

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

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of Minutes

A. Minutes: February 7, 2018

Documents:

020718.PDF

5. Request To Address Commission On Non-Agenda Items (Three Minutes Maximum Per Speaker)
6. New Business And Associated Public Hearings

A. 18Z-004 (1604 Biovu) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Requirements For Front Yard Setbacks In A Residential, Single Family (R-1) Zoning District. Property Is Legally Described As Lot 25, Bayou Shores- Wheelers Subdivision, A Subdivision In The City And County Of Galveston, Texas. Applicant: Daniel Quigley Property Owner: Eliza Kempner Thomas Quigley

Documents:

18Z-004 PKT.PDF

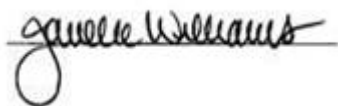
B. 18Z-005 (41 Grand Beach Boulevard) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Requirements For Side Yard Setbacks In A Resort/Recreation (Res/Rec) Zoning District. Property Is Legally Described As Lot 9, Block 2, The Preserve At Grand Beach (2014), A Subdivision In The City And County Of Galveston, Texas. Applicant: Lloyd Martin Property Owner: Lloyd And Linda Martin

Documents:

18Z-005 PKT.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 March 2, 2018 at 2:00 P.M.



Prepared By:

Janelle Williams, City Secretary

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 – February 7, 2018

CALL MEETING TO ORDER

The meeting was called to order at 4:00 p.m.

ATTENDANCE

Members Present: David Collins, Andrew Galletti, James Bangle (Alt. 1), Robert Girndt (Alt. 2), Rhonda Gregg-Hirsch, Dominick Sasser, CM Carolyn Sunseri

Members Absent: Lyssa Graham Reynolds

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 December 6, 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

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

Staff presented the staff report and noted that of twenty-five (25) public notices sent, three (3) were returned, all opposed.

Carolyn Sunseri arrived at 4:06.

Vice-Chairperson Rhonda Gregg-Hirsch opened the public hearing on Case 18Z-001. James Burnette, applicant, made a presentation to the Commission. The public hearing was closed and the Vice-Chairperson called for questions or comments from the Commission.

Andrew Galletti moved to approve Case 18Z-001. Dominick Sasser seconded and the following votes were cast:

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

Non-Voting

Participant: None

Absent: Lyssa Graham Reynolds
Staff clarified that James Bangle voted in error and that Robert Girndt was the voting alternate. The vote was retaken:

In Favor: Andrew Galletti

In Opposition: Robert Girndt (Alt. 2), David Collins, Rhonda Gregg-Hirsch, Dominick Sasser

Non-Voting

Participant: James Bangle (Alt. 1)

Absent: Lyssa Graham Reynolds

The motion failed.

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.

Staff presented the Staff Report and reported that twenty (20) notices of public hearing were mailed to the property owners adjacent to the subject property, as of February 7, 2018, none were returned.

Vice-Chairperson Rhonda Gregg-Hirsch opened the public hearing on Case 18Z-002. The public hearing was closed and the Vice-Chairperson called for questions or comments from the Commission.

David Collins moved to approve Case 18Z-002. Dominick Sasser seconded and the following votes were cast:

In Favor: David Collins, Andrew Galletti, Robert Girndt, Rhonda Gregg-Hirsch, Dominick Sasser

Absent: Lyssa Graham Reynolds

Non-Voting

Participant: James Bangle (Alt. 1),

Approve

THE MEETING ADJOURNED AT 4:33 PM





18Z-004

STAFF REPORT

ADDRESS:

1604 Biovu

LEGAL DESCRIPTION:

Property is legally described as Lot 25, Bayou Shores-Wheelers Subdivision, a subdivision in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Daniel Quigley

PROPERTY OWNER:

Eliza Kempner Thomas Quigley

ZONING:

Residential, Single Family (R-1)

VARIANCE REQUEST:

- 1) 20-foot Front Yard Setback.

APPLICABLE ZONING LAND

USE REGULATIONS:

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

EXHIBITS:

A – Survey

B – Proposed Site Plan

STAFF:

Janice Norman, Planning Manager, CFM

409-797-3670

jnorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
20				

City Department Notification:



Executive Summary:

The applicant is requesting a variance from the Galveston Land Development Regulations, Article 3, Addendum for the Residential, Single-Family (R-1) zoning district for the front yard setback requirements. The applicant is proposing to construct an addition in the front yard.

Applicable Standards:

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

Front Yard: 20-Feet

Side Yard: 3-Feet

Rear Yard: 10-Feet

Variance Diagram:

Setbacks	Current	Proposed Setback
Front	20-Foot	12-feet

Requested Variance: From 20-foot to 12-foot front yard setback.

Applicants Justification *"The street side setback, was changed in 2015, from 10-feet to 20-feet".*

Please see Agenda for Appeal from Decision of Board Process.

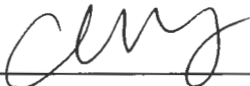
Respectfully Submitted,



Janice Norman, Planning Manager

2/21/18

Date

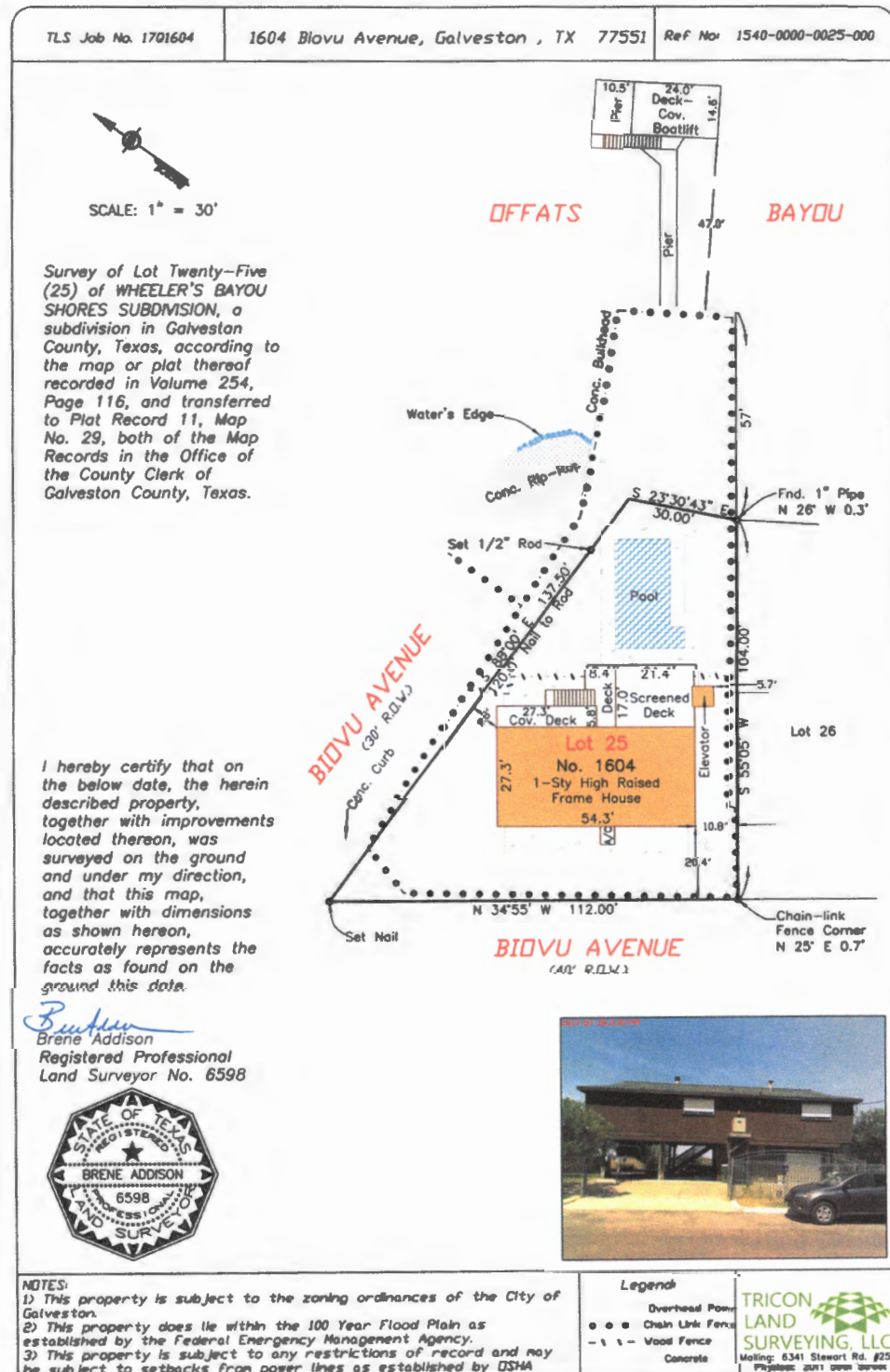


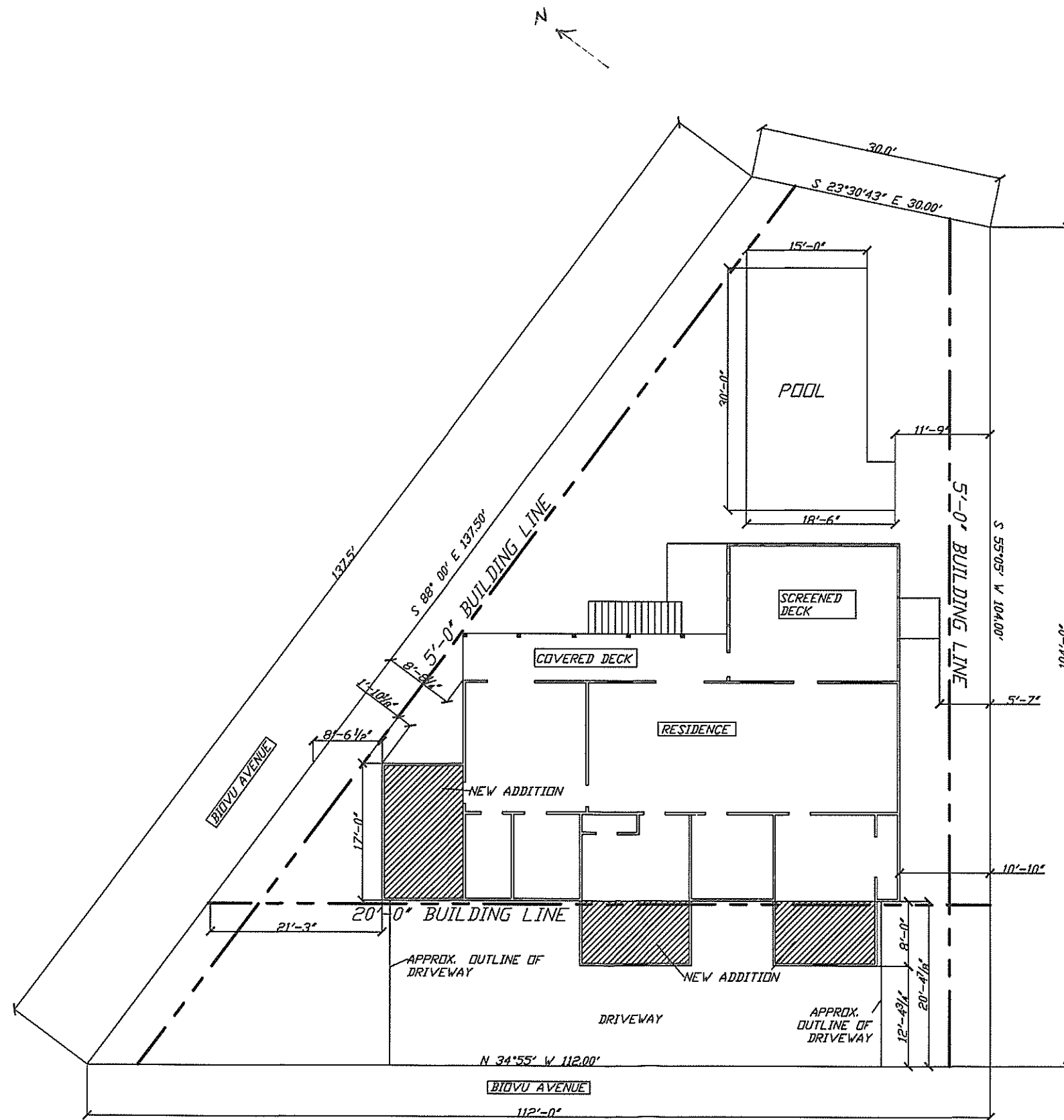
Catherine Gorman, ACIP
Assistant Director/HPO

2-22-18

Date

Done Quigley Survey 8-5-17.pdf





NOTE: ALL DIMENSIONS ON THIS SHEET ARE APPROXIMATE AND SHALL BE FIELD VERIFIED PRIOR TO DRIVING ANY PILING. SETE IS NOT RESPONSIBLE FOR ENCROACHMENT OVER BUILDING LINES OR LOT LINES. THE OWNER SHALL GET A SURVEYOR TO MARK ALL BUILDING/PROPERTY LINES PRIOR TO STARTING CONSTRUCTION.

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	10-9-17



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

10-9-17

ADDITION
DANNY QUIGLEY

1604 BIOVU
GALVESTON, TEXAS

TITLE PLOT PLAN	
DATE OCT. 9, 2017	
SCALE 3/32"=1'-0"	SHEET S3.1 OF 20



18Z-005

STAFF REPORT

ADDRESS:

41 Grand Beach Boulevard

LEGAL DESCRIPTION:

Property is legally described as Lot 9, Block 2, The Preserve at Grand Beach (2014), a subdivision in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Lloyd Martin

PROPERTY OWNER:

Lloyd and Linda Martin

ZONING:

Resort/Recreation (Res/Rec)

VARIANCE REQUEST:

- 1) 5-foot to 2-foot, side yard setback.

APPLICABLE ZONING LAND

USE REGULATIONS:

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

EXHIBITS:

- A – Survey
- B- Original Survey
- C – Photo

STAFF:

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

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
8				

City Department Notification:



Executive Summary:

The applicant is requesting variances from the Galveston Land Development Regulations, Article 3, Addendum for the Residential, Single-Family (R-1) zoning district for the side yard setback requirements.

Applicable Standards:

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

Front Yard: 0-10-Feet

Side Yard: 5-Feet

Rear Yard: 10-Feet

Requested Variance:

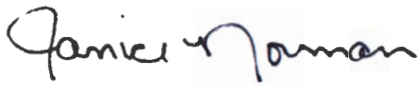
Setbacks	Current	Proposed Variance
Side	5-Foot	2-Foot

Applicants Justification

Variance for condenser deck being 2-feet from property line. The contractor put the condenser in the wrong place now its 2-feet instead of the 6-feet.

Please see Agenda for Appeal from Decision of Board Process.

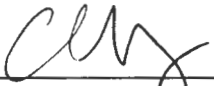
Respectfully Submitted,



Janice Norman, Planning Manager

2/21/2018

Date

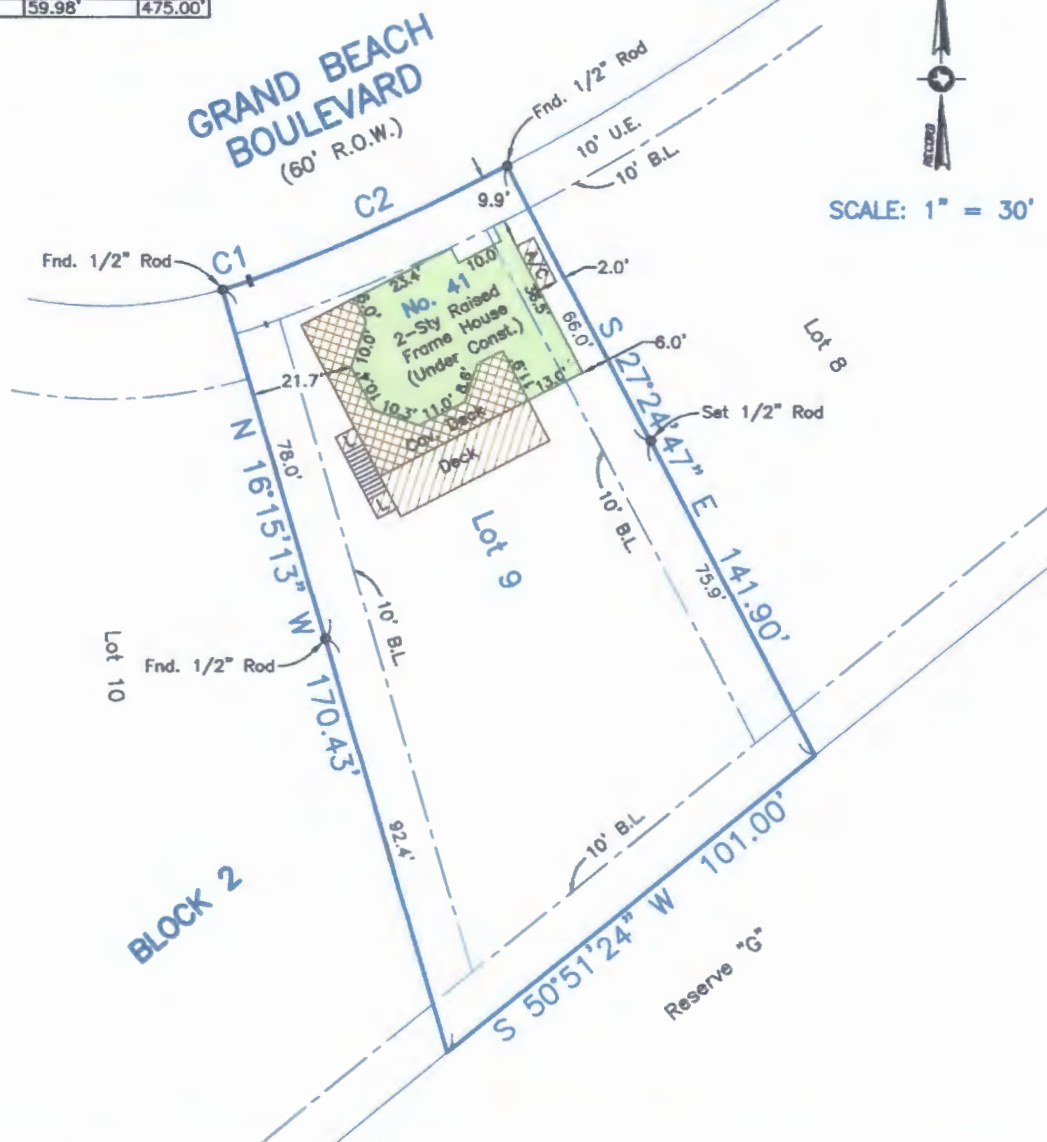


Catherine Gorman, ACIP
Assistant Director/HPO

2-22-18

Date

CURVE	ARC LENGTH	AREA
C1	6.16'	90.00'
C2	59.98'	475.00'



Survey of Lot Nine (9), in Block Two (2), of THE PRESERVE AT GRAND BEACH, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 2013A, Map No. 90, of the Map Records 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.

Brian S. House
 Brian S. House
 Registered Professional
 Land Surveyor No. 6520

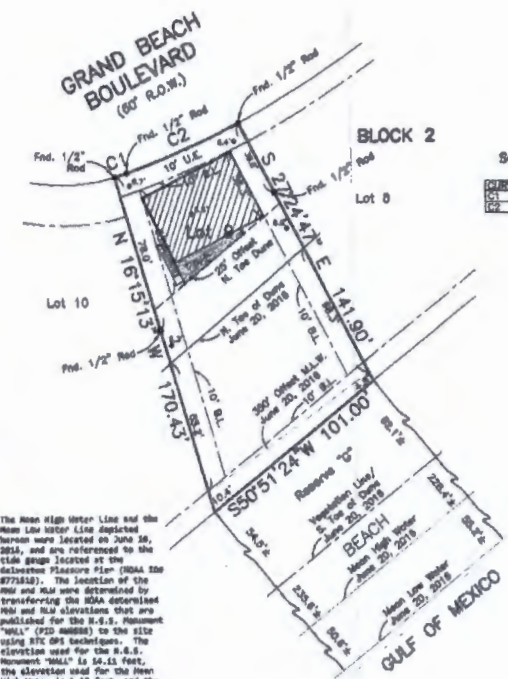
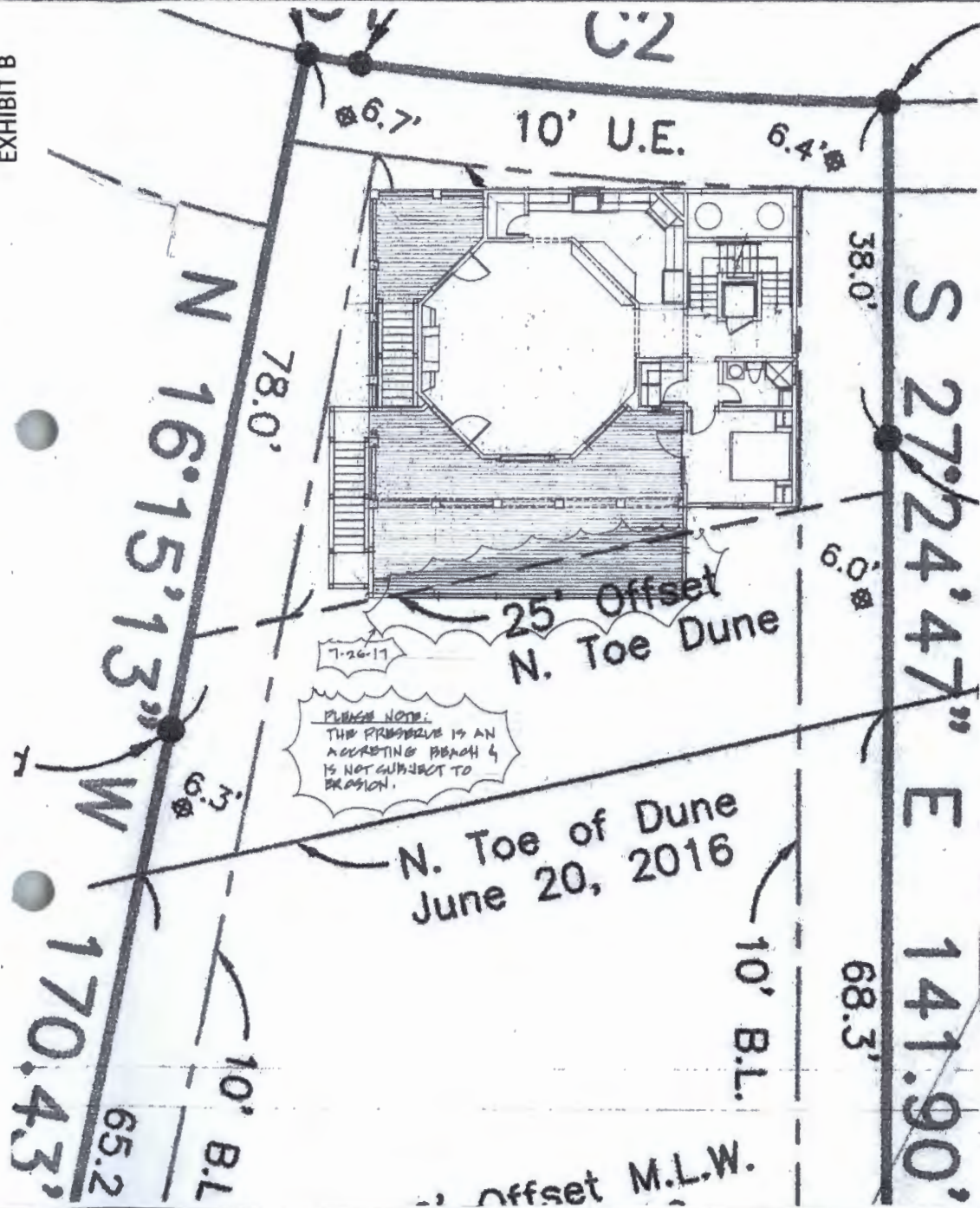


8017 HARBORSIDE DRIVE
 P.O. BOX 16142 (mailing)
 GALVESTON, TX 77552
 ph (409) 740-1517
 Registration Number: 10193855
www.hightidelandsurveying.com

SURVEY DATE: JANUARY 3, 2018
 FILE No.: 5987-0002-0009-000
 DRAFTING: JTK
 JOB No.: 17-1121

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 recorded plat.
- 4) Surveyed without benefit of a Title Report.



The Mean High Water Line and the Mean Low Water Line depicted herein were located on June 20, 2016, and are referenced to the tide gauge located at the Galveston Pleasure Pier (NGAA the 877582). The location of the MHW and MLW were determined by transferring the NOAA determined MHW and MLW elevations that are published for the H.S.S. Monument "W1" (220 meters) to the site using RTK GPS techniques. The elevation used for the H.S.S. Monument "W1" is 14.11 feet, the elevation used for the Mean High Water is 1.17 feet, and the elevation used for Mean Low Water is -0.10 feet.

Survey of Lot Nine (9), in Block Two (2), of THE PRESERVE AT GRAND BEACH, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 2013A, Map No. 90, of the Map Records 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 herein, accurately represents the facts as found on the ground this date.

Stephen C. Blaskey
 Stephen C. Blaskey
 Registered Professional
 Land Surveyor No. 5656



6017 MARSHSIDE DRIVE
 P.O. BOX 19142 (mailing)
 GALVESTON, TX 77562
 PH: 409 763-1917
 Registration Number: 10103685
 www.hightidelandsurveying.com

- NOTES:
- 1) This property does not contain 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 easements from power lines as established by others (not your power company).
 - 3) Drawings based on recorded plat.
 - 4) Surveyed without benefit of a Title Report.



DAVID MULLIGAN, ARCHITECT
 1622 MARKET STREET, GALVESTON, TEXAS 77550 (409)-457-6783

MARTIN RESIDENCE
 41 GRAND BEACH BLVD
 THE PRESERVE @ GRAND BEACH
 Lot 9, Block 2
 GALVESTON, TX

EXHIBIT C

