

1 City of Pass Christian
2 Municipal Complex Auditorium
3 105 Hiern Avenue

4
5 **Zoning Board of Adjustments**
6 **Meeting Minutes**
7 **Tuesday, March 14, 2017, 6pm**
8

9 **CALL TO ORDER**

10 Chairman Eugene Russell called the meeting to order at 6:00 PM. In attendance were Commissioners
11 Craig Steenkamp and Lisa Smith. Commissioners Steve Dick and Willie Cox were not in attendance.
12

13 **ADOPTION OF MINUTES**

14 The first order of business was the adoption of the minutes from the last two monthly Zoning Board of
15 Adjustments meetings held on June 20, 2016 and October 13, 2016. A *Motion* by Commissioner Smith,
16 seconded by Commissioner Steenkamp, was made to adopt the minutes. The motion passed
17 unanimously.
18

19 **NEW BUSINESS**

20 • *Open Public Hearing*

21 A *Motion* by Commissioner Steenkamp, seconded by Commissioner Smith, was made to open the public
22 hearing. The motion passed unanimously.
23

- 24 • *Application #PD-2-2017, Rene St Paul as agent for Laurie D & Paul M Sterbcow, 239 Baywood Drive,*
25 *Parcel #02120-01-037.000, Variance for the stairs and roof overhang to encroach into the 20-foot*
26 *front setback, in the T3R Single-Family Residential Zone.*
27

28 Chairman Russell introduced the project.
29

30 The City Planner, Danit Simon, briefed the ZBA on the project: The applicant received a building permit
31 in January 2017. On the submitted and approved building plans, the front setback was listed as 20-feet,
32 a copy of the approved site plan is in your packet. Unfortunately, the pilings were incorrectly positioned
33 and the applicant is now financially invested and requesting a variance for the stairs and roof overhang
34 to encroach six-feet into the front setback.
35

36 A majority of the surrounding parcels are undeveloped, with the exception of the adjacent neighboring
37 house at 241 Baywood Drive and a house across the street at 300 Baywood Drive, please reference the
38 aerial map in your packet. There is approximately a 10-foot easement in front of 239 Baywood that will
39 help to visually conceal the reduced front setback, and lessen any visual impact that the encroachment
40 may have on the neighborhood. The Zoning Board also has the option of requesting that the stairs be
41 relocated to the southern side of the house, which would reduce the encroachment to one-foot for the
42 roof overhang only.
43

44 No objection letters were received for this project, and the applicant, contractor and surveyor are here
45 to answer any questions you may have. This concludes my report.
46

47 Chairman Russell asked if the surveyor had staked the site prior to construction, and how the pilings got
48 installed at the wrong location?
49

50 Jason Chiniche (Chinichi Engineering & Surveying), the applicant's surveyor, responded to the Chairman.
51 The property was originally surveyed for the applicant, we staked out the corners of the property, the
52 property lines, the house footprint, and the centerline or center-point for each piling per the layout that
53 the architect had provided. The original layout had a 20-foot offset to the stairs, we mistakenly took
54 that as 20-feet to the building structure itself, and we therefore staked the pilings six-feet off. We
55 noticed the mistake when we came back to re-stake the corners of the house, which the contractor
56 requested prior to beginning framing the house. As soon as we recognized the mistake, we notified the
57 contractor to resolve the situation. Unfortunately, the pilings were staked wrong in the field from the
58 start, and that is the only explanation.

59
60 Chairman Russell mentioned a letter from Timber Ridge's POA with their covenants, that have larger or
61 more restrictive setbacks than the City's setback's in the T3R Single-Family Residential Zone. This letter
62 is dated February 22, 2017; had the pilings been installed prior to February 22, 2017?

63
64 Rene C St. Paul, the contractor, responded yes, the pilings were already installed by February 22, 2017.

65
66 Chairman Russell asked if the letter is correct in stating that the applicant now wants to move the house
67 closer to the street, to avoid problems with the rear of the house in relation to the water? When I
68 performed a site visit, I noticed new deck, pier and boatlift, but I don't see why moving the house 6-feet
69 towards the street provides any benefit to the position of the rear of the house in relation to the
70 water/bayou. The standards that must be met to grant a Variance are very particular, and one of those
71 rules is that "the special circumstances are not the result of the actions of the applicant." If this is your
72 fault, it is very difficult for this Board to grant a Variance under those circumstances. Are you amenable
73 to moving the front stairs to the south side of the house, or any other creative solutions, so that you are
74 not encroaching into the front setback and you don't have the expense of relocating the pilings?

75
76 Paul Sterbcow, the applicant, responded that he is willing to work with the City and do what he can do
77 to correct this situation. The stairs are already accessed at grade on the south side; that are connected
78 to the porch that wraps around the front of the house that you are suggesting to move. And the
79 problem with removing the front porch is that it provides the only access to the front door. If we
80 eliminate the front porch, we have a front door that is inaccessible.

81
82 Simon retrieved the full set of building plans, which the commissioners reviewed to better understand
83 the layout of the stairs.

84
85 Simon then asked if the front door facing the street could be eliminated, and one of the other doors,
86 either the door on the south side or the doors to the rear, could become the new front door.

87
88 Sterbcow responded that the south side door enters into a pantry/utility room that leads into the
89 kitchen, so that cannot become the front door. And the rear porch doors along the water enter into the
90 living room, but my wife will not approve of the rear porch doors becoming the house's front door.

91

92 St Paul presented drawings to the Board that illustrated the visual effects of the encroachment, and the
93 relationship of the encroachment to the neighboring houses. He also mentioned that erosion has
94 caused the depth of the property to decrease, and the new layout will increase the area of the backyard
95 along the water

96
97 Commissioner Steenkamp asked if it is possible to bring the house back six-feet, by using the existing
98 pilings and driving a few additional pilings at the rear.

99
100 St Paul responded that they have not explored that option, but it would require structural adjustments,
101 not just planting more pilings at the rear.

102
103 Sterbcow added that he doesn't have the drawings with him, but there might be issues with placing
104 additional pilings to the rear due to the location of the deadmen that are tied to the new bulkhead.
105 And, please note that the adjacent property owners prefer the new location of the house, as it improves
106 their view of the water.

107
108 Commissioner Steenkamp asked St. Paul if anyone verified the proposed location of the pilings after
109 they were surveyed? Do you have a site supervisor or are you the sole manager?

110
111 St. Paul replied that he would not have caught a mistake like that with his bare eye anyway. The pile-
112 driving subcontractor will only drive the pilings if the professional surveyor has staked them. So once
113 the surveyor stakes the piling locations, we are ready to proceed.

114
115 Commissioner Steenkamp stated that he is a contractor as well, and on his projects he always double
116 checks measurements prior to pilings going in.

117
118 St. Paul responded that he always has the surveyor stake out the piling locations to avoid situations like
119 this. I really rely on the professional.

120
121 Chiniche added that out of the hundreds of properties that they have staked, this is the one mistake.

122
123 Commissioner Steenkamp said that he understood. Unfortunately, the City has been dealing with a few
124 "after the fact" applications like this, and we want to make sure that people aren't taking advantage of
125 the City's kindness.

126
127 Chiniche responded that as soon as the mistake was caught, he contacted St. Paul to deal with the
128 situation. I have been honest with you today, and am not going to cover anything up. There was human
129 error in the field, and this is where we are now. There was no intent to make a mistake at the front end
130 in order for the owner to have a different layout than what was presented in the original site plan.

131
132 St. Paul added that this mistake was only caught because the machines that drove the pilings were so
133 large, that they disturbed the corner stakes of the house, and so we ended up bringing Chiniche back to
134 the site to re-stake the corners of the house, which is when the mistake was caught. If he hadn't been
135 called back, the house would be built, but we wanted to get it right, so we called the surveyor back. And
136 as soon as Chiniche called me with the news we halted construction and contacted the City.

137
138 *A Motion* by Commissioner Smith, seconded by Commissioner Steenkamp, was made to approve the
139 Variance for the stairs and roof overhang to encroach 6-feet into the front setback. The motion passed
140 unanimously.

141 Sterbcow thanked the Board for their time and effort, as he and his wife are looking forward to enjoying
142 the house. And, Commissioner Steenkamp thanked the applicants for stopping the construction as soon
143 as the mistake was caught.

144

145 • *Close Public Hearing*

146 A *Motion* by Commissioner Steenkamp, seconded by Commissioner Smith, was made to close the public
147 hearing. The motion passed unanimously

148

149 **OLD BUSINESS**

150

151 **OTHER BUSINESS/PUBLIC COMMENT**

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153 **ADJOURN**

154 A *Motion* by Commissioner Smith, seconded by Commissioner Steenkamp, was made to adjourn the
155 meeting at 6:30 P.M. The motion passed unanimously.