

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

**4:00 P.M.**

**June 13, 2016**

**MEETING**

The regular meeting was called to order at 4:00 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

Also present:

Andre' Wimer, City Manager  
Taylor Shelton, P.E., Public Works Director  
Cari Reynolds, Public Works Secretary

Absent:

Marc Keith, Alternate  
Donald Ware, Alternate  
James Ware, Alternate

**AGENDA ITEM 2 – APPROVAL OF MINUTES**

Discuss and take action regarding the approval of the minutes from the regular meeting held on May 9, 2016.

Board Member Visser made a motion to approve the minutes from the regular meeting held on May 9, 2016, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

**AGENDA ITEM 3 – CITY OF PORT NECHES, 620 GRIGSBY AVENUE- LOT WIDTH**

Discuss and take action regarding the request of City of Port Neches, 620 Grigsby Avenue, for a thirty foot (30') variance to the minimum fifty foot (50') lot width requirement, total of twenty foot (20') lot width size, for a tract of land.

The City Manager stated that agenda items #3, #4 and #5 all deal with a 20' X 20' tract of land that incorporates the white cross. The City was contacted by Freedom From Religion Foundation, who had concerns about the cross being on public property. In reviewing options addressing the concern, legal counsel identified a statute that would allow for the conveyance of the property to a religious organization within the community that owned property that's tax exempt. So in order to address the issue, Council took action to convey

the 20' X 20' tract to First United Methodist Church. That church was selected because the individual that constructed the cross in 1970 were members of a Methodist church. The 20' X 20' tract does not meet the City's requirement for a lot. The City feels that the action they took would address the concerns of the Freedom From Religion Foundation with the respect of the cross being on public property.

Chairman Vincent asked for anyone who would like to support or oppose the variance request to speak. There were none.

There were two (2) notices mailed to property owners surrounding two hundred feet (200') of 620 Grigsby Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or opposition.

Vice-Chairman Clemmons made a motion to approve the variance request of City of Port Neches, 620 Grigsby Avenue, for a thirty foot (30') variance to the minimum fifty foot (50') lot width requirement, total of twenty foot (20') lot width size, for a tract of land, seconded by Board Member Visser. **MOTION PASSED BY UNANIMOUS VOTE.**

**AGENDA ITEM 4 – CITY OF PORT NECHES, 620 GRIGSBY AVENUE- LOT DEPTH**

Discuss and take action regarding the request of City of Port Neches, 620 Grigsby Avenue, for a ninety foot (90') variance to the minimum one hundred ten foot (110') lot depth requirement, total of twenty foot (20') lot depth size, for a tract of land.

There were two (2) notices mailed to property owners surrounding two hundred feet (200') of 620 Grigsby Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or opposition.

Board Member Loyacano made a motion to approve the variance request of City of Port Neches, 620 Grigsby Avenue, for a ninety foot (90') variance to the minimum one hundred ten foot (110') lot depth requirement, total of twenty foot (20') lot depth size, for a tract of land, seconded by Vice-Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.**

**AGENDA ITEM 5 – CITY OF PORT NECHES, 620 GRIGSBY AVENUE- NO PUBLIC STREET ACCESS**

Discuss and take action regarding the request of City of Port Neches, 620 Grigsby Avenue, for a variance for a tract of land to have no access to a public street.

There were two (2) notices mailed to property owners surrounding two hundred feet (200') of 620 Grigsby Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or opposition.

Board Member Visser made a motion to approve the variance request of City of Port Neches, 620 Grigsby Avenue, for a variance for a tract of land to have no access to a public street, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.**

**AGENDA ITEM 6 – TRAINING SESSION**

Conduct a training session for the Zoning Board of Adjustment by Kimberly Mickelson, Olson & Olson, L.L.P.

Kimberly Mickelson presented a power point presentation on Texas Zoning Law, Legal issues Related to Zoning Boards of Adjustment and Training Scenarios. See attached.

Additional attendees of the training were David Miller, Assistant City Manager, Jamie Mendoza, City Secretary and Council Member Robert Arnold.

**AGENDA ITEM 7 – ADJOURN**

There being no further business, Board Member Loyacano made a motion to adjourn, seconded by Vice-Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.** The meeting was adjourned at 7:19 p.m.

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Matt Vincent, Chairman

ATTEST:

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Cari Reynolds, Public Works Secretary