

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, March 8, 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 The February 8, 2023 Minutes

Documents:

[02-08-2023 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. 23Z-001 (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.

Documents:

[23Z-001 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 March 1, 2023 at 3:30 P.M.

Prepared by: Karina Rosales, 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 – February 8, 2023

CALL MEETING TO ORDER

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

ATTENDANCE

Members Present: Lidija Bikova, Robert Girndt, Barbara Railey, Susan Syler,
Councilmember William Schuster

Members Present via Teleconference: Bill Clement

Members Absent: Carol Hollaway (Alternate),

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

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The January 4, 2023 minutes were approved as presented.

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

22Z-014 (5710 Stewart Road) Request for a Special Exception in accordance with the Galveston Land Development Regulations Section 11.400, to make a non-conforming use conforming. Properties are legally described as Hall and Jones Survey, Lots 12, 13, and Part of Lot 11 and Adjacent South Half of Alley Block D, Colorado Addition; Hall and Jones Survey, Lot 4 (4-5), Tribble and Lindsey, Section 1; in the City and County of Galveston, Texas.

Applicant: Omar Arriaga

Property Owner: Marco Antonio Robago

Staff presented the staff report and reported that of 25 notices sent.

Chairperson Robert Girndt opened the public hearing on the case. Lillianna Arriaga, representative of the applicant, 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.

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:	Hollaway (Alternate)
Non-voting participant:	Councilmember Schuster

The motion passed.

DISCUSSION ITEM

- Meeting Procedures (Railey/Syler)

THE MEETING ADJOURNED AT 3:55 PM



23Z-001

STAFF REPORT

ADDRESS:

4502 Avenue R

LEGAL DESCRIPTION:

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/REPRESENTATIVE:

Josh Doll, NASA House Buyers, LLC.

PROPERTY OWNER:

Josh Doll, NASA House Buyers, LLC.

ZONING:

Commercial (C)

VARIANCE REQUEST:

Lot Dimensions and Area

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Addendum for Residential, Commercial, Lot Area

EXHIBITS:

- A – Applicant's Submittal
- B – GIS with overlay

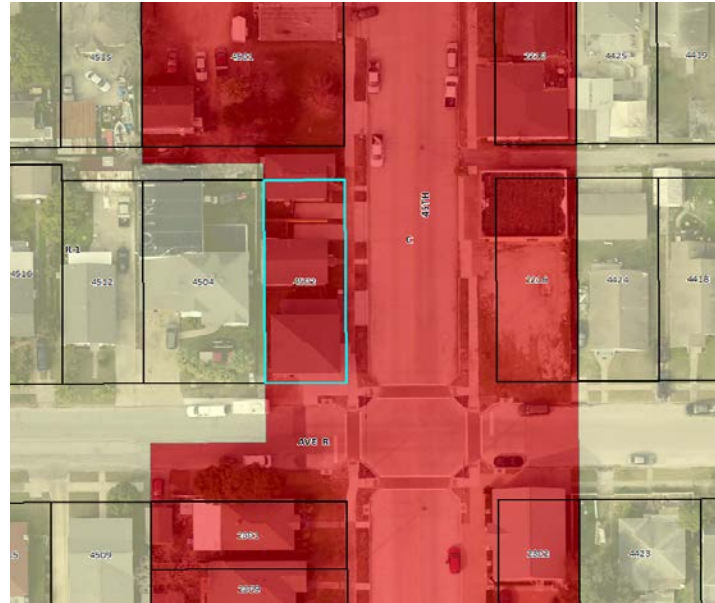
STAFF:

Daniel Lunsford
Senior Planner
409-797-3659
dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
24				

City Department Notification Responses: None



Background:

The Zoning Board of Adjustment first heard this request as 22Z-011 on December 7, 2022. The request failed due to lack of affirmative votes; however, it was not specifically denied.

Executive Summary:

The applicant is requesting a variance from Article 3, Addendum in order to reduce the required minimum Commercial (C) zoning lot area from 4,000 square feet, and to reduce the minimum lot length of one hundred feet long. The lot currently holds two individual homes and a corner store more or less equally spaced on the lot. The applicant proposes to reduce the minimum lot area to 1,713 square feet and 2,142 square feet in order to place each structure on a separate lot. Two of the lots will be 40'x42.83' in area; the third lot will be 50'x42.83'

The lot is currently 42.83 feet wide and 130 feet long, including a 10' wide section of alley abandoned in the 1970s, with a total area of approximately 5,568 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 Commercial (C):****Required Minimum Lot Area** 4,000 square feet**Required Minimum Lot Width** 40 feet**Required Minimum Lot Length** 100 feet**Requested Variance**

Minimum Lot Area	Regulation	Proposed Variance
Commercial (C)	4,000 square feet	1,713 square feet (2,287 square feet variance, two lots)
		2,142 square feet (1,858 square feet variance)
Minimum Lot Dimensions	40 feet wide 100 feet long	No variance required 42.83 feet (two lots); 50 feet (one lot)

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 current lot is zoned Commercial. The lot currently has 3 houses on it that were built in 1946. We want to split up the 3 lots individually. The purpose is to provide single-family housing for the surrounding community while also granting the city an easement for the abandon alley-way.

- 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.**

We cannot currently meet the minimum lot requirements for Commercial zoning (4000). The current code states commercial zoned lots can also be used as residential. In this case, the difference between 4,000 sq. ft. minimum and 2,500 sq. ft. is irrelevant. This is the quickest and most logical solution on breaking up the three structures. Rezoning takes 4-6 months.

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

The Public Works department requested this variance be approved due to the sewer main and utilities running thru our property, which is not recorded. This will also provide additional single-family housing for the community.

- 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.**

All neighboring properties are zoned residential. We want to be granted a variance in-regard to the minimum lot square footage for commercial zoning. Commercial zoning states the parcel can be used as single-family residential as well. Therefore, the difference between 4,000 sq. ft. minimum and 2,500 sq. ft. minimum is irrelevant. This will also make it possible on the replat to grant a recorded easement to the city for the main utility lines running thru our property.

- 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 neighboring properties are zoned residential. The variance will give us the ability to replat the 3 lots and create additional single-family housing for the community.

This will also give public works their requested approval for a recorded easement.

- 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.**

This is the best/logical solution for the city and community. By granting this variance, this will provide a public recording of main utilities running thru our property. While also providing additional single family housing for the surrounding community.

- 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).**

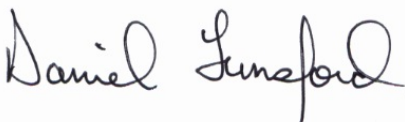
The current structures were built in 1946. They are intended for single-family housing. By granting this variance, I will be able to split up the 3 lots while also granting an easement to the city for the underground utility lines running thru our property.

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

Yes. This will provide additional single-family housing. The surrounding neighborhoods are all single-family housing. This will also help revitalize a main street corner which was recently updated by the City. This will also give public works their requested approval for a recorded easement on the utilities running thru our property.

Please see Agenda for Appeal from Decision of Board Process.

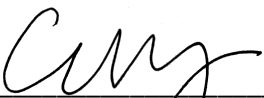
Respectfully submitted,



Daniel Lunsford
Senior Planner

02/14/2023

Date



Catherine Gorman, AICP
Assistant Director/HPO

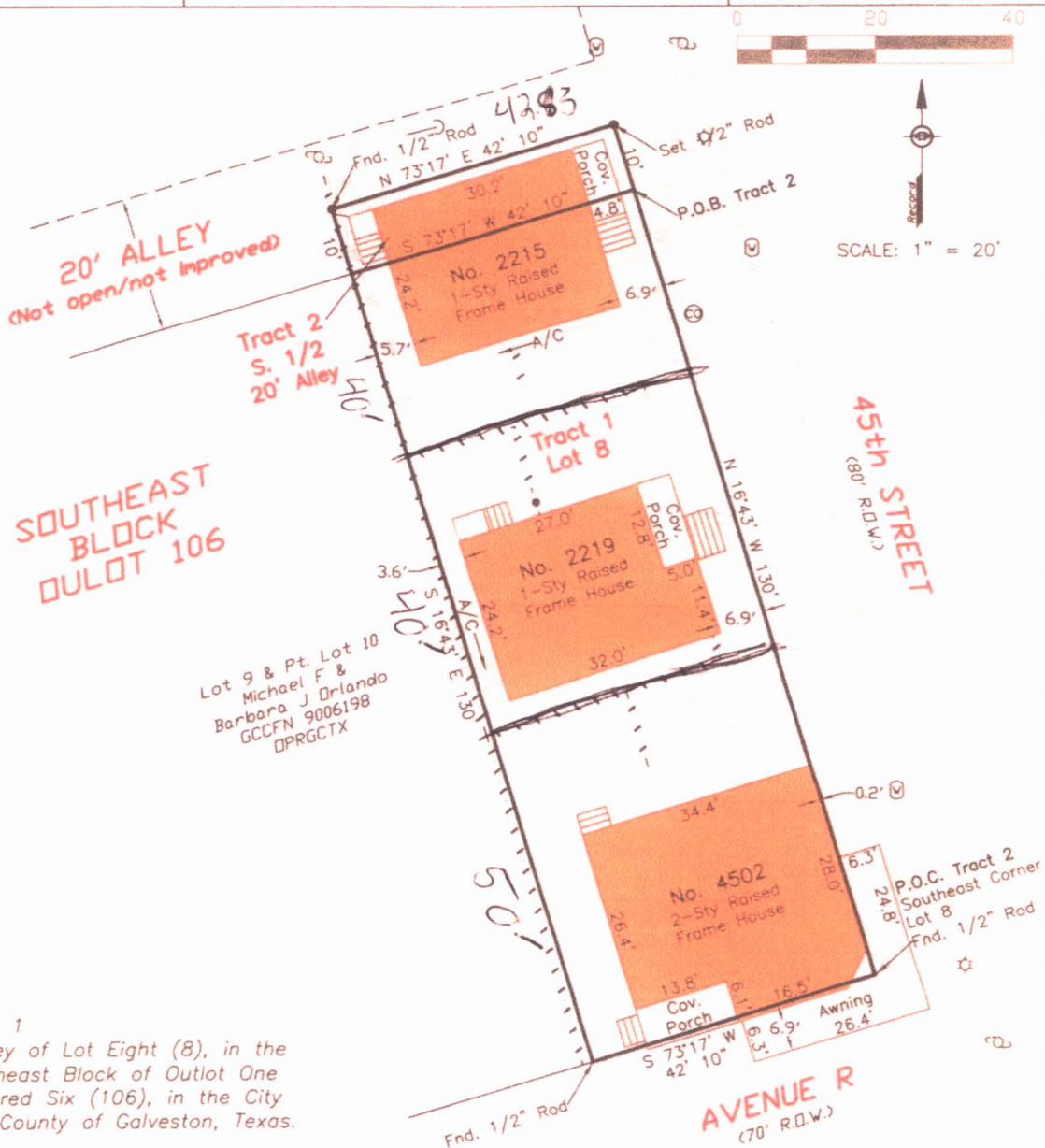
02/14/2023

Date

TLS Job No 22-0587

2219 & 2215 45th Street
4502 Avenue R, Galveston, TX. 77551

Survey Date: July 1, 2022



Brene Addison
Brene Addison
Registered Professional
Land Surveyor No. 6598



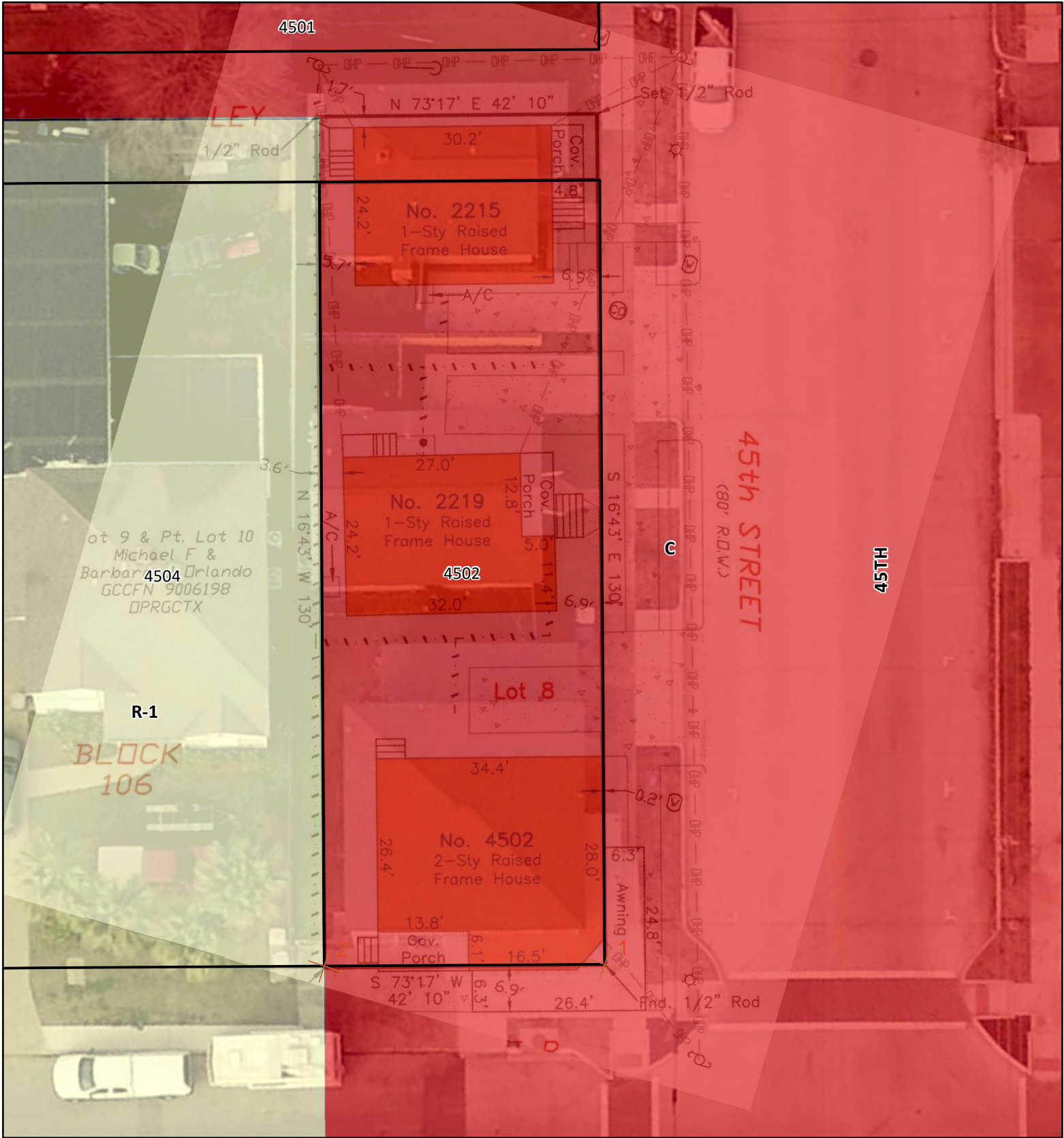
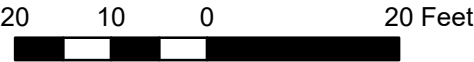


EXHIBIT B - GIS Overlay



This product is for informational purposes only 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.

