

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, September 4, 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. July 10, 2024

Documents:

[07-10-2024 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-008 (1528 Mechanic / Avenue C) Request For A Variance From The Galveston Land Development Regulations, Article 3, Residential Single-Family (R-3) Addendum, Regarding Minimum Lot Area. Property Is Legally Described As M.B. Menard Survey, Lot 14, Block 615, In The City And County Of Galveston, Texas. Applicant: Alex Papavasiliou Property Owner: Vasilios Papavasiliou

Documents:

[24Z-008 - 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 August 28, 2024, at 10:40 A.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 – July 10, 2024

CALL MEETING TO ORDER

The meeting was called to order at 3:44 p.m.

The meeting start time was delayed due to technical issues.

ATTENDANCE

Members Present: Lidija Bikova, Robert Girndt, Carol Hollaway, Barbara Railey, Becca Scoville (Alternate), Susan Syler, Ex-Officio David Finklea

Members Absent: James Fagan (Alternate),

Staff Present: Catherine Gorman, AICP, Assistant Director/HPO; Daniel Lunsford, Senior Planner; Mehran Jadidi, Assistant City Attorney.

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The May 8, 2024, minutes were approved as presented.

Board Member Carol Hollaway made a motion to approve the minutes. 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, Girndt, Hollaway, Railey, Syler
Opposed:	None
Absent:	Fagan (Alternate),
Abstained:	None
Non-voting participant:	Scoville (Alternate), Ex-Officio David Finklea

The motion passed.

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

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

Staff presented the staff report and reported that of 27 notices sent, one returned in favor and one in opposition.

Chairperson Robert Girndt opened the public hearing on the case. The applicant, Brent Longbotham, 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 Railey 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),
Abstained:	None
Non-voting participant:	Scoville (Alternate), Ex-Officio David Finklea

The motion passed.

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

Staff presented the staff report and reported that of 23 notices sent, one returned in opposition.

Chairperson Robert Girndt opened the public hearing on the case. The applicant, Brax Easterwood, gave a presentation to the board. The public hearing was closed, and the Chairperson called for a motion.

Board Member Syer made a motion to approve the request. Board Member Railey 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),
Abstained:	None
Non-voting participant:	Scoville (Alternate), Ex-Officio David Finklea

The motion passed.

THE MEETING ADJOURNED AT 4:10 PM



Zoning Board of Adjustment

Planning Department

City of Galveston

September 4, 2024



24Z-008

STAFF REPORT

ADDRESS:

1528 Mechanic / Avenue C

LEGAL DESCRIPTION:

Property is legally described as M.B. Menard Survey, Lot 14, Block 615, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Alex Papavasiliou

PROPERTY OWNER:

Vasilios Papavasiliou

ZONING:

Residential, Single-Family Historic District (R-3-H)

VARIANCE REQUEST:

Lot Area

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Addendum for Residential, Single-Family (R-3) District, 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
20				

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

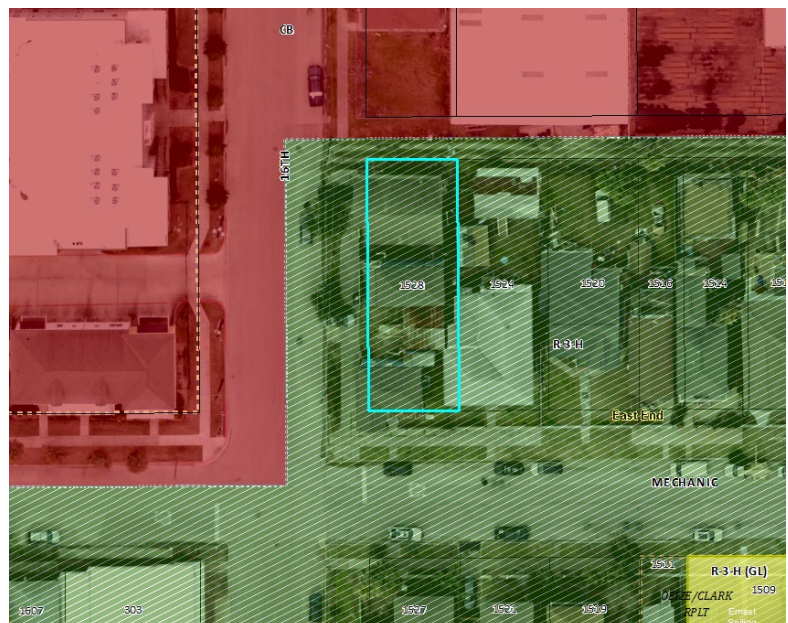
Private Utilities Notification Responses:

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 Article 3, Addendum in order to reduce the required minimum lot area from 2,500 square feet. The lot currently holds three individual homes equally spaced on the lot, all facing 16th Street. The applicant proposes to reduce the minimum lot area to 1,333 square feet, 1,450 square feet, and 1,921 square feet in order to place each house on a separate lot.

The lot is 120 feet long and 43 feet wide at the Mechanic/Avenue C right-of-way, with an area of 5,160 square feet. See the existing survey and proposed replat in Exhibit A of the staff report.

Note that the applicant’s submittal shows an existing garage that would be bisected by the proposed replat; the applicant indicates that garage will be demolished beforehand and will not affect the proposal.

Area Requirements **Article 3, District Yard, Lot and Setback Standards, Addendum for Single-Family Residential (R-3):**
Required Minimum Lot Area 2,500 square feet

Requested Variance

Minimum Lot Area	Regulation	Proposed Variance
Residential, Single-Family (R-3)	2,500 square feet	1,462 square feet (1,038 square feet variance)
		1,591 square feet (909 square feet variance)
		2,107 square feet (393 square feet variance)

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 subject property has three single family houses on a single platted lot. The unique configuration of our property necessitates a variance to accommodate the existing 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.**

The unique configuration of our property, with three houses, is a pre-existing condition that we did not create and has been in place for over 75+ years. The current owner purchased it in 1996. Imposing strict adherence to the zoning standards would place an undue burden on us to rectify a situation that does not conform to typical zoning layouts but has existed without issue.

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

Re-platting the lots will not affect the aesthetic of the area and will maintain the current character of the area. It sets a reasonable precedent for addressing similar unique situations without undermining the overall zoning goals.

- 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.**

The unique condition of having three single-family houses on a single lot is not a result of any actions taken by the current property owner (purchased in 1996). This condition existed prior to the current ownership and was not created to circumvent zoning regulations. Therefore, the hardship is not self-imposed but is an inherited situation.

The request for the variance is not based solely on financial considerations. While financial impact is a factor, the primary hardship lies in the physical and logistical challenges of complying with the current zoning regulations. The presence of three houses on one lot creates a unique situation that goes beyond mere financial convenience or inconvenience.

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 variance does not alter the fundamental nature or use of the property, which remains residential, R-3-H. The presence of three single-family houses is consistent with the residential zoning purposes and does not introduce incompatible land uses. Adjacent properties will continue to be used as intended by the zoning regulations without interference or encroachment. The variance will maintain this status quo, ensuring that adjacent properties are not visually or functionally disrupted.

The existing three houses are already connected to public services (water, sewer, etc.) The variance does not increase the demand for these services as no new structures are being added. The existing setup has been functioning well without issues, and this will continue post-variance.

The three existing houses comply with all relevant building and safety codes. The variance does not introduce any new risks or adverse impacts on public morals and welfare. The property will continue to be used in a manner that aligns with community standards and expectations.

Granting the variance demonstrates a commitment to practical and fair zoning practices that consider unique property conditions. This approach benefits the general welfare by showing that the zoning board is responsive to genuine, non-self-imposed hardships without compromising broader zoning goals.

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 will preserve the current use, address the hardship and is an equitable treatment of the present conditions. The variance request pertains only to the existing three single-family houses on the lot. No additional construction or expansion is being proposed. This ensures that the variance is limited to what is already present and does not seek to introduce any new deviations from the zoning regulations. The variance makes use of the current layout of the property, which has accommodated three houses effectively.

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 existing conditions of our property, with three single-family houses on a single lot, do not fit within the alternative development standards or patterns typically designed for properties with single-family homes on individual lots.

The variance request is not an attempt to circumvent the zoning regulations but rather a necessary measure to address a unique and specific situation. The intent is to bring the property into compliance in a manner that respects the spirit and purpose of the regulations.

All other aspects of the property's use and development comply with the zoning regulations. The owner seeks the variance solely to address the unique condition of multiple houses on a single lot, ensuring compliance without undermining the overall regulatory framework.

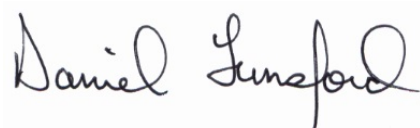
The condition of our property is a result of historical development patterns that predate current zoning regulations. As such, modern alternative measures do not provide a feasible solution for the pre-existing condition.

In summary, the variance shall not be used to circumvent other procedures and standards of the zoning regulations because all viable alternatives and flexible measures have been exhausted or deemed inapplicable. The variance request aligns with regulatory intent, addresses a specific and unique hardship, and preserves public interest while ensuring compliance with the overarching goals of the zoning regulations.

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

Granting the variance observes the spirit of the Land Development Regulations by maintaining the residential character and promoting efficient land use. It achieves substantial justice by avoiding unnecessary hardship, balancing individual and collective interests, and upholding legal and ethical standards.

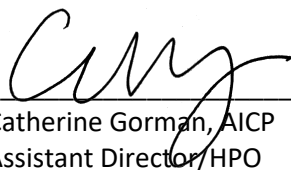
Respectfully submitted,



Daniel Lunsford
Senior Planner

08/21/2024

Date



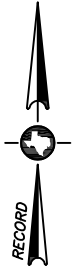
Catherine Gorman, AICP
Assistant Director/HPO

08/21/2024

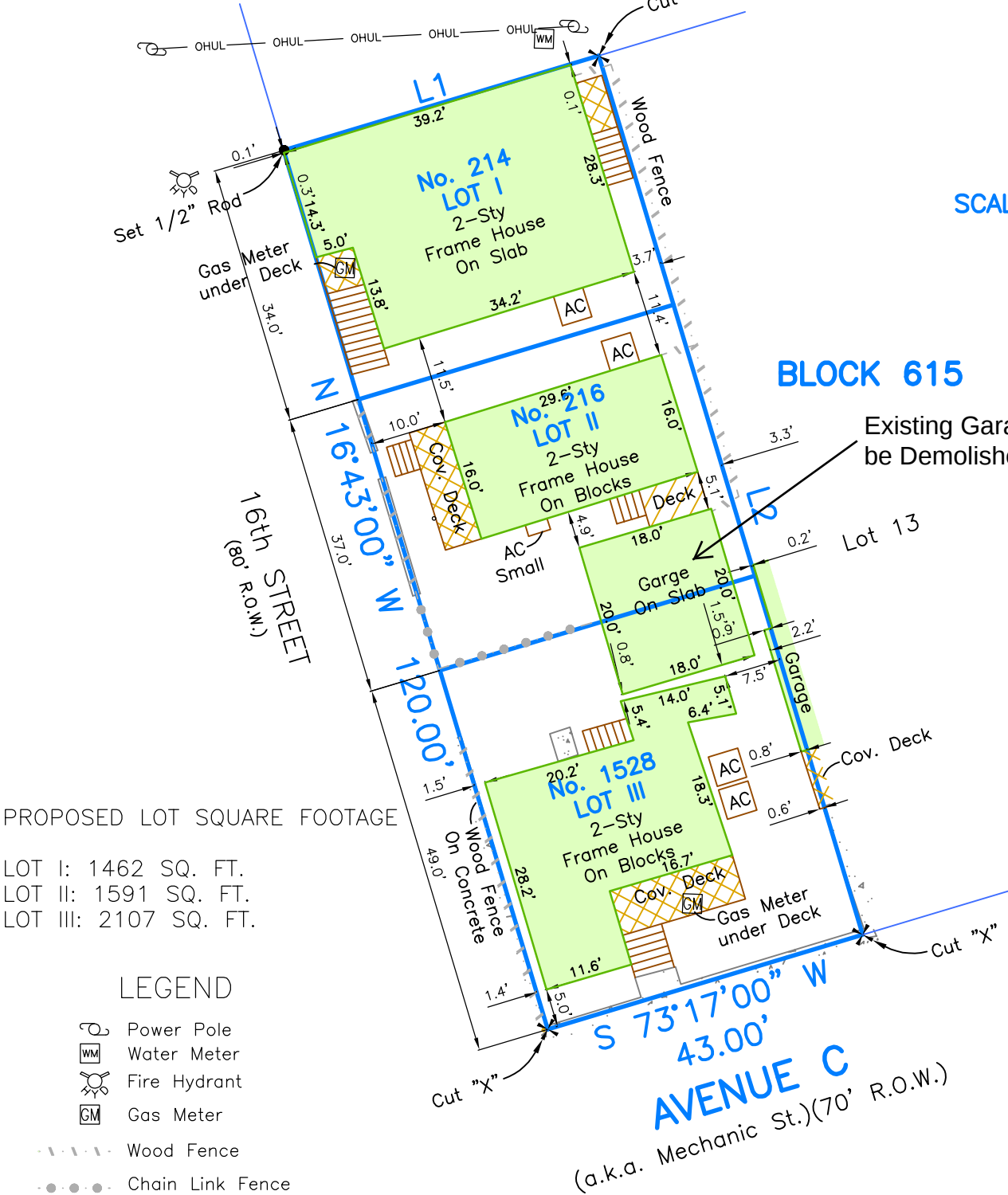
Date

LINE	BEARING	DISTANCE
L1	N 73°17'00" E	43.00'
L2	S 16°43'00" E	120.00'

EXHIBIT A



SCALE: 1" = 20'



PROPOSED LOT SQUARE FOOTAGE

LOT I: 1462 SQ. FT.
LOT II: 1591 SQ. FT.
LOT III: 2107 SQ. FT.

LEGEND

- Power Pole
- Water Meter
- Fire Hydrant
- Gas Meter
- Wood Fence
- Chain Link Fence

Survey of Lot Fourteen (14), in Block Six Hundred Fifteen (615), in the CITY AND COUNTY OF GALVESTON, TEXAS, 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

EXHIBIT ONLY
NOT TO BE RECORDED
FOR ANY PURPOSE



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 Monumentation of Northeastly R.O.W. line of 16th Street.
 - 4) Surveyed without benefit of a Title Report.

SURVEY DATE:	JANUARY 31, 2024
FILE No.:	3505-0615-0014-000
DRAFTING:	AM
JOB No.:	24-0030

APPLICANT'S JUSTIFICATION FOR THE REQUEST

1528 Mechanic St.
216 16th St.
214 16th St.

APPLICANT'S JUSTIFICATION FOR THE REQUEST *REQUIRED – MUST BE FILLED OUT COMPLETELY*

The Zoning Board of Adjustment shall approve or deny variances from the zoning related development standards (such as height, bulk or area) of these regulations. A variance may be granted only if it 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:

How is the request for the variance rooted in special conditions of your property that do not generally exist on other properties in the same zoning district?

The subject property has three single family houses on a single platted lot. The unique configuration of our property necessitates a variance to accommodate the existing structures.

Due to said special conditions, how would the enforcement of the strict terms of these regulations impose an unnecessary hardship on you?

The unique configuration of our property, with three houses, is a pre-existing condition that we did not create and has been in place for over 75+ years. The current owner purchased it in 1996. Imposing strict adherence to the zoning standards would place an undue burden on us to rectify a situation that does not conform to typical zoning layouts but has existed without issue.

Explain how the variance is not contrary to the public interest.

Re-platting the lots will not affect the aesthetic of the area and will maintain the current character of the area. It sets a reasonable precedent for addressing similar unique situations without undermining the overall zoning goals.

Explain how the variance does not allow you to impair the application of these regulations for:

- Self-imposed hardships;
- Hardships based solely on financial considerations, convenience, or inconvenience; or
- Conditions that are alleged to be "special" but that are actually common to many properties within the same zoning district.

The unique condition of having three single-family houses on a single lot is not a result of any actions taken by the current property owner (purchased in 1996). This condition existed prior to the current ownership and was not created to circumvent zoning regulations. Therefore, the hardship is not self-imposed but is an inherited situation.

The request for the variance is not based solely on financial considerations. While financial impact is a factor, the primary hardship lies in the physical and logistical challenges of

complying with the current zoning regulations. The presence of three houses on one lot creates a unique situation that goes beyond mere financial convenience or inconvenience.

Explain how the variance will not have a detrimental impact upon:

- **The current or future use of 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 variance does not alter the fundamental nature or use of the property, which remains residential, R-3-H. The presence of three single-family houses is consistent with the residential zoning purposes and does not introduce incompatible land uses. Adjacent properties will continue to be used as intended by the zoning regulations without interference or encroachment. The variance will maintain this status quo, ensuring that adjacent properties are not visually or functionally disrupted.

The existing three houses are already connected to public services (water, sewer, etc.) The variance does not increase the demand for these services as no new structures are being added. The existing setup has been functioning well without issues, and this will continue post-variance.

The three existing houses comply with all relevant building and safety codes. The variance does not introduce any new risks or adverse impacts on public morals and welfare. The property will continue to be used in a manner that aligns with community standards and expectations.

Granting the variance demonstrates a commitment to practical and fair zoning practices that consider unique property conditions. This approach benefits the general welfare by showing that the zoning board is responsive to genuine, non-self-imposed hardships without compromising broader zoning goals.

Explain how 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 preserve the current use, address the hardship and is an equitable treatment of the present conditions. The variance request pertains only to the existing three single-family houses on the lot. No additional construction or expansion is being proposed. This ensures that the variance is limited to what is already present and does not seek to introduce any new deviations from the zoning regulations. The variance makes use of the current layout of the property, which has accommodated three houses effectively.

Explain how 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).

The existing conditions of our property, with three single-family houses on a single lot, do not fit within the alternative development standards or patterns typically designed for properties with single-family homes on individual lots.

The variance request is not an attempt to circumvent the zoning regulations but rather a necessary measure to address a unique and specific situation. The intent is to bring the property into compliance in a manner that respects the spirit and purpose of the regulations.

All other aspects of the property's use and development comply with the zoning regulations. The owner seeks the variance solely to address the unique condition of multiple houses on a single lot, ensuring compliance without undermining the overall regulatory framework.

The condition of our property is a result of historical development patterns that predate current zoning regulations. As such, modern alternative measures do not provide a feasible solution for the pre-existing condition.

In summary, the variance shall not be used to circumvent other procedures and standards of the zoning regulations because all viable alternatives and flexible measures have been exhausted or deemed inapplicable. The variance request aligns with regulatory intent, addresses a specific and unique hardship, and preserves public interest while ensuring compliance with the overarching goals of the zoning regulations.

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

Granting the variance observes the spirit of the Land Development Regulations by maintaining the residential character and promoting efficient land use. It achieves substantial justice by avoiding unnecessary hardship, balancing individual and collective interests, and upholding legal and ethical standards.