

**MINUTES OF SEPTEMBER 14, 2026
CITY OF LUMBERTON**

A Public Hearing of the City Council of the City of Lumberton was held at 6:30 p.m. on Sept. 14, 2026 pursuant to notice duly posted according to law. The following members were present:

Don Surratt	-	Mayor
Joey Schoen	-	Councilman
Wayne Thomas	-	Mayor Pro Tem
David Maniscalco	-	Councilman
Dan Bell	-	Councilman

And absent:

Lynette Barks	-	Councilwoman
Kenneth Wahl	-	Councilman

Also present were City Manager Steve Clark, City Attorney Curtis Soileau, Police Chief Danny Sullins, City Secretary Darla Harrington, Zoning Secretary Anita Price, Secretary Amanda Nance, 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; Councilman Schoen led the Pledge of Allegiance and Councilman Bell led the Texas Pledge.

PUBLIC FORUM:

DISCUSSION AND INFORMATION CONCERNING THE FOLLOWING:

- 1) Variance request submitted by Mark and Debra Davis to build a 20'x20' carport with a 14' peak on their existing driveway. The carport will encroach upon the side building setback line by approximately 2.5'. The carport will also encroach upon the front building setback line by approximately 10' (Section 50-539, City of Lumberton Ordinances). The property is located at 7669 Boardwalk, The Boykin Place Subdivision, Block 4, Lot 7, Abstract No.53, located in the SK Vanmeter League, Lumberton, Hardin County, Texas.
- 2) Variance request submitted by Mark and Debra Davis to close in their garage for a sewing/craft room (Section 50-202 h, City of Lumberton Ordinances). The property is located at 7669 Boardwalk, The Boykin Place Subdivision, Block 4, Lot 7, Abstract No.53, located in the SK Vanmeter League, Lumberton, Hardin County, Texas.

**** The above two items were addressed together as they are on the same property ****

Mr. Steve Stafford, Zoning Chairman, came forward to present these items. Mr. Stafford stated that a 10' setback has never been allowed. He stated that the homes in the neighborhood are consistent in their setbacks. If one resident is allowed to go 10' into the setback then others may

want to as well. The Zoning Commission felt like this would set a precedence for future requests. Regarding closing in the garage, Mr. Stafford stated that the City has taken a strong stand that if you build a house, you must include a garage. To allow the conversion of the garage into another room of the house, will again set a precedence. Therefore, the Zoning Commission voted to deny the request.

- 3) **Variance request submitted by Don Burnett to encroach upon the side building setback line up to the property line to build a 20'x30' carport (Section 50-539, City of Lumberton Ordinances). The property is located at 5570 Lexington Circle, The Stone Gate Subdivision, Block 11, Lot 24, Abstract No.21, located in the C.A. Felder League, Lumberton, Hardin County, Texas.**
- 4) **Request submitted by Don Burnett to build a 20'x30' carport with a 16.5' peak (Section 50-539, City of Lumberton Ordinances). The property is located at 5570 Lexington Circle, The Stone Gate Subdivision, Block 11, Lot 24, Abstract No. 21, located in the C.A. Felder League, Lumberton, Hardin County, Texas.**

**** The above two items were addressed together as they are on the same property ****

Chairman Steven Stafford stated that both properties have driveways up to the property line. The edge of the structure goes to the property line. The eaves have been cut off so it does not go over the property line, leaving enough room for the gutters. Changes have already been made to accommodate the structure not crossing the property line.

The neighbor approached the Planning & Zoning Commission to request that Mr. Burnett stay 3' off the property line. The City has allowed a 2' building setback line, with a variance, in the past. Chairman Stafford stated the Planning & Zoning Commission voted to deny, on both requests. They did not want to set precedence of allowing a structure to be built at the property line. The driveways are not in question. They were already in place before the driveway ordinance was amended.

The Commissioners considered that the City Council has set clear direction on building setback lines. They felt that the carport at the property line was extreme. The carport looks good. They just did not want to set a precedence for this.

It was stated that things were done incorrectly on both properties. And it seems the neighbor did not have problems with the plans to build this carport up to the property line in the beginning. City Attorney Curtis Soileau stated that this is a difficult situation. What makes this unique is the fact that both driveways were poured years ago before Mr. Burnett bought the property. It is grandfathered. While the carport is not grandfathered as new construction, to deny this, or others throughout the City that have driveways on the property line, you are telling them that even though your driveway is now not in compliance with our current ordinances, you cannot build a carport on your driveway. The driveway is pre-existing, but you cannot place a carport on that driveway. It's not your fault that it was built that way, but you cannot place a carport over it. You've destroyed the utility of the carport. If you require them to build that carport using the current building setback lines, what you've done is basically said that you don't need a carport. The City could deny this request, however, if you look at it as to what makes sense, if there is ever a circumstance where you would say that this driveway was built before ordinance amendments, the City does not want to say they cannot have a carport, just set guidelines. The City should state that no part of this carport, including the eaves, should extend over the property line. It should be said that every effort will be made to divert water away from the other property. In addition, there is not green space between the properties. There are two concrete slabs next to each other. The only way to divert water is with gutters, with a down spout that goes to drain onto Mr. Burnett's property. The neighbor's slab is higher than Mr. Burnett's slab, so any water would have a difficult time going onto the neighbor's property.

The City has to look at what is fair to both properties. A 6" gutter can be required. We can require that the down spout be directed onto Mr. Burnett's property. The City does not want water going from the down spout onto Mr. Kelly's property. That would be protected with Mr. Kelly's raised slab.

To deny this request, is to tell Mr. Burnett to tear down his carport. The City did not have a carport ordinance until 2 years ago. The right thing to do is look at all the circumstances, look at whether or not the party is responsible for creating this hardship and try to make a fair and reasonable decision.

Mr. Kelly stated that his concern is the liability of having the carport at the property line. He said Mr. Burnett will need a 6" gutter to hold the water coming off that roof. He does not feel a 6" gutter will fit.

And, he does not understand how Mr. Burnett will maintenance the gutters.

There were no other questions at this time.

Chairman Stafford stated that the peak is 16.5' to match the pitch of his home. City Council has approved 15.5' in the past.

- 5) Variance request submitted by Mark Franklin and Aimee Keene to build a 24'x30' accessory building, with a front awning of 10'x30' and a rear awning of 6'x30', on approximately 10 acres of land. This property already has a 30'x30' shop. The accessory building will be built on a concrete slab and will have a 14' peak (Section 50-539, City of Lumberton Ordinances). The property is located at 1194 W. Chance Cuttoff, Abstract No. 2, in the Francisco Arriola League, Lumberton, Hardin County, Texas.**

Mr. Stafford stated that this request meets all Planning and Zoning requirements. Therefore, the Committee voted unanimously to approve this request as presented.

- 6) Variance request submitted by Mark Franklin and Aimee Keene to have an electrical drop for this 24'x30' accessory building (Section 50-537, City of Lumberton Ordinances). The closest box is approximately 500' from the proposed accessory building. The property is located at 1194 W. Chance Cuttoff, Abstract No. 2, in the Francisco Arriola League, Lumberton, Hardin County, Texas.**

Mr. Stafford explained that there was approximately 500' from the existing drop over to the shop and it would be very expensive to run service from the existing meter to the shop. The Zoning Commission voted unanimously to approve this request as presented.

- 7) Variance request submitted by Kevin Boykin to approve the rezone of the property located at N LHS and Brenner Boulevard, from R1 to C2 (The remaining property past the 250' C-2 zone line that is zoned R-1). The property is located in the Francisco Arriola League, Abstract No. 2, PID# 96648, Lumberton, Hardin County, Texas.**

Chairman Stafford stated that the City has seen several of these requests, of dual zoned areas to be rezoned to one zone. Historically, the City has zoned the first 250' along TXDOT highways to commercial properties, mostly C-2.

Mr. Boykin has asked to rezone his property completely to C-2. Some concerns of the adjacent subdivision residents were heavy traffic through the subdivision, drainage to the ditch on the east property line, danger to the children in the subdivision, decreased property values as well as enhanced criminal activity for that area. The City cannot consider what will be developed on that property. We have to consider what possibly could be built on that property that is allowed in C-2. The Commissioners considered that C-1 would be the better commercial designation for only 14 hours of operation.

City Attorney Curtis Soileau stated that the City has received a petition signed by 5 individuals within the 200' of the property line. He has verified the names and addresses. Under the Planning & Zoning Ordinance, when dealing with zoning classification, Section 50-121, provides for amendment under protest. That ordinance provides that if 20% or more of the individuals that live within 200' of the land that has a proposed zone change, signs a petition opposing that change, that would require a Super Majority Vote of the City Council to override the Planning & Zoning decision. Planning & Zoning denied this. It would take 6 City Council members to override this decision. There were no other questions.

- 8) **Variance request submitted by Chuck King, of King Homes, to approve a replat of lots 15 and 16 of Woosley Palms, Section 7 (Section 42-38 City of Lumberton Ordinances). The property is located in Abstract No. 588, located in the J F Callihan Survey, Lumberton, Hardin County, Texas.**

Mr. Stafford stated that this is two lots that the property owner wants to combine. It meets all zoning requirements and the Zoning Commission voted unanimously to approve this request as presented.

- 9) **Variance request submitted by Andrew Withers to approve the replat of 135 Country Lane and 123 Country Lane. Andrew has also submitted a request to drain to the rear of the property (Section 42-38, City of Lumberton Ordinances). The property is located at 135 and 123 Country Lane, Timber Oaks Plaza, Lots 1A and 3A, Abstract No. 14, in the Elisha Duncan League, Lumberton, Hardin County, Texas.**

Mr. Stafford stated that the request for the replat does meet all of the zoning requirements. There is a portion of the property that drains to a ditch, but there is a portion that naturally drains to the rear of the property. The property owners have obtained an easement due to a portion of the property being owned by another individual. The easement allows them to run a concrete pipe across the property to a drainage ditch. The Zoning Commission voted unanimously to approve this request.

- 10) **Variance request submitted by Sarah Davis, on behalf of Russell & Gwendolyn Davis, to approve the replat of their property. They would like to divide the property into 3 lots with a 20' access easement to Lots 8A and 7A as well as the remaining property of Lot 7B (Section 42-38, City Ordinances). There is an access agreement and maintenance agreement in place. The property is located at 237 Thomas Road, Abstract No. 14, located in the Elisha Duncan Survey, Tract Pt of 97 and 98, Lumberton, Hardin County, Texas.**

Mr. Stafford stated that this request meets all of the requirements and the Zoning Commission unanimously approved the request as presented.

11) ADJOURNMENT

There being no further business, the Public Hearing adjourned at 7:40 p.m.

DON SURRATT
MAYOR

ATTEST:

DARLA HARRINGTON
CITY SECRETARY