

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

4:00 P.M.

November 14, 2016

MEETING

The regular meeting was called to order on Monday, November 14, 2016, 4:00 p.m. at Port Neches City Hall, 1005 Merriman Street, Port Neches, Texas with the following members in attendance to wit:

Matt Vincent, Chairman
Lee West
Steve Visser
Marc Keith, Alternate
Gary Boudoin, Alternate

Also present:

Andre' Wimer, City Manager
Taylor Shelton, Public Works Director
Clint Fore, Acting Building Official
Cari Reynolds, Public Works Secretary

Absent:

William "B.C." Clemmons, Vice-Chairman
Sam Loyacano
Donald Ware, Alternate
James Ware, Alternate

Chairman Vincent called the meeting to order

AGENDA ITEM 2 – APPROVAL OF MINUTES

Discuss and take action regarding the approval of the minutes from the regular meeting held on September 12, 2016.

Board Member Visser made a motion to approve the minutes from the regular meeting held on September 12, 2016, seconded by Alternate Board Member Keith. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 3 – HAYDEN WHITE, 1211 WEST DRIVE- LOT DEPTH

Discuss and take action regarding the request of Hayden White, 1211 West Drive for a twenty foot (20') variance, to the one hundred ten foot (110') minimum lot depth requirement, total of ninety foot (90') lot depth size for construction of a new home.

Chairman Vincent asked Clint Fore to give the details of the request.

Clint Fore stated that Mr. and Mrs. White purchased two (2) lots and replatted them into one (1). The lot is irregular shaped with a portion being ninety foot (90') deep and the other portion exceeding the one hundred ten foot (110') minimum. If both variances are granted, construction can begin immediately.

Hayden White, 1211 West Drive: (requestor) was present to answer any questions.

Chairman Vincent asked the Board if there were any questions or comments. There were none.

There were twenty seven (27) notices mailed to property owners surrounding two hundred feet (200') of 1211 West Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were two (2) received in approval: Sara Hebert, 1205 West Drive and Robert Williams, 1201 MacArthur Drive, and none received in opposition.

Board Member Visser made a motion to approve the variance request of Hayden White, 1211 West Drive for a twenty foot (20') variance to the one hundred ten foot (110') minimum lot depth requirement, total of ninety foot (90') lot depth size for construction of a new home, seconded by Alternate Board Member Keith. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 4 – HAYDEN WHITE, 1211 WEST DRIVE- REAR SETBACK

Discuss and take action regarding the request of Hayden White, 1211 West Drive for an eight foot (8') variance, seventeen foot (17') encroachment, to the twenty five foot (25') rear yard building setback requirement for construction of a new home.

Chairman Vincent stated that this is the same property as the previous request.

Chairman Vincent asked the Board if there were any questions or comments. There were none.

There were twenty seven (27) notices mailed to property owners surrounding two hundred feet (200') of 1211 West Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were two (2) received in approval: Sara Hebert, 1205 West Drive and Robert Williams, 1201 MacArthur Drive, and none received in opposition.

Board Member Visser made a motion to approve the variance request of Hayden White, 1211 West Drive for an eight foot (8') variance. Seventeen foot (17') encroachment, to the twenty five foot (25') rear yard building setback requirement, for construction of a new home, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 5 – ROBERT AND JENNIFER ALLEN, 1030 MONTROSE STREET- CARPORT

Discuss and take action regarding the request of Robert and Jennifer Allen, 1030 Montrose Street, for a two foot (2') variance, three foot (3') encroachment, to the five foot (5') side yard building setback requirement for construction of a carport.

Chairman Vincent asked Clint Fore to give the details of the request.

Clint Fore stated that he recommends that if the variance is granted that there be a stipulation that the carport remains open.

Robert and Jennifer Allen, 1030 Montrose Street: (requestors) were present to answer any questions.

Chairman Vincent asked the Board if there were any questions or comments. There were none.

There were thirty (30) notices mailed to property owners surrounding two hundred feet (200') of 1030 Montrose Street. In the letters, there are attachments where the property owners could approve or protest this request. There was one received in approval: Charles Mingle, 5049 Gulf Avenue, Groves, Texas, and none received in opposition.

Alternate Board Member Boudoin made a motion to approve the variance request of Robert and Jennifer Allen, 1030 Montrose Street, for a two foot (2') variance, three foot (3') encroachment, to the five foot (5') side yard building setback requirement for construction of a carport with the stipulation that it must remain open, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 6 – DAVID GAUDET, 2417 HAMPTON LANE- CARPORT

Discuss and take action regarding the request of David Gaudet, 2417 Hampton Lane, for a zero foot (0') variance, twenty five foot (25') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a carport.

Chairman Vincent asked Clint Fore to give the details of the request.

Clint Fore stated that he recommends that if the variance is granted that there be a stipulation that the carport remains open.

David Gaudet, 2417 Hampton Lane: (requestor) was present to answer any questions.

Chairman Vincent asked the Board if there were any questions or comments. There were none.

There were twenty one (21) notices mailed to property owners surrounding two hundred feet (200') of 2417 Hampton Lane. In the letters, there are attachments where the property owners could approve or protest this request. There were two received in approval: Gary West, 2410

Hampton Lane and Gerardo & Patricia Valencia, 2425 Hampton Lane, and none received in opposition.

Board Member Visser made a motion to approve the variance request of David Gaudet, 1030 Montrose Street, for a zero foot (0') variance, twenty five foot (25') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a carport with the stipulation that it must remain open, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 7 – ERIC CURRIE (C & G INTERNATIONAL), 3159 SUMMIT DRIVE- COMMERCIAL BUILDING

Discuss and take action regarding the request of Eric Currie (C & G International), 3159 Summit Drive, for a four foot (4') variance, six foot (6') encroachment, to the ten foot (10') side yard building setback requirement for construction of an addition to a commercial building.

Chairman Vincent asked Clint Fore to give the details of the request.

Clint Fore stated that the existing building already encroaches into the side setback and is only eighteen inches (18") from the property line. Commercial property that abuts residential has a ten foot (10') side setback. If the property did not abut residential then it would not be required to have a setback. The new addition will be moved as far off the line as possible to still allow for parking.

Eric Currie, C & G International, 3159 Summit Drive: (requestor) stated that his business, Delta Industrial Service and Supply is currently located at 1126 Port Neches Avenue. The company has outgrown the space and purchased the property at 3159 Summit Drive. The existing building will house the equipment and office space and the new addition will be warehouse.

Chairman Vincent asked Mr. Currie what the hardship was.

Andre' Wimer, City Manager, stated that the City in conjunction with the Economic Development Corporation, has been in discussion with Mr. Currie about relocating his business to other locations on Port Neches Avenue to keep his business in the City of Port Neches, but neither location presented itself in the time frame needed.

There was discussion regarding the differences in the existing building already encroaching and the new addition encroaching as well as the location of the buildings in reference to the neighboring residential area.

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

Mike & Scarlet Hammersmith, 401 Hanover Drive, stated they are not sure if they are against the request, but are in attendance to learn more about the request, such as what kind of business it

is, what the building will look like (how tall) and noise or odors coming from the building. Their property is located directly behind the proposed building.

Mr. Currie stated that Delta Industrial Services and Sales is an industrial laundry that cleans overalls and fire gear, as well as sales of fire prevention clothing.

Mr. Taylor Shelton stated that Delta Industrial is currently on Port Neches Avenue and abuts residential property. The City has never received any complaints.

There was discussion regarding the cleaning equipment noise, location, sound barrier, height of building, work hours, property value and privacy fences.

Mr. Currie asked if the commercial building codes were the same as residential building codes.

Mr. Fore stated that before any permit is issued for them to build the engineered stamped set of plans must be reviewed and signed off on by all department heads which includes the Fire and Police Chief's, Public Works Director and Mr. Wimer.

Alternate Board Member Boudoin stated that it must also be built in compliance with the new energy codes.

There was discussion regarding noise, fumes and chemicals used in the cleaning process.

Mr. Shelton stated the City will need a copy of the Entergy easement abandonment prior to the issuance of the permit.

Mr. Currie stated he just closed on the property and should have the paperwork shortly.

Chairman Vincent asked the Board 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 3159 Summit Drive. 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: Thomas & JoAnn Rutledge, 3161 Nottingham Lane, Jill Pierce, 413 Hanover Drive, Michael & Scarlet Hammersmith, 401 Hanover Drive and Darren & Genia Brown, 409 Hanover Drive.

Alternate Board Member Boudoin made a motion to approve the variance request of Eric Currie (C & G International), 3159 Summit Drive, for a four foot (4') variance, six foot (6') encroachment, to the ten foot (10') side yard building setback requirement for construction of an addition to a commercial building, seconded by Board Member Visser. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 8– ADJOURN

There being no further business, Board Member Visser made a motion to adjourn, seconded by Alternate Board Member Keith. **MOTION PASSED BY UNANIMOUS VOTE.** The meeting was adjourned at 4:22 p.m.

Matt Vincent, Chairman

ATTEST:

Cari Reynolds, Public Works Secretary