

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m. Wednesday, August 7, 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: May 8, 2019

Documents:

[2019-05-08 ZBA MINUTES.PDF](#)

5. Request To Address Commission On Agenda Items Without Public Hearings And Non-Agenda Items (Three-Minute Maximum Per Speaker. If Speaking Through A Translator, Six-Minute Maximum Per Speaker)
6. New Business And Associated Public Hearings
 - A. 19Z-008 (2908 Avenue O) Request For A Special Exception In Compliance With The Galveston Land Development Regulations Section 11.400 Making A Non-Conforming Use Conforming. Property Is Legally Described As M.B. Menard Survey, Lots 2, 3, & 4 (3002-3), Southeast Block 39 Galveston Outlots, In The City And County Of Galveston, Texas. Applicant: Peter Sapio Property Owners: Erik Van Kuijk And Virginia Brooke

Documents:

[19Z-008 PKT.PDF](#)

- B. 19Z-009 (1810 19th Street) Request For A Variance From The Galveston Land Development Regulations, Article 3, Addendum For Urban Neighborhood, Minimum Lot Standards Regarding Reducing The Lot Area From 2,500 To 1,800. Property Is Legally Described As The South One Half Of Lots 1 And 2 (1-2) Hoxies Unrecorded Subdivision, In The City And County Of Galveston, Texas. Applicant: Tina Ho Property Owner: DNT Rentals, LLC.

Documents:

[19Z-009 STF - PKT.PDF](#)

- C. 19Z-010 (23002 Buena) 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 54, Terramar Beach, Section 7, A Subdivision, In The City And County Of Galveston, Texas. Applicant And Property Owner: Mark Styron

Documents:

[19Z-010 STF PKT.PDF](#)

7. Discussion And Action Items

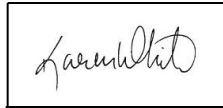
- Discussion of State Law mandated changes to the Land Development Regulations (Staff)

Documents:

[STATE LAW CHANGE - H.B. 2497.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 1, 2019 at 10:00 A.M.

A rectangular box containing a handwritten signature in cursive script that reads "Karen White".

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 – May 8, 2019

CALL MEETING TO ORDER

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

ATTENDANCE

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

Members Absent: James Hoffman

Staff Present: Catherine Gorman, Assistant Director; Janice Norman, Planning Manager; Karen White, Planning Technician; Mehran Jadidi, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The April 3, 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

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

19Z-004 (1314 11th Street) Request for a variance from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback requirements for minimum lot depth in a Commercial (C) zoning district. Property is legally described as North 80 Feet of Lot 14 (14-1) Block 24 Galveston Outlots, a subdivision in the City and County of Galveston, Texas.

Applicant: Michael Gaertner, AIA

Property Owner: Timothy Church / Full Spinnaker Investments

Staff presented the Staff Report and noted that of twenty-three (23) notices of public hearing sent, two (2) had been returned in favor and one (1) had been returned without comment.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 19Z-004. Applicant Michael Gaertner presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Vice-Chairperson Andrew Galletti made a motion to approve case 19Z-004 based on the hardships created by the unique shape of the lots and the fact that the structures predate zoning in Galveston. Jeff Patterson seconded, and the following votes were cast:

In favor: Galletti, Girndt, Patterson, Fuchs, Graham Reynolds
Opposed: None

Absent: Hoffman
Non-voting participant(s): None

The motion passed.

19Z-005 (4628 Avenue S) Request for a variance from the Galveston Land Development Regulations, Article 3, Addendum for Residential, Single Family, (R-1-Modified) Minimum Lot Standards regarding Lot Area. Property is legally described as Lot 14, in Southwest Block 131, Galveston Outlets, in the City and County of Galveston, Texas.

Applicant: Larry Thompson

Property Owner: Elnita Brown

Staff presented the Staff Report and noted that of twenty-eight (28) notices of public hearing sent, one (1) had been returned in favor and one (1) had been returned in opposition.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 19Z-005. Applicant Larry Thompson presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Patterson made a motion to approve case 19Z-005 based on the unique hardship created by the location of the mature tree on the lot. Vice-Chairperson Andrew Galletti seconded, and the following votes were cast:

In favor: Galletti, Girndt, Patterson, Fuchs, Graham Reynolds
Opposed: None
Absent: Hoffman
Non-voting participant(s): None

The motion passed.

19Z-006 (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: Millard Johnson, Counsel

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, two (2) had been returned in opposition.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 19Z-006. Applicant Millard Johnson presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Vice-Chairperson Andrew Galletti made a motion to approve case 19Z-006 based on the hardship created by the structures predating zoning and because of the Historic District restraints set on the property. Robert Girndt seconded, and the following votes were cast:

In favor: Galletti, Girndt, Patterson, Fuchs, Graham Reynolds
Opposed: None
Absent: Hoffman
Non-voting participant(s): None

The motion passed.

DISCUSSION ITEMS

THE MEETING ADJOURNED AT 4:33 PM





19Z-008

STAFF REPORT

ADDRESS:

2908 Avenue O

LEGAL DESCRIPTION:

Property is legally described as M.B. Menard Survey, Lots 2, 3, & 4 (3002-3), Southeast Block 39 Galveston Outlots, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Doyle Law Firm, PLLC
 Peter Sapio

PROPERTY OWNERS:

Eric van Kuijk and Virginia Brooke

ZONING:

Residential, Single Family (R-1)

REQUEST:

Special Exception from Section 11.400 of the Galveston Land Development Regulations

APPLICABLE ZONING LAND USE

Multi-Family Residential (MF)

REGULATIONS:

Section 11.400

EXHIBITS:

A – Applicant Submittal
 B – Zoning Maps

STAFF:

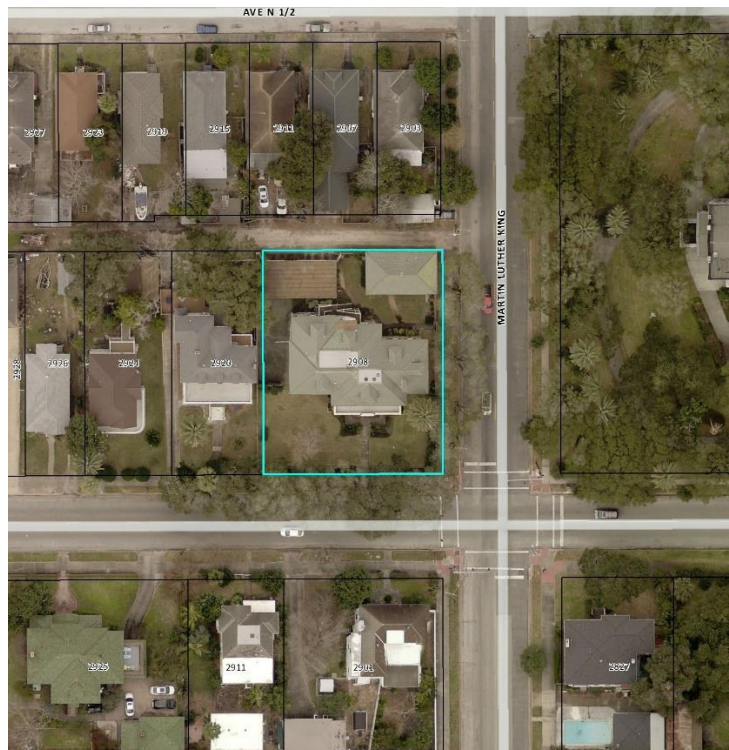
Daniel Lunsford, Planner
 409-797-3659
 dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
21				

City Department Notification Responses:

No objection from any City department



Background

According to a Galveston Daily News notice dated May 26, 1947, there was a structure at 2908 Avenue O as of that date, occupied by Evy Mills, executor of the Ballinger Mills estate. Galveston County Clerk records indicate the Mills family owned the property as early as 1910. According to the current owners, the property was built sometime after 1910 and has been used as multi-family apartments since 1955.

Executive Summary:

The applicant is requesting a Special Exception per the Galveston Land Development Regulations Section 11.400 Conversion of Nonconforming Uses in order to continue to operate a “Multi-Family Residential” land use at 2908 Avenue O.

When the 2015 and currently governing Land Development Regulations were adopted, “Multi-Family Residential” land use became a prohibited land use in Residential, Single Family (R-1) zoning. Prior to this, the property was zoned 1F-4 (One Family, Four Dwelling) and allowed up to six dwelling units on a single parcel with a Specific use Permit (SUP). Note that the current multi-family land use predates any modern zoning regulations.

Location	Zoning	Land Use
Subject Site	Residential, Single Family (R-1)	Multi-Family Residential
North	Residential, Single Family (R-1)	Residential
South	Residential, Single Family (R-1)	Residential
East	Residential, Single Family (R-1)	Residential
West	Residential, Single Family (R-1)	Residential

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:

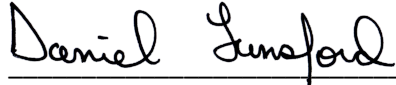
1. The applicant shall continue to only operate "Multi-Family Residential" land uses at this location or those uses current allowed in the Residential, Single-Family (R-1) zoning district; and
2. The applicant must comply with all regulations for Landscaping, Lighting, Parking and Loading in accordance with the Galveston Land Development Regulations for a Residential, Single-Family (R-1) zoning district and "Multi-Family Residential" land use.

Applicant's Justification:

"Recent rezoning in 2015 has resulted in non-conforming use of property. Given historic use of the property since 1950 as a multifamily condominium, we ask for a special exception to continue non-conforming to conforming land use"

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

Respectfully submitted,



Daniel Lunsford, Planner

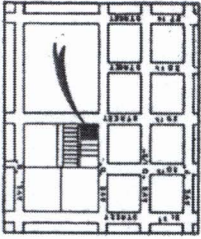
July 24, 2019

Date

July 24, 2019

Catherine Gorman, AICP
Assistant Director/HPO

Date



"THE OAKS" CONDOMINIUM LOCATED ON
 LOTS 2, 3, and 4 IN A SPECIAL SUBDIVISION
 OF THE SOUTHEAST 1/4th OF OUTLOT 39
 IN THE CITY AND COUNTY OF GALVESTON,
 ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 178,
 PAGE 143, IN THE OFFICE OF THE COUNTY CLERK OF
 GALVESTON COUNTY, TEXAS.

INDEX:

1. SITE PLAN — SHEET 1
2. BUILDING "A" — FIRST & SECOND FLOOR PLAN — SHEET 2

GENERAL NOTES:

1. THE DIMENSIONS OF ALL UNITS ARE TO INSIDE OF WALLS.
2. THE PLANES OF THE WALLS ARE PERPENDICULAR TO THE PLANES OF THE FLOOR AND CEILINGS OF ALL UNITS.

I hereby certify that this plot accurately represents the results of an on the ground survey made under my supervision and that all corners are shown hereon. There were no encroachments at time of this survey except as shown.

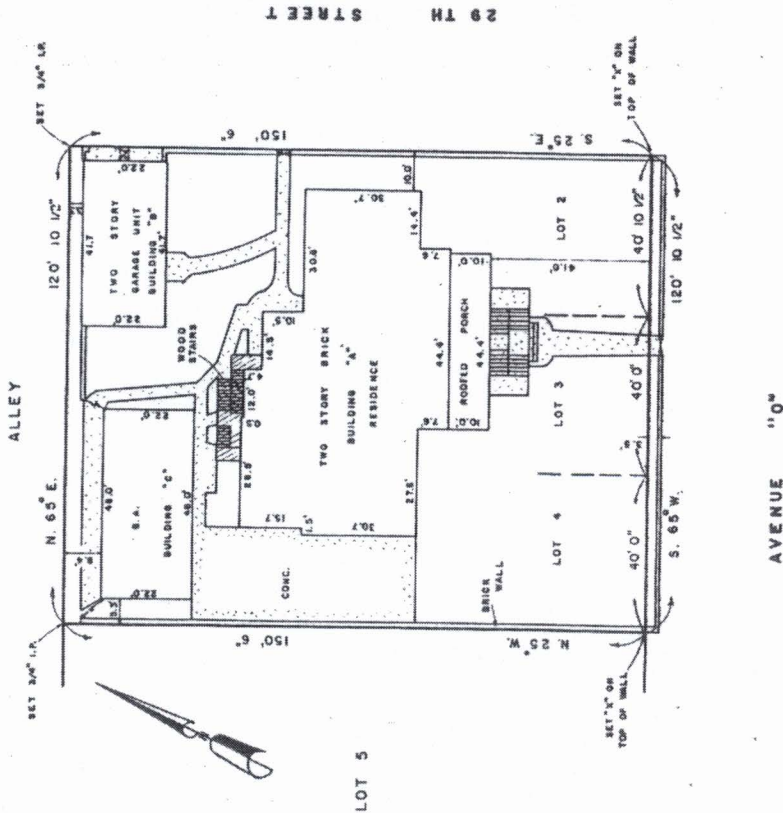
D ENGINEERS, INC.

S. A. Ditcher

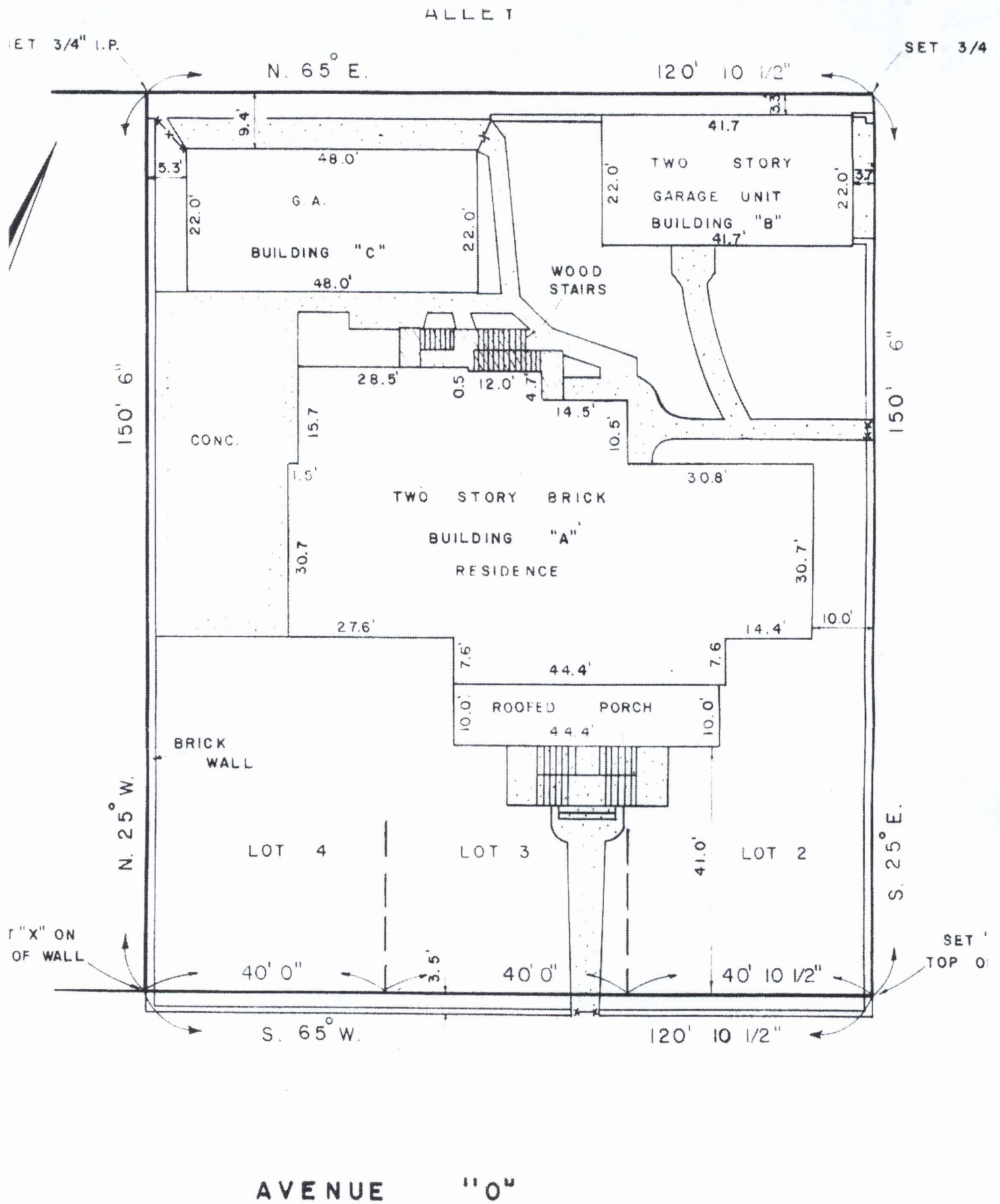
S. A. Ditcher, R.P.S. No. 2143
 P.E. No. 20448

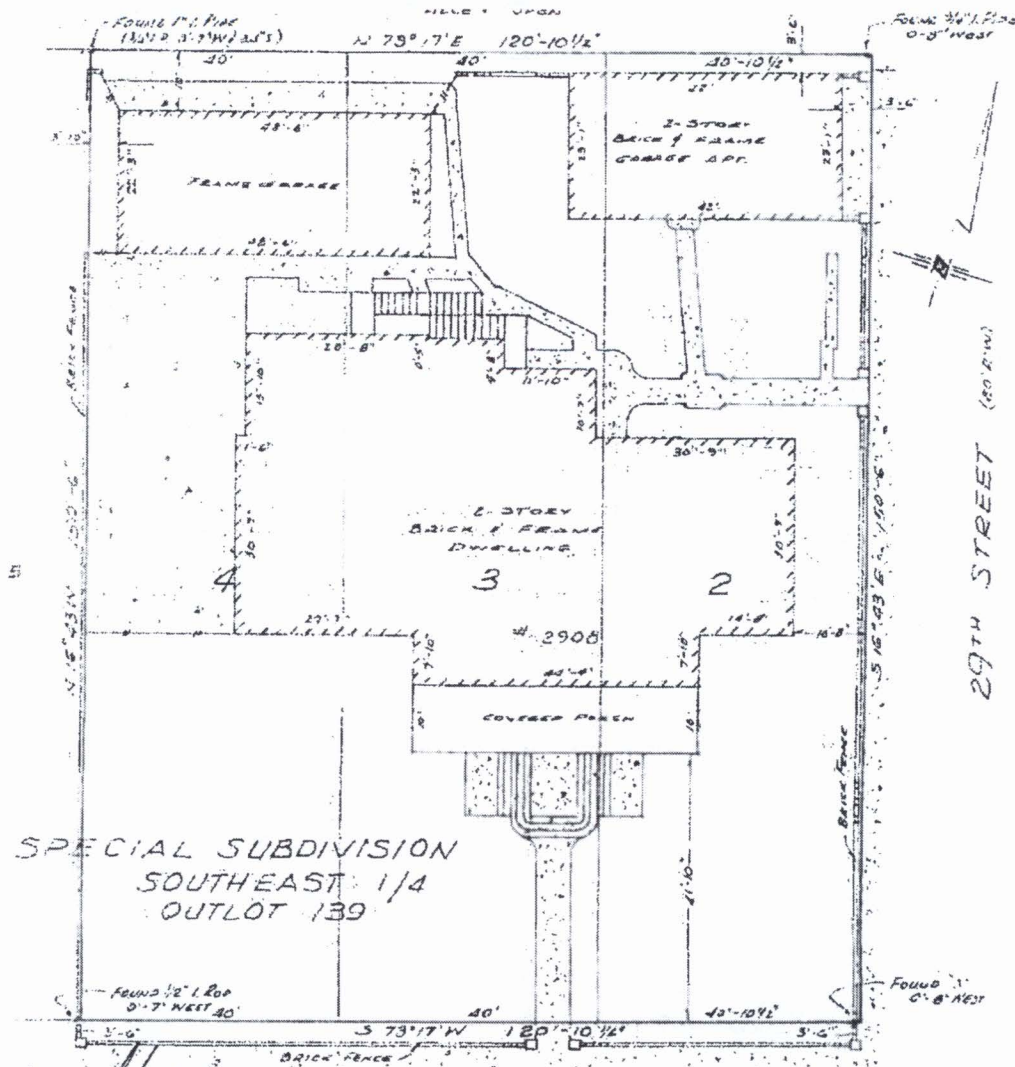


EXHIBIT "C"
 SHEET 1 OF 2



SCALE: 1" = 40'





X *Handwritten signature*
 X *Virginia Brooke* 2/24/14
 February 13, 1998 2908 Avenue O, Galveston, Texas 77550 Scale 1" = 20'

Survey of Lots Two (2), Three (3) and Four (4) in a Special Subdivision of the Southeast 1/4 of Outlot Thirty-nine (39), in the City and County of Galveston, Texas, according to the map or plat thereof recorded in Volume 178, Page 143, in the Office of the County Clerk of Galveston County, Texas.

I hereby certify that on the above date, the above described property together with improvements located thereon, was surveyed on the ground under my direction and that the above map together with dimensions as shown is true and correct as of the above date. There are no overages nor shortages in the above tract. There are no encroachments other than shown.

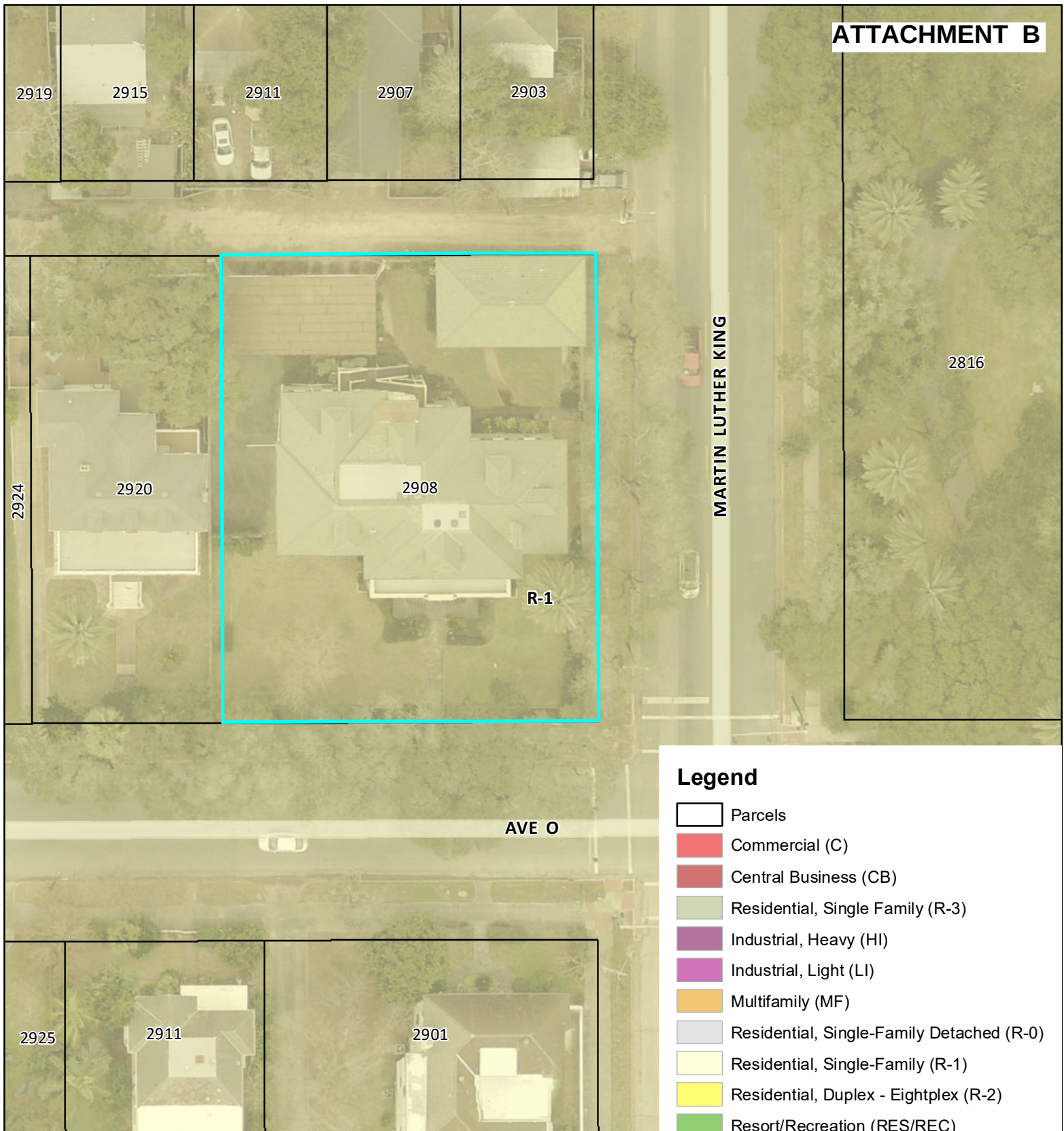
HALL & JOHNSON Surveyors
Andrew Johnson, Jr.
 Andrew Johnson, Jr.
 Registered Professional Land Surveyor No. 1530
 P.O. Box 877
 Galveston, Texas 77553
 PH (409) 740-1517 FAX 740-0377



NOTE: The above property does not lie within the 100 year flood plain as established by the U.S. Department of Housing and Urban Development.

This property may be subject to Zoning Ordinances by the City of Galveston.

Borrower: Erik Van Kujic and Virginia Brooke
 Stewart Title 97207160
 1822-5



Legend

- Parcels
- Commercial (C)
- Central Business (CB)
- Residential, Single Family (R-3)
- Industrial, Heavy (HI)
- Industrial, Light (LI)
- Multifamily (MF)
- Residential, Single-Family Detached (R-0)
- Residential, Single-Family (R-1)
- Residential, Duplex - Eightplex (R-2)
- Resort/Recreation (RES/REC)
- Traditional Neighborhood (TN)
- Urban Neighborhood (UN)
- Water (R-1)

2908 Avenue O Current Zoning

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.





Legend

	Parcels
	One-Family-One-Dwelling (1F-1)
	One-Family-Two-Dwelling (1F-2)
	One-Family-Three-Dwelling (1F-3)
	One-Family-Four-Dwelling (1F-4)
	General Residence (GR)
	Multiple Family-One-Dwelling (MF-1)
	Multiple Family-Two-Dwelling (MF-2)
	Traditional Neighborhood (TND)
	Historical (H)
	Buffer (BUF)
	Neighborhood Services (NS)
	Institutional (I)
	Office (O)
	Retail (R)
	Commercial (C)
	Central Business (CB)
	Central Plaza (CP)
	Light Industrial (LI)
	Heavy Industrial (HI)
	Beach (B)
	Resort (RES)
	Recreation (REC)
	Water (W)
	Parking (P)
	Planned Development (PD); PD-H
	Outside City Limits

2908 Avenue O Pre-2015 Zoning

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.





19Z-009

STAFF REPORT

ADDRESS:

1810 19th Street

LEGAL DESCRIPTION:

Property is legally described as the South one half of Lots 1 and 2 (1-2) Hoxies Unrecorded Subdivision, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Tina Ho

PROPERTY OWNER:

DNT Rentals, LLC.

ZONING:

Urban Neighborhood (UN)

REQUEST:

Variance from the Land Development Regulations, Article 3 Addendum for Urban Neighborhood (UN) Lot Area from 2,500 to 1800.

APPLICABLE ZONING LAND USE

Multi-Family

REGULATIONS:

Article 3 Addendum for Urban Neighborhood (UN)

EXHIBITS:

A – Proposed Site Plan

B – Survey

C - Article 3, Addendum for UN

STAFF:

Janice Norman, Planning Manager

409-797-3670

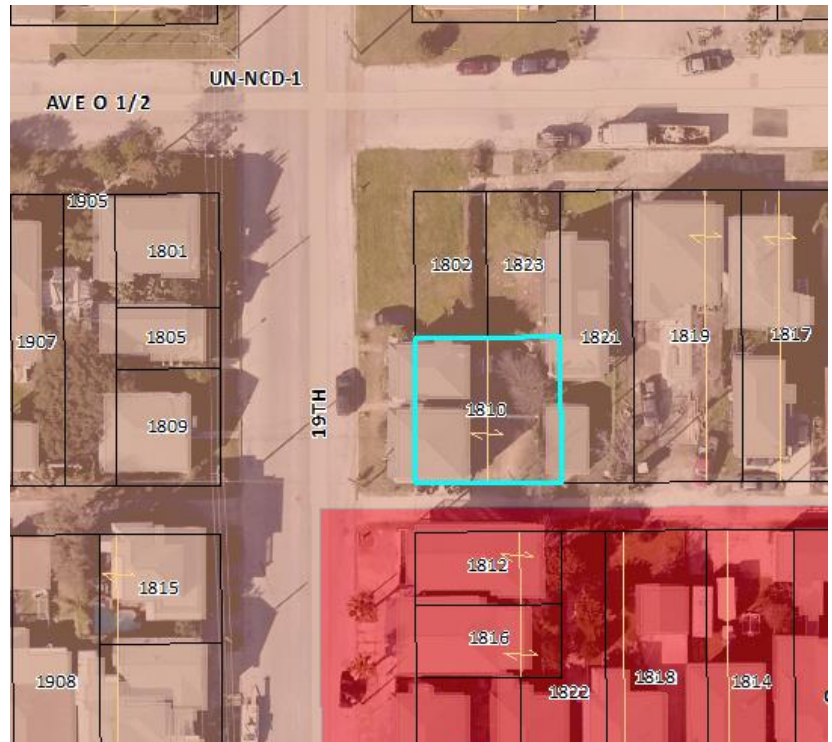
Jnorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
37				

City Department Notification Responses:

No objection from any City department; comments on page 2



Executive Summary:

The applicant is requesting a variance from the Galveston Land Development Regulations, Article 3, Addendum for the Urban Neighborhood (UN) that requires a minimum lot area of 2500 square-feet per lot. There are two existing lots now and the applicant is proposing to move the existing property line that is going north and south to go east and west dividing the two existing structures, so each structure can be on its own lot. There is only 1,800 square feet per lot, which is under the required minimum lot area, so a variance is required.

Land Development Regulations Article 3 Addendum for Urban Neighborhood (UN):

Minimum Lot Standards

Area: 2,500 square feet

Requested Variance: Lot Area from 2,500 to 1,800 square feet.

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:
 - 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.

Angelo Grasso, Public Works: There is an 8-inch Waterline and 8-inch sanitary sewer in the alley adjacent to this tract of land. If there will be two separate lots for the two houses on this lot, then utility easements may be required to provide utility service to the most northerly lot. An easement will be required at the time of replat.

David Ewald, Building Division: The new property line would make this non-compliant with Table R302.1(1) and local amendments. Fire rating will be required at the time of replat.

There were no objections from any public or private utility services.

**Zoning and
Land Use Table**

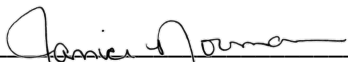
Location		Zoning	Land Use
Subject Site		Urban Neighborhood (UN)	Multi-Family/ Office
North		Urban Neighborhood (UN)	Residential
South		Commercial, Height and Density Development Zone, Zone- 3, Neighborhood Conservation District- 1 (C-HDDZ-3, NCD-1)	Residential
East		Urban Neighborhood (UN)	Residential
West		Urban Neighborhood (UN)	Residential

Applicant's Justification:

"The lot was previously subdivided with two addresses 1806 and 1810. We are requesting to subdivide the lot again, in the same pattern as nearby lots."

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,



Janice Norman, Planning Manager

7/22/19
Date

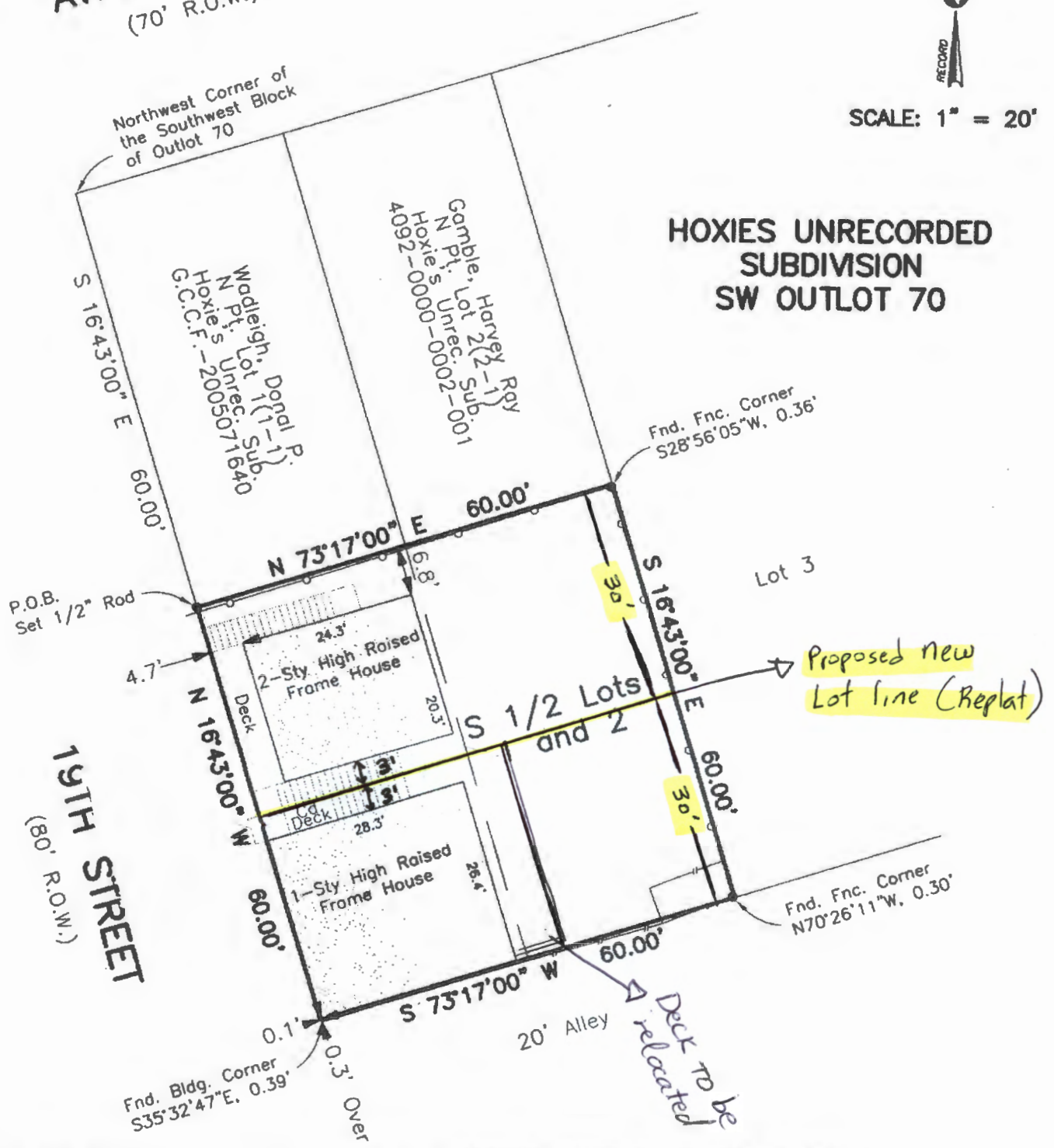
Catherine Gorman, AICP
Assistant Director/HPO

Date

AVENUE 01/2
(70' R.O.W.)



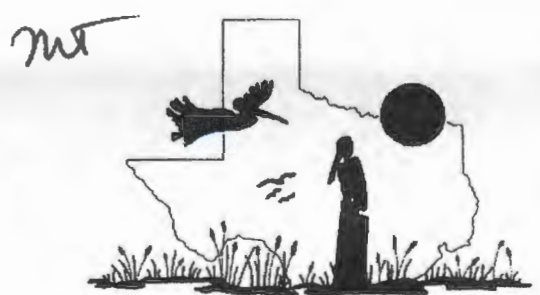
SCALE: 1" = 20'



Survey of the South 1/2 of Lots 1 and 2, of **HOXIES UNRECORDED SUBDIVISION**, a subdivision being part of the North 1/2 of the Southwest Block of Outlot 70 in the City and County of Galveston, Texas, and being more particularly described by metes and bounds of Exhibit "A", attached hereto.

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.

Stephen C. Blaskey
Stephen C. Blaskey
Registered Professional
Land Surveyor No. 5856



COASTAL SURVEYING OF TEXAS, INC.

GALVESTON OFFICE
8017 HARBORSIDE DRIVE (physical)
P.O. BOX 877 (mailing)
GALVESTON, TX 77553
ph (409) 740-1517 fx (409) 740-0377

CRYSTAL BEACH OFFICE
975 LAZY LANE WEST
P.O. BOX 2742 (mailing)
CRYSTAL BEACH, TX 77650
ph (409) 684-6400 fx (409) 684-6112

WWW.SURVEYGALVESTON.COM

NOTES:

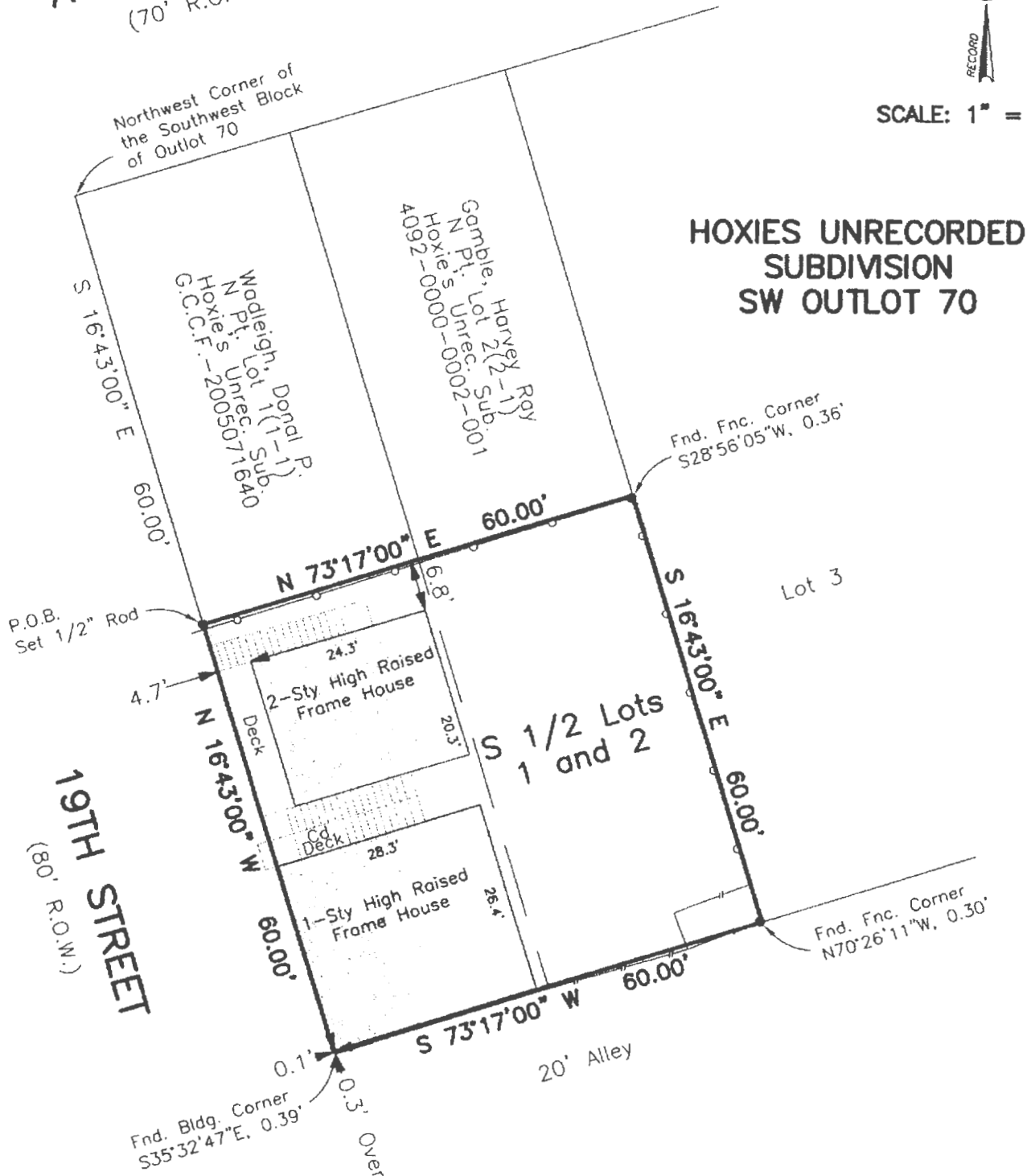
- 1) This property does not lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
- 2) This property is subject to Zoning Ordinances by the City of Galveston and to any restrictions of record.
- 3) Bearings based on Monumentation of East R.O.W. line of 19th Street.
- 4) Insured: Thu Minh Nguyen aka Thu M. Lam, and Bach N. Lam, First American Title Case No. 2008 GV 119304-S.

Survey Date: January 23, 2008
File No.: 4092-0000-0001-002
Drafter: DRD
Job No.: 08-0055

AVENUE 01/2
(70' R.O.W.)



SCALE: 1" = 20'



Survey of the South 1/2 of Lots 1 and 2, of **HOXIES UNRECORDED SUBDIVISION**, a subdivision being part of the North 1/2 of the Southwest Block of Outlot 70 in the City and County of Galveston, Texas, and being more particularly described by metes and bounds of Exhibit "A", attached hereto.

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.

Stephen C. Blaskey
Stephen C. Blaskey
Registered Professional

NOTES:

1) This property does not lie within the 100 Year Flood Plain as established by the Federal

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
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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 3-15 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



19Z-010

STAFF REPORT

ADDRESS:

23002 Buena

LEGAL DESCRIPTION:

Property is legally described as Lot 54, Terramar Beach, Section 7, a subdivision, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Mark Styron

PROPERTY OWNER:

Mark Styron

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

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
36				

City Department Notification:



Background:

The house at the subject location has been recently constructed. It was discovered during the Certificate of Occupancy process that the front deck was constructed three feet over the front setback and building line.

Executive Summary:

The applicant is requesting variances from the Galveston Land Development Regulations, Article 3, Addendum and Article 3, (A), Building Line Previously Established in the Single-Family Residential (R-1) zoning district. The variances are to allow the structure to encroach over the front 20-foot building line and front 20-foot setback by approximately three feet.

Lot measurements are 100-feet in depth and 65-feet in width.

Setback Requirements**Article 3, District Yard, Lot and Setback Standards, Addendum for Single-Family Residential (R-1)****Front Yard:** 20Feet**Side Yard:** 3Feet**Rear Yard:** 10-Feet**Applicable Standards****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:

Front Setback	Regulation	Proposed Variance
Front	20-Feet	17-Feet

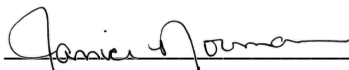
Article 3, 3.303 (A)	Proposed Variance
No encroachment of building line previously established	To encroach the building line by 3-feet

Applicants Justification

"Incorrect survey – was told we were on building line the final survey shows conflicting boundaries".

Please see Agenda for Appeal from Decision of Board Process.

Respectfully Submitted,



Janice Norman, Planning Manager

7/22/2019

Date

Catherine Gorman, ACIP
Assistant Director/HPO

Date

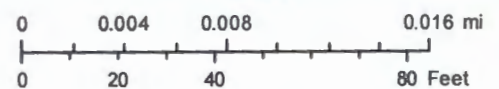
Development Services: Planning and Development Division



July 17, 2019

1:480

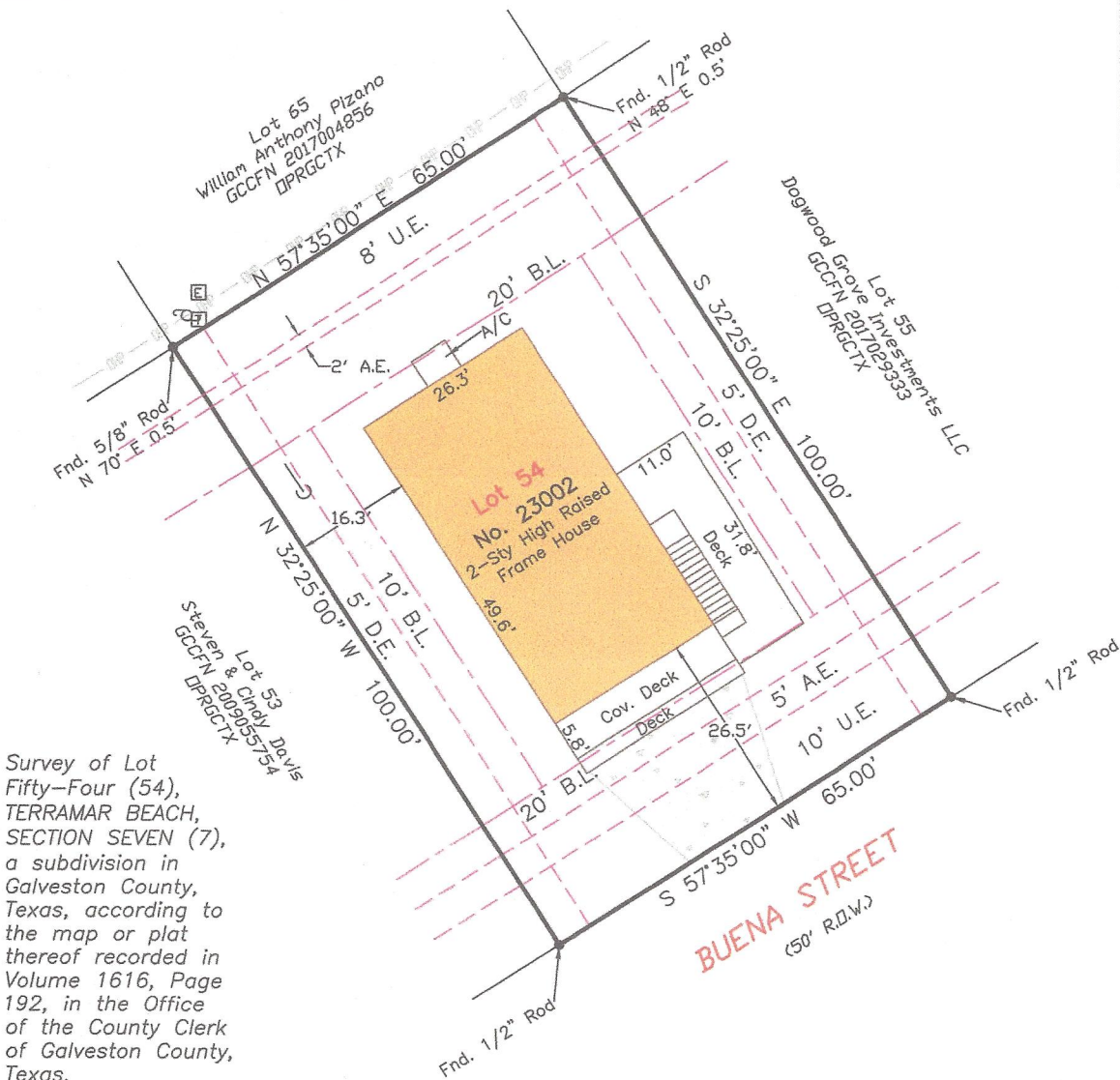
- Parcels
- Enhanced Construction Zone
- Lot lines
- 25ft Offset from NTD
- Galveston Landmarks
- North Toe of Dune (NTD)
- Local Historic Districts
- 1ft



Atkins North America, Inc.
Galveston Central Appraisal District & Pictometry
Galveston Central Appraisal District
City of Galveston Development Services: Planning & Development Division

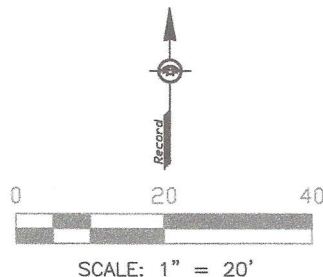
This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data presented on these pages 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
City of Galveston



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.

Brene Addison
Brene Addison
Registered Professional
Land Surveyor No. 6598

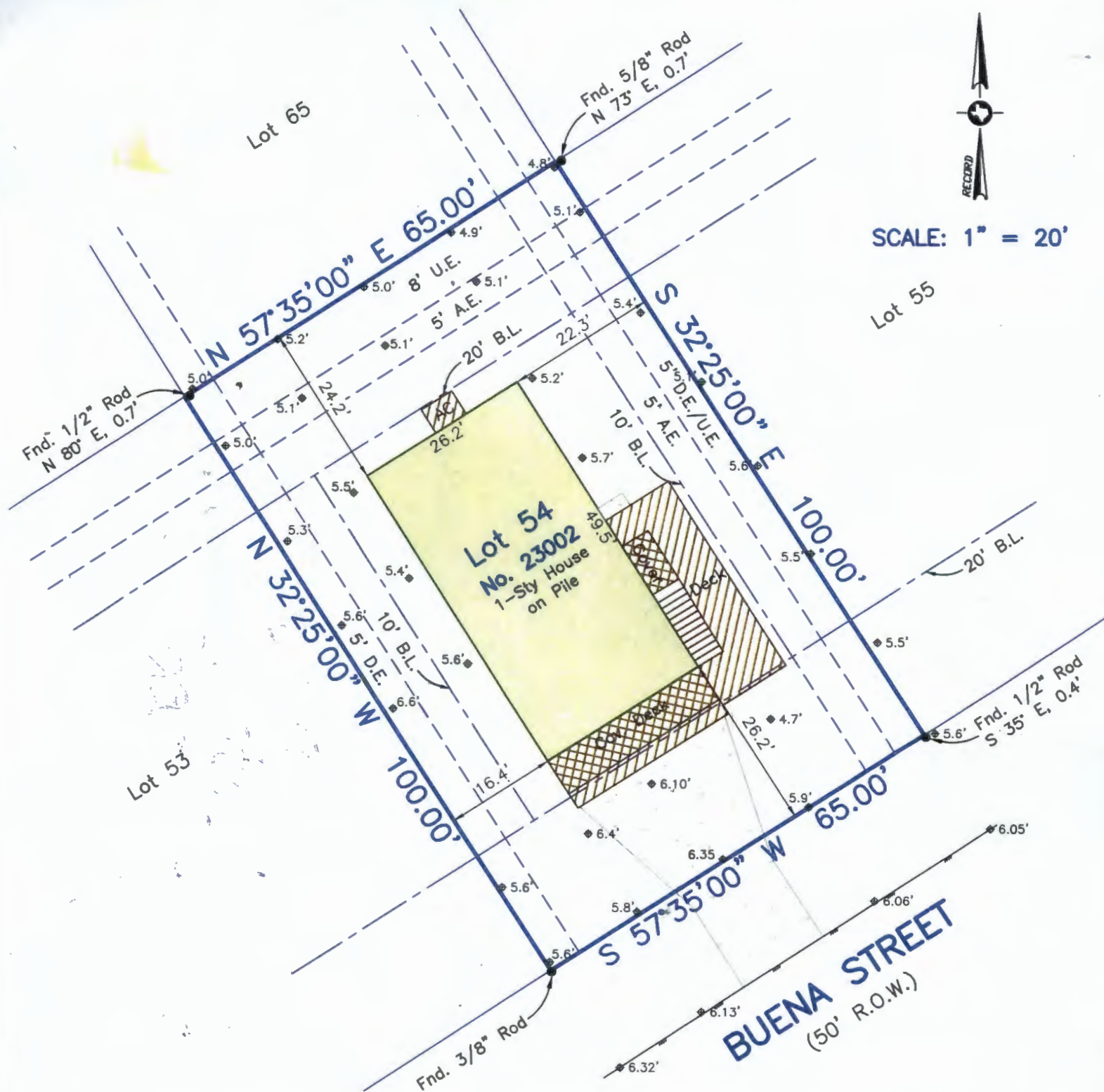


NOTES:

- 1) This property is subject to the building and zoning ordinances of the City of Galveston.
- 2) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
- 3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by DSHA and/or the local power company.
- 4) Bearings are based on the monumentation of the North right-of-way line of Buena Street.

Surveyed without the benefit of a title commitment. This property may be subject to matters of record not shown hereon that might be revealed by title report or title commitment.

Legend: Overhead Power Power Pole Concrete Telephone Box Electrical Box Down Guy B.L. Building Setback Line U.E. Utility Easement A.E. Aerial Easement D.E. Drainage Easement		TRICON LAND SURVEYING, LLC Mailing: 6341 Stewart Rd. #251 Physical: 2011 59th Street Galveston, TX 77551 409-497-2772 TriconLandSurveying.com T.B.P.L.S. Firm No. 10194309
Building Line ----- Easement Line ----- Drafting: LP Survey Date: July 3, 2019 Surveyed for: Mark Styron		



Survey of Lot Fifty-four (54), of TERRAMAR BEACH, Section 7, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 9, Page 42, 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

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 North R.O.W. line of Buena Street, being a 1/2" rod found at the Southeast corner of Lot 51, and a 1/2" rod found at the Southwest corner of Lot 56.
- 4) Surveyed without benefit of a Title Report.

SURVEY DATE:	JUNE 4, 2019
FILE No.:	7016-0000-0054-000
DRAFTING:	ATC
JOB No.:	19-0407

H.B. 2497 (Cyrier/Hughes) – Board of Adjustment

Effective September 1, 2019, this bill:

- 1) Requires the city council to approve rules adopted by the board of adjustment;
- 2) Allows the following persons to appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project:
 - a) A person aggrieved by the decision; or
 - b) An officer, department, board, or bureau of the city affected by the decision;
- 3) Allows the following persons to appeal to the board of adjustment a decision by an administrative official that is related to a specific application, address, or project:
 - a) A person who files an application that is the subject of the decision;
 - b) A person who is the owner of property or representative of the owner that is the subject of the decision;
 - c) A person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
 - d) Any officer, department, board, or bureau of the city affected by the decision;
- 4) Requires that a decision made by an administrative official be appealed to the board of adjustment not later than the 20th day after the date the decision is made; and
- 5) Requires the board of adjustment to decide an appeal described in (4) at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.