

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

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, October 14, 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
Sam Loyacano
Charles Bales, Alternate (did not participate)

Also present:

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

Absent:

Dennis Mangioni, Alternate
Chris Swanson, Alternate
Karen Schexnayder, Alternate

Chairman Corey Belanger called the meeting to order.

APPROVAL OF MINUTES FROM MEETING HELD ON SEPTEMBER 9, 2013

Board Member Stretcher made a motion to approve the minutes of the regular meeting held on September 9, 2013, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF WALEED KHAN, 755 EVENINGVIEW LANE

Mr. Waleed Khan, 755 Eveningview Lane requested a twelve foot (12') variance, thirteen foot (13') encroachment, to the twenty five foot (25') rear yard building setback for an addition to an existing home.

Mr. Waleed Khan was present to answer any questions.

Chairman Belanger asked Mr. Larry Reynolds to explain Mr. Khan's request to the Board.

Mr. Reynolds stated that Mr. Khan lives on a corner lot with an existing detached garage. The addition will not exceed the detached garage.

Vice Chairman Parks asked Mr. Reynolds if there was any drainage issues.

Mr. Reynolds stated that he does not recall of any drainage issues but any drainage concerns will be addressed at the time of construction. Mr. Reynolds also stated that it is the property owner's responsibility to relieve any drainage problems.

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

There were twenty four (24) notices mailed to property owners surrounding two hundred feet (200') of 755 Eveningview Lane. In the letters, there are attachments where the property owners could approve or protest

this request. There was one (1) returned in approval: Ryan Ross, 2842 Meadowbrook Lane; and two (2) returned in opposition: Pauline Smith, 756 Sierra Drive and Donna Spencer, 754 Sierra Drive.

Board Member Stretcher made a motion to approve the request of Waleed Khan, 755 Eveningview Lane, for a twelve foot (12') variance, thirteen foot (13') encroachment, to the twenty five foot (25') rear yard building setback for an addition to an existing home, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF JAMES MICKLO, 1837 ETHRIDGE COURT

Mr. James Micklo, 1837 Ethridge Court 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.

Mr. James Micklo was present to answer any questions.

Chairman Belanger asked Mr. Reynolds to give the details of the request.

Mr. Reynolds stated that it is an irregular shaped lot on a cul-de-sac. Mr. Micklo has built several homes in Port Neches and is very knowledgeable of the construction process.

Board Member Stretcher stated that almost every property in that subdivision has had a variance of some kind due to the irregular shaped lots.

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

There were thirteen (13) notices mailed to property owners surrounding two hundred feet (200') of 1837 Ethridge Court. In the letters, there are attachments where the property owners could approve or protest this request. There were three (3) returned in approval: Ronald Doty, Jr., 656 Mildred Manor, Peggy Davis, 1831 Silkwood Circle and Matt Vincent/ Cajun Partners, L.P., 1734 Green Oaks Drive; and none opposed the request.

Vice Chairman Parks made a motion to approve the request of James Micklo, 1837 Ethridge Court, 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 Mtichell. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF MARK JOHNSON, 715 MONTGOMERY STREET

Mr. Mark Johnson, 715 Montgomery Street requested a twenty two foot (22') variance, three foot (3') encroachment, to the twenty five foot (25') front yard building setback to replace a porch.

Mr. Mark Johnson was present to answer any questions.

Chairman Belanger asked Mr. Reynolds to explain the request.

Mr. Reynolds stated that Mr. Johnson could explain his request better.

Mr. Johnson stated that he purchased the home at 715 Montgomery Street in June of 2013. After the home inspection I was notified that the house needed repairs done by October 22, 2013 or Texas Windstorm would cancel my coverage. I tore down the existing porch and planned on replacing it. That is when I found out that I needed a variance to rebuild the porch.

Board Member Stretcher stated there was a porch there previously and a concrete pad.

Mr. Johnson stated that the concrete pad is still there but no covering for it. The house was built in the 1940's and still had the original stoop on it. It was rotten and fell down.

Board Member Loyacano asked if Mr. Johnson was going to replace it with another wooden porch.

Mr. Johnson stated no he was going to build a metal porch that would continue around to the carport. He plans on living in this house a long time and wants to improve the appearance as well as satisfy windstorm requirements.

Chairman Belanger stated that this request could also be considered a hardship since he has a deadline to comply with Texas Windstorm.

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

There were eighteen (18) notices mailed to property owners surrounding two hundred foot (200') of 715 Montgomery Street. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned in approval: Lincoln Byrd, 710 Montgomery, Becky & Nolan Miller, 730 Montgomery Street, Perry Gaspard, 701 Montgomery Street and Coyth Pellerin, 727 Montgomery Street; and none opposed the request.

Board Member Stretcher made a motion to approve the request of Mark Johnson, 715 Montgomery Street, for a twenty two foot (20') variance, three foot (3') encroachment to the twenty five foot (25') front yard building setback replace a porch, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF DELILAH FADHLI, 2334 12TH STREET

Mrs. Delilah Fadhli, 2334 12th Street requested a twenty two and half foot (22 ½ ') variance, two and half foot (2 ½ ') encroachment, to the twenty five foot (25') front yard building setback to conform to current setback requirements for the purpose of selling their home.

Mrs. Delilah Fadhli was present to answer any questions.

Chairman Belanger asked Mr. Reynolds to explain the request.

Mr. Reynolds stated that the house was built in the 1960's and is encroaching due to the City's current setback requirements. Mrs. Fadhli is considering selling the home and wants to head off any unforeseen troubles at closing.

Mrs. Fadhli stated that her house is under contract to sell but the buyers are using a VA loan and has heard that VA is very particular and is concerned that the encroachment will delay closing.

Chairman Belanger stated the house is already existing and there is no construction.

Mr. Reynolds stated the surrounding homes are all in line with each other and the right of way could have changed.

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

There were twelve (12) notices mailed to property owners surrounding two hundred feet (200') of 2334 12th Street. In the letters, there are attachments where the property owners could approve or protest this request. There were two (2) returned in approval: Russell Collins, 2415 12th Street and J V Merideth Jr., 1302 Droddy Lane; and none opposed the request.

Board Member Mitchell made a motion to approve the request of Delilah Fadhli, 2334 12th Street, for a twenty two and half foot (22 ½') variance, two and half foot (2 ½ ') encroachment to the twenty five foot (25') front yard building setback to conform to current setback requirements for the purpose of selling their home, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

ADJOURN

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

Corey Belanger, Chairman

Cari Reynolds, Public Works Secretary

Approved

Meeting Adjourned at 6:16 p.m.