

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

The secretary called the roll.

Commissioners Present: Nicholas Cressy, Andrea Fulton, Mike Pierce, Scott Quillin, and Brian Rhinehart

Absent: Claire Durio, Karen Gautreaux

Also Present: Cara Bartholomew, Director Planning Department; Rad Dickson, Planner; David Parnell, City Attorney; Tina Myers, Secretary

Mr. Quillin made a motion to adopt the minutes from the August 8 and August 22 meetings, Mr. Rhinehart seconded, and all were in favor.

New Business

**Election of Planning Commission Chair**

Mr. Rhinehart made a motion to defer the elections of chair as there were two commissioners that were absent. Mr. Pierce seconded, and all were in favor.

With all new business concluded, Mr. Rhinehart moved to the Zoning Commission portion of the meeting.

  
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Alex Weiner, Secretary

  
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Karen Gautreaux, Chairwoman  
Planning Commission

Brian Rhinehart commenced the Zoning Commission Meeting.

Notification of Filing Case Addendum - 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.

New Business

**Election of Zoning Commission Chair**

This was deferred along with the Planning Chair election.

**SUP23-09-04** – Ozgur Duman requests a Special Use Permit to allow an exception to the B-3 Sign Design Standards per CLURO Section 10.8.2.4, Old Town of Mandeville, Square 50 Lot 38, B-3 Old Mandeville Business District, 821 Girod Street

Mr. Rhinehart asked if both signs were up currently, Ms. Bartholomew said they were.

Mr. Quillin said he has been down Girod Street many times and has never noticed the sign on the front of the building, which may be due to the foliage. He has only noticed the current hanging sign.

Ms. Fulton asked if pruning the trees was considered. Ms. Bartholomew said there is not a tree in the front, it is just the angle coming from the north and south.

Ozgur Duman, 821 Girod, Owner: The tree on the right-hand side is not on her property, it belongs to the mortgage company so she cannot touch it. The front is clear but due to the building being setback so much you cannot see it unless you are standing in front of it, you can only see the hanging sign. She wants a main sign to represent the business, but also wants the business to be seen while driving by. She would also like to keep the trees; she would not want to cut one down to make the sign visible.

Ms. Fulton asked if other sign designs or locations were considered. Ms. Duman said they wanted to do a monument sign, but there was not enough room. Ms. Bartholomew added that in the B-3 District a monument sign is required to be five feet off the property line.

Mr. Pierce asked if that right of way was bigger since it was on Girod Street? Ms. Bartholomew said that area of Girod Street is wider due to the turning lanes.

Mr. Rhinehart asked if a monument sign would be the preference as opposed to having two signs? Ms. Duman said she probably would have gone with one when first opening, but now she has already invested in the two signs.

Ms. Fulton asked if this was a precedent. Ms. Bartholomew replied it was not. Ms. Fulton asked if there were other examples anyone knew about. Ms. Bartholomew said she could not think of one.

Mr. Rhinehart asked if one sign on each corner would be allowed, Ms. Bartholomew said they are allowed one per street façade so that is why they are only allowed one.

Ms. Fulton asked if there were any other examples where someone had to do this, since this was not a precedent. Ms. Bartholomew said that nothing is a precedent, the Commission looks at each case on an individual basis.

Ms. Fulton said she understood that she was asking if anyone had seen where someone had gotten two signs when they normally would not. Ms. Bartholomew said she cannot remember a situation where it was requested.

Vaughan Sollberger, 235 Girod: He was the original architect on this project when it was Good Earth Market and Café. They had tried to do a monument sign for the original owner, and it did not work out due to the required plantings, which hurricanes have taken out.

They always had two signs for the Good Earth Market and Café, one in the front and one on the side. The previous administration considered the one on the parking lot side as directional signage. This building is more challenged than the rest of the B-3 District as this is where cars are accelerating and decelerating at highway speeds.

Mr. Rhinehart inquired about directional signage, Ms. Bartholomew said that the CLURO defines directional signage as under five square feet.

Mr. Pierce asked if the sign variances work like the other variances where it would carry to the next property? Ms. Bartholomew said that this is a unique situation in that the B-3 District exceptions to the sign design fall under a special use permit, so it goes with the use.

**V23-09-31** – Bradley Gaspard requests a variance to CLURO Section 8.1.1.4. Allowed Setbacks Encroachments, Old Town of Mandeville, Square 84 Lot 4G, R-1 Single Family Residential District, 619 Albert Street

Mr. Rhinehart said that it looks like there will be a fence on the drawing, Ms. Bartholomew said they are proposing to place a fence towards the front of the house which will block the visual view.

Mr. Rhinehart asked if there were neighbors on either side. Ms. Bartholomew said this is the rear yard of the house to the south.

Mr. Pierce asked where the A/C unit was located in the original plan design. Ms. Bartholomew said the applicant was here and could answer.

Bradley Gaspard, 619 Albert: He wanted to clarify that he has already been given occupancy. They live in the house already and throughout all of the inspections during the process nothing was said about the location of the A/C equipment until it was placed, even after mechanical inspections. The reason that it is on that side of the house is due to the live oak at the rear of the house. The left side of the house is the driveway, and the rear left side would be between the house and accessory building which does not have enough space.

Ms. Bartholomew said that looking back it was never shown on the plan. Mr. Gaspard said there was nowhere else on the property to put it. He spoke with his neighbor who has his pool, a garage, and pool equipment between him and the A/C unit. Ms. Bartholomew added that there is an existing fence as well. Mr. Gaspard said he is going to connect to the existing fence. He also said his father owns the property to the rear, and his sister owns the property to the left. He was told at the tail end of the project that he needed to file for the variance.

Mr. Quillin said he seems to be limited on options. With it not being on the plans originally it would be hard to make a decision or comment from the Planning Department standpoint.

Ms. Bartholomew said she would double check but believes that it was not shown on the plans.

Mr. Quillin said his one request would be something from the neighbor to the south if possible. Just a letter with no objection.

Mr. Gaspard asked if that needed to be submitted by Friday, Ms. Bartholomew said that was an easy thing to send so the Planning Department would work with him on it.

**V23-09-33** – Brian and Robyn Jackson request a variance to CLURO Section 7.5.1.3. R-1 Site Development Regulations, Old Town of Mandeville, Square 48 Lot 12-A-1, R-1 Single Family Residential District, 604 Marigny Avenue

Mr. Quillin asked if there were any issues with the side yard. Ms. Bartholomew said that can be flexed so it is ok.

Vaughan Sollberger, 235 Girod: Realized that, in the submitted documents to the Planning Department he did not show the part of the building that already encroaches all the setbacks that they are removing. It was an insensitive addition to the northern side of the building.

Mr. Rhinehart asked if that section was coming down, Mr. Sollberger said it was. It was not indicated on the site plan.

Ms. Bartholomew said she would pull up the survey to show the encroachments.

Mr. Rhinehart asked if it was legally nonconforming with those encroachments. Mr. Sollberger said it was and added that it encroached the same amount that they were proposing. He said that if he was the commission, he would request that those current encroachments be shown on the plan.

He said they were tasked with renovating an old building that is only rated as contributing on the survey but could be much more. Looking at the original structure there was no evidence of a front porch, but in the design guidelines for the historic district a front porch is required. They could not go straight back with the building because of the existing, marked as a storage shed, is also a historic structure. These factors led to the current design. They were not paying 110% attention to the setbacks as the design would not work.

Mr. Sollberger said that the entire northern section of the structure is being removed. Mr. Rhinehart asked if that is where the garage is? Mr. Sollberger said the garage is staying where it is, and they are moving the entrance to the Livingston Street side to give them a little bit of a yard.

Mr. Quillin asked with the existing garage being an attached structure would that be located in the setbacks already, even if that was an existing condition. Ms. Bartholomew said they are within the existing setbacks. Mr. Quillin asked if they were needing to work within the green or red setback lines. Ms. Bartholomew said that because it is addressed and oriented facing Marigny Avenue, the green lines will be used.

Mr. Quillin said then it would be a side yard setback, not a rear yard setback. Ms. Bartholomew said that was correct, it would be the side and front yard.

Mr. Sollberger said that there were some measurements on the addition that utilized the administrative 30% waiver. Ms. Bartholomew said that she colored the lines incorrectly, and to ignore the green line. She would have to redraw the lines.

Ms. Bartholomew said she did not have the flex measurement but could get it. She thought it would be ok. It would just be the front. Mr. Sollberger said that is what they were shooting for.

Mr. Sollberger said looking at the plan they dimension it that way to show the setback itself and then the 30% encroachment. The intent is to take off an insensitive building addition that encroached into all the yards and put a new addition that worked with the historic building. For the front porch it is an existing building that is already sticking out into the front setback.

Mr. Sollberger said there was a similar case less than a year ago across the street. For that

one they illustrated how far the porch would be from the street. They did not do that with this one, they did it to the property line. There is still another nine feet to the street edge.

Mr. Rhinehart said that a 30% administrative flex was mentioned. Ms. Bartholomew said that can be done for the side yard. She will get the exact measurements.

Mr. Quillin said that if they are using Marigny as the front, then a 30-foot rear yard is required so they are encroaching five feet, three inches which is less than the existing garage in encroaching. Ms. Bartholomew said that is correct and she would redraw the lines.

Ms. Fulton asked if Mr. Sollberger knew of anyone else on that same side of the street whose house is already encroaching because the house is already encroaching even before the addition of the porch. Mr. Sollberger said that in the southern block towards the lake there are 2-4 of them, including the one across the street. He thinks the rest on that block on the same side of the street fall into that category. There are probably a couple on the other side of the street.

Rose Landry, 1922 Livingston: When Bill and Joanne Massey added that garage, they had a permit. When she moved into her house in 1960, that little side addition was already there. Nothing was said when that was put up. If these folks go any further to Marigny with the porch, she does not know how wide it will be, but if they go any further and they put a fence they will have to take down some beautiful trees. They will also almost be in the ditch. There is a narrow porch that has been there forever. What are they going to do with the trees? That is why the tree law was put in, because people were moving in and destroying every tree in Mandeville. She would request that be kept in mind.

Mr. Rhinehart confirmed that if any trees were to be removed then a permit would be needed. Ms. Bartholomew said that was correct.

Robyn Jackson, 604 Marigny, Owner: She wanted to add that she understands when people come into a neighborhood, you do not want to feel like they are just taking down everything. Her husband grew up in Mandeville and they have a lot of sentimental feelings. They have no plans to do away with trees. They hope to be as delicate and thoughtful as they can be.

Mr. Rhinehart asked Mr. Sollberger how the footprint would impact the trees. Mr. Sollberger said the trees would stay. He understands the feelings of Ms. Rose. The fence would be in accordance with the CLURO. The trees were not included in the renders so that the house was visible. Looking at the site plan the trees are staying where they are.

Ms. Fulton asked how much deeper the proposed porch is compared to the existing porch. Mr. Sollberger said it would be 10 feet. Ms. Fulton said she meant how far from the house itself. Mr. Sollberger said it would be 8 feet from the house. Part of that is from the design guidelines. He said they do not want to strictly blame the guidelines for making them do this, it does make the building look nice. The current stoop is coming off to allow the full porch.

Ms. Fulton asked if the current porch was about 4 feet deep, and the new one would be 8 feet. Mr. Sollberger said that is correct. He added that if the existing stoop was 4 feet, they would only be coming out an additional 4 feet.

Ms. Fulton asked if the stairwell is about the same, Mr. Sollberger said it was as they were not required to elevate.

Dave Mount, 611 Marigny: He wanted to know if the porch was from the add on, or the house itself. Ms. Bartholomew said it was from the house itself. Mr. Mount said he and his wife measured the distance from the street for the house next door, their house, and the

Jackson residence. The Jones house next door is about 42 feet, and this house is about 40 feet to the street. Their house is about 48 or 50 feet so. He thinks the new building looks beautiful and will be a great addition. He is in full support of the proposal.

Mr. Pierce says his comment is a larger picture. He remembers when the lot was divided and one of the lots was smaller than it should have been. Now we have two smaller lots and then we blow out the setbacks. He likes the work by Mr. Sollberger and he likes the rehabilitations but he does take issue of chewing up larger lots and then putting houses that need to step over the setbacks.

**V23-09-34** – Elisa and Jason Bragg request a variance to CLURO Section 7.5.9.3 B-2 Site Development Regulations & Section 9.2.5.5. Landscape Requirements in Districts Other than Low-Density Residential, Poitevent Tract, Lots 13-C & 13-D, B-2 Highway Business District, 3940 Florida Street

Mr. Rhinehart asked if they were requesting no greenbelt. Ms. Bartholomew said they will have a greenbelt. It will be a small greenbelt, about 11 feet from the edge of the servitude to the building. Mr. Rhinehart said it would be on the other side of the parking.

Mr. Quillin said there cannot be a greenbelt inside the CLECO right of way and there are existing buildings anywhere from 0 feet to 11 feet so whatever we get, we get.

Ms. Bartholomew said they come before the commission any time someone requests to pave in front of properties or place parking in front of properties along Florida extension. There is nothing that says they are prohibited from adding parking in the CLECO servitude, but we want to come before the commission because it does affect visually what you see down the corridor.

Mr. Rhinehart said there have been one or two applicants on this street that have had to reach out to CLECO for permission to encroach and he assumes those have progressed without issue. Ms. Bartholomew said that is correct. She added that CLECO usually does not have an issue with paving, their issue is with trees.

Ms. Fulton asked if there was any feedback from CLECO. Ms. Bartholomew said she did not know if the applicant had reached out to CLECO, she said she could do that.

Mr. Quillin said that he would rather have a decent looking parking area than having vehicles parked on the grass, so it does not look like a junkyard.

Mr. Rhinehart asked if they were compliant with the pervious/impervious requirements? Ms. Bartholomew said no, they will be over.

Mr. Rhinehart said they were currently at 71%, the allowed maximum was 75%, and this would bring them to 82%. Ms. Bartholomew said that was correct.

Ms. Fulton asked if there was room for any plantings at all, even if they were movable pots, just so there was not one big concrete pad. Ms. Bartholomew said that CLECO has approved a list of shrubs that can be planted.

Mr. Quillin said he knows this piece of property and there is one thing in the CLECO servitude that he is surprised about which is the planter, and he asked how many times people have backed into it.

Jason Bragg, 3940 Florida, Applicant: It has been hit many times, they have actually narrowed it and it is still a target.

Mr. Quillin said that as much as he wants greenspace, hazards are even worse.

**Public Comment**

Ms. Bartholomew said she had five announcements. The October 10<sup>th</sup> meeting will be moved to October 3<sup>rd</sup> due to the APA Conference. Second, the APA conference is from October 11<sup>th</sup> – 13<sup>th</sup> in Alexandria. If anyone would like to attend just let her know, the City will pay for it and it is a great way to get your continued education requirements.

Third, on September 26<sup>th</sup> before the regularly scheduled meeting there will be a Parks and Recreation Master Plan workshop. Waggonner and Ball came to the last Parks and Parkways meeting and did a workshop. Around town there are signs around at the parks for people to do a survey. The survey is also available on the City website and Facebook page.

She said that the yearly requirements were already mentioned, and finally that the City is going to bank drafts for the monthly checks so please fill out the direct deposit forms and return them to Mr. Weiner.

Mr. Rhinehart said he had a procedural question. If the Planning and Zoning Commission wanted to make a recommendation to the city council, can they do that right now or do they have to give something to be advertised for the next meeting? Ms. Bartholomew said that it would be done by resolution, and to let Mr. Weiner know how you would like it to be added to the agenda. She said it would have to be advertised at least a week ahead so it would have to be sent to Mr. Weiner at least two weeks before due to the advertisement deadlines.

Mr. Quillin motioned to adjourn the meeting, Mr. Rhinehart seconded, and all were in favor. The meeting was adjourned at 6:59pm.

  
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Alex Weiner, Secretary

  
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Brian Rhinehart, Chairman  
Zoning Commission