

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, December 7, 2016
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Approval of the October 5, 2016 minutes
- A. Request to Address Commission on Non-Agenda Items (three minute maximum per speaker)
- D. New Business and associated Public Hearing:

16Z-009 (1816 Postoffice/Avenue E) Request to appeal the City of Galveston Landmark Commission's decision regarding case 16LC-071. Request for a Certificate of Appropriateness for modifications to the structure including the removal of the west chimney. Property is legally described as Lots 10 and 11 (10-0), Block, 498, in the City and County of Galveston, Texas.

Applicant: Coastal Homes, Chuck Morris

Property Owner: Dana Lindstrom and Susan Kingsley

- E. Adjournment

Prepared By:

Athena Petty, Planning Tech

Date Prepared:

November 21, 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-009

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: November 28, 2016

RE: **16Z-009 (1816 Postoffice/Avenue E)** Request to appeal the City of Galveston Landmark Commission's decision regarding case 16LC-071. Request for a Certificate of Appropriateness for modifications to the structure including the removal of the west chimney. Property is legally described as Lots 10 and 11 (10-0), Block, 498, in the City and County of Galveston, Texas.
Applicant: Coastal Homes, Chuck Morris
Property Owner: Dana Lindstrom and Susan Kingsley

The Galveston Landmark Commission, at their meeting of October 17, 2016, voted to deny the above referenced request with the following conditions:

1. The applicant shall return the chimney to its original location as shown in all of the attached Exhibits within 6-months of the Landmark Commission decision.

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-071, including exhibits
- B- Action letter for 16LC-071
- C- Transcribed minutes for the October 17, 2016, Landmark Commission meeting



16LC-071

STAFF REPORT

ADDRESS:

1816 Postoffice/Avenue E

LEGAL DESCRIPTION:

Property is legally described as Lots 10 and 11 (10-0), Block, 498, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Coastal Homes, Chuck Morris

PROPERTY OWNER:

Dana and Susan Lindstrom /Kingsley

ZONING DISTRICT:

Historic Zoning District, Historic District (HZD-H)

HISTORIC DISTRICT:

East End

REQUEST:

Request for a Certificate of Appropriateness for the removal of the west side chimney.

STAFF RECOMMENDATION:

Denial with Conditions

EXHIBITS:

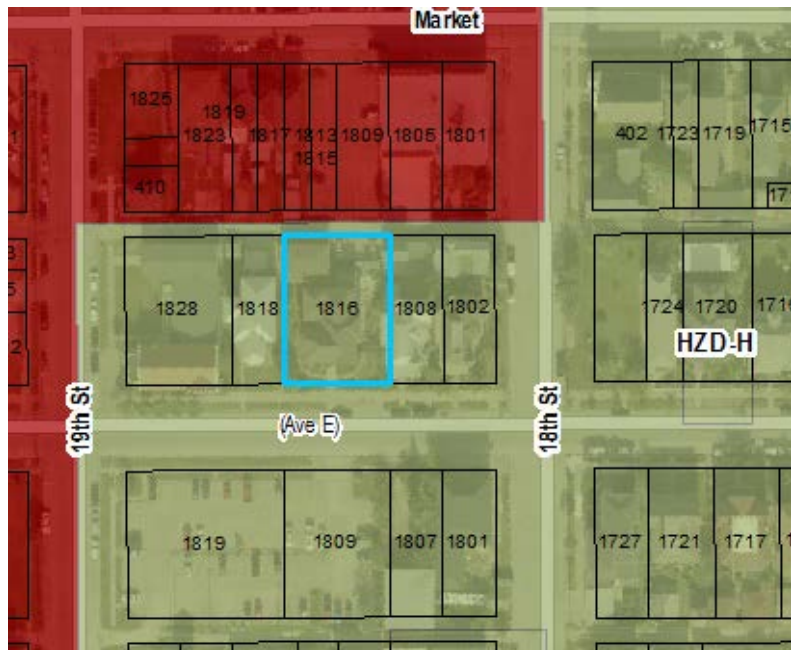
- A – Elevation Drawings
- B - Galveston Historic Sites Inventory
- C – Photo of the house

STAFF:

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

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
7				



Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Historic Zoning District, Historic District (HZD-H)	Residential
North	Central Business (CB)	Residential
South	Historic Zoning District, Historic District (HZD-H)	Residential
East	Historic Zoning District, Historic District (HZD-H)	Residential
West	Historic Zoning District, Historic District (HZD-H)	Residential

Historical and/or Architectural Significance

Date	1886
Style	Queen Anne
Condition	Excellent
Evaluation	High "Individually Eligible /Listed, Contributing"
Note	Small rear addition

Executive Summary

The applicant is requesting a Certificate of Appropriateness for the removal of the west side chimney. The house was recently purchased and has been undergoing extensive remodeling. The contractor found the chimney to be unstable and determined it needed to be removed.

Design Standards for Chimneys**Repair and maintain original roof materials wherever possible.***Appropriate*

- Avoid removing historic roofing material that is in good condition.
- Patch and replace damaged areas of existing roof.
- Preserve decorative elements, including crests and chimneys.
- Retain and repair roof detailing, including gutters and downspouts.

Inappropriate

- Do not remove original roofing that can be repaired.

Page 17 of the Design Standards states:

Installation or removal of vent hoods. Removal of damaged or unstable secondary chimneys can be administratively reviewed. A secondary chimney must be behind the roof peak. However, if it is a primary chimney it requires Landmark Commission approval for removal.

Conformance with the Design Standards

Based on the Design Standards and the primary location of the chimney staff finds the chimney should be preserved by being returned to its original location.

Staff Recommendation

Staff recommends denial with the following conditions:

Specific Conditions:

1. The applicant shall return the chimney to its original location as shown in the photo above and in all of the attached Exhibits within 6-months of the Landmark Commission decision;

However, if the commission finds that the request conforms to the Design Standards then the following conditions may be appropriate:

Standard Conditions:

2. Any significant alteration from the design approved by the Landmark Commission, shall require the request to be returned to the Commission for review;
3. The applicant shall obtain a building permit prior to beginning construction;
4. 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;
5. 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,
6. 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 Planning and Development Division by the next respective deadline date.

Planning and Development Division

823 Rosenberg, Room 401
Galveston, Texas 77550

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



October 18, 2016

Coastal Homes
% Chuck Morris
2214 Mechanic
Galveston, TX 77550

Re: **16LC-071 (1816 Postoffice/Avenue E)** Request for a Certificate of Appropriateness for modifications to the structure including the removal of the west chimney. Property is legally described as Lots 10 and 11 (10-0), Block, 498, in the City and County of Galveston, Texas.
Applicant: Coastal Homes, Chuck Morris
Property Owner: Dana and Susan Lindstrom/ Kingsley

Dear Mr. Morris:

The Galveston Landmark Commission, at their meeting of October 17, 2016, voted to deny the above referenced request with the following conditions:

The applicant shall return the chimney to its original location as shown in all of the attached Exhibits within 6-months of the Landmark Commission decision;

We ask that you retain a copy of this letter for future reference. Please feel free to contact me at 409/797-3670, should you have any additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Janice Norman".

Janice Norman
Planning Manager
Planning and Development Division

**Landmark Commission
Verbatim Minutes
October 17, 2016
Case #16LC-071**

16LC-071 (1816 Postoffice/Avenue E) Request for a Certificate of Appropriateness for modifications to the structure including the removal of the west chimney. Property is legally described as Lots 10 and 11 (10-0), Block, 498, in the City and County of Galveston, Texas.

Applicant: Coastal Homes, Chuck Morris

Property Owner: Dana and Susan Lindstrom/ Kingsley

Staff Report was read by staff.

Chris Smith: Would the applicant like to come up and state your name.

Chuck Morris: Originally we were going to lift this house two (2) feet. And, prior to lifting it, we went in and, I don't remember the chimney being that tall but the brick is still sitting there at the bottom covered with Ivy. But, when we went up in there the brick didn't go all the way to the ground. I don't know how it was standing up there. I have done a lot of restoration here and I have replastered, rebricked and done a lot of things, but, it was unsafe to lift the house with that chimney like that. And I have seen chimneys after like that actually fell over. So, we actually took the brick out and there was some brick in the attic down to the second floor and I apologize but I actually totally forgot about it. We had so many problems lifting the house, we had a contractor that wouldn't do the pilings like the engineered drawings, we had to get another contractor, it took forever. There is no footing for a foundation underneath. There is a chase on the first floor that we have installed a new, really attractive stone fireplace surround and fire brick, brick opening. But, presently there is not a shaft on the second floor to even run the brick through. It was a disaster. We couldn't lift the house with it being unstable and having the support. On some of these homes like the one we are lifting right now on 10th Street, before we lifted it we go in there and check it and if it's stable we lift it with the house. It's not easy to do but it's possible. But, a lot of these homes they were replastered or resheetrocked, they never took their fireplaces down to the foundation. And there is actually brick sitting in sand and some lime, and it will just fall out. You can't lift them. What we actually have approved from the homeowners to do on 10th Street where we lifted that one, almost eight (8) feet this last week, we went in and took the brick all the way down to the ground and we stacked it on pallets outside. Were going to build a new foundation so, we are going to go back and brick that back up and it will look like it did before we ever started. I apologize for not getting back to you and getting approval before, but I really forgot about it until Catherine asked me about it about a month ago and I said, I do remember having one up there. And I just go notice of this meeting two (2) hours ago. The only thing I could do is take a picture of the brick that is still sitting in the front yard. So, you can see it's not very much brick. And that's looking at it from the front and the back. Here is one fireplace I just removed from 10th Street. And you can see there's five (5) times as much brick. And there were two (2) fireplaces in that house and there are two (2) piles like that. I think it's a little unreasonable at this point to go back and rebuild it. If the situation was where we just had to replaster or tuck point it, stabilize it. I think that would be real reasonable. I think at this point it's a little impractical, almost impossible.

Chris Smith: Any questions for the applicant?

Fred Huddleston: How much did you elevate this property

Chuck Morris: Two (2) feet . If was roughly 9.9, I believe. It had two (2) feet of water in it and we went to twelve (12) to meet the proposed elevation.

Fred Huddleston : Does the chimney go through, is the floor still there

Chuck Morris: On the first floor.

Fred Huddleston: Not on the second?

Chuck Morris: No

Constance Patterson: And so the chase was not continuous all the way to the base

Chuck Morris: It could have been when it was built..

Constance Patterson: But, when ya'll started working on it, it had been altered

Chuck Morris: Currently, there is no surround, there is no chase and there is no fireplace on the second floor.

Constance Patterson: Wow! What was it sitting on?

Chuck Morris: No there is on the first floor, we put all new stuff in there.

Fred Huddleston: You think that you could have it sitting on a shelf

Chuck Morris: Except, the shelf would have to be one hell of a shelf. Excuse me. I have done a lot of restoration and so the chases for stoves that had chimneys, but the amount of weight it would be, you would almost have to have a steel structure vertically or brick running to the ground into the foundation.

Fred Huddleston: You have materials now that are lighter in weight, like a light-weight concrete.

Chuck Morris: With the wind we have here it tends to flex and it gets to be a real problem for the owner. Until they come up with something like a one piece fiberglass and down here to get it to windstorm it would be really hard.

Fred Huddlston: Is there any evidence under the foundation

Chuck Morris: No, it was an interior that went inside the wall.

Fred Huddleston: Did it go all the way to the ground

Chuck Morris: I'm sure it did when it was built

Constance Patterson: Our home has two fireplaces, two chimney, two chases. When it was raised in 1894 and for some weird reason they took one fireplace and bricked it down to the floor and the other

one they did not. And it's sitting literally on this 8x8 girder. And when we opened up that ground floor the structural engineer went, Oh my god! It's just balancing on basically a brick wall and a girder.

Chris Smith: Any other questions for the applicant. Is there anybody else that would like to talk about this case. I will close public comment and bring back to the Commission.

Fred Huddleston moved to deny Case 16LC-071 per Staff Recommendations. Chris Smith seconded

Constance Patterson: I'm going to get kicked under the bus for this one. But, I'm going to disagree. Because, as much as I feel we fight for the architectural detail of these structures. Again, like a little barn in the back, this to me is not a main architectural feature. But, if you ask me, can we take it down, I would say, no, don't take it down preserve it, it's original. But, what were asking him to put back isn't original anymore. I don't know that you can make it look original and then it just starts looking like extra fluff up there. It's not the original. If we can preserve them, preserve them.

Chris Smith: There are so many features on the house that when you start saying things like that well, the wooden siding, well, that poses problems with fire. So, it is an architectural feature.

Constance Patterson: Ok, it is. But to me it's a secondary feature of this property. That's just my opinion.

Donna Fairweather: I have a question for staff and if the committee members would help me with this question. When it says, return the chimney to the original location, can that be done up to code bases on what the applicant has described, that your aware of.

Constance Patterson: I don't think it matters, it would just be there for the looks. It wouldn't be actually a functioning chimney.

Donna Fairweather: I don't think I am even thinking of it as a functioning chimney. Just the way it has been described windstorm rules the issues. Would it be able to be built to withstand windstorm.

The following votes were cast:

In Favor:	Griffin, Huddleston, McLean, McNabb (Alt 1), Parsons, Smith
Against:	Patterson (Alt. 2)
Abstain:	None
Absent:	Schwenk

The motion passed.

Chuck Morris: I need a little clarification, since the shaft wasn't there originally are ya'll asking me to put in a new foundation, take out the existing fireplace on the first floor, reframe the second floor and build it from the ground up, even though it wasn't like that when we started. Or, are you asking me to put something up there that looks like that I can try to get passed through windstorm.

Fred Huddleston: With what you can see here from the roofline up.

Chuck Morris: We can make it look like that.