

February 11, 2009

The Land Use Commission of the City of Sulphur, Louisiana, met in special session at its regular meeting place at City Hall, Sulphur, Louisiana, at 5:00 p.m., on the 11th day of February, 2009, after full compliance with the convening of said meeting, with the following members present:

Mr. Drost swore-in Earl Dorman – Land Use Commission District 1

EARL DORMAN, Land Use Commission of District 1

TROY DARBY, Land Use Commission of District 2

GERRIT LAWRENCE, Land Use Commission of District 5

ABSENT: JOHNNY PEEL, Land Use Commission of District 3

LAWRENCE DAVID, Land Use Commission of District 4

(Mr. Lawrence attended at 5:09 p.m.)

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

The first item on the agenda a resolution granting a variance to William and Cheryl White, 153 Beauregard Avenue, to allow for a garage/shop to be located 6 inches from side property line instead of the required 5 feet. Mr. White stated that over a year ago this variance was granted but it was for 1 ½ feet from the side property line. Plans have changed due to wiring in the ground could not be moved. This took longer than expected and now that a year has gone by I need to reapply for the variance. I now need to be located 6 inches from the property line rather than 1 ½ inches due to not being able to move the wiring. Motion was made by Mr. Darby seconded by Mr. Dorman that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a variance to William and Cheryl White, 153 Beauregard Avenue, to allow for garage/shop to be located 6 inches from side property line instead of the required 5 feet.

BE IT RESOLVED that a firewall shall be built on the west side of the garage/shop as required by the Inspection Department.

BE IT FURTHER RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to William and Cheryl White, 153 Beauregard Avenue, to allow for garage/shop to be located 6 inches from side property line instead of the required 5 feet.

A vote was then called with the results as follows:

YEAS: Mr. Dorman, Mr. Darby, Mr. Lawrence

NAYS: None

ABSENT: Mr. Peel, Mr. David

And the said resolution was declared duly adopted on this 11th day of February, 2009.

ATTEST:

ARLENE BLANCHARD, Secretary

GERRIT LAWRENCE, Chairman

The next item on the agenda a resolution granting a rezone from Mixed Residential District to Business District to Melvin Ceasar, Jr. 935 Alice Street, to allow for a Mom and Pop BBQ business. David Hartman, Calcasieu Parish Sales Tax Office, addressed the Commission and stated that he doesn't know if Mr. Ceasar owes any sales tax from his previous years of operation. He has reported "0" on his sale tax for many years.

(Mr. David attended the meeting at this time 5:09 p.m.)

Mr. Ceasar was listed as an "occasional" on his sales tax which means the amount of sales he does is trivial. In the past Mr. Ceasar has reported \$1,500.00/year in sales. Mr. Hartman also stated that it doesn't matter to him whether this rezone gets granted or not.

The City of Sulphur Occupational License Department contacted me today to find out if there was any overdue sales taxes that had to be paid for this business. She also stated that Mr. Ceasar hasn't had an occupational license with the City of Sulphur for approximately 8 years. Since I was just notified today I haven't had time to do a complete investigation. The Sales Tax office does not have a lien on Mr. Ceasar's property.

Melvin Ceasar, 935 Alice Street, addressed the Commission and stated that his BBQ business closed February, 2003. He did some remodeling to his business in February, 2004. After he remodeled, Hurricane Rita hit. He has spent thousands of dollars remodeling his business. He is now trying to open up again but since his business has been shut down for more than 2 years he has to rezone. He also stated that he has reported "0" on his sales tax for years because he hasn't been in operation since 2003. I do not receive any more sales tax letters.

Veronica Allison addressed the Commission and stated that she was in favor of Mr. Ceasar opening his BBQ business. She feels that there is a miscommunication between the Mr. Ceasar and the sales tax office. We have an outstanding community and Mr. Ceasar's business does well in our community.

After discussion, motion was made by Mr. Darby seconded by Mr. David that the following stipulation be added to the resolution:

WHEREAS, improvements on the property will include a BBQ business which shall be limited as follows:

- must maintain a valid occupational license and if said business closes or is used for any other purpose otherwise stated in rezone it shall revert back to Mixed Residential.

Motion carried unanimously.

Motion was then made by Mr. Darby seconded y Mr. David that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a rezone from Mixed Residential District to Business District to Melvin Ceasar, Jr., 935 Alice Street, to allow for a Mom and Pop BBQ business.

WHEREAS, improvements on the property will include a BBQ business which shall be limited as follows:

- must maintain a valid occupational license and if said business closes or is used for any other purpose otherwise stated in rezone it shall revert back to Mixed Residential.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone Mixed Residential District to Business District to Melvin Ceasar, Jr., 935 Alice Street, to allow for a Mom and Pop BBQ business.

A vote was then called with the results as follows:

YEAS: Mr. Dorman, Mr. Darby, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Mr. Peel

And the said resolution was declared duly adopted on this 11th day of February, 2009.

ATTEST:

ARLENE BLANCHARD, Secretary

GERRIT LAWRENCE, Chairman

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

ATTEST:

ARLENE BLANCHARD, Secretary

GERRIT LAWRENCE, Chairman

2/11/09