



OFFICIAL MINUTES BOARD OF AJUSTMENTS

October 28, 2009

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

Mr. Hodnett stated we have the meeting minutes from the September 23, 2009 meeting, do we have any changes, corrections or comments or do I have a motion to dispense with the reading and approve the meeting minutes as submitted. A motion to dispense with the minutes and approve was made by Mr. Savoie and it was seconded by Mr. Oubre, all members were in favor, motion passed.

Mr. Hodnett stated we need to have a motion to be able to discuss old business brought before us on May 27, 2009 concerning Shelby, Fauchaux & Pitre, L.L.C. Motion was made by Mr. Oubre and it was seconded by Mr. Savoie, all members were in favor, motion carried.

Ms. Germaine Jackson, City Attorney, came forward and stated on May 27, 2009 the Board met and it concerned the property located at 102 E. 5th Street and at that time Judge Richard appeared to represent the owners of the property, Shelby, Fauchaux & Pitre, L.L.C. This item came before you as a result of the building inspection and there was some discussion and what Judge Richard presented to you was that it was not needed because the use of the property had not changed from the time the ordinance was established in the 70's to present. This board had a discussion about the fact of whether or not a variance was needed and I believe that your motion was in the form that if a variance was needed it would be granted and the building inspector would determine what was needed. After that meeting there was some discussion and Judge Richard had stated he would contact me and we would talk about it and you asked for an update of what occurred after we had that discussion. The parties believed that having the variance on the building sort of put a cloud on the possession of the building if in the future they would sell the building they would rather have their non-conforming use. That is what brings us this request and I sent you a memo and I assume that everybody got a copy and that is the reason we are here, if you could make that determination that the variance was not needed so that, they were granted the request that they made except it was if a variance was needed it was granted but they would just like to see that the Board make the determination that historically that the building did not from the time that zoning was established did not change use of professionals occupying the building. Some of that was in your minutes the history of the building and that there were always professionals in the building so it is recognition that a variance is not needed and that was occur if a file was pulled on it and there was something and I don't believe that there was anything on the occupancy permit that it was granted under a variance but if somebody looked in the future it would be noted, just state that the Board has made the determination that a variance is not needed. Mr. McNeal stated he would like to make a motion that a variance was not needed for the building, it was a non-conforming use that retained its non-conformity, the motion was seconded by Mr. Soignet, all members were in favor, motion carried. Mr. Hodnett stated thank you Germaine for helping out and getting that cleared up for us. A motion to return to the new meeting agenda was made by Mr. Savoie and seconded by Mr. Soignet, all members were in favor, motion carried.

The first item on the agenda was to consider a request by Carmel Inn & Suites to replace existing 4' x 9' reader board sign with a 25' electronic reader board sign located at 400 E. First Street (C-2 Zoning District). Mr. Stanley Sue of Carmel Inn & Suites came forward and stated that he was here to request a 25' electronic reader board to be able to fit the reader board within his existing sign canopy. Mr. Hodnett stated out to out of the frame 5'9" X 2'7", less than 18 square feet and you're asking for 25' which is much larger. Mr. Sue replied that was for a different type of reader board. Mr. Hodnett stated what you have now is very readable, the first one, I don't have any trouble reading it, now one thing though if you're asking for 30 ft. Mr. Sue replied 25 ft., I can put it smaller like 2', you know from the image it doesn't look... Mr. Hodnett stated but from our point of view Raising Cane's sign is 1'10" x 9'2" which is less than 18 sq. ft. and you're asking for 25 sq. ft. Mr. McNeal stated he's asking for 32 sq. ft. not 25 sq. ft. as stated. Mr. Sue replied his request was for 25 sq. ft. because it would be a little sign in a big frame and it wouldn't look right, and no matter what he would change the reader board. Mr. McNeal replied he agreed with Malcolm that he would have to reduce the size. Mr. Hodnett stated our code now

is a monument sign, you're up in the air, you have an advantage and I went and measured your reader board just to see if it... Mr. Price stated I come up with 18, the way that I measure it I don't count the exterior of the frame, some of them come with a 6" wide frame and some with a cabinet and that is why I was looking at it, you may be coming in with the width of the frame, so that is why I'm asking to make this clear, how are you looking at it as far as square footage. Mr. Sue stated he wanted to put the two boxes together. Mr. Hodnett stated you only deduct the frame around it. Mr. Price stated I only deduct the frame around it. Mr. Hodnett stated he only deducted the frame around it. Mr. Price stated if they decide to make it two put together and there is a frame in the middle; that counts as one sign. Mr. Hodnett then asked if there was a motion to approve his request for a 25' electronic reader board sign, no one responded. The item was denied due to a lack of a motion.

The second item on the agenda was to consider a request by Varick Taylor to vary 20' from front yard setback requirement in order to place fence on property located at 1128 Louise Street (R-1 Zoning District). Mr. Varick Taylor came forward and stated he wanted to put up a 6' fence all the way to his property line and Errol said after the first 20' normally you would have to cut it down to 30 inches but the fact that on my neighbor's side you have the same thing the porch is already closer than 20.' Mr. Hodnett stated we have a photograph, is the white stake the property line? Mr. Taylor replied right, I would bring it out and just drop it down from that point, I just want a little piece just to make sure that you can't come across. Mr. Hodnett asked how far is the property line from the road, is it about 8'? Mr. Taylor replied approximately. Mr. McNeal asked Mr. Taylor if he wanted to go all the way across the front with 6'. Mr. Taylor replied no, he just wanted to come out with 6' to his neighbor's porch and then drop it down to 30" from that point. Mr. Hodnett stated it would be 6' perpendicular to Louise and then 30" parallel to Louise. Mr. Burnell Tolbert came forward and stated that he lived next door. He also stated he would like to make a correction, the fence that was put on the left side of me I tried to work with the neighbors - when my boys were driving one of them backed out one night and almost got into an accident and that is when I asked the neighbors to cut the fence down so they would be able to see the traffic when they were backing out. I had some problems with it and as a matter of fact I think we had to come here and that solved it. He stated he couldn't tell people what to put on their property he just wanted to make sure that, there are laws and that the law is followed because I wouldn't want to back out of my yard or have somebody else to back out and can't see traffic coming from Plantation and just to make sure the fence is on his property because if it is not, it is mine that is all I want to say. Now, in the front, he mentioned putting a fence across the front and that part would be 30"? Mr. Hodnett replied yes, right, one quick question though on the other lot the driveway that is that..? Mr. Tobert replied no that driveway is on the other side, my driveway is there and what happened with that it was just a situation where he was cutting some grass and he threw some grass on a tire and he said he was coming back and clean it and after we talked he forgot and you all know Carl Johnson, my neighbor next door and after it happened he came back and he apologized but because I kind of raised some hell about it, I mean that wasn't the first time it happened, they put up a fence and I tried to work with them to cut it down before somebody would back out and get hit. Mr. Price stated we sent him a letter and they volunteered to cut it down, we showed them what the ordinance was and it was cut down. Mr. Price stated also the City doesn't require a person to get a survey before getting a permit since it is the responsibility of the owner to know where their property is. Mr. Taylor came forward and stated that he offered to go half with Mr. Tolbert to get a survey done and he didn't want. I hired a surveyor and as a matter of fact when he did the survey he said you've got a few more extra feet over there and I said I didn't want any more extra feet, he can have all of that, I just want mine that is there, the sixty feet anything that is extra I said give it to the neighbor, I put the pipe where my sixty feet is, so I'm good there. Mr. Price stated my understanding of the law now is that if you put it on the property line he can claim half. Mr. Taylor replied it is not on the line. Mr. Price stated I'm just saying before you put it up to make sure you don't put it on the property line so whatever measurement you use make sure it is on your property. Mr. Taylor replied right exactly. Mr. Lirette stated you're going to run the 6' fence and at what point are you going to start coming down to 30", you're going to stop at 6' at the corner? Mr. Taylor replied yes, right. Mr. Lirette stated now if your neighbor decides to make a drive on this side of the property... Mr. Taylor replied he doesn't have enough property to make one, I have a whole empty lot on that side; he doesn't have enough property for a driveway there. Mr. Oubre stated well he has a trailer parked and it is on his property. Mr. Tolbert stated that is not true, I have enough property to have a drive and as a matter of fact I plan on putting one there. Mr. Oubre stated that is what I'm saying. Mr. Taylor replied well you've got to have so much feet between the lines I mean if you're going to come back and put a driveway you've got to have enough property there too, am I right? Mr. Price replied that is an issue that would be up to Public Works, I don't think there is an ordinance saying that, you could actually close the whole front of your ditch up and use it all. Mr. Taylor replied right that is an option I've got, maybe later on in the future I can close that whole ditch up. Mr. Price stated what Nathan is asking is if Mr. Tolbert wants to put, where the little trailer is at, if he wants to make that a drive, if he puts his truck or his car there how is he going to see if he backs out. Mr. Taylor replied well my thing is you see with porch right now is it enough right now to be a driveway, can you make another driveway there. Mr. Oubre stated well he can fit the trailer. Mr. Tolbert replied yes, I've put my truck right there before and I have room on both sides too. Mr. Oubre stated if you stop with a 6' fence right up to the porch then you would be blocking his view if you take that fence and back up about 10' and start tapering it down and stop your 6' at the corner drop back about 10' and start tapering it down to 30". Mr. Taylor replied yes, that is good. Mr. Tolbert replied that sounds good as long as I am able to back out without having anything happen. Mr. Taylor replied his porch is already to the road, it is closer to the road than it should

be. Mr. Tolbert replied the porch has been there ever since I've been in the house and it has been taken down and put back up a couple of times. Mr. Taylor replied not the middle of that porch you had a smaller little deal there; you added that on over the summer. Mr. Tolbert replied no I just put that up, the railing, not the porch. Mr. Price stated the Board has to go by what is there now in other words what you actually have and then what he wants to do and they've got to make a ruling on that. Mr. Hodnett asked Mr. Tolbert how deep his porch was, is it about 8 feet? Mr. Tolbert replied no it is not 8, I think it is about 5'. Mr. Taylor stated you said they've got to go by what he's got there now so what are you saying. Mr. Price replied no I'm waiting, they've got to make a ruling, we can't go back on what he had, the side porch before, they've got to go with their ruling by what is existing now. Mr. Taylor replied and that is the same thing that I'm saying too, you don't have a driveway there now; you've got a porch there. Mr. Price stated well a drive is something different; a drive can be put at any time. Mr. Oubre stated he's got enough room to put a trailer and I if you make a parking lot on this side of the house, if a car pulls in you're obstructing the view if you have a solid fence you won't see anything. If you start back tapering it down, say where the porch starts from the solid wall to the corner, get down to where you can see over it... Mr. Tolbert replied as long as I have enough clearance to see, I don't want anybody leaving my house getting into any kind of an accident. Mr. Price stated what is the difference though just a question back from the house though but why from the window, if you have a house wall or a fence wall, it is the same thing. Mr. Tolbert stated you mean right from my porch; that is good with me. Mr. Fauchaux stated you're making reference to him being able to see when he's backing out from his house, why not make him back it up. Mr. Price stated judging by the spindles, the distance between the spindles and the two ends you're probably coming out close to 7' if you count them. Mr. Soignet stated again, what is enough for them to see. Mr. Fauchaux stated enough to back the trailer out. Mr. Tolbert stated he's got one on the other side of the house it would be the same thing. Mr. Fauchaux replied ok, so that is clear, all right, so if I'm coming out of the other drive, you'd have the same situation but what about a different scenario a car parking next to his house on the side that you're looking at, it doesn't matter where the clearance is for the porch on the other side drive but you have a trailer. Mr. Tolbert replied I always have somebody behind when I do my trailer anyway because I just don't want to have an accident right there. Mr. McNeal stated do we want him to stay off the property line and go with the code. Mr. Taylor replied I wanted to go with the 6' fence and if you want me to stop it right there it is fine, I mean I've already got the house right here and it already tall, so I can cut it down right here, the house is way taller than 6' so I can stop it right here even with the house. Mr. Hodnett stated 6' to the edge of the house and then 30" to the road would be about 10 feet from that pole. Mr. Taylor replied right. Mr. Soignet replied it is hard to say how many feet you all need to be safe, if you all could agree... Mr. Price stated make a motion and then you can vote on it. Mr. McNeal made a motion to maintain the 20' setback for the 6' fence, the motion was seconded by Rudy, all members were in favor.

The third item on the agenda was to consider a request by Nicholas Arcement & Jacob Pennison to be able to have two building signs that total 15 square feet of signage at 527 Jackson St. (R-3 Zoning District). Mr. Nicholas Arcement of 170 Esplanade Blvd. and Mr. Jacob Pennison of 3137 Diane Dr., Morgan City, came forward and stated the previous business had two small signs up and we want to keep it at the same square footage... Mr. Price stated he's talking about the reader board. For the members that weren't here, back in March of 2002 Charter was asking for the same thing, two signs and the board granted them 16 sq. foot total and he's asking for less. Mr. Hodnett asked if there were any comments from the board, if not, was there a motion? A motion to grant the two building signs totaling 15 square feet was made by Mr. Savoie and it was seconded by Mr. Soignet, all members were in favor.

Mr. Hodnett then asked if there was any further business to discuss, a motion to adjourn was made by Mr. McNeal and seconded by Mr. Soignet, all members were in favor, meeting adjourned.