

Commissioner Frangella: we're back in session, up next 2019-20-MIN requested by Kenneth & Diandray Martin Jr. for resubdivision of Lot L-1A, Riverview Estates into three lots with waivers from spatial requirements at 87, 89, & 91 Riverview Dr., St. Rose. Zoning District CR-1. Council District 5. Ms. Stein.

Ms. Stein: Thanks Mr. Chair. This is an application to cut one existing lot into 3 lots. Two of the lots don't meet the required 60 ft. width for the subdivision and there it is, sorry, however they are comparable to other lots in the subdivision, the Riverview Subdivision, so the department recommends approval contingent on the request receiving the required waivers from the parish council.

Commissioner Frangella: is the applicant present?

Hello my name is Diandray Martin, PO Box 11, Kenner, LA 70063. I hope that today you come in favor to us subdividing that lot into 3 lots providing residential custom homes, which is currently zone commercial.

Mr. Martin: In attempt to work with the neighbors.

Commissioner Richard: Those lots are exactly the same size of the existing lots in the neighborhood

Ms. Martin: Yes

Commissioner Richard: so it's not going to be any deviations or anything like that. Thank you.

Commissioner Frangella: Thank you.

Mr. Albert: Mr. Richard page 70 has a breakdown of the percentages on all the lot comparable, staff did a good job looking through those to show the numbers of that.

Commissioner Frangella: Alright open hearing for 2019-20-MIN, anyone here to speak for or against?

Good afternoon everyone, my name Vicki Smith, I live at 90 Riverview right across the street. For the potential Lot A, they're trying to subdivide the lot L-1A into 3, yeah it looks good up there right now, can you put that back up?

Ms. Stein: The timer won't show on the other screen.

Ms. Smith: Ok, but anyway 3 lots that he's trying to change, the lot that's going to be closest to Riverview or River Road, I'm sorry, is requesting a waiver to go into the servitude off to the side and I just can't imagine y'all approving 3 lots and approving a waiver for this house to be this close to River Road. That automatically tells you that he's trying to put 3 lots that really won't fit on that one lot. Now 2 lots because other people that did own the property have subdivided it into 2, now he's trying to get 3 lots out of it because of his investment into the property and trying to get more out of the property than what's actually there, that's why he's asking for a waiver and if you look at 1 of the pictures that he has, it shows the house hanging off to the side onto the setback or servitude and it's 11.5 ft. over that he wants to take up, so it's telling you 3 lots, it's not compatible for that lot, only 2 really can be made sufficiently out of that lot. You're taking a lot that is right now that is a conformed lot and now you're going to make it into 3 lots and then you're going to have 3 that's not conformed. Yeah, they're not and then again you have that very first lot on River Road, Riverview at the corner which is going to be hanging over and also if you look at the driveway it's right there at the intersection and that is a bad turn where you come onto River Road and Riverview that we've already had several accidents for that so that person that actually builds on that first lot, that's a safety issue and a big safety issue because it's so close to the intersection and again the house being that close to River Road because it has to go over another 11.5

ft. in order for him to put 3 houses. So I oppose it, I'm glad they're willing to build but I think they should only be allowed to put 2 lots and not 3 because the houses that are building on the 2 lots, it will be compatible with the rest of the neighborhood. Then to go back and say about the size of the lots that are there now, these houses were built between 1981 to probably '88

Commissioner Frangella: You've gone over your time.

Ms. Smith: Ok I just wanted to say but again the lots, we're going back to old zoning now, it's 6,000 sq. ft. per lot now. So what happened 30 years, 36 years ago shouldn't be going on today whether the lot was back then allowed at 5,000

Commissioner Frangella: Alright

Ms. Smith: Gotcha

Commissioner Frangella: Thank you. Anyone else here to speak for or against?

LouAnn Rounds, 93 Riverview Dr. My property is adjacent to the lot. I have 2 questions that I would like to ask the builders. Am I allowed to ask the builders some questions or not?

Mr. Albert: You can address the chairman.

Ms. Rounds: Sir Chairman, would you ask them if they are going to raise the property, put fill in, are they going to raise the elevation? Secondly I'd like to know if they are going to build a 1 story or 2 story home.

Commissioner Frangella: Ok I'll ask them.

Ms. Rounds: And my take on this, I saw the plans for 3 lots, the lot right next door to my house, there's hardly any green space there at all, they're going to have a little tiny strip of back yard, so is all that water going to run into my yard because I'm already having trouble with Family Dollar, am I going to flood? There is a lot of cement space and hardly any green space and I don't want to flood, that was my problem with the townhouses with all their driveways and all their cement space and if they do raise the elevation are they going to put a retaining wall so that the water doesn't come and it will go to the road, then go down the drain? I mean this is all of my concerns. I think 2 properties would be a better solution because each house would have more green space, they would have yards for their kids. That's all I'm going to say, I'm against 3. I'm for 2.

Commissioner Frangella: Ma'am just so you'd know it is zoned commercial right now and they could build something commercial and have all concrete, so the green space and amount of concrete for the houses are really immaterial to that point. Thank you.

Good afternoon gentlemen, ladies, my name is Jay Smith. First off I'd like to ask for a minute or 2 of allotted time, after my time, can I do that?

Commissioner Dunn: I make a motion to allow 2 extra minutes

Commissioner Richard: second

YEAS: Petit, Granier, Richard, Dunn, Frangella, Galliano

NAYS: None

ABSENT: Gordon

Commissioner Frangella: Motion passes, go ahead.

Mr. Smith: As you know the last time we were here for townhomes, it was forwarded to the Council and it was voted down. There were many reasons why it was voted down. Mr. Faucheux head of the engineering who was here just a minute ago stated that even after the project that they are getting ready to do would be completed, he couldn't guarantee if the overloaded system could handle the extra load off of 2 units, he was right because they just came out to my home the other day, checking for the new gas lines and things like that they are getting ready to put down and there was a plumber out there that was marking the sewerage, well the sewer line is only 8 inches round and it's already carrying 8 homes in the front, now the Martin's want to put 3 homes instead of 2 townhomes so what's the difference in 1 less household since the house that was there was on a septic tank? There's no sewerage. Not to mention the infrastructure has not changed to accommodate these 3 homes. Also 3 homes would kill half the green space and yes you brought up about the commercial which is great and yes they probably would have more cement but he would still have to have a servitude with green space with a fence with greenery and everything else, that's the difference. Then we got the safety issues like my wife brought up with the house and he's asking for a waiver being closer to River Road which has a ditch already and River Road. River Road if you're not familiar with on Riverview actually turns and runs down, when you come into that turn, it's a safety hazard even without homes right now. Mr. Martin needs to conform to the rest of the neighborhood and no waiver should be granted for this lot making one of those houses 11.5 ft. over the line of the servitude in order to stuff 3 lots on a lot that can only hold 2. This would also put the house closest to the intersection as I mentioned. The waiver shows again that he's not conforming that 3 lots will fit on this one lot. We're happy that he wants to build homes, build 2 homes, you can make your money, don't be greedy and conform with your neighbors, we all in St. Rose are neighborly, we all take care of each other, this gentleman don't care about us, never did. Second of all I want to ask yall what is a servitude? What does a servitude mean? It means to subdivide property from one to another. It's for the parish to come in in case they have a problem to dig up and fix. He puts his property on a servitude and they have a problem later, what's going to happen, who's going to foot that budget the parish or is it going to be the homeowner which wouldn't be fair. So I'm asking you tonight to do the right thing and not allow a waiver and vote down putting 3 lots on this property for the health, safety and welfare of the residents of Riverview. Thank you very much.

Commissioner Frangella: This is an open hearing for 2019-20-MIN anyone here to speak for or against?

Karen Catalanatto, 88 Riverview right across the street from the proposed subdivision. I'm just going to reiterate what everybody else said. We are glad that they decided to build single family dwellings versus the townhomes, we were really opposed to, but when we found out about them trying to squeeze these 3 lots in there, I guess my real concern is going over that servitude because like he said it's River Road, a ditch and there's a public walkway, there's a sidewalk there and if he sticks that house 11 ft. over that servitude it's going to be very close to that sidewalk from what I can figure. Again with the house being that close to the intersection, the traffic now it's heavy and it's going to propose a safety issue for sure. So again I'm opposed to the 3 lots, we would love to see 2 and we would hope that you would reject the waiver on our behalf. Thank you.

Commissioner Petit: Quick question for Marny. Is there a servitude that the house is going to be over? The waiver is for the setback right?

Ms. Stein: Right.

Commissioner Petit: Is there an actual servitude, the drawing is showing it on the outside of the right of way.

Ms. Stein: What they're talking about is the front yard requirement would be 20 ft. off of the obtuse kind of line, whatever this line that cuts across

Mr. Albert: A number of people are commenting on the next application

Ms. Stein: Right and that is an encroachment into what would be the front yard.

Commissioner Petit: but that is a setback requirement

Ms. Stein: that is a setback.

Commissioner Petit: That's not an actual public servitude

Commissioner Frangella: It's only 16 if you look on the side where it faces River Road right, which would be page 86

Commissioner Petit: I see that so would that be a setback requirement from the property line or is that an actual servitude because the right of way is shown on the outside of the property

Ms. Stein: The River Road right of way is on the outside of the property and the sidewalk from all of the best information we have is also outside of the property

Commissioner Petit: On the right of way

Ms. Stein: Yes.

Commissioner Dunn: There's a fence there too

Commissioner Petit: But none of these applications are requesting a waiver to put a house on a servitude, it's just a setback.

Mr. Albert: There's a setback waiver for one of them.

Commissioner Frangella: Ok public hearing for 2019-20-MIN anyone here to speak for or against? Just be clear this is for the division into 3 lots.

Milton Alleman, Hahnville and I am perfectly clear, but you got to understand whatever you do to this one affects the other 2. What I'm hearing is the residents are really glad that Mr. Martin stepped up and decided to build some residential homes. What they are concerned about are their flooding concerns. If you look at these drawings he's got, look at the drawings and just tabulate it out, it doesn't really say that you have some type of scale, he's going to be building 2200 sq. ft. houses on 5000 ft. lots. I'm going by your drawings here. Let's back up a second, yall are looking at the same drawings I'm looking at so what would yall consider the sizes of those houses, it's got to be based on some type of scale. So let's back up a second and say our Planning & Zoning Department did put in a lot of effort and they've established a lot of the lots in that subdivision are below the 6000 sq. ft. but how did it get that way? It got that way because it was allowed to be done, we've changed that, we changed it because it's not what want in St. Charles Parish, we want lots at least 6000 sq. ft. So why do we want to back up and go and do things that were not proper and continue doing it forward? Where I live at my subdivision was developed in 1968, the average lot in my subdivision is between 8000 and 9000 sq. ft. people built 1500 sq. ft. houses on those lots, going back to the drawing and going back to some type of scale is the only way you all can make a reasonable decision, these are not 1500 sq. ft. on these 5000 sq. ft. lots. So what I ask for this board to do tell Mr. Martin to go back and divide this and it would come out to about 9000 sq. ft. which will be real nice lots, that's what we got in River Park Drive and our subdivision was built in 1968 but the developer took it upon himself to go above and beyond in fact in 1968 there may not have been a requirement for the size of lots because our zoning laws probably kicked in around 1982. So to compare these new lots to what's existing doesn't make any sense, it just doesn't, why do we want to regress. I heard yall deny an applicant similar for a gentleman in Ama because everybody was concerned about the flooding. Do you think these areas with the

reduction in the amount of green space won't have a flooding problem? Have you ever seen the water that accumulates in the parking lot of the dollar store? It's lots. But there's a lot of problems with this development, I think Mr. Martin needs to come back

Commissioner Frangella: So your

Mr. Alleman: I'd like some more time, I request more time, I have a lot more to discuss.

Commissioner Frangella: Do I have a motion?

Commissioner Richard: Motion

Commissioner Frangella: Do I have a second

Commissioner Galliano: Second.

YEAS: Petit, Richard, Dunn, Frangella, Galliano

NAYS: Granier,

ABSENT: Gordon

Commissioner Frangella: That passes with Mr. Granier voting Nay.

Mr. Alleman: Thank you.

Commissioner Frangella: Mr. Alleman to be clear today they can go build and almost cover that whole thing up with concrete and they don't have to go in front of anybody.

Mr. Alleman: There's a problem with that statement because the size of that lot would really limit what he could put there because of the required green space that has to go around that lot. I think Mr. Martin made a good decision, but I agree with your assessment, the zoning right now allows him to do other things than what he's doing now but what he's doing now is not necessarily the best thing for the community either.

Commissioner Granier: Earlier you were in favor of the gentleman in Ama subdividing 4 lots no matter the flooding, this you're not. I just want to be clear because I'm not sure where you're going with some of your

Mr. Alleman: Let me clarify, the gentleman in Ama, did he have 5000 sq. ft. lots? No sir.

Commissioner Granier: but all the residents were talking about flooding, that's what I'm talking about, but you were in favor of that but you're not in favor of this. I just want to make sure where you're going with your comments.

Mr. Alleman: Mr. Granier what I said was we have problems in this parish with drainage, that's what I said and we need to address it.

Commissioner Granier: yes sir.

Mr. Alleman: So what do we do? What do we do? We can start addressing it right now by having just 2 lots instead of 3. Let me share something with yall, see this, this is an ordinance that came before the Council, they tabled it, it was supposed to go before a committee. In this ordinance it would resolve some of the flooding issues we have in this parish because it would have required developers to put in chain walls. Do you not think he's going to bring in fill? He's going to be required to bring in fill, or elevations tell him he must. This has never gone forward because you know why? The builders don't want it. So the builders don't want something so the residents of the parish are going to suffer? All this is saying is anytime you brought in a certain level of fill you'd be required to put in chain walls to make sure the water is directed to the drainage. The lady that lives next door to him, when he builds up his lot about 24 inches where's that water going? So you're right I got a problem with drainage, I got a problem with drainage

everywhere in this parish but allowing 3 houses to go on this little bitty lot doesn't make any sense because if we're going to use the rationale that we can put 3 lots because that's what we did in the past but we're also going to allow him to build a house with studs at 24 inch centers, no we know that's not the proper way to do it. We're close here, we're close to making everyone happy and to do that Mr. Martin can build 2 houses on 9000 sq. ft. lots he can build some really nice houses. Thank you.

Commissioner Frangella: Open public hearing for 2019-20-MIN anyone else to speak for or against?

Carol Purcello and I live at 209 Riverview Drive. I want to thank them for putting houses there, praise the Lord for that. The only problem I have is I live towards the back of the subdivision and there's some problems we have there and I'm sure you gentlemen and ladies know this with the flooding and it's not yalls fault, I mean the pumps as good as they can get but when it rains like it's been raining it gets scary back there. Another problem is the sewerage, guys I don't know if yall know this but it smells in St. Charles Parish, especially in St. Rose, the sewerage smell is terrible. I know they're trying to fix it and they are working on it and I appreciate that thank you very much. The only thing I'm asking is that to put 3 more houses there instead of 2 that's going to be another whole family, I don't care if it's a 2 story, 3 story, it's the idea that the more room you have the more bathrooms you have, it makes a big difference. Also in the front where yall were talking about, it might not be a servitude, I'm not real familiar with that and I'm going to make it real quick but these children that go to the little dollar store right there, Family Dollar, they all walk along that sidewalk right there, there's that big ditch and there's the River Road, yall it's scary right there when you get ready to turn in somebody is going to come behind you, hit you, push you into these children because pedestrians have the right of way. Either you're going to get hit, they're going to push you into all these little kids that are walking on the sidewalk because it's all been pushed over because of the house. That's my only thing with that as far as the safety goes. As far as the flooding goes, it's major and as far as the sewerage goes yall it stinks by my house, I wish I had air freshener and I hope they can do something about it. Like I said no offense against yall, you guys are just coming into to this but God I hope yall can help us here and I thank you very much for letting me talk, I appreciate it.

Commissioner Frangella: Thank you. 2019-20-MIN anyone here to speak for or against? Seeing none, close the public hearing. So Mr. Martin can you come and I ask you a couple of questions? Have you checked with the parish about what the proposed elevation may be as far as the slab?

Ms. Martin: No but I will comply with the base flood elevation. I believe it's 3 ft. above the street.

Ms. Stein: 1 ft.

Ms. Martin: It's already high over there and we're in a no flood zone.

Mr. Albert: Assuming that's an X zone, it's 12 inches above the street

Ms. Martin: It is X zone

Commissioner Frangella: Are they single story?

Ms. Martin: yes they will comply with the homes around the area.

Commissioner Frangella: do you have anything else to add?

Ms. Martin: Pretty much the actual corner parcel is 7,000 sq. ft. Also these homes will be 30 ft. wide so if you look at that particular property in the front we'll have 40 ft. left on that corner property so it will not protrude or create traffic issues. It also have a setback as well and I have complied and I ask that you be in favor and vote yes. Thank you.

Commissioner Dunn: I have a question for you. I notice that later on you're also applying to change 2 of the lots to R-1, why not all 3?

Ms. Martin: No all of them are

Commissioner Dunn: Maybe I'm confused about it. I thought you were applying for L-1A-3, L-1A-2 was residential and you were leaving the other one

Ms. Martin: There will be 3 residential homes.

Mr. Albert: Those are the lot designations not the zoning on the lots.

Commissioner Frangella: Any other questions? Thank you ma'am.

Ms. Martin: Thank you.

Commissioner Frangella: Any other discussion?

Commissioner Petit: This is a question about the setback requirement. Is that just because it's next to a state highway?

Ms. Stein: No when we get into the next application there are 3 companion applications, they're each for a single family house on each of these lots. The first one we'll talk about is for proposed lot L1-A-1 and the setback for that irregularly shaped lot is going to be 20 ft. off any side that abuts a street. So that's 20 ft. off of the line that's on River Road and 20 ft. off of the line that's on Riverview but as she was saying the distance between the street edge, the paving of River Road is a significant distance from the property line. You can see that from the red box that's on the aerial photograph.

Mr. Albert: All of the houses will be part of the hearing for the next 3 applications. This is just the lot parcel.

Commissioner Frangella: Any other questions? Call for the vote.

Mr. Albert: The next 3 applications are for the houses 1, 2 & 3.

Commissioner Richard: We're voting on the width

Commissioner Frangella: We're voting on separating the 3 lots.

Ms. Stein: With a waiver from the required width and area for L1-A-3 and L1-A-2.

YEAS: Petit, Granier, Frangella, Galliano

NAYS: Richard, Dunn

ABSENT: Gordon

Commissioner Frangella: That passes with Mr. Richard and Mr. Dunn voting nay.