

**MINUTES OF THE CITY OF PORT NECHES
ZONING BOARD OF ADJUSTMENT & APPEALS
JANUARY 14, 2013**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, January 14, 2013 at 6:00 p.m. in the City Hall Conference Room, 1005 Merriman, 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:

Chairman Corey Belanger
Boyd Parks
Sam Loyacano
Gary Stretcher
Billy Waller, Alternate
Karen Schexnayder, Alternate (did not participate)

Also present:

Taylor Shelton, P.E., Public Works Director
Larry Reynolds, Assist Public Works Director/ Building Official
Cari Reynolds, Public Works Secretary

Absent:

James Mitchell
Dennis Mangioni, Alternate
Chris Swanson, Alternate

Chairman Corey Belanger called the meeting to order.

APPROVAL OF MINUTES FROM MEETING HELD ON DECEMBER 10, 2012

Board Member Loyacano made a motion to approve the minutes of the regular meeting held on December 10, 2012, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF DANNY MARIONEUX, 2605 CIRCLE DRIVE

Danny Marioneaux, 2605 Circle Drive, requested a two hundred fifty square foot (250 sq. ft.) variance to the maximum one thousand square foot (1,000 sq. ft.) requirement, total of twelve hundred fifty square feet (1,250 sq. ft.) for an accessory building.

Mr. Danny Marioneaux was present to answer any questions. Mr. Marioneaux stated that he wants to build an accessory building to store his boat and 4- wheeler.

Board Member Loyacano stated that he noticed that neighbors also had an accessory building. Mr. Marioneaux agreed with him.

Board Member Stretcher asked if the accessory building would be behind the fence. Mr. Marioneaux stated he intends on building in the rear yard behind the fence and not on the side.

Chairman Belanger asked Mr. Reynolds if there were any right – of – way issues. Mr. Reynolds stated there are no issues, Mr. Marioneaux has met all setbacks and there are no protests from the neighbors.

Board Member Stretcher asked if it would have a carport attached to the accessory building. Mr. Marioneaux stated that no carport will be attached to the building and he plans on putting a brick ledge around the building so in the future he can brick the entire structure. Mr. Marioneaux stated that he wants it to look similar to his house to maintain his property value.

Discussion was held regarding rear and side setbacks.

Chairman Belanger 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 2605 Circle Drive. 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 Loyacano made a motion to approve the request of Danny Marioneaux, 2605 Circle Drive, for a two hundred fifty square foot (250 sq. ft.) variance to the maximum one thousand square foot (1,000 sq. ft.) requirement, total of twelve hundred fifty square foot (1,250 sq. ft.) for an accessory building, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF DEAN & STEPHANIE SHEARIN, 1901 HEISLER STREET

Dean & Stephanie Shearin, 1901 Heisler Street, requested a ten foot (10') variance to the minimum one hundred ten foot (110') depth requirement, total of one hundred foot (100') for lot size.

Mr. Dean Shearin was present to answer any questions. Mr. Shearin stated that he and his wife purchased the lot in order to build a new home. The corner lot is rectangular and can face either toward Heisler or Macarthur. Mr. Shearin stated that he wants the front of his new home facing Heisler but if he does that then the depth will only be one hundred feet (100') and not the one hundred ten feet (110') that is required.

Board Member Loyacano stated that it appears that all setbacks will be met and to have a new home on that corner will be good for that neighborhood.

Mr. Reynolds stated that he recommended the variance be granted.

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

There were twenty nine (29) notices mailed to property owners surrounding two hundred feet (200') of 1901 Heisler Street. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned in approval: Marcus Cato, 806 West Drive, Matthew Vincent, 1734 Green Oaks Drive, Matthew Vincent, 1734 Green Oaks Drive, and Matthew Vincent, 1734 Green Oaks Drive; and none opposed the request.

Vice Chairman Parks made a motion to approve the request of Dean & Stephanie Shearin, 1901 Heisler Street, for a ten foot (10') variance to the minimum one hundred ten foot (110') depth requirement, total of one hundred foot (100') for lot size, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF DAVID COLLINS, 1517 WEST AVENUE- REPLAT

David Collins, 1517 West Avenue, requested a variance to replat the property at 1517 West Avenue.

Request was pulled from the agenda.

REQUEST OF DAVID COLLINS, 1517 WEST AVENUE

David Collins, 1517 West Avenue, requested a variance to provide a separate electric meter to the accessory building at 1517 West Avenue.

Mr. David Collins was present to answer any questions. Mr. Collins stated that at one time the property was two (2) separate lots owned by different people. When his parents purchased the property it had already been re-platted into one (1) piece of property. The shop was built later and there is currently water & sewer as well as electricity ran underground to the shop from the detached garage. Mr. Collins stated that his sister, who owns the home and detached garage, is planning on selling her part of the property which leaves him to decide how to get taps and electricity to the shop since it will have to be disconnected from the garage when she sells it.

Chairman Belanger asked why Mr. Collins did not request the replat first before requesting the variances. Mr. Collins stated that he is still not sure of the process in which to rectify this situation.

There was a discussion regarding the re-platting process and Mr. Collins future plans for the property.

Chairman Belanger asked Mr. Reynolds if Mr. Collins gets the replat will he be able to get the separate water and electric. Mr. Reynolds stated no, it will be nonconforming. There can only be one (1) meter per single family residence and if it did get re-platted then there would have to be an address assigned to the property but an address cannot be assigned to an accessory building.

There was a discussion regarding nonconformity, the difference between accessory structures and single family residence and zoning of the property. There was also discussion regarding what the deed to the property states.

Chairman Belanger stated that if the variance is granted either way the property will be nonconforming.

Mr. Reynolds stated that if the variance were granted and City Council did grant the replat then an address cannot be issued to an accessory building since there will be no primary structure

Alternate Board Member Waller stated he feels that because it was inherited he should be allowed to have the separate meter.

Alternate Board Member Waller made a motion to approve Mr. Collins request for a separate electric meter to the accessory building.

Vice Chairman Parks requested to have more discussion on the matter before action is taken.

Vice Chairman Parks asked Mr. Reynolds if Mr. Collins has the property re-platted will that affect any action taken in this meeting. Mr. Reynolds stated that the City Council will make the decision on the replat but the accessory building would still be nonconforming. Mr. Reynolds also stated that when Mr. Collins submitted his request he wasn't sure at that time if the property was going to be re-platted and that it depended on his sister selling her part of the property.

Board Member Loyacano stated that if the Board does not grant the variance then Mr. Collins would have to wait a year before he can resubmit his request and the property would still have to be re-platted.

Chairman Belanger stated there is a motion to approve the request but if the motion is seconded and it doesn't pass then you can request the variance for one (1) year. Either way there is concern that City Council may not grant the re-plat because it would be a nonconforming property.

There was discussion regarding previous granted variances for properties with 2 meters and living in accessory buildings.

Mr. Shelton stated many years ago the City Attorney did not require re-plats on multiple lots which allowed residents to build across property lines. The City is trying to correct that situation by requiring re-plats to be done when a building permit is requested for the property.

Chairman Belanger stated that if the re-plat wasn't granted and your sister wanted to sell the property then that would have to sell the property as a whole piece.

Mr. Shelton stated that even if it was re-platted Mr. Collins property does not have a main structure on it to make it conforming.

Mr. Collins stated that he is unsure about his options regarding the property. He has been told several different things from his lawyer, the appraisal district and the City.

Chairman Belanger asked Mr. Collins if he wanted to have the documentation verified before he continues with his request, because there is a motion on the table and if your request is not granted then it will be a year before you will be able to make your request again. There are several options you have. The Board can vote, the request can be tabled or you can withdraw your request.

Mr. David Collins withdrew his request for a separate electric meter to the accessory building at 1517 West Avenue. No action was taken.

REQUEST OF DAVID COLLINS, 1517 WEST AVENUE

David Collins, 1517 West Avenue, requested a variance to provide a separate water tap to the accessory building at 1517 West Avenue.

Mr. David Collins withdrew his request for a separate water tap to the accessory building at 1517 West Avenue. No action was taken.

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 6:34 p.m.