

**Planning Commission
Public Hearing
August 27, 2013**

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

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

Absent: Scott Quillin and Rebecca Bush

Also present: Louise K Kidd, Planning Director

The first planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was P13-08-01 Craig Burkett requests a waiver to Section 13.2.4.3, Frontage On and Access to Improved Street Required, and Section 12.2, Application and Procedures for Approval of Public Improvements Only, square 41B, lots 55, 56 and 57, fronting on Short Street and across 818 Adair Street, zoned R-1. The zoning case discussed was V13-08-17 Craig Burkett requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, square 41B, lots 55, 56 and 57, zoned R-1.

Mr. Fairley moved to table the case at the request of the applicant, seconded by Mr. Thomas and was unanimously approved.

Adoption of the minutes was deferred until the next meeting.

Mr. Blache asked to make a motion pursuant to Revised Statute 33:4727 subsection C1 which stated in part that meetings of the board shall be held at the call of the Chairman and at such other times as the board may determine as in subsection C2(A), which further stated that appeal of the Board of Adjustment may be taken by any person aggrieved or by any officer, department or bureau or municipality affected by any decision of the administrative officer, and further under Louisiana Revised Statute 4721 which stated that the City of Mandeville may authorize the Zoning Commission in the City of Mandeville to exercise any and all powers, duties and responsibilities which may be exercised under the provisions of RS33:472. Mr. Blache stated therefore, my motion will include that the Board of Adjustments be convened Tuesday, September 3rd at 7:00 p.m. in the City Court chambers in accordance with all advertising requirements to hear an appeal of Mr. Michael Waller or his designee in accordance with the case R13-05-11/V13-05-11 to determine if errors in information submitted by the Planning Director to the Zoning Commission for consideration of the case did occur which could have changed the outcome of the Commission's decision to deny the requested variances to Mr. Waller.

Mr. Adams said the appeal was to the board of an administrative decision. He asked Ms. Kidd if that was correct. He asked if Mr. Waller had submitted to Ms. Kidd and Mr. Blache said that was his understanding. Ms. Kidd said she would defer to the City Attorney, but it was her understanding of that appeal process was if the administration denied a building permit or something administrative, then that appeal was brought to the board. In Mr. Waller's case, the Zoning Board and Planning Commission made decisions of denial in which both the resubdivision and variances cases and in both of those cases the Appeal process was to the 22nd Judicial District Court. She had sent all of the correspondence related to that. Mr. Waller sent in letters of appeal, but the process was to the 22nd Judicial Court. She would defer to the City Attorney. Mr. Adams said the board could do it as quickly as possible or whatever the board could do under the law. Mr. Blache said it was his understanding aside from Mr. Deano, the board could determine if they wanted to meet as the Board of Adjustments to decide a case if there has had been some error. Mr. Adams said the board could decide to meet. He thought something else had to

come before the board. Someone had to make an appeal. Mr. Clark said Mr. Waller needed to make a request that the Adjustment Board convene. Ms. Kidd said the letters of appeal that he sent appealing his cases were to the Zoning Board and she would defer to the City Attorney. It was her understanding of appeal under the CLURO that appeals of those decisions went to the 22nd Judicial Court. If Mr. Blache felt she gave incorrect information during the public hearing process that was not a decision. Mr. Blache clarified he was not characterizing as false information; however, he was characterizing it as incomplete information or information that might have made a difference in the decision the board had made. The reason he was saying this was because at one time if this board, and he did not want to get into the case, had the information he was privy to then he thought there might have been a different decision. It was certainly within the purview of the board to take a look at this again to be able to reconsider it. He did not feel it should go to the 22nd Judicial Court and as a commission they were trying to do the right thing. Mr. Adams said since this was a legal process, they needed to do the right thing.

Mr. Adams asked if there was a procedure for a reconsideration. Ms. Kidd said she did not think so, but would defer to Mr. Deano. Mr. Blache said in studying the language, it said that anyone aggrieved, and it may be that Mr. Waller did not submit to the right board. Generally, the Zoning Board and the Board of Adjustments were one in the same. Ms. Kidd said that was why the appeal was to the 22nd Judicial Court and when Mr. Waller sent the appeal it was immediately returned and told him the recourse. Mr. Clark asked how would the board know if there was an error in submittal. The person making the claim should make a statement of what errors were made. Mr. Blache said he thought that was Mr. Waller's attempt and as a commission having the information Mr. Blache felt it should be presented before the whole board. If the board made mistakes, they should want to listen to the information again. He did not see the problem with reviewing the information again, aside from proper protocol to be followed. However, ultimately the board needed to look at the information again and looking at it, the body may agree there were issues that may sway the opinion about this case.

Mr. Adams said there was an advertising problem and may not make by September 3rd. Mr. Blache said his motion included all advertising requirements. Ms. Kidd said she must discuss this with Mr. Deano and suggested Mr. Blache also speak with Mr. Deano. Mr. Thomas seconded motion. Ms. Bush clarified the meeting was just to hear the new information. Mr. Adams said there was a need for advertisement to listen to anything. Mr. Adams said there were many issues and the board could be getting into exparte communications. Mr. Blache said he was comfortable with his position about exparte communication. He had not had any specific discussions with Mr. Waller regarding this case. He felt strongly how he participated and said if the board did something wrong, the commission needed to find a way to make it right. He asked to convene the Board of Adjustment to hear it. The board did not have to go along with it, but should at least look at it. Mr. Adams said he did not believe they could convene the Board of Adjustments just to hear the case.

Mr. Fairley agreed with Ms. Bush about asking if it was just hearing new information. Mr. Blache said some of it was in the letter, but not entirely. He did not want to get into further discussion. Mr. Adams said someone should know the process. If Mr. Waller was aggrieved by something done by the staff, then he should file an appeal. Ms. Kidd said three letters were sent to Mr. Waller explaining how to file an appeal. Mr. Blache said Mr. Waller was not interested in going to court, but he could not speak for Mr. Waller. Mr. Blache said as he understood it as a Zoning Commission, the board could call a meeting of themselves according to the statute.

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Mr. Adams said he did not know if the board could discuss the specific case. That was not the process. Mr. Thomas said the letters filed were an appeal. Mr. Adams said at some time, it could be advertised and heard. Ms. Kidd said she had checked with the City Attorney when the first letter was received and it was her understanding that the board was not a venue for the appeal of your decision. Mr. Blache said the Zoning Board of Adjustments was the correct board. Ms. Kidd said the scope of recourse for the denial of the resubdivision and variance was the 2nd Judicial Court. Mr. Clark said he understood the applicant could appeal to the Board of Adjustments, and if rejected by the board, then would go to the 22nd Judicial Court. Mr. Blache said in his research, that was not true and not the natural original flow. He said it could be appealed of an administrative decision. Ms. Kidd said there was no administrative decision. Mr. Blache said information given the board from the administration could have made a difference in this case.

Mr. Adams asked about the CLURO procedure of the appeals process. Ms. Kidd said an administrative decision was viewed as a building permit denial that could be appealed to the board. As a consultant as the Planning Director, she provided information based on cases. She did not know if that was appealable. She was providing information to the board, which was one source of information. She did not know if after the fact, the information found out later was inaccurate if there was recourse on the decision made. Mr. Clark said the request was for an appeal to the Board of Adjustments because the complaint was that the board's decision was being appealed because the board was given incorrect or incomplete information that would be the basis of the appeal. To hear it again was their right, but asking was the reason to convene to determine if the board was given wrong information. Mr. Clark asked to convene board of adjustment to listen to where the board was given incomplete or incorrect information. Mr. Blache said it was to hear the information to determine if there was an error, but not to decide the case, and after that could be referred back to the Zoning Board. Mr. Clark said it was his understanding that the board was being asked to convene as the Board of Adjustments to listen to somebody's case that the board was given incomplete or incorrect information and Mr. Blache was in agreement. If that was the case, he did not see the right to deny a person to be heard. Ms. Kidd would discuss this with Mr. Deano about that process. Mr. Clark said his question related to if the Zoning Board gave a building permit and things changed, does anyone have a right to come to the board of adjustments. Ms. Kidd said yes, anyone could appeal a decision within 30 days from the approval.

Mr. Adams said it seemed to him there was a process of law for reconsideration. He asked Ms. Bush about law and she said it depended on the court and depending on the type of decision. Mr. Clark said the board denied a case, and was protesting the decision because of incorrect information. Ms. Bush said it was of the procedure. She understood the applicant would not refile the case, and it was stated that it had to be substantially different. Mr. Clark said Mr. Blache was saying to have the right information to base the decision. Mr. Adams asked if Mr. Waller tried to provide the correct information at the meeting. Mr. Blache said as everyone remembered Mr. Waller was abrasive. Mr. Adams asked if Mr. Waller thought the board did not understand the information. Mr. Blache did not have the answer to that question. Mr. Clark said it was an important issue. If you were here and want a time out to call another play that was another issue. Mr. Blache said as a commission, they needed to get it straight. Ms. Kidd said it was very straightforward on his request. Mr. Clark said if there were material omissions of facts. Mr. Blache said he did not want to get into a discussion and would let Mr. Waller speak for himself. He felt there were material facts to discuss. Mr. Adams said it was not a matter of trust, but getting the process straight. Mr. Thomas said with Mr. Deano not present, it was a problem. Ms. Bush clarified that it was about

reviewing substantial material. Mr. Adams asked what the board would do when they had the appeal on the agenda. Mr. Blache said to follow what the board always did by allowing people to present their case. Ms. Kidd said there would have to be some type of advertisement and Tuesday could not be meeting the advertising requirement.

Mr. Adams stated to call a special meeting of the Board of Adjustment in three weeks. Mr. Clark asked about Mr. Waller filing a letter of grievance with a reason of why he wanted to appear before the Board of Adjustments. He asked Ms. Bush about court appeals. Ms. Bush said in court you do not have to give grounds, just notification to the court that made the decision and a time period to respond. Mr. Clark said not in detail, but should he give a reason. Ms. Bush said she could not make a comparison. Mr. Clark said In this case, the board was acting in a quasi-judicial way. Ms. Bush said it was more a notice of appeal that was applied. Mr. Clark said the board needed look at it on the merits of appeal. Mr. Fairley said what was the error. Mr. Clark the board could read the appeal and decide if there were merits or not. Mr. Adams said only in Mandeville that the Board of Adjustments was the same board as the Planning and Zoning Commission. The legislation was approved 30 years ago by Representative Deano with not enough people for separate boards and it had worked well. Mr. Thomas said the appeal would be if there were extenuating circumstances. Mr. Clark said it was about do we have the same facts. Mr. Blache was asking for the board to make those determinations. Mr. Clark said someone needed to say why the board did not have the same set of facts. If Ms. Kidd said it was wrong, the board had the facts, and then denied the appeal.

Mr. Adams asked what the official appeal looked like. Ms. Kidd said the applicant would submit a letter. Mr. Waller had referenced the variance and then a resubdivision and suggested reading the letters. Mr. Thomas said in his letters, he remembered it was an appeal. Mr. Adams said it was not proper of the board to call a meeting at this meeting. If it was decided that the letter was proper, then it would come to the board. The board made recommendations to the Council to change the law. Mr. Clark said every aggrieved person had a right to come to the Board of Adjustments. Mr. Blache said if it was the same information, then what was the point. Mr. Adams said that was why things go to court, but that was the process. Mr. Blache said he understood that was usually the process. Ms. Bush said if the 22nd Judicial Court, the argument could be made that the applicant could not bring up any information that was not brought up before the board. Mr. Adams suggested gathering information and have meeting on the process. Mr. Clark said let's just discuss the merits of the appeal. The board had been told that they were given incomplete or wrong facts. Ms. Kidd said the board needed the City Attorney to have this discussion.

Mr. Clark said Mr. Waller could give the facts that the board got wrong and then made a decision on true or false statements and then decide if it was a valid appeal and discuss the process and render a decision on that. It was incumbent upon Mr. Waller to outline the mistakes made and want it reviewed.

Mr. Thomas said the July 26th letter was an appeal of the denial. Mr. Adams said the meeting could be called to discuss the process and not about the specific case. Mr. Blache said initially the step was made by Mr. Waller. He did not realize the right board to request a review of the case. Mr. Thomas said the August 13th letter was addressed to Mr. Thomas and Mr. Adams; he explained his reason for the appeal of the decision. Ms. Kidd said Section 4.3.7 Civil Recourse, first one was the administrative decisions. Mr. Blache felt there was an exception of mistake or error. Ms. Kidd said she did not know; she was not an attorney.

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Mr. Thomas said there was a motion. Mr. Adams said a Chairman could call a meeting at any time. If there was not a reason, there was a meeting again on September 10th. Mr. Clark requested some detail on what the board did wrong. Mr. Blache said he was not trying to get Ms. Kidd in trouble, but he was not the proper person to bring it forward. The board needed to see the information. Mr. Clark said put the information before the board and let them decide. Ms. Kidd said she needed to speak with Mr. Deano and Mr. Blache should present the information to Mr. Deano for guidance. Mr. Blache said it would be based on the assumption the board would meet as a Board of Adjustments. Mr. Clark said he wanted to read the information and see if there was a basis for an appeal and not have a circus. Mr. Blache said Mr. Waller's appeal rose to the level of the Zoning Board of Adjustments. He felt Mr. Waller had fulfilled that level to have a Board of Adjustments meeting. Mr. Adams said if that is the case, there should be advertisement and a meeting. Mr. Blache said that was his motion at this meeting.

Mr. Adams suggested speaking with Mr. Deano to know everything the board should be considering. Ms. Kidd said Mr. Waller sent a letter to the Chairmen and she suggested discussing with him whether that letter constituted an appeal to the Zoning Board or 22nd Judicial Court. Mr. Thomas was vague on what the board would be doing. He interpreted it as he was appealing it by the letter. Ms. Kidd said it was her understanding after corresponding with the City Attorney was that all of the appeal process was through the 22nd Judicial Court. Ms. Kidd said she thought Mr. Blache was suggesting something different than an appeal. She had no decision in the cases, so it was not an appeal of her decision.

Ms. Kidd said she thought this was a valid question for the City Attorney. Mr. Clark asked to clarify as an example, there was a rejection in their decision of a type of business, what was the recourse and it was answered the 22nd Judicial Court. Mr. Thomas said the caveat was that their appeal could be as if you missed an important fact. Mr. Clark said that was the point. A written presentation should be presented of how the board failed in its duties to consider all of the facts, absent or wrong, and determine if the appeal was worth consideration and then say the appeal was to the 22nd Judicial Court. Ms. Kidd said reconsideration would be if Mr. Waller submitted a substantially different case. Mr. Clark said it was being presented that the board made a bad decision and it was made because of an error or incomplete or incorrect facts and that was what drove the bad decision. The board was being requested to review their lack of position of fact and if the board agreed there was a lack of fact then an appeal could go forward and if the board determined there was no bad facts and there was then no basis for an appeal and he could move forward to the 22nd Judicial Court. His question was if the board gave a decision that was no, then the applicant cannot appeal that decision but he would have to come back with reasons and/or misled. Just to say he did not like the board's decision had nothing to do with the board and would proceed to the 22nd Judicial Court. Ms. Kidd felt the facts were very straightforward.

Mr. Adams said to get to the core, the Planning Department was to advise the board and help the applicants to get their stuff in order. It was the applicant's responsibility to get all information in to the board. Mr. Clark said it was the applicant's responsibility to make a reasonable presentation in writing to review and determine if there were merits to the appeal. If there were, the board would hear it. If there was not, then the board would take it to another court.

Mr. Blache said he was not asking the board to rehear the case, but to hear the pertinent information to determine if it should be reheard. Mr. Clark said the board could determine if that pertinent information was actually pertinent, and should be delivered in writing. Ms. Kidd said the board needed direction from the

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City Attorney on how it worked. Mr. Adams said there was another side. If there was a neighbor that did not like the project and the neighbor could object to Mr. Waller having a second shot at winning.

Mr. Clark asked to allow a friendly amendment to the motion. Mr. Adams suggested Mr. Blache discuss this with Mr. Deano and Mr. Waller submitting a lengthy letter with his reasoning to be submitted as a discussion item. Mr. Blache said it was not on him to call Mr. Waller. He said he considered the letters as a request to be placed on the agenda for the Board of Adjustments. Mr. Adams said the process for being placed on the agenda went through the Planning Department. Mr. Blache said he was asking for it to be on the agenda through a motion and was seconded and asked to call for a vote. Mr. Clark clarified that the request was to convene as a Board of Adjustments to review a written presentation of how we got the facts wrong and why if the board had been in possession of the facts how the board would have dealt differently with the issue. Mr. Fairley said that was not what the motion said. Mr. Thomas said the motion was to just call a meeting of the Board of Adjustments to review this case based on errors. Mr. Clark wanted to review how the board messed up before spending hours of verbal discussion. Ms. Kidd suggested advice from the City Attorney on how this will work. Mr. Adams stated the board needed advice from the City Attorney on how to handle this. Mr. Fairley asked if a board member made a motion, what did it take for the motion to pass, and it was answered a second and four votes. Mr. Clark asked for an amendment subject to the advice of counsel. Mr. Adams asked if there was a time pressure on this. Mr. Blache said he did not know. Mr. Thomas felt it did. It was his understanding that there was 30 days to appeal. Ms. Kidd said that was last Friday, but he had sent a letter in and if the City Attorney determined it could be heard that was timely at the next available meeting. Mr. Clark said if the board hypothetically approved the motion and the City Attorney said the board could not take that action what would happen. Mr. Blache said the meeting would be opened and adjourned. If the time frame had passed, he would like to move forward. Mr. Adams asked if the request rose to the level of an Executive Session being legal. Ms. Kidd said an Executive Session applied to lawsuits. This should not pre-exempt the board having a conversation with the City Attorney. Mr. Adams said it must be individual discussions. Mr. Blache said he wanted to move forward even if the board had to step back from the meeting. Mr. Thomas said there was a need to notice for advertisement. It was suggested to hold a special meeting a half hour before the regular meeting. Ms. Kidd would verify the advertisement.

Mr. Adams would like to discuss the appeals process in general terms a half hour before the next meeting. To hold a discussion with the City Attorney, it could take 24 hours to post the door since it was not a case.

Mr. Blache moved to allow a meeting of the Board of Adjustments to occur on the evening of September 10th subject to Mr. Deano weighing in on the process. Make it 6:00 p.m. Mr. Blache moved to amend the motion as a public meeting to discuss appeals process, and convene the case brought to the Board of Adjustments to hear a case that was appealed. This was allowing for advertisement. Mr. Blache confirmed his motion to hold a meeting on September 10th at 6:00 p.m. for a public meeting to discuss the merits of whether or not the Zoning Commission will rehear the case by Mr. Waller based on information that he will provide in writing and in person. He would call the City Attorney to discuss the process. Mr. Fairley confirmed that the meeting would be for one hour before the regularly scheduled meeting. Ms. Bush asked for a deadline for the submission. Mr. Blache stated that the information would be submitted by no later than one week before the meeting. Mr. Thomas accepted the amendment. Mr. Clark moved for a friendly amendment to the motion that the information be submitted no later than September 5th as a clear

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and concise written statement of what facts were missing, wrong, or in error, how the board was not given the correct information, and what new information that changed the facts and changed the decision. Mr. Adams clarified if not there no information, do we not have a meeting. Mr. Clark said there would still be a meeting. Mr. Blache and Mr. Thomas accepted the friendly amendment. Mr. Clark requested the information be delivered to the Planning Department with the information to be forwarded to the board. Ms. Kidd will confer with Mr. Deano the next day. Mr. Clark suggested Mr. Deano should contact Mr. Waller. Mr. Adams said he did not think this was the process and needed direction on the process first, but would vote for the motion as a courtesy. Ms. Bush said not to have a protracted meeting, how much latitude would be given in the process. Mr. Blache said the discussion was to specific items. Mr. Adams said Mr. Deano should determine if there was a timely appeal. The vote was unanimously approved.

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


Lori Spranley, Secretary


Dennis Thomas, Chairman

**Zoning Board
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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, and Dennis Thomas

Absent: Scott Quillin and Rebecca Bush

Also present: Louissette Kidd, Planning Director

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 first zoning case also had a corresponding planning case and both cases were discussed in conjunction. The zoning case discussed was V13-08-17 Craig Burkett requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, square 41B, lots 55, 56 and 57, zoned R-1. The planning case discussed was P13-08-01 Craig Burkett requests a waiver to Section 13.2.4.3, Frontage On and Access to Improved Street Required, and Section 12.2, Application and Procedures for Approval of Public Improvements Only, square 41B, lots 55, 56 and 57, fronting on Short Street and across 818 Adair Street, zoned R-1.

Mr. Fairley moved to table the case at the request of the applicant, seconded by Mr. Thomas and was unanimously approved.

The next case discussed was V13-08-15 Cindy and Clyde Touchstone request a variance to Section 7.5.10.3(d), B-3 Site Development Regulations, Interior Side Yard, lot 25, square 25A, 124 Laffite Street, zoned B-3.

Ms. Kidd presented a variance request to the B-3 Site Development

Regulations for the interior side yard setback to allow a 5' reduction on the south side of the property. This property was previously developed, but was destroyed during Hurricane Katrina and later demolished. The applicant was proposing to construct a Bed and Breakfast on the front of the property and live in the rear building. There would be two units in the rear building and three units in the front building. The property was located immediately adjacent to the Barley Oak parking lot.

The applicant had met once with the Design Review Committee and would meet with them again following the decision of the board. Mr. Adams said previous to the code change following Hurricane Katrina, the buildings could have been built at a 5' setback. The code was changed to protect many adjacent homes being built constructed at grade level. Mr. Thomas asked about the construction time table for the front building. Ms. Touchstone said they were waiting for a decision of the board and then they would meet with their architect to make changes only once. She said it might be possible to frame both buildings at the same time. Ms. Kidd said the applicants would meet again with the Design Review Committee.

Ken Bowers, 130 Laffite Street, said he was excited for the demolition and new construction. He was concerned that he had built in a V zone and under the new maps the property had moved to an A zone. There was an oak tree that draped over a portion of the Touchstone lot. He had repositioned his home to protect the roots. If there were pilings used, the board should find out the locations since the canopy of the tree went over that area. The Design Guidelines of vegetation required construction be outside of 82% of the canopy of the tree and that should be addressed. The timetable should be addressed in writing if the rear building was

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constructed first. If pilings were driven, would they be intermittent to the rear and the front. He asked that the driveway, access, and egress be addressed before moving further.

Mr. Adams said the live oak trees and their protection were handled administratively. Ms. Kidd said she had not seen a survey with the tree. Ms. Touchstone said Ms. Gleason had walked and staked the site, and the construction would not affect the tree. Ms. Kidd said the tree must be noted on the plan and a formal report for the files from Ms. Gleason. Ms. Touchstone said it was suggested not to drive pilings. Mr. Adams asked about the first building's construction. Ms. Touchstone said she hoped to begin within the next six months. Mr. Adams said the time table was typically not a decision of the board. Mr. Bowers said the pilings issue was an engineering concern rather than a V flood zone issue. He was concerned because pile driving was traumatic to the area. He asked for a time between placing the pilings in the front and rear buildings. Ms. Kidd said the foundation plan would be reviewed. Mr. Bowers's big concern was the tree and Ms. Touchstone was in agreement about the tree. Mr. Adams said the board and staff also want the tree to be saved. Ms. Kidd said the arborist would review the tree in the landscape plan. Mr. Adams said the board could only ask the applicant to be sensitive to the neighborhood. Ms. Touchstone said she understood that and they did not need pilings. Mr. Bowers said the driveway was shifted all the way to the right side of the property with limestone, and he was concerned about it going over the tree root structure.

Ms. Kidd said the development would require nine parking spaces on the site. Mr. Bowers was concerned about a turn under the house. Ms. Touchstone said the rear building would be 35' from the front building with three parking spaces, two parking spaces under the structure and two parking spaces to the front of the property. Ms. Gleason had explained twice about the limestone and mulch over the tree roots. There was a house on Jackson Avenue with the same situation. Ms. Kidd said the staff had not reviewed or approved the site plan and the parking locations at this time. The request being discussed was for variance to the side yard setback. Mr. Adams said the applicant needed a variance request to be able to move forward. Ms. Kidd clarified that it was not the site plan that was being approved.

Ms. Bush moved to approve the allowance of a 5' side yard setback, seconded by Mr. Thomas and was unanimously approved.

The next case discussed was V13-08-16 Bryan Burns requests a variance to Section 7.5.10.1, R-1 Site Development Criteria, Section 4.2.2.3, Criteria for Repair of Legally Non-Conforming Uses, Section 4.2.3, Provisions for Legally Non-Conforming Development Sites, Section 4.2.4, Provisions for Non-Conforming Structures and Buildings, Article 9, Parking and Landscaping, a parcel of land in square 54, 1'701-1707 Livingston Street, zoned R-1

Ms. Kidd presented that Bryan Burns owned a fourplex in an R-1 zoning district. The building was listed on the Severe Repetitive Loss list and Mr. Burns indicated his intent to elevate the building. There must be an access to each unit and the plan showed he was providing a balcony. The conceptual graphic elevations were presented with a second story balcony providing access with the stairs. The plan proposed the parking to be placed below the building. This would move the parking on Foy Street to the street. The pervious/impervious plan was amended to provide the required 55% pervious calculation.

The existing conditions showed a live oak tree hanging over the property. Vaughan Sollberger, architect representing the owner, said the tree was shown on

the site plan and at the corner of the building. Within 3' of each direction of the corner of the building was the edge of the tree's drip line. The 82% requirement was met.

The area in the front of the building had small vegetation and growth. There were existing trees and it was not known what impact there would be to the trees with the elevation. Mr. Sollberger said all of the trees would be removed and replanted. There would be a new landscape plan for the property.

Mr. Thomas asked what was the distance on Livingston Street from the existing building to the property line. Mr. Sollberger said less than 8'. There would be a 5' walkway. Mr. Adams said this was a FEMA case. He was not worried about the porch to the property line. During the school day, cars were parked all down the street and backing out the driveways would be difficult. He asked about an alternative parking plan and asked if the cars could be parked parallel. The existing conditions were the parking was located on the street. Ms. Kidd said the building would be elevated in place and would not provide driveways. Mr. Adams said it would be difficult backing out, and asked about parallel parking. Mr. Sollberger made an effort to remove the off street parking and allow the tenants their own parking spaces.

Bryan Burns, owner, said the residents had an issue with evening PTA functions at the school. There had been a few altercations about parking. Private parking was a desired goal of the project. Mr. Adams asked if the tenants could access the driveways at the time of the PTA meetings or would that be an issue. Mr. Sollberger said there would be driveways. Mr. Blache said buses had a hard time getting by with cars. Moving the cars off the street would be better for safety.

Mr. Adams asked if there were any comments from the neighbor to the north. It was stated that they were happy with the project. Mr. Clark asked about the current grade. Mr. Sollberger it would remain at the existing grade because it drained naturally. The parking area would be elevated 1'. Mr. Clark asked about the northeast drainage. Mr. Sollberger said they were staying away from that and not causing any problems with the 1' raising. The natural drainage was to the west. Mr. Sollberger said the drainage plan was not drawn yet, but he did not think it was a major impact. The plan would elevate the building with cantilever walkways and they had considered increasing the size of building and requested the variance. They were not changing anything under the footprint.

Mr. Thomas asked if this plan was contingent upon the elevation grant, and what would happen if there was no money? Mr. Burns said they could not obtain a building permit without elevating and they could not do the project without the grant money. Mr. Thomas said the building was 9' from Livingston Street, the porch was cantilevered out 5', and the stairs were 4' so looking at the drawings, where was the green space. Ms. Kidd said shrubbery could be planted with the street trees that were there now.

Mr. Blache asked about the west property line. The land situation was that the property was located in a velocity zone or below the 5' contour. Ms. Kidd said it could be built on. Mr. Blache asked how close could it be built and would that be a future problem. Ms. Kidd said the code on areas below 5' was to have the least impact as possible, but there were no specific criteria. In subdivision development, the land below 5' could not be counted as developable, but redevelopment fell back to the drainage plan. Mr. Blache said there was vacant lot to the rear and would the building be too close to the property line. Ms. Kidd said they would have to meet the setbacks. Mr. Sollberger said with the velocity of the run off, they had made an

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effort not to impact the existing area and another strategy was to restrict the drainage with underground subsurface drainage before discharging into the ditch. In this condition, it was a landscaped area and may not need hard culverting, so they might use piping, area drains and restrict the pipe to the last link going out. By storing water, it would discharge slower and meet the requirements for the project. Mr. Blache asked about a future impact from drainage. Mr. Sollberger said he was not certain of the future of the property. Mr. Blache said it drained into a natural slew. Ms. Kidd said the project would have to stay away from the slew.

The neighbor said the rear property was unbuildable. Ms. Kidd said if there was natural drainage that might be a part of the Drainage Overlay District.

Mr. Sollberger said he had talked to the neighbors and he asked what was required to have a fence or screening with an elevated deck or sitting area on the rear side of those areas facing neighbors. Mr. Adams said there would need to be a landscape plan with appropriate plantings.

Mr. Thomas moved to approve the variance request to get the property back in commerce with the requirement of a landscaping plan in accordance with the site plan, seconded by Ms. Bush and was unanimously approved.

The next case discussed was the reopening of case Z10-10-07 D & H Investment Properties, LLC requests a zoning permit to Section 6.4.25, Commercial Recreation/Indoor Entertainment, square 34, lot 13A, 402 Lafitte Street, zoned B-3, Old Mandeville Business District. Reopen case to approve revised site plan.

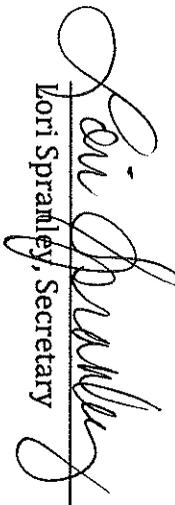
Ms. Kidd presented the reopening of the zoning permit to approve a revised site plan. There was a previous approval for an open air patio, and the present owner wanted to provide a pavilion to match the architecture of the house. It was discussed that the pavilion should be approved by the Design Review Committee, be of a permanent construction and could drop the sides with a material to get climate control. Ms. Kidd felt the request was a substantial enough change to come before the board for approval.

Mr. Adams said the parking was already included in the previous approval. With the request, the pavilion could be used all year round and be protected from the weather. Because it was in the Historic District, the plan would be reviewed by the Design Review Committee. It was discussed that the building was an accessory structure and may not fall under the Historic District. Mr. Adams said the building was very special. Mr. Clark asked about the periphery parking existing on the side and the rear. Mr. Sollberger said it was existing condition. Mr. Clark asked about the fence, Mr. Sollberger said he assumed it was on the property line. Mr. Clark said the fence breaks the property to the rear, but was not aware of parking along the fence. Ms. Kidd said yes, it was existing. Mr. Clark asked if the pavilion would be rain proofed. Mr. Sollberger said the pavilion was used for weddings, and it was a marketability issue. The house lent itself to matching the pavilion with the design.

Mr. Clark moved to approve the revised site plan, seconded by Mr. Fairley and was unanimously approved.

Adoption of the minutes was deferred until the next meeting.

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


Lori Spratley, Secretary


Nixon Adams, Chairman

**Zoning Board
Work Session
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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, and Dennis Thomas

Absent: Scott Quillin and Rebecca Bush

Also present: Louise K Kidd, Planning Director

Mr. Adams announced that any additional information determined to be needed by the Commission in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting at which the additional information was requested or the case will automatically be tabled at the next meeting.

The first case discussed was Z13-09-03 Alex Adkins/Brad Fuselier requests a zoning permit to Section 6.7.2. Combined Use – Residential/Commercial and Section 6.4.7, Animal Sales and Services (Limited), part of lots 1 and 20, square 20, 503 Girod Street, zoned B-3.

Ms. Kidd presented a request for approval of a zoning permit for Animal Sales and Services, Limited in a B-3 zoning district. Mr. Fuselier was proposing to open the Voodoo Zoo pet store, and he had provided a list of animal types of reptiles, mammals, custom enclosures and supplies. He was also asked to provide a copy of the regulations from Wildlife and Fisheries and he had provided an excerpt.

The parking calculation for the site was 1:200 and 3,000 square feet requiring 15 commercial parking spaces and two parking spaces for the upstairs residence. This location had always contained an upstairs residence and several zoning permit cases for different types of combined uses had been approved over the years. This request was a new commercial use as the downstairs had previously contained a photography studio and later offices. There was existing parking in the front of the building and there was an entry on Monroe Street that was closed at this time. The property was unsightly at this time and the board must decide on an entry. If Monroe Street continued to have no entry, then the area must be landscaped. The site was compliant with parking from the previous variances granted.

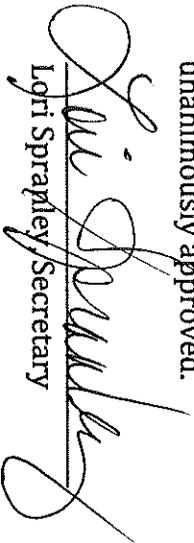
Mr. Adams said it was assumed with a zoning permit request that it was a permitted use. Ms. Kidd said there must be compliance with landscaping. Ms. Gleason had reviewed the landscaping. The access point should be discussed. Mr. Fuselier said the Monroe Street entrance would be closed and landscaped. The parallel parking was allowed by right, but the spaces must be defined. Mr. Fuselier said the existing timbers would be relocated, cleaned and would define the parking.

Mr. Adams asked about exotic pets. Mr. Fuselier said all of the animals were permitted by Wildlife and Fisheries. There would be python snakes, but no venomous snakes. The type of pythons that would be sold were of the species that were a maximum size of 6-8', and the Wild Life and Fisheries limit was 12'. He would also sell lizards, bearded dragons, saltwater and fresh water fish. Mr. Thomas said this was similar to what Mr. Fish had sold.

Mr. Adams said Mr. Fuselier must comply with sanitization regulations. Mr. Fuselier said he also had an evacuation plan for hurricanes. Mr. Clark asked if there was a chance the snakes could get out. Mr. Fuselier said the cages would have individual locks. Mr. Clark asked what would happen if someone decided they no

longer wanted the snake. Mr. Fusilier said the plan was to educate people at the time of their purchase to understand what they were getting into. Mr. Adams said the use was not prohibited and the board could only add conditions for compatibility.

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


Lori Sprapley
Secretary


Nixon Adams, Chairman