basis by the Landmark Commission

The Landmark Commission may consider metal or vinyl shutters for windows that are not visible from the street.

Conformance with the Design Standards

Although no evidence has been submitted that indicates when the shutters were installed it is clear these are not Historic shutter boxes and their installation was not approved by the Landmark Commission. *The Design Standards* do address storm shutters and specifically state to avoid visual impacts and damage to historic window frames. The rolling shutter boxes as installed on the east and west sides of the house would be considered installed in Location B: Highly Visible Secondary Wall – Preservation and repair in place is the priority. Staff finds these shutters do not conform due to their high visibility.

The shutters located on the rear of the house are in Location D and are not visible from the street. Staff find these shutters do conform since they are not visible

Staff Recommendation

Staff recommends Case 16LC-023, request regarding a Certificate of Appropriateness be approved with the following conditions:

Specific to Case 16LC-023:

1. The applicant shall remove the rolling shutters located in location B: on the east and west sides of the house;
2. The applicant shall remove the rolling shutter installed on the side addition that faces Avenue K;
3. The rolling shutters installed in the rear may remain as installed.

Standard Conditions:

4. Any significant alteration from the design approved by the Landmark Commission, shall require the request to be returned to the Commission for review;
5. The applicant shall obtain a building permit prior to beginning construction;
6. Any additional work will require a separate building permit from the Building Division, and may require review by the Landmark Commission and/or the City's Historic Preservation Officer prior to construction;
7. The Landmark Commission approval shall expire after two years if no progress has been made toward completion of a project unless the applicant files a request for an extension or can show progress toward completion of a project; and,
8. In accordance with Section 10.110 of the Land Development Regulations, should the applicant be aggrieved by the decision of the Landmark Commission, a letter requesting an appeal must be submitted to the Historic Preservation Officer within 10 days of the Commission decision. Additionally, a Zoning Board of Adjustment application must be submitted to the Development Services Department by the next respective deadline date.







1912 AVE K, GALVESTON, TX 77550

HH-13077

Parcel ID 689563
 District Lost Bayou Historic District
 Building Faces S

Year Built 1886
 Priority Rating Medium

High = Individually Eligible/ Listed; Contributing
 Medium = Contributing
 Low = Non-Contributing

DESCRIPTION

Type Single-Family House
 Massed Plan
 Stylistic Influences National Folk
 Stories 2
 Exterior Wall Materials Horizontal wood board
 Foundation Type Raised basement, Pier-and-beam
 Fence Type Cast iron fence
 Landscape Features Concrete curb

ROOF

Roof Shape Hipped
 Roof Materials Asphalt composition shingles
 Roof Features Wide eaves, Box eaves

WINDOWS & DOORS

Window Types Double-hung
 Window Frame Materials Wood
 Window Light Configuration 2/2
 Window Features Wood shutters
 Door Materials Wood
 Door Types Single door primary entrance, Multiple entrances
 Door Features Transom light

CHIMNEYS

No. of Chimneys 1
 Chimney Material Stucco
 Chimney Placement Internal, Central
 Chimney Features Chimney pots

PORCH

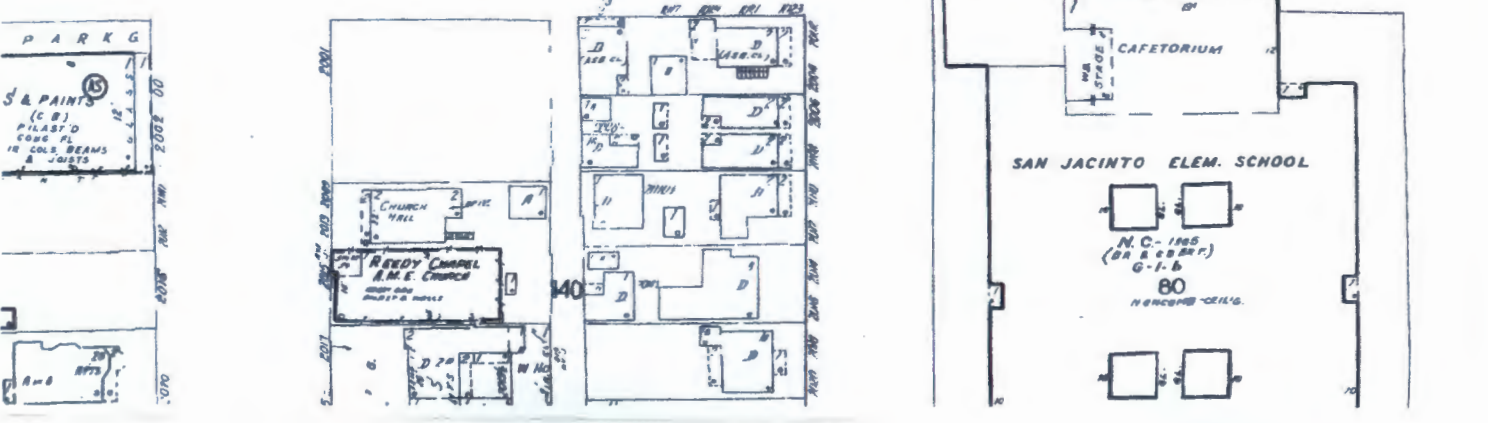
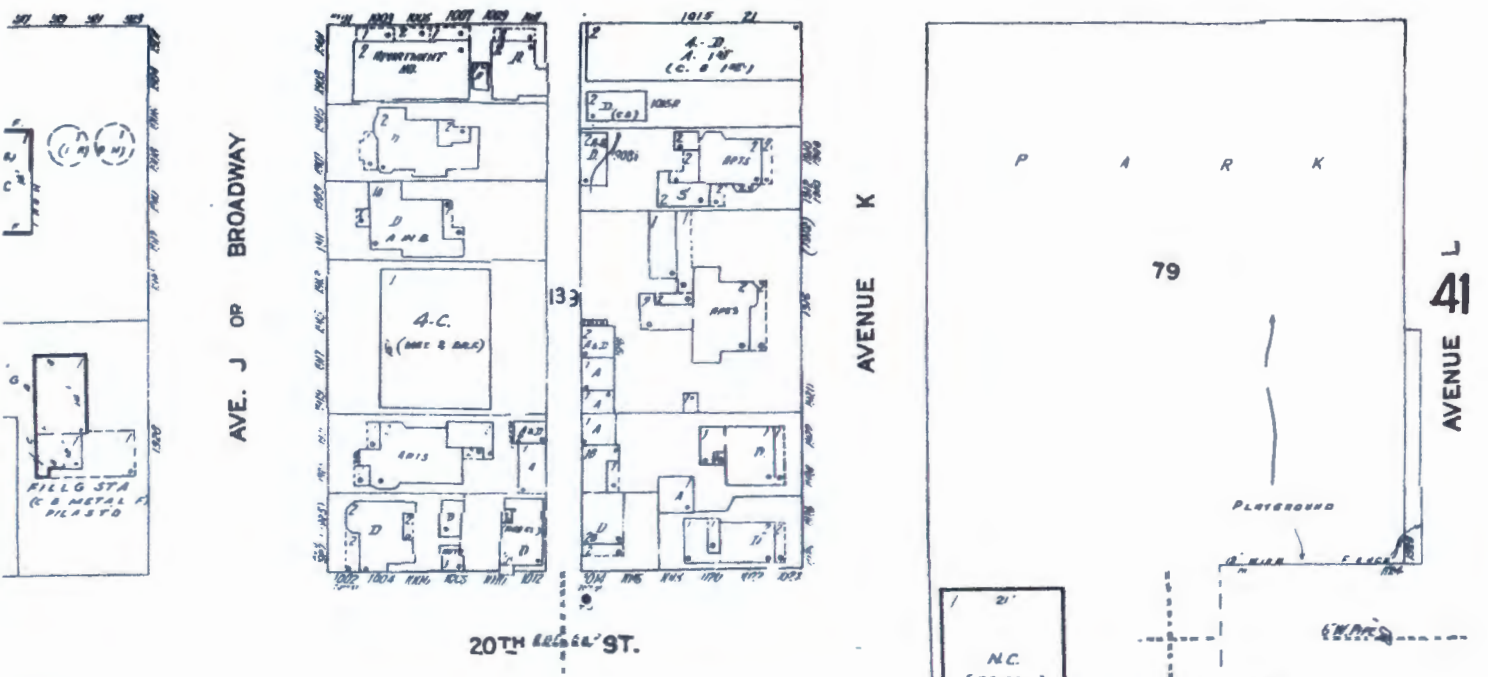
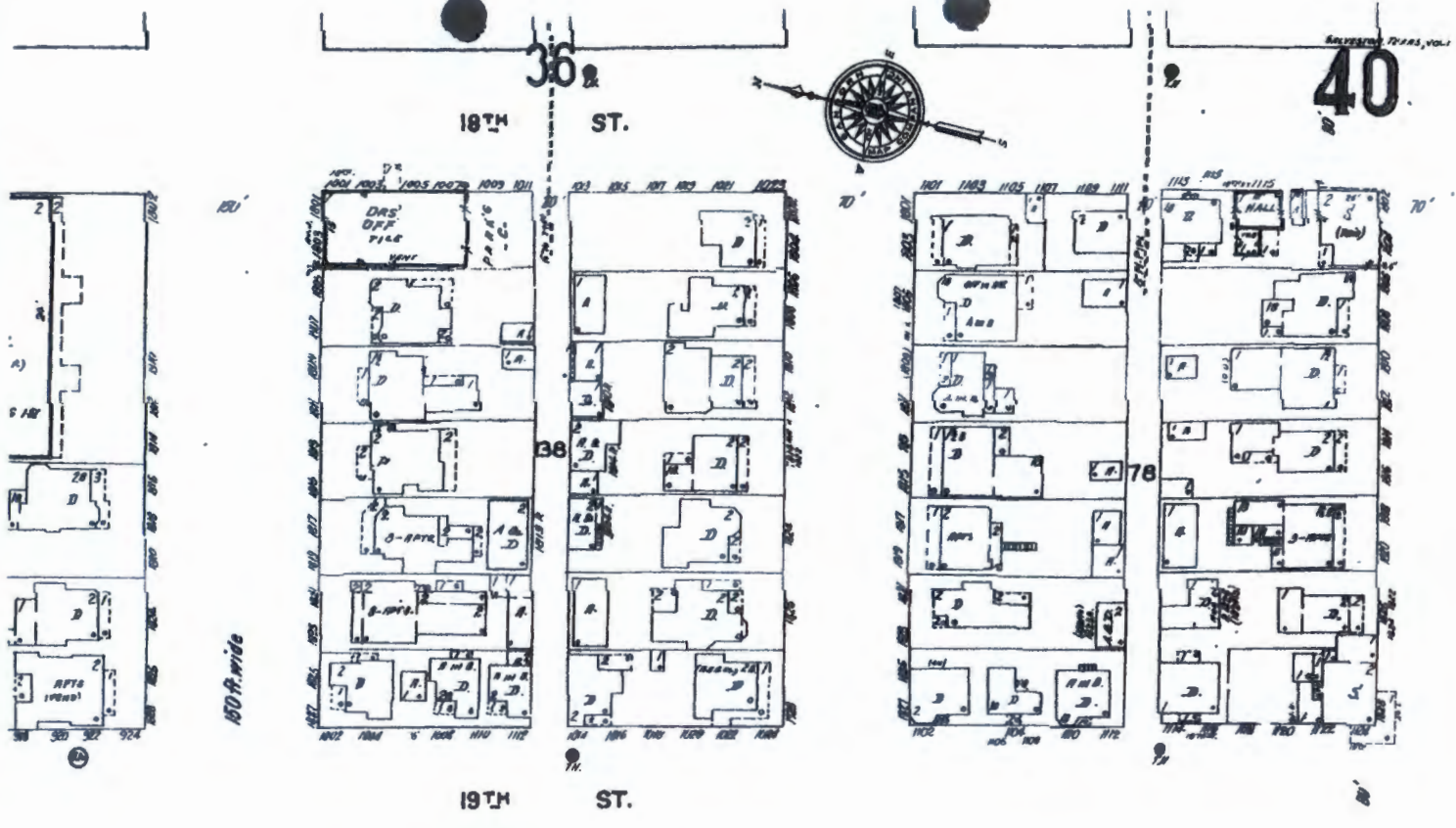
Porch Type Full width, Two story
 Porch Location Front
 Porch Roof Inset
 No. of Porch Bays 3
 Porch Support Type Chamfered posts
 Porch Features Jig-sawn brackets, Squared wood balusters

INTEGRITY

Condition Excellent
 Additions Rear addition, Side addition, Multiple additions
 Alterations Roof material replaced



TX_GalvestonCounty_1912_Ave_K_1.jpg







02/18/2008



02/18/2008

Development Services



823 Rosenberg, Room 401
Galveston, Texas 77550

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

July 21, 2016

Barry and Pat Elsom
1910 Ave K
Galveston, TX 77550

RE: **16LC-044 (1912 Avenue K)** Request for a Certificate of Appropriateness in order to retain the existing rolling shutter. Property is legally described as the West 26.75 Feet of Lot 9 and the East 16.08 Feet of Lot 10 (9-2), Block 139, in the City and County of Galveston, Texas.
Applicant and Property Owner: Barry and Patricia Elsom

Dear Mr. and Mrs. Elsom:

The Galveston Landmark Commission, at their meeting of July 18, 2016, voted to approve the above referenced request with the following conditions:

1. Remove the rolling shutters from:
 - a. The upstairs side facing west;
 - b. The upstairs window facing south;
 - c. The east side to the last window of the bay window.
2. The applicant shall remove the rolling shutters located in location B: on the east and west sides of the house;
3. The applicant shall remove the rolling shutter installed on the side addition that faces Avenue K;
4. The rolling shutters installed in the rear may remain as installed.
5. Any significant alteration from the design approved by the Landmark Commission, shall require the request to be returned to the Commission for review;
6. The applicant shall obtain a building permit prior to beginning construction;
7. Any additional work will require a separate building permit from the Building Division, and may require review by the Landmark Commission and/or the City's Historic Preservation Officer prior to construction;
8. The Landmark Commission approval shall expire after two years if no progress has been made toward completion of a project unless the applicant files a request for an extension or can show progress toward completion of a project; and,
9. In accordance with Section 10.110 of the Land Development Regulations, should the applicant be aggrieved by the decision of the Landmark Commission, a letter requesting an appeal must be submitted to the Historic Preservation Officer within 10 days of the Commission decision. Additionally, a Zoning Board of Adjustment application must be submitted to the Development Services Department by the next respective deadline date.

Please feel free to contact me at 409/797-3670, should you have any additional questions.

Sincerely,

Janice Norman
Planning Manager



RECEIVED
AUG 03 2016

PLANNING

August 3, 2016

Pat Mae Elsom
1910 Ave K
Galveston TX 77550

To Whom It May Concern:

I am writing this letter with regards to Mrs. Elsom, who is severely disabled. Mrs. Elsom has a chronic, progressive neurologic disease that has left her wheelchair bound and dependent upon her husband for assistance with activities of daily living. She requires constant supervision 24 hours a day, 7 days a week. As her physician, I am concerned that her health could be greatly affected by a prolonged evacuation from the island.

If you have questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Leah Low, MD".

Leah Elizabeth Low, MD

UTMB HEALTH INTERNAL MEDICINE POWELL TEAM
Primary Care Pavilion
Entrance A; Suite 107
400 Harborside Drive
Galveston TX 77555-1167
409-747-1883
409-747-8579

ADJUSTMENT APPEAL TO THE GALVESTON ZONING BOARD OF ADJUSTMENT

Pat and Barry Elsom

1912 Ave. K

Galveston, TX 77550

On July 18, 2016 the Galveston Landmark Commission, based on one complaint, voted that we should be forced to remove rolling shutters from the front and side our house. This appeal is based on several points.

1. The rolling shutters have been on the house for at least sixteen years and the comments about our house and maintenance thereof have all been very positive except for this one complaint.
2. My wife has a disability which has required me to take early retirement so that I can help her with daily activities. It is imperative, in the event of a storm that requires evacuation, that I am able to close up the house quickly and remove her to a safe place. The old shutters had fallen apart years earlier before I owned the house and were replaced with the rolling shutters. I would not be able to board up the 2nd floor windows on my own and could not afford to hire someone.
3. If I were required to remove the rolling shutters, I would have to hire a contractor to remove them and would not be able to replace them with any other protective device resulting in probable storm damage (large expanse of windows facing south) and possible total loss of the structure.
4. I have attached several signatures from neighbors indicating their support of this appeal.





Pat and Barry Elsom
1910-1912 Ave. K
Galveston, TX 77550

July 22, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received one complaint after many years and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: Keith Kershaw

Address: 1011-19th

Signature: Keith Kershaw

Keith Kershaw

Pat and Barry Elsom

1910-1912 Ave. K

Galveston, TX 77550

July 31, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received a complaint and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name:

 Louis Sikes

Address:

1003 19th St. owner

Signature:



Pat and Barry Elsom

1910-1912 Ave. K
Galveston, TX 77550

July 21, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received a complaint and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name:

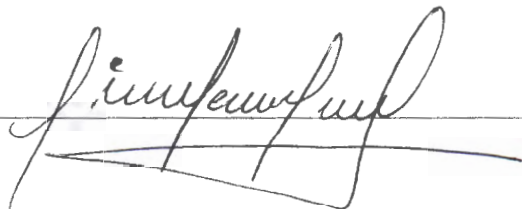
Cielo Salas

Address:

1803 19th Street

6 GALVESTON, TX 77550

Signature:



Pat and Barry Elsom

1910-1912 Ave. K
Galveston, TX 77550

July 25, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received a complaint and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: Helen C. Smith

Address: 1915 19th St. Rear

Signature: Helen C. Smith

Pat and Barry Elsom
1910-1912 Ave. K
Galveston, TX 77550



July 26, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received one complaint after many years and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

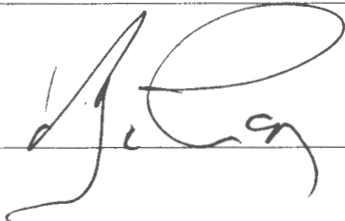
If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

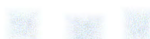
Warm regards,

Pat and Barry Elsom

Name: George Peña

Address: 1806 - L

Signature: 



Pat and Barry Elsom

1910-1912 Ave. K

Galveston, TX 77550

July 28, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received one complaint after many years and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: MARGARET HAYMES and JAVIER.

Address: 1928 AVE, K,

GALVESTON, TX 77550.

Signature: Margaret Haymes.

Pat and Barry Elsom
1910-1912 Ave. K
Galveston, TX 77550



July 27, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received a complaint and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: Hector Arias

Address: 1922 Ave K.

Galveston, Tx. 77550

Signature: Hector Arias



Pat and Barry Elsom

1910-1912 Ave. K
Galveston, TX 77550



July 30, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received a complaint and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: STEVEN RANDY PENN

Address: 1922 AVE. K, GALVESTON, TX 77550

Signature: Steven Randy Penn



Pat and Barry Elsom

1910-1912 Ave. K

Galveston, TX 77550

July 30, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received one complaint after many years and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: George Christie

Address: 1126 19TH St.

77550

Signature: George Christie

Pat and Barry Elsom

1910-1912 Ave. K

Galveston, TX 77550

July 29, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of ~~our~~ house. The Landmark Commission received one complaint after many years and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: SABRINA HARRELL

Address: 1019- 19th

Galveston, Texas 77550

Signature: Sabrina Harrell

Pat and Barry Elsom

1910-1912 Ave. K
Galveston, TX 77550

Aug
July 1, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received a complaint and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name:

Gisele Lombard

Address:

1907 AVE L Galveston TX.

77550

Signature:

G Lombard

Pat and Barry Elsom

1910-1912 Ave. K

Galveston, TX 77550

Aug
July 1, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received a complaint and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: Tad M Lombard

Address: 1907 AVE. K Galveston TX.

77550

Signature: Tad M Lombard

Pat and Barry Elsom

1910-1912 Ave. K
Galveston, TX 77550

July __, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received one complaint after many years and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: Ether M Hance

Address: 1021-19th Street

Galveston, Texas - 77550

Signature: Mrs Ether Hance

Pat and Barry Elsom

1910-1912 Ave. K
Galveston, TX 77550

July __, 2016

Dear Neighbor,

My wife and I are asking for your support in allowing us to keep rolling shutters on the upstairs windows of our house. The Landmark Commission received one complaint after many years and has decided that the rolling shutters need to be removed. I am asking for a reversal from the City of Galveston Zoning Board of Adjustment based on the length of time the shutters have been up without a complaint and that removing them would cause an undue hardship on my wife who is disabled. In the event of a storm, my ability to close up the house and evacuate her to safety is critical.

If you agree with me, we are asking for your signature and address so that I can show the Board that our neighborhood supports our petition for leaving the shutters in place. Thank you!

Warm regards,

Pat and Barry Elsom

Name: James Hornburg

Address: 1914 Ave. K

Signature: [Signature]

**Landmark Commission
Verbatim Minutes
July 18, 2016**

16LC-044 (1912 Avenue K) Request for a Certificate of Appropriateness in order to retain the existing rolling shutter. Property is legally described as the West 26.75 Feet of Lot 9 and the East 16.08 Feet of Lot 10 (9-2), Block 139, in the City and County of Galveston, Texas.

Applicant and Property Owner: Barry and Patricia Elsom

The Staff Report was read by staff.

Chairperson Chris Smith: Question for you, the shades have been red tagged before, right?

Janice Norman: I don't know if they have been red tagged, but letters were sent.

Chairperson Chris Smith: Has the house recently sold?

Janice Norman: Not to my knowledge, since 2000, I think.

Chairperson Chris Smith: So, that when they were put in?

Janice Norman: According to the applicant they were put in...he purchased the house with these shutters on there. So, they have been there even before the year 2000.

Chairperson Chris Smith: Anybody else have questions for staff? Applicant? You bought the house, when?

Barry Elsom: 2000, they have been on since 1993.

Chairperson Chris Smith: So, do you know when the screens were put up?

Barry Elsom: Prior to me buying it in 2000, the previous owner had been there. They started out putting the shutters on the west side of the house because there is like a 2 foot space between our house and that house. There is no way to get a ladder up there quickly to board anything up. The shutters that were up there when we first moved there were falling apart and disintegrating. There is no way to haul a piece of ply wood up that high anyway. If it makes any difference, my wife is disabled, so I have to get her off the island and close that house up quickly and get out. That was one of the reasons we liked the house a lot. On the east side of the house I have tried to put the shutters underneath the boxes to make it look more like it should be.

Elaine Bangle: The shutters that are on the east face, they are not actually shutters that fit that space?

Barry Elsom: They fit the space, but they don't close.

Elaine Bangle: They didn't look like the same size of what I observed on the ground floor around the side. The shutter looks a little skinnier.

Chairperson Chris Smith: Any other questions for the applicant?

Doug McLean: How many roll down shutters are we actually discussing? It looks like we have....

Janice Norman: We have 2 here, those are in the back, four on the side?

Barry Elsom: On the top floors, all of those have roll up shutters.

Chairperson Chris Smith: Question I have is, why are we hearing this? Did somebody complain?

Janice Norman: Yes

Chairperson Chris Smith: Just out of conformance?

Elaine Bangle: On the property owner notices, were there any returned in favor?

Janice Norman: There was 1

Chairperson Chris Smith: So, the complainant didn't send a comment?

Joann Griffin: I just don't believe they belong in a historical district.

Chairperson Chris Smith: I would tend to agree, I wish there was some way we could find out for sure how long they have been up. Were they up 12-13 years?

Elaine Bangle: I was kind of skeptical when I read the report and then went and visited the property. They were very noticeable and don't look like they belong there. But, I wonder if there is a compromise. On the property, it looks the upper was a porch that was enclosed at one time. Because the windows look a little different. So, there have been modifications done and this is another modification. I was surprised to see how big and deep this house goes back. There's a couple on the street face, there's a couple on the side that probably ought to come down. Are we recommending to remove the shutters, allow those on the back because you don't see those from the street. The shutters on the front historically fit, but the ones on the side don't look to be the same. There are a lot of homes that have them on the back.

Chairperson Chris Smith: I believe that is what staff already said. They can be retained on the back side.

Doug McLean: I would like to make a comment to the owner, I understand your problem as well that we are all facing, anybody with a big Victorian. It is a frantic move and we have all been through it. But, I think the thing that really hurts is it completely disrupts the flow of the Victorian look. Just the whole proportion of the windows is really obvious.

Chairperson Chris Smith: I agree with you, for lack of better words, a nice style, Victorian and I applaud you for taking on a big old house like that. I know how much work they are and preparedness for a hurricane. But, I tend to agree with my fellow commissioners on this. I feel your pain for hurricanes.

Doug McLean moved to approve Case 16LC-044 with Staff Recommendations and the following changes:

1. Remove the rolling shutters from:
 - a. The upstairs side facing west;
 - b. The upstairs window facing south;
 - c. The east side (4) windows to the last window of the bay window.

Chairperson Chris Smith seconded and the following votes were cast:

In Favor: Bangle, Huddleston, McLean, Parsons, Patterson (Alt. 2), Smith, Strevell

Non-voting

Participant: Griffin (Alt. 1)

Against: None

Abstain: None

Absent: Schwenk

The motion passed.



16Z-007

STAFF REPORT

ADDRESS:

1014 61st Street

LEGAL DESCRIPTION:

Property is legally described as part of Lot 27 (27-3), part of Lot 34 (34-2), Section 1 of Trimble and Lindsey, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Lamson Nguyen

PROPERTY OWNER:

Lamson Nguyen

ZONING:

Commercial (C)

VARIANCE REQUEST:

Side Setback

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Commercial Addendum

EXHIBITS:

- A – Aerial Map
- B – Current Survey
- C – Site Plan
- D – Applicant's Narrative/Justification

STAFF:

Adriel Montalvan, Senior Projects Manager
 409-797-3645
amontalvan@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
9				

City Department Notification Responses:

No objection from any City department.



Executive Summary:

The applicant is requesting a side setback variance to construct a medical office in the rear portion of a triangular lot. The side setback requirement in a Commercial (C) zoning district is five feet. The building is designed with different vertical sections or wall plane articulation; therefore, the building side setbacks vary from 3 ½ inches up to 2 feet, 6 ½ inches from the property line.

Applicant's Justification:

The parcel is a triangular lot, not a typical rectangle. Unable to fit proposed building and preserve sight triangle/visual clearance at the east end of the lot where three different roads merge. Please refer to Exhibit D for more details regarding applicant's justification.

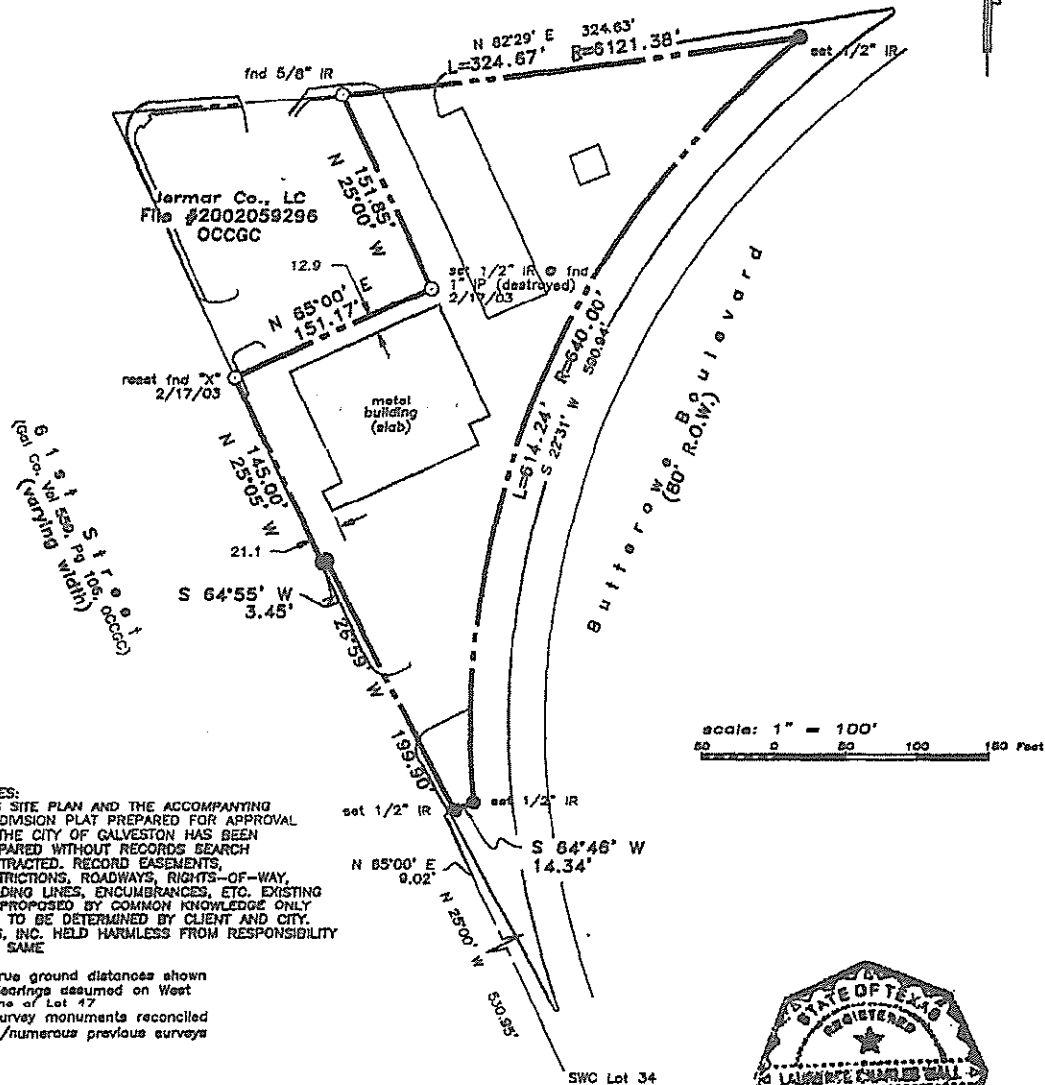
Please see Agenda for Standard Conditions for a Variance and Appeal from Decision of Board Process.

Exhibit A



NATIONAL FLOOD INSURANCE PROGRAM
FIRM Zone AE
Panel D022-E
Community #485469
December 6, 2002

U S Interstate Hwy 45
(formerly US Highway 75)
(varying R.O.W.)



NOTES:
THIS SITE PLAN AND THE ACCOMPANYING
SUBDIVISION PLAT PREPARED FOR APPROVAL
BY THE CITY OF GALVESTON HAS BEEN
PREPARED WITHOUT RECORDS SEARCH
CONTRACTED. RECORD EASEMENTS,
RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY,
BUILDING LINES, ENCUMBRANCES, ETC. EXISTING
OR PROPOSED BY COMMON KNOWLEDGE ONLY
AND TO BE DETERMINED BY CLIENT AND CITY.
TLTS, INC. HELD HARMLESS FROM RESPONSIBILITY
FOR SAME

- True ground distances shown
- Bearings assumed on West
line of Lot 47
- Survey monuments reconciled
w/numerous previous surveys

SITE PLAN of Tract A of "6011 Broadway"
a proposed subdivision in Galveston County,
being out of Lots 27 and 34, Section 1,
of the Trimble & Lindsey Survey of
Galveston Island, Galveston County, Texas.

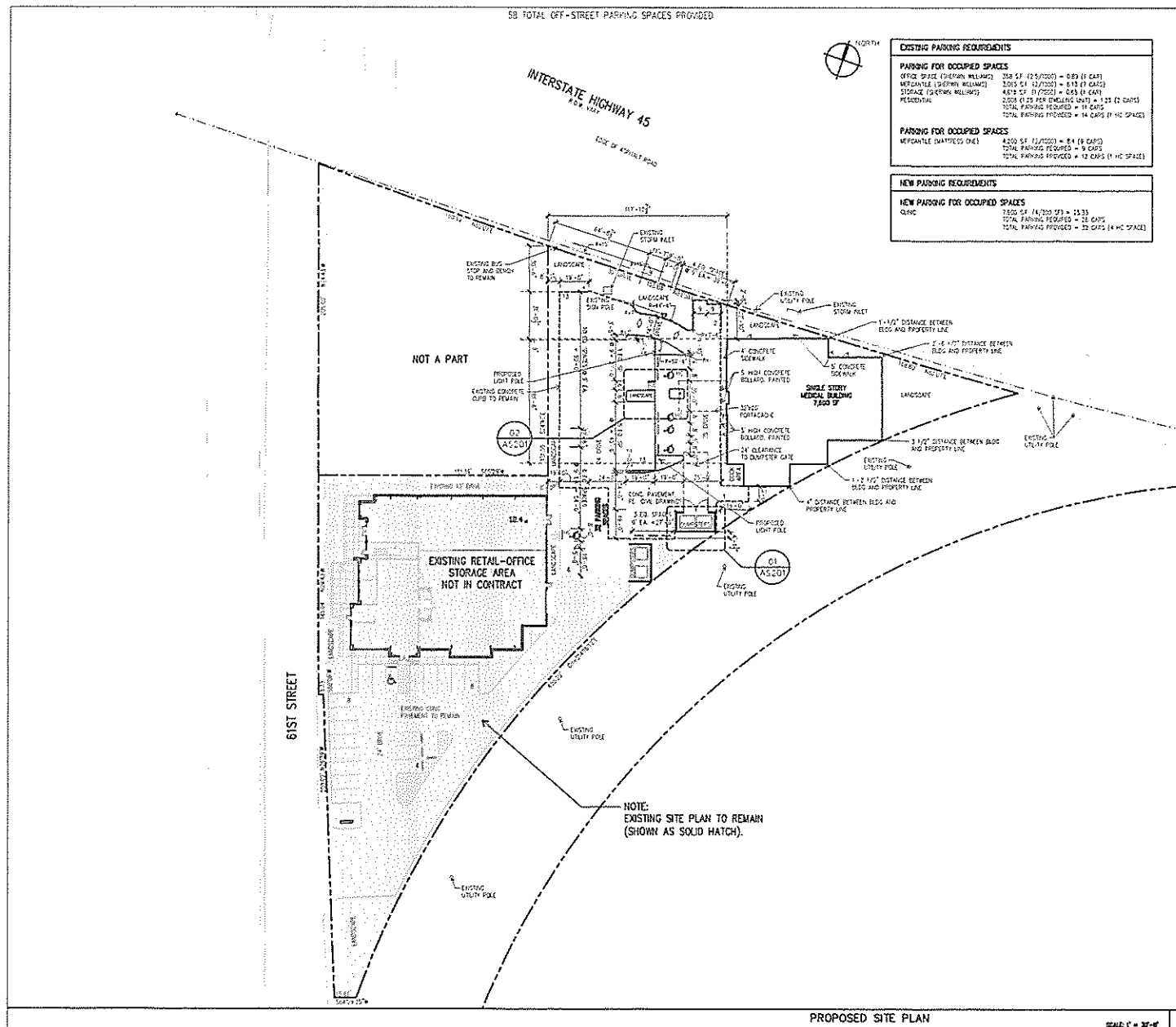
Subject property: 6011 Broadway
Galveston County, Texas
To Lamson Nguyen;

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.

Laurenca C. Wall
RPLS #4814
July 25, 2016



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



GENERAL NOTES

- [illegible]

LAMSON
CONSTRUCTION



2/20/16

PERMIT SET

[illegible]

EXTERIOR SHELL
FOR NEW FMC
CLINIC BLDG

6011 BROADWAY STREET
GALVESTON, TX 77551

**SITE PLAN
PROPOSED ROAD**

Project number	
Date	8.29.2016

Drawn by _____

Security

A0000

AS200

Scale

Exhibit C

NEW PARKING REQUIREMENTS

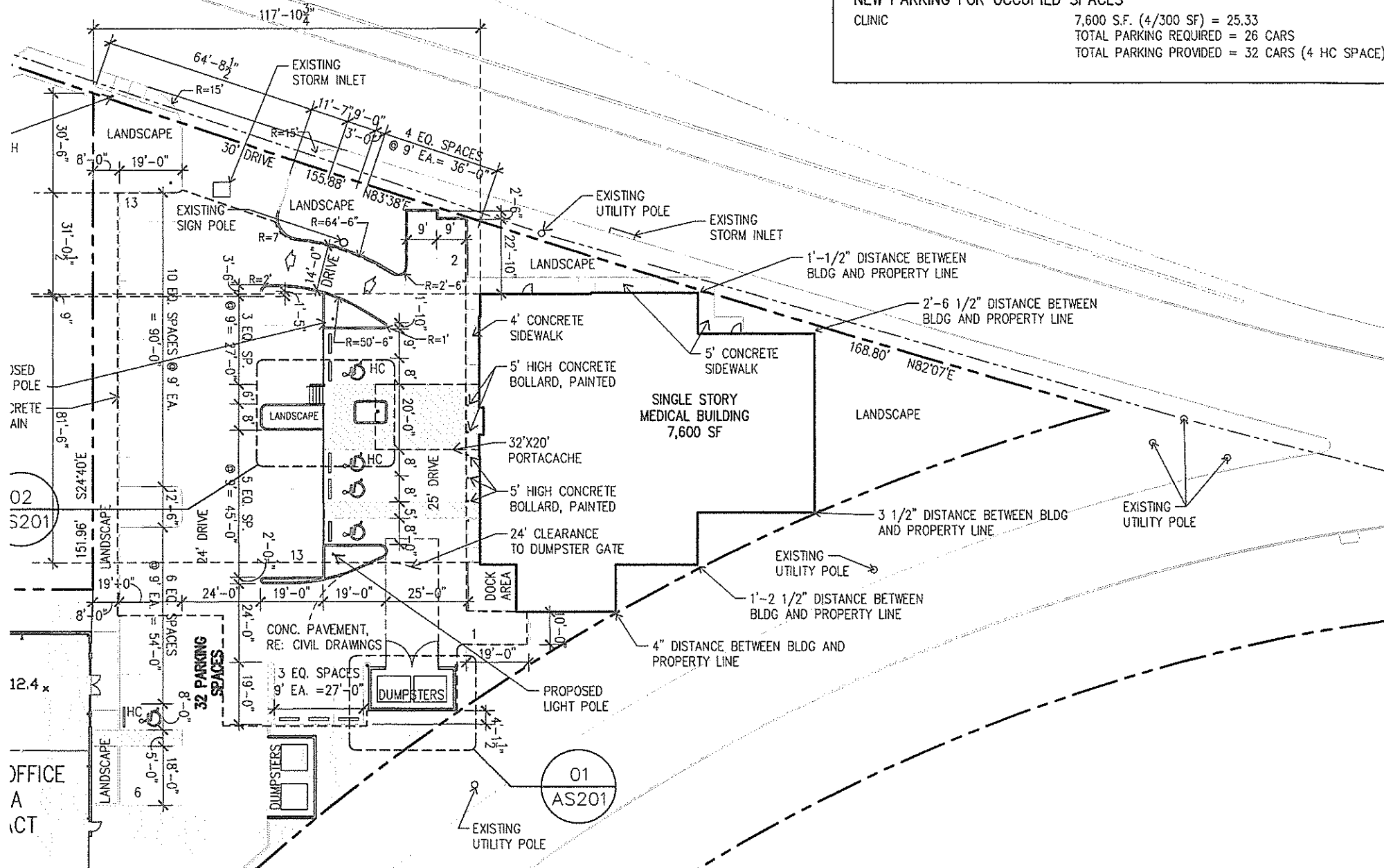
NEW PARKING FOR OCCUPIED SPACES

CLINIC

7,600 S.F. (4/300 SF) = 25.33

TOTAL PARKING REQUIRED = 26 CARS

TOTAL PARKING PROVIDED = 32 CARS (4 HC SPACE)



Sep 7th, 2016

To Zoning Board of Adjustment,

I am requesting for a variance to reduced the side building set back from (5') to (3-1/2" to 2'6-1/2) due to the following hardships:

1. The lot is a triangular tract of land, not a typical rectangle. We are building a rectangular building with articulating walls (not a box shape building) to match the design of existing building on the same property (Sherwin Williams's building). We are unable effectively fit this building in a triangle lot.
2. We want to preserve 100' of visual clearance of green space at the East end of the this triangle tract where 3 roads merged together. This will help vehicles see each other better as merging. This also limited the depth of the building.

Thank you for your consideration,

Lamson Nguyen

A handwritten signature in black ink, appearing to read 'Lamson Nguyen', with a long horizontal flourish extending to the right.



16Z-008

STAFF REPORT

ADDRESS:

3228 Seawall Boulevard

LEGAL DESCRIPTION:

Property is legally described as Lots 1 through 3 and the west 14.17 Feet of Lot 12 and the adjacent alley in the Northwest Block 163, Galveston Outlots, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Dennis Byrd

PROPERTY OWNER:

DBP Properties

ZONING:

Commercial- Height and Density Development Zone -3 (C-HDDZ-3)

VARIANCE REQUEST:

- 1) For ADA parking spaces to be located off site.
- 2) For Wall Plane Articulation.
- 3) Lot Coverage from 80% to 100%

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 8, 8.201 (D) (1) ADA Parking Off Site.
Article 10, 10.307, Wall Plane Articulation.
Article 10, 10.311 Lot Coverage.

EXHIBITS:

- A – Aerial Map
- B – Applicants Submittal
- C- Applicants Narrative
- D - Access Review and Compliance Letter

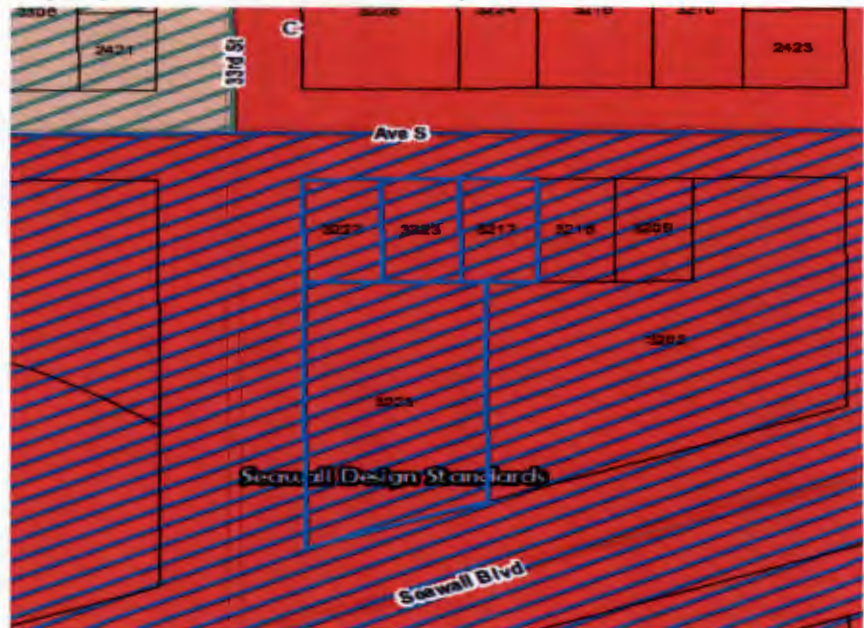
STAFF:

Janice Norman, Planning Manager, CFM
409-797-3670
jnorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
26				

City Department Notification: No Objections



Executive Summary:

The applicant is proposing a new Hotel at 3228 Seawall Boulevard and a new parking garage at 3210 Avenue S that will service the Hotel. The applicant is unable to provide onsite parking on the Hotel site. All parking will be located across Avenue S in the parking garage. The applicant is requesting a variance from the Galveston Land Development Regulations Article 8, 8.201 (D) (1) regarding the ADA Parking Spaces, Article 10, 10.307 (C) regarding Wall Plane Articulation and Article 10, 10.311 regarding Lot Coverage.

Variance Requested:

Article 8, 8.201 (D) (1):

1. Extent of Off-Site Parking. Up to 100 percent of the total required off-street parking spaces may be located off site. **None of the required parking spaces for disabled persons shall be located off site.** None of the off-site parking shall involve or displace the off-street parking required of another use except through a shared parking arrangement under this Article.

Requested Variance: All parking spaces for disabled persons shall be located off-site.

Variance Requested**Article 10, Section 10.307 Wall Plane Articulation****Wall Plane Articulation Requirements 10.307:**

From	To	Building Wall Length (Max)	Offset Depth (Min)	Offset Length (Min.)
Grade	3 stories or 35-feet	30-feet	5-feet	10-feet
3 stories or 35-feet	Maximum Height 50'	50-feet	5-feet	10-feet

Requested Variance:

From	To	Building Wall Length (Max)	Offset Depth (Min.)	Offset Length (Min.)
Grade	3 stories or 35 feet	53-feet	1-foot	10-feet
3 stories or 35-feet	Maximum Height of 50'	53-feet	1-foot	10-feet

Variance Requested

The applicant is requesting a variance from Article 10, Section 10.311 regarding lot coverage for a low rise development.

Lot Coverage- Low Rise	Seawall A
LDR Requirement	80% Maximum
Requested	100% Maximum (Pending Applicant Verification)

Lot Coverage. Lot coverage shall consist of all building footprints plus all impervious pavement (asphalt or concrete) on the site. Where areas are paved with pervious materials such as pavers, grasscrete, turf blocks, permeable asphalt, or other pervious material approved by the City Engineer, only 75 percent of the area shall be considered impervious cover.

Applicant's Justification:

Please reference Exhibit C for applicant's justification.

Please see Agenda for Appeal from Decision of Board Process.



Ave R

Ave R 1/2

Ave S

33rd St

32nd St

31st St

34th St

Seawall Blvd

Holiday Inn Express & Suites Hotel
3228 Seawall Boulevard

Zoning Board of Adjustment – Meeting October 5th 2016

We are seeking a variance from the *Land Development Regulations* listed below:

Article 10: HDDZ Standards Height and Density Development Zone

Section 10.307 Building Mass and Form Standards

C. Wall Plane Articulation; Table 10.307 Wall Plane Articulation

- C. **Wall Plane Articulation.** A building shall be articulated with wall place offsets to encourage a varied and interesting street front and break down the visual mass of taller buildings elements, as illustrated in Figure G1. Table 10.307, Wall Plane Articulation establishes the required articulation for different vertical sections of a building:

Table 10.307				
Wall Plane				
Vertical Building Section				
From	To	Building Wall Length (max.)	Offset Depth (min.)	Offset Length (min.)
Grade	3 Stories or 35 feet	30 feet	5 feet	10 feet
3 stories or 35 feet	Max. Height Limit	50 feet	5 feet	10 feet

1. **Requirements.** Wall Plane Articulation shall be not required for the rear elevation unless the rear elevation is adjacent to a right-of-way or residentially zoned property. Wall Plane Articulation shall only be required for exterior building walls. For example, porches or freestanding, open-air structures, such as gazebos, are not required to provide Wall Plane Articulation.
2. **Options.**
 - a. Indented Offsets: Articulation may be provided with indented offsets as shown in Figure G2.
 - b. Offset Wall Places: Articulation may be provided with offsets that extend outwards towards the lot line as shown in Figure G3. Please note that the offsets need to meet any setback requirements.
 - c. Projected Offsets: Articulation may be provided with alternative designs, such as curved walls, that meet the building wall length and offset requirements set forth in the wall Plane Articulation table above and subject to approval by the development Services Director.

Justifications for Variance Request:

- I. The property is 115'-0" in width, with the northeastern most corner being 121'-0" in width. To meet Fire Code and Life Safety code as directed by the *International Building Code 2012* (IBC) we must provide 10'-0" setbacks on the north and east sides of the proposed structure.

Holiday Inn Express & Suites Hotel
3228 Seawall Boulevard

- II. We require the following dimensions running west to east from property line to property line:
 - 24'-0" driveway (for fire engine/emergency vehicular access)
 - 5'-0" accessible sidewalk/drop-off area
 - 75'-0" building
 - 10'-0" setback
 - = 114'-0" (just a foot shy of our total property width)
- III. We cannot further articulate the façade without encroaching on building setback limitations, and further impeding on-site access as required for life safety codes directed by the IBC 2012.
- IV. This ordinance was adopted to prevent solid, rectangular masses from blocking view corridors and the sea breeze. This building was designed to be a good neighbor for adjacent properties in that its orientation is along the north-south axis of the site to respect view corridors in existence to maintain maximum views, and to allow sea breeze with minimal obstruction.
- V. This building has 17 articulated wall planes of various lengths. The east side of the building is articulated even though this is not required per the LDR definitions, as it does not abut a residential property, or public thoroughfare. Providing articulation along all facades is within the best practices for this building and provides a more engaging structure.

Summary:

The property lacks adequate width running west-to-east to provide additional articulation without encroaching on the setbacks required by building code, and clearances required by emergency response vehicles. We have provided an articulated façade that exceeds the requirements of the LDR's on the East side and we feel the current design meets the intent of Section 10.307 Item C "A building shall be articulated with wall place offsets to encourage a varied and interesting street front and break down the visual mass of taller buildings elements..."

The façade is articulated with the following lengths:

- a. 33rd Street/West Elevation – 31'/27'/54'/27'/27'/41' with the offsets ranging from 1' to 4'-1"
- b. Seawall/South Elevation – 13'/41'/13' with the offsets being 3'
- c. East Elevation – 31'/27'/54'/27'/27'/41' with the offsets ranging from 1' to 9'-6" *[please note that the East Elevation is not required to meet articulation as it is not located on a thoroughfare, or adjacent to a residentially zoned district]*
- d. Avenue S/North Elevation – 9'/26'/6'/11'/23' with offsets ranging from 7' to 11'

Holiday Inn Express & Suites Hotel
3228 Seawall Boulevard

Proposed Variance:

Existing:

From	To	Building Wall Length (max.)	Offset Depth (min.)	Offset Length (min.)
Grade	3 stories or 35 feet	30 feet	5 feet	10 feet
3 stories or 35 feet	Max. Height Limit	50 feet	5 feet	10 feet

Proposed:

From	To	Building Wall Length (max.)	Offset Depth (min.)	Offset Length (min.)
Grade	3 stories or 35 feet	53 feet	1 feet	10 feet
3 stories or 35 feet	Max. Height Limit	53 feet	1 feet	10 feet

We feel we have honored the intent of the required *LDR* section and are proposing we be allowed to proceed with the offsets as currently defined. We are asking the board to allow our wall planes to articulate up to 53' in total length from the prescribed 30' length. We are asking the board to allow our current offset depths as depicted on the permit set of drawings.

Please refer to the attached list of supporting documents.

Holiday Inn Express & Suites Hotel
3228 Seawall Boulevard

Zoning Board of Adjustment – Meeting October 5th 2016

We are seeking a variance from the *Land Development Regulations* listed below:

Article 8: Parking/Loading Regulations:

Section 8.201

D. Off-Site Parking; 1. Extent of Off-Site Parking

D. **Off-Site Parking.** Spaces needed to meet parking requirements for a use may be located off-site on a separate property provided that the most distant parking space that is located off-site is no more than 600 feet from the site, measured as a radius from property lines. Additionally, the off-site parking shall not be separated from the use by an arterial street other than Seawall Boulevard, by a limited-access highway, or by any other impediment to pedestrian circulation.

1. **Extent of Off-Site Parking.** Up to 100 percent of the total required off-street parking spaces may be located off site. None of the required parking spaces for disabled persons shall be located off site. None of the off-site parking shall involve or displace the off-street parking required of another use except through a shared parking arrangement under this Article.

Justification for Variance Request:

- I. The property is 115'-0" in width with the northeastern-most corner being 121'-0" in width. The property is restricted on the east by an existing single-story vacation home, and existing commercial buildings requiring a property line setback between them and the proposed hotel. To meet Fire and Life Safety code as directed by the *International Building Code 2012* (IBC) we must provide 10'-0" setbacks on the east side of the proposed structure. Further, there is an existing 10'-0" easement setback along the north property line.
- II. We require the following dimensions running west-to-east from property line to property line:
 - 24'-0" driveway (for fire engine/emergency vehicular access)
 - 5'-0" accessible sidewalk/drop-off area
 - 75'-0" building
 - 10'-0" setback
 - = 114'-0" (just a foot shy of our total property width)
- III. Even abandoning the pool plaza and shifting the entire hotel to the edge of the Seawall, we would not have the required 5' accessible sidewalk/route, 18' deep parking space and 24' required drive without greatly impacting the city right of way and public sidewalk.
- IV. The property slopes 5.6' down from 18.50' elevation at end of the accessible main entry canopy down to 12.95' elev. at the northern property line, which is a distance of 73'. Accessible access and parking requires no greater slope than 2%, we have a 7% slope from this area and cannot meet the required slope of accessible parking. [Please refer to supporting letter from the civil engineer]

Holiday Inn Express & Suites Hotel
3228 Seawall Boulevard

- V. Our proposed solution for the parking is well within the 600'-0" required distance from property line to furthest parking space. Our furthest parking space is 254'-0" from the property line of the hotel (as defined by Section 8.201; D).

Additionally, the following are hospitality/entertainment properties within the city that do not have on-site parking:

- Galveston Island Historic Pleasure Pier
2501 Seawall Blvd.
700'-0" to furthest off-site parking space

- The Tremont House
2300 Ships Mechanic Row St.
Valet services provided

- The Hotel Galvez
2024 Seawall Blvd.
360'-0" to furthest off-site parking space across 21st Street

Summary:

This property lacks adequate width running west-to-east to provide an 18'-0" deep accessible parking space, required access aisle and accessible sidewalk as required by *Texas Accessibility Standards* (TAS). The slope running south-to-north of the property prohibits the location of accessible parking to the west of the building entrance.

Proposed Variance:

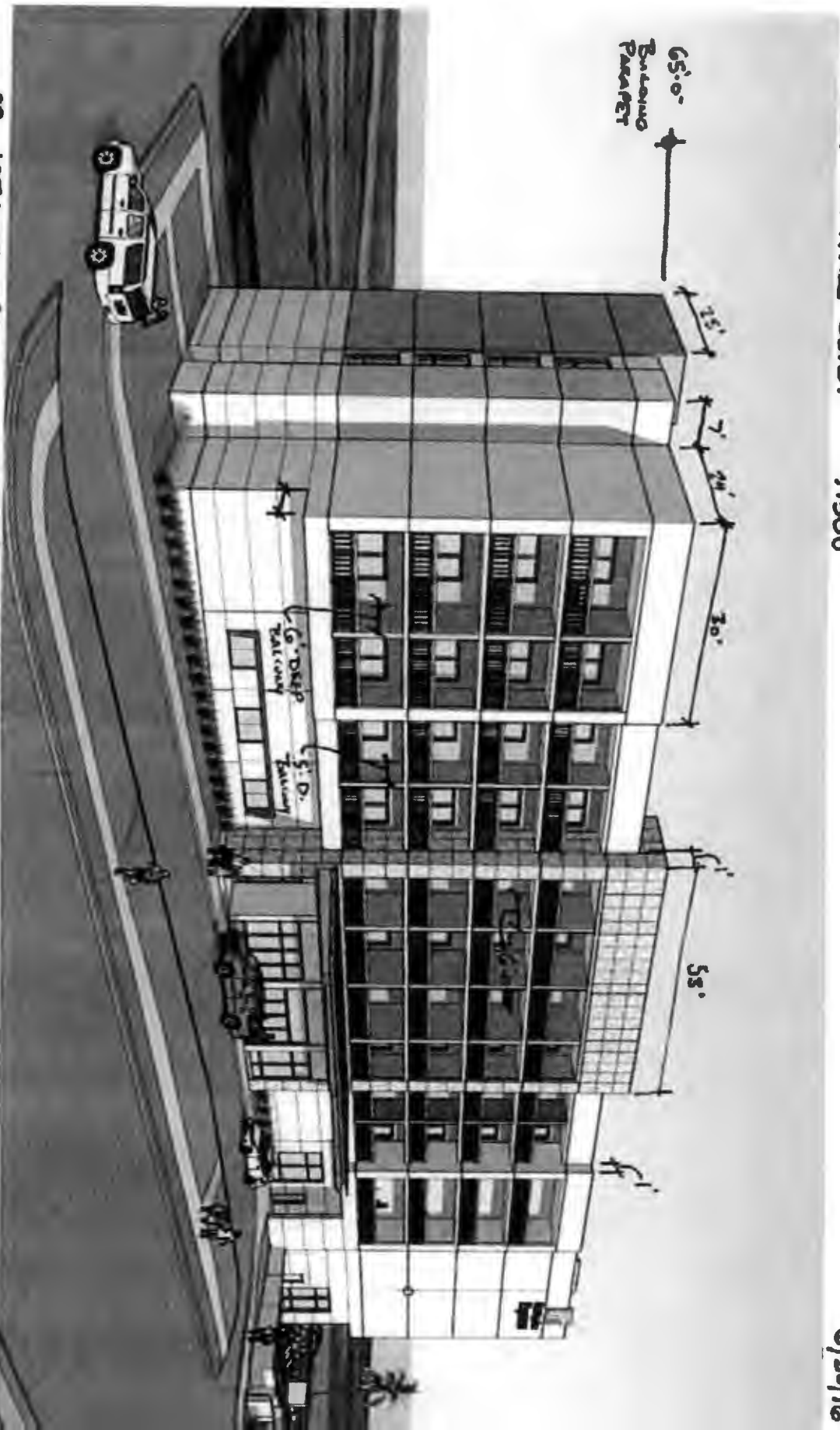
Allow the use of the 181 space-parking garage at 3210 Avenue S (permitted separately) for the sum total of all parking spaces for the hotel property. Six (6) accessible spaces are provided in the garage solely for the use of hotel guests needing accommodation due to disability.

- We are providing a fully accessible, TAS compliant route from the handicapped parking in the garage to the hotel. New pedestrian accessible crosswalks and sidewalks that meet TAS requirements are being provided, and existing city sidewalks will be repaired as required to meet TAS compliance. Further, the owner will provide a shuttle between the hotel and garage for all guests to use.

Please refer to the attached list of supporting documents.

3228 SEAWALL BLVD. 77560

6/20/16



08 ARTICULATION STUDY - NORTH + WEST ELEVATIONS
NOT TO SCALE

MITCHELL-CARSON-STONE
3221 WEST ALABAMA
HOUSTON TX 77046

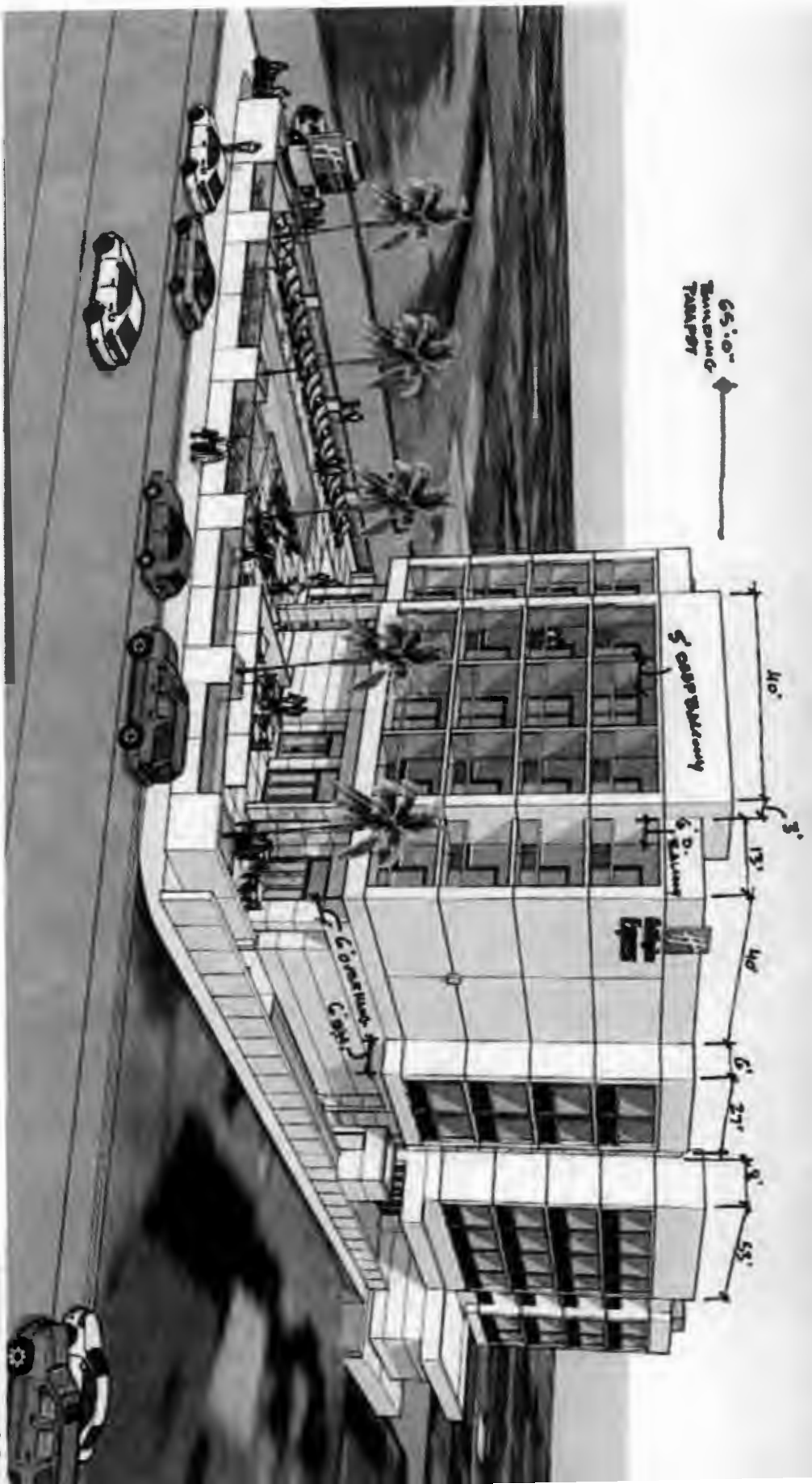
6



MITCHELL, CARLSON
3221 WEST ALABAMA

MITCHELL · CARLSON
3221 WEST AUBURN
HOUSTON TX. 77098

3228 SEAWALL BLVD.



02 ARTICULATION Study - SOUTH + EAST ELEVATIONS
NOT TO SCALE

MITCHELL, CARSON, STOKES
3221 WEST ALABAMA
HOUSTON, TX 77018

Access Review & Compliance Services

September 16, 2016

City of Galveston ZBA
Planning Dept.
C/o - A. Matt Roesler, AIA

RE: EABPRJB6817946 - Holiday Inn Express Galveston

To whom it may concern,

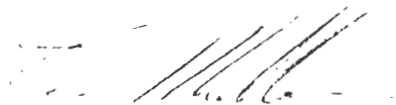
It has come to my attention that the Planning Dept. is requesting a letter stating that "accessible parking may be provided off-site as shown on the plans submitted for permit which is located off site across Ave. S from the hotel at a separate "facility" (garage parking).

I have reviewed the plans for the above referenced project and have verified that substantial compliance with the Texas Accessibility Standards (TAS) has been met. Please note that the TAS does not require parking to necessarily be provided on the same site as the building (hotel) to which it serves, however, the TAS does require that at least one accessible route be provided "within the site" from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. (See 206.2.1 Site Arrival Points below.)

The plans show provision of an accessible route within the hotel building (site boundary) to hotel entrances. In addition, the parking garage facility shows provision of adequate accessible parking spaces complying with 502 and with connecting accessible routes from the accessible parking spaces / aisles to the parking garage entrance that is on the "shortest accessible route" to the hotel building to which the parking garage serves. (See below TAS 206.4.2 & section 208).

Please Reference the Department assigned project number in all future correspondence pertaining to this project.

Sincerely,



Timothy L. Mullins,
Registered Accessibility Specialist #167

Access Review & Compliance Services

RE: Applicable TAS Reference

CHAPTER 2: SCOPING REQUIREMENTS

201 Application

201.1 Scope. All areas of newly designed and newly constructed buildings and facilities and altered portions of existing buildings and facilities shall comply with these requirements.

These standards apply to fixed or built-in elements of buildings, structures, site improvements, and pedestrian routes or vehicular ways located on a site. Unless specifically stated otherwise, advisory notes and figures explain or illustrate the requirements of the standards; they do not establish enforceable requirements.

The standards for determining the appropriate or minimum numbers contained in this document are considered minimal and the Executive Director shall have the authority to make adjustments when it is determined that the standards would cause the numbers or locations to be insufficient to adequately meet the needs of people with disabilities based on the nature, use, and other circumstances of any particular building or facility. In determining the appropriate number and location of a particular element, space, or fixture, the following factors shall be among those considered:

- (i) population to be served*
- (ii) availability to the user;*
- (iii) location relative to distance and time;*
- (iv) location relative to isolation and separation;*
- (v) function of the building or facility; and*
- (vi) equal treatment and opportunity*

206.1 General. Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4.

206.2 Where Required. Accessible routes shall be provided where required by 206.2.

206.2.1 Site Arrival Points. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

EXCEPTIONS:

1. Where exceptions for alterations to qualified historic buildings or facilities are permitted by 202.5, no more than one accessible route from a site arrival point to an accessible entrance shall be required.
2. An accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing pedestrian access.

Advisory 206.2.1 Site Arrival Points. Each site arrival point must be connected by an accessible route to the accessible building entrance or entrances served. Where two or more similar site arrival points, such as bus stops, serve the same accessible entrance or entrances, both bus stops must be on accessible routes. In addition, the accessible routes must serve all of the accessible entrances on the site.

Advisory 206.2.1 Site Arrival Points Exception 2. Access from site arrival points may include vehicular ways. Where a vehicular way, or a portion of a vehicular way, is provided for pedestrian travel, such as within a shopping center or shopping mall parking lot, this exception does not apply.

206.2.2 Within a Site. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.

EXCEPTION: An accessible route shall not be required between accessible buildings, accessible facilities, accessible elements, and accessible spaces if the only means of access between them is a vehicular way not providing pedestrian access.

206.3 Location. Accessible routes shall coincide with or be located in the same area as general circulation paths. Where circulation paths are interior, required accessible routes shall also be interior.

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Advisory 206.3 Location. The accessible route must be in the same area as the general circulation path. This means that circulation paths, such as vehicular ways designed for pedestrian traffic, walks, and unpaved paths that are designed to be routinely used by pedestrians must be accessible or have an accessible route nearby. Additionally, accessible vertical interior circulation must be in the same area as stairs and escalators, not isolated in the back of the facility.

206.4 Entrances. Entrances shall be provided in accordance with 206.4. Entrance doors, doorways, and gates shall comply with 404 and shall be on an accessible route complying with 402.

EXCEPTIONS:

1. Where an alteration includes alterations to an entrance, and the building or facility has another entrance complying with 404 that is on an accessible route, the altered entrance shall not be required to comply with 206.4 unless required by 202.4.

2. Where exceptions for alterations to qualified historic buildings or facilities are permitted by 202.5, no more than one public entrance shall be required to comply with 206.4. Where no public entrance can comply with 206.4 under criteria established in 202.5 Exception, then either an unlocked entrance not used by the public shall comply with 206.4; or a locked entrance complying with 206.4 with a notification system or remote monitoring shall be provided.

206.4.1 Public Entrances. In addition to entrances required by 206.4.2 through 206.4.9, at least 60 percent of all public entrances shall comply with 404.

206.4.2 Parking Structure Entrances. Where direct access is provided for pedestrians from a parking structure to a building or facility entrance, each direct access to the building or facility entrance shall comply with 404.

208.1 General. Where parking spaces are provided, parking spaces shall be provided in accordance with 208.

EXCEPTION: Parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles, or vehicular impound shall not be required to comply with 208 provided that lots accessed by the public are provided with a passenger loading zone complying with 503.

208.2 Minimum Number. Parking spaces complying with 502 shall be provided in accordance with Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

Advisory 208.2 Minimum Number. The term "parking facility" is used Section 208.2 instead of the term "parking lot" so that it is clear that both parking lots and parking structures are required to comply with this section. The number of parking spaces required to be accessible is to be calculated separately for each parking facility; the required number is not to be based on the total number of parking spaces provided in all of the parking facilities provided on the site.

208.3 Location. Parking facilities shall comply with 208.3

208.3.1 General. Parking spaces complying with 502 that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance complying with 206.4. Where parking serves more than one accessible entrance, parking spaces complying with 502 shall be dispersed and located on the shortest accessible route to the accessible entrances. In parking facilities that do not serve a particular building or facility, parking spaces complying with 502 shall be located on the shortest accessible route to an accessible pedestrian entrance of the parking facility.

EXCEPTIONS:

1. All van parking spaces shall be permitted to be grouped on one level within a multi-story parking facility.