

**Planning Commission  
Public Hearing  
March 13, 2018**

The meeting was called to order by Planning Chairwoman Rebecca Bush and the secretary called the roll.

Present: Michael Blache, Simmie Fairley, Dennis Thomas, Ren Clark, Nixon Adams, and Rebecca Bush

Absent: Bill Sones

Also Present: Louise Scott, Planning Director; Paul Harrison, City Attorney; Catherine Casanova, Landscape Inspector

Adoption of the minutes of December 5, 2017, February 7 and 20, 2018

Mr. Clark moved to adopt the minutes of December 5, 2017, February 7 and 20, 2018, seconded by Mr. Fairley and was unanimously approve.

The first planning case discussed was P18-03-02 Recommendation to the City Council regarding proposed CLURO amendments to Ordinance 17-39 amending the CLURO, Section 3.3, General Definitions of the Land Use Regulations - definitions of pervious and impervious coverage and whether or not swimming pools should count toward impervious calculations; Ordinance 17-41 amending the CLURO Section 8.1.5, Supplemental Regulations of Accessory Buildings and Structures - increasing setbacks for accessory structures including swimming pools in residential properties from 5' to 10'; Ordinance 17-44, amending CLURO Section 8.1.7(4) and 9.1.12 relative to the parking of Recreational Vehicles and Boat Trailers, the storage of automobiles and the storage of items on private property - requirements for locating/parking/storing utility trailers and recreational vehicles including boats, trailers, motor homes, etc. on residential properties; and Real Estate signage on commercial properties.

Ms. Scott presented that the commission held a public hearing on February 7<sup>th</sup> to obtain input on Ordinances 17-39, 17-41, 17-44 and commercial real estate signs. The ordinances had time lapsed and a recommendation could be forwarded for the re-introduction of new ordinances. The last CLURO changes included temporary sign regulations, but at that time the Gilbert case being heard by the Supreme Court was under deliberation. The commission decided to move forward on the changes with later modifications as needed with the Gilbert case findings. Mr. Adams said the problems were the For Lease signs outside of the monument sign and the ordinance specifically referred to particular language and should be rewritten. Ms. Scott said the staff would review the ordinance to determine compliance.

Mr. Clark asked to include under the real estate sign regulations that once a sale was complete that the sign removed within three business days. Mr. Thomas asked how that could be enforced. Mr. Clark asked if there could be a differentiation between commercial and free speech signs. Mr. Harrison said the Supreme Court case should be read with regard to real estate signs since every sign was different.

Ms. Scott presented that most of the input received on RV standards came from the Old Mandeville residents, although some input was from the older subdivisions where restrictive covenants were not enforced. In general, the input from older subdivisions was in favor of regulations and input from Old Mandeville was not in favor of regulations. There was some support from all parties to create Classifications according to size with the possibility of requiring Class A homes being 26' or larger stored off-site or on-site if adequately located and screened. The input was mostly from the residents of Old Mandeville stating while not always happy to see the large motorhomes, people had a right to use their property and would not want to pay the additional cost of storage. The discussion was overwhelming not to have regulations except for the consideration of larger RVs.



The general consensus regarding boat parking was that Mandeville was a boating community and should not be restricted regarding boat storage on private property. Ms. Scott said there were no issues with large boats although the same standards of 26' could be applied. Mr. Adams said there was a divergence of opinions between Old Mandeville and places like Weldon Park. He felt if there was an RV or boat as large as a house, it should be in the buildable envelope of the house. There was no reason to have an RV or boat 12' tall next to the fence. Mr. Clark said a large RV could destroy the neighbor's garden without sunlight since the RV was only used for the owner's vacation.

Ms. Scott said in 2009 as part of a series of CLURO amendments, the Planning and Zoning Commission recommended:

RVs, which include boats and trailers, are allowed in residential districts under conditions that vary based on the size of the RV. Large boats (26' or longer) and vehicles (more than 20' long or 8' tall) are required to be stored in rear or side yards. An exception process has been created to authorize storage between buildings and streets where there are sufficient buffering and setbacks, or there are other mitigating conditions. Boats must be kept on trailers with the exception of canoes, kayaks and small sailboats.

There was input at the City Council meeting and the Council voted to remove the proposed regulations regarding RV's from the ordinance. Mr. Adams suggested making RVs a special use permit to review each site. Mr. Clark said on Monroe Street, there was an RV as large as the small house. He asked what happened when it was a large boat in the same location. Ms. Scott said that was the same recommendation to regulate larger RVs and boats being 26'. Mr. Thomas said the commission should define 26'. On a boat there was 3' of the motor and 4' of the tongue of the trailer. Ms. Scott said the 26' would be the measurement of the boat. Mr. Clark said the neighbor could not obscure sunlight and fresh air.

Mr. Clark said with more people living in Mandeville with more resources, the City must plan for that. Sooner or later there would be a point of unhappiness about RVs. Mr. Adams said if an accessory structure can be no higher than 14', why would the City allow an RV over that height. Mr. Thomas said in Old Golden Shores there was a 5' side yard setbacks so most people could not place an RV or boat in the side yard. Mr. Adams said the City must coordinate street parking for cars with no room in the driveway with RV and boat parking. Mr. Clark said there were school buses parked in Old Mandeville and there were discussions about it being an imposition. Ms. Scott said they were parked on public streets.

**Ord. 17-41** to amend CLURO Section 8.1.5, Supplemental Regulation of Accessory Buildings and Structures - *Increasing setbacks for accessory structures including swimming pools on residential properties from 5' to 10'.*

Except on corner lots, any accessory building that is not a part of the main building may be built in a required side yard, provided such accessory building is not less than sixty (60) feet from the front lot line nor less than ~~three (3) feet~~ Ten (10) feet from the nearest interior side lot line and provided not more than one (1) accessory building covers any part of the required side yard.

Mr. Thomas stated his opposition to Ordinance 17-41 because the 10' setback would make that area unusable. Mr. Adams and Mr. Blache stated they were also in opposition.

Mr. Blache moved to recommend there be no change to the existing regulation, seconded by Mr. Thomas. Mr. Clark said entertainment areas would be located 5' from the



fence under the current regulations. Mr. Adams said the area around the pool was not considered an accessory structure. The vote was unanimously approved.

**Ord. 17-39** to amend CLURO Section 3.3, General Definitions, 111. Impervious Coverage and 112. Impervious Surfaces. *whether or not swimming pools should count toward impervious calculations.*

Mr. Adams said Mr. Fairley had previously stated that every pool had 4-6" of freeboard that was holding more water than the soil would absorb. Ms. Scott said there was also a discussion about smaller lots being prohibited from building a swimming pool. Mr. Thomas said on a 50' lot it would not be large enough for a swimming pool. Mr. Clark said this was not a semantic issue digging a hole and taking away cubic yards of sponge was a problem. Mr. Clark said if a pool should not be considered a permeable structure.

Mr. Clark moved to recommend that the water surface of the pool be considered impervious coverage, and there was no second to the motion. The discussion pertained to any pool surface. Mr. Adams moved to recommend no change in the existing language, seconded by Mr. Thomas and the vote passed 5-1 with Mr. Clark voting against.

**Ord. 17-44** to amend CLURO Section 8.1.7(4) and 9.1.12, Parking of Recreational Vehicles, Boat Trailers and Storage of Certain Automobile and Storage of Items on Private Property - *Requirements for locating/parking/storing utility trailers and recreational vehicles including boats, trailers, motor homes, etc. on residential properties.*

The existing language stated: Recreational vehicles parked on a site shall be situated on the site outside of the required front yard area when the placement of structures on the site permits; however, under no circumstances shall a recreational vehicle be parked so that any part of the vehicle encroaches onto a Street right-of-way.

Ms. Scott said the recommendation in 2009 stated specific locations and prohibited sizes. The current recommendation could be to amend the location and sizes. Mr. Adams asked how that tied into being able to park on the right-of-way. Ms. Scott said RVs and trailers were not allowed to park on the public right-of-way. Mr. Blache was concerned about the trades and where they could park their utility trailers. Ms. Scott said the only change was limiting the size. Mr. Clark asked as a final verification that a Winnebago could park in the public right-of-way and Ms. Scott confirmed the Winnebago could not park in the public right-of-way. He asked if someone could not park a Winnebago, could they park a car of the same size on the right-of-way. Mr. Adams asked how the Police Department could handle that enforcement. Mayor Villere said he did not think there was a law prohibiting it. Mr. Clark said there was gravel in front of his house that was large enough to park a Winnebago. Mr. Harrison said there local and state regulations regarding parking within intersections and obstructing traffic flow.

Mr. Clark suggested that the recommendation would state that the language was unclear. Mayor Villere agreed there should be an RV size restriction. Mr. Thomas said the existing language was ambiguous. The language read if there was no room in the side yard then the RV could be parked in the front yard setback. Ms. Scott said that was the problem. Mr. Thomas said the statement should be eliminated and be defined at 26'. Ms. Scott said the recommendation could include the clarification of whether or not the RV could be parked on public property.

Mr. Thomas moved to table the recommendation on Ordinance 17-44 to allow Mr. Harrison time to do further research, seconded by Mr. Clark and was unanimously approved.



The commission agreed that the Planning Director would compile the recommendation based on the commission discussion, email the memo for review and then forward it to the City Council.

The next case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was R18-03-01 Clark A. Todd etux requests a resubdivision of lot 213-A into lots 213 and 214, Phase 3B, Sanctuary Subdivision, zoned R-1 and the zoning case discussed was V18-03-01 Clark A. Todd etux requests a variance to Section 7.3.1.3(4), Areas Within D-O Drainage Overlay Districts, to Section 7.4(3), General Provisions of the Zoning District Regulations, Areas subject to periodic inundation; 7.6.1.3(4), Areas Within D-O, Drainage Overlay District, and 12.1.7.2(4), Guidelines for Approving Resubdivisions, specifically Areas of Period Inundation proposed lot 213 and 214, Phase 3B, Sanctuary Subdivision, zoned R-1

Ms. Scott presented a resubdivision request to divide lot 213A into lots 213B and 213C. As discussed the work session, the lots were originally created as lots 213 and 214 in Phase 3B of the Sanctuary Subdivision in February, 2002. An administration resubdivision was approved in May, 2005 creating lot 213A. It was the owner's intention to construct their home on the two lots. The owner was now requesting to resubdivide the lot back into two lots retaining the original lot lines. At the time of the approval of the original subdivision, the 5' contour requirement was waived to be shown on the plat. Now as it was shown on the survey, the lots were below the 5' contour and that was the reason for the variances. Three live oak trees were outlined on the plan, and it was previously stated that the lot line were established because of the live oak trees. The elevation of the site ranged from 1.8' to 4.2' msl with the majority of footprint ranging from 2' to 3.5'. There was no area above the 5' contour.

Mr. Adams said the 5' contour was used to define the area when there were no other determinations, but he asked if it was a wetland and if it affected drainage and ecology in the area. Ms. Scott said there was a wetland determination to the rear of the lots that was identified on the plat. Mr. Adams said that was the critical and sensitive area of the property. He asked what the acreage of the lots removing the wetlands. Ms. Scott said in total lot 213 were 2.1 acres, and lot 214 was 1.57 acres. The code required any area outside of the wetlands must be 10,800 square feet. In regard to the non-permitted wetland lines, there was more than 10,800 square footage. The Planning Commission had reviewed the lots at final subdivision approval looking at the permitted wetland lines. Mr. Adams said 5' was an arbitrary number and the real wetlands area should be determined. The owner should not be penalized since it was previously approved as two lots.

Mr. Thomas asked if the 5' contour had been shown on the subdivision plan, would the lots have been created. Ms. Scott said the identification was waived on the plat and the wetland determination was used. She said Mr. Thomas was correct that the lots would not have been created. Mr. Adams said the 5' contour served as a surrogate and there was a wetland determination.

Mr. Clark asked in 2002 if there was an ambiguity where the 5' contour was located. Ms. Scott said as part of the tentative plat an estimated 5' contour line was discussed by the Planning Commission. Because of the wetland determinations, the applicant requested to use the permitted and non-permitted wetland lines on the subdivision plat. Mr. Clark said there would have been clear digital information. Ms. Scott said it was not submitted at that time and was not part of the subdivision approval.

Mr. Adams said if there was an area that was not wetlands which was the critical and sensitive area; why not let the land be used. Mr. Clark said wetlands were in the eye of the



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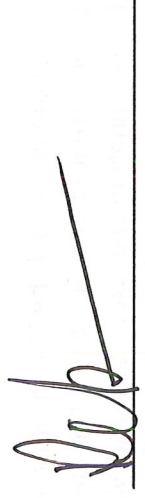
beholder when the highest elevation was 3.5'. Mr. Adams asked if it created a drainage problem and was there vegetation that made it valuable wetlands. Mr. Clark said development would take away the vegetation. Ms. Bush said there were houses built in this area and there were lower areas than these lots. It made more sense for the property to be two lots and design the houses around the trees. Mr. Adams said it made more sense for the City and the general development of the subdivision to have consistently sized lots. Ms. Bush said 4 acres as one lot would look odd.

Ms. Bush said Section 7.6.1.3(4) stated unless the commission found that the lot could be safely accessed. She asked Mr. Harrison if that could be the exception. Mr. Harrison said it was a historical fact that the area was designed as two lots. All cases were different with the land and contour lines and it should be reviewed for development. If the commission did not want to create two lots then deny the construction. Mr. Thomas said the owner requested the lots be combined in 2005 and he asked what was the hardship to divide them back. Mr. Harrison said it was harder to sell a four acre tract. Mr. Thomas said that was a financial issue were not for consideration. Mr. Clark said the owner's original concept was a buildable area and the value in leaving the remainder of the property natural. There was a clear vision. Mr. Adams asked what was the harm in the separation and laws were created not to take away individual's rights. He asked from a practical point why would the commission deny the request. Mr. Thomas said conversely, why would it be approved. Mr. Adams said a four acre lot was out of character for the neighborhood and the City would gain more revenue and the infrastructure for the lot was already built. Mr. Blache asked if this was virgin land being designed as a subdivision today, could the lots be designed the same way. Ms. Scott said today as designed, there was no area above the 5' contour. Mr. Adams said the 5' contour was created as a surrogate of a determination of a wetland problem. The wetland line indicated the non-wet area. Mr. Clark said the concept was if there was a visible 5' contour, it was waived to facilitate the development of property at 3.5' of elevation in an area that flooded with frequency. Mr. Blache asked what was the harm of the resubdivision. Mr. Adams said if the commission determined there was a harm, the findings must be stated. Mr. Clark said the commission turned down the Dobson family request. Mr. Blache said the Dobson property would impede water flow and drainage in the area. Mr. Harrison said the 5' contour was designed to trigger an investigation with 2' increment contours. Sometimes properties like the Dobson tract were self-evident when walking the area, the drainage impact was visible, and the area contained water bodies. Looking at paper wetlands, it may need further investigation. Mr. Fairley asked if the resubdivision was approved, could the City deny a building permit. Mr. Adams said the other lots in the neighborhood were developed the same way. Mr. Clark asked what right was being denied to sell his property. Mr. Adams said the owner had the right to use it as they wanted. Mr. Clark said the owner was given a concession to consolidate the lots and he established the use of the property. Mr. Adams said the property would be out of character and there would be a loss of revenue. Mr. Clark said the character was the eccentricity.

Ms. Bush moved to approve the resubdivision into two lots and grant the variance to allow the two lots below the 5' contour, seconded by Mr. Blache. The motion passed 4-2 with Mr. Clark and Mr. Thomas voting against.

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

  
Lori Spranley, Secretary

  
Rebecca Bush, Chairwoman  
Planning Commission



**Zoning Commission  
Public Hearing  
March 13, 2018**

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

Present: Michael Blache, Simmie Fairley, Dennis Thomas, Ren Clark, Nixon Adams, Bill Sones and Rebecca Bush

Absent: Bill Sones

Also Present: Louissette Scott, Planning Director; Catherine Casanova, Landscape Inspector/Arborist; and Paul Harrison, City Attorney

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 also had a corresponding planning case and both cases were discussed in conjunction. The planning case discussed was R18-03-01 Clark A. Todd etux requests a resubdivision of lot 213-A into lots 213 and 214, Phase 3B, Sanctuary Subdivision, zoned R-1 and the zoning case discussed was V18-03-01 Clark A. Todd etux requests a variance to Section 7.3.1.3(4), Areas Within D-O Drainage Overlay Districts, to Section 7.4(3), General Provisions of the Zoning District Regulations, Areas subject to periodic inundation; 7.6.1.3(4), Areas Within D-O, Drainage Overlay District, and 12.1.7.2(4), Guidelines for Approving Resubdivisions, specifically Areas of Period Inundation proposed lot 213 and 214, Phase 3B, Sanctuary Subdivision, zoned R-1

Ms. Scott presented a resubdivision request to divide lot 213A into lots 213B and 213C. As discussed the work session, the lots were originally created as lots 213 and 214 in Phase 3B of the Sanctuary Subdivision in February, 2002. An administration resubdivision was approved in May, 2005 creating lot 213A. It was the owner's intention to construct their home on the two lots. The owner was now requesting to resubdivide the lot back into two lots retaining the original lot lines. At the time of the approval of the original subdivision, the 5' contour requirement was waived to be shown on the plat. Now as it was shown on the survey, the lots were below the 5' contour and that was the reason for the variances. Three live oak trees were outlined on the plan, and it was previously stated that the lot line were established because of the live oak trees. The elevation of the site ranged from 1.8' to 4.2' msl with the majority of footprint ranging from 2' to 3.5'. There was no area above the 5' contour.

Mr. Adams said the 5' contour was used to define the area when there were no other determinations, but he asked if it was a wetland and if it affected drainage and ecology in the area. Ms. Scott said there was a wetland determination to the rear of the lots that was identified on the plat. Mr. Adams said that was the critical and sensitive area of the property. He asked what the acreage of the lots removing the wetlands. Ms. Scott said in total lot 213 were 2.1 acres, and lot 214 was 1.57 acres. The code required any area outside of the wetlands must be 10,800 square feet. In regard to the non-permitted wetland lines, there was more than 10,800 square footage. The Planning Commission had reviewed the lots at final subdivision approval looking at the permitted wetland lines. Mr. Adams said 5' was an arbitrary number and the real wetlands area should be determined. The owner should not be penalized since it was previously approved as two lots.

Mr. Thomas asked if the 5' contour had been shown on the subdivision plan, would the lots have been created. Ms. Scott said the identification was waived on the plat and the wetland determination was used. She said Mr. Thomas was correct that the lots would not have been created. Mr. Adams said the 5' contour served as a surrogate and there was a wetland determination.



Mr. Clark asked in 2002 if there was an ambiguity where the 5' contour was located. Ms. Scott said as part of the tentative plat an estimated 5' contour line was discussed by the Planning Commission. Because of the wetland determinations, the applicant requested to use the permitted and non-permitted wetland lines on the subdivision plat. Mr. Clark said there would have been clear digital information. Ms. Scott said it was not submitted at that time and was not part of the subdivision approval.

Mr. Adams said if there was an area that was not wetlands which was the critical and sensitive area; why not let the land be used. Mr. Clark said wetlands were in the eye of the beholder when the highest elevation was 3.5'. Mr. Adams asked if it created a drainage problem and was there vegetation that made it valuable wetlands. Mr. Clark said development would take away the vegetation. Ms. Bush said there were houses built in this area and there were lower areas than these lots. It made more sense for the property to be two lots and design the houses around the trees. Mr. Adams said it made more sense for the City and the general development of the subdivision to have consistently sized lots. Ms. Bush said 4 acres as one lot would look odd.

Ms. Bush said Section 7.6.1.3(4) stated unless the commission found that the lot could be safely accessed. She asked Mr. Harrison if that could be the exception. Mr. Harrison said it was a historical fact that the area was designed as two lots. All cases were different with the land and contour lines and it should be reviewed for development. If the commission did not want to create two lots then deny the construction. Mr. Thomas said the owner requested the lots be combined in 2005 and what was the hardship to allow the separation. Mr. Harrison said it was harder to sell a four acre tract. Mr. Thomas said that was a financial issue which was not for consideration. Mr. Clark said the owner's original concept was a buildable area and the value in leaving the remainder of the property natural. There was a clear vision. Mr. Adams asked what was the harm in the separation and laws were created not to take away individual's rights. He asked why from a practical point would the commission deny the request. Mr. Thomas said conversely, why would it be approved. Mr. Adams said a four acre lot was out of character for the neighborhood and the City would gain more revenue and the infrastructure for the lot was already built. Mr. Blache asked if this was virgin land being designed as a subdivision today, could the lots be designed the same way. Ms. Scott said today as designed, there was no area above the 5' contour. Mr. Adams said the 5' contour was created as a surrogate of a determination of a wetland problem. The wetland line indicated the non-wet area. Mr. Clark said the concept was if there was a visible 5' contour, it was waived to facilitate the development of property at 3.5' of elevation in an area that flooded with frequency. Mr. Blache asked what was the harm of the resubdivision. Mr. Adams said if the commission determined there was a harm, the findings must be stated. Mr. Clark said the commission turned down the Dobson family request. Mr. Blache said the Dobson property would impede water flow and drainage in the area. Mr. Harrison said the 5' contour was designed to trigger an investigation with 2' increment contours. Sometimes properties like the Dobson tract were self-evident when walking the area, the drainage impact was visible, and the area contained water bodies. Looking at paper wetlands, it may need further investigation. Mr. Fairley asked if the resubdivision was approved, could the City deny a building permit. Mr. Adams said the other lots in the neighborhood were developed the same way. Mr. Clark asked what right was being denied to sell his property. Mr. Adams said the owner had the right to use it as they wanted. Mr. Clark said the owner was given a concession to consolidate the lots and he established the use of the property. Mr. Adams said the property would be out of character and there would be a loss of revenue. Mr. Clark said the character was the eccentricity.


Ms. Bush moved to approve the resubdivision into two lots and grant the variance to allow the two lots below the 5' contour, seconded by Mr. Blache. The motion passed 4-2 with Mr. Clark and Mr. Thomas voting against.



The next case discussed was V18-03-02 The Port on Bayou Castine Condominium Association requests a variance to Article 9, Parking and Landscaping, to amend the Reforestation Plan under case V90-10-21, 651 Colbert Street, zoned PM-1

Ms. Bush moved to table the case until the March 27<sup>th</sup> meeting, seconded by Mr. Clark and was unanimously approved.

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

  
Lori Spranley, Secretary

  
Nixon Adams, Chairman  
Zoning Commission



Zoning Commission  
Work Session  
March 13, 2018

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

Present: Michael Blache, Simmie Fairley, Dennis Thomas, Ren Clark, Nixon Adams, and Rebecca Bush

Absent: Bill Sones

Also Present: Louise Scott, Planning Director; Paul Harrison, City Attorney

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 zoning case discussed was V18-03-03 Jason and Laura Van Huss requests a variance to Section 5.2.3, Grading, Fill and Foundation Supplement, more specifically Section 5.2.3.1 Generally (2) Lot Grading and 5.2.3.2, Drainage Overlay District, Sub Area A (1) Grading and Fill, lot 1, square 13, 301 Marigny Avenue, zoned R-1

Ms. Scott presented that the applicants purchased the residence at 301 Marigny Avenue at the northeast corner of Marigny Ave. and Jefferson St. in February, 2015. It was identified as Lot 1, Square 13 and measures 63.61'x202.5' containing 12,881 square feet in accordance with the Survey by John G. Cummings and Associates dated March 12, 2015.

The applicants were issued a permit to elevate and renovate the house. During this process, they learned that there were high levels of lead in the yard. The applicants had two small children and had contacted experts in the lead remediation field who have recommended that they add 2" of fill throughout the yard, and then cover the yard with sod to address the lead issue.

This variance request was to add 2" of fill throughout the entire yard to cover lead contaminated soil. A drainage plan was submitted and the City Engineer approved the drainage plan.

The applicant submitted a letter dated February 20, 2018 with their application which stated the following:

***Demonstrated Hardship:***

*The house is a 1906 cottage that was purchased, raised and renovated. During this process, a great deal of dust and debris was deposited in the area surrounding the house. As a result, the lead levels in my yard are considerably above "normal" 10-40 µg/dL.*

*I was made aware of this when both my children exhibited a sharp increase in their lead/blood levels over a course of 2 years. Their initial readings were 6 µg/dL, which was cause for concern – ideal number is 0-3 µg/dL. Last December, my 2 year old jumped to an alarming 14 µg/dL. To put this in perspective, anything over 20 µg/dL required chelation. I immediately tested every surface inside the house, including their toys, but no lead was present. They were collecting the dust on their hands and under their nails, on their clothes as they played outside.*

*Here is the CDC's comment on level such as my daughter's at 14 µg/dL.  
Children with blood lead levels between 10 µg/dL and 19 µg/dL and their siblings need follow up and repeat screening as described in previous Chapters.*

*The cornerstones of clinical management are careful clinic and laboratory surveillance of their child, medical treatment when indicated, and eradication of controllable sources of*



*environmental lead. The most important factor in case management is to reduce the child's exposure to lead.*

*I immediately contacted Mr. Rosen, who is the Dept. Head of Soil, Water and Climate for the University of Minnesota. My reason for contacting him is that LSU does not offer much support in this area, while Univ. of Minn. Has been very proactive in terms of educating the public. I have attached his emails and recommendations. I also reached out to St. Tammany Parish Cooperative Extension Agent Will Afton, as I wanted his local expertise. I have attached his recommendations as well."*

*I have now conducted a total of 2 Tests.*

*Test 1: Schneider Labs (attached)*

*Values range from 41-332 mg/kg*

*This test was using exposed soil – the top layer*

*Test 2: LSU Soil Labs (attached)*

*Values range from .14-63 mg/kg*

*This was taken using "deep" samples. We wanted to see if our issues ran deeper than the top layer – it does not. They are elevated but not beyond what is normal for an older, established neighborhood on a corner lot.*

*Our reason for requesting to bring in "clean" dirt to cover 2" before sod is that it is enough of a barrier to contain the contaminated/dusty soil without radically altering our drainage. The EPA's danger level is 400 – but that is when it is enough to require full remediation. We are not that bad, but with spots over 300, obvious paint debris visible on the top of the soil and my children's test results, we must do something.*

*Mr. Afton has urged against remediation. The lead is dust and disturbing it is dangerous so only undertaken when absolutely necessary (over 400). Also, we don't have a clear pattern of contamination – the highest levels were a full 20 feet away from the house, so unless we cleared the entire yard, we would not know if we took care of the issue. Mr. Rosen says that his – and other states – have been using 100 as the mark by which something should be contained but not calling for remediation. By putting a barrier of 2" of "clean" soil, we would ensure the contaminated layer would be contained, even if the sod was removed at some point in time.*

*Mr. Adams asked if it was determined that the lead level was above normal and that it was contained to one area from the scraping of the paint. Mr. Clark said at some point all old houses had lead paint that had been scraped. He asked how many samples were taken. Laura Van Huss, 301 Marigny Avenue, said they initially took five samples for Schneider Labs around the house, initially focusing on the front of the house because they assumed it was the older part of the house. She then selected an area to the back of the house including an area by the dumpster. The largest deposit over 300 was located by the dumpster area. Then the local extension agent took three or four deep samples. She understood that lead did not travel easily unless it was in powder form. The debris settling in the dumpster area was more powder form where the paint chips were more visible. The fact that the deep soil test was less showed it was a more recent problem. The test stopped at 20' so they could focus on the area closest to the house. The 2" of soil was enough of a cushion to prevent exposure. Mr. Clark had looked at the Minnesota site and he found it was interesting that phosphate would stop the mobility. Ms. Van Huss had discussed amending the soil with the county agent and he recommended against it because it would leach and change the soil over time. If she created a vegetable garden, she was told it must be a raised bed.*

*Ms. Bush asked about zinc toxicity. Ms. Van Huss said the University of Minnesota would provide general information on heavy metals tests, but other than that it was not the*



most helpful. Ms. Bush felt it was as much of an issue as the lead. Mr. Adams agreed there could be similar circumstances in other areas in town. Ms. Van Huss said it was generally more exhibited in children that were playing. Living in a Historic District, they did not want to present a variance to be abused or might do more harm than good in the long term.

Mr. Adams asked how this would affect real estate sales. Ms. Van Huss said the owner must sign off on lead inside of the house. Mr. Clark said it was an interesting issue, and scientists would say correlation was not causation. This was an issue that should be looked at since buildings in Old Mandeville had been painted with lead paint and had been scraped. Sediment samples from Ravine aux Coquilles might be shocking and the City should look at testing some soils. Mr. Clark also said 2" of sand and sod was not a party pad.

Mr. Adams asked about the surrounding properties. Ms. Van Huss said all of the properties were low, and there was no fill added when the house was elevated.

Mandy Blaque, 1812 Monroe Street, asked if 2" of soil could be scraped and then filled. Ms. Huss said scraping was the definition of remediation which was against the recommendation.

The next zoning case discussed was V18-03-04 Jeremy L. Sims requests a variance to Section 7.5.10.3, B-3 Site Development Regulations, Section 7.5.10.5, Special B-3 Old Mandeville Business District Criteria, and Section 9.2.5.2, Vegetation Protection Zone, lot 2, square 20, 1929 Monroe Street, zoned B-3

Ms. Scott presented that this property was located at 1929 Monroe St which was on the north side of Monroe Street in the block east of Girod Street, between Girod Street and Marigny Avenue. It was located in Sq. 20, lot 2 and is improved with a single family dwelling and is zoned B-3, Old Mandeville Business District. The lot measured 64.78' on Monroe Street and had a depth of 250.46'. Lot 2 was the last lot in this block zoned B-3, Old Mandeville Business District – the adjacent lot to the east which was zoned R-1, Single Family Residential and was improved with a single family residence. Additionally, there are two large Live Oak trees located on the lot – one measuring 56" dbh and the other 48" dbh. The drip line of the canopy was shown on the survey prepared by John G. Cummings and Associates dated February 1, 2018.

Survey by John Cummings indicated the following setbacks for the existing house:

Front yard:	30.7'
Interior Side yard (east/adjacent to R-1 zoning)	7.1'
Interior Side yard (west/adjacent to B-3 zoning)	24.6'

The applicant purchased this property in December, 2017. The property was located within the Historic Preservation District and was listed as Contributing on the Historic Structures Survey. The existing structure was a brick single family dwelling (~1450 sf), garage and shed. A request to demolish the single family residential structure was approved by the Historic District Preservation Commission in December, 2017.

The applicant had submitted plans to construct a duplex on the site. The site plan prepared by Woolf Architecture & Interiors dated February 22, 2018 indicated the proposed construction of a duplex with one unit on the first floor and a second unit on the second floor. Mr. Adams requested a picture for the next meeting to show the mature hedge on the side of the property.



The site plan proposed new construction of a duplex, porte cochere and an expanded new gravel driveway with two new, additional parking spaces. The proposed site plan was not compliant with the B-3 site development regulations, specifically side yard setback on the east side, where there was a minimum 20' building setback due to it being adjacent to the R-1, Single Family zoning district.

**Variance – Side yard setback adjacent to R-1 Single Family zoning district:**

The applicant was requesting a variance to allow for a 15' encroachment into the minimum 20' setback on the east side, leaving a 5' setback. The hardship stated was due to drip lines of the two Live Oak trees.

With the proposed construction of a duplex, additional parking spaces were required.

Parking for Duplex Residential in CLURO Section 9.1.4. Minimum Off-Street Parking Requirements by Use was 2 per dwelling unit for a total of 4 parking spaces for this proposed project. Due to the location of the Live Oak trees, the applicant was proposing the following:

- The applicant was proposing to place new gravel over the existing two concrete driveway strips, increasing the width of the driveway to 10'. This existing driveway accessed the existing garage.
- The applicant was proposing two additional parking spaces towards the rear of the site, behind the canopy of the live oak, and adding/extending a new driveway, 9' 8.25" wide to access parking in the rear. The new driveway was proposed to extend past the existing garage and encroach into the canopy of both live oaks. The new proposed driveway, in the area of the new proposed porte cochere, appeared to be approximately 20' in width, total, then narrows to ~10' adjacent to the existing garage, and extended to the rear to access the two new parking spaces.

The following variances were being requested:

**Variances – (Driveway width) to CLURO Section 7.5.10.5. Special B-3 - Old Mandeville Business District Criteria**

**f. Other Special Requirements.**

- (1) to allow driveway to be expanded to 10' with a portion 12'5" at the entrance to the garage.
- (2) to allow the total driveway width to 20' at the location of the porte cochere where the driveway was being expanded to provide access to rear parking spaces.

**Variances - CLURO Section 9.2.5.2. Vegetation Protection Zones, specifically to allow construction and materials deposited within the drip line of the tree and CLURO Section 9.2.5.7. (3) Live Oak Protection Requirements specifically to allow material within the dripline of the trees.**

- (3) to allow the proposed driveway to be located under the dripline of the two Live Oak trees for access to the two additional required parking spaces for the duplex.
- (4) to allow new gravel to be placed within 82% of the dripline of the live oak.

The City's consulting arborist had visited the site and offered comments in his letter dated March 6, 2018. Dr. Guidry had concerns about the expansion of the driveway, a two story duplex that the canopy of the tree would overhang in the area, and there would be significant branches to be continuously pruned. Mr. Adams said the proposed Race Trac site contained similarly sized trees and the 56" live oak tree should have everything done to



preserve it. Ms. Scott said with the expanded use of a duplex and parking to the rear there was a concern of driving over the roots and compaction. Mr. Adams said under the zoning designation, the owner had a right for the use but Dr. Guidry was concerned about compaction. He asked if an elevated house could have pier construction and not hurt the canopy of the tree. Ms. Scott said she would ask Dr. Guidry about foundation types since plans had not been submitted.

Mr. Clark asked if the staff interpreted Dr. Guidry's about what was good or not good for the tree. Ms. Scott said the letter spoke for itself, but as she understood it there was a concern about additional daily traffic through the canopy of the tree with a driveway to the rear. Mr. Clark said the suggestion was to remove all concrete on the existing driveway instead of just placing gravel on top of the existing driveway. More of the concern was about the expanded driveway and its daily use over the roots. With no elevations, Ms. Scott was not sure about the impact of a second story.

Lindsay Woolf, architect, said when the owner retired his intention was to make this his permanent residence. The site was a large unique lot with a portion of it unbuildable with the live oak trees. She felt that Dr. Guidry's letter was a misunderstanding that the new footprint would be the same as the existing house, but it would be outside of the dripline of the tree. The existing house could not be renovated with the cost being over 50% of the value and the requirement to be elevated 4'. Dr. Guidry's letter stated the tree would have to be pruned, but that was not the case with the walls being located outside of the dripline. Ms. Woolf had met with Mr. LeBlanc and they took the average of the other houses placing the front porch location at the same depth. Since this was the last lot in the B-3 district, the requirements stated there must be a 20' setback adjacent to a residential district. Since they were constructing a duplex, Ms. Woolf was told that the residential uses setback would be 10'. The existing house was now setback 7'. The request was to hug the east property line to protect the tree. Mr. Adams said that was the reason he had mentioned the 20' tall hedge on the east property line. Ms. Wolff said the two units could be rented and in five year the owner would permanently reside on the second floor. Mr. Adams reiterated that the footprint would not encroach into the canopy of the building. Ms. Woolf stated that was correct and that the existing concrete strips would be removed and limestone installed. The snaked driveway would create the two additional parking spaces. Her opinion was that most people would park on the street. The owner might construct an accessory structure for a home gym. It would be the same style as other cottages with a tall front porch. The units would be 1,100 square feet on each floor with the building footprint being constricted with the trees. An option would be to construct the duplex to the rear of the property, but that also had its issues. Mr. Adams said the parking plan did not make sense and an option would be to request a parking variance. Ms. Woolf said the design indicated that an uncovered deck with four piers would be located under the canopy of the tree and it would not be located more than 18% of the tree canopy. The garage could fit two parking spaces. It was thought that there were asbestos walls that would be remediated and the carport could still fit two spaces. Ms. Scott requested to stake out the new footprint.

Sean Delancy, 1921 Monroe Street, east side neighbor, was concerned with what would be developed in the future. The neighbors had heard it would be a restaurant. Ms. Woolf said it might be a small café in a future plan. Mr. Adams said there would always be a parking problem. Mr. Delancy said the garage could not house two cars side by side and was concerned about reconstruction. Ms. Woolf said the structure was 14' wide and the carport could open the car doors parking along the edge. There was no other option under the tree. Mr. Delancy was concerned about the remediation of the asbestos. Mr. Adams said based on the comments, he asked Ms. Woolf to tweak the plans. Ms. Woolf said if the two rear parking spaces could be eliminated through a variance would be considered and they would remove the concrete trips and install crushed limestone.



Mr. Blache reiterated the east side request was to reduce the setback from 20' to 5' and the existing house was located at 7'. Ms. Scott said there was 22' on the west side. Mr. Adams said during construction, the trees areas must be barricaded. Ms. Woolf had spoken with Ms. Casanova about installing a fence protection at 82% of the dripline. Mr. Blache said concerned about the conversion to a commercial use with such a small side yard adjacent to a residence. Mr. Adams said the restaurant would require a special use permit and there would not be enough parking. Mr. Blache said there would be sufficient space in the rear for parking. Ms. Scott said in the B-3 zoning district if 8 parking spaces or less were required there would not be a need for additional parking. Mr. Blache said there was a need for a vision for the future. Mr. Blache asked for Dr. Guidry to determine if there was some way to push the building further to the rear. Ms. Casanova said a two story structure could not be moved because the existing tree limbs were already close to touching the existing roof.

Mr. Delancy said he was concerned that the maximum height was 35'. Ms. Woolf said with an elevation of 4' to the finished floor, the height would be approximately 34'. The floor plan was contingent upon the variance request. Mr. Adams asked to consider constructing a one story building, and Ms. Woolf answered that the units would be 500 square feet.

Mr. Blache said he would like to review options where there was no variance request on the east side. Ms. Woolf said a 20' setback would allow a 10' sliver for construction. Mr. Blache said a commercial application could be a problem with the small setback. If there was less than 8 parking spaces required there would only be 2 on-site required spaces.

The next zoning case discussed was V18-03-05 Hermitage on the Lake Property Owners Association requests a variance to Section 8.1.3.1, Supplemental Fence and Wall Regulations, Hermitage on the Lake Subdivision, zoned R-1

Ms. Scott presented that The Hermitage on the Lake HOA (Home Owners Association) was requesting a variance to replace the existing cedar fence and brick pillars with 6' cedar wooden fence sections. The existing fence had arched fence boards attached to brick columns, the highest point being 6'.

As part of the approval of the Hermitage on the Lake Subdivision in 1994, and required under the subdivision regulations, double frontage lots required a 10' strip of land dedicated to the City of Mandeville to provide a vegetative buffer strip. The proposal was to replace the existing brick column fence with a 6' cedar fence eliminating the brick columns with a finished look with a cap at the top and the bottom that would be stained to blend in with the existing vegetation. The fence post would be no higher than 6" above the fence height. The CLURO only allowed a 4' fence along this area.

Mr. Adams said the fence was barely visible because of the buffer growth. Ms. Scott said the west side was heavily vegetated. The bamboo would have to be removed and all other vegetation would remain. The HOA would work with the City about landscaping the area.

Mr. Thomas asked if the HOA could save the brick columns. Chris Marino, 447 West Chase Court, said an option was to fix the brick columns and/or replace them with new brick columns. The cost almost doubled the project cost. The long term thought was without installing a chain wall the brick would do the same thing over time.

Mr. Marino said the straight fence would provide privacy into the backyards. Mr. Thomas asked if it would be 4' x 4' or 6' x 6' posts. The decorative posts were not shown and if decorative they would be 6' x 6'. If galvanized pipe was used, it would to the rear and not



visible on Monroe Street. There were existing fences on Monroe Street that were 6-8' in height. Ms. Scott said the adjacent matching fence was a requirement under the variance case.

Mr. Fairley said the house on the corner of Massena Street already had a fence. It was constructed with a chain wall and a 6' board on top. Mr. Marino said there would be no chain wall. Ms. Scott said it was proposed to be 6' at grade in keeping with the same height as the existing fence. The slope at the entrance would retain the brick columns.

Mr. Thomas asked if all of the brick columns were bad. Mr. Marino said at least 40% were tilted over. They were proposing 6' because there were pools and large dogs in some of the rear yards. Mr. Adams said he would like to see a replanting after the fence was installed to retain the buffer.

The last zoning case discussed was V18-03-06 Brian and Jan Boudreaux requests a variance to Section 7.5.2.3, R-1X Site Development Regulations, lots 58 and 59, square 32, 2312 Monroe Street, zoned R-1X50.

Ms. Scott presented that the applicant owned the home addressed as 2312 Monroe Street. The site consisted of Lots 58 and 59 in Square 32 on the south side of Monroe Street between Coffee and Depre Streets and measured 120' on Monroe by a depth of 133' containing 15,853 square feet. The property is zoned R1X 50/7600 single family residential zoning. The existing house was a Ranch style with construction circa 1960, as slab on grade.

The applicants were in the process of elevating the home. The home was declared substantially damaged following Hurricane Isaac. This elevation project will complete the compliance with FEMA Flood Zone AE (EL 9) and the City's Flood Hazard Prevention Ordinance in CLURO Section 8.3 requiring 2' freeboard.

The survey by John G. Cummings and Associates dated January 29, 2018 indicated the following existing setbacks:

Front yard: 30.2' (30' 2.4")  
Interior Side yard - west: 9.3'

The applicants were proposing to expand the porch with stair access to the side at a 6' depth. The Historic Preservation Commission recommended the porch to measure 8' to make the porch functional. There was a proposal to add a rear deck to the structure and to extend the back deck around the west side of the house, in part, for the mechanical equipment (a/c units). There was an existing 9' side yard setback with the requirement being 10'. The mechanical and electrical panel was located on the side of the house. Although the CLURO provided an exception for encroachment of mechanical when associated with home elevation, the proposed deck into the side yard, within 2.63' of the property line, was substantially more than required to elevate the mechanical equipment (typically a platform is used). For the electrical panel there must be enough room for access per the building code around the mechanical equipment.

Lindsay Woolf, architect, proposed a revision for the porch to stop at the corner of the structure. The mechanical equipment would be elevated to 3' instead of the 9' of the house. The electrical panel would also only be elevated 3'. Mr. Clark asked what was the ground elevation. Ms. Boudreaux said they were only required to be elevated 8" plus the 2' City freeboard. The owner wanted a higher elevation to have access under the house. Mr. Boudreaux said with the last week's rain and every other rain, the rear room flooded even with the French drain and a pump.



Mr. Boudreaux requested to extend the porch further to the rear. Ms. Scott said if the porch was within the setback, there would be a variance for the side yard setback. But, the adjustment might eliminate the variance. The electrical panel location should be discussed with Mr. LeBlanc, but the panel must be accessible which could be a walkway. The front yard setback variance would be 2.8' which was recommended by the Historic Preservation District Commission. If it was determined to be less than a 30% reduction, the variance could be handled as an administrative exception.

Ms. Scott said the mechanical equipment was allowed to be elevated in place as long as it was not part of the deck. If the plan revision was compliant and the porch was an administrative exception, the case might be removed at the next meeting.

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



Lori Spranley, Secretary



Nixon Adams, Chairman  
Zoning Commission