

**Planning Commission
Public Hearing
July 14, 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

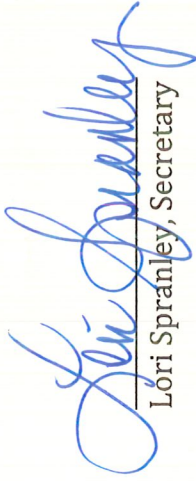
Absent: None

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

Mr. Adams moved to nominate Mr. Sones as Planning Chairman, seconded by Mr. Rhinehart and was unanimously approved.

Adoption of the minutes of March 10, 2020 was deferred until the July 28, 2020 meeting.

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 14, 2020**

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

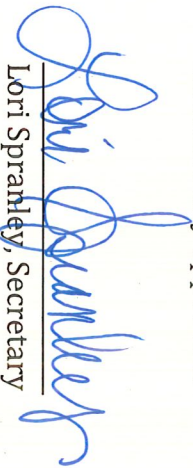
Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky and Bill Sones

Absent: None

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

Adoption of the minutes of March 10, 2020 was deferred until the July 28, 2020 meeting.

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



Handwritten signature of Lori Sprahley in blue ink.

Lori Sprahley, Secretary



Handwritten signature of Nixon Adams in black ink.

Nixon Adams, Chairman
Zoning Commission

**Zoning Commission
Work Session
July 14, 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: Louise Scott, Director, Planning Department; Cara Bartholomew, Planner; and deShea Richardson, City Attorney

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. Fairley moved to table the cases until the August meeting, seconded by Mr. Sones 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.

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

The applicants had submitted an application for a Conditional Use Permit to operate a Short-Term Rental – Whole House located at 723 Molitor St. with maximum guest occupancy of 4 people. All in accordance with the plans prepared by Piazza Architecture Planning dated 4.18.19, floor plan dated 3.16.18 and 1st floor plan dated 4.18.19.

The CLURO classifies and defines Whole House rental as follows:

6.4.42.3 Lodging (Transient)— Short-term Rental: Whole House Rental

A dwelling where short-term lodging is provided to one party of guest for compensation by the owner of the residence where the owner’s presence on the premises is not required during the guest’s stay.

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 site plan prepared by Piazza Architecture Planning indicated the residence was located approximately 50+ from both the front (West) facing Molitor and side (North) property line. The structure was located approximately 100’ from the Bayou and over 400’ from the rear (east) side property line.

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.

8.2.3.5 Lodging (Transient) – Short Term Rental

A. All 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.

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 commission discussed that the house was located adjacent to the Tammany Trace so there would be no adjacent development. The staff had reviewed the application in detail. Ms. Scott stated that site and floor plans had been submitted and the applicant had attested to the information.



Robert Walkowiak, 300 Jackson Avenue, said the area and the house was suited to be a Whole House rental. It was a good location and the owner lived one block away.

David Rathe, applicant, said he looked forward to having people enjoy the house and the area. He wanted the area to remain natural.

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 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.

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.*

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. 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 (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*

**Zoning Commission
Work Session
July 14, 2020
Page 7**

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 are 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.

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.

There was a discussion that occupancy and party mean the unit of people renting the unit. The maximum number of guests allowed for this unit would be six people on one reservation. It was further discussed if six other people could also come into the unit and stay. The ordinance criteria stated the short term rentals could not be used for social events. deShea Richardson, City Attorney, stated if there were more than six people that would become an enforcement issue. The question was asked if there were any restrictive covenants for this subdivision and the staff was not aware of any covenants.

Robert Walkowiak, 300 Jackson Avenue, asked where the owner lived. Susan Cazaux, owner, stated she lived in Mandeville and her son lived in close proximity to the unit. Mr. Walkowiak said Jackson Avenue had a lot of traffic particularly around 9 or 10 p.m. Ms. Cazaux stated she had been the owner for 1 ½ years and the only complaints she had received were from her tenants that the ballfield was too noisy. The unit was a Short Term Rental before they had purchased it. She said most of the renters were visiting grandparents.

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.

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. 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.

Zoning Commission
Work Session
July 14, 2020
Page 9

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 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.

Peggy Boettner, owner, stated she and her sister had owned the unit for three to four years and was used as a Short Term rental for about ten years. She had not received any complaints about the use of the unit.

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. Adams said this was a double frontage lot so it was hard to determine which would be the front setback. Ms. Scott said she would review the definition of double fronted lots.

Mr. Bishop stated that it was his intent to have the carport mimics the appearance of the front of the house being cognizant of the streetscape.

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.

CLURO Section **8.1.1.4. Allowed Setbacks Encroachments** states the following:

4. **Mechanical Equipment.** Except as authorized for the elevation of existing structures, heating, ventilation, air conditioning equipment or any other mechanical equipment shall not encroach into any required front or side setback.

There was a discussion that the air condition platform was constructed to have room for the future installation of a generator. The commission had previous discussions about amending this CLURO section to allow previously constructed structures to place their generator in the setback. The houses had been constructed under previous setback requirements and could not comply with the location in the new regulations. It was

**Zoning Commission
Work Session
July 14, 2020
Page 11**

suggested to have the ordinance on the September Planning and Zoning Commission agenda.

Mr. Rhinehart asked when the air condition platform was constructed, was it compliant. Ms. Scott confirmed it was constructed in compliance. She said this was a historical structure elevated in 2016, and the elevation was allowed in place. Ms. Scott said the amendment was adopted in 2018.

Ms. Spranley said there was a letter of opposition from David Margulis, 309 Marigny Avenue, that was read into the record and was attached to the minutes. The applicant, Laura Van Huss, had also submitted a response to Mr. Margulis' letter that was read into the record and was attached to the minutes.

Laura Van Huss, applicant, stated the only other location as recommended by the neighbor would be to the rear of the house. The installation regulations state the generator cannot be located within 5' of a window and the rear location would be within that 5'. Theoretically it would have to be pushed next to the porch and as a mother, she did not feel that was safe. Since they were located on a corner lot, the side street side did not appear to be an appropriate location. She had decided on the purchase of the more expensive unit in consideration of their neighbor and it would be quieter than her air condition unit. Mr. Margulis had come to her house and had looked at the platform. In terms of the letter, the manufacturer's recommendations cited were not accurate to this product.

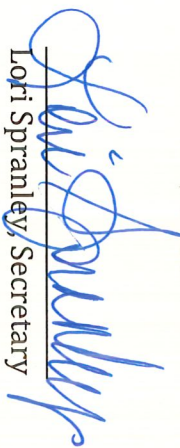
Mr. Adams suggested buffering the platform and unit area. Ms. Van Huss said there was a 7' fence which was located below the platform. There was existing bamboo in this area. She was reluctant to create a solid wall on that side of the platform because that could limit equipment servicing. Ms. Scott said the generators were generally only used during outages. Ms. Van Huss said the use of a portable generator 10' in the air would be noisy.

Rebecca Rohrbough, 2525 Lakeshore Drive, said her parallel neighbor had installed a generator on the platform with their air condition unit. While she could see if from her front porch there was new fencing and she had no objections with low noise factor. She stated her pool equipment was noisier than the generator. During a recent power outage, their neighborhood had a medical emergency and power cords were run to power a ventilator.

David Margulis, 309 Marigny Avenue, said he spoke to his neighbor the day before the meeting when he saw the signs. He was hand delivered the letter by a neighbor. The process worked and presented his point of view. He wanted to bring attention to the zoning law and how they serve a purpose not having two neighbors against each other. They designed their house for a camelback being conscious of the side and rear yards. That should be considered it affected the entire neighborhood. He felt his concerns were valid and depended on the commission. There was a nice yard and space outside of the side yard setback and convenience was not a concern. He continued in his same opinions about putting combustible equipment on a wood platform was a valid concern. Without a variance, no generators would be able to operate safely according to the manufacturer's recommendations and the National Fire Code which he cited in his letter.

Ms. Huss stated the rear location that her neighbor stated was not an option because it would place the equipment within 5' of a window and the equipment which was not allowed.

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



Lori Spranley, Secretary



Nixon Adams, Chairman
Zoning Commission