

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, November 6, 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. September 4, 2024

Documents:

[09-04-2024 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-009 (3433 Petite Circle) Request For A Variance From The Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum, Regarding Minimum Lot Depth. Properties Are Legally Described As Lot 74 And South Half Of Lot 73 (74-1), Block 1, Pirates Cove, Section 4, In The City And County Of Galveston, Texas. Applicant: Cate Black Property Owners: Steven W. Roberts Exempt Trust C/O Steven Roberts Trustee

Documents:

[24Z-009 - STF 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 October 31, 2024 at 11:10 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 – September 4, 2024

CALL MEETING TO ORDER

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

The meeting start time was delayed due to technical issues.

ATTENDANCE

Members Present: James Fagan (Alternate), Robert Girndt, Carol Hollaway, Becca Scoville (Alternate), Ex-Officio David Finklea(via video conference)

Members Absent: Lidija Bikova, Barbara Railey, Susan Syler

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

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The July 10, 2024, minutes were approved as presented.

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

The motion passed.

PUBLIC COMMENT

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

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

Staff presented the staff report and reported that of 20 notices sent, none returned.

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

Board Member Fagan made a motion to approve the request. Board Member Scoville seconded.

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

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

The motion passed.

THE MEETING ADJOURNED AT 3:47 PM





24Z-009

STAFF REPORT

ADDRESS:

3433 Petite Circle

LEGAL DESCRIPTION:

Properties are legally described as Lot 74 and South Half of Lot 73 (74-1), Block 1, Pirates Cove, Section 4, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Cate Black

PROPERTY OWNER(S):

Steven W. Roberts Exempt Trust c/o Steven Roberts Trustee

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 - Aerial Map
- B - Current Survey
- B - Site Plan (Proposed)
- 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
8				

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, Residential Single-Family (R-1) Addendum regarding minimum lot depth, in order to replat two lots into one. The required lot depth in the R-1 zoning district is 100 feet and the applicant is proposing a lot of 80 feet. Please see attached site plan 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	80 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.

Existing lots in Pirates Coves, developed prior to the 2015 LDRs, are only 80 feet deep, not conforming to the requirement of 100 feet. The property owner purchased the existing home at 3433 Petite Circle, along with the half lot next to it, and would like to replat these lots into one lot so that they can build additional space to the house as well as a pool.

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 owner cannot add on to the existing house because it would cross the property line between his two lots. The original development conformed prior to the 2015 LDRs.

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.**

Re-plating the lots will not character of the area, or affect neighboring sites. It sets a reasonable precedent for addressing similar unique situations without undermining the overall zoning goals.

Mr. Roberts purchased the house and adjacent half lot together from the same seller. The subdivision of lot 73 occurred prior to Mr. Robert's purchase and re-platting this lot with lot 74 to make a single lot is more in line with the intention of the LDRs versus remaining a small half lot.

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 zoning will remain R-1 and maintain a single-family residence which what the whole community currently is. All utilities are currently present at the site and will not be altered. The character and use of the site will not change and will not affect the community in any negative way. Mr. Roberts is currently working with CenterPoint to release the guy easement on the property. This is fairly straightforward since no guy wire is attached.

- 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.**

Allowing for the two legally nonconforming lots to be re-platted into on larger lot with the depth remaining at 80-foot rather than a 100-foot, as show in the attached survey, will allow the property owner to fully utilize and develop the area.

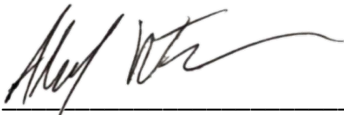
- 5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are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

The variance will only be used to allow for a replat of two lots into one singular lot. All future work on the existing house/site will be done in accordance with the LDRs and the Pirates Property Association.

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

The variance allows for the replat and highest use of the land, and the depth of the lot remains the same as the original development.

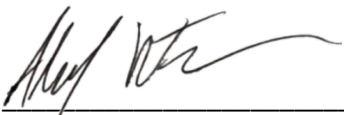
Respectfully Submitted,



Adriel Montalvan, Planning Manager

10/28/2024

Date



For Catherine Gorman, AICP
Assistant Director/HPO

10/28/2024

Date



Exhibit A

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.

Legend

- Parcels
- BASEMAP.Lot_Lines2023
- Boundary



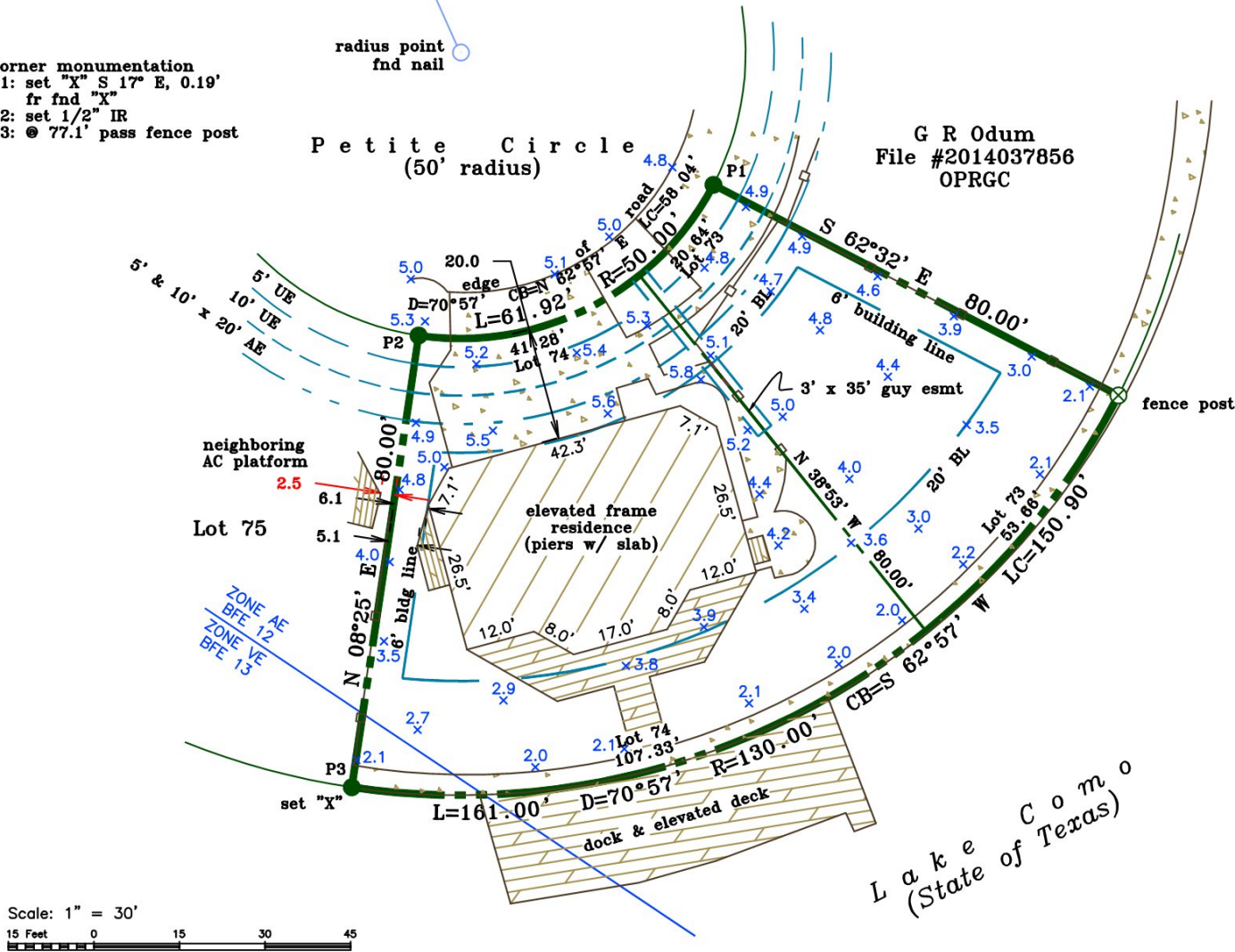


Hall & Jones Survey
Abstract 121
Galveston County, Texas

Corner monumentation
P1: set "X" S 17° E, 0.19'
fr fnd "X"
P2: set 1/2" IR
P3: 77.1' pass fence post

Petite Circle
(50' radius)

G R Odum
File #2014037856
OPRGC



BOUNDARY & TOPOGRAPHIC SURVEY of Lot 74 and the South 1/2 of Lot 73, in Block 1 of PIRATES COVE, SECTION 4, a subdivision in Galveston County, Texas, according to the plat thereof recorded in Volume 15, Page 3, in the Official Public Records 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

- Restrictions as per recorded plat unless otherwise noted
- Vol 2464, Pg 87, OCCGC
- :6' side building lines
- :20' rear building line
- UE = utility easement
- AE = aerial easement
- BL = building line

- NATIONAL FLOOD INSURANCE PROGRAM
- :FIRM Zone VE & AE
- :Community #485469
- :Map 48167C0504G
- :August 15, 2019
- True ground distances shown
- Bearings assumed as platted
- Survey monuments reconciled w/numerous previous surveys

Subject property: 3433 Petite Circle
Galveston County, Texas

This survey is certified for this transaction only and may only be relied on by Steven W. Roberts Exempt Trust. 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
August 23, 2024



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

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.