

April 17, 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 17th day of April, 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 Mrs. Carroll.

Motion was then made by Mr. Brazzell seconded by Mrs. Carroll 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. Brazzell seconded by Mrs. Carroll that the agenda stand as written. Motion carried unanimously.

The first item on the agenda is a resolution granting a variance to GVCS Investments – LA, LLC, 207 South Cities Service Hwy., to allow sign for Whataburger to be 50-feet tall rather than the required 35-feet. Billy Loftin, City Attorney, stated that the sign will exceed the maximum height allowed. It was discussed with Administration they shouldn't consider variances for signs. Administration would like to amend the sign ordinance to allow 50-foot signs in certain areas of the city. Motion was then made by Mr. Brazzell seconded by Mrs. Carroll that the resolution be deferred to the May meeting.

Motion carried unanimously.

The next item on the agenda is a resolution granting a variance to Michael Shane Fontenot, 31 Center Avenue, to allow for a proposed subdivision of 2 lots with 1 lot having 46.97 feet road frontage instead of the required 50 feet (*the 2<sup>nd</sup> lot has 51.09 feet road frontage*). Tammy Fontenot addressed the Council and stated that her son will build a home for himself and he's not sure what he'll do with the other lot. She may build a home on the second lot but at this time they aren't sure what they'll do with it. Mrs. Allison stated that the lots are over 6,000 sq. ft. but the lots are odd shaped so one lot doesn't have the 50-foot of road frontage.

Mrs. Carroll stated that there are lots to the north of these lots that only have 30-foot road frontage. Mr. Brazzell stated that he wants to make sure this isn't for financial gain. After discussion, motion was made by Mrs. Carroll seconded by Mrs. Baudoin that the following resolution be adopted to-wit:

#### RESOLUTION

RESOLUTION GRANTING A VARIANCE TO MICHAEL SHANE FONTENOT, 31 CENTER AVENUE, TO ALLOW FOR A PROPOSED SUBDIVISION OF 2 LOTS WITH 1 LOT HAVING 46.97 FEET ROAD FRONTAGE INSTEAD OF THE REQUIRED 50 FEET.

WHEREAS, in accordance with Article IV, Part 3, Section 1 (2) (b) of the Land Use Ordinance of the City of Sulphur, Louisiana, no front foot dimension of a lot shall be less than 50 feet.

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to Michael Shane Fontenot, 31 Center Avenue, to allow for a proposed subdivision of 2 lots with 1 lot having 46.97 feet road frontage instead of the required 50 feet for the following described property:

A SUBDIVISION OF LOT "F" OF BLOCK 20 OF MAPLEWOOD PARTITION, A SUBDIVISION LOCATED IN SECTION 31, TOWNSHIP 9 SOUTH, RANGE 9 WEST, LA. MER., AS PER PLAT RECORDED IN THE RECORDS OF CALCASIEU PARISH, LA.

DESCRIPTION: TRACT "A"  
COMMENCING AT THE NORTHWEST CORNER OF LOT "F" OF BLOCK 20 OF SAID MAPLEWOOD PARTITION: THENCE SOUTH 74°52'25" EAST

134.64 FEET TO THE WEST LINE OF CENTER AVENUE AND A POINT IN A CURVE TO THE RIGHT HAVING A RADIUS OF 1270.0 FEET; THENCE ALONG SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 46.98 FEET (CH= S-16°04'59"-W, 46.97'); THENCE NORTH 74°52'56" WEST 134.90 FEET TO THE WEST LINE OF SAID LOT "F"; THENCE NORTH 16°24'34" EAST, ALONG SAID WEST LINE, 47.00 FEET TO THE POINT OF COMMENCEMENT.

HEREIN DESCRIBED TRACT CONTAINING 6,338.03 SQUARE FEET, MORE OR LESS, AND SUBJECT TO ANY RIGHTS OF WAY, SERVITUDES AND/OR EASEMENTS OF RECORD OR BBY USE.

DESCRIPTION: TRACT "B"

COMMENCING SOUTH 16°24'34" WEST 47.00 FEET FROM THE NORTHWEST CORNER OF LOT "F" OF BLOCK 20 OF SAID MAPLEWOOD PARTITION; THENCE SOUTH 74°52'56" EAST 134.90 FEET TO THE WEST LINE OF CENTER AVENUE AND A POINT IN A CURVE TO THE RIGHT HAVING A RADIUS OF 1270.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 51.09 (CH= S-18°17'43"-W, 51.09') TO THE SOUTHEAST CORNER OF SAID LOT "F"; THENCE NORTH 71°23'10" WEST, ALONG THE SOUTH LINE OF SAID LOT "F", 133.29 FEET TO THE SOUTHWEST CORNER OF SAID LOT "F"; THENCE NORTH 16°24'34" EAST, ALONG THE WEST LINE OF SAID LOT "F", 42.89 FEET TO THE POINT OF COMMENCEMENT.

HEREIN DESCRIBED TRACT CONTAINING 6,305.58 SQUARE FEET, MORE OR LESS, AND SUBJECT TO ANY RIGHTS OF WAY, SERVITUDES AND/OR EASEMENTS OF RECORD OR BBY USE.

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 Michael Shane Fontenot, 31 Center Avenue, to allow for a proposed subdivision of 2 lots with 1 lot having 46.97 feet road frontage instead of the required 50 feet.

A vote was then called with the results as follows:

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

And the said resolution was declared adopted on this 17<sup>th</sup> day of April, 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 Kayla Gaspard, 401 Hildebrandt Street, to allow for a mobile home to be located on a 5,400 sq. ft. lot rather than the required 6,000 sq. ft. Mrs. Gaspard stated that her son wants to put a mobile home on this property. He's looking at a 2020 mobile home. The buy/sell is contingent upon this variance being granted. Mrs. Carroll stated that most of the lots in this area have the same problem. Lots are unusable since they're only 5,000 sq. ft. and not 6,000 sq. ft. After discussion, motion was made by Mr. Brazzell seconded by Ms. Baudoin that the following resolution be adopted to-wit:

RESOLUTION

RESOLUTION GRANTING A VARIANCE TO KAYLA GASPARD, 401 HILDEBRANDT STREET, TO ALLOW FOR A MOBILE HOME TO BE LOCATED ON A 5,400 SQ. FT. LOT 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, 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 Kayla Gaspard, 401 Hildebrandt Street, to allow for a mobile home to be located on a 5,400 sq. ft. lot rather than the required 6,000 sq. ft. for the following described property:

S ½ LOTS 9, 10 BLK 12 DOIRON ADDITION

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 Kayla Gaspard, 401 Hildebrandt Street, to allow for a mobile home to be located on a 5,400 sq. ft. lot rather than the required 6,000 sq. ft.

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 17<sup>th</sup> day of April, 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 Sheila Barbier, 319 North Irwin Street, to allow for living in an RV while taking care of her elderly mother. Ms. Barbier

stated that she purchased this property in 2008. Her mother lives in the mobile home and she's deaf, blind, has a tumor and has had 2 strokes since 2018 or 2019. Ms. Barbier also stated that she works all day and takes care of her mom at night. She can't live in the mobile home with her mom since the mobile home is full of medical equipment. Once her mom no longer lives in the mobile home, she won't need the RV any longer. Motion was then made by Mr. Darby seconded by Mr. Brazzell that the following amendment be made:

WHEREAS, said variance terminates when the applicant's mother no longer resides at this location contingent upon a one (1) year status check (i.e. April, 2024).

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 VARIANCE TO SHEILA BARBIER, 319 NORTH IRWIN STREET, TO ALLOW FOR LIVING IN AN RV WHILE TAKING CARE OF HER ELDERLY MOTHER.

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 terminates when the applicant's mother no longer resides at this location contingent upon a one (1) year status check (i.e. April, 2024).

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to Sheila Barbier, 319 North Irwin Street, to allow for living in an RV while taking care of her elderly mother for the following described property:

N/2 LTS 1 AND 2 BLK 6 VERDINE ADD  
S/2 LTS 1 AND 2 BLK 6 VERDINE ADD  
N/2 LTS 3 AND 4 BLK 6 VERDINE ADD

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 Sheila Barbier, 319 North Irwin Street, to allow for living in an RV while taking care of her elderly mother 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 17<sup>th</sup> day of April, 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 to continue variance extension to Danny Lewing, 510 Truman, to continue to live in RV temporarily due to a fire destroying his mobile home (6-month status check). Mr. Lewing addressed the Commission and stated that his disability check has been cut to just over \$400.00/month. He has purchased some lumber already. It'll cost about \$2,800 for plywood floors. The plumbing is in place. Mrs. Carroll stated that with only \$400/month it'll take years to complete. Mr. Lewing stated, that's his problem.

Mr. Darby stated that there's a lot of debris in the yard that needs to be cleaned up. Mr. Lewing stated that he didn't know what Mr. Darby was talking about. His yard is clean. It's spotless now. Mark Holden (not sure on spelling) addressed the Council and stated that he supports Mr. Lewing for this variance. Mr. Lewing stated that he doesn't have a contractor and he's doing the work himself. Mr. Abrahams, Land Use Adm., stated that Mr. Lewing has pulled permits, but no inspections have been done yet. Motion was then made by Mr. Baudoin seconded by Mrs. Carroll that the following resolution be adopted to-wit:

Resolution to continue variance extension to Danny Lewing, 510 Truman, to continue to live in RV temporarily due to a fire destroying his mobile home

A vote was then called with the results as follows:

YEAS: Mrs. Allison, Ms. Baudoin

NAYS: Mrs. Carroll, Mr. Darby, Mr. Brazzell

ABSENT: None

*\*\*\*At this time Mrs. Carroll stated that in October, 2022 Mr. Lewing was granted a 1-year extension with a 6-month status check so shouldn't he be granted the whole year. Mr. Loftin, City Attorney, agreed.*

*Even though the resolution failed, being he was granted a year extension in October, 2022, it was declared duly adopted on this 17<sup>th</sup> day of April, 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 extension to Gary Viator, 2003 Augusta Street, to allow for his son and daughter in law to temporarily live in an RV due to a hardship. Chad Viator addressed the Commission and stated that he just needs another 2-3 month extension. They have a meeting Wednesday with the Housing Authority to see about getting a home there. Ms. Dowden, next door neighbor then read a letter with many complaints about the applicants living in the RV. Complaints ranged from sewer running all over, dogs barking and



dangerous and noise complaints at all hours of the night. When they have company, they even park in her yard. There's a trailer on his property that's full of "things". The yard is a mess. The RV has been there for over 2 years and it's time to go. Motion was then made by Ms. Baudoin seconded by Mr. Darby that the following resolution be amended as follows:

WHEREAS, said variance shall expire in thirty (30) days (i.e. Wednesday, May 17, 2023).

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 VARIANCE TO GARY VIATOR, 2003 AUGUSTA STREET, TO ALLOW FOR HIS SON AND DAUGHTER IN LAW TO TEMPORARILY LIVE IN AN RV DUE TO HARDSHIP.

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 expire in thirty (30) days (i.e. Wednesday, May 17, 2023).

BE IT RESOLVED by the Board of Zoning Adjustment of the City of Sulphur, Louisiana, that they do hereby grant a variance to Gary Viator, 2003 Augusta Street, to allow for his son and daughter in law to temporarily live in an RV due to hardship for the following described property:

COM 140 FT N OF SE COR OF N/2 NE NW SW SECT 3.10.10; TH S 55 FT,  
TH W 150 FT ETC

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 Gary Viator, 2003 Augusta Street, to allow for his son and daughter in law to temporarily live in an RV due to hardship 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 17<sup>th</sup> day of April, 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 Chad Richard, 2209 Carr Lane, from Residential to Mixed Residential to allow for the replacement of mobile home destroyed by Hurricane Laura with a 2023 mobile home. After discussion, Mr. Loftin, City Attorney, suggested that the applicant pull his application and reapply for a Special Exception rather than a rezone. The applicant then pulled his application from the agenda.

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 addresses:

**(Living in RV after 2 years)**

- a. To extend temporary housing in a recreational vehicle located at 945 Beulah Street, in accordance with Ordinance No. 1693, M-C Series.

Motion was made by Mr. Darby seconded by Mrs. Carroll that the above address be amended as follows:

- Applicant is granted 6-months with a 30-day status check.

Motion carried unanimously.

Motion was then made by Mr. Darby seconded by Mr. Brazzell that the above address be granted 6-months with a 30-day status check.

Motion carried unanimously.

- b. To extend temporary housing in a recreational vehicle located at 9 Poinsetta Road, in accordance with Ordinance No. 1693, M-C Series.

Motion was made by Mr. Darby seconded by Mrs. Carroll that the above address be granted 6-months.

Motion carried unanimously.

- c. To extend temporary housing in a recreational vehicle located at 906 Taylor Street, in accordance with Ordinance No. 1693, M-C Series.

Motion was made by Mr. Darby seconded by Mrs. Carroll that the above address be granted 6-months.

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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VERONICA ALLISON, Chairman

4/17/23 7:00 P.M.