

**Planning Commission  
Public Hearing  
November 10, 2020**

The meeting was called to order by Planning Chairman Karen Gautreaux and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Karen Gautreaux and Mike Pierce

Absent: Jeff Lahasky

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; Elizabeth Sconzert, City Attorney; and Council Member Jill McGuire

The only case discussed was P20-11-08 Recommendation to the City Council regarding Ordinance 20-21, amending the CLURO Section 8.1.1.4, Allowed Setback Encroachment (4) Mechanical Equipment and to provide for related matters

Ms. Scott presented that the City Council introduced Ordinance 20-21 at their meeting held on October 22, 2020. The proposed Ordinance will amend CLURO Section 8.1.1.4(4), to allow mechanical equipment within the required side yard setback, when existing mechanical equipment is present.

The proposed ordinance addresses the Zoning Commission's request to address the language contained in CLURO Section 8.1.1.4(4) allowed setback encroachments, due to numerous variances that have been requested and granted, due to the unintended consequence of Ord. 18-09, which increased side yard setbacks based on a sliding scale with lot frontage.

There was a discussion at the work session about the "or any other similar". Ms. Scott had worked Ms. Sconzert to update the language per the commission's discussion.

Proposed Ordinance 20-21, will amend the CLURO as follows:  
Section 8.1.1.4(4) allowed setback encroachments:

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, generators, pool equipment and other similar mechanical equipment shall not encroach into any required front or side setback.

Mr. Clark said when he was riding his bike, he saw the size of the Fire Department's generator and was concerned if someone put that large of equipment in their side yard setback what it would do the neighbor. He asked to consider the size and output of generators. Mr. Pierce said a generator was not similar to other equipment. In his experience with the last storm, the generators were much louder than the pool equipment and there was also off gassing. He asked for a discussion on requiring specifications of generator noise by having mufflers or enclosures. To him, a generator was not the same type of equipment.

Mr. Adams said the language was suggested by the commission at the last meeting. Mr. Pierce said he would remove generators from the list, and set limitations on the hours of operations. Ms. Scott said if a generator was allowed, the noise would not be enforced. The ordinance was requested by the Planning Commission after a year's worth of approving generators in side yards. Historically, the commission had granted all requests and had requested a change in the regulations. In previous discussions, the commission said generators ran when there was no electricity and people had a greater tolerance. Mr. Pierce said he had received two comments that there were people that used the generators all of the time. He did not feel it was similar in noise or fumes. Ms. Scott said the staff had added "similar" because it was a problem with the way it was worded. Mr. Pierce said generators opened up another area of concern to him. Mr. Rhinehart said striking "other"

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from the ordinance would still allow air conditioning units, pool equipment and generators in the side yard setback. His experience was with one of the recent storms was that he had the benefit of an running an extension cord to his refrigerator. Even so, he was not happy with the amount of noise and people would run it full time. Mr. Adams said it was more expensive to run a generator than regular electricity all of the time. Mr. Pierce agreed it did not make sense, but he was providing information that he had received.

Ms. Sconzert said in staff discussion, “other similar” went back to existing mechanical equipment. She and Ms. Scott had discussed the history of the requests. Mr. Rhinehart said if “other similar” was removed then all previous requests would become legally non-conforming. There was a discussion that generators would still be included in the ordinance. Mr. Fairley said his experience was they were used often during storms and there was a greater tolerance for the noise. Mr. Clark said the problem was the “other similar” allowing anything that consumes electricity to fall in this category.

Mr. Clark asked as an example of a cottage with window units on a small lot that was being renovated if an hvac system and generator could be constructed in the side yard setback. Ms. Scott said the language stated where there was existing mechanical equipment, and the generator would not be allowed by right since a window unit would not be considered mechanical equipment.

Mr. Pierce said he wanted to remove generators from the language. Also, at the last meeting, emissions were discussed. If the commission was not controlling it then it would be up to the property owner for placement of the hvac and generator equipment. There would be no one looking out for the neighbor.

Mr. Rhinehart moved to amend the language removing “other similar”, seconded by Mr. Clark. Mr. Clark said he would like someone to look at the effects of a large commercial type generator being installed in the side yard of a cottage. Mr. Adams called the question. Mr. Fairley seconded the motion. The vote to call the question passed 5-1 with Mr. Pierce voting against.

Council Member McGuire said from her understanding the regulation applied to existing equipment and being able to install a generator in the side yard setback. In a traditional neighborhood it may not be as intrusive as in Old Mandeville where there may be or 5 or 10’ side yards and the neighbor would not be able to express any problems. She was in agreement with generators in time of emergency, and she asked when the generator was running during test time if it was loud. Mr. Rhinehart said the neighboring generator had been a portable generator. Irrespective of the generator being portable or permanent, in any neighborhood people would rent a generator no matter what. It was his impression that the testing mode was 5-15 minutes and then it would switch off. He thought there would be noise whether it was located in the side or rear yard. Ms. McGuire said she had received a complaint of someone using their generator to run their bounce house wall weekend long. She asked if the noise ordinance would cover this problem. It was answered that was a police issue. Ms. McGuire asked about toxins which no one could speak on that issue.

Ms. Gautreaux asked if there were unanticipated problems, could the commission have future discussions on these issues. Ms. Scott said that the commission could bring any subject up for discussion.

Ms. Scott asked for a clarification from the City Attorney if the language “and other similar” that the only equipment in the side yard setback would be air conditioning equipment, ventilation, pool equipment and generators. Ms. Sconzert answered that the interpretation was correct. Ms. Scott said “any other similar” was a catch all. If it was a different request, it would be brought back to the commission.

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Mr. Fairley said generators could be for the whole house or just circuits. Mr. Clark said the previous approvals had been permanent whole house generators. Mr. Sconzert said that was why the language “other similar” was added to the ordinance. The large generators like Fire District 4 was not similar. Mr. Clark said this was a whole house generator ordinance. Now pool equipment and other similar was being added so there was no limit to it. Mr. Rhinehart said that was the basis of his amendment. Mr. Clark said pool equipment was usually located by the pool and Ms. Gautreaux said the commission had seen several requests for them recently. Mr. Clark said there were chemicals and overflow and he would not want to live next to pool equipment. Ms. Scott said pool equipment was

added with recent variances and the commission felt pool equipment was less noise and part of the system.

The amendment was passed to remove “and other similar” and was unanimously approved.

Mr. Clark moved to remove the pool equipment from the ordinance. There was no second so the motion failed.

Mr. Adams moved to recommend approval of the amended ordinance, seconded by Mr. Fairley and was approved 4-2 with Mr. Clark and Pierce voting against.

Mr. Rhinehart moved to approved the revised minutes of September 9, 2020, seconded by Mr. Clark and was unanimously approved.

Mr. Clark moved to approve the 2021 meeting dates, seconded by Mr. Fairley and was unanimously approved.

Ms. Scott presented that APA had released recordings from the conference and the commission could watch it and hold discussion on issues that were currently relevant to Mandeville. The commission decided they would watch the videos individually rather than in person.

Mr. Adams move to adjourn the meeting, seconded by Mr. Clark and was unanimously approved.

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Lori Spranley, Secretary

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Karen Gautreaux, Chairwoman  
Planning Commission

**Zoning Commission  
Public Hearing  
November 10, 2020**

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

Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Karen Gautreaux and Mike Pierce

Absent: Jeff Lahasky

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; Elizabeth Sconzert, City Attorney; and Council Member Jill McGuire

The only case discussed was V20-11-31 Todd Judice requests an exception to Section 8.1.1.4, Setback Encroachment (4) Mechanical Equipment, lot 9, square 8, 234 Lamarque Street, zoned R-1

Ms. Scott presented that the applicants owned the property located at 234 Lamarque Street. The property was zoned R-1 Single Family Residential and improved with a Single- Family dwelling. The applicant was requesting to install a whole house generator within the south side yard setback. The lot frontage was 64.14', requiring a 12' minimum interior side yard setback on each side of the property.

The residence was located 10.1' from the southern property line, and 12' from the north property line. The house was built in 2017 in compliance with the CLURO regulations. At the time of construction, the mechanical equipment was placed in the rear of the structure. The applicants wanted to install a whole house generator, but due to the required specifications, they cannot place it in the rear, adjacent to the existing mechanical equipment due to windows. The existing electric panel was located on the south side of the house and the applicants were requesting a variance to place the generator within the required 12' setback, the proposed encroachment was of a maximum of 6'.

At the work session, there was discussion about requiring additional screening for the placement of the generator to be screened from view.

Mr. Adams said Ms. Scott had stated this request would have come before the commission even with the adoption of the proposed amendment. Ms. Scott said with the windows to the rear, the specifications could not be met. Mr. Clark asked for clarification what was the specification distance from a window. Mr. Pierce said typically 5'. Mr. Clark suggested extending the platform 5' from the windows. Ms. Gautreaux clarified Mr. Clark was suggested coming out from the existing platform. Mr. Pierce said it appeared they did not want to install it in the rear yard with a platform extension and the side yard was more convenient.

Mrs. Judice said as discussed in the work session, the neighbor had their mechanical and electrical equipment located on the same side yard side that they were proposing for the generator. It had been discussed that it made sense for to be on the same side. They had also spent a lot of time and money on the rear landscaping adjacent to the platform and requested they not be required to extend the platform. They had worked to enhance the beauty of their property.

Mr. Adams moved to approve the exception, seconded by Mr. Rhinehart and the motion passed 4-2 with Mr. Clark and Mr. Pierce voting against the exception.

Mr. Rhinehart moved to approved the revised minutes of September 9, 2020, seconded by Mr. Clark and was unanimously approved.

Mr. Clark moved to approve the 2021 meeting dates, seconded by Mr. Fairley and was unanimously approved.

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Mr. Adams move to adjourn the meeting, seconded by Mr. Clark and was unanimously approved.

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Lori Spranley, Secretary

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Nixon Adams, Chairman  
Zoning Commission

**Zoning Commission  
Work Session  
November 10, 2020**

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

Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Karen Gautreaux and Mike Pierce

Absent: Jeff Lahasky

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; City Attorney Elizabeth Sconzert; and Council Member Jill McGuire

Mr. Adams announced that 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 at which the additional information was requested or the case will automatically be tabled at the next meeting.

The only case discussed was V20-12-32 Ashland Property Group, LLC requests an exception to Section 4.2.3, Provisions for Legally Non-Conforming Development Sites, a portion of ground in Section 45, T8S, R11E, 493 Live Oak Street, zoned R-1

Mr. Adams announced that the applicant had requested to remove the case from the agenda and action would be approved at the December public hearing.

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

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Lori Spranley, Secretary

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Nixon Adams, Chairman  
Zoning Commission