

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

4:00 P.M.

May 9, 2016

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:

Matt Vincent, Chairman
William "B.C." Clemmons, Vice-Chairman
Sam Loyacano
Lee West
Donald Ware, Alternate

Also present:

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

Absent:

Steve Visser
James Ware, Alternate
Gary Boudoin, Alternate

AGENDA ITEM 2 – APPROVAL OF MINUTES

Discuss and take action regarding the approval of the minutes from the regular meeting held on March 14, 2016.

Board Member West made a motion to approve the minutes from the regular meeting held on March 14, 2016, seconded by Vice-Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 3 – WARREN PENA, 1613 DALLAS STREET

Discuss and take action regarding the request of Warren Pena, 1613 Dallas Street, for a ten foot (10') variance, five foot (5') encroachment, to the fifteen foot (15') side yard building setback requirement for construction of a new home.

Mr. Warren Pena was present to answer any questions.

Chairman Vincent asked Mr. Reynolds to give the details of the request.

Mr. Reynolds stated the property is a fifty foot (50') corner lot with a fifteen foot (15') side setback. This only leaves thirty foot (30') of buildable area.

Chairman Vincent asked for anyone who would like to oppose the variance request to speak.

James Milan, 1605 Dallas Street, stated he was against the variance request because the property is located in a high traffic area. There are many kids that play across the street and there is already a visibility issue due to the trees and shrubs. Mr. Milan also stated concern that the builder would use the home as rental property and not have any control if the builder made it a HUD property.

Patricia Mason, 1610 Dallas Street, stated she was against the variance request because the road is too narrow, there is visibility issue due to the trees. The road is a high traffic area due to the kids going to and coming from the high school.

Edward Myers, 1614 Llano Street, stated he was against the variance request because it is a high traffic area with lots of kids. The property is too small for a large house especially if it is rental property. The property backs up to his property and believes it will bring down the property value.

Mr. Warren Pena requested to speak in favor of the variance request.

Mr. Pena stated he was a builder in Southeast Texas. He builds and sells homes and does not use the property as rental or HUD. The home will be a new construction three (3) bedroom two (2) bath, fifteen hundred square foot (1,500 sq. ft.) single family home.

Chairman Vincent stated that previously there was a shotgun house on the property.

Vice-Chairman Clemmons stated he doesn't understand how it can be a hardship if you know the size of the lot and the size of a house you can build on it prior to buying the property. If the lot is too small to build the size house you want then you need to buy a bigger lot.

Vice-Chairman Clemmons asked Mr. Reynolds what he feels is the hardship.

Mr. Reynolds stated that a hardship could be an irregular shaped lot or anything that hinders the builder. In this case there is an additional ten foot (10') of unbuildable area. The request is only to encroach five foot (5'). He will still maintain ten foot (10') of setback.

Alternate Board Member Donald Ware asked if the builder was not using the home as rental property, would it change the opinions of the protesting citizens.

Chairman Vincent stated that as long as the owner is building a single family home and it's to the City's codes, we can't tell him he can't rent it. The Board is here to vote on the variance request and that is all.

There was discussion regarding the other setbacks for the property and visibility issues with trees.

There were fifteen (15) notices mailed to property owners surrounding two hundred feet (200') of 1613 Dallas Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval and three (3) received in opposition: Edward Myers Jr., 1614 Llano Street, Jeff & Holly Boudreaux, 1710 Llano Street and James Milan, 1605 Dallas Street.

Vice-Chairman Clemmons made a motion to approve the variance request of Warren Pena, 1613 Dallas Street, for a ten foot (10') variance, five foot (5') encroachment, to the fifteen foot (15') side yard building setback requirement for construction of a new home, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 4 – DIA ABOCHAMH, 701 LEE AVENUE, LOT 3- LOT DEPTH

Discuss and take action regarding the request of Dia Abochamh, 701 Lee Avenue, Lot 3, for a three foot (3') variance to the minimum one hundred ten foot (110') lot depth requirement, total of one hundred seven foot (107') lot depth size, for construction of a new home.

Bert Lamson, representative for Dia Abochamh, was present to answer any questions.

Mr. Lamson stated that currently there is an existing yellow house sitting on three (3) lots. Dr. Abochamh would like to build two (2) houses on two (2) lots. The third lot is on a slope and at this time is not going to be used. The lots are fifty foot (50') wide by one hundred seven foot (107') deep. When Dr. Abochamh purchased the property, he was unaware of the one hundred ten foot (110') lot depth requirement. There is a large gully behind the property and no other property butts up against the rear of the property.

Mr. Reynolds stated that the original property was platted facing Wood Street but the home was built facing Lee. The lots do not have to be replatted to face Wood Street.

Board Member Loyacano asked what the owner was going to do with the existing house.

Mr. Lamson stated that it is scheduled to be demolished.

Mr. Reynolds stated that when the request was made it was for construction of lots 3 and 2 and leave lot 1 for future development. Mr. Reynolds asked Mr. Lamson if the Board needed to include lot 1 with lot 2 in the variance request.

Mr. Lamson stated that Dr. Abochamh just informed him that building a bigger home on lots 1 & 2 was an option, but for now the request will remain to the lot depth for lot 3 and lot 2 only. If in the future the decision is made to build a bigger house and a variance is required, then they will submit application at that time.

There was discussion regarding the three (3) lot sizes and future development on lots 1 and 2.

Vice-Chairman Clemmons asked what size the home would be and if it was being built to sell.

Mr. Lamson stated that the house will be three (3) bedroom two and half (2 ½) bath and will be sold.

There was discussion regarding the gully and drainage.

There were fifteen (15) notices mailed to property owners surrounding two hundred feet (200') of 701 Lee Avenue, Lot 3. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) received in approval: Charles Carrier, 702 Merriman Street and none received in opposition.

Board Member Loyacano made a motion to approve the variance request of Dia Abochamh, 701 Lee Avenue Lot 3, for a three foot (3') variance to the minimum one hundred ten foot (110') lot depth requirement, total of one hundred seven foot (107') lot depth size, for construction of a new home, seconded by Alternate Board Member Donald Ware. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 5 – DIA ABOCHAMH, 701 LEE AVENUE, LOT 3- REAR SETBACK

Discuss and take action regarding the request of Dia Abochamh, 701 Lee Avenue, Lot 3, for a twenty two foot (22') variance, three foot (3') encroachment, to the twenty five foot (25') rear yard building setback requirement, for construction of a new home.

Mr. Lamson stated that due to the lot being three foot (3') short, Dr. Abochamh is requesting to build across the same three foot (3') into the setback. The house will be on the twenty five foot (25') front yard building setback and because the lot is three foot (3') short it will encroach three foot (3') into the rear setback.

There were fifteen (15) notices mailed to property owners surrounding two hundred feet (200') of 701 Lee Avenue, Lot 3. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) received in approval: Charles Carrier, 702 Merriman Street and none received in opposition.

Vice-Chairman Clemmons made a motion to approve the variance request of Dia Abochamh, 701 Lee Avenue Lot 3, for a twenty two foot (22') variance, three foot (3') 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 6 – DIA ABOCHAMH, 701 LEE AVENUE, LOT 2- LOT DEPTH

Discuss and take action regarding the request of Dia Abochamh, 701 Lee Avenue, Lot 2, for a three foot (3') variance to the minimum one hundred ten foot (110') lot depth requirement, total of one hundred seven foot (107') lot depth size, for construction of a new home.

Mr. Lamson stated that both lots are one hundred seven foot (107') deep and Dr. Abochamh is requesting to go ahead and get the three foot (3') variance for future development. As of this time there is only one (1) house being built on lot 3 and in the future one (1) house on lot 2.

There were fifteen (15) notices mailed to property owners surrounding two hundred feet (200') of 701 Lee Avenue, Lot 2. In the letters, there are attachments where the property owners could approve or protest this request. There was one (1) received in approval: Charles Carrier, 702 Merriman Street and none received in opposition.

Board Member Loyacano made a motion to approve the variance request of Dia Abochamh, 701 Lee Avenue Lot 2, for a three foot (3') variance to the minimum one hundred ten foot (110') lot depth requirement, total of one hundred seven foot (107') lot depth size, for construction of a new home, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 7 – ADJOURN

There being no further business, Vice-Chairman Clemmons made a motion to adjourn, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.** The meeting was adjourned at 4:29 p.m.

Matt Vincent, Chairman

ATTEST:

Cari Reynolds, Public Works Secretary