



City of Rockport

ZONING BOARD OF ADJUSTMENT AGENDA

THURSDAY, FEBRUARY 5, 2026 - 5:30 PM
CITY HALL
212 N. LIVE OAK
ROCKPORT, TEXAS 78382

Notice is hereby given that Rockport Zoning Board of Adjustment will hold a on Thursday, February 5, 2026, at 5:30 PM. The meeting will be held in person in the Council Chambers in City Hall, 212 N. Live Oak, Rockport, Texas 78382. The live stream link to view the meeting is <https://rockporttx.portal.civicclerk.com/>.

The Zoning Board of Adjustments welcomes citizen participation and comments at all meetings on an Agenda item or any subject matter.

Written comments submitted by 2:30 p.m. on the day of the meeting.

- Complete the Speaker Card - locate the card online (<https://rockporttx.gov/FormCenter/Citizen-Participation-Form-7/Citizen-Participation-Form-52>)
- Written Comments received by the deadline will be read.

Sign up in person.

- Speaker's cards are located at the entrance of the meeting room and must be delivered to the Clerk before the meeting begins.
- Any citizen with handouts should provide them to the Clerk before the meeting. If you wish the Zoning Board of Adjustments to receive your handouts for the meeting, please provide 10 copies; if not, the Zoning Board of Adjustments will receive your handouts the following day.

Rules for Citizen Participation.

- Speakers will be limited to three minutes.
- While civic public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

NOTE: The Zoning Board of Adjustments may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for discussion. An announcement will be made based on the Executive Session discussion. The Zoning Board of Adjustments may also publicly discuss any item listed on the agenda for the Executive Session.

Notice is hereby given that other elected or appointed officials may attend the Meeting at the date and time above in numbers that may constitute a quorum. No action or minutes will be taken by such in attendance.

This facility is wheelchair-accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours before this meeting. Please get in touch with the City Secretary's office at (361) 729-2213, ext. 225, or FAX (361) 790-5966 or email sgoodwin@rockporttx.gov for further information. Braille is not available.

I. CALL TO ORDER AND ROLL CALL

II. CITIZENS TO BE HEARD

Speaker participation instructions are provided in writing at the beginning of the agenda. NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting, and any response to a question posed to the City Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042 has not been posted on the agenda.

III. APPROVAL OF MINUTES

1. Deliberate and act on the approval of the Zoning Board of Adjustments regular meeting minutes of January 15, 2026. (Stacy Cantu, Building & Development Planning Tech.)

IV. PUBLIC HEARING AND RELATED ACTIONS

2. Consider a request for relief from the Zoning Ordinance for the setbacks required for a pool installation on the property located at 474 Augusta Dr., otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 26, LOT 25 postponed from the regular ZBA meeting of January 15, 2026. (Postponed from 1/15/2026)
 - i. Staff Report.
 - ii. Applicant Presentation.
 - iii. Consider the recommendation for approval or denial of the request. (Robert Decker, Chief Building Official)
3. Consider a request for relief from the Zoning Ordinance for the 20-foot rear setback be reduced to 10 feet, and the 10 ft. setback from foundation required for a pool installation be reduced to 8ft. On the property located at 2605 Encina Circle, otherwise known as HARBOR OAKS UNIT 5, BLOCK 2, LOT 3, & BOAT SLIP #17.
 - i. Staff Report.
 - ii. Applicant Presentation.
 - iii. Public Hearing to receive comments in favor or against the request.
 - iv. Consider the recommendation for approval or denial of the request. (Robert Decker, Chief Building Official)
4. Consider a request for relief from the Zoning Ordinance for the setback required for a pool installation be reduced on the property located at 1883 Bay Shore Dr. otherwise known as KEY ALLEGRO UNIT #2, BLOCK 6, LOT 27.
 - i. Staff Report.
 - ii. Applicant Presentation.
 - iii. Public Hearing to receive comments in favor or against the request.
 - iv. Consider the recommendation for approval or denial of the request. (Robert Decker, Chief Building Official)

V. ADJOURN

CERTIFICATION

This is to certify that I, Carey Dietrich, posted this Agenda at 5:00 p.m. on January 30th, 2026, on the bulletin board of the City Hall, 212 N Live Oak St and Rockport Service Center, 2751 S. H. 35 Bypass, Rockport, Texas 78382.

A handwritten signature in black ink that reads "Stacy M. Cantu". The signature is written in a cursive style with a large, stylized 'S' and 'C'.

Stacy Cantu
Building and Development Planning Technician

ZONING BOARD OF ADJUSTMENTS MINUTES

On the 15th day of January 2026, the Zoning Board of Adjustments held a Meeting at 5:30 p.m., at Rockport City Hall 212 N Live Oak, 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
Rocky Gudim
Pamela Dixon
Patt Bemrose

Brandi Picton

Members Absent

Janetta Davis

Staff Members Present

Carey Dietrich, Director of Building & Development / Community Planner
Robert Decker, Assistant Director of Building & Development / Building Official
Belinda Garcia, Administrator Coordinator
Stacy Cantu, Building & Development Planning Technician
Kimberly Henry, Assistant to the City Manager

Guest(s) Present – One (1)

Bruce Hood, 474 Augusta Dr.

I. CALL TO ORDER AND ROLL CALL

Chair, W. Hassinger, called the Zoning Board of Adjustments meeting to order at 5:30 p.m. with the acknowledgement of a quorum being present.

II. CITIZENS TO BE HEARD

No citizens were present and no submission was present for citizens to be heard.

III. APPROVAL OF MINUTES

1. Consider the approval of the Zoning Board of Adjustments Minutes for the December 16, 2025, Meeting. (Stacy Cantu, Building & Development Planning Tech)

Motion: Member, R. Gudim motioned to approve December 16, 2025, regular meeting minutes as presented. Member P. Bemrose seconded the motion. **Motion passed unanimously.**

IV. PUBLIC HEARING AND RELATED ACTIONS

2. Consider a request for relief from the Zoning Ordinance for the setbacks required for a pool installation on the property located at 474 Augusta Dr., otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 26, LOT 25.

i. Staff Report.

ii. Applicant Presentation.

iii. Public Hearing to receive comments in favor or against the request.

iv. Consider the recommendation for approval or denial of the request.

Building Official, R. Decker, stated that Property owners, Bruce Hood and Janetta Davis, are requesting a variance to reduce the rear setback from 20' to 0' for the placement of a pool. The attached site plan shows the edge of water being at the property line with the pool decking exceeding the property line by what appears to be approximately 4 ft. Staff is recommending denial of the request to reduce the rear setback from 20' to 0' for a pool installation on the property located at 474 Augusta Dr. otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 26, LOT 25, as the installation is shown to be encroaching on the neighboring property which is a 10' utility easement, the setback from the foundation is shown to be less than the required 10', and no qualifying hardship has been submitted.

Applicant (Property Owner), Bruce Hood stated his pool builder submitted a pool permit request and it was denied due to the 10' rear setback. And the pool decking was being built over the utility easement, his builder assumed it would be allowed. He stated he had an "approval" letter from the Rockport Country Club Golf Course.

A Public Hearing was opened at 5:35 p.m. Two (2) mail out notices have been received from Rockport Country Club Members Association, at 101 Champions Dr. And second one is from David Hausman, at 476 Augusta Dr. who wrote in, in approval. The Public Hearing was then closed at 5:36 p.m.

Member B. Picton questioned whether neighboring properties were also encroaching into the utility easement. Mr. Hood responded, the property was sold to them like that in 2016 or 2017 and the fence was pushed past the property line. Building Official, R. Decker, brought forth the 10' setback required from the accessory use structure (pool) and home foundation. Mr. Hood then wanted to modify his request being, the rear setback be reduced from 10' to 0' and the accessory use structure (pool) setback to home be from 10' to 5'. Director C. Dietrich then stated that if a 10' rear setback was reduced to 0', we still could not approve permitting pool decking to be placed onto the neighboring property. Mr. Hood agreed that he would resubmit with a different plan for finished pool. Mr. Hood was informed a modified request would have to be resubmitted to the board and Director C. Dietrich made clear that his item would be postponed to the following meeting scheduled for February 5th, 2026.

Discussion was had that the request coming back would offer back door of the home to the water's edge of the pool, be 5 ft. Director C. Dietrich asked if the pool could come off that rear setback some, not making it a 0' setback. Mr. Hood stated the water's edge would not be at the rear setback, but instead the finished pool decking would meet that rear setback. Mr. Hood also stated that his hardship was for health reasons and wanting a pool for exercise.

Motion: Member P. Bemrose made a motion to postpone the variance requested for the pool at 474 Augusta Dr, Member B. Picton seconded the motion.

Motion passed unanimously. Item # 2 would be postponed until the next Zoning Board of Adjustments meeting, scheduled for February 5th, 2026.

V. ADJOURN

Motion: Member P. Dixon made a motion to adjourn. Member R. Gudim seconded the motion.
Motion passed unanimously. Zoning Board of Adjustments meeting adjourned at 5:58 p.m.

Prepared By:

Stacy Cantu, Building & Development Planning Technician

Approved By:

Warren Hassinger, Chairman



AGENDA MEMO

DEPARTMENT: Building & Development

TO: Zoning Board of Adjustments Commissioners

FROM: Robert Decker, Chief Building Official

MEETING DATE: February 5, 2026

CATEGORY: Action Item

CAPTION:

Consider a request for relief from the Zoning Ordinance for the setbacks required for a pool installation on the property located at 474 Augusta Dr., otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 26, LOT 25 postponed from the regular ZBA meeting of January 15, 2026. (Postponed from 1/15/2026)

i. Staff Report.

ii. Applicant Presentation.

iii. Consider the recommendation for approval or denial of the request.

SUMMARY:

The request was postponed in order to give the applicant the opportunity to better define the request. The re-submittal is for relief from the rear pool setback to be reduced from 10' to 2' and the setback from the home's foundation to be reduced from 10' to 2.4'.

BACKGROUND:

FUNDING SOURCE:

FUNDING IMPACT:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

Action Item

ATTACHMENTS:

1. REVISED Variance Application & Site Plans
2. PH - 474 Augusta Dr
3. PICTOMETRY
4. ZONING MAP
5. FUTURE LAND USE
6. Public Mailout

7. 101 Champions Dr. - Rockport Country Club Association
8. 476 Augusta Dr. - David Hausman
9. ZBA Findings of Fact _474 Augusta Dr

APPROVAL/REVIEW:

Carey Dietrich, Director of Community Development & Building

Date: January 30, 2026

Kimberly Henry, Assistant to the City Manager

Date: January 30, 2026

22 January 2026

**CITY OF ROCKPORT
BUILDING AND DEVELOPMENT DEPARTMENT**

Please consider the attached – REVISED - variance application. Revisions required came to light at the January 15, 2026 ZBA hearing. Please add this request to your February 5 scheduled hearing.

We would like to add a 35'X15' in ground swimming pool in the backyard.

The current ordinance does not allow room for a functional pool due to the size/shape of the backyard. Yard is 25' wide, if strict application of the ordinance were applied, this would leave only 5' for pool width.

This same relief has been approved by the ZBA board in the recent past – please refer to Dec 16, 2025 ZBA meeting where Key Allegro properties were granted exception from rear and foundation setbacks with Engineer's stamped/signed approval of location and depth of pool. We will also provide an Engineer's approval of the pool plans to ensure foundation integrity.

Without the requested variance, we will be deprived of a reasonable use and enjoyment of our property, as the pool is intended for family recreation and health benefits. This hardship is not self-imposed as the property's characteristics predate my ownership. Granting this variance will not alter the essential character of the neighborhood or adversely affect adjacent properties.

I have attached a copy of the survey and a version of the survey with the pool added.

Thank you,

Bruce Hood

474 Augusta Dr

512-825-5678



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

5. Project Name: <u>SWIMMING POOL</u>			
6. Building/Facility Name: <u>HOME</u>			
7. Address: <u>474 AUGUSTA DR.</u>	Suite #:	City: <u>ROCKPORT</u>	Zip Code: <u>78382</u>

8. Description: Indicate the type of project: New Construction ☐ <u>Addition</u> ☐ Alteration	9. Scope of Work (Describe the construction activities): <u>CONSTRUCT GUNITE, IN GROUND, POOL.</u> <u>35' X 15' IN BACKYARD</u>
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10. Square Footage of Building: <u>NA</u>	11. Square Footage Per Floor: <u>NA</u>
12. Is this building a qualified historic building: Yes ☐ <u>No</u> ☒ 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>① REAR SETBACK - REQUEST 2'.</u> <u>② SETBACK FROM FOUNDATION - REQUEST 2.4'.</u>

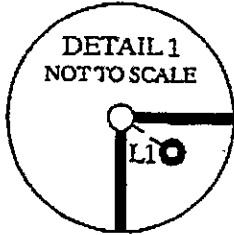
14. Intent to Apply: I hereby apply for a variance from the City of Rockport Zoning Board of Adjustment. (Check one) I am the <u>Owner</u> ☐ Owner's Agent ☐			
15. Name: <u>BRUCE HOOD</u>		16. Company/Firm: <u>BUILDER: MEC POOLS, CORPUS CHRISTI</u>	
17. Address: <u>474 AUGUSTA DR.</u>	18. City: <u>ROCKPORT</u>	19. State: <u>TX</u>	20. Zip Code: <u>78382</u>
21. Phone #: <u>512-825-5678</u>	22. Fax #:	23. E-mail: <u>BRUCE.HOOD@AOL.COM</u>	
24. Signature: <u>Bruce Hood</u>		25. Date: <u>22-JAN-2026</u>	

EXHIBIT A

GF NO. 17-92010S-HO (03-09-17)
SCALE 1" = 25'
MAP RECORDS OF ARANSAS COUNTY, TEXAS
VOLUME 4 PAGE 31



DETAIL 1
NOT TO SCALE

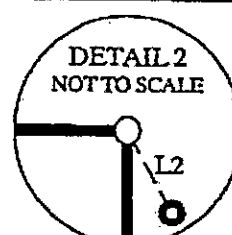


LI

S05° 24' 44"E 0.11' (MEAS)

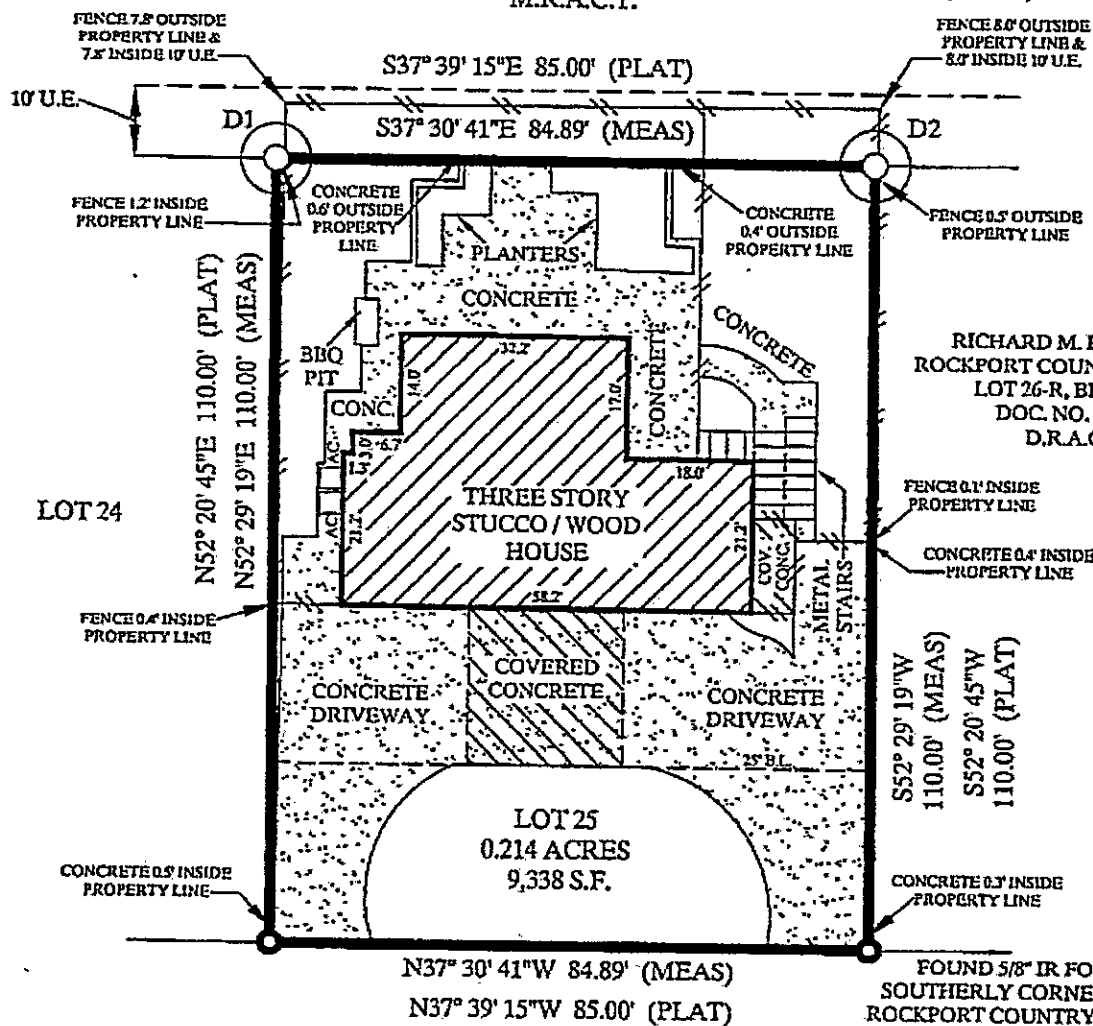
BLOCK 29
GOLF COURSE
VOL 4, PG. 31
M.R.A.C.T.

DETAIL 2
NOT TO SCALE



14

S23° 46' 38"W 0.68' (MEAS)



RICHARD M. BAUGHER,
ROCKPORT COUNTRY CLUB #2
LOT 26-R, BLOCK 26,
DOC. NO. 318049
D.R.A.C.T.

LOT 25
0.214 ACRES
9,338 S.F.

FOUND 5/8" IR FOR
SOUTHERLY CORNER OF
ROCKPORT COUNTRY CLUB
ESTATES UNIT 2, LOT 6-R, BLOCK 26
RICHARD M. BAUGHER,
DOC. NO. 318049, D.R.A.C.T.
BEARS S37° 30' 41"E, 110.07'

-  = WOOD FENCE
 = FOUND 5/8" IRON ROD
 = PROPERTY CORNER

474 AUGUSTA DRIVE
50' RIGHT OF WAY

NOTES: SCHEDULE "B" ITEMS:
2.) FILE NO. 137321 BLANKET



Brister Surveying

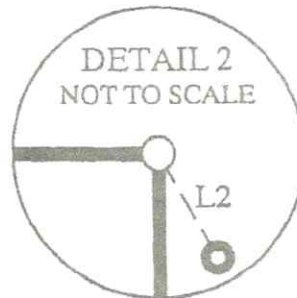
4435 South Padre Island Drive Suite 51
Corpus Christi, Texas 78411
Off 361-850-1800
Fax 361-850-1802

NOTES:

1.) TOTAL SURVEYED AREA IS 0.214 ACRES.
2.) MEASURED BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (93) 4205 DATUM.
3.) SET 58" IRON ROD - IRON ROD SET WITH 1/2"

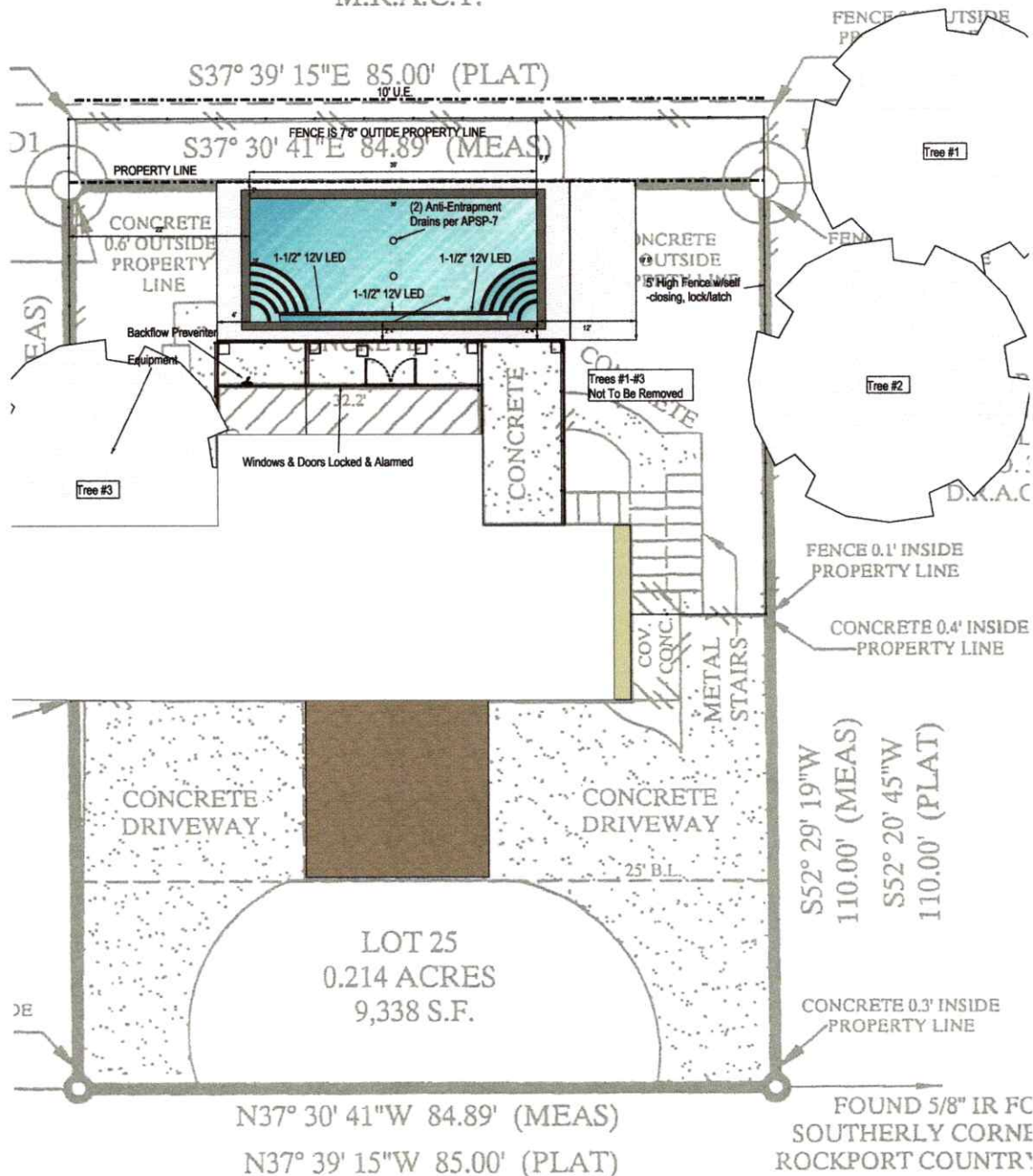


L1
S37° 30' 41" E 0.11' (MEAS)



L2
S23° 46' 38" W 0.68' (MEAS)

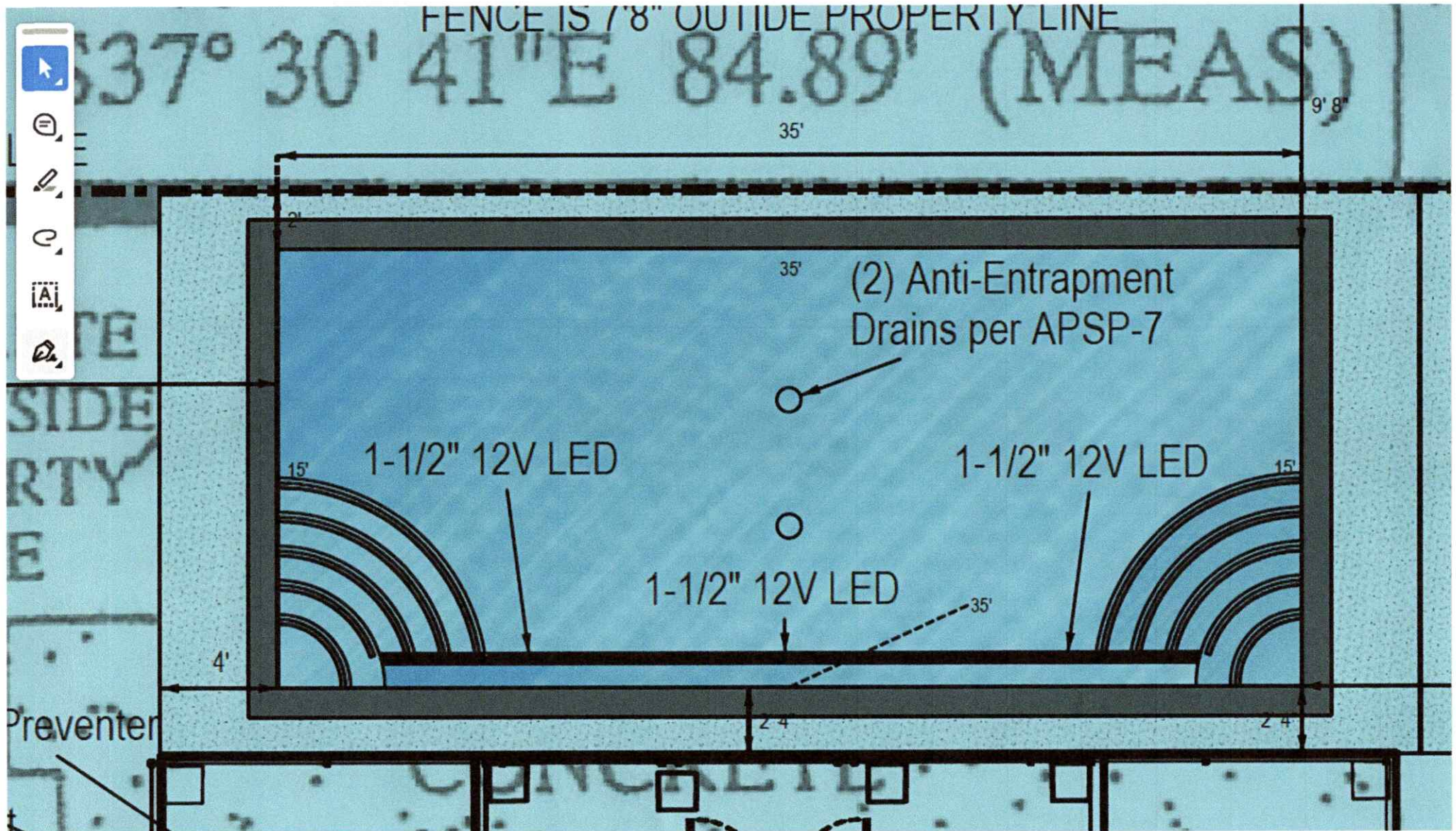
BLOCK 29
GOLF COURSE
VOL 4, PG. 31
M.R.A.C.T.



474 AUGUSTA DRIVE
50' RIGHT OF WAY

FOUND 5/8" IR FC
SOUTHERLY CORNER
ROCKPORT COUNTRY
ESTATES UNIT 2, LOT 6-R
RICHARD M. BAUG
DOC. NO. 318049, D.R.
BEARS S37° 30' 41" E,

Scale: 1/16" = 1 ft





PUBLIC HEARING

Zoning Board of Adjustment

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday January 15, 2026, at 5:30 p.m., **City of Rockport City Hall, 212 N Live Oak, Rockport, Texas**, to consider a request for relief from the Zoning Ordinance for the setbacks required for a pool installation on the property located at 474 Augusta Dr. otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 26, LOT 25.

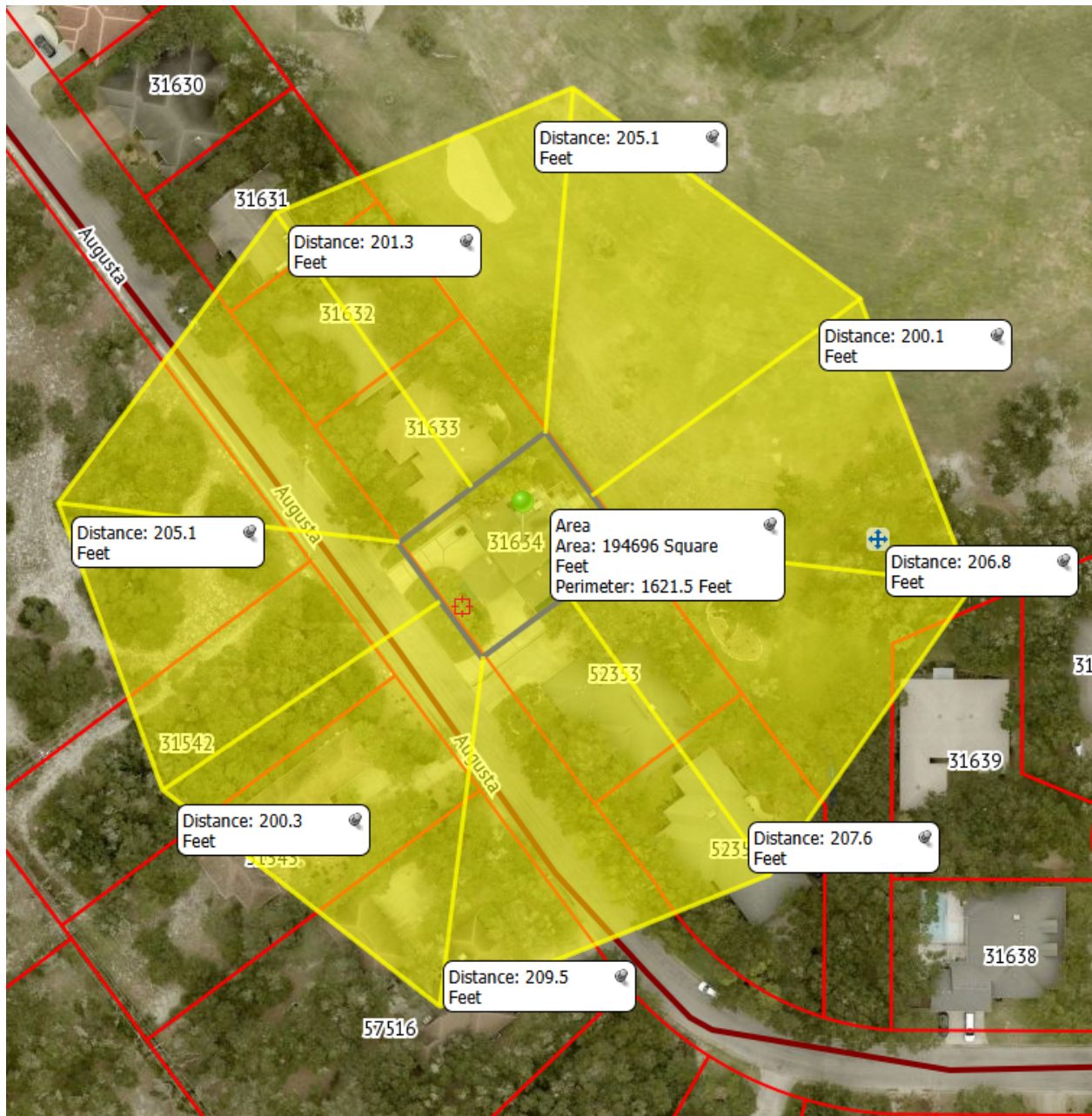
The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation 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 23rd of December 2025, by 4:00p.m. on the bulletin board at City of Rockport Service Center, 2751 S.H. 35 Bypass, and at Rockport City Hall, 212 N Live Oak, Rockport, Texas and on the webpage www.cityofrockport.com.

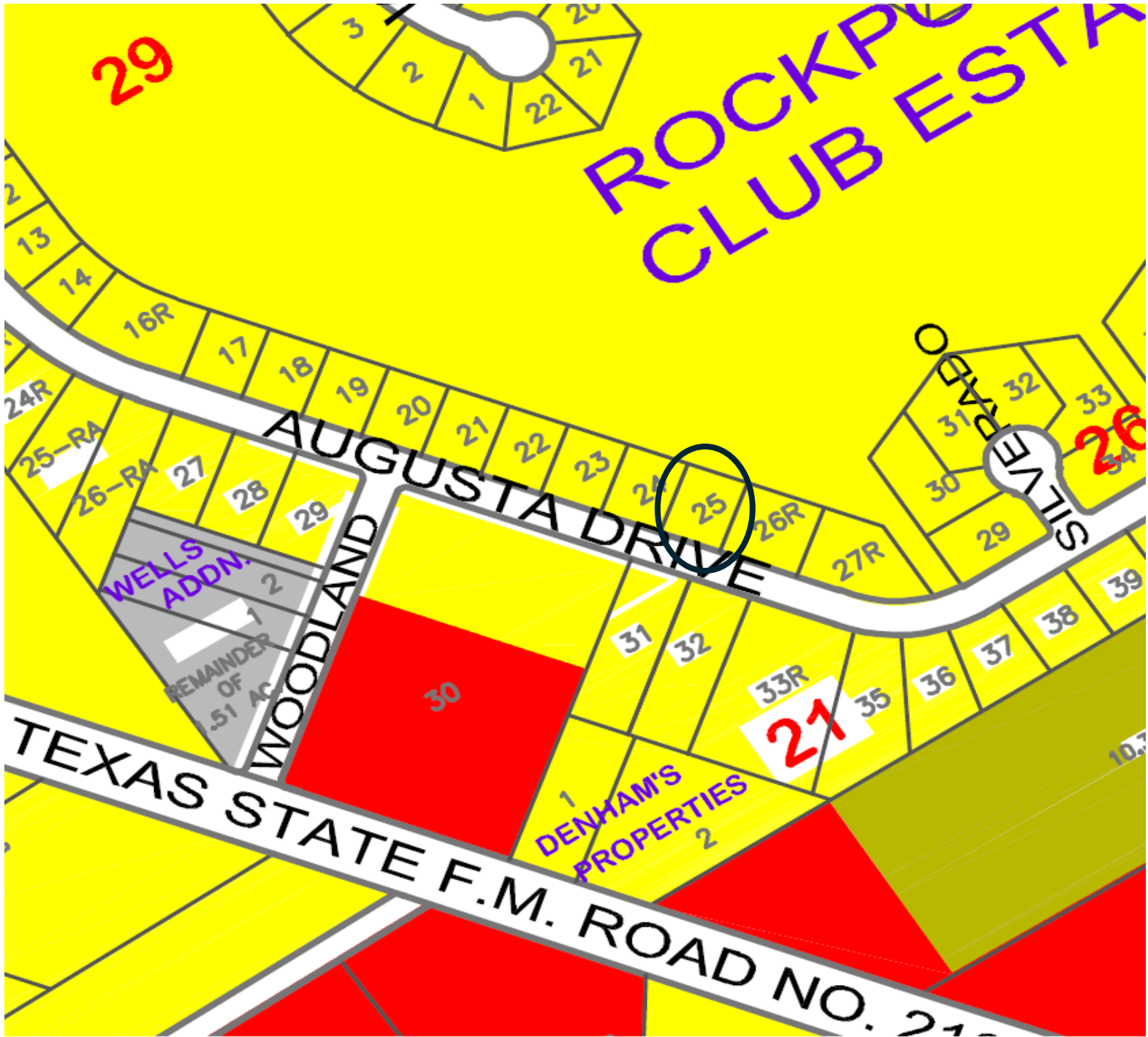
PUBLISHED: in *The Rockport Pilot* in the Thursday, December 25, 2025, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS

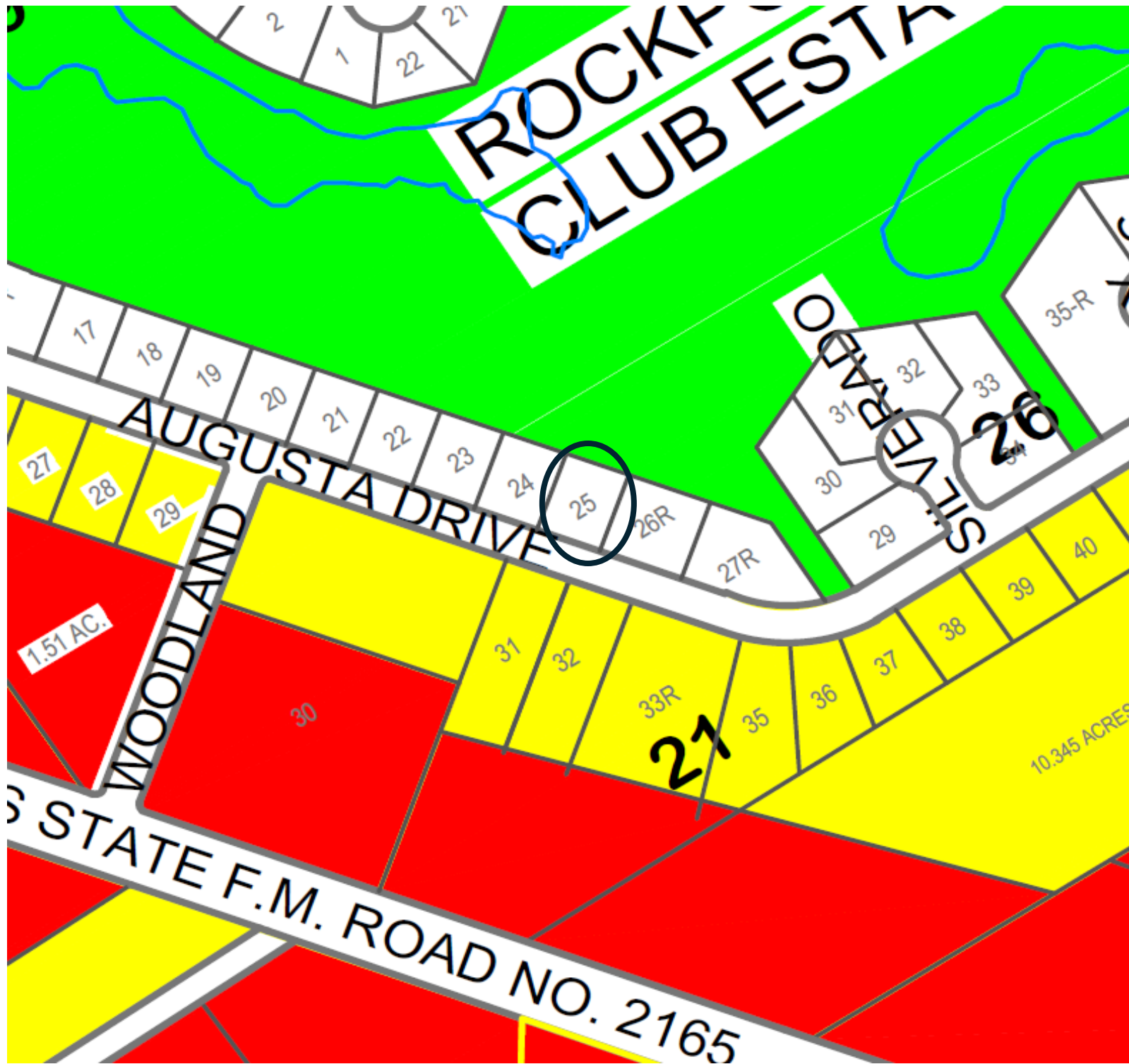
Carey Dietrich,
Director Building & Development
Community Planner



Zoning map

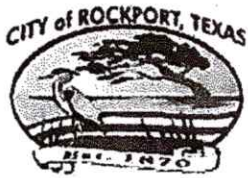


FUTURE LAND USE MAP



<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>
31634	Bruce and Janetta Davis	474 Augusta Dr	474 Augusta Drive	Rockport	TX
52353	David and Laura Hausman	476 Augusta Dr	476 Augusta Dr	Rockport	TX
52355	Charles Goolsbee	478 Augusta Dr	478 Augusta Dr	Rockport	TX
31639	Mark and Angela Hagen	604 Silverado	604 Silverado	Rockport	TX
57516	Louis and Erin Oliver	479 Augusta Dr	479 Augusta Dr	Rockport	TX
31543	Belvina Kittle	477 Augusta Dr	477 Augusta Dr	Rockport	TX
31542	Belvina Kittle	475 Augusta Dr	477 Augusta Dr	Rockport	TX
31541	Church of Jesus Christ	111 Woodland Dr	TAX ADM DIV 546-3173 50	Salt Lake City	UT
31633	Wayne Christian	472 Augusta Dr	220 Normandy Ave	San Antonio	TX
31632	Joe and Lori Cross	470 Augusta Dr	470 Augusta Dr	Rockport	TX
31631	Hugh and Linda McKeon	468 Augusta Dr	P O Box 447	Rockport	TX
31705	Rockport Country Club	IS 13th FAIRWAY TX	P O Box 1539	Rockport	TX
	Warren Hassinger	Zoning Board of Adjustment	2517 Turkey Neck Circle	Rockport	TX
	Patt (Patricia) Bemrose	Zoning Board of Adjustment	1435 S Water	Rockport	Tx
	Pamela Dixon Frost	Zoning Board of Adjustment	412 Cherry Hills Dr	Rockport	TX
	Richard W. Smith	Zoning Board of Adjustment	131 Pecan Harbor St	Rockport	TX
	Janetta Davis	Zoning Board of Adjustment	474 Augusta Drive	Rockport	TX
	Rocky Gudim	Zoning Board of Adjustment	1016 S Magnolia St	Rockport	Tx
	Brandi Picton	Zoning Board of Adjustment	1803 Picton Ln	Rockport	Tx

<u>ZIP</u>
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NOTICE OF PUBLIC HEARING
Rockport Zoning Board of Adjustments

RECEIVED
JAN 12 2026
BY: *Scarth*

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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:

Rockport Country Club Members Assn

Address:

101 Champions DR

City/State:

Rockport TX

☒ IN FAVOR

() IN OPPOSITION

Phone:

361-729-8324

REASON:

Signature

See map on reverse side.



NOTICE OF PUBLIC HEARING
Rockport Zoning Board of Adjustments

RECEIVED
JAN 15 2026
BY: Scanth

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CITY OF ROCKPORT, TEXAS

/s/ Shelley Goodwin, City Secretary

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Printed Name: DAVID HANSMAN

Address: 474 Augusta Dr

City/State: RR TX 78382

☒ IN FAVOR () IN OPPOSITION

Phone: 361-549-7564

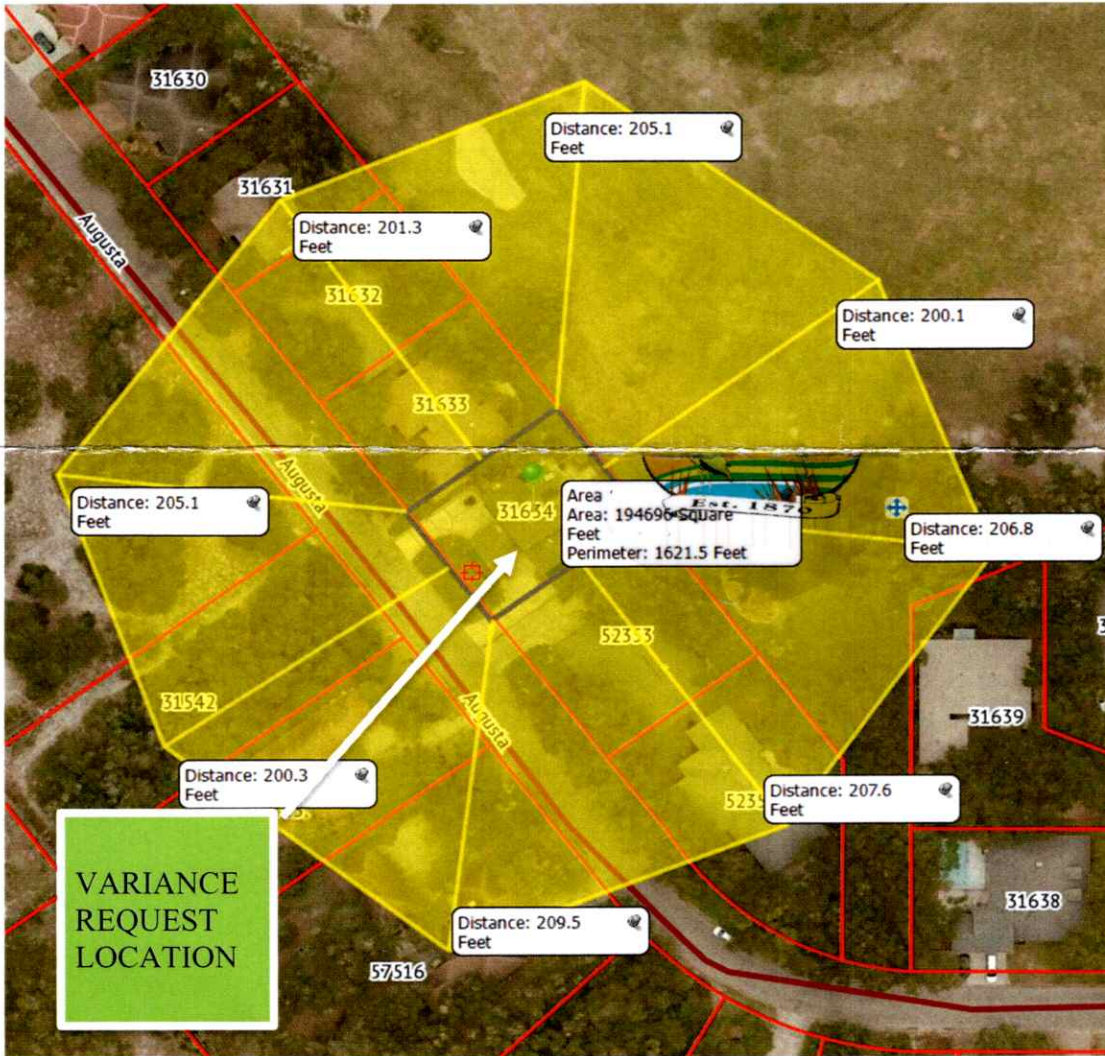
REASON:

David Hansman
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

CORPUS CHRISTI TX 784

2 JAN 2026 AM 2 L

FIRST-CLASS



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\$ 000.740
DEC 30 2025

Janetta Davis
474 Augusta Drive
Rockport, TX 78382

SITUS ADDRESS: Zoning Board of Adjustment

78382-694574

CITY of ROCKPORT, TEXAS





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

Applicant: 474 Augusta Dr – Bruce Hood

Lot/Tract/: ROCKPORT COUNTRY CLUB #2, BLOCK 26, LOT 25

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

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

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

With _____ 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

Date



AGENDA MEMO

DEPARTMENT: Building & Development

TO: Zoning Board of Adjustments Commissioners

FROM: Robert Decker, Chief Building Official

MEETING DATE: February 5, 2026

CATEGORY: Action Item

CAPTION:

Consider a request for relief from the Zoning Ordinance for the 20-foot rear setback be reduced to 10 feet, and the 10 ft. setback from foundation required for a pool installation be reduced to 8ft. On the property located at 2605 Encina Circle, otherwise known as HARBOR OAKS UNIT 5, BLOCK 2, LOT 3, & BOAT SLIP #17.

i. Staff Report.

ii. Applicant Presentation.

iii. Public Hearing to receive comments in favor or against the request.

iv. Consider the recommendation for approval or denial of the request.

SUMMARY:

The applicant is requesting the 20' rear setback be reduced to 10' and the 10' from foundation pool setback be reduced to 8' in order to build their home and pool.

BACKGROUND:

FUNDING SOURCE:

FUNDING IMPACT:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

Action Item

ATTACHMENTS:

1. A. Variance Application (resubmit)
2. C. Floor Plan Layout
3. B. Site Plan
4. E. PH - 2605 Encina Circle
5. PICTOMETRY
6. D. VOL 3 PG 95

7. ZONING MAP
8. FUTURE LAND USE MAP
9. Public Mailout
10. 1309 Dana Dr. - Pavl & Lynne Petzold
11. 2605 Encina Cir - Rhett Russell
12. 2608 Encina Circle - Todd & Georgia Johnson
13. 2623 Encina Dr. - Nancy Davis
14. ZBA Findings of Fact _2605 Encina Circle

APPROVAL/REVIEW:

Carey Dietrich, Director of Community Development & Building

Date: January 30, 2026

Kimberly Henry, Assistant to the City Manager

Date: January 30, 2026



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? 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:

5. Project Name: <u>Russell Residence</u>			
6. Building/Facility Name:			
7. Address: <u>2605 Encina Circle</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>New residential home construction</u>
--	--

10. Square Footage of Building: <u>3000</u>	11. Square Footage Per Floor: <u>3000</u>
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>Variance request to encroach on the rear property line 10 ft. and 2 feet inside the pool offset of 10 ft. so that a wider pool may be installed. this would allow an 8 ft. offset where code requires 10.</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>Rhett Russell</u>		16. Company/Firm:	
17. Address: <u>1503 Bateau Lndg.</u>	18. City: <u>Chesapeake</u>	19. State: <u>VA</u>	20. Zip Code: <u>23321</u>
21. Phone #: <u>(757) 582-5602</u>	22. Fax #:	23. E-mail: <u>rhett.russell@cox.net</u>	
24. Signature: <u>[Signature]</u>		25. Date: <u>1/14/2026</u>	

EXHIBIT A

**City of Rockport
Variance Application**

OWNER'S AFFIDAVIT

I, Rhett Russell, being first duly sworn, depose and say that I am the OWNER of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application, are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before hearings can be advertised. I also understand that it is my obligation to comply with any other lawfully adopted and recorded deed restrictions or covenants that are more restrictive or impose a higher standard, and that any action of this Board does not supersede those requirements.

Rhett Russell
Printed Name of Owner

[Signature]
Signature of Owner

1503 BATEAU LANDING
CHESAPEAKE VA 23321
Physical Address

1503 BATEAU LANDING
CHESAPEAKE VA 23321
Mailing Address

CHESAPEAKE VA 23321
City/State/Zip Code

CHESAPEAKE VA 23321
City/State/Zip Code

STATE OF ~~TEXAS~~ VIRGINIA §

COUNTY OF Chesapeake §

The foregoing instrument was acknowledged before me on this 14, day of January, 2026, by Rhett Russell and

(name) who are personally known by me or who has

produced driver's license and (document)

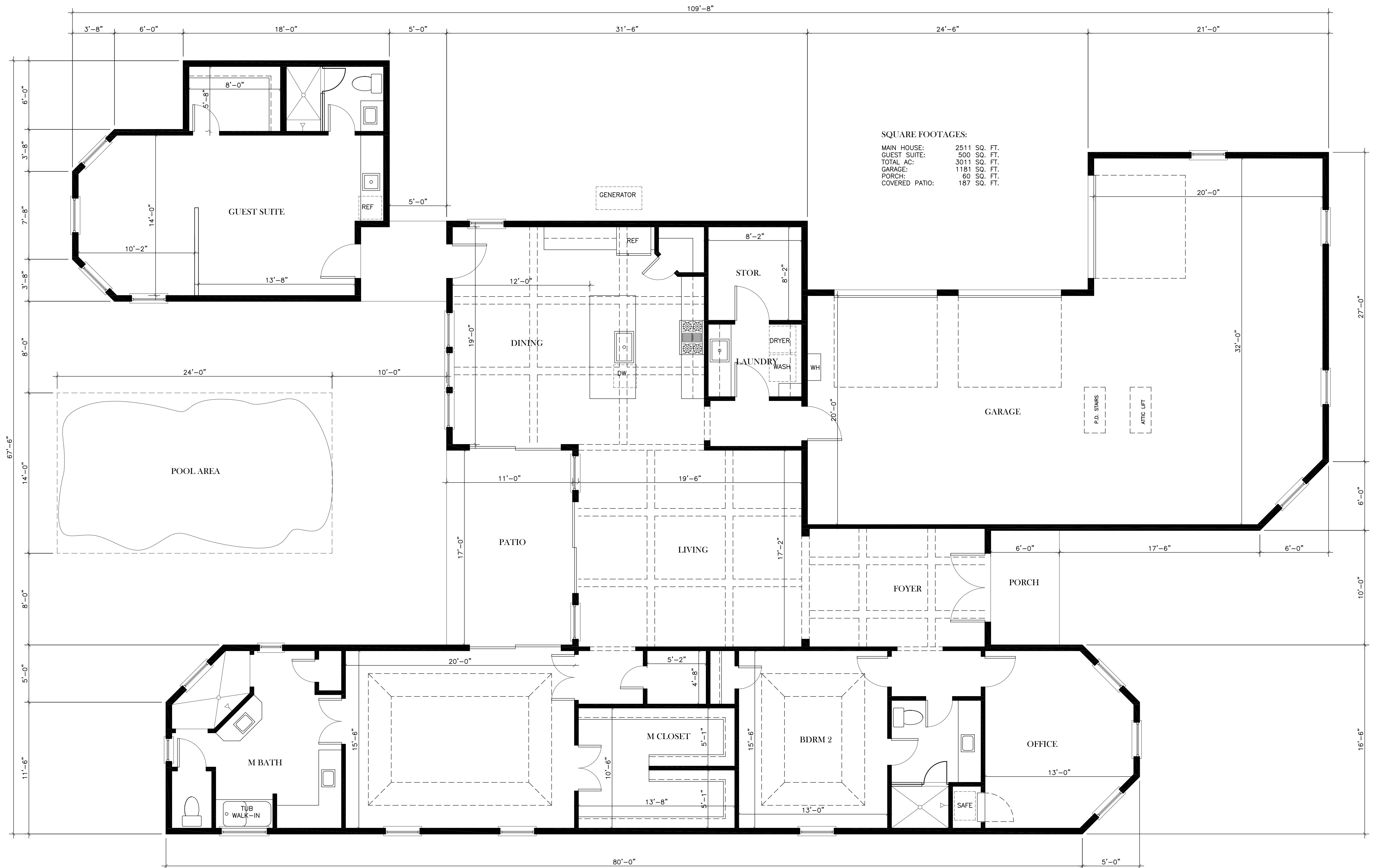
respectively, as identification and who did (did not) take an oath:



[Signature]
Notary Public Signature

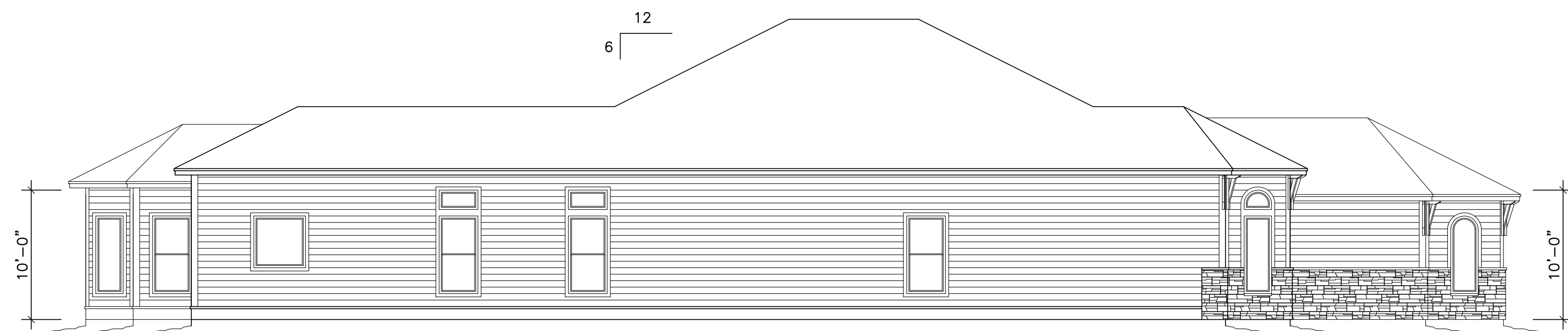
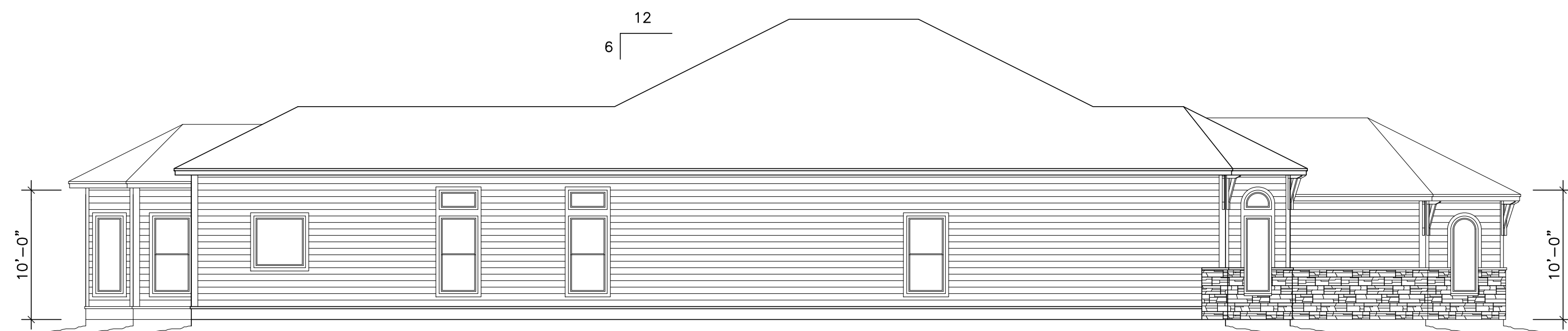
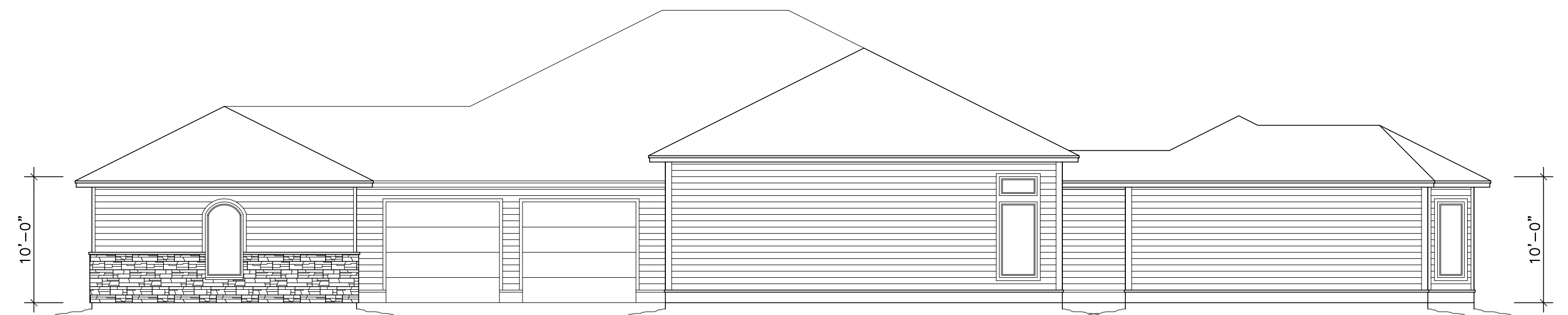
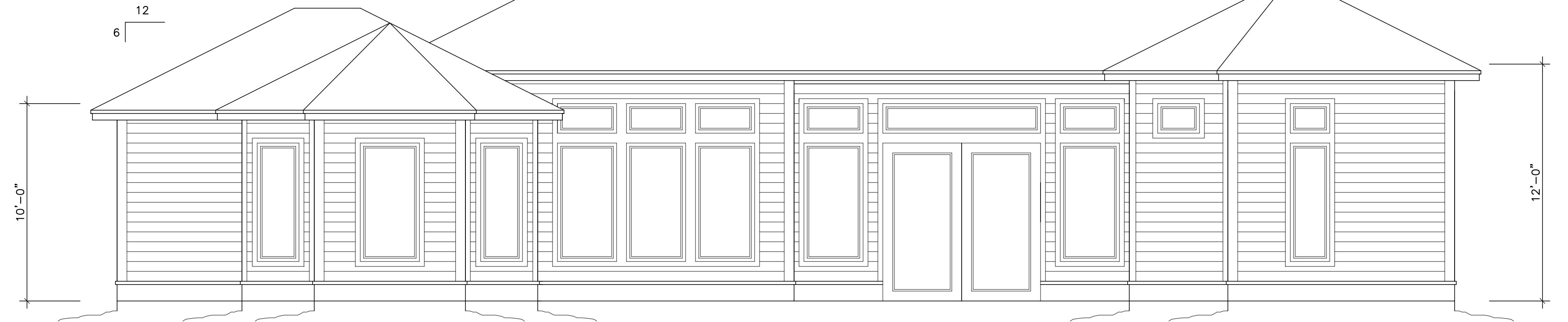
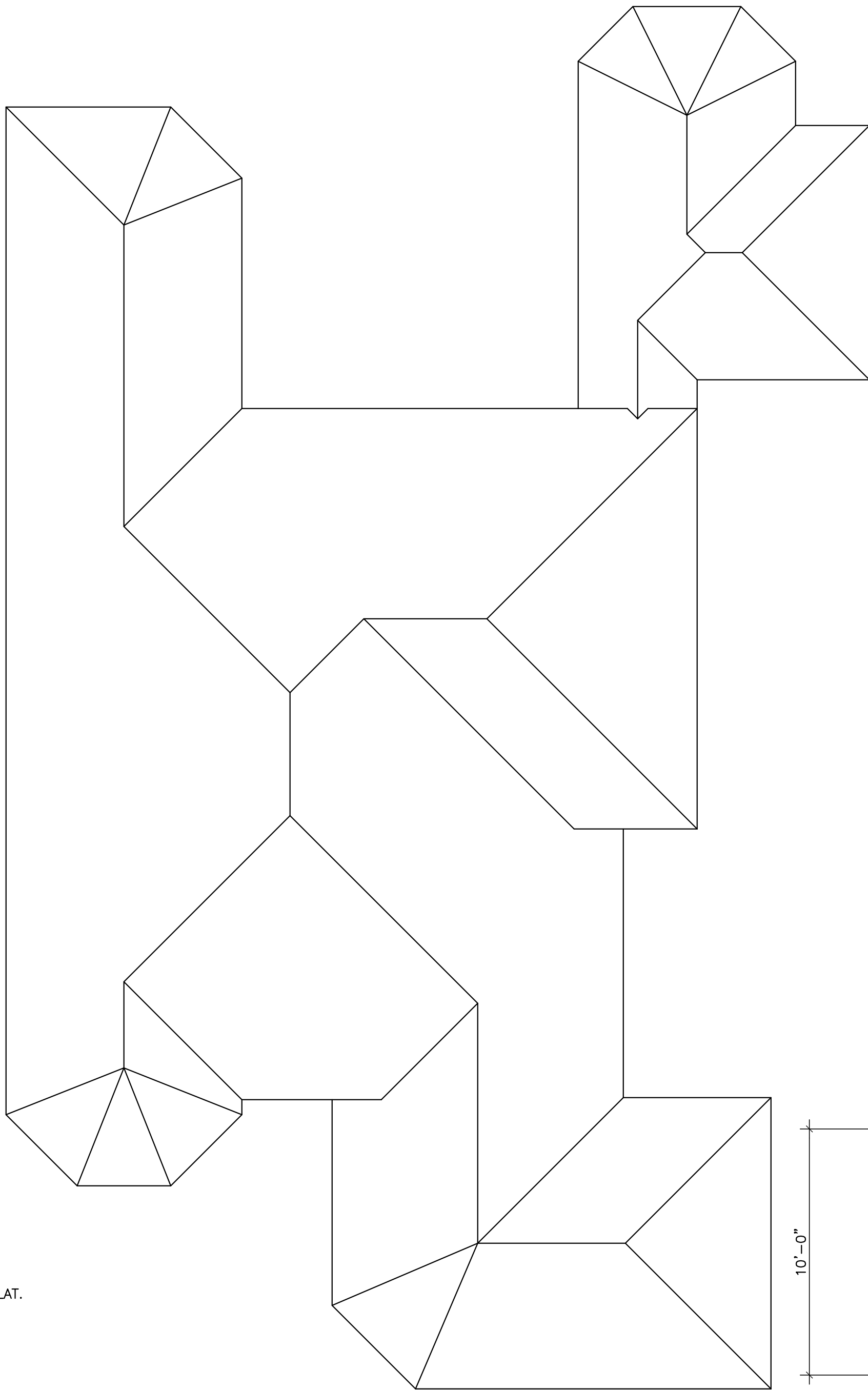
My Commission Expires: March 31, 2027

Svetlana V Williams
Printed Name



FLOOR PLAN

SCALE: 0 4'-0"





PUBLIC HEARING

Zoning Board of Adjustment

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday, February 5, 2026, at 5:30 p.m., **City of Rockport City Hall- 212 N Live Oak, Rockport, Texas,** to consider a request for relief from the Zoning Ordinance for the 20 foot rear setback be reduced to 10 feet, and the 10 ft. setback from foundation required for a pool installation be reduced to 8ft. on the property located at 2605 Encina Circle, otherwise known as HARBOR OAKS UNIT 5, BLOCK 2, LOT 3, & BOAT SLIP #17

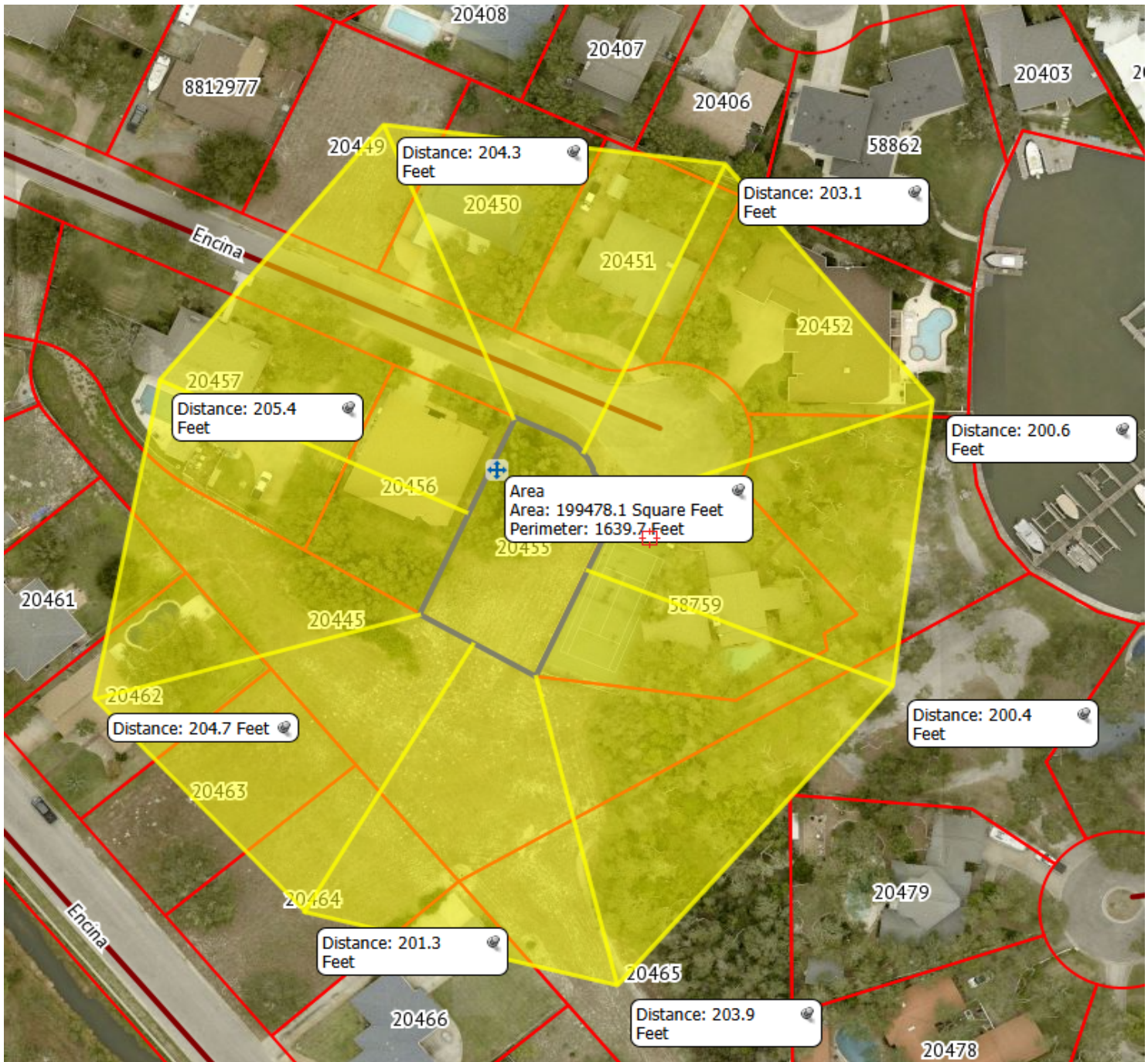
The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations 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 21st day of January, 2026, by 4:00p.m. on the bulletin board at City of Rockport Service Center, 2751 S.H. 35 Bypass, and at Rockport City Hall, 212 N Live Oak, Rockport, Texas and on the webpage www.cityofrockport.com.

PUBLISHED: in *The Corpus Christi Caller Times* on Wednesday, January 21, 2026, Edition, in accordance with the City of Rockport Code of Ordinances.

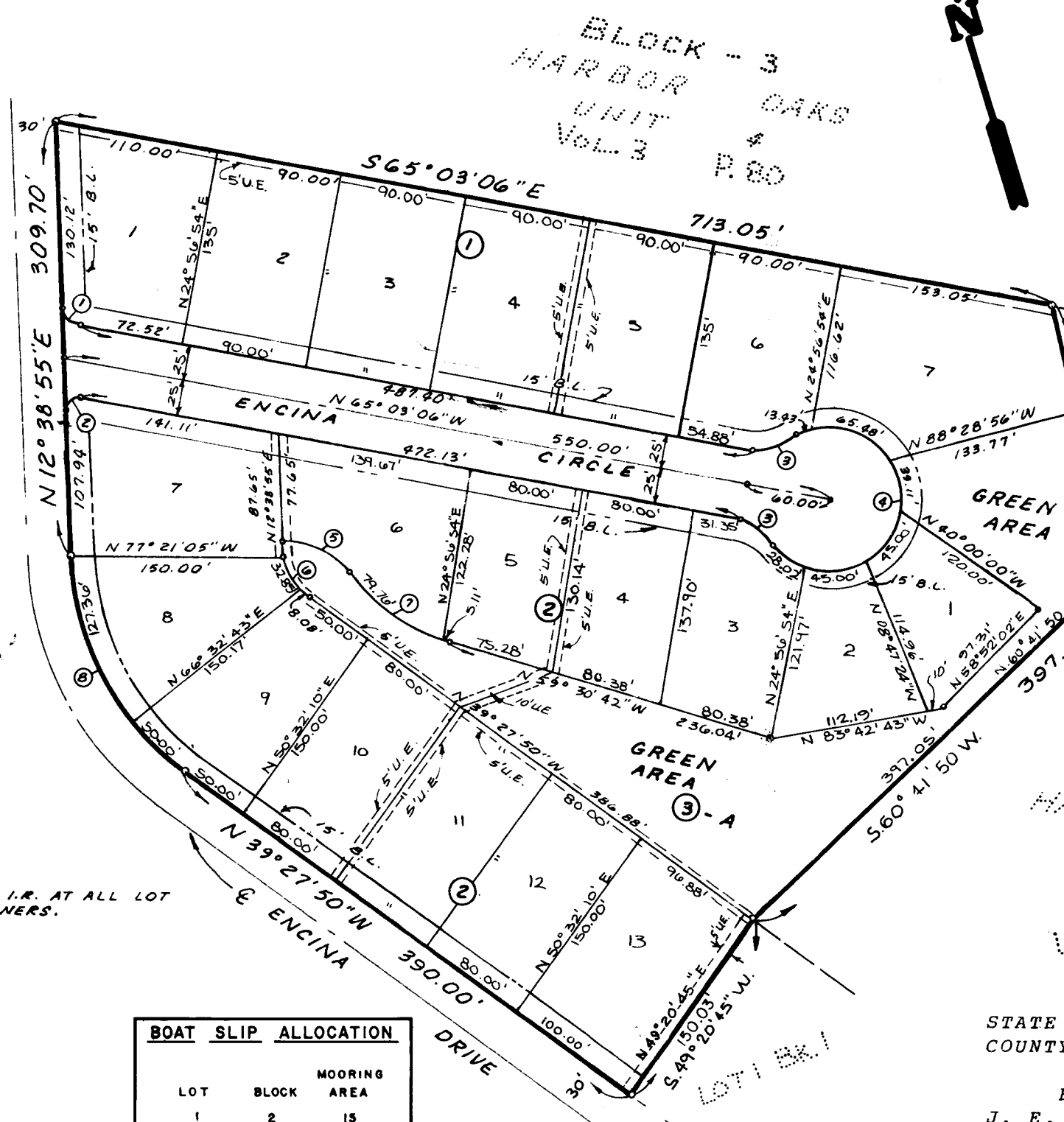
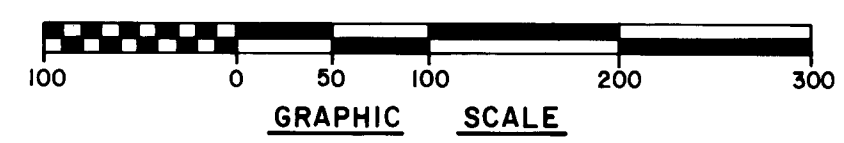
CITY OF ROCKPORT, TEXAS

Carey Dietrich,
Director Building & Development
Community Planner

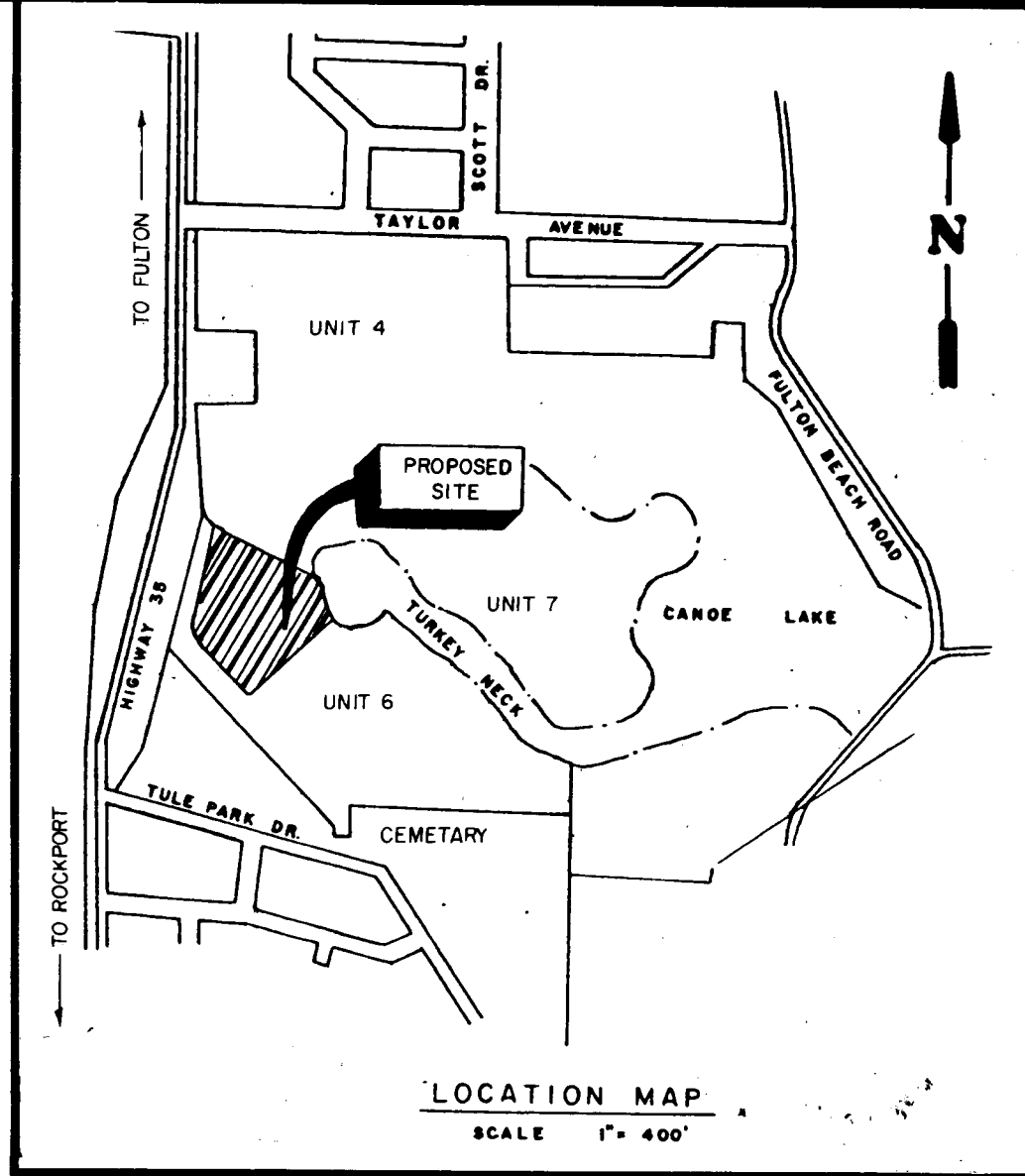


PLAT OF HARBOR OAKS UNIT 5

Being 7.568 acres of land out of the
J. Hond Survey A-77 and the T. Croco-
line Survey A-48 situated between Rock-
port and Fulton in Aransas County, Texas.



① Δ = 77°42'01" R = 10' T = 8.05' L = 13.56'	② Δ = 102°17'59" R = 10' T = 12.41' L = 17.85'	③ Δ = 45°14'23" R = 34.50' T = 14.37' L = 27.24'
④ Δ = 270°28'46" R = 50' T = 236.04' L = 236.04'	⑤ Δ = 54°00'00" R = 58.88' T = 30' L = 55.49'	⑥ Δ = 52°06'45" R = 45' T = 22' L = 40.93'
⑦ Δ = 36°09'37" R = 134.47' T = 43.90' L = 84.87'	⑧ Δ = 52°06'45" R = 195' T = 95.34' L = 171.36'	



NOTE:
5/8" I.R. AT ALL LOT
CORNERS.

BOAT SLIP ALLOCATION		
LOT	BLOCK	MOORING AREA
1	2	15
2	2	16
3	2	17
4	2	18
5	2	19
6	2	20
7	2	21
8	2	22
9	2	23
10	2	24
11	2	25
12	2	26
13	1	27
14	1	28
15	1	29
16	1	30

DEDICATION

STATE OF TEXAS
COUNTY OF ARANSAS

Canoe Lake Corp. acting herein by and through its president, J. E. McCord, being the owner of 7.568 acres of land shown and described on the attached map and plat of Harbor Oaks Unit 5 and having caused said land to be surveyed, subdivided and platted hereby subdivides all of said 7.568 acres of land into a subdivision known as Harbor Oaks Unit 5 according to the map and plat hereto attached, which map and plat is hereby adopted as the established map of said Harbor Oaks Unit 5 dedicates all streets shown thereon which are a part of the subdivision to the public use forever and reserves all easements for installation, operation and use of public utilities shown thereon for such purposes, provided, however, that canals, channels, lakes and other waterways are not dedicated to public use and are not to be maintained by any political subdivision or municipal corporation.

Said subdivision is further subject to those certain protective restrictions and covenants and landowners agreement shown by separate instrument, executed by Canoe Lake Corp. dated the 19th day of December, 1977.

ATTEST:

J. E. McCord
Secretary

CANOE LAKE CORP.

By *J. E. McCord*
J. E. McCord, President

STATE OF TEXAS
COUNTY OF ARANSAS

Before me, the undersigned authority, on this day personally appeared J. E. McCord, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he, in his representative capacity as President of Canoe Lake Corp., a corporation, executed the same for the purposes and consideration therein expressed as the act and deed of said Canoe Lake Corp., a corporation.

Given under my hand and seal of office this the 28th day of November, 1977.

Helena K. Alderman
Notary Public in and for
Aransas County, Texas

CERTIFICATE OF SURVEYOR

STATE OF TEXAS
COUNTY OF NUECES

I, Eugene C. Urban, a Registered Professional Engineer for Urban Engineering hereby certify that the foregoing map was prepared from surveys made on the ground under my direction and is true and correct, that Urban Engineering has been engaged to set all lot and block corners and reference points and complete such operations without delay.

This the 23 day of Nov., 1977.

Eugene C. Urban
Eugene C. Urban, Texas License #15109

APPROVAL BY CITY

STATE OF TEXAS
COUNTY OF ARANSAS

This final plat of the herein described property as approved by the City of Rockport, Texas this the 28 day of Nov., 1977.

ATTEST:

Ferman Johnson
City Secretary

Mayor
Mayor

APPROVAL BY ZONING AND PLANNING COMMISSION

STATE OF TEXAS
COUNTY OF ARANSAS

This final plat of the herein described property was approved by the Zoning and Planning Commission of the City of Rockport, Texas, provided this approval shall be invalid and null unless this plat be filed with the County Clerk of Aransas County, Texas within six months (6) hereafter.

This the 28 day of Nov., 1977.

ATTEST:

Juanita Wagley
Secretary

Chairman
Chairman

COUNTY CLERK'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ARANSAS

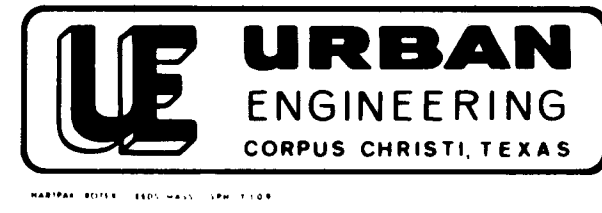
I, Ruby Hart, Clerk of the County Court in and for said county, do hereby certify that this map and plat of Harbor Oaks Unit 5, together with dedication by Canoe Lake Corp. and approval by City of Rockport, Texas and the Zoning & Planning Commission of the City of Rockport, Texas, which map and dedication is dated the 28 day of November, 1977 with the certificate of authentication was filed for record in my office the 12 day of December, 1977 at 3:45 o'clock P.M., and duly recorded the 12 day of December, 1977 at 3:45 o'clock P.M., in the map and plat records of said county in Volume 3, Page 95.

Witness my hand and seal of the County Court of said county at office in Rockport, Texas, the day and year last above written.

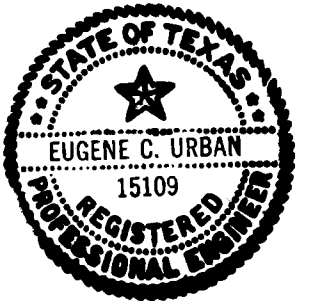
Ruby Hart, Clerk of the
County Court, Aransas
County, Texas

By *Ruby Hart*
Deputy

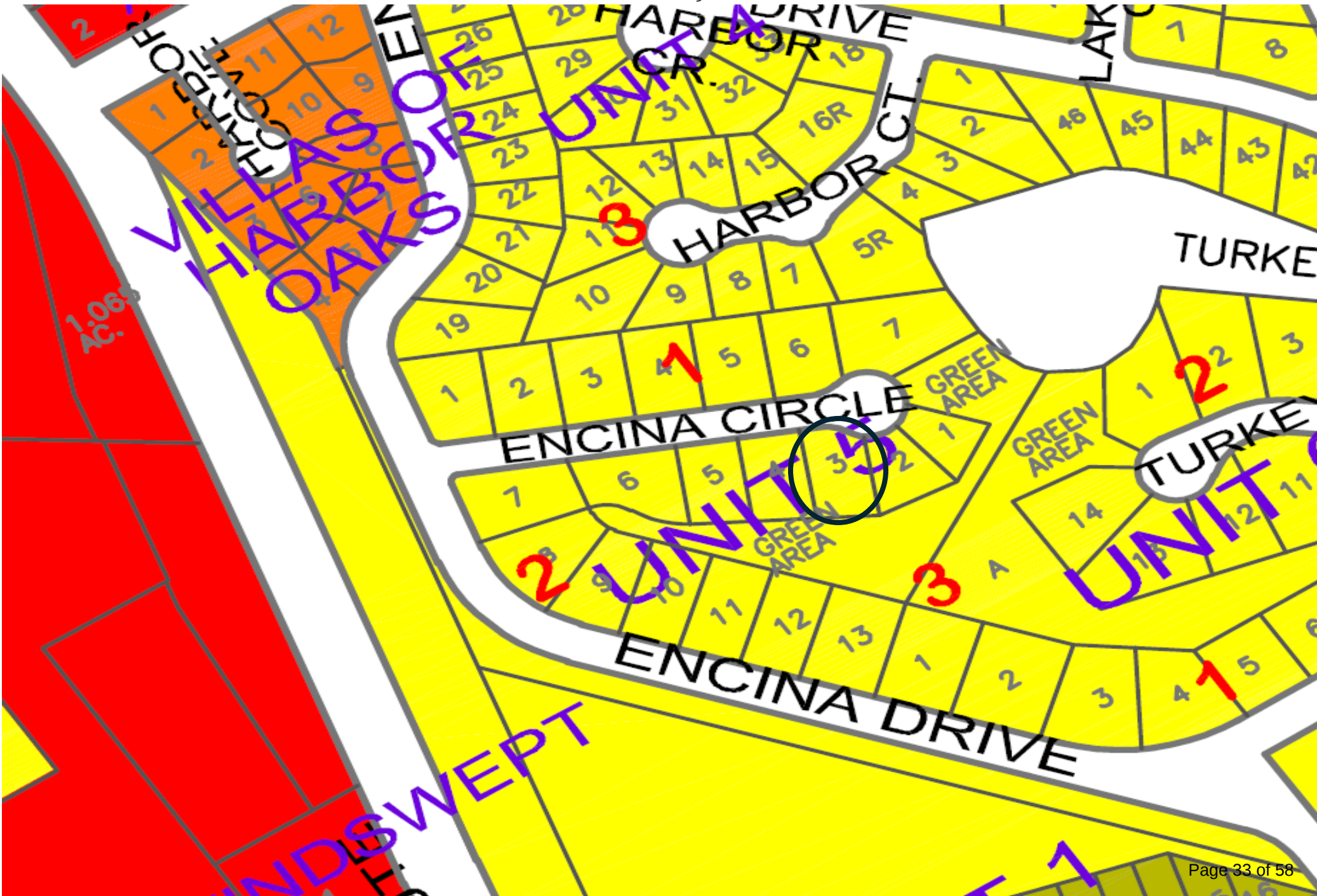
By: Deputy



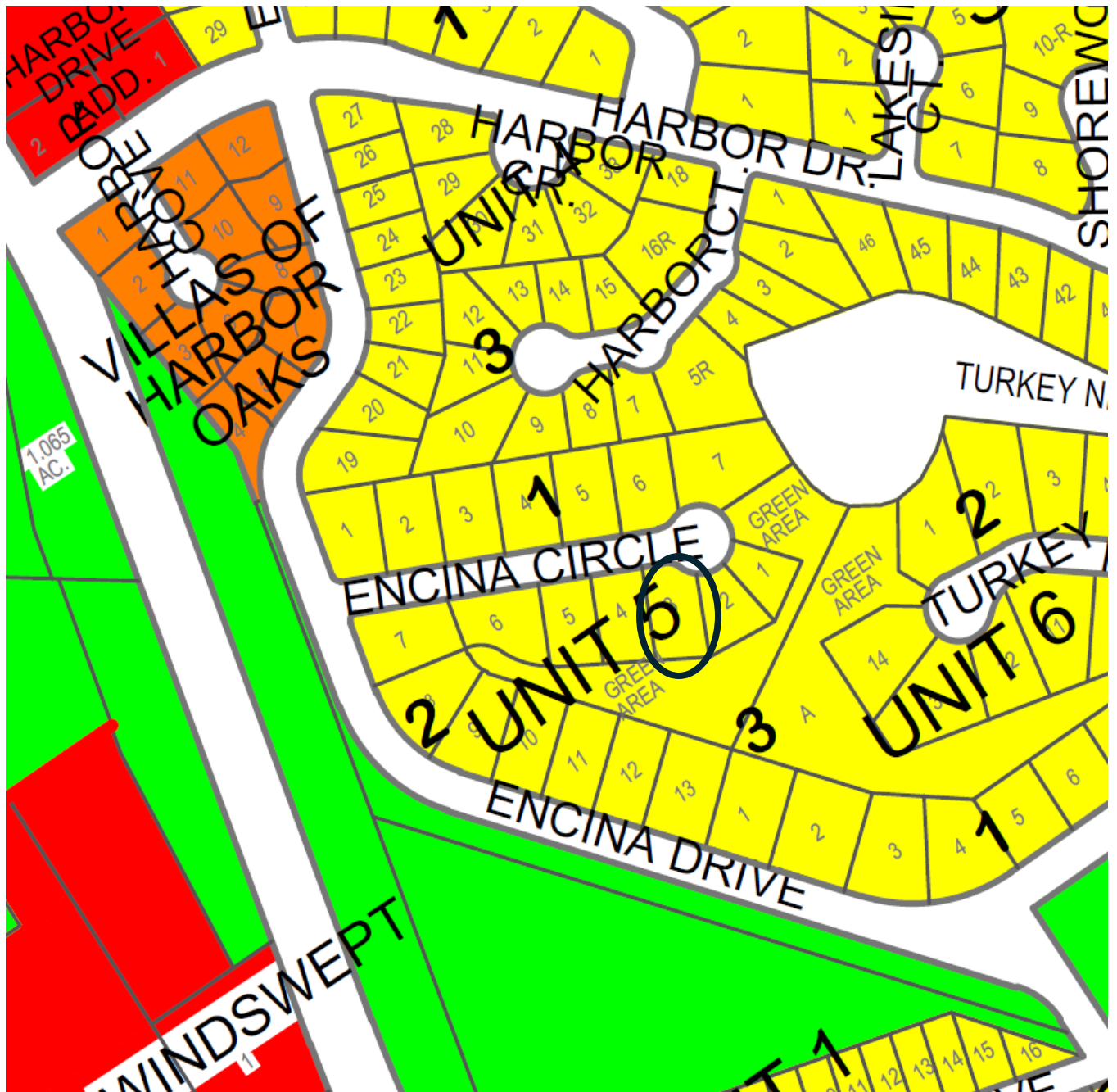
JOB NO. 7799.5
DATE JULY '77
SCALE 1"=100'



ZONING MAP (Legal Description: HARBOR OAKS UNIT 5, BLOCK 2, LOT 3, & BOAT SLIP 17)



Future Land Use Map



<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>
20455	Rhett and Vasilis Russell	2605 Encina Cir	1503 Bateau Lndg	Chesapeake	VA
58759	Fikac Properties LLC	2601 Encina Cir	1201 Cr 293	Shiner	TX
20465	Harbor Oaks Property Owners	2519 Turkey Neck Cir	P O Box 144	Rockport	TX
20466	Donal and Frances Schmidt	2615 Encina Dr	2615 Encina Dr	Rockport	TX
20464	Paul and Lynne Petzold	2617 Encina Dr	1309 Dana Dr	Rockport	TX
20463	William and Deborah Trigg	2619 Encina Dr	1043 N Allen	Rockport	TX
20445	Harbor Oaks Property Owners	2600 Encina Cir	P O Box 144	Rockport	TX
20462	Timothy and Carolyn Koepf	2621 Encina Dr	2621 Encina Dr	Rockport	TX
20461	Nancy Davis	2623 Encina Dr	2623 Encina Dr	Rockport	TX
20456	Dennis and Karen Kieseewetter	2607 Encina Dr	2607 Encina Cir	Rockport	TX
20457	Michael and Nichole Soto	2609 Encina Cir	2609 Encina Dr	Rockport	TX
20449	Todd and Georgia Johnson	2608 Encina Cir	5844 Willow Wood Ln	Dallas	TX
20450	Kobi Sloane	2606 Encina Cir	2606 Encina Cir	Rockport	TX
20452	Kimset McCulloch Trust	2602 Encina Cir	678 Green Spring Rd	Winchester	VA
	Warren Hassinger	Zoning Board of Adjustment	2517 Turkey Neck Circle	Rockport	TX
	Patt (Patricia) Bemrose	Zoning Board of Adjustment	1435 S Water	Rockport	Tx
	Pamela Dixon Frost	Zoning Board of Adjustment	412 Cherry Hills Dr	Rockport	TX
	Janetta Davis	Zoning Board of Adjustment	474 Augusta Drive	Rockport	TX
	Rocky Gudim	Zoning Board of Adjustment	1016 S Magnolia St	Rockport	Tx
	Brandi Picton	Zoning Board of Adjustment	1803 Picton Ln	Rockport	Tx

<u>ZIP</u>
23321
77984
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78382
78382
78382
78382
75252
78382
22603
78382
78382
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78382



NOTICE OF PUBLIC HEARING
Rockport Zoning Board of Adjustments

RECEIVED
JAN 12 2026
BY: Scant

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday, January 15, 2026, at 5:30 p.m., **City of Rockport City Hall, 212 N Live Oak, Rockport, Texas**, to consider a request for relief from the Zoning Ordinance for the 20 foot rear setback be reduced to 10 feet on property located at 2605 Encina Circle, otherwise known as HARBOR OAKS UNIT 5, BLOCK 2, LOT 3, & BOAT SLIP #17.

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://rockporttx.gov/MyAccount/?from=Url&url=%2FFormCenter%2FCitizen-Participation-Form-7%2FBoard-and-Commission-Comment-Participati-56>, 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: PAUL & LYNN PETZOLD
Address: 1309 DANA DR City/State: ROCKPORT TX 78382
☒ IN FAVOR () IN OPPOSITION Phone: 913-325-9239

REASON:

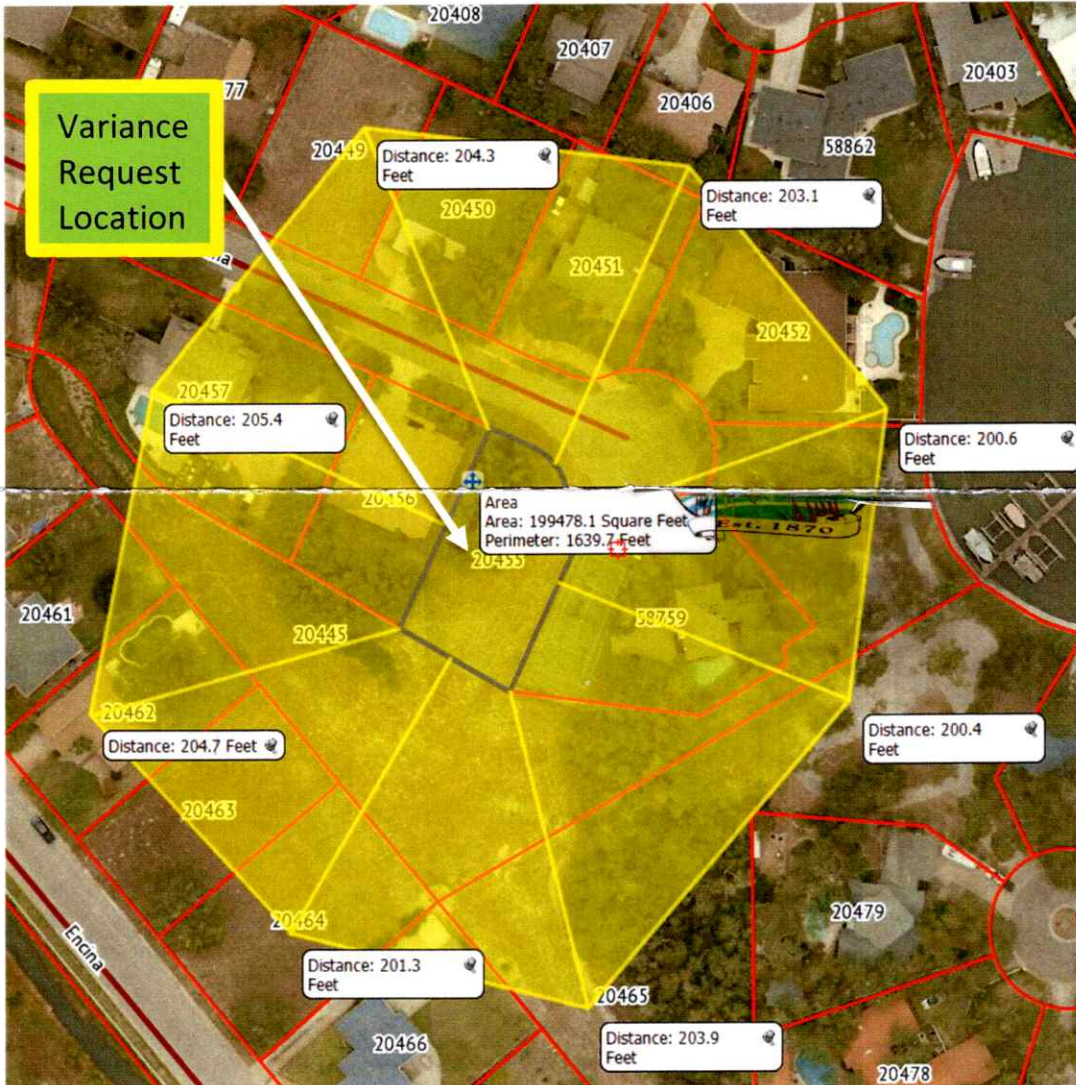
I ne to green space seperation there is no issue.

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

CORPUS CHRISTI TX 784

2 JAN 2026 AM 2 L

FIRST CLASS



US POSTAGETM PITNEY BOWES

ZIP 78382
02 7H
0006090064
\$ 000.74⁰
DEC 30 2025

Paul and Lynne Petzold
1309 Dana Dr
Rockport, TX 78382

SITUS ADDRESS: 2617 Encina Dr

78382-323809





NOTICE OF PUBLIC HEARING
Rockport Zoning Board of Adjustments

RECEIVED
JAN 15 2026
BY: Scanth

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CITY OF ROCKPORT, TEXAS

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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: Rhett Russell
Address: 2605 Encina Circle, Rockport, TX City/State: _____

(☒) IN FAVOR — () IN OPPOSITION

Phone: (757) 582-6865

REASON:

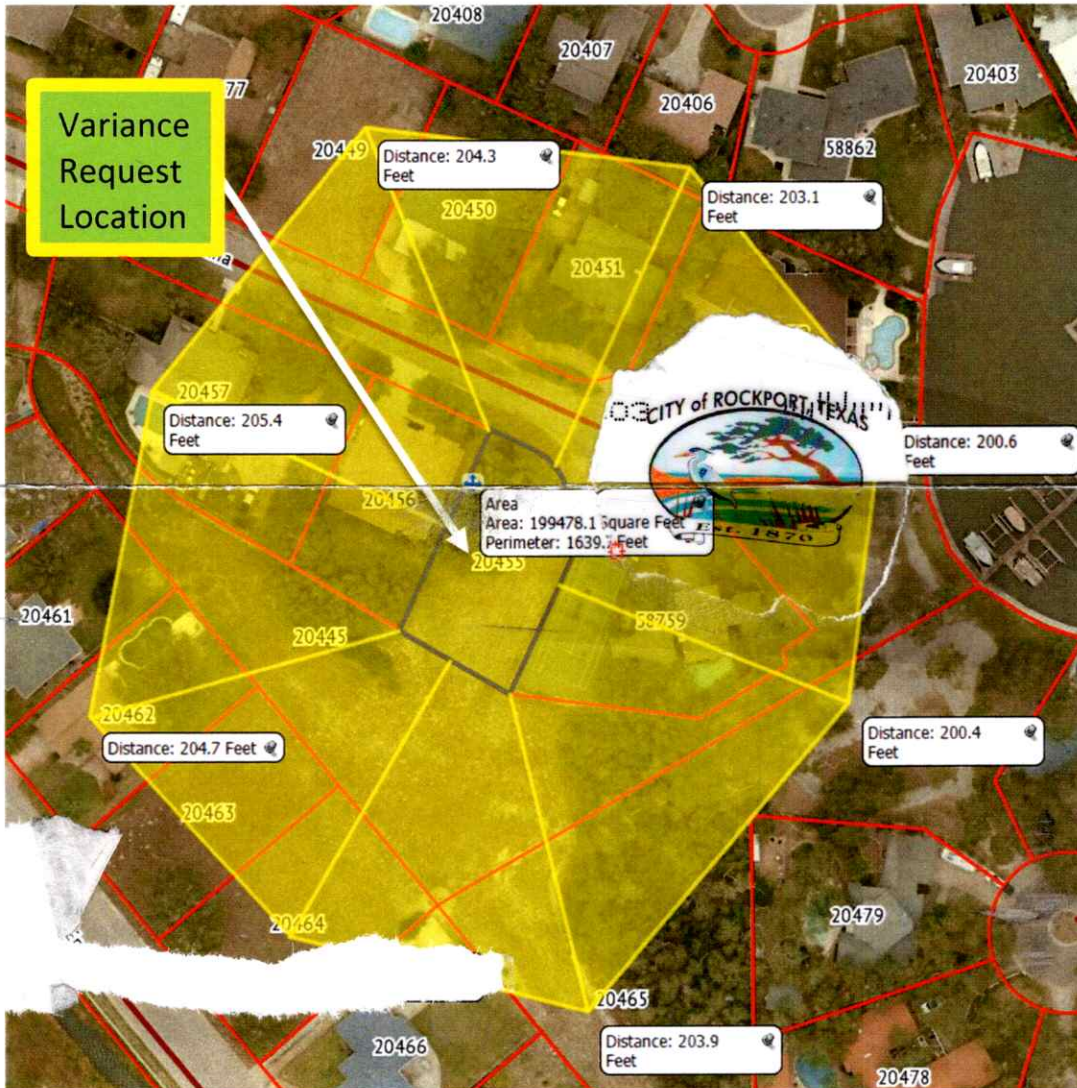


Signature

See map on reverse side.

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2751 SH 35 Bypass
Rockport, TX 78382

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

CORPUS CHRISTI TX 784

2 JAN 2026 AM 2 L

FIRMS



US POSTAGE TM PITNEY BOWES



ZIP 78382
02 7H
0006090064 **\$ 000.74⁰**
DEC 30 2025

Rhett and Vasilia Russell
1503 Bateau Lndg
Chesapeake, VA 23321

SITUS ADDRESS: 2605 Encina Cir



NOTICE OF PUBLIC HEARING
Rockport Zoning Board of Adjustments

RECEIVED
JAN 20 2026
BY: scanth

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday, January 15, 2026, at 5:30 p.m., **City of Rockport City Hall, 212 N Live Oak, Rockport, Texas**, to consider a request for relief from the Zoning Ordinance for the 20 foot rear setback be reduced to 10 feet on property located at 2605 Encina Circle, otherwise known as HARBOR OAKS UNIT 5, BLOCK 2, LOT 3, & BOAT SLIP #17.

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://rockporttx.gov/MyAccount/?from=Url&url=%2FFormCenter%2FCitizen-Participation-Form-7%2FBoard-and-Commission-Comment-Participati-56>, 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: Todd + Georgia Johnson

Address: 2608 Encina Circle

City/State: Rockport, TX 78382

Phone: (214) 770-3507

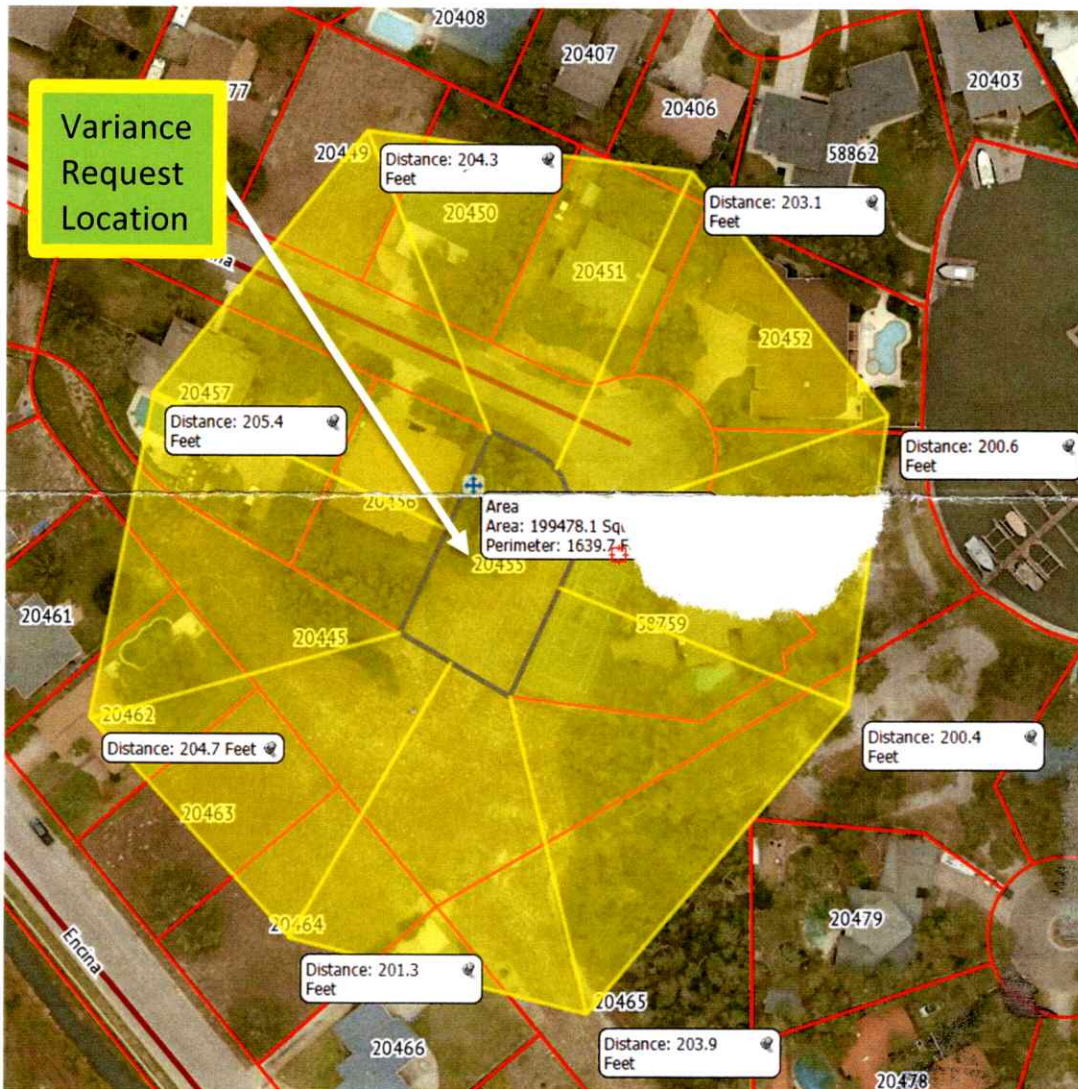
☒ IN FAVOR () IN OPPOSITION

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 361-790-1125, ext. 226.



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

CORPUS CHRISTI TX 784

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FIRST CLASS



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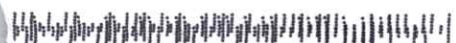
ZIP 78382
02 7H
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\$ 000.74⁰
DEC 30 2025

Todd and Georgia Johnson
5844 Willow Wood Ln
Dallas, TX 75252

SITUS ADDRESS: 2608 Encina Cir

7525252525





NOTICE OF PUBLIC HEARING
Rockport Zoning Board of Adjustments

RECEIVED
JAN 12 2026
BY: Scanlon

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday, January 15, 2026, at 5:30 p.m., **City of Rockport City Hall, 212 N Live Oak, Rockport, Texas**, to consider a request for relief from the Zoning Ordinance for the 20 foot rear setback be reduced to 10 feet on property located at 2605 Encina Circle, otherwise known as HARBOR OAKS UNIT 5, BLOCK 2, LOT 3, & BOAT SLIP #17.

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://rockporttx.gov/MyAccount/?from=Url&url=%2FFormCenter%2FCitizen-Participation-Form-7%2FBoard-and-Commission-Comment-Participati-56>, 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: Nancy L. Davis

Address: 2623 Encina Dr.

City/State: Rockport, TX

☒ IN FAVOR () IN OPPOSITION

Phone: 361-463-1878

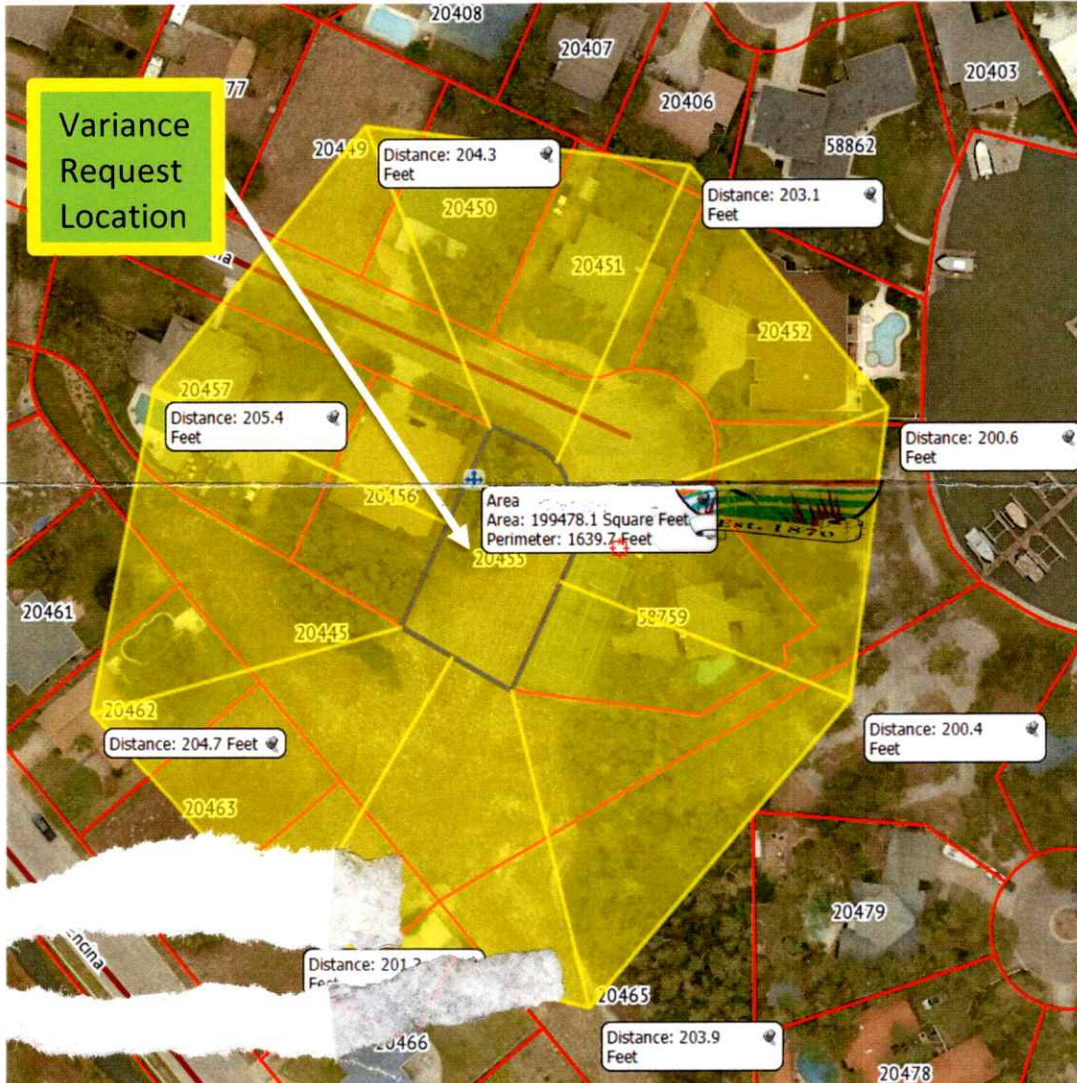
REASON: Property owner should be able to use their property to their benefit

Nancy L. Davis
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

CORPUS CHRISTI, TX 784

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FIRST CLASS



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DEC 30 2025

Nancy Davis
2623 Encina Dr
Rockport, TX 78382

SITUS ADDRESS: 2623 Encina Dr

78382-352223

CITY OF ROCKPORT, TEXAS





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

Applicant: 2605 Encina Circle – Rhett Russell

Lot/Tract/: HARBOR OAKS UNIT 5, BLOCK 2, LOT 3, & BOAT SLIP #17

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

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

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

With _____ 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

Date



AGENDA MEMO

DEPARTMENT: Building & Development

TO: Zoning Board of Adjustments Commissioners

FROM: Robert Decker, Chief Building Official

MEETING DATE: February 5, 2026

CATEGORY: Action Item

CAPTION:

Consider a request for relief from the Zoning Ordinance for the setback required for a pool installation be reduced on the property located at 1883 Bay Shore Dr. otherwise known as KEY ALLEGRO UNIT #2, BLOCK 6, LOT 27.

- i. Staff Report.
 - ii. Applicant Presentation.
 - iii. Public Hearing to receive comments in favor or against the request.
 - iv. Consider the recommendation for approval or denial of the request.
-

SUMMARY:

Applicants are requesting to reduce the rear setback of 20' to 10' in order to build their desired home and the setback for the pool from the foundation from 10' to 8' in order to build a wider pool.

BACKGROUND:

FUNDING SOURCE:

FUNDING IMPACT:

STAFF RECOMMENDATION:

STRATEGIC INITIATIVES:

Action Item

ATTACHMENTS:

- 1. Variance Application
- 2. Key Allegro Overall Site Plan
- 3. Pool Depth Drawing
- 4. 1-6-2026 Ltr to ZBA regarding Pool Variance for 1883 Bay Shore Drive
- 5. PH - 1883 Bay Shore Dr
- 6. Pictometry

7. ZONING MAP
8. FUTURE LAND USE MAP
9. ZBA Findings of Fact _1883 Bay Shore Dr

APPROVAL/REVIEW:

Carey Dietrich, Director of Community Development & Building

Date: January 30, 2026

Kimberly Henry, Assistant to the City Manager

Date: January 30, 2026

RECEIVED
JAN 07 2026



City of Rockport

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

BY: Scuth

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: <u>Robert Decker</u>
3. Has this project been inspected? ☐ Yes ☐ No	4. If yes, name of inspector & date of inspection:

5. Project Name: <u>Gates Residence, Pool Addition</u>			
6. Building/Facility Name:			
7. Address: <u>1883 Bayshore Dr.</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>New Pool</u>
---	---

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>5'-0" setback from back porch foundation</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>Matthew K Gates</u>		16. Company/Firm:	
17. Address: <u>1883 Bayshore Dr.</u>	18. City: <u>Rockport</u>	19. State: <u>TX</u>	20. Zip Code: <u>78382</u>
21. Phone #: <u>210-560-7477</u>	22. Fax #:	23. E-mail: <u>matthewkgates@gmail.com</u>	
24. Signature: <u>[Signature]</u>		25. Date: <u>1/6/26</u>	

EXHIBIT A

pd. by cash (\$150.00)
Receipt made in cash
Receipt book (01/07/2026)

City of Rockport
Variance Application

OWNER'S AFFIDAVIT

I, Matthew K. Gates, being first duly sworn, depose and say that I am the OWNER of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application, are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before hearings can be advertised. I also understand that it is my obligation to comply with any other lawfully adopted and recorded deed restrictions or covenants that are more restrictive or impose a higher standard, and that any action of this Board does not supersede those requirements.

Matthew K Gates
Printed Name of Owner

[Signature]
Signature of Owner

1883 Bayshore Dr.
Physical Address

same
Mailing Address

Rockport, TX 78382
City/State/Zip Code

78382
City/State/Zip Code

STATE OF TEXAS

§

COUNTY OF Aransas

§

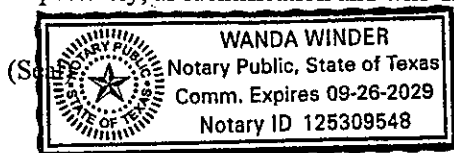
The foregoing instrument was acknowledged before me on this 06, day of

January, 2026, by Matthew K. Gates and
(name)

who are personally known by me or who has
(name)

produced TxDh 15852082 and _____,
(document) (document)

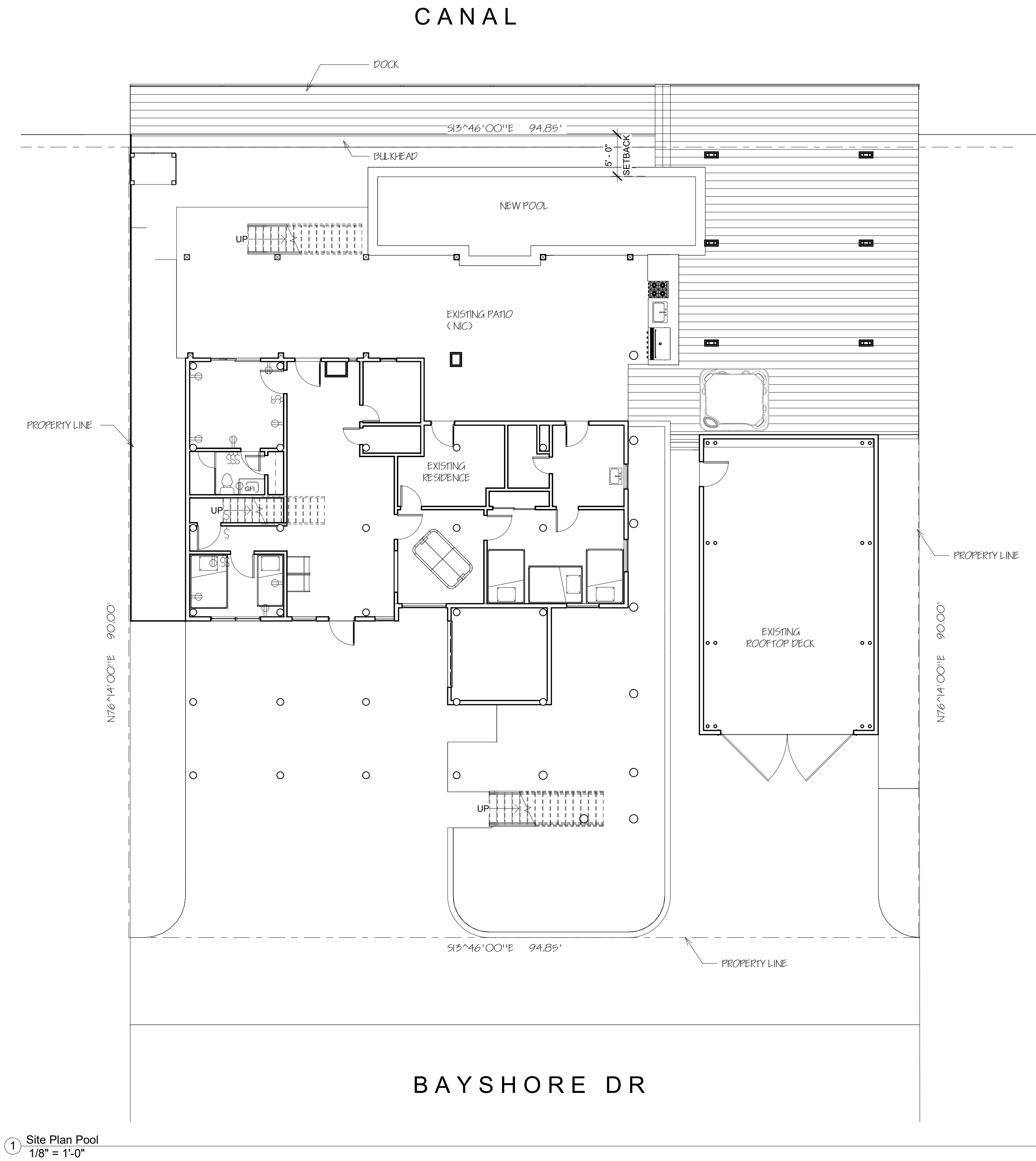
respectively, as identification and who did (did not) take an oath:



My Commission Expires: 9-26-29

Wanda Winder
Notary Public Signature

Wanda Winder
Printed Name



① Site Plan Pool
1/8" = 1'-0"



12.08.25

ET DESIGN STUDIO
architecture



6707 Hausman Rd, Suite 103
San Antonio Texas 78249
210.378.8334

www.rivercitybuilders-sa.com

**POPPY'S
PARADISE**

1883 Bay Shore Dr.
Rockport, TX 78382

DATE:

DRAWN BY:

ISSUE/REVISION:

NO.	DATE	DESCRIPTION
-----	------	-------------

01	06.27.25	Owner Review
02	08.10.25	Owner Review
03	10.18.25	Owner Review
04	11.26.25	Owner Review
05	01.05.26	Variance

SHEET TITLE:

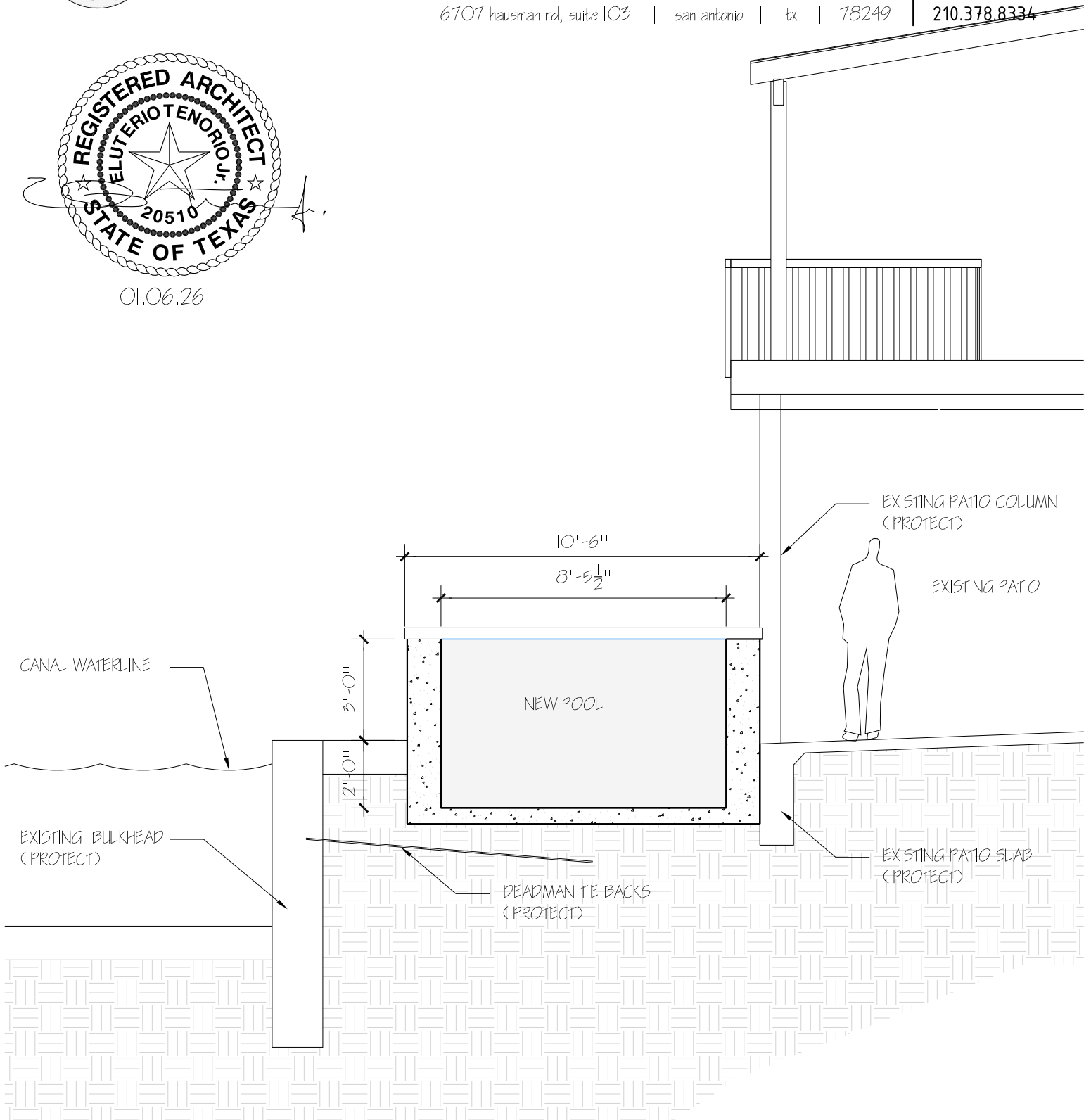
Unnamed

SHEET NO.

A1.0

OF

Eulerio Tenorio Jr. Architect TX LIC. 20510
6707 Hausman rd. suite 103 | san antonio | tx | 78249 | 210.378.8334



GATES RESIDENCE 1883 Bayshore Dr Rockport TX 78382	REVISION :	DATE :	01.06.26
		DRAWN BY :	ET
		JOB NO. :	
		REF. SHEET :	



January 6, 2026

Zoning Board of Adjustment
City of Rockport – Building and Development
2751 SH 35 Bypass
Rockport, TX 78382

Via email

Re: Variance for Pool Within 5'-0" Setback of Patio Foundation at 1883 Bay Shore Drive in Key Allegro

To Whom it May Concern,

My name is Matthew Gates, and I own the home at 1883 Bayshore Drive in Key Allegro. We fell in love with Rockport many years ago and eventually bought the house in April 2022. Of the many things we wanted to do with the home, installing a pool was at the very top of the list.

In the fall of 2025 we hired a pool a contractor and he recently applied for a permit, but it was denied because the pool is within five feet of the patio extension added to the property in 1999. After speaking with City officials during a meeting on January 5, 2026, the City explained the concern was the proximity of the pool to the existing deck could impact the structural integrity of the columns supports.

As is explained in the letter from LRS Engineering, we have implemented certain measures in the overall design of the pool that will mitigate any concerns about building next to the posts supporting the patio deck.

First, we have elevated the pool above ground by over three feet, which means the contractor will not need to dig more than 2 feet into the ground to set the pool foundation. This will avoid impacting the dead men setbacks for the bulkhead, and will not impact the structural integrity of the posts holding up the patio, since they are set much deeper. Second, the contractor is driving up to eighteen pilings to support the weight of the pool so that it does not put any downward or lateral pressure on the bulkhead or patio columns. We have taken these extra measures, at substantial additional expense, to ensure that we do not jeopardize the integrity of the bulkhead of patio supports.

As for hardship, there is simply no way to build a pool within the setbacks currently required by City Ordinance, since we are already five feet from the bulkhead with the existing pool design. Requiring an additional five feet from the patio would make the pool less than five feet wide, which is not practical. Also, the large patio addition and extension was added as far back as 1999, prior to the five foot setback ordinance from the foundation. If the five foot setback is enforced against the property now, it will be impossible to build a pool anywhere on the property.

In sum, we have selected the best location on the property for the pool, and we have taken additional measures and incurred expense to make sure the structural integrity of the house and bulkhead is not impacted. In view of the foregoing, it is my sincere hope that the City will grant the variance requested.

Sincerely,

/s/ Matthew K. Gates

Matthew Gates

1/6/2026



PUBLIC HEARING

Zoning Board of Adjustment

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday February 5, 2026, at 5:30 p.m., **City of Rockport City Hall, 212 N Live Oak, Rockport, Texas,** to consider a request for relief from the Zoning Ordinance for the setback required for a pool installation be reduced on the property located at 1883 Bay Shore Dr. otherwise known as KEY ALLEGRO UNIT #2, BLOCK 6, LOT 27.

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 accommodation 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 21st of January 2026, by 4:00p.m. on the bulletin board at City of Rockport Service Center, 2751 S.H. 35 Bypass, and at Rockport City Hall, 212 N Live Oak, Rockport, Texas and on the webpage www.cityofrockport.com.

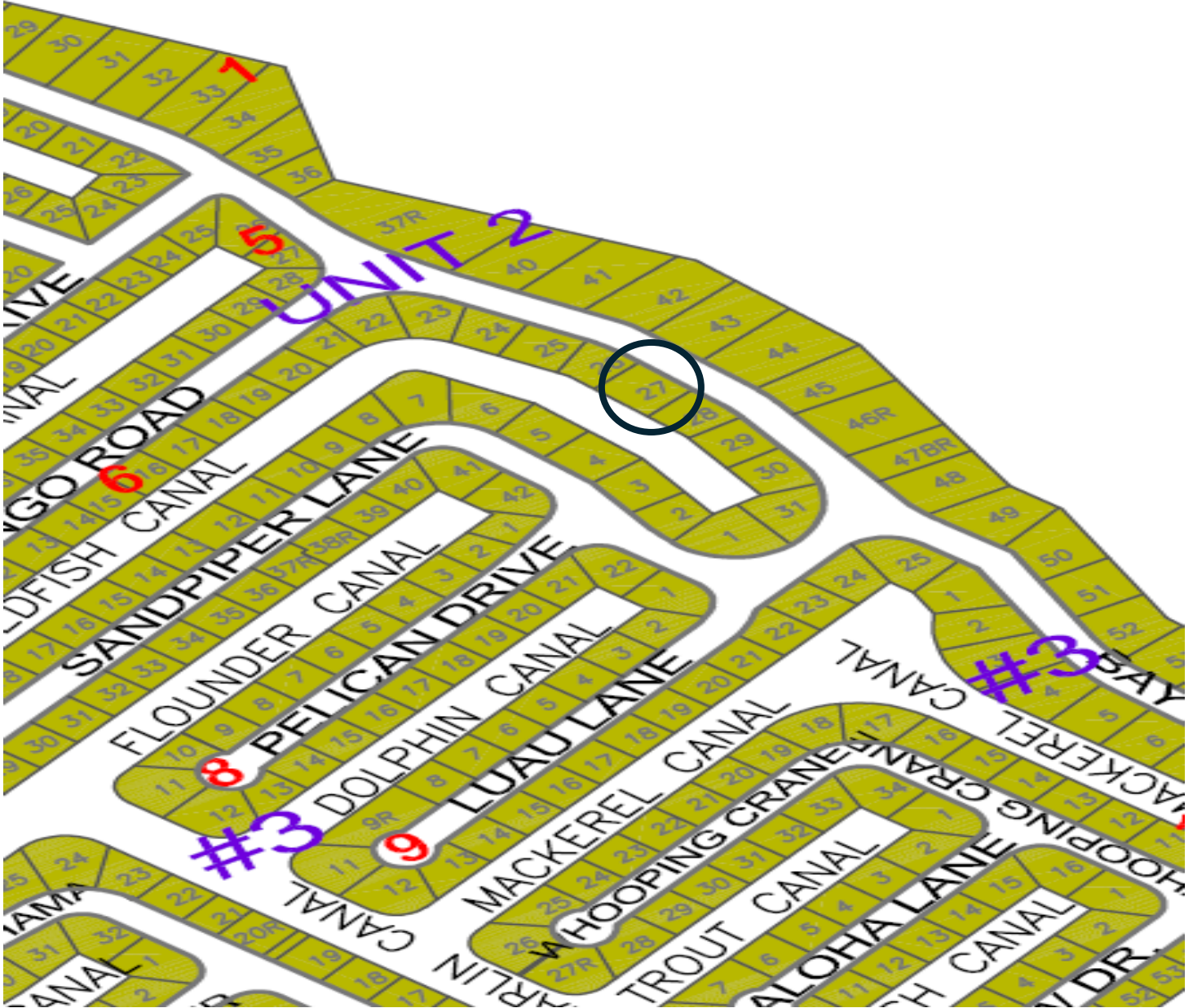
PUBLISHED: in *The Corpus Christi Caller Times* on Wednesday, January 21, 2026, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS

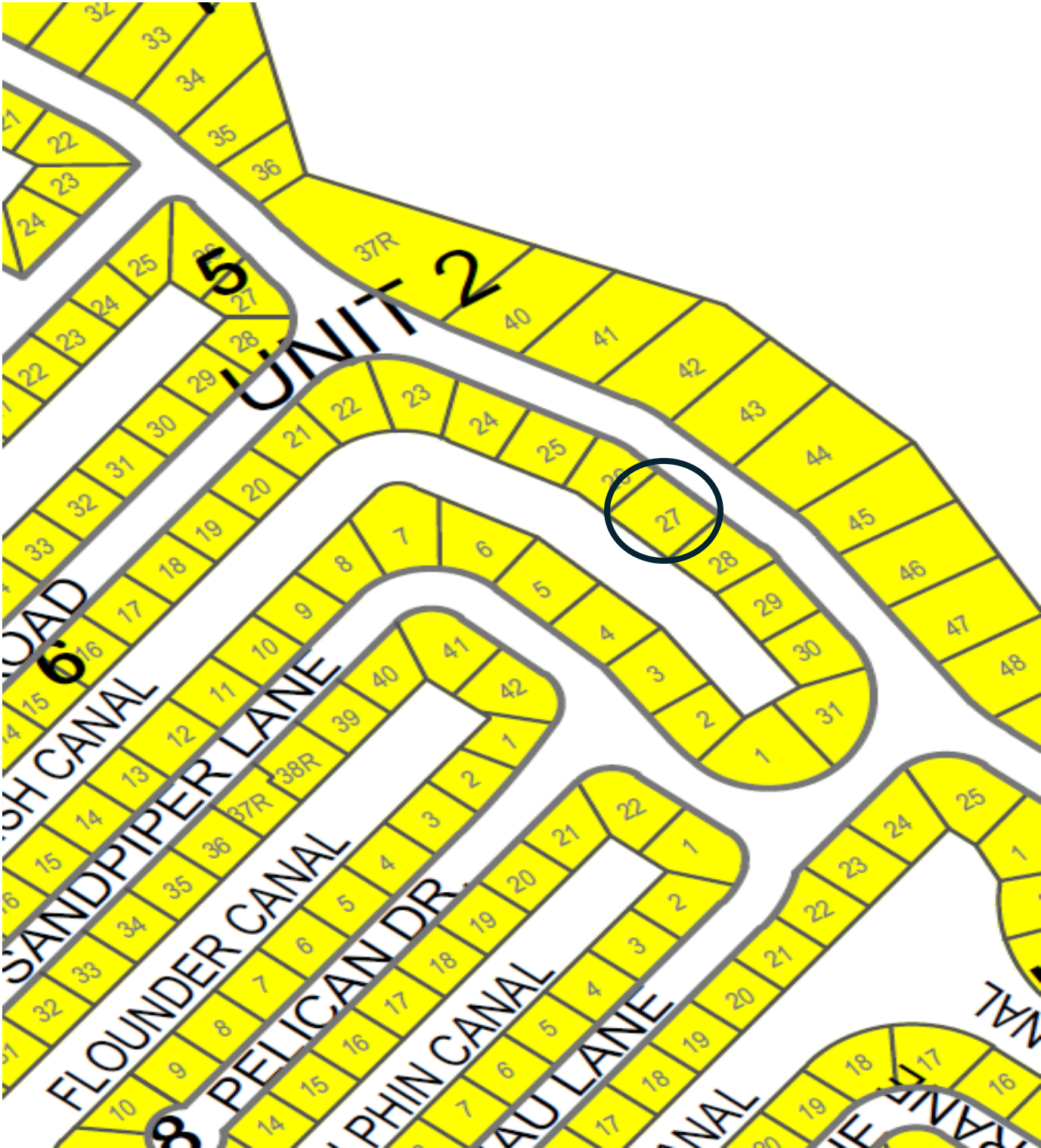
Carey Dietrich,
Director Building & Development
Community Planner



ZONING MAP



FUTURE LAND USE MAP





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

Applicant: 1883 Bay Shore Dr – Matthew Gates

Lot/Tract/: KEY ALLEGRO UNIT #2, BLOCK 6, LOT 27

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

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

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

With _____ 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

Date