



20Z-001

STAFF REPORT

ADDRESS:

14131 Grambo Boulevard

LEGAL DESCRIPTION:

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

APPLICANT/REPRESENTATIVE:

Gregory and Elizabeth Jones

PROPERTY OWNER:

Gregory and Elizabeth Jones

ZONING:

Residential, Single-Family (R-1)

VARIANCE REQUEST:

Encroachment on Side Setback

APPLICABLE ZONING LAND USE

REGULATIONS:

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

EXHIBITS:

A – Survey

STAFF:

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

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
16				

City Department Notification Responses:

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

Airport: Airport has no comment.



Background:

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

Executive Summary:

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

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

Requested Variance

Setback	Regulation	Proposed Variance
Side	3 feet	1 foot

Land Development Requirements

SEC. 13.401.B VARIANCES FROM DEVELOPMENT STANDARDS

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

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

Applicants' Justification

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

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

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

- 2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.**

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

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

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

- a. It does not allow applicants to impair the application of these regulations for:**

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

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

- b. The variance will not have a detrimental impact upon:**

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

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

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

4. **The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.**

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

5. **The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).**

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

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

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

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,



Karen White
Planning Technician

1/27/2020

Date



Catherine Gorman, AICP
Assistant Director/HPO

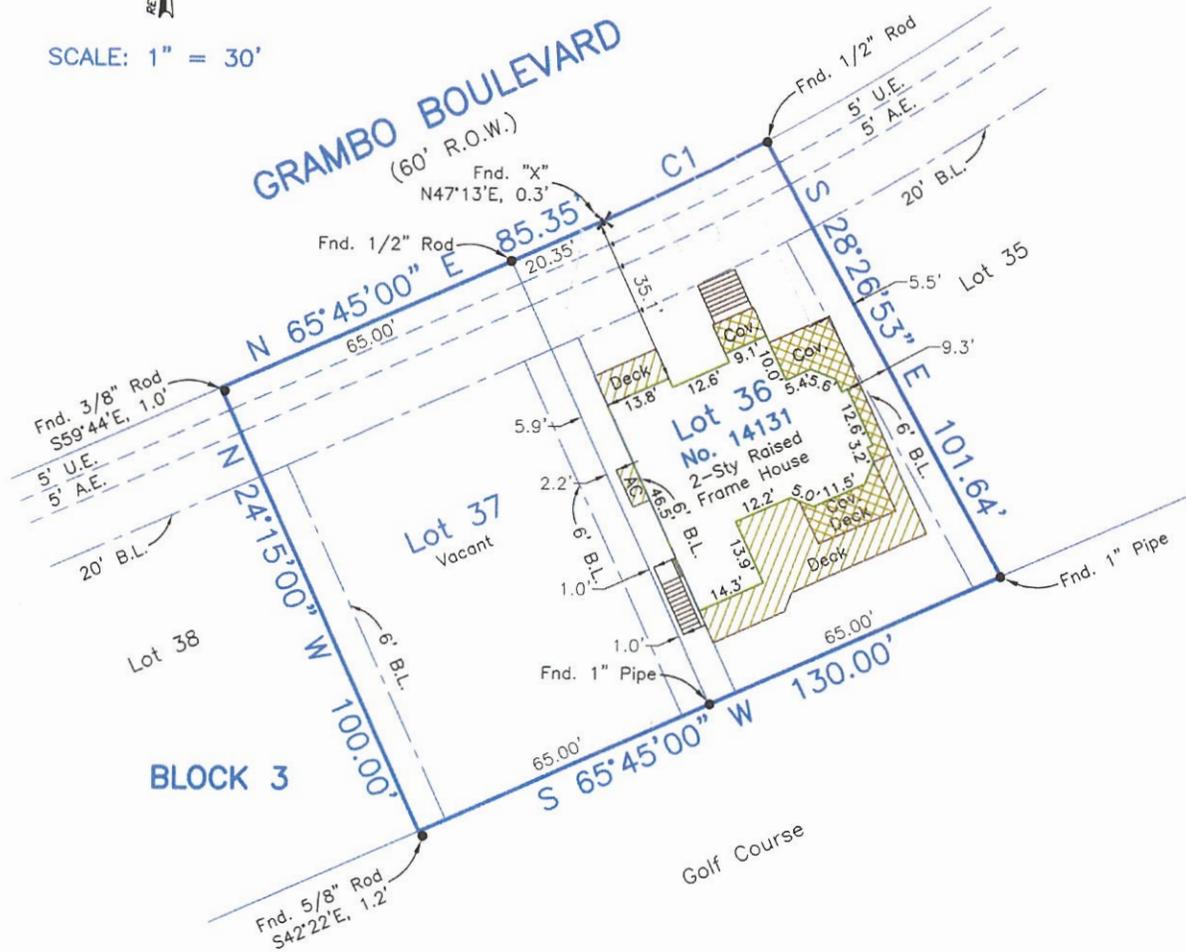
1/27/2020

Date

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



SCALE: 1" = 30'



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

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

Brian S. House

Brian S. House
Registered Professional
Land Surveyor No. 6520



GALVESTON OFFICE

Registration Number: 10193855

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NOTES:

- 1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
- 2) This property is subject to any restrictions of record as established by the City, Plat, or Subdivision Covenants and Restrictions; may also be subject to easements and setbacks for utility services and power lines as individually recorded or established by OSHA (call your power company).
- 3) Bearings based on Monumentation of the Southerly R.O.W. line of Grambo Blvd.
- 4) Surveyed without benefit of a Title Report.

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

