

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m., Wednesday, May 5, 2021
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), the meeting will be held by videoconference and there will be no public access to the location described above.

Members of the public may participate in the meeting in the following ways:

1. Attend the Zoom meeting by registering in advance. Click here to register:

https://us02web.zoom.us/webinar/register/WN_BfKY4TJHTICTi7aa3PEqOO

2. Submit public comment in advance of the meeting:
<https://forms.galvestontx.gov/Forms/PublicComment>

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of Minutes
 - A. April 7, 2021

Documents:

[04-07-2021 ZBA MINUTES.PDF](#)

5. Meeting Format (Staff)
6. Public Comment

Members of the public may submit a public comment using the web link below. All comments submitted prior to the meeting will be provided to the Zoning Board of Adjustment.

<HTTPS://FORMS.GALVESTONTX.GOV/FORMS/PUBLICCOMMENT>

- a. Agenda Items
- b. Non-Agenda Items

7. New Business And Associated Public Hearings
 - A. 21Z-007 (1002 Seawall) Request For A Special Exception In Accordance With The Galveston Land Development Regulations Section 11.400, To Make A Non-Conforming Use Conforming. Property Is Legally Described As M. B. Menard Survey, Lots 5, 6, 7 And Portion Of Lots 4, 8, 9, 10 And Adjacent Alley, Northwest Block 24, Galveston Outlots, And Portion Of 4 Feet Of Adjacent 10th Street And Avenue M, In The City And County Of Galveston, Texas. Applicant: David Jacoby, 1002 Seawall Property LLC

Property Owner: OM Garuda, LLC

Documents:

[21Z-007 STF.PDF](#)

8. Adjournment

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on April 27, 2021 at 4:00 P.M.

Prepared by: Catherine Gorman, Assistant Director

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 – April 7, 2021

CALL MEETING TO ORDER

The meeting was called to order at 4:00 p.m.

ATTENDANCE

Members Present via Videoconference: Lidija Bikova, Bill Clement, Andrew Galletti, Robert Girndt, Barbara Railey, Susan Slyer (Alternate), CM Bill Quiroga (Ex-Officio)

Members Absent: Alice Watford (Alternate)

Staff Present: Catherine Gorman, AICP, Assistant Director/Historic Preservation Officer

Staff Present via Telephone: Dustin Henry, Coastal Recourses Manager; Adriel Montalvan, Planning Manager; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The April 17, 2021 minutes were approved as presented.

MEETING FORMAT

Staff explained the adjusted meeting format to the Board and the public.

PUBLIC COMMENT

None.

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

21Z-003 (4235 Las Palmas) Request for a variance 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 Lot 81, Block 1, Palm Beach Subdivision, in the City and County of Galveston, Texas.
Applicant and Property Owner: Bendel Rushing

Staff presented the staff report and reported that of 25 notices sent, four were returned in opposition and one was returned no comment..

Chairperson Andrew Galletti opened the public hearing on the case. Bendel Rushing, applicant, presented to the Board. The public hearing was closed, and the Chairperson called for a motion.

Chairperson Andrew Galletti made a motion for approval. Barbara Railey seconded.

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

| | |
|-------------------------|--------------------------|
| In favor: | Bikova, Galletti, Railey |
| Opposed: | Clement, Girnd |
| Absent: | Watford (Alternate) |
| Non-voting participant: | Slyer (Alternate), |

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

21Z-004 (9602 Teichman Road) Request for a variance from the Galveston Land Development Regulations, Article 3, Residential, Single-Family (R-1) Addendum, regarding lot depth in conjunction with a replat. The property is legally described as Part of Lot 530 (530-29), Section 1, Trimble and Lindsey, in the City and County of Galveston, Texas.

Applicant: Tricon Land Surveying, LLC

Property Owners: Patrick Hoang and Tran Hung

Staff presented the staff report and reported that of 28 notices sent, one was returned in opposition.

Chairperson Andrew Galletti opened the public hearing on the case. Lindsey Polk, applicant, made a presentation to the Board. The public hearing was closed, and the Chairperson called for a motion.

William Clement made a motion for denial. Vice-Chairperson Robert Girndt seconded.

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

| | |
|-------------------------|------------------------------------|
| In favor: | Bikova, Clement, Galletti, Girndt, |
| Opposed: | Railey |
| Absent: | Watford (Alternate) |
| Non-voting participant: | Slyer (Alternate) |

The motion passed.

21Z-006 (4014 Vista) Request for a variance from the Galveston Land Development Regulations, Article 3, Addendum for Residential Single-Family (R-1), Minimum Lot Standards, regarding lot area. Property is legally described as the M.B. Menard Survey, Lot 1, Northeast Block 23, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant and Property Owner: Elena Campana

Applicant Representative: Brene Addison, Tricon Land Surveying, LLC.

Staff presented the staff report and reported that of 31 notices sent, two were returned in opposition.

Chairperson Andrew Galletti opened the public hearing on the case. Elena Campana, owner, presented to the Board. The public hearing was closed, and the Chairperson called for a motion.

Chairperson Andrew Galletti made a motion for approval. Barbara Railey seconded.

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

| | |
|-------------------------|--------------------------|
| In favor: | Bikova, Railey |
| Opposed: | Clement, Galletti, Girnd |
| Absent: | Watford (Alternate) |
| Non-voting participant: | Slyer (Alternate), |

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

THE MEETING ADJOURNED AT 4:48 PM



823 ROSENBERG, GALVESTON, TX 77550 | WWW.GALVESTONTX.GOV | FOLLOW US ON FACEBOOK, YOUTUBE, TWITTER, & INSTAGRAM!



20Z-007 STAFF REPORT

ADDRESS:

1002 Seawall

LEGAL DESCRIPTION:

Property is legally described as M. B. Menard Survey, Lots 5, 6, 7 and Portion of Lots 4, 8, 9, 10 and Adjacent Alley, Northwest Block 24, Galveston Outlots, and Portion of 4 feet of Adjacent 10th Street and Avenue M, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

David Jacoby, 1002 Seawall Property LLC

PROPERTY OWNER:

OM Garuda, LLC

ZONING:

Commercial, Height and Density Development Zone, Zone 3 (C-HDDZ-3)

REQUEST:

Special Exception from Division 11.400 of the Galveston Land Development Regulations (LDR)

APPLICABLE ZONING LAND USE

Commercial Lodging (Hotel)

APPLICABLE REGULATIONS:

LDR - Division 11.400

EXHIBITS:

- A – Applicant’s Submittal
- B – Photographs

STAFF:

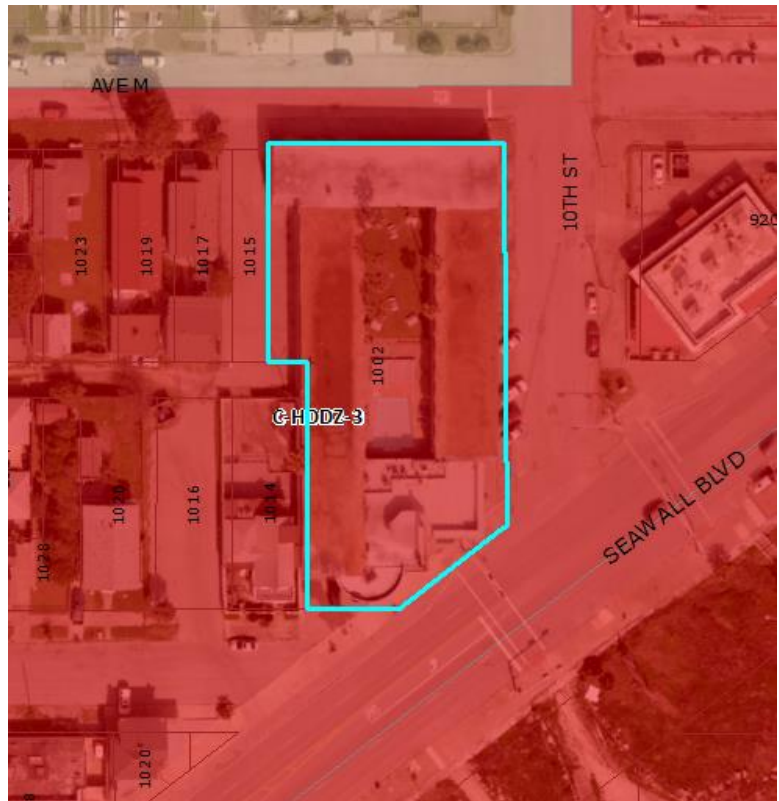
Catherine Gorman, AICP
 Assistant Director/HPO
 409-797-3665
 cgorman@galvestontx.gov

Public Notice and Comment:

| Sent | Returned | In Favor | Opposed | No Comment |
|------|----------|----------|---------|------------|
| 28 | | | | |

City Department/Private Utility Notification Responses:

No objection from any City Departments or Private Utility.



Executive Summary:

The applicant is requesting a Special Exception to make the current land use of “Commercial Lodging (Hotel)” conforming at this location. The use has been in existence for since 1963 operating as a hotel. In 2018, the City Council adopted new regulations for hotels along the Seawall, including:

Guest rooms shall be accessible from only an internal hallway that is primarily accessible from a central lobby area contained within the hotel/motel (Section 2.320(A)(3)(a)).

The existing building is configured so that the guest rooms are accessed from external hallways and is not able to conform to the above referenced regulation.

**Executive Summary
Cont.**

The applicant is representing prospective new owners. Those owners are planning a renovation of the complex. According to the Land Development Regulations, non-conforming structures may not be “substantially improved” which is defined as 50% of the cost of the structure. The planned renovation will exceed that threshold.

**Zoning and Land Use
Information**

| Location | Zoning | Land Use |
|---------------------|--|----------------------------|
| Subject Site | Commercial, Height and Density Development Zone, Zone 3 (C-HDDZ-3) | Commercial Lodging (Hotel) |
| North | Urban Neighborhood (UN) | Residential |
| South | Commercial, Height and Density Development Zone, Zone 3 (C-HDDZ-3) | Beach |
| East | Commercial, Height and Density Development Zone, Zone 3 (C-HDDZ-3) | Commercial |
| West | Commercial, Height and Density Development Zone, Zone 3 (C-HDDZ-3) | Residential |

**Procedure for Conversion
of Nonconforming Uses**

An owner of a nonconforming use may apply for a special exception from the Zoning Board of Adjustment, which has the effect of making the nonconforming use conforming in accordance with Division 11.400 of the Land Development Regulations.

**Criteria for Approval/
Applicant’s Justification**

SEC. 11.403 CRITERIA FOR APPROVAL

- A. **Generally.** A special exception may be granted by the Zoning Board of Adjustment to make a nonconforming use conforming, if, compliance with all of the criteria of this Section is demonstrated.
- B. **Nonconformity.** The use, as conducted and managed, has been determined to be a nonconforming use that has been integrated into the neighborhood's function or the zoning district's function if it is not in or adjacent to a residential neighborhood as evidenced by the following demonstrations:
 - 1. **Neighborhood residents regularly patronize or are employed at said use for nonresidential uses in or abutting residential neighborhoods;**
Applicant’s Response: Galveston residential currently work at the hotel and patronize its restaurant. Following the property’s repositioning, it will provide significantly more local job opportunities and F&B amenities are expected to draw many more residents.
 - 2. **Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts;**
Applicant’s Response: Property is not heavily patronized and no noise nuisance incidents are currently known to the applicant. Following the property’s repositioning its offerings will continue to be focused indoors and in the internal courtyard, mitigating noise to the surrounding area.
 - 3. **There is no material history of complaints to the City about the use. A history of complaints is justification for denying the special exception, unless the conditions of the exception will eliminate the reasons for the complaints;**

Applicant's Response: Applicant has no knowledge of historic of material complaints. Significantly higher spending clientele will patronize the renovated hotel and the property's physical appearance will be both greatly improved and historically preserved.

4. If the use is nonresidential, it is registered or licensed in accordance with any applicable ordinances of the City; or

Applicant's Response: the property is currently and will continue to be license to accordance with applicable ordinances.

5. The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.

Applicant's Response: While no significant upgrades have been recently mode, the property's infrastructure remains sound. The renovation will elevate the property's physical appearance from a laggard to a leader on the Seawall.

C. Conditions. Conditions may be imposed relative to the expansion of buffering, landscaping, or other site design provision or other limitations necessary to ensure that as a conforming use the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures or operation of the use.

Should the Zoning Board of Adjustment choose to administer Section 11.404 of the Land Development Regulations, the following are conditions for the Special Exception:

1. The site shall continue to operate as a "Commercial Lodging (Hotel)" land use.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,

Catherine Gorman, AICP
Assistant Director/HPO

Date

