

The minutes are taken from the meeting to represent items addressed and actions taken by this board. All meetings are recorded with audio for our records. In the event these minutes are ever in question or controversy, the audio archive shall be used to determine the actual item or action taken by individuals present at this meeting.

MINUTES
CITY OF CENTRAL BOARD OF ADJUSTMENT
Thursday, February 25, 2010

The Board of Adjustment of the City of Central held a Public Meeting on Thursday, February 25, 2010 at 5:30 pm in the Kristenwood Building, 14025 Greenwell Springs Road, Greenwell Springs (Central) Louisiana in regular session convened:

1. Call to Order

The meeting was called to order at 5:30pm

2. Roll Call

Members present: Messrs: Oliver Dickerson, Marvin Garrene, Donald Ray Lovett, Ray Richard.

Members absent Mr. Richard Patterson

*Also present Mr. David Barrow, Mr. Charles Becnel, Mrs. Kathi Cowen, Mr. Matt Zyjewski,
City of Central Staff.*

3. Election of Vice-Chairman for 2010

The Board passed on this item.

4. Approval of Minutes from January 28, 2010.

A motion to approve the minutes was made by Mr. Oliver Dickerson, seconded by Mr. Richard Donald Ray Lovett. Vote: 4 yeas (Messrs: Dickerson, Garrene, Lovett, Richard), 0 nays, 1 absent (Mr. Richard Patterson) and the motion carried.

5. Consent Agenda

No items were on the Consent Agenda.

PUBLIC HEARING CASES (OLD BUSINESS):

6. CASE BOA-02-10

10354 Arleen Dr.
Applicant: Robert Connor

Lot A-2-A-3
Rural

The applicant requests the Board of Adjustment grant a waiver of Section 8.213 (C)(5)(c) in accordance with Section 3.2 (B)(5)(b) of the Unified Development Code to allow a hardship in conjunction with the housing of aged, ill or otherwise incapacitated, or handicapped family members, or wards for which the existing residents are or may become responsible.

February 15, 2010

MEMORANDUM

TO: Board of Adjustments
FROM: Kathryn W. Cowen, Planning and Zoning Manager
SUBJECT: **Case BOA-02-10**

LOCATION This property is located at 10354 Arleen Avenue on Lot A-2-A-3 in the Blackwater Estates Subdivision.

LAND USE CATEGORY Existing Residential

PRESENT ZONING Rural

LOT/BLOCK NUMBER 16

LOT ID NUMBER 241760027

APPLICANT Robert Connor

APPLICANT REQUEST The applicant requests the Board of Adjustment grant a waiver of Section 8.213 (C)(5)(c) in accordance with Section 3.2 (B)(5)(b) of the Unified Development Code to allow a hardship in conjunction with the housing of aged, ill or otherwise incapacitated, or handicapped family members, or wards for which the existing residents are or may become responsible.

STAFF COMMENTS

1. **Existing land use** is Residential.
Surrounding land use is Residential.
2. **Existing zoning** is Rural.
3. **Size** of subject property is approximately a half acre.
4. **Master Plan Statement** The proposed project is in Planning District 2. The subject property is designated as Existing Residential on the Master Plan.
5. **Additional Comments** None
6. Scheduled for Board of Adjustments Meeting on **February 25, 2010**.

Mr. Robert Connor, the applicant, spoke in favor of the waiver request for a second trailer on the subject property.

Mr. Ronald Gross, 10342 Arleen Avenue, spoke in opposition to the waiver request.

Ms. Carrie Gross, 10342 Arleen Avenue, spoke in opposition to the waiver request. Ms. Gross stated that the trailer is unlivable.

Ms. Debbie Johnson, 16727 Blackwater Road, spoke in opposition to the waiver request. Ms. Johnson stated that if approved, this trailer would depreciate her property value.

Mr. Denny Myers, 9372 Arleen Avenue, spoke in opposition to the waiver request.

Board Action:

Mr. Marvin Garrene made a motion to deny this item, seconded by Mr. Ray Richard. Vote: 4 yeas (Messrs: Dickerson, Garrene, Lovett, Richard), 0 nays, 1 absent (Mr. Patterson) and the motion carried.

7. CASE BOA-32-09

**17651 Greenwell Springs Road
Applicant: Stephanie Sanders**

**Lot A-2
Light Commercial**

The applicant requests the Board of Adjustments grant a waiver of Section 16.3(B)(1) of the Unified Development Code to allow an additional monument sign.

February 15, 2010

MEMORANDUM

TO: Board of Adjustments

FROM: Kathryn W. Cowen, Planning and Zoning Manager

SUBJECT: Case BOA-32-09

LOCATION This property is located at 17651 Greenwell Springs Road which is on the west side of the Greenwell Springs Road on Lot A-2 near the intersection of Bellingrath Lakes Avenue.

LAND USE CATEGORY General Commercial

PRESENT ZONING C-1 (Light Commercial)

LOT/BLOCK NUMBER 116

LOT ID NUMBER 611160298

APPLICANT All About U Massage LLC, Stephanie Sanders

APPLICANT REQUEST The applicant is requesting a waiver of Section 16.3(B)(1) of the Unified Development Code to allow the placement of an additional monument sign.

STAFF COMMENTS

1. **Existing land use** is Commercial.
Surrounding land use is Commercial and Residential.
2. **Existing zoning** is C-1 (Light Commercial).
3. **Size** of subject property is approximately 2.03 acres.
4. **Master Plan Statement** The proposed project is in Planning District 6. The subject property is designated as General Commercial on the Master Plan.
5. **Additional Comments** The City of Central Staff notes that there are already two monument signs in place at this location.
6. Scheduled for Board of Adjustments Meeting on **February 25, 2010**.

Ms. Stephanie Sanders, applicant, pleaded her case for a monument sign.

No one else spoke during the public hearing.

*Mr. Ray Richard, Chairman, read a legal opinion by Mr. Mark Balkin, City of Central Attorney, into the record. *** See Attachment "A" ****

Board Action:

A motion to deny this item based on the legal opinion concerning the Board's ability to grant a waiver due to a hardship was made by Mr. Ray Richard, seconded by Mr. Donald Ray Lovett. . Vote: 4 yeas (Dickerson, Garrene, Lovett, Richard), 0 nays, 1 absent (Mr. Patterson) and the motion carried.

8. Announcements

None.

9. Adjourn

The meeting was adjourned at 6:00pm.

Ray Richard, Chairman

“A”



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2687.001

February 9, 2010

Via Email: dbarrow@centralgov.com

Mr. David Barrow
City of Central
13421 Hooper Road, Suite 8
Central, LA 70818-2900

Re: *Sign Ordinance Variances*

Dear David:

You have asked me to provide some direction regarding the authority of the Board of Adjustments (“BOA”) to grant variances under the City’s Sign Ordinance. Specifically, you wanted an opinion as to the BOA’s ability to grant a variation to permit more than one (1) monument sign at a commercial building that happens to house multiple businesses.

Whether considered a Single Business Location (one building/one tenant), a Single Office Building (one building/five or less tenants), or a Shopping Center, Strip Plaza or Office Park¹, the Sign Ordinance generally only permits a single monument sign per street frontage (at a Shopping Center, Strip Plaza or Office Park, a second monument sign is permitted at other entrances, provided they are at least 250 feet away).

The Sign Ordinance specifically limits the BOA’s ability to grant a variation to allow additional signs. The BOA only has authority to grant a variance:

to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this Ordinance by reasons of unique structural or locational characteristics which would not be applicable to signs generally.

Multiple users in a single building do not meet this standard for hardship. With regard to the specific situation of which you advised me, one could argue that the fact that one of the users is located in the back of the building (away from the road) amounts to a “unique structural characteristic” that causes a hardship. However, it is my opinion

¹ See Section 16.3 of the Sign Ordinance.

Mr. David Barrow
February 9, 2010
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that it does not. While this "structural characteristic" certainly causes visibility issues for the affected business, it does not call for a second monument sign. The single monument sign could be shared, could only provide signage for the "rear" user (while signage for the "front" user would be limited to wall signage) or the "rear" user could simply put its wall sign on the front of the building.

I expect that the City will be advised that the "rear" user's lease does not give it rights to also put its sign on the existing monument or on the front of the building. However, this problem has nothing to do with "unique structural or locational characteristics." Rather, this is a problem caused by the failure to contemplate the Sign Ordinances limitations when negotiating the lease.

If you have any questions or comments, or if you would like to discuss this further, please do not hesitate to contact me.

Very truly yours,



Mark A. Balkin

MAB:faz

cc Sheri Morris