

**Planning Commission
Public Hearing
September 24, 2019**

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

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

Absent: Nixon Adams and Bill Sones

Also Present: Louise Scott, Director, Planning Department; and Cara Bartholomew, Planner

The first planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was R19-09-05 The Platinum Holding Group LLC, John Cerniglia, requests the resubdivision of lots 14, 15 and 16, square 8, into lots 16A and 16B, zoned R-1 and the zoning case was V19-09-32 The Platinum Holding Group LLC, John Cerniglia, requests an exception to Section 7.5.1.3, R-1 Site Development, more specifically for lot frontage, lots 14, 15 and 16, square 8, zoned R-1.

Ms. Scott presented as a result of the discussion at the work session there were 3 lots and the applicant had proposed a resubdivision to create a flag lot. In that discussion, it was an undesirable situation. Mr. Cerniglia was requesting to withdraw his resubdivision request and he requested to separate lot 14 from the other two lots.

Mr. Clark moved to remove the resubdivision case, seconded by Mr. Fairley and was unanimously approved.

Ms. Scott presented under Cluro Section 4.2.4.5 provided for the request as an exception to separate lot 14 from lots 15 and 16. The Platinum Holding Group LLC purchased lots 14, 15 and 16, Square 8 in Old Mandeville in August 2019. The property was located on Marigny Avenue and formed the SE corner of Marigny and Jefferson Street. Each lot measured 63.95' on Marigny by a depth of 202.5' and contained 12,949 square feet.

CLURO Section 4.2.4.5(3)(b) stated: If two (2) or more contiguous lots-of-record or parts thereof are in single ownership and all or part of the lots do not meet the requirements for lot width, area, or buildable area lying outside of areas of periodic inundation (defined in **Article 3**) as established herein, the lands involved shall be considered an undivided parcel for the purposes of this CLURO. No portion of said parcel shall be used or sold which does not meet the minimum lot width, depth and area requirements established herein, except as follows:

- b. the lot width is no less than 85% of the minimum lot width required in the zoning district in which it is located.

Ms. Scott stated this was a typical measure of lots platted in old Mandeville. It translated from 60' x 200' French measurement. Along Marigny Avenue much the ownership of single and multiple lots created diversity. The commission had provided that the square footage was satisfied had allowed lot separation. In this case, the property had a remaining structure which was designated as historic. The Historic District Commission had denied the demolition of the structure. The applicant was required to keep the structure located in the center of middle lot 15. There was enough land area but the structures did not have enough room for a resubdivision and meet the requirements. The applicant was proposing to construct a single family residence on two lots and one residence on the single lot. The request without moving lot lines was request for lot separation. The CLURO provided an exception of lot frontage less than 85% for a reduction to 76.5' and the lot was 63.95'.

Mr. Clark was looking for the purpose in the request. The 90' frontage was recent to insist if there was a large purchase of land not to separate into small lots. Mr. Rhinehart said it

Planning Commission
Public Hearing
September 24, 2019
Page 2

would not be an issue if there were separate owners. Ms. Scott said the request would be to allow lot 14 to be separated. Mr. Clark said lot 15 would be the continuing discussion with the structures. Ms. Scott said the applicant had indicated he would renovate the structure.

John Cerniglia, owner, 2015 Scotchpine Lane, said his request was being agreeable to the existing structures. If the structures were not on the site there could be make two 90' lots. But since they were considered historic structures, it changed the position of construction. They were requesting to recognize lot 14 as an existing lot and remain the same size. The two lots would be large enough to build their residence and would not change the look of the area. The original goal was to create two lots. The new residence was designed to see the historic structure from the street.

Cindy Vandine, 240 Marigny Avenue, asked if lot 14 would be constructed for his daughter. Mr. Cerniglia said the house would be for his daughter. His home would have a historic appearance.


Ms. Scott said all new construction in the Historic District would require Historic District Commission approval with a Certificate of Appropriateness being issued.

Mr. Lahasky moved to approve the request to separate lot 14 from lots 15 and 16, seconded by Mr. Rhinehart and was unanimously approved.

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



Lori Spranley, Secretary



Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Public Hearing
September 24, 2019**

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

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

Absent: Bill Sones and Nixon Adams

Also Present: Louise Scott, Director, Planning Department; and Cara Bartholomew, Planner

Ms. Bush 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 first zoning case also had a corresponding planning case and both cases were discussed in conjunction. The planning case discussed was R19-09-05 The Platinum Holding Group LLC, John Cerniglia, requests the resubdivision of lots 14, 15 and 16, square 8, into lots 16A and 16B, zoned R-1 and the zoning case was V19-09-32 The Platinum Holding Group LLC, John Cerniglia, requests an exception to Section 7.5.1.3, R-1 Site Development, more specifically for lot frontage, lots 14, 15 and 16, square 8, zoned R-1.

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Mr. Clark was looking for the purpose in the request. The 90' frontage was recent to insist if there was a large purchase of land not to separate into small lots. Mr. Rhinehart said it would not be an issue if there were separate owners. Ms. Scott said the request would be to allow lot 14 to be separated. Mr. Clark said lot 15 would be the continuing discussion with the structures. Ms. Scott said the applicant had indicated he would renovate the structure.

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Cindy Vandine, 240 Marigny Avenue, asked if lot 14 would be constructed for his daughter. Mr. Cerniglia said the house would be for his daughter. His home would have a historic appearance.

Ms. Scott said all new construction in the Historic District would require Historic District Commission approval with a Certificate of Appropriateness being issued.

Mr. Lahasky moved to approve the request to separate lot 14 from lots 15 and 16, seconded by Mr. Rhinehart and was unanimously approved.

The next case discussed was V19-09-31 EREP Northlake I, LLC requests a variance to Article 9, Parking and Landscaping, more specifically to Sections 9.1.2, Construction Design Standards for Parking and Loading, 9.2.5.5, Landscape Requirements to Districts other than Low Density Residential, 9.2.5.7, Live Oak Protection Requirements, and 7.5.9.3, B-2, Highway Business District, Site Development Regulations, a parcel of land designated as Northlake Shopping Center containing 15.406 acres, 50' Servitude of Passage and Servitude Estate, zoned B-2, Highway Business District.

Ms. Scott presented the applicant proposed to reconfigure the boulevard entrance into the center, restripe/reconfigure the parking lot and develop a new building in the NE corner of the parking lot. Northlake Shopping Center was located in the SW quadrant of LA Hwy 22 and North Causeway Blvd. The primary access was provided from LA Hwy 22, with secondary access on the North Causeway service road. The property was zoned B-2, Hwy Business District. The shopping center was classified under CLURO Section 6.4.70.2 Shopping Center – Major (greater than 100,000 square feet).

The property was a legally non-conforming development site, with variances granted in 2002 for the B-2 Site Development Regulations, including the Maximum Improvement Site coverage, parking and landscaping. Whenever there was a change to a site, it required re-approval. Improvements were being made, but were still deficient. The parcel for a new building was compliant. The applicant had submitted conceptual site plans, identified as Sheet P-3.1, Conceptual Site Plan, Sheet P-3.2 Proposed Conditions; Sheet P-6.1 Conceptual Site Plan, Sheet P-6.3 Proposed Conditions(outparcel); Sheet P-7 Conceptual Site Plan and Sheet P-7.1 Proposed Conditions (out parcel). The applicant was requesting approval of each plan, with various configurations (for either outparcel or ground lease) for expansion of the site with a new building.

Variances were being requested consistent for all of the site plans, greenbelt, site interior landscaping, and vehicular use area that required a minimum number of trees. Requesting a variance of 1 tree per 2,000 square feet of vehicular year, required 198 trees, preserving 31 trees, adding 24 Class A and 29 Class and variance for 114 trees. The CLURO required a landscape strip and in 2002 that requirement was not required and the applicant as not proposing any changes. There were 10 live oak trees adjacent to main entrance in island son top of concrete. Remove those with conceptual plan to remove concrete and create real landscape islands with replanting.

The following variances are being requested for all site plans. A breakdown of variances specific to individual site plans were addressed under each specific review for that plan.

Variances requested for Sheet P-3.1:

Site development:

	req'd	Existing	proposed
Max imp site coverage:	75% (10.83 acres)	94.20%(13.6 acres)	93.35% (13.4 acres)
Min. Perv. Coverage:	25%(3.61 acres)	5.80% (.838 acres)	6.65% (.961 acres)

The total increase of pervious coverage was 5,387 square feet or .85%. A variance was being requested to allow 18.4% (2.65 acres or 115,695 square feet.) above 75% maximum impervious coverage.

The parking was compliant. The question at the work session was the intersection from Highway 22 and whether the current project had any improvements. The existing project stopped on the west side of entrance. Mayor Villere working with DOTD with concept drawings for funding and design of improvements of all interchanges in the quadrants for additional turn lanes to all service roads. Ms. Scott asked the owner’s representative to assure a designated two way circulation to the service road and they were in agreement. The entrance out of their control, but it was known there will be turn lanes in the future.

Variances requested for Sheet P-6.1:

The outparcel contained 2,000 square feet with a pervious coverage increase of 1.5%

Site development:

	req'd	Existing	proposed def:
Max Imp site coverage:	75% (11.55 acres)	93.06%(14.337 acres)	91.33% (14.071 acres)
Min. Pervious site cov:	25% 3.85 acres/167,706 sf)	6.94% (1.069 ac)	16.33% (2.52 acr) 8.67% (1.335 acres)

Pervious coverage is increasing overall by 11,592 sf or 1.73%.

Variances requested for Sheet P-7:

Sheet P-7: This plan included a 4,000 sf restaurant. The total increase in pervious coverage is 13,138 square feet or 1.96%.

Site development:

	req'd	Existing	proposed def:
Max Imp site coverage:	75% (11.55 acres)	93.06%(14.337 acres)	91.10% (14.036 acres)
Min. Pervious site cov:	25% 3.85 acres/167,706 sf)	6.94% (1.069 ac)	16.1% (2.48 acr) 8.9% (1.371 acres)

Site interior landscaping: CLURO Sections 9.2.5.5(3)(f), 9.2.5.5(3)(g):

Site interior landscaping is increased overall by 4.25% or ~18,704 square feet. The variance was being requested for the overall deficiency of 5.74%.

Ms. Scott noted because the shopping center was over 100,000 square feet the 8% green space requirement increased to 12%. Other centers with multiple owners contained less than 100,000 square feet. This center was one of the few centers in single ownership which increased the ratio to 12%.

Mr. Clark asked what the hardship was. Ms. Bush suggested it was an exception. Mr. Clark asked if there was an amortization period to bring it more up to code. Mr. Lahasky said that was the commission's decision. Ms. Bush said the proposal was an improvement to the center.

Blair Bontucelli, owner representative, said it was all an improvement to the center. Mr. Clark said 25% was the requirement and the center was asking for a variance with an implied hardship. Ms. Scott said there was a provision for non-conforming shopping center that were developed prior to the existing regulations. The goal was to increase compliance with the existing conditions. The CLURO was written recognizing non-conforming development sites constructed prior to the regulations created a hardship. Ms. Bush said it was similar to the Hancock Whitney case. Ms. Scott said the CLURO outlined the inability to meet current site development regulations, practical difficulties, and not being able to meet the regulations.

Ms. Bush said the provisions were designed to substitute for the hardship requirement request for a variance. Mr. Clark said the variance granted in 2002 would bring the center into compliance. Now they were requesting a for a 25% pervious coverage which was not close to 10%.

Mr. Rhinehart said at the work session, it was discussed that the landscape islands were not punched through the concrete. Mr. Bontucelli agreed that the previous owner had planted the landscaping on top of the concrete. Their proposal was to break the concrete for the planting. It was taken into account and they were doubling the interior green coverage. Mr. Clark said in a Parish discussion, it was discussed that subsurface water treatment with runoff could be considered. If the center trapped the water it could be infiltrated for treatment. Mr. Rhinehart said that would not be for a retrofit, but for new construction. Mr. Fairley said the center was making different changes from the previous owner. This was the first step in revitalization.

Tommy Buckwood, Duplantis Design Group, said the challenges of the site were this was an existing center with tenant obligations and restrictions to navigate through for improvements. One restriction was maintaining the 4.5 parking ratio. When they looked at increasing the imperious coverage, they changed the parking space design to 90 degree to bring up the parking number and adding landscaping. There were existing codes relating to parking. The initial request was to clean up the center since it was an eyesore. It was being suggested by the commission to work within both sets of the parameters to do something. They felt they were moving the needle in the positive direction. It would not get to the end goal of compliance would require a complete restart of the tenants and complete redevelopment of the center which was not economically feasible. This was an enhancement to the existing parking. The only new lease was a 1,500 square feet with the remainder of the leases being stable. The owner was appealing to Fresh Market to repeal site control.

Mr. Clark asked about placing conditions of renegotiating with tenants to try to come closer to the CLURO envisionment of 25%. Mr. Lahasky said he understood Mr. Clark's comments which were valid points. The commission must do what was best for Mandeville. If

the commission was not given some leeway, they would do nothing. If the commission required the owner to renegotiate certain leases might cause other tenant problems. The City would want to retain Fresh Market.

Ms. Scott clarified when the variances were granted in 2002, the landscape islands were part of that variance. The site when developed had no landscaping. Because of the existing concrete and drainage, the commission knew the islands were on top of the concrete and it was required to have a maintenance contract. It was an improvement approved by the commission, and everything seen today was part of that approval. Chad Danos, Landscape Architect for Duplantis Design Group, said 25% was a concern. From an island standpoint, by increasing the islands and the depth the root volume would allow the trees to grow healthier and larger increasing the canopy which was another component of green infrastructure for water uptake.

Mr. Lahasky moved to approve the variance for the reconfiguration of the parking and increased landscaping as requested, seconded by Mr. Fairley. Mr. Clark asked if the motion was with conditions and Mr. Lahasky said with no conditions. Mr. Rhinehart asked what conditions Mr. Clark was considering. Mr. Clark said that over time the center would be developed to increase the impervious cover required by the CLURO. Mr. Lahasky said he was worried as stated that the City would get nothing. Mr. Bontucelli said that was not part of the acquisition. If it would have been required there would have been a different negotiation. Because there was 40,000 square feet in the back building and the center was antiquated and the proposal was what they could do now. Mr. Clark said 17 years ago there was a similar conversation. The motion passed 4-1 with Mr. Clark voting against stating that a variance was the wrong instrument.

The next case discussed was V19-09-33 Benjamin and Jennifer Boudreaux request an exception to Section 7.5.1.3, R-1 Site Development Regulations and Article 9, Parking and Landscaping, more specifically to Section 9.2.5.2, Vegetative Protection Requirements, a portion of lot 1, square 90, 2603 Lakeshore Drive, zoned R-1

Mr. Lahasky moved to table the case, seconded by Mr. Rhinehart and was unanimously approved.

The next case discussed was SUP19-09-05 Jefferson Holding Co., LLC/Charissa and Anthony Lovecchio requests a Special Use Permit to Section 6.4.73, Tavern, Bar or Lounge, a portion of lots 4 and 5, square 11, 2013 Jefferson Street, zoned B-3

Ms. Scott presented The Grateful Ape, a retail wine shop was currently located at 528 Girod Street. The applicant was proposing to relocate the retail wine shop to 2013 Jefferson Street, and expand the business to include a bar. The application states: *To include a casual piano bar/lounge offering meats and cheeses available to complement the beverage service.* The proposed use was classified under CLURO Section 6.4.73 Tavern, Bar or Lounge and requires a Special Use Permit in the B-3 Old Mandeville Business District.

The site was located on the north side of Jefferson St, between Girod St and Lafitte St. and is a portion of lots 4 & 5 in Square 11. This was an irregularly shaped lot with 40' frontage, 33' across the rear, 102' depth and contains 3,742 square feet.

The site was currently improved with two existing structures, a concrete block building (1,937.2 square feet) with an attached rear storage area (1,003.2 square feet). The applicant was proposing to create two suites. Suite A would include 1,259 square feet as the bar and Suite B, would include 510 square feet for the retail wine business which was a permitted use. The parking for the retail sales would require 3 parking spaces and the bar would require 9 parking spaces for 12 parking spaces.

Under B-3 Site Development Regulations, the applicant can count 50% of the on-street parking spaces by right or 1 parking space, which leaves 11 remaining parking spaces. Because of the existing design of the site there is a lack of adequate yard setbacks on the site to be in compliance with off-street parking. If 90 degree parking was used, the by right parking would increase to 2 parking spaces. The parking requirement could be reduced by available parking area in the area and demand of the use

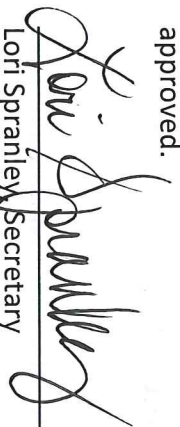
The request was to allow the counting of the three parking spaces in front of the building and reduce the parking requirement for an exception for the remaining spaces due to the availability of the existing parking within the area with a finding of no adverse impact to making the reduction.

Mr. Lahasky asked what parking was available in the area. Ms. Scott stated there were public parking lots with Giroud and Jefferson Street having culverted parking. There were 50 spaces a block away across from the North Star Theater. One block to the west on Madison and Lafitte Streets was a city lot leased to Our Lady of the Lake. There was some existing parking space in the neighborhood within walking distance. Nuvolari's was closed during the day for lunch and served dinner. Generally, they do use some of the parking in the area. There was also another parking lot one block south by the Lalou Restaurant.


Anthony and Charissa Lovechio, applicants, stated to Mr. Clark's question that it would be a full bar and not just wine.

Ms. Bush moved to approve the Special Use Permit including the reduction of parking, seconded by Mr. Clark and was unanimously approved.

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



Lori Spranley, Secretary



Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Work Session
September 24, 2019**

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

Present: Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, and Jeff Lahasky

Absent: Bill Sones and Nixon Adams

Also Present: Louise Scott, Director, Planning Department; and Cara Bartholomew, Planner

Ms. Bush 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 first case discussed was V19-08-30 5000 N. Claiborne LLC and 5030 N. Claiborne LLC requests a variance to Section 7.5.1.3, R-1 Site Development Regulations and Section 8.1.1.4(4), Setback Encroachment Mechanical Equipment, a portion of square 5, 1635 Lakeshore Drive, zoned R-1

Ms. Scot presented that the applicant owned the property at 1635 Lakeshore Drive, which was zoned R-1 Single Family Residential. The property measured 61' x 190' which required a minimum of a 10' side yard setback. The existing setbacks were as follows:

West side: 10.2 and 10.6' (compliant)

East Side: 7.6' at the front of the residence and 6.2' at the rear of the structure. (legally non-conforming)

The applicant began construction on a new kitchen addition to the east side of the house, without a building permit and is requesting an "after the fact" variance. The new addition measured 6' x 17' (102 square feet) and encroached 9.3' into the 10' minimum required side yard setback. The survey prepared by John Bonneau indicates the addition is .7' or 8.4 inches from the property line.

Additionally, prior to the kitchen addition being constructed, the air condition units were on a platform in this location. The air condition units were relocated behind the new addition, on a newly constructed platform. The survey prepared by John Bonneau indicated the A/C platform is .1' from the property line. The platform holding the mechanical equipment was located within the side yard setback and measure 6' x 15.6' (93.6 square feet) and is located .1' or 1.2" from the property line.

CLURO Section 8.1.1.4(4), states mechanical equipment cannot encroach into the required side yard setback.

There was an existing live oak tree (not shown on the survey) adjacent to the newly constructed kitchen addition. There was a platform with mechanical equipment and with the addition the air condition equipment was moved to the rear. Mechanical equipment was allowed in the side yard setback in 2010. The existing mechanical equipment had supports in the area of the roots of the live oak tree. With the expansion there was a cantilever and no supports to the ground roots of the tree. However, the regulations addressing vegetation protection zone stated *No soil deposits, construction materials, equipment, or other materials shall be temporarily or permanently stored in locations within or immediately adjacent to the Vegetation Protection Zone which would cause suffocation of root systems of trees required or proposed to be preserved. No paving with concrete, asphalt, or other impervious material shall be allowed within the*

Vegetation Protection Zone. No structure shall be placed or constructed at any time within the Vegetation Protection Zone.

The applicant was requesting the following variances:

- to allow the encroachment of the new kitchen addition 9.3' into the required side 10' side yard setback.
- To allow the relocated air condition platform to remain in the 10' side yard setback
- To allow the encroachment of the new kitchen addition to be within 82% of the dripline of the Live Oak.

The applicant submitted the following request for a variance:

Prior owner, Myron Sheen has received permission from the City to erect two platforms on the East side of the house. The (front) south-east platform was for supporting HVAC condensers as a bump out of the kitchen area and the (rear) North-East platform was for a rear access staircase.

Due to extreme rot and decay of the (front) South-East platform and the wind damage caused by the recent Hurricane Barry, much of the siding of this existing bump out was leaking severely in the home causing emergency repairs. Upon removal of the damaged and rotten weatherboards, it uncovered additional rot of support and studding. Repairs were made to the supports and studs as needed as it was at this time that we extended the bump out to the full size of the existing platform.

The footings for the (front) South-East platform were existing.

Because of the expansion of the kitchen bump out to the pre-existing front platform size, we had to move the HVAC condensers to the pre-approved (but not yet constructed) rear North East platform. The relocation of these HVAC condensers also works well environmentally for a live oak tree which is situated between 1635 and 1629 Lakeshore Drive. The HVAC condensers are now further away from said live oak causing less stress to the tree from its heat distribution of the condenser itself.

Both front and rear platforms are pre-approved by the City from the prior owner Mr. Sheen. The HVAC condensers are now placed in a better location centrally between two live oak trees insuring their continued health.

All materials and appearance are in keeping with the historical significance of the home as we have been good stewards to this property since moving into it in 2015 with significant investment and improvements made to it since its purchase. The home was recently painted and all the shutters were striped and sealed back to their original conditions making them all fully functional.

A variance was granted in 2010 under Case V10-05-11 to CLURO Sections 8.3.5.2(1) and 8.3.5.5(3a) to the Flood Damage Prevention regulations. The previous property owner, Myron Sheen, requested variances to allow a major addition to the house and not mitigate (elevate to required BFE). It was a substantial improvement and new construction was required to meet the bfe. The existing house did not meet the bfe. At that time there was no Historic District. Because the house was eligible for the National Register for Historic Places, the variance to allow the addition below the BFE was approved. Otherwise, variances were not granted to be below the bfe. Since that time, the Historic District was created and the house is listed as significant. There were no variances granted to setback for the new addition. Mechanical equipment at that time was allowed in the side yard setback.

Additionally, the plans submitted for the addition, indicated the mechanical equipment would be accessed from a stair on the rear of the house, and the equipment was proposed to be located on the side of the house, toward the very back of the structure. At the time of the variance application, mechanical equipment was allowed to be located within the side yard setbacks.

Ms. Bush asked how did the City get to this point. Ms. Scott said the received a telephone call about whether a permit was issued. The staff stopped work on the project.

Christy Tornier, on behalf of Mr. and Mrs. Wolfe, said the owners had painted the residence. They had purchased the house in 2015 and they requested to enclose an existing platform and move the mechanical equipment to a separate platform. When the house was purchased, they purchased all rights with the house. They got a copy of the building permit showing the actual platform that the air condition units were moved to. There was the pantry and kitchen bump out. The work was performed during Hurricane Barry since there was damage, leaking, and rots. This was work always discussed to be completed. No harm was existing to any adjoining property owners, but the neighbors were in agreement with the changes. They appeared before the Historic District Commission who said seeing what was started allowed them to see the live oak's greater chances of survival. No one could be shown the ugly mechanical units from the street. They granted approval provided the variance was approved.

Scott Wolfe, 1635 Lakeshore Drive, apologized to the board for being in this position. He purchased the home knowing Dr. Sheen had been approved for the mechanical platform to the rear. They inherited the existing platform that was to the north prior to Dr. Sheen's purchase. The pantry was a 40 square foot bump out on the mechanical platform. They knew that was available to him. The kitchen was downstairs having been destroyed by Hurricane Katrina. Hurricane Barry came through on July 13th and had pushed flood waters all weekend. Mr. Wolfe also owned the building at 137 Girod Street which had 7" of water. The first week, Monday July 15 – 20, his work crew spent their time at the office building remediating it with 50 tenants. The same weekend he experienced rainwater infiltration at home on the east wall in the kitchen. His crew put a tarp up over the pantry. The second week of July, he was able to redirect the work crew to his home to clean up the hurricane debris. July 25-26 they removed the tarp to address the rain infiltration. At that time, they started removing house boards. With a 150 year old home they found rotten studs, moved the compressors and the platform itself was damaged by rot. It was time to address the infrastructure of the platform and the root system of the tree. He and Dr. Sheen have a common interest of the oak tree. At that time, they installed the cantilever system. The timeline was July 25, 26 and 27th. On that weekend someone called the staff about the construction. At that time, they decided to install a roof over the existing platform which added 40 square feet to the existing pantry for a total enclosure of 60 square feet. On July 29th he had heard from the staff. Mr. Wolfe had met with Ms. Scott and he had applied for an exception. Since that time Mr. Wolfe met with Zeigler Tree Service and their opinion was there was no harm to the tree, but moving the compressors ensured sustainability by removing hot air. The only person affected was Dr. Sheen who was in favor. By moving the compressors, Dr. Sheen's glass enclosed kitchen provided a better view of the historical house. To the west was Peggy Baldwin who was in favor. Last week he had appeared before the Historic District Commission who voted 6-1 favor with the submittal of a future window design approval.

Mr. Rhinehart attended the Historic District Commission meeting and the commission had no issue with the bump out and were adamant about the window being visible from the streetscape.

Jane Wolfe, applicant, also apologized for not getting a permit. She wanted the windows and did not have one because of the stop work order. Ms. Scott said the fire code was building to a property line that the window must be fire rated. The staff did not have plans, and the building official must look at support issues. For clarification, the Wolfe's did appear before the Historic District Commission which granted approval but there were questions to insure that the original request complied and asked the applicant to come back after the Planning and Zoning Commission's decision.

Mr. Clark said the owners agent indicated that Mr. Sheen had approvals and they went with the property. Ms. Scott said there was a difference between an existing air conditioning platform and a house addition. Mr. Clark said it would end up with asking for forgiveness. Ms. Bush asked if there was a contractor involved and there was a contractor. Mr. Wolfe said it was an emergency situation to a misinterpretation.

Mr. Clark said because Dr. Sheen made the transfer would they be able to move forward on the platform. If that was the only issue that did not involve the commission, it was about getting a permit. Ms. Scott said the floor plans showed it was previously approved. The staff did not have a permit issued for that pantry bump out. The surveys did not show it. She was not sure when the pantry was constructed. It was shown as an existing condition on Dr. Sheen's plans.

Ms. Bush asked for clarification of what was being requested of an approval after the fact. She asked would the commission have approved it. Ms. Scott said the request for an exception to the side yard setback to allow the kitchen addition and to allow an encroachment into side yard setback. Because they moved the mechanical equipment, it would now require it be placed behind the house or request an exception to be located in the side yard setback as well as an encroachment into live oak tree canopy.

Mr. Clark asked how to prevent the encroachment into the canopy of live oak trees. Mr. Fairley said this happened because there was no permit. Ms. Scott agreed when reviewed the staff could not issue an after the fact permit because it did not meet the regulations. Mr. Fairley said the new structure did not do any damage to the live oak tree roots. Ms. Scott said the staff would like the City Arborist to also review the site. They had made an effort to help the live oak tree. Mr. Lahasky said the commission must decide if it was not built and this request was made, would the commission approve it. Mr. Fairley asked if the tree would need to be pruned and the answer was no. Mr. Rhinehart asked to clarify if the platform was the same area and size of previous platform. Mr. Wolfe said it filled the same footprint as the platform. It was shorter because of the stair removal.

Mr. Lahasky said his issue was if this would have been before the board without an encroachment, he would have said no. If it was already there, how do we consider it. Mr. Clark said it was a "go and sin no more" situation. It would make a nice addition to the house and if Dr. Sheen approved that it did not disturb him, but it now became a suggestion and it was becoming a common occurrence by losing what CLURO was requiring. Mr. Lahasky said who should levy the penalty. Ms. Scott said it was administration enforcement which the staff stopped work. He abided by the stop work and had submitted the information. Mr. Lahasky asked about a fine. Ms. Scott said there would be double the permit fee. There were situations of blatant violations that could not be repaired. Mr. Rhinehart said he agreed with Mr. Clark, and with exceptions they were granted with no adverse impact which he did not see.

Myron Sheen, 1629 Lakeshore Drive, said his heart was in Mandeville and owned a historic house for a long time. He gave a lot of his time and money to keep 1635 Lakeshore Drive where it was. He was clear that the Wolfe's had invested into the house that he could

never afford to do. It would last another 150 years. The improvements would only make it better for his and their property. He said the contractor was sensitive to the environment.

Leonard Rohrbough, 2525 Lakeshore Drive, disagreed the commission could not say go forth and sin no more. Others will feel they could also get away with it. The commission could hold the applicant to the rules. This was a gross encroachment of an almost a zero lot line on a single family residence. Mechanical platforms came under different rules for setbacks. It did not mean expanding the house by moving the mechanical equipment. He was against allowing this.

Crystal Younger, 480 Carroll Street, saw the platform before and since it was existing becoming cantilevered it did not hurt the live oak tree. She understood the rules, but she felt this was different than enclosing an existing structure.

The next case discussed was V19-10-34 Philip and Crystal Younger request a variance to Section 9.2.5.2, Vegetative Protection Zones, a portion of lots 12, 13, 17 and 18, square 25B, 229 Carroll Street, zoned R-1/B-3

Ms. Scott presented that the applicant had purchased a portion of lots 12, 13, 17, and 18 in Square 25B, located at 229 Carroll Street. This property had a split zoning and was zoned R-1, Single Family Residential on the front portion and B-3, Old Mandeville Business District in the rear. The property was currently improved with a single family dwelling. Additionally, the property contained a 72" live Oak located on the front, north side of the property. All improvements were in accordance with the survey prepared by Randall W. Brown & Associates, Inc. dated May 6, 2019.

The applicant had been approved by the Historic District Commission to demolish the existing house and plans to construct a new single-family residential home toward the rear of the lot, outside of the dripline of the tree.

The site plan dated August 25, 2019 indicated the live oak tree was located in the front north corner of the property with the canopy extending across the entire lot, toward the south property line ~56' across the lot. Currently, there was no existing driveway on the property – the parking has been in the front of the existing house, within the street right of way.

The site plan proposed a new pervious limestone driveway with concrete curbing to be located along the south side of the property, providing driveway to access to the property. This aggregate driveway will encroach into more than 82% of the drip line of the tree live oaks. A variance was being requested for this encroachment.

The staff would work with the applicant and contractor to find another way to access the site for equipment. There was a similar variance and approval for new construction on Lakeshore Drive where the owner received access through the neighbor's property. The driveway was proposed to be a limestone driveway with no base. There would be specific requirements outlined by the arborist to follow. There was a letter from an adjacent property owner about the tree cavities. Dr. Malcolm Guidry wrote a letter stating he did saw no signs of infection, disease or insects, but noted a few dead limbs that need pruning as soon as possible. He noted there were concerns about bats, but they did not cause any damage.

Ms. Scott said the concerns might be that the tree was not healthy and construction would be further concern. Dr. Guidry's finding was that the tree was healthy with a few limbs to be cut. Ms. Bush clarified there was no other risk than any other tree. Dr. Guidry felt the tree was over 300 years old.

Crystal Younger, applicant, said the bats were coming from the house. The house would be demolished. She said one of the limbs had previously fallen and she was in agreement to pruning the limb suggested. She was concerned about the neighbors rolling over the root structures of the tree so she would not use the driveway to the left.

Darlene Michelet, 235 Carroll Street, said tree was beautiful. On July 2nd a limb fell on her car. She was afraid with the demolition and would like the tree to be pruned. There were no roots under her driveway that she could see. The previous owner rode over the roots. She requested pruning prior to the demolition. She had no objection to the driveway location. She did not want any more damage to her property. She was looking forward to the demolition since it was in deplorable condition. Mr. Lahasky said the pruning could be conditioned on the recommendation of pruning by the arborist prior to demolition. Ms. Younger was in agreement with pruning the tree. Ms. Scott said the letter from the neighbor puts Ms. Younger on notice.

The last case discussed was V19-10-35 Kake LLC requests a variance to Article 9, Parking and Landscaping, more specifically to Section 9.2.5.5(4) Buffer Zone Requirements and Section 9.1.2, Construction Design Standards for Parking and Loading, a portion of square 56, 841 Lamarque Street, zoned B-1

Ms. Scott presented that the applicant purchased the property located at 841 Lamarque Street in September 2017. The property was a parcel of ground located in Square 56 and measured 56' frontage on Lamarque Street by 201.62' in depth in accordance with the survey prepared by Land Surveying LLC. The property was located on the east side of Lamarque Street just south of US Hwy 190. The property is currently vacant and is zoned B-1, Neighborhood Commercial. The property to the north is also zoned B-1, and is developed with a liquor package store (Gulf Coast Spirits). The property to the south is zoned R-1, Single Family Residential.

The applicant was proposing to construct a new 1,100 square feet building with the proposed land use as an office and the remainder of the building to use for ice cream production for his business, Just Chillin'. The office space consisted of ~240 sf and the ice cream area included ~ 600 of which ~170 square feet was a freezer.

The site plan indicates the following:

Parking: Based on the proposed land use, 3 parking spaces were required. There were 5 parking spaces proposed, including one handicap space with 4 of the spaces proposed at the rear of the building and the handicap space is located in the front. Access was provided by a driveway located on the south side of the building.

The lot was adjacent to a property that is zoned R-1, Single Family Residential, and the CLURO under the minimum buffer requirements, a minimum 20' buffer is required on the south side of the property adjacent to the R-1 zoning district. The lot frontage was 56', the minimum required depth of a parking space was 18.5', minimum back-up aisle was 25' (with 10' stall), and the minimum buffer required was 20', totaling 63.5'. Parking lot design by the CLURO design standards cannot be met due to the 56' width of the lot.

The applicant was requesting a variance to allow a 13' 6" encroachment of the back-up aisle into the required buffer, for a distance of 48' (~650 square feet) for the proposed parking spaces in the rear and for the area of the handicap space located in the front of the building.

**Zoning Commission
Work Session
September 24, 2019
Page 7**

Additionally, the site plan indicated the proposed driveway is 12' 6", however, due to required landscaping adjacent to the building and the narrow width of the lot, the driveway encroached ~4.5' into the required 20' buffer for the length of the site.

The site plan indicated the parking spaces were setback 5' from the north property line. They measured 12' in width by a depth of 18' 6" and a back-up aisle width of 12.5'.

The following site plan revisions could be considered:

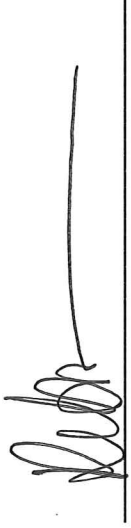
- utilize aggregate/limestone material for parking and driveway areas.
- for area encroaching into the required buffer, consider using a grass paver or comparable method for the area encroached.
- Provide additional landscaping, evergreen, in area of encroachment.
- Relocate handicap space to rear of structure, and shift building toward front.
- Bank excess parking spaces.

Mr. Clark confirmed that the northern edge of the property was zoned B-1. He asked if the structure was shifted north, what would the setback requirement be? Ms. Scott said it would be 5'. Mr. Robertson said it was set as far away from the residential use as it could be. Ms. Scott said the parking could be shifted to the property line.

Jeff Robertson, 3799 Highway 22, said if they moved the spaces into the setback there would be less encroachment into the buffer. In the B-1 district, parking was required and would require 3 spaces. Mr. Robertson said he was told as classified this business needed 1:250 for five spaces. Mr. Clark asked if the business needed that much parking and could he bank the spaces. Mr. Lahasky said if the structure was sold it did not meet the requirement. Ms. Scott said there would be the need for employee parking so they could bank the spaces. Ms. Scott said the parking spaces could be shown as banked on the plan and they spaces could be created in the future if needed. Mr. Rhinehart said the CLURO required a 20' buffer adjacent to a residential use. Ms. Scott said it was to minimize adverse impact to a residential use. Mr. Robertson said he only needed two parking spaces. Ms. Scott suggested moving the building forward with the parking to the rear with a limestone driveway. Ms. Scott said the staff would verify the need for a handicap space. She also suggested creating a narrow driveway with two parking spaces to rear for a small encroachment for that portion of the two parking spaces. There would be no adverse impact on the adjacent property. Mr. Clark said it would be "win/win" with a parking bank. It made sense, but a problem was in future of a sale the parking could go to the edge of the property. He suggested parking in front and leaving the rear past the carriage door undeveloped.

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


Lori Spranley, Secretary


Rebecca Bush, Chairwoman
Planning Commission

