

AGENDA
PLANNING COMMISSION
REGULAR MEETING
3:30 p.m. Tuesday, February 18, 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: February 4, 2020

Documents:

[2020-02-04 PC 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. 19BF-097 (Beachside Village) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Perform Annual Beach Maintenance. Property Is Legally Described As Follows: Beach (0-16) Beachside Village (2004), Beachside Village Section 4 (2016), Open Space And Beach Access (0-3), Beachside Village Section 5 (2019) Beach Reserve And Open Space Access, A Subdivision In The City And County Of Galveston, Texas. Applicant: Debbie Reinhart Property Owner: Beachside Village, HOA, Inc.

Documents:

[19BF-097 - STAFF REPORT.PDF](#)

- B. 20P-003 (4824 Austin Drive) Request For Designation As A Galveston Landmark. Property Is Legally Described Lot 8, Palm Gardens, A Subdivision, In The City And County Of Galveston, Texas. Applicant And Property Owner: Dr. Calvin E. Buckley

Documents:

[20P-003 PKT.PDF](#)

- C. 20P-004 (Adjacent To 1827 Avenue M) Request For A License To Use In Order To Relocate An Existing Entry Staircase, Landing, Awning And Railing In The Right Of Way. Adjacent Property Is Legally Described As The North 54-Foot Of Lot 1 (1-3) In The Northwest Block 20, Galveston Outlots, In The City And County Of Galveston, Texas. Applicant: Brax Easterwood, AIA Adjacent Property Owners: Mary Elizabeth Pennington Easement Holder: City Of Galveston

Documents:

[20P-004 PKT.PDF](#)

7. Discussion And Action 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 February 13, 2020 at 4:00 P.M.

A rectangular box containing a handwritten signature in black ink that reads "Karen White".

Prepared by: 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, TX 77550 (409-797-3510)

MEMBERS OF CITY COUNCIL MAY BE ATTENDING AND PARTICIPATING IN THIS MEETING



City of Galveston

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GALVESTON
REGULAR MEETING – February 4, 2020

CALL MEETING TO ORDER

The meeting was called to order at 3:30 p.m.

ATTENDANCE

Members Present: Jeff Antonelli, Cate Black, Lisa Blair, Bob Brown, Eugene Cook, Jeffrey Hill, Carol Hollaway, CM John Paul Listowski

Members Absent: None

Staff Present: Catherine Gorman, AICP, Assistant Director/HPO; Virginia Greb, Assistant Coastal Resource Manager; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

APPROVAL OF MINUTES

The January 7, 2020 minutes were approved as presented.

CONFLICT OF INTEREST

None

REQUEST TO ADDRESS COMMISSION ON AGENDA ITEMS AND NON-AGENDA ITEMS (THREE MINUTE MAXIMUM PER SPEAKER)

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

BEACHFRONT

19P-061 (18407 E De Vaca) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to construct a master suite, sunroom, and driveway addition. The property is legally described as Lot 54, Block 1, Indian Beach Section 2, a Subdivision in the City and County of Galveston, Texas.

Applicant: Ernie Weldon

Property Owners: Robert Edward Lordon and Josefina Lozano Lordon

Staff presented the staff report.

Chairperson Cate Black opened the public hearing on case 19P-061. Property owners Robert and Josefina Lordon presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve case 19P-061 with staff's recommendations. Carol Hollaway seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway
Opposed: None
Absent: None
Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

19P-066 (7 Grand Beach Blvd) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to construct a single-family dwelling, driveway, and perimeter fence. Property is legally described as Lot 15, Block 1, The Preserve at Grand Beach (2014), a Subdivision in the City and County of Galveston, Texas.

Applicant: Galveston Custom Homes, Tom Tran

Property Owner: Soul of the Sea, LLC., Mai Dang and Tom Tran

Staff presented the staff report.

Chairperson Cate Black opened the public hearing on case 19P-066. Applicant and property owner Tom Tran presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Carol Hollaway made a motion to approve case 19P-066 with staff's recommendations. Eugene Cook seconded, and the following votes were cast:

In favor:	Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway
Opposed:	None
Absent:	None
Non-voting participant:	CM Listowski (Ex-Officio)

The motion passed.

19P-069 (11391 Beachside Drive) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to construct a single-family dwelling, driveway, and perimeter fence. The property is legally described as Lot 431, Beachside Village Section 4 (2016), a Subdivision in the City and County of Galveston, Texas.

Applicant: Beachside Village Builders, Debbie Reinhart

Property Owners: Samuel Dewayne Dowdy and Rhonda Islet Dowdy

Staff presented the staff report.

Chairperson Cate Black opened the public hearing on case 19P-069. Representative of the applicant Bruce Reinhart presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve case 19P-069 with staff's recommendations. Lisa Blair seconded. Chairperson Cate Black proposed a friendly amendment to separate out the approval of the fence. Jeff Antonelli and Lisa Blair accepted the amendment, and the following votes were cast:

In favor:	Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway
Opposed:	None
Absent:	None
Non-voting participant:	CM Listowski (Ex-Officio)

The motion passed.

LICENSE TO USE

19P-070 (Adjacent to 121 Island Passage) Request for a License to Use for a landscaping wall located in the right of way. Adjacent property is legally described as Lot 253, Evia Phase Two (2007), a subdivision, in the City and County of Galveston, Texas.

Applicant: Al Fichera, Fichera Builders

Adjacent Property Owner: Robert Cianfrini

Easement Holder: City of Galveston

Staff presented the staff report and noted that of twelve (12) notices of public hearing sent, two (2) had been returned in favor.

Chairperson Cate Black opened the public hearing on case 19P-070. Applicant Al Fichera presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve case 19P-070 with staff's recommendations. Lisa Blair seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway
Opposed: None
Absent: None
Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

20P-001 (Adjacent to 2028 Postoffice / Avenue E) Request for a License to Use in order to install public art in the City of Galveston sidewalk right-of-way. Adjacent property is legally described as M.B. Menard Survey, South Half of Lot 14 (14-3) Block 500, in the City and County of Galveston, Texas.

Applicant: Amy Owens
Adjacent Property Owners: Francisco Vargas
Easement Holder: City of Galveston

Staff presented the staff report and noted that of twenty-seven (27) notices of public hearing sent, three (3) had been returned in favor.

Chairperson Cate Black opened the public hearing on case 20P-001. Applicant Amy Owens presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Chairperson Cate Black made a motion to approve case 20P-001 with staff's recommendations. Vice-Chairperson Jeffrey Hill seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway
Opposed: None
Absent: None
Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

PLANNED UNIT DEVELOPMENT

20P-002 (12212 San Luis Pass Road/FM 3005) Request for a Planned Unit Development (PUD) overlay district in order to construct a new high-rise development in the Commercial, Height and Density Development Zone, Zone-6 (C-HDDZ-6). Property is legally described as the West 311.7 Feet of Lot 1, Resort Subdivision, in the City and County of Galveston, Texas.

Applicant: Brax Easterwood, AIA
Property Owner: Prida Construction LTD.

Assistant Director/Historic Preservation Officer Catherine Gorman, AICP recused herself.

Staff presented the staff report and noted that of seven (7) notices of public hearing sent, zero (0) had been returned.

Chairperson Cate Black opened the public hearing on case 20P-002. Applicant Brax Easterwood, AIA and property owner Miguel Prida of Prida Construction LTD. presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Vice-Chairperson Jeffrey Hill made a motion to recommend approval of case 20P-002 with staff's recommendations. Chairperson Cate Black seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill
Opposed: Hollaway
Absent: None
Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

TEXT AMENDMENT

20ZA-001 Request for a text amendment to the Galveston Land Development Regulations, Article 2 Uses

and Supplemental Standards to modify the Limited Standards for the "Self Storage" land use.
Applicant: David Watson

Chairperson Cate Black recused herself at 5:18 p.m.

Staff presented the staff report.

Vice-Chairperson Jeffrey Hill opened the public hearing on case 20ZA-001. Applicant David Watson presented to the Commission. The public hearing was closed and the Vice-Chairperson called for questions or comments from the Commission.

Carol Hollaway made a motion to recommend approval of case 20ZA-001 with staff's recommendations. Vice-Chairperson Jeffrey Hill seconded, and the following votes were cast:

In favor:	Antonelli, Blair, Brown, Cook, Hill, Hollaway
Opposed:	None
Absent:	Black
Non-voting participant:	CM Listowski (Ex-Officio)

The motion passed.

DISCUSSION AND ACTION ITEMS

Council Member John Paul Listowski left at 5:28 p.m.

- Update on Beach Maintenance permits (Staff)

THE MEETING ADJOURNED AT 5:32 PM



19BF-097

STAFF REPORT

ADDRESS:

Beachside Village

LEGAL DESCRIPTION:

Property is legally described as Beach (0-16) Beachside Village (2004), Beachside Village Section 4 (2016), Open Space and Beach Access (0-3), Beachside Village Section 5 (2019) Beach Reserve and Open Space Access, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Debbie Reinhart

PROPERTY OWNER:

Beachside Village, HOA, Inc.

REQUEST:

Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE

REGULATIONS:

Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:

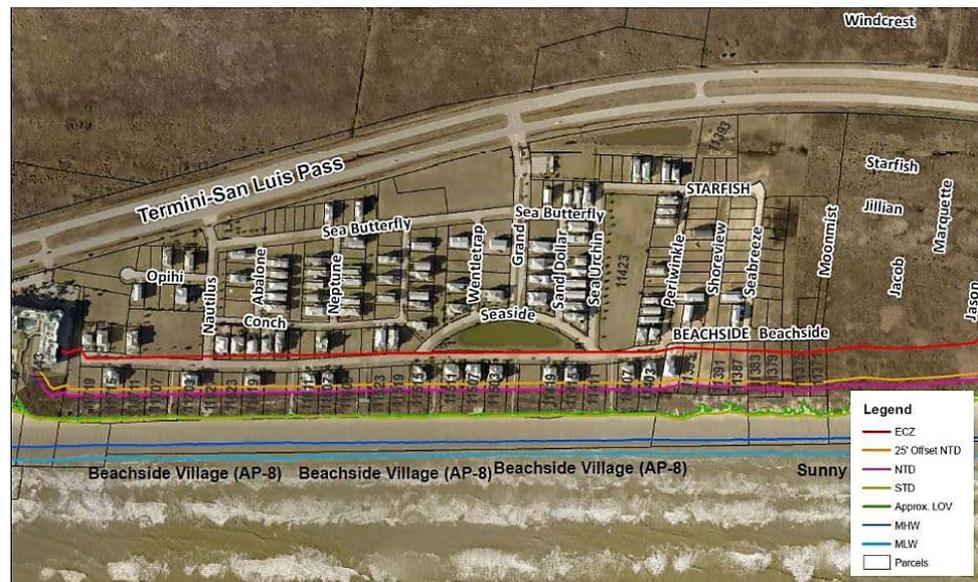
Approval with Conditions

EXHIBITS:

- A – Aerial Map
- B – Site Plan & Narrative
- C – Site Photos
- D – GLO Comments

STAFF:

Virginia Greb
 Coastal Resources Asst.
 Mgr.
 VGreb@GalvestonTX.gov



Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:

The City of Galveston’s Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities on approximately 3,000 linear feet of beach in the Beachside Village Subdivision. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area. The applicant proposes to conduct beach maintenance activities on the beach between the Line of Vegetation and the 3.0-foot elevation contour on an as-needed basis bi-weekly. For clarification, bi-weekly is defined as twice a month.

Site and Surrounding Area:

The subject site totals approximately ~3,000 linear feet of beach in the Beachside Village Subdivision. There are single and multi-family dwellings located to the North of the proposed beach maintenance area and beach area to the South, East, and West. According to the Bureau of Economic Geology, between the 1950s and 2012, this beach area has experienced an average shoreline change rate of -9 to -11 feet per year.

Analysis:

The table below summarizes details from the applicant site plan and narrative (Attachment “B”) regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
Beachside Village	3,000

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston’s Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment “B”), are submitted with this request.

Staff has reviewed the application materials and no prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

- a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;
- b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;
- c. The activity shall not result in significant changes to dune hydrology;
- d. The activity shall not result in adverse effects on dune complexes or dune vegetation;
- e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or
- f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed so as to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment “D” and

recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the activity, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards because the proposed beach maintenance activities are to be conducted between the 3.0-foot elevation contour and Line of Vegetation at scheduled times.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

- 1) **Avoid** the impact altogether by not taking a certain action or parts of an action;
- 2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;
- 3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,
- 4) **Compensate** for the impact by replacing resources lost or damaged.

According to the application materials, the entirety of the proposed beach maintenance activities will be located seaward of the Dune Protection Line between the 3.0-foot elevation contour and Line of Vegetation at scheduled times. Therefore, no adverse effects to dunes or dune vegetation are anticipated.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation and no adverse effects to dunes or dune vegetation are expected as the proposed beach maintenance activities are between the 3.0-foot elevation contour and Line of Vegetation at scheduled times.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. A structure is not being proposed for construction. The applicant is proposing annual beach maintenance activities.

Staff Recommendation:

Staff recommends approval of 19BF-097 with the following conditions:

Specific Conditions to Case 19BF-097:

1. The applicant may conduct proposed beach maintenance activities on the beach between the Line of Vegetation and the 3.0-foot elevation contour on an as-needed basis bi-weekly, on approximately 3,000-feet of beach in front of Beachside Village. For clarification, bi-weekly is defined as twice a month, not twice a week. If the applicant proposes to increase beach maintenance activities to more than twice a month, an amendment to the original application shall be submitted for review / consideration. The Texas Administrative Code Rule 15.7 (l) states that local governments shall prohibit beach maintenance activities unless maintenance activities will not materially weaken dunes or dune vegetation or reduce the protective functions of dunes.
2. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f)).
3. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":
 - a. The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement. At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than twice a month. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.
 - b. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.
 - c. The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach or dedicated pedestrian pathways to the beach for public use.
 - d. The applicant shall avoid impacts to any dunes or dune vegetation. The applicant may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.
 - e. The applicant is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be washed to remove sand particles and disposed

of properly in an off-site location.

- f. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.
- g. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.
- h. The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.
- i. The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.
- j. The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.
- k. In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize work to be performed within USACE jurisdiction.
- l. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

- 4. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;
- 5. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;
- 6. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,
- 7. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb

Virginia Greb
Coastal Resources Assistant Manager

02/13/2020

Date

Cathy

Catherine Gorman, AICP
Assistant Planning Director / HPO

02/13/2020

Date

Attachment “A”

Aerial Map



Beachside Village (AP-8) Beachside Village (AP-8) Beachside Village (AP-8) Sunny Beach (AP-7)

Legend

- ECZ
- 25' Offset NTD
- NTD
- STD
- Approx. LOV
- MHW
- MLW
- Parcels

0 325 650 1,300 Feet

Beachside Village (Case #19BF-097)

Map prepared by the City of Galveston Development Services Department (VGreb) - 12/19/2019
 Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
 The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases.
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Attachment“B”

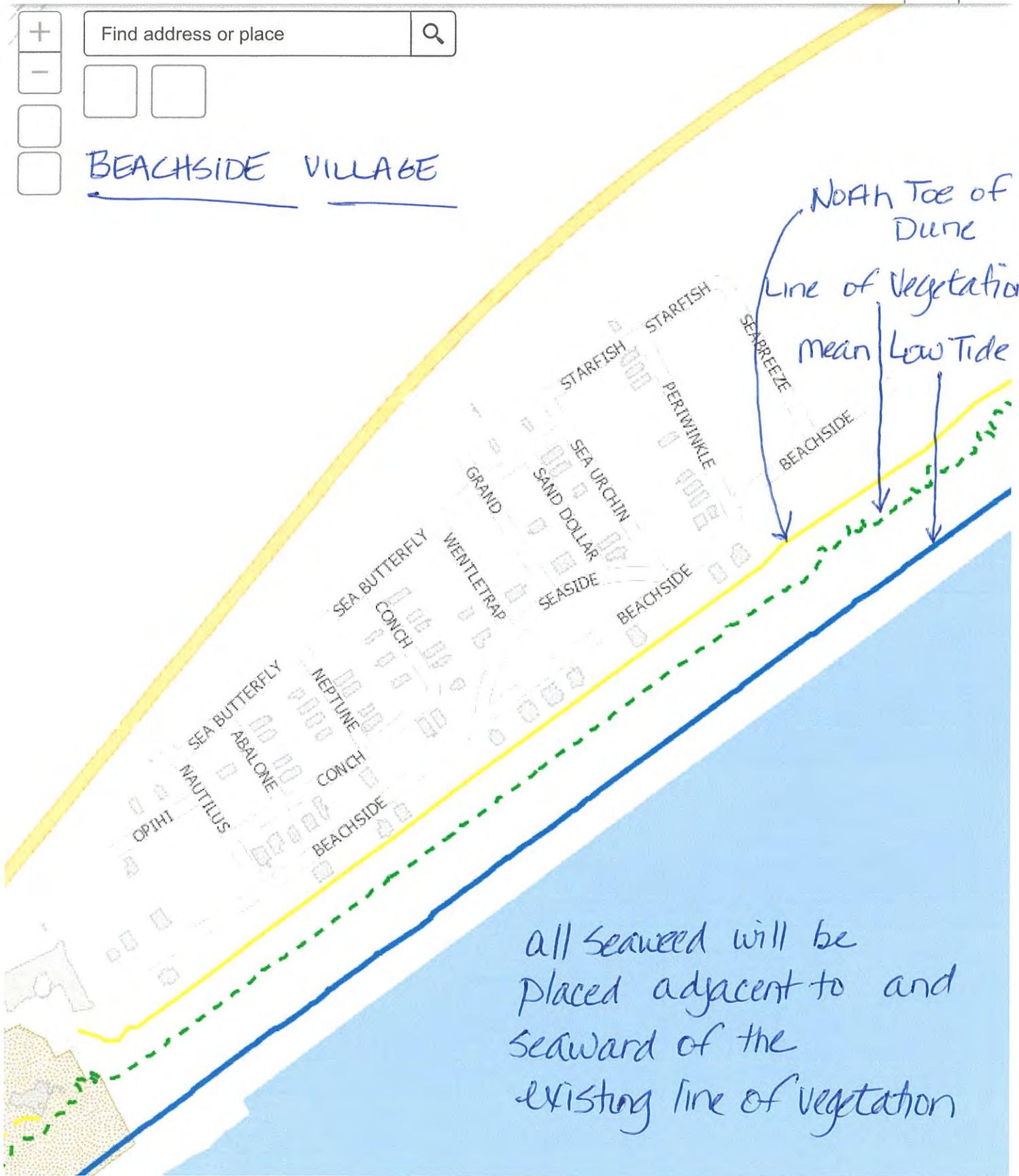
Site Plan

&

Narrative



BEACHSIDE VILLAGE



400ft
 3,278,595.606 13,653,719.156 Feet



Beachside Village Siteplan
Beach cleaning area highlighted in pink



16 December 2019

City of Galveston
Planning Department
P. O. Box 779
Galveston, Texas 77553

To Whom it May Concern:

Attached please find a Beach Maintenance Application Form. I have completed the form to the best of my ability and have attached the beach survey from the City's website, photos and a check for \$500. I am acting on behalf of the Board of Directors for Beachside Village Homeowners Association, Inc. The HOA has contracted with Sunrise Beach Cleaning to perform the beach cleaning.

Beachside Village fronts approximately 3000 linear feet of beach. Sunrise Beach Cleaning will rake the area between the 3' contour line and the line of vegetation. The equipment will leave most of the sand in place, raking the seaweed and placing it in small piles adjacent to and just seaward of the line of vegetation. Sunrise Beach Cleaning employs certified turtle monitors. This proposed activity will not adversely affect the public, public beach access or exacerbate erosion. The sand will remain between the line of vegetation and the mean high tide, the activity will not adversely weaken the dune or dune vegetation or reduce the protective functions of the dunes, the activity will not result in the significant redistribution of sand and the activity will not significantly alter the beach profile or the line of vegetation.

Please let me know if you need further information from me concerning this application.

Respectfully,

A handwritten signature in blue ink that reads "Debbie Reinhart". The signature is written in a cursive style.

Debbie Reinhart

From: [Debbie Reinhart](#)
To: [Virginia Greb](#)
Cc: [Dustin Henry](#)
Subject: Re: 19BF-097 - Additional Information Needed - Beachside Village
Date: Wednesday, January 8, 2020 3:33:14 PM
Attachments: [City3Color_60p_3c9c6c84-a89b-4a38-bddf-450e68d5cc3b.png](#)

Good afternoon, Virgie. I must have overlooked this email while I was out of town for the holidays. I apologize that I didn't respond quickly!

I've reviewed my prior beach maintenance letter (18BF-047) and I will use the language in that permit to answer your questions:

- Frequency - As needed but not more often than bi-weekly. At all times, the contractor will notify the turtle organization and will have a turtle monitor on site.
- Equipment - Sand rake - same equipment we've used for the past several years.
- Disposal - The seaweed and trash will be deposited in low areas, blowouts and breaches within the primary dune complex. If none exist, the material will be placed adjacent to and seaward of the dune.

I hope this answers your questions, adequately. Please be assured that at NO TIME will the beach maintenance activity restrict or interfere with the public use of or access to the beach or the pedestrian pathways. Please let me know if you need anything else from me.

Debbie Reinhart
Kahala Development, LLC
Beachside Realty Company, LLC
Beachside Village Builders, LLC
Physical: 3711 Grand Avenue, Galveston, Texas 77554
Mailing: P. O. Box 3809, Galveston, Texas 77552
Cell: 512.731.8182

On Thu, Dec 19, 2019 at 3:44 PM Virginia Greb <VGreb@galvestontx.gov> wrote:

Hi Debbie,

Please address the following comments / questions to continue the review process:

- What is the frequency the beach will be maintained?
- What type of equipment will be used to perform beach maintenance activities?
- What is the plan and method for the disposal of trash and debris?

If you have questions, please contact the coastal resources division.

We are happy to help.



Virginia Greb, Assistant Coastal Resource Manager

Development Services Department

P.O. Box 779 Galveston, TX 77553 | 823 Rosenberg Suite 401 Galveston, TX 77550

O: 409.797.3660 | D: 409.797.3545 | F: 409.877.1560 | vgreb@galvestontx.gov

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

Attachment “C”

Site Photos















Attachment “D”
GLO Comment
Letter



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

January 17, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address: Beach Seaward of Beachside Village, Galveston
Legal Description: Beachside Village Sec 4 (2016) ABST 121, Open Space Beach Access (0-3), Acres 2.0786; ABST Hall & Jones Sur Beach (0-16) Beachside Village (2004); Beachside Village Sec 5 (2019) ABST 121 Beach Res & Open Spc Access
Lot Applicant: Beachside Village HOA c/o Debbie Reinhart
Case Number: 19BF-097
GLO ID No.: BDCOG-20-0006

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to conduct beach maintenance activities on the beach between the line of vegetation and the 3.0-foot elevation contour on an as-needed basis twice a month on approximately 3,000 linear feet of beach in front of Beachside Village. According to the Bureau of Economic Geology, the area is eroding at a rate of nine to eleven feet per year.

Based on the information provided to our office for review, we have the following comments:

- The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement.¹ At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than twice a month. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.
- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.²

¹ 31 Tex. Admin. Code § 15.7(l).

² 31 Tex. Admin. Code § 15.7(l).

- The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach³ or dedicated pedestrian pathways to the beach for public use.⁴
- The applicant shall avoid impacts to any dunes or dune vegetation.⁵ The applicant may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.
- The applicant is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be washed to remove sand particles and disposed of properly in an off-site location.
- The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.⁶
- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.⁷
- The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.⁸
- The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.⁹
- The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.
- In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize work to be performed within USACE jurisdiction.

³ 31 Tex. Admin. Code § 15.7(e)(2).

⁴ City of Galveston Beach Access Plan Appendix A

⁵ 31 Tex. Admin. Code § 15.4(f).

⁶ 31 Tex. Admin. Code § 15.7(l).

⁷ City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).

⁸ 31 Tex. Admin. Code § 15.7(l).

⁹ 31 Tex. Admin. Code § 15.4(d).

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,



Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager



20P-003

STAFF REPORT

ADDRESS:

4824 Austin Drive

LEGAL DESCRIPTION:

Property is legally described as Lot 8, Palm Gardens, a Subdivision, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Dr. Calvin E. Buckley

PROPERTY OWNER:

Same

ZONING DISTRICT:

Residential, Single-Family (R-1)

HISTORIC DISTRICT:

N/A

REQUEST:

Request for designation as a Galveston Landmark

STAFF RECOMMENDATION:

Approval with Conditions

EXHIBITS:

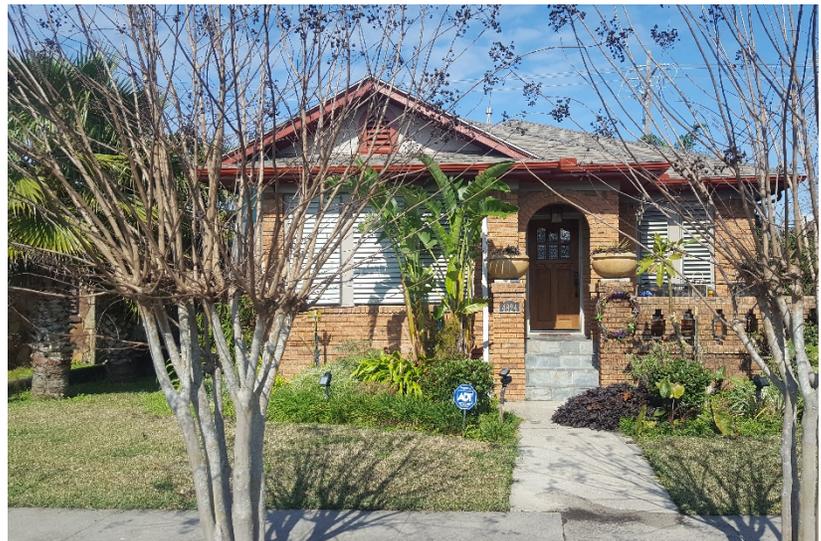
- A – Applicant’s Submittal
- B – Supplemental Research

STAFF:

Daniel Lunsford
 Planner
 409-797-3659
 dlunsford@galvestonTX.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
30				



Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Residential, Single-Family (R-1)	Residential
North	Residential, Single-Family (R-1)	Residential
South	Residential, Single-Family (R-1)	Residential
East	Residential, Single-Family (R-1)	Residential
West	Residential, Single-Family (R-1)	Residential

Executive Summary

The applicants are requesting designation of the above referenced address, as a Galveston Landmark.

Analysis

As per Article 10 of the Land Development Regulations, the following criteria should be considered during the Landmark Designation review process:

1. The character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Galveston, Galveston County, the State of Texas, or the United States.

The history of the Palm Gardens neighborhood is associated with the adjacent Cedar Lawn Neighborhood Conservation District. According to the Cedar Lawn Association, W.L. Moody III founded the Cedar Lawn Development Company in 1926 with partner Clark W. Thompson. Moody's house at 5115 Avenue T is currently a Galveston landmark. Shortly thereafter, the Cedar Lawn Development Company added eight blocks west of Cedar Lawn between Avenue L and Avenue N 1/2 to the project, calling this area Palm Gardens. As noted in the Galveston Architectural Guidebook, the small lots of the subdivision indicate it was meant for homeowners of more modest means.

2. Representative of an established and familiar visual feature of a neighborhood, community, or city.

Insurance records provided by the applicant show that the house at 4824 Austin Drive was built in 1928 for Robert J. Bonn Sr. and wife Lydia M. Taylor Bonn. The record notes the house contained five rooms, including a kitchenette, bathroom, and "back room". In 1943 the Bonns sold the house to Mabel Holman Williamson; she and husband Frank owned the house until 1985, longer than any other single owner.

The Robert and Lydia Bonn house is a brick Craftsman bungalow style common to the Palm Gardens neighborhood and seen in other parts of the city as well, such as along Avenue O. This particular style of bungalow is characterized primarily by the use of brick to describe architectural details such as handrails, arches, columns, and lintels and by the low roof pitches more common to Prairie- or later Ranch-style houses. Altogether, these houses exhibit a unique style that does not readily fit into any other category.

3. Association with the lives of people significant in the city, region, state or national past.

Robert J. "Bob" Bonn Sr. was born on September 8, 1893 in Galveston; his obituary notes him as a "lifelong Galvestonian" though he may have also lived in La Marque for some time after 1947. Mr. Bonn was a veteran of World War I, worked for Kelso Marine for a time, and was a retiree from Model Laundry after 32 years there. He

was also a bailiff for the county court, and was commander of the Galveston American Legion post.

Lydia M. Taylor Bonn was born on November 11, 1899 in Galveston; her obituary notes she resided in Galveston until 1947, sixteen years before her passing. She was member and past president of several civic organizations, including the Maco Stewart Auxiliary Post #29, the Bay Area 40 & 8 Club, and La Marque Home Demonstration Club. Together Robert and Lydia had several children and numerous grandchildren.

4. Retention of historic integrity, meaning that the property possesses several, and usually most, of the following aspects of integrity: location, design, setting, materials, workmanship, feeling or association.

The Robert and Lydia Bonn House retains its historic integrity and retains its original location, design, setting, materials, workmanship, feeling and association. It is a prime example of the unique Craftsman- style variation of domestic architecture seen throughout Galveston and especially in the Palm Gardens neighborhood.

Financial Incentives for Historic Properties

The property is eligible for the Financial Incentive for Historic Properties for new Galveston Landmarks.

Other Reviews

Planning Commission heard this request at their February 17, 2020 regular meeting. City Council has the final decision regarding the request for a Landmark Designation. The request will be heard at the regular meeting of March 26, 2020.

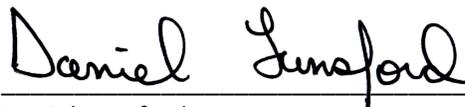
Staff Recommendation

Staff recommends approval with the following condition:

Standard Condition:

1. As with all properties containing a Historic Overlay Designation, including Landmark Designations, exterior alterations to the property will be subject to review and approval by the Landmark Commission and must conform to the Design Standards for Historic Properties of Galveston, Texas.

Respectfully Submitted:



Daniel Lunsford

February 11, 2020

Date



Catherine Gorman, AICP
Assistant Director/HPO

February 11, 2020

Date

**4824 Austin Dr.
Palm Gardens
Galveston, Texas 77551**

The Cedar Lawn Association began to build the Cedar Lawn Neighborhood and then developed the next neighborhood over, Palm Gardens. Although many have thought that Palm Gardens was built for the domestic help serving the families and homes in Cedar Lawn, that is untrue. Surprisingly, the deed restrictions of both areas are quite similar and vary only slightly. The houses in Cedar Lawn were required to cost \$7,000.00 and up, where Palm Gardens had two sections: one where Palm Gardens' minimum home value was \$3,000.00 and another with no less a value than \$5,000.00. The land was auctioned and a great deal of original properties from the 1930's, 1940's and later still exist as they were originally constructed.

The property at 4824 Austin Dr. was constructed in 1928, as proven by a DESCRIPTION AND ESTIMATE of the Present Cash Value, (copy) provided by the Rosenberg Library Historical Archives.....the original owner was J. Bohn. The property was purchased and sold many times over the last 92 years and the interior has been totally updated, but the exterior structure remains as it was originally constructed. Palm Gardens was known as 'A front porch' neighborhood and the neighborhood still reflects the intent of the Original Deed Restrictions.

The Palm Gardens Neighborhood boundaries INCLUDE THE AREA BETWEEN AVE. L AND AVENUE N 1/2 - FROM 48th to 50th STREETS. A Neighborhood Association was formed to protect the integrity of the properties within its' boundaries. 4824 Austin Dr. is exemplary of Arts & Crafts architecture.

Westmoor subdivision, occupying the area from 45th to 47th from T to U, which was inaugurated by Dr. Willard R. Cooke and other enterprising local physicians, and later added to by Brantly Harris and Jules Damiahi. This subdivision was started in October 1925, when the north half was laid out and the south half added to in October 1927. Later five additional blocks surrounding the first section were laid out, making a total of nine blocks in the Westmoor addition.

Cedar Lawn

The Cedar Lawn Development Company, with W. L. Moody III and Clark W. Thompson started the development of Cedar Lawn in July 1926, in the area between L and N, 45th and 48th.

This comprises nine blocks and is probably the best developed of any subdivision as yet. Practically all of the lots have been sold and the majority has pretentious homes erected thereon.

Later, January, 1927 (unreadable), the Cedar Lawn Development Company added eight additional blocks adjacent to Cedar Lawn and called it Palm Gardens. This includes the area between Avenue L and N1/2 - from 48th to 50th streets and is also well settled.

Palm
Gardens

CEDA

CEDAR  LAWN
Established 1927

All of these subdivisions have public utilities, lots are graded and curbed and driveways have been laid out and in some instances asphalt topped. ...

DESCRIPTION AND ESTIMATE of the Present Cash Value

Of the one story Asbestos Shingle roofed B.V. building
 Situated on Lot No. 8 in Block No. D.R. 33 No. 4824 Austin Drive Street
 in the City of Galveston, owned by R. J. Bohn Mabel Holman

Occupancy: {
 Basement none for
 First Floor by tenant for Dwelling
 Second Floor by for
 Third Floor by for

DESCRIPTION

When built? Aug. '28 Last repaired or painted?
 Is it on leased grounds? no When does lease expire?
 What is used for lighting? elec Is gasoline used?
 Size of building? See div 20x34, 13x30, 14x20 - 1350 S.F.
 Plastered
 Number of rooms 5 Rough ceiled and papered Kitchenette Halls 1 small Bath room 1
 Ceiled and painted
 Number closets? 3 Porches? 1 Mantels and grates? no
 Number of flues and construction thereof? 1 brick to grd
 Is public Fire Hydrant within 500 feet? yes Within 1000 feet? 1350 e. 18th

The above described building would cost, at present value of materials and labor \$ 25,111

Robert J. Bohn and wife to Mabel Holman lot 8 of Palm Gardens and improvements; \$10 etc. (United States revenue stamps indicate transaction up to \$7000).
 Mabel Holman, widow, to Frank Williamson and wife, lot 8 of Palm Gardens and improvements; \$10, etc. (revenue stamp).

10-15-43 \$
10-26-45 age, use or location 25 per cent \$ 6250

Making the present Cash Valuation \$ 18750

OTHER IMPROVEMENTS

10/17/28 \$ 15000
 \$
 \$
 \$
 \$
 \$
 \$

Deduct for depreciation from age, use or location per cent \$

Making the present Cash Value \$

REMARKS:

Reproduced From
 The Holdings of the
 Rosenberg Library, Galveston, Texas

INSPECTOR

DESCRIPTION AND ESTIMATE of the Present Cash Value

Of the One story Asbestos shingle roofed Brick veneer building
Situatd on Lot No. 8 in Block No. Sub. Div. D. R. 33 No. 4822-24 Austin Drive Street
in the City of Galveston, owned by J. Bohn

Occupancy: Basement for
First Floor by Owner for Dwelling
Second Floor by for
Third Floor by for

DESCRIPTION

When built? Aug 1928 Last repaired or painted?
Is it on leased grounds? No When does lease expire?
What is used for lighting? Elec Is gasoline used?
Size of building? See Dia.

Plastered
Number of rooms Rough celled and papered 5 kitchenette & breakfast nook 1 small Bath room 1
Celled and painted

Number closets? 3 Porches? 1 Mantels and grates? none

Number of flues and construction thereof? 1 brick to ground

Is public Fire Hydrant within 500 feet? Yes Within 1000 feet?

The above described building would cost, at present value of materials and labor \$ \$

\$ \$

Deduct for depreciation from age, use or location per cent \$

Making the present Cash Valuation \$

OTHER IMPROVEMENTS

\$ \$

\$ \$

\$ \$

\$ \$

\$ \$

Deduct for depreciation from age, use or location per cent \$ \$

Making the present Cash Value \$

REMARKS:

Reproduced From
The Holdings of the
Rosenberg Library, Galveston, Texas

INSPECTOR

Galveston, Texas, day of 192

ORDER NO.: HT075198

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

CUSTOMER SERVICE DEPARTMENT

777 POST OAK BLVD.

SUITE 100

HOUSTON, TX 77056

713-626-9220

86 YEARS CHAIN OF TITLE REPORT

RE: 4824 AUSTIN DR, GALVESTON, TX

REQUESTED BY: ALI PALACIOS

LEGAL DESCRIPTION:

Lot Eight (8) of Palm Gardens, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 417, Page 265, in the Office of the County Clerk of Galveston County, Texas, together with an Eight (8) foot sidewalk abandoned by the City of Galveston, by certified copy of Ordinance of record in Volume 611, Page 374, in the Office of the County Clerk of Galveston County, Texas.

INSTRUMENTS FILED:

Deed dated February 11, 1928, filed for record on February 11, 1928, by and between The Cedar Lawn Company, a corporation to B. Wittjen, recorded under Volume 417, Page 310 of the Deed Records of Galveston County, Texas.

Deed dated September 28, 1928, filed for record on October 18, 1928, by and between B. Wittjen to Robert J. Bohn and wife, Lydia M. Bohn, recorded under Volume 425, Page 352 of the Deed Records of Galveston County, Texas.

Deed dated October 11, 1943, filed for record on October 14, 1943, by and between Robert J. Bohn and wife, Lydia M. Bohn to Mabel Holman, recorded under Volume 671, Page 337 of the Deed Records of Galveston County, Texas.

Deed dated May 4, 1945, filed for record on October 26, 1945, by and between Mabel Holman to Frank M. Williamson and wife, Mabel Holman Williamson, recorded under Volume 709, Page 48 of the Deed Records of Galveston County, Texas.

Warranty Deed dated December 6, 1985, filed for record on December 6, 1985, by and between Mabel E. Williamson to Edward H. Williamson, recorded under Galveston County Clerk's File No. 8549526.

General Warranty Deed dated May 30, 1991, filed for record on May 31, 1991, by and between Edward H. Williamson to Harry T. Crockett and wife, Judy W. Crockett, recorded under Galveston County Clerk's File No. 9118402.

General Warranty Deed With Vendor's Lien dated March 14, 2000, filed for record on March 15, 2000, by and between Harry T. Crockett and wife, Judy W. Crockett to Toby L. Smith and Darlene A. Smith, recorded under Galveston County Clerk's File No. 2000012169.

Warranty Deed With Vendor's Lien dated January 31, 2000, filed for record on February 1, 2008, by and between Toby L. Smith and wife, Darlene A. Smith to Billy R. Graff and wife, Dawn Graff, recorded under Galveston County Clerk's File No. 2008005775.



INVOICE 7504

Invoice Date: 7/1/2014
File Number: HT075198

To:

ALI PALACIOS
21019 BLUE TOPAZ
RICHMOND, TX 77406

From:

Old Republic National Title Insurance Company
777 Post Oak Blvd.
Suite 100
Houston, TX 77056

Buyer:
Seller:
Reference:
Property Address: 4824 AUSTIN DR GALVESTON TX 77551
Brief Legal: Lot 8 in PALM GARDENS, a subdivision in Galveston County, Texas.
Loan Amount: Sales Amount:

Description	Amount	Qty	Total
86 YEARS CHAIN OF TITLE REPORT	\$250.00	1	\$250.00

Subtotal	\$250.00
Tax @ 8.25 %	\$20.63
Non Taxable Amt.	\$0.00
Credits	\$0.00
Grand Total	\$270.63

Please Remit To:
Old Republic National Title Insurance Company
ATTN: Accounting
777 Post Oak Blvd.
Houston, TX 77056
713-626-9220

Thank you!

Warranty Deed With Third Party Lien dated August 6, 2010, filed for record on August 9, 2010, by and between Billy R. Graff and wife, Dawn Graff to Edward R Davidson and Veronica T. Davidson, recorded under Galveston County Clerk's File No. 2010039294.

SEARCH COMPLETED THROUGH: June 26, 2014

NOTICE: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY DISCLAIMS ANY WARRANTIES, EXPRESSED OR IMPLIED CONCERNING THIS INFORMATION. THIS INFORMATION IS SOLELY FOR THE USE OF THE PARTY REQUESTING IT AND NO ONE ELSE. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY'S LIABILITY FOR ERRORS AND/OR OMISSIONS IN THIS INFORMATION SHALL BE LIMITED TO THE AMOUNT PAID FOR THIS REPORT. BY ACCEPTING THIS FORM, THE PARTY REQUESTING THE INFORMATION AGREES THAT THE DISCLAIMER OF WARRANTIES AND LIABILITY LIMITATION CONTAINED IN THIS PARAGRAPH IS A PART OF ITS CONTRACT WITH OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND SHALL COVER ALL ACTIONS WHETHER ARISING HEREUNDER BY STATUTE, IN CONTRACT, OR IN TORT.

PREPARED BY:


JESSE ARRIAZOLA

To the State of Texas }
County of Galveston } Know all men by these presents:

That the Cedar Grove Co., a corporation, has and lawfully adopted and declares this to be the Cedar Grove Co. Map or Plan subdividing Blocks Nos. 32, 33, 40, 41, 56, 57, 64 and 65 of Blaine Property in the City and County of Galveston, Texas including the streets, avenues and alleys conveyed to it by the City of Galveston by deed of record in Book 4177 Page 265 of the Public Records of Galveston County, Texas and subject to the rights therein granted to said City and property to be hereinafter known as "Palm Gardens" and has and does hereby dedicate and donate to the public use the streets or drives shown hereon.

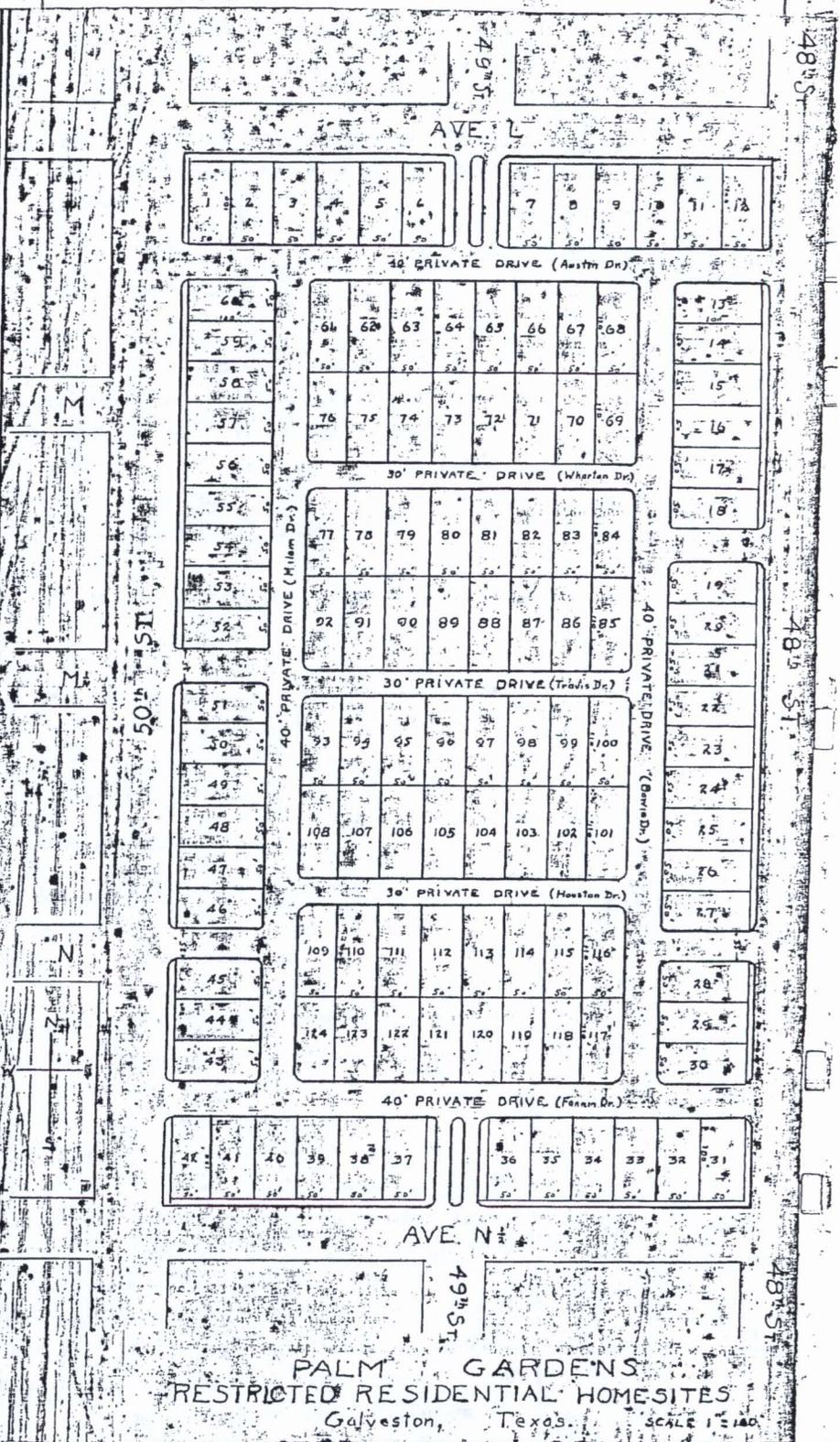
In testimony whereof the Cedar Grove Co. has caused these presents to be signed by its officers and has caused its common seal to be hereunto affixed. Witness my hand and seal of office this thirtieth day of January A.D. 1928.

The Cedar Grove Company
By W. B. Woodruff
President
Chas. W. Thompson
Secretary

To the State of Texas }
County of Galveston }

I, the undersigned authority, a Notary Public in and for Galveston County, Texas, on this day personally appeared W. B. Woodruff and Chas. W. Thompson known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and in the respective capacities therein stated.

Given under my hand and seal of office this thirtieth day of January A.D. 1928.
A. B. Brown
Notary Public in and for Galveston County, Texas



Parents: George Leonard Bohn and Julia Emma Ernestine Oehring.

Widower of Lydia Mathilda Taylor.

The Galveston News, Monday, April 12, 1971.

ROBERT JOHN BOHN SR., 77, a life long Galvestonian, died Sunday morning after an apparent heart attack. Funeral services will be held at 9:45 a.m. Tuesday at the J. Levy & Bro. Funeral Home followed by a Mass at St. Patrick's Church, the Rev. Leo Wleczyk officiating. Burial will be in Grace Memorial Park Cemetery, Alta Loma. A Rosary will be recited at 7:30 p.m. Monday at the funeral Home. Bohn was born Sept. 8, 1893, in Galveston. He was a veteran of World War I and, at the time of his death, was commander of the Galveston American Legion Post. Bohn was a retired employee of the Model Laundry, where he was employed for 32 years and Kelso Marine. In recent years he had been a county grand jury bailiff. Bohn lived at 3218 Ave. Q-1/2. Survivors include a son, Robert J. Bohn, Jr. of Galveston; two brothers, G. A. Bohn, of Houston; and N. L. Bohn, of Belton; nine grandchildren and two great-grandchildren. Pallbearers will be Charles E. Blakeman, R. Jack Harris, Bernard E. Ott, Robert Jack Bohn, Paul Michael Bohn and David Patrick Bohn. Honorary pallbearers will be members of the American Legion Post and the St. Patrick's Men's Club. Friends may call at the funeral home after 10 a.m. Monday.

Buried, 4/13/1971, in Grace Memorial Cemetery and Chapel, Garden of Devotion, Alta Loma, Galveston Co., TX; Lot 51, Space 8.

Source: www.findagrave.com/Galveston County Daily News

Parents: Thomas S. Taylor and Agnes Schroeder.

Wife of Robert John "Bob" Bohn, Sr.

The Galveston News, Saturday, July 13, 1963.

MRS. ROBERT J. (LYDIA TAYLOR) BOHN, 63, resident of La Marque, died in St. Mary's Infirmary, at 4:10 a.m. Friday. She was born Nov. 11, 1899 in Galveston and was a resident here until 16 years ago when she moved to La Marque. She was a member of the Trinity Lutheran Church in La Marque, member and past president of Maco Stewart Auxiliary Post No. 29, past president of the Bay Area * & 40, and a member of the La Marque Home Demonstration Club. Mrs. Bohn is survived by her husband, Robert J. (Bob) Bohn Sr. of La Marque; a son, Robert J. Bohn Jr. of Galveston; eight grandchildren, nieces, nephews and other relatives. Funeral services will be held at 1 p.m. Saturday at J. Levy & Bro. Funeral Home, the Rev. Paul G. Wilson officiating. Interment will be in Grace Memorial Park in Alta Loma. Pallbearers will be R. J. Harris, J. D. Carney, C. E. Blakeman, T. L. McClelland, L. L. Boatright and T. E. Holt.

Buried, July 13, 1963, in Grace Memorial Cemetery, Garden of Devotion, Alta Loma, Galveston Co., TX; Lot 51, Space 7.



20P-004

STAFF REPORT

ADDRESS:

Adjacent to 1827 Avenue M

LEGAL DESCRIPTION:

Adjacent property is legally described as the North 54-feet of Lot 1 (1-3) in the Northwest Block 20, Galveston Outlots, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Brax Easterwood, AIA

ADJACENT PROPERTY OWNER:

Mary Elizabeth Pennington

ZONING:

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

REQUEST:

License to Use

APPLICABLE ZONING LAND USE

REGULATIONS:

Section 32-5 of the City Code of Ordinances

STAFF RECOMMENDATION:

Approval

EXHIBITS:

A – Applicant’s Submittal

STAFF:

Janice Norman, Planning Manager
 409-797-3670
 jnorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
34				

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: No Objections



Executive Summary

The applicant is remodeling the structure and moving the existing landing and staircase that is in the right of way, toward the south end of the structure along 19th Street. As the stairs are currently constructed, they would qualify for an Administrative License to Use per Section 32-5 (C) (4) (p) of the Galveston Municipal Code. That section allows Staff to approve LTU requests for “minimal residential encroachments” that have been in place for 50 years or more. Planning Commission review is required because the stairs are being relocated and will be newly constructed.

Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Residential, Single Family- Historic Overlay (R-3-H)	Residential
North	Residential, Single Family- Historic Overlay (R-3-H)	Residential
South	Residential, Single Family- Historic Overlay (R-3-H)	Residential
East	Residential, Single Family- Historic Overlay (R-3-H)	Residential
West	Residential, Single Family- Historic Overlay (R-3-H)	Residential

Site Details

The surrounding properties are residential, single-family structures in the Lost Bayou Historic District. Staff has observed that there is a pattern of stairs and porches over the front property line along 19th Street. The stairs and awning have been in the right of way for many years.

Impact on Transportation System

There is a sidewalk along 19th Street and the existing and new proposed stairs and awning will not block the sidewalk or cause pedestrian access to be obstructed. The right of way is approximately 10-feet in width. The newly constructed stairs and awning will be 2-feet 9-inches into the existing 10-foot right of way.

Impact on Public Utilities and Services

There were no objections from any Public or Private utilities. Texas Gas had a comment that they maintain an easement along the right of way and requested that before construction the applicant call and have the lines located.

Other Reviews

Landmark Commission will hear this case at their regular meeting on February 17, 2020.

Staff Recommendation

Staff recommends Case 20P-004, request regarding a Permanent License to Use the City right-of-Way for stairs, be approved with the following conditions:

Specific to Case 20P-004 :

1. The applicant shall be responsible for any damage to the right-of-way area caused by the installation and maintenance of the stairs and should the right-of-way be damaged in any way, the applicant shall repair the area;
2. The applicant shall adhere to the survey in Exhibit A for the placement of the stairs and awning;

3. The applicant shall call and locate utility lines prior to construction;

Standard LTU conditions

4. The Licensee shall adhere to all comments/conditions received from City departments and/or private utility companies. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval. Failure to comply with all comments/conditions may result in penalties and/or revocation of this permit;
5. The Licensee shall be responsible for repairing any damage to the right-of-way area caused by the installation and maintenance of the requested items. Such repairs shall be made promptly and in conjunction with applicable City departments;
6. The cleaning of the debris from the site shall be the responsibility of the Licensee;
7. The Licensee and all of the Licensee's rights granted are conditioned that owners of utility facilities, whether publicly or privately owned, have at all times access to the property made subject of the License, together with the right to enter the property and excavate for the purpose of repairing, replacing, locating and maintaining such utility facilities, if any;
8. The Licensee shall execute the License to Use Agreement within 90-days from the date the Planning Commission approved the License to Use, otherwise the Agreement shall be of no further effect and shall be considered as having been canceled fully;
9. **LICENSEE UNDERTAKES AND PROMISES TO HOLD THE CITY OF GALVESTON HARMLESS AND TO INDEMNIFY AND DEFEND IT AGAINST ALL SUITS JUDGMENTS, COSTS, EXPENSES AND DAMAGES THAT MAY ARISE OR GROW OUT OF THE USE OR GRANT OF THE LICENSE TO USE CITY RIGHT-OF-WAY UNDER THIS AGREEMENT REGARDLESS OF FAULT;**
10. The City does retain the right and option to cancel the License and terminate all rights of the License upon ninety (90) days written notice of such cancellation and termination, sent to Licensee at the mailing address provided herein; and, Licensee agrees and shall be obligated to vacate the property made subject of the license and to remove all improvements and/or obstruction located thereon at Licensee's own expense prior to the expiration of said 90-day notification period; and
11. Annual renewal permit fees shall be ten dollars (\$10.00) for the first ten (10) linear feet or fraction thereof plus one dollar (\$1.00) for each additional linear foot or fraction thereof. Any renewal fee less than fifty dollars (\$50.00) shall be automatically waived, by the director of planning. The licensee for a permit or extension of a permit shall not be entitled to a refund of any portion of the permit fees in the event the permit application or application for extension is rejected, or in the event the permit is revoked. This section shall not apply to renewal fees for canopies and tree sculptures.

Respectfully Submitted,



Janice Norman, Planning Manager

2/10/2020
Date

Exhibit A





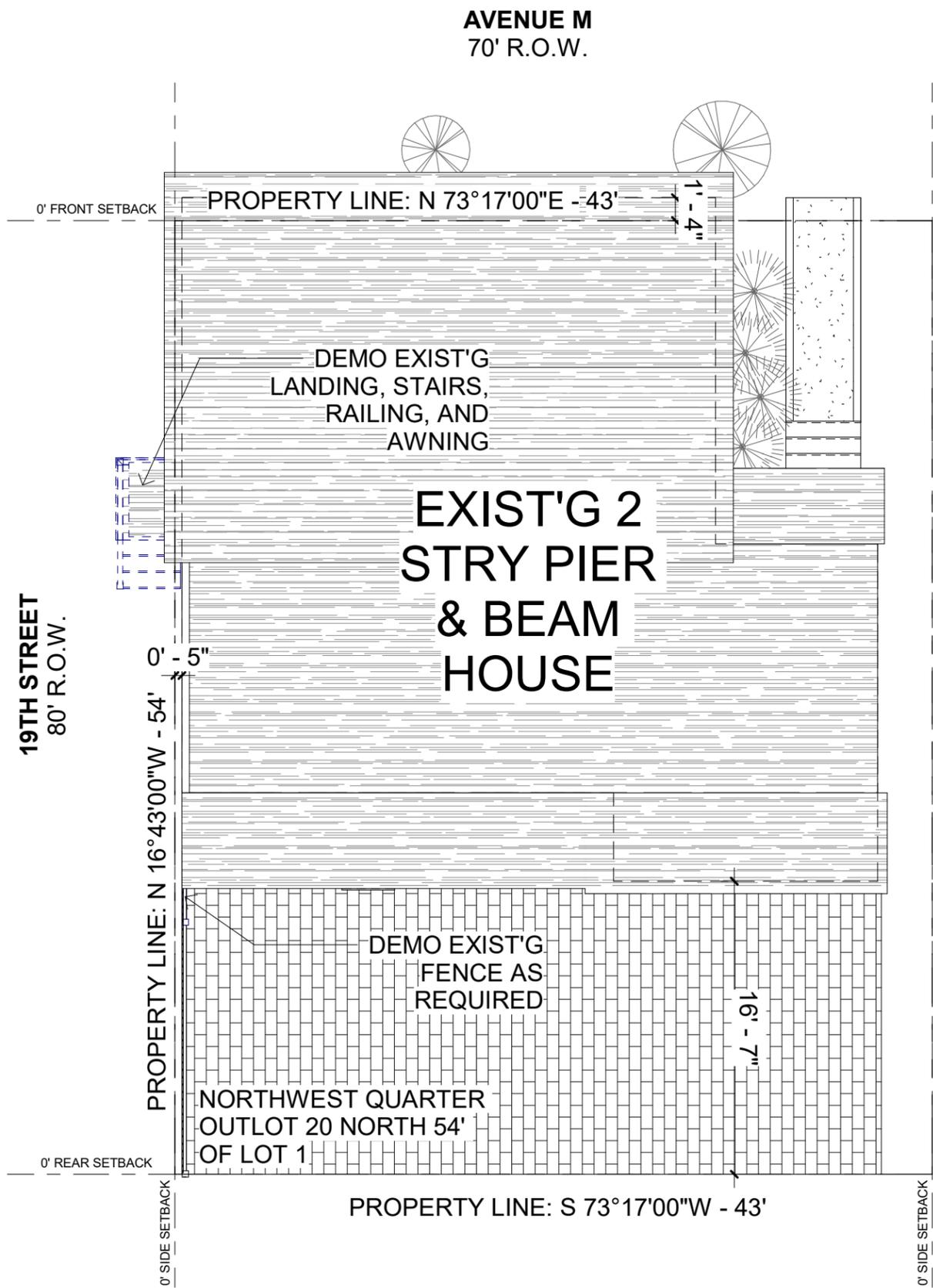
① View from 18th Option 1



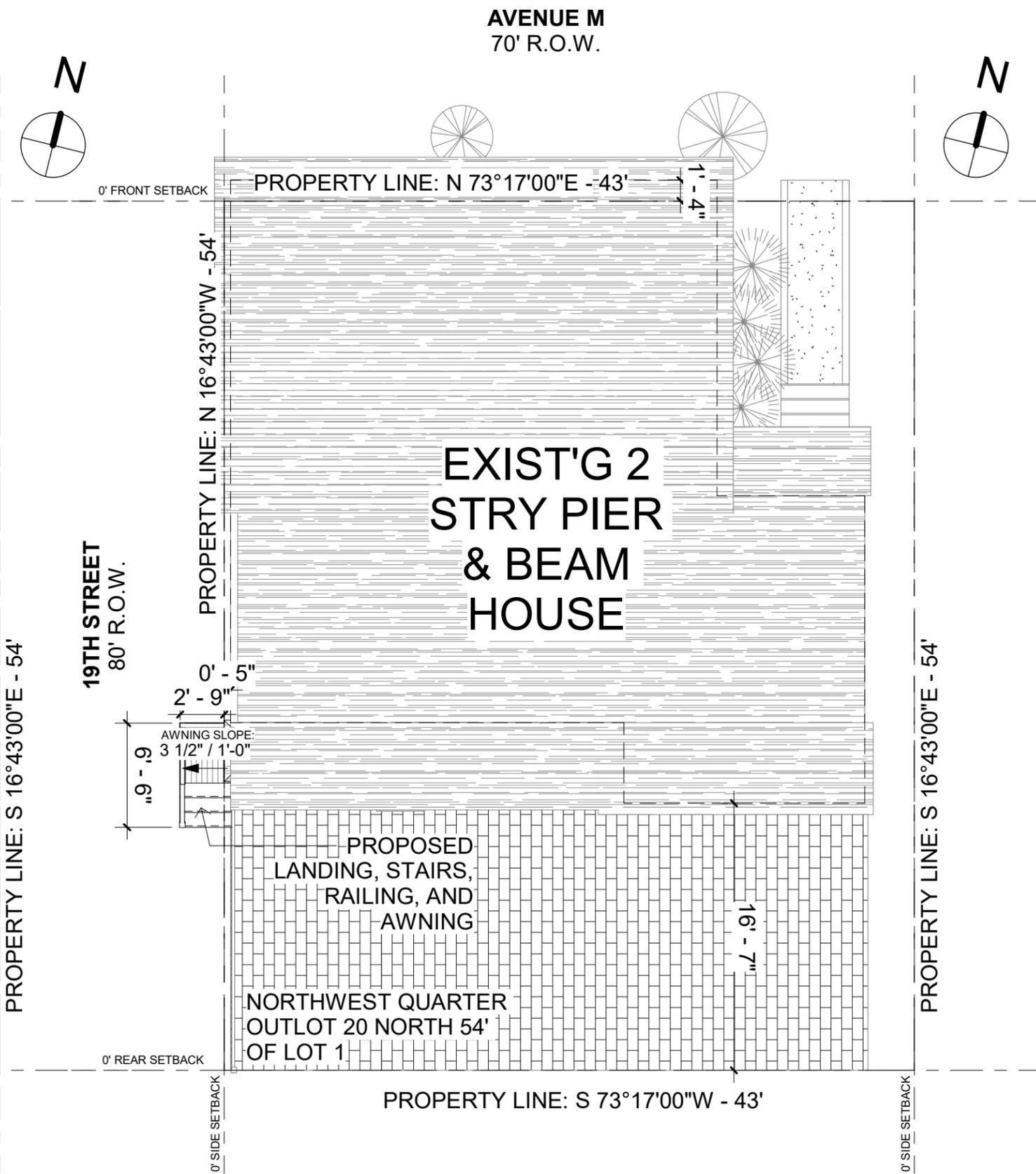
② View from corner of 18th & M Option 1



③ View from M



① EXISTING SITE PLAN
1/8" = 1'-0"



② PROPOSED SITE PLAN
1/8" = 1'-0"

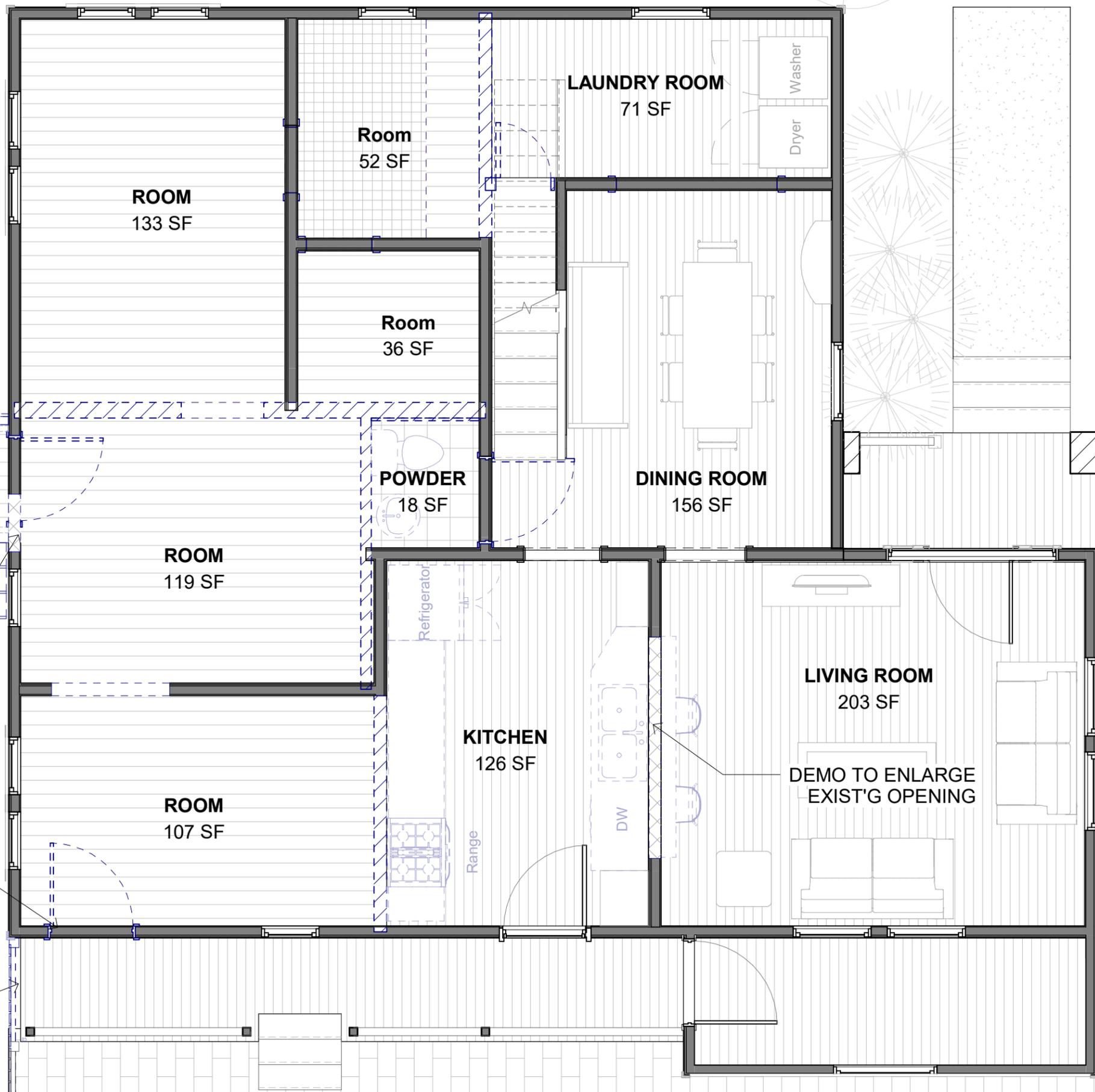
NOTE: DASHED LINES INDICATE DEMOLITION. SALVAGE ALL HISTORIC WOOD TRIM, DOORS, AND WINDOWS.

DEMO EXIST'G LANDING, RAILING, AND AWNING. REMOVE DOOR

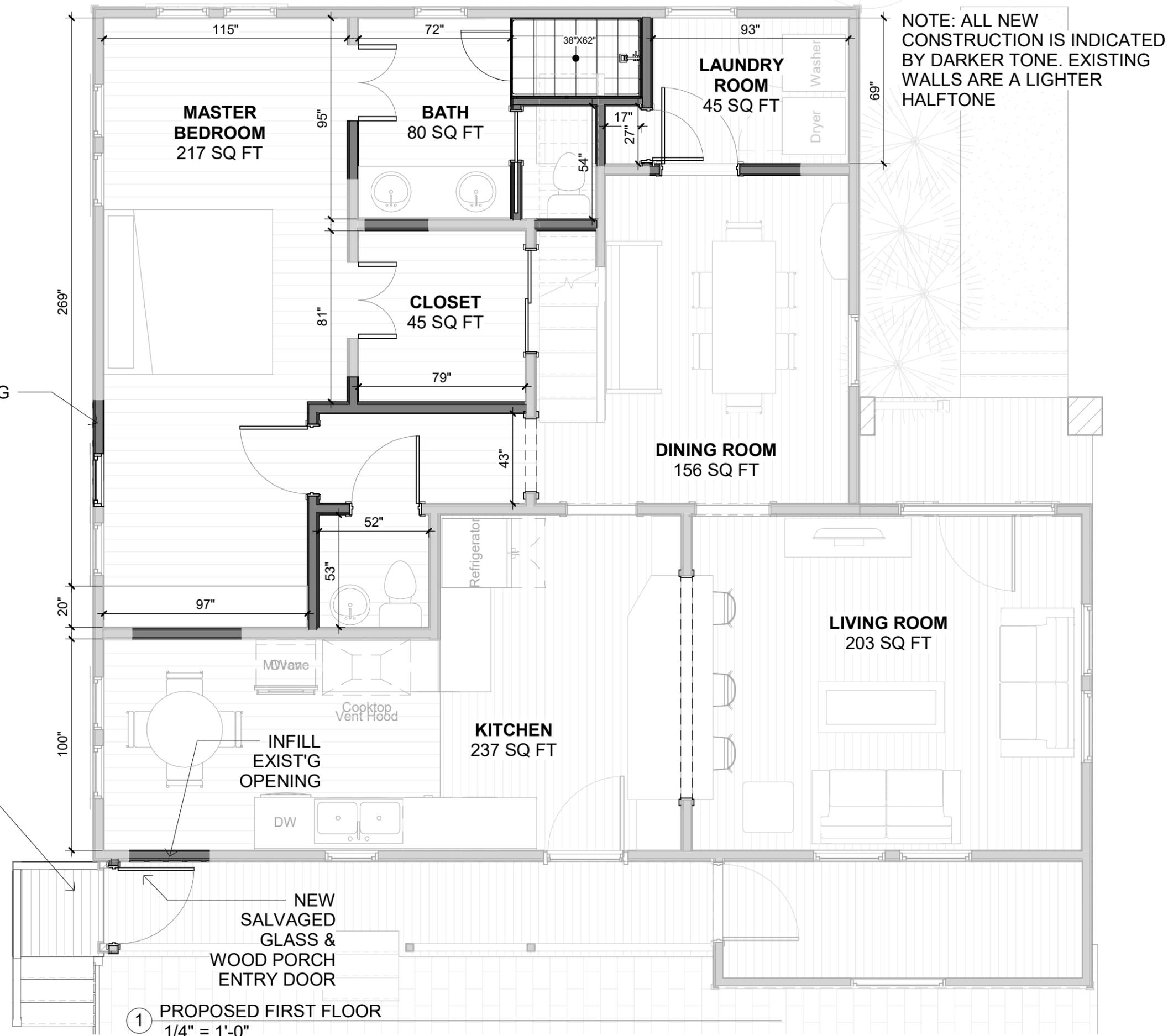
DEMO AS REQUIRED FOR NEW OPENING

REMOVE DOOR & EXIST'G THRESHOLD

DEMO RAILING & FENCE AS REQUIRED



① EXISTING FIRST FLOOR
1/4" = 1'-0"



1 PROPOSED FIRST FLOOR
1/4" = 1'-0"

NOTE: ALL NEW CONSTRUCTION IS INDICATED BY DARKER TONE. EXISTING WALLS ARE A LIGHTER HALFTONE

INFILL EXIST'G OPENING

NEW TRTD WOOD LANDING, STAIRS, AND RAILING

NEW SALVAGED GLASS & WOOD PORCH ENTRY DOOR

269"

20"

100"

115"

95"

81"

97"

53"

BATH
80 SQ FT

CLOSET
45 SQ FT

KITCHEN
237 SQ FT

LAUNDRY ROOM
45 SQ FT

DINING ROOM
156 SQ FT

LIVING ROOM
203 SQ FT

38"X62"

54"

79"

43"

52"

Refrigerator

Cooktop
Vent Hood

DW

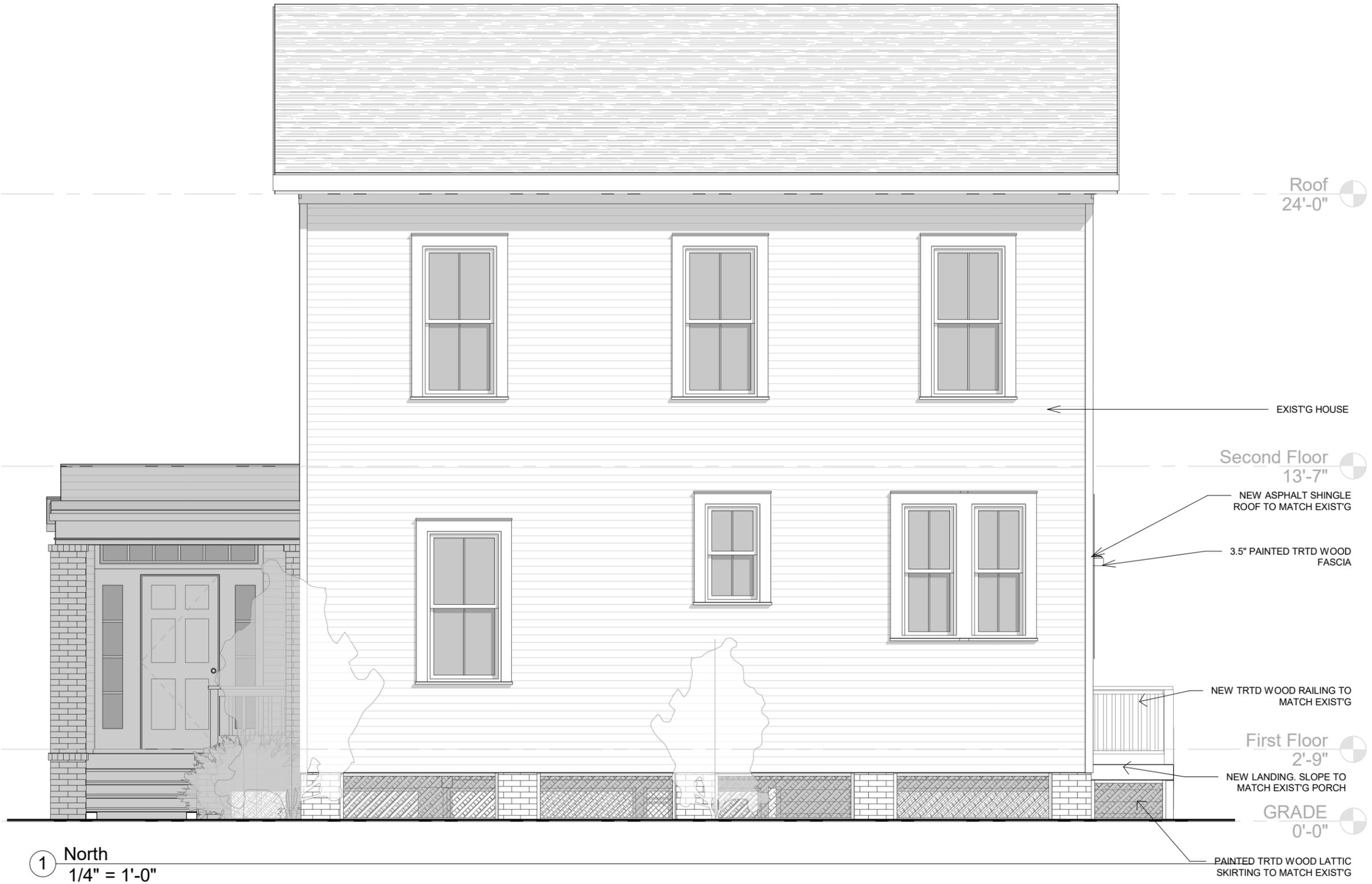
Washer
Dryer

69"

93"

17"

27"



1 North
1/4" = 1'-0"

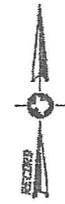


1 West
1/4" = 1'-0"

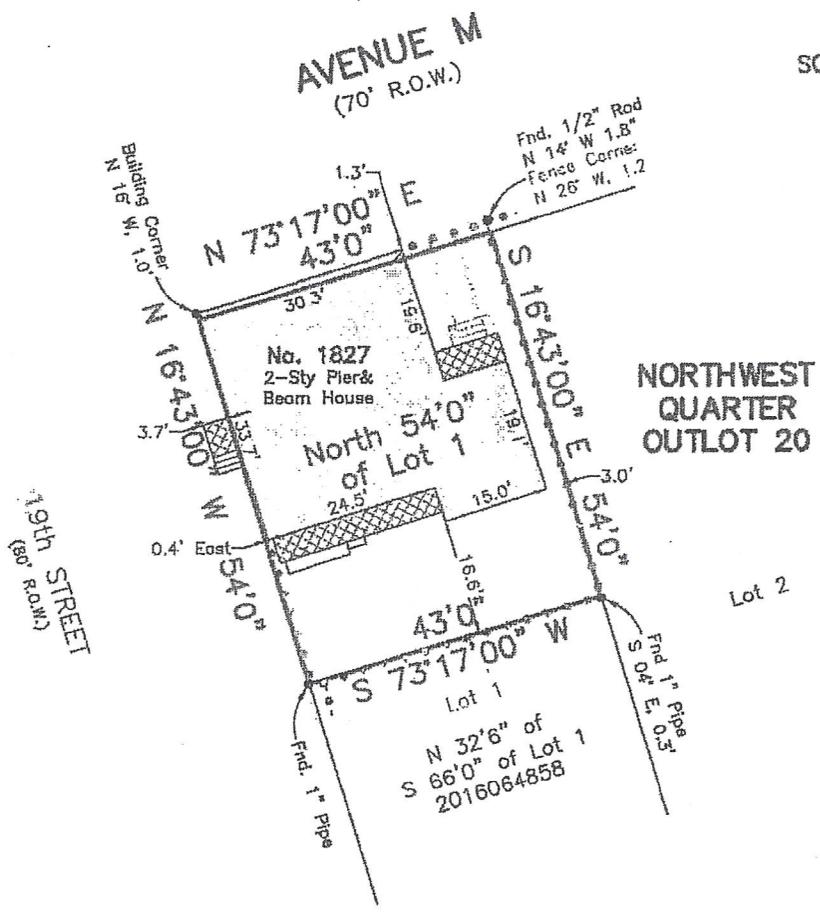


1 South
1/4" = 1'-0"

Signature X Mary Elizabeth Pennington



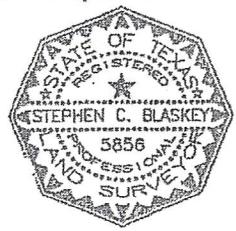
SCALE: 1" = 20'



Survey of the North Fifty-four feet (54'0") of Lot One (1), of the Northwest Quarter (1/4) of Outlot Twenty (20), in the City and County of Galveston, Texas, according to the map or plat thereof in common use.

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



8017 HARBORSIDE DRIVE
 P.O. BOX 1814Z (mailing)
 GALVESTON, TX 77552
 ph (409) 740-1817
 Registration Number: 20193865
 www.hightidelandsurveying.com

SURVEY DATE:	JUNE 2, 2017
FILE No.:	3510-0020-0001-003
DRAFTING:	BSH
JOB No.:	17-0528

- 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 and may be subject to setbacks from power lines as established by OSHA (call your power company).
 - 3) Bearings based on found Monumentation, being a found "X" at the Northwest corner of Lot 6, and a found 1 Inch Pipe at the Southwest corner of the North 54 feet of Lot 1.
 - 4) Southland Title
 Insured: Mettlich Enterprises, Inc.
 G.F. No.: GV1753062