

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

Documents:

[2019-08-07 ZBA MINUTES.PDF](#)

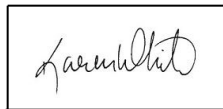
5. Request To Address Commission On Agenda Items Without Public Hearings And Non-Agenda Items (Three-Minute Maximum Per Speaker. If Speaking Through A Translator, Six-Minute Maximum Per Speaker)
6. Old Business And Associated Public Hearings
 - A. 19Z-010 (23002 Buena) Request For A Variance From The 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 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 August 28, 2019 at 5:00 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 – August 7, 2019

CALL MEETING TO ORDER

The meeting was called to order at 4:18 p.m.

ATTENDANCE

Members Present: Louis Fuchs, Andrew Galletti, Robert Girndt, Jeff Patterson, CM David Collins

Members Absent: Lyssa Graham Reynolds, James Hoffman (ALT)

Staff Present: Catherine Gorman, Assistant Director; Janice Norman, Planning Manager; Daniel Lunsford, Planner; Karen White, Planning Technician; Donald Glywasky, City Attorney; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The May 8, 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-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

Staff presented the staff report and noted that of twenty-one (21) notices of public hearing sent, two (2) had been returned in favor.

Vice-Chairperson Andrew Galletti opened the public hearing on case 19Z-008. Property owner Erik van Kuijk presented to the Commission. The public hearing was closed and the Vice-Chairperson called for questions or comments from the Commission.

Robert Girndt made a motion to approve case 19Z-008. Louis Fuchs seconded the motion. Robert Girndt amended his motion to specify that approval was recommended because the property's management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts and because the use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance. Robert Girndt also

amended his motion to include staff's recommended conditions. Louis Fuchs seconded, and the following votes were cast:

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

The motion passed.

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.

Staff presented the staff report and noted that of thirty-seven (37) notices of public hearing sent, three (3) had been returned in favor.

Vice-Chairperson Andrew Galletti opened the public hearing on case 19Z-009. Applicant Tina Ho presented to the Commission. The public hearing was closed and the Vice-Chairperson called for questions or comments from the Commission.

Jeff Patterson made a motion to approve case 19Z-009 based on the unique situation of two properties on one lot sharing an address. Louis Fuchs seconded, and the following votes were cast:

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

The motion passed.

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

Staff presented the staff report and noted that of thirty-six (36) notices of public hearing sent, five (5) had been returned in favor.

Vice-Chairperson Andrew Galletti opened the public hearing on case 19Z-010. Applicant and property owner Mark Styron presented to the Commission. The public hearing was closed and the Vice-Chairperson called for questions or comments from the Commission.

Andrew Galletti made a motion to continue case 19Z-010 in order to gather more information from the applicant. Robert Girndt seconded, and the following votes were cast:

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

The motion passed.

DISCUSSION ITEMS

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

THE MEETING ADJOURNED AT 5:16 PM



823 ROSENBERG, GALVESTON, TX 77550 | WWW.GALVESTONTX.GOV | FOLLOW US ON FACEBOOK, YOUTUBE, TWITTER, & INSTAGRAM!



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

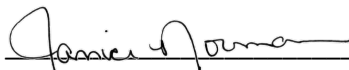
Article 3, 3.303 (A)	Proposed Variance
No encroachment of building line previously established	To encroach the building line by 3-feet

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

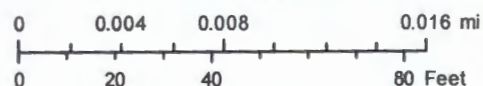
Development Services: Planning and Development Division



July 17, 2019

1:480

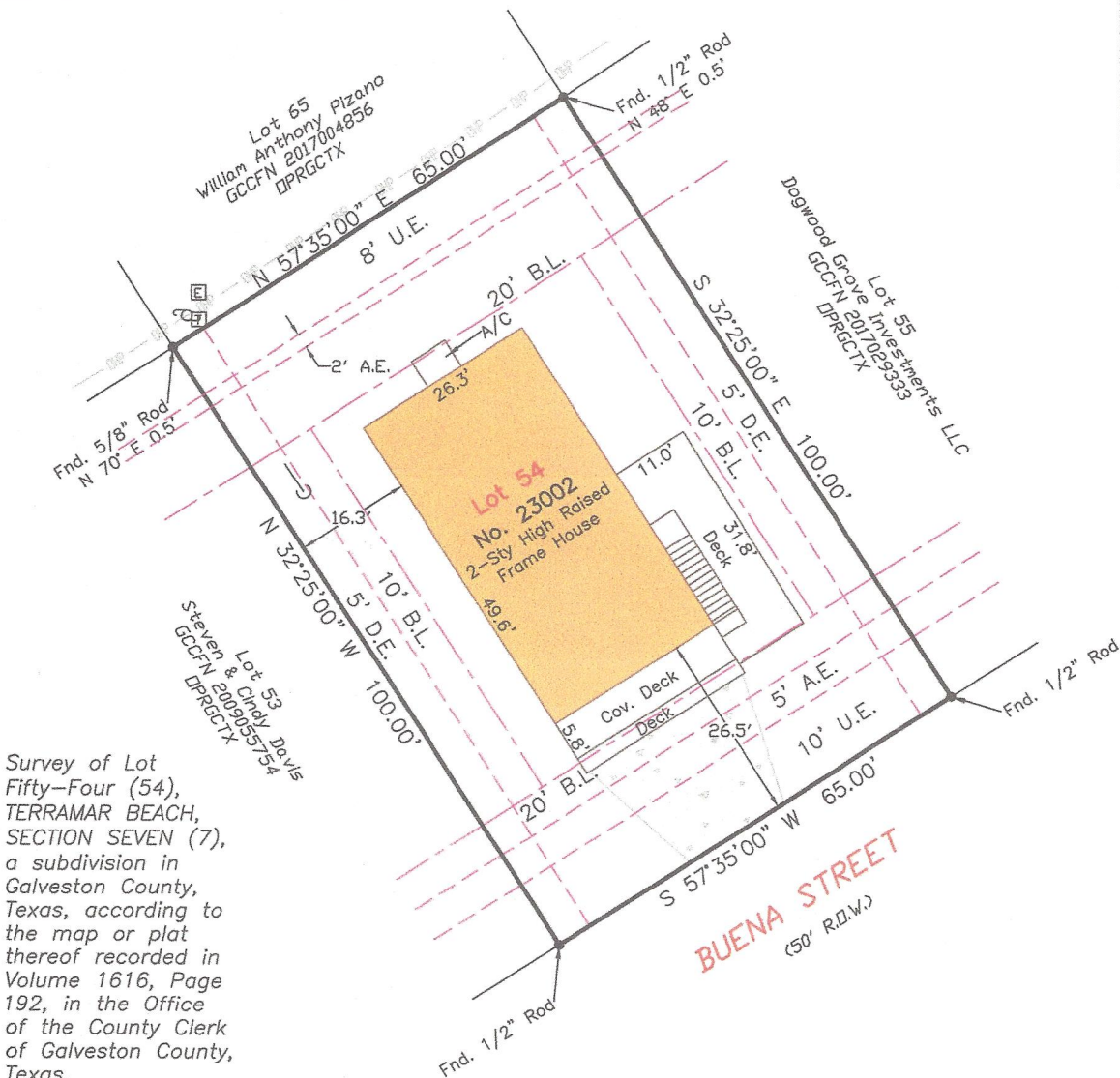
- Parcels
- Lot lines
- Galveston Landmarks
- Local Historic Districts
- Enhanced Construction Zone
- 25ft Offset from NTD
- North Toe of Dune (NTD)
- 1ft



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

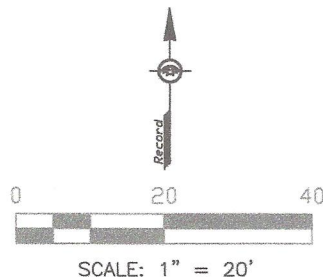
This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data presented on these pages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

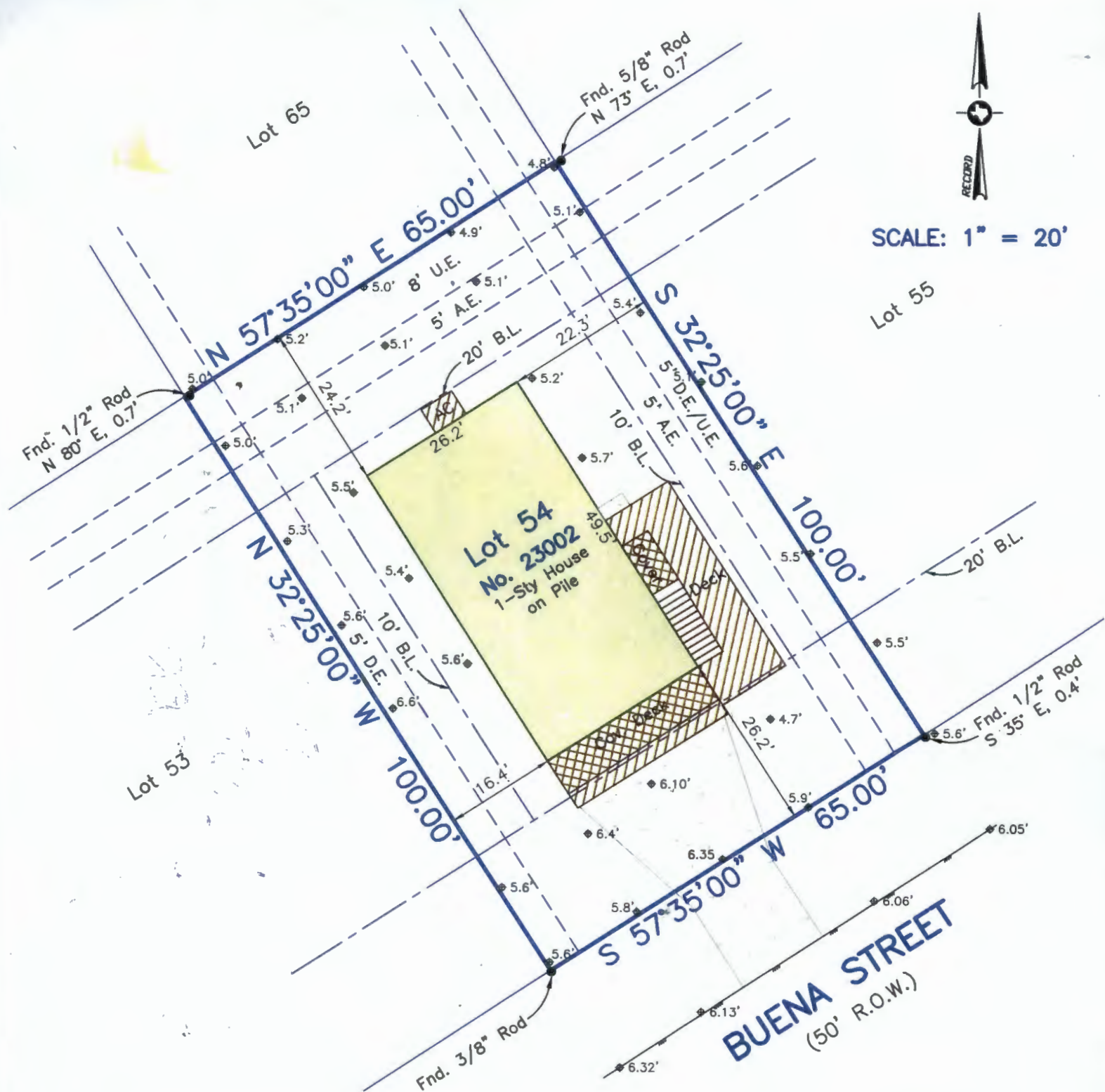


NOTES:

- 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