

November 15, 2021

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, at 5:30 p.m., on the 15th day of November, 2021, after full compliance with the convening of said meeting with the following members present:

LENORE CARROLL, Land Use Commission District 1
PHYLLIS WILSON, Land Use Commission District 2
VERONICA ALLISON, Land Use Commission District 3
ROBIN BAUDOIN, Land Use Commission District 4

ABSENT: JONATHAN BRAZZELL, Land Use Commission of District 5

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 Ms. Baudoin.

Motion was made by Mrs. Carroll seconded by Mrs. Wilson that the minutes of the previous meeting stand as written. Motion carried unanimously.

Motion was then made by Ms. Baudoin seconded by Mrs. Carroll that the agenda be amended as follows:

Remove #1 – Resolution granting a variance to Regina Perry, 767 North Claiborne Street, to allow for a 590 sq. ft. mobile home rather than the required 600 sq. ft.

Motion carried unanimously.

Motion was then made by Mrs. Carroll seconded by Ms. Baudoin that the agenda stand as amended.

Motion carried unanimously.

The first item on the agenda is a resolution granting a variance to KNI, LLC, property north of East Napoleon Street (north of RR tracks), west of Prater Road, to allow a borrow pit (not to exceed 70 acres) rather than the required 5 acres. Randy Favre, representative for KNI,

LLC, addressed the Commission and stated that they want to make a borrow pit not to exceed 70 acres so they can sell the dirt. They have approximately 118 acres total, but they only want to use 70 (or less) acres. There have been 4 stipulations placed on this property; one of them being that an irrevocable restriction which precludes use of the borrow pit as a landfill. We've asked to reserve the right to dispose of vegetative debris in the future with advanced approval by Sulphur Land Use and City Council or we can just leave it as green space. He also stated that this was the first step in the process. If the variance is granted, he'll have to come back before Land Use and City Council for approval of the borrow pit. The following citizens spoke against the project:

Frank Stafford – 3924 Old Spanish Trail
Archie Darby – 4241 Duke Street
Adrian Mouton – 3608 East Burton Street
Carolyn Peters – 4 Sherwood Drive Apt. 18

After much discussion, motion was made by Mrs. Carroll seconded by Mrs. Wilson that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a variance to KNI, LLC, property located north of East Napoleon Street (north of RR tracks), west of Prater Road, to allow a borrow pit not to exceed 70 acres rather than the required 5 acres.

WHEREAS, in accordance with Article IV, Part 2, Section 10 (1) of the Land Use Ordinance of the City of Sulphur borrow pits shall not exceed five (5) acres; and

WHEREAS, the following stipulations shall be placed on this variance in addition to any other legal requirements set forth in any other current applicable code:

- 1.) The permit department for the City of Sulphur shall approve in writing prior to development or operation of any borrow pit any and all detailed ingress and egress plans, on and off site, which shall be presented by the applicant in writing;
- 2.) The permit department for the City of Sulphur shall approve in writing prior to development or operation of any borrow pit any and all detailed off site dirt hauling transportation plan and routes which shall be presented by the applicant in writing and contain evidence of approval from any other necessary governmental entity including but not limited to the Calcasieu Parish Police Jury;

- 3.) The permit department for the City of Sulphur shall approve in writing prior to development or operation of any borrow pit the drainage plan for the entire development site, and
- 4.) The Applicant shall execute and file with the Calcasieu Parish Clerk of Court an irrevocable restriction on the entire site which precludes use of the borrow pit as a landfill by the applicant or any successor, transferee or assign of the ownership or rights of use which shall be approved by the Sulphur City Attorney or his designee prior to execution and filing. This restriction may reserve the right for the applicant or any successor, transferee or assign to dispose of vegetative debris on this site in the future with advance approval by Sulphur Land Use and Sulphur City Council.

WHEREAS, applicant is requesting a variance to allow for a borrow pit not to exceed 70 acres rather than the required 5 acres for the following described property:

A portion of the immovable property described on Exhibit "A" attached hereto and made a part hereof by reference. The Applicant shall designate the portion of the property which does not exceed the 70-acre limitation and present with an accurate survey of same which will be attached to the restriction described above when filed with the Calcasieu Parish Clerk of Court.

This variance is granted by the City of Sulphur and may be withdrawn/terminated 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/terminated, 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 and the applicant has complied with all stipulations set forth above. In the event work is commenced prior to obtaining all applicable permits, this variance shall be withdrawn/terminated and considered null and void unless the City of Sulphur has specifically authorized the commencement of said work in writing.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to KNI, LLC, property located north of East Napoleon Street (north of RR tracks), west of Prater Road, to allow a borrow pit not to exceed 70 acres rather than the required 5 acres and subject to the stipulations and description requirements

set forth herein. Failure to comply with any stipulations shall result in termination of the borrow pit permit after notice to applicant to cure any violation within thirty (30) days after actual notice

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mrs. Wilson, Mrs. Allison, Ms. Baudoin

NAYS: None

ABSENT: Mr. Brazzell

And the said resolution was declared duly adopted on this 15th day of November, 2021.

ATTEST:

ARLENE BLANCHARD, Secretary

VERONICA ALLISON, Vice-Chairman

There being no further business to come before the BZA, the Vice-Chairman declared the meeting adjourned.

ATTEST:

ARLENE BLANCHARD, Secretary

VERONICA ALLISON, Vice-Chairman

11/15/21