

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, April 3, 2024
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. Approval Of Minutes

A. March 6, 2024

Documents:

[03-06-2024 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. Old Business And Associated Public Hearings

- A. 24Z-002 (17427 Bristow) Request For A Special Exception 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 Rear Yard Setback. Property Is Legally Described As Abst 121 Hall & Jones Survey, West Half Of Lot 33 (33-1) Gulf Palms, In The City And County Of Galveston, Texas. Applicant: Ryan Gannon, Gannon Investments, LLC. Property Owner: Gannon Investments, LLC.

Documents:

[24Z-002 - PKT_040324.PDF](#)

7. New Business And Associated Public Hearings

- A. 24Z-004 (5210 Avenue S) Request For A Variance From The Galveston Land Development Regulations, Article 3, Commercial (C) Addendum, Regarding Minimum Lot Width. Property Is Legally Described As Lot 15 And 16, Block 165, Denver Resurvey, In The City And County Of Galveston, Texas. Applicant: Ramzey Zein-Eldein Property Owner: Betty Everts, Estate Of Betty Everts

Documents:

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 March 27, 2024, at 3:35 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 – March 6, 2024

CALL MEETING TO ORDER

The meeting was called to order at 3:32 p.m.

ATTENDANCE

Members Present:	Lidija Bikova, Robert Girndt, Carol Hollaway, Barbara Railey, Susan Syler, Becca Scoville (Alternate)
Members Absent:	James Fagan (Alternate), Ex-Officio David Finklea
Staff Present:	Adriel Montalvan, Planning Manager; Daniel Lunsford, Senior Planner; Karina Rosales, Planning Technician; Donna Fairweather, Sr. Assistant City Attorney.

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The December 6, 2023, minutes were approved as presented.

Board Member Susan Syler made a motion to approve the minutes. Vice-Chairperson Lidija Bikova seconded.

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

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

The motion passed.

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

24Z-001 (4226 Kent) Request for a special exception 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 front yard setback. Property is legally described as Abstract 121 Hall & Jones Survey Lot 420A, Sea Isle Section 1, in the City and County of Galveston, Texas.
Applicant: Michael Maerz, T. Browning Ventures
Property Owner: T. Browning Ventures

Staff presented the staff report and reported that of 34 notices sent, 9 returned in opposition.

Chairperson Robert Girndt opened the public hearing on the case. The public hearing was closed, and the Chairperson called for a motion.

Board Member Railey made a motion to approve the request. Board Member Holloway seconded.

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

In favor:	Bikova, Girndt, Holloway, Railey, Syler
Opposed:	None
Absent:	Fagan (Alternate), Councilmember David Finklea
Non-voting participant:	Scoville (Alternate)

The motion passed.

24Z-002 (17427 Bristow) Request for a special exception 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 rear yard setback. Property is legally described as Abst 121 Hall & Jones Survey, West Half of Lot 33 (33-1) Gulf Palms, in the City and County of Galveston, Texas.

Applicant: Ryan Gannon, Gannon Investments, LLC.

Property Owner: Gannon Investments, LLC.

Staff presented the staff report and reported that of 40 notices sent, 4 returned in opposition, and 1 with no comment.

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

Board Member Syler made a motion to approve the request. Chairperson Girndt seconded.

Chairperson Robert Girndt called for questions or comments from the Board.

Board Member Syler withdrew her motion.

Board Member Railey made a second motion to defer the request to the April 3, 2024, meeting in order to allow the applicant to provide additional information. Chairperson Holloway seconded.

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

In favor:	Bikova, Girndt, Holloway, Railey, Syler
Opposed:	None
Absent:	Fagan (Alternate), Councilmember David Finklea
Non-voting participant:	Scoville (Alternate)

The motion passed.

DISCUSSION ITEM

Staff opened the “2024 Meeting Schedule (Staff)” discussion. The schedule was distributed to the Board.

THE MEETING ADJOURNED AT 4:14 PM





24Z-002

MEMORANDUM

TO: Robert Girndt, Zoning Board of Adjustment Chairperson and Zoning Board of Adjustment Board Members

FROM: Daniel Lunsford
Senior Planner
Development Services Department

DATE: March 27, 2024

RE: **24Z-002 (17427 Bristow)** Request for a special exception 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 rear yard setback. Property is legally described as Abst 121 Hall & Jones Survey, West Half of Lot 33 (33-1) Gulf Palms, in the City and County of Galveston, Texas.
Applicant: Ryan Gannon, Gannon Investments, LLC.
Property Owner: Gannon Investments, LLC.

The Zoning Board of Adjustment voted for a deferral of the above referenced request from the March 6, 2024 regular meeting to the April 3, 2024 regular meeting with request for additional information from the applicant. The March 6, 2024 staff report and the requested additional information is attached for consideration.

This was the first request for deferral and there were no costs associated with the request.



24Z-002

STAFF REPORT

ADDRESS:

17427 Bristow

LEGAL DESCRIPTION:

The property is legally described as Abst 121 Hall & Jones Survey, West Half of Lot 33 (33-1) Gulf Palms, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Ryan Gannon, Gannon Investments, LLC.

PROPERTY OWNER(S):

Gannon Investments, LLC.

ZONING:

Residential, Single-Family (R-1)

REQUEST:

Request for a special exception 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 rear yard setback.

APPLICABLE 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:

Daniel Lunsford, Senior Planner
 (409) 797-3672
 dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
40				

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 Notification Responses:

Airport: No Objection
 Building Division: No Objection
 Coastal Resources: No Objection
 Fire Marshal: No Objection
 Fire Chief: No Objection
 Police Chief: No Objection
 Public Works: No Objection

Private Utilities Notification Responses:

AT&T: No Objection
 Comcast: No Objection
 CenterPoint Energy: No Objection
 Texas Gas Service: No Objection



Executive Summary The applicant is requesting a special exception from Article 3, Residential Single-Family (R-1) Addendum in order to reduce the required rear yard setback from 10 feet to 6 feet. The applicant has submitted building permits which show part of the rear deck and stairs encroaching approximately four feet into the minimum 10 feet rear setback.

This will encroach into a 5’ aerial easement shown on the survey. Note, however, that a filed, recorded release of easement from 2009 was provided by Centerpoint Energy indicating that the 5’ aerial easement shown no longer legally exists (see Exhibit B).

In accordance with Sec. 12.401 of the Land Development Regulations (LDR), a rear yard exception may be requested where the rear yard setback of any two or more lots in the same block do not meet the rear yard requirements of the LDR. Please see Exhibit A for examples of other structures in the subject block constructed with a lesser setback than prescribed by the current regulations.

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
Rear	10 feet	6 feet

Land Development Requirements

SEC. 12.401(2)(a) Special Exceptions

- 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.
 - Front and rear yard requirements 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.

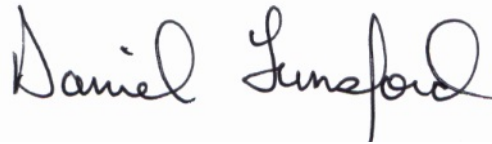
Approval Standards. The Board of Adjustment may grant a special exception as provided in Section 12.401(2)(a) and when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.

**Applicant's
Justification**

The Applicant's Justification is as follows:

There are multiple existing homes that go beyond the 10 ft required rear setback. Please see attached drawings and site plan with redlines.

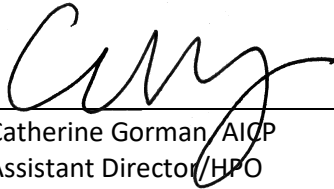
Respectfully Submitted,



Daniel Lunsford
Senior Planner

February 27, 2024

Date



Catherine Gorman, AICP
Assistant Director/HPO

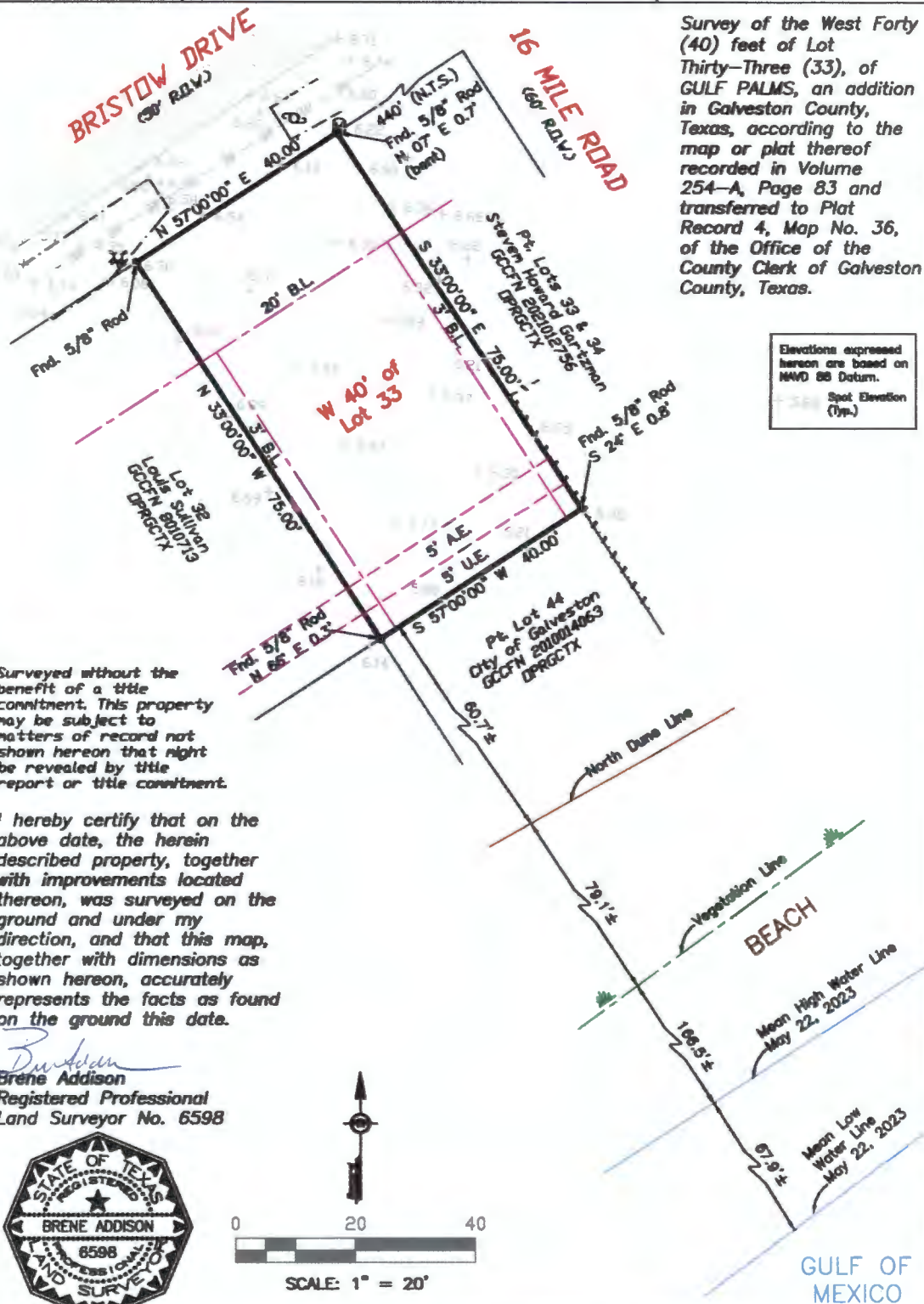
February 27, 2024

Date

T.L.S. Job No 23-0328

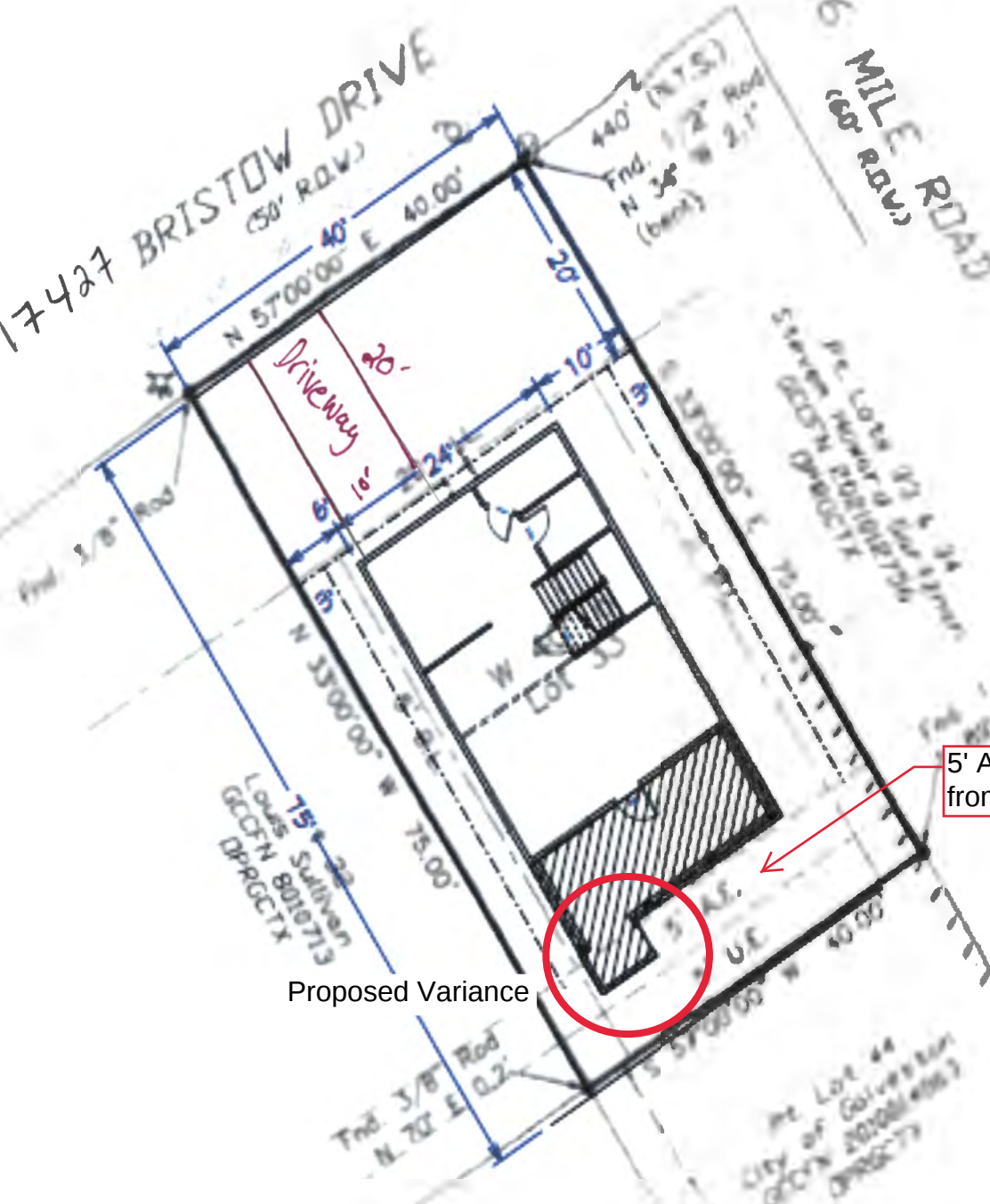
17427 Bristow Drive, Galveston, TX 77554

Survey Date: May 22, 2023



17427 BRISTOW DRIVE
(50' R.O.W.)

16 MILE ROAD
(60' R.O.W.)



Proposed Variance

5' Aerial Easement
from Survey



LOT LINE

10' SET BACK

LOT LINE



LOT LINE

10' SET BACK

LOT LINE



**Applicant's Supplemental
04/03/24 Meeting**

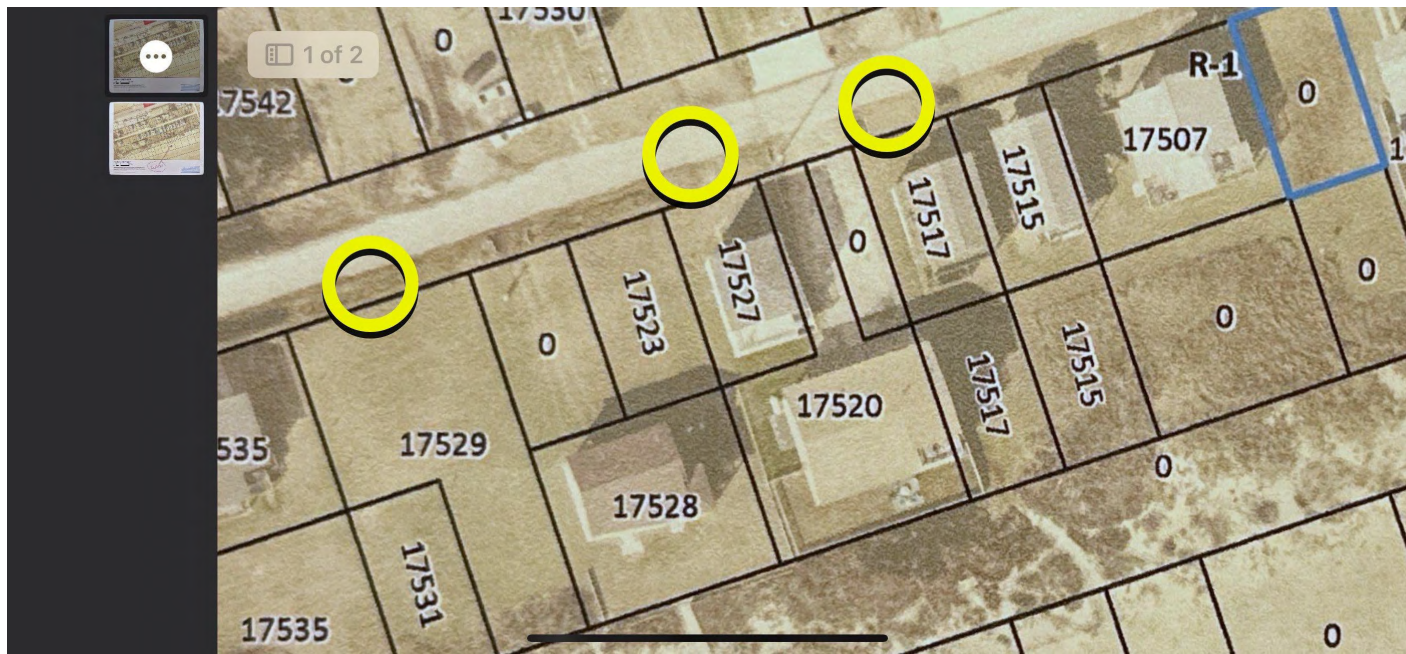




17423 Bristow



17419 Bristow
Deck









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.



24Z-004

STAFF REPORT

ADDRESS:

5210 Avenue S

LEGAL DESCRIPTION:

Property is legally described as Lot 15 and 16, Block 165, Denver Resurvey, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Ramzey Zein-Eldein

PROPERTY OWNER(S):

Betty Everts, Estate of Betty Everts

ZONING:

Commercial (C)

VARIANCE REQUEST:

Request for a variance from the Galveston Land Development Regulations, Article 3, Commercial (C) Addendum, regarding minimum lot width.

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 3, District Yard, Lot and Setback Requirements for the Commercial (C) zoning district.

EXHIBITS:

- A – Aerial Map
- B – Applicant's Submittal
- C – 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 Notification Responses:

Airport: No Objection
 Building Division: No Objection
 Coastal Resources: No Objection
 Fire Marshal: No Objection
 Fire Chief: No Objection
 Police Chief: No Objection
 Public Works: No Objection

Private Utilities Notification Responses:

AT&T: No Objection
 Comcast: No Objection
 CenterPoint Energy: No Objection
 Texas Gas Service: No Objection



Executive Summary

The applicant is requesting a variance from the Galveston Land Development Regulations, Article 3, Commercial (C) Addendum regarding minimum lot width in order to replat one lot into two. The required lot width in the Commercial (C) zoning district is 40 feet and the applicant is proposing 34 feet. Please see attached survey, Exhibit B, for proposed lot reconfiguration.

Applicable Standards

Article 3, District Yard, Minimum Lot Standards, Addendum for Commercial (C) zoning district:

Requirement: Lot Area: 4,000 square feet minimum.

Lot Width: 40 feet minimum

Lot Depth: 100 feet minimum

Requested Variance

Variance Type	Current Requirement	Proposed Variance
Lot Width	40 feet	34 feet

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.

This property is four city lots which were purchased by the owner as one tract. I believe that at the time of that purchase the two structures and two businesses were already present. The deceased owner wanted to benefit the two business owners who had rented from her for decades, so she left each of them the land on which their businesses were located. 5210 has only 34 feet of frontage on Avenue S. this situation may or may not be unique but the variance from the required 40-foot of frontage is minimal and each proposed tract far exceeds the minimum tract size of 4,000 square feet. The legal reality is that the actual/eventual owners of the property (whose ownership vested at the time of decedent's death) need to know precisely what is owned by each.

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.

It would frustrate the desire of the decedent to give her property to her good tenants upon her death and prejudice the two business owners who might wish to borrow against, otherwise encumber or transfer their portion of the property.

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

It ultimately changes nothing which will have any impact on the public or public interest. Ultimately, the only change will be the platting.

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 process is not based solely on convenience or financial considerations but necessity. While the decedent may have imposed this matter on the two unrelated people she was trying to benefit, this is not an attempt to impair the zoning regulations. This is a situation which already exists and simply needs your blessing. The administrator of this estate could easily have ignored the proper procedure and had deeds prepared based on

a surveyor's notes thereby depriving the City of knowledge of or review of this matter, but I digress. As to the potential for this to be a common concern, I could only speculate as I am not aware of any properties which have similar concerns. But I would imagine it is unlikely that even remotely similar issues would pop up more than a time or two in the course of a decade or more.

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.**

It changes nothing which would have any effect on any of those factors.

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.

The variance is minimal. It is an administrative step which literally will not change nothing other than permitting the creation of an imaginary line for a replat. The current uses will continue as they have for decades. The property has to be divided. There is no other reasonable alternative. We would prefer to do so in compliance with the current regulations rather than circumvent or challenge them.

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 not an effort to circumvent the standards or procedures but a request for a reasonable exception which will likely have little or no impact on future matters before this board or otherwise. I am not aware of any alternatives to this request which would permit compliance without a variance.

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

I will not speculate or search in an effort to determine intended spirit of those who created these regulations. But to do justice, this is a necessity.

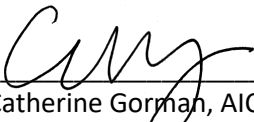
Respectfully Submitted,



Adriel Montalvan, Planning Manager

03/26/2024

Date



Catherine Gorman, AICP
Assistant Director/HPO

03/26/2024

Date



Exhibit A

MARY MOODY NORTHERN

52ND

AVE S

5301

2411

5302

5301

5225

5223

5209

5205

5201

5127

5123

5113

5111

5107

2428

5224

5210

5202

2414

5128

5122

5120

5118

5112

5108

5227

5223

5211

5205

5201

2509

5127

5119

5115

5111

5105

Michael Menard Survey
Abstract 628
Galveston County, Texas

SURVEY OF A TRACT OF LAND being Lots 13, 14, 15 and 16, in Block 165, of DENVER RESURVEY, a subdivision in the City and County of Galveston, Texas, according to the plat thereof recorded in Volume 91, Page 196 in the Office of the County Clerk of Galveston County, 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

- True ground distances shown
- Plot and bearings reference "Plan of COG, Sandusky 1845"
- Survey monuments reconciled w/numerous previous surveys including COG & monuments
- NATIONAL FLOOD INSURANCE PROGRAM
:FIRM Zone X
:Community #485460
:Map 48167C0439G
:August 15, 2018

Subject property: 5202 & 5210 Avenue S
Galveston County, Texas

This survey is certified for this transaction only and may only be relied on by the Estate of Betty Everts. 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 plot correctly represents the facts found at the time of the survey.

Laurence C. Wall
RPLS #4814
February 23, 2024

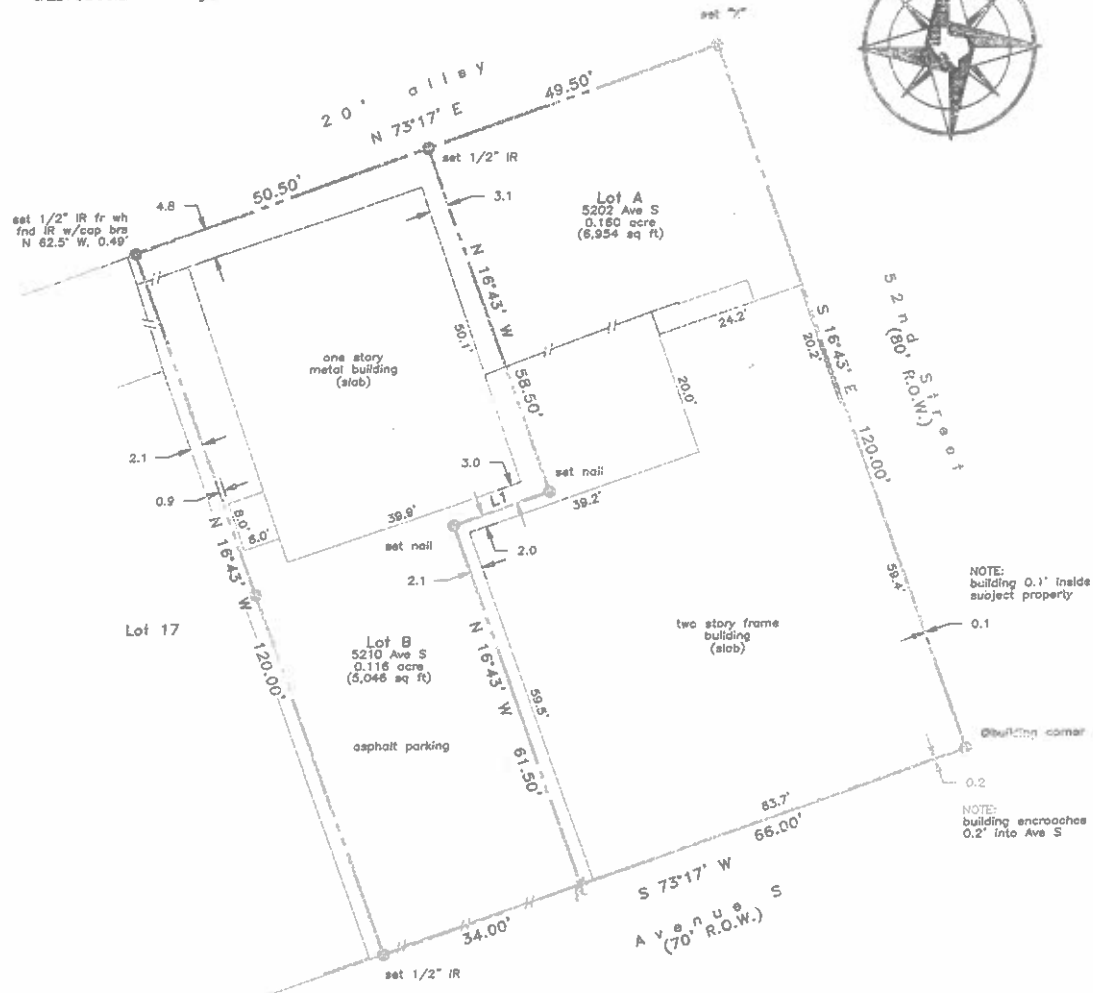


TEXAS LAND TITLE SURVEYORS
1801 Moody Avenue
Galveston, Texas 77550
(409) 765-8883
tltsinc@gmail.com
PELS Firm #10104200

Scale: 1" = 20'
10 Feet 0 10 20 30

Exhibit B

Michael Menard Survey
Abstract 828
Galveston County, Texas



SITE PLAN of Lots A and B of "EVERTS CORNER", a proposed replat of Lots 13, 14, 15 and 16, in Block 136, of DENVER RESURVEY, a subdivision in the City and County of Galveston, Texas, according to the plat thereof recorded in Volume 91, Page 196 in the Office of the County Clerk of Galveston County, 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

True ground distances shown
Plat and bearings reference "Plan of COG, Sandusky 1845"
Survey monuments reconciled w/numerous previous surveys including COG & monuments
NATIONAL FLOOD INSURANCE PROGRAM
FIRM Zone X
Community #485468
Map 48167C04390
August 15, 2019

LT: N 73°17' E 16.50'

Subject property: 5202 & 5210 Avenue S
Galveston County, Texas

This survey is certified for this transaction only and may only be relied on by the Estate of Betty Everts. 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

Laurence C. Wall
RPLS #4814
February 26, 2024



Scale: 1" = 20'
10 Feet 0 10 20 30

TEXAS LAND TITLE SURVEYORS
1801 Moody Avenue
Galveston, Texas 77550
(409) 765-8883
tltsinc@gmail.com
P.L.S. Firm #10104200

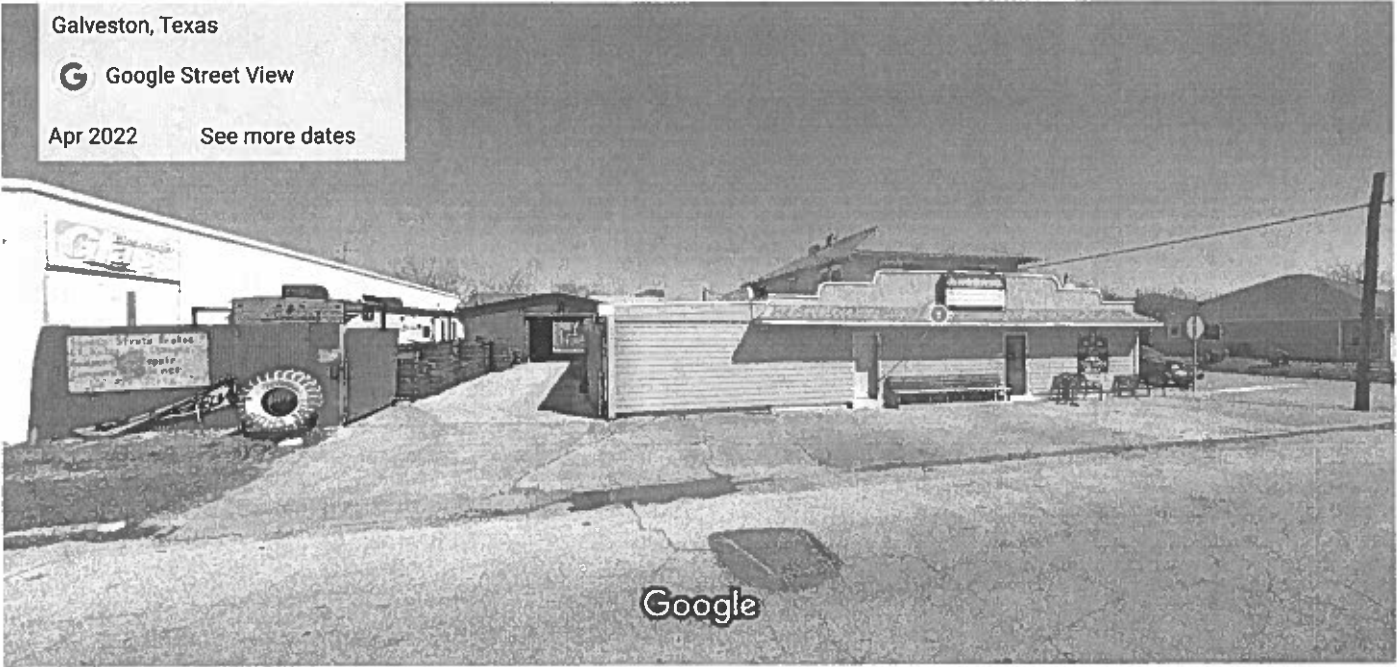


Image capture: Apr 2022 © 2024 Google





Imagery ©2024 Airbus, Map data ©2024 Google 20 ft



5202 Ave S
Building

- Directions
- Save
- Nearby
- Send to phone
- Share

5202 Ave S, Galveston, TX 77551

Photos

Help improve Street View

No thanks Show question

By continuing, you agree Google uses your answers, [account](#) & [system info](#) to improve services, per our [Privacy](#) & [Terms](#).

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.