

**Planning Commission**

**Public Hearing**

**September 2, 2020 – Rescheduled from August 25<sup>th</sup> due to Hurricane**

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, and Jeff Lahasky

Absent: None

Also Present: Louissette Scott, Director, Planning Department; Cara Bartholomew, Planner; deShea Richardson, City Attorney; Mayor Donald Villere and Council Members Skelly Kreller and Rebecca Bush

Mr. Fairley moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

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Lori Spranley, Secretary

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Nixon Adams,  
Acting Planning Commission Chairman

**Zoning Commission  
Public Hearing  
September 2, 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, Jeff Lahasky and Bill Sones

Absent: None

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; and deShea Richardson, City Attorney

The first case discussed was V20-08-24 James Leonard and Lori Garner Martin request an exception to Section 7.5.10.3, B-3 Site Development Regulations, Section 8.1.1.4, Allowed Setback Encroachments, Mechanical Equipment and Section 8.1.5, Supplemental Regulations of Accessory Buildings and Structures, lot 1-C, square 25-A, 2112 Claiborne Street, zoned B-3

Ms. Scott presented that the applicants owned the property in Square 25-A, Lot 1-C, located on the south side of Claiborne Street, and to the west of Lafitte Street being 2112 Claiborne Street. The property was zoned B-3, Old Mandeville Business District and was improved with a Single- Family dwelling. The applicant was requesting to install a whole house generator on an existing A/C platform, within the east side setback. The applicants were also requesting to place a carport within the west side setback.

The lot has a width of 68.53' and depth of 164.75'. The minimum required side setbacks are 12'. The residence was setback 10' from the east side setback and 13.5' from the west side setback. The A/C platform was located 4' from the property line and was elevated to meet FEMA requirements. The applicant was requesting a variance of 8' from the required 12', in order to place the generator with the A/C equipment. The applicant stated there was enough room to place the equipment without having to enlarge the platform. CLURO Sec 7.5.10.3 required all mechanical equipment elevated more than 3 feet above grade be screened in accordance with Article 9. The applicants were placing the generator to the rear of the existing equipment.

The applicant has submitted the following statement:

*We wanted to add a generator to the house and the only spot is on the same side of the house that the three air condition units are on. There is enough room on the deck to fit the generator.*

*We have an RV and have found that this area of the property is the only place we can park/store it is on this side of the house in the back.*

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The applicants were also requesting to construct a covered carport to park their RV. The carport would be located behind an existing wooden fence. The fence was approximately 119 ft feet from the front property line. The carport was proposed to be setback 3' from the west side property line and 6' from the rear property line. The carport was compliant with the accessory building setbacks but exceeded the maximum height of 14' by formula. The sketch provided by the applicant showed the peak at 16 ft, with the lowest eave being 14', by formula  $(16+14)/2=15$ , the applicant is requesting a variance to allow the height of the accessory structure to be exceed the maximum of 14' by 1', by formula.

Mr. Lahasky said it was a straight forward request and the regulations changed after the house was constructed and generator placement had previously been approved. The 1' height for the RV was needed.

Leonard Rohrbough, 2525 Lakeshore Drive, asked why would the contractors not plan for the generator to be located behind the house. Ms. Scott said the request was concerning existing construction prior to the regulations. When the setbacks were expanded to increase with the frontage of the lot in 2017, there were requests for placement. The staff was developing an ordinance addressing the equipment in the setbacks of existing structures.

Mr. Lahasky moved to approve the request as proposed, seconded by Mr. Fairley and was unanimously approved.

The next case discussed was V20-08-25 Thomas Parks, Jr. requests an exception to Section 8.1.3, Supplemental Fence and Wall Regulations, a parcel situated in the east half of square 56, 1705 Montgomery Street, zoned R-1. There was a corresponding work session case which was V20-09-26 Thomas Parks, Jr. requests a variance to Section 8.1.1.4, Allowed Setback Encroachment, a parcel situated in the east half of square 56, 1705 Montgomery Street, zoned R-1

The applicants owned the property in Square 56, located on the north west corner of Foy and Montgomery Streets, with the municipal address of 1705 Montgomery Street. The property was zoned R-1, Single Family Residential and was improved with a Single-Family dwelling. This corner lot, had a width of 130' on Montgomery Street and 120' on Foy Street, with the dwelling facing Montgomery St.

The property originally had two assessment numbers and when purchased in 2010 it became one site subject to the contiguous lot law. When the house permit was issued in 2011 the setback was used as the interior lot. Some time later an addition was constructed to the house.

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The applicant was requesting to construct a pool to the rear of the house and was requesting a 6' privacy fence along of the rear (north) property line, extending an existing 6' fence to the property line. Additionally, the applicant was requesting to construct a 6' fence along the Foy Street side (east) property line. The 6' fence was proposed to extend from the rear property line, south down Foy Street, a distance of 30' where it would taper down to 5' for a distance of 5', then to a height of 4' (compliant) a distance of 35', then turn toward the house and connect to the corner of the house. The purpose of the regulation was not to create a wall along the street.

CLURO Section 8.1.3 Supplemental Fence and Wall Regulations.

- a. 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.

The applicant was requesting the following variances:

- To allow extension of 6' fence across rear property line to extend into 15' street side yard setback. Variance request for 2' (max. allowed is 4').
- To allow a 6' Fence (for ~30') and 5' fence (for ~5') be located on the property line, located within the 15' street side yard setback, for a total of ~35'.

The Variance request was to exceed the Maximum height of 4' by 2' to allow the 6' tapered to 5' fence. The remaining portion of the fence is proposed to be a maximum height of 4', which is compliant.

The applicant has submitted the following statement:

*We will be making a pool addition to our home in the near future and requesting a variance. Due to the pool being placed near the rear of our home we would like to have a fence placed on the property line with an elevation of 6'. This is from north east corner of the property moving toward the south. Once line sight is clear of the pool from Foy Street, the fence will drop to an evaluation of 4' to accommodate city ordinances. Maximum length of a 6' fence will be 30' then dropping elevation to 4' for the remainder 40' for a total of 70'. Our family would like city officials to accommodate the privacy and safety of our children. We would like to offer continued investment toward quality of life in this great town.*

*Thanks.*

*Thomas and Fernanda Parks*

Mr. Adams said under the code the frontage was Foy Street as the shortest dimension. The setback should be 25' and the if the house was burned there would be a lot

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with a 6' fence along the front yard. Ms. Scott said functionally it was their street side yard. Either way they were requesting the fence to be located on the property line. Mr. Adams said the commission was trying to stop from having a wall on the street and a 4' fence could have tall landscape in front of it.

Mr. Clark said good fences make good neighbors but could also make ugly neighborhoods. Approvals continue to set precedents.

Mr. Lahasky said if the fence was constructed at the 15' setback, it could be at 6' considering Montgomery Street was the front yard because of the orientation of the house. He confirmed that the issue was the fence at the property line. It appeared that they did not want to give up any yard space. He understood the higher fence and screening the pool but the question was whether the commission would allow it.

Mr. Adams said as an exception request, a long wall did not forward the Comprehensive Plan. Mr. Lahasky asked if it mattered since it was only for a distance of 30' on a 120' lot.

Mr. Fairley said the house facing Montgomery Street was 30' and suggested attaching the fence to the corner of the house and go to the rear of the property to provide swimming pool privacy within the yard. This suggestion would not require a variance. Mr. Lahasky said it appeared the owner wanted a larger yard and a 6' fence.

Tommy Parks, applicant, said the type of fence was changed to be an open slat. They kids that liked to play in the yard and as owners they wanted it to look nice. They were open to all suggestions. Mr. Adams suggested the installation of a wrought iron fence. Mr. Parks said the wrought iron fence would be substantially more expensive and would change the appearance of the farm house. They did not want people looking at their children when they were swimming.

Mr. Fairley moved to table the case for further information. Mr. Rhinehart said there could be other considerations. The motion was seconded by Mr. Clark and was unanimously approved. Ms. Scott clarified that the commission was requesting other options that might be compliant. Mr. Adams said of other methods of screening. Mr. Rhinehart suggested an other option than an outright denial.

Mr. Fairley moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

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Lori Spranley, Secretary

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Nixon Adams, Chairman  
Zoning Commission

**Zoning Commission  
Work Session  
September 2, 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, and Jeff Lahasky

Absent: None

Also Present: Louissette Scott, Director, Planning Department; Cara Bartholomew, Planner; and deShea Richardson, City Attorney

Mr. Adams announced that any additional information determined to be needed by the Commission in order to make a decision regarding the case shall be required to be submitted to the Planning Department by the end of this Friday or the case would automatically be tabled at the next meeting.

The first case discussed was V20-09-26 Thomas Parks, Jr. requests a variance to Section 8.1.1.4, Allowed Setback Encroachment, a parcel situated in the east half of square 56, 1705 Montgomery Street, zoned R-1.

Ms. Scott presented that the applicant was proposing to a pool and was requesting a variance to CLURO Section 8.1.1.4 to allow the pool equipment to be located within the existing 6' side yard setback – which was an encroachment into the required 20' interior side yard setback. The existing house was 6' from the property line and the A/C equipment was currently 3' from the property line. The applicant was requesting to place the pool equipment adjacent to the existing air condition equipment.

Mr. Lahasky said the question was whether the commission would treat the generator different than pool equipment. Mr. Fairley said the equipment was usually locate closer to the pool. Ms. Bartholomew said the contractor stated this was the area that was already wired for electrical service to the house.

The last case discussed was CU20-08-04 Recommendation to the City Council regarding Ordinance 20-15 approving a Conditional Use Permit for the use designated under CLURO Section 6.4.42.3, Lodging (Transient) Short Term Rental: Whole House Rental, located on 737 Coffee Street, zoned O/R, Office/Residential, being Lot 4A, Square 43-B; approving site plan, floor plan and providing for other matters in connection therewith

Ms. Scott presented that the applicant had applied for a Conditional Use Permit to operate a Short-Term Rental – Whole House located at 737 Coffee St. with maximum guest occupancy of 8 guests. All in accordance with the site plan prepared by the applicant based on a resubdivision plat by Wilson Pope dated April 17, 2004.

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The applicants submitted the following statement with their application:

*Our creole cottage on Coffee St. is a much welcomed respite from city life. We live there full-time half of the year and share it with family and friends when we're away. Whether they are coming from just across the lake or from afar, we love seeing people experience and enjoy everything Old Mandeville and the northshore have to offer. We encourage them to use the bicycles in our shed to explore the town and the Tammany Trace, and to explore the endless waterways in our kayaks. We love referring people to our favorite spots to enjoy cocktails or dinner while looking out over the water and the sunset. We also like to stock our kitchen with little treats from the Lafitte St. market and make it a point to support the small businesses in our community while encouraging others to do the same. We hope to provide a comfortable space for visitors who need it and would prefer a home over a hotel, with personalized attention from their hosts. We couldn't be more excited to share this little piece of Louisiana that we love.*

Ms. Scott stated that the house was setback 77' from Coffee St., 21' from the North side property line, 41' from the south side property line and 39' from the rear property line. The dwelling contains 1,605 square feet and constructed ~1965. It contained 3 bedroom and 2 bathrooms, in accordance with the "floor plan sketch".

**Parking:**

**9.1.4. Minimum Off-Street Parking Requirements by Use**

*Lodging (Transient)— Short-term 1 per guest room but no less than 2 spaces for resident  
Rental: Whole House Rental occupants*

Location requirements: *Shall be provided in the side or rear yards and shall not be located in front yards.*

The floor plan showed there were 3 guest rooms. The Parking requirement was 1 per guest room but no less than 2 spaces. The proposed use of 3 guest rooms required 3 parking spaces, one per guest room. The existing driveway was located on the north side of the house and was approximately 11' in width adjacent to the house and extends ~119' from the property line. The driveway widens out to ~20+ feet from the front of the house to the property line. There was an existing covered shed, which was not used for parking. Three parking spaces can be provided within the existing driveway, measured at 22' in length, will extend to approximately 53' from the front property line, outside of the existing required front yard setback. The area of the driveway that had been increased to 20+ feet, should be reduced to match the existing drive width adjacent to the house. This will reestablish the front yard and the drive was long enough to provide the 3 parking places.

The applicant had submitted the administrative Short-Term Rental permit and has attested that all requirements are satisfied. Should the Conditional Use application be approved, the property will be inspected by the Mandeville Fire Chief before the administrative Short-Term rental permit is issued.

## **B. STANDARDS**

Short-term rentals, as defined in Article 6, shall be subject to the following general requirements in addition to the parking requirements as provided in Article 9 and the district regulations for the district in which the facility is located:

1. Short-term rentals shall meet all applicable building, health, fire, and related safety codes at all times as well as:
  - a. That the property has current, valid liability insurance of \$500,000.00 or more that covers use as a short-term rental property. *The applicants have attested that this is in place. It is required to be submitted prior to the administrative Short term rental permit.*
  - b. That each short-term rental has working smoke alarms in every bedroom, outside each sleeping area, and on all habitable floors. If the rental unit has either natural gas service, or a propane system for cooking or heating, the unit must also have working carbon monoxide alarms in each bedroom, outside each sleeping area, and on every habitable floor. Combination smoke/carbon monoxide alarms are acceptable; and *The applicants have attested that this is in place. This will be inspected by the Fire Chief prior to the issuance of the Short Term Rental permit.*
  - c. That each short-term rental has a properly maintained 2A10BC rated ABC type fire extinguisher in each short-term rental unit. *The applicants have attested that this is in place. This will be inspected by the Fire Chief prior to issuance of the STR permit.*
2. Common bathroom facilities may be provided rather than private baths for each guestroom. *Floor plan indicates one (1) bath is provided.*
3. Residence kitchens shall not be refitted to meet health department requirements for food preparation. Only continental breakfast food service, with foods purchased from a licensed food seller and served “as is” or only warmed at the bed and breakfast residence and/or inn may be allowed. No cooking facilities shall be permitted in the individual guestrooms. *The applicants have attested to this.*
4. A common dining area may be provided but cannot be leased for social events. *The applicants have acknowledged this.*
5. No exterior signage shall be permitted except in accordance with the regulations of Article 10 for the district in which the facility is located.



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6. Short-term rentals shall not be operated outdoors or in a recreational vehicle. *The applicants have acknowledged this.*
7. Parking shall be provided in accordance with Article 9 and shall be provided in side or rear yards and shall not be located in front yards. *Compliant*
8. Only one party of guests shall be permitted per Whole House Rental. A “party” shall mean one or more persons who as a single group rent a Whole House Rental pursuant to a single reservation and payment. *The applicants have acknowledged this.*
9. The owner/operator of the Short-Term Rental: Bed & Breakfast Residence shall be present during the guest’s stay. *Not applicable for Whole House Rental.*
10. The operator of the Short-Term Rental: Bed & Breakfast Inn shall be present during the guest’s stay. *Not applicable for Whole House Rental.*

Mr. Rhinehart said the requirements had been met. Ms. Scott said this was the fourth request out of the ten application cap on short term rentals.

The property owner said the driveway was terrible when he purchased the property five years ago. Last year he had releveled the driveway. With friends visiting, four cars could park comfortably in the driveway. He had worked to update the house and was proposing to help pay his mortgage when he was away for work every other month.

Council Member Kreller said it would look nicer with more green space in the front yard and the homeowner would re-establish the front walk. It would soften the look and make it look more beautiful. The owner had installed fruit trees and plantings opposite the driveway this last week.

Mr. Fairley moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

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Lori Spranley, Secretary

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Nixon Adams, Chairman  
Zoning Commission