

**Zoning Board
Public Hearing
July 30, 2013**

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

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

Absent: Scott Quillin

Also present: Louise Kidd, Planning Director and Council Member Rick Danielson

Mr. Adams announced that written notice of decisions regarding zoning 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 only case discussed was V13-07-12 George Mayronne/James Conner and Walter Mader request a variance to Section 7.5.1.3, R-1 Site Development Regulations, a portion of land in square 38, 546 Adair Street, zoned R-1

Ms. Kidd presented the property was located on the corner of Adair and Livingston Streets and was zoned R-1. There was variance request for lot frontage of 2.5' on each of the two proposed lots. The property was in the same ownership since 1962, was undeveloped, and measured 175' on Livingston Street and 156.25' on Adair Street for a total of 13,671 square feet each proposed lot. The R-1 site development site criteria was 90' x 120' for a total of, 10,800 square feet. The proposed two lots met the depth and square footage requirements being 36.25' greater in depth and 2,871 square feet larger. The variance would be for 87.5' and not 90' frontage or a 3% variance. The lot dimensions in the area were mixed from 38' to 90'. The east side of Adair Street was zoned R-1X, 72'/8,000. The proposed lot sizes were compatible with the lot sizes in the neighborhood. Ms. Kidd presented a graphic outlining the square footage of the lots in the area with numerous lots designated in pink that were under 10,800 square feet and not compliant. Adair Street was zoned R-1X so there were smaller lots in the area where the R-1X designation was assigned by the average frontage with smaller lot sizes. The green color designation was lot sizes between 10,000 and 13,000 square feet. The yellow color designation was lots over 13,000 square feet. The requested lot size fell in the middle of the range.

The CLURO contained language in Article 4 for the contiguous lot law that if a lot was less than 90' and provided the lot width frontage was 85% or 76.5' and the depth and square footage were met, the lot could be allowed. This was a similar concept.

These were issues that were being seen in Old Mandeville more often. The blocks were laid out in an approximate 500' x 500' square, and the 90' x 120' lot sizes did not fit that square size. This lot size was adopted under the CLURO as a suburban code that fit the west side of the town. Even there, the Old Golden Shores and Weldon Park Subdivisions contained smaller lot sizes.

The Planning Department had received nine letters of which one was not in the neighborhood, four were in favor and four were in opposition. The issues raised were wetland and drainage, elimination of large lots, concrete, reducing value and diminishing what made Old Mandeville attractive. The other four letters were of support and no objection to the proposed division and they recognized the proposal was in keeping with the character of the neighborhood.

Ms. Kidd said the property was not a wetland area. The topography was a 9' elevation and property below 5' was required to present a wetland determination. There may not be positive flow on the lots, but a drainage plan would be required to be submitted and reviewed. The street drainage was designed for capacity.

Cathy Deano, purchaser and lifelong resident of Mandeville, stated she owned two businesses and would not hurt the community. They will build nice houses and were downsizing. She felt the construction was a boost to the neighborhood. Mr. Blache asked what type of home would be constructed. Ms. Deano said they liked the West Indies style and would be a few feet above grade. Mr. Clark asked that there would be no fill to change the terrain. Ms. Deano said she was not the architect. Ms. Kidd said it was in the historic district. Becky Deano, purchaser, said they would be built 4-7' above grade on piers. Jay Conner, purchaser, said his home had flooded eight times and they had sold the property. Mr. Blache asked if it would be concrete drive. Both purchasers stated it would be a limestone driveway. Mr. Clark asked if they would take into account every possible concern about drainage and water flow, and both purchasers were in agreement.

Mr. Adams said the issues addressed in the eight letters were those heard frequently.

Peter Toomey, 2420 Mathis Street, said when he purchased his property, it was based on wetlands. The Corps inspected this lot and he was told it was wetlands and he pointed them to his lot. Mr. Adams said wetlands were determined by the Corps of Engineers and if the land was above 5', it was not usually a wetland. Mr. Clark said as someone who looked at wetlands, he would be surprised if it was a jurisdictional wetland. Mr. Toomey asked for mitigation of a setback on the corner. Ms. Kidd said the 15' setback on the street side would be met.

Terry and Susie Shaw, 550 Lafayette Street, said they welcomed all new neighbors as they were welcomed 23 years ago. Some time ago, Mandeville gave away trees to restore the canopy in Old Mandeville and bring back the charm that existed pre-Katrina. One house was acceptable, but they were opposed to two homes. The property was a nice corner and full of wildlife. If the variance was granted, it would be replaced. Ms. Shaw said they had a dog and there was an issue of water staying in the ditches after a rain. With new construction, the water might not drain at all. Drainage was a big issue and they were concerned about their property value being reduced. They moved to Mandeville for the green area. Ms. Shaw understood about there being smaller lots and homes, but they were already in existence. She would like the purchasers to comply with the present laws. Ms. Kidd said the regulations were a minimum of 90' x 120' and the proposal was 87.5' by 156.25'. Ms. Shaw said she did not want to see the construction of houses too close together and the green space was going away.

Sonny Gonzales, 547 Adair Street, asked why the lots would face Livingston Street and not Adair Street. Ms. Kidd said the regulation stated that the smaller dimension was the front of the lot and the smaller dimension now was Adair Street. But if subdivided, the smaller dimension was on Livingston Street. Mr. Gonzales said from what he heard, the purchaser put a lot of work into the property and it would be done right. He said the owner of the property should have done diligence and realized he had a property that would sell as one unit if the variance not approved. Mr. Adams said the board was prohibited from granting a variance specifically for the financial benefit of an applicant. If granted, it was based on being the right thing to do for the

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neighborhood and for the character of the neighborhood. The board did not have a financial interest in the property. Mr. Gonzales said it lead to another factor that Mr. Waller was previously denied a variance with a difference of 7'. The board had stated that it was since the 1920's that the zoning was established. Mr. Clark said that was the time of the initial court case in the United States establishing zoning. Mr. Adams said Mr. Waller was turned down not because the board did not like the project, but their concern was about the density. That project did not meet those requirements.

Mr. Gonzales said in summary someone will buy the property and construct a nice house. Someone else could sell the Deano's a property. He asked the property remain as one lot and the neighborhood wanted the lower density. It was all about the width, and not the depth. Mr. Blache said there were exceptions. The board had approved variances that met the density and overall square feet. The board would outline the findings of what met the compatibility with the neighborhood. As one lot, there was more developable area than on two lots. They could cut more trees and place more concrete on one lot. Mr. Gonzales said that was one extreme and it could be less. Ms. Kidd said she was presenting what was allowable under the code. Mr. Adams said the owner could scalp 9% more on one lot than two lots. Mr. Thomas said it was extremely hypothetical. Mr. Blache said there was historical reference in looking at Lakeview. Ms. Kidd said it was happening more in Old Mandeville with building on the whole footprint. Mr. Blache said the board must decide what was good for the whole area. There were property rights to consider as well. The owner could do what he wanted with his property within reason and but the board must decide the reason. Mr. Adams said the board could not take away those rights unless there was some reason. There was a process for a variance because no one could not write a perfect code. Mandeville was subdivided 150 years ago and everyone was now jamming density into the code. The board wanted a mixture of lot sizes. In the past, the board had made a judgment on that basis. Typically if it met the square footage or exceeded it, many times variances had been granted. Mr. Blache said some cases were denied because it did not fit the neighborhood. Mr. Clark said the Walker's wanted to carve off the wetland piece to identify it as unbuildable. There were reasons behind the board's decisions. He understood the visceral response to a wooded lot would be not to cut down the trees and the City would purchase it. The owner had a right to sell his property. He felt this variance was less than 3%, and should be handled administratively. The board should tweak the code. In terms of density, the lots fit within the neighborhood. Mr. Clark understood the response of the neighborhood. The only way to stop it was to purchase the property.

Mr. Adams said if the property was developed and was holding water now and if nothing was done to get it away, it will go onto the adjacent property and would be a problem. A good drainage plan was part of the process. They could not design a house to dump water on the neighbor's property. Mr. Gonzales said the adjacent lots had standing water and Mr. Buchholz could not buy the property adjacent to him because it was wet. Mr. Clark said most of Mandeville was wet if you look close enough. Mr. Gonzales said he wanted the board to consider keeping with the rules.

Mr. Shaw said there were discussions about wetlands. He asked if the Zoning Board had a study on the impact of wildlife. Mr. Adams said the board had finished a Short Term Work Program and a priority 1 item was for the City to identify the critical and sensitive wetland and habitat area to protect them. That was in the works. Mr. Shaw was concerned about the wildlife being run off. Mr. Clark reminded Mr. Shaw how he was lucky to live here and be able to see the wildlife.

Mr. Blache reiterated that the board must look at each case on an individual basis. He had heard about the quality of life from some of the residents, but not any true specifics. He did not see any harm in moving forward. If there would be harm, then he would agree with the residents.

Mr. Clark said it was a small variance request. If it was 10-15' that would be major. He thought it should have been handled administratively. Secondly, you were dealing with Old Mandevillians who had an acute sense of Old Mandeville and if you have neighbors, you would want the applicants and the neighborhood could do worse. The nice part of the request was it was a minor deviation with lots above 10,800 square feet. The two couples want to build a family commune to grow old in. In knowing the applicants, the job would not be slash and burn development. Ms. Shaw said some Old Mandevillians build and sell them every four years and move around for profit. They don't know that. Mr. Clark said the applicants at the last meeting stated the reason and intent was to build for a distant future. He took most people at their word.

Mr. Adams said the development and any hardship was the same as many other requests in Old Mandeville trying to overlay a reasonable plan to the regulations. Blocks were not laid out for this size. There were thin, long lots. The hardship was the original subdivision of the town. He did not find this request inconsistent with past approvals.

Mr. Thomas said as a semi-Old Mandevillians who had consistently seen large lots subdivided sometimes for profit, sometimes for sale, sometimes for the construction of large houses. He had consistently been opposed. He loved Old Mandeville the way it was. The requests were consistently shrinking down the lots. He suggested there were four lots on Monroe/Wilkinson Streets. CLURO Section 4.3.4.5 stated specifically not to serve as a convenience to the applicant but to alleviate some hardship so great to warrant a deviation from this provision. He felt the request did not meet the provision and was opposed.

Ms. Bush said it was reasonable. Under Section 7.5.1.1, the purpose of R-1 was for low density housing and a peaceful environment.

Mr. Blache moved to grant the variance, seconded by Ms. Bush and passed 4-1 with Mr. Thomas voting against.

Ms. Bush moved to defer minutes to the next meeting, seconded by Mr. Blache and was approved.

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



Lori Spranley, Secretary



Nixon Adams, Chairman