

**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**REGULAR MEETING**  
**4:00 P.M., Wednesday, February 7, 2018**  
**City Council Chambers, 2nd Floor of City Hall**  
**823, Rosenberg, Galveston, Texas**

1. Attendance

2. Conflict Of Interest

3. Approval Of Minutes

A. Minutes: December 6, 2017 Meeting

Documents:

[120617.PDF](#)

4. Request To Address Commission On Non-Agenda Items (Three Minutes Maximum Per Speaker)

5. New Business And Associated Public Hearings

- A. 18Z-001 (3819 Brewster Key) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Requirements For Front Yard Setbacks And From Article 3, Section 3.303 (A) Building Line Previously Established, Regarding Front Building Line Requirements In A Single Family (R-1) Zoning District. Property Is Legally Described As Lot 1437, Section 2, Sea Isle, A Subdivision In The City And County Of Galveston, Texas. Applicant: James Burnette  
Property Owner: Mimi Tran

Documents:

[18Z-001 PKT.PDF](#)

- B. 18Z-002 (6702 Stewart Road And 2321 67th Street) Request For A Special Exception In Compliance With The Galveston Land Development Regulations Section 11.400 Making A Non-Conforming Use Conforming And Adding Sign Conditions In Compliance With The Commercial (C) Zoning District. Properties Are Legally Described As Lots 20 & 21, Pabst Subdivision, In The City And County Of Galveston. Applicant: Jason Keeling  
Property Owner: Ryson Real Estate Holdings, LLC.

Documents:

[18Z-002 PKT.PDF](#)

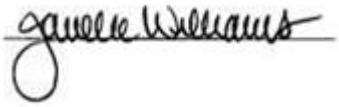
6. Discussion Items: Year-End Report

Documents:

[ZBA YEAR-END REPORT - FINAL.PDF](#)

7. Adjournment

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on January 31, 2018 at 11:00 A.M.

A handwritten signature in black ink, appearing to read "Janelle Williams", written over a horizontal line.

Janelle Williams, City Secretary

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 – December 6, 2017

### CALL MEETING TO ORDER

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

### ATTENDANCE

Members Present: David Collins, Andrew Galletti, Robert Girndt (Alt. 2), Rhonda Gregg-Hirsch, Lyssa Graham-Reynolds, CM Carolyn Sunseri

Members Absent: James Bangle (Alt. 1), Dominick Sasser

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

### CONFLICT OF INTEREST

None

### APPROVAL OF MINUTES

The October 4, 2017 minutes were approved as presented.

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

### NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

**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

Staff presented a Memorandum.

Chairperson Lyssa Graham Reynolds opened the public hearing on Case 17Z-008. Lloyd Rathburn, applicant, made a presentation to the Commission. Please see attached list for additional comments to the Board. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

David Collins moved to deny Case 17Z-008. Robert Girndt seconded and the following votes were cast:

In Favor: David Collins, Andrew Galletti, Robert Girndt, Lyssa Graham-Reynolds

Against: Rhonda Gregg-Hirsch

Absent: James Bangle (Alt. 1), Dominick Sasser

**Deny**

**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

Staff presented the Staff Report and reported that forty (40) notices of public hearing were mailed to the property owners adjacent to the subject property, as of December 6, 2017 none were returned.

Chairperson Lyssa Graham Reynolds opened the public hearing on Case 17Z-009. David Hoover, applicant, made a presentation to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

David Collins moved to approve Case 17Z-009. Rhonda Gregg-Hirsch seconded and the following votes were cast:

In Favor: David Collins, Andrew Galletti, Robert Girndt, Lyssa Graham-Reynolds, Rhonda Gregg-Hirsch

Absent: James Bangle (Alt. 1), Dominick Sasser

**Approve**

**THE MEETING ADJOURNED AT 4:43 PM**





# 18Z-001

# STAFF REPORT

## ADDRESS:

3819 Brewster Key

## LEGAL DESCRIPTION:

Property is legally described as Lot 1437, Section 2, Sea Isle, a subdivision in the City and County of Galveston, Texas.

## APPLICANT/REPRESENTATIVE:

James Burnette

## PROPERTY OWNER:

Mimi Tran

## ZONING:

Residential, Single Family (R-1)

## VARIANCE REQUEST:

- 1) 20-foot Front Yard Setback.
- 2) Encroach the front building line

## APPLICABLE ZONING LAND

## USE REGULATIONS:

Article 3, Addendum for Residential, Single Family District, Setbacks.

Article 3 (A), Building Line Previously Established.

## EXHIBITS:

A – Aerial Map

B – Applicants Submittal

## STAFF:

Janice Norman, Planning Manager, CFM

409-797-3670

[jnorman@galvestontx.gov](mailto:jnorman@galvestontx.gov)

## Public Notice and Comment:

| Sent | Returned | In Favor | Opposed | No Comment |
|------|----------|----------|---------|------------|
| 25   |          |          |         |            |

## City Department Notification:



## Executive Summary:

The applicant is requesting variances from the Galveston Land Development Regulations, Article 3, Addendum for the Single-Family Residential (R-1) zoning district for the front yard setback requirements and from Article 3, (A), Building Line Previously Established.

Lot measurements are 103-feet in depth and 60-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**

**Article 3, (A) Building Line Previously Established.**

Where a building line was previously established by a plat or ordinance, and such line requires a greater or lesser front yard setback than is prescribed by these regulations for the district in which the building line is located, the required front yard shall comply with the building line established by previous ordinances or plats.

**Requested Variances:**

| Setbacks | Current | Proposed Variance |
|----------|---------|-------------------|
| Front    | 20-Foot | 17-foot 3-inches  |

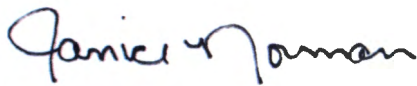
| Article 3, 3.303 (A)                                    | Proposed Variance                                |
|---------------------------------------------------------|--------------------------------------------------|
| No encroachment of building line previously established | To encroach the building line by 2-feet 9-inches |

***Applicants Justification***

*"Current bedroom and bathroom are quite small. Want to add more square-footage with larger bedroom and bath onto house. The encroachment would be 8-feet above grade".*

***Please see Agenda for Appeal from Decision of Board Process.***

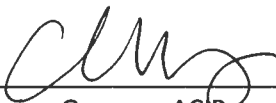
Respectfully Submitted,



Janice Norman, Planning Manager

1/30/18

Date



Catherine Gorman, ACIP  
Assistant Director/HPO

1-29-18

Date



Map prepared by the City of Galveston Development Services Department (normanjan) - 1/26/2018  
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.  
It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

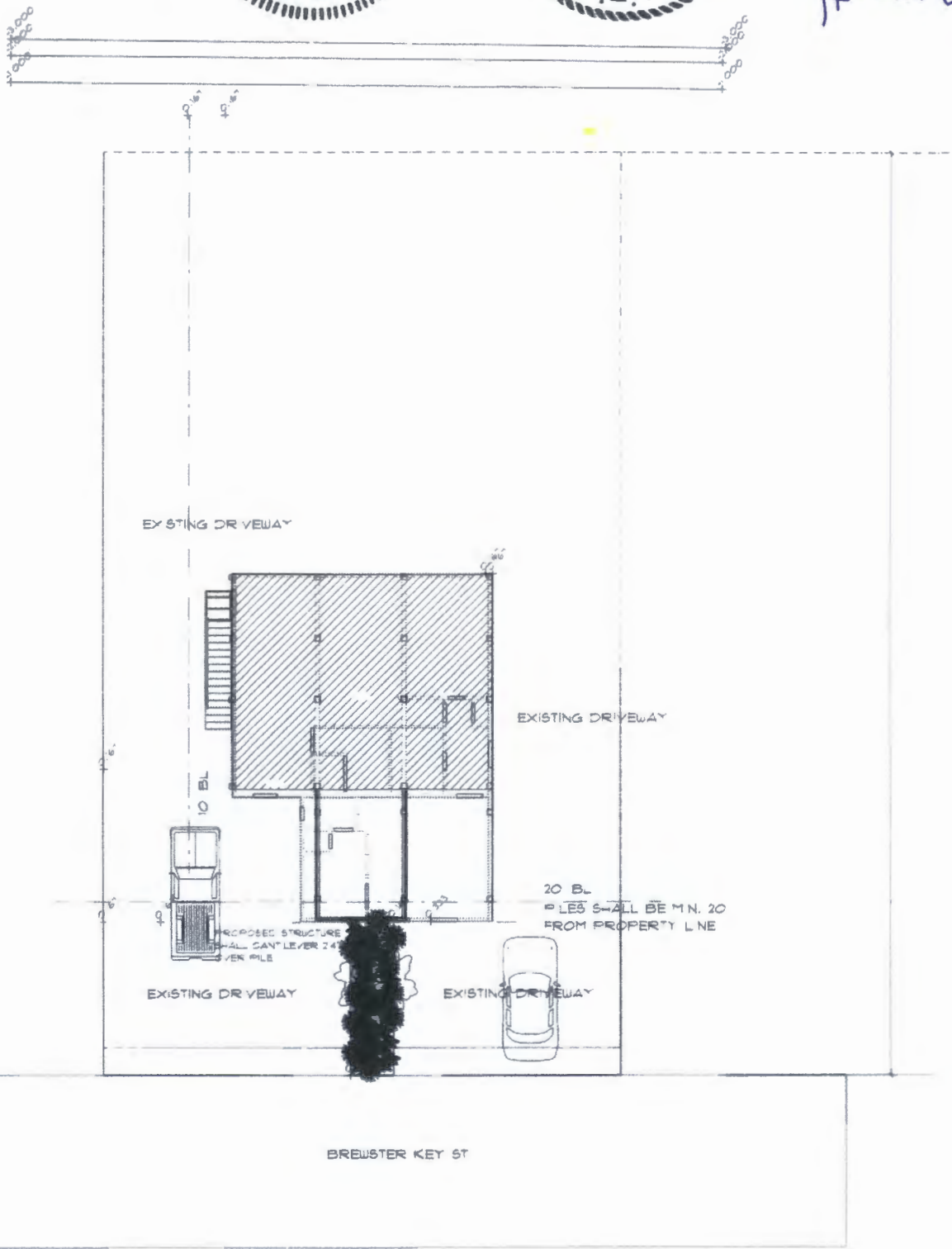
The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the database. Therefore, the information presented on this map is for informational



Exhibit B

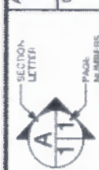
*Handwritten notes:*  
 Approved  
 2/24/2017  
 Preliminary for  
 Planning Review  
 Permit Appl.

PAGE 2/2  
 A-30



Existing Floor Plan  
 SCALE 1/8" = 1'-0"

APPROVED  
 CHECKED BY



SCALE As Noted  
 DRAWN BY  
 DATE Monday, October 9, 2017

Tetra Design Solutions  
 17000 Saturn Lane Suite 107  
 Houston, Texas 77058  
 PHONE 832 845 6387  
 FAX  
 info@tetradesignsolutions.com



Brewster Key Residence  
 PHONE  
 FAX

2013

## 3819 Brewster Key

2017

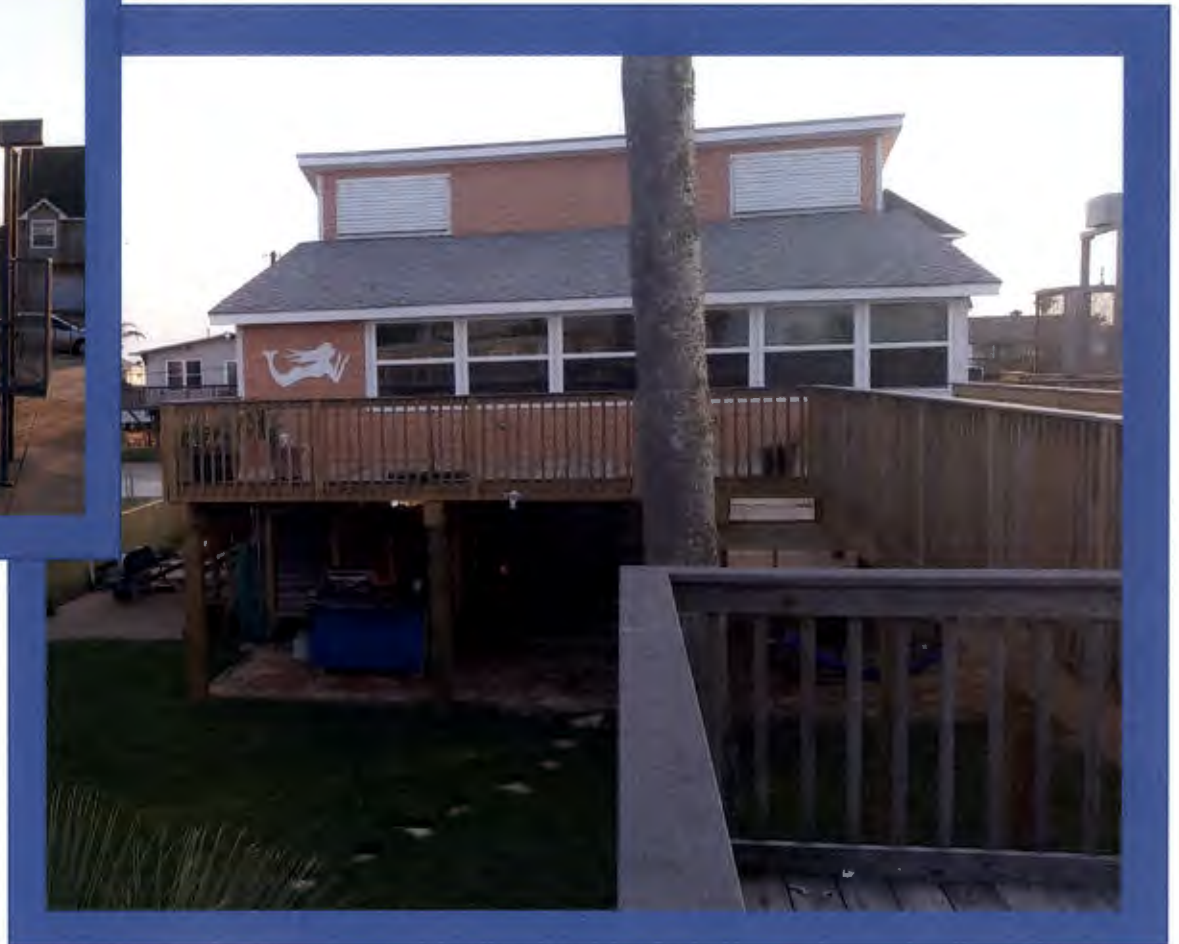


REQUEST FOR BUILDING PERMIT  
WITH VARIANCE

2013



2017



**3819 Brewster Key**

2013

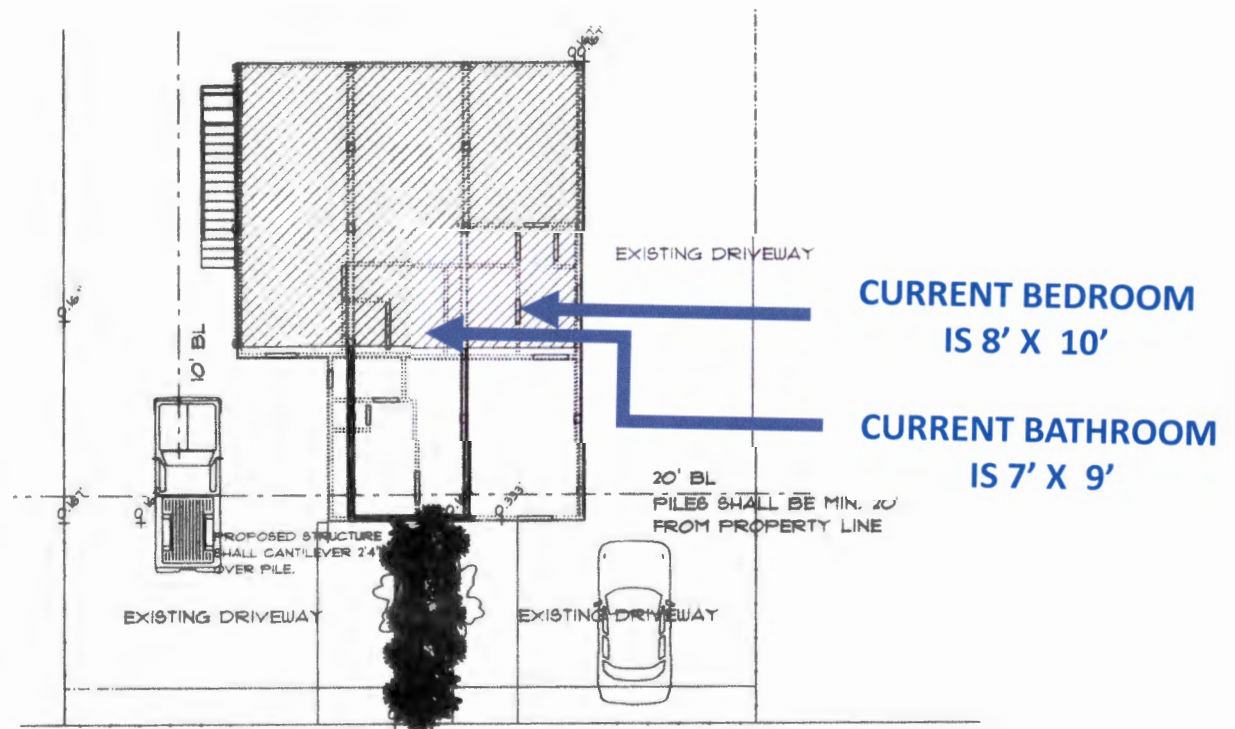


2017



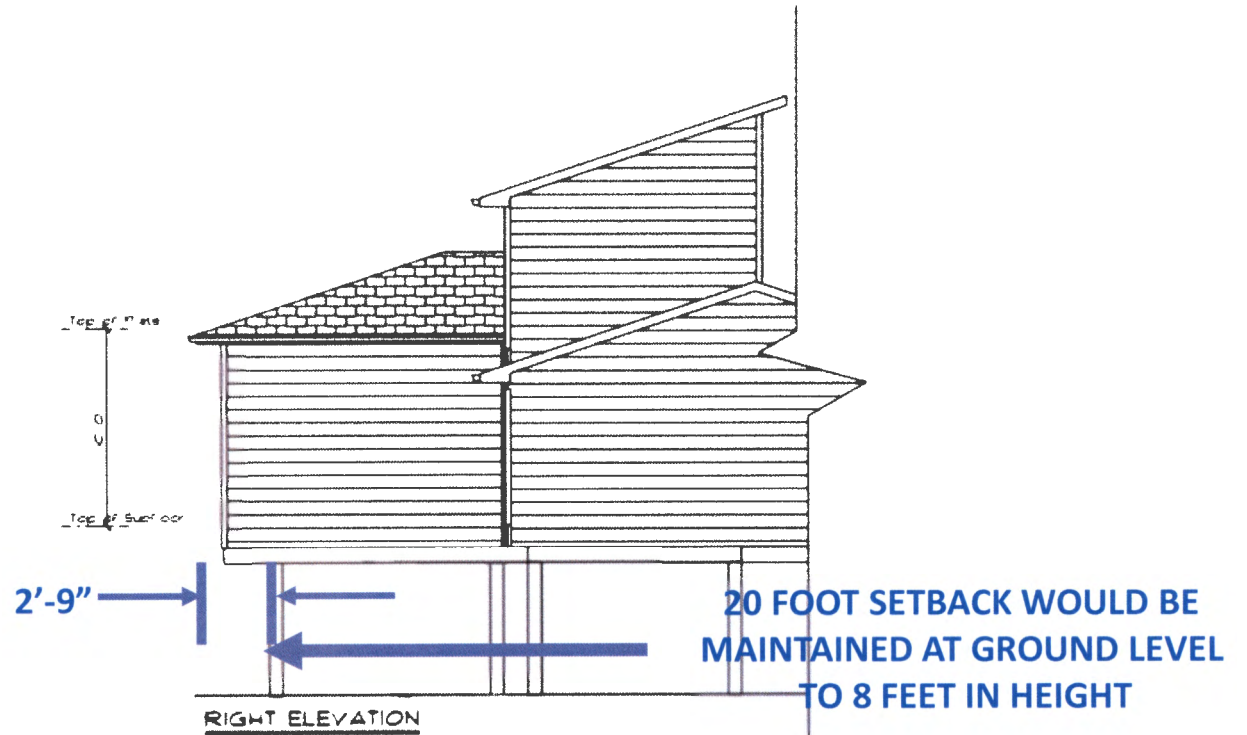
**3819 Brewster Key**

Proposed  
new addition  
- 2018



**PROPOSED MAJOR HOME IMPROVEMENT**  
**ADD 14' X 14' BEDROOM AND 9' X 14' BATH**

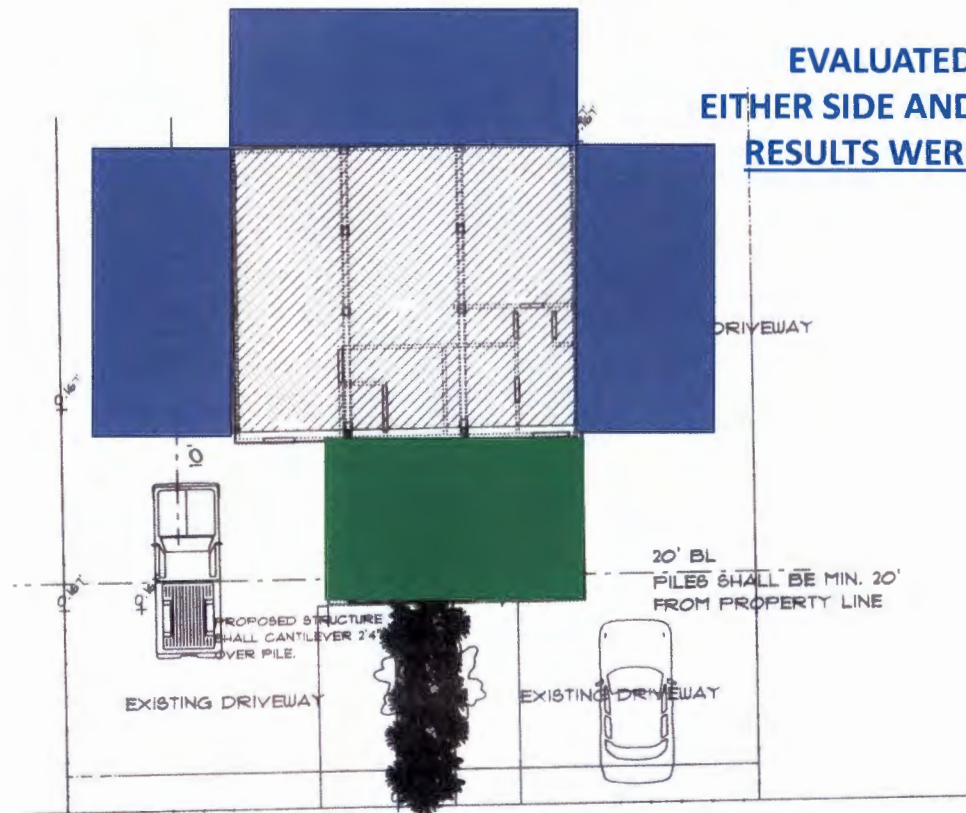
Proposed  
new addition  
- 2018



Front Elevation

**PROPOSED MAJOR HOME IMPROVEMENT**  
**ADD 14' X 14' BEDROOM AND 9' X 14' BATH**

Proposed  
new addition  
- 2018



EVALUATED ADDING ON  
EITHER SIDE AND REAR OF HOME –  
RESULTS WERE SUB-OPTIMAL.

EVALUATED ALL OPTIONS –  
BREWSTER KEY  
GOING TO EACH SIDE +  
ADDING ONE FLOOR

Proposed  
new addition  
- 2018



**THERE ARE CURRENTLY 3 OTHER HOMES ON  
BREWSTER KEY THAT ENCROACH ON THE  
20 FOOT SETBACK.**

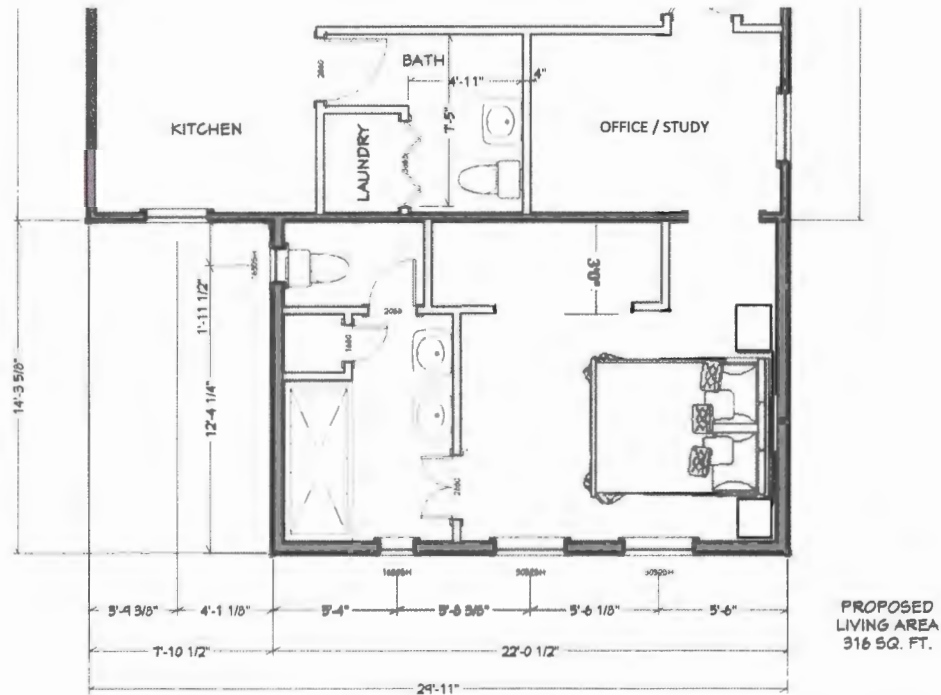
**THERE ARE OTHERS THROUGHOUT SEA ISLE  
NO NEGATIVE EFFECTS NOTED.**

Proposed  
new addition  
- 2018



**THERE ARE NUMEROUS NEW HOMES IN  
BEACHSIDE VILLAGE THAT ENCROACH ON THE  
20 FOOT SETBACK AND ALSO THE SIDE SETBACKS.**

Proposed  
new addition  
- 2018



2nd FLOOR PLAN

**PROPOSED MAJOR HOME IMPROVEMENT**  
**ADD 14' X 14' BEDROOM / CLOSET**

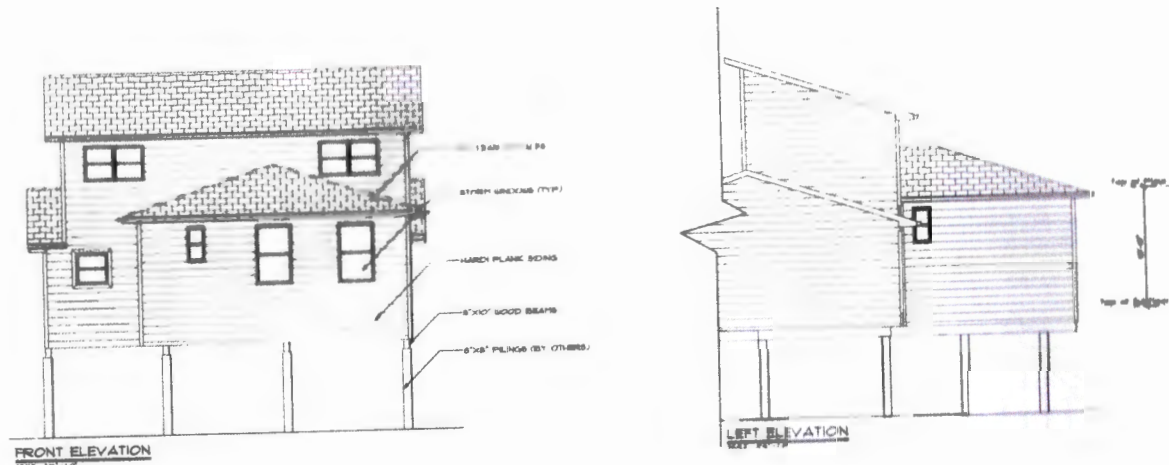
Proposed  
new addition  
- 2018



**ADD 14' X 14' BEDROOM AND 9' X 14' BATH  
WILL ADD 322 SQ. FT. TO EXISTING 1300 SQ. FT.,  
THEREBY INCREASING THE VALUE OF THE HOME.**

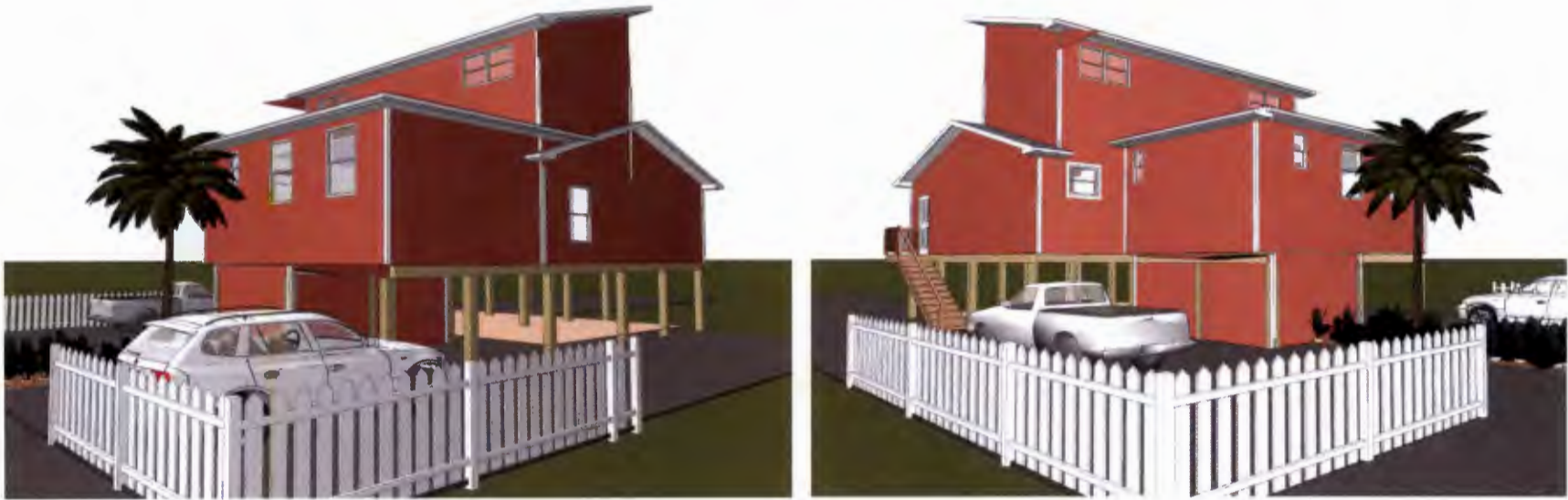
Proposed  
new addition  
- 2018

**BY ADDING NEW BEDROOM AND BATH  
WILL INCREASE AND ENHANCE 'LIVEABILITY' –  
WITH NO NEGATIVE EFFECTS**



**PRELIMINARY APPROVAL RECEIVED FROM SEA ISLE POA  
AND ADJACENT LAND OWNERS**

# REQUEST APPROVAL FOR THIS ADDITION AND VARIANCE



**AN IMPROVEMENT TO A HOME  
IS AN IMPROVEMENT TO THE COMMUNITY**



## 18Z-002

## STAFF REPORT

### ADDRESS:

6702 Stewart Road and 2321 67<sup>th</sup> Street

### LEGAL DESCRIPTION:

Properties are legally described as Lots 20 & 21, Pabst Subdivision, in the City and County of Galveston.

### APPLICANT/REPRESENTATIVE:

Jason Keeling

### PROPERTY OWNER:

Ryson Real Estate Holdings, LLC.

### ZONING:

Residential, Single Family (R-1)

### REQUEST:

Special Exception from Section 11.400 of the Galveston Land Development Regulations

### APPLICABLE ZONING LAND USE

Office

### REGULATIONS:

Section 11.303

Section 11.400

### EXHIBITS:

A – Aerial Map

B – Current Survey /Site Plan

C – Picture of Sign

### STAFF:

Janice Norman, Planning Manager

409-797-3670

Jnorman@galvestontx.gov

### Public Notice and Comment:

| Sent | Returned | In Favor | Opposed | No Comment |
|------|----------|----------|---------|------------|
| 21   |          |          |         |            |

### City Department Notification Responses:

No objection from any City department



### Background

The building was constructed in 2006 and has been used as offices since.

The building was recently purchased by the applicant and it was determined after the purchase the zoning on the property was Residential, Single Family (R-1), which would not permit an "Office" land use or any signage.

### Executive Summary:

The applicant is requesting a Special Exception from the Galveston Land Development Regulations Section 11.400 Conversion of Nonconforming Uses in order to operate an "Office" land use and to install a new detached sign.

### SEC. 11.402 PROCEDURE

An owner of a nonconforming use may apply for a special exception from the Zoning Board of Adjustment, which has the effect of making the nonconforming use conforming.

#### SEC. 11.403 CRITERIA FOR APPROVAL

A. **Generally.** A special exception may be granted by the Zoning Board of Adjustment to make a nonconforming use conforming, if, compliance with all of the criteria of this Section is demonstrated.

B. **Nonconformity.** The use, as conducted and managed, has been determined to be a nonconforming use that has been integrated into the neighborhood's function or the zoning district's function if it is not in or adjacent to a residential neighborhood as evidenced by the following demonstrations:

1. Neighborhood residents regularly patronize or are employed at said use for nonresidential uses in or abutting residential neighborhoods;
2. Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts;
3. There is no material history of complaints to the City about the use. A history of complaints is justification for denying the special exception, unless the conditions of the exception will eliminate the reasons for the complaints;
4. If the use is nonresidential, it is registered or licensed in accordance with any applicable ordinances of the City; or
5. The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.

C. **Conditions.** Conditions may be imposed relative to the expansion of buffering, landscaping, or other site design provision or other limitations necessary to ensure that as a conforming use the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures or operation of the use.

Should the Zoning Board of Adjustment choose to administer Section 11.404 (c), the following are conditions for the Special Exception:

1. The applicant shall continue to only operate "Office" land uses at this location;
2. Any new signs must be in conformance with the sign regulations for a Commercial (C) zoning district; and
3. The applicant must comply with all regulations for Landscaping, Lighting, Parking and Loading in accordance with the Galveston Land Development Regulations for a Commercial (C) zoning district and "Office" land use.

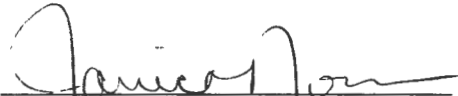
#### **Applicant's Justification:**

"We purchased the building as a commercial property and it is being used as a commercial building. It was built in 2006 and has always been a commercial building. We are moving our real estate office in where a title company was. We need to have a sign so people can find us or we will lose business and money".

| Location     | Zoning                           | Land Use                |
|--------------|----------------------------------|-------------------------|
| Subject Site | Residential, Single Family (R-1) | Commercial              |
| North        | Residential, Single Family (R-1) | Residential             |
| South        | Commercial (C)                   | Commercial              |
| East         | Commercial (C)                   | Commercial              |
| West         | Residential, Single Family (R-1) | Commercial Office Space |

***Please see Agenda for Standard Conditions for a Special Exception and Appeal from Decision of Board Process.***

Respectfully submitted,

  
\_\_\_\_\_  
Janice Norman, Planning Manager

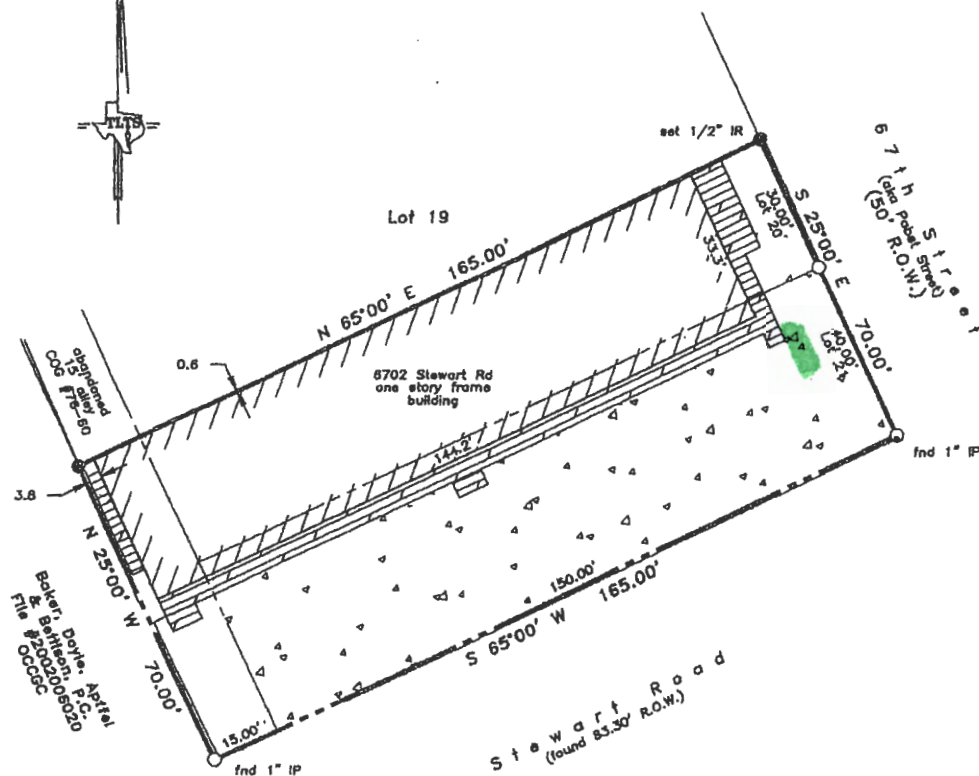
1/29/18  
Date

  
\_\_\_\_\_  
Catherine Gorman, AICP  
Assistant Director/HPO

1-29-18  
Date



NATIONAL FLOOD INSURANCE PROGRAM  
FIRM Zone X  
Panel 0024-E  
Community #483469  
December 6, 2002



NOTES:  
- RECORD EASEMENTS, ROADWAYS,  
RIGHTS-OF-WAY, ETC. PROVIDED  
BY CLIENT ONLY AS PER Chicago  
Title Co., GF #397074, ONLY  
- True ground distances shown  
- Bearings assumed on ROW 67th

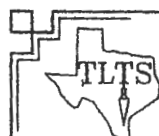
Scale: 1" = 30'  
15 0 15 30 45

LAND TITLE SURVEY OF A TRACT OF LAND  
being Lots 20 and 21, of PABST ADDITION,  
according to the map or plat thereof  
recorded in Volume 5, Page 29 of the Map  
Records of Galveston County, Texas together  
with the 15' alley adjacent on the West,  
abandoned by the City of Galveston under  
Ordinance #76-60.



Laurence C. Wall  
RPLS #4814  
October 20, 2011

Subject property: 6702 Stewart Road  
Galveston County, Texas  
To DBA Realty Partnership;  
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.



TLTS, Inc.  
TEXAS LAND TITLE SURVEYORS  
1801 Moody Avenue  
Galveston, Texas 77560  
(409) 765-8883





*Ryson*  
**REAL ESTATE**  
**& VACATION RENTALS**

A large, rectangular sign with a white background and a black border. The word "Ryson" is written in a stylized, italicized font inside a red oval. Below it, "REAL ESTATE" is in bold black capital letters, and "& VACATION RENTALS" is in bold red capital letters. Two small palm tree cutouts are mounted on the top corners of the sign. The sign is mounted on a black rectangular post.



# ZONING BOARD OF ADJUSTMENT

Year-End Report  
2017

City Hall, 823 Rosenberg, Galveston, TX 77550

## Overview

This report contains data from the Zoning Board of Adjustment throughout the 2017 calendar year. It is an opportunity to review the actions, workload, and accomplishment of the board.

After several years of a reduction in the number of cases, the Zoning Board of Adjustment's caseload has stabilized. Both 2016 and 2017 had a caseload of eight cases.

| MEETINGS                            |                       |
|-------------------------------------|-----------------------|
| Regular Meetings                    | 5                     |
| Special Meetings                    | 0                     |
| Workshops                           | 0                     |
| <b>Meeting &amp; Workshop Total</b> | <b>5</b>              |
| Shortest Time                       | 23 mins               |
| Longest Time                        | 51mins                |
| Average Time                        | 43 mins               |
| <b>Meeting Time Total</b>           | <b>3 hrs, 34 mins</b> |

| CASE TYPES                        |          |
|-----------------------------------|----------|
| Variance                          | 4        |
| Special Exception                 | 0        |
| Appeal of Landmark Decision       | 2        |
| Appeal of Administrative Decision | 2        |
| <b>Total</b>                      | <b>8</b> |

| Attendance            |                              |
|-----------------------|------------------------------|
| Commissioners         | Absent from Regular Meetings |
| James Bangle          | 1                            |
| David Collins         | 0                            |
| Andrew Galletti       | 1                            |
| Robert Girndt         | 1                            |
| Lyssa Graham-Reynolds | 0                            |
| Rhonda Gregg-Hirsch   | 2                            |
| Ray Truitt            | 0                            |
| Dominick Sasser       | 1                            |
| CM Sunseri            | 2                            |

| OUTCOMES                         |   |     |
|----------------------------------|---|-----|
| Approval                         | 4 | 50% |
| Denial                           | 0 | 0%  |
| Withdrawn                        | 1 | 13% |
| Remand appeal to Landmark        | 1 | 13% |
| Reversed Landmark Decision       | 0 | 0%  |
| Upheld Landmark Decision         | 1 | 13% |
| Reversed Administrative Decision | 0 | 0%  |
| Upheld Administrative Decision   | 1 | 13% |