

**Zoning Commission  
Public Hearing  
January 14, 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 Rebecca Bush

Absent: Bill Sones

Also Present: Louise Scott, Director, Planning Department; Cara Bartholomew, Planner; Mayor Donald Villere; City Attorney deShea Richardson; and Council Members Mike Pulaski, Clay Madden, and Laure' Sica

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

The only case discussed was V20-01-01 The Samaritan Center Inc. requests an exception to Section 7.5.10.3, B-3 Site Development Regulations, a portion of lots 4 and 5 and lot 6, square 18, 402 and 408 Girod Street, zoned B-3

Ms. Scott presented the Samaritan Center purchased Lot 6, Square 18 and was proposing to construct a new food bank building. This was located on the west side of Girod Street between Madison and Monroe Streets. They were proposing to construct a new building in accordance with the site plan prepared by Arrow Engineering & Consulting dated 10/18/19.

The Samaritan Center currently owned lots 4 and 5. Lot 4 was the corner lot, improved with a building housing administrative offices, the existing food bank and "interview cubicles". Lot 5 was improved with a building being used as "Gran's Attic". This site was a legally non-conforming development site, with variances being granted in 2002.

Plans prepared by Arrow Engineering & Consulting dated September 3, 2019, were submitted with the application. Plans indicate the first floor of the proposed new building with 6,400 square feet. CLURO Section 7.5.10.3, allows a maximum building ground floor area of 5,000 square feet, unless approved as an exception by the Zoning Commission. The applicant was requesting an exception to allow the ground floor area to be as proposed on the plans, 6,400 square feet.

Additionally, the CLURO specifies certain criteria and findings for review and approval of an exception as follows:

1. **Large-scale Buildings.** The Zoning Commission may approve the establishment of buildings with ground floor areas greater than 5,000 square feet as an exception if it finds that:
  - a. The scale of the building is appropriate for its intended use given the scale of similar structures located within the neighborhood;
  - b. The building is designed to appear to be in-scale with surrounding development;
  - c. Any new required parking spaces for the structure shall be provided in a manner that is not detrimental to the neighborhood character. For purposes of this section, detrimental parking includes parking that conflicts with the purposes of this district, is incompatible with abutting land uses, promotes blight, threatens the integrity of historic resources or reduces property values;

- d. Adequate transportation, drainage and other infrastructure exists or will be provided to meet the demands of the proposed development and its allowed uses; and
- e. For purposes of calculating ground floor area of elevated structures, the area shall include all square footage under the beam of the building, but exclude cantilevered porches, decks and other unenclosed areas.

Because so much of the site was storage, additional parking was not required on the site. As discussed at the work session, removal of the drop off/storage area that was picked up in new building.

Mr. Adams said the Fire Department had no objections. He also asked about an encroachment. Ms. Scott said the Krewe of Eve questioned if there was an encroachment onto their property. Surveys were provided which measured 60' x 63.95'. The driveway was on the Samaritan Center and the staff did not see an encroachment.

Mr. Clark asked if the staff had measured the surrounding properties. Ms. Scott said the staff did not measure the footprints. The North Star Theater would be a similar footprint. It must be reviewed by the Historic Commission. If separated, the storage area could do a gap and still allow the same coverage. They were not exceeding the maximum coverage, but they wanted it in one building to access storage in the same structure.

Ms. Bush moved to approve the exception to allow more than 5,000 square feet on the first floor, seconded by Mr. Fairley and the motion passed 5-1 with Mr. Clark voting against the motion.

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

  
Lori Sprahley, Secretary

  
Nixon Adams, Chairman  
Zoning Commission

**Planning Commission  
Public Hearing  
January 14, 2020**

The meeting was called to order by Chairwoman Rebecca Bush and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, and Rebecca Bush

Absent: Bill Sones

Also Present: Louise Scott, Director, Planning Department; Cara Bartholomew, Planner; Mayor Donald Villere; City Attorney deShea Richardson; and Council Members Mike Pulaski, Clay Madden, and Laure' Sica

The first case discussed was P20-01-01 Recommendation to the City Council regarding Ordinance 19-34, AN ORDINANCE OF THE CITY OF MANDEVILLE AMENDING THE CITY OF MANDEVILLE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE, ORDINANCE 15-11, TO PROVIDE FOR THE ESTABLISHMENT OF A HISTORIC PRESERVATION OVERLAY DISTRICT AND DEFINITIONS AND REGULATIONS REGARDING TRANSIENT LODGING: SHORT-TERM RENTALS, TO AMEND THE TABLE OF PERMITTED USES BY ZONING DISTRICTS TO INCLUDE SHORT-TERM RENTALS AS A PERMITTED USE IN CERTAIN ZONING DISTRICTS, AND TO PROVIDE FOR PENALTIES AND FINES FOR VIOLATIONS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Ms. Scott said the last update on the ordinance was in October, 2019. There have been additional tweaks since the ordinance was introduced. It was advertised as a vote because there was a time allowance for advertising. If the commission decided to hold an additional meeting, she suggested holding it as a special meeting.

Ms. Scott summarized the background in February, 2019 ordinance introduced. In February 2019, Ordinance 19-03 was introduced to address the Short Term Rental and referred to the Planning and Zoning Commission for public hearings and a recommendation. The commission called two special meetings held on 4/2/19 and 5/1/19. At the conclusion of the May meeting, the Commission voted unanimously to defer action on Ordinance 19-03 until and consultant could be hired and made a recommendation to the City Council to hire a consultant. The City Council voted on 5/23/19 to hire a consultant consistent with the commission's recommendation. In June 2019, the City contracted with Jeffery Goodman to assist in the drafting of a new ordinance for regulations for Short Term Rentals. The staff and City Attorney met with the consultant and then set a meeting with the Bed and Breakfast operators in early August 2019. The Consultant attended the Planning and Zoning Commission meeting in late August to report progress, get further input and answer questions and get input. The consultant sent a draft ordinance to staff and City Attorney for review in mid-September. The draft ordinance was fine tuned in October and sent to Council for introduction at November meeting. It was delayed for introduction at November meeting. The City Council introduced Ordinance 19-34 at their meeting of December 12, 2019 and referred to the Planning and Zoning Commission.

The ordinance will amend the following CLURO sections:

Article 6:

- *Amends definitions of Bed and Breakfast Residence and B&B Inn and includes them in the category of Short Term Rental. Creates a new definition of "Whole House Rental".*

Article 8 was out of date and working through the issues and feedback from the bed and breakfast operators redefined them as short term rental which was less than 30 days. Discussion was identified as a whole house rental and there would be a discussion of a new definition and criteria.

#### 6.4 COMMERCIAL USE CLASSIFICATIONS

##### 6.4.41. Lodging (Transient) - SHORT-TERM RENTAL

Rental of all or any portion thereof of a residential dwelling unit for dwelling, lodging or sleeping purposes ~~to one party~~ with duration of occupancy of less than thirty (30) consecutive days. Hotels, motels, and other land uses explicitly defined and regulated in this ordinance separately from short-term rentals are not considered to be short-term rentals. A short-term rental is further defined as follows:

- *Short term rental is defined as occupancy of less than 30 days*
- *“to one party” will be removed – it was only intended for the whole house Short Term Rental, not bed and breakfasts.*

##### 6.4.42.1 Lodging (Transient)— Short-term Rental: Bed and Breakfast Residence.

An owner-occupied dwelling unit having no more than two guestrooms where short-term lodging is provided for compensation by the owner/operator of the residence who shall be present during the guest's stay.

- *Language addressing continental breakfast has been removed.*
- *Language “who shall be present during guest's stay” has been added. This clarifies that the owner should be residing on site and not out of town during a guest's stay.*

##### 6.4.42.2 Lodging (Transient)— Short-term Rental: Bed and Breakfast Inn.

A dwelling unit, having no more than six guestrooms for short-term lodging, provided for compensation and where the operator of the inn is a resident on the premises and shall be present during the guest's stay.

- *Language addressing continental breakfast has been removed.*
- *Language “who shall be present during guest's stay” has been added. This clarifies that the owner should be residing on site and not out of town during a guest's stay.*

##### 6.4.42.3 Lodging (Transient)— Short-term Rental: Whole House Rental

A dwelling where short-term lodging is provided to one party of guest for compensation by the owner/operator of the residence where neither the owner nor operator ~~reside~~ on the premises.

- *new definition – clarifies only one party of guests, regardless of rooms, is allowed to rent at any given time.*
- *Amend “reside” to “owner may not be present during guest's stay”. In permit requirements, “proof of residency via valid homestead exemption.” is required. This proposed language allows rental of a whole house only if a valid homestead exemption is provided.*

#### Amend Article 7 – Zoning District Regulations

Section 7.6 – Overlay Zoning District Regulations to add a new overlay district designated as

##### 7.6.5 – H-P Historic Preservation Overlay District

- *The creation of the overlay district provides for the use of a Bed and Breakfast Residence to be allowed in all zoning districts (including R-1) within the boundaries of the Historic Preservation District. This is consistent with the existing regulations, regarding R-1, but formatted differently with the creation of the overlay district.*
- *The Bed and Breakfast Residence and Bed and Breakfast Inn remain the same in regard to being permitted by right, with a Special Use Permit etc.*
- *Whole House Rental is established with the requirement of Conditional Use Permit for all zoning districts.*

Section 7.7, Table of Permitted Uses

USE CLASSIFICATION	R- 1	R-1X 2	R- 2	R-3	MH	I	O	B- 1	B- 2	B-3	B- 4	O/ R	PM- 1	PM- 2	PD	M-1	M- 2	TC	H- P
6.4.42.1 Lodging - Bed & Breakfast Res.			P	P						P		P	P	S	C			P	S
6.4.42.2. 2 Lodging - Bed & Breakfast Inn				S						P		S	P	S	C			P	
6.4.42.3 Lodging – Whole House Rental			C	C	C					C		C	C	C	C			C	

## 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;
  - b. That each short-term rental has working smoke detectors and carbon monoxide detectors in every bedroom, outside sleeping area, and on all habitable floors; and
  - c. That each short-term rental has a properly maintained and charged fire extinguisher in each short-term rental unit.
2. Common bathroom facilities may be provided rather than private baths for each guestroom.
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.
4. A common dining area may be provided but cannot be leased for social events.
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.
6. Short-term rentals shall not be operated outdoors or in a recreational vehicle.
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.
8. Only one party of guests shall be permitted per Vacation Rental. A “party” shall mean one or more persons who as a single group rent a Vacation Rental pursuant to a single reservation and payment.
9. Owner/operator of a Short Term Rental shall be present during the guest’s stay.
10. The owner/operator of a Bed and Breakfast Inn shall be present during the guest’s stay.

## C. OPERATION

1. Use of the short-term rentals for commercial or social events shall be prohibited.
2. The permit holder shall keep on file with the city the name, telephone number, cell phone number, and email address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information shall be posted in a conspicuous location

- within the short-term rental dwelling. The local contact person shall be available twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within a reasonable time period, not to exceed three (3) hours when the short-term rental is rented and occupied.
3. All advertising for any short-term rental, including electronic advertising on short-term rental websites, shall include the number of the short-term rental permit granted to the permit holder.

**D. TAXES**

1. The permit holder shall timely remit all applicable local, state, and federal taxes and City fees owed in connection with the short-term rental.
2. The permit holder shall maintain records of all short-term rental activity, including number of guests, booking dates, rental income, and taxes remitted, for three years and shall be provided to the City upon request.

**E. CITYWIDE CAP FOR VACATION RENTALS.**

1. *Cap is places at 10 permits for Whole House Rental.*
2. If no Whole House Rental permits are available pursuant to the limitation on Whole House Rentals, the interested property owner shall submit an application to the Planning Department, which will be placed on a waiting list in the order in which they were received. If a permit becomes available, applications shall be processed and reviewed in the order that they are listed on the waiting list.

**F. (Short Term Rental) PERMIT APPLICATION**

1. An applicant for a short-term rental permit shall submit to the following requirements and documentation:
  - a. The name, address, phone number and email contact information of the applicant.
  - b. Attest to the following and furnish the necessary documentation upon request of the planning director:
    - i. That the property has current, valid liability insurance of \$500,000.00 or more with proof that such coverage includes use as a short-term rental property;
    - ii. That each short-term rental has working smoke detectors and carbon monoxide detectors in every bedroom, outside sleeping area, and on all habitable floors;
    - iii. That each short-term rental has a properly maintained and charged fire extinguisher in each short-term rental unit;
    - iv. That in each short-term rental there is a posting that provides the name, telephone number, cell phone number, and email address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental, as well as a floor plan indicating fire exits and escape routes. Posting shall be displayed in a prominent location within the unit;
    - v. That the property has no outstanding taxes or municipal code violation liens.
    - vi. That the property is not subject to any contractual restrictions precluding its use as a short-term rental, including but not limited to homeowner association agreements, condominium bylaws, or restrictive covenants;
    - vii. For Bed & Breakfast Residence: proof of residency via valid homestead exemption;

- viii. For Bed & Breakfast Inn: proof of occupancy via valid homestead exemption or operator's valid current lease;
  - ix. For Vacation Rental: proof of ownership via title or deed.
- c. A valid occupational license for the proposed use.

*Mr. Rhinehart observed not wanting to be in the transient residence business, illustrating an example was he owned the adjacent house and leased it to his son and daughter-in-law and if they were transferred somewhere else he could do a periodic whole house rental but he would not have a homestead exemption. Should the exemption be a requirement? Ms. Scott said that would be one of the biggest issues to be discussed. Mr. Rhinehart asked how would that affect corporate rentals. Ms. Richardson said it would have to be longer than 30 days or go through the process. Mr. Rhinehart said that might be onerous. He asked if the ten permits was citywide. Ms. Scott said it would be citywide. In an R-1 zoning district, a whole house rental would not be allowed. Ms. Richardson said there were many concerns and this ordinance was created. One of the Council Members as an author suggested that there would be a proof of residency. A concern of the original ordinance meetings was the possibility of out of state companies purchasing houses and operating multiple homes. Mr. Clark said there were existing whole house rentals at this time. The biggest threat to this community was revenue and it was going away. This should be money coming directly to the City for someone to look after compliance. Ms. Scott said the biggest points were whole house rentals.*

#### H. PERMIT FEES

1. Fees for the initial issuance thereof shall be as follows:
  - a. Bed and Breakfast Residence: \$250.00
  - b. Bed and Breakfast Inn: \$500.00
  - c. Whole House Rental: \$1,000.00
2. Fees for the renewal thereof shall be as follows:
  - a. Bed and Breakfast Residence: \$125.00
  - b. Bed and Breakfast Inn: \$250.00
  - c. Whole House Rental: \$500.00

Mr. Lahasky said there was a need for a separate meeting. His opinion was it was worthless if there were only 10 permits requiring a homestead exemption on the rare account that the owner was out of town. Mayor Villere said the owner must have homestead exemption, but was not required to live in the house. Mr. Lahasky said there may be one in the entire city. Ms. Scott said the whole house rental was an annual fee. Ms. Richardson said this was a starting point.

Council Member Laure' Sica said the reason for the homestead exemption was the biggest worry from citizens was not in our neighborhood in the R-1 district, particularly on the west side. The telephone calls in Old Mandeville purchasing in the R-1 did not buy next to a business.

David Rathe, 1124 Montgomery Street, said he did not want a short term rental next to him. He had applied for a permit to build a home in the marina district on the bayou on 1.75 acres. He had constructed the dock the bayou by approval of the Corps of Engineers. He would be starting the pilings in the next week. There was no one next to him. He did not know if he was now being told after his investment that it would be taken away from him his ability to rent the unit living one block away. He thought the City wanted people to enjoy the bayou, kayaks and bikes. His intent was to rent it no more than six months out of the year and enjoy it the rest of the time himself. There was not another marina developable property.

Ms. Scott said if it would be a whole house rental, he would apply for a conditional use permit since it was allowed, but he would not have a homestead exemption. Ms. Richardson suggested changing the homestead exemption. Mr. Rathe said that could be a discussion. Another issue was in the marina district, he would said it would not be fair. It becomes an issue to be resolved. Ms. Richardson said the bigger concern was the cap number and the homestead exemption. Mr. Rathe asked what was the fair what o determines who would get the permits. He asked in a fair way to determine what 10 people get the permits. He had sent a letter in October. An owner did not want a blemish to lose the license the next year. If one neighbor called him, he would police the structure not to lose the llcense. Ms. Richardson said with the re-application there were conditions, violations and revocation. Ms. Scott said on the original application, it would be a first come first serve basis with a date stamp. The number could be changed as ten was a starting number.

Mr. Clark said Mr. Rathe did not represent the threat, but he and Northshore Hospitality LLC was still people. Corporations may not have the same concerns as the resident. Mr. Rathe asked why the commission would allow the existing City Council to vote on this ordinance when there was an election in three months.

Mr. Rhinehart said the ordinance needed some additional tweaking.

Barry Brupbacher, 1925 Livingston Street, was a bed and breakfast residence operator. He was approved through a special use permit and now would have to submit an annual re-application. He could theoretically sell and someone else operates the business. He asked why now go through a regulatory process and it did not address the enforcement of operation not legal under the ordinance. He could show advertisement where the City did nothing. Now there as an extra regulatory process. Ms. Scott said some of the operational requirements were being amended. The information would be on file that was not currently in place. There would be an annual fee. If the property was sold, the new owner had the approval but must file a new application to allow for enforcement.

Peggy Boettner stated the definition of homestead exemption was to live in the home for the tax break. Ms. Bush said it was triggered by December 31<sup>st</sup> of each year. Ms. Boettner said you must live in the house but could go out of town for a month. They paid annually to advertise for renters. Sometimes they rent two days before and sometimes 6-8 months before. She agreed with Mr. Lahasky they were offering something no one can take advantage of. She suggested that there be at least one homestead exemption in the Parish.

Jeffrey Goodman, consultant, said it was unconstitutional to limit commercial activity to someone of a geographic area unless it was a homestead exemption. If the service was allowed outside of the home, it must be offered to everyone. Mayor Villere asked how NOLA handled it. Mr. Goodman said New Orleans had a 28 page ordinance. The homestead exemption system was done by lots because there were so many doubles with a home and rental in the same building. The non-occupied units were not in residential areas with a limitation on the number of units on site. Concerns in New Orleans were housing costs and availability rather than quality of life. Ms. Boettner asked if the City could legally limit the number of rentals per principal owner. Mr. Goodman said often there were corporations to shield themselves. It comes to the issue of what were you trying to prevent. If to prevent people not in the community, use the homestead exemption. If it was a quality of life issue not from ownership, how to make sure the problems foreseen are those that matter the most. Ms. Boettner said it was discussed to only be allowed in the historic district. That property was expensive and the numbers would not work. Ms. Richardson said the new ordinance was allowed in the mixed use and marina districts. Ms. Boettner asked why only there and not in the other neighborhoods.

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Ms. Richardson said the biggest concern was in the residential areas. Ms. Scott said it was not allowed in the R-1 district. It was heard that the biggest issue was the homestead exemption, cap and conditional use process. Ms. Boettner said at \$1,000 a year and no homestead exemption; it was feasible to remain in business. The citizens did not want hotel in the park, and we say we want vacation rental but we don't. It would wind up in Covington to spend their money. Ms. Boettner said they were in the Planned District, marina district. She did not object to registering and paying a fee. Mr. Lahasky said his comment was he was the one who discussed putting a cap. The question was how many permits should there be without demographics. If there were 10-15 that make sense then the City needed a policy to allow this at all times. If the number was one then we should keep it how it was presently written. The question was how to figure out how many was right number to be beneficial without being detrimental. Mr. Clark said it would involve much discussion. Ms. Richardson said this was a new ordinance and the commission had the ability to amend that number at a later date.

Mr. Clark said the newspaper said there were 6,000 short term rentals in New Orleans. Mr. Goodman said in 2014 there were 4,000 rentals. The number of listings could change season to season.

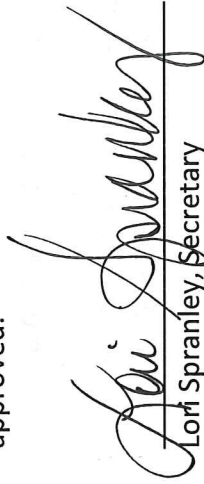
Edward Greene, 434 Girod Street, said last discussion there was a grandfathering and now there was a change for an annual registration as well as an occupational license. The ordinance would be forcing the owner's hand to determine if it was worth it to rent it. The reality was people that never lived in the house.

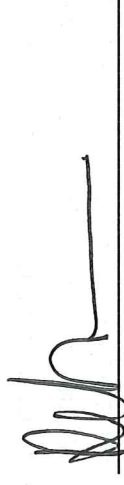
The commission set the meeting for Monday, January 27<sup>th</sup> at 6 p.m.

The next case discussed was Approval of Resolution 20-01, 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

Ms. Bush moved to adopt the resolution, seconded by Mr. Rhinehart and was unanimously approved.

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

  
Lori Spranley, Secretary

  
Rebecca Bush, Chairwoman  
Zoning Commission

**Zoning Commission  
Work Session  
January 14, 2020**

The meeting was called to order by Chairwoman Rebecca Bush and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky and Rebecca Bush

Absent: Bill Sones

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; Mayor Donald Villere; City Attorney deshea Richardson; and Council Members Mike Pulaski, Clay Madden, and Laure' Sica

The first case discussed at the beginning of the meeting was V20-01-03 Robert and Kristin Weaver request an exception to Section 8.1.5, Supplemental Regulations of Accessory Buildings and Structures, lot 11, square 2, 138 Marigny Avenue, zoned R-1

Ms. Scott said the applicant lived at 138 Marigny Ave, located on the Southwest corner of Marigny Avenue and Claiborne Street, forming the southwest corner. The property consisted of a portion of lots 11 and 12, Square 2. Each lot measured 63.95' x 152', and since lot frontage was less than 90', the site was considered to be an undivided parcel under the CLURO provision for legally non-conforming lots of record. The two lots, together, consisted of a total site frontage on Marigny Avenue of 127.90' and a depth on Claiborne Street by 152.3'. The property was zoned R-1, Single family and lot 11 was improved with the primary residence (138 Marigny), and a garage (noted as shed on survey) and 2 sheds across the back of the property. Additionally, lot 12 was improved with a residential structure. # 1914 Claiborne) that was used for a guest house.

The applicant was requesting to replace the existing garage with a new garage, located at the southwest corner of the lot for the purpose of *protecting a specialty vehicle (open top, vintage automobile) during flood events*. The applicant was proposing to *install an automobile lift within a secure garage, and the existing garage foundation and ceiling height are unsuitable for this application*.

The applicant was seeking two exceptions, the first is to *CLURO Section 8.1.5 (3) Detached accessory buildings not exceeding one (1) story nor fourteen (14) feet* to allow a height of 19'. (by formula). The exception requested is for 5'.

The second exception is to CLURO Section *CLURO Section 8.1.5 (4) The combined gross area of all accessory buildings or portions thereof located in required side and rear yards shall not exceed thirty percent of the required rear yard area*.

The site was currently non-conforming as the accessory structures were built prior to the CLURO. There are currently 4 structures in the rear yard setback area (3837 sf): the garage (436 sq ft), a potting shed (164 sq ft.), a covered breezeway in-between (176 sq ft) and the guest cottage (601 sf). The maximum coverage allowed is 30%, or 1151 sq ft. The existing accessory buildings had a current coverage of 1,377 sq ft. or 226 sf above. The proposed plan increases coverage by ~108 sf. An exception is being requested to allow an additional 4% coverage, to 39% above the existing 36% coverage.

The applicant submitted the following in the application:  
*The purpose of the project is to provide flood protection for the property, specifically for vehicle protection and protection of a project space/workshop. Base grade is more than 6' below FEMA base flood elevation and is subject to regular (annual+) nuisance flooding.*

Specific design considerations for this project are as follows:

*(1) Vehicle protection*

*The owner has a specialty vehicle that is at risk during flood events. This is an open-top, vintage automobile that cannot be parked unprotected during weather events. In recent years, the owner has either been able to get the vehicle relocated to a remote garage before a flood, or has been able to elevate the vehicle on ramps and stands to keep it above flood waters. This process is impracticable for a long term, particularly in the vent of a larger flood event.*

*The proposed solution is to install an automobile lift within a secure garage. The existing garage foundation and ceiling height are unsuitable for this application. A new foundation, plus flood vents and a ceiling height of 10' will enable safe elevation of a vehicle above FEMA grade.*

*(2) Upstairs project/workshop space*

*A project space currently exists on the property beneath the home. During any nuisance flood event, approximately 1-2 times per year when rising water reaches the home's slab, an effort is required to protect tools and other materials from damage. The desired solution is to move the workshop space to an upstairs loft in the new garage. This would be enclosed in a ¾ story upstairs, with 6' knee walls and an 8' ceiling under the peak.*

*Note1: Neighborhood Aesthetic Compatibility*

*This property and all immediate neighbors all flooded significantly during Hurricane Katrina. They are also all subject to regular nuisance flooding. The main home on the Weaver property and the adjacent Lyons and Pfisterer properties have all been elevated. The finished height of this ancillary structure will not be disproportional to neighboring buildings. The "simple A-frame" design of the new garage structure will also be in keeping with the garage being replaced, and in keeping with the aesthetic of the neighborhood, particularly other nearly garage buildings recently constructed. (See for example 311 Lamarque, 1912 Jefferson and 228 Lafitte.)*

*Note 2: Consideration by immediate neighbors*

*This project will replace an existing structure at the southwest corner of the property. The property and project site have a neighbor along the west property line, 1912 Claiborne, Judy Pfisterer. In speaking with Judy on December 19<sup>th</sup>, she said in a text message, "Absolutely fine with me. Good luck with the project. Makes sense to do it." I spoke with her in person on December 21<sup>st</sup> and she reaffirmed that not only does she not object, but she thinks it is the right approach given the flood prone nature of where we live.*

*Another neighbor, Ben and Tanja Lyons, are along the south property line, 132 Marigny Avenue. In speaking with Tanja about this proposed project on December 20<sup>th</sup>, she said "you can do whatever you want in building your garage, we don't object".*

*Sketches of the building concept are attached. In addition, construction drawings are being created by Design Tech in Covington.*

*There was a similar variance granted on Lakeshore Drive. Mr. Adams confirmed there would be no living space upstairs in the building.*

*Mr. Clark said it was AE EL10 flood zone, where was the flood height of 14'. Ms. Scott said the 14' was the height restriction of a garage.*

*Jeff Lyons, 515 Lamarque Street, said this was previously his parents' home. His brother lived next door and he had no objection to the request.*

David Rathe, asked for clarification since FEMA allowed for flood insurance at 10' base elevation. The City raised 2' with a freeboard so was the calculation based on FEMA regulation or additional 2' by the City. Ms. Scott said FEMA notes were for illustration other than the area flooded. The 14' was the ridge height of the building. BFE requirements were not being addressed. The applicant needed additional height to get above the flood water and used the bfe as a gauge to get the lift above the 12' requirement. It had nothing to do with the accessory height.

The only case discussed was V20-01-02 Michael and Kerri Blache/Steven and Sarah Federer requests an exception to Section 8.2.3.5, Lodging, Bed and Breakfast Inn, a portion of square 19, 538 Girod Street, zoned B-3

Ms. Scott presented that Steven and Sarah Federer opened the Blue Heron Bed and Breakfast at 510 Girod Street in 2017. They currently resided at this location.

The applicants were interested in leasing the property located at 538 Girod Street, four houses to the north of their residence/B&B, for the use of a Bed and Breakfast Inn, as defined under CLURO Section 6.4.41. Bed and Breakfast Inn is a permitted use in the B-3 zoning district.

Bed and Breakfast Inn is defined as follows:

***6.4.41. Lodging (Transient) - Bed and Breakfast Inn***

A dwelling unit having no more than one (1) culinary facility where no more than six guest rooms for short-term lodging and at least one (1) meal per day are provided for compensation and where the operator of the inn is a resident on the premises.

The Bed and Breakfast Inn as defined required that the owner/operator of the Inn is a resident on the premises. The Federer's were requesting an exception to the requirement of resident/operator to live on premise and be allowed to operate the inn without an onsite resident/operator. They are making this request since they lived within the same block, four doors down.

The application includes the following statement from the applicant:

*Applicant is seeking permission to operate as a B&B Inn with the owner/operator living off premise (four doors down, same block on Girod Street). Applicant currently owns and operates Blue Heron Bed and Breakfast at 510 Girod Street and live on site there. Applicant only needs three parking spaces, since there are only going to be 2-3 guest suites, and no owner/innkeeper parking will be necessary. However, there is more than ample parking space on site.*

The applicant stated the practical difficulties:

*Because the operators/applicant live in and run another B&B in the same block of Girod Street, they cannot live at both locations. However, given the extremely close proximity of the property which is surrounded on all three sides by other businesses, not residential occupants), the operators/applicants could easily be able to manage and monitor the property. Furthermore, the applicants have an excellent reputation and business record, and their current B&B has won various awards, including Louisiana's B&B of the Year 2019 from the Louisiana Travel Association.*

Ms. Scott the Inn had an operator.

Mr. Rhinehart said this was what was said could not do because there was no homestead exemption. Mr. Clark said this was the same thing Mr. Rathe wanted to do. Ms. Scott said there would need to be a conditional use permit and there was a cap.

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Sarah Federer, 510 Girod Street, asked if there must be a homestead exemption for an inn. Ms. Scott said no because you could have an operator.

Mr. Lahasky asked what they would not be allowed to do and what the request was. Ms. Federer said it would be a bed and breakfast residence but just not live on the site. Mr. Lahasky said the Inn could have an operator that must live on site. Ms. Federer said it would be similar amenities and structure as their home. Mr. Clark said 0-6 rooms in an Inn, and 0-2 rooms in a residence. Ms. Scott said on the residence the owner lived there, and on the Inn an operator lived there.

Edward Greene said it seemed you could not say you could only live this far away or get sued. Mr. Clark said attorneys were creative. Mr. Greene loved his town, said the City was losing its dark skies, and we were becoming more of a commercial town.

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

  
Lori Spradley, Secretary

  
Nixon Adams, Chairman  
Zoning Commission

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The meeting was called to order by Chairwoman Rebecca Bush and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Bill Sones, Brian Rhinehart, Jeff Lahasky and Rebecca Bush

Absent: None

Also Present: Louissette Scott, Director, Planning Department; Cara Bartholomew, Planner and Mayor Donald Villere

The only case discussed was P20-01-02 Recommendation to the City Council regarding Ordinance 19-37 amending the CLURO Section 7.6.4 by Enacting Section 7.6.4.15 relative to Demolition by Neglect; and providing for other matters in connection therewith

Ms. Scott presented that the City Council introduced Ordinance 19-37 at their meeting of December 12, 2019 to amend the provisions of the Historic Preservation District to add provisions for Demolition by Neglect.

The purpose of these regulations was to assist the Historic Preservation District in preserving properties within the District from deteriorating to a point in which they are unrecoverable. The proposed amendments will help facilitate structures that are blighted or in neglect and includes provisions addressing the following:

- Defines demolition by neglect and provides characterization language for a blighted or deteriorating building.
- Establish requirements for a written report by a qualified person, and specifies information needed in the report.
- Establishes notice procedures, hearing/findings by the Historic District Commission
- Establishes violations and fines.
- Should a property owner fail to comply, the ordinance establishes a provision to “*collect and assess costs and expenses against the landowner(s) for violations*”. Additionally, in accordance with State law, “*the City shall have a lien and privilege against the immovable property where the violation(s) occurred*”.

Mr. Lahasky asked if there was no provision for blighted property. Mr. Harrison said there were no regulations for demolition by neglect. The request was initiated by the Historic Commission who was interested in preventing historical homes from falling into disrepair. Nationally there were not many ordinances because it was hard to enforce and it brought up emotional differences of opinion. It would be cheaper to demolition than preserve it.

If someone owned a historic property and did not want to fix it, the owner would request to tear it down for short term rental. The commission had authority to deny the request but could not suggest its repair. The demolition by neglect filled that area. The State enabling legislation did not give specificity on the narrow field of demolition by neglect and was broadly drafted to preserve. The public did not like being told what to do with the property. The legal department draft what was requested to comply with laws.

Enforcement required a hearing officer as per a similar New Orleans ordinance which had power and had specialized knowledge. That was hard to fit in our city. Initially it was thought it could be handled in the Mayor’s Court but who would represent city and land owner. The Historic Commission was versed with dealing with the public with recommendations. That would be a good place to start. In order to have an enforcement provisions, there should be City Council oversight which was where appeals were presented. However, the process was not

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efficient. The backbone was defined of what was or not. It required more notice than the usual public notice.

Ms. Bush said for practical purposes usually there was a bank with a lien. Mr. Harrison said the backbone of the ordinance was state statute which realized it was statewide. The commission was looking for the ability to regulate and sometimes make the repairs and put it on the tax rolls. If you could pay the taxes then the homeowner could pay for this. The citation accuses the homeowner of neglect and performing the maintenance. Ms. Bush said the owner could not sell the property without satisfying the lien. Many properties were in succession.

Mr. Clark asked for a definition of neglect or blight. Mr. Harrison said it was a neglect of a breach of standard. Mr. Clark said there were properties that he wondered if someone lived there. People get older and no resources or energy to keep it up. Mr. Harrison said the catalyst was enforcement by code basis. Mr. Clark said there would be language requiring or a curriculum for the enforcement or compliance person. Mr. Harrison said it was not an affirmative maintenance ordinance but could later dovetail with a later ordinance.

Ms. Bush said the statute granted the City the right to lease the property and recoup the cost. Mr. Harrison said the basis for the ordinance was the existing condemnation articles. It did not define condemnation and it was an extension of police power. The public purpose could be maintenance of historic structures. Ms. Bush said the ordinance gave the City the ability to identify the property that we could all benefit from this and make it a revenue source.

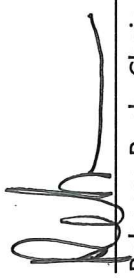
Mr. Lahasky asked if the New Orleans statute stated they could perform demolition. Mr. Harrison said that was listed in the state statute. In the historic district, it was a preservation analysis. Mr. Clark said it was overdue. Mr. Harrison gave Mayor Villere credit with the Louisiana Municipal Association's brochure on blighted property. It was a city initiated incentive.

Ms. Bush asked if the house was on the national register where it could not be demolished. Ms. Scott said that was an honorary designation and provided no protection. Mr. Lahasky said it was a tricky line because you would not to demolish value for streetscape value, but with leaks and damage the City could not get the money back. Mr. Harrison said there was no state law of cost to preserve.

Mr. Clark asked what were the conditions to demolish a structure. Mr. Harrison said there was an existing statute on condemnation. Mr. Harrison said the historic district statutes were enabling. The ordinance state laws designed by reference, but he did not want to limit to the state laws on condemnation because it was close in kind but different. Ms. Scott said the Historic Commission had prepared their recommendation to the City Council.

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

  
Lori Spranley, Secretary

  
Rebecca Bush, Chairwoman  
Planning Commission

