



**ZONING BOARD
OF ADJUSTMENTS
PACKET**

October 3, 2023

ZONING BOARD OF ADJUSTMENT AGENDA

Notice is hereby given that the Rockport Zoning Board of Adjustment will hold a Meeting on Tuesday, October 3, 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

1. Call meeting to order.

Public Hearing

2. Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for property located at 105 S Magnolia Street; also known as S5120 Rockport Cultural Arts District (RCAD) Depot Subdivision Block1, Lot 1, .126 acres, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's set back requirement to add an awning and deck to restore the Depot structure as closely as possible to its original form.

Regular Agenda

3. Deliberate and act on February 27, 2023, regular meeting minutes.
4. Deliberate and act on a request for relief from the Zoning Ordinance for property located at 105 S Magnolia Street; also known as S5120 Rockport Cultural Arts District (RCAD) Depot Subdivision Block1, Lot 1, .126 acres, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's set back requirement to add an awning and deck to restore the Depot structure as closely as possible to its original form.
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 29, 2023, 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: Tuesday October 3, 2023

AGENDA ITEM: 2

Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for property located at 105 S Magnolia Street; also known as S5120 Rockport Cultural Arts District (RCAD) Depot Subdivision Block1, Lot 1, .126 acres, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's set back requirement to add an awning and deck to restore the Depot structure as closely as possible to its original form.

SUBMITTED BY: Community Planner / Carey Dietrich

BACKGROUND: Property owner, RCAD, has contracted to have the Depot repaired from Harvey damage as well as restored as closely as possible to its original form. The main structure has been completed and the only remaining part is the porch and awning which will now encroach in the setbacks established in 1996, well after the Depot was originally constructed.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, September 16, 2023 edition and mailed out to Fifteen (15) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at time of PH.

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 Tuesday, October 3, 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 105 South Magnolia Street; also known as S5120 Rockport Cultural Arts District (RCAD) Depot Subdivision Block1, Lot 1, .126 acres, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's set back requirement in order to add an awning and deck to restore the Depot structure as closely as possible to its original form.

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's office at (361) 729-2213 ext. 226 or e-mail CommunityPlanner@cityofrockport.com for further information. Braille is not available.

POSTED: this the 12th day of September 2023, at 12:15 p.m., on the bulletin board at the City Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas and on the webpage www.cityofrockport.com.

PUBLISHED: in *The Rockport Pilot* in the Saturday, September 16, 2023 Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary



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 Tuesday, October 3, 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 105 S Magnolia Street; also known as S5120 RCAD Depot Subdivision Blk1, Lot 1, .126 Acres, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's set back requirement to add an awning and deck to restore the Depot structure as closely as possible to its original form.

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.

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: _____

Address: _____ City/State: _____

() IN FAVOR () IN OPPOSITION

Phone: _____

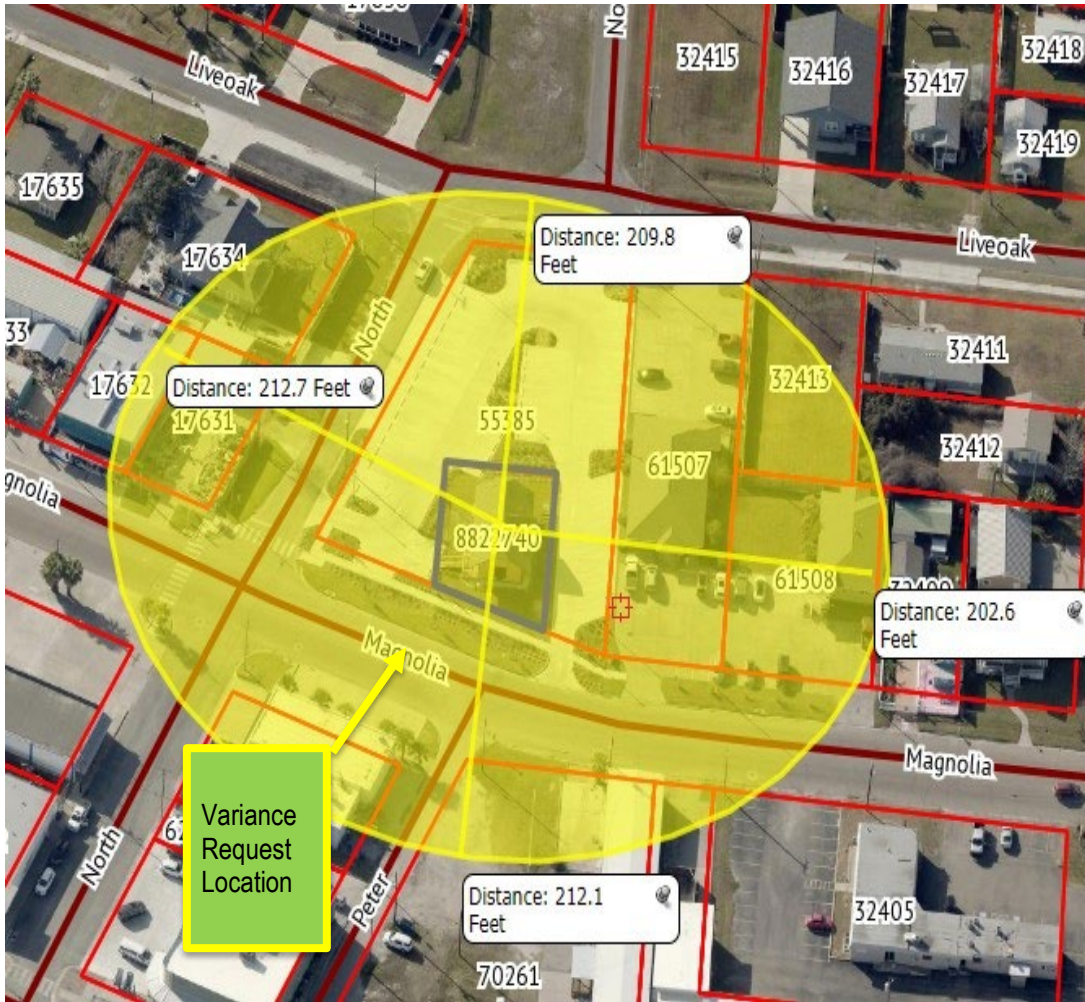
REASON:

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



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

«Property_Owner»
«Mailing_Address»
«City», «State» «ZIP»

SITUS ADDRESS: «Situs_Address»

[illegible]

ZONING BOARD OF ADJUSTMENTS MINUTES

On this the 27TH day of February, 2023, 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

Members Absent

Warren Hassinger
Brandi Picton
Patricia Bemrose
Janetta Davis
Rick Smith
Pamela Dixon Frost

Staff Members Present

Mike Donoho, Director Building and Development
Belinda Garcia, Administrator Coordinator
Carey Dietrich, Asst Dir Building & Development / Community Planner

Open Meeting

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

Public Hearing

2. Conduct a Public Hearing to consider a request for relief from the Zoning Ordinance for property located at 406 South Austin: 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 Ordinances.

In Favor: Kevin Carlisle

AGAINST: Read Richard Neely Elisa Baker Mike Miller

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.

In Favor Dean Rittimann

AGAINST: N/A

Regular Agenda

4. Deliberate and act on October 10, 2022, regular meeting minutes.
Member Rick Smith made a motion to accept minutes as presented. Member Patricia Bemrose seconded the motion.

Motion passed Unanimously

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.

Member Frost made a motion to Deny the request. Member Smith seconded the motion.

Motion passed Unanimously

6. Deliberate and act on a request for relief from the Zoning Ordinance for property located at 901 East Nopal; also known as S5550 Smith & 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.

Member Smith made a motion to Approve. Member Picton seconded the motion.

Motion passed Unanimously

Adjournment

Member Smith motion to adjourn. Member Picton seconded the motion.
Chairman Hassinger adjourned the meeting at approximately 6:02 p.m.

Prepared By:

Belinda Garcia, Administrative Coordinator

Approved By:

Warren Hassinger, Chairman

Zoning Board of Adjustment AGENDA

Regular Meeting: Tuesday, October 3, 2023

AGENDA ITEM: 4

Deliberate and act on a request for relief from the Zoning Ordinance for property located at 105 S Magnolia Street; also known as S5120 Rockport Cultural Arts District (RCAD) Depot Subdivision Block1, Lot 1, .126 acres, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's set back requirement to add an awning and deck to restore the Depot structure as closely as possible to its original form.

SUBMITTED BY: Community Planner / Carey Dietrich

BACKGROUND: Property owner, RCAD , has contracted to have the Depot repaired from Harvey damage as well as restored as closely as possible to its original form. The main structure has been completed and the only remaining part is the porch and awning which will now encroach in the set backs established in 1996, well after the Depot was originally constructed.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, September 16, 2023 edition and mailed out to Fifteen (15) 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 118-240 of Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the request for relief from the Zoning Ordinance for property located at 105 S Magnolia Street; also known as S5120 Rockport Cultural Arts District (RCAD) Depot Subdivision Block1, Lot 1, .126 acres, City of Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's set back requirement to add an awning and deck to restore the Depot structure as closely as possible to its original form.



City of Rockport

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

RECEIVED
AUG 30 2023

BY: J. D. [Signature]

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? ☐ Yes ☐ No	2. If yes, name of reviewer:
3. Has this project been inspected? ☒ Yes ☐ No	4. If yes, name of inspector & date of inspection: <u>Windshore Engineering</u>

5. Project Name: <u>Rockport Cultural Arts District Train Depot</u>			
6. Building/Facility Name: <u>Train Depot</u>			
7. Address: <u>105 S. Magnolia</u>	Suite #:	City: <u>Rockport</u>	Zip Code: <u>78382</u>

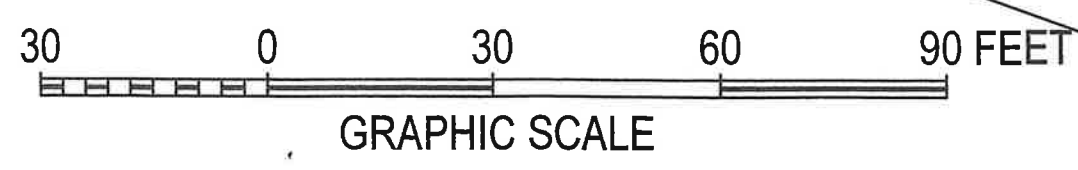
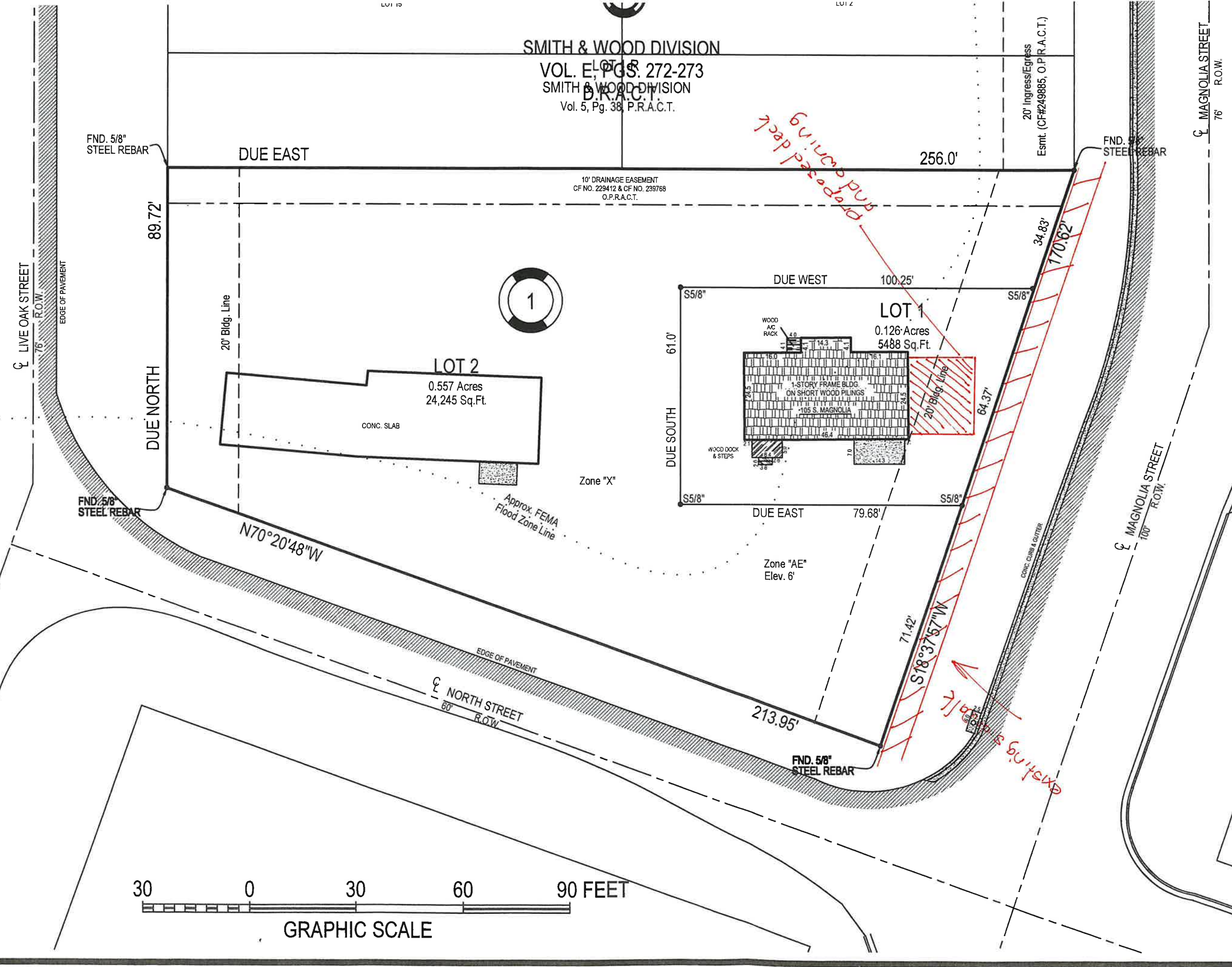
8. Description: Indicate the type of project: ☐ New Construction ☒ Addition ☐ Alteration	9. Scope of Work (Describe the construction activities): <u>add 22' x 14' awning and deck to duplicate original structure as closely as possible</u>
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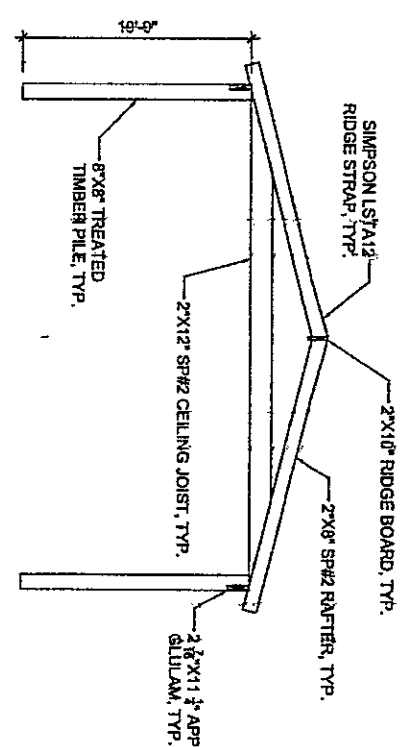
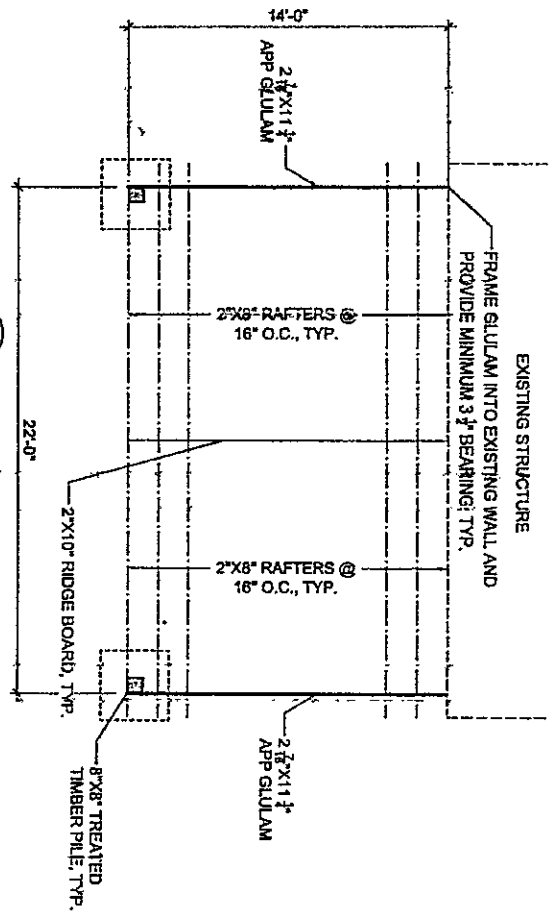
10. Square Footage of Building:	11. Square Footage Per Floor:
12. Is this building a qualified historic building? ☐ Yes ☐ No If yes, a copy of the determination of effect letter from the Texas Historical Commission (THC) must accompany this application.	13. State the specific location of the violation within the building or site: <u>the proposed awning and deck will not comply with the</u>

14. Intent to Apply: I hereby apply for a variance from the City of Rockport Zoning Board of Adjustment. (Check one) I am the ☐ Owner ☒ Owner's Agent			
15. Name: <u>Warren Hassinger</u>		16. Company/Firm: <u>Rockport Sand n Sea, LLC</u>	
17. Address: <u>2517 Turkey Neck Cir</u>	18. City: <u>Rockport</u>	19. State: <u>Tx</u>	20. Zip Code: <u>78382</u>
21. Phone #: <u>512 247-8352</u>	22. Fax #:	23. E-mail: <u>warrenhassinger@sbcglobal.net</u>	
24. Signature: <u>[Signature]</u>		25. Date: <u>8/30/2023</u>	

EXHIBIT A

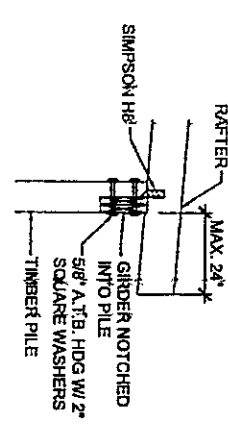
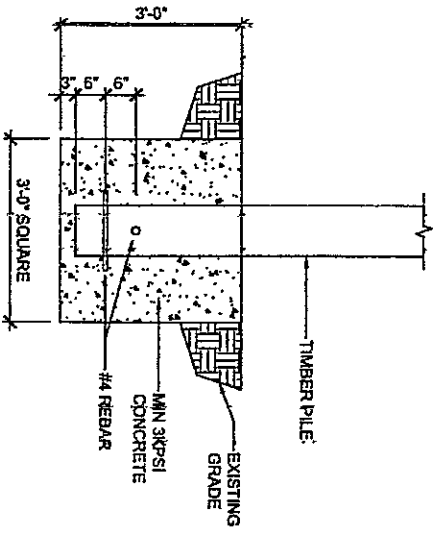
SMITH & WOOD DIVISION
VOL. E, PGS. 272-273
SMITH & WOOD DIVISION
D.R.A.C.T.
Vol. 5, Pg. 38, P.R.A.C.T.





OPTION A		OPTION B	
	5/8" A.T.B. HDG W/ 2" SQUARE WASHERS		5/8" A.T.B. HDG W/ 2" SQUARE WASHERS
	GIRDER NOTCHED INTO PILE		GIRDER NOTCHED INTO PILE
	TIMBER PILE		TIMBER PILE

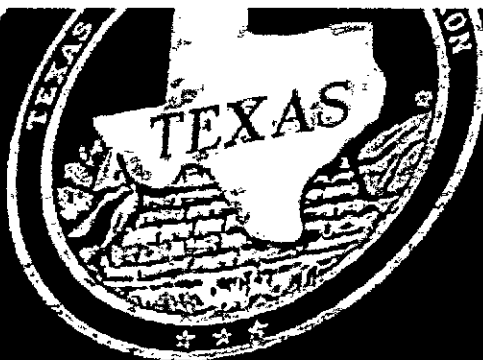
NOTE: TIMBER PILES NOT TO BE NOTCHED MORE THAN 50% AT ANY GIVEN CROSS SECTION



NOTE: CONTRACTOR TO VERIFY ALL DIMENSIONS, LUGS, LEDGES, DROPS, OFF-SETS, ETC.

THE SEAL, APPROVING ON THIS DOCUMENT IS AUTHORIZED BY LESLIE L. SHERMAN, P.E. 65581
3/30/2023
3/30/2023
SHEET NO. E1.1

JOB ADDRESS:	105 S MAGNOLIA ST. (CANOPY)	DRAWN BY:	DNB	SH RE ENGINEERING, LLC TEXAS ENGINEERING FIRM F-17772 4161 HWY 35 NORTH UNIT 1 ROCKPORT, TX 78382 (361)450-0234
	ROCKPORT, TX 78382	CHECKED BY:	LJS	
SHEET TITLE:	CANOPY PLAN	REV A:	N/A	
SCALE:	VARIES	REV B:	N/A	



THE SAN ANTONIO AND ARANSAS PASS RAILROAD IN ROCKPORT

DURING ITS EARLY YEARS ROCKPORT RELIED ON GULF SHIPPING FOR GOODS AND SERVICES. AFTER THE ARRIVAL OF THE SAN ANTONIO AND ARANSAS PASS RAILROAD IN 1888, HOWEVER, THE TOWN'S ECONOMIC FOCUS CHANGED TO INCLUDE RAIL SHIPPING AND A BURGEONING TOURISM INDUSTRY. THE TOWN'S POPULATION GREW FROM 600 IN 1888 TO 2,500 BY 1890. BUSINESSES AND HOTELS WERE BUILT TO SERVE THE NEW TOURISM TRADE, AND FOUR TRAINS ARRIVED AT THE ROCKPORT DEPOT DAILY. BY THE 1940s PASSENGER RAIL SERVICE TO ROCKPORT ENDED. FREIGHT SERVICE CONTINUED UNTIL 1985, WHEN HIGHWAY TRUCKING REPLACED RAILROAD SERVICE.

MARKER IS PROPERTY OF THE STATE OF TEXAS

(1994)



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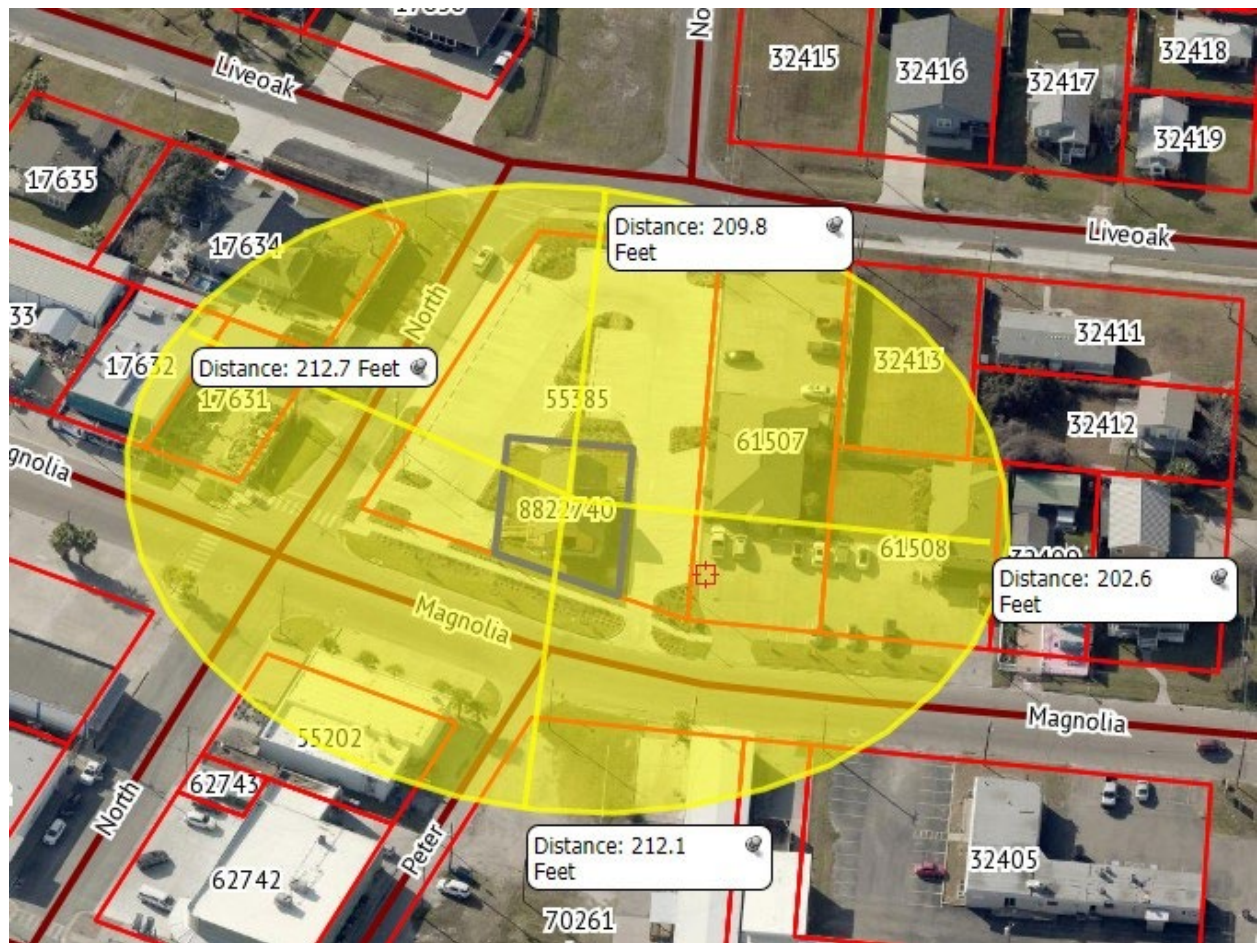
(1994)

MARKER IS PROPERTY OF THE STATE OF TEXAS

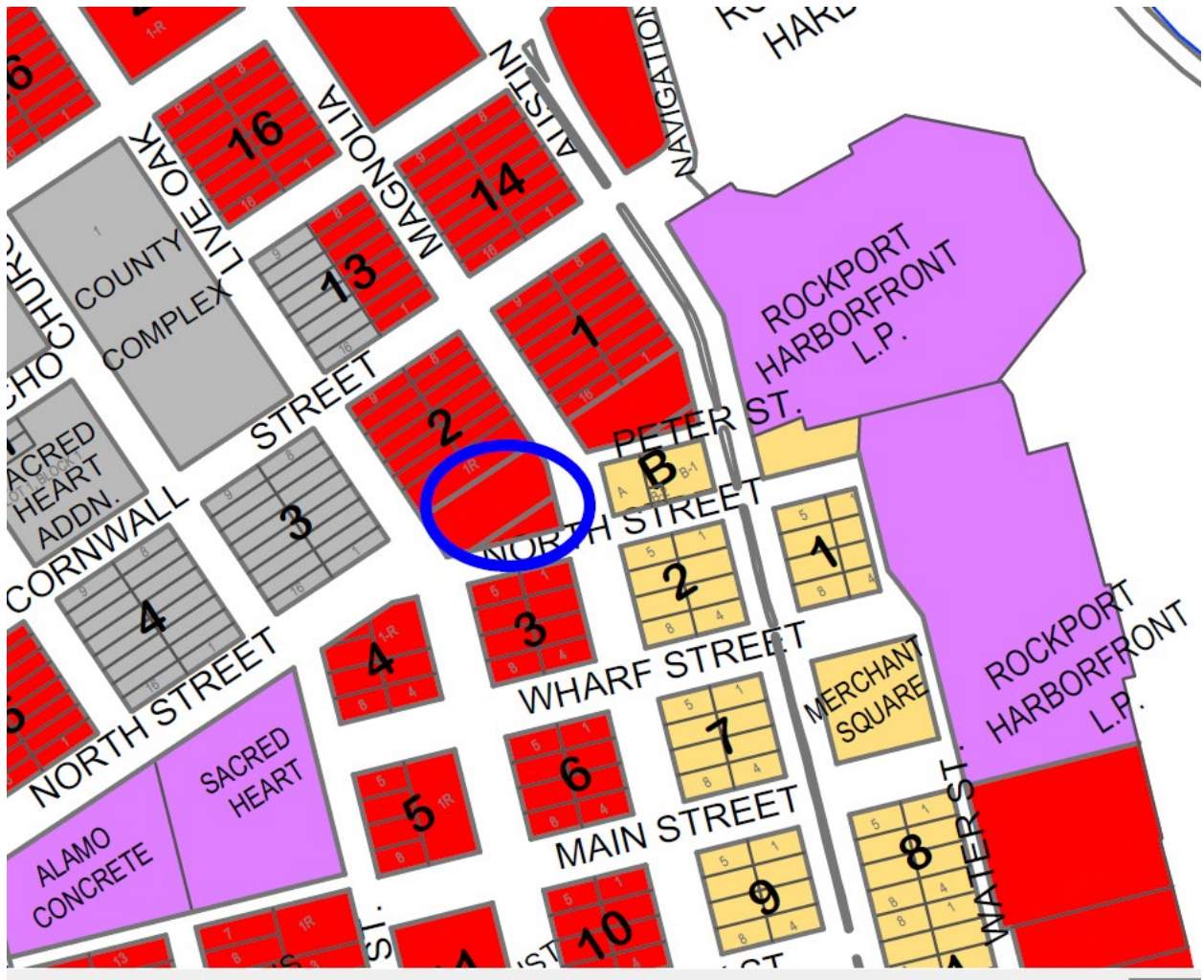
S. A. & A. P. Depot. This Is The Crowd That Met Me
When I Came to Rockport, Texas.



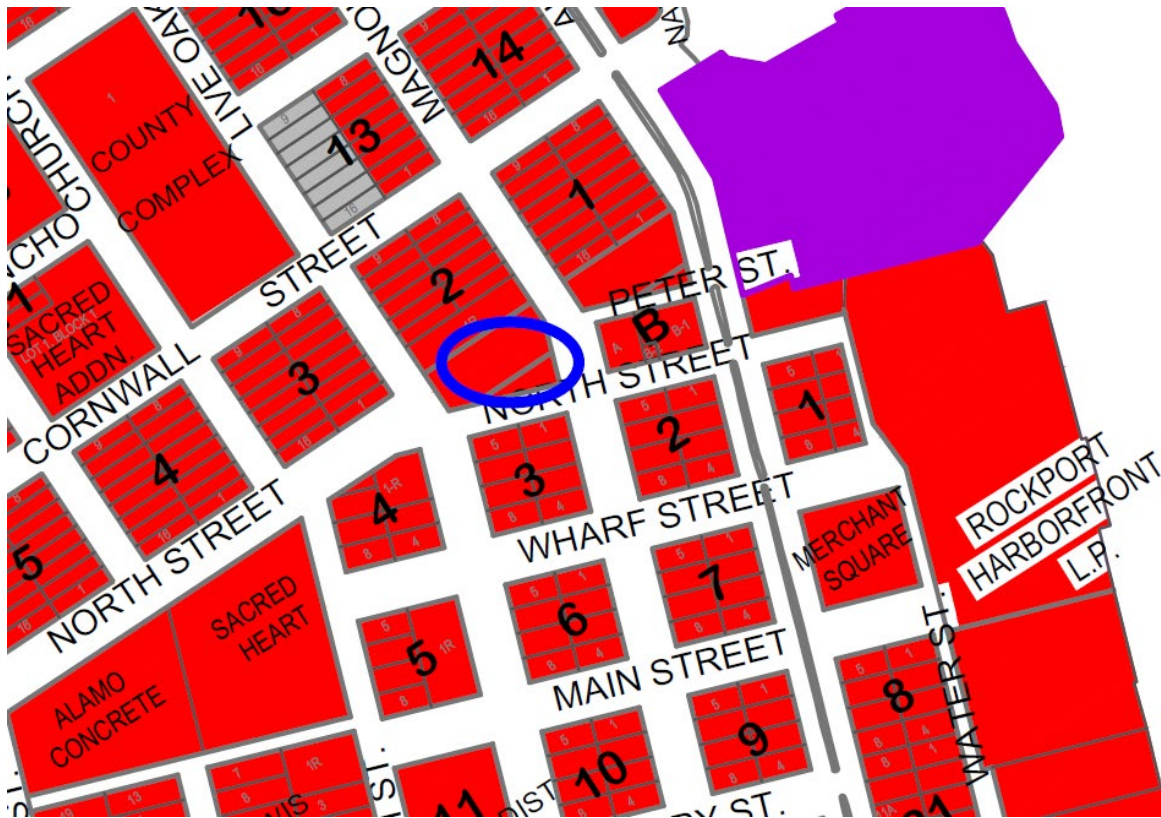
[Photo by W. D. Dye.]



ZONING MAP



FUTURE LAND USE





September 7, 2023

Board of Adjustments
City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382

Re: Rockport Railroad Depot Museum Restoration Variance Approval

Dear Board of Adjustments:

On behalf of the Aransas County Historical Society, this letter is being forwarded to communicate our strong support of the Rockport Railroad Depot Museum restoration, specifically the approval of a City setback variance allowance for the front entrance restoration of the historic Depot building.

The Depot is an important landmark built in 1888 and resides in its original location. This is documented through a State Historical Marker designation and a classic historic picture taken in the early 1920s. It represents early economic development with the railroad bringing tourists from around the state to enjoy downtown's restaurants, bath houses, and luxury hotels.

The Depot was donated to the Rockport Cultural Arts District in May 2021. It was significantly damaged by Hurricane Harvey, and with many supporting funding sources, the building has been structurally restored, as well as interior rooms, opening as a museum in May 2022.

We believe restoration of the historical Depot front entrance is important, reflecting and educating those of its initial setting. This will result in an enrichment of our community and makes a strong presence to improve our historical educational experiences, not only for our local students, but a vast number of visitors.

We appreciate your agreement to allow the setback variance approval which supports our great heritage and importance in the role of Texas History.

Warm regards,


Cheryl Livingston,
President

P. O. BOX 702 · ROCKPORT, TEXAS · 78381

· achs1985.org