

**AGENDA**  
**ST. TAMMANY PARISH BOARD OF ADJUSTMENT MEETING**  
**WEDNESDAY, MARCH 5, 2014 - 3:00 P.M.**  
**ST. TAMMANY PARISH GOVERNMENT COMPLEX, BUILDING "B"**  
**KOOP DRIVE, 1<sup>st</sup> FLOOR - STAFF CONFERENCE ROOM**  
**MANDEVILLE, LOUISIANA**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF THE FEBRUARY 4, 2014 MINUTES**

**PUBLIC HEARINGS**

**BOA CASE NO. 14-01-001**

Request by applicant for a variance of an "after the fact" side yard setback in an A-2 Suburban zoning district from 10' required to approximately 2' requested. The property is located at 35 Zinnia Drive, in Flowers Estates Subdivision, southwest of Covington, Louisiana

Applicant: Ken & Erica Gifford

**(POSTPONED AT THE FEBRUARY 4, 2014 MEETING)**

**BOA CASE NO. 14-03-005**

Request by applicant for a variance of a front yard setback in an A4-A Single Family Residential district from 25' required (lot of record) to approximately 18' feet requested. The property is located at 54393 LA Highway 433, Slidell, Louisiana.

Applicant: Don Shall, et al.

**OLD BUSINESS**

**BOA CASE NO. 13-10-027**

Request by applicant for "after the fact" variances for an accessory building in an A-4 Single Family Residential zoning district for: building height from 15' permitted to 22' requested, a side yard setback from 5' required to 2' requested and a rear yard setback from 5' required to 2' requested. The property is located at 111 Forest Loop in Deer Run Subdivision, Mandeville, Louisiana.

Applicant: Terrance M. Martin

***(Applicant requests that the board consider an additional thirty (30) day extension to file for a building permit )***

**NEW BUSINESS**

**ADJOURNMENT**

## **MINUTES**

### **ST. TAMMANY PARISH BOARD OF ADJUSTMENTS MEETING**

**3:00 PM - TUESDAY, FEBRUARY 4, 2014**

**LA HIGHWAY 59/KOOP DRIVE ADMINISTRATIVE COMPLEX BUILDING**

**MANDEVILLE, LOUISIANA**

The February 4, 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 and Mr. Perry

**ABSENT:** Mr. Gordon and Mr. Ballantine

**STAFF PRESENT:** Mr. Keller

### **APPROVAL OF THE MINUTES**

Moved by Mr. Brookter and seconded by Mr. Schneider to accept the January 7, 2014 minutes as typed and delivered.

**MOTION CARRIED UNANIMOUSLY**

### **BOA CASE NO. 13-12-033**

Request by applicant for a variance of parking space requirements in an I-2 Industrial zoning district from 122 spaces required to approximately 76 requested. The property is located at 1750 South Lane, south of Abita Springs, Louisiana.

Applicant: James R. Diefenthal

**(POSTPONED AT THE JANUARY 7, 2014 MEETING)**

**(APPLICANT WITHDREW REQUEST - COMPLIANT WITH CODE)**

(Mr. Fandal mentioned that the aforementioned case was withdrawn.)

### **BOA CASE NO. 14-01-001**

Request by applicant for a variance of an "after the fact" side yard setback in an A-2 Suburban zoning district from 10' required to approximately 2' requested. The property is located at 35 Zinnia Drive, in Flowers Estates Subdivision, southwest of Covington, Louisiana

Applicant: Ken & Erica Gifford

**(POSTPONED AT THE JANUARY 7, 2014 MEETING)**

Ms. Gifford appeared and requested that their case be tabled for one more month in order to give them more time to erect a new fence with a gate and move the structure over in order to comply with the parish setbacks.

Moved by Mr. Schneider and seconded by Mr. Brookter to postpone this case until the next meeting.

**MOTION CARRIED UNANIMOUSLY**

**BOA CASE NO. 14-02-004**

Request by applicant for a variance of sign area requirements in a NC-4 Neighborhood Commercial district from a maximum of 32 square feet permitted to approximately 40 square feet requested. The property is located at 20115 Highway 1081, Covington, Louisiana.  
Applicant: Shepherd's Care Ministries

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

Ms. Sally Lam, 20163 Lam Drive, Covington, Louisiana, appeared on behalf of the applicant and made the following initial comments:

- I agree with what Mr. Keller said.
- We are wanting to make the sign 40 square feet.

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

**MOTION CARRIED UNANIMOUSLY**

**OLD BUSINESS**

**NEW BUSINESS**

Mr. Keller stated that we had one new case for next month and that the March meeting would be held in the "Staff Meeting Room" in building "B".

**ADJOURNMENT**

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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**

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Case File Number:	BOA Case No. 14-01-001
Initial Hearing Date:	January 7, 2013
Date of Report:	December 13, 2013

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**GENERAL INFORMATION**

Applicant(s) Name:	Ken & Erica Gifford
Location of Property:	35 Zinnia Drive, Covington, Louisiana
Zoning of Property:	A-2 Suburban
Variance(s) Requested:	Side yard setback

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**OVERVIEW**

The applicant states on their application that a hardship exists as a result of a number of "mature" trees on the property. The property was posted back in September or 2013 by the Code Enforcement Division for not having a building permit and for violating parish side yard setback requirements. The applicant has a letter of no objection from the president of the HOA; however, no letter from the adjacent property owner being affected. The applicant further states in their narrative that there are other structures within the subdivision that violate parish setback requirements.

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**STAFF COMMENTS**

Based on the pictures provided, it appears that only one large tree may be obstructing the location of the structure being further moved inward on the property. Additionally, this is an "after the fact" request, and if the applicant had followed the law and sought a building permit, they might not be in this situation presently. Furthermore, the structure appears to be movable so that costs to relocate the structure should be at a minimum. Therefore, for the reasons as stated, the staff does not support the variance request as proposed.

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BOA CASE NO. 14-01-001 (for office use only)

**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: Ken and Erika Gifford

MAILING ADDRESS: 35 Zinnia Dr

CITY/STATE/ZIP: Covington, LA 70433

PHONE NUMBER: 520-449-4067  
(Home Phone #) (Cell Phone #)

PROPERTY LOCATION FOR VARIANCE REQUESTED: ZONING: A-2

35 Zinnia Dr Covington, LA 70433 N FLOWER ESTATES  
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 \_\_\_\_\_  
(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 \***

Variance requested from 10 to 2 feet from right side  
yard property line. Mature trees prevent structure  
from being 10 ft from property line. Pictures and  
information supplied show justification and need.

SIGNATURE OF APPLICANT

DATE OF APPLICATION

Erika Gifford  
with 8 Gifford

Nov 22, 2013

From: Ken and Erika Gifford

November 22, 2013

To: St Tammany Parish Board of Adjustment

Subj: 105.1: Permit Required at 35 Zinnia Dr, Covington, LA 70433

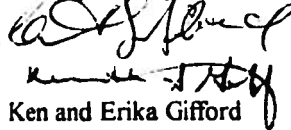
We bought a carport and had it professionally installed (\$943.06) in our side yard to house our boat (over \$6K in value), two "quads" (\$5K each), and a johnboat (\$500). The color "tan" was chosen for the roof since it would help the structure blend in with it's surroundings. On September 24, 2013 we received a Notice from Mr. Hickey for a code violation.

The structure was placed 28 feet from the entrance gate and two feet from the side property line. We were limited on the placement of the structure due to mature trees that are in the yard.

We are asking the variance to be granted for the two feet side yard placement so we may house our boats and quads. Care was taken to ensure that the carport placement had the least impact on the environment (cutting down trees) and esthetics (roof color "tan").

Pictures included with this package show that there are numerous structures similar to ours that are closer than 10 feet, or actually against, the neighbor's property line. Follow up pictures show that there are similar structures that are easily seen from the street whereas ours is not.

Thank you for your consideration,



Ken and Erika Gifford

Submission package includes:

1. Letter requesting variance (this one)
2. Letter from John Burckell, President, FE Civic Association recommending approval of request]
3. Carolina Car Ports, Inc receipt
4. Variance/Appeal Form
5. Drawing of the placement of structure on property
6. Eight pages of pictures (seven front and back with the last page front only)

NOVEMBER 12, 2013

The Flower Estates Civic Assoc. has no objections to this ~~carport~~ carport being built. There are numerous similar structures in our neighborhood, and it can't be seen for the street.  
Please approve this request.

John D. Bueckell

JOHN D. BUECKELL

PRESIDENT

FLOWER ESTATES CIVIC ASSOCIATION

G. Lloyd  
35 Zinnia Dr  
Covington, LA  
70433



12x26x2  
Carport



26

House

13' 2"

Drive Way



35 Zinnia








35 Zinnia – behind the carport





35 Zinnia - large trees on the side





15 Camellia - Against Fence

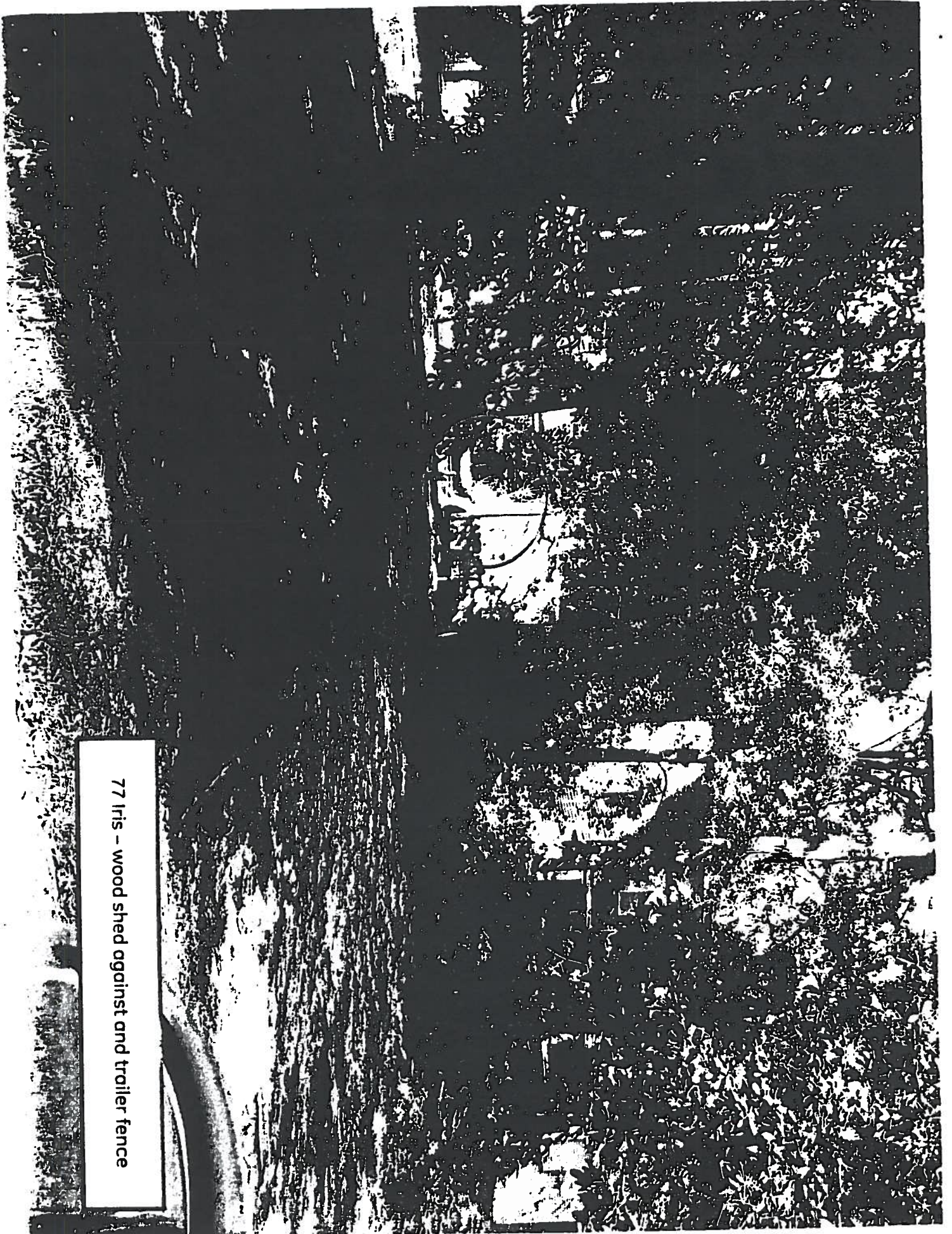


73 Dogwood - against the fence





77 Iris - wood shed against and trailer fence





59 Dogwood







27 Camellia



**ST. TAMMANY PARISH BOARD OF ADJUSTMENT  
STAFF ANALYSIS REPORT**

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Case File Number:	BOA Case No. 14-03-005
Initial Hearing Date:	March 5, 2014
Date of Report:	February 5, 2014

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**GENERAL INFORMATION**

Applicant(s) Name:	Don Shall, et al.
Location of Property:	54393 LA Highway 433, Slidell, Louisiana
Zoning of Property:	A4-A Single Family Residential
Variance(s) Requested:	

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**OVERVIEW**

The applicant is requesting a variance for a front yard setback requirement for approximately seven (7') feet based on the fact that the land area relative to buildable area is limited due to the property abutting a water body to the rear of the property.

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**STAFF COMMENTS**

In the past, the board has granted several variances for lots within Pirates Harbor subdivision due to the limitations of said lots relative to the land to water ratio. The variances granted were inclusive of front, side and rear yard setbacks. Most of the lots within the subdivision are very shallow in depth relative to land area which makes it very difficult to build a dwelling and meet all parish setback requirements. Furthermore, the square footage of the proposed home is modestly sized as compared to the size of lot. Therefore, due to established precedence by the board relative to granting various setbacks within this subdivision, and for the reasons as stated above, the staff has no objection to the variance request.

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BOA CASE NO. 14-03-005 (for office use only)

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: DON SHALL / DEVIN SHALL / Tricia Shall

MAILING ADDRESS: 214 COTTONWOOD LANE

CITY/STATE/ZIP: MANDERVILLE, LA 70471

PHONE NUMBER: (985) 845-3646 Don - 630-3074  
(Home Phone #) (Cell Phone #)

PROPERTY LOCATION FOR VARIANCE REQUESTED: ZONING: A-4 Single Family

54393 Hwy 433 Slidell LA Pirates Harbor  
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 \_\_\_\_\_  
(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.

WE ARE REQUESTING A VARIANCE FOR FRONT SETBACK  
REQUIREMENT FROM 25' REQUIRED BY PARISH, TO  
APPROXIMATELY 18'

SIGNATURE OF APPLICANT

Patricia B. Shall

DATE OF APPLICATION

1/16/14  
1-16-14

Ron Keller  
Board of Adjustments,

01/16/14

We are requesting a variance for a front setback of approximately 18' in order to construct a 1,260 sq. ft. residence at 54393 Hwy 433, Slidell, LA.

The site is 50 x 100 but almost 1/3 of lot is in the water (#2 East Diversion Canal). As can be seen on the J.V. Burkes & Associates survey supplied (updated with proposed residence footprint on 12/18/13 with a 20' setback is all the way back, close to the water's edge. However, in order to try to not interrupt the stairs by the dock in the rear, an 18' setback is requested. What can also be seen on the same survey is the location where the previous house stood. Its setback was approximately 11' the from front. ( this is similar to many of the present structures along this thin strip of land between the two waterways)

The proposed house is a 150mph wind-rated 30'x42' structure with a surrounding 5' walkway/maintenance-way that is on pilings approximately 22' off the ground.

\*(Letter of No Objection from Adjacent Property Owners) The two adjacent sites on either side of the subject property have no structures on them. In fact, the one to the right (North) is a large boat slip with approximately 13 feet of land from the front property line.

The site to left (South) is an empty lot.

Also, many properties in the area appear to be much closer than the 25' front setback. The reason is most probably due to the lots in this area not having much dry land, but extending into water to one degree or another. Our site probably has more than some and less than others.

(SEE ATTACHED PHOTOS &/GOOGLE MAPS)

\*(Letter from homeowner's association) There is no active homeowners association.

The google maps included show:

- \*Prior house foundation of subject.

- \*Approximate 20' setback of proposed house footprint, as shown on J. V. Burkes Survey.

- \*Approximate 25' setback line in comparison to other residences.

- \*The estimated line of the 18' Requested Variance.

- . (all in comparison to existing residences)

- \*Very large Hwy shoulder.

NOTES: This footprint of subject house includes 5' covered walk.

House walls and pilings are 5' inside the proposed footprint shown on survey by J.V. Burkes.

If a front setback of approximately 18' could be granted, the new house will still be approximately 7' farther back from the front property line than the previous house on the site. (where some existing houses still stand now)

Thank you for your consideration in this matter,

Don, Tricia & Devin Shall

Owners: 54393 Hwy 433, Slidell, LA (Lot 167, Sq.6, Pirates Harbor)

REF: 1.) SURVEY BY CLINTON P. LOVELL  
DATED 1/12/88, FOR FREDDIE DUNCAN, JOB  
NO. 100088.  
2.) SURVEY BY ALBERT A. LOVELL DATED  
1/24/78, FOR CHARLES HALLOCK, JOB NO.  
91484.  
3.) SURVEY BY THIS FIRM DATED 4/8/02, FOR  
HAROLD J. SEGHERS, JR., SURVEY NO.  
1020998.

NO. 2 EAST DIVERSION CANAL

LAFITTE ST.  
(REVOKED)

BLOCK "6"

LOTS 168-180

LOT 167

LOT 168

BM  
Mag Nail  
@ 6.51'

LA HIGHWAY NO. 433

LEGEND  
○ 1/2" Iron Rod Set  
● 1/2" Iron Rod Found  
⊗ Cross

GRAPHIC SCALE  
30 0 15 30  
( IN FEET )  
1 INCH = 30 FEET

BENCHMARK  
MAG NAIL SET  
ELEV. = 6.61'

BUILDING SETBACKS  
(Verify Prior to Construction)  
Front Setback.....  
Side Setback.....  
Rear Setback.....

ADDRESS: 54393 LA. HWY. 433

I CERTIFY THAT THIS PLAT DOES REPRESENT AN  
ACTUAL GROUND SURVEY AND THAT TO THE  
BEST OF MY KNOWLEDGE NO ENCUMBRANCES  
EXIST EITHER WAY ACROSS ANY OF THE  
PROPERTY LINES, EXCEPT AS SHOWN.

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

ENCUMBRANCES SHOWN HEREON ARE NOT  
NECESSARILY EXCLUSIVE. ENCUMBRANCES OF RECORD  
AS SHOWN ON TITLE OR FIRM OR TITLE POLICY WILL BE  
ADDED HERETO UPON REQUEST, AS SURVEYOR HAS  
NOT PERFORMED ANY TITLE SEARCH OR ABSTRACT.

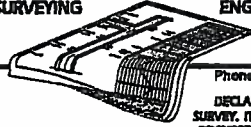
FIRM No. 225205.0571 D  
FARM Date 4/2/11  
ZON. V.T.S. R.F.D. 13  
\* Verify prior to construction with  
Local Governing Body.

DRAWING NO.  
20100571  
DATE  
9/22/10

**J.V. Burkes & Associates, Inc.**  
SURVEYING ENGINEERING • ENVIRONMENTAL  
1805 Shortcut Highway  
Slidell, Louisiana 70458  
E-mail: jvbassoc@jvburkes.com  
Phone: 985-848-0075 Fax: 985-848-0154  
Mississippi Phone: 228-433-5800

DRAWN BY: JL  
CHECKED BY: SMB  
SCALE: 1" = 30'

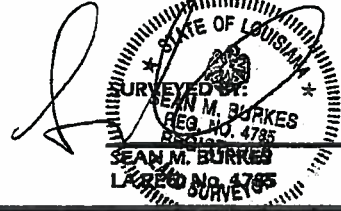
Revised: 10/4/10 Lot No.  
Revised: 2/19/13 Add Deck & Dock  
Revised: 12/18/13 ADD PROP. RES.



DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE  
SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS  
OR SUBSEQUENT OWNERS. SURVEY IS VALID ONLY IF PRINT HAS  
ORIGINAL SEAL OF SURVEYOR.

A SURVEY MAP OF LOT 167,  
BLOCK "6", PIRATES HARBOR SITES,  
ST. TAMMANY PARISH, LOUISIANA

CERTIFIED  
TO: PATRICIA and DON SHALL





SEE ONLINE INSTEAD

← (shifted part of map 10/1/11)

Printing Mass, U.S. from Google Maps



Subject

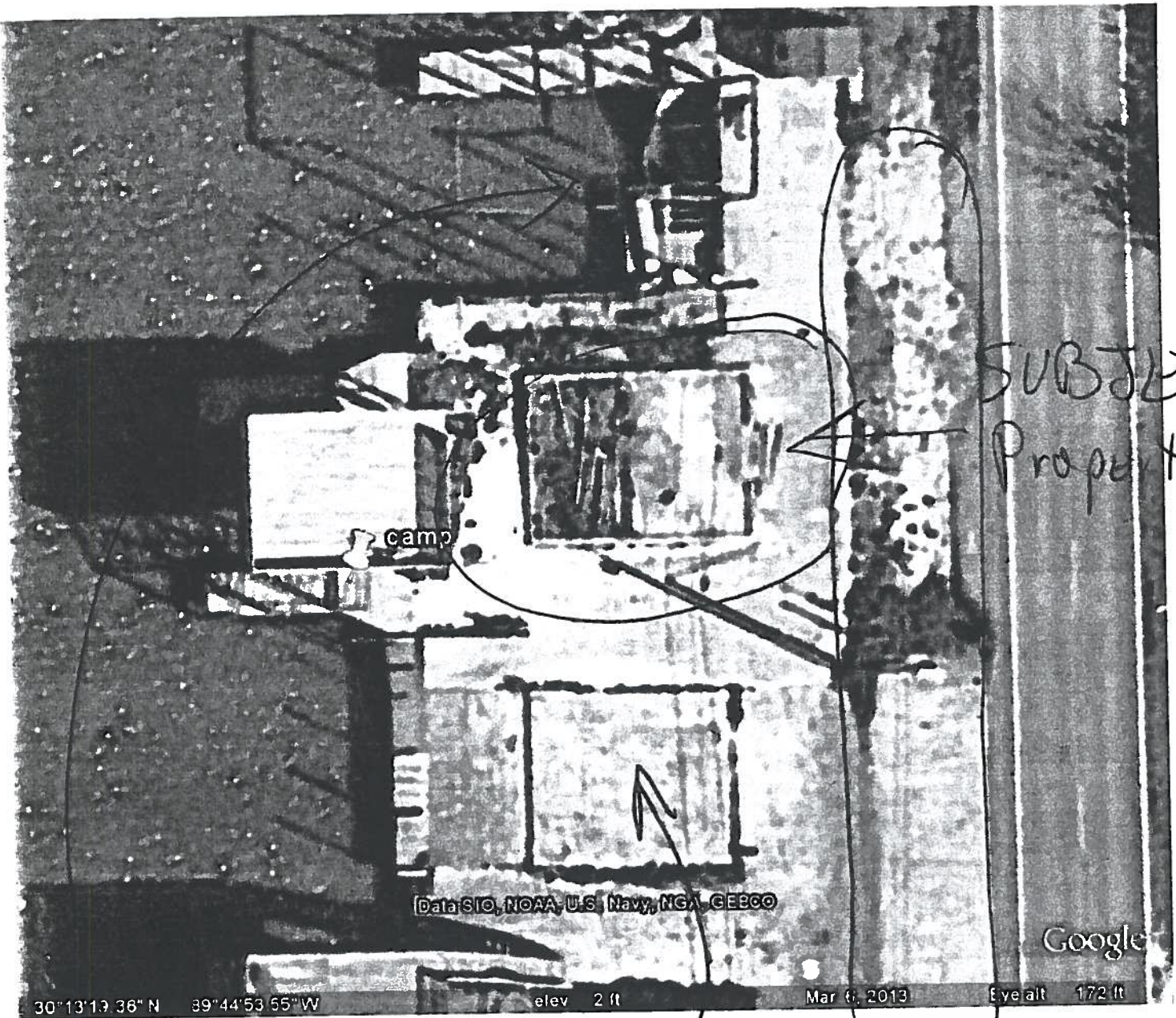
prior subject house foundation

REQUESTED 18' VARIANCE

Approximate 20' setback of proposed residence footprint on attached survey

Approximate 25' front setback



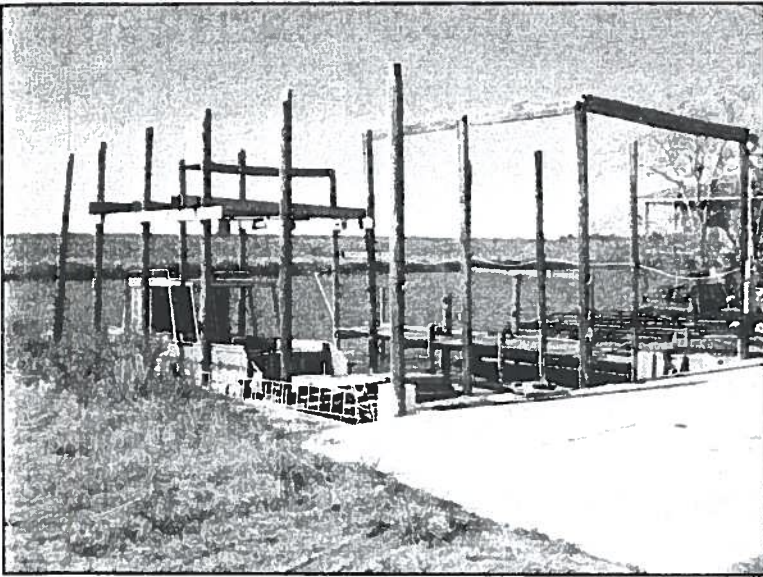


SUBJECT  
Property

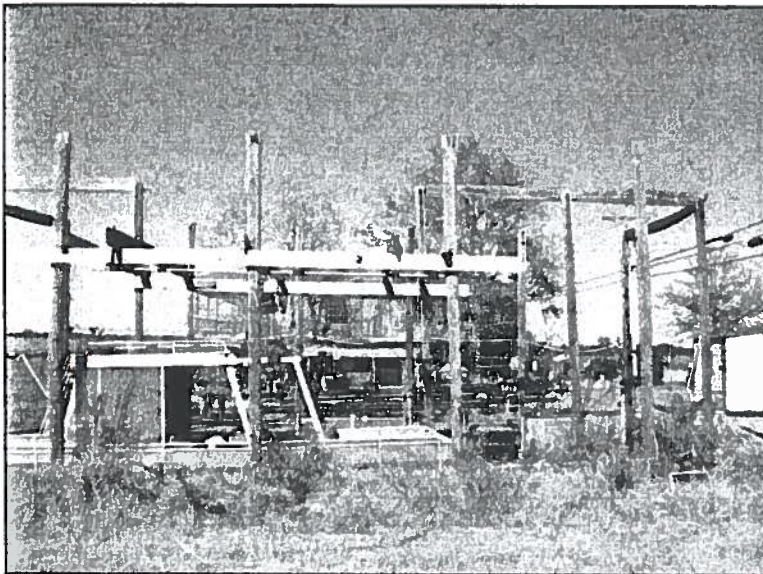
Empty Adjacent Properties  
Boat Slips

Very Large  
Shoulder





ADJACENT SITE TO NORTH  
(RIGHT)  
CONSISTS MAINLY OF A  
LARGE BOAT SLIP  
(with only about 13' of land  
from the front line)



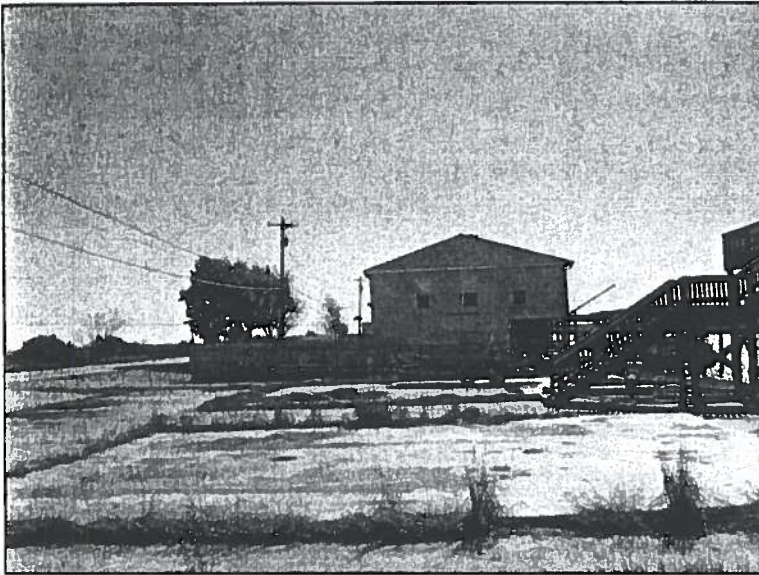
ADJACENT SITE TO NORTH  
(RIGHT)



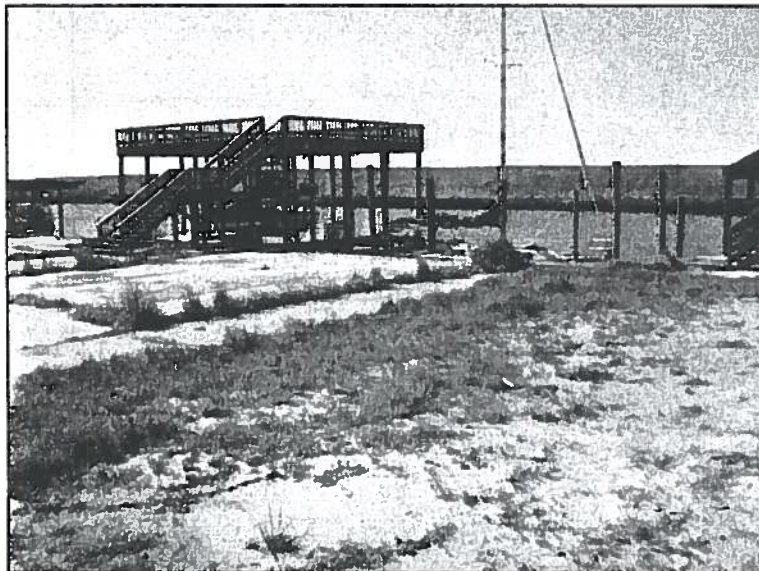
STAIRS TO DECK/COVER  
OVER BOAT SLIPS

THE STAIRS HOPING TO BE  
SAVED BY THE 18'  
FRONT SETBACK

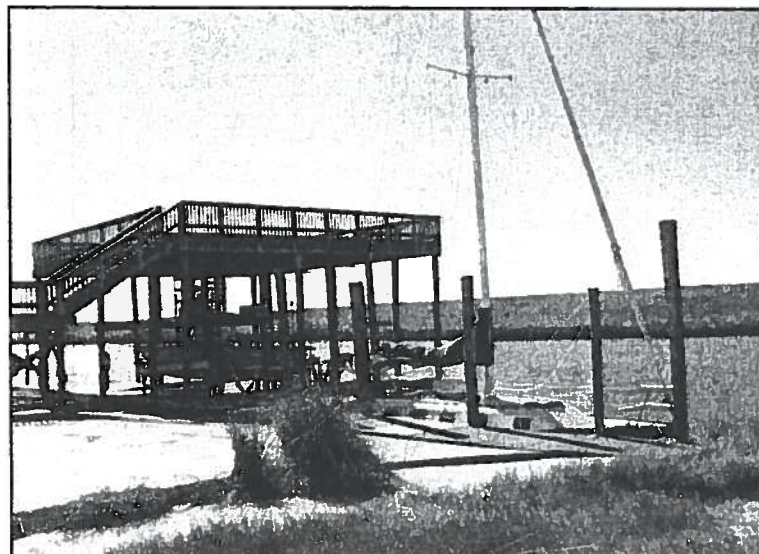




TWO VACANT SITES TO  
THE SOUTH (LEFT)  
OF SUBJECT PROPERTY



TWO VACANT SITES TO  
THE SOUTH (LEFT)  
OF SUBJECT PROPERTY  
(used for boat docking)



TWO VACANT SITES TO  
THE SOUTH (LEFT)  
OF SUBJECT PROPERTY  
(used for boat docking)



# OLD BUSINESS



**Pat Brister**  
**Parish President**

# **St. Tammany Parish Government**

**St. Tammany Parish Board of Adjustment**

P. O. Box 628  
Covington, LA 70434  
Phone: (985) 898-2529  
Fax: (985) 898-3003  
e-mail: [planning@stpgov.org](mailto:planning@stpgov.org)

February 18, 2014

St. Tammany Parish Board of Adjustment  
Administrative Complex, Building "A"  
21490 Koop Drive  
Mandeville, LA 70471

Re: BOA Case No. 13-10-027 (OLD BUSINESS)  
Request for a Thirty (30) Day Extension to File for a Building Permit

Dear Board Members:

As the board recalls, Mr. Martin appeared on the November 12, 2013 docket under "Old Business" requesting that the board reconsider their decision regarding the board's original ruling of his variance request case on October 1, 2013.

At said meeting, after hearing testimony given by Mr. Martin, the board amended their original ruling as follows:

- the ridge/peak of the roof shall not be not more than 21' in height
- granted the rear yard setback variance as requested from 5' required to 2' requested
- required the side yard setback to stand at 5'; and
- gave Mr. Martin ninety (90) days in which to file for a parish building permit.

Now, Mr. Martin is requesting a thirty (30) day extension in which to file for his building permit (see email attached); and although the staff feels that the board has given Mr. Martin great latitude based on its revised ruling from the November 12th meeting, the staff has no objection to granting Mr. Martin an additional thirty (30) days in which to file for his building permit.

However, this recommendation is prefaced on the fact that this matter is an "after the fact" violation in terms of not only Mr. Martin failing to obtaining a building permit, but also violating parish setback requirements, with the next step being to file suit in the district court if not resolved; therefore, the staff strongly recommends that the following conditions apply for the granting of the additional thirty (30) day request:

- no further extensions on filing for a parish building permit shall be granted; and
- Mr Martin must complete the modeling and/or moving of the structure in order to comply with the conditions of the variance established within one-hundred and twenty days (120) days from the issuance of his building permit.

If you have any questions or require additional information, please feel free to contact me at 985-898-2529.

Sincerely yours,



Ron Keller

Secretary, St. Tammany Parish Board of Adjustment

## Ron Keller

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**From:** TERRY MARTIN <protscape@aol.com>  
**Sent:** Wednesday, February 12, 2014 3:40 PM  
**To:** Ron Keller  
**Subject:** Request for extension of time to file for building permit

Dear Mr. Keller,

As per our discussion regarding my rear, after the fact storage shed, case #13-10-027, I am sending you this request for an additional 30 days to pay and file for my building permit. The original date of the allowance was set for February 15th, 2014' and I am requesting an extension to March 15th, 2014' due to severe financial hardship I have encountered this winter from the intense and reoccurring freezing temperatures our area has endured. My wife and I have also applied and received financial assistance from the state due to our desperate condition. We should have our tax return in a couple of weeks and expect that we can file/pay and move forward on this project shortly thereafter, thereby meeting the deadline. I await your response and thank you for your attention to this matter.

Sincerely,  
Terry M.