Zoning Commission
Public Hearing
January 12, 2016

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

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

Absent: Michael Blache

Also present: Louisette Scott, Planning Director, and Council Member Ernest Burguieres

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 only case discussed was SUP16-01-01 402 LLC requests a Special Use Permit to Section 6.4.26 Commercial Recreation/indoor Entertainment to modify the site plan for approval of an expansion of the pavilion in the outdoor are from 1,236 square feet to 2,604 square feet, 402 Lafitte Street, zoned B-3.

Ms. Scott presented to the request to expand the outdoor assembly area to 2,604 square feet which was an increase of 1,305 square feet. The applicant had submitted a site plan that was approved in 2007 and 2013. The board had requested an amended plan to include all parking spaces on the site and a parking bank for what spaces would not be used. The applicant had provided an amended plan, which met the pervious/impervious requirements. There was a discrepancy in the square footage of the building and what was being used equaling 4 parking spaces which could be shown on the plan. The board decided the plan should be amended to show the four parking spaces.

Mr. Clark had requested a written verification of the trade with Our Lady of the Lake Church for overflow parking and it was provided from Fr. Mark Lomax.

Mr. Thomas moved to approve the Special Use Permit, seconded by Mr. Clark and was unanimously approved.

The adoption of the minutes were deferred until the next meeting.

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

Lori Spranley, Secretary

Nixon Adams, Chairman

Zoning Commission
Work Session
January 12, 2016

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

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

Absent: Michael Blache

Also present: Louisette Scott, Planning Director, and Council Member Ernest Burguieres

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 only case discussed was P16-01-01 Recommendation to the City Council regarding Ordinance 15-34 approving a conditional use permit to allow outdoor dining within the public right-of-way under CLURO Section 8.2.3.1 for Lisa Keiffer, LLC for that certain property located in square 25-B in the City of Mandeville, zoned B-3 Old Mandeville Business District; and providing for other matters in connection therewith

Ms. Scott presented the request for a conditional use permit for outdoor dining in the public right-of way. As of January 2016, 80% of the building was being used for business and administrative offices and the remainder of the building would be used as a vintage candy shop and ice cream parlor. In July 2000, Toland Enterprises was granted a variance for 13 parking spaces. The food sales use was a permitted use and there would be no alcohol sales on the site. With the parking ratio of 1:200, the requirement would be for five spaces, and with an office space parking ratio of 1:250 the requirement would be for 22 spaces less the 13 space variance. The proposal for the outdoor seating adjacent to the building was 8 tables. The previous tenant had outdoor seating adjacent to the building over the past 3 years, but with the CLURO amendments it was a legally non-conforming use. With a parking ratio of 1:4 seats, the requirement would be for 8 spaces. There were 11 off street spaces, plus 1 space on Carroll Street for a total of 12 spaces which met the parking requirement.

When the CLURO was amended in 2015, outdoor dining was required to be approved for a conditional use and enter into a Cooperative Endeavor Agreement with the City. The plan showed 8 tables within the right-of-way and addressed the site triangle.

Mr. Thomas asked about the insurance policy. Ms. Scott said it was under review by the City Attorney.

The next case discussed was V16-01-01 Michele Buhler requests a variance to Section 7.5.2.3, R-1X Site Development Regulations, lot 54, square 32, 423 Adair Street, zoned R-1

Ms. Scott presented a variance request to allow a reduction in the side yard setback of a combined total of 15' instead of the required 20' as recently amended. Ms. Buhler desired to construct a new residence on a lot measuring 50' by 179' deep as shown on a survey prepared by Ned Wilson in 2006. Pinnacle Home Design proposed the house be elevated 8' above the ground. The applicant's documents indicated the residence to the south was elevated 8' with a 7.5' side yard setback.

The application stated the house was elevated to 8' to meet to meet the FEMA requirements. The hardship stated was that it would be costly to raise the house after construction. Michelle Buehler said 4' was adequate for FEMA but she did not want to worry about a change in the future.

Ms. Buehler wanted to show that she would be level to the adjacent house and equal at a 7.5' setback. The house to the north side was a rear yard and would not be affected. Only 419 Adair Street would be affected. She was concerned about an increasing cost for flood insurance and wanted to construct at the adequate level.

Mr. Quillin asked what would be the hardship other than financial. Ms. Buehler said future Fema changes and the difficulty of fitting the house on a narrow lot. Meeting the setback would be a 20% difference in the size of the house for the long term, and it would make a difference in how the house looked. Mr. Adams said the point of the 10' side yard was to not have one neighbor higher than the other and water runoff.

Mr. Thomas asked when Ms. Buehler had purchased the property. She said she had purchased it one year ago with different regulations and had begun designing based on those regulations. Because the lots were the same size, she designed to be similar to the adjacent house. If she built lower than 8' then the neighbor would be hovering over her. Ms. Scott said this area was 50' frontages and was mostly built out. Ms. Buehler had spoken with her neighbor about having a 10' setback and the other neighbor was a rear yard. Mr. Thomas if the 12" overhang was included in the calculation and it was answered yes.

Eldon St. Pey, being the adjacent neighbor with the 8' elevation, had discussed this with Ms. Buehler, and proposed her house be proportionately center on the lot for a more balanced appearance. The balance would look better and he had no objection to 10' on his side.

Mr. Quillin asked the drainage plan and a general plot plan showing the location of the house. Ms. Buehler said she would forward it and Ms. Scott said Public Works would review the drainage plan. Mr. Quillin asked about her driveway access. Ms. Buehler said the driveway would be closer to the north property and offset exiting through Depre Street.

The next case discussed was V16-01-02 Mike Mesa requests a variance to Section 9.2.5.7, Live Oak Protection Requirements, lot 14-A, square 3, 1829 Lakeshore Drive, zoned R-1

Ms. Scott presented a variance to the Live Oak Protection to remove a live oak tree growing into an existing fence. It was a co-dominant tree measuring 19" dbh. Mr. Mesa had submitted a letter from E. J. Dennis and the City submitted a letter from Dr. Malcolm Guidry and both indicated the tree in good condition and could be saved. The site plan presented the house location and two exiting live oak trees in the middle of the lot, which would not be removed. The chain-link fence had grown into the tree locate near Lakeshore Drive of which a portion would be removed and a portion would remain. Dr. Guidry said it would not affect the tree.

The tree was cut down many years ago and two branches grew out of the stump. The tree was growing at a 15 degree angle in the servitude and Cleco had removed the top and a portion of crown. The tree could only grow low and toward the street. Pedestrians would come into contact with the branches. Mr. Dennis' opinion was that the tree had no potential for health and recommended removal. Dr. Guidry evaluated the tree for the City, and stated with proper pruning, the utility

line not being in conflict, and the natural growth for 20 plus years, the tree was healthy, viable and strong. His recommendation was to cut the wire free, and leave it imbedded in the tree. There were two different opinions and some of the branches were located on the public right-of-way.

There was a discussion that the driveway was located on the east side of the property and could not be shifted easily because of a curb drain. Both of the arborists did agree that the tree was healthy.

Lynn Mitchell, architect, said the overall property had two magnificent live oak trees and sighting of the house was to the rear behind the trees. The owners had spent much effort in mulching and trimming to preserve the oaks. In laying out the house, the driveway was located on the east side to preserve the two magnolia trees on the west side of the property. He was concerned about a serpentine driveway because concrete trucks could damage the main trees. He had not originally listed the tree as a live oak and when it was discovered, the project was stopped. Mr. Mesa was in agreement to replacement trees with like diameter.

Mr. Adams asked if the City must give permission since it was located on public property. Ms. Scott said the canopy was significantly on public property. Ms. Scott said Ms. Casanova concurred with Dr. Guidry about the tree being able to thrive. The board understood Mr. Mitchell's point of concern to prevent damage to the two significant trees.

The next case discussed was V16-01-03 Chris Marino, Sr. requests a variance to Section 7.5.2.3, R-1X Site Development Regulations, lot 10, square 32, 318 Coffee Street, zoned R-1

Ms. Scott presented a request to allow a combined 15' side yard setback instead of the required 20' for the construction of a new residence on a lot that measured 50' by 152' on a survey prepared by John J. Cummings in 2015. The house was proposed t be elevated 8' above grade. The applicant was proposing a 5' interior setback on the south side and 10' on north side. Mr. Marino stated if he would be required to meet the 20' setback, the house would be a two story residence and out of context for the property. The design was reviewed by the Design Review Committee.

The Design Review Committee discussed a variance on the setback provided the drainage was acceptable and the structure would not tower over the adjacent houses. Mr. Quillin asked if Mr. Marino had discussed the height with the south side neighbor. Mr. Marino said the neighbor to the north was a raised cottage about 40' away from his property. He said there was an unattached shed or garage by the main house. Mr. Marino said there were utilities so he could not move the structure closer. There was also a live oak tree on the neighbor's yard. Mr. Adams asked if there was a canopy over his lot and to show the placement.

The next case discussed was V16-01-04 Velma "Totsy" Brownson requests a variance to Article 9, Parking, especially Section 9.1.2 Construction Design Standards for Parking and Loading, lot 13-G, Poitevant Tract, Florida Street Extension, zoned B-2

Ms. Scott presented a variance for the construction of a parking lot with aggregate surfacing for more than 8 spaces. The owner had recently purchased the property and had administrative offices and the St. Tammany Linen business. All three lots were under single ownership and was a single development site. There

was a need for an additional 30 parking for the laundry business. There was a discussion that the travel lanes and parking spaces would be aggregate.

There was a discussion that there must be a paved apron and the curbing was not determined at this time. There were 34 spaces shown on the plan but several did not meet the criteria. The spaces would be delineated with landscape timbers and most of the lot would remain wooded. The significant trees would be identified and Randy Aultman would prepare a landscape plan for the next meeting.

The next case discussed was V16-01-05 Rockwell Builders, LLC requests a variance to Section 5.2.3.2.1(a), Drainage Overlay District and Fill Sub-Area A, lot 34, square 32, 405 Depre Street, zoned R-1X

Ms. Scott presented a request to deviate from the fill plan for new residential construction that had deviated from the approved drainage plan. The lot was low and held water. A residence to the south was recently constructed. Nic Leblanc, Building Inspector, had stopped work on the site when additional red clay was brought to the site. Mr. Rockwell said he was bringing the site up to the same height as the adjacent house. The original drainage plan proposed swales and the revision proposed dropped drains and removing some of the fill. The City Engineer may request more than 6" of fill under the slab after review of a revised plan.

Justin Beissel, 400 Coffee Street, said the fill was a drop off at the rear property line, and he was concerned about water pooling in his yard. Mr. Adams said drop drains did a good job of removing water. Ms. Scott said Mr. Rockwell had violated the permit and the staff had stopped work on the project.

There was a discussion about a hardship to the adjacent neighbors and there being low spots retaining water. The adjacent lot was built before the regulation change and had 2' of fill. There were questions if the ditches had the correct invert so the lots could drain. They would be reviewed and the permeability of the soil.

Leonard Rohrbough, 2525 Lakeshore Drive, said there was an impact on the surrounding trees with the roots being covered.

Becky Rohrbough, 2525 Lakeshore Drive, said Mr. Rockwell was a good developer and known for his quality of work. He was cautious and considerate about how he built. Ms. Bush was in agreement with Ms. Rohrbough about Mr. Rockwell.

The last case discussed was SUP16-01-02 Scott Wolfe requests a Special Use Permit to Section 6.4.42, Lodging (Transient) – Bed and Breakfast Residence, part of lots 3 and 4, square 5, 1635 Lakeshore Drive, zoned R-1

Mr. Adams announced that the applicant has requested to postpone the case.

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

Lori Spranley, Secretary

Nixon Adams, Chairman