

NOTICE.....The BZA meetings will temporarily be held at 1551 East Napoleon Street.

**AGENDA
BOARD OF ZONING ADJUSTMENT
MONDAY, JULY 15, 2024, AT 5:30 P.M.**

THERE WILL BE A REGULAR MEETING OF THE SULPHUR BOARD OF ZONING ADJUSTMENT AND LAND USE COMMISSION, **MONDAY, JULY 15, 2024, 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

1. Resolution granting a variance to Dianna Afemon, 332 Madison Crossing, to allow for -0- lot line on the east side of her home for a carport rather than the required 15 feet.

ADJOURNMENT

****(Anyone addressing the BZA will be limited to speak for 3 minutes only)

If you are not satisfied with the outcome of the Board of Zoning Adjustment decision, you can appeal it to 14th Judicial District Court within thirty (30) days of the Board Zoning Adjustment decision.

***The next regular Board of Zoning Adjustment meeting will be held on Monday, August 19, 2024, 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 Dianna Afemon, 332 Madison Crossing, to allow for -0- lot line on the east side of her home for a carport rather than the required 5 feet.

WHEREAS, in accordance with Chapter 17-21 (a) of the Code of Ordinances of the City of Sulphur, Louisiana, the following shall apply:

17-21 (a)

No permanent structure or improvement shall be constructed within five (5) feet of a utility easement (in favor of the city) or within ten (10) feet of a city-owned utility or within any recorded construction easement (in favor of the city), whichever is more restrictive. Structures shall include, but not be limited to, fences, decks, landscaping, accessory buildings, permanently installed recreational or entertainment facilities and other such features which may obstruct access to and maintenance of the utility. City shall have the right to remove any structure or improvement which encroaches within these limits. Cost of restoration or replacement of that structure shall be borne by the property owner. City shall not be liable for damages associated with removing or relocating said structure.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to Dianna Afemon, 332 Madison Crossing, to allow for -0- lot line on the east side of her home for a carport rather than the required 5 feet for the following described property:

LOT 89 BELLE SAVANNE PHASE 1B

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 Adjustments of the City of Sulphur, Louisiana, that they do hereby grant a variance to Dianna Afemon, 332 Madison Crossing, to allow for -0- lot line on the east side of her home for a carport rather than the required 5 feet.

APPROVED AND ADOPTED by the
Board of Zoning Adjustment of the City
of Sulphur, Louisiana, on this _____ day
of _____, 2024.

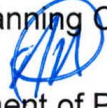
TROY DARBY, Chairman

ATTEST:

ARLENE BLANCHARD, Secretary



Memo

To: Land Use and Planning Commissioners
From: Austin Abrahams 
Director, Department of Public Works
CC: Arlene Blanchard, Mayor Mike Danahay
Date: 7/8/2024
Re: **332 Madison Crossing** - Variance Request

Comments: **Summary of Recommendation:**

A recommendation in support of the variance **cannot** be given.

Application:

Dianna Afemon has requested a variance relative to the required setback requirements of city owned utility easement and side property line setback. The Belle Savanne Subdivision has a 5 foot side setback for corner lots approved by variance. Applicant is requesting a side setback of 0 feet.

Situation:

The applicants pool contractor was issued a permit for the installation of a pool in the back yard. Shortly after the pool was installed, a separate contractor began work on an addition to the east side of the applicant's home. During routine inspection, the Inspection Department posted a "stop work order" due to contractor not having proper permits. The residence was given a second stop work order by the inspection department when the contractor continued to work on the addition.



The original side setback for the house is roughly 14 feet to the right-of-way. The new addition on east side of house extends roughly 10 feet into the city owned right-of-way. There is also an existing 10-foot utility easement that would need to be abandoned. The city does not have utilities within this easement; however, Carlyss Waterworks does have a water main. If approved, the abandonment of the easement and water main would need to be coordinated with Carlyss Waterworks.

Findings:

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 Application appears substantially complete, containing the information required in Appendix C of the Ordinance.
2. The variance requested **does** meet the “unique condition” requirement of Article III, Part 2, Section 4 (5) (a).
3. The variance requested **does not** “deprive the applicant of rights” provided for in Article III, Part 2, Section 4 (5) (b).
4. The variance requested **does not** meet the cause of condition requirement of Article III, Part 2, Section 4 (5) (c).
5. The variance requested **does not** meet the “confer special privileges” requirement of Article III, Part 2, Section 4 (5) (d).
6. The variance requested **does not** meet the “alter the essential character of the locality” requirement of Article III, Part 2, Section 4 (5) (e).
7. The variance requested **does not** meet the “unnecessary hardship” requirement of Article III, Part 2, Section 4 (5) (f).
8. The variance requested **does** meet the “convenience or profit” requirement of Article III, Part 2, Section 4 (5) (g).
9. The variance requested **does** meet the “adequate supply of light and air, congestion in the public street, danger of fire or public safety” requirement of Article III, Part 2, Section 4 (5) (h).

Recommendation:

In accordance with Article III, Part 2, Section 4 (9), based on the above findings, it is recommended that the variance be **denied**.



CITY OF SULPHUR
APPLICATION FOR
DEVELOPMENT APPROVAL - VARIANCE

Date Received 6/27/24 \$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 VARIANCE IS APPROVED/DISAPPROVED, APPLICANT MUST REMOVE SIGN FROM PROPERTY Print

Name: Dianna Afemon Date: 6/26/2024

PROPERTY OWNER INFORMATION

Name of Property Owner: Dianna Afemon (Owner)
must provide proof of ownership such as property tax record or recorded deed)

Mailing Address: 332 Madison Crossing Dr. City: Sulphur State: La. Email: dafemonmei@gmail.com Physical Address: 332 Madison Crossing Dr. City: Sulphur State: La. Phone Number
(H) _____ (W) _____ (C) 318-359-1199 PROPERTY

INFORMATION

Location Address: 332 Madison Crossing Dr. Sulphu La. 70665 Present Zoned
Classification: residential

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

see attached

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: To allow Patio Extension to the property line.

-0- lot line for east side of property

How did you find out you needed a variance? City of Sulphur permitting department.

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 or 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 Dianna Afemon Date 6/26/2024
Yes No N/A

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

















