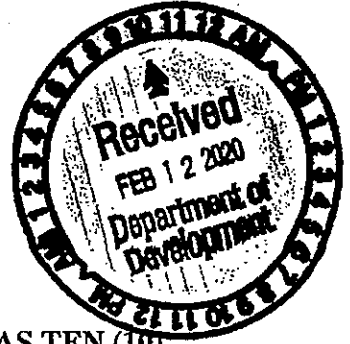


APPEAL # 2

PC DENIED: 2/11/2020



TAMMANY PARISH  
MICHAEL B. COOPER  
PARISH PRESIDENT



A PETITIONER OR ANY AGGRIEVED PROPERTY OWNER HAS TEN (10) DAYS IN WHICH TO FILE AN APPEAL REGARDING A DECISION OF THE PLANNING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF DEVELOPMENT ON OR BEFORE THE TENTH DAY.

(NOTE: FINAL SUBDIVISION APPROVAL CANNOT BE APPEALED EXCEPT BY THE DEVELOPER)

APPEAL REQUEST LETTER

DATE: 2.12.20

TO: ST. TAMMANY PARISH COUNCIL

FROM: RICHARD L. ELLIOTT

RE: AGGRIEVED BY DECISION MADE BY THE ST. TAMMANY PARISH PLANNING COMMISSION

RICHARD L. ELLIOTT, JULIE P. ELLIOTT  
I, CHARLES N. & ALISON D. MONTGOMERY hereby request that the St. Tammany Parish Council review the below mentioned case and consider reversing the decision made by the St. Tammany Parish Planning Commission at their 2.11.20 meeting.

The case for which I am aggrieved by, as depicted on the docket of the Planning Commission is as follows:

2020-1781-MSP A MINOR SUBDIVISION OF LOTS 2, E, F, & G INTO LOTS 2A, E1, E2, E3, & E4: OWNER RICHARD L. ELLIOTT, JULIE P. ELLIOTT AND CHARLES N. & ALISON D. MONTGOMERY  
SURVEYOR: JOHN E. CONNEAU & ASSOCIATES INC. - PARISH COUNCIL DISTRICT REPRESENTATIVE HON. MICHAEL LOHNO, JR. GEN. LOCATION: THE PROPERTIES ARE LOCATED ON THE EAST AND WEST SIDES OF DIGNER RD, SOUTH OF LA HWY 22, MANDEVILLE, WARD 4.  
I therefore, respectfully request that the St. Tammany Parish Council consider my appeal at DISTRICT 4, their next appropriate regularly scheduled meeting.

This letter shall suffice as official notice to be placed on the docket of the next appropriate regularly scheduled meeting of the St. Tammany Parish Council; whereby, I shall give truthful testimony and present evidence to support my appeal request.

(PLEASE PRINT THE FOLLOWING INFORMATION)

APPELLANT'S NAME: RICHARD L. ELLIOTT, JULIE P. ELLIOTT

ASSOCIATION TO CASE (PLEASE CHECK ONE): Developer ☒ Neighbor ☐ Group ☐

ADDRESS: 218 SCORPINE DR.

CITY: MANDEVILLE STATE: LA ZIP: 70471 PHONE NO: 985-630-8472

SIGNATURE: Richard L. Elliott, Julie P. Elliott

Charles N. & Allison D. Montgomery

XC: ALL ST. TAMMANY PARISH PLANNING COMMISSIONERS

CASE NO.: 2019-1781-MSP

OWNER/DEVELOPER: Richard L. & Julie P. Elliot II and Charles N. & Allison D. Montgomery  
ENGINEER/SURVEYOR: John E. Bonneau & Associates, INC.

SECTION: 54                      TOWNSHIP: 7 South                      RANGE: 11 East

WARD: 4 PARISH COUNCIL DISTRICT: 4  
 TYPE OF DEVELOPMENT:  X  SUBURBAN (Residential acreage between 1-5 acres)  
 \_\_\_\_\_ RURAL (Low density residential 5 acres or more)  
 \_\_\_\_\_ OTHER (PUD, Multi-family, commercial or industrial)

**GENERAL LOCATION:** The property is located on the east & west sides of Bigner Road, south of LA Highway 22, Mandeville, Louisiana.

**SURROUNDING LAND USES:** Undeveloped & Single family residential

**TOTAL ACRES IN DEVELOPMENT: 4.76 acres**

NUMBER OF LOTS/PARCELS: 5 lots; 2A – 0.95 acre, E1 – 1.89 acres, E2 – 0.62 acres, E3– 0.64 acres, E4 – 0.66 acres

**ZONING: A-3 Suburban & A-4 Single Family Residential Districts**

**STAFF COMMENTARY:**

**Department of Development – Planning & Engineering**

The applicant is requesting to create four (4) parcels from a 3.81 acre parcel to be accessed via a 35' foot accessed servitude and proposed to be named Elliot Creek Drive. The request also includes Lot 2, which is requested to be reduced in size, and renamed 2A, to provide Parish road frontage to lot E1. The minor subdivision request requires a public hearing due to:

1. Lots 2A – 0.95 acre, E1 – 1.89 acres, E2 – 0.62 acres, E3– 0.64 acres & E4 – 0.66 acres are less than 1 acre in size, requiring a waiver of the regulations by the Planning Commission.
2. More than one of the parcels are being accessed by a private drive, said drive must be constructed to a minimum parish standard in accordance to Section 40-045.01 Minimum Construction Standards for a Private Drive, of Subdivision Regulatory Ordinance.
3. Lot 2 was part of a minor subdivisions approved in November 2017 (see attached).
4. Requesting a waiver to construct the 35' access servitude and the required drainage prior to building permit being issued instead of prior to plats being recorded.

Note that the applicant has submitted a maintenance agreement for the proposed 35-foot access servitude.

**The request shall be subject to the below comments:**

1. The plat must be amended to include a signature line for the Chairman of the Planning Commission.
2. The plat must be amended as follow: Note: Building permits cannot be filed for by any individual lot owner unless and until the drainage and road on the individual lot has been completed in accordance with the minor subdivision ordinance and the owner has disclosed this fact to St. Tammany Parish Department of permits when filing for said permit.

3. The proposed name of the private drive, depicted on the survey plat, as "Elliott Creek Drive", shall be granted approval (Road name has already been reviewed and approved by 911 Communication District).
4. The Minor Subdivision shall conform to the subdivision drainage requirements including an engineering prepared drainage plan, hydraulic analysis, and onsite detention pond(s).
5. The 35 foot access servitude shall be constructed according to Section 125-189 - Minimum construction standards for a private drive (listed below), by the Planning Commission:
  - a. Perpetual servitude of access with a minimum width of 35 feet.
  - b. Driving surface of 20 feet in width with two-foot shoulders on each side of the drive and 5½ feet on each side of the shoulder devoted to ditching/drainage and or utilities.
  - c. Drive shall constructed with suitable compacted subbase materials and overlaid with an aggregate material (i.e., shell, gravel, limestone, three-course treatment, asphalt, concrete, etc.) that is acceptable to the Department of Engineering.
  - d. Ditch or ditches shall be constructed on either one or both sides of a drive in accordance to standard practices adopted by the department of engineering in order to provide adequate drainage.
  - e. Plans for the construction of the private drive and drainage submitted to the department of engineering for review and approval prior to the initiation of work.
  - f. Final inspection of the work performed. Department of Engineering, after the private drive has been constructed and drainage improvements made.
  - g. Once the private drive has been constructed and all drainage improvements completed and approved by the department of engineering, then, and only then can the minor subdivision be recorded for public record in the clerk of court's office and the lots sold or donated.

In order to approve the waivers a 2/3rds majority vote of the full membership of the commission (8 members) is needed, pursuant to Section 125-224 Waiver of Regulations, of Chapter 125 - Subdivision Regulations.

