

CASE SUMMARY SHEET

CASE NUMBER: V22-09-27

DATE RECEIVED: August 1, 2022

DATE OF MEETING: September 13, 2022 and September 27, 2022

Address: 2351 Villere St

Subdivision: Old Town of Mandeville

Zoning District: R-1X Single Family Residential-Existing Small Lots District

Property Owner: Justin Sullivan

REQUEST: V22-09-27 – Justin Sullivan requests a variance to CLURO Section 8.1.1.4. Allowed Setback Encroachments, Sq. 42 Lot L, R-1X Single Family Residential-Existing Small Lots District, 2351 Villere St.

CASE SUMMARY:

The applicant owns the property at 2351 Villere St., located on the northeast corner of Villere St., and Adair St. The property measures 79' x 127.77' being 10,093 sq ft. per a survey prepared by Randall W. Brown & Associates, Inc. dated 7.3.2018. The property is improved with a single-family residence, constructed in 2019.

The applicant is requesting an exception to encroach into the side yard setback to place mechanical equipment for a pool. The required side yard setback is 13' for the interior side and 15' on the street side. The proposed location of the pool equipment would encroach 6' into the required interior side setback.

The applicant submitted the following statement with the application: *To encroach in right setback with pool equipment. No other place to put it due too not seeking variance on condensers when house was constructed.*

	Existing	Proposed	Deficiency
Front Setback	25'	25'	Compliant
Interior Side (W)	15'	15'	Compliant
Interior Side (E)	13'	7'	-6'
Rear	30'	30'	Compliant

CLURO SECTIONS:

8.1.1.4. Allowed Setbacks Encroachments

Every part of a required setback shall be open to the sky and unobstructed by accessory structures except:

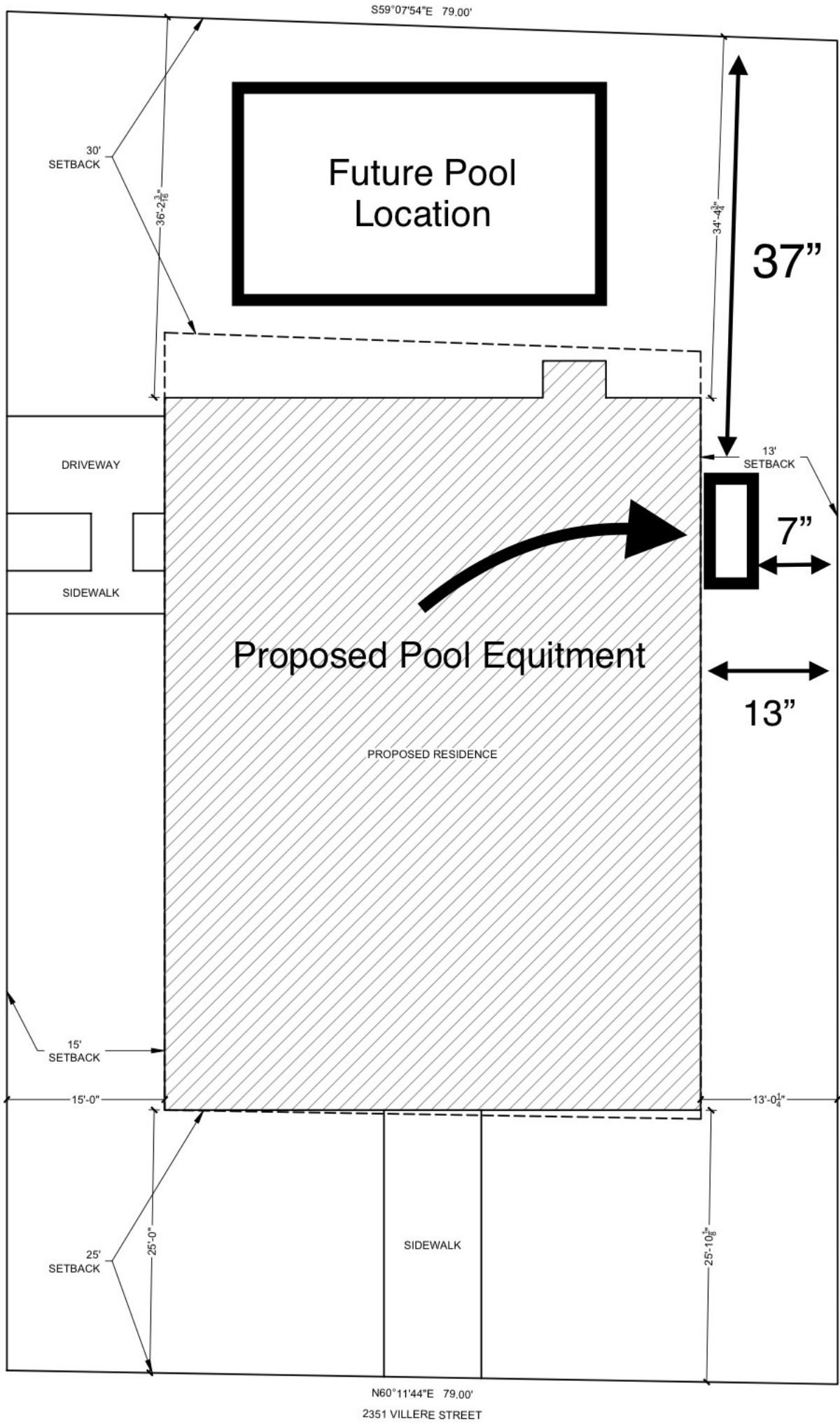
4. Mechanical Equipment. Except as authorized for the elevation of existing structures, or where there is existing mechanical equipment located within the side setback, heating, ventilation, air conditioning, generator, or pool equipment shall not encroach into any required front or side setback.

7.5.2.3. R-1X Site Development Regulations

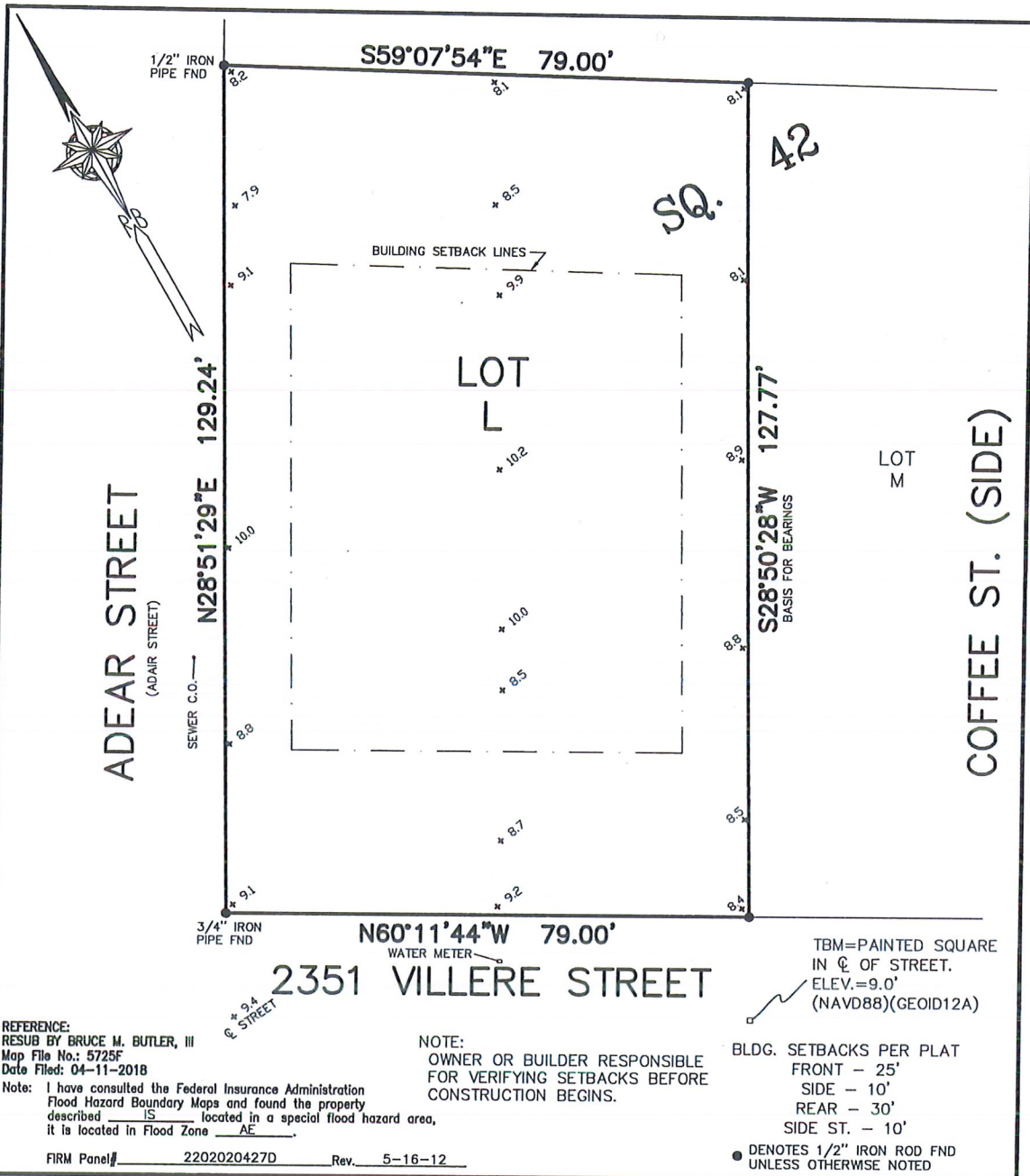
1. Minimum Lot Area -	5,000 Square feet or as noted on the Official Zoning Map for the district where the lot is located.
2. Minimum Building Area (Square feet per unit) -	1,000 square feet per unit
3. Minimum Lot Width (Variable) -	50' or the width of the predominant number of parcels of land under separate ownership from adjacent property within the zoning district (derived from the width of the existing subdivided parcels or a multiple thereof), whichever is the greater.
4. Minimum Yard Setback Requirements	
a. Front Yard	25'
b. Interior Side Yard*	10'
i. Frontage up to 50'	8' each side
ii. Frontage between 51' – 60'	10' each side
iii. Frontage between 61' - 75'	12' each side
iv. Frontage between 76' – 80'	13' each side
v. Frontage between 81' – 90'	15' each side
vi. Frontage between 91' – 100'	16' each side
vii. Frontage between 101' – 110'	18' each side
viii. Frontage between 111' +'	20' each side
c. Street Side Yard	15'
d. Rear Yard	30'
5. Maximum Height of Structures	35'
6. Maximum Impervious Site Coverage	50%

*The side yard setbacks of the site may be shifted into the opposite side yard by up to 30% so long as the area lost in one required side yard is provided in the opposite side yard and the total minimum setback of the site is provided.





PLOT PLAN FOR LOT L - SQ. 42 - TOWN OF
 MANDEVILLE - CITY OF MANDEVILLE
 ST. TAMMANY PARISH, LOUISIANA FOR
 JUSTIN & KRISTY SULLIVAN



REFERENCE:
 RESUB BY BRUCE M. BUTLER, III
 Map File No.: 5725F
 Date Filed: 04-11-2018

Note: I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found the property described IS located in a special flood hazard area, it is located in Flood Zone AE.

FIRM Panel# 2202020427D Rev. 5-16-12

NOTE:
 OWNER OR BUILDER RESPONSIBLE FOR VERIFYING SETBACKS BEFORE CONSTRUCTION BEGINS.

BLDG. SETBACKS PER PLAT
 FRONT - 25'
 SIDE - 10'
 REAR - 30'
 SIDE ST. - 10'

● DENOTES 1/2" IRON ROD FND UNLESS OTHERWISE NOTED

Survey of
 LOT L * SQ. 42 * TOWN OF MANDEVILLE * CITY OF MANDEVILLE
 ST. TAMMANY PARISH, LOUISIANA
 FOR
 JUSTIN & KRISTY SULLIVAN
 RESOURCE BANK; DSLD TITLE, LLC

NO ATTEMPT HAS BEEN MADE BY RANDALL W. BROWN & ASSOC., INC. TO VERIFY TITLE, ACTUAL LEGAL OWNERSHIP, SERVITUDES, EASEMENTS, RIGHTS OF WAY, DEED RESTRICTIONS, WETLANDS OR ENVIRONMENTAL ISSUES OR OTHER ENCUMBRANCES ON THIS PROPERTY OTHER THAN THOSE FURNISHED BY THE CLIENT.

SURVEYED IN ACCORDANCE WITH THE LOUISIANA "APPLICABLE STANDARDS FOR PROPERTY BOUNDARY SURVEYS" FOR A CLASS C SURVEY.

RANDALL W. BROWN
 REG. NO. 04586
 REGISTERED PROFESSIONAL LAND SURVEYOR
 RANDALL W. BROWN, P.L.S.
 Professional Land Surveyor
 LA Registration No. 04586

Randall W. Brown & Associates, Inc.
 Professional Land Surveyors
 Geodetic • Forensic • Consultants
 328 W. Causeway Approach, Mandeville, LA 70448
 (985) 624-5366 FAX (985) 624-5309
 E-MAIL: info@brownsurveys.com

Date: JULY 3, 2018
 Survey No. 18364
 Project No. (CR5) B18364
 Scale: 1" = 20' ±
 Drawn By: RJB
 Revised:

Copyright 2018 - Randall W. Brown & Associates, Inc. X:\Survey\Shared\18SURVEY\18364.dwg

CASE SUMMARY SHEET**CASE NUMBER: V22-09-28****DATE RECEIVED: August 1, 2022****DATE OF MEETING: September 13, 2022 and September 27, 2022****Address: 320 Lamarque St****Subdivision: Old Town of Mandeville****Zoning District: R-1 Single Family Residential District****Property Owner: John Crane****REQUEST: V22-09-28 – John Crane requests a variance to CLURO Section 9.2.5.7 Live Oak Protection Requirements, Sq. 13 Lot 6, R-1 Single Family Residential District, 320 Lamarque****CASE SUMMARY:**

The applicant owns the property at 320 Lamarque St. located north of Jefferson St., south of Madison St., and on the west side of Lamarque St. The property measures 60.83' x 203.77' being 12,439 sq ft per a survey by John G. Cummings & Associates dated 02.23.2022. The property was considered a single lot of record along with Lot 7 due to **Section 4.2.4.5. Provisions for Legally Non-Conforming Lots-of-Record**. The applicant received a variance in April (V22-04-10) to the contiguous lot rule in order to recognize each lot as independent.

The property is improved with a single-family residence. There is a live oak on the property measuring 50" dbh. The existing residence is located under the canopy of the live oak. The applicant has received approval to demolish the residence by the Historic Preservation District Commission. The applicant received a favorable recommendation from Design Review for the exterior elevations. The existing residence is located entirely within the 82% drip line.

The applicant is requesting a variance to encroach into the 82% dripline in order to construct a driveway to reach the new construction on the rear of the property. The applicant stated that the driveway will be constructed of pervious material, however the definition of Impervious Cover in the CLURO states the following: **Impervious Cover** – Impervious coverage of a site shall include the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways. As such the driveway will be considered impervious.

The City Arborist has given the property owner specifications of how the driveway is to be installed as well as the foundation construction of the front porch.

CLURO SECTIONS:**9.2.5.7. Live Oak Protection Requirements**

In all zoning districts, including the R-1, R-1X and R-2 districts, all live oak trees 6" dbh shall be protected as follows:

1. A tree removal permit shall be obtained from the Building Inspector prior to cutting, clearing or removing any live oak tree.
2. The applicant wishing to remove a live oak tree must state in writing that such activity will enhance the health, safety and welfare of the public, or otherwise benefit the public interest and the applicant must offer evidence to that effect. The Building Inspector is empowered to issue or deny the permit based on the application and the evidence. Prior to the issuance of a tree removal permit the applicant must submit a plan or written statement offering evidence of compliance with the tree replacement provisions of this Article.
3. It shall be unlawful for any person to place soil in such a way that would cause live oaks to become diseased or die. If filling with soil is necessary to properly drain the land, all efforts should be made to protect the area within the drip line of a live oak from the impact of such activity. Should all efforts fail and a tree removal permit be issued for the removal of the live oak the provisions of these regulations regarding replacement of trees shall be required to be met.
4. A tree removal permit will be required to prune the primary and secondary branches of any live oak tree 12" dbh or greater. Such pruning shall be required to be recommended in writing and supervised by a licensed arborist or a state forester.



UTILITY LEGEND

- sanitary sewer (S)
- storm drain (D)
- water (W)
- gas (G)
- power undergrd (EU)
- power overhead
- telephone (T)
- cable (TV)
- special systems (SS)
- Geothermal (GEO)
- manhole (S)
- manhole (D)
- meter (WM)
- meter (GM)
- meter (EM)
- power pole
- interface (TI)
- interface (TV)
- interface (SS)
- valve box (GV)

SPOT ELEVATION LEGEND

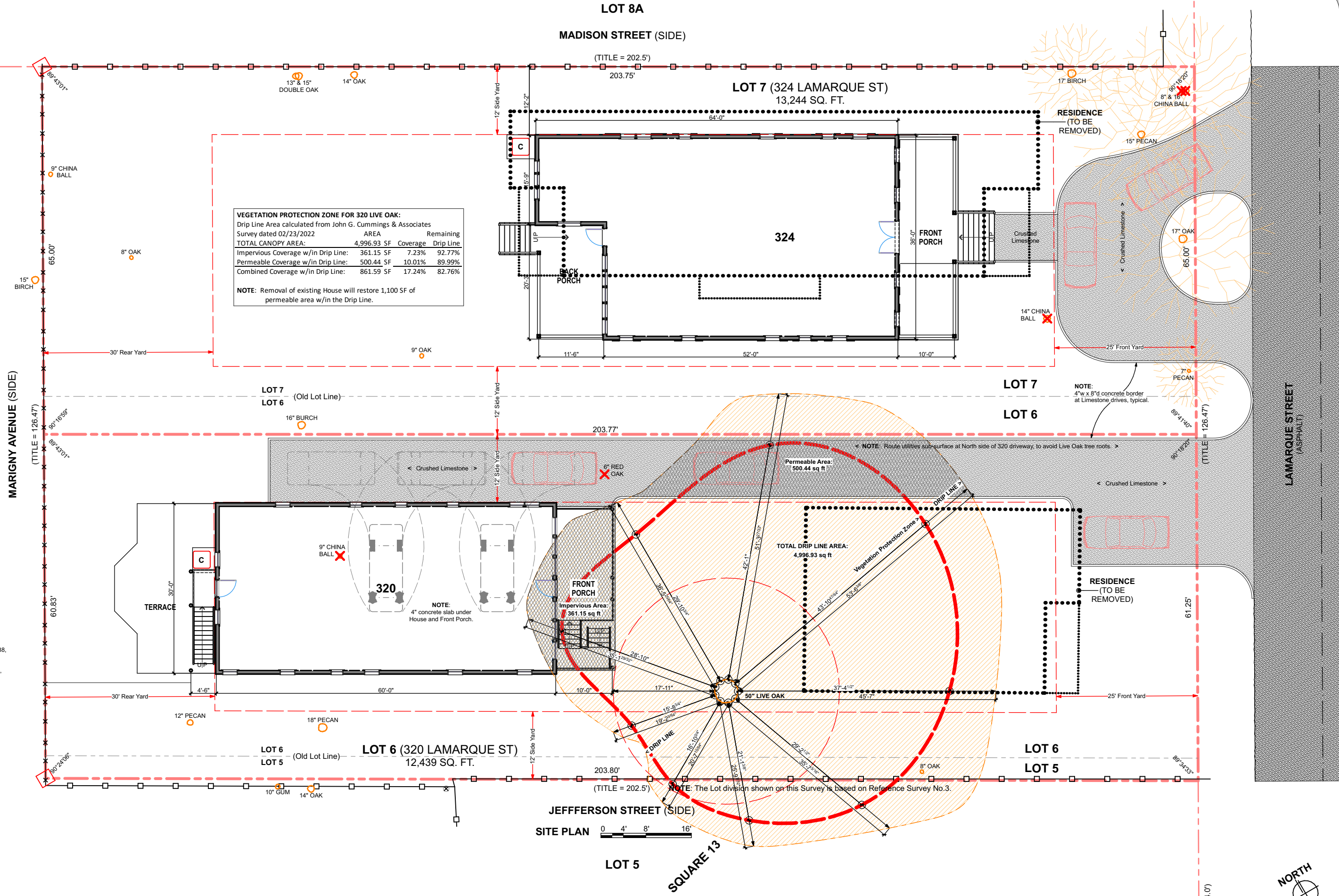
Spot elevations are in decimal feet (NAVD 88, 2006.81) based on a survey by John G. Cummings & Associates, 503 N. Jefferson Ave., Covington, LA 70433. (985) 892-1549, dated 02/23/2022, Job No. 22036

- 3.03 Existing elevation to remain
- 3.03 Existing elevation to change
- 4.00 New finish elevation (existing elevation to change)

VEGETATION PROTECTION ZONE FOR 320 LIVE OAK:
 Drip Line Area calculated from John G. Cummings & Associates Survey dated 02/23/2022

AREA	Remaining		
TOTAL CANOPY AREA:	4,996.93 SF	Coverage	Drip Line
Impervious Coverage w/in Drip Line:	361.15 SF	7.23%	92.77%
Permeable Coverage w/in Drip Line:	500.44 SF	10.01%	89.99%
Combined Coverage w/in Drip Line:	861.59 SF	17.24%	82.76%

NOTE: Removal of existing House will restore 1,100 SF of permeable area w/in the Drip Line.



SITE PLAN 0 4' 8' 16'

SITE PLANS for LOTS 320 & 324 LARMARQUE ST. SCHEME-4

Revised 19 Aug '22 Revised 18 Aug '22 Revised 17 Aug '22 Revised 16 Aug '22 Revised 02 Aug '22 issued 07 June '22



INTER

_____**MEMO****OFFICE**

To: Cara Bartholomew

From: Catherine Fuselier

Date: August 29, 2022

Subject: V22-09-28

A submitted site plan by K & W, Project Number K2216 revised August 19, 2022 was reviewed for compliance with the live oak protection requirements. The plan shows an existing 50" *Quercus virginiana*, live oak, located in the buildable area along the southern side yard setback line. Based on the submitted plan the following areas of concern are:

1. The driveway along the north side of the property encroaching within the Vegetation Protection Zone (VPZ).
 - a. After reaching out to the property owner it was clarified that the driveway would be of crushed limestone with ground laid concrete curbing and no soil removal or soil compaction.
 - i. In addition to what the property owner is going to do the property owner should also use crushed limestone that is comprised of different sizes to prevent compaction of the limestone and the property owner can lay down a geotextile fabric to prevent the crushed limestone from migrating down into the soil.
 - b. The branches of the live oak tree over where the proposed driveway is to

be installed are low and would not easily allow construction access into the site without damaging the tree.

- i. Since the property owner is also developing the lot to the north all construction access should be done on this site to further protect the live oak and to also prevent the need for a construction access road.
 - ii. If a construction access drive/road is preferred it should be installed before construction as described below:
 1. The road shall have an 8 - 12" thick layer of mulch on the maintenance road with wooden boards that are to be approved by the landscape inspector and a 5" thick layer inside tree protection area. This shall protect the soil from compaction, will still allow access unto the site, and will also allow the tree roots to breathe.
 2. A maximum height clearance should be established based on the lowest limb to ensure that vehicles or equipment do not damage any of the limbs of the tree.
2. The front porch encroaching within the VPZ.
- a. The plans show a front porch encroaching into the western side of the live oak with a 4" concrete slab.
 - i. If the front porch is approved to remain within the VPZ the 4" concrete slab should be removed, and pier type foundation should be utilized within the VPZ. The footing locations should be hand dug with a licensed arborist on site to approve the location of the

footings and to also verify that no roots are damaged during the time of construction. In addition, the property owner should have the areas outside of the VPZ root prune to protect the existing roots from additional damage when the slag is being dug.

3. The existing structure on the site is noted to be removed and where ~50% of the structure is located within the VPZ.
 - a. The property owner is planning to have the structure removed by working from the front of the house toward the back with all machinery staying on top of the existing slab. Once the main structure is completely removed, the contractor will carefully remove the slab, working from the rear to the front. This will allow the structure to be removed while doing minimum harm to the existing live oak.
 - i. In addition to the removal of the structure and slab, the area where the slab was originally should be left as is until the area of the new slab is dug out and the excavated soil should be used to fill in the previously existing structures slab area. This will allow the site to keep existing native soils and allow the tree to eventually grow new roots in the area where the structure previously was.

CASE SUMMARY SHEET

CASE NUMBER: V22-09-30**DATE RECEIVED: August 24, 2022****DATE OF MEETING: September 13, 2022 and September 27, 2022****Address: 585 Barbara Place****Subdivision: New Golden Shores****Zoning District: R-1 Single Family Residential****Property Owner: Susan Robinette****REQUEST: V22-09-30 – Susan Robinette requests a variance to CLURO Section 9.2.5.7 Live Oak Protection Requirements, Sq 20 Lot 159A, R-1 Single Family Residential, 585 Barbara Place****CASE SUMMARY:**

The applicant owns the property at 585 Barbara Place, located on the east side of Barbara Place. The lot measures 100'x120' having a square footage of 12,000.

The applicant is requesting to remove a 26" live oak located in the front of the property. The applicant stated the following on the application: *Mrs. Robinette, the homeowner, is requesting for 1 live oak to be removed in her front yard. The tree has been damaged significantly from Hurricane Ida and is very canopy heavy towards the house after the majority of the canopy was split off. The tree is now showing signs of uprooting due to the vast majority of the tree on one side. The live oak is also showing signs of rot on the crotch facing the street. The homeowner is also willing and wants to replant in her yard.*

A report written by Zeigler Tree Company was submitted which states the following:

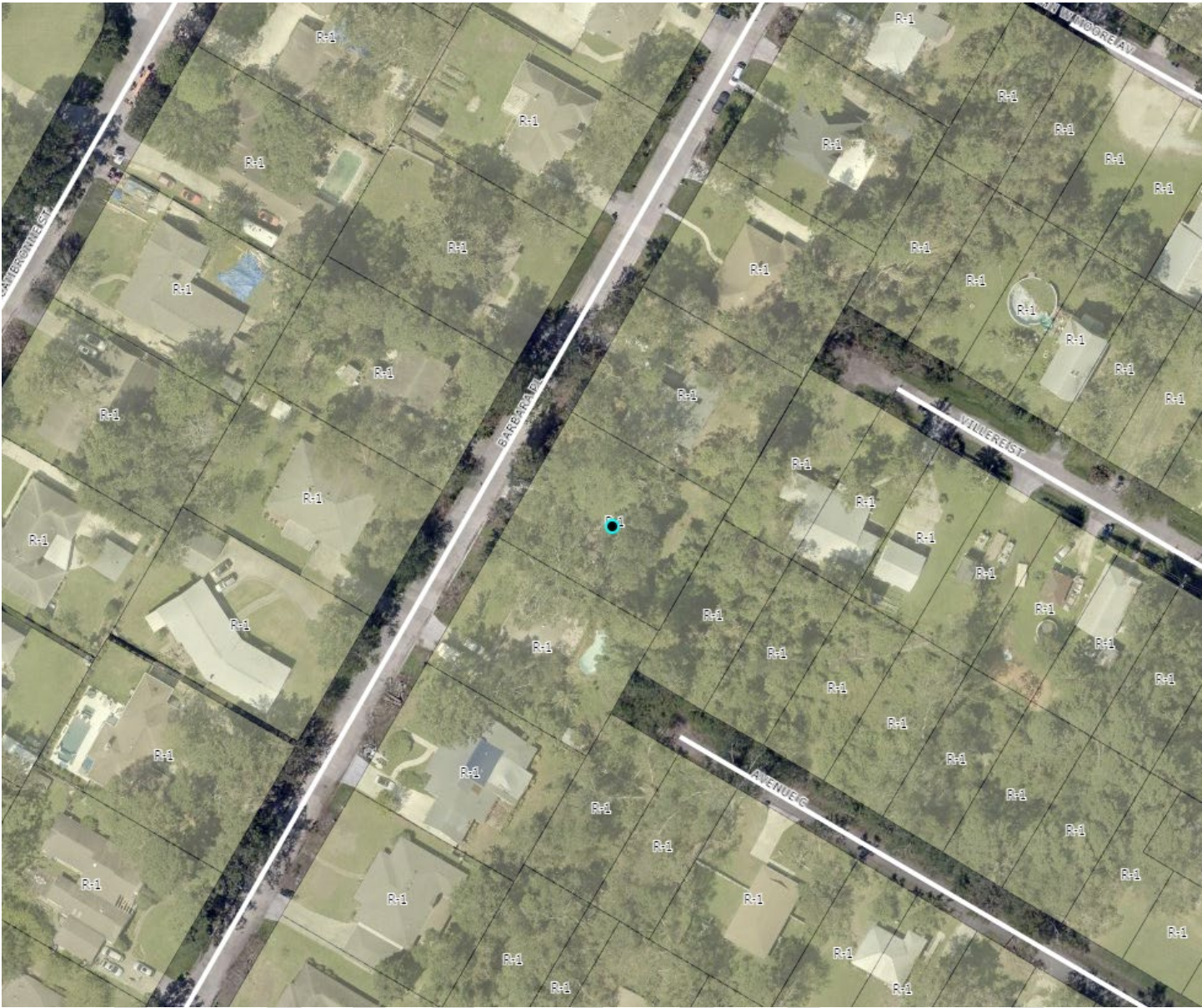
Regarding the live oak located at 585 Barbara Place in Mandeville, I recommend the removal of the live oak in the front yard on the left side of the driveway. In the crotch of the two main leaders facing the street you can find rot indicating the live oak is in severe decline, which could lead to structural instability causing the tree to pose a threat to civilian safety. This tree has shown signs of termites and uprooting.

The staff arborist and consulting arborist visited the site on August 31st to assess the health of the tree. Both arborists found the tree to be in a good state of health and structurally strong. The report from the staff arborist stated that the tree did not show any unnatural signs of rot, no signs of termites or termite tubes, and no signs of uprooting. The report did concur that the tree showed signs of lifting up the concrete walkway but stated that issue could be addressed without the removal of the tree. The report from the consulting arborist recommended that the old and broken walk and drive should be rebuilt, and that the tree does not need to be cut down to remediate the problem.

CLURO SECTIONS:**9.2.5.7. Live Oak Protection Requirements**

In all zoning districts, including the R-1, R-1X and R-2 districts, all live oak trees 6" dbh shall be protected as follows:

1. A tree removal permit shall be obtained from the Building Inspector prior to cutting, clearing or removing any live oak tree.
2. The applicant wishing to remove a live oak tree must state in writing that such activity will enhance the health, safety and welfare of the public, or otherwise benefit the public interest and the applicant must offer evidence to that effect. The Building Inspector is empowered to issue or deny the permit based on the application and the evidence. Prior to the issuance of a tree removal permit the applicant must submit a plan or written statement offering evidence of compliance with the tree replacement provisions of this Article.
3. It shall be unlawful for any person to place soil in such a way that would cause live oaks to become diseased or die. If filling with soil is necessary to properly drain the land, all efforts should be made to protect the area within the drip line of a live oak from the impact of such activity. Should all efforts fail and a tree removal permit be issued for the removal of the live oak the provisions of these regulations regarding replacement of trees shall be required to be met.
4. A tree removal permit will be required to prune the primary and secondary branches of any live oak tree 12" dbh or greater. Such pruning shall be required to be recommended in writing and supervised by a licensed arborist or a state forester.



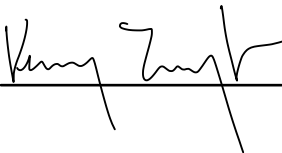
DIVATI



253 Highway 1085
Madisonville, LA 70447
(985) 893-0991
zeiglertree.com

Regarding the live oak located at 585 Barbara Place in Mandeville, I recommend the removal of the live oak in the front yard on the left side of the driveway. In the crotch of the two main leaders facing the street you can find rot indicating the live oak is in severe decline, which could lead to structural instability causing the tree to pose a threat to civilian safety. This tree has shown signs of termites and uprooting.

Sincerely, Corey Zeigler
Arborist # 2169

X 

Malcolm Guidry
Professional Consulting Arborist, LLC
P.O. Box 503
Covington, LA 70434

September 7, 2022

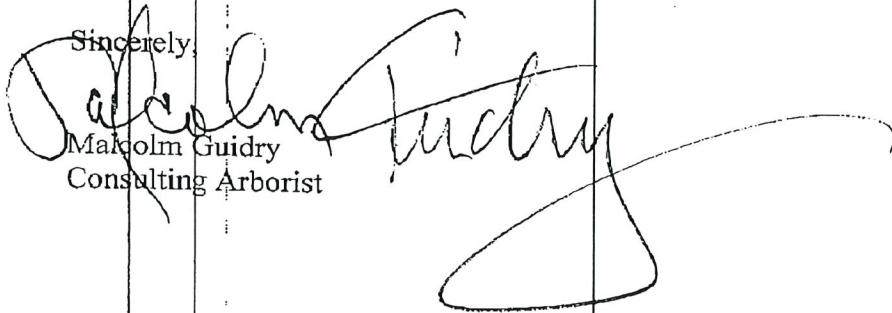
Catherine Casanova, Inspector
Landscape and Urban Forestry
Department of Planning and Development
City of Mandeville
3101 East Causeway Approach
Mandeville, LA 70448

Re: Health and protection of live oak tree 585 Barbara Place, Mandeville, Louisiana

Dear Ms. Casanova,

As you requested, I met with you at the above address on 8/31/22, at which time the owner of the property explained that roots from the tree was destroying the entrance walk and drive to her home. The homeowner wants the tree removed. The current state of health of the is very good. Structurally the tree is strong. Based upon my observation regarding this matter, my suggestions to the homeowner were to install a new walk and drive. The conflict roots could be cut causing very little to no harm to the tree. The tree as a front yard tree, aside from its attributes, aesthetically has its place in continuity of trees which define the area. In my opinion, the old broken walk and drive should be rebuilt. The tree does not have to be cut down to remediate the problem.

Sincerely,



Malcolm Guidry
Consulting Arborist

INTER

_____**MEMO****OFFICE**

To: Cara Bartholomew
From: Catherine Fuselier
Date: September 8, 2022
Subject: V22-09-30

A site inspection was done on August 31st, 2022, to inspect the health and structural stability of a 26” DBH *Quercus virginiana*, live oak. After inspecting the tree, the tree was found to be in a good state of health and was also found to be structurally strong. Additionally, in an undated letter from Zeigler Tree & Timber Co the arborist claims that the tree has rot indicating that the tree is in severe decline, shows signs of termites, and uprooting. The tree did not show signs of rot that would be unnatural for a tree, the tree was found in good health with very little stress, no signs of termites or termite tubes could be found, and the tree showed no signs of uprooting. The tree did show signs of lifting up the concrete walkway to the house and a section of the driveway, but these are things that can be addressed without the removal of the tree.

CASE SUMMARY SHEET**CASE NUMBER: V22-09-31****DATE RECEIVED: August 24, 2022****DATE OF MEETING: September 13, 2022 and September 27, 2022****Address: 641 Village Lane S****Subdivision: Beau Rivage Village****Zoning District: O/R Office/Residential District****Property Owner: Cross Maintenance & Management LLC**

REQUEST: V22-09-31 – Cross Maintenance & Management LLC requests a variance to CLURO Section 8.1.3 Supplemental Fence and Wall Regulations, Parcel 9 Beau Rivage Village, O/R Office/Residential, 641 Village Lane S

CASE SUMMARY:

The applicant owns the property at 641 Village Lane S, a fourplex located on the west side of the cul de sac at the end of Village Lane S. The property is zoned O/R, Office/Residential, and measures 100'x100' having a square footage of 10,000.

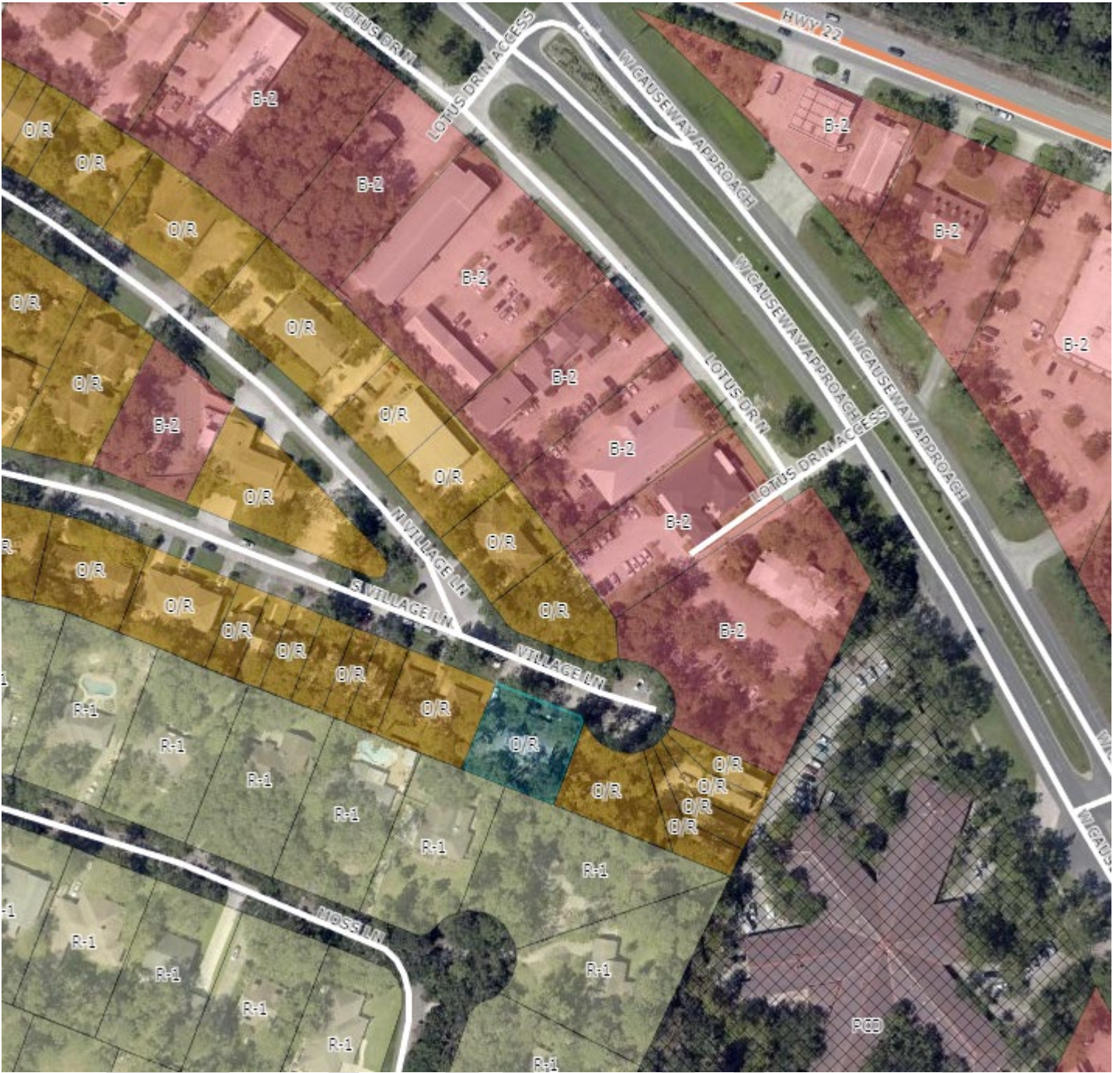
The property is improved with four units. The applicant is requesting to construct a 10' privacy fence extending 30ft from the rear edge of the building to the rear property line. The fence will continue for 80ft, the length of the building, before connecting back to the opposite rear edge of the building. A fence will also be constructed along the interior sides of three units to create three separate back yards. The fence will be constructed of wood. The maximum height for a fence located within the rear and side yard is 7'.

The fourth unit is located above the carport and therefore does not have a rear yard.

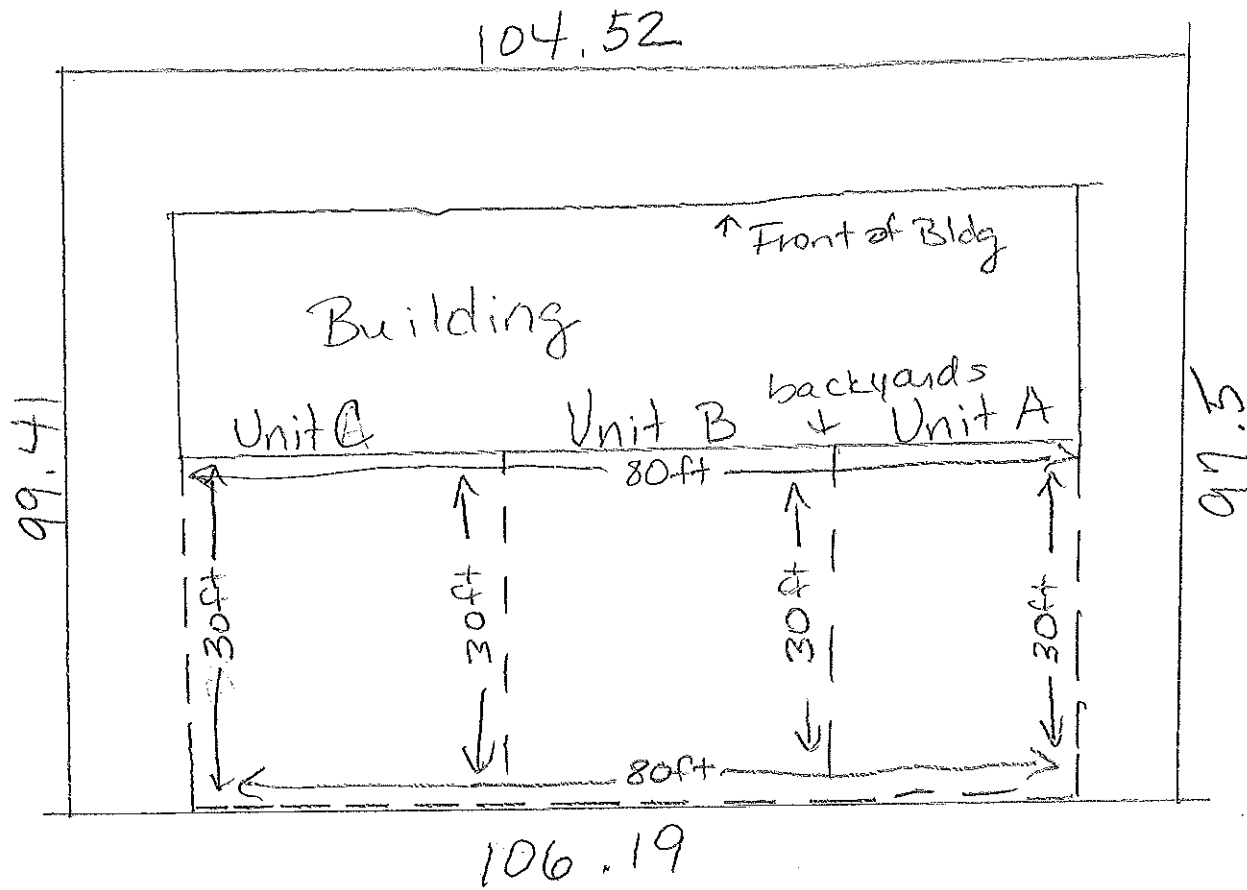
CLURO Sec. 8.1.3(c) states that no fences or walls located in the rear or side yards shall not exceed seven feet (7') in height. The applicant is requesting an exception to the height of a fence within the rear yard.

CLURO SECTIONS:**8.1.3. Supplemental Fence and Wall Regulations**

1. Fences in required setbacks.
 - a. Except as provided in paragraph 1.b of this section, no fence or wall shall exceed four (4) feet in height if located between the front of a structure and the front property line.
 - b. Decorative wrought iron fences may be allowed within required front setbacks and within required side and rear setbacks facing streets if they do not exceed five and one-half (5 ½) feet in height, supporting structure (columns) cannot exceed 6.5' in height and are no more than fifteen (15) percent opaque when measuring all fence components higher than two (20 feet above grade excluding support columns. Fence height shall be measured from average grade to the tallest component of the fence, excluding gates and lighting on the top of support columns that do not exceed seven and one-half (7 ½) feet in height. The Planning Director may approve the use of other materials that have a substantially similar appearance to wrought iron and are at least as durable.
 - c. Fences or walls located in the rear or side yards shall not exceed seven feet (7') in height.
 - d. No fence wall exceeding four feet (4'0 in height shall be erected or constructed within a required side or rear yard fronting a street, except as provided in paragraph 1.b of this section.
 - e. Any fence or wall located on a street intersection shall conform to sight triangle requirements.
2. Electrical fences in any form are prohibited.
3. Barb wire for fences shall be prohibited in all districts except B-2, B-4, M-1 or M-2 and when allowed shall only be used on fences in an area higher than six (6) feet above ground.
4. No fence or wall shall be constructed within a utility servitude without prior written approval of the affected utilities. Approval may be withheld by any utility upon its determination that the proper size or location of the fence or wall would adversely affect the operation, maintenance, or function of the servitude. Approval of the construction by a utility shall create no obligation to repair or replace a fence or wall damaged or removed by the utility in the course of its lawful use of the servitude.



641 Village Lane S Mandeville



--- = Fence