

AGENDA
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
4:00 p.m. Wednesday, November 13, 2019
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: August 7, 2019 And September 4, 2019

Documents:

[2019-08-07 ZBA MINUTES.PDF](#)
[2019-09-04 ZBA MINUTES.PDF](#)

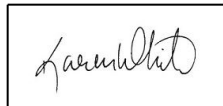
6. Request To Address Commission On Agenda Items Without Public Hearings And Non-Agenda Items (Three-Minute Maximum Per Speaker. If Speaking Through A Translator, Six-Minute Maximum Per Speaker)
7. New Business And Associated Public Hearings
 - A. 19Z-011 (9614 Teichman) Request For A Variance From The 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 3, Rose Parker Addition, Number 3 (2007), A Subdivision, In The City And County Of Galveston, Texas. Applicant And Property Owner: Martech Development, LLC.

Documents:

[19Z-011 PKT.PDF](#)

8. Discussion Items
9. 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 8, 2019 at 10:30 A.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



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City of Galveston

MINUTES OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF GALVESTON REGULAR MEETING – September 4, 2019

CALL MEETING TO ORDER

The meeting was called to order at 4:04 p.m.

ATTENDANCE

Members Present: Louis Fuchs, Andrew Galletti, Robert Girndt, Lyssa Graham Reynolds, CM David Collins

Members Absent: James Hoffman (ALT), Jeff Patterson

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

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The August 7, 2019 minutes were continued until the regular meeting on October 9, 2019 in order to allow more board members to be present.

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-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.

Chairperson Lyssa Graham Reynolds 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 Chairperson called for questions or comments from the Commission.

Ex-officio David Collins arrived at 4:14 p.m.

Chairperson Lyssa Graham Reynolds made a motion to approve case 19Z-010 for the following reasons:

1. The variance is not detrimental to the spirit of the Land Development Regulations;
2. The configuration is not unusual to the neighborhood; and
3. The hardship is not self-imposed.

Robert Girndt seconded, and the following votes were cast:

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

The motion passed.

DISCUSSION ITEMS

THE MEETING ADJOURNED AT 4:18 PM





19Z-011

STAFF REPORT

ADDRESS:

9614 Teichman Road, LLC.

LEGAL DESCRIPTION:

Property is legally described as Lot 3, Rose Parker addition, Number 3, a subdivision, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Mark Coyle

PROPERTY OWNER:

Martech Developments, LLC.

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
24				

City Department Notification:



Background:

The house at the subject location has been recently constructed. The applicant discovered that the front deck encroaches one and one half feet in a 12-foot section 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 one and one half feet.

Lot measurements are 75-feet in depth and 49-feet in width.

Setback Requirements **Article 3, District Yard, Lot and Setback Standards, Addendum for Single-Family Residential (R-1)**
Front Yard: 20-Feet
Side Yard: 3-Feet
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	18.5-Feet
Article 3, 3.303 (A)		Proposed Variance
No encroachment of building line previously established		To encroach the building line by 1.5-feet

Applicants Justification :

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.
 - a. *The special condition was rooted in the initial construction of the property. There were initial survey stakes in the ground to mark the poles, but no aerial markers. The Porch/Deck area, which is the portion of the property, which encroaches over the building line/setback, is a non-living area and is cantilevered over the building/setback. The aerial encroachment is approximately 1 ½' which tapers for about 12' for a total encroachment area of 9 square feet. The elevation of the porch is 17'8". Because it is cantilevered, no part of the structure that is below 17' 8" elevation other than a knee brace that supports the porch.*
2. Due to said special conditions, the enforcement of the strict terms of these regulations would impose an unnecessary hardship on the applicant.
 - b. *In order to correct the encroachment, we would have to structurally alter or remove one of the two main diagonal knee braces. Removal of the knee brace would make the structure unsound and unsafe. In addition, to angle cut the porch roof, supports, and deck would make the structure unsafe and the appearance would not be aesthetically pleasing. Such an alteration would affect the integrity of the only ingress & egress into the home.*
3. The variance is not contrary to the public interest, in that:
 - c. *The variance being requested is not contrary to the public interest and does not affect any neighbors. We also own the lot to the North. The encroachment is 32' from the street. This is a new home, which is built to existing codes, requirements and standards & is located at the end of Teichman Road, which is a mix of industrial & residential. The new home adds value to the existing residents & business and is an improvement to the subdivision.*
 - 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.
 - d. *The variance is being requested because the main function of the porch and deck is for access and egress in the home. Requiring it to be altered could result in some safety and structural issues. The structure does not affect any neighbors and has positive impact on the subdivision.*
 - 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.
 - e. *The variance will not have a detrimental impact upon the current and future use of the adjacent properties for purpose for which they are zoned, public infrastructure, services, or public health, safety, morals, and general welfare of the community. The encroachment is located 32' from the street 18 ½ from setback line and 17' 8" off the ground without any ground support.*
- 4. The degree of variance allowed from these regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
 - f. *The degree of the variance is minimal being 9 square feet and also is aerial and with no impacts to the residents.*
- 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).
 - g. *The encroachment of the structure in the building line/setback is minimal, being approximately 9 square feet in total area. The variance would not be used to circumvent other procedures and standard of the Land Development Regulations as there do not appear to be alternate or available standards or procedures to mitigate the existing encroachment.*
- 6. By granting the variance, the spirit of these regulations is observed and substantial justice is done.
 - h. *In granting this variance, the Zoning Board of Adjustments will be observing the spirit of the Land Development Regulations and substantial justice will be done.*

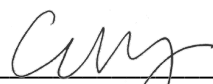
Please see Agenda for Appeal from Decision of Board Process.

Respectfully Submitted,


 Janice Norman, Planning Manager

November 5, 2019

Date


 Catherine Gorman, ACIP
 Assistant Director/HPO

November 7, 2019

Date

Zoning District Map



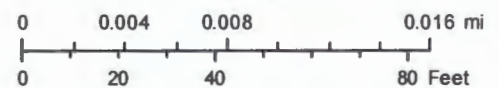
November 6, 2019

Mean High Water 1000Ft Buffer

- City of Galveston
- Not in Jurisdiction
- Parcels
- Lot lines

- Enhanced Construction Zone
- 25ft Offset from NTD
- North Toe of Dune (NTD)
- 1ft

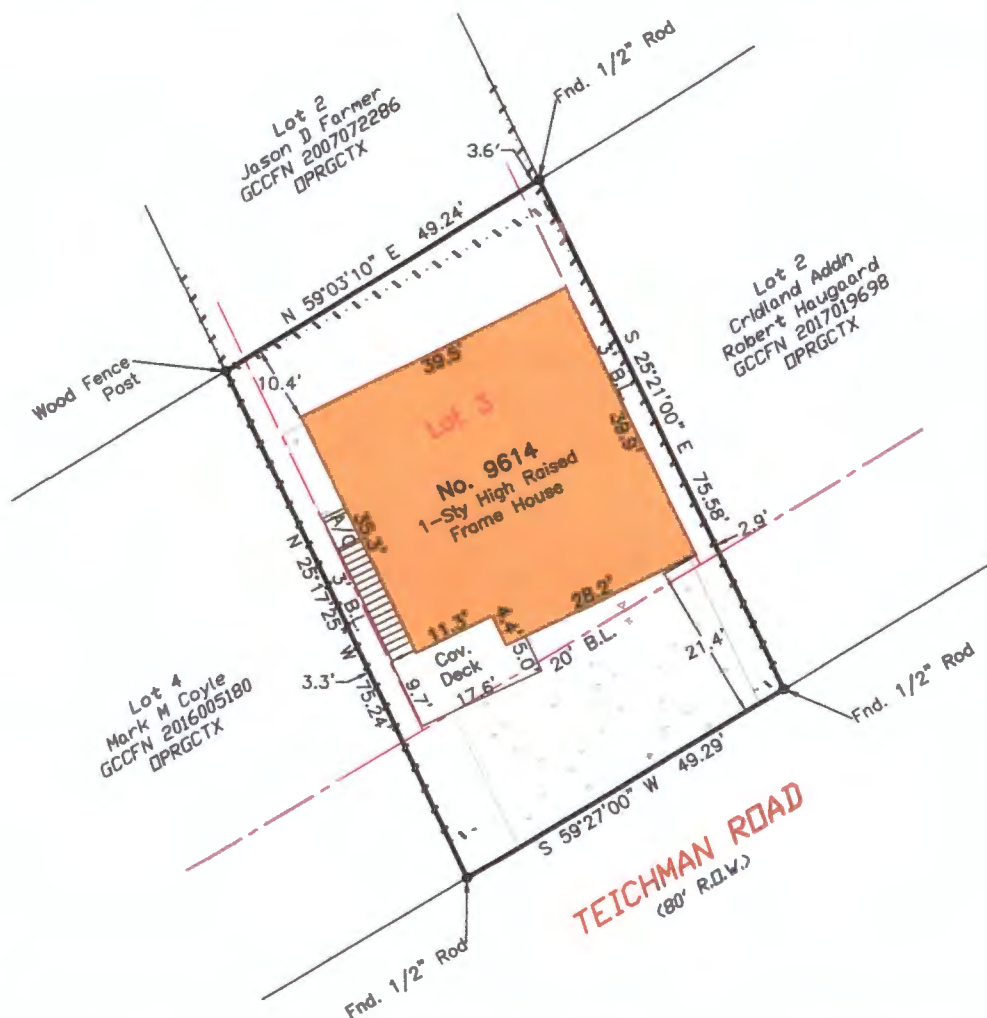
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Atkins North America, Inc.
Galveston Central Appraisal District & Pictometry
Galveston Central Appraisal District
City of Galveston; Atkins North America, Inc.

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 & Development Division
City of Galveston

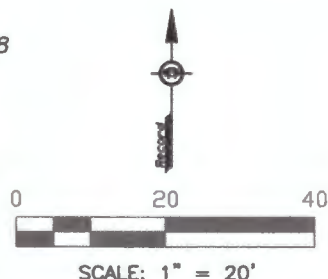


Survey of Lot Three (3), of ROSE PARKER ADDITION NO. THREE (3), a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 2006B, Map No. 7, of the map records of Galveston County, Texas.

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.

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 OSHA and/or the local power company.
- 4) Bearings are based on the monumentation of the North right-of-way line of Teichman Road.

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.

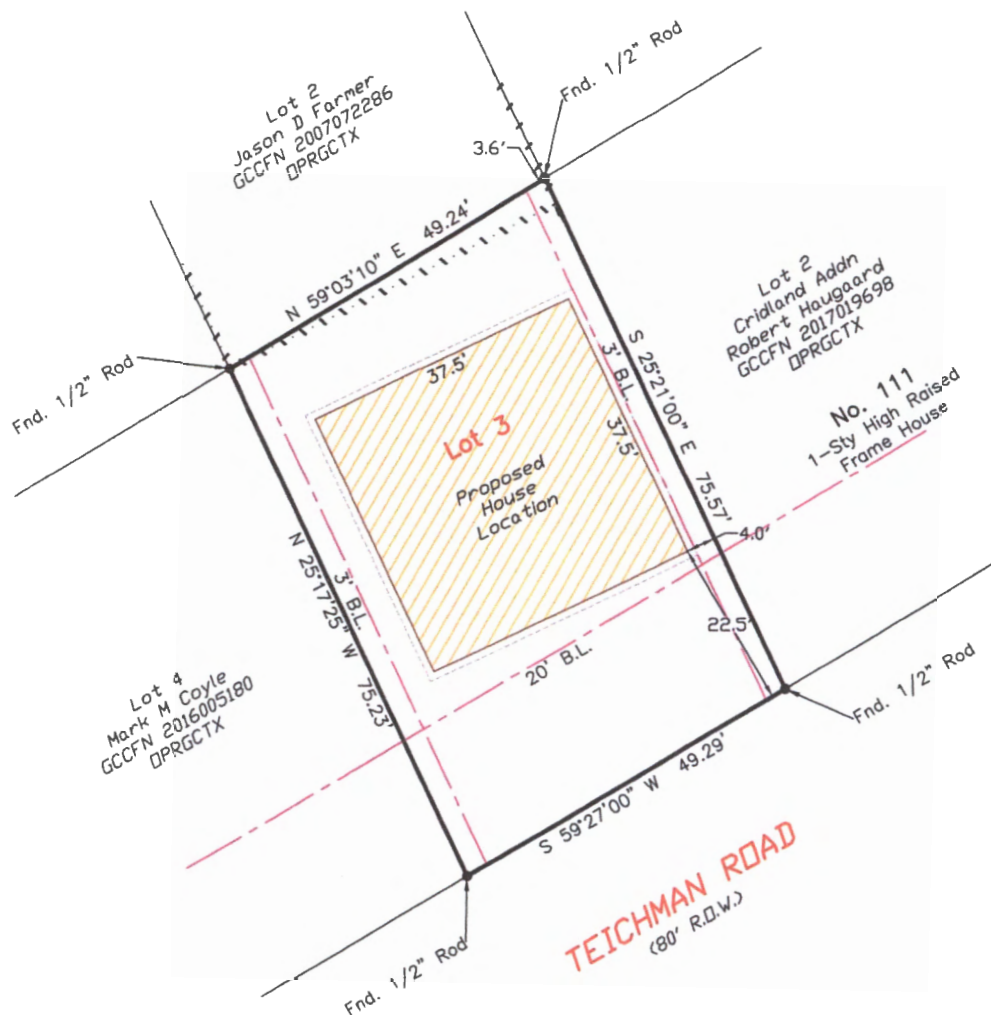
Legend:

- - - - - Wood Fence
- Concrete
- Building Line
- B.L. Building Setback Line

TRICON LAND SURVEYING, LLC
Mailing: 8341 Stewart Rd. #251
Physical: 2011 59th Street
Galveston, TX 77551
409-497-2772
TriconLandSurveying.com
T.B.P.L.S. Firm No. 10194309

Drafting: LP Survey Date: January 22, 2019
Updated: July 23, 2019

Surveyed for: Martech Developments, LLC

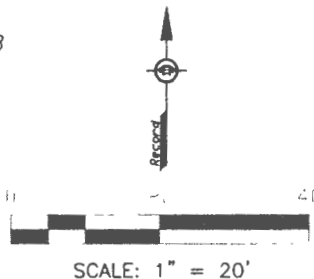


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Legend:

- - - Wood Fence

**TRICON
LAND
SURVEYING, LLC**
Mailing: 6341 Stewart Rd. #251
Physical: 2011 59th Street
Galveston, TX 77551
409-497-2772
T.B.P.L.S. Firm No. 10194308

Drafting: LP Survey Date: November 29, 2018

Surveyed For: Martech Developments, LLC

9614 Teichman Road Porch Exhibit "A"



Front View - porch is 32' from street



Facing East vacant lot & neighbor



Facing West





Survey overview of encroachment



Blow up of encroachment



Overview East



Overview West