

May 15, 2017

The Board of Zoning Adjustment of the City of Sulphur, Louisiana, met in regular session at its regular meeting place located at 500 N. Huntington Street, Sulphur, Louisiana, held immediately following the Land Use Commission meeting at 5:30 p.m., on the 15th day of May, 2017, after full compliance with the convening of said meeting with the following members present:

PHYLLIS WILSON, BZA District 2
MIKE MOORE, BZA District 3
BILL McMULLEN, BZA District 4
GERRIT LAWRENCE, BZA District 5

ABSENT – LENORE CARROLL, BZA District 1

After the meeting was called to order and the roll called with the above results, prayer was led by Mrs. Wilson followed by the reciting of the Pledge of Allegiance led by Mr. Moore.

Motion was made by Mr. Moore seconded by Mrs. Wilson that the agenda stand as written. Motion carried unanimously.

The first item on the agenda is a resolution electing a Chairman and Vice-Chairman. Motion was made by Mrs. Wilson seconded by Mr. McMullen that the following resolution be adopted to-wit:

RESOLUTION

Resolution electing a Chairman and Vice-Chairman for the Land Use Commission of the City of Sulphur.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby elect Mike Moore as Chairman and Lenore Carroll as Vice-Chairman for the Land Use Commission of the City of Sulphur.

A vote was then called with the results as follows:

YEAS: Ms. Wilson, Mr. Moore, Mr. McMullen, Mrs. Wilson
NAYS: None

ABSENT: Mrs. Carroll

And the said resolution was declared duly adopted on this 15th day of May, 2017.

ATTEST:

ARLENE BLANCHARD, Secretary

MIKE MOORE, Chairman

The next item on the agenda is a resolution granting a variance to Marcus Benny, 910 Invader Street (middle parcel), to allow for front setback to be 20 feet rather than the required 30 feet. Mr. Daigle stated that this is a true variance since the back portion is in a floodway and Entergy has a right of way in front. Motion was made by Mr. Lawrence seconded by Mrs. Wilson that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a variance to Marcus Benny, 910 Invader Street (middle parcel), to allow for front setback to be 20 feet rather than the required 30 feet.

WHEREAS, in accordance with Article IV, Part 3, Section 1 (2) (d) of the Land Use Ordinance of the City of Sulphur, Louisiana, front setback for a single-family dwelling shall be 30 feet.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to Marcus Benny, 910 Invader Street (Tract B of the attached plat), to allow for front property line to be 20 feet rather than the required 30 feet in accordance with Article III, Part 1, Section 4 (1) of the Land Use Ordinance for the following described property:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7 OF BLOCK 2 OF SAID STARLIN SUBDIVISION NO. 2; THENCE SOUTH 50°50'02" WEST A DISTANCE OF 74.97 FEET; THENCE SOUTH 49°16'46" WEST A DISTANCE OF 32.73 FEET, THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE SOUTH 00°12'48" WEST A DISTANCE OF 196.21 FEET; THENCE SOUTH 60°56'59" WEST A DISTANCE OF 92.86 FEET; THENCE NORTH 00°12'48" EAST A DISTANCE OF 179.67 FEET; THENCE NORTH 54°27'29" EAST A DISTANCE OF 69.65 FEET; THENCE NORTH 49°16'46" EAST A DISTANCE OF 32.41 FEET TO THE POINT OF BEGINNING. HEREIN DESCRIBED TRACT CONTAINING 15,123.00 SQ. FT. MORE OR LESS, AND SUBJECT TO ANY RIGHT OF WAYS, SERVITUDES AND/OR EASEMENTS OF RECORD OR BY USE.

Upon approval of this variance the owner of this variance shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this variance.

No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this variance shall be withdrawn and considered null and void.

A vote was then called with the results as follows:

YEAS: Ms. Wilson, Mr. Moore, Mr. McMullen, Mr. Lawrence

NAYS: None

ABSENT: Mrs. Carroll

And the said resolution was declared duly adopted on this 15th day of May, 2017.

ATTEST:

ARLENE BLANCHARD, Secretary

MIKE MOORE, Chairman

The next item on the agenda is a resolution granting a variance to John Clemens, 2800 St. Joseph Street, to allow for height of accessory building to be 23 feet while home is only 14 feet in height. After discussion, motion was made by Mr. Lawrence seconded by Mrs. Wilson that the following resolution be adopted to-wit:

Resolution granting a variance to John Clemens, 2800 St. Joseph Street, to allow for height of accessory structure to be 23 feet in height while home is only 14 feet in height.

WHEREAS, in accordance with Article IV, Part 2, Section 3 (d) of the Land Use Ordinance of the City of Sulphur, Louisiana, no accessory structure or use shall exceed the height of the principal structure to which it is accessory. Except motor home covers not to exceed seventeen (17) feet.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to John Clemens, 2800 St. Joseph Street, to allow for height of accessory structure to be 23 feet in height while home is only 14 feet in height, in accordance with Article III, Part 1, Section 4 (1) of the Land Use Ordinance for the following described property:

LOT 6 AND W 53 FT LOT 7 BLK 2 ROSE PARK NO 6

This variance is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said variance interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this variance, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

Upon approval of this variance the owner of this variance shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this variance.

No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this variance shall be withdrawn and considered null and void.

A vote was then called with the results as follows:

YEAS: Mr. McMullen

NAYS: Mr. Lawrence, Mr. Moore, Mrs. Wilson

ABSENT: Mrs. Carroll

And the said resolution failed on this 15th day of May, 2017.

ATTEST:

ARLENE BLANCHARD, Secretary

MIKE MOORE, Chairman

The next item on the agenda is a resolution granting a variance to Redmarque Construction, property between Division Street and I-10, to allow for front setbacks in subdivision to be 20 feet rather than the required 30 feet. After much discussion, motion was made by Mr. Lawrence seconded by Mr. McMullen that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a variance to Redmarque Construction, property located between Division Street and I-10, to allow for front setbacks in subdivision to be 20 feet rather than the required 30.

WHEREAS, in accordance with Article IV, Part 3, Section 1 (2) (d) of the Land Use Ordinance of the City of Sulphur, Louisiana, front setback for a single-family dwelling shall be 30 feet.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to Redmarque Construction, property located between Division Street and I-10, to allow for front setbacks in subdivision to be 20 feet rather than the required 30 for the following described property:

A CERTAIN PARCEL OR TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 10 SOUTH, RANGE 10 WEST IN CALCASIEU PARISH, LOUISIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 2 OF THE M.M. LAW SUBDIVISION AND A POINT ON THE EASTERN RIGHT OF WAY LINE OF SOUTH POST OAK ROAD; THENCE ALONG SAID RIGHT OF WAY SOUTH 0 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 146.20' (FEET) TO THE POINT OF BEGINNING.

THENCE ALONG THE SOUTHERN BOUNDARY OF SAID M.M. LAW SUBDIVISION SOUTH 89 DEGREES 10 MINUTES 37 SECONDS EAST A DISTANCE OF 1306.25' (FEET) TO A POINT; THENCE SOUTH 0 DEGREES 49 MINUTES 22 SECONDS WEST A DISTANCE OF 166.29' (FEET) TO A POINT; THENCE NORTH 89 DEGREES 10 MINUTES 07 SECONDS WEST A DISTANCE OF 1306.25' (FEET) TO THE SAID EASTERN RIGHT OF WAY LINE OF SOUTH POST OAK ROAD; THENCE ALONG SAID RIGHT OF WAY NORTH 0 DEGREES 49 MINUTES 28 SECONDS EAST A DISTANCE OF 166.10' (FEET) TO THE POINT OF BEGINNING, CONTAINING 217,094 SQ. FT. OR 4.98 ACRES MORE OR LESS.

This variance is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said variance interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this variance, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

Upon approval of this variance the owner of this variance shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this variance.

No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this variance shall be withdrawn and considered null and void.

A vote was then called with the results as follows:

YEAS: Mrs. Wilson, Mr. Moore, Mr. McMullen, Mr. Lawrence

NAYS: None

ABSENT: Mrs. Carroll

And the said resolution was declared duly adopted on this 15th day of May, 2017.

ATTEST:

ARLENE BLANCHARD, Secretary

MIKE MOORE, Chairman

The next item on the agenda is a resolution granting a variance to Redmarque Construction, property between Division Street and I-10, to allow for setback measurements to be taken from building foundation rather than the required eaves. After discussion, motion was made by Mr. Lawrence seconded by Mrs. Wilson that the following amendment be made:

- WHEREAS, eaves shall be constructed of hardiplank.

Motion carried unanimously.

Motion was then made by Mr. Lawrence seconded by Mr. McMullen that the following resolution be adopted to-wit:

RESOLUTION AS AMENDED

Resolution granting a variance to Redmarque Construction, property located between Division Street and I-10, to allow for setback measurements to be taken from building foundation rather than the required eaves.

WHEREAS, in accordance with Article IV, Part 3, Section 1 (2) (d) of the Land Use Ordinance of the City of Sulphur, Louisiana, setback measurements shall be measured from the overhang/eve of structure rather than building foundation; and

WHEREAS, eaves shall be constructed of hardiplank.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to Redmarque Construction, property located between Division Street and I-10, to allow for setback measurements to be measured from building foundation rather than the required overhang/eve for the following described property:

A CERTAIN PARCEL OR TRACT OF LAND LOCATED IN THE
NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION
1, TOWNSHIP 10 SOUTH, RANGE 10 WEST IN CALCASIEU PARISH,
LOUISIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 2 OF THE M.M.
LAW SUBDIVISION AND A POINT ON THE EASTERN RIGHT OF WAY
LINE OF SOUTH POST OAK ROAD; THENCE ALONG SAID RIGHT OF
WAY SOUTH 0 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE
OF 146.20' (FEET) TO THE POINT OF BEGINNING.

THENCE ALONG THE SOUTHERN BOUNDARY OF SAID M.M. LAW
SUBDIVISION SOUTH 89 DEGREES 10 MINUTES 37 SECONDS EAST A
DISTANCE OF 1306.25' (FEET) TO A POINT; THENCE SOUTH 0 DEGREES
49 MINUTES 22 SECONDS WEST A DISTANCE OF 166.29' (FEET) TO A
POINT; THENCE NORTH 89 DEGREES 10 MINUTES 07 SECONDS WEST
A DISTANCE OF 1306.25' (FEET) TO THE SAID EASTERN RIGHT OF
WAY LINE OF SOUTH POST OAK ROAD; THENCE ALONG SAID RIGHT
OF WAY NORTH 0 DEGREES 49 MINUTES 28 SECONDS EAST A
DISTANCE OF 166.10' (FEET) TO THE POINT OF BEGINNING,
CONTAINING 217,094 SQ. FT. OR 4.98 ACRES MORE OR LESS.

This variance is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said variance interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this variance, including, but not limited to, litigation defense,

litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

Upon approval of this variance the owner of this variance shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this variance.

No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this variance shall be withdrawn and considered null and void.

A vote was then called with the results as follows:

YEAS: Mrs. Wilson, Mr. Moore, Mr. McMullen, Mr. Lawrence

NAYS: None

ABSENT: Mrs. Carroll

And the said resolution was declared duly adopted on this 15th day of May, 2017.

ATTEST:

ARLENE BLANCHARD, Secretary

MIKE MOORE, Chairman

There being no further business to come before the Board, the Chairman declared the meeting adjourned.

ATTEST:

ARLENE BLANCHARD, Secretary

MIKE MOORE, Chairman

5/15/17

7:30 P.M.