

The meeting was called to order at 6:00pm by Commissioner Brian Rhinehart

The secretary called the roll.

Commissioners Present: Brian Rhinehart, Nixon Adams, Scott Quillin, Mike Pierce, Simmie Fairley, and Claire Durio

Absent: Karen Gautreaux

Also Present: Cara Bartholomew, Director Planning Department; Lauren Brinkman, Planner; David Parnell, City Attorney; Kathy Reeves, Secretary

P22-05-01 – An Ordinance amending the Comprehensive Land Use Regulations Ordinance, Article 2, Section 2.1.2 Number and Terms of Members, Appointments, Qualifications and Removal

Jason Zuckerman, 1354 Villere: Struggle with the process of the Council appointing a new commissioner. Every Council has done the process differently, so this change is in an effort to bring some consistency to the process and simplify it. Chose to do it now as there are currently no vacancies on the Commission.

Mr. Adams said that the process needs to be straightened out, but this issue is not a land use issue for the Planning and Zoning Commission to discuss. This is more of an issue with the rules and procedure of the City Council and is not something that needs to be changed with the CLURO.

Mr. Zuckerman replied that in order to survive the current council it needs to be made into an ordinance.

Mr. Rhinehart agreed with Mr. Adams that this is not a land use issue for debate by the Commission.

Mr. Zuckerman admitted that it was a little awkward that an administrative procedure of the council was coming before the commission but welcomed the discussion as if this was not the right idea, something would come out of the discussion.

Mr. Adams asked if there was anything in the City Charter that addressed this issue, and if not suggested there might be a catch all in Robert's Rules to cover this.

Ms. Durio asked of the qualifications of the applicants would be provided to the public to be discussed by the members of the public if they desired. Mr. Zuckerman agreed that the qualifications should be made public and said that was the intent of the ordinance.

Mr. Adams said that Roberts Rules says the agenda is put together by the chairman, so the chairman could just add someone to the agenda to appoint. Mr. Zuckerman agreed that could be done under Roberts Rules but did not think that would be the right thing to do.

Mr. Pierce liked the idea of putting together a process, but took issue with the current wording which makes it seem like it all goes through one person which he is opposed to. He also said that while the goal is to take inspiration from the mayoral appointment process, the key difference between executive and legislative is the legislative branch all the members are supposed to have the same privilege and power, and this makes it so they do not.

Ms. Durio suggested forming a committee since the City Council cannot meet beforehand to discuss the nominations.

Mr. Quillin appreciated trying to figure out a better way but agreed with the previous commissioner comments on it being an individual making the recommendation. Liked the suggestion by Ms. Durio of forming another group to put forth the nomination.

Mr. Zuckerman said that the City Council members were elected because the residents thought they could make the best qualified decisions and is wary of sending appointee recommendations back to another committee.

Mr. Fairley: Liked the idea of keeping it simple but had concerns about when the other Council members would see the qualifications. Mr. Zuckerman said the other members would see the qualifications at the same time as the Chairman.

R22-05-03/V22-05-17– Arthur Bernstein requests a variance to CLURO Section 7.5.1.3 R-1 Site Development Regulations and to resubdivide into lots A1, A2 and A3, Sq. 55, R-1 Single Family Residential District, 1738, 1742, 1746 Montgomery

Mr. Rhinehart asked if the resubdivision would be smaller than the Old Mandeville Lots, Ms. Bartholomew replied that was correct.

Mr. Quillin asked about the comments from Public Works if the structures on A-1 and A-2 did not have water or sewer service, Ms. Bartholomew said that there is just one service for all three houses right now since they are on one lot.

Mr. Adams asked if this would be consistent with the surrounding area. Ms. Bartholomew said the neighboring lots are the same size as the original lot.

Ms. Durio said that the existing lot, without the resubdivision, is consistent with the surrounding properties.

Mr. Pierce asked if the background was known for this lot as to why the three houses were built, Ms. Bartholomew said she did not know the background of the lot but the applicant was present if the Commission had any questions.

Arthur Bernstein, Applicant: Friend turned the property over to him, the structures have been rental properties for many years. Not doing anything new except for creating new lots so people could possibly own their own homes, and not rent.

Mr. Rhinehart asked if the structures were contributing historic structures, Ms. Bartholomew said they were.

Ms. Durio asked why the parking could not be moved to the back since it was one lot, Mr. Bernstein said that he could not force anyone to not park on the street.

Ms. Durio asked if a fence could be placed on the property, Ms. Bartholomew replied he could put one on the property line.

Mr. Adams asked if there was anything the Historic District Commission would want to see, Ms. Bartholomew said the Historic Commission would only look at it or major exterior changes or additions.

Ms. Durio is concerned about increasing the non-conforming nature of the new lots as the current lot is already a legal non-conforming lot and the new lots would be almost half the required size.

Mr. Pierce said that the CLURO is trying to not carve up the lots in Old Mandeville.

Mr. Quillin said his concern was for future owners trying to do any additions since the lots would be so much smaller.

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Mr. Quillin motions to adjourn the Planning Commission and move to the Zoning Commission, seconded by Mr. Rhinehart, and unanimously approved



Alex Weiner, Secretary



Karen Gautreaux, Chairwoman
Planning Commission

Brian Rhinehart commenced the Zoning Commission Meeting.

Mr. Rhinehart read the announcement 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.

Mr. Rhinehart said that there was some old business which would be done first.

V22-04-12 – Luci and Josh Brandner request a variance to CLURO Section 9.2.5.7 Live Oak Protection Requirements, R-1 Single Family Residential, 149 Coffee

Mr. Quillin asked for clarification on the size of the rear deck, if they were reducing the size of it, Ms. Bartholomew said it would be marginally smaller.

Mr. Rhinehart asked where the continuous footing would be an issue, Ms. Bartholomew said it would have to be under the existing house and the addition.

Ms. Durio asked if the continuous footing under the existing structure is by right, and that is what they would need a variance for, Ms. Bartholomew said the continuous footing is the construction type required and the variance was needed to encroach into the dripline.

Luci Brandner, 149 Coffee, Applicant: Said the information about the continuous footing was never relayed to them, and they have to elevate because of the substantial damage determination on the structure.

Mr. Adams asked if the branches would be an issue for the elevation, Ms. Brander said the branches were already trimmed with a permit to prepare for the elevation.

Mr. Quillin said the main issue is the encroachment into the dripline by the addition. Mr. Rhinehart also said the root system integrity was something to be aware of. Mr. Quillin said they could raise the house and there is little they could do as continuous footing is required which is the hard part.

Ms. Durio said they could cause damage by doing that, but agreed they were entitled to perform the elevation.

Ms. Brandner said that the roofline is extending into the dripline, not the actual foundation as the roof extends over the foundation. Ms. Bartholomew said that a foundation plan would need to be submitted showing that.

Mr. Adams said the live oaks have been there for hundreds of years and have already suffered damage and asked if the applicants had considered any other options for construction. Ms. Brandner said even if the existing structure was left as is, that was where the majority of the encroachment was.

Mr. Quillin made a motion to approve conditioned on the homeowners working with the arborist and engineers to place the foundation where the least harm to the oaks would be in order to elevate their home and construct their addition. Mr. Fairley seconded, and the approval failed with a vote of 2-4 with commissioners Adams, Pierce, Rhinehart, and Durio voting against.

Josh Brandner, 149 Coffee, Applicant: Asked if the Commission would rather this property become the biggest eyesore in the Old Mandeville since the Commission is not letting them as property owners do what they need to do.

Ms. Durio said they could look for other options, the Commission was only not approving what was submitted. Mr. Rhinehart also mentioned that the applicants could appeal the decision made by the Commission.

Ms. Bartholomew said the elevation of the structure was an existing condition so all the applicants would have to do was adjust the plans to remove any of the new construction from the 82% dripline. The foundation would be allowed by right.

Ms. Brandner asked why the stairs had to be adjusted as there was already something located in the same area, Ms. Bartholomew clarified that if you were to remove and replace something then it would be classified as new construction.

Mr. Rhinehart clarified that the applicants could appeal the decision, or they could come back with new plans showing they did not encroach into the 82% dripline. Ms. Bartholomew said that if they made new plans showing no encroachment then the applicants could move forward with the Historic District Commission.

Ms. Bartholomew also said that a new motion could be made as the previous motion to approve failed.

Mr. Pierce reiterated that the issue he had with the project was the potential impact of the continuous footing on the live oaks. Ms. Brandner said they had to raise the house to make any renovations due to the substantial damage determination.

Ms. Bartholomew said that the building official and city arborist both said that the continuous footing does not have to be at the edge of the structure and could weave in and out as needed, but no foundation plan was submitted to be reviewed.

Ms. Durio made a motion to approve the request conditioned on a foundation plan being submitted that shows the applicant will work with an arborist to weave the continuous footing in a way that does not damage the root system of the tree and come up with an adequate plan to protect the existing trees, based on the canopy, during construction. The distance between the roof line and the foundation must be shown on the submitted plans. Mr. Quillin seconded, and the motion passed unanimously.

V22-05-16 – Lynn Brayton requests a variance to CLURO Section 9.2.5.7 Live Oak Protection Requirements, Sq. 34 Lot D-1, B-3 Old Mandeville Business District, 418 Lafitte

There were no comments by the commission or the general public

V22-05-18 – Michael Mathews requests a variance to CLURO Section 9.2.5.5. Landscape Requirements in Districts Other than Low-Density Residential and Section 7.5.9.3. B-2 Site Development Regulations, Section 38 Township 7 South Range 11 East, B-2 Highway Business District, 3910 Hwy 22 Ste 400

Tommy Buckel, Duplantis Design Group on behalf of the applicant walked to the front to answer any questions the Commission may have

Mr. Adams asked what the purpose of the doors in the rear were, Mr. Buckel responded that they had to be there for safety purposes concerning points of ingress and egress.

Mr. Adams asked if there was any green buffering on the rear since it backs up to a residential neighborhood. Mr. Buckel responded that there was currently plantings in place and they would be adding more to bring the site up to current code and would also be adding plantings to the front as well.

Mr. Pierce asked if any comments were received from anyone in the residential area, Ms. Bartholomew said none were received.

Ms. Durio motioned to adjourn the meeting, Mr. Quillin seconded, and all were in favor.

The meeting was adjourned at 7:28pm.



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission