



City of Rockport

ZONING BOARD OF ADJUSTMENT REGULAR MEETING

AGENDA

TUESDAY, AUGUST 4, 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 Regular Meeting on Tuesday, August 4, 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 June 25, 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 accessory use structure setback be reduced from 10 ft. to 5ft. 4 inches and the rear setback be reduced from 20 ft. to 5 ft. to install planned improvements in the backyard (pool) on the property located at 415 Augusta Dr., otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 19, LOT 20.
 - 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 at property located at 415 Augusta Dr. (Stacy Cantu, Building & Development Planning Tech., Amanda Torres, Director of Building & Development)

V. UPDATES

3. Development Services Updates. (Amanda Torres, Director of Building & Development)

VI. ADJOURN

CERTIFICATION

This is to certify that I, Stacy Cantu, posted this Agenda before 5:00 p.m. on July 28, 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.



Stacy Cantu
Building and Development Planning Technician

56ZONING BOARD OF ADJUSTMENTS MINUTES

On the 25th day of June 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

Carey Dietrich, Chair
Brandi Picton
Pamela Dixon
Traci Baucum
Rocky Gudim, Vice Chair
Michael Harm

Members Absent

Patt Bemrose

Staff Members Present

Amanda Torres, Director of Development Services Dept / Community Planner
Robert Decker, Assistant Director of Development Services Dept / Building Official
Belinda Garcia, Administrator Coordinator
Stacy Cantu, Development Services Planning Technician
Brad Brundrett, City Council Liaison

Guest(s) Present – Three (3)

Mario Garcia, representative from Pools by Mario
Brian Zars, representative from Keith Zars Pools
Adam Claiborne, 415 Augusta Dr

I. CALL TO ORDER AND ROLL CALL

II. SELECTION OF OFFICERS

1. Deliberate and act on the selection of a Zoning Board of Adjustments member to serve as Chair.

Member B. Picton motioned to nominate Member Carey Dietrich to serve as Chair of the Zoning Board of Adjustments Committee. Member T. Baucum seconded that motion. Motion carried unanimously.

2. Deliberate and act on the selection of a Zoning Board of Adjustments member to serve as Vice Chair.

Chairwoman C. Dietrich motioned to nominate Member Rocky Gudim to serve as Vice Chair of

the Zoning Board of Adjustments Committee. Member B. Picton seconded the motion. Motion carried unanimously.

III. CITIZENS TO BE HEARD

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

IV. APPROVAL OF MINUTES

3. Consider the approval of the Zoning Board of Adjustments Minutes for the May 28, 2026, Meeting.

Motion: Member, P. Frost motioned to approve May 28, 2026, regular meeting minutes as presented. Member P. Dixon seconded the motion. **Motion passed unanimously.**

V. PUBLIC HEARING AND RELATED ACTIONS

4. Consider a request for relief from the Zoning Ordinance for the accessory use structure setback to be reduced from 10 ft. to 3 ft. to install a planned improvement in the backyard (pool) on the property located at 14 Luau Ln., otherwise known as KEY ALLEGRO UNIT #3, BLOCK 9, LOT 18.

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 at property located at 14 Luau Ln.

Building Official, R. Decker, stated the property owners have requested a variance for their property, which is in zoning district R-2 (2nd Single Family Dwelling District) and has a minimum lot size requirement of 5,000 sq ft. with setbacks of 20 ft in the front, 5 ft in the rear. On December 16, 2025, the Zoning Board of Adjustments approved a subdivision-wide variance adopting the Key Allegro Design Code Part 27 as the setback standards for pool installations. Mr. and Mrs. Seeliger are requesting the setback from the Accessory Use Structure to the home foundation be reduced from 5 ft to 3 ft in order to fit their proposed pool. The pool setback requirement is outlined in Part 27 of the Key Allegro Design Code. If this variance were to be approved, Mr. and Mrs. Seeliger could begin the permitting process for their swimming pool. They would also need to provide an engineering report on the foundation and bulkhead as per Part 27 of the Key Allegro Design Code. This lot is 80 ft. x 80 ft. and 6,400 square feet. It meets the prescribed standards for the R-2 2nd Single Family Dwelling District with no unique characteristics of the lot. Zoning hardships are typically based on the physical characteristics of the land such as the size, shape, and slope of the property. Therefore, staff opinion is that this request does not meet the standard for a hardship. There is also a covered porch that supports the roof that was not accounted for in the measurements that were submitted.

Planning Technician, Stacy Cantu, spoke on the public hearing notice being published in the

Corpus Christi Caller Times on Thursday, June 11, 2026. Nineteen (19) public notices were mailed out on Thursday, June 11, 2026. At the time of agenda posting, we received one (1) returned mail out – in favor of the variance request.

Applicant (Pool Builder), Mario Garica was representing Mr. and Mrs. Seeliger. Mr. Garcia stated that from the foundation of the home to bulkhead was measured at 15 ft 6 inches. Mr. Garcia stated the hardship for the homeowner was there not being a lot of room to add the pool that the homeowner wants to build.

A Public Hearing was opened at 5:38 p.m. and closed at 5:38 p.m. Chairwoman C. Dietrich read the returned mailouts into the record. One (1) from 21 Whooping Crane, Chad Chapman – in favor and one (1) from 1206 Meadow Cr Dr, Jeff Fuechec – opposed to the request.

Chairwoman, C. Dietrich stated she did not see a legitimate hardship. Member P. Dixon recommended a smaller home. Member B. Picton questioned when the home was built/purchased.

Motion: Member P. Dixon made a motion to deny the request for change of setbacks at the property located at 14 Luau Ln.; Vice Chair, R. Gudim seconded the motion.

Moving forward with the Findings of Fact form: with 6 members present, and upon a vote of 6 members all 10 items on the Findings of Facts form was unanimously voted in the opposition. Following the vote of the Findings of Facts a vote for the motion to deny the variance was taken and agreed upon unanimously.

5. Consider a request for relief from the Zoning Ordinance for the accessory use structure setback be reduced from 10 ft. to 5ft. 4 inches and the rear setback be reduced from 20 ft. to 5 ft. to install planned improvements in the backyard (pool) on the property located at 415 Augusta Dr., otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 19, LOT 20.

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 at property located at 415 Augusta Dr.

Building Official, R. Decker, stated that the property owner, Mr. and Mrs. Claiborne, submitted a variance application to reduce setbacks required for an accessory use structure. They would like to build a 14' x 24' swimming pool with hot tub and grass patios with a reduced accessory use setback of five (5) feet, four (4) inches between the residence and the pool. Director, A. Torres stated that the original caption stated the rear setback is no longer needed and the setback between the dwelling and the pool is the only part of the caption that will need to be acted on. This lot is 95 ft. x 120 ft. and 11,400 square feet. It meets the prescribed standards for the R-1 (1st Single Family Dwelling District) with no unique characteristics of the lot to which it could not adapt. Zoning

hardships are typically based on the physical characteristics of the land such as the size, shape, and slope of the property. Therefore, staff opinion is that this request does not meet the standard for a hardship.

Planning Technician, Stacy Cantu, spoke on the public hearing notice that was published in the Corpus Christi Caller-Times on Thursday, June 11, 2026. Thirteen (13) mail outs were mailed out on Thursday, June 11, 2026. At the time of agenda posting, we had received one (1) returned mail out – in favor of the variance request.

Property Owner, Adam Claiborne, spoke on the issues that they are having with the setbacks on the back patio that supports the homes roof to the accessory use structure (pool) that is proposed. He stated the HOA approved the plan based on their rules and recommended that he come before the City now. He also had an engineer report that supports the way the pool is proposed to be built will not have an effect on the foundation of the home. Mr. Claiborne also had supporting statements from 5 out of 6 neighbors in favor of their variance being approved.

A Public Hearing was opened at 5:53 p.m. Mr. Brian Zar's with Keith Zar's Pools spoke in support of the variance being granted, he is the contractor on the project. The Public Hearing was closed at 5:58 p.m.

Property Owner, A. Clairborne stated the drawing that was submitted is inaccurate from where the measurements were taken from the back patio post to pool proposal versus back of home to pool proposal. Building Official, R. Decker brought up life – safety concerns with building the pool right against a home's foundation would create issues for fire incase firefighters needed to get to the back of the home. Mr. A. Clairborne stated they did not build the home, but they are the second owners and do have full plans showing how the back patio and roof of the home are constructed. Member B. Picton recommended reducing the pool if possible, to make the pool fit the lot better.

Councilman B. Brundrett recommended pulling the application to revisit with the Building Official, R. Decker, with said house plans and the accurate drawing showing the measurements being from the outpost of the patio to pool versus the back of home to pool.

Motion: Member R. Gudim made a motion to postpone the variance request for 415 Augusta Dr. to the next scheduled Zoning Board of Adjustment's Meeting; Member T. Baucum seconded the motion. Motion passed unanimously.

VI. UPDATES

Development Services will provide updates on their department, rule and form changes as well as future meeting announcements.

6. Development Services Update

Development Services Director A. Torres introduced the development services update item that

will be added to the future agenda's.

VII. ADJOURN

Motion: Member P. Dixon made a motion to adjourn. Member M. Harm seconded the motion.
Motion passed unanimously. Zoning Board of Adjustments meeting adjourned at 6:18 p.m.

Prepared By:

Stacy Cantu, Development Services - Planning Technician

Approved By:

Carey Dietrich, Chairwoman



AGENDA MEMO

DEPARTMENT: Development Services

TO: Zoning Board of Adjustments Commissioners

FROM: Stacy Cantu, Building & Development Planning Tech., Amanda Torres, Director of Building & Development

MEETING DATE: August 4, 2026

CATEGORY: Action Item

CAPTION:

Consider a request for relief from the Zoning Ordinance for the accessory use structure setback be reduced from 10 ft. to 5ft. 4 inches and the rear setback be reduced from 20 ft. to 5 ft. to install planned improvements in the backyard (pool) on the property located at 415 Augusta Dr., otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 19, LOT 20.

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 at property located at 415 Augusta Dr.

SUMMARY:

This is an item that was postponed from the Thursday, June 25th 2026 Zoning Board of Adjustments Meeting. The property owners, Mr. and Mrs. Claiborne, are requesting relief from the Zoning Ordinance for the setbacks required for an accessory use installation on the property (pool) be reduced from 10 ft to 5 ft 4 inches, at the property located at 415 Augusta Dr, otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 19, LOT 20.

BACKGROUND:

Property owners, Mr. and Mrs. Claiborne, submitted a variance application to reduce setbacks required for an accessory use structure. They would like to build a 14' x 24' swimming pool with hot tub and grass patios with a reduced accessory use setback of five (5) feet, four (4) inches between the residence and the pool.

Section 118-22.1.1 (2) of the City of Rockport — Zoning Ordinance classifies what is considered an accessory use or structure, which includes "swimming pools, hot tubs, spas, tennis courts, permanent barbecue grills, ornamental gates and structures, storage/utility sheds, wells/well houses, gazebos, patios, etc."

Section 118-22.1.6 of the Zoning Ordinance indicates "[a]ny accessory building or structure (except concrete flatwork or wooden decking) shall have a minimum five (5) foot rear and side yard setback from property lines and shall not be built over an easement. Front yard and side street yard setbacks must be observed. A minimum open space of ten (10) feet shall be established between all unattached buildings.

The site plan as presented does meet the five (5) foot rear yard setback and, therefore, that request stated in the caption can be administratively approved. However, it does not meet the minimum open space requirement of ten (10) feet between all unattached buildings and would need a variance from this in order to move forward with permitting.

A public hearing notice was published in the Corpus Christi Caller-Times on Thursday, June 11, 2026. Thirteen (13) mail outs were mailed out on Thursday, June 11, 2026. At the time of agenda posting, no comments or notices had been received. Since the last Zoning Board of Adjustments meeting, we have received one (1) returned mail out in favor and one (1) opposed.

This lot is 95 ft. x 120 ft. and 11,400 square feet. It meets the prescribed standards for the R-1 1st Single Family Dwelling District with no unique characteristics of the lot to which it could not adapt. Zoning hardships are typically based on the physical characteristics of the land such as the size, shape, and slope of the property. Therefore, staff opinion is that this request generally does not meet the standard for a hardship.

Since the June 25th meeting, staff has met with the property owner and contractor on site and took measurements of the proposed pool site. Staff have also been discussing potential amendments to the zoning code in light of recent variance requests, and we intend to bring proposed revisions to address this issue. After consideration, staff recommend approving the variance as originally requested as the request would conform to the setback change staff is proposing to amend.

FUNDING SOURCE:

N/A

FUNDING IMPACT:

N/A

STAFF RECOMMENDATION:

Staff recommendation is to approve the setback variance for 415 Augusta Dr. After visiting the site and taking measurements, the location of the pool would comply with what the City intends to propose as a code amendment for swimming pool setbacks. The city is currently in the process of reviewing and revising the current ordinance for swimming pools.

STRATEGIC INITIATIVES:

Action Item

ATTACHMENTS:

1. PH - 415 Augusta
2. Variance Application_415 Augusta
3. KZ_ProxLtr_415Augusta
4. Site Plan_415 Augusta
5. Pictometry_415 Augusta
6. ZONING MAP_415 AUGUSTA DR
7. FUTURE LAND USE MAP_415 AUGUSTA DR
8. Public Mailout
9. Mail Outs_415 Augusta Dr

10. RECEIVED Mailouts_415 Augusta
11. ZBA Findings of Fact_415 Augusta
12. 415 Augusta - Letter from Building Official

APPROVAL/REVIEW:

Date: July 28, 2026

Amanda Torres, Director of Building & Development



PUBLIC HEARING

Zoning Board of Adjustment

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday June 25, 2026, at 5:30 p.m., at the **City of Rockport - City Hall, 212 N Live Oak, Rockport, Texas 78382**, to consider a request for relief from the Zoning Ordinance for the accessory use structure setback be reduced from 10 ft. to 5ft. 4 inches and the rear setback be reduced from 20 ft. to 5 ft. to install a planned improvements in the backyard (pool) on the property located at 415 Augusta., otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 19, LOT 20

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the Development Services 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 sgoodwin@rockporttx.gov for further information. Braille is not available.

POSTED: this the 11th of June 2026, on the City of Rockport website @ www.rockporttx.gov.

PUBLISHED: in the *Corpus Christi Caller Times* on Thursday, June 11, 2026, Edition, in accordance with the City of Rockport - Code of Ordinances.

CITY OF ROCKPORT, TEXAS

Amanda Torres,
Development Services Department
Director/Community Planner

RECEIVED
MAY 20 2026

BY: scantn



City of Rockport

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

VARIANCE APPLICATION

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

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

** IMPORTANT INFORMATION **

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

FORM MUST BE COMPLETED IN FULL

PLEASE PRINT OR TYPE

1. Has this project been reviewed? 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>CLAIBORNE</u>			
6. Building/Facility Name: <u>N/A</u>			
7. Address: <u>415 AUGUSTA</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>14'x24' SWIMMING POOL w/ HOT TUB AND GRASS PATIOS</u>
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10. Square Footage of Building: <u>400 sq</u>	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>POOL IS WITHIN 10' OF PROPERTY LINE & WITHIN 5' OF HOUSE PATIO.</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>BRIAN ZARS</u>		16. Company/Firm: <u>KEITH ZARS POOLS</u>	
17. Address: <u>17427 SAN PEDRO</u>		18. City: <u>SAN ANTONIO</u>	19. State: <u>TX</u> 20. Zip Code: <u>78216-78232</u>
21. Phone #: <u>210-789-0992</u>		23. E-mail: <u>bzars@keithzarspools.com</u>	
24. Signature: <u>[Signature]</u>		25. Date: <u>5/19/2026</u>	

EXHIBIT A

City of Rockport
Variance Application

AGENT'S AFFIDAVIT

I, BRIAN ZARS, KEITH ZARS POOL, being first duly sworn, depose and say that I am the ATTORNEY-IN-FACT, AGENT or LESSEE 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.

BRIAN ZARS
Printed Name of Agent

[Signature]
Signature of Agent

17427 San Pedro
Physical Address

17427 San Pedro
Mailing Address

SAN ANTONIO, TX, 78232
City/State/Zip Code

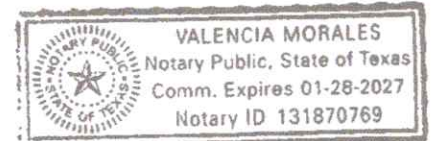
San Antonio TX 78232
City/State/Zip Code

STATE OF TEXAS

COUNTY OF Bexar

§

§



The foregoing instrument was acknowledged before me on this 19th day of May, 2026, by Valencia Morales and Brian Zars who are personally known by me or who has produced Variance application and _____ respectively, as identification and who did (did not) take an oath:

(Seal)

[Signature]
Notary Public Signature

My Commission Expires: 1/28/27

Valencia Morales
Printed Name

**BUILDING & DEVELOPMENT DEPARTMENT
EVENT CALENDAR FOR
APPEAL / VARIANCE TO ZONING CODE**

(Refer to City of Rockport Code of Ordinances, Chapter 118 for specific details.)

WEEK 1

- Submit application for appeal or variance to the City Building & Development Department.
- Submit additional documentation, pictures, survey of other information as needed along with legal description if required.

WEEK 2

- City notifies ZBA members of submitted application.
- City posts and publishes required 15-day public notice(s).
- City sends required 10-day notice(s) to the applicant(s) and to affected property owner(s) within 200 feet of subject property.

WEEK 2 to 3

- City posts agenda for the respective board.

WEEK 5 to 6

- Public Hearing held with the ZBA.
- Board action taken unless ZBA tables item, in which case final action completed in 20 days.

AFTER WEEK 5 or 6

After approval received for appeal/variance, **REQUEST BUILDING PERMIT** if building permit required. If no building permit required then a Certificate of Occupancy is issued. Allow approximately two to three weeks for review of construction plans, drainage plans, utilities, etc., by both City Staff and City Engineer before building permit issued (longer if tree plan, a plat, or other special approval is necessary).



Rhonda & Adam Claiborne
415 Augusta Drive
Rockport, Texas 78382
Attention: Amy Clubb, Keith Zars Pools

PROBLEM: Excavation near a residence and construction of a swimming pool can cause damage to the foundation and structure of the residence. The City of Rockport requires an engineer's letter addressing the possibility of structural damage to the house or its foundation and retaining walls prior to issuing a permit to construct closer than ten feet (10') to an existing dwelling or structure, including fences. The potential of foundation damage by soil swelling due to water leakage or ponding of surface water exists in areas where heavy clay soils are found. Soil slope stability must also be considered for excavations close to the house to avoid undermining the foundation. Additionally, the potential of lifting rock strata under the foundation exists where rock excavation is required near the structure.

FINDINGS: The planned swimming pool is to be constructed behind the house separate from the house foundation and will be approximately **four feet four inches (4'-4")** as measured from the pool excavation to the existing concrete patio deck. The pool is to be constructed of steel reinforced gunite concrete. Surface drainage of the proposed pool area is to the back of the lot.

CONCLUSION: The proposed pool design is very sturdy and not likely to leak. The swimming pool installation will not have a detrimental effect on the performance of the residence foundation. Therefore, approval of the proposal to construct a swimming pool is recommended.

PREPARED BY

John R. Clark, P.E.
Clark Engineering, LLC
Firm No. F-22197

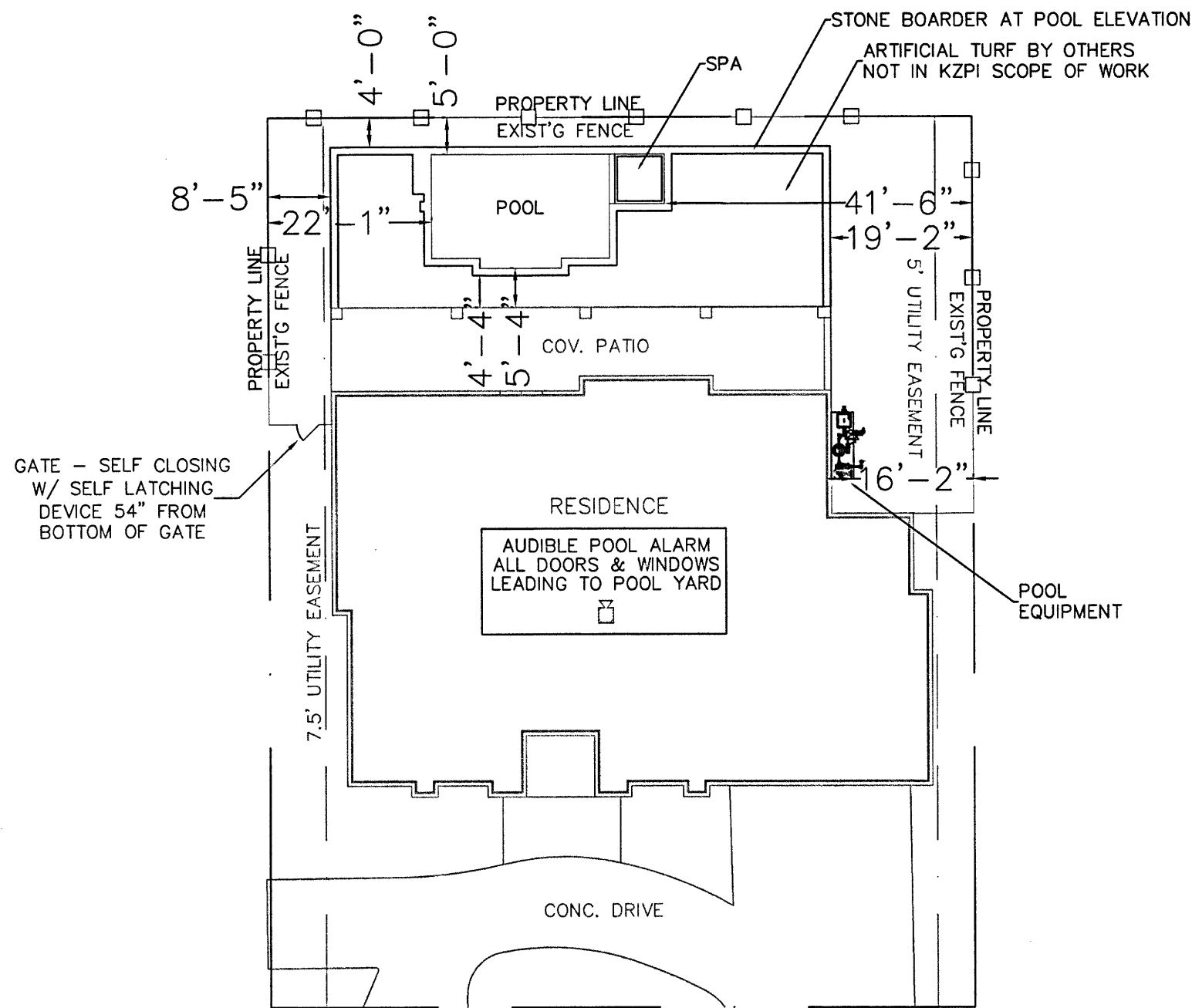


5/10/2026



17427 SAN PEDRO
SAN ANTONIO, TEXAS
(210) 494-0800

POOL - 4200 PSI CONC.
W/ #4 BARS 9" O.C.B.W.



SECTION AG105 BARRIER REQUIREMENTS

AG105.1 Application. the Provisions of this chapter shall control the design of the barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near drowning by restricting access to swimming pools, spas and hot tubs.

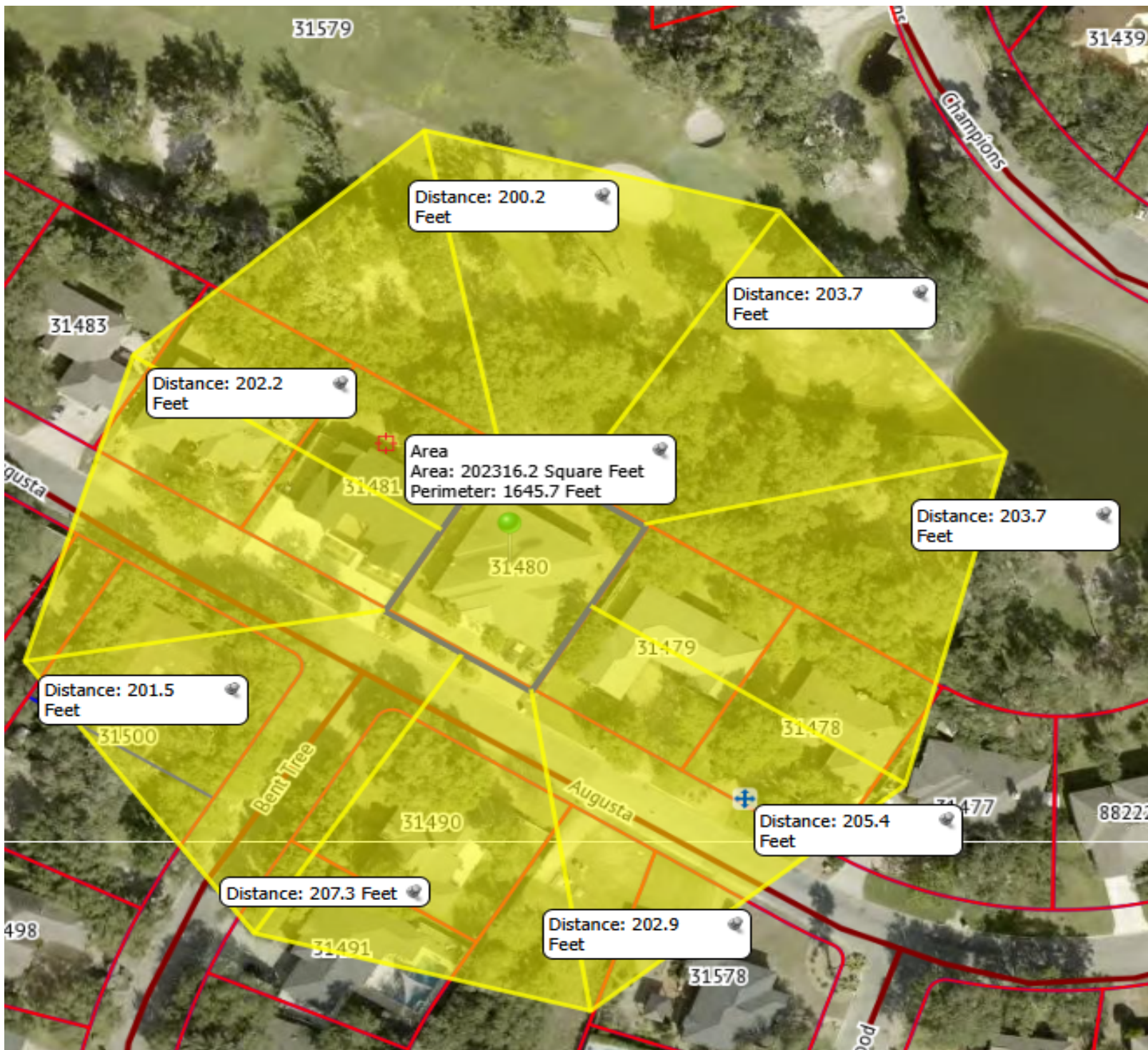
AG105.2 An outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tube or spa shall be surrounded by a barrier which shall comply with the following.

- 1) The top of the barrier shall be at least 48 inches (1219MM) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51MM) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inch (102MM).
- 2) Openings in the barrier shall not allow passage of 4 inch diameter (102MM) sphere.
- 3) Solid barrier which do not have openings, such as a masonry or stonewall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- 4) Where the barrier is composed of horizontal and vertical members and the distance between the top of the horizontal member is less than 45 inches (1143MM), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 3 4 1 inches (44MM) in width. where there are decorative cutouts within vertical members, spacing within the cutouts 3 4 shall not exceed 1 inches (44MM) in width.
- 5) Where the barrier is composed of horizontal and vertical members the distance between the tops of the horizontal member is 45 inches (1143MM) or more, spacing between vertical members shall not exceed 4 inches (102MM). Where there are decorative cutouts within vertical members, spacing 3 4 within the cutouts shall not exceed 1 inches (44MM) in width.
- 6) Maximum mesh size for chain link fences shall be 1 2 4 inch (57MM) square unless the fence has slats fastened at the top or the bottom which reduce 3 the openings to not more than 1 4 inches (44MM)
- 7) Where the barrier is composed of diagonal members such as a lattice fence, the maximum opening formed by 3 the diagonal members shall not be more than 1 4 inches (44mm).
- 8) Access gates comply with the requirements of section AG105.2 Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372MM) from the bottom of the gate, the release mechanism and openings shall comply with the following. 8.1) The release mechanism shall be located on the pool side of the gate at least 3 inches (76MM) below the top of the gate; and 8.2) The gate barrier shall have no opening larger 1 than 2 (12.7mm) within 18 inches (457MM) of the release mechanism.
- 9) Where a wall of a dwelling services as part of the barrier, one of the following conditions shall be met. 9.1) The pool shall be equipped with a powered safety cover in compliance with ADTMF 1346; or 9.2) Doors with direct access to the pool through that wall shall be be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372MM) above the threshold of the door; or 9.3) Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard 9.4) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by item 9.1 or 9.2 described above.
- 10) Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps; 10.1) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or 10.2) The ladder or steps shall be surrounded by a barrier which meets the requirements of the section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4 inch (102MM) sphere.

RHONDA & ADAM CLAIBORNE
415 AUGUSTA DR
ROCKPORT, TX 78382
LOT# 20 BLK# 19
ROCKPORT COUNTRY CLUB ESTATES, UNIT 2
SCALE: 1" = 20'-0"
ANSI B (11.00 X 17.00 INCHES)

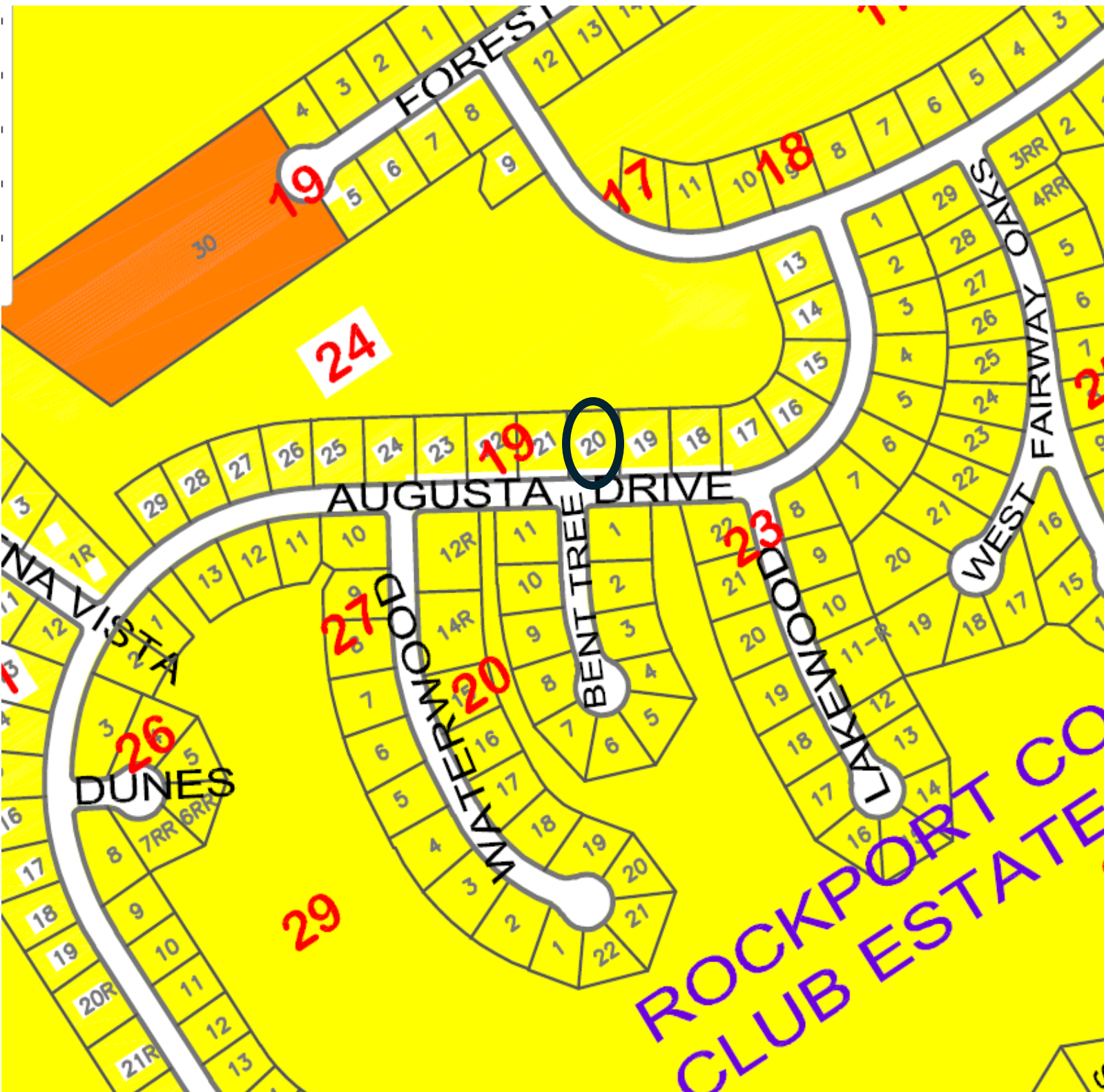
POOL 15'-4" X 24'-0"
40 SQ. FT. SPA
182 SQ. FT. FLATWORK (COPING)
0 LF OF STEPS BY KZPI
0 LF OF SEAT WALL
12" OUT OF GRADE AVERAGE
LICENSE# H-922675

415 Augusta Dr - ROCKPORT COUNTRY CLUB #2,
BLOCK 19, LOT 20 (Prop ID 31480)

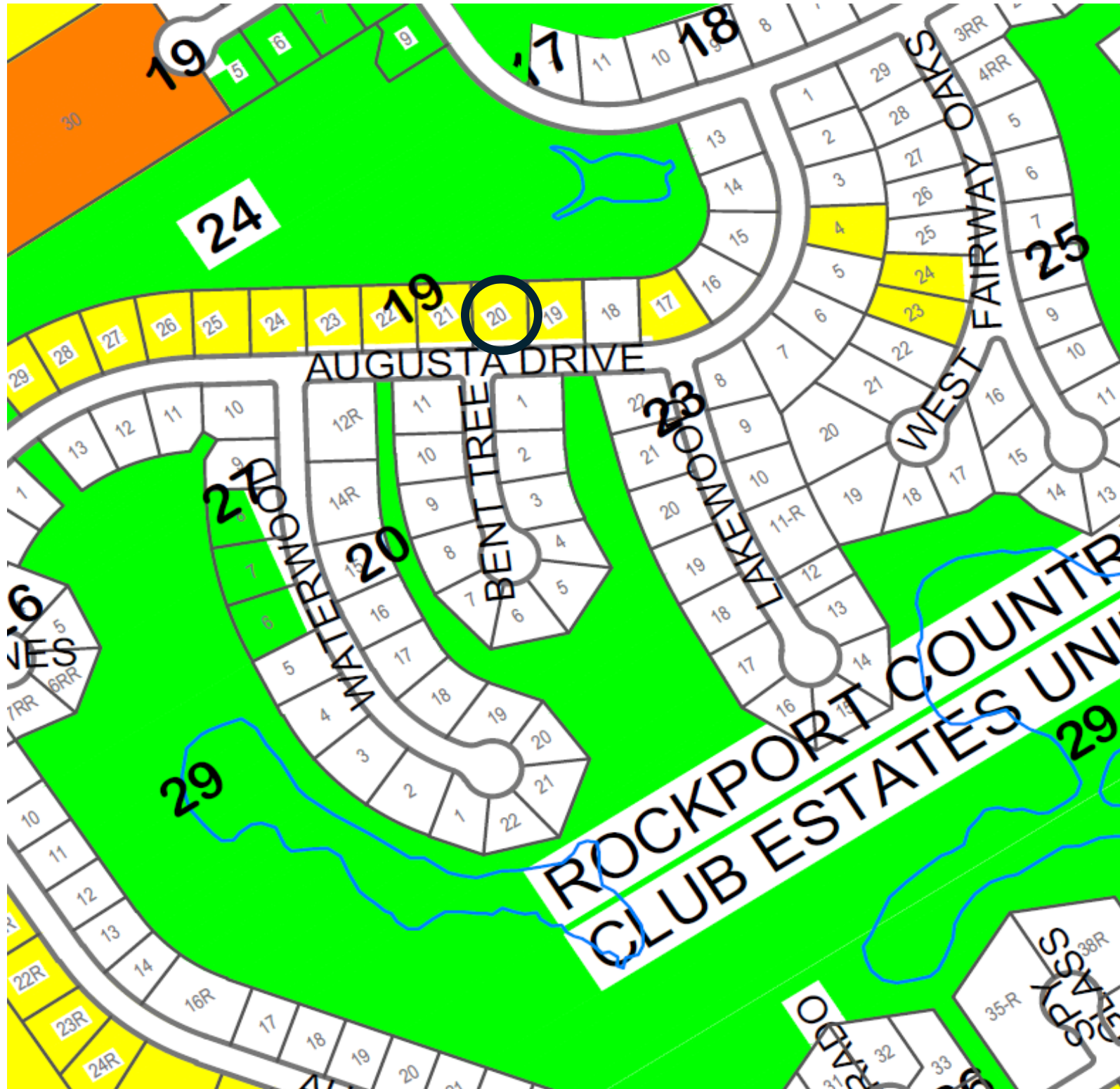


ZONING MAP - 415 Augusta Dr - ROCKPORT COUNTRY

CLUB #2, BLOCK 19, LOT 20 (Prop ID 31480)



FUTURE LAND USE MAP (R1: 1st SINGLE FAMILY DWELLING DISTRICT)
415 Augusta Dr - ROCKPORT COUNTRY CLUB #2, BLOCK 19, LOT 20 (Prop ID 31480)



<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>
31480	James and Rhonda Claiborne	415 Augusta Dr	415 Augusta Dr	Rockport	TX	78382
31479	John and Charla Marlatt	413 Augusta Dr	413 Augusta Dr	Rockport	TX	78382
31478	Joseph and Cathryn Hickamn	411 Augusta Dr	411 Augusta Dr	Rockport	TX	78382
31477	Fred & Elyce Kahn	409 Augusta Dr	409 Augusta Dr	Rockport	TX	78382
31579	Travis and Jacinta Albrecht	421 Augusta Dr	421 Augusta Dr	Rockport	TX	78382
31483	Charles and Marie Montgomery Kocu	419 Augusta Dr	419 Augusta Dr	Rockport	TX	78382
31482	Charles and Marie Montgomery Kocu	419 Augusta Dr	419 Augusta Dr	Rockport	TX	78382
31481	Michael and Barbara Jenkins	417 Augusta Dr	417 Augusta Dr	Rockport	TX	78382
31500	Fern Mei Ling Olson	601 Bent Tree	601 Bent Tree	Rockport	TX	78382
31501	James and Aida Valenti	702 Waterwood	702 Waterwood	Rockport	TX	78382
31490	Douglas and Sharon Marks	602 Bent Tree	602 Bent Tree	Rockport	TX	78382
31491	Tommy King	604 Bent Tree	604 Bent Tree	Rockport	TX	78382
31578	Martin and Elaine Perea	501 Lakewood Dr	501 Lakewood Dr	Rockport	TX	78382
	Patt (Patricia) Bemrose	Zoning Board of Adjustment	1435 S Water St	Rockport	TX	78382
	Carey Dietrich	Zoning Board of Adjustment	602 Fulton Ave	Rockport	Tx	78382
	Michael Harm	Zoning Board of Adjustment	801 W Market St	Rockport	TX	78382
	Pamela Dixon	Zoning Board of Adjustment	412 Cherry Hills Dr	Rockport	Tx	78382
	Traci Baucum	Zoning Board of Adjustment	493 Augusta Dr	Rockport	Tx	78382
	Rocky Gudim	Zoning Board of Adjustment	1016 S Magnolia St	Rockport	Tx	78382
	Brandi Picton	Zoning Board of Adjustment	1803 Picton Ln	Rockport	Tx	78382



NOTICE OF PUBLIC HEARING

Rockport Zoning Board of Adjustments

NOTICE is hereby given that the Rockport Zoning Board of Adjustment will hold a Public Hearing on Thursday, June 25, 2026, at 5:30 p.m., at the City of Rockport - City Hall, 212 N Live Oak, Rockport, Texas 78382, to consider a request for relief from the Zoning Ordinance for the accessory use structure setback be reduced from 10 ft. to 5ft. 4 inches and the rear setback be reduced from 20 ft. to 5 ft. to install a planned improvements in the backyard (pool) on the property located at 415 Augusta., otherwise known as ROCKPORT COUNTRY CLUB #2, BLOCK 19, LOT 20.

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 Development Services 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 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

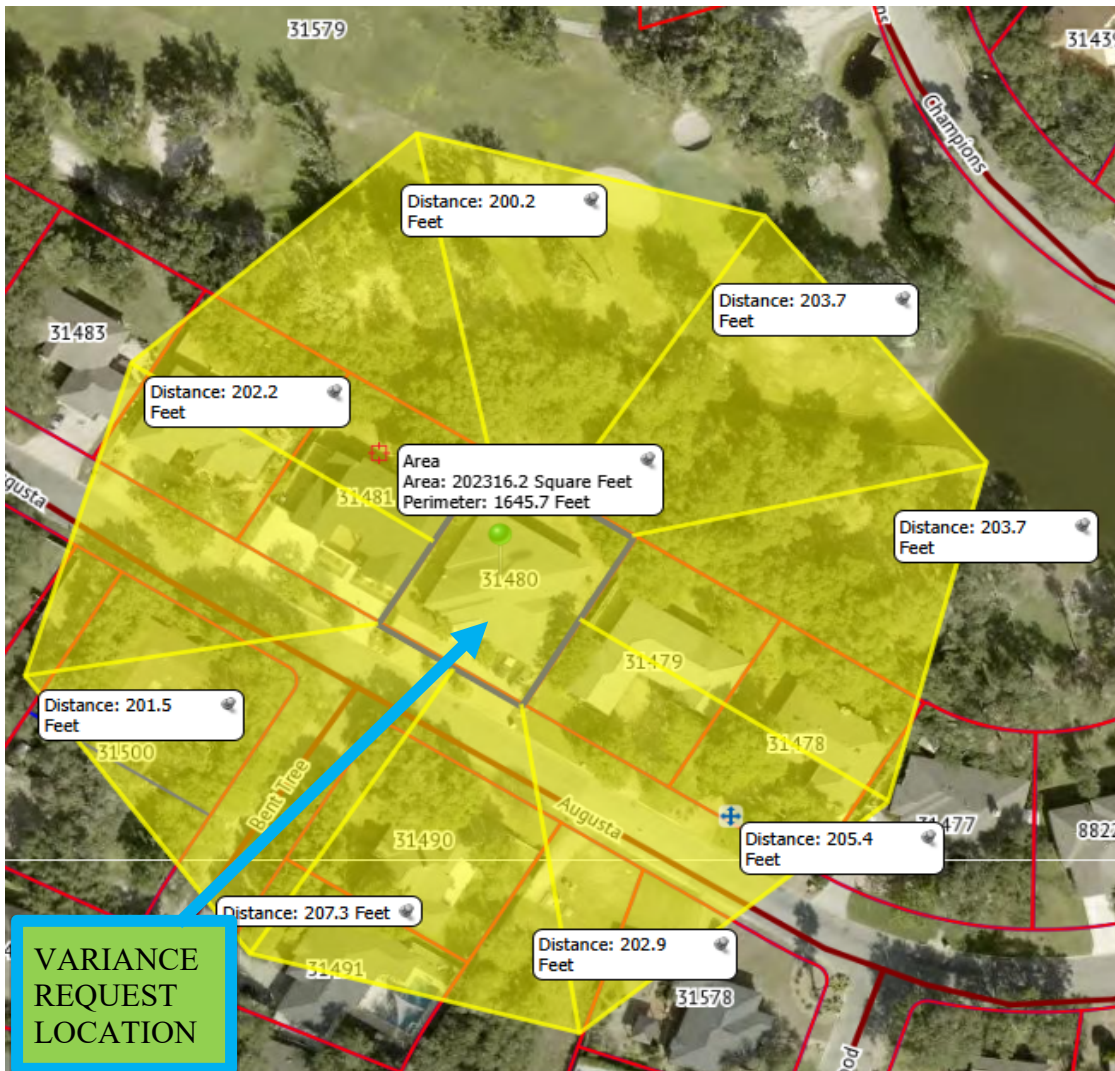
Phone: _____

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.

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ATTN:
Development Services
Department
City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382

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



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

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

SITUS ADDRESS: «Situs_Address»



NOTICE OF PUBLIC HEARING
Rockport Zoning Board of Adjustments

RECEIVED
JUN 23 2026
BY: Scarth

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Printed Name: Travis + Jacinta Albrecht

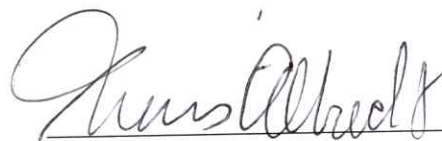
Address: 421 Augusta DR.

City/State: Rockport TX

Phone: 361-215-2776

(☒) IN FAVOR () IN OPPOSITION

REASON:

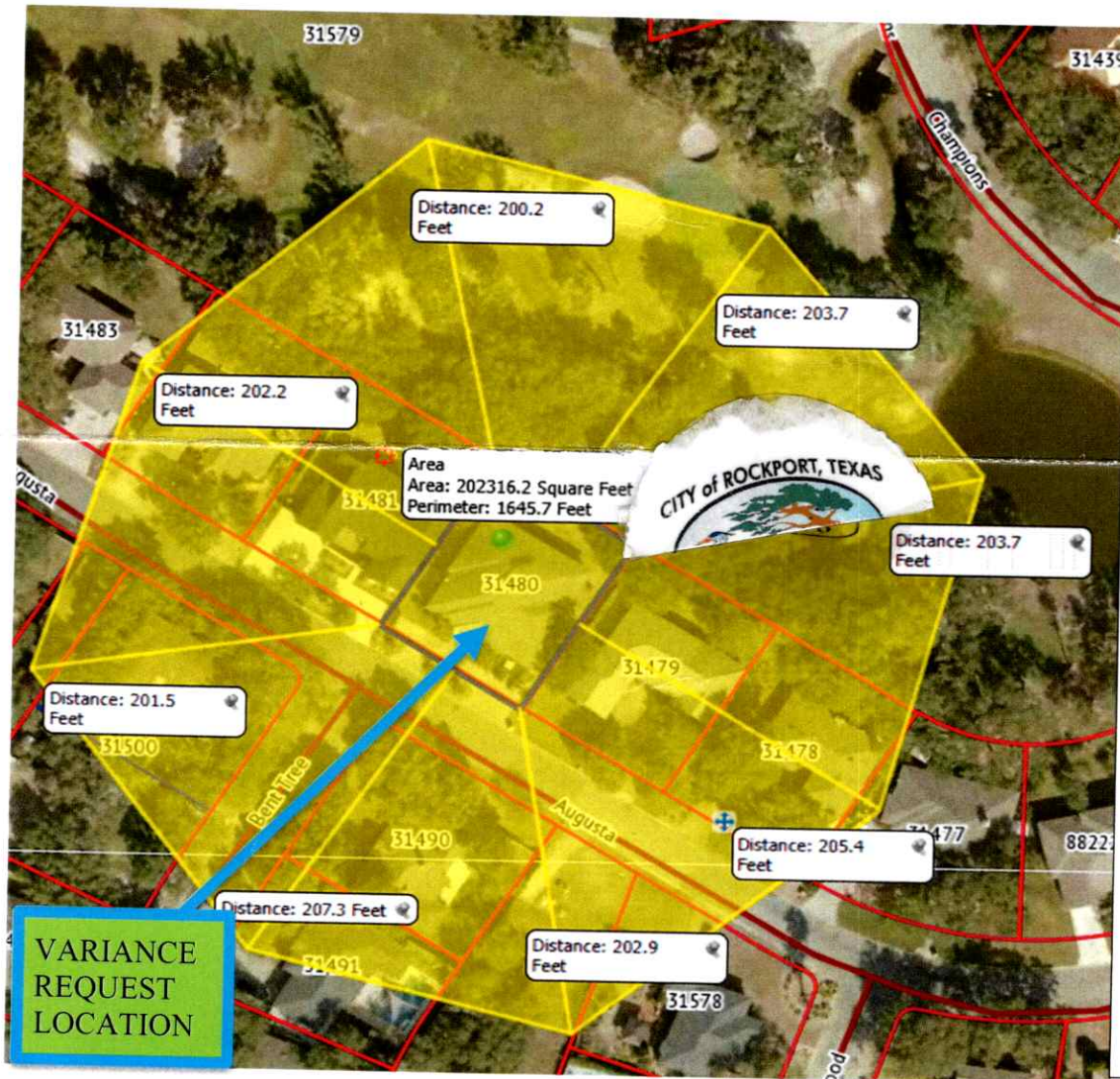


Signature

See map on reverse side.

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**Development Services
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City of Rockport
2751 SH 35 Bypass
Rockport, TX 78382**

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

CORPUS CHRISTI, TX 784

13 JUN 2026 AM 2 L

FIRST CLASS



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\$ 000.74⁰

JUN 11 2026

Travis and Jacinta Albrecht
421 Augusta Dr
Rockport, TX 78382

SITUS ADDRESS: 421 Augusta Dr



NOTICE OF PUBLIC HEARING

Rockport Zoning Board of Adjustments

RECEIVED
JUN 26 2026
BY: Scarr

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Printed Name: CHARLES M. MONTGOMERY - MARIE KOCUREK-MONTGOMERY
Address: 419 AUGUSTA DR City/State: ROCKPORT, TX 78382

PROTECTING OUR PEACE
() IN FAVOR (X) IN OPPOSITION A BACKYARD POOL Phone: 361-563-7477/C 361-246-9813
SOUNDS OK, EVEN THOUGH I WOULD HATE TO BE ACCUSED OF NEIGHBOR POOL WATCHING

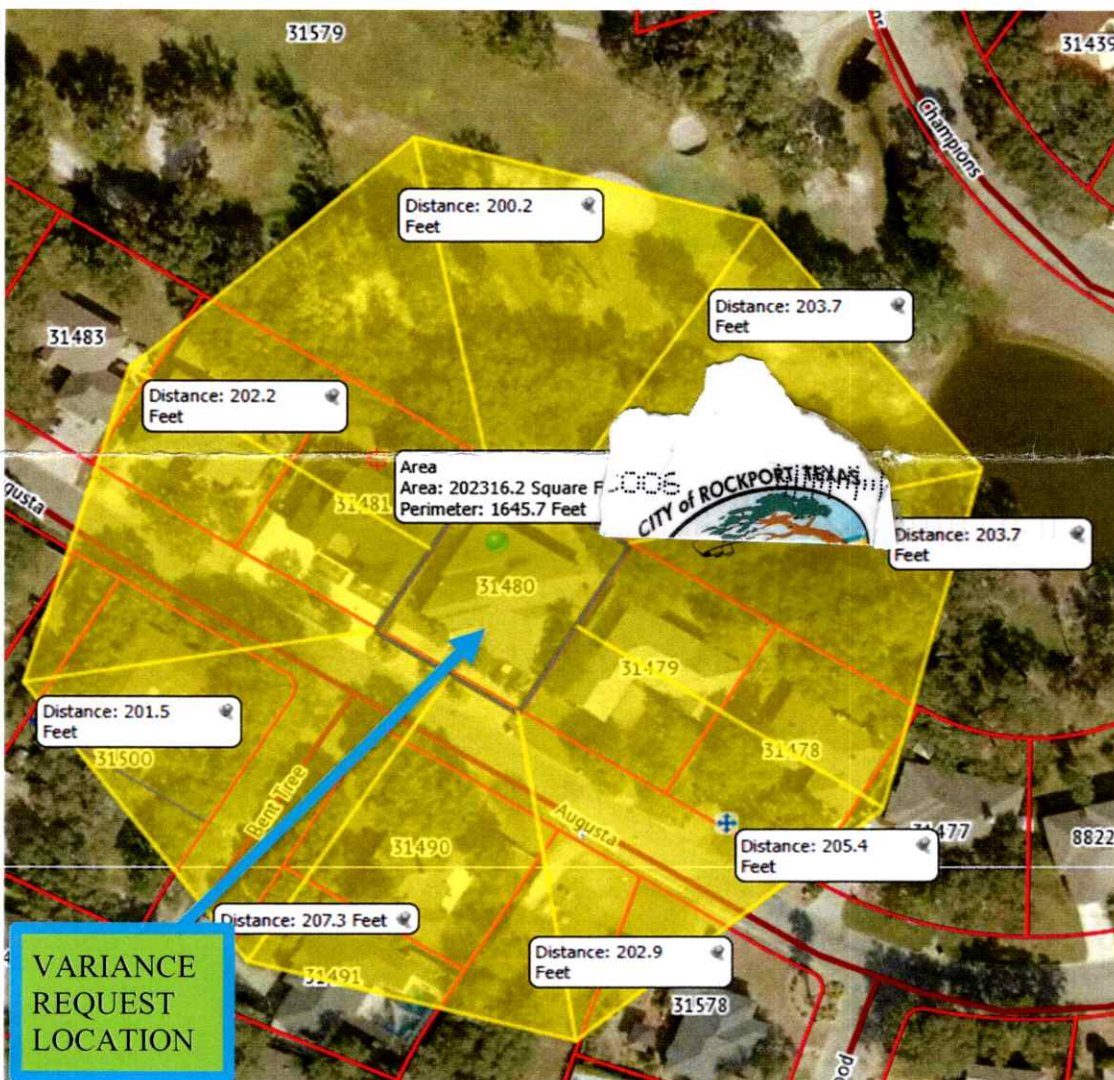
REASON: WE ARE AGAINST REDUCED SETBACKS GENERALLY, NEIGHBOR HOOD

SO THIS IS NOT AN ~~ANY~~ INSTANCE WHERE WE ARE AGAINST ~~THE~~ ATTEMPT AT IT. WE HAVE SAID NO IN ALL PREVIOUS. WE HAVE LIVED FOR 15+ YEARS AT 419 AUGUSTA DR, ON HOLE 16, WHERE WE GOLF WATCH, WILDLIFE WATCH, BIRD WATCH, AND TREE WATCH. WE FEEL THAT PROTECTING PEACE + BASIC QUIET SHOULD BE MODERATELY FOUGHT FOR, AND WE HAVE HELPED PEOPLE FIGHT FOR ~~IT~~. OUR 180 DEGREE ^{SAFE} PANORAMIC VIEW, WHICH WE SIGNED ON FOR AND ACCEPTED WHEN WE BOUGHT HERE, ~~WILL BE~~ DOES NOT CHALLENGE ANYBODY. WE USE BINOCULARS + CAMERAS TO

Signature: Charles M. Montgomery - Marie Kocurek
See map reverse side. 6/20/26 - montgomery

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

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ZIP 78382
02 7H
0006090064 \$ 000.74⁰
JUN 11 2026

Charles and Marie Montgomery Kocurek Life
Estate
419 Augusta Dr
Rockport, TX 78382

SITUS ADDRESS: 419 Augusta Dr



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

Applicant: 415 Augusta – Claiborne Residence

Lot/Tract/: ROCKPORT COUNTRY CLUB #2, BLOCK 19, LOT 20

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

415 Augusta

From Robert Decker <inspector2@cityofrockport.com>

Date Tue 7/21/2026 1:38 PM

To Amanda Torres <atorres@rockporttx.gov>

Cc Stacy Cantu <scantu@rockporttx.gov>

Good afternoon.

It is my recommendation to approve the setback variance for 415 Augusta Dr. After visiting the site and taking measurements, the location of the pool does fall in line with the future setback regulations for pools. The city is currently in the process of reviewing and revising the current ordinance for swimming pools. Thank you

Robert Decker

Chief Building Official

T.S.B.P.E. # 4214

361/790-1125 ext 111

361/463-9449 (cell)



<https://cityofrockport.com/>

ATTENTION PUBLIC OFFICIALS!

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

Please note that any correspondence, such as e-mail or letters, sent to City staff or City officials may become a public record and made available for Public/media review.