

**ST. CHARLES PARISH
ZONING BOARD OF ADJUSTMENT
February 15, 2024
6:00 P.M.**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE**

- 1** **2024-1-ZBA** requested by **Biles Investment LLC** to waive spatial requirements at **130 Gourgues Street, Hahnville**. Zoning District R-1A. Council District 1.

- 8** **2024-2-ZBA** requested by **Connie Boudreaux** to reduce the required rear yard setback for a patio addition at **200 Country Cottage Boulevard, Montz**. Zoning District R-1A. Council District 6.

- 13** **2024-3-ZBA** requested by **Ronald Jacob Jr.** to waive the fencing requirement for a swimming pool at **108 Kerry's Pointe East, Des Allemands**. Zoning District R-3. Council District 4.

**UNFINISHED BUSINESS -
NEW BUSINESS –
MINUTES – (Approved – January 18, 2024)
ADJOURN-**



**Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-1-ZBA**

GENERAL APPLICATION INFORMATION

NAME/ADDRESS OF APPLICANT:

David Woolf
Biles Investments, LLC
109 Asphodel Drive
Luling, LA 70070
504.289.0886; 504.289.0883
dwoolf49@gmail.com; swoolf7@gmail.com

LOCATION OF SITE:

Lots 65 and 66, St. Charles Place; 130 Gourgues Street, Hahnville

REQUESTED ACTION:

Reduce the required minimum width under R-1A zoning from 60 ft. to 50 ft. for Lots 65 and 66.

SITE INFORMATION

SIZE OF PROPERTY: Approximately 13,514.5 sq. ft. (6,757.24 sq. ft. each)

EXISTING ZONING: R-1A, Single family residential detached conventional homes – Medium density

SURROUNDING ZONING AND LAND USE: R-1A; the site is located in a developed residential neighborhood.

FUTURE LAND USE RECOMMENDATION: Low-Moderate Residential

TRAFFIC ACCESS: Gourgues Street

BASE FLOOD ELEVATION (BFE): X; **DFIRM:** X

APPLICABLE CODE REGULATION(S)

Appendix A. Section VI. Zoning District Criteria and Regulations

B. Residential Districts

[1.] *R-1A. Single family residential detached conventional homes—Medium density.*

2. Spatial Requirements:

a. **Minimum lot size: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet.**

Appendix A. Section IX. Nonconformities

A. *Nonconforming lots:*

(1) Any lot of record in existence before October 19, 1981 which does not meet the minimum width and/or area requirements for the zoning district in which it is located shall be considered a nonconforming lot of record.

a. Any portion of ground that does not meet the minimum width and/or area requirement for the zoning district in which it is located resulting from government action shall be considered a nonconforming lot of record.

(2) If two (2) or more nonconforming lots of record or two (2) or more portions of lots with continuous frontage in common ownership, and if one (1) or more of the lots does not meet the minimum width and/or area requirements for zoning district in which it is located, the land involved shall be required to resubdivide into a single lot for development or permitting.

DEPARTMENT ANALYSIS & FINDINGS

1. Lots 65 and 66 are contiguous nonconforming lots under the common ownership of Biles Investments, LLC.
2. Measuring 50.02 ft. each at the front property line, they do not meet the required 60 ft. width under R-1A zoning.
3. Per the St. Charles Parish Zoning Ordinance of 1981, Section IX. – Nonconformities, the lots are required to be consolidated into a single conforming lot of record.

4. On January 8th, the applicant submitted a variance application to reduce the minimum width requirement for Lots 65 and 66.
5. If approved, the lots may remain as currently subdivided and lot 66 may be developed.
6. Lots 65 and 66 are shown on the map of St. Charles Place, Hahnville by Frank T. Payne C.E. dated March 14, 1925.
7. Lot 65 is developed with a site-built house and a concrete slab that crosses lot lines—the applicant states there are plans for the slab to be removed. There is enough room to ensure parking requirements can be met for both lots.
8. With the exception of the concrete slab, Lot 66 is not developed with a primary or any accessory structures.
9. The Board of Adjustment has not heard similar variance requests in the area.
10. To meet zoning requirements, Lot 65 and 66 must be combined through resubdivision into a single conforming lot.



ST. CHARLES PARISH
DEPARTMENT OF PLANNING AND ZONING
APPLICATION TO THE ZONING BOARD OF ADJUSTMENT
 P.O. Box 302 • Hahnville, Louisiana 70057 • (985) 783-5060 • Fax (985) 783-6447

APPLICATION FEE:
 Single-Family Residential: \$150
 All Other: \$250

Municipal Address of Request Vacant Lot 66 (130 Gourques St.)

City Hahnville State LA Zip 70057

Subdivision _____ Lot _____ Block _____ Section _____

Owner/Applicant Name Biles Investments LLC

Mailing Address 109 Asphodel Dr

City Luling State LA Zip 70070

Phone # 504-289-0886 Email SWOOLF7@gmail.com
504-289-0883 Email dwoolf49@gmail.com

APPLICANT TESTIMONY: Why can't your project meet the zoning regulations? Lot 66 is 50' wide
AS ARE MANY lots on Gourques. As such lot
66 does not meet the present Parish lot width
Requesting variance to build residence on lot 66

Please attach any additional information to clarify or explain your request to the Board.

OWNER'S ENDORSEMENT: STATE OF LOUISIANA, PARISH OF ST. CHARLES

OWNER:
David Woolf being duly sworn,
 (Print Name)
 deposes and states (i) that he or she is the owners of the property described in this application; (ii) that all statements contained in this application are true to the best of his knowledge and belief; and (iii) that he or she authorizes the foregoing petition.

[Signature]
 (Signature of owner)

NOTARY PUBLIC:
 Subscribed and sworn to before me this 8th day
 of January, 2024 in my
 office at Boutte
 Louisiana.
[Signature]
 (Signature of Notary Public)



FOR OFFICE USE ONLY:

ZBA Case #: 2024-1-ZBA Property Identification #: 103700000066 Date submitted: 1/8/2024
 Receipt #: 13017149 Flood Zone: DFIRM X; X Zone Zoning District: R-1A
 Subdivision Name: St. Charles Place
 Square # _____ Lot # 66 Block _____ Property sq. ft. 6,727.7
 Code Section being appealed: App. A, Sec. VI. B [1]2.a. (Spatial Requirements)

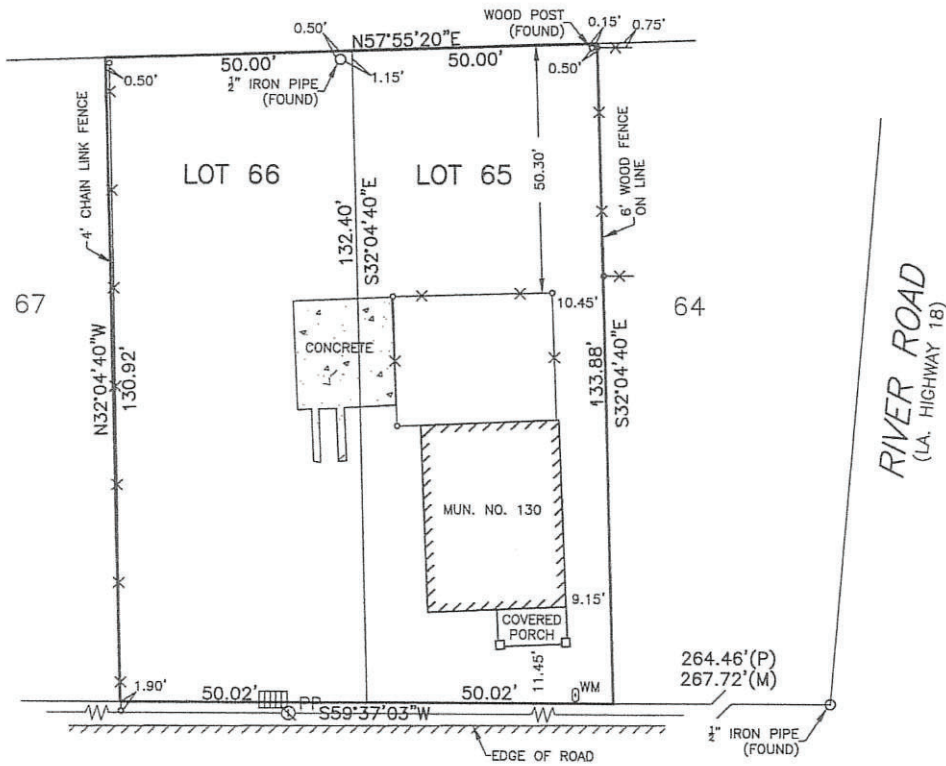
Florence Austin



SURVEY OF
 LOTS 65 & 66
 ST. CHARLES PLACE SUBDIVISION
 SECTION 27, T13S-R20E
 ST. CHARLES PARISH, LA
 SCALE: 1" = 20'



ST. CHARLES STREET (SIDE)



GOURGUES STREET
 (PUBLIC RIGHT OF WAY)

LEGEND

- = DRAIN INLET
- = WATER METER
- = WOOD POWERPOLE WITH OVERHEAD ELECTRIC
- (M) = MEASURED
- (P) = PLAN

NOTES:

- 1) THE SERVITUDES SHOWN ON THIS PLAN ARE LIMITED TO THOSE FURNISHED US AND THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES ARE REFLECTED OR SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING THE DATA FOR THIS PLAN.
- 2) THE PERIMETER SHOWN SHALL NOT CONSTITUTE A LEGAL OPINION OF TITLE, AND SHALL NOT BE RELIED UPON FOR THAT PURPOSE. THERE IS NO WARRANTY THAT IT CONFORMS TO THE LEGAL TITLE, AND WAS MADE SOLELY ACCORDING TO THE INFORMATION PROVIDED THE SURVEYOR.
- 3) CERTAIN FEATURES, I.E., FENCES, WALLS, ETC. MAY BE EXAGGERATED IN SCALE FOR CLARITY. DIMENSIONS SHOW ACTUAL LOCATION.
- 4) ALL FENCE DIMENSIONS ARE MEASURED FROM FACE OF FENCE. FENCE IS ON THE PROPERTY LINE IF NO DIMENSION IS GIVEN.
- 5) REFERENCES: LEGAL DESCRIPTION, SUBDIVISION PLAN, RESUBDIVISION OF LOTS 43, 44 & 45 INTO LOTS 43A & 45A BY LUCIEN C. GASSEN, SURVEYOR, DATED JUNE 5, 1989.
- 6) NORTH BASED ON LOUISIANA STATE PLANE COORDINATES, SOUTH ZONE.
- 7) MUNICIPAL NUMBER: 130 GOURGUES STREET, HAHNVILLE, LA 70057.

SURVEY MADE AT THE REQUEST OF LIL PUPS CONSTRUCTION, LLC.

12/11/2023

THE PROPERTY BOUNDARY SURVEY RECORDED HEREON WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS AS STIPULATED IN LOUISIANA ADMINISTRATIVE CODE TITLE 46:IX, CHAPTER 29 FOR A CLASS "C" SURVEY.

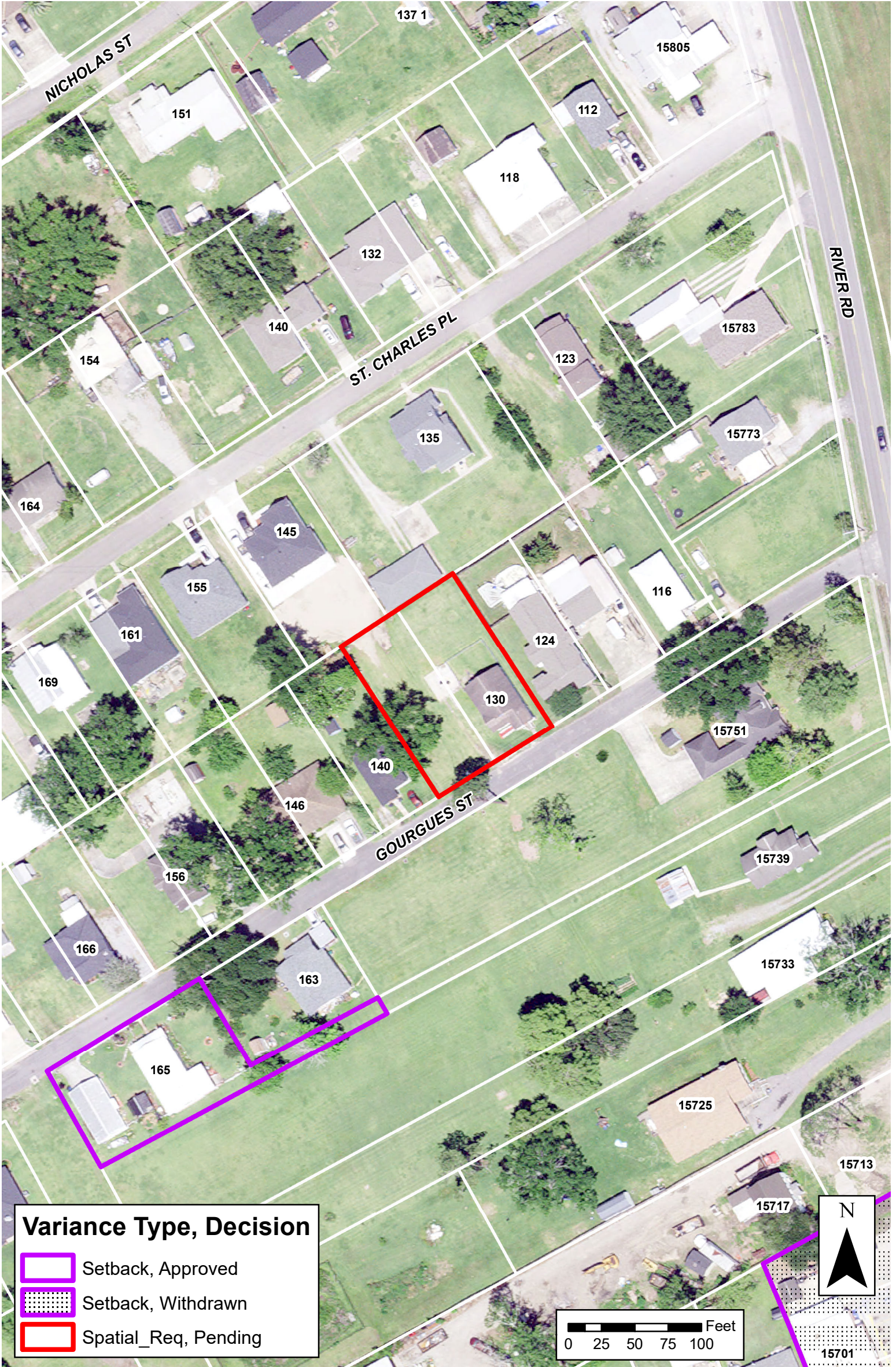
BY
 RICHARD T. DADING, P.L.S.
 LA REGISTRATION NO. 4399



McKay & Associates, L.L.C.
 ENGINEERING - LAND SURVEYING
 7216 W. Justice Peter Drive, Arabi, LA 70032 (504) 559-7503

2024-1-ZBA Biles Investment, LLC

Reduce the required minimum spatial requirements for lots in R-1A





Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-2-ZBA

GENERAL APPLICATION INFORMATION

APPLICANT / PROPERTY OWNER:

Connie Boudreaux
200 Country Cottage Blvd
Montz, LA 70068
504.905.5116; cboudreaux@allstar-electric.com

LOCATION:

Lot 59, Country Cottage Estates, Phase II; 200 Country Cottage Blvd, Montz

REQUEST:

Reduce the required rear yard setback from 20 ft. to 8 ft. 11 3/8 in. to install an attached patio addition.

SITE INFORMATION

SIZE OF PROPERTY: Approximately 15,038 sq. ft.

EXISTING ZONING: R-1A, Single family residential detached conventional homes—Medium density

SURROUNDING ZONING AND LAND USE: R-1A; the site is located in a developed single-family residential subdivision.

FUTURE LAND USE RECOMMENDATION: Low-Moderate Residential

TRAFFIC ACCESS: Country Cottage Boulevard

BASE FLOOD ELEVATION (BFE): X Zone; DFIRM X

APPLICABLE CODE REGULATION(S)

Appendix A. Section VI. Zoning District Criteria and Regulations

B. Residential districts

[I.] R-1A. Single family residential detached conventional homes —Medium density.

2. Spatial Requirements:

b. Minimum yard sizes:

(1) Front—Twenty (20) feet.

(2) Side—Five (5) feet.

(3) Rear—Twenty (20) feet.

(4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.

DEPARTMENT ANALYSIS & FINDINGS

1. On January 10, 2024, a representative reached out on behalf of the owner via email stating that the plans for an outdoor patio addition would require a setback variance.
2. On January 12, 2024, the owner submitted the variance application requesting a reduction of rear yard setbacks at 200 Country Cottage Boulevard, Montz.
3. Lot 59 of Country Cottage Estates, Phase II was platted on May 10, 2003. The atypically- shaped subject site is located on the corner of Country Cottage Boulevard and Betty Drive. The residence was constructed in 2004 (Permit No. 17591).
4. Approval of the variance would reduce the rear yard setback from 20 ft. to 8 ft. 11 3/8 in. for the placement of an attached patio cover addition.
5. The Board of Adjustments has not heard similar variance requests in the area.
6. In order to meet the zoning district requirements the applicant can redesign the patio cover to meet the rear yard setback.



ST. CHARLES PARISH
DEPARTMENT OF PLANNING AND ZONING
APPLICATION TO THE ZONING BOARD OF ADJUSTMENT
 P.O. Box 302 • Hahnville, Louisiana 70057 • (985) 783-5060 • Fax (985) 783-6447

APPLICATION FEE:
 Single-Family Residential: \$150
 All Other: \$250

Municipal Address of Request 200 Country Cottage Blvd

City Montz State La Zip 70068

Subdivision Country Cottage Estates Lot 59 Block _____ Section 6

Owner/Applicant Name Connie Tronckir Boudreaux

Mailing Address 200 Country Cottage Blvd

City Montz State La Zip 70068

Phone # 504-905-5116 Email cboudreaux@allstar-electric.com

APPLICANT TESTIMONY: Why can't your project meet the zoning regulations? The proposed rear patio addition extends into the rear setback line.

Please attach any additional information to clarify or explain your request to the Board.

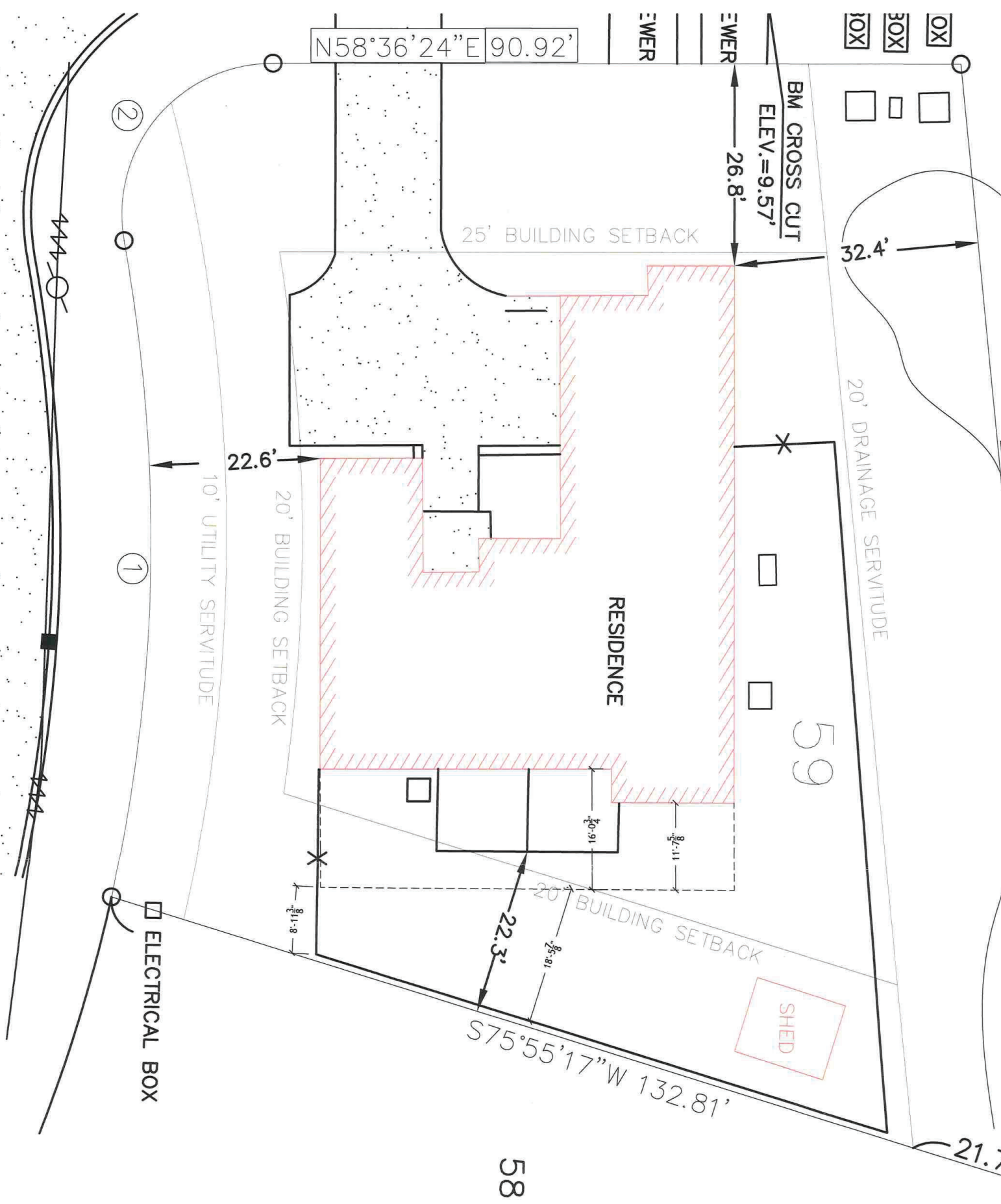
OWNER'S ENDORSEMENT: STATE OF LOUISIANA, PARISH OF ST. CHARLES

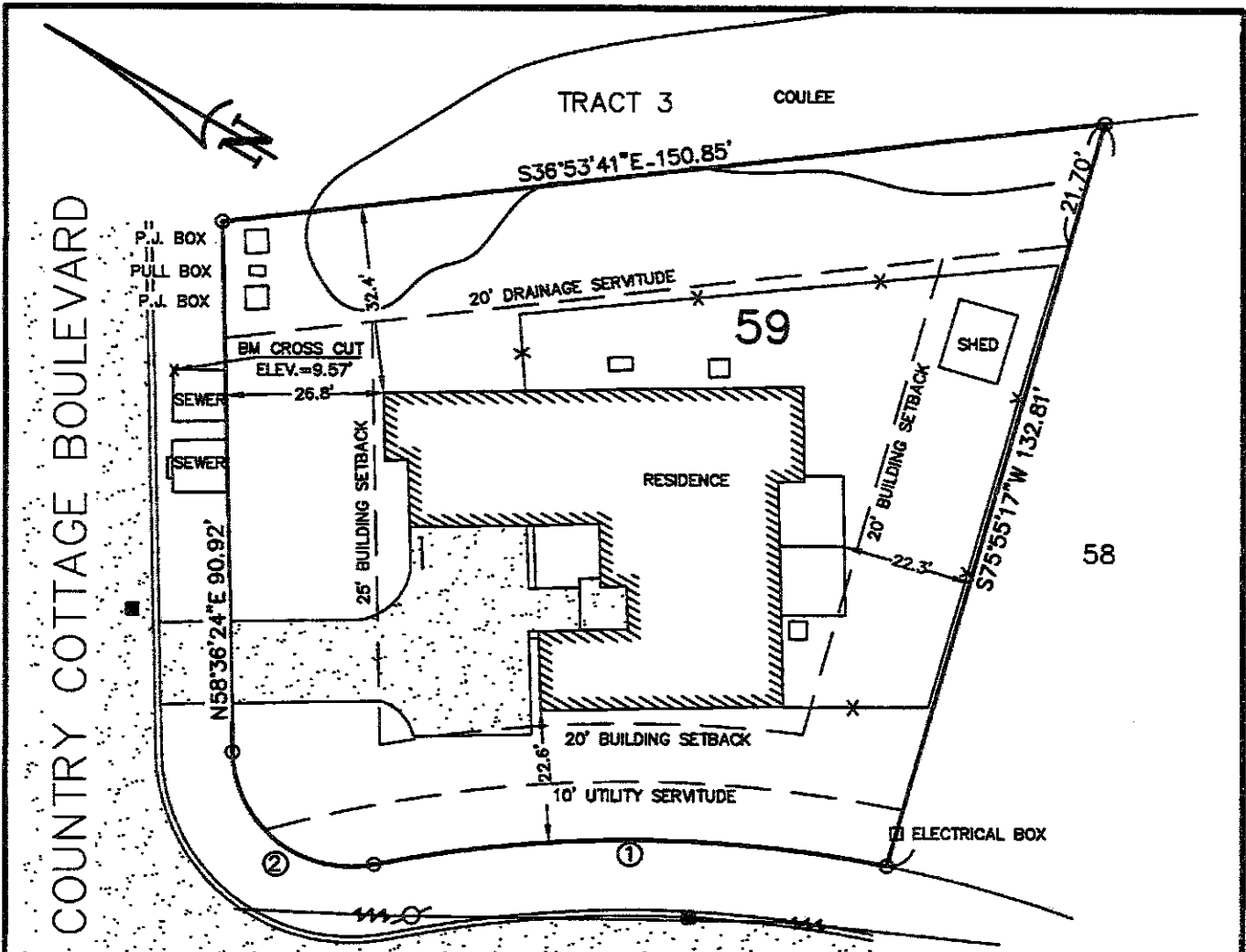
OWNER:
Connie Boudreaux being duly sworn,
(Print Name)
 deposes and states (i) that he or she is the owners of the property described in this application; (ii) that all statements contained in this application are true to the best of his knowledge and belief; and (iii) that he or she authorizes the foregoing petition.
Connie Boudreaux
(Signature of owner)

NOTARY PUBLIC:
 Subscribed and sworn to before me this 10 day
 of January, 20 24 in my
 office at La Place,
 Louisiana.
[Signature]
(Signature of Notary Public)

FOR OFFICE USE ONLY:

ZBA Case #: 2024-2-ZBA Property Identification #: 60160000059 Date submitted: 1/12/24
 Receipt #: 13023896 Flood Zone: _____ Zoning District: R-1A
 Subdivision Name: Country Cottage Estates
 Square # _____ Lot # 59 Block _____ Property sq. ft. _____
 Code Section being appealed: App. A, Sect. VI. B. [i] 2. b. (2) ~~front~~ yard setback rear





SCALE: 1" = 30'

LEGEND:

- 1/2" IRON ROD FOUND
- DROP INLET
- ⊕ POWER POLE
- POWER LINE
- ✕ FENCE

CURVE DATA:

- ① L=87.65'
R=220.00'
Ch: N30°15'15"W 87.08
- ② L=35.01'
R=20.00'
Ch: N08°28'08"E 30.70'

TITLE: SURVEY PLAT OF LOT 59 OF COUNTRY COTTAGE ESTATES, PHASE 2
SITUATED IN SECTION 6, T-12-S, R-7-E,
MONTZ, ST. CHARLES PARISH, LOUISIANA

SURVEY REFERENCE: SURVEY OF COUNTRY COTTAGE ESTATES BY RICHARD B. EDWARDS, P.L.S. DATED 5/10/2003

BASIS OF BEARING: TAKEN FROM REFERENCED SURVEY PLAT.

SURVEYOR'S NOTES:

- A. THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLIES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS B SURVEY.
- B. NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
- C. NO DITCHES, UNDERGROUND LINES OR CONDUITS SHOWN.
- D. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.

FLOOD NOTE: THE SURVEYED PARCEL IS IN ZONE "X" PER FEDERAL INSURANCE RATE
MAP NUMBER 220160-0050C DATED 6/16/1992.

CERTIFIED TO: CONNIE BOUDREAUX

MUNICIPAL ADDRESS: 200 COUNTRY COTTAGE BOULEVARD

DATE: DECEMBER 14, 2023

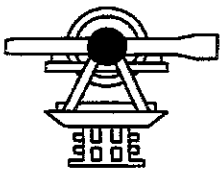
Stephen P. Flynn

STEPHEN P. FLYNN
P.L.S. LA. ST. REG. NO. 4668

DRAWN BY: KPB

DRAWING NO. MM0530_W05212

RIVERLANDS SURVEYING COMPANY



505 HEMLOCK STREET
LAPLACE, LA. 70068
1-800-248-6982
985-652-6356

2024-2-ZBA Connie Boudreaux

Reduce the required rear yard setback in R-1A





Department of Planning & Zoning
Staff Report – Zoning Board of Adjustments
Case No. 2024-3-ZBA

GENERAL APPLICATION INFORMATION

NAME/ADDRESS OF APPLICANT:

Ronald & Jeanne Jacob Jr.
108 Kerry's Pointe East
Des Allemands, LA 70030
504.202.6749; 504.427.6366
ronniejacobjr@gmail.com; jeannemjacob@gmail.com

LOCATION OF SITE:

Lot 4, Kerry's Pointe Waterfront Community Subdivision: 108 Kerry's Pointe East, Des Allemands

REQUESTED ACTION:

A waiver removing the requirement that in-ground pools must be fully-enclosed within a fence.

SITE INFORMATION

SIZE OF PROPERTY: Approximately 12,981.1 sq. ft.

EXISTING ZONING: R-3, Multi-family residential

SURROUNDING ZONING AND LAND USE: R-3 & R-1A(M); the site is located in the Kerry's Pointe Waterfront Community, a private subdivision located south of Bayou Gauche Road developed with single family homes with water access to Bayou Des Allemands. Most of the surrounding area is undeveloped, but single-family homes outside the private community are located on nearby Badeaux Lane, Bayou Gauche Road, and Beau Place Blvd.

FUTURE LAND USE RECOMMENDATION: Low-Moderate Residential

TRAFFIC ACCESS: Kerry's Pointe East

BASE FLOOD ELEVATION (BFE): Flood Zone: X & AE +4; DFIRM: AE +7

APPLICABLE CODE REGULATION(S)

Appendix A. Section IV. General Provisions

6. *Swimming pools:* No certificate of zoning compliance shall be issued for the construction of a swimming pool unless the swimming pool is to be constructed with a minimum five (5) feet clearance (excluding walkways and/or aprons) between it and adjacent rear or side property lines and with the minimum front setback of the applicable zoning district. **In-ground pools must be enclosed by a fence with a minimum height of four (4) feet. Fences shall be designed to provide complete enclosure with access gates that are operative and functional and that can be locked.** Above-ground pools must be equipped with the proper stairs, ladders, gates, or fencing, which will prevent a small child from entering the pool area.

DEPARTMENT ANALYSIS & FINDINGS

1. On December 5th, 2023, a call was made to the planning department inquiring about a variance for a fence. An application was emailed to the caller.
2. On December 15th, 2023, the applicant submitted a complete variance application requesting to waive the fencing requirement for a swimming pool.
3. Lot 4, Kerry's Pointe Waterfront Community Subdivision was first platted during a resubdivision of Lots 911 and 975 as per plan of Michael D. Bernard, P.L.S. dated May 14, 2004.
4. The homes within the Kerry's Pointe Waterfront Community are accessed via a private street. Access is also available to Bayou Des Allemands through a private common area waterway.
5. The pool is located in the rear yard of the subject site, which abuts this common area waterway.
6. As part of their testimony, the applicant referenced the 2021 International Swimming Pool and Spa Code (ISPSC) specifically item 305.6, which states:
 - *In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers*

extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.

7. Public access from the common area waterway is restricted as per the Kerry's Pointe HOA Declaration of Covenants, item 6.08, which states: "Recreational swimming by any person is prohibited in common area waterways." And the applicants have extended the required barrier beyond the water's edge as per ISPSC 305.6.
8. South Central Planning & Development Commission (SCPDC) administers building code for St. Charles Parish, including ISPSC 305.6. Planning & Zoning staff consulted with SCPDC to verify a variance could be granted from this particular requirement. SCPDC verified that it could.
9. The Board of Adjustment has heard a similar variance requests in the area.
 - ZBA-2000-36: An approved request to waive the fencing requirement for a swimming pool that abuts a waterway at 139 Edna Drive, Des Allemands.
10. To meet the St. Charles Parish Zoning Ordinance fence requirement for in-ground pools, the applicant can construct the back barrier fence to fully enclose the swimming pool.



ST. CHARLES PARISH
DEPARTMENT OF PLANNING AND ZONING
APPLICATION TO THE ZONING BOARD OF ADJUSTMENT
P.O Box 302 • Hahnville, Louisiana 70057 • (985) 783-5060 • Fax (985) 783-6447

APPLICATION FEE:
Single-Family Residential: \$150
All Other: \$250

Municipal Address of Request 108 Kerry's Pointe East

City DesAllemands State Louisiana Zip 70030

Subdivision Kerry's Pointe Waterfront Community Lot 4 Block N/A Section N/A

Owner/Applicant Name Jacob, Ronald Edmond Jr. and Jacob, Jeanne Conigliaro

Mailing Address 108 Kerry's Pointe East

City DesAllemands State Louisiana Zip 70030

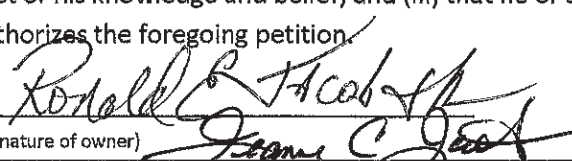
Phone # 504-202-6749 or 504-427-6366 Email ronniejacobjr@gmail.com or jeannemjacob@gmail.com

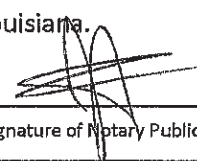
APPLICANT TESTIMONY: Why can't your project meet the zoning regulations? We would like to request Board approval for a

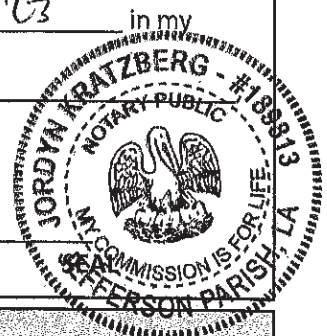
variance allowing us to forgo construction of a rear property fence barrier, as stated within the zoning regulations ISCPs 305.6: Natural Barriers. "In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18" inches (457 mm), a barrier is NOT required between the natural body of water and shoreline and the pool or spa." All gates and both side fences extending to the waterway meet the current parish code as required. The rear of our property in question abuts the edge of the Kerry's Pointe Waterfront Community privately owned canal/common waterway. Kerry's Pointe Waterfront Community is a privately owned community as all roads and common area waterways into the community are owned by the Homeowners. Access by the public is not permitted, as entrances are marked with signage as such. In addition to our privacy and safety, as stated in the Kerry's Pointe HOA Declaration of Covenants, 6.08... Recreational swimming by any person is prohibited in common area waterways.

Please attach any additional information to clarify or explain your request to the Board.

OWNER'S ENDORSEMENT: STATE OF LOUISIANA, PARISH OF ST. CHARLES

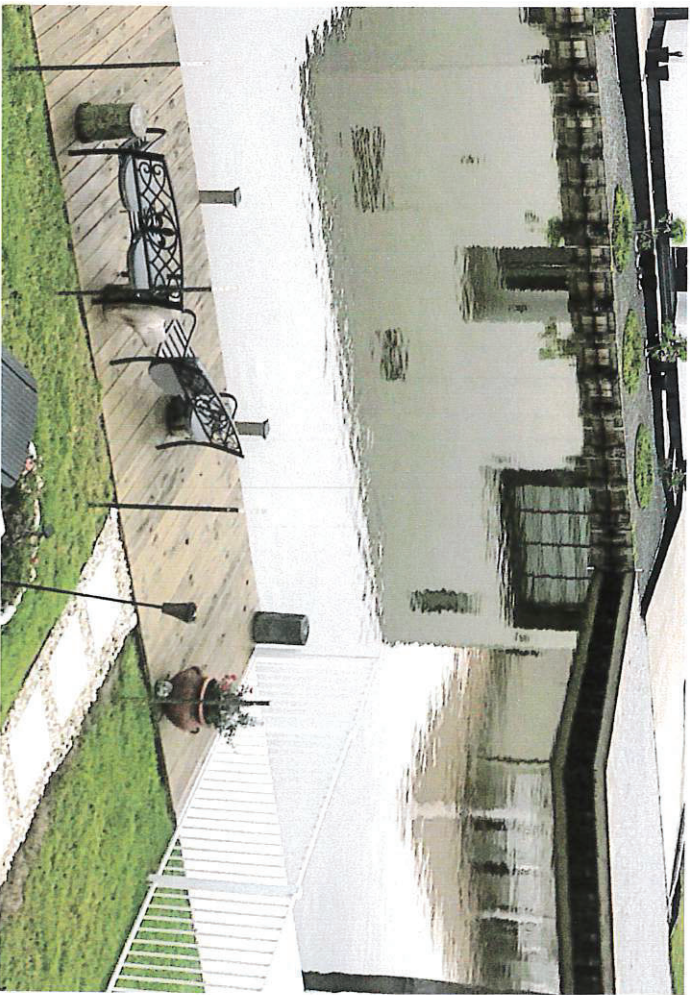
OWNER:
Ronald E., Jr. and Jeanne C. Jacob being duly sworn,
(Print Name)
deposes and states (i) that he or she is the owners of the property described in this application; (ii) that all statements contained in this application are true to the best of his knowledge and belief; and (iii) that he or she authorizes the foregoing petition.

(Signature of owner)

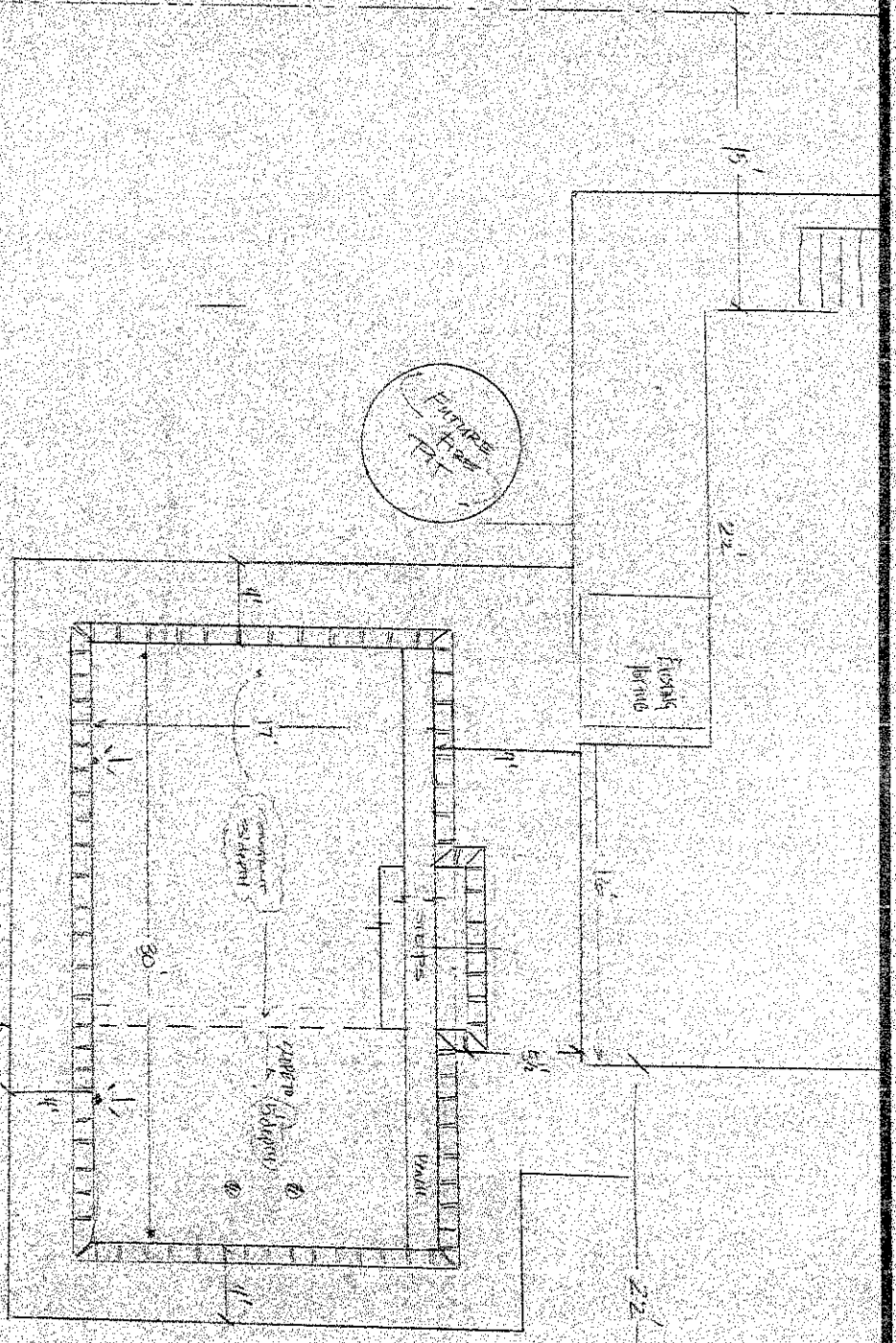
NOTARY PUBLIC:
Subscribed and sworn to before me this 15th day
of December, 20 23 in my
office at Boutte
Louisiana.

(Signature of Notary Public)



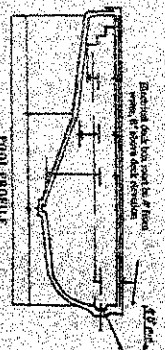
FOR OFFICE USE ONLY:

ZBA Case #: 2024-3-ZBA Property Identification #: 405100000004 Date submitted: 12/15/23
Receipt #: 13043278 Flood Zone: AE+7 Zoning District: R3
Subdivision Name: Kerry's Pointe Waterfront Community
Square # _____ Lot # 4 Block _____ Property sq. ft. 12,981.1
Code Section being appealed: Section IV. c. Swimming pool - fence





UNITS
FEET



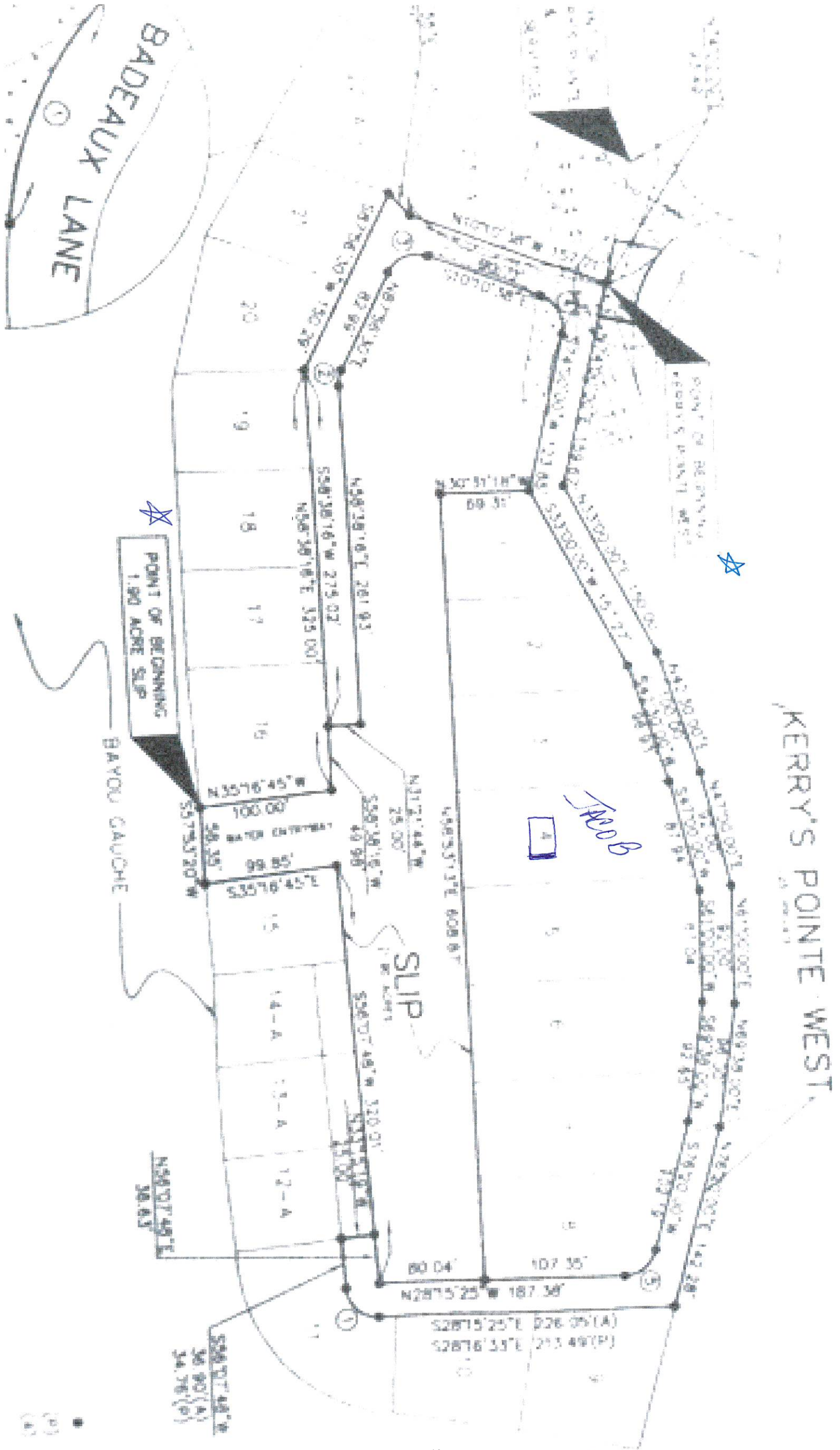
GENERAL SPECIFICATIONS

SIZE	AREA
DEPTH	PERIMETER
SHAPE	
CORING	
TILE	
PUMP	
FILTER	
BACKWASH	
SKIMMERS	
RETURN(S)	SIZE
HEATER	BTU
GAS LINE BY	VENTED BY
LIGHT	
ELECTRIC BY	
TIME CLOCK FOR POOL PUMP	
AUTO POOL CLEANER	
AUTO CHLORINATOR	
BOARD SIZE	COLOR
BOARD SUPPORTS	
LADELS	
SLIDE MODEL	CURVE
ROPE ANCHORS	COLOR
DECK	COL. FT.
FINISH	
SUB-SURFACE DRAINAGE	FT
DRAIN LOS	DOWN BROUT
DECK DRAIN	FT.
GPA	BLOWER
THERAPY JETS	
MAIN DRAIN	RETURN
ALL GAS LINES RUN BY OWNER.	

OWNER: [blank] POOL AREA TO BE [blank] IN THE EVENT OF A [blank] DISAPPEARANCE BEHIND [blank] BY OWNER [blank] SCALE [blank]



NAME: [blank]
 ADDRESS: [blank]
 CITY: [blank]
 HOME PHONE: [blank] BUS. PHONE: [blank]



BADEAUX LANE

KERRY'S POINTE WEST

POINT OF BEGINNING
1.90 ACRE SLIP

BAYOU GAUCHE

SLIP

TACOB

0
10
20

DECLARATION

*

UNITED STATES OF AMERICA

BY Kerry's Pointe L.L.C.

*

STATE OF LOUISIANA

AMENDMENT OF COVENANTS, CONDITIONS & POINTE WATERFRONT COMMUNITY

*

PARISH OF ST. CHARLES

RESTRICTIONS FOR KERRY'S

** See page 8*

BE IT KNOWN, that on this 12th day of the month of January 2011 before me Leon C. Vial III, a Notary Public, duly commissioned and qualified in and for the Parish of St. Charles, Louisiana, and in the presence of the undersigned competent witnesses.

PERSONALLY, CAME AND APPEARED: **Kerry's Pointe Homeowner's Association, Inc., duly represented by the undersigned members**, whose permanent mailing address is 21 Patricia Court, Luling, Louisiana, 70070, (Hereinafter referred to as the "Association"). WHEREAS, Association is the owner of Kerry's Pointe Waterfront Community, Sections 10 & 38 T 15 S, R 20 E, St. Charles Parish, state of Louisiana, which is more particularly described on the Final Plat, dated May 14, 2001, attached as Exhibit A (the Property").

WHEREAS Declarant desires to provide for the preservation of the values and amenities in said residential community and to this end, desires to subject the Property to the covenants, building restrictions, servitudes and charges hereinafter set forth, each and all of which is and are for the benefit of said Property and each Lot Owner.

NOW, THEREFORE, in accordance with La. Civil code Article 775, *et seq.*, and La. R.S. 9:1141.1, *et seq.*, and 9:1145, *et seq.* and in order to assure and maintain a uniform high quality in the grounds, buildings and improvements in the Property, and to afford joint protection to all parties, present and future, who purchase and own property therein, the declarant hereby establishes and imposes the following building, use and subdivision restrictions and protective covenants as charges affecting the Property:

**ARTICLE I
DEFINITIONS**

Section 1.01 When used in these Covenants, unless the context shall prohibit or otherwise require, the following words, shall have all the following meanings and all definitions shall be applicable to the singular and plural forms of such items

- (a) "Architectural Control Committee" shall mean and refer to the committee which shall be appointed by the Declarant to approve exterior and structural improvements, additions, location of structures and changes within the Development, to approve boats, all as provided in these Covenants.
- (b) "Assessment" shall mean and refer to an Owner's share of the Common Expenses or other charges from time to time assessed against an Owner by the Association in the manner herein provided.
- (c) "Association" shall mean and refer to the Kerry's Pointe Waterfront Community Homeowners Association.
- (d) "Board of Directors" or "Board" shall mean and refer to the Board of Directors of the Association, which is the governing body of the Association.
- (e) "By-Laws of the Association" or the "by-Laws" shall mean and refer to those By-Laws of the Association which govern the administration and operation of the Association, as the same may be amended from time to time.
- (f) "Common Area" shall mean and refer to all real and personal property now or hereafter owned by the Association or over which the Association holds a servitude for the common or restricted use and enjoyment of the Owners. Included within the Common Areas are portions or all of the waterways, boat launch, maintenance and sewer areas, roads, streets, parking lots, walkways, sidewalks (if any), the street lighting (if any), and signage, as may be designated from time to time, except those areas across Kerry's Pointe East (a private driveway) from lots 10-15 inclusive, that lie along the bulkhead fronting on said lots and extending 20' into the water fronting said bulkhead (These specific areas opposite lots 10-15 are for the exclusive use of those lot owners in proportion to their respective fronts on said bulkhead). The Common Areas to be owned by the Association or over which the Association shall hold a servitude at the time of the conveyance of the first Lot to an Owner other than Developer, are those tracts or parcels of land shown on the Subdivision Plat, less and except the individual Lots and which are designated as such by the Developer. The designation of any land and/or improvements as Common areas shall not mean or imply that the public at large acquires any servitude of use or enjoyment therein.

making and enforcement of regulations and rules related thereto to the Association. Prior to the assignment by Developer to the Association of responsibility for the making and enforcement of regulations and rules relating to the Common Areas, Developer retains all rights in connection therewith, regardless of the ownership of the Common Areas at issue. Subject to those rules, regulations, fees and charges, every Owner and his family, tenants and guests shall have and is hereby granted the non-exclusive right, privilege, and servitude of access to and the use and enjoyment of the amenities as are now or hereafter located in the Common Areas, except those areas opposite Lots 10-15, inclusive as outlined in Article 1.01 (f) above. An Owner may assign to the tenant of his Lot or Dwelling such Owner's right of access to and use of the Common Areas so that such tenant, his family and guests shall be entitled to the access to and use of the Common Areas so that such tenant, his family and guests shall be entitled to the access to and use and enjoyment of the Common Areas on the same basis as an Owner and his family and guests.


Section 6.02 Boathouses: Boathouses or similar structures may be constructed by the owners of lots, upon the Common Element waterway that is contiguous to their lot, upon obtaining prior approval, in accordance with the above procedure, from the Architectural Review Committee. Said boathouses or similar structures shall not hinder navigation within the Common Element waterway, shall not have enclosed sides except for lattice or screen as approved by Developer or Architectural Review Committee, and shall not exceed at their highest point a height of twenty (20) feet above mean sea level. The highest point shall include but is not limited to any handrails, roofline, antennas or any other structure or attachment. *All boathouses whether on Bayou Gauche or in the common element waterway must be architecturally compatible with the main dwelling, built of like materials and submitted to the Architectural Review Committee for approval All boathouses must be properly maintained.* All boathouses or similar structures built upon the Common element waterways must be constructed so that the lengthwise dimension shall be parallel to the line of the bulkhead. No portion of any boathouse or similar structure, including but not limited to edges of roofs or other overhangs, shall extend out into any Common element waterway for a distance of greater than twenty-five (25') feet from the line designated as "Vinyl Bulkhead" on the Plat or allow any support piling that touches the water to be further than twenty (20') from the bulkhead. All boathouses built on Bayou Gauche must conform to the rules and regulations of the Army Corps of Engineers. No boathouse or similar structure built on lots 1-24 shall be constructed or extended to within five (5') feet of one side boundary line and twelve (12') feet to the other boundary line of that lot, whether a boundary line in the water, a boundary line at the intersection of the bulkhead or the water or a boundary line on land. This prohibition against encroachments includes but is not limited to any wharfs, sheds, docks, pilings rooflines or any other structures in, under or above the water. No boat shall be berthed perpendicular to the bulkhead within five (5') of a Lot's side boundary. However, adjacent owners may, temporarily, mutually agree to waive the requirements of this section, but such temporary mutual agreement does not alter the requirements of this section at such time that either adjacent owner desires they be met.

Section 6.03 Commercial Vessels Prohibited: No commercial vessels may be docked or moored on any lot in the Development. This prohibition includes but is not limited to commercial shrimp, crab, fish, and oyster vessels (defined as vessels bearing oyster harvesting equipment, nets or which typically bear nets that require permits or licenses from any governmental agency), tugboats, lift boats, barges, airboats, other commercial boats and vessels traditionally used in the support of the offshore oil and gas industry, such as utility and supply boats, or commercial charter inland or offshore fishing boats.

Section 6.04 Mooring Devices: No owner shall place any permanent anchor or mooring device in the Common element waterways without the prior written approval of the Developer or the Architectural Review Committee. All mooring devices must be completely clear and independently separate from the proposed vinyl bulkhead. Pilings and/or independent bumpers must be installed in front of the proposed bulkhead to prevent any watercraft from coming in contact with the bulkhead.

Section 6.05 Operation of Watercraft: No owner, member of his family, guest, or servant shall operate any boat, vessel, or other watercraft upon the Common element waterways in a reckless or dangerous manner, or at a speed of greater than 5 miles per hour or while under the influence of any intoxicating chemical substance.

Section 6.07 Docking of Watercraft. No boat or vessel shall be docked or moored in the Common element waterway onto the exterior of any boathouse or similar structure in any manner whatsoever. No owner of any lot in the development shall allow any boat, vessel, or watercraft to be moored or docked which is of an unsightly appearance, or in a deteriorated condition, which is likely to cause damage to the docks and/or wharves, or which is a menace to navigation. In case of dispute, the Developer, or the Association following the delegation of authority thereto, shall determine whether any boat, vessel or watercraft is of an unsightly appearance, deteriorated condition, or a menace to navigation. The appropriate authority may, however, approve any such vessel to be moored or docked on a temporary basis. No boat or vessel docked exceeding in length seventy-five (75%) of the lot's water frontage may be docked at a Lot fronting the common area waterway. *No vessel including but not limited to houseboats and sail boats shall permanently dock in the development if the owner of said houseboat does not have a single-family residence in Kerry's Point Waterfront Community without approval of the Board of Directors of Kerry's Pointe Homeowners Association. No boat or vessel docked at Kerry's Pointe whether on Bayou Gauche or in the Common element waterway is permitted to serve as a residence.*

 **Section 6.08 No Swimming:** Common element waterways are to be used for navigational purposes only. Recreational swimming by any person is prohibited in the Common element waterways.

Section 6.09 Maintenance (Bulkhead): Each owner of a Lot is responsible for the maintenance and upkeep of that portion of the vinyl bulkhead within each owner's respective Lot and any repairs that need to be performed shall be so performed at that Lot owners' sole expense. The Developer or Association reserves the right to inspect

2024-3-ZBA Ronald Jacob

Waive the fencing requirement for a swimming pool

