

**MINUTES OF THE CITY OF PORT NECHES  
ZONING BOARD OF ADJUSTMENT & APPEALS  
JUNE 10, 2013**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, June 10, 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:

Vice Chairman Boyd Parks  
Sam Loyacano  
Gary Stretcher  
James Mitchell  
Karen Schexnayder, Alternate  
Billy Waller, Alternate (did not participate)  
Chris Swanson, Alternate (did not participate)

**Also present:**

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

**Absent:**

Chairman Corey Belanger  
Dennis Mangioni, Alternate

Vice Chairman Boyd Parks called the meeting to order.

**APPROVAL OF MINUTES FROM MEETING HELD ON MAY 13, 2013**

Board Member Mitchell made a motion to approve the minutes of the regular meeting held on May 13, 2013, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF JEANNE STRICKLAND, 2762 S. KITCHEN DRIVE**

Jeanne Strickland, 2762 S. Kitchen Drive, requested a three foot (3') variance, two foot (2') encroachment, to the five foot (5') side yard building setback for construction of a metal carport.

Mr. Jimmy Scales, owner of Scales Construction, representative for Jeanne Strickland, was present to answer any questions. Mr. Scales advised the Board that the existing driveway runs beside the house to the rear of the property and is three foot (3') off the property line.

Mr. Larry Reynolds advised the Board that the metal carport will be at the rear of the house.

Vice Chairman Boyd Parks 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 2762 S. Kitchen Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were five (5) returned in approval: Hans Dieter Schultz, 2750

S. Kitchen Drive, Steve Allen, 2765 S. Kitchen Drive, M B Bond, 2758 S. Kitchen Drive, Keith Wolford, 2754 S. Kitchen Drive and Wayman Williams, 2777 S. Kitchen Drive; and none opposed the request.

Board Member Stretcher made a motion to approve the request of Jeanne Strickland, 2762 S. Kitchen Drive, for a two foot (2') variance, three foot (3') encroachment, to the five foot (5') side 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 Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF BRENDAN RYE, 1013 MONTROSE DRIVE**

Mr. Brendan Rye, 1013 Montrose Drive, requested a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') front yard building setback for construction of a carport and to replace the front porch.

Mr. Brendan Rye was present to answer any questions. Mr. Rye informed the Board that he wants to build a front porch on the existing concrete slab and also add a carport that will extend out past the front porch to cover his vehicle.

Mr. Reynolds advised the board that the existing concrete for the front porch is already encroaching and Mr. Rye wants to replace the porch.

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

There were twenty six (26) notices mailed to property owners surrounding two hundred feet (200') of 1013 Montrose Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were three (3) returned in approval: Cory Goodwin, 1017 MacArthur Drive, Matthew Vincent (Kontiki Hotel Partners), 1734 Green Oaks Drive, and Matthew Vincent, 1734 Green Oaks Drive; and none opposed the request.

Alternate Board Member Schexnayder made a motion to approve the request of Brendan Rye, 1013 Montrose Drive, for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') front yard building setback for construction of a carport with the stipulation that it remain open and gutters installed for proper drainage and to replace the front porch, seconded by Board Member Mitchell. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF MARK LYLES, 1202 BOWLIN AVENUE**

Mr. Mark Lyles, 1202 Bowlin Avenue requested a variance to provide a separate electric meter to an accessory building.

Mr. Lyles was present to answer any questions. Mr. Lyles advised the Board that he had previously built an accessory building on one side of his property and his house is on the opposite side of the property. He requested the electricity to be turned on to the accessory building but could not have a separate meter for the building.

Mr. Lyles also stated that it would be a financial hardship to bore underneath the concrete, deck and across the property to the accessory building from the existing meter on his house.

There was discussion regarding above ground and underground utilities, other properties in the area, and location of utility poles on his property.

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

There were twenty (20) notices mailed to property owners surrounding two hundred feet (200') of 1202 Bowlin Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned in approval: Darwin Dodge, 1113 Russell Avenue, Sharon Rush, 1201 Bowlin Avenue, Angelo Lupo, 1114 Bowlin Avenue and J D Lisenby, 1126 Russell Avenue; and none opposed the request.

Board Member Loyacano made a motion to approve the request of Mark Lyles, 1202 Bowlin Avenue, for a separate electric meter to an accessory building with the stipulation that the building will not be used as a residence, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

#### **REQUEST OF DAVID COLLINS, 1517 WEST AVENUE**

Mr. David Collins, 1517 West Avenue requested a variance to provide an electric meter to an accessory building.

Mr. Collins was present to answer any questions. Mr. Collins had previously brought this request before the Board but after discussion regarding re-platting the property he withdrew the request.

Mr. Collins informed the Board that his parents owned the house at 1517 West Avenue and the property behind it where an accessory building is. When his parents passed away the house was inherited by his sister and he inherited the accessory building. There is water and electricity running from the house to the accessory building at this time. The reason for the request is that his sister is selling the house and the water and electricity will be disconnected from the accessory building at the time of sell.

Mr. Collins informed the Board that he wants to run electricity over head from the pole to the accessory building.

Alternate Board Member Schexnayder stated that Mr. Reynolds included his recommendation that the Board deny the request, and should they chose to grant the request that a time frame be put in place for construction of a new residential- single family (R-SF) dwelling. Mr. Collins has stated that he has no plans in the future to build a new home on the residence but this property is inherited and since it is not something he created, she feels that he should be allowed to have the electric and water meters on the building.

Board Member Loyacano asked Mr. Collins what address would be assigned for the property. Mr. Collins replied that it would have to be given a new address.

Mr. Larry Reynolds stated that the City cannot assign an address to a lot with an accessory building on it because it is non-conforming.

Board Member Loyacano stated that in the recent past this Board has denied meters to accessory buildings because there was no residential structure on the property.

There was discussion regarding non-conformity and time frame for Mr. Collins to build a new home.

Mr. Collins stated that he has several options, he could buy the house from his sister and combine the two (2) properties or he could sell his lot with the accessory building to his sister.

There were thirteen (13) notices mailed to property owners surrounding two hundred feet (200') of 1517 West Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were two (2) returned in approval: Harold Stilley, 2545 8<sup>th</sup> Street and Ronald Read, 2606 9<sup>th</sup> Street; and one (1) opposed to the request: Thomas Bolt Jr., 2626 9<sup>th</sup> Street.

Board Member Stretcher stated that this type of request has been denied in the past.

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

Board Member Mitchell made a motion to approve the request of David Collins, 1517 West Avenue, to provide an electric meter to an accessory building, seconded by Alternate Board Member Schexnayder. Vote was as follows: 2 approved: Board Member Mitchell and Alternate Board Member Schexnayder; 3 against Vice Chairman Parks, Board Member Stretcher and Board Member Loyacano.  
**MOTION DID NOT PASS.**

#### **REQUEST OF DAVID COLLINS, 1517 WEST AVENUE**

Mr. David Collins, 1517 West Avenue requested a variance to provide a water meter to an accessory building.

This agenda item is regarding the same property as the previous agenda item. The topic of this agenda item was also discussed with the previous agenda item. There was no additional discussion.

Vice Chairman Parks explained the appeal process.

Board Member Mitchell made a motion to approve the request of David Collins, 1517 West Avenue, to provide a water meter to an accessory building, seconded by Alternate Board Member Schexnayder. Vote was as follows: 2 approved: Board Member Mitchell and Alternate Board Member Schexnayder; 3 against Vice Chairman Parks, Board Member Stretcher and Board Member Loyacano.  
**MOTION DID NOT PASS.**

**ADJOURN**

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

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Corey Belanger, Chairman

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Cari Reynolds, Public Works Secretary

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Approved

Meeting Adjourned at 6:35 p.m.