

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, July 6, 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:

5105 Helweg Road #124
Blaine, WA 98230

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> or by calling 409-797-3665
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. May 4, 2022

Documents:

[05-04-2021 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-005 (5401 Avenue P 1/2) 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 Minimum Lot Area. Property Is Legally Described As M.B. Menard Survey, Lots 11 And 12, Block 123 Denver Resurvey, In The City And County Of Galveston, Texas. Applicant: Brax Easterwood Property Owner: Keith Bassett, Bassett Family Properties, Ltd.

Documents:

[22Z-005 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 June 29, 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 – May 4, 2022

CALL MEETING TO ORDER

The meeting was called to order at 3:30 p.m.

ATTENDANCE

Members Present:	Lidija Bikova, Robert Girndt, Carol Hollaway (Alternate), Barbara Railey, Susan Syler (Alternate)
Members Present via Videoconference:	Bill Clement
Members Absent:	Andrew Galletti
Staff Present:	Catherine Gorman, AICP, Assistant Director/HPO; Mehran Jadidi, Assistant City Attorney; Daniel Lunsford, Senior Planner; Patrick Collins, Planning Technician

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The March 9, 2022 minutes were approved as presented.

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

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

Staff presented the staff report and reported that of 30 notices sent, none were returned.

Vice-Chairperson Robert Girndt opened the public hearing on the case. Brook Paysse, property owner, presented to the Board. The public hearing was closed, and the Chairperson called for a motion.

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

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

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

The motion passed.

THE MEETING ADJOURNED AT 3:43 PM

Zoning Board of Adjustment

Planning Department

City of Galveston

July 6, 2022

**22Z-004****STAFF REPORT****ADDRESS:**

5401 Avenue P 1/2

LEGAL DESCRIPTION:

Property is legally described as M.B. Menard Survey, Lots 11 and 12, Block 123 Denver Resurvey, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Brax Easterwood

PROPERTY OWNER:

Keith Bassett, Bassett Family Properties, Ltd.

ZONING:

Residential, Single-Family (R-1)

VARIANCE REQUEST:

Lot Area

APPLICABLE ZONING LAND USE**REGULATIONS:**

Article 3, Addendum for Residential, Single-Family (R-1) District, Lot Area

EXHIBITS:

A – Applicant's Submittal

STAFF:

Daniel Lunsford

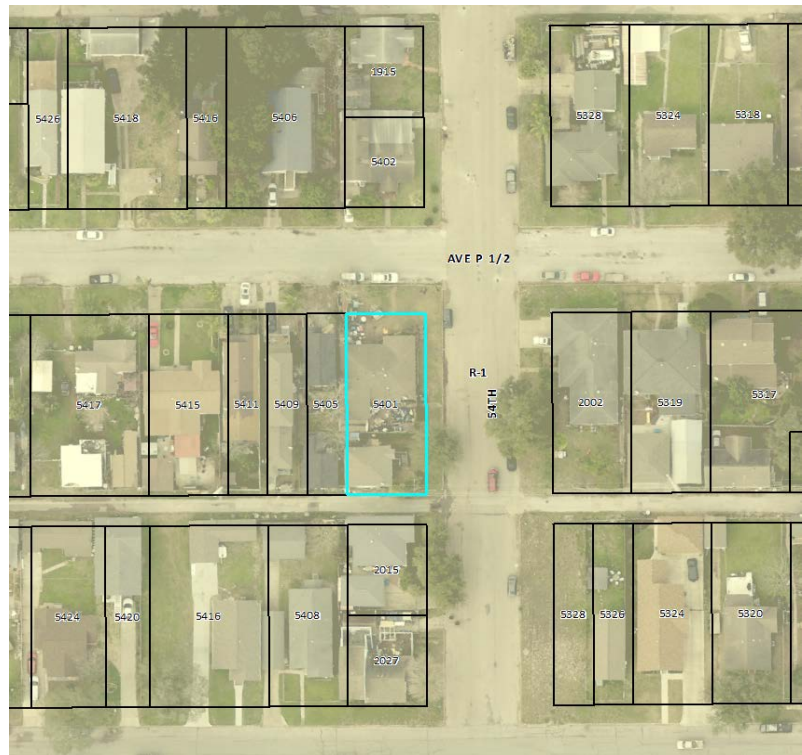
Senior Planner

409-797-3659

dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
28				

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 two individual homes. The applicant proposes to reduce the minimum lot area to 2,250 square feet in order to place each house on a separate lot.

The lot is 120 feet long and 50 feet wide at the Avenue P 1/2 right-of-way, with an area of 6,000 square feet. See the existing survey and proposed replat in Attachment A of the staff report.

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-1)	2,500 square feet	2,250 square feet (250 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.**

The special condition for the property is the location of existing improvements. No expansion of structures is proposed.

- 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 property could not be replatted and sold to separate homeowners.

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

Conditions remain the same. Density remains the same.

- 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.**

Property's structures and their locations were established in the 1950s-60s, before current minimum lot sizes were in place.

- 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 existing use and footprints of the structures will remain unchanged. Continues to contribute to the residential character of the area.

- 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 proposed property line is located as close to the 2500 SF minimum, while still leaving a 4 foot access around the front building perimeter for maintenance.

- 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). Alternatives are not reasonable.

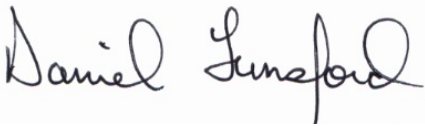
Alternative 1: Demolish one or both structures to achieve 2 lots with 2,500 SF minimum.

Alternative 2: Relocate slab on grade and front house further north to achieve 2 lots with 2500 SF minimum.

6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.
Yes, as well as the comprehensive plan's housing element.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,

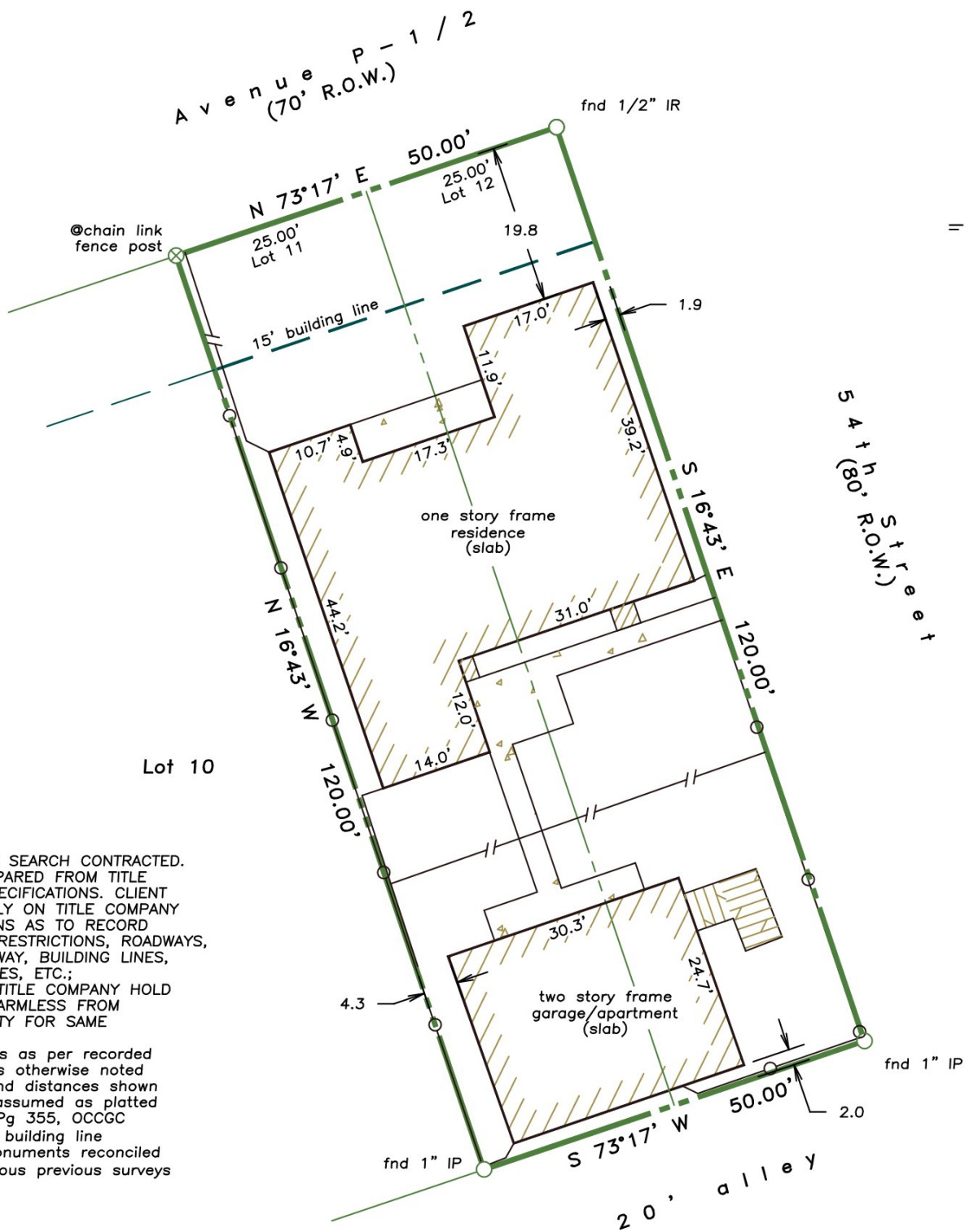


Daniel Lunsford
Senior Planner

06/15/2022

Date

NATIONAL FLOOD INSURANCE PROGRAM
FIRM Zone AE
Panel 0022-E
Community #485469
December 6, 2002



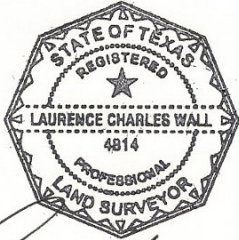
NOTES:
NO RECORDS SEARCH CONTRACTED.
SURVEY PREPARED FROM TITLE
COMPANY SPECIFICATIONS. CLIENT
RELIES SOLELY ON TITLE COMPANY
SPECIFICATIONS AS TO RECORD
EASEMENTS, RESTRICTIONS, ROADWAYS,
RIGHTS-OF-WAY, BUILDING LINES,
ENCUMBRANCES, ETC.;
CLIENT AND TITLE COMPANY HOLD
TLTS, INC. HARMLESS FROM
RESPONSIBILITY FOR SAME

- Restrictions as per recorded plat unless otherwise noted
- True ground distances shown
- Bearings assumed as platted
- Vol 379, Pg 355, OCCGC
- 15' front building line
- Survey monuments reconciled w/ numerous previous surveys



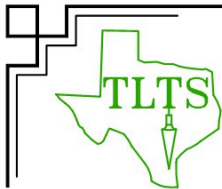
LAND TITLE SURVEY OF A TRACT OF LAND being Lots 11 and 12, in Block 123, of DENVER RESURVEY, a subdiviioin in the City and County of Galveston County, Texas, according to the map or plat thereof recorded in Volume 91, Page 196, in the Office of the County Clerk of Galveston County, Texas.

Subject property: 5401 Avenue P-1/2
Galveston County, Texas
To Keith Bassett and
South-Land Title Co., GF #WE142949;
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.



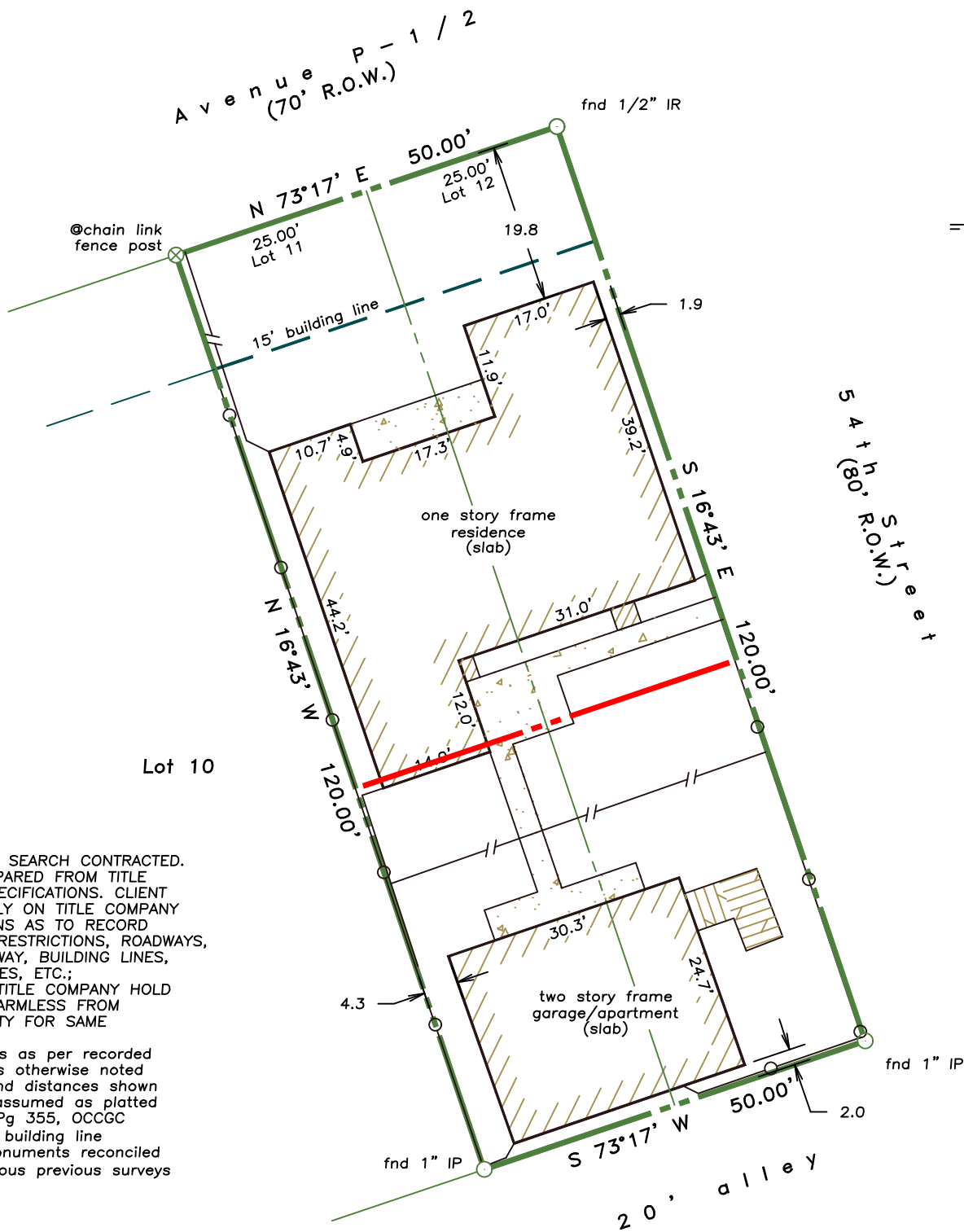
Laurence C. Wall

Laurence C. Wall
RPLS #4814
January 7, 2014



TLTS, Inc.
TEXAS LAND TITLE SURVEYORS
1801 Moody Avenue
Galveston, Texas 77550
(409) 765-8883

NATIONAL FLOOD INSURANCE PROGRAM
FIRM Zone AE
Panel 0022-E
Community #485469
December 6, 2002



NOTES:
NO RECORDS SEARCH CONTRACTED.
SURVEY PREPARED FROM TITLE
COMPANY SPECIFICATIONS. CLIENT
RELIES SOLELY ON TITLE COMPANY
SPECIFICATIONS AS TO RECORD
EASEMENTS, RESTRICTIONS, ROADWAYS,
RIGHTS-OF-WAY, BUILDING LINES,
ENCUMBRANCES, ETC.;
CLIENT AND TITLE COMPANY HOLD
TLTS, INC. HARMLESS FROM
RESPONSIBILITY FOR SAME

- Restrictions as per recorded
plat unless otherwise noted
- True ground distances shown
- Bearings assumed as platted
- Vol 379, Pg 355, OCCGC
- :15' front building line
- Survey monuments reconciled
w/ numerous previous surveys

Scale: 1" = 20'
10 Feet 0 10 20 30

LAND TITLE SURVEY OF A TRACT OF LAND
being Lots 11 and 12, in Block 123, of
DENVER RESURVEY, a subdiviioin in the
City and County of Galveston County,
Texas, according to the map or plat
thereof recorded in Volume 91, Page
196, in the Office of the County Clerk of
Galveston County, Texas.

Subject property: 5401 Avenue P-1/2
Galveston County, Texas
To Keith Bassett and
South-Land Title Co., GF #WE142949;
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
RPLS #4814
January 7, 2014