



**ZONING BOARD
OF ADJUSTMENTS
PACKET**

September 26, 2024

ZONING BOARD OF ADJUSTMENT AGENDA

Notice is hereby given that the Rockport Zoning Board of Adjustment will hold a Meeting on Thursday, September 26, 2024, at 5:30 p.m. The meeting will be held at City of Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Public participation is valued and citizens wishing to express their views on agenda items can electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/BoardsCitizenParticipation> or scanning the QR code to the right. Using the same form, citizens can also provide written comments to the Community Planner by 4:00 p.m. on the day of the meeting. The Chair will read the comments and they will be summarized in the minutes of the meeting.



The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.

Public Hearing

2. Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for the Building Types and Setback requirements for each Building Type as defined in the Key Allegro Island Estates Design Code found under Clerk's File NO. 000377423 filed for record on September 30, 2020 to be utilized in place of the setbacks as set forth in the City of Rockport Code of Ordinances, Sec 118-20.

Regular Agenda

3. Deliberate and act on August 1, 2023, regular meeting minutes.
4. Deliberate and act on a request for relief from the Zoning Ordinance for the Building Types and Setback requirements for each Building Type as defined in the Key Allegro Island Estates Design Code found under Clerk's File NO. 000377423 filed for record on September 30, 2020 to be utilized in place of the setbacks as set out in City of Rockport Code of Ordinances Sec 118-20.
5. Adjournment.

Special Accommodations

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.

Certification

I certify that the above notice of meeting was posted on the bulletin board at Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, September 20, 2024, by 5:00 p.m. and on the City's webpage at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*, and *Corpus Christi Caller Times*.

Carey Dietrich

Carey Dietrich, Asst Director Building & Development

Zoning Board of Adjustment AGENDA
Regular Meeting: Thursday, September 26, 2024

AGENDA ITEM: 2

Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for the Building Types and Setback requirements for each Building Type as defined in the Key Allegro Island Estates Design Code found under Clerk's File NO. 000377423 filed for record on September 30, 2020 to be utilized in place of the setbacks as set forth in the City of Rockport Code of Ordinances, Sec 118-20.

SUBMITTED BY: Community Planner / Carey Dietrich

BACKGROUND: There have been several instances where Staff has had to deny permit requests for new construction on Key Allegro due to the setback conflict. In each case the current adopted setbacks in Sec 118-20 caused the buildable area of the Lot to be minimal and not compatible to standard construction methodology and places a hardship on property owners to develop their property.

A public notice regarding this item was published in The Rockport Pilot in the Thursday, September 5, 2024 edition and the KACPOA distributed the mail out information to Key Allegro property owners. Five letters For and No letters Against the request have been received at this time.

RECOMMENDATION: No action required. Public hearing only.



PUBLIC HEARING

Zoning Board of Adjustment

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday, September 26, 2024, at 5:30 p.m., **City of Rockport Service Center- 2751 State Highway 35 Bypass, Rockport, Texas,** to consider a request for relief from the Zoning Ordinance for the Setbacks adopted in the Key Allegro Island Estates Design Code for properties located in the Key Allegro Subdivision, City of Rockport, Aransas County, Texas..

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 5th day of September, 2024, at 4:00p.m., on the bulletin board at City of Rockport Service Center, 2751 S.H. 35 Bypass, Rockport, Texas and on the webpage www.cityofrockport.com.

PUBLISHED: in *The Rockport Pilot* in the Thursday, September 5, 2024 Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS

Carey Dietrich

Carey Dietrich,
Asst Director Building & Development
Community Planner

STAFF REPORT

Building & Development Services | Carey Dietrich, Community Planner
2751 SH 35 Bypass, Rockport, TX 78362
Phone: (361) 790-1125, x. 226 | Email: communityplanner@cityofrockport.com

**PROPERTY ADDRESS/LOCATION**

Key Allegro Subdivision

APPLICANT/PROPERTY OWNER

KACPOA

PUBLIC HEARING DATE

ZBA – Thursday, September 26, 2024
CC – N/A

ZBA DATE

ZBA – Thurs., September 26, 2024

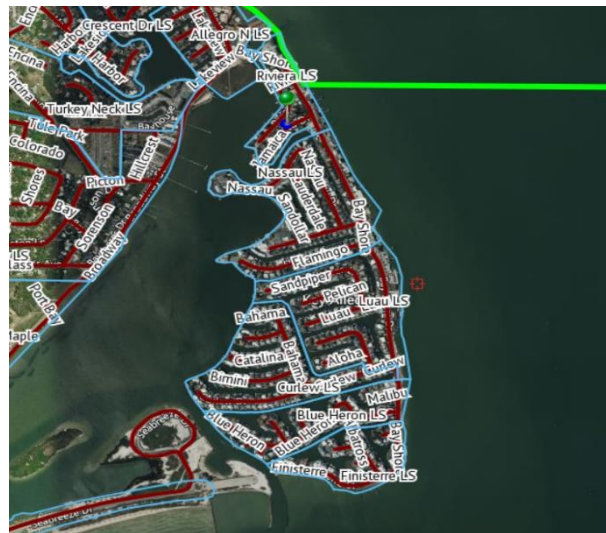
CITY COUNCIL DATE(S)

1st Reading – N/A
2nd Reading – N/A

BRIEF SUMMARY OF REQUEST

There have been several instances where Staff has had to deny permit requests for new construction on Key Allegro due to the setback conflict. In each case the current adopted setbacks in Sec 118-20 caused the buildable area of the Lot to be minimal and not compatible to standard construction methodology and places a hardship on property owners to develop their property.

A public notice regarding this item was published in The Rockport Pilot in the Thursday, September 5, 2024 edition and the KACPOA circulated the mailout information to homeowners in the Key Allegro Subdivision. Five letters For and No letters Against the request have been received at this time.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
Primarily R-2 – 2nd Single Family Dwelling District with some R-5, R-6 and B-1.	Subdivision	N – R-2 (2 nd Single Family Dwelling District) S – R-2 (2 nd Single Family Dwelling District) E – R-2 (2 nd Single Family Dwelling District) W – R-2 (2 nd Single Family Dwelling District)		All of Key Allegro Subdivision

STAFF RECOMMENDATION**APPROVE****APPROVE WITH CONDITIONS****DENY****COMPATIBILITY with the ZONING ORDINANCE**

The Current Future Land Use Map suggests Primarily R-1(1st Single Family Dwelling District), with some R-5 (2nd Multi-Family Dwelling District)

PROPERTY HISTORY

Current Zoning:

Primarily R-2(2nd Single Family Dwelling District), with some R-5 (2nd Multi-Family Dwelling District), R6 (Hotel Motel District) and B1 (General Business District).

Staff recommends approval of the Variance Request

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

ZONING BOARD OF ADJUSTMENTS MINUTES

On this the 1st day of August, 2024, the Zoning Board of Adjustments held a Meeting at 5:30 p.m., at City of Rockport Service Center 2751 S H 35 Bypass, Rockport. Texas. Notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

Members Present

Warren Hassinger, Chair
Rick Smith
Patt Bemrose
Brandi Picton

Members Absent

Pamela Dixon Frost
Janetta Davis
Rocky Gudim

Staff Members Present

Mike Donaho, Director of Public Works & Building Services
Carey Dietrich, Asst Dir Building & Development / Community Planner
Belinda Garcia, Administrator Coordinator
Patti Dodson, Planning Technician
Robert Argetsinger, IT

Guest(s) Present

Two (2). One being the owner, Jeff Fulbright.

Open Meeting

1. Called meeting to order at approximately 5:31 p.m.

Public Hearing

Chairman Hassinger opened the Public Hearing at approximately 5:31pm.

2. Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for property located at 218 Coastal Wildwood Drive; also known as Coastal Wild Wood Phase 2, Lot 26, 3.248 acres, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Accessory Use regulations requiring an accessory structure to be dependent on the main structure for utilities.

Owner Jeff Fulbright spoke.

Regular Agenda

Chairman Hassinger opened the regular meeting at approximately 5:35pm

3. Deliberate and act on October 3, 2023, regular meeting minutes.

Motion: Member Smith made a motion to accept minutes as presented. Member Bemrose seconded the motion. **Motion passed unanimously.**

4. Deliberate and act on a request for relief from the Zoning Ordinance for property located at 218 Coastal Wildwood Drive; also known as Coastal Wild Wood Phase 2, Lot 26, 3.248 acres, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Accessory Use regulations requiring an accessory structure to be dependent on the main structure for utilities.

Member Smith spoke. Owner Jeff Fulbright spoke. Community Planner Carey Dietrich spoke. Chairman Hassinger spoke. Member Picton spoke. Member Bemrose spoke.

Chairman Hassinger read the ten (10) Findings of Fact, which must be determined in the affirmative for the variance to be granted. See attached. All 10 items were affirmative, and all voted Aye in favor.

Motion: Member Smith made a motion to Grant the Variance. Member Picton seconded the motion. **Motion passed unanimously.**

Adjournment

Member Picton made a motion to adjourn. Member Bemrose seconded the motion. Chairman Hassinger adjourned the meeting at approximately 5:46 p.m.

Prepared By:

Patti Dodson, Planning Technician

Approved By:

Warren Hassinger, Chairman

ZONING BOARD OF ADJUSTMENTS AGENDA

Regular Meeting: Thursday, September 26, 2024

AGENDA ITEM: 4

Deliberate and act on a request for relief from the Zoning Ordinance for the Building Types and Setback requirements for each Building Type as defined in the Key Allegro Island Estates Design Code found under Clerk's File NO. 000377423 filed for record on September 30, 2020 to be utilized in place of the setbacks as set forth in the City of Rockport Code of Ordinances, Sec 118-20.

SUBMITTED BY: Carey Dietrich- Asst. Director Building & Development/ Community Planner

BACKGROUND: There have been several instances where Staff has had to deny permit requests for new construction on Key Allegro due to the setback conflict. In each case the current adopted setbacks in Sec 118-20 caused the buildable area of the Lot to be minimal and not compatible to standard construction methodology and places a hardship on property owners to develop their property.

Staff has reviewed the Design Code and the Key Allegro Plats and have come to the conclusion that due to the irregular lot sizes and canal frontage lots the set backs designated in the Design Code are appropriate for this subdivision.

A public notice regarding this item was published in The Rockport Pilot in the Thursday, September 5, 2024 edition and the KACPOA distributed the mail out information to Key Allegro property owners. Five letters For and No letters Against the request have been received at this time.

Please see the accompanying Variance request application and Section 118-20 of the Code of Ordinances for detail information.

RECOMMENDATION: Staff recommends the ZBA grant the Variance for the Building Types and Setback requirements for each Building Type as defined in the Key Allegro Island Estates Design Code found under Clerk's File NO. 000377423 filed for record on September 30, 2020 to be utilized in place of the setbacks as set out in City of Rockport Code of Ordinances Sec 118-20.



City of Rockport

Building & Development – 2751 SH 35 Bypass, Rockport, TX 78382 • (361) 790-1125 • FAX (361) 729-6476
www.cityofrockport.com

VARIANCE APPLICATION

A separate variance application for each (non-compliant) condition within a single building or facility must be submitted by the owner (or owner's designated agent) and must include a \$150.00 **non-refundable application fee**.

In addition, the application must be accompanied by plans (site and/or architectural) of all affected areas and any supporting documentation that provides adequate proof to the Zoning Board of Adjustment that compliance with the City of Rockport's Code of Ordinances is impractical or irrelevant to the nature, use, or function of the building or facility.

** IMPORTANT INFORMATION **

The appeal shall be made within 10 business days after the decision of the administrative official is made, by filing with the administrative official a completed application for appeal and filing fee. Incomplete applications and applications received without the required fee(s) will not be processed.

FORM MUST BE COMPLETED IN FULL

PLEASE PRINT OR TYPE

1. Has this project been reviewed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. If yes, name of reviewer:
3. Has this project been inspected? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. If yes, name of inspector & date of inspection:

5. Project Name: Key Allegro Design Code			
6. Building/Facility Name: KACPOA			
7. Address: 29 Mazatlan	Suite #:	City: Rockport	Zip Code: 78382

8. Description: Indicate the type of project: <input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Alteration	9. Scope of Work (Describe the construction activities): Rear set backs on all build types
--	--

10. Square Footage of Building: 0	11. Square Footage Per Floor: 0
12. Is this building a qualified historic building: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, a copy of the determination of effect letter from the Texas Historical Commission (THC) must accompany this application.	13. State the specific location of the violation within the building or site:

14. Intent to Apply: I hereby apply for a variance from the City of Rockport Zoning Board of Adjustment. (Check one) I am the <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Owner's Agent			
15. Name: Chris Veatch		16. Company/Firm: KACPOA	
17. Address: 29 Mazatlan		18. City: Rockport	
21. Phone #: 361-557-4252		19. State: TX	20. Zip Code: 78382
24. Signature: 		22. Fax #: —	23. E-mail: creatch@spectrumam.com
		25. Date:	

EXHIBIT A



NOTICE OF PUBLIC HEARING

Rockport Zoning Board of Adjustments

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday, September 26, 2024, at 5:30 p.m., City of Rockport Service Center- 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request for relief from the Zoning Ordinance for the Setbacks adopted in the Key Allegro Island Estates Design Code for properties located in the Key Allegro Subdivision, City of Rockport, Aransas County, Texas.

Public participation is valued and citizens wishing to express their views during the Public Hearing can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation>, or if attending the meeting in person register at the meeting before the meeting begins. Using the same form, citizens can also provide written comments to the City Planner by 3:00 p.m. on the day of the Zoning Board of Adjustments meeting. The comments will be read and summarized in the minutes of the meeting.

The City encourages citizens to participate and make their views known at the Public Hearings. For further information on this request, please contact the Building Department at (361) 790-1125.

CITY OF ROCKPORT, TEXAS

/s/ Shelley Goodwin, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: Jeff Fuecher
Address: 15 Luan Lane

City/State: Rockport, TX

(☒) IN FAVOR () IN OPPOSITION

Phone: 979 541 9292

REASON:

Signature

See map on reverse side.



NOTICE OF PUBLIC HEARING
Rockport Zoning Board of Adjustments

RECEIVED
SEP 05 2024
BY: _____

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Printed Name: JOHN HANCOCK III
Address: 23 FINISTERRE

City/State: ROCKPORT / TX

☒ IN FAVOR () IN OPPOSITION

Phone: _____

REASON:

I AM IN FAVOR FOR RELIEF FROM THE ZONING ORDINANCE AS IT RELATES TO SET BACKS. AS EVIDENCE BY THE EXISTING CONSTRUCTION, THE DESIGN CODE THE KACPOA HAS ENFORCED IN THE PAST HAS SERVED KEY ALLEGRO WELL. PLEASE TAKE THIS INTO CONSIDERATION.

Signature

See map on reverse side.



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Printed Name:

Chris Veatch

Address:

29 Mazatlan Rockport TX

City/State:

☒ IN FAVOR () IN OPPOSITION

Phone: 361-557-4252

REASON:


Signature

See map on reverse side.



NOTICE OF PUBLIC HEARING

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Printed Name: Bill and Susan O'Bryant

Address: 39 Blue Heron Drive

City/State: Rockport, TX. 78382

☒ IN FAVOR () IN OPPOSITION

Phone: 210.771.4730 (Bill)
361.774.4474 (Susan)

REASON:


Signature

See map on reverse side.



NOTICE OF PUBLIC HEARING

Rockport Zoning Board of Adjustments

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Printed Name: Rickey Williams

Address: 606 CSR 125

City/State: Rockport, TX

Phone: 832-245-6975

☒ IN FAVOR

() IN OPPOSITION

REASON:

Signature

See map on reverse side.



DESIGN CODE
GRAPHIC VERSION - 07-28-21

of such streets or toward the intersection of such streets, as determined in the sole discretion of the ACC.

PART 7

BUILDING TYPES

Each Lot in Key Allegro is assigned a building type. Refer to the Addendum at the end of this Design Code for the map and full list. The building types are referenced throughout the remainder of this Design Code.

PART 8

SETBACKS

No residence or Improvement may be constructed on any Lot nearer to a street than the minimum building setback lines shown on the Plat or the Design Code. Additionally, no Improvement shall be located on any drainage, utility, or conservation easement, unless otherwise permitted pursuant to Applicable Law.

The minimum setbacks from property lines shall be as follows:

Type 1-A

- Front/street: 15 feet
- Sides: 5 feet
- Rear/canal/bay: 5 feet

Type 1-B

- Front/street: 20 feet
- Sides: 5 feet
- Rear/canal/bay: 5 feet
- Riviera Drive is considered the front/street side and Jamaica Drive is considered the rear.

Type 1-C

- Front/street: 20 feet
- Sides: 5 feet
- Rear/canal/bay: 10 feet

Type 2

- Front/street: 20 feet
- Sides: 5 feet
- Rear/canal/bay: 5 feet

Type 3-A

- Front/street: 20 feet
- Sides: 5 feet
- Rear/canal/bay: 5 feet

Type 3-B

- Front/street: 20 feet
- Sides: 5 feet
- Rear/canal/bay: 5 feet

Type 4

- Front/street: 20 feet
- Sides: 5 feet
- Rear/canal/bay: 10 feet

Type 5

- Front/street: 20 feet
- Sides: 5 feet
- Rear/canal/bay: 15 feet

Type 6-A

- Front/street: 20 feet
- Sides: 5 feet
- Rear/canal/bay: 20 feet

Type 6-B

- Front/street: 20 feet
- Sides: 5 feet
- Rear/canal/bay: 20 feet

PART 9

ENCROACHMENTS

Projecting balconies on the second story (located a minimum of eight feet above grade, excluding brackets and beams below) may encroach into the setbacks a maximum of four feet on the front/street side of the house and two feet on the rear, canal, or bay side.

Such encroachments shall:

- Cantilever without any structure below except brackets or beams, and
- Only be unconditioned outdoor living space.

For Type 1-B, Riviera Drive is considered the front/street side and Jamaica Drive is considered the rear.

PART 10

HEIGHTS

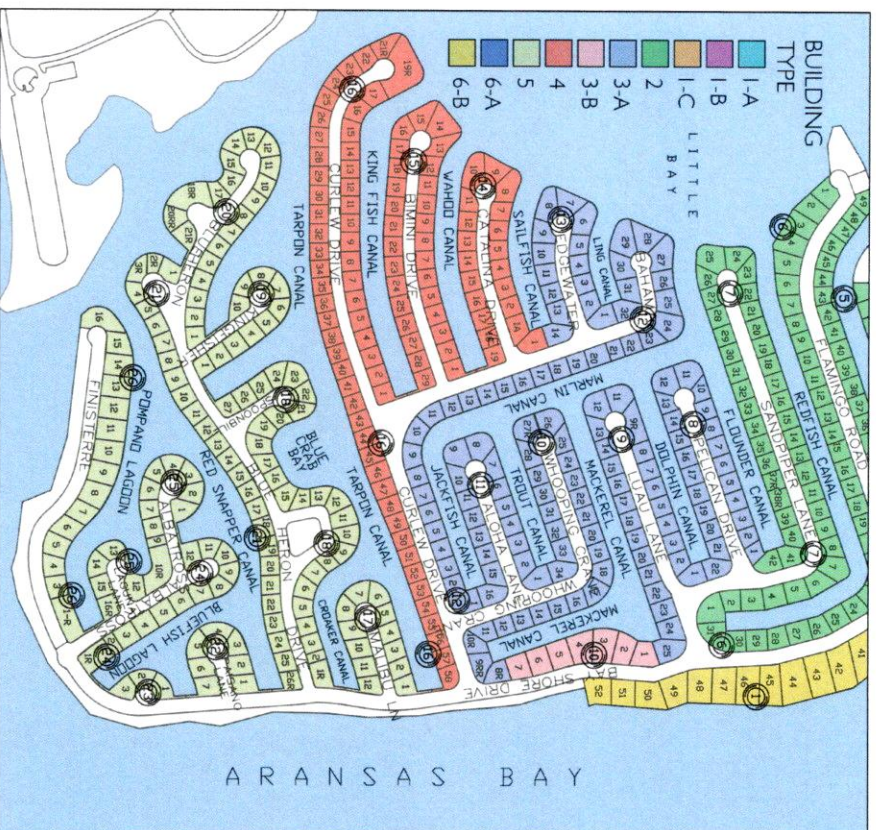
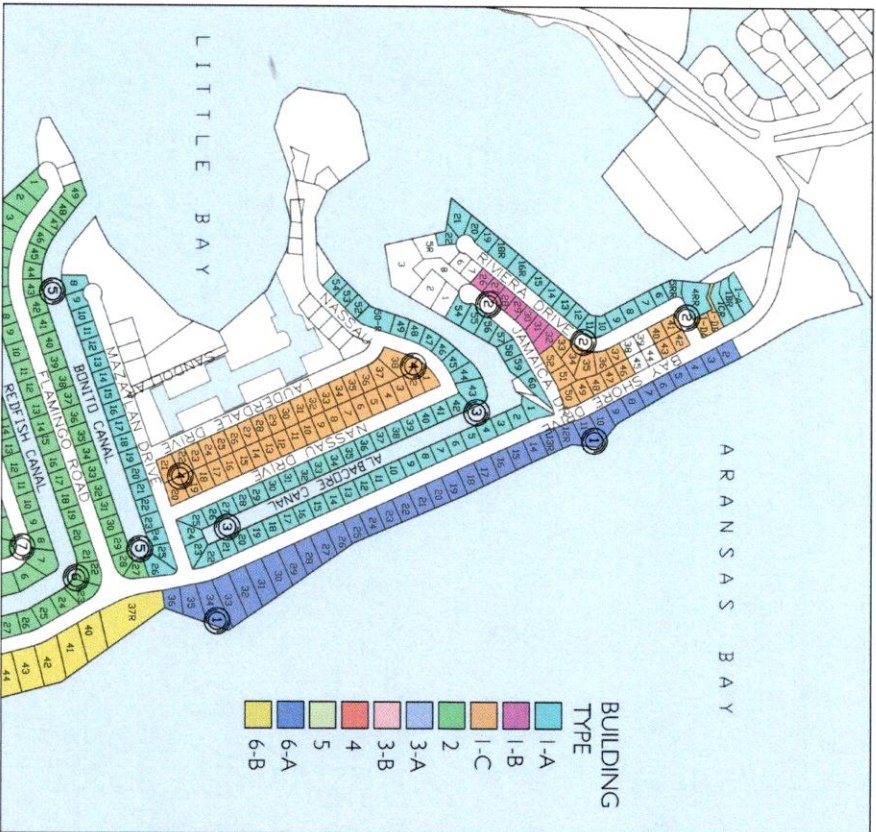
VI-A

Minimum elevation

Houses with a slab foundation shall have a minimum finished floor elevation of 7.5 feet per NAVD 88 datum.

BUILDING TYPES

Each lot at Key Allegro is assigned a building type as follows:



- Lot 14 Block 20: Type 5
 - Lot 15 Block 20: Type 5
 - Lot 16 Block 20: Type 5
 - Lot 17 Block 20: Type 5
 - Lot 18R Block 20: Type 5
 - Lot 20RR Block 20: Type 5
 - Lot 21R Block 20: Type 5
- Block 21**
- Lot 1 Block 21: Type 5
 - Lot 2R Block 21: Type 5
 - Lot 3R Block 21: Type 5
 - Lot 4 Block 21: Type 5
 - Lot 5 Block 21: Type 5
 - Lot 6 Block 21: Type 5
 - Lot 7 Block 21: Type 5
 - Lot 8 Block 21: Type 5
 - Lot 9 Block 21: Type 5
 - Lot 10 Block 21: Type 5
 - Lot 11 Block 21: Type 5
 - Lot 12 Block 21: Type 5
 - Lot 13 Block 21: Type 5
 - Lot 14 Block 21: Type 5
 - Lot 15 Block 21: Type 5
 - Lot 16 Block 21: Type 5
 - Lot 17 Block 21: Type 5
- Block 25**
- Lot 1 Block 25: Type 5
 - Lot 2 Block 25: Type 5
 - Lot 3 Block 25: Type 5
 - Lot 4 Block 25: Type 5
 - Lot 5 Block 25: Type 5
 - Lot 6 Block 25: Type 5
 - Lot 7 Block 25: Type 5
 - Lot 8 Block 25: Type 5
 - Lot 9 Block 25: Type 5
 - Lot 10R Block 25: Type 5
 - Lot 12 Block 25: Type 5
 - Lot 13 Block 25: Type 5
 - Lot 14 Block 25: Type 5
 - Lot 15 Block 25: Type 5
 - Lot 16R Block 25: Type 5

- For i

- Lot 20 Block 21: Type 5
 - Lot 21 Block 21: Type 5
 - Lot 22 Block 21: Type 5
 - Lot 23 Block 21: Type 5
 - Lot 24 Block 21: Type 5
 - Lot 25 Block 21: Type 5
 - Lot 26R Block 21: Type 5
- Block 22**
- Lot 1 Block 22: Type 5
 - Lot 2 Block 22: Type 5
 - Lot 3 Block 22: Type 5
 - Lot 4 Block 22: Type 5
 - Lot 5 Block 22: Type 5
 - Lot 6 Block 22: Type 5
 - Lot 7 Block 22: Type 5
- The building types are referred to as follows:

Design C

- Lot 1 Block 23: Type 5
 - Lot 2 Block 23: Type 5
 - Lot 3 Block 23: Type 5
- Block 24**
- Lot 1R Block 24: Type 5
 - Lot 2 Block 24: Type 5
 - Lot 3 Block 24: Type 5
 - Lot 4 Block 24: Type 5

The building types are referenced throughout the remainder of this Design Code.

ZONING MAP



The map displays the following subdivisions and landmarks:

- Subdivisions:** Harbor Oaks Subdivision, Hillcrest Subdivision, Little Bay Shores Subdivision, Key Allegro Island Estates, and Little Bay Lagoon.
- Streets:** Harbor Oaks Drive, Hillcrest Drive, Little Bay Shores Drive, Key Allegro Island Estates Drive, Little Bay Lagoon Drive, and various residential streets.
- Landmarks:** Little Bay Lagoon, Little Bay Park, Little Bay Beach, and Little Bay Marina.
- City Limits:** Rockport City Limits (indicated by a dashed red line).