

Planning Commission
Public Hearing
January 14, 2014

The meeting was called to order by Chairman Dennis Thomas and the secretary called the roll.

Present: Nixon Adams, Simmie Fairley, Ren Clark, Rebecca Bush, Dennis Thomas, Scott Quillin, and Michael Blache

Absent: None

Also present: Louise K Kidd, Planning Director, Mayor Donald Villere, and David Ellis

Adoption of Resolution 13-03, Certifying the Educational Requirements of CLURO Section 2.1.2 mandating four hours of training annually for each member

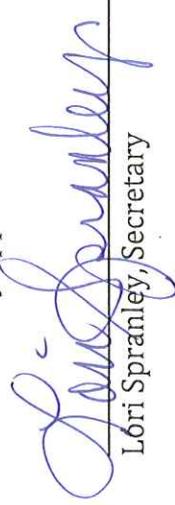
Ms. Bush requested to change the resolution to include the state conference for Mr. Adams. With this change, Ms. Bush moved to adopt Resolution 13-03, seconded by Mr. Quillin and was unanimously approved.

Ms. Bush moved to adopt the minute of April 23, 2013, seconded by Mr. Quillin and was unanimously approved.

Mr. Quillin moved to adopt the minutes of April 9, 213, seconded by Ms. Bush and was unanimously approved.

It was requested to resend the minutes listed on the agenda for review and adoption at the next meeting.

Mr. Quillin moved to adjourn the meeting, seconded by Mr. Thomas and was unanimously approved.


Lori Spranley, Secretary


Dennis Thomas, Chairman

**Zoning Board
Public Hearing
January 14, 2014**

The meeting was called to order by Chairman Nixon Adams and the secretary called the roll.

Present: Nixon Adams, Simmie Fairley, Ren Clark, Rebecca Bush, Dennis Thomas, Scott Quillin, and Michael Blache

Absent: None

Also present: Louisette Kidd, Planning Director, Mayor Donald Villere, and David Ellis

Ms. Bush moved to adopt the minute of April 23, 2013, seconded by Mr. Quillin and was unanimously approved.

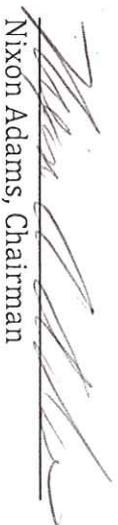
Mr. Quillin moved to adopt the minutes of April 9, 213, seconded by Ms. Bush and was unanimously approved.

It was requested to resend the minutes listed on the agenda for review and adoption at the next meeting.

Mr. Quillin moved to adjourn the meeting, seconded by Mr. Thomas and was unanimously approved.



Lori Spranley, Secretary



Nixon Adams, Chairman

**Zoning Board
Work Session
January 14, 2014**

The meeting was called to order by Chairman Dennis Thomas and the secretary called the roll.

Present: Nixon Adams, Simmie Fairley, Ren Clark, Rebecca Bush, Dennis Thomas, Scott Quillin, and Michael Blache

Absent: None

Also present: Louise K Kidd, Planning Director, Mayor Donald Villere, and David Ellis

Mr. Adams announced that any additional information determined to be needed by the Board in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting at which the additional information was requested or the case will automatically be tabled at the next meeting.

The only case discussed was V14-01-01 Casey Fitzpatrick requests a variance to Section 8.1.3, Supplemental Fence and Wall Regulations, lot 78, Chateau Village Subdivision, 602 Kimberly Ann Drive, zoned R-1.

Ms. Kidd presented a fence variance request for a fence in the side yard setback to be higher than 4'. The house fronted on Kimberly Ann Drive and the side yard setback was located on Cedarwood Drive. The request was to construct a 6' fence in the side yard and a portion of the rear yard. The request was based on an existing swimming pool in the rear yard to provide safety and protection as well as to have an enclosed play area. The applicant was also storing a 30' boat trailer in the rear yard and the higher height would provide screening for the trailer.

Mr. Adams asked which street was considered the front. Ms. Kidd said Kimberly Ann Drive for the house. The lot dimension was 105' for both streets and the house was oriented to Kimberly Ann Drive. Mr. Quillin said the north edge was 125' plus the iron post and a 15' measurement so the yard was deeper. Ms. Kidd said the fence would be located on the side and rear yard.

Mr. Adams said the reason for the request was safety for the pool and to hide the boat trailer. Ms. Kidd said that was defined in the request.

Mr. Clark asked about the permit issued on December 15, 2013. Ms. Kidd said the fence was proposed at 4' and the applicant decided to increase it to 6' so it was incomplete at this time.

Casey Fitzpatrick, applicant, said the petition he presented showed the adjacent neighbors that would see the fence on a daily basis were in agreement. The covenant of the Garden Club stated boats, RVs, and work trailers should be hidden from sight and he was trying to do that. He said an ordinance was passed in 2007 stating his fence must be 15' from the property line to start a 6' fence. A 4' would defeat the purpose of hiding the trailer. It would be on the property line. He was following the 10' utility easement and added an extra 3'. He was told there would not be a tunnel effect to the neighbors. Mr. Adams said the City did not want a street of walls.

Ms. Kidd said there was no dimension in the submittal. Mr. Fitzpatrick had submitted several pictures of fences in the neighborhood and Picture D was 13'. Ms. Kidd said the requirement was for a fence to be located higher than 4', it must be set back 15' from the property line outside of the street side setback. Picture G showed two live oak trees was where they could install a 6' fence. It was requested that Mr.

Fitzpatrick provide addresses for the pictures of fences in the neighborhood to make comparisons.

Mr. Quillin asked if there was an existing fence. Mr. Fitzpatrick said Picture F showed where the old fence was located. Mr. Quillin asked if it was off the edge of the house. Mr. Thomas said 601 Cedarwood Drive had a fence and asked its location. Mr. Fitzpatrick said it was 3-4' off of the property line. He said other fences were set back 15' at 6'.

James Bouche, treasure of the Homeowners Association, stated he had been on the board for 10 years. The association would like to have a 6' fence that was allowed by the covenants, but it was about the placement. The covenants stated a fence shall be 20' from the side street. Mr. Adams said the City could not enforce covenants, but the code was 15' from the property line. Mr. Bouche said the association would like the fence set back further. Mr. Thomas asked on Picture G how far back was the live oak tree. Mr. Fitzpatrick would measure it. Ms. Kidd said the staff would verify the location and requested Mr. Fitzpatrick also locate all of the trees on the plan to see if they would be impacted. Mr. Fitzpatrick said if the board would agree with the covenants, he would push the fence back to accommodate everyone.

It was asked why the covenants required a 20' setback from the side street? It was answered that the covenants were written 20 years ago and no one knew why. It was suggested it was about aesthetics. Picture D showed shrubbery past the fence line. There was no covenant restriction on shrubbery. Mr. Bouche said the association wanted the 6' fence, but it was about where it would be placed. This was a larger boat than the previous owner had so it was not on the side street or the front of the house?

Mr. Quillin asked where the subdivision sign was located and the dimensions of that area. It was answered that the fence was behind the sign and was at least 20' away.

Steve Koush, 617 Casey Drive and adjacent neighbor, said when the Casey's moved in they renovated and this was not about aesthetics. The 6' fence was for the pool and he was in agreement. Mr. Adams said if a variance request was only to increase the value or for personal gain, the board could not grant the variance. The findings for the variance must be for the betterment of the community.

Frank Daig, president of the Homeowners Association, agreed with Mr. Bouche that the subdivision wanted to stick with the covenants and have the boat behind the fence. However, they wanted to preserve their covenants as well. Mr. Fitzpatrick was aware of the covenants. He had started to build the fence without a permit and the City shut down the project. When the association had spoken with him he seemed to want to comply with the covenants, but now it did not appear to be the case.

Wayne Arena, 552 Kimberly Ann Drive, said his garage and their house faced each other. He had no objection to a 6' fence and everyone knew the City could not enforce the covenants. Mr. Adams said the board could only take action based on the code.

H. J. Crosby, 815 Cedarwood Drive, stated he had no objection with the new location at 6' in height.

Mr. Clark asked how much of the fence was constructed, and answered that the frame was up.

Mr. Quillin asked if there was any comment from the homeowner at 820 Cedarwood Drive since they were most affected by the fence being behind their back yard. Mr. Fitzpatrick had spoken with him and he had signed the petition of agreement. He had planted the shrubbery in Picture D.

Mr. Bouche asked where the concrete was poured and could he place the fence 13' from the street line and Mr. Fitzpatrick was in agreement. Mr. Bouche asked if Mr. Fitzpatrick agreed to push the fence back 7' to be in compliance with covenant. Mr. Fitzpatrick said trying to hide the boat as much as possible. He was willing to do what was needed to get the boat hidden. Mr. Adams suggested discussing the location with the homeowners association and change the request before the next meeting.

Mr. Quillin asked about the hardship. Mr. Fitzpatrick's said it was protection since he had a pool, to provide a large play area for his children and the two live oak trees were in the way of the fence in the proper location. Mr. Quillin said the variance commented on the boat. Mr. Fitzpatrick said that was a hardship. Mr. Adams said the hardship was soft. He asked if it would make a difference if the fence was landscaped on the outside to soften the look of the fence. Mr. Thomas said the applicant was still requesting a variance, but an agreement with the Homeowners Association would have a better situation. He suggested working something out with the association.

It was stated that the fence posts were put in and then Mr. Brown showed up. Mr. Fitzpatrick said he did not know he needed a permit and when told he obtained a permit. Mr. Clark said it was a process issue also. Mr. Adams said he would like to know the measurements of what was the front of the lot. He thought Cedarwood Drive might be the front yard. Ms. Kidd said the regulation addressed fences in any yard setback.

Jimmy Timasack, 601 Kimberly Ann Drive, asked what was the original purpose of the ordinance. Ms. Kidd said the purpose of yard setbacks was to allow openness within the public realm and not create a wall along the street. Landscaping was different than a board fence. Ms. Kidd said landscaping was acceptable.

Mr. Quillin moved to adjourn the meeting, seconded by Mr. Thomas and was unanimously approved.


Lori Spranley, Secretary


Nixon Adams, Chairman

