



Minutes

December 15, 2016
Alexandria, Louisiana

The City of Alexandria Board of Adjustments and Appeals (BAA) met in the City Council Chambers at 4:00 P.M. on Monday, October 10, 2016 pursuant to a request for a "SPECIAL EXCEPTION."

- PRESENT: Mr. Mike Bordelon, Chairperson
 Mr. Jack Hodges
 Mr. Tim Dousay
- Ms. Jamie Yaeger, Zoning Analyst
 Mr. Robert "Bob" Bussey, Legal Counsel

ITEM #1: The application of Rod Noles, requesting a SPECIAL EXCEPTION of City Code Section 28, Article 2, Family, to allow an increase in the number of persons living together as stated in the definition of family for reasonable accommodations under The Fair Housing Act. This property is located at 4115 Earl Drive ---Lot 8 & Lot 7, BLK.C, DESELLE SUB(1316 IMP 11434)---(CB 534-5)(CB 1734-856 SUDDN: JOHNSON)(CB 1913-329 JOHNSON)(CB1923-410 CORRECTION)(CB 1950-569 MARK A GRAVEL PROPERTIES LLC)*PARCEL I.D. # 24-84-2510-38*** Alexandria, Rapides Parish, Louisiana, located within the zoning district zoned as "SF-2," Single Family Moderate Density District.**

MR. BORDELON: We'll go ahead and call the meeting to order. This is the Alexandria Board of Adjustments and Appeals and we'll take roll call, please.

MS. YAEGER: Yes, sir. Mr. Mike Bordelon?

MR. BORDELON: Here.

MS. YAEGER: Mr. Jack Hodges?

MR. HODGES: Here.

MS. YAEGER: Mr. Tim Dousay?

MR. DOUSAY: Here.

MS. YAEGER: We have a quorum.

MR. BORDELON: Okay. We have one item on our - before we get started, Renee is our court reporter and if you would hold down all sounds out in the audience because it feeds back to her and then when she's trying to type up her report it makes it very, very difficult.

MRS. BREWER: Excuse me, Mr. Bordelon. If you'd like - can I just say something?
I'm Delores - I'm asking the very thing ..

MR. BORDELON: Sure.

MRS. BREWER: .. violating the very thing I'm going to ask is, if you do want to speak we're going to ask you to come to the podium and give your name and address because of that.

MR. BORDELON: Yes.

MRS. BREWER: Sometimes we don't get the person's name and address and we don't know who they are when we start transcribing so.

MR. BORDELON: Right.

MRS. BREWER: Thank you.

MR. BORDELON: Okay. We'll go ahead and get started. The item - the only item we have today is the application of Rod Noles requesting a special exception of the City Section 28 Article 2 Family to allow an increase in the number of persons living together as stated in the definition of family for reasonable accommodations under The Fair Housing Act. This property is located 4115 Earl Drive Lot 8 and part of Lot 7 Block C Deselle Subdivision, Alexandria, Rapides Parish, Louisiana located within the zoning district zoned as SF-2 Single Family Moderate Density District. There was a resolution that was filed along with the application from Mr. James Moody. You have it and it'll be in the record and it's

basically the resolution authorizing the shareholder and property manager, Rod Noles, to speak on behalf of Ballina Investment Incorporated and - at this meeting and so we'll file that as well. For the record, family, I'm going to read this, this is the definition from the - the definition in general terms of - for the city of Alexandria. Family means one or more persons who are related by blood or marriage living together and occupying a single housekeeping unit or a group of not more than 6 single persons living together and occupying a single housekeeping unit. The usual domestic servants residing in the premises shall be considered as part of the family. Special exceptions to the definition of family may be requested pursuant to Section 9.7 for reasonable accommodations under The Fair Housing Act. And Mr. Noles, if you're ready, if you'll go to the podium.

MR. NOLES: Thank you.

MR. BORDELON: And state your name and address and your request, please.

MR. NOLES: My name is Rod Noles. My house address is 4309 Wendover, Alexandria. My business is 4615 Parliament Drive. I've timed my presentation, it's less than 5 minutes which is unusual for me. So, my apology for the lack of presentation by the landlord or The Oxford House at last month's meeting making a second meeting necessary. We didn't know that would happen. We thought the application spoke for itself but I'm happy to be here tonight. I'd like to begin with just a very short story from a book titled, The Spirituality of Imperfection. A certain priest had dedicated his life to working with drug addicts. And one night following a very difficult in what he deemed an unsuccessful day the priest went down in deep prayer and cried, dear God how is it that a loving creator can see such things and yet do nothing about them. And out of the long silence, God said, I did do something about them, I made you. I did do something about them, I made you. My wife and I have personally witnessed the beauty of redemption. Our son is a recovering drug addict. Jeff's been drug-free for 10 years. Jeff is

now a certified addictive rehab counselor at Palmetto in Rayville, Louisiana. Part of Jeff's recovery was time spent living with other men going through the next stage of the recovery process. I've been searching for ways to give thanks to my higher power for the miracle of our son's recovery. I'm becoming a landlord for The Oxford House and their clients is one step in that direction and I make absolutely no apologies for that. The Oxford House's organization had zero desire to file an application for reasonable accommodation. The Oxford House argued with the City and their staff that it was not legally necessary to file such an application and attend a public hearing. Now, after the city employees threatened to disconnect utilities if Oxford House failed to file an application they made the decision to move forward with the request for reasonable accommodation and that's why we're here before you tonight. The house that we're asking for this accommodation is 4115 Earl Street it's located in the Deselle subdivision. We have ownership of three homes in Deselle subdivision. 4212 Earl Street, just across the street a few doors down and 308 Eola just around the corner. Our cumulative investment in Deselle subdivision is a little less than half of a million dollars. If we thought providing housing for recovering sick people would have a negative effect on values why would we de-value our own property. There's a halfway house for mentally handicapped located on my street in Charles Park. Marilyn and I both welcome these mentally handicapped residents as our neighbors. We refuse to join some of the homeowners on our street in protesting their presence. This board granted a variance for Wendover Boulevard. I agree with your decision. I also disagree with the City Administration the application for Wendover was even necessary. The men at 4111(sic) Earl Street would also be welcomed as my neighbors. Except for the grace of God, there go I. Now, I can understand why good people would disagree with me on these two points. Number one, this such housing does not affect values in a negative way. Number

two, we should welcome people on their way to recovery as our neighbors. I completely understand how good people could disagree with those two points. The only problem I've been aware of at 4115 Earl Street is when a group meeting with several cars parked on the front street are very similar to what would've happened at a large family Thanksgiving dinner at your own home. For future meetings of this type we have offered the conference at our office. Another large gathering at 4115 Earl Street will not happen again. No one called me to complain. Something interesting in marketing 4115 Earl Street, our sign advertising the property for rent constantly disappeared. I replaced the sign no less than six times myself. However, the sign announcing this public meeting remained in the front yard at 4115 Earl Street for more than 60 days. The residents there did not remove a sign that advertised that their kind were not welcomed in this neighborhood. Now, why are we here tonight? Why were we here last week, last month - why were we here last month? The Administration was taking political heat from organized and an influential group of good people living in the Garden District. The Administration decided to put this decision before your Board ensuring that, politically, they would have clean hands no matter the outcome. If this Board grants approval in this application just like you did on my street in Charles Park the Administration can hide behind the independent Board's granting what they claimed as a necessary exception to City codes. If the Board rejects the application, The Oxford House wins their suit or their appeal with HUD overturning this decision, the Administration can say, we tried to stop the request of accommodation but we lost in court. As I appreciate it, these residents are a part of protected class under Federal law. If Oxford House does sue and I feel confident they will, the Administration can blame the Board of Adjustment and Appeals for the legal fees and the court costs necessary to defend this anticipated lawsuit. Now, that shifts the facts, that's why you're here. Should

The Oxford House decide not to sue or if the Oxford House sues and loses what happens to other places in our City that provides comfort for recovering sick people. Do we close down the AA meetings at various churches and other public meetings. Do we hunt down other homes to provide housing for the recovering sick people and have similar hearings putting people on the street? These people have no voice. These people have no influence. These people have no political connections. They're simply trying to piece their lives back together. For the Administration to put these people in harm's way is shameful, to hide behind this Board is cowardly. In closing, let me say I do business with every one of you people and consider every one of you as partners in my work. I also consider you as friends. Should you cast a vote against protecting these recovering sick people living together in a single family home, you're still my friends, you're still my friends. I appreciate your unpaid volunteer service, your good citizenship as board members. I will respect your decision even if you disagree with what I feel is the right thing to do. Doing the right thing is not always easy. For those of you who voted last month to grant the waiver on Marye Street, I thank you for your courage. I thank you all for your service and your friendship. Thank you.

MR. BORDELON: Okay. Hold on just a second. Are there any questions?

MR. HODGES: I have one.

MR. BORDELON: Ron, if you'll go back to the podium?

MR. NOLES: Sure.

MR. HODGES: You said that nobody complained about the cars?

MR. NOLES: Nobody called me to complain, Jack.

MR. HODGES: Okay. And then the cars are there just when they have group meetings or when they had group meetings? How many number of cars are usually there, that's the question?

MR. NOLES: When - let me answer your first question. When I asked Catherine Davis

what brought on a complaint here because I had not heard anything, she said there was a large group of cars parked there. So, I called the District Manager, Ryan Diddier, with Oxford Houses. I said, Ryan what's the story with a whole bunch of cars being there. He said they had a regional meeting. I said, well, in the future let's meet at our conference room. There are - there's enough room in this 4 bedroom house for 8 men to live there. Theoretically, if there were 8 people there all the time and each one of them had a car, there would be 8 cars parked there. There's room double parking in the driveway for 5 or 6 cars. So, if you're there - all 8 men all the time there would be 2 or 3 cars parked on the street.

MR. BORDELON: There's 4 bedrooms or 3 bedrooms?

MR. NOLES: There's 4 bedrooms.

MR. BORDELON: 4 bedrooms.

MR. NOLES: Yeah, there were 3 bedrooms and we converted a large living room into the 4th bedroom.

MR. BORDELON: Okay.

MR. NOLES: There's 4 bedrooms, 2 bath.

MR. BORDELON: How many - how many people live there now?

MR. NOLES: This very minute, Mike, I don't know. There could be 8, that's the most that could live there under The Oxford program. But, I don't know if there's 6 or 8 there right now, I just don't know.

MR. HODGES: Okay. On the directory it said, beds 7 vacancy 7.

MRS. BREWER: The application is for 7.

MR. NOLES: On the directory?

MR. HODGES: On the directory, it said the number of beds 7, but it says, slash 7 - it says beds and vacancy, beds 7. So, I'm assuming it's 7 is the vacancy?

MS. YAEGER: Their charter is for 7.

MR. NOLES: That's what they're asking for?

MS. YAEGER: Yes, sir.

MR. NOLES: Okay.

MS. YAEGER: That's what they claim how many people they're willing to let live there.

MR. NOLES: I didn't - keep in mind, I lease to Oxford House, Oxford House leases to the recovering addicts and alcoholics. So, there's - I guess, there's 7. I didn't know that I didn't do the paperwork they did.

MR. BUSSEY: (inaudible)

MR. NOLES: Yeah, 7.

MR. BORDELON: So, the request is for 7 ..

MR. NOLES: 7.

MR. BORDELON: .. not 6 ..

MS. YAEGER: Yes, sir.

MR. BORDELON: .. correct? That's what I thought.

MS. YAEGER: From 6 to 7.

MR. BORDELON: That's what I thought. Okay. So, thank you for clarifying that because we didn't get that last month. You lease the house to Oxford House, Oxford House manages over to the residents ..

MR. NOLES: That's correct.

MR. BORDELON: .. that live there? Okay. So ..

MR. BUSSEY: As I understand, Ballina Farms owns the house?

MR. NOLES: Ballina Farms owns this house.

MR. BUSSEY: Ballina Investments.

MR. BORDELON: Ballina Investments.

MR. NOLES: Ballina Investments, yeah, and I'm one of the five shareholders in Ballina.

MR. BUSSEY: Right.

MR. NOLES: And our company is the property manager for this house.

MR. BORDELON: Okay.

MR. DOUSAY: One question I have, Rod, I don't think there's any question that this group has a legitimate right to be there and I could see the neighborhood endorsing this, their cause and supporting them a hundred percent but in a neighborhood where I doubt anybody on that street has more than 4 to 6 people in their house. If this group wants to fit into that neighborhood why is 6 not enough?

MR. NOLES: And Mr. Dousay, I can't answer that.

MR. DOUSAY: I think that is the only question before us, why is 6 not enough? I think if the neighborhood endorses the group, welcomes them in, wishes them well and they want to fit into a neighborhood where there is probably couples or maybe four people in a house, why is 6 not enough?

MR. NOLES: And I can't - that's a good question, that's a really good question. You could have two men there that were brothers and have 7 people living in a house and meet the current code without an accommodation. Now, The Oxford House tells me and this is - this is secondary and Bob you may say, I can't say what The Oxford says if they want ..

MR. BUSSEY: This is a wide open meeting, Mr. Noles.

MR. NOLES: Okay. They tell me that their program financially takes the number that they're asking for. Frankly, I thought before tonight I thought it was 8 but it's 7. I - I've not been in the house to see how many beds are there. But - so, that's what they tell me. So, Mr. Dousay, that's the best answer I can give you.

MR. DOUSAY. Okay. Well, obviously the city set a limit of 6 for some reason. I don't know that we know all those reasons and they're asking for an exception on this street. So, that's why I was wondering, what is it about this street that warrants an exception?

MR. NOLES: They - and they're asking for what's referred in the code as a reasonable accommodation. And of course, this Board and the City, one, I submit they don't

have a right to require these people to even make an application. This - this along with the people on my street are protected under Federal law. But then when they threatened to turn off the utilities and forced you to make an application, well now they're here before this Board and it's their business model to have 7 people in there. I suppose if they lose here and they lose in court or with their appeal before HUD they could adjust their program to 6 people instead of 7 and there's nothing the City could do. Now, my question to the City is, this Board denies the reasonable accommodation and all of us are fine with you guys as friends in general if you decide to do that and they lose in court and they lose their appeal with HUD because that's where they'll go next, what's the City going to do, come in with a search warrant and count the number of people that are sleeping there?

MR. DOUSAY: Do you think the City should have some limit - do you think the City has a right to put some limit on these groups?

MR. NOLES: I think the City should live by the Federal laws just like all of us do. And no, I don't - if the law says this is - these people are protected - if the mentally handicapped people on my street, there's 8 of them living in that house and I don't know how many there are there and I don't like them and the Federal law says they have a right to be there, I don't think the City has any business threatening to turn off your utilities if you don't make an application.

MR. BUSSEY: Let me - Mr. Noles, can I ask a question? I know that you've been in the real estate business probably longer than I've been alive, that doesn't mean you're that much older than me, but a long, long time and I don't mean to make light of this ..

MR. NOLES: Yeah.

MR. BUSSEY: .. but you've been in it a long time and I think everyone knows that. This house on 4115 Earl Drive ..

MR. NOLES: Yeah.

MR. BUSSEY: .. if that was sold to a regular family do you know of any part of the City Code that would limit the number of people in that regular family that could live there? Could you put 15 people in there? I know it wouldn't be comfortable.

MR. NOLES: No, I don't think you could.

MR. BUSSEY: I don't know of anything in it, in fact, the Stat and the Code that was read said a family is, what was it again?

MR. BORDELON: 6.

MR. BUSSEY: No, no, that's non-related.

MR. BORDELON: That's non-related.

MR. BUSSEY: But there's no number for related.

MR. BORDELON: Blood family ..

MR. BUSSEY: If you're blood related any number could be in there?

MR. NOLES: Right.

MR. BUSSEY: So, somehow the City came up with when it came to unrelated, 6. But if you could have 15 people in there related, I think that's - that's what the Federal law is looking at, what is the difference? You're asking for a reasonable accommodation. You've got this arbitrary limit of 6. Regular family could have 15, they could have 12. So, do we need to reasonably accommodate these protected people to treat them like a regular family? And I think that the Board was given a memo from The Oxford House ..

MR. BORDELON: Yes.

MR. BUSSEY: .. I hope you all had a chance to read that.

MR. BORDELON: Yes.

MR. BUSSEY: I don't know if you've had the chance ..

MR. NOLES: I haven't seen it I haven't had ..

MR. BORDELON: And let's go back to square one, is that, all we're doing here is, you're asking for a variance ..

MR. NOLES: A reasonable accommodation - a reasonable accommodation not a variance.

MR. BORDELON: .. beg your pardon for 7 ..

MR. NOLES: Right.

MR. BORDELON: .. instead of 6 ..

MR. NOLES: Right.

MR. BORDELON: .. for one more bed is all we're asking - is all you're asking?

MR. NOLES: That's right.

MR. BORDELON: All you had was 6 and I don't understand - we don't need to go into it about the utilities being - threatened to have the utilities turned off and such. If there's only 6 people living there you're within the ordinance and you're okay. So, just to go back, that's what we're - that's what we're discussing. Are there any more questions for Mr. ..

MR. HODGES: How did they determine - how did the City determine that there were more than 6, how did that come about?

MS. YAEGER: Research.

MR. NOLES: I think they asked The Oxford House, I think.

MS. YAEGER: And it's on the website which you don't have a copy of, they charter for 7. I didn't verify with anyone within The Oxford House that there are only 7 I just went by the charter.

MR. HODGES: Their website is confusing it says, beds slash vacancy and on the number it has 7 slash 7.

MS. YAEGER: I agree.

MR. HODGES: So, there should be 7 beds but there should be 7 vacancies and when I went by there today I saw two men out there.

MS. YAEGER: Right.

MR. HODGES: So, we know there's not vacancy of 7 with two men there.

MS. YAEGER: And I don't know if there sure how many do live there. Because I haven't spoken with anyone from The Oxford House ..

MR. HODGES: Okay. On Magnolia it says 6 beds and zero vacant.

MS. YAEGER: Maybe it just hasn't been updated, I'm not sure ..

MR. NOLES: We own - we own Magnolia also.

MR. HODGES: 1605, so you're only allowed to have 6 there?

MR. NOLES: That's what we have.

MR. HODGES: That's what Oxford wanted, 6.

MR. NOLES: It's a much smaller house a lot less parking.

MR. BORDELON: Any other questions? Thank you, Mr. Noles.

MR. NOLES: Thank you.

MR. BORDELON: Is there anyone here that's opposed who would like to speak, any of the neighbors or anyone else here that's opposed to the variance? Okay. I do have something to say. I ride my bicycle through this neighborhood quite often and over the past few - past two months I always look at this house, rode by it this morning. I would have never known had I not been sitting here what the house is used for. The yard is very, very well maintained. It's an attractive house and other than a couple of letters that we received that we're not going to go over today but I do want to put it in the record that we did receive them because the people are not here about the parking and that was one of the complaints. And as we learned last week and I'm going to ask Dolores Brewer to just comment on it. As far as the parking is concerned, there's no - that's perfectly allowable, actually, as far as the City is concerned if they're parked in the right direction and they're not blocking driveways or the visual of the driveways for ingress egress, correct?

MRS. BREWER: Correct.

MR. BORDELON: Okay.

MRS. BREWER: We feel that 7 cars - you mentioned 6, Rod, but I believe, 7 cars could

be put in that driveway.

MR. BORDELON: Okay.

MRS. BREWER: But they are allowed one street - off street parking in the code ..

MS. YAEGER: At least.

MRS. BREWER: .. aren't they, I think so, at least. But I think going back to we were talking about why 6 - why 7 versus 8 on White Street and maybe even more in some other areas, they do consider the size of the home and the lot. And last week when we had - or last month when we had the application for White Street, that is a really large house and it's on a large lot ..

MR. BORDELON: Correct.

MR. BREWER: .. and it could accommodate 8 cars and certainly could accommodate the people living there. This house is, I think, 1600 square feet or something like that with 4 bedrooms now, and 3 but converted into 4, that could certainly accommodate 2 beds in a room - actually, could accommodate 8. But, I think there is some consideration as to, you wouldn't want to put 8 people in a very small house. That would not be ..

MR. BORDELON: Right.

MRS. BREWER: .. reasonable. So, I think that is what they - is considered when they look at these facilities.

MR. BORDELON: Okay. Are there any questions for Mrs. Brewer?

MR. HODGES: Well, parking now would be addressed if they're having their meetings off site ..

MRS. BREWER: Correct, that's what we hear.

MR. HODGES: .. for ..

MR. BORDELON: Okay. Thank you very much. Yes, ma'am.

MS. HOLLOWAY: My name is Judy Holloway. I live at 400 Idlewood Drive. I'm the back door neighbor. And first, I want to tell you that they are wonderful

neighbors. They are.

MR. BORDELON: Thank you.

MS. HOLLOWAY: They are quiet. Every once in a while I see someone cutting the grass. You never hear them from where I am. I have one concern though. I didn't see anything in writing in the paperwork that we got from the City that limited the number to 7, you know. Is there something that you have ..

MR. BORDELON: Yes, ma'am, we - we ..

MS. HOLLOWAY: .. in writing that will, you know ..

MR. BORDELON: .. we answered that earlier with one of the questions to - for Mr.

Noles, is the variance is requesting for 7 ..

MS. HOLLOWAY: They're only - and that's in writing?

MR. BORDELON: .. only 7.

MS. HOLLOWAY: I mean, I don't want to come up here and ..

MR. BORDELON: No, ma'am, only 7.

MS. HOLLOWAY: .. next month it'll be 12 or whatever.

MR. BORDELON: No, ma'am, 7 is the number.

MS. HOLLOWAY: Yeah. Okay. That's my only concern. Okay.

MR. BORDELON: Well, thank you very much. Okay. Does anyone have any other input? Jay will entertain a Motion at this time.

MR. HODGES: I move that we accept the variance to 7.

MR. BORDELON: Okay.

MR. DOUSAY: I second.

MR. BORDELON: I second. If you'll call the roll, we have a Motion by Mr. Hodges.

MS. YAEGER: Mr. Bordelon?

MR. BORDELON: Yes.

MS. YAEGER: Mr. Hodges?

MR. HODGES: Yes.

MS. YAEGER: Mr. Dousay?

MR. DOUSAY: No.

MR. BORDELON: Okay. And Mr. Noles you will - what does he do now? He goes back to you in planning, correct?

MRS. BREWER: We will send a letter ..

MR. BORDELON: Okay.

MRS. BREWER: .. addressing the vote on behalf of the Board of Adjustments and Appeals ..

MR. BORDELON: Okay.

MRS. BREWER: .. to the applicant and - we will submit a letter to, I guess, Oxford House, they're the applicant. Whoever the applicant is, I didn't know if it was Rod ..

MR. BUSSEY: It's Rod Noles.

MRS. BREWER: .. or The Oxford House, whomever that is just notifying them that the application was approved.

MR. BORDELON: Okay.

MRS. BREWER: And then I guess, things just kind of go on the way they've been going because they've been there a year haven't they?

MR. NOLES: Yeah.

MR. BORDELON: Thank you. And other business, we have the minutes. Have y'all read them? Do we have a motion to accept them.

MR. DOUSAY: I make a motion to accept.

MR. BORDELON: Okay. We have a motion ..

MR. HODGES: I second.

MR. BORDELON: .. from Mr. Dousay and seconded by Mr. Hodges. All in favor?

MR. DOUSAY: Aye.

MR. HODGES: Aye.

MR. BORDELON: Okay. And we had - are these the ones that - this is the copy that
Mr. Hodges ..

MS. YAEGER: That's all of it.

MR. BORDELON: .. needs all of this?

MS. YAEGER: Yes, sir.

MR. BORDELON: Okay. And we will - Mr. Hodges will sign the August minutes.
They've been approved. And do we have any other business?

MS. YAEGER: No, sir.

MR. BORDELON: Okay.

MR. HODGES: I make a motion to adjourn.

MR. DOUSAY: I second.

MR. BORDELON: All in favor?

MR. DOUSAY: Aye.

MR. HODEGES: Aye.

MR. BORDELON: Thank you very much.

(HEARING ADJOURNED AT 4:30 PM ON OCTOBER 10, 2016)



Chairperson, Mr. Mike Bordelon