

BENTON-PARISH BOARD OF ADJUSTMENTS

MINUTES

Thursday, May 14, 2015 – 7:00 P.M.
Town Council Chambers – Benton Town Hall
105 Sibley Street, Benton, Louisiana

MEMBERS PRESENT

Doyle Adams
Nancy Penwell
Fred Rankin
Michael Acurio

MEMBERS ABSENT

Jim Morris

OTHERS PRESENT

Katherine Dudley
Richard Reed
Judy Thompson
Jean McGee
Jay Haynes
Nick Bruton

Doyle Adams, Chairman, called the meeting to order,

(A) Carlotta Askew - Brown, Assistant Director called the roll and stated a quorum was present.

(B) Special Exception Use

1. The application of Katherine Dudley requesting a Special Exception Use to place a 28' x 52' manufactured home on a 0.601 acre lot at 132 Beaver Lane Bossier Parish, LA.

The applicant Katherine Dudley was present to answer any questions.

Ms. Dudley stated that she had every intention of building a metal home on this lot but due to a financing issue, she was unable to build a site built home. She is only able to finance a mobile home and will build her dream home at a later date.

Mr. Adams asked the applicant if her plan was to put the manufactured home down and at a later date construct a site built home?

Ms. Dudley stated yes.

Mr. Adams asked how long would it take before she is able to construct a site built home.

Ms. Dudley stated that she didn't know and that she is currently going through a property settlement with her ex-husband.

Mr. Rankin asked the applicant about the 0.601 acre tract of land and the additional 2.23 acre tract of land that she also owns. Is there a reason that those lots are separate?

Ms. Dudley stated that the 0.601 acre tract of land had a mobile on it before and the driveway is already established and that's where she had the pad built.

Mrs. Penwell asked if there is a reason she can't combine all the property.

Ms. Dudley stated that she had Mr. JD Gill, an inspector, come out and he informed her that it would be best to put the home on lot 13.

Mrs. Askew-Brown stated that those lots were at some point all one lot and was subdivided over time.

Mrs. Penwell asked if there was a septic system and water on this property.

Ms. Dudley stated that there is an active well, and a septic tank in the ground. The previous mobile was on the property for over 30 years she believes.

Mr. Marsiglia stated that the applicant will need to go through a simple procedure called a Minor Plat to have the lots combined. It was explained to the Benton MPC Staff that when you are located near the lake, that the property needs to be a minimum three quarters of an acre. Any possible approval of the application will need to be conditional that these lots be combined to meet that requirement.

Ms. Dudley stated that she had it surveyed by Mr. Hathorn.

Mrs. Penwell made the comment that these lots will have to be re-plated to meet the three quarter acre requirement before the Board could legally allow the applicant to place a structure on the property.

Mr. Adams made the statement that the applicant just needs to replat the property.

Mr. Marsiglia stated that Mr. Hathorn is familiar with the process and can take her original survey and put it plat form.

Ms. Dudley informed the Board that she can have that done.

Mrs. Penwell stated that until the plat was done, the Board probably couldn't approve the application.

Mr. Rankin stated that if it were approved, that it could be approved with a condition.

Mr. Marsiglia stated that the MPC would not release a permit until the plat was completed. The platting process could take up to 2 months.

Mr. Acurio asked how long the previous mobile home was there and is it there now.

Ms. Dudley stated that it was removed in October or November.

Ms. Penwell asked if all the property is vacant.

Ms. Dudley stated that these lots are currently vacant.

Mr. Adams asked about the type of structure that was located across the street.

Ms. Dudley stated that that structure was on the neighbor's property.

Richard Reed stated that the he owned the lot across the street and that it was for his children to live in when they came home but is now being utilized as a workshop and that it has been there for 40 years.

Mr. Adams asked the Board for any additional comments.

Mr. Adams called for public comment.

Judy Thompson stated that she was Kathy Dudley's sister and that Kathy has been living with her for over 2 years now. She stated that people rate a manufactured home to have little value but if that's all they can afford, then why judge. Hopefully later she will be able to afford the home she originally intended to build.

Mrs. Penwell stated that this area is zoned R-1 and is within a subdivision.

Mr. Rankin discussed this subdivision (Cypress Border) having covenants.

Mr. Adams asked if there was a mobile home on the property before it was purchased?

Mrs. Thompson stated they never saw the other mobile home.

Mr. Rankin stated that once the mobile home was removed, it loses its grandfathering status.

Mr. Marsiglia stated that if the mobile home was removed for more than 6 months, then it indeed losses its grandfathered status.

Mr. Rankin asked the audience if all the lots within Cypress Border were developed.

Someone (unknown) from the audience stated that there are a total of 15 lots within the subdivision.

Mr. Rankin stated that the lots within this subdivision are fairly large and could be resubdivided for another building.

Jean McGee stated that she has four (4) acres and that it would be hard to divide the property due to the majority of the acreage being behind her original one and three quarter acre (1 ¾) lot.

Mr. Acurio asked the audience, for those in favor, to raise their hands. He also asked the people that were not in favor of the application to speak.

Jay Haynes says that he doesn't have anything against the applicant but he opposes it due to concerns about retaining property values.

Mr. Rankin proceeded to read a passage from the covenants. Mr. Rankin stated that the Board of Adjustments does not enforce covenants. He also stated that there are no mobile homes in this

area and that the Board would have a hard time denying a manufactured home if this one was approved. It sets a precedent.

Ms. Dudley asked about the subdivision procedure.

Mrs. Askew-Brown stated that the surveyor would take the applicants survey and would put it in plat form and that the process would take about two (2) months.

Mrs. Dudley said that she would wait and build a house.

Mr. Adams asked the applicant for clarification on whether the applicant wanted to withdraw the application from the agenda or does she want the board to consider it.

Ms. Dudley stated that she did not want to withdraw the application and wanted to proceed.

Mr. Adams stated that he drove around the area and that it was beautiful. Where the lot is located, the home would be secluded to the end of the street.

Kathy Barns stated that she was ok with Ms. Dudley placing a manufactured home on her property. She stated that she spoke with Carlotta and was informed that each proposed mobile home would have to go before the board.

Mr. Rankin said that that statement was true. But, if one manufactured home is allowed, one can no longer state that there are none in the area.

Ms. Barns stated that only one neighbor would pass Ms. Dudley's home and that's Ms. McGee. No other resident has to go in that direction.

Mr. Haynes asked about the setbacks along Cypress Lake.

Mrs. Brown stated that the applicant's property is not on the lake.

Mr. Reed stated that there have been two mobile homes on the property in question. He also stated that he built a retirement home in 1975. Mr. Reed stated that he sees no problem with the application and that everyone can't afford to build brick homes.

Mr. Rankin made the comment that the laws have changed since then.

Nick Bruton stated that he wrote a letter in objection due to possible issues with property value and that the last mobile home was unkempt.

Mrs. Thompson asked the Board how much more money does the applicant have to spend to get a house placed there. She also stated that the inspector stated that she had to have the lots subdivided and that they don't know who to believe when it comes down to the rules.

Mr. Rankin stated that if she was building a home, that there is no reason for this process.

Mrs. Askew-Brown asked the question about who required them to have the property subdivided.

Ms. Dudley stated that the inspector JD Gill told her that her home could not cross property lines and that it had to be on one lot or another. The other lot would require a lot more dirt to be hauled in.

Mr. Rankin commented that if one owns two legally separate pieces of property, in order to place a home on the property, one would legally have to merge them or place the structure on one lot or the other.

Mr. Marsiglia asked the applicant, what was Mr. Gill an inspector of.

Ms. Dudley stated that Jeff Benson was the builder and he told her that she needed an inspector.

Mr. Adams stated that he appreciated her case and believed that her proposed home wouldn't negatively affect any surrounding homes due to what an appraiser is required to retrieve for comparative sales. He also stated that there was a manufactured home there previously and one should not assume that what happened with a previous neighbor will happen with the new neighbor.

Mr. Adams called for any additional questions or comments from the Board and the public.

Hearing none, Mr. Rankin made the motion to deny the application.

Mrs. Penwell seconded that motion.

Motion passes for denial, two (2) to one (1).

REGULAR MEETING

1. Approval of Minutes

Having no corrections, the minutes were approved unanimously.

2. Old Business

Mrs. Brown asked the Board about including the pledge and prayer before each meeting. Discussion was also held about Ethics Training.

3. New Business

None

4. Adjourn

A handwritten signature in cursive script, reading "Doyle R. Adams", written over a horizontal line.

Mr. Doyle Adams, Chairman

Chairman: Mr. Doyle Adams

Vice Chairman: Mr. Fred Rankin