

**MINUTES OF THE CITY OF PORT NECHES
ZONING BOARD OF ADJUSTMENT & APPEALS
NOVEMBER 14, 2011**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, November 14, 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
Gary Stretcher

Also present:

Larry Reynolds, Assistant Public Works Director/Building Official
Cari Reynolds, Public Works Secretary
Chad Belanger, Alternate (Did not participate)
James Mitchell, Alternate (Did not participate)

Absent:

Dennis Mangioni, Alternate
Karen Schexnayder, Alternate

Chairman John Fisher called the meeting to order.

APPROVAL OF MINUTES FROM MEETING HELD ON OCTOBER 10, 2011

Board Member Loyacano made a motion to approve the minutes of the regular meeting held on October 10, 2011, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

TAKE FROM TABLE THE REQUEST OF CHARLOTTE DURHAM, 1222 MONTROSE STREET

Chairman Fisher stated that the request of Charlotte Durham, 1222 Montrose Street, was tabled at the regular Board of Adjustments meeting on October 10, 2011. In order to hear the request again the item must be taken from the table. Vice Chairman Parks made a motion to take from the table the request of Charlotte Durham, 1222 Montrose Street, seconded by Board Member Loyacano. **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. Charlotte Durham and her son James Durham were present to answer any questions.

Mr. Durham submitted several drawings to the Board of the proposed carport, existing poles, slope and drainage. Mr. Durham informed the Board that the previous carport was destroyed during Hurricane Rita and his mother hired Earle's Aluminum to rebuild the carport with a smaller metal carport in the same location. Mr. Durham stated that Earle's Aluminum began construction of the carport and Mr. Reynolds stopped the construction because no permit was obtained. Mr. Reynolds also told her that she would need a variance before the work could be completed.

Mr. Durham stated that after the October 10, 2011 Zoning Board of Adjustment and Appeals meeting when the request was tabled, a member of Earle's Aluminum removed the materials that were already installed and paid for, from the property. Mr. Durham stated that as of this time Earle's Aluminum has not returned the money or the materials.

There was discussion concerning the drawings Mr. Durham submitted regarding location of the neighbor's property, slope and drainage. There was also discussion regarding access to the rear of the property in case of fire or safety issues.

Chairman Fisher asked if there were any questions or comments.

Mr. Reynolds stated that there were no protests and the existing garage is already encroaching into their 5' side yard building setback. Mr. Reynolds also stated that the carport would be directly in front of the garage and if the variance is granted that it should have the stipulation to remain open and have a gutter system with downspouts facing toward the street.

There was discussion regarding the existing poles, foundation and location of new poles.

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 three (3) returned approving the request: Matt Vincent (Kontiki Hotel Partners LP), 1734 Green Oaks Drive, Matt Vincent (Kontiki Hotel Partners LP), 1734 Green Oaks Drive and Henry Minton, 1217 Montrose Street, and none opposed the request.

Board Member Stretcher made a motion to approve 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 for a carport with the stipulation that it remains open and has a gutter system with downspouts facing toward the street, seconded by Board Member Loyacano.
MOTION PASSED BY UNANIMOUS VOTE.

REQUEST OF DR. PRADIP MORBIA, 415 KINGS ROW

Dr. Pradip Morbia, 415 Kings Row, requested a fifteen foot three inch (15'3") variance, nine foot nine inch (9'9") encroachment to the twenty five foot (25') rear yard building setback for the construction of a new home.

Mike Adalis, Champion Custom Home Builders, and Dr. Pradip Morbia were both present to answer any questions.

Mr. Adalis stated that Dr. Morbia is requesting the same variance that was granted to the rear yard setback in 1993 for the previous home that was destroyed by fire. Mr. Adalis informed the Board that the new home would be the same footprint as the previous home and the same footings would be used.

Chairman Fisher asked if a variance was needed since it was granted for the previous home.

Mr. Reynolds stated that variances would need to be granted for the new home and the previous home only had a rear yard variance not a front yard variance.

Chairman Fisher asked if there were any questions or comments.

Mr. Reynolds stated that due to the irregular shaped lot in the rear this could be considered a hardship. Mr. Reynolds also stated that he is in favor of the variance to the rear setback but not the front because there could be some adjustments to the front porte cochere.

There was discussion regarding utility easements, license to encroach, fire damage to neighboring homes, and the front porte cochere.

Dr. Morbia stated he has worked with his builder for two (2) years, dealing with the pipeline companies and making many changes to the plans. Dr. Morbia also stated that he would like to use the existing footings and concrete for the front porte cochere.

There were twenty-one (21) notices mailed to property owners surrounding two hundred feet (200') of 415 Kings Row. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned approving the request: Dorothy Eckhardt, 2783 Saba Lane, and one (1) opposed the request: R. Primeaux, 2763 Saba Lane.

Board Member Stretcher made a motion to approve the request of Dr. Pradip Morbia, 415 Kings Row, for a fifteen foot three inch (15'3") variance, nine foot nine inch (9'9") encroachment to the twenty five foot (25') rear yard building setback for the construction of a new home, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF DR. PRADIP MORBIA, 415 KINGS ROW

Dr. Pradip Morbia, 415 Kings Row, requested a twenty-two foot four and one half inch (22'4½") variance, two foot seven and one half inch (2'7½") encroachment to the twenty-five foot (25') front yard building setback for the construction of a new home.

Mike Adalis, Champion Custom Home Builders, and Dr. Pradip Morbia were both present to answer any questions.

Chairman Fisher asked if there were any questions or comments. There were none.

Board Member Loyacano made a motion to approve the request of Dr. Pradip Morbia, 415 Kings Row, for a twenty-two foot four and one half inch (22'4½") variance, two foot seven and one half inch (2'7½") encroachment to the twenty-five foot (25') front yard building setback for the construction of a new home, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF CARSON HEBERT, 1205 WEST DRIVE

Carson Hebert, 1205 West Drive, 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 a metal patio cover.

Mr. Carson Hebert was present to answer any questions. He informed the Board that he would like to build an aluminum patio cover on the rear of his home. Mr. Hebert stated he has a fenced in back yard with a small existing slab for a patio and would like to extend the patio and build a cover over it.

Ms. Cheryl Hebert, 1916 Merriman Street, explained she is the mother of Carson Hebert and would like to help her son by having the patio cover built for him. Ms. Carson stated that it would have flagstone paver floor and family members would build it.

Chairman Fisher asked if there were any questions or comments.

There was discussion about drainage, location and construction of the home, neighboring homes and a gutter system.

There were twenty-four (24) notices mailed to property owners surrounding two hundred feet (200') of 1205 West Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned approving the request: Ryan Douglas, 1218 West Drive, Matt Vincent, 1734 Green Oaks Drive, Matt Vincent, 1734 Green Oaks Drive and Matt Vincent (POA for Andrew Vincent), 1734 Green Oaks Drive and two (2) opposed the request: J.W. Basco, 1118 Macarthur and Stephen Vincent, 1209 West Drive.

Board Member Loyacano made a motion to approve the request of Carson Hebert, 1205 West Drive 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 an aluminum patio cover with the stipulation that it remains open and has a gutter system that drains to the side and front, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

ADJOURN

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

Cari Reynolds, Public Works Secretary

Approved

Meeting Adjourned at 6:35 p.m.