

**MINUTES OF THE CITY OF PORT NECHES
ZONING BOARD OF ADJUSTMENT & APPEALS
JUNE 9, 2014**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, June 9, 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
Karen Schexnayder, Alternate
Charles Bales, Alternate (did not participate)

Also present:

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

Absent:

Dennis Mangioni, Alternate
Chris Swanson, Alternate

Chairman Corey Belanger called the meeting to order.

APPROVAL OF MINUTES FROM MEETING HELD ON MAY 12, 2014

Board Member Stretcher made a motion to approve the minutes of the regular meeting held on May 12, 2014, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

JAMES WALLACE, 1135 JACKSON AVENUE

James Wallace, 1135 Jackson Avenue, requested a twenty foot (20') variance, five foot (5') encroachment, to the twenty five foot (25') rear yard building setback for the purpose of re-platting the property.

Mr. Brad Burnett, representative for Mr. James Wallace, was present to answer any questions.

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

Larry Reynolds stated that the current home facing Jackson Avenue is platted as one (1) piece of property. Judge Burnett wants to re-plat the property into two (2) lots with the second lot facing Marion Street. To do this, the current property facing Jackson Avenue will need a five foot (5') encroachment to decrease the size of the rear setback.

Mr. Burnett stated that he will build a new house on Marion Street and sell it.

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

There were twenty seven (27) notices mailed to property owners surrounding two hundred feet (200') of 1135 Jackson Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned in approval: Dwayne Smith, 802 Dallas Street; there were none returned in opposition to the request.

Board Member Loyacano made a motion to approve the request of James Wallace, 1135 Jackson Avenue for a twenty foot (20') variance, five foot (5') encroachment, to the twenty five foot (25') rear yard building setback for the purpose of re-platting the property, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

REQUEST OF BRYAN & DONNA COLLINS, 706 NECHES OAKS BLVD.

Bryan & Donna Collins, 706 Neches Oaks Blvd., requested a twenty foot (20') variance, five foot (5') encroachment to the twenty five foot (25') side yard wall and fence requirements for the purpose of building a wooden privacy fence.

Mr. Bryan Collins was present to answer any questions.

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

Mr. Reynolds stated that in 2007 the Zoning Ordinance changed from twenty foot (20') to twenty five foot (25') side yard wall and fence requirement. There was a clerical error at that time because the change was not made on the fence requirement handouts that are given to residents. Mr. Collins received a handout with the twenty foot (20') not the twenty five foot (25'). There are probably four (4) or five (5) other homes in that area with fences that don't meet the current zoning.

Mr. Collins stated that prior to purchasing the lot, he obtained information from the City, utility companies and DD7 regarding building the house, a swimming pool and a fence surrounding the pool.

Chairman Belanger asked for anyone who would like to speak regarding the variance request.

Mr. Nick Trout, 1725 Douglas Street, stated that he is against the variance request for safety reasons. Mr. Trout advised that he purchased the house several years ago and then moved away for. Currently his children and grandchildren are living there and if Mr. Collins is granted this variance there will be a visibility problem. Mr. Trout stated that he measured the sight line from his house to where the fence would be and if he was in his driveway or on Mildred Manor, he would not be able to see oncoming traffic or citizens on the sidewalk.

Mr. Collins submitted pictures to the Board. Included were pictures of the house and location of the proposed fence, a superimposed fence, and different distances and angles from the house.

There was discussion regarding the location of the fence, distances from the road, sidewalk and neighboring yards, as well as visibility issues.

Vice Chairman Parks asked Mr. Collins if the fence was moved back to the twenty five foot (25') would it give him enough room for the swimming pool.

Mr. Collins stated it would close off the area and make the backyard smaller. Mr. Collins stated that the design of the house, yard and pool were submitted to the City before the lot was purchased. We wanted to make sure everything was approved. Unfortunately we received wrong information from the City about the fence, or we could have redesigned or repositioned the house, yard, pool and fence prior to construction.

Alternate Board Member Schexnayder made a suggestion of angling the fence instead of squaring it off.

Mr. Trout stated that when he purchased his house he was told, by the current owner, that no one would be allowed to build a fence extending that far out.

Chairman Belanger stated that the information he received was incorrect because prior to the Zoning Ordinance change, Mr. Collins would not have needed a variance. It appears that both of you were misinformed.

There was discussion regarding visibility of roadway and sidewalk from sitting inside a vehicle and backing out of driveways.

Chairman Belanger stated that Mr. Reynolds recommendation is to grant the variance.

Mr. Reynolds stated that he sat in his long wheel based truck in the driveway and could still see the stop sign. Mr. Reynolds stated he did not believe there was a visibility issue and he understands that everyone has a responsibility to be aware of their surroundings. Mr. Reynolds advised that he backed his truck to the edge of the driveway, before entering the road, and he could see down the outside of where the fence would be.

Mr. Collins stated that there are four (4) other corner lots in the same subdivision with fences like this.

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

There were nineteen (19) notices mailed to property owners surrounding two hundred feet (200') of 706 Neches Oaks Blvd. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned in approval: Bradley & Allison Zeig, 718 Neches Oaks Blvd.; there was one returned in opposition to the request: Nicholas Trout, 1725 Douglas Drive.

Vice Chairman Parks made a motion to approve the request Bryan & Donna Collins, 706 Neches Oaks Blvd., for a twenty foot (20') variance, five foot (5') encroachment to the twenty five foot (25') side yard wall and fence requirements for the purpose of building a wooden privacy fence, seconded by Board Member Loyacano. Vote was as follows: three (3) approved: Vice Chairman Parks, Board

Member Loyacano and Alternate Board Member Schexnayder; one (1) against: Board Member Stretcher. **MOTION PASSED.**

ADJOURN

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

Corey Belanger, Chairman

Cari Reynolds, Public Works Secretary

Meeting Adjourned at 6:30 p.m.