

**Planning Commission
Public Hearing
September 22, 2020**

The meeting was called to order by Zoning Chairman Nixon Adams and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, Karen Gautreaux and Mike Pierce

Absent: None

Also Present: Louissette Scott, Director, Planning Department; Cara Bartholomew, Planner

There was a discussion about the Short Term Work Program.

Ms. Scott presented that the commission was emailed a memo summarizing the Short Term Program. The current Comprehensive Plan was sunsetting and there was funding in the current budget to update the plan. There were tasks to be addressed and the commission could move forward on some of the planning initiatives. She requested any comments be included on the word document. As part of the process, there were joint meetings with the City Council to have informal discussions on tasks to move forward and challenges in the city to be addressed. If funding is required, a budget adjustment could be considered by the City Council.

Normally, this discussion was held in April or May before budget hearings in June for funding be included in the budget beginning September 1st. With all of the delays in 2020, it was decided to hold the meeting(s) in the fall. October 6th was agreed to hold a joint meeting date in person in the Court Room.

Mr. Clark suggested forwarding all incorporated comments to the City Council prior to the meeting.

Mr. Clark moved to adopt the minutes of May 26 and June 9, 2020, seconded by Mr. Fairley and was unanimously approved.

The commission stated the next meeting would be held in the zoom format.

Mr. Rhinehart moved to adjourn the meeting, seconded by Mr. Lahasky and was unanimously approved.

Lori Spranley, Secretary

Karen Gautreaux, Chairwoman
Planning Commission

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Absent: None

Also Present: Louissette Scott, Director, Planning Department; Cara Bartholomew, Planner

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

The first case discussed was V20-09-27 Kathy Low requests an exception to Section 7.5.1.3, R-1 Site Development Regulations, Section 8.1.5, Supplemental Regulations of Accessory Buildings and Structures, and Section 4.2.3, Provisions for Legally Non-Conforming Development Sites, square 52, 1822 Montgomery Street, zoned R-1

Ms. Scott presented that the applicant owned a parcel of ground in Square 52, forming the northeast corner of Montgomery and Glockner Court. The lot measured 70' with frontage on Montgomery Street and 140' depth along Glockner Court. The property was zoned R-1, Single Family Residential and improved with a Single- Family dwelling.

The applicant was proposing to construct an attached carport to the east side of the house where the existing driveway was located and an addition of a front porch to the existing structure.

Proposed attached carport:

The applicant desired to construct an attached open air carport over the existing driveway, measuring 15'x20' (300 square feet), within a portion of the 15' required street side yard setback. The site plan indicated the proposed carport would extend 15' from the residence to the property line. A variance was being requested to CLURO Sec. 7.5.1.3, R-1 Site Development regulations, specifically to the minimum street side yard setback to allow the construction of a 15'x20', 300 square foot carport encroachment into the street side yard setback. Additionally, the applicant indicated that due to a large 27" live oak tree located toward the rear of the lot, behind the existing driveway and house, that they did not want to extend the driveway to park behind the house because they did not want to have any construction near the tree.

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Addition of a front porch:

The applicant was also proposing to construct a front porch to the existing house. The porch was proposed to measure 6' in depth with a width of 35'-3", extending along the entire front of the house. The existing residence was setback 23' from the front property line. The Minimum R-1 front yard setback was 25', so the existing residence was considered a non-conforming development site. The proposed addition of the front porch would expand the non-conforming site by an additional 6', with the new proposed front yard setback being 17' or 8' deficient of the minimum allowable 25' setback. The interior side yard setbacks in area of proposed porch were compliant and were not proposed to change.

Additionally, the CLURO under Section 4.2.3 Provisions for legally non-conforming development sites (6) Extension, stated that single family residential structures may be enlarged providing the portion of the building that is altered or enlarged conforms with the provisions of this Ordinance.

Site development:

<u>Setbacks:</u>	<u>Existing</u>	<u>Proposed</u>	<u>require</u>	<u>deficient</u>
Front yard (Montgomery)	23'	17'	25'	8'
Street side yard (Glockner) 15' (for 300sf)	15'	0 (for 300 sf)		15'
Interior Side yard nonconforming	6.5'/18'	6.5'/18'	12' legally	
Rear	~70'	70'	30'	0

Mr. Adams said at the work session there was a discussion about the tree and it had been determined there would be no damage to the tree.

Mr. Lahasky moved to approve the exception as requested provided the City Arborist confirmed there would be no harm to the tree and the enclosure of the porch would not become living space in the future, seconded by Ms. Gautreaux and was unanimously approved.

The next case discussed was V20-09-28 Timothy and Cynthia Klibert request an exception to Section 8.1.1.4, Allowed Setback Encroachment, lot 2, Phase 2, Woodstone Subdivision, 13 Woodstone Drive, zoned R-1

Ms. Scott presented that the applicants owned the property the property located at 13 Woodstone Drive. The property was zoned R-1, Single Family Residential and improved with a Single- Family dwelling and a pool. The applicants were requesting to install a

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a whole house generator within the north side setback. The lot frontage was 86.39', requiring a 15' minimum interior side yard setback on each side of the property.

The house was located 10.1' from the north property line. The house was built in compliance with the CLURO regulations, as was the installation of the mechanical equipment.

The applicants were proposing to install the generator on the north side of the existing house adjacent to existing pool and mechanical equipment. A fence was installed 62" (5.1') from the house, the applicant measured the distance from the house to the fence on the north side property line. The property line extended another 5' to the north from the location of the fence. The existing equipment was approximately 1' from the fence, encroaching 4' into the required 15' side yard setbacks. The applicant was requesting a variance to CLURO Section 8.1.1.4 to allow an encroachment of the generator into the required setback. Due to code requirements, the generator must be placed 23.5" (1.9') from the edge of the house. The generator is 35"x54" and would encroach 4.8' into the setback. The applicant was requesting a variance of 5' from the 15' required setback.

There had been a discussion at the work session about installing landscaping or an opaque fence to not have visibility from the street.

Mr. Clark asked how much noise was heard when the generator was running. Mr. Rhinehart said he thought it depended on the model. Mr. Pierce estimated about 80 decibels. There was a discussion about how the noise ordinance was enforced since it was no longer based on decibels. At this time, if it was too loud the handling was at the discretion of the Police Department. Ms. Bartholomew said she did not know of any department complaints about the noise and there were cabinets that reduced the noise level. The specifications were submitted with the permit application. Mr. Adams said he had not heard of any complaints of the noise and the police could make an enforcement determination.

Tim Klibert, applicant, said the generator would only run if there was a storm so it should not be a nuisance factor. Once a month the generator would run a test for up to 20 minutes. He spoke to his neighbor who had no objections. The generator would be located on the same side as his pool equipment. He would install bushes to shield the equipment from the street and the neighbor.

Mr. Lahasky moved to approve the request as presented with landscaping to be planted to shield the equipment from the street, seconded by Mr. Fairley and was unanimously approved.

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The next case discussed was V20-09-29 August Chappetta Jr. requests an exception to Section 8.1.1.4, Allowed Setback Encroachment, lot 26, Block C, Phase 1-B, Magnolia Ridge Subdivision, 751 Magnolia Ridge Drive, zoned R-1X

Ms. Scott presented that the applicant owned the property in Magnolia Ridge Subdivision, Ph. 1-B, Lot 26, 751 Magnolia Ridge Drive East. Magnolia Ridge Subdivision was zoned R1-X Single Family Residential District. Lot 26 had an 80' frontage on Magnolia Ridge Drive East, and a depth of 130'. The property was improved with a Single-family residence. The existing setbacks were 30' front yard, and 7.5' each for interior side yards. The minimum required side yard setback was 13' on each side - the property was a non-conforming development site, but was compliant at the time of construction.

The applicant was issued a permit to construct a pool in August 2020 with the proposed pool equipment to be located in the rear of the house. Since the issuance of the permit, the applicant had decided to construct an outdoor kitchen, in the area where the pool equipment was proposed, and were requesting to relocate the proposed pool equipment to be placed within the required side yard setback on the north side of the property.

Mr. Lahasky said he had no objection since the neighbor's pool equipment was in the same side yard setback.

Leonard Rohrbough, 2525 Lakeshore Drive, said there had been a problem with the pool discharge onto the neighbor's property. He asked if there was a requirement for backwashing of a pool. Ms. Bartholomew said a drainage plan was not required, but the Building Official and Public Works Department were requesting additional information.

Mr. Adams asked if it was state law that water could not be sent to a neighbor's property which it was answered yes. Ms. Bartholomew said the problem on the property Mr. Rohrbough referenced had been resolved. Mr. Pierce also commented that the backwash of the pool was chlorinated. Mr. Chappetta said the new pool equipment was not backwashed so there was no discharge. His neighbor would right a letter of no objection if needed.

Mr. Rhinehart moved to approve the request as presented, seconded by Ms. Gautreaux and was unanimously approved.

The last case discussed was V20-09-30 Diane Rowland requests a variance to Section 7.5.10.3, B-3 Site Development Regulations, Section 8.1.5, Supplemental Regulations of Accessory Building and Specifications, Section 8.1.1.4, Allowed Setback

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Encroachment, and Section 4.2.3, Provisions for Legally Non-Conforming Development Sites, square 47, 2019 Livingston Street, zoned B-3, Old Mandeville Business District

Ms. Scott presented that the applicant owned the parcel at 2019 Livingston Street in Sq. 47, located on the north side of Livingston between Girod and Lafitte Streets. The parcel measured 63.95' x 250.46'. The property was zoned B-3, Old Mandeville Business District and is improved with a single-family dwelling and a garage. The applicant was proposing to construct an addition to the existing house and an addition to the existing garage.

As discussed at the work session, the existing house was 1,600 square feet and the addition would be 800 square feet. The house was shown to be 4' from the property line and the garage was 2.5' from the property line. The request was to construct the addition to be in line with the existing house as well as the carport. Additional information of the flood zone line had been received and it was important because the house was in a Flood Zone X and a portion of the garage addition fell into the AE EL9 with a FEMA requirement of 500 square feet on the garage addition. The applicant also found out the setback was 2.8' instead of a 4' setback line. The fence was actually at 4' from the house.

The requested variances were for the house to be at 2.8' from the property line and the garage would be redesigned outside of the flood zone, but requested to encroach into the side yard setback. Additionally, it was requested to place the equipment in the side yard setback. With the addition, running the mechanical a long distance to the rear would not be feasible.

Mr. Adams asked if the fence was on the neighbor's property. Ms. Scott said it seemed that was true. There was a plan to replace it with another 6' fence. The neighbor had written a letter of no objection to the placement of the addition and the fence.

Jason Kaufman, Fire District 4, said he had no objection to the 2.8' setback.

There were two neighbor letters read into the letter of no objection.

Mr. Adams clarified the house would not encroach into the flood zone. Ms. Scott said the accessory building addition would be reconfigured not be in a flood zone. Mr. Adams said the request was to line up the addition with the existing house. The adjacent neighbor's properties that lined up with the 2.8' setback were their rear yards.

Diane Rowland, applicant, said the garage would be reconfigured to be outside of the flood zone and there were no objections from the neighbors.

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Mr. Fairley moved to approve the variance request as presented with the changes to the plan to be outside of the flood zone and in line with the existing residence and the location of the mechanical equipment in the side yard setback. There was a large rear yard that backed up to the Trailhead. Mr. Adams seconded the motion. Mr. Pierce asked to clarify a fire issue on the 2.8' side yard setback with additional mechanical equipment. Mr. Fairley asked how old was the house. The house was built in 1968 and the current mechanical equipment was located in the rear of the house. With the survey, the fence was determined not to be on the property line. Mr. Kaufman, Fire District 4, said if there was a fire, they would go in the front door or break down the wooden fence.

Mr. Lahasky had no issue with the addition lining up with the existing house. His concern was the mechanical equipment location. The fence was 4' from the house but the setback was 2.8'. What would happen in the future if the adjacent house was sold with the equipment encroaching over the property line. Mr. Rhinehart asked if it was a correct interpretation that it would encroach onto the neighbor's property.

Ms. Rowland said the left side driveway was 10' so they could not have a driveway to the garage with the mechanical equipment on that side. Adjacent to the house was the only placement for the equipment. With the existing fence there was space for the mechanical equipment.

Mr. Fairley and Mr. Adams withdrew their motion. Mr. Lahasky asked for additional information and moved to table the case until the next meeting. The motion was seconded by Mr. Rhinehart and was unanimously approved.

Ms. Rowland asked to consider a motion on the house structure variance. Mr. Lahasky moved to reconsider the motion, seconded by Mr. Pierce and was unanimously approved.

Mr. Lahasky moved to approve the variances for the house addition to encroach into the setback to line up with the existing structure, for the garage addition to be in line with the existing garage, and table the mechanical equipment setback request until the next meeting, seconded by Ms. Gautreaux. The motion passed 5-2 with Mr. Clark and Mr. Fairley voting against the motion.

Mr. Clark moved to adopt the minutes of May 26 and June 9, 2020, seconded by Mr. Fairley and was unanimously approved.

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Mr. Rhinehart moved to adjourn the meeting, seconded by Mr. Lahasky and was unanimously approved.

Lori Spranley, Secretary

Nixon Adams, Chairman
Zoning Commission

**Zoning Commission
Work Session
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The meeting was called to order by Chairman Nixon Adams and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, Karen Gautreaux and Mike Pierce

Absent: None

Also Present: Louissette Scott, Director, Planning Department; Cara Bartholomew, Planner;

Mr. Adams 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 only case discussed was CU20-09-05 Recommendation to the City Council regarding Ordinance 20-18 approving a Conditional Use Permit for the use designated under CLURO Section 6.4.42.3, Lodging (Transient) Short Term-Rental; Whole House Rental, located on 203 Girod Street, zoned B-3, Old Mandeville Business District

Conditional Use Permit Application: Short Term Rental – Whole House:

The applicant has applied for a Conditional Use Permit to operate a Short-Term Rental – Whole House located at 203 Girod Street with four guest rooms and a maximum guest occupancy of 8 guests. All in accordance with the site plan and floor plan prepared by KVS Architecture dated July 2, 2019.

The house was setback approximately 20' from Girod Street, 13' from the North side property line, 15' from the Claiborne Street side property line and 30' from the rear property line. The dwelling was 2,171 square feet and constructed between 1916-1925. It contained 4 bedrooms and 4 bathrooms, in accordance with the floor plan.

The applicants currently reside in the residence and had applied for an administrative permit to operate a Bed & Breakfast residence. The B-3 zoning district allowed them to operate that use by right, with the approval of an administrative permit. In the future, they would like to utilize this property solely as a Whole House Rental, utilizing all four bedrooms with a total of 8 guests, so were also requesting the CUP for the STR for whole house.

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Parking:

9.1.4. Minimum Off-Street Parking Requirements by Use

*Lodging (Transient)— Short-term 1 per guest room but no less than 2 spaces for resident
Rental: Whole House Rental occupants*

Location requirements: *Parking shall be provided in accordance with Article 9, and shall be provided in side or rear yards and shall not be located in front yards.*

With 4 guest room proposed for the Whole House rental, the Parking requirement, *1 per guest room but no less than 2 spaces*, requires 4 parking spaces, one per guest room. The site plan provided indicated there was 1 parking space located in the front yard and 1 space located in the rear yard on the Claiborne Street side, for a total of two spaces. There were no other spaces available on-site or immediately adjacent to the site.

The property was zoned B-3 Old Mandeville Business District, and CLURO *Section 7.5.10.5. Special B-3 - Old Mandeville Business District Criteria, (4) Reductions in Required Parking* allows parking reductions by right and by exception from the Commission states:

7.5.10.5. Special B-3 - Old Mandeville Business District Criteria, (4) Reductions in Required Parking (a) By Right Parking reductions

(1) The minimum on-site parking requirement shall be two (2) spaces unless otherwise required by this section or Article 9 of this CLURO. No additional spaces shall be required for uses on any lot that generate the need for eight (8) or fewer spaces in the B-3 zoning district in accordance with the minimum parking space requirements of Article 9.

(2) When on-street parallel parking is available in areas where shoulders are adequate for parking or when public on-street parking bays are available, the required number of off-street parking spaces for non-residential uses may be reduced by up to a number equal to the number of on-street spaces, abutting the lot or on the opposite side of Lakeshore Drive for sites that face the lake. No fraction of a space shall be counted when using this provision.

(1) States no additional parking spaces shall be required that generate the need for 8 or fewer spaces, however, Art. 8, regulation for Short Term Rental, specifically states parking requirements, 1 per guest room. Further, b, stated below, allows a reduction by exception if the Commission determines that reduction will not adversely affect the surrounding area. The area surrounding this site, although does not have parking immediately adjacent to the site, Girod St. has on-street parking and there is a City owned parking lot (~40 spaces) across the street.

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b. Parking Reductions by Exception. In the B-3 District, parking requirements for nonresidential uses may be reduced or waived by the Zoning Commission in conjunction with a Special Use Permit application and based on the findings of the Zoning Commission that the reduction or waiver does not adversely affect surrounding commercial or residential uses and: (1) Existing public parking within the area is sufficient to accommodate the proposed use;

Due to the property’s location on the corner, there are no on-street spaces in front of the property, however there is a public parking lot located on the SW corner of Girod and Claiborne.

Required No. of Parking Spaces	Provided No. of Parking Spaces	Deficiency
4	2	2

The applicant had submitted the administrative Short-Term Rental permit and had attested that all requirements were satisfied. Should the Conditional Use application be approved, the property will be inspected by the Mandeville Fire Chief before the administrative Short-Term rental permit is issued.

8.2.3.5. Lodging (Transient) – Short Term Rentals

A. All of the required approvals shall be obtained prior to establishment of the use including a Special Use Permit and Conditional Use approval depending upon the district in which the use is proposed to be located. In addition, an occupational license and a certificate of occupancy for the proposed use shall be obtained from the City. Any additional requirements of the state shall also be required to be satisfied.

B. STANDARDS

Short-term rentals, as defined in Article 6, shall be subject to the following general requirements in addition to the parking requirements as provided in Article 9 and the district regulations for the district in which the facility is located:

1. Short-term rentals shall meet all applicable building, health, fire, and related safety codes at all times as well as:
 - a. That the property has current, valid liability insurance of \$500,000.00 or more that covers use as a short-term rental property. *The applicants have attested that this is in place. It is required to be submitted prior to the administrative Short term rental permit.*

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- b. That each short-term rental has working smoke alarms in every bedroom, outside each sleeping area, and on all habitable floors. If the rental unit has either natural gas service, or a propane system for cooking or heating, the unit must also have working carbon monoxide alarms in each bedroom, outside each sleeping area, and on every habitable floor. Combination smoke/carbon monoxide alarms are acceptable; and *The applicants have attested that this is in place. This will be inspected by the Fire Chief prior to the issuance of the Short Term Rental permit.*
- c. That each short-term rental has a properly maintained 2A10BC rated ABC type fire extinguisher in each short-term rental unit. *The applicants have attested that this is in place. This will be inspected by the Fire Chief prior to issuance of the STR permit.*
2. Common bathroom facilities may be provided rather than private baths for each guestroom. *Floor plan indicates one (1) bath is provided.*
3. Residence kitchens shall not be refitted to meet health department requirements for food preparation. Only continental breakfast food service, with foods purchased from a licensed food seller and served “as is” or only warmed at the bed and breakfast residence and/or inn may be allowed. No cooking facilities shall be permitted in the individual guestrooms. *The applicants have attested to this.*
4. A common dining area may be provided but cannot be leased for social events. *The applicants have acknowledged this.*
5. No exterior signage shall be permitted except in accordance with the regulations of Article 10 for the district in which the facility is located.
6. Short-term rentals shall not be operated outdoors or in a recreational vehicle. *The applicants have acknowledged this.*
7. Parking shall be provided in accordance with Article 9 and shall be provided in side or rear yards and shall not be located in front yards. *Compliant*
8. Only one party of guests shall be permitted per Whole House Rental. A “party” shall mean one or more persons who as a single group rent a Whole House Rental pursuant to a single reservation and payment. *The applicants have acknowledged this.*
9. The owner/operator of the Short-Term Rental: Bed & Breakfast Residence shall be present during the guest’s stay. *Not applicable for Whole House Rental.*
10. The operator of the Short-Term Rental: Bed & Breakfast Inn shall be present during the guest’s stay. *Not applicable for Whole House Rental.*

The applicant had submitted all required information listed on the Conditional Use Application, this information includes a completed application & ordinance, site plan, floor plan, deed of the property, site photographs and fee.

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The applicant had submitted the Administrative Short Term rental application and attested and acknowledgment of the requirements. Should the application for conditional use be approved, the property would be inspected by the Mandeville Fire Chief to verify all safety requirements.

Mr. Adams said in the B-3 zoning district being able to be both residential and commercial, how would the board grant a parking variance. Ms. Scott said under the Conditional Use Permit, the commission could recommend less parking for the use. The commission was in agreement there was a City parking lot across the street to be used.

Ms. Spranley read a letter from the owner of 211 Girod Street of objection to the request.

Michael Gallup, applicant, said they were in the process of getting a permit for the exiting rooms they were renting since March. He had discussed with the staff about applying for both applications with the bed and breakfast use for the present and the Whole House Short Term Rental in the future. They lived on site with three children and were on site when the rooms were rented.

Ms. Scott stated letters were mailed to all of the bed and breakfast operators of the changes to the regulations. Many of the operators were going through the process at this time. The same requirements for the Fire Chief inspections were the same for both bed and breakfast and Whole Term rentals. There was an annual renewal.

Mr. Lahasky asked if Mr. Gallup must complete the process and get the permit for the Whole House rental since the guidelines stated only ten rental permits. Ms. Scott said the staff would check the language.

Mr. Rhinehart moved to adjourn the meeting, seconded by Mr. Lahasky and was unanimously approved.

Lori Spranley, Secretary

Nixon Adams, Chairman
Zoning Commission