



The following are the minutes from the Planning and Zoning meeting held on Wednesday, February 27, 2019

The meeting was called to order by Bryan Gowland. Commissioners in attendance included Barbara Jackson, Byron Armand, Bryan Gowland, Eric Templet and Dan Underwood. Also present Certified Building Inspector Dave Chatelain and Planning & Zoning Director Cindy Chatelain.

Bryan Gowland announced that there is a sign in sheet for those individuals that want to express their comments during the Public Hearing discussions. Two Public Hearings have been advertised for this month's meeting. Individuals will have two minutes to speak on each issue they sign in for.

Bryan Gowland then welcomed all to the meeting and asked that they join in for the pledge. All stood for the Pledge of Allegiance to the Flag.

A motion to accept the minutes from January's Meeting and to dispense with the reading was made by Dan Underwood. Seconded by Byron Armand. All in favor.

Bryan Gowland then opened the Planning Portion of the Meeting.

A Public Hearing was advertised, as requested by the owner of the property, Mr. Lopez. Potential buyers have requested a variance of 10 feet to the street side setback, which is currently 30 feet to a street and an interior side setback is 20 feet. This would enable them to construct a larger sized home on the lot know as Lot 10A Square 19, 8Th Street @ Warren. Bryan Gowland explained the request to the attendees and then asked for any comments.

Lee Barrios noted that this agenda item was discussed at the Town Council Meeting and it was stated that this request was not eligible for a variance. The Town Council is considering writing an amendment to the setback rules for setbacks on the street sides, allowing them to match the 20-foot interior setback. She asked for clarification of the process. She also asked the commission to wait for the Town Council's decision, and not to grant this requested variance tonight.

Stewart Eastman thinks there is no reason that this variance should be granted. If this is approved, it will be an everyday thing. He does not agree with the Town Council's contemplation to change the setbacks either. He thinks the rules are there for a reason and they should remain intact. This will help ensure that the Town keeps its green spaces.

Mr. Knight owns the property to the west of this vacant lot, which is for sale. When he built his home a few years ago, he maintained the tree line and the buffers as required. Mr. Knight attended the meeting tonight, as he wanted to make sure the commission realized that there are other property owners adjacent to this vacant lot that this request may impact.

John Preble wanted to talk about the Town's Greenspace. Unopened streets can be considered greenspace. This may be valuable property in the future. He went on to say that the commission has never granted a variance based on economic reasons.

Donna Caire agrees with the greenspace reference and would like to add drainage as well. She asked why this was on the agenda again. She thought it was covered last month.

Bryan Gowland explained that it had to be advertised as a Public Hearing in order to be voted on. Last month it was under discussion, it was not voted on last month. The Town Council is talking about setback requirements at their meeting. He went on to thank all for their comments tonight. He reiterated that a variance can not be granted on "wants", instead there must be evidence of a genuine hardship. The Planning & Zoning Commission can not circumvent the laws in place.

Bryan Gowland then turned to the commission and asked for their input.

Eric Templet agreed to let the Town Council make the final decision on this as they are already discussing it.

Dan Underwood stated that the family has options, build smaller or build up. Money has never been a reason to grant a variance, and the Town can not start doing so now.

Barbara Jackson suggested that this be tabled and allow the Town Council to decide.

Bryan Gowland said this should not be tabled, it should be voted on tonight.

Byron Armand asked if the Town Council needed input from the Planning & Zoning Commission.

Reply: Eric Templet answered that he attended the Town Council Meeting and heard the discussion.

The Commission agreed that a vote needs to be taken tonight.

Dan Underwood made a motion to Deny the Variance Request from Mr. Lopez. Seconded by Byron Armand. All in favor.

Variance request DENIED.

Bryan Gowland opened the Zoning Portion of the Meeting.

Ms. Meynard was next on the agenda. She plans to open a new business @ 22107 Hwy 36, the old Abita Pharmacy building. "From Attic to Awesome" will be a retail furniture and home décor business. The hours of operation are planned as 10 to 4 Thursday thru Sunday. Vintage and antique furniture is repurposed and offered for sale. All work is done off premises. Bryan Gowland stated that this is an allowable use. Dan Underwood asked if she restored antique furniture? She answered, some...but if she couldn't, she could give him a name of someone that could.

Motion to approve by Byron Armand. Seconded by Barbara Jackson. All in favor.

Lee Barrios asked Bryan Gowland to get Public Comment, as it is the rule to do so. Ms. Barrios said it is the law. Reply: Bryan Gowland stated that this is an allowable use. Dan Underwood asked to see that law.

Lee Barrios went on to say that she thought this new business would be a great addition to Abita.

Next on the agenda "Dupuy", hair salon. No one attended the meeting to represent the Dupuys.

Moving on, Aces Towing was next on the agenda. This item was advertised as a Public Hearing for public input. At last month's meeting the commission asked that the owners of the company / companies put all the pertinent information relating to the operations of the business / businesses in writing. This information will be used to enforce the licenses if the businesses are approved.

The mechanic shop "Grand Touring Automotive" and an impound yard for "Aces Towing" will be located at 21442 Hwy 36.

Bryan Gowland read the descriptions submitted and noted that they would be used like a contract with the town for the businesses. He then opened the discussion to the commissioners for their comments and or questions.

Dan Underwood asked about hiding the vehicles. He mentioned that he visited the area.

Bryan Gowland also visited the site. Reply: The fenced in area will house the autos. The fence will be fitted with vinyl strips weaved into the chain link. Pictures were taken by the applicants and passed around to clarify the location. It was mentioned that any new sign would have to be approved by the Historic Commission.

Bryan Gowland stated that this use was classified as a “gray area”, it fits some aspects and not others.

Dan Underwood asked if a “provisional approval” could be granted, to make sure it works as described.

Bryan Gowland answered, that’s what they are doing with the business description letters. Using them as a contract. If they veer from the written descriptions, the licenses can be revoked.

Eric Templet also visited the site. He sees no problems to mention.

Byron Armand asked what these businesses have to offer to the Town of Abita Springs, what kind of revenue will they bring in? Reply: The revenue will be only on the mechanic shop.

Barbara Jackson asked about the fluid from the wrecked vehicles. Reply: They are drained / collected for disposal. She also commented on the number of vehicles ranging from 30 to now possibly 50.

Reply: The fenced in area can hold 30 currently, but the owner of the land has granted permission to enlarge the fence if needed. She then asked about the number of tow trucks. Reply: There is currently one tow truck. If the company grows, they will have to relocate.

Bryan Gowland then opened the discussion to the floor.

Stewart Eastman has a problem with the way P&Z is looking at this agenda item. They should be concerned with Zoning, not the way it will look. He went on to say that the automotive mechanic shop / repairs is listed under Lt. Industrial, and the storage garage is commercial.

Ron Blitch, Historic Commission, wanted to make note that any changes would have to be approved by the Historic Commission as would the new sign.

Mary Davis doesn’t think it would be a good idea to approve this business. She also thinks that the marble business should be made to fence in their area, as it is not very attractive at the entrance to town. She then asked how long the cars are stored. Reply: 90 days max.

Lee Barrios is concerned that the business “fit” with the ordinance. She mentioned the number of cars. She also mentioned the fence, wear and tear as time goes by. Then the maneuverability of the tow truck vs. the highway. Reply: The vinyl slats are the same vinyl that they put on houses. The tow truck can use the side street to pull in.

John Preble likes the idea of the new business as long as you can’t see the wrecked cars.

Carol Richards would like the zoning to be verified as a conforming use. Reply: Bryan Gowland stated that the use can be allowed if voted on. The document that was requested will act like a contract, so they can enforce the use as described by the applicants. The commission can limit the number of tow trucks and automobiles, as well as the length of time the cars can be stored. If a motion is made to approve, this information will be included with the motion. 30 vehicles, a max of 3 tow trucks and a 90-day limited stay / turnover.

The Tow Truck will go home every night, it will not be parked on site overnight.

Marie Dessommes wanted to clarify the discussion. She thinks that the requirements are being tailored specifically for them. She hopes that if they do well, that they don't just move on. They could possibly add a satellite business somewhere else and stay here in Abita.

Bryan Gowland ended the discussion and called for a vote.

Eric Templet motioned to approve the new business with the specifics of the owner's written documents, specifying the outlined conditions. In addition to that outline, to add the following:

Limited to 3 (three) Tow Trucks, none of which stay on site overnight.

Maximum of 30 (thirty) Vehicles stored at any time.

and 90 (ninety) days max storage of vehicles.

Seconded by Dan Underwood.

Barbara Jackson and Bryan Gowland voted YEA.

Byron Armand voted NAY

Bryan Gowland call for a slight recess.

Bryan Gowland called the meeting to order.

Open more discussion on Short Term Rentals. Bryan Gowland gave a short synopsis of the past discussions. He mentioned that the discussion will continue until the commission can make a recommendation for the base of the new ordinance. Suggestions will be forwarded to the Town Council, so they can come up with the official wording. Planning & Zoning does not write laws, but they can give input as they see fit. The commission wants to hear the opinions of the audience. He went on to explain that there are several different types of Short-Term Rentals. Hotels, Bed & Breakfast, Ancillary Structures and Whole Houses can be considered Short-Term Rentals.

Comments were given in order of the sign in sheet:

Donna Caire –would like the P&Z Commission to resist turning Abita into a commercial enterprise, and to follow the neighboring municipalities in establishing short term rental rules and regulations. She feels that they should only be allowed in certain zonings, pay fees and taxes and promote peace, health and safety and the welfare of the town's citizens. She is against approving these rentals in the residential district. (letter attached)

Dick Granier gave a little back ground of how the town's zoning came about. The idea was to separate businesses from residential areas. He warns that the commission should think about what these businesses would do to the residential areas. Short-Term Rentals are businesses.

Carol Richards e-mailed her thoughts, which were forwarded to all commissioners. She asked if any of the commissioners had an interest in short term rentals or plan to do so. She said the people have a right to know this. Reply: No commissioners have rentals nor do any of them plan to have a rental. Ms. Richards went on to say that they / she has had bad experiences with the short-term rentals on her street. It is illegal to operate this type of business, but it continues to do so. The business actually advertises on the internet.

Stewart Eastman thinks one of the problems of zoning is that it is outdated. New ideas have come up in real time and we don't know how to handle them...He thinks the rentals should be allowed in the Cultural District.

Alex Midence came forward to give his opinion and rebuttal of claims made against him personally by Carol Richards. He wanted to say that he never hosted a wedding. He stated that he fixes the gravel roadway on a regular basis. Dick Granier strongly disagreed. Donna Caire's customers use the road and they impact the road surface all the way to her house. Bryan Gowland intervened by saying this meeting is not where the neighborhood controversy will be addressed. Mr. Midence said he wanted to defend himself, as he is always referenced during the short-term rental discussions. He operates his business in a respectful manner. He went on to invite all, to his rental to see exactly what he is offering. He would like everyone to see for themselves what's going on there.

Bryan Gowland reiterated that the commission is here, to hear what the residents have to say so they in turn can help the Town Council create an ordinance for short-term rentals. The plan is to come up with an outline to regulate the rentals and to establish the fees associated with the permits to operate. He asked Mr. Midence if he was in favor of short-term rental. Mr. Midence responded that he is in favor, that short-term rentals are a good thing. He operates a very successful one that only get top ratings. A couple that have stayed at his place have gone on to purchase property in Abita Springs because they loved their stay here.

Marie Dessommes is also in favor of short-term rentals. They are already operating here in Abita and the Town needs to have regulations. Fear based arguments don't do any good moving forward. Keep open minds and move forward to help create the rules and regulations. Money isn't always the reason people want to do short-term rentals. Sometimes it is a way for older folks to make extra income or to make ends meet. She is in favor of owner-occupied rentals as well as have the option to rent other ways.

Rhonda Scorson stated that rental property is passive income. Getting a license could hurt someone that is on a limited income. She is asking if all rentals should be considered as a business and require a permit / license. She also asked for clarification / definition of a short-term rental, how long, how many days.

Mary Davis operates a Bed & Breakfast at her home. She thinks that the biggest problem is intrusion on neighborhoods. Parking can also be an issue. She has come to discover that she is responsible to pay taxes to the state and to the parish. She hopes that the fees will not be too costly. In her opinion, the commercial areas should be the place that they are allowed, not the residential zone.

Joanne Hanson is concerned about drastic occurrences, strangers that come into the town that no one knows. Some kind of "safeguards" need to be implemented to protect the town and the residents.

Lee Barrios stated that several ladies got together to discuss this issue. They were all from different backgrounds and have various opinions. They discussed what is good for the people in the community and for the community itself. Every place is different. Her personal conclusion is based on her stays. She thinks the best are owner occupied. Bed and Breakfasts are owner occupied. A Hotel has staff on site. She doesn't think the rentals should be limited to particular zones, but the number of people should be regulated. Abita was originally a resort area. Now it is where people come to visit, and they all need a place to stay.

Bryan Gowland noted the creations of compressive zoning. It was established in order to get a handle on what you could do in the different areas of town. The creation of districts outlined what you could do and where it could be done.

Carol Richards want to comment on a recent question about additional income for people on disability, and not declaring income is fraud. She also wanted to offer some printed reviews about Mr. Midence's short-term rental. She mentioned that they are waiting for the exact measurements of the auxiliary building, she thinks Mr. Midence may be in violation of the size.

Donna Caire asked for the clarification of Bed & Breakfast. Bryan Gowland gave her the response. She went on to say that she is in favor of B&B as they are already approved. But is opposed to other rentals such as ancillary buildings.

Bryan Gowland wanted on to clarify the ancillary building rentals. The ordinance (#430) was passed to allow the rentals of the ancillary buildings in the residential district, as long as the owner lives in the main residence. Louis Fitzmorris, once Mayor of Abita Springs, championed this ordinance in 2012, and has confirmed its intent.

Dan Underwood made a suggestion to end the discussion of short-term rentals for this evening. All in favor.

Bryan Gowland opened the Discussion Portion of the meeting.

Marie Dessommes was put on the agenda to clarify her buildout / renovations on Laurel Street. Discussion took place as to the legality of two full kitchens in a home. The contention was that the structure would be considered a multifamily unit if it were capable of supporting two families independently. The structure on Laurel Street, is located in the Single-Family Zone. More discussion took place. Bryan Gowland asked Ms. Dessommes if the structure had two entrances and if there were two utility services. Ms. Dessommes stated that there was not a separate entrance for the top floor and it only has one utility service. More discussion took place concerning the two kitchens. Eric Templet noted that some families have two kitchens.

Ms. Dessommes then mentioned that she might rent the structure as either a short-term rental or whatever would be allowed.

A permit was obtained with a set of plans that showed one kitchen. When a second set of plans were submitted months later, a fully equipped kitchen had been added to the second floor in place of the loft living area. This is when the red flag was raised by the P&Z Director.

Bryan Gowland suggested that Ms. Dessommes obtain a new Building Permit if she intends on having two kitchens.

Bryan Gowland called for a motion to adjourn.

Motion to adjourn by Eric Templet.

Seconded by Byron Armand.

All in favor.

The next meeting date is scheduled for March 27, 2019

Cindy Chatelain

Planning & Zoning Director

date