

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., Wednesday, December 6, 2017
City Council Chambers, 2nd Floor of City Hall
823, Rosenberg, Galveston, Texas

1. Attendance
2. Conflict Of Interest
3. Approval Of Minutes

Documents:

[100417.PDF](#)

4. Request To Address Commission On Non-Agenda Items (Three Minutes Maximum Per Speaker)
5. New Business And Associated Public Hearings
 - A. 17Z-008 (1809 Avenue M) Request To Appeal Landmark Commission's Decision Regarding Case 17LC-062; Front Porch Design. Property Is Legally Described As Lot 5, Northwest Block 20, Galveston Outlots, In The City And County Of Galveston, Texas. Applicant: Lloyd Rathburn Property Owner: Rathburn Properties, LLC

Documents:

[17Z-008 PKT.PDF](#)

- B. 17Z-009 (11216-A Reagor Way) Request For A Variance From Article 3 Of The Land Development Regulations (LDR) To Reduce The Rear Setback Requirement In A Residential, Single Family (R-1) Zoning District. Property Is Legally Described As Lot 22, Block 2, Sunny Beach, In The City And County Of Galveston, Texas. Applicant: David Hoover Property Owner: Annie Hongan Nguyen

Documents:

[17Z-009 PKT.PDF](#)

6. Adjournment



Prepared By:
Athena Petty, Planning Tech
Date Prepared: November 27, 2017

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:
 1. Self-imposed hardships;
 2. Hardships based solely on financial considerations, convenience, or inconvenience; or
 3. Conditions that are alleged to be "special" but that are actually common to many properties within the same zoning district.
 - a. The variance will not have a detrimental impact upon:
 1. The current or future use of adjacent properties for purposes for which they are zoned;
 2. Public infrastructure or services; and
 3. 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.