

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.



City of Galveston

MINUTES OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF GALVESTON REGULAR MEETING – October 4, 2017

CALL MEETING TO ORDER

The meeting was called to order at 4:01 p.m.

ATTENDANCE

Members Present: James Bangle (Alt. 1), David Collins, Rhonda Gregg-Hirsch, Lyssa Graham-Reynolds, Dominick Sasser

Members Absent: Andrew Galletti, Robert Girndt (Alt. 2), CM Carolyn Sunseri

Staff Present: Catherine Gorman AICP, Assistant Director/HPO; Janice Norman, Planning Manager; Don Glywasky, City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The July 12, 2017 minutes were approved as presented.

ELECTION OF CHAIR AND VICE-CHAIR

Dominick Sasser moved to nominate Lyssa Graham Reynolds as Chairperson and Rhonda Gregg as Vice-Chairperson. David Collins seconded and the following votes were cast:

In Favor: James Bangle (Alt. 1), David Collins, Rhonda Gregg-Hirsch, Lyssa Graham-Reynolds, Dominick Sasser

Absent: Andrew Galletti, Robert Girndt (Alt. 2)

The motion passed.

REQUEST TO ADDRESS COMMISSION ON NON-AGENDA ITEMS (THREE MINUTE MAXIMUM PER SPEAKER)

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

17Z-007 (Northwest 518.22 Feet of Reserve A) Request for variances from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Requirements, in a Single Family (R-1) zoning district regarding front and rear yard setback requirements. Property is legally described as the northwest 518.22 feet of Reserve A (0-3), Pirates Retreat, Section 2, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: John Roy Hall

Staff presented the Staff Report and reported that eighteen (18) notices of public hearing were mailed to the property owners adjacent to the subject property, as of October 4, 2017 one (1) was returned in favor.

Chairperson Lyssa Graham Reynolds opened the public hearing on Case 17Z-007. John Roy Hall, applicant and property owner, made a presentation to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Rhonda Gregg-Hirsch moved to approve Case 17Z-007. Dominick Sasser seconded and the following votes were cast:

In Favor: James Bangle (Alt. 1), David Collins, Rhonda Gregg-Hirsch, Lyssa Graham-Reynolds,
Dominick Sasser
Absent: Andrew Galletti, Robert Girndt (Alt. 2)

Approve

DISCUSSION AND ACTION ITEMS

The Zoning Board of Adjustment shall act as the Board of Appeals for a Request for Exemption from the standards set forth in the Design Manual for the Installation of Network Nodes and Node Support Poles. (Staff)

David Collins moved to acknowledge the responsibility to be the Board of Appeals for the Design Manual. Rhonda Gregg-Hirsch seconded and the following votes were cast:

In Favor: James Bangle (Alt. 1), David Collins, Rhonda Gregg-Hirsch, Lyssa Graham-Reynolds,
Dominick Sasser
Absent: Andrew Galletti, Robert Girndt (Alt. 2)

Approve

Discussion of a Policy Related To City Board, Commission, And Committee Agendas And Minutes (Staff)

THE MEETING ADJOURNED AT 4:23 PM





17Z-008

MEMORANDUM

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

FROM: Catherine Gorman, AICP, Assistant Director/HPO
Development Services Department
cgorman@galvestontx.gov, 409-797-3665

DATE: November 27, 2017

RE: **17Z-008 (1809 Avenue M)** Request to appeal the City of Galveston Landmark Commission's decision regarding case 17LC-062: Request for a Certificate of Appropriateness for alternations to the structure including raising the house and exterior modifications (siding, windows, roof, porches). 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

The applicant submitted an application to the Landmark Commission for the following scope of work:

- Elevate the structure two feet from grade and relocated the structure on the lot,
- Construct new porches on the front façade. The porches are proposed to be the full width of the structure,
- Install a new dormer on the front façade. Remove an existing dormer on the rear façade and install a new dormer,
- Install new windows and doors on the front façade, and
- Install new porches on the rear.

On November 6, 2017, the Landmark Commission approved the request with the following conditions:

1. The exterior modifications shall conform to the design, materials and placement presented in Attachment C of the staff report with the following modifications:
 - a. The board and batten skirting shall be composed of 2" wide battens applied 12" to 16" on center to cover seams between boards. The board may be cementitious fiber board, smooth texture only;
 - b. The front porch shall be reconfigured to match the footprint of the original porch with stairs accessing the second floor;
 - c. Any new railings shall be simple square pickets;
 - d. The dormer on the front façade shall be omitted;
 - e. Any new windows shall be wood windows in a two-over-two light configuration;



- f. The new front doors shall be simple paneled doors with the Historic Preservation Officer to approve the final design;

Please reference Exhibit "A" for the original staff report and related Exhibits, and Exhibit "B" for the action letter sent to the applicant.

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 and includes a section on conformance with the Design Standards.

The Landmark Commission review 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 Galveston Landmark (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 Historic Overlay District.

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.

The applicant stated the following on the appeal application:

Do not agree with porch design on front of house, appealing case 17LC-062.

Exhibits

- A- Staff Report for 17LC-062, including exhibits
- B- Action letter for 17LC-062
- C- Transcribed minutes for the November 6, 2017 Landmark Commission meeting



17LC-062

STAFF REPORT

ADDRESS:

1809 Avenue M

LEGAL DESCRIPTION:

Property is legally described as Lot 5, Northwest Block 20, Galveston Outlots, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Lloyd Rathburn

PROPERTY OWNER:

Rathburn Properties, LLC

ZONING DISTRICT:

Historic Zoning District, Historic (HZD-H)

HISTORIC DISTRICT:

Lost Bayou

REQUEST:

Request for a Certificate of Appropriateness for alterations to the structure including raising the house and exterior modifications (siding, windows, roof, porches)

STAFF RECOMMENDATION:

Approval with Conditions

EXHIBITS:

- A – Photographs
- B – Sanborn Maps
- C –Applicant’s Submittal

STAFF:

Catherine Gorman, AICP
 Historic Preservation Officer
 409-797-3665
 cgorman@galvestonTX.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
8				



Zoning and Land Use

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

Historical and/or Architectural Significance

Date	1890
Style	Raised Cottage
Condition	Poor
Evaluation	Non-Contributing: Neither adds to nor detracts from the sense of time and place and historical development of the district.
Note	The 1994 Historic District Survey notes “originally center porch cottage”

Executive Summary

The applicant is proposing the following work to the structure:

- Elevate the structure two feet from grade and relocated the structure on the lot,
- Construct new porches on the front façade. The porches are proposed to be the full width of the structure,
- Install a new dormer on the front façade. Remove an existing dormer on the rear façade and install a new dormer,
- Install new windows and doors on the front façade, and
- Install new porches on the rear.

Design Standards

The following Design Standards are applicable to the project:

Standards for Elevated Residential Foundations

In some cases, it may be necessary or desirable to elevate the foundation of an existing or new residential structure to provide greater flood protection. Elevated residential foundations should be compatible with the surrounding historic context.

The standards below should guide both the raising of an existing or re-located residential structure, and the foundation elevation of new residential construction.

Elevating a Residential Foundation

The Landmark Commission will consider requests to raise a structure to

meet flood elevation requirements if the overall change in height is compatible with the building type and context.

3.17 Locate the foundation height of a structure to be compatible with the building type and surrounding historic context

Appropriate:

- Ensure that the foundation height of an elevated structure is in scale with historic structures on the block face.
- Ensure that the foundation height is compatible with the character of the elevated structure.

Enclosing an Elevated Foundation

To preserve the character of Galveston's historic residential streets, elevated foundations should be enclosed or skirted in a way that promotes compatibility with surrounding residential structures. Note that it is also important to provide proper ventilation underneath a structure to discourage rot and mold.

3.18 Enclose the space between the elevated foundation piers of a raised residential structure.

Appropriate for enclosing an elevated foundation (elevated to any compatible height):

- Properly dimensioned wood board and batten
- Masonry (note that masonry may not be appropriate for smaller wood-framed houses.)
- Stucco, when compatible with the building type (a stuccoed foundation enclosure will generally be most compatible with a bungalow-type building.)
- • Lattice and masonry combinations

Extending Porch Stairs to Access an Elevated Foundation

In most cases, elevating a residential foundation will require porch stairs to be raised and/or extended. Extended porch stairs should be designed to be compatible with the design of the front porch and entry.

3.19 Extend stairs to be compatible with the design of the front entry and porch.

Appropriate:

- Extending front-facing porch stairs towards the street where space allows.
- Extending front-facing stairs with a 90-degree dog-leg extension to access an asymmetrical front porch.
- Extending front-facing stairs with two symmetrical 90-degree dog-leg extensions to access a symmetrical front porch.

Historic Additions

In some cases, a previously constructed addition may have taken on historic significance of its own. One constructed in a manner compatible with the original building and associated with the period of significance may merit preservation in its own right. These existing additions should be evaluated for potential re-use.

In contrast, more recent additions may detract from the character of the building and could be considered for modification or removal.

Preserve an older addition that has achieved historic significance in its own right.

Appropriate:

- For example, a kitchen wing located on a residential building may have been added in its history. Such an addition is usually similar in character to the original building in terms of materials, finishes and design.

Historic Residential Porches and Decks

Porches and galleries are, and always have been, the focal point of Galveston houses. They frame and protect the main entrances. They also display a concentration of decorative details. In many neighborhoods, they continue to serve as outdoor living rooms. Some very simple houses, including alley houses, have an uncovered porch or stoop at the entrance.

Most porches are built entirely of wood, in keeping with the frame house construction. There are some exceptions, such as Craftsman-style dwellings that have wooden tapered columns on top of masonry pedestals. A few early frame houses also have cast-iron balustrades that are original.

Preserving front porches is a high priority. Rear and side porches also may be important architectural features, especially for buildings that are located on corner lots, and their preservation is encouraged (although these may also be appropriate locations for new additions.)

Also see “Extending Porch Stairs to Access an Elevated Foundation” on page 82 for guidance on extending porch stairs to raised residential foundations.

3.14 Maintain an original porch or gallery on a house.

Appropriate

- Maintain the height and shape of the porch roof.
- Re-open an enclosed rear porch.
- Consider removing a non-historic rear access stair.

Inappropriate

- Do not enclose or screen a front porch.

3.15 If necessary, replace damaged porch elements.

Appropriate

- Use materials that are similar to the historic building materials.
- An alternative material may be considered for a porch in a secondary location, when the appearance is similar to that of the original. See “Using Alternative Materials on a Historic Structure” on page 31 for more information.

3.16 If necessary, replace damaged porch railings and steps.

Appropriate

- Use as much of the original materials and ornamentation as possible.
- Where necessary, replace original railing and step materials with alternative materials that have a similar texture and finish to the original materials.
- Re-install porch rails to match existing rails when appropriate. See the sidebar on “Administrative Approval of Porch Rail Reinstallation.”

Inappropriate

- Do not use cast-iron columns and railings where no evidence exists that they were used historically.
- Do not use brick bases for wood columns (exception is Craftsman styles).
- Do not use steel pipe columns.
- Do not use horizontal railings or railings that are too elaborate for the building (of a different style).
- Do not use concrete supports and/or steps.
- Do not relocate front stairs or steps.

Historic Residential Roofs

Most roofs on older residential buildings have one of the following shapes: gable, hipped, pyramidal or a combination of a gable and hipped roof. Typical 19th and early 20th century roofing materials were slate, metal, wood shingles, asbestos tiles or composition materials.

When replacing a roof, select a material and a pattern that is historically appropriate to the house. If documentation of the original roof exists or an early roof on the house, use a comparable roofing material, similar in size, shape, texture, and color. If documentation is not available, precedents on similar buildings may be considered. Look at the roofing on building types that are similar to your house.

See “Historic Roofs” on page 43 for additional information.

3.11 Preserve the original roof form of a historic residential structure.

Appropriate

- Maintain and repair the original size and shape of dormers.
- Avoid altering the angle of a historic roof.
- Installing a new dormer on a secondary roof plane may be considered when it will remain subordinate in scale and character to the roof itself. Proposals for new dormers on secondary façades require Landmark Commission approval.

Inappropriate

- Do not introduce new dormers on a visible street façade. Do not introduce skylights, vents or attic ventilators on street-facing roof slopes.
- New roofing systems that permanently damage or alter the existing historic roof are not permitted.

Conformance with the Design Standards

Staff finds that some portions of the request conforms to the Design Standards for Historic Properties and some portions do not.

Elevation:

The elevation of the house will help protect the house from future flood events. The proposed board and batten foundation treatment is appropriate for this scale of house.

Front Porches:

Sanborn Map research indicates that this house did not have full width porches. The 1899 Sanborn shows the house as one story with a one story centered porch. The 1912 Sanborn shows the house as two-stories with a two-story centered porch. Until recently, the house had a two-story porch with stairs that were accessed the second floor from the east. The second story portion of the porch had been enclosed. The porch and stairs were removed due to safety concerns. Staff finds the full width porches to be inappropriate as there is no historic documentation that this configuration existed. Staff recommends a two-story centered porch with stairs accesses the second story. Although, a first floor has been added to this structure and used as living space, the main entrance to the house remained what is now the second story. The first floor is subordinate to the second floor.

The applicant has proposed a railing design that occurs on another house on the block. There is no evidence that this design occurred on this house. When there is no evidence of the previous railing design, Staff recommends the use of simple square pickets.

Dormers:

The Design Standards state that installing new dormers on the visible street façade is inappropriate. Staff recommends the dormer on the front façade be omitted. The Design Standards give more flexibility to the secondary façade, provided the dormer is subordinate in scale and character to the roof itself.

Windows and Doors:

The windows and doors on the front façade have been modified. Staff recommends the installation of new or salvaged wood windows with a two-over-two configuration. The front doors proposed by the applicant are not appropriate for the age and style of the house. Staff recommends the use of simple wood paneled doors.

The applicant is proposing the installation of new sliding doors on the rear elevations. Using the “Locating Façade Improvements” chart on page 29 of the Design Standards, this location is identified as “Location D: Not typically Visible Rear Façade”. Location

Staff Recommendation D is noted as being appropriate for more flexibility for alternations that are not visible from the street.
Staff recommends approval with the following conditions:

Specific Conditions:

1. The exterior modifications shall conform to the design, materials and placement presented in Attachment C of the staff report with the following modifications:
 - a. The board and batten skirting shall be composed of 2" wide battens applied 12" to 16" on center to cover seams between boards. The board may be cementitious fiber board, smooth texture only;
 - b. The front porch shall be reconfigured to match the footprint of the original porch with stairs accessing the second floor;
 - c. Any new railings shall be simple square pickets;
 - d. The dormer on the front façade shall be omitted;
 - e. Any new windows shall be wood windows in a two-over-two light configuration;
 - f. The new front doors shall be simple paneled doors with the Historic Preservation Officer to approve the final design;

Standard Conditions:

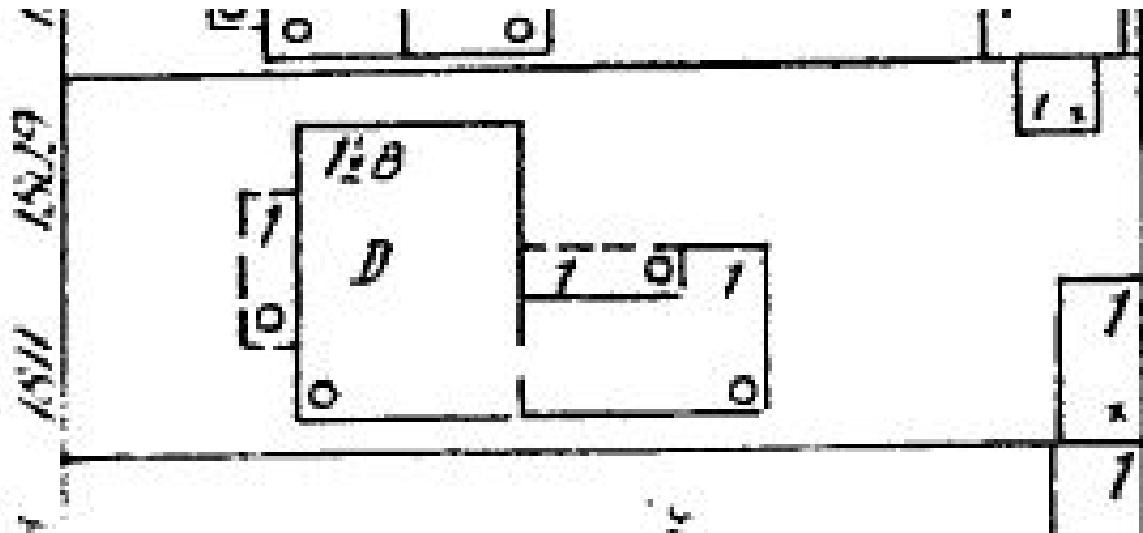
2. Any significant alteration from the design approved by the Landmark Commission, shall require the request to be returned to the Commission for review;
3. The applicant shall obtain a building permit prior to beginning construction;
4. Any additional work will require a separate building permit from the Building Department, 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 Development Services Department by the next respective deadline date.

Respectfully Submitted,

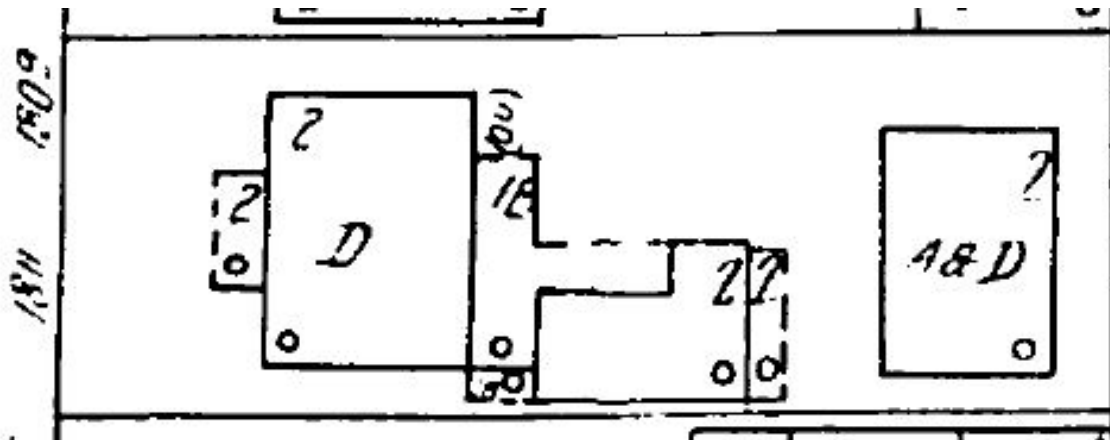
Catherine Gorman, AICP
Assistant Director/HPO

Date

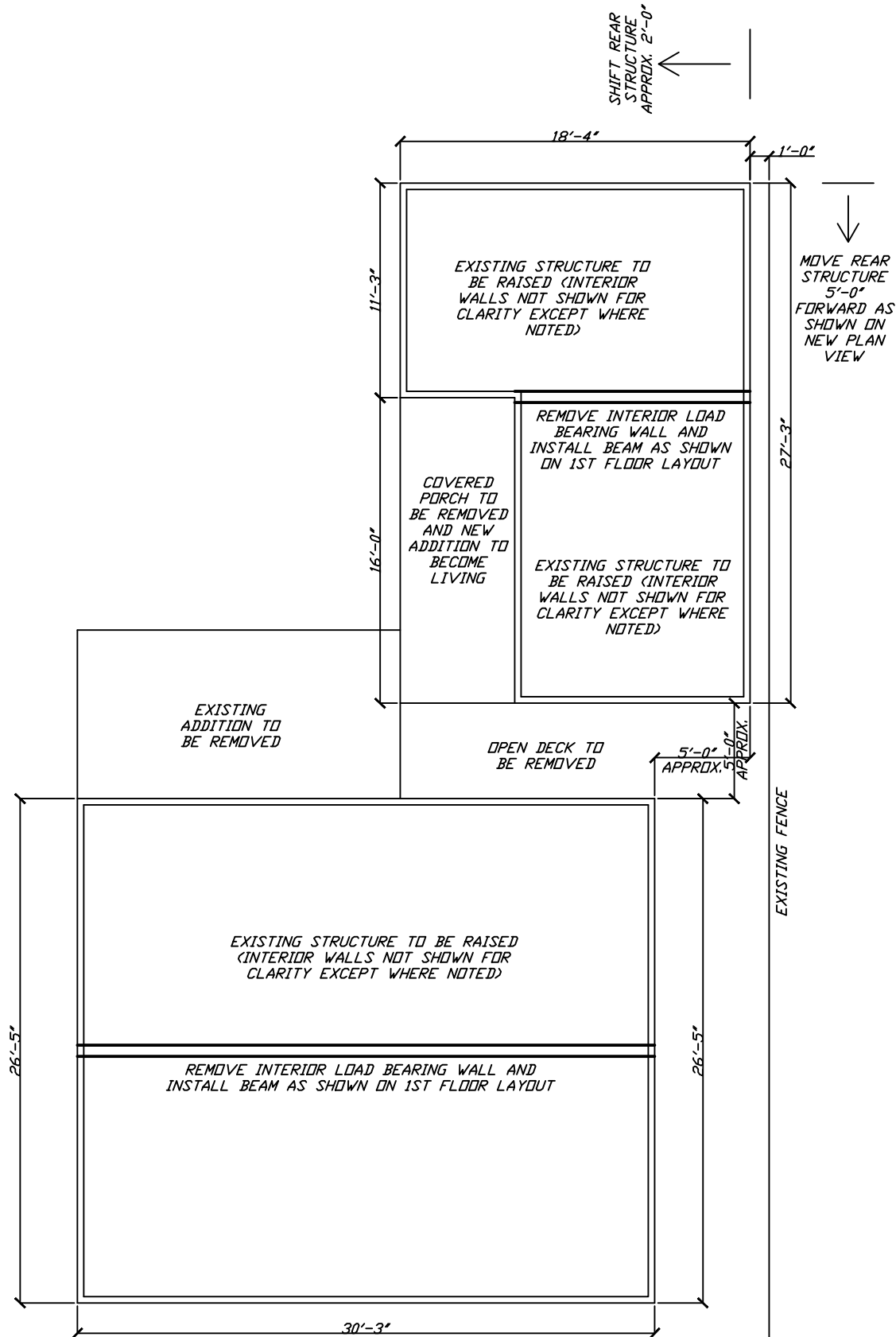




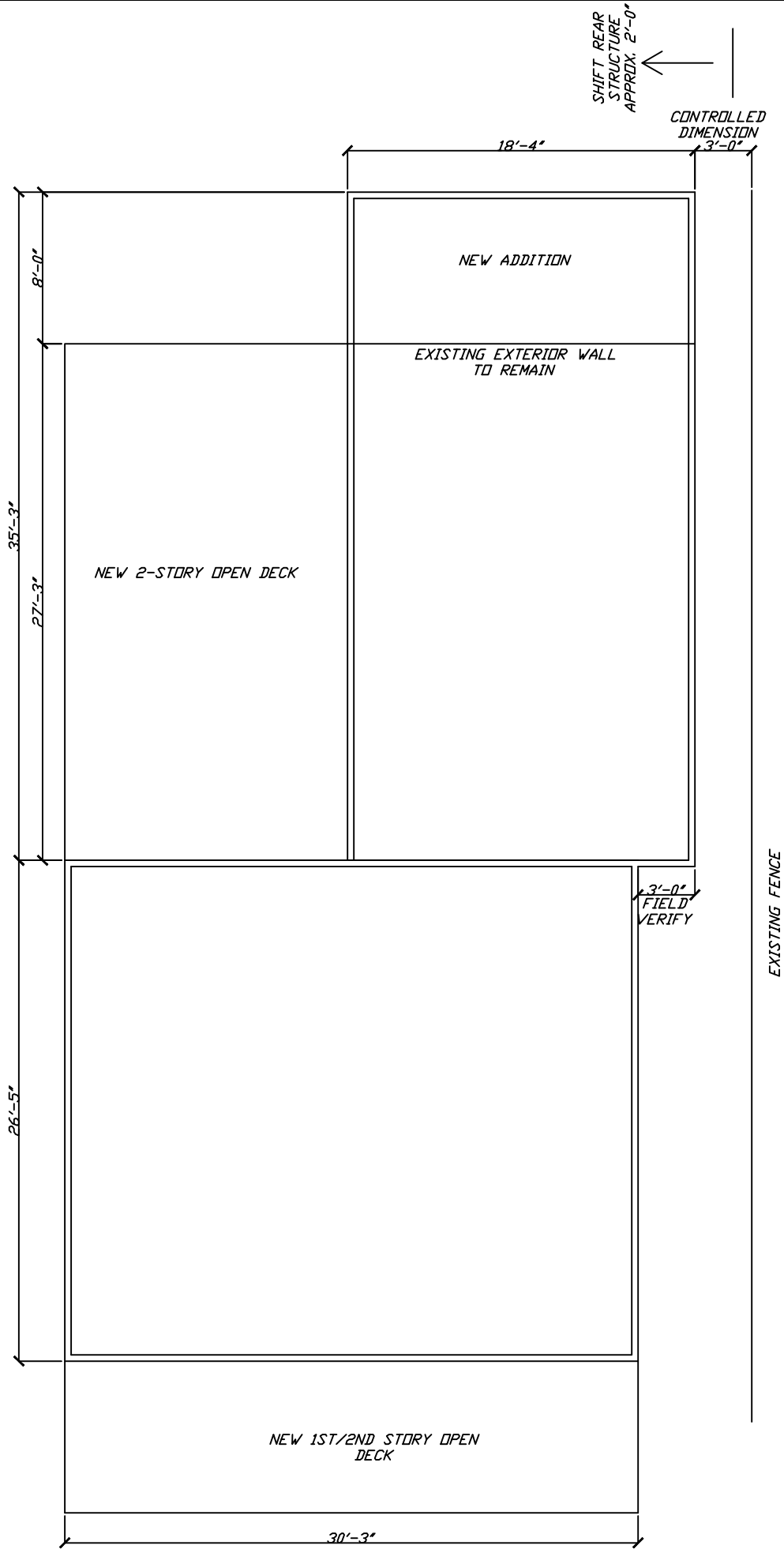
1899 Sanborn



1912 Sanborn



EXISTING PLAN VIEW
EXISTING DOORS/WINDOWS NOT SHOWN FOR CLARITY



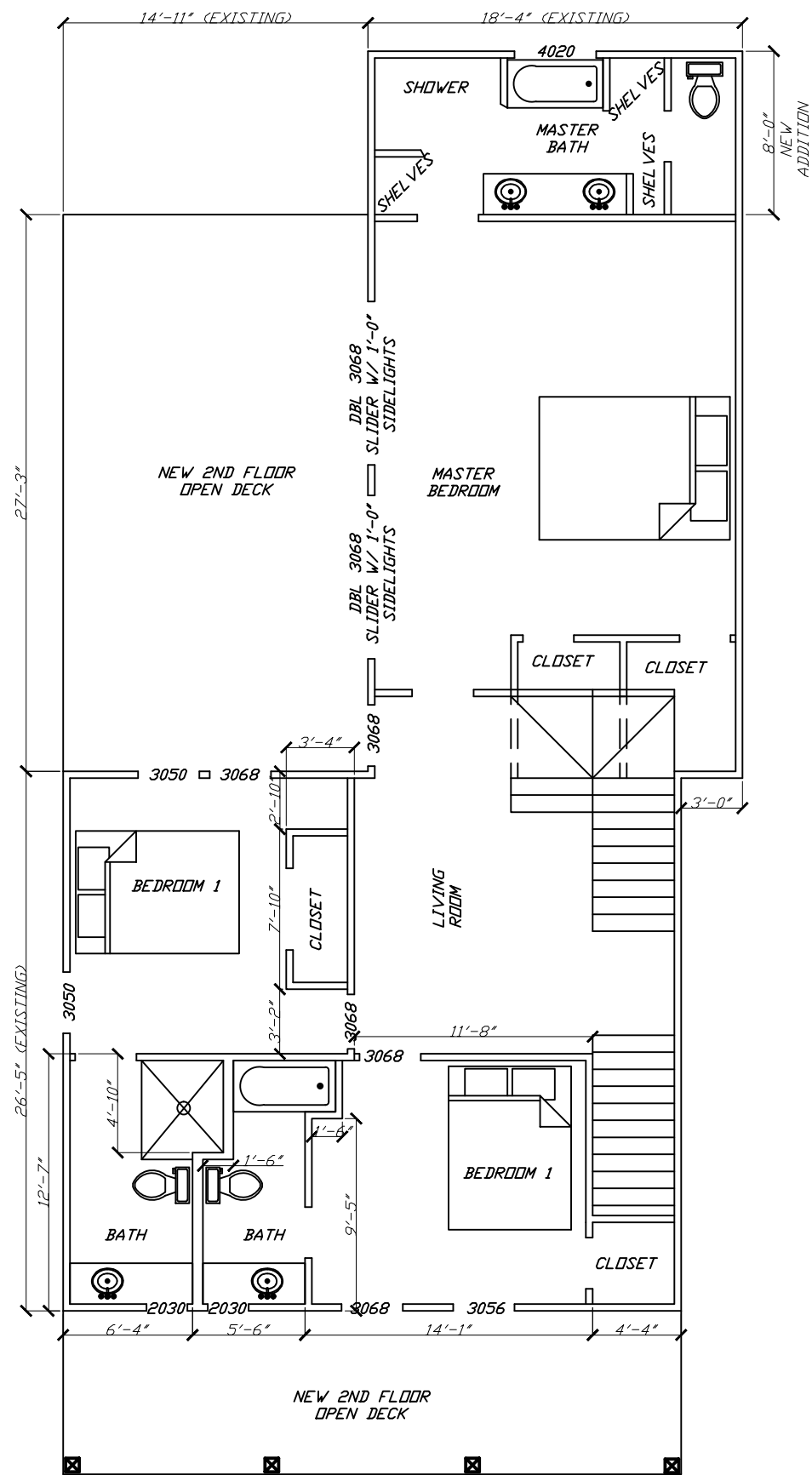
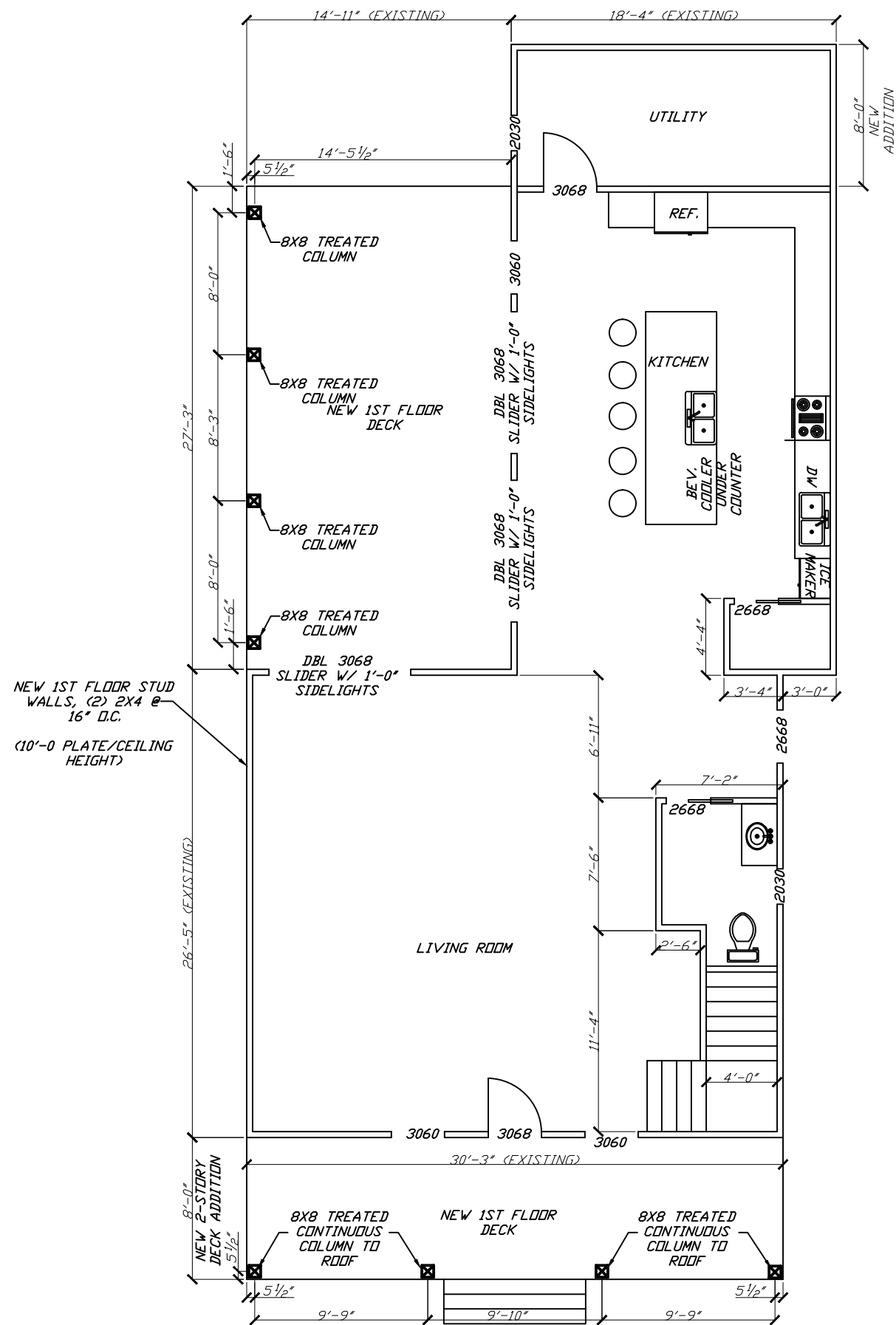
NEW PLAN VIEW
NEW DOORS/WINDOWS NOT SHOWN FOR CLARITY, SEE FLOOR LAYOUTS

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FIRM REGISTRATION #13882		
NO.	ISSUE / REVISION	DATE
	ORIGINAL RELEASE	8-21-17

SOUTHEAST TEXAS
ENGINEERING AND
INSPECTIONS, LLC
(OFFICE) 409-741-8741
(WES) 409-795-1415
(TIM) 409-795-1181

8017 HARBORSIDE DRIVE,
GALVESTON, TX 77554
SOUTHEASTTEXASENGINEERING.COM

ENGINEER STAMP AND SIGNATURE	
8-21-17	
NEW FOUNDATION AND ADDITION OWNER: LLOYD RATHBURN 1809 AVENUE M GALVESTON, TEXAS	
TITLE PLAN VIEW	
DATE AUG. 21, 2017	
SCALE 1/8"=1'-0"	SHEET S2-1 OF 20



WES BUCHHORN, PE TIM BUCHHORN, PE		
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FIRM REGISTRATION #13882		
NO.	ISSUE / REVISION	DATE
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SOUTHEAST TEXAS ENGINEERING AND INSPECTIONS, LLC
(OFFICE) 409-741-8741
(WES) 409-795-1415
(TIM) 409-795-1181

8017 HARBORSIDE DRIVE,
GALVESTON, TX 77554

SOUTHEASTTEXASENGINEERING.COM

ENGINEER STAMP AND SIGNATURE

8-21-17

NEW FOUNDATION AND ADDITION
OWNER: LLOYD RATHBURN

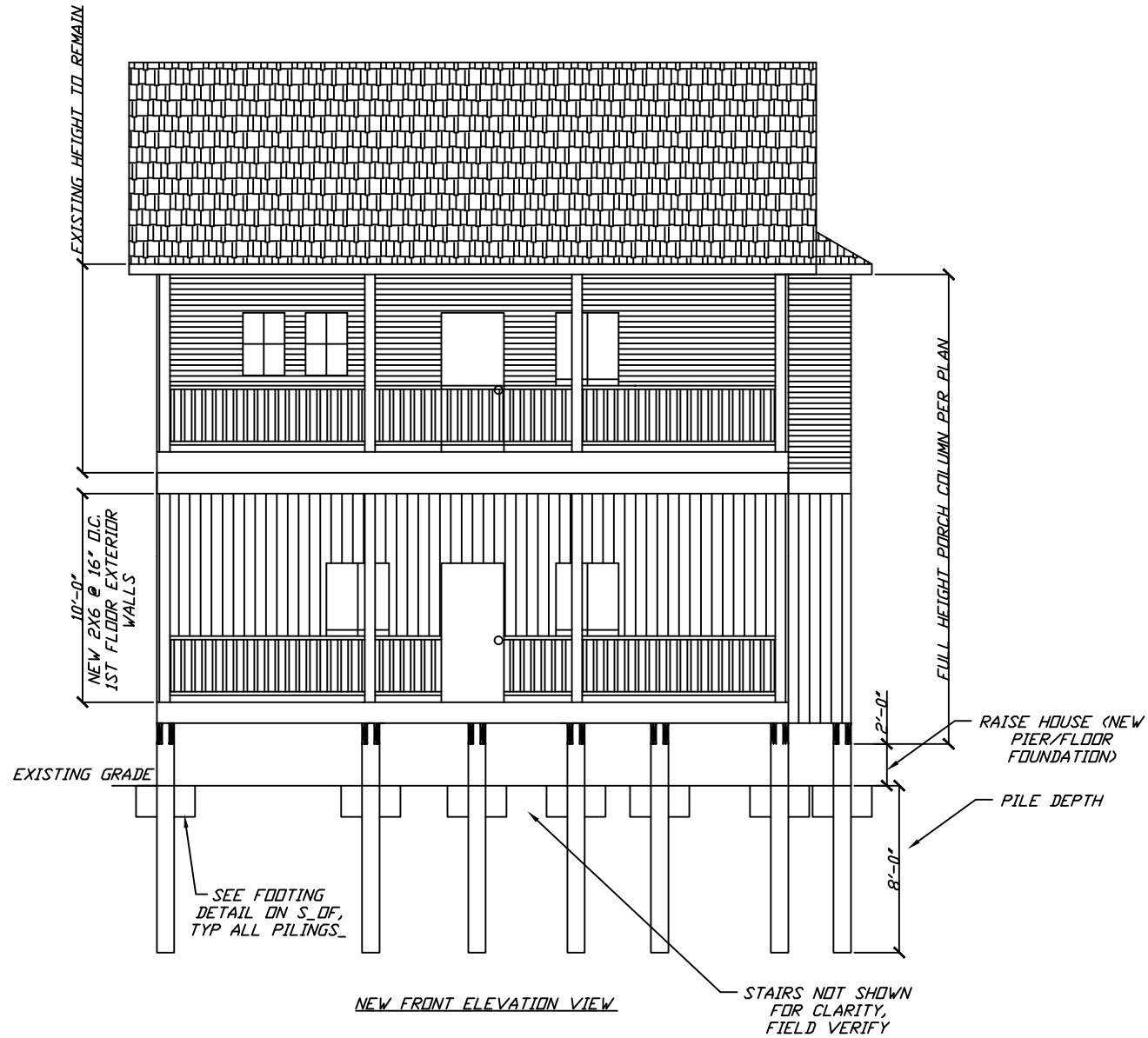
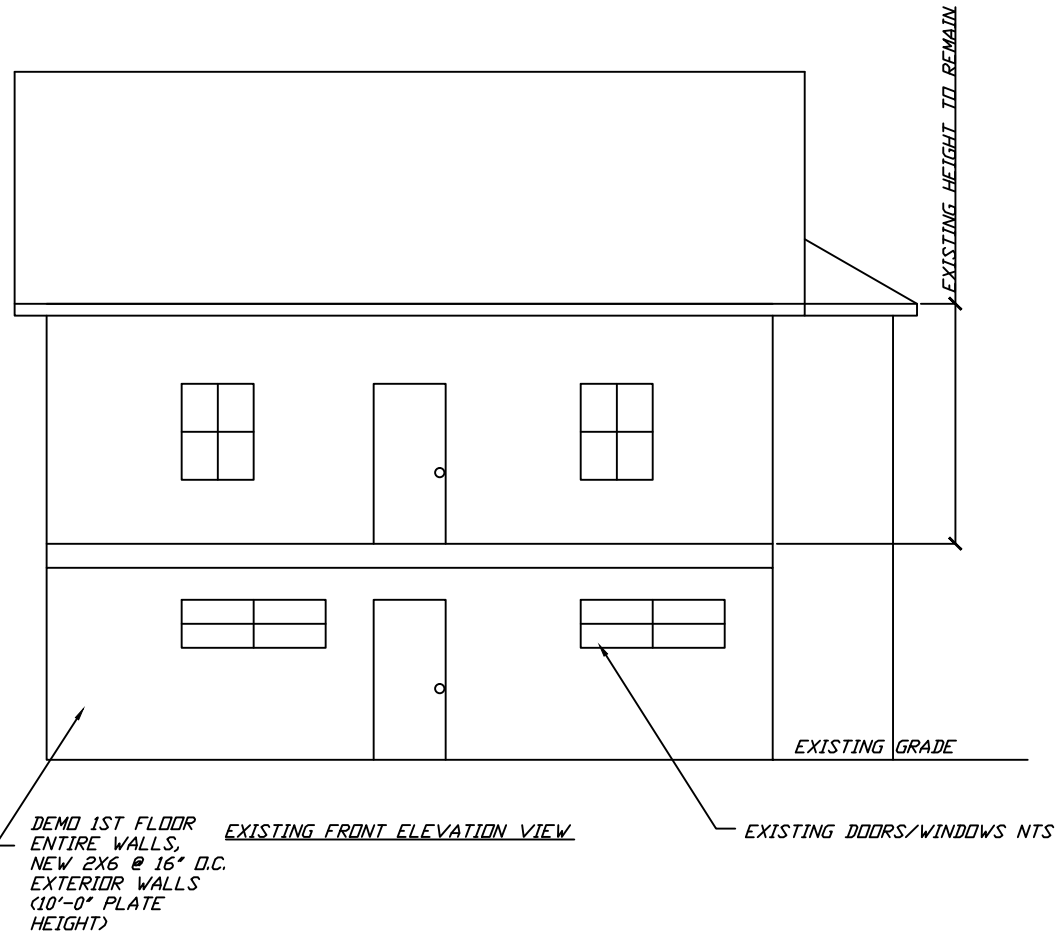
1809 AVENUE M
GALVESTON, TEXAS

TITLE
FLOOR PLANS

DATE
AUG. 21, 2017

SCALE
1/8"=1'-0"

SHEET
S2-2 OF 20

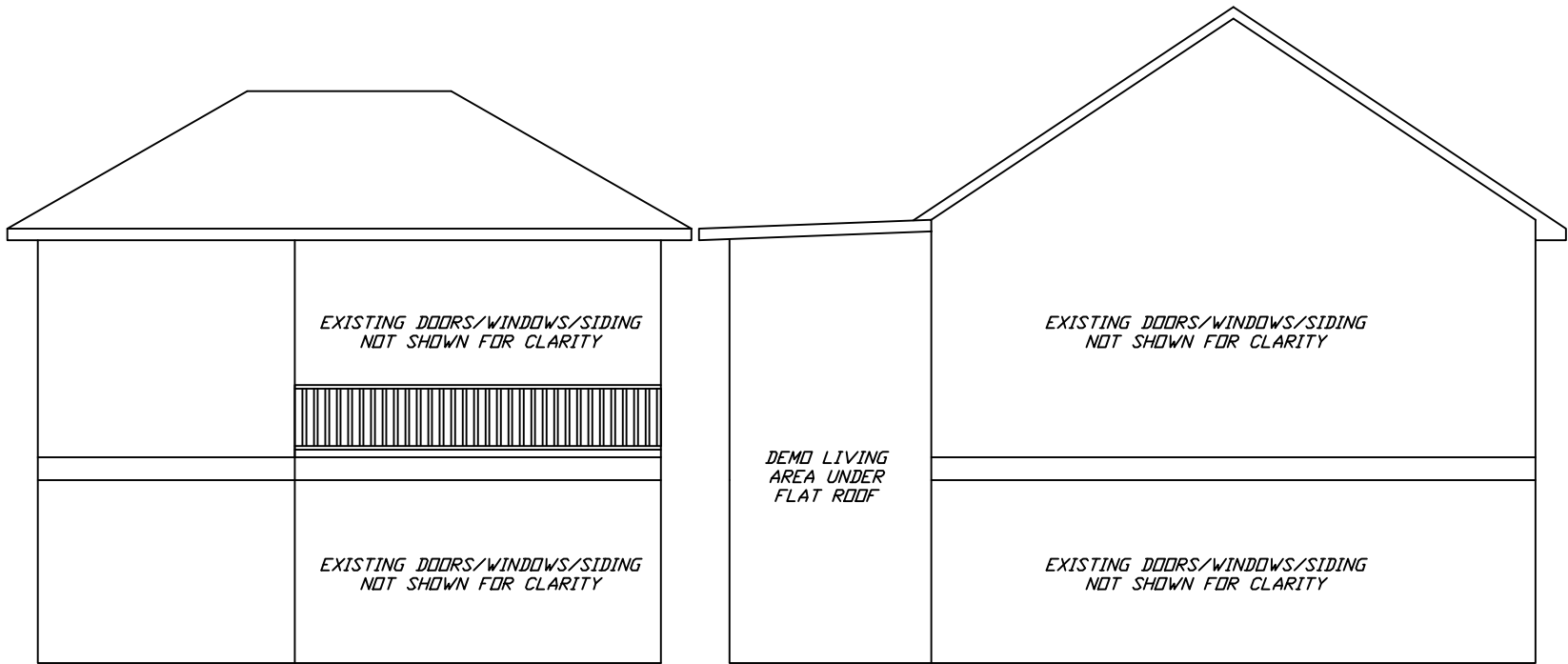


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FIRM REGISTRATION #13882		
NO.	ISSUE / REVISION	DATE
	ORIGINAL RELEASE	8-21-17


SOUTHEAST TEXAS
ENGINEERING AND
INSPECTIONS, LLC
(OFFICE) 409-741-8741
(WES) 409-795-1415
(TIM) 409-795-1181


8017 HARBORSIDE DRIVE,
GALVESTON, TX 77554
SOUTHEASTTEXASENGINEERING.COM

ENGINEER STAMP AND SIGNATURE	
8-21-17	
NEW FOUNDATION AND ADDITION OWNER: LLOYD RATHBURN 1809 AVENUE M GALVESTON, TEXAS	
TITLE FRONT ELEVATION VIEWS	
DATE AUG. 21, 2017	
SCALE 1/8"=1'-0"	SHEET S3 OF 20



EXISTING LEFT ELEVATION VIEW



NEW LEFT ELEVATION VIEW

WES BUCHHORN, PE TIM BUCHHORN, PE		
THIS DRAWING SET SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION UNLESS AN ENGINEERING SEAL FROM SOUTHEAST TEXAS ENGINEERING AND INSPECTIONS IS AFFIXED		
FIRM REGISTRATION #13882		
NO.	ISSUE / REVISION	DATE
	ORIGINAL RELEASE	8-21-17

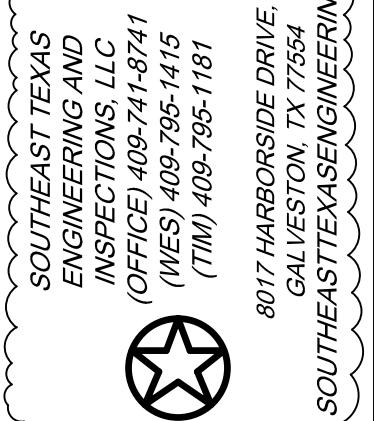
SOUTHEAST TEXAS
ENGINEERING AND
INSPECTIONS, LLC
(OFFICE) 409-741-8741
(WES) 409-795-1415
(TIM) 409-795-1181

8017 HARBORSIDE DRIVE,
GALVESTON, TX 77554
SOUTHEASTTEXASENGINEERING.COM

ENGINEER STAMP AND SIGNATURE	
8-21-17	
NEW FOUNDATION AND ADDITION OWNER: LLOYD RATHBURN 1809 AVENUE M GALVESTON, TEXAS	
TITLE LEFT ELEVATION VIEWS	
DATE AUG. 21, 2017	
SCALE 1/8"=1'-0"	SHEET S3-1 OF 20

THIS DRAWING SET SHALL NOT BE USED FOR
PERMITTING OR CONSTRUCTION UNLESS AN
ENGINEERING SEAL FROM SOUTHEAST TEXAS
ENGINEERING AND INSPECTIONS IS AFFIXED

FIRM REGISTRATION #13882

[illegible]

8-21-17

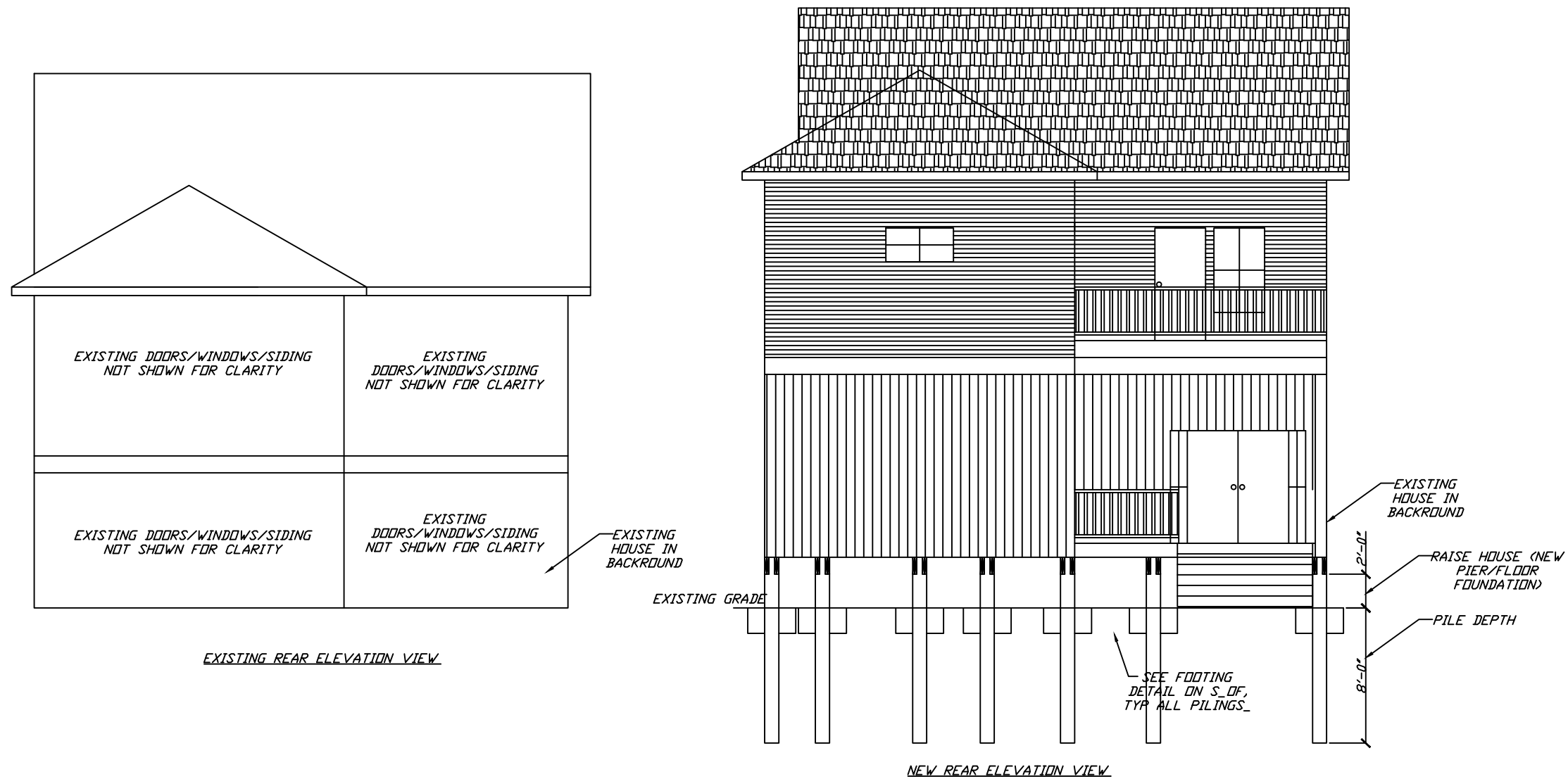
NEW FOUNDATION AND
ADDITION
OWNER: LLOYD RATHBURN

1809 AVENUE M
GALVESTON, TEXAS

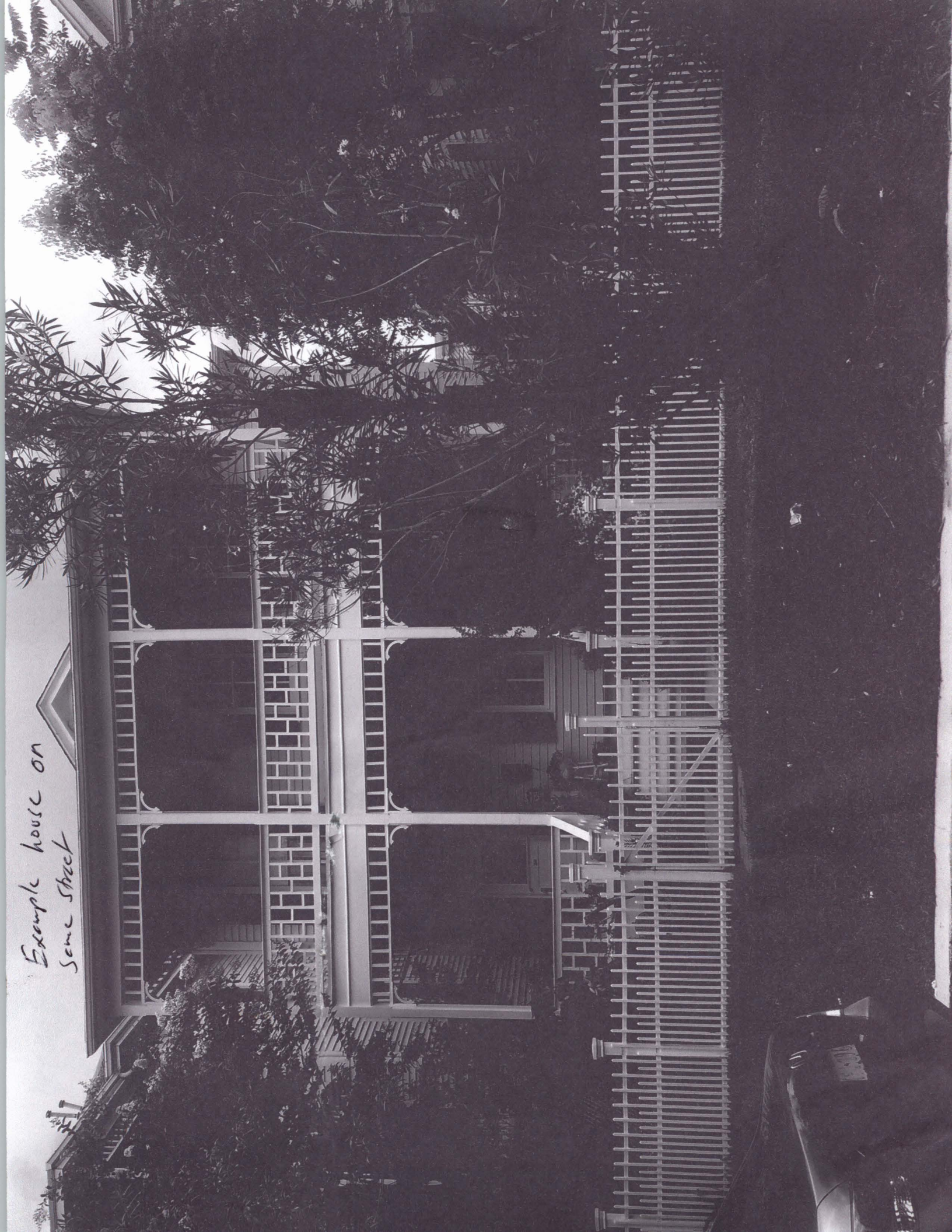
TITLE

REAR ELEVATION VIEWS

DATE <i>AUG. 21, 2017</i>	
SCALE $\frac{1}{8}"=1'-0"$	SHEET <i>S3-2 OF 20</i>



Example house on
Same Street





Example of Front Door

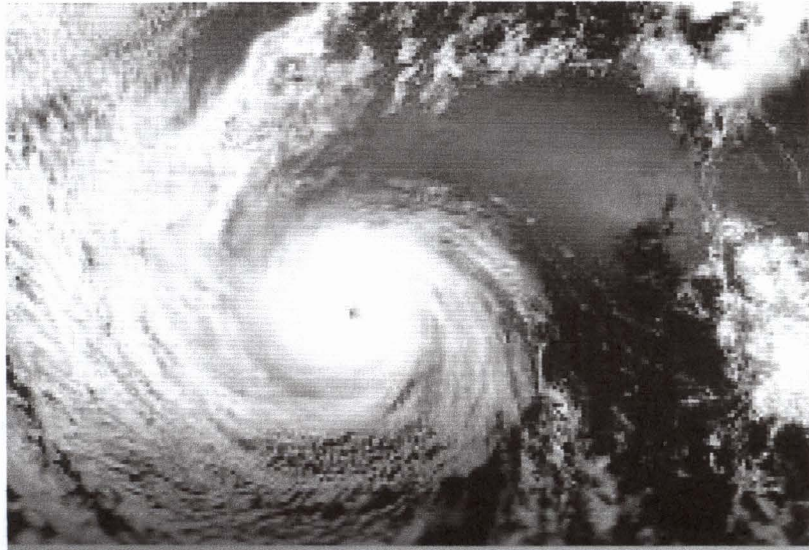
Example of railing



Doors for back of house

Gliding Series





Designed to protect people and property during violent storms, Neuma's Impact Rated Doors provide the ultimate storm protection for your home and include the following standard features:

High impact fiberglass panels for strength and durability
 1" insulated laminated impact glass for extra security and protection against broken glass
 HPVD (High Physical Vapor Deposition) for additional protection in harsh environments

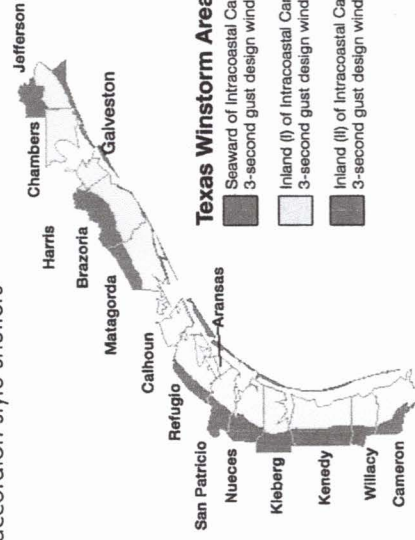
Storm damage can be caused by debris that is picked up and hurled towards your home in high winds. These objects, set on a collision course with your home, can penetrate doors and provide an entry point for water, high winds and addi-

tional debris. Our Impact Doors stand up to the harshest conditions and are more resistant to denting than traditional metal doors.

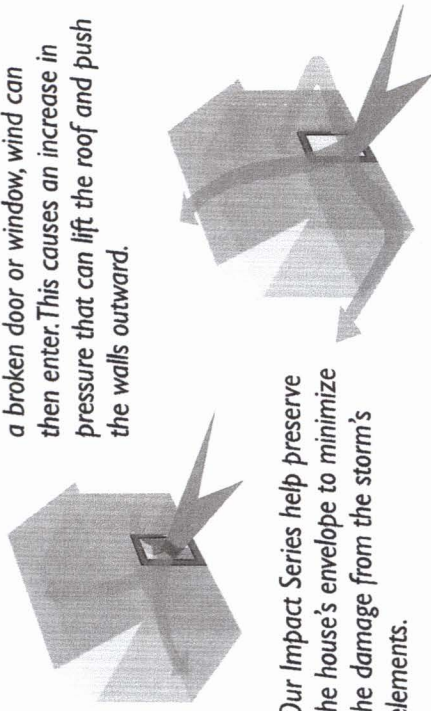
If the glass on a Neuma Impact Door is broken, our standard 1" insulated laminated impact glass maintains its integrity thanks to the vinyl interlayer which remains in the door frame. This vinyl interlayer stays intact and prevents broken glass fragments and additional debris from entering the home. Unlike most other doors on the market, Neuma Doors unique removable glazing bead allows for glass replacement without the added expense of purchasing an entirely new unit.

Neuma's Impact Rated Doors are certified by the Texas Department of Insurance, Florida Building Code, with HVHZ options available for use in High Velocity Hurricane Zones. Neuma Doors Impact Hinged Inswing and Gliding Doors can withstand windstorm of over 145 mph and our Hinged Outswing can withstand windstorm as high as 170 mph. (AAMA / NWWDA / CAS101 / I.S. 2 / A440-8)

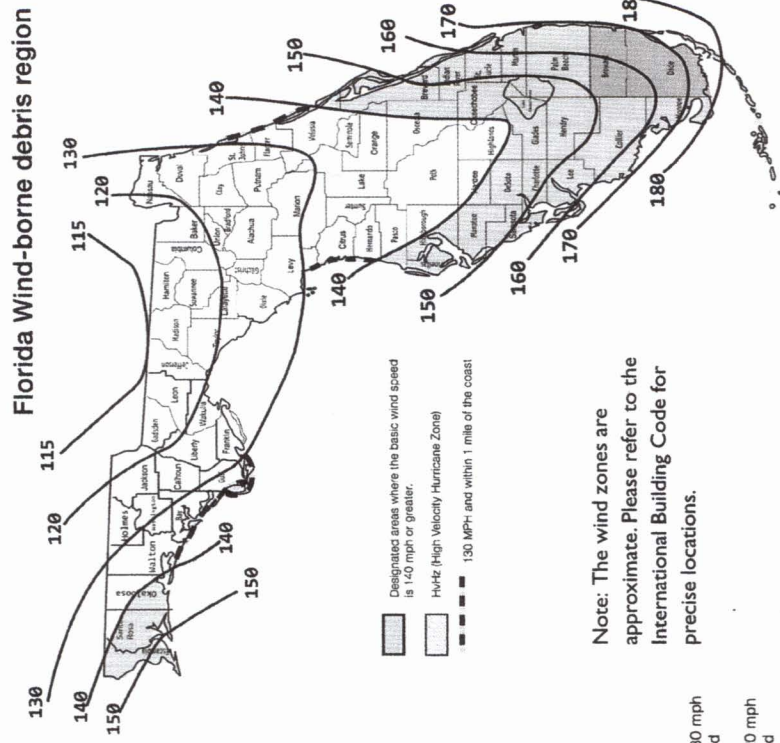
With a variety of door styles, design options and configurations, Neuma Doors are an affordable option to expensive and unsightly roll-down or accordion style shutters



If a home has been breached through a broken door or window, wind can then enter. This causes an increase in pressure that can lift the roof and push the walls outward.



Our Impact Series help preserve the house's envelope to minimize the damage from the storm's elements.



Note: The wind zones are approximate. Please refer to the International Building Code for precise locations.



City of Galveston

DEVELOPMENT SERVICES

823 Rosenberg, Rm 401 | Galveston, TX 77550
planningcounter@galvestontx.gov | 409-797-3660

November 7, 2017

Rathburn Properties, LLC
% Lloyd Rathburn
3810 Westermen St.
Houston, TX 77005

RE: **17LC-062 (1809 Avenue M)** Request for a Certificate of Appropriateness for alternations to the structure including raising the house and exterior modifications (siding, windows, roof, porches). 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

Dear Mr. Rathburn:

The Galveston Landmark Commission, at their meeting of November 6, 2017, voted to approve the above referenced request with the following conditions:

1. The exterior modifications shall conform to the design, materials and placement presented in Attachment C of the staff report with the following modifications:
 - a. The board and batten skirting shall be composed of 2" wide battens applied 12" to 16" on center to cover seams between boards. The board may be cementious fiber board, smooth texture only;
 - b. The front porch shall be reconfigured to match the footprint of the original porch with stairs accessing the second floor;
 - c. Any new railings shall be simple square pickets;
 - d. The dormer on the front façade shall be omitted;
 - e. Any new windows shall be wood windows in a two-over-two light configuration;
 - f. The new front doors shall be simple paneled doors with the Historic Preservation Officer to approve the final design;
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 Department, 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 Development Services Department by the next respective deadline date.

Sincerely,

Catherine Gorman, AICP
Assistant Director/HPO
Planning and Development Division

Verbatim Minutes

17LC-062

November 6, 2017 Meeting

17LC-062 (1809 Avenue M) Request for a Certificate of Appropriateness for alternations to the structure including raising the house and exterior modifications (siding, windows, roof, porches). 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

The staff report was read by Catherine Gorman.

Tom Schwenk: Does anyone here on the Commission have questions for staff?

Fred Huddleston: I have one, was there a demolition permit issued to remove the porch?

Catherine Gorman: There was. The owner removed the porch with staff approval, gosh, some months ago now. It was unsafe so staff signed off on it.

Lloyd Rathburn: It was about to fall off.

Tom Schwenk: Hold on, when we call you up sir. Okay? Thank you. Does that answer your question? Catherine, just a question, the dormer, one of the conditions was that the front dormer would be omitted?

Catherine Gorman: Correct.

Tom Schwenk: I heard you correctly?

Connie Patterson: And the door would be a single, simple wood panel, not the proposed, right?

Catherine Gorman: Right, the proposed is more of a craftsman style door and is not in keeping with the style of the house.

Connie Patterson: Thank you.

Joann Griffin: Catherine, tell me which... I'm getting confused about this, which eight properties were sent letters?

Catherine Gorman: We send to all of the adjacent properties, across the street, on each side and behind the alley. We sort of draw a circle around the property and everybody gets one.

Tom Schwenk: Any other questions...And now I will invite the applicant up please. Please state your name and sign in. Thank you, Lloyd.

Lloyd Rathburn: Yep. Thank you. My name is Lloyd Rathburn. I purchased the house and this is basically a multi-family house. I have documentation back to 1913 that it was multi-family and I wanted to change into a single family. Basically, there were three families that were living there – bottom level,

top level and the little bungalow in the back. We wanted to turn into a single family home and for my family to use when we come down. The reason why, again, we wanted to lift it and then put the double porch to make it appeal to the neighborhood. There are numerous houses in the neighborhood that look like that. We also have a floor plan of the house, it's the same floor plan as this one on Church Street where they took and did the same thing. They re-did the house and put the double porches on it. I know one thing that the dormer on top that was disapproved that's fine. I'm not worried about that. But, I would like to have the two stairways and the entrance to bottom. The way the floor plan is now, if you put the entrance to the top it's going to be going into a bedroom. So, that wouldn't work for us.

Tom Schwenk: Does anyone have any questions for the applicant?

Gonzalo Gonzalez: I was just looking on the floor plan and it looks like in addition to what you just said the two bedrooms, or the two bathrooms up top, the wall hits right in the middle of a window. I don't know if you have noticed that or not.

Lloyd Rathburn: Yes, the person, Tim Buckhorn, that did the drawings basically said you need a window in each bathroom and that's the reason why we did that.

Gonzalo Gonzalez: You're just going to divide the window?

Lloyd Rathburn: Yes. According to code you have to have a window in the bathroom.

Gonzalo Gonzalez: It's going to look like one window on the outside?

Lloyd Rathburn: Yes. We can make it look like one window.

Tom Schwenk: Anyone else?

Lloyd Rathburn: The other thing is in the bottom level, it is rotten, so is what we're going to do is raise it from the second level and replace the bottom. I have already talked to Marlin and got a quote from him. I also have some pictures where I have taken the addition off that got approval from Catherine in the back. Today, we were working and basically pushed a whole wall down. It's pretty rotten underneath and that's why we were going to lift it up and re-frame the bottom. And save all the wood up top, the old wood with the square nails.

Tom Schwenk: Joann.

Joann Griffin: I have some questions, first of all. Have you considered getting, have you seen Catherine's recommendations before this meeting? Seeing the recommendations here say should be kept as a stairway going up the second floor?

Lloyd Rathburn: Yes, ma'am.

Joann Griffin: So, have you considered flipping your plans so that your second floor is your main living area and the first floor is your bedroom area as some houses are done here now?

Lloyd Rathburn: No, we haven't considered flipping it. I really don't want the main door going to the second level. And I don't want the smaller porch. I think for me to invest all the money that I need to invest in it, I think it would be ugly and so I think the double porch all the way to the end like the houses

surrounding it would match the neighborhood and also protect my investment. So, that's kind of what I'm looking at.

Joann Griffin: I guess that's the only question I have.

Tom Schwenk: Fred.

Fred Huddleston: It seems you're changing the whole appearance of the house and what it looked originally.

Lloyd Rathburn: Yes, it's been changed quite a bit. If you look at it there are lots of add-ons on this house.

Fred Huddleston: The front façade is still pretty much the same. The porch has been taken off but the main entrance is centered on the upper level and windows on either side, that kind of thing. But, it's a simple cottage basically. Your drawings have no similarities to what the house did look like.

Lloyd Rathburn: Yes, well basically what I'm trying to do is salvage what we can out of the house instead of tearing it all the way down. And matching what's pretty much on the same street.

Fred Huddleston: But, this has been on that same street for over 100 years.

Lloyd Rathburn: Right.

Joann Griffin: I have to speak to that because I'm the house that you referenced across the street. And so, my house was built as a two-story, one home family. So using that as a double balcony going across it wasn't a raised cottage. The raised cottages that are on that same block have stairways that lead to the second floor still. And we have had some rulings where we would like to maintain that raised cottage appearance where the second floor, which was originally was the first floor is still the main part of the house. And so, as far as referencing other houses on the block, other houses on the block have been raised and from what I can tell, unless you have another one you're talking about, those stairways still go to the second floor.

Fred Huddleston: Also, usually the houses that face north would have a diminutive, smaller porch on the front and more open porches on the south for the breeze coming through. Houses that face south would have more galleries and porches on the south side which, in their case, would be the main front of the house.

Lloyd Rathburn: Well, there are two houses they just redid across the street. One of the houses they put the walkway up to the top, the second house, I have a picture of it that, somebody let them put it all the way across on top and bottom. And originally, the house had a stairway going up to the second story. I don't know if that was approved or...

Connie Patterson: Are you certainly those properties are in compliance?

Lloyd Rathburn: I don't know ma'am. We found some pictures of the house where it showed...

Tom Schwenk: That's a whole other issue that we won't be discussing here right now. Okay?

Lloyd Rathburn: Yeah, that's fine.

Joann Griffin: But, that was not historical. Those were not historical redos. So, I mean, those houses were not like that in 1912 that you were referencing.

Tom Schwenk: Anyone else? Doug.

Doug McLean: What was the original date of this house? Did I see it in there?

Connie Patterson: 1890

Lloyd Rathburn: 1890, yes.

Tom Schwenk: And the address is 1809! How about that?

Doug McLean: Is it facing south?

Tom Schwenk: It's facing north.

Doug McLean: Basically, if we were to have another case in front of us we look at the front porch, what it traditionally would have been. We look at the front windows, how many panes of glass, how many lights, and we would want the applicant to replace those as closely as possible to the original. And what you're proposing is to completely transform that house and it really goes against a lot of the regulations that we try and comply with when we're giving guidance at this point. So, I think what we are asking is reconsider and maybe consider that porch being reconstructed. If that's possible.

Lloyd Rathburn: I appreciate the time but, we are trying to make the house better, trying to fix it up and it's in pretty rough shape. We are trying to make it look like other homes in the Galveston area. I have exact floor plans where they did what I want to do on Church Street if you would like me to show it to you. If we can't do that, then I'm going to put it up for sale.

Joann Griffin: Well, I certainly like everything else you're planning. I think the porches on the back are the ones you would sit on mostly. Because they do face south. I commend your efforts to try and save this house.

Doug McLean: We're not doing it... It's issue about wanting to retain the originality of the house. And if we know what the original house looked...

Lloyd Rathburn: It was originally a multi-family house and I don't want to go multi-family.

Doug McLean: Well, we understand that. We are discussing the outside façade and the outside appearance of the house. That's what we're discussing. Two-family or single-family isn't as much of an issue. Because you're dealing with the side profiles that people aren't really seeing that much. But, the predominant front façade of the house is real critical. Because we want to maintain that original appearance. So that's the real problem that I think we're mainly having.

Tom Schwenk: Alright. Thank you. I appreciate it. Does anyone on the left hand side want to address this? Ramona, come on up. State your name and sign in please.

Ramona Boeker: I'm Ramona Boeker. I have a house across the street from this property. I live at 1806. I am also the listing agent that sold him this property. This house was on the market for a very

long time with people walking in and out of it. It's almost dilapidated. Actually, it's not really far off from that women's garage that's sitting here that ya'll are allowing her to tear down and rebuild. It is horrible on the inside. The wood is rotten and I had forty house flippers look at it and nobody wanted to touch it. This guy wants to put his money into it. He wants a double gallery porch across the front. I found a house, it is almost the exact, identical, same floor plan at 916 Church. Built exactly like that. Except it's a single-family home and it has a double gallery porch across the front. It's in great shape. It's lifted, which he is planning on doing. And, this house, I mean, it's about to fall down. It's there. So, I don't blame him. If he's going to put that much money into it, he ought to be able to keep it, keep the street. It's historical. There's a lot of historical stuff here but there is nothing really historical significant about this house. And there is absolutely no wow factor. As a matter of fact, almost all the wood underneath needs to be redone. So, I have a guy here that wants to put a lot of money into it. If he puts it on the market it's probably going to sit there because it sat there before because he is going to have to ask for more money to get his engineered drawings back out of it plus what he paid for it. And, I just feel like... I live across the street and I think what he is planning is fabulous, I think it's going to look wonderful and I don't think that if this goes on the market I don't think this will sell for a long time and we are going to be stuck looking at it. And so is Janet Turner who's got the other two houses that have the long porch that probably didn't get a permit but they added a porch and those are for sale. And she's been complaining asking me all the time when he's going to start on this. So we can just prolong it if ya'll want be it's really an eyesore and about to fall over on a windy day.

Tom Schwenk: Thank you. Is there anybody else on this side who would like to address this case?

Chase Boeker: My name is Chase Boeker. I live at 18th and L. I am caddy corner from this property as well. Ramona is my mother. I am regularly riding my bicycle up and down the street with the kids. On numerous occasions already recently we have seen transients and other people near that property and it either needs to be torn down or renovated. So, the fact is you have somebody here that wants to crank money into it and if they are turned down they are not going to. And that property that's right there west of it, has also been neglected for numerous years. And with the renovation and revitalization of that property, you are either going to get that property torn down or used as a lot for new construction and it's going to meet new construction historical codes. Meaning, it's going to have the look and feel to bring up Avenue M which is already a magnificent street. But you go east or west and it would carry on that street appeal because of the wonderful oak trees and all the other historical significance that there is on that block. That's all I have to say. Thank you.

Tom Schwenk: Thank you. Is there anyone else on that side? Seeing no one else, I thank you for your comments and we will close the public hearing and bring back to the Commission. Do I have any motion? Then, I'll make a motion. I am going to make a motion that on 17LC-062 that we approve with staff recommendations.

Gonzalo Gonzalez: I second that.

Tom Schwenk: Okay, so now comments? And I have a couple, if I may start. Thank you for your research Ramona and everything else. 916 Church Street unfortunately is not in the historic district. 916, it's not in a historic district and this home is. One of the things we that have to consider, and I really appreciate Lloyd, your reference and everything else, but we have to consider - in a historic district there are certain guidelines that have to be followed. That's why we have this marvelous staff and while it may not seem like the greatest solution it really is the best solution, of what they're recommending, which is why I've said that this is what, hopefully we get passed. With what the owner wants to do, I understand but this is not done with any malice or anything else. What it's doing it, the other people who live in the historic district, you're also talking about their property values. You being

one. You own the house across the street and you're right around the corner. So, the idea is that there is a reason we are asking for these modifications. And it's got everything to do with what you say because these people called me a lot too about this house and I know this house intimately and everything you are saying about it is absolutely true. It is inherently dangerous. There's knuckleheads hanging around it. And so, that's my comments on this which is why I made the recommendation I did. Anyone else?

Connie Patterson: I would like to make one comment and that is about the building that was being torn down, the garage. That's not a historic building. It does not exist on the Sanborn maps. It's much later and is not considered historic. We have had cases where secondary outbuildings were historic and the request was denied because of historic carriage houses or back buildings. But that, I don't know if it makes you feel any better, but that building they are requesting removal of is not a historic building. It's in a historic district, but it's not a historic building. And that may be a little bit of a difference.

Fred Huddleston: One more comment, in that so many of the things that the staff is recommending to me would almost require us to see another drawing, complying with the comments before giving a final approval.

Joann Griffin: I would like to comment too, that there are other houses in Galveston that have been redone. I have a friend that redid one on the 1800 block of K that was in the same dilapidated condition. And they did it all under the rules and regulations and it's a beautiful house. So, I'm sure Catherine or some of us can give you some other houses to model after that once you did this – you may not be able to project right now what it would look like – but you would be very satisfied and it would be lovely. But we, we just have rules that we have to go by and the drawing were very nice. I think that would be great, somewhere. But we have rules we have to go by to try to make it as authentic as possible. And with the Sanborn drawings from before the Storm and after the Storm, it looks like it was raised to have that configuration of porch and stairway. Whereas some of the other houses, mine for example, did not have a double gallery before the Storm but right after on the Sanborn maps it shows that it did have a double gallery. So really, we're looking a hundred plus years back as our reference for history. From what we're looking at, this house, even though it was made into a duplex or tri-plex or whatever later, was meant as just a raised cottage. That's what we can go by.

Tom Schwenk: Are we ready to vote?

Doug Mclean: I'll second your motion.

Tom Schwenk: Thank you. I thought you did already.

Gonzalo Gonzalez: I think I did.

Tom Schwenk: He did. He did. We had a second. Okay. Any other comments? Are we ready to vote?

Gonzalo Gonzalez: Could you repeat it?

Connie Patterson: Approval with staff's conditions.

Doug Mclean: Do you want to read the staff recommendation just so that we're clear on it?

Connie Patterson: It's what Catherine read at the beginning of the case.

Doug McLean: Okay.

Tom Schwenk: Very good, its specific conditions found on page 7, number 1a through f. Are we ready to vote? All those in favor, say aye. All those opposed. None. The motion carries.

In Favor: Gonzalez (Alternate), Griffin, Huddleston, McLean, Patterson, Schwenk

Absent: Parsons

1. The exterior modifications shall conform to the design, materials and placement presented in Attachment C of the staff report with the following modifications:
 - a. The board and batten skirting shall be composed of 2" wide battens applied 12" to 16" on center to cover seams between boards. The board may be cementitious fiber board, smooth texture only;
 - b. The front porch shall be reconfigured to match the footprint of the original porch with stairs accessing the second floor;
 - c. Any new railings shall be simple square pickets;
 - d. The dormer on the front façade shall be omitted;
 - e. Any new windows shall be wood windows in a two-over-two light configuration;
 - f. The new front doors shall be simple paneled doors with the Historic Preservation Officer to approve the final design;

Approved with Staff Recommendations.



17Z-009

STAFF REPORT

ADDRESS:

11216-A Reagor Way

LEGAL DESCRIPTION:

Property is legally described as Lot 22, Block 2, Sunny Beach, a subdivision in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

David Hoover

PROPERTY OWNER:

Annie Nguyen

ZONING:

Residential, Single Family (R-1)

VARIANCE REQUEST:

10-foot Rear Yard Setback.

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 3, Addendum for Residential, Single Family (R-1) Zoning District, Setbacks

EXHIBITS:

A – Aerial Map

B – Applicants Submittal

STAFF:

Janice Norman, Planning Manager, CFM
409-797-3670

jnorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
40				

City Department Notification:



Executive Summary:

The applicant is requesting a variance from the Galveston Land Development Regulations regarding the rear yard setback requirements in a Residential, Single Family (R-1) zoning district.

Lot measurements are 80-feet in depth by 40-feet in width.

Applicable Standards:

Article 3, District Yard, Lot and Setback Standards, Addendum for Single-Family Residential (R-1)

Front Yard: 20-Feet

Side Yard: 3-Feet

Rear Yard: 10-Feet

Requested Variance:

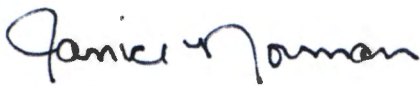
Setbacks	Current	Proposed Variance
Rear Yard	10-Foot	7-Foot

Applicants Justification

Request to allow the 5' platted building line instead of the zoning regulation setback of 10-feet.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully Submitted,



Janice Norman, Planning Manager

Date

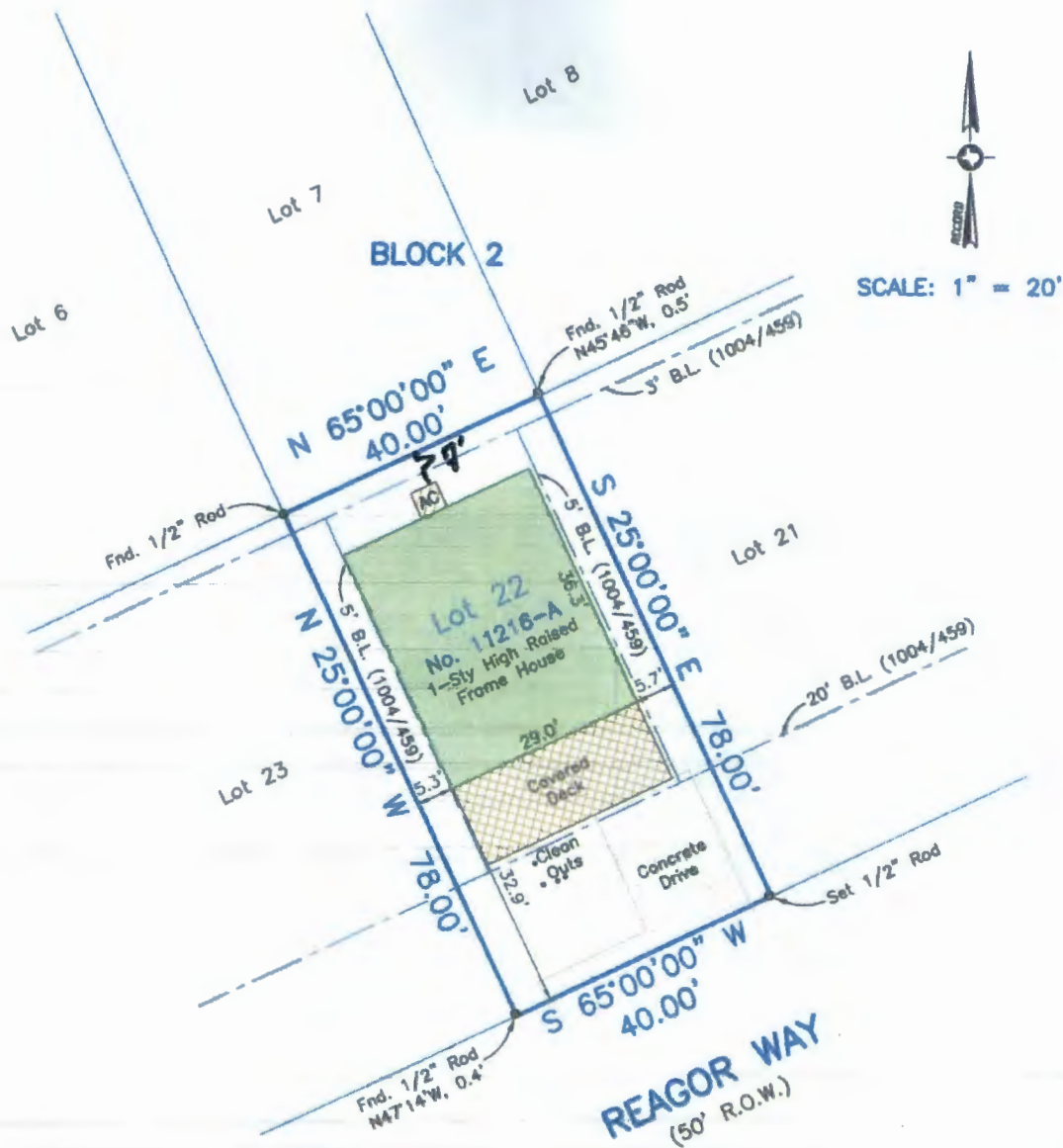


Catherine Gorman, ACP
Assistant Director/HPO

Date

11-16-17





Survey of Lot Twenty-two (22), in Block Two (2), of **SUNNY BEACH**, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254-A, Page 67 and transferred to Plat Record 14, Map No. 5, 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

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 the North R.O.W. line of Reagor Way, being a 1" pipe found at the Southwest corner of Lot 15, and a 1/2" rod found at the Southwest corner of Lot 28.
- 4) Stewart Title Guaranty Company
Insured: Annie-Hongon Nguyen
GF No.: 16167031863

SURVEY DATE: JULY 7, 2017
FILE No.: 6840-0002-0022-000
DRAFTING: JTK
JOB No.: 17-0607