

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 P.M., Wednesday, February 6, 2019
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: January 9, 2019

Documents:

[2019-01-09 ZBA MINUTES.PDF](#)

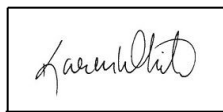
5. Request To Address Commission On Agenda Items And Non-Agenda Items (Three Minutes Maximum Per Speaker)
6. Old Business And Associated Public Hearings
 - A. 19Z-002 (2428 Bernardo De Galvez/Avenue P) Request For A Variance From The Galveston Land Development Regulations, Article 3, Addendum For Urban Neighborhood, Minimum Lot Standards Regarding Lot Area. Property Is Legally Described As Lots 5 Through 7 And The South 19 Feet Of Lot 4, In Southwest Block 67, Galveston Outlets, In The City And County Of Galveston, Texas. Applicant And Property Owner: Galveston 1.0 LLC., Clay Conrad

Documents:

[19Z-002 STF PKT 2.PDF](#)

7. Discussion Items
 - Public Meeting Cases Map (Staff)
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 1, 2019 at 12:00 P.M.



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 – January 9, 2019

CALL MEETING TO ORDER

The meeting was called to order at 4:03 p.m.

ATTENDANCE

Members Present: Louis Fuchs (ALT), Andrew Galletti, Robert Girndt, Lyssa Graham Reynolds,

Members Absent: James Bangle, Jeff Patterson (ALT), CM David Collins

Staff Present: Tim Tietjens, Development Services Director; Catherine Gorman, AICP, Assistant Director/HPO; Janice Norman, Planning Manager; Karen White, Planning Technician; Mehran Jadidi, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The November 7, 2018 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

19Z-001 (4302 Seawall Boulevard) Request for a variance from the Galveston Land Development Regulations, Article 10.300 Height and Density Development Zone regarding Wall Plane Articulation and Transition Area 1a setback, in a Commercial, Height and Density Development Zone, Zone-3 (C-HDDZ-3). Property is legally described as the East 2.8591 Acres of Lot 2 (2-2), Fort Crockett Juan-HIJO/Bowen Replat (2017), in the City and County of Galveston.

Applicant: Matt Roesler, MCS Architects
Property Owner: SRI Seawall Resorts LLC.

Staff presented the Staff Report.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 19Z-001. Applicant Matt Roesler requested that case 19Z-001 be continued in order to allow more Zoning Board of Adjustment members to be present. The public hearing was closed and the Chairperson called for questions or comments from the Board.

Robert Girndt made a motion to continue case 19Z-001 in order to allow more Zoning Board of Adjustment members to be present. Louis Fuchs seconded, and the following votes were cast:



In favor: Louis Fuchs (ALT), Andrew Galletti, Robert Girndt, Lyssa Graham Reynolds
Opposed: None
Absent: James Bangle, Jeff Patterson (ALT), CM David Collins
Non-voting participant: None

The motion passed.

19Z-002 (2428 Bernardo De Galvez/Avenue P) Request for a variance from the Galveston Land Development Regulations, Article 3, Addendum for Urban Neighborhood, Minimum Lot Standards regarding Lot Area. Property is legally described as Lots 5 through 7 and the South 19 feet of Lot 4, in Southwest Block 67, Galveston Outlets, in the City and County of Galveston, Texas.
Applicant and Property Owner: Galveston 1.0 LLC., Clay Conrad

Staff presented the Staff Report and requested that case 19Z-002 be continued in order to allow the applicant to provide staff with more information.

Chairperson Lyssa Graham Reynolds opened the public hearing on case 19Z-002. The public hearing was closed and the Chairperson called for questions or comments from the Board.

Robert Girndt made a motion to continue case 19Z-002 in order to allow the applicant to provide staff with more information. Louis Fuchs seconded, and the following votes were cast:

In favor: Louis Fuchs (ALT), Andrew Galletti, Robert Girndt, Lyssa Graham Reynolds
Opposed: None
Absent: James Bangle, Jeff Patterson (ALT), CM David Collins
Non-voting participant: None

The motion passed.

THE MEETING ADJOURNED AT 4:34 PM





19Z-002 STAFF REPORT

ADDRESS:
 2428 Bernardo De Galvez/Avenue P

LEGAL DESCRIPTION:
 Property is legally described as Lots 5 through 7 and the South 19-feet of Lot 4, Southwest Block 67, Galveston Outlots, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
 Galveston Condos 1.0 LLC., Clay Conrad

PROPERTY OWNER:
 Galveston Condos 1.0 LLC., Clay Conrad

ZONING:
 Urban Neighborhood (UN)

REQUEST:
 Variance from the Land Development Regulations, Article 3 Addendum for Urban Neighborhood (UN) Lot Area from 2,500 to 2,300.

APPLICABLE ZONING LAND USE
 Townhouse

REGULATIONS:
 Article 3 Addendum for Urban Neighborhood (UN)

EXHIBITS:
 A – Aerial Map
 B – Survey
 C – Article 3, Addendum for UN
 D – Applicants Justification

STAFF:
 Janice Norman, Planning Manager
 409-797-3670
 Jnorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
19				

City Department Notification Responses:
 No objection from any City department



Background
 At the January 9, 2019 meeting, this request was deferred in order for the applicant to provide more information. Please note that the request has been modified.

Executive Summary:
 The applicant is requesting a variance from the Galveston Land Development Regulations, Article 3, Addendum for the Urban Neighborhood (UN) regarding the minimum lot area of 2500 square-feet per lot. The applicant is in the process of rehabilitating the existing apartments and converting them into townhouses. When each lot is divided, including the rear garages, the smallest lot area will be 1,494 square-feet and largest lot will be 2,316 square-feet. The applicant is seeking a variance for the smallest amount of land area to meet the regulations.

Land Development Regulations Article 3 Addendum for Urban Neighborhood (UN):
Minimum Lot Standards
 Area: 2,500 square feet

Requested Variance: Lot Area from 2,500 to 1,494 square feet.

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:
 - 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.
 - 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.
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.

Zoning and Land Use Table

Location	Zoning	Land Use
Subject Site	Urban Neighborhood (UN)	Townhouses
North	Residential, Single Family (R-3-H)	Residential
South	Commercial (C)	Commercial
East	Residential, Single Family (R-3-H)	Residential
West	Urban Neighborhood (UN)	Residential

Applicant's Justification:

Please see attached Exhibit D.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,

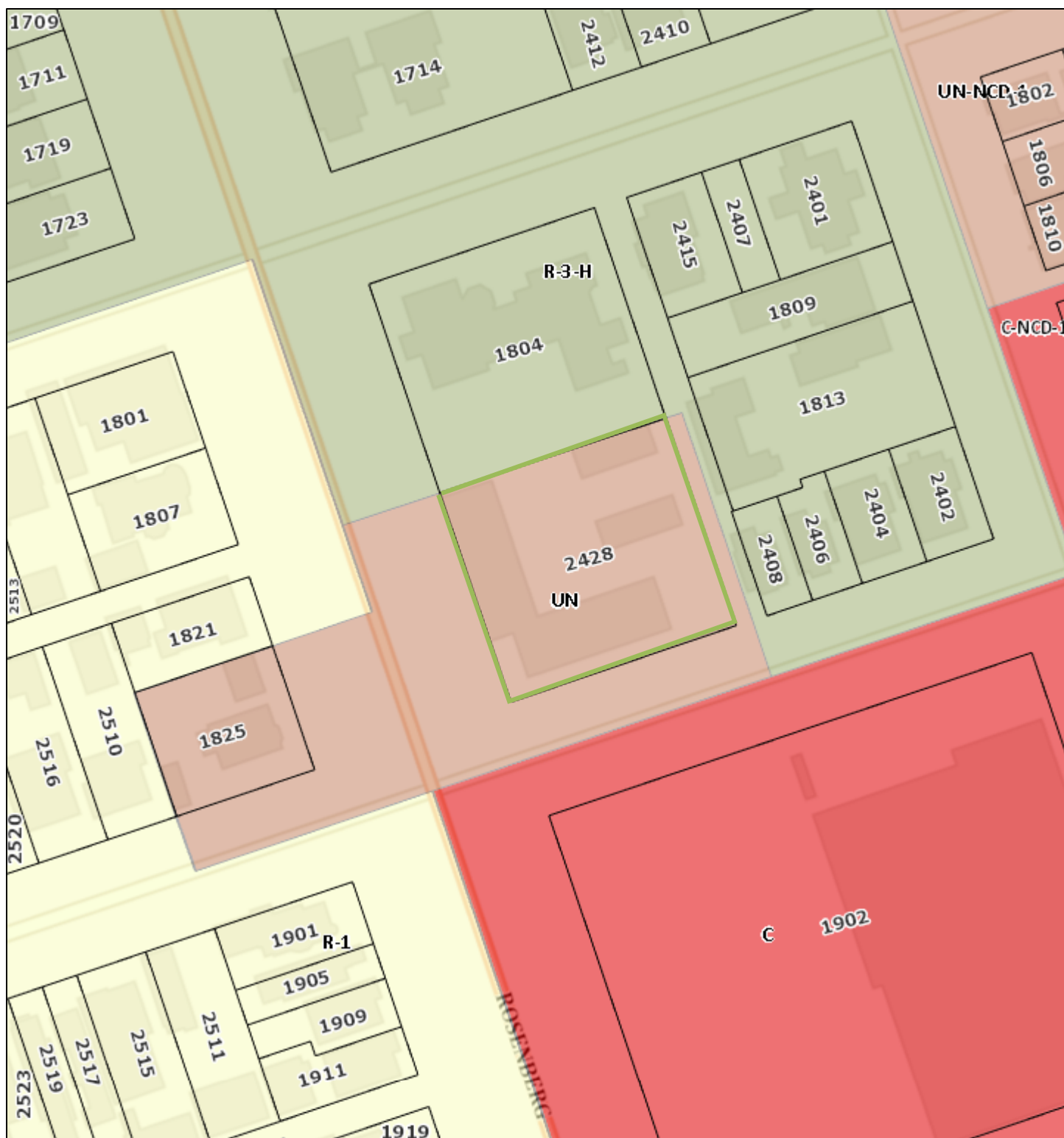
Catherine Gorman
for Janice Norman, Planning Manager

January 31, 2019
Date

Catherine Gorman
Catherine Gorman, AICP
Assistant Director/HPO

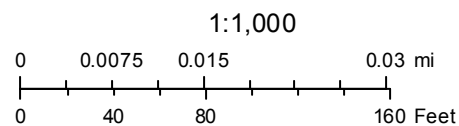
January 31, 2019
Date

Development Services: Planning and Development Division



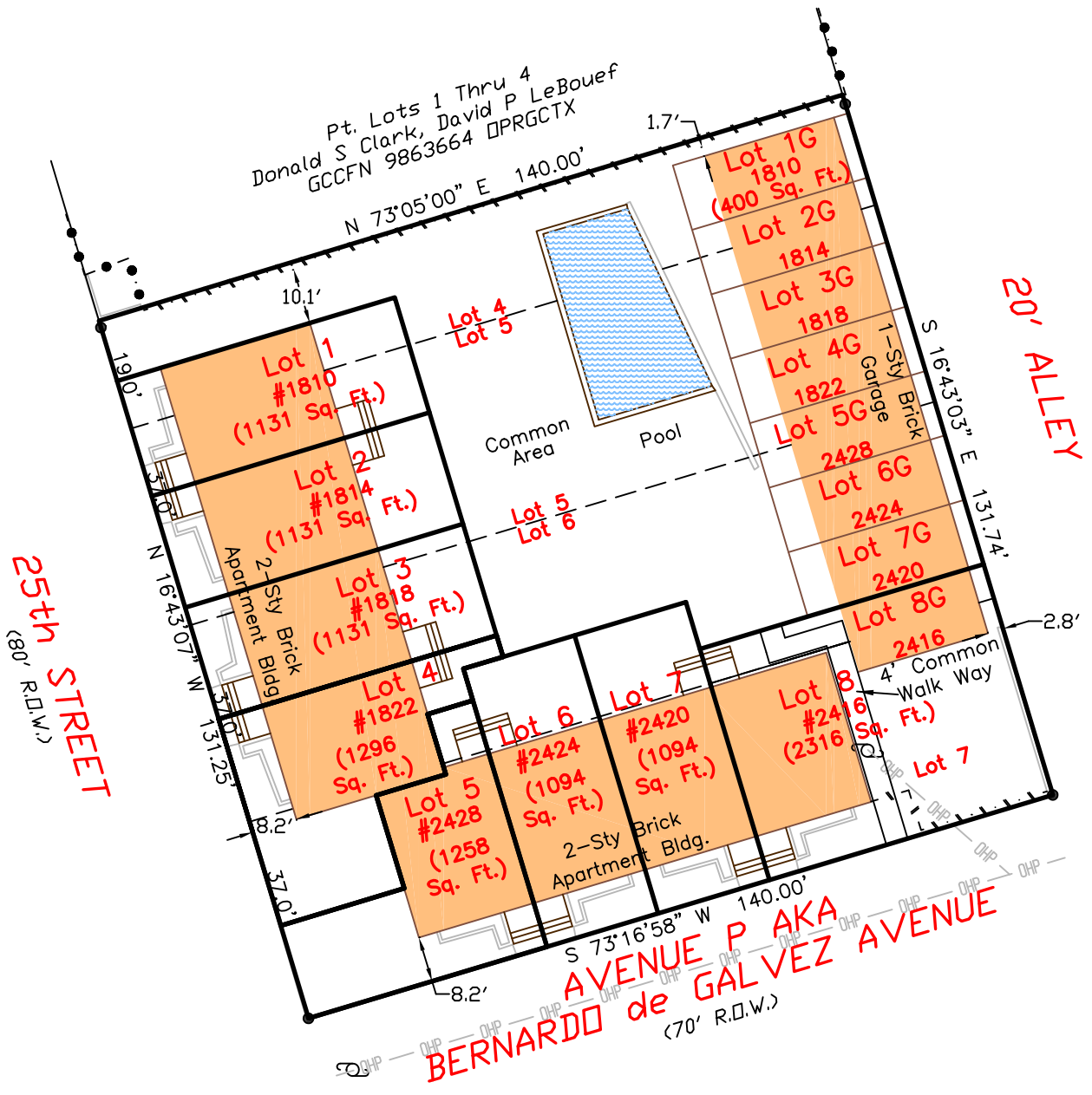
December 21, 2018

- MHT_1000ft_DRAFT
- Parcels



Galveston Central Appraisal District
 City of Galveston; Atkins North America, Inc.
 Galveston Central Appraisal District; City of Galveston, USGS, Google, et al
 City of Galveston Development Services: Planning & Development Division

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.



URBAN NEIGHBORHOOD (UN)

Notes:

1. A site plan is required prior to the issuance of a building permit.
2. No side or rear yard required when adjacent to a canal or body of water or to an alley or rights-of-way.
3. New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.
4. Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
5. Building facades shall include appropriate architectural details and ornament to create variety and interest.
6. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.
7. Encroachments: Canopies, signs, awnings, balconies and similar overhangs may encroach over any required setback, build-to-line or the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over any side or rear property line.
8. Average Front Yard Setback: Where 30 percent of buildings on one side of a street, on a single block, are built with 10 feet or less front yard setback, the average setback of the structures shall be the required setback.
9. Zoning setbacks may be inconsistent with Building Code. Refer to Building Division to determine final building and fire code setbacks.
10. Any outdoor storage areas accessory to the main use shall be enclosed by a solid masonry or concrete wall, or a wood fence, and shall not be less than 6 feet nor more than 8 feet in height.



Minimum Lot Standards

Area:	2,500 square feet
Width:	0 feet
Depth:	0 feet

Setbacks

Front:	0 feet
Side:	0 feet
Rear:	0 feet

Building Height

Maximum:	50 feet, measured from base flood elevation
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Parking

Residential:	None required; Maximum 1.5 spaces per unit
Non-Residential:	Minimum 1 space per 1,500 square feet of floor area
Lodging:	1 space per unit

Landscaping

Refer to Article 9, Landscaping of the City Land Development Regulations

14th Street Corridor

The table on Page 3-15 will govern land uses within the 14th Street UN corridor.
Parking Structure/Lot Incidental to Main Use = Permitted Use; Home Based Occupation/Business = Permitted Use

Application for Zoning Board of Adjustments on 2428 Bernardo De Galvez

Exhibit "A"

To whom it may concern.

We are requesting a variance for 2428 Bernardo De Galvez. The mandated square footage for a townhome community in Galveston is 2,500 square feet per individual parcel. The total project size land wise is 18,445. Each unit with a one car garage equals out to about 1,500 square footage. Then you have the common area.

This structure was built in the 1950s before the 2015 LDR rules and regulations.

We feel a Townhome community is more cohesive with the neighborhood, which currently doesn't contain condominiums. We feel a divided interest of a condominium would create an investor atmosphere rather than a place where a Galvestonian could make their home. The surrounding properties are single family in nature. Granting this variance would help maintain that neighborhood culture. The property's characteristics favor that of a townhome more than that of condominiums, with front porches, individual entrances to each home, yards, pool and detached individual garages. The front of the homes has planters and green space.

We hope you agree that granting townhomes to this site is a better fit for this neighborhood and the characteristics of these properties and would be feasible without the 2015 LDR.

Sincerely,

Clay Conrad