

**NOTICE.....The BZA and Land Use meetings will temporarily be held at 1551 East Napoleon Street.**

**AGENDA**  
**BOARD OF ZONING ADJUSTMENT AND LAND USE REGULAR MEETING**  
**MONDAY, NOVEMBER 20, 2023, AT 5:30 P.M.**

THERE WILL BE A REGULAR MEETING OF THE SULPHUR BOARD OF ZONING ADJUSTMENT AND LAND USE COMMISSION, **MONDAY, NOVEMBER 20, 2023, AT 5:30 P.M.** IN THE CITY COUNCIL CHAMBERS LOCATED AT 1551 EAST NAPOLEON STREET, SULPHUR, LOUISIANA TO ADOPT THE FOLLOWING:

CALL TO ORDER  
INVOCATION  
PLEDGE OF ALLEGIANCE  
ROLL CALL  
APPROVAL OF MINUTES OF PREVIOUS MEETING (S)  
APPROVAL OF AGENDA

**BZA**

1. Resolution granting a variance to F & L Properties, LLC, 1035 Edith Street, to allow for lot to be 4,950 sq. ft. rather than the required 6,000 sq. ft.
2. Resolution granting a variance to Suzanne Hebert, 706 Live Oak, to allow for a second dwelling to be placed on property until the primary dwelling can be demolished.
3. Resolution granting a 2<sup>nd</sup> extension to a variance for Eugene & Monica LeBlanc, 315 Navarre Street, to allow for temporary living in an RV while home is being rebuilt due to a fire.

**LAND USE**

1. Resolution granting a rezone to K & V Realty, LLC, property located 620 feet south of Maplewood Drive/South Post Oak Road, from Residential to Mixed Residential for potential sell of property.
2. Resolution appealing an administrative decision for a neighborhood commercial use for Cynthia Robertson located at 618 West Verdine Street.

3. Extension for temporary housing in recreational vehicles due to damage caused by Hurricane Laura for the following address:
  - a. To extend temporary housing in a recreational vehicle located at 706 Live Oak, in accordance with Ordinance No. 1693, M-C Series.

#### ADJOURNMENT

\*\*\*\*(Anyone addressing Commission will be limited to speak for 3 minutes only)

***If you are not satisfied with the outcome of the Land Use Commissions decision, the City Council will meet on all these issues at their next City Council meeting. If you are still not satisfied with their decision you can appeal it.***

\*\*\*The next regular Board of Zoning Adjustment and Land Use meeting will be held on Monday, December 18, 2023, at 5:30 p.m. in the Council Chambers located at 1551 East Napoleon Street, Sulphur, La.

In accordance with the Americans with Disabilities Act, if you need special assistance to attend this meeting, please contact Arlene Blanchard at 527-4500, describing the assistance that is necessary.

RESOLUTION

RESOLUTION GRANTING A VARIANCE TO F & L PROPERTIES, LLC, 1035 EDITH STREET, TO ALLOW FOR LOT TO BE 4,950 SQ. FT. RATHER THAN THE REQUIRED 6,000 SQ. FT.

WHEREAS, in accordance with Article IV, Part 3, Section 2 (3) (b) of the Land Use Ordinance of the City of Sulphur, Louisiana, no front foot dimension of a lot shall be less than fifty (50) feet. The total area of a lot shall not be less than six thousand (6,000) square feet.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to F & L Properties, LLC, 1035 Edith Street, to allow for lot to be 4,950 sq. ft. rather than the required 6,000 sq. ft. for the following described property:

E 85 FT LOT 11 (OR) LOT 11 J H BARRETT SUB, LESS THE W 55 FT THEREOF

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.**

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to F & L Properties, LLC, 1035 Edith Street, to allow for lot to be 4,950 sq. ft. rather than the required 6,000 sq. ft.

APPROVED AND ADOPTED by  
the Board of Zoning Adjustment  
of the City of Sulphur, Louisiana,  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LENORE CARROLL, Chairman

ATTEST:

\_\_\_\_\_  
ARLENE BLANCHARD, Secretary



# CITY OF SULPHUR

## APPLICATION FOR

### DEVELOPMENT APPROVAL - VARIANCE

Date Received 10/30/23 \$50.00 Fee (Non-Refundable) \_\_\_\_\_  
(Exact cash or check only)

**IT IS APPLICANT'S RESPONSIBILITY TO KEEP SIGN POSTED ON PROPERTY. IF SIGN ISN'T PLACED ON PROPERTY 10 DAYS PRIOR TO MEETING DATE PLEASE NOTIFY CITY. IF SIGN IS REMOVED IT COULD DELAY ACTION ANOTHER MONTH. ONCE VARIANCE IS APPROVED/DISAPPROVED, APPLICANT MUST REMOVE SIGN FROM PROPERTY**

Print Name FLOYD VASSEUR

Date 10-13-23

#### PROPERTY OWNER INFORMATION

Name of Property Owner F & L Properties, LLC (Floyd Vasseur)

(Owner must provide proof of ownership such as property tax record or recorded deed)

Mailing Address: 2603 Common Street City: Lake Charles State: LA Email: vasseurfw@aol.com

Physical Address: 814 Topsy Rd LC 70607 City: \_\_\_\_\_ State: \_\_\_\_\_

Phone Number (H) \_\_\_\_\_ (W) 337-436-7368 (C) 337-794-9536

#### PROPERTY INFORMATION

Location Address: 1035 Edith Street, Sulphur, LA 70663

Present Zoned Classification: Mixed Residential

#### LEGAL DESCRIPTION FROM ABSTRACT OR TAX RECORD (PRINT NEATLY OR TYPE)

See attached tax bill for full legal description.

DO YOU CURRENTLY HAVE ANY PENDING VIOLATION WITH ANY ORDINANCE OF THE CITY OF SULPHUR

YES ☐ NO ☒

YOU, OR A REPRESENTATIVE, MUST ATTEND THE SCHEDULED MEETING

INITIAL FW

#### VARIANCE REQUEST INFORMATION

Purpose of Variance Request: Square footage does not meet requirement of 6,000 sq ft; Can do 55 ft frontage x 90 feet; Total of 4,950 sq ft

I do hereby understand that no petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners of authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested; provided however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision, as stated in the City of Sulphur Land Use Ordinance, Number 541, M-C Series.

Further, I do certify that the property for which the above request is being made does not hold any restrictions or covenants that would be in conflict with said request.


Furthermore, I, the applicant agree to dispose of the sign(s) placed on my property after the hearing.

Applicant Signature Floyd Vasseur Date 10-13-23

	Yes	No	N/A
1. Is site located within the City Limits?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed use be a nuisance to the surrounding area because of odors, vibrations, unsightly areas or other unwarranted elements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the capacity of the road and off-street parking facilities adequate for use by the proposed development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the location be served by a fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Can the proposed development be expected to adversely affect the character/aesthetics of the area involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is property within a designated flood hazard area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Flood zone classification _____ bfe _____ ft.			




# Memo

To: Land Use and Planning Commissioners  
From: Austin Abrahams   
Director, Department of Public Works  
CC: Arlene Blanchard, Mayor Mike Danahay  
Date: 11/9/2023  
Re: **1035 Edith Street** - Variance Request

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Comments: **Summary of Recommendation:**

A recommendation  support of the variance cannot be given.

**Application:**

F & L Properties has requested a variance relative to the lot size requirements. Mixed Residential Districts require a minimum lot size of six thousand (6000) sq. ft. The application requests a 4,950 sq. ft. lot be allowed.

**Situation:**

The applicant possesses a lot currently developed with a single-family dwelling on piers and a manufactured house. The current lot size is roughly 12,635 sq. ft. which is typical for neighboring properties. The manufactured home sits on the western portion of the lot and has existed since year 2000, prior to comprehensive zoning in 2003. The applicant wishes to sell the lot, which will require a minor subdivision. Prior to contracting a surveyor, the applicant is requesting a variance.

**Findings:**



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In accordance with Article III, Part 1, Section 2(a) of the Land Use Ordinance (Ordinance), the application has been reviewed. The following findings are offered for your consideration:

1. The existing use is legally nonconforming related to mixed residential development standards.
2. There exists another manufactured home at the intersection of Barrett Street and Edith Street as shown on the attached map.
3. Subdividing the lot will create a situation where the existing structure will not meet current setback requirements. Specifically, the existing structure's front setback is 20 feet, where ordinance requires a 30 feet front setback.
4. The Variance, if granted, will alter the essential character of the locality. Specifically, each lot in the immediate neighborhood are at least 10,000 sq. ft.

**Recommendation:**

In accordance with Article III, Part 2, Section 4 (3), based on the above findings, it is recommended that the variance be **denied**.

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This lot once was  $48 \times 90 = 4,320$  sq. ft. He now wants to make it  $55 \times 90 = 4,950$  sq. ft.

## RESOLUTION

RESOLUTION GRANTING A REZONE TO K & V REALTY, LLC, FROM RESIDENTIAL TO MIXED RESIDENTIAL FOR POTENTIAL SELL OF PROPERTY.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to K & V Realty, LLC, from Residential to Mixed Residential for potential sell of property for the following described property:

A TRACT OF LAND IN THE NORTH HALF OF THE NORTHEAST QUARTER (N ½ OF NE ¼) OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 10 WEST, CALCASIEU PARISH LOUISIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH POST OAK ROAD, SAID POINT BEING SOUTH 00°53'52" WEST 1,328.96 FEET AND NORTH 89°18'38" WEST 30 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 2, SAID POINT ALSO BEING THE NORTHEAST CORNER OF ROSE PARK NO. 11 SUBDIVISION AS RECORDED IN PLAT BOOK 26, PAGE 77, FILE NO. 1434241 RECORDS OF CALCASIEU PARISH, LA;

THENCE NORTH 89°18'38" WEST 1,476.71 FEET ALONG THE NORTH LINE AND ITS WESTERLY PROLONGATION OF SAID ROSE PARK NO. 11 SUBDIVISION;

THENCE NORTH 01°04'49" EAST 664.65 FEET;

THENCE SOUTH 89°18'16" EAST 1,474.60 FEET TO A POINT OF THE WEST RIGHT OF WAY LINE OF SOUTH POST OAK ROAD;

THENCE SOUTH 00°53'52" WEST 664.48 FEET ALONG THE WEST RIGHT OF WAY LINE OF SOUTH POST OAK ROAD TO THE POINT OF BEGINNING.

THE HEREIN DESCRIBED TRACT CONTAINS 22.51 ACRES, MORE OR LESS.

BE IT FURTHER RESOLVED that the following stipulations be placed on the property:

1. 6' privacy fence along south property lines.
2. Maintain 20' wide buffer yard along south property lines.
3. Develop a drainage plan and have it approved as part of the Permit process.
4. Containers for solid waste shall be located no closer than fifteen feet to an adjacent property line and screened with a 6' tall, gated, masonry or lumber fence.
5. Permits not pulled within one year, parcel shall revert back to Residential.

This rezone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said rezone 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 rezone, 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 rezone the owner of this rezone 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 rezone.

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

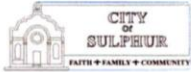
BE IT FURTHER RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to K & V Realty, LLC, from Residential to Mixed Residential for potential sell of property with the above stipulations.

APPROVED AND ADOPTED by  
the Board of Zoning Adjustment  
of the City of Sulphur, Louisiana,  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LENORE CARROLL, Chairman

ATTEST:

\_\_\_\_\_  
ARLENE BLANCHARD, Secretary



CITY OF SULPHUR  
APPLICATION FOR  
DEVELOPMENT APPROVAL

Date Received \_\_\_\_\_

\$50.00 Fee (Non-Refundable)

(Exact cash or check only)

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PRINT NAME \_\_\_\_\_ DATE \_\_\_\_\_

PROPERTY OWNER INFORMATION

Name of Property Owner

KEV Realty, LLC

(Owner must provide proof of ownership such as property tax record or recorded deed)

Mailing Address:

P.O. Box 898 L.C.

State:

LA

Email:

ASINGLETARY@TUNSTADT6702LA.COM

Physical Address:

127 W. BROAD ST

City:

L.C. 70602

State:

LA

Phone Number (H)

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(W)

337-4830 511

(C)

337 4 96 6098

Location Address:

Maplewood Dr. @ FOOT DR

Present Zoned Classification:

Residential

PROPERTY INFORMATION

LEGAL DESCRIPTION FROM ABSTRACT OR TAX RECORD (PRINT NEATLY OR TYPE)

see attached Survey

DO YOU CURRENTLY HAVE ANY PENDING VIOLATION WITH ANY ORDINANCE OF THE CITY OF SULPHUR

YES

☒ NO

YOU, OR A REPRESENTATIVE, MUST ATTEND BOTH LAND USE AND CITY COUNCIL MEETING

INITIAL

AS

REQUEST INFORMATION

☒ REZONE

☐ EXCEPTION

☐ SUBDIVISION

☐ BILLBOARD

☐ PRE. PLAT

☐ FINAL PLAT

☐ DOES REZONE REQUIRE FENCING

NAME OF SUBDIVISION

Zoning Change: From

Residential

To

Mixed Residential-Commercial

Purpose of Request:

Potential Sell of Property

I do hereby understand that no petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners of authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested; provided however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision, as stated in the City of Sulphur Land Use Ordinance, Number 241, M-C Series.

Further, I do certify that the property for which the above request is being made does not hold any restrictions or covenants that would be in conflict with said request.

Furthermore, I, the applicant agree to dispose of the Land Use sign(s) placed on my property after the public hearing.

Applicant Signature

[Signature]

Manager Date

10/17/2023

	Yes	No	N/A
1. Is site located within the City Limits?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed use be a nuisance to the surrounding area because of odors, vibrations, unsightly areas or other unwarranted elements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the capacity of the road and off-street parking facilities adequate for use by the proposed development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the location be served by a fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Can the proposed development be expected to adversely affect the character/aesthetics of the area involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is property within a designated flood hazard area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flood zone classification	<u>X</u>	bfe	<u>12'</u> ft.



# Memo

To: Land Use and Planning Commissioners  
From: Austin Abrahams *AA*  
Director, Department of Public Works  
CC: Arlene Blanchard, Mayor Mike Danahay  
Date: 11/9/2023  
Re: Property located 620 feet South of Maplewood Drive & Post Oak Road  
Intersection - Rezone Request

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Comments: **Application:**

K & V Realty, LLC, has requested a rezoning of the referenced area from Residential to Mixed Residential.

**Situation:**

The application is based on the proposed plan provided by the applicant. The proposed plan includes several "shopping centers" and multi-family uses (apartment complexes) that would require a rezone to Mixed Residential.

**Findings:**

In accordance with Article III, Part 2, Section 5(3) of the Land Use Ordinance (Ordinance), the application has been reviewed. The following findings are offered for your consideration:

1. The Application appears substantially complete.
  2. The considered area is bordered by undeveloped land.
-



3. The considered area is bordered by land zoned Mixed Residential to the East across Post Oak Rd, Business to the North, and Residential to the South.
4. The neighborhood area surrounding the area does not exhibit any indications of demand for Mixed Residential land use.
5. The request to amend the land use map may constitute "spot zoning".
6. Based on the proposed plan, the subject property requesting rezone does not include all the area that will contain multi-family.

**Recommendations:**

Absent an intent to encourage a Mixed Residential corridor in the vicinity, a recommendation for rezoning cannot be made.

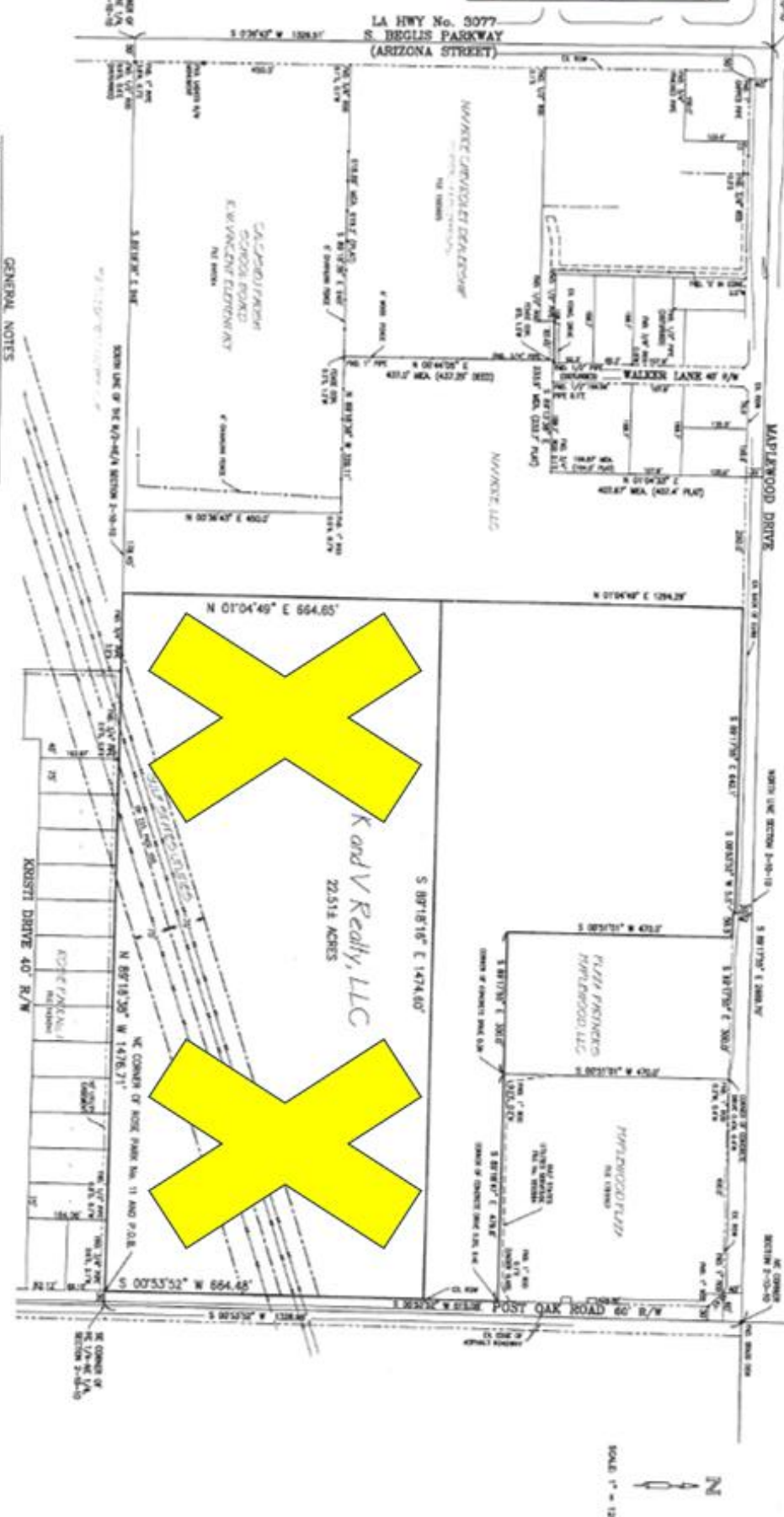
The following stipulations or restrictions are suggested:

- a. 6' privacy fence along south property lines
- b. Maintain 20' wide buffer yard along south property lines
- c. Develop a drainage plan and have it approved as part of the Permit process
- d. Containers for solid waste shall be located no closer than fifteen feet to an adjacent property line and screened with a 6' tall, gated, masonry or lumber fence.
- e. Permits not pulled within one year, parcel will revert back to Residential.

K and V Realty, LLC

Zoning Exhibit

A tract of land in the North Half of the Northeast Quarter (NE 1/4) of Section 2, Township 10 South, Range 10 West, Calcasieu Parish, Louisiana, being more particularly described as follows:  
Begin at a point on the west right of way line of South Post Oak Road, said point being South 00° 53' 52" West 1,328.96 feet and North 89° 18' 38" West 30 feet from the northeast corner of said Section 2, said point also being the northeast corner of Block Park No. 11 Subdivision as recorded in Plat Book 26, Page 77, File No. 1434241 records of Calcasieu Parish, LA;  
thence North 89° 18' 38" West 1,476.71 feet along the north line and its westerly prolongation of said Block Park No. 11 Subdivision;  
thence North 01° 04' 49" East 664.65 feet;  
thence South 89° 18' 38" East 1,474.60 feet to a point at the west right of way line of South Post Oak Road;  
thence South 00° 53' 52" West 664.48 feet along the west right of way line of South Post Oak Road to the point of beginning.  
The herein described tract contains 22.51 acres, more or less.

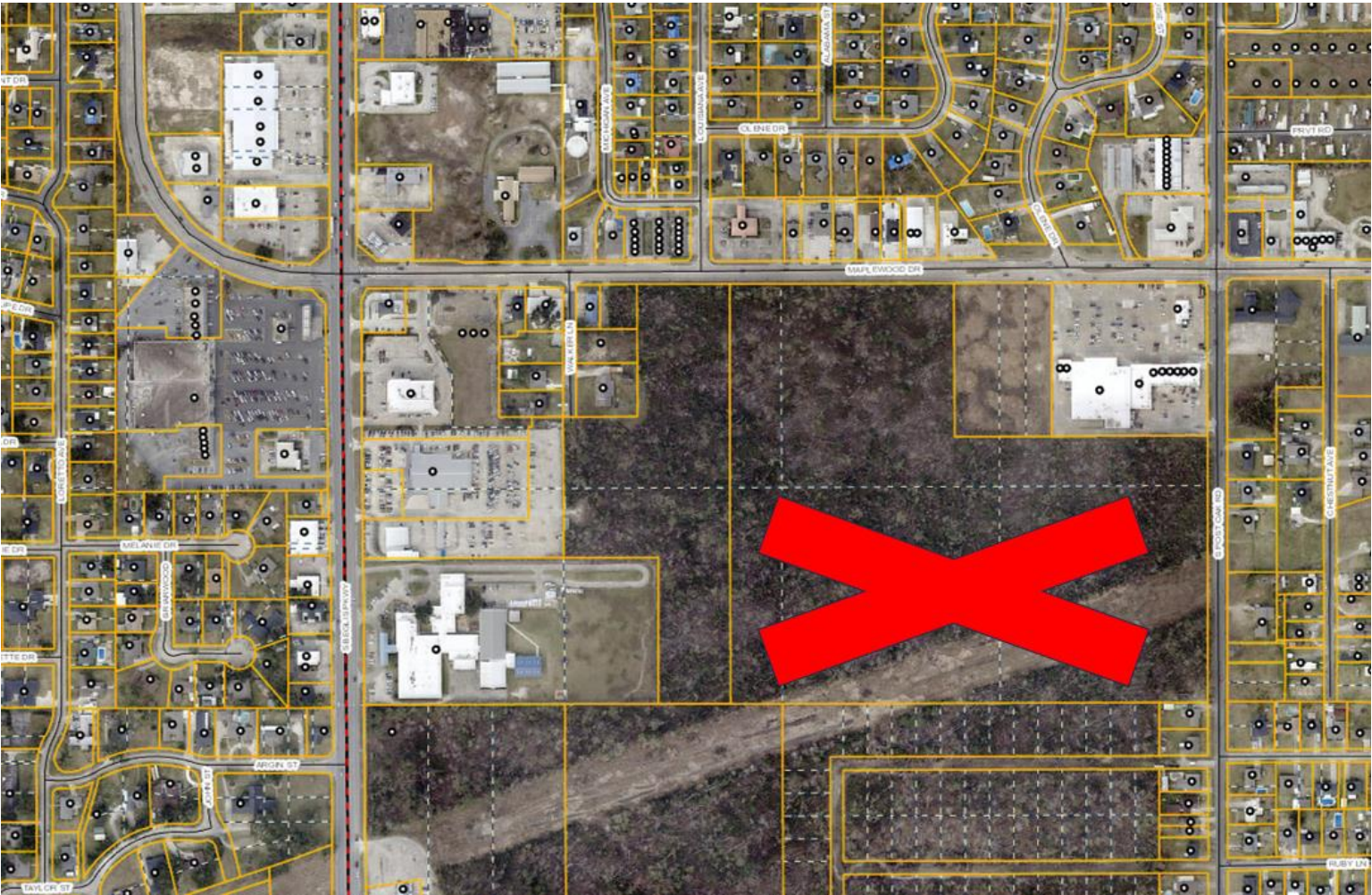


GENERAL NOTES

1. The boundary shown herein are based on the Louisiana Coordinate System of 1983.
2. The survey was conducted by D. W. Jessen, Jr., Registered Professional Surveyor, State of Louisiana, No. 40468.
3. The survey was conducted on 10-9-2023.
4. The survey was conducted by D. W. Jessen, Jr., Registered Professional Surveyor, State of Louisiana, No. 40468.
5. The survey was conducted by D. W. Jessen, Jr., Registered Professional Surveyor, State of Louisiana, No. 40468.

D. W. Jessen & Associates, LLC  
Civil and Geomatics Engineering  
1000 Poydras Street, Suite 2000  
New Orleans, LA 70112  
Phone: (504) 581-1111  
Fax: (504) 581-1112  
www.dwj.com







RESOLUTION

RESOLUTION GRANTING A VARIANCE TO SUZANNE HEBERT, 706 LIVE OAK, TO ALLOW FOR A SECOND DWELLING TO BE PLACED ON PROPERTY UNTIL THE PRIMARY DWELLING CAN BE DEMOLISHED.

WHEREAS, in accordance with Appendix B, Article IV, Part 3, Section 2 (3) of the Land Use Ordinance of the City of Sulphur, Louisiana, each dwelling shall have 6,000 sq. ft with 50 foot of road frontage.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to Suzanne Hebert, 706 Live Oak, for the following described property:

BEG AT NW COR LOT 3 OF PORTION OF SW SE 27.9.10 OF DOIRON  
HEIRS TH S 116 FT E 217 FT ETC.

**BE IT FURTHER RESOLVED that the damaged home shall be demolished within 6 months of the new mobile home be installed.**

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.**

BE IT FURTHEREST RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to Suzanne Hebert, 706 Live Oak, to allow for a second dwelling to be placed on property until the primary dwelling can be demolished.

APPROVED AND ADOPTED by  
the Board of Zoning Adjustment  
of the City of Sulphur, Louisiana,  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LENORE CARROLL, Chairman

ATTEST:

\_\_\_\_\_  
ARLENE BLANCHARD, Secretary



# CITY OF SULPHUR

## APPLICATION FOR

### DEVELOPMENT APPROVAL - VARIANCE

Date Received

11/3/2023

\$50.00 Fee (Non-Refundable)

pc1 (90)

(Exact cash or check only)

**IT IS APPLICANT'S RESPONSIBILITY TO KEEP SIGN POSTED ON PROPERTY. IF SIGN ISN'T PLACED ON PROPERTY 10 DAYS PRIOR TO MEETING DATE PLEASE NOTIFY CITY. IF SIGN IS REMOVED IT COULD DELAY ACTION ANOTHER MONTH. ONCE VARIANCE IS APPROVED/DISAPPROVED, APPLICANT MUST REMOVE SIGN FROM PROPERTY**

Print Name Suzanne R. Hebert

Date 11/2/2023

#### PROPERTY OWNER INFORMATION

Name of Property Owner Suzanne R. Hebert

(Owner must provide proof of ownership such as property tax record or recorded deed)

Mailing Address: 706 Live Oak St. Sulphur. La. susiehebert@bellsouth.net

Physical Address: 706 Live Oak St. Sulphur. LA

Phone Number (H) 337-540-5986 (W) (C) 337 540 5986

#### PROPERTY INFORMATION

Location Address: 706 Live Oak St

Present Zoned Classification:

LEGAL DESCRIPTION FROM ABSTRACT OR TAX RECORD (PRINT NEATLY OR TYPE)

0270912-0437 000301 0000  
Sec 2 NW 1/4 of Lot 3 of Addition of SW 27.9.10 of Deiron Heirs Th  
5196 FS E 217 FT ETC. REF1 - Jack E Hebert B 1930 P 632-86  
REF 2 Hebert, Carl Joseph and Norma Jean Thomas B 2619 P 75, P 77, P 79-97

DO YOU CURRENTLY HAVE ANY PENDING VIOLATION WITH ANY ORDINANCE OF THE CITY OF SULPHUR YES NO

YOU, OR A REPRESENTATIVE, MUST ATTEND THE SCHEDULED MEETING

INITIAL

#### VARIANCE REQUEST INFORMATION

Purpose of Variance Request: Request is to allow beginning of construction of new residence, especially foundation, before manufactured home delivery while current residence is emptied and during demolition.

How did you find out you needed a variance? After meeting with City Inspector & Building Officials

I do hereby understand that no petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners of authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested; provided however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision, as stated in the City of Sulphur Land Use Ordinance, Number 541, M-C Series.

Further, I do certify that the property for which the above request is being made does not hold any restrictions or covenants that would be in conflict with said request.


Furthermore, I, the applicant agree to dispose of the sign(s) placed on my property after the hearing.

Applicant Signature: Suzanne R. Hebert Date: 11/2/2023

	Yes	No	N/A
1. Is site located within the City Limits?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed use be a nuisance to the surrounding area because of odors, vibrations, unsightly areas or other unwarranted elements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the capacity of the road and off-street parking facilities adequate for use by the proposed development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the location be served by a fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Can the proposed development be expected to adversely affect the character/aesthetics of the area involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is property within a designated flood hazard area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Flood zone classification <u>X</u> bfe <u>      </u> ft.			



# Memo

To: Land Use and Planning Commissioners  
From: Austin Abrahams   
Director, Department of Public Works  
CC: Arlene Blanchard, Mayor Mike Danahay  
Date: 11/9/2023  
Re: 706 Live Oak - Variance Request

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Comments: **Summary of Recommendation:**

A recommendation in support of the variance cannot be given.

**Application:**

Suzanne Hebert has requested a variance relative to the front foot dimension requirements. Mixed Residential Districts require fifty (50) feet of road frontage for each building.

**Situation:**

The applicant is requesting a variance to allow for a new manufactured home to be placed on the property in front of the existing dwelling. The existing dwelling had been damaged by Hurricane Laura. The applicant stated the existing dwelling will be demolished after the new manufactured home is installed. According to inspections department, the applicant is currently staying temporarily in the RV on the property. Her daughter is staying in the damaged house, which she will move into the manufactured home once it is installed on the property.

**Findings:**



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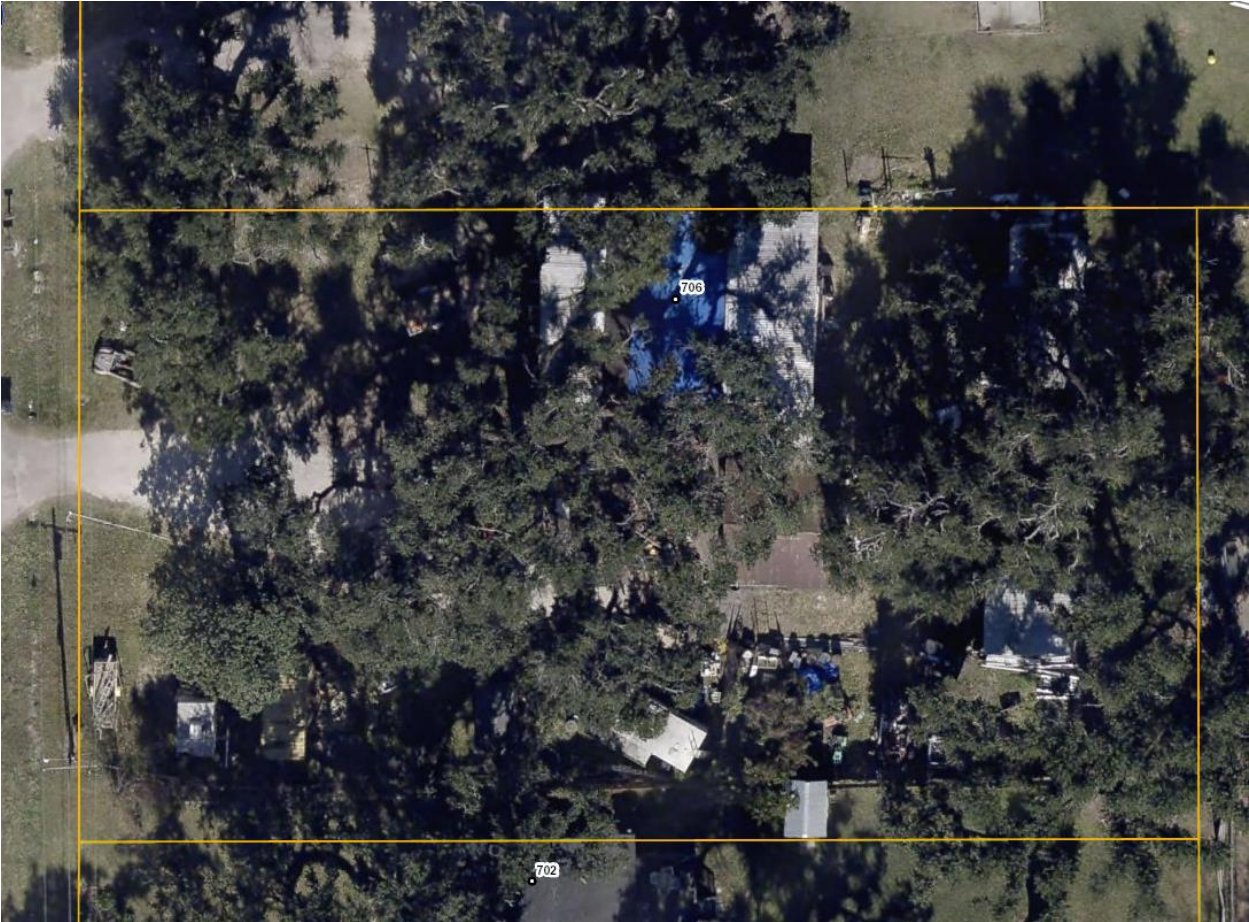
In accordance with Article III, Part 1, Section 2(a) of the Land Use Ordinance (Ordinance), the application has been reviewed. The following findings are offered for your consideration:

1. The applicant has had a variance for temporary living in RV while the home is repaired.
2. In the event the variance is granted, a situation will be created that will severely impact the city's ability to condemn the damaged structure. Specifically, the new manufactured home with significantly impede access to the damaged structure.

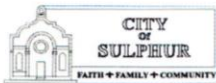
**Recommendation:**

In accordance with Article III, Part 2, Section 4 (5), based on the above findings, it is recommended that the variance be denied.

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**CITY OF SULPHUR**  
**APPLICATION FOR**  
**DEVELOPMENT APPROVAL**

Date Received \_\_\_\_\_ \$50.00 Fee (Non-Refundable) \_\_\_\_\_  
(Exact cash or check only)

**IT IS APPLICANT'S RESPONSIBILITY TO KEEP SIGN POSTED ON PROPERTY. IF SIGN ISN'T PLACED ON PROPERTY 10 DAYS PRIOR TO MEETING DATE PLEASE NOTIFY CITY. IF SIGN IS REMOVED IT COULD DELAY ACTION ANOTHER MONTH. ONCE COUNCIL APPROVES/DISAPPROVES, APPLICANT MUST REMOVE SIGN FROM PROPERTY.**

**PRINT NAME** \_\_\_\_\_ **DATE** \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Name of Property Owner: Cynthia P. Robertson \_\_\_\_\_

(Owner must provide proof of ownership such as property tax record or recorded deed)

Mailing Address: 624 W. Verdine \_\_\_\_\_ City: Sulphur \_\_\_\_\_ State: LA \_\_\_\_\_ Email: cindy@micah68mission.org \_\_\_\_\_

Physical Address: SAA \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Phone Number

(H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) 337-888-6652 \_\_\_\_\_

**PROPERTY INFORMATION**

Location Address: 618 W. Verdine \_\_\_\_\_ Present Zoned

Classification: mixed residential \_\_\_\_\_

LEGAL DESCRIPTION FROM ABSTRACT OR TAX RECORD (**PRINT NEATLY OR TYPE**) @340910-2133-C 0012 0000 Begin 150 FT E of SE COR of W 1/2NW 34.9.10, lying N of S.P.R.R.; TH Run E 100 FT; TH TUN E 100 FT; TH N 192.7 FT ETC. IMPS/89REA REF1-PREJRSN, Mrs Rits B 2718 P 293 B 2721 P 813 B 2718 P **YES** 694-98

**YOU, OR A REPRESENTATIVE, MUST ATTEND BOTH LAND USE AND CITY COUNCIL MEETING** **INITIAL CPR**

**DO YOU CURRENTLY HAVE ANY PENDING VIOLATION WITH ANY ORDINANCE OF THE CITY OF SULPHUR**

**REQUEST INFORMATION**  
☒ **NO XX REZONE** ☐ **EXCEPTION** ☐ **SUBDIVISION** ☐ **BILLBOARD** ☐ **PRE. PLAT** ☐ **FINAL PLAT** ☐ **XXX APPEAL**

☐ **DOES REZONE REQUIRE** **NAME OF SUBDIVISION** \_\_\_\_\_

**FENCING**

Zoning Change: From \_\_\_\_\_ To \_\_\_\_\_

Purpose of Request: To Appeal Public Works determination

I do hereby understand that no petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners of authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested; provided however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision, as stated in the City of Sulphur Land Use Ordinance, Number 541, M-C Series.

Further, I do certify that the property for which the above request is being made does not hold any restrictions or covenants that would be in conflict with said request.

Furthermore, I, the applicant agree to dispose of the Land Use sign(s) placed on my property after the public hearing.

**Applicant Signature:** Cynthia P. Robertson \_\_\_\_\_ **Date:** \_\_\_\_\_

	Yes	No	N/A
1. Is site located within the City Limits?	<u>  x  </u>	_____	_____
2. Will the proposed use be a nuisance to the surrounding area because of odors, vibrations, unsightly areas or other unwarranted elements?	_____	<u>  x  </u>	_____
3. Is the capacity of the road and off-street parking facilities adequate for use by the proposed development?	<u>  x  </u>	_____	_____
4. Will the location be served by a fire protection?	_____	_____	<u>  x  </u>
5. Can the proposed development be expected to adversely affect the character/aesthetics of the area involved?	_____	<u>  x  </u>	_____
6. Is property within a designated flood hazard area?	_____	<u>  x  </u>	_____
Flood zone classification _____ bfe _____ ft.			



# Memo

To: Land Use and Planning Commissioners  
From: Austin Abrahams *AA*  
Director, Department of Public Works  
CC: Arlene Blanchard, Mayor Mike Danahay  
Date: 11/9/2023  
Re: 618 West Verdine Street – Appeals

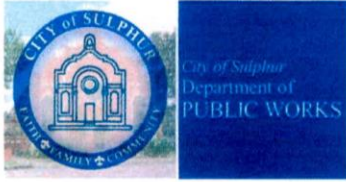
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Comments: **Application:**

Cynthia Roberston with Micah 6:8 Mission has requested a hearing relative to Article III, Part 2, Section 3, Appeals. Specifically, Ms. Robertson is appealing the determination made by an administrative official.

**Situation:**

The applicant has requested a public hearing to appeal the determination of the Land Use Certification (attached) issued on August 16, 2023. The certification stated the proposed uses are not compatible with a Neighborhood Commercial designation. Also attached is the appeal submitted by E. Barrett Ristroph, attorney for Mich 6:8 Mission.



Austin Abrahams, Director

City of Sulphur  
Public Works  
P.O. Box 1309  
Sulphur, LA 70664-1309  
Phone: 337-527-4510  
Fax: 337-527-8313  
www.sulphur.org



Mike Danahay, Mayor

August 16, 2023

Micah 6:8 Mission  
Attn: Cynthia Robertson  
618 W. Verdine St.  
Sulphur, Louisiana 70663

RE: Land Use Certification – 618 W. Verdine St.

Ms. Robertson,

The above referenced property is located in a Mixed Residential Land Use District. This finding is based on the City's Land Use Map, effective this date. Based on your email (attached Exhibit A) dated August 15, 2023, the intended use is as "neighborhood commercial."

Attached (Exhibit B) is an excerpt of the City's Land Use Ordinance, as amended through August 15, 2023. Exhibit B includes a list of the permitted uses within the referenced Land Use District, where Neighborhood Commercial is a permitted mixed residential use type. Exhibit B also includes the definition of "Neighborhood Commercial" as described below:

*Neighborhood Commercial: A commercial use providing products and services primarily intended for the use or consumption of inhabitants of the immediate neighborhood.*

Listed below are proposed activities for 618 W. Verdine St. from your email dated August 15, 2023.

1. Supply Food
2. Supply toiletries
3. Occasionally supply clothing and shoes
4. Encourage people in need to go to SC3 and take advantage of the services offered there
5. Provide training and support for other local nonprofits
6. Provide educational programs (performed offsite)
7. Coordinate community meetings (meetings held offsite)
8. Coordinate events to educate and assist the community (events held offsite)
  - Ex. Backpack giveaway held in the parking lot of The Village Coffeehouse



Austin Abrahams, Director

City of Sulphur  
Public Works  
P.O. Box 1309  
Sulphur, LA 70664-1309  
Phone: 337-527-4510  
Fax: 337-527-8313  
www.sulphur.org



Mike Danahay, Mayor

9. Provide disaster assistance in the form of gift cards, cash, supplies such as tarps and connect our community to the work being done for repairs by various organizations

Without knowing the magnitude, several of the above activities have potential to be injurious to the surrounding neighborhood, of which are only suited for Business Land Use District.

Based on the information provided herein and Article II, Section 1(4) – Rules of Interpretation (excerpt in Exhibit B) of the city's Land Use Ordinance, it is found that the intended use would not be compatible with the definition of the referenced Land Use District.

This finding shall serve to describe the current compatibility relative to proposed land use with the city's current land use ordinance. It does not in any way apply to other ordinances, laws, codes, regulations, etc. pertaining to those permits or applications. This certification does not provide any immunity from Land Use Ordinance revisions which occur subsequent to its release.

In the event you do not agree with the findings described herein, an application and Notice of Appeal shall be submitted in accordance with the provisions of Article III, Part 2, Sections 1-3 (excerpt in Exhibit B).

Should you need to discuss further, please contact my office at 337-527-4511 to schedule a meeting.

Thank you,

A handwritten signature in blue ink, appearing to read 'Austin Abrahams'.

Austin Abrahams  
Director of Public Works  
City of Sulphur

CC: Mayor Danahay  
Denise Chandler  
Jerry Jones  
Arlene Blanchard

## Exhibit A

**From:** [Cynthia P. Robertson](#)  
**To:** [Austin Abrahams](#)  
**Subject:** 618 W. Verdine  
**Date:** Tuesday, August 15, 2023 7:31:20 AM

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Austin,

I am not clear as to why I have to detail the work I do in my office to get a building permit, as I see nowhere in the ordinances that this is part of the process. I am doing my best to work with the City of Sulphur and as such I am complying with your request. I expect to have a building permit issued for 618 W. Verdine this morning (8/15/23). We have had meetings with your office on three separate occasions, for the express purpose of explaining to the city staff what we want an office for. I appreciate your assisting with this, and hope that this will be the end of the delaying tactics the city is using. You yourself said that Micah 6:8 Mission falls under the neighborhood commercial designation at the second meeting we had. That the city is now taking steps to remove the neighborhood commercial designation from the Mixed Residential ordinances is beyond the pale.

But, as we want to move ahead with our work for the community, I am listing below the work Micah 6:8 Mission does for the community.

- we supply food;
- we supply toiletries;
- we supply on occasion clothing, shoes, etc.;
- we encourage people in need to go to SC3 and take advantage of the services offered there;
- we provide educational programs, but all these are held and

will continue to be held at locations other than our office;

- we have community meetings, but all these are held and will continue to be held at locations other than our office;

- we hold events to educate and assist the community (examples: the backpack giveaway we held Sunday in the parking lot at The Village Coffeehouse, the Earth Day event held at First Christian Church where we gave away trees, food, juice, educational material, art, and so on);

- we provide disaster assistance in the form of gift cards, cash, supplies such as tarps, and connect our community to the work being done for repairs by various organizations (we worked closely with SWLA Responds and the Mennonites in the aftermath of Hurricanes Laura & Delta - several homes were repaired in Sulphur because of our work);

- we provide training and support for other local nonprofits;

- we employ at present 2 individuals and in the upcoming year will employ another 2, the majority of whom will be local people

We serve our neighborhood and region, Austin. Why the city is against our work and our putting an office in the middle of the neighborhood we serve is difficult to understand.

Hoping this will be the last hoop we have to jump through -  
sincerely - Cindy

--

Cynthia P. Robertson, MSW  
Director, Micah Six Eight Mission  
624 W. Verdine, Sulphur, LA 70663  
337-888-6652

---

## APPENDIX B LAND USE<sup>1</sup>

### ARTICLE I. [IN GENERAL]

#### Section 1. Title.

This ordinance shall be known and referred to as the Comprehensive Land Use ordinance of the City of Sulphur, Louisiana.

#### Section 2. Authority and Purpose.

This ordinance is adopted pursuant to the Charter of the City of Sulphur, the provisions of LSA-R.S. 33:4721 et seq., LSA-R.S. 33:101 et seq., and other relevant provisions of the Louisiana Statutes and the Constitution of the State of Louisiana in order to promote the public health, welfare and safety of the citizens of the City of Sulphur and the inhabitants thereof.

#### Section 3. General Applicability.

This ordinance shall apply to the use of land within the corporate limits of the City of Sulphur. All developments in the City shall meet or exceed minimum standards and requirements of this ordinance as amended from time to time.

- (1) *Effective Regulations.* Decisions made in regard to the applications for development approval shall be based on the provisions of this ordinance in effect at the time of the decision.
- (2) *Building Permits Issued Prior to Effective Date.* This ordinance and any amendment thereto shall not affect the validity of any building permit lawfully issued prior to the effective date of this ordinance or any amendment thereto provided the permit is valid upon the effective date of the adoption of this ordinance or any amendment thereto and that construction authorized by such permit has commenced prior to the effective date of the ordinance or any amendment thereto and provided construction has and does continue without interruption until the full completion of the development.
- (3) *Uses Lawfully Existing Prior to Effective Date.* Any legal use of land within the City of Sulphur established prior to and existing on the effective date of this ordinance shall be considered a lawfully established use as it relates to this ordinance. Nonconforming uses, as defined by the provisions of this ordinance, may continue provided that the use continues in the form that exists on the effective date of this ordinance. Uses prior to the effective date of this ordinance shall be documented with photography to the extent possible and maintained by the Zoning Administrator.

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<sup>1</sup>Editor's note(s)—Printed herein are the land use laws enacted by Ord. No. 541, M-C Series, adopted Sept. 8, 2003, effective Nov. 1, 2003. Spelling errors have been corrected without notation. Amendments to the ordinance will be indicated by a history note in parentheses following the amended section. Language enclosed in brackets was added by the editor for clarity.

- 
- (4) *Exceptions.* All property owned by the City of Sulphur shall be temporarily exempt, for a period of ninety (90) days, from this ordinance only insofar as said exemption is an emergency situation to protect public health, safety and welfare.

(Ord. No. 835, 3-10-08)

#### **Section 4. Reserved.**

Editor's note(s)—Ord. No. 1834, adopted March 13, 2023, repealed App. B, Art. I § 4, which pertained to grandfather and derived from Ord. No. 541, adopted Sept. 8, 2003.

#### **Section 5. Repeal.**

Any ordinance in existence at this time that is contrary to the purpose, spirit, and intent of the Comprehensive Land Use ordinance for the City of Sulphur is hereby repealed.

#### **Section 6. Severability.**

If any provision of this ordinance shall for any reason be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance and said remaining portions shall continue in full force and effect.

#### **Section 7. Effective Date.**

This ordinance shall become effective on November 1, 2003.

### ***ARTICLE II. [DEFINITIONS; RULES OF INTERPRETATION]***

#### **Section 1. Rules of Interpretation.**

1. This ordinance shall be construed to achieve a purpose for which it is adopted.
2. In the event of a conflict between the provisions of this ordinance and any other ordinance of the City of Sulphur, the provisions of this ordinance shall control.
3. In the event of a conflict between the text of this ordinance and any caption, figure, illustration, table or map, the text and substantive criteria of the ordinance shall be the controlling factor.
4. Whenever, in the course of administration in the enforcement of this ordinance, it is necessary or desirable to make any administrative decisions that, unless other standards are in this ordinance provided, the decision shall be made so that the result will not be contrary to the spirit, purpose and intent of this ordinance or injurious to the surrounding neighborhood or community character.

#### **Section 2. Definitions.**

*Accessory Structure or Use.* A structure or use which:

- (1) Is subordinate to and serves a principal structure or use;
- (2) Is subordinate in area, extent and purpose to the principal structure or use served;
- (3) Is located on the same lot as the principal structure or use.

---

*Land.* The earth, water and air, above, below or on the surface including any improvements or structure customarily regarded as land.

*Landscaping.* The installation of plant material or seed as a part of development.

*Local Street.* Those streets designated as local in Appendix B to this ordinance.

*Lot.* A parcel of land occupied or intended for occupancy by an individual use including one main structure together with any accessory structures, yards, open spaces, buffer area and parking spaces.

*Lot of Record.* A recorded platted lot or parcel of land which became legally established as a lot by deed or act of sale prior to the adoption of this ordinance.

*Lot Lines.* The lines forming the outer boundary of a lot.

*Front lot line.* The line separating the lot from a public street. On a corner or through lot, the line separating the lot from the street designated as the "street address" for the structure.

*Rear lot line.* The lot line opposite the front lot line.

*Setback line.* A line which marks the minimum distance a structure must be located from the property line and establishes the minimum required front, side or rear yard space of a building.

*Side lot line.* Any lot line other than the front lot line or rear lot line.

*Manufactured Homes.* Homes built entirely in the factory, transported to the site, and installed under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air-conditioning, thermal and electrical systems.

*Manufactured Housing/Mobile Home.* Dwelling units that are constructed at a plant or facility on a production line basis which are delivered to the site as an assembled unit on a chassis and designed to be connected to utilities for year-round occupancy as a dwelling.

*Manufacturing Uses.* The assembly or fabrication of goods and materials which does not involve excessive use or storage of toxic, hazardous or highly flammable materials.

*Mobile Homes.* Manufactured homes produced prior to June 15, 1976, when the HUD Code went into effect.

*Modular Home.* Factory-built homes that are built to the state or local building code where the home will be located. Modules are transported in one or more pieces and installed on the intended site of use.

*Neighborhood Commercial.* A commercial use providing products and services primarily intended for the use or consumption of inhabitants of the immediate neighborhood.

*Nonconforming Lot of Record.* A platted lot which does not comply with the lot size requirements of the land use district in which it is located.

*Nonconforming Structure.* Any structure which was lawful on the effective date of this ordinance, but which does not comply with all the standards and regulations of this ordinance or any amendment thereto.

*Parcel.* Any quantity of land capable of being described with such definitiveness that its location and boundaries may be established and which is designed by its owner as land to be used as a unit.

*Person.* An individual, corporation, public agency, business, trust, partnership, association, two (2) or more persons having a common interest, or any other legal entity.

*Public Use.* Any use operated by an agency of government which provides a direct service to the public including police, fire, library, and recreational services.

- 
- (a) Whenever any application for development approval is denied, an application involving the same property cannot be accepted for filing within one (1) year from the date of denial, unless the subsequent application involves a development proposal which is materially different from prior proposals or is responsive, in the opinion of the decision-making body, to negative findings set forth in the denial of the prior application.
  - (b) An applicant who files an application to petition for a development approval may withdraw the application one (1) time within one (1) year from the date of the submission of the application. Any resubmittal for development approval shall be a fifty dollar (\$50.00) non-refundable fee.

(Ord. No. 624, 10-12-04; Ord. No. 817, 11-13-07; Ord. No. 847, 4-14-08; Ord. No. 1232, 8-11-14; Ord. No. 1262, 11-10-14)

## **Section 2. Land use certificate.**

- (1) *Authority and Purpose.* In order to ensure that all proposed development, including development permitted as of right, complies with the terms of this ordinance and to provide a mechanism for rendering interpretations of the provisions of this ordinance, the Administrator is authorized to certify that a proposed development or application is in compliance with this ordinance, consequently a land use certificate may be obtained from the Administrator upon submission of the application identifying the location, character, magnitude and intent of the proposed use.

## **Section 3. Appeals.**

- (1) *Authority and Purpose.* The Land Use and Planning Commission is hereby authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
- (2) *Application and Notice of Appeal.* An application and notice of appeal authorized under the provisions of this Section shall be submitted to the administrative official in accordance with the provisions of Article III, Part 2, Sections 1—3, accompanied by a fee as established by the City Council. Appeals must be submitted at least twelve (12) days prior to the next regularly scheduled meeting of the Commission.
- (3) *Review.* Within fifteen (15) days after receipt of a complete application, the administrative official shall complete the review of the application and at least ten (10) days prior to the next regularly scheduled meeting of the Commission send a written recommendation to the Commission, with a copy to the applicant, setting forth whether appeal should be granted or denied and the grounds for such recommendation.
- (4) *Action by the Commission.* The Commission shall review the application, the recommendation of the administrative official, conduct a public hearing on the application in accordance with the requirements of Article III, Part 1, Section 2, and grant the appeal, subject to specified conditions, or deny the appeal.
- (5) *Planning Commission.* Ruling stands unless appeal is made by either party to the City Council within ten (10) working days of ruling.
- (6) *Appeal to Court.* Any person aggrieved by any decision of the Planning Commission may present to the Civil District Court of the Parish of Calcasieu, within thirty (30) days after exhausting all appeals, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

(Ord. No. 602, 6-14-04; Ord. No. 1234, 8-11-14)

Use	Density	Lot Size (sq. ft.)	Front Setback (sq. ft.)	Height (ft.)
s/f det	7 du/a	6,000 s.f.	30	35
Churches, Schools, Public Uses	—	1 acre	50	35
Accessory Uses	—	—	30	35
Rec. (low intensity)	—	—	50	35
Mfr. Housing and Mobile Homes	Not Permitted			

(Ord. No. 584, 5-10-04; Ord. No. 748, 12-11-06; Ord. No. 812, 10-9-07; Ord. No. 896, 11-10-08; Ord. No. 907, 2-9-09; Ord. No. 1263, 11-10-14)

## Section 2. Mixed residential district.

### (1) *Permitted Uses.*

- (a) All uses as permitted in Residential Land Use Classifications
- (b) Multi-Family.
- (c) Day Care.
- (d) Manufactured housing units/mobile home units, provided that:
  - (1) All mobile units shall be securely fastened, anchored or tied down with a minimum of four (4) placements at the corner in a suitable fashion consistent with normally acceptable standards in mobile home industry.
  - (2) All mobile home units shall provide for two (2) parking spaces per unit off street.

### (e) **Neighborhood Commercial Uses.**

### (2) *Permitted as Exceptions by Land Use Commission and City Council.*

- (a) Agriculture Use, small scale provided that:
  - (1) There shall be no outdoor storage of machinery, equipment, supplies or materials.
  - (2) There shall be no on-site bulk storage of fertilizers, pesticides or herbicides.
  - (3) Minimum lot size shall be thirty thousand (30,000) square feet.
  - (4) Dumpsters shall be screened on all sides.
  - (5) There shall be no production of noxious, offensive or hazardous effects or conditions by reason of vehicular traffic, noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
  - (6) Permitted crops shall not be considered to be weeds or noxious growth, as provided for in chapter 12 of the Code of Ordinances, during the conventional growing season, contingent upon continued operation of this use as evidenced in part by all permitting, licensing and utility payments being current.
  - (7) Crops shall not be located within twenty (20) feet of the side or rear property line or within twenty-five (25) feet of any property line which coincides with a street right-of-way line.

### (3) *Development Standards.*

**City of Sulphur, State of Louisiana**

**Land Use Commission**

Micah 6:8 Mission and Cynthia Robertson, Appellants

vs.

Land Use Administrator, in his professional capacity

**Appeal of Land Use Certification - 618 W. Verdine St.**

This is an appeal of the August 16, 2023 Land Use Certification indicating that the use of 618 W. Verdine St. by Micah 6:8 Mission is not "Neighborhood Commercial" and thus unlawful in the Mixed Residential zone where the property is situated in Sulphur, Louisiana.

The appeal is filed pursuant to the City of Sulphur Code of Ordinances Appendix B, Article III, Part 2, Section 3(2), which says, "Appeals must be submitted at least twelve (12) days prior to the next regularly scheduled meeting of the Commission." Unlike subsections 3(5) and 3(6), which clearly indicate that an appellant has a specified time after a ruling to appeal,<sup>1</sup> subsection 3(2) does not say how many days after a decision or a land use certification an appellant must appeal. In fact, there is no code section specifically addressing how to appeal a land use certification. Thus, we assume this appeal is timely because we are filing it more than 12 days before the next Commission meeting, which is Oct. 16, 2023.

**1. Case Background**

Micah Six Eight Mission (Micah 6:8) is a 501(c)(3) nonprofit organization (registered as a nonprofit with the State of Louisiana) concerned with serving impoverished and underserved persons in the neighborhood where it is located. Micah 6:8 has also worked with many organizations in disaster recovery efforts after Hurricanes Laura and Delta and will do so in the future if another hurricane hits here. Ms. Cynthia Robertson, Executive Director of Micah 6:8, lives at 624 W. Verdine St. She purchased the next-door property, 618 W. Verdine St., to serve as a base of operations for Micah 6:8. Prior to the purchase, the property was bordering on being a nuisance. The garage area had signs of vagrants using it for shelter, there were raccoons living under it, and the property was not well maintained.

Ms. Robertson acquired the property with the aim of storing food to daily fill the food box; hosting Sunday evening meals in the back yard; and holding a Tool Lending Library to help people who don't have tools make repairs (especially after hurricanes). No flammable gas is stored on the property. The property is not and was never intended to be used as a homeless shelter. Nor is it a church, although Ms. Robertson is credentialed as a pastor. In the nine months that passed from the time the City first raised concerns about the property and the Aug. 16, 2023 Land Use Certification, Ms. Robertson continued to narrow the scope of the intended uses in an effort to comply with City requests.

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<sup>1</sup>"(5)Planning Commission. Ruling stands unless appeal is made by either party to the City Council within ten (10) working days of ruling.

(6)Appeal to Court. Any person aggrieved by any decision of the Planning Commission may present to the Civil District Court of the Parish of Calcasieu, within thirty (30) days after exhausting all appeals, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana."

As discussed in more detail in Section 2 of this Appeal, Ms. Robertson and Micah 6:8 have endured a barrage of misinformation from the City.

On Nov. 4, 2022 Land Use Administrator/Director of Public Works Austin Abrahams emailed Ms. Robertson asking for a meeting to discuss

“The ongoing home business operations of the non-profit organization without required home business permit and path forward to obtain compliance

The use limitations of a home business

The proposed use of the property to be purchased will require fire marshal inspection and approval before any building permits can be approved. If this will be an issue, we can discuss alternatives to remedy.

The Neighborhood Commercial use requires a 30ft setback. The setback of the property in question is about 12.5ft. We would be creating a nonconforming structure if allowed, which is not the intent of our land use ordinances.

Any other potential issues that would delay this process and associated solutions

This began a battery of questions to Ms. Robertson concerning what Micah 6:8 was up to.

City Council/Land Use Commission Secretary Arlene Blanchard emailed Ms. Robertson asking

1. Where do the people live that you'll be feeding? Do they live adjacent to your property, the next road or across town or even in another city?
2. Are they inhabitants of the immediate neighborhood?
3. We'll need to see your non-profit paperwork
4. We'll need for you to show us how you'll keep track of who'll be using your tools and when they'll return them
5. Complete description of the products/services you'll be providing
6. Approximate number of people you'll be feeding at any given time

Ms. Robertson timely replied to the email with the requested information.

On November 23, 2023, the City of Sulphur hand-delivered Ms. Robertson a notice that her water and sewer lines would be disconnected because Section 14-26 of the City's ordinances prohibited occupation of a recreational vehicle (RV.) There was one RV on 624 W. Verdine St., Ms. Robertson's home, where guests have sometimes stayed. Officials also indicated that

- (1) Micah 6:8 needed a business license [although Micah 6:8 is a non-profit].
- (2) Micah 6:8 could not use 618 W. Verdine for an office or community center because it was commercial [although it is actually classified as “Mixed Used District”].
- (3) Neighborhood Commercial use buildings have to be 30 feet from the road, and the building was only 12.5 feet from the road [although measurement using Google maps shows that the awning is 25 feet from the road and the building itself is 30 feet from the road].

- (4) Micah 6:8 would need a variance.
- (5) The building would have to be inspected [although no remodeling was planned at that time so as to trigger an inspection].

On December 12, 2022, Micah 6:8 (Ms. Robertson and Pastor James Harris) met with planning officials from the City of Sulphur (Arlene Blanchard, Land Use Administrator Austin Abrahams, Jerry Jones, and Beth Ziegler). Mr. Abrahams suggested that 618 W. Verdine St. would need to be rezoned to a Commercial District for the Intended Use to proceed. City officials repeatedly indicated that they needed to know what Micah 6:8 was doing at the property, although this was apparent from the application. Mr. Abrahams stated that 624 W. Verdine (Ms. Robertson's home) would need a variance because a researcher was visiting the property and staying in the RV during visits. Officials raised concerns regarding the lack of parking and storage of "food boxes" at the property. (The Intended Use included a "Blessing Box" to be filled every morning with canned goods, staples, single serve items, fruit and toiletries to serve individuals in the neighborhood that are low-income or experiencing homelessness.)

City officials raised the possibility of 618 W. Verdine being treated like a church for purposes of zoning, given Ms. Robertson's status as a minister. Later, however, the Land Use Administrator said this would not be possible because the property is less than one acre, and the Code at App B Art IV Part 3 Sec 2 requires an acre to have a church.

On May 22, 2023, Micah 6:8 met with City Officials (Arlene Blanchard, Land Use Administrator Austin Abrahams, Fire Marshall Roddy Dauzet, Beth Ziegler) to understand what needed to be done to allow Micah 6:8's intended use of the property. At that meeting, officials admitted that the code section governing RVs did not apply to 624 W. Verdine St., and that 618 W. Verdine St. was within the setbacks for the zone provided that the side door would be used as the front door. Mr. Abrahams admitted that the intended use was within the definition of Neighborhood Commercial. Officials arranged a time with Ms. Robertson for an inspection by the City Fire Marshal, and that inspection was later completed. The Fire Marshall specifically told Ms. Robertson that the property was Neighborhood Commercial, such that it needed to have ADA compliance and be approved by the State Fire Marshal's office.

Ms. Robertson continually took measures to try to meet the City's demands. She sold the Recreational Vehicle on her property (624 W. Verdine). She installed (at considerable expense) handicapped parking, and applied for a permit to do other remodeling to the bathroom and add an entry ramp at 618 W. Verdine St. to make the building ADA compliant. There are now 5 parking places, despite the fact that most of the people served come on foot or bicycle. The property remodeling plan was approved by the State Fire Marshal's office.

Ms. Robertson had to revise and resubmit the permit application for 618 W. Verdine when told by a City official that the fence she was installing also needed to be part of a permit application.

On August 2, 2023, Ms. Robertson (through a contractor) applied for a building permit to make small repairs from damage wrought by Hurricane Laura to her own property at 624 W. Verdine St.

On Aug. 4, 2023, Ms. Robertson called the City office to follow up on the status of the permit applications for her home at 624 W. Verdine St. and the repairs/fence at 618 W. Verdine St. Ms. Robertson was told that city officials could not talk to her about the 618 W. Verdine St. property because the matter was "in litigation." No litigation documents had been filed in this matter.

Later that day, the mayor called to say that Ms. Robertson needed to meet in person with the building inspector because there were some land use issues that need to be addressed. Ms. Robertson met with Jerry Jones, building inspector, at 3 pm that day. Mr. Jones initially said Micah 6:8 could not have a building permit until 618 W. Verdine St. was rezoned. He gave Ms. Robertson a copy of the land use ordinance, Appendix B, Part 3 Section 2 (Mixed Residential), with “(1) (e) Neighborhood Commercial” highlighted along with uses under 2(2) that have nothing to do with neighborhood commercial. Ms. Robertson had to explain to Mr. Jones that uses under 2(2) have nothing to do with neighborhood commercial. Ms. Robertson then shared the Fire Marshal’s approval of the property operating as a business. She explained that “Neighborhood Commercial” is designated as a business in the State Fire Marshal's office lexicon, and this terminology does not mean the property needs to be rezoned for either business or commercial use. Mr. Jones reiterated that since it was a business, it had to be rezoned. Mr. Jones also indicated that his office had not received the full application. Ms. Robertson resubmitted the application with the Fire Marshal’s approval.

Around this time, approximately Aug. 11, 2023, the City commenced an effort to remove the Neighborhood Commercial designation from the Mixed Residential ordinances. It put a resolution to change the designation on the agenda for the next Land Use Commission meeting.

On Aug. 15, 2023, having still not received a response to the permit request, Ms. Robertson asked Mr. Abrahams via email for a reply. Ms. Robertson again outlined the intended uses for 618 W. Verdine St.:

1. Supply Food
2. Supply toiletries
3. Occasionally supply clothing and shoes
4. Encourage people in need to go to SC3 and take advantage of the services offered there
5. Provide training and support for other local nonprofits
6. Provide educational programs (performed offsite)
7. Coordinate community meetings (meetings held offsite)
8. Coordinate events to educate and assist the community (events held offsite)

Ex. Backpack giveaway held in the parking lot of The Village Coffeehouse

On August 16, 2023, the Land Use Administrator issued a Land Use Certification stating that Micah 6:8’s use of the property in the Mixed Use District was not considered "Neighborhood Commercial" and thus incompatible with uses allowed in the District. The Aug. 16, 2023 Land Use Certification was so vague as to the basis for the decision that it did not clearly appear to be an actual, reasoned decision. On Aug. 21, 2023, Ms. Robertson met with Mr. Abrahams to clarify which particular uses would be incompatible. Mr. Abrahams did not clarify what, exactly, would be incompatible. When asked why Micah 6:8 did not qualify as a Neighborhood Commercial business, when the very similar Sulphur Christian Community Coalition (SC3) did, Mr. Abrahams simply said that SC3 started under a different Administrator, and that the Aug. 16, 2023 letter was his (Mr. Abrahams’s) decision.

At the Aug. 21, 2023 Land Use Commission meeting, Mr. Abrahams sought to simply remove “Neighborhood Commercial” from allowed uses in the Mixed Use District but was informed by City Council that this could not occur outside of a City Council ordinance change. Instead, the Land Use Commission opted to propose an ordinance change moving “Neighborhood Commercial” from the list of regular uses allowed in the Mixed Use District under App B, Art IV, Part III Sec 2 to those “Permitted as Exceptions by Land Use Commission and City Council.” Confusingly, the revision lists particular uses within Neighborhood Commercial, but not all of the uses allowed under the definition, leaving residents to wonder how uses such as nonprofits are treated.<sup>2</sup>

At the Sep. 11, 2023, Mr. Abrahams, stated that the proposed ordinance change would “remove Neighborhood Commercial Uses from permitted uses to an Exception that will be voted on by Land Use and Council” (quoting the Sep. 11, 2023 minutes). The resolution adopting the ordinance passed, although the ordinances on the City’s website have not been updated. The Code does not explain the process for permitting uses by an Exception.

## **2. Legal Argument**

### *2.1. The intended use of 618 W. Verdine St. by Micah 6:8 clearly meets the definition of “Neighborhood Commercial.”*

The property at 618 W. Verdine St. is currently classified as “Mixed Used District.” At the time of the application was submitted, “Neighborhood Commercial” was an allowable use under the City of Sulphur Code of Ordinances Appendix B, Article IV, Part 3, Section 2. The Code at Article II, Section 2, simply defines “Neighborhood Commercial” as “A commercial use providing products and services primarily intended for the use or consumption of inhabitants of the immediate neighborhood.”

All of the activities slated to occur at 618 W. Verdine outlined in points 1-4 in Ms. Robertson’s Aug. 15, 2023 letter are “primarily intended for the use or consumption of inhabitants of the immediate neighborhood.” Those who come to Micah 6:8 in need of food, toiletries, and clothing are in the nearby area, arriving by foot or bicycle. Other activities that serve those outside the immediate neighborhood take place offsite and have nothing to do with the use of 618 W. Verdine, and cannot form the basis for denial. Thus, the proposal submitted by Micah 6:8 clearly meets the definition of “Neighborhood Commercial.”

### *2.2. The City of Sulphur’s process for determining what land uses are allowed are vague.*

The Aug. 16, 2023 land use certification did not give a clear reason for the denial of the application or explain how it would be incompatible with “Neighborhood Commercial.” It simply said, “Without knowing the magnitude, several of the above activities have potential to be injurious to the surrounding

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<sup>2</sup> “(2) Permitted as Exceptions by Land Use Commission and City Council. ...

(a) Agriculture Use, small scale provided that:

(b) Neighborhood Commercial Uses:

(1) Barbershops

(2) Beauty Shops

(3) Drugstores

(4) Grocery Stores (small scale)

(5) Laundromats

(6) Variety Stores

(7) Service Stations”

neighborhood, of which are only suited for Business Land Use District.” It did not identify which of the activities would only be suited for the Business Land Use District. It did not explain how Micah 6:8 could amend the application to comply. Nor did Mr. Abrahams explain the reasoning during the Aug. 21, 2023 meeting with Ms. Robertson. As such, the determination was vague.

In general, the basis for decisions of the Land Use Administrator and Commission are unclear. While Appendix B, Article IV, Part 2, Section 1(1-3) clearly outline the steps that lead up to a decision in terms of the submission of an application and notice of a hearing, Section 1(4) does not explain the criteria for making a decision or what discretion the Administrator or Commission may have to permit or deny an application. Rather, Section 1(4) simply says, “Action By Decision Making Body. The final decision making body in any zoning issue shall be the Sulphur City Council.” Section 2 (Land use certificate) offers no additional insight on what may be considered in issuing a Land Use Certificate or at what point in the decision-making process it is issued.<sup>3</sup>

The process that led up to the Aug. 16, 2023 land use certification appeared to be outside of any process outlined in the code. Nine months and numerous calls, emails, and meetings occurred between the time that the issue of what uses would occur arose and the time of the Land Use Certification. Yet neither the Land Use Certification nor Mr. Abrahams could state a clear basis for the decision. As such, the Land Use Certification is completely arbitrary, and the process leading up to it was simply a vague series of hoops for Ms. Robertson to jump through before the ultimate denial. This violates the due process rights of Ms. Robertson and Micah 6:8.

Article I, Section 2 of the Louisiana Constitution provides “No person shall be deprived of life, liberty, or property, except by due process of law.” In this case, Ms. Robertson and Micah 6:8 are being deprived of the liberty to carry out the goals of Micah 6:8 and the intended use for property at 618 W. Verdine purchased for Micah 6:8. Because the process leading up to the Land Use Certification was vague and confusing, both in terms of the language in Appendix B of the Sulphur Code and conflicting statements made by City Officials, Ms. Robertson and Micah 6:8 were denied due process. “The due process clause of the Louisiana Constitution ... demand[s] that words and phrases employed in statutes or regulations may not be so vague and indefinite that any penalty prescribed for their violation constitutes the taking of liberty or property without due process of law.” *State v. Dousay*, 378 So. 2d 414 (La. 1979). Enforcement of the vague ordinances and land use certification irreparably harms Micah 6:8 and the surrounding neighborhood by curtailing a critical service and violating constitutional rights.

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<sup>3</sup> “(1)Authority and Purpose. In order to ensure that all proposed development, including development permitted as of right, complies with the terms of this ordinance and to provide a mechanism for rendering interpretations of the provisions of this ordinance, the Administrator is authorized to certify that a proposed development or application is in compliance with this ordinance, consequently a land use certificate may be obtained from the Administrator upon submission of the application identifying the location, character, magnitude and intent of the proposed use.”

*2.3. The City has engaged in a pattern of misinformation regarding code requirements to discourage the proposal without cause.*

In the course of the nine months since the City first began interfering with Ms. Robertson and Micah 6:8's enjoyment of their property, the City has repeatedly misinformed Ms. Robertson regarding code requirements, as follows:

1. The City initially told Ms. Robertson that the minimum setback for having a neighborhood commercial was 50 ft. Yet City of Sulphur ordinance App. B Art IV, Part 3, Sec. 2 clearly states the setback is 30 ft.
2. The City told Ms. Robertson that Micah 6:8 needed a business license. Yet Ch. 20, Art. II, Sec. 20-36(c) clearly says that nonprofit entities are exempt from occupational license taxes, and (e) says ministers of religion "shall be exempted from any provisions of this article" on business licenses. At some point in time, the City stopped insisting that Micah 6:8 get a business license.
3. The City told Ms. Robertson that products or services for a property to be considered Neighborhood Commercial. But nothing in the definition in Art. II, Sec. 2 requires sales: "Neighborhood Commercial. A commercial use providing products and services primarily intended for the use or consumption of inhabitants of the immediate neighborhood."
4. The City told Ms. Robertson that she needed a permit for the fence at 618 W. Verdine St. Yet nothing in the Code refers to the need to obtain a permit for a fence. Rather, App. B, Art II, Part 4, Section 3. (Accessory uses) clearly contemplates the installation of fences as an accessory use: "(1) Accessory uses are permitted in any land use district in connection with any principal use lawfully existing within such district provided that all development regulations are met.(2)Development Standards.(a)All detached accessory structures and uses in any residential district, other than fences, shall be located in the rear or side yard of the residential unit."

Whether or not the Recreational Vehicle was allowable at 624 W. Verdine St. is now a moot point, as Ms. Robertson sold the vehicle. Nevertheless, the misinformation and confusion generated by City officials and the code shows a pattern of misinformation. City officials admitted during a May 22, 2023 that they had previously incorrectly applied Ch. 14, Art. II Sec. 26 (Permanent occupancy prohibited)<sup>4</sup> to Ms. Robertson's RV. First, 14-26 prohibits permanent occupancy. The RV on the property has never been used for permanent occupancy and there are no plans for such use. Second, Sec. 14-25 is so vague and confusing as to be void on its face. The title is "Existing manufactured mobile home parks," which has no application to RVs. See App. B, Art. II, Sec. 2, defining mobile homes as: "Manufactured homes produced prior to June 15, 1976, when the HUD Code went into effect." 14-25(b) prohibits RVs in mobile home parks, which this property is not. 14-25 (c) prohibits mobile homes in recreational vehicle parks (again, inapplicable) but also says "Recreational vehicles shall only be allowed in a recreational vehicle park." This last provision, particularly in the context of mobile homes, makes no sense to the point where it must be void for vagueness. Hundreds of residences in Sulphur have RVs on their property, regardless of zoning, yet are not receiving citations. Third, Sec. 14-12 (Applicability) clearly says "This article shall

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<sup>4</sup> "(a)No RV park or recreational vehicle therein shall be used as a permanent residence for any period of time. Occupancy or parking of a recreational vehicle within the RV park extending beyond a twelve-month period shall be presumed permanent occupancy and is hereby prohibited.(b)Individual twelve-month extension(s) may be granted upon review and approval by the planning staff to accommodate temporary workers. The RV shall be owned by the occupant and shall remain mobile with current valid registration and tags."

apply to any recreational vehicle **park** to be located within the city limits” (emphasis added). Neither 624 nor 618 W. Verdine are a recreational vehicle park, which is defined as Recreational vehicle site or RV site means “any lot, tract, or parcel of land upon which accommodation is provided for two (2) or more recreational vehicles used as living or sleeping quarters by the day, week, or month, whether a charge is or is not made.” (14-13). If the article only applies to RV parks, then neither 14-15(7) (requiring RV parks to be in the commercial district), nor 14-25 nor 14-26 apply to 624 or 618 W. Verdine because it does not have accommodations for two or more RVs.

The misinformation relayed by City Officials was designed to discourage Ms. Robertson from going forward with the intended uses of 618 W. Verdine St. for Micah 6:8 reflect either gross negligence or a deliberate intent to deprive Ms. Robertson and Micah 6:8 of rights guaranteed to residents under the Sulphur Code, and to citizens of Louisiana that deserve due process in conducting business with the City.

#### *2.4. The City has engaged in a pattern of discrimination toward Ms. Robertson and Micah 6:8.*

Micah 6:8 collaborates with Sulphur Christian Community Coalition or SC3, which is doing business as a nonprofit in a Mixed Use zone (501 E. Burton, Sulphur, LA 70663). As noted on their website, SC3 offers many (perhaps more) services offered by Micah 6:8, including giving out food, providing clothing, and providing washers, dryers, and showers for the homeless. SC3 is surrounded by residential homes. Their traffic is high. Their building is used as a church despite the fact that it sits on less than one acre. Yet there has been no City opposition to their doing business—no effort to enforce the one-acre requirement or curtail uses allowed for Neighborhood Commercial businesses. In fact, the recent laundry expansion was promoted on the City of Sulphur Face Book page.<sup>5</sup>

The owner across the street from 618 W. Verdine sells cars and automobile customization services and repairs 4-wheelers. There are many more vehicles coming and going and always at least three cars in the driveway, which is narrow. The owner does not officially operate a “business” and the City has not sought to enforce the Code against him.

Not allowing the intended uses on 618 W. Verdine while allowing a substantially similar use in the same neighborhood and an auto-repair shop is discriminatory and arbitrary. Further, the City’s effort to remove the Neighborhood Commercial designation from the Mixed Residential ordinances (once it became clear that Micah 6:8 clearly fell within the definition of Neighborhood Commercial) is discriminatory. Louisiana Constitution Article I, Section 3, provides that no person shall be denied the equal protection of the laws and that no law shall “arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations.” See *La. Dep’t of Justice v. Edwards*, 233 So.3d 76 (La. App. 2017). By seeking to enforce the Code against Ms. Robertson and Micah 6:8 and turning a blind eye to other properties violating the Code, the City denies Ms. Robertson and Micah 6:8 equal protection of the law.

#### *2.5. The City of Sulphur’s constriction of Micah 6:8’s property rights is an unlawful, uncompensated taking.*

According to the Louisiana Constitution, “Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property ... subject to reasonable statutory restrictions and the

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<sup>5</sup> <https://www.facebook.com/profile/100064365172802/search/?q=laundry>

reasonable exercise of police power.” La. Const, art. 1, §4(A). Ownership is the right that confers on a person direct, immediate, and exclusive authority over a thing. With some limits imposed by La. C.C. Articles 667-669, the owner of a thing may use, enjoy, and dispose of it within the limits and under conditions established by law. La. C.C. art. 477 (1979). Article 1, Section 4 of the Louisiana Constitution provides that “[p]roperty shall not be taken or damaged by the state . . . except for public purposes and with just compensation. . . .”

Article I, section 4(B) of the Louisiana Constitution provides authority for inverse condemnation claims. *Suire v. Lafayette City-Parish Consolidated Government*, 2004-1459 (La.4/12/05), 907 So.2d 37, 60. One aim of article I, sec. 4 was to assure that the State and its subdivisions compensate owners for any taking or damaging of their rights with respect to things as well as for any taking or damaging of the objects of those rights. *State, Department of Transportation and Development v. Chambers Investment Company, Inc.*, 595 So.2d 598, 602 (La. 1992). An example of an inverse condemnation arises in *Rivet v. State*, 680 So. 2d 1154, 1156 (La. 1996), where the trial court found inverse condemnation had occurred by virtue of the Department of Transportation’s denial of a permit for driveway access from a landowner’s tract onto Airline Highway and rendered judgment in favor of the owner in the amount of \$3,099,264.00.

In this case, the entire reason for the purchase of the property at 618 W. Verdine was for to provide services for the local neighborhood residents , many of whom do not have vehicles to go elsewhere. Micah 6:8 would have no enjoyment of, and indeed, no use for the property, if it could not carry out the activities it anticipated being allowable through the Neighborhood Commercial designation. The denial of the ability to carry out such activities destroys much of the value of the property for Micah 6:8 and is thus inverse condemnation and a taking.


### **3. Public Policy Argument**

Organizations and businesses like Micah 6:8 that serve and are located in Sulphur neighborhoods build community. They allow people to begin with a relatively low investment, provide services or products to their community, enhance the sense of connection that we are sorely missing in our civic lives today, and improve the lives of all involved. To the extent that organizations like Micah 6:8 are not allowed to serve the local population, the task will fall to the City, at the taxpayer's expense, with the potential for increased vagrancy and poverty.

### **4. Conclusion**

To avoid being dragged into a lawsuit alleging discrimination, vagueness, capriciousness, taking, and to act in the interest of local residents that are in need, the City of Sulphur Land Use Commission should nullify the Aug. 16, 2023 land use certification and affirm that the intended uses of Micah 6:8 Mission at 618 W. Verdine are consistent with the Neighborhood Commercial designation and are allowed in the Mixed Use District.

Submitted October 4, 2023



E. Barrett Ristroph  
Attorney for Micah 6:8 Mission  
LA Bar # 29,399

RESOLUTION

RESOLUTION GRANTING A SECOND EXTENSION TO A VARIANCE FOR  
EUGENE & MONICA LEBLANC, 315 NAVARRE STREET, TO ALLOW  
FOR TEMPORARY LIVING IN AN RV WHILE HOME IS BEING REBUILT  
DUE TO A FIRE.

WHEREAS, in accordance with Article IV, Part 3, Section 1 (1) (a) of the Land Use Ordinance of the City of Sulphur, Louisiana, an RV is not considered a single-family detached dwelling; and

WHEREAS, said variance shall not exceed 6-months from date of adoption or until a Certificate of Occupancy is issued.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a second extension to a variance for Eugene & Monica LeBlanc, 315 Navarre Street, to allow for temporary living in an RV while home is being rebuilt due to a recent fire for the following described property:

COM 750 FT W AND 40 FT S OF NE COR NE SW 3.10.10, TH W 200 FT,  
S 150 FT

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.**

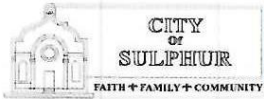
BE IT FURTHER RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a second extension to a variance for Eugene & Monica LeBlanc, 315 Navarre Street, to allow for temporary living in an RV while home is being rebuilt due to a recent fire.

APPROVED AND ADOPTED by  
the Board of Zoning Adjustment  
of the City of Sulphur, Louisiana,  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LENORE CARROLL, Chairman

ATTEST:

\_\_\_\_\_  
ARLENE BLANCHARD, Secretary



CITY OF SULPHUR  
APPLICATION FOR

DEVELOPMENT APPROVAL - VARIANCE

Date Received 5/2/22 \$50.00 Fee (Non-Refundable) pd.  
(Exact cash or check only)

IT IS APPLICANT'S RESPONSIBILITY TO KEEP SIGN POSTED ON PROPERTY. IF SIGN  
ISN'T PLACED ON PROPERTY 10 DAYS PRIOR TO MEETING DATE PLEASE NOTIFY CITY.  
IF SIGN IS REMOVED IT COULD DELAY ACTION ANOTHER MONTH. ONCE BZA  
APPROVES/DISAPPROVES, APPLICANT MUST REMOVE SIGN FROM PROPERTY

Print Name Monica LeBlanc Date 05/03/2022

PROPERTY OWNER INFORMATION

Name of Property Owner Eugene + Monica LeBlanc  
(Owner must provide proof of ownership such as property tax record or recorded deed)  
Mailing Address: 315 Navarre City: Sulphur State: La. Email: majcl@msn.com  
Physical Address: same City: \_\_\_\_\_ State: \_\_\_\_\_  
Phone Number (H) 337-476-7569 (W) \_\_\_\_\_ (C) 337-902-5497

PROPERTY INFORMATION

Location Address: 315 Navarre Street  
Present Zoned Classification: Residential

LEGAL DESCRIPTION FROM ABSTRACT OR TAX RECORD (PRINT NEATLY OR TYPE)

315 Navarre Street  
Sulphur, La. 70663  
COM 750 FT W and 40 FT S of NE COR NE SW 3-10-10, TH W 200 Ft, S 150 Ft  
DO YOU CURRENTLY HAVE ANY PENDING VIOLATION WITH ANY ORDINANCE OF THE CITY OF SULPHUR YES ☐ NO ☒  
YOU, OR A REPRESENTATIVE, MUST ATTEND THE BOARD OF ZONING ADJUSTMENT MEETING INITIAL ML

VARIANCE REQUEST INFORMATION

Purpose of Variance Request: Home burned down recently and need to live in an RV until home is built

I do hereby understand that no petition for a change in the classification of property shall be filed unless such petition is duly signed and acknowledged by the owners of authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested; provided however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision, as stated in the City of Sulphur Land Use Ordinance, Number 541, M-C Series.

Further, I do certify that the property for which the above request is being made does not hold any restrictions or covenants that would be in conflict with said request.


Furthermore, I, the applicant agree to dispose of the Board of Zoning Adjustment sign(s) placed on my property after the hearing.

Applicant Signature: Monica LeBlanc Date: 05/03/2022

	Yes	No	N/A
1. Is site located within the City Limits?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed use be a nuisance to the surrounding area because of odors, vibrations, unsightly areas or other unwarranted elements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the capacity of the road and off-street parking facilities adequate for use by the proposed development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the location be served by a fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Can the proposed development be expected to adversely affect the character/aesthetics of the area involved?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is property within a designated flood hazard area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Flood zone classification _____ bfe _____ ft.			



# Memo

To: Land Use and Planning Commissioners  
From: Austin Abrahams   
Director, Department of Public Works  
CC: Arlene Blanchard, Mayor Mike Danahay  
Date: 11/9/2023  
Re: **315 Navarre Street** – Variance Extension Request

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Comments: **Summary of Recommendation:**

A recommendation in support of the variance extension is given.

**Application:**

Eugene & Monica Leblanc has requested a variance extension relative to the temporary use requirements for temporary living in RV while home is being rebuilt due to a fire.

**Situation:**

The applicant is requesting the extension due to issues relating to material and labor. According to Inspections department, the applicant will schedule final inspection once materials are received and installed.

**Recommendation:**

In accordance with Article III, Part 2, Section 4 (5), based on the above findings, contingent upon the lack of objections from the Building Permits Division it is recommended that the variance be granted.

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### **#3 Land Use**

**See item #2 on BZA agenda for all the information**