

The meeting was called to order at 6:00pm by Planning Chairwoman Karen Gautreaux

The secretary called the roll.

Commissioners Present: Brian Rhinehart, Karen Gautreaux, Claire Durio, Simmie Fairley, Scott Quillin, and Mike Pierce

Absent: Nixon Adams

Also Present: Cara Bartholomew, Director Planning Department; Lauren Brinkman, Planner; David Parnell, City Attorney; Alex Weiner, Secretary

Ms. Durio motioned to adopt the minutes from the September 13 and September 27 regular meetings and the September 21 special meeting, Mr. Rhinehart seconded, and all were in favor.

Old Business

**P22-07-02** – Recommendation to the City Council to adopt the City Council district map based on the 2020 census data

Mr. Adams asked if the dividing line for the districts would now be the property line at East Barbara, Ms. Bartholomew said that was correct.

Mr. Adams said that there was always some confusion in New Golden Shores about who you were voting for because it was split in two districts. This is a good move.

Old Business

**R22-09-05** – Eric McNeil requests a variance to CLURO Section 7.5.1.3 R-1 Site Development Regulations and to resubdivide into lots 12-A-1 and 12-A-2, Sq. 48 Lot 12A, R-1 Single Family Residential District, 604 Marigny Avenue

Mr. Adams said the requirements for an R-1 property were 90'x120' and 10,800 sq ft and was confused why it was listed differently in the packet. Ms. Bartholomew said the property is zoned R-1 and did not know why the packet had different information.

Mr. Adams said the frontage of the lot would change with the subdivision and asked if the case was advertised correctly. Ms. Bartholomew said the case was advertised for site development regulations, so it was done correctly. Mr. Adams asked if the applicant asked for the variance when they submitted, Ms. Bartholomew said that when something is submitted it is reviewed and if any other variances need to be added due to the request they will be.

Mr. Adams asked why the lot line was placed where it was, Ms. Bartholomew said that the total lot measures 176.43' so it is just short of being able to be split into two. The line could possibly be moved but there is an existing accessory building that needs to be taken into account.

Mr. Quillin said that he agreed with Mr. Adams on moving the lot line, it makes sense to make the lot as close to 90' as possible but it may affect the accessory building and driveway.

Mr. Rhinehart said that moving the lot line could alleviate some of the neighbors concerns.

Ms. Durio said that the policy in Section 8.1 of the CLURO is to retain diversity of lot sizes and 75' is the average lot face in the area. Ms. Bartholomew clarified that it says that in the Comprehensive Plan not the CLURO.

Eric and Melissa McNeil, 604 Marigny Avenue, Applicant: The lot was chosen to be 75' due to the existing accessory structure. There were two parts to it with the original being constructed around 1920 and then added onto. They are demolishing the add-on but want to keep the original part.

Mr. Adams asked if Mr. McNeil was ok with moving the lot line, Mr. McNeil said that he was.

Matt Williamson, Jackson Avenue: His lot is less than 90' and is more than adequate. The purpose of the CLURO is to promote economic well-being with appropriate land uses. The area for the proposed lot is currently empty and could have a home built on it. This lot is the exact type of lot for an exception to the 90' requirement.

Barry Brupbacher 1925 Livingston: He already has issues with flooding on his property, if a new house was constructed next door his would flood with the current regulations. Views are a part of Mandeville and his house captures Old Mandeville and the view is part of the design.

Richard Longman, Landscape Architect hired by Mr. Brupbacher: He was asked to look at the developmental impact of the lot next door. It drains towards Livingston and Marigny and the drainageway runs parallel to the house. The current undeveloped area is a big sink for water. There is the potential for a big visual burden to Mr. Brupbacher with the potential size of a house allowed to be constructed. The stormwater issue needs to be addressed with the resubdivision. Restrictions need to be put in place on the new property. A large side and front setback along with restricting the height of any new construction to 25' would be good.

Ms. Durio said that it seems like you are asking for the commission to re-write the CLURO for this one lot.



Mr. Brupbacher said that if this is approved the current 30' rear setback would change to 12' and will be a huge burden on him.

Ms. Durio said they would have the right to build on the lot. They could erect a 7ft fence along the property line and build an accessory structure 3ft from the property line. Mr. Brupbacher said the condition of his house is changing and the commission has the authority to add any conditions to alleviate the burden.

Ms. Bartholomew said that as part of the permit process, a drainage plan would have to be submitted.

Mr. Williamson said that it is premature to consider any drainage issues as nothing is proposed to be constructed yet. Mr. Brupbacher is a genuine guy but adjacent owners cannot impose their will on their next door property owners. There is no right to a view unless with a servitude agreement which is voluntary under the Louisiana civil code. It is not appropriate for a desire to be imposed with no legal right to do so.

Melissa McNeil: Moved to the area about 7 years ago and they would not want to jeopardize why they love Old Mandeville. Lots of homes have varying frontages and they would never put a home like what was shown in Mr. Brubacher's presentation on the lot.

Ms. Bartholomew added that any new construction would have to go through Design Review and the Historic District Commission.

Mr. Rhinehart said there are no realistic constraints to be placed without a submitted plan.

Ms. Durio asked what the setbacks would be for the proposed lot, Ms. Bartholomew said that it is a sliding scale, so 61'-75' has a 12' setback and 76'-80' has a 13' setback. The side yard setbacks can also be flexed by 30%.

Ms. Durio suggested not allowing the flex as a constraint.

Mr. Adams said that if it is granted, they are creating value for the applicant and potentially reducing the value of Mr. Brubacher's house, so constraints are not unreasonable.

Ms. Durio said there is no development plan yet and maintains not allowing the 30% flex on the west side as a condition.

Mr. Brupbacher said that he went for a variance for setbacks for property he previously owned and had plans drawn. This is the opportunity to create protection for him.

Mr. Quillin mentioned that he could buy the lot if it was being sold. Mr. Brupbacher said he offered to buy the lot previously, and that conditions would only exist if the commission placed them.

Mr. Pierce said that nothing being done is precluding them from building on the lot. Mr. Brupbacher said he needs some setbacks on the front and side. The drainageway needs to be a servitude as well.

Ms. Durio asked how the water drained on Mr. Brupbacher's lot. He responded that he had installed subsurface drainage in the rear yard that runs along the side. He is looking for 25ft so the water has the ability to drain to the street.

Ms. McNeil said the idea to subdivide the lot came up about a year ago and they met with Mr. Brupbacher who offered to pay up to a certain amount for the lot. They want to be good neighbors and are willing to alter what they are asking for.

Ms. Durio asked what the setback would be for the new lot if it was at 80'. Ms. Bartholomew replied that 76'-80' is 13ft and 81'-90' is 15ft.

Mr. Pierce said he had an issue with creating a nonconforming lot at 75' but one at 85' or 87' would be more palatable.

Mr. Adams asked if the property line could be moved to grant the 25ft requested by the neighbor. Ms. Bartholomew replied there could be a 19' setback with an 88' frontage.

Mr. Fairley agreed with Mr. Quillin and Mr. Adams and staying as close to 90' as possible.

Mr. Quillin said you could have 90' of frontage for lot 12-A-1 and 86.43' for lot 12-A-2 but it would affect the accessory building.

Mr. McNeil said they could move the property line by 7ft and still keep the accessory building in compliance.

Ms. Durio said the driveway could be approved subject to Public Works.

Mr. Quillin said that with a frontage of 82' the west setback would be 19' and the east setback would be 11'. He asked if Mr. McNeil would be ok with that, Mr. McNeil replied that he was.

Ms. Durio said that the driveway could be moved to the other side of the 19' setback. Mr. McNeil said that was no problem.


Mr. Brupbacher said there needs to be enough room for a car to enter and exit the garage. He needs 25ft of space. Ms. Durio said there will be 29ft between the two homes with a 19' setback. Mr. Brupbacher said that will not solve the problem completely but it is better.

Mr. Quillin suggested having 82' of frontage on 12-A-2 with the west setback at 19' and the east setback at 11' after the 30% flex and the driveway not in the west setback. Ms. Bartholomew said that 11' is not wide enough for a driveway as they are required to be 12'. Additionally you cannot park in front of a house in the historic district and it needs to be side loaded, the 11' setback does not allow for it.

Mr. Quillin made a motion to approve the request with the conditions that lot 12-A-1 has a frontage of 94.43' on Livingston St., lot 12-A-2 has a frontage of 82' on Livingston St. That the west setback is 19' and the east setback is 12' on lot 12-A-2. Ms. Durio seconded, and the motion passed with a vote of 5-2 with commissioners Adams and Pierce voting against.

Ms. Gautreaux adjourned the Planning Commission to move to the Zoning Commission.

  
Alex Weiner, Secretary

  
Karen Gautreaux, Chairwoman  
Planning Commission



Brian Rhinehart commenced the Zoning Commission Meeting.

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

Old Business

**V22-09-29** – Eric McNeil requests a variance to CLURO Section 7.5.1.3 R-1 Site Development Regulations and to resubdivide into lots 12-A-1 and 12-A-2, Sq. 48 Lot 12A, R-1 Single Family Residential District, 604 Marigny Avenue

This case was heard along with case R22-09-05

**V22-02-03** – Stephen Roy requests a variance to CLURO Section 7.5.9.3 B-2 Site Development Regulations, B-2 Highway Business District, 3910 Florida St

Mr. Adams said the concern was with keeping traffic off of Florida St and keeping a consistent greenbelt. This plan does that. Ms. Bartholomew said with the greenbelt being in a CLECO servitude the trees would just have to be planted to avoid any power lines. They worked with CLECO to get the maximum amount of trees planted.

Vaughan Sollberger, Architect on project: They removed an entire drive and reduced the amount of parking spaces by five. All the new development is well within the site development criteria, but incorporating the existing site is what pushed them over to 76% impervious coverage. They are keeping the delivery trucks off of Florida St. entirely and will be continuing the landscaping all the way down.

Mr. Adams made a motion to approve the case as submitted, Ms. Durio seconded, and the motion passed unanimously.

New Business

**V22-10-32** – Cullen Piske requests a variance to CLURO Section 8.1.5 Supplemental Regulation of Accessory Buildings and Structures, Square 37 Lot 55A, R-1X Single Family Residential Existing Small Lots District, 2335 Livingston

Mr. Adams said that the overall site meets the pervious/impervious requirements and that he forgot about the 30% rule in the CLURO.

Ms. Durio liked how the construction of the pool would assist with drainage.

Ms. Gautreaux made a motion to approve the case as submitted, Mr. Adams seconded, and the motion passed unanimously.

**Z22-10-03** – Pneuma Properties LLC requests the rezoning of a lot designated R-1X Single Family Residential Existing Small Lots District to B-1 Neighborhood Business District, Square 1 Lot 3A, R-1X Single Family Residential Existing Small Lots District, 290 Oakwood

Ms. Durio said that the ordinance for the original rezoning stated that zoning districts other than R-1 would be detrimental to the subdivision. Ms. Bartholomew said the ordinance stated it would cause disruption to the community.

Mr. Adams asked if they would be building on both of the lots. Ms. Bartholomew said there is an existing house on lot 3, the lot next door is vacant and currently zoned B-1. Mr. Adams asked which lot would be rezoned, Ms. Bartholomew replied it would be lot 3.

Ms. Gautreaux asked if that was the lot with the existing house, Ms. Bartholomew replied it was.

Mr. Rhinehart asked if the proposed building footprint is inside the existing B-1 lot, Ms. Bartholomew replied that it was. Mr. Rhinehart said they can already build what they are proposing then.

Ms. Gautreaux said she understood the applicant was wanting to operate out of the current residence during the transition period while the new facility was being built.

Sarah Probst, 67546 Antioch, Applicant: The decision is based on cost effectiveness, she is going to use the existing house until the new construction is done.

Mr. Quillin said unfortunately decisions by the commission cannot be made based on cost.

Mr. Adam suggested maybe adding a buffer as an amenity to the neighborhood.

Ms. Probst said that if aesthetics are an issue there is a house in the subdivision that was hit by a tree in Ida with a tarp still on it.

Mr. Rhinehart asked, if the rezoning was granted, would a larger building be built. Ms. Probst said it would probably be rectangular and not a triangle like it is currently designed along with a larger campus in general.

Mr. Rhinehart asked where the front of the building was, Ms. Probst said the entrance was on Oakwood due to DOTD ownership of a strip of land along highway 190. Ms. Bartholomew added that this was done intentionally by DOTD to limit access along highway 190.

Mr. Adams asked if the existing building would be torn down, Ms. Probst said there is no plan currently to tear down the existing residence.

Marty Leche, 70738 Water Dr: He rents homes in the neighborhood. The applicant is incorrect about the damaged building, it has been repaired. The new building will be located across from the Walmart. He is not opposed to the new building but is opposed to the rezoning of the existing residence.

Jack Elder, 282 Oakwood: What is a mental health spa and what will happen to the existing property. Mr. Rhinehart said the existing structure would stay as far as he knows. Ms. Bartholomew added that if it was rezoned to commercial the setbacks would change from 20ft to 15ft.

Mr. Elder clarified that nothing would happen to the existing structure, Ms. Bartholomew said it was not on the docket and no demolition was part of the application. Mr. Rhinehart added that they were only discussing rezoning the existing residential lot to commercial.

Ms. Durio said it would be used as a temporary office; Ms. Bartholomew added that a residence is not allowed in B-1.

Mr. Adams said he does not see a reason to take an existing residence out of commerce.

Ms. Bartholomew said that B-1 does allow for combined residential/office use.

Valerie Tupper, 226 Oakwood: Parking has not been mentioned, where will people park? Mr. Rhinehart said this was a request to rezone a piece of property. Any building plans would have to comply with the parking requirements, but that is not in front of the commission at this time.

Ms. Durio said that the residence could be turned into a permanent office. Ms. Bartholomew said that if it was changed to a commercial use it would have to comply with all commercial



requirements and regulations.

Mr. Adams said this is just a recommendation to the council.

Ms. Tupper said she does not understand how you would prevent someone from doing this same thing a couple years later.

Carol McGovern, 266 Oakwood: Extremely displeased at the idea of changing the zoning. What is proposed is meaningless, the only thing that matters is what is allowed in the code. The house curves away from the commercial lot due to the shape of the road.

David Johnson, 234 Oakwood: Can the project be built without rezoning the property, Ms. Bartholomew replied that it could. Mr. Johnson asked what the need is for the rezoning. Ms. Gautreaux said the campus could be a bit bigger, Ms. Durio said the building could be changed to something rectangular.

Mr. Johnson clarified that what is proposed is compliant with the setbacks, but if the size changed the lot would need to be rezoned.

Ms. Probst said the lot is not deep into the neighborhood and the lots nearby are already commercial. Asking for the rezoning for more space.

Mr. Adams restated that there is no reason to take an existing residence out of commerce.

Mr. Adams made a motion to recommend denial to the city council, Ms. Durio seconded, and the motion passed unanimously.

**Z22-10-04** – Jerilyn Schmidt requests the rezoning of a lot designated B-1 Neighborhood Business District to R-1 Single Family Residential District, Square 82 Lot 11, B-1 Neighborhood Business District, Colbert Street Square 82, Lot 11

Mr. Adams said B-1 is the buffer for residential and there is no reason to turn this down.

Ms. Durio made a motion to recommend approval to the city council, Ms. Gautreaux seconded, and the motion passed unanimously.

#### **Public Comment**

Ms. Bartholomew reminded the commission the APA State conference is November 9<sup>th</sup> – 11<sup>th</sup> in New Orleans and is a good way to fulfill the required continued education requirements. She also reminded the commission to complete their ethics and sexual harassment prevention training. Ms. Bartholomew added that they would revisit scheduling the next LSU Special meeting at the November 8<sup>th</sup> meeting.

Mr. Weiner reminded the commission that the meeting on November 8<sup>th</sup> would be held in the community center as City Hall is a polling location.

Ms. Gautreaux motioned to adjourn the meeting, Mr. Quillin seconded, and all were in favor. The meeting was adjourned at 7:56pm

  
Alex Weiner, Secretary

  
Brian Rhinehart, Chairman  
Zoning Commission

# Public Comments



## Alex Weiner

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**From:** Gibb Farrish [REDACTED]  
**Sent:** Monday, October 24, 2022 9:40 AM  
**To:** Alex Weiner  
**Cc:** Barry Brupbacher  
**Subject:** Eric McNeil - Square 48 - Resubdivision/Variance Request

Please advise the Planning Commission that I still oppose the resubdivision and variance request by Mr. McNeil. I am oppose to this case due to the fact that this property was reviewed by the Planning Commission in the 1990s', maybe 1993. At that time, the Planning Commission consider the original lot of records for the Town of Mandeville and recommended that this new parcel be created being consistent with their current residential minimum lot of 90 feet by 120 feet. In my opinion based on their past action, I do not feel that the lot sizes under the original plat of the Town of Mandeville should be utilized in granting an exception or variance to Mandeville's current regulations.

Unfortunately I am out of town preventing me from attending their meeting on October 25.

Gibb Farrish  
[REDACTED]

Sent from my iPhone

Begin forwarded message:

**From:** Gibb Farrish [REDACTED]  
**Date:** October 4, 2022 at 1:20:12 PM EDT  
**To:** Alex Weiner <aweiner@cityofmandeville.com>  
**Cc:** Jill Farrish [REDACTED], Gibb Farrish [REDACTED]  
**Subject:** Eric McNeil - Square 48 - Resubdivision/Variance Request

It is my understanding that the above subjected case was tabled at the Commission September meeting and will appear on their agendas at the 2 meetings held in October as a Work Session and as a Public Hearing agenda. It is my understanding that my email response regarding opposition and concern over the above subjected case will be officially considered by the Commission and read into their public hearing record.

I am opposed to the resubdivision and variance request in Square 48. The overall southeast corner of Square 48 was reviewed and subdivided by the Commission in the mid 1990s. Since this unsubdivided parcel did not have the proper dimensions to create 4 lots that would meet Mandeville new lot size regulations, the Commission approved 3 lots with one of the lots containing the existing home on the corner of Livingston and Marigny Blvd. The other 2 lots were woods which were eventually sold and now contain 2 homes with one of the homes also providing a legal and permitted bed and breakfast use. The developed land use pattern is set for Square 48 with the majority of the uses having some type of oversight by the Commission. I cannot see any justifiable reason to grant a variance for this case. Especially in light that this property was previously reviewed by the Commission under their new single family lot size requirements which I believe is 90' by 120'.

Gibb Farrish  
1931 Livingston - Square 48

Jill Farrish  
609 Girod - Square 48

**From:** Gibb Farrish [REDACTED]  
**Date:** September 10, 2022 at 3:00:43 PM CDT  
**To:** Alex Weiner <aweiner@cityofmandeville.com>  
**Subject:** Eric McNeil - Square 48 -  
Resubdivision/Variance Request

We are the property owners for the 2 homes located at 1931 Livingston Street and 609 Girod Street within Square 48. We have received your notice that there will be a work session meeting and a public hearing regarding a variance and resubdivision request for the property located at 604 Marigny Avenue.

I have the following questions:

1. When the tract of land was resubdivided some time in the 1990s by a different property owner, I believe that the original petitioner desired 4 lots but was approved as 3 lots that now contain 3 homes. Please verify the information that was presented in the original resubdivision including if there were variances or special conditions placed on the property.;
2. What is the nature of their variance request? Is it a width or depth issue? Is it a natural feature that is causing a hardship? Please email me a digital file or provide a hard copy of the proposed resubdivision map.; and
3. Is it proposed that the existing home at 604 Marigny will be demolished?

My concern is the reconfiguration of the lot for 604 Marigny into 2 separate lots will result in smaller lot sizes along Livingston Street and Marigny Avenue that are inconsistent with existing properties within Square 48. With the current trend of squeezing in a large scale new home which engulfs a standard lot size or allowing 2 homes on a standard lot size, those uses and lot sizes will degrade the value and quality of life for my property and family.

Sincerely

Gibb Farrish  
1931 Livingston  
[REDACTED]

Jill Griffin Farrish



609 Girod

Sent from my iPhone

## Alex Weiner

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**From:** Ramona Balducci [REDACTED]  
**Sent:** Tuesday, October 11, 2022 3:16 PM  
**To:** Alex Weiner  
**Cc:** Cara Bartholomew  
**Subject:** McNeil subdivision of land

I am in FAVOR of Eric McNeil's property being subdivided into two parcels. His property is at the corner of Marigny Ave and Livingston Street.

Ramona Balducci

[Sent from Yahoo Mail for iPhone](#)



## Alex Weiner

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**From:** Valerie Waeltz [REDACTED]  
**Sent:** Sunday, October 23, 2022 9:18 PM  
**To:** Alex Weiner; Clay Madden; C JR LEBLANC; Valerie Waeltz  
**Subject:** 290 Oakwood Drive - Oct 25 Meeting

Good evening,

It has been brought to my attention that a parcel of property, located at 290 Oakwood Drive, Mandeville, LA 70448, is to be discussed during the October 25, 2022 Mandeville Planning and Zoning Commission Public Hearing. (Listed on the agenda under Zoning Commission New Business: Z22-10-03 – Pneuma Properties LLC requests the rezoning of a lot designated R-1X Single Family Residential Existing Small Lots District to B-1 Neighborhood Business District, Square 1 Lot 3A, R-1X Single Family Residential Existing Small Lots District, 290 Oakwood)

As a resident of the Tanglewood Subdivision and Oakwood Drive I have questions and concerns. Unfortunately, I am not able to attend the meeting in person. However, Alex Weiner informed me if my questions/concerns are submitted via email, the email would be read into the Public Record.

I respectfully request the following be answered by Pneuma Properties, LLC or their representative in attendance. As well as be added into the Public Record/Minutes of the meeting.

- \*Please define a "mental health spa".
- \*What services will be provided?
- \*Will medication be dispensed at the facility? If so, please list medications. Will any of the medications dispensed on facility property be scheduled narcotics?
- \*How many staff members will be employed?
- \*Will delivery trucks need access via Oakwood Drive?
- \*What are the proposed hours of the mental health spa?
- \*Will any clients require 24 consecutive hour treatment?
- \*Will security be on the property? If so, will they be armed?
- \*What are the hours of the mental health spa?
- \*Will the doors of the mental health spa and office be locked during listed business hours?
- \*Please provide the name(s) of a similar mental health spa.

I chose the Tanglewood Subdivision for several reasons: safety, location, quality of the neighborhood, to just name a few. For many of us, our homes are our greatest asset, and we spend a great deal of time home. If you have not noticed, Tanglewood is a "walkable" neighborhood, and many of us wish to keep Tanglewood that way.

Please let me know if the meeting is available online or Zoom. If needed, my contact phone number is [REDACTED]

Please confirm you have received this email.

Thank you,

Valerie Waeltz

190 Oakwood Drive