

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m. Wednesday, February 5, 2020
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of Minutes: December 4, 2019

Documents:

[2019-12-04 ZBA MINUTES.PDF](#)

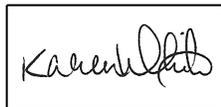
5. Request To Address Commission On Agenda Items Without Public Hearings And Non-Agenda Items (Three-Minute Maximum Per Speaker. If Speaking Through A Translator, Six-Minute Maximum Per Speaker)
6. New Business And Associated Public Hearings
 - A. 20Z-001 (14131 Grambo) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum For The Residential, Single Family (R-1) Zoning District Requirements For Side Yard Setbacks. Property Is Legally Described As Lot 36, Block 3, Pirates Cove, A Subdivision In The City And County Of Galveston, Texas. Applicants And Property Owners: Gregory And Elizabeth Jones

Documents:

[20Z-001 STF PKT.PDF](#)

7. Discussion Items
8. 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 January 30, 2020 at 9:30 A.M.



Prepared by: Karen White Karen White, 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 – December 4, 2019

CALL MEETING TO ORDER

The meeting was called to order at 4:00 p.m.

ATTENDANCE

Members Present: Louis Fuchs, Andrew Galletti, Robert Girndt, Jeff Patterson, Sharon Stetzel-Thompson (Alternate); Alice Watford; CM David Collins (Ex-Officio)

Members Absent: William Clement (Alternate)

Staff Present: Catherine Gorman, AICP, Assistant Director/Historic Preservation Officer; Janice Norman, Planning Manager; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The November 13, 2019 minutes were approved as presented.

REQUEST TO ADDRESS COMMISSION ON AGENDA ITEMS WITHOUT PUBLIC HEARINGS AND NON-AGENDA ITEMS (THREE MINUTE MAXIMUM PER SPEAKER)

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

19Z-012 (2311 Avenue P ½) Request for appeal of staff determination of the Galveston Land Development Regulations, Article 10, Section 10.303(L) regarding definition of a Low-rise. Property is legally described as M. B. Menard Survey, Tract A, Replat of Lots 3 through 7 (3005-1), Southeast Block 92, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: Michael Gaertner, Sr., Architect

Property Owner: Ajit Singh

Staff presented the staff report and noted that of twenty-one (21) notices of public hearing sent, zero (0) had been returned.

Chairperson Andrew Galletti opened the public hearing on case 19Z-012. Applicant Michael Gaertner, Sr. presented to the Commission. For additional presentations to the Commission, please refer to the attached list. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Patterson made a motion to uphold staff's determination. Vice-Chairperson Robert Girndt seconded, and the following votes were cast:

In favor: Fuchs, Galletti, Girndt, Patterson, Watford

Opposed: None
Absent: William Clement (Alternate)
Non-voting participant: Sharon Stetzel-Thompson (Alternate); CM David Collins (Ex-Officio)

The motion passed.

19Z-013 (11704 Sportsman Road) Request for variance from the Galveston Land Development Regulations, Article 2, Section 2.401, (B), regarding Timing of Construction, for an accessory structure. Property is legally described as Part of Lot 176 (176-4), Trimble & Lindsey, Section 2, in the City and County of Galveston, Texas.

Applicant: William L. Moll

Property Owner: William L. Moll

Staff presented the staff report.

Chairperson Andrew Galletti opened the public hearing on case 19Z-013. Applicant William L. Moll presented to the Commission. For additional presentations to the Commission, please refer to the attached list. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Patterson made a motion to approve case 19Z-013 due to the following special conditions:

- The applicant replaced a previously existing pier without modifying or expanding the footprint; and
- The applicant received the requisite permits from the Texas General Land Office and Army Corps of Engineers.

Chairperson Andrew Galletti seconded. Jeff Patterson amended his motion to include a condition that any change to the pier will invalidate the variance, and the following votes were cast:

In favor: Fuchs, Galletti, Girndt, Patterson, Watford
Opposed: None
Absent: William Clement (Alternate)
Non-voting participant: Sharon Stetzel-Thompson (Alternate); CM David Collins (Ex-Officio)

The motion passed.

DISCUSSION ITEMS

THE MEETING ADJOURNED AT 4:53 PM





20Z-001

STAFF REPORT

ADDRESS:

14131 Grambo Boulevard

LEGAL DESCRIPTION:

Property is legally described as Lot 36, Block 3, Pirates Cove, a Subdivision in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Gregory and Elizabeth Jones

PROPERTY OWNER:

Gregory and Elizabeth Jones

ZONING:

Residential, Single-Family (R-1)

VARIANCE REQUEST:

Encroachment on Side Setback

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Addendum for Residential, Single-Family District, Setbacks

EXHIBITS:

A – Survey

STAFF:

Karen White
 Planning Technician
 409-797-3608
kwhite@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
16				

City Department Notification Responses:

Building Division: If uncovered, the Building Division is good with this request per our amendments.

Airport: Airport has no comment.



Background:

The property was red tagged on August 1, 2019 for structural repairs, handrail repairs, and stairs that were completed without proper permitting. The stairs were constructed two (2) feet over the side setback.

Executive Summary:

The applicant is requesting a variance from Article 3, Addendum in order to retain stairs that encroach two (2) feet over the side setback. The lot is approximately 65 feet wide and 100 feet deep.

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

Requested Variance

Setback	Regulation	Proposed Variance
Side	3 feet	1 foot

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.**

For reasons of safety and my wifes [sic] physical condition we desire a secondary [sic] point of egress and ingress. Architecturally conducive stairs, which these are, to the side of homes leading to upper decks are common on the west end of the island and Pirates Cove.

- 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.**

In the event of an emergency like fire, flood, home invasion, having only one point of egress and ingress could potentially have life threatening consequences [sic]. It would also potentially limit emergency personnel while carrying out potential life saving duties and potentially put there [sic] lives in harms [sic] way.

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

Protecting/enhancing ones [sic] personal safety at home would have no adverse impact not run contrary to the public interest. Furthermore, there are numerous other home owners in Pirates Cove that for reasons known only to them have secondary points of egress and ingress.

- 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.**

Preparing our home for purposes of safety and in particular for a pre existing [sic] physical condition of one of the inhabitants is not a self imposed hardship. It is a prudent and proactive approach [sic] towards creating a safe living environment. The premium a home owner places on personal safety in the home is a personal choice. Our request addresses specific and logical concerns that if approved will provide us comfort, peaceful enjoyment and will not interfere with the safety and peaceful enjoyment of our Pirates Cove neighbors or others in the zoning district.

- 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 stairs are simply common place stairs similar to stairs all around the west end and Pirates Cove and they will have no impact on public

infrastructure. In fact they will have a positive impact proviing [sic] two points of egress and ingress should emergency personnel ever be called to the home. The stairs present no public health safety, moral or negative impact on the general welfare of the Pirates Cove community or the zoning district. The stairs are one foot from thre [sic] property line and five feet over the building line of the abutting unimproved lot which we own. The unimproved lot will never be improved, we do not plan on building on the lot.

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.**

By asking for this variance it will allow the stairs to remain as built in order to achieve the necessary steps towards creating a much safer environment.

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 stairs as constructed encroach upon the abutting lot. However, becauseu [sic] we own the abutting lot that will never built on or sold, we are asking for relief as it relates to other more complicated and costly alternatives.

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

By granting the variance you are supporting a home owners [sic] request to proactively enhance the safety of the home for the specific reasons presented. Thank you in advance for your consideration.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,



Karen White
Planning Technician

1/27/2020

Date



Catherine Gorman, AICP
Assistant Director/HPO

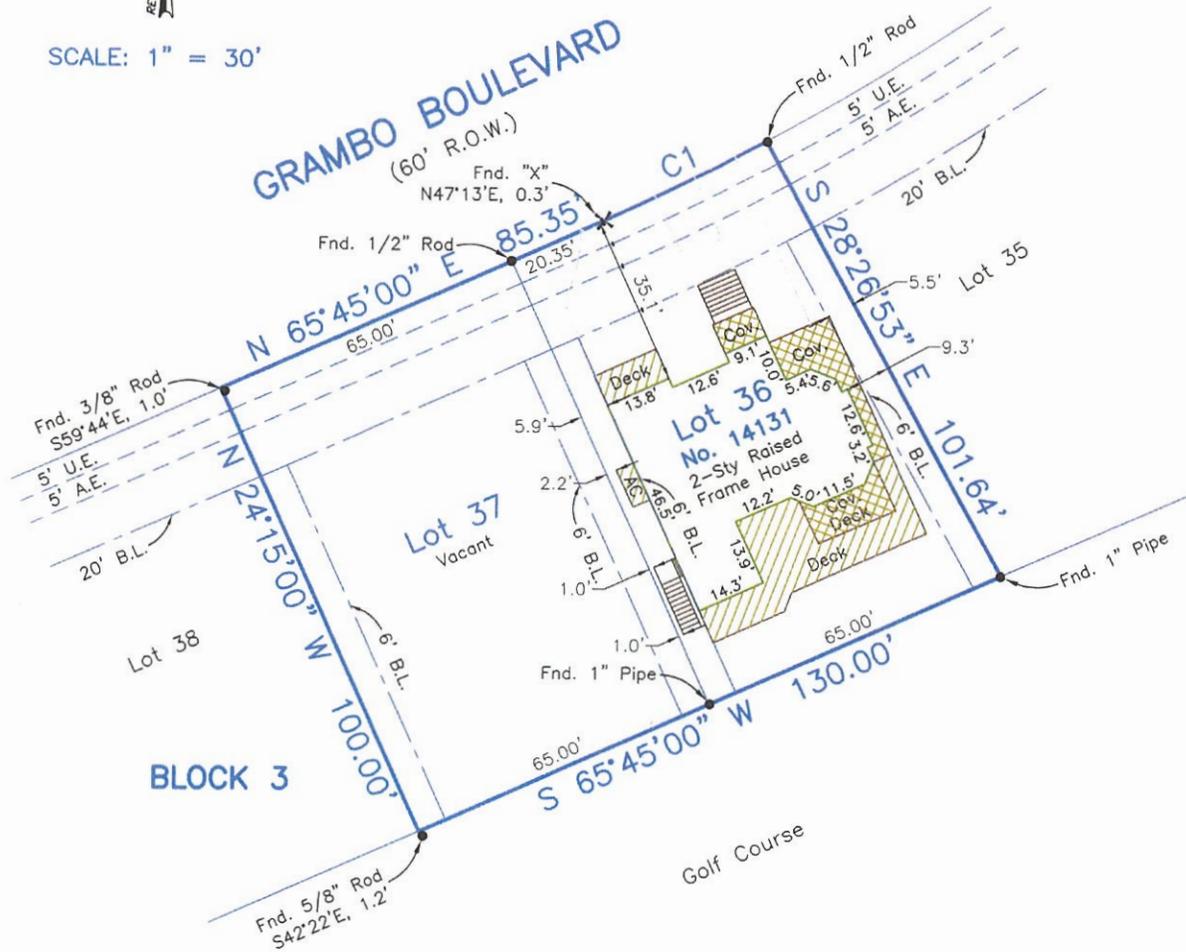
1/27/2020

Date

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	508.31'	37.24'	37.24'	N 63°39'04" E	4°11'53"



SCALE: 1" = 30'



Survey of Lots Thirty-six (36) and Thirty-seven (37), in Block Three (3), of PIRATES COVE, Section One (1), a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 1616, Page 128, and transferred to Plat Record 8, Map 3, both of the Map Records in the Office of the County Clerk of Galveston County, Texas.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brian S. House

Brian S. House
Registered Professional
Land Surveyor No. 6520



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 Southerly R.O.W. line of Grambo Blvd.
- 4) Surveyed without benefit of a Title Report.

SURVEY DATE:	NOVEMBER 26, 2019
FILE No.:	5865-0003-0036-000
DRAFTING:	AM
JOB No.:	19-0906

