



APPLICATION FORM - SPECIAL EXCEPTION ZONING BOARD OF ADJUSTMENT

Planning and Development Division
823 Rosenberg, 4th Floor, Room 401, Galveston, TX 77550

409/797-3660

planning@galvestontx.gov
www.galvestontx.gov

Zoning Board of Adjustment Meeting Schedule - 2021

Deadline / Meeting	Deadline / Meeting	Deadline / Meeting	Deadline / Meeting
January 12/9.....1/6	April 3/3.....4/7	July 6/9.....7/7	October 9/8.....10/6
February 1/6.....2/3	May 4/7.....5/5	August 7/7.....8/4	November 10/6.....11/3
March 2/3.....3/3	June 5/5.....6/9	September 8/4.....9/1	December 11/3.....12/8

Meetings typically are 4:00pm in City Council Chambers, 2nd Floor of City Hall, 823 Rosenberg. Verify with staff prior to meeting date.

I. PROPERTY INFORMATION

Street Address/Location

Legal Description (Lot Number, Block Number, Subdivision)

Present Use(s) and Improvement(s) on Property

Proposed Use(s) and Improvement(s) on Property

II. APPLICANT INFORMATION

Property Owner Name

Telephone

Mailing Address

E-mail Address

Applicant/Representative Name

Telephone

Mailing Address

E-mail Address

III. TYPE OF SPECIAL EXCEPTION REQUEST (If more than one request, a separate application is required for each)

- Front or Rear Yard Setback
- Change of Occupancy from one non-conforming use to another
- Conversion from Non-Conforming Use to Conforming Use

Applicable section(s) of the Land Development Regulations: _____

Specifically state the Variance(s)/Special Exception(s)/Use being requested:

IV. ACKNOWLEDGEMENTS

I certify that [] I am the legal owner on record, or [] I have secured the property owner’s permission and have full authority to make this application, and that the above information is correct and complete to the best of my knowledge and ability.

Please read and initial below:

- _____ I understand that all documents submitted with this application are subject to open records requests in accordance with the Open Records Act / Texas Public Information Act.
- _____ I understand that receipt of an application does not constitute application completeness and that staff will review the application and return incomplete applications. I understand that application fees are non-refundable once an application has been accepted and processed.
- _____ I understand that if I am not present or represented at the public hearing, the Zoning Board of Adjustment may defer or disapprove/deny the application.
- _____ I understand that, in considering my application, the Zoning Board of Adjustment may grant a special exception to make a nonconforming use conforming, only if the following are demonstrated:
 1. Neighborhood residents regularly patronize or are employed at said use for nonresidential uses in or abutting residential neighborhoods;
 2. Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts;
 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;
 4. If the use is nonresidential, it is registered or licensed in accordance with any applicable ordinances of the City; or
 5. The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.

Printed Name and Signature of Applicant

Date

Printed Name and Signature of Property Owner

Date

V. APPLICANT CHECKLIST

- ✓ All documents should be provided in 8.5" x 11", or please fold to appropriate size if larger. All drawings must be to scale.
- ✓ Please provide electronic copies, if available. Other pertinent information to support said request should also be attached.

[] **Pre-Application Meeting with City Staff** (Staff initial here if waived: _____)

[] **Site Plan, (1 copy)** – Site Plan must include:

- Scale, North Arrow, Legal Descriptions, Street Address
- Location and dimension of the lot(s) and adjacent lots that may be impacted
- Footprint of all existing and proposed structures, with dimensions and distance from property lines and adjacent buildings
- All building setbacks (front, rear, side, structure to structure)
- Location/type of driveways and sidewalks, with dimensions
- Alley location and dimensions (where applicable)

[] **Survey, (1 copy)**

[] **Title Report, (1 copy)** – if property was purchased within the last 60 days.

- [] **Justification for the Request** – Format follows below
- [] **Non-Refundable Application Fee \$375.00** (payable to the City of Galveston)

APPLICANT’S JUSTIFICATION FOR THE REQUEST – FRONT OR REAR SETBACK

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.

Indicate the applicable section and include a description of how the section is being met:

- [] 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:

- [] 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 FOR THE REQUEST – CHANGE OF OCCUPANCY FROM ONE NON-CONFORMING USE TO ANOTHER

The Zoning Board of Adjustment may grant a change of occupancy from one nonconforming use to another, provided the new use is within the same or a more restrictive use classification as the original nonconforming use. In the event a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned.

Please indicate how the above section is being met:

APPLICANT’S JUSTIFICATION FOR THE REQUEST – CONVERSION OF NON-CONFORMING USE TO CONFORMING USE

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.

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:

Neighborhood residents regularly patronize or are employed at said use for nonresidential uses in or abutting residential neighborhoods.

Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts.

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.

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

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