

Commissioner Booth: Last item on the agenda tonight is PZS-2018-34 requested by Lisa Fontenot & Sandra Robert for a resubdivision adjusting a side lot line and a waiver to the minimum lot size requirement at 147 & 159 Zeller St., Ama. Zoning District R-1A. Council District 2. Yes ma'am, Ms. Stein.

Ms. Stein: Thank you Mr. Chair. This applicant is proposing a minor subdivision. It would correct a discrepancy that's existed since 2007 between the meets and bounds description of both of these lots which are currently, actually not even designated in the meets and bounds legal descriptions in their deeds by any type of lot number, they're actually a portion of Lot 3 and have been sold separately since I think the '70's. In 2007 we did process an application to divide this Lot No. 3 into the 2 lots that were 81 ft. wide for the house numbered 147 and 69 ft. wide for the house number 159. Before those property owners could sell the 19 ft. strip that was the subject of that resubdivision, the property owner at 159 went into foreclosure and the deed that existed before the property is resubdivided is what was foreclosed upon and what was sold and transferred. The wife of the owner of that property is here today and can talk about it some more. The owners of the property at 147 attempted to reclaim that 19 ft. on paper and to correct the deeds and correct this problem in 2009. The application came before the Planning & Zoning Commission, we were almost there and the property owner involved the person that owned the property at 159 who seemed to not support the request at the very last minute. It sat on the table for several months and finally died. The plat that was submitted at that time expired. A plat is good for one year. There are a number of different reasons why a survey plat that is not executed is valid for one year, can't come back with a survey that's 10 years old and request resubdivision of the property. The house at 147, my understanding, it was up for sale recently, this problem was discovered by a title company, the act of sale didn't go through, everybody was surprised, the problem came up again, this is the remedy. We do have the revised plat, it is dated within a year and it's ready to be executed. Unfortunately, at this time we are still lacking the notarized endorsement of one of the property owners, the property owner at 159, his wife is here and may be able to talk to you, but what we're asking is to please approve the subdivision contingent upon getting his notarized endorsement of the request which we're working really hard to get. The request would require approval of a waiver from the required 60 ft. width and 6,000 sq. ft. area for proposed Lot D-2-A, which is house #159.

Commissioner Booth: Thank you ma'am. Public hearing for PZS-2018-34, Lisa Fontenot and Sandra Robert for resubdivision adjusting the lot line, a waiver for the minimum lot size at 147 and 159 Zeller St., Ama. Anyone here to speak for or against this issue? Come up one at a time please. State your name and address for the record.

Lisa Fontenot, 228 Pat's Court, Ama, La. I think I know the most. I think I understand the most out of the whole situation. We actually did in 2010 when the Veillon's bought my house, my aunt had been signed a paper that said they would pull the fence down, that was actually there, I don't know if Planning and Zoning had ever known a fence had been put up by Mr. Ruckman, but we did have Joshua Veillon's signature notarized at that point in time, I actually left that paper in the car, thinking we might not need it but if it helps us get there a little faster maybe we can do that. Our deal was, try to understand that this was a very small area, the street, we measured today is 9.5 ft. wide and we went through all of these things for the square footage and stuff in such a small space. This whole area is going to run into this problem over and over again as time goes by. So we're just hoping to be able to get this done. This estate belongs to 5 people, it's already been too long that we've been trying to sell it. We definitely hope for some kind of approval tonight that we can go ahead with the sale. Do yall have any questions that maybe I can answer?

Commissioner Booth: Thank you ma'am. Next. State your name and address for the record please.

Dwan Veillon, 159 Zeller St. My husband purchased the house before we got married so my name is not on the deed, but he is working in Omaha, NE right now. He works 7 days a week and doesn't get time off unless he is ill so it is very hard for us to try to find any accommodation for him to get anything notarized but I do have our deed from

buying it and I just want to let you know that this is the map that he purchased and he is not asking for any of the extra land, he is completely fine with what he purchased, the 50x82, not the 69. So we have no objections to anything, he has no objections to anything of them reclaiming the land at all.

Commissioner Booth: Ok. Any questions?

Commissioner Galliano: How's the parking, if you put the parking lot right next to that shed, you would have room to park?

Ms. Veillon: I have an intsy, wintsy little car so my car can fit, but the 7 years we've been there, 147 was rented so we just kind of used the space as communal parking but as of right now we'll just have to make due with what we have. Our only concern as the owner is when we purchased it, we didn't have any flags or anything that actually showed us what we purchased so our water meter is flat dead center of our property line next to E-1, so we were kind of concerned about what to do about that because I don't know if our water meter can be on two properties but it's situated, I have pictures that I took before I left, but the flag is right smack in the middle of the water meter. And then also the shed, where the 4-2 is on the side of the red line, there's an overhang and about 1.5 of the overhang is on our property so the man who owned the house before we bought it put a fence along the top and on the little bitty line above the shed and then it wraps around the bottom of the shed onto our property. We have removed all of the front part of the fence and the only fence now is behind the shed and on the back of our property. So when he signed the paper saying to remove the fence, we had the understanding that if the property ever sold that we would have to remove the fence and we have no problem with that but our problem now is where do we put our fence on our property since the overhang on the shed and the cement from the shed is on our physical property. So we had that question and he said since I was here in front of you guys maybe try to ask that, I don't know if that's something for later. But as of the ownership of 19 ft. we do not stake claim to it because we did not purchase that when we purchased the house.

Commissioner Booth: Thank you ma'am.

Ms. Veillon: Thank you.

Commissioner Booth: Yes ma'am. Would you state your name and address for the record.

I'm Sandra Robert, I live at 3202 Stage Road, in Morton, MS. As far as the shed goes, we have talked about it and we have no problem with taking the shed down completely.

Commissioner Booth: Ok. State your name and address for the record please ma'am.

My name is Melanie Robert Calendar, my mother is where it says Newton J. Robert on this side of the map. We don't have a problem with where the line is, that's between those guys; this is alike a family tract but our problem is that we feel like the stakes that were put for the survey is in my parent's yard. So I have a meeting now with the surveyor on August 10th. I don't know if the person buying the property will honor what we have always believed was the property line, I don't know what's going to happen but that's my issue and I just wanted that on the record that we have a problem with the property line.

Commissioner Booth: Ok thank you ma'am. Any other questions or comments from the Commission?

Ms. Stein: I can answer the question for parking, which is a good question. The requirement for off street parking space is 19 ft. deep and 8.5 ft. wide. House 159 is 21+ feet away from the street edge so it meets the required 2 parking stalls, it can, even as the site is developed with those feet towards the front.

Commissioner Booth: Ok. Any other questions or comments?

Commissioner Granier: Marny tell me about the 19 ft. again, I got lost somewhere in the deed and the foreclosure.

Ms. Stein: It's a long story

Commissioner Granier: it was originally 19 ft. to the left of the red line?

Ms. Stein: Correct. So there's a dashed line that's long dashes, there's a hatched out 82, that is where the legal lot of record line is. When this Planning Commission creates a lot of record, it's legal, it's real and it exists and it's the property owner's responsibility to get their legal descriptions to match that; they didn't get the legal descriptions to match that and that would have occurred with an act of sale of 19 ft. and a reference to that map with a title company or a lawyer or at an act of closing.

Commissioner Granier: When did it not get

Ms. Stein: 2007 was when the subdivision occurred, by 2009 the lot numbered 159 was foreclosed upon and its legal description was still 50 ft. wide. I can't really answer what happened with the property owners, why it didn't transfer. It is an old family property, it's a family tract, the actual tract is described as fronting on River Road and coming back so there's a lot of family properties here that are kind of cut out of it and not actually resubdivided, they were just sold from one to the other. Like Mrs. Newton Robert was explaining this problem is kind of common on these long tracts.

Commissioner Booth: Any other questions or comments?

Commissioner Granier: The original lots were how wide x how deep?

Ms. Stein: 81 ft. wide, sorry 150 ft. wide x 82 ft. deep around the house numbered 147, but it was not called lot D-1, it's just an area of ground, a portion of lot 3 in Ama. The other property was 50 ft. wide by 82 ft. deep and that was the house numbered 159.

Commissioner Galliano: It was 69 ft. by 82

Ms. Stein: That's what they resubdivided it to in 2007 it became 69 ft. wide for 159 and 81 ft. wide for 147 and you'll see that's the hatched out numbers on the inside of the property line.

Commissioner Booth: You have to come to the microphone please ma'am. I'm sorry. State your name one more time for the record.

Lisa Fontenot, 228 Pats Court, Ama, La. Y'all seem like you're skipping over a step here. The original property back in 1879 was 150 ft., it was sold off of a tract that my grandfather bought or was given. In 1953 it was divided, it was subdivided to give my uncle 50 ft. so then the property became 100 ft. x 82 ft. and then 50 ft. for my Uncle Andrew at 50 ft. x 82 ft. which was fine. His niece inherited the property in '98 when our aunt died. Her husband and her put up something, mortgaged something and lost it. Prior to them losing it my aunt tried to give them a little more space for parking purposes and just in general they were family. She did not realize that she needed to go through certain procedures, she gave them this 19 ft. not understanding that she couldn't just come to Planning and Zoning and make the design on the paper and get it approved, neither followed through, neither bought it, neither donated it, either way nobody did anything. So it sat right there. So in 2007, they're going through all of this foreclosure threat, they come to Planning and Zoning, my aunt comes to Planning and Zoning, she tries to come and do this, now we're really unaware this is all going on and we're all owners already, but she comes to Planning and Zoning and she does all of these things and then she gives the property to the niece. She comes back, finds out they're going to lose it a couple months later and then restart this other process that came through, I think Marny was here through the whole thing and they got denied, she did not follow up with another meeting as far as I understand and in 2010 this came to the table after Robert Ruckman bought this through the sheriff's sale, sheriff's sale sold this property at

50 ft. by 82 ft. Again, we went through the Clerk of Court's office, the paperwork stated the same thing, that man bought it for that. When he found out, and I don't know at what point he found out, because we did not know that this was illegal until we tried to sell it this year, that this was even an issue. So their title company 3 times didn't go through the process of finding out what was really right at 159 Zeller St. or it was never marked properly, only from Planning and Zoning on 147 Zeller St. and nothing showed up at 159 Zeller St. from Planning and Zoning, so you see what I'm saying, it changed both lots legally in the Clerk of Courts office but it didn't change their to where it affected them. It changed ours to read 81 ft. Therefore it looks like to us there's 19 ft. sitting there and nobody really owns it but it's still on the property taxes, it still all goes on 147 Zeller St. because nobody bought it and nobody donated it. So we just think this could be thrown under the table since the people were not aware of what they were doing or nobody gave them the steps, whatever the excuse was, it didn't get transferred and we're just looking to transfer it back. So it did get changed in 1953 and then from there it started rumbling from 2007, but still when they owned it, they bought 50 ft. and they understand that and they actually just got a nice appraisal on the house and property just as it sits. So I really don't see any problems but I did want yall to understand the history of it and that was something that somebody was doing that was unaware of the process that needed to be done.

Commissioner Booth: Ok. Thank you ma'am.

Mr. Albert: I believe the applicant's don't object to the proposal on the application, the department's recommended approval. You have a couple of things, you have a complicated project where you have an issue with transfer of ownership and documents that weren't finalized in the past. The proposed actions here remedy all of the issues, problems and challenges from the past so I think despite the long history of the property, the solution put forth in the application assuming all the documents are signed and everything is recorded as promised and the submission will finally put this issue to rest.

Commissioner Booth: Thank you sir.

Commissioner Frangella: One question is how do we handle the part of the shed on the other property? So is it written anywhere? I know people agree to it but where would it be written that the property would return back?

Ms. Stein: I don't have anything.

Commissioner Frangella: It would be a recommendation? I mean how do you handle that part?

Ms. Fontenot: We didn't want to tear it down but since the property was under contract for sale, we didn't want to just do it without their permission and we didn't find out about his until after they agreed to the sale.

Commissioner Booth: Ok. Thank you. Any other question or comment? Call for the vote.

Commissioner Petit: Billy just for the record, I'm pretty sure my family has some ownership in this so I'm going to abstain.

Commissioner Booth: Ok.

YEAS: Gordon, Granier, Booth, Frangella, Galliano
NAYS: None
ABSTAIN: Petit
ABSENT: Richard

Commissioner Booth: Mr. Petit abstain, Mr. Richard not here