



City of Lake Charles

326 Pujo Street
P.O. Box 900
Lake Charles, LA
70602-0900

Meeting Minutes Planning and Zoning Commission

Monday, August 12, 2024

5:00 PM

Council Chambers

OPEN MEETING

Chairman David Berryhill called the meeting of the Planning and Zoning Commission to order at approximately 5:00pm. Alvin Joseph led the meeting in prayer. Gus Schram led the Pledge of Allegiance. Chairman Berryhill requested a roll call.

ROLL CALL

Present 5 - Adam McBride, Alvin Joseph, David Berryhill, Gus Schram III, and Reginald Weeks

Absent 0

Excused 2 - Thomas Sanders Jr., and Mitchell Gregory Pete

MINUTES OF PREVIOUS MEETING

Chairman David Berryhill asked if the board members received a copy of the minutes from the previous meeting. Mr. Joseph made a motion to approve the minutes. Mr. Schram seconded the motion. The motion passed unanimously.

SPECIAL ANNOUNCEMENTS

Chairman David Berryhill asked if there are any special announcements.

Mrs. Bynum stated that any person aggrieved by the decision of this Commission for a Major Conditional Use permit, Variance, or Special Exception may file a written appeal with the Director of Planning within (15) days of the decision of the commission.

Chairman Berryhill announced the MCU 24-17 has been withdrawn by the applicant.

COMMISSION BUSINESS

**PREFNL
24-11**

LAKE CHARLES SUBDIVISION REGULATIONS

APPLICANT: KMK LAW/BRITTANY OTTO (FINCHUM SUBDIVISION)

SUBJECT: Applicant is requesting Preliminary and Final Subdivision approval (Sec. 2.3 & 2.4) in order to subdivide a 0.14-acre tract of land into two (2) lots (with re-adjusted lot lines), within a Neighborhood and T-4 Urban Transect Zoning District. Location of the request is the **Northeast section of Pine Street @ Bilbo Street.**

STAFF FINDINGS: The on-site and site plan reviews revealed the proposed subdivision of a .14-acre tract of land into two (2) lots (with re-adjusted lot lines), within a Neighborhood and T-4 Urban Transect Zoning District. If approved, applicants shall adhere to any recommendations by the Department of Engineering and Public Works.

Chairman Berryhill asked applicant to state name and address for the record.

Ryan Sampere, 408 Pryce Street, Lake Charles, LA - General Manager of Cintas Corp.

Mr. Sampere stated that Cintas has been a large part of the community for many years. Cintas currently employs about 75 employee partners. The applicant is wishing to expand parking for partners and have access to the back side of the plant to insure that they are conducting the proper maintenance to keep the facility running and also implement new and better climate control measures for its partners.

Chairman Berryhill asked Mr. Sampere if he is combining Tract 1 and Tract 2 so that there is access to Pine Street and then Tract 3 is separate on Bilbo Street.

Mr. Sampere stated that Lot K is the only lot Cintas is wanting to acquire.

Chairman Berryhill stated then it is not Tract 1 and 2.

Mr. Sampere said it is not.

Mrs. Bynum stated the conversation that she had with Mr. Sampere's team in Cincinnati is that when the final plat is submitted to her office it will need to show Tract 1 and Tract 2. Mrs. Bynum thinks now what is labeled as Tract 1 and Tract 2 will be one tract. What is labeled as Tract 3 is the property in question that Cintas is looking at. Just for the record once it gets submitted as a final plat it gets recorded and it would need to read that way, she said.

Mr. Schram stated that the applicant is asking for this subdivision on behalf of the owner in order to buy this one tract.

Mr. Sampere stated that the owner offered to sell the one tract that joins up to the back side of the production facility. This is the only tract that Cintas is looking to own.

Mr. Schram asked if a surveyor was hired to prepare the plat.

Mr. Sampere stated that Cintas hired a surveyor.

Mrs. Bynum stated that for the record the subdivision of property and any development of the property will have to go through the Historic Planning Commission.

Chairman Berryhill asked if any amendments would be needed to this request for clarification.

Mrs. Bynum stated she did not think so. The application says 2 lots. It is just a clarification on the final plat, and the Zoning Office will not accept the final plat for recordation until it has been corrected.

A motion was made that this item be approved. The motion carried with the following vote:

For: 5 - Adam McBride, Alvin Joseph, David Berryhill, Gus Schram III and Reginald Weeks

Against: 0

Absent: 0

Excused: 2 - Thomas Sanders Jr. and Mitchell Gregory Pete

PREFNL-VA LAKE CHARLES SUBDIVISION REGULATIONS

R 24-13 APPLICANT: JCC INVESTMENTS (LAKEWOOD POINTE RE-SUBDIVISION)

SUBJECT: Applicant is requesting Preliminary and Final Subdivision approval (Sec. 2.3 & 2.4) in order to re-subdivide a 3.5-acre tract of land consisting of ten (10) lots into twenty-two (22) lots including a Variance for lot size reduction of one proposed lot (5,616sq.ft. vs. required 6,000sq.ft.), within a Residential Zoning District. Location of the request is the **East side 5400 Blk. Lake Street.**

STAFF FINDINGS: The on-site and site plan reviews revealed that the applicant is requesting to re-subdivide a 3.5-acre tract of land consisting of ten (10) lots into twenty-two (22) lots including a Variance for lot size reduction of one proposed lot (5,616 sf vs the required 6,000 sf), within a Residential Zoning District. If approved, applicants shall adhere to any recommendations by the Department of Engineering and Public Works and DOTD.

Mrs. Bynum stated that the Planning office is working internally with the Engineering Department. Her office is not sure if there is adequate sewer to service the property at this time so that would fall under the developer.

*Chairman Berryhill asked applicant to state name and address for the record.
Chad Snider, 5015 Water Oak Court, Lake Charles, LA*

Mr. Snider stated that he spoke to Mrs. Bynum earlier and that he plans to meet the standards.

Chairman Berryhill asked Mr. Snider what is the one lot that is not up to standard.

Mr. Snider answered he believes it is in the cul-de-sac and he did not realize that it is under the square footage. He stated that if he would be allowed a variance it would be great to make it function properly.

Chairman Berryhill called for a vote. The motion carried with the following vote

For: 5 - Adam McBride, Alvin Joseph, David Berryhill, Gus Schram III and Reginald Weeks

Against: 0

Absent: 0

Excused: 2 - Thomas Sanders Jr. and Mitchell Gregory Pete

PREFNL-MA LAKE CHARLES SUBDIVISION REGULATIONS

J-VAR 24-14 APPLICANT: JCC INVESTMENTS (LAKEWOOD POINTE SUBDIVISION, PHASE 2)

SUBJECT: Applicant is requesting Preliminary and Final Subdivision approval (Sec. 2.3 & 2.4) in order to subdivide an 8-acre tract of land into five (5) residential lots including a Major Conditional Use Permit for private drive access and Variance for private drive to exceed 200ft. in length, within a Residential Zoning District. Location of the request is the **East side 5400 Blk. Lake Street.**

STAFF FINDINGS: The on-site and site plan reviews revealed that the applicant is requesting to subdivide an 8-acre tract of land into five (5) residential lots including a Major Conditional Use Permit for private drive access and Variance for private drive to exceed 200ft. in length, within a Residential Zoning District. If approved, applicants shall adhere to any recommendations by the Department of Engineering and Public Works and DOTD.

Mrs. Bynum stated that the Planning office is working internally with the Engineering Department. Her office is not sure if there is adequate sewer to service the property at this time, so that would fall under the developer.

*Chairman Berryhill asked applicant to state name and address for the record.
Chad Snider 5015 Water Oak Court, Lake Charles, LA*

Mr. Snider stated that this is the back half of the property on Lake Street. One reason he is going back and re-subdividing the lots into smaller lots is because he is going to eventually be looking into developing this area into smaller homes.

Chairman Berryhill asked Mr. Snider if he was aware that he did not have some access to some city services.

Mr. Snider stated he is aware of that.

Mr. Snider is looking into doing all the sewers private since it is only 5 lots.

Mr. Snider asked Mrs. Bynum if he would need DOTD approval before subdividing the property.

Mrs. Bynum replied no, not to subdivide it.

Chairman Berryhill called for a vote. The motion carried with the following vote.

For: 5 - Adam McBride, Alvin Joseph, David Berryhill, Gus Schram III and Reginald Weeks

Against: 0

Absent: 0

Excused: 2 - Thomas Sanders Jr. and Mitchell Gregory Pete

REZONE-MA J 24-04 CHAPTER 24 - LAKE CHARLES ZONING ORDINANCE

APPLICANT: 2207 DOREEN STREET, LLC

SUBJECT: Applicant is requesting to amend the official zoning map (Sec 5-207) from a Neighborhood Zoning District to a Mixed Use Zoning District companioned with a Major Conditional Use Permit (5-302(3)(b)) in order to construct an office building with external storage space. Location of the request is the **2207 Doreen Street.**

STAFF FINDINGS: The on-site and site plan reviews revealed that the applicant is requesting to rezone a property from a Neighborhood Zoning District to a Mixed Use Zoning District companioned with a Major Conditional Use Permit in order to construct an office building with external storage space. Staff's review revealed the proposed property is bordered by vacant properties on all sides with the railroad to the North and I-10 to the West.

Chairman Berryhill asked applicant to state name and address for the record.

The applicant for this case was not present.

*Chairman Berryhill asked opponent to state name and address for the record.
Doblen Washington*

Ms. Washington is opposed to the rezoning of 2007 Doreen Street. Ms. Washington has property in the area and would like to remodel the existing duplex and build a home.

Her property is directly next door to Doreen Street. Ms. Washington also noted that since the property was purchased a load of gravel has been dumped and there are abandoned vehicles and trailers located there.

Mr. Schram asked Ms. Washington to give a list of addressees she owns.

Ms. Washington stated she owns 103 Albert Street, 2214 Hursey Street, 2210 Church Street, 2214 Church Street, 2214 1/2 Church Street and 2218 Church Street.

Mr. Schram asked Ms. Washington if she was renting the property she owns.

Ms. Washington said she is not renting it.

Mr. Schram asked Ms. Washington what is the status of the property.

Ms. Washington responded that the duplex is to be remodeled in September. She would like to build homes for rental and build a home for herself.

Mr. Corey Rubin, Asst. City Attorney, stated that the property is under administrative hearing and the vehicles are under order to be removed.

Chairman Berryhill deferred this item to the September agenda.

Mr. Schram noted that the Planning Office sends certified letters to the applicant and the Zoning Office did not receive the return receipt.

Chairman Berryhill noted the packet which the Planning Commissioners received included signatures of applicants in favor of the project. However, most of them live on Belden Street.

Chairman Berryhill stated that before Ms. Washington stated her comments it seemed like a reasonable request because the applicant was going to clean up blighted property and build a new building. Chairman Berryhill also stated that her comments would be noted and will be discussed further with the applicant.

Chairman Berryhill asked Ms. Washington to organize her thoughts on what she would like to do with her property and present that information at the September meeting.

VAR 24-31

CHAPTER 24 - LAKE CHARLES ZONING ORDINANCE

APPLICANT: CHERYL DENNY ANCELET

SUBJECT: Applicant is requesting a Variance (Sec. 4-205) in order to construct an accessory camper cover 3' from side property line vs. the required 5', within a Neighborhood Zoning District. Location of the request is **2215 Cypress Street**.

STAFF FINDINGS: The on-site and site plan reviews revealed that the applicant is requesting to construct an accessory camper cover 3' from the side property line vs the required 5', within a Neighborhood Zoning District. Staff's review revealed the property to the north, where the encroachment is being requested, is residential. Staff can find no evidence of hardship and therefore cannot forward a position of support.

Chairman Berryhill noted that the applicant for this case was not present. Mr. Berryhill deferred this case till the next meeting in September.

VAR 24-32

CHAPTER 24 - LAKE CHARLES ZONING ORDINANCE

APPLICANT: TIM FEIST

SUBJECT: Applicant is requesting a Variance (Sec. 4-205) in order construct an accessory shed 3' from side property line vs. the required 5', within a Residential Zoning District. Location of the request is **908 Akron Street.**

STAFF FINDINGS: The on-site and site plan reviews revealed that the applicant is requesting to construct an accessory shed 3' from the side property line vs the required 5', within a Residential Zoning District. The proposed property is bordered on all sides by single family residential property. Staff can find no evidence of hardship and therefore cannot forward a position of support.

*Chairman Berryhill asked applicant to state name and address for the record.
Tim Feist, 908 Akron, Lake Charles, LA*

Chairman Berryhill asked Mr. Feist if he had an existing slab.

Mr. Feist responded no. He would like to place the shed on a slab that he plans to pour.

Chairman Berryhill asked Mr. Feist if the slab is going all the way to the property line.

Mr. Feist answered yes.

Chairman Berryhill stated that the size of shed is 12 x 18 and will be 3 ft. from the property line.

Mr. Feist stated he would like it to be 2 ft. if possible, because for he would be losing landscape.

Chairman Berryhill asked Mr. Feist if his hardship is existing landscaping.

Mr. Feist stated yes. He also mentioned that he has letters from his neighbors saying they don't mind the 2 ft. variance.

Mrs.. Bynum stated that in the City's ordinance anything less than 2 feet cannot be approved.

Mr. Feist agreed that the accessory shed would be 3 ft. from the side property line.

Mrs Bynum stated that if a new slab is poured and going up to the property line there will need to be a 3 in. curb to prevent runoff onto the neighbor's property. This information will be outlined in the permitting process.

Chairman Berryhill called for a vote. The motion carried with the following vote.

For: 5 - Adam McBride, Alvin Joseph, David Berryhill, Gus Schram III and Reginald Weeks

Against: 0

Absent: 0

Excused: 2 - Thomas Sanders Jr. and Mitchell Gregory Pete

VAR 24-33 CHAPTER 24 - LAKE CHARLES ZONING ORDINANCE

APPLICANT: MARY FLETCHER FONTENOT

SUBJECT: Applicant is requesting a Variance (Sec. 4-205) in order to convert an existing swimming pool into an ornamental fish pond without a principal structure on lot, within a Residential Zoning District. Location of the request is **2611 Edgewood Lane.**

STAFF FINDINGS: The on-site and site plan reviews revealed that the applicant is requesting to convert an existing swimming pool into an ornamental fish pond without a principal structure on the lot. Staff's review revealed the existing residence was destroyed in hurricane Laura leaving the accessory use of the pool remaining on the property. The conversion of the pool into an ornamental fish pond should alleviate the Property Standards concerns as outlined in Sec 303.1 in the Property Maintenance Code that says swimming pools shall be maintained in a clean and sanitary condition and in good repair. The owner has also provided barriers to prevent unauthorized access. This conversion would allow the property owner to remain compliant with city ordinances until they are able to redevelop the property with a primary structure.

Chairman Berryhill asked applicant to state name and address for the record.

Mary Elizabeth Fletcher Fontenot, 879 Libby Grace Lane, Lake Charles, LA

Ms. Fontenot stated that her home was destroyed by Hurricane Laura. After 2 years of litigation she then had to demolish her home. Currently there is no electricity on the property and is unable to get the pool to a running state. Ms. Fontenot mentioned that a fence had been installed, the pool has been drained and there is a lock on the gate. However with rain water the pool fills up. She would like to stock the pool with fathead minnows which are mosquito eating fish.

Chairman Berryhill then asked Mrs. Fontenot what kind of pool.

Ms. Fontenot stated it is an 18 x 36 liner pool which was installed in 2015.

Mr. Weeks asked Ms. Fontenot how many fish she was proposing to use.

Ms. Fontenot stated 2 lbs. of fathead minnows, koi fish or goldfish.

Mr. Weeks asked Ms. Fontenot since there is no electricity how will she aerate.

Ms. Fontenot answered solar operated aerators.

Chairman Berryhill asked Mrs. Fletcher is she had settled with insurance.

Ms. Fontenot responded "Yes, Sir."

Chairman Berryhill asked if she intends to build something back.

Ms. Fontenot responded, "Yes, Sir."

Chairman Berryhill then asked Ms. Fontenot what her time frame to rebuild would be.

Ms. Fontenot responded 3 to 5 years.

Chairman Berryhill asked Ms. Fontenot if she has any storage on the property,

Ms. Fontenot answered that a pod container is there which will be moved by mid-September. The only thing remaining is brick columns and beams which she plans to use in the rebuild. There also is a small pile of bricks which will be moved.

Chairman Berryhill then read comments from the opposition.

Patty Palmer, 2811 Edgewood Lane, Lake Charles, LA

In Ms. Palmer's written comments she said "I am in opposition to conversion of the existing pool into a fish pond to prevent this area from becoming a mosquito breeding area."

*Chairman Berryhill asked opponent to state name and address for the record.
Daniel Fontenot, 2615 Edgewood Lane, Lake Charles, LA*

Mr. Fontenot presented to the Planning Commissioners pictures from Google and a street view. The pool has been a mosquito-breeding area for years and is a health hazard to the community. He stated that the pool has never been maintained since the hurricane. Mr. Fontenot submitted a petition from residences in the area who are against the ornamental fish pond.

Chairman Berryhill asked Ms. Fontenot if she plans on replacing the liner on the pool.

Ms. Fontenot stated once the pool is in working condition which would cost approximately \$13,000 then the liner would be replaced.

Mr. Schram asked Ms. Fontenot if she plans to keep the pool once she rebuilds on the property.

Ms. Fontenot answered, "Yes, Sir."

Mr. McBride asked Ms. Fontenot about a time frame. He also stated that in order to resolve this problem Ms. Fontenot should build a house on the lot.

Ms. Fontenot asked that the record state that within 18 months there would be some type of dwelling on the property or the pool would be filled in instead of within 3 - 5 years.

Chairman Berryhill mentioned that the Planning Commission was given information on city ordinances regarding sanitation and maintenance of swimming pools.

Chairman Berryhill called for a vote. The motion failed with the following votes.

For: 1 - Gus Schram III

Against: 4 - Adam McBride, Alvin Joseph, David Berryhill and Reginald Weeks

Absent: 0

Excused: 2 - Thomas Sanders Jr. and Mitchell Gregory Pete

VAR 24-34

CHAPTER 24 - LAKE CHARLES ZONING ORDINANCE

APPLICANT: TXLE PROPERTIES/DANNY DEVILLIER

SUBJECT: Applicant is requesting a Variance (Sec. 4-205) in order to maintain an addition to a residential structure with a 9.5' street side setback vs. the required 15', within a Neighborhood Zoning District. Location of the request is **701 17th Street**.

STAFF FINDINGS: The on-site and site plan reviews revealed that the applicant is requesting to maintain an addition to a residential structure with a 9.5' street side setback vs. the required 15' setback, within a Neighborhood Zoning District. Staff's review revealed the addition is consistent with the setback of the primary structure.

*Chairman Berryhill asked applicant to state name and address for the record.
Robin Basone, 528 Kirby Street, Lake Charles, LA
representative of property owner*

Mrs. Basone stated that the additional structure was purchased 7-8 years ago and the owner was not informed that permits were required.

*Chairman Berryhill asked applicant to state name and address for the record.
Shonell LeBlanc, 708 17th Street, Lake Charles, LA (tenant)*

Chairman Berryhill commented that it looks like a portable building.

Ms. LeBlanc stated that it was brought in as a storage building to be turned in to a master bedroom and bathroom. Ms. LeBlanc was not aware that a permit was required. The building was purchased from a company in Moss Bluff which is no longer in business. When Ms. LeBlanc applied for a permit it was rejected.

Mr. Schram asked Ms. LeBlanc if the city inspectors made any inspections

Ms. LeBlanc stated that the inspectors have made inspections.

Mrs. Bynum stated that without zoning approval a building permit would not have been released. Mrs. Bynum spoke with a building official and was informed that all the trade inspectors were sent to inspect (plumbing, electrical, building as well as engineering).

Mr. McBride asked Ms. LeBlanc if she was operating a business at this location.

Ms. LeBlanc responded, "No, Sir."

Mrs. Bynum checked permit records and stated that none of the inspections were approved.

Ms. LeBlanc spoke to Cliff Fontenot, Building Inspector for the City, and he informed Ms. LeBlanc that she needed to contact a structural engineer, electrician and a plumber.

Mrs. Bynum stated that a permit was issued for a shed. However, upon inspection it was noted that the structure was being lived in. The permit was then revoked.

Mr. Schram noted that the requirements for a residential structure are more stringent than they are for a shed.

Chairman Berryhill stated that it looks like the principal structure has a similar setback and asked if the addition is even with the structure.

Ms. Basone stated that the addition is exactly in line with the corner of the primary structure.

Chairman Berryhill called for a vote. The motion carried with the following vote.

For: 5 - Adam McBride, Alvin Joseph, David Berryhill, Gus Schram III and Reginald Weeks

Against: 0

Absent: 0

Excused: 2 - Thomas Sanders Jr. and Mitchell Gregory Pete

OTHER BUSINESS

ADJOURN

MEETING ADJOURNED.

APPROVAL OF THE MINUTES:

David Berryhill, Chairman

Lake Charles Planning and Zoning Commission

Lauren Bynum, Asst. Director

Office of Zoning & Land Use