

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m. Wednesday, December 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: November 13, 2019

Documents:

[2019-11-13 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-012 (2311 Avenue P ½) Request For Appeal Of Staff Determination Of The Galveston Land Development Regulations, Article 10, Section 10.303(L) Regarding Definition Of A Low-Rise. Property Is Legally Described As M. B. Menard Survey, Tract A, Replat Of Lots 3 Through 7 (3005-1), Southeast Block 92, Galveston Outlots, In The City And County Of Galveston, Texas. Applicant: Michael Gaertner, Sr., Architect
Property Owner: Ajit Singh

Documents:

[19Z-012 STF PKT.PDF](#)

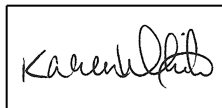
- B. 19Z-013 (11704 Sportsman Road) Request For Variance From The Galveston Land Development Regulations, Article 2, Section 2.401, (B), Regarding Timing Of Construction, For An Accessory Structure. Property Is Legally Described As Part Of Lot 176 (176-4), Trimble & Lindsey, Section 2, In The City And County Of Galveston, Texas. Applicant: William L. Moll Property Owner: William L. Moll

Documents:

[19Z-013 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 November 27, 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 SPECIAL MEETING – November 13, 2019

CALL MEETING TO ORDER

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

ATTENDANCE

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

Members Absent: None

Staff Present: Janice Norman, Planning Manager; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

ELECTION OF CHAIR AND VICE-CHAIR

Vice-Chairperson Andrew Galletti opened the floor for nominations for Chair. Robert Girndt nominated Vice-Chairperson Andrew Galletti. Vice-Chairperson Andrew Galletti closed the floor to nominations with unanimous consent.

Vice-Chairperson Andrew Galletti called for a vote to appoint Vice-Chairperson Andrew Galletti to Chair.

In favor: Fuchs, Galletti, Girndt, Patterson

Vice-Chairperson Andrew Galletti was appointed to Chair.

Chairperson Andrew Galletti opened the floor for nominations for Vice-Chair. Chairperson Andrew Galletti nominated Robert Girndt. Chairperson Andrew Galletti closed the floor to nominations with unanimous consent.

Chairperson Andrew Galletti called for a vote to appoint Robert Girndt to Vice-Chair.

In favor: Fuchs, Galletti, Girndt, Patterson

Robert Girndt was appointed to Vice-Chair.

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The August 7, 2019 and September 4, 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-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.

Staff presented the staff report and noted that of twenty-four (24) notices of public hearing sent, three (3) had been returned in favor.

Chairperson Andrew Galletti opened the public hearing on case 19Z-011. Representative of the applicant and property owner Mike Coyle 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-011 based on the following special conditions:

- The property being skewed to the property line;
- Similarly skewed properties in the vicinity of the subject property; and
- The elevation of the cantilevered deck.

Louis Fuchs seconded, and the following votes were cast:

In favor: Fuchs, Galletti, Girndt, Patterson

Opposed: None

Non-voting participant: CM Collins

The motion passed.

DISCUSSION ITEMS

THE MEETING ADJOURNED AT 4:24 PM





19Z-012 STAFF REPORT

ADDRESS:
 2311 Avenue P ½

LEGAL DESCRIPTION:
 Property is legally described as M. B. Menard Survey, Tract A, Replat of Lots 3 through 7 (3005-1), Southeast Block 92, Galveston Outlots, in the City and County of Galveston, Texas

APPLICANT/REPRESENTATIVE:
 Michael Gaertner, Sr., Architect

PROPERTY OWNER:
 Ajit Singh

ZONING:
 Commercial, Height and Density Development Zone, Zone 3 (C-HDDZ-3)

APPEAL REQUEST:
 Height Determination

APPLICABLE ZONING LAND USE REGULATIONS:
 Article 10.303 (L), Definitions

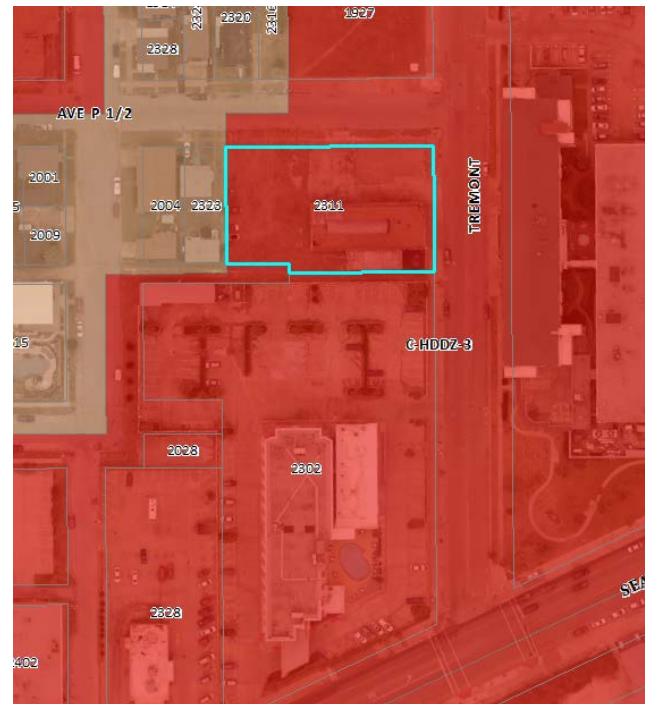
ATTACHMENTS:
 A – Article 10.303, Definitions
 B – Applicant’s Submittal

STAFF:
 Catherine Gorman, AICP
 Assistant Director/HPO
 409-797-3665
 cgorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
21				

City Department Notification: No Objections



Executive Summary:

The applicant is requesting an appeal of staff’s determination regarding the height of proposed construction at the subject location.

The subject site is located within the Height and Density Development Zone (HDDZ). The HDDZ is a zoning overlay district that includes prescriptive development standards for key areas of the city.

The HDDZ defines a Low-Rise Building as:

Low-rise. A low-rise is defined as a building or structure more than three stories or 35 feet in height and less than six stories or 70 feet in height, whichever is more restrictive.

Executive Summary Continued:

Staff has determined that the building, as currently designed, does not qualify as a Low-Rise due to the number of stories. The definition of Low-Rise includes two measurements – number of stories and feet – and in order to qualify the building must meet the more restrictive. In this case, the proposed number of stories is six and the height in feet is 66. While the height is under 70 feet, the more restrictive measurement of “less than six stories” is not being met. Therefore, Staff has determined that the building is classified as a Mid-Rise, which has the following definition:

Mid-rise. A mid-rise is defined as a building or structure more than five stories or 70 feet in height and less than nine stories or 105 feet in height, whichever is more restrictive.

The applicant’s justification states that the topmost floor should be considered a mezzanine rather than a story. The applicant cites “common definition” of mezzanine as being a part of the story to which it is connected. According to Merriam-Webster, a commonly used dictionary, the definition of mezzanine is:

1. A low-ceilinged story between two main stories of a building. *Especially:* an intermediate story that projects in the form of a balcony.

The applicant’s justification also states that the International Building Code includes a mezzanine as a part of the story to which it is connected. The 2012 International Building Code defines mezzanine as:

Mezzanine. An intermediate level or levels between the floor and ceiling of any story and in accordance with Section 505.

Section 505 provides size limitations for mezzanines. The Building Official, Todd Sukup, has reviewed and determined that the topmost floor is not a mezzanine and that the building consists of six stories.

The topmost floor does not meet the common or International Building Code definition of a mezzanine as it is not located within a story. Staff has determined the following:

- The topmost floor is not a mezzanine;
- The building consists of six stories; and
- The building is classified as a Mid-Rise for the purposes of the HDDZ requirements.

Applicant’s Justification:

For this site and project, height is restricted to 5 stories or 70'. Applicant proposes 5 stories and less than 70', including a mezzanine. The LDR's do not have a definition of story or mezzanine. Staff has determined that a mezzanine is a story for the purpose of this site and project. Common definition and the International Building Code as adopted by the City of Galveston may include a mezzanine as a part of the story to which it is connected. Applicant requests that the board rule on this matter.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully Submitted,



Catherine Gorman
Assistant Planning Director

November 22, 2019
Date

- e. Landscaped areas within view corridors; and
- f. Improved waterfront areas with direct public access.
- 2. Areas not considered improved public open space:
 - a. Landscaping in parking areas;
 - b. Areas not visible from adjacent streets or located along through pedestrian connections; and
 - c. Fenced front or side yard areas.
- K. **Lot Coverage.** Lot coverage shall consist of all building footprints plus all impervious pavement (asphalt or concrete) on the site. Where areas are paved with pervious materials such as pavers, grasscrete, turf blocks, permeable asphalt, or other pervious material approved by the City Engineer, only 75 percent of the area shall be considered impervious cover.
- L. **Low-rise.** A low-rise is defined as a building or structure more than three stories or 35 feet in height and less than six stories or 70 feet in height, whichever is more restrictive.
- M. **Mid-rise.** A mid-rise is defined as a building or structure more than five stories or 70 feet in height and less than nine stories or 105 feet in height, whichever is more restrictive. A maximum of 20 percent of the uppermost floor plate is permitted to a total height of 120 feet. Should this portion of the building be roofed and enclosed on more than two sides it shall be considered for purposes of calculating floor area ratio.
- N. **Neighborhood Transition Area.** An area of a lot within HDDZ that is adjacent to a residential zone district boundary. The dimensions of the Neighborhood Transition Area and the reduced height limits that apply within these areas are defined as standards within this section.
- O. **Tier.** A level of development intensity: Height and Density Development Zone. Includes Base Tier, Mid-rise Tier.
- P. **Very Low-rise.** A very low-rise is defined as a building or structure no more than three stories or 35 feet in height, whichever is more restrictive.

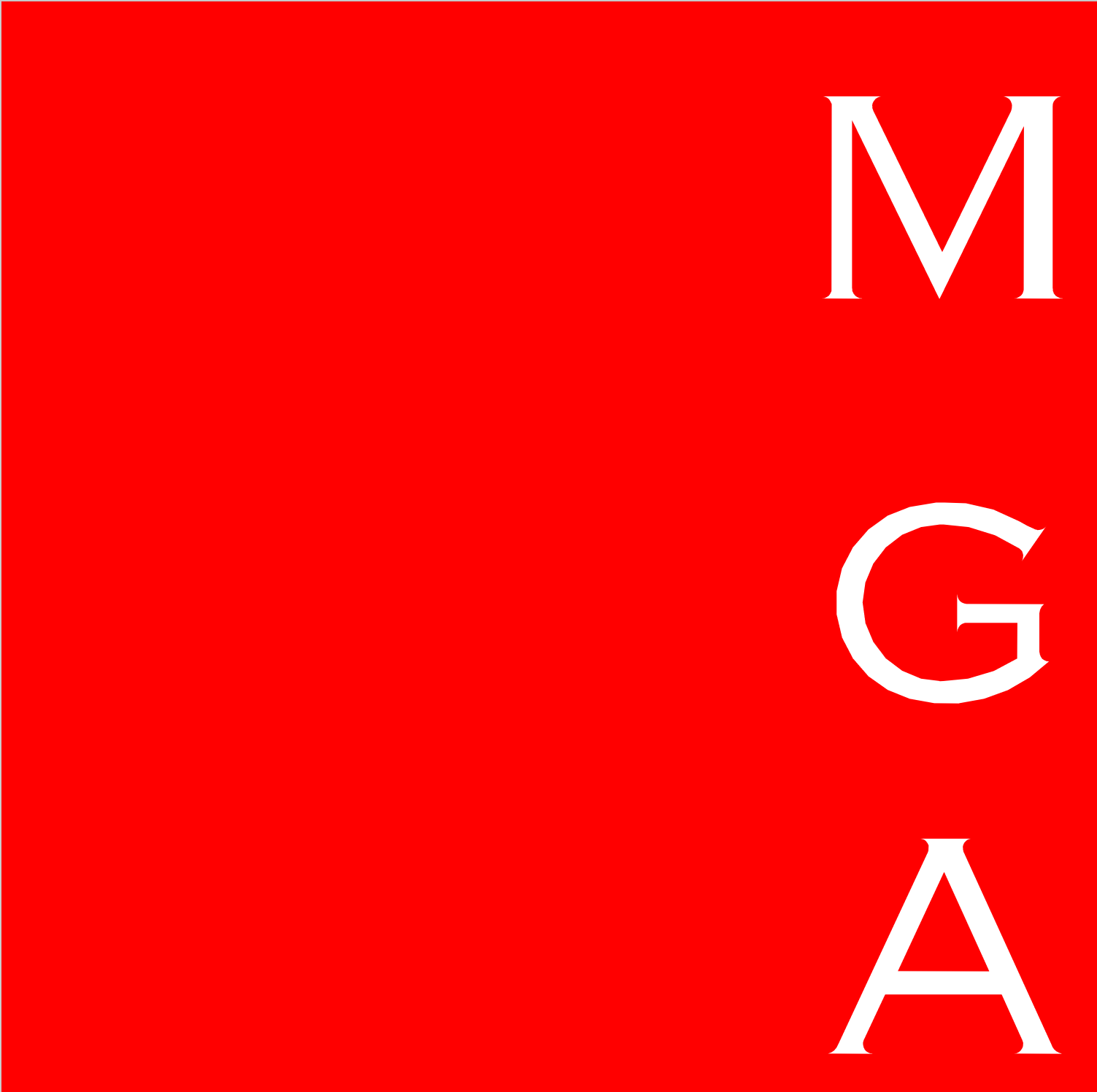
SEC. 10.304 APPLICATION OF OVERLAY ZONE

- A. This HDDZ shall apply over existing zones designated in the City including areas with existing Overlay Zones. The zoning designation for property located within the HDDZ shall consist of the base zone symbol and the overlay district symbol (HDDZ) as a suffix. The character areas of the HDDZ shall be numbered sequentially to distinguish among the individual character areas and labeled as such on the zoning map:
 - 1. **Gateway.** HDDZ-1
 - 2. **Seawall East.** HDDZ-2
 - 3. **Seawall Core A.** HDDZ-3
 - 4. **Seawall Core B.** HDDZ-4
 - 5. **Seawall West.** HDDZ-5
 - 6. **End of Seawall to 11 Mile Road.** HDDZ-6
- B. The standards of this Section apply in addition to the standards of the underlying zone and any applicable overlay zones. Where there is a conflict, the standards of this Section apply.



2311 Avenue P 1/2
Galveston, TX 77550

10/31/19



MICHAEL GAERTNER ARCHITECTS
2413 MECHANIC ST. SUITE A GALVESTON, TX 77551
409.762.0500 MGAIA.COM



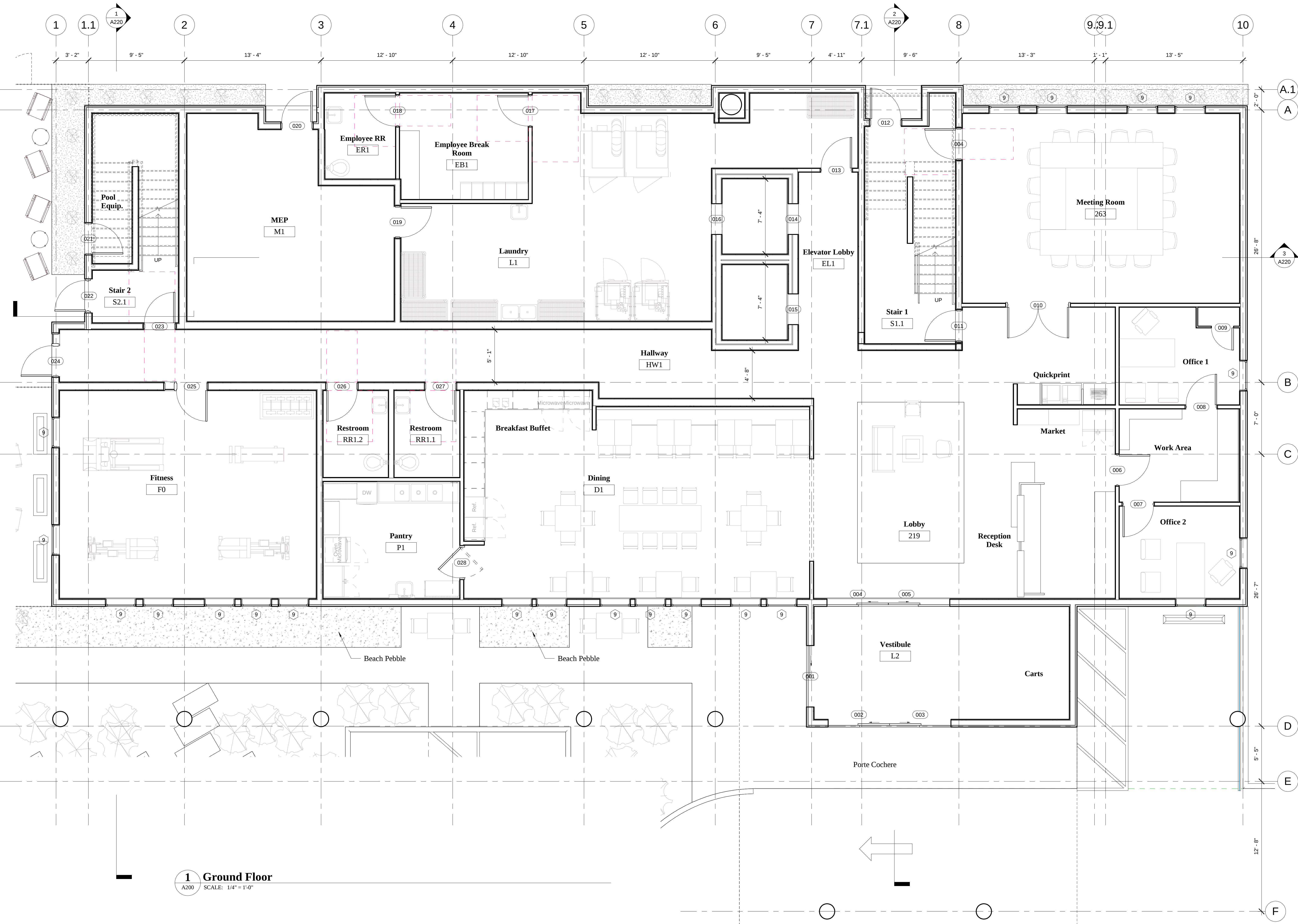
Owner:
APGD Corp.
2724 E. Palm Circle
Galveston, TX 77551

Structural Engineer:
FrameStudio Inc
823 Broadway Blvd
Galveston, TX 77550
409-765-7777

Surveyor
Brene Addison
Tricon Land Surveying Inc
2011 59th Street
Galveston, TX 77551
409 497 2772

MEP Engineer
Waheed Consulting LLC
420 Parkside Court
Murphy, TX 75094
Phone: (972) 442-4063

2311 Avenue P 1/2
Galveston, TX 77550
18-231



1 Ground Floor
A200 SCALE: 1/4" = 1'-0"



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PROJECT NUMBER
18-231

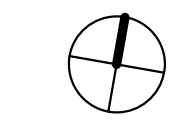
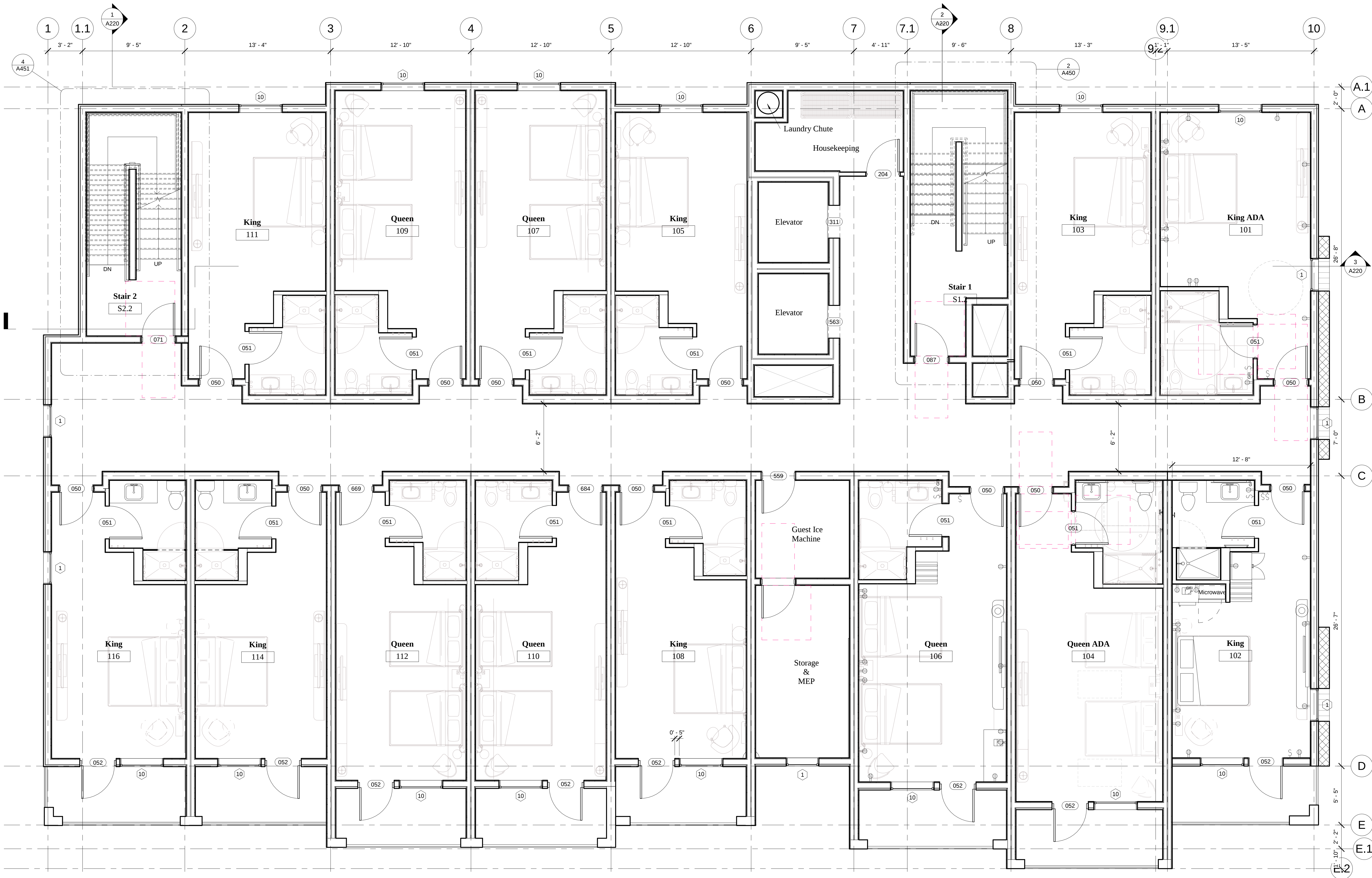
PROJECT NAME
Park Inn and Suites

OWNER
**APGD Corp.
2724 E. Palm Circle
Galveston, TX
77551**

REVISIONS		
No.	Date	Description
1		
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DRAWING NAME
**Ground Floor
Plan**

SHEET NUMBER
A200



1 Level 1
A201 SCALE: 1/4" = 1'-0"

M
G
A

MICHAEL GAERTNER ARCHITECTS
2413 MECHANIC ST., SUITE A GALVESTON, TX 77550
TEL 409.762.0500 MGAA.COM

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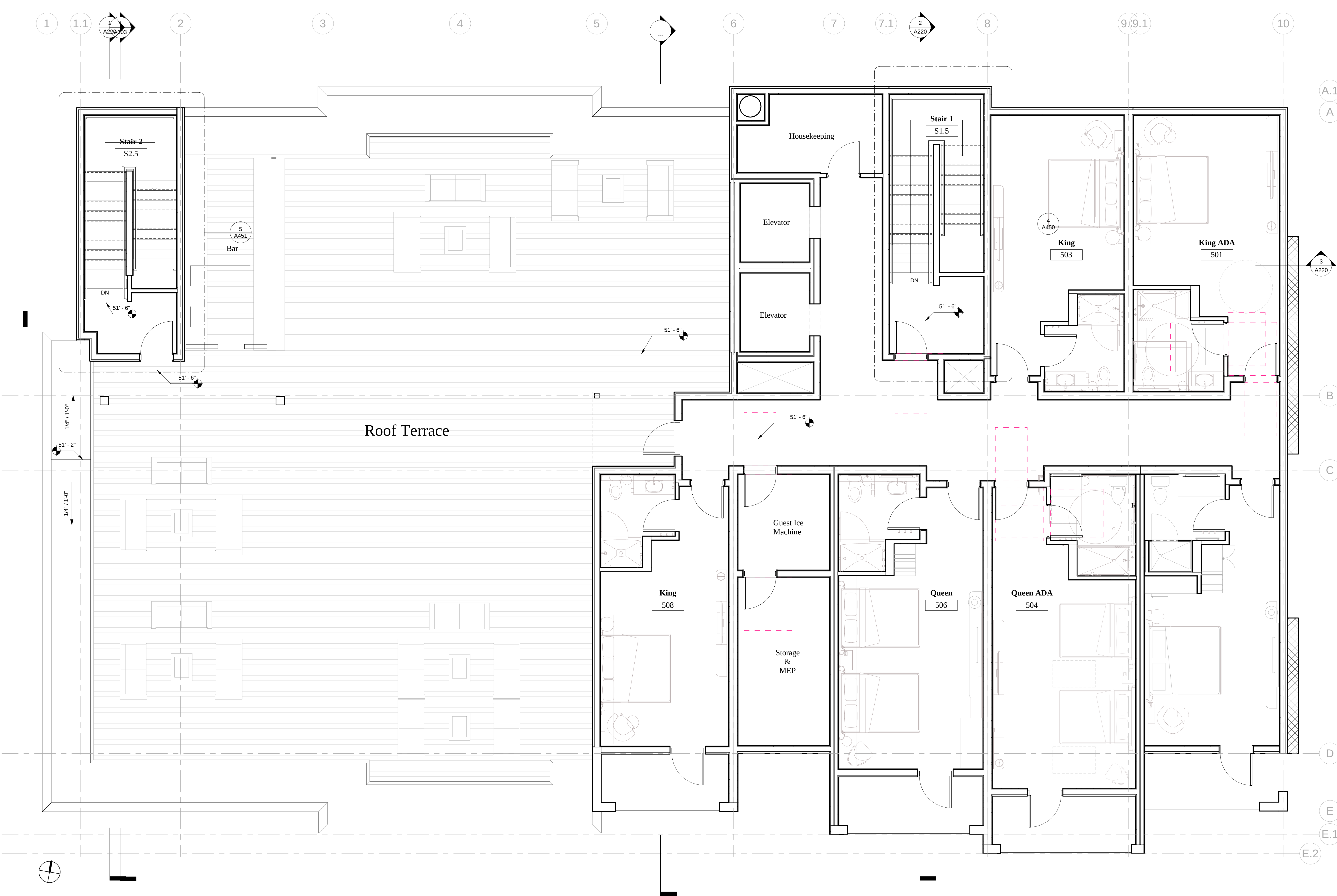
PROJECT NAME
Park Inn and Suites

OWNER
**APGD Corp.
2724 E. Palm Circle
Galveston, TX
77551**

REVISIONS		
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DRAWING NAME
**Level 1 Floor
Plan - Typical**

SHEET NUMBER
A201



1 Mezzanine (Level 6)
A202 SCALE: 1/4" = 1'-0"

M
G
A

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PROJECT NUMBER
18-231

PROJECT NAME
Park Inn and Suites

OWNER
**APGD Corp.
2724 E. Palm Circle
Galveston, TX
77551**

REVISIONS		
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DRAWING NAME
**Level 5 &
Terrace Floor
Plan**

SHEET NUMBER
A202



1 East
A211 SCALE: 1/8" = 1'-0"



2 South
A211 SCALE: 1/8" = 1'-0"

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PROJECT NUMBER
18-231

PROJECT NAME
**Park Inn and
Suites**

OWNER
**APGD Corp.
2724 E. Palm Circle
Galveston, TX
77551**

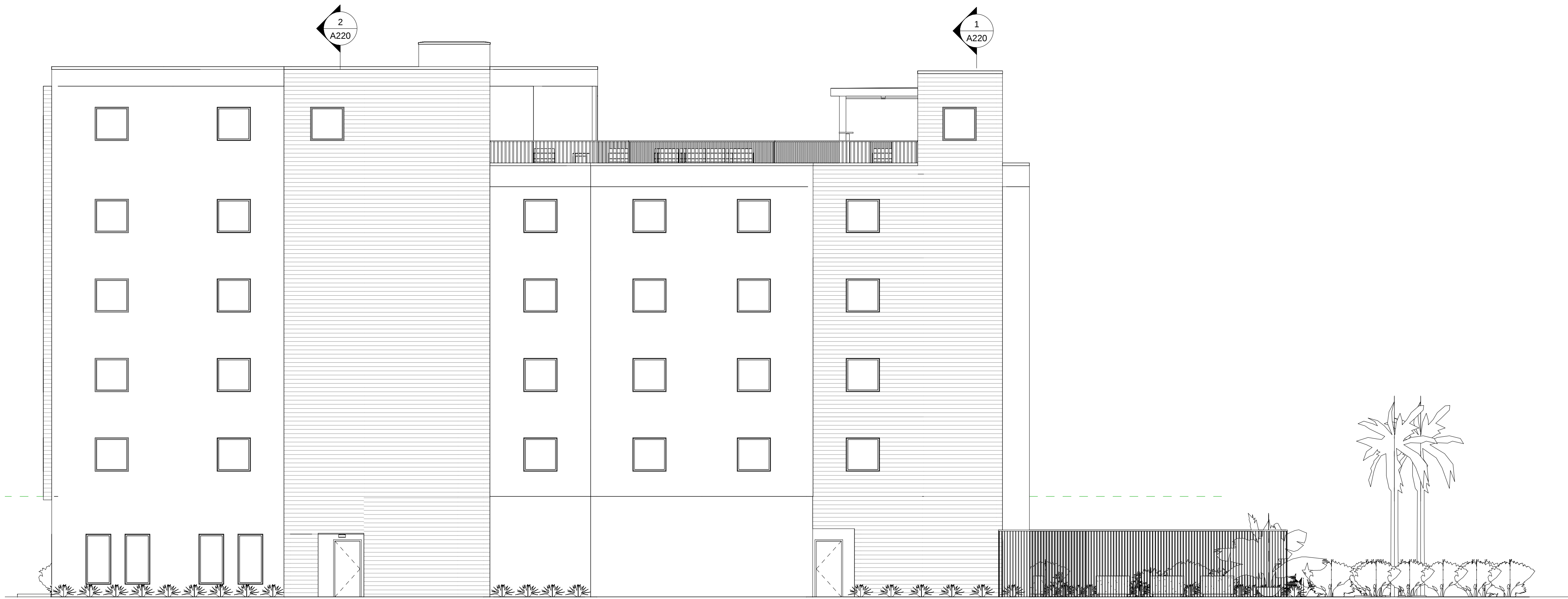
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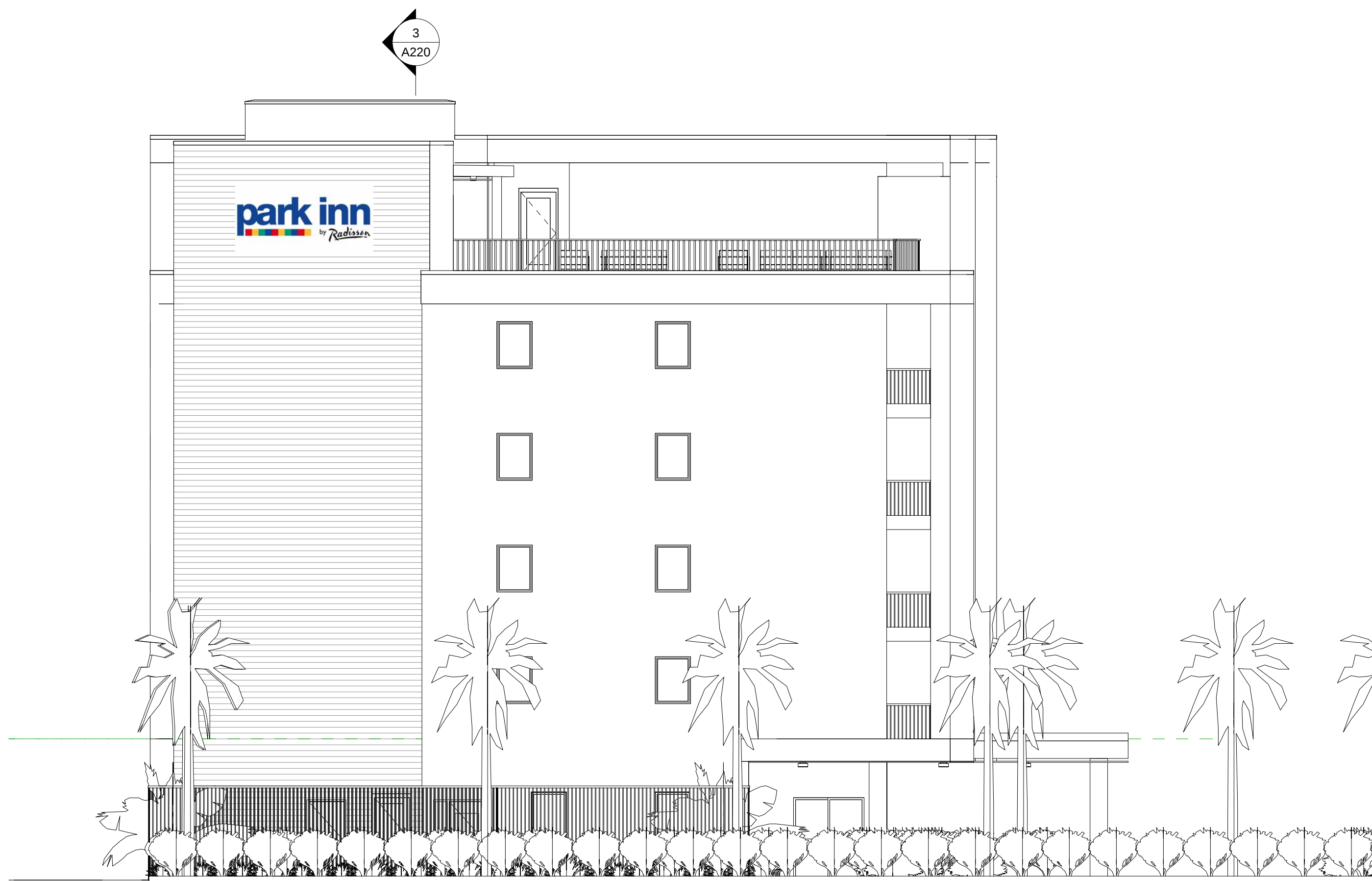
**Exterior
Elevations**

SHEET NUMBER

A211



1 North
A212 SCALE: 1/8" = 1'-0"



2 West
A212 SCALE: 1/8" = 1'-0"

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PROJECT NUMBER
18-231

PROJECT NAME
**Park Inn and
Suites**

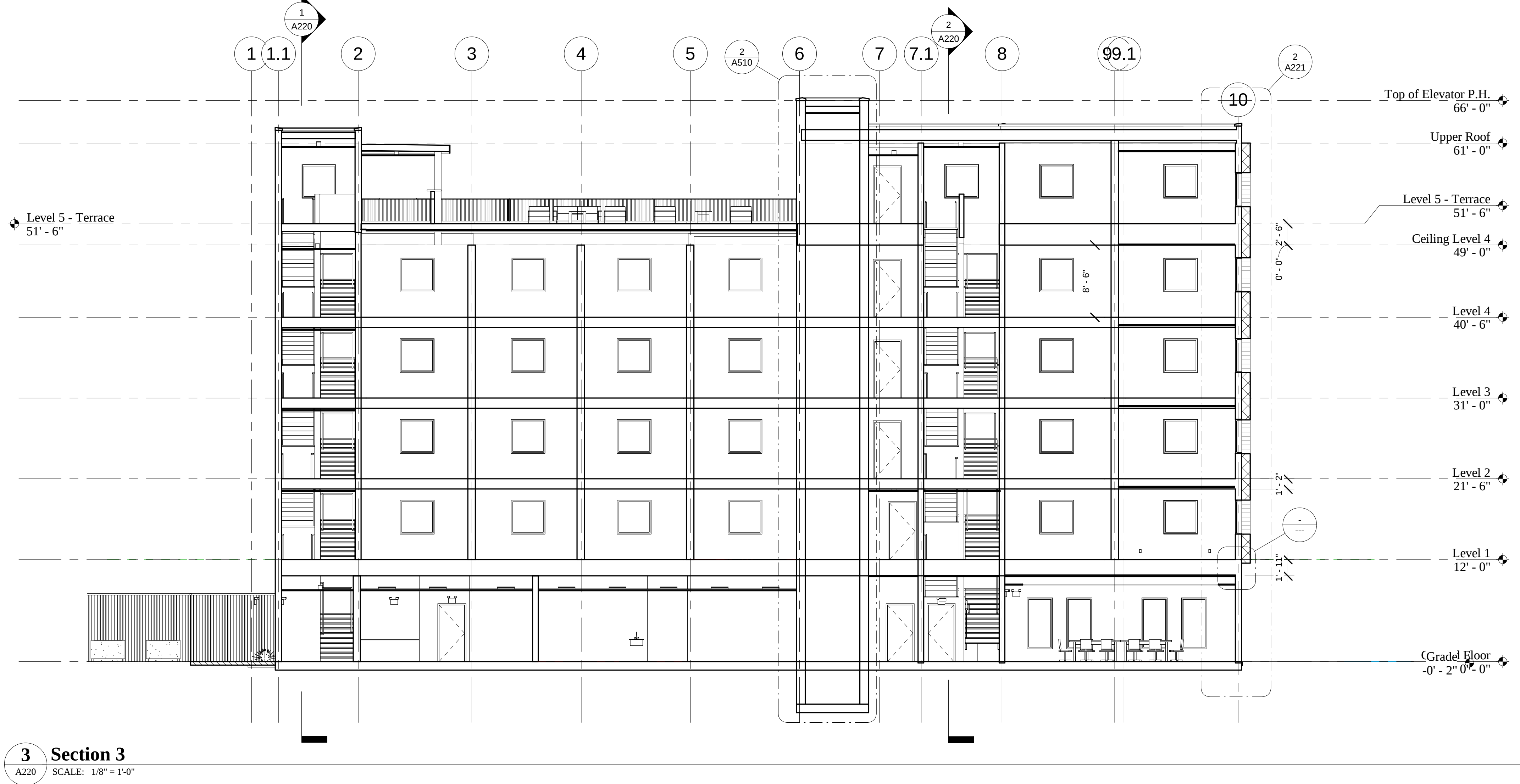
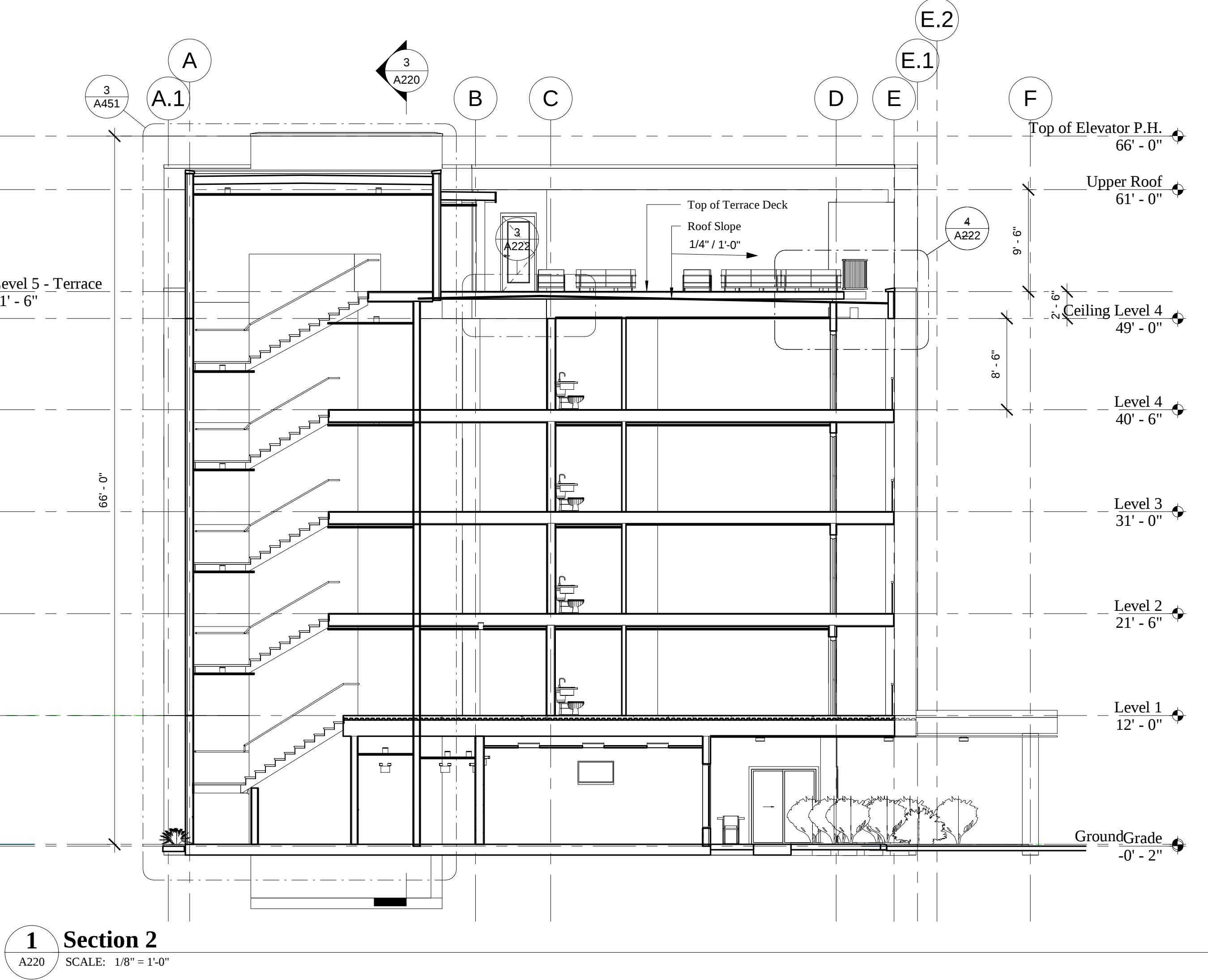
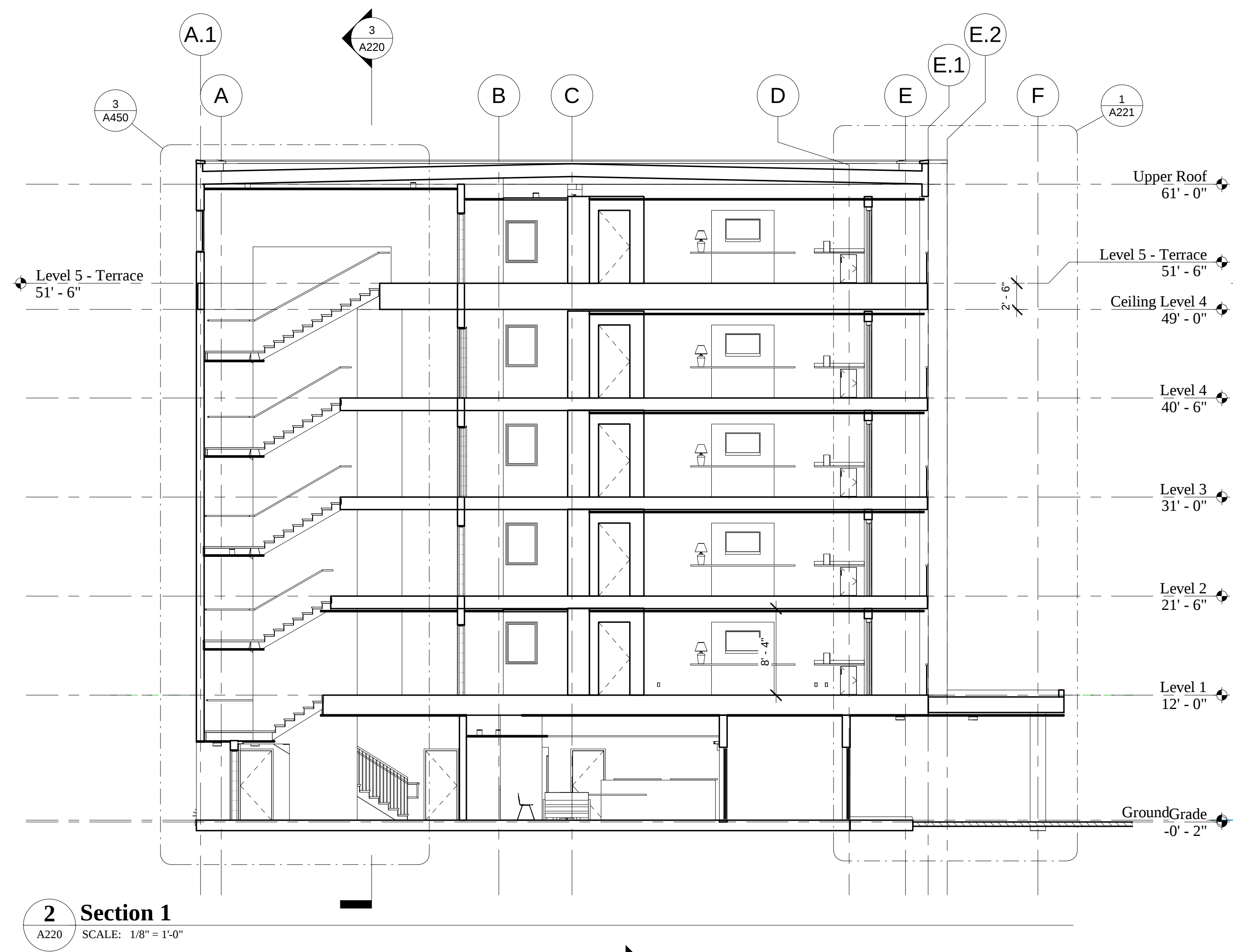
OWNER
**APGD Corp.
2724 E. Palm Circle
Galveston, TX
77551**

REVISIONS		
No.	Date	Description
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DRAWING NAME

**Exterior
Elevations**

SHEET NUMBER
A212



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PROJECT NUMBER
18-231

PROJECT NAME
Park Inn and Suites

OWNER
**APGD Corp.
2724 E. Palm Circle
Galveston, TX
77551**

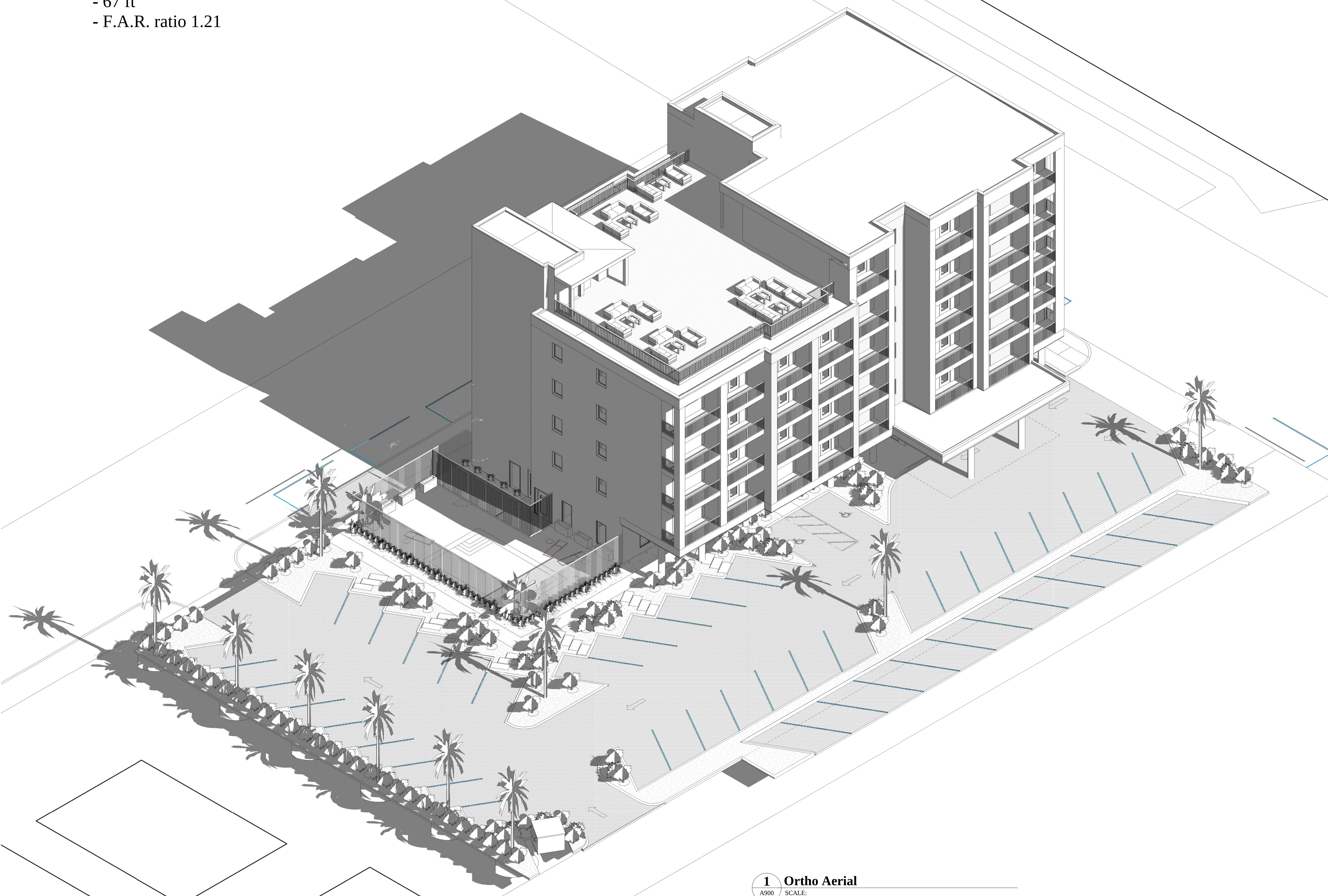
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DRAWING NAME
**Building
Sections**

SHEET NUMBER
A220

Hotel Stats

- 62 Rooms
- 5 Full stories with mezzanine
- 67 ft
- F.A.R. ratio 1.21



1 Ortho Aerial
A900 SCALE:

M
G
A

MICHAEL GAERTNER ARCHITECTS
2413 MECHANIC ST., SUITE A GALVESTON, TX 77550
TEL 409.762.0900 MGAIA.COM

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PROJECT NUMBER
18-231

PROJECT NAME
**Park Inn and
Suites**

OWNER
**APGD Corp.
2724 E. Palm Circle
Galveston, TX
77551**

REVISIONS		
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DRAWING NAME
**3D Aerial
Ortho**

SHEET NUMBER
A900



19Z-013

STAFF REPORT

ADDRESS:

11704 Sportsman

LEGAL DESCRIPTION:

Property is legally described Part of Lot 176 (176-4) Trimble and Lindsey, Section 2, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

William L. Moll

PROPERTY OWNER:

William L. Moll

ZONING:

Residential, Single Family (R-1)

VARIANCE REQUEST:

To allow an accessory structure to be constructed without a main structure.

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 2, Section 2.401 (B), Timing of Construction

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
16				

City Department Notification:



Background:

The applicant constructed a fishing pier on his vacant lot without a City permit.

Executive Summary:

The applicant is requesting a variance from the Galveston Land Development Regulations, Article 2, Section 2.401 (B) Timing of Construction. The variance is to allow the accessory structure to remain without a main structure.

Applicable Standards

B. Timing of Construction. No accessory building or structure shall be constructed unless the principal building has already been constructed or is under construction simultaneously with the accessory building. The City Manager may waive this requirement by securing assurance the primary structure will be completed within six months from the date the waiver is granted.

Requested Variances:

To allow an accessory structure to be constructed without a main structure.

Applicants Justification is stated below:

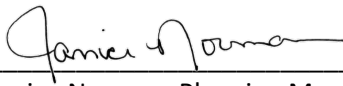
Approval Standards. The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 12.401.C, and if the Zoning Board of Adjustment makes a determination in writing that all of the following are demonstrated:

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.
I built a fishing pier over the bay. I have both Army Corp of Engineers and General Land Office permits. I inquired of many people – contractors, land owners etc.. They said they never heard of a city permit for piers. I should have asked the City. There are many piers along Sportsman Road. Do not know how many had city permits. I have always had city permits on this property for other work.
2. Due to said special conditions, the enforcement of the strict terms of these regulations would impose an unnecessary hardship on the applicant.
I am almost 76 years old, retired, widowed and have two kinds of serious cancer. May life expectancy is about 2 years. I would like to have my remaining time to fish on occasion with my grandchildren on the new pier. Enforcement just makes stress and more unhappiness needlessly for my remaining life. I will be happy to pay a fine to settle this permanently.
3. The variance is not contrary to the public interest, in that:
The variance will harm no one. It is built to strict General Land Office specifications.
It is but one in a long row of small piers, most from houses but some from vacant lots. It is a reconstruction of an old long-standing pier.
 - 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.
A variance will not create any negative effects.
 - 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.
The adjacent properties have their own piers. Public infrastructure is not affected. Public health, safety, morals and general welfare are not affected. The public cannot access the pier from land because the lot is completely fenced with a hurricane style fence.
The new pier should actually improve the value of the adjacent properties. Instead of the wreckage of the old pier. Also safety to boaters, waders and swimmers is improved.

4. The degree of variance allowed from these regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
A variance will allow the pier to stand "as-is".
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).
No other pier work is planned. Any other methods would greatly increase the hardship.
6. By granting the variance, the spirit of these regulations is observed and substantial justice is done.
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

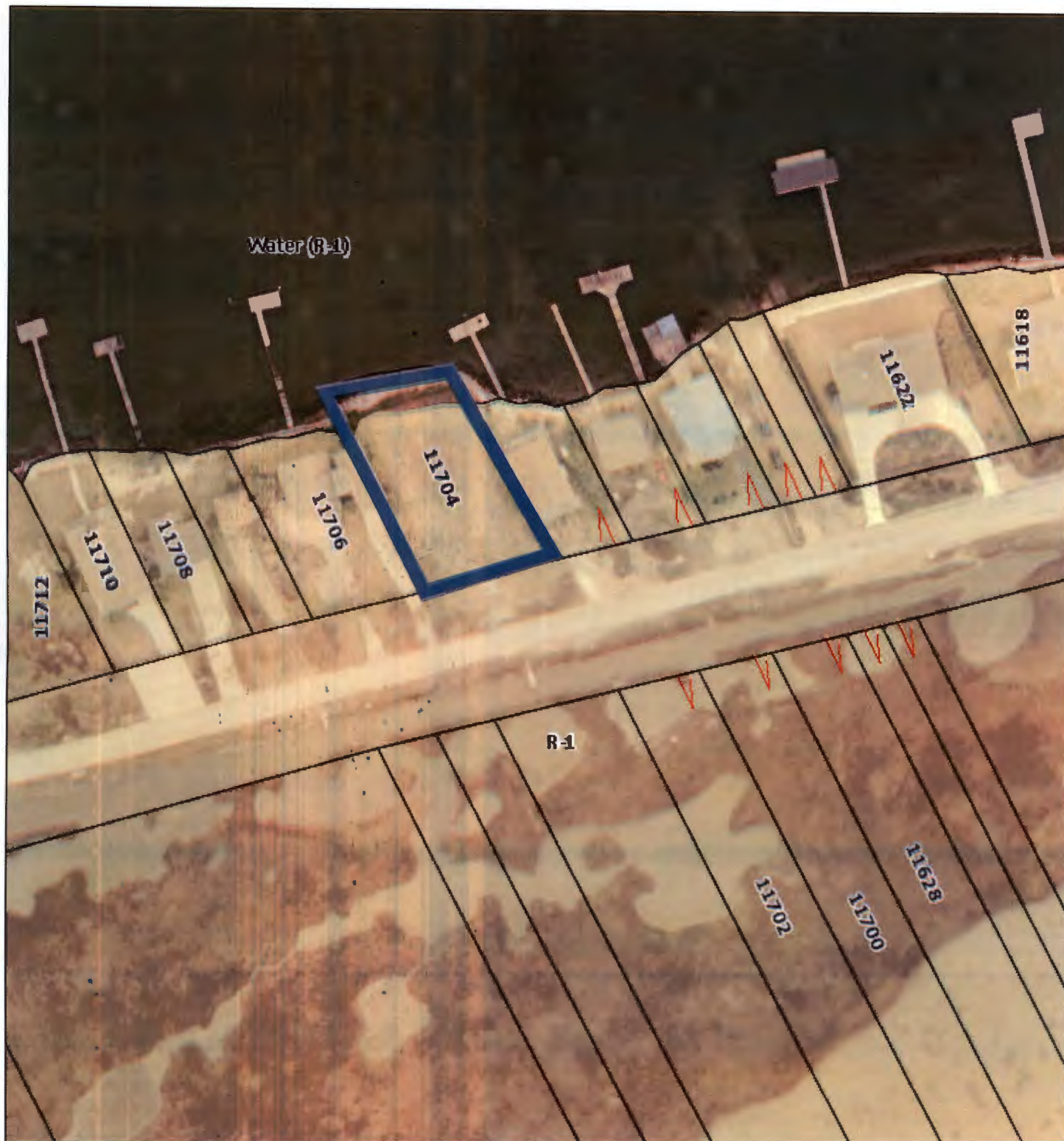
November 25, 2019

Date

Catherine Gorman, ACIP
Assistant Director/HPO

Date

Zoning District Map



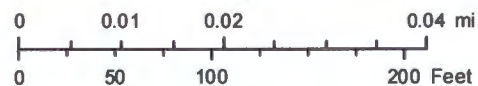
November 25, 2019

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

1:1,200



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

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Planning & Development Division
City of Galveston



