

**MINUTES OF THE CITY OF PORT NECHES  
ZONING BOARD OF ADJUSTMENT & APPEALS  
FEBRUARY 10, 2014**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, February 10, 2014 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  
Sam Loyacano  
Chris Swanson, Alternate  
Charles Bales, Alternate (did not participate)

**Also present:**

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

**Absent:**

James Mitchell  
Dennis Mangioni, Alternate  
Karen Schexnayder, Alternate

Chairman Corey Belanger called the meeting to order.

**APPROVAL OF MINUTES FROM MEETING HELD ON JANUARY 13, 2014**

Board Member Stretcher made a motion to approve the minutes of the regular meeting held on January 13, 2014, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF JOHNNY POWERS, 715 AVENUE B**

Mr. Johnny Powers, 715 Avenue B requested a three hundred twenty square foot (320 sq. ft.) variance to the maximum one thousand square foot (1,000 sq. ft.) requirement, total of thirteen hundred twenty square foot (1,320 sq. ft.) for an accessory building.

Mr. Powers was present to answer any questions.

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

Mr. Reynolds stated that Mr. Powers built the house and garage a few months ago and this is a request for an addition to the garage. With the addition it will still meet the required forty percent (40%) maximum area coverage.

Mr. Powers stated that his original plan was to build the house and garage first then build a separate accessory building for storage but after speaking with Mr. Reynolds, he decided to just add on to the existing detached garage.

Board Member Stretcher asked if any other variances would be required for setbacks.

Mr. Reynolds stated no other variances would be required.

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

There were twenty one (21) notices mailed to property owners surrounding two hundred feet (200') of 715 Avenue B. 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 Stretcher made a motion to approve the request of Johnny Powers, 715 Avenue B for a three hundred twenty square foot (320 sq. ft.) variance to the maximum one thousand square foot (1,000 sq. ft.) requirement, total of thirteen hundred twenty square foot (1,320 sq. ft.) for an accessory building, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF MELTON PRICE, 2225 13<sup>TH</sup> STREET**

Mr. & Mrs. Melton Price, 2225 13<sup>th</sup> Street requested an eight foot (8') variance, seventeen foot (17') encroachment, to the twenty five foot (25') front yard building setback requirement for an existing carport.

Mr. Melton Price was present to answer any questions.

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

Mr. Reynolds stated that the existing carport is already encroaching. Mr. Price is trying to sell his home and is requesting the variance to ensure there are no problems at closing. When the permit was issued in 1994, the encroachment was overlooked. Recently the Board approved a similar case.

Chairman Belanger 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 2225 13<sup>th</sup> Street. In the letters, there are attachments where the property owners could approve or protest this request. There were five (5) returned in approval: Albert Decuir Jr., 2240 13<sup>th</sup> Street, Theola Doebele, 2244 13<sup>th</sup> Street, Orlando Vergara, 2217 14<sup>th</sup> Street, J.R. Woodward, 2224 13<sup>th</sup> Street and Candye Martin, 2233 13<sup>th</sup> Street; and none opposed the request.

Board Member Loyacano made a motion to approve the request of Mr. & Mrs. Melton Price, 2225 13<sup>th</sup> Street for an eight foot (8') variance, seventeen foot (17') encroachment, to the twenty five foot (25') front yard building setback requirement for an existing carport, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF DALE FORTUNE, 638 SAYBROOK LANE**

Mr. Dale Fortune, 638 Saybrook Lane requested a fifteen foot (15') variance, ten foot (10') encroachment to the twenty five foot (25') rear yard building setback requirement for a patio.

Mr. Dale Fortune was present to answer any questions.

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

Mr. Reynolds stated that Mr. Fortune just purchased the home and wants to build a patio. Just a few doors down from this house a similar variance was granted.

Board Member Loyacano asked if it would remain open.

Mr. Fortune stated yes, it would.

Mr. Reynolds stated that if the variance is granted he requests that the eave hangover does not exceed the variance.

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

There were eighteen (18) notices mailed to property owners surrounding two hundred feet (200') of 638 Saybrook Lane. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned in approval: Alton Dugas Estate, 2323 Merriman Street, Kerrie Holmes, 2305 Merriman Street, Brenda Abshier, 2310 Merriman Street and Larry Dauphine, 630 Saybrook Lane; and none opposed the request.

Vice Chairman Parks made a motion to approve the request of Mr. Dale Fortune, 638 Saybrook Lane for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') rear yard building setback requirement for a patio with the stipulation that the eaves do not exceed the variance, seconded by Alternate Board Member Swanson. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF MCLAIN INVESTMENTS, LLC, 2806 MERRIMAN STREET (701 BELLA VITA)**

Brian McLain of McLain Investments, LLC, 2806 Merriman Street (701 Bella Vita) requested a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a new home.

Mr. Roy (Buddy) Lawrence, representative for Mr. McLain, was present to answer any questions. Mr. Lawrence stated he currently resides at 211 Castle Circle, Port Neches, Texas and has a contract to purchase the requested property.

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

Mr. Reynolds stated that the property currently fronts Merriman Street, if the variance is granted a re-plat must be granted so the property faces Bella Vita. The variances requested are for the property facing Bella Vita.

Mr. Lawrence stated that currently there is a McLain Estates Subdivision sign on the right side and large utility cabinet that belongs to Southwestern Bell that sits on the left side of the property. I am requesting that the property be turned to face Bella Vita so I won't have to look out my front window and see the sign or the utility cabinet. There is also high traffic during the school year on Merriman Street and if we faced the house on Bella Vita that would help with the traffic issue.

Mr. Reynolds stated that City Council granted a fifteen foot (15') setback for Lot 2, next door. If this variance is granted then both homes will be in line with each other.

Vice Chairman Parks asked Mr. Reynolds is the property is re-platted, will there be any other requests regarding this property.

Mr. Reynolds stated no, because these requests are contingent on the purchase of the house.

Chairman Belanger asked what the other setbacks would be.

Mr. Lawrence stated that if both variances are granted for the front and rear, and if the property is turned to face Bella Vita, then there would be fifteen foot (15') setbacks on the front, rear, and side next to Merriman Street.

There was discussion regarding the lot size, house square footage and layout, and area of the property.

There was further discussion regarding the McLain Estate Subdivision sign, utility cabinet and utility easements.

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 2806 Merriman Street (701 Bella Vita). In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or opposed to the request.

Board Member Loyacano made a motion to approve the request of Mr. Brian McLain, McLain Investments, LLC, 2806 Merriman Street (701 Bella Vita) for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a new home, seconded by Alternate Board Member Swanson. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF MCLAIN INVESTMENTS, LLC, 2806 MERRIMAN STREET (701 BELLA VITA)**

Brian McLain of McLain Investments, LLC, 2806 Merriman Street (701 Bella Vita) requested a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') rear yard building setback requirement for construction of a new home.

Chairman Belanger asked if there was any further discussion regarding the property. There was none. 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 2806 Merriman Street (701 Bella Vita). In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or opposed to the request.

Board Member Stretcher made a motion to approve the request of Mr. Brian McLain, McLain Investments, LLC, 2806 Merriman Street (701 Bella Vita) for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') rear yard building setback requirement for construction of a new home, seconded by Alternate Board Member Swanson. **MOTION PASSED BY UNANIMOUS VOTE.**

**REQUEST OF MARTHA ARNOLD, 2253 PATRICIA LANE**

Ms. Martha Arnold, 2253 Patricia Lane, requested a twenty three foot (23') variance, two foot (2') encroachment, to the twenty five foot (25') rear yard building setback requirement for an addition to the home.

Ms. Martha Arnold was present to answer any questions.

Chairman Belanger asked Mr. Reynolds if he had any concerns with the request.

Mr. Reynolds stated he had no concerns, it is only a two foot (2') encroachment.

Chairman Belanger asked if the addition would be across the entire length of the house or just part of it.

Ms. Arnold stated that it would be a room addition and open patio that will run along the entire back side of the house.

Board Member Stretcher asked if there were any drainage issues.

Mr. Reynolds stated that drainage would be taken care of during construction upon inspection.

Chairman Belanger 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 2253 Patricia Lane. In the letters, there are attachments where the property owners could approve or protest this request. There were two (2) received in approval: Elizabeth Treaster, 2313 Patricia Lane and Robert Broussard, 2249 Patricia Lane; two (2) received in protest of the request: Rodney Gouthier, 2320 Earle Street and Malcolm Lightfoot, 2310 Earle Street.

Board Member Stretcher made a motion to approve the request of Ms. Martha Arnold, 2253 Patricia Lane for a twenty three foot (23') variance, two foot (2') encroachment, to the twenty five foot (25') rear yard building setback requirement for an addition to the home, seconded by Board Member Loyacano. **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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Corey Belanger, Chairman

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Cari Reynolds, Public Works Secretary

Meeting Adjourned at 6:20 p.m.