

**NOTICE OF MEETING
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF GALVESTON
WEDNESDAY, MAY 7, 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. Public Comment

Members of the public may address the Committee. Speakers will be limited to three minutes.

5. New Business and Associated Public Hearings

5.A **25Z-007 (11222 Schwartz Drive)** Request for a special exception from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Residential, Single-Family (R-1) zoning district, to reduce the front yard setback. Property is legally described as Abstract 121, Hall & Jones Survey, Lot 3, Block 1, Sunny Beach, a subdivision in the City and County of Galveston, Texas.

Applicant: David K. Brown

Property Owners: David K. and Gaytha M. Brown

5.B **25Z-008 (17427 Bristow Drive)** Request for a special exception from the

Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Residential, Single-Family (R-1) zoning district, to reduce the front yard setback. Property is legally described as Abstract 121, Hall & Jones Survey, West ½ of Lot 33 (33-1), Gulf Palms, a subdivision in the City and County of Galveston, Texas.

Applicant: Ryan Gannon

Property Owners: Ryan and Kylee Gannon

- 5.C **25Z-009 (6600 Seawall)** Request for appeal of staff determination regarding maximum height of a vending kiosk. Property is legally described as Abstract 121 Hall & Jones Survey, Part of Lots 89, 90, and Abandoned Road (89-1), Trimble and Lindsey Section 1 and Part of Lot 1, Moseley Addition, in the City and County of Galveston, Texas.

Applicant: Paul Church

Property Owner: Galveston Fund 1, LLC.

- 5.D **25Z-010 (2421 and 2425 68th Street)** Request for a variance from the Galveston Land Development Regulations, Article 3, Residential, Single-Family (R-1) Addendum, regarding minimum lot width, depth and square footage. The properties are legally described Abstract 121 Hall & Jones Survey, Lots 16R and 17R, Reeves Special Subdivision (2002), in the City and County of Galveston, Texas.

Applicant: Brax Easterwood

Property Owners: Rodney and Ann Reeves

6. 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 05/01/2025 at 10:20 AM

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-007

STAFF REPORT

ADDRESS:

11222 Schwartz Drive

LEGAL DESCRIPTION:

Property is legally described as Abstract 121, Hall & Jones Survey, Lot 3, Block 1, Sunny Beach, a subdivision in the City and County of Galveston, Texas

APPLICANT/REPRESENTATIVE:

David K. Brown

PROPERTY OWNER(S):

David K. and Gaytha M. Brown

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, Restricted Single-Family District (R-0), and Sec. 12.401 of the LDR

EXHIBITS:

- A – Applicant's Submittal
- B – Motion Guide

STAFF:

Catherine Gorman, AICP
 Assistant Director/HPO
 (409) 797-3665
 cgorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
24				

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 16 feet to allow for stairs and a landing.

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 the adjacent lots do not meet the front yard setbacks required by the LDR. Please see Exhibit A for the applicant’s submittal. The adjacent property to the east, 11220 Schwartz Drive, has a setback of 16 feet.

11220 schwartz Drive received a Special Exception from the Zoning Board of Adjustment on February 5, 2025 to reduce their front setback from 20 feet to 16 feet.

The applicant has submitted additional information that the property at 11216 Schwartz Drive has a front setback of four feet and that the property at 11214 Schwartz Drive has a setback of 11 feet.

Article 3, District Yard, Lot and Setback Standards, Addendum for Restricted Single-Family Residential (R-0):

- Front:** 20 feet
- Side:** 3 feet
- Rear:** 10 feet

Setback Requirements

Setback	Required Setback	Proposed Setback
Front	20 feet	16 feet

Special Exception

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.

Land Development Requirements

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:

Land Development Regulations Article 12.401 section 2.A.I and 2.A.IV.

Lot #4 – 11220 Schwartz. Estimate 16' setback.

Lot #6 – 11216 Schwartz. Estimate 4' setback.

Lot #7 – 11214 Schwartz. Estimate 11' setback.

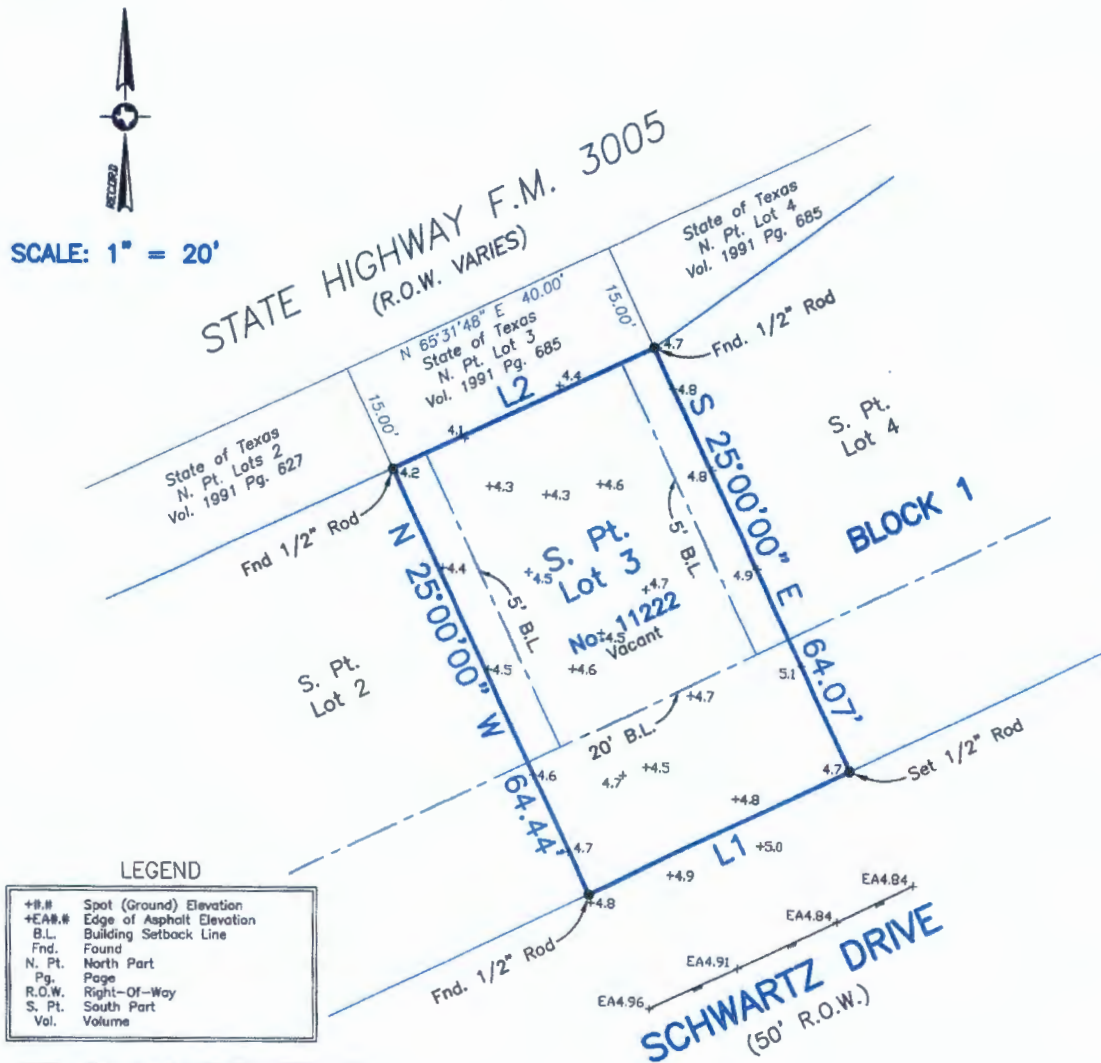
Respectfully Submitted,



Catherine Gorman, AICP
Assistant Director/HPO

04/28/2025

Date



Survey of Lot Three (3), in Block One (1), of **SUNNY BEACH**, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254-A, Page 67, of the Map Records in the Office of the County Clerk of Galveston County, Texas, **SAVE AND EXCEPT** that certain portion of said Lot Three (3) conveyed to the State of Texas, according to deed recorded in Volume 1991, Page 685 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



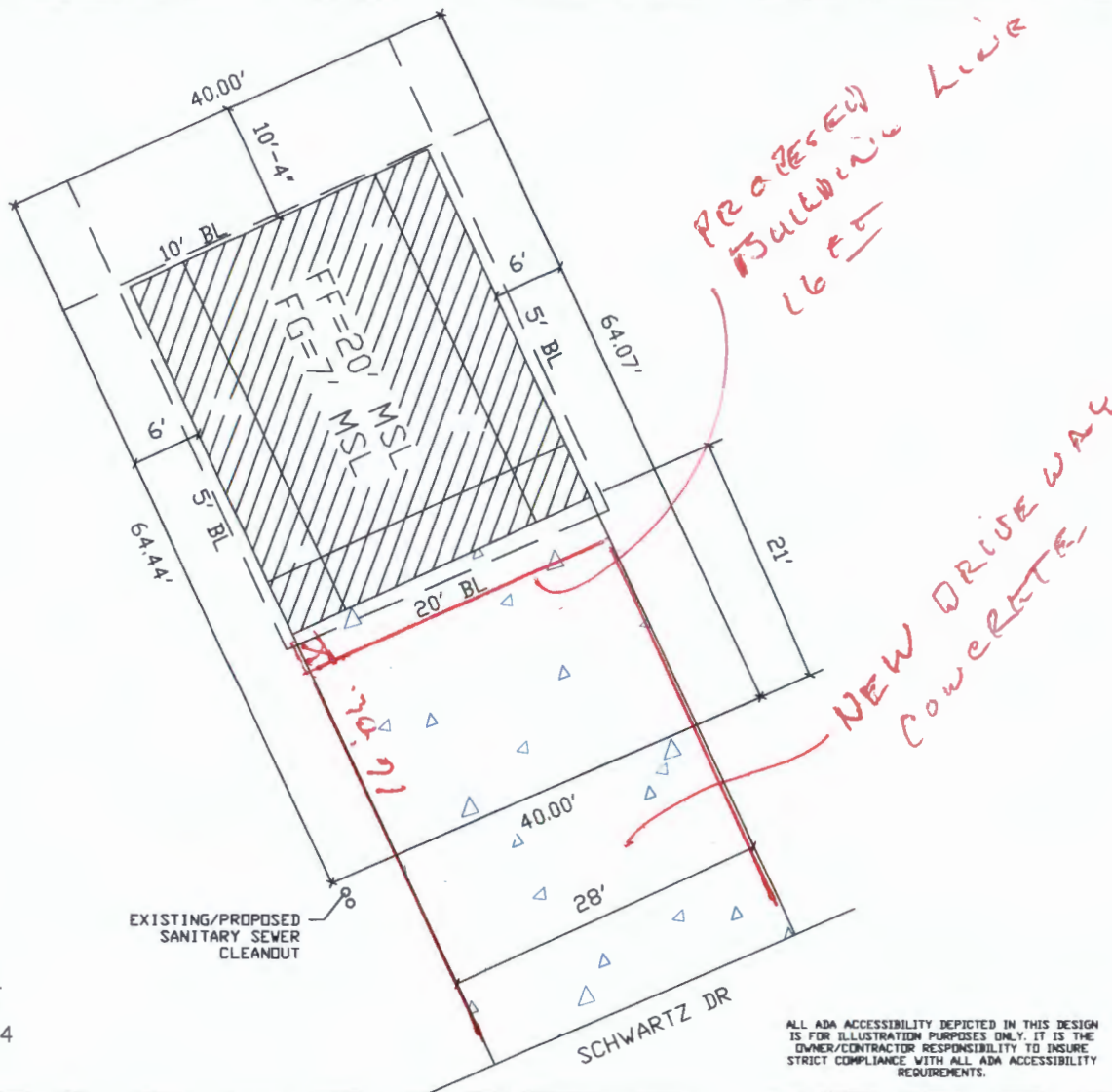
SURVEY DATE: JUNE 7, 2024
FILE No.: 6840-0001-0003-000
DRAFTING: RGW
JOB No.: 24-280

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 the North R.O.W. line of Schwartz Drive, being a 5/8" rod found at the Southeast corner of Lot 14, and a 3/8" rod found at the Southeast corner of Lot 6.
- 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.

SCALE 1"=10'



THIS DRAWING, AND RELATED DOCUMENTS, REMAIN THE PROPERTY OF CES, INC. AND ARE NOT TO BE REPRODUCED OR COPIED, WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT FROM THE ABOVE-SIGNED ENGINEER.

MARK	DATE	DESCRIPTION

CES
CIVIL + STRUCTURAL
Office: (832) 377-1501 Email: cesinc@csinc.com
www.csinc.com

LOT 8, BLOCK 16, J. D. MOORE, ABSTRACT NO. 150, GALVESTON COUNTY, TX

SITE PLAN
11222 SCHWARTZ DR,
GALVESTON, TX 77554

ALL ADA ACCESSIBILITY DEPICTED IN THIS DESIGN IS FOR ILLUSTRATION PURPOSES ONLY. IT IS THE OWNER/CONTRACTOR RESPONSIBILITY TO INSURE STRICT COMPLIANCE WITH ALL ADA ACCESSIBILITY REQUIREMENTS.

ALL PROPERTY BOUNDARY INFORMATION OBTAINED FROM HIGH TIDE LAND SURVEYING LLC.
SURVEY DATED 06/07/2024
REFER TO SURVEY FOR MORE INFORMATION





11222

11220

11216

11212

11216 SCHWARTZ

10⁵⁰ B.L



11212 SCHWARTZ - 11th 13.2



11220 SCHWARTZ



11222

11220 SCHWARTZ

16¹² 15.2



51"

11220 SCHWARTZ

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-008

STAFF REPORT

ADDRESS:

17427 Bristow Drive

LEGAL DESCRIPTION:

Property is legally described as Abstract 121, Hall & Jones Survey, West ½ of Lot 33 (33-1), Gulf Palms, a subdivision in the City and County of Galveston, Texas

APPLICANT/REPRESENTATIVE:

Ryan Gannon

PROPERTY OWNER(S):

Ryan and Kylee Gannon

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, Restricted Single-Family District (R-0), and Sec. 12.401 of the LDR

EXHIBITS:

- A – Applicant's Submittal
- B – Motion Guide

STAFF:

Catherine Gorman, AICP
 Assistant Director/HPO
 (409) 797-3665
 cgorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
37				

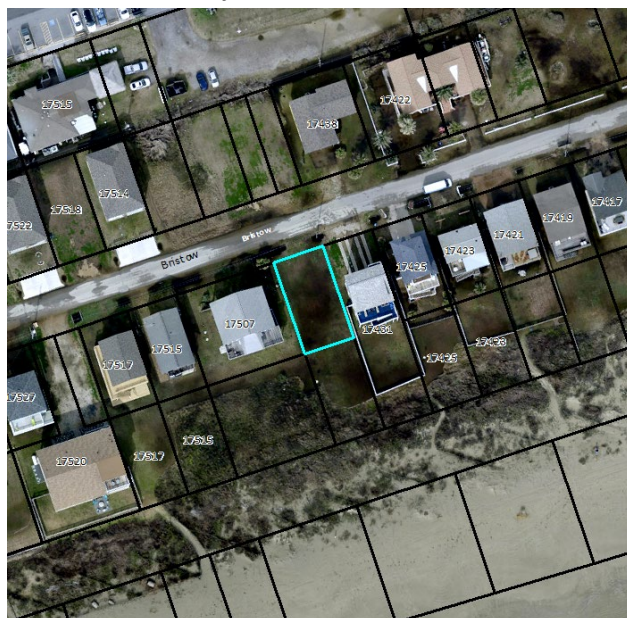
Per Section 13.808 of the Land Development Regulations and state law, written public notice of this request is required. Public notices are sent to all property owners within 200 feet of the subject site and are sent to the address on file with the Galveston Central Appraisal District.

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



Background 17427 Bristow Drive received a Special Exception from the Zoning Board of Adjustment on April 3, 2024 to reduce the rear setback from 10 feet to 6 feet (Case 24Z-002).

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 18 feet to allow for an A/C platform.

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 the adjacent lots does not meet the front yard setbacks required by the LDR. Please see Exhibit A for the applicant’s submittal. The adjacent property to the west, 17507 Bristow, has a setback of 15.5 feet.

The applicant has submitted additional information that the property at 17507 Bristow has a front setback of 13.75 feet.

Article 3, District Yard, Lot and Setback Standards, Addendum for Restricted Single-Family Residential (R-0):
Front: 20 feet
Side: 3 feet
Rear: 10 feet

Setback Requirements	Setback	Required Setback	Proposed Setback
	Front	20 feet	18 feet

- Special Exception** **SEC. 12.401(2)(a) Special Exceptions**
- 1. 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.
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 - iv. 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.

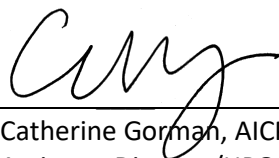
Land Development Requirements **Approval Standards.** The Board of Adjustment may grant a special exception as provided in Section 12.401(2)(a) and when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or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

**Applicant's
Justification**

The Applicant's Justification is as follows:

My AC pad is hanging over the build line by approximately 1-2 ft. I am requesting this exemption request as there are two of my neighbors that are also exceeding the build line and stick out further than my AC pad. I have provided above drone photos to show this.

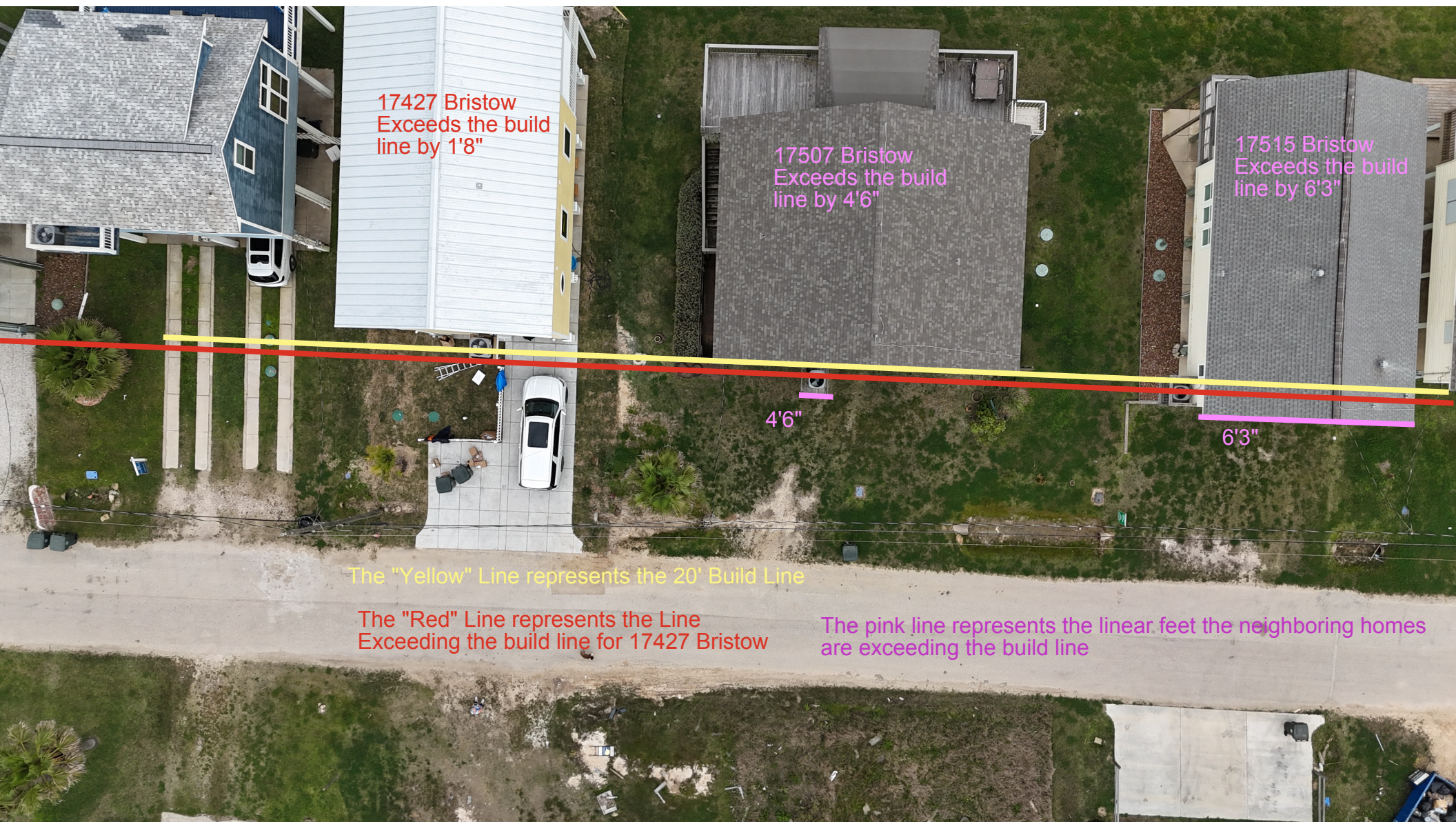
Respectfully Submitted,



Catherine Gorman, AICP
Assistant Director/HPO

04/28/2025

Date



17427 Bristow
Exceeds the build
line by 1'8"

17507 Bristow
Exceeds the build
line by 4'6"

17515 Bristow
Exceeds the build
line by 6'3"

4'6"

6'3"

The "Yellow" Line represents the 20' Build Line

The "Red" Line represents the Line
Exceeding the build line for 17427 Bristow

The pink line represents the linear feet the neighboring homes
are exceeding the build line

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:

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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-009

STAFF REPORT

ADDRESS:

6600 Seawall

LEGAL DESCRIPTION:

The property is legally described as Abstract 121 Hall & Jones Survey, Part of Lots 89, 90, and Abandoned Road (89-1), Trimble and Lindsey Section 1 and Part of Lot 1 Moseley Addition, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Paul Church

PROPERTY OWNER:

Galveston Fund 1, LLC.

ZONING:

Commercial, height and Density Development Zone 5 (C-HDDZ-5)

APPEAL REQUEST:

Staff's Determination

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 2, Section 2.373(A)(2)

ATTACHMENTS:

A – Applicant's Submittal

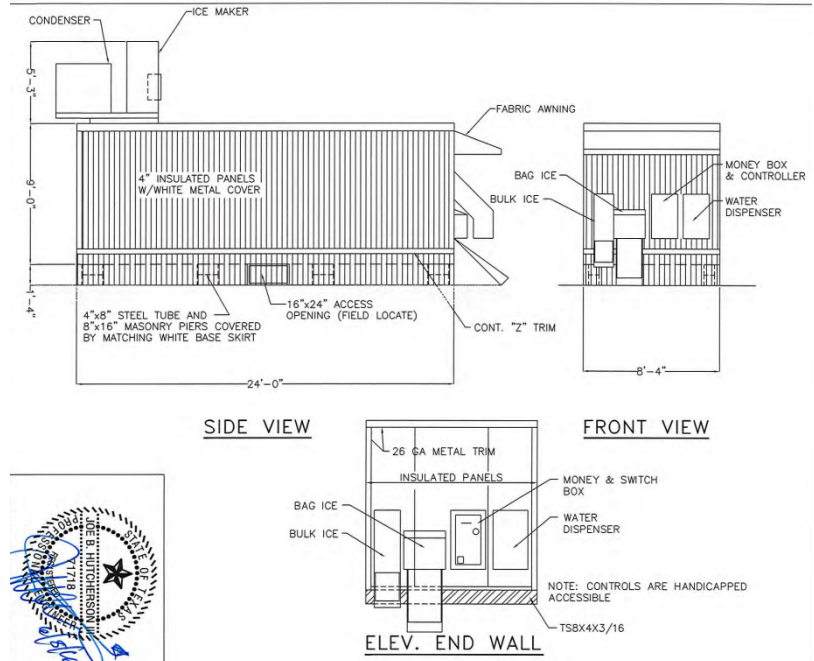
B – Motion Guide

STAFF:

Daniel Lunsford
 Senior Planner
 409-797-3659
 dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
8				



Background:

In January 2025, the applicant submitted a building permit to add an ice and water vending machine/kiosk to the subject property. Upon review of the plans, staff determined that the proposed vending machine/kiosk did not meet the Limited Use Standards for this land use due to exceeding maximum height restrictions.

Land uses are regulated by zoning district. Typically any given land use is permitted by right, as a limited use which requires certain additional standards, or prohibited. The Vending Kiosk/ATM land use in Commercial (C) zoning includes these limited uses. Note that the Height and Density Development Zone (HDDZ) overlays are more applicable to primary land uses than accessory uses; however, it is staff's practice to note overlay zoning in all cases.

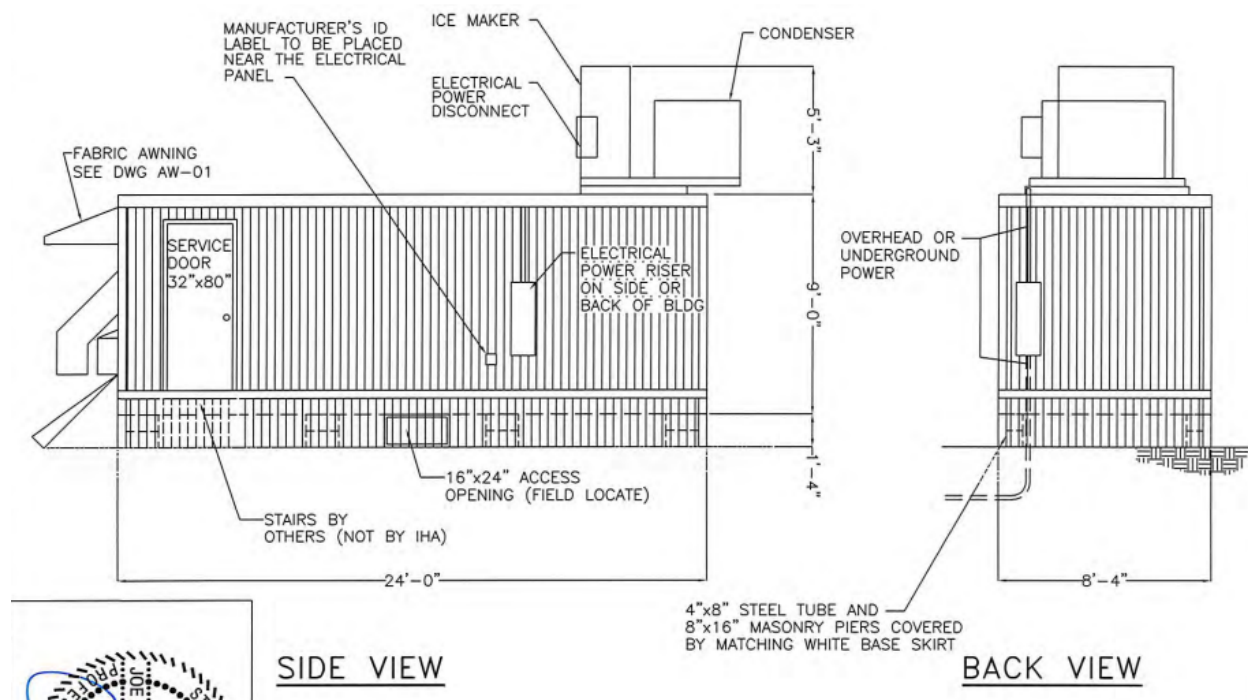
Executive Summary:

The applicant is requesting an appeal of staff's determination regarding Land Development Regulations, Article 2, Section 2.373(A)(2):

Maximum Height. Vending kiosks and ATMs shall not exceed 10 feet in height.

Since the specific typically supersedes the general in United States lawmaking and regulatory frameworks, the lack of any exceptions written into the Limited Use Standards implies that this height limitation was intended to be absolute. The phrase, "maximum height" appears sixteen times in the city's Land Development Regulations in regard to fence height, retaining wall height, sign height, lighting fixture height, and floor area ratio calculations for new buildings. Nowhere are exceptions provided to these respective maximum height restrictions. There is no additional guidance or exceptions provided for a *maximum height* for vending kiosks, either; therefore, staff's determination is based on the literal interpretation of regulations as written, and as approved by City Council in 2015.

Below is an excerpt from the permit plans showing the overall, maximum height of the unit, which staff determined includes the mechanical equipment:



The applicant is appealing staff's determination that the height limitations in Land Development Regulations Article 2, Section 2.373(A)(2) includes mechanical equipment. See the applicant's submittal in Exhibit A for additional details and justification.

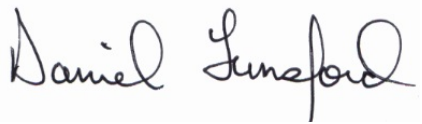
Procedure:

The appeal is filed pursuant to LDR Section 13.901, Administrative Appeals (see attachment B). Such appeals of staff determinations are heard by the ZBA. Aggrieved parties may file such an appeal if they are within 200 feet of the property that is subject to the decision. The notice of appeal shall specify the decision appealed from and the basis for the appeal, which shall include the specific sections of these Regulations that are alleged to have been overlooked or applied in error, and in what specific way this has affected or will affect the aggrieved party who initiated the appeal. Such statement of the basis of the appeal shall provide sufficient detail to put the City on notice with respect to the matters to be raised.

In exercising the power to decide an appeal, the decision-maker may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer or body from whom the appeal is taken. With respect to decisions of the Zoning Board of Adjustment, the concurring vote of 73 percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of a City staff member.

Should the applicant or City be aggrieved by or dissatisfied with the decision of the Zoning Board of Adjustment, the applicant or City may pursue all legal remedies to appeal the decision to a court of competent jurisdiction pursuant to Texas Local Government Code, Chapter 211.

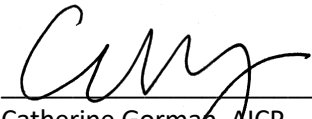
Respectfully Submitted,



Daniel Lunsford
Senior Planner

April 29, 2025

Date



Catherine Gorman, AICP
Assistant Planning Director / HPO

April 29, 2025

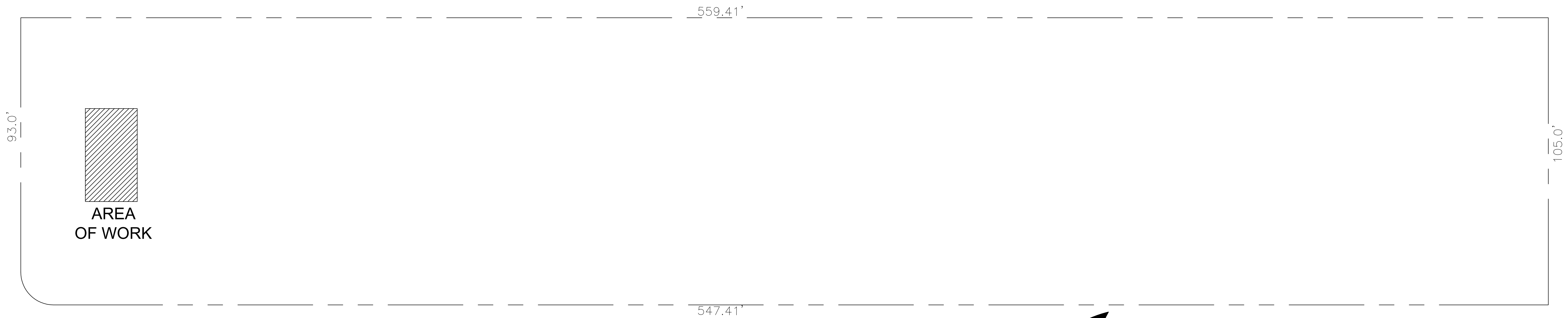
Date

We would like to appeal the decision as the unit height complies with code. It is just the cooling AC unit above that is a couple feet higher. This would be in comparison to a building with an AC unit above that doesn't run the entire length of the building or the ice machine. We are also able to hide the compressor in a box and paint it sky blue so it's less noticeable. Another reason I feel this would be extremely beneficial to the residents of the area if we add a generator as an option is when the powers out in the area this machine can provide ice to residents in the area. We feel this machine will be a very helpful option for the area.

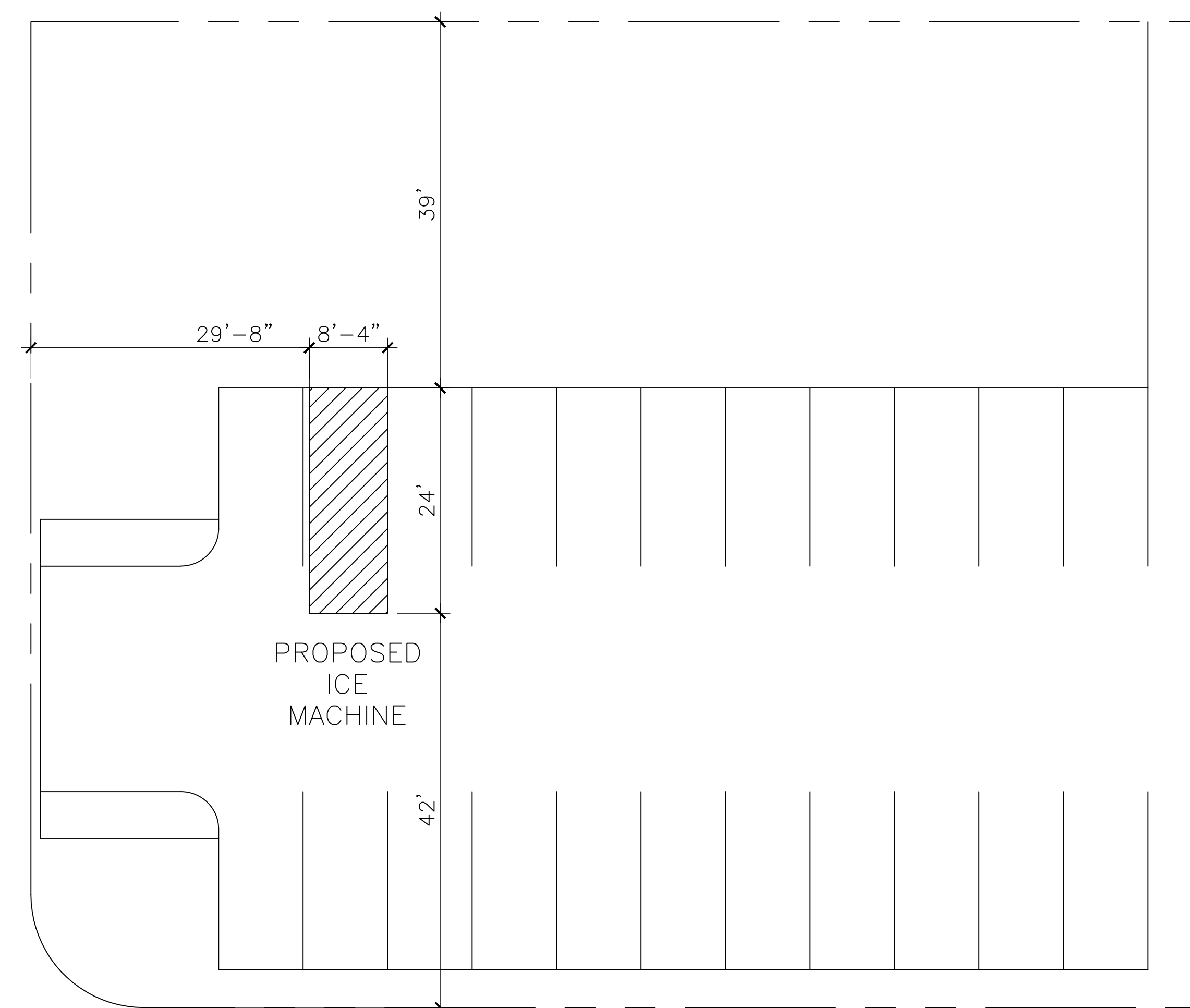
We are asking for a variance or exception to be considered please as the condenser can be hidden and painted the color of the sky and as it would be similar to a building height with an ac compressor that only covers a small area of the height not the entire building. In addition it will be a great asset to the community if a storm takes place to get ice to keep perishables longer.

We appeal staffs determination re the height as the actual machine is 9 feet to code under 10 feet and the AC cooling unit that covers a small area of the top is typical to a building with a cooling unit this is not the actual structure. This cooling unit can also be disguised painted sky blue or something tasteful. We appreciate your consideration with this matter.

Thank you!



OVERALL SITE PLAN
SCALE N.T.S.



ENLARGED SITE PLAN
SCALE 3/32"=1'-0"



REFER TO ATTACHED
MANUFACTURE SPECIFICATIONS
AND INSTALLATION INSTRUCTIONS
FOR ICE MACHINE

06/06/2016
 SCALE: NONE
 REV:
 CITY:
 STATE: TX



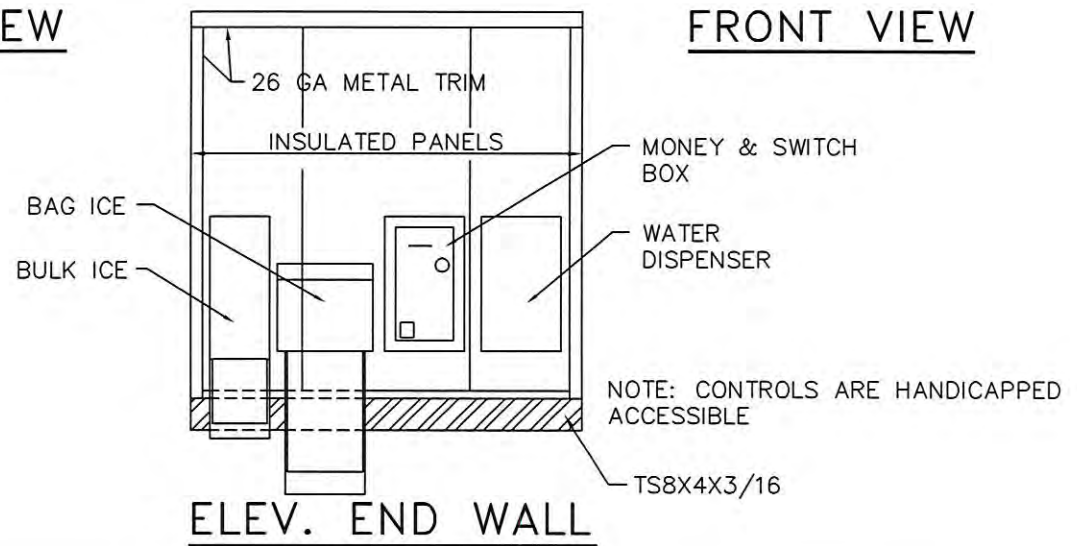
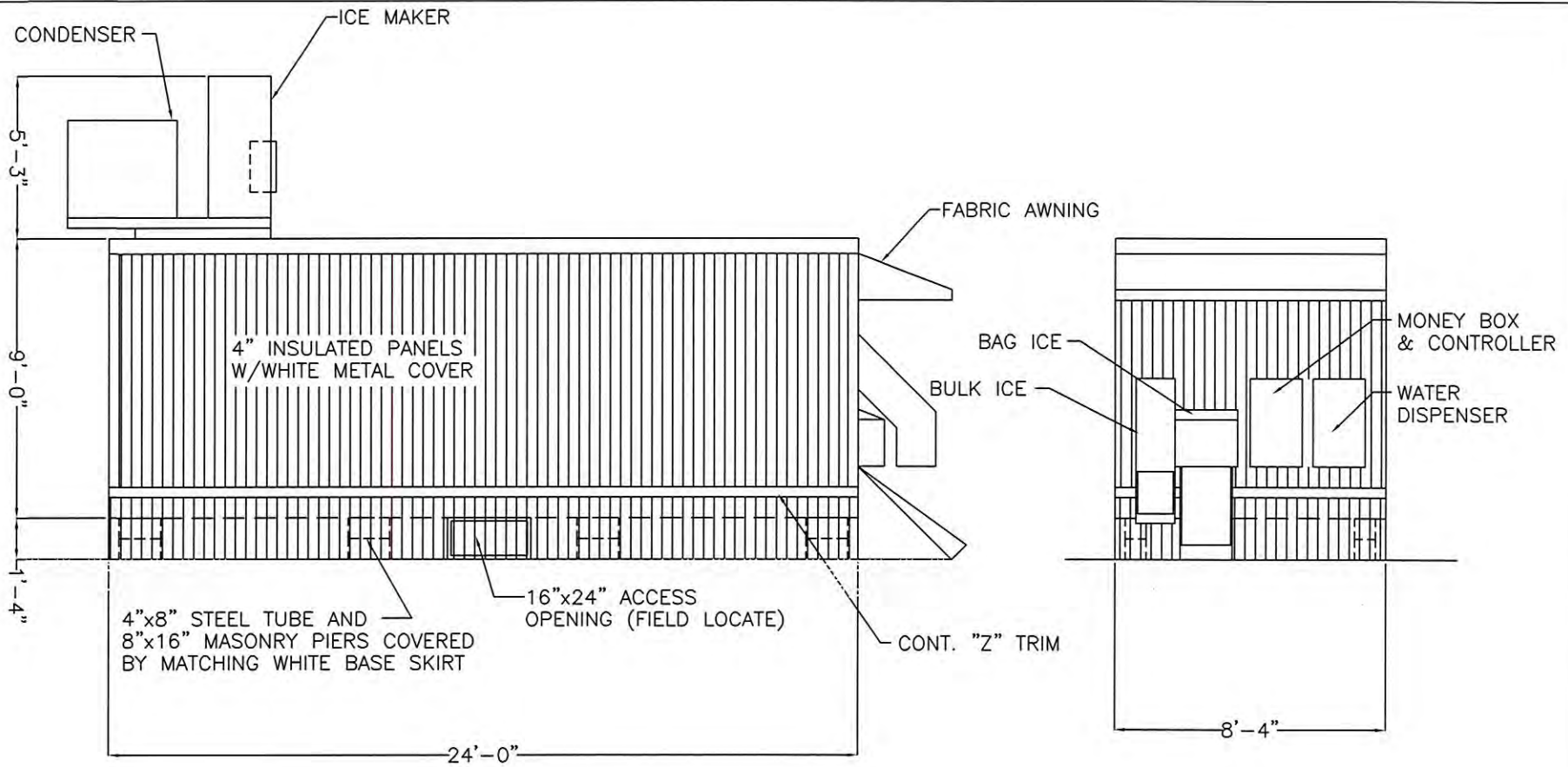
March & Adams Associates
 Consulting Engineers
 310 Dodds Ave.
 P.O. Box 3689
 Chattanooga, Tennessee 37404
 PH: (423)698-6675
 MAA IN: 16-189

Ice House America
 1597 The Greens Way
 Jacksonville Beach, Florida 32250
 904-241-7535

BUILDING ELEVATIONS W/CANOPY

PG OF
 A6

CORPORATE REGISTRATION NO. F-4359



06/06/2016
 SCALE: NONE
 REV:
 CITY:
 STATE: TX



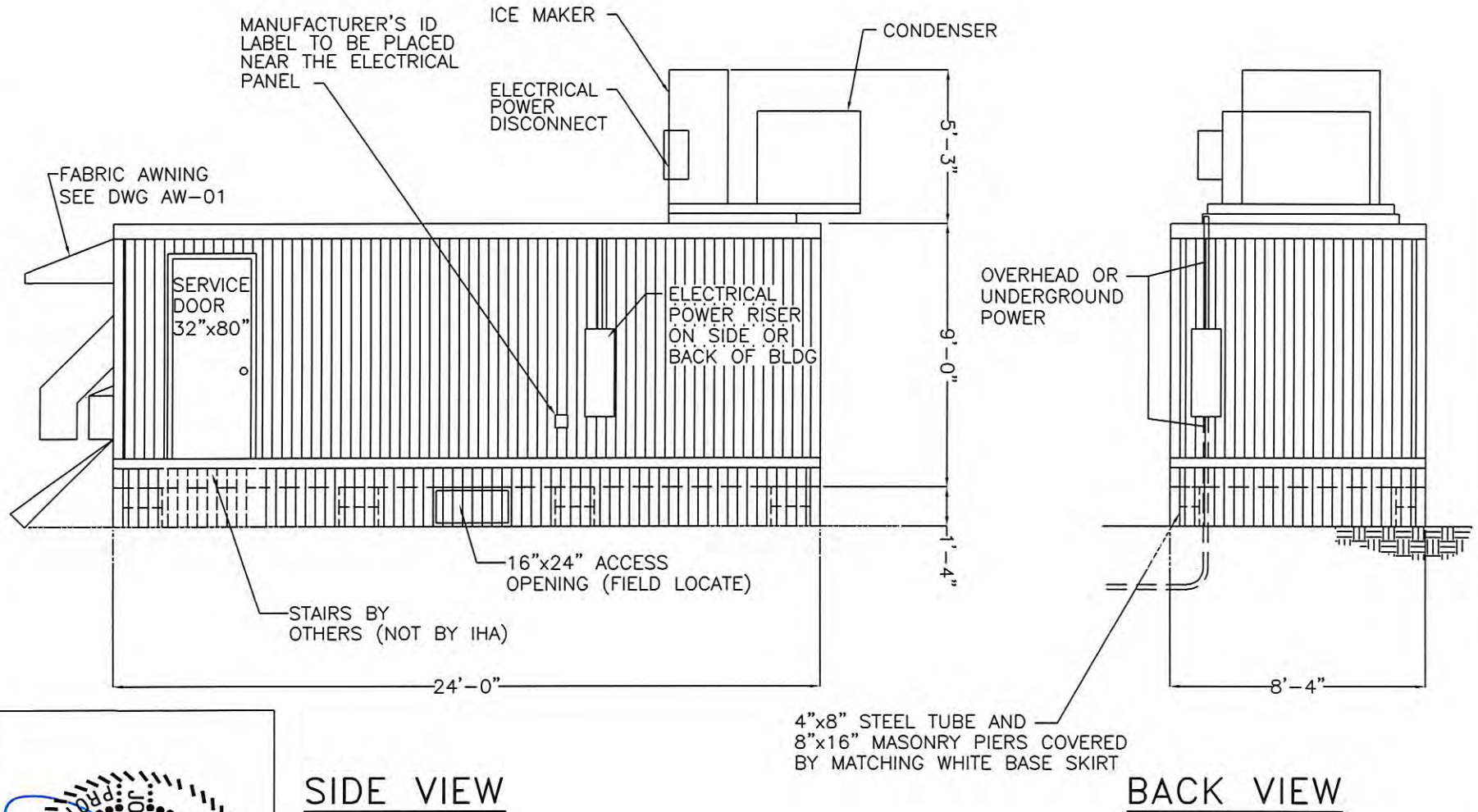
March Adams & Associates
 Consulting Engineers
 310 Dodds Ave.
 P.O. Box 3689
 Chattanooga, Tennessee 37404
 PH: (423) 698-6675
 MAA JV: 16-189

Ice House America
 1597 The Greens Way
 Jacksonville Beach, Florida 32250
 904-241-7535

**BUILDING
 ELEVATIONS
 W/CANOPY**

A7
 PG OF

CORPORATE REGISTRATION NO. F-4359



From: [Paul Church](#)
To: [Daniel Lunsford](#)
Subject: Re: Appeal of Staff Determination - Height of Vending Kiosks
Date: Monday, April 14, 2025 2:56:53 PM

Hello,

We appeal staffs determination re the height as the actual machine is 9 feet to code under 10 feet and the AC cooling unit that covers a small area of the top is typical to a building with a cooling unit this is not the actual structure.

This cooling unit can also be disguised painted sky blue or something tasteful.

We appreciate your consideration with this matter.

Thank you!

Best Regards,

Paul Church


Pelicanproperties.com Investments LLC

On Apr 14, 2025, at 2:47 PM, Daniel Lunsford <dlunsford@galvestontx.gov> wrote:

Can you explain as part of your narrative why staff's determination is incorrect? I know you disagree with our determination about the overall height, but what is factually incorrect about that determination that justifies an appeal?

Hopefully, this will assist you in crafting a solid appeal.

[<City3Color_60p_3c9c6c84-a89b-4a38-bddf-450e68d5cc3b.png>](#) **Daniel Lunsford, Planner**

[a89b-4a38-bddf-450e68d5cc3b.png](#)

Development Services Department

P.O. Box 779 Galveston, TX 77553 | 3015 Market St. Galveston, TX 77550

O:409.797.3660 | D:409.797.3659 | F: 409.877.1560 | dlunsford@galvestontx.gov

Get social! Follow @cityofgalveston On Facebook, Twitter, & Instagram

From: Paul Church <paul@pelicanproperties.com>

Sent: Friday, April 11, 2025 6:04 PM

To: Daniel Lunsford <DLunsford@GalvestonTX.Gov>

Subject: Re: Appeal of Staff Determination - Height of Vending Kiosks

Hello ,

Re 6600 Seawall Ice Machine.

Yes we are asking for a variance or exception to be considered please as the condenser can be hidden and painted the color of the sky and as it would be similar to a building height with an ac compressor that only covers a small area of the height not the entire building.

In addition it will be a great asset to the community if a storm takes place to get ice to keep perishables longer.

We greatly appreciate staff's consideration!

Thank you!

Best Regards,

Paul Church


Pelicanproperties.com Investments LLC

On Apr 11, 2025, at 4:59 PM, Daniel Lunsford <dlunsford@galvestontx.gov> wrote:

You're also appealing staff's determination that LDR 2.373(A)(2) applies to the overall height including equipment, correct?

<[City3Color_60p_3c9c6c84-a89b-4a38-bddf-450e68d5cc3b.png](#)>

From: Paul Church <paul@pelicanproperties.com>

Sent: Friday, April 11, 2025 4:53 PM

To: Daniel Lunsford <DLunsford@GalvestonTX.Gov>

Subject: Re: Appeal of Staff Determination - Height of Vending Kiosks

re 6600 Seawall ice Machine

Hello,

We would like to appeal the decision as the unit height complies with code. It is just the cooling AC unit above that is a couple feet higher. This would be in comparison to a building with an AC unit above that doesn't run the entire length of the building or the ice machine.

We are also able to hide the compressor in a box and paint it sky blue so it's less noticeable.

Another reason I feel this would be extremely beneficial to the residents of the area if we add a generator as an option is when the powers out in the area this machine can provide ice to residents in the area.

We feel this machine will be a very helpful option for the area.

We appreciate your consideration and help with all of us coming to a positive solution

Thank you!

Best Regards, Paul Church

On Apr 10, 2025, at 4:53 PM, Daniel Lunsford <dlunsford@galvestontx.gov> wrote:

This was the last correspondence I have about the appeal. I also found an email to you where we had an issue with payment (incorrect card number). So it was an incomplete application and we'll need the revised narrative and payment. Get that to me ASAP and we'll see about shoehorning it in (but I cannot make promises)

<[City3Color_60p_3c9c6c84-a89b-4a38-bddf-450e68d5cc3b.png](#)>

From: Daniel Lunsford <DLunsford@GalvestonTX.Gov>

Sent: Friday, March 7, 2025 9:27 AM

To: Paul Church <paul@pelicanproperties.com>

Subject: RE: Appeal of Staff Determination - Height of Vending Kiosks

The reason for the appeal and why it's necessary isn't stated - see the highlighted area. Hopefully, my previous email will help.

<image001.png>

We're also not going to be able to take this as a late submittal due to workload, so this will go to the May ZBA meeting. The applicant always has the option of finding a different kiosk that meets our determination if they don't want to wait that long with summer coming up.

From: Paul Church <paul@pelicanproperties.com>
Sent: Thursday, March 6, 2025 6:04 PM
To: Daniel Lunsford <DLunsford@GalvestonTX.Gov>
Subject: Re: Appeal of Staff Determination - Height of Vending Kiosks

Hi , Isn't that the narrative confused
Paul Church
[REDACTED]
Pelicanproperties.com Investments LLC

On Mar 6, 2025, at 4:03 PM, Daniel Lunsford
<DLunsford@galvestontx.gov> wrote:

We're also missing the narrative:

<image001.png>

Planning staff determined that LDR 2.373(A)(2) includes the total height of everything, including the equipment. However, you, the applicant disagree and believe that the height only applies to the structure of the kiosk unit itself, excluding the equipment.

<[City3Color_60p_3c9c6c84-a89b-4a38-bddf-450e68d5cc3b.png](#)>

From: Daniel Lunsford <DLunsford@GalvestonTX.Gov>
Sent: Wednesday, March 5, 2025 11:57 AM
To: Paul Church <paul@pelicanproperties.com>
Cc: Karina Rosales <KRosales@GalvestonTX.Gov>
Subject: Appeal of Staff Determination - Height of Vending Kiosks

Hi Paul,

I believe from memory this is what you're after. To provide some background:

The ice machine kiosk at 6600 Seawall falls under the "VENDING KIOSK / ATM" land use in our Land Development Regulations. The definition of this land use is:

"a machine that is located in a fixed position outdoors (either attached to a building or in a freestanding structure), which does not require employees or attendants to conduct transactions, and which is used for:

1. Automated banking or other financial transactions (e.g., "ATM" or change machines);
2. Vending or dispensing products (e.g., water, ice, DVD purchases or rentals, postal supplies, soft drinks, newspapers, snacks, ice cream, coffee or other foods or consumer items), or
3. Downloading electronic files (e.g., electronic books, music or video) via wired

connections. The phrase does not include wireless internet access points or wireless telecommunications facilities.”

This is a Limited Use in Commercial (C) zoning, with the following additional standards applicable:

SEC. 2.373 VENDING KIOSK / ATM

A. Limited Use Standards.

1. Minimum Setback. Vending kiosks and ATMs shall be set back from property lines one foot for each one foot in height of the kiosk or ATM.
2. **Maximum Height. Vending kiosks and ATMs shall not exceed 10 feet in height.**
3. Protection from Collision. Vending kiosks and ATMs shall be elevated above parking lot surfaces and protected by a six-inch curb with a minimum radius around the base of the kiosk or ATM of five feet. Bollards shall not be used for collision protection unless they are integrated into a decorative metal fence that surrounds the structure except at points of access.
4. Effect on Circulation.
 - a. Walk-up format vending kiosks and ATMs shall be located to connect to any internal or external pedestrian circulation systems on or adjacent to the site, and shall not interfere with vehicular circulation.
 - b. Drive-through format vending kiosks and ATMs shall be located and designed to minimize interference with vehicular circulation in surrounding or adjacent parking areas and shall provide at least three vehicle stacking spaces including the position at the kiosk or ATM.
5. Parking. Parking spaces for walk-up format vending kiosks and ATMs shall be located within 30 feet of the base of the kiosk or ATM.

The highlighted portion is the issue, and what you want adjudicated. Since it's not specified, staff has determined that includes equipment height - but that determination makes the kiosk as presented problematic. ZBA may agree with staff or not. I did find another kiosk which was permitted on 39th street, but it was exactly 10' high so not really anything we can use as precedent.

Anyway, linked below is the ZBA application, and attached is the credit card payment form. I ask that you fill out everything but the card number for your security; our planning tech Karina Rosales will call you get that information by phone once we receive the application.

<https://www.galvestontx.gov/DocumentCenter/View/5164/Zoning-Board-of-Adjustment---Appeal-Application>

Let me know if I can assist further.

ATTENTION: The material in this e-mail is intended only for the use of the named recipient(s) only and may contain information that is confidential, privileged, and exempt from disclosure under applicable law. If you are not an intended recipient, or an agent responsible for delivering it to an intended recipient, you have received this email in error. If you are not the intended recipient, you are hereby notified that any review, use, dissemination, forwarding, printing, copying, disclosure or distribution of this communication is strictly prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender by replying to this transmission and immediately delete and/or destroy this email and its attachments and all copies thereof.

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25Z-010

STAFF REPORT

ADDRESS:

2421 and 2425 68th Street

LEGAL DESCRIPTION:

The properties are legally described as Abstract 121 Hall & Jones Survey, Lots 16R and 17R, Reeves Special Subdivision (2002), in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Brax Easterwood

PROPERTY OWNER:

Rodney and Ann Reeves

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
- 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
19				

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 length/depth and square footage. The northernmost lot currently includes a single-family residence; the southernmost lot includes a residence and detached garage which encroaches over the common property line. The applicant would like to replat the two parcels in order to resolve this encroachment; however, because the lots created will not meet all of the minimum standards for new lots in Residential, Single-Family (R-1) zoning, a variance is required.

See the site plan and proposed replat in Exhibit A of the staff report, as well as a summary of variances below. Note that lot depth is measured as the mean (average) horizontal distance between the front and rear lot lines per Land Development Regulations 3.302. For example, if a lot has one side lot line measuring 60 feet and second lot line measuring 120 feet, the lot depth would be considered 90 feet per Land Development Regulations 3.302.

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

Required Minimum Lot Area	5,000 square feet
Required Minimum Width	50 feet
Required Minimum Depth	100 feet

Requested Variance	Minimum Lot Dimensions (R-1 Zoning)	Regulation	Proposed Variance
	Lot Area	5,000 square feet	4,301 square feet (699 square feet variance, proposed Tract A)
	Lot Length/Depth	100 feet	82.85 feet (17.15 feet variance, proposed Tract A); 98.87 feet (1.13 feet variance, proposed Tract B)

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.**

Existing conditions – pie-shaped corner lot with existing 2425 garage/slab/fence encroachment onto property.

- 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 the property line is not adjusted by 3.0' north, as shown in the survey, the retaining wall/drive and fence will cross the existing property line with an encroachment. The intent is to correct the conditions for sale of the property.

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

There are no proposed changes to the existing conditions of 2421 or 2425 68th Street. There are no negative impacts to the public interest. This approval prepares the property for a clean bill of sale, encourages home ownership and island housing opportunity.

- 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.

Property's structures and their locations were established in 1960, before current lot standards were in place. Hardship is the existing condition.

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 Golfcrest neighborhood.

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 5000 sf minimum (4301) to allow for the improvements to be located within the property lines of 2425 68th Street.

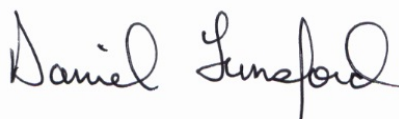
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are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

Alternatives are not reasonable. Alternative 1 – Demolish existing garage and drive/slab to achieve (2) 5,000 sf lots. Existing pie shaped site, street and alley will not allow for a 100' depth.

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

Yes, as well as the comprehensive plan's housing elements.

Respectfully submitted,



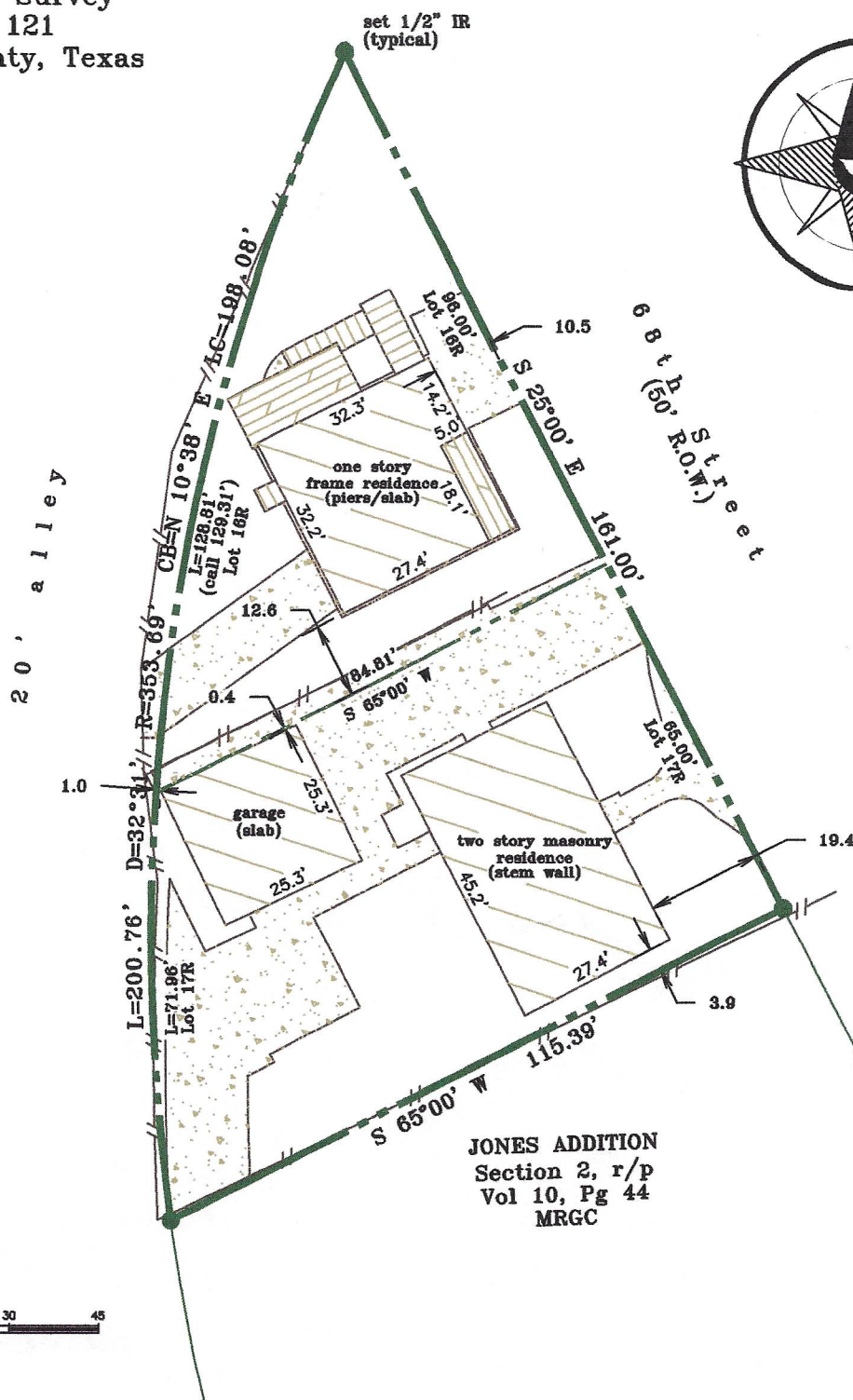
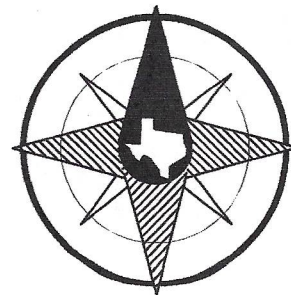
Daniel Lunsford
Senior Planner

04/28/2025

Date

Hall & Jones Survey
Abstract 121
Galveston County, Texas

EXIST'G



SURVEY OF A TRACT OF LAND LAND TITLE SURVEY OF A TRACT OF LAND being Lots 16R and 17R, of REEVES SPECIAL SUBDIVISION, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 16, Map No. 230 of the Map Records of Galveston County, Texas.

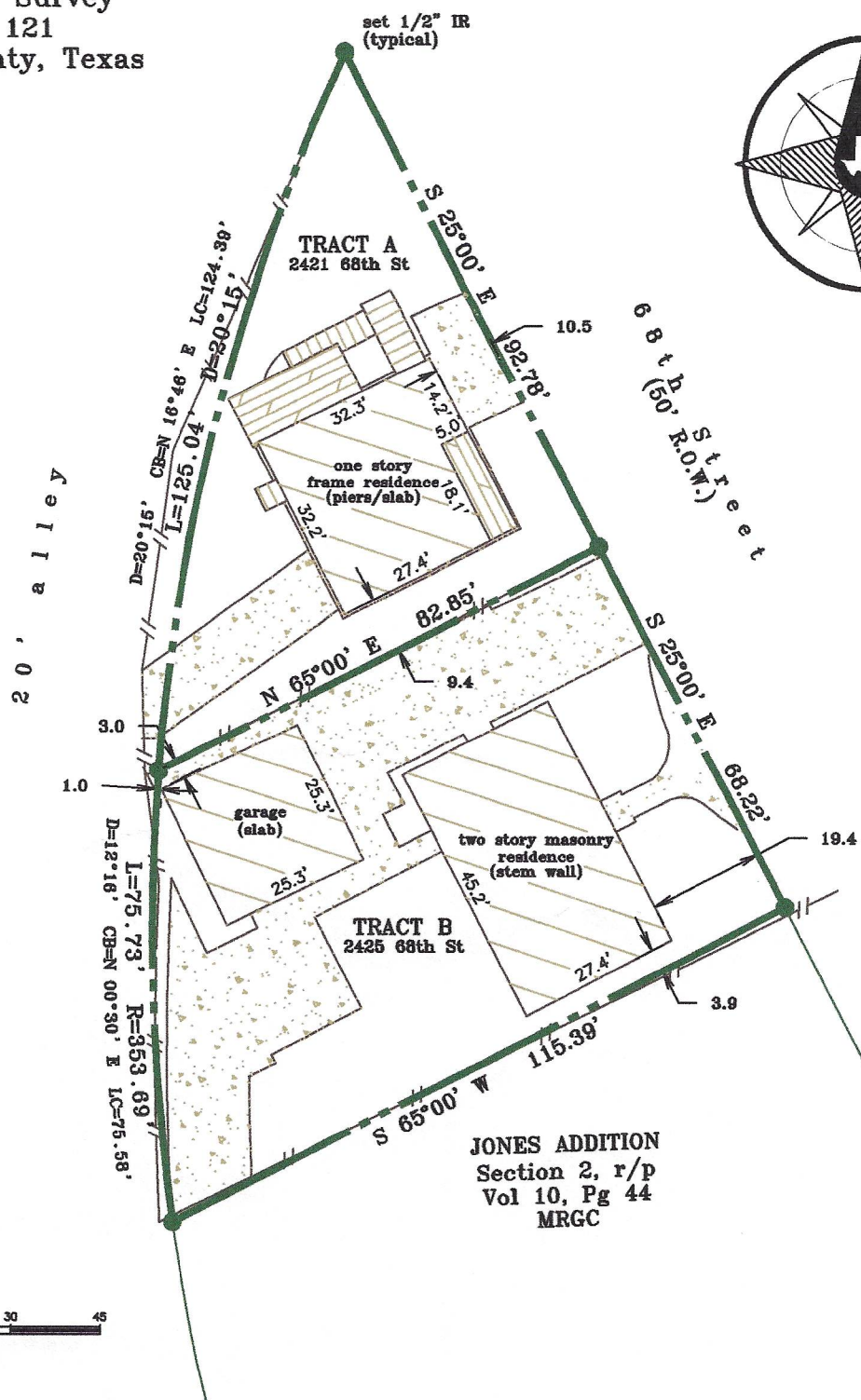
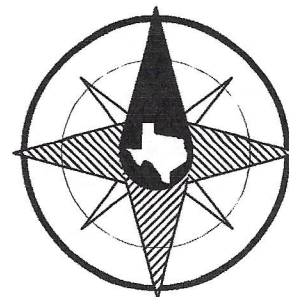
NOTES:
NO RECORDS SEARCH CONTRACTED. RECORD EASEMENTS, RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY, BUILDING LINES, ENCUMBRANCES, ETC. BY COMMON KNOWLEDGE ONLY.
CLIENT HOLDS TLTS, INC. HARMLESS FROM RESPONSIBILITY FOR SAME

- Restrictions as per recorded plat unless otherwise noted
- True ground distances shown
- Bearings assumed as platted
- Survey monuments reconciled w/numerous previous surveys

- NATIONAL FLOOD INSURANCE PROGRAM
:FIRM Zone AE
:Community #485469
:Map 48167C0404G
:August 15, 2019

Hall & Jones Survey
Abstract 121
Galveston County, Texas

PROPOSED



JONES ADDITION
Section 2, r/p
Vol 10, Pg 44
MRGC

SITE PLAN of Tracts A and B of "REEVES' 2ND REPLAT", a proposed replat of Lots 16R and 17R, of REEVES SPECIAL SUBDIVISION, according to the plat recorded in Plat Record 16, Map No. 230 of the Map 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
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- Survey monuments reconciled w/numerous previous surveys

- NATIONAL FLOOD INSURANCE PROGRAM
:FIRM Zone AE
:Community #485469
:Map 48167C0404G
:August 15, 2019

PROPOSED

"Reeves' 2nd Replat"

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENT

COUNTY OF GALVESTON §

That we, Rodney D. Reeves and Ann C. Reeves, owners of the property subdivided in the foregoing plat of "REEVES' 2ND REPLAT", do hereby make subdivision of said property according to the lines, streets, alleys, parks, building lines and easements therein shown and designate said subdivision "REEVES' 2ND REPLAT", in Galveston County, Texas.

WITNESS MY HAND this _____ day of _____, 2024.

Rodney D. Reeves

Ann C. Reeves

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENT

COUNTY OF GALVESTON §

Before me, the undersigned authority, on this day personally appeared Rodney D. Reeves and Ann C. Reeves, known to me to be the persons whose names are subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day

of _____, 2024.

Notary Public of the State of Texas

My commission expires: _____

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENT

COUNTY OF GALVESTON §

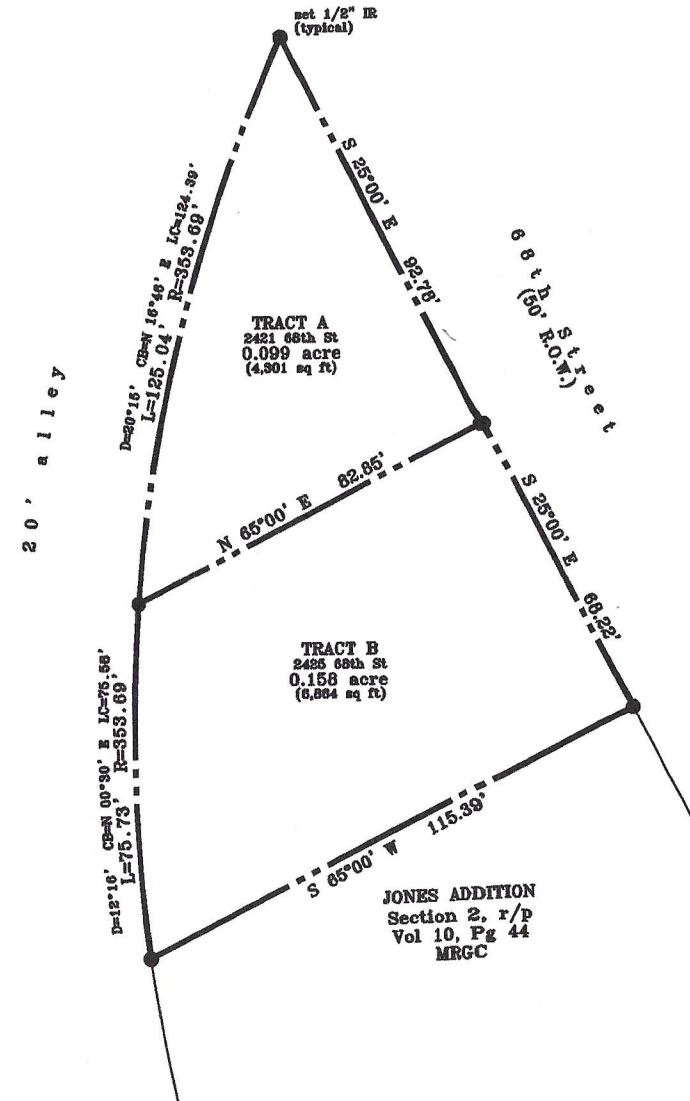
I, Dwight D. Sullivan, County Clerk, Galveston County, Texas do hereby certify that this written instrument was filed for record in my Office on

_____, 2024 at _____ o'clock ____M

and duly recorded on

_____, 2024 at _____ o'clock ____M

Hall & Jones Survey
Abstract 121
Galveston County, Texas





ENCROACHMENT

2425 68th St

Galveston TX 77551 (Galveston County)

Estimated Value

✂ Constructed in 1960 🏠 Residential

📏 2,340 sq. ft. living area 🚿 2 bathrooms

🏠 Satellite View & Map



DRIVEWAY

242 | 68th St

Galveston TX 77551 (Galveston County)

Estimated Value

✂ Constructed in 1960 🏠 Residential

📏 sq. ft. living area 🚿 2 bathrooms



Satellite View & Map



20' ALLEY

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.