

**Planning Commission  
Work Session  
October 13, 2015**

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, Dennis Thomas, Rebecca Bush and Scott Quillin

Absent: None

Also Present: Louissette Kidd, Planning Director; Mayor Donald Villere; Council Members Ernest Burguieres, Carla Buchholz, and Rick Danielson

Mr. Thomas 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 P15-10-07 Recommendation to the City Council regarding Ordinance 15-21, amending CLURO Section 7.7, Table of Permitted Uses by Zoning District and providing for other matters in connection therewith

Ms. Scott presented an ordinance to the Table of Permitted Uses by Zoning District to change the uses of restaurants with a sit down lounge, taverns, bars and nightclubs from the existing Special Use Permit to a Conditional Use that would be approved by the City Council. She clarified under the land use that a restaurant with a sit down lounge was a separate lounge and not a service bar.

Councilman Burguieres said he had heard from his constituents requesting the City Council approval since the Council also approved the liquor licenses. Some people were afraid there would be too many bars and not all of the bars or restaurants operated as they were presented and he wanted to get more control over it.

Ms. Scott said the CLURO contained a list of criteria for the review. Mr. Adams asked Mr. Burguieres if they would follow the list of criteria and Mr. Burguieres was in agreement. Ms. Scott said if the amendment was approved, any request would be required by ordinance with that approval being by the City Council. Mr. Adams said Ordinance 15-21 did not provide findings in the whereas section of the ordinance and should be incorporated.

Mr. Blache asked what was behind the ordinance and Mr. Burguieres said he had identified three types of uses that might not be conducive for the area and he had heard this from many constituents. The City Council already approved the liquor licenses. This change would only apply to new businesses in the B-3 zoning district. Mr. Adams said the land use requirements in the CLURO had not changed and he asked if Mr. Burguieres was introducing the ordinance because he thought uses were not working. Mr. Burguieres said many constituents were afraid of more bars being established. Mr. Burguieres said he wanted a voice of the constituency. Mr. Adams said the Council needed a way to separate the criteria. Ms. Scott said the special use criteria identified any adverse impacts and provided more scrutiny with a conditional use. The City Council would have to follow the same parameters in the review and the Planning and Zoning Commission would still hold public input and make a recommendation. The CLURO outlined the criteria for review. Mr. Clark asked if the City Council would go through the same considerations as the Zoning Commission. Ms. Scott said the ordinance that was introduced would change the land use classification review to a Conditional Use Permit of which the process was outlined in Article 4.

Mr. Clark asked if the City Council was required to go through the same steps in their deliberation and Ms. Scott answered yes they would have to follow the same review as in the CLURO. Mr. Clark asked if the Zoning Commission was against a project, would the City Council be an appeal board and Ms. Scott answered no. The board would make a recommendation to the City Council and they would make the final decision under a Conditional Use Permit with any appeal to the 22<sup>nd</sup> Judicial District Court. Mr. Clark asked if the constituents felt the City Council should be a final action what would happen if there was a bar loving Council. Mr. Burguieres said then there would be more bars. He said it could also be the same case for the Planning and Zoning Commission. There was no perfect answer. Ms. Scott stated that it should not be a political process, and the process was outlined in the CLURO. Mr. Adams said the board would make a recommendation through the Comprehensive Plan and if the intent was to change the character of the old town, then the board would have to recommend against the ordinance, but that was not the intent of the ordinance. The Council wanted the responsibility. Mr. Burguieres felt it was appropriate. Mr. Blache asked if a liquor license was a way to control the number of bars. Mr. Burguieres said if the applicant received a zoning permit for the bar then the City Council could not deny it. It was best to go before that step before the applicant spent any money. He said the regulations were only in the B-3 hybrid area. A greater sensitivity needed to be employed in that area and that was what the constituents would like. Mr. Adams asked what was the justification for only the B-3 area and Mr. Burguieres answered that it was a hybrid of commercial and residential. In the B-3 area there was the idea of a mix of both living side by side which was a tenuous relationship because of the delicate balance. The French Quarter also having the same problem. Mr. Adams said in the past there were complaints in other areas like District 1 as well.

Mr. Quillin said the B-3 area was a mixed use area by design and definition and could change daily. That was effectively part of living there. Mr. Burguieres said there were no permanent rules. There were restrictions and conditions that must be met that were different from a straight commercial area. Mr. Quillin said he was curious to the extra steps. Mr. Adams said it should be spelled out more in the ordinance. Mr. Burguieres said he was telling the board and he did not feel it made much of a difference. If the ordinance passed, it was just a change of authorizations and the same rules applied. The constituents want to see it monitored. The people who live there and vote have a right. Mr. Quillin said the businesses had the same rights. Mr. Burguieres said the City Council would give the rights. The City Council had the right to change the law, and he was answering to his constituents. Mr. Blache asked if there was a concern that the board was not meeting that challenge. Mr. Burguieres said they complained to him and wanted the approval to be with the elected official because they would be more responsive because they elected him. Mr. Burguieres said no one wanted to live next to a bar. Mr. Thomas asked how do you compare a 7 person unelected board to a 5 person elected board. Mr. Burguieres said no one was asking him for more bars.

Charles Goodwin, 2075 Lakeshore Drive, said just because the provisions in the CLURO had been around a long time should not care any weight. He thought more bars were creating more problems than solutions. In a worst case scenario Old Mandeville would become a honky tonk Fat City. It would lower residential property values around a heavy commercial use. He attested living in the condos across from the Barley Oak that there was noise, problems with traffic, and the opening and closing of doors at all hours of the night. The condos would be worth more without the bars. The bottom line was as homeowners they were entitled to the peaceful enjoyment of your home and not suffer noise, inconveniences, etc. to sell alcohol. It came down to do homeowners owe a living to more bars. The citizens could not address existing businesses, but requested a consideration.

Rick Dennie, 536 Lafitte Street, said living across from the Red Barn Pub, he never had a problem. There were some changes and some issues changing from a restaurant. The landscape of the B-3 would have more issues than a liquor license with being able to convert between residential and commercial. There were already enough regulations. He was concerned about if the Pub would sell, he would have to apply for a new liquor license and it should be grandfathered. Mr. Adams said the businesses would have a six month window to occupy.

Tess Dennie, 536 Lafitte Street, said she understood when she bought in the B-3 district that it was a mixed use district. She would not turn her house into a bar. She recently sold a property that was a restaurant that sold alcohol. It took a long time to sell the property. The property value went down because it was vacant. She did not want the new owner, who was would be opening a very nice restaurant, to have more hurdles because of a service bar. The board was a good cross section of good minds and sensible people. She trusted the board's judgment. She did not always agree, but the board was a good representative of the restrictions and regulations. She did not want to lower values and would check the recent sales on the condos because she did not think the value had gone down as much because of being next to a bar or if it was the economy in general. She felt commercial was devalued because of regulations and being vacant. She did not think there was a need for another layer by an elected official and did not want any favoritism.

Gail Betz, 1931 Montgomery Street, said she was a real estate agent who lives in B-3. If she did not want a mix of the area, she would move to a gated subdivision and the regulations should stay the same.

Jeff Lyons, 515 Lamarque Street, asked if the Council denied the bar and was then voted out, could a business reapply for the same business. Ms. Scott said if the application was denied, the applicant must wait for a year with the same application. If the plan was amended, they could resubmit. Mr. Lyons said it could come to who was in office.

The next case discussed was P15-10-08 Recommendation to the City Council regarding Ordinance 15-29, amending CLURO Section 5.1.15, Unsafe Buildings, and providing for other matters in connection therewith

Ms. Scott presented that the City Attorney wanted to clarify the language in the regulations under Section 5.1.15, Unsafe Building, to make it clear that it was about the building being unsafe to the general public and not an individual in the building. The language change would not involve the City in tenant disputes. Mayor Villere said people called City Hall about disputes over leaky pipes.

Mr. Adams said he thought it was implied that is was the general public. Ms. Scott said the language change would make it more explicit. Mr. Clark said on page one, line 4, obsolete did not make it unsafe. Ms. Bush asked why that was included and it could trigger an interpretation. Mr. Quillin said there were historic buildings to consider. Mr. Clark said obsolescence was too vague. Ms. Bush asked if there was something in that word that would not be covered in the rest of the definition. The word was part of the present language. The only change was to the general public.

The next planning case also had a corresponding zoning case and the two cases were discussed in conjunction. The planning case was R15-10-03 Danielle and Ricky Bosse request a resubdivision of lot 11, square 11 into lots 11A and 11B, 348 Girod Street/2008 Madison Street, zoned B-3. The zoning case was V15-10-15 Danielle and Ricky Bosse requests a variance to Section 7.5.10.3, B-3 Site

Development Regulations, lot 11, square 11, City of Mandeville, 348 Girod Street/2008 Madison Street, zoned B-3

Ms. Scott presented a request to resubdivide one lot into two lots. There was an existing residence on Girod Street and a duplex on Madison Street. Lot 11B would measure 63.95' x 78' and Lot 11A would measure 63.8' x 125.55'. There was an existing fence and the request was to resubdivide along the fence line. The request was in accordance with the 2007 Ned Wilson survey. Both structures were about 40 years old and the B-3 district allowed for a combined use. The variance request was to the site development regulations and the lot depth requirement was of 120'. Lot 11B would be 2,223 square feet deficient on lot size with a lot depth 78' instead of 120'. This would be a 195 square foot encroachment into the rear yard setback. The frontage was met. Lot 11A's depth was 120', but the street frontage would become Madison Street so there would be a 63' depth and 125' frontage. There would also be a rear setback issue on the rear yard since it would only 8' between the edge of the building and the property line. There would be a 360 square foot encroachment in the rear yard setback.

Mr. Adams said it was a legal lot at this time. Ms. Scott said it would be affected if one of the structures was destroyed or demolished. They could still have more than one development on the site; however, it would be limited on density if it was a residence. There would be non-conforming lot of record if subdivided.

Mr. Adams asked Ricky Bosse, applicant, why he was not trying to make the lots more the same size. Mr. Bosse said there was an existing fence line. Mr. Adams said if anything happened to 348 Girod Street, there would be a problem for a new footprint. If the land was divided more in half, it would be closer to compliance. Mr. Bosse said the fence could be moved. Mr. Quillin said if it was just moving the fence, the two properties could be divided as close to equal as possible to obtain more rear yard on the Girod Street property. If there would be a rebuild there would be such a small footprint Mr. Bosse would be better off with a more equal division. Mr. Bosse asked if the board would make a decision on the fence. Ms. Scott clarified the board would like the lot to be as close to 100' as possible. Mr. Clark said the request was for a 30% variance which the board would want to avoid. Mr. Adams was concerned about a small lot size. The board would like the lot to be as large a lot as possible. Mr. Adams said nothing would change that would be noticeable. Mr. Quillin asked Mr. Bosse if he was looking for direction from the board and Ms. Scott answered yes. Ms. Scott said a plat was not drawn yet and Mr. Bosse would like some input. Mr. Thomas said it was listed for sale. Mr. Bosse said he would like to sell the lots separately which could not be done without the resubdivision. Mr. Adams asked Mayor Villere about sidewalks on that side of the street. Mayor Villere said that would be looked at in the Bike/Pedestrian Committee. He agreed to move the fence closer to the duplex. Mr. Adams suggested redrawing the line to within 10' of the building. Mr. Bosse said the sidewalk was inside of the existing fence. Mr. Adams said there was land for parking on the west side of the property. Mr. Clark wanted to get closer to the 7,200 square foot lot size. Ms. Scott said there was a requirement of a 10' side yard setback.

The next case discussed was P15-10-09 Recommendation to the City Council regarding Ordinance 15-27, approving a conditional use permit to allow the use of Administrative Offices and A&E Services as defined under CLURO Sections 6.4.1 and 6.4.17 respectively for the Gray Casualty and Surety Company located in Section 42, T7S, R11E, zoned Planned Commercial District (PCD); approving the site plan and providing for other matters in connection therewith

Ms. Scott presented a request under Ordinance 15-27 to allow an additional use under Section 6.4.1, Administrative Business Offices, and under Section 6.4.17, Auto Repair Services, Enclosed. The applicant was the Gray Surety and Insurance Company and the property was zoned Planned Commercial District. Ms. Scott provided the background that the 2.29 acre property was annexed in 1993 and allowed the development of the former Putt Putt. The development was specific to the uses and was limited to business support services, trade school, commercial recreation, day care center, funeral services, sit down restaurant and indoor and outdoor entertainment. The uses were specific to the Putt Putt site with a few other uses. Subsequently the ordinance was amended to include the re-approval of the site plan in 2009 when the property was sold to Victory Fellowship and amended to allow Section 6.3.22, Religious Assembly.

The Gray Company had bought the site and had proposed office and facility support for three provisions of the insurance company. The request was a Conditional Use Permit under Ordinance 15-27 to allow administrative business offices and an enclosed automotive and equipment repair for their fleet maintenance in a new building. Building 4 was a proposed building to house the fleet maintenance which would be the biggest issue. Building 1 would contain storage. They would remove the car track and hold this area for a future phase. Building 2 was a 4,900 square foot building to be converted to office space. Building 3 was a 2,970 square foot metal building for fleet maintenance and storage. Building 4 was a 4,000 square foot new building for asset storage. They would build a new barrier between the new building and the existing wooded area. They would keep the wooded separation and the wooden fence. This would create a barrier to shield the site to the neighborhood and also to restrict noise. Ms. Scott said they would insulate the building for sound.

The site plan prepared by Louisiana Land Specialties in 1998 indicated 87 parking spaces. As the site plan was changing as proposed and dated September 25, 2015 there were 51 parking spaces. With the requirement of 1:250 for Building 2 there would be 20 spaces, Building 4 would require 16 spaces, and the automotive use ratio of 1:400 would require 7 spaces plus 16 spaces for the four service bays. The question was since the fleet maintenance would be for a stand-alone operation for servicing and on this site it would be reasonable to look at flexibility since there would be no patrons and only servicing company employee vehicles.

Ivan Eschegarrua, consultant for the Gray Company, said parking would be added. There was space next to Building 3 where parking could be added. If they did not need to have any variances, they would add the parking. Ms. Scott said the fleet maintenance was for the company only. Mr. Eschegarrua said it was only operational during regular business hours. Mr. Thomas asked if there would be gas pumps and it was answered no. There would be no underground tanks, no gas services, and would only be oil and tire changes. The majority of vehicles were Explorers and Crown Victorias. Mr. Adams asked about noise and smell being inside. Mr. Eschegarrua said they were proposing instead of a metal building that the inside was insulated and the exterior would be a full façade to match the church building. Mr. Quillin asked about if there would be any rear openings and it was answered no. Mr. Blache asked about placing the maintenance building toward the front of the property by the existing track. Mr. Eschegarrua said Building 4 might be moved forward to be even with the other building but was discussing moving it forward 20-25' to create a 100' separation to the rear property line. There was a 30' existing wooded area that would also be a barrier to help deflect noise. Ms. Scott asked what kind of barrier would be constructed. Mr. Eschegarrua said they did not know yet. It would not be cinder block since it was a hill in the rear and would

create drainage issues. They would like it to be 10'. He was told that above 7' would require a variance. Mr. Eschegarrua was trying to help the rear neighbors.

Mr. Eschegarrua said Gray Insurance would be moving all of their people to the Northshore. This would be a future site resembling a mini FARA building so they would have bookend buildings. They would not want to lose the front appearance. Mr. Blache was concerned about the rear subdivision. Mr. Eschegarrua said they had met with the homeowners association and would work to address any issues. This would not be a high volume automotive service with the entire fleet being only 80-90 vehicles. Only two of the four bays would have lift or mechanical work. Mr. Adams confirmed there would be no outside auto work. Mr. Eschegarrua said there would be no outside work except vacuuming. There would be no car washes on the property. Ms. Scott said the ordinance did not address specific language on the wall, but should include language about providing sound mitigation and the staff would work with the applicant to have language included in the ordinance and notations on the site plan. The Conditional Use Permit looked at the adverse impact and mitigation with the noise factors of repair being spelled out. This would service only the business and not any public use. Behind Building 4 was a cul de sac with only a few houses.

Staley Lewis, 23 Rue Reims, said there were two adjacent houses. All of his questions were answered in the presentation.

Mr. Thomas asked if the automotive building could match the existing church. Mr. Eschegarrua said the new building would be a matching facade. Mr. Adams asked about a landscape plan. Mr. Eschegarrua said they were developing the whole site plan. Mr. Adams asked about the signage being located in the right-of-way and to make sure the location was approved.

Mr. Clark asked about the population of campus at build out. Mr. Eschegarrua said in Building 2 there would be 15 people, Buildings 3 and 4 would have 4-5 people for the maintenance. Mr. Clark asked from the employees on the south shore. Mr. Eschegarrua said the future building on the Building 1 site would be 2-3 years away. At this time with the 55,000 square feet at the FARA building they could fit all existing employees, but the question was how much would the company grow in the next few years. The other thought if there was a need for office space, it could be built and leased.

Ms. Scott asked to show the parking on the site plan and create a parking bank. Mayor Villere said he, David Ellis and members of the homeowners association had met at the site and everyone was satisfied with the approach to the property and the use. They wanted to provide care in protection of the neighbors.

The next planning case also had a corresponding zoning case and both were discussed in conjunction. The planning case discussed was P15-10-10 Recommendation to the City Council regarding ORDINANCE NO. 15-30, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO EFFECT THE ANNEXATION OF A PORTION OF GROUND ON LOVERS LANE CONTAINING .012 ACRES OF LAND, MORE OR LESS, SITUATED IN SECTION 45, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, INTO THE CORPORATE LIMITS OF THE CITY OF MANDEVILLE DESIGNATING AND ASSIGNING THE PROPERTY FOR PURPOSES OF ZONING AS R-1, SINGLE FAMILY RESIDENTIAL DISTRICT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. The zoning case discussed was Recommendation to the City Council regarding ORDINANCE NO. 15-30, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO EFFECT THE ANNEXATION OF A PORTION OF GROUND ON LOVERS LANE

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Ms. Scott presented an annexation request of 0.12 acres with an R-1 zoning designation. The land was currently unimproved and was located to the rear of lot 87 in Old Golden Shores Subdivision at 130 Shannon Drive. The applicants had purchased 130 Shannon Drive and the rear 5,235 square feet on Lovers Lane. There were parcels of ground in unincorporated St. Tammany and all of the property was purchased to construct a single family residence. The property was located in the city's target area for annexation. Mr. Adams asked about other properties along Lovers Lane coming into the City. Ms. Scott said most of the properties were not located in the City limits. Ms. Scott said there was no requirement for a resubdivision but to issue a permit would require all of the property in one jurisdiction. Mr. Quillin asked about the overhead electrical and a placement standpoint. Ms. Scott asked about an existing ditch. Mr. Otilio said it was for utilities.

Jack Otilio, applicant, said the adjacent properties had developed to Lovers Lane. They would follow the normal restrictions of any utility easement. They proposed a rear driveway off Lovers Lane and the house would front 130 Shannon Drive. Mr. Quillin said it would be one deep lot. Mr. Otilio said the adjacent lot was a rear fence to Lover's Lane. Ms. Scott said this would become a double frontage lot and should have a 10' setback buffer to the rear. Mr. Otilio said they wanted to maximize the 75' using a rear driveway. Mr. Adams asked about a rear rental unit or accessory building. Mr. Otilio said the garage would be attached to the house and there would only be access from Lovers Lane. Mr. Quillin said the challenge was the utilities. Mr. Otilio said the driveway would be under the utility easement and no structure. Ms. Scott said if the area would be fenced, it would be requested to have a 10' setback. This should be included in the ordinance.

Mr. Blache moved to adjourn the meeting, seconded by Mr. Quillin 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, Simmie Fairley, Nixon Adams, Dennis Thomas, Rebecca Bush and Scott Quillin

Absent: None

Also Present: Louise Kidd, Planning Director; Mayor Donald Villere; Council Members Ernest Burguieres, Carla Buchholz, and Rick Danielson

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Mr. Adams asked Ricky Bosse, applicant, why he was not trying to make the lots more the same size. Mr. Bosse said there was an existing fence line. Mr. Adams said if anything happened to 348 Girod Street, there would be a problem for a new footprint. If the land was divided more in half, it would be closer to compliance. Mr. Bosse said the fence could be moved. Mr. Quillin said if it was just moving the fence, the two properties could be divided as close to equal as possible to obtain more rear yard on the Girod Street property. If there would be a rebuild there would be such a small footprint Mr. Bosse would be better off with a more equal division. Mr. Bosse asked if the board would make a decision on the fence. Ms. Scott clarified the board would like the lot to be as close to 100' as possible. Mr. Clark said the request was for a 30% variance which the board would want to avoid. Mr. Adams was concerned about a small lot size. The board would like the lot to be as large a lot as possible. Mr. Adams said nothing would change that would be noticeable. Mr. Quillin asked Mr. Bosse if he was looking for direction from the board and Ms. Scott answered yes. Ms. Scott said a plat was not drawn yet and Mr. Bosse would like some input. Mr. Thomas said it was listed for sale. Mr. Bosse said he would like to sell the lots separately which could not be done without the resubdivision. Mr. Adams asked Mayor Villere about sidewalks on that side of the street. Mayor Villere

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Ms. Scott presented an annexation request of 0.12 acres with an R-1 zoning designation. The land was currently unimproved and was located to the rear of lot 87 in Old Golden Shores Subdivision at 130 Shannon Drive. The applicants had purchased 130 Shannon Drive and the rear 5,235 square feet on Lovers Lane. There were parcels of ground in unincorporated St. Tammany and all of the property was purchased to construct a single family residence. The property was located in the city's target area for annexation. Mr. Adams asked about other properties along Lovers Lane coming into the City. Ms. Scott said most of the properties were not located in the City limits. Ms. Scott said there was no requirement for a resubdivision but to issue a permit would require all of the property in one jurisdiction. Mr. Quillin asked about the overhead electrical and a placement standpoint. Ms. Scott asked about an existing ditch. Mr. Otillio said it was for utilities.

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The next case discussed was V15-10-13 David and Kathy Wojda requests a variance to Section 4.3.4.5, Variance Procedures (6) Non-Conforming Development

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Site Variance, Section 7.5.1.3, R-1 Site Development Regulations, lot 96, Square H, Golden Glen Subdivision, 477 Devon Drive, zoned R-1

Ms. Scott presented a variance to a non-conforming development site and site development criteria. The Wojda's purchased the residence in March, 2012. The structure was built in 1978 adjacent to the rear of the property adjacent to the 10' servitude. They were not meeting the 30' rear yard setback and the house was constructed at an angle with more room on one side of the property. One side was 10' and the other side was 27' from the property line. The site development required a 30' rear yard so there was more than 20% of a structure encroachment. Any expansion of the non-conforming site required a review and upgrade or eliminate the non-conformance where possible. The applicant was requesting to enclose an existing covered patio structure and convert it to a garage with a bonus room above. This would square off the house on the northwest side of the house. The proposed renovation was sufficient space to enclose the patio area for a garage. The original house had a basement which was non-conforming. The City issued a permit to demolish the basement wall and remove the sheetrock upstairs. This was done for FEMA compliance. The slab was now the top of the finished floor. Mr. Blache asked about the servitude. Mr. Quillin said Bayou Chinchuba was behind it.

Dave Wojda, applicant, bought the home in 2012 prior to Hurricane Isaac. Hurricane Isaac flooded the basement and they filled it in for FEMA compliance. The intent was to round out the corner on the northwest corner. They had lost their garage and wanted to construct a new one. There would be a covered porch off the master bedroom. The 2007 survey was what they built the plans from. It did not exceed the 10' servitude. Ms. Scott said there was always a 30' rear setback requirement. Mr. Wojda thought the servitude was for utilities. Ms. Scott would research the servitude since the survey did not state the type of servitude and who it was in favor of. Mr. Wojda said this could be the edge of the subdivision with woods and wetland behind the property.

Ms. Scott said the request was for an expansion of the footprint. Mr. Adams said the hardship was meeting the FEMA requirement and how the house was constructed. Mr. Quillin asked in accordance the August, 2015 survey if there were any problem with the neighbors since driveway was on their land. He had never been approached by the neighbors. Ms. Scott asked about the concrete driveway. Mr. Wojda said there was the possibility of removing and replacing it for drainage. Ms. Scott said if it was removed, they would not be in compliance and would not be able to put it back in the same place. Mr. Wojda said they wanted to slope it to the perimeter. He had an environmental engineer create a drainage plan and Mr. Brown had approved it in 2012. Ms. Scott said the code had changed and would be reviewed by Mr. DeGeneres. If the driveway remained there would not be a problem. Mr. Wojda said he would not remove any of the driveway. Mr. Quillin said if had to replace driveway and be in compliance, he would not be able to get into the garage.

Ms. Scott summarized she would look at the driveway; discuss any problems with the adjacent property owner. Mr. Wojda said there would be a ditch directing it to the rear of the property. When it rained there was an extensive drainage system around the home to the rear and continued to work that as part of the mitigation. The engineer designed a plan to mitigate the water flow to the ditch on the left side to the rear of the house as an additional mitigation. He would bring the plan to Ms. Scott. Ms. Scott asked for a drainage plan.

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Dennis Worshaw, 455 Devon Drive, said he understood squaring off the house on the left side, but the extension on the right side appeared to be moving into a further encroachment. Mr. Wojda said it would be a covered porch where the deck had been removed. They wanted to construct a walkway off the home. That was a 12' drop off the house into the basement. It would become an outdoor covered porch. Mr. Worshaw said the 10' was a drainage servitude because he had the same. Mr. Wojda said there was a lot of work to get into FEMA compliance with the installation of flood vents and worked with the drainage. Ms. Scott said the amendments were changed in the June adoption for driveway placement.

The last case discussed was V15-10-14 John D. Polley Etux requests a variance to Section 8.1.14, Supplemental Regulations for Accessory Dwelling Units, (10) Minimum Setbacks and (15) Existing Accessory Units, lots 16 and 17, square B, Pine Place Subdivision, 525 Park Avenue, zoned R-1

Ms. Scott presented a variance request for an accessory dwelling unit. Mr. Polley purchased the residence and was proposing to construct a non-habitable accessory building on lot 16 attached with a breezeway to an existing unit on lot 17. Mr. Polley said there was an existing 800 square foot accessory dwelling unit with a carport off the front. If Mr. Polley extended it to the rear there would be an encroachment. Mr. Polley purchased two lots with two different dimensions. The existing carport was built at 2.8' off the property line. Once it was attached, it would become part of the main structure and would have to meet the 30' rear setback. Mr. Polley said the main residence was one bedroom and one bath. The shorter lot contained a guest cottage and carport. He would like to extend off the existing cottage with a breezeway and shop area. The connection could bring the electric through the roofs. It would not be attached to the main house and would be accessory structures. Mr. Blache asked about the accessory square footage versus the main structure square footage.

Mr. Polley said the existing guest cottage contained 770 square feet of habitable space and he would construct an addition for a total of 968 square feet. The breezeway would be 268 square feet and the storage shop would be 613 square feet. The total of all accessory buildings would be 1,581 square feet. The main residence was 1,507 square feet. Mr. Adams said the accessory should be secondary to the main use. Mr. Polley said nothing would be taller than the main house. Ms. Scott said there was a 14' height restriction on accessory structures. Ms. Scott said the use was incidental to the main structure. The issue was the square footage and the size. Mr. Polley said the hardship was that he bought a house out of the norm and he wanted to trim down. Mr. Blache said the area behind the house looked like an area for an addition to the main house. Ms. Scott said the accessory building was built in the side yard, but not less than 60' from the front and not less than 3' from the side yard. This was on an interior lot and it was not exceeding one story, but the height was needed. Mr. Polley said it was determined by the median and he felt it was within the 14'. Ms. Scott said the regulations state that the gross area shall not exceed 30% of the rear yard area. The storage shed was on the rear of lot 16. Mr. Thomas asked if it would be a workshop. Mr. Polley said it would be 600 square feet for storage and a workshop. If he attached the structure to the main house it would block the light. There as an existing patio and pergola.

Mr. Polley said the breezeway would be located within the 30' rear yard. Ms. Scott said there were two lots but it was being treated as one development site. Mr. Polley said there was a question about ownership of the area to the rear of lot 16. Mr. Adams said this would be a board interpretation with the rear yard being a panhandle so it would be determined the 30' from what point. Mr. Polley said the new structure would be in the buildable area and the breezeway was to be built in

the rear yard setback. It was discussed that the new structure would not be restricted to 14' and was shown as 14' 2". The issue was the breezeway. Mr. Quillin said it was following the existing rooflines. Mr. Adams asked who owned the missing wedge, and Mr. Polley said it was unknown. Mr. Quillin said the board needed to make an interpretation of where would be the rear yard setback.

Mr. Polley said he was using the guest cottage for storage and wanted to construct a storage building so family and friends could sleep in the cottage rather than their sofa.

Mr. Clark said the existing cottage and carport was 4.8' from the property line. Ms. Scott said it could be constructed 3' from the rear property line so it would be in compliance. Ms. Scott said it was within 30% of the rear yard coverage. The proposed building was not in the rear yard setback because it was located in the long lot dimension. Ms. Scott stated since it was not attached to the house it could be 3' from the property line.

Mr. Polley also said there was a live oak tree in his neighbor's yard and before he laid the building out, he wanted help with determining the 80% of the drip line location. Ms. Scott would have someone look at it.

Mr. Adams stated the board had determined the setbacks were being met since it was not attached to the main structure and the board would vote to remove the case from the agenda at the next meeting.

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

  
Lori Spranley, Secretary

  
Nixon Adams, Chairman