

**MINUTES OF THE CITY OF PORT NECHES  
BOARD OF ADJUSTMENT  
SEPTEMBER 12, 2011**

The City of Port Neches Board of Adjustment met on Monday, September 12, 2011 at 6:00 p.m. in the City Hall Conference Room, 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  
Sam Loyacano  
Chad Belanger, Alternate  
James Mitchell, Alternate

**Also present:**

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

**Absent:**

Corey Belanger  
Dennis Mangioni, Alternate  
Karen Schexnayder, Alternate

Chairman John Fisher called the meeting to order.

**APPROVAL OF MINUTES FROM MEETING HELD ON JULY 11, 2011**

Board Member Stretcher made a motion to approve the minutes of the regular meeting held on July 11, 2011, seconded by Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF MIKE MINTER, 1916 5<sup>TH</sup> STREET**

Mr. Minter, 1916 5<sup>th</sup> Street, requested a six inch (6") variance, seventeen foot six inch (17'6") encroachment to the twenty five foot (25') front yard building setback for the purpose of building a carport to remain open.

Mr. Minter was present to answer any questions. Mr. Minter submitted several pictures of other carports on 5<sup>th</sup> street. There was discussion about the pictures and the type of carport.

There was discussion regarding the setback and reasons for the property only having eighteen foot (18') of front building setback and not twenty five foot (25').

Mr. Reynolds stated that Mr. Minter owns a majority of the homes in that block and has made many improvements to that area. The carport would extend to the property line on the back side of the ditch and would not extend into the City Right-of-way. Mr. Reynolds also stated that there is not enough room to build a garage and having a carport would be the only means of keeping vehicles out of the weather.

There were twenty-one (21) notices mailed to property owners surrounding two hundred feet (200') of 1916 5<sup>th</sup> Street. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned approving the request: Sherra Moore, 2014 Armstrong, Mark Albritton, 1929 5<sup>th</sup> Street, Clint & Judy Nichols, 1917 5<sup>th</sup> Street and Brittany Novich, 1918 5<sup>th</sup> Street, and none opposed the request.

Board Member Loyacano made a motion to approve the request of Mike Minter 1916 5<sup>th</sup> Street, for a six inch (6") variance, seventeen foot six inch (17'6") encroachment to the twenty five foot (25') front yard building setback for the purpose of building a carport with the stipulation that it remains open on all sides, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

#### **REQUEST OF JAMES & ANDI GREGORY, 1306 PINE LANE**

James & Andi Gregory, 1306 Pine Lane, requested a two foot six inch (2'6") variance, two foot six inch (2'6") encroachment to the five foot (5') side yard building setback for the purpose of building an awning attached to an existing shop.

Mr. & Mrs. Gregory were present to answer any questions. Mr. & Mrs. Gregory stated that several years ago they pulled a permit to construct a detached shop in the rear yard and at that time they asked Mr. Wheeler, the previous Building Official, what the restrictions were for attaching an awning to the shop in the future. The Gregory's stated that Mr. Wheeler informed them that there were no restrictions on setbacks and a permit was not needed for an awning as long as it was not walled in and a gutter was attached. Mr. Gregory advised that when he began construction of the awning he was informed by Mr. Reynolds that he needed a variance and a permit. Mr. Gregory stated that if he would have known that a permit and a variance were needed he would have proceeded the correct way. Mr. Gregory informed the Board that Mr. Reynolds allowed him to put a blue tarp on the construction area to protect it from the weather until the Board made its decision.

Mr. Reynolds stated that the he believes Mr. Wheeler did tell them that it was ok to build into the five foot (5') side yard building setback. He doesn't believe they did anything maliciously or intentionally and they thought they were doing the right thing.

They stopped work immediately when they were informed of the situation and have worked with me throughout this process.

There was discussion regarding gutters, height, size, materials, and foundation of the awning.

Mr. Reynolds advised the Board that there were no encroachments into utility easements.

There were twenty-two (22) notices mailed to property owners surrounding two hundred feet (200') of 1306 Pine Lane. In the letters, there are attachments where the property owners could approve or protest this request. There were seven (7) returned approving the request: William Barbay, 1313 Pine Lane, Mark Moore, 2709 11<sup>th</sup> Street, P. Scofield, 1305 Pine Lane, David Coco, 1315 Pine Lane, James Harris, 1310 Pine Lane, Ricky Mitchell, 1314 Pine Lane and James Gregory, 1302 Pine Lane, and none opposed the request.

Vice Chairman Parks made a motion to approve the request of James & Andi Gregory 1306 Pine Lane, for a two foot six inch (2'6") variance, two foot six inch (2'6") encroachment to the five foot (5') side yard building setback for the purpose of building an awning attached to an existing shop with the stipulation that it remains open and has gutters, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

#### **REQUEST OF DONNIE & MELISSA MACNEIL, 1901 LLANO STREET**

Donnie & Melissa MacNeil, 1901 Llano Street, requested an eleven foot (11') variance, fourteen foot (14') encroachment to the twenty five foot (25') rear yard building setback for the purpose of building an attached garage.

Mr. MacNeil was present to answer any questions. He informed the Board that due to his growing family he needed to remodel his house and create more livable space. His intentions were to close in the existing garage and make a master bedroom and bathroom and then build an attached garage to the rear of the house.

Mr. Reynolds stated that for the contractor to compete the bed and bath he needed to pour more concrete to level it with the rest of the house. He was given permission to pour the concrete for the bed and bath, existing driveway and new garage.

Mr. MacNeil advised the Board that he wants the garage to be attached but if the variance is not granted he will build it as a detached garage.

There was discussion about setbacks for attached and detached garages, property value, concerned neighbors, and pouring of concrete prior to a variance being granted.

There were twenty-seven (27) notices mailed to property owners surrounding two hundred feet (200') of 1901 Llano Street. In the letters, there are attachments where the property owners could approve or protest this request. There were five (5) returned approving the request: James Carr, 1909 Effie Circle, Michael & Linda Judice, 1843 Llano Street, RJ & Betty Simon, 1918 Llano Street, Henry Warfield Jr., 1925 Llano Street and Jefferson County Drainage District #7, 4401- Ninth Avenue, Port Arthur, and one (1) opposed the request: Juanita Dulaney, 1904 Effie Circle.

Vice Chairman Parks made a motion to approve the request of Donnie & Melissa MacNeil, 1901 Llano Street, for an eleven foot (11') variance, fourteen foot (14') encroachment to the twenty five foot (25') rear yard building setback for the purpose of building a garage attached to the rear of an existing home, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

### **ADJOURN**

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

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Cari Reynolds, Public Works Secretary

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Approved

Meeting Adjourned at 6:25 p.m.