

**MARIGNY TRACE**  
*Property Owners Association*

P. O. Box 368  
Mandeville, LA 70448  
985-264-6222 President - direct

July 25, 2008

Kelly Rabalais, Esq.,  
Executive Counsel

via email: kmrabalais@stpgov.org

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Council Attorney

via email: neil@stpgov.org

St. Tammany Parish Legal Department  
21489 Koop Dr., Suite H  
Mandeville, Louisiana 70471

Re: Marigny Trace Subdivision - Phase 6B  
Tanager Drive "Kneecap"

Dear Ms. Rabalais & Mr. Hall:

Thank you again for taking the time to meet with me (in my capacity as President, Marigny Trace Property Owners' Association - "MTPOA") and Mr. Charles Leche (a resident of Marigny Trace and our *ad hoc* legal advisor) on July 14, 2008.

As you will recall, we discussed the propriety of the paving of the "kneecap" of Tanager Drive in Phase 6B of the Marigny Trace Subdivision. MTPOA strongly believes that the roadway, "as built," was improvidently approved and constructed.

At our meeting on July 14, 2008, we discussed with you some of MTPOA's concerns with regard to the "as built" kneecap:

1. Safety (restricted sight lines resulting from vehicles that may park on the street in or adjacent to the "kneecap"): endangering children who play in the area;
2. Safety: schoolbus required to run up on curb on the inside of the now too-tight turn);
3. Converging driveways that will serve the three adjacent lots;
4. Lack of streetside parking for the three adjacent lots;
5. Displaced street light that was installed in anticipation that the paving would conform to the R.O.W.

Despite the foregoing concerns, and despite your expressed sympathy for our position, you explained that the paving plan (submitted to and approved by the Parish Engineering Department, and built as thus approved) is in compliance with all applicable rules and regulations. It was your stated understanding, therefore, that nothing could be done to require the developers to re-pave the "kneecap" so that it would be in conformity with the larger-radius ROW indicated on the originally-approved subdivision plan.

You also indicated that the "kneecap" is not considered to be a "cul-de-sac."

However, our review of portions of the St. Tammany Parish Subdivision Ordinances appears to indicate that the roadway, as built, in fact does not comply in all applicable respects. I cite below those portions of the ordinance we believe pertinent:

APPENDIX B, CHAPTER 40  
ST. TAMMANY PARISH CODE OF ORDINANCES  
SUBDIVISION REGULATORY ORDINANCE NO. 499

**SECTION 40-034.0 LOTS**

**1. Lot size requirements.**

(a.) **Lots with central sewage.** Lots in subdivisions having central sewage systems shall have a minimum lot area of 12,500 square feet with a minimum lot frontage of ninety (90') feet and depth of one-hundred and twenty (120') feet.

(b.) **Lots without central sewage.** Lots in subdivisions that do not have central sewage shall have a minimum lot area of 40,000 square feet and a minimum lot width of one-hundred and fifty feet (150') and depth of one-hundred and twenty (120') feet.

(c.) **Exceptions.** Lots within A-3 Suburban and A4 Single Family Residential Zoning Districts having central sewerage must have a minimum road frontage of sixty (60') feet on a cul-de-sac, and one-hundred (100') feet and ninety (90') feet respectively on a curve with a radius of one-hundred and eighty feet or more.

The road frontage for lots on a curve with a radius under one-hundred and eighty feet shall not be less than ninety (90') feet and eighty (80') feet respectively.

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## 2. Exceptions from minimum requirements.

**Any lot provided for in sub-section 40-034.0, 1., may have as much as ten percent (10%) less road frontage, building set-back width and area than is required for each lot provided that the lots in each square or block have an average frontage, building setback width, and area which is equal to that required for each lot in sub-section 40-034.0, 1.**

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## 5. Definition of "road".

The term "road" as used in this section shall include street, highway, boulevard and any other way, whether public or not.

(bold emphasis above has been added)

It is our understanding that Marigny Trace is zoned "A4."

Since the radius of the "kneecap" is less than one hundred eighty feet, it appears that the minimum permissible **road frontage** for lots on this curve would be 80 feet. However, it may be arguable that the section entitled "Exceptions from minimum requirements" would apply. In this case, the required 80 feet of road frontage could be reduced to 72 feet.

Notably, even the originally-approved ROW does not comply with this rule as to Lots 157A and 158A, which apparently have ROW frontages of 71.85' and 60', respectively. Given the acceptable set-back of the paved portion of the road from the ROW line, the actual **road frontage** for these lots, as originally approved, would be even less. Thus there seems to be some question as to how and why the original subdivision plan was approved by the Parish.

In any event, it is obvious that, with the much narrower curve represented by the roadway as built, the **road frontage** for all three lots on the kneecap will be far less than the minimal permissible 72 feet.

Therefore, it appears that the paving plan does indeed violate the Parish ordinance and should never have been approved, and, of course, the roadway as built is itself in violation of the regulation above discussed.

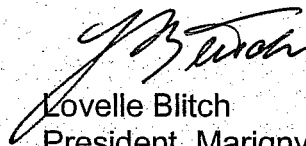
Finally to the purpose of this letter, which is to request that you again review this matter to determine whether the roadway, as built, conforms to the above-discussed regulation and was properly approved. If it remains your position that the roadway does conform and was properly approved and built, please advise the basis on which you reach this conclusion: i.e., why the Parish ordinance discussed above does not apply.

If you agree, however, that the paved roadway as approved and built does not conform to the road frontage regulation, please advise what measures will be taken by the Parish to correct the situation.

MTPOA greatly appreciates the time and effort you have expended in this matter and we apologize for the additional work that a response to this letter will require. However, we are very concerned about the matter and wish to have the roadway properly built. We will be most thankful for your assistance toward that goal.

With best regards, I am

Very truly yours,



Lovelle Blitch  
President, Marigny Trace POA

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