

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m. Wednesday, March 4, 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 5, 2020

Documents:

[2020-02-05 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-003 (1207 10th Street) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Urban Neighborhood With Neighborhood Conservation District (UN-NCD-1) Zoning District, To Reduce The Lot Area. Property Is Legally Described As The North 98 Feet Of Lot 7 (7-0), Block 10, In The City And County Of Galveston, Texas. Applicant & Property Owner: Aguiar Properties #2, Pedro Aguiar

Documents:

[20Z-003_MEMO TO DEFER - 02-13-2020.PDF](#)

- B. 20Z-004 (613 15th Street And 1506 Winnie/Avenue G) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Single Family, Residential R-3, With A Historic District Overlay (R-3-H) Zoning District, To Reduce The Lot Area. Properties Are Legally Described As Lots 8 And 9 (9-2), Block 375, Also Known As Lot 2, Special Subdivision And Lots 8 And 9 (8-4), Block 375, Also Known As Lot 4 And The North 4-Foot Of Lot 3 Special Subdivision, In The City And County Of Galveston, Texas. Applicant And Property Owner: Jinping Yang

Documents:

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

- C. 20Z-006 (10 Campeche Estates Drive) Request For A Variance From The Galveston Land Development Regulations, Article 3, Section 3.303 (A) Building Line Previously Established, Regarding Front Building Line Requirements In A Single-Family (R-1) Zoning District. Property Is Legally Described As Lot 10, Block 1, Campeche Estates Subdivision, In The City And County Of Galveston, Texas. Applicants: Robert Dowdy And Tim Webb Property Owners: Robert And Marlo Dowdy

Documents:

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 February 28, 2020 at 4:00 P.M.

A rectangular box containing a handwritten signature in black ink. The signature appears to be "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, 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 – February 5, 2020

CALL MEETING TO ORDER

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

ATTENDANCE

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

Members Absent: None

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

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The December 4, 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

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

Staff presented the staff report and noted that of sixteen (16) notices of public hearing sent, four (4) were returned in favor and two (2) were returned in opposition.

Chairperson Andrew Galletti opened the public hearing on case 20Z-001. Applicant and property owner Gregory Jones 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 deny case 20Z-001 based on the following findings:

1. The stated hardship appears to be self-imposed;
2. The stated hardship is based on convenience to the applicant; and
3. There are no special conditions that justify the variance.

Vice-Chairperson Robert Girndt seconded the motion, and the following votes were cast:

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

DISCUSSION ITEMS

THE MEETING ADJOURNED AT 4:21 PM





20Z-003

MEMORANDUM

TO: Andrew Galletti, Zoning Board of Adjustment Chair and Zoning Board of Adjustment

FROM: Daniel Lunsford - Planner
Development Services Department

DATE: February 27, 2020

RE: **20Z-003 (1207 10th Street)** Request for a variance from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Urban Neighborhood with Neighborhood Conservation District (UN-NCD-1) zoning district, to reduce the lot area. Property is legally described as the North 98 Feet of Lot 7 (7-0), Block 10, in the City and County of Galveston, Texas.
Applicant & Property Owner: Aguiar Properties #2, Pedro Aguiar

Staff is requesting this case be continued until the April 8, 2020, regular Zoning Board of Adjustment meeting in order for the applicant to provide additional information requested by staff.

This is the first continuance of this case and there are no costs associated with the request.



20Z-003

STAFF REPORT

ADDRESS:

613 15th Street and 1506 Winnie/Avenue G

LEGAL DESCRIPTION:

Properties are legally described as Lots 8 and 9 (9-2), Block 375, Also known as Lot 2, Special Subdivision and Lots 8 and 9 (8-4), Block 375, Also known as Lot 4 and the North 4-feet of Lot 3 Special Subdivision, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Jinping Yang

PROPERTY OWNER:

Jinping Yang

ZONING:

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

VARIANCE REQUEST:

Request to decrease the lot area requirement from 2,500 square feet to 1,903 square feet.

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 3, District Yard, Lot and Setback Requirements for the Residential, Single-Family, with a Historic Overlay zoning district (R-3-H)

EXHIBITS:

- A – Existing Survey
- B - Drawing of new Lots

STAFF:

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

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
29				

City Department Notification:

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.



Executive Summary:

The applicant is requesting a variance from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Requirements for the Residential, Single-Family with a Historic Overlay zoning district (R-3-H) Addendum, in order to replat two lots by increasing the lot size of 1506 Winnie and reducing the lots size of 613 15th Street to 1,903 square-feet. The purpose for the reduction in lot size is to provide the lot addressed as 1506 Winnie alley access for off street parking and access to their utility lines that are located in the alley.

Applicable Standards: Article 3, District Yard, Lot and Setback Standards, Addendum for Residential, Single-Family (R-3-H), with a Historic Overlay zoning district:

Requirement: Lot Area: 2,500 square feet minimum.

Variance Table:

Required Lot Area	Requested Lot Area
2,500	1,903

Requested Variance: From 2,500 square feet to 1,903 square feet.

Applicants Justification:

How is the request for a variance rooted in special conditions of your property that do not generally exist on any other properties in the same zoning district?

The other houses in the same subdivision have access to the alley to park their cars and they have access to the utility lines.

Due to said special conditions, how would the enforcement of the strict terms of these regulations impose an unnecessary hardship on you?

Lot 2 has a narrow front space and only one car can be parked. Its sewer line pipe is old and starting to break and has had many repairs. The residents on Winnie have to travel along way to the alley to place the garage in the alley.

Explain how the variance is not contrary to the public interest.

This variance will effect one owner's property and will not affect anyone else. The variance will also relieve on street parking.

Explain how the variance does not allow you to impair the application of these regulations for:

- **Self-imposed hardships;**
- **Hardships based solely on financial considerations, convenience, or inconvenience; or**
- **Conditions that are alleged to be "special" but that are actually common to many properties within the same zoning district.**

The GHF files shows the lot 1 and 2 used to be one property and the proposal add on land once belong to those lots. Even if the city record didn't suppose it. It is not self-imposed hardships and not caused by financial issues. It is very common that one lot runs from street to alley. In the case of the house's backyard is against another house, instead of alley, its backyard used to be short and not cutting into neighbor's property as long as this case.

Explain how the variance will not have a detrimental impact upon:

- **The current or future use of adjacent properties for purposes for which they are zoned;**
- **Public infrastructure or services; and**
- **Public health, safety, morals, and general welfare of the community.**

There is no any negative impact to the future development of adjacent property and will not change the houses use purposes of current zoned. It can improve the public and services, by provide the lot owner has access to maintain them. Also because it benefit the owner to keep alley more safe and clean, it will have more positive impact to the public.

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

The lot size is different is 20 sq. ft. smaller, from 3,309 sq. ft. to 3,289 sq. ft. It is the variance between two lots, one owner. The use has no change, but it will relief the owner's hardship a lot, for parking, maintenance infrastructure, and keep the lot unique.

Explain how 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).

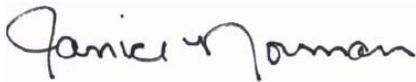
Another alternative method to solve this problem is to take 809 square feet from lot 4 (613 15th Street) it will connect the house to the alley and give a back yard, but it will not give access to the utilities. The utilities on lot 2 (1506 Winnie) will be located on Lot 4 (613 15th Street).

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

By granting the variance, one of the two lots is less than minimum request's fact has not been changed, but the difference is smaller. There is no negative impact to the public.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully Submitted,



2/24/2020

Janice Norman, Planning Manager

Date



Catherine Gorman, ACIP
Assistant Director/HPO

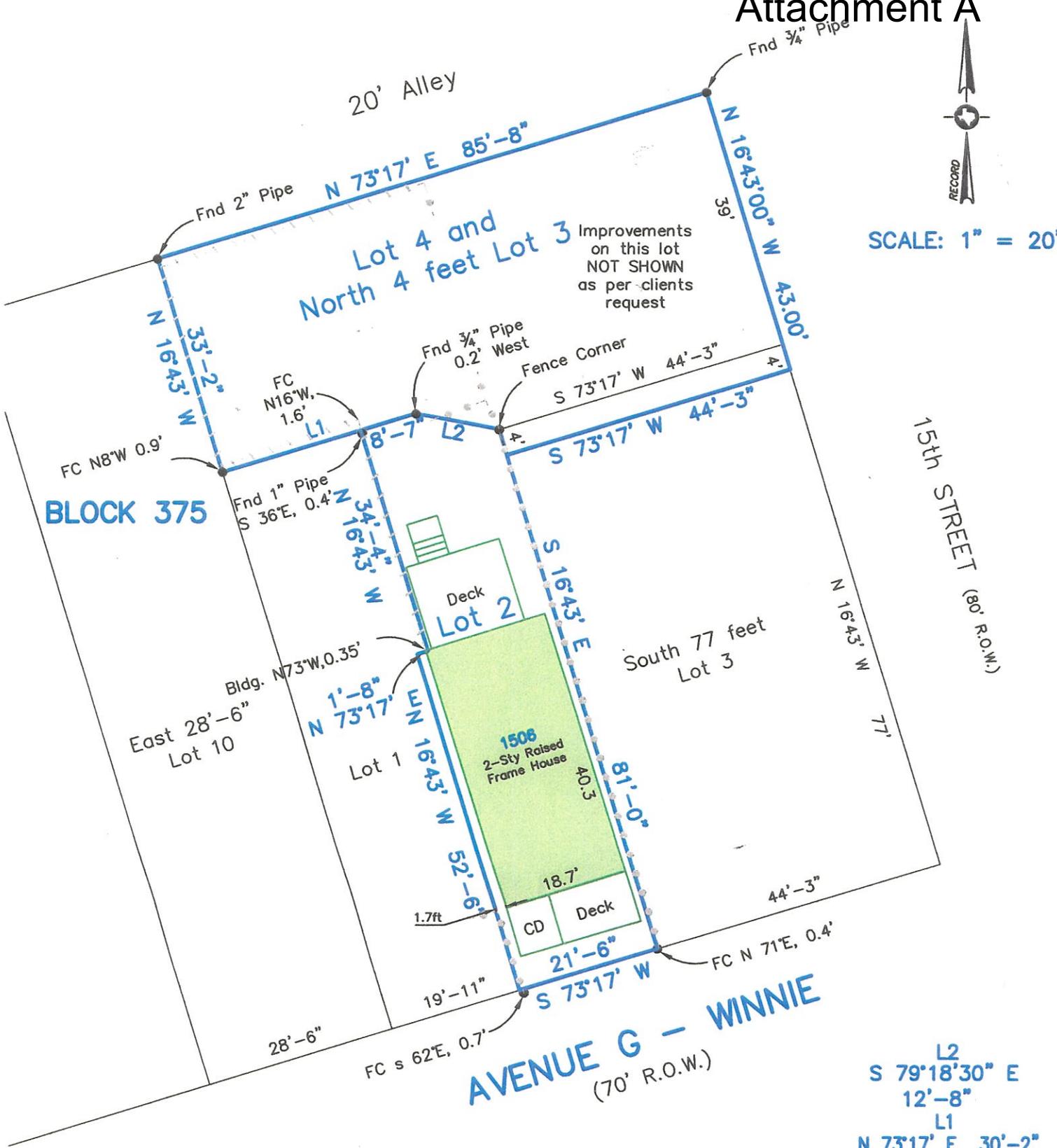
2/28/2020

Date

Attachment A



SCALE: 1" = 20'

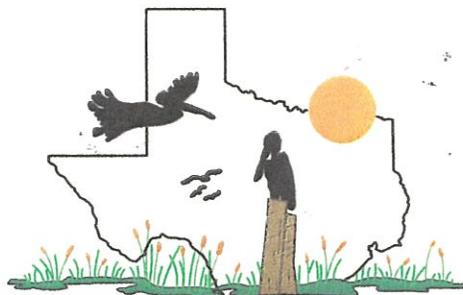


Survey of Lot 2, Lot 4 and the North four (4) feet of Lot 3 in a **SPECIAL SUBDMISION** of Lots 8 and 9 in Block 375 in the City and County of Galveston, Texas, according to the map or plat thereof recorded in Plat Record 11, Map No. 43, of the Map Records in the Office of the County Clerk of Galveston 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.

S. Bouse

Sidney Bouse
Registered Professional
Land Surveyor No. 5287



COASTAL SURVEYING OF TEXAS, INC.

GALVESTON OFFICE
8017 HARBORSIDE DRIVE
P.O. BOX 877 (mailing)
GALVESTON, TX 77553
ph (409) 740-1517 fx (409) 740-0377

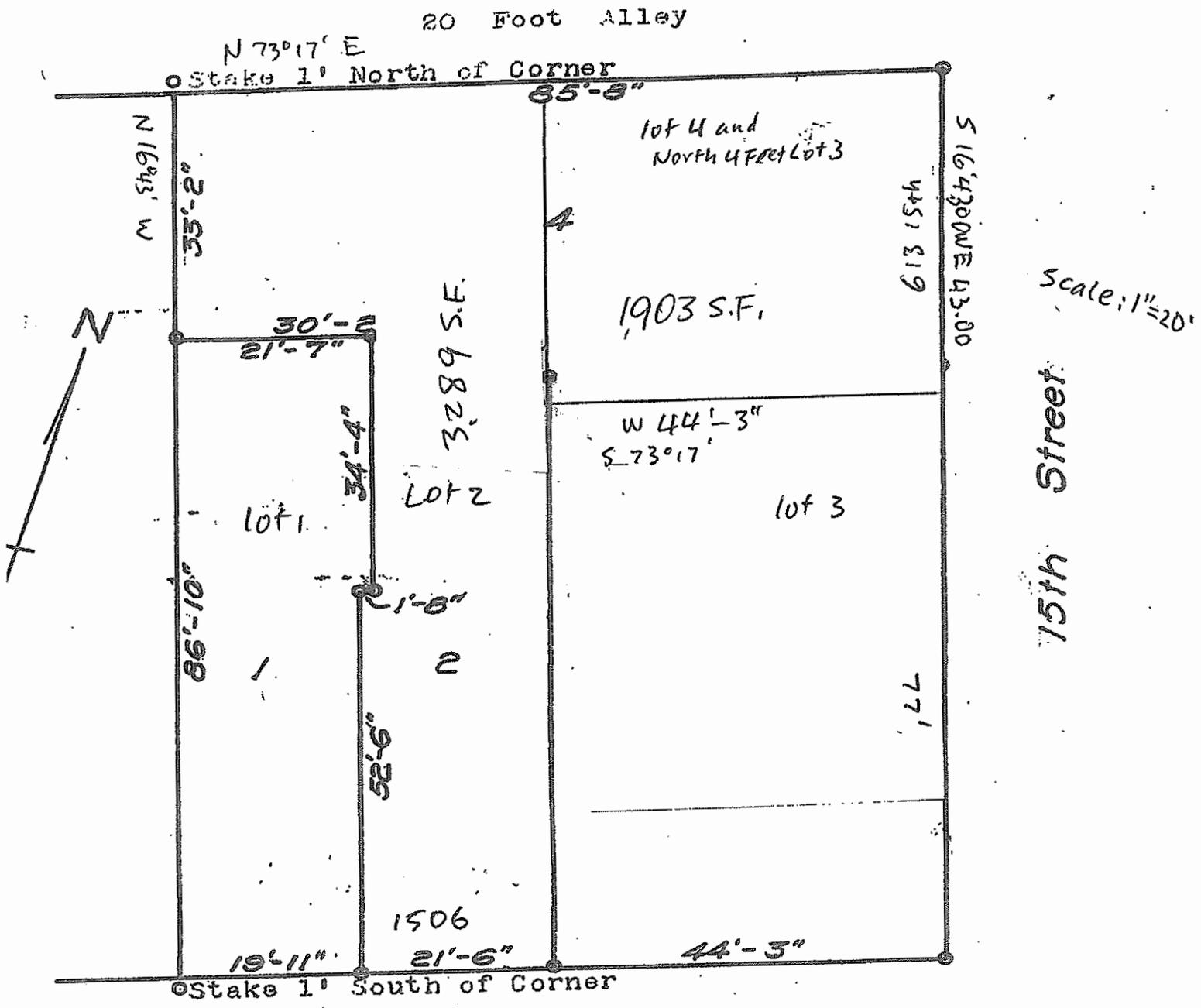
CRYSTAL BEACH OFFICE
975 LAZY LANE WEST
P.O. BOX 2742 (mailing)
CRYSTAL BEACH, TX 77650
ph (409) 684-6400 fx (409) 684-6112

WWW.SURVEYGALVESTON.COM

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 Monumentation of centerline of 15th Street.
- 4) Surveyed without benefit of a Title Report.

SURVEY DATE	Date
FILE No.	3505-0375-0009-002
DRAFTING	jb
JOB No.	12-0655



After



20Z-006 STAFF REPORT

ADDRESS:

10 Campeche Estates Drive

LEGAL DESCRIPTION:

Property is legally described as Lot 10, Block 1, Campeche Estates Subdivision, in the City and County of Galveston, Texas.

APPLICANTS/REPRESENTATIVES:

Robert Dowdy and Tim Webb

PROPERTY OWNERS:

Robert and Marlo Dowdy

ZONING:

Residential, Single Family (R-1)

VARIANCE REQUEST:

Encroach the front building line

APPLICABLE ZONING LAND USE REGULATIONS:

Article 3 (A), Building Line Previously Established.

EXHIBITS:

A – Applicants’ Submittal

STAFF:

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

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
20				

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 Notifications:

Building Division – Building Division would need it to comply with the 2012 IRC and local amendments. This would include Table R302.1 (1).

Engineering Division – The proposed addition appears to be very close to our existing 8-inch sanitary sewer.

Fire Marshal – No objection.



Background:

The applicant wishes to construct a two-story addition in order for his family of six to remain in the home. According to the applicant, a rear addition would be unfeasible due to the existing floorplan. Please refer to the Attachment A for more information.

While the home is within an area without setback requirements, the proposed addition would cross a previously-existing 20-foot building line.

Executive Summary

The applicant is requesting a variance from Article 3, (A), Building Line Previously Established in the Single-Family Residential (R-1) zoning district. The variance would allow the corner of the proposed addition to encroach over the front 20-foot building line by approximately six (6) feet.

Setback Requirements

Article 3, District Yard, Lot and Setback Standards, Addendum for Single-Family Residential (R-1)
Front Yard: 0 feet
Side Yard: 0 feet
Rear Yard: 0 feet

Applicable Standards

Article 3, (A) Building Line Previously Established.
Where a building line was previously established by a plat or ordinance, and such line requires a greater or lesser front yard setback than is prescribed by these regulations for the district in which the building line is located, the required front yard shall comply with the building line established by previous ordinances or plats.

Requested Variance

Article 3, 3.303 (A)	Proposed Variance
No encroachment of building line previously established	To encroach the building line by 6 feet

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.**
The property is located at the beginning of the curve for the setback. The addition begins behind the setback but crosses at the corner of the addition.

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.**
An addition to the rear would be difficult to accomplish with the location of the fireplace, hallways and stairwell. The addition of bedrooms and bathroom over the garage and driveway provides space for the family of six. As Pastors, the location is 1 mile from church for 24/7 availability to community needs, provides a safe and secure cul-de-sac for young children, and having additional bedrooms would help my growing family. Furthermore, the remodel would allow for continued assistance to Justin Pick, who suffered a stroke, (7 Campeche Estates), and 2 miles from elementary school in which 3 children attend.

3. **The variance is not contrary to the public interest, in that:**
The variance does not affect the public interest due to the minimal impact of the addition. The design closely follows the style of the subdivision and would increase the value of adjacent properties. The addition does not move past the adjacent property garage (12 Campeche Estates) and still allows for four parking spots; two cars in the driveway and two cars in the garage.

- 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.**

The variance is being requested because the other option in the back of the house would be unfeasible and detrimental to the subdivision; the current design closely follows the style of the subdivision and is based on best use of the property in relation to the adjacent properties.

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.**

Due to the minimal crossing of the setback at the curve, the variance will not have a detrimental impact upon the current and future use of the adjacent properties for the purpose for which they are zoned, public infrastructures, services, or public health, safety, morals and general welfare of the community.

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 degree of variance is minimal being 15 square feet and starting behind the setback line of the southwest corner of the property.

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).

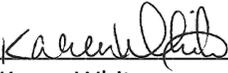
The proposed encroachment of the structure to the setback line is minimal, being approximately 15 square feet in total area, the variance would not be used to circumvent other procedures and standard of the Land Development Regulations as there do not appear to be alternate or available standards or procedures to mitigate the encroachment.

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

In granting this variance, the Zoning Board of Adjustments will be observing the spirit of the Land Development Regulations and substantial justice will be done.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,



 Karen White
 Planning Technician

 2/26/2020
 Date



 Catherine Gorman, AICP
 Assistant Director/HPO

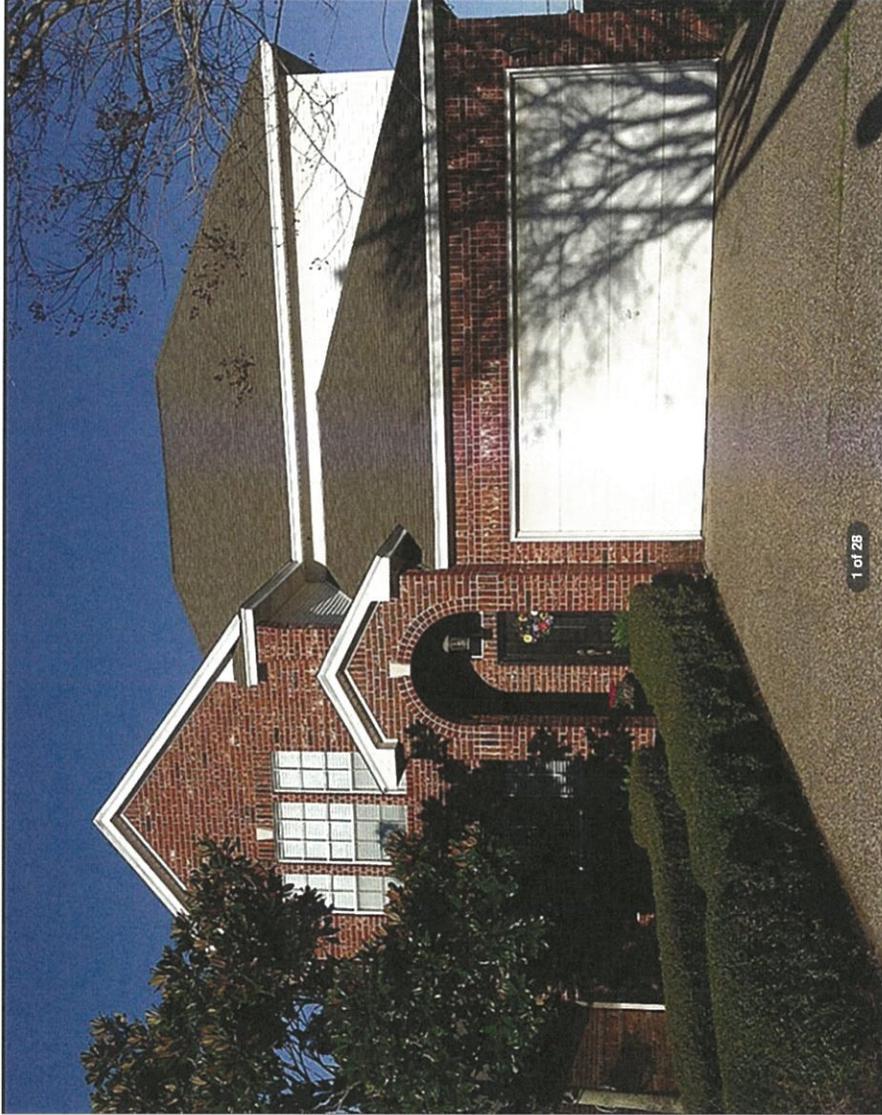
 2/27/2020
 Date



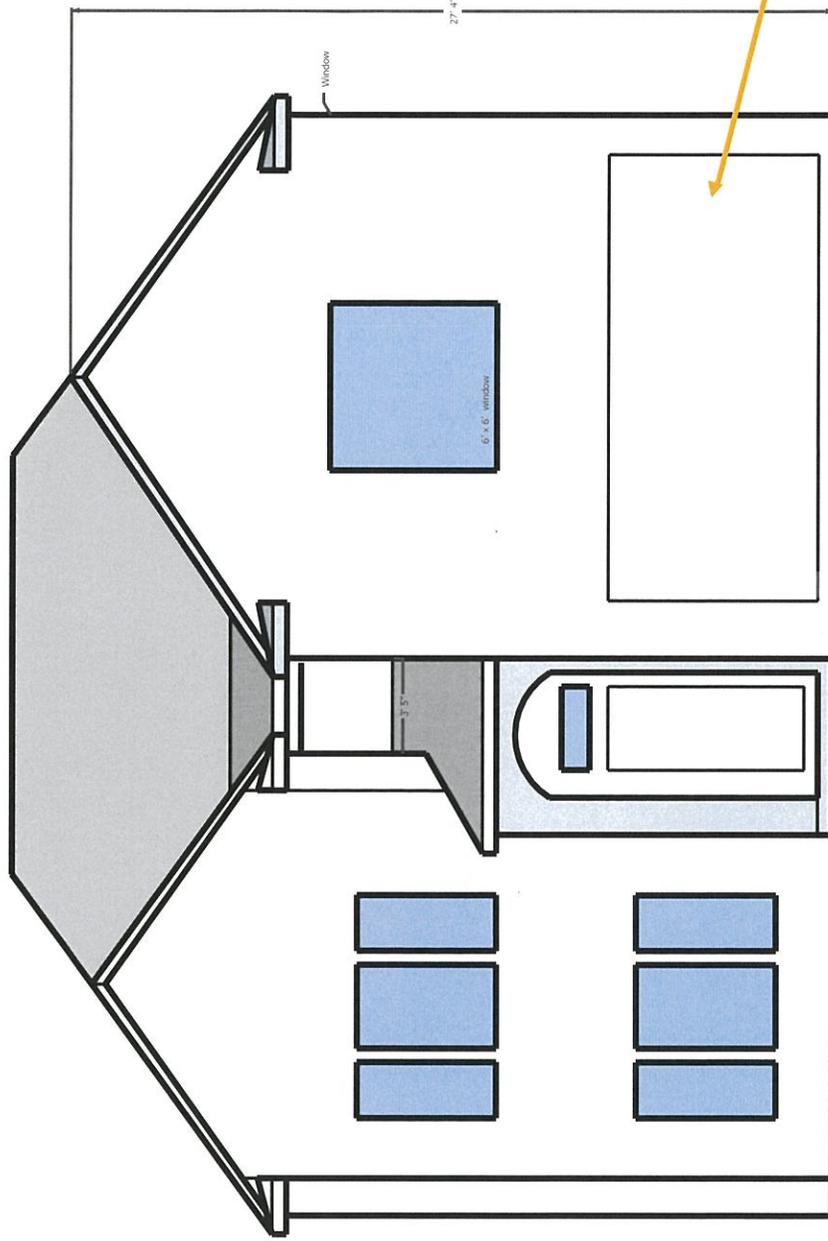
**PROPOSED
NEW
ADDITION
2020**

**PROPOSED MAJOR HOME IMPROVEMENT
ADDING 16'X19.5' TWO-STORY STRUCTURE
(2 BEDROOMS/GARAGE)**

CURRENT STRUCTURES AS OF 1 JANUARY 2020



NEW STRUCTURE DIMENSION – WIDTH 19'6"



TWO CAR GARAGE

19'6"

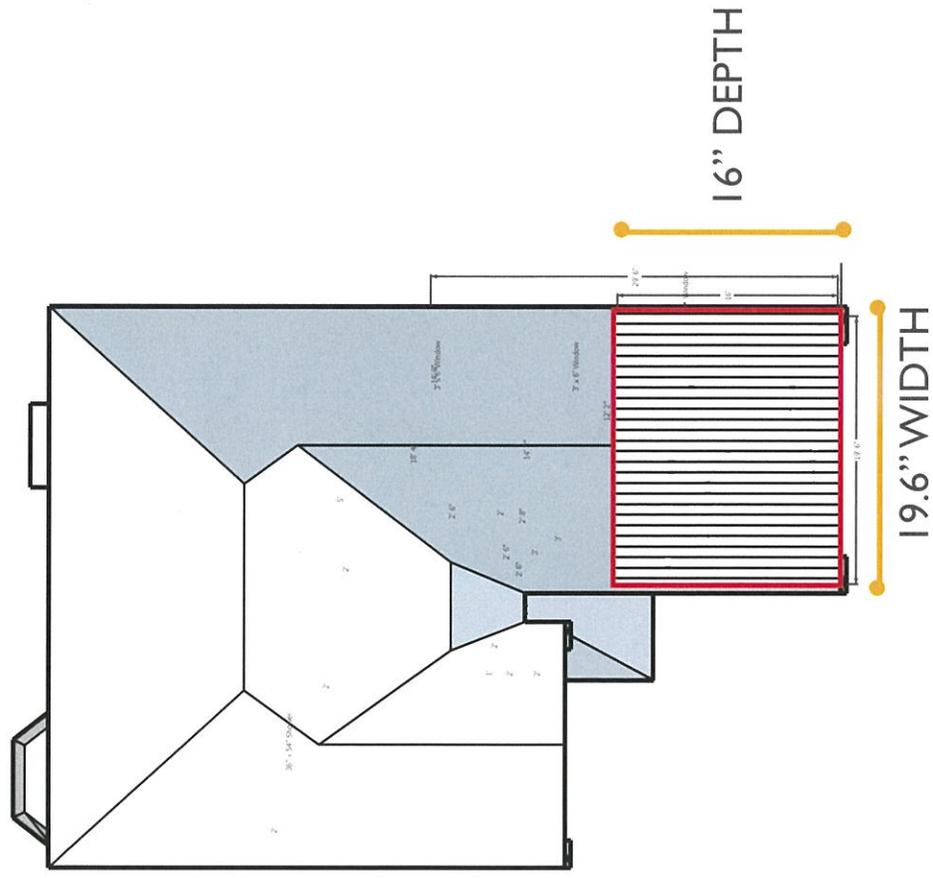
27'4"

Window

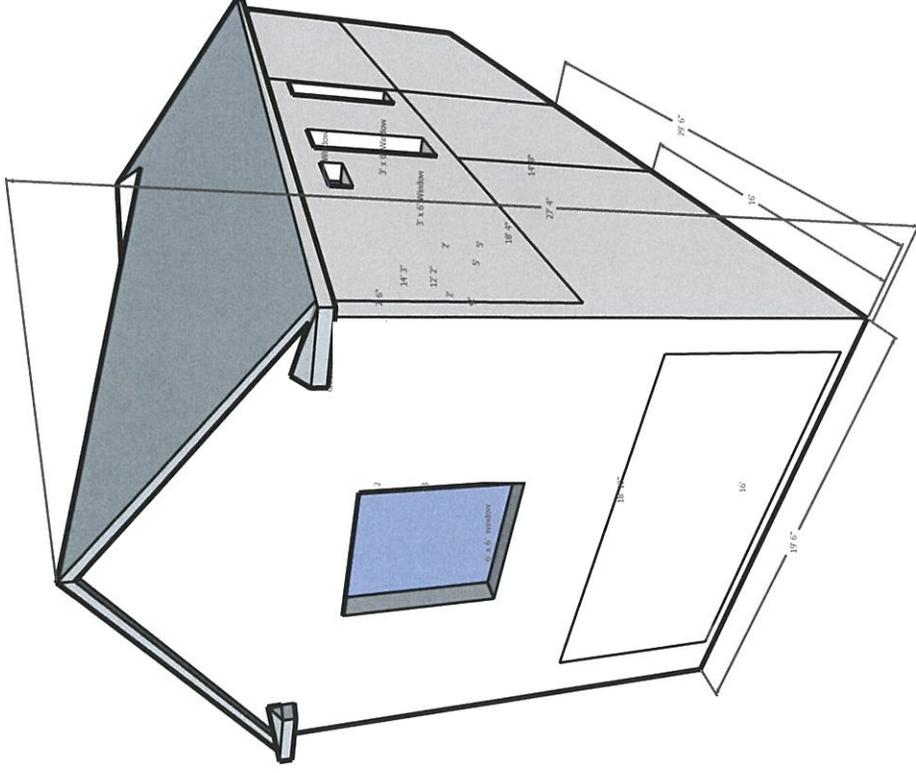
6' x 6' window

3'5"

NEW STRUCTURE DIMENSIONS – WIDTH 19.6” X 16” DEPTH (BIRDSEYE VIEW)

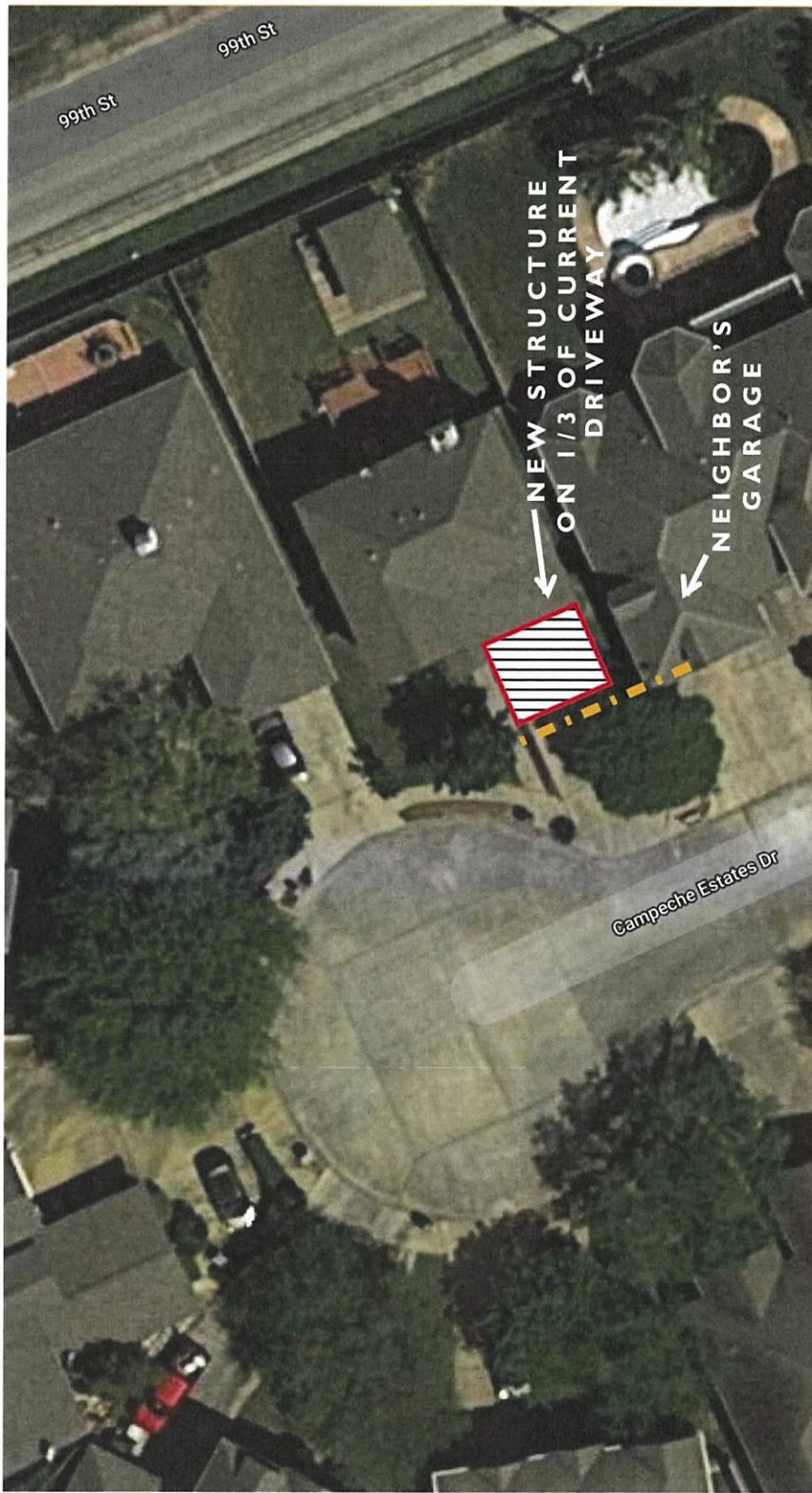


NEW STRUCTURE DIMENSIONS – CROSS HAIR 19'6" WIDTH X 16" DEPTH

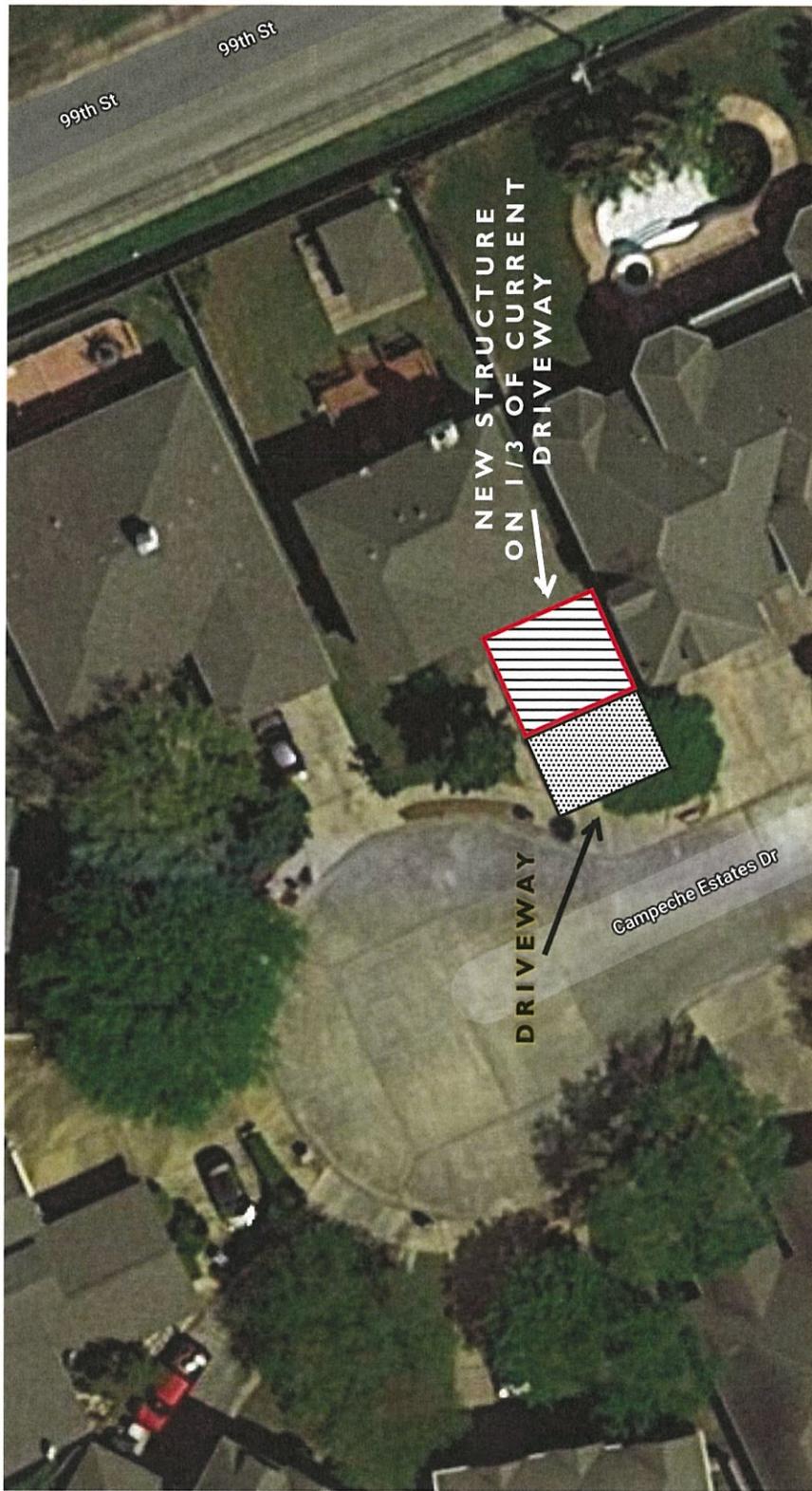


ADDITION ADDS (2) BEDROOMS AND (1) BATHROOM, THEREBY ALLOWING A FAMILY OF 6 TO REMAIN IN NEIGHBORHOOD GIVING EASY ACCESS:

- TO ASSIST WITH NEIGHBOR, JUSTIN PICK, WHO SUFFERED A STROKE (7 CAMPECHE ESTATES)
- 2 MILES TO OPPE ELEMENTARY SCHOOL (3 CHILDREN CURRENTLY ATTEND)
- 1 MILE FROM CHURCH FOR 24/7 AVAILABILITY TO SERVE COMMUNITY NEEDS

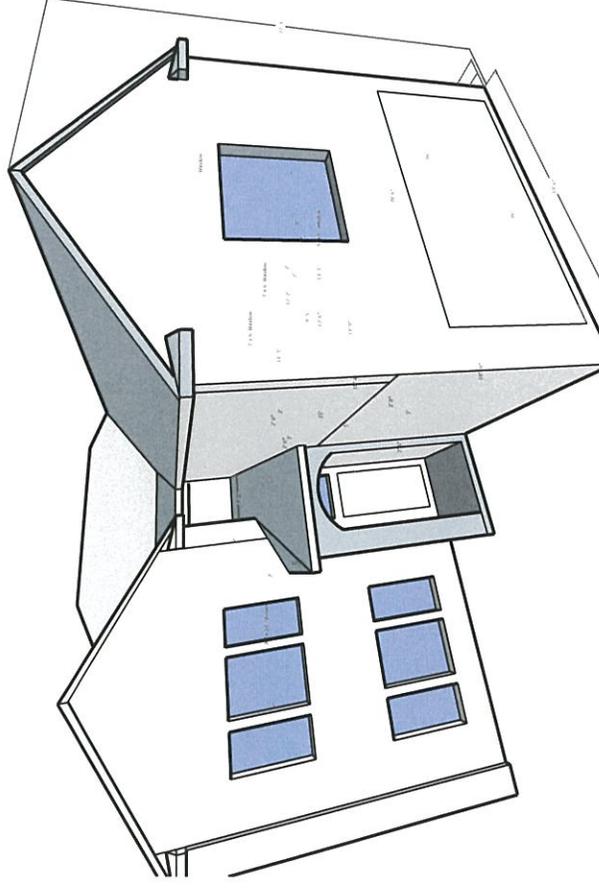


**NEW STRUCTURE REMAINS BEHIND NEIGHBOR'S
CURRENT GARAGE STRUCTURE (12 CAMPECHE ESTATES)**



**2/3 OF DRIVEWAY REMAINS USEABLE TO PARK UP
TO 2 VEHICLES + 2 VEHICLES IN GARAGE**

REQUEST FOR APPROVAL FOR THIS VARIANCE



AN IMPROVEMENT TO A HOME IS AN IMPROVEMENT TO THE COMMUNITY. THIS IMPROVEMENT ALLOWS A FAMILY TO REMAIN ROOTED IN A COMMUNITY THEY LOVE AND A COMMUNITY THEY DESIRE TO IMPROVE FOR GENERATIONS TO COME.