



OFFICIAL MINUTES
BOARD OF ADJUSTMENTS
January 25, 2012

Members present: Mark Tortorich, Nathan Oubre, Marshellia Thompson, Rudy Soignet, Clarence Savoie

Members absent: Gary McNeal

Also Present: Errol Price, Asst. Public Works Director, Roland Soignet, Building Inspector, Ruby Maggio, Secretary, and Kathryn Adams, Secretary

Mr. Tortorich asked do I have a motion to dispense with the minutes for the November 30, 2011? Mr. Savoie stated I'll make a motion. Ms. Thompson stated seconded. Mr. Tortorich stated motion made by Clarence, second by Marshellia. All in favor? All members were in favor. Motion passes. Mr. Tortorich stated at this time I would like to bring up any old business, if there is any old business out there please step forward. Ok. Is there any one who would like to come up and speak in front of the Board about anything not pertaining to the two amendments we have tonight? Ok. I guess we will go into other matters brought before the Board so we will go right into:

To consider a request by Bryan G. Clement to vary 15' from front yard setback requirement of 20', to vary 2' from both side yard setback requirements of 5', to vary 7' from rear yard setback requirement of 10' and to exceed the maximum lot coverage of 50% in order to construct residence on Lots 1, 2 and 3 of St Philip Square (R-3 Zoning District). Mr. Tortorich asked is Bryan here or a representative of Bryan? Just step forward and give your name and your address for the record sir. Mr. Clement stated sure. Good evening, Bryan Clement. I presently live at 935 Country Club Boulevard here in Thibodaux. I'm basically requesting a variance on the setbacks in order to build a home on Lots 1, 2, and 3. I own all three lots. I bought the property back in 2008 through Donnes Real Estate. At that time, I asked Jeff and Ben Harang if it would be a problem on the variances to build a home. They said they didn't see it as a problem that most all the homes in the area have gotten variances on the setbacks. So, it is my intention to build a house on Lots 1, 2, and 3 and basically get rid of the property lines between 1, 2, and 3 and construct a home which covers majority of the property on those lots. Mr. Tortorich stated ok. Rudy do you have any questions? Mr. Soignet stated I have none. Mr. Tortorich asked Nathan do you have any questions? Mr. Oubre stated none. Mr. Tortorich asked Marshellia you don't have any questions. Ms. Thompson replied no, I don't. Mr. Tortorich asked Clarence? Mr. Savoie stated Bryan I went look at the lot. I'm seeing some boundary issues so we are going to use the fence as a boundary to make a decision. I mean is that...Mr. Clement stated I had the lot surveyed to find out where the corners were by Duplantis Engineering, and the survey came back where the common area behind me is actually extending on my property from 3 foot all the way down to a foot, and then on the Dansereau side it comes across about a foot on about 30 or 40 feet of property line there. You know I would be willing to keep that there if we can, you know I want to construct a fence across the whole back, a brick fence and brick in the whole property and basically build a New Orleans style home with a pool in the back and have a U-shaped house around the pool. Something that conforms with the properties that are there. Most of the properties there are abutting up almost against the street. I wanted to conform to my neighbor Jerry Daigle. His house is almost on the sidewalk. I want to, I'm applying for a 5' setback from there on the front, but I mean yeah the common area is extended on my property, to answer your question. Mr. Savoie stated well we're just going to look at the setbacks. We are going to use that as a guide. It may or may not be the property line. Mr. Clement replied yes sir. Mr. Savoie continued we are only here for the setbacks and a variance on that. Mr. Clement stated understood. Mr. Tortorich stated ok. Does the city have any questions here Errol? Mr. Price stated the only thing I want to bring to attention. The advertisement says 50% and it's actually 60%. That was changed a couple months ago. Which is not a big deal, but it would be a little less variance required. Mr. Clement stated and I think the coverage I would be seeking is 70% with the square footage that I have. So, it would be exceeding that by 10% basically, by 10 or 12% I think with the plans that I do have already. Mr. Tortorich stated ok. I think I have a copy from a neighbor. I wanted to read that beforehand. It didn't come out good. Surrounding neighbor, I can't make it out, enhance the beauty of historical downtown community. Thank you...oh no that's what you wrote I'm sorry. Mr. Clement stated right. Mr. Tortorich stated that was what you wrote. I thought a neighbor had maybe put that in there. I'm sorry. Mr. Clement stated I love that area. I want to build something that's very nice. I paid 90,000 for the lot. I'm probably going to have another 400 or more into the house. I'm going to have a half a million dollars invested which I think the city of Thibodaux would appreciate that, and I hope the neighbors around me would appreciate it maybe giving value to their property as well. I don't plan

on just putting a little, you know I want to make something that's going to fit the area and enhance the whole downtown district for sure because I really enjoy and appreciate the downtown neighborhood. Mr. Tortorich stated thank you. We do too. Is there anyone in the audience that would like to come speak on the property on St. Philip St? Just state your name and your address for the records please. Mr. Reynolds stated Greg Reynolds, 510 Lauren Lane, Thibodaux Louisiana. Mr. Tortorich stated ok. How are you doing sir? Mr. Reynolds replied good. Thank you. I like Mr. Clement I live down there, adjacent to the property. I spent \$250,000 on my home. I feel like I did a lot to enhance the community. I like living there, but I adhere to the restrictions that were in place. I would have liked to have built a little bigger, but I understand the life safety and the needs of the neighbors in the community there, and I adhere to the rules. I don't know where he's presented anything that says that he has a need to be outside of what those setbacks are, and they are there for a reason. So, I object. Thank you. Mr. Tortorich stated thank you sir. Just state your name and...Mr. Currie stated James Currie, 514 Lauren Lane. Mr. Tortorich asked Lauren Lane? Mr. Currie stated yes. We live right behind where Mr. Clement wants to build his home. I have no doubt that he is going to put in a very nice house there, no doubt, and I think it would enhance property values. I guess my main concern would be, all we have is that one little street, Lauren Lane for access to our places. If there would be a fire or emergency or something and all of the places were on fire, we would have no access from St. Philip Street to our houses. That's all. Mr. Tortorich stated ok. Thank you sir. Mr. Naquin stated Richie Naquin, 518 Lauren Lane. I guess sort of like James, sort of the same thing. I was kind of concerned, I had mentioned that this afternoon and made a couple calls. Lauren Lane is narrow, and should something happen you kind of blocked off from that side. There is just no access at least if it's a foot or so. I don't know. I just thought maybe it would be a hazard. It would be nice to have access to St. Philip. Mr. Tortorich stated ok. Thank you sir. Mr. Zeringue stated Nicholas J. Zeringue. I live at 512 Lauren Lane. First, before I forget, I wanted to ask if the letter that was circulated among the neighborhood and signed by many of the neighbors was in your record? And if not I would like to ask Mr. Price to produce a copy of that letter so that you all can consider it. Mr. Price stated you should all have it. Mr. Tortorich confirmed yes sir. We all do have it. Mr. Zeringue stated that was circulated before the last setting of this meeting, and we got that to you all. I was authorized as, I'm one of the neighborhood so I am just acting in the capacity of a layperson. Each person who signed that asked me to speak on their behalf tonight namely Mr. Baldone and Paul Worrel who run the Dansereau house. Neither one could be here. Mr. Worrel as I understand won a national award and he and his wife went to accept the award and Mr. Baldone is in Baton Rouge on business. Anyway, after listening to Mr. Clement's presentation I didn't hear any compelling reason why he needs a variance. I mean we understand he wants variances but other than the fact that he's asking for it, where is the need? The restrictions and setbacks are in place for a reason. Everybody else has had to follow rules so why shouldn't he. That's the thrust of the argument from most of the neighbors that signed that letter that we sent in last time. The second thing is as Richie mentioned and James mentioned fire safety. If there are no setbacks and he's built all the way up to the property lines and one fire truck can fit down our street, they may need more capacity than that and I don't know where else they would come in. Third thing is congestion. If Mr. Clement wants to build on more than the allowed percentage, he wants to cover more than the allowed percentage of his lot, then just using my common sense, I would think that that requirement is in place so that he can accommodate his own vehicles, accoutrements, guests, etc. If he's building his house bigger than is normally allowed, then it stands to reason then his guests, his vehicles would be out on the street and that would exacerbate the already bad congestion problem that we have down there. The last thing that you already touched upon in Mr. Clement's disputing where the property line is, and I think if he is issued a building permit, he's going to come in and he's already promised to do it. He's going to come in, take the fences down, bust up our courtyard, and just put things where he wants to put them. I got a call from Mr. Caillouet yesterday, Steve Caillouet, Mr. Clement's attorney. He asked if we could resolve the matter. I said what is Mr. Clement proposing. He said nothing. I said what is Mr. Clement offering. He said nothing. I said what did you call for, and he went on the reiterate the threats that Mr. Clement has already personally made to me. In other words, he can do what he wants. It doesn't matter if he has permits because the property lines are where the property lines are. With that kind of attitude, I said I can take any proposal or any offer back to the group, but there is nothing for me to take to them so I don't know we can resolve it. So as it stands now, we still have the same objection that's expressed in the letter as iterated by all of us here. Each person who signed the letter wanted me to express that they wished they could be here but they are on business and they still have the same objections. Any questions, anything like that? Thank you. Mr. Tortorich stated thank you. Mr. Clement asked can I respond to that? Mr. Tortorich stated I'll give you a chance, yes sir. Mr. Caillouet stated my name is Stephen Caillouet. I am in fact an attorney in Thibodaux representing Mr. Clement. I was not going to address the Board but I feel like I need to respond to what Mr. Zeringue just said. There were no threats. I didn't threaten Mr. Zeringue in any kind of way. My position is, Mr. Clement's position is this; he bought a piece of property in Thibodaux, paid a lot of money for it. He paid \$90,000 for it. He simply wants to use his property. The issues that I've heard up here pertaining to property line disputes and everything really are no concern for the Board of Adjustments. The Board of Adjustments is here to deal strictly with the zoning laws. I mean it's never been our intent to create any traffic problems, any fire hazards, anything like that. He simply wants to use his property. As far as everybody complying with, I'm assuming they are talking about R-3 regulations in that area, I drove there today. I don't see anybody with 20' setbacks and 10' backyard setbacks. There is zero property lines in the area, there are certainly no side setbacks or anything like that. All we are

simply asking is that Mr. Clement be dealt with because this is an unusual and unique neighborhood. You know, the home that he wants to build has been structured by an architect. I'm sure if he could have gotten by with less room, he would have, but he has paid this architect. The architect has drawn the plans. He says this is the way that it fits on the lot. Based on what he was told at the time of the purchase, like I said he talked back then I think it was to Donnes Real Estate, maybe Ben Harang. Ben says no Bryan we understand that it's a small piece of property but it's the nature of this development you simply have to go in front of the Board of Adjustments and ask them for a variance so that you can fit your structure on the property, which is all we are asking. Any dispute over a property line will be settled. It will either be settled between the parties or it'll be settled by a court, but that should not concern the Board of Adjustments. What we are asking for simply are waivers. If there is a waiver of the 10' backyard you could simply say you can build up to 3', 4', 5' or whatever from the property line. It's up to Mr. Clement to determine where that property line is. It's not up to the Board of Adjustments to make that decision. I'll answer any questions that the Board members may have. Mr. Tortorich state I'll go ahead and speak. I'm not speaking for the Board. Basically the law is the law. Meaning that there are setback requirements, meaning that everyone years past those requirements might have not been in the books. Today they are so I can't say that a neighbor who built a house in 1950 and someone who is trying to build a house in 2012 has the same requirements. We are a hardship board, meaning that if there was a storm that blew by and blew your shed down, ok it's been there for 50 years and none of the neighbors have any problems, we will let you put it back, 9 times out of 10. This is, basically he's asking for setbacks and variances and he hasn't even built a house yet. There is not hardship. I personally don't see any hardship in why he needs these variances. He can go back to his architect and redesign his house. I can't determine where property lines are if they have a problem with that. We all know Ben Harang was probably trying to sell some property too. He is a real estate agent so I don't know what Ben Harang may have told you or not told you. That's not for me to decide. My decision is to say do I give him 2', do I give him 5', or do I give him 7'? That's our decision as a Board. We do take into consideration fire trucks getting back there. We do take into consideration stuff like that. We look at those things before we do grant a variance. We also look at neighbors coming forth to say hey I don't want this. This is the law. This is what the City of Thibodaux has in front of them. That's what this Board looks at, and we'll make a decision on a variance and only a variance. No what you all do with that after that, is up to you all. Mr. Caillouet stated and I understand what you are saying, but I think and I had the discussion before this meeting started. What is this area zoned? R-3? Mr. Tortorich stated would you like to answer that Errol? Mr. Price stated R-3. Mr. Caillouet stated ok. What was it zoned in 2008? Did anybody know what it was zoned in 2008? Mr. Price stated should have been an R-3, as far as I can recall. Mr. Caillouet stated but I understand there was some confusion whether it was C-1. Mr. Price stated there was. Mr. Caillouet stated which would have been no setback lines at the time that he bought the property. Now the zoning administrator I think it's ruled that it should be an R-3 and he know has the setback lines after he owns the property. Ok, the hardship would come in that he already expended \$90,000 on the property. He's expended I don't know how much on architectural drawings for the property. The issues of fire trucks, I'm sure before that subdivision was approved, you know there were adequate provisions made for fire trucks. So that anybody on Lauren Lane that has a fire, the fire trucks are able to reach it, but I don't think the neighbors even though their feelings should be taken into consideration should be able to control somebody else's property. If they were that concerned about somebody building on their property, maybe they as an association could have gotten together and purchased the property or purchased part of it. They didn't do it. The property was up for sale. Mr. Clement bought the property. He should be able to do what he wants. There is a hardship. You know, like I said the hardship has been the expenditure of money. He has his dream home that he wants to build on this property. He has gotten with his architect. He's done everything right, ok. With you saying he hasn't built his house yet, I think it would be foolish on his part to build a house without a building permit. I think it would actually be illegal. Mr. Tortorich replied yes. Mr. Caillouet stated so I don't think you can do that. What he's doing is doing what the law provides, coming to the Board of Adjustments, being straight up with the Board of Adjustments. You know it's the nature. It's a unique neighborhood. This is not a neighborhood, I don't you are going to find this neighborhood anywhere else in Thibodaux. I don't think any properties in this neighborhood. Any of the lots would meet the setback requirements of an R-3. I think if you look at the houses across the street on St. Philip Street that are not even in this subdivision, I don't think any of the houses except the house on the corner may have a 20' setback. If you go to the gentleman on the corner, I think that house is built on the sidewalk. There is no setback whatsoever. All he's asking for is that he be dealt with the same way basically as everybody else in the neighborhood, you know with the same setbacks, same requirements, doesn't want any special treatment. I would submit to you that there is in fact a hardship, you know if he is stopped from doing what he wants to do. He's already expended a lot of money and he's trying to do things the proper way by coming to the Board of Adjustments. He wants to get his building permit. He wants to comply with all the city regulations and building codes. He's just coming here because he was instructed that it was necessary and that's what we are presenting. Again I would like all the issues dealing with property lines and things like that, that's disputes between private property owners and that will be resolved. It's not an issue for the Board of Adjustments. Mr. Tortorich stated yes sir. I agree with that. Thank you for your time Mr. Caillouet. Mr. Price stated I would like to clear up one thing Mr. Caillouet. Ok I was looking at our records. The dispute or confusion they had for the C-1 and the R-3 was from Lauren Lane going west to Jackson. So from St. Philip to Lauren Lane is not involved in this. It always was an R-3. Mr.

Caillouet stated ok. I was just confused because the coloration was wrong on the map that I received, but I understand after speaking to you. Mr. Price stated I saw the maps you showed me. I could understand your confusion. The coloring is so hard to tell apart. Mr. Caillouet stated well let me ask you this. The properties that are in these subdivisions, would they comply with the setbacks in an R-3? Mr. Price stated property right now? No. I looked at them this morning. Mr. Caillouet asked would any of them comply with the setbacks of R-3 other than the big house, the Dansereau house? Mr. Price stated I would have to go out and inspect and measure each one, but I agree with you. Looking at it from the road, majority don't. Mr. Caillouet stated ok. Thank you. Mr. Tortorich asked ok, is there anyone else? Mr. Zeringue stated just a short rebuttal if I may. Mr. Tortorich stated we're not in court. You can come on up. Mr. Zeringue stated alright. First of all, I didn't want the Board to construe my statement as Mr. Caillouet making a threat. I was simply stating that he reiterated the position of his client which I believe was threatening regarding the property lines, etc. Second thing is, if Mr. Clement absolutely has to have this house, we submit that this is not the lot for him to build it on. He probably should have sought his variance and determined whether he could obtain it before he had the plans drawn. Thank you. Mr. Tortorich stated ok. Mr. Clement stated can I say something? Mr. Tortorich stated yes sir, come on back up. Mr. Clement stated I made no threats to these people. All I would ask is what would suffice them to put on a lot. Anything I would put there they would probably object to because they want access from the back of their property to St. Philip Street. It would be like anyone of your neighbors coming through and saying hey I want to be able to park on the front of your street and pass through your yard. Leave me a space. I mean it's just not practical. Whatever I would presume to put on that property they would reject. I really believe that's the case, and to talk about common sense, the setbacks, a fire truck is not going to be able to get through the setbacks that are there now if I upheld the setbacks that are there. There is enough room between the houses to pull hoses and get fire trucks there. There is access on the street on the side between the Daigle house and Mr. Lester Benoit's property where a fire truck can get. There's access on the Dansereau side where fire trucks can get. So, I think the fire argument and some of the stuff they brought up is really not thought out with common sense. It's a piece of property that I have a vision of building a nice home there. I love the area. I'm from Thibodaux, went to St. Joseph, went to E.D. White, graduated Nicholls. Love the area. I just want to enhance it, but I just feel that whatever would be presented to be put there, no matter what it is, and there is a lot of things if you go and look that you can put on the property that I don't think they would like in that neighborhood. I want to put a residence, a personal home to make it a better place and that's all that I'm asking you to consider. Thank you. Mr. Tortorich stated thank you sir. Well I guess I'm going to start with you Rudy. Mr. Soignet stated hold on does anybody else wants to come? Mr. Tortorich stated yeah anyone else would like to come forward? Lot to consider. Rudy? Mr. Soignet stated I have no comment. Mr. Tortorich asked Mr. Oubre and Ms. Thompson. Both stated no comment. Mr. Tortorich asked Clarence? Mr. Savoie stated the house to the left of the lot, it's 5' from the sidewalk. So, I'm going to consider the sidewalk as a property line, and I may be wrong because I don't have a marker. That's basically what you would want to build from the sidewalk even with the house next to you? Mr. Clement stated I'm a little inside that house, a couple feet I believe. Mr. Savoie stated if you check all the houses in the neighborhood across the street, they're all near the road. They are all near the sidewalk and some of them are maybe 2 and 3 foot apart. This is me speaking not as a Board. The front setback, the guy next to him has got it. He's entitled to have what his neighbor has. The two side setbacks, there's a lot of room. The only problem I personally would have would be the setback in the back of the yard being with the spa and everything being too close wherever the property line part would be and that's kind of where I stand. Mr. Zeringue asked can I speak to that? Mr. Savoie stated I'm sorry come on up. Mr. Zeringue stated I wasn't around when Mr. Daigle built his house on the corner. He has the reduced setbacks so he's the one that Mr. Clement is referring to and comparing to. I can only presume as I wasn't there that when Mr. Daigle applied for variances or whatever requirements were in place at the time, that there was no sufficient or outspoken objection such that he got his variance, but in this case obviously there are neighbors who are concerned and disagree with it. Mr. Savoie stated I understand, but if you check the, even the corner of the house he's even closer on the street going up to Jackson St, West 6th. Across the street, the older houses, they are near the road. They are within a few feet from the side walk. Mr. Zeringue stated then again, maybe the timing speaks to that. Maybe the same requirements were not in place at the time those houses were built. Mr. Savoie stated I understand that but that also, you can't deny him what the guy next door has. Mr. Zeringue stated well I respectfully disagree with that. Maybe the guy next door built at a different time with different requirements and no objections. Mr. Savoie stated yes sir. Mr. Tortorich stated any more question? Anyone would like to come up and speak again on the matter on St. Philip St? No one responded. Mr. Tortorich stated ok do I have a motion? Do I have a motion? Mr. Savoie stated I would entertain a motion for the front and two side setbacks, but we need to talk more about the depth of the back of the house. I mean it's really close to the back to where the property line is going to be. Mr. Clement stated I'm not following, the back of the property line where it abuts up against their common area? Mr. Savoie stated correct. Mr. Clement stated I mean I told them I plan on putting a brick wall, fence. I offered to let them plumb into the fence to put lights on their side if they wanted to. No charge to them; I was going to pay for everything, but it's the back of the yard. They have about 20' or 15' of patio that I'm butting up against. Mr. Savoie stated I'm looking at 3' and then the spa would come out further than the 3' from the house. Mr. Clement stated the spa would abut up against the brick wall on the interior of it, yes, and the pool would connect to that. Mr. Savoie stated that's still pretty close. What about your overhang? What type of overhangs

would you have? Mr. Clement stated I wouldn't be on their property if that's what you are asking. It was designed to fit inside the scale of the lot. We wouldn't have anything extending on anybody else's property. That's for sure. Mr. Savoie stated because of the neighborhood, the stuffs already broken. Its not, the rules have already been broken in your neighborhood. I would make a motion to accept it. Mr. Tortorich stated we are still in discussion here. Mr. Price stated yeah before you second because after you second you have to vote on it. I got a question though. Mr. Clement stated yes sir. Mr. Price asked your spa, it's over 30" tall? Mr. Clement stated I'm not sure how tall it's going to be. Mr. Price stated the reason I'm bringing that up the ordinance says if it's over 30" your setback has to meet there. You want to put the spa to the brick wall so it can't be higher than 30". Mr. Clement stated I understand. Mr. Tortorich asked Mr. Zeringue can you step forward please. Mr. Zeringue replied yes sir. Mr. Tortorich asked most of your clients that you represent, represent the back portion of this correct? Most of you guys are in the back? Mr. Zeringue stated technically I'm just speaking for them as a neighbor. We haven't really hired anybody. Mr. Tortorich stated I understand. Not to mess with your motion, let's say we would give them the front and the side but not the back. We can do that. Mr. Reynolds stated I think more of our concern is that Lauren Lane is not a public street. You won't find it on a map it's a private driveway for development. So, if you look at setbacks off of 5th, 6th, and St. Philip, everyone in that development is clearly off the property lines, off the street right of ways. Lauren Lane is a private driveway, its not a public street. Our problem becomes access. It's a one way street, narrow, 12 feet wide, maybe 11 1/2, 12 feet wide. With three lots within that street that still can be developed. Once that's developed, we have no access. There is only parking allowed for the homeowner himself or herself, whoever lives there. There's no access to the property from Lauren Lane once it's completely developed, which could happen down the road, and there are restrictions in place to allow that development. So, our access, as it sits now, I believe there's a per diem right of way in place right now that allows us access from St. Philip Street through Mr. Clement's property. So that side setback, letting go of the side setbacks encroaches on that right of way that's there in place now for access from St. Philip St to our development. Thank you. Mr. Tortorich stated thank you. Would you like to come back up again? Mr. Caillouet stated Stephen Caillouet again. There is no right of way. There's a make believe right of way that's not going to past muster. They attempted to put one on Mr. Clement's property after he brought the property. He never agreed to any right of passage or anything like that. That's again what I was just discussing. What is disputes between private landowners and what is the business of the Board of Adjustments. With the rear setback, the only thing I would say with that is that setbacks are designed when you have neighbors living next door to you. There's no neighbor behind this. It's a common area. It's a patio area. It's not butting up against somebody's house or anything. Their houses, I don't know the exact, maybe 30 or 40 feet away from the back property line. It's just a patio area that we are talking about. I would just like to point that out. You know, if the Board will just accept the front and sides, we'll honor whatever the Board wants. You know, but I just wanted to make that point that we're not butting up against another homeowner. It's a vacant area which nobody's going to build on. It's just a common area. Mr. Tortorich stated thank you sir. Errol is that correct? Is there a right of way? Mr. Price stated we have no proof it's a right of way, so you all don't even consider that. Even if you give him the variance and that he can build on it, if he builds on it that's a civil deal. They have to settle that. This Board has nothing to do with if they have a right of way or servitude through their property. They're presenting it; they want a variance. You're dealing strictly with the variance. Mr. Tortorich stated ok. Anyone else would like to come up? Mr. Soignet stated one more question. With the blueprint we see in front of us, is the overhang, is that part of the setback also? Is the overhang taken into, because that becomes part of the equation if I could say? Mr. Clement stated I think it is but I would have to confirm that with the architect. Mr. Soignet stated because you're looking for 3' if your overhang is 2' then really you're looking for 1' setback. Mr. Clement stated no. It's where the setback is and I would make that fit. Mr. Price stated I want to clear it to make sure that rule has been changed. A couple years ago the setback goes from the wall of the building or the post if it's a porch and you are allowed to have a 2' overhang. So, if he's asking for a 3' variance, he still could have his 2' overhang, and he would still be one foot from the property line. Mr. Tortorich stated ok do we have a motion? Do we have a motion to accept this variance or would anyone like to make a motion? Mr. Savoie stated I would make a motion to accept it. Mr. Tortorich asked do I have a second? No one responded. Mr. Tortorich stated ok. There's no second so it dies from lack of a motion. Thank you all.

To consider a request by Fusion Architecture representing Burger King #1442 to install two (2) 5' round logo signs @ 19.64 sq. ft. each and one (1) 12.62 sq. ft. channel letter sign for a total of 51.9 sq. ft. of internally illuminated signage at 206 E. 1st Street (R-2 Zoning District).

Mr. Jones stated I brought these. I know you all have some 3-D models, but I brought you all some pictures of some other stuff we've done to show you kind of what we are looking for. Mr. Tortorich ok stated please state your name and address for the record sir. Mr. Jones stated ok, Jason Jones with Fusion Architecture. 3488 Brentwood Dr. Suite 101 in Baton Rouge, Louisiana. Mr. Clayton stated and I'm David Clayton. 79777 Hwy 21 Bush, Louisiana. Mr. Jones stated so we're here hoping that we can get you all to allow a variance for the signage. This is a very old store. I'm sure you all know very well about this store. We are trying to upgrade it. Burger King has requirements. The corporation has requirements on our client's strategic of when and what they have to do for their remodel. This store is up for a remodel. Part of their requirements are certain elements, certain colors, certain lights, signage, décor on the inside. This remodel is going to be a complete remodel. We are going from the outside to the inside. We are bringing everything up to ADA, make

it all compliant to the codes. It's going to look brand new. What I have sent you all, laid out for you all, is kind of what we do typically with these. The first one is a remodel we did in Opelousas, what it looked like and what we changed it to. Now it's not quite the same as what we are doing here because it's a different type of store. Mr. Clayton stated it's very close. Mr. Jones agreed yeah it's very close. The second example is one we just finished in Mobile, which is the basic shape of the store here, but this store over the years has kind of transformed, gotten little pieces added on here and there. So, it's basically that second store, but it has a little more added on so that's why it looks a little different from that second one. Then the last color photo is what the existing store is and what the existing signage that we have there. Then of course the 3-D models that you all see, that you had before to show you...Mr. Clayton stated what we would like to do. Mr. Jones continued what we were really hoping and what Burger King Corporation is pushing us toward. Mr. Tortorich stated so let me ask you a question. Are you all tearing down the building? Mr. Jones and Mr. Clayton both replied no. Mr. Clayton stated its take me about 20 days to do this remodel, inside and out, 20 days and about \$400,000. Mr. Tortorich stated ok. So, are you going to keep the existing sign up front, the pole sign? You're not touching the pole whatsoever? Mr. Jones stated we are not going to touch that. Mr. Clayton stated we are very happy with that, thank you. Mr. Tortorich stated ok. Mr. Jones stated we are just hoping for the variance for the existing, for the wall. Mr. Tortorich asked for the wall sign? Mr. Clayton replied yeah for the elevation. Mr. Jones added yes. That's it. Mr. Clayton stated but the outside of the building totally changes. It does not increase the foot print; we're not increasing the foot print. We would just like to bring it up to standards. Mr. Tortorich stated ok. Rudy do you have any questions? Mr. Oubre stated now you are showing on the pictures you just gave us on the second page. You are showing two signs, one facing...Mr. Jones stated there's actually three on that. There is another one around the side that you can't see. Just like in our model, the way I positioned the view is so you can see all the signage. Mr. Oubre stated but the store that you are looking for for signage is the second picture that you gave us? Mr. Jones stated yes that's the new one. Mr. Oubre asked its going to be the sign in the front, this one here? Mr. Jones stated yeah. This is kind of, this is the remodel afterward. We have the same signage we are proposing for this one. You just don't get to see all of it. Mr. Tortorich asked this one sir right? Mr. Jones stated yes. The one that has the black towers and the red on the side of it those are old pictures. Mr. Oubre asked so your sign is just going to be sitting in the front. Mr. Jones stated well if you look what we are proposing, if you look at the last sheet, its three mounted. Mr. Oubre stated ok this part right here. This is what the store is going to look like. Mr. Jones stated yeah we drew it up on computer, this exact store. So it is exactly the signage that we are trying to put on this, and these are just early examples to show you how we do transform and how it changes the look. It's going to be such a nicer store. Mr. Oubre stated oh definitely. You know Burger King's probably older than me. Because Burger King's been there as long as I can remember. Mr. Clayton stated I think 1963 if I'm not mistaken. Mr. Oubre stated well its two years younger than me. Mr. Jones stated you wouldn't have remembered the first two years anyway. Mr. Oubre stated that's right. Mr. Tortorich asked Clarence you have any questions? Mr. Savoie asked how many do we have now? How many square feet we have now? Mr. Jones stated I think it's about 15. It's what the, as far as I understand, if you look at the current ordinance it allows 15. The last color photo that I have, the one where you see the ice cream on the front of the building, the last one before the black and white drawing, that's what we currently have. Typically, it says Burger King channel letter signs. We have a Burger King logo that goes before that and you can see the empty spot. So, years and years ago, they didn't even allow that extra logo on there, which this is the first time I've ever gone by a store and I've done many remodels over the years and they have always had that little button logo on there. So this is all that we have on the entire store at this moment. Mr. Savoie asked yeah but the pole sign all counts too doesn't it? Mr. Price stated they actually came to the Board of Adjustments to get a variance to put up that one on the building because the pole-sign. Mr. Clayton stated because of the elevation. Mr. Price continued that is correct. You are allowed 15 square feet. You had the pole so then the Board did give a variance to put on the first sign on the wall, the second sign. Mr. Tortorich asked ok. Would the city like to ask any questions? Mr. Price stated no I'm fine. Mr. Tortorich stated I have a question. Do you have any smaller circular signs that you can actually put up? Mr. Jones stated the round logos that are on there? Mr. Tortorich stated right I'm asking about the round logos. Mr. Jones stated that's a 5' that we are putting on there, but we can reduce it down. Mr. Clayton asked 3'? Mr. Tortorich stated I'm not saying anything, I'm just asking if it can be reduced down. Mr. Jones stated we still have to go through Burger King of course because and if you think about it, if we reduce it down to 3 or 2 and we have this big empty spot that's going to look really small. Mr. Tortorich stated let me explain something to you guys kind of like I did earlier. The law is the law. You're here asking for a hardship or a variance with a building that's been there as old as Nathan. Short a couple of years. We run into a lot of sign issues, that's why I asked if you were tearing down the pole. Because once that pole is gone, guess what? Mr. Clayton answered its not coming back. Mr. Tortorich replied its not coming back. You could tear down that building but keep the pole. You know what I'm saying. Mr. Jones stated yeah I've heard some stories and also read some minutes to see what goes on. Mr. Tortorich stated yeah. So, you know, so just keep that in mind. Is there anyone in the audience that would like to come speak on, I'm just going to call it Burger King? Ok. No one. Do I have a motion? Any discussion? Mr. Soignet stated well first of all what does the city allow again? We've always dealt with Rienzi area, the bulk of Rienzi, Canes all the way down. They always conformed to what it is, and that's way I was kind of hoping for the whole idea, what is allowable by our city ordinance and comply with that. So is there any room available for signage on the side of the building? Is their any room for changing that? Do you know right off hand Errol? Mr.

Price stated no I don't know quite what you're saying. Mr. Soignet asked is there any room for that? I didn't look in my book to see but you're only allowed so much. Mr. Price stated you're only allowed one sign in an R-2, 15 square feet correct and they are already allowed a second sign because of a variance the Board already gave. So what they are actually looking for is one more additional sign plus the letter sign. Mr. Jones stated yeah we will exchange the sign that we already have the variance for and then one more logo sign. Mr. Price stated basically you are already allowed to have that. Mr. Jones stated we are allowed to have one. Mr. Price stated the clear was given. You got the right to replace it. Mr. Jones stated and I want to remind you all that the way that all these signs face is away from any of the residential. It all faces commercial development so if it was any concern, it being backside with the residential none of the lights are going to be going in that direction whatsoever. Mr. Oubre asked let me ask you a question. Are they considered a corner lot? Mr. Tortorich and Mr. Price stated yes sir. Mr. Oubre continued so they are allowed a sign facing both streets. Mr. Price stated no sir. R-2 says one 15 square foot sign. Mr. Jones stated we apparently just got rezoned not to long ago to make it to R-2. Originally when it was built it wasn't, from what I understand it wasn't R-2 at all. Mr. Price stated I don't know what it was originally built. Zoning came into place in 68 so it probably was built before. Mr. Clayton stated about 65, or 63. Mr. Price stated yeah 68 is when zoning came into place, and I don't know if that includes the signs. That was just the zoning. Mr. Tortorich stated so I'm going to tell you my opinion. I would like for you to table it and see if you can't up with something a little smaller. Mr. Jones stated we would be happy to come up with something a smaller. Any guidelines would be really helpful, any recommendations. Like I said this is pretty much based on what Burger King is requiring of us for these upgrades. Mr. Tortorich stated and that's why I'm kind of saying that. I mean you got the big sign up front. Basically the sign that we gave you a variance for you're going to be tearing down anyway. You're not going to reuse that one right? No not at all. Mr. Jones stated no we're just replacing it. Mr. Tortorich stated basically you want 3 round signs on this building. Mr. Jones stated 2 round signs and then the letters. Mr. Tortorich cleared up and "Home of the Whopper" lets just say that? And your side-entrance not the front I would consider. Mr. Jones stated it's really the main entrance. Mr. Tortorich stated the main entrance but the front would be St. Mary St. Mr. Price stated Narrow St. Mr. Tortorich stated I personally, I mean I'll ask them I would like to see you come back with something a little smaller that maybe the Board can accept. But you got to understand something, we give a sign to one person, we got a line of people wanting a sign. Mr. Jones stated I do understand. Mr. Tortorich stated not to mention names but McDonalds, Cane's, Wal-Mart, La Casa they've all come in front of us. Mr. Jones stated the one thing is we have a disadvantage to those other stores as they are in a commercial zone where it's not an issue as it is with us. It's an old store and I know it's been kind of grandfathered into this so it's a lot harder for us. That's the hardship is that we got rezoned into residential and it just makes it worse. Mr. Clayton stated the smallest round sign that we can go down to that's built is 3'. I can reduce it to 3'. We just want to have a button logo up there that is BK-Burger King. Mr. Price stated the only thing that I wanted to mention while it's still in discussion before you decide what you want to do anything with it. We had a conversation that you all might have a timeline though on this project, that you have to get it finished in a certain amount of time. Mr. Clayton stated well if in fact, I have to be careful how I say this, March 1st. If in fact we go through with it, it would be March 1st we have to finish it. I have to start after Mardi Gras. They don't want me to touch it during Mardi Gras. Mr. Price stated we would have another Board meeting the 4th Wednesday in February. Mr. Savoie asked what's the square footage for the 3'? Mr. Tortorich asked yeah what would be the square footage there? Do you all happen to know? Mr. Jones stated about 8.5 or 9. It's 7 and a half. Mr. Tortorich stated so we are looking at 7 and a half times 2. Mr. Clayton stated but we have one. Mr. Price stated but you have to treat each sign separate. Mr. Jones stated that would be two, yeah. It would really be those 2 additional. What was our, I know I wrote down our channel letter sign was...Mr. Tortorich stated I have it here. Mr. Price stated 12.62. Mr. Jones stated 12.62 for our channel letter sign. That would be like a trade for other channel letter signs and really what we would be looking for is a variance on the two other smaller signs that together would be about 15, if that would be a possibility. Mr. Tortorich asked instead of 19.64? Mr. Clayton stated yeah that's each. Mr. Tortorich stated ok. Do I have anyone else that would like to speak about the Burger King? Do you all have anymore questions? Board answered no. Mr. Tortorich continued do we have a motion? No one responded. Mr. Tortorich stated alright. I would like to make a motion that we give them the channel sign, the 12.62 and if they would be willing to cut down the circulars to 3, I would like to make a motion to accept that. Whatever that would be, would be we're going to call it 15 for the motion. Do I have a second? Mr. Oubre stated I'll second it. Mr. Tortorich stated motion made by Mark Tortorich, second by Mr. Oubre. Any discussion? Mr. Savoie stated one question, the 15 that's 2 because you said it was 7. Mr. Jones stated it should be 7.5 for each one. Mr. Price stated when you second your motion you can't discuss it anymore you have to vote on it. Once you second, the discussion is over. Mr. Tortorich stated ok. Rudy? Mr. Soignet stated I abstain. Mr. Oubre, Ms. Thompson, Mr. Savoie, and Mr. Tortorich all replied in favor. Motion carries.

Is there any one that would like to come up to speak in front of the Board at this time? Ok. Do I have a motion to adjourn? Mr. Oubre stated I'll make a motion that we adjourn. Mr. Savoie stated second it. Mr. Tortorich stated motion made by Nathan, second by Clarence. All members are in favor. Motion carries.