



St. Bernard Parish Government

8201 West Judge Perez Drive
Phone (504) 278-4200

Chalmette, Louisiana 70043
Fax (504) 278-4330

David E. Peralta
Parish President

RECEIVED
OCT 30 2015

PRESIDENT'S OFFICE

REQUEST FOR VIEWING AND/OR RECEIVING PUBLIC RECORDS

Date: Oct 30, 2015

Name: Karen Badinaer Phone #:

Address: _____
Street City/State Zip

Records requested: 1 Copy of DVD of BZA docket # V-2014-031 meeting on December 4, 2014

2 Copy of Citation to Remove Barge and dumpster from 2309 Sinclair St. Chalmette La. 70043

Date, time and location scheduled for viewing records: _____

I will pick up documents: I would prefer to pay for the mailing of these documents: _____
(Additional charge applies)

I agree to pay up to this amount \$ _____ for the information requested.

FOR OFFICE USE ONLY:

Received by: Kim Owens

Date/Time received: 10/30/15 11:21 AM

Cost: 14 Sheets @ \$.25 = \$3.50

*11/2/15 - mailed form letter
- emailed to clay; Faith*

Note: Anyone requesting records are required to pay \$.25 per page after the first four (4) pages and an additional \$1.00 per page to fax for every page requested and must be paid prior to receiving documents by fax or mail.

CHECK OR MONEY ORDER ONLY WILL BE ACCEPTED

Minutes of the St. Bernard Parish Board of Zoning Adjustments

Public Hearing/Decision Meeting held on Thursday, the 4th day of December, 2014, in the Council Meeting Room, 8201 West Judge Perez Drive, Chalmette, Louisiana 70043.

The meeting was called to order by Mrs. Sweeney at 5:30p.m.

The Roll was called and the following responses noted:

SUZANNE SWEENEY, CHAIRMAN, Present;
LOUIS SCHNEIDER, VICE-CHAIRMAN, Present;
CHARLES DOIZE, MEMBER, Present;
DAVE FRADELLA, MEMBER, Present;
LOUIS HEIER, MEMBER, Present;

Also present from the Parish Government was:

Jason Stopa, Director, Community Development
William McCartney, Staff, Community Development
Scott Smith, Parish Attorney, Legal Department

Ms. Sweeney moved to the first docket on the agenda.

V-2014-038 PUBLIC HEARING:

PETITION OF RICKY MELERINE FOR A VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (FREE STANDING TENT) ON A LOT WITHOUT A DWELLING. SITE ADDRESS: 3309 SINCLAIR ST. CHALMETTE, LA 70043

Spoke in favor:
Rickey Melerine

Spoke against:
Shelly Gunning
Charles Ponstein
Karen Badinger

The meeting continued with the Board Items next on the agenda.

V-2014-039 PUBLIC HEARING:

PETITION OF TOM BILDERBACK FOR A VARIANCE TO PERMIT THE CONSTRUCTION OF AN 875 SQUARE FOOT ACCESSORY BUILDING IN LIEU OF THE 450-SQUARE-FOOT MAXIMUM PERMITTED IN ACCORDANCE WITH THE GUIDELINES CONTAINED IN SECTION 22-4-2.14(C), ACCESSORY BUILDINGS AND STRUCTURES AND SECTION 22-5-5(1)(D),

PERMITTED ACCESSORY BUILDINGS AND STRUCTURES. SITE ADDRESS: 45 PACKENHAM AVE. CHALMETTE, LA 70043

Spoke in favor:
Tom Bilderback

Spoke against:
None

The meeting continued with the Board Items next on the agenda.

V-2014-038 DECISION:

On motion of Mr. Fradella to DENY, seconded by Mrs. Sweeney the motion passed.

A roll call vote was held on the above motion and the following was recorded:

YEAS: Doize, Fradella, Heier, Schneider, Sweeney

NAYS: None

THE MOTION PASSED UNANIMOUSLY; THEREFORE V-2014-038 WAS DENIED

The meeting continued with the Board Items next on the agenda.

V-2014-039 DECISION:

On motion of Ms. Sweeney to TABLE, seconded by Mr. Schneider the motion passed.

A roll call vote was held on the above motion and the following was recorded:

YEAS: Doize, Fradella, Heier, Schneider, Sweeney

NAYS: None

THE MOTION PASSED UNANIMOUSLY; THEREFORE V-2014-039 WAS TABLED

APPROVAL OF 2015 MEETING DATES:

On motion of Ms. Sweeney to Accept, seconded by Mr. Schneider the motion passed.

A roll call vote was held on the above motion and the following was recorded:

YEAS: Doize, Fradella, Heier, Schneider, Sweeney

NAYS: None

THE MOTION PASSED UNANIMOUSLY; THEREFORE THE 2015 MEETING DATES WERE APPROVED.

On motion by Ms. Sweeney, it was moved to adjourn the meeting. All were in favor.

MS. SUZANNE SWEENEY, CHAIRMAN

STATE OF LOUISIANA

PARISH OF ST. BERNARD

AFFIDAVIT

34TH J.D.C. DIVISION

INSPECTOR NO. DISTRICT

COMPLIANCE OFFICER Ch. D. Howard BADGE NO. 710

WHO, FIRST BEING DULY SWORN, DID DEPOSE AND SAY, THAT HE HAS REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE THAT ON 1/14 THE 14 DAY OF January YEAR 2014, AT OR ABOUT 3:00 PM M.

OF Ricky A. Melrose, Jr., DEFENDANT

WHO GAVE HIS NAME ABOVE AND HIS BIRTHDATE _____

RACE W SEX M AGE _____ AND HIS

ADDRESS 409 W. Sotadele, Chalmette

OTHER I.D. _____

DID AT 3014 Sotadele, Chalmette

LOCATED IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, DID UNLAWFULLY VIOLATE

ST. BERNARD PARISH CODE LOUISIANA REVISED STATUTE

STATUTE/ORD.# dd-4-21 SECT./PARA 103.72 VIOLATION Carried

(1) _____

(2) _____

(3) _____

(4) _____

ALL AGAINST THE PEACE AND DIGNITY OF SAME

COMPLIANCE OFFICER'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME ON THE _____ DAY OF _____

YEAR _____ SUPERVISOR _____

SUMMONS

THEREFORE, YOU, ARE HEREBY, NOTIFIED AND SUMMONED BY THE AUTHORITY VESTED IN THE UNDERSIGNED COMPLIANCE OFFICER TO PERSONALLY APPEAR BEFORE DIVISION _____ OF THE 34TH J.D.C. OF ST. BERNARD, LA, 1101 W. ST. BERNARD HWY. ON THE 5th DAY OF January YEAR 2014 TO BE ARRAIGNED WITHOUT FAIL. OTHERWISE A WARRANT FOR YOUR ARREST MAY BE SOUGHT ALL ACCORDING TO LAW, PARTICULARLY LA. C. CR. P. ART 211

Ch. D. Howard BADGE NO. 710
COMPLIANCE OFFICER

I ACKNOWLEDGE RECEIPT OF THE ABOVE SUMMONS.

ACCUSED Ricky A. Melrose, Jr.
THIS SIGNATURE IS NOT AN ADMISSION OF GUILT

WHITE COPY - DA, YELLOW COPY - RECORDS, WHITE CARD - ACCUSED
PRINT AND PRESS HARD

STATE OF LOUISIANA

PARISH OF ST. BERNARD

AFFIDAVIT

34TH J.D.C. DIVISION

INSPECTOR NO. DISTRICT

COMPLIANCE OFFICER Ch. D. Howard BADGE NO. 710

WHO, FIRST BEING DULY SWORN, DID DEPOSE AND SAY, THAT HE HAS REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE THAT ON 1/14 THE 14 DAY OF January YEAR 2014, AT OR ABOUT _____ M.

OF Ricky A. Melrose, Jr., DEFENDANT

WHO GAVE HIS NAME ABOVE AND HIS BIRTHDATE _____

RACE W SEX M AGE _____ AND HIS

ADDRESS 409 W. Sotadele, Chalmette

OTHER I.D. _____

DID AT 3014 Sotadele, Chalmette

LOCATED IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, DID UNLAWFULLY VIOLATE

ST. BERNARD PARISH CODE LOUISIANA REVISED STATUTE

STATUTE/ORD.# _____ SECT./PARA _____ VIOLATION _____

(1) 5-1 (103.72) Carried

(2) unknown Park

(3) _____

(4) _____

ALL AGAINST THE PEACE AND DIGNITY OF SAME

COMPLIANCE OFFICER'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME ON THE _____ DAY OF _____

YEAR _____ SUPERVISOR _____

SUMMONS

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WHITE COPY - DA, YELLOW COPY - RECORDS, WHITE CARD - ACCUSED
PRINT AND PRESS HARD

St. Bernard Parish Government

Department of Community Development

8201 West Judge Perez Drive

Office: (504) 278-4310

Fax: (504) 278-4298



Board Of Zoning Adjustments Staff Report December 4, 2014 Docket Number: V-2014-038

Applicant or Agent: Rickey Melerine
Property Location: 3309 Sinclair St. Chalmette, La 70043
Zoning District: R-2 (Two-Family Residential)
Existing Use: Vacant lot without a dwelling
Proposed Use: Accessory Structure without a dwelling

Request Citation: This request is for a variance from the provisions of Section 22-5-5, Permitted Accessory Buildings and Structures of the Comprehensive Zoning Ordinance.

Request: This request is to permit an accessory structure that exceeds the maximum square footage allowed and exceeds the height restrictions allowed by ordinance.

Requested Waivers:

Permitted: 0 sq ft.

Proposed: 1200 square feet

Waiver: 1200

Project Description:

The site consists of one lot that measures, 50 feet frontage on Sinclair by a depth of 134 feet. The site is a lot with an unpermitted accessory structure on it and three (3) separate boats and a work trailer all in the open. Under the tent structure is a commercial sized boat that is being worked upon. There is no dwelling on the lot, however, the lot is adjacent to the applicant's primary lot. The two lots are stand alone lots, they have not been subdivided together.

According to section 22-5-5 of the zoning ordinance:

All accessory buildings or structures must be permitted by the department of community development, and such structure must be accompanied by a substantially completed dwelling unless they are being used for a lawful commercial purpose in the appropriate zone with the exception of barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural Zone.

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Board Of Zoning Adjustments Staff Report December 4, 2014 Docket Number: V-2014-038

Surrounding Land Uses

The subject area is in an R-2 zoning district. The rear property line abuts an R-1 zoning district. In the subject area it is common to have accessory structures that conform to the size restrictions in the ordinance. The average size of an accessory structure in this area is approximately 360 square feet.

Impact and Analysis

According to the Comprehensive Zoning Ordinance, the Board of Zoning Adjustments must consider the following criteria in order to determine what impact the requested variance would have on adjacent properties if it were approved. The procedure affords an applicant relief from the strict requirements of the zoning law when unnecessary hardship or practical difficulty exists.

- 1. Do special conditions and circumstances exist which are peculiar to the land structure, or building involved which are not applicable to other lands, structures, or buildings in the same zoning district?**

No. There are no special conditions or circumstances such as servitudes, excessive slope or wetlands that affect the property.

- 2. Will the literal interpretation of the provisions of the ordinance deprive the applicant of rights commonly enjoyed by other properties in the same zoning district?**

No. The literal interpretation of the ordinance does not deprive the applicant of rights that are commonly enjoyed by surrounding property owners.

- 3. Do any conditions and circumstances result from the actions of the applicant or any other person who may have (or had) an interest in the property?**

Yes. The applicant constructed the structure without first securing a building permit from the Department of Community Development.

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Board Of Zoning Adjustments Staff Report December 4, 2014 Docket Number: V-2014-038

4. **Will the granting of the variance confer on the applicant any special privilege which is denied by this ordinance to other lands, structure, or buildings in the same district or similarly situated?**

Yes. The St. Bernard Parish Zoning ordinance does not allow accessory structures in R-2 zoning districts without the presence of a primary dwelling on the same lot.

5. **Will the variance(s), if granted, alter the essential character of the locality?**

Yes, The structure is not in compliance with acceptable building materials, area or height requirements of Chapter 22 of the St. Bernard Parish Code of Ordinances.

6. **Will strict adherence to the property regulation result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience?**

No. The applicant, out of convenience, started construction on the accessory structure without a permit.

7. **Is the purpose of the variance based exclusively upon a desire to serve the convenience or profit of the property owner, or other interested party(s)?**

Yes. The variance would be considered a convenience for the property owner.

8. **Will the variance be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located?**

Yes. It could possibly be a safety hazard.

9. **Will the variance impair the adequate supply of light and air to adjacent property, substantially increase traffic congestion in the public street, increase the danger of fire, or endanger the public safety?**

No. The variance will not impair the adequate supply of light and air to adjacent property, substantially increase traffic congestion in the public street, increase the danger of fire, or endanger the public safety.

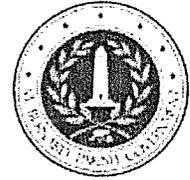
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Board Of Zoning Adjustments

Staff Report

December 4, 2014

Docket Number: V-2014-038

Staff Recommendation

Based on this report, the staff believes the request does not satisfy the nine criteria as they pertain to the requested variance. Therefore, the staff recommends **DENIAL** of the requested variance.

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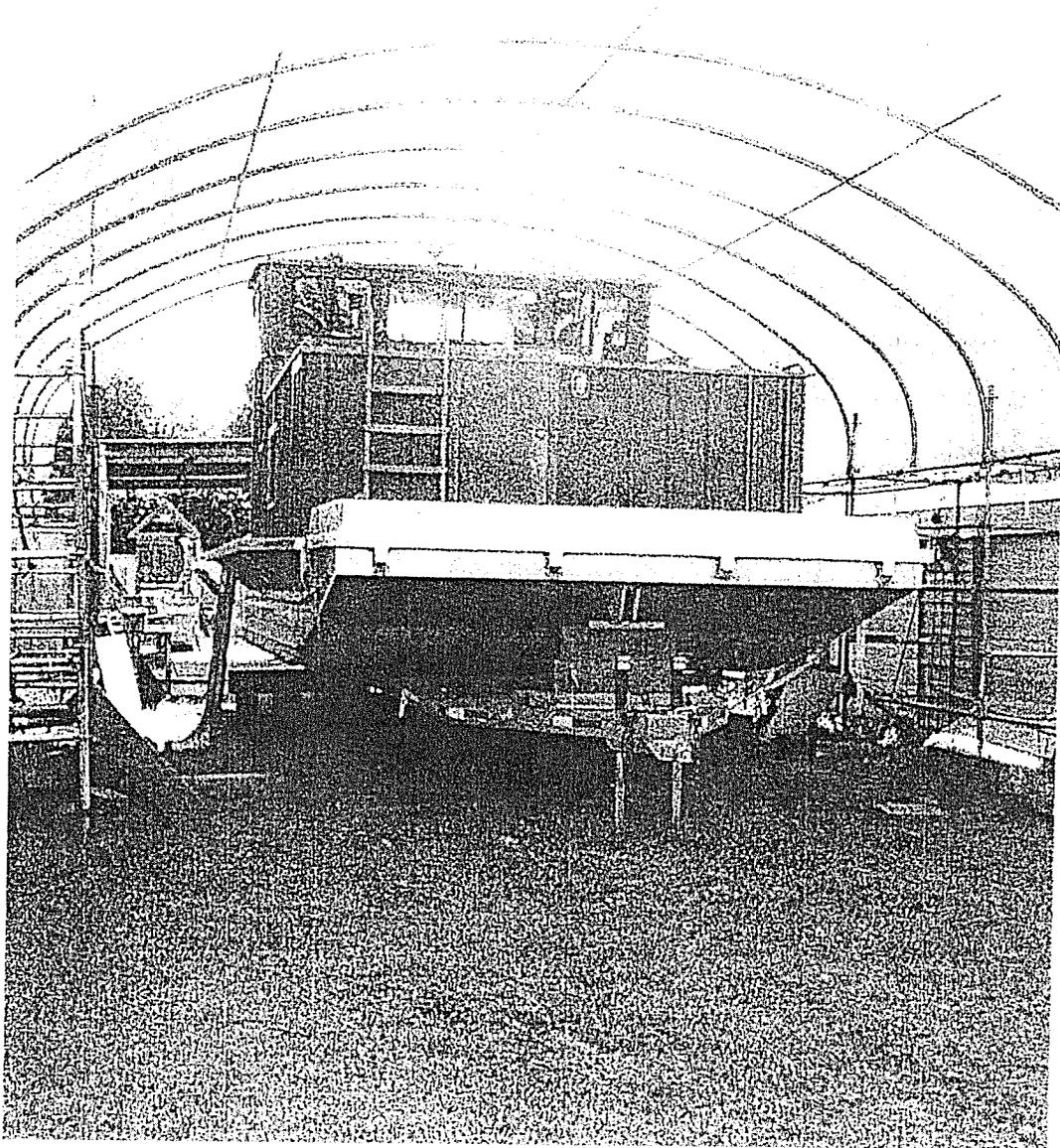


Board Of Zoning Adjustments

Staff Report

December 4, 2014

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Department of Community Development

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Board Of Zoning Adjustments

Staff Report

December 4, 2014

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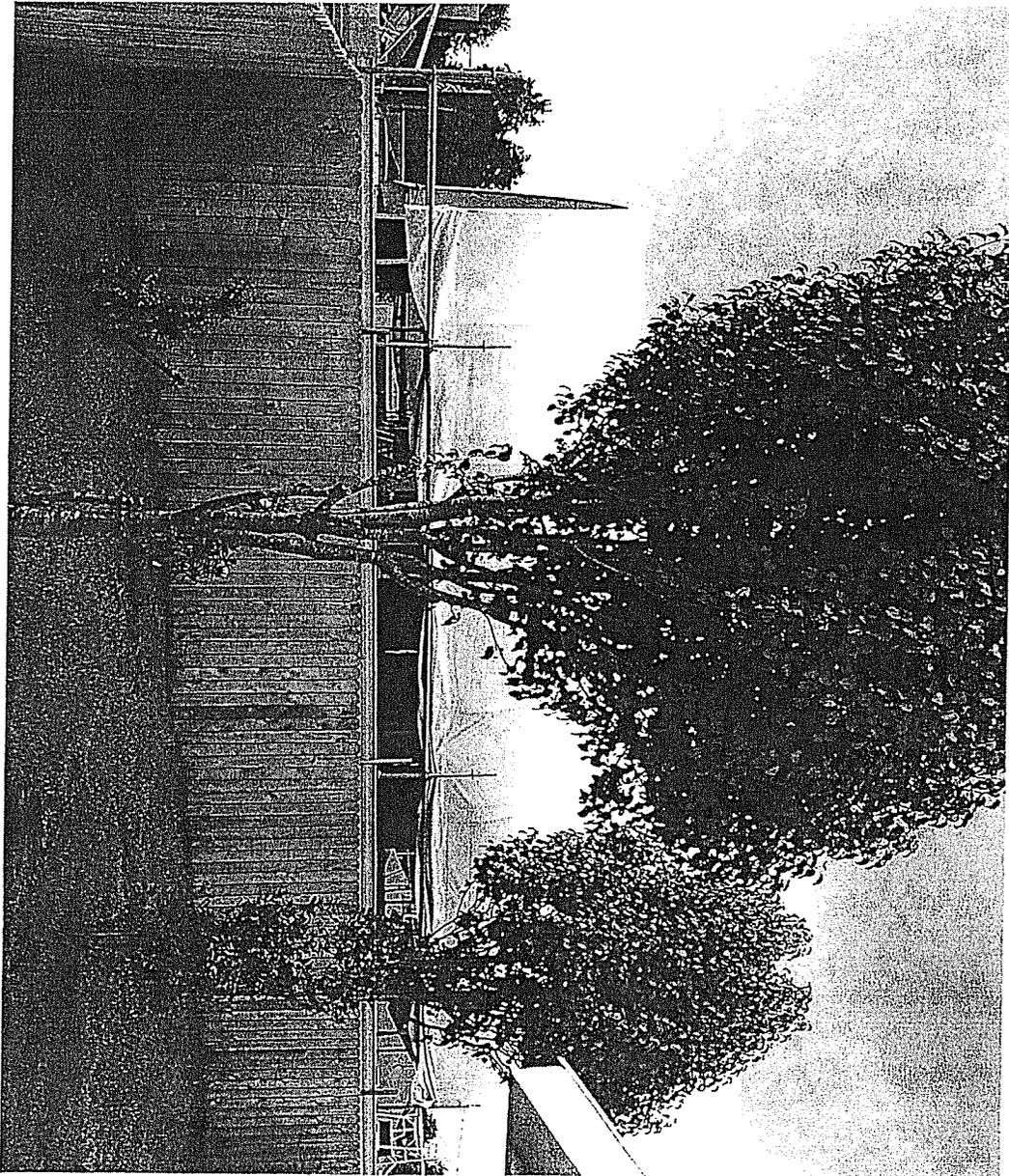


Board Of Zoning Adjustments

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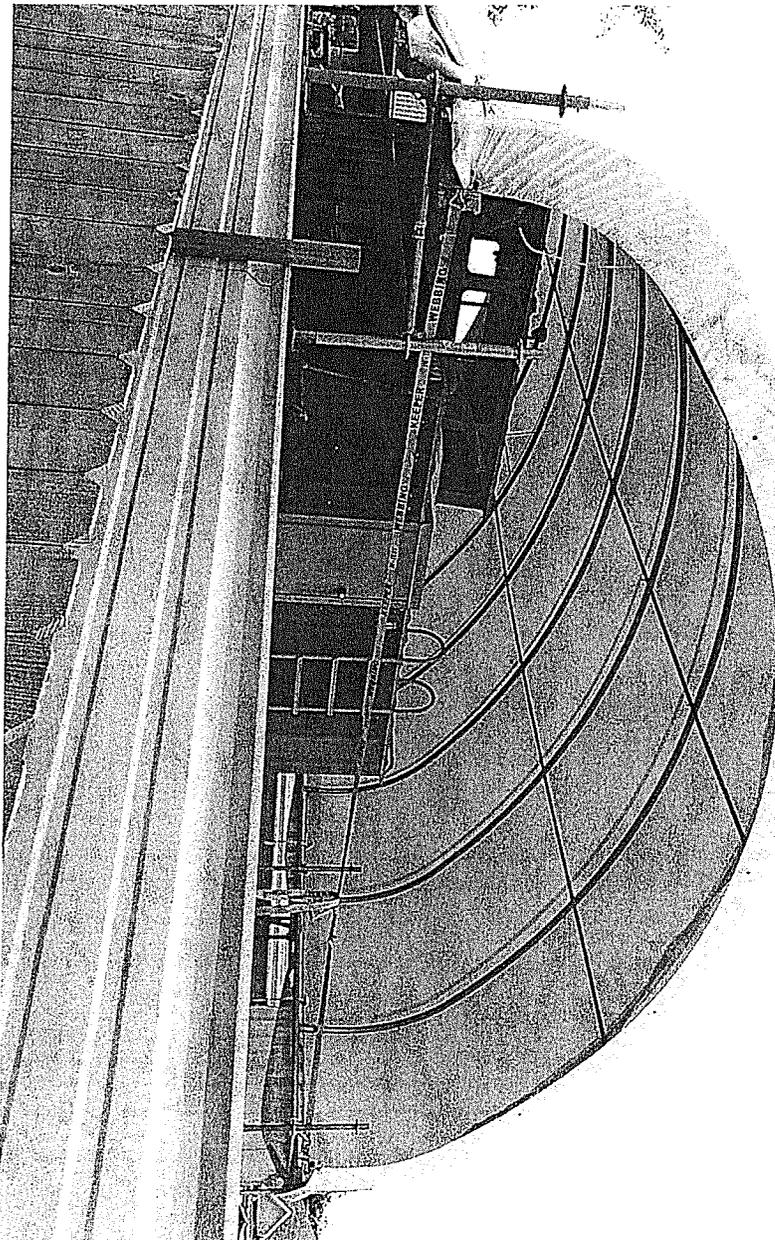


Board Of Zoning Adjustments

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Board Of Zoning Adjustments

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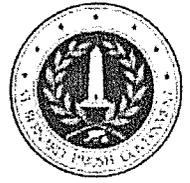
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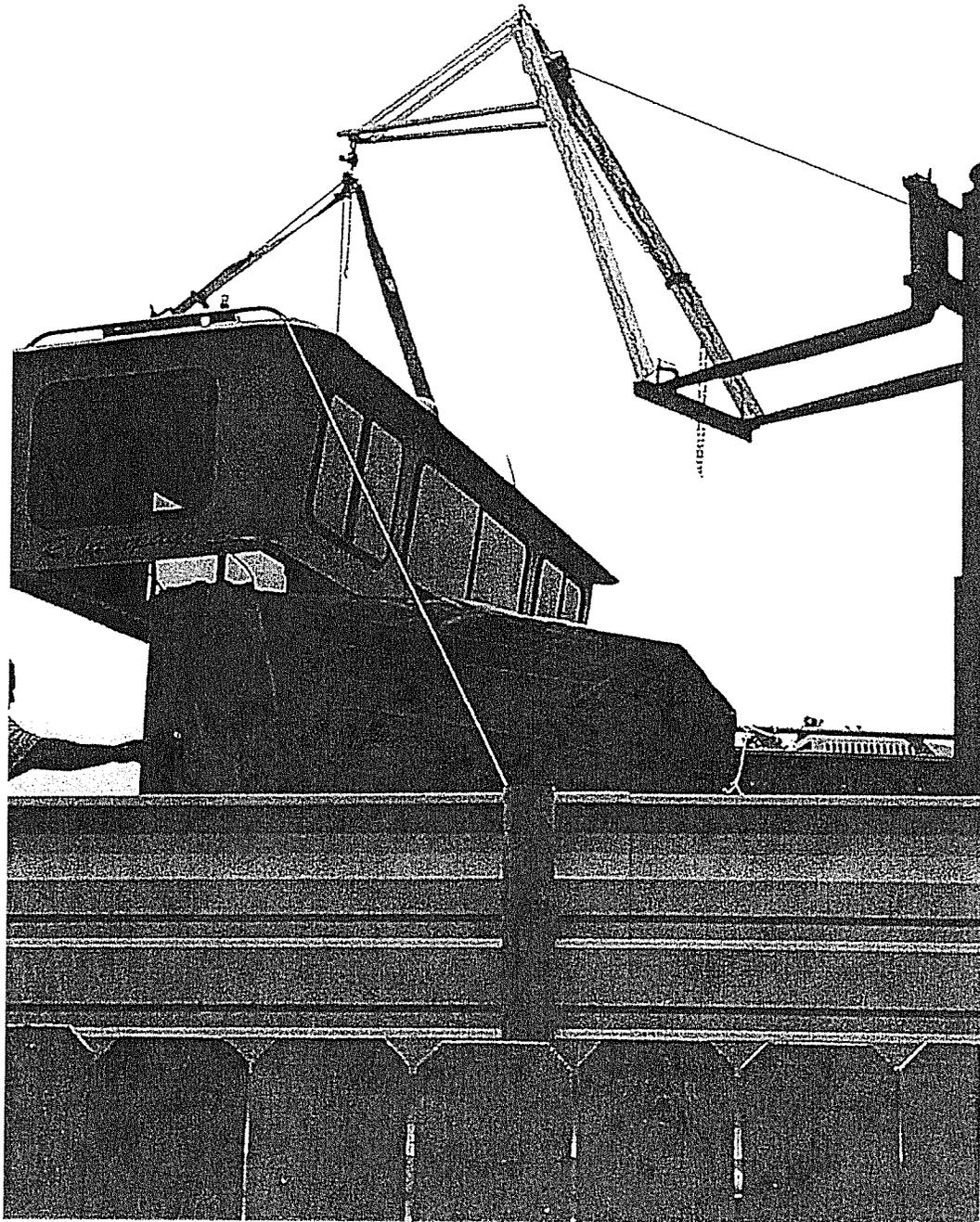


Board Of Zoning Adjustments

Staff Report

December 4, 2014

Docket Number: V-2014-038





St. Bernard Parish Government

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Chalmette, Louisiana 70043
Fax (504) 278-4330

David E. Peralta
Parish President

NOTICE OF VIOLATION

Ricky Melerine
409 W. Solidelle
Chalmette, LA 70043

April 9th, 2015

RE: 3309 Sinclair (Lots 5 & 6, SQ 6, Jackson Park SUB)
Storage of items prohibited on stand-alone lots.

Recent inspection of the above addressed property reveals that the property is occupied by various items or vehicles. The property at issue lacks a primary dwelling or primary main structure (ie house). Any such property is referred to as a 'stand alone lot'.

The use of residentially zoned lots for storage or parking of any items in the absence of a primary structure (ie house or domicile) constitutes violation of Section 22-5-6 *Permitted Accessory Uses* of the St. Bernard Parish Code of Ordinances. Violations of this nature subjects any party found guilty or liable to a fine of up to one-hundred dollars (\$100.00) per day for each and every day the violation occurs or continues.

Be advised, you have twenty (20) days from the date that this notice is received or posted to remove all items from the subject property – or – within twenty (20) days from the date this notice is received or posted, have on file in the Department of Community Development a re-subdivision application or variance application relative to the use of the subject property for residential storage and parking.

If neither of the above occurs within the twenty day time period, you will be issued a notice to appear before the Bureau of Administrative Adjudication for St. Bernard Parish for prosecution of the above referenced violation (potential fines and penalties outlined above).

Any questions relative to this notice should be directed to the Resident Services & Compliance at (504) 278-4224. Any questions relative to the variance application process should be directed to the Office of Community Development at (504) 278-4310.

Respectfully,

Clay Dillon
Chief Compliance Inspector
St. Bernard Parish Government

Served copy at Ricky Melerine
After JDC Court Hearing
ON 4-9-15 Clay Dillon



St. Bernard Parish Government

8201 West Judge Perez Drive
Phone (504) 278-4200

Chalmette, Louisiana 70043
Fax (504) 278-4330

David E. Peralta
Parish President

Mr. Melerine:

December 10, 2014

Enclosed with this correspondence are copies of the code sections which you requested. You may note that the provisions of Section 22-5-6 (g) (4) states "The parking or storing of no more than two (2) boats and/or recreational vehicles". For purposes of interpretation of the prior language, I consider the cargo trailers as recreational vehicles as I cannot prove that any are used in furtherance of a commercial enterprise. Secondly, we do not count any of the trailers upon which up to two boats are mounted on as separate trailers.

Lastly, with regard to Section 22-5-6 (g) (4), note the language "and/or"; this language could be interpreted to mean the following: 1 boat and 1 recreational vehicle (for a total of 2 – again not counting the boat mounted trailer as a second trailer), or 2 boats, or 2 recreational vehicles/trailers. Each of those scenarios envisions a regulation which allows the storage of only 2 items. However, given that the wording is and/or, an argument could be made that the intent was that 2 boats "and" 2 recreational vehicles are allowed for a total of four items. For purposes of the matter before Division C of the 34th JDC, we are interpreting the subject section in the most liberal "two of each item" scenario.

HOWEVER! Be advised that the BZA (Board of Zoning Adjustments), the Department of Community Development, and the Legal Department for St. Bernard Parish Government have advised that it is their interpretation(s) that the parking or storing of vehicles (inclusive of boats, trailers and recreational vehicles) is an accessory use of residentially zoned property. In the absence of a primary dwelling unit, the accessory use of vehicle storage or parking is prohibited. In summary, parking upon a residentially zoned property which lacks a primary dwelling unit would be prohibited.

Our Department has advised Administration that clarification of the above issue is necessary. We will be meeting with the Department of Community Development and the Parish Council with recommendations relative to the storage and parking of boats, trailers and recreational vehicle upon residentially zoned property (in cases where a primary dwelling unit is present as well as in cases where there is no primary dwelling unit).

In summary, be advised that at some point in the near future the regulations or policy regarding storage and parking on residential property (whether with or without a primary structure) may change and may include an absolute prohibition of storage on lots absent a primary structure. If you have any questions, let me know

Sincerely,

A handwritten signature in black ink, appearing to be "Clay Dillon", written over a horizontal line.

Clay Dillon
Chief Compliance Inspector
Resident Services & Compliance



St. Bernard Parish Government

8201 West Judge Perez Drive
Phone (504) 278-4200

Chalmette, Louisiana 70043
Fax (504) 278-4330

David E. Peralta
Parish President

NOTICE OF VIOLATION

Ricky Melerine
409 W. Solidelle
Chalmette, LA 70043

April 9th, 2015

A recent inspection of the property at **409 W. Solidell** reveals that you are in violation of the below outlined Section of the St. Bernard Parish Code of Ordinances:

Sec. 20-144.1. Parking of certain vehicles in residential areas.

- (a) It shall be unlawful for any person, firm or corporation to park or store an airplane, mobile-home, trailer, tractor-trailer, or part of such vehicle in any area of a residential zone.
- (b) It shall be unlawful for any person, firm or corporation to park or store any recreational vehicle, camper, boat, trailer, utility trailer or parts thereof within the boundaries of the front yard of any R-1, R-2, R-3 zoned properties, excluding a driveway that is positioned perpendicular to the residential structure. Said driveway shall not comprise more than twenty (20) feet in width.
- (c) In residential zones, the following vehicles will be allowed to be parked:
 - (1) Passenger vehicles.
 - (2) Vehicles used for vanpooling of not more than fifteen-passenger capacity.
 - (3) Station wagons.
 - (4) Pickup trucks up to one (1) ton capacity.
- (d) Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor punishable either by a fine of not less than twenty dollars (\$20.00) and not more than one hundred (\$100.00) dollars or nor more than ninety (90) days jail sentence, or both. Said fines and/or incarceration sentencing shall be for each and every day that such a violation exists.
- (e) This section shall authorize parish government through its agents and divisions of the compliance office, the office of community development, constables in their respective wards, and the sheriff and his deputies to bring action against violators of this section.

Be advised that you have 10 days from receipt of this notice to remove the forklift from the subdivision. If you fail to comply with this notice you will be subject to the criminal fines and penalties listed above.

If you have any questions regarding this notice you should contact the office of Resident Services & Compliance at (504) 278-4224.

Date served: _____

Sincerely,

Served by: _____

Clay Dillon
Chief Compliance Inspector
St. Bernard Parish Government

Served on: _____



St. Bernard Parish Government

8201 West Judge Perez Drive
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Chalmette, Louisiana 70043
Fax (504) 278-4330

David E. Peralta
Parish President

NOTICE OF VIOLATION

Ricky Melerine
409 W. Solidell
Chalmette, LA 70043

July 24, 2013

RE: 3309 Sinclair, Chalmette, LA.

A recent inspection of the above addressed property revealed the presence of various items located upon the property. Present are; a large cargo body dual axel trailer, a flat trailer with a drop gate at the rear, a second flat trailer and a tractor. Also present were 2 boats.

The presence of the trailers constitute violation of Section 22-4-2.1 of the St. Bernard Parish Code of Ordinances, the trailers at issue are commercial items stored in a residential neighborhood. Penalties for violation of Section 22-4-2.1 are "a fine of up to one-hundred dollars or up to thirty days incarceration, or both, for each and every day that such a violation shall continue".

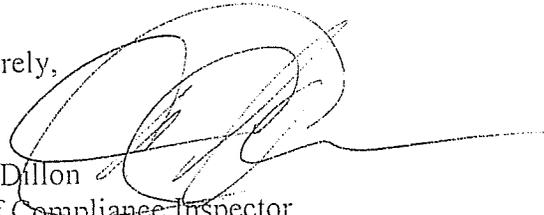
The presence of the tractor constitutes a violation of Section 20-144.1 of the St. Bernard Parish Code of Ordinances. Penalties for violation of this section are " a fine of up to one-hundred dollars or up to ninety days incarceration, or both, for each and every day that such a violation shall continue".

The condition of the large cargo trailer constitutes a violation of section 11-28 of the St. Bernard Parish Code of Ordinances. Section 11-28 authorizes impoundment of such items and a two hundred dollar fine per item. Copies of all above referenced code sections are included with this notice.

Be advised that you have ten (10) days from receipt of this notice to remove all of the above items from the subject property. Should you fail to comply with this notice you will be subject to all of the above outlined fines and penalties. This notice does not apply to any boat registered in the property owners name.

Any questions regarding this notice should be directed to the Division of Resident Services & Compliance at (504) 278-4224.

Sincerely,


Clay Dillon
Chief Compliance Inspector
St. Bernard Parish Government

Sent To Ricky Melerine 409 W. Solidell Chalmette, LA 70043	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

OFFICIAL USE

For delivery information, visit us at www.usps.com

(Domestic Mail Only, No Insurance Coverage Provided)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ricky Melerine
409 W. Solidell
Chalmette, LA 70043

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Ac
 Ac

B. Received by (Printed Name)
 C. Date of

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Ricky Melerine

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Mer
 Insured Mail C.O.D.

70043 2820 0004 3574 6146