

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

The City of Port Neches Zoning Board of Adjustment and Appeals met on Monday, February 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
Donald Ware, Alternate

Also present:

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

Absent:

Charles Bales
Chris Swanson, Alternate
James Ware, Alternate

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

APPROVAL OF MINUTES FROM MEETING HELD ON JANUARY 12, 2015

Board Member Stretcher made a motion to approve the minutes of the regular meeting held on January 12, 2015, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

LEONARD & MELISSA EUTON, 2025 12TH STREET

Leonard & Melissa Euton, 2025 12th Street, requested a forty five foot (45') variance, five foot (5') encroachment, to the fifty foot (50') front minimum lot width.

Leonard & Melissa Euton were present to answer any questions.

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

Mr. Reynolds stated currently the Eutons have a two (2) story house, a detached garage apartment, that is non-conforming, and a shed on the property. They are wanting to replat the property into two (2) pieces. The area on the right from the house to the property line is only forty five foot (45'). The City has a minimum fifty foot (50') frontage for any lot. They will exceed the square footage of what a lot needs to be. They are asking for this variance so they can replat, rebuild, and sell the house in the front.

Mr. Stretcher asked what would happen to the other lot.

Mr. Reynolds stated the property would run beside the lot with the existing house and make an “L” behind the existing home.

Chairman Belanger asked how the homes would be addressed.

Mr. Reynolds stated the front house would keep the existing address and he would assign a new address for the second lot.

There was discussion regarding the size, setbacks, replat of both lots and other properties in the City that are similar.

Mr. Reynolds stated that the Eutons have a garage apartment that is non-conforming. It can no longer be a garage apartment so now it is just an accessory structure. The intention was to demolish it and build a new construction home.

Melissa Euton stated that they tried to clean the property up and wanted to repair the garage apartment but Mr. Reynolds was receiving complaints from neighbors.

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

Marjorie Woodall, 1108 Sun Avenue, stated that she submitted a letter requesting improvements to the property, debris removal and replat prior to new construction.

Barry Stefflen, 2034 12th Street, stated he felt the City was letting the Eutons down because the City condemned the garage apartment, but they never demolished it. Now the Eutons want to improve it but they can't.

Mr. Reynolds stated that the garage apartment was damaged during a hurricane. The previous building official wrote a letter stating that the building was condemned, but that was as far as it went.

There was discussion regarding other properties that have been demolished in the past five (5) years and the process to have a property demolished.

There were twenty five (25) notices mailed to property owners surrounding two hundred feet (200') of 2025 12th Street. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) returned in approval: Gary West, 2033 12th Street; one (1) returned stating approval was contingent on survey and debris removal prior to new construction: Marjorie Woodall, 1108 Sun Avenue, and none in opposition to the request.

Chairman Belanger stated that this Board is not here to determine if the garage apartment should be condemned but to take action on the variance request.

Mr. Reynolds stated that the building is not in a state of condemnation but it is non-conforming. The property is zoned Residential-Single Family (R-SF) and for it to be conforming it must be zoned Residential-Multi Family (R-MF). In 2007 when the zoning ordinance changed, the building was

grandfathered in. The Zoning Ordinance reads that after utilities have been pulled for longer than six (6) months it cannot go back to its previous use, it must go to current use which is Single Family.

There was discussion regarding the purchase of the property with the garage apartment, discrepancies with the tax office and the appraisal district, condemnation of the building, square footage of the building if used as a single family.

Mr. Reynolds stated he would have to research the possibilities of a zoning change for the garage apartment to a single family. It would have to be replatted, all plumbing and electrical brought up to code, meet the square footage requirements and setbacks, and an engineer's report would be required on the foundation.

Chairman Belanger stated that the Board can only discuss and take action on the agenda item, which is the lot frontage.

Board Member Stretcher stated that the agenda item does not state the variance is for a specific purpose such as new construction. I do not feel comfortable granting a variance since their intentions for the property use might change.

There was discussion regarding taking action on the request or withdrawing the request until more research can be done on the options for the garage apartment.

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

Mr. Euton stated he would like to withdraw the variance request.

No action was taken due to the variance request being withdrawn.

ADJOURN

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

Corey Belanger, Chairman

Cari Reynolds, Public Works Secretary

Meeting Adjourned at 6:29 p.m.