

**Planning Commission**  
**Public Hearing**  
**March 23, 2021**  
**Page 1 of 5**

The meeting was called to order by Planning Chairwoman Karen Gautreaux. She read that Pursuant to Executive Proclamation 29 JBE 2021, this shall serve as certification that in light of the spread of COVID-19 the Mandeville Planning and Zoning Commission is meeting via videoconference on Tuesday, March 23, 2021 at 6:00 p.m. In compliance with La. R.S. 42:17.1. The matters included on this agenda are critical to the continuation of the business of the Commission and should not be delayed, and therefore, meet the requirements of La. R.S. 42:17.1(A)(2). Public comments were accepted prior to the meeting by email to [permits@cityofmandeville.com](mailto:permits@cityofmandeville.com). The Commission Secretary shall read the e-mails into the record relating to items posted to the agenda. Public comments will be accepted in real time by joining the conference and using the hand raise function in the Zoom app.

The secretary called the roll.

Commissioners Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, Karen Gautreaux and Mike Pierce. Note: Nixon Adams was present but was having technical difficulties with audio. He officially joined at 6:15pm.

Absent: None

Also Present: Cara Bartholomew, Director Planning Department; Elizabeth Sconzert, City Attorney, Mayor Clay Madden, and Councilmembers: Jason Zuckerman, Jill McGuire, Dr. Skelly Kreller

Ms. Gautreaux motioned that the matters are critical to the continuation of the business of the Zoning Commission and should not be delayed and therefore meet the requirements of La. R.S. 42:17.1(A)(2). Mr. Lahasky seconded, all were in favor and moved forward with the agenda.

Minutes: Mr. Rhinehart motioned to approve the minutes of February 9<sup>th</sup>, February 23<sup>rd</sup>, and March 9<sup>th</sup>, 2021, Mr. Clark seconded, and the minutes were unanimously approved.


**New Business:**


Approval of Resolution 21-01, a Resolution of the Planning and Zoning Commissions of the City of Mandeville certifying that the Planning and Zoning Commissions have satisfied the requirements of Act 859 of the 2004 Louisiana Legislature requiring that newly appointed members of Planning Commissions and Zoning Board of Adjustments must receive at least four hours of training; CLURO Section 2.1.2 of the City of Mandeville mandating four hours of educational training annually for each member of the Planning and Zoning Commissions; and Ordinance 12-18, amending the code of conduct, Exhibit A, C., City of Mandeville code of conduct for elected, unclassified employees and appointed personnel mandating one hour of ethics training.

Mr. Lahasky motioned to approve Resolution 21-01, Mr. Fairley seconded and was unanimously approved.

**Old Business: None**

Ms. Gautreaux adjourned the Planning Commission Meeting.

  
Alex Weiner, Secretary

  
Karen Gautreaux, Chairwoman  
Planning Commission

**Zoning Commission  
Public Hearing  
March 23, 2021  
Page 2 of 5**

Nixon Adams, Zoning Commission Chairman, commenced the Zoning Commission Meeting.

Mr. Adams called for a vote to move forward and said that the matters are critical to the continuation of the business of the Zoning Commission and should not be delayed and therefore meet the requirements of La. R.S. 42:17.1(A)(2). Mr. Rhinehart motioned, Mr. Lahasky seconded, and was unanimously approved.

Mr. Adams said any additional information determined to be needed by the Commission in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting, or the case will automatically be tabled at the next meeting.

New Business:

**V21-03-09 Harold and Wanita Montreuil request for a variance to CLURO  
Section 8.1.1.4 Allowed Setback Encroachments, Sq. 58, Lot 21A, Zone R-1, 709 Foy  
Street**

***Request to place generator within required side setback***

Ms. Bartholomew reviewed the first case, V21-03-09 Harold and Wanita Montreuil request for a variance to CLURO Section 8.1.1.4(4) Allowed Setback Encroachments, Sq. 58, Lot 21A, Zone R-1, 709 Foy Street. *Request to place generator within required side setback on opposite side of existing mechanical equipment.*

The property owners of 709 Foy St. completed construction of a single-family residence in the Spring of 2020. The property is located on Lot 21A, on the east side of Foy St, north of Villere St. The lot measures 73' x 140'.

The applicants are requesting to place a generator within the required side setback on the north side of the structure.

The applicant submitted the follow on the application: *"We would like to obtain a variance to install a home generator (38.6"W x 36.6"L X 30.3"H) on the North side of our Home. The house is 10 feet off the property line which is the allowable building setback for this particular lot. The reasons for this location is to minimize the dangers of carbon monoxide, since this side has the fewest amount of windows and all the existing utilities required are on this side of the house. Locating to other side of the house would cost an additional \$1,250.00. The North side of the property has a 6'-8" wood fence that would conceal the generator."*

The single-family residence is compliant with CLURO Sec. 7.5.1.3 – R-1 Site Development Regulations for minimum side yard setbacks. The required side yard setbacks for a 73' lot is 12'. The existing residence is located 11.6' from the north side property line, and 25.6' from the south side property line. Both adjacent properties are undeveloped.

The CLURO provides for a shifting of 30% of setbacks by right. The side setback of 12' may be reduced by 3.6" on the north side, for a minimum setback of 8.4' and increased on the south side by 3.6' or to 15.6'. Applying this flexibility still leaves a deficiency of 1.3' for placement of the generator.

The applicant is requesting a variance to CLURO Section 8.1.1.4(4) to allow the placement of the generator 7.1' from the property line for a variance of 1.3' from the required minimum setback of 8.4'.

The existing mechanical equipment (A/C) is located on the south side of the structure, but electric service and other utilities are located on the north side of the structure. The recent

**Zoning Commission**  
**Public Hearing**  
**March 23, 2021**  
**Page 3 of 5**

CLURO amendment allows for mechanical equipment to encroach into setback when existing mechanical equipment is present.

Photo shown was the north side of the structure and proposed location for the generator. Electric service and other utilities are located on the north side of the structure. The recent CLURO amendment allows for mechanical equipment to encroach into the setback when existing mechanical equipment is present, such as A/C. The applicant is requesting an exception to allow the generator to be placed on the north side of the structure, opposite side from the existing mechanical and encroach into setback 1.7”.

A photo was shown with regards to the elevation. The top photo shown was the south side where existing driveway and mechanical equipment is located. The bottom photo shown was on the north side where the generator is proposed to be located. The generator would be 7.1’ from the property line.

Ms. Gautreaux asked if the generator is put on the other side what is the distance to the window? Are there any info/specs on the generators for carbon monoxide?

Ms. Bartholomew answered that the contractor showed the location of the windows on the South side, the generator would be 8’ from the house. She said it only has to be 18” from the house.

Mr. Pierce did not think it is accurate because that would imply that the full 5’ would be taken up by the yard. That’s where you would have to put it if you put it right in front of the window. He doesn’t think it will be 5’ and said that 5’ is usually the requirement of a generator. So to put it 5’ from the house, he is implying that he is putting it right at a window. He asked about getting clarification if there is a servitude on the other side of the house because to him it would make a big difference.

Mr. Rhinehart said if servitude is an issue that it could be deferred to the next meeting.

Ms. Bartholomew said that is what the tax parcel looked like as well, it is a flag lot and has access on Villerie St.

Mr. Pierce said no one is likely to be building there anyway so they kinda defacto have a setback to the next person’s property through that servitude and gives them the extension they need, not in a technical sense but in a purpose sense.

Mr. Adams asked if there are fences on both the North and South side of the house?

Ms. Bartholomew answered yes there are.

Ms. Bartholomew commented that the flag portion is up 15-20’, closer to 15’.

Mr. Adams said it is an exception not a variance and moved to approve.

Mr. Adams motioned to approve V21-03-09, Mr. Lahasky seconded, and was unanimously approved.

**Z21-03-01 Ben Lyons requests a rezoning from R-1, Single Family Residential to B-1 Neighborhood Business District.**

The last case presented by Ms. Bartholomew was Z21-03-01 Ben Lyons request for a rezoning from R-1, Single Family Residential to B-1, Neighborhood Business District.

**Zoning Commission  
Public Hearing  
March 23, 2021  
Page 4 of 5**

Recommendation to the City Council regarding Ordinance 21-04 to rezone Lots 15 & 16, Square 51, 820 Lamarque St. from R-1, Single Family Residential District to B-1, Neighborhood Business District.

The City received a petition from Mr. Ben Lyons dated February 1, 2021, to rezone Lots 15 & 16, Square 51. (municipal address 820 Lamarque St.) from R-1, Single Family to B-1, Neighborhood Business District.

The lots, together measure 73.1' frontage on Lamarque St. by 127.95' in depth and contains 9,353 sf. The site is located on the west side of Lamarque St. between Hwy 190 and Montgomery St.

Years ago, the property was developed with a 2,600 sq. ft metal building, constructed as a single-family residence. The residential portion was built out as a loft with the remaining area used as art studio space.

*Petition submitted states the following:*

*The lots are presently zoned R-1 and I would like to rezone them to B-1. The building on the property is a metal building that will be more functional as a commercial building. Lot 16 is on the North boundary of the property and it abuts lot 17 which is zoned B-1 and used as a parking lot for the commercial business on Hwy 190.*

The property owner petitioned the City back in July 2016 for the same request, but as part of the discussion with the Zoning Commission, the Commission requested that the request be deferred until the B-1 Zoning land use classifications could be reviewed. This review was in the Short-Term Work Program and was expected to be completed within a year. However, this review was not complete, so the applicant is requesting to move forward with the rezoning.

**7.5.8.1. Purpose of the B-1 Neighborhood Business District**

The purpose of the B-1 neighborhood business district shall be to provide sites for small-scale service and retail establishments to support adjacent residential neighborhoods. This district includes personal service and retail or office establishments, which are 3,000 square feet or less, which conduct all business operations within an enclosed facility, and which do not present any adverse impact on the peace, appearance, or value of adjacent residential areas.

The surrounding properties are zoned as follows:

In 2004, Lot 17 was rezoned to B-1 and is used as a parking lot for Ruby's Roadhouse. This property had a split zoning and the southern lot, lot 17, was rezoned to be consistent with the adjacent lot to the north, all under single ownership.

Lots 13 & 14, immediately to south of Lot 15 is zoned R-1 and improved with a single-family residence.

Lots 11 & 12, adjacent to the south of Lot 15 is improved with a single-family residence.

Lots 51 & 52, adjacent to the rear of Lots 15 & 16 is improved with a single-family residence.

Questions: None

**Zoning Commission**  
**Public Hearing**  
**March 23, 2021**  
**Page 5 of 5**

Mr. Rhinehart recommended to go forward with approval for Z21-03-01, Mr. Lahasky seconded, the motion was passed 5-1, with Mr. Pierce voting against the recommendation.

Mr. Clark made a motion to adjourn the meeting, seconded by Mr. Pierce, all were in favor.

The meeting was adjourned at 6:48p.m.



Alex Weiner, Secretary



Nixon Adams, Chairman  
Zoning Commission