

**MINUTES OF THE CITY OF PORT NECHES
ZONING BOARD OF ADJUSTMENT & APPEALS**

6:00 P.M.

January 11, 2016

MEETING

The regular meeting was called to order at 6:00 p.m. by Chairman Belanger at Port Neches City Hall, 1005 Merriman Street, Port Neches, Texas with the following members in attendance:

Chairman Corey Belanger
Gary Stretcher
Sam Loyacano
Donald Ware, Alternate

Also present:

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

Absent:

Charles Bales
Chris Swanson, Alternate
James Ware, Alternate
Trent Cobb, Alternate

Chairman Belanger stated that the Board would be hearing the agenda items out of order for this meeting.

AGENDA ITEM 3 – DANA & SHERRY WELDON, 702 AVENUE C/1150 MERRIMAN STREET

Dana & Sherry Weldon, 702 Avenue C, requested a variance to construct an accessory building for the purpose of living in it during construction of the main house.

Sherry Weldon and her son in law, Trace Boudoin, were both present to answer any questions.

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

Mr. Reynolds stated that the Weldon's currently own the home located at 702 Avenue C. They are requesting to build an accessory structure to live in, when they come to town, during the construction of a new home. They will demolish the existing house and build a new home facing Merriman.

Sherry Weldon stated they currently live in Shelbyville, which is three (3) hours away. They purchased the home six (6) years ago and have put a lot of effort into repairing and maintaining the old house. They have decided to demolish it and rebuild. Our Son – In – Law, Trace Boudoin,

lives here and will be their contractor. Intentions are to build the accessory building, demolish the house while using the existing garage as storage. Once the new home is built, the existing garage will be demolished and the accessory building will be used as storage.

Mrs. Weldon also stated that they will only stay in the accessory building one or two (1-2) nights when they are needed to come into town to make decisions during the construction. That way they won't have to stay in their son – in – law's home when they come in. They only require a place to sleep.

Mr. Reynolds recommended that the variance be granted with a time frame stipulation.

There was discussion regarding the placement and size of structures on the property, time frame to demolish and build the new home, and habitation of the accessory building during and after the construction of the new home.

Vice – Chairman Stretcher asked Mr. Reynolds if there were problems with previous variances that were granted for citizens to live in accessory structures during construction of a main structure.

Mr. Reynolds stated that there was a situation in the 1980's where the citizens lived in the accessory structure for many years before building a home, but there was no time frame set. Since then the Board has granted this type of variance with a time frame and had no problems.

Alternate Board Member Donald Ware asked if the accessory structure would be habited after the construction of the home.

Mrs. Weldon stated that the accessory building would be used as storage and possibly a shop for her husband and not be used as rental property or habited by anyone.

Mr. Reynolds asked Mrs. Weldon if there would be a kitchenette in the accessory building.

Mrs. Weldon stated that there would not be a kitchenette in the accessory building, only a bathroom.

Board Member Loyacano made a motion to approve the variance request of Dana & Sherry Weldon, 702 Avenue C/1150 Merriman Street to live in an accessory building during the construction of a new home with a time frame of one (1) year and a stipulation that the accessory building not be habitable after the construction of the home, seconded by Alternate Board Member Donald Ware. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 4 – EXECUTIVE SESSION

Chairman Belanger recessed the regular meeting to enter into Executive Session at 6:12 p.m. to discuss the following matters:

Litigation – Texas Government Code, Chapter 551.071

Discuss pending and threatened litigation:

Consultation with legal counsel regarding The Mayor and Members of the City Council of the City of Port Neches, Texas v. The Zoning Board of Adjustment of the City of Port Neches and its Members in their Representative Capacities.

Consultation with legal counsel – Texas Government Code, Chapter 551.071

AGENDA ITEM 5 – RECONVENE INTO REGULAR SESSION

Chairman Belanger reconvened the regular meeting of the Zoning Board of Adjustments and Appeals at 7:25 p.m.

Chairman Belanger stated that due to the pending litigation and judicial interpretation of a hardship, the Board would like to allow Mr. Akhtar an opportunity to demonstrate any hardships relative to his previously requested variances.

Vice – Chairman Stretcher made a motion to create an agenda item at the next meeting to allow Mr. Jeff Akhtar to present documentation to demonstrate any hardships relative to his previously requested variances, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 2 – APPROVAL OF MINUTES

Board Member Loyacano made a motion to postpone agenda item #2, approval of amended minutes from the regular meeting on November 9, 2015 and the special meeting on December 8, 2015, seconded by Alternate Board Member Donald Ware. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 6 – ADJOURN

There being no further business, Vice - Chairman Stretcher made a motion to adjourn, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.** The meeting was adjourned at 7:31 p.m.

Chairman

ATTEST:

Cari Reynolds, Public Works Secretary