

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

**6:00 P.M.**

**March 14, 2016**

**MEETING**

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

Matt Vincent, Chairman  
William "B.C." Clemmons, Vice-Chairman  
Sam Loyacano  
Lee West  
Steve Visser  
Gary Boudoin, 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:

Donald Ware, Alternate  
James Ware, Alternate

**AGENDA ITEM 2 – APPROVAL OF MINUTES**

Discuss and take action regarding the approval of the minutes from the special meeting held on February 22, 2016.

Board Member Visser made a motion to approve the minutes from the special meeting held on February 22, 2016, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.**

**AGENDA ITEM 3 – IRENE TAYLOR, 830 SOUTH AVENUE**

Discuss and take action regarding the request of Irene Taylor, 830 South Avenue, for a five hundred sixty square foot (560 sq. ft.) variance to the sixteen hundred square foot (1,600 sq. ft.) maximum size for an accessory building.

Wade Taylor, representative for Irene Taylor, was present to answer any questions.

Board Member Visser stated there were several accessory buildings presently on the property.

There was discussion regarding the number and location of accessory buildings on the property as well as views of the property from Jefferson County Appraisal District and Google Earth.

Board Member Visser asked if Mrs. Irene Taylor was selling the property.

Mr. Wade Taylor stated that he would be selling his property, not his mother's property. His mother would be moving in with his sister. His intentions for the new accessory building was to use it for storage for his belongings and as a shop to remodel his mother's house. The subfloor in the house is rotten and the entire house must be gutted and rebuilt. After the remodel the accessory building would be used as storage, a shop and a place to restore his vehicles.

Mr. Taylor also stated that his parents purchased the property in the early 1960's and he wants to keep it in the family. Plus he likes the large lot.

Board Member Visser asked why Mr. Taylor needed another large accessory building since there were several other large buildings already on the property.

Mr. Taylor stated that the other large building on the property has a cracked slab, it holds water and the baseboards are rotten. The building will eventually need to be demolished but there are items in that building that will need to be stored in the new accessory building.

Vice Chairman Clemmons asked Mr. Taylor what his hardship was for requesting the variance.

Mr. Taylor stated his hardship is a need to store his and his mother's belongings while remodeling the house, as well as work space for remodeling. He would like to keep everything secured on the property.

Mr. Larry Reynolds stated that Mr. Taylor has already demolished an accessory building that was around two thousand square foot (2,000 sq. ft.). He has lost the storage of that building.

There were seventeen (17) notices mailed to property owners surrounding two hundred feet (200') of 830 South Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned in approval: Mark Gaudet, 2706 McBride Drive, and none returned in opposition.

Board Member Lee made a motion to approve the variance request of Irene Taylor, 830 South Avenue, for a five hundred sixty square foot (560 sq. ft.) variance to the sixteen hundred square foot (1,600 sq. ft.) maximum size for an accessory building, seconded by Board Member Loyacano. Vote was as follows: four (4) approved- Chairman Vincent, Vice-Chairman Clemmons, Board Member Loyacano and Board Member West; one (1) opposed- Board Member Visser. **MOTION PASSED BY MAJORITY VOTE.**

**AGENDA ITEM 4 – VALORIEN JAY HARPER II, 727 SANTEE STREET- LIVE ON PROPERTY DURING TWO (2) PHASES OF CONSTRUCTION.**

Discuss and take action regarding the request of Valorien Jay Harper II, 727 Santee Street, for a variance to allow owner to live on the property during two (2) phases of construction of a new home.

Valorien Jay Harper II was present to answer any questions.

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

Mr. Reynolds stated that Mr. Harper recently moved into the house located at 727 Santee Street. He would like to live in the house while building (phase one) which is an eight hundred twenty five square foot (825 sq. ft.) home. He will then move into the (phase one) part and tear down the existing house where (phase two) is to rebuild where the existing house was located, an additional twelve hundred twenty square foot (1,220 sq. ft.), making the new home a total of two thousand forty five square foot (2,045 sq. ft.)

Mr. Reynolds also stated that Mr. Harper has had numerous contractors give him bids for foundation work on the existing house and it is not feasible to repair the foundation and would be more cost effective to rebuild.

Mr. Reynolds stated he lives in the area and would prefer to see a new home in the neighborhood.

Chairman Vincent asked how large the existing house is.

Mr. Harper stated it is approximately nine hundred square foot (900 sq. ft.).

Chairman Vincent asked where the garage would be.

Mr. Reynolds stated that (phase one) has the garage included in the floorplan.

Board Member Visser stated that he drove by the property and it is a tight irregular shaped lot.

There was discussion regarding the size and shape of the lot, drainage, City Right-Of-Way, and upkeep of the ditch.

Chairman Vincent stated that even if the exact same house was built in the same location it would be encroaching.

There were twenty three (23) 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) received in approval: Greg Mayer, 718 Santee Street, Michael Dolce, 1725 Green Oaks Drive, Everett Culver, 723 Santee Street and Janice Culver 714 Wood Street; and one (1) received in opposition: Louis Abshire, 724 Wood Street.

Vice – Chairman Clemmons stated that a protest was submitted regarding the drainage and Right-Of-Way.

Mr. Reynolds stated that the individual that protested is the only person impeding any drainage through that area. The City will deal with drainage upon plan review.

Mr. Harper stated that he is currently maintaining the ditch and Right-Of-Way and will continue to do so.

Board Member Visser made a motion to approve the variance request of Valorien Jay Harper II, 727 Santee Street, for a variance to allow owner to live on the property during two (2) phases of construction of a new home, seconded by Vice – Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.**

**AGENDA ITEM 5 – VALORIEN JAY HARPER II, 727 SANTEE STREET- VARIANCE TO FRONT YARD BUILDING SETBACK.**

Discuss and take action regarding the request of Valorien Jay Harper II, 727 Santee Street, for a ten foot nine inch (10'9") variance, fourteen foot three inch (14'3") encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a new home.

Valorien Jay Harper II was present to answer any questions.

There were twenty three (23) 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) received in approval: Greg Mayer, 718 Santee Street, Michael Dolce, 1725 Green Oaks Drive, Everett Culver, 723 Santee Street and Janice Culver 714 Wood Street; and one (1) received in opposition: Louis Abshire, 724 Wood Street.

Board Member Loyacano made a motion to approve the variance request of Valorien Jay Harper II, 727 Santee Street, for a ten foot nine inch (10'9") variance, fourteen foot three inch (14'3") encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a new home, seconded by Board Member Visser. **MOTION PASSED BY UNANIMOUS VOTE.**

**AGENDA ITEM 6 – VALORIEN JAY HARPER II, 727 SANTEE STREET- VARIANCE TO BACK YARD BUILDING SETBACK.**

Discuss and take action regarding the request of Valorien Jay Harper II, 727 Santee Street, for a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') rear yard building setback requirement for construction of a new home.

Valorien Jay Harper II was present to answer any questions.

There were twenty three (23) 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 two (2) received in approval: Greg Mayer, 718 Santee Street and Michael Dolce, 1725 Green Oaks Drive and three (3) received in opposition: Everett Culver, 723 Santee Street, Janice Culver 714 Wood Street and Louis Abshire, 724 Wood Street.

Mr. Taylor Shelton stated that the motion should include that the new home should not encroach into the five foot (5') natural drainage.

Vice-Chairman Clemmons asked Mr. Harper how long it would take to complete the construction.

Mr. Harper stated one (1) year.

Vice-Chairman Clemmons asked Mr. Reynolds if the City had a way to make sure he kept to the time line.

Mr. Reynolds stated that it's the Building Official's responsibility to make sure he sticks to the time line.

Board Member Visser made a motion to approve the variance request of Valorien Jay Harper II, 727 Santee Street, for a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') rear yard building setback requirement for construction of a new home with the stipulation that it not to encroach on the natural drainage in the rear yard, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.**

#### **AGENDA ITEM 7 – AMENDMENT TO BY-LAWS.**

Discuss and take action regarding the approval of an amendment to Section 6.2 of the Zoning Board of Adjustment By-Laws.

Chairman Vincent stated that at the last meeting there were comments made regarding changing the time of meetings from 6:00 p.m. to 4:00 p.m.

Chairman Vincent stated that it will be more efficient for the City since staff is already here. Also it's rare that a person will need to request a variance, and they should be able to make arrangements to be available for the meeting whether it's at 4:00 p.m. or 6:00 p.m.

Board Member Loyacano stated that he prefers it stay at the 6:00 p.m. time because he is busier at 4:00 p.m. than 6:00 p.m.

There was discussion regarding the pros and cons of both times for each Board Member.

Board Member Loyacano asked if the Board needed a vote of simple majority or majority. Because it states in the By-Laws on page five (5) that a simple majority vote is required for approval of a request but the Board has always taken the majority vote.

There was discussion regarding simple majority or majority vote on items.

Each Board Member stated they would like to change the time of the meetings from 6:00 p.m. to 4:00 p.m.

Mr. Shelton stated that the time change needs to be made effective for May to allow for any changes.

Vice – Chairman Clemmons made a motion to approve an amendment to Section 6.2 of the Zoning Board of Adjustment By-Laws to change the time of meetings from 6:00 p.m. to 4:00 p.m., effective May, 2016, seconded by Board Member Visser. **MOTION PASSED BY UNANIMOUS VOTE.**

**AGENDA ITEM 7 – ADJOURN**

There being no further business, Board Member Lee made a motion to adjourn, seconded by Board Member Visser. **MOTION PASSED BY UNANIMOUS VOTE.** The meeting was adjourned at 6:31 p.m.

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Matt Vincent, Chairman

ATTEST:

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Cari Reynolds, Public Works Secretary