

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m. Wednesday, June 9, 2021
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

Members of the public may participate in the meeting in the following ways:

1. Attend the Zoom meeting by registering in advance. Click here to register:
https://us02web.zoom.us/webinar/register/WN_TM2liL1ZQYGmXf4H4W7r8Q
2. Submit public comment in advance of the meeting:
<https://forms.galvestontx.gov/Forms/PublicComment>
3. Attend the meeting in person at the above address.

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of Minutes
 - A. 05-05-2021 ZBA Minutes

Documents:

[05-05-2021 ZBA MINUTES.PDF](#)

5. Meeting Format (Staff)
6. Public Comment

Members of the public may submit a public comment using the web link below. All comments submitted prior to the meeting will be provided to the Planning Commission.

[HTTPS://FORMS.GALVESTONTX.GOV/FORMS/PUBLICCOMMENT](https://forms.galvestontx.gov/forms/publiccomment)

- a. Agenda Items
 - b. Non-Agenda Items
7. New Business And Associated Public Hearings
 - A. 21Z-008 (1811 61st Street) Request For A Variance From The Galveston Land Development Regulations, Article 3, Commercial (C) Addendum, District Yard, Lot And Setback Standards, To Reduce The Required Side Yard Setback In A Commercial Zoning District. Property Is Legally Described As Part Of Lot 45 (45-2), Section 1 Of Trimble And Lindsey, In The City And County Of Galveston, Texas. Applicant And Property Owner: Jason Reuter

Documents:

[21Z-008 - STF PKT.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 June 2, 2021 at 9:45 A.M.

Prepared by: Patrick Collins, 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 5, 2021

CALL MEETING TO ORDER

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

ATTENDANCE

Members Present via Videoconference: Lidija Bikova, Bill Clement, Andrew Galletti, Robert Girndt, Barbara Railey, Susan Slyer (Alternate), Alice Watford (Alternate), CM Bill Quiroga (Ex-Officio)

Members Absent: None

Staff Present: Catherine Gorman, AICP, Assistant Director/Historic Preservation Officer

Staff Present via Telephone: Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None.

APPROVAL OF MINUTES

The April 7, 2021 minutes were approved as presented.

MEETING FORMAT

Staff explained the adjusted meeting format to the Board and the public.

PUBLIC COMMENT

None.

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

21Z-007 (1002 Seawall) Request for a Special Exception in accordance with the Galveston Land Development Regulations Section 11.400, to make a non-conforming use conforming. Property is legally described as M. B. Menard Survey, Lots 5, 6, 7 and Portion of Lots 4, 8, 9, 10 and Adjacent Alley, Northwest Block 24, Galveston Outlots, and Portion of 4 feet of Adjacent 10th Street and Avenue M, in the City and County of Galveston, Texas.

Applicant: David Jacoby, 1002 Seawall Property LLC

Property Owner: OM Garuda, LLC

Staff presented the staff report and reported that of 28 notices sent, one was returned in opposition.

Chairperson Andrew Galletti opened the public hearing on the case. David Jacoby, applicant, presented to the Board. The public hearing was closed, and the Chairperson called for a motion.

Vice-Chairperson Robert Girndt made a motion for approval. Bill Clement seconded.

Chairperson Andrew Galletti called for questions or comments from the Board, and the following votes were cast:

In favor:	Bikova, Clement, Galletti, Girndt, Railey
Opposed:	None
Absent:	None
Non-voting participant:	Slyer (Alternate), Watford (Alternate)

The motion passed.

THE MEETING ADJOURNED AT 4:21 PM





21Z-008

STAFF REPORT

ADDRESS:

1811 61st Street

LEGAL DESCRIPTION:

Property is legally described as part of Lot 45 (45-2), Section 1 of Trimble and Lindsey, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Jason Reuter

PROPERTY OWNER:

Jason Reuter

ZONING:

Commercial (C)

VARIANCE REQUEST:

Side yard setback

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Commercial Addendum, side yard setback

EXHIBITS:

- A - Aerial Image
- B – Applicant's Submittal

STAFF:

Adriel Montalvan, Planning Manager
 409-797-3645
 amontalvan@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
6				

Per Section 13.308 of the Land Development Regulations and state law, written public notice of this request is required. Public notices are sent to all property owners within 200 feet of the subject site and are sent to the address on file with the Galveston Central Appraisal District.

City Department Notification Responses:

Building Division - The addition would need to meet all 2012 International Building Code requirements. A comprehensive review for code compliance by city staff of plans submitted by a registered design professional would be needed prior to a building permit issued.

Fire Marshal - I object to this variance. Buildings this close may require additional fire rated construction that would impact the adjacent strip center.



Executive Summary:

The applicant is requesting a variance to construct a building addition within the required side yard setback, in a Commercial (C) zoning district. The proposed setback reduction is from the requirement of five feet to zero.

Requested Variance

Setback	Required Setback	Proposed Setback
Side Yard Setback	5 feet	0 feet

Land Development Requirements**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:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience, or inconvenience; or
 - c. 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:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. 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.

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.**

This property does not interfere with any rights-of-way or areas that will need to be accessed. The original building that was destroyed due to hurricane Ike was built to the property line behind only portion of bulkhead on the water.

- 2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.**

My land is on the water where the building site is on the only location that is not eroding from the water being on the bulkhead in place.

- 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.**

There is not an alley or any emergency lane that would be blocked.

The area being requested for variance is the only part of the property that is secured by a bulkhead. The additional part is on the water and affected by erosion. The additional cost to install or build more bulkhead is extreme and not financially possible at this time. Additional storage is needed to keep up with business demand to make that possible in the future.

- 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.**

My building will not affect the adjacent property being that it is a concrete structure that has its exists fixed and well secured.

- 4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.**

The rest of my land does not have a bulkhead so it is not secure to build a structure on it. This will help save me gas and emission on the road and air pollution as well.

- 5. The variance shall not be used to circumvent other procedures and standards of these Land Development 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).**

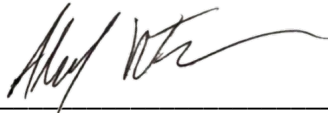
The plans that are in place for the request for variance do not impose any restrictions and abides by regulations. The property does not interfere with any future development.

6. **By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.**

I will be able to hold more product helping both the environment of me polluting the air with my trucks making multiple trips a day, down to three trips a week.

Please see Agenda for Appeal from Decision of Board Process.

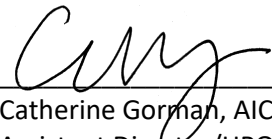
Respectfully submitted,



Adriel Montalvan, Planning Manager

06/01/2021

Date



Catherine Gorman, AICP
Assistant Director/HPO

06/01/2021

Date



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



Hello:

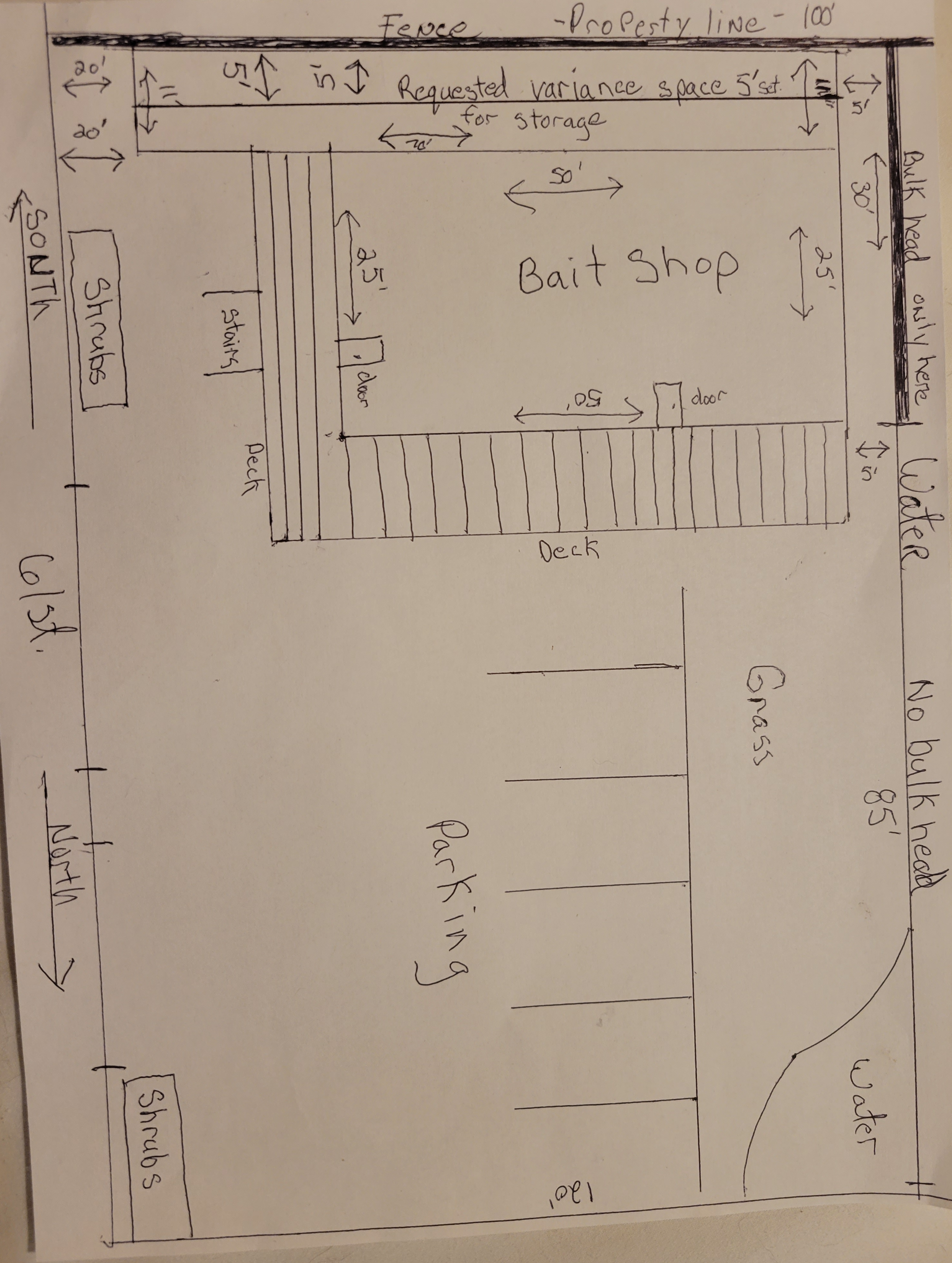
My name is Jason Renter. I originally built my building as a temporary build to be later built to scale of which would be to my fence line.

Where the original building was built to before hurricane IKE destroyed it.

I'm asking to build to my property line because I cannot build anywhere else on my property because my bulk head is only behind my building and all the way to my property line to the south of Aunt Margies bait camp. The rest of my land has been eroding at a rapid pace in the past years with high tides occurring multiple times a week.

This land that I only have to build on is small but solid and not eroding. Please grant me this your my only hope.

Thank You Jason Renter



Building Photographs

See Instructions for Item A6.

For Insurance Company Use

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

1811 61st Street

Policy Number

City

Galveston

State

Texas

ZIP Code

77551

Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page following.

June 22, 2009

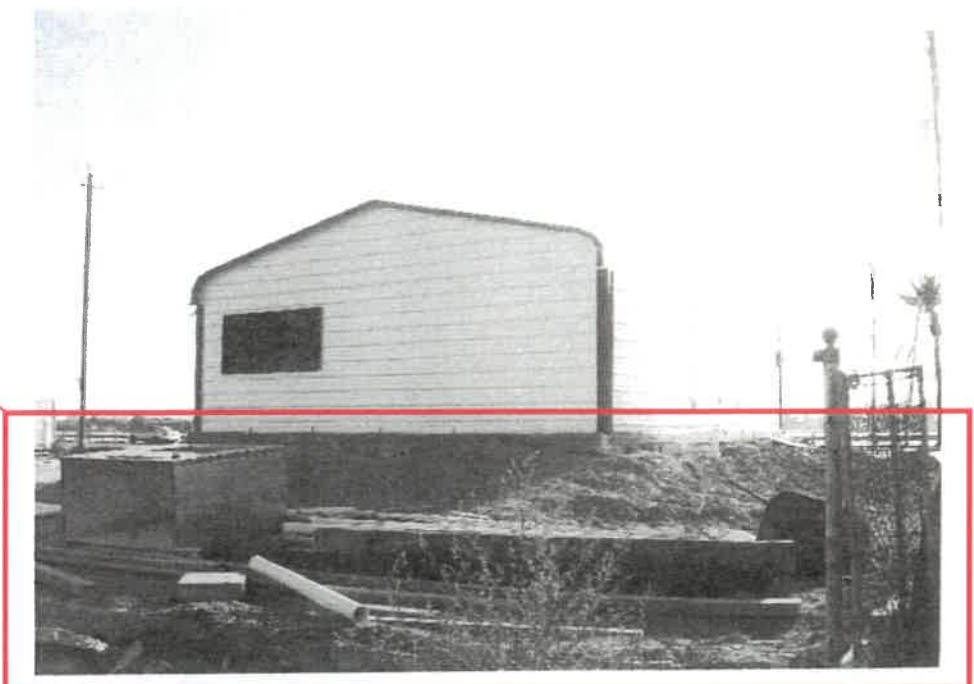


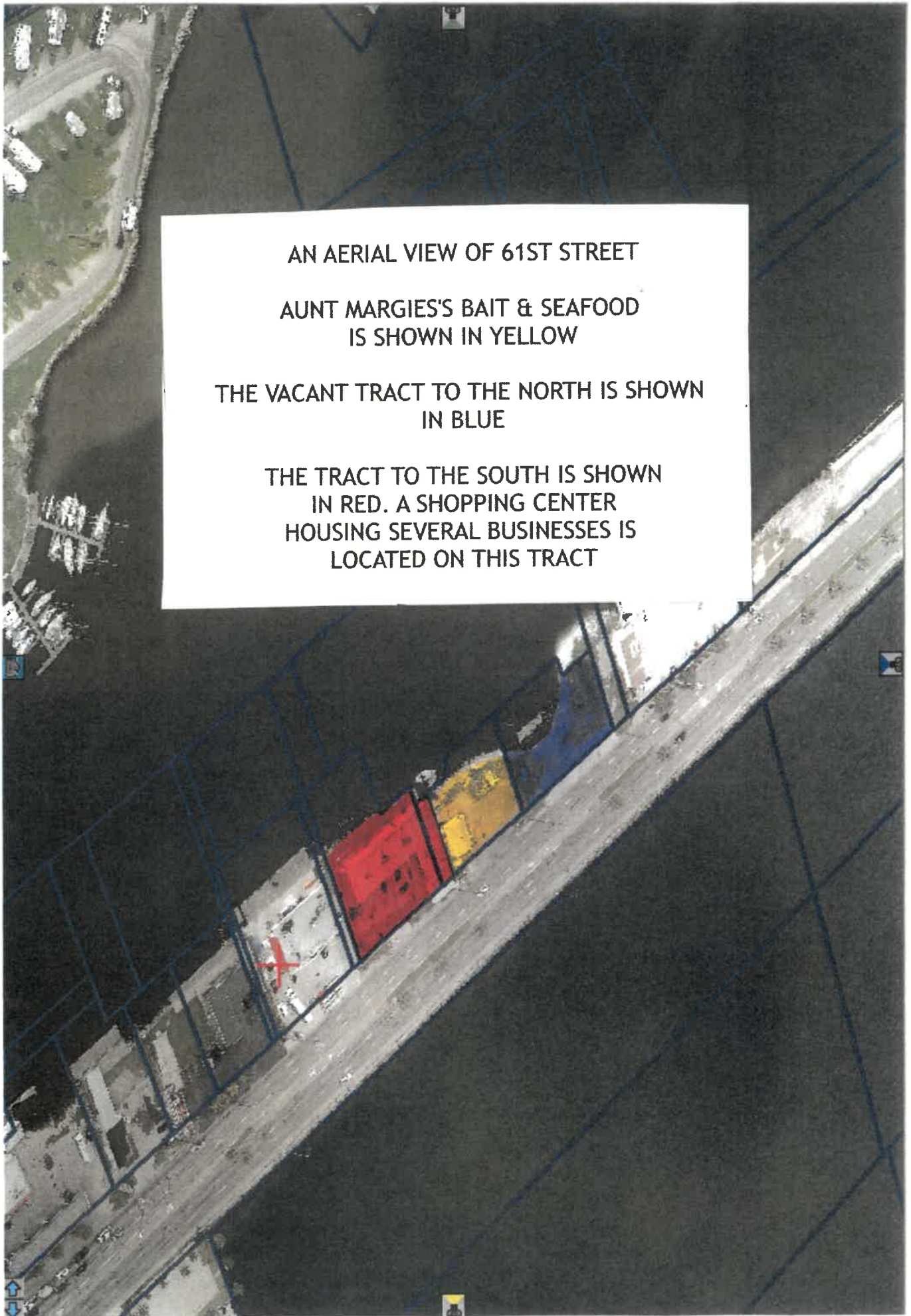
front



Note : no
waterline visible

rear





AN AERIAL VIEW OF 61ST STREET

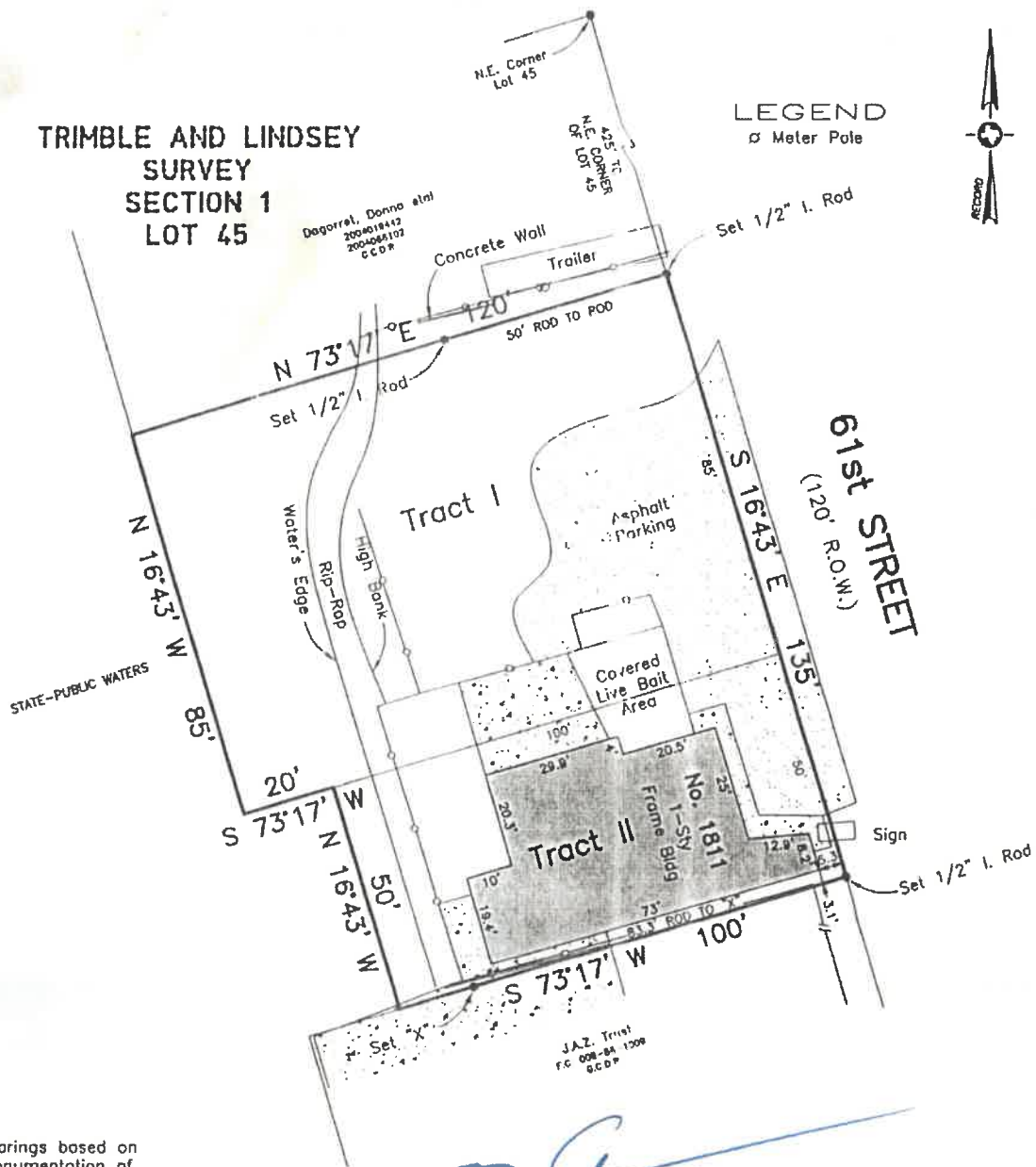
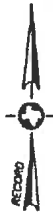
AUNT MARGIES'S BAIT & SEAFOOD
IS SHOWN IN YELLOW

THE VACANT TRACT TO THE NORTH IS SHOWN
IN BLUE

THE TRACT TO THE SOUTH IS SHOWN
IN RED. A SHOPPING CENTER
HOUSING SEVERAL BUSINESSES IS
LOCATED ON THIS TRACT

TRIMBLE AND LINDSEY
SURVEY
SECTION 1
LOT 45

LEGEND
⊙ Meter Pole



Bearings based on
Monumentation of
West R.O.W. line of
61st Street

January 27, 2005

SCALE: 1" = 30'

Survey of two (2) tracts out of Lot Forty-five (45), in Section One (1), of the Trimble and Lindsey Survey of Galveston Island, in Galveston County, Texas, described by metes and bounds on attached Exhibit "A".

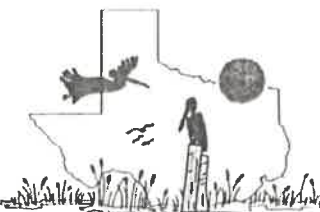
I hereby certify that on the above date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

COASTAL SURVEYING OF TEXAS

Patrick A. Jordan
Registered Professional
Land Surveyor 5525

Insured: Vasilios Papavasiliou
Chicago Title Insurance Company
CF No. 392133

This property does lie within the
100 Year Flood Plain as
established by the Federal
Emergency Management Agency.
CB
05-0145



COASTAL SURVEYING OF TEXAS
8017 HARBORSIDE DRIVE PH (409) 740-1517
GALVESTON, TX 77554 FAX (409) 740-0377
www.surveygalveston.com

"SERVING GALVESTON COUNTY OVER 55 YEARS"



This property is subject to Zoning
Ordinances by the City of
Galveston and to any restrictions
of record.