

**Planning Commission
Public Hearing
April 9, 2013**

The meeting was called to order by Planning Chairman Dennis Thomas and the secretary called the roll.

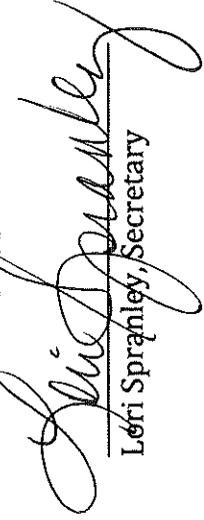
Present: Nixon Adams, Dennis Thomas, Simmie Fairley, Ren Clark, Scott Quillin, Michael Blache, and Rebecca Bush

Absent: None

Also present: Louissette Kidd, Planning Director and Mayor Donald Villere

Mr. Quillin moved to approve the minutes of February 19, 2013, seconded by Mr. Blache and was unanimously approved.

Mr. Clark moved to adjourn the meeting, seconded by Ms. Bush and was unanimously approved.


Lori Spranley, Secretary


Dennis Thomas, Chairman

**Zoning Board
Public Hearing
April 9, 2013**

The meeting was called to order by Zoning Chairman Nixon Adams and the secretary called the roll.

Present: Nixon Adams, Dennis Thomas, Simmie Fairley, Ren Clark, Scott Quillin, Michael Blache, and Rebecca Bush

Absent:

Also present: Louisette Kidd, Planning Director and Mayor Donald Villere

Mr. Adams announced that written notice of decisions regarding variances will be filed in the Board's office the following day of this meeting at which time applicable appeal time will begin to run.

The first case discussed was V13-02-04 Wimberly-Haddad, LLC/Bi Guo Zheng requests a variance to Article 10, Sign Codes, parcel in Plot 2, Virginia Heights, 1633 N. Causeway Boulevard, zoned B-2.

Ms. Kidd presented a sign variance request due to the sign contractor having installed a freestanding sign face replacement, attached signage, and neon attached along the eaves of the building without a permit. The Building Inspector saw the banners that were placed without a permit, which would have been allowed with a permit for 14 days. The next day the signage was installed. A variance was granted in 1994 allowing the existing pole sign to remain at 64 square feet. As previously discussed at the work session, if the property owner agreed to reduce the height to a monument sign at 7', the 20% bonus for attached signage could be placed on the building. The attached signage measured 42 square feet and the 20% bonus would allow 13 square feet. The board had discussed they would consider allowing the signage to reduce the height of the freestanding sign.

As of the last meeting, the applicant had not been able to reach the property owner. Ms. Kidd had contacted the owner the day of the meeting discussing the reduction to a monument sign, but the owner was not agreeable and understood the situation of the signage being installed without a permit. The owner also understood that the variance could potentially be denied. He felt nostalgic about the sign and its height was grandfathered. If he agreed to a reduction in height, he would not be able to get it back.

Mr. Adams said to be legal, the freestanding sign could remain and the attached signage would be required to be removed.

Kenny Can, American Express Signs, was representing Bamboo Garden and he stated that he had left a voicemail for Mr. Haddad who returned his call prior to the meeting. Mr. Haddad stated that he did not want to remove the pole sign. Also, Mr. Can did not think a monument sign would be visible with the existing trees and bushes. The request was to help his customer retain the attached signage. He stated many businesses along North Causeway Boulevard were closed and that business was slow. He reiterated he wanted to help his customer.

Mr. Adams said the board could not grant a variance for the financial benefit of the customer. The board had tried over several meetings to find a solution. It was a serious violation to erect signage without a permit. The owners had stated they did not want to take down the freestanding sign. To have legal signage, Mr. Can must remove the attached signage. If the variance was denied, the board could allow a time limit for removal and if the signage was not removed then fines would be imposed.

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Mr. Blache asked how long it would take to remove the attached signage. Mr. Can said if his client agreed it could be down quickly. Ms. Kidd said if the variance was denied, it would not be a matter of if the customer approved, they would have to remove the signage or be fined up to \$500 per day.

Mr. Clark said what was missing in the discussion was the tenant and the owners. He asked if there was a language problem with the applicant and Mr. Can said they spoke English. Ms. Kidd said she had contacted the owner. It was her understanding that Mr. Can had installed the signage without a permit and he was representing the sign owner. Mr. Adams said regardless of the applicant being present, the owner had stated the freestanding sign would not be removed or modified.

Mr. Blache moved to deny the variance to begin penalties after a 30 day period from the date of the public hearing, seconded by Mr. Quillin and was unanimously approved. Mr. Adams said if Mr. Can could work something in the future with the owners, the board was always looking for monument signage.

The next case discussed was V13-04-07 Yolanda More request a variance to Section 8.1.5, Supplement Regulations to Accessory Buildings and Section 3.3.3, Accessory (Buildings or Use), square 294, zoned R-1.

Ms. Kidd presented a variance request to allow the construction of an accessory building without a principal structure. As discussed at the work session, Ms. Moore lived on the lakefront and dealt with high water issues. She owned the entire square 294 and would like to construct an accessory building to house her objects and equipment. There was an existing driveway and building pad because in 2005 Ms. Moore was issued a building permit. She did not move forward after Hurricane Katrina.

Mr. Adams said at the work session discussions, Mr. Quillin had suggested a time variance. Mr. Adams said there were questions about security in the area and asked what steps were being taken to secure the property. Mr. Quillin said if the variance was approved, it would be temporary as a structure would not remain without a main residence.

Mr. Clark was concerned that allowing a time variance could bring similar requests to the board. He was concerned about empty lots becoming storage areas. Mr. Adams said the school and the property across from the Scotts had been granted a similar variance that was temporary. Ms. Kidd said the board must review each situation. Mr. Clark said there were many non-wooded areas where storage would be an intrusion. Mr. Adams said there were not many six acre lots. Ms. Kidd said that could be considered as a finding that it was a six acre wooded lot that could not be seen from the street. Mr. Thomas was concerned that a storage building in the woods would be looted on an ongoing basis.

Londi Moore, owner, said she would construct a fence and was contracting with a security company for the installation of cameras that would be monitored. The two adjacent neighbors would be watching. There would be a gate at the entrance of the private driveway. There were trees cut and a fawn killed. If she did not fence her property, the trees would continue to be cut. She wanted to preserve the area. She wanted to construct her home, but it would take a few years to accomplish it. As far as security, there should not be an entrance. She had worked with the Police Department with cameras trying to catch looters. They found the problems were coming from both neighborhoods on each side of the six acres. Mr.

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Thomas asked if the entire six acres would be fenced, and Ms. Moore answered the constructed area would be fenced. This was to be a preserved area.

Mr. Adams said there were special green space preservation stipulations with the annexation of the subdivision. There was a conservation easement that would always remain green. Ms. Moore said that restriction applied through the subdivision. She wanted it to look like Old Mandeville, but with more trees.

Mr. Clark was concerned about what could happen in other vacant areas. Six acres was a lot of land. Ms. Moore said it would be beautiful because it would be attached to her future home. On the lakefront she could not have any storage. Mr. Clark was concerned about precedent. Mr. Adams said the board would have to go a long way to make two cases the same and there was a benefit to the City to allow the area to develop correctly. As long as it was temporary, he did not seek a risk.

Mr. Blache said it did not put anyone in harm's way. As far as it creating an attractive nuisance, it was an enforcement issue and not a board issue. Mr. Clark said there were cars keyed and mailboxes destroyed in Old Mandeville.

Larry Schnadelbach, 1830 Old Mandeville Lane, said every lot bordering the property had a house constructed on it. His house was lined up with the proposed building. He asked how large was the building? Ms. Kidd said less than 1,000 square feet. He also asked the type of material? Ms. Moore asked if it was relevant. Mr. Schnadelbach said he could see the property and saw the work done over the weekend. He could see all the way through the property. Over the weekend, he could hear all of the construction. He did not understand why a permanent building would be built for temporary storage. There were other methods for storage. For example, rent a pod, an 18 wheeler trailer, or rent a facility off of the property. He was concerned about setting a precedent. There were many vacant lots and he was sure other people would like to build storage buildings to meet their needs. This was personal to him. He understood her problem, but why should the whole subdivision have to have a variance against it for something that was temporary.

Mr. Adams said if the building was 200 square feet larger a building permit could be issued and still use it for a storage shed. It did not seem anything was gained by limiting the use. Mr. Schnadelbach asked to confirm that it was a one story building and answered that it was. He also asked that there would be no residential occupancy, only storage and the question was answered that it was only storage. Mr. Adams said that was the intent at this time. He asked about the consequences of not meeting the time deadline. Mr. Adams stated Ms. Moore would be required to request a renewal and Mr. Quillin said they could be fined.

Mr. Adams said the board had received a letter from the Cole family. Ms. Moore said it was her neighbors. Ms. Moore said Mr. Schnadelbach felt her property was part of Old Mandeville Woods and it was not a part of the subdivision. The Cole's owned lots 16A and 17A and Ms. Moore owned lot 18A. Ms. Moore said even though Mr. Schnadelbach could see the construction there was about 200' between them.

Mr. Clark asked if the intent was to move the storage when the house was constructed. Ms. Moore said she would add onto it with the construction of the permanent structure. Mr. Clark said this was the ancillary structure to the residence and was for the storage of just her equipment. Ms. Moore said yes. Mr. Adams asked that everything would be located inside the building. Ms. Moore said all equipment will be contained within the fenced yard.

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Mr. Fairley moved to approve the variance for two years, seconded by Mr. Blache. Mr. Thomas asked to include in the motion the installation of a fence and security camera which was power, and the area would be lighted. The amendment was accepted. Mr. Clark clarified that it was only for Ms. Moore's use. The motion passed unanimously.

The next case discussed was V13-04-08 William Smith IV/Jacourt LLC requests a variance to Article 8.1.3, Supplemental Fence and Wall Regulations, Square 34, 448 Lafitte Street, zoned B-3

Mr. Adams said the request was discussed at the last meeting. It was an advertising technically. Ms. Kidd presented the request to allow a 7' fence within the front yard setback. The board agreed that the 7' fence could tie into the first fence post in of the adjacent neighbor. It was about 8-10' back. They were about 10' from the property line to begin with so it would be between 15' and 20' rather than the 25' setback requirement.

The exact location was to allow them to tie into the existing fence post behind the existing gate. Ms. Kidd said the staff would make that calculation. Mr. Clark said there was the cleverness of dogs to get under or over fences. Ms. Kidd said the applicant had stated she would retain the existing chain link fence.

Mr. Adams said the zoning permit would include landscaping in front of the fence. Ms. Kidd said they had met with Ms. Gleason to work on landscaping in front of the proposed new fence as a buffer.

Mr. Adams suggested the fence would be placed at a point determined by the staff and noted on the final plat. Mr. Quillin moved to approve the variance with the stated language, seconded by Mr. Fairley and was unanimously approved.

The last case discussed was V13-04-09 Bayou Marina Condo Association requests a variance to Section 7.5.13.3, PM-1 Site Development Regulations, lots 6-A and 6-B, a portion of square 103, 1025 Villere Street, zoned PM-1

Ms. Kidd presented there were two condominium buildings being elevated. The applicant had met with the Design Review Committee and it was suggested that the front steps be placed in the middle to park under the building. The columns were aligned accordingly. The steps would extend out a distance of 8' from the property line and there would be a 17' variance for the encroachment. It was discussed a plan with a 6' deck and steps would be incorporated into the deck area. The edge of the steps would be 8' from the property line and 16' from the edge of the deck to the bottom of the steps. Previously the parking was located in the front of the building.

There would be four garage opening. The 6' area on the ends were really 4' that would be screened. Landscape would be installed on the ends and between the garage areas. There was intent to install garage doors. Mr. Adams said he would request the Design Review Committee review the garage doors. Mr. Thomas said it should be closed to the front to make the pool secure.

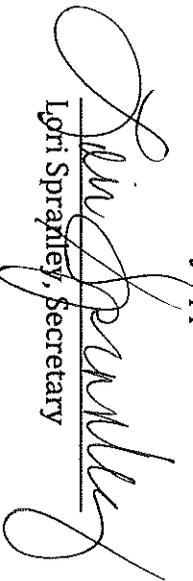
Ms. Kidd said the property was zoned PM-1 and the setback requirement for residential reverted to the R-2 zoning criteria, which was a 25' front yard setback. There would be 8' to the edge of the property so a 17' variance was requested for the encroachment. Mr. Adams said this was less of an encroachment than the car parking. From the 6' porch, it would extend out 16'.

Mr. Blache said the proposal improved the view of the property getting the cars off the roadway. Mr. Clark asked about hardships and options. Ms. Kidd said the original intent was to place the stairs to the side and there was not enough room for the balconies. Mr. Adams reiterated that the garage doors should be reviewed. Mr. Quillin said the Design Review Committee might have good suggestions for the property owners.

Mr. Quillin moved to grant the variance for a 17' encroachment of which the stairs and the additional 3' for the porch if it was at 6' above the ground, seconded by Ms. Bush and it would include a review of garage doors. The motion passed unanimously.

Mr. Quillin moved to approve the minutes of February 19, 2013, seconded by Mr. Blache and was unanimously approved.

Mr. Clark moved to adjourn the meeting, seconded by Ms. Bush and was unanimously approved.


Lyri Spratley, Secretary


Nixon Adams, Chairman