

**MINUTES OF THE CITY OF PORT NECHES  
ZONING BOARD OF ADJUSTMENT & APPEALS  
APRIL 13, 2015**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, April 13, 2015 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  
Sam Loyacano  
Charles Bales  
Chris Swanson, Alternate  
Donald Ware, Alternate (Did not participate)

**Also present:**

Taylor Shelton, P.E., Public Works Director  
Larry Reynolds, Assistant Public Works Director/ Building Official  
Cari Reynolds, Public Works Secretary

**Absent:**

Gary Stretcher  
Trent Cobb, Alternate  
James Ware, Alternate

Chairman Belanger called the meeting to order at 6:00 p.m.

Chairman Belanger stated that prior to hearing the requests he wanted to explain an error that was made and the City has received protests regarding an inaccurate request. The first letter sent to property owners within 200' of 1518 Dearing Street and 1520 Dearing Street stated there was a request for a variance to the lot width for the purpose of building a duplex. That was a clerical error so a second letter was mailed to the same property owners within 200' of 1518 Dearing Street and 1520 Dearing Street with the correct information. There was no request for a duplex but for two (2) separate single family homes on two (2) separate lots. If anyone received the first letter either from the City or a copy from one of the property owners within 200' of the requested properties, there is no request for a duplex and there will be no comments heard for the incorrect request.

**APPROVAL OF MINUTES FROM MEETING HELD ON MARCH 9, 2015**

Board Member Bales made a motion to approve the minutes of the regular meeting held on March 9, 2015, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

**RUSSELL LEBLANC, 2301 2<sup>ND</sup> STREET**

Russell LeBlanc, 2301 2<sup>nd</sup> Street, requested a zero foot (0') variance, twenty five foot (25') encroachment, to the twenty five foot (25') front yard building setback requirement for two (2) carports.

Mr. Russell LeBlanc was present to answer any questions.

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

Mr. Reynolds stated that Mr. LeBlanc has two (2) driveways and wants to build two (2) freestanding anchored 21 X 12 foot carports. His house sits twenty five foot (25') from the property line, but since they will not be attached to the home, there will be a gap. There have been numerous variances approved for the same request in that area and recommended the variance be granted.

Mr. LeBlanc stated that a hurricane destroyed the previous carport.

There were thirty three (33) notices mailed to property owners surrounding two hundred feet (200') of 2301 2<sup>nd</sup> Street. In the letters, there are attachments where the property owners could approve or protest this request. There were eight (8) returned in approval: Steven & Kimberly Lazenby, 2302 2<sup>nd</sup> Street, Mary Jarrell, 2313 2<sup>nd</sup> Street, Kathleen Bobbitt, 2318 2<sup>nd</sup> Street, Jerry Thompson, 2314 2<sup>nd</sup> Street, Earl Jeffery, 2317 2<sup>nd</sup> Street, Michelle Simon, 2246 2<sup>nd</sup> Street, Earl Jeffery, 2309 2<sup>nd</sup> Street and Donald Lawrence, 2269 2<sup>nd</sup> Street; and none in opposition to the request.

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

Board Member Loyacano made a motion to approve the request of Russell LeBlanc, 2301 2<sup>nd</sup> Street, for a zero foot (0') variance, twenty five foot (25') encroachment, to the twenty five foot (25') front yard building setback requirement for two (2) separate carports, seconded by Alternate Board Member Swanson. **MOTION PASSED BY UNANIMOUS VOTE.**

**VALORIEN HARPER II, 727 SANTEE STREET**

Valorien Harper, 727 Santee Street, requested a three foot (3') variance, two foot (2') encroachment, to the five foot (5') side yard building setback requirement for a metal carport.

Mr. Valorien Harper was present to answer any questions.

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

Mr. Reynolds stated Mr. Harper has an irregular shaped lot with no garage and is in need of a carport. Mr. Reynolds recommended the request be granted.

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

There were twenty (20) notices mailed to property owners surrounding two hundred feet (200') of 727 Santee Street. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) returned in approval: Janice Culver, 714 Wood Street, Everett Culver, 723 Santee Street, Louis Abshire, 724 Wood Street and Greg Mayer, 718 Santee Street; and none in opposition to the request.

Vice Chairman Parks made a motion to approve the request of Valorien Harper II, 727 Santee Street, for a three foot (3') variance, two foot (2') encroachment, to the five foot (5') side yard building setback requirement, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

**CODY JONES, 1415 DALLAS STREET**

Cody Jones, 1415 Dallas Street, requested a four foot six inch (4'6") variance, twenty foot six inch (20'6") encroachment, to the twenty five foot (25') front yard building setback requirement for a carport.

Mr. Cody Jones was present to answer any questions.

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

Mr. Reynolds stated he was not available when Mr. Jones submitted his request and has not spoken with him. Mr. Reynolds asked Mr. Jones if it was freestanding and if it would be concreted in the ground.

Mr. Jones stated it would be concreted in the ground.

Mr. Reynolds stated that if granted he recommends that it remain open.

There were twenty one (21) notices mailed to property owners surrounding two hundred feet (200') of 1415 Dallas Street. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned in approval: Allen Daigle, 1428 Dallas Street; and none in opposition to the request.

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

Board Member Loyacano made a motion to approve the request of Cody Jones, 1415 Dallas Street, for a four foot six inch (4'6") variance, twenty foot six inch (20'6") encroachment, to the twenty five foot (25') front yard building setback requirement with the stipulation that the carport remain open, seconded by Board Member Bales. **MOTION PASSED BY UNANIMOUS VOTE.**

**JEFF AKHTAR, 1518 DEARING STREET**

Jeff Akhtar, 1518 Dearing Street, requested a one hundred foot (100') variance to the one hundred ten foot (110') lot depth requirement for a new construction home.

Mr. Jeff Akhtar and Ms. Germaine Arpin (representative for Mr. Akhtar) were present to answer any questions.

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

Mr. Reynolds stated originally there was a home, which fronted Avenue G, on the property that was demolished. Mr. Akhtar wants to replat the property into two (2) lots to face Dearing Street, which will create the need for the variance to the rear. There will be two (2) nice brick homes on the two (2) lots.

Ms. Germaine Arpin presented pictures of interior and exterior of the proposed new construction homes.

There was discussion regarding size of lots, replatting of lots and loss of fifteen foot (15') of buildable area due to the property being a corner lot.

Mr. Reynolds stated that all setbacks will be met.

Chairman Belanger asked if there was anyone who wanted to speak regarding the request.

Archie Connor, 414 Avenue G, stated he protested the request because he doesn't believe the lot is deep enough for the house and is concerned about flooding and drainage. When there is a heavy rain, the area floods because all the water drains from the "Featherlite" business and the bus parking lot. He also believes that the culverts are too small and can't handle the amount of water that needs to drain from that area.

Mr. Reynolds stated that during construction drainage will be addressed and water must drain to the street and ditch. It will be up to Mr. Akhtar to decide what type of elevation he wants to put the homes on. Any runoff will be directed away from other properties and to the ditches.

There was discussion regarding drainage issues in the area of Avenue G and Dearing Street.

There were eleven (11) notices mailed to property owners surrounding two hundred feet (200') of 1518 Dearing Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none returned in approval or opposition to the request.

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

Board Member Bales made a motion to approve the request of Jeff Akhtar, 1518 Dearing Street, for a one hundred foot (100') variance to the one hundred ten foot (110') lot depth requirement for a new construction home, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE**

**JEFF AKHTAR, 1520 DEARING STREET**

Jeff Akhtar, 1520 Dearing Street, requested a one hundred foot (100') variance to the one hundred ten foot (110') lot depth requirement for a new construction home.

Mr. Jeff Akhtar and Ms. Germaine Arpin (representative for Mr. Akhtar) were present to answer any questions

Chairman Belanger stated that this is an identical request as the previous agenda item.

Chairman Belanger asked if there were any questions or comments. There were none. There were eleven (11) notices mailed to property owners surrounding two hundred feet (200') of 1520 Dearing Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none returned in approval or opposition to the request.

Board Member Loyacano made a motion to approve the request of Jeff Akhtar, 1520 Dearing Street, for a one hundred foot (100') variance to the one hundred ten foot (110') lot depth requirement for a new construction home, seconded by Board Member Bales. **MOTION PASSED BY UNANIMOUS VOTE.**

**RICHARD JOFFRION, 712 AVENUE D**

Richard Joffrion, 712 Avenue D, requested a sixty foot (60') variance to the eighty foot (80') lot width requirement for a duplex.

Mr. Hill Tran, representative for Richard Joffrion, was present to answer any questions.

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

Mr. Reynolds stated one (1) side of Avenue D is zoned Residential- Single Family (R-SF) and the other side is zoned Residential- Duplex (R-D), even though there are Single Family homes on that side of the street. For a duplex the lot frontage must be eighty foot (80') wide. The property is currently one hundred ten foot wide with an existing house on one (1) side of it. The property will be replatted into two (2) lots, one (1) will be fifty foot (50') wide and the other will be sixty foot (60') wide. The duplex will be built on the sixty foot (60') wide lot.

Mr. Reynolds asked Mr. Tran if parking would remain in driveways and not on the street.

Mr. Tran stated that there was sufficient parking area so cars would not have to park on the street.

Chairman Belanger asked if there was anyone who wanted to speak regarding the request.

Tommy Martinez, 727 Avenue D, stated he was concerned about the amount of parking, how many vehicles would be at the location and if they would be one (1) behind the other or side by side. Mr. Martinez also asked how the duplex would look.

Mr. Reynolds stated both doors and garage doors of the duplex would front Avenue D. They would have a common wall that separates the two (2) apartments.

Pictures of the layout of the duplex was then presented to Mr. Martinez.

There was discussion regarding the width and length of the driveway, number of cars per unit of the duplex, size of garage and street parking.

There were eight (8) notices mailed to property owners surrounding two hundred feet (200') of 712 Avenue D. In the letters, there are attachments where the property owners could approve or protest

this request. There were none returned in approval; and six (6) returned in opposition to the request: Dale Blanchard, 718 Avenue D, Gary & Marie West, 1230 Merriman, Tommy Martinez, 728 Avenue D, Bryant & Toni Rodrigues, 732 avenue D, Harold Comstock, 715 Avenue D and Rudy Weldon, 1414 Merriman.

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

Vice Chairman Parks made a motion to approve the request of Richard Joffrion, 712 Avenue D, for a sixty foot (60') variance to the eighty foot (80') lot width requirement for a duplex, seconded by Board Member Bales. **MOTION PASSED BY UNANIMOUS VOTE.**

**NARWIN JOHNSON, 2617 MILLER STREET**

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 rear yard building setback requirement for a new construction home.

Mr. Narwin Johnson was present to answer any questions.

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

Mr. Reynolds stated Mr. Johnson first brought this request before the Board last year but it was withdrawn at that time. Since then the City's Zoning Ordinance has changed and the forty percent (40%) lot coverage has been eliminated from the ordinance. Therefore, Mr. Johnson has resubmitted his request for a new construction home to encroach to the rear. The garage/shop will be encroaching.

Chairman Belanger asked if there was anyone who wanted to speak regarding the request.

Lena Stanley, 2625 Miller Street, stated she protested the request because the proposed house is too big, it will not look good in a subdivision that has smaller homes and she believes it will lower the property values of neighboring homes.

Mrs. Stanley asked if the requested variance included the utility easement.

Mr. Reynolds explained that the house would not encroach into the utility easement but the seven foot six inch (7'6") utility easement was part of the nine foot three inch (9'3") variance.

Mrs. Stanley stated that she believes the house should not cover the entire lot and that it should have green space.

There was discussion regarding lot coverage and the zoning ordinance, size of the house and the garage/workshop not being used as a business.

Mr. Johnson stated that the three (3) car garage will be used as a shop to make cabinets but he will not be operating a business out of his residence. He believes the house will improve property values not

lower them. The utility easement will be accessible and all utilities are on the side or front of the property and not in the rear.

Alternate Board Member stated that it would be a shame to have a vacant lot sit there and not build a home on it.

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 three (3) returned in approval: Catherine Mobley, 2617 Miller Street, Shirley Landry, 2624 Miller Street, 684 East Kitchen Drive; and none in opposition to the request.

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

Board Member Loyacano made a motion to approve the request of Narwin Johnson, 2617 Miller Street, for a nine foot three inch (9'3") variance, fifteen foot nine inch (15'9") encroachment, to the twenty five foot rear yard building setback requirement for a new construction 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 Alternate Board Member Swanson. **MOTION PASSED BY UNANIMOUS VOTE.**

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Corey Belanger, Chairman

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Cari Reynolds, Public Works Secretary

Meeting Adjourned at 6:46 p.m.