

**NOTICE OF MEETING
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF GALVESTON
WEDNESDAY, OCTOBER 8, 2025 - 3:30 PM
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas
REGULAR MEETING**

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. Welcome New Member
5. Election of Chairperson and Vice-Chairperson
6. Public Comment
Request to Address Board on Agenda Items Without Public Hearings and Non-Agenda Items (three-minute maximum per speaker. If speaking through a translator, six-minute maximum per speaker)
7. Old Business and Associated Public Hearings
 - 7.A **25Z-015 (4217 Las Palmas)** 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 Page 41, Lot 86 Block 1 Palm Beach, in the City and County of Galveston, Texas.
Applicant: James Casey
Property Owners: Michael W. Kavanagh
8. New Business and Associated Public Hearings
 - 8.A **25Z-016 (3201 Kleinmann Ave)** Request for a variance from the Galveston Land Development Regulations, Article 3, Residential, Single-Family (R-1) Addendum, regarding minimum lot depth and area. Property is legally described as Abstract 121 Hall & Jones Survey, Lot 27, Kleimann Addition, in the City and County of Galveston, Texas.
Applicant: Kenneth & Germaine Wadsworth
Property Owner: Kenneth & Germaine Wadsworth
9. 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 10/01/2025 at 04:00 PM

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.



25Z-015

MEMORANDUM

TO: Lidija Bikova, Board Chairperson
Zoning Board of Adjustments

FROM: Daniel Lunsford, Planning Manager
Development Services Department

DATE: September 26, 2025

RE: **25Z-015 (4217 Las Palmas)** 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 Page 41, Lot 86 Block 1 Palm Beach, in the City and County of Galveston, Texas.
Applicant: James Casey
Property Owners: Michael W. Kavanagh

At the September 3, 2025 Zoning Board of Adjustment meeting, the above referenced request was deferred until the October 8, 2025 meeting. The case was deferred upon request of additional information from the applicant regarding other encroachments in the area.

Please see the attachments for the original staff report and associated documents.



25Z-015

STAFF REPORT

ADDRESS:

4217 Las Palmas

LEGAL DESCRIPTION:

Property is legally described as Abstract 121 Page 41, Lot 86 Block 1 Palm Beach, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

James Casey

PROPERTY OWNER:

Michael W. Kavanaugh

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 front 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, Planning Manager
 (409) 797-3672
 dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
37				

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, Addendum in order to reduce the required minimum front setback from 20 feet to 14.3 feet.

In September 2024, the applicant was approved to build a house at the subject tract; the site plan approved at that time showed the proposed structure as conforming to the minimum 20 foot wide front setback. Upon review of the as-built survey submitted as part of certificate of occupancy requirements, Planning staff discovered that the structure was built approximately 3.3 feet past the front setback. The applicant was notified and submitted a special exception request. The applicant is now requesting to match the existing front setback at 4227 Las Palmas, which is approximately 14.3 feet; this would make the structure at 4217 Las Palmas conforming by 2.4 feet (see Exhibit A for further details).

Setback Requirements In accordance with Sec. 12.401 of the Land Development Regulations (LDR), a front yard exception may be requested where the front yard setback of any two or more lots in the same block do not meet the front yard requirements of the LDR. An exception may also be granted if the front yard setback of the adjacent lot does not meet the front yard setbacks 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.

Special Exception **Article 3, District Yard, Lot and Setback Standards, Addendum for Single-Family Residential (R-1):**
Front: 20 feet
Side: 3 feet
Rear: 10 feet

Setback	Required Setback	Proposed Setback
Front	20 feet	14.3 feet (5.7 feet difference)

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.

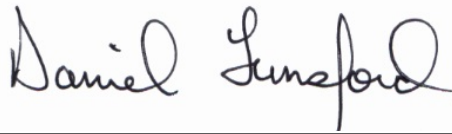
Approval Standards. The Board of Adjustment may grant a special exception as provided in Section 12.401(2)(a) and when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.

**Applicant's
Justification**

The Applicant's Justification is as follows:

Front covered porch on south corner is @ 16.7'. Setback is 20'. 4227 is @ 14.3 setback. Asking for 4217 setback to be 14.3

Respectfully Submitted,



Daniel Lunsford
Planning Manager

August 26, 2025

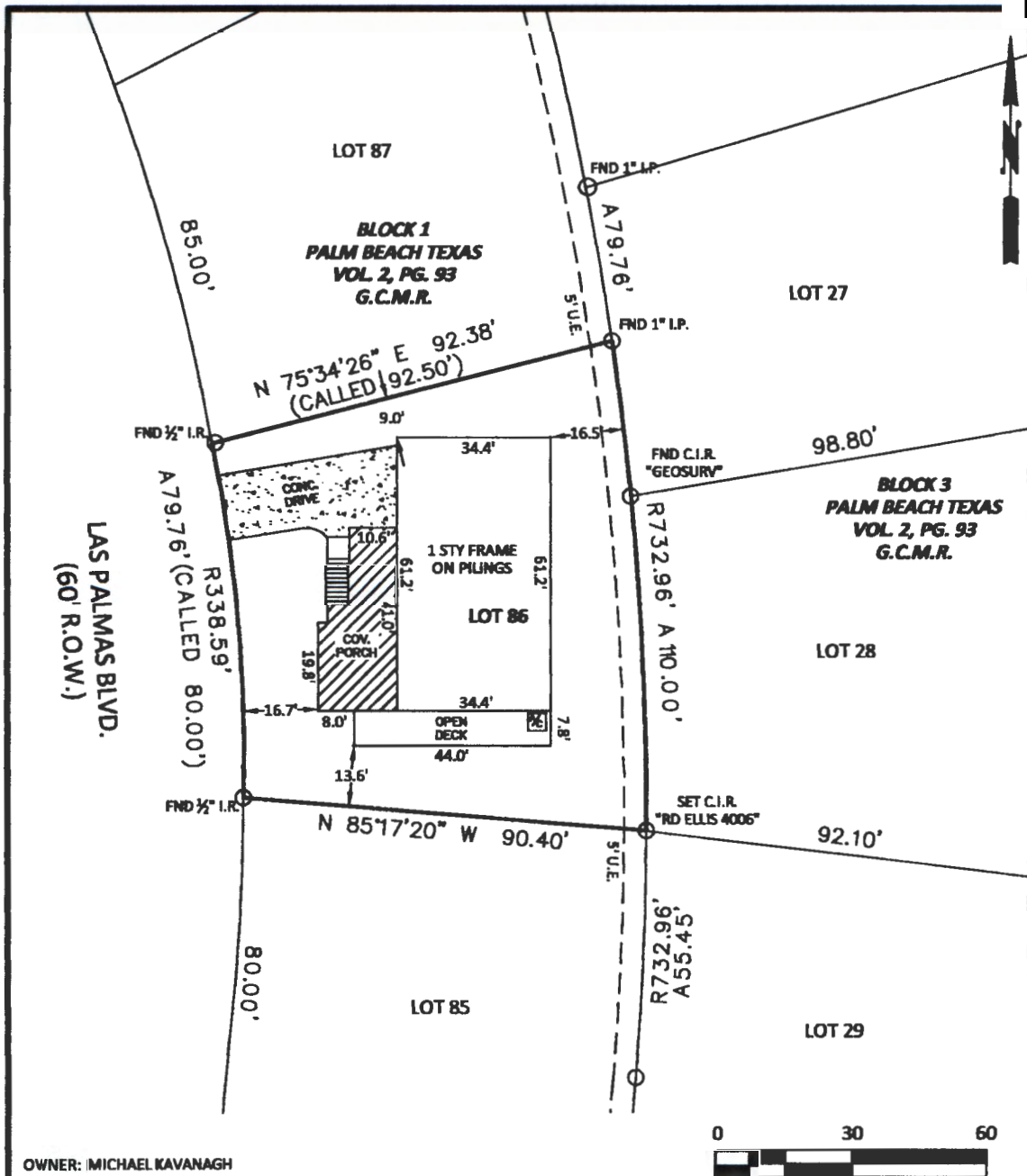
Date



Catherine Gorman, AICP
Assistant Director/HPO

August 26, 2025

Date



OWNER: MICHAEL KAVANAGH
PROPERTY ADDRESS: 4217 LAS PALMAS BLVD. GALVESTON, TX.

Lot 86, Block 1, of Palm Beach Texas, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254-A, Page 79, of the Deed Records of Galveston County, Texas and transferred to Volume 2, Page 93, of the Map Records of Galveston County, Texas.

Basis of Bearing: Grid North, Texas State Coordinate System NAD83, Texas South Central Zone.

I, the undersigned, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that this survey was made on the ground of the property legally described hereon and is true and correct to the best of my knowledge and belief.

[Signature]

Robert D. Ellis, R.P.L.S.
Tx. Reg. No. 4006

NOTE:

This survey was prepared without the benefit of a title report. Easements or encumbrances are per the recorded plat only. Surveyor did not search encumbrances by separate instrument.

Date: 06-04-25
Scale: 1" = 30'
Title Co.
GF No.

LEGEND
I.R. - IRON ROD
I.P. - IRON PIPE
C.I.R. - CAPPED IRON ROD
F.P. - FENCE POST
G.C.M.R. - GALVESTON COUNTY
MAP RECORDS
G.C.D.R. - GALVESTON COUNTY
DEED RECORDS



ELLIS
SURVEYING SERVICES

Ellis Surveying Services, LLC
2805 25th Avenue North Texas City, TX 77590
Tel: (409) 938-8700 Fax (866) 678-7685
Texas Firm Reg. No. 100340-00





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.



25Z-016

STAFF REPORT

ADDRESS:

3201 Kleinmann Ave

LEGAL DESCRIPTION:

Property is legally described as Abstract 121 Hall & Jones Survey, Lot 27, Kleimann Addition, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Kenneth & Germaine Wadsworth

PROPERTY OWNER:

Kenneth & Germaine Wadsworth

ZONING:

Residential, Single-Family (R-1)

VARIANCE REQUEST:

Lot Depth, and Lot Area

APPLICABLE ZONING LAND USE

REGULATIONS:

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

EXHIBITS:

A – Applicant's Submittal

STAFF:

Rebekah Annan

Planner

409-797-3645

rannan@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
21				

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 depth and lot area. The subject currently has one house on the lot and wishes to request a variance to split the lot evenly.

See the site plan and proposed replat in Exhibit A of the staff report, as well as a summary of variances below. The parcel in question is legally nonconforming in regard to lot depth as it is, and no other lots in the vicinity have previously been subdivided further than one-half of an original lot.

Area Requirements**Article 3, District Yard, Lot and Setback Standards, Addendum for Single-Family Residential (R-1):**

Required Minimum Lot Area: 5,000 square feet

Required Minimum Depth: 100 feet

Required Minimum Width: 50 feet

Requested Variance

Minimum Lot Dimensions (R-1 Zoning)	Regulation	Proposed Variance
Lot Depth	100 feet	70 feet (both proposed parcels)
Lot Area	5,000 Square Feet	4,200 square feet (800 square feet variance; both proposed parcels)

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.

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.

Applicants' Justification

- 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 property does currently allow the building of an ancillary home, however, both homes would have one address requiring them to be sold as a package deal. First, we cannot afford to maintain 2 homes, and it would be confining to try and sell both to one buyer. Second, the neighborhood and current market would not support the two houses for the higher combined listing price.

Our lot appears to quite possibly be one the largest lots in this zoning district. It is located on a corner, running from block to block with very large easements on three sides. The other lots with the same configuration and easements have not used the extra area for the betterment of the neighborhood. See attached photos, not intended as complaints only enclosed to show examples.

- 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.**

If we cannot get the variance approved, we will unfortunately be forced to move out of the area and find a house that meets our budget and needs. We need the variance approved to separate the lots, so that we have the ability to sell the current existing house and use the proceeds to build our forever home on the new vacant lot next door (facing Kleimann Ave.).

We are currently paying to mow and maintain over 9,000 square feet of grass, including the three sides of easement grass. The existing house is much too large for just the two of us (4 bedrooms, 4 baths, 2 story) and is not physically retirement friendly. With retirement it is difficult to continue paying the high utility costs for space we do not occupy. Insurance and property taxes are also factored in while trying to reduce costs. We both have turned 62 this year and unfortunately, have been forced into early retirement, due to disabling health issues. We want to continue to live in Galveston and need to build an age-friendly house (large doors, lift, and walk in showers) on the lot facing Kleimann Avenue. We have lived in Galveston for five years now and would love to stay.

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

The variance would make the lot look much better, having two nice newer houses rather than adding unsightly out buildings and/or out of control vegetation. The approval of the variance would also lineup with Galveston's objective (HN-5 Encourage the development of housing and programs suited to the needs of the senior population, HN-1 Expand the supply of middle-income housing, HNI.1, Promote the development of new middle- income housing in existing neighborhoods, HN 2.4 Ensure standards promote compatible infill development}. I have attached the documents from Galveston's future goals and comprehensive plans.

4. 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 variance does not impair the application of the following regulations: Our hardship is in no way self-imposed it is derived from forced early retirement due to health conditions. Our property is very unique to the area, being on a very large corner with large, attached easements.

5. 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 will not have a detrimental impact in any way for the neighborhood. Two new houses would actually be for the betterment of the area. Most of the community were very happy during the construction of the current new house. While looking at most of the large lots, many of the houses and out buildings are dilapidated and unattractive, in need of a remodel and structural updates. Public infrastructure and services will not be impacted in any way, in-fact, another water/sewer tap will be applied and paid for. The approved variance from the city will in no way affect the public health, safety, morals, and general welfare of the community.

6. The degree of variance allowed from these regulations is the least that is necessary to grant relief from the identified unnecessary hardship.

The variance is necessary for us to grant relief for our current hardship. It is very important to us to have the ability to sell house #1, either before or shortly thereafter the new build of house #2. Again, we love living in the city of Galveston and are just striving to have the potential to have our means to cover us during our retirement years.

7. 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 in no way will be used to circumvent other procedures or standards. We fully intend to build a very attractive house, engineered with TWIA standards on the proposed second property and we are very meticulous on maintaining landscaping.

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

The variance will not circumvent other procedures or standards. No alternative development patterns or flexible measures within the regulations can address the unique constraints of this lot. The variance is the only viable option to create an affordable home while adhering to the overall intent of the zoning regulations.

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

By granting the variance, the spirit of the land development regulations will be observed and substantial justice will have been done. In recognition of some of Galveston's future goals. We feel the approval of the variance is a perfect fit. (HN 1.1, HN-5, HN 2.9, and HN 2.4).

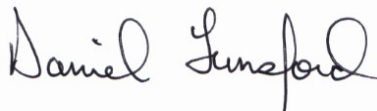
Respectfully submitted,



Rebekah Annan
Planner

9/24/25

Date



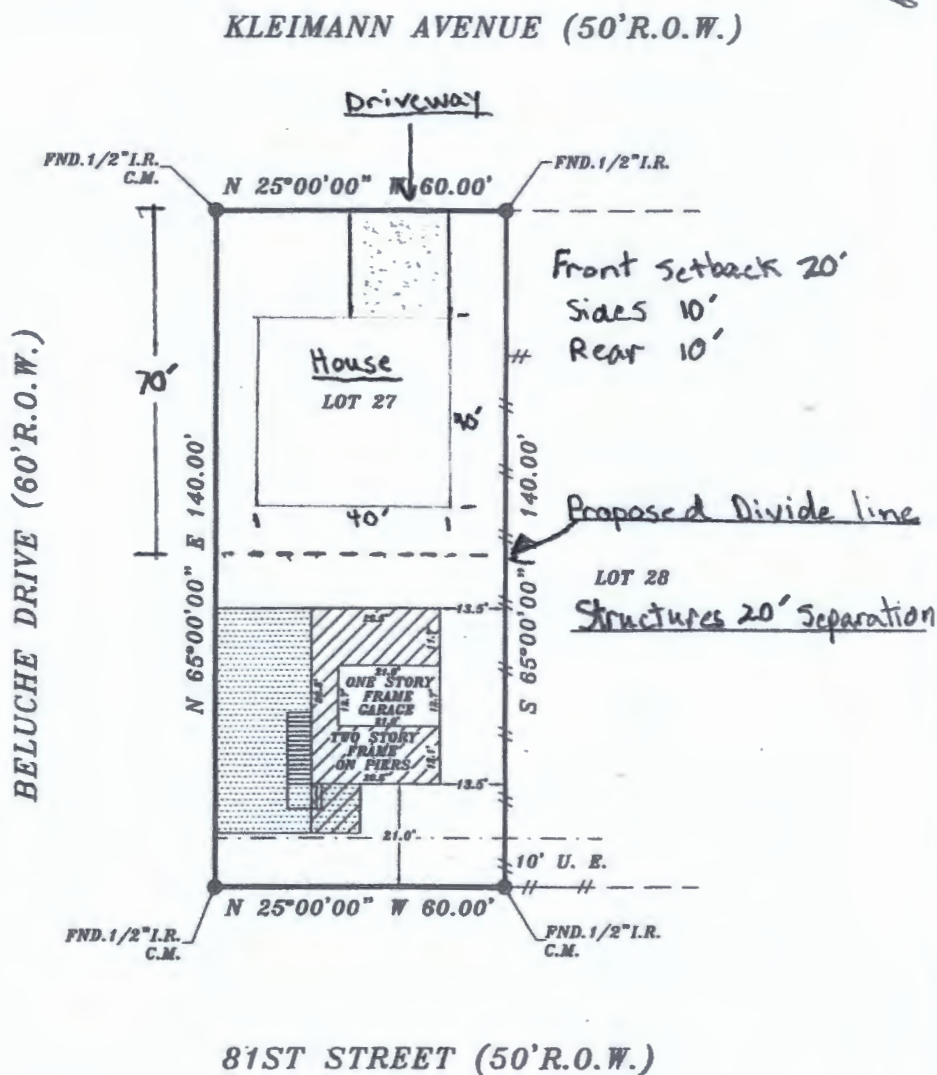
Daniel Lusford
Planning Manager

9/24/25

Date

NOTES:

1. BEARINGS ARE BASED ON RECORDED PLAT.
2. SUBJECT TO ZONING, ORDINANCES, CONDITIONS, COVENANTS AND RESTRICTIONS OF SUBDIVISION.
3. THIS SURVEYING COMPANY HAS NOT PERFORMED ABSTRACTING ON THIS PROPERTY, THEREFORE THERE MAY EXIST ADDITIONAL EASEMENTS, RESTRICTIONS AND OTHER ENCUMBRANCES OF RECORD.
4. "CM" - CONTROLLING MONUMENT



BORROWER:
ADDRESS: 3201 KLEIMANN AVENUE, GALVESTON, TEXAS 77551

LEGAL DESCRIPTION: LOT 27, IN KLEIMANN ADDITION, RECORDED IN VOLUME 2 PAGE 6 OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS.

This lot DONE is in the 100 year flood plain and is in ZONE AE as located by the Federal Insurance Administration designated Flood Hazard Area Community Panel No. 48167C0438C dated 08/15/2019. No responsibility assumed for Flood Plain Determination or Floodway.

LENDER:

TITLE COMPANY:

G.F. NO.

SCALE: 1"=30'

DATE: 12-06-23

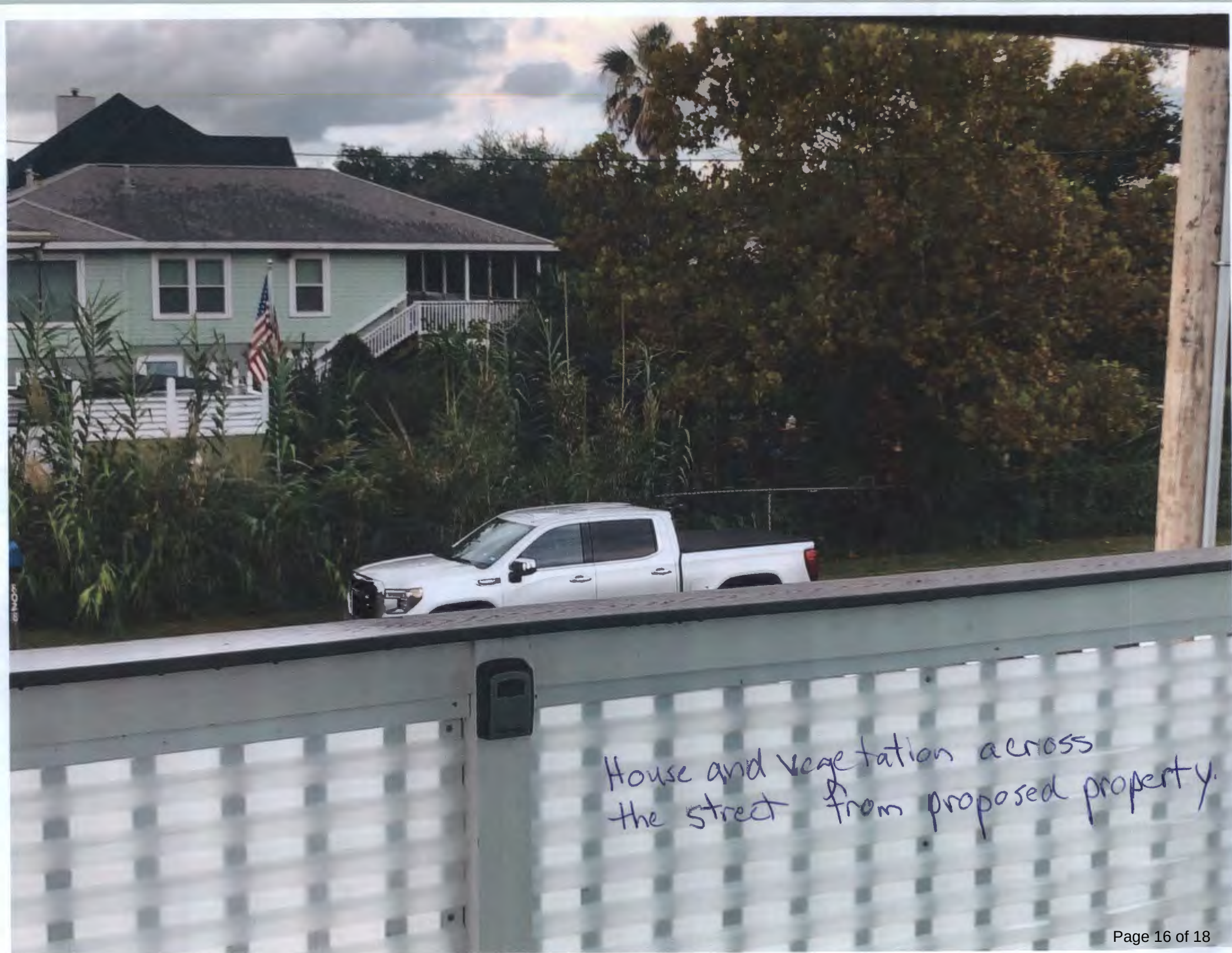
JOB NO.

DRAFTED BY: CMS



I do certify that this survey was this day made on the ground and that this plat correctly represents the property legally described herein. That the facts found at the time of this survey show the improvements and that there are no discrepancies apparent on the ground except as shown. This survey is based on the title commitment referenced in G.F. No. _____. This survey is certified for this transaction only.

David Hoskins
TEXAS STAR SURVEYING
FIRM NO. 10137800
P. O. BOX 290453, HOUSTON, TEXAS 77289
PHONE (281) 331-8414 FAX (281) 458-0642



House and vegetation across
the street from proposed property.

BELUCHE

From: geri wadsworth (gwadsworth007@yahoo.com)

To: kenwadsworth007@yahoo.com

Date: Monday, September 1, 2025 at 07:19 PM CDT



House and outbuilding located on Kleimann

Yahoo Mail: Search, Organize, Conquer



House and outbuilding Located on Kleimann

Yahoo Mail: Search, Organize, Conquer