

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

4:00 P.M.

May 8, 2017

MEETING

The regular meeting was called to order on Monday, May 8, 2017, 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
William "B.C." Clemmons, Vice-Chairman
Sam Loyacano
Steve Visser
Lee West
Marc Keith, Alternate (Did not participate)
John Fisher, Alternate (Did not participate)
Gary Boudoin, Alternate (Did not participate)

Also present:
Clint Fore, Building Official
Cari Reynolds, Public Works Secretary

Absent:
Daniel Critser, 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 April 10, 2017.

Board Member Visser made a motion to approve the minutes from the regular meeting held on April 10, 2017, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 3 – R & V CONSTRUCTION (RAFAEL MAGAMA), 1901 6TH STREET- SIDE YARD

Discuss and take action regarding the request of R & V Construction (Rafael Magana), 1901 6th Street, for a seven foot (7') variance, eight foot (8') encroachment, to the fifteen foot (15') side yard building setback requirement for construction of a new home.

Rafael Magana (owner), was present to answer any questions.

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

Mr. Clint Fore stated the property is located on the corner of Williams and 6th Street. It has a concrete drainage ditch across the street.

Board Member Visser asked if there were other variances granted in that area.

Mr. Fore stated that most of the homes in that area are older homes and there could be variances for carports, but as for new construction, there are none.

Mr. Magana stated that he has purchased two (2) corner lots in the City of Port Neches and would like to use the same floor plan for both lots instead of paying extra to draw up a different set of plans.

Chairman Vincent stated there is a big difference between a one foot (1') encroachment and an eight foot (8') encroachment when it comes to traffic and visibility.

Vice Chairman Clemmons stated that you know the size of the lot when you buy it and your house should fit on the lot without a variance.

Vice Chairman Clemmons stated he couldn't see a hardship with this request.

There was discussion regarding traffic, visibility, hardship, size of the lot and size of the floor plan.

There were eighteen (18) notices mailed to property owners surrounding two hundred feet (200') of 1901 6th Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or in opposition.

Board Member Visser made a motion to approve the variance request of R & V Construction (Rafael Magana), 1901 6th Street, for a seven foot (7') variance, eight foot (8') encroachment, to the fifteen foot (15') side yard building setback requirement for construction of a new home, seconded by Vice Chairman Clemmons. **MOTION DID NOT PASS BY UNANIMOUS VOTE.**

AGENDA ITEM 4 – R & V CONSTRUCTION (RAFAEL MAGAMA), 1002 MONSTROSE STREET- SIDE YARD

Discuss and take action regarding the request of R & V Construction (Rafael Magana), 1002 Montrose Street, for a fourteen foot (14') variance, one foot (1') encroachment, to

the fifteen foot (15') side yard building setback requirement for construction of a new home.

Rafael Magana (owner), was present to answer any questions.

Chairman Vincent stated that if this lot was on the other side of the street, a variance would not be needed.

There were twenty seven (27) notices mailed to property owners surrounding two hundred feet (200') of 1002 Montrose Street. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) received in approval: J.W. Turner, 14215 Mary Jane Lane, Tomball, Texas 77377, and none in opposition.

Board Member Visser made a motion to approve the variance request of R & V Construction (Rafael Magana), 1002 Montrose Street, for a fourteen foot (14') variance, one foot (1') encroachment, to the fifteen foot (15') side yard building setback requirement for construction of a new home, seconded by Board Member Loyacano.

MOTION PASSED BY UNANIMOUS VOTE.

Alternate Board Member Fisher stated he wanted documented in the minutes that he had a question regarding alternates. Alternate Board Member Fisher stated concern if an alternate notifies the City that they are available but are not needed, then they would like it to not go against attendance.

There was discussion regarding alternates attendance.

AGENDA ITEM 5 – 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 4:13 p.m.

Matt Vincent, Chairman

ATTEST:

Cari Reynolds, Public Works Secretary