

**MINUTES OF THE CITY OF PORT NECHES
BOARD OF ADJUSTMENTS
OCTOBER 10, 2011**

The City of Port Neches Board of Adjustments met on Monday, October 10, 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
Corey Belanger
Sam Loyacano
Karen Schexnayder, Alternate

Also present:

Taylor Shelton, P.E., Public Works Director
Cari Reynolds, Public Works Secretary
Chad Belanger, Alternate (Did not participate)
James Mitchell, Alternate (Did not participate)

Absent:

Larry Reynolds, Assistant Public Works Director/Building Official
Gary Stretcher
Dennis Mangioni, Alternate

Chairman John Fisher called the meeting to order.

APPROVAL OF MINUTES FROM MEETING HELD ON SEPTEMBER 12, 2011

Board Member Loyacano made a motion to approve the minutes of the regular meeting held on September 12, 2011, seconded by Alternate Board Member Schexnayder.
MOTION PASSED BY UNANIMOUS VOTE.

REQUEST OF CHARLOTTE DURHAM, 1222 MONTROSE STREET

Charlotte Durham, 1222 Montrose Street, requested a one foot (1') variance, four foot (4') encroachment to the five foot (5') side yard building setback for the purpose of building a carport to remain open.

Ms. Durham was present to answer any questions. Ms. Durham informed the Board that the previous carport was destroyed during Hurricane Rita. She would like to replace it with a smaller metal carport in the same location. She stated that Earle's Aluminum had begun work on building the carport when Mr. Larry Reynolds stopped

the construction because no permit was obtained. She stated that Mr. Reynolds also told her that she would need a variance before the work could be completed.

Chairman Fisher informed the Board that he met previously with Mr. Reynolds, knowing he would not be in attendance at this meeting, to get his recommendations on the requests. The Board can take into consideration but is not bound by Mr. Reynolds recommendations. He stated that Mr. Reynolds did not recommend this variance be granted due to drainage and being too close to neighbors property.

Ms. Durham stated that she thought she was encroaching one foot (1') and not four foot (4') as the request stated. She advised that Mr. Reynolds had assisted her in filling out the variance request form because she did not understand the request. Mr. Taylor Shelton drew a picture and explained the difference between encroachment and variance. Ms. Durham stated she was unsure of the variance that was needed and could move the carport further away from the property line.

There was more discussion regarding the actual amount of variance that was needed and if should be reassessed when Mr. Reynolds was available. Mr. Shelton again explained the difference between a one foot (1') variance and a one foot (1') encroachment.

There were thirty-two (32) notices mailed to property owners surrounding two hundred feet (200') of 1222 Montrose 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: Wayne Minton, 1217 Montrose, Matt Vincent (Kontiki Hotel Partners LP), 1734 Green Oaks Drive, Matt Vincent (P.O.A. Andrew Vincent), 1734 Green Oaks Drive and Audrey Bernard, 1218 Montrose Street, and none opposed the request.

Chairman Fisher informed Ms. Durham that if the Board voted on the variance request as written and it was not granted then she would have to wait one (1) year before she could reapply for the variance.

Ms. Durham advised she wanted to wait until she could discuss the variance request with Mr. Reynolds and asked to table the request.

Vice Chairman Parks made a motion to table the request of Charlotte Durham 1222 Montrose Street, for a one foot (1') variance, four foot (4') encroachment to the five foot (5') side yard building setback pending further review, seconded by Board Member Belanger. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF STEVE & KARISHA COKER, 1836 LINDSAY LANE

Steve & Karisha Coker, 1836 Lindsay Lane, requested a fifteen foot (15') variance, ten foot (10') encroachment to the twenty five foot (25') front yard building setback for the construction of a new home.

Mrs. Coker was present to answer any questions. Mrs. Coker stated that she would like to have a new home built on the property located at 1836 Lindsay Lane. She advised that they bought two (2) lots and had them re-platted. The property is on a cul-de-sac and the plans show that the only encroachment would be the front steps, stoup and a small portion of a front room. Due to the rear of her property sloping down to a canal the house must be moved forward.

Chairman Fisher informed the Board that Mr. Reynolds recommendation was to approve this variance due to it being on a cul-de-sac.

Board Member Loyacano stated he drove by and noticed how deep the slope was. Mrs. Coker stated the rear yard slopes down at least ten to twelve foot (10'-12').

Mr. Shelton asked Mrs. Coker if they were planning on putting a swimming pool in the rear yard. She stated she would like to in the future but the slope of the yard would make it very difficult to do so.

There were thirteen (13) notices mailed to property owners surrounding two hundred feet (200') of 1836 Lindsay Lane. In the letters, there are attachments where the property owners could approve or protest this request. There were five (5) returned approving the request: David Darnell, 1134 Macarthur, Mark Leckich, 1830 Lindsay Lane, Ronald Doty Jr., 656 Mildred Manor, Matt Vincent (Cajun Partners, L.P.), 1734 Green Oaks Drive and Twila Gillespie, 2441 Evergreen Drive, Port Arthur, and none opposed the request.

Board Member Belanger made a motion to approve the request of Steve & Karisha Coker 1836 Lindsay Lane, for a fifteen foot (15') variance, ten foot (10') encroachment to the twenty five foot (25') front yard building setback for the construction of a new home, seconded by Board Member Schexnayder. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF DAVID MARTIN, 1302 MAGNOLIA AVENUE

David Martin, 1302 Magnolia Street, requested a five foot two inch (5'2") variance, nineteen foot ten inch (19'10") encroachment to the twenty five foot (25') rear yard building setback and a nineteen foot eight inch (19'8") variance, five foot four inch (5'4") encroachment to the twenty five foot (25') front yard building setback for the purpose of building a new commercial building in the same location as the existing structure.

Mr. David Martin and his son Mr. Aaron Martin were present to answer any questions. Mr. Aaron Martin began by stating that due to being licensed as a package store they are locked into this address. The building is currently too small and needs repair. The lot is fifty foot (50') deep. Mr. Martin also stated that he tried to purchase the property behind his so he would have more space, but the owners were not willing to sell.

Mr. Martin stated that he and his contractor have been in discussion with Mr. Reynolds for several months regarding the construction of a new store on this location. They have presented several plans, all which need a variance due to size of the lot. Mr. Martin explained to the Board that the rear and the right side of the new building will be in the same footprint as the current building. The front of the current wood frame building has an eave and flowerbed. The proposed building will take in the eave and flowerbed space so as not to affect the parking area. He stated that the current building is too small and a "POD" was brought in to put stock.

Chairman Fisher informed the Board that Mr. Reynolds stated that the land could not be used for other purposes and that it would cause a hardship for the owner if the variance was not granted. Chairman Fisher stated that Mr. Reynolds recommended that this variance be approved.

Mr. Martin informed the Board that a new building will replace the existing structure and this in turn will increase tax value, more room to expand for new business which increases sales tax for the City and make this area look much nicer.

Mr. Shelton stated that the new building will be done in two (2) phases.

Mr. Martin explained the first phase is a two (2) story building that will be attached to the left side of the existing building. The business will be moved to this section and operated as sales on the first floor while the second floor will be used as overstock and storage. The existing building will then be demolished as well as the concrete slab. A new slab will be poured and the single storey building will be attached to the two (2) story building. Once the second phase is completed the business operations will be moved back to the single story and the two (2) story will become storage.

There were seventeen (17) notices mailed to property owners surrounding two hundred feet (200') of 1302 Magnolia 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: Brian Landry, 1305 Magnolia Avenue, K S Young & Son, 1219 Magnolia Avenue and Billy Fuller, 2141 11th Street, and none opposed the request.

Board Member Loyacano made a motion to approve the request of David Martin, 1302 Magnolia Avenue, for a five foot two inch (5'2") variance, nineteen foot ten inch (19'10") encroachment to the twenty five foot (25') rear yard building setback and a

nineteen foot eight inch (19'8") variance, five foot four inch (5'4") encroachment to the twenty five foot (25') front yard building setback for the purpose of building a new commercial building in the same location as the existing structure, seconded by Board Member Belanger. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF ROBERT & JENNIFER ALLEN, 1030 MONTROSE

Robert & Jennifer Allen, 1030 Montrose, requested to live in a travel trailer during the demolition and construction of a new home.

Mr. and Mrs. Allen were present to answer any questions. Mr. Allen stated that the Southeast Texas Regional Planning Commission will be demolishing the current house and building a new home at 1030 Montrose. Mr. Allen advised that Mr. Matt Vincent, who owns the property on both sides of 1030 Montrose, has given them permission in the past and also in writing for the future to use his property to live on and place their belongings during the demolition and construction of a new home.

Chairman Fisher stated that the recommendation of Mr. Reynolds is that if the Board approves this request it should have a stipulation that the sewer is hard piped and the hoses must have vacuum breakers.

Mr. Shelton stated that it should also have a six (6) month time limit and a recommendation to City Council.

Vice Chairman Parks stated that in the past after a hurricane they would recommend to City Council a six (6) month time limit on living in travel trailers while owners were repairing the homes.

Mrs. Allen stated that the Southeast Texas Regional Planning Commission still has not given them a time of when they need to be out of their house but they do know that they will be given only two (2) weeks to move out before demolition.

There were thirty-two (32) notices mailed to property owners surrounding two hundred feet (200') of 1030 Montrose. In the letters, there are attachments where the property owners could approve or protest this request. There were six (6) returned approving the request: Ronald Warner, 1106 Montrose, Matt Vincent (Kontiki Hotel Partners), 1734 Green Oaks Drive, Matt Vincent, 1734 Green Oaks Drive, Matt Vincent, 1734 Green Oaks Drive, Eric Bryan, 1102 Macarthur Drive and Joshua Lueth, 1029 Macarthur Drive and none opposed the request.

There was discussion on the stipulations of time limits and when the permit would begin if granted.

Vice Chairman Parks made a motion to recommend the City Council approve the request of Robert & Jennifer Allen 1030 Montrose, for a permit to live in a travel trailer during the demolition and construction of a new home with the stipulation of a six (6) month time limit from the date they pull the permit and that the sewer lines be hard piped and hoses must have vacuum breakers, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

ADJOURN

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

Cari Reynolds, Public Works Secretary

Approved

Meeting Adjourned at 6:28 p.m.