



Variance Request Approval (#25-000102)

WHEREAS, Anel Gonzalez (the “Owner”) owns a 0.298 acre tract of land (the “Property”) in the City of Dickinson, Texas (“the City”), with the Property being legally described as ABST 19 PERRY & AUSTIN LOTS 7 & 8 BLK 184 MOORES ADDN & IMPS, and with a street address of 2800 Ave G, Dickinson, Texas, 77539, with the Property being more particularly depicted and described in “Exhibit A” and incorporated herein for all intents and purposes; and

WHEREAS, the Property presently has a zoning classification of Conventional Residential (CR) pursuant to the comprehensive zoning ordinance of the City; and

WHEREAS, the Owner submitted an application for a variance to the City, which is attached hereto as Exhibit “B” and incorporated herein for all intents and purposes, was submitted as authorized by the City’s Code of Ordinances, Dickinson, Texas (the “Code”), and

WHEREAS, the Building Official reviewed the application and prepared a staff report, which is attached hereto as Exhibit “C” and incorporated herein for all intents and purposes; and

WHEREAS, the Board of Adjustment (the “Board”), after giving the proper notice of the public hearing as prescribed in Dickinson’s Code of Ordinances, held on this day the public hearing on the request for the variance; and

WHEREAS, at the public hearing the Board considered the application, the staff report, the relevant supporting materials and the public testimony given at the public hearing; and

WHEREAS, after the close of the public hearing and after considering the Applicant’s request, the Board made an affirmative finding that the variance meet the following criteria:

- (1) Special circumstances exist that are peculiar to the land or structure;
- (2) These special circumstances are not self-imposed or the result of the actions of the applicant;
- (3) Literal interpretation and enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship;
- (4) Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this chapter and would result in substantial justice;
- (5) Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought;
- (6) Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance sought is located; and
- (7) The variance will not adversely affect the health, safety or welfare of the public.



NOW THEREFORE, BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF DICKINSON, TEXAS:

Section 1: That the facts and matters set forth in the preamble hereof are hereby found to be true and correct and are incorporated herein for all intents and purposes.

Section 2: That a variance, subject to the terms and conditions set forth below, is hereby granted:

- (1) from the requirement stating a minimum 25ft front setback and 5ft side setback in the previously adopted ordinance for the Conventional Residential (CR) zoning district in Municode Sec. 18-50.- Conventional Residential "CR" district – with such variance allowing the principal building shall not be closer than 23.3ft for the front setback and 4.7ft for the side setback.

Section 3: Nothing herein shall be construed as to authorize a variance from any other section of the Code and shall run with the land.

Section 4: That the variance granted herein shall take effect immediately from and after its passage by the Board. This variance is not intended to act as a building permit. If such a permit is required, Owner must apply for and obtain additional permitting.

Section 5: That the variance granted herein shall take effect immediately from and after its passage by the Board and shall become null and void in six months from the date hereof unless an application to commence construction of the improvements subject to the variance has been submitted to and approved by the City within such six-month period or unless an extension is granted by the Board prior to the expiration of the six-month period.

INTRODUCED, READ and PASSED by the affirmative vote of the Board of Adjustment of the City of Dickinson this 25TH DAY OF AUGUST 2025.


BOARD OF ADJUSTMENT, Chairman

ATTEST:



TRAVIS MOORE, Community Development
Manager/Chief Building Official


EXHIBIT “A” – SUBJECT PROPERTY




ZONING VARIANCE

- Vicinity Map -

1 parcel totaling approx. 0.298 acres, located at 2800 Ave G, and the tract being legally described as follows: ABST 19 PERRY & AUSTIN SUR PT OF LOT 102 (0-2) DICKINSON ADDN D AKA TRACT II-A

 Subject Property

 Neighborhood Conservation (NC)



The City of Dickinson Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

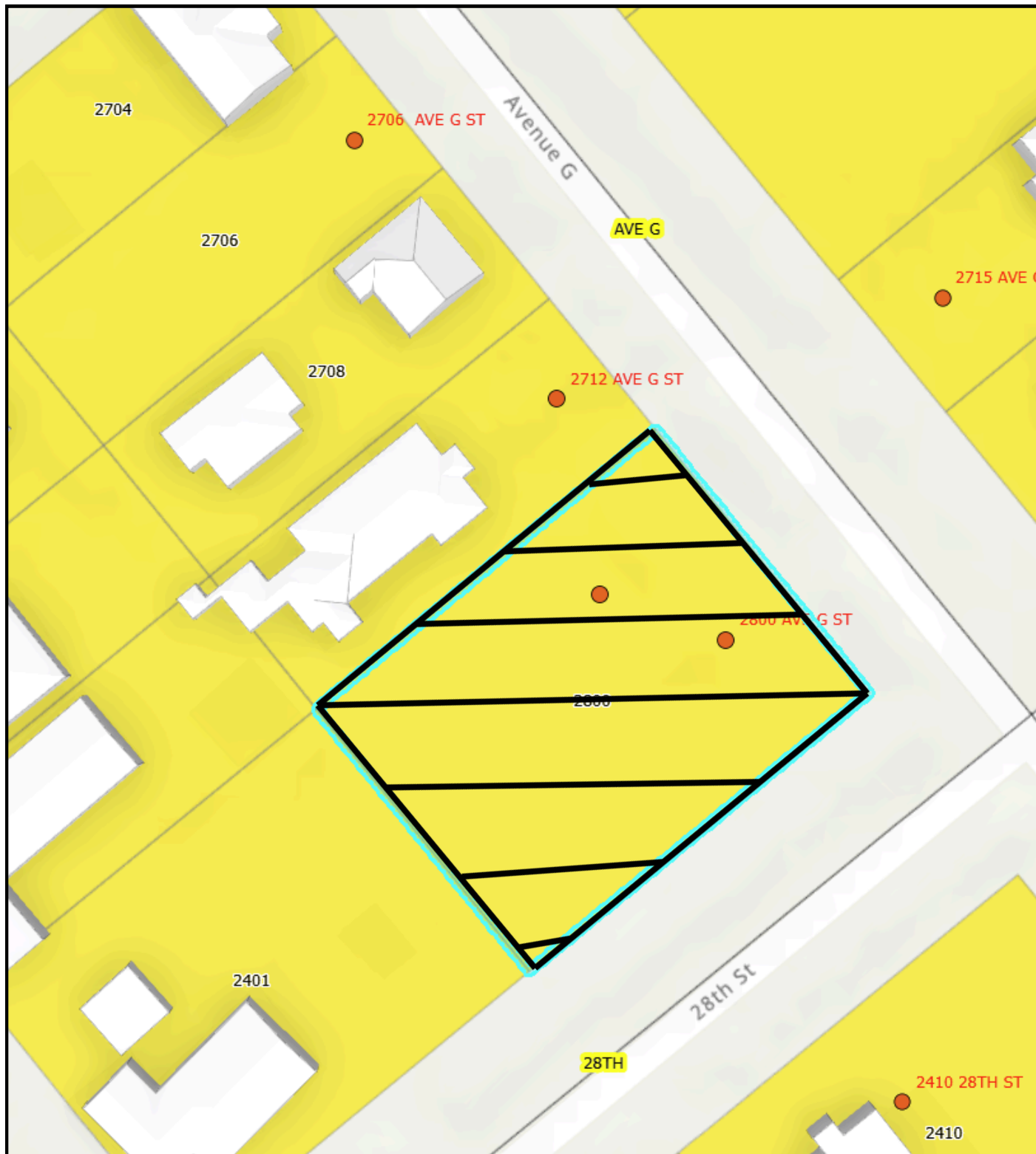


EXHIBIT “B” – APPLICATION

APPLICATION OVERVIEW

License Type: Zoning Variance

ID # 25-000102 | Started June 23, 2025



Address

2800 Avenue G, Dickinson, TX USA 77539

Legal

MOORES ADDN Blk 184 Lot 7 & 8
A 19 PERRY & AUSTIN
SPerry & Austin 19
ABST 19 PERRY & AUSTIN LOTS 7 & 8 BLK 184
MOORES ADDN & IMPS

Description

House (Garage) building is too close to the adjacent lot line (

PROPERTY DETAILS

Property ID	R166028
Zoning District	CR - Conventional Residential

INFORMATION FIELDS

Galveston County Property ID:
166028

Address
2800 Avenue G, Dickinson, Texas 77539

Legal Description
ABST 19 PERRY & AUSTIN LOTS 7 & 8 BLK 184 MOORES ADDN & IMPS

Number of Acres
0.298

Property Owner
Anel Gonzalez

Property Owner Address
4514 37th Street, Dickinson, Texas 77539

Property Owner Phone
2818407499

Property Owner Email
anelglez@yahoo.com

Proof of Ownership
-

Signatory Authorization
-

Agent Authorization
-

Current Zoning
Neighborhood Conservation "NC"

Current Use Type:
Residential

Current Use
Residential - New Single Family House

Proposed Use Type:
Residential

Proposed Use
Residential - New Single Family House

Code Requirement:
x

Requested Variance:
Side Setback

Describe your request:
House (Garage) building is too close to the adjacent lot line (<5ft). Garage wall will be redone to meet 1hr fire standard.

Existing Site Plan
-

Proposed Site Plan
4373_973_2800 Av G Dickinson 20240327-F-002 Rev1.pdf

Applicant Statement BOA
ApplicantStatement_AnelGonzalez_2800AveG.docx

Technical Studies
-

Additional Documents
-

Board of Adjustment Public Hearing
-

Applicant Statement for Board of Adjustment Variance

Name: Anel Gonzalez

Mailing Address: 4514 37th Street, Dickinson, Texas 77539

Phone: (281)-840-7499

E-mail: anelglez@yahoo.com

Property Address: 2800 Avenue G, Dickinson, Texas 77539

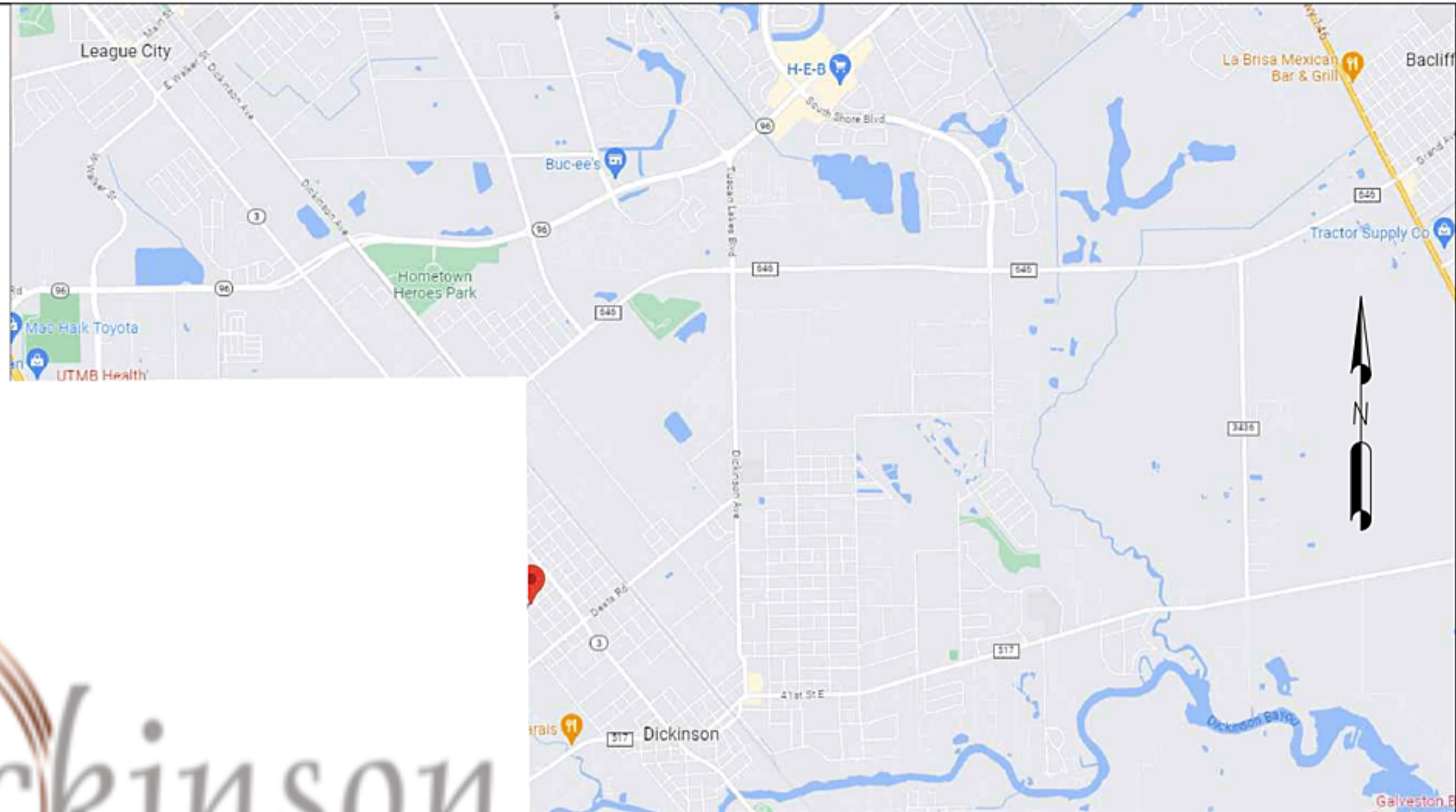
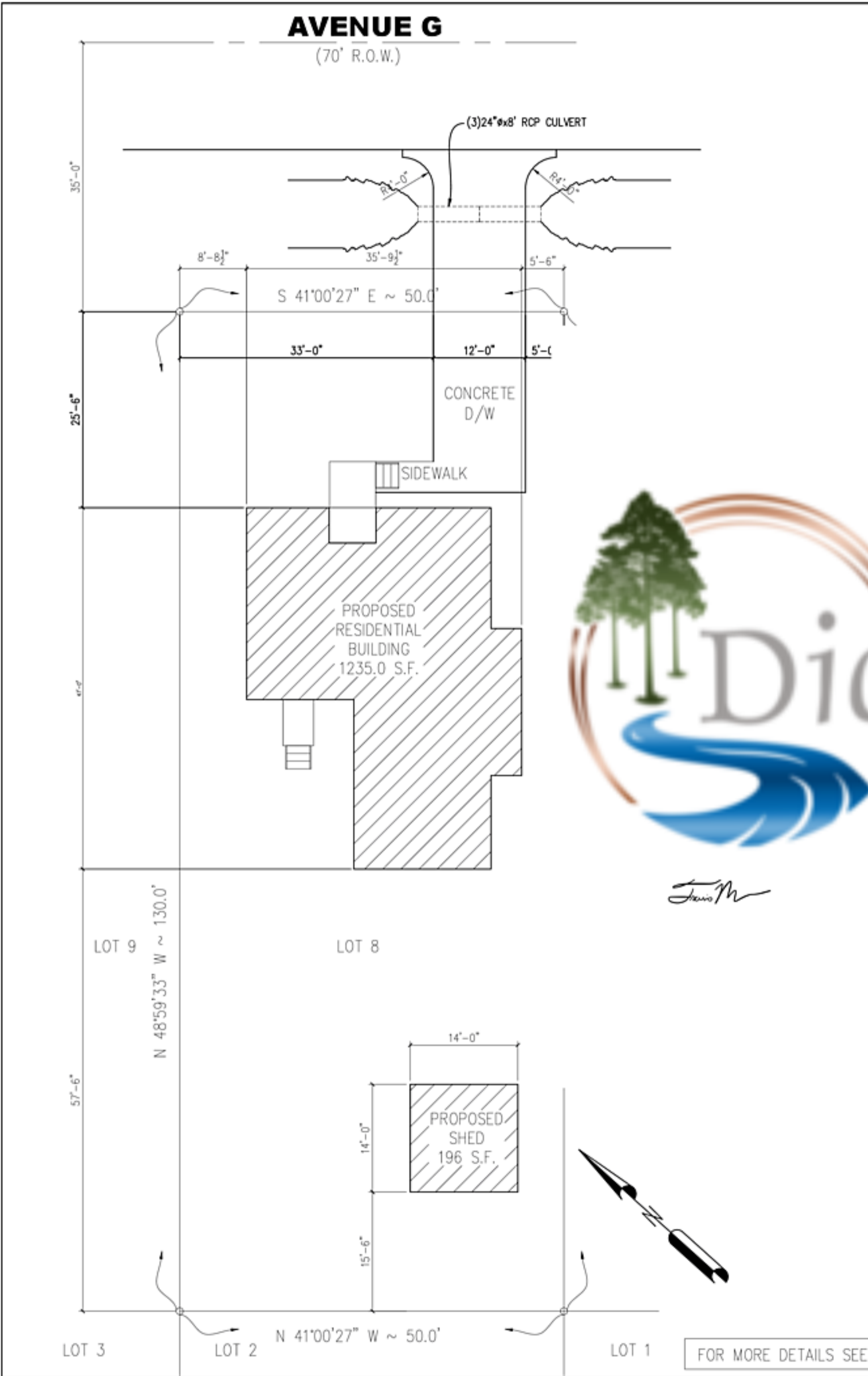
Description:

Carefully review the following information before submitting a request. It is the applicant's responsibility to defend their case before the Board of Adjustment. In determining whether to approve with conditions or disapprove the proposed request, the board shall review a statement prepared by the applicant that summarizes the request; and explains in detail how the request and must make an affirmative finding that each of the following criteria are met:

1. Special circumstances exist that are peculiar to the land or structure.
2. These special circumstances are not self-imposed or the result of actions of the applicant.
3. Literal interpretation and enforcement of the terms and provisions of this chapter would cause unnecessary and undue hardship.
4. Granting variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and which would carry out the spirit of this chapter and would result in substantial justice.
5. Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.
6. Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
7. The variance will not adversely affect the health, safety or welfare of the public.

Project Summary:

Due to contractor error, the garage slab was built 4ft 7in from the adjacent lot line instead of 5ft. I respectfully request that the Board grant a variance to allow the existing structure to remain as built. Furthermore, in accordance with the building code, the wall of the garage nearest to the lot line will be redone to meet the 1 hour fire standard, triggered by the lot proximity.



Juan M

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x 12" beam with two (2) #4 rebar at the point of impact. Residential drives located on a single lot one (1) acre or greater, or tract of land one (1) acre or greater, are exempt from this requirement. (2) Sidewalks shall be constructed with a minimum three thousand (3,000) psi strength Portland cement concrete, with a four (4) inch minimum thickness, with six-inch by six-inch (6" x 6"), six (6) gauge welded wire mesh reinforcement or #3 rebar 16" c.c., supported by chairs. Sidewalks shall be a minimum of four (4) feet wide and expansion joints shall not exceed twenty (20) feet. (3) Driveway approach. Notwithstanding the above requirements, that portion of any driveway constructed within the public right-of-way shall be constructed of the same material as the adjoining roadway. (Concrete street shall have a concrete approach and an asphalt street may have an asphalt approach.) All asphalt approaches shall be constructed of a minimum of two (2) inches of hot mix asphalt with a minimum of ten (10) inches of Class A limestone or crushed concrete base. (Ord. No. 583-2006, § 1, 6-27-06)



ENGINEER: P.E.			
OWNER: Anel G. Gonzalez			
SITE PLAN			
ADDRESS: 2800 Avenue G, Dickinson, Texas 77539			
DWNG. BY: SM	SCALE: 1" = 1/4"	DATE: 8/26/2023	SHEET No. ONE

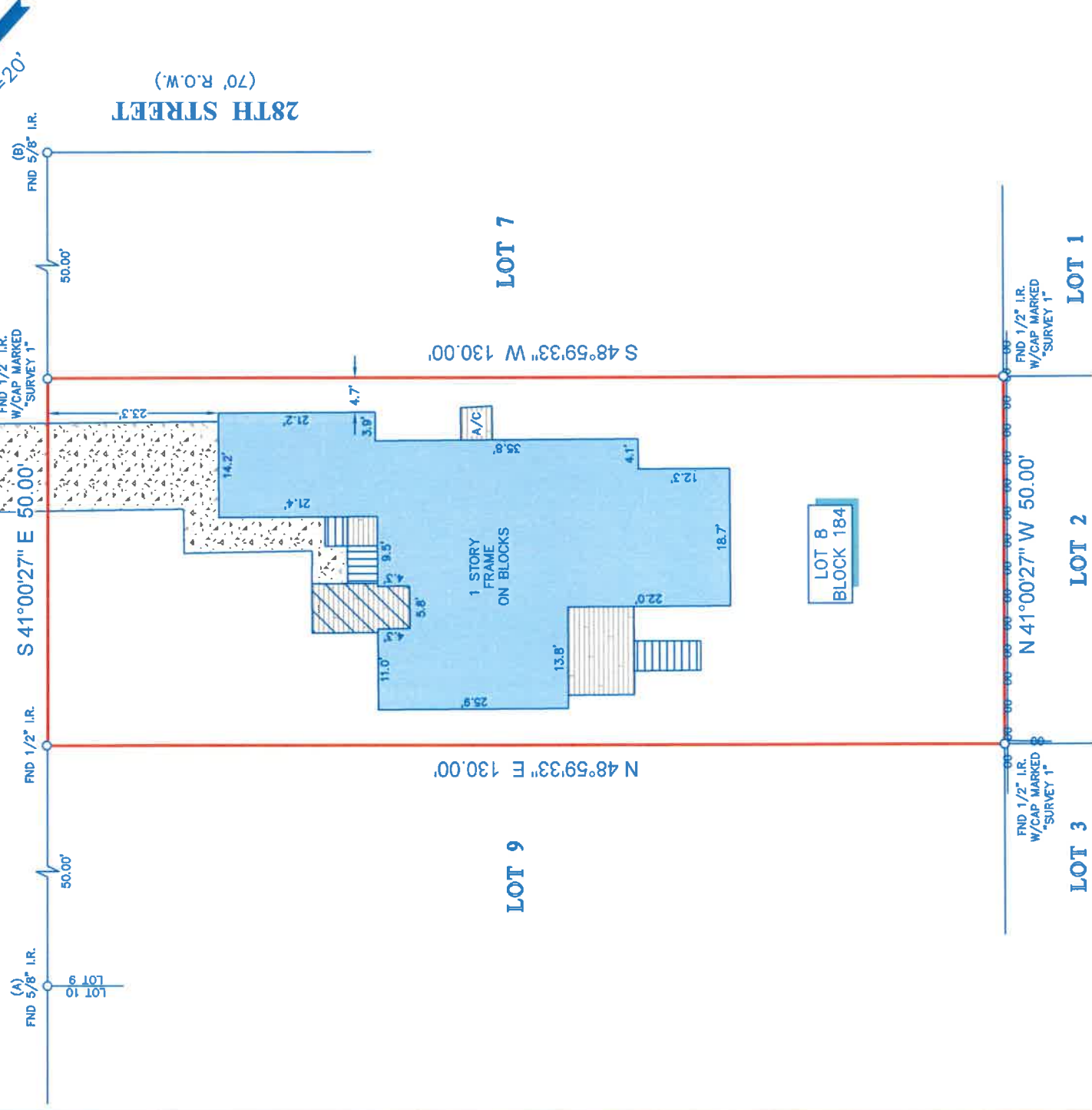


LEGEND

-  CONCRETE
-  COVERED AREA
-  FENCE
-  STEPS
-  WOOD DECK
-  CHAIN LINK



AVENUE G
(70' R.O.W.)



NOTES:

1. ALL BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 83, POINTS (A) AND (B) WERE HELD FOR HORIZONTAL CONTROL.
2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF INFORMATION CONTAINED IN A TITLE REPORT PER THE REQUEST OF THE CLIENT, SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED SUBJECT PROPERTY.
3. THIS SURVEY IS CERTIFIED TO MARLON GONZALEZ FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. ALL EASEMENTS AND BUILDING LINES SHOWN ARE PER THE RECORDED PLAT UNLESS OTHERWISE NOTED.
5. THERE ARE NO NATURAL DRAINAGE COURSES ON SUBJECT PROPERTY.

LEGAL DESCRIPTION: LOT 8, IN BLOCK 184, OF MOORE'S ADDITION TO THE TOWN OF DICKINSON, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 7, PAGE 1, OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS.



SURVEYOR'S CERTIFICATE:
IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON MAY 27, 2025 AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS; AND THAT THERE ARE NO ENCROACHMENTS OR PROTRUSIONS EXCEPT AS SHOWN.

Richard Fussell
RICHARD FUSSELL
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4148

CLIENT: ANEL GONZALEZ

ADDRESS: 2800 AVENUE G

www.survey1inc.com
survey1@survey1inc.com



Firm Registration No. 100758-00
P.O. Box 2543 | Alvin, TX 77512 | (281)393-1382

FIELD CREW:	JJ	TECH:	ARH
DRAFTER:	MC	FINAL CHECK:	LT
DATE:	MAY 29, 2025		
JOB #	5-151217-25		

EXHIBIT “C” – STAFF REPORT



Board of Adjustment

Variance

DATE: 08/25/2025

Staff Report

Application: 25-000102

Subject Property: 2800 Ave G, Parcel ID: 166028, on approx. 0.298 acres and legally described as ABST 19 PERRY & AUSTIN LOTS 7 & 8 BLK 184 MOORES ADDN & IMPS

Request: A variance from the requirement stating a minimum 25ft front setback and 5ft side setback is required in the previously adopted ordinance for the Conventional Residential zoning district in Municode. Refer to **Sec. 18-50. - Conventional Residential "CR" district.**

Applicant: Anel Gonzalez

Owner: Gonzalez Anel

Parcel Information:

Previous Zoning:	Conventional Residential (CR)
Current Zoning:	Neighborhood Conservation (NC)
Use:	Conventional Detached Home



Current Surrounding Properties Information:

North:	2401 Ave H Neighborhood Conservation (NC)
South:	2715 Ave G Neighborhood Conservation (NC)
East:	2712 Ave G Neighborhood Conservation (NC)
West:	2410 28 th St Neighborhood Conservation (NC)

Background:

The subject applied for a Single-Family New Construction permit (23-001311) on 12/19/2023. At the time the permit was submitted, the property was zoned as Conventional Residential (CR). Completion of the project required a final survey depicting where the structure lay. The survey showed the structure was set incorrectly with an encroachment of 1.7ft in the front setback and 3.6 inches into the side neighboring property (LOT 7). This left the front setback at 23.3ft and the side setback at 4.7 feet. “Figure A” shows the previous adopted Code of Ordinance requirement. “Figure B” and “Figure C” show the location and the requested side setback.

Figure A: Sec. 18-50. - Conventional residential "CR" district

c. Minimum setbacks.

1. *Front.*
 - i. Twenty-five (25) feet from street right-of-way unless the lot is located within a cul-de-sac.
 - ii. In the event that the lot is within a cul-de-sac, the setback shall be allowed at twenty (20) feet from right-of-way.
2. *Side.* Five (5) feet.
3. *Corner.* Ten (10) feet.
4. *Rear.* Fifteen (15) feet.

Figure B:





City staff has informed the applicant that the request would be recommended for **Approval** if the applicant proposes to meet the variance, reducing the minimum requirement of **25ft to 23.3ft** for the front setback and **5ft to 4.7ft** for the side setback, which constitutes a request of less than 50 percent per Subsect. 18-40.1, Variance (A)(3).

To approve an application for a **Zoning Variance**, the Board of Adjustment shall make an affirmative finding that each of the following criteria are met:

(1) Special circumstances exist that are peculiar to the land or structure.

A special circumstance currently existing is an encroachment of 1.7ft to the front setback of the property and 3.6 inches into the neighboring (LOT 7) which also belongs to the property owner Gonzalez Anel.

(2) These special circumstances are not self-imposed or the result of the actions of the applicant.

The special circumstances are not self-imposed or the result of the actions of the applicant. The current property does meet the required building development standards required by Article II Building Codes.

(3) Literal interpretation and enforcement of the terms and provisions of this chapter would cause unnecessary and undue hardship.

Literal interpretation and enforcement of the terms and provisions of this chapter would cause unnecessary and undue hardship. Due to the encroachment, the property is unable to meet the previously adopted Code of Ordinance, which prevents the closure of building permits. As a result, the owners are unable to finalize construction and receive their occupancy permit.



- (4) **Granting variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and which would carry out the spirit of this chapter and would result in substantial justice.**

Obtaining a variance is required to allow completion of the building permit. Granting the variance for the encroachment would be closer in line with the previously adopted Code of Ordinance and its intent to protect zoning uses.

- (5) **Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.**

The proposed variance will not alter the essential character of the district or the property in which the variance is sought.

- (6) **Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.**

The requested variance will not change the use of the property. The applicant will utilize 2800 Ave G, as their homestead for which the variance is sought.

- (7) **The variance will not adversely affect the health, safety or welfare of the public.**

The variance sought by the applicant will not adversely affect the health, safety or welfare of the public. All other development was completed to meet current adopted Building Codes and ordinances for the City of Dickinson.

RECOMMENDATION:

Staff recommends **Approval** concerning a request for variances from the minimum requirement of **25ft to 23.3ft** for the front setback and **5ft to 4.7ft** for the side setback. Refer to **Sec. 18-50. - Conventional residential "CR" district** in the previously adopted Code of Ordinance in Municode. With such variance, allowing a minimum of 1.7ft front setback and 3.6 inches side setback (LOT 7) on the property located at 2800 Ave G and legally described as ABST 19 PERRY & AUSTIN LOTS 7 & 8 BLK 184 MOORES ADDN & IMPS.