

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m. Wednesday, December 8, 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:

1. Attend the Zoom meeting by registering in advance. Click here to register: https://us02web.zoom.us/webinar/register/WN_SgjTLp9eSm-bTGWZdCrZKA
2. 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. Election Of Chairperson And Vice-Chairperson
5. Approval Of Minutes

A. August 4, 2021

Documents:

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

B. November 3, 2021

Documents:

[11-03-2021 ZBA MINUTES.DOC](#)

6. Meeting Format (Staff)
7. 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)
8. New Business And Associated Public Hearings
 - A. 21Z-014 (7716 Pruitt) 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 Abstract 121 Page 70 Lot 22, Block 5 West Point Subdivision, In The City And County Of Galveston, Texas. Applicant: Jeffrey Bishop Property Owner: William Praker III

Documents:

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 December 2, 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 Vice-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



City of Galveston

MINUTES OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF GALVESTON REGULAR MEETING – November 3, 2021

CALL MEETING TO ORDER

The meeting was called to order at 4:02 p.m.

ATTENDANCE

Members Present via Videoconference: Lidija Bikova, Andrew Galletti, Robert Girndt, Carol Hollaway (Alternate), CM Bill Quiroga (Ex-Officio)

Members Absent: Bill Clement, Barbara Railey, Susan Syler (Alternate)

Staff Present: Catherine Gorman, AICP, Assistant Director/Historic Preservation Officer; Patrick Collins, Planning Technician

Staff Present via Telephone: Adriel Montalvan, Planning Manager; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None.

APPROVAL OF MINUTES

The approval of the August 4, 2021 minutes was delayed to the following meeting.

MEETING FORMAT

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

PUBLIC COMMENT

None.

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

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

Staff presented the staff report and reported that of 47 notices sent, one was returned in opposition.

Chairperson Andrew Galletti opened the public hearing on the case. Myles Shelton, property owner, and Alan Stilts, applicant, presented to the Board. The public hearing was closed, and the Chairperson called for a motion.

Carol Hollaway made a motion to approve the request with the special condition that Galveston College property and proposed structure are unique in that they provide higher education in an area generally residential in nature and that the variance is based on health, safety, and welfare interests for the building inhabitants. Vice-Chairperson Robert Girndt seconded.

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

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

The motion passed.

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

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

Chairperson Andrew Galletti opened the public hearing on the case. Madonna Fanos, applicant, and Ajay Sharma, 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.

Vice-Chairperson Robert Girndt made a motion to approve the request with the special condition that the new rear setback would be in conformance with the subdivision as it was platted prior to the Land Development Regulations and that there are other lots in the subdivision which also do not conform to the 10-foot rear setback. Chairperson Andrew Galletti seconded.

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

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

The motion failed due to a lack of four affirmative votes.

THE MEETING ADJOURNED AT 4:54 PM

Zoning Board of Adjustment

Planning Department

City of Galveston

December 8, 2021

**21Z-014****STAFF REPORT****ADDRESS:**

7716 Pruitt Drive

LEGAL DESCRIPTION:

Property is legally described as Abstract 121
Page 70 Lot 22, Block 5 West Point
Subdivision, in the City and County of
Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Jeffrey Bishop

PROPERTY OWNER(S):

William Praker III

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 – Applicant's Submittal

STAFF:

Daniel Lunsford, Senior Planner

409-797-3659

dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
33				

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 (10) feet to five (5) 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 see 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	5 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:

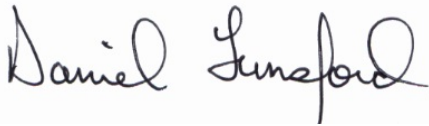
Rule 12.401-B-2-a-ii
 Rear setback is 10', would like to move from required 10' to 5' to allow for an open covered porch structure connected to the rear of the house. See attached plan of surrounding. Nearby houses on the block have less than 10' rear setback. The neighbor

has a covered porch within the 10' rear setback, a house across the street is within the 10' rear setback, and the house down the block also is within the 10' rear setback.

We plan to conform to all other LDR and IRC requirements, all public safety requirements, staying 5' from property line to ensure the structure meets fire code requirements. The neighbor also has a back porch cover within the 10' setback, it will be similar to theirs. ASCE 7 and TDI requirements will be met and windstorm applications filed.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,

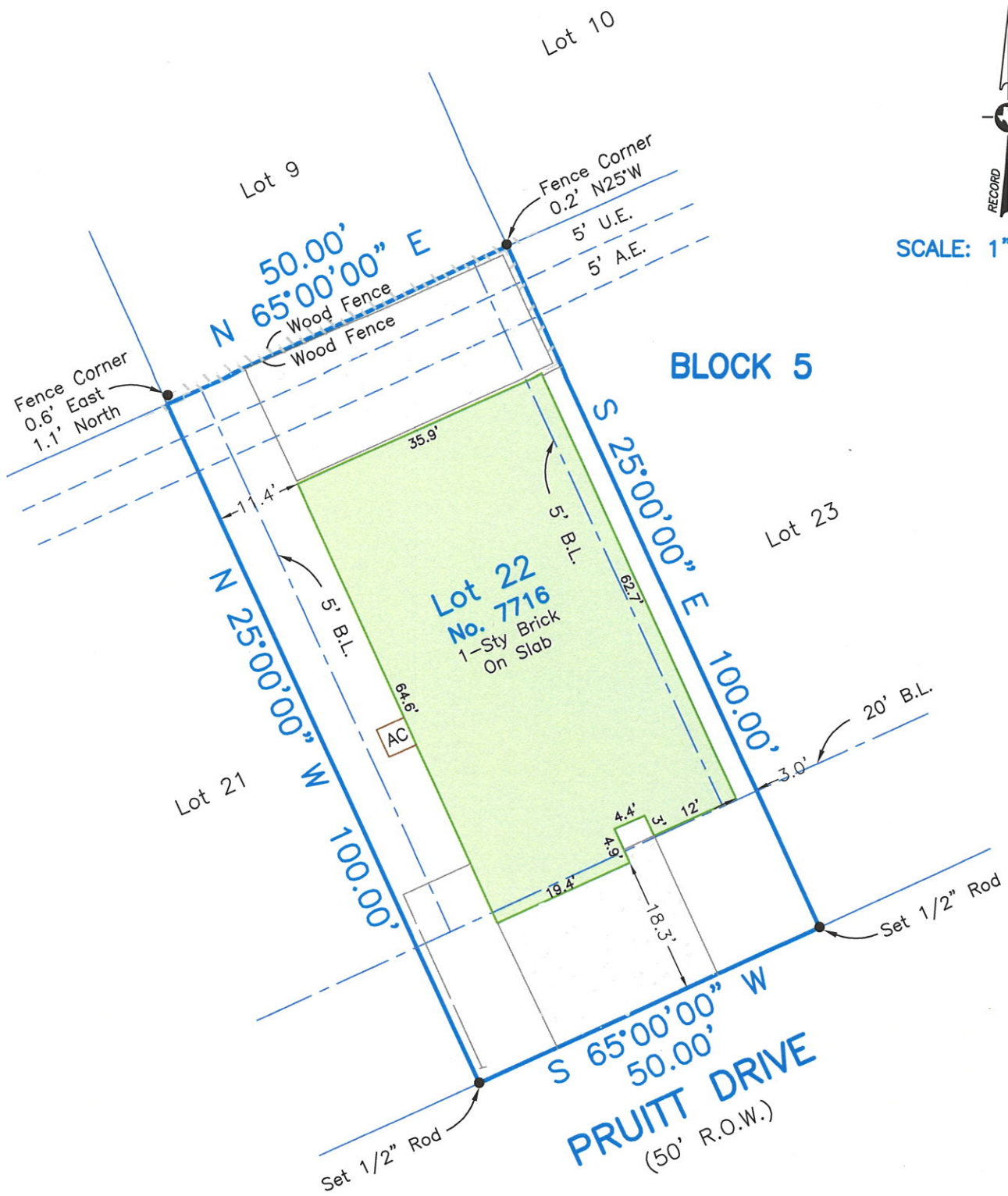
A handwritten signature in black ink that reads "Daniel Lunsford". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Daniel Lunsford, Senior Planner

11/19/2021

Date





SCALE: 1" = 20'



Survey of Lot Twenty-two (22), in Block Five (5), of **WEST POINT**, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254-a, Page 81, in the Office of the County Clerk of Galveston County, Texas.

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

Brian S. House
Brian S. House
Registered Professional
Land Surveyor No. 6520



GALVESTON OFFICE
Registration Number: 10193855
(409) 740-1517 www.hightidelandsurveying.com
8017 HARBORSIDE DRIVE / GALVESTON, TX 77554
Mailing / P.O. BOX 16142 / GALVESTON, TX 77552

SURVEY DATE:	OCTOBER 1, 2021
FILE No.:	7490-0005-0022-000
DRAFTING:	CB/AM
JOB No.:	21-0804

- NOTES:**
- 1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
 - 2) This property is subject to any restrictions of record as established by the City, Plat, or Subdivision Covenants and Restrictions; may also be subject to easements and setbacks for utility services and power lines as individually recorded or established by OSHA (call your power company).
 - 3) Bearings based on Monumentation of the North R.O.W. line of Pruitt Drive, being a found 1/2" rod at the SE corner of Lot 26, and a found 1/2" rod at the SW corner of Lot 14.
 - 4) Surveyed without benefit of a Title Report.

