

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., Wednesday, April 3, 2019
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: February 6, 2019

Documents:

[2019-02-06 ZBA MINUTES.PDF](#)

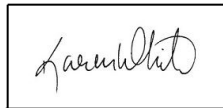
5. Request To Address Commission On Agenda Items And Non-Agenda Items (Three Minutes Maximum Per Speaker)
6. New Business And Associated Public Hearings
 - A. 19Z-003 Request For Variances From The Galveston Land Development Regulations, Article 10.300 Height And Density Development Zone Regarding Wall Plane Articulation And Percent At Build To Line, In A Commercial, Height And Density Development Zone, Zone-5 (C-HDDZ-5). Property Is Legally Described As Lot 3, Galveston Island Cinema Subdivision Replat, In The City And County Of Galveston. Applicant: Brax Easterwood AIA Property Owner: Prida Construction LTD.

Documents:

[19Z-003 STF PKT.PDF](#)

7. Discussion Items
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 March 29, 2019 at 2:30 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 REGULAR MEETING – February 6, 2019

CALL MEETING TO ORDER

The meeting was called to order at 4:09 p.m.

ATTENDANCE

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

Members Absent: Louis Fuchs (ALT)

Staff Present: Tim Tietjens, Development Services Director; Catherine Gorman, AICP, Assistant Director/HPO; Janice Norman, Planning Manager; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The January 9, 2019 minutes were approved as presented.

REQUEST TO ADDRESS COMMISSION ON AGENDA ITEMS WITHOUT PUBLIC HEARINGS AND NON-AGENDA ITEMS (THREE MINUTE MAXIMUM PER SPEAKER)

None

OLD BUSINESS AND ASSOCIATED PUBLIC HEARINGS

19Z-002 (2428 Bernardo De Galvez/Avenue P) Request for a variance from the Galveston Land Development Regulations, Article 3, Addendum for Urban Neighborhood, Minimum Lot Standards regarding Lot Area. Property is legally described as Lots 5 through 7 and the South 19 feet of Lot 4, in Southwest Block 67, Galveston Outlets, in the City and County of Galveston, Texas.
Applicant and Property Owner: Galveston 1.0 LLC., Clay Conrad

Staff presented the Staff Report and requested that case 19Z-002 and noted that of nineteen (19) notices of public hearing sent, three (3) had been returned in favor.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 19Z-002. Applicant Clay Conrad presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Board.

Chairperson Lyssa Graham Reynolds made a motion to approve case 19Z-002. Jeff Patterson seconded, and the following votes were cast:

In favor: Andrew Galletti, Robert Girndt, Jeff Patterson (ALT), Lyssa Graham Reynolds
Opposed: None
Absent: Louis Fuchs (ALT)

Non-voting participant: CM David Collins

The motion passed.

DISCUSSION ITEMS

- Public Meeting Cases Map (Staff)

THE MEETING ADJOURNED AT 4:23 PM



Zoning Board of Adjustment

Planning Department

City of Galveston

April 3, 2019



19Z-003

STAFF REPORT

ADDRESS:

9010 Seawall Boulevard

LEGAL DESCRIPTION:

Property is legally described as Lot 3, Galveston Island Cinema Subdivision Replat, in the City and County of Galveston.

APPLICANT/REPRESENTATIVE:

Brax Easterwood, AIA.

PROPERTY OWNER:

Prida Construction LTD.

ZONING:

Commercial, Height and Density Development Zone, Zone – 5 (C-HDDZ-5)

REQUEST:

Variance from the Land Development Regulations, Article 10, Section 10.307 regarding Wall Plane Articulation.

APPLICABLE ZONING LAND USE

Multi-Family

REGULATIONS:

Article 10, Section 10.307

EXHIBITS:

A – Site Plan

B – Elevations

C – Applicants Justification

STAFF:

Janice Norman, Planning Manager

409-797-3670

Jnorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
8				

City Department Notification Responses:

No objection from any City department



Executive Summary:

The applicant is requesting variances from the Galveston Land Development Regulations regarding Wall Plane Articulation for a proposed Multi-Family Development.

The applicant is proposing to use balconies and curved architectural features to compensate for wall plane articulation. According to the elevation drawings the balconies and curved architectural features are seen on the south, west and east sides of the structure. The west and east elevations also have two 50-foot wide sections of blank wall with no articulation. The Height and Density Development Zone does not require wall plane articulation on the rear which is the north side of this structure. Please reference Exhibit B.

Wall Plane Articulation:

C. Land Development Regulations Article 10, Table 10.307, Wall Plane Articulation:

Table 10.307				
Vertical Building Section				
From	To	Building Wall Length (max.)	Offset Depth (min.)	Offset Length (min.)
Grade	3 Stories or 35 feet	30 feet	5 feet	10 feet
3 stories or 35 feet	Max. Height Limit	50 feet	5 feet	10 feet

1. **Requirements.** Wall Plane Articulation shall be not required for the rear elevation unless the rear elevation is adjacent to a rights-of-way or residentially zoned property. Wall Plane Articulation shall only be required for exterior building walls. For example, porches or freestanding, open air structures, such as gazebos, are not required to provide Wall Plane Articulation.
2. **Options.**
 - a. **Indented Offsets:** Articulation may be provided with indented offsets as shown in Figure G2.
 - b. **Offset Wall Places:** Articulation may be provided with offsets that extend outwards towards the lot line as shown in Figure G3. Please note that the offsets need to meet any setback requirements.
 - c. **Projected Offsets:** Articulation may be provided with alternative designs, such as curved walls, that meet the building wall length and offset requirements set forth in the Wall Plane Articulation table above and subject to approval by the Development Services Director.

Requested Variance for the south, west and east sides:

Wall Plane Articulation from 50-feet to 0-feet.

Offset Length from 10-feet to 0-feet.

Offset depth: from 5-feet to 0-feet.

SEC. 13.401.B VARIANCES FROM DEVELOPMENT STANDARDS

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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:
 - 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 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.

Zoning and Land Use Table

Location	Zoning	Land Use
Subject Site	Commercial, Height Density Development Zone, Zone – 5 (C-HDDZ-5)	Commercial
North	Commercial, Height Density Development Zone, Zone – 5 (C-HDDZ-5)	Commercial
South	Commercial, Height Density Development Zone, Zone – 5 (C-HDDZ-5)	Gulf of Mexico
East	Commercial, Height Density Development Zone, Zone – 5 (C-HDDZ-5)	Commercial
West	Commercial, Height Density Development Zone, Zone – 5 (C-HDDZ-5)	Commercial

Applicant's Justification:

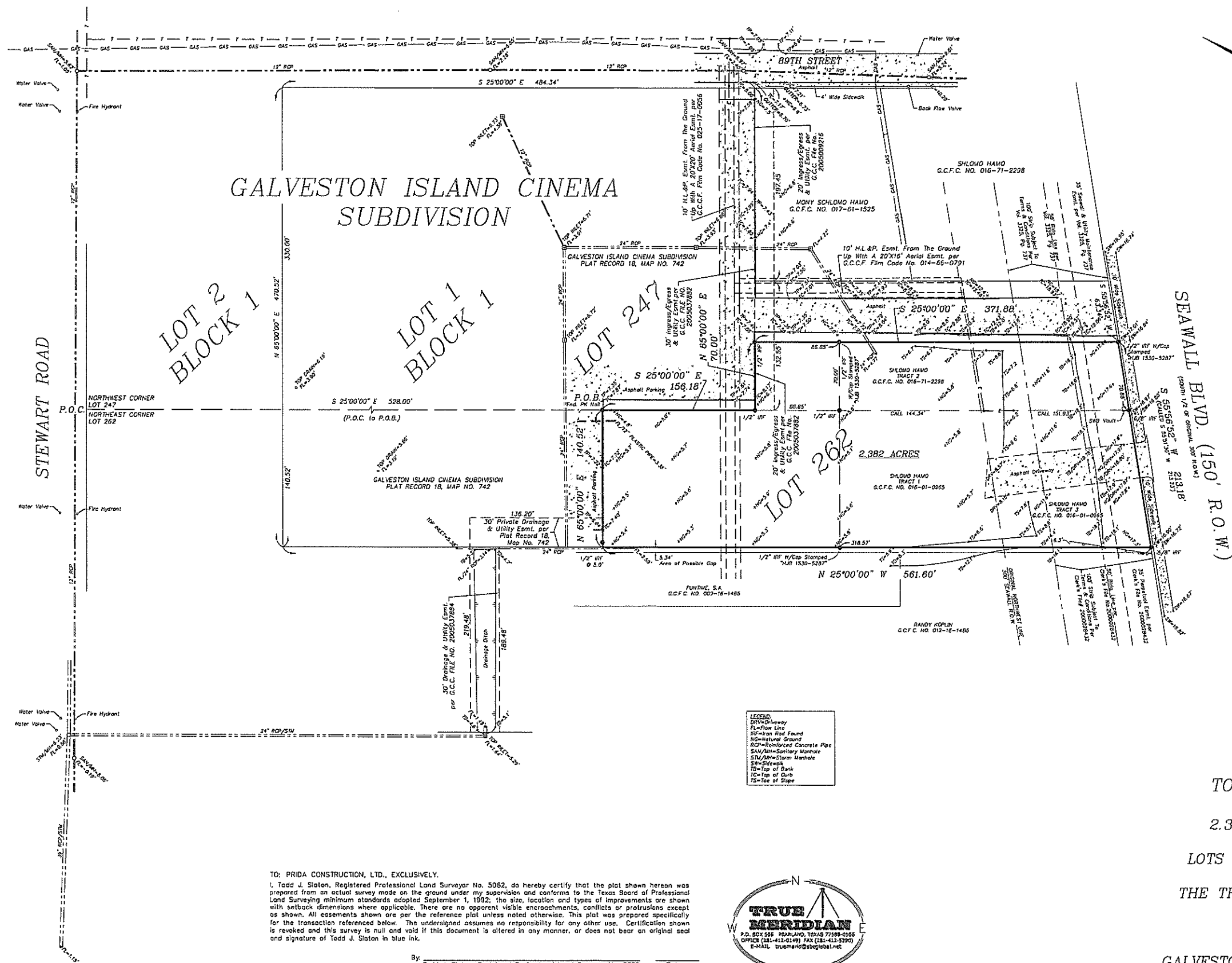
Please see attached Exhibit A.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,

Janice Norman, Planning Manager

03/26/19
Date



TOPOGRAPHIC SURVEY
OF A
2.382 ACRE TRACT OF LAND
OUT OF AND A PART OF
LOTS 247 AND 262, SECTION ONE
OF
THE TRIMBLE AND LINDSEY SURVEY
OF GALVESTON ISLAND
AND A PART OF
LOT 1, BLOCK 1
GALVESTON ISLAND CINEMA SUBDIVISION
PLAT RECORD 18, MAP NO. 742
GALVESTON COUNTY, TEXAS

TO: PRIDA CONSTRUCTION, LTD., EXCLUSIVELY.
I, Todd J. Slaton, Registered Professional Land Surveyor No. 5082, do hereby certify that the plat shown hereon was prepared from an actual survey made on the ground under my supervision and conforms to the Texas Board of Professional Land Surveying minimum standards adopted September 1, 1992; the size, location and types of improvements are shown with setback dimensions where applicable. There are no apparent visible encroachments, conflicts or protrusions except as shown. All easements shown are per the reference plat unless noted otherwise. This plat was prepared specifically for the transaction referenced below. The undersigned assumes no responsibility for any other use. Certification shown is revoked and this survey is null and void if this document is altered in any manner, or does not bear an original seal and signature of Todd J. Slaton in blue ink.

By: Todd J. Slaton, Registered Professional Land Surveyor No. 5082 Date:



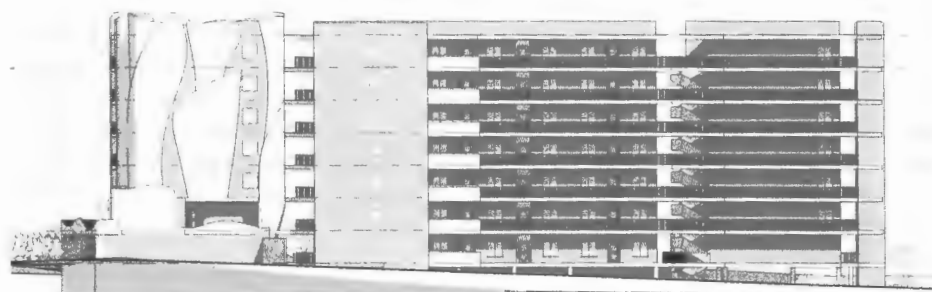
FLOOD STAMP
IT APPEARS THROUGH VISUAL INTERPOLATION THAT ACCORDING TO THE FLOOD INSURANCE RATE MAPS, COMMUNITY-PANEL NO. 485469 0023 E, EFFECTIVE DATE DEC. 6, 2002, THIS PROPERTY IS IN A FLOOD PRONE AREA, ZONE AE, BFE=12.

NOT FOR CONSTRUCTION
SCALE: 1" = 50'
DATE SURVEYED: FEB. 14, 2006
REVISED: JULY 27, 2006
JOB NO. 05-0798

Exhibit B



West Elevation



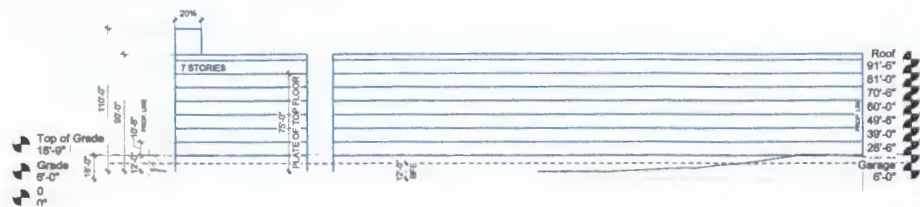
East Elevation



North Elevation



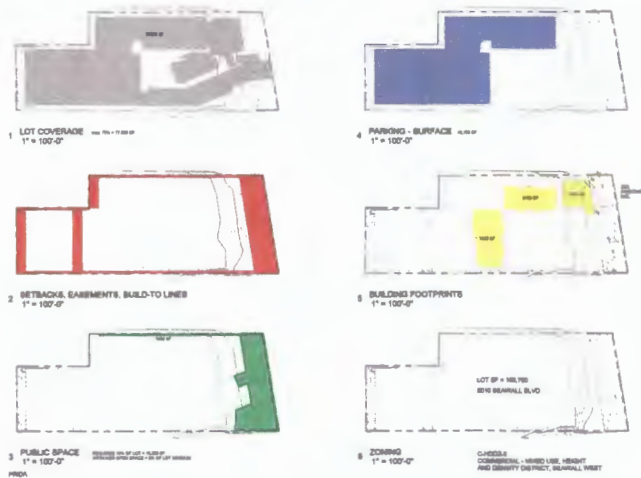
Elevations



Height Allowances



West Elevation



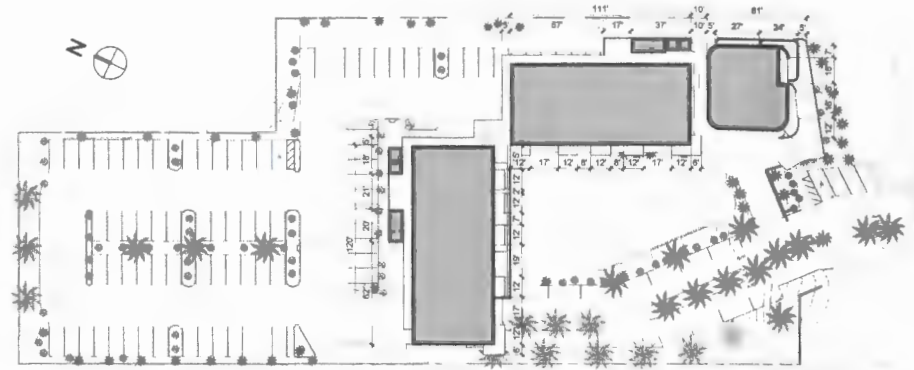
HDDZ



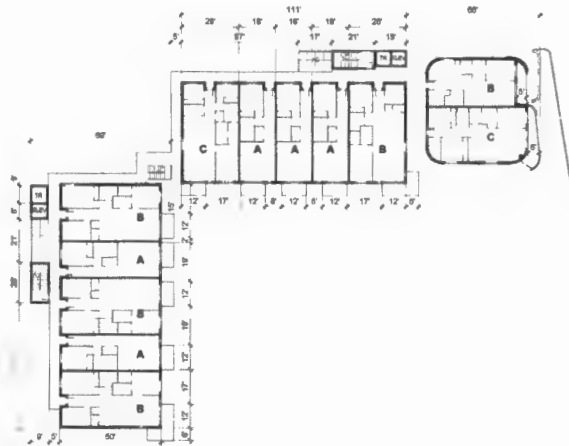
Precedent: Hotel Emporio, Veracruz, Mexico



Perspective



Site Plan



Third Floor Plan



South Elevation

March 5, 2018

**City of Galveston Dept of Community Development
Zoning Board of Adjustment**

RE: Variance Request - 9010 Seawall

Justification for Request:

While we believe that the Project meets the intent of the Height and Density Development Zone (HDDZ) as a design tool to prescribe higher quality development in Galveston, we respectfully request relief from the *wall plane articulation* requirement in *Building Mass and Form Standards*. The narrow and long dimensions of the Seawall frontage site, when coupled with parking requirements creates a hardship in massing the buildings, essentially adding 15' in overall width to the buildings combined.

Section 10.307.C.2.iii of the Land Development regulations states that articulation may be provided with *alternative designs, such as curved walls, that meet the building wall length and offset requirements* ... The design as presented does articulate with balconies, stair and elevator towers to give visual interest and break up the facades; and the most visible building at Seawall Blvd has been highly articulated with sculptural elements to balance the ship-like character of the larger buildings. This articulation strategy, or definition may not be determined by a formula, or table that is prescribed in the LDR, and therefore request the acceptance of this as an acceptable design strategy.

Please refer to the attached documents. Thank you for your consideration.