

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

**4:00 P.M.**

**August 8, 2016**

**MEETING**

The regular meeting was called to order at Monday, August 8, 2016 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  
Lee West  
Steve Visser  
Marc Keith, Alternate (did not participate)

Also present:

Taylor Shelton, P.E., Public Works Director  
Clint Fore, Acting Building Official  
Cari Reynolds, Public Works Secretary

Absent:

Gary Boudoin, Alternate  
Donald Ware, Alternate  
James Ware, Alternate

Chairman Vincent called the meeting to order.

Taylor Shelton advised the Zoning Board of Adjustments that Larry Reynolds, Building Official/Assistant Public Works Director has retired from the City of Port Neches and Clint Fore is the Acting Building Official.

**AGENDA ITEM 2 – APPROVAL OF MINUTES**

Discuss and take action regarding the approval of the minutes from the regular meeting held on July 11, 2016.

Board Member Loyacano made a motion to approve the minutes from the regular meeting held on July 11, 2016, seconded by Board Member Visser. **MOTION PASSED BY UNANIMOUS VOTE.**

**AGENDA ITEM 3 – GORDON CLARK, 2225 11<sup>TH</sup> STREET- CARPORT**

Discuss and take action regarding the request of Gordon Clark, 2225 11<sup>th</sup> Street, for a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') front yard building setback requirement for a carport.

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

Gordon Clark, 2225 11<sup>th</sup> Street: (requestor) stated he wants to build a free standing metal carport to park his vehicle and golf cart under to protect them from the weather.

Chairman Vincent stated that the carport must remain open and Mr. Clark will need to contact the Building Official regarding code requirements.

Mr. Clint Fore stated that if the property is not already platted into one (1) lot then it will need to be replatted.

Chairman Vincent asked for anyone who was in opposition to the variance request to speak. There were none.

There were thirty one (31) notices mailed to property owners surrounding two hundred feet (200') of 2225 11<sup>th</sup> Street. In the letters, there are attachments where the property owners could approve or protest this request. There were two (2) received in approval: Jon Carona, 2232 12<sup>th</sup> Street and Dale DeWitt, 2248 12<sup>th</sup> Street and none received in opposition.

Board Member Visser made a motion to approve the variance request of Gordon Clark, 2225 11<sup>th</sup> Street for a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') front yard building setback requirement for a carport with the stipulation that it remain open and if needed the property will be replatted, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.**

#### **AGENDA ITEM 4 – WILLIAM AND ROSA MOORE, 1712 VINCENT PLACE- NEW HOME- REAR**

Discuss and take action regarding the request of William and Rosa Moore, 1712 Vincent Place, for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') rear yard building setback requirement for a new home.

Chairman Vincent stated that he would abstain from this request due to possible conflict of interest as he was the developer of the subdivision.

Vice-Chairman Clemmons asked for anyone who would like to support the variance request to speak.

William Moore, 1712 Vincent Place: (requestor) stated they want to build a house equal to quality and construction of other homes in that area. Due to the irregular shaped lot, they have had to go back several times to the architect to revise the plans to fit.

Mr. Shelton asked who the architect was and if they contacted the City previous to drawing plans.

Mr. Moore stated that the architect was Paula Colston, Accurate Design and Drafting Company, and he wasn't sure if she contacted the City before she drew up the plans. Mr. Moore also stated that he believed that she was under the impression that the property had a ten foot (10') setback but instead it was a utility easement.

Mr. Shelton stated that the architect should have reviewed the City Ordinance regarding setbacks prior to drawing the plans. This architect has caused problems previously when plans were drawn without checking the requirements.

Board Member Visser stated it appeared that other houses in the area looked as if variances were granted.

Mr. Shelton stated that yes, several properties have variances. The ordinance has been changed since then to allow for more than forty percent (40%) up to the building lines. Now you can build as big as the building lines allow.

Vice-Chairman Clemmons stated that the McLain Subdivision had same issues with irregular shaped lots and large homes encroaching into setbacks.

Vice-Chairman Clemmons asked for anyone who was in opposition to the variance request to speak. There were none.

There were fourteen (14) notices mailed to property owners surrounding two hundred feet (200') of 1712 Vincent Place. 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 Loyacano made a motion to approve the variance request of William and Rosa Moore, 1712 Vincent Place, for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') rear yard building setback requirement for a new home, seconded by Board Member Visser. **BOARD MEMBERS VISSER, WEST, AND LOYACANO VOTED FOR. CHAIRMAN VINCENT ABSTAINED FROM VOTE. NONE AGAINST. MOTION PASSED.**

#### **AGENDA ITEM 5 – WILLIAM AND ROSA MOORE, 1712 VINCENT PLACE- NEW HOME- FRONT**

Discuss and take action regarding the request of William and Rosa Moore, 1712 Vincent Place, for a twenty three foot (23') variance, two foot (2') encroachment, to the twenty five foot (25') front yard building setback requirement for a new home.

Vice-Chairman Clemmons stated this is the same property with the same situation as the previous request.

Vice-Chairman Clemmons asked if there were any questions or comments. There were none.

There were fourteen (14) notices mailed to property owners surrounding two hundred feet (200') of 1712 Vincent Place. 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 William and Rosa Moore, 1712 Vincent Place, for a twenty three foot (23') variance, two foot (2') encroachment, to the twenty five foot (25') front yard building setback requirement for a new home, seconded by Board Member West. **BOARD MEMBERS VISSER, WEST, AND LOYACANO VOTED FOR. CHAIRMAN VINCENT ABSTAINED FROM VOTE. NONE AGAINST. MOTION PASSED.**

**AGENDA ITEM 7 – ADJOURN**

There being no further business, Board Member Loyacano made a motion to adjourn, seconded by Board Member West. **MOTION PASSED BY UNANIMOUS VOTE.** The meeting was adjourned at 4:09 p.m.

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Matt Vincent, Chairman

ATTEST:

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Cari Reynolds, Public Works Secretary