

The meeting was called to order at 6:00pm by Planning Chairwoman Karen Gautreaux

The secretary called the roll.

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

Absent: Nixon Adams

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

Ms. Durio motioned to adopt the minutes from the September 13 and September 27 regular meetings and the September 21 special meeting, Mr. Rhinehart seconded, and all were in favor.

#### Old Business

**P22-07-02** – Recommendation to the City Council to adopt the City Council district map based on the 2020 census data

Ms. Bartholomew said this item was placed on the agenda prematurely, as it had not been introduced by the city council yet, so the commission would discuss it at the next meeting.

**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

Mr. Rhinehart asked to clarify that this was an exception, not a variance, Ms. Bartholomew said that was correct.

Mr. Rhinehart asked what the dimensions of the original five lots were, Ms. Bartholomew replied that they were 53'x266'.

Ms. Durio said their job was to look at the size of lots in the area, but the CLURO has changed and there are now new lot requirements. There does not seem to be any hardship so this would be strictly exemption criteria.

Mr. Pierce agreed and said the CLURO evolution seems to be to prevent large lots from being chewed up.

Ms. Durio said that she assumed the idea is to put a house on the new lot and is not sure how that would match with the master plan.

Mr. Quillin said even if the lot was subdivided equally, the new lots would both be deficient as you cannot make two 90' lots out of what exists. He also does not see a hardship.

Eric McNeil, 604 Marigny, Applicant: The original plan was to live in the existing house and sell the new lot. The plans changed and the new plan is to build a small cottage style house on the new lot and sell the existing house.

Ms. Durio asked how that would fit the criteria of an exception, as an exception needs to benefit the community.

Mr. McNeil said the new building would fit the aesthetic of the Mandeville historic district and would add tax revenue to the city. Currently the lot sits empty.

Barry Brupbacher, 1925 Livingston St: Said he had a PowerPoint presentation to show, Ms. Bartholomew said that the PowerPoint he submitted was turned in at 2:45 that day, and that if a member of the public wants to present something it needs to be submitted 24 hours in advance of a meeting.

Ms. Durio said that the meeting tonight was only a work session, and that the PowerPoint can be sent to the commission for view prior to the voting meeting.

Mr. Brupbacher said there were two PowerPoints. The first one demonstrates his concerns with drainage issues on the lot. People fill the entire property and there is nothing left in the side yard for drainage mitigation. The second PowerPoint demonstrates that his house is designed to look at Marigny Avenue. Any new construction would ruin the view. To allow this exception without lots of conditions would make him have to look at a 30' wall. Other views need to be protected than just the lakefront view. This would be problematic for him.

Ms. Durio asked if he lived adjacent to the property, Mr. Brupbacher said he did.

Gibb Farrish, 1931 Livingston: Watched the initial subdivision of the unplatted parcel. The original owner wanted four parcels, but only got three. Looking around the area there are some oversized lots. The old commission decided three parcels were done.

Ramona Balducci, 636 Marigny: In favor of the resubdivision. There are no original Mandevillians left in the 600 block of Marigny. 614 Marigny was allowed to be resubdivided with a 58' frontage. She has spoken with Mr. Brupbacher about the drainage and if someone knows how to grade land then drainage is not an issue. The requirements in the CLURO have changed many times already. The current owners cannot take care of a lot this size with their condition, they need a small one-story house and to sell the current house.

Julie Madigan, 645 Marigny: Agree with Ramona. The lot next door to her was subdivided for less than the required frontage, exceptions are being made. This allows for more single-family residences to be built.

Annette Smith, 614 Marigny: Has a large lot and it is a lot of work to maintain. She is in favor of the resubdivision.

There was no new business for the Planning Commission, so Ms. Gautreaux adjourned the Planning Commission and moved into the Zoning Commission.



Alex Weiner, Secretary



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.

Old Business

**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

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

**V22-02-03** – Stephen Roy requests a variance to CLURO Section 7.5.9.3 B-2 Site Development Regulations, B-2 Highway Business District, 3910 Florida St

Ms. Bartholomew said this case was heard and approved in February, what is being discussed today is a modification of the approved plan.

Mr. Rhinehart said they are asking to extend something that was previously approved, and they have reduced the amount of parking spaces to comply with the pervious/impervious requirements. The idea was to keep traffic off Florida Extension.

Ms. Durio asked if this would interfere with the servitude, Ms. Bartholomew said that CLECO typically does not have any issues with paving in the servitude, their main issue is with trees interfering with the power lines.

Vaughan Sollberger, Architect on the project: The drive goes through the utility servitude, not the greenbelt. All new construction is compliant with the pervious/impervious but the existing site was very non-compliant, which was why they needed the first variance for 1% coverage. They are adding more plantings where they removed the parking spaces. Many trucks come through and this keeps them off of Florida Extension.

Ms. Durio said that the delivery trucks drop off and pick up stuff, does this connect or is this to allow them to get to East Causeway without going onto Florida. Mr. Sollberger replied that this allows them access to East Causeway without first going on Florida.

New Business

**V22-10-32** – Cullen Piske requests a variance to CLURO Section 8.1.5 Supplemental Regulation of Accessory Buildings and Structures, Square 37 Lot 55A, R-1X Single Family Residential Existing Small Lots District, 2335 Livingston

Mr. Rhinehart clarified that this would exceed the regulations by 255 sq ft, Ms. Bartholomew said that was correct.

Ms. Durio said that pools were considered pervious, but if it was impervious would they meet the requirements, Ms. Bartholomew said they would, but the rear yard requirements are not about pervious/impervious amounts.

Mr. Rhinehart asked how the pool construction would improve drainage.

Corey Theriot, Pool Contractor: The pool has an overflow mechanism to put water directly into sump pumps.

Mr. Rhinehart asked if what is caught would be pumped out, Mr. Theriot said it goes

through a 1" pipe so it will not get dumped out. The pipe has the flow rate of a garden hose so it will be released slowly.

Ms. Durio asked if it would create any drainage issues for the neighbors. Mr. Theriot said that the surrounding homes drain into this yard as it is the lowest spot.

Mr. Quillin said that based off the given measurements it would capture 1,000 gallons of water, not the 1,500 gallons said in the letter. Mr. Theriot said the freeboard will be a bit over the 4 ½ inches stated.

Mr. Pierce said that a pool as a retention pond would slow the flow of water, and it would not capture less than what the ground would catch. Mr. Rhinehart agreed.

**Z22-10-03** – Pneuma Properties LLC requests the rezoning of a lot designated R-1X Single Family Residential Existing Small Lots District to B-1 Neighborhood Business District, Square 1 Lot 3A, R-1X Single Family Residential Existing Small Lots District, 290 Oakwood

Mr. Quillin asked if Lot three was rezoned to B-1, would lots 1,2 and 3 need to be subdivided into one parcel. Ms. Bartholomew said they do not require contiguous lots to be subdivided together, and added that if anything was built over the lot line the individual lots could not be purchased.

Mr. Quillin said it would make sense for it to happen. Ms. Bartholomew said that it is not required but it has been done in the past. The process would be done administratively if it happened.

Mr. Pierce asked about the history of the property across the street and when it was rezoned as there seems to be some business creep going on. Ms. Bartholomew said she thinks it was done in 1993 but would have to check. It was done through the comprehensive rezoning plan.

Ms. Durio said the site plan shows the building on the existing lots 1 and 2. Are the two lots inadequate and is the request to do something bigger?

Vaughan Sollberger, Architect on the project: The commercial building is compliant. The business creep is due to DOTD widening the highway and adding spike strips to prevent more driveways on the highway. The footprint of the building is 1,200 sq ft and did not need any variances so they have gone through the design review process and received a favorable recommendation.

Sarah Probst, Applicant: A tree fell on the residence in Ida before she bought it, and the surrounding land is already zoned commercial.

Mr. Quillin asked if anything had been received from the surrounding properties, Mr. Weiner replied that nothing had been received by him.

David Johnson, 234 Oakwood: The insurance company used to be a daycare center. Adding more commercial property would diminish Tanglewood. They already take all the traffic from Tanglewood II. This is a great retirement neighborhood, and he is opposed to the request.

Ms. Durio asked if Lot 3 was a larger lot than the lots around it, Ms. Bartholomew said it is the same size.

Ms. Probst asked Mr. Johnson if he owned any rental properties, Mr. Johnson replied that he is living in one of the properties.

Ms. Probst said that she has no plans to take the existing residence down. The main issue is with the setbacks. They are 20ft from a residential property and would go to 5ft if it was commercial.

Mr. Johnson asked how the existing residence would be incorporated, Ms. Probst said it would probably be used as an office. There are no plans to change the look.

Ms. Durio was wondering if the lot was to be used for business or kept as residence.

**Z22-10-04** – Jerilyn Schmidt requests the rezoning of a lot designated B-1 Neighborhood Business District to R-1 Single Family Residential District, Square 82 Lot 11, B-1 Neighborhood Business District, Colbert Street Square 82, Lot 11

Mr. Rhinehart said this is the opposite of the previous request, and seems like a win.

Ms. Durio asked if a driveway was located on Montgomery to the center lot. Mr. Quillin said it looked like a shared driveway for the flag lot.

Jerilyn Schmidt, Applicant: Purchased the lot last year, the driveway is shared.

**Public Comment**

Ms. Bartholomew reminded the commission about the special meeting on Wednesday, October 12<sup>th</sup> at the Community Center. She also reminded the commission that there will only be one meeting in November and December.

Mr. Weiner reminded the commission to complete their yearly ethics and sexual harassment prevention training, along with the required continued education by December 31<sup>st</sup>.

Ms. Gautreaux motioned to adjourn the meeting, Mr. Quillin seconded, and all were in favor. The meeting was adjourned at 7:08pm

  
Alex Weiner, Secretary

  
Brian Rhinehart, Chairman  
Zoning Commission

# Public Comments

## Alex Weiner

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**From:** Charles Walsdorf [REDACTED]  
**Sent:** Thursday, September 29, 2022 2:04 PM  
**To:** Alex Weiner  
**Subject:** 604 Marigny ave. resubdivision

I want to go on record opposing the resub division of 604 Marigny Ave. Several years ago, I witnessed a person purchasing a lot in the 2000 block of Livingston Ave in Mandeville. This man was an engineer. He had this small lot re subdivided into two parcels, built two houses side by side sold them for a huge profit then moved out of town. I feel that this is morally wrong and again I am against this re subdivision.

Thanks, Charles

Walsdorf 535 Marigny Ave. Mandeville

## Alex Weiner

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**From:** Gibb Farrish <[REDACTED]>  
**Sent:** Tuesday, October 4, 2022 12:20 PM  
**To:** Alex Weiner  
**Cc:** Jill Farrish; Gibb Farrish  
**Subject:** Eric McNeil - Square 48 - Resubdivision/Variance Request

It is my understanding that the above subjected case was tabled at the Commission September meeting and will appear on their agendas at the 2 meetings held in October as a Work Session and as a Public Hearing agenda. It is my understanding that my email response regarding opposition and concern over the above subjected case will be officially considered by the Commission and read into their public hearing record.

I am opposed to the resubdivision and variance request in Square 48. The overall southeast corner of Square 48 was reviewed and subdivided by the Commission in the mid 1990s. Since this unsubdivided parcel did not have the proper dimensions to create 4 lots that would meet Mandeville new lot size regulations, the Commission approved 3 lots with one of the lots containing the existing home on the corner of Livingston and Marigny Blvd. The other 2 lots were woods which were eventually sold and now contain 2 homes with one of the homes also providing a legal and permitted bed and breakfast use. The developed land use pattern is set for Square 48 with the majority of the uses having some type of oversight by the Commission. I cannot see any justifiable reason to grant a variance for this case. Especially in light that this property was previously reviewed by the Commission under their new single family lot size requirements which I believe is 90' by 120'.

Gibb Farrish  
1931 Livingston - Square 48  
Jill Farrish  
609 Girod - Square 48

**From:** Gibb Farrish <[REDACTED]>  
**Date:** September 10, 2022 at 3:00:43 PM CDT  
**To:** Alex Weiner <aweiner@cityofmandeville.com>  
**Subject:** Eric McNeil - Square 48 - Resubdivision/Variance Request

We are the property owners for the 2 homes located at 1931 Livingston Street and 609 Girod Street within Square 48. We have received your notice that there will be a work session meeting and a public hearing regarding a variance and resubdivision request for the property located at 604 Marigny Avenue.

I have the following questions:

1. When the tract of land was resubdivided some time in the 1990s by a different property owner, I believe that the original petitioner desired 4 lots but was approved as 3 lots that now contain 3 homes. Please verify the information that was presented in the original resubdivision including if there were variances or special conditions placed on the property.;
2. What is the nature of their variance request? Is it a width or depth



issue? Is it a natural feature that is causing a hardship? Please email me a digital file or provide a hard copy of the proposed resubdivision map.; and

3. Is it proposed that the existing home at 604 Marigny will be demolished?

My concern is the reconfiguration of the lot for 604 Marigny into 2 separate lots will result in smaller lot sizes along Livingston Street and Marigny Avenue that are inconsistent with existing properties within Square 48. With the current trend of squeezing in a large scale new home which engulfs a standard lot size or allowing 2 homes on a standard lot size, those uses and lot sizes will degrade the value and quality of life for my property and family.

Sincerely

Gibb Farrish  
1931 Livingston  


Jill Griffin Farrish  
609 Girod

Sent from my iPhone



October 10, 2022

City of Mandeville Zoning Commission  
3101 East Causeway Approach  
Mandeville, LA 70448

RE: V22-09-28/ R22-09-05 – Eric and Melissa McNeil, 604 Marigny Avenue, a variance to approve a re-subdivision of their property. The created lot will have a lot width of 75', which is less than the required minimum lot width of 90' feet.

My wife Katie and I reside at 1925 Livingston Street. Our property, which includes our residence and our business, the About Trace B&B, abuts the McNeil property, and we are opposed to the variance request.

This evening we will present a power point presentation documenting our concerns. We urge you to deny the request. Mr. Richard Longman, AIA, ASLA will participate in the presentation.

Reasons for Denial:

Variance: The variance procedure is established to provide an economic value to a property that could otherwise not be developed based on the zoning regulations. Examples of appropriate variance conditions may include the limitations posed by a historic small lot (smaller than the old Mandeville lots of record as initially platted), a lot containing substantial wetlands or a lot with significant protected trees such that the property could not be developed using the required yard setbacks, or other site development requirements. In the Mandeville Historic District, it also could include restrictions imposed by preservation of the existing historic property. To approve a variance request, the Board must present a finding that establishes the hardship, and the appropriate mitigation. No hardship has been established relating to the existing McNeil property.

- *One of the defining features of the Mandeville Historic Preservation District is the diversity in lot size. Lot sizes in old Mandeville were generally platted at 62' x 200'. The CLURO acknowledges that the 90' x 120' lot size is not consistent with the pattern in old Mandeville, but also has acknowledged that a 60' frontage should not be the standard in the R-1 zoning district. Further, an evaluation of existing lot sizes and the diversity of those lot sizes in the neighborhood should be considered an important factor to preserve.*
  - *CLURO Section 2.2.8 (3) authorizes the Zoning Commission to grant variances but only where there are unusual and practical difficulties or unnecessary hardships in carrying out of those provisions due to an irregular shape of the lot, topographical or other physical conditions, providing such variance will not seriously affect any adjoining property or the general welfare.*
  - *Section 2.2.8(3)(a) specifies that yard requirements may be considered, but only based on "unusual and practical difficulties or unnecessary hardships". No such hardship exists with the proposed re-subdivision with non-conforming lot frontage.*
- Precedent, the owners of the lot located directly across Marigny Street from the applicant's property previously requested a variance to allow the property to be re-subdivided. The Board denied the variance request.



- Views are established by *Setbacks*, CLURO Section 1.2.3. *Purpose....to provide adequate light and air.... prevent overcrowding. Minimum setbacks and lot size are established to protect "light and air" between properties.*

Also, considering decisions by the council rejecting changes to the elevation of the seawall to protect existing views, the City of Mandeville has in fact established public policy to protect the lakefront views. Other views in the Old Mandeville Historic District deserve similar public policy protection.

Under the existing condition, with the McNeil’s lot facing Marigny Street, the Brupbacher lot is situated adjacent to a rear yard setback. If the Commission allows for the creation of a new lot as proposed, the created lot will face Livingston Street, and the Brupbacher home and business will be located adjacent to a side yard. With the reorientation, the minimum side yard setback required is 12’ not 30’ as required for depth of rear yard setback.

The Brupbacher home was specifically designed to take advantage of the adjacent large open yard area. A large bay window is located midway back on the east side of the home allowing it to enjoy the open vista and look on to the historic old Mandeville neighborhood. This is a significant defining feature of the home and if this re-subdivision is granted, this defining feature will be destroyed due to the allowable placement of a new home at the 12’ side yard setback.

The loss of light and air, due to the elimination of the currently required 30’ rear yard setback will adversely impact the Brupbacher’s primary living area and diminish the value of the Brupbacher’s home as the entire design of the home relied on this required 30’ yard setback.

- Drainage: Should be that since the lot size is being reduced, a conceptual drainage plan should be prepared and reviewed by the City Engineer as part of this process so as to identify adverse drainage issues and mitigation of those. The Brupbacher’s preference is that a 25’ wide bioswale be established adjacent to their property and that a drainage easement routing drainage to Marigny Street also be provided.
- Conceptual Plans: The application does not present conceptual plans for proposed improvements, which should be included as part of the re-subdivision request. As part of the Historic District and clearly having an adverse impact on the Brupbacher home, design is an integral part of mitigating these impacts and therefore conceptual design approval (as it relates to height, bulk, and scale) should be required.

**Exception:**

The proposed re-subdivision is advertised as a variance request, not an Exception.

CLURO Section 2.2.8 (4) authorizes the Zoning Commission to grant Exceptions “so that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done.” It further states that “the Commission shall have the power to modify the provisions of these regulations as follows:” and enumerates eleven (a-k) areas that the Commission may grant an exception.

Should the Board consider an exception to allow for the proposed re-subdivision, the Zoning Commission may approve an exception upon finding that the exception advances the goals of the Comprehensive Plan and the purposes of this CLURO (Section 4.3.4.6).



The applicant has not provided any documentation relating to how a proposed exception meets this test. What specific provisions of the CLURO or Comprehensive Plan are advanced, and how are they advanced by the request?

Except for establishment of hardship, provisions of Section 4.3.4.5 apply. Section 4.3.4.5.3 gives considerable authority to the Board to establish conditions on the approval of the variance / exception.

**3. Conditions on Variance - The Board may set forth the conditions in granting a variance. Such conditions may include, but are not limited to the following:**

- a. Limit the manner in which the use is conducted, including restrictions on the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, discharge of pollutants, glare and odor.*
- b. Establish a special yard or other open space or lot area or dimension.*
- c. Limit the height, size or location of a building or other structure.*
- d. Designate the size, number, location or nature of vehicle access points.*
- e. Increase the amount of street dedication, roadway width, or improvements within the street right-of-way. Article 4: General and Non-Conforming Provisions and Procedures City of Mandeville CLURO Ordinance 15-11, Adopted 6-25-15, Revised Thru Ordinance -21, Adopted 12-16-2021 59 f. Designate the size, location, screening, drainage, surfacing or other improvements of a parking or truck loading area.*
- g. Limit or otherwise designate the number, size, location, height or lighting of signs.*
- h. Limit the location and intensity of outdoor lighting or require its shielding.*
- i. Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.*
- j. Designate the size, height, location or materials for a fence.*
- k. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.*
- l. Specify other conditions to permit development of the site in conformity with the intent and purpose of the code.*

From the perspective of the Brupbacher’s, if the Board approves an exception, the following beneficial conditions should be placed on the exception approval.

- To preserve existing swale drainage and Brupbacher views, a 25’ wide buffer adjacent to the Brupbacher lot to be reserved as a bioswale: no fill placement in the swale, no driveway within the swale, no accessory buildings in the swale.
- To preserve existing Brupbacher view, front yard setback is established at 70’ This setback is located at the midpoint of the Brupbacher’s bay window. Also, the maximum building height is set at 25’.
- The re-subdivision should provide 18’ wide access servitude extending from Marigny Street to the new lot. This should include a waiver to rear yard setbacks on new lot to allow for garage and parking within rear yard. The Marigny access would allow for situation a new residence at a location that minimizes adverse impacts to the Brupbacher’ s property.
- A drainage servitude should be included within access servitude to provide appropriate drainage from the new lot to Marigny Street. The drainage servitude should be based on a topo survey and engineering calculations.



- The new house to be constructed using a pier foundation, no fill placement.
- The applicant to provide plan and schematic architectural plans which are to be made part of Exception approval.
- The applicant to revise re-subdivision plat to show all required site development conditions as noted above.

A handwritten signature in cursive script that reads "Barry Brupbacher".

A handwritten signature in cursive script that reads "Katie Bird-Brupbacher".

Barry Brupbacher  
Katie Bird-Brupbacher  
1925 Livingston Street  
Mandeville, LA 70448