

**Planning Commission
Public Hearing
December 4, 2018**

The meeting was called to order by Zoning Chairman Michael Blache and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, and Jeff Lahasky

Absent: Rebecca Bush and Bill Sones

Also Present: Louise Scott, Director, Planning Department; Catherine Casanova, Landscape Inspector; and Mayor Donald Villere

Mr. Clark moved to adopt the minutes of July 24, 2018, seconded by Mr. Fairley and was unanimously approved.


Mr. Clark moved to adopt the minutes of August 14, 2018, seconded by Mr. Adams and was unanimously approved.

Mr. Adams moved to adopt the minutes of November 8, 2018, seconded by Mr. Lahasky and was unanimously approved.

Ms. Scott announced that Steve Villavaso has confirmed to present an education seminar on Monday, December 17th at 6:00 p.m. The seminar would be two hours.

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


Lori Spranley, Secretary


Michael Blache, Chairman
Zoning Commission

**Zoning Commission
Public Hearing
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Mr. Blache 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 Z18-12-06 Recommendation to the City Council regarding Ordinance 18-35 to rezone lot 28-A, square 82, City of Mandeville, St. Tammany Parish, State of Louisiana, from B-1, Neighborhood Business District, to R-1, Single Family Residential District; and providing for further matters in connection therewith

Ms. Scott presented in 1996, lots 13, 16, 17, 18, 24, 25 and 26 were resubdivided into lots 27-A and 28-A, in accordance with the resubdivision plat prepared by John E. Bonneau & Associates, Inc. dated January 22, 1996. These parcels were portions from other properties that had been sold many years ago. The request was to have a consistent zoning.

The adjacent property to the west, 823/825 Albert Street and the property to the east and north 1214/1216 Florida Street were non-conforming uses, where existing single family residential uses occur in a B-1 zoning district.

Mr. Adams asked if the commercial property buffers would change with the zoning change to R-1. Ms. Scott said the regulations stated it would pertain to whatever property was developed first. Mr. Clark asked if lot 26 was commercially zoned and lot 25 was residentially zoned and it was answered yes. This would be the rear yard adjacent to a commercial property and a residential use on the side. Mr. Adams said the commission should define the front and side yards. Ms. Scott said the buildable footprint was defined on the resubdivision plat. Mr. Clark asked about what happened to lots 11 and 26. Ms. Scott said it had been agreed to review the zoning on the east side of the town. The present owner had petitioned the change to allow for the residential construction.

Mr. Adams moved to recommend the rezoning to R-1, seconded by Mr. Clark and was unanimously approved.

Mr. Clark moved to adopt the minutes of July 24, 2018, seconded by Mr. Fairley and was unanimously approved.

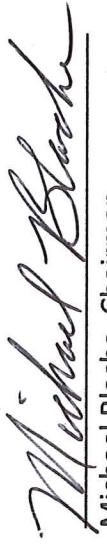
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Zoning Commission
Public Hearing
December 4, 2018
Page 2

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


Lori Spranley, Secretary


Michael Blache, Chairman
Zoning Commission

**Zoning Commission
Work Session
December 4, 2018**

The meeting was called to order by Zoning Chairman Michael Blache and the secretary called the roll.

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

Absent: Bill Sones

Also Present: Louissette Scott, Director, Planning Department; Catherine Casanova, Landscape Inspector

The first case discussed was V19-01-01 Judi J. Garrett, Matthew W. Jones, Vicki J. Fussell and Cheri J. Lagrange requests a variance/exception to Section 4.2.4.5 Provisions for Non-Conforming Lots of Record, square 35, two parcels each measuring 70' x 138', 601/611 Marigny Avenue, zoned R-1

Ms. Scott presented that the applicants were requesting an exception to CLURO Section 4.2.4.5(3) to allow the separation of two parcels of ground located in square 53. The property was zoned R-1, Single Family Residential and formed the corner of Marigny Avenue and Livingston Street. The corner parcel was vacant, and the interior parcel was developed with a single family residence (601 Marigny Avenue).

Each parcel measured 70' frontage by 138' depth and contains 9,660 square feet. The property was zoned R-1, Single Family Residential. The minimum lot size for the R-1 zoning district was 90' frontage, 120' depth and contain 10,800 square feet. Each parcel was deficient in the frontage by 20', and was 1,140 square feet deficient in area. If one or both lots were improved, the setbacks were reviewed. The plat indicated a 10' setback on the south side and a 5' setback on the north side which was an existing condition. The side yard setback under the new regulations would be 12'. The property was non-conforming on the south side of the property. It was noticed there was a live oak tree on Livingston Street that appeared to be on the edge of the property and close to the property line. Mr. Jones felt the tree was located inside the property line. The tree encroached more into the buildable area. Looking at the properties along Marigny Avenue, they ranged in size from 32,000 to 12,800 square feet. They were generally two parcels of 60' to 70' frontage.

Mr. Blache said the property would not meet the minimum square footage of 10,800 square feet with the proposal being 9,660 square feet. The board members were in consensus with Mr. Blache's comment.

Tim Hoover, 1837 Livingston Street, said he purchased his home four years ago. He was in opposition to the request. He felt the request was squeezing in a small house which would reduce the property values. He would not like the live oak trees to be trimmed. There was a drainage issue that was significant. He had spoken with Ms. Scott and a decision to grant a variance would be inconsistent with past decisions of either meeting 76.5' or 10,800 square feet. Mr. Hoover said there were rules for a reason. The purpose of the variance process was for unforeseen circumstances, but not to make money. He would like to see the existing house torn down and a new house rebuilt. Mr. Adams said variances could not be for a financial circumstance. Mr. Hoover said reasons for the opposition were drainage issues, trimming of the live oak tree, and not fitting in the area.

Pat Cougevan, 625 Marigny also 633 Marigny Avenue, stated he was in opposition. He did not want the neighborhood divided and it would affect property values. He had lived in his present house for 17 years. He liked the Jones family, but it was a money grab for the three sisters not living in Mandeville and allow Mr. Jones to remain in the house at 611 Marigny. He

**Zoning Commission
Public Hearing
December 4, 2018
Page 2**

said there was not a single house in 600 block whose lot would be this small. It would not help the value of the neighborhood.

Bill Jones, 611 Marigny Avenue, represented his family. It was interesting to hear the opposition. A neighbor was disappointed because he could not purchase the property and build on the property. He heard the term hardship. Why should there not be an exception. He said there was a hardship that this was a family home for 50 years. His father had been a retired police officer and Mr. Jones moved back to take care for his ill father. Mr. Jones said he wanted to retire in Mandeville because he grew up in Mandeville. Because of the tax base and the cost of homes, he could not afford the house. The hardship was if his family could sell the lot, he could take his share of the property and apply that to a mortgage to purchase the house. If the exception was not granted, the new owner could demolish the house rebuild the site with a large house. It would look like the square footage of the other houses on the block. His sister thought about initially buying the lot and constructing a cottage. His father wanted to leave the property to his children. Mr. Jones understood the neighbor's opposition, but they were asking for an exception to allow him to continue to reside in the house. If the commission chose to deny the exception, they would sell the property for \$150 per square foot to someone who would demolish and rebuild. The tax base would be equal. He could only afford the house if he could afford to buy out his siblings which were to sell the lot.

Mr. Hoover said he offered to purchase the lot four years ago when he was told it was a separate lot and Matt Jones refused. Bill Jones called him to purchase the lot after his father died and Mr. Hoover had agreed to the price. At that time, Mr. Jones had indicated there was an offer for more money. Mr. Hoover had an executed purchase agreement with an exclusion after speaking with Ms. Scott that this was not a buildable lot. Matt Jones had indicated he wanted the lots left together to his family. Mr. Hoover stated he thought property values were increasing and he wanted it to continue.

The next case discussed was V19-01-02 Billie R. Comeaux requests a variance/exception to Section 4.2.4.5, Provisions for Non-Conforming Lots of Record, square 67, lots 5, 6 and 7, 450 Atalin Street, zoned R-1.

Ms. Scott presented that the applicant had submitted a survey prepared by John Cummings dated 10/16/2018 of lots 5, 6 & 7 located in Square 67. These lots were located on Atalin Street between Madison and Monroe Streets. The owner acquired the property through a termination of a family trust. Lots 6 and 7 were acquired by the family in 1977 and lot 5 was acquired by the family in 1989 and had been described as separate parcels. Currently, Lot 5 was vacant and Lots 6 and 7 were improved with a single family dwelling that was constructed in ~1981. The applicant was requesting to allow the separation of Lot 5 from lots 6 & 7.

The following information was provided:

- All of these lots are zoned R-1, Single Family residential which requires a minimum frontage of 90' and depth of 120' and min. square footage of 10,800 sf.
- Based on the survey submitted, Lot 5 measures 62.23' frontage by a depth of 201.89' and contains 12,585 sf.
- Based on the survey submitted, the house is located in the center of Lots 6 & 7. These lots, together, measure 124.46' frontage by a depth of 202.22' and contain 25,228 sf.
- The south side yard setback is 26.8' under the R-1 Site Development, a minimum 20' side yard setback is required (north side yard setback is 45.8')

Photos of the site determined there were live oak trees on the property which were not identified on the survey. Two of the trees were located in the front and one tree was located

Zoning Commission
Public Hearing
December 4, 2018
Page 3

on lots 6 and 7. There was another live oak tree on lot 4 which encroached over lot 5. There were clear areas between the driplines for buildable areas. It was important to have the tree driplines surveyed.

Mr. Blache said this appeared to be similar to previous case; however, it was not. He said looking at the square along Jackson Avenue there were six or seven houses containing 60' frontage that were lots of record. As a point of fact, variances were granted in the past through exception when the complex of the block was similar and it was in this case with a larger square footage. Ms. Scott said because the setback for the house on lots 6 and 7 exceeded 20', the lot could obtain an additional 6' through a resubdivision. If the commission allowed the separation as it existed, they did not have to resubdivide. Mr. Clark said if the request was an exception or a variance. Ms. Scott said the procedure was the same. At this time, the commission was evaluating the request and if there was no hardship it would be granting an exception.

Billie Comeaux, 1207 Needlepoint, applicant, said her parents had purchased lots 6 and 7 together. Both her parents and the owner of lot 4 on the corner had purchased the lots because they did not want anyone to build next to them. Her parents did not realize that the house could have been situated on the property to create a large enough lot for a future sale. She was requesting a variance of 5.5'. She was open with working with the corner property owner since purchasers in the \$300,000 sale range would probably not want to purchase lot 5. She was asking for the possibility to sell the property separately.

David Comeaux, 681 Sweetbay Drive, said ideally looking at lot 5 the best option would be for someone to purchase lots 4 and 5. But, that could not be done without the lot separation. If not, it would only be the corner lot marketable by itself.

Ambrose Amedee, 415 Atalin Street, lived across the street, stated he was opposed to the lot separation. He wanted the 90' frontage requirement upheld. On the east side of the street there were no properties less than 90' minimum and measured up to 180' frontage. A 62' frontage would reduce priority values and not help the owners. He also noticed that the property was cleared without an underbrush permit and the debris was pushed to adjacent lot.

Robert Comeaux, 1207 Needlepoint, said the house was vacant and they had invested money in the house renovation. The regulations had changed since the property was purchased. He was in agreement to adding 4-5' from the house lot to make the lot more compliant. They were hopeful to sell all of the property to one person, but they wanted an option if they did not sell it all together.

Mr. Lahasky asked about the owner of the corner lot. Julie Amedee said the ownership of the lot was the Prieto family.

Tracy Gonzales, 435 Atalin Street, was concerned about construction on lots 4 and 5 not looking consistent to the neighborhood. She was concerned that the property was cleared without an underbrush permit. Ms. Scott said that would be reviewed from an enforcement standpoint.

The commission requested the live oak trees dripline be identified on a survey.

The last case discussed was V19-01-03 John Reis, Jr. requests a variance to Section 9.2.5.7, Live Oak Protection Requirements, square 74, 258 Jackson Avenue, zoned PRD

Ms. Scott presented that the applicant was proposing to construct a new residential dwelling at 258 Jackson Avenue. This property was zoned Planned Residential District (PRD) under Ordinance 95-20, adopted June 22, 1995. This ordinance approved a site plan for the proposed development of 12 single family dwellings and the plan was revised in 2006 reducing the number of home sites 9. This was the last parcel for the 9th unit.

The property was located on the corner of Jackson Avenue and Jefferson Street. A tree survey, prepared by Randall W. Brown & Associates, Inc. dated September 25, 2018 indicates there are 3 live oaks on the property as follows:

- tree #13 is shown as a 36" live oak tree – located in the SW corner of the lot. Proposed to be preserved and construction is placed to be compliant (82%) of the dripline
- tree #14 is shown as a 48" live oak tree – located in the SE corner of the property. This tree is proposed to be preserved and construction is proposed outside of the tree canopy
- Tree #12 is shown as a 24" live oak tree – located toward the center of the lot within the buildable area. This live oak is proposed to be removed. Tree replacement provisions require 4 (2") live oaks to be replanted.

Ms. Scott encouraged the board members to visit the site. Tree #13 was a specimen live oak tree and the front tree was a nice live oak. The tree was tagged with yellow tape.

Dr. Malcolm Guidry, Consulting Arborist, examined this site in 2014 and wrote a letter dated July 21, 2014 to Maggie Gleason, Landscape Inspector. Dr. Guidry has reevaluated the tree and provided comments in a letter dated November 26, 2018.

2014:

As you requested, on 7/18/14, I inspected the live oak tree regarding the matter as referenced above. There were existing two live oak trees; one larger tree at the rear of the lot and one smaller one within the front area of the lot. It is not possible to protect both trees based upon the footprint of the proposed construction. Based upon my inspection of the site, the large tree at the rear of the lot should be protected. However, to do so, the small tree at the front of the lot will have to be removed. It is important to note, this tree exhibits undesirable architecture of its branches in that the canopy is extremely misshaped. Importantly, the structural integrity of the tree is questionable, consequently, it is my opinion the tree should be removed in an effort to allow more space for the large tree to be preserved.

2018: Findings in 2014 remain the same.

Mr. Adams said there were no lot lines. Ms. Scott said this was a Planned District with slotted areas nine homes to keep the area as wooded as possible. The site plan indicated the existing trees to be preserved. The integrity of the live oak tree was not great and there were nicer other tree species on the site. Mr. Adams said there were lines drawn on the map showing the building sites. Ms. Scott said the approved plan identified the sites and there was an existing driveway on Jefferson Street so there would be no further cuts.

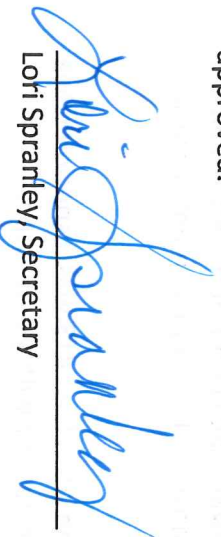
Brian Burke, 1515 Jefferson Street, said it looked like it was a substantially sized house and he thought there was a size restriction for this site. He also thought there was a provision of an inside driveway and not accessing the street. The intent was to keep the foliage of Jefferson Street and Jackson Avenue to shield the project. Mr. Burke said he knew it was off topic, but he wanted to have it reviewed prior to any tree removal. Mr. Clark said that sounded like a Planned Residential development. Mr. Burke said there was some common area in the development. Ms. Scott said the ordinance was amended in 2006 to reduce the size of the site to nine sites, and she would research the original ordinance.

Zoning Commission
Public Hearing
December 4, 2018
Page 5

Christian Jones, agent of the owner, 773 Rue Calais, said the reason for the request was that the tree was not allowing enough buildable space for a house. The proposed house was 1,800 square feet. The house fit within the setbacks, and they had worked with Ms. Casanova about moving the house around the property to save as many trees as possible which was the objective. Mr. Adams agreed that Londi Moore's intent was to save the trees. Mr. Jones said the rear oak tree was beautiful with a large canopy and they had moved the house forward to avoid the 82% dripline.

Mr. Blache asked in terms of diameter what would be the replacement. Ms. Scott said there would be a four tree replacement. Mr. Jones said they would pay into the mitigation bank for off-site planting or somewhere was the City's choice. The house increased the value for the neighbors.

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


Lori Sprantley, Secretary


Michael Blache, Chairman
Zoning Commission