

The meeting was called to order at 6:00pm by Zoning Chairman Brian Rhinehart

The secretary called the roll.

Commissioners Present: Karen Gautreaux, Nixon Adams, Scott Quillin, Mike Pierce, Brian Rhinehart, Simmie Fairley, and Claire Durio

Absent: None

Also Present: Cara Bartholomew, Director Planning Department; Lauren Brinkman, Planner; David Parnell, City Attorney; Alex Weiner, Secretary

Ms. Gautreaux said they would do the minutes first as there was no other business on the Planning Commission agenda.

Mr. Quillin noticed a mistake with the February 22nd minutes on page two, paragraph four and motioned to defer the acceptance of those minutes until the next meeting. Mr. Fairley seconded, and all were in favor. Mr. Quillin made motioned to adopt the minutes from the February 8th meeting, Mr. Fairley seconded, and all were in favor.



Alex Weiner, Secretary



Karen Gautreaux, Chairwoman
Planning Commission

Brian Rhinehart, Zoning Commission Chairman, commenced the Zoning Commission Meeting.

Mr. Rhinehart read the announcement 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.

V22-03-05 – James and Susan Hanlon request a variance to CLURO Section 5.2.3.2 Drainage Overlay District and Fill Sub-Area A, R-1 Single Family Residential, 2239 Lakeshore Dr

Mr. Quillin asked if this was an exception or variance, Ms. Bartholomew replied it was an exception. Mr. Adams said that the cases were always presented as variances, and it was up to the Commission to decide if they are a variance or exception.

Jay Seastrunk, 1815 Lakeshore: Asked if the spoil has to be removed or incorporated into the landscaping, and if it is to be incorporated how would that affect the drainage of the property. Ms. Bartholomew answered that they would be required to remove any spoil from the site.

Jim Hanlon, 2239 Lakeshore, Applicant: Clarified that the existing pool is still on site, just filled in. The fill from the pool and the planters that were placed on top would be removed from the site.

Mr. Rhinehart asked if any sloping would be done, Ms. Bartholomew replied that it would be at grade and then elevated.

Mr. Hanlon said that the decking would be about four inches above the grade of the house.

Mr. Quillin asked if any drainage or grading plans have been reviewed. Ms. Bartholomew replied that the City does not require stamped plans for the permitting process, but they could request something. She did say that because this site is located in a VE flood zone an engineer report stating that the pool would not be an obstruction to floodwaters was required and was submitted on Monday, as such it has not been reviewed by the Public Works department, the City Engineer, or the Floodplain Manager.

Ms. Durio asked if the new pool would be the same depth as the old one, Mr. Hanlon replied that the new pool is going to be slightly larger and was unsure of the depth but assumed it would not be deeper as it will be raised.

Mr. Pierce asked if the comments from the Public Works department and Engineer would be available before the vote, Ms. Bartholomew replied that they would be, and the report has been submitted to both of them.

V22-03-06 – Chandler Goltz requests a variance to CLURO Section 5.2.3.2 Drainage Overlay District and Fill Sub-Area A, R-1 Single Family Residential, 130 Lamarque St

Mr. Quillin asked if any drainage or grading plan has been submitted for this case, Ms. Bartholomew replied that nothing has been submitted for this one, because the last case is located in a VE flood zone a plan was required for permitting, but the Commission can request something.

Ms. Durio clarified that this pool was requesting to be raised 24" while the previous pool was asking for 18", Ms. Bartholomew replied that was correct.

Jack McGuire, 129 Lamarque: In favor of the request, their property got 30" of water during Katrina, and 24" in Ida which could be why the applicant is requesting 24".

Jay Seastrunk, 1815 Lakeshore: Lives next door and has concerns about the drainage. Also wondered why they were asking for a fill variance when they were not bringing in any new soil. Ms. Bartholomew replied that fill is classified as anything that can change the topography or raise the level of the existing ground and includes soil, rock, or concrete.

Ms. Durio asked if the owners would have to remove the spoil as well, since it was not specifically mentioned. Ms. Bartholomew replied they would.

Mr. Quillin requested that Public Works review something related to this project, even if it was a had drawn plan.

Phyllis Danielson, 127 Marigny: Said that lots of neighboring houses drain onto her property and is concerned with increasing that in any way. She wants to see a drainage plan showing the water going away from her property. Mr. Rhinehart said he understands her concerns and is working on some language changes to the CLURO with regards to the amount of red clay allowed and the definition of a pool regarding pervious/impervious coverage.

V22-03-07 – Eric Corti requests a variance to CLURO Section 9.2.5.5 Landscape Requirements in Districts Other than Low-Density Residential, Subsection E, B-2 Highway Business District, 4245 Hwy 22

Mr. Adams said that this would be an exception and suggested that the minimum CLURO requirements may not be enough to grant it.

Mr. Rhinehart brought up that the rear buffer is adjacent to Beau Chene and asked if any cutting was planned along it. Ms. Bartholomew replied that nothing would be happening there, the applicant was only asking to remove vegetation in the south buffer along Hwy 22.

Mr. Quillin said he understood the applicants concerns about sightlines and asked what the site triangle would require as a minimum to help traffic and not create any accidents.

Dan Voekel, Contractor on the job: The brush that has grown along the buffer does not allow them to plant the required trees for their landscaping plan and they are caught between the two ordinances. He also clarified that the owner has no intention of doing anything to the other buffers.

Ms. Durio asked if there were any trees that were greater than three inches in the brush. Mr. Voekel replied that there were some trees that were greater than three inches, and some were located under the powerlines.

Mr. Adams asked if the original permit was submitted more than two years ago and if there was any night lighting. Ms. Bartholomew replied that it was submitted in late 2019, early 2020 and the City Engineer would look again to see if they were compliant for the lighting.

V22-03-08 – Sue Rudiger requests a variance to CLURO Section 9.2.5.7 Live Oak Protection Requirements, R-1 Single Family Residential, 742 Rue Marseille

Ms. Durio asked if the picture with the tape measure was solid concrete or decking, Ms. Bartholomew replied that it was concrete.

Keith, 731 Mirabella helped pour the concrete: Said the concrete is not 11 inches thick, it is 4 inches or less. It is only a concrete cap, not a solid slab.

Sue Rudiger, Applicant 742 Rue Marseille: The yard was deplorable when they purchased the house, went to Koop drive to see if a permit was needed and told one was not. An arborist saw the tree and did not see any problems or issues with it.

Mr. Rhinehart asked what percentage they could encroach into the dripline of the live oak, Ms. Bartholomew replied they could go to the 82% line, or 18%.

Mr. Rhinehart asked what the extent of the encroachment was, Mr. Pierce agreed and asked where the 82% line was and asked if a tree survey could be done. Ms. Bartholomew said the City Arborist estimated it was an encroachment of 29%.

Ms. Durio clarified that the concrete was eleven inches from the trunk, and the City Arborist recommended being eight feet away. Ms. Bartholomew replied that was correct.

Mr. Adams asked if there was something that was able to be done and leave the concrete, Ms. Bartholomew replied the City Arborist could go to the site and speak with the homeowner about steps to be taken.

Ms. Rudiger said that she had a second arborist come out to look at the tree and since the back half of the tree was open to add some drainage holes in the concrete for water to trickle down.

Ms. Durio said that you can encroach to the 82% dripline, with the back being open the exact amount of encroachment is unclear and asked the applicant what they were willing to do with regards to a support system. Ms. Rudiger said they were willing to do anything, and said that the arborist felt the back roots were not harmed.

Mr. Quillin asked what was previously in place and said the concern is to keep the tree in good health, Ms. Rudiger replied that it was a frame of wood with six inches of sand and pavers with concrete in-between. She also mentioned that the area that was recommended to be removed had been there previously.

Ms. Durio said the concern was because the previous material was porous, Ms. Rudiger said that there was concrete in-between the pavers, Ms. Durio replied that there was a difference between sand and concrete.

Ms. Bartholomew said that a meeting between the City Arborist, Ms. Rudiger and the Tree Wise Man arborist would be set up and asked the Commission what kind of tree survey they wanted.

Mr. Rhinehart said he would prefer a whole canopy survey but will defer to the arborist.

Mr. Adams asked how many trees would be needed to be replanted if it dies, and what dbh would they be, Ms. Bartholomew replied that four trees with a dbh of six inches and at least ten feet tall would be needed.

Mr. Rhinehart requested a tree survey and mitigation plan or support system for the next meeting.

Ms. Bartholomew made some announcements about upcoming conferences and gave updates on the resiliency plan and the RFQ for the sign code.

Mr. Rhinehart also brought up that a redistricting would be happening in the future, it has to be done minimum six months before the next election, but they want to get it done sooner.

Ms. Gautreaux motioned to adjourn the meeting, Mr. Pierce seconded, and all were in favor.

The meeting was adjourned at 7:06pm.



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission

Public Comments

TERRIE HUGHES

March 1, 2022

Re: Mike & Sue Rudiger

To Whom It May Concern:

I am writing on behalf of my dear friends Mike and Sue Rudiger. They are a wonderful couple that have created a beautiful paradise in their property. The gardens are always maintained with the utmost care. Everything in the rear yard was done with consideration in creating a serene, beautiful atmosphere that would blend carefully and aesthetically with mother nature.

They would never do anything to hurt any plant life as they care greatly about the incredible amount of gardens and landscaping they have installed to improve the property that didn't have any plants when they purchased it. I pray that you will take this into consideration when determining the fate of their recent improvements.

Sincerely,

Terrie Hughes

Alex Weiner

From: Paul V [REDACTED]
Sent: Friday, March 4, 2022 7:41 PM
To: Alex Weiner

This letter is in reference to Mike and Sue Rudiger.

They are always improving their yard and home to keep the value of their neighborhood that it is known for.

They are nature and plant lovers and would not do anything they thought would harm a live oak. They are only trying to improve their neighborhood.

Thank you

Paul Valentine

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Alex Weiner

From: Nichole Cannatella [REDACTED]
Sent: Saturday, February 26, 2022 4:29 PM
To: Alex Weiner
Subject: Rudigers

Hello,

I wanted to write on behalf of my friend Beth Rudiger her husband and their zoning issue. They were told they were potentially harming a live oak, and I wanted to state these people are tree and plant lovers!!!! Beths profession is based largely around plants and flowers, so she has a huge love and respect for all foliage. They were not out i oak tree in jeopardy.

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Thank you,
Nichole Cannatella
Owner/Photographer
[REDACTED]

www.BelleAmourPhotography.com

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Alex Weiner

From: Michelle Woodall [REDACTED]
Sent: Saturday, February 26, 2022 11:09 AM
To: Alex Weiner
Subject: Sue Rudiger property

Hello

I am writing on behalf of the Rudiger family. They are making improvements to the backyard and they will not harm any trees especially oak trees. They are good kind and generous people. Thank you.

Michelle Woodall
[REDACTED]

Sent from my iPhone

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Alex Weiner

From: MJ Payne [REDACTED]
Sent: Monday, February 28, 2022 10:18 AM
To: Alex Weiner
Subject: 742 Rue Marseille Case#V22-03-08

To whom it may concern:

I have lived in the Fontainebleau neighborhood at 748 Rue Marseille since 1993. The Rudigers, living at 742 Rue Marseille, have been our neighbors for a little over 5 years. They have been outstanding neighbors and have done more improvements to this property than any other of the residents at this house. All the improvements they have made have been very tastefully done and have vastly increased the property value.

Their backyard always looked like it came out of Home and Garden magazine and the recent improvements are even more incredibly beautiful.

Both Sue and Mike Rudiger love being in their backyard and spend a lot of time taking care of the plants and landscaping and would never do anything to harm a plant, much less a tree in their yard.

Their improvements to the property at 742 Rue Marseille has enhanced the value of all the surrounding properties.

I hope you take this information into consideration when reviewing this case.

Sincerely,

Mary Jane Payne

Mandeville resident and Fontainebleau Property owner for 28 years

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Alex Weiner

From: Kim Tingle [REDACTED]
Sent: Saturday, March 5, 2022 12:12 PM
To: Alex Weiner
Subject: Fwd: To whom it May Concern...742 Rue Marseille

Sent from my iPhone

Begin forwarded message:

From: Rufus tingle [REDACTED]
Date: March 5, 2022 at 11:33:04 AM CST
To: [REDACTED]
Subject: To whom it May Concern...

To whom it May Concern...

I am an associate and personal friend of Sue Rudiger. I have known her for many years. All properties she has invested in over the years, were greatly improved than when she first purchased them.

First and foremost she has a love for flowers, plants, trees and everything in nature. She is a licensed horticulturalist and has been for many years. She has a very successful floral shop, in addition to several gift shops inside of a few New Orleans hospitals. Sue has an extensive knowledge of how to care for and grow flowers, trees and plants. Please consider her request for a variance and/or special permission to continue to care for the large oak tree that sits well inside her property line. Her oak tree is well established for many years in the ground it's roots are unencumbered and open on three sides.

In closing, I hope that much favorable consideration is given to her in the matter of her oak tree.

Sincerely,

Kim Tingle

Sent from my iPad

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Alex Weiner

From: Kelly LoCicero [REDACTED]
Sent: Monday, February 28, 2022 1:10 PM
To: Alex Weiner
Subject: concrete encroachment on oak at 742 rue Marseille

To Whom It May Concern:

I apologize if you have already received this email as I was having trouble sending it to you through my other email.

I'm writing in regards to the concrete encroachment of a live oak tree at 742 rue Marseille I have lived at 730 rue Marseille for 28 years. This concrete was previously laid by previous owners as I used to swim at their house. The current owners have done nothing but beautify their property. The back yard is exquisite. This oak has always had concrete by its base and the oak has a massive amount of room on the total backside of the tree. The current owners only replaced the old with new. I am disheartened by the pettiness of some neighbor who obviously has a jealous streak as this is not the first time these people have been reported for ridiculous things. Please take this into consideration. I totally love the result of their upgraded back yard and see no issue with the tree.

Thank You,
Kelly LoCicero

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Alex Weiner

From: keith borja [REDACTED]
Sent: Monday, March 7, 2022 3:55 PM
To: Alex Weiner
Subject: 742 Rue Marsielle Sue and Mike Rudiger Case #V22-03-08

Good Evening,

The purpose of this email is to support the residents of 742 Rue Marsielle (Sue and Mike). Sue and Mike are responsible citizens of this community and have a great appreciation for Oak Trees. Please consider this email as a vote in their favor.

Kind Regards,

Keith Borja
[REDACTED]

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Alex Weiner

From: Gonzales, Gregory J. [REDACTED]
Sent: Thursday, March 3, 2022 12:04 PM
To: Alex Weiner
Subject: Case #v22-03-08

I am sending this letter in regards to the afore mentioned case. I have known the Rudigers since childhood. My wife and I have had a close friendship with them for years. They have always been meticulous about their homes and yards. They are the type of neighbor I would be happy to have. The improvements they have made to their home since moving in have been a plus for the entire community. They make their living with plants and trees, being in the floral industry for many many years. The improvement's they've made to their backyard were not done just for themselves and their family, but also for friends and the many neighbors you will find enjoying the open invitation to visit year round. I hope you will find in favor of the Rudigers in this case.

Sincerely,
Greg Gonzales

Sent from my iPhone

Sent from my iPhone

Disclaimer: This e-mail and any files attached to it may be considered a public document subject to a public records request under the Freedom of Information Act. The contents of this email are confidential and intended solely for the individual(s) to whom it is addressed. The views or opinions of the sender are not necessarily those of the St. Tammany Parish Sheriff's Office. If you have received this email in error, please notify the sender and delete the email from your system.

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Alex Weiner

From: Gina Abernathy [REDACTED]
Sent: Saturday, February 26, 2022 11:42 AM
To: Sue Beths Flowers; Alex Weiner
Subject: 742 Rue Marsielle

Good morning.

I am writing on behalf of the Rudiger's at 742 Marseille in Mandeville. I am along time friend of the Rudiger's and have been to their house many times. They always take pride in their home and spend a lot of time hosting friends in their beautiful backyard. They are always striving to make their home aesthetically pleasing and tastefully decorated. I see no reason for any further harassments by the city, the HOA, or jealous neighbors. The updates that are made to their home and yard are only to increase the value of their property and the properties around them. They have taken all of the necessary steps needed to ensure that this renovation and upgrade is done properly and does not harm any of the current plants, trees, or property.

Sincerely,

Gina M. Abernathy 

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Alex Weiner

From: Jayne Gridley [REDACTED]
Sent: Saturday, February 26, 2022 10:27 AM
To: Alex Weiner
Subject: 742 Rue Marseille. Sue and Mike Rudiger

I would like to inform you that the Rudiger's have a great appreciation for all trees especially live oaks. They would NEVER do anything that would possibly hurt the oak tree in their backyard. Please stop the harassment the City has directed towards them.

Thank You,
Elizabeth Gridley (resident of Old Mandeville)

Sent from my iPhone

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Alex Weiner

From: DONNA GOODLETT [REDACTED]
Sent: Sunday, February 27, 2022 2:58 PM
To: Alex Weiner
Subject: V22-03-08

Good afternoon,

I'm writing on behalf of Mr. and Mrs. Michael Rudiger 742 Rue Marseille concerning the patio encroachment of their live oak tree. These are wonderful people who would never willing do anything against any covenant rules or hurt the environment. The opposite side of the tree is wide open and they have actually added plants and trees.

This family actually has owned a florist for many years and knows the importance of caring for trees and plants. They are actually adding beauty to the back of their home that is on the pond in Fontainebleau subdivision. I have personally seen numerous people walking around the pond complementing how beautiful it is.

Please consider all this when voting on this matter.

Sincerely Donna Goodlett

Sent from my iPhone

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Alex Weiner

From: Cindy Trist [REDACTED]
Sent: Wednesday, March 2, 2022 8:16 AM
To: Alex Weiner
Subject: Rudiger

Thank you for your concern regarding the preservation of the trees in our neighborhood. One of my neighbors on the back pond has done some improvements to her home that has raised concern for one of the oaks on her property. Personally I think that Sue Rudiger will do everything she can to respect and care for the oak in question. She has invested a lot of time and money on her landscaping project.

Sent from my iPhone

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Alex Weiner

From: Cindy Perry [REDACTED]
Sent: Saturday, March 5, 2022 7:10 PM
To: Alex Weiner
Subject: 742 Rue Marseille

To whom it may concern,

I'm writing to you on behalf of the Rudiger's that reside in Fountainbleu Subdivision. It has come to my attention that they are in jeopardy of having to sacrifice some of the improvements they have made to beautifying their backyard. While I can appreciate the concern over a live oak tree which is at the center of their beautification project I can assure you that they have taken all precautions to ensure the tree will continue to be the centerpiece of their backyard. The Rudiger's have made their livelihood dealing with plants and flowers in their business as florists and wedding planners and Sue is a licensed arborist. I have been a witness to the continued improvements the Rudiger's have made to their home in the past several years. I believe they have been an inspiration to many of their neighbors to take more pride in maintenance and beautification of their homes.

I believe any form of a reconstruction project would only cause harm and shock to the beautiful live oak tree at question, defeating whatever concern there may be for the tree. We all love the beauty of oak trees and I can assure you there was no purposeful intent to harm this beautiful tree , but only to highlight its beauty!

Sincerely,
Cindy Perry
94 Palmetto Ct
Mandeville, LA

Sent from my iPhone Cindy Perry

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Alex Weiner

From: Cindy Perry [REDACTED]
Sent: Saturday, March 5, 2022 7:23 PM
To: Alex Weiner
Subject: Correction to 742 Rue Marseille

Please note this correction to my previous email.
Sue is a horticulturist.

My apologies,
Cindy Perry

Sent from my iPhone Cindy Perry

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Alex Weiner

From: CHRISTIE HUGHES [REDACTED]
Sent: Sunday, February 27, 2022 3:34 PM
To: Alex Weiner
Subject: 742 RUE MARSEILLE MIKE ANS SUE RUDIGER

DEAR CITY OF MANDEVILLE:

I am writing to let you know that Mike and Sue Rudiger have one of the most beautiful yards I have ever seen. Their love for oak trees and gardening only adds to the beauty of our City. They should be awarded for having the most Beautiful Landscaped yard in the City of Mandeville.

Resident of Mandeville,

Christie Hughes

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