



ST. TAMMANY PARISH
 DEPARTMENT OF PLANNING
 P. O. BOX 628
 COVINGTON, LA 70434
 PHONE: (985) 898-2529
 FAX: (985) 898-3003
 e-mail: planning@stpgov.org

Appeal # 9
Kevin Davis
 Parish President

*PC Denied 7/13/04
 and 8/10/04*

A PETITIONER OR ANY AGGRIEVED PROPERTY OWNER HAS TEN (10) DAYS IN WHICH TO FILE AN APPEAL REGARDING A DECISION OF THE PLANNING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF PLANNING ON OR BEFORE THE TENTH DAY.

(NOTE: FINAL SUBDIVISION APPROVAL CANNOT BE APPEALED EXCEPT BY THE DEVELOPER)

APPEAL REQUEST LETTER

DATE: 21 July 2004
 TO: ST. TAMMANY PARISH COUNCIL
 FROM: JULIA L. DEAL on behalf of James S. Haas
 RE: AGGRIEVED BY DECISION MADE BY THE ST. TAMMANY PARISH PLANNING COMMISSION



I, Julia L. DEAL on behalf of James S. Haas hereby request that the St. Tammany Parish Council review the below mentioned case and consider reversing the decision made by the St. Tammany Parish Planning Commission at their September 2004 meeting.

The case for which I am aggrieved by, as depicted on the docket of the Planning Commission is as follows:

The attached Resolution was denied by the Planning and Zoning Commission on July 13, 2004. In addition, the variances requested by Mr. Haas to enter his property via Ball Street was denied despite building permits being issued to other property owners by the Parish who are accessing their property via Ball Street.

I therefore, respectfully request that the St. Tammany Parish Council consider my appeal at their next appropriate regularly scheduled meeting.

This letter shall suffice as official notice to be placed on the docket of the next appropriate regularly scheduled meeting of the St. Tammany Parish Council; whereby, I shall give truthful testimony and present evidence to support my appeal request.

(PLEASE PRINT THE FOLLOWING INFORMATION)

APPELLANT'S NAME: Julia L. DEAL on behalf of James S. Haas
 ASSOCIATION TO CASE (PLEASE CHECK ONE): Homeowner Developer Neighbor Group

ADDRESS: Mr. JAMES HAAS PO Box 1484 ASSTR SPRING LA 70420 JULIA L. DEAL MAGGIE ANN DEVERGUY PO BRANER 1550 COVINGTON LA 70434

CITY: _____ STATE: _____ ZIP: _____ PHONE NO: _____

SIGNATURE: [Handwritten Signature]

XC: ALL ST. TAMMANY PARISH PLANNING COMMISSIONERS

Hillcrest Country Club, Addition No. 2, Ward 6, District 6
 Request to enter Parish right-of-way (Putt Street) for the purpose of gaining access to property
 Petitioner: James S. Haas Parish Council District Representative: Hon. Gary Singletary

21 July 2004

ST. TAMMANY PARISH COUNCIL

Julia L. Deal, on behalf of James S. Haas

The Case for which I am aggrieved by, as depicted on the docket of the Planning Commission is as follows:

THE ATTACHED RESOLUTION AUTHORIZING MR. JAMES S. HAAS TO ENTER THE PARISH RIGHT OF WAY WAS DENIED BY THE PLANNING AND ZONING COMMISSION.

IN ADDITION, MR. HAAS' REQUEST FOR A VARIANCE TO ENTER THE PROPERTY VIA BALL STREET WAS DENIED DESPITE BUILDING PERMITS BEING ISSUED TO OTHER PROPERTY OWNERS BY THE PARISH IN THE HILLCREST SUBDIVISION; AND MR. HAAS' WILLINGNESS TO PROPERLY PREPARE THE GRAVEL ROAD FROM HIS PROPERTY ON PUTT STREET TO BALL STREET.

MAGEE & DEVEREUX

WILLIAM M. MAGEE

A Professional Law Corporation

Attorney / Mediator - wmagee@mageeanddevereux.com

Admitted to practice in Colorado



JULIA L. DEAL

Attorney at Law

jdeal@mageeanddevereux.com

MARY CLEMENCE DEVEREUX

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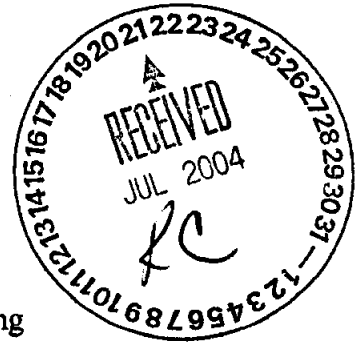
CHARLENE "COKIE" KAZAN

Attorney at Law

ckazan@mageeanddevereux.com

July 21, 2004

St. Tammany Parish
Department of Planning
P. O. Box 628
Covington, LA 70434



Re: James S. Haas
Appeal from Planning and Zoning Commission Hearing
On July 13, 2004

TO: St. Tammany Parish Council

I have attached the Appeal Request Letter and Resolution regarding the above-referenced matter.

Mr. Earl Magner notified me on July 20, 2004 that this Appeal will be placed on the September 2004 Council meeting.

Please do not hesitate to call my office if further information is required.

With regards, I remain

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Julia L. Deal'.

Julia L. Deal

JLD/gc

cc: Client

Mr. Gary Singletary



ST. TAMMANY PARISH
DEPARTMENT OF ENGINEERING
P. O. Box 628
COVINGTON, LA 70434
PHONE: (985) 898-2552 OR (985) 898-2575
FAX: (985) 898-5205
e-mail: eng@stpgov.org

Kevin Davis
Parish President

July 6, 2004

Mr. James S. Haas
P.O. Box 1484
Abita Springs, LA 70420

PC Denied
7-13-04

**Re: Enter Parish Right of Way
Putt Street - Hillcrest Country Club Subdivision, Addition No. 2**

Dear Mr. Haas:

Please be aware that the above-captioned request has been placed on the July 13, 2004 Planning Commission Agenda at 6:00 p.m., held at LA. Hwy. 59-21490 Koop Drive, Parish Council Chambers, Mandeville, LA.

Please find attached a draft copy of the resolution and map for your review/advisement.

It will be necessary that a representative be present at this meeting.

Please contact our offices should you have any questions or require further information.

Sincerely,

Jean M. Thibodeaux, P.E.
Director of Engineering, Parish Engineer

JMT/ek

Attachments:(2) Draft Resolution and Map

xc: Hon. Gary Singletary
Mr. Ron Keller
Mr. David deGeneres
Mr. Earl J. Magner, P.E.

ST. TAMMANY PARISH PLANNING COMMISSION

RESOLUTION

RESOLUTION PLANNING COMMISSION SERIES NO. _____

TITLE: A RESOLUTION AUTHORIZING MR. JAMES S. HAAS TO ENTER PARISH RIGHT-OF-WAY.

SUB-TITLE: A RESOLUTION GRANTING PERMISSION TO MR. JAMES S. HAAS, P.O. BOX 1484, ABITA SPRINGS, LA 70420 TO ENTER PARISH RIGHT-OF-WAY, SPECIFICALLY THE UNOPENED PORTION OF PUTT STREET FOR A DISTANCE OF 520 FEET LOCATED WITHIN HILLCREST COUNTRY CLUB SUBDIVISION ADDITION NO. 2, FOR THE PURPOSE OF GAINING ACCESS TO PROPERTY WARD 6, DISTRICT 6.

NOW, THEREFORE, BE IT RESOLVED, by the St. Tammany Parish Planning Commission that it hereby grants permission to the aforementioned petitioner to enter Parish right-of-way for the aforementioned purposes, subject to the following conditions:

1. That the improvements that will be undertaken will be at the sole expense of the petitioner.
2. That the petitioner agrees to accept full responsibility, financial and all other, for the damage and/or relocation of utilities currently located within Parish right-of-way.
3. That the petitioner shall submit plans prepared by a licensed engineer to the Department of Engineering for review and approval. The drainage and road design with soil borings must meet the GRAVEL road standards as established under the "Subdivision Regulatory Ordinance". The Parish's engineer may require additional off-site work to minimize the potential impact of the proposed construction with special emphasis regarding drainage. The plans must include sewerage and water systems, where applicable. Upon approval of plans and specifications by the Director of Engineering, the petitioner must notify the Department of Engineering prior to the commencement of any activity.
4. That should the petitioner commence work thereon, petitioner by such act acquiesces and acknowledges thereby that he will hold this Parish, its officials, agents, servants, and employees free and harmless from any liability or responsibility whatsoever in connection with the construction of the project. Petitioner will provide copy of Liability Insurance Policy including the naming of the Parish as an insured party. The insurance will remain in effect until the Parish takes over the maintenance.
5. That nothing herein shall be construed as a revocation of the dedication of the aforementioned right-of-way.
6. That no maintenance nor financial nor material nor assistance shall be provided by the Parish for the project nor the maintenance thereof, except for the inspection of the plans and specifications by the Department of Engineering to insure the construction complies with Parish specifications.
7. That the petitioner post a Performance Letter of Credit in the amount of \$10,400 for a period of six (6) months.

RESOLUTION P.C. NO. _____

PAGE NO. 2 OF 3

8. That the petitioner and any assignees submit a Hold Harmless Agreement in connection with the construction of the project and utilization of the access by (an) individual (s) until the time that the access is upgraded to Parish standards and accepted into the Parish's Selective Road Maintenance System.

9. That the petitioner and any assignees agrees to provide maintenance for this access at his/hers own expense until such time as the Parish agrees to accept this portion of right-of-way into the Parish's Selective Road Maintenance System.

10. Petitioner acknowledges and accepts full responsibility for the installation and maintenance of drainage, specifically from the on-site mechanical sewerage treatment plants, on the public right of way he/she seeks permission to enter.

11. That the petitioner shall submit a copy of the current owner's deed.

12. That the petitioner shall produce proof that the right-of-way is dedicated to the Parish.

13. That the petitioner shall produce from the U.S. Army Corps of Engineers either: a written statement that the road is not in a wetland area, within the meaning of Section 404 of the federal "Clean Water Act" or a Section 404 Permit under the federal "Clean Water Act" authorizing the opening of the portion of the right-of-way in question.

14. That the petitioner shall submit a site plan of Petitioner's property and the unopened right-of-way.

15. Permission is valid for the issuance of residential building permit only, issued to AS INDICATED ABOVE, WARD 6, DISTRICT 6.

16. That the petitioner submit as-built drawings certifying that road is constructed within the parish right-of-way.

17. That the petitioner submit all documentation required within SIX (6) months from date of adoption, additionally petitioner has two (2) years to complete all work on this project, if not completed within two (2) years, approval of this work will be voided and petitioner will be required to reapply for permission.

(DRAFT DATE July 13, 2004)

RESOLUTION P.C. NO. _____

PAGE NO. 3 OF 3

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY _____, SECONDED BY _____; A VOTE THEREON RESULTED IN THE FOLLOWING:

YEA:

NAY:

ABSTAIN:

ABSENT:

AND THIS RESOLUTION WAS DECLARED DULY ADOPTED ON THE _____ DAY OF _____, 2004, AT A REGULAR MEETING OF THE PLANNING COMMISSION, A QUORUM OF THE MEMBERS BEING PRESENT.

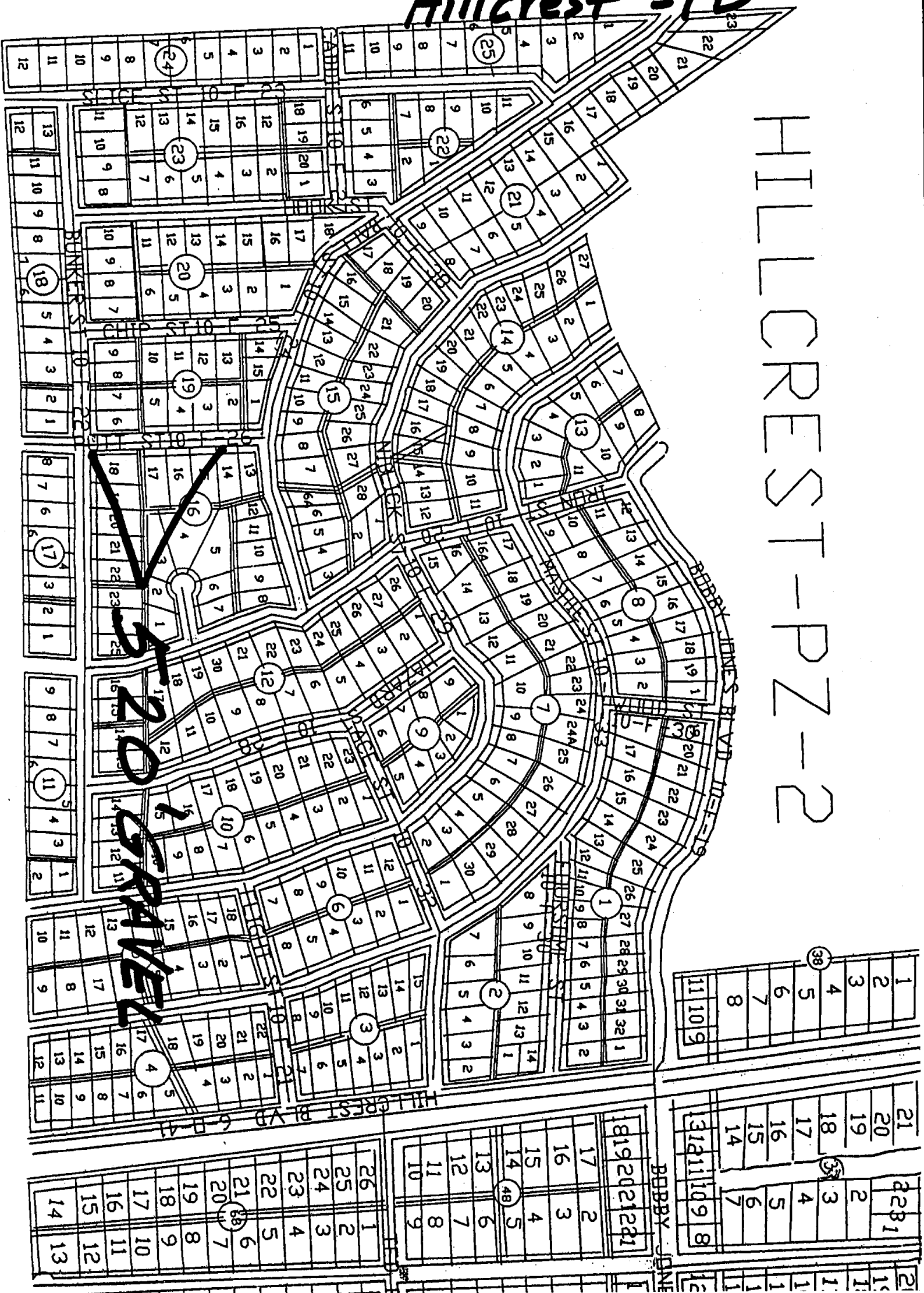
EMILE LOMBARD, CHAIRMAN
ST. TAMMANY PARISH PLANNING COMMISSION

ATTEST:

RON KELLER, SECRETARY
ST. TAMMANY PARISH PLANNING COMMISSION

Putt St
Hillcrest S/D

HILLCREST-PZ-2



520 GRAVEL

38

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