ZONING BOARD OF ADJUSTMENT MINUTES

On this the 2nd day of April, 2013 the Zoning Board of Adjustment of the City of Rockport held a Called Meeting at 5:30 p.m. at the City Hall, 622 E. Market Street, Rockport, Texas 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	Members Absent
Todd Pearson, Chairman	Gilbert Jurenka, Vice-Chairman (EX)
Tom Kramer, Secretary	Greg Harlan (ALT) (EX)
Michael Mahoney	
Leo Villa	
Frank Riley (ALT)	

Staff Members Present

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

Guest(s) Present

One (1)

Call to Order

1. Called meeting to order at approximately 5:30 p.m.

2. Chairman Pearson opened the Public Hearing. Public Hearing to consider a request for relief from the zoning ordinance to property located at 1226 Lady Claire, also known as Lot 7, Block 254, Smith and Wood, Rockport, Aransas County, Texas. Purpose of the request is for a variance to erect and extend a carport into building set-back areas from the front and side property lines. Current owner is Thomas W. St. John.

Chairman Pearson stated; there is no one here from the public or interested parties so we will close the public hearing.

3. Deliberate and act to approve the Monday, February 5, 2013 meeting minutes as presented.

Chairman Pearson asked for a motion to accept minutes from meeting held February 5, 2013. Member Villa moved to accept minutes as written. Member Mahoney seconded the motion. All voted in favor – motion carried unanimously.

4. Deliberate and act on a request for relief from the zoning ordinance to property located at 1226 Lady Claire, also known as Lot 7, Block 254, Smith and Wood, Rockport, Aransas County, Texas. Purpose of the request is for a variance to erect and extend a carport into building set-back areas from the front and side property lines. Current owner is Thomas W. St. John.

Chairman Pearson administered the Oath to staff member Mike Henry and Ms. Thomas St. John.

Chairman Pearson asked staff to present this item. Mr. Henry stated; Mr. St. John with plans for building a carport in the front of his house at 1226 Lady Claire. City Inspector Gary Payne reviewed the plans and indicated to Mr. St. John that he did not meet the setback requirements for the carport. In your packet is a copy of a survey done back in 1963. This survey shows a 23 foot building line which is probably still accepted today even though our ordinance says 25 feet front setback and this was done in 1963 some years before we had a zoning ordinance. The carport will extend from his garage out toward the front property line extending into the front building setback. This, under the current zoning ordinance, would be a violation of the ordinance. Mr. St. John was advised to apply for a variance. He is here tonight. In the packet is the carport that he wants to build over the driveway only has about 18 feet from either the front property line or the pavement edge. The picture from the appraisal district showing the pictorial overview of the property with the property lines superimposed onto the lots. We did notify the property owners within 200 feet of the applicant's property and we have not received any comments either for or against it.

Chairman Pearson asked for Mr. St. John's comments. Mr. St. John stated; I would just like to have the carport at the front of the house to protect my car and truck. From what we have recently seen in the area, we do occasionally get hail and I have a brand new truck I would like to park underneath something. It won't fit in the garage, it is too wide. I think that a carport would be the cheapest way for me to go that I can afford. I would like to be able to use my entire property and it will not block the streets. There are not any sides on it just the posts. Chairman Pearson asked; you have a concrete pad out there now. Mr. St. John stated; yes sir. Chairman Pearson asked; would this just cover the concrete pad. Mr. St. John stated; it would hang over about 2 feet on the street side and 4 feet on the yard side.

Chairman Pearson asked for questions from the Board. Mr. Villa asked; how long in advance were the citizens in the area given notification. Mr. Henry stated; they were given 15 days.

Member Mahoney asked; the 18 feet and 20 feet shows on the curve. How much land is there between the property line and the street? The deed restrictions call for 20 feet building line. It appears to me though that the carport is going almost to the front property line. Mr. St. John said; about 2 feet but it can move either way. Member Mahoney stated; they make these building setbacks for a purpose. Mike, is there room for the 5 foot setback on the side? Mr. Henry stated; according to the survey there is a 6 foot separation between right corners. Mr. Mahoney stated; but if you go out straight, you will

go very close to that side property line. My opinion is that the encroachment is way too much of a variance. Mr. St. John stated; I have pictures of about 15 other carports in the neighborhood that are way closer that what I am requesting a variance for.

After some additional discussion of the neighboring properties and their carports, the board concluded there several inconsistencies in the buildings in the area.

Member Kramer stated; it appears to me that if you follow the same line as the side of the house that you will go over the side property line. It would need to be turned so it won't go over the side property line. Mr. St. John stated; I am going to have it set square with the existing driveway not with the house. Mr. Mahoney stated; I would say that it needs to be 5 foot side yard setback to your pole at least. Mr. St. John stated; it won't be 5 foot on the side. It will be up by the house but out by the end of the driveway it will only be 2 or 3 feet.

Chairman Pearson stated; well if Cherry St. is ever expanded to fill its 100 feet of right-of-way, it will really encroach on your house. It is unlikely that would ever happen though.

After some additional discussion on how Cherry St. and Lady Claire meet at the corner, Chairman Pearson asked for any other questions.

Chairman Pearson asked; Mike, does the staff have a recommendation? Mr. Henry stated; well we did give a recommendation. We told him he would not be able to do it, thus he applied for a variance.

After some additional discussion, Chairman Pearson stated; let's go over the Findings of Fact sheet and answer those questions. After answering the Findings of Fact questions in the majority of non-affirmative answers, the board finds that the application for variance must be denied.

Adjournment

Chairman Pearson stated that there is no further business on the agenda asked for a motion to adjourn. Member Riley moved to adjourn. Member Villa seconded the motion. All voted in favor – motion carried unanimously. The meeting was adjourned at approximately 6:08 p.m.

Prepared By:

Mary Bellinger

Mary Bellinger, Assistant to Director

Approved By:

Todd Pearson, Chairman

Tom Kramer

Tom Kramer, Secretary

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

Applicant: THOMAS ST. JOHN Case Number: 2013-008

Lot/Tract/: LOT 7, BLOCK 254, SMITH & WOODS

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	~~4~~	~~1~~
2.	That the strict application of the terms of the Ordinance will impose upon the applicant unusual and practical difficulties or particular hardship.	3	2
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	5	
4.	That the proposed variance is in harmony with the Ordinance's general purpose and intent; and		5
5.	That the granting of the variance will not merely serve as a convenience to the applicant; and		5
6.	That the granting of the variance will alleviate some demonstrable and unusual hardship or difficulty for the applicant; and	3	2
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	5	
8.	That the variance is in the public interest and will ensure that public substantial justice will be done.		5
9.	That the surrounding property will be properly protected.	5	
10.	Remaining regulations are adequate to govern the project.	3	

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

With 5 members present, and upon a vote of _____ for, _____ against, and _____ abstaining, the variance is hereby:

_____ **Granted** ✓ **Denied**

Presiding Officer of the Zoning Board of Adjustment

4/2/13
Date

EXHIBIT B

City of Rockport
Board of Adjustment
Sign-in Sheet

Applicant: Thomas St. John Case Number: 2013-008

Hearing Date: April 2, 2013

Name	Address
Todd Pearson	1830 Bayshore Rockport
Frank Reilly	1815 Crescent Drive, Rockport
LEO VILLA	520 So. Fuqua
Thomas St John	1226 LADY CLARE
TOM KRAMER	1228 So. LIVE OAK ST.
Mike Mahney	2211 Cape Charles

EXHIBIT C

PUBLIC HEARING

Zoning Board of Adjustment

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Tuesday, April 2, 2013 at 5:30 p.m., Rockport City Hall, 622 E. Market, Rockport, Texas, to consider a request for relief from the zoning ordinance to property located at 1226 Lady Claire, also known as Lot 7, Block 254, Smith and Wood, Rockport, Aransas County, Texas. Purpose of the request is for a variance to erect and extend carport into building set-backs from the front and side property lines. Current owner is Thomas W. St. John.

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or FAX (361) 790-5966 or e-mail citysec@cityofrockport.com for further information. Braille is not available.

POSTED this the 13th day of **March, 2013** on the bulletin board at Rockport City Hall, 622 E. Market Street, Rockport, Texas and on the webpage www.cityofrockport.com. **TIME: 5:00 p.m. NOTICES** sent to the applicant and to affected property owners within 200 feet of the subject property on March 15, 2013. **PUBLISHED** in *The Rockport Pilot* in the Saturday, March 16, 2013 Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS

Pat Brown

Pat Brown, Interim City Secretary