

**MINUTES OF THE CITY OF PORT NECHES
ZONING BOARD OF ADJUSTMENT & APPEALS
JULY 9, 2012**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, July 9, 2012 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
Gary Stretcher
Sam Loyacano
James Mitchell, Alternate
Karen Schexnayder, Alternate
Dennis Mangioni, Alternate (Did not participate)

Also present:

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

Absent:

Boyd Parks, Vice Chairman
Corey Belanger
Chad Belanger, Alternate

Chairman John Fisher called the meeting to order.

APPROVAL OF MINUTES FROM MEETING HELD ON JUNE 11, 2012

Board Member Stretcher made a motion to approve the minutes of the regular meeting held on June 11, 2012, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF PEAK ELECTRICAL, LLC, 1618 PORT NECHES AVENUE

Mr. Ron Huebel, Peak Electrical, LLC, 1618 Port Neches Avenue, requested a two foot six inch (2'6") variance, twelve foot six inch (12'6") encroachment to the fifteen foot (15') rear yard building setback requirement for the expansion of existing offices and parking.

Mr. Huebel, president and owner of Peak Electrical, LLC, was present to answer any questions. Mr. Huebel stated that his company has been in Port Neches for five (5) years and one (1) year ago relocated to the building located at 1618 Port Neches Avenue. Mr. Huebel also stated that in the past year he has been in contact with Mr. Larry Reynolds regarding remodeling the interior of the building. Due to the expansion

of his company he needs to create enough office space and parking for five (5) more employees and the only way to do that is to extend the building to the rear. Mr. Huebel informed the Board that there is a twenty foot (20') alley behind his property that does not contain any utilities.

Board Member Stretcher asked Larry Reynolds if green space requirements were the same for commercial as residential. Mr. Reynolds stated that it does not pertain to commercial property.

Chairman Fisher asked how far the alley goes back and how much space would be left if variance was granted. Mr. Reynolds stated that if the variance is approved the building addition would be approximately ten and half foot (10'6") off of the property line.

There was discussion regarding the size of the alley and the residential property located beyond the alley.

Alternate Board Member Schexnayder asked if fencing would be required. Mr. Reynolds advised that the ordinance states a six foot (6') privacy fence is required.

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

There were thirteen (13) notices mailed to property owners surrounding two hundred feet (200') of 1618 Port Neches Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There was (1) returned approving the request: Mike Barnett Construction, 1701 Port Neches Avenue and none opposed the request.

Board Member Loyacano made a motion to approve the request of Mr. Ron Huebel, Peak Electrical, LLC, 1618 Port Neches Avenue, for a two foot six inch (2'6") variance, twelve foot six inch (12'6") encroachment to the fifteen foot (15') rear yard building setback requirement, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF JOSHUA ORTA & TIFFANY KIDDER ORTA, 1026 MARION STREET

Joshua Orta & Tiffany Kidder Orta, 1026 Marion Street, requested an eleven foot (11') variance, fourteen foot (14') encroachment to the twenty five foot (25') front yard building setback requirement for the construction of a front porch.

Mr. Joshua Orta was present to answer any questions. Mr. Orta stated that he, his wife and young daughter moved into their small home at 1026 Marion Street about a year ago. At the time there were only brick steps going into the home and they wanted to make it safer by building a porch. Mr. Orta explained that he began building the porch not knowing that he needed a building permit. He received an orange tag on his door

telling him to stop work so he came in to speak with Mr. Reynolds. Mr. Orta informed the Board that the porch will bring value to his house and neighborhood as well as be safer for his family and give them some sitting space.

Board Member Stretcher stated that the house looks like it is already encroaching. Mr. Reynolds stated that the house was built long ago probably prior to the zoning ordinance.

Mr. Reynolds stated that, when Mr. Orta contacted him, he understood what would require permits and that he would need a variance. Mr. Reynolds also stated that a lot of people that deal with the City they do not understand what does and doesn't require permits. Board Member Stretcher stated that he has talked with people that dealt with the City that don't understand what permits are required.

Board Member Loyacano asked Mr. Orta if the porch would remain open or if he intended on closing it in. Mr. Orta replied that it will remain open.

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

There were twenty two (22) notices mailed to property owners surrounding two hundred feet (200') of 1026 Marion Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none returned in approval or opposed to the request.

Board Member Stretcher made a motion to approve the request of Joshua Orta & Tiffany Kidder Orta, 1026 Marion Street, for an eleven foot (11') variance, fourteen foot (14') encroachment to the twenty five foot (25') front yard building setback requirement for a front porch with the stipulation that it remain open, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF DELBERT COOK, 2626 MAZUR

Mr. Delbert Cook, 2626 Mazur, requested a seven foot six inch (7'6") variance, seventeen foot six inch (17'6") encroachment, to the twenty five foot (25') front yard building setback requirement for the construction of a metal carport.

Mr. Delbert Cook was present to answer any questions. Mr. Cook stated he contacted a company to build a metal carport for him. He received a phone call one day from the company stating they were going to set the posts for the carport that day. By the time he got home later that day the company had already set the poles and started to sheet the top of the carport. Mr. Cook told the company to stop work so he could get the permit. Mr. Cook stated the next morning he went to talk to Mr. Reynolds about his permit when he was informed that he was encroaching. Mr. Cook paid for the variance request and then left city hall to stop work on the carport, but when he got home the

company had already finished the trim on it. Mr. Cook stated that once he realized it had been completed he called Mr. Reynolds and told him what had happened.

Chairman Fisher asked Mr. Reynolds if he had a problem with the carport. Mr. Reynolds stated that there are many other properties in the area that have received variances for carports.

Board Member Stretcher asked Mr. Reynolds if the permit should have been obtained prior to setting the posts. Mr. Reynolds stated that permits should be obtained before any work is done.

Board Member Stretcher asked Mr. Reynolds if gutters were needed for drainage issues. Mr. Reynolds stated that in this case no gutters would be needed. Mr. Cook advised that his neighbor has put in an underground drainage system and there has never been any drainage issue.

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

There were twenty four (24) notices mailed to property owners surrounding two hundred feet (200') of 2626 Mazur. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned approving the request: Clarence Bridges, 2614 Mazur, Michael Sturgis, 2633 Mazur, Robert Thomas, 2622 Mazur and H.F. Kube, 2618 Mazur, and none opposed the request.

Alternate Board Member Schexnayder made a motion to approve the request of Mr. Delbert Cook, 2626 Mazur, for a seven foot six inch (7'6") variance, seventeen foot six inch (17'6") encroachment, to the twenty five foot (25') front yard building setback requirement for a carport with the stipulation that it remains open, seconded by Alternate Board Member Mitchell. **MOTION PASSED BY UNANIMOUS VOTE.**

ADJOURN

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

Cari Reynolds, Public Works Secretary

Approved

Meeting Adjourned at 6:16 p.m.