

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
3:30 p.m. Wednesday, January 8, 2025
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

**One or more members of the Zoning Board of Adjustment may attend the meeting by
videoconference.**

**A quorum of the members of the Zoning Board of Adjustment will be physically present
at the meeting location.**

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Public Comment

Request to Address Board 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)

5. New Business And Associated Public Hearings
 - A. 24Z-011 (2627 Broadway / Avenue J) Request For A Variance From The Galveston Land Development Regulations, Article 3, Commercial (C) Addendum, Regarding Minimum Lot Width, Depth And Square Footage. Property Is Legally Described As M.B. Menard Survey, Lots 1 And 2 Block 146, In The City And County Of Galveston, Texas.
Applicant: Janak Patel Property Owner: Janak Nisha, LLC.

Documents:

[24Z-011 - PKT.PDF](#)

- B. 24Z-012 (3503 Petite Circle, 3504 Petite Circle, And 3506 Petite Circle) Request For A Variance From The Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum, Regarding Minimum Lot Depth. The Properties Are Legally Described As: Abstract 121, Hall & Jones Survey, Tract 67R, 3503 Petite Cir Replat Of Lots 6 & 7 (6-0), Block 5, Pirates Cove Section 3; Abstract 121, Hall & Jones Survey, Lot 8, Block 5, Pirates Cove, Section 3; And Abstract 121 Page 39, Lot 9, Block 5, Pirates Cove Section 3; In The City And County Of Galveston, Texas
Applicants: John And Elizabeth Clarke; Michael And Joyce Cragin Property Owners:
John And Elizabeth Clarke; Michael And Joyce Cragin

Documents:

[24Z-012 - PKT.PDF](#)

- C. 24Z-013 (10717 San Luis Pass Road / FM 3005) Request For A Variance From The Galveston Land Development Regulations, Article 10, Height And Density Development Zone Regarding Street Edge Standards In A Commercial, Height And Density

Development Zone, Zone-6 (C-HDDZ-6) Zoning District. Property Is Legally Described As Hall & Jones Survey, West Beach Condos Phase 2, Tract Out Of Lot 402 & Half Of Adjacent Road (402-1) Trimble & Lindsey Section 1, In The City And County Of Galveston, Texas. Applicant: Patricia Knudson Joiner, Knudson LP Property Owner: Dru Kahlenberg, Clearlake Asset Management LLC

Documents:

[24Z-013 - STF PKT.PDF](#)

- D. 24Z-014 (12824 East Toledo) Request For A Variance From The Galveston Land Development Regulations, Article 3, Residential Single-Family (R-1) Addendum, Regarding Minimum Lot Depth. The Properties Are Legally Described As Abstract 121, Hall & Jones Survey, Lots 57 And 58 (58-0), Spanish Grant Sec 1, In The City And County Of Galveston, Texas. Applicant: Michael Gaertner Property Owners: Jon And Suzette Schultz

Documents:

[24Z-014 - PKT.PDF](#)

6. 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 December 31, 2024 at 3:35 P.M.

Prepared by: Karina Rosales, 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



24Z-011

STAFF REPORT

ADDRESS:

2627 Broadway / Avenue J

LEGAL DESCRIPTION:

Property is legally described as M.B. Menard Survey, Lots 1 and 2 Block 146, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Janak Patel

PROPERTY OWNER:

Janak Nisha, LLC.

ZONING:

Commercial (C)

VARIANCE REQUEST:

Lot Width, Lot Depth, and Lot Area

APPLICABLE ZONING LAND USE REGULATIONS:

Article 3, Addendum for Commercial (C) District, Minimum Lot Standards

EXHIBITS:

A – Applicant’s Submittal

STAFF:

Daniel Lunsford
 Senior Planner
 409-797-3659
 dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
22				

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 Notification Responses:

- Airport: No Objection
- Building Division: No Objection
- Coastal Resources: No Objection
- Fire Marshal: No Objection
- Fire Chief: No Objection
- Police Chief: No Objection
- Public Works: A min. 5’ utility easement shall be provided to protect utilities access to Tract 1R from the alley.

Private Utilities Notification Responses:

- AT&T: No Objection
- Comcast: No Objection
- CenterPoint Energy: No Objection
- Texas Gas Service: No Objection



Executive Summary:

The applicant is requesting a variance from Article 3, Addendum in order to reduce the required minimum lot area length/depth, width, and square footage. The lot currently holds two individual structures – a commercial strip center facing Broadway, and a smaller, detached residential building facing 27th Street to the south. The applicant proposes to reduce the minimum lot length/depth on the northernmost lot, and to reduce the lot width, length/depth, and square footage on the southernmost lot. This would place each building on a separate parcel.

The lot is currently 85.83 feet wide and 120 feet long/deep, with an area of 10,299.6 square feet. See the site plan and proposed replat in Exhibit A of the staff report.

Area Requirements

Article 3, District Yard, Lot and Setback Standards, Addendum for Commercial (C):
Required Minimum Lot Area 2,500 square feet

Requested Variance

Minimum Lot Dimensions (Commercial zoning)	Regulation	Proposed Variance
Lot Area	4,000 square feet	2,500 square feet (1,500 square feet variance, proposed Tract 2R)
Lot Width	40 feet	29.13' feet (10.87 feet variance, proposed Tract 2R)
Lot Length/Depth	100 feet	85.83 feet (14.17 feet variance, proposed Tract 2R); 90.87 feet (9.13 feet variance, proposed Tract 1R)

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.**

The property at 2627 Broadway has a FRONT commercial retail strip building which is similar to other properties in this zoning district. Similarly, there is a pre-existing residential building on the REAR side which faces 27th Street. Adjacent to this rear property are other residential buildings. The request is to separate out the front commercial building from the rear residential building. These two buildings were built on the same lot many years ago as allowed per zoning laws of the past. By separating the buildings with two separation of commercial and residential functions allows for separate ownership and maintenance. The rear residential lot is 2500 square feet which meets the minimum requirement of the city. The residential property was internally totally rebuilt with full new residential permitting by the city this year (2024).

- 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.**

As owner of this combined property, when this property is put up for sale, the rear residential building is not of interest to future buyers of the commercial building (and vice versa). The utilities are already separate for the two buildings.

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

There is no impact on public interest since these two buildings already exist with commercial and residential functions, and are similar to other adjacent properties. The request is to simply separate these buildings for separate

commercial and residential ownership without altering the neighborhood character.

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.**

See earlier description on page 3.

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.**

See earlier description on page 3. No new public infrastructure or services are needed. There is no change in functions of these two buildings.

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.

See earlier description on page 3.

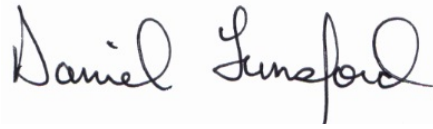
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are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

See earlier description on page 3. The request to separate out the two existing buildings with separate commercial and residential uses do not significantly circumvent any procedures or standards.

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

Yes, the current request for variances is in the spirit of the Land Development Regulations and maintains justice.

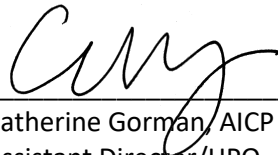
Respectfully submitted,



Daniel Lunsford
Senior Planner

12/30/2024

Date

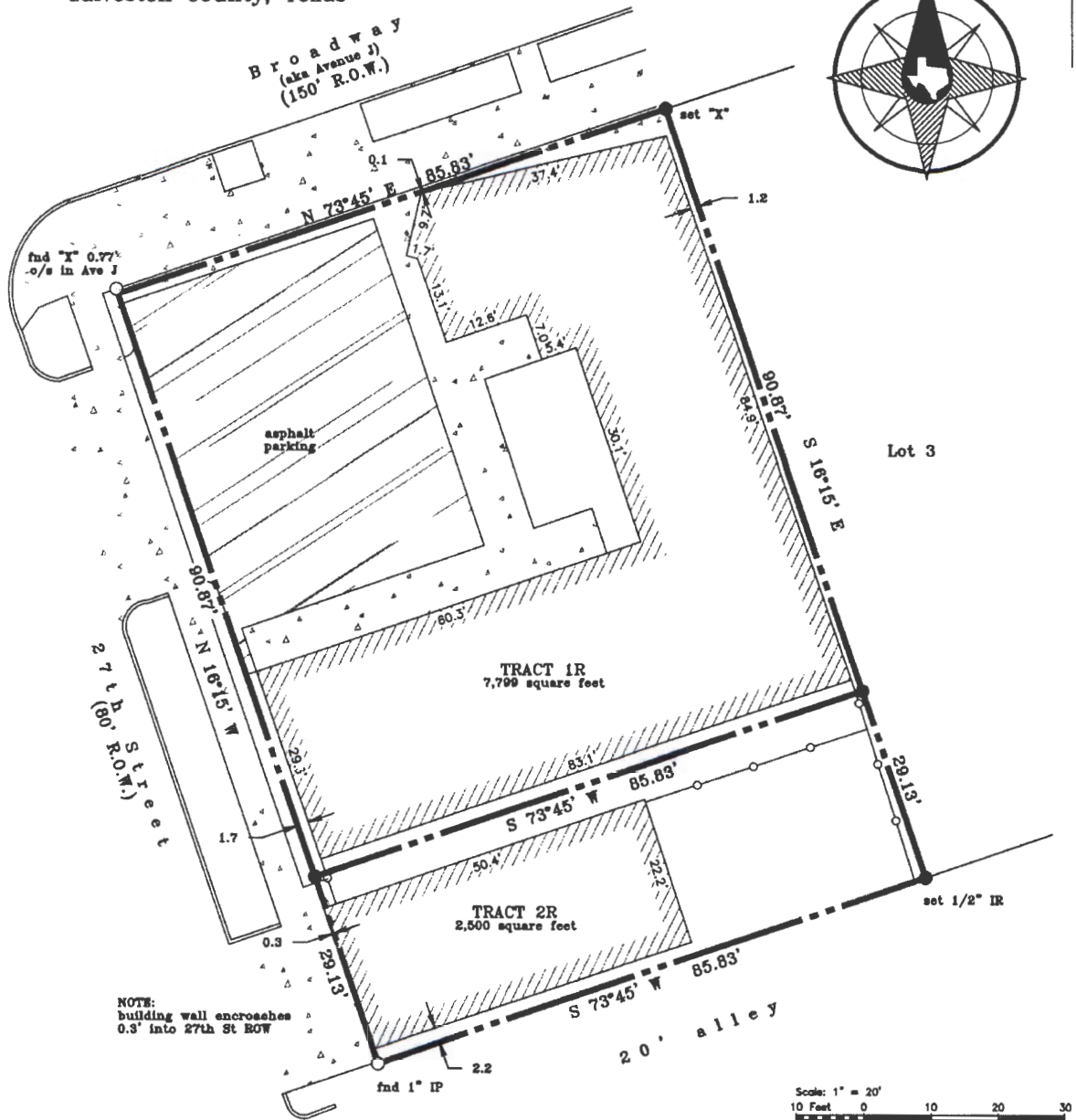


Catherine Gorman, AICP
Assistant Director/HPO

12/30/2024

Date

Michael Menard Survey
 Abstract 628
 Galveston County, Texas



SITE PLAN of TRACTS 1R AND 2R of JANEK NISHA REPLAT, a proposed replat of Lots 1 and 2, in Block 146, in the City and County of Galveston, Texas.

NOTES:
 NO RECORDS SEARCH CONTRACTED. RECORD EASEMENTS, RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY, BUILDING LINES, ENCUMBRANCES, ETC. BY COMMON KNOWLEDGE ONLY.
 CLIENT HOLDS TLTS, INC. HARMLESS FROM RESPONSIBILITY FOR SAME

- True ground distances shown
- Plat and bearings reference "Plan of COG, Sandusky 1845"
- Survey monuments reconciled w/ numerous previous surveys including ϕ COG monuments

NATIONAL FLOOD INSURANCE PROGRAM
 :FIRM Zone AE
 :Community #485469
 :Map 48187C0441G
 :August 15, 2019

Subject property: 2627 Broadway (aka Avenue J)
 Galveston County, Texas

This survey is certified for this transaction only and may only be relied on by Janak Nisha, LLC. This survey is only valid if print has original seal and signature of surveyor. 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

Laurence C. Wall
 RPLS #4814
 October 1, 2024



TLTS

TEXAS LAND TITLE SURVEYORS
 1801 Moody Avenue
 Galveston, Texas 77550
 (409) 765-8883
 tltsinc@gmail.com
 PELS Firm #10104200

"Janak Nisha, LLC Replat"

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENT
 COUNTY OF GALVESTON §

That I, Janak A. Patel, President of Janak Nisha, LLC, owner of the property subdivided in the foregoing plat of "Janak Nisha, LLC Replat", do hereby make subdivision of said property according to the lines, streets, alleys, parks, building lines and easements therein shown and designate said subdivision "Janak Nisha, LLC Replat", in Galveston County, Texas.

WITNESS MY HAND this _____ day of _____, 2024.

Janak A. Patel
 President, Janak Nisha, LLC

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENT
 COUNTY OF GALVESTON §

Before me, the undersigned authority, on this day personally appeared Janak A. Patel, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day
 of _____, 2024.

Notary Public of the State of Texas

My commission expires: _____

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENT
 COUNTY OF GALVESTON §

I, Dwight D. Sullivan, County Clerk, Galveston County, Texas do hereby certify that this written instrument was filed for record in my Office on

_____ 2024 at _____ o'clock _____ M
 and duly recorded on

_____ 2024 at _____ o'clock _____ M

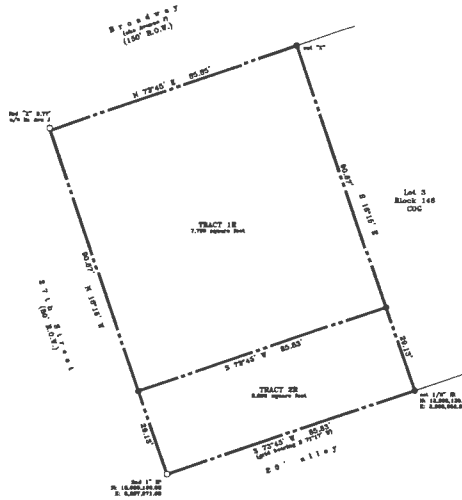
Instrument Number _____
 in the Official Public Records of Galveston County, Texas

WITNESS MY HAND this _____ day of _____, 2024.

Dwight D. Sullivan, County Clerk, Galveston County, Texas

By _____ Deputy

Michael Menard Survey
 Abstract 628
 Galveston County, Texas



THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENT
 COUNTY OF GALVESTON §

A TRACT OF LAND situated in the Michael Menard Survey, Abstract 628, Galveston County, Texas, being Lots 1 and 2, Block 146, according to the plat in common use "Plan of the City of Galveston by William Sandusky, 1845", said TRACT OF LAND containing 0.236 acre (10,300 square feet) of land and being further described by meters and bounds as follows:

BEGINNING at the northwest corner of Lot 1, Block 146, being the intersection of the South line of Broadway (aka Avenue J, 150 foot width) and the East line of 27th Street (80 foot width) from which an "X" found (shaded in concrete) bears 1° 18' W, 0.77 feet;

THEN N 7° 45' E along Broadway, at 43.00 feet past the North common corner of Lots 1 and 2, to an 80.83 foot by 6\"/>

THEN S 1° 15' E along the East line of Lot 2, 120.00 feet to a set 1/2 inch diameter steel reinforcement bar (1/2\"/>

THEN S 7° 45' W along the alley, at 42.83 feet past the South common corner of Lots 2 and 1, to an 85.85 foot by 1\"/>

THEN N 1° 15' W along 27th Street, 120.00 feet to the POINT OF BEGINNING, containing 0.236 acre (10,300 square feet) of land.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENT
 COUNTY OF GALVESTON §

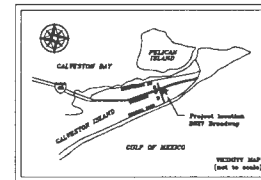
This is to certify that I, Laurence C. Wall, a Registered Professional Land Surveyor of the State of Texas, have plotted this subdivision from an actual survey made on the ground, that all corners are properly marked and that this plat was made under my direct supervision and correctly represents the facts found at the time of the survey.

Laurence C. Wall, RPLS #4814
 October 1, 2024

This property is within the 100-Year Special Flood Hazard Area A as designated to be within FEMA Zone AE, located on FEMA Map #48187C0441G, August 15, 2018.

Plat and bearings reference "Plan of CDG by Wm. Sandusky 1845"

Coordinates reference NGS MAD 83, Texas South Central Zone, spheroid = -2'18"



SCALE: 1 INCH = 20 FEET
 0 20 40 60 Feet

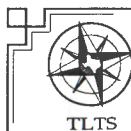
THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENT
 COUNTY OF GALVESTON §

The subdivision, in the City and County of Galveston, Texas, as set forth in the above plat, has been approved by the Galveston Planning Commission.

Commission this _____ day of _____, 2024.

Chairman
 Galveston Planning Commission

Secretary
 Galveston Planning Commission



TEXAS LAND TITLE SURVEYORS
 1801 Moody Avenue
 Galveston, Texas 77550
 (409) 765-8883
 tltsinc@gmail.com
 PELS Firm #10104200



24Z-012

STAFF REPORT

ADDRESS:

3503 Petite Circle, 3504 Petite Circle, and 3506 Petite Circle.

LEGAL DESCRIPTION:

The properties are legally described as: Abstract 121, Hall & Jones Survey, Tract 67R, 3503 Petite Cir Replat Of Lots 6 & 7 (6-0), Block 5, Pirates Cove Section 3; Abstract 121, Hall & Jones Survey, Lot 8, Block 5, Pirates Cove, Section 3; and Abstract 121 Page 39, Lot 9, Block 5, Pirates Cove Section 3; in the City and County of Galveston, Texas

APPLICANT/REPRESENTATIVE:

Michael Cragin

PROPERTY OWNER:

John and Elizabeth Clarke; Michael and Joyce Cragin

ZONING:

Residential, Single-Family (R-1)

VARIANCE REQUEST:

Lot Depth

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Addendum for Residential, Single Family (R-1), Minimum Lot Standards.

EXHIBITS:

- A – Survey
- B – Site Plan

STAFF:

Daniel Lunsford
 Senior Planner
 409-797-3659
 dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
12				

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 Notification Responses:

- Airport: No Objection
- Building Division: No Objection
- Coastal Resources: No Objection
- Fire Marshal: No Objection
- Fire Chief: No Objection
- Police Chief: No Objection
- Public Works: No Objection

Private Utilities Notification Responses:

- AT&T: No Objection
- Comcast: No Objection
- CenterPoint Energy: No Objection
- Texas Gas Service: No Objection



Executive Summary:

The applicant is requesting a variance from Article 3, Addendum in order to reduce the required minimum lot length/depth in a Residential, Single-Family (R-1) zoning district. This request involves three lots: two lots owned individually by the applicants and a third lot the applicants purchased jointly in order to subdivide and include with their existing lots. However, because the Pirates Cove lots were platted with 80' depths in 1968, a variance for lot depth is required to subdivide the three tracts into two. Note that the house previously located at 3504 Petite Circle was demolished in late 2024, and that lot is now vacant.

See the site plan and proposed replat in Exhibit A of the staff report for details.

Area Requirements

Article 3, District Yard, Lot and Setback Standards, Addendum for Residential, Single-Family (R-1)

Minimum Required Length/Depth: 100 feet

Requested Variance

Minimum Lot Dimensions (R-1 zoning)	Regulation	Proposed Variance
Lot Length/Depth		
Proposed Lot 1	100 feet	80 feet (20 feet variance)
Proposed Lot 2	100 feet	80 feet (20 feet variance)

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.**

Existing lots in Pirates Cove, developed prior to the 2015 LDRs, are only 80 feet deep, not conforming to the requirement of 100 feet. The property owners John and Elizabeth Clarke (3503 Petite Circle) and Michael and Joyce Cragin (3506 Petite Circle) purchase the existing home at 3504 Petite Circle have since had the house demolished. The owners would like to replat these (3) lots into two lots by equally splitting 3504 Petite Circle lot in half. This will allow the owners of 3506 Petite to build additional space to their house as well as a pool and allow the owners of 3506 Petite Circle to expand the footprint of the existing property.

- 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.**

The owners of 3506 Petite Circle cannot add onto their existing house without the alteration of the property lines facilitated by this replat which will reset the back lines. The original development conformed prior to the 2015 LDRs.

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

Replating the lots will not affect the character of the area, or affect neighboring sites .It follows the prior reasonable precedent for addressing similar unique situations without undermining the overall zoning goals.

- 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.**

Replatting these 3 lots into 2 lots is more in line with the intention of the LDRs versus leaving 2 remaining small half lots. This will allow the owners of 3503 Petite Circle and 3506 Petite Circle to achieve the best use of their respective properties. This type of variance has been granted in same or similar situations in this subdivision and 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 zoning will remain R-1 and maintain single-family residences which conforms with the current community as a whole. All utilities are currently present at the site and will not be altered. The character and use of the site will not change and will not affect the community in any negative way.

- 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.**

Allowing for the three legally nonconforming lots to be replatted into two separate larger lots with the depth remaining at 80-foot rather than at 100-foot, as shown in the attached survey, will allow the property owners to fully utilize and develop their properties.

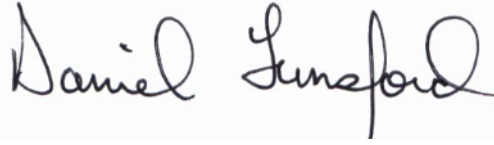
- 5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are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

The variance will only be used to allow for a replat of three lots into two separate singular lots. All future work on the newly created lots will be done in accordance with the LDRs and the Pirates Property Association rules.

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

The variance allows for the replat and highest use of the land, and the depth of the lot remains the same as the original development.

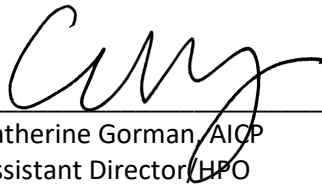
Respectfully submitted,



Daniel Lunsford
Senior Planner

12/27/2024

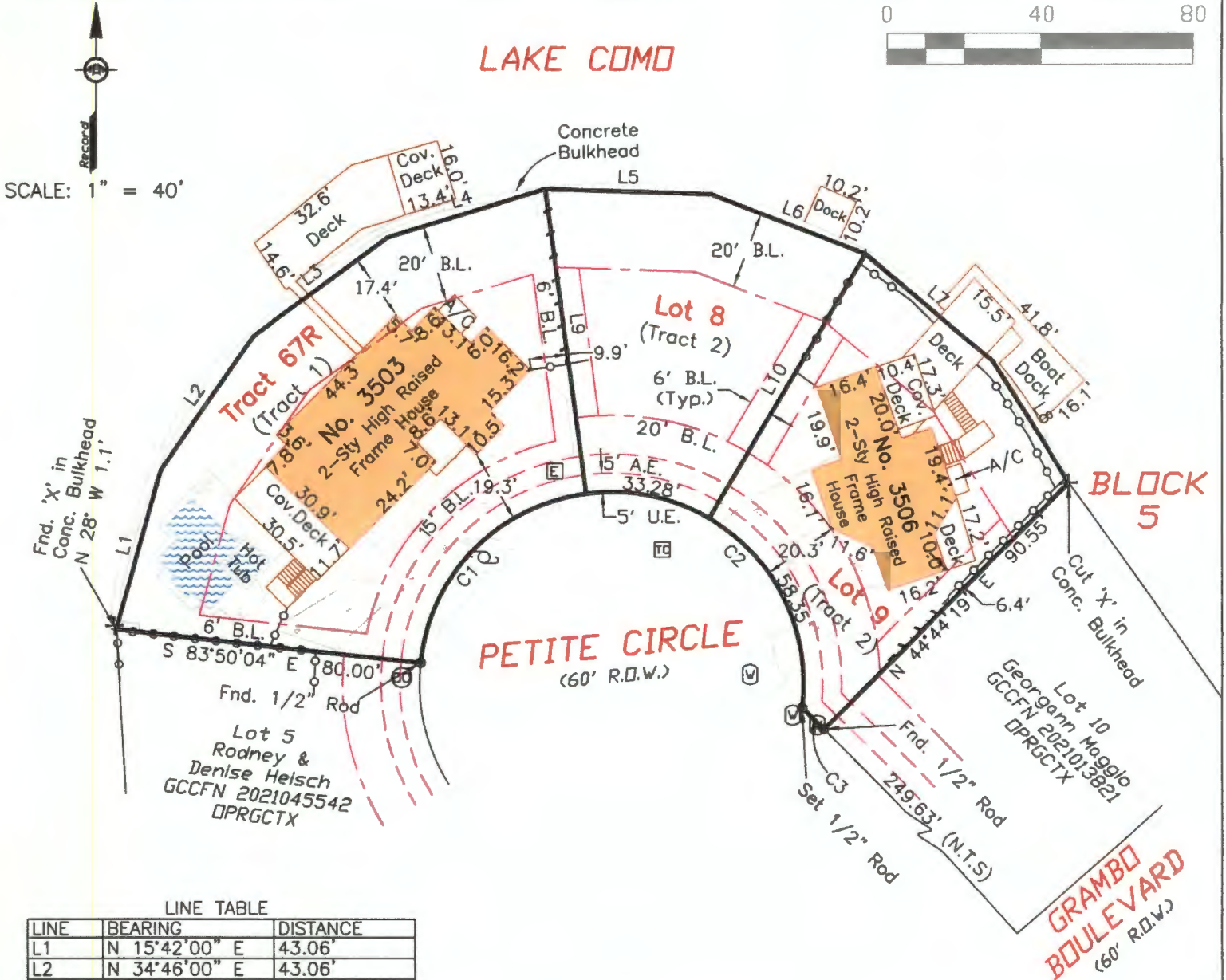
Date



Catherine Gorman, AICP
Assistant Director, HPO

12/27/2024

Date



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 15°42'00" E	43.06'
L2	N 34°46'00" E	43.06'
L3	N 53°50'00" E	43.06'
L4	N 72°54'00" E	43.06'
L5	S 88°02'00" E	43.06'
L6	S 68°58'00" E	43.06'
L7	S 49°54'00" E	43.06'
L8	S 32°01'12" E	37.72'
L9	N 07°34'04" W	79.99'
L10	S 30°33'59" W	79.99'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH
C1	50.00'	66.56'
C2	50.00'	91.63'
C3	1080.94'	8.04'

Surveyed without the benefit of a title commitment. This property may be subject to matters of record not shown hereon that might be revealed by title report or title commitment.

Tract 1:

Survey of Tract Sixty-Seven R (67R), of 3503 PETITE CIRCLE, a subdivision in Galveston County, Texas, according to the map or plat thereof as recorded under Galveston County Clerk's File No. 2020081689 of the Official Public Records of Real Property of Galveston County, Texas.

Tract 2:

Survey of Lots Eight (8), and Nine (9), in Block Five (5), of PIRATES COVE, SECTION THREE (3), a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 1616, Page 158, and later transferred to Plat Record 8, Map No. 4, of the Map Records in the Office of the County Clerk of Galveston County, Texas.



B. Addison
 Brene Addison
 Registered Professional
 Land Surveyor No. 6598

I hereby certify that on the above 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.



NOTES:
 1) This property is subject the zoning ordinances and/or the building regulations of the City of Galveston. All building setback lines and easements shown are per recorded plat and/or recorded restrictions. If none shown, it is the property owners responsibility to confirm any setback requirements with City of Galveston.
 2) This property lies within Zone AE (EL 12') as established by the FEMA Flood Insurance Rate Map No. 48167C0504G, dated August 15, 2019.
 3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA and/or the local power company.
 4) Bearings are record, as shown on plat of Pirates Cove Section 3, based on the monumentation of the Northeast right-of-way line of Petite Circle, being a found 3/8 inch rod at the Northwest corner of Lot 10 and a found 1/2 inch rod at the Northwest corner of Lot 12.

Legend:

- Overhead Power
- Plastic Fence
- Wood Fence
- Concrete
- Building Line
- Easement Line
- B.L. Building Setback Line
- U.E. Utility Easement
- A.E. Aerial Easement
- (N.T.S.) Not to Scale
- Telecomm. Box
- Power Pole
- Water Meter
- Clean-out
- Electrical Box

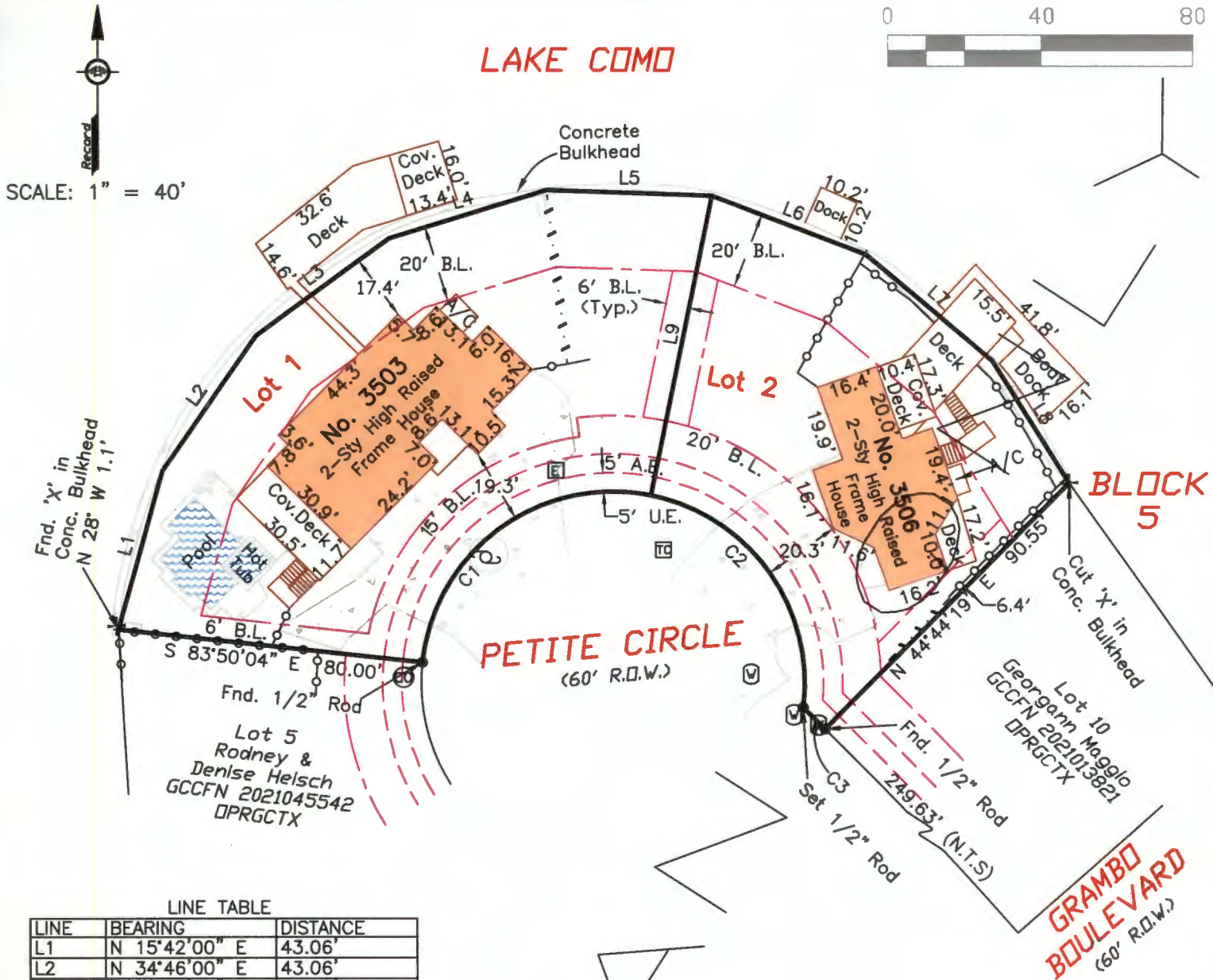
TRICON LAND SURVEYING, LLC

Mailing: 6341 Stewart Rd. #251
 Physical: 2011 59th Street
 Galveston, TX 77551
 409-497-2772
 TriconLandSurveying.com
 T.B.P.E.L.S. Firm No. 10194309

Drafting: LB

Parcel ID: 123259,
 123258,123257

Surveyed for:
 Michael Craigh



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 15°42'00" E	43.06'
L2	N 34°46'00" E	43.06'
L3	N 53°50'00" E	43.06'
L4	N 72°54'00" E	43.06'
L5	S 88°02'00" E	43.06'
L6	S 68°58'00" E	43.06'
L7	S 49°54'00" E	43.06'
L8	S 32°01'12" E	37.72'
L9	S 11°29'57" W	79.99'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH
C1	50.00'	83.19'
C2	50.00'	74.99'
C3	1080.94'	8.04'

Tract 1:
 SITE PLAN/PROPOSED REPLAT of Tract Sixty-Seven R (67R), of 3503 PETITE CIRCLE, a subdivision in Galveston County, Texas, according to the map or plat thereof as recorded under Galveston County Clerk's File No. 2020081689 of the Official Public Records of Real Property of Galveston County, Texas.

Tract 2:
 SITE PLAN/PROPOSED REPLAT of Lots Eight (8), and Nine (9), in Block Five (5), of PIRATES COVE, SECTION THREE (3), a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 1616, Page 158, and later transferred to Plat Record 8, Map No. 4, of the Map Records in the Office of the County Clerk of Galveston County, Texas.

SITE



24Z-013

STAFF REPORT

ADDRESS:

10717 San Luis Pass Road / FM 3005

LEGAL DESCRIPTION:

Property is legally described as Hall & Jones Survey, West Beach Condos Phase 2, Tract Out of Lot 402 & Half of Adjacent Road (402-1) Trimble & Lindsey Section 1, In the City and County of Galveston, Texas

APPLICANT/REPRESENTATIVE:

Patricia Knudson Joiner, Knudson LP

PROPERTY OWNER:

Dru Kahlenberg, Clearlake Asset Management LLC

ZONING:

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

VARIANCE REQUEST:

Street Edge Standards

APPLICABLE ZONING REGULATIONS:

Article 10, Height and Density Development Zone

EXHIBITS:

A – Applicant’s Submittal

STAFF:

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

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
257				

Per Section 13.308 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 Notification Responses:

- Airport: No Objection
- Building Division: No Objection
- Coastal Resources: No Objection
- Fire Marshal: No Objection
- Fire Chief: No Objection
- Police Chief: No Objection
- Public Works: No Objection

Private Utilities Notification Responses:

- AT&T: No Objection
- Comcast: No Objection
- CenterPoint Energy: No Objection
- Texas Gas Service: No Objection



Executive Summary

The applicant is requesting a variance from the Street Edge Standards required by the Height and Density Development Zone (HDDZ) regulations. These standards mandate that the ground floor of new buildings feature active storefront uses, such as commercial or office spaces, and incorporate decorative architectural elements. The intent of these regulations is to enhance the visual appeal and pedestrian experience along streetscapes, while preventing the creation of blank, uninviting facades facing public streets.

However, the applicant is unable to comply with this requirement due to restrictions imposed by floodplain regulations. The property is situated within a Velocity flood zone, which is subject to stringent requirements to mitigate flood risks. In this zone, floodplain regulations prohibit active uses below the Base Flood Elevation (BFE), which at this location is set at 18.5 feet above sea level. Below the BFE, the only permissible uses are parking and limited storage areas, as active uses in these areas would pose safety and compliance concerns.

As a result, the applicant is seeking a variance to eliminate the requirement for active storefront uses on the ground floor.

Requested Variance

	HDDZ Requirement	Proposed Variance
Street Edge Standards	Active storefronts containing commercial or office uses	Eliminate requirement

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.**

The proposed Solarus Condominiums are located in overlay zone HDDZ-6 (Sewall West to 11 Mile Road) and zoned as a Commercial, which allows residential, commercial, retail, and office land uses. The City of Galveston's ordinance also requires the finish floor elevation for the subject property to be 19'. The subject property's average grade elevation is currently at 6.5', which creates a condition in which it would be impossible for the Applicant to comply with Sec 10.308 due to the physical restraints of the site.

- 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.**

The intent of Sec. 10.308 is to create visual interest in order to enhance the experience of the traveling public through interest elements along streets in Galveston. The developer of the proposed Solarus Condominiums has prioritized the design of the wall plane articulation in order to generate visual interest, which exceeds the minimum design standards. The goal of the developer is to create a visually appealing building that will be appreciated by any pedestrians or motorists traveling along FM 3005. The applicant believes that the visual improvements to the Solarus Condominiums reflect the intent of Sec. 10.308 A.1.

- 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.**

Due to the minimum finish floor elevation, 2' above floodplain + FEMA floodplain elevation of 17' = 19', and the average grade elevation of the subject property, 6.5'. It is infeasible to comply with 10.308 A.1 and comply with the base flood elevations.

The applicant simply cannot comply with the base flood elevations and comply with Sec. 10.308 A.1 for street edge standards to enhance visual interest. The developer has designed a visually appealing building that exceeds the wall plane articulation standards.

The subject property is not common. The base grade elevation on the property is 6.5', which makes it impossible to comply with Sec. 10.308 A.1. However, the Applicant believes that the site plan submitted in this application meets the intent and the purpose of Sec. 10.308 A.1.

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 proposed condominium residential land use complies with the Commercial zoning and HDDZ-6 overlay.

The Applicant complies with the requirements regarding parking, impervious cover, and land development regulations.

The proposed Solarus Condominiums will comply with the intent of the Zoning Ordinance.

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.

As stated in the variance request section above, Galveston drainage criteria states that the minimum finish floor elevation must be 2' above base flood elevation. In addition to the FEMA flood maps showing the base flood elevation of 17', the required finish floor elevation must be 19'. The average grade elevation of the subject property is 6.5'. Therefore, the developer is unable to comply with Sec. 10.308 and is unable to develop the property without a variance approval from the Zoning Board of Adjustments.

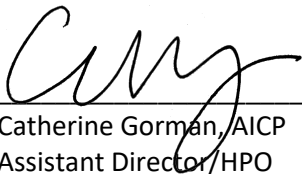
5. **The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are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

No alternative development patterns, development standards, or other flexible measures in the regulations could be used to avoid or mitigate this hardship. The street edge standards require commercial or office uses on the frontage of FM 3005, which would not be possible due to the minimum finish floor elevation of 19'. To meet the 19' minimum finish floor elevation the site would need to be raised by 12.5', which is not feasible nor would it be allowed since raising the subject property to that extent would generate negative effects on the adjacent neighbors. Additionally, electric and gas utilities to service the commercial or office uses at grade could not be implemented under the City's codes.

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

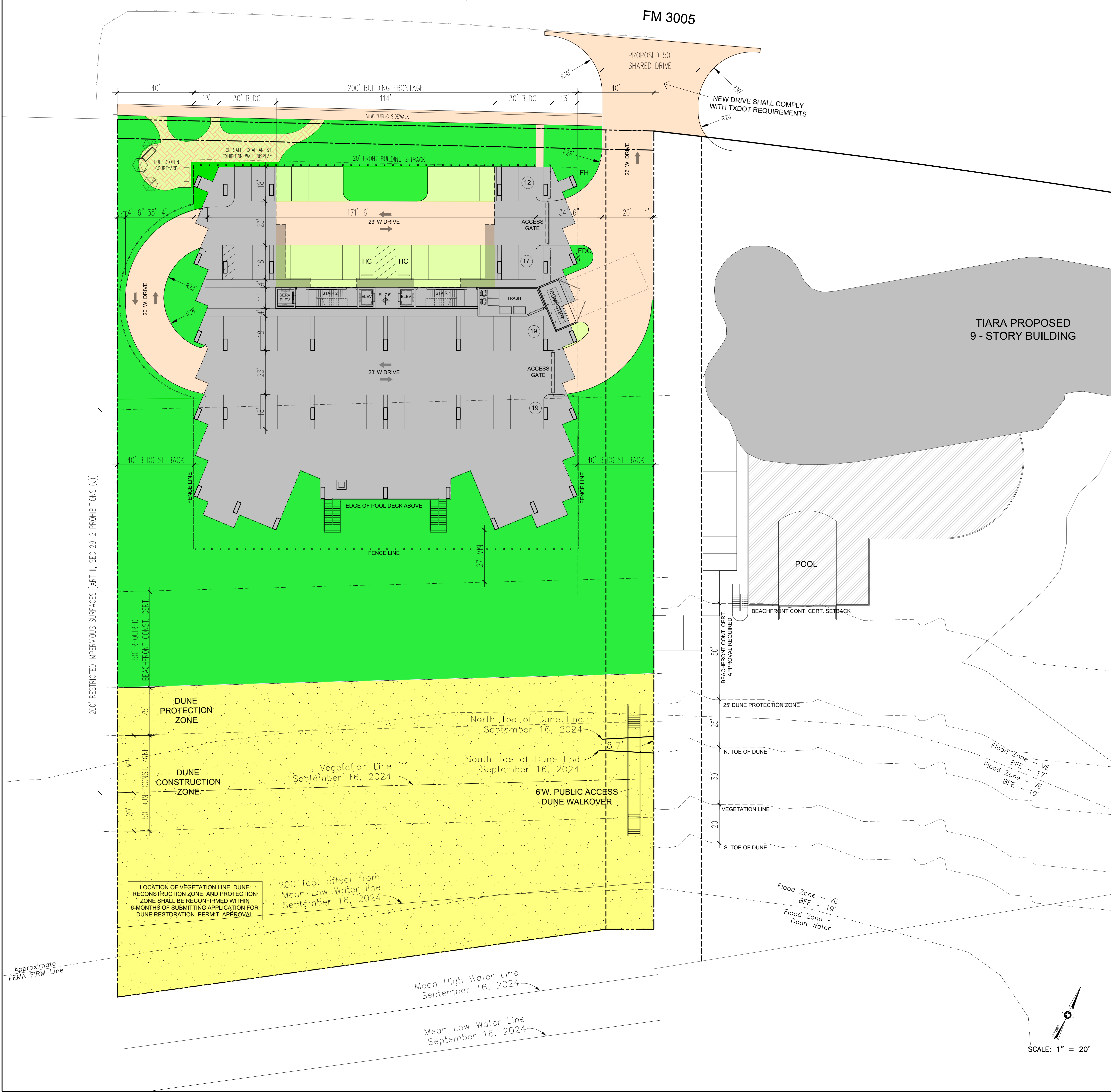
Yes. The developer has exhausted every feasible option to meet the standards of the City of Galveston. Additionally, the developer has designed a building that is visually appealing for the residents as well as pedestrians, motorists, and neighbors.

Respectfully submitted,


Catherine Gorman, AICP
Assistant Director/HPO

12/30/2024
Date

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PROPOSED SITE DATA SUMMARY

2015 LAND DEVELOPMENT REGULATIONS – App. A, Art. 10, Div. 10.300

Item	Reference	Proposed
Zoning designation	(C) Commercial	Condominium
Overlay Zone designation	HDD2-6, Sec 10.304 A6	Condominium
Height and Density Tier	Low Rise Tier - Sec 10.305 (A)	Condominium
Site Area	2.80 Acres (undeveloped tract)	122,064 sf
Dune Conservation Area	0.92 Acres (5/16/23 survey)	41,844 sf 34.2%
Net Developable Site Area	1.88 Acres	80,220 sf 65.8%
Impervious Surfaces	80,220 Site developable area (Div 5) 29-51 40% max	30,237 sf 37.7%
Density (Residential):	44 units / 1.88 acres	23.4 units/acre
Building Footprint Area:	Sec 10.303A Definitions	27,197 sf
Building Foundation		Est'd 4,000 sf / 80,220 = 5%
Total Building Floor Plate Area:	Sec 10.303G Definitions	80,215 sf
Building Height (stories)	Sec 10.305 (A) max 5-stories or 70' height	In compliance: 4 Story and 70' (top of roof parapet)
Limits of Construction	Chapter 29-2 (a) Beachfront Construction Cert. Re: Site Plan	N/A: All development is over 75' landward from north toe of dune New concrete sidewalk adjacent to street frontage
Pedestrian Access		Comply with applicable code
Signage	Re: Code of Ord. - Article 5	Comply with applicable code
Outdoor Lighting	Re: Code of Ord. - Article 7	Comply with applicable code
Development Phasing	Sec 10.306C: Table 10.306B	In compliance: 20' front yard, 40' side yard
Build to Line percentage	30% Build to Line	60' / 200' = 30% Build to Line
Wall Plane Articulation	Sec 10.307 (C) Min. 5'D x 10'L offset walls over 30'L	In compliance
Lot Coverage	Sec 10.311: 50% max	In compliance: 39,376 / 80,220 = 49.1%
Improved Public Open Space	Sec 10.311: 15% min.	15,808 sf / 80,220 = 19.7%
Street Edge Standards	Sec.10.308(A) active storefronts containing commercial or office uses and Arch surfaces	(A) Request zoning exemption code due to code required FF to be min 2' above BFE which is 12' above grade
FAR: Total Building / Site	Table 10.311: 1.0 max 80,215 / 80,220	(B) not applicable In compliance: 1.0
Parking: Multi-family	LDR App A, Art. 3: 1.5 spaces / unit x 44 = 66	In compliance: 67 proposed

Proposed Landscaping:
Landscaping shall comply with applicable sections in Code of Ordinances, Article 9 Planting materials will be indigenous and evergreen plantings throughout the site. Locations and styles will vary depending on the features intended to enhance the site. Site entry, signage, and accent areas will consist of specimen quality Phoenix Date Palms and tiered planting arrangements consisting of successional blooming and contrasting textures of materials. Infill plantings will consist of a variety of such as Sabal and Washingtonia Palms. Pindo Palms will provide screens and pedestrian scale plantings. Planting masses will be provided to create accents, backdrops and foundation planting around the site.

Proposed Economic Site Development Amenities

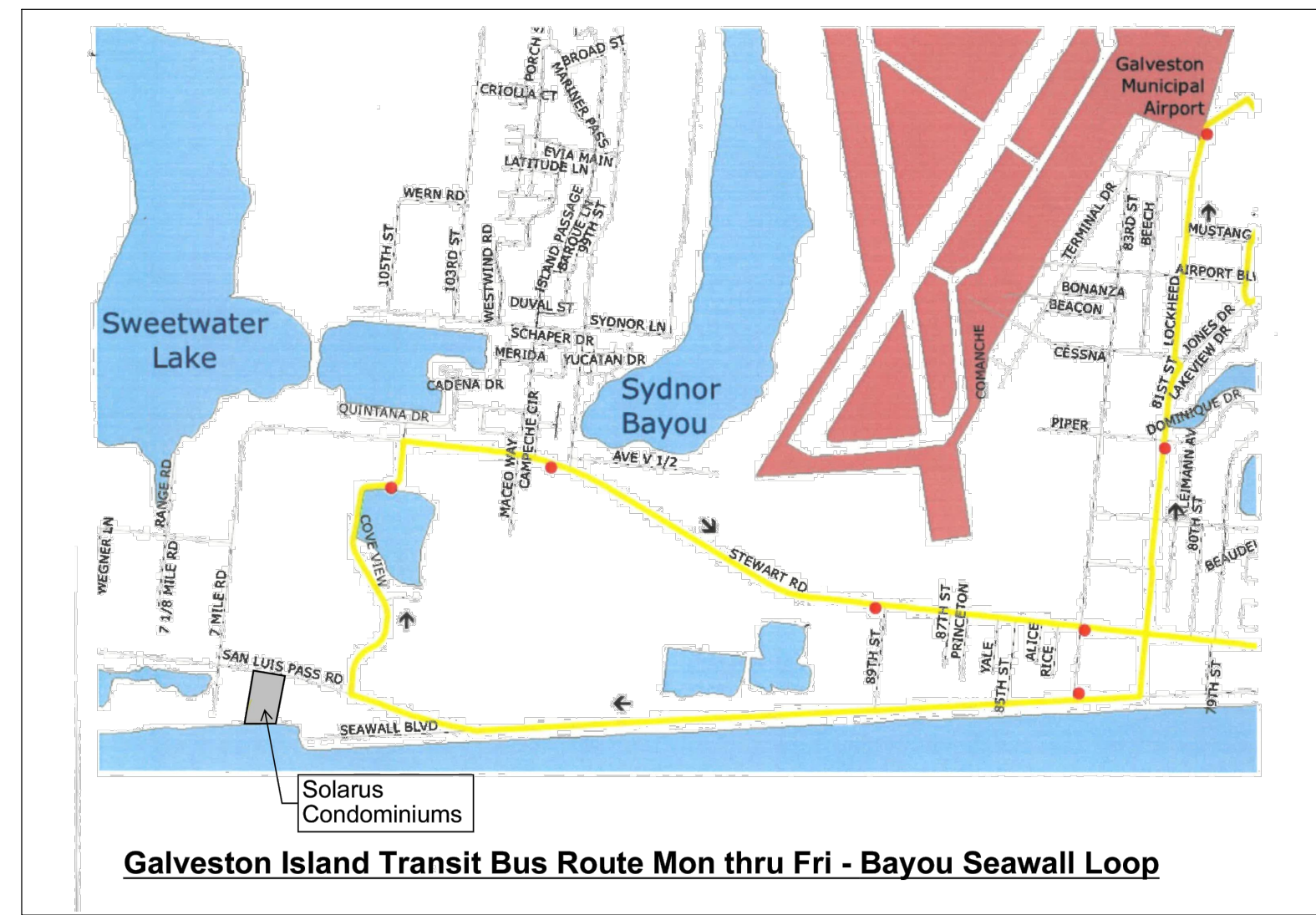
- 1/ Bird-friendly building window glazing
- 2/ Rainwater collection storage and irrigation system for dune protection
- 3/ Underground storm water detention
- 4/ Non-gated property to allow for wildlife passage through development from FM 3005 to the beach

PROPOSED BUILDING SUMMARY

LEVEL	UNITS	COMM	FAR	UNIT BALC	# UNITS	ELEV	REMARKS
Ground	-	-	-	-	10	7.00	
1	13,648	9,236	22,884	1,260	10	23.00	Notes 1 & 2
2	17,686	4,585	22,271	1,996	14	35.00	
3	16,636	4,582	21,218	2,695	14	46.00	
4	10,772	3,070	13,842	3,381	6	57.00	
Roof	-	-	-	-	-	68.00	
Parapet	-	-	-	-	-	73.00	
Roof Stairs	-	-	-	-	-	77.00	Notes 3 & 4
Total	58,744	21,473	80,215	9,332	44		

Notes

- 1/ Fire truck access 13'-6"(min) clear IFC 2021 Sec 503.2.1: Proposed 14' - In compliance
- 2/ Finish floor 2' above BFE EL=17' FEMA Flood Map, 11/7/23: Proposed 23' - In compliance
- 3/ Low-rise Max height: Table 10.311: 70' or 5 stories - In compliance
- 4/ Building portion in Transition Area 1a: Table 10.306B 2a.i: 45' or 3-stories - In compliance
- 4/ FAA max. building elevation = 155.60: Proposed = 77.0' (70' above grade) - In compliance



LEGEND - SOLARUS CONDOMINIUM

	DUNE CONSERVATION AREA & BEACH 41,844 sf (No development area)
	LANDSCAPE AREAS 46,426 (55.5%)
	REINFORCED CONCRETE PAVING 15,514 sf (19.3%)
	PERMEABLE GRASSCRETE PAVING 14,231 sf - 75% impervious (13.3%)
	BUILDING FOUNDATION 4,050 sf (5.1%)

EDI INTERNATIONAL

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Phone: (713) 375-1400
Fax: (713) 375-1600
www.EDI-international.com
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FILE & LIFE SAFETY:
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STRUCTURAL:
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MEP:
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**SOLARUS GALVESTON
RESIDENTIAL CONDOMINIUMS**

10717 TERMINI SAN LUIS PASS ROAD (FM 3005) - GALVESTON, TEXAS

ARCHITECT: ANDRE LANDON
LICENSE NO. 8290
COMPANY EDI INTERNATIONAL, PC
FIRM ID # 445226.00

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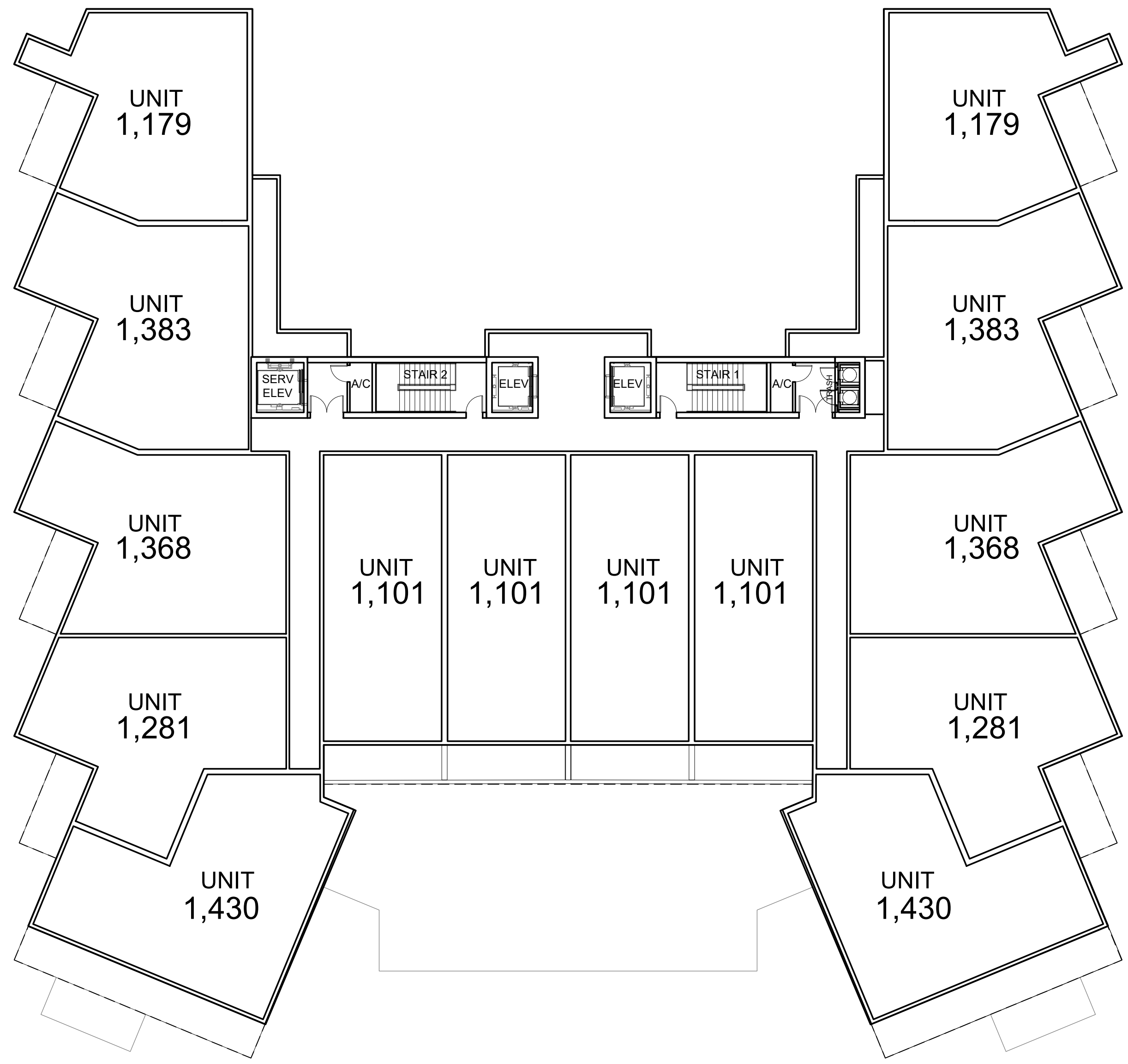
#	Date	Issue

PROJECT NO: 23003
ISSUED: Design Review
ISSUED DATE: 11-15-24

DRAWING TITLE
PROPOSED SITE DEVELOPMENT PLAN

DRAWING NUMBER
A100

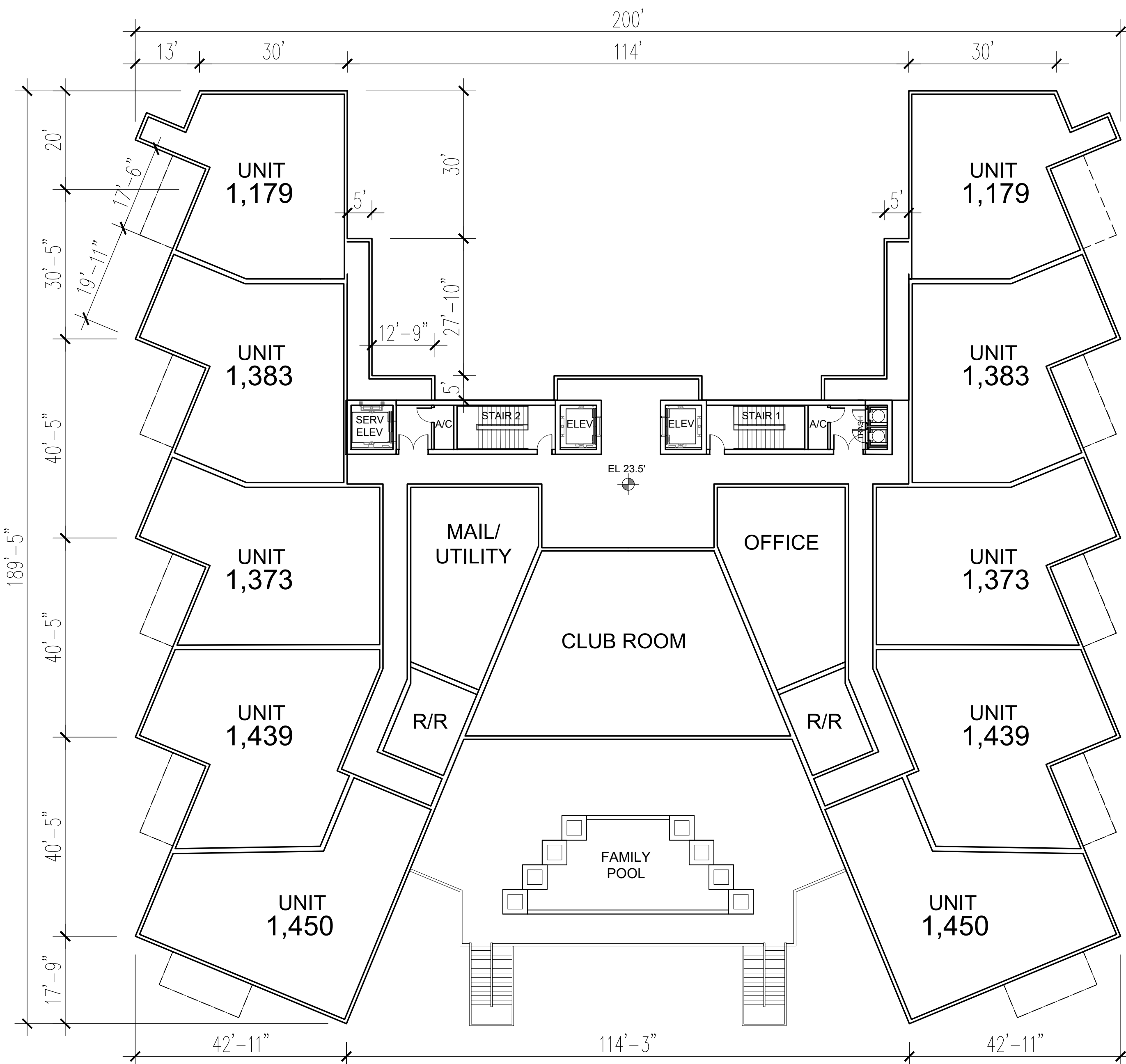
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Floor Areas
 17,686 Total units (14)
 + 4,585 Core & corridors
 22,271 Gross floor area

 1,996 Open balconies

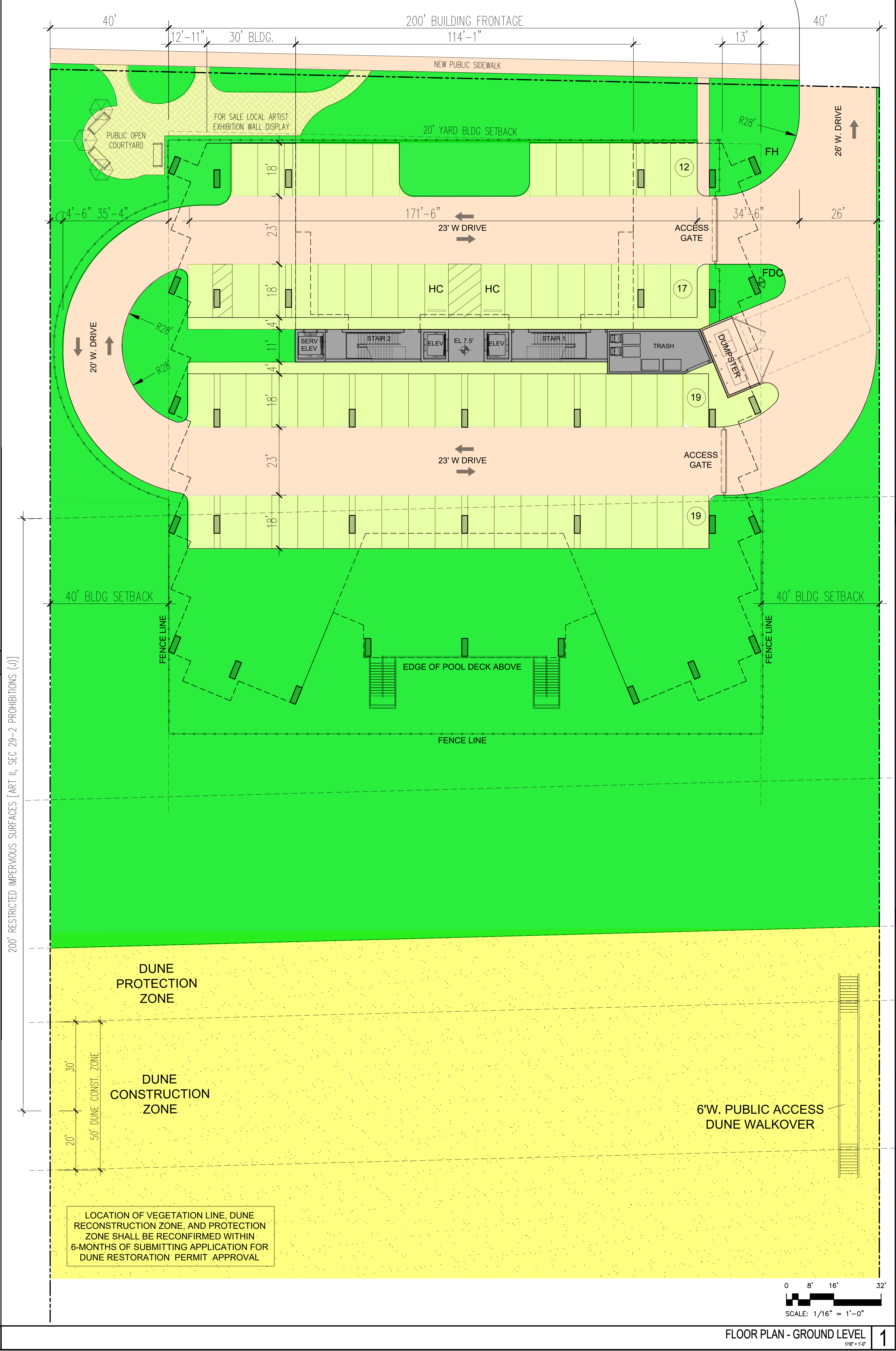
FLOOR PLAN - LEVEL 2 (14 UNITS) 3



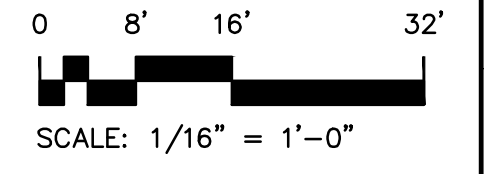
Floor Areas
 13,648 Total units (10)
 + 4,434 Admin/Amenities
 + 4,802 Core & corridors
 22,884 Gross floor area

 1,260 Open balconies

FLOOR PLAN - LEVEL 1 (10 UNITS) 2



LOCATION OF VEGETATION LINE, DUNE RECONSTRUCTION ZONE, AND PROTECTION ZONE SHALL BE RE-CONFIRMED WITHIN 6-MONTHS OF SUBMITTING APPLICATION FOR DUNE RESTORATION PERMIT APPROVAL



FLOOR PLAN - GROUND LEVEL 1



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 Fax: (713) 375-1600
 www.EDI-International.com
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 email: dan.gendron@clearlake.com

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 email: mh@half.com

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 contact: Jim Thompson
 phone: (832) 236-1599
 email: jim.thompson@jensenhughes.com

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**SOLARUS GALVESTON
 RESIDENTIAL CONDOMINIUMS**

10717 TERMINI SAN LUIS PASS ROAD (FM 3005) - GALVESTON, TEXAS

ARCHITECT: ANDRE LANDON
 LICENSE NO.: 8290
 COMPANY: EDI INTERNATIONAL, PC
 FIRM ID #: 445226.00

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REVISIONS		
#	Date	Issue

PROJECT NO: 23003
 ISSUED: Design Review
 ISSUED DATE: 11-15-24

DRAWING TITLE
GROUND & LEVELS 1 & 2 FLOOR PLANS

DRAWING NUMBER
A101

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email: mhwolf@half.com

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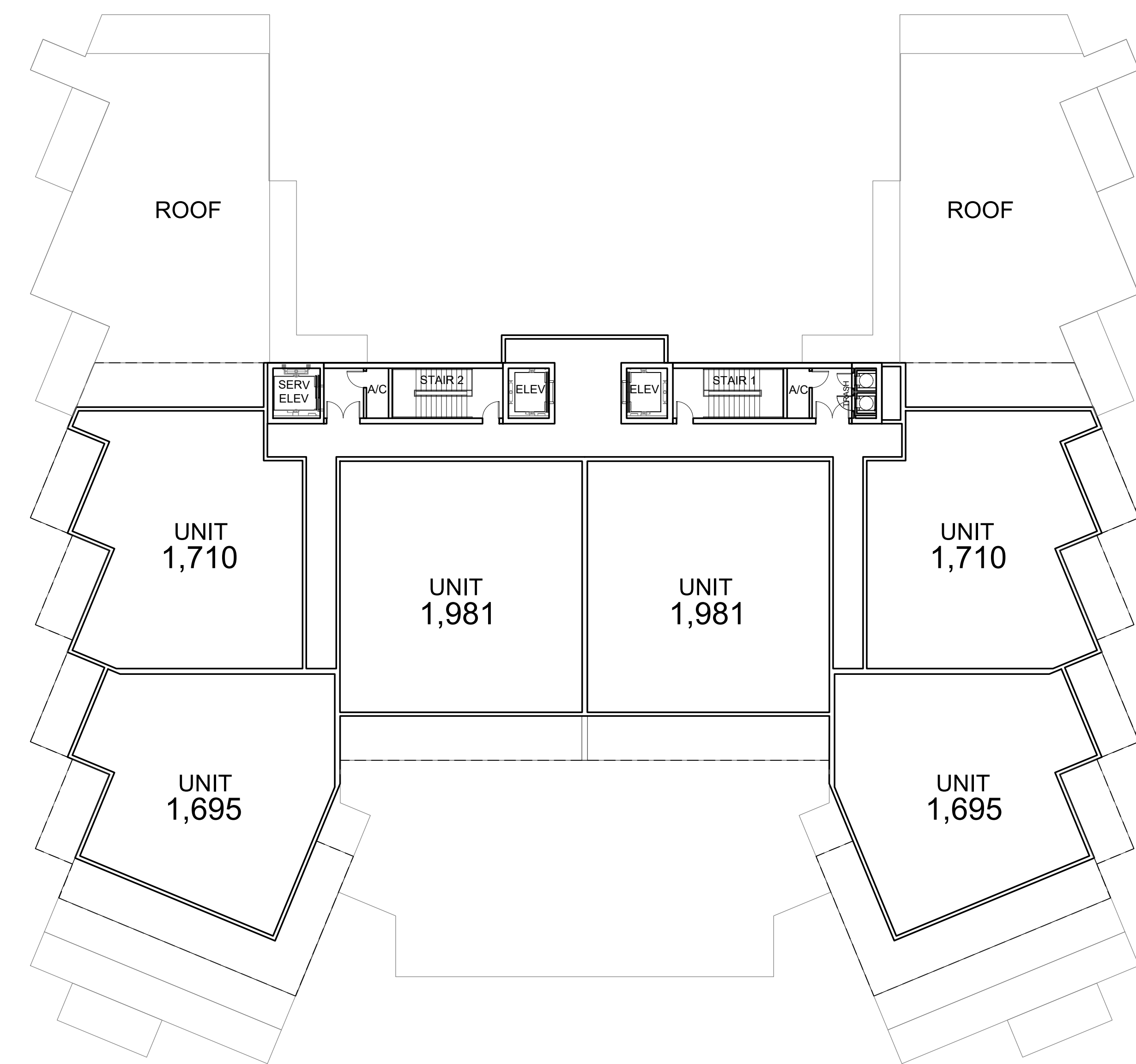
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Houston, Texas 77057
contact: Brian Jenkins
phone: (713) 614-4444
email: bjenkins@dbrc.com

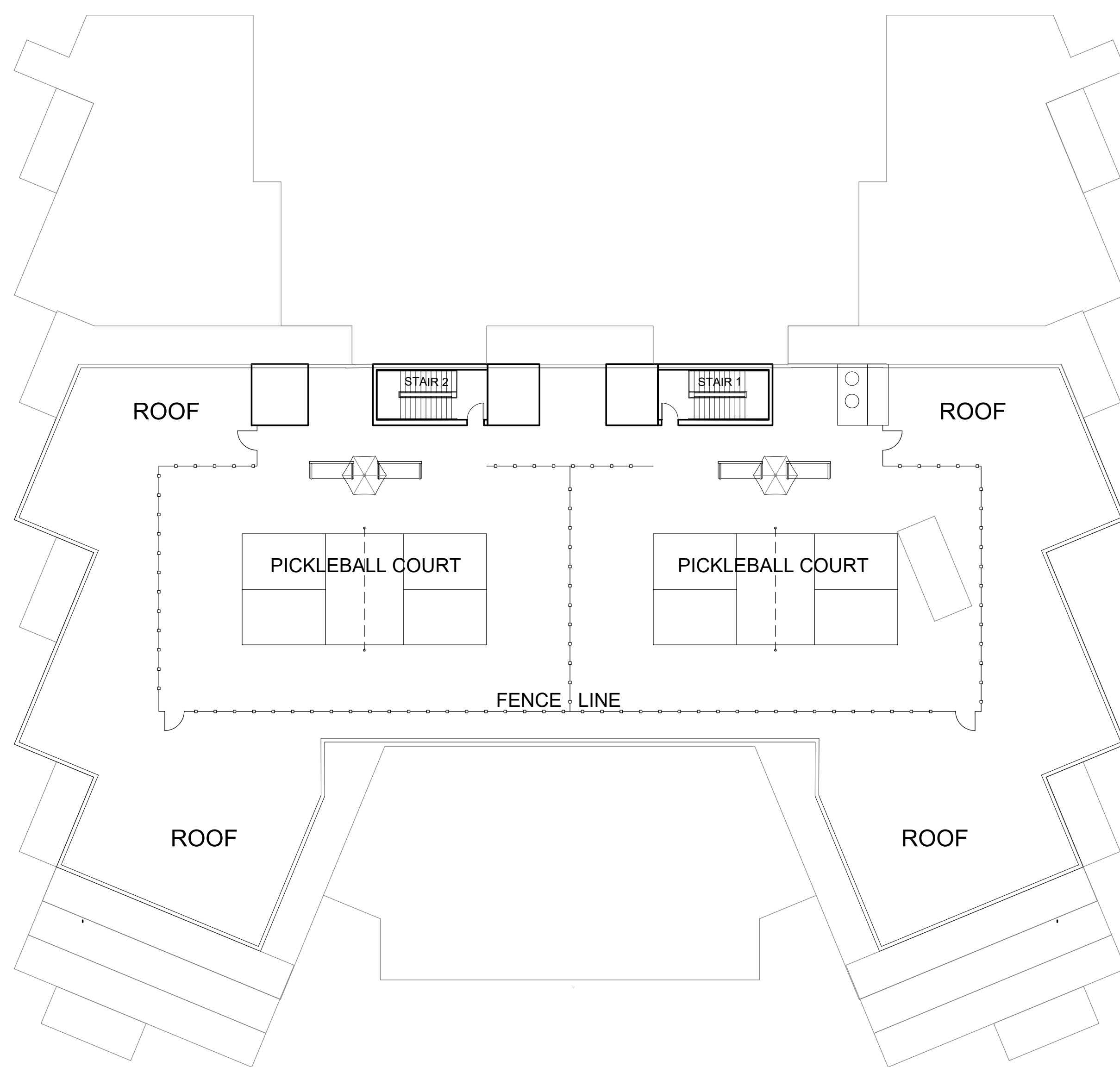
LANDSCAPE:
EDI International, P.C.
8017 Harborside Drive
Houston, Texas 77054
contact: Jennifer Grant
phone: (409) 745-1517
email: jgrant@hightidesurveying.com

**SOLARUS GALVESTON
RESIDENTIAL CONDOMINIUMS**
10717 TERMINI SAN LUIS PASS ROAD (FM 3005) - GALVESTON, TEXAS

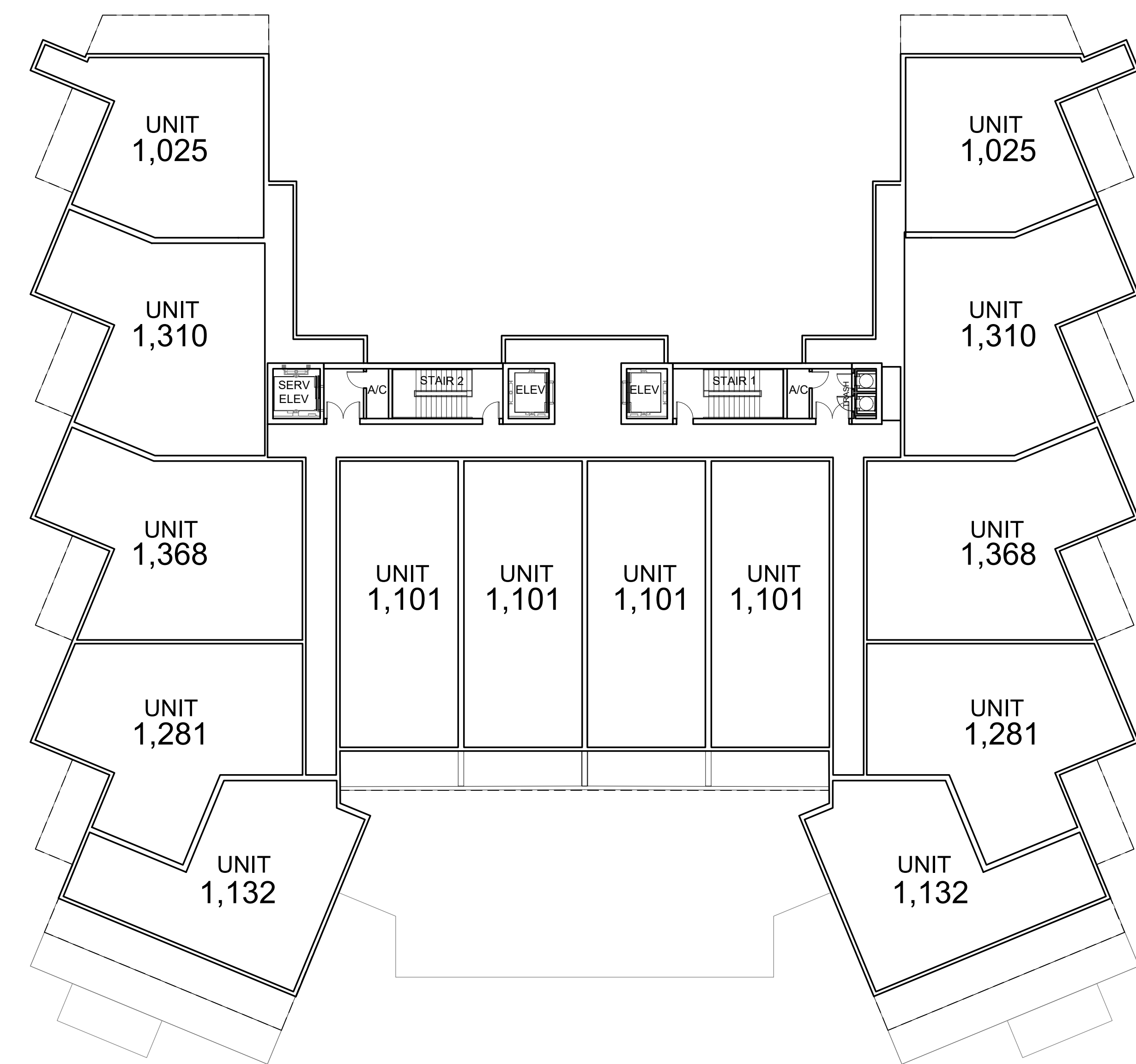


Floor Areas
10,772 Total units (6)
+ 3,070 Core & corridors
13,842 Gross floor area
3,381 Open balconies

FLOOR PLAN - LEVEL 4 (6 UNITS) 2



ROOF PLAN 3



Floor Areas
16,636 Total units (14)
+ 4,582 Core & corridors
21,218 Gross floor area
2,695 Open balconies

FLOOR PLAN - LEVEL 3 (14 UNITS) 1

ARCHITECT: ANDRE LANDON
LICENSE NO.: 8290
COMPANY: EDI INTERNATIONAL, P.C.
FIRM ID #: 445226.00

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REVISIONS		
#	Date	Issue

PROJECT NO.: 23003
ISSUED: Design Review
ISSUED DATE: 11-18-24

DRAWING TITLE
**LEVEL 3
& ROOF PLANS**

DRAWING NUMBER

A102



24Z-014

STAFF REPORT

ADDRESS:

12824 East Toledo Drive

LEGAL DESCRIPTION:

The properties are legally described as Abstract 121, Hall & Jones Survey, Lots 57 and 58 (58-0), Spanish Grant Sec 1, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Michael Gaertner

PROPERTY OWNER:

Jon and Suzette Schultz

ZONING:

Residential, Single-Family (R-1)

VARIANCE REQUEST:

Lot Depth

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Addendum for Residential, Single Family (R-1), Minimum Lot Standards.

EXHIBITS:

- A – Survey
- B – Site Plan

STAFF:

Daniel Lunsford
 Senior Planner
 409-797-3659
 dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
22				

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 Notification Responses:

- Airport: No Objection
- Building Division: No Objection
- Coastal Resources: No Objection
- Fire Marshal: No Objection
- Fire Chief: No Objection
- Police Chief: No Objection
- Public Works: No Objection

Private Utilities Notification Responses:

- AT&T: No Objection
- Comcast: No Objection
- CenterPoint Energy: No Objection
- Texas Gas Service: No Objection



Executive Summary:

The applicant is requesting a variance from Article 3, Addendum in order to reduce the required minimum lot length/depth in a Residential, Single-Family (R-1) zoning district. This request involves two lots under the same ownership; the applicant wishes to replat these together to facilitate expansion of the existing structure. However, because the lots do not meet current lot depth requirements, a variance is required.

See the site plan and proposed replat in the staff report exhibits for details.

Area Requirements

Article 3, District Yard, Lot and Setback Standards, Addendum for Residential, Single-Family (R-1)

Minimum Required Length/Depth: 100 feet

Requested Variance

Minimum Lot Dimensions (R-1 zoning)	Regulation	Proposed Variance
Lot Length/Depth	100 feet	80 feet (20 feet variance)

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.**

The variance request is rooted in the property's unique physical constraints: a canal on one side and a right-of-way on the other, which makes it impossible to meet the 100-foot depth requirement. These special conditions are not common to other properties in the zoning district, most of which have sufficient depth or flexibility for compliance. The fixed boundaries create a genuine hardship specific to this site, justifying the variance without undermining the district's overall regulatory framework.

- 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.**

Enforcing the 100-foot depth requirement imposes unnecessary hardship due to the property owner's unique constraints: a canal and right-of-way prevent compliance. The additional land was purchased specifically to allow for expansion of the existing structure, expecting reasonable use under the zoning regulations. Without the variance, the combined lots cannot accommodate the planned addition, rendering the purchase and intent futile. Strict enforcement denies practical use of the property despite its zoning compatibility, creating an undue burden.

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

The variance is not contrary to the public interest because it allows the property to be used within its zoning district's intent without adversely affecting adjacent properties, public infrastructure, or community welfare. It addresses a unique site constraint, maintaining consistency with surrounding development patterns. The variance upholds safety, accessibility, and environmental considerations, ensuring the property contributes positively to the neighborhood. Granting it balances private property rights with the broader public good preserving fairness

- 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 does not address a self-imposed hardship, as the property's depth limitation stems from immovable site constraints: a canal and a public right-of-way. These unique conditions prevent compliance with the 100-foot depth requirement and are not the result of actions by the property owner. The hardship is not financial or based on convenience, as the variance is sought to allow reasonable use of land within the existing zoning framework, not for economic advantage or preference. Additionally, the site's constraints are not common to other properties within the same zoning district. Most lots in the district meet the required depth, are previously fully developed or have the flexibility to adjust dimensions to comply. Here' the fixed boundaries make compliance impossible without relief. The variance does not undermine the applications of land use regulations but upholds their intent by ensuring the property can be developed in a manner consistent with the zoning district's goals. By addressing a genuine, unique hardship rather than a self-imposed or common condition, the variance ensures equitable application of regulations while maintaining fairness and avoiding undue burden on the property owner.

The variance will not have a detrimental impact upon:

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

The variance will not alter the permitted use or enjoyment of adjacent properties. The lots are located in an area where adjoining properties already function under the same constraints, and this enhances useability without impacting surrounding properties' function or access. The proposed plat aligns with the area's zoning intent, maintaining consistent land use with neighboring properties. The combined lot supports compatible development, not significantly altering the character adjacent property values. No additional strain will be placed on public infrastructure or utilities. Combining the lots does not require changes streets or utilities, the existing infrastructure can support the joined property without modification. The variance does not compromise safety standards or public health since the joined property does not change setbacks, emergency access, or sight line requirements (e.g. at an intersection). Granting this variance supports reasonable property use and enhances neighborhood cohesion by allowing the property owner to improve the site in ways compatible with the existing character and zoning goals. This, in turn, positively contributes to the general welfare by ensuring the lot remains in productive and community-aligned use.

- 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 requested variance reduces the minimum lot depth requirement from 100 feet to 80 feet, the exact depth of the existing lot, making it the least deviation necessary. This relief addresses the unique hardship posed by the lot's immovable boundaries – a right-of-way on one side and a canal on the other – while preserving the property's viability for permitted uses. Without this variance, the proposed project cannot be reasonably developed, ensuring this request provides essential relief without exceeding the minimum needed adjustment.

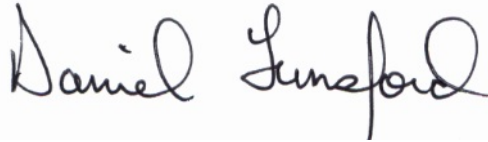
- 5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are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

The variance request does not aim to circumvent alternative procedures or standards but instead addresses a unique hardship that no other regulatory flexibility can resolve. The Land Development Regulations do not provide alternative methods, such as density bonuses, flexible setbacks, or planned unit development adjustments, to address the strict 100-foot lot depth requirement in this case. Additionally, the lot's physical constraints – a canal and a right-of-way – make it impossible to reconfigure or extend depth. While other measures might mitigate some hardships, they are inapplicable here due to the fixed dimensions and immovable boundaries of the property. Joining the two lots through a plat and requesting the variance ensures compliance with zoning and land-use goals while preserving the intent of the regulations. The requested variance is specific to addressing the depth limitation, not to alter permissible uses, densities, or design standards that could otherwise be adjusted through other mechanisms. It is the most direct and minimal means to grant relief, avoiding unnecessary complications or broader deviations from the city's regulations. Thus, this variance is not being sought to bypass other regulatory paths but to enable reasonable development where no alternative exists.

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

Granting the variance aligns with the spirit of the Land Development Regulations by enabling reasonable use of the property while respecting the intent of zoning requirements. The variance addresses a unique physical hardship without compromising adjacent properties, public infrastructure, or community welfare. By allowing the lots to be joined and developed within their existing constraints, substantial justice is achieved, ensuring the owner's right to use the property effectively. This solution balances the regulations' purpose with the practical needs of property owners, fostering equitable and fair land use outcomes.

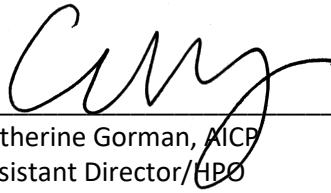
Respectfully submitted,



Daniel Lunsford
Senior Planner

12/27/2024

Date



Catherine Gorman, AICP
Assistant Director/HPO

12/27/2024

Date

Surveyed without the benefit of a title commitment. This property may be subject to matters of record not shown hereon that might be revealed by title report or title commitment.

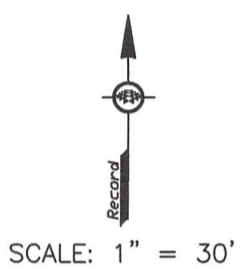
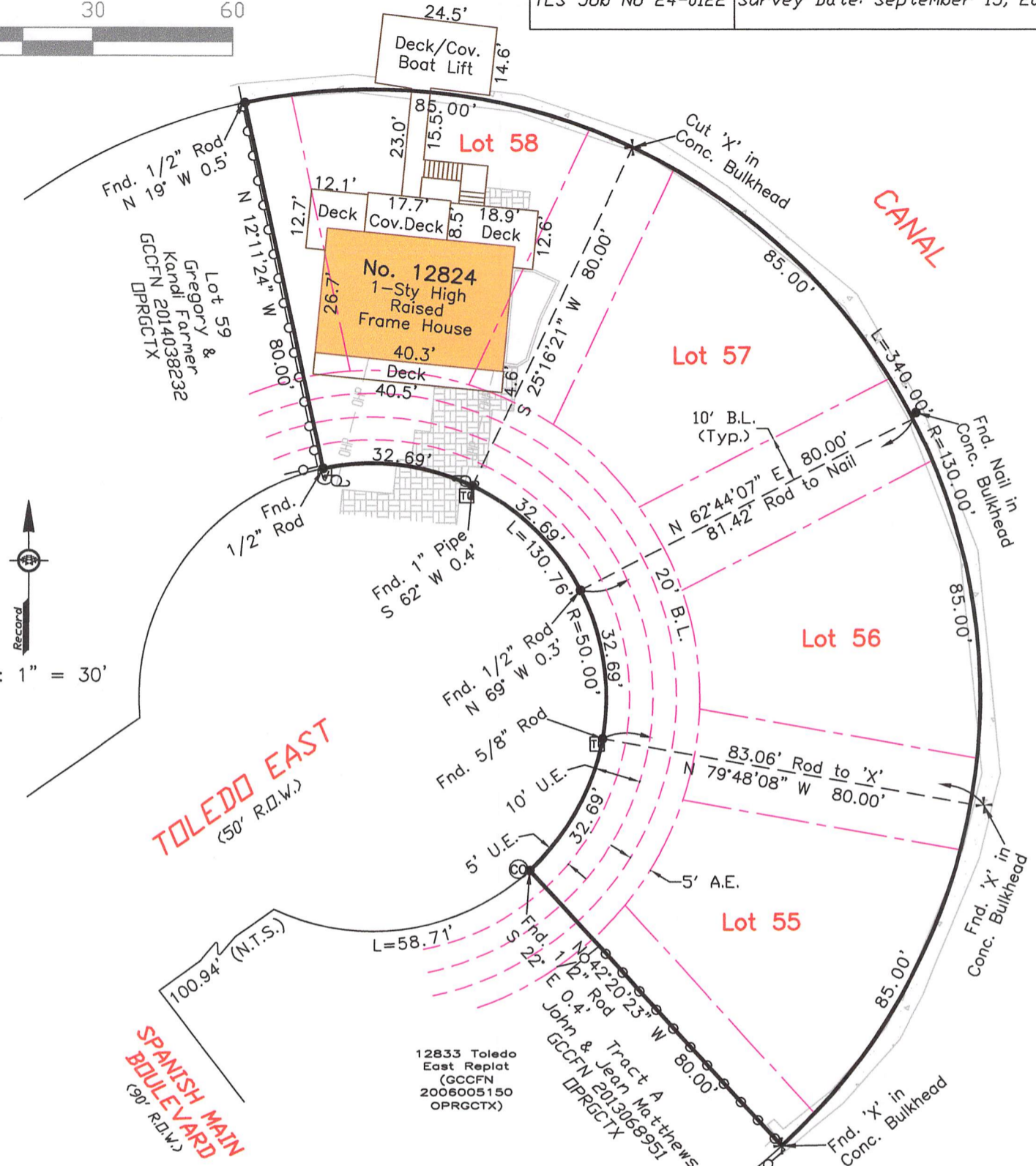
12824 Toledo East, Galveston, TX. 77554

EXHIBIT A

TLS Job No 24-0122

Survey Date: September 15, 2023

0 30 60



Brene Addison
 Brene Addison
 Registered Professional
 Land Surveyor No. 6598



Survey of Lots Fifty-eight (58), Fifty-seven (57), Fifty-six (56) and Fifty-five (55), SPANISH GRANT, SECTION ONE (1), a subdivision in Galveston County, Texas, according to the Map or Plat thereof recorded in Volume 1616, Page 150, in the office of the County Clerk of Galveston County, Texas.

I hereby certify that on the above 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.



NOTES:
 1) This property is subject to the zoning ordinances and/or building regulations of the City of Galveston.
 2) This property lies within Zone AE (EL 13) as established by the FEMA Flood Insurance Rate Map No. 48167C0506G, dated August 15, 2019.
 3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA and/or the local power company.
 4) Bearings are based on the monumentation of the East right-of-way line of Toledo East, being a found 1/2 inch rod at the Northwest corner of Lot 53 and a found 1/2 inch rod at the Southwest corner of Lot 61.

Legend:

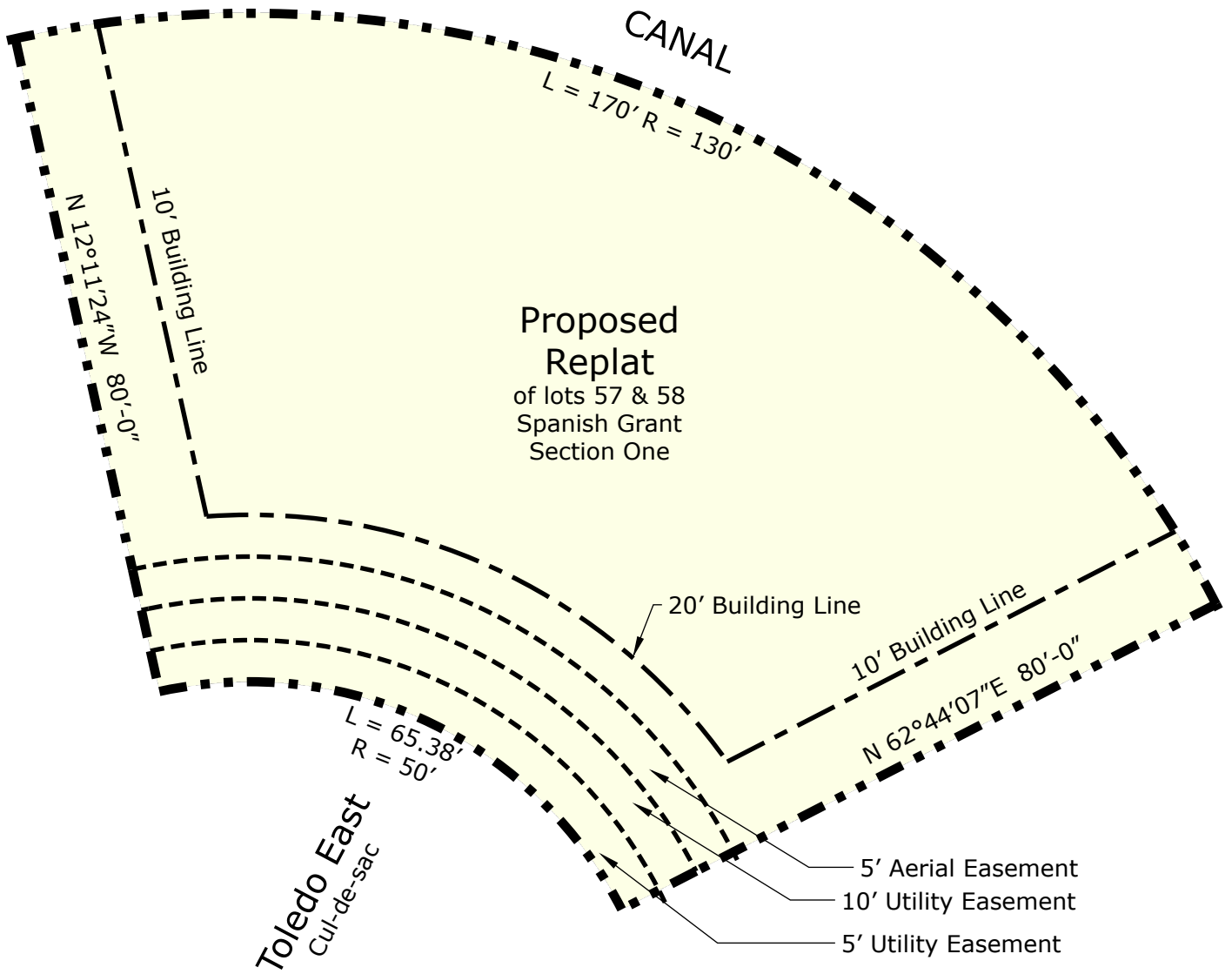
	Overhead Power
	Plastic Fence
	Brick
	Concrete
	Water Meter
	Power Pole
	Telecomm. Box
	Clean-out
	Building Line
	Easement Line
	B.L. Building Setback Line
	U.E. Utility Easement
	A.E. Aerial Easement
	(N.T.S.) Not to Scale

TRICON LAND SURVEYING, LLC
 Mailing: 6341 Stewart Rd. #251
 Physical: 2011 59th Street
 Galveston, TX 77551
 409-497-2772
 TriconLandSurveying.com
 T.B.P.E.L.S. Firm No. 10194309

Drafting: JA

Parcel ID: 122148

Surveyed for: Jon Schultz



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 This document dated 12/7/2024 and authorized by Michael D. Gaertner, Sr., Architect (Texas Registration Number 9342) is submitted in support of a request for variance from the Zoning Board of Adjustment, City of Galveston. Do not use for any other permit, regulatory approval or construction.



December 7, 2024

MICHAEL GAERTNER ARCHITECT
 2413 MARKET ST. SUITE A, GALVESTON, TX 77550
 (409) 762-0500 MGAIA.COM MIKEG@MGAIA.COM