

**MINUTES OF THE CITY OF PORT NECHES
ZONING BOARD OF ADJUSTMENT & APPEALS
MARCH 9, 2015**

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, March 9, 2015 at 6:00 p.m. in the City Hall Council Room, 1005 Merriman, Port Neches, Texas. Notice of the meeting was given in accordance with Section 551.041 of the Texas Governmental Code, with the following members in attendance:

Chairman Corey Belanger
Vice Chairman Boyd Parks
Gary Stretcher
Sam Loyacano
Charles Bales
Chris Swanson, Alternate (Did not participate)
James Ware, Alternate (Did not participate)
Donald Ware, Alternate (Did not participate)

Also present:

Larry Reynolds, Assistant Public Works Director/ Building Official
Cari Reynolds, Public Works Secretary

Absent:

Trent Cobb, Alternate

Chairman Belanger called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES FROM MEETING HELD ON FEBRUARY 9, 2015

Board Member Stretcher made a motion to approve the minutes of the regular meeting held on February 9, 2015, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

QUY NGUYEN, 526 LEXINGTON DRIVE

Quy Nguyen, 526 Lexington Drive, requested a twenty foot six inch (20'6") variance, four foot six inch (4'6") encroachment, to the twenty five foot (25') rear yard building setback requirement.

Quy Nguyen was present to answer any questions.

Jose' Becerra, 7535 Holmes Road, Nederland, Texas, representative for Mr. Nguyen, was present to answer any questions.

Chairman Belanger asked Mr. Larry Reynolds to give the details of the request.

Mr. Reynolds stated the request is to build a new home with a four foot six inch (4'6") encroachment for the rear of the garage.

Chairman Belanger asked Mr. Reynolds if there were any issues with lot coverage.

Mr. Reynolds stated that there are no issues with the square footage of lot coverage.

Board Member Stretcher stated that the lot is small and in the past the Board has granted variances if there was an irregular shaped lot or a hardship.

Vice Chairman Parks stated that there have been other variances granted in that area.

There were eighteen (18) notices mailed to property owners surrounding two hundred feet (200') of 526 Lexington Drive. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned in approval: Steven & Rhonda Gibbs, 517 Lexington Drive; and none in opposition to the request.

Chairman Belanger asked if there were any questions or comments. There were none.

Board Member Loyacano made a motion to approve the request of Que Nguyen, 526 Lexington Drive, for a twenty foot six inch (20'6") variance, four foot six inch (4'6") encroachment, to the twenty five foot (25') rear yard building setback requirement, seconded by Board Member Stretcher. **MOTION PASSED BY UNANIMOUS VOTE.**

JAMES RILEY, REPLAT OF TRACT 6-A, ORDWAY STREET

James Riley, Replat of Tract 6-A, Ordway Street, requested a sixty three foot (63') variance, to the eighty foot (80') lot width requirement for a duplex.

James Riley was present to answer any questions.

Chairman Belanger asked Mr. Larry Reynolds to give the details of the request.

Mr. Reynolds stated the Zoning Ordinance requires that a Residential-Duplex (R-D) which consists of two (2) units, have an eighty foot (80') frontage, forty foot (40') for each unit. Mr. Riley has already replatted the property and each lot has sixty three foot (63') of frontage. The property exceeds the required depth and square footage. There are several other duplexes in the area.

Chairman Belanger stated that if the variance is granted it will be contingent on the property being rezoned.

Vice-Chairman Parks asked Mr. Reynolds why Mr. Riley asked for the variance prior to getting the property rezoned.

Mr. Reynolds stated that if the variance is not granted, then Mr. Riley will not pursue the rezone to Residential-Duplex (R-D) but could still build a single family home because it is currently zoned Residential- Single Family (R-SF).

There was discussion regarding the size of the lots and parking requirements.

Mr. Reynolds informed the Board that the Zoning Ordinance states that if Residential abuts a Business district, then the Business district must put a fence up.

Mr. Riley stated that there is a drainage ditch on the left, a duplex on the right and there is already a fence behind the property. Mr. Riley also stated that he had no problem building a fence to correct any privacy issues.

There was discussion regarding fence requirements.

Chairman Belanger asked if there was anyone who wanted to speak regarding the request.

Mr. Kenneth DeRoche, 1510 Eugene, stated that already has problems with the existing duplexes in the area. Renters will walk across his property and are always asking to borrow money and tools. Mr. DeRoche wanted separation between his property and the duplex.

Chairman Belanger stated that there are neighbors with concerns.

There were twenty two (22) notices mailed to property owners surrounding two hundred feet (200') of Replat of Tract 6-A, Ordway Street. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned in approval: Vickie Arkeen, 1214 S. Twin City Hwy., Nederland, Texas; and one (1) in opposition: Kenneth DeRoche, 1510 Eugene, to the request.

Board Member Stretcher stated that this is not about neighbors and fences, it is about the Board allowing you to build on a lot that is not wide enough.

There was discussion about the size of the duplexes.

Chairman Belanger asked if there were any questions or comments. There were none.

Vice Chairman Parks made a motion to approve the request of James Riley, Replat of Tract 6-A, Ordway Street, for a sixty three foot (63') variance to the eighty foot (80') lot width required for a duplex contingent on the property being rezoned to Residential- Duplex (R-D), seconded by Board Member Bales. Vote was as follows: 3 approved: Vice-Chairman Parks, Board Member Loyacano and Board Member Bales; 1 against: Board Member Stretcher. **MOTION PASSED BY MAJORITY VOTE.**

JAMES RILEY, REPLAT OF TRACT 6-B, ORDWAY STREET

James Riley, Replat of Tract 6-B, Ordway Street, requested a sixty three foot (63') variance, to the eighty foot (80') lot width requirement for a duplex.

James Riley was present to answer any questions.

There were twenty two (22) notices mailed to property owners surrounding two hundred feet (200') of Replat of Tract 6-B, Ordway Street. In the letters, there are attachments where the property

owners could approve or protest this request. There was one (1) returned in approval: Vickie Arkeen, 1214 S. Twin City Hwy., Nederland, Texas; and one (1) in opposition: Kenneth DeRoche, 1510 Eugene, to the request.

Chairman Belanger asked if there were any questions or comments. There were none.

Vice Chairman Parks made a motion to approve the request of James Riley, Replat of Tract 6-B, Ordway Street, for a sixty three foot (63') variance to the eighty foot (80') lot width required for a duplex, contingent on the property being rezoned to Residential- Duplex (R-D), seconded by Board Member Bales. Vote was as follows: 3 approved: Vice-Chairman Parks, Board Member Loyacano and Board Member Bales; 1 against: Board Member Stretcher. **MOTION PASSED BY MAJORITY VOTE.**

ADJOURN

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

Corey Belanger, Chairman

Cari Reynolds, Public Works Secretary

Meeting Adjourned at 6:25 p.m.