

**MINUTES OF JUNE 12, 2023  
CITY OF LUMBERTON**

A Public Hearing of the City Council of the City of Lumberton was held at 6:30 p.m. on June 12, 2023, pursuant to notice duly posted according to law. The following members were present:

Don Surratt	-	Mayor
Lynette Barks	-	Mayor Pro Tem
Kenny Burkhalter	-	Councilman
Kenneth Wahl	-	Councilman
Kimberly Cline	-	Councilwoman (Arrived 6:44 p.m.)
Dan Bell	-	Councilman
David Maniscalco	-	Councilman

Also present were City Manager Steve Clark, City Attorney Curtis Soileau, City Secretary Susan Collins, Secretary Darla Harrington, Zoning Clerk Anita Price, and other guests (see attached Guest Register).

Mayor Surratt called the Meeting to order at 6:30 p.m. noting that a quorum was present, and meeting was duly called and posted in accordance with the Texas Open Meetings Act. Mayor Surratt then delivered the Invocation; Mayor Pro Tem Barks led the Pledge of Allegiance and Councilman Bell led the Texas Pledge.

**PUBLIC FORUM:**

**DISCUSSION AND INFORMATION CONCERNING THE FOLLOWING:**

**\*\*\* NOTE: Multiple requests for the same property/address are often discussed together \*\*\***

- 1) A variance request submitted by DJM Contractors, LTD. to encroach upon side building setback lines on corner lots within The Woods Subdivision, Abstract Number 53, in the S K Van Meter League, to allow concrete to be poured for driveway entrances on the side street. He is also requesting to drain the side and a portion of the rear of the property, of those same lots, to the adjacent side street. The following are the lots requested:  
Lot 15  
220 Balsam Bend,  
Lot 21  
265 Oakwood Drive,  
Lot 27  
220 Oakwood Drive.  
Lot 32  
270 Oakwood Drive, Lumberton, Hardin County, Texas.**

Mr. Steve Stafford, Zoning Chairman came forward to present this item. Mr. Stafford advised that the driveway can be **either** on the front **or** the side, but not both. He advised that the Zoning Commission unanimously approved as presented.

- 2) **Variance request submitted submitted by DJM Contractors, LTD. to encroach upon side building setback lines on this corner lot within Westwood Heights Subdivision, to allow concrete to be poured for a driveway entrance on the side street. He is also requesting to drain the side and a portion of the rear of the property, of that same lot, to the adjacent side street. The property is located at 6500 Bastrop Circle, Westwood Heights, Phase V Section 2, Abstract Number 2, out of and a part of the Francisco Arriola Survey, P# WWHV-12-21, Lumberton, Hardin County, Texas.**

Mr. Stafford advised that this is also a corner lot wherein the request was that the driveway be **either** on the front **or** the side. The Zoning Commission unanimously approved the request as presented.

- 3) **Variance request submitted by Benjamin Ehrhart to waive the height requirement of Section 50-203 of the City of Lumberton Ordinances. He would like to build a home with the height of 46' 3" instead of the maximum of 45'. The property is located at 15 Michael Loop, Brushy Creek Estates II, Lot 43, P# BC-EST-3-20, Lumberton, Hardin County, Texas.**

Mr. Stafford advised that the lot meets the requirements for a 45' height limit, but since the house has previously flooded the landowner wants the additional height to allow for the garage to be on the bottom floor. The Zoning Commission unanimously approved the request as presented.

- 4) **Variance request submitted by Will Harper, of Harper Homes, to waive the sidewalk requirement of Section 40-2 of the City of Lumberton Ordinances. The property is located at 445 E Walton, Minor Plat of Harper Subdivision, Tract B, Abstract Number 21, out of the M W Bumstead Survey, in the Charles A Felder League, P# NOT-4-B, Lumberton, Hardin County, Texas.**

- 5) **Variance request submitted by Will Harper, of Harper Homes, to waive the sidewalk requirement of Section 40-2 of the City of Lumberton Ordinances. The property is located at 455 E Walton, Minor Plat of Harper Subdivision, Tract A, Abstract Number 21, out of the M W Bumstead Survey, in the Charles A Felder League, P# NOT-4-B, Lumberton, Hardin County, Texas.**

Mr. Stafford advised that the Zoning Commission voted four (4) for and one (1) against to deny this request for both lots.

- 6) **A request was submitted by Joshua Stewart to waive the exotic animal ordinance Section 4-219, to raise and breed Capybaras, which are exotic animals native to South America. The property is located at 890 Bryan Lane, Beaumont Colony South, Block J, Lot 3, P# K33-J-3, Lumberton, Hardin County, Texas.**

Mr. Stafford stated that there was much discussion on this request. However, he said that Sec. 4-219 – Unlawful import, sale, etc., in city states “It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit venomous animals, exotic animals, or wild animals in the city.” Therefore, the Zoning Commission voted unanimously to deny this request as presented.

- 7) **Variance request submitted by Frankie Randazzo of Rikenjaks to waive the wild animal ordinance of Section 4-219 for the City of Lumberton to house small alligators on his property behind the future Rikenjaks. The property is located at 358 N LHS Drive, Abstract Number 2, in the Francisco Arriola Survey, P# 2-52, Lumberton, Hardin County, Texas.**

Ms. Anita Price, Zoning Secretary, stated that Mr. Randazzo requested that this item be

tabled for 90 days to allow further research as he did not feel that he had presented well.

- 8) **Variance request submitted by Douglas Van Dorn to waive the accessory building ordinance Section 50-537 (2) (a,b,c) to build a minimum 1200 square feet accessory building on a 2.14-acre property. He would also like to waive the maximum peak requirement and have a 16' peak instead of the required 14'. The property is located at 920 W Chance Road, Abstract Number 2, in the Francisco Arriola Survey, P# 2-22, Lumberton, Hardin County, Texas.**

Mr. Stafford stated there have been similar requests for this type of variance in the past that have been granted up to 900 square feet, but no more. Therefore, the Zoning Commission unanimously denied the request as presented.

Prior to adjournment, Mr. Van Dorn came forward to present his reasons for requesting the variance. He stated that he wants the building to store his wood working tools in and also to house his RV which is 13'5" high.

- 9) **A request submitted by Donald and Terri McFarlin to divide their property with a replat. The property is located at 470 Whiteoak Drive, Lot 1 of the McFarlin Estates, Abstract Number 2, in the Francisco Arriola Survey, P#2-3-A, Lumberton, Hardin County, Texas.**

Mr. Stafford advised that in 2014 this property had been divided into 3 tracts with a minor plat. The property owners now want to further divide Lot#1 into two lots. Mr. Stafford cautioned that if they want to divide these properties further, they will need to adhere to subdivision ordinances. Mr. Stafford stated that the Zoning Commission voted unanimously to approve the request as presented.

10) **ADJOURNMENT**

There being no further business, the Public Hearing adjourned at 6:55 p.m.

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DON Surratt  
MAYOR

ATTEST:

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SUSAN COLLINS

