

Commissioner Frangella: Next on the agenda 2019-9-R requested by Chase Oddo for a change in zoning classification from R-1A to C-3 on Lot P4-A2-A, Pap's Place Subdivision 15717 River Road, Hahnville. Council District 1.

Mr. Welker: This is a rezoning request to rezone a portion of Lot P4-A2-A, municipal address 15717 River Road, Hahnville. The portion they would like to rezone is basically a driveway running on the side property and the rear metal building to C-3 in order to allow for a use going on there or was going on there. This came as a result of a complaint. The property has a single family residential house on a lot that doesn't have frontage on River Road but access through a servitude from the lot in front of it and there is a metal accessory building in the rear. The owner of the property and the resident starting running his mechanic shop out of the rear accessory building which isn't permitted in the zoning district and it's not something that can be reconciled with a home occupation so basically the only real path to try to do it is to try to rezone the property so that the use is actually permitted. The applicant has stopped after the department issued a Cease and Desist on the use since it's not permitted, they have stopped the use as they wait for this process to go through. The department does not find that the request meets any of the guidelines for rezoning, it doesn't further the St. Charles Parish Comprehensive Plan and would create a spot zone and split zone lot, it would be incompatible with the surrounding area, while there is some commercial in the area, most of that is sectioned off to River Road and runs along the highway, it usually doesn't extend back into the neighborhood. So you would have a C-3 use that could be permitted next to residences that back up to this property. So the department does not find it meets any of the guidelines and recommends denial.

Commissioner Frangella: Alright. Is the applicant here?

Hey, it's Chase Oddo, I'm the resident of that house. I would like to commercialize the garage in the back which is 2800 sq. ft. The access road goes along side of my house. Even if it doesn't get rezoned, or if it doesn't get approved to rezone for commercial, I would like to get it zoned for commercial to do my personal use out of the garage, on my vehicles I have that I fix in there, that would be going on, the 4-wheelers I have that I take to go 4-wheeling and something breaks and I fix in there.

Commissioner Frangella: Mr. Welker there is nothing to keep him from working on his own vehicles on his property would there?

Mr. Welker: No

Commissioner Frangella: Ok. Alright, thank you. Alright any questions for Mr. Oddo?

Commissioner Gordon: I have a question, what type of business were you running in your garage?

Mr. Oddo: A mechanic shop, automobile shop. I was repairing vehicles that would get dropped off as I worked during the day at Chrysler. In the meantime I work in there from 5 until 7, 7:30 repairing other people's vehicles and on the weekend, but if it does get rezoned and y'all would like a mechanic shop there, I can run it during the day at appropriate hours.

Commissioner Galliano: How do you get rid of all the liquids from these vehicles?

Mr. Oddo: Right now I got 5 gallon buckets I pour it in and bring it to O'Reilly's, they dispose of the liquid and I get my buckets back. Obviously if it does turn into a mechanic shop I would need to buy container drums about 250 gallons and a secondary containment in case there's a leak in that drum to hold the oil or any fluids and there is a truck that can come by and suck the fluids out or I can keep putting them in 5 gallon buckets.

Commissioner Gordon: Do you have to be licensed to be able to do that? With the oil in the bucket and so forth?

Mr. Oddo: No ma'am. Also it will be Pro Star Auto and Diesel Repairs, the front yard is LLC to that name right now, that's how I was trying to run it. I will be respectful to neighbors and no noise will be going on pass business hours.

Commissioner Frangella: So would that just be Monday – Friday?

Mr. Oddo: And everything would be fenced it. Yes sir. Monday – Friday, 7-5, no Saturday's, no Sunday's

Commissioner Frangella: Ok.

Commissioner Gordon: So you're saying Monday – Friday no Saturday's or Sunday's so prior to the code call that was made, were you Sunday – Sunday or

Mr. Oddo: Yes before prior I was working on Saturday waking up at 9 until 5 or 6 and then I would be done, and Sunday's also I was working on them. I haven't been and I still wouldn't be too noisy, when I was operating it in the first place. And I feel like it would be convenient for St. Charles and Hahnville residents to not have to go so far to drop off their cars to a mechanic shop to repair them.

Commissioner Richard: Got a question for Marny. Marny can we put stipulations on how many vehicles he can have? Some of these balloon out of proportion like some of them behind areas, and they have so many vehicles waiting to get repaired and they got like 20 vehicles sitting on the property. Can we put a stipulation that you can only have a max of 5 and DEQ would regulate the oil storage and stuff like that? I know they do that, I mean they do that with my yard.

Ms. Stein: This is to rezone. Automotive sales and repair including body shops are permitted in the C-3 zoning district by right, so that means no conditions, no stipulations, no restrictions, if it gets permitted, it gets permitted.

Mr. Oddo: I will agree to respect to not exceed more than 15 vehicles, my garage can hold 10 cars comfortably

Mr. Richard: Yeah but what she's saying is even if you agree to it you can go back on it because once you're C-3 it's a done deal.

Mr. Oddo: I don't plan on making like a big dealership, this is a little, small, community mechanic shop. If it looks like it's going to get bigger, I do plan on moving towards a highway, more traffic and renting out or leasing a building if it exceeds to be too big.

Mr. Albert: To add on to this just to reinforce what was said and this is important, stipulations cannot go either way in this discussion, you can't request them and they can't be offered. The request for rezoning would enable anything on this property from manufacturing, I know we're talking vehicles sales, but manufacturing, truck terminals would be legal through this property, bottling works, plumbing shop, fabrication, parcel delivery, stables, animal hospitals, sheet metal shops, so an approval grants by right use for everything on the listed on pages 50-51 in your agenda, this is not a discussion about what the applicant wishes to do with his current business.

(unknown) I might also add that

Commissioner Frangella: State your name

I'm Attorney David Verisco on behalf of Mr. Chase Oddo. Even though the definition may have a broad expansion, we have no intent, that a lot of those provisions would never apply to what Chase is interested in doing.

Commissioner Frangella: The dilemma is that once it's changed, any of this can go to where if he decides to move to another place, sell it, the zoning is there and they don't have to come before anybody and they can just change it, so that's the big dilemma there.

Mr. Verisco: I appreciate that.

Commissioner Frangella: and he may have a good intent but the next person that comes along may have a different use for it.

Mr. Oddo: Can I add in there, is there a way that we can make a contract agreement to say if I do move, I'd get it rezoned to R-1A before selling.

Commissioner Frangella: No, there's nothing in there that would be binding, somebody could just go and buy it and if they're looking at it they are going to look to see that it's C-3, that's what they're going to want, so any other questions for the applicant? Thank you Mr. Oddo. We're going to open public hearing for 2019-9-R, anybody here to speak for or against? State your name and address for the record.

My name is Lynette Tamplain, my address is 128 Elm St., Hahnville, La.70057. In response to 2019-9-R request for Mr. Chase Oddo for a change in zoning classification. I am in objection to the proposed change, I'm the neighbor located close to the back of the property, his shed is about 30-40 ft. away from my bedroom window. The activity that would be allowed to occur, a rezone would be in my back yard viewing and hearing and within 50 ft. of my bedroom. The activities that are occurring at this time are already causing me a disruption. I bought my place because I wanted a quiet place to sleep and that's not happening. Most of the time I do get to sleep after 9:30, but most of the time I also have to get up at 5:00 in the morning and I have heard motors revving at 9:30 at night, it's not a constant occurrence but it has occurred. The location was quiet. I see a total lack of concern for other people's property because both of the, well one of the fences that came down was his and the other was an AT&T fence. The AT&T company did have a fence around a huge generator that they have behind their building that I felt was the fence was there to protect the public, it's not there anymore and I can't say that I saw Mr. Oddo take it down but I do believe that's what happened. There's debris that's been thrown onto the AT&T property since the removal of the fence, there's also wood pallets put there. The fence that was taken down was thrown into a huge pile in disarray and some of them was hanging over my property. I think some of you have gotten my email with the pictures. On a daily basis there's been cars and trucks coming and going at all times. On several occasions I've been awakened, I said that already, along with loud noise, engines, sometimes they're yelling obscenities coming from the property, it's probably going to happen regardless if we have a business and sometimes there's music that blares so loud that I can hear it over my television, it's not all the time, just sometimes. And then there are tires, tires are beginning to appear on the side of the shed

Commissioner Frangella: Ms. Tamplain your time is up.

Ms. Tamplain: Ok thank you

Commissioner Frangella: Thank you very much.

Ms. Tamplain: I oppose.

Commissioner Frangella: Anybody else here to speak for or against?

Good afternoon, Stanley Wadja, 180 Elm St. I spoke with Mr. Chad on this before he moved here, we had another gentleman who built this property and he was back there doing a lot of work, a lot of complaints came up. I'm glad they mentioned this C-3, one of my questions is that a state law or parish law on the C-3?

Mr. Albert: How do you mean?

Mr. Wadja: With the restrictions, is that something, let me finish and then we can have a discussion. I went talk to him, he's in agreement personally, he's going to put a fence up because the neighbor that lives next door, I know them, they're going to have a fence in that area, he has vehicles on the property which is his property. This gentleman can go

and work on his personal stuff until he gets the police called for disturbing the peace. He did go out there, the previous person that was there working on semi's and trucks there at 10, 11 o'clock at night and I only live about 150 ft. down the street. There is an AT&T building adjacent to his plus the neighbor that just got up her and spoke about it. I hear more traffic, more radio, more tires burning coming down my street from people going to the convenience store and gas station than I hear him back there working. He did say, he brought up the question about the oil, it does have to be contained, it has to be inside of a wall and if there's complaints about it DEQ comes out and starts issuing their findings, they probably only check if they get a complaint. He is going to build a fence around his property, that's what he told me but after tonight, listening, anybody can come in there and do that. I support it, small business, 1 child, young man trying to make a name for himself, it's getting real hard up on the highway to rent property and so he's trying to bring small business into Hahnville, that's a tax base for the parish also at the same time because he will have to register all of his tax sales. I don't know if there are any other complaints made. I support this gentleman, I come from 30 years of mechanic work and I know where he's coming from and where he needs to start. Back to my question is that a state law or parish law where you can't add.

Mr. Albert: I would say that it's an aspect of state law but it is a long standing providence of zoning that rezonings cannot be conditioned. Zonings enable by right uses for property meaning if you have the zoning for a piece of ground you can do what you want to do within that list of things

Mr. Wadja: My question would be if it went to the Council to see about it, they can add amendments to this

Mr. Albert: They cannot

Mr. Wadja: They cannot by law

Mr. Albert: They cannot by law. The process you're talking about is called a special permit use and it is not an eligible application for what he's trying to do.

Mr. Wadja: Like I said ladies and gentlemen I support this and I support small business in St. Charles Parish.

Commissioner Frangella: Thank you. Anyone else here to speak for or against 2019-9-R?

I'm Jacqueline Rasoly, I oppose of this going on, the noise having to be there but the elderly people, I oppose it, I'm sorry, I'm from Destrehan, I will stand up with this lady, I don't know this lady but I know when you're an elderly person, you have respect for them, noise, cursing everything. I know because I'm going through it, so I oppose it.

Commissioner Frangella: Thank you. Anyone else here to speak for or against? Seeing none, close the public hearing. Anybody have anything to say? Commissioners?

Commissioner Gordon: I do. This is in my district and I do understand what the gentleman wants to do with his property but he did mention about if he gets any larger that his company may expand out a little further more and if he were to sell his property, it's more than just the car company that can come there, it can be any other business that can come there, so I am not in favor of this. Thank you.

Commissioner Frangella: Anyone else? Call for the vote.

YEAS: None

NAYS: Gordon, Petit, Granier, Richard, Dunn, Frangella, Galliano

ABSENT: None

Commissioner Frangella: That fails with Gordon, Petit, Granier, Richard, Dunn, Frangella, Galliano voting against, it goes to the Parish Council on August 19<sup>th</sup>.

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