

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

4:00 P.M.

February 10, 2020

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 to wit:

Matt Vincent, Chairman
Paul Roberts, Board Member
Gary Boudoin, Board Member
Sam Loyacano, Board Member

Also present:
Clint Fore, Building Official
Jamie Mendoza, City Secretary

Absent:
Danny Viator, Alternate Board Member
Lee West, Alternate Board Member
Johnny Powers, Board Member

AGENDA ITEM 2 – APPROVAL OF MINUTES

Board Member Boudoin made a motion to approve the minutes from the regular meeting held on January 13, 2020, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 3 – REQUEST FROM FRANCISCO NAJERA, 746 CHEROKEE AVENUE, FOR A 22' VARIANCE, 3' ENCROACHMENT TO THE 25' FRONT YARD BUILDING SETBACK REQUIREMENT FOR CONSTRUCTION OF A NEW HOME

Mr. Francisco Najera was present at the meeting and informed the Board that he is requesting a twenty two foot (22') variance, three foot (3') encroachment, to the twenty five foot (25') front yard setback for the construction of a new home. Mr. Najera further informed the Board that the only structure that would be encroaching is the garage. He stated that there was an existing swimming pool located on the property when he purchased it and that this variance will ensure there is adequate space between the pool and the house.

Board Member Loyacano asked Mr. Najera how much space would there be without the variance. Mr. Najera stated that there is not enough space to walk currently without the variance.

Chairman Vincent informed the Board and Mr. Najera that he believes the property owner should have planned the construction of the home to fit the lot. He stated that Mr. Najera knew the pool was there and knew the property setbacks and the size of his lot prior to having the house plans drawn.

Board Member Boudoin informed Mr. Najera that he has served as a Member on this Board for several years and this is the first time that he recalls receiving strong protests from neighbors on a request.

Board Member Loyacano asked Mr. Najera how deep is the garage that will be encroaching. Mr. Najera informed the Board that the garage is thirty feet (30') deep. He noted that it is a two (2) car garage with an additional six feet (6') for a walkway and area for storage.

Board Member Boudoin asked Mr. Najera if he could do away with a couple of feet of the storage area and not encroach into the front yard setback. Mr. Najera stated that the plans have been completed and he would have to have the plans redesigned.

Chairman Vincent informed Mr. Najera that the Board typically does not allow variances to the front yard setbacks, especially in an established neighborhood, unless it is for a carport. He noted that this is to allow for homes to remain uniform along a street, and it prevents traffic and safety issues from arising.

Chairman Vincent asked if there was anyone present at the meeting that would like to speak for or against this request.

Mr. James Raithel, 739 Cherokee Avenue, was present at the meeting. He asked Mr. Najera where will you enter in the garage. Mr. Najera stated the garage will face Cherokee. Mr. Raithel stated that Mr. Najera is the last lot on that side of the street and he can't see a reason to not allow his request. He further stated that he was in favor of the request.

Board Member Loyacano made a motion to approve the request from Francisco Najera, 746 Cherokee Avenue, for a 22' variance, 3' encroachment to the 25' front yard building setback requirement, seconded by Board Member Roberts. **Chairman Vincent asked for those in favor to say "aye"; there were none. Chairman Vincent asked for those opposed to say "nay"; there were 4. VOTE: 0 to 4. MOTION FAILED.**

Board Member Boudoin made a motion to deny the request from Francisco Najera, 746 Cherokee Avenue, for a 22' variance, 3' encroachment, to the 25' front yard building setback requirement, seconded by Board Member Roberts. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 4 – REQUEST FROM CARL RAY, 809 GULF AVENUE, FOR A 21' VARIANCE, 4' ENCROACHMENT TO THE 25' REAR YARD BUILDING SETBACK REQUIREMENT

Carl Ray, 809 Gulf Avenue, was present at the meeting and informed the Board that he is requesting a twenty one foot (21') variance, four foot (4') encroachment to the twenty five foot (25') rear yard setback to add on a bedroom and bathroom to the rear of his house.

Clint Fore informed the Board Members that the house is already encroaching four foot (4') in the rear but is grandfathered. He stated that Mr. Ray's variance request is simply to allow for the add on to be flush with the existing rear wall of the house.

Board Member Boudoin asked Mr. Ray how long has he owned the house. Mr. Ray stated that he purchased the home in 2008.

Chairman Vincent asked if there was anyone present at the meeting that would like to speak for or against this request. No one was present.

Board Member Boudoin made a motion to approve the request from Carl Ray, 809 Gulf Avenue, for a 21' variance, 4' encroachment, to the 25' rear yard building setback requirement, seconded by Board Member Roberts. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 5 – ADJOURN

There being no further business, Board Member Loyacano made a motion to adjourn, seconded by Board Member Boudoin. **MOTION PASSED BY UNANIMOUS VOTE.**

The meeting was adjourned at 4:20 p.m.

Matt Vincent, Chairman

ATTEST:

Jamie Mendoza, City Secretary