

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, December 6, 2023
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

**One or more members of the Zoning Board of Adjustment may attend the meeting by
videoconference.**

**A quorum of the members of the Zoning Board of Adjustment will be physically present
at the meeting location.**

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Election Of Chairperson And Vice-Chairperson
5. Approval Of Minutes

A. September 6, 2023

Documents:

[09-06-2023 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. 23Z-007 (5124 Ave O 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 21 And 22, Block 91 Denver Resurvey, In The City And County Of Galveston, Texas. Applicant: Jessica Miller-Ibey Property Owners: Christopher Ibey And Jessica Miller-Ibey

Documents:

[23Z-007 - PKT.PDF](#)

8. Recognition Of Bill Clement

9. Discussion Items

- A. 2024 Meeting Schedule (Staff)

10. 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 30, 2023, at 4:04 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 – September 6, 2023

CALL MEETING TO ORDER

The meeting was called to order at 3:31 p.m.
The meeting recessed until 3:46 p.m. due to technical issues.

ATTENDANCE

Members Present:	Lidija Bikova, Robert Girndt, Barbara Railey, Susan Syler, James Fagan (Alternate), Carol Hollaway (Alternate)
Members Absent:	Ex-Officio David Finklea
Staff Present:	Catherine Gorman, Assistant Director, AICP, HPO; Donna Fairweather, Assistant City Attorney.

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The May 3, 2023 minutes were approved as presented.

Board member Susan Syler made a motion to approve the minutes. Barbara Railey seconded.

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

In favor:	Bikova, Fagan, Girndt, Railey, Syler
Opposed:	None
Absent:	Ex-Officio Finklea
Non-voting participant:	Hollaway (Alternate)

The motion passed.

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

23Z-006 (3321 Avenue O) Request for appeal of staff determination regarding the definition of a "Sign." Property is legally described as M. B. Menard Survey, Lot 2 and West Half of Lot 3, Northeast Block 62, Galveston Outlots, Special Subdivision, in the City and County of Galveston, Texas.

Applicant: William H. Dannenmaier

Property Owner: Reagan B. Markey

Staff presented the staff report and reported that of 25 notices sent, two returned in favor, three in opposition, and one with no comment.

Chairperson Robert Girndt opened the public hearing on the case. William Dannenmaier, the applicant, gave a presentation to the board. See the attached list for presentations to the commission. The public hearing was closed, and the Chairperson called for a motion.

Board member Railey made a motion to affirm staff's determination regarding the definition of a "Sign.". Board member Susan Syler seconded.

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

In favor:	Bikova, Fagan, Girndt, Railey, Syler
Opposed:	None
Absent:	Ex-Officio Finklea
Non-voting participant:	Hollaway (Alternate)

The motion passed.

RECOGNITION OF BILL CLEMENT

The recognition of William Clement will be moved to the next scheduled meeting.

DISCUSSION ITEM

Staff opened the "Update to videoconference attendance procedures (Staff)" discussion.

THE MEETING ADJOURNED AT 4:45 PM





23Z-007

STAFF REPORT

ADDRESS:

5124 Avenue O 1/2

LEGAL DESCRIPTION:

Property is legally described as M.B. Menard Survey, Lots 21 and 22, Block 91 Denver Resurvey, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Jessica Miller-Ibey

PROPERTY OWNERS:

Christopher Ibey and Jessica Miller-Ibey

ZONING:

Residential, Single-Family (R-1)

VARIANCE REQUEST:

Lot Area

APPLICABLE ZONING LAND USE

REGULATIONS:

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

EXHIBITS:

A – Applicant's Submittal

B – Motion Guide

STAFF:

Daniel Lunsford

Senior Planner

409-797-3659

dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
27				

City Department Notification Responses: None



Executive Summary:

The applicant is requesting a variance from Article 3, Addendum in order to reduce the required minimum Residential, Single-Family (R-1) zoning lot area from 2,500 square feet to 1,900 square feet. The lot currently holds two individual homes, a primary dwelling facing the street and an accessory dwelling facing the alley. The applicant proposes to reduce the minimum lot area to 1,900 square feet for the proposed rear lot only; the proposed front lot will be over 2,500 square feet.

The lot is currently 50 feet wide and 100 feet long, which is typical for the Denver Resurvey area. The proposal would result in a rear lot of 1,900 square feet containing one dwelling, and a front lot facing Avenue O 1/2 of approximately 4,100 square feet.

Area Requirements**Article 3, District Yard, Lot and Setback Standards, Addendum for Residential, Single-Family (R-1):****Required Minimum Lot Area** 2,500 square feet**Required Minimum Lot Width** None**Required Minimum Lot Length** None**Requested Variance**

Minimum Lot Area	Regulation	Proposed Variance
Residential, Single-Family (R-1) (LDR Article 3, Note 10 of the R-1 Addendum)	2,500 square feet	1,900 square feet (600 square feet variance)
Minimum Lot Dimensions	None	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.**

We are land locked on both sides and the front house so large it does not need back guest house. We would like to subdivide adding an entirely separate housing situation with additional 2 parking spaces.

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 access separate house through front drive; only alley. We ask that you waive restrictions of the 2500 sq. ft. lot because it encroaches on back stairs of front lot. The current layout more comfortable for back parking and front yard space as well. Balanced this way.

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

This allows additional housing by division and creates more parking; private parking.

- 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.

As times change "mother-in-law" back apartments can now be used as one family homes. This change of use would be beneficial by changing due to special use by adding alley access and home ownership.

- 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 division would only benefit by adding a new water tap as well as upgrading condition of neglected property by previous owners. Adding parking a benefit to area that is often congested w/ parking on street.

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 variance requested is making a lot less than 2500 square feet but actually is necessary due to "Layout/feng shui" of properties. For it to be balanced lawn space fair to both houses.

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).**

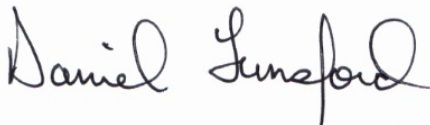
This is a unique layout built in the 1930s. Would only benefit housing on island by dividing. Back house termite eaten and needs restored. Dividing allows owners to focus separately on restoration.

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

Yes absolutely and much appreciated so we can make these homes each awesome while preserving them with historical preservance in mind!

Please see Agenda for Appeal from Decision of Board Process.

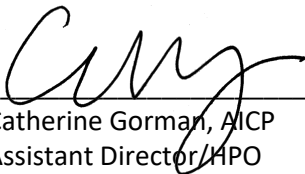
Respectfully submitted,



Daniel Lunsford
Senior Planner

11/15/2023

Date



Catherine Gorman, AICP
Assistant Director/HPO

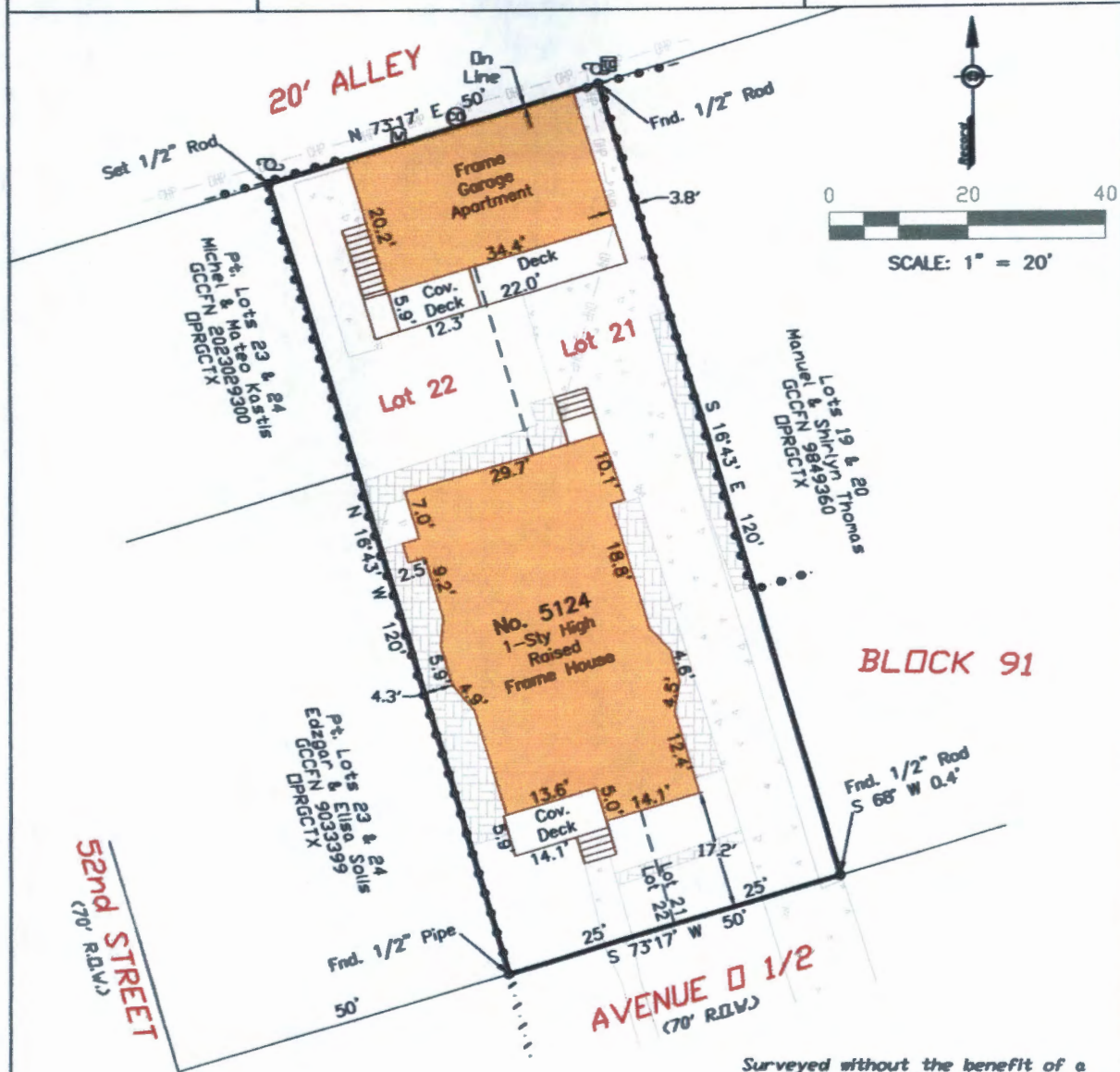
11/15/2023

Date

TLS Job No 23-0690

5124 Avenue D 1/2, Galveston, TX 77551

Survey Date: October 3, 2023



Surveyed without the benefit of a title commitment. This property may be subject to matters of record not shown hereon that might be revealed by title report or title commitment.

Brene Addison
Brene Addison
Registered Professional
Land Surveyor No. 6598



Survey of Lots Twenty-One (21) and Twenty-Two (22), in Block Ninety-One (91), of DENVER RESURVEY, a subdivision in 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.

I hereby certify that on the above 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.



NOTES:

- 1) This property is subject to the zoning ordinances and/or the building regulations of the City of Galveston.
- 2) This property lies within Zone AE (EL 10) as established by the FEMA Flood Insurance Rate Map No. 48167C0437G, dated August 15, 2019.
- 3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA and/or the local power company.
- 4) Bearings are based on the monumentation of the North right-of-way line of Avenue D 1/2.

Legend:

- Overhead Power
- Chain Link Fence
- Wood Fence
- Concrete
- Brick
- Clean-out
- Water Meter
- Power Pole

TRICON LAND SURVEYING, LLC
Mailing: 6341 Stewart Rd. #251
Physical: 2011 59th Street
Galveston, TX 77551
409-497-2772
TriconLandSurveying.com
T.S.P.E.L.S. Firm No. 10194308

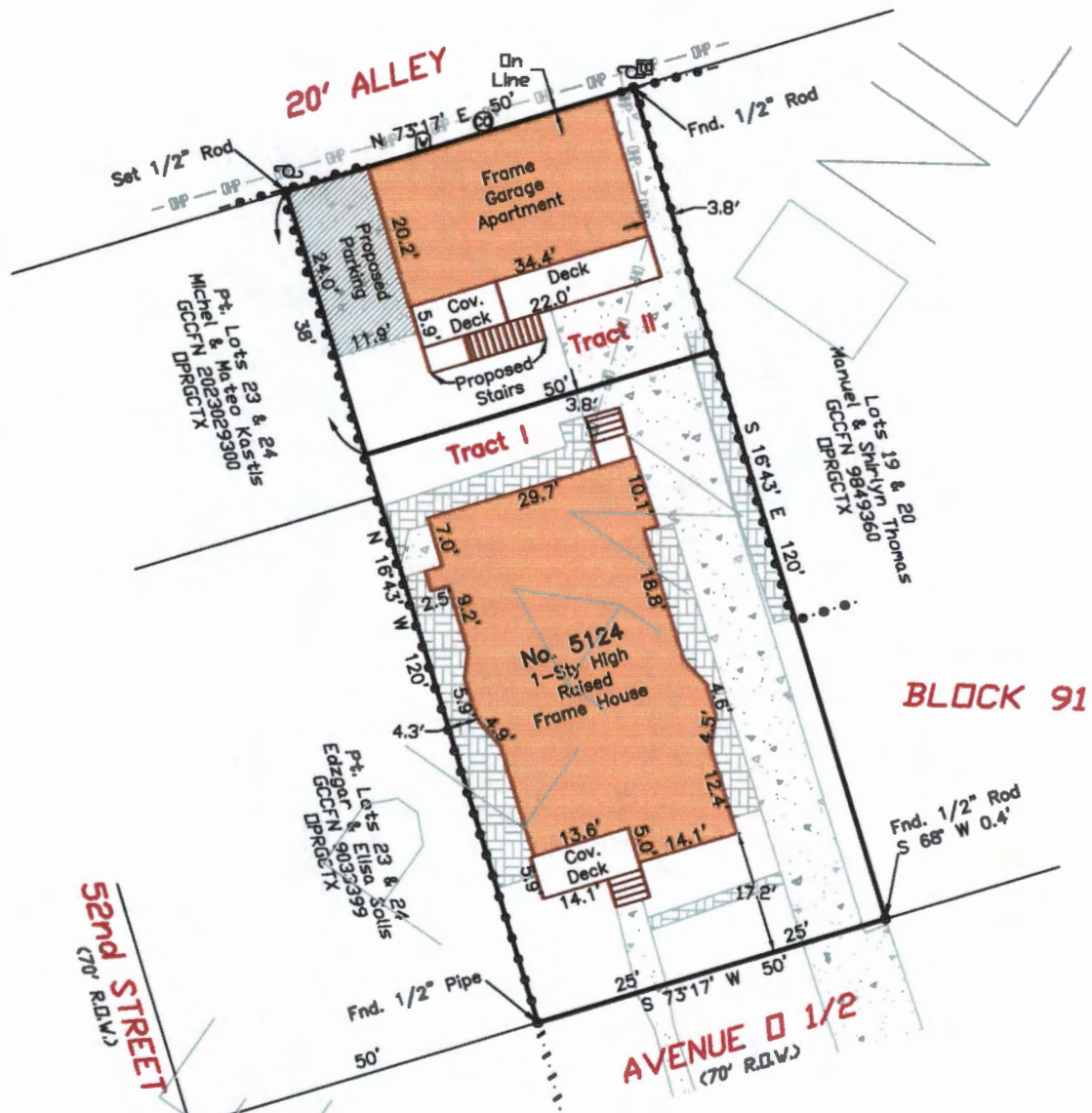
Drafting: JA

Parcel ID: 110573

Surveyed for: Jessica Iley

Lot	Sq. Feet	Acres
Tract I	4,100	0.094
Tract II	1,900	0.044

proposed



ZBA Motion Guide – Variances

EXHIBIT B

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.