

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

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, March 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
James Mitchell

Also present:

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

Absent:

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

Chairman Corey Belanger called the meeting to order.

APPROVAL OF MINUTES FROM MEETING HELD ON FEBRUARY 10, 2014

Vice Chairman Parks made a motion to approve the minutes of the regular meeting held on February 10, 2014, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF NARWIN JOHNSON, 2617 MILLER STREET

Mr. Narwin Johnson, 2617 Miller Street, requested a four percent (4%) variance to the maximum forty percent (40%) lot coverage requirement, total of forty four percent (44%) for a new home.

Mr. Billy McCaleb, representative for Mr. Johnson, was present to answer any questions.

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

Mr. Reynolds stated that Mr. Johnson is asking for two (2) separate variance requests. He originally requested a nine foot three inch (9'3") variance, fifteen foot nine inch (15'9") encroachment to the rear yard building setback requirement. If that variance is granted then it violates the City's zoning ordinance Sec.126.4.1.4 (i) Lot coverage. No more than forty percent (40%) of the lot area shall be covered by the combined area of the main buildings and accessory buildings. The reason for the encroachment is because Mr. Johnson will exceed the forty percent (40%) lot coverage.

Chairman Belanger asked what the square footage of the house would be.

Mr. McCaleb did not know the exact square footage.

There was discussion regarding the measurements and square footage of the house, the garage and shop according to the plot plan that was submitted to the City for the variance request.

Board Member Loyacano asked Mr. McCaleb if Mr. Johnson would be willing to decrease the size of the attached shop.

Mr. McCaleb stated that he did not believe that Mr. Johnson would decrease the size of the shop.

There was discussion regarding the driveway, setbacks, utility easements and redrawing the plans making the house smaller and detaching the shop and/or garage.

Board Member Stretcher stated he had several questions for Mr. Johnson regarding the exact square footage and measurements of the garage, shop and house.

Mr. Reynolds excused himself to go to his office, he returned with square footage and measurements of the house, patios, garage and shop.

Vice Chairman Parks stated that he doesn't remember the Board ever approving this type of variance and he does not want to start now setting a precedence.

Chairman Belanger asked Mr. McCaleb if Mr. Johnson would be willing to adjust the size of the home to fit the City's requirements.

Mr. McCaleb read a statement from Mr. Johnson that stated he had the plans drawn according to the lot information that he was told by the City via phone calls and information that he received on line through the City website regarding new construction homes. He did not want to adjust the scale of the house and if his variance request was denied, that he would not build at all.

Mr. Reynolds stated that when he receives a set of plans and conducts his plan review, that is when he informs the builder/owner of the changes that need to be made prior to the City issuing a building permit. The first time I saw Mr. Johnson was the day he brought in this plot plan and that's when I informed him of the encroachment and the variance needed for the lot size.

Mr. McCaleb stated that Mr. Johnson was not aware of the encroachment or the lot size requirements, and doesn't feel that he should be denied because the City did not inform him prior to spending the money to have the plans drawn up.

Chairman Belanger stated obviously Mr. Johnson was aware of the variance because in his attached letter he states that he had applied for a variance for the home he now resides in. He was familiar with the limitations of the property and the process.

There was discussion regarding Mr. Johnson's choices if the variance was denied or withdrawn.

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

There were twenty (20) notices mailed to property owners surrounding two hundred feet (200') of 2617 Miller Street. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned in approval: George Bertin, 684 E. Kitchen Drive, Shirley Landry, 2624 Miller Street, Nicholas Fruge, 694 E. Kitchen Drive and Cathy Mobley, 2616 Miller Street; there was one (1) returned opposed to the request: Lena Stanley, 2625 Miller Street.

Board Member Stretcher made a motion to approve the request of Narwin Johnson, 2617 Miller Street for a four percent (4%) variance to the maximum forty percent (40%) lot coverage requirement, total of forty four percent (44%) for a new home, seconded by Board Member Loyacano. **MOTION WAS NOT APPROVED BY UNANIMOUS VOTE.**

REQUEST OF NARWIN JOHNSON, 2617 MILLER STREET

Mr. Narwin Johnson, 2617 Miller Street, requested a nine foot three inch (9'3") variance, fifteen foot nine inch (15'9") encroachment, to the twenty five foot (25') rear yard building setback for a new home.

Mr. McCaleb stated that since the previous request was not approved he requested to withdraw the variance request.

No action was taken on this request since it was withdrawn.

ADJOURN

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

Corey Belanger, Chairman

Cari Reynolds, Public Works Secretary

Meeting Adjourned at 6:22 p.m.