

# 19LC-012

# STAFF REPORT

**ADDRESS:**

1728 Avenue M

**LEGAL DESCRIPTION:**

Property is legally described as Lots 13 and 14 (14-0), Block 17, in the City and County of Galveston, Texas.

**APPLICANT:**

Kitty Allen and Anthony Burden

**PROPERTY OWNER:**

Kitty Allen and Anthony Burden

**ZONING:**

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

**HISTORIC DISTRICT:**

Lost Bayou, Historic District.

**REQUEST:**

Certificate of Appropriateness to install a driveway with three parking spaces in the front yard.

**STAFF RECOMMENDATION:**

Denial

**EXHIBITS:**

- A – Photos
- B – Site Plan
- C – Survey
- D – Materials List

**STAFF:**

Janice Norman, Planning Manager  
[jnorman@galvestontx.gov](mailto:jnorman@galvestontx.gov)  
 409-797-3670

**Public Notice and Comment:**

Sent	Returned	In Favor	Opposed	No Comment
9				



**Executive Summary**

The applicant is requesting a Certificate of Appropriateness in order install a front yard new aggregate concrete or paver driveway with three off-street parking spaces and a mechanical gate to secure the property. The design of the gate will match the existing fence and can be administratively approved as long as it complies with the Design Standards.

**Zoning and Land Use**

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

**Historical and/or Architectural Significance**

Date	1888
Description	2 story Wood framed
Condition	Excellent
Style	Queen Anne
Evaluation	High= Individually Eligible; Contributing
Note	Addition in the rear.

**Design Standards**

**Parking and Driveways**

Driveways placed in the city right-of-way must adhere to the requirements for sidewalks as prescribed by the City Code. The proper permits must also be obtained.

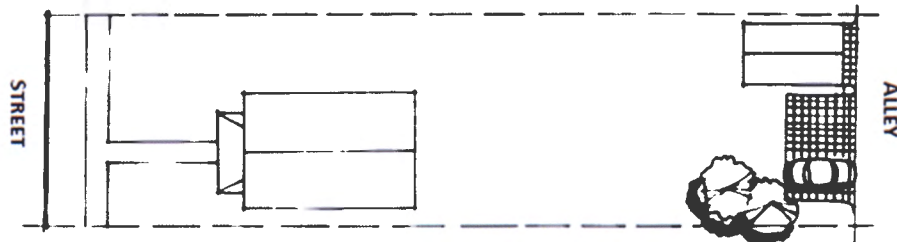
**3.7 Minimize the visual impact of parking.**

**Appropriate**

- Locate a parking area at the rear or to the side of a site whenever possible.
- Use landscaping to screen parking areas.
- Keep paved areas and curbs cuts for driveways to a minimum width.
- Maintain historic strip driveways. These driveways, from the 1920s and 1930s, allow for better drainage and permit grass to grow between the concrete strips.

**Inappropriate**

- Paving the front yard for parking is not permitted.
- New driveways and garages that open onto a primary street are not permitted.
- A new semi-circular drive in a front yard is not permitted unless there is evidence of its previous existence.



Locate a parking area to the rear of a site.

**Conformance**

The *Design Standards* encourage driveways to be located in the rear or side whenever possible. This is a corner property with access from 18<sup>th</sup> Street and from the alley. There is an existing single car garage in the rear of the property facing 18<sup>th</sup> Street and a two care garage in the alley. Additionally, the *Design Standards* state that front yard paving for parking is prohibited. Staff finds the request not to be in conformance with the Design Standards.

**Staff Recommendation**

Due to non-conformance with the Design Standards, staff recommends the Certificate of Appropriateness to install a curb cut, driveway and three parking spaces in the front yard be denied.

However, if the Landmark Commission finds the request complies to the Design Standards the following conditions may apply:

*Specific conditions*

- 1. The exterior modifications shall conform to the design, materials and placement presented in Exhibit A of the staff report;
  - a. The maximum width of the entire curb cut shall not exceed 15’ in width;

*Standard conditions*

- 2. Any significant alteration from the design approved by the Landmark Commission, shall require the request to be returned to the Commission for review;
- 3. The applicant shall obtain a driveway permit prior to beginning construction;
- 4. Any additional work will require a separate building permit from the Building Department, and may require review by the Landmark Commission and/or the City’s Historic Preservation Officer prior to construction;
- 5. The installation of a new gate shall require a permit from the Development Services Department prior to installation;
- 6. The Landmark Commission approval shall expire after 2 years if no progress has been made toward completion of a project unless the applicant files a request for an extension or can show progress toward completion of a project; and,
- 7. In accordance with Section 10.110 of the Land Development Regulations, should the applicant be aggrieved by the decision of the Landmark Commission, a letter requesting an appeal must be submitted to the Historic Preservation Officer within 10 days of the Commission decision. Additionally, a Zoning Board of Adjustment application must be submitted to the Development Services Department by the next respective deadline date.

Respectfully Submitted,

Janice Norman

2/8/19

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Janice Norman, Planning Manager

\_\_\_\_\_  
Date

Catherine Gorman

2/8/19

\_\_\_\_\_  
Catherine Gorman, Assistant Director, AICP, HPO

\_\_\_\_\_  
Date



12-15' rolling fence

Off-street parking area

1728 Ave M  
Kitchen access



**1728 Ave M**

**1726 Ave M**

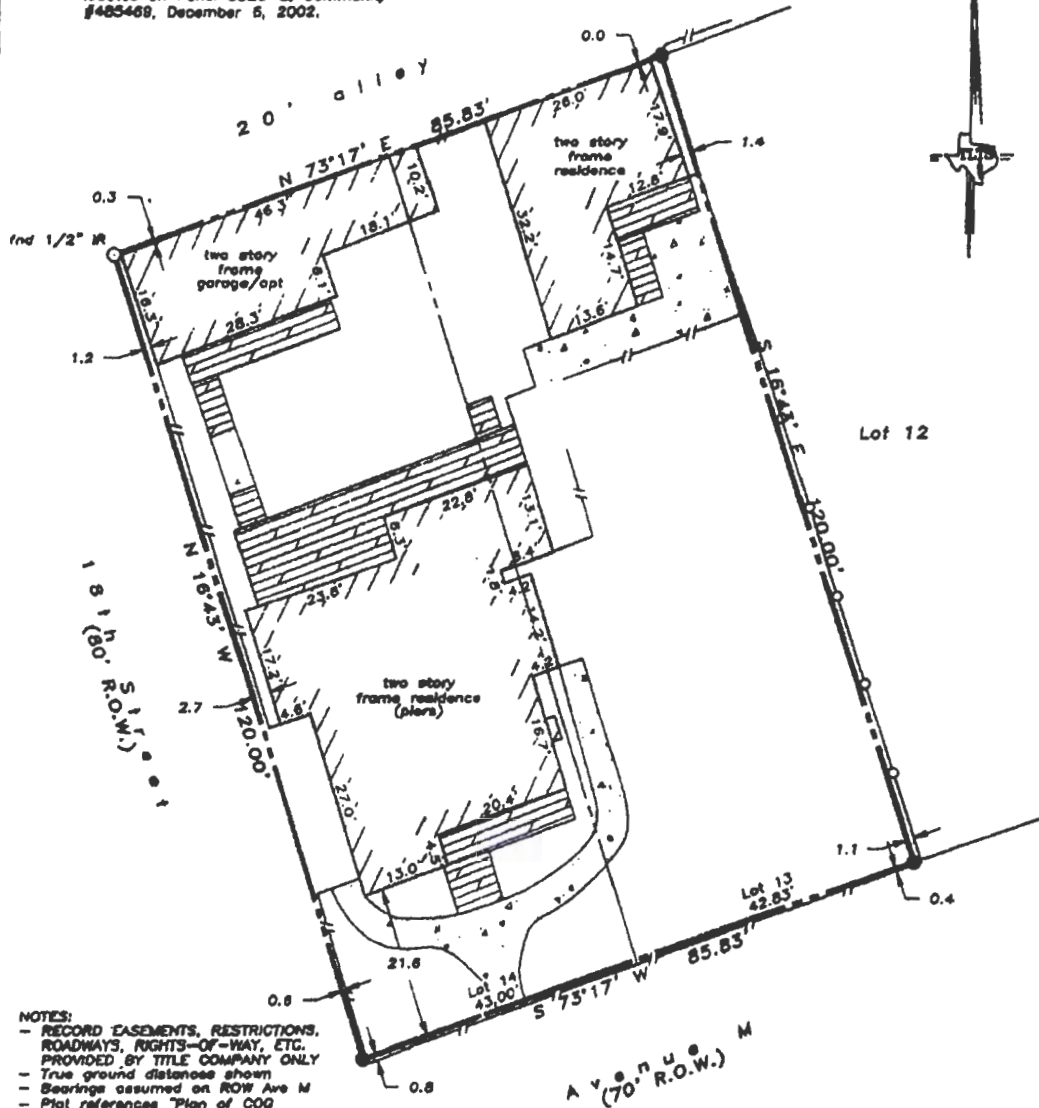
**Proposed rolling fence section**

**Proposed curb cut for driveway**





This property is within the 100-Year Special Flood Hazard Area & is designated to be w/in FIRM Zone AE, located on Panel 0026-E, Community #485468, December 5, 2002.



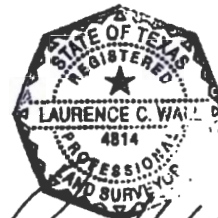
- NOTES:  
 - RECORD EASEMENTS, RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY, ETC. PROVIDED BY TITLE COMPANY ONLY  
 - True ground distances shown  
 - Bearings assumed on ROW Ave M  
 - Plat reference "Plan of COO by Wm. Sandusky, 1845"

Scale: 1" = 20'

**LAND TITLE SURVEY OF A TRACT OF LAND being Lots 13 and 14, in Block 17, in the City and County of Galveston, Texas.**

Subject property: 1726 - 1728 Avenue M  
 Galveston County, Texas  
 To Todd Slaughter and South-Land Title Co., GF #2523-08-1185;

I hereby certify that this survey was made on the ground under my direct supervision and that this plat correctly represents the facts found at the time of the survey.



Laurence C. Wall  
 RPLS #4814  
 July 15, 2008

**TLTS TEXAS LAND TITLE SURVEYORS**  
 1801 Moody Avenue  
 Galveston, Texas 77550  
 (409) 766-8883



Materials List in support of Landmark Commission Application:

1. Aggregate and concrete for construction of driveway and parking spaces (to be compatible with existing sidewalks);
2. Motorized gate opener; fence modification (rolling section; not fence design/type) to provide secure access to off-street parking space);
3. Native plantings and landscape materials.