

**MINUTES OF THE CITY OF PORT NECHES
BOARD OF ADJUSTMENT
JANUARY 10, 2011**

The City of Port Neches Board of Adjustment met on Monday, January 10, 2011 at 6:00 p.m. in the City Hall Council Chambers, 634 Avenue C, Port Neches, Texas. Notice of the meeting was given in accordance with Section 551.041 of the Texas Governmental Code, with the following members in attendance:

John Fisher, Chairman
Boyd Parks, Vice Chairman
Gary Stretcher
Corey Belanger
Sam Loyacano
James Mitchell, Alternate

Also present:

Larry Reynolds, Assistant Public Works Director/Building Official
Cari Reynolds, Public Works Secretary

Absent:

Dennis Mangioni, Alternate
Julie Gauthier, Alternate
Trace Hammond, Alternate

Chairman John Fisher called the meeting to order.

APPROVAL OF MINUTES FROM MEETING HELD ON DECEMBER 13, 2010

Board Member Stretcher made a motion to approve the minutes of the regular meeting held on December 13, 2010, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF CARRIERE PROPERTIES, 3121 LABRADOR LANE

Carriere Properties, 3121 Labrador Lane, requested an eighteen foot four inch (18'4") variance, six foot eight inch (6'8") encroachment to the twenty five foot (25') rear yard building setback requirement for the purpose of constructing a new home. Mr. David Carriere was present to answer any questions. He advised the location of the property line and the fence.

Mr. Larry Reynolds informed the Board that due to the setbacks being different for attached and detached garages as well as corner lots; the property lost twenty feet (20') of buildable space.

There was discussion regarding the difference in setbacks with attached and detached garages, and other variance requests for the subdivision.

There were twenty-one (21) notices mailed to property owners surrounding two hundred feet (200') of 3121 Labrador Lane. In the letters, there are attachments where the property owners could approve or protest this request. There were two (2) returned approving the request: Kevin Parsley, 3100 Labrador Lane and Jeffrey & Gayla Baker, 3152 Labrador Lane and none opposed the request.

Board Member Stretcher made a motion to approve the request of Carriere Properties, 3121 Labrador Lane, for an eighteen foot four inch (18'4") variance, six foot eight inch (6'8") encroachment to the twenty five foot (25') rear yard building setback requirement, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF M.K. HAMZA, 742 TEXAS AVENUE

Mr. M.K. Hamza, 742 Texas Avenue, requested a four foot (4') variance, one foot (1') encroachment to the five foot (5') side yard building setback requirement for the purpose of continued construction of an addition to his existing home. Mr. Hamza was present to answer any questions.

Larry Reynolds stated Mr. Hamza had spoken to him about six (6) months ago regarding a remodeling project at 742 Texas Avenue. At that time Mr. Reynolds explained the process of the building application and permitting, but no application was submitted. Mr. Reynolds informed the Board that he was notified, about a month ago, by a City sanitation worker that there was construction work at 742 Texas Avenue. Mr. Reynolds advised he found the foundation had been poured, without inspection; framing is done poorly and electrical is not to code; and all work has been done without plan review or permits.

Mr. Hamza stated he had consulted with a family member, who is an architect, and believed he had done everything correctly.

There was discussion regarding structural integrity of the foundation, drainage, eaves, and materials used for fire protection.

Mr. James Wienert, 732 Texas Avenue, was present and stated his approval of the variance but was concerned about drainage.

There were twenty (20) notices mailed to property owners surrounding two hundred feet (200') of 742 Texas Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were three (3) returned approving the request: James Wienert, 732 Texas Avenue, Cathy Esquivel, 733 Texas Avenue and Annie Lange, 725 Texas Avenue; there was one (1) undecided: Homer Harold Brown, 726 Texas Avenue and one (1) opposed the request: Lawrence Teller, 731 Cherokee Lane.

Board Member Loyacano made a motion to approve the request of Mr. M.K. Hamza, 742 Texas Avenue, for a four foot (4') variance, one foot (1') encroachment to the five foot (5') side yard building setback requirement with the stipulation that gutters would be installed for proper drainage, all materials used must be fire rated, all contractor's must be bonded and insured and all work must be permitted, seconded by Board Member Stretcher. Vote was as follows: four (4) approved Vice Chairman Parks, Board Member Stretcher, Board Member Loyacano and Board Member Belanger; one (1) against Chairman John Fisher. **MOTION PASSED BY MAJORITY VOTE.**

ADJOURN

There being no further business Board Member Stretcher made a motion to adjourn, seconded by Board Member Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

Cari Reynolds, Public Works Secretary

Approved

Meeting Adjourned at 6:45 p.m.