

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, May 4, 2022
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

Board Member Bill Clement will be attending the meeting via video conference from the following location:
5150 Oakridge Ave #59A
Pahrump, NV 89048

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

1. Submit public comment in advance of the meeting: <https://forms.galvestontx.gov/Forms/PublicComment>
 2. 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. March 9, 2022

Documents:

[03-09-2021 ZBA MINUTES.PDF](#)

5. Public Comment

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)

6. New Business And Associated Public Hearings

- A. 22Z-004 (402 17th Street) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Residential, Single-Family (R-3) Zoning District, To Reduce The Minimum Lot Area. Property Is Legally Described As M.B. Menard Survey, Lot 1 And West 3-3 Feet Of Lot 2 , Block 496, In The City And County Of Galveston, Texas. Applicant: Tricon Land Surveying, LLC Property Owner: Brook Paysse, BP Residential Properties – Echo Asset Group

Documents:

[22Z-004 - PKT.PDF](#)

7. 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 April 27, 2022.

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 – March 9, 2022

CALL MEETING TO ORDER

The meeting was called to order at 3:39 p.m.

MOMENT OF SILENCE IN HONOR OF COUNCILMEMBER QUIROGA

ATTENDANCE

Members Present via Videoconference: Lidija Bikova, Bill Clement, Andrew Galletti, Robert Girndt, Barbara Railey, Susan Syler (Alternate)

Members Absent: Carol Hollaway (Alternate)

Staff Present: Donna Fairweather, Assistant City Attorney; Adriel Montalvan, Senior Project Manager; Daniel Lunsford, Senior Planner; Patrick Collins, Planning Technician

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The February 9, 2022 minutes were approved as amended.

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

22Z-002 (4117 Isla Del Sol) 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 front yard setback. Property is legally described as Abstract 121 Hall & Jones Survey, Lot 14, Block 5, Isla Del Sol Subdivision, in the City and County of Galveston, Texas.

Applicant: Jay Willow, Jerry Homes

Property Owner: Nathan Novelli

Staff presented the staff report and reported that of 19 notices sent, three were returned in favor.

Chairperson Andrew Galletti opened the public hearing on the case. Nathan Novelli, property owner, presented to the Board. The public hearing was closed, and the Chairperson called for a motion.

Bill Clement made a motion to approve the request. 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, Clement, Galletti, Girndt, Railey

Opposed:	None
Absent:	Hollaway (Alternate), Syler (Alternate)
Non-voting participant:	None

The motion passed.

THE MEETING ADJOURNED AT 3:53 PM

ZONING BOARD OF ADJUSTMENT
MEMBER SIGN-IN SHEET

MEETING DATE: March 9, 2022

BIKOVA, LIDIJA



CLEMENT, WILLIAM



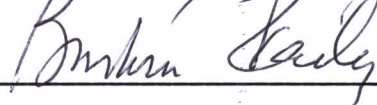
GALLETTI JR., ANDREW



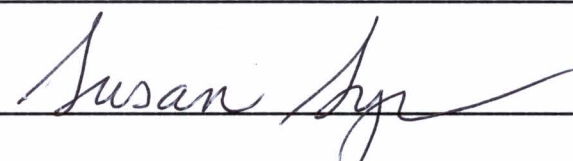
GIRNDT, ROBERT



RAILEY, BARBARA



HOLLAWAY, CAROL (Alternate)



SYLER, SUSAN (Alternate)

ZONING BOARD OF ADJUSTMENTS

PLEASE INDICATE CASE NO., PRINT NAME AND ADDRESS

Meeting Date: March 9, 2022

[illegible]



22Z-004

STAFF REPORT

ADDRESS:

402 17th Street

LEGAL DESCRIPTION:

Property is legally described as M.B. Menard Survey, Lot 1 and West 3-3 Feet of Lot 2 , Block 496, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Tricon Land Surveying, LLC

PROPERTY OWNER:

Brook Paysse, BP Residential Properties – Echo Asset Group

ZONING:

Residential, Single-Family Historic (R-3-H)

VARIANCE REQUEST:

Lot Area

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Addendum for Residential, Single-Family (R-3) District, Lot Area

EXHIBITS:

A – Applicant's Submittal

STAFF:

Daniel Lunsford

Senior Planner

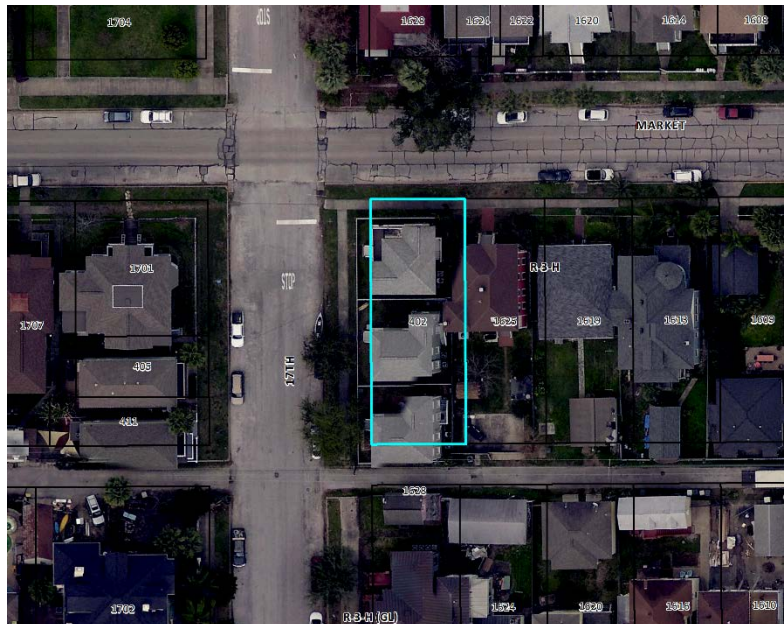
409-797-3659

dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
30				

City Department Notification Responses: None



Executive Summary:

The applicant is requesting a variance from Article 3, Addendum in order to reduce the required minimum lot area from 2,500 square feet. The lot currently holds three individual homes equally spaced on the lot, all facing 17th Street. The applicant proposes to reduce the minimum lot area to 1,773 square feet, 1,815 square feet, and 1,962 square feet in order to place each house on a separate lot.

The lot is 120 feet long and 46.25 feet wide at the Market/Avenue D right-of-way, with an area of 5,550 square feet. See the existing survey and proposed replat in Attachment A of the staff report.

Note that because the subject property is in the East End Historic District, Landmark Commission may make a recommendation to Zoning Board of Adjustment. Landmark Commission will hear this request at the May 2, 2022 regular meeting.

Area Requirements**Article 3, District Yard, Lot and Setback Standards, Addendum for Single-Family Residential (R-3):****Required Minimum Lot Area** 2,500 square feet**Requested Variance**

Minimum Lot Area	Regulation	Proposed Variance
Residential, Single-Family (R-3)	2,500 square feet	1,773 square feet (727 square feet variance)
		1,815 square feet (685 square feet variance)
		1,962 square feet (538 square feet variance)

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 is located within the East End Historic District. Many neighboring properties in this district are smaller than the 2,500 square foot minimum. The homes were built in 1902 and originally all on individual lots. The individual homes being in close proximity to one another is part of the charm of the district. All 3 homes take up their own street facing west on 17th Street and therefore no other homes would be affected by granting this variance.

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.**

Due to the homes being in the East End Historic District, they are expensive to maintain. The East End Historic District has very strict rules concerning materials you can and cannot use, making them difficult to maintain. I have put several thousand dollars into the upkeep of the property because I have a sentimental attachment to them. My father grew up in the middle home, 406 17th Street. However, it is no longer sustainable to keep up and maintain all 3 homes. It is my worst fear to not be able to put the time or money into these homes in order to keep them in great shape.

3. **The variance is not contrary to the public interest, in that:**

Splitting up the homes would allow us to sell the homes individually. If we have to sell all 3 homes together, it will most likely be sold to an investor who would turn them into Air B&Bs. If the homes are split up, there is a higher chance of a family or current Galveston resident purchasing the homes and keeping these neighborhoods less flooded with foot and pedestrian traffic. We currently rent the homes to nursing students and residents of UTMB. I know they would love to stay in the homes and it is important we provided affordable housing to Galveston residents.

- 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.**

These homes were constructed before the newly imposed lot size minimum requirements. We believe these properties meet all basic requirements other than the minimum square footage. They are individually fenced, and have individual utilities. I inherited these homes as one tract, although they were previously all on their own

separate lots. It is my goal to restore the lots the lots to their original configuration. I believe the circumstances surrounding this lot are different due to them appearing no different than many homes in the area. Each home already appears to be on its own separate lot and are all completely independent of each other.

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.**

I believe it would be more advantageous for the homes to be replatted into 3 separate lots creating 3 individual homes for families to buy. This would create less of a chance of the property being purchased by an investor. This would also permit us to keep the home that means the most to us while offering two great homes to sell to a family with the financial means of keeping up with the maintenance of the home. Maintaining these historic homes is what keeps our downtown beautiful. These homes should be purchased by families who truly want to own them, as opposed to those seeking short term rental properties for financial gain.

As stated above, the separation of the lots would not effect public infrastructure as they are individually metered and have separate utilities.

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.

We feel the only way to alleviate said hardships being imposed is by granting of the variance. The lot is currently 5,500 square feet. A 2,500 minimum square footage requirement would make separating the lots impossible. This variance would not permit us to create lots much different than many of the surrounding lots.

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).

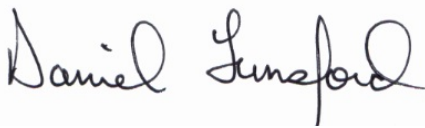
Due to the age of the homes and being constructed during a period time with different standards and building practices, there are no other means to mitigate the hardship. A variance is absolutely necessary in order to separate the structures. The variance will not set a precedent for future homes because these same standards cannot be applied for new builds or empty lots as they are not protected by the East End Historic District.

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

Yes. By granting the variance, this will allow subsequent buyers to be single family homeowners. This will in turn need the neighborhood from being overrun by out of town investors. The variance would allow residents and students an opportunity to live on the island and be close to UTMB. If the variance is not granted, I fear it would be nearly impossible to sell all 3 homes together, thus resulting in less available housing for people who live and work on the island. It would also impose personal heartache as I would be forced to sell the home my father grew up in.

Please see Agenda for Appeal from Decision of Board Process.

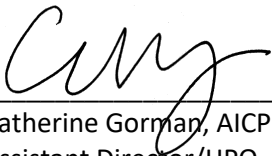
Respectfully submitted,



Daniel Lunsford
Senior Planner

04/21/2022

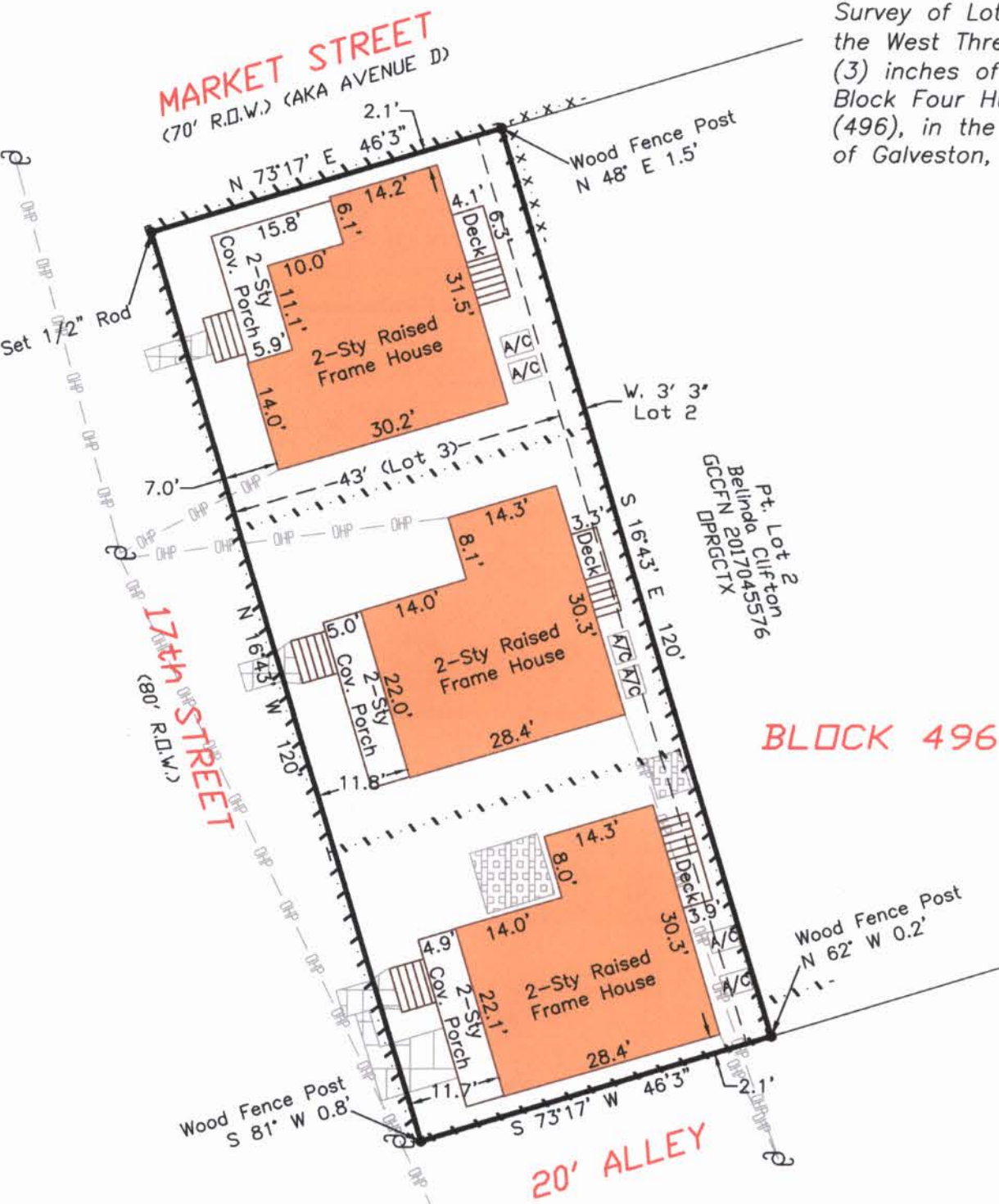
Date



Catherine Gorman, AICP
Assistant Director/HPO

04/21/2022

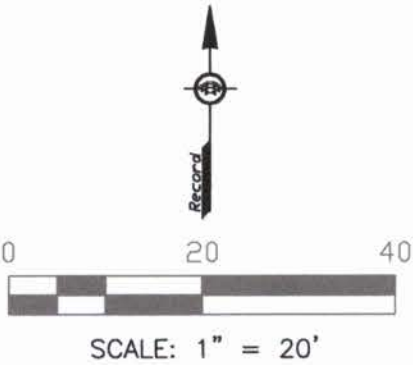
Date



Survey of Lot One (1), and the West Three (3) feet Three (3) inches of Lot Two (2), in Block Four Hundred Ninety-Six (496), in the City and County of Galveston, Texas.

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.


 Brene Addison
 Registered Professional
 Land Surveyor No. 6598



NOTES:

- 1) This property is subject to the zoning ordinances and/or the building regulations of the City of Galveston.
- 2) This property lies within Zone AE (EL 12) as established by the FEMA Flood Insurance Rate Map No. 48167C0441G, dated August 15, 2019.
- 3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by DSHA and/or the local power company.
- 4) Bearings are based on the monumentation of 17th Street

Surveyed without the benefit of a title commitment. This property may be subject to matters of record not shown hereon that might be revealed by title report or title commitment.

Legend:

- OHP — Overhead Power
- x · x · x · Wire Fence
- · - · - Wood Fence
- Concrete
- Brick
- Pavers
- Power Pole

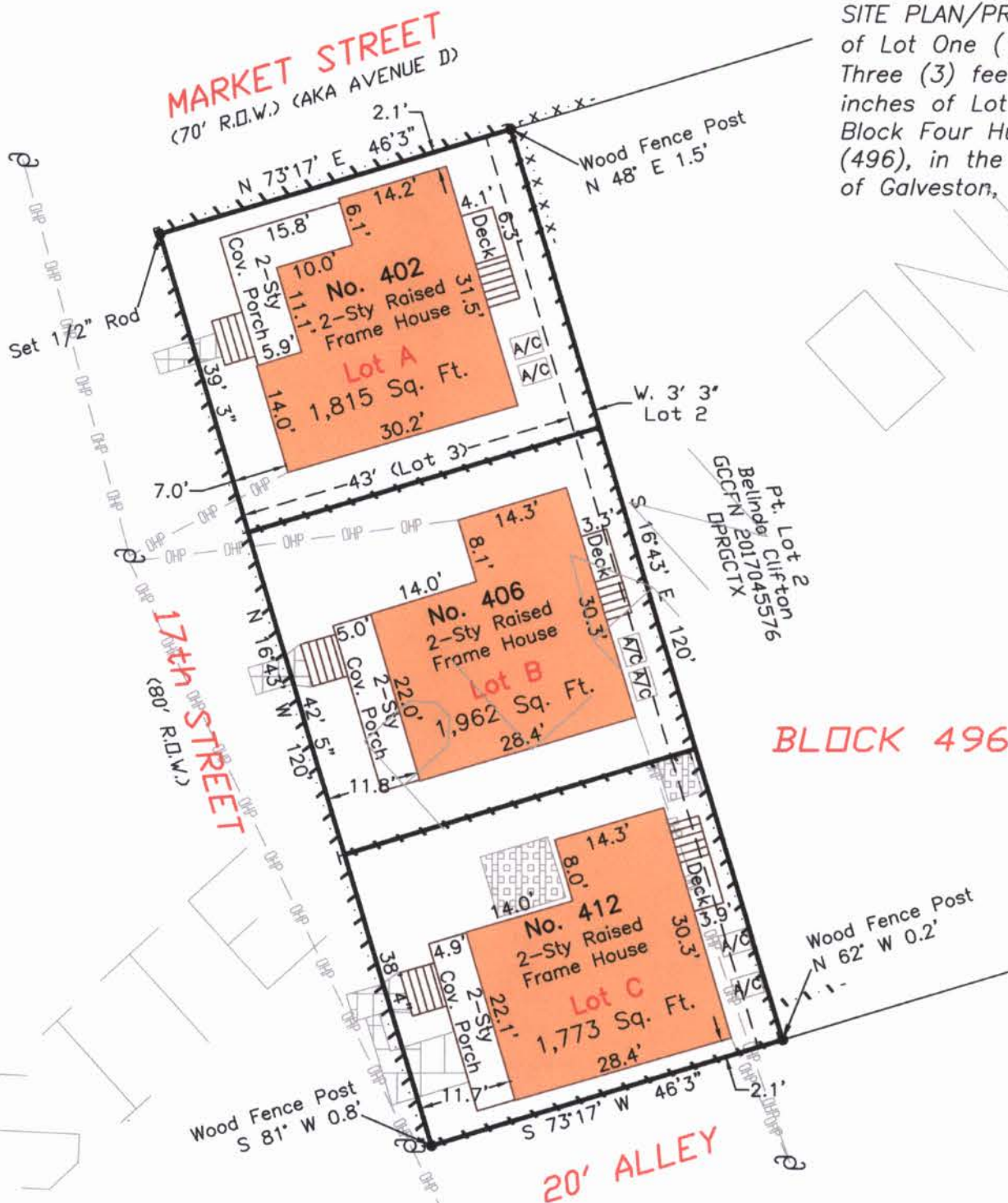
TRICON LAND SURVEYING, LLC

Mailing: 6341 Stewart Rd. #251
 Physical: 2011 59th Street
 Galveston, TX 77551
 409-497-2772
 TriconLandSurveying.com
 T.B.P.E.L.S. Firm No. 10194309

Drafting: JA

Parcel ID: 103897

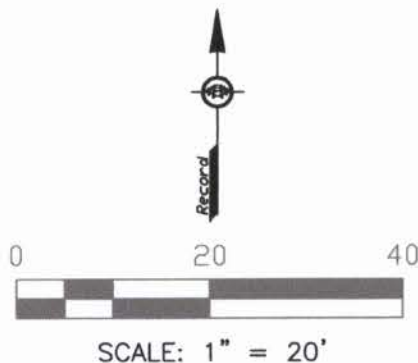
Surveyed for: Brook Paysse



SITE PLAN/PROPOSED REPLAT of Lot One (1), and the West Three (3) feet Three (3) inches of Lot Two (2), in Block Four Hundred Ninety-Six (496), in the City and County of Galveston, Texas.

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.

Brene Addison
Brene Addison
Registered Professional
Land Surveyor No. 6598



- NOTES:**
- 1) This property is subject to the zoning ordinances and/or the building regulations of the City of Galveston.
 - 2) This property lies within Zone AE (EL 12) as established by the FEMA Flood Insurance Rate Map No. 48167C0441G, dated August 15, 2019.
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Surveyed without the benefit of a title commitment.
This property may be subject to matters of record not shown hereon that might be revealed by title report or title commitment.

— OHP	Overhead Power
x · x · x ·	Wire Fence
- · - · - ·	Wood Fence
▤	Concrete
▥	Brick
▦	Pavers
⊙	Power Pole

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Drafting: JA

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Surveyed for: Brook Paysse