AGENDA
ST. TAMMANY PARISH BOARD OF ADJUSTMENT MEETING
TUESDAY, JUNE 3, 2014 - 3:00 P.M.
ST. TAMMANY PARISH GOVERNMENT COMPLEX BUILDING
21490 KOOP DRIVE, PARISH COUNCIL CHAMBERS
MANDEVILLE, LOUISIANA

CALL TO ORDER

ROLL CALL

APPROVAL OF THE MAY 6, 2014 MINUTES

PUBLIC HEARINGS

BOA CASE NO. 14-05-013
Request by applicant for variances for the north and east planting buffers from 10' and 20' required to approximately 4' and 10' requested respectively, and for a one-way driveway width from 15' required to 18' requested, in a HC-2 Highway Commercial zoning district. The property is located at 79055 Highway 40, Covington, Louisiana.
Applicant: Executive Holdings, L.L.C.
(POSTPONED FROM THE MAY 6, 2014 MEETING)

BOA CASE NO. 14-06-018
Request by applicant for variances for an “after the fact” boathouse relative to the width of the structure from a maximum of 20' permitted to 30' requested and the size from a maximum of 800 square feet permitted to approximately 1080 square feet requested, in an A-4 Single Family Residential district. The property is located at 405 Carr Drive, Slidell, Louisiana.
Applicant: John Roberts
(APPLICANT REQUESTS POSTPONING PENDING OUTSTANDING PARISH LEGISLATION)

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT
MINUTES
ST. TAMMANY PARISH BOARD OF ADJUSTMENTS MEETING
3:00 PM - TUESDAY, MAY 6, 2014
LA HIGHWAY 59/KOOP DRIVE ADMINISTRATIVE COMPLEX BUILDING
MANDEVILLE, LOUISIANA

The May 6, 2014 meeting of the St. Tammany Parish Board of Adjustments was called to order by the Chairman, Mr. Tim Fandal.

The roll was called as follows:

PRESENT: Mr. Fandal, Mr. Brookter, Mr. Schneider, Mr. Gordon and Mr. Ballantine

ABSENT: None

STAFF PRESENT: Mr. Keller and Mr. Sevante

APPROVAL OF THE MINUTES

Moved by Mr. Ballantine and seconded by Mr. Brookter to accept the April 1, 2014 minutes as typed and delivered.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 14-04-008
Request by applicant for variances of a side yard setback from 5' required to approximately 2' requested, and open space requirements between the eave and the side property line from 2' required to approximately 6" requested for an "after the fact" accessory structure, in a Planned Unit Development zoning district.
Applicant: Judy Dubroca

(Mr. Keller dispensed with the reading of the staff report since this case was tabled from the April 1, 201 meeting, and added that the parish drainage engineer had no problems with the structure encroaching into the private drainage servitude, subject to review and approval of the building permit.)

Mr. Gordon: Do you have a letter from the homeowners association?

Ms. Dubroca: The board said that if you don't have a problem with it, then they would not have a problem with it.

Mr. Gordon: Your structure is well within the setbacks.

Mr. Ballantine: Is staff still recommending denial?
Mr. Keller: Yes.

Moved by Mr. Ballantine and seconded by Mr. Brookter to deny the variance request.

MOTION CARRIED 4 YEAS TO 1 NAY (Mr. Schneider)

Mr. Gordon: Is there anything else that you can speak to that would allow us to consider your matter further?

Ms. Dubroca: The lot is unusually shaped.

An additional motion was made to give the applicant 90 days in which to get the structure into compliance with parish code.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 14-05-009
Request by applicant for a variance to permit the removal of a 10' wide interior side yard planting buffer in a HC-2 Highway Commercial zoning district.
Applicant: Jered Bowers/Barrister Global

(Mr. Keller read the staff report into the record...)

Ms. Kimberly Everett, 553 Evergreen Street, Mandeville, LA, appeared on behalf of the applicant and made the following opening comments:

- I represent the applicant who wants to put in a drive-in window for a donut shop.

(At this time Ms. Everett approached the board and showed them some additional plans of the site...)  

(Moved by Mr. Ballantine to deny the variance request; however the motion died due to the lack of a second.)

Mr. Gordon: When you pull up to the donut place, does the parking lot lead into the oil change business?

Ms. Everett: No.

Mr. Gordon: The drive-thru then will not effect the traffic flow into the oil change business.

(General discussion ensued regarding the traffic flow through the shopping center and how it would be effected by the drive-thru window...)
Moved by Mr. Gordon and seconded by Mr. Schneider to grant the variance request subject to the applicant either replacing the number of trees lost elsewhere on the property, or pay the amount of $1,600.00 to the tree mitigation bank.

MOTION CARRIED 4 YEAS TO 1 NAY (Mr. Ballantine)

BOA CASE NO. 14-05-010
Request by applicant for variance of a portion of a front yard setback requirement from 30' required to 20' requested in a Planned Unit Development zoning district.
Applicant: Claude Lagalante

(Mr. Keller read the staff report into the record...)

The applicant appeared on his own behalf and made the following opening comments:

- This is an usually shaped lot... it narrows to the front which makes it difficult to put a house on the property and make it look similar to the other houses in the area.
- You can see that I’m only effecting a small part of the front yard setback.

Mr. Ballantine: So the homeowners association has no problems with this if the parish approves?

Mr. Lagalante: That’s correct.

Moved by Mr. Schneider and seconded by Mr. Ballantine to grant the variance as requested.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 14-05-011
Request by applicant for variance of a side yard setback requirement for an accessory structure from 10' required to approximately 5' requested in an A-4 Single Family Residential zoning district.
Applicant: Jerry E. Schaefer

Mr. Ballantine: So you have a 12' wide access. Can’t something be done to reduce that area so that you can move the structure to 20' and save another 2' more?

Mr. Schaefer: I tried to do that, but I have an RV that I park in the back.

Moved by Mr. Ballantine and seconded by Mr. Brookter to grant the variance as requested.

MOTION CARRIED UNANIMOUSLY
BOA CASE NO. 14-05-012
Request by applicant for variance of an “after the fact” side yard setback requirement for an addition from 7 ½' required to approximately 1.3' requested, in an A-3 Suburban zoning district.
Applicant: Beatriz B. Reehlmann

(Mr. Keller read the staff report into the record...)

The applicant appeared on his own behalf and made the following opening comments:

- I bought the property in 2005. I bought two lots together.
- I added the addition adjacent to Mr. Brown’s property whom I sold the lot.
- I got permission to make the addition.
- I went out of the country, and when I came back, my workers surprised me by doing the addition.

Ms. Beverly Morse, 1001 Service Road East, Covington, LA, with the Jones Fussell law firm, appeared in opposition and made the following opening comments:

- I agree with staff comments to deny the variance request.
- This was done without approval and now the structure is 1.3' away from the property line.
- This is a self-imposed hardship.

Mr. Fandal: Why did it take two years in which to file an objection?

(Ms. Reehlmann rebuttal...)

- When I talked to everyone, I put the well 1 ½' from the property line.
- I rent out the house.

Mr. Fandal: Who pulled the permit?

Ms. Reehlmann: I did.

(Ms. Morse rebuttal...)

- The shed was removed at the time of remodeling.

Moved by Mr. Ballantine and seconded by Mr. Brookter to deny the variance request and to give the applicant 120 days in which to get the addition into compliance.
MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 14-05-013
Request by applicant for variances for the north and east planting buffers from 10' and 20'
required to approximately 4' and 10' requested respectively, and for a one-way driveway width
from 15' required to 18' requested, in a HC-2 Highway Commercial zoning district.
Applicant: Executive Holdings, L.L.C.

Mr. Keller stated that the applicant wished to table this case until the next meeting.

Moved by Mr. Brookter and seconded by Mr. Ballantine to table this case until the next meeting.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 14-05-014
Request by applicant for variance of a cellular tower setback radius of 250' in a I-2 Industrial
zoning district.
Applicant: AP Towers, L.L.C.

(Mr. Keller read the staff report into the record...)

Mr. Jeff Schoen, P.O. Box 1810, Covington, LA, with the Jones Fussell law firm, appeared on
behalf of the applicant and made the following opening comments:

• This tower will not collapse on any building or structures.
• The location of the tower will be to the rear of the property further away from LA
  Highway 21 and the less than anybody would see it.
• This is an active industrial site, and the tower will be away from that activity.
• This is in a remote part of the parish, with a lot of swamps around and heavily wooded.

Mr. Schneider: I see we have a letter from your engineer (Sable), but are there any rating
standards, any other standards that we can lean on to be assured that the fall radius is accurate?

Mr. Schoen: As the body remembers, I have represented two or three other tower locations and in
each case have always gotten a letter from the structural engineer the same as now.

(Brief discussion ensued regarding the contents of the structural engineer’s letter...)

Mr. Schneider: Could the tower plans be stamped by a Louisiana engineer?

Mr. Schoen: Yes, they will be.
Moved by Mr. Ballantine and seconded by Mr. Brookter to grant the variance as requested.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 14-05-015
Request by applicant for variance to allow the moving of an outdoor advertising sign within 500' of a residential zoning district closer by approximately 23', in a HC-2 Highway Commercial zoning district.
Applicant: Advanced Mortgage Company

(Mr. Keller read the staff report into the record...)

Mr. Wayne Buras, P.O. Box 1810, Covington, LA, with the Jones Fussell law firm, appeared on behalf of the applicant and made the following opening comments:

- The staff has properly stated the case.
- Parish ordinance requires that we be 500' away from a residentially zoned area, but this sign already lies within the distance. We are just moving it somewhat closer.
- There is a medical office right behind the sign and behind that sits a residence that sits on a large lot.

Moved by Mr. Ballantine and seconded by Mr. Schneider to grant the variance as requested.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 14-05-016
Request by applicant for variances to eliminate two 10' wide adjacent internal side yard planting buffers, in a HC-2 Highway Commercial zoning district.
Applicant: JDM Development, L.L.C.

(Mr. Keller read the staff report into the record...)

Mr. David Harvey, 71385 Riverside Drive, Covington, LA, appeared on behalf of the applicant and made the following opening comments:

- We are resubdividing the property into two parcels.

Moved by Mr. Gordon and seconded by Mr. Ballantine to grant the variance as requested subject to the applicant either planting the total compliment of trees required (14 class A and 14 class B) or making payment to the parish’s tree mitigation bank in the amount of $2,800.00.

MOTION CARRIED UNANIMOUSLY
BOA CASE NO. 14-05-017
Request by applicant for variances to encroach into a planing buffer with a 5' wide side walk, and
to reduce the number of plantings within two adjacent internal side yard landscape buffers, in a
HC-2 Highway Commercial zoning district.
Applicant: Gulf States Development Services, L.L.C.

(Mr. Keller read the staff report into the record...)

Mr. Jason Reibert with Gulf States Development Services, L.L.C., appeared on behalf of the applicant and made the following opening comments:

• We have worked with the staff to come up with this plan.

Moved by Mr. Schneider and seconded by Mr. Ballantine to grant the variances subject to the applicant either planting the total compliment of trees required (16 class A and 16 class B) or making payment to the parish’s tree mitigation bank in the amount of $6,400.00 (amount adjusted for the total number of trees deficient for the site).

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

MR. TIM FANDAL, CHAIRMAN
ST. TAMMANY PARISH BOARD OF ADJUSTMENTS

Disclaimer: These minutes are intended to represent an overview of the meeting and general representation of the testimony given; and therefore, does not constitute verbatim testimony or a transcription of the proceedings.
ST. TAMMANY PARISH BOARD OF ADJUSTMENT
STAFF ANALYSIS REPORT

Case File Number: BOA Case No. 14-05-013
Initial Hearing Date: May 6, 2014
Date of Report: April 24, 2014

GENERAL INFORMATION

Applicant(s) Name: Executive Holdings, L.L.C.
Location of Property: 79055 Highway 40, Covington, LA
Zoning of Property: HC-2 Highway Commercial
Variance(s) Requested: Buffers and driveway width

OVERVIEW

The applicant is requesting variances for a reduction of landscape buffers on the north and east sides of the property and an increase in a one-way driveway width on the Lee Road side all for the purpose of preserving a majestic large mature live oak tree located at the southwest corner of the property.

STAFF COMMENTS

The staff has been working with the applicant through several plan revisions of the site in order to come up with the least invasive plan relative to meeting parish code in order to save the live oak tree. Therefore, the staff recommends approval of the variances as requested subject to the developer planting all the necessary plantings on site; and if not able to, then by making reparations in the form of payment for plant mitigation to the St. Tammany Parish Tree Mitigation Bank for the loss of the trees not planted, which payment is based on $100.00 per caliper inch of tree.
ST. TAMMANY PARISH BOARD OF ADJUSTMENT
(VARIANCE/APPEAL APPLICATION FORM)

(Please print on the following lines below. If a company, please include a contact person name also.)

APPLICANTS NAME: COREY J. SMITH D.B.A. "EXECUTIVE HOLDINGS, LLC" (DEVELOPER)

MAILING ADDRESS: 311 TELLY ROAD

CITY/STATE/ZIP: PICAYUNE, MS 39466

PHONE NUMBER: 601-798-4000

PROPERTY LOCATION FOR VARIANCE REQUESTED:

79055 HIGHWAY 40 COVINGTON LA

ADDRESS City State Subdivision (if applicable)

(Please check the applicable boxes below:)

REQUEST FOR:

A variance of the (Unified Development Code)

Appeal of an adverse decision made by a parish official(s)

Appeal the interpretation by a parish official(s) of the (Unified Development Code)

VARIANCE/APPEAL REQUESTED:

- building setbacks (reduction of front, side and/or rear yard setbacks)

- landscape buffers (reduction of front, side and/or rear yard buffer setbacks)

- landscaping within buffers (reduction of the number of trees, bushes and/or shrubs)

- parking area requirements (reduction of parking stalls, parking greenspace islands, etc...)

- signage requirements (increase of sign area and/or sign height, lighting, coloring, etc...)

- other DRIVEWAY WIDTH IN PLANTING AREA

(Specify other variance/appeal on line above)

(Please state on the following lines below your specific request for a variance/appeal:)

Example: Applicant is requesting a variance for a front yard setback requirement from 25' required by the parish, to approximately 20' requested.

1. CODE 7.0107B - BUFFER PLANTING AREA WIDTH. REQUEST REDUCTION FROM 10' TO 4'.

2. CODE 7.0106C - ONE WAY DRIVEWAY WIDTH IN PLANTING AREA. REQUEST INCREASE FROM 15' TO 18'

3. EAST STREET WIDTH FROM 21' REQUIRED TO APPROXIMATELY 18' REQUIRED.

SIGNATURE OF APPLICANT

DATE OF APPLICATION
April 3, 2014

St. Tammany Parish — Department of Planning
Attn: Mr. Ron Kellar
21454 Koop Drive
Suite 1B
Mandeville, LA 70471

RE: Proposed Family Dollar Store, Covington Louisiana - Variance Request

Mr. Kellar,

Please find the enclosed application for variance and payment for the fees associated with this filing. As mentioned in our previous discussions, the variance is imperative in order for us to preserve a very substantial live oak tree located on the property.

The site plan submitted along with this application depicts the building and improvement layout being constructed entirely outside of the drip line of the tree, which we agree with your input, is critical in preserving the health and longevity of the existing live oak tree.

Should you have any questions with regard to our specific requests, or feel the need to discuss our application further, please do not hesitate to contact me on my cell phone at (601)916-4000 or via email at corey@execreal.com. We look forward to working together with your staff to develop the property in harmony with the existing landscape and vegetation located on the site.

Kindest Regards,

Corey J. Smith, President/CEO
POWERS OF THE BOARD TO GRANT VARIANCES/APPEALS

The St. Tammany Parish Board of Adjustment is limited in its power to grant variance/appeal requests as mandated by State and Parish Law. The board must consider the following in order to determine if a variance/appeal is eligible for granting:

1. **Is the variance/appeal request self-imposed?**
   Variances/appeals may not be granted by the board if the request is considered a “personal preference”.

2. **Does the variance/appeal request constitute a financial hardship?**
   Variances/appeals may not be granted by the board if the request is considered strictly a financial hardship.

3. **Does the variance/appeal request present a practical difficulty or unnecessary hardship?**
   If the applicant can prove through testimony and presentation of factual documentation and/or evidence to the board that a practical difficulty or unnecessary hardship would be imposed if a variance/appeal was not granted, then the board may consider granting the variance/appeal request. All variance requests are the result of pushing improvements east to save the large live oak tree on the southwest corner of the property.

4. **Does the variance/appeal request impose an adverse effect on the adjacent neighbors property or surrounding neighborhood?**
   If the variance/appeal request adversely effects an adjacent property owner and/or the surrounding neighborhood in general, and testimony is forthcoming from same that can be proven within reason that an adverse affect would be imposed, the board may decide not to grant the applicant’s variance/appeal request.

5. **Will the granting of the variance/appeal request constitute establishing a precedent?**
   The board may deny the granting of a variance/appeal request which may result in the establishment of a dangerous or unfavorable precedent to the parish.
LEE ROAD (HIGHWAY 1129)  
(45 MPH)
To whom it may concern,

I, Ethel Lanaux, the owner of the property located at 79055 Hwy 40, Covington, LA 70435 (furthermore as the corner of Hwy 40 and Hwy 1129) give Executive Companies and their representatives to authority to apply for any and all variances and or permits associated with the planning, building, and or permitting process for their use on the above referenced property.

Sincerely,

Ethel Lanaux
ST. TAMMANY PARISH BOARD OF ADJUSTMENT
STAFF ANALYSIS REPORT

Case File Number: BOA Case No. 14-06-018
Initial Hearing Date: June 3, 2014
Date of Report: May 20, 2014

GENERAL INFORMATION

Applicant(s) Name: John Roberts
Location of Property: 405 Carr Drive, Slidell, Louisiana
Zoning of Property: A-4 Single Family Residential
Variance(s) Requested: exceed boathouse size requirement

OVERVIEW

The applicant constructed an “after the fact” boathouse that violates code relative to the width and size. However, due to pending legislation by the parish council that would make this structure compliant with parish code, the applicant is requesting that this matter be tabled pending the outcome of said legislation.

STAFF COMMENTS

Since legislation is pending by the parish council that would make this structure compliant with parish code, and therefore a moot issue, the staff will reserve commenting on this matter pending the outcome of said legislation.
In accordance with our recent telephone conversation, please accept this email, in connection with the above referenced matter, as Petitioner’s request that the BOA grant an indefinite postponement of the above case at the currently scheduled June 3, 2014 BOA Meeting pending the outcome of the proposed legislation by Councilman Artigue that would amend UDC Section 7.0602 (C) to allow a boat house as large as 1,600 s.f., thereby making the current variance request moot/unnecessary. It is understood that the BOA reserves the right to re-set the case at any time it deems necessary via 30 day prior written notice to Petitioner. Many thanks for your assistance in this regard.

Jeffrey D. Schoen
Jones Fussell, L.L.P.
Northlake Corporate Park
1001 Service Road E., Highway 190, Suite 103
P.O. Box 1810
Covington, Louisiana 70434
Telephone: 985.892.4801
Facsimile: 985.892.4925
(Please print on the following lines below. If a company, please include a contact person name also.)

APPLICANTS NAME: John Roberts

MAILING ADDRESS: 204 Athenia Parkway

CITY/STATE/ZIP: METAIRIE, LA. 70001

PHONE NUMBER: 504.812-6634

PROPERTY LOCATION FOR VARIANCE REQUESTED: ZONING: A Single Family Res

Address City State Subdivision (if applicable)

( человек check the applicable boxes below:)

REQUEST FOR:
- A variance of the (Unified Development Code)
- Appeal of an adverse decision made by a parish official(s)
- Appeal the interpretation by a parish official(s) of the (Unified Development Code)

VARIANCE/APPEAL REQUESTED:
- building setbacks (reduction of front, side and/or rear yard setbacks)
- landscape buffers (reduction of front, side and/or rear yard buffer setbacks)
- landscaping within buffers (reduction of the number of trees, bushes and/or shrubs)
- parking area requirements (reduction of parking stalls, parking greenspace islands, etc...)
- signage requirements (increase of sign area and/or sign height, lighting, coloring, etc...)

Other Request: COVERED BOAT SLIP OVER WATER TO 1050 SFT

(Specify other variance/appeal on line above)

( Please state on the following lines below your specific request for a variance/appeal:)

Example: Applicant is requesting a variance for a front yard setback requirement from 25' required by the parish, to approximately 20' requested.

After the Fact

Requesting variance for covered boat slip from 800 SFT to 1050 SFT, on Facianes Canal which belongs to North Beach Sub. I have written permission from neighborhood.

Signature of Applicant

Date of Application
May 6, 2014

To the BOA,

I am asking for a variance for 280 square feet above the now 800 square foot code for a total of 1,080 square foot covered boat slip that was built at 405 Carr Dr. As far as setbacks, it is my understanding that Faciane's Canal belongs to the North Beach Subdivision and I have received their approval. In addition, I have obtained no-objection letters from both my adjoining neighbors and the North Beach Subdivision Association.

Before Hurricane Katrina, the property actually consisted of a 1,800 square foot boathouse with a 1-room apartment. After being damaged by the hurricane, a commercial bulkhead was built to keep existing land between Carr Dr. and the canal from eroding the roadbed. The waterside of the bulkhead was reinforced with rock and fill to aid in protecting this land. The reason the boat slip was built the way it is now was to keep from excavating this fill that has protected the area from further land loss. This is the reason the boat slip was designed west to east, not north to south. While riding along Carr Dr. and looking at the portions without bulkheads and fill, you would agree that it is working.

I have included pictures of covered boat slips and boathouses along Carr Dr. with much larger square footage, some currently under construction. I am asking the BOA to please consider my request of variance for my 1,080 square foot covered boat slip.

Sincerely,

John and Kelly Roberts
405 Carr Dr.
Slidell, La
NOTE: MONUMENTATION SET ARE DETERMINED BY BEST-FIT WITH THE MONUMENTS FOUND.

FLOOD ZONE A10
BFE 12'
ABFE AE 13
ABFE VE 17
FLOOD ZONE V15
BFE 16'

FLOOD ZONE V15
BFE 16'
ABFE VE 17
FLOOD ZONE V15
BFE 17'

PROPERTY IS SURVEYED IN ACCORDANCE WITH THE LOUISIANA "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" FOR A CLASS C SURVEY. BEARINGS ARE BASED ON RECORDED BEARINGS UNLESS NOTED OTHERWISE.

ENCUMBRANCES SHOWN HEREIN ARE NOT NECESSARY EXCLUSIVE, ENCUMBRANCES OF RECORD AS SHOWN ON TITLE OR TITLE POLICY WILL BE ADDED HEREUPON UPON REQUEST, AS SURVEYOR HAS NOT PERFORMED ANY TITLE SEARCH OR ABSTRACT.

BENCHMARK
MAG NAIL @ EDGE OF ROAD CENTER OF LOT 18; TAG No. 490893
ELEV. = 5.15'

BUILDING SETBACKS
 VERIFY PRIOR TO CONSTRUCTION
 (+/-)
Front Setback......
Side Setback....... Rear Setback.......
TO whom it may concern (BOA)

I have no objection the variance being asked for pertaining to the covered boat slip that has been built by my neighbor John Roberts at the address of 405 Carr Drive. I fully understand that Mr. Roberts is seeking a variance for the size and setbacks of the covered slip.

________________________  Adjacent owner

________________________  Date

4-7-14
TO whom it may concern (BOA)

I have no objection the variance being asked for pertaining to the covered boat slip that has been built by my neighbor John Roberts at the address of 405 Carr Drive. I fully understand that Mr. Roberts is seeking a variance for the size and setbacks of the covered slip.

[Signature]
Adjacent owner

[Signature]
Date