



**ZONING BOARD OF  
ADJUSTMENT  
PACKET**

**February 27, 2023**

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## ZONING BOARD OF ADJUSTMENT AGENDA

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Notice is hereby given that the Rockport Zoning Board of Adjustment will hold a Meeting on Monday, February 27, 2023, 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**

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1. Call meeting to order.

### **Public Hearing**

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2. Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for property located at 406 South Austin Street; also known as Doughty & Mathis, Block 8, Lot 6, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to an enclosure on separate lot located at 401 Water Street also known as Doughty & Mathis, Block 8, Lots 1&2, City of Rockport, Aransas County, Texas as indicated in Chap 118, Sec 24.2.3 of the City of Rockport Code of Ordinance.
3. Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for property located at 901 East Nopal Street; also known as S5550 Smith and Wood Blk 42 Lot 14-R, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Minimum Rear Set Back regulations per the properties' R-3 Duplex Dwelling District designation as indicated in Chap 118, Sec 20.2 of the City of Rockport Code of Ordinance.

### **Regular Agenda**

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4. Deliberate and act on October 10, 2022, regular meeting minutes.
5. Deliberate and act on a request for relief from the Zoning Ordinance for property located at 406 South Austin Street; also known as Doughty & Mathis, Block 8, Lot 6, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to an enclosure on the lot next to the main building at 401 Water Street as indicated in Chap 118, Sec 24.2.3 of the City of Rockport Code of Ordinance.
6. Deliberate and act on a request for relief from the Zoning Ordinance for property located at 901 East Nopal Street; also known as S5550 Smith and Wood Blk 42 Lot 14-R, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Minimum Rear Set Back regulations per the properties' R-3 Duplex Dwelling District designation as indicated in Chap 118, Sec 20.2. of the City of Rockport Code of Ordinance.

## 7. Adjournment

### **Special Accommodations**

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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](mailto:citysec@cityofrockport.com) for further information. Braille is not available.

### **Certification**

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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 Wednesday, February 22, 2023, by 5:00 p.m. and on the City's webpage at [www.cityofrockport.com](http://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 / Community Planner

**Zoning Board of Adjustment AGENDA**  
**Regular Meeting: Monday, February 27, 2023**

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**AGENDA ITEM: 2**

Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for property located at 406 South Austin Street; also known as Doughty & Mathis, Block 8, Lot 6, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to an enclosure on separate lot located at 401 Water Street also known as Doughty & Mathis, Block 8, Lots 1&2, City of Rockport, Aransas County, Texas as indicated in Chap 118, Sec 24.2.3 of the City of Rockport Code of Ordinance.

**SUBMITTED BY:** Community Planner / Carey Dietrich

**APPROVED FOR AGENDA:**

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**BACKGROUND:** Property owner Bonnie Carlisle requests to be allowed to have a utility structure on property located at 401 Water St which is adjacent to her business located at 406 S Austin St. for the purposes of housing portable restrooms (porta-potties) to service her business.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, February 11, 2023 edition and mailed out to Sixteen (16) property owners within a 200-foot radius of the property. No letters For and One (1) Against the request have been received at time of PH.

Please see the accompanying variance request application and Section 118-24.2.3 of Code of Ordinances for detail information.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** No action required. Public hearing only.



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## PUBLIC HEARING

### Zoning Board of Adjustment

**NOTICE** is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Monday, February 27, 2023, 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 property located at 406 South Austin Street; also known as Doughty & Mathis, Block 8, Lot 6, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to an enclosure on the lot next to the main building at 401 Water Street of the City of Rockport Code of Ordinance.

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 Community Planner office at (361) 729-2213 ext. 226 or e-mail [communityplanner@cityofrockport.com](mailto:communityplanner@cityofrockport.com) for further information. Braille is not available.

**POSTED:** this the 7<sup>th</sup> day of February 2023, at 1:15 p.m., on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website [www.cityofrockport.com](http://www.cityofrockport.com).

**PUBLISHED:** in *The Rockport Pilot* in the Saturday, February 11, 2023 Edition, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

  
Teresa Valdez, City Secretary

**Zoning Board of Adjustment AGENDA**  
**Regular Meeting: Monday, February 27, 2023**

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**AGENDA ITEM: 3**

Deliberate and act on a request for relief from the Zoning Ordinance for property located at 901 East Nopal Street; also known as S5550 Smith and Wood Blk 42 Lot 14-R, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Minimum Rear Set Back regulations per the properties' R-3 Duplex Dwelling District designation as indicated in Chap 118, Sec 20.2 of the City of Rockport Code of Ordinance.

**SUBMITTED BY:** Community Planner / Carey Dietrich

**APPROVED FOR AGENDA:**

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**BACKGROUND:** Property owner Dean Rittimann requests a reduction of the rear setback from 20' to 5' for the purpose of building a garage without first having an AEP power pole relocated.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, February 11, 2023 edition and mailed out to Eleven (11) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at time of PH.

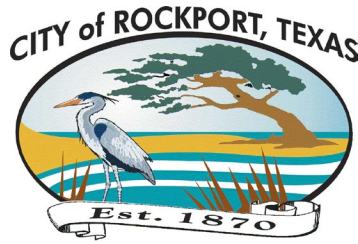
Please see the accompanying variance request application and Section 118-20 of Code of Ordinances for detail information.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** No action required. Public hearing only.



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## PUBLIC HEARING

### Zoning Board of Adjustment

**NOTICE** is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Monday, February 27, 2023, 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 property located at 901 East Nopal Street; also known as S5550 Smith and Wood Blk 42 Lot 14-R, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Minimum Rear Set Back regulations per the properties' R-3 Duplex Dwelling District designation as indicated in Section 118-20.2. of the City of Rockport Code of Ordinance.

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**POSTED:** this the 7th day of February, 2023, at 10:00 a.m., on the bulletin board at Rockport City Hall, 2751 State Highway 35 Bypass, Rockport, Texas and on the webpage [www.cityofrockport.com](http://www.cityofrockport.com).

**PUBLISHED:** in *The Rockport Pilot* in the Saturday, February 11, 2023 Edition, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

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Teresa Valdez, City Secretary

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## **ZONING BOARD OF ADJUSTMENTS MINUTES**

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On this the 10<sup>th</sup> day of October 2022, 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.

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### **Members Present**

Warren Hassinger  
Patt Bemrose  
Janetta Davis  
Rick Smith

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### **Members Absent**

Brandi Picton  
Ric Young

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### **Staff Members Present**

Mike Donoho, Director Building and Development  
Belinda Garcia, Administrator Coordinator  
Carey Dietrich, Asst Dir Building & Development / Community Planner  
Frank Truitt, Building Official  
Tommy Saucedo, IT  
Angie West, Code Enforcement Officer  
Judy Emerson, Code Enforcement Officer  
Gregg Stevens, Chief of Police  
Spencer Yarnell, Police Officer  
Brad Brundrett, Councilman

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### **Guest**

Five (5)

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### **Open Meeting**

1. Called meeting to order at approximately 5:37 p.m.

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### **Public Hearing**

2. Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for property located at 907 S Church: also known as Stewart, Block 1, Lot 1 & E/85' of Lot 2 & all of 3, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Maximum Set Back regulations per the properties B-1 General Business District designation as indicated in Section 118-20.2 of the City of Rockport Code of Ordinances.

**In Favor:** Rocky Gudim , Pamela Dixon Frost

**AGAINST: Read** Steven Morehead  
**AGAINST: Spoke:** Steven Morehead

### **Regular Agenda**

3. Deliberate and act on July 19, 2022, regular meeting minutes.  
Member Rick Smith made a motion to accept minutes. Member Janetta Davis seconded the motion. Motion passed Unanimously
4. Deliberate and act on a request for relief from the Zoning Ordinance for property located at 907 S Church: also known as Stewart, Block 1, Lot 1 & E/85' of Lot 2 & all of 3, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Maximum Set Back regulations per the properties B-1 General Business District designation as indicated in Section 118-20.2 of the City of Rockport Code of Ordinance.

**Carey, Mike, Brad spoke.**

**Chair Hassinger read the Finding of Facts all response in the affirmative.**

After the discussion, Member Rick Smith made a motion to Approve the request. Member Janetta Davis seconded the motion.

### **Adjournment**

Chairman Hassinger adjourned the meeting at approximately 5:56 p.m.

Prepared By:

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Belinda Garcia, Administrative Coordinator

Approved By:

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Warren Hassinger, Chairman

## **Zoning Board of Adjustment AGENDA**

### **Regular Meeting: Monday, February 27, 2023**

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#### **AGENDA ITEM: 5**

Deliberate and act on a request for relief from the Zoning Ordinance for property located at 406 South Austin Street; also known as Doughty & Mathis, Block 8, Lot 6, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to an enclosure on separate lot located at 401 Water Street also known as Doughty & Mathis, Block 8, Lots 1&2, City of Rockport, Aransas County, Texas as indicated in Chap 118, Sec 24.2.3 of the City of Rockport Code of Ordinance.

**SUBMITTED BY:** Community Planner / Carey Dietrich

#### **APPROVED FOR AGENDA:**

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**BACKGROUND:** Property owner Bonnie Carlisle requests to be allowed to have a utility structure on property located at 401 Water St which is adjacent to her business located at 406 S Austin St. for the purposes of housing portable restrooms (porta-potties) to service her business.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, February 11, 2023 edition and mailed out to Sixteen (16) property owners within a 200-foot radius of the property. No letters For and One (1) Against the request have been received at time of PH.

Please see the accompanying variance request application and Section 118-24.2.3 of Code of Ordinances for detail information.

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#### **FISCAL ANALYSIS: N/A**

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**RECOMMENDATION:** Staff recommends denial of the request for relief from the Zoning Ordinance for property located at 406 South Austin Street; also known as Doughty & Mathis, Block 8, Lot 6, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to an enclosure on separate lot located at 401 Water Street also known as Doughty & Mathis, Block 8, Lots 1&2, City of Rockport, Aransas County, Texas as there is no recognized hardship and it is in direct violation of City of Rockport Code of Ordinances Chapter 118 Sec 24.2.3 which states in part:

24.2.3 Accessory Building. An accessory building may be erected as an integral part of the principal building or erected detached from the principal building. Accessory buildings shall only be erected on the same lot as the main structure and shall maintain a minimum open space of ten (10) feet between all other buildings.



## City of Rockport

City Hall – 622 E. Market Street, Rockport, TX 78382 • (361) 729-2213 • FAX (361) 790-5966  
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: <i>The Coastal Mercantile Utility Bldg (Restroom Enclosure)</i> |          |                       |                        |
| 6. Building/Facility Name: <i>Same</i>                                           |          |                       |                        |
| 7. Address: <i>401 Water St.</i>                                                 | Suite #: | City: <i>Rockport</i> | Zip Code: <i>78382</i> |

|                                                                                                                                                                             |                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 8. Description: Indicate the type of project:<br><input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Alteration | 9. Scope of Work (Describe the construction activities):<br><i>port-o-potty enclosure</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                          |                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. Square Footage of Building: <i>~36 sq ft</i>                                                                                                                                                                                                                         | 11. Square Footage Per Floor:                                                                                                                           |
| 12. Is this building a qualified historic building: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>If yes, a copy of the determination of effect letter from the Texas Historical Commission (THC) must accompany this application.<br><i>NA</i> | 13. State the specific location of the violation within the building or site:<br><i>Enclosure to be placed on lot next to main bldg @ 406 S. Austin</i> |

|                                                                                                                                                                                                                |  |                                                 |                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------|----------------------|
| 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 checked="" type="checkbox"/> Owner <input type="checkbox"/> Owner's Agent |  |                                                 |                      |
| 15. Name: <i>Bonnie Carlisle</i>                                                                                                                                                                               |  | 16. Company/Firm: <i>The Coastal Mercantile</i> |                      |
| 17. Address: <i>406 S. Austin St.</i>                                                                                                                                                                          |  | 18. City: <i>Rockport</i>                       | 19. State: <i>TX</i> |
| 20. Zip Code: <i>78382</i>                                                                                                                                                                                     |  |                                                 |                      |
| 21. Phone #: <i>512 484 0220</i>                                                                                                                                                                               |  | 22. Fax #:                                      |                      |
| 23. E-mail: <i>bonnie@thecoastalmercantile.com</i>                                                                                                                                                             |  | 24. Date: <i>1-26-23</i>                        |                      |
| 25. Signature: <i>[Signature]</i>                                                                                                                                                                              |  |                                                 |                      |

EXHIBIT A



| Property ID | Property Owner                | Situs Address   | Mailing Address         | City         | State | ZIP   |
|-------------|-------------------------------|-----------------|-------------------------|--------------|-------|-------|
| 49324       | Floyd & Bonnie Carlisle       | 401 Water St    | P O Box 939             | Rockport     | Tx    | 78381 |
| 60426       | Janice Haldeman               | 410 S Austin St | 222 Port Royal          | Aransas Pass | Tx    | 78336 |
| 57859       | Charles & Sharon Miller       | 414 S Austin St | P O Box 843             | Woodsboro    | Tx    | 78393 |
| 49327       | V Development LLC             | 411 Water St    | 1622 Cherry St          | Rockport     | Tx    | 78382 |
| 49328       | V Development LLC             | 501 Water St    | 1622 Cherry St          | Rockport     | Tx    | 78382 |
| 49329       | CML Tug LLC                   | 505 Water St    | 1036 FM 448             | La Grange    | Tx    | 78945 |
| 56571       | Aransas Co Navigation Dist #1 | 400 Water St    | 911 Navigation Circle   | Rockport     | Tx    | 78382 |
| 61437       | Rockport Living LLC           | 508 S Austin St | 4961 FM 1781            | Rockport     | Tx    | 78382 |
| 17768       | CML Tug LLC                   | 504 S Austin St | 1036 FM 448             | La Grange    | Tx    | 78945 |
| 17767       | HHSG Property LLC             | 502 S Austin St | 36 Bahama St N          | Rockport     | Tx    | 78382 |
| 17655       | V Development LLC             | 416 S Austin St | 1622 Cherry St          | Rockport     | Tx    | 78382 |
| 17652       | Floyd & Bonnie Carlisle       | 406 S Austin St | P O Box 939             | Rockport     | Tx    | 78381 |
| 17651       | Richard & Lynda Neely         | 404 S Austin St | 1919 Hwy 35 N PMB 403   | Rockport     | Tx    | 78382 |
| 28501       | Rockport Harborfront LP       | 312 S Austin St | 7004 Lake Louise Dr     | Arlington    | Tx    | 76016 |
| 28499       | Rockport Harborfront LP       | 1114 Main St    | 7004 Lake Louise Dr     | Arlington    | Tx    | 76016 |
| 17656       | Austin & Main LLC             | 401 S Austin St | 1013 Isle Dr            | Rockport     | Tx    | 78382 |
| ZBA         | Warren Hassinger              |                 | 2517 Turkey Neck Circle | Rockport     | Tx    | 78382 |
| ZBA         | Patricia Bemrose              |                 | 1435 S Water            | Rockport     | Tx    | 78382 |
| ZBA         | Richard W. Smith              |                 | 131 Pecan Harbor St     | Rockport     | Tx    | 78382 |
| ZBA         | Janetta Davis                 |                 | 474 Augusta Drive       | Rockport     | Tx    | 78382 |
| ZBA         | Matthew Grimes                |                 | 517 Mockingbird Ln      | Rockport     | Tx    | 78382 |
| ZBA         | Brandi Picton                 |                 | 1803 Picton Ln          | Rockport     | Tx    | 78382 |
|             |                               |                 |                         |              |       |       |
|             |                               |                 |                         |              |       |       |
|             |                               |                 |                         |              |       |       |
|             |                               |                 |                         |              |       |       |

My name is Richard Neely. I was born and raised in the area and now reside at 406 Olympic Drive here in Rockport. My wife ,Lynda , and I own the property at 404 South Austin St. in down town Rockport which we lease to Elisa Baker Art. The property houses her art studio and adjacent open air patio which is used as a wine bar.

Our objection to any variance adjacent to our property which would diminish our property value, disruption of our business and the use of our outside patio . Recently two Out Houses and a large dumpster were intentionally placed next to our property to disrupt our patio business which is not only unsightly but creates a health problem.

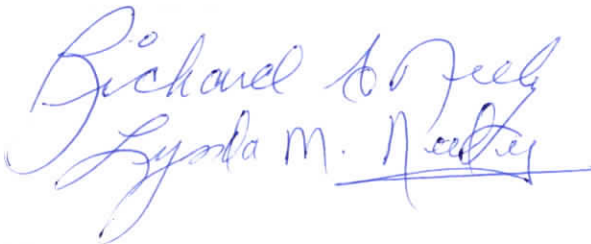
99% of the businesses in Old Down Town Austin St. struggle to make a living and need the support of our governing bodies to ensure our continuous groth. With all the millions of dollars being spent in the area of Austin Street, we need to work together to insure a safe and attractive environment not only for our selves but also our out of town guest.

Thnak you

Richard & Lynda Neely

520-414-9142

February 13, 2023

A handwritten signature in blue ink that reads "Richard & Lynda Neely". The signature is written in a cursive style, with "Richard" and "Lynda" on the top line and "Neely" on the bottom line, underlined.



## 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 Monday, February 27, 2023, 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 property located at 406 South Austin Street; also known as Doughty & Mathis, Block 8, Lot 6, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to an enclosure on the lot next to the main building at 401 Water Street of the City of Rockport Code of Ordinance.

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### CITY OF ROCKPORT, TEXAS

/s/ Teresa Valdez, 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: Richard Neely  
Address: 406 Olympic Drive

City/State: Rockport TX 78382

( ) IN FAVOR      ☒ IN OPPOSITION

Phone: 520-414-9142

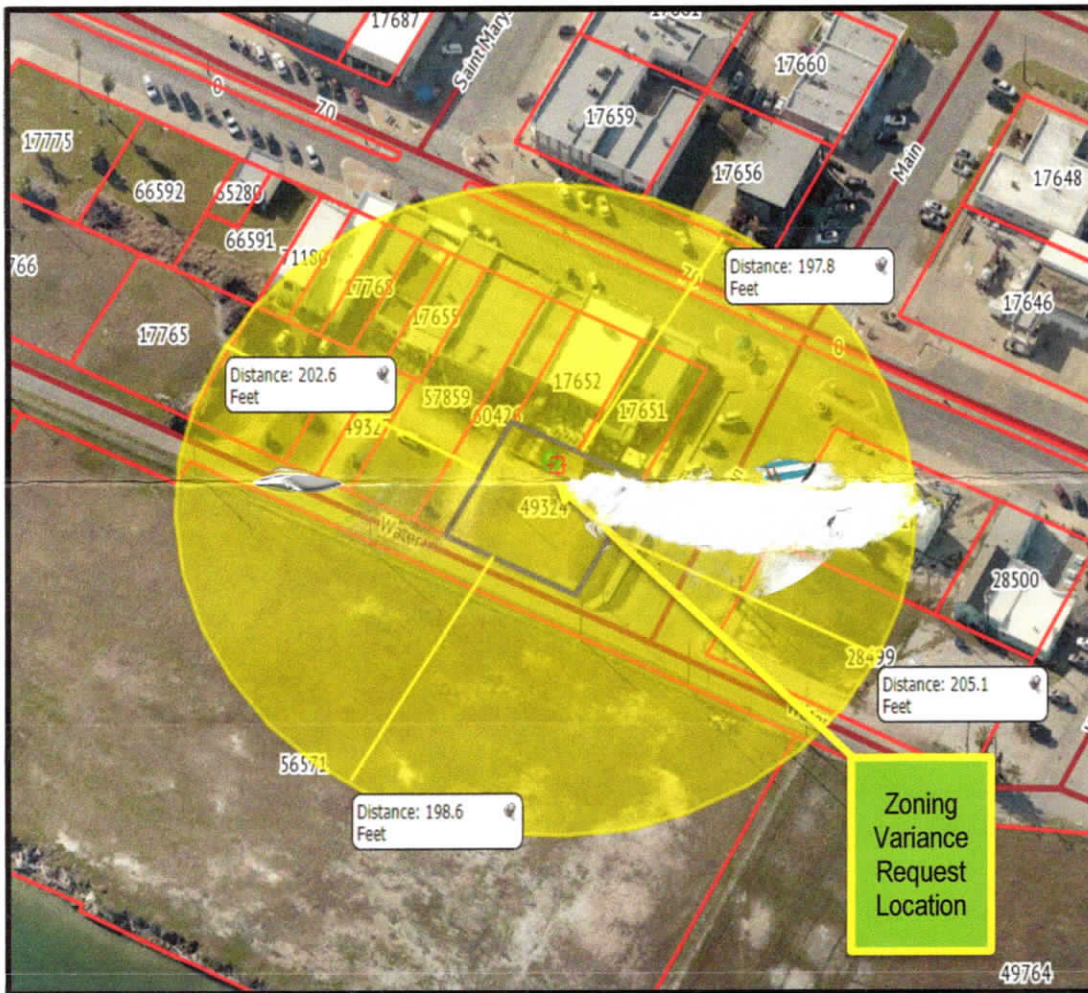
REASON:

Attached

Richard Neely  
Signature  
See map on reverse side.

## Location Map of Proposed Zoning Variance Request

(Subject property indicated by a blue border. Notice area indicated in yellow.)



### FAQ

Why am I receiving this notice?

Texas law requires that property owners within 200 feet of a variance request be notified of the possible change to the property.

What do I do now?

It is your right to either object or support the proposed request. If you wish to do so, simply fill out this letter and return it to the City of Rockport by mail:

**ATTN:**  
**Building Department**  
**City of Rockport**  
**2751 SH 35 Bypass**  
**Rockport, TX 78382**

If you have any questions regarding this notice, please contact Carey Dietrich, Community Planner, at 361-790-1125, ext. 226.



City of Rockport  
Building & Development Department  
2751 S.H. 35 Bypass  
Rockport, TX 78382

SITUS ADDRESS: 404 S Austin St

Richard & Lynda Neely  
1919 Hwy 35 N PMB 403  
Rockport, Tx 78382

**Richard & Lynda Neely**  
**406 Olympic Drive**  
**Rockport, TX 78382**



CITY of

02/09

**Zoning Board of Adjustment AGENDA**  
**Regular Meeting: Monday, February 27, 2023**

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**AGENDA ITEM: 6**

Deliberate and act on a request for relief from the Zoning Ordinance for property located at 901 East Nopal Street; also known as S5550 Smith and Wood Blk 42 Lot 14-R, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Minimum Rear Set Back regulations per the properties' R-3 Duplex Dwelling District designation as indicated in Chap 118, Sec 20.2 of the City of Rockport Code of Ordinance.

**SUBMITTED BY:** Community Planner / Carey Dietrich

**APPROVED FOR AGENDA:**

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

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Staff recommends denial of a request for relief from the Zoning Ordinance for property located at 901 East Nopal Street; also known as S5550 Smith and Wood Blk 42 Lot 14-R, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Minimum Rear Set Back regulations per the properties' R-3 Duplex Dwelling District designation as indicated in Chap 118, Sec 20.2 of the City of Rockport Code of Ordinance as the stated hardship is monetary and not a recognized hardship.



## City of Rockport

City Hall – 622 E. Market Street, Rockport, TX 78382 • (361) 729-2213 • FAX (361) 790-5966  
www.cityofrockport.com

### VARIANCE APPLICATION

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#### \*\* 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: RITTIMANN HOUSE - 901 E NOPAL |          |                |                 |
| 6. Building/Facility Name:                     |          |                |                 |
| 7. Address: 901 E NOPAL ST                     | Suite #: | City: ROCKPORT | Zip Code: 78382 |

|                                                                                                                                                                             |                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| 8. Description: Indicate the type of project:<br><input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Alteration | 9. Scope of Work (Describe the construction activities):<br>SEE ATTACHED |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                             |                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 10. Square Footage of Building: < 3000 ST FT                                                                                                                                                                                                                | 11. Square Footage Per Floor: 2032 - 1ST FLOOR 851 - 2ND FLOOR                                |
| 12. Is this building a qualified historic building: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>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:<br>SEE ATTACHED |

|                                                                                                                                                                                                                |                      |                                         |                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------|------------------------|
| 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 checked="" type="checkbox"/> Owner <input type="checkbox"/> Owner's Agent |                      |                                         |                        |
| 15. Name:<br>DEAN RITTIMANN                                                                                                                                                                                    |                      | 16. Company/Firm:                       |                        |
| 17. Address<br>PO BOX 345                                                                                                                                                                                      | 18. City<br>ROCKPORT | 19. State<br>TX                         | 20. Zip Code:<br>78381 |
| 21. Phone #:<br>210-722-7527                                                                                                                                                                                   | 22. Fax #:           | 23. E-mail:<br>DEAN.RITTIMANN@GMAIL.COM |                        |
| 24. Signature:<br><i>Dean Rittimann</i>                                                                                                                                                                        |                      | 25. Date<br>1/18/2023                   |                        |

EXHIBIT A

We will be building a single-family home facing E Nopal St. with a detached garage facing Live Oak St. (Image 5 below). The properties current set backs are in red on image 1 below. They do not allow for a garage to be built due to the location of the power pole and the 20ft set back on that side of the property. The set back places the pole in the center of a potential garage. If a variance is granted, we could locate the garage on the right of the pole. (See image 3 for location of the current pole.) The garage would be in the space labeled 29 ft, that is the distance to the property line on that edge of the property.

We have already changed the address to E Nopal St to allow us the chance to build a dream home in historic Rockport. When the setbacks were in reference to Live oak street the property was not wide enough to build a home therefore, we had to change our address to Nopal.

We have submitted a work order for AEP to come and assess the ability of moving the pole. AEP has come by and completed their initial assessment but has stated due to being a main power source for the area it will not be easy to move, or possibly it can't be relocated at all. The workorder is now at the engineer's desk to see what is possible.

We have also included photos to show the surrounding properties and their structures. (Image 4 below) Two structures on N Magnolia have 5 ft rear set backs to allow for a garage. With other properties that have 5ft rear setbacks already in place, We believe that a variance is the most cost effective and will minimize the effect on the neighborhood.

Image 1 : Current set backs

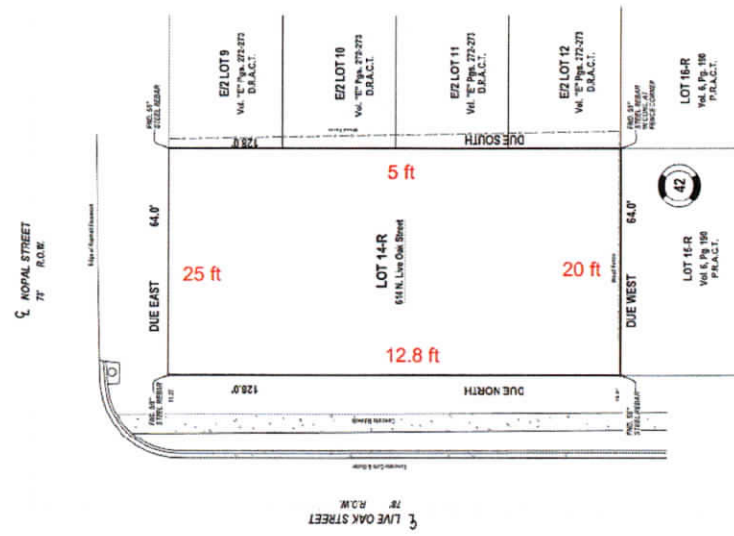


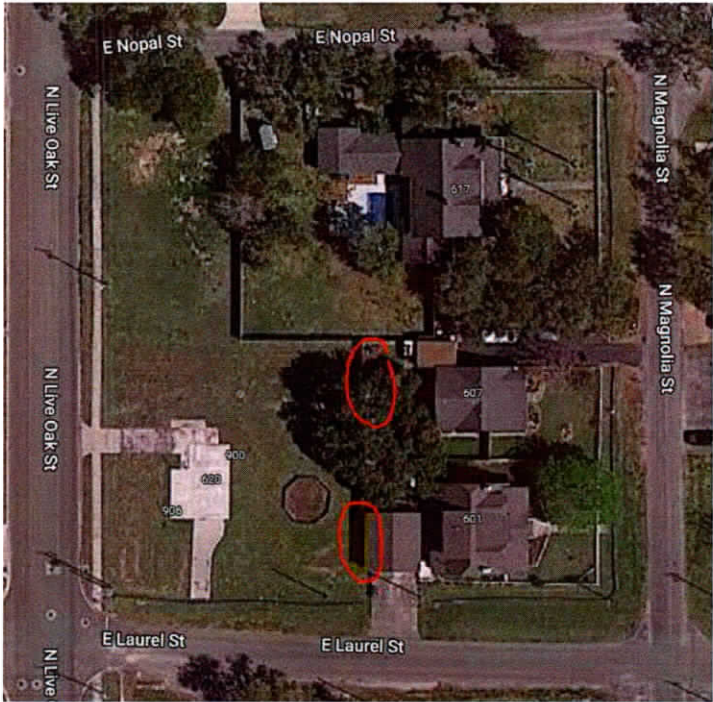
Image 2 : Proposed Set backs



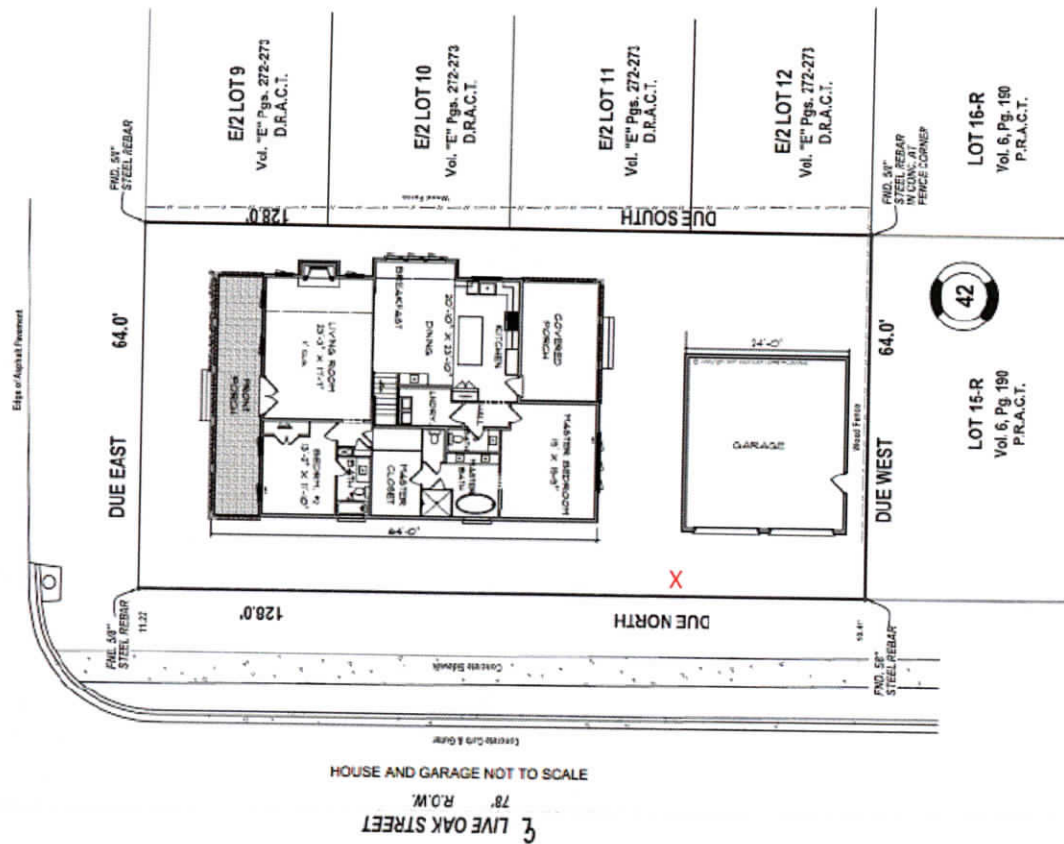
Image 3 : Power pole location

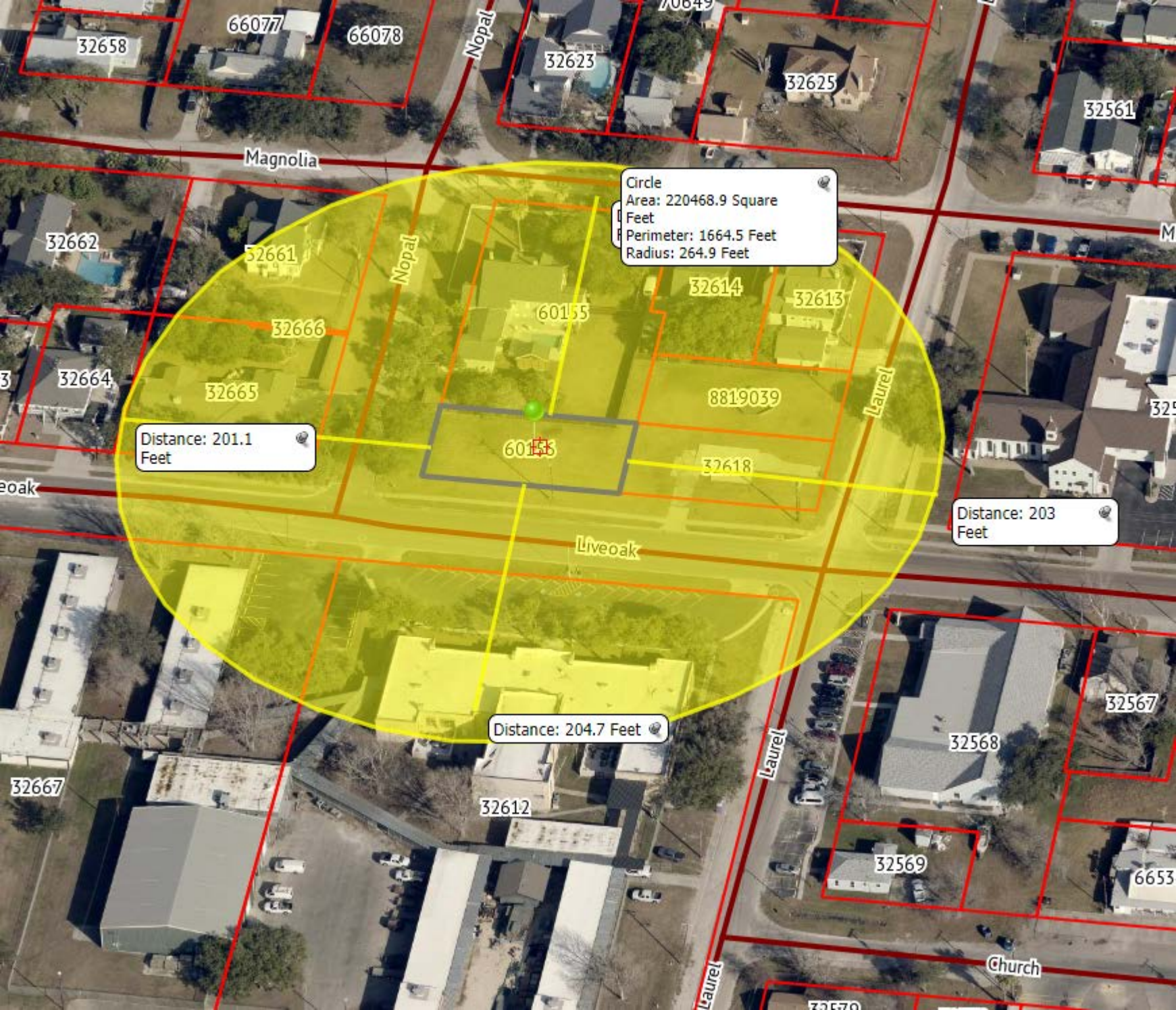


Image 4 : Other structures with 5 ft rear set backs



9 NOPAL STREET  
73' R.O.W.





32658

66077

66078

Nopal

32623

32625

32561

Magnolia

32662

32661

Nopal

32666

60155

32614

32613

32664

32665

8819039

Distance: 201.1 Feet

60155

32618

Liveoak

Distance: 203 Feet

Distance: 204.7 Feet

32567

32568

32569

6653

Laurel

Church

32570

Laurel

32612

32667

| <u>Property ID</u> | <u>Property Owner</u>     | <u>Situs Address</u> | <u>Mailing Address</u>  | <u>City</u> | <u>State</u> | <u>ZIP</u> |
|--------------------|---------------------------|----------------------|-------------------------|-------------|--------------|------------|
| 60156              | Dean Rittimann            | 901 E Nopal St       | PO Box 345              | Rockport    | Tx           | 78381      |
| 32612              | ACISD                     | 619 N Live Oak St    | PO Box 907              | Rockport    | Tx           | 78381      |
| 32667              | ACISD                     | 704 N Pearl St       | PO Box 9007             | Rockport    | Tx           | 78381      |
| 32665              | Claude & Harriet Braswell | 708 N Live Oak St    | 708 N Live Oak St       | Rockcport   | Tx           | 78382      |
| 32666              | Siedel Brothers           | 904 E Nopal St       | Unknown                 | Unknown     |              |            |
| 32661              | Franklin Dean Wix         | 701 Magnolia St      | 2010 N Loop West #105   | Houston     | Tx           | 77018      |
| 60155              | Brian & Suzanne Rittimann | 617 N Magnolia St    | PO Box 1948             | Boerne      | Tx           | 78006      |
| 32614              | Jerry & Berry Neel        | 607 N Magnolia St    | PO Box 2314             | Rockport    | Tx           | 78381      |
| 32613              | Kenneth Naughton          | 601 N Magnolia St    | 4123 University Blvd    | Houston     | Tx           | 77005      |
| 8819039            | First Presbyterian Church | 906 E. Laurel St     | 301 Hwy 35 N            | Rockport    | Tx           | 78382      |
| 32618              | First Presbyterian Church | 900 E. Laurel St     | 301 Hwy 35 N            | Rockport    | Tx           | 78382      |
|                    |                           |                      |                         |             |              |            |
| ZBA                | Warren Hassinger          |                      | 2517 Turkey Neck Circle | Rockport    | Tx           | 78382      |
| ZBA                | Patricia Bemrose          |                      | 1435 S Water            | Rockport    | Tx           | 78382      |
| ZBA                | Richard W. Smith          |                      | 131 Pecan Harbor St     | Rockport    | Tx           | 78382      |
| ZBA                | Janetta Davis             |                      | 474 Augusta Drive       | Rockport    | Tx           | 78382      |
| ZBA                | Matthew Grimes            |                      | 517 Mockingbird Ln      | Rockport    | Tx           | 78382      |
| ZBA                | Brandi Picton             |                      | 1803 Picton Ln          | Rockport    | Tx           | 78382      |
|                    |                           |                      |                         |             |              |            |
|                    |                           |                      |                         |             |              |            |