

HOUMA BOARD OF ADJUSTMENT
Official Proceedings

of
July 19, 2021

Government Tower
Council Meeting Room

The Chairman, David Tauzin, called the July 19, 2021 meeting of the Houma Board of Adjustments to order at 5:05 p.m..

1. Pledge of Allegiance: Mr. Willie Newton
2. Upon Roll Call, those members present were Mr. David Tauzin, Mr. Pete Konos, Mr. Willie Newton and Mr. Joe Harris. Also present was Mr. Christopher Pulaski, TPCG Planning Director and Linda Henderson.
3. **ANNOUNCEMENTS:** Mr. Pulaski reminded members of the mandatory sexual harassment training. He has training on jump drives for the members.
4. Approval of Minutes of June 22, 2021.
MOTION was made by Mr. Joe Harris **SECONDED** by Mr. Willie Newton to **APPROVE** the minutes of the June 22, 2021 meeting.

ROLL CALL VOTE:

YEAS: Newton, Konos, Harris

NAYS: NONE

ABSTAINED: None

NOT VOTING: Tauzin

MOTION to take Old Business off the table was made by Mr. Joe Harris, **SECONDED** by Mr. Willie Newton. Motion PASSED unanimously.

5. Old Business:

a. Structure Variance: Side yard variance from required 5' to 1' for a covered patio addition in an R-1 zoned district.

Chair recognized Mr. Juan Fiscal who stated that he is back with a revised plan to add gutter and downspout.

Chair recognized Mr. Christopher Pulaski who stated that applicant submitted a variance request in June 2021 for a side yard setback from 5' to 0' for construction of a covered patio addition in an R-1 zoned district. At the June Board of Adjustment meeting, the board voted to **TABLE** the request asking the applicant to revise his plan and submit drawings to reflect the use of gutter(s) and downspout(s) and the distance to the post to the property line. While the concrete patio and fence would not require a variance since the setback does not apply to them, the patio cover does. The distance is measured from the property line to the closest vertical surface – the support post in this case. The eave and gutter is allowed to extend closer to the property line but not over it. Applicant's drawings indicate the outermost portion of the gutter is up to the property line. Staff recommends **APPROVAL** on the **CONDITION** that he install gutter and downspout as indicated to direct the flow of water runoff to the street.

After a brief discussion, **MOTION to APPROVE** with the **CONDITION** recommended by staff, was made by Mr. Joe Harris, **SECONDED** by Willie Newton.

ROLL CALL VOTE:

YEAS: Harris, Newton, Konos

NAYS:

ABSTAINED: None

NOT VOTING: Tauzin

6. New Business:

a. Structure Variance: Rear yard setback variance from required 25' to 5' for construction of an open carport and storage addition to a residence in a R-1 district located at 221 Inglewood Way.

Chair recognized Mr. Dwayne Bergeron who stated that due to the shape of his lot, being in a cul-de-sac, he is limited as to how he can build a storage shed and carport in the rear of his lot. So, he is requesting this variance.

Chair declared opening of Public Hearing.

There being no one to speak on this matter, a **MOTION** was made by Mr. Joe Harris, **SECONDED** by Mr. Willie Newton, to close public hearing. **MOTION PASSED** unanimously.

Chair recognized Mr. Christopher Pulaski who stated that applicant is requesting a rear yard setback from 25' to 5' for construction of an enclosed carport and storage area in an R-1 district. Applicant wishes to add a carport and storage shed. The property is in a cul-de-sac and the back yard is odd shaped and the original placement of the home does not take advantage of the lot dept. The applicant is aware that a detached structure would not require a variance but would prefer to tie it into the existing roofline rather than construct a freestanding structure in essentially the same footprint. Although, there appears to be sufficient distance from the front of the existing carport to the front property line to construct the addition and still meet the 20' front setback, but the existing roofline would not align. Since the property backs up to a 100' wide Parish drainage servitude, the proposed structure would not encroach onto adjacent properties to the rear. Additionally, the view of the structure from the street would not be altered. For these reasons, staff feels that the variance will not alter the essential character of the district in which it is located, nor would it weaken the general purposes of this ordinance or the regulations herein established for the specific district. 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 pertaining to this application. Staff recommends **APPROVAL** on the **CONDITION** that the applicant modify the driveway width not to exceed 30' from the front property line to the curb.

A **MOTION** to **APPROVE** on the **CONDITION** recommended by staff was made by Mr. Joe Harris, **SECONDED** by Mr. Willie Newton.

ROLL CALL VOTE:

YEAS: Harris, Newton, Konos

NAYS:

ABSTAINED: None

NOT VOTING: Tauzin

b. Administrative Review: Approval of an on-premise consumption liquor license (New Orleans Original Daiquiris) located at 1798 Martin Luther King Blvd., Ste. B., within 1,000 feet from a recreation area in an Overlay District.

Chair recognized Mr. Scott Marks who stated that he had submitted his application along with a letter regarding his business being within 1,000 feet from a recreational district.

Chair declared opening of Public Hearing.

There being no one to speak, **MOTION** to close public hearing was made by Mr. Joe Harris, **SECONDED** by Mr. Willie Newton. **MOTION PASSED** unanimously.

Chair recognized Mr. Christopher Pulaski who stated

Applicant is in the process of opening a New Orleans Original Daiquiri in the Overlay District. Section 28-76(a)(2)(a) states that in the overlay district, nightclubs, bars, lounges, taverns and any other use that generates more than fifty (50) percent of its revenue through the sale of alcohol may not locate within one thousand (1,000) feet of any school, church, recreation area or playground, or any residentially zoned district, as measured from the front property line of the business along the highway corridor in any direction. This information is also listed on Page 9 of the TPCG Customer Service Division's Liquor License application packet. In March 2021, the applicant had applied for and received a commercial renovation permit online to complete the interior building out of the suite space. In the permit system there is a Specific Use category that applicants are required to select from at the time of the permit application. At the time, the use of "Bar, Tavern, or Lounge" was not an option, so the applicant chose "Retail" as opposed to the category of "Other". This led to confusion during the permit review process since the zoning review was for the use and not necessarily the liquor license. Although it is evident that the construction plans do show the daiquiri business logo and the zoning application lists New Orleans Original Daiquiris as the owner, the zoning administrator conducting the review approved the construction plans. It was not until June 2021 when the applicant applied for their liquor license that it was discovered that they did not meet the setback distance requirement from a recreational area. Staff had no choice but to deny the liquor license application for not meeting

the setback distance requirement as the subject property is 200' from the Rec 2-3 Girls Softball Complex along MLK Blvd. It was at this point that the applicant was informed of his right to appeal Staff's decision.

Section 28-178(1) of the Parish Code of Ordinances states that one of the powers of the Board of Adjustment is "to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision or refusal made by the building inspector or zoning administrator or administrative official in the carrying out of enforcement of any provision of this chapter."

Staff recognizes while it would have been a much more improved situation had the setback requirement been recognized and discussed at the time of the building permit review and approval process in March before construction began and costs incurred, it still would not have changed things for the applicant as it relates to the setback requirement. Staff also has concerns that, if approved, this may set a bad precedent that may lead to others looking for similar allowances on future liquor license applications in the Overlay Districts.

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 pertaining to this application.

If the Board's decision is to approve, then it needs to be made publicly clear that the decision is being made for this particular instance, and in no way represents a leniency nor does it set a precedent for future similar requests as applications to the Board of Adjustment and the subsequent decisions by the Board are specific to the subject property and are not intended to change nor do they represent a change in the zoning regulations.

After a brief discussion, **MOTION to APPROVE** based on the recommendation of staff, was made by Mr. Joe Harris, **SECONDED** by Mr. Willie Newton.

ROLL CALL VOTE:

YEAS: Harris, Newton,

NAYS: Konos

ABSTAINED: None

NOT VOTING: Tauzin

c. Special Exception to construct a boat and R.V. storage in a C-3 zoned district.

Chair recognized Mr. Henry Richard who stated that he is representing Marlin Properties to build large storage units for R.V.'s and boats.

Chair declared opening of Public Hearing

Chair recognized Erica LeBouef, 149 Windsong, who voices her opposition of this construction based on increased traffic in the area and affect on property value of homes in the adjacent residential subdivision.

Chair recognized Mr. Cyrus Theriot, Jr., 5150 Pinehurst, who voiced same concerns.

Chair recognized Rudolph Valentine, 5139 Pinehurst, who voices same concerns.

Chair recognized Mr. John Blanchard, Pinehurst, who voiced concerns regarding aesthetics.

Chair recognized Mr. Henry Richard who answered speakers concerns.

Chair recognized Erica LeBouef who voiced concerns about drainage.

Chair recognized Mr. Cyrus who voiced same concerns as Erica LeBouef.

Chair recognized Mr. Christopher Pulaski who read an email by Jenny Cunningham who stated similar concerns as the speakers present.

MOTION was made by Mr. Joe Harris, **SECONDED** by Mr. Willie Newton, to close Public Hearing. **MOTION PASSED** unanimously.

Chair recognized Mr. Christopher Pulaski who stated that Sec. 28-178(3) states that one of the powers of the Board of Adjustment is to hear and decide, in accordance with the provisions of this chapter, requests for special exceptions upon which the Board is authorized by this chapter to pass. Special exceptions shall be subject to such terms and conditions as may be fixed by the Board.

Sec. 28-47(a)(1)(c) of the Parish Code of Ordinances requires that self-storage warehouses with individual units not to exceed 750 sq ft in C-3 districts obtain a special exception form 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: 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.
- The applicant is seeking to develop a 44 unit self-storage facility. The applicant currently owns and operates other similar facilities in the area. In Jan 2008, a similar request was made and to alleviate concerns of adjacent residential property owners, the applicant agreed to landscape the facility in an effort to improve the view from the street and the surrounding properties. 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 email pertaining to this application, and those who have attended this meeting.

After discussion a **MOTION** to **TABLE** until the August 16, 2021 meeting was made by Mr. Pete Konos, **SECONDED** by Mr. Willie Newton. Board recommended that applicant meet with Planning staff to revise a plan that will address the concerns of the residents who attended.

ROLL CALL VOTE:

YEAS: Harris, Newton, Konos

NAYS:

ABSTAINED: None

NOT VOTING: Tauzin

7. Next meeting date: August 16, 2021 at the Government Tower, second floor Council Meeting Room.
8. BOA Member comments: NONE
9. Public Comments: NONE
10. Adjourn: **MOTION** was made by Mr. Willie Newton, **SECONDED** by Mr. Joe Harris to adjourn. **MOTION** passed unanimously.

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Mr. Willie Newton, Secretary