

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

The secretary called the roll.

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

Absent: Karen Gautreaux


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

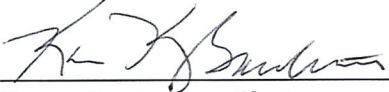
Mr. Adams motioned to adopt the minutes from the August 9 and August 23 meetings, Ms. Durio seconded, and all were in favor.

**R22-09-05** – Eric McNeil requests a variance to CLURO Section 7.5.1.3 R-1 Site Development Regulations and to resubdivide into lots 12-A-1 and 12-A-2, Sq. 48 Lot 12A, R-1 Single Family Residential District, 604 Marigny Avenue (APPLICANT HAS REQUESTED TO POSTPONE UNTIL OCTOBER)

Mr. Quillin made a motion to approve the postponement along with the corresponding variance case, Mr. Fairley seconded, and all were in favor.

Mr. Rhinehart adjourned the Planning Commission and moved into the Zoning Commission.

  
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Alex Weiner, Secretary

  
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Karen Gautreaux, Chairwoman  
Planning Commission

Brian Rhinehart commenced the Zoning Commission Meeting.

Mr. Rhinehart read the Notification of Filing Case Addendum - 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.

**V22-09-27** – Justin Sullivan requests a variance to CLURO Section 8.1.1.4. Allowed Setback Encroachments, Sq. 42 Lot L, R-1X Single Family Residential-Existing Small Lots District, 2351 Villere St.

Ms. Durio asked if there had been any objections from the neighbors, Mr. Weiner replied that no public comments had been received pertaining to the case.

Mr. Quillin asked when the change was made to the CLURO regarding allowing mechanical equipment in the side setback. Ms. Bartholomew said that in 2015 it was changed to allow nothing in the setbacks, and then in 2019 it was changed again to allow placement of mechanical equipment if there was existing equipment already located in the same side setback.

Mr. Adams asked if the neighboring equipment was air conditioning. Ms. Bartholomew said that was correct, and that it was located directly across from the proposed location.

Justin Sullivan, 2351 Villere St, Applicant: The house was constructed after the regulation change, so his A/C equipment is currently located in the rear yard. Because of this there is no room for the proposed pool equipment.

Mr. Rhinehart asked if he had spoken with the neighbor, Mr. Sullivan replied that he was the one who built their house, so they are ok with it. The equipment would be located behind a fence as well.

Mr. Quillin requested something in writing stating that the neighbor did not object to the placement of the equipment.

**V22-09-28** – John Crane requests a variance to CLURO Section 9.2.5.7 Live Oak Protection Requirements, Sq. 13 Lot 6, R-1 Single Family Residential District, 320 Lamarque

Mr. Quillin asked if there was any issue with the stairs in the rear setback, Ms. Bartholomew replied that as long as they were less than 5ft they can encroach in the rear setback.

John Crane, 311 Lamarque, Applicant: The goal is to protect the live oak. It is an existing drive that is being covered. The house will also be pile supported to minimize any damage.

Ms. Durio commented that the slab was being removed in stages with jackhammers and asked if the footings would be hand dug. Mr. Crane said that it would be done on pilings as they can enter from behind since they own both lots. The goal is access from the adjacent property.

Mr. Quillin said that the arborist recommendation for the front porch had specific requests and that pilings were not one of them. Mr. Crane said it would be piles supported by a steel column but will do whatever is requested by the arborist. Ms. Bartholomew added that the arborist usually recommends to hand dig in order to minimize any damage.

Skelly Kreller, District II: Asked what the driveway would be constructed of. Amy Crane replied that it would be permeable gravel.

**V22-09-29** – Eric McNeil requests a variance to CLURO Section 7.5.1.3 R-1 Site Development Regulations and to resubdivide into lots 12-A-1 and 12-A-2, Sq. 48 Lot 12A, R-1 Single Family Residential District, 604 Marigny Avenue (APPLICANT HAS REQUESTED TO POSTPONE UNTIL OCTOBER)

This case was postponed along with case R22-09-05

**V22-09-30** – Susan Robinette requests a variance to CLURO Section 9.2.5.7 Live Oak Protection Requirements, Sq 20 Lot 159A, R-1 Single Family Residential, 585 Barbara Place

Mr. Adams noted that the tree had a big canopy and was not straight up and down.

Ms. Durio asked if there were any photos of the damage, Ms. Bartholomew said she had not received any.

Susan Robinette, 585 Barbara, Applicant: Submitted some photos to the commission. She also said that the arborist who came to evaluate the tree did not inspect the crotch of the tree and declined a ladder to see into it. She went on to say that live oaks are beautiful in the correct locations. An arborist and cement person both recommended removal of the tree. The tree is a fall hazard to anyone walking on the lawn, due to the roots. She does have a second live oak behind the house and felt that she had to make a choice between the two. Yearly trimming of the branches and cutting back the roots will only weaken the tree and make it more of a fall hazard.

Mr. Adams asked if she had spoken to any of her neighbors. Ms. Robinette said that she had not, however the neighbor closest to her receives issues from the tree so they would be happy to see it removed.

Ms. Durio asked why she had to pick between the two trees, Ms. Robinette replied that both have canopies that stretch over the home and would eventually encroach into each other so one will take away from the other as they vie for nutrients.

Mr. Rhinehart asked why cutting the problem roots, like the arborist suggested, was not a viable solution. Ms. Robinette replied that had already been done and flooding had occurred. Her porch is becoming lower than the tree roots and water flows to the porch and maybe into her home in the future.

Buck Abbey, 1129 Villere: Waiting for a discussion like this to talk about the live oak protection requirements. There are not a lot of communities with requirements like this. He asked if it was possible to remove a live oak in Mandeville.

Mr. Rhinehart asked if it was a general question, regardless of health. Ms. Bartholomew said it was possible to have one removed.

Mr. Adams agreed that the protection requirements need to be looked at, and added that the 82% dripline rule was an arbitrary number.

Ms. Bartholomew read CLURO Section 9.2.5.7 (2) which states: The applicant wishing to remove a live oak tree must state in writing that such activity will enhance the health, safety and welfare of the public, or otherwise benefit the public interest and the applicant must offer evidence to that effect. The Building Inspector is empowered to issue or deny the permit based on the application and the evidence. Prior to the issuance of a tree removal permit the applicant must submit a plan or written statement offering evidence of compliance with the tree replacement provisions of this Article.

Mr. Adams asked if the removal would be considered a variance and not an exception, Ms. Bartholomew replied that was correct. Mr. Rhinehart added that a variance needs to show a hardship.

Mr. Abbey asked if you could request a removal. Ms. Bartholomew said you could not remove a live oak by right, you would have to go through the variance process.

Mr. Adams commented that there were some cases in the past where a homeowner could not get insurance coverage due to the location of a tree and so they asked for the removal.

Mr. Abbey asked if the protection requirements could be expanded to other species. Mr. Rhinehart said the short answer is yes, however a proposal would have to be written that passed a legal review.

Mr. Adams asked what trees would have protection requirements. Mr. Abbey replied that he would have to think about it, but there were some large trees around the City that should be protected.

**V22-09-31** – Cross Maintenance & Management LLC requests a variance to CLURO Section 8.1.3 Supplemental Fence and Wall Regulations, Parcel 9 Beau Rivage Village, O/R Office/Residential, 641 Village Lane S

Mr. Adams wanted to know why 10ft was requested.

Ms. Durio asked if the property abutted residential or commercial, Ms. Bartholomew said it abutted residential.

Victor Morlas, 305 Moss: Has property located behind the applicant with a 7ft fence and he thinks a 7ft fence would be more appropriate. He also wants to confirm that they cannot remove his fence. Mr. Rhinehart said they could not.

Ms. Durio asked what the surrounding fence heights are, Mr. Morlas replied that the Beau Rivage HOA limits it to 7ft.

Ms. Durio also wants to know why 10ft and mentioned concerns about stability at that height.

### **Public Comment**

Mr. Abbey said that the city needs to get more trees on private property.

Mr. Adams agreed that the protection requirements need to be looked at again.

Mr. Rhinehart asked what Mr. Abbey thought about replacing a removed tree with more trees. For example, planting three for the removal of one. Mr. Abbey said that mitigation and compromise are part of the planning process. Trees can end up in bad spots or poor health and it would be better to remove them and have healthy trees in more favorable spots.

Mr. Abbey asked what would happen if a live oak was located in the only buildable area on a small lot. Mr. Adams replied that the City could not prevent someone from building on their land, as that would be a taking. Ms. Durio added that this is where the variance procedure would come into effect.

Mr. Abbey said that the canopy spread is the important thing. Mandeville is small enough to be a park with private residences.

Ms. Durio said that lots of trees were lost in Ida, and there are minimum requirements in place, but until the homeowners come and pull a permit there is little they can do to know how many trees are on a property.

Mr. Abbey suggested a tree planting servitude on private property. It would work like any existing servitude. It would just need to be accessible to planting crews.

Mr. Adams said that there was extra planting room in New Golden Shores. The City should put more money into tree planting programs. Ms. Bartholomew replied that the City spent \$180,000 on the street tree program last year which was entirely free to residents. Mr. Adams said that \$180,000 was not much compared to what the City has spent money on. Trees should be a bigger part.

Ms. Bartholomew reminded the commission about the special meeting on Wednesday, September 21<sup>st</sup> at the Community Center. Mr. Adams suggested setting a hard time limit for the meeting, Ms. Bartholomew replied that it would be a two hour meeting, from 6:00 – 8:00.

Mr. Weiner also reminded the commission to complete their yearly ethics and sexual harassment prevention training by December 31<sup>st</sup>.

Mr. Quillin motioned to adjourn the meeting, Mr. Rhinehart seconded, and all were in favor. The meeting was adjourned at 6:51pm

  
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Alex Weiner, Secretary

  
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Brian Rhinehart, Chairman  
Zoning Commission