

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m. Wednesday, November 3, 2021
Virtual Meeting

In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), the meeting will be held by videoconference and there will be no public access to the location described above.

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

Attend the Zoom meeting by registering in advance. Click here to register: https://us02web.zoom.us/webinar/register/WN_gw1KjchdRyKC3nFR05S6Vw

Public Comment can be submitted on-line: <https://forms.galvestontx.gov/Forms/PublicComment> or by calling 409-797-3665.

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of Minutes

A. August 4, 2021

Documents:

[08-04-2021 ZBA MINUTES.DOC](#)

5. Meeting Format (Staff)
6. Request To Address Board 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. 21Z-012 (3910 Avenue R) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Urban Neighborhood (UN) Zoning District, To Increase The Maximum Building Height. Property Is Legally Described As Lot 1, Galveston College Addition, In The City And County Of Galveston, Texas. Applicant: Jason Mooney, PBK Architects Property Owner: Galveston College

Documents:

[21Z-012 - STF PKT_SIGNED.PDF](#)

- B. 21Z-013 (11225 Bernice Drive) Request For A Special Exception From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Residential, Single-Family (R-1) Zoning District, To Reduce The Rear Yard Setback. Property Is Legally Described As Lot 2, Block 5, Sunny Beach Extension, In The City And County Of Galveston, Texas. Applicant: Madonna Fanos Property Owners: Ajay And Larrissa Sharma

Documents:

[21Z-013 - STF PKT SIGNED.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 October 27, 2021 at 10:30 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 – August 4, 2021

CALL MEETING TO ORDER

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

ATTENDANCE

Members Present:	Lidija Bikova, Robert Girndt, CM Bill Quiroga (Ex-Officio)
Members Present via Videoconference:	Andrew Galletti, Barbara Railey, Susan Syler (Alternate)
Members Absent:	Bill Clement, Alice Watford (Alternate)
Staff Present:	Catherine Gorman, AICP, Assistant Director/Historic Preservation Officer; Donna Fairweather, Assistant City Attorney; Patrick Collins, Planning Technician
Staff Present via Telephone:	Adriel Montalvan, Planning Manager; Daniel Lunsford, Planner

CONFLICT OF INTEREST

None.

APPROVAL OF MINUTES

The June 9, 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-009 (4235 Las Palmas) Request for a special exception from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Residential, Single-Family (R-1) zoning district, to reduce the front yard setback. Property is legally described as Lot 81, Block 1, Palm Beach Subdivision, in the City and County of Galveston, Texas.
Applicant and Property Owner: Bendel Rushing

Staff presented the staff report and reported that of 25 notices sent, 2 were returned in favor and 3 were returned in opposition.

Vice-Chairperson Robert Girndt opened the public hearing on the case. Bendel Rushing, applicant and property owner, presented to the Board. For a list of presentations to the Board, please refer to the

attached sign-in sheet. The public hearing was closed, and the Vice-Chairperson called for a motion.

Barbara Railey made a motion to approve the request. Susan Syler seconded.

Vice-Chairperson Robert Girndt called for questions or comments from the Board, and the following votes were cast:

In favor:	Bikova, Girndt, Railey, Syler (Alternate),
Opposed:	Galletti
Absent:	Clement, Watford (Alternate)
Non-voting participant:	CM Quiroga (Ex-Officio)

The motion passed.

21Z-010 (23107 Marina) Request for a variance from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Residential, Single-Family (R-1) zoning district, to reduce the rear yard setback. Property is legally described as Lot 3, Acres 0.119, Terramar Cove (2009), in the City and County of Galveston, Texas.

Applicant: Gust George

Property Owner: Maxim Construction

Staff presented the staff report and reported that of 22 notices sent, two were returned in opposition.

Vice-Chairperson Robert Girndt opened the public hearing on the case. John Terry, representative for the property owner, presented to the Board. For a list of presentations to the Board, please refer to the attached sign-in sheet. The public hearing was closed, and the Chairperson called for a motion.

Susan Syler made a motion to approve the request with the special condition that the survey was performed incorrectly. Barbara Railey seconded.

Vice-Chairperson Robert Girndt called for questions or comments from the Board, and the following votes were cast:

In favor:	Bikova, Galletti, Girndt, Railey, Syler (Alternate),
Opposed:	None
Absent:	Clement, Watford (Alternate)
Non-voting participant:	CM Quiroga (Ex-Officio)

The motion passed.

DISCUSSION AND ACTION ITEMS:

- Change meeting start time to 3:30 (Staff)
- Discussion of Reconsideration procedures (Staff)

THE MEETING ADJOURNED AT 4:59 PM



21Z-012

STAFF REPORT

ADDRESS:

3910 Avenue R

LEGAL DESCRIPTION:

Property is legally described as Lot 1, Galveston College Addition, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Jason Mooney, PBK Architects

PROPERTY OWNER:

Galveston College

ZONING:

Urban Neighborhood (UN)

VARIANCE REQUEST:

Building Height

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Urban Neighborhood (UN)
 Addendum

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
47				

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:

None



Executive Summary:

The applicant is requesting a variance to increase the maximum building height in the Urban Neighborhood (UN) zoning district. The variance, if granted, would allow the new Galveston College building to exceed the maximum building height from 50 feet to 60.5 feet.

According to the applicant, the primary roof elevation will be set at 49 feet, but the parapet height will be 51 feet. Additionally, the proposed stairwell element of the building will be slightly higher, but will not exceed 60.5 feet. Please refer to Exhibit B for additional details.

Requested Variance

Height Variance	UN Requirement	Proposed Variance
Building Height	50 Feet, measured from Base Flood Elevation (BFE)	60.5 feet, measured from Base Flood Elevation (BFE)

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.**

Based on research conducted by other major universities in the state of Texas, sea levels on Galveston Island are expected to rise over time, and the minimum

elevation above the base flood elevation for the ground level finished floor is considered inadequate to meet those long-term expectations on this site. In addition, the Land Development Regulations allow for a 0'-0" setback from the property lines, but our building will be placed with an approximately 11'-6" setback from the property line along 39th Street and an approximately 10'-0" setback from the property line along Avenue R. In many jurisdictions, when buildings are placed further back than the necessary minimums from the property line, deviations from typical building height requirements are allowed.

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.

The minimum elevation stipulated by the City of Galveston above the base flood elevation for the ground level finished floor is considered inadequate to meet long-term expectations regarding sea level rise. As a result, there is concern that the longevity of this building will be compromised, and by raising the ground level finished floor elevation to address this, a three-story building will not be able to be constructed under the 50-foot maximum height limitation imposed by the Land Development Regulations. Furthermore, the Land Development Regulations also stipulate a requirement for an 18" free-board dimension, which further lowers the available total height of the building. In addition, it is desired by Galveston College and the City of Galveston Fire Department to allow roof access via a stairwell that extends past the roof level in lieu of a roof hatch, and the extended height of the stairwell will also be in violation of the maximum height limitations. Imposing those limitations on the height of the stairwell will pose a safety hazard for Fire Department personnel and other emergency first responders, as well as for Galveston College maintenance personnel.

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.**

The anticipated sea level rise for Galveston Island, which is fundamentally leading to the request for a variance, is not a self-imposed hardship nor a convenience or inconvenience, but is based on scientific research conducted by major state universities in Texas. This hardship is also not based on financial considerations; in fact, by raising the finished floor elevation at ground level to an elevation higher than the minimum stipulated by the City of Galveston, the college will spend more money on the additional fill and foundation work involved. In addition, concerns for the safety and well-being of firefighters and other emergency first responders is not based on financial considerations, convenience, or inconvenience.

While it could be argued that other properties within the same zoning district may be subject to the same anticipated sea level rise conditions, this property and the building to be constructed on it, are unique in that they provide higher education to the general public and rely on the use of public funding. As such, this building and property are of unique interest to the public.

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 requested variance, if granted, would allow the height of one building on the Galveston College campus to be higher by a few feet than the maximum height allowed by the Land Development Regulations. This greater building height will have no impact on any public infrastructure or services, detrimental or otherwise, and will have no detrimental impact on either the current or future use of adjacent properties as the properties in the immediate vicinity of the college campus are residential in nature and have no relationship to the college, with a few exceptions where residential buildings are being utilized for student housing purposes. Finally, the requested variance will not have a detrimental impact on the public health, safety, morals, or general welfare of the community, and on the contrary we would argue the requested variance will have a positive impact on those aspects of the community. By ensuring the longevity of this higher education facility, the college will continue to educate students in allied health and nursing in particular, whose occupations serve the public health and welfare. In addition, by granting this variance, safety will be improved for firefighters and first responders in emergency situations at this building.

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 requested variance is to extend the height of the roof parapet around the building and the height of the protruding stairwell above the maximum height stipulated by the Land Development Regulations by the minimum amount necessary to ensure proper construction and to meet OSHA requirements and ensure safety of maintenance personnel and first responders who may be accessing the roof. These dimensions will be kept at the bare minimum needed to ensure floor-to-floor heights are adequate for instructional space and for the interstitial space needed to run utilities and other infrastructure, and the protruding stair will be kept at the bare minimum height to ensure a functional door opening and adequate structure and roofing can be installed to protect this portion of the building. As a result, the degree of variance being requested is the minimum necessary to grant relief from the hardship.

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).

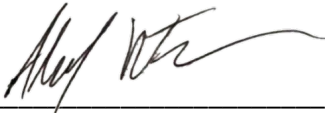
At the time of this variance request, no other procedures and standards of these regulations are intended or anticipated to be circumvented. The project team, as well as Galveston College, will diligently strive to meet every other regulation, standard, or procedure imposed by the City of Galveston in the course of development of this project.

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

We believe that this particular variance request is not at odds with the spirit of the Land Development Regulations, and does not grant Galveston College or the project team the advantage of any kind of injustice. On the contrary, we believe that this particular variance serves the public interest in a variety of ways described within this application.

Please see Agenda for Appeal from Decision of Board Process.

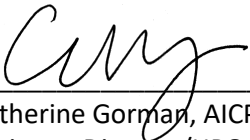
Respectfully submitted,



Adriel Montalvan, Planning Manager

10/26/2021

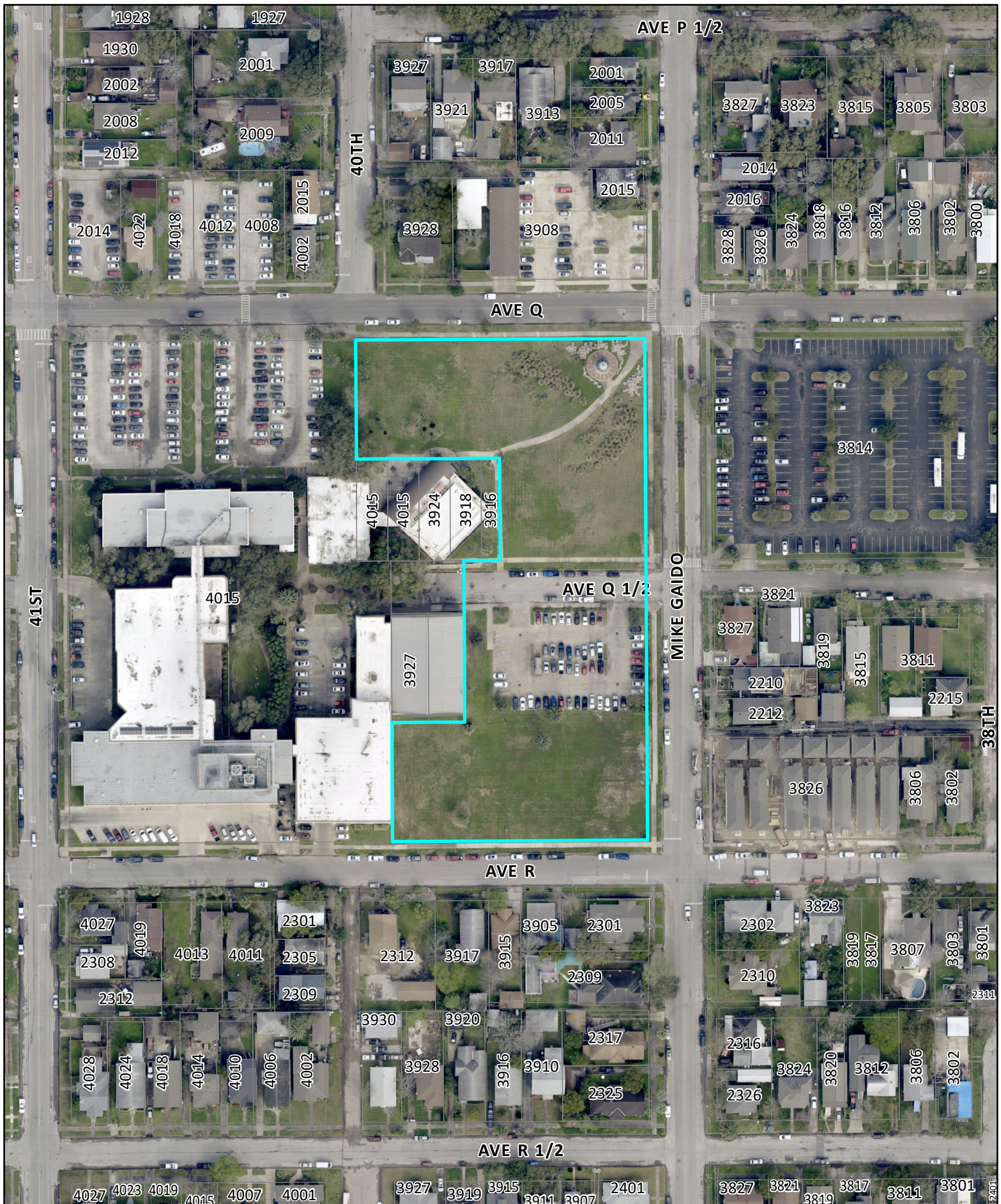
Date



Catherine Gorman, AICP
Assistant Director/HPO

10/26/2021

Date

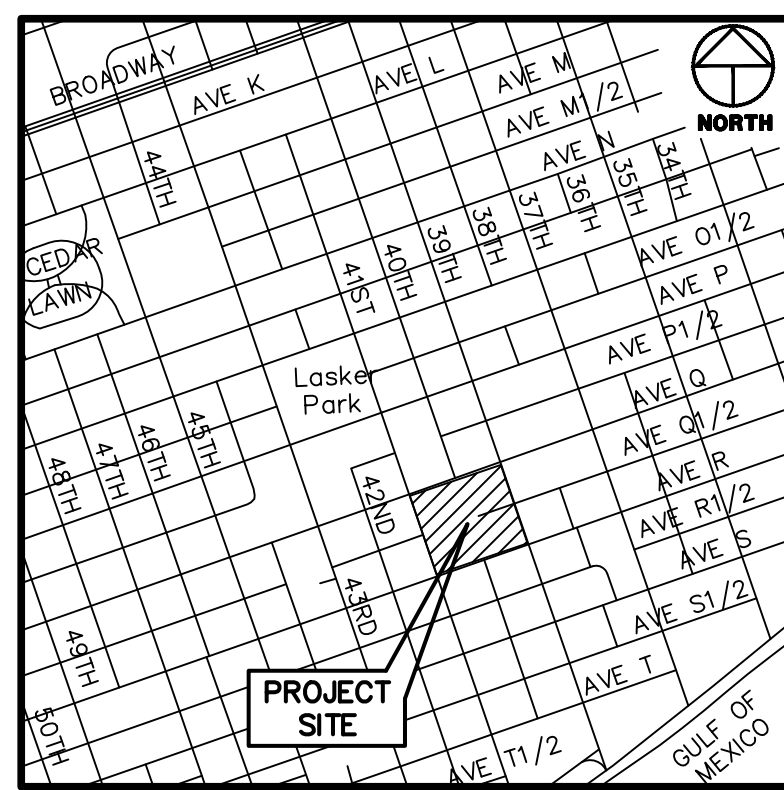


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data presented on this page is not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





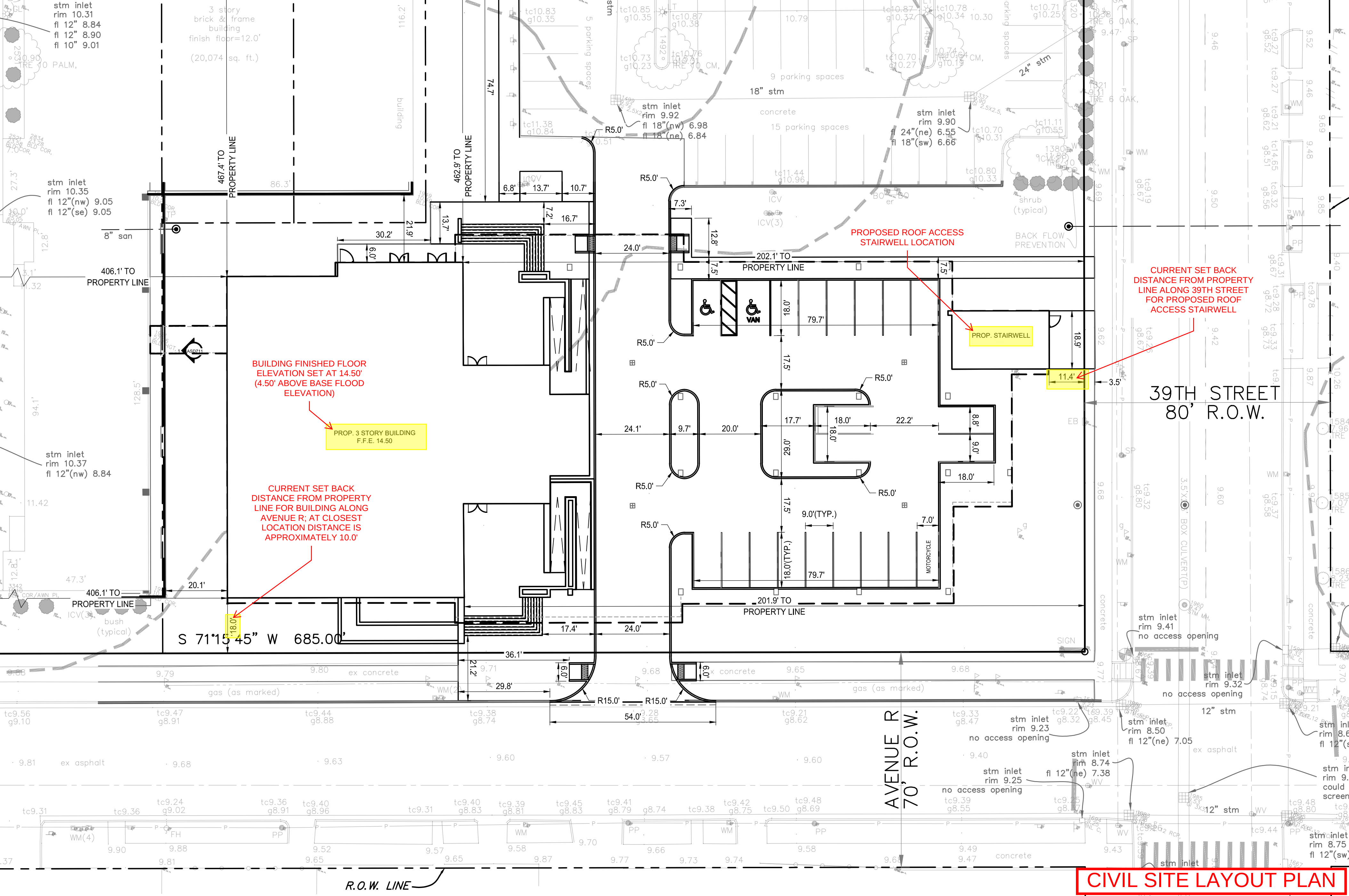
GALVESTON COUNTY, TEXAS
VICINITY MAP
SCALE: 1" = 1,500'

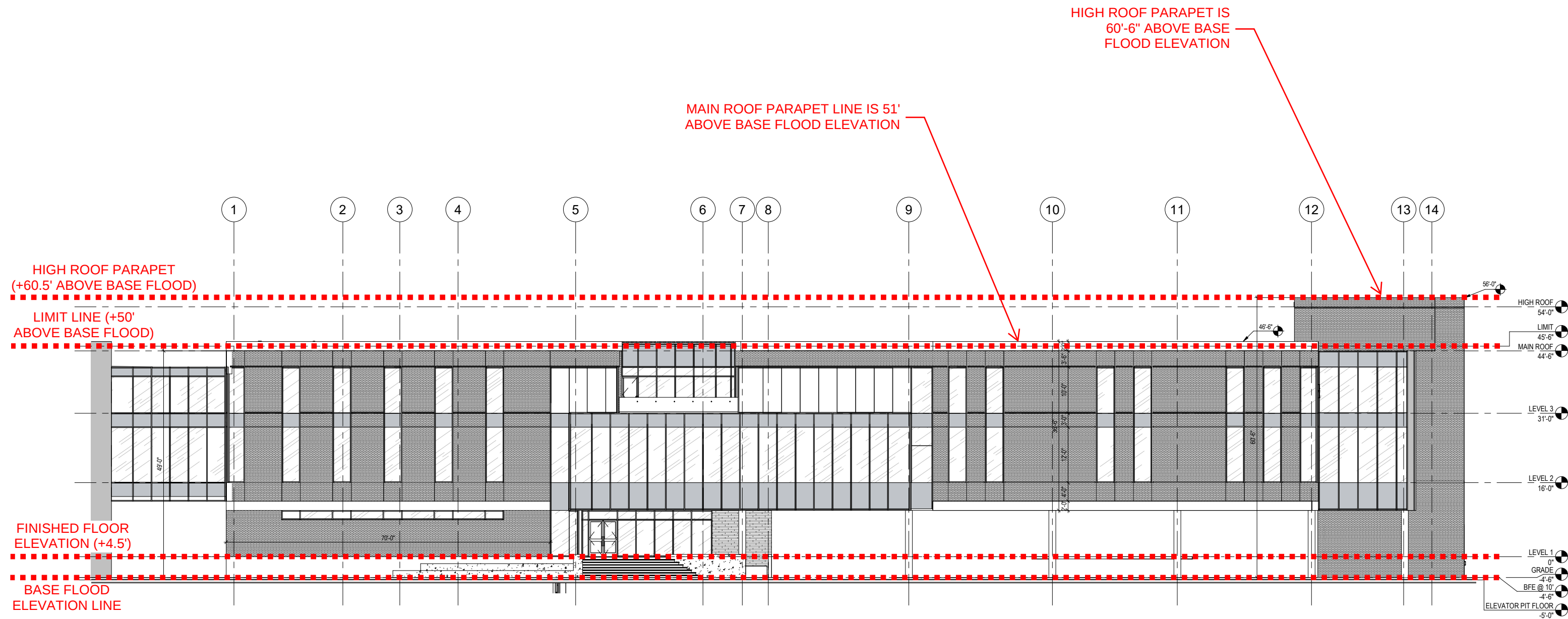
BENCHMARK PUBLISHED ELEVATION - 14.42'
NATIONAL GEODETIC SURVEY HCSO (200509), STAMPED "E 168 1936", LOCATED ABOUT 342' SOUTHWEST OF THE JUNCTION OF SEAWALL BOULEVARD AND 33RD STREET NORTH, ACROSS THE BOULEVARD FROM PLAYLAND PARK, IN THE TOP OF THE CENTER OF THE CONCRETE SEAWALL IN LINE WITH THE CENTER OF A ROCK SOUTH OF THE SOUTH CORNER OF A CONCRETE BLOCK PLANTER WITH TWO PALM TREES, 69' NORTHEAST OF THE NORTHEAST END OF A CONCRETE BENCH, 3.1' NORTH OF THE NORTHWEST END OF A PIPE HANDS ALONG STEPS LEADING TO THE BEACH, AND ABOUT 1.0' HIGHER THAN THE BOULEVARD.

TEMPORARY BENCHMARK "A" ELEVATION - 10.72'
RAILROAD SPIKE SET IN A POWER POLE, LOCATED AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF AVENUE Q AND THE NORTHEASTERLY LINE OF 41ST STREET, APPROXIMATELY 43.0' NORTHEASTERLY FROM THE INTERSECTION OF AVENUE Q DRIVE AND 41ST STREET.

TEMPORARY BENCHMARK "B" ELEVATION - 9.38'
RAILROAD SPIKE SET IN A POWER POLE, LOCATED AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF AVENUE R AND THE SOUTHWESTERLY LINE OF 39TH STREET, APPROXIMATELY 43.0' NORTHEASTERLY FROM THE INTERSECTION OF AVENUE R AND 39TH STREET.

TREE TABLE					
NUMBER	TYPE	SIZE	NUMBER	TYPE	SIZE
1061	OAK	30	2917	TREE	10
1062	OAK	12	2918	TREE	10
1068	OAK	8	2919	TREE	10
1069	OAK	8	2920	TREE	10
1072	OAK	10	2921	TREE	10
1073	OAK	6	2922	TREE	10
1074	OAK	6	2923	OAK	24
1075	OAK	6	2924	OAK	24
1076	OAK	6	2925	OAK	24
1077	OAK	6	2926	OAK	24
1078	OAK	6	2927	OAK	24
1079	OAK	6	2928	OAK	24
1080	OAK	6	2929	OAK	24
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1082	OAK	6	2931	OAK	24
1083	OAK	6	2932	OAK	24
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1085	OAK	6	2934	OAK	24
1086	OAK	6	2935	OAK	24
1087	OAK	6	2936	OAK	24
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1089	OAK	6	2938	OAK	24
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1092	OAK	6	2941	OAK	24
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1094	OAK	6	2943	OAK	24
1095	OAK	6	2944	OAK	24
1096	OAK	6	2945	OAK	24
1097	OAK	6	2946	OAK	24
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1099	OAK	6	2948	OAK	24
1100	OAK	6	2949	OAK	24
1101	OAK	6	2950	OAK	24
1102	OAK	6	2951	OAK	24
1103	OAK	6	2952	OAK	24
1104	OAK	6	2953	OAK	24
1105	OAK	6	2954	OAK	24
1106	OAK	6	2955	OAK	24
1107	OAK	6	2956	OAK	24
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1113	OAK	6	2962	OAK	24
1114	OAK	6	2963	OAK	24
1115	OAK	6	2964	OAK	24
1116	OAK	6	2965	OAK	24
1117	OAK	6	2966	OAK	24
1118	OAK	6	2967	OAK	24
1119	OAK	6	2968	OAK	24
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1122	OAK	6	2971	OAK	24
1123	OAK	6	2972	OAK	24
1124	OAK	6	2973	OAK	24
1125	OAK	6	2974	OAK	24
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1127	OAK	6	2976	OAK	24
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1156	OAK	6	3005	OAK	24
1157	OAK	6	3006	OAK	24
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1160	OAK	6	3009	OAK	24
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1164	OAK	6	3013	OAK	24
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1196	OAK	6	3045	OAK	24
1197	OAK	6	3046	OAK	24
1198	OAK	6	3047	OAK	24
1199	OAK	6	3048	OAK	24
1200	OAK	6	3049	OAK	24
1201	OAK	6	3050	OAK	24
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1213	OAK	6	3062	OAK	24
1214	OAK	6	3063	OAK	24
1215	OAK	6	3064	OAK	24
1216	OAK	6	3065	OAK	24
1217	OAK	6	3066	OAK	24
1218	OAK	6	3067	OAK	24
1219	OAK	6	3068	OAK	24
1220	OAK	6	3069	OAK	24
1221	OAK	6	3070	OAK	24
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1226	OAK	6	3075	OAK	24
1227	OAK	6	3076	OAK	24
1228	OAK	6	3077	OAK	24
1229	OAK	6	3078	OAK	24
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1231	OAK	6	3080	OAK	24
1232	OAK	6	3081	OAK	24
1233	OAK	6	3082	OAK	24
1234	OAK	6	3083	OAK	24
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1266	OAK	6	3115	OAK	24
1267	OAK	6	3116	OAK	24
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1269	OAK	6	3118	OAK	24
1270	OAK	6	3119	OAK	24
1271	OAK	6	3120	OAK	24
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1312	OAK	6	3161	OAK	24
1313	OAK	6	3162	OAK	24
1314	OAK	6	3163	OAK	24
1315	OAK	6	3164	OAK	24
1316	OAK	6	3165	OAK	24





SOUTH EXTERIOR ELEVATION

ZBA Motion Guide – Variances

I make a motion for **Approval** due to the following *(state all of the following, including the special condition)*:

- The special condition/s that exist on the property that does not generally exist of other properties in the same zoning district. That special condition is:

- Due to that special condition, the enforcement of the strict terms of these regulations would impose an unnecessary hardship on the applicant.
- The variance is not contrary to the public interest in that:
 - The hardship is not self-imposed,
 - The hardship is not based solely on financial considerations, convenience, or inconvenience,
 - There are not conditions that are alleged to be special but are actually common to many properties within the same zoning district,
- The requested variance does not have a detrimental impact upon:
 - The current or future use of the adjacent properties for purposes for which they are zoned,
 - Public infrastructure or services, and
 - Public health, safety, morals, and general welfare of the community,
- The degree of variance allowed from these regulations is the least that is necessary to grant relief from the identified unnecessary hardship,
- The variance will not be used to circumvent other procedures and standards of these regulations that could be used for the same or comparable effect, and
- By granting the variance, the spirit of these regulations is observed and substantial justice is done.

I make a motion for **Denial** due to the following *(state one of more of the following)*:

- There is not a special condition on the property,
- The hardship is self-imposed,
- The hardship is based solely on financial considerations, convenience, or inconvenience,
- The requested variance would have a detrimental impact upon:
 - The current or future use of the adjacent properties for purposes for which they are zoned,
 - Public infrastructure or services, and/or
 - Public health, safety, morals, and general welfare of the community,
- The degree of variance requested is greater than is necessary to grant relief from the hardship, and/or
- The variance is being used to circumvent other procedures and standards of the regulations that could be used for the same or comparable effect.

I make a motion for **Deferral** to the *Meeting Date* in order for *Reason for Deferral*.

Examples: I make a motion for deferral to the October 9, 2019 meeting in order for more board members to be in attendance.

I make a motion for deferral to the October 9, 2019 meeting in order for the applicant to provide additional information.

Zoning Board of Adjustment

Planning Department

City of Galveston

November 3, 2021

**21Z-013****STAFF REPORT****ADDRESS:**

11225 Bernice Drive

LEGAL DESCRIPTION:

Property is legally described as Lot 2, Block 5, Sunny Beach Extension, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Madonna Fanos

PROPERTY OWNER(S):

Ajay and Larrissa Sharma

ZONING:

Residential, Single-Family (R-1)

SPECIAL EXCEPTION REQUEST:

Rear Setback

APPLICABLE ZONING LAND USE**REGULATIONS:**

Article 3, Addendum for Residential, Single-Family District (R-1), and Sec. 12.401 of the LDR

EXHIBITS:

A – Aerial Map

B – Survey

C – Site Plan

STAFF:

Adriel Montalvan, Planning Manager

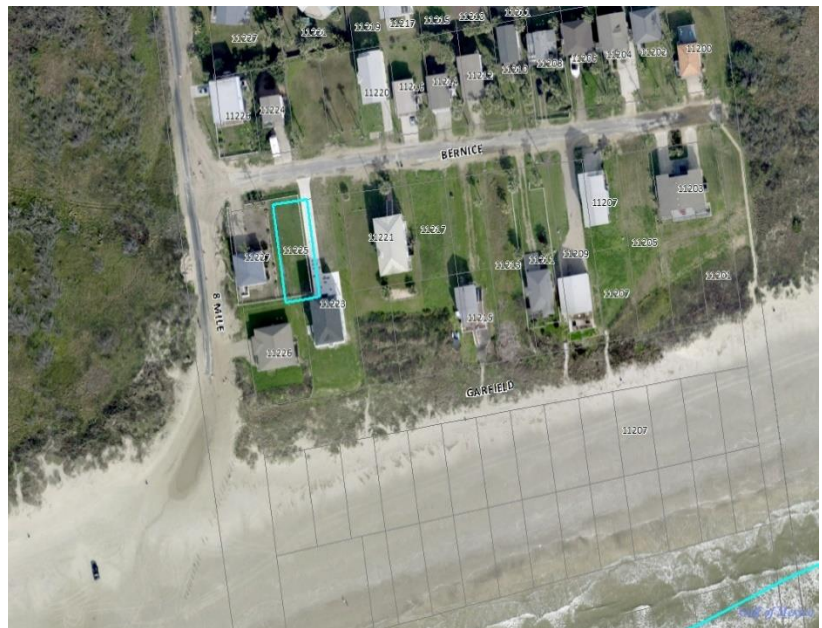
409-797-3645

amontalvan@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
28				

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: None**Executive Summary:**

The applicant is requesting a special exception from Article 3, Residential Single-Family (R-1) Addendum in order to reduce the required rear yard setback from ten feet to three feet.

In accordance with Sec. 12.401 of the Land Development Regulations (LDR), a rear yard exception may be requested where the rear yard setback of any two or more lots in the same block do not meet the rear yard requirements of the LDR. Please reference Exhibit C for examples of other structures in the subject block constructed with a lesser setback than prescribed by the current regulations.

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

Special Exception

Setback	Required Setback	Proposed Setback
Rear	10 feet	3 feet

Land Development Requirements

SEC. 12.401(2)(a) Special Exceptions

1. Grant a special exception when the specific conditions for the special exception have been met. The special exception power is not an unlimited grant of authority to the Zoning Board of Adjustment but is limited exclusively to those exceptions specifically enumerated in these regulations. The Zoning Board of Adjustment shall grant a special exception only in the following instances and then only when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.
 - a. Front and rear yard requirements in the following circumstances:
 - i. A front yard exception where the front yard setback of the adjacent lot does not meet the front yard requirements of these regulations;
 - ii. A rear yard exception where the rear yard setback of any two or more lots in the same block do not meet the rear yard requirements of these regulations;
 - iii. A yard exception on corner lots, or lots opposite or adjoining permanent open spaces, including parks and playgrounds; and
 - iv. An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

Approval Standards. The Board of Adjustment may grant a special exception as provided in Section 12.401(2)(a) and when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.

Applicants' Justification

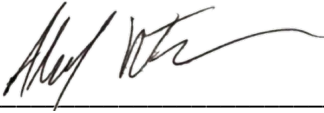
The Applicant's Justification is as follows:

The survey for this property shows a 3-foot rear setback and it is noted that these restrictions are according to the map or plat thereof, recorded in Volume 254-A, Page 69 and transferred to Volume 14, Page 9, both of the Map Records of Galveston County, Texas. In addition, a site plan overlaying the City of Galveston Zoning map, shows two houses across the street that do not conform to the 10-foot rear setback, and have

setbacks closer to 3 feet. This deduces that houses in this community were platted with 3-foot rear setbacks.

Please see Agenda for Appeal from Decision of Board Process.

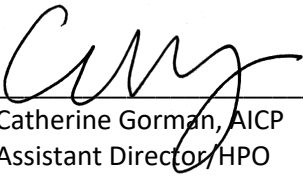
Respectfully submitted,



Adriel Montalvan, Planning Manager

10/26/2021

Date



Catherine Gorman, AICP
Assistant Director/HPO

10/26/2021

Date



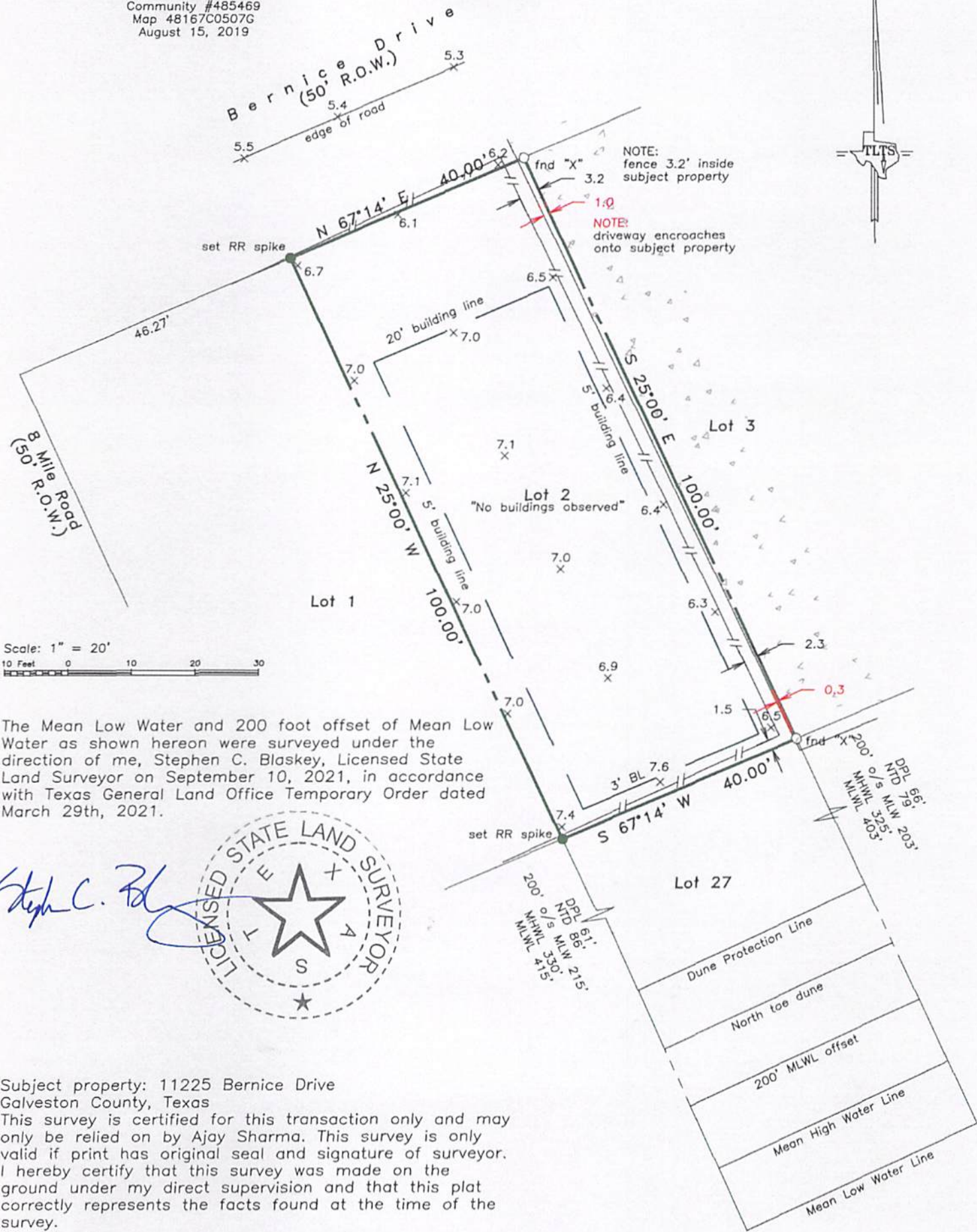
This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data presented on these pages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

Legend

Parcels



NATIONAL FLOOD INSURANCE PROGRAM
FIRM Zone VE
Community #485469
Map 48167C0507G
August 15, 2019



The Mean Low Water and 200 foot offset of Mean Low Water as shown hereon were surveyed under the direction of me, Stephen C. Blaskey, Licensed State Land Surveyor on September 10, 2021, in accordance with Texas General Land Office Temporary Order dated March 29th, 2021.

Stephen C. Blaskey
LICENSED STATE LAND SURVEYOR

Subject property: 11225 Bernice Drive
Galveston County, Texas
This survey is certified for this transaction only and may only be relied on by Ajay Sharma. This survey is only valid if print has original seal and signature of surveyor. I hereby certify that this survey was made on the ground under my direct supervision and that this plat correctly represents the facts found at the time of the survey.

Laurence C. Wall
Laurence C. Wall
RPLS #4814
September 15, 2021



TOPOGRAPHIC SURVEY OF A TRACT OF LAND being Lot 2, in Block 5, EXTENSION to SUNNY BEACH, a subdivision in Galveston County, Texas, according to the map or plat thereof, recorded in Volume 254-A, Page 69 and transferred to Volume 14, Page 9, both of the Map Records of Galveston County, Texas.



10.06.21

Permit Set

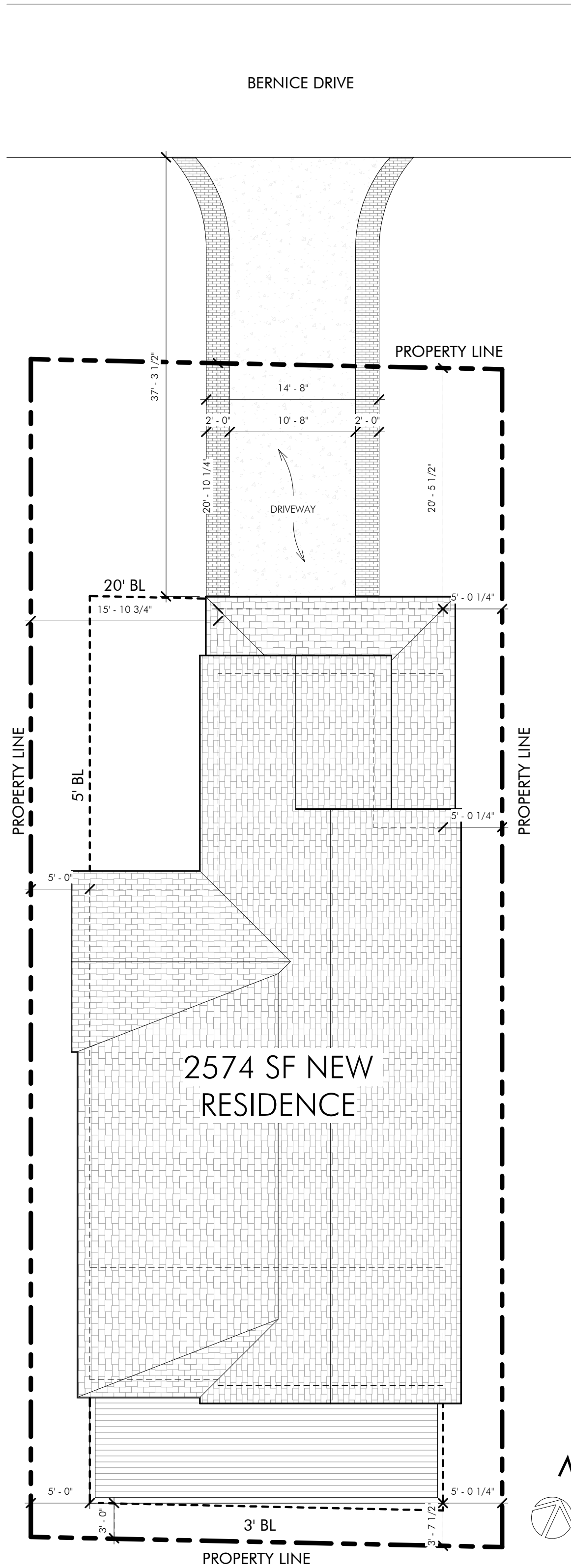
SHARMA RESIDENCE
11225 Bernice Dr Galveston, TX 77554

REVISION SCHEDULE		
NO.	DATE	DESCRIPTION

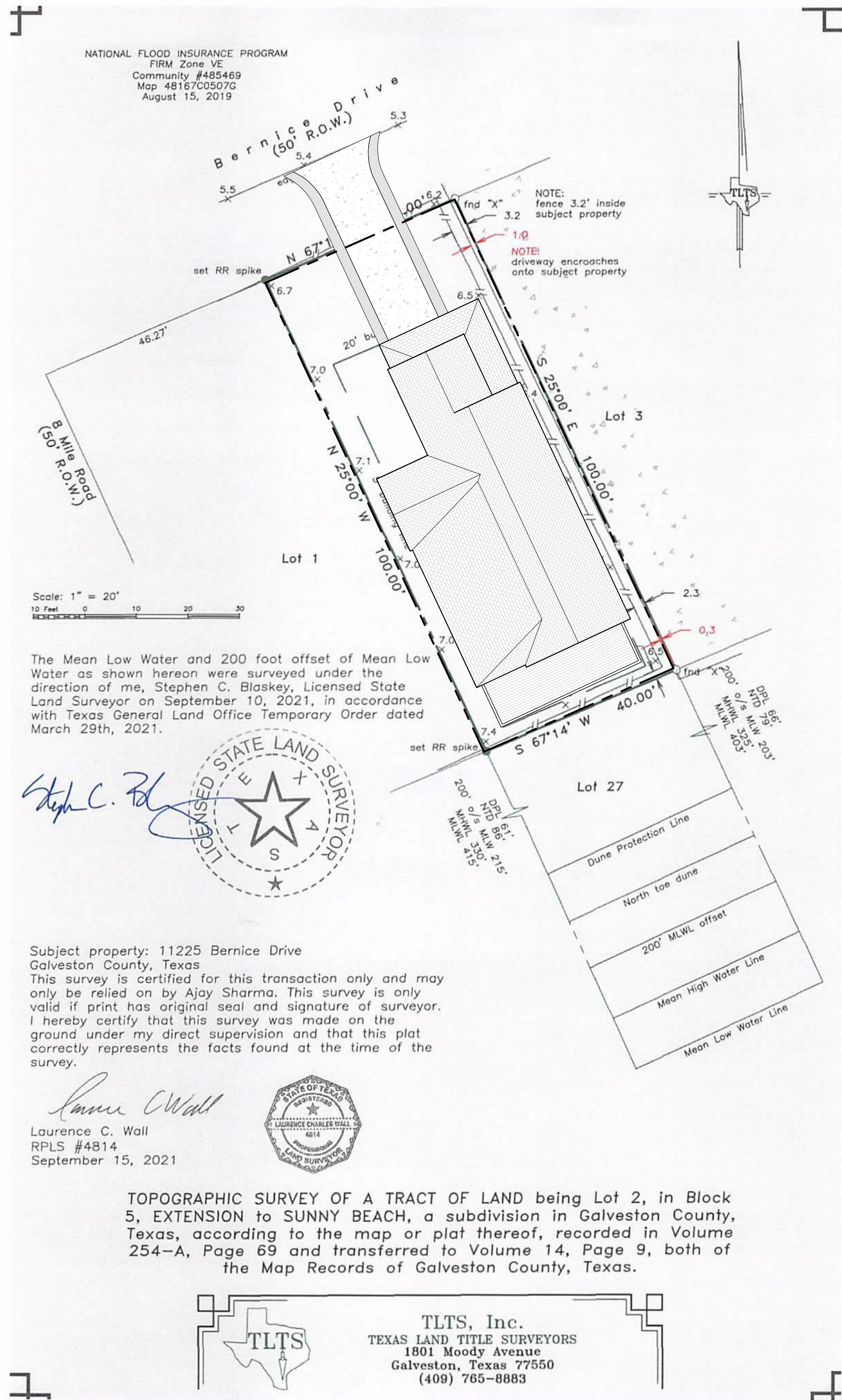
SITE PLANS

A003

10.06.21



2 SITE PLAN
1/8" = 1'-0"



1 SITE PLAN W/ SURVEY
1/16" = 1'-0"



Permit Set

SHARMA RESIDENCE
11225 Bernice Dr Galveston, TX 77554

REVISION SCHEDULE		
NO.	DATE	DESCRIPTION

SITE PLANS W/
AERIAL SHOTS

A004

10.06.21



2 SITE PLAN - W/ COG ZONING MAP
1/32" = 1'-0"



1 SITE PLAN - W/ AERIAL
1/32" = 1'-0"

ZBA Motion Guide – Special Exceptions

Setbacks

The Zoning Board of Adjustment (ZBA) may grant a Special Exception to reduce the required front or rear setback in the following circumstances:

- A front yard exception where the front yard setback of the adjacent lot does not meet the front yard requirements of these regulations;
- A rear yard exception where the rear yard setback of any two or more lots in the same block do not meet the rear yard requirements of these regulations;
- A yard exception on corner lots, or lots opposite or adjoining permanent open spaces, including parks and playgrounds; and
- An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

In order to approved, the ZBA must find the following:

- such special exception will not affect adversely the value and use of adjacent and neighboring property; or
- will not be contrary to the public interest.

Motion Guides:

I make a motion for **Approval** due to the fact that the request *(state one of more of the following)*:

- will not affect adversely the value and use of adjacent and neighboring property; or
- will not be contrary to the public interest.

I make a motion for **Denial** due to the fact that the request *(state one of more of the following)*:

- will affect adversely the value and use of adjacent and neighboring property; or
- is contrary to the public interest.

I make a motion for **Deferral** to the *Meeting Date* in order for *Reason for Deferral*.

Examples: I make a motion for deferral to the October 9, 2019 meeting in order for more board members to be in attendance.

I make a motion for deferral to the October 9, 2019 meeting in order for the applicant to provide additional information.