



**OFFICIAL MINUTES  
BOARD OF AJUSTMENTS**

April 1, 2009

Members present: Malcolm Hodnett, Gary McNeal, Foye Lirette, Nathan Oubre, Clarence Savoie and Rudy Soignet  
Members absent: Mark Tortorich  
Also Present: Errol Price, Zoning Administrator and Ruby Maggio, Secretary

Mr. Hodnett stated we have meeting minutes from the, we haven't had a meeting, actually this is our first meeting this year which is very unusual, but we have meeting minutes from November 26<sup>th</sup>, do I have a motion to dispense with the reading of the minutes and approve or do we have any... Mr. Savoie made a motion to approve, Mr. Soignet replied one exception please, I was not present for that meeting, it is probably a typo. Mr. Hodnett replied ok, thank you Rudy. Mr. Hodnett stated are there any other comments or changes, Mr. Lirette stated I'll second it. Mr. Hodnett replied ok, motion made by Bo to accept and seconded by Foye, all members were in favor. Mr. Hodnett stated now, we also have meeting minutes from the December 17<sup>th</sup> meeting and do we have any other changes, corrections or comments and if not, do we have a motion to dispense with the reading and accept the meeting minutes, a motion was made by Mr. Soignet. Mr. Lirette stated I thought that is what we just did. Mr. Hodnett replied well, no we have two. Mr. Oubre replied this is the second one. Mr. Lirette replied ok. Mr. Hodnett replied it was November 26<sup>th</sup> and December 17<sup>th</sup>, Mr. Hodnett replied ok, so motion made by Mr. Soignet and it was seconded by Mr. Oubre, all members were in favor. Mr. Hodnett replied all right, since we have everyone, all of our permanent members are here, Gary is our alternate, Gary can participate in the discussion but he won't get to vote, just the permanent members get to vote, just to make sure you all know that.

**The first item was to consider a request by Gravois Development, L.L.C. to be allowed to erect a six foot high board fence within fifty feet of road intersection at Plantation Ridge Townhome Subdivision Development (R-2 Zoning District).** Mr. Taylor Gravois of Gravois Development, L.L.C. of 1316 Springlake Dr., Baton Rouge, came forward and stated that first of all I'm the builder of these three town homes, I don't know how many of you guys are familiar with the neighborhood but we recently completed three town home units on that corner lot and we put up a fence and found out pretty quick from Mr. Errol that the fence was not in compliance with the zoning code, so I do realize that now that we needed a permit and for that I apologize for not realizing that I did need a permit to build this fence so now that I know the fence is not in compliance with the building code I am here before you tonight to ask for a variance. I've read the ordinance and I understand the reason for ordinance, what I've done here is I've done a little research and I've got a little exhibit to try to illustrate that even with the fence up that the intersection is still safe for motorists. I believe the ordinance says you can't have a fence within fifty feet of the intersection and what I have here is I have a car positioned at the intersection and I've researched some guidelines based on the American Association of State Highway Transportation Officials which is pretty much the bible to design roads by across the country and it has some guidelines for what they call a sight distance triangle when you're making a turn from a stopped position. So, what I've done is the sight triangle is basically a function of the speed of the roadway, I've got an exhibit which I've included in the packages I've sent with the application. The posted speed is 25 and you know in real life people try and drive a little bit faster than the speed, so I also have an exhibit with a car driving 35 and based on those two speeds, obviously for the one driving 35 you need a longer sight distance for a car at a stopped position on Lynn St. to see oncoming traffic and both of the exhibits illustrate that even with that six foot high fence there, there is still sufficient sight distance to see oncoming traffic and it is safe for a vehicle to make a right or a left turn. So I'm asking that the fence be allowed to stay there and another reason for me asking that is it is of paramount importance to the home buyer for safety. I've got a situation where we've got some windows that are facing Lynn Street and Plantation and being the windows are open to the road it could be inviting to burglars or whatnot so the fence is the primary safety feature and security feature for protecting those windows and it gives that particular home buyer who is an elderly lady and it gives her a piece of mind that she can have some security especially having her unit right next to a couple of roads where it is easy for pedestrians to access those windows an glass doors. Mr. Hodnett stated I guess the first question I have is the fence that you've erected, is that on the property line? Mr. Gravois replied no, it is actually off of the property line, it is about 7' off the property line on Plantation and then on Lynn St. is actually closer to the line but it is not, it doesn't go all the way to the right of way on Plantation, so it not exactly on the property line, it is probably 7' to 10' off of the property line. Mr. Hodnett replied ok, and I guess the next question, I think Errol you had gone out and measured I think, huh? Mr. Price replied correct. Mr. Hodnett asked and what was that distance to the intersection? Mr. Price replied 37'. Mr. Hodnett stated so you're shy about 13', so where is that fence, do you have 13' to move the fence to make it in compliance with the 50'? Mr. Gravois replied I'm not

sure exactly where Errol took the measurement from. Mr. Price replied from the intersection of Plantation and Lynn. Mr. Hodnett replied which is as per ordinance. Mr. Price replied correct. Mr. Gravois replied to answer that question, I'm not quite sure I have enough to move it 13', I'd have to really measure it and figure that out. Mr. Hodnett replied ok, are there any questions from the Board? Mr. Oubre replied I went out to the site and I was on Lynn St. and I stopped at the stop sign, which the stop sign was even with the front of my truck and I couldn't see what was coming on the left, the fence was blocking the view, now if someone comes and they stop at the stop sign, they won't be able to see what is coming, they have to go in to the intersection, I mean right at the road's edge on Plantation to see what is coming down on their left; so I think it does block the view of sight. Mr. Gravois replied I know what you are saying and I think what is maybe misleading to people is that stop sign is really located quite a bit off of Plantation and really and truly according to the actual guidelines, a car should, and they give the maximum distance off of the edge of Plantation that a car should stop being at 18'. So to address that what I am willing to do is I can move the stop sign to the correct location and I can even paint a stop bar to indicate where people need to stop and I think that would solve that problem because I think it is misleading that the stop sign is far back and it indicates that you would need to stop at the stop sign. So, I can paint a stop bar on the road and also move the stop sign to the correct location. Mr. Price stated I'd like to interrupt; only the police department or the City Council, I don't know exactly what the law states but I know a contractor has no right to say they will move a stop sign or paint anything, I see the Chief is here he might want to give a few comments but I know the contractor has no authority to move stop signs. Mr. Gravois replied you know it is just a suggestion and obviously before we did anything we'd have to ok that with the proper authorities. Mr. Hodnett asked if this was their first development in Thibodaux. Mr. Gravois replied this it is not our first development, it is our first development for sale in Thibodaux, me and my business partner who is my dad, own some apartments down the street on Badt Street but this is our first project for sale. Mr. Hodnett replied ok, are there any other comments? Mr. Lirette stated I went the same thing, I went to the stop sign and it does block your view. Mr. Gravois replied well again to remedy that I would offer to like I said move the stop sign or paint a stop bar and paint a stop bar really. Mr. Oubre stated well if you would move the stop sign closer to Plantation, is that in accordance to the law, how far does a stop sign should be from the intersection? Mr. Gravois replied I don't know the answer to that off the top of my head, but I can certainly figure that out, what I do know is that it is recommended by the highway transportation book that a car would stop a maximum of 18' and they stay 14 to 18' off the edge of Plantation, so that is kind of the threshold for a car to stop at. So I feel that if we put a stop bar right at that 18' threshold off of Plantation that that would give people an indication of this is where I need to stop. From that position, which is what is shown here, there is sufficient sight distance on both directions. Now if you still don't feel like that is enough, then I can check and see how much we can pull this fence back, there is some room to give here, I don't know if it is quite 13' but there could be some room to give there. And again, I'd like to keep the fence, I mean I've said it before that is really the primary security for this unit, this unit has some windows in this back bedroom so I've got a situation to where you've got windows exposed to that road and it would be inviting for someone that wants to come in there and steal something or vandalize and I think that the fence deters that. Again, I want the intersection to be safe and I don't want to do anything that is unsafe but also I also want the homeowner to be safe in their own house. Mr. Hodnett stated Bo, do you have any comments? Rudy? Mr. Soignet stated I'd like to hear from the audience first of all and see what they've go to see here. Mr. Hodnett replied all right, thank you. Councilman Chip Badeaux of 917 Jackson St. came forward and stated to answer Foye and Nathan's question, I went over there and I'm in the parking lot business, I've been in business for nineteen years and I'm very familiar with stop signs, locations and that kind of thing, the stop sign that exists in essence and just looking at it the reality of the situation is when it makes the radius from Lynn to Plantation it is all asphalt and city workers probably just took the post hole digger and backed it up to where they had some dirt and dug their first hole. The stop sign actually sits 31' from the edge of Plantation Road, in my business what we do is we put stop signs parallel to divide private and public property which is generally the telephone pole that everybody uses as a basis because they get surveys to do that but generally telephone poles divide private and public property. The telephone pole actually sits 18' from the stop sign, I pulled my car up to the 18' just like you did at the stop sign and I could see all the way to Himalaya with no problems so I would suggest, I'm in favor of keeping the fence the way it is, allowing him to have the variance but asking the Chief if he would consider looking at this situation and moving that stop sign parallel with the telephone pole. If you're in town, there are a lot of signs that are parallel with the poles now, if you just go one block from Lynn at Himalaya, that stop sign is parallel to the telephone pole, so the vision was very clear, there was nothing obstructing the vision on the left side and obviously there is nothing on the right that is having any problems. I took the intersection of the radius and Errol is correct, he is short of the 50', I took a 60 degree radius, I don't know what radius he used, but I used a sixty degree angle and it ended up 39' from the center but I think the main problem is the stop sign, it is 31' back from the edge of Plantation Road which is extremely too far back. Mr. Hodnett replied ok, thank you Chip. Mr. Mike Sobert of 508 Plantation Road came forward and stated no disrespect to Mr. Gravois but first of all Chief, nobody drives 25 miles an hour on Plantation Road, the police cars when they leave headed towards the subdivisions with their blue lights on they're wide open, the rice banners going the other way, back and forth, I guarantee you they're 100 miles an hour in front of my house. My point is, forget it, I've been here, my family has been here sixty years, we came there in 1950 and Plantation Road was gravel, that stop sign has been there since the Masonic Lodge was built way back when. I'm a little, short, fat guy that drives a 1 ton truck and I've got to come 17' before I can see around the corner of the fence. When somebody gets smacked, guess where they're winding up, in my yard and over the last 35 years we've

picked up a few of them. I don't have a problem with the fence, in my own opinion, if I may have my personal opinion, you put a fence there so now you give the thief a chance to jump behind the fence and nobody can see him, but that is just me. You can't see, somebody is going, I don't mean like the fender bender but the speed on Plantation Road because it is wide open from Ridgefield to the four way stop on Himalaya, it is wide open, somebody is not going to get a fender bender, they're going to get killed. I have no problems with the fence, I don't have a problem with that, what I have a problem with is somebody not being able to see, whether you want to move the stop sign all the way, you've got Coca Cola down Lynn St. with tractor trailers that are coming that way, it is a busy intersection, it is not a little bitty subdivision neighborhood anymore, people wide open down Plantation, I'm just asking you to consider it because the fence blocks peoples view and at 50, 60 or 70 miles an hour and that speed is greatly there all the time and somebody is not going to get hurt, they're going to killed and I really don't want to go pick up the bodies is what I'm trying to tell you, so just think of that and then go from there. Mr. Hodnett replied ok, thank you. Mr. Sobert replied thank you all very much. Mr. Jared LeBlanc came forward and stated no disrespect to Mr. Mike but I own some apartments on Oakley St. and I pull a big trailer all the time through there and I can see perfectly fine, as an apartment owner I know how safe a fence is, I've had to put up a bit of surveillance because my car has been broken into there, I would definitely be in favor of a fence. I can see perfectly fine every time I pass there, it looks beautiful, I'm in favor of making the place look better in that area and I am definitely in favor of the fence. Mr. Hodnett replied ok, thank you, does anybody else have any comments. Mr. Craig Melancon, Thibodaux Police Chief, came forward and stated obviously I'm not in the legislative branch, this is very much a legislative issue is what it sounds like tonight, I'm in the enforcement sector, executive branch, but I do want to share with you not an opinion or anything conclusive but to share with you what my findings were when I went out there and what I looked at. When I parked my vehicle at the stop sign a couple of factors have not been mentioned, it is quite a distance off from what we would call birm to birm, the four corners of the intersection. What Errol did was take the four corners of the intersection and divide basically a square and he went into the center of that square right in the center of that intersection and he measured to that fence and that is his measurement and he has to have a fifty foot radius all the way around and he's telling you he is short of that about 12 to 13 feet. What I did was to go out and just take a practical approach and that was I did not look at what the ordinance or the traffic manual tells me would be the distance a stop sign must be from the birm to birm of a road, four corners of the intersection; when I stopped my car at that stop sign and looked at about I guess a 25 degree angle and then I measured off some 200' that I could see down that road. Then I brought my car 7' beyond that stop sign and that gave me an extra 100' that I could see down that road, so now only moving that stop sign 7' would give me a 300' view down that road which is substantial, you know, is an automobile, can it stop short, stop one half the range of vision of that obscurity in that roadway some 300' down if a car was to go through that intersection, you have to draw that conclusion; I won't give you my opinion on that. If we can bring the stop sign closer to the four corners of that intersection or from birm to birm of the edge of roadway, if we can bring it closer than 7' which according to Mr. Badeaux, we can, then we're going to be able to see further down that road and then you start leaning into that it makes sense that it is something we may be able to work with as a Board. He has a 45 degree angle in his fence, they did give that some thought so that is what I found, I found that if I were to move the stop sign, whatever distance, the maximum distance, I used 7', but I'm going to gain more than a 300' view of that roadway, the speed limit is 25 and I think whenever you look at matters like this in all due respect to everyone, Mike is absolutely correct, it is a road that is traveled with high rates of speed, we can write tickets till the sun goes down, as soon as we leave, they're back speeding. So, you do have to consider that but if people obey the speed limit then what I respectfully submit is that we're giving you ample distance to be able to stop at that stop sign, get clearance and move on. Now, what hasn't been discussed is whenever you move that stop sign closer to the birm of that road, the edge of that road, you're looking at having to make a turn in somewhat of a 45 degree from Plantation onto Lynn, so you're going to end up having if you have any back log of vehicles, you end up having a traffic jam, a lot. So anything coming this way could be dangerous and what have you and that has not been considered. You have a lot of variables here, a lot, so I don't know what the answer is, I just want to share with you what I found and that was just simply taking my car, stopping it at the stop sign and using a very pragmatic approach, getting a 200' view going 7' further and getting a 300' view and I thought at 300' I would simply walk away and say that 300' was certainly enough for you guys to make a decision that either we're getting close or its not close enough, does that make sense, and please if it doesn't, let me explain some more, ok, am I clear on that. Mr. Lirette replied definitely. Mr. Melancon replied ok, that's all I really want to say. Mr. Hodnett replied ok, thank you, Chief. Mr. Jeff Donnes of 218 Abigail, came forward and stated I am a realtor involved with this thing and I want to talk about the height of the fence for security reasons; you've got common living dwellings that need some type of security, in order to bring these fences, moves these fences, if you bring them up right on the buildings you're stacking people in. Aesthetically looking, it looks a little bit better when you're looking out from the back yard looking out, it looks a little bit better if you had some type of yard in addition to the security issue and that is what I want to stress to you guys is allowing us to keep that 6' in height also, thanks. Mr. Hodnett replied thank you Jeff. Does anyone else in the audience want to comment, if not, board comments? Mr. Soignet stated what I'm gathering from this and actually first of all what we're hearing is opinions and nothing factual when it comes to the safety of the stop sign. I can't make a decision based on what I'm hearing right now I think the fence and the building, that should have been looked into before when it was being designed, or the security portion of it, so from this point I cannot base my decision on anything being said until actually I guess the stop sign is moved in the location it should be legally, and I guess who is the authority to make the assumption of the legality of

where is that location at? I respect your opinion more because you're in that law enforcement area. Mr. Melancon replied well the charter, the charter says that the Public Works Director and the Police Chief would be responsible for traffic control in the City of Thibodaux; that is why Errol went out and did what he had to do and that is why I did what I had to do. But I am giving you facts, I'm giving you facts based on footage, you know what I regret is that we didn't have a good visual for you, I do have some photographs, I sent them to the right people, I wish I would have brought a power point to show you and give you some good visuals of this, it appears and I don't want this to be my opinion but I want to tell you that it would appear as though 300' from that intersection would be sufficient for a vehicle going 25 miles an hour to be able to stop if the stop sign is moved only 7' and what Mr. Badeaux is saying is he went and looked at it and it can go further, I don't know, I'd have to go back out and re-visit it, this was given to me only some 48 hours ago, but I wanted to be tonight to at least try to answer what I could to help you guys somewhat, we may not be able to do it, I don't know tonight, or you may not be able to do it tonight, forgive me, I don't know. I can tell you that if I was to study it again, I would come back with something very similar that I would come and give you what the law says that you know that the stop sign must be placed "X" amount of feet away from the corner of the road and then you would have to base it on that and no one has really done that for you tonight, no one has really come here tonight and said that a stop sign must be placed you know no less than 12 feet from the birm of the four corners of the road or the intersection, we haven't done that to you. I don't know that answer, we talked about it a little bit yesterday, I couldn't find it in the manual and I looked, it is there, we just need to find it, I could not find that, that might have helped a great deal tonight and I just simply could not find that answer for you. Mr. Lirette stated like you said, too, Mr. Melancon with this stop sign, if you move it forward it is going to also create a traffic problem. Mr. Melancon replied it could because of this 45 degree, there's an angle that you have to come back, it is not a straight. Mr. Lirette replied it is not a 90 degree angle. Mr. Melancon replied that is correct, it is not, it is somewhat like a 35 or 38 degree angle. Mr. Sobert replied excuse me, the problem is the streets are not truly perpendicular, the short angle is where the fence is so you know optically looking with a short angle you have to come out further to see around the corner, if it were on the other side, if it were on my side or looking down Plantation towards W.S. Lafargue School where the big angle is, you don't have a problem, the problem is the streets are not square and so the short angle is where the fence is so you can't see around it unless you come out further or you move the fence back. Mr. Melancon replied and again, I've given you an opinion, I just, it appears to me that a vehicle would be able to stop at that stop sign and moving it only 7' would be able to have enough clearance to see traffic coming on and proceed through that intersection safely. That is an opinion; I don't have to make the decision on that, unfortunately for you guys you do. I enforce the law, what you put out on it but maybe it would be helpful and I don't want to prolong this so forgive me if I am doing that but maybe it would be helpful if we could come up with some decisive measurements for you. Mr. Savoie replied that and the fence because Mr. Gravois said he might have some room to move the fence back some. Mr. Melancon replied what if he has the 13' then you have a non-issue, if he doesn't have that. Mr. Savoie replied well between the stop sign and moving the fence he might be able to accomplish it. Mr. Hodnett stated well I've got a few things that I'd like to go over, first off is you had mentioned that this is not your first development here, so that means that you've done something in town, that means that you probably have a copy of the zoning ordinance somewhere in your files and it clearly states in there about fences and where the fence needs to be located in respect to the intersection. So I don't think that is an excuse, I think if you've already done something here in town and really if you hadn't then you should have known what it should have been in the first place. Errol came out and asked you guys, told you guys that the fence was in violation and you completed the fence anyway, that kind of shows me a little arrogance or just ignoring the law the way it is spelled out. There is a portion of the fence that remained to be built and you finished it anyway. The second item is that it clearly states that it is 50' from the intersection, it doesn't mean where you put the fence up and then we kind of negotiate where the fence is going to be, it says 50'. I don't want to be and I'm sure members of the board don't want to be responsible for anybody getting killed at that intersection and certainly I've gotten the corner as Foye did and Nathan did, I'd hate to see somebody get killed on a foggy night right there because that fence to me is an obstruction. The other portion of it is in the packet you gave us a copy of final plat but I noticed you didn't give us a copy of the sight plan for the original construction documents, which probably would have shown that there is no fence located on the sight plan, which means that the fence in Jeff in your discussion is that it is a big security issue but actually it wasn't even considered, it wasn't even on the site plan when you bid the project to begin with. So I don't think that is, I really don't have a problem with the 6' height, I have a problem with where the fence is located with respect to the 50' intersection. When I asked you if you knew where the fence was, you don't even know it is in relation to the property lines, you can't give me a dimension, so we don't even know if you have 13' or not to play with. I think if the big issue here is whether you get to keep the fence, it seems like you would have gone out and measured where the fence is in relation to the property line so that we have some definite dimension that we could negotiate or even talk about, we don't even have that. Really the board when it comes to items like this, life, safety and welfare is our prime consideration. I don't think there is any give or take on 50', if you don't have 13' you need to find out, you need to come up with 13 feet as far as I am concerned. I think the 6' height of fence, I'm ok with that but as far the 50' from the intersection, I think you'd have to come up with 13' in my opinion, I don't know what the rest of the board thinks, when we go to a vote, we'll find out but I think that when it comes to issues like this that 50' was put in the code for a reason and I don't think we as a board or anybody else should start saying well, you built the fence and we're just going to negotiate the 50'; the 50' was there for a reason and I don't think we ought to play around with that. Mr. Gravois stated I'm making some notes when you were talking and again, let me start off by

saying, right, you are correct, this is not my first project in Thibodaux, the last project I completed was probably in '06 and that project didn't have any fences so you're right that....Mr. Hodnett stated but you had a copy of the zoning ordinances. Mr. Gravois replied you're right, it is no excuse, and I just did not familiarize myself with the section that talked about fencing. Your comment about how far it is off the property line, I know it is 7' here and I know it is 9' here but it is on an angle so it is not a parallel offset of the property line because that fence is on a 45. As far as moving the fence... Mr. Hodnett stated no wait, for the record though, that 7' you're indicating if off of Plantation? Mr. Gravois replied that is off of Plantation. Mr. Hodnett stated and 9' is off of Lynn? Mr. Gravois replied 9' is off of Plantation on the Lynn St. right of way, so it is on an angle, it is not paralleling the right of way of Plantation, and I do not know if I have the 13' to give but I will certainly check that because, don't get me wrong, I don't want to do anything that is unsafe as far as what is on that intersection and how cars can maneuver, I do not want to make that an unsafe situation and I don't want to make you guys make that decision. What I would like to do is I'm going to measure how far I can pull that fence back and I can pull it back as much as I can and I'd be absolutely willing to do that. One thing is a little confusing, but I have an issue of the 50' radius so... Mr. Hodnett stated but it is defined in the code, I don't know why, I mean I have a lot of issues with some of the things in the code but if it is written in the code it is the code. Mr. Gravois replied I understand and what I'm saying is from the intersection you swing a 50' radius so what I'm basically looking at is having that 45 degree portion of that fence be tangent with that 50' radius. Mr. Hodnett replied well yes... Mr. Gravois stated basically what I'm looking at pulling back is that section. Mr. Hodnett replied yes, right and that is the way the code is, that is the implication of it. Mr. Gravois stated what I'm going to do is I'm going to absolutely check that and I can pull the fence back as far back as I can. Mr. Hodnett stated the question I have for you though is when was the fence decided to get built if it wasn't even on the site plan because Errol didn't even know the fence was there. Mr. Gravois replied it was not on the building floor plan, that is correct and it was probably an oversight on my part. Mr. Price stated it is not required. Mr. Hodnett stated to show the fence on the site plan. Mr. Price replied he is not required to put a fence. Mr. Hodnett stated but if he had a six foot high fence. Mr. Price stated if he wants to put a fence, when he came for the permit then he would have to send me the sight plan, before construction he wasn't required to have the fence on there, he's not required to put a fence. Mr. Hodnett stated I was thinking that if he had the intention, because I've gotten the impression from him that it was a security issue from the very beginning which means it should have, the fence should have been on the site plan. Mr. Gravois replied it wasn't an issue that, from the very beginning but it was kind of an afterthought, it was an afterthought for us; as the building started to come up you look at that project and you say well wait a minute, I need a fence back there because I'm so close to the road, I don't want foot traffic coming into my back yard. Mr. Hodnett stated well then my next question is at that point why didn't you get a permit to build the fence. Mr. Gravois replied well again, at the time... Mr. Hodnett stated and why did you finish the fence when Errol asked you to stop building. Mr. Gravois replied again, at the time I did not familiarize myself with the ordinance that stated I required a permit for the fence, so that was my fault and there is no excuse for that. So, I'm willing to move it, again, I don't want to do anything that is unsafe so what I'm going to do is I'm going to go and measure and see how far I can pull it back and I'd like to pull it back as far as I can. Mr. Hodnett stated so are we looking at tabling this issue, is that what you want to do, do you want to table it until the next meeting so you can give us some more information on where you're going to move it. Mr. Gravois stated what I'd like to do is, I'll go measure it, see how far I can pull it back and report back to Errol and say, hey, look all right, if I can't do that, I'd have to report back to you guys and say hey, I can pull it back ten feet. Mr. Hodnett stated yes, that is what I mean, if you want to report back to us then we'd have to table the issue until the next meeting. Mr. Gravois replied that would be fine, again I guess what I'm willing to do is measure it and I can come back to you with a drawing that shows how far I can pull this back and I'll get it back to the maximum I can pull it back. What I may be asking for at the next meeting is instead of 13' you know instead of this thing only being 37' away radius, it may be 47', so it would be a lot better situation for everybody. Mr. Hodnett stated well is that something the board would consider doing, do you all want to table or do you want to vote on it tonight? Mr. Gravois replied and again, let me say this too, let me go back to... Mr. Lirette stated that is fine, I'll vote on it or table it, it is up to you. Mr. Hodnett stated well I think it would help us to see, I think all parties to see exactly where that fence is in relation to the building and exactly where that fence is relation to the property line. Mr. Gravois replied I had it shown here, I don't have all the dimensions you probably want to see, I have going to the property line on Plantation and I have going to the actual intersection of the right of way on Plantation and Lynn but I can add some more that shows how far it is off the building which is what I think you're asking for. Mr. Hodnett replied right because you know I, myself, I want 13' and I want to see if we can get 13'. Mr. Gravois replied sure and you know if it is there I have no problem giving it up. Mr. Hodnett stated and I'm not speaking for the rest of the board because they may have a different opinion. Mr. Lirette stated the fence is going to have to go, regardless, right? Mr. Hodnett stated no, not necessarily. Mr. Lirette stated not really? Mr. Hodnett stated no because there are two things we really need to consider, one is the height of the fence and number two is that it is in violation of the intersection, it should be 50' away from the center line of the intersection. Mr. Lirette stated but it is going to have to be moved regardless, right? Mr. Hodnett stated well that is what we have to decide, we haven't decided that yet, but we could right now vote and say everything... Mr. Lirette stated that's what I say, let's vote on it now and get it how it is supposed to be and let him come back with a proposal to what he wants, all right, and then we can vote on his new proposal. Mr. Hodnett stated well I think you muddy the waters when you do that, I think we ought to just table it and just, you can start with a clean slate at the next meeting and give us all the information. Mr. Lirette stated well what if somebody gets hurt in the mean time, you know. Mr. Soignet stated I would

think that be the case that he would be liable for it because the fence is out of code but also I think the stop sign has to be part of the issue also, in reference to the angle of these streets, that is what we're here for because it was the city's design with the small property lines and these shotgun houses and streets at weird angles, all these factors help us make decisions on being fair to everyone involved. Mr. Gravois replied what I would say to that is we can absolutely include that stop sign and the angle of the stop bar because that makes the situation a whole lot clearer. Mr. Soignet stated well I think the stop sign and the stop bar would be up to public works. Mr. Lirette stated public works. Mr. Gravois replied all I'm saying is, I can show according to the highway manual where that stop bar should be and I can actually do a little research and see where the stop sign should be or where it is recommended. Mr. Hodnett stated I have a problem with the stop sign and stop bar because to me that is compensating for something that doesn't meet the code, I mean if you're doing that, then you are relying, then you're putting the burden on, you're hoping that the guy is going to stop at the stop sign where you're hoping that he will stop. That is not the purpose of the code, the code is to make sure we have a 50' radius and to me if you put the stop bar then you're saying well gee, I hope he stops where I want him to because if he doesn't he's going to get nailed by somebody driving down Plantation. I don't agree with that. Mr. Price stated I'd like to make a comment that I was told, the board has to be careful not to deal with the stop sign and the streets, they have no authority on it. Mr. Lirette stated that is correct. Mr. Price stated another issue city wise, I would like to make a statement as far as City Inspector, the fence was put up without a permit, if you table it I'm recommending him take down the section that is blocking the view or blocking the 50' radius until you all decide what you want to do. Mr. Gravois replied and I would do that anyway for liability purposes. Mr. Lirette stated then I make a motion that we call for the question. Mr. Hodnett stated ok, that we put it to a vote? Mr. Lirette replied yes. Mr. Hodnett replied ok, all right, are there any other comments from the audience. Mr. Gravois replied let me make sure I understand. Mr. Hodnett stated ok. Mr. Gravois stated let me make sure I understand the motion; the motion is to table it until the next meeting. Mr. Hodnett replied no, the motion is to consider what you are requesting for tonight, which correct me if I'm wrong Errol, we need to break it into two parts correct? Mr. Price replied it is two parts. Mr. Hodnett replied ok, so we can consider the six foot height first since it is written first, so what we're going to do is if we have a motion, the first item that we will consider is whether we want to grant a variance for the six foot height fence; the second part is whether or not we want to grant a variance for it being less than 50' from the road intersection as per code. So, are you all ok on that? Mr. Oubre stated all right, is the six foot high fence out of ordinance, is it, you cannot put a six foot high fence? Mr. Price replied you can't be higher than 30 inches. Mr. Hodnett replied 30 inches. Mr. Gravois replied within 50' of the radius. Mr. Price replied no, you have two fronts, you have a corner lot, you cannot have higher than 30" on the two fronts. Mr. Soignet replied no wait, excuse me for a second. Mr. McNeal stated if you all vote on this right now, he has this chance if he wants to table this and get some more research on it, once they vote on it, it is done, correct? Mr. Lirette stated no, at a different spot. Mr. McNeal stated no but I mean is he able to come back... Mr. Price stated he can come back because he has new information or something changes, you have the right to come back because of some new information you received, he could re-apply and it would be a new issue all over. Mr. McNeal stated I wanted to make sure that he understood that. Mr. Price replied yes, if he comes back and says nothing changed then no he's not allowed to come back. Mr. Soignet asked these apartments, that is the back side of the apartments or the front side? Mr. Gravois replied this is actually the rear, this is the front, the front is on the street that I put in here and this is actually the rear. Mr. Jeff Donnes came forward and stated if you vote on it tonight and they do research when is the next time he can get on the agenda? Mr. Price replied next month. Mr. Donnes asked when is the deadline for next month. Mr. Price replied a week, next Tuesday, I have to advertise 15 days. Mr. Soignet stated next month would be April, right? Mr. Price replied April. Mr. Soignet stated the end of April. Mr. Donnes stated in other words what I want to do is be able to get back on the agenda next month. Mr. Soignet stated you mean in this month, April? Mr. Lirette stated for the next meeting. Mr. Price stated my question is, I'm not 100% on my parliamentary law but once Foye called for question, they should have either had a motion and vote, the discussion is over. Mr. Hodnett stated ok, and Foye made a motion, but he hasn't had a second yet to vote on it. Mr. Oube replied I'll second it. Mr. Hodnett replied seconded by Nathan, ok, the first item whether we have a motion... Mr. Price replied excuse me, repeat exactly the motion because when he questioned, you came to number two first and then you went to number one, so, repeat your motion so I'll know which one it is. Mr. Hodnett stated we were discussion whether or not we want to table the issue or not and Foye made a motion that he would like to go ahead and vote on the request for variance as it was worded tonight. Mr. Price replied ok, so the motion is still to see if you are going to vote on it. Mr. Hodnett replied yes, and Nathan seconded it, so we've already made a motion. Mr. Chip Badeaux replied Mr. Malcolm I just want to correct something when you called for question, you only calling to end or continue discussion. Mr. Hodnett replied well... Mr. Badeaux replied ok, that is what a call for question is about in parliamentary procedure, you can end discussion or you continue discussion. Mr. Hodnett replied anyway, the first issue is whether or not we want to allow a six foot fence and the second, we have to do two separate votes or motions if you decide to make a motion and the second would be to whether or not it is going to be a 50 foot radius in violation of the code. Mr. Savoie stated ok, I'll make a motion that we allow the six foot fence for security; there was no second, so that request is denied. The next issue is the fifty feet variance from the intersection of Plantation and Lynn, is there a motion for that? Mr. Hodnett stated there is no motion so that is denied also, that motion, that issue dies, so the only way as Errol had mentioned that you can come back is if you have some additional information that you want to present to us that clarifies the situation and maybe we can look at it again. But if you have the same information you have now you won't be able to come back which means that

since you've been denied the variance on both counts as Errol mentioned, the fence that is in violation of the fifty foot right of way has to come down. Mr. Price replied correct. Mr. Hodnett stated so just to make sure that you understand that and you can't keep it up until the next meeting, it has to be down before the next meeting. Mr. Gravois replied I understand. Mr. Hodnett replied ok. Mr. Price replied excuse me, one minute, let me ask you a question then, he gets the right to come back if something changes, if you all denied him the above 30 inches well what is going to change that he can come back to get that? Mr. Hodnett replied nothing, so it is dead. Mr. Price stated he can come back and say he wants to put up a 30" fence; that would be the only issue. Mr. Hodnett stated right, right now you'd have to take the whole fence down. Mr. Soignet stated well he wouldn't need to come back for 30 inches. Mr. Hodnett stated he wouldn't need to come back for a 30 inch fence. Mr. Price replied 50 foot vision, no, I'm sorry no; that is correct, no between 30 inches and 10 feet that is allowed. Mr. Hodnett stated you can be within the fifty foot radius, correct? Mr. Price replied that is correct. Mr. Mike Sobert came forward and stated, excuse me, Mr. Chairman, just looking at it and as I said earlier I don't have a problem with the fence, that small portion of the fence that blocks the view from Plantation. Mr. Hodnett replied right but we've already voted on it, so it's done. Mr. Sobert stated but could he come back and say go and ask for a permit to construct a six foot fence properly on his line and move that portion where you are blocking the view on Plantation Road for traffic, no? Mr. Price replied no because the ordinance says he has two fronts, he has a corner lot, so he is not allowed to put a six foot fence at all. Mr. Sobert replied but I mean coming from say the railroad tracks of Coburn's or the old coke plant or whatever, that portion doesn't bother the view, it is just when you get to the corner you can't see. Mr. Hodnett replied well that is what we're talking about, ok, thank you. Mr. Sobert thanked you.

**The second item on the agenda was to consider a request by Jared LeBlanc to be allowed to vary 7' from rear yard setback requirement of 10' in order to construct an additional apartment at 1732-1 Oakley St. (R-2 Zoning District).** Mr. Jared LeBlanc came forward and stated that basically I just have one more single unit left to do, a three bedroom, two bath unit and I just need to scoot it back a little bit to maybe get a little additional parking. Mr. Hodnett stated ok, so it is just out of convenience rather than you're in a hardship, right? Mr. LeBlanc replied right. Mr. Hodnett stated we don't deal with conveniences; we're not here to help you make money; we're not here to make it convenient to build it. Mr. LeBlanc replied even if there are other apartments that are pretty much almost on the property lines. Mr. Hodnett asked when were they built? Mr. LeBlanc replied they are really older. Mr. Hodnett stated ok, well they didn't fall into the code. The other issue I guess you could say is you're saying it encroaching on you parking but you have nothing that indicates anything on here about how many spaces you have, how many spaces you're going to need, whether or not you even meet the code right now for parking. Mr. LeBlanc stated I mean I pretty much have something on my plans if you want to take a look at it. Mr. Hodnett stated well I mean I guess we can, we can discuss it, but... Mr. LeBlanc stated I have enough parking to meet code, I just.... Mr. Price stated he came in with me, he does have enough parking, even if he has to build it at the ten foot, I don't want to get involved on his reasoning why he wants the five foot, but he does have enough parking, we went through all of that. Mr. Hodnett stated ok, if Errol says you've go it and you've already looked at that plan, that is probably ok with me, Gary do you have any comments? Nathan? Foye? Mr. Lirette stated I'd like him to go at least five because then he's encroaching on the back neighbor, so I say we just leave it at 10' since it is an apartment, but that is my opinion, though. Mr. Hodnett replied got you, Bo? Rudy? Mr. Hodnett stated that is my only comment, if you have a true hardship that is fine but we'd have everybody and his brother here if they said well we just don't like the code out of convenience I think I'd like to change it. If you meet the requirements without moving it, then I think you're good in shape. Mr. LeBlanc replied not a problem. Mr. Hodnett replied ok. Mr. LeBlanc stated that is it? Mr. Price stated you can either bring a motion or it is discussion right now. Mr. Hodnett asked if there were any comments from the audience? No one responded. Mr. Hodnett then asked do we have a motion to accept the request for variance, there is no motion, so it dies. Mr. LeBlanc replied ok.

Mr. Hodnett then asked if there were any other comments or did he have a motion to adjourn. Mr. Oubre made a motion to for adjournment, the motion was seconded by Mr. Lirette, all members were in favor.