

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

4:00 P.M.

November 12, 2018

MEETING

The regular meeting was called to order on Monday, November 12, 2018, 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
Steve Visser
Sam Loyacano
Lee West (Did not participate)
Johnny Powers, Alternate

Also present:
Clint Fore, Building Official
Cari Reynolds, Public Works Secretary

Absent:
Gary Boudoin, Alternate

Chairman Vincent called the meeting to order at 4:00 p.m.

AGENDA ITEM 2 – APPROVAL OF MINUTES

Discuss and take action regarding the approval of the minutes from the regular meeting held on October 8, 2018.

Board Member Visser made a motion to approve the minutes from the regular meeting held on October 8, 2018, seconded by Alternate Board Member Powers. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 3 – SMKL GROUP LLC, 1818 DIEU STREET- SIDE

Discuss and take action regarding the request of SMKL Group LLC, 1818 Dieu Street, for a two foot (2') variance, three foot (3') encroachment, to the five foot (5') side yard building setback requirement for construction of a new home.

Shawn Landry was in attendance to answer any questions.

Mr. Landry stated that the lot is an irregular shaped lot with seventy three feet (73') in the front and fifty eight feet (58') in the rear. The proposed home will be moved three foot (3') to the right to allow for a twelve foot (12') wide driveway, which will follow the left side property line to gain access to a detached building in the rear of the property.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

Ann Bowie, 1810 Dieu Street, stated that she has lived in her home for 30 years and does not want a new home built that close to her house. If granted, the home will be seven foot (7') from her house. Mrs. Bowie also stated that she is concerned about drainage and asked what the appeal process was if the variance was granted.

There was discussion regarding the appeal process, driveway width, fire codes, drainage, and the possibility of using a different floor plan so as not to encroach.

There were twenty (20) notices mailed to property owners surrounding two hundred feet (200') of 1818 Dieu Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or protest of the request.

Board Member Visser made a motion to approve the variance request of SMKL Group LLC, 1818 Dieu Street, for a two foot (2') variance, three foot (3') encroachment, to the five foot (5') side yard building setback requirement for construction of a new home, seconded by Board Member Loyacano. Board Member Visser, Board Member Loyacano, Vice-Chairman Clemmons and Chairman Vincent voted to approve and Alternate Board Member Powers voted against. **MOTION PASSED BY MAJORITY VOTE.**

AGENDA ITEM 4 – CRAIG SCHRADER, 2626 NALL STREET- FRONT

Discuss and take action regarding the request of Craig Schrader, 2626 Nall Street, for a nineteen foot (19') variance, six foot (6') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a metal building to be used as a residence.

Craig Schrader was in attendance to answer any questions.

Mr. Schrader stated that he bought two (2) lots and replatted them to create a lot large enough to build a 70' X 90' metal building, which will consist of eighteen hundred sq. ft. (1,800 sq. ft.) of livable space and twenty nine hundred sq. ft. (2,900 sq. ft.) of space for a shop and storage for cars and motorhome. It will have sixteen foot (16') walls and a front and rear porch that will measure ten foot (10') each. Mr. Schrader also stated that if both variances are granted then the building will be in line with the front and rear buildings of Shep's Mini Storage.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

Mark Wyble, 2617 15th Street, stated he lived directly behind the property and was concerned for his privacy since the building was going to be so tall. He didn't want 2nd story windows looking into his backyard. Mr. Wyble also stated that he was concerned about drainage and utility access between the two properties.

Chairman Vincent informed Mr. Wyble that the request being heard was for a variance to the front yard setback and the next agenda item would pertain to the variance request for the rear yard setback.

There were fourteen (14) notices mailed to property owners surrounding two hundred feet (200') of 2626 Nall Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval and two (2) received from Nathan Wilson, 2645 15th Street and Mark Wyble, 2617 15th Street, in protest of the request.

Board Member Visser made a motion to approve the variance request of Craig Schrader, 2626 Nall Street for a nineteen foot (19') variance, six foot (6') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a metal building to be used as a residence, seconded by Vice-Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 5 – CRAIG SCHRADER, 2626 NALL STREET- REAR

Discuss and take action regarding the request of Craig Schrader, 2626 Nall Street, for a zero foot (0') variance, twenty five foot (25') encroachment, to the twenty five foot (25) rear yard building setback requirement for construction of a metal building to be used as a residence.

Craig Schrader was in attendance to answer any questions.

Clint Fore stated that Value Carpet was damaged during a hurricane and Mr. Bridgewater was granted a six foot (6') variance, nineteen foot (19') encroachment to the twenty five foot (25) rear yard setback to rebuild. Mr. Fore also stated that in reviewing the files he couldn't find a variance request for Shep's Mini Storage, but it was probably built prior to the City's current zoning requirements.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

Mark Wyble, 2617 15th Street restated his concerns for drainage, privacy and utility access.

There was discussion regarding building on the property line, process of withdrawing the request and/or the waiting period if denied, land coverage, and drainage.

There were fourteen (14) notices mailed to property owners surrounding two hundred feet (200') of 2626 Nall Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval and two (2) received from Nathan Wilson, 2645 15th Street and Mark Wyble, 2617 15th Street, in protest of the request.

Mr. Craig Schrader, 2626 Nall Street, withdrew the request for a zero foot (0') variance, twenty five foot (25') encroachment, to the twenty five foot (25) rear yard building setback requirement for construction of a metal building to be used as a residence.

AGENDA ITEM 6- TONY & STEPHANIE NGUYEN, 801 TEXAS AVENUE- ACCESSORY BUILDING SQ. FOOT

Discuss and take action regarding the request of Tony & Stephanie Nguyen, 801 Texas Avenue, for a thirty two hundred square foot (3,200 sq.') variance to the maximum sixteen hundred square foot (1,600 sq.') requirement for construction of a metal accessory building.

Tony Nguyen was in attendance to answer any questions.

Chairman Vincent stated that the lot is 110' X 310' and there is a large home currently being built in the front of the proposed building.

Mr. Nguyen stated that the building will be hidden from view behind the new home. The building will be used for cars, toys for his four (4) kids and storage for his multiple businesses.

There were twenty two (22) notices mailed to property owners surrounding two hundred feet (200') of 801 Texas Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There was one received in approval, Adam Wallace, 798 Texas Avenue and one (1) received from Deborah Rogers, 813 Cherokee, in protest of the request.

Board Member Visser stated that the protest received by the City was concerning the building being used for commercial or multi family.

Mr. Nguyen stated it was not going to be used for commercial or multi family.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

There were none.

Board Member Loyacano made a motion to approve the variance request of Tony & Stephanie Nguyen, 801 Texas Avenue, for a thirty two hundred square foot (3,200 sq.') variance to the maximum sixteen hundred square foot (1,600 sq.') requirement for construction of a metal accessory building, seconded by Board Member Visser. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 7- ADAM & KRISTIN GENTRY, 2213 PATRICIA LANE- SIDE

Discuss and take action regarding the request of Adam & Kristin Gentry, 2213 Patricia Lane, for a fourteen foot three inch (14'3") variance, nine inch (9") encroachment, to the fifteen foot (15') side yard building setback requirement for construction of a new home.

Adam Gentry was in attendance to answer any questions.

Mr. Gentry stated that when the survey was done the rods where not located correctly and the property line is nine inches (9") off and tapers down. This was not brought to my attention until after construction began.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

Wendell Harrison, 2218 Earle Street, stated that ever since Mr. Gentry started construction on the home, it has caused a drainage problem on his property.

There was discussion regarding the property being graded, redirecting water to the front, and the Board having no involvement in the current drainage issue.

Mr. Fore stated that Mr. Gentry will not get a Certificate of Occupancy until the situation is remedied and the water drains to the front. Mr. Fore also stated that the request that is being heard is not about drainage but about a mistake by the survey company.

There were twenty four (24) notices mailed to property owners surrounding two hundred feet (200') of 2213 Patricia Lane. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or protest of the request.

Board Member Visser made a motion to approve the variance request of Adam & Kristin Gentry, 2213 Patricia Lane, for a fourteen foot nine inch (14'9") variance, nine inch (9") encroachment, to the fifteen foot (15') side yard building setback requirement for construction of a new home, seconded by Alternate Board Member Powers. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 8 – KEVIN & BARBARA DONAHEY, 627 VICTOR DRIVE- FRONT

Discuss and take action regarding the request of Kevin & Barbara Donahey, 627 Victor Drive, for a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a carport.

Barbara Donahey was in attendance to answer any questions.

Chairman Vincent stated that the carport must remain open.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

There were none.

There were fifteen (15) notices mailed to property owners surrounding two hundred feet (200') of 627 Victor Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were three (3) received in approval, Harold Baque, 623 Victor Drive, Alfred Falcon Jr., 636 Victor Drive and Hallie Newman, 620 Victor Drive, and none received in protest of the request.

Board Member Loyacano made a motion to approve the variance request of Kevin & Barbara Donahey, 627 Victor Drive, for a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a carport with the stipulation that it remains open, seconded by Vice-Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 9- RAFAEL MAGANA, 1901 6TH STREET- SIDE

Discuss and take action regarding the request of Rafael Magana, 1901 6th Street, for a twelve foot (12') variance, three foot (3') encroachment, to the fifteen foot (15') side yard building setback requirement for construction of a new home.

Rafael Magana was in attendance to answer any questions.

Mr. Magana stated that over a year ago he requested a larger variance for this same lot and it was denied. Since then he has found a smaller house plan but still needs a small variance due to the drainage ditch in rear and roads on both the side and front requiring a large side setback.

Mr. Fore stated that the property pin for this property is well off the side road so the house will be more than twenty foot (20') off the road. Therefore no visibility or safety issues.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

There were none.

There were seventeen (17) notices mailed to property owners surrounding two hundred feet (200') of 1901 6th Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or protest of the request.

Board Member Loyacano made a motion to approve the variance request of Rafael Magana, 1901 6th Street, for a twelve foot (12') variance, three foot (3') encroachment, to the fifteen foot (15') side yard building setback requirement for construction of a new home, seconded by Board Member Visser.

MOTION PASSED BY UNANIMOUS VOTE.

AGENDA ITEM 10- BEAU & KATHERINE CHAMPAGNE, 1533 BLOCK STREET- REAR

Discuss and take action regarding the request of Beau & Katherine Champagne, 1533 Block Street, 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.

Beau Champagne was in attendance to answer any questions.

Mr. Champagne stated that he purchase both lots, replatted them and is in the process of having the existing house moved off the property.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

There were none.

Chairman Vincent stated that the lot is irregular shaped but meets the minimum lot size requirement.

There were twenty seven (27) notices mailed to property owners surrounding two hundred feet (200') of 1533 Block Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or protest of the request.

Board Member Visser made a motion to approve the variance request of Beau & Katherine Champagne, 1533 Block Street, 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 Alternate Board Member Powers. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 11- CHRISTINE SANCHEZ, 2334 2ND STREET- FRONT

Discuss and take action regarding the request of Christine Sanchez, 2334 2nd Street, for a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a carport.

Christine Sanchez was in attendance to answer any questions.

Chairman Vincent stated that the carport must remain open.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

There were none.

There were thirty (30) notices mailed to property owners surrounding two hundred feet (200') of 2334 2nd Street. In the letters, there are attachments where the property owners could approve or protest this request. There were three (3) received in approval, Carolina Shea, 2321 2nd Street, Kathleen Bobbitt, 2318 2nd Street and John Champagne, 2354 2nd Street, and none received in protest of the request.

Board Member Visser made a motion to approve the variance request of Christine Sanchez, 2334 2nd Street, for a five foot (5') variance, twenty foot (20') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a carport with the stipulation that it remains open, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 12 – ALLEN HARRINGTON, 1722 10TH STREET/1500 WELCH AVENUE- LOT DEPTH

Discuss and take action regarding the request of Allen Harrington, 1722 10th Street/1500 Welch Avenue, for a seventy five foot (75') variance to the minimum one hundred ten foot (110') depth requirement for a lot.

Allen Harrington was in attendance to answer any questions.

Chairman Vincent stated this request is exactly like Trayce Boudoin's request that was granted on Merriman Street.

Mr. Fore stated that turning the house to face Welch will create more green space.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

There were none.

There were sixteen (16) notices mailed to property owners surrounding two hundred feet (200') of 1722 10th Street/1500 Welch Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There was one received in approval, Ronald Bures, 1509 Welch Avenue and none received in protest of the request.

Board Member Visser made a motion to approve the variance request of Allen Harrington, 1722 10th Street/1500 Welch Avenue, for a seventy five foot (75') variance to the minimum one hundred ten foot (110') depth requirement for a lot, seconded by Vice-Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 13 – ALLEN HARRINGTON, 1722 10TH STREET/1500 WELCH AVENUE- FRONT

Discuss and take action regarding the request of Allen Harrington, 1722 10th Street/1500 Welch Avenue, for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a new home.

Chairman Vincent stated this is the same property as the previous request.

There were sixteen (16) notices mailed to property owners surrounding two hundred feet (200') of 1722 10th Street/1500 Welch Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There was one received in approval, Ronald Bures, 1509 Welch Avenue and none received in protest of the request

Board Member Visser made a motion to approve the variance request of Allen Harrington, 1722 10th Street/1500 Welch Avenue, for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') front yard building setback requirement for construction of a new home, seconded by Alternate Board Member Powers. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 14 – H & P ENGINEERING, 2302 NALL STREET- REAR

Discuss and take action regarding the request of H & P Engineering, 2302 Nall Street, for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') rear yard building setback requirement for construction of a commercial building.

Hassan Shomalzadeh (H & P Engineering) and Jeremy Mitchell (Soutex Surveyors & Engineering) were in attendance to answer any questions.

Chairman Vincent stated this is the same request as Athlete's and Nall Street Plaza.

Chairman Vincent asked if there were any citizens that were opposed to the request to speak.

Linda Hill, 2315 15th Street stated she lived behind Athlete's and they cemented all the way up to her fence causing it to flood her property and rot her fence. Mrs. Hill also stated she is unhappy because if she would have known there would be drainage issues and noise ordinance violations, then she would have protested that variance request.

Mr. Fore stated that Athlete's was constructed prior to him becoming the Building Official and only meet minimum drainage standards. Both Nall Street Plaza and Mr. Shomalzadeh (H & P Engineering) must meet the City and State drainage standards. Mr. Jeremy Mitchell with Soutex can answer any questions regarding the drainage requirements that must be met. They must install surface and storm drains to assist in drainage.

Chairman Vincent stated that the drainage issues must be remedied.

There were seventeen (17) notices mailed to property owners surrounding two hundred feet (200') of 2302 Nall Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or protest of the request.

Board Member Visser made a motion to approve the variance request of H & P Engineering, 2302 Nall Street, for a fifteen foot (15') variance, ten foot (10') encroachment, to the twenty five foot (25') rear yard building setback requirement for construction of a commercial building with the stipulation that all drainage concerns are met with the City and State, seconded by Alternate Board Member Powers.
MOTION PASSED BY UNANIMOUS VOTE.

AGENDA ITEM 15 – BRENT & MISTY GOODRIDGE, 2412 NALL STREET- REAR

Discuss and take action regarding the request of Brent & Misty Goodridge, 2412 Nall Street, for a ten foot (10') variance, fifteen foot (15') encroachment, to the twenty five foot (25') rear yard building setback requirement for construction of a metal accessory building.

Brent Goodridge was in attendance to answer any questions.

Mr. Goodridge stated he is a Sabine Pilot and wants to build a metal building for storage of his personal and pilot boats. He needs to move the building back to have more room in the front to turn his vehicles around.

There was discussion regarding the easement and alleyway, drainage, and green space behind the building.

There were thirteen (13) notices mailed to property owners surrounding two hundred feet (200') of 2412 Nall Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval and two (2) received from Rodney Balsamo, 2325 15th Street and Mary Sumrall, 2421 15th Street, in protest of the request.

Board Member Loyacano stated that his daughter lives directly behind the property and he will abstain from voting due to a conflict of interest.

Board Member Visser made a motion to approve the variance request of Brent & Misty Goodridge, 2412 Nall Street, for a ten foot (10') variance, fifteen foot (15') encroachment, to the twenty five foot (25') rear yard building setback requirement for construction of a metal accessory building, seconded by Vice-Chairman Clemmons. Board Member Loyacano abstained. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 16 – ADJOURN

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

The meeting was adjourned at 5:12 p.m.

Matt Vincent, Chairman

ATTEST:

Cari Reynolds, Public Works Secretary