

November 20, 2023

The Land Use Commission and the Board of Zoning Adjustment of the City of Sulphur, Louisiana, met in regular session at its temporary meeting place located at 1551 East Napoleon Street, Sulphur, LA, held at 5:30 p.m., on the 20th day of November, 2023, after full compliance with the convening of said meeting with the following members present:

LENORE CARROLL, Land Use Commission District 1  
TROY DARBY, Land Use Commission District 2  
ROBIN BAUDOIN, Land Use Commission District 4

ABSENT - VERONICA ALLISON, Land Use Commission District 3  
JONATHAN BRAZZELL, Land Use Commission of District 5

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

Motion was then made by Mr. Darby seconded by Ms. Baudoin that the minutes of the previous meeting stand as written. Motion carried unanimously.

Motion was then made by Mr. Darby seconded by Ms. Baudoin that item #1 on the Board of Zoning Adjustment agenda be removed:

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.

Motion carried unanimously.

Motion was then made by Mr. Darby seconded by Ms. Baudoin that the agenda stand as amended.

Motion carried unanimously.

The first item on the Board of Zoning Adjustment agenda is a 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. Mrs. Hebert stated that she needs a delay in demolishing her home due to health issues. She has asthma and can't stay in her home due to it not being safe for her because of her condition. She's had two surgeries and still wound packing. She's staying in the RV and her daughter is staying in the home. It's hard for her daughter to stay in the RV with her because her daughter works 12-hour shifts and it's difficult. Mr. Darby stated that he'd rather the home be torn down before the mobile home is moved in. Mr. Loftin, City Attorney, stated that his concern is that the home will be more difficult to tear down once the mobile home is moved in. He's also concerned about the home not being torn down in a timely manner and the city having to tear it down. After discussion motion was made by Mr. Darby seconded by Ms. Baudoin that the below resolution be postponed to the December 18<sup>th</sup> BZA meeting so the City Attorney can draft wording so the bid will be updated to include the demolition of her home. The applicant can then give this to the contractor.

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.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mr. Darby, Ms. Baudoin

NAYS: None

ABSENT: Mrs. Allison, Mr. Brazzell

And the said resolution was declared postponed to the December 18, 2023, Board of Zoning Adjustment meeting on this 20th day of November, 2023.

ATTEST:

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ARLENE BLANCHARD, Secretary

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LENORE CARROLL, Chairman

The next item on the agenda is a 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. Motion was made by Mr. Darby seconded by Ms. Baudoin that the following resolution be adopted to-wit:

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.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mr. Darby, Ms. Baudoin

NAYS: None

ABSENT: Mrs. Allison, Mr. Brazzell

And the said resolution was declared duly adopted on this 20th day of November, 2023.

ATTEST:

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ARLENE BLANCHARD, Secretary

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LENORE CARROLL, Chairman

The first item on the Land Use agenda is a 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. Allen Singletary addressed the Commission and stated that they bought the property 8 years ago and Entergy now wants to purchase the right of way but since it's zoned residential he can't get top dollar for it. He's turned down their offer many times. Mr. Loftin, City Attorney, stated that Entergy is doing this all over and wanting to purchase the right of ways for less money than it's worth. Mr. Darby asked if they had a potential buyer? Mr. Singletary stated that he's not sure what will be built on the property but they own the Market Basket shopping center so it will be something nice. Mr. Darby stated that he'd like to see what will be built on the property prior to rezoning because a lot of things can be built in mixed residential, and he also wants to hear the back story from Entergy because he's never heard that rezoning to mixed residential you could get more money. He'll research more about this. Mr. Loftin suggested that this item be postponed so he can get more information from Mr. Singletary and accomplish what he wants to have done. Motion was

made by Mr. Darby seconded by Ms. Baudoin that the following resolution be tabled to the December 18, 2023, Land Use meeting:

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.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mr. Darby, Ms. Baudoin  
NAYS: None  
ABSENT: Mrs. Allison, Mr. Brazzell

And the said resolution was declared tabled to the December 18, 2023, Land Use meeting on this 20th day of November, 2023.

ATTEST:

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ARLENE BLANCHARD, Secretary

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LENORE CARROLL, Chairman

The next item on the agenda is a resolution appealing an administrative decision for a neighborhood commercial use for Cynthia Robertson located at 618 West Verdine Street. Barrett Ristroph, Attorney for Mrs. Robertson, stated that the intended use is neighborhood commercial by definition and was in the section of mixed use in the code until recently amended. Mrs. Robertson went through 9 months of time with this issue. Lots of information was exchanged about what was allowed and what wasn't allowed. These laws aren't clearly written and very vague. Mrs. Robertson deserves due process by what's written in the code. It looks like discrimination against Mrs. Robertson. Sulphur Christian Coalition is a non-profit and doing business in a mixed residential use and offering some of the same services as Micah 6:8 Mission. Both are surrounded by homes as well as high traffic. The city had no opposition to this business. There's also a business down the street where they're selling cars, etc. and they're able to do that

without any enforcement from the city. This has become arbitrary and capricious. This is unlawful taking by the constitution. Mrs. Robertson's services aren't generating any additional traffic and most of the people are pedestrians or on bikes and it fits the definition that was previously there in the code at the time the activity was started.

Mrs. Robertson addressed the Commission and stated that she went around the neighborhood and got signatures in support of what's she's doing. A copy will be sent to the Clerk for verification of owners. The Clerk then stated that the signatures had to be from property owners, not renters. Mrs. Robertson stated that she didn't know that and she would go through the petition to see who owned property and who didn't. Mr. Darby reviewed the petition and was concerned that people who live miles away from the applicant's address signed the petition. There was discussion about the definition of immediate neighborhood and Mr. Loftin stated that what was just discussed between board members wasn't any interpretation of the ordinance.

Mrs. Robertson then stated that one of the things Micah 6:8 Mission does is environmental education and advocacy. For the 2023-2024 fiscal year they received almost \$200,000 in grants from private foundations for programs and even more from the EPA. When she writes a grant, other than EPA, she includes a portion from mutual aid. This year includes \$20,000 to share in the community which is done in several ways. One way is the blessing box in front of her home. Elderly people get things out of the box as well as people on bikes. Sunday, November 12<sup>th</sup> they gave away Thanksgiving bags that included food. It started at 3:00 p.m. and people were lined up at 1:30 p.m. They gave away 50 bags in less than 30 minutes. There were people that they weren't able to serve so next time they'll make 100 bags. The purpose for Micah 6:8 is to help the community. She carefully read the ordinances before she purchased the

property. They provide products and services to the neighborhood. She didn't think there would be any problem at all. What they do is the epitome of what neighborhood commercial is. Mr. Darby asked if she lived in this home. Mrs. Robertson stated that she lives next door. Mr. Loftin stated that nothing that's been done is arbitrary and capricious and Administration studied all this information in length and the issue becomes the definition of neighborhood commercial. The problem is he hasn't seen anything that it's only for the immediate residents of the neighborhood. Mrs. Robertson speaks of the "community" and the immediate neighborhood. He's looked at the things that Micah 6:8 intends to do, and he thinks that the uses go outside of the immediate neighborhood. This is up to the Commission as to see whether or not the products and services are primarily intended for the use or consumption of the inhabitants of the immediate neighborhood. Not only in the application and supporting documents and even coming from Mrs. Robertson and her attorney, they speak of the "community" and the immediate neighborhood. He's looked at the different things they intend to do and he thinks that the uses go outside the immediate neighborhood.

Mrs. Robertson then stated that she needs a legal definition of immediate neighborhood. Mr. Loftin then stated that words are interpreted based on their standard meaning. He also stated that Mrs. Robertson's attorney can advise her of that. Boards can interpret the definition of their common understandings of those words. Immediate neighborhood is not defined in the code. To him it's a simple meaning that doesn't include the community as a whole. Mrs. Robertson then proceeded to say that people that live next door, across the street and down the road use her services. Mr. Loftin stated that he's not disputing that the house across the street from her isn't considered immediate neighborhood. Mrs. Robertson's attorney would need to advise her on that. He also stated once again that Mrs. Robertson and her attorney keep referencing people in

the “community” use her services. Mrs. Ristroph then stated that SC3 does the same thing and recently held a conference for people outside the immediate neighborhood.

Mrs. Carroll then asked Mrs. Robertson exactly what will be occurring at her property. Mrs. Ristroph then stated that the uses did get narrowed down over time. Over time Mrs. Robertson worked it down to include supplying food, toiletries, occasionally hands out clothing and shoes and encourages people to go to SC3 to take advantage of their program. Training and support of nonprofits and educational programs and community meetings are all held offsite. Mr. Loftin stated that what gave him concern was storing of food, daily fill of food box, holding a tool lending library to help people make repairs especially after hurricanes. All these services were also given to him from the applicant. This made him feel it was a community wide service and not just limited to the immediate neighborhood. Mr. Loftin also stated that the city has not been fighting to deter Mrs. Robertson, they’ve been very diligent to determine that they have the correct factual information for compliance with what they’re charged with and administering. All the information that Mr. Abrahams, Land Use Administrator, has provided to him has all been in good faith and not arbitrary and capricious.

Mrs. Robertson stated that tools are needed for people to do work to their homes because they can’t afford them. They have all kind of tools, including lawn mowers, weed eaters and drills. All your basic tools. Their hours of operation are from 8:00 a.m. – 5:00 p.m. The food box is open all the time. We assist people if they need help with a Kroger gift card, help with utility bills or if they need help making payment for their rent. They keep the door locked so it’s not an in and out sort of thing. After discussion, motion was made by Ms. Baudoin seconded by Mr. Darby that the following resolution be adopted to-wit:



RESOLUTION APPEALING AN ADMINISTRATIVE DECISION FOR A  
NEIGHBORHOOD COMMERCIAL USE FOR CYNTHIA ROBERTSON  
LOCATED AT 618 WEST VERDINE STREET.

A vote was then called with the results as follows:

YEAS: None

NAYS: Mrs. Carroll, Mr. Darby, Ms. Baudoin

ABSENT: Mrs. Allison, Mr. Brazzell

And the said resolution failed on this 20th day of November, 2023.

ATTEST:

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ARLENE BLANCHARD, Secretary

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LENORE CARROLL, Chairman

The next item on the agenda is an 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.

Motion was made by Mr. Darby seconded by Ms. Baudoin that the above address be  
given a 6-month extension.

Motion carried unanimously.

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

ATTEST:

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ARLENE BLANCHARD, Secretary

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LENORE CARROLL, Chairman

11/20/23  
6:45 P.M.