

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, July 10, 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. May 8, 2024

Documents:

[05-08-2024 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. New Business And Associated Public Hearings

- A. 24Z-006 (3908 Island Court) Request For A Variance From The Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum, Regarding Minimum Lot Depth. Property Is Legally Described As Lot 14A, Block 7, Terramar Beach, Section 4 Replat, In The City And County Of Galveston, Texas. Applicant: Brent Longbotham Property Owners: Matthew And Evelyn Hooper

Documents:

[24Z-006 - PKT.PDF](#)

- B. 24Z-007 (819 Avenue K) Request For A Variance From The Galveston Land Development Regulations, Article 3, Urban Neighborhood (UN) Addendum, Regarding Minimum Lot Area. Property Is Legally Described As M.B. Menard Survey, Lot 3 Block 68, In The City And County Of Galveston, Texas. Applicant: Brax Easterwood Property Owners: Felix Serrata

Documents:

[24Z-007 - 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 July 3, 2024, at 1:40 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 – May 8, 2024

CALL MEETING TO ORDER

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

ATTENDANCE

Members Present: Lidija Bikova, James Fagan (Alternate), Robert Girndt, Carol Hollaway, Becca Scoville (Alternate), Susan Syler,

Members Absent: Barbara Railey, Ex-Officio David Finklea

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

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The April 3, 2024, minutes were approved as presented.

Board Member Susan Syler made a motion to approve the minutes. Board Member Fagan seconded.

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

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

The motion passed.

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

24Z-005 (1916 26th Street) Request for a variance from the Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum, regarding minimum lot area. Property is legally described as M B Menard Survey, Lot 14, Northeast Block 91, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: Richard J. Spethman Jr.

Property Owners: William P. Collins and Richard J. Spethman Jr.

Staff presented the staff report and reported that of 39 notices sent, none returned.

Chairperson Robert Girndt opened the public hearing on the case. The applicant and property owner, Richard J. Spethman Jr., gave a presentation to the board. The public hearing was closed, and the Chairperson called for a motion.

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

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

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

The motion passed.

DISCUSSION ITEM

Staff opened the “In-Person meeting requirements adopted by City Council (Staff)” discussion item.

THE MEETING ADJOURNED AT 3:54 PM





24Z-006

STAFF REPORT

ADDRESS:

3908 Island Court

LEGAL DESCRIPTION:

Property is legally described as Lot 14A, Block 7, Terramar Beach, Section 4 Replat, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Brent Longbotham

PROPERTY OWNER(S):

Matthew and Evelyn Hooper

ZONING:

Residential, Single-Family (R-1)

VARIANCE REQUEST:

Request for a variance from the Galveston Land Development Regulations, Article 3, Residential, Single Family (R-1) Addendum, regarding minimum lot depth.

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 3, District Yard, Lot and Setback Requirements for the Residential, Single Family (R-1) zoning district.

EXHIBITS:

- A – Survey
- B – Site Plan (Proposed)
- C – 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				

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: Existing drainage easement to remain

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, Residential, Single Family (R-1) Addendum regarding minimum lot width in order to replat two lots into one. The required lot depth in the Residential, Single Family (R-1) zoning district is 100 feet and the applicant is proposing 90 feet. Please see attached site plan, Exhibit B, for proposed lot reconfiguration.

Applicable Standards

Article 3, District Yard, Minimum Lot Standards, Addendum for Residential, Single Family (R-1) zoning district:

Requirement: Lot Area: 5,000 square feet minimum.

Lot Width: 50 feet minimum

Lot Depth: 100 feet minimum

Requested Variance

Variance Type	Current Requirement	Proposed Variance
Lot Depth	100 feet	90 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.

The replat has not been allowed because our lots do not meet the current restriction that a new lot must be at least 100' deep. These lots, however, are existing, so no boundaries are changing.

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 purchased this property with the assumption we could replat, and then construct a swimming pool in the existing adjacent lot. Without a variance, we will not be able to construct a pool.

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:

- 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.**

An approval of the variance is not contrary to the public interest because these lots are existing. We are not actually creating a new property.

With respect, there seems to be precedent for this. Our neighbors at 3901 Isla del Sol were able to replat their property in 2016 for the same purpose. We have attached their survey for reference.

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.**

A grant of the variance will not have a detrimental impact upon adjacent properties because no boundaries are actually changing. Public infrastructure and services will not be affected because we will not encroach any easements or setbacks.

The proposed pool construction will not be visible beyond the fence to the street, so the safety and welfare of the community will not be impacted.

- 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.**

Without the variance, we cannot construct the swimming pool because we cannot replat.

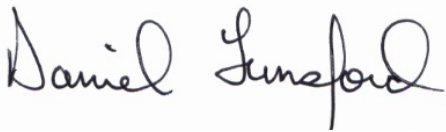
- 5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).**

The variance shall not be used for any other reason than to allow the replat. Without the variance, we will be unable to proceed with our plans to construct a swimming pool.

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

The variance is within the spirit of the Land Development Regulations because the lot dimensions are the same as ordinarily approved.

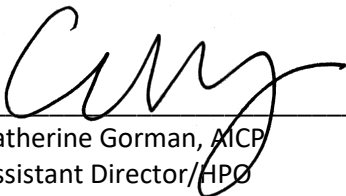
Respectfully Submitted,



Daniel Lunsford, Senior Planner

July 2, 2024

Date



Catherine Gorman, AICP
Assistant Director/HPO

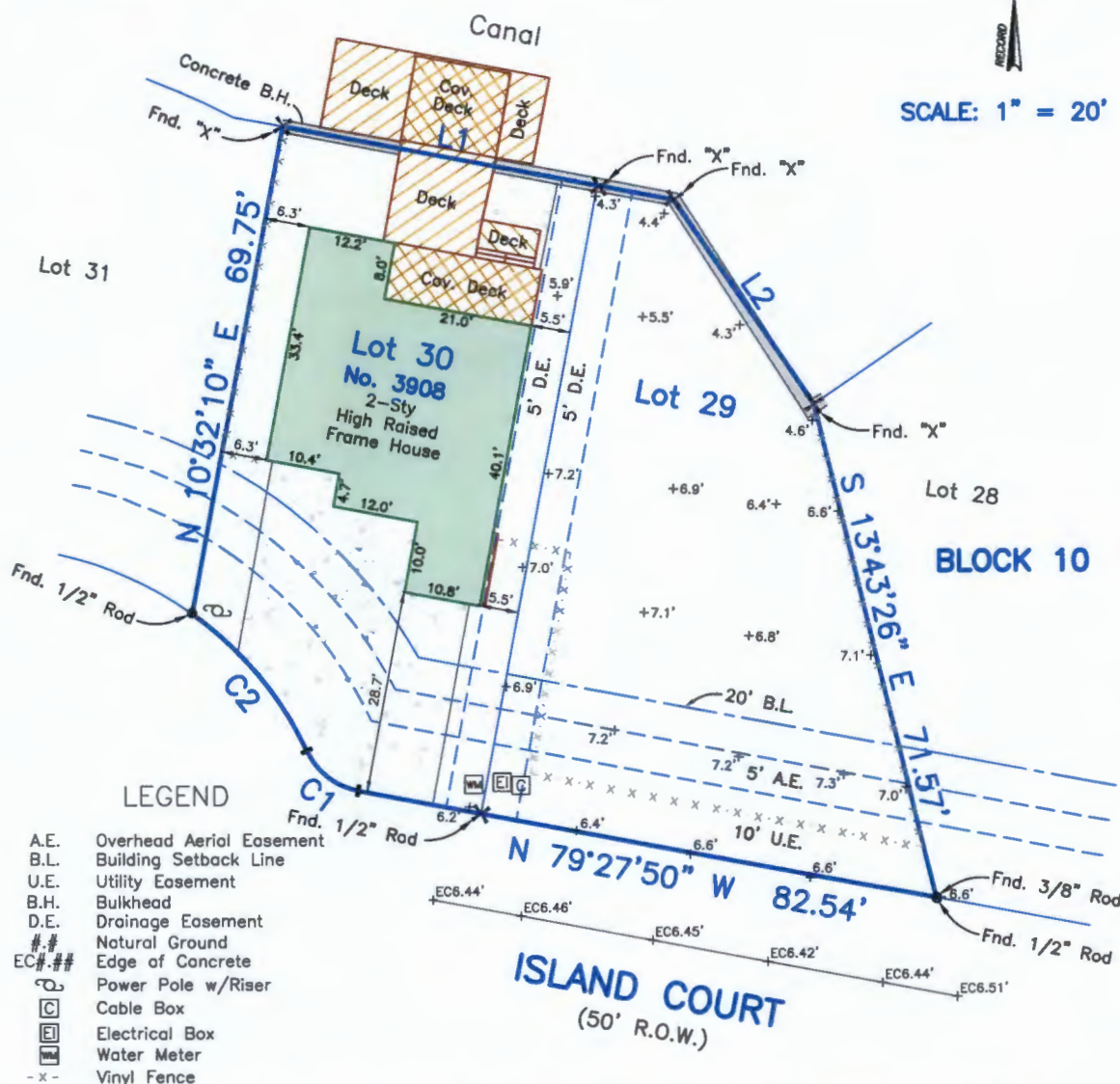
July 2, 2024

Date

LINE	BEARING	DISTANCE
L1	S 79°27'50" E	55.84'
L2	S 34°27'50" E	35.00'



SCALE: 1" = 20'



Survey of Lots Twenty-nine (29) and Thirty (30), in Block Ten (10), of ISLA DEL SOL SUBDIVISION, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 17, Page 121 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
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

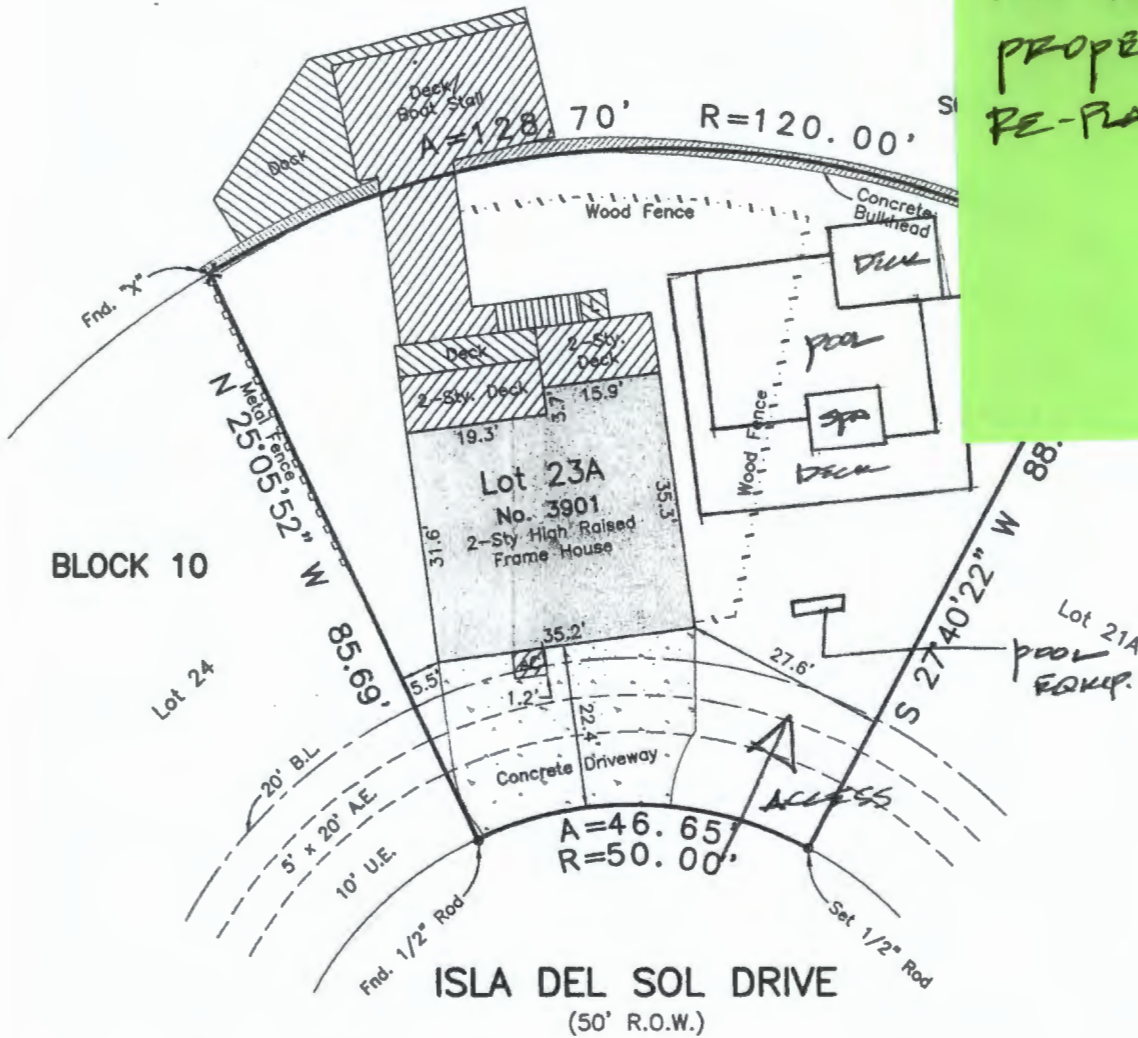
NOTES:

- 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 recorded plat.
- 4) Elevations are shown in feet above Mean Sea Level NAVD '88 Datum as tied to NGS Monument HGCSO 62.
- 5) Surveyed without benefit of a Title Report.

SURVEY DATE:	APRIL 17, 2024
FILE No.:	4155-0010-0030-000
DRAFTING:	AM
JOB No.:	24-0198

CANAL

THIS IS THE SURVEY
FOR A NEIGHBORS
PROPERTY THAT WAS
RE-PLATTED IN 2016.



Survey of Lot Twenty-three A (23A), of ISLA DEL SOL SUBDIVISION, Block 10, Lots 21, 22, and 23 Replat, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 2016001530, 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



8017 HARBORSIDE DRIVE
P.O. BOX 16142 (mailing)
GALVESTON, TX 77552
ph (409) 740-1517

Registration Number: 10193855
www.hightidelandsurveying.com

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 and may be subject to setbacks from power lines as established by OSHA (call your power company).
- 3) Bearings based on Monumentation of the Easterly R.O.W. line of Isla Del Sol Drive, being a 3/8" rod found at the Northwest corner of Lot 2, and a 1/2" rod found at the Most Westerly corner of Lot 21.
- 4) Surveyed without benefit of a Title Report.

SURVEY DATE: JANUARY 14, 2016
FILE No.: 4155-0010-0023-000
DRAFTING: JTK
JOB No.: 16-0031



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.

Image

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3



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.



24Z-007

STAFF REPORT

ADDRESS:

819 Avenue K

LEGAL DESCRIPTION:

Property is legally described as M.B. Menard Survey, Lot 3 Block 68, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Brax Easterwood

PROPERTY OWNER(S):

Felix Serrata

ZONING:

Urban Neighborhood, Neighborhood Conservation District 1 (UN-NCD-1)

VARIANCE REQUEST:

Request for a variance from the Galveston Land Development Regulations, Article 3, Urban Neighborhood (UN) Addendum, regarding minimum lot area.

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 3, District Yard, Lot and Setback Requirements for the Residential, Single Family (R-1) zoning district.

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
23				

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: Drainage and utility easements required during replat

Private Utilities Notification Responses:

- AT&T: No Objection
- Comcast: No Objection
- CenterPoint Energy: No Objection
- Texas Gas Service: Utility easement required for gas service



Executive Summary

The applicant is requesting a variance from the Galveston Land Development Regulations, Article 3, Urban Neighborhood (UN) Addendum regarding minimum lot area in order to replat one lot into two.

The required lot area in the Urban Neighborhood (UN) zoning district is 2,500 square feet. While the proposed northernmost lot will exceed the minimum at approximately 3,298 square feet, the proposed southernmost lot will be approximately 1,842 square feet.

Applicable Standards

Article 3, District Yard, Minimum Lot Standards, Addendum for Urban Neighborhood (UN) zoning district:

Requirement: Lot Area: 2,500 square feet minimum.

Lot Width: no minimum

Lot Depth: no minimum

Requested Variance

Variance Type	Current Requirement	Proposed Variance
Lot Area	2,500 feet	1,842 feet (658 sq. ft. variance)

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.

The special condition that exists on this property is the location of preexisting structures that were in place before Zoning was established. This is evident in two- fold for this specific property.

1. *As mentioned, the house and garage predate regulation of property size, and the division proposed is as equitable as possible.*
2. *Secondly, the property is not consistent with its immediate context, and should be subdivided to maintain the quarter-block density. While the property to the West is a standard lot, it has been used as two implied lots by the cyclone fence division in the same location that that the Serrata subdivision is proposed (please see attached photo). The further evidence of this property's special condition as it relates to its immediate context can be seen in the other properties on the quarter block.*
 - a. *1102 9th Street – 1742 sf lot size*
 - b. *1110 9th Street - 1742 sf lot size*
 - c. *1112 9th Street - 1309 sf lot size*

Please see attached photo exhibits 1) Dividing fence on 823 Ave K. 2) Aerial of quarter block with addresses. 3) 819 Ave K prior to renovations.

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.

The property could not be re-platted and sold to separate homeowners.

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:
 - 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.

Residential conditions remain unchanged.

Property's structures and their locations were established in the 1920s, before current minimum lot size was in place.

- 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 existing use of the property will remain unchanged. Continues to contribute to the residential character of the area.

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 proposed property line is located as close to the 2500 sf minimum, while providing equal division of the remaining open space (13 ft yard ea).

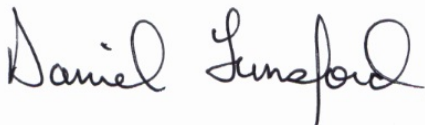
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).

Alternatives are not reasonable. Alternative 1: demolish one or both structures to achieve 2 lots with 2500 sf minimum.

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

Yes, as well as comprehensive plan's housing element.

Respectfully Submitted,

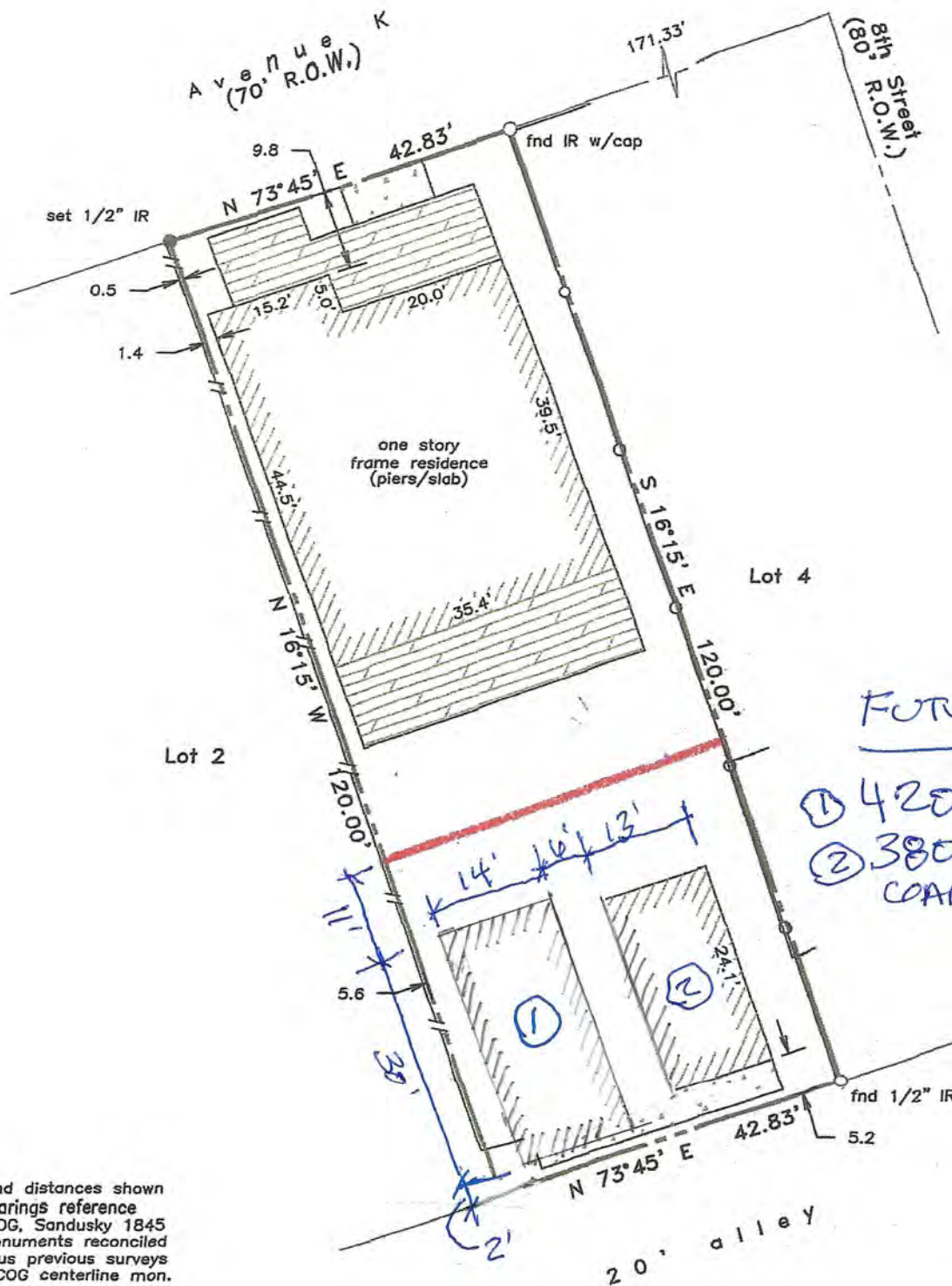


Daniel Lunsford, Senior Planner

July 2, 2024

Date

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



FUTURE PLAN

- ① 420 SF HOUSE
② 380 SF OF EXIST' GARAGE TO REMAIN

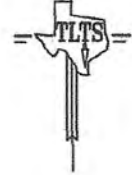
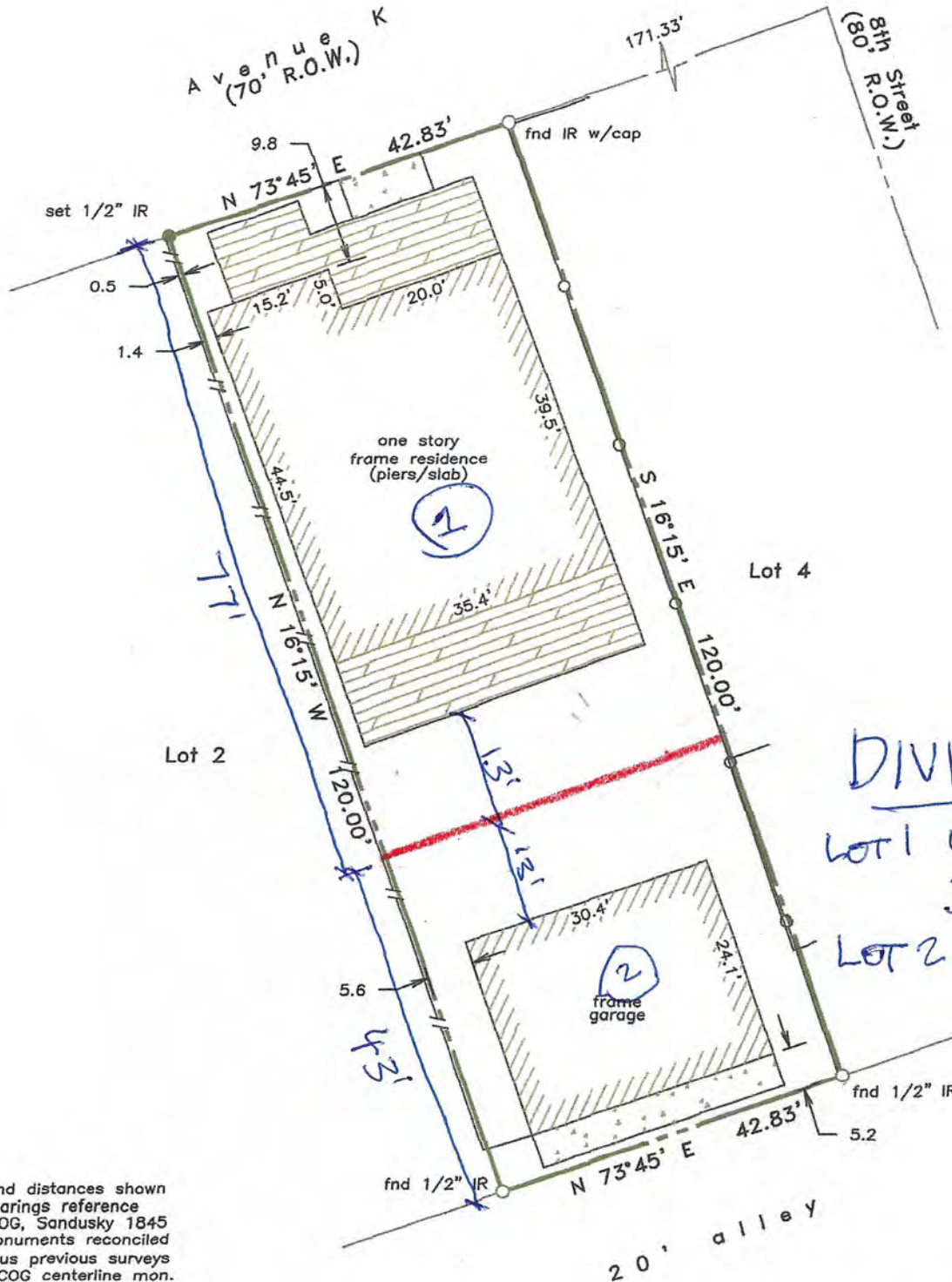
NOTES:
- True ground distances shown
- Plat & bearings reference
- Plan of COG, Sandusky 1845
- Survey monuments reconciled w/numerous previous surveys including COG centerline mon.

Scale: 1" = 20'

10 Feet 0 10 20 30



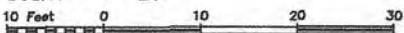
NATIONAL FLOOD INSURANCE PROGRAM
 FIRM Zone AE
 Community #485469
 Map 48167C0441G
 August 15, 2019



DIVIDED
 LOT 1 43x77
 3311SF
 LOT 2 43x43
 1850SF

NOTES:
 - True ground distances shown
 - Plat & bearings reference
 Plan of COG, Sandusky 1845
 - Survey monuments reconciled
 w/numerous previous surveys
 including COG centerline mon.

Scale: 1" = 20'



Subject property: 819 Avenue K
 Galveston County, Texas

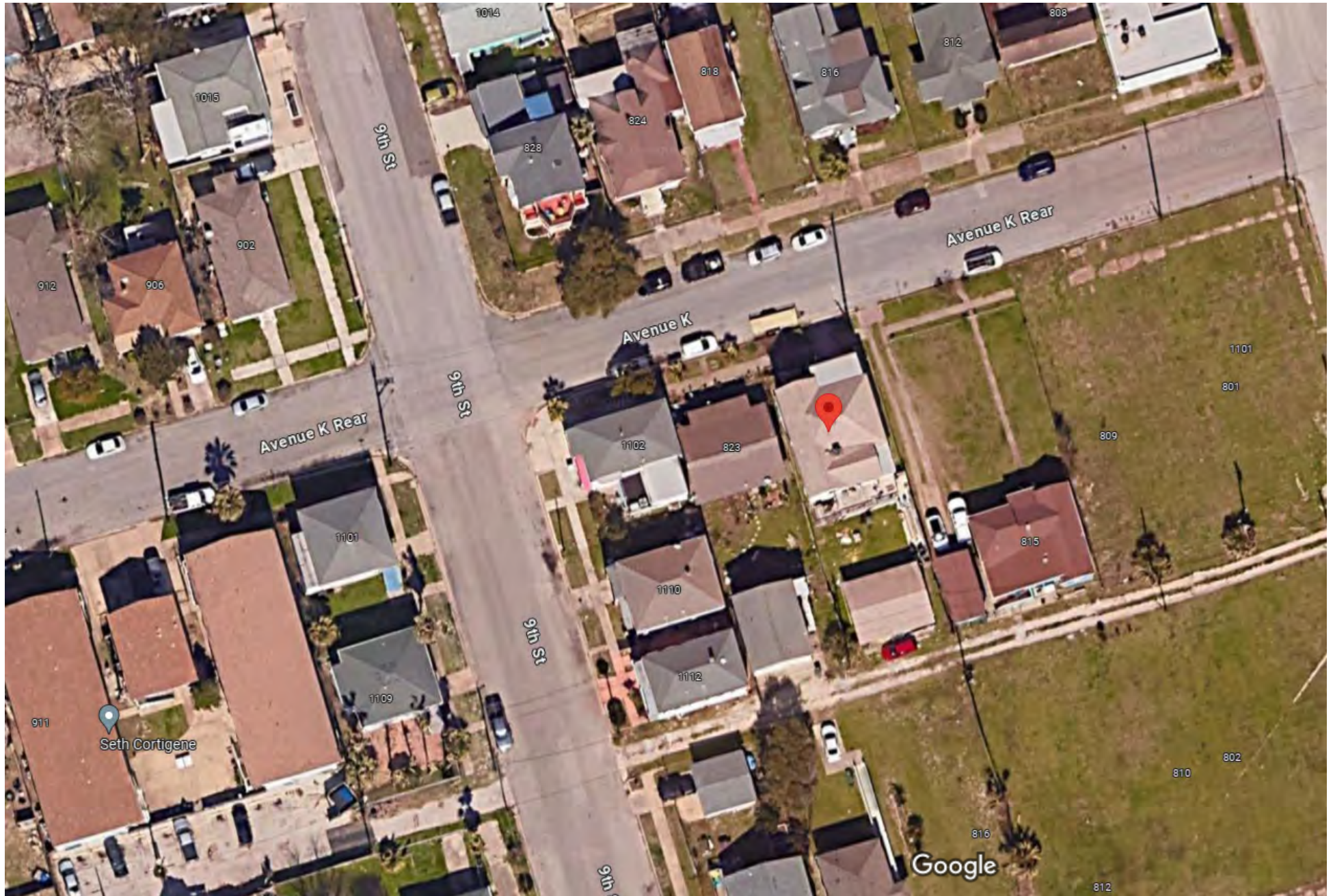




N
TY
YA
NE

829 K
EAR)

Google Maps 819 Avenue K





818 Avenue K Rear

Galveston, Texas

Google Street View

Jun 2013 [See more dates](#)

