

**Planning Commission
Public Hearing
March 22, 2016**

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

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

Absent: Rebecca Bush

Also Present: Louise K Kidd, Planning Director and Council Members Ernest Burguières

The first planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was R16-03-01 Peace Enterprises LLC requests a resubdivision of Parcel A, square 84, into lots 1-6, square 84, City of Mandeville, zoned R-1. The zoning case discussed was Peace Enterprises, LLC requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, Parcel A, square 84, zoned R-1.

1. A revised resubdivision plat had been submitted that was in compliance with the regulations.

Mr. Quillin moved to remove the resubdivision case from the agenda, seconded by Mr. Fairley and was unanimously approved.

Mr. Quillin moved to remove the variance case from the agenda, seconded by Mr. Thomas and was unanimously approved.

Mr. Quillin moved to adopt the minutes of March 8th, seconded by Mr. Clark and was unanimously approved.

Mr. Blache moved to adopt the minutes of March 10th, seconded by Mr. Quillin and was unanimously approved.

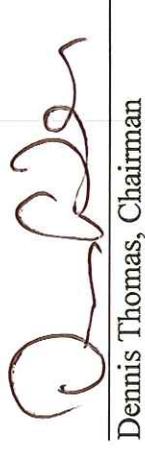
The adoption of the minutes from the March 15th meeting was deferred until the next meeting.

Public comment

None

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


Lori Spranley, Secretary


Dennis Thomas, Chairman

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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, Dennis Thomas, Simmie Fairley, Nixon Adams, and Scott Quillin

Absent: Rebecca Bush

Also Present: Louisette Kidd, Planning Director and Council Members Ernest Burguieres

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 planning case discussed was R16-03-01 Peace Enterprises LLC requests a resubdivision of Parcel A, square 84, into lots 1-6, square 84, City of Mandeville, zoned R-1. The zoning case discussed was Peace Enterprises, LLC requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, Parcel A, square 84, zoned R-1.

A revised resubdivision plat had been submitted that was in compliance with the regulations.

Mr. Quillin moved to remove the variance case from the agenda, seconded by Mr. Thomas and was unanimously approved.

The next case discussed was V16-03-09 Judy Brooks Stadler/The Shady Neighborhood Gardeners represented by Robert Doolittle, Sr. requests a variance to Section 8.1.3, Supplemental Fence and Wall Regulations, and Section 7.5.1.3, R-1 Site Development Regulations, lot 1, square 85, 1249 Monroe Street, zoned R-1.

Ms. Scott presented a variance request to allow a 7' fence located within the street side yard setback where a 4' fence was allowed. As discussed at the work session, several neighbors had leased the property to install a neighborhood garden. On the Albert Street side yard, the setback of 15' was met. The proposed 7' fence was located 3' from the property line. It would be transparent and not obstruct any views. The Monroe Street setback was 28' meeting the requirements, and the fence in the rear and other side yard was 7' off the property line because it was wooded and shady which would not have enough sun for the plants.

Mr. Adams said when the board found out the fence was transparent, that answered the board's questions. Mr. Clark asked if the fence would be removed if the garden was no longer in use. Mr. Doolittle said they would remove the fence if the garden was abandoned. Ernest Burguieres, 241 Wilkinson Street, said it was a nice use for the property and the community.

Mr. Quillin asked about the site triangle near the corner and that no vines would grow on the fence. Ms. Scott said she would verify the site triangle.

Mr. Clark moved to approve the variance with the condition that the fence be removed when the garden was removed and the site triangle would be verified, seconded by Mr. Fairley and was unanimously approved.

Mr. Quillin moved to adopt the minutes of March 8th, seconded by Mr. Clark and was unanimously approved.

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Mr. Blache moved to adopt the minutes of March 10th, seconded by Mr. Quillin and was unanimously approved.

The adoption of the minutes from the March 15th meeting was deferred until the next meeting.

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



Lori Spranley, Secretary



Nixon Adams, Chairman

**Zoning Commission
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, Dennis Thomas, Simmie Fairley, Nixon Adams, and Scott Quillin

Absent: Rebecca Bush

Also Present: Louisette 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 V16-04-11 Corliss C. Aguillard, Administrator of the Successions of Evelyn c. Carrier Williams /Charles J. Neyrey requests a variance to Section 4.2.4.5, Provisions for Legally Non-Conforming Lots of Record, and Section 7.5.1.3, R-1 Site Development Regulations, parcel of land, square 68, 420 Jackson Avenue, zoned R-1

Ms. Scott presented a request to allow the separation of two contiguous parcels into two development sites. The separation would require a 5' variance to the side yard setback on the property with the existing house. The applicant desired to purchase the vacant lot to construct a house. According to the 1911 title, the property was referenced as two lots measuring 63.95' x 202' in a conversion from French measure. The Judgment of Possession dated December, 2009 identified the land as two parcels and also referred back to the 1911 description. There was a survey of the two lots including a fence, but the Judgment of Possession referred back to two lots measuring a total of 127' frontage. Both lots exceeded the 10,800 square feet size requirement. On the survey, 424 Jackson Avenue was shown with a frontage measurement of 58.59' with the fence encroachment. The side yard setback was 5' which required a variance because the current requirement was 10'. The surrounding area was mixed sizes and many were 60' with a few on two lots and the request was in keeping with the neighborhood.

Mr. Thomas asked if the applicant submitted a plan for the house to be constructed. Ms. Scott said there had been a review of a conceptual plan that did not require any variances.

Glenn Phillips, 416 Jackson Avenue, said he was on a 75' frontage lot and the property formerly owned by Tim Burns was a 100' frontage. The requirements were for a 90' frontage. He felt he would be overshadowed by a two story house next to him. Mr. Adams said the board had approved several similar variances after considering the size of the lot. Mr. Phillips said there was a requirement that a hardship must be demonstrated and he wanted all of the issues to be considered. They had purchased their house after Hurricane Katrina and had decided not to raise the house. It seemed that there was no lack of people viewing the property for purchase as both lots together. Mr. Adams said the board reviewed the request for compatibility of the neighborhood. The intentions of the Comprehensive Plan and the setbacks would remain the same for whatever frontage was allowed and there would be a required 10' side yard setback adjacent to Mr. Phillips. Mr. Phillips said it would be required to be elevated 5' above the ground. When he bought his house, he thought the adjacent property would be one lot. In its present state, it was a buildable lot and by allowing the separation the board would be creating a substandard lot and it should not be allowed.

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Mr. Blache said the board had been told by the City Attorney that lots of record would stand in judicial court for separation. Mr. Adams said in successions the judge could separate the lot and the board would not have any say in the matter.

Rob Ware, 415 Jackson Avenue, asked if the applicant was an architect and did he have an offer. Ms. Scott said in the first discussion, the applicant was not aware that the lot could not be separated without board approval. Mr. Ware stated that his lot was a 60' frontage.

Mr. Quillin said there should be a hardship and Mr. Adams said the board could also make a consideration if it furthered the goals of the Comprehensive Plan. The goal was if it would be compatible with the neighborhood. Mr. Thomas did not think there was a hardship. Mr. Clark said the house could not be larger than 38' wide with the setbacks. He asked if the applicant was aware that it would be a skinny house and Ms. Scott answered yes.

Marshal Bacino, 416 Jackson Avenue, said they purchased their home with the adjacent land being fenced and she was not happy about a proposed split. She did not like the board being able to change the rules. She felt the proposed home would be constructed close to her. She had expected that the existing house would be demolished and a new house would span over the two lots. Mr. Adams said the side yard setback requirement would still be 10'.

Nancy Clark, 420 Carroll Street, said the vacant lot had the oldest vitex tree, which was a native tree, in the neighborhood and it would be lost.

The board requested a detail of the various lot sizes and pictures of the neighborhood.

The next case discussed was V16-04-12 Jack and Cathy Fischbein requests a variance to Section 9.2.5.7, Live Oak Protection Requirements, lot 3-A, square 29B, Lafayette Street, zoned R-1.

Ms. Scott presented a request to remove two live oak trees in the center of lot 3A measuring 34" and 32" dbh. The property was adjacent to 240 Lafayette Street. The property was resubdivided in 1988. There was a survey prepared by John Bonneau and Associates indicating the location of the trees with the drip lines. The applicant had sketched an outline of a proposed building envelope. There was an existing paved driveway on lot 3A that accessed lot 2A. Since Mr. Fischbein had stated his desire to sell the lot, the staff had explained the live oak protection requirements and a removal permit would not be issued. There was an area identified to the rear where the accessory structure was located that could accommodate a house without removing any trees, but Mr. Fischbein did not feel it was a marketable area.

Mr. Adams said the 1988 case had included the applicant's intent to affect a resubdivision to always protect the trees. At the time of the resubdivision, it appeared there would be an area for construction. Ms. Scott said the staff had outlined a 22' x 50' site for construction that might require a rear yard setback variance, but Mr. Fischbein did not find this acceptable.

Mr. Clark suggested with a clever architect and if the footprint could be rotated 90 degrees staying away from all of the trees there could be a building footprint. Mr. Thomas said there was not a stated hardship. Mr. Quillin said it also became a concern of a driveway being needed to get to the current house.

Cathy Fischbein, applicant, said the house was originally designed for a front circular driveway and up the side of the house to access the garage. She said there was nothing included in their act of sale that prohibited the removal of the trees. She had heard when the lot was resubdivided that there was an understanding that the lot would retain the trees. Ms. Scott said covenant restrictions were different than the zoning ordinances and the live oak protection was a City regulation. There would need to be a realignment and it would have to be worked around the live oak trees.

There was a discussion that the pictures of the trees showed that they were thriving. Mr. Blache asked for an expert opinion and comparison about allowing the encroachment that would not impact the trees. Ms. Scott said the arborist could provide a report. Ms. Fischbein said they had an arborist report that stated the driveway would not impair the existing trees. Physically Mr. Fischbein could not maintain the lot so it was a hardship to retain the property. There was a previous sale that failed because of the trees.

Mr. Adams asked for an arborist report for what could be built without hurting the trees. Ms. Scott said Dr. Guidry and the staff had evaluated the site for a footprint. The board requested a report re-evaluating the site if there was an area within the drip line without a slab.

Ms. Fischbein said the driveway was installed by the previous owner. Mr. Bonneau had accurately placed the trees and drip lines on the plat. Ms. Scott said the driveway was existing and the trees had adjusted to it so it was suggested to utilize it for any house.

Mr. Blache suggested flipping the proposed footprint 90 degrees for it to fit. Ms. Scott said that was the same area that the staff had identified, but Mr. Blache was requesting the footprint be located closer to the drip line. Mr. Clark asked if the cutting of the trees would be a necessary prelude to selling the property. Mr. Fischbein said it would be a prelude since there was no footprint for construction. Ms. Scott said the only buildable area was to the rear of the property. There was a discussion that it would be the buyer's problem to design a house. Mr. Clark suggested in the southeast corner a rotated footprint of 90 degrees could be acceptable. Mr. Fischbein said the staff and Dr. Guidry had determined that 22' by 40' was not acceptable to him and would be less than the minimum building codes. In reality, it was a double wide trailer in the heart of Old Mandeville encroaching 10' into the rear yard setback against the neighbor with an 8-10' elevated structure. Mr. Fischbein was agreeable to having Dr. Guidry come out to his home again and reassess a house placement.

There was a discussion that the staff was trying to find a solution and the board asked for an arborist to be present at the meeting. The rear and side yard setbacks should be considered to provide space for a building footprint. As part of that discussion, the issues were whether the existing driveway should remain or be removed, and in using pier construction the owner could hire an expert who could construct under trees.

Ed Goodwin, 200 Lafayette Street, said they purchased their property in 1989. They had made an effort to design their home to have as little impact on the trees as possible. After three redesigns, only one tree was removed. They made a presentation to the board for approval. He suggested having the prospective purchaser present a plan to the board for approval. The trees were a large size after 20 years of growth. He also pointed out if there was a desire to sell the property, the first thing would be to remove the concrete driveway.

Leonard Rohrbough, 2525 Lakeshore Drive, said the lot was behind and across the street from them. He requested a survey with a proposed new driveway down the side of the house. The accessory structure to the rear of the property was the original garage and asked what trees would be impacted on the south side with a new driveway. If there was a

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negative impact, the trees would go into slow decline and be dead 10 years later. The trees would be 25% larger if the original owner had not planted as many trees. Everyone must understand that something would be removed and he would not like it to be more than one tree and the oversight of the construction must be strong because contractors compact soils which would remove water and oxygen from the trees.

Ms. Fischbein said she did not understand about the emphasis on the driveway and it could be removed. The rear structure was a storage shed and not a garage. They used the attached garage and there would not be any trees removed using the original plan for the driveway. Mr. Quillin said the concern was the trees as they now exist and the driveway would affect the trees. The Fischbein's had consulted with an arborist and Dr. Guidry and the closest tree was 27' on the side yard and 26.5' to the rear. They would use a porous material and it would attach to the existing concrete apron.

Mr. Blache asked Mr. Goodwin if the one tree removed was a live oak. Mr. Goodwin stated it was a live oak tree and at that time it was a smaller tree. Ms. Fischbein said if the Goodwin's were given permission to remove the tree, how their request could be denied. Mr. Adams said he did not remember a variance being granted.

Nancy Clark, 420 Carroll Street, said as a member of the Parks and Parkways Commission they were concerned about the trees and the City's canopy loss. There were hardships where trees must be removed and an example was a lady that could not get insurance because of the tree over her house. She agreed that this case was the cart before the horse. The Fischbein's had a right to sell the lot and agreed with removing the driveway and let the buyer take on the responsibility of the lot. She thought the board would consider a setback variance to accommodate the trees. Mr. Fischbein said he loved the trees also, but removing the driveway would also have an impact on the tree roots.

Scott Discon, 142 Carroll Street, chairman of the Parks and Parkways Commission, spoke personally of his concern that many properties were being clear cut and then someone did not build on the lot. If Mr. Fischbein cut the trees and the sale falls through then the City lost two trees. It was his understanding that one of the neighbors would be selling their property and it might be possible that a future owner might buy the property as a side yard. Mr. Fischbein removed the For Sale sign so he would act in good faith of a buildable lot. Mr. Discon said the lot was designed with trees in a line and there was not room for another house. The City lost three oak trees, but variances were granted for tree removals.

Rebecca Rohrbough, 2525 Lakeshore Drive, said their rear driveway exited on Claiborne Street and the ambience of Lafayette Street was unparallelled in Mandeville. If the future owner found an architect that would only require one tree to be removed that would be an option. This block was not in the higher floodplain area and the board should consider the elevation of the house in today's code. She wanted to save the driveway because the contractors destroy as much ground as they were allowed. She said until there was a firm plan any consideration of tree removal should not be considered. Mr. Fischbein said the driveway was significant to saving the trees during construction. The plan could incorporate the driveway.

Janie Eschleman, 270 Lafayette Street, said the aim many years ago was to maintain as many oak trees as possible. There had been a variance to remove one water oak tree.

Mr. Clark said South Carolina had houses inserted into their live oak tree groves. There was a way to live with what Mandeville had. Mr. Adams said he would consider reviewing a reduction in the rear or side setbacks.

The next case discussed was V16-04-13 Teamwork Construction LLC /Justin Jacob requests a variance to Section 5.2.3.3.1A, Fill Sub-Area B Grading and Fill and Section 5.2.3.3.3, Slabs for Non-Habitable Areas, lot 23A, square 82, 1249 Montgomery Street, zoned R-1.

Ms. Scott presented the construction of a continuous chain wall instead of pier construction. The foundation would be a monolithic slab 2' above grade which was allowed and the top of the slab would be greater than the elevation with a finished floor as required by FEMA.

The CLURO amendments of SubArea B allowed 2' of fill, but if the elevation must be higher to satisfy the bfe then the construction must be pier construction. The City also had a 2' freeboard requirement. The applicant was proposing 2' of fill and then a slab. Mr. Jacob did not want the appearance of a slab and was proposing the aesthetic appearance of a raised cottage using conditioned space. This was not a storm water surge issue. The proposal was to be in keeping with the aesthetics. There were also benefits of conditioned space.

Justin Jacob, applicant, 623 Wilkinson Street, described the area as a 3' tall basement with the air handling equipment and floor vents in this space. Moisture control was the main benefit with the area being completely enclosed. The ceilings were exposed structural beams that would be hard to accommodate air and heat vents.

There was a discussion that the property did not need more than 2' of fill to meet the bfe, and the project was in compliance. It may be a board interpretation. The board may consider an adjustment to the regulation. The land elevation was 9', would be 1' over the crest of the street with the house elevation at 12'. There was a discussion about this being an interpretation and aesthetics were important. The regulation intent was to prohibit higher chain walls and was primarily for accessory structures.

Mr. Quillin said if the mechanical equipment was located at slab elevation, it might not be habitable space but the equipment must be above the bfe and the plans indicated it was above the bfe. He felt this became an aesthetics issue which was not for the board to decide. Mr. Adams asked if it would have the same appearance if the mechanical equipment was moved to the top. Ms. Scott said the intent of the regulation was if there was more than 2' of fill then pier construction allow for water flow under the structure and the aesthetics would be for a traditional type construction. Mr. Thomas asked if the vents must meet the FEMA requirements. It was stated that the vents were fake and for aesthetics only. Mr. Clark said the slab up the house looked like Mandeville but not below. The front elevation was pier construction.

After this discussion, the board decided to remove the case from the agenda at the next meeting as they determined it was an interpretation of meeting the FEMA requirements and the intent of the regulations. The Design Review Committee was in agreement in their review.

Gerard Jarrabica, 825 Albert Street, adjacent property on the north side, stated when he bought his house in 2004 he could drive on hard ground and now it was soft ground because of construction in the area. This was brought to the City's attention with a drainage problem of the southbound ditch and Cliff Siverd, Public Works Department, said swales needed to be installed and they were not completed. The main concern was that any added fill should be pier construction for floodwater to wash through the land. He asked the board to consider a formidable drainage system be installed for the property away from the north side and direct the roof drain to closest ditches. Square 82 should be addressed since the highway ditches were full of water and the culverts were clogged.

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Ms. Scott said the discussion was that the property did not need a variance and was reviewed as the technical aspect of the regulations approved last summer. The City was aware of his drainage challenges and it was asked that Mr. Siverd meet with Mr. Jarrabica for a resolution. The drainage plan requirements were now much more restrictive. Mr. Jarrabica just wanted to express his concerns. Mr. Clark agreed that it could have cumulative effects.

Rhonda Jarrabica asked if the slab needed to be elevated 2'. Ms. Scott said the regulations allowed 2' of fill in SubArea B. Ms. Scott said Mr. Jacob had the option of a slab or pier construction and he chose the fill.

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


Lori Spranley, Secretary


Nixon Adams, Chairman

