

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, November 9, 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. Conflict Of Interest
 4. Approval Of Minutes
 - A. October 5, 2022

Documents:

[10-05-2022 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-010 (11206 Schwartz) Request For A Variance From The Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum, To Reduce The Front Yard Setback. Property Is Legally Described As Lot 11, Block 1, Sunny Beach, In The City And County Of Galveston, Texas. Applicant: Sandpiper Homes, Inc., Klint Kittley Property Owners: Jerry McCorey And Mike Mathena

Documents:

[22Z-010 - STF PKT SIGNED.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 November 2, 2022 at 10:30A.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 – October 5, 2022

CALL MEETING TO ORDER

The meeting was called to order at 3:31 p.m.

ATTENDANCE

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

Members Absent: Council Member William Schuster

Staff Present: Catherine Gorman, AICP, Assistant Director/HPO; Donna Fairweather, Assistant City Attorney; Adriel Montalvan, Planning Manager; Patrick Collins, Planning Technician

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Andrew Galletti made a motion to nominate Robert Girndt as Chairperson.

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.

Barbara Railey made a motion to nominate Bill Clement as Vice-Chairperson.

Chairperson Robert Girndt 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.

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The August 3, 2022 minutes were approved as presented.

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

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

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

Chairperson Robert Girndt opened the public hearing on the case. Gregory Pekar, applicant and property owner, presented to the Board. The public hearing was closed, and the Chairperson called for a motion.

Barbara Railey made a motion to approve the request. Vice Chairperson Andrew Galletti seconded.

Chairperson Robert Girndt 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)

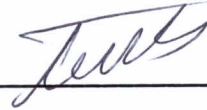
The motion passed.

THE MEETING ADJOURNED AT 3:43 PM

ZONING BOARD OF ADJUSTMENT
MEMBER SIGN-IN SHEET

MEETING DATE: October 5, 2022

BIKOVA, LIDIJA



CLEMENT, WILLIAM



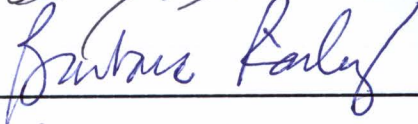
GALLETTI JR., ANDREW



GIRNDT, ROBERT



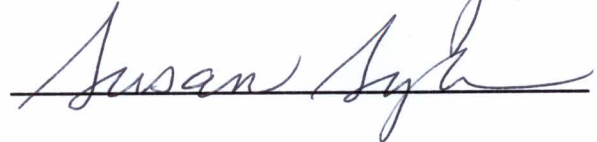
RAILEY, BARBARA



HOLLAWAY, CAROL (Alternate)



SYLER, SUSAN (Alternate)



PLEASE INDICATE CASE NO., PRINT NAME AND ADDRESS

Meeting Date: October 5, 2022

[illegible]



22Z-010

STAFF REPORT

ADDRESS:

11206 Schwartz

LEGAL DESCRIPTION:

Property is legally described as Lot 11, Block 1, Sunny Beach, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Sandpiper Homes, Inc., Klint Kittley

PROPERTY OWNER(S):

Jerry McCorey and Mike Mathena

ZONING:

Residential, Single-Family (R-1)

SPECIAL EXCEPTION REQUEST:

Front 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
- B - Motion Guide

STAFF:

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

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
25				

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 to reduce the required front yard setback from 20 feet to 19.2 feet in a Residential, Single-Family (R-1) zoning district. In accordance with the applicant's submittal, it indicates that the front yard setback of other structures on the same block are not uniform, and those structures were erected with a lesser setback than prescribed by the current regulations. Please see Exhibit A for illustration of placement of other structures in the subject block.

In accordance with Sec. 12.401 of the Land Development Regulations (LDR), a front yard exception may be requested 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.

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
	Front	20 feet	19.2 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.

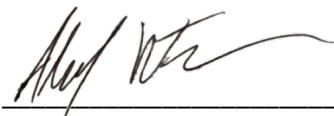
Approval Standards. The Board of Adjustment may grant a special exception as provided in Section 12.401(2)(a) and when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.

Applicants' Justification The Applicant's Justification is as follows:

Due to a pile driving error during construction, this home was built 0.8 feet beyond the front setback. While this is true, the home in question is still the furthest house from the street on the entire block. All other houses on the street sit closer to the street.

Please see Agenda for Appeal from Decision of Board Process.

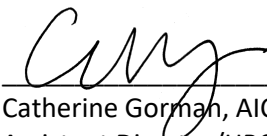
Respectfully submitted,



Adriel Montalvan, Planning Manager

10/28/2022

Date



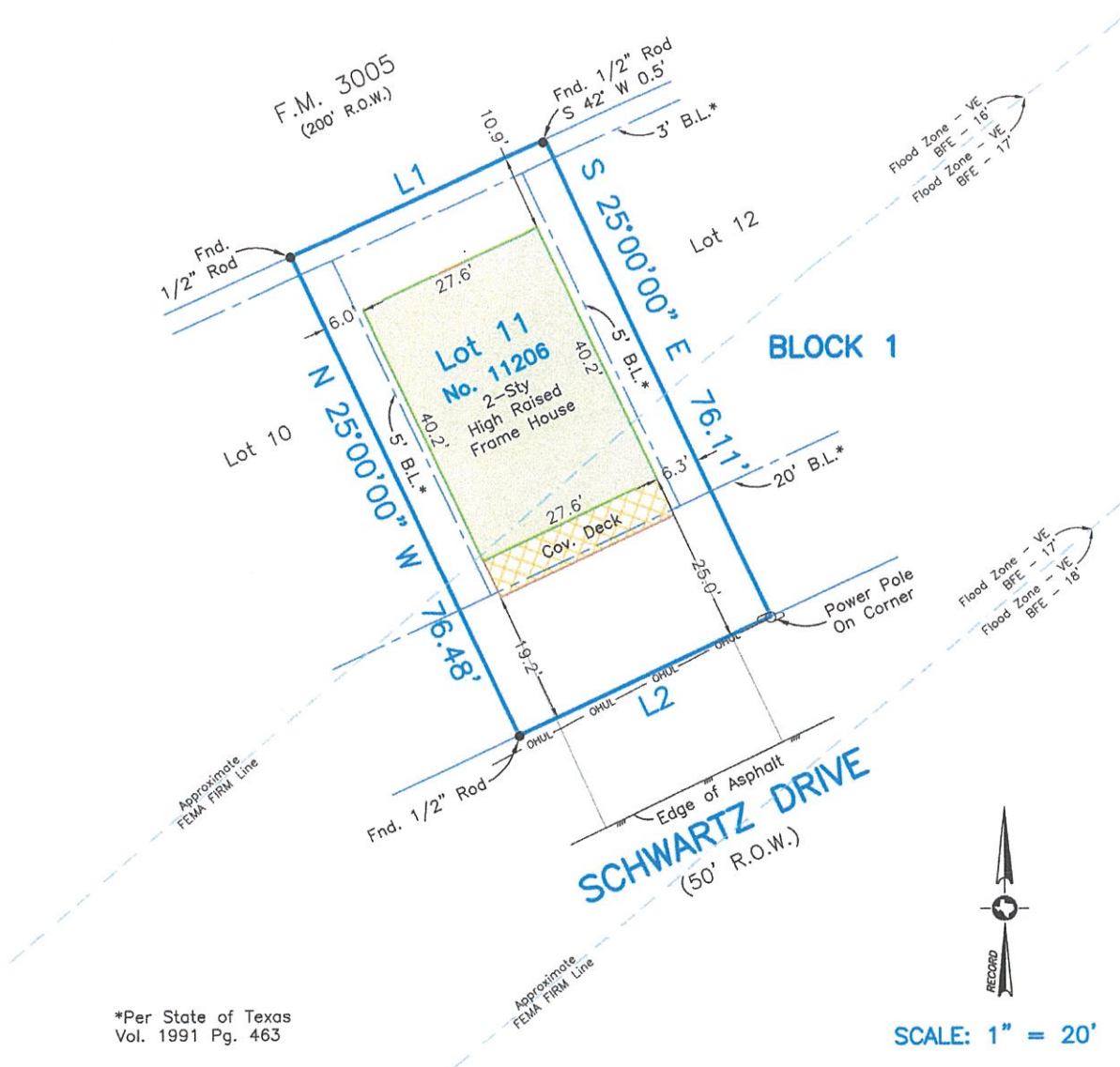
Catherine Gorman, AICP
Assistant Director/HPO

10/31/2022

Date

LINE	BEARING	DISTANCE
L1	N 65°31'48" E	40.00'
L2	S 65°00'00" W	40.00'

LEGEND

 Power Pole


Survey of Lot Eleven (11), in Block One (1), of **SUNNY BEACH**, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254-A, Page 67 and transferred to Plat Record 14, Map No. 5, of the Map Records 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.

Stephen C. Blaskey

Stephen C. Blaskey
Registered Professional
Land Surveyor No. 5856



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

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 North R.O.W. line of Schwartz Drive, being a found 3/8" rod at the SE corner of Lot 6 and a found 5/8" rod at the SE corner of Lot 14.
- 4) Surveyed without benefit of a Title Report.

SURVEY DATE:	JUNE 22, 2022
FILE No.:	6840-0001-0011-000
DRAFTING:	AM
JOB No.:	22-0449

11206 SCHWARTZ



11206 SCHWARTZ



EVERY HOUSE ON THIS STREET IS CLOSER TO THE STREET







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.