
ZONING BOARD OF ADJUSTMENTS MINUTES

On this the 21st day of September, 2015, the Zoning Board of Adjustments held a Meeting at 5:30 p.m. at the City Hall, 622 E. Market Street, Rockport, Texas and notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

Members Present

Members Absent

Gilbert Jurenka – Vice Chairman
Tom Kramer – Secretary
Michael Mahoney
Leo Villa
Frank Reilly

Staff Members Present

Mike Donoho, Director Building and Development
Kevin Carruth, City Manager
Kimber Clark, Community Planner
Mary Bellinger, Assistant to Director

Open Meeting

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

Public Hearing

2. Conduct and deliberate a Public Hearing to consider a request from Rock Hard Real Estate, LLC, for relief from the zoning ordinance to property located at 2631 Hwy 35 N., also known as, Lot 1-R (7.341 acers), Wal-Mart 440 Subdivision, Rockport, Aransas County, Texas. The purpose of the request is for a variance to the City's Sign Ordinance.

Vice Chairman Jurenka opened with asking Mike Donoho to explain to the committee the Sign Ordinance. Mr. Donoho stated: this is in Chapter 6 "Advertising", Sec.6-35: Existing nonconforming signs, which reads: Nonconforming signs may not be enlarged or altered in a way which would increase its nonconformity. Mr. Donoho continued; Mr. Salemi is asking to add to an already nonconforming sign. Vice Chairman Jurenka asked: is everyone clear on the definition? All members indicated, "Yes". Secretary Kramer asked: when Wal-Mart placed the original sign, was the sign in compliance? Mr. Donoho replied: when the sign was put in place it met the ordinance at that time. Since that time the ordinance has changed and the sign is no longer in compliance, so it is considered nonconforming. Mr. Villa asked: not even under the grandfather clause? Mr. Donoho responded: no sir.

Vice Chairman Jurenka asked: is there any comments from the public, including the applicant? Mr. Salemi responded: no I just want your approval.

Mr. Mahoney asked: Phil, what is it you want to do to the sign that makes it nonconforming? Mr. Salemi responded: our plan is to take the existing sign and lower it by half, same size, just lower. Mr. Mahoney asked: so if you lower it will impede the vision of traffic? Mr. Salemi responded: the sign is on our property so lowering it will not impede the traffic. The sign sits back away from the street, in fact it sits on the parking lot. Mr. Salemi continued: we also want to add an additional electronics sign. The purpose for the electronic sign is that it has been proven that it will increase sales by up to 2%. We (Salemi) have made one heck of an investment there and we are going to need every dime we can get as far as increase business. A 2% increase in business will help dramatically with the large percent of debit we have incurred. Mr. Mahoney stated: the shopping centers have a lot of signage. Mr. Salemi responded: that is right.

Vice Chairman Jurenka asked: do you have other options? Mr. Salemi responded: yea, we could go with what is there. Mr. Mahoney asked: not go with the electronic sign. Mr. Salemi responded: yea, not go with the electronic sign.

Mr. Villa asked: how far is the sign from the highway? Mr. Salemi responded: about 25 feet. Mr. Villa ask: does it interfere with traffic? Mr. Salemi responded: in no way what so ever.

Vice Chairman Jurenka asked Mr. Donoho; what is the sign spacing from the front of the property? Mr. Donoho responded: I believe it is 20 feet. Mr. Mahoney asked: are you (ZBA members) familiar with the 5 by 7 electronic signs? ZBA members responded: yes. Mr. Mahoney stated: they (signs) are expensive but really nice.

After a lengthy discussion, Vice Chairman Jurenka asked if there were any more questions or comments. Hearing none Vice Chairman Jurenka closed the Public Hearing at approximately 5:45 p.m.

Regular Hearing

3. Deliberate and act on the February 23, 2015, regular meeting minutes.

Vice Chairman Jurenka indicted the minutes from February 23, 2015, had been signed at the meeting held on June 2, 2015. Therefore no action was taken.

4. Deliberate and act on a request from Rock Hard Real Estate, LLC, for relief from the zoning ordinance to property located at 2631 Hwy 35 N., also known as, Lot 1-R (7.341 acers), Wal-Mart 440 Subdivision, Rockport, Aransas County, Texas, The purpose of the request is for a variance to the City's Sign Ordinance.

Mr. Donoho began: being the current sign is setting 20 feet away from the road. It is my opinion base on the calculations, bring the sign down to 8 feet, which is the current ordinance will not impeded traffic. Mr. Mahoney asked: Mike, does a yes vote blow this out of the water or does a no vote blow this out of the water? Mr. Donoho responded: you must answer affirmative (yes) to all eleven (11) questions. Mr. Donoho continued: the first question you must look at is, what is the special circumstances or conditions peculiar to the property that would cause a hardship to the

owner? After a lengthy discussion members answered the Findings of Fact list. (See attached).

With five (5) members present, and upon a vote of three (3) for, two (2) against, and zero (0) abstaining, the variance was granted— motion carried.

Adjournment

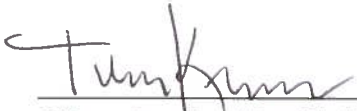
There being no further business, Vice Chairman Jurenka adjourned the meeting at approximately 6:30 p.m.

Prepared By:



Mary Bellinger, Assistant to Director

Approved By:



~~Gilbert Jurenka, Vice Chairman~~

TOM KRAMER

Tom Kramer, Secretary



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

Applicant: Philip M. Salemi Case Number: 2015-017

Lot/Tract: 1-R(7.341 acres), Wal-Mart 440 Subdivision

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:

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

		YES	NO
1.	That there are special circumstances or conditions peculiar to the property involved; and	3	2
2.	That the strict application of the terms of the Ordinance will impose upon the applicant unusual and practical difficulties or particular hardship; and	5	0
3.	Due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship; and	3	2
4.	That the proposed variance is in harmony with the Ordinance's general purpose and intent; and	4	1
5.	That the granting of the variance will not merely serve as a convenience to the applicant; and	5	0
6.	That the granting of the variance will alleviate some demonstrable and unusual hardship or difficulty for the applicant that is not based solely on expense or financial concerns; and	5	0
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	3	2
8.	That the variance is in the public interest and will ensure that public substantial justice will be done; and	5	0
9.	That the surrounding property will be properly protected; and	5	0
10.	That the variance will not establish, prolong, or preserve a condition that constitutes a risk to the health, safety or welfare of the public; and	5	0
11.	That remaining regulations are adequate to govern the project.	5	0

With 5 members present, and upon a vote of 3 for, 2 against, and 0 abstaining, the variance is hereby:

GGJ **Granted** _____ **Denied**

Richard J. Johnson
Presiding Officer of the Zoning Board of Adjustment

9/21/15
Date



City of Rockport
Board of Adjustment
Sign-in Sheet

Applicant: Philip M Salemi Case Number: 2015-017
Hearing Date: September 21, 2015

Name	Address
GILBERT JURPENKA	210 DORAL LN ROCKPORT
Tom Kramer	1228 SO. LIVE OAK
Phil SALEMI	1913 CRESCENT DR. 78382
Francis Rieg	1915 Crescent Dr
kimber Clark	510 Scott St. RT 78382
FLOYD KILLGORE	1602 FM 3036
MARY Bellinger	2751 SH 35 Bypass
Mike Donoho	2751 SH 35 Bypass
Kevin Carruth	622 E. Market