

**MINUTES OF THE CITY OF PORT NECHES  
ZONING BOARD OF ADJUSTMENT & APPEALS  
APRIL 8, 2013**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, April 8, 2013 at 6:00 p.m. in the City Hall Council 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  
Vice Chairman Boyd Parks  
Sam Loyacano  
Gary Stretcher  
James Mitchell  
Chris Swanson, 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:**

Dennis Mangioni, Alternate  
Billy Waller, Alternate  
Karen Schexnayder, Alternate

Chairman Corey Belanger called the meeting to order.

**APPROVAL OF MINUTES FROM MEETING HELD ON JANUARY 14, 2013**

Board Member Loyacano made a motion to approve the minutes of the regular meeting held on January 14, 2013, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF ELLEN MCHUGH, 1818 MILDRED MANOR**

Ellen McHugh, 1818 Mildred Manor, requested a twenty foot (20') variance, five foot (5') encroachment, to the twenty five foot (25') front yard building setback for construction of a new home.

Ms. McHugh was present to answer any questions. Ms. McHugh supplied pictures of the proposed construction site. She informed the Board that she purchased two (2) lots and had them re-platted. Ms. McHugh said she was told that the bulk head is at the twenty five foot

(25') setback and she is unable to build on it. She is requesting to move the home five feet (5') into the front setback since the home can't build on top of the bulk head.

Chairman Belanger asked Mr. Reynolds his recommendation to the variance request. Mr. Reynolds stated that the lot is in the top of the Cul-de-sac and is irregular shaped and he recommends the variance be granted.

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

There were six (6) notices mailed to property owners surrounding two hundred feet (200') of 1818 Mildred Manor. In the letters, there are attachments where the property owners could approve or protest this request. There were two (2) returned in approval: Cajun Partners, 1734 Green Oaks Drive and Matt Vincent, 1734 Green Oaks Drive; and none opposed the request.

Board Member Stretcher made a motion to approve the request of Ellen McHugh, 1818 Mildred Manor, for a twenty foot (20') variance, five foot (5') encroachment, to the twenty five foot (25') front yard building setback for construction of a new home, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF DANNY MARIONEUX, 2605 CIRCLE DRIVE**

Danny Marioneaux, 2605 Circle Drive, requested a variance to provide a separate electric meter to an accessory building.

Mr. Danny Marioneaux was present to answer any questions.

Chairman Belanger asked Mr. Reynolds to describe Mr. Marioneaux's situation, any concerns and his recommendation.

Mr. Reynolds stated that Mr. Marioneaux has a detached accessory building that received a variance to the size. He is requesting a second meter to this accessory building that is separate from the house. The City's Zoning Ordinance states with the addition of a second electric meter, it would be a non-conforming use. When the Ordinance was adopted in 2007 it was to eliminate non-conforming structures. Mr. Reynolds stated that his recommendation is that the variance not be granted.

Board Member Stretcher stated that in the past the Board suggested that a similar request be withdrawn because it would be non-conforming.

Mr. Reynolds stated yes, but that situation was the accessory building was standing alone without a residential structure and it was non-conforming.

Mr. Reynolds informed the Board about nonconformity and the difference between cumulative zoning and non cumulative zoning.

Mr. Marioneaux stated that he grew up and raised his children here in Port Neches and he takes pride in this City. Mr. Marioneaux also stated that he is an electrical contractor and the City of Port Neches is the only city in the area that has this ordinance. He understands why the ordinance was written to keep people from living in accessory buildings and garage apartments when the property is zoned Residential- Single Family (R-SF).

Mr. Marioneaux informed the Board that he has a financial hardship. If he is not granted the variance it will cost him several thousand dollars to bury two hundred feet (200') of copper wire bringing the service from his home to the accessory building. Whereas, if the variance is granted he will be able to attach his service to the pole which is only ten feet (10') away from the accessory building.

There was discussion regarding the cost of copper wiring and underground service compared to above ground service.

Chairman Belanger asked if there was anyone present that had any questions or comments. There were none.

Alternate Board Member Swanson asked if the Board approves this variance request would the City be inclined to change the ordinance.

Mr. Shelton stated that the City staff will review the Zoning Board of Adjustment's annual reports and determine if an ordinance change would be effective. If that is the case then the ordinance change would be brought before the City Council.

Board Member Loyacano stated his concern if the variance was granted that in the future someone might use the accessory building as a residence.

Board Member Stretcher asked Mr. Reynolds if the accessory building was used as a residence, would the City have any recourse for stopping that.

Mr. Reynolds replied yes, that the property is Residential- Single Family (R-SF) and any use other than that would be non-conforming.

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 separate electric meter to an accessory building with the stipulation that the building will not be used as a residence, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

**APPROVAL OF THE ZONING BOARD OF ADJUSTMENT'S BY-LAWS**

Chairman Belanger asked the Board if there were any questions or comments regarding the proposed Zoning Board of Adjustment's By-Laws. There were none.

Vice Chairman Parks made a motion to approve the Zoning Board of Adjustment's By-Laws, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

**ADJOURN**

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

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Cari Reynolds, Public Works Secretary

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Approved

Meeting Adjourned at 6:17 p.m.