

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

4:00 P.M.

February 11, 2019

MEETING

The regular meeting was called to order on Monday, February 11, 2019, 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, Board Member
Sam Loyacano, Board Member
Johnny Powers, Alternate Board Member
Paul Roberts, Alternate Board Member (Did not participate)
Gary Boudoin, Alternate (Did not participate)

Also present:

Clint Fore, Building Official
Cari Reynolds, Public Works Secretary

Absent:

Lee West, Board Member

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 January 14, 2019.

Board Member Loyacano made a motion to approve the minutes from the regular meeting held on January 14, 2019, seconded by Board Member Visser. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 3 – AHMAD HENDIANI, 1613 GOODWIN AVENUE- LOT DEPTH

Discuss and take action regarding the request of Ahmad Hendiani, 1613 Goodwin Avenue, for a one hundred foot (100') variance to the one hundred ten foot (110') minimum depth requirement for a lot to construct a new home.

Randall Creel with Soutex, representative for Mr. Hendiani, and Ahmad Hendiani were in attendance to answer any questions.

Chairman Vincent asked Clint Fore to give the details of the request.

Mr. Fore stated that Mr. Hendiani's intentions are to turn the two (2) lots to face Goodwin so the driveway will not be on 8th Street, which is a busy street. The lots will be at least sixty five foot (65') wide and the corner lot may possibly be larger to accommodate for the fifteen foot (15') side yard setback on a corner. Both lots exceed the minimum square footage.

Mr. Creel stated that due to the high traffic on 8th Street, by turning the homes to face Goodwin, there will be better visibility.

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

There were none in attendance.

There were eight (8) notices mailed to property owners surrounding two hundred feet (200') of 1613 Goodwin Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or in protest of the request.

Board Member Visser made a motion to approve the variance request of Ahmad Hendiani, 1613 Goodwin Avenue, for a one hundred foot (100') variance to the one hundred ten foot (110') minimum depth requirement for a lot to construct a new home, seconded by Alternate Board Member Powers. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 4 – AHMAD HENDIANI, 1617 GOODWIN AVENUE- LOT DEPTH

Discuss and take action regarding the request of Ahmad Hendiani, 1617 Goodwin Avenue, for a one hundred foot (100') variance to the one hundred ten foot (110') minimum depth requirement for a lot for construction of a new home.

Randall Creel with Soutex, representative for Mr. Hendiani, and Ahmad Hendiani were in attendance to answer any questions.

Chairman Vincent stated that this request is the same as the previous agenda item.

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

There were none in attendance.

There were eight (8) notices mailed to property owners surrounding two hundred feet (200') of 1617 Goodwin Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or in protest of the request.

Board Member Visser made a motion to approve the variance request of Ahmad Hendiani, 1617 Goodwin Avenue, for a one hundred foot (100') variance to the one hundred ten foot (110') minimum depth requirement for a lot to construct a new home, seconded by Alternate Board Member Powers. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 5 – JULIE & BLAKE GAUTHIER, 401 HANOVER- SIDE

Discuss and take action regarding the request of Julie & Blake Gauthier, 401 Hanover Drive, for a one foot (1') variance, four foot (4') encroachment to the five foot (5') side yard building setback requirement for a boat cover.

Shawn Landry, representative for Julie & Blake Gauthier, and Blake Gauthier were in attendance to answer any questions.

Chairman Vincent asked how rain water drainage would be addressed.

Mr. Gauthier stated that there would be eaves and gutters to direct the water away from neighbor's property.

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

There were none in attendance.

There were nineteen (19) notices mailed to property owners surrounding two hundred feet (200') of 401 Hanover Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval or in protest of the request.

Board Member Loyacano made a motion to approve the variance request of Julie & Blake Gauthier, 401 Hanover Drive, for a one foot (1') variance, four foot (4') encroachment to the five foot (5') side yard building setback requirement for a boat cover with the stipulation that it remain open, seconded by Vice-Chairman Clemmons. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 6 – LAWRENCE MYERS, 2025 ARMSTRONG AVENUE- FRONT

Discuss and take action regarding the request of Lawrence Myers, 2025 Armstrong Avenue, for a fifteen foot (15') variance, ten foot (10') encroachment to the twenty five foot (25') front yard building setback requirement for a new home.

Lawrence Myers was in attendance to answer any questions.

Chairman Vincent stated this is an irregular shaped lot off Armstrong between 4th and 5th Street.

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

Mr. Fore stated the property does not have a rear property line except for a point. Several people have offered ideas and submitted plans to me and my predecessor, Larry Reynolds, which were not feasible. Mr. Myers has submitted a good plan to fit the lot treating the front yard as the side yard.

There was discussion regarding the size and location of an alleyway in regards to the setback line and property line.

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

There were none in attendance.

There were sixteen (16) notices mailed to property owners surrounding two hundred feet (200') of 2025 Armstrong Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval and one (1) received in protest of the request: W.L. Johnson, 2005 4th Street.

Board Member Visser made a motion to approve the variance request of Lawrence Myers, 2025 Armstrong Avenue, for a ten foot (10') variance, fifteen foot (15') encroachment to the twenty five foot (25') front yard building setback requirement for a new home, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 7 – LAWRENCE MYERS, 2025 ARMSTRONG AVENUE- REAR

Discuss and take action regarding the request of Lawrence Myers, 2025 Armstrong Avenue, for a ten foot (10') variance, fifteen foot (15') encroachment to the twenty five foot (25') rear yard building setback requirement for a new home.

Lawrence Myers was in attendance to answer any questions.

Chairman Vincent stated that this request is the same as the previous agenda item.

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

There were none in attendance.

There were sixteen (16) notices mailed to property owners surrounding two hundred feet (200') of 2025 Armstrong Avenue. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval and one (1) received in protest of the request: W.L. Johnson, 2005 4th Street.

Board Member Visser made a motion to approve the variance request of Lawrence Myers, 2025 Armstrong Avenue, 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 Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 8 –DANA BELLANGER, 821 MACARTHUR DRIVE- FRONT

Discuss and take action regarding the request of Dana Bellanger, 821 MacArthur Drive, for a zero foot (0') variance, twenty five foot (25') encroachment to the twenty five foot (25') front yard building setback requirement for a carport.

Dana Bellanger, representative for Genvis Smith, was in attendance to answer any questions.

Ms. Bellanger stated that they would construct a metal cover attached to the house with support posts covered with same hardy that the house is made of. It would extend twenty five foot (25') from the house and end approximately eight foot (8') from the road.

Chairman Vincent stated this is a redeveloping neighborhood with only four (4) carports remaining on the street and which those are all forty plus years old and either in the rear yard or even with the front of the houses. If the Board approves this variance it would set precedence in the future with similar requests.

There was discussion regarding other carports on surrounding streets, deed restrictions, City Ordinance and building codes, distance to the street and property line and overall appearance of the carport in the neighborhood.

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

There were none in attendance.

There were thirty two (32) notices mailed to property owners surrounding two hundred feet (200') of 821 MacArthur Drive. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval and one (1) received in protest of the request: Jean Mullican, 818 Montrose Street.

Board Member Visser made a motion to approve the variance request of Dana Bellanger, 821 MacArthur Drive, for a zero foot (0') variance, twenty five foot (25') encroachment to the twenty five foot (25') front yard building setback requirement for a carport, seconded by Board Member Loyacano. Vote was two (2) in approval: Board Member Loyacano and Alternate Board Member Powers, and three (3) opposed: Chairman Vincent, Vice-Chairman Clemmons and Board member Visser. **MOTION DID NOT PASS.**

Ms. Bellanger asked what the resubmittal and appeal process was.

Chairman Vincent informed Ms. Bellanger of the resubmittal and appeal process and advised her to meet with Mr. Fore regarding her options.

AGENDA ITEM 9 – ALAN CRAMER, 320 PINE STREET- LOT WIDTH

Discuss and take action regarding the request of Alan Cramer, 320 Pine Street, for a seventy foot (70') variance to the eighty foot (80') minimum width requirement for a lot to construct a duplex.

Randall Creel with Soutex, representative for Alan Cramer, and Alan Cramer were in attendance to answer any questions.

Chairman Vincent stated that there are eight (8) written protest and asked Mr. Fore to give the details of the request.

Mr. Fore stated that the protests are for a duplex. The variance request is to the width of the lot for a duplex. If granted, Mr. Cramer would still have to request the property to be rezoned by going before the Planning and Zoning Commission and City Council.

Chairman Vincent stated the Board has granted a previous request for a five foot (5') variance, but not for a ten foot (10') variance. This is another case where the Board would set precedence in a redeveloping neighborhood.

Mr. Creel stated even though the lot is only seventy foot (70') the plot plan shows that the duplex will be at least ten foot (10') from the side, which will be more space than required from the neighbor's property.

There was discussion regarding other duplexes zoning and lot sizes in the City, previous variances that were granted, and the letters of opposition stating narrow streets, drainage, and overload of City utilities.

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

There were none in attendance.

There were sixteen (16) notices mailed to property owners surrounding two hundred feet (200') of 320 Pine Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none received in approval and eight (8) received in protest of the request: David Reeves Sr., 305 East 1st Street, George Lemaire, 308 Pine Street, James & Louise David, 701 East 1st Street, Daniel David, 605 East 1st Street, Shirley Wolf, 308 East 1st Street, Kenneth Lentschke Jr, 306 & 312 Pine Street, Carolyn Lentschke, 321 East 1st Street and Jim Woodward, 314 East 1st Street.

Board Member Loyacano made a motion to approve the variance request of Alan Cramer, 320 Pine Street, for a seventy foot (70') variance to the eighty foot (80') minimum width requirement for a lot to construct a duplex, seconded by Board Member Visser. Vote was two (2) in approval: Board Member Loyacano and Alternate Board Member Powers, and three (3) opposed: Chairman Vincent, Vice-Chairman Clemmons and Board member Visser. **MOTION DID NOT PASS.**

AGENDA ITEM 10 – ADJOURN

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

The meeting was adjourned at 4:33 p.m.

Matt Vincent, Chairman

ATTEST:

Cari Reynolds, Public Works Secretary