

**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**REGULAR MEETING**  
**3:30 p.m. Wednesday, January 4, 2023**  
**City Council Chambers, 2nd Floor of City Hall**  
**823 Rosenberg, Galveston, Texas**

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of Minutes

A. December 7, 2022 Minutes

Documents:

[12-07-2022 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-013 (1416 29th Street) 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 Reduce The Minimum Lot Area. Property Is Legally Described As M.B. Menard Survey, South One-Half Of Lot 14 (2014-1), Southwest Block 15, Galveston Outlots, In The City And County Of Galveston, Texas. Applicant: MAEE Properties, LLC / Michael Cordray Property Owners: Sara Turnus And Wayne Nielsen

Documents:

[22Z-013 STF 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 December 22, 2022 at 2:15 P.M.

Prepared by: Catherine Gorman, Assistant Director

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 – December 7, 2022

### CALL MEETING TO ORDER

The meeting was called to order at 3:33 p.m.

### ATTENDANCE

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

Members Absent: None

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

### CONFLICT OF INTEREST

None

### APPROVAL OF MINUTES

The October 5, 2022 minutes were approved as presented.  
The November 9, 2022 minutes were approved as presented.

### PUBLIC COMMENT

None

### NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

**22Z-011 (4502 Avenue R)** Request for a variance from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Commercial (C) zoning district, to reduce the minimum lot area, width, and depth. Property is legally described as M.B. Menard Survey, Lot 8, Southeast Block 106, Galveston Outlots, in the City and County of Galveston, Texas.  
Applicant: Josh Doll, NASA House Buyers, LLC.  
Property Owner: NASA House Buyers, LLC.

Staff presented the staff report and reported that of 24 notices sent, none were returned.

Chairperson Robert Girndt opened the public hearing on the case. Josh Doll, applicant, 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. Susan Syler seconded.

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

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

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

**222-012 (21227 Gulf Drive)** Request for a special exception in accordance with the Galveston Land Development Regulations, Article 12, Section 12.401, to reduce the required front yard setback in a Residential, Single-Family (R-1) zoning district. Property is legally described as Lot 17, Section 22, Sea Isle, in the City and County of Galveston, Texas.

Applicant: Dennie Teer

Property Owners: Denver Roopchand

Staff presented the staff report and reported that of 16 notices sent, one was returned in opposition.

Chairperson Robert Girndt opened the public hearing on the case. Dennie Teer, applicant, 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. Susan Syler seconded.

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

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

**The motion passed.**

**THE MEETING ADJOURNED AT 4:01 PM**

**Zoning Board of Adjustment**

Planning Department

City of Galveston

January 4, 2023

**22Z-013****STAFF REPORT****ADDRESS:**

1416 29th Street

**LEGAL DESCRIPTION:**

Property is legally described as M.B. Menard Survey South 1/2 of Lot 14 (2014-1) Southwest Block 15 Galveston Outlots, in the City and County of Galveston, Texas.

**APPLICANT/REPRESENTATIVE:**

Michael Corday, MAEE Properties, LLC.

**PROPERTY OWNERS:**

Sara Ternus and Wayne Neilsen.

**ZONING:**

Urban Neighborhood (UN)

**VARIANCE REQUEST:**

Minimum Lot Area

**APPLICABLE ZONING LAND USE****REGULATIONS:**

Article 3, Addendum for Urban Neighborhood (UN) 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 Urban Neighborhood (UN) zoning lot area from 2,500 square feet to 2,322 square feet. The lot currently contains an existing single-family structure with an encroachment of approximately 5.9 feet of the adjacent home at 1414 29th Street. The applicant wishes to move the property line accordingly to resolve the encroachment; however, this will result in the lot at 1616 29th Street being less than 2,500 square feet.

The lot is currently 60 feet wide and 43 feet long, with a total area of approximately 2,580 square feet. The proposed replat would reduce the lot dimensions to 54 feet in width and 43 feet in length with a lot area of 2,322 square feet. See the existing survey and proposed replat in Exhibit A of the staff report.

**Area Requirements****Article 3, District Yard, Lot and Setback Standards, Addendum for Urban Neighborhood (UN) Zoning:****Required Minimum Lot Area** 2,500 square feet**Required Minimum Lot Width** 0 feet**Required Minimum Lot Length** 0 feet**Requested Variance**

| <b>Minimum Lot Area</b>       | <b>Regulation</b>          | <b>Proposed Variance</b>                     |
|-------------------------------|----------------------------|----------------------------------------------|
| Urban Neighborhood (UN)       | 2,500 square feet          | 2,322 square feet (258 square feet variance) |
| <b>Minimum Lot Dimensions</b> | 0 feet wide<br>0 feet long | No variance required                         |

**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.**

*Most shared lot lines on the city's plat map do not have significant encroachments from neighboring structures.*

- 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.**

*Each of these properties share a 5.9' encroachment causing several issues including but not limited to sale, insurance, and taxability.*

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

*Cleaning a known/significant encroachment on the city's plat map is in support of the public interest.*

- 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.**

*This request is unique to this property and not one that could be mirrored on future requests to the board.*

- 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.**

*Both properties sharing this lot line will not be negatively affected in any way, nor will any neighboring properties.*

- 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 are requesting the shared lot line be moved 5.9' to the south which is the minimum to remove any encroachment issues.*

- 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).

*This is a legacy request as the existing structure was built in excess of 40 years ago and not due to a recently built structure in an attempt to force variance approval.*

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

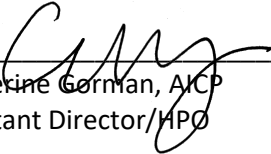
Yes.

Respectfully submitted,

for   
Daniel Lunsford  
Senior Planner

12/20/2022

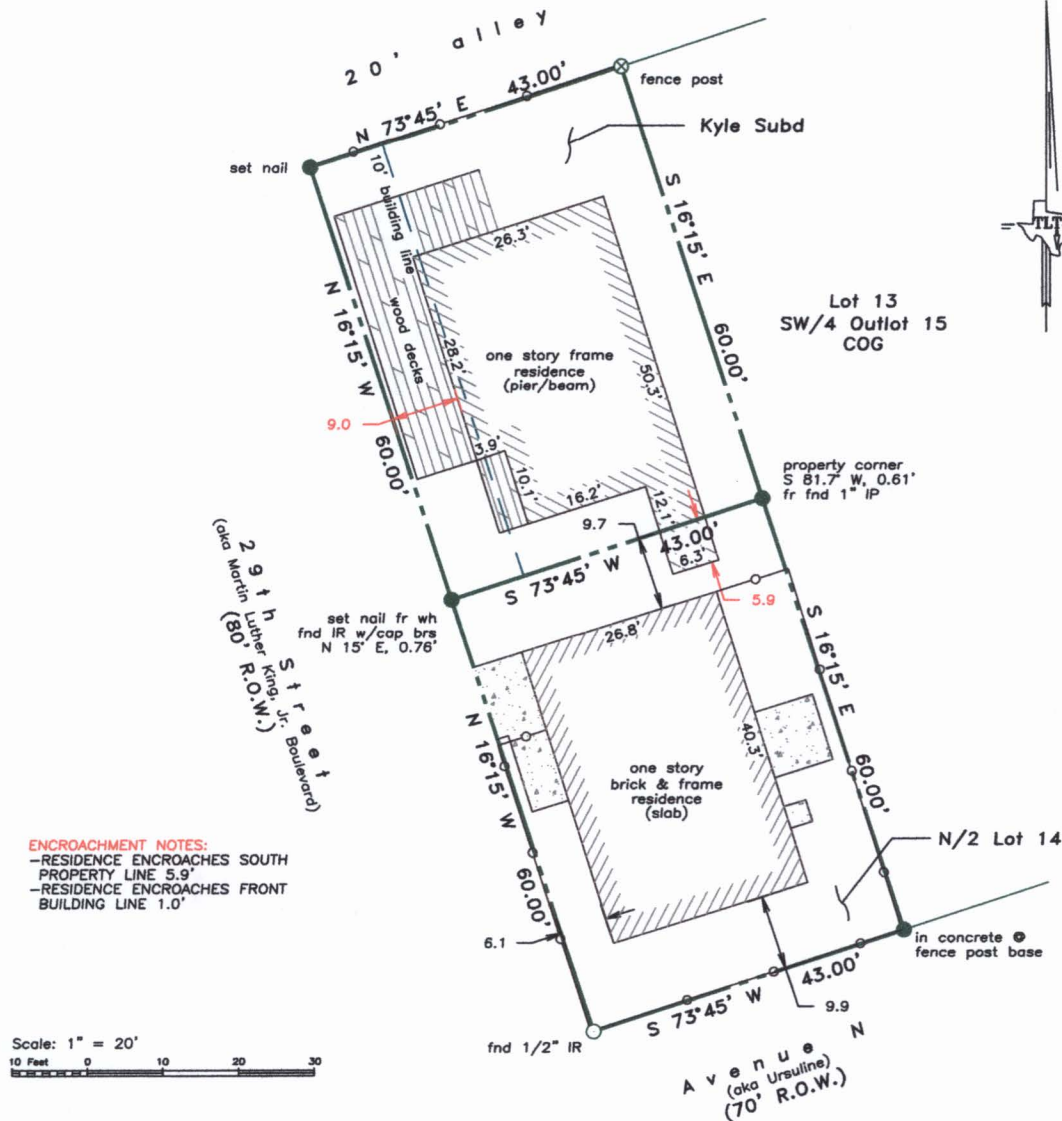
Date

  
Catherine Gorman, AICP  
Assistant Director/HPO

12/20/2022

Date

# EXHIBIT A Existing Survey



Subject property: 1414 & 1416 29th Street  
 (aka Martin Luther King, Jr. Boulevard)  
 Galveston County, Texas

LAND TITLE SURVEY OF TWO TRACTS OF LAND being Lot 1 of KYLE SUBDIVISION, as recorded in Volume 16, Page 64 in the Office of the County Clerk of Galveston County, Texas TOGETHER WITH the South 1/2 of Lot 14 Southwest Outlot 15 in the City and County of Galveston, Texas.

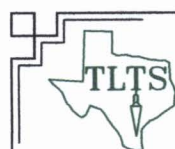
NOTES:  
 NO RECORDS SEARCH CONTRACTED. RECORD EASEMENTS, RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY, BUILDING LINES, ENCUMBRANCES, ETC. BY COMMON KNOWLEDGE ONLY. CLIENT HOLDS TLTS, INC. HARMLESS FROM RESPONSIBILITY FOR SAME

- Restrictions as per recorded plat unless otherwise noted  
 - True ground distances shown  
 - Bearings & Lot 13 refer to "Plan of COG, Sandusky, 1845"  
 - Survey monuments reconciled w/numerous previous surveys

NATIONAL FLOOD INSURANCE PROGRAM  
 FIRM Zone AE  
 Community #485469  
 Map 48167C0441G  
 August 15, 2019

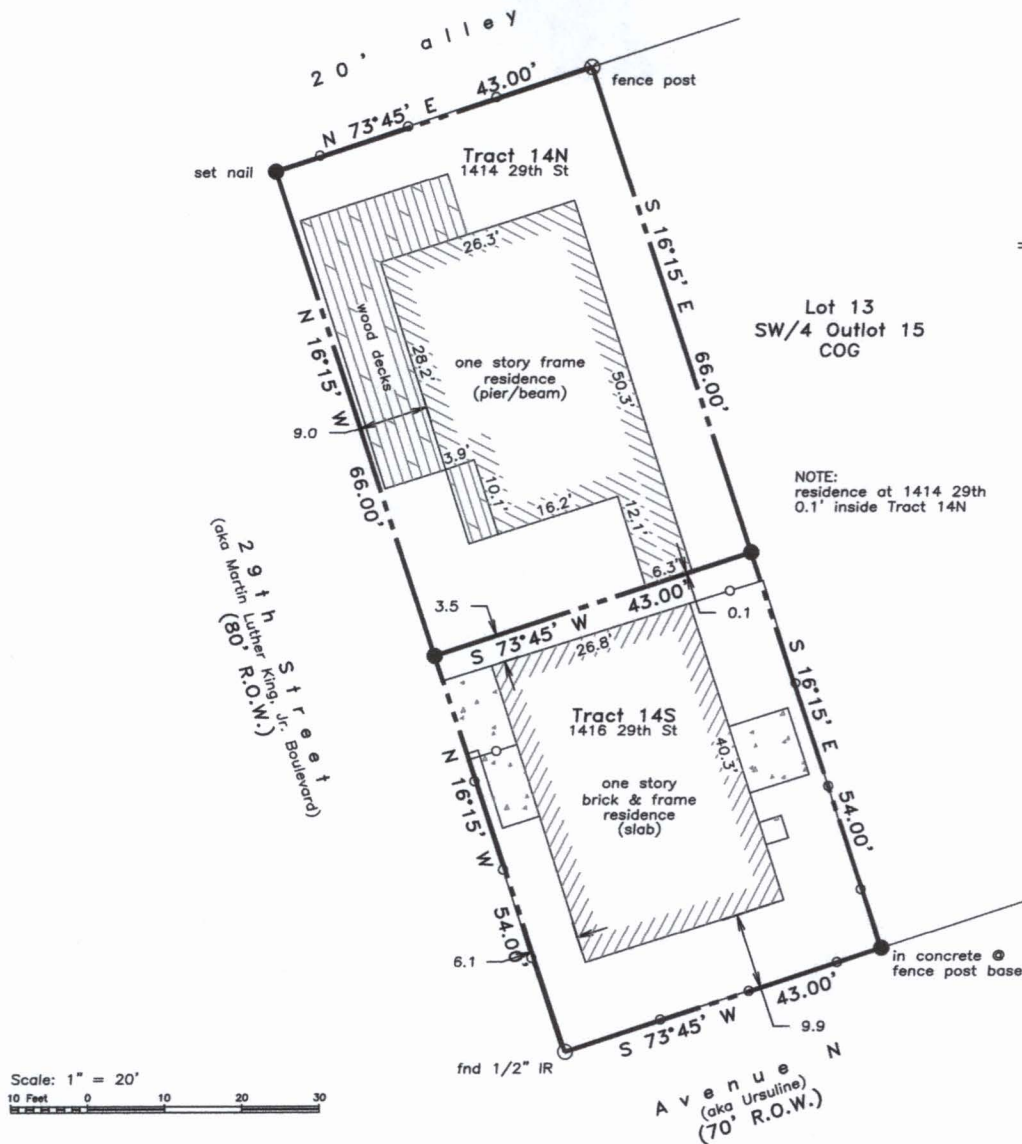
This survey is certified for this transaction only and may only be relied on by MAEE Properties, LLC, Sara Ternus and Wayne Nielsen. This survey is only valid if print has original seal and signature of surveyor. I hereby certify that this survey was made on the ground under my direct supervision and that this plat correctly represents the facts found at the time of the survey.

Laurence C. Wall  
 RPLS #4814  
 July 14, 2022



TLTS, Inc.  
 TEXAS LAND TITLE SURVEYORS  
 PELS Firm #10104200  
 1801 Moody Avenue  
 Galveston, Texas 77550  
 (409) 765-8883

**EXHIBIT B**  
Proposed Replat



Subject property: 1414 & 1416 29th Street  
(aka Martin Luther King, Jr. Boulevard)  
Galveston County, Texas

SITE PLAN of Tracts 14N and 14S of "1414 & 1416 29th Street", a proposed replat of Lot 1 of KYLE SUBDIVISION, recorded in Volume 16, Page 64 in the Office of the County Clerk of Galveston County, Texas TOGETHER WITH the South 1/2 of Lot 14 Southwest Outlot 15 in the City and County of Galveston, Texas.

**NOTES:**

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**NATIONAL FLOOD INSURANCE PROGRAM**

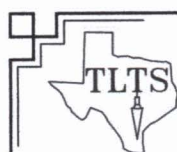
FIRM Zone AE  
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