

**MINUTES OF THE IBERIA PARISH REGIONAL ZONING COMMISSION MEETING CONDUCTED ON
THURSDAY, JUNE 16, 2011 AT 5:30PM IN THE IBERIA PARISH COUNCIL CHAMBERS
300 IBERIA STREET, NEW IBERIA, LOUISIANA 70560**

CALL TO ORDER: Tommy Granger determined there was a quorum and called the meeting to order.

MEMBERS PRESENT: Bruce Dupray, Tommy Granger, Jane Braud, Perry Judice, Lanie Borel, Dana Dugas and David Fangue

MEMBERS ABSENT: Barbara Laviolette and Ronald Fremin

OTHERS PRESENT: Jacques Cousin, Julie Armentor and John Raines

APPROVAL OF MINUTES: Dana Dugas made a motion to approve the May 19, 2011 minutes which was seconded by David Fangue; the vote was unanimous.

DEVELOPMENT REVIEW #1: Cherry's Hideway RV Park – Reclassification from R-2 to R-4. John Raines explained that the office did research based upon the information that Larry Cherry presented. John said that Mr. Cherry purchased the property in 2005 according to the Assessors' records. John showed aerials which were taken in 2008 and at that time there was a building and one mobile home only. In September of 2006 Mr. Cherry did get a permit for a 960 square foot residential shed. Pictures were shown as to what is on the property now. John also explained that zoning occurred in May of 2009. He said at that time there were four property owners who approached him and indicated that they had prior approval granted by the Parish of Iberia on mobile home parks and asked if John would honor the pre-existing approval. He explained where they were. One was for Larry Cherry and John went out and looked at his property, but no pre-existing approval was ever provided. We did not hear from Mr. Cherry for awhile after that.

In June of 2010 Mr. Cherry inquired about purchasing FEMA Park Trailers. FEMA Park Trailers are not allowed as permanent residences. They can only be used as part time recreational type facility or for temporary commercial facility. Mr. Cherry was advised of this situation and was forwarded a copy of the official regulation to avoid any miscommunications or misunderstandings.

In December of 2010, Mr. Cherry came forth to open a recreation or mobile home park. John showed pictures of several FEMA Park Trailers that are on the property which are not allowed

and no permits were issued for anything on the property except for the shed. Mr. Raines said these trailers need to be removed as per FEMA regulations. John also said he had three ponds which will need to go through an approval process from Public Works on the drainage issues. John said that he did not recommend reclassification of the site. The existing road system leading into the proposed park is insufficient. He also said he felt that it was out of context with the character of the neighborhood.

Mr. Mike Hebert spoke to the Commission and said he put together a petition with 35 signatures of residents that did not want this RV park and gave copies to the Commission.

Danny Doyle addressed the Commission and said he wanted to provide the Health Department's input on this project. Mr. Doyle said Mr. Cherry did make an application for a sewer system for eight mobile homes with their office. He also said the state has jurisdiction over the upkeep of RV Parks and Mobile Home Parks and the difference between these two parks is the RV Park has to have a laundry and a bathing facility. A mobile home park does not require that. He said Mr. Cherry did install a mechanical sewer system which is adequate to handle eight mobile homes. He also said that Mr. Cherry will need a DEQ discharge permit.

Dana Dugas spoke to Mr. Doyle and said according to the drawings Mr. Cherry provided there were thirteen (13) camper/mobile home sites plus the shed and existing trailer. Mr. Doyle said the sewer system would only handle eight mobile homes only. Mr. Doyle said this will have to be a mobile home park or an RV Park. It can't be both.

Mr. Larry Cherry addressed the Commission and said he felt grandfathered. He presented information to the Commission showing what grandfathered clauses meant. He said he did research on the internet about grandfather clauses. He said there were two reasons to have a grandfather clause, one was legal and the other was political. He gave examples of this clause. Mr. Cherry said he did get a permit for the building in 2006. In 2007 Mr. Cherry said he spoke to Carmen Judice about his property and she informed him of some of the rules. He said he decided he was going to put mobile homes/recreational vehicles on his property. He said he did not call it a park when he proposed this to Mr. Doyle and he said Mr. Doyle got him up to speed about regulations. He said he had several conversations with Carmen Judice and he said he was told he did not need permits until he had serial numbers. He said he was also told he did not need a permit to build ponds so the only permit he had was for the shed.

Jane Braud asked in 2007 were permits issued at that time and Mr. Raines said yes.

Mr. Larry Cherry said he had all of his underground things done before zoning. Mr. Tommy Granger asked why was he not informed what was going on with zoning when everything was advertised over two years ago. Mr. Cherry said the project was started and he did not need a permit. Mr. David Fangué asked why didn't he proceed with other permits and Mr. Cherry said he did not need one.

Mr. Perry Judice said he just moved a mobile home and he had to get a permit so there was no reason why Mr. Cherry did not have to have permits for his mobile homes.

Mr. Cherry said he will not take political execution and he should be grandfathered in.

Carmen Judice addressed the Commission to clarify a few things that Mr. Cherry had said. She said Mr. Cherry did call her prior to moving to Parish Government on May 1, 2009 about a permit at that time for a mobile home park. She said she called Dianne Phillips and asked if there was anything that needed to be done. Ms. Phillips said nothing with zoning issues but he would have to provide us with proper documentation with sewerage and anything else that they would need. Carmen Judice said nothing was said about a pond. She also said that there are FEMA trailers within the parish. When Rita happened there were disasters declared at that time. The Parish President made a declaration at that time for disasters and he let park model trailers come in. Quite a few have stayed. As long as the trailers are not moved they can stay. Around 2010 Carmen said she spoke to Mr. Cherry and told him to be careful about purchasing the FEMA park model trailers because they were not being allowed in the parish at that time. He purchased the trailers and now they cannot be permitted because they are not built according to the construction codes.

John Raines said regardless of the decision the Commissioner's make the FEMA trailers have to go.

Mr. David Fangué made a motion to deny the reclassification based on the issues stated in the staff report which is lack of permitting and the FEMA trailers not being allowed which was seconded by Bruce Dupray; the vote was unanimous.

Text Amendment #1: Process for Review, Consideration and Correction of Zoning Issues – John Raines explained that this was a circumstance that was discussed briefly before. The conversation that they had as they go through development property was that some areas were appropriately overlooked. He gave Mark Martin as an example because he has a

commercial building but listed as Agricultural. He proposed that if another one is not correct should we leave it alone or should we contact the owner and reclassify.

Jane Braud said that is what they have a process for. She said if we inadvertently say an error has been made, who determines if it is an error that was made. There are non conforming uses all over the state. She said a sixth month grace period was granted and extended for corrections. No action was taken.

Director's Report #1: Clarification of Spot Zoning Utilization – No action taken at this time.

Director's Report #2: Wildlife and Fisheries located on Darnall Road and US 90 – John Raines explained that they wanted to expand their business. – No action taken at this time.

ADJOURNMENT: A motion was made to adjourn by Bruce Dupray and seconded by David Fangué; the vote was unanimous.

Submitted by John R. Raines
Director of Permitting, Planning and Zoning Department