AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m. Wednesday, May 6, 2020
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.

Public Comment can be submitted on-line: https://forms.galvestontx.gov/Forms/PublicComment or by calling 409-797-3665.

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of Minutes: March 4, 2020
   Documents:
   2020-03-04 ZBA MINUTES.PDF

5. COVID-19 Update (Staff)
6. Meeting Format (Staff)
7. 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 Planning Commission.
   HTTPS://FORMS.GALVESTONTX.GOV/FORMS/PUBLICCOMMENT
   a. Agenda Items
   b. Non-Agenda Items

8. New Business And Associated Public Hearings
   A. 20Z-007 (1002, 1004, And 1012 12th Street) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Single Family, Residential R-3, With A Historic District Overlay (R-3-H) Zoning District, To Reduce The Lot Area. Property Is Legally Described As M.B. Menard Survey, Lot 1, Block 131, In The City And County Of Galveston, Texas. Applicant: David Watson Property Owner: Floyd Pollock
   Documents:
   20Z-007 STF PKT.PDF
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A. Agenda Items
B. Non-Agenda Items

New Business And Associated Public Hearings

20Z-007 (1002, 1004, And 1012 12th Street) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Urban Neighborhood With Neighborhood Conservation District Overlay (UN-NCD-1) Zoning District, To Reduce The Lot Area. Property Is Legally Described As M.B. Menard Survey, Lot 1, Block 131, In The City And County Of Galveston, Texas. Applicant: David Watson Property Owner: Floyd Pollock

20Z-007 STF PKT.PDF

20Z-008 (1528 Avenue O) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Urban Neighborhood With Neighborhood Conservation District Overlay (UN-NCD-1) Zoning District, To Reduce The Lot Area. Property Is Legally Described As The South 77.5 Feet Of Lot 14, Southeast Block 46, Galveston Outlots, In The City And County Of Galveston, Texas. Applicant: Keith Raybon Property Owner: RCFT Investments, LLC

20Z-008 STF PKT-SIGNED.PDF

Discussion Items

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 May 1, 2020 at 11:00 A.M.

Prepared by: Karen White, Planning Technician

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY’S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409-797-3510)

MEMBERS OF CITY COUNCIL MAY BE ATTENDING AND PARTICIPATING IN THIS MEETING
CALL MEETING TO ORDER

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

ATTENDANCE

Members Present: William Clement (Alternate), Andrew Galletti, Robert Girndt, Jeff Patterson, Sharon Stetzel-Thompson (Alternate), Alice Watford

Members Absent: Louis Fuchs, CM David Collins (Ex-Officio)

Staff Present: Catherine Gorman, AICP, Assistant Director/Historic Preservation Officer; Janice Norman, CFM, Planning Manager; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The February 5, 2020 minutes were approved as presented.

REQUEST TO ADDRESS COMMISSION ON AGENDA ITEMS WITHOUT PUBLIC HEARINGS AND NON-AGENDA ITEMS (THREE MINUTE MAXIMUM PER SPEAKER)

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

20Z-003 (1207 10th Street) Request for a variance from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Urban Neighborhood with Neighborhood Conservation District (UN-NCD-1) zoning district, to reduce the lot area. Property is legally described as the North 98 Feet of Lot 7 (7-0), Block 10, in the City and County of Galveston, Texas.

Applicant & Property Owner: Aguiar Properties #2, Pedro Aguiar

Staff presented a memorandum requesting that case 20Z-003 be deferred until the regular meeting of April 8, 2020 in order for the applicant to provide additional information requested by staff.

Chairperson Andrew Galletti opened the public hearing on case 20Z-003. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Andrew Galletti made a motion to continue case 20Z-001 per staff’s request. Alice Watford seconded, and the following votes were cast:

In favor: William Clement (Alternate), Galletti, Girndt, Patterson, Watford
Opposed: None
Absent: Fuchs
Non-voting participant(s): CM Collins (Ex-Officio), Sharon Stetzel-Thompson (Alternate)
The motion passed.

20Z-004 (613 15th Street and 1506 Winnie/Avenue G) Request for a variance from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Addendum, for the Single Family, Residential R-3, with a Historic District overlay (R-3-H) zoning district, to reduce the lot area. Properties are legally described as Lots 8 and 9 (9-2), Block 375, Also known as Lot 2, Special Subdivision and Lots 8 and 9 (8-4), Block 375, Also known as Lot 4 and the North 4-feet of Lot 3 Special Subdivision, in the City and County of Galveston, Texas.
Applicant and Property Owner: Jinping Yang

Staff presented the staff report and noted that of twenty-nine (29) notices of public hearing sent, one (1) was returned in favor and one (1) was returned in opposition.

Chairperson Andrew Galletti opened the public hearing on case 20Z-004. Applicant and property owner Jinping Yang presented to the Commission. For additional presentations to the Commission, please refer to the attached list. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

William Clement made a motion to approve case 20Z-004 based on the following findings:
1. The special condition of the utility easement being inaccessible;
2. The creation of additional off-street parking for 1506 Winnie/Avenue G;
3. There will not be an additional hardship on the community; and
4. The request is not self-imposed or based on financial considerations.

Vice-Chairperson Robert Girndt seconded, and the following votes were cast:

In favor: William Clement (Alternate), Galletti, Girndt, Patterson, Watford
Opposed: None
Absent: Fuchs
Non-voting participant(s): CM Collins (Ex-Officio), Sharon Stetzel-Thompson (Alternate)

The motion passed.

20Z-006 (10 Campeche Estates Drive) Request for a variance from the Galveston Land Development Regulations, Article 3, Section 3.303 (A) Building line previously established, regarding front building line requirements in a Single-Family (R-1) zoning district. Property is legally described as Lot 10, Block 1, Campeche Estates Subdivision, in the City and County of Galveston, Texas.
Applicants: Robert Dowdy and Tim Webb
Property Owners: Robert and Marlo Dowdy

Staff presented the staff report and noted that of twenty (20) notices of public hearing sent, one (1) was returned in favor and two (2) were returned in opposition.

Chairperson Andrew Galletti opened the public hearing on case 20Z-006. Applicant Tim Webb and property owner Marlo Dowdy presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Patterson made a motion to approve case 20Z-006 based on the following findings:
1. The special condition of the position of the lot with regard to the cul-de-sac; and
2. There will not be an additional hardship on the community.

Chairperson Andrew Galletti seconded, and the following votes were cast:

In favor: Patterson
Opposed: William Clement (Alternate), Galletti, Girndt, Watford
Absent: Fuchs
Non-voting participant(s): CM Collins (Ex-Officio), Sharon Stetzel-Thompson (Alternate)

The motion failed.
William Clement made a motion to deny case 20Z-006 based on the following finding:
1. The lack of a special condition.

Vice-Chairperson Robert Girndt seconded, and the following votes were cast:

In favor: William Clement (Alternate), Galletti, Girndt, Patterson, Watford
Opposed: None
Absent: Fuchs
Non-voting participant(s): CM Collins (Ex-Officio), Sharon Stetzel-Thompson (Alternate)

The motion passed.

DISCUSSION ITEMS

THE MEETING ADJOURNED AT 4:38 PM
20Z-007

STAFF REPORT

ADDRESS:
1002 12th Street

LEGAL DESCRIPTION:
Property is legally described as M.B. Menard Survey, Lot 1, Block 131, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
David Watson

PROPERTY OWNER:
Floyd Pollock

ZONING:
Residential, Single Family with a Historic Overlay (R-3-H)

VARIANCE REQUEST:
Request to decrease the lot area requirement from 2,500 square feet to 1,225 square feet, 1,587 square feet, and 2,347 square feet, respectively.

APPLICABLE ZONING LAND USE REGULATIONS:
Article 3, District Yard, Lot and Setback Requirements for the Residential, Single-Family, with a Historic Overlay zoning district (R-3-H)

EXHIBITS:
A – Proposed Survey

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

Public Notice and Comment:

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City Department Notifications
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.

Executive Summary
The applicant is requesting a variance from the Galveston Land Development Regulations, Article 3, District Yard, Lot and Setback Requirements for the Residential, Single-Family with a Historic Overlay zoning district (R-3-H) Addendum, in order to replat the lot into three separate lots.
Applicable Standards

Article 3, District Yard, Lot and Setback Standards, Addendum for Residential, Single-Family (R-3-H), with a Historic Overlay zoning district:

**Requirement:** Lot Area: 2,500 square feet minimum.

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<th>Required Lot Area</th>
<th>Requested Lot Area</th>
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<tr>
<td>1002 12th Street</td>
<td>2,500 square feet</td>
<td>1,226 square feet</td>
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<tr>
<td>1004 12th Street</td>
<td>2,500 square feet</td>
<td>1,587 square feet</td>
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<tr>
<td>1012 12th Street</td>
<td>2,500 square feet</td>
<td>2,347 square feet</td>
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Applicant’s 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.** Typically the land would have been subdivided prior to construction. This condition often resulted when several family members built on a single lot. The property eventually passed into other hands.

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.** It would perpetuate the need to sell the 3 homes together as opposed to single family residences.

3. **The variance is not contrary to the public interest, in that:**
   3 separate single family residences were constructed on one city lot. By allowing the residences to be platted individually, it would allow 3 families to each purchase a fee simple home. The houses exist and the subdivision of land would only alter ownership. Every other aspect of the site would remain unchanged.

   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. It is not a self-imposed hardship. The conditions pre-date the current regulations. The property imposes no financial hardships, but rather provides the opportunity for 3 families to purchase a home. This situation exists elsewhere, and precedent has been set by allowing a single lot to be subdivided for 3 existing residences.

   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 3 residences exist. The proximity to existing property lines will not change. The proximity to the existing structures will not change. Each currently has individual utilities. The 3 houses share a single sewer tap. The owner would agree to install individual sewer taps.

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 minimum lot size would be reduced to approx. 1,226 s.f. for 1002, 1,587 s.f. for 1004, & 2,347 for 1012. The property line between 1002 & 1004 would be reduced. They are 5'-8” apart. So each would be 2'-10” off the property line.

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). There is no attempt to circumvent procedures or regulation standards. This variance request has been previously granted for 3 single family residences on a single lot fronting a number street.

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

Yes.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully Submitted,

Karen White
Planning Technician

Catherine Gorman, ACIP
Assistant Director/HPO

4/2/2020
Date

4/29/2020
Date
LAND TITLE SURVEY OF A TRACT OF LAND being Lot 1, in Block 131, in the City and County of Galveston, Texas.

Subject property: 1002, 1904 & 1912 12th Street
Galveston County, Texas
To Floyd M. Pollock, Sondra R. Pollock
and Stewart Title Co., GIF #1016731873;
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
RFLS #481
August 3, 2010
Zoning Board of Adjustment
Development Services Department
City of Galveston
May 6, 2020

20Z-008

ADDRESS:
1528 Ave O

LEGAL DESCRIPTION:
Property is legally described as the South 77.5 feet of Lot 14, Southeast Block 46, Galveston Outlots, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Keith Raybon

PROPERTY OWNER:
RCFT Investments, LLC., Keith Raybon

ZONING:
Urban Neighborhood with Neighborhood Conservation District Overlay (UN-NCD-1)

VARIANCE REQUEST:
Request to decrease the lot area requirement from 2,500 square feet to 2,193 and 1,136 square feet, respectively.

APPLICABLE ZONING LAND USE REGULATIONS:
Article 3, District Yard, Lot and Setback Requirements for the Urban Neighborhood with Neighborhood Conservation District Overlay (UN-NCD-1)

EXHIBITS:
A – Current Survey
B – Replat Site Plan
C – Examples of similar lot configuration in the vicinity

STAFF:
Adriel Montalvan, Senior Project Manager
409-797-3645
amontalvan@galvestontx.gov

Public Notice and Comment:

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City Department Notifications

Building Division: The existing houses do not comply with Table R302.1 (1) of the 2012 IRC and Appendix V of the 2012 IRC amendments.

Executive Summary:
The applicant is requesting a variance from the Galveston Land Development Regulations, Article 3 Addendums, District Yard, Lot and Setback Requirements for the Urban Neighborhood with Neighborhood Conservation District Overlay (UN-NCD-1) in order to replat the lot into two separate lots. The proposed lot configuration will result in the newly created lots having a new lot area of 2,193 and 1,136 square feet, respectively.
Applicable Standards: Article 3, District Yard, Lot and Setback Standards, Addendum for Urban Neighborhood with Neighborhood Conservation District Overlay (UN-NCD-1) zoning district:

   Requirement: Lot Area: 2,500 square feet minimum.

Requested Variance: From 2500 square feet to 2,193 and 1,136 square feet, respectively.

Applicant’s 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 request for the variance is rooted in special condition of our property regarding the fact that there are several nearby lots in the same zone with very similar lot square footage of our proposed replat. Please see Exhibit C.

2. Due to said special conditions, the enforcement of the strict terms of these regulations would impose an unnecessary hardship on the applicant.

   Due to said special conditions, the literal enforcement of the strict terms of the Land Development Regulations would impose an unnecessary hardship for others that are not allowed.

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

   • The land use would not change;
   • It would not affect any adjacent properties;
   • Both of the houses have been there for 50 years;
   • The same infrastructure and public services that have been used will continue to be used will continue to be used; and,
   • From a public health safety and general welfare of the community perspective, the replat would enforce fire walling and other safety related building requirements that are enforced by Building Department/Building Codes.

   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 would not impair application for self-imposed hardships based solely on financial considerations because there are many similar properties throughout Galveston’s urban core. Please see attached properties for reference (Exhibit C). The granting of this variance, as previously stated, will also bring it up to national and City building standards/requirements.

   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.
There is no impact or change in use and therefore it will not affect adjacent properties – both houses will remain single-family dwellings. Furthermore, the amount of sewer, water, and electric will not change, and everything will be in keeping with the character of the neighborhood.

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

   *We feel that this is the least necessary to grant relief given the current configuration of the two houses. There is no way to request any lesser of a variance.*

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).**

   *We are requesting this variance but are not compromising any other rule or codes besides the 2,500 square feet minimum lot size requirement. Everything else will be in compliance with all building/zoning codes and other requirements.*

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

   *We believe so. Given the fact that we are not changing the use of the property and will continue to conform to high neighborhood standards.*

Please see Agenda for Appeal from Decision of Board Process.

Respectfully Submitted,

Adriel Montalvan, Senior Project Manager

_____________________________________________________

04/29/2020

Date

Catherine Gorman, Assistant Director/HPO

_____________________________________________________

04/29/2020

Date
Survey of the South Seventy-Seven Feet and Five Inches of Lot Number Fourteen (14), in the Southeast Block of Outlot Forty-Six (46), in the City and County of Galveston, Texas.

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

Brene Addison
Registered Professional
Land Surveyor No. 6598

NOTES:
1) This property is subject to the building and zoning ordinances of the City of Galveston.
2) This property lies within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by DSHA and/or the local power company.
4) Bearings are based on the monumentation of 15th Street.

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.
Legal Description:
South 77 Feet & 5 Inches of Lot 14, SE Block 46, Galveston Outlots

Address
1528 Avenue O
Galveston Tx 77550

Zoning
Urban Neighborhood (UN)
0' Req'd Setbacks all Sides
Property Type is 'Single-Family'
Status is one of 'Active', 'Option Pending', 'Pend Cont to Show', 'Pending'
Status is 'Sold'
Status Contractual Search Date is 04/01/2020 to 10/04/2019
City/Location is 'Galveston'
Ordered by Status, Current Price
Found 905 results in 0.72 seconds.

Map data ©2020 Google
Property Type is 'Single-Family'
Status is one of 'Active', 'Option Pending', 'Pend Cont to Show', 'Pending'
Status is 'Sold'
Status Contractual Search Date is 04/01/2020 to 10/04/2019
City/Location is 'Galveston'
Ordered by Status, Current Price
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Status is 'Sold'
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City/Location is 'Galveston'
Ordered by Status, Current Price
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Status is one of 'Active', 'Option Pending', 'Pend Cont to Show', 'Pending'
Status is 'Sold'
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City/Location is 'Galveston'
Ordered by Status, Current Price
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Property Type is 'Single-Family'
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Status Contractual Search Date is 04/01/2020 to 10/04/2019
City/Location is 'Galveston'
Ordered by Status, Current Price
Found 905 results in 0.67 seconds.

Click any parcel for parcel details.
Property Type is 'Single-Family'
Status is one of 'Active', 'Option Pending', 'Pend Cont to Show', 'Pending'
Status is 'Sold'
Status Contractual Search Date is 04/01/2020 to 10/04/2019
City/Location is 'Galveston'
Ordered by Status, Current Price
Found 905 results in 0.72 seconds.

Click any parcel for parcel details.