

**MINUTES OF THE CITY OF PORT NECHES  
ZONING BOARD OF ADJUSTMENT & APPEALS  
AUGUST 12, 2013**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, August 12, 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  
Gary Stretcher  
James Mitchell  
Chris Swanson, Alternate  
Charles Bales, Alternate (did not participate)

**Also present:**

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

**Absent:**

Sam Loyacano  
Dennis Mangioni, Alternate  
Karen Schexnayder, Alternate

Chairman Corey Belanger called the meeting to order.

**APPROVAL OF MINUTES FROM MEETING HELD ON JUNE 10, 2013**

Co-Chairman Parks made a motion to approve the minutes of the regular meeting held on June 10, 2013, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF JASON WAGNER, 620 THOMAS HAVEN**

Jason Wagner, 620 Thomas Haven requested a nineteen foot (19') variance, six foot (6') encroachment, to the twenty five foot (25') rear yard building setback for construction of a new home.

Jason Wagner withdrew this request prior to the Zoning Board of Adjustment meeting.

No action was taken on this agenda item.

**REQUEST OF DAVID POOL, 2916 HOLSTEAD AVENUE**

Mr. David Pool, 2916 Holstead Avenue, requested an eighteen foot (18') variance, seven foot (7') encroachment, to the twenty five foot (25') front yard building setback for construction of a wooden deck.

Mr. David Pool was present to answer any questions. Mr. Pool stated that the deck will remain open and not be enclosed.

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

There were nineteen (19) notices mailed to property owners surrounding two hundred feet (200') of 2916 Holstead Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned in approval: Mark Lyles, 1202 Bowlin Avenue, Billy Hopson, 1210 Russell Avenue, Angela Lisenby, 1017 Russell Avenue and Pamela Bodemuller Revocable Trust, 1302 Russell Avenue; and none opposed the request.

Board Member Stretcher made a motion to approve the request of David Pool, 2916 Holstead Avenue, for an eighteen foot (18') variance, seven foot (7') encroachment, to the twenty five foot (25') front yard building setback for construction of a wooden deck with the stipulation that it remain open, seconded by Board Member Mitchell. **MOTION PASSED BY UNANIMOUS VOTE.**

### **REQUEST OF PRISCILLA ROY, 1317 HERRING AVENUE**

Ms. Priscilla Roy, 1317 Herring Avenue requested a twelve foot (12') variance, thirteen foot (13') encroachment, to the twenty five foot (25') front yard building setback for a metal carport.

Ms. Priscilla Roy was present to answer any questions. Ms. Roy stated that she has an existing two (2) car garage but her large truck will not fit in it and she wants to construct a carport that will be attached to the house, to cover her truck.

Board Member Mitchell asked if it was going to remain open. Ms. Roy replied yes it will remain open.

Board Member Stretcher asked if the carport would encroach into the side yard setbacks or cause drainage problems.

Mr. Larry Reynolds stated that it would not encroach into the side yard setbacks and there were no drainage issues.

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

There were seventeen (17) notices mailed to property owners surrounding two hundred feet (200') of 1317 Herring Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were seven (7) returned in approval: Zara Harbert, 1423 Herring Avenue, Philip Jones, 1212 Van Avenue, Gordon George, 1410 Herring Avenue, James Dykes, 1300 Herring Avenue, Mary Sheffield, 1409 Herring Avenue, Hershel Hanley, 1310 Herring Avenue and Cammie Klinkhammer, 1313 Herring Avenue; and none opposed the request.

Board Member Stretcher made a motion to approve the request of Priscilla Roy, 1317 Herring Avenue, for a twelve foot (12') variance, thirteen foot (13') encroachment to the twenty five foot (25') front yard building setback for a metal carport with the stipulation that it remain open, seconded by Co-Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF DR. KIMBERLY PITTS, 2246 NALL STREET**

Dr. Kimberly Pitts, 2246 Nall Street requested a two foot (2') variance, twenty three foot (23') encroachment, to the twenty five foot (25') rear yard building setback for construction of an addition to a medical office building.

Mr. Ken Ortolon with Construction Zone, representative for Dr. Pitts, was present to answer any questions. Mr. Ortolon stated that Dr. Pitts has hired Construction Zone to build an addition to the rear of the existing medical office building.

Mr. Reynolds stated that there are no neighbors directly behind the property because the LNVA canal separates the properties.

There was discussion regarding parking area and the number of parking spaces.

Mr. Reynolds stated that parking will be addressed during plan review.

Dr. Michael Kubits, 2234 Nall Street, stated that he is not objecting to the request but wants to make it known to the Board that he owns a small strip of land that runs between the LNVA Canal and Dr. Pitts property. Dr. Kubits also asked if the Board granted this variance would it interfere with him pouring a drive on his land in the future if he chooses too.

There was discussion regarding the location of Dr. Kubits property, amount of space the addition would take and overhang of the proposed addition.

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

There were ten (10) notices mailed to property owners surrounding two hundred feet (200') of 2246 Nall Street. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned in approval: Angela Lisenby for Magnolia Christian Center, 2215 Nall Street; and none opposed the request.

Co-Chairman Parks made a motion to approve the request of Dr. Kimberly Pitts, 2246 Nall Street, for a two foot (2') variance, twenty three foot (23') encroachment to the twenty five foot (25') rear yard building setback for construction of an addition to a medical office building, seconded by Board Member James Mitchell. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF BOB & JULIA SHIELDS, 914 WEST DRIVE**

Mr. & Mrs. Bob Shields, 914 West Drive requested a variance to provide a separate electric meter to an accessory building.

Bob and Julia Shields were both present to answer any questions. Mr. Shields stated that he was previously granted a size variance to build the accessory building. Once the building was built he came to the City to obtain his electrical permit to supply electricity to the accessory building. It was at that time that he was informed that he would not be allowed to have a second electric meter. Mr. Shields also stated that it would be too expensive to run the electricity from the opposite side of the house to the accessory building.

Mr. Reynolds stated that it would be extensive and a financial hardship for Mr. Shields to run the existing electric to the accessory building.

Chairman Belanger stated that in the past a variance request for a separate electric meter to an accessory building has been denied because of the non-conformity of the building or property.

Co-Chairman Parks stated that the City received a protest stating the home owner having a business in the accessory building.

Mr. Shields stated that he will not have a business in the accessory building and his intentions are to do woodworking, repair and maintenance on his vehicles as well as storage and protection of his vehicles.

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 914 West Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were two (2) returned in approval: Michael Douglas, 837 West Drive and Phyllis Shearer, 909 West Drive; and one opposed the request: Delores Beasley, 833 West Drive.

Co-Chairman Parks made a motion to approve the request of Bob & Julia Shields, 914 West Drive to provide a separate electric meter to an accessory building with the stipulations that the building will not be used as a residence or a business, 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 Co-Chairman Parks. **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 6:25 p.m.