

**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**REGULAR MEETING**  
**3:30 p.m. Wednesday, February 5, 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. Approval Of Minutes
  - A. December 4, 2024

Documents:

[12-04-2024 ZBA MINUTES.PDF](#)

- B. January 8, 2025

Documents:

[01-08-2025 ZBA MINUTES.PDF](#)

5. 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)

6. New Business And Associated Public Hearings

- A. 24Z-015 (11809 Charlie) Request For A Special Exception From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Residential, Single-Family (R-1) Zoning District, To Reduce The Front Yard Setback. The Property Is Legally Described As Abstract 121 Hall & Jones Survey Tract 35 Unrecorded Subdivision Aka Lots 214 & 215, Trimble & Lindsey Section 2, In The City And County Of Galveston, Texas. Applicant: David Peña Property Owner: David Peña

Documents:

[24Z-015 - PKT.PDF](#)

- B. 25Z-001 (11220 Schwartz Drive) Request For A Special Exception From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum,

For The Residential, Single-Family (R-1) Zoning District, To Reduce The Front Yard Setback. Property Is Legally Described As Abstract 121 Hall & Jones Survey Lot 420A, Sea Isle Section 1, In The City And County Of Galveston, Texas. Applicant: David Wooten Property Owners: David And Nilda Wooten

Documents:

[25Z-001 - PKT.PDF](#)

7. 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 January 31, 2025, at 3:00 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**



# City of Galveston

## MINUTES OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF GALVESTON REGULAR MEETING – December 4, 2024

### CALL MEETING TO ORDER

The meeting was called to order at 3:35 p.m. The meeting start time was delayed due to technical issues.

### ATTENDANCE

Members Present: Lidija Bikova, James Fagan, Carol Hollaway, Barbara Railey, Becca Scoville (Alternate), Susan Syler, Ex-Officio David Finklea (via video conference)

Members Absent: None

Staff Present: Catherine Gorman, AICP, Assistant Director/HPO; Daniel Lunsford, Senior Planner; Karina Rosales, Planning Technician; Donna Fairweather, Sr. Assistant City Attorney.

### CONFLICT OF INTEREST

None

### ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Board Member Carol Hollaway nominated Lidija Bikova as Chairperson. No other nominations were made. Vice-Chairperson Lidija Bikova closed the nominations.

Board Member James Fagan made a motion for the election of the Chairperson. Board Member Susan Syler seconded.

The Vice-Chairperson called for a vote on the nomination of Lidija Bikova and the following votes were cast:

In favor: Bikova, Fagan, Hollaway, Railey, Syler  
Opposed: None  
Absent: None  
Non-voting participant: Scoville (Alternate), Ex-Officio David Finklea (Via video conference)

#### **The motion passed.**

Board Member Susan Syler nominated Carol Hollaway as Vice-Chairperson. No other nominations were made. Chairperson Lidija Bikova closed the nominations.

Board Member James Fagan made a motion for the election of the Vice-Chairperson. Board Member Susan Syler seconded.

The Chairperson called for a vote on the nomination of Carol Hollaway and the following votes were cast:

In favor: Bikova, Fagan, Hollaway, Railey, Syler  
Opposed: None  
Absent: None  
Non-voting participant: Scoville (Alternate), Ex-Officio David Finklea (Via video conference)

**The motion passed.**

**APPROVAL OF MINUTES**

The November 6, 2024, minutes were approved as presented.

**PUBLIC COMMENT**

None

**NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS**

**24Z-010 (510 23rd Street and 510 23rd Street Rear)** Request for a variance from the Galveston Land Development Regulations, Article 3, Central Business (CB) Addendum, regarding minimum lot area. The properties are legally described as: M.B. Menard Survey, South 43 Feet of Lots 1 & 2 (1000-0) Block 442 Galveston, Aka Tract A Replat, and M.B. Menard Survey, South 43 Feet of Lots 1 & 2 (2000-0) Block 442 Galveston, Aka Tract B Replat in the City and County of Galveston, Texas.  
Applicant: Richard Alvarez, Landvestments of Texas, LLC.  
Property Owners: Landvestments of Texas, LLC.

Staff presented the staff report and reported that of 97 notices sent, none returned.

Chairperson Bikova opened the public hearing on the case. The applicant, Richard Alvarez, gave a presentation to the board. See the attached list for presentations made to the commission. The public hearing was closed, and the Chairperson called for a motion.

Vice-Chairperson Hollaway made a motion to approve the request. Board Member Syler seconded.

Chairperson Bikova called for questions or comments from the Board, and the following votes were cast:

In favor:	Bikova, Fagan, Hollaway, Railey, Syler
Opposed:	None
Absent:	None
Non-voting participant:	Scoville (Alternate), Ex-Officio David Finklea (Via video conference)

**The motion passed.**

**DISCUSSION ITEM**

Staff opened the “2025 Meeting Schedule (Staff)” discussion item.

**THE MEETING ADJOURNED AT 3:54 PM**





# City of Galveston

MINUTES OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF GALVESTON  
REGULAR MEETING – January 8, 2025

## CALL MEETING TO ORDER

The meeting was called to order at 3:30 p.m.

## ATTENDANCE

Members Present: Lidija Bikova, James Fagan, Carol Hollaway, Barbara Railey, Becca Scoville (Alternate), Susan Syler, Ex-Officio David Finklea

Members Absent: None

Staff Present: Tim Tietjens, Development Services Executive Director; Catherine Gorman, AICP, Assistant Director/HPO; Daniel Lunsford, Senior Planner; Donna Fairweather, Sr. Assistant City Attorney; Karina Rosales, Planning Technician.

## CONFLICT OF INTEREST

None

## PUBLIC COMMENT

None

\*\*Chairperson Bikova requested case 24Z-013 be moved to last on the agenda.

## NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

**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.

Staff presented the staff report and reported that of 22 notices sent, none returned.

Chairperson Bikova opened the public hearing on the case. The applicant, Janak Patel, gave a presentation to the board. The public hearing was closed, and the Chairperson called for a motion.

Board Member Fagan made a motion to approve the request. Vice-Chairperson Hollaway seconded.

Chairperson Bikova called for questions or comments from the Board, and the following votes were cast:

In favor:	Bikova, Fagan, Hollaway, Railey, Syler
Opposed:	None
Absent:	None
Non-voting participant:	Scoville (Alternate), Ex-Officio David Finklea

**The motion passed.**

**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

Staff presented the staff report and reported that of 12 notices sent, three returned in favor.

Chairperson Bikova opened the public hearing on the case. The applicant and property owner, Michael Cragin, gave a presentation to the board. See the attached list for presentations made to the board. The public hearing was closed, and the Chairperson called for a motion.

Board Member Syler made a motion to approve the request. Board Member Railey seconded.

Chairperson Bikova called for questions or comments from the Board, and the following votes were cast:

In favor:	Bikova, Fagan, Hollaway, Railey, Syler
Opposed:	None
Absent:	None
Non-voting participant:	Scoville (Alternate), Ex-Officio David Finklea

**The motion passed.**

**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

Staff presented the staff report and reported that of 22 notices sent, three returned in favor.

Chairperson Bikova opened the public hearing on the case. The applicant, Michael Gaertner, gave a presentation to the board. See the attached list for presentations made to the board. The public hearing was closed, and the Chairperson called for a motion.

Board Member Railey made a motion to approve the request. Board Member Syler seconded.

Chairperson Bikova called for questions or comments from the Board, and the following votes were cast:

In favor:	Bikova, Fagan, Hollaway, Railey, Syler
Opposed:	None
Absent:	None
Non-voting participant:	Scoville (Alternate), Ex-Officio David Finklea

**The motion passed.**

**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

Staff presented the staff report and reported that of 257 notices sent, one returned in favor, one with no comment, and 31 in opposition.

Chairperson Bikova opened the public hearing on the case. The applicant, Patricia Knudson Joiner, Knudson LP, gave a presentation to the board. See the attached list for presentations made to the board. The public hearing was closed, and the Chairperson called for a motion.

Board Member Fagan made a motion to defer the request to the March 5, 2025, meeting in order for the applicant to provide an elevation of the street frontage. Vice-Chairperson Hollaway seconded.

Chairperson Bikova called for questions or comments from the Board, and the following votes were cast:

In favor:	Fagan, Hollaway,
Opposed:	Bikova, Railey, Syler
Absent:	None
Non-voting participant:	Scoville (Alternate), Ex-Officio David Finklea

**The motion failed due to a lack of four affirmative votes.**

Board Member Syler made a motion to approve the request. Board Member Railey seconded.

Chairperson Bikova called for questions or comments from the Board, and the following votes were cast:

In favor:	Bikova, Fagan, Hollaway, Railey, Syler
Opposed:	None
Absent:	None
Non-voting participant:	Scoville (Alternate), Ex-Officio David Finklea

**The motion passed.**

**THE MEETING ADJOURNED AT 5:05 PM**





# 24Z-015

# STAFF REPORT

**ADDRESS:**

11809 Charlie

**LEGAL DESCRIPTION:**

The property is legally described as Abstract 121 Hall & Jones Survey Tract 35 Unrecorded Subdivision aka Lots 214 & 215, Trimble & Lindsey Section 2, in the City and County of Galveston, Texas.

**APPLICANT/REPRESENTATIVE:**

David Peña

**PROPERTY OWNER(S):**

David Peña

**ZONING:**

Residential, Single-Family (R-1)

**REQUEST:**

Request for a special exception from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Residential, Single-Family (R-1) zoning district, to reduce the front yard setback.

**APPLICABLE REGULATIONS:**

Article 3, Addendum for Residential, Single-Family District (R-1), and Sec. 12.401 of the LDR

**EXHIBITS:**

- A – Applicant’s Submittal
- B – Approved Site Drainage Plan
- C – Motion Guide

**STAFF:**

Daniel Lunsford, Senior Planner  
 (409) 797-3672  
 dlunsford@galvestontx.gov

**Public Notice and Comment:**

Sent	Returned	In Favor	Opposed	No Comment
20				

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 special exception from Article 3, Addendum in order to reduce the required minimum front setback from 20 feet to 18.4 feet.

In 2022, a house was moved onto the subject property with proper permits and a site plan approved at that time which conformed to city standards. However, during the siting the house was placed farther north than planned, resulting in a front setback encroachment of the stairs only. The applicant was informed of this during certificate of occupancy review and is now seeking relief in order to occupy the house. Note that an encroaching side deck has been removed in order to ensure side setback conformance.

In accordance with Sec. 12.401 of the Land Development Regulations (LDR), a front yard exception may be requested where the front yard setback of any two or more lots in the same block do not meet the front yard requirements of the LDR. An exception may also be granted if the front yard setback of the adjacent lot does not meet the front yard setbacks of the LDR. Please see Exhibit A for examples of other structures in the subject block constructed with a lesser setback than prescribed by the current regulations.

**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

**Special Exception**

Setback	Required Setback	Proposed Setback
Front	20 feet	18.4 feet

**Land Development Requirements**

**SEC. 12.401(2)(a) Special Exceptions**

1. Grant a special exception when the specific conditions for the special exception have been met. The special exception power is not an unlimited grant of authority to the Zoning Board of Adjustment but is limited exclusively to those exceptions specifically enumerated in these regulations. The Zoning Board of Adjustment shall grant a special exception only in the following instances and then only when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.
  - a. Front and rear yard requirements in the following circumstances:
    - i. A front yard exception where the front yard setback of the adjacent lot does not meet the front yard requirements of these regulations;
    - ii. A rear yard exception where the rear yard setback of any two or more lots in the same block do not meet the rear yard requirements of these regulations;
    - iii. A yard exception on corner lots, or lots opposite or adjoining permanent open spaces, including parks and playgrounds; and
    - iv. An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

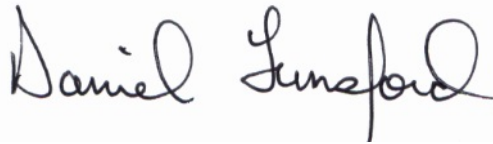
**Applicant's  
Justification**

**Approval Standards.** The Board of Adjustment may grant a special exception as provided in Section 12.401(2)(a) and when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.

The Applicant's Justification is as follows:

*Front steps are 18.4 from property line. Measured neighbor's steps to property line 11828 Charlie is at 18.5 feet and 11813 Charlie is at 19.10. 11816 Charlie no access for measurements.*

Respectfully Submitted,



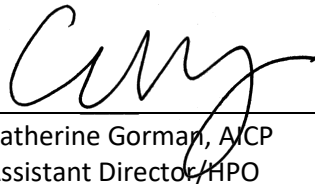
---

Daniel Lunsford  
Senior Planner

January 27, 2025

---

Date



---

Catherine Gorman, AICP  
Assistant Director/HPO

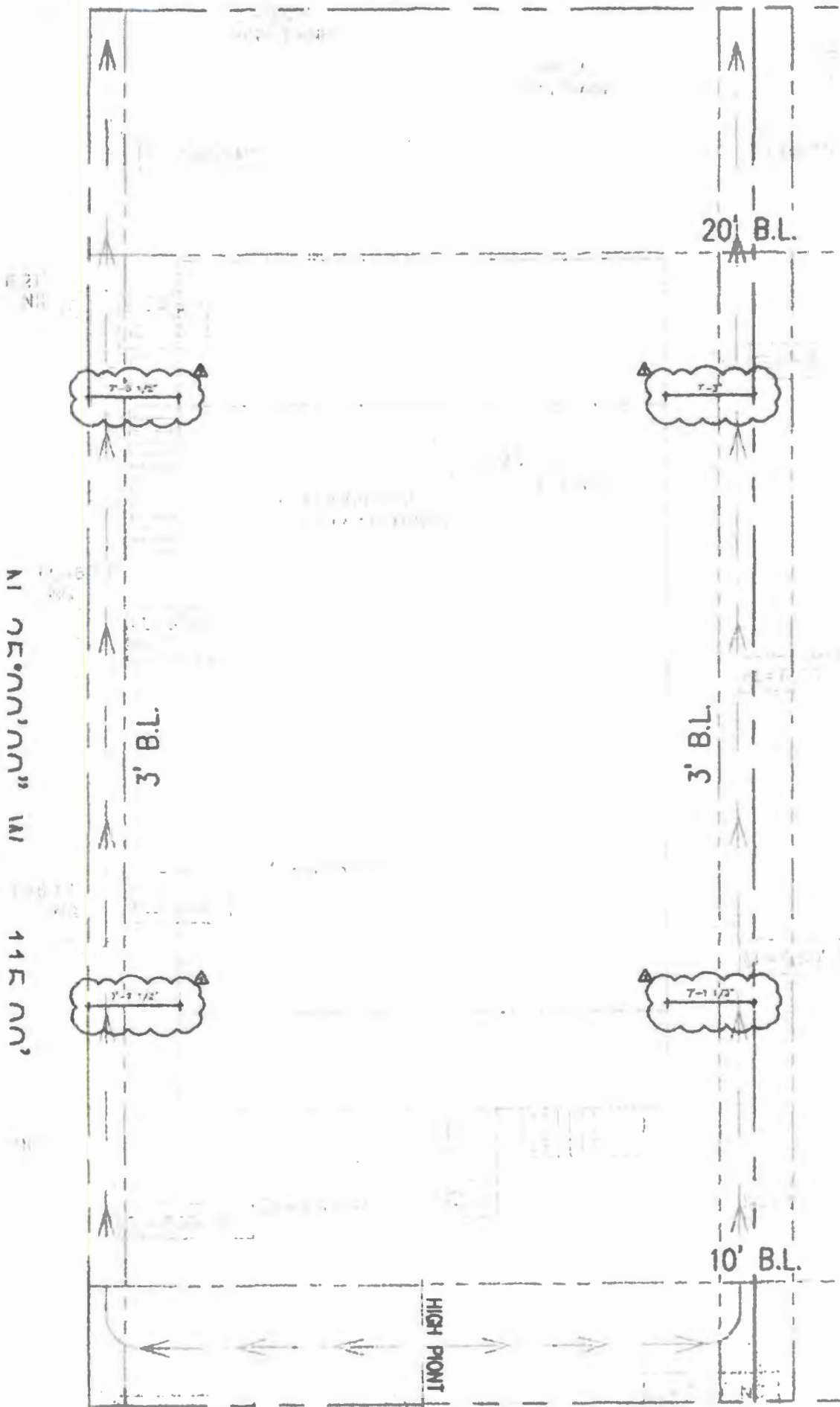
January 27, 2025

---

Date

CHARLIE

EXHIBIT A



SITE DRAINAGE PLAN

SHEET S-6.0

SUBMITTED TO DAVID EWALD

BY

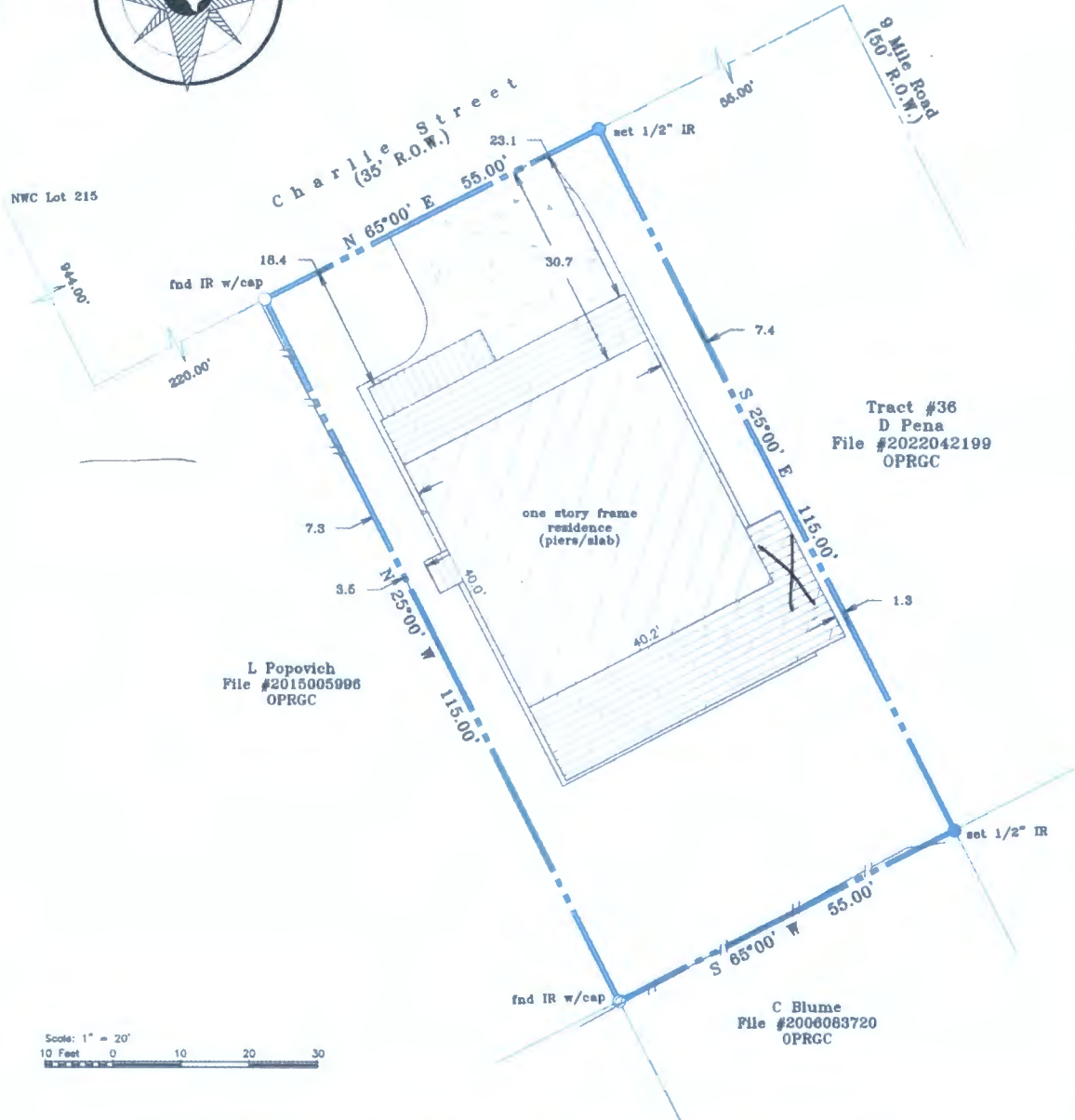
1/10/2023

APPROVED 1/11/2023



# Charlie Street Vicinity

<p><b>Printed on:</b> 12/19/2024  <b>By:</b> gis</p> <p><b>Coordinate System:</b> NAD 1983 StatePlane Texas South Central FIPS 4204 Feet  <b>Units:</b> Foot US</p> <p><i>This product is for informational purposes only and may not be 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.</i></p>	<p><b>Source Credits:</b>          City of Galveston, USGS, et al. - Basemap; Galveston Central Appraisal District (GCAD) - Street Centerlines, Municipal Boundaries, Lot Lines, Parcels;          City of Galveston - Community Base Layers, Planned Unit Development, Visual Clues, Lot Standards, MHW 1000 FT Buffer, Galveston Landmarks, Historic District, Zoning</p>	<p><b>Zoning Districts</b></p> <ul style="list-style-type: none"> <li>Commercial (C)</li> <li>Central Business (CB)</li> <li>Industrial, Heavy (HI)</li> <li>Industrial, Light (LI)</li> <li>Multifamily (MF)</li> <li>Res, Single-Fam Detached (R-0)</li> <li>Residential, Single-Family (R-1)</li> <li>Res, Duplex - Eightplex (R-2)</li> <li>Single-Family, Hist District (R-3)</li> <li>Resort/Recreation (RES/REC)</li> <li>Traditional Neighborhood (TN)</li> <li>Urban Neighborhood (UN)</li> </ul>	<p><b>Zoning Overlay Districts</b></p> <ul style="list-style-type: none"> <li>Water (R-1)</li> <li>Height and Density Development</li> <li>Neighborhood Conservation Dist</li> <li>Specific Use Permit</li> <li>Planned Unit Development</li> <li>Community Base Layers</li> <li>Religious Facilities</li> <li>Child Care Facilities</li> <li>Hospitals</li> <li>Schools</li> <li>Park</li> </ul>	<p><b>Special Setbacks</b></p> <ul style="list-style-type: none"> <li>Design Standards</li> <li>Auto Repair Permitted</li> <li>No Wireless Fac Permitted</li> <li>Townhouses Permitted</li> <li>UN Modified</li> <li>R-1 Modified</li> <li>14th Street Cor Land Use</li> <li>Commercial Land Use</li> <li>Unlimited Height</li> <li>Lot Standards</li> <li>UN-Modified Corner Stores</li> </ul>
--	---	--	---	---



LAND TITLE SURVEY OF TRACT #35 being the North 115 feet of the South 376 feet of the West 55 feet of the East 110 feet of Lot 215, Section 2, Trimble & Lindsey Survey of Galveston Island, Galveston County, Texas.

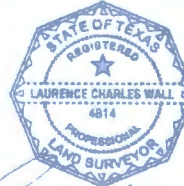
NOTES:  
NO RECORDS SEARCH CONTRACTED. RECORD BASEMENTS, RESTRICTIONS, ROADWAYS, RIGHTS-OF-WAY, BUILDING LINES, ENCUMBRANCES, ETC. BY COMMON KNOWLEDGE ONLY.  
CLIENT HOLDS TLTS, INC. HARMLESS FROM RESPONSIBILITY FOR SAME

- True ground distances shown
- Bearings reference Section 2, Trimble & Lindsey survey Assumed on WL Block 215
- Survey monuments reconciled w/ numerous previous surveys

NATIONAL FLOOD INSURANCE PROGRAM  
:FIRM Zone AE  
:Community #465469  
:Map 48167C0441G  
:August 15, 2019

Subject property: 11809 Charlie Street  
Galveston County, Texas

This survey is certified for this transaction only and may only be relied on by David Pena. 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  
RPLS #4814  
December 10, 2024



TEXAS LAND TITLE SURVEYORS

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

# ZBA Motion Guide – Special Exceptions Setbacks

The Zoning Board of Adjustment (ZBA) may grant a Special Exception to reduce the required front or rear setback in the following circumstances:

- A front yard exception where the front yard setback of the adjacent lot does not meet the front yard requirements of these regulations;
- A rear yard exception where the rear yard setback of any two or more lots in the same block do not meet the rear yard requirements of these regulations;
- A yard exception on corner lots, or lots opposite or adjoining permanent open spaces, including parks and playgrounds; and
- An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

In order to approved, the ZBA must find the following:

- such special exception will not affect adversely the value and use of adjacent and neighboring property; or
- will not be contrary to the public interest.

## Motion Guides:

I make a motion for **Approval** due to the fact that the request *(state one of more of the following)*:

- will not affect adversely the value and use of adjacent and neighboring property; or
- will not be contrary to the public interest.

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

- will affect adversely the value and use of adjacent and neighboring property; or
- is contrary to the public interest.

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

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

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



# 25Z-001

# STAFF REPORT

**ADDRESS:**

11220 Schwartz Road

**LEGAL DESCRIPTION:**

The property is legally described as Abstract 121 Hall & Jones Survey Lot 420A, Sea Isle Section 1, in the City and County of Galveston, Texas, in the City and County of Galveston, Texas.

**APPLICANT/REPRESENTATIVE:**

David Wooten

**PROPERTY OWNER(S):**

David and Nilda Wooten

**ZONING:**

Residential, Single-Family (R-1)

**REQUEST:**

Request for a special exception from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Residential, Single-Family (R-1) zoning district, to reduce the front yard setback.

**APPLICABLE REGULATIONS:**

Article 3, Addendum for Residential, Single-Family District (R-1), and Sec. 12.401 of the LDR

**EXHIBITS:**

- A – Applicant’s Submittal
- B – Approved Site Drainage Plan
- C – Motion Guide

**STAFF:**

Daniel Lunsford, Senior Planner  
 (409) 797-3672  
 dlunsford@galvestontx.gov

**Public Notice and Comment:**

Sent	Returned	In Favor	Opposed	No Comment
28				

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 special exception from Article 3, Addendum in order to reduce the required minimum front setback from 20 feet to 15.9 feet.

In 2023, the applicant received permits to construct a new residence on the subject property. However, an error in the design or construction phase resulted in the house being located 4.1 feet beyond the minimum 20' front setback; this was discovered during certificate of occupancy review. The applicant seeks a special exception to remedy the issue based on the surrounding neighborhood (see applicant's justification and exhibits). Note that an HVAC platform which encroached into the side setback has since been relocated to the rear.

In accordance with Sec. 12.401 of the Land Development Regulations (LDR), a front yard exception may be requested where the front yard setback of any two or more lots in the same block do not meet the front yard requirements of the LDR. An exception may also be granted if the front yard setback of the adjacent lot does not meet the front yard setbacks of the LDR. Please see Exhibit A for examples of other structures in the subject block constructed with a lesser setback than prescribed by the current regulations.

**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

**Special Exception**

Setback	Required Setback	Proposed Setback
Front	20 feet	15.9 feet

**Land Development Requirements**

**SEC. 12.401(2)(a) Special Exceptions**

1. Grant a special exception when the specific conditions for the special exception have been met. The special exception power is not an unlimited grant of authority to the Zoning Board of Adjustment but is limited exclusively to those exceptions specifically enumerated in these regulations. The Zoning Board of Adjustment shall grant a special exception only in the following instances and then only when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.
  - a. Front and rear yard requirements in the following circumstances:
    - i. A front yard exception where the front yard setback of the adjacent lot does not meet the front yard requirements of these regulations;
    - ii. A rear yard exception where the rear yard setback of any two or more lots in the same block do not meet the rear yard requirements of these regulations;
    - iii. A yard exception on corner lots, or lots opposite or adjoining permanent open spaces, including parks and playgrounds; and
    - iv. An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

**Approval Standards.** The Board of Adjustment may grant a special exception as provided in Section 12.401(2)(a) and when the Zoning Board of Adjustment finds that such special exception will not affect adversely the value and use of adjacent and neighboring property or be contrary to the public interest.

**Applicant's  
Justification**

The Applicant's Justification is as follows:

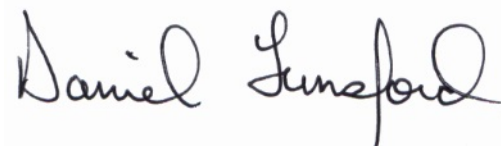
*11214 Schwartz: 12 feet to property line*

*11213 Schwartz: 10 feet to property line*

*11216 Schwartz: 4 feet to property line*

*11211 Schwartz: 10 feet to property line*

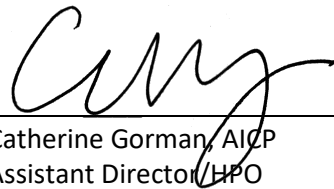
Respectfully Submitted,



\_\_\_\_\_  
Daniel Lunsford  
Senior Planner

January 27, 2025

\_\_\_\_\_  
Date



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

January 27, 2025

\_\_\_\_\_  
Date



homes in the setback, Schwartz Dr.

---

From: Michael Gully (michael@gullyengineering.com)

To: davidwooten56@yahoo.com; wjb@mdipros.com

Date: Saturday, December 21, 2024 at 11:45 AM CST

---

Good morning David,

William and I spoke about the AC deck. We'll get that on the list and with the link of photos below we should be able to come up with a new AC location.

The neighbor's front porch deck extends approximately 4' past your staircase towards the street. This neighbor's structure is more in the setback than your home. [Link](#) to photos.



Other homes down the street appear to be within the front yard 20' setback. Google Earth is not updated, but the older homes especially appear to be quite close to the street.



—  
Thank you,  
Michael Gully  
Gully Engineering LLC  
[michael@gullyengineering.com](mailto:michael@gullyengineering.com)  
325-656-0475



Termini-San Luis Pass Rd

Termini-San Luis Pass Rd

Termini-San Luis Pass Rd

Pass Rd

3005

3005

3005

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

Schwantz Dr

Schwantz Dr

Schwantz Dr

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

Reppert Way

Reppert Way

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

11221

Beard Dr

Beard Dr

11221

11221

11221

11221

11221

Northward street



Termini-San Luis Pass Rd

11210

11217

11250.7K

11238

11238

Schwa

Schwartz Dr

Schwartz Dr

Schwartz Dr

11218

11216

11281.6K

11217

11517.8K

8.6K

11216





11218  
\$217.5K

11214  
\$250.1K

11212

Schwarz Dr

Schwarz Dr

Schwarz Dr





11220  
LOOKING EAST



11/2/14

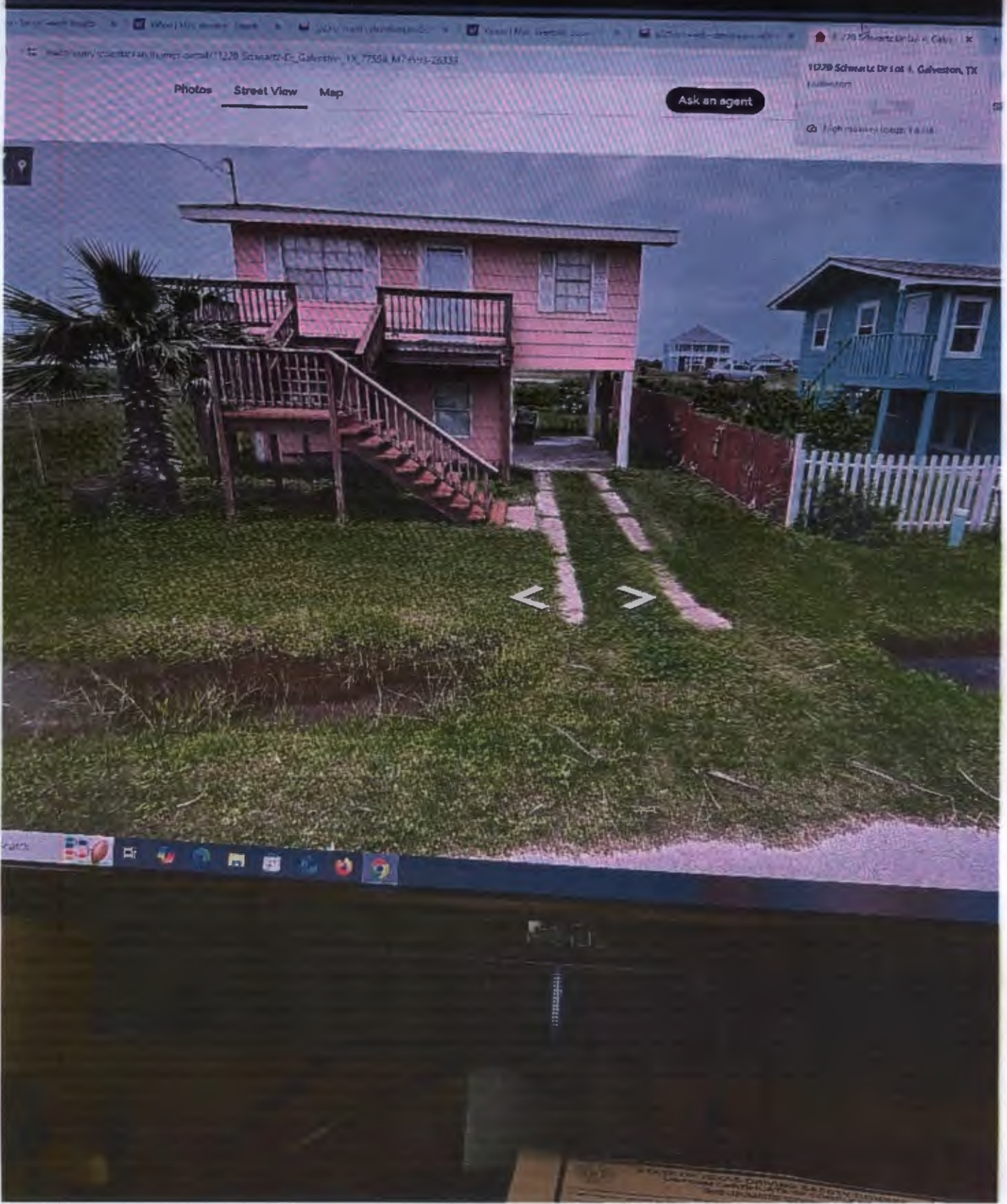
12 FEET  
P LINE



11 2 13



10 foot  
Q LINE



11216

~~4~~ FOOT  
P LINE



11211 10 FOOT P LINE



11211

10 FT PLINTE

F.M. 3005

NORTH LINE (SUNNY BEACH)

SAVE AND EXCEPT  
VOL 1991, Pg. 685

EXISTING BRUSH  
(SEE NOTE 1)

40.63'

10'-1<sup>7</sup>/<sub>8</sub>"

10'-1<sup>7</sup>/<sub>8</sub>"

PROPOSED RESIDENCE  
APPROX 1080 SQ FT  
FF EL. = 17'-6"  
FIN GRADE EL. = 5'-0"



8 MILE ROAD

34'-5<sup>1</sup>/<sub>2</sub>"

4.3'

64.08'

4.3'

71.21'

20'

1'-9<sup>5</sup>/<sub>8</sub>"

15'

17'-1<sup>1</sup>/<sub>8</sub>"

5% SLOPE  
WITHIN 10'

NEW CONCRETE  
DRIVEWAY

40'

HIGH BANK OF  
DITCH

3.9'

CL OF DITCH

2.4'

18" RCP  
CULVERT  
(BELOW)

HIGHWALL  
(EA SIDE)

3.9'

HIGH BANK OF  
DITCH

CL OF DITCH

2.4'

SCHWARTZ DRIVE  
(50' ROW)

# ZBA Motion Guide – Special Exceptions Setbacks

## EXHIBIT C

The Zoning Board of Adjustment (ZBA) may grant a Special Exception to reduce the required front or rear setback in the following circumstances:

- A front yard exception where the front yard setback of the adjacent lot does not meet the front yard requirements of these regulations;
- A rear yard exception where the rear yard setback of any two or more lots in the same block do not meet the rear yard requirements of these regulations;
- A yard exception on corner lots, or lots opposite or adjoining permanent open spaces, including parks and playgrounds; and
- An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

In order to approved, the ZBA must find the following:

- such special exception will not affect adversely the value and use of adjacent and neighboring property; or
- will not be contrary to the public interest.

### Motion Guides:

I make a motion for **Approval** due to the fact that the request *(state one of more of the following)*:

- will not affect adversely the value and use of adjacent and neighboring property; or
- will not be contrary to the public interest.

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

- will affect adversely the value and use of adjacent and neighboring property; or
- is contrary to the public interest.

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

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

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