

March 20, 2023

The Land Use Commission 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 March, 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  
VERONICA ALLISON, Land Use Commission District 3  
ROBIN BAUDOIN, Land Use Commission District 4  
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 Mr. Mr. Brazzell that the minutes from the previous Land Use and Board of Zoning Adjustment meetings stand as written. Motion carried unanimously.

Motion was then made by Mr. Darby seconded by Mr. Brazzell that the agenda stand as written.

Motion carried unanimously.

The first item on the agenda is a resolution granting a rezone to ALK Properties, 2616 Lena Street, from Residential to Commercial to allow for expansion of current business located at 317 Patton Street. Cynthia Jones, 430 Patton, stated that she opposes all three of these rezones. Travis Marburger, property owner, stated that he bought the two lots behind his current business in 2019. He bought them so in the future he could expand his business. Currently he has employees living in the two rental homes. The homes will be torn down so he can expand his business. The expansion will look the same as the current business. The city requires a 20-foot

buffer on the north side but they're putting a 26.5-foot buffer. He'll also put a 6-foot privacy fence with evergreen hedges on the north side. There will be no additional noise with the expansion. His drainage plans have already been approved by the city. He also stated that he may have a night shift. Ms. Baudoin asked Mr. Marburger, owner, why the two lots came up for sell? Mr. Marburger stated that one of the property owners passed away and the other was used as a rental. Mr. Marburger had trouble with the occupants, so the owner made them move out and then she offered the property to Mr. Marburger.

Mr. Brazzell asked if the east door of the business could stay closed so it could be a barrier for the noise. Mr. Marburger stated that they need to have fresh air, not stagnant. Mrs. Allison stated that this is a residential neighborhood, and they should consider the homeowners. The only people these property owners could sell to is Mr. Marburger. No one will want to live there. Mr. Marburger needs to find a place that is zoned commercial. Mr. Marburger stated that the original business has been there since 1982. In 2004 the larger building was built. It'll be nearly impossible to uproot our business. He's been accused of having diesel fumes in the neighborhood. They don't have any diesel equipment.

Mr. Brazzell stated that he visited the site and asked Mr. Marburger to turn on his equipment so he could hear the noise level. The noise level wasn't bad at all. Mr. Darby stated that Sulphur is an industrialized area. There are many residential areas in Sulphur that have industry in their backyard. Mrs. Carroll stated that Patton Street is an industrialized corridor. Big trucks cut through from Ruth Street to Beglis Parkway.

Motion was then made by Mr. Darby seconded by Mrs. Carroll that the following amended be made:

This rezoning is approved contingent upon applicant and any future owner continuing to comply with the original commitment to provide and maintain:

1. A 6-foot privacy fence on the north side of the property.
2. Evergreen hedge on the north side of the property.
3. A 26.5-foot buffer on north side of the property.

Motion carried unanimously.

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

RESOLUTION AS AMENDED

RESOLUTION GRANTING A REZONE TO ALK PROPERTIES, 2616 LENA STREET, FROM RESIDENTIAL TO COMMERCIAL TO ALLOW FOR EXPANSION OF CURRENT BUSINESS LOCATED AT 317 PATTON STREET.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to ALK Properties, 2616 Lena Street, from Residential to Commercial to allow for expansion of current business located at 317 Patton Street for the following described property:

LOT 12 WILLIE PICARD SUB 3.10.10

This rezoning is approved contingent upon applicant and any future owner continuing to comply with the original commitment to provide and maintain:

1. A 6-foot privacy fence on the north side of the property.
2. Evergreen hedge on the north side of the property.
3. A 26.5-foot buffer on north side of the property.

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 ALK Properties, 2616 Lena Street, from Residential to Commercial to allow for expansion of current business located at 317 Patton Street with the above stipulations.

A vote was then called with the results as follows:

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

NAYS: Mrs. Allison

ABSENT: None

And the said resolution was declared adopted on this 20<sup>th</sup> day of March, 2023.

ATTEST:

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ARLENE BLANCHARD, Secretary

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution granting a rezone to ALK Properties, 2606 Allen Street, from Residential to Commercial to allow for expansion of current business located at 317 Patton Street. Rhonda Duhon, 2602 Allen Street, addressed the Commission and stated that there were only 2 property owners on their road that were undecided when the petition was brought around the neighborhood. Kim Kool keeps encroaching on our property. We're stuck here. Her and her husband have lived in this home for 17 years. The road is falling apart. She works at Walmart and works from home. When she's on conference calls the noise from Kim Kool is so loud that it affects her work. Kim Kool's PA system is so loud she can hear it from inside her home. She had to move her home office to the other side of her home. They've been patient with this company.

Carl Hardy, property owner on Allen Street, stated that he has three rental properties on this street. A 6-foot fence doesn't do anything for a 40-foot-high building.

Cynthia Jones, Patton Street, stated that her son lives on the corner of Patton and Allen Street. She then read a section of the code of ordinances about expanding a non-conformity. This business is injurious to our neighborhood. She inherited her home and she's retired. She's not financially sound to relocate.

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

This rezoning is approved contingent upon applicant and any future owner continuing to comply with the original commitment to provide and maintain:

1. A 6-foot privacy fence on the north side of the property.
2. Evergreen hedge on the north side of the property.
3. A 26.5-foot buffer on north side of the property.
4. No additional parking on 2606 Allen Street.

Motion carried unanimously.

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

#### RESOLUTION AS AMENDED

RESOLUTION GRANTING A REZONE TO ALK PROPERTIES, 2606 ALLEN STREET, FROM RESIDENTIAL TO COMMERCIAL TO ALLOW FOR EXPANSION OF CURRENT BUSINESS LOCATED AT 317 PATTON STREET.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to ALK Properties, 2606 Allen Street, from Residential to Commercial to allow for expansion of current business located at 317 Patton Street for the following described property:

LOT 13 WILLIE PICARD SUB

This rezoning is approved contingent upon applicant and any future owner continuing to comply with the original commitment to provide and maintain:

1. A 6-foot privacy fence on the north side of the property.
2. Evergreen hedge on the north side of the property.
3. A 26.5-foot buffer on north side of the property.

4. No additional parking on 2606 Allen Street.

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 ALK Properties, 2606 Allen Street, from Residential to Commercial to allow for expansion of current business located at 317 Patton Street with the above stipulations.

A vote was then called with the results as follows:

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

NAYS: Mrs. Allison

ABSENT: None

And the said resolution was declared adopted on this 20<sup>th</sup> day of March, 2023.

ATTEST:

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ARLENE BLANCHARD, Secretary

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution granting a rezone to ALK Properties, 317 Patton Street, from Business to Commercial to be contiguous with expansion of 2616 Lena Street and 2606 Allen Street. Motion was made by Mr. Brazzell seconded by Mr. Darby that the following resolution be adopted to-wit:

## RESOLUTION

RESOLUTION GRANTING A REZONE TO ALK PROPERTIES, 317 PATTON STREET, FROM BUSINESS TO COMMERCIAL SO CURRENT BUSINESS CAN BE CONTIGUOUS WITH EXPANSION OF 2616 LENA STREET AND 2606 ALLEN STREET.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to ALK Properties, 317 Patton Street, from Business to Commercial so current business can be contiguous with expansion of 2616 Lena Street and 2606 Allen Street for the following described property:

LOT 4, 5, 6, 7, 8, 9 WILLIE PICARD SUB

BE IT FURTHER RESOLVED that this rezone is contingent upon the adoption of the rezones for 2616 Lena Street and 2606 Allen Street.

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 FURTHEREST RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to ALK Properties, 317 Patton Street, from Business to Commercial so current business can be contiguous with expansion of 2616 Lena Street and 2606 Allen Street.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared adopted on this 20<sup>th</sup> day of March, 2023.

ATTEST:

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ARLENE BLANCHARD, Secretary

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution granting a variance to Paula Louvier, 436 Sands Point, to allow for living in an RV due to hurricane Laura. Mr. Loftin, City Attorney, stated that Ms. Louvier needs to go to the permit office immediately and get her permit. She also needs to schedule an appointment with the Inspection office so they can go inspect what she's done so far. This variance will expire in 3 months contingent upon her doing all this. Mrs. Louvier stated that she was subpoenaed for court so she may not be able to get to their office this week. Motion was then made by Mr. Darby seconded by Mrs. Carroll that the following resolution be adopted to-wit:

RESOLUTION

RESOLUTION GRANTING A VARIANCE TO PAULA LOUVIER, 436 SANDS POINT, TO ALLOW FOR TEMPORARY LIVING IN AN RV DUE TO HURRICANE LAURA.

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 be contingent upon obtaining proper permits and inspections; expires after 3 months.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to Paula Louvier, 436 Sands Point, to allow for temporary living in an RV while home is being repaired due to Hurricane Laura for the following described property:

PORTION OF LOTS 96 AND 98 SUMMERWOOD SUB DESC AS – COM ON N/L SANDS POINT 21.24 FT E OF SW COR LOT 96, TH NELY 102.49 FT TO N/L SAID LOT AT PT 40 FT E OF NW COR SAID LOT, TH E 90.06 FT TO NE COR SAID LOT, SELY 24.01 FT ALONG E/L LOT 98, SWLY 127.51 FT



TO NLY/LING SANDS POINT BEING 30.70 FT NWLY OF SW COR LOT 98,  
WLY 24.64 FT ALONG SLY/LINE LOTS 98 AND 96 TO COM

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 Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to Paula Louvier, 436 Sands Point, to allow for temporary living in an RV while home is being repaired due to Hurricane Laura with the above stipulation.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared adopted on this 20<sup>th</sup> day of March, 2023.

ATTEST:

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ARLENE BLANCHARD, Secretary

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VERONICA ALLISON, Chairman

The next item on the agenda is a resolution granting a variance to Kenneth Smith, 1284 South Post Oak Road, to allow for living in an RV due to hurricane Laura. Mayor Danahay stated that he's speaking on behalf of Mr. Smith. His home was severely damaged in the

hurricane and is currently on the PPDR list (Personal Property Debris Removal). Just about his entire property is now in a floodway and nothing can be built back on this property. The RV is placed outside of the floodway. Mayor Danahay asked that this variance be granted until Mr. Smith no longer resides at this address. Motion was made by Mrs. Baudoin seconded by Mr. Darby that the following resolution be adopted to-wit:

### RESOLUTION

RESOLUTION GRANTING A VARIANCE TO KENNETH SMITH, 1284 SOUTH POST OAK ROAD, TO ALLOW FOR LIVING IN AN RV DUE TO HURRICANE LAURA.

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, variance shall expire and RV shall be removed when Kenneth Smith no longer resides in the RV.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to Kenneth Smith, 1284 South Post Oak Road, to allow for living in an RV due to Hurricane Laura for the following described property:

LOT 18 BLK 1 CEDAR SUB

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 Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to Kenneth Smith, 1284 South Post Oak Road, to allow for living in an RV due to Hurricane Laura with the above stipulations.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared adopted on this 20<sup>th</sup> day of March, 2023.

ATTEST:

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ARLENE BLANCHARD, Secretary

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VERONICA ALLISON, Chairman

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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VERONICA ALLISON, Chairman

3/20/23  
6:35 P.M.