

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., Wednesday, November 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: September 5, 2018

Documents:

[090518 ZBA MINUTES.PDF](#)

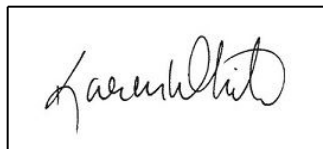
5. Request To Address Commission On Agenda Items And Non-Agenda Items (Three Minutes Maximum Per Speaker)
6. New Business And Associated Public Hearings
 - A. 18Z-016 (14102 West Beach) Request For A Variance From Article 3 Of The Galveston Land Development Regulations Residential, Single-Family (R-1) Addendum, Regarding Minimum Lot Area Requirements In A Residential, Single-Family (R-1) Zoning District. Property Is Legally Described As The East 62 Feet Of Lot 92 (92-2), Block 3, Palm Beach Subdivision, In The City And County Of Galveston, Texas. Applicant: Christopher Brice Property Owners: Christopher And Lauren Brice

Documents:

[18Z-016 STF PKT.PDF](#)

7. Executive Session - To Be Held In Room 204
Pursuant To Texas Gov't Code 551.071- Consultation With Attorney, An Executive Session Will Be Conducted To Discuss And Receive Legal Advice Concerning Pending Litigation And/Or A Settlement Offer, Or On A Matter In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With This Chapter, Related To The Following:
 1. Noble Capital Servicing, LLC (Kim Trigo) v. Zoning Board of Adjustment
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 November 4, 2018 at 12:00 P.M.



Prepared by: Karen White, Planning Technician

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 – September 5, 2018

CALL MEETING TO ORDER

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

ATTENDANCE

Members Present: Louis Fuchs (ALT), Andrew Galletti, Robert Girndt, Lyssa Graham Reynolds, Jeff Patterson (ALT), CM David Collins

Members Absent: James Bangle

Staff Present: Catherine Gorman, AICP, Asst. Director/HPO; Daniel Lunsford, Planner; Karen White, Planning Technician; Mehran Jadidi, City Attorney

ELECTION OF CHAIR AND VICE-CHAIR

Andrew Galletti made a motion to re-elect Lyssa Graham Reynolds as Chair. Robert Girndt seconded, and the following votes were cast:

In favor:	Galletti, Graham Reynolds, Girndt, Fuchs, Patterson
Opposed:	None
Abstain:	None
Absent:	Bangle
Non-voting participant:	CM Collins

The motion passed.

Robert Girndt made a motion to elect Andrew Galletti as Vice-Chair. Jeff Patterson seconded, and the following votes were cast:

In favor:	Galletti, Graham Reynolds, Girndt, Fuchs, Patterson
Opposed:	None
Abstain:	None
Absent:	Bangle
Non-voting participant:	CM Collins

The motion passed.

CONFLICT OF INTEREST

None.

APPROVAL OF MINUTES

The August 8, 2018 minutes were approved as presented.

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

None.

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

18Z-013 (1602 Market Street/Avenue D) Request for a variance from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Residential, Single Family with Historic Overlay (R-3-H) zoning district, to reduce the lot area. Property is legally described as Lot 8 and the east part of Lot 9, Block 556, in the City and County of Galveston, Texas.

Applicant: Brene Addison

Property Owners: Noble Capitol Servicing, LLC., Kim Trigo

Staff presented the Staff Report and noted that of twenty-nine (29) notices of public hearing sent, four (4) had been returned in opposition.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 18Z-013. Representative of the applicant Kim Trigo presented to the Commission. For additional presentations to the Commission, please refer to the attached sign-in sheet. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Chairperson Lyssa Graham Reynolds made a motion to deny case 18Z-013 due to the fact that the subject property lacked the special conditions required in the granting of a variance. Jeff Patterson seconded, and the following votes were cast:

In favor:	Galletti, Graham Reynolds, Girndt, Fuchs, Patterson
Opposed:	None
Abstain:	None
Absent:	Bangle
Non-voting participant:	CM Collins

The motion passed.

18Z-014 (1426 Market / Avenue D) Request to appeal the City of Galveston Landmark Commission's decision regarding case 18LC-032. Request for a Certificate of Appropriateness regarding modifications to the property including the new windows in the garage apartment. Property is legally described as Lot 14 and the West 27.25 Feet of Lot 13 Block 554, in the City and County of Galveston, Texas.

Applicant and Property Owner: Brent Baker

Jeff Patterson recused himself as his wife, Constance Patterson, is a current member of the Landmark Commission.

Staff presented the Staff Report.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 18Z-014. Applicant Brent Baker presented to the Commission.

Chairperson Lyssa Graham Reynolds called for a five minute recess at 4:46 p.m. The meeting came back to order at 4:50 p.m.

The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Vice-Chairperson Andrew Galletti made a motion to uphold the Landmark Commission's decision. Robert Girndt seconded, and the following votes were cast:

In favor:	Galletti, Graham Reynolds, Girndt, Fuchs
Opposed:	None
Abstain:	Patterson
Absent:	Bangle
Non-voting participant:	CM Collins

THE MEETING ADJOURNED AT 4:59 PM





18Z-016

STAFF REPORT

ADDRESS:

14102 West Beach

LEGAL DESCRIPTION:

Property is legally described as the East 62 Feet of Lot 92 (92-2), Block 3, Palm Beach Subdivision, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Christopher Brice

PROPERTY OWNERS:

Christopher and Lauren Brice

ZONING:

Residential, Single-Family (R-1)

REQUEST:

Variance of minimum lot area

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 3 - Residential, Single-Family (R-1) Addendum

ATTACHMENTS:

A - Aerial Map

B – Applicant's Submittal

STAFF:

Adriel Montalvan, Senior Project Manager
 409-797-3645
 amontalvan@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
22				

City Department Notification: No objections



Executive Summary

The applicant is requesting a variance from Article 3 of the Galveston Land Development Regulations Residential, Single-Family (R-1) Addendum, to replat a lot of less than the minimum required lot area, to resolve an existing encroachment.

In order to resolve this encroachment, the owners of 14102 West Beach are willing to sell 185 square feet of their land to the owner of 14106 West Beach. However, the subject site is currently a legally nonconforming lot regarding lot area and will remain below the minimum 5,000 square feet required in the R-1 zoning district.

Proposed Variance

	LDR Requirements (R-1)	Current	Proposed
Lot Area	5,000 sq. ft.	4,182 sq. ft.	3,997 sq. ft.

Applicant's Justification

An encroachment of this severity in a grandfathered property generally do not exist in the Palm Beach subdivision thus creating a hardship on owner of 14102 West Beach. In addition, the encroachment creates a liability risk for owner of 14102 because the stairs of 14106 are located within 14102 property boundary. Furthermore, if the hardship is removed then both properties will enjoy full unencumbered utilization up to and including building a new structure.

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

Respectfully Submitted,



Adriel Montalvan, Senior Project Manager

10-26-18

Date



Catherine Gorman, Assistant Director/HPO

10-30-18

Date

Exhibit A



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 databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.





Planning and Development Division
823 Rosenberg, 4th Floor, Room 401, Galveston, TX 77550

409/797-3660

planningcounter@galvestontx.gov
www.galvestontx.gov

Exhibit B 182-016

APPLICATION FORM

ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Meeting Schedule - 2018

Deadline / Meeting	Deadline / Meeting	Deadline / Meeting	Deadline / Meeting
January 12/6.....1/10	April 3/7.....4/4	July 6/6.....7/11	October 9/5.....10/3
February 1/10.....2/7	May 4/4.....5/9	August 7/4.....8/8	November 10/3.....11/7
March 2/7.....3/7	June 5/9.....6/6	September 8/8.....9/5	December 11/7.....12/5

Meetings typically are 4:00pm in City Council Chambers, 2nd Floor of City Hall, 823 Rosenberg. Verify with staff prior to meeting date.

I. PROPERTY INFORMATION

14102 W. Beach Galveston, Texas 77554
BEACH

ABST 121 PAGE 46 E 62 FT OF LOT 92 (92-2) BLK 3 PALM

Street Address/Location
Residential

Legal Description (Lot Number, Block Number, Subdivision)
Residential

Present Use(s) and Improvement(s) on Property

Proposed Use(s) and Improvement(s) on Property

II. APPLICANT INFORMATION

Christopher & Lauren Brice

281 380 1123

Property Owner Name
14543 Cindywood Drive

Telephone
chris_brice@sbcglobal.net

Mailing Address
Christopher Brice

E-mail Address
281 380 1123

Applicant/Representative Name
14543 Cindywood Drive

Telephone
chris_brice@sbcglobal.net

Mailing Address

E-mail Address

III. TYPE OF REQUEST (If more than one request, a separate application is required for each)

- ☒ Variance(s) from the Land Development Regulations ☐ Special Exception(s) ☐ Change of Occupancy from one non-conforming use to another
- ☐ Other (Please Specify): _____

RECEIVED

OCT 09 2018

PLANNING

Applicable section(s) of the Land Development Regulations: Minimum Lot Standards - Width

Specifically state the Variance(s)/Special Exception(s) being requested:

In an effort to remedy encroachment of 14106 W. Beach onto 14102 W. Beach property we are seeking a variance to reduce the minimum lot standard requirements, more specifically the lot square footage thus removing the encumbrance of encroachment for both properties. The reduction of 14102 W Beach lot size would be a maximum of 185sf as depicted in Attachment A. The addition of square footage to 14106 W. Beach would be a maximum of 185sf. Important to note that applicant is not requesting a change in the width of the lots. These

properties have been in this state since original construction in mid 1960s and should be "grandfathered" relative to new lot dimension requirements

IV. APPLICANT'S JUSTIFICATION FOR THE REQUEST - *REQUIRED*

(Attach additional pages if necessary). *Please state the hardship*

1. The request for the variance is rooted in special conditions of the property that do not generally exist on other properties in the same zoning district- An encroachment of this severity in a "grandfathered" property generally do not exist in the Palm Beach subdivision thus creating a hardship on owner of 14102 W. Beach.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant- The encroachment of the 14106 property onto the 14102 property creates an encumbrance of title situation that could be easily remedied by a variance freeing both properties from this hardship without altering structures of either or overall lot dimensions. In addition the encroachment creates a liability risk for owner of 14102 because the stairs of 14106 are located within 14102 property boundary.
3. The variance requested herein is not based on a.) Self-imposed hardships- the structures were built in 1960s b.) This request is not based solely on financial considerations c.) although other encroachments most likely exist in the Palm Beach subdivision this is a special circumstance and will benefit both owners without altering structures
4. The variance will not have a detrimental impact upon current or future use of properties for which they are zoned. In fact if the hardship is removed then both properties will enjoy full unencumbered utilization up to and including building a new structure.
5. The variance if granted would have absolutely no negative effect on public infrastructure or services, public safety, morals and general welfare of the community
6. See Attachment 1 – Survey of 14102 W. Beach – current condition
7. See attachment 2 – Survey of 14102 W. Beach with proposed modification to remove encroachment

V. ACKNOWLEDGEMENTS

I certify that [☒] I am the legal owner on record, or [☐] I have secured the property owner's permission and have full authority to make this application, and that the above information is correct and complete to the best of my knowledge and ability.

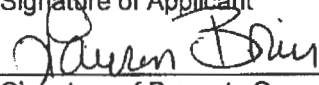
Please read and initial below:

-  I understand that all documents submitted with this application are subject to open records requests in accordance with the Open Records Act / Texas Public Information Act.
-  I understand that receipt of an application does not constitute application completeness and that staff will review the application and return incomplete applications. I understand that application fees are non-refundable once an application has been accepted and processed.
-  I understand that if I am not present or represented at the public hearing, the Zoning Board of Adjustment may defer or disapprove/deny the application.
-  I understand that, in considering my application, the Zoning Board of Adjustment may grant a variance only if the variance is not prohibited by the Land Development Regulations, and if 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 literal enforcement of the strict terms of these Land Development 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:
 - i. Self-imposed hardships;
 - ii. Hardships based solely on financial considerations, convenience or inconvenience; or
 - iii. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - b. The variance will not have a detrimental impact upon:
 - i. The current or future use of adjacent properties for purposes for which they are zoned;
 - ii. Public infrastructure or services; and
 - iii. Public health, safety, morals and general welfare of the community.
4. The degree of variance allowed from these Land Development 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 Land Development 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 Land Development Regulations is observed and substantial justice is done.

CHRIS BRICE 
 Printed Name and Signature of Applicant

Lauren BRICE 
 Printed Name and Signature of Property Owner

10/4/2018
 Date

10/4/2018
 Date

VI. APPLICANT CHECKLIST

- ✓ All documents should be provided in 8.5" x 11", or please fold to appropriate size if larger. All drawings must be to scale.
- ✓ Please provide electronic copies, if available. Other pertinent information to support said request should also be attached.

[] **Pre-Application Meeting with City Staff** (Staff initial here if waived: _____)

[] **Site Plan, (1 copy)** – Site Plan must include:

- Scale, North Arrow, Legal Descriptions, Street Address-provided on Survey
- Location and dimension of the lot(s) and adjacent lots that may be impacted –provided on survey
- Footprint of all existing and proposed structures, with dimensions and distance from property lines and adjacent buildings
- All building setbacks (front, rear, side, structure to structure)
- Location/type of driveways and sidewalks, with dimensions
- Alley location and dimensions (where applicable)

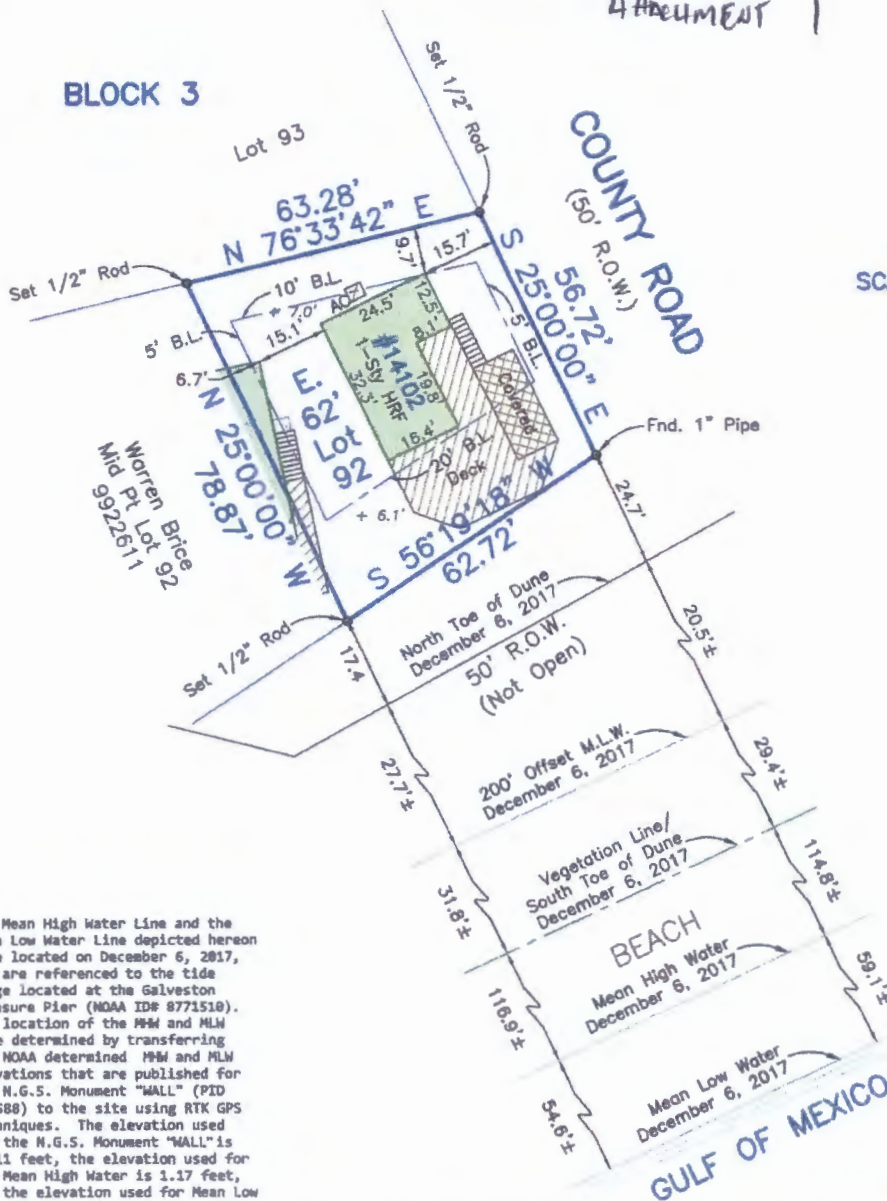
[] **Survey, (1 copy)**

[] **Title Report, (1 copy)** – if property was purchased within the last 60 days.

[] **Non-Refundable Application Fee \$375.00** (payable to the City of Galveston)

4th EMENT 1

BLOCK 3

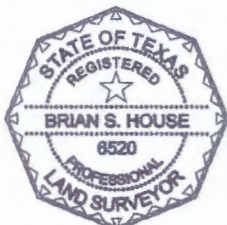


The Mean High Water Line and the Mean Low Water Line depicted hereon were located on December 6, 2017, and are referenced to the tide gauge located at the Galveston Pleasure Pier (NOAA ID# 8771510). The location of the MHW and MLW were determined by transferring the NOAA determined MHW and MLW elevations that are published for the N.G.S. Monument "WALL" (PID A0588) to the site using RTK GPS techniques. The elevation used for the N.G.S. Monument "WALL" 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 -0.30 feet.

Survey of the East Sixty-two Feet (62'0") of Lot Ninety-two (92), in Block Three (3), of PALM BEACH TEXAS, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 254-A, Map No. 79, of the Map Records in the Office of the County Clerk of Galveston County, Texas, said tract being described by deed recorded in Book 1313, Page 599 (Instrument #5908426) 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: DECEMBER 6, 2017
FILE No.: 5560-0003-0092-002
DRAFTING: JTK
JOB No.: 17-0985

- 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 Westerly R.O.W. line of 50' County Road, being a 1" pipe found at the SE corner of Lot 92, and a 3/4" pipe found at the SE corner of Lot 101.
 - 4) Surveyed without benefit of a Title Report.
 - 5) Elevations are shown in feet above Mean Sea Level NAVD '88 Datum as tied to NGS Monument HGCSO 62.

ATTACHMENT 2 SITE PLAN

BLOCK 3

Lot 93

COUNTY ROAD
(50' R.O.W.)

SCALE: 1" = 30'



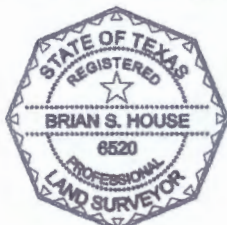
yellow highlight
represents encroachment
of 14106 W. Beach onto
14102 Property. 185 SF. NO
CHANGE to North or South Lot
Pinnasins

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- 4) Surveyed without benefit of a Tide Report.
- 5) Elevations are shown in feet above Mean Sea Level NAVD '88 Datum as tied to NGS Monument HGCSD 62.