CITY OF ROCKPORT
ZONING BOARD OF ADJUSTMENT MINUTES
5:00 p.m., Tuesday, February 21, 2012
Rockport City Hall, 622 East Market Street

On this the 21st day of February, 2012 the Zoning Board of Adjustment of the City of Rockport held a Called Meeting at 5:00 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

Gilbert Jurenka, Vice-Chairman
Tom Kramer, Secretary
Frank Riley

MEMBERS ABSENT

Todd Pearson, Chairman
Greg Harlan (EX)
Michael Mahoney

STAFF MEMBERS PRESENT

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

GUEST PRESENT

Three (3)

I. CALL TO ORDER

Vice-Chairman Jurenka called the meeting to order at 5:00 p.m.

II. PUBLIC HEARING – The Zoning Board of Adjustment will conduct a Public Hearing to consider a request from Troy M Jessee for relief from the zoning ordinance to property located at 18 Pelican. Purpose of the requests is for a variance to building set-backs between buildings.

Vice-Chairman Jurenka opened the Public Hearing and asked the applicant to address the Board. The applicant stated: My name is Troy Jessee and I own the home at 18 Pelican. We purchased the home 5 years ago and, as you can see, the boat slip was currently in its existing place. The pilings that you see supporting the second floor structure had a deck and railing that was in disrepair. There was not originally a covered structure above that deck. The structure is also connected to the house by a walk bridge that connected to the kitchen sliding doors. There was a column further out that is going to be removed in order to comply with our rear property setback. I originally submitted these plans for approval to the Key Allegro Home Owners Association. They had no quarrel except they

said they do not want us to encroach upon the side setback. We had an existing structure. The association requested we have a roof connection from the new structure to the home and that would give us the ability to not have to abide by the 10 foot separation requirement. When I met with the City they said no, that is not true. The association does not have governance over those City zoning issues affecting such set-backs, so therefore we need to come before you (ZBA) to get a variance. We are here today asking for that variance because we have been very willing to comply with all setbacks that have been asked of us to do up to and including removing part of the deck that had originally existed. As it is right now the structure itself is 4'6". The actual structures, not including the overhang, are 7'9" apart. So, we are asking for a 2'5" variance so that we can build a structure as proposed. I do have a letter from my neighbors that have said yes, they are for it. After some discussion, Member Riley asked: There is a walkway and it is not covered? Heather (architect) answered: The existing walkway needs to be rebuilt. When they took out the deck to remediate the problems they removed the walkway. So, we have the door going to nowhere right now. Member Riley asked: Is there going to be a connecting roof? Mr. Jessee replied: We are not sure what type of roof will be over the walkway at this time. After some additional discussion, Vice-Chairman Jurenka asked if there were any other comments. Hearing none Vice-Chairman Jurenka closed the Public Hearing.

III. ITEMS FOR CONSIDERATION

A. Deliberate and act to approve the Tuesday, March 15, 2011 Meeting Minutes as presented.

Vice-Chairman Jurenka noted the minutes from the meeting held on Tuesday, March 15, 2011, had been approve at the meeting held May 3, 2011.

B. Deliberate and act on a request from Troy M. Jessee for relief from the zoning ordinance to property located at 18 Pelican. Purpose of the request is for a variance to building set-backs between buildings.

Vice-Chairman Jurenka administered the Oath to Mr. Mike Henry and Mr. Troy Jessee.

After a brief discussion, Vice-Chairman Jurenka stated; let's go over the Findings of Fact sheet and answer the findings (see attached).

Vice-Chairman Jurenka asked for any further comments. There being none, he asked for a motion.

Motion: Member Kramer moved to grant the request for variance to building set-backs between buildings on property located at 18 S Pelican Street. Member Riley seconded the motion. All voted in favor – motion carried unanimously.

IV. ADJOURNMENT

Vice-Chairman Jurenka stated that there is no further business on the agenda, the meeting is adjourned. The meeting was adjourned at approximately 5:20 p.m.

Prepared By:

Mary Bellinger

Mary Bellinger, Assistant to Director

Approved By:

Gilbert Jurenka, Vice-Chairman

Tom Kramer, Secretary

City of Rockport
Board of Adjustment
Sign-in Sheet

Applicant: Troy M. Jessee Case Number: 2012-005

Hearing Date: Tuesday, February 21, 2012

Name	Address
Troy M JESSEE	18 PELICAN
Hilary Singer	San Antonio. Tx
Rachel Jessee	" "

EXHIBIT C

City of Rockport
Board of Adjustment
Findings of Fact for Zoning Ordinance Variance

Applicant: Troy M. Jessee Case Number: 2012-005

Lot/Tract/: Lot 13, Block 8, Tract Key Allegro Unit #3

Upon giving public notice and conducting a public hearing on this variance request in accordance with the City of Rockport Code of Ordinances, the Zoning Board of Adjustment adopts these specific, written findings as follows:

		YES	NO
1.	That there are special circumstances or conditions peculiar to the property involved; and	✓	
2.	That the strict application of the terms of the Ordinance will impose upon the applicant unusual and practical difficulties or particular hardship.	✓	
3.	That literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance; and	✓	
4.	That the proposed variance is in harmony with the Ordinance's general purpose and intent; and	✓	
5.	That the granting of the variance will not merely serve as a convenience to the applicant; and	✓	
6.	That the granting of the variance will alleviate some demonstrable and unusual hardship or difficulty for the applicant; and	✓	
7.	That granting the variance will not confer upon the applicant any special privilege that is denied by the Ordinance to other similarly-situated properties in the same district; and	✓	
8.	That the variance is in the public interest and will ensure that public substantial justice will be done.	✓	
9.	That the surrounding property will be properly protected.	✓	
10.	Remaining regulations are adequate to govern the project.	✓	

All findings must be determined in the affirmative for the variance to be granted.

With 3 members present, and upon a vote of 3 for, 0 against, and 0 abstaining, the variance is hereby:

✓ **Granted** _____ **Denied**

R. R. Green
Presiding Officer of the Zoning Board of Adjustment

Date 2/21/2012

EXHIBIT B