

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., Wednesday, August 8, 2018
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

1. Call Meeting To Order
2. Attendance
3. Election Of Chair And Vice-Chair
4. Conflict Of Interest
5. Approval Of Minutes: June 20, 2018

Documents:

[062018 ZBA MINUTES.PDF](#)

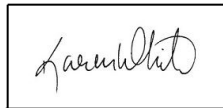
6. Request To Address Commission On Non-Agenda Items (Three Minutes Maximum Per Speaker)
7. New Business And Associated Public Hearings
 - A. 18Z-012 (1411 14th Street) Request For A Variance From The Galveston Land Development Regulations, Article 3, Urban Neighborhood (UN) Addendum, Regarding Minimum Lot Area Requirements In An Urban Neighborhood (UN) Zoning District. Property Is Legally Described As Lot 7, Southwest Block 22, Galveston Outlots, A Subdivision In The City And County Of Galveston, Texas. Applicant: Heidi Walker Property Owner: Kevin Van Flandern

Documents:

[18Z-012 PKT.PDF](#)

8. 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 August 3, 2018 at 12:00 P.M.



Prepared by: Karen White, Planning Technician

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

SPECIAL MEETING – June 20, 2018

CALL MEETING TO ORDER

The meeting was called to order at 3:59 p.m.

ATTENDANCE

Members Present: Andrew Galletti, Robert Girndt (Alt. 2), Lyssa Graham Reynolds, Rhonda Gregg-Hirsch, Dominick Sasser

Members Absent: James Bangle (Alt. 1)

Staff Present: Catherine Gorman, AICP, Assistant Director/HPO; Janice Norman, Planning Manager; Karen White, Planning Technician; Kim Coogan, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The June 6, 2018 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-011 (7627 Stewart Road) Request for variances from the Galveston Land Development Regulations, Article 10, Section 10.300, Height and Density Development Zone regarding wall plane articulation, height and lot coverage, in a Commercial Height and Density Development Zone, Zone-5 (C-HDDZ-5) zoning district. Property is legally described as, lot 1, Neel's Place (2016), in the City and County of Galveston, Texas.

Application: Tipps Architecture, Jerry Tipps

Property Owner: SPN Enterprises LLC.

Staff presented the Staff Report and noted that of two hundred two (202) notices of public hearing sent, forty-three (43) had been returned opposed, four (4) had been returned in favor, and one (1) had been returned no comment.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 18Z-011. Representative of the applicant Gus Knebel presented to the Commission. Please see attached list for additional presentations to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Dominick Sasser moved to approve case 18Z-011 per Staff's Recommendations. Vice-Chairperson Rhonda Gregg-Hirsch seconded, and the following votes were cast:

In Favor: Andrew Galletti, Robert Girndt (Alt. 2), Lyssa Graham Reynolds, Rhonda Gregg-Hirsch, Dominick Sasser

In Opposition: None

Non-Voting
Participant: None
Absent: James Bangle (Alt. 1)

The motion passed.

18Z-009 (1211 11th Street) Request for a variance from the Galveston Land Development Regulations, Article 3, Urban Neighborhood (UN) Addendum, regarding minimum lot area requirements in an Urban Neighborhood (UN) zoning district. Property is legally described as the South 22.17 Feet of Lot & (7-4), Block 11, a subdivision in the City and County of Galveston, Texas.

Applicant: Brene Addison, Tricon Land Surveying
Property Owner: Barbara Guerra

Staff presented the Staff Report and noted that of thirty-three (33) notices of public hearing sent, zero (0) had been returned.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 18Z-011. Property owner Barbara Guerra presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

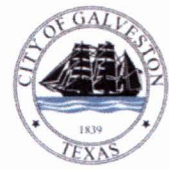
Vice-Chairperson Rhonda Gregg-Hirsch moved to approve case 18Z-009 per Staff's Recommendations. Robert Girndt seconded, and the following votes were cast:

In Favor: Andrew Galletti, Robert Girndt (Alt. 2), Lyssa Graham Reynolds, Rhonda Gregg-Hirsch, Dominick Sasser
In Opposition: None
Non-Voting
Participant: None
Absent: James Bangle (Alt. 1)

The motion passed.

THE MEETING ADJOURNED AT 5:03 PM





18Z-012

STAFF REPORT

ADDRESS:

1411 14th Street

LEGAL DESCRIPTION:

Property is legally described as Lot 7 Southwest Block 22 Galveston Outlots, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Heidi Walker

PROPERTY OWNER:

Kevin Van Flandern

ZONING:

Urban Neighborhood, San Jacinto
Neighborhood Conservation District
(UN-NCD-1)

APPEAL REQUEST:

Variance of minimum lot area

APPLICABLE ZONING LAND

USE REGULATIONS:

Urban Neighborhood (UN) Addendum

ATTACHMENTS:

- A - Applicant's submittal
- B - Article 3, Section 3.301(A),
Article 3, Page 3-9

STAFF:

Daniel Lunsford, Planner
409-797-3659
dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
41				

City Department Notification: No Objections



Background:

The property at 1411 14th / Christopher Columbus Boulevard contains a multifamily residence facing Avenue L (north) and a single-family alley house facing 14th Street (east). The owner wishes to replat the property in order to sell the single-family residence separately. However, the resulting single-family lot will be approximately 1,756 square feet, below the minimum 2,500 square foot limit set by the city's Land Development Regulations for Urban Neighborhood (UN) zoning.

Executive Summary:

The applicant is requesting a variance from the Urban Neighborhood (UN) Addendum regarding minimum lot area as provided in Article 3, Section 3.301(A) and Article 3, page 3-9: Minimum Lot Standards in Urban Neighborhood (UN) zoning district.

Minimum Lot Standards, Urban Neighborhood (UN):

The applicant requests a variance from the 2,500 square foot minimum lot area to allow a lot of 1,756 square feet in area.

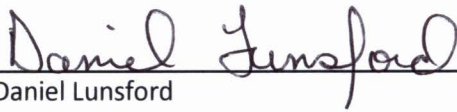
Applicant's Justification:

The owner wishes to sell the single-family house at the corner of 14th Street and the mid-block alley separately from the multifamily house at the corner of 14th Street and Avenue L. The applicant's justifications are included in Attachment A.

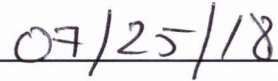
The applicant also provided a map of the surrounding neighborhood, which shows a prevalence of similarly subdivided lots. This map is also included in Attachment A.

Please see Agenda for Approval Standards for Variances and Appeal from Decision of Board Process.

Respectfully Submitted,


Daniel Lunsford
Planner


Catherine Gorman, AICP
Assistant Planning Director


Date


Date

Request for a Re-Plat Variance
Neighborhood Zone: UN
Legal Address:
1411 CHRISTOPHER COLUMBUS BLVD
GALVESTON, TX 77550

NARRATIVE:

We are requesting a variance to re-plat the corner lot at 1411 14th Street and 1401 M 1/2. The building facing M 1/2 is a multi-family three plex. The building at 1411 14th street is a single family home. We are asking for a variance to separate these two buildings so the single family home can be on a lot of its own.

After the re plat, the single family home will have under the required 2,500 sq. ft. which is why we are requesting a variance to replat.

JUSTIFICATION:

1. Retuning the property back to the two lot configuration will separate the single family home from the multi-family complex allowing someone to purchase and homestead the property. As it is, it would most likely always stay a rental.

This opens up the property to Homeownership and owner occupancy.

2. As the supporting documents show, this replat is a traditional configuration for this corner lot. As shown on the attached map, you will find numerous corner lots that resemble this 2/3 - 1/3 division of land. Within a 3 block radius there are more than 14 lots divided the same as we are requesting

In addition, within the 3 block radius you will find more than 30 lots that are under 2,500 sq. ft. These homes are all numbered street facing, the same as 1411 14th street is.

These other homes under 2,500 sq. ft. range in size from 1,250 to 1,712sq. ft. keeping 1411 14th street within the average range.

3. The replat keeps within the structure and original plan set forth for this neighborhood from its origin. This re-plat will most likely return the land back to its original configuration.

Replat Square Footage.

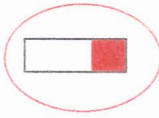
1411 14th Street - 1756 Sq. Ft.

1401 M 1/2 - 3,397 Sq. Ft.

Pattern of small lots, 1,200 - 1,750 square feet

Also this map shows numerous, 1/3 - 2/3 lot blocks that mirror what the replat will look like.

■ Homes under 2,500 SQ. Ft.

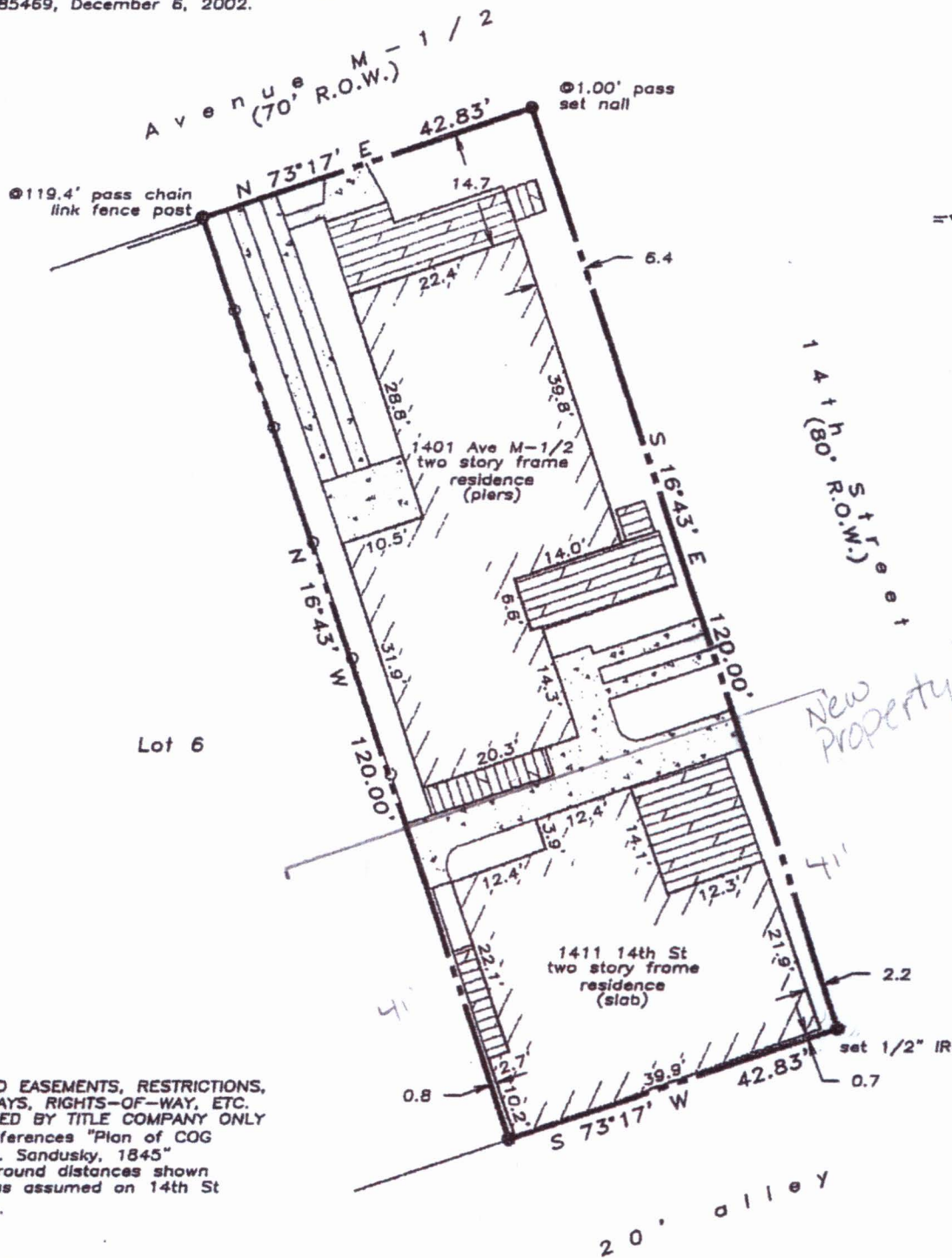


1/3 - 2/3 Lot split with homes under 2,500 SQ. Ft.



Subject Property
1401 M 1/2 & 1411 14th Street

This property is within the 100-Year Special Flood Hazard Area & is designated to be w/in FIRM Zone AE, located on Panel 0027-E, Community #485469, December 6, 2002.



- NOTES:
- RECORD EASEMENTS, RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY, ETC. PROVIDED BY TITLE COMPANY ONLY
 - Plat references "Plan of COG by Wm. Sandusky, 1845"
 - True ground distances shown
 - Bearings assumed on 14th St

LAND TITLE SURVEY OF A TRACT OF LAND being Lot 7, in the Southwest Block of Outlot 22, in the City and County of Galveston, Texas.

Subject property: 1411 14th Street & 1401 Avenue M-1/2



Site Plan

Request for a Re-Plat Variance

Neighborhood Zone: UN

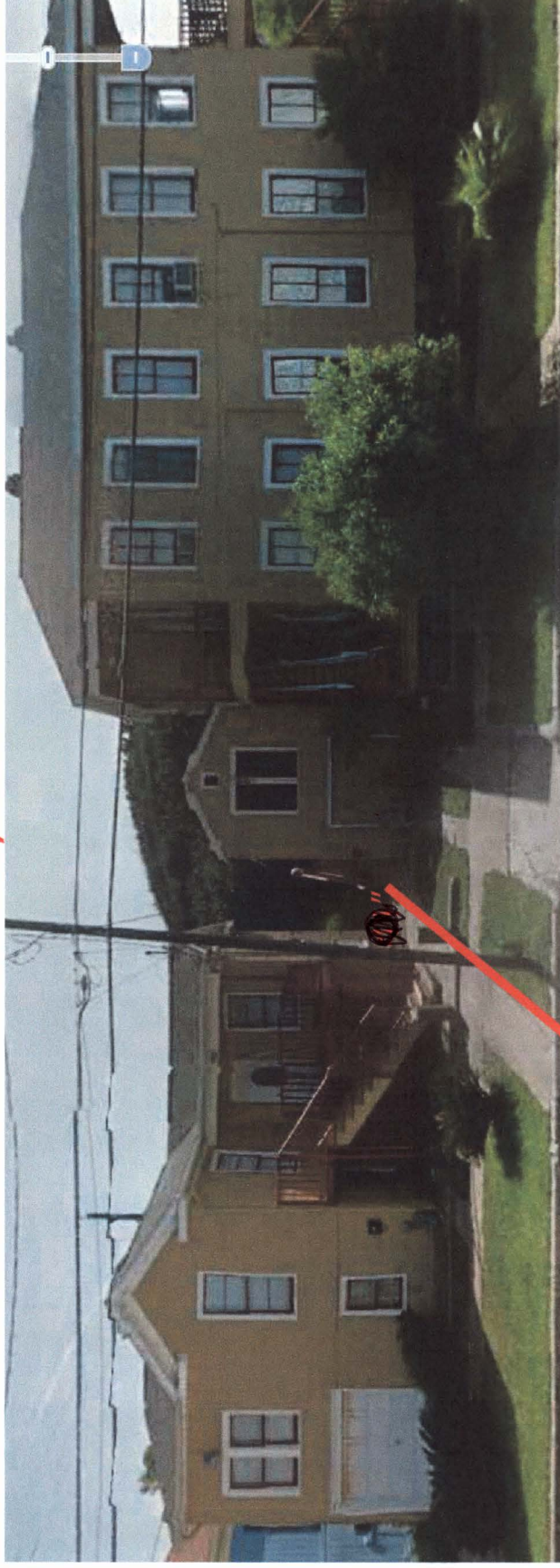
Legal Address:

1411 CHRISTOPHER COLUMBUS BLVD

GALVESTON, TX 77550



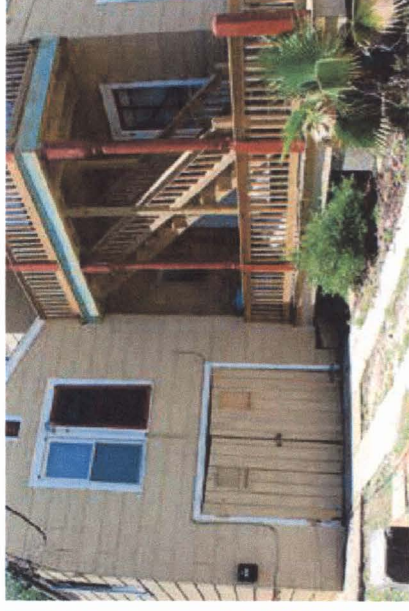
SW Corner, 14th & M 1/2



6'5"

1411-14th Street
Single Family Home

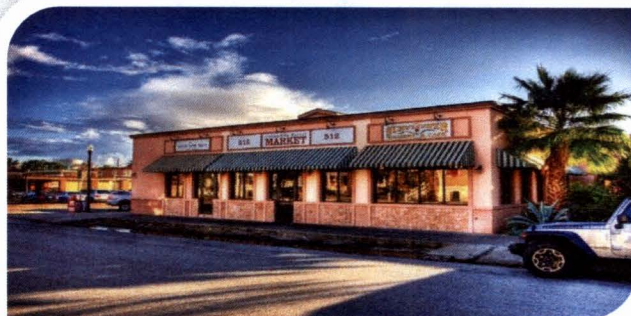
1401 M 1/2 Three Plex



URBAN NEIGHBORHOOD (UN)

Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water or to an alley or rights-of-way.
3. New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.
4. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
5. Building facades shall include appropriate architectural details and ornament to create variety and interest.
6. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.
7. Encroachments: Canopies, signs, awnings, balconies and similar overhangs may encroach over any required setback, build-to-line or the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over any side or rear property line.
8. Average Front Yard Setback: Where 30 percent of buildings on one side of a street, on a single block, are built with 10 feet or less front yard setback, the average setback of the structures shall be the required setback.
9. Zoning setbacks may be inconsistent with Building Code. Refer to Building Division to determine final building and fire code setbacks.
10. Any outdoor storage areas accessory to the main use shall be enclosed by a solid masonry or concrete wall, or a wood fence, and shall not be less than 6 feet nor more than 8 feet in height.



Minimum Lot Standards

Area:	2,500 square feet
Width:	0 feet
Depth:	0 feet

Setbacks

Front:	0 feet
Side:	0 feet
Rear:	0 feet

Building Height

Maximum:	50 feet, measured from base flood elevation
----------	---

Parking

Residential:	None required; Maximum 1.5 spaces per unit
Non-Residential:	Minimum 1 space per 1,500 square feet of floor area
Lodging:	1 space per unit

Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations

14th Street Corridor

The table on Page 3-14 will govern land uses within the 14th Street UN corridor.

Parking Structure/Lot Incidental to Main Use = Permitted Use;
Home Based Occupation/Business = Permitted Use