

**MINUTES OF THE CITY OF PORT NECHES
ZONING BOARD OF ADJUSTMENT & APPEALS
MAY 13, 2013**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, May 13, 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
Dennis Mangioni, Alternate (did not participate)
Billy Waller, Alternate (did not participate)

Also present:

Taylor Shelton, P.E., Public Works Director
Cari Reynolds, Public Works Secretary

Absent:

Chris Swanson, Alternate
Karen Schexnayder, Alternate
Larry Reynolds, Assist Public Works Director/ Building Official

Chairman Corey Belanger called the meeting to order.

APPROVAL OF MINUTES FROM MEETING HELD ON APRIL 8, 2013

Board Member Loyacano made a motion to approve the minutes of the regular meeting held on April 8, 2013, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF DAVID JEFFCOAT, 2726 HAMPTON LANE

David Jeffcoat, 2726 Hampton Lane, requested a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') front yard building setback for construction of a metal carport.

Mr. Jeffcoat was present to answer any questions.

Mr. Shelton advised the Board that Mr. Jeffcoat is requesting to install a metal carport like several other residents on his block. Mr. Larry Reynolds included in the packet his recommendation to approve the request.

Board Member Stretcher asked Mr. Jeffcoat if the carport was to remain open. Mr. Jeffcoat replied, yes it would remain open.

Board Member Stretcher asked if gutters would be needed for drainage. Mr. Shelton stated no he didn't think they were needed.

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 2726 Hampton Lane. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned in approval: Bradley & Kathy Davis, 2730 Hampton Lane, Theresa Conner, 2733 S. Kitchen Drive, Carole Sterns, 2714 Hampton Lane and William Hock, 2743 Hampton Lane; and none opposed the request.

Board Member Loyacano made a motion to approve the request of David Jeffcoat, 2726 Hampton Lane, for a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') front yard building setback for construction of a metal carport with the stipulation that it remain open and gutters installed for proper drainage, seconded by Board Member Mitchell. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF DANNY CLARK, 802 SOUTH AVENUE

Danny Clark, 802 South Avenue, requested a variance to provide a separate electric meter to an accessory building.

Mr. Danny Clark was present to answer any questions.

Mr. Clark informed the Board that his parents lived in Port Neches, I live in Port Neches and both my dad and I have worked for the City. Both of my parents lived at 802 South Avenue and when they passed away I got the property. Since then I have built a garage and demolished the house. I've cleaned the yard and planted shrubs and flowers. My intention is to build a three (3) bedroom home within the next 4-5 years.

Mr. Clark stated that he needs electricity to the property for security reasons and to operate his well pump maintain his flowers and shrubs. Mr. Clark advised that since there is no electricity on the property he has no security lights and the building has been broken in to three (3) times.

Mr. Shelton advised the Board that the Ordinance requires electricity to be on a primary structure. In Mr. Clark's case there is no primary structure only an accessory building. As it sits it is non-conforming.

Mr. Shelton stated that in the past this Board has heard requests regarding adding second meters to residential- single family (R-SF), and recently a request for separate water and electric meters was withdrawn during the meeting and never voted on.

Chairman Belanger stated that Mr. Reynolds included his recommendation that the Board deny the request, and should they choose to grant the request that a time frame be put in place for construction of a new residential- single family (R-SF) dwelling.

Mr. Shelton stated that the City is not to allow non-conforming structures. Should Mr. Clark build a house on the property then he will be allowed to have a single electric meter for the property.

There was discussion regarding when the garage was built and when the house was demolished.

Chairman Belanger asked if there was anyone present that had any questions or comments.

Ms. Kellie Ivy, 786 South Avenue, stated that she is opposed to this request. She lives next door to Mr. Clark's property and in the past the property was used as a salvage yard. The storage of scrap metal, old cars, tires and batteries brought down the value of the neighbors property. Unsure of what would become of the property if Mr. Clark was granted the electric meter. She knows two (2) other people that have made similar request, not sure if it was before this Board, but they were denied. She believes the Ordinance is there for a reason and wants the Board to deny the request.

Ms. Carol Butler, 782 South Avenue, stated that she is opposed to this request. She stated that she has lived at this location for 51 years and her concerns the same as Ms. Kellie Ivy's. Ms. Butler also stated that in the past Mr. Clark's property was used as a salvage yard for the storage of scrap metal, old cars, tires and batteries. I feel like the Ordinance should be upheld as it is and if concessions are made for Mr. Clark then many others will follow.

Mr. Gordon Clark, 2225 11th Street, stated that he is in favor of this request. He stated that Mr. Danny Clark is his brother and the property has been broken into three (3) times and needs electricity so he can have security lights.

Ms. Carolina Shea, 2321 2nd Street, stated that she is in favor of this request. Ms. Shea informed the Board that she believes that Mr. Clark will build a new home in the future and will need to store building supplies and tools in the garage. She believes that if there is no security lighting the property will continue to be broken into.

Mr. Mike Leger, 701 Grigsby Drive, stated that he is in favor of this request. Mr. Leger advised the Board that Mr. Clark has already ran the electricity underground to the new garage and all he needs is for the City to allow him to hook it up to a meter. Mr. Leger also stated that he feels that Mr. Clark's integrity is on trial. Mr. Clark is good, law abiding citizen and he doesn't appreciate the things being said about him.

Chairman Belanger stated that Mr. Clark's integrity is not in question here. This is about a City Ordinance that either needs to be upheld or concessions made.

There was discussion regarding when Mr. Clark would build a new home, the condition of the property now and other requests similar to this one.

There was also discussion regarding temporary electric poles for building purposes and the expiration of a temporary pole permit.

Chairman Belanger asked Mr. Clark if he has contacted Entergy to see if they would add a street light for more security lighting. Mr. Clark stated he had not contacted Entergy. Chairman Belanger asked the Board if there were any more questions or comments. There were none.

There were eleven (11) notices mailed to property owners surrounding two hundred feet (200') of 802 South Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned in approval: Edward Wharton, 818 South Avenue and two (2) returned that are opposed to the request: Carol Butler, 782 South Avenue and David Ivy, 786 South Avenue.

Board Member Stretcher made a motion to deny the request of Danny Clark, 802 South Avenue, for an electric meter to an accessory building. No one seconded the motion.

There was discussion regarding if the request was denied, Mr. Clark must wait a year before resubmitting the request; but if he withdraws the request he could come back at any time.

Board Member Stretcher stated that he wanted to change his motion since there was no second to the motion.

Board Member Stretcher made a motion to approve the request of Danny Clark, 802 South Avenue, for an electric meter to an accessory building, seconded by Board Member Loyacano. **MOTION DID NOT PASS BY UNANIMOUS VOTE.**

ADJOURN

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

Cari Reynolds, Public Works Secretary

Approved

Meeting Adjourned at 6:28 p.m.