

HOUMA BOARD OF ADJUSTMENT
Official Proceedings
of
August 17, 2020

Houma Civic Center

1. The Chairman, Pete Konos, called the August 17, 2020 meeting of the Houma Board of Adjustments to order at 3:48 p.m., followed by the Pledge of Allegiance led by Mr. David Tauzin.
2. Upon Roll Call, those members present were Mr. Pete Konos, Mr. David Tauzin and Mr. Matthew Chagnier. Also present was Mr. Christopher Pulaski, TPCG Planning Director.
3. **ANNOUNCEMENTS:** Mr. Pulaski announced that Mrs. Trudy Hebert, vice chair, submitted her resignation. He also announced that the time of the meetings will change to 5:00 p.m. . He mentioned that we may have someone interested in filling that vacancy.
- Chair recognized the presence of Councilman Danny Babin.
4. Approval of Minutes of July 20, 2020:

MOTION was made by Mr. David Tauzin; seconded by Mr. Matthew Chagnier, to approve the minutes of the July 20, 2020 meeting.

ROLL CALL VOTE:

YEAS: Tauzin, Chagnier, Konos

NAYS: NONE

ABSTAINED: None

NOT VOTING: None

5. A. Old Business: None
6. New Business:
 - a. Special Exception: Request for addition to an existing elementary school in an R-1 district located at 450 Cougar Drive.

Chair recognized Mr. Merlin Lirette who stated that he is the architect for this project. Mr. Lirette, with the assistance of a prepared power point, explained the project in its' entirety.

Chair recognized Stacey Henry, 15 Texas Avenue, who stated that her backyard abuts the property on which the addition is being built. She requested that the Board TABLE the project until which time some of the residents who object to the project have time to meet with the school officials and architect to discuss some possible negotiations and revisions. Her major concern was the traffic, noise and trash. (see attached pictures presented)

Chair recognized Dwayne Adams, 19 Texas Avenue, who requested that the Board TABLE the applicant until which time that some of the residents who object to the project have time to meet with school officials and architect to discuss possible revisions.

Chair recognized JoAnn Griffin, 25 Texas Avenue who voiced her concerns about the three (30 lane road, privacy and traffic issues.

Chair recognized Mr. Danny Babin, Councilman who voiced concerns about issues such as access/egress, installation of a buffer, and Board quorum.

Chair recognized Mr. Dale Dehart, School Board Representative, who stated that he will do anything, within his authority, to work with the residents to reach some compromises regarding their concerns.

Chair called Mr. Lirette to the podium asking him to work with the residents to regarding their concerns.

Chair recognized Councilman Danny Babin who wanted to assure the residents that the architects have met all requirements for this project.

Chair recognized Stacey Henry, 15 Texas Avenue, who stated that she has gotten no cooperation from the school board regarding negotiations or compromises.

Chair recognized JoAnne Griffin, 25 Texas Avenue, who suggested that the increase of population of students should be considered to attend the newly renovated Southdown Elementary School. She also voices concerns of the dangerous traffic conditions that may arise from increased traffic.

Chair recognized Dwayne Adams who requested the opportunity to meet with all parties to reach some possible compromises.

Chair recognized Mr. Christopher Pulaski who stated that Applicant is request a special exception to allow for an addition to an existing elementary school in an R-1 district. Sec. 28-47(a)(1)(c) of the Parish Code of Ordinances requires that elementary schools in R-1 districts obtain a special exception from the Board of Adjustment so that the Board may be able to determine if any terms or conditions may be required to ensure the best compliance with the provisions surrounding a special exception.

No exception shall be authorized unless the board shall find that all of the following conditions exist:

- a. That the exception will not authorize the operation of a use other than those uses specifically enumerated for the district in which is located the property for which the exception is sought;
- b. That the full development is designed and intended to serve the district in which the development is sought to be operated and maintained;
- c. That the exception is essential to maintain the functional design and architectural integrity of the development;
- d. That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;
- e. That the exception will not alter the essential character of the district in which is located the property for which the exception is sought;
- f. That the exception will not weaken the general purposes of this chapter or the regulations herein established for the specific district;
- g. That the exception will be in harmony with the spirit and purposes of this chapter;
- h. That the exception will not adversely affect the public health, safety or welfare or the master plan.

In regards to the above items a-c and e-h, the use as a school is listed amongst the allowed uses in an R-1 district and would serve many of the children who live in the surrounding residential areas. The expansion is needed to replace the aging pod classrooms and provide additional area for many decades and has become an essential fixture of the community and the identity of the neighborhood. In regards to item d, the driveway that has the double lane staging area would seem to alleviate a lot of the stacking that historically has occurred along Cougar Drive. However, having cars, SUVs and trucks, so close to the backyards of the adjacent homes may cause some privacy or sound issues. There appears to be enough of a buffer zone between the drive and the drainage ditch along the property that a landscape buffer such as an evergreen hedge may be installed to help diffuse some of the visual and audio disturbances. The zoning definition of screen planting reads: *Screen planting shall, in all cases where herein required or permitted to be used in lieu of other protection, be of sufficient height, but in no case less than eight (8) feet, two (2) years after planting, and density to afford protection from the glare of lights, from blowing papers, dust and debris, from visual encroachment and from excessive transmission of noise.*

A site visit was performed and all property owners adjacent to and within a 250' radius of the subject property have been notified. Staff received five calls objecting to the request however, two of the callers responded favorably to the suggestion of a landscape buffer.

Staff recommends **APPROVAL** on the **CONDITION** that a landscape buffer meeting the definition of screen planting be installed along the north property line that abuts the adjacent properties along Texas Avenue.

A MOTION was made by David Tauzin to APPROVE on the CONDITION that a landscape buffer be installed along Texas Avenue, as per staff recommendations; **SECONDED** by Matthew Chattagnier.

ROLL CALL VOTE:

YEAS: Tauzin, Chattagnier, Konos

NAYS: NONE

ABSTAINED: None

NOT VOTING: None

- b. Special Exception: Placement of two (2) mobile homes in an R-2 zoned district.

Chair recognized Mr. Juan Clara-Gomez who stated that he wishes to place mobile homes on his two properties at 132 and 134 Henderson Street.

Chair recognized Mr. Christopher Pulaski who stated that the applicant is requesting a Special Exception to allow for placement of two (2) mobile homes in an R-2 zoned district.

Applicant two lots on which he wishes to place 16 X 80 mobile homes. The depth of the lots are sufficient to accommodate the size of the mobile homes (16X 80) without setback variances. Staff feels that the exception will not alter the essential character of the district in which it is located since there are a number of mobile homes and mobile home parks in the area. The exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district. The exception will not adversely affect the public health, safety, or welfare of the district. The Board has approved special exceptions for mobile homes on Henderson Street before.

A site visit was performed and all property owners adjacent to and within a 250' radius of the subject property have been notified. Staff received one call with concerns about the condition and age of the mobile home. In February 2017, the Board approved a Special Exception for a mobile home along Henderson Street with the condition that it is to be a new model (2008 or newer). Staff would recommend a similar condition be set forth for this request.

Staff recommends APPROVAL of the request on the CONDITION that the mobile home be model 2008 or newer.

A MOTION was made by David Tauzin, SECONDED by Matthew Chattagnier to APPROVE with the CONDITION that the mobile home be a model 2008 or newer.

ROLL CALL VOTE:

YEAS: Tauzin, Chattagnier, Konos

NAYS: NONE

ABSTAINED: None

NOT VOTING: None

- c. Special Exception: Placement of a new mobile home in an R-1 zoned district.

Applicant requested that the application be TABLED until the September 21, 2002 meeting.

A MOTION was made by David Tauzin, SECONDED by Matthew Chattagnier to APPROVE with the CONDITION that the mobile home be a model 2008 or newer.

ROLL CALL VOTE:

YEAS: Tauzin, Chattagnier, Konos

NAYS: NONE

ABSTAINED: None

NOT VOTING: None

- d. Interpretation Ruling: Ruling on 716 feet setback vs. required 1000 feet setback from a school for an on-premise liquor license in overlay district located at 1107 Tunnel Blvd.

Chair recognized Chad Smedley, who stated that wishes to purchase the property to open a night Club and he needs assurance that he will be able to sell liquor. He stated that he meets the State Guide lines.

Chair recognized Mr. Christopher Pulaski who stated that the applicant and staff are requesting an Interpretation of the zoning regulations regarding the required 1000' for on-premise liquor licenses for a location in an overlay district.

The applicant is in the process of selling this property. The original use of the building was a night club. In the 90's/early 2000s the nightclub was closed and the structure became an equipment rental business. In recent years, the rental business closed and the building has remained unoccupied. The new owner wishes to renovate the existing commercial structure back into a nightclub which is a permitted use in the C-2 zoning district and would require an on-premise liquor license. However, the property is 716' from Southdown Elementary School. This distance met the requirements in the past when the setback was 300' in 2007. Overlay Districts were created and West Tunnel Blvd. is one of them. In Overlay District the minimum setback for on-premise consumption is 1000'. All other locations, both in zoned areas and parish wide, require a minimum of 300' setback. The distance is measured closest property corner to closest property corner along the public right of way which is 716'. However, the structure is setback another 450' from the right of way so the overall distance is over 1,100 feet.

Sec. 28-178(2) of the Parish Code of Ordinances states that one of the powers of the Board of Adjustment is "to interpret the zoning map and to pass upon disputed questions as they arise in the administration of the zoning regulations". Staff has brought this matter to the Board for their interpretation of the setback requirement in this unique situation.

A site visit was performed and all property owners adjacent to and within a 250' radius of the subject property have been notified. Staff received no calls regarding this request.

Staff recommends that the Board allow for the on-premise consumption license and that it be granted zoning approval since the existing structure which was historically a nightclub has not moved closer to the school property and since it is set over 450' from the right of way it would seem that it would not create any conflict or issue with the operation of the school.

A MOTION was made by David Tauzin, SECONDED by Matthew Chattagnier to APPROVE.

ROLL CALL VOTE:

YEAS: Tauzin, Chattagnier, Konos

NAYS: NONE

ABSTAINED: None

NOT VOTING: None

7. Next Meeting Date: September 21, 2002

8. Board of Adjustment Member Comment: Mr. Pulaski reminded the Board that the time of the meeting will change to 5:00 p.m. and as of this date it will be at the Civic Center again.

9. Public Comment: None

10: Adjourn:

A MOTION was made by David Tauzin, seconded by Matthew Chattagnier to ADJOURN.

ROLL CALL VOTE:

YEAS: Tauzin, Chattagnier, Konos

NAYS: NONE

ABSTAINED: None

NOT VOTING: None


Mr. Willie Newton, Secretary