**nning Commission**
**_ _ɔlic Hearing**
**August 26, 2014**

The meeting was called to order by Chairman Dennis Thomas and Acting Secretary Kathy Reeves called the roll.

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

Absent: Rebecca Bush

Also Present: Louisette Kidd, Planning Director; and Mayor Donald Villere

Mr. Thomas 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 first case discussed was P14-08-06 Ricky and Rene Liberto request a waiver to the conditions regarding note #15, there is no structure of any kind, including fences, within the 15' tree protection area on lots 3 through 20, of the approved subdivision plat of the Beau West Subdivision, Phase 1, prepared by Kelly J. McHugh & Associates, Inc. revised through May 17, 2000, zoned R-1

Ms. Kidd presented a request for a waiver to the statement on the subdivision plat of the Beau West Subdivision. The note stated there would be no structures of any kind, including fences, within the 15' tree protection area on lots 3-20. Lots 3-20 were continuous with the Beau Rivage subdivision. The Libertos proposed to construct an in-ground swimming pool at 727 Libby Lane. Their plan proposed an encroachment into the 15' tree protection area. The 15' was also a drainage servitude. The Public Works Department had prepared a memo stating there were was no objection to an encroachment into the main servitude, but stipulated there must be the installation of catch basins. But, the tree protection was listed as a note on the plat. Under CLURO Section 11.5.5 there was a listing of waiver criteria. Ms. Kidd stated that she had discussed this with the City Attorney and under state law, the subdivision plat was a document like a zoning regulation. Under paragraph 1 of Section 11.5.5, the conditions stated "OR" so only one was required. Paragraph 2 referred to the detriment to public safety, health, welfare or being injurious to other's property. Paragraph 3 referenced hardships.

Lots 14, 13, 10, 9 and 7 had all been issued permits for pools. It was asked if any of those permits had these particular conditions. Were they infringing on this tree protection zone? Ms. Kidd stated that it appeared from the permitting records that there were no encroachments on the pool itself into the tree protection area. However, there appeared to be structural encroachments with the decks and patios and the areas around the pool. Because the note stated structure of any type, this would be a violation. It was not known specifically if any of the encroachments were part of the permit or not, or if they were added later. Ms. Kidd had discussed this with the City Attorney and he said that each property should be taken on face value, and if they added the encroachments the City would have a certain amount of time for enforcement.

It was asked if the 15' tree protection area was serving the purpose it was intended for? It was decided if the case should be reopened to change the plat, it must be properly advertised. It was further discussed that almost every lot appeared to be in violation due to fencing, decks, etc. It was also discussed that the tree line needed to be enforced and that there were very few trees. If the lines on the slides were correct, the servitude had been voided. There was also the discussion that administratively it was difficult to monitor people's rear yards without having a permit issued.

Renee Liberto, applicant, said the plans for the pool was exactly what she wanted. She and her husband had originally discussed planting palm trees, but she was told that palm trees were not a good idea. Mr. Clark asked if she had spoken with anyone in the Permit Department about building the pool and the requirements. Ms. Liberto said that they had only spoken with neighbors and the Public Works Department. It was discussed to require the planting of a certain amount of trees with the species to be determined by Ms. Gleason.

Mr. Clark moved to grant the waiver to allow the construction of the pool with a limitation of a 5' encroachment conditioned that Ms. Gleason determine the number of trees and species to be planted, seconded by Mr. Fairley, and was unanimously approved.

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

Kathy Reeves, Acting Secretary

Dennis Thomas, Chairman

**Zoning Commission**
**Public Hearing**
**August 26, 2014**

The meeting was called to order by Chairman Nixon Adams and Acting Secretary Kathy Reeves called the roll.

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

Absent: Rebecca Bush

Also Present: Louisette Kidd, Planning Director; and Mayor Donald Villere

The discussion item discussed was V13-02-02 Prieto Marina, LLC requests a variance to Section 5.2.3, Grading Supplement, 200 section of Prieto Marina, 1298 Madison Avenue, zoned PM-1

Ms. Kidd stated that the Commission requested a one year term to review the project. Robert Doolittle presented the changes made. The plan was to work the dried spoils in Spoils Area 1 with landscape machinery to remove all the roots and other debris. The remainder of the spoil would be 100 cubic yards that would be graded and leveled to allow the planting of grass. All of the roots, debris and any other work materials would be hauled off and disposed of properly.

Mr. Blache requested that the Public Works Department review the site to assure there were no issues, act on any of their recommendations and then move forward. The board was in agreement.

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

Kathy Reeves, Acting Secretary

Nixon Adams, Chairman