

HOUMA BOARD OF ADJUSTMENT
Official Proceedings
of
October 19, 2020

Houma Civic Center

The Chairman, Pete Konos, called the September 22, 2020 meeting of the Houma Board of Adjustments to order at 5:06 p.m.

1. Pledge of Allegiance: Mr. David Tauzin
2. Upon Roll Call, those members present were Mr. Pete Konos, Mr. Willie Newton, Mr. Matthew Chattagnier and Mr. David Tauzin. Also present was Mr. Christopher Pulaski, TPCG Planning Director. Mr. Joe Harris was absent due to surgery.
3. ANNOUNCEMENTS: Mr. Pulaski announced that Mr. Joe Harris has been re-appointed to the Board. He also announced that Mrs. Angele Poiencot has withdrawn her letter of interest due to ethical conflicts with her employment.
4. Approval of Minutes of September 22, 2020:
MOTION was made by Mr. Willie Newton; **SECONDED** by Mr. Matthew Chattagnier, to approve the minutes of the September 22, 2020 meeting.

ROLL CALL VOTE:

YEAS: Newton, Chattagnier, Tauzin

NAYS: NONE

ABSTAINED: None

NOT VOTING: Konos

5. **OLD BUSINESS:** Election of Vice Chair:

Motion to elect MR. David Tauzin as Vice Chair was made by Mr. Willie Newton, **SECONDED** by Mr. Matthew Chattagnier.

ROLL CALL VOTE:

YEAS: Newton, Chattagnier, Tauzin

NAYS: NONE

ABSTAINED: None

NOT VOTING: Konos

6. **NEW BUSINESS:**

- a. **Structure Variance:** Rear yard setback from required 25' 4'-2" and side yard setback from 5' to 4'-5" for existing garage located at 121 Meandering Way.

Chair recognized Mr. Mark Duplantis, 121 Meandering Way, who stated that years ago contractors built the garage on his property. He did not realize until he placed his home for sale that it was not in compliance with the setbacks. He is requesting approval of the setbacks so as not to cause problems for the buyers of his home.

Chair recognized Mr. Christopher Pulaski who stated that applicant is requesting rear yard setback variances from the required 25' to 4'-2" and side yard setback from 5' to 4.5' for an existing garage in an R-1 zoned district. Applicant wishes to sell his house and he realized that the existing setbacks were in non-compliance with the parish zoning and he does not want to cause any problems for the buyers, so he is requesting that this matter be dealt with before the sale. In 2014, the applicant applied for and received a building permit for the detached garage (#2014-69821) and the setbacks on the site plan were 5' rear and 5' side as required. It would seem that during the construction process, the physical location was slightly off resulting in a minor encroachment of less than 1 foot. Because of the minimal nature of the encroachment, staff feels that the variances will not substantially or permanently injure the use of adjacent conforming properties in the same district nor would it alter the essential character of the district in which it is located.

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 the request. Staff recommends APPROVAL of the request.

A MOTION to APPROVE was made by Mr. David Tauzin, SECONDED by Mr. Matt Chatagnier.

ROLL CALL VOTE:

YEAS: Newton, Chatagnier, Tauzin

NAYS: NONE

ABSTAINED: None

NOT VOTING: Konos

Chair declared the **MOTION APPROVED.**

b. Structure Variance: Rear yard setback variance from the required 30' to 6' for placement of two mobile homes on two separate lots.

Chair recognized Mrs. Gloria Alvis who stated that they are asking for permission to put 2 mobile homes on this property. The family wishes to be next to each other in order to care for their disabled brother.

Chair recognized Mr. Christopher Pulaski who stated that the applicant is asking for a rear yard setback variance from the required 30' to 6' for placement of two mobile homes on two separate lots in an R-3 zoned district. Mobile homes are a permitted use in R-3 zoning districts. However, the lots are approximately 107' deep so they are requesting a rear yard setback in order to be able to maintain the side and front setback requirements. When zoning was created in this area in 1976, mobile homes were not as long so the lot sizes may have allowed for the 30' setback without the need for a variance. There is a mobile home with what appears to be a setback less than 30' one block over on Daspit, but there are no mobile homes in that block of Roussel or the adjacent Goode, Church, and Grimage Streets. The Board has approved similar variance requests for other R-3 zoned lots for placement of mobile homes with setbacks ranging from 5' to 25'. 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 2 calls opposing the request. The immediate adjacent neighbor (1007 Roussel St.) has submitted the attached statement and she has requested it be distributed to all board members since she lives out of state and cannot attend the meeting. She has also requested that we include a picture of her home next door to applicant's property.

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

- a. That the variance will not authorize the operation of a use other than those uses specifically enumerated for the district I which is located the property for which the variance is sought;
- b. That the development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of this chapter, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;
- c. That the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, that the unique circumstances were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;
- d. That the variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district'
- e. That the variance will not alter the essential character of the district in which is located the property for which the variance is sought;
- f. That the variance will not weaken the general purposes of this chapter or the regulations herein established for the specific district;
- g. That the variance will be in harmony with the spirit and purposes of this chapter;
- h. That the variance will not adversely affect the public health, safety or welfare or the master plan.

While the depth of the lot is less than those of modern-day subdivisions, the depth is the same as many of the lots along that stretch of Roussel and Daspit. However, other lots and blocks in the vicinity have lots that are deeper and some more shallow, so the general conditions of the district vary. While there may not be many mobile homes in the area there are a number of traditional frame houses and other structures with similar setbacks and what is being requested is a setback

variance not a variance for a mobile home so the essential character in this instance has to do with the setback and not the type of structure.

Finally, with the Board granting similar variances for the mobile homes in R-3 districts, it would seem arbitrary and capricious to deny that request in this location.

With the complex nature surrounding these conditions for this particular request staff is requesting additional time to converse with the Parish Legal Department to review the application prior to making a recommendation. Staff recommends **TABLING** the matter to the next regular meeting in November.

Mr. Pulaski read the letter submitted by Mrs. Augustine Taplett Kuntz opposing the request.

Chair recognized Mrs. Gloria Alvis again who stated that she has complied with everything legally required and that the mobile homes will not be unsightly.

A MOTION to TABLE was made by Mr. Matt Chattagnier, **SECONDED** by Mr. David Tauzin.

ROLL CALL VOTE:

YEAS: Newton, Chattagnier, Tauzin

NAYS: NONE

ABSTAINED: None

NOT VOTING: Konos

Chair declared the **MOTION APPROVED** and the matter **TABLED** until the next Board of Adjustment meeting.

c. Special Exception: For addition to an existing Elementary School.

Chair recognized Mr. Tommie Avsenne, AIA, with Duplantis Design Group who stated that they are requesting approval of this Special Exception in order to begin construction on an addition to the school on Valhi for the Living Word Church of Houma. Mr. Aysenne gave a detailed presentation as to the specifics of the addition.

Chair recognized Mr. Neal Shirer who asked about issues pertaining to setbacks.

Chair recognized Mr. Christopher Pulaski who explained that the purpose of this matter is not regarding setbacks. None are needed. The purpose of Board approval pertains to the school addition on a separate lot from the existing school.

Mr. Pulaski stated that the applicant is requesting a Special Exception to allow for an addition to an existing elementary school in a C-5 district.

Sec. 28-47(a)(1)(c) of the Parish Code of Ordinances requires that elementary schools in C-5 districts obtain a special exception for 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. 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 properties 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.
The use as a school is listed amongst the allowed uses in a C5 district and would serve many of the children who live in the surrounding residential areas. The expansion is needed to increase classrooms and provide additional support such as the cafeteria, parking and drop off/pick up staging areas, and an outdoor multipurpose athletic field. The school has been in the area for many years and has become an essential fixture of the community and the identity of the neighborhood. Living Word Church of Houma's good neighbor efforts include limiting outdoor activities to daylight hours, storm detention to reduce runoff, preservation of trees and improved circulation and additional off-street stacking and parking to reduce traffic congestion. There appears to be enough of a buffer zone to help diffuse some of the visual and audio disturbances.

A site visit was performed and all property owners adjacent to and within a 50' radius of the subject property have been notified. Staff received one call of objection and one call of no objection. Staff recommends **APPROVAL**.

After a brief discussion, A **MOTION** was made by Mr. Matt Chatagnier, **SECONDED** by Mr. David Tauzin to **APPROVE**.

ROLL CALL VOTE:
YEAS: Newton, Chatagnier, Tauzin
NAYS: NONE
ABSTAINED: None
NOT VOTING: Konos

Chair declared the **MOTION APPROVED**

d. Interpretation: Of Overlay District regulations pertaining to the installation of 19' pylon signage.

Chair recognized Dawn Becker, 312 Bayou Gardens Blvd., who stated that she is representing the owner of the property pertaining to approval of placement of 19' pylon signage on the soccer fields.

Chair recognized Mr. Christopher Pulaski who stated that historically, the interpretation of the overlay district zoning is that monument signs are the only detached sign type to be allowed but the regulations also listed the maximum height for detached signs as 25'. When asked, staff had been told that it was a typo and it was unclear as to how this should be resolved. When approached by the applicant regarding this particular sign, it was explained that this type of sign is a pylon sign- not a pole sign or a monument sign. Staff then noted that pylon sign is not listed amongst the prohibited detached signs in the overlay district.

Sec. 28-178(2)f 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 signage regulations and will either continue with the historic interpretation or modify going forward to allow for pylon signs at 25' or less.

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 of no objection regarding the request. Staff has interpreted the zoning to mean that pylon signs are a permitted sign type in the overlay district. Staff would recommend that the Board concur with this interpretation.

A **MOTION** was made by Mr. Willie Newton, **SECONDED** by Mr. Matt Chatagnier, that pylon signs are a permitted sign type in the overlay district.

ROLL CALL VOTE:
YEAS: Newton, Chatagnier, Tauzin
NAYS: NONE
ABSTAINED: None
NOT VOTING: Konos

7. Adjourn:
A **MOTION** was made by Willie Newton, **SECONDED** Matt Chagnier to **ADJOURN**.

ROLL CALL VOTE:

YEAS: Newton, Chagnier, Tauzin

NAYS: NONE

ABSTAINED: None

NOT VOTING: Konos


Mr. Willie Newton, Secretary

