

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

4:00 P.M.

July 11, 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
Marc Keith, Alternate
James Ware, Alternate

Also present:

Taylor Shelton, P.E., Public Works Director
Clint Fore, Streets and Drainage Supervisor
Cari Reynolds, Public Works Secretary

Absent:

Lee West
Steve Visser
Gary Boudoin, Alternate
Donald Ware, Alternate

AGENDA ITEM 2 – APPROVAL OF MINUTES

Discuss and take action regarding the approval of the minutes from the regular meeting held on June 13, 2016.

Board Member Loyacano made a motion to approve the minutes from the regular meeting held on June 13, 2016, seconded by Vice - Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 3 – KEVIN & CORTNIE SCHEXNAIDER, 301 BUCKINGHAM DRIVE- FENCE HEIGHT.

Discuss and take action regarding the request of Kevin & Cortnie Schexnaider, 301 Buckingham Drive, for a variance to Section 26.5.1.1. (a) Wall and fence requirements of the City of Port Neches Zoning Ordinance.

Taylor Shelton stated that Mr. & Mrs. Schexnaider are requesting a variance for the existing fence on the irregular shaped lot at 301 Buckingham Drive. The lot is irregular shaped due to City Right of Way, sidewalk and the shape of the lot. The fence was erected without their contractor receiving a permit. If variance is granted, there should be a stipulation that they can't back out of driveway onto Saba.

Chairman Vincent asked for anyone who would like to support the variance request to speak.

Mr. Kevin Schexnaider, 301 Buckingham Drive: (requestor) stated that the property is located on the corner of Buckingham Drive and Saba Lane. They hired a fence company to install a wooden privacy fence as a safety feature because vehicles were using the circular drive to cut across the property. Their two (2) small children play on the driveway and it was unsafe for them. When they hired the contractor to build the fence, he thought the contractor pulled the permit and knew what the City Ordinance was. They received a stop work order because the fence was too tall for the location. The Ordinance states that the fence on a corner lot and situated within twenty feet (20') from the side street line shall not exceed a height of three feet (3').

Mrs. Cortnie Schexnaider, 301 Buckingham Drive: (requestor) stated that if they used the current Zoning Ordinance then the fence would be in their kitchen. They are requesting to be grandfathered in as all of the other homes on Saba Lane. Want to blend in with the neighborhood. Don't want to be a safety hazard to vehicles or pedestrians. They called the City to verify requirements and all communication was done over phone. Our mistake for trusting the contractor because we assumed they had gotten approval for the fence permit.

Board Member Loyacano asked if they planned on using the driveway on Saba Lane to back out of.

Mr. Schexnaider stated that they will exit onto Buckingham Drive or drive forward onto Saba Lane.

Alternate Board Member James Ware stated that he stopped at the corner and didn't have a visibility issue with the fence.

Chairman Vincent asked for anyone who was in opposition to the variance request to speak. There were none.

There were twenty five (25) notices mailed to property owners surrounding two hundred feet (200') of 301 Buckingham Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) received in approval: Morgan & Patsy Alleman, 203 Cambridge Circle, Terry Rozelle, 211 Cambridge Circle, Wacey & Lisa Johnson III, 3147 Nottingham Lane, and George Wheatcroft, 3041 Saba Lane, there were none received in opposition.

Vice-Chairman Clemmons made a motion to approve the variance request of City of Port Neches, 301 Buckingham Drive, for a variance to Section 126.5.1.1. (a) Wall and fence requirements of the City of Port Neches Zoning Ordinance with the stipulation that no vehicle may back out of drive onto Saba Lane, seconded by Alternate Board Member Keith.
MOTION PASSED BY UNANIMOUS VOTE.

**AGENDA ITEM 4 – ROSS GUIDRY AND TRAYCE BOUDOIN, DBA BG SERVICES, 208 PINE STREET-
LOT**

WIDTH FOR DUPLEX.

Discuss and take action regarding the request of Ross Guidry and Trayce Boudoin, DBA BG Services, 208 Pine Street, for a five foot (5') variance to the minimum eighty foot (80') lot width requirement, total of seventy five foot (75') lot width size, for a duplex.

Taylor Shelton stated that three (3) twenty five foot (25') lots were purchased for the purpose of constructing a duplex on the property. If variance is granted then the property will need to be rezoned from Residential – Single Family (R-SF) to Residential – Duplex (R-D) and be replatted into one (1) lot instead of the three (3).

Chairman Vincent asked for anyone who would like to support the variance request to speak.

Mr. Trayce Boudoin and Mr. Ross Guidry: (requestor) stated they purchased the property for new construction and to increase property value in that area of the City. The Duplex will be fifty foot (50') wide and be located in the center of the lot leaving twelve and half foot (12 ½') on both sides. Approximately twenty five hundred square foot (2,500 sq. ft.) building with each side being twelve hundred fifty square foot (1,250 sq. ft.). Garage will be in the front and there will be rear access.

Mr. James Derrick, 106 Pine Street: stated that he owns a large piece of property on corner of Pine Street and East Port Neches Avenue and thinks new construction will improve the area. Would like to see the variance granted because he wants to build on his property either multi – family, duplex or triplex.

Chairman Vincent asked for anyone who was in opposition to the variance request to speak. There were none.

There were seventeen (17) notices mailed to property owners surrounding two hundred feet (200') of 208 Pine Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval and four (4) received in opposition: Gayle Conwell, 213 E 1st Street, Baltazar Meza, PO Box 12427, Beaumont, Texas, Alma Munoz, 216 Pine Street and Audrey Elkins, 217 E 1st Street.

Chairman Vincent stated that there are several other duplexes in that area that were built prior to the Zoning Ordinance and are grandfathered in.

Board Member Loyacano made a motion to approve the variance request of Ross Guidry and Trayce Boudoin, DBA BG Services, 208 Pine Street, for a five foot (5') variance to the minimum eighty foot (80') lot width requirement, total of seventy five foot (75') lot width

size, for a duplex, seconded by Vice-Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 5 – GARY & DEWANA MANN, 2714 MAZUR DRIVE- CARPORT

Discuss and take action regarding the request of Gary and Dewanna Mann, 2714 Mazur Drive, for a six foot (6') variance, nineteen foot (19') encroachment, to the twenty five foot (25') front yard building setback requirement, for a carport.

Taylor Shelton stated that there are several other carports in the area. The request is to extend the existing carport. If variance is granted, there should be a stipulation that the carport remain open.

Chairman Vincent asked for anyone who would like to support the variance request to speak.

Dewanna Mann, 2714 Mazur Drive: (requestor) stated that they have lived at this location for over forty (40) years and they have always had a one (1) car garage. Husband's antique car is housed in the garage and need the carport to protect her vehicle. Sometime in the 1980's they received a variance to the side for the existing carport and requesting to extend the exiting carport.

Chairman Vincent asked for anyone who was in opposition to the variance request to speak. There were none.

There were eighteen (18) notices mailed to property owners surrounding two hundred feet (200') of 2714 Mazur Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were three (3) received in approval: James McCutcheon, 507 Mazur Drive, Charlotte Thurston, 2702 Mazur Drive, and John Monroe, 510 Sasser Lane, there were none received in opposition.

Alternate Board Member James Ware made a motion to approve the variance request of Gary and Dewanna Mann, 2714 Mazur Drive, for a six foot (6') variance, nineteen foot (19') encroachment, to the twenty five foot (25') front yard building setback requirement with the stipulation that the carport remains open, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 6 – DARLA HERNANDEZ, 1104 GRIGSBY AVENUE/930 DALLAS STREET- ACCESSORY BUILDING.

Discuss and take action regarding the request of Darla Hernandez, 1104 Grigsby Avenue/930 Dallas Street, for a variance to Section 126.4.1.4. (k) Accessory building area of the City of Port Neches Zoning Ordinance.

Taylor Shelton stated that Mrs. Hernandez wants to sell the “L” shaped property located at the corner of Grigsby and Dallas to Dr. McHugh. This property has two (2) different address with one (1) facing Grigsby and one (1) facing Dallas. Dr. McHugh’s intentions are to replat the property as 1104 Grigsby Avenue, doing away with 930 Dallas Street, and build an RV cover on the front right side of the property. If the variance is granted then there will be other issues to address once a full set of plans are submitted to the City.

Chairman Vincent asked for anyone who would like to support the variance request to speak.

Darla Hernandez, 1116 Grigsby Avenue: (requestor) stated that she purchased the property to use as rental income. Due to extensive health issues she can’t afford to keep the property and needs to sell it. Dr. McHugh currently lives in a subdivision with RV restrictions and is having to pay a facility to store his RV. He is purchasing the property for the purpose of building a cover to store his RV and he will continue to use the house for rental income.

There was discussion regarding replatting the property, direction, size and shape of the lots, access to RV cover, neighboring properties, and setbacks.

Vice – Chairman Clemmons quoted Section 126.4.1.4 (k) Accessory building area of the City of Port Neches Zoning Ordinance.

Vice – Chairman Clemmons stated the front building line of the house would be behind the RV cover.

There was discussion regarding the location of the primary structure in reference to the accessory structure and whether it would be enclosed.

Chairman Vincent asked for anyone who was in opposition to the variance request to speak.

Sami Lamine: stated he was not opposed to the request and finds the situation interesting because the house is placed so far back on the lot there is no possible way to build the accessory structure behind it. Therefore to gain access to the RV cover it would need to be in front of the house.

There were twenty two (22) notices mailed to property owners surrounding two hundred feet (200’) of 1104 Grigsby Avenue/930 Dallas. In the letters, there are attachments where the property owners could approve or protest this request. There were four (4) received in approval: Robert Johnson, 1013 Marion Street, Sidney Lambert III, 1106 Grigsby Avenue, Darla Hernandez, 1116 Grigsby Avenue, and Thomas Wilson, Jr., 1003 Marion Street, there were two (2) received in opposition: David Griffith, 925 Dallas Street and Valeria Thibodeaux, 921 Dallas Street.

Chairman Vincent asked for anyone who was in opposition to the variance request to speak.

Board Member Loyacano made a motion to approve the variance request of Darla Hernandez, 1104 Grigsby Avenue/930 Dallas Street, for a variance to Section 126.4.1.4 (k) accessory building area of the City of Port Neches Zoning Ordinance, seconded by Vice – Chairman Clemmons. Vote was as follows: none for and all opposed. **MOTION DID NOT PASS BY UNANIMOUS VOTE.**

AGENDA ITEM 7 – ADJOURN

There being no further business, Board Member Loyacano made a motion to adjourn, seconded by Alternate Board Member Keith. **MOTION PASSED BY UNANIMOUS VOTE.** The meeting was adjourned at 4:40 p.m.

Matt Vincent, Chairman

ATTEST:

Cari Reynolds, Public Works Secretary