

**Planning Commission  
Public Hearing  
July 28, 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, and Bill Sones

Absent: None

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; deShea Richardson, City Attorney; and Council Members Skelly Kreller and Jill McGuire

Mr. Sones moved to adopt the minutes of March 10, 2020 meeting, seconded by Mr. Rhinehart and was unanimously approved.

Assuming the Governor extends the Executive Proclamations, the commission agreed to hold the August meetings on the Zoom platform at 5:30 p.m.

Mr. Sones moved to adjourn the meeting, seconded by Mr. Clark and was unanimously approved.



Lori Spranley, Secretary

---

William Sones, Chairman  
Planning Commission

**Zoning Commission  
Public Hearing  
July 28, 2020**

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 and Bill Sones

Absent: None

Also Present: Louissette Scott, Director, Planning Department; Cara Bartholomew, Planner; and deshea Richardson, City Attorney

Mr. Adams announced that the meeting was being held in the Zoom platform in compliance with Governor John Bell Edward's Executive Proclamation.

Mr. Sones moved to adopt the minutes of March 10, 2020 meeting, seconded by Mr. Clark and was unanimously approved.

The first two cases were discussed in conjunction being SUP20-07-02 Our Lady of the Lake requests a Special Use Permit to Section 6.3.10, Day Care Centers, Preschools, Nursery Schools (Public), 1.23 acre of ground situated in square 11, 316 Lafitte Street, zoned B-3 and V20-06-20 Our Lady of the Lake requests an exception to Section 7.5.10, B-3 Old Mandeville Business District, more specifically to Section 7.5.10.2(3), Large Scale Buildings, 1.23 acre of ground situated in square 11, 312 Lafitte Street, zoned B-3

Ms. Scott presented that the applicant had requested to table the cases until the August meetings.

Mr. Clark moved to table the use as requested, seconded by Mr. Rhinehart and was unanimously approved.

The next case discussed was CU20-07-01 Recommendation to the City Council regarding Ordinance 20-05 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 723 Molitor Street, zoned PM-1.

Ms. Scott presented that the recommendation on Ordinance 20-05 to approve a Conditional Use Permit to allow the Use Classified under CLURO Section 6.4.42.3 Lodging - Whole House Rental at 723 Molitor St.

**Background:**

In January 2020, the City Council adopted Ordinance No. 19-34, amending the CLURO to include provisions for Short Term Rentals including Bed & Breakfasts and Whole House Rentals. With Short Term Rentals, particularly Whole House Rentals, being an increasing segment of the rental market across the country and with numerous short-term rental listings in the City of Mandeville, the purpose and intent of Ord. 19-34, as stated in the findings, is to regulate *rental of residential units and dwellings, which potentially place an increased burden on facilities, infrastructure and administrative time, all of which can have an adverse impact on the health, safety, and tranquility of neighborhoods within which they are located*. It was further stated in the findings, *that an excessive number of whole house short term rentals could potentially have an adverse impact on the character and culture of the neighborhoods within which they are located because of their transient nature*. For these reasons, Ord 19-34 regulated Whole House rentals by requiring a Conditional Use Permit approval and limiting the number of Conditional Permits issued to a maximum of 10 whole house units city wide.

Conditional Use Permit criteria are included under CLURO *Section 4.3.3.8 Review and Evaluation Criteria* which establishes 12 criteria to be used to make findings before

approving a Conditional Use Permit. Additionally, *CLURO Section 8.2.3.5 (B) Standards* establish 10 standards applicable to Short Term Rental and *(F) Short Term Rental Permit Application* includes an Administrative Permit application “Short Term Rental” Application that requires specific submittal requirements and documentation. After a Conditional Use Permit is approved, the applicant must also satisfy the requirements for this Short Term Rental application.

The property was located in the Southern ½ of Sq. 100, with the dwelling site located in the SW corner of the site fronting on Villere and Molitor St. with Bayou Castain bordering on the South. The property consisted of 1.7 acres and was zoned PM-1, Planned Marina District (waterfront). The site was currently under construction with a single family residence which was a permitted use by right within the PM-1 Zoning District. A building permit for new construction had been issued for the single family residential dwelling in July 2019. The plans permitted met all the minimum site development standards for the PM-1 zoning district.

The applicant’s primary residence was located in Mandeville and they were proposing to utilize this property solely as a Short Term Rental, specifically Whole House Rental as defined under CLURO Section **6.4.42.3 Lodging (Transient) — Short-term Rental: Whole House Rental**. The plans indicate the dwelling is 2733 square feet under beam, with 2 Bedrooms and 2.5 Bathrooms. The application indicated there will be a maximum occupancy of 4 people.

**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: *Shall be provided in side or rear yards and shall not be located in front yards.*

The floor plan showed there were two guest rooms, requiring a minimum of 2 parking spaces. The site plan indicated there were two parking spaces provided under the house in the carport. The proposed location, under the house, also met the location requirements. The site was compliant with the minimum requirement of two spaces and the spaces were located under the house in the carport, outside of the minimum front yard setback.

Although the structure was still under construction, the applicant had submitted the administrative short-term rental permit and had attested that all requirements would be installed, and/or sufficient at the time of completion. Should the Conditional Use application be approved, the property would be inspected by the Mandeville Fire Chief before the administrative Short Term rental permit was issued.

*The following information was provided by the applicant:*

- 1. I am located on 2 acres on Bayou Castine at the dead end of 2 streets, Molitor and Villere.*
- 2. The property has NO neighbors in sight on 3 sides. The only neighbor lives at the last marina on the bayou overlooking 20 boat slips.*
- 3. The property borders Fountainbleau state park on its east side with a boat dock for enjoyment.*
- 4 Designed with an elevator.*
- 5. On the Tammany Trace .*
- 6. Will provide bikes and kayaks for renters to access business and attractions.*
- 7. Canoes provided can paddle to the Nature Center for enjoyment or the lake.*
- 8. I live 1 block from the property and will manage with back up.*

9. *I will add a strict policy to my renters of stiff fines if police are dispatched.*

Below are the Review and Evaluation criteria for Conditional Use Permits, the required standards for Short Term Rental and the requirements for the administrative Short Term Rental application.

**4.3.3.8. Review and Evaluation Criteria (Conditional Use)**

The Planning Director, the Planning Commission and the City Council shall review and evaluate and make the following findings before granting a Conditional Use Permit or Planned District zoning using the following criteria:

1. Comparison with applicable regulations and standards established by the Comprehensive Land Use Regulations applicable to the proposed use and site.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed these which reasonably may result from use of the site by a permitted use.
4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area.
6. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
7. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
8. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
9. Conformity with the objectives of these regulations and the purposes of the zone in which the site is located.
10. Compatibility of the proposed use and site development, together with any modifications applicable thereto, with existing or permitted uses in the vicinity.
11. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the
12. proposed use with existing or permitted uses in the same district and the surrounding area.
13. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or community aesthetics, or materially injurious to properties or improvements in the vicinity.

**4.3.3.9. Conditions of Approval (Conditional Use Permit)**

The Planning Commission may recommend, and the City Council may establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic

circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; and such other conditions as the Commission or City Council may deem necessary to ensure compatibility with surrounding uses to preserve the public health, safety, and welfare, and to enable the Commission to make the findings required by the preceding Section.

*Section 8.2.3.5 (B) Standards:*

**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. *This is required to be submitted prior to the administrative Short term rental permit.*
  - 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 *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. *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 2.5 baths provided – private.*
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. *Attestation required.*
4. A common dining area may be provided but cannot be leased for social events. *Attestation required.*
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. *Attestation required.*
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. *Attestation required.*
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 standards were included in the administrative permit that was required after the approval of the Conditional Use Permit. The ordinance did not include the maximum occupancy permitted. This will be included in the future and Ms. Scott suggested a recommendation on this ordinance to allow the staff to confirm the maximum occupancy.

Mr. Adams said there was one email regarding all of the Conditional Use Permits. Ms. Scott said the department had addressed the issue with her through return emails.

Erick Hokanson said there were concerns that this house could become the party site. Ms. Scott said the request was for a recommendation of a whole house rental with a maximum of four guests. Mr. Hokanson said this was close enough to their house that a large party would be an issue. Ms. Scott said there were restrictive provisions. There could only be four people that slept on the site at one time. If there were complaints, the owner could be subject to losing their license. The City recognized there had been previous problems and that was the reason for moving forward with these regulations. A letter was being mailed to those operating Short Term Rentals without a permit.

Mr. Adams said while there was a limitation of ten permits, this was an excellent site for the use. The police would provide enforcement. Mr. Hokanson said there had not been previous help from the police when they had called with complaints. Ms. Scott said if he would email the permit department email, it could also be handled administratively. Mr. Adams said the commission's review was that the application met the standards and they would make a recommendation to the City Council. Mr. Rhinehart said now there was recourse on unpermitted short term rentals.

David Rathé, applicant, stated Mr. Hokanson lived two blocks away from this site.

David Lavoie, 200 block of Jackson Avenue, said they had previously considered a conversion to a bed and breakfast. He was thankful for the regulations giving the ability for enforcement. It was better than a neighbor having a large party since the incentive for compliance as the owner was high.

Teresa Jeffries said her concern about all of the applications was if they must adhere to the Fair Housing Laws, COVID guidelines and screening for sex offenders and drugs. Mr. Adams said the commission was not allowing anything against the law to happen and the applicant must comply. Ms. Jeffries asked if there would be screening for sex offenders and bringing in firearms. What was the neighbor's protection? Ms. Scott said this would not be any different than someone who lived in a single family residence. Ms. Jeffries said you get to know your neighbors, but not when they were short term rental occupants. She would be uncomfortable with children next to a Short Term Rental.

Mr. Adams said there had been a discussion for years about bed and breakfast and short term rental in neighborhoods and language was adopted in this ordinance. The issues of group homes were considered family and sex offenders determinations were made by the Federal Government.

Mr. Adams moved to recommend adoption of the ordinance including the language that there would be no more than two guest rooms and four guests in accordance with the submitted site plan by Piazza Architecture. Mr. Clark said he would request to remove the recommendation and say we find no reason not to. It was not the commission's place to recommend but to say it met all of the conditions. The Council would decide who was an occupant. Ms. Scott said the Conditional Use Permit was a land use in the CLURO and part of the requirement was action by the Planning Commission which would be to make a recommendation either for, against or with conditions. Mr. Lahasky seconded Mr. Adams' motion. Mr. Rhinehart wanted to clarify that it would not be restricted to just four occupants since there could be a mother and a father only having a family of two. Mr. Rhinehart moved as an amendment not to restrict it to four guests. Ms. Scott asked if the commission wanted to expand on the occupancy. Mr. Lahasky said it could be restricted to more than four occupants over the age of 18. Ms. Scott said the application stated inclusion of the number of occupancy. It was limited to one party of guests.

Mr. Rathe said he was recommended to have at least a sofa bed in the den area that could accommodate a few children. He would like to price it where there were four or five adults. The less people occupying was better. If there were grandchildren spending the night wanted to accommodate that. It would make sense to state a maximum number of people to be six with no more than five adults.

Mr. Adams asked why limit the number of people and everyone was trying to prevent bad behavior. Mr. Rathe said it was a one year license and in his contract if the police were called they would be charged a \$350 fee to cover the fine. He would talk to his neighbor to call him before calling the police. The enforcement and ownership of limiting the number of people were the two things for flexibility. Ms. Bartholomew said the intent was two bedrooms and eight air mattresses and were in a sleeping quarter. Ms. Scott said there discussions in the process of not having a packed house. The application had the number of rooms and floor plan. The administrative permit included the number of people and suggested not including it in the ordinance.

Ms. Scott said there were two guest rooms and if the owner added a sofa bed was that considered another guest room or an extra sleeping area. If there was an enforcement issue, the number outlined in the ordinance would be used. Mr. Rhinehart said he was concerned with the number of people being restrictive with a family of children. They met the elements of the ordinance. Ms. Scott suggested not amending the ordinance and make a clarification on the motion as written.

The motion for the recommendation of adoption of the ordinance passed 7-0.

The next case discussed was CU20-07-02 Recommendation to the City Council regarding Ordinance 20-06 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 254 Jackson, zoned Planned Residential District

Ms. Scott presented the recommendation on Ord. 20-06 to approve a Conditional Use Permit to allow the Use Classified under CLURO Section 6.4.42.3 Lodging - Whole House Rental at 254 Jackson Avenue. The background information of the creation of the Short Term Rental – Whole House had been provided with the previous case.

Ms. Scott presented that the background of the ordinance was previously presented. The applicant was requesting a Conditional Use Permit to operate a Short- Term Rental – Whole House, in a single-family dwelling unit, located at 254 Jackson Ave. The dwelling unit was located on a parcel of ground that was part of a Planned Residential Development (PRD Ord. 05-36) approved for a total of nine (9) single family dwelling units, now known as the Harbor Landing Condominium development, the entire parcel consists of ~3.1 acres and is the north ½ of Square 74. It was bounded by Jackson Avenue on the front (253') , Harbor Field on the south (532'), Little Bayou Castain on the west (253') and Jefferson Street (532') on the north. This PRD development consists of nine (9) building sites within this parcel, eight of which were built. All building sites were accessed through a private, limestone driveway from Jackson Avenue. The single driveway wound through the site providing access to each building site.

The existing single family dwelling, 254 Jackson Ave., was located toward the front of the parcel, behind 250 Jackson Avenue. The dwelling was built c. 2005 as part of the Planned Residential District, known as Harbor Landing Condominiums. The building was accessed by a private limestone drive. The “building site” was irregularly shaped, being approximately 9,224 square feet. The structure was located approximately 80’ from Jackson Avenue.

The residence was 1,271 square feet. Based on the floor plan, there were 2 bedrooms “guest rooms” and 2 baths, with an additional 397 square feet of front porch.

The applicants were proposing to utilize this property solely as a Short Term Rental, specifically Whole House Rental, for a total of 2 guest rooms and up to six (6) occupants.

*CLURO Section 8.2.3.5 (B) Standards:*

**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.*
  - 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.
  - c. 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.*
  - d. 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 (2) baths are 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 floor plan showed there were two guest rooms. The Parking requirement was 1 per guest room but no less than 2 spaces. The site plan indicated the 2 required parking spaces were provided under the house. The proposed location, under the house, also met the location requirements. The site was compliant with the minimum requirement of two spaces and the spaces were located under the house and outside of the minimum front yard setback.



**Zoning Commission  
Work Session  
July 14, 2020  
Page 8**

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 would be inspected by the Mandeville Fire Chief before the administrative Short Term rental permit was issued.

Mr. Rhinehart moved to recommend adoption of the Conditional Use Permit, seconded by Mr. Fairley.

Teresa Jeffries asked again about the Fair Housing Laws. She was concerned about the number of children in the neighborhood with the unit being located by the baseball field, the Pontchartrain Yacht Club, and the lakefront splash pad. This was close to one street to allow Short Term Rental units and remove one of the approvals. Short Term Rentals could decrease property values.

Dennis Lavoie said they lived across the street from this development and the unit had been rented for several years and there had been no problems in the neighborhood.

The motion passed 7-0.

The next case discussed was CU20-07-03 Recommendation to the City Council regarding Ordinance 20-08 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 250 Jackson, zoned Planned Residential District

Ms. Scott presented the recommendation on Ordinance 20-08 to approve a Conditional Use Permit to allow the Use Classified under CLURO Section 6.4.42.3 Lodging - Whole House Rental at 250 Jackson Avenue

The applicants had submitted an application for a Conditional Use Permit to operate a Short-Term Rental – Whole House located at 250 Jackson Avenue with a maximum guest occupancy of 4 people. All in accordance with the site plan prepared by Kelly McHugh & Associates dated 12-06-05.

The applicant was requesting a Conditional Use Permit to operate a Short- Term Rental – Whole House, in a single-family dwelling unit, located at 250 Jackson Avenue. The dwelling unit was located on a parcel of ground that was part of a Planned Residential Development (PRD Ord. 05-36) approved for a total of nine (9) single family dwelling units, now known as the Harbor Landing Condominium development, the entire parcel consisted of ~3.1 acres and was the north ½ of Square 74. It was bounded by Jackson Avenue on the front (253'), Harbor Field on the south (532'), Little Bayou Castain on the west (253') and Jefferson Street (532') on the north. This PRD development consisted of nine (9) building sites within this parcel, eight of which were built. All building sites were accessed through a private, limestone driveway from Jackson Ave. The single driveway wound through the site providing access to each building site.

This unit was adjacent to the previously recommended Short Term Rental. The owners were sisters who had been active in the process and had come forward stating they had been renting the units for years.

The existing single family dwelling, 250 Jackson Avenue, was located in the front of the parcel (SE corner), with frontage on Jackson Avenue. This site, 250 Jackson Avenue, was the first dwelling accessed from Jackson Avenue. The house was setback 15' from the Jackson Avenue side, 12' from the limestone drive side, 25' from the interior side setback and 20' from the interior of the development. The dwelling contained 918 square feet and constructed ~2000. It contained 1 bedroom and 1 bathroom, in accordance with the "floor plan sketch".

The applicants were proposing to utilize this property solely as a Short Term Rental, specifically Whole House Rental, for a total of 1 guest room and up to four (4) occupants.

**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: *Shall be provided in side or rear yards and shall not be located in front yards.*

**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.*
  - 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.
  - c. 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.*
  - d. 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 floor plan showed there was one guest room. The Parking requirement was 1 per guest room but no less than 2 spaces. The site plan indicated the 2 required parking spaces were provided under the house. The proposed location, under the house, also met

**Zoning Commission**  
**Work Session**  
**July 14, 2020**  
**Page 10**

the location requirements. The site was compliant with the minimum requirement of two spaces and the spaces were located under the house and outside of the minimum front yard setback.



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 would be inspected by the Mandeville Fire Chief before the administrative Short Term rental permit was issued.

Mr. Rhinehart moved to recommend adoption of the Conditional Use Permit, seconded by Mr. Sones and passed 7-0.

The next case discussed was V20-07-22 Jeff and Susie Bishop request a variance to Section 8.1.5, Supplemental Regulations of Accessory Buildings and Structures, squares 65 and 66, lot 4, Bayou Castain Subdivision, 534 Atalin Street, zoned R-1

Ms. Scott presented that the applicants lived at 534 Atalin Street, located in Square 66, Lot 4 in the Bayou Castain Subdivision. The property was bounded by Monroe Street (south), Castain Drive (west), Livingston Street (north) and fronts on Atalin Street. The lot was a double frontage lot with frontages on both Atalin Street and Castain Drive. The lot measured 100' x 164' and was improved with a single-family residence. The residence was setback ~68' from the front property line and 21' from the south side property line. There was an existing driveway and parking area located in front of the house.



The applicant was requesting to construct an open sided, covered carport in the existing parking area to cover one of the family vehicles, which was less than the minimum 60' required setback for accessory structures. The existing parking area was approximately 35' from the front property line. The proposed carport measured 12'x24' (288 square feet) and the site plan indicated it was proposed to be located 10' from the south side property line. The proposed height was 10'6", which is less than the maximum allowed of 14'.

The applicant was requesting a variance to allow a reduction in the minimum accessory building front setback from 60' to 35', a reduction in 25'. All other requirements were in compliance with CLURO Sec. 8.1.5 Accessory Building and Structures. The stated hardship was that the 60' setback cannot be met due the location of residence.

The application has stated:

*There is an existing driveway and parking does not extend to the required 60' setback.*

Mr. Rhinehart moved to approve the variance, seconded by Mr. Lahasky and the motion passed 7-0.

The last case discussed was V20-07-23 Jason and Laura VanHuss request an exception to Section 8.1.1.4, Allowed Setbacks Encroachment, lot 1, square 13, 301 Marigny Avenue, zoned R-1



Ms. Scott presented that the applicants owned the property in Square 13, Lot 1, located on the north east corner of Marigny Avenue and Jefferson Street. The property was zoned R-1 Single Family Residential and was improved with a Single- Family dwelling. They would like to install a whole house generator within the north side setback. The lot frontage was 63.61", requiring a 12' minimum interior side yard setback and 15' street side yard setback on Jefferson Street.

The applicant had submitted the following statement with their application:

*Requesting a variance to allow for a whole house generator in a side yard setback. Generator will be 7' from property line. House was elevated to 10' above grade in 2016. Platform for ac was built at that time at the new elevation, with room for a generator. Electrical was run to that location for the generator at that time. Owner is requesting a variance to allow for the generator in the planned spot as removing fireproofing and re-running electrical to another/rear location would make the generator cost prohibitive.*

Model proposed:  
22 KW Generac 'Quiet source' series. 1800 RPM.  
Exercise Mode is 61 Decibels  
Running Mode is 70 Decibels.

*In comparison our current Trane AC unit runs between 60 and 75. (There was only a range in the user's manual)*

Setbacks:

The house was located approximately 11.2' from the north property line at the front corner of the house and ~12' from the rear portion of the house. The Jefferson Street setback was approximately 9' from the property line, legally non-conforming.

The applicants were proposing to install a generator on the north side of the existing house on the existing HVAC platform. The existing platform was approximately 7' from the property line, encroaching 5' into the required 12' 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.

Ms. Scott said the new photographs indicated the house from the rear and side yards. The generator was pre-wired when the air condition unit was installed which was now legally non-conforming when the regulations changed in 2018. As discussed in previous cases, there had been numerous requests since the regulation change due to existing conditions that were compliant at permitting. Overall, the requests have been granted and an ordinance was being drafted to allow existing conditions.

Mr. Margulis, adjacent neighbor, asked when the house and equipment was raised was it all in compliance at that time. Air condition equipment was different than a generator that ran weekly as a test. It would be placed on a combustible platform and vibrations would hurt the generator. The platform put the generator and fumes above the fence that would be a sound barrier. There was space on the opposite side for a platform not affecting the setback requirements. He had a wraparound porch which would be close to the equipment.

Ms. Van Huss, applicant, said with an elevation permit the equipment location and height is reviewed for approval. The rear photographs of the house was to show that the generator could not be within 10' of a covered area (porch) which would move the generator toward the window. The generator regulations state it cannot be located within 5' of a window.

Mr. Margulis said he asked if there was a variance for the placement of the mechanical equipment when the house was raised. On the rear of the house moving the platform 10' from the house there would be space for generator placement and be in compliance. He did count on ordinances to protect their future.

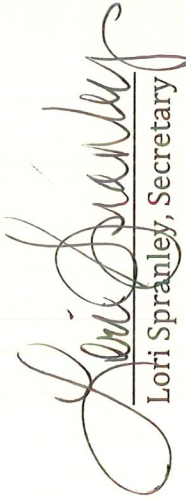
Ms. Van Huss said a gas line could not be placed 10' away from the house on a platform. The air condition was part of the elevation and the platform was built at that all being in compliance. The change in regulations was the reason for the request.


**Zoning Commission  
Work Session  
July 14, 2020  
Page 12**

Mr. Margulis said there were ways to place gas lines and generators away from the house.

Mr. Fairley moved to approve the exception for the generator location, seconded by Mr. Rhinehart and the motion passed 7-0.

Mr. Sones moved to adjourn the meeting, seconded by Mr. Fairley and was unanimously approved.

  
Lori Spranley, Secretary

  
Nixon Adams, Chairman  
Zoning Commission

