

Introduced November 11, 1986 by
Councilwoman Williams, seconded by
Councilman Salvaggio (both by request)

Item No. 86-11-1095

ORDINANCE NO. 2043

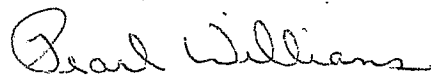
An ordinance amending Ordinance No. 2000, an ordinance amending Appendix A-Zoning, Part 7, Board of Adjustment, Section 7.2 Powers of the board., subsections 7.201 and 7.202, of the Code of Ordinances of the City of Slidell.

BE IT ORDAINED by the Slidell City Council that Ordinance No. 2000, an ordinance amending Appendix A-Zoning, Part 7, Board of Adjustment, Section 7.2 Powers of the board., subsections 7.201 and 7.202, of the Code of Ordinances of the City of Slidell is hereby amended as follows:

Page 1, Line 79: To subsection 7.201 (B) add the following paragraph:

Requests for re-hearing of an appeal shall not be granted by the Board of Zoning Adjustment unless the applicant has additional relevant evidence to present which was not presented at the first hearing. Only one request for a re-hearing shall be allowed.

ADOPTED this 9th day of December, 1986.



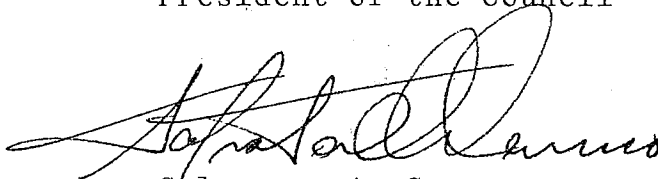
Pearl Williams
Councilwoman, District G
President of the Council

DELIVERED

12-12-86 9:30 a.m.
to the Mayor

RECEIVED

12-12-86 3:30 p.m.
from the Mayor



Salvatore A. Caruso
Mayor


Barbara Manteris Penton
Clerk of the Council

Introduced November 11, 1986 by
Councilwoman Williams, seconded by
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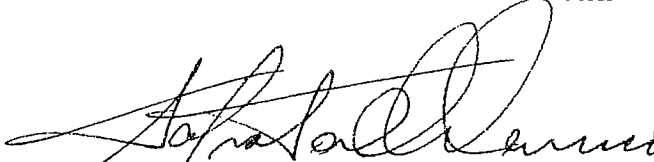
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Salvatore A. Caruso
Mayor



Barbara Manteris Penton
Clerk of the Council

from BZA
P 2 11/20/86

PROPOSED AMENDMENT

A proposed amendment amending Ordinance No. 2000, an ordinance amending Appendix A-Zoning, Part 7, Board of Adjustment, Section 7.2 Powers of the board., subsections 7.201 and 7.202, of the Code of Ordinances of the City of Slidell.

Add the following paragraph to subsection 7.201 (b):

Requests for re-hearing of the same appeal shall not be granted by the Board of Zoning Adjustment unless the applicant has additional relevant evidence to present which was not presented at the first hearing. Only one request for a re-hearing shall be allowed.



THE CITY OF SLIDELL

Planning Department

86-11-1095

PW/PS (BBK)

SALVATORE A. "SAM" CARUSO, MSW
Mayor

MEMORANDUM

TO: BARBARA PENTON, CLERK OF THE COUNCIL
FROM: ALAINA REAVIS, ZONING COMMISSION SECRETARY
DATE: OCTOBER 28, 1986
RE: PROPOSED AMENDMENT TO SECTION 7.201 (b) OF THE ZONING ORDINANCE

The Zoning Commission introduced the following proposed amendment at their October 20, 1986 meeting and called for a public hearing on November 17, 1986:

A proposed amendment amending Appendix A-Zoning, Part 7, Board of Adjustment, Section 7.201 (b), of the Code of Ordinances of the City of Slidell.

Add the following paragraph:

"Requests for re-hearing of the same appeal shall not be granted by the Board of Zoning Adjustment unless the applicant has additional relevant evidence to present which was not presented at the first hearing. Only one request for a re-hearing shall be allowed."

Please prepare the proper ordinance and place it on the Council's agenda for introduction.

Thank you,

Alaina
/ar

Attachments



THE CITY OF SLIDELL

Planning Department

SALVATORE A. "SAM" CARUSO, MSW
Mayor

MEMORANDUM

TO: SLIDELL PLANNING AND ZONING COMMISSION MEMBERS
FROM: PETER J. CIONI *PJC*
DATE: OCTOBER 13, 1986
RE: AMENDMENT OF ZONING BOARD OF APPEALS REGULATIONS

The current Zoning Ordinance has no restrictions on the number of times that a person may petition for the hearing of a variance request that had been previously denied by the Board of Zoning Adjustment. Since the filing of a variance request temporarily stays the enforcement of the ordinance, an individual could, theoretically, block the City's enforcement of the Zoning Ordinance for an indefinite period of time by filing a new variance request each time the previous request has been denied.

To protect the City from this possibility, the City Attorney has recommended that the following language be added to Section 7.201 (b) of the Zoning Ordinance:

Requests for re-hearing of the same appeal shall not be granted by the Board of Zoning Adjustment unless the applicant has additional relevant evidence to present which was not presented at the first hearing. Only one request for a re-hearing shall be allowed.

PJC/ar

CURRENT ORDINANCE

Introduced June 24, 1986 by
Councilwoman Williams, seconded by
Councilman Salvaggio (by request)

Item No. 86-6-1036

ORDINANCE NO. 2000

An ordinance amending Appendix A-Zoning, Part 7, Board of Adjustment, Section 7.2 Powers of the board., subsections 7.201 and 7.202, of the Code of Ordinances of the City of Slidell.

BE IT ORDAINED by the Slidell City Council that Appendix A-Zoning, Part 7, Board of Adjustment, Section 7.2 Powers of the board., subsections 7.201 and 7.202, of the Code of Ordinances of the City of Slidell are amended as follows:

Delete subsections 7.201 and 7.202 as written and reenact as follows:

7.201 (A) The board shall hear and decide upon:

(1) Appeals from alleged error in the Zoning Officer's decision;

(2) Interpretation of the provisions of this ordinance;

(3) Appeals for variances where exceptional and peculiar hardship would be caused by enforcement of the regulations in this ordinance and where such variance would not substantially deviate from the intent of this ordinance but not otherwise.

7.201 (B) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Introduced June 24, 1986 by
Councilwoman Williams, seconded by
Councilman Salvaggio (by request)

Item No. 86-6-1036

ORDINANCE NO. 2000

An ordinance amending Appendix A-Zoning, Part 7, Board of Adjustment, Section 7.2 Powers of the board., subsections 7.201 and 7.202, of the Code of Ordinances of the City of Slidell.

BE IT ORDAINED by the Slidell City Council that Appendix A-Zoning, Part 7, Board of Adjustment, Section 7.2 Powers of the board., subsections 7.201 and 7.202, of the Code of Ordinances of the City of Slidell are amended as follows:

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- (2) Interpretation of the provisions of this ordinance;
- (3) Appeals for variances where exceptional and peculiar hardship would be caused by enforcement of the regulations in this ordinance and where such variance would not substantially deviate from the intent of this ordinance but not otherwise.

7.201 (B) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

7.201 (C) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril of life or property. In such case proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

7.201 (D) For purpose of this section, the word "appeal" includes requests for variances and ordinance interpretations.

7.201 (E) Any person requesting an appeal for a condition which is in violation at the time of filing of the appeal or which would become in violation during the pendency of the appeal if the appeal had not been filed, must deposit with the permit office the amount of \$150.00. If the board rules against the applicant, the deposit shall be forfeited if the board specifically finds that the appeal was for a matter over which the board has no authority to act. If, in the opinion of the Planning Department, Permit Department, or City Attorney, the board has no authority to act on the matter requested, the applicant shall be so notified in writing at the time of the application on a form to be provided by the Planning Officer and signed by the applicant. If the deposit is not forfeited, it shall be returned to the applicant within ten (10) days after the board's decision on the matter.

7.202 (A) The board shall not be authorized to grant variances in the use of land or to take any other action the result of which would constitute a change in the district boundaries.

7.202 (B) Standards for Variations: The Board of Adjustment shall not vary the regulations of this ordinance, unless it shall make findings based upon the evidence presented to it in each specific case that each of the following standards is complied with:

(1) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were not carried out.

(2) The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

(3) The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.

(4) The granting of the variation will not be detrimental to the public welfare or injurious to other property, or improvements in the neighborhood in which the property is located.

- (5) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.
- (6) The variation will not serve as a precedent which, in effect, will re-write a provision of this ordinance.

7.202 (C) The Board of Adjustment may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this subsection, to reduce or minimize the effect of such variations upon other property in the neighborhood and to better carry out the general intent of the ordinance.

ADOPTED this 12th day of August, 1986.

DELIVERED
8-14-86 10:00 a.m.
to the Mayor

RECEIVED
8-14-86 3:00 p.m.
from the Mayor

Philip M. Salvaggio
Philip M. Salvaggio
Councilman, District F
Vice President of the Council

Alvin D. Singletary
Alvin D. Singletary
Councilman at Large
Mayor

Barbara Manteris Penton
Barbara Manteris Penton
Clerk of the Council

November 12, 1986

PUBLIC NOTICE

Item No. 86-11-1095: An ordinance amending Ordinance No. 2000, an ordinance amending Appendix A-Zoning, Part 7, Board of Adjustment, Section 7.2 Powers of the board., subsections 7.201 and 7.202, of the Code of Ordinances of the City of Slidell.

A Public Hearing will be held on the above proposed ordinance at 6:30 P.M. on Tuesday, December 9, 1986 in the Council Chambers, 2055 Second Street.

This proposed ordinance is being printed by title only as required by Ordinance No. 1528.

CITY OF SLIDELL

Barbara Manteris Penton
Clerk of the Council

Publish: Tuesday, November 18, 1986