CITY OF ROCKPORT
ZONING BOARD OF ADJUSTMENT MINUTES
3:00 p.m., Wednesday, November 17, 2010
Rockport City Hall, 622 East Market Street

On this the 17th day of November, 2010 the Zoning Board of Adjustment of the City of Rockport held a Workshop Meeting at 3:00 p.m. at the City Hall, and notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

MEMBERS PRESENT

Todd Pearson
Michael Mahoney
Tom Kramer
Frank Riley

MEMBERS ABSENT

Gilbert Jurenka (EX)
Jimmy Fowler (EX)
Greg Harlan (EX)

STAFF MEMBERS PRESENT

Mike Henry, Director Building and Development
Mary Bellinger, Assistant to Director

GUEST PRESENT

Four (4)

I. CALL TO ORDER

Mayor Charles J Wax called the meeting to order at 3:00 p.m.

II. ITEMS FOR CONSIDERATION

A. Orientation by Staff/City Attorney on the function, obligations and duties of the Zoning Board of Adjustment pursuant to Ordinance No. 1512.

Mayor Charles J Wax opened the meeting by stating; Mike Henry will be leading the meeting however I want to thank each member of the Zoning Board of Adjustment for their service. Mayor Wax continued with; this board is different from other boards being that it is almost a judicial board, were as your decision is final, with the next course of action going to court should the applicant wish.

Mike Henry then stated; I (Henry) have copies of a publication titled Duties and Role of the Zoning Board of Adjustment, written by William S. Dalstrom, AICP and Tom

Knickerbocker, AICP. This publication will assist you in understanding the function of this board. There are some State Laws of the do(s) and don't(s) that Mr. Walston will cover in a moment. Mr. Henry continued; the Zoning Commission and Zoning Board of Adjustment go hand and hand, being the Zoning Commission looks at matters of development and how such development may benefit the City, as well as the land owner. The Zoning Board of Adjustment will address physical oddities, such as a river going through their property or a cliff that would not allow the land owner to meet set-back requirements, even trees might be considered. The applicant would need to prove a hardship as to the uniqueness of development. I (Henry) also want to give each member a copy of the Zoning Ordinance. This document will help you (ZBA) understand how properties are zoned and what a property owner can or can't do with their land.

Mr. Walston then stated; I also have a hand out for you (ZBA) that was printed from a UT (University of Texas) seminar and it address Boards of Adjustment. A Board of Adjustment is a quasi-judicial board. If we (City) did not have a Board of Adjustment and a property owner was told by the Building Official and the Planning and Zoning Commission they couldn't do something with their property, the only course of action the property owner would have is go before District Court to plead their case. With that said either party, the City or property owner, can still take their issue to the District Court. However, the purpose of this board is to try to resolve issues so they won't have to go to court. Mr. Walston then thanked the Board Members for their service to the community. Mr. Walston asked the members if they had any questions for him. Member Riley asked; so that I understand anyone can come to the board with a variance request, is that correct? Mr. Walston responded: "If they have been denied something by the city – yes". Member Riley then stated; so if anyone is denied a building permit by the city they may submit an application to the Zoning Board of Adjustment. Mr. Walston responded: "That is correct".

Member Mahoney then asked; do we (ZBA) get involved with the Appraisal District and appraisal of a home? Mr. Walston responded: "Absolutely not". Your responsibility is strictly interpretation to the City's Zoning Ordinance and how it applies to a piece of property as it sits on the ground.

Member Riley asked; will we (ZBA) have access to legal advice? Mr. Walston answered: "That would be my roll".

City Manager Tom Blazek then stated; let me make sure we understand in regards to the Appraisal district. If someone were to tell this board, that if they did not get a variance, it would affect the value of their property - that should have no barring. And with the question of legal council, you (ZBA) should address all questions to Mike Henry and he (Henry) will get an answer and will address the answer to all members as a whole.

Member Pearson then asked; Mr. Henry do we (ZBA) have any applications at this point? Mr. Henry responded; yes, an applicant at 1210 Cedar has an issue with set-backs and has turned in an application. We are looking at December 21st for the first official meeting. Notification will be given at a later time.

B. Orientation by Staff/City Attorney on the function, obligations and duties of the Zoning Board of Adjustment acting as the Building & Standards Commission pursuant to Resolution No. 1019.

Mr. Henry continued; Ordinance No. 1512 establishes the Zoning Board of Adjustment and Resolution No. 10-19 provides the ZBA to also act as the Building and Standard Commission, therefore this board will be wearing dual hats. You will serve as Zoning Board of Adjustment and Building & Standards Commission. The Building & Standards Commission is primarily responsible for hearing cases involving sub-standard structures within the city. Ordinance No. 1455 (a hand-out) addresses this fact. The Code Enforcement officer investigates a sub-standard building, a check list is completed and notice (due process) is sent to the property owner regarding violations. Mr. Henry continued; if a property owner chooses to ignore the notification the Code Enforcement officer will placard the property. If nothing is done we send notice to the paper of said violation at which point the issue would be brought before the Building & Standard Commission. The Commission will then make a decision on how to rectify the situation. Mr. Henry asked if there were any questions.

Member Kramer asked: are we (ZBA) allowed to look at the property in questioned? Mr. Henry responded: yes, in fact it is encouraged, so you (ZBA) will better understand the situation. Mr. Walston stated; you (ZBA) should refrain from actually walking around on the property and view it from the street.

C. General discussion for the nomination of officers to be acted upon at a future meeting.

Mr. Henry stated; the ordinance calls for a Chairman, and Secretary. I (Henry) would also recommend the appointment of a Vice-Chairman. In the event the Chairman is unavailable the Vice-Chairman would conduct the meeting. Mr. Henry than stated; the ordinance also calls for the Board's Secretary to record the minutes of the meeting and submit the minutes to the City Secretary for filing. We (Building Department) may need to address this and amend the ordinance to state that a staff member will record the minutes. This will be on the next agenda for the appointment of officers.

There was no further discussion.

III. ADJOURNMENT

Mr. Henry stated; as there is no further business on the agenda, this concludes our meeting. The meeting was adjourned at approximately 3:30 p.m.

Prepared By:

Mary Bellinger

Mary Bellinger, Assistant to Director

Approved By:

Mike Henry, Director Building and Development