



# 22Z-008

# STAFF REPORT

**ADDRESS:**

12223 FM 3005

**LEGAL DESCRIPTION:**

Property is legally described as Hall & Jones Survey, Portion of Lots 308, 325, and 326 (325-2), Trimble & Lindsey Section 2, in the City and County of Galveston, Texas

**APPLICANT/REPRESENTATIVE:**

Justin Talasek, Talasek Builders

**PROPERTY OWNER:**

Trenton and Janet Morgan

**ZONING:**

Commercial, Height and Density Development Zone, Zone 6 (C-HDDZ-6)

**VARIANCE REQUEST:**

Lot Depth

**APPLICABLE ZONING LAND USE**

**REGULATIONS:**

Article 3, Addendum for Commercial (C) Zoning District

**EXHIBITS:**

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

**STAFF:**

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

**Public Notice and Comment:**

Sent	Returned	In Favor	Opposed	No Comment
34				

**City Department Notification Responses:** None



**Executive Summary:**

The applicant is proposing a new subdivision at this location consisting of a new street and thirteen single, family lots. While this property is zoned Commercial (C), “Single-Family Detached” is a permitted land use.

The applicant is requesting a variance from Article 3, Addendum in order to reduce the required lot depth. The requested variances are:

- Lot 1 – 81 feet, 11 inches
- Lot 2 – 99 feet, 3 inches
- Lot 11 – 85 feet, 10 ¾ inches

**Area Requirements**

**Article 3, District Yard, Lot and Setback Standards, Addendum for Commercial (C):**

**Required Lot Depth**                      100 feet

**Requested Variance**

<b>Lot</b>	<b>Regulation</b>	<b>Proposed Variance</b>
Lot 1	100 feet	81 feet, 11 inches
Lot 2	100 feet	99 feet, 3 inches
Lot 11	100 feet	85 feet, 10 ¾ inches

**Land Development Requirements**

**SEC. 13.401.B VARIANCES FROM DEVELOPMENT STANDARDS**

**Approval Standards.** The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 12.401.C, and if the Zoning Board of Adjustment makes a determination in writing that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the enforcement of the strict terms of these regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
  - a. It does not allow applicants to impair the application of these regulations for:
    - a. Self-imposed hardships;
    - b. Hardships based solely on financial considerations, convenience, or inconvenience; or
    - c. Conditions that are alleged to be "special" but that are actually common to many properties within the same zoning district.
  - b. The variance will not have a detrimental impact upon:
    - a. The current or future use of adjacent properties for purposes for which they are zoned;
    - b. Public infrastructure or services; and
    - c. Public health, safety, morals, and general welfare of the community.
4. The degree of variance allowed from these regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
6. By granting the variance, the spirit of these regulations is observed and substantial justice is done.

## **Applicants' Justification**

**Approval Standards.** The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 12.401.C, and if the Zoning Board of Adjustment makes a determination in writing that all of the following are demonstrated.

- 1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.**

*Lots 1, 2, and 11 do not meet the current lot depth requirement.*

- 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.**

*Due to the unique shape of the property, strict enforcement of the lot size regulations would inhibit the building of the homes.*

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

*The variance will bring a positive impact to the community as development will include dune restoration which will protect neighboring properties, running new sewer lines and creating tax revenue for the city.*

- 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.**

*Due to dune restoration and new sewer facilities, the impact of the variance will be to improve the conditions of the surrounding 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.**

*Adjacent properties will be not affected by the new development in a detrimental way. No views will be clocked. The older homes surrounding the property will enjoy an uplift in property values, creating more tax revenue for the City.*

*Infrastructure/services will be upgraded as development will include required upgrades required by the city.*

*There will no negative impact on public health, etc.*

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 unusual shape of the property causes three lots to be minimally smaller than the regulation lot size. The variance will allow homes to be built on these lots without compromising the land allocation within the property a noticeable extent.*

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).**

*No other development patterns are available to achieve the desired development plan.*

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

*Yes, the variance helps to overcome the unusual lot shape while still preserving the desired standards of the community.*

***Please see Agenda for Appeal from Decision of Board Process.***

Respectfully submitted,



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Catherine Gorman, AICP  
Assistant Director/HPO

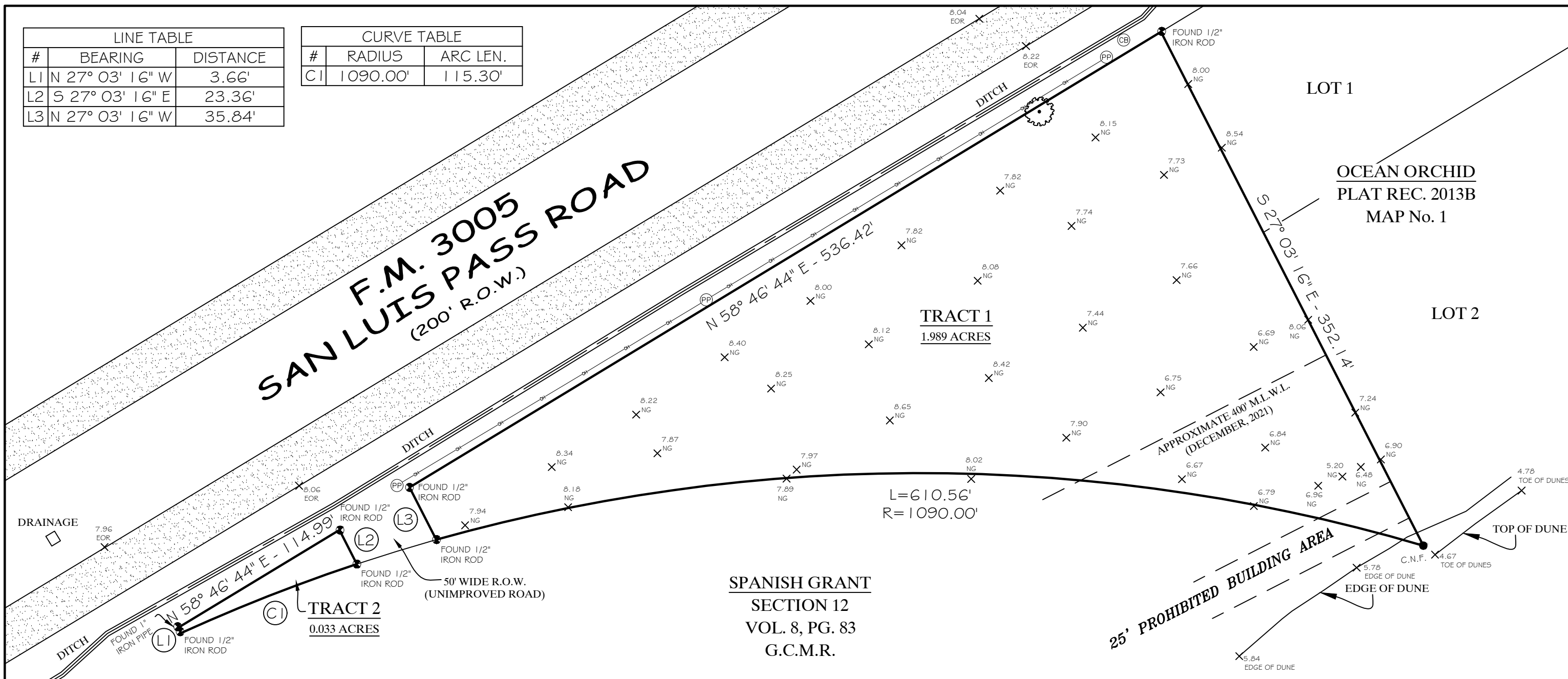
07/26/2022

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Date

LINE TABLE		
#	BEARING	DISTANCE
L1	N 27° 03' 16" W	3.66'
L2	S 27° 03' 16" E	23.36'
L3	N 27° 03' 16" W	35.84'

CURVE TABLE		
#	RADIUS	ARC LEN.
C1	1090.00'	115.30'



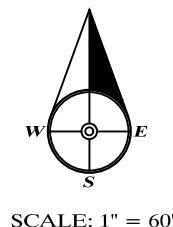
SPANISH GRANT  
SECTION 12  
VOL. 8, PG. 83  
G.C.M.R.

**LEGAL DESCRIPTION:**

A 1.989 ACRE TRACT, CALLED TRACT 1 AND A 0.033 ACRE TRACT, CALLED TRACT 2, BOTH BEING A PORTION OF SECTION 2, OF THE TRIMBLE & LINDSEY SURVEY IN GALVESTON COUNTY, TEXAS, AS REFERENCED IN A DEED RECORDED IN CLERK'S FILE No 2004015060, OFFICIAL PUBLIC RECORDS OF GALVESTON COUNTY, TEXAS.

PREPARED EXCLUSIVELY FOR: J. TALASEK HOMES  
PROPERTY LOCATED AT: 12223 SAN LUIS PASS RD.  
INSIDE THE CITY LIMITS OF GALVESTON, TEXAS

**COBALT**  
ENGINEERING AND INSPECTIONS, LLC  
TBPE REG. #: 17742 / TBPLS REG. #: 10194581



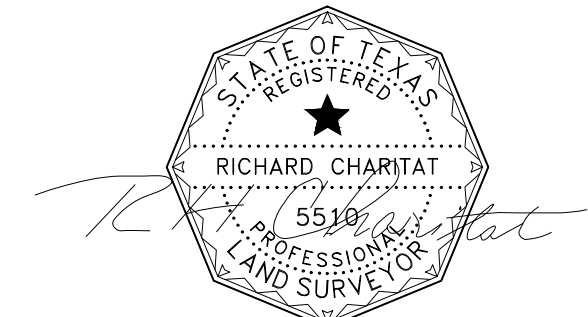
JOB# 22-0522  
DRAWN BY C.G.

**LEGEND**

- x -	WOOD FENCE	(GM)	GAS METER (GM)	(LP)	LIGHT POLE (LP)	CMP	CORRUGATED METAL PIPE
- o -	CHAIN-LINK	(MB)	MAIL BOX (MB)	(WW)	WATER WELL (WW)	RCP	REINFORCED CONCRETE PIPE
- □ -	IRON FENCE	(FH)	FIRE HYDRANT (FH)	(TP)	TRAFFIC SIGNAL POLE (TSP)	PVC	POLYVINYL CHLORIDE PIPE
- . . -	PIPELINE	(WM)	WATER METER (WM)	(CO)	CLEAN OUT (CO)	CPP	CORRUGATED PLASTIC PIPE
- - -	BUILDING LINE	(WV)	WATER VALVE (WV)	(CB)	COMMUNICATIONS BOX (CB)	S.S.E.	SANITARY SEWER EASEMENT
- - - -	EASEMENT LINE	(GI)	GRATE INLET (GI)	(PP)	POWER POLE (PP)	STM.S.E.	STORM SEWER EASEMENT
- - - -	OVERHEAD POWER	(SAN)	SANITARY MANHOLE (SAN.M.H.)	(UP)	UTILITY POLE (UP)	A.E.	AERIAL EASEMENT
[ASPHALT]	ASPHALT	(STM)	STORM MANHOLE (S.M.H.)	(SP)	SERVICE POLE (SP)	B.C.	BACK OF CURB
[COVERED]	COVERED	(PV)	PRESSURE VALVE (PV)	(EB)	ELECTRIC BOX (EB)	B.L.	BUILDING LINE
[CONCRETE]	CONCRETE	[WOOD DECK]	WOOD DECK	(EM)	ELECTRIC METER (EM)	CP	CONTROL POINT
				(X)	SPOT ELEVATION (SE)	D.E.	DRAINAGE EASEMENT
						F.F.E.	FINISH FLOOR ELEV.
						G.U.	GUTTER
						I.P.	IRON PIPE
						I.R.	IRON ROD
						R.O.W.	RIGHT-OF-WAY
						T.B.M.	TEMPORARY BENCHMARK
						U.E.	UTILITY EASEMENT
						W.L.E.	WATER LINE EASEMENT

**GENERAL NOTES:**

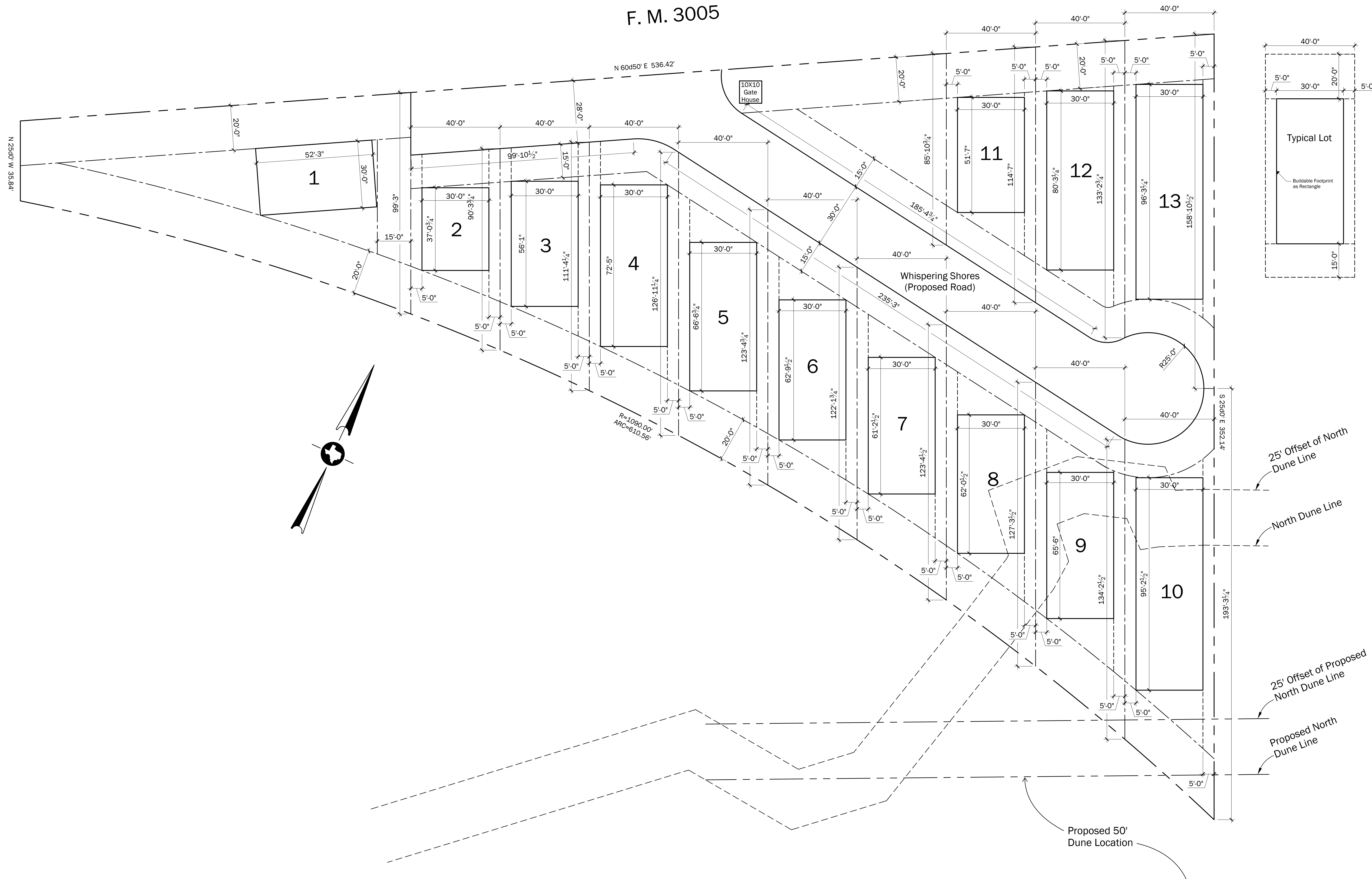
1. THE LEGAL DESCRIPTION, PROPERTY LINES, & SIMILAR INFORMATION SHOWN HEREIN ARE DERIVED FROM THE RECORDED PLAT AS SHOWN OR FROM READILY AVAILABLE RECORDED DOCUMENTS. THE INTENT OF THIS DRAWING IS TO LOCATE IMPROVEMENTS WITHIN THE PROPERTY LINES FOR FUTURE CONSTRUCTION PURPOSES.
2. ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE (NAD 83) FOR HORIZONTAL CONTROL.
3. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT PER CLIENT REQUEST.
4. ALL EASEMENTS AND BUILDING SETBACK LINES PER PLAT OR ORDINANCE UNLESS NOTED OTHERWISE.
5. IF SHOWN, TBM AND OR SPOT ELEVATIONS SHOWN HEREON ARE BASED ON TOPNET LIVE - RTK + SOUTHEAST.



Richard Charitat  
RPLS 5510

04/08/2022

THIS DRAWING REPRESENTS THE ON-SITE, GROUND CONDITIONS FOUND DURING THE COURSE OF A TOPOGRAPHIC SURVEY CONDUCTED UNDER MY SUPERVISION ON 06/04/2022. THIS DRAWING SOLELY REPRESENTS ONSITE GROUND CONDITIONS AND PREVIOUSLY RECORDED INFORMATION. COBALT ASSUMES NO RESPONSIBILITY OR GUARANTEE FOR USE OF THIS DRAWING BEYOND ITS INTENDED PURPOSE.



TITLE 13 Lot Site Plan B - 07/22/22		
FILE NAME 3005 Project 1 - 05-23-22		
NO.	REVISION/ISSUE	DATE
1		
2		
3		
4		
5		
6		

**Culwell Designs**  
 Galveston, TX - 713-213-9804  
 e-mail: culwelldesigns@att.net

Square Footage	
1st Floor:	
2nd Floor:	
3rd Floor:	
Total Living SF:	
Grnd Floor Enclosed	
Decks Incl A/C Deck:	
Slab:	

PROJECT NAME AND ADDRESS  
 Proposed Beach House for  
**Talasek Builders**  
 Tract 2 of Lots 308 and 325  
 in Section 2 of the  
 Trimble & Lindsey Survey  
 Galveston, TX 77554

Copyright © 2022  
 To the best of our knowledge, these plans, drawings and specifications are designed to comply with the owner's wishes and criteria. Any changes made to these drawings after final prints are made, will be at the sole expense of the owner/contractor.  
 The owner/contractor will be responsible for verification of all dimensions, details and specifications.  
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DRAWN BY S. CULWELL	SHEET
DATE 07/22/22	<b>A1</b>
SCALE SHOWN	of 1

1 SITE PLAN with PROPOSED DUNE  
 Scale: 1" = 20'

## ZBA Motion Guide – Variances

I make a motion for **Approval** due to the following (*state all of the following, including the special condition*):

- The special condition/s that exist on the property that does not generally exist of other properties in the same zoning district. That special condition is:  
\_\_\_\_\_
- Due to that special condition, the enforcement of the strict terms of these regulations would impose an unnecessary hardship on the applicant.
- The variance is not contrary to the public interest in that:
  - The hardship is not self-imposed,
  - The hardship is not based solely on financial considerations, convenience, or inconvenience,
  - There are not conditions that are alleged to be special but are actually common to many properties within the same zoning district,
- The requested variance does not have a detrimental impact upon:
  - The current or future use of the adjacent properties for purposes for which they are zoned,
  - Public infrastructure or services, and
  - Public health, safety, morals, and general welfare of the community,
- The degree of variance allowed from these regulations is the least that is necessary to grant relief from the identified unnecessary hardship,
- The variance will not be used to circumvent other procedures and standards of these regulations that could be used for the same or comparable effect, and
- By granting the variance, the spirit of these regulations is observed and substantial justice is done.

I make a motion for **Denial** due to the following (*state one of more of the following*):

- There is not a special condition on the property,
- The hardship is self-imposed,
- The hardship is based solely on financial considerations, convenience, or inconvenience,
- The requested variance would have a detrimental impact upon:
  - The current or future use of the adjacent properties for purposes for which they are zoned,
  - Public infrastructure or services, and/or
  - Public health, safety, morals, and general welfare of the community,
- The degree of variance requested is greater than is necessary to grant relief from the hardship, and/or
- The variance is being used to circumvent other procedures and standards of the regulations that could be used for the same or comparable effect.

I make a motion for **Deferral** to the *Meeting Date* in order for *Reason for Deferral*.

Examples: I make a motion for deferral to the October 9, 2019 meeting in order for more board members to be in attendance.

I make a motion for deferral to the October 9, 2019 meeting in order for the applicant to provide additional information.