

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

The secretary called the roll.

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

Absent: None

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

Election of Planning Chair

Mr. Adams nominated Ms. Gautreaux to continue to serve as Chair of the Planning Commission. Mr. Rhinehart seconded the nomination, and everyone was in favor.

Ms. Gautreaux adjourned the Planning Commission to move into the Zoning Commission.



Alex Weiner, Secretary



Karen Gautreaux, Chairwoman
Planning Commission

Brian Rhinehart commenced the Zoning Commission Meeting.

Election of Zoning Chair

Mr. Pierce nominated Mr. Rhinehart to continue to serve as the Chair of the Zoning Commission. Ms. Durio seconded the nomination, and everyone was in favor.

Announcement that written notice of decisions regarding zoning variances will be filed in the Commission's office the following day of this meeting at which time applicable appeal time will begin to run.

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.

Mr. Adams said that there were not many comments at the last meeting. He stated that this would be an exception, not a variance and it did not seem to cause a nuisance.

Mr. Quillin noted that on the submitted location document, the dimensions on the right-hand side of the document were in inches.

Ms. Durio said that a garage seemed to be located across from the proposed location, and there was no objection from the neighbor.

Mr. Quillin asked what the previous setback requirements were, and when they were changed. Ms. Bartholomew replied the previous requirement was 5' for a lot of this size. The neighbor had a 5' setback at the time of construction, mechanical equipment was originally allowed, then changed to not allowed, and then changed again to allow if there was pre-existing equipment located in the same area.

Mr. Quillin asked if there was a right of way or any concerns with access, Ms. Bartholomew said there was no servitude or easement at the proposed location.

Mr. Adams made a motion to approve the request as submitted, Ms. Gautreaux seconded, and the motion passed unanimously.

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. Rhinehart asked if the city arborist agreed with what the applicant stated, Ms. Bartholomew said that they did.

Rnest Burguieres, 241 Wilkinson: Asked what the driveway would be constructed of, Ms. Bartholomew replied that it would be aggregate.

Mr. Quillin made a motion to approve the request as submitted, Mr. Fairley seconded, and the motion passed unanimously.

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 said that New Golden Shores used to be very tree heavy, but lost many due to the previous two hurricanes. He said it would be a shame to get rid of a tree to save some cement, it should be the other way around. Mr. Rhinehart agreed with Mr. Adams.

Ms. Durio said that at the previous meeting Ms. Robinette mentioned another tree in the rear yard that is competing with the tree in the front yard. Based on aerial photos the two trees did not seem competing to her. Ms. Bartholomew noted that the city arborist did not seem to have any concerns about it.

Christine Reppel, 129 Meadow Spring Place: She is the applicants sister. The tree does not seem to be healthy to her. It is right on the walkway and the whole walkway and driveway would have to be replaced. The porch floods in heavy rain due to the breaking of the walkway. Someone could easily fall and trip over the uneven surface. If the concrete is replaced and nothing else is done the same thing will happen again.

Ernest Burguieres, 241 Wilkinson: He sympathizes with the owner, but this tree is an old survivor, and it would take a couple of generations to replace. He said there may be other options available to the homeowner.

Ms. Durio said that the consulting arborist suggested cutting back the conflict roots, and the city arborist suggested expansion joints could be used in the replacement of the concrete and not have it crack again.

Mr. Quillin made a motion to deny the request, Mr. Adams seconded, and the motion passed unanimously.

Mr. Rhinehart reminded everyone that Ms. Robinette does have the right to appeal the denial.

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

Ms. Durio said that someone spoke at the last meeting whose property bordered the applicants and they had an existing fence and asked what the height of their fence was. Ms. Bartholomew said it was 7ft.

Mr. Adams said that anything larger than 7ft requires an engineering study to support it. He lived on Moss Lane in the past and would not have minded a taller fence.

Ms. Durio made a motion to deny the request, Mr. Fairley seconded, and the motion passed unanimously.

Ms. Bartholomew clarified that if the applicant submitted for a 7ft fence it would be an administrative approval and would not have to come before the commission.

Public Comment

Buck Abbey, 1129 Villere: Asked what basis on the decision to deny the request to remove the live oak. Ms. Bartholomew said that they could not discuss cases that have already been voted on.

Mr. Abbey asked what the basis is to deny someone the right to cut down trees on their property.

Mr. Rhinehart said it was the regulation set forth in the CLURO.

Mr. Adams said the law is to keep trees. If someone wants to remove a tree, they need to show why they want an exception, and that there are no other options available.

Ms. Durio added that for a variance the applicant needs to prove that there is an existing hardship, and for an exception they need to show that it would benefit the public and be consistent with the master plan.

Mr. Abbey said that the masterplan and landscape code are the basis for any denial. Ms. Durio said they are the basis for maintaining, and that if anyone wants to remove a tree they need to give reasons for that removal.

Ms. Bartholomew read from CLURO Section 9.2.5.7 which states that: 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.

Mr. Adams said that there is a checklist with 11 items on it, but the main thing is the benefit to the community. If you want to remove an unhealthy tree and replace it with four healthy trees that could be a benefit to the community.

Mr. Abbey asked if a lawyer has ever challenged the City on that regulation. Mr. Rhinehart said he was unaware of challenge occurring.

Mr. Adams said a previous case the issue was the homeowner could not get insurance on their house and received permission to take the tree down.

Mr. Rhinehart asked if Mr. Abbey saw any ambiguity in the current regulations.

Mr. Abbey said that property owners have rights within their property. He is in favor of protecting live oaks and the tree canopy. He mentioned that the live oak protection requirements do not talk about the environmental benefits, the CLURO should be strengthened if the City was going to restrict the removal of trees on private property.

Mr. Adams agreed that other trees should be protected, and that you should not do anything to diminish the canopy.

Mr. Rhinehart said the CLURO rewrite is coming up so now would be the time to submit any proposed changes.

Mr. Abbey said that more than just live oaks need to be protected.

Mr. Pierce asked if Mr. Abbey was familiar with any communities with stringent tree protection laws that the City could look at for examples.

Mr. Abbey said the language used needs to be clear and if the property owner made a good case, then maybe it could be approved.

Ms. Bartholomew reminded the commission that there would be a resiliency meeting at 5:00pm on October 11th with the regular meeting at 6:00pm. The next LSU Health Foundation property meeting would occur on October 12th at 6:00pm in the Paul Spitzfaden Community Center. They received responses for the CLURO rewrite and just need to do one more interview.

Mr. Weiner also reminded the commission to complete their yearly ethics and sexual harassment prevention training, along with their continued education requirements by December 31st.

Mr. Quillin motioned to adjourn the meeting, Mr. Rhinehart seconded, and all were in favor. The meeting was adjourned at 6:39pm


Alex Weiner, Secretary


Brian Rhinehart, Chairman
Zoning Commission

Public Comments

Alex Weiner

From: Marcy Landry [REDACTED]
Sent: Wednesday, September 14, 2022 3:32 PM
To: Alex Weiner
Cc: Cara Bartholomew
Subject: 2351 Villere St

To whom it may concern,
David and I live next door to the Sullivan family residing at 2351 Villere St. It is our understanding that they have applied for a setback variance. We have no problem with this request.

Thank you,
Louise Landry
[REDACTED]

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Louise "Marcy" Landry
Notary Solutions LLC
Qualified Statewide, Louisiana
[REDACTED]ph/fx
[REDACTED]

Alex Weiner

From: [REDACTED]
Sent: Tuesday, September 27, 2022 3:01 PM
To: Alex Weiner
Subject: Fw: 641 Village Lane South Variance

Sent from Windows Mail

From: [Shannon Brundrett](#)
Sent: Tuesday, September 27, 2022 2:57 PM
To: [Clif Siverd Sr.](#)

To City of Mandeville,

I Clifton H Siverd, at 295 Moss Lane, do not have a problem with variance for 641 Village Lane South as long as they do not encumber servitude on the east side of the property.

Thank You.
Clifton Siverd