

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, October 5, 2022
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. 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. Election Of Chair And Vice-Chair
4. Conflict Of Interest
5. Approval Of Minutes
- A. August 3, 2022

Documents:

[08-03-2022 ZBA MINUTES.PDF](#)

6. 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)

7. New Business And Associated Public Hearings
- A. 22Z-009 (2453 103rd Street) Request For A Variance From The Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum, Regarding Minimum Lot Standards For Lot Depth. Property Is Legally Described As Lot 14, Neumann Addition (2020), In The City And County Of Galveston, Texas. Applicant And Property Owners: Gregory And Nancy Pekar

Documents:

[22Z-009 - 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 September 29, 2022 at 11:30 A.M.

Prepared by:

A handwritten signature in black ink that reads "Patrick Collins". The signature is written in a cursive, flowing style.

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 3, 2022

CALL MEETING TO ORDER

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

ATTENDANCE

Members Present:	Lidija Bikova, Andrew Galletti, Robert Girndt, Carol Hollaway (Alternate), Barbara Railey, Susan Syler (Alternate)
Members Present via Videoconference:	Bill Clement
Members Absent:	None
Staff Present:	Catherine Gorman, AICP, Assistant Director/HPO; Donna Fairweather, Assistant City Attorney; Adriel Montalvan, Planning Manager; Patrick Collins, Planning Technician

CONFLICT OF INTEREST

None

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

22Z-006 (2453 103rd Street) Request for a variance from the Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum, regarding minimum Lot Standards including lot width, depth, and lot area. Property is legally described as Lot 14, Neumann Addition (2020), in the City and County of Galveston, Texas.

Applicant and Property Owners: Gregory and Nancy Pekar

Staff presented the staff report and reported that of 22 notices sent, none were returned.

Chairperson Andrew Galletti opened the public hearing on the case. Gregory Pekar, 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 Chairperson called for a motion.

Bill Clement made a motion to deny 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:	None
Non-voting participant:	Hollaway (Alternate), Syler (Alternate)

The motion passed.

Case 22Z-008 (12223 FM 3005) was withdrawn by the applicant.

DISCUSSION AND ACTION ITEMS

- Restatement of Motion for 22Z-005 (Staff)

Vice Chairperson Robert Girndt made a motion to correct the record to reflect the proper numbering of the July 6th 2022 Case originally stated as “22Z-004” to 22Z-005. Barbara Railey 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:	Hollaway (Alternate), Syler (Alternate)

The motion passed.

APPROVAL OF MINUTES

The July 6, 2022 minutes were approved as presented.

THE MEETING ADJOURNED AT 3:54 PM

ZONING BOARD OF ADJUSTMENT
MEMBER SIGN-IN SHEET

MEETING DATE: August 3, 2022

BIKOVA, LIDIJA



CLEMENT, WILLIAM

Via Zoom

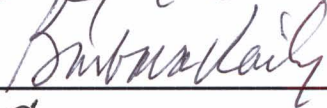
GALLETTI JR., ANDREW



GIRNDT, ROBERT



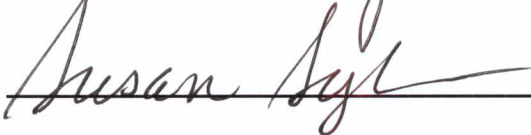
RAILEY, BARBARA



HOLLAWAY, CAROL (Alternate)



SYLER, SUSAN (Alternate)



Meeting Date: August 3, 2022

[illegible]



22Z-009

STAFF REPORT

ADDRESS:

2453 103rd Street

LEGAL DESCRIPTION:

Property is legally described as Lot 14, Neumann Addition (2020), in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Gregory and Nancy Pekar

PROPERTY OWNER(S):

Gregory and Nancy Pekar

ZONING:

Residential Single-Family (R-1)

VARIANCE REQUEST:

Request for a variance from the Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum, regarding minimum Lot Standards for lot depth.

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 3, District Yard, Lot and Setback Requirements for the Residential Single-Family (R-1) zoning district

EXHIBITS:

- A – Aerial Map
- B – Survey
- C – Site Plan (Lot Reconfiguration)
- D – Motion Guide

STAFF:

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

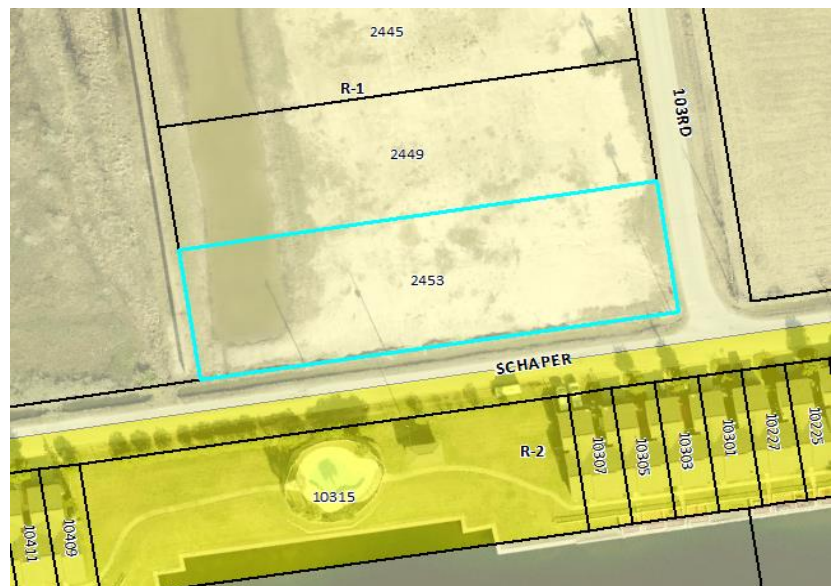
Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
22				

Per Section 13.808 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 Notifications:

None



Background

On August 3rd, 2022, the Zoning Board of Adjustment held a public hearing concerning the subject property regarding variances for lot width, depth, and area. The Board denied the request primarily on the grounds that the lots were similar in size to other lots in the area, as well as two of the proposed lots deviated substantially from the required lot standards. The Board also opined that it was more desirable to have less density in the area.

Executive Summary

The applicant is requesting a variance from the Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum regarding minimum Lot Standards for lot depth, in order to divide one lot into two lots. Please see attached site plan for proposed lot reconfiguration.

Applicable Standards

Article 3, District Yard, Lot and Setback Standards, Addendum for Residential Single-Family (R-1) zoning district:

Requirement: Lot Area: 5,000 square feet minimum.

Lot Width: 50 feet minimum

Lot Depth: 100 feet minimum

Requested Variance

Lot (See Site Plan)	Variance Type	Current Requirement	Proposed Variance
Lot 1	Lot Depth	100 feet depth	96.5 feet depth

Applicant's 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 other properties are not corner lots and most are substantially smaller. Minimum lot dimensions in zone R-1 are 50 feet wide by 100 ft. deep. My lot is 96 feet wide, thus cannot be subdivided by length or width.*

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.

I would be unable to subdivide the unmanageably large lot. Property was sold with a description of being able to subdivide. We had planned to subdivide then build on one lot and sell the rest.

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

I need only a small variance, my proposed lot is just 3.5 feet shorter than 100 feet needed. My proposed lots will almost precisely mirror the buildable area on most of the lots on 103rd. allowing my development will capture a beautiful view to the south for two residents instead of just one.

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.

I am trying to unlock the value of the beautiful views of the Campeche Cove subdivision lake to my south by creating lots that face south along Schaper road. None of the other lots on 103d St. face south. Only this corner lot can create south facing views. From street level a view of the lake is blocked by the 10ft mound of fill the Cove Condominiums are built on. But from a properly elevated front porch, the lake will be visible over the gap in the houses created by the neighborhood association park and pool.

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 proposed subdivision will result in lots that almost precisely match the buildable area of most of the lots on 103rd (.19 acres vs. .20 acres). My proposed subdivision will not overwhelm the utility infrastructure as it only adds one potential residence. My proposed subdivision mirrors the existing development pattern in the area, as on Wern Road.

- 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.**

Only one of the two lots needs a variance at all. If I were to subdivide with both lots facing 103rd, then I would need two variances for width. I also need only a small variance, I am short just 3.5 feet of the minimum depth of 100 feet.

- 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).**

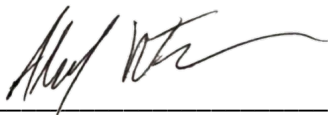
I have found nothing in the subdivision regulations for areas zoned R-1 that allow for more dense development of corner lots. There are regulations for corner lots in other areas of the city that allow for denser development.

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

Yes. The quality of life in the neighborhood is enhanced by the provision of a range of house sizes and architectural diversity within that neighborhood. Corner lots best have this ability to provide for smaller houses as large lots are expensive and tend to attract large houses.

Please see agenda for Appeal from Decision of Board process.

Respectfully Submitted,



Adriel Montalvan, Planning Manager

09/26/2022

Date



Catherine Gorman, AICP
Assistant Director/HPO

09/26/2022

Date

Exhibit A

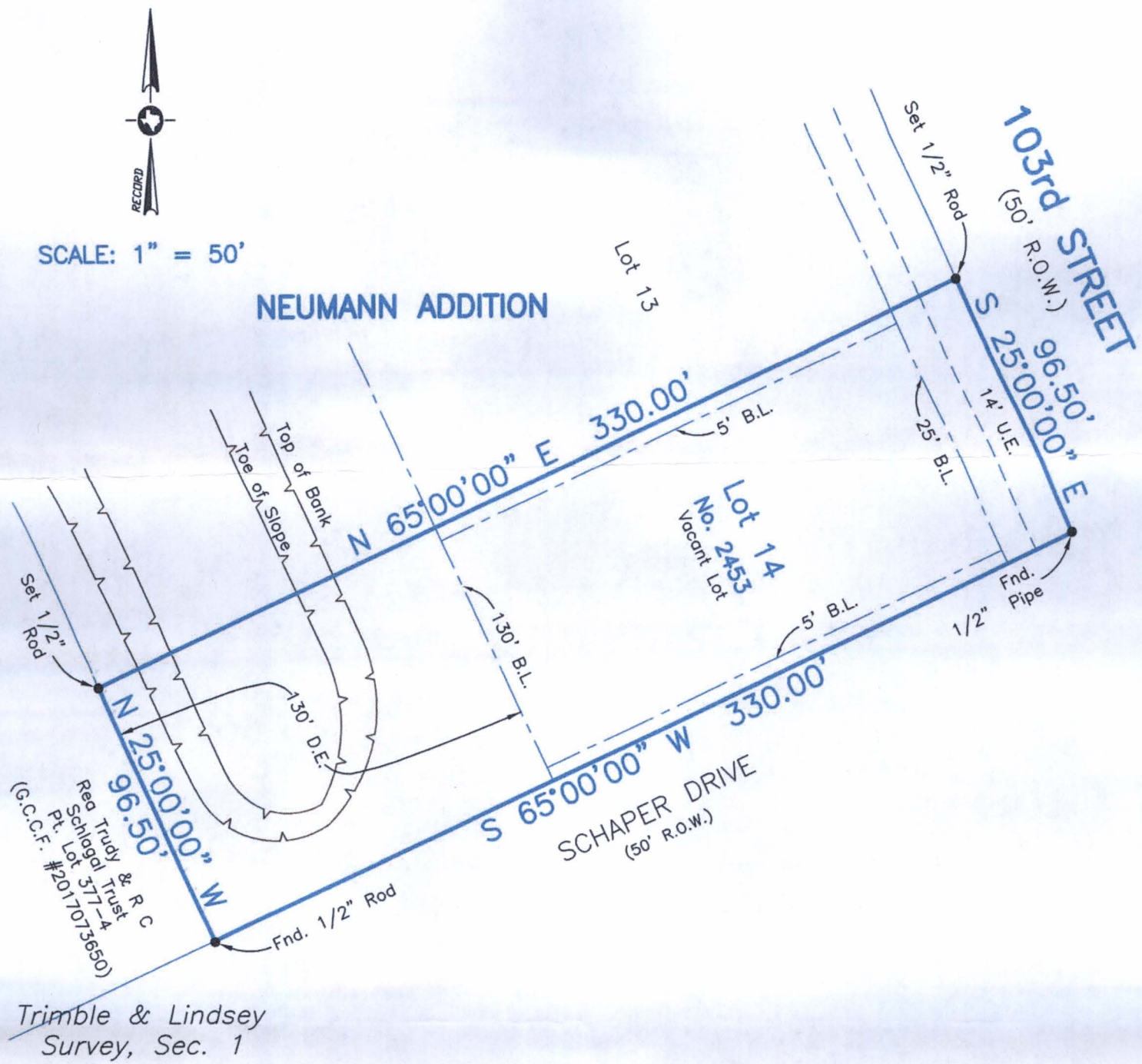


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data presented on these pages is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





LEGEND

B.L.	Building Setback Line
U.E.	Utility Easement
D.E.	Drainage Easement

Survey of Lot Two (2), of **NEUMANN ADDITION**, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded under Clerk's File Number 2019052338, 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

Exhibit C

Site Plan v3
Request for Variance: Pekar

2453 103d St. Galveston, TX
Lot 14 Neumann Addn (2020) ABST 121

1/2

Section 12,401 B. 2 a. iii of the subdivision regulations specifically state that a variance may be requested if the lot in question is a corner lot or is adjacent to permeant open space. This lot qualifies under both criteria.



Proposed subdivision will result in two lots with a buildable area of .19 acres each, just like most of the lots along 103d* which are .38 acres with .20 acres buildable.

2/2

Proposed subdivision will resemble the existing subdivision of the corner lot on Wern.



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.