

**AGENDA MEETING
ST. TAMMANY PARISH BOARD OF ADJUSTMENT MEETING
NOVEMBER 2, 2022 – 2PM
ST. TAMMANY PARISH GOVERNMENT COMPLEX BUILDING A
21490 KOOP DRIVE, PARISH COUNCIL CHAMBERS
MANDEVILLE, LOUISIANA**

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

- Please silence all phones and electronic devices
- Appeals
- Speaker Cards
- Public Speaking - Ten (10) minutes each side and five (5) minutes for rebuttal
- Please exit the building

APPROVAL OF THE OCTOBER 4, 2022 MINUTES

1- BOA CASE NO. 2022-3088-BOA

Request by applicant in an A-4 Single Family Residential District for an after the fact variance to reduce the required side yard setback from 7.5 feet to 0.3 feet & 1.3 feet to allow for the completion of the construction of an attached carport.

The property is located: 329 Moonraker Drive, Slidell, Louisiana

Applicant & Representative: Rayford Campbell

2- BOA CASE NO. 2022-3095-BOA

Request by applicant in a NC-4 Neighborhood Commercial District to reduce the required setbacks for an existing cellular tower to 40.43 feet & 74.77 feet on the south side, 50.47 feet on the west side and to 15 feet on the east side.

The property is located: 23305 LA Highway 1088, Mandeville, Louisiana

Applicant: Moore 59, LLC – Paul Damian Reese

Representative: Shelby Lasalle Jr.

3- BOA CASE NO. 2022-3097-BOA

Request by applicant in a I-1 Industrial District to reduce the required 500 foot setback from the nearest bank of the waterway to 50 feet.

The property is located: north side of LA Highway 16, Sun, Louisiana

Applicant & Representative: Shane Cambre

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

MINUTES
ST. TAMMANY PARISH BOARD OF ADJUSTMENT MEETING OCTOBER 4, 2022
ST. TAMMANY PARISH GOVERNMENT COMPLEX BUILDING A
21490 KOOP DRIVE, PARISH COUNCIL CHAMBERS
MANDEVILLE, LOUISIANA

The October 4, 2022 meeting of the St. Tammany Parish Board of Adjustment was called to order by the Chairman, Mr. Ballantine.

The roll was called as follows:

PRESENT: Mr. Ballantine, Mr. Spies, Mr. Blache, Mr. Sanders, Mr. Swindell (voting member), Mr. Daly

ABSENT: Mrs. Thomas

STAFF PRESENT: Mrs. Lambert, Mrs. Couvillon, Mr. Liner, Ms. Contois.

APPROVAL OF THE MINUTES

Moved by Mr. Blache and seconded by Mr. Daly to accept the September 6, 2022 minutes.

MOTION CARRIES UNANIMOUSLY

1- BOA CASE NO. 2022-3050-BOA

Request by applicant in a PUD Planned Unit Development Overlay for a reduction of the required front yard setback from 20 feet to 15 feet to allow for the construction of a single family residence and extend the length of the driveway .

The property is located: 181 Bald Eagle Drive, Abita Springs, Louisiana

Applicants & Representatives: Peace Enterprises – Greg Peace

(Mrs. Lambert read the staff report into the record...)

Greg Peace: Explains requested variance to allow to move the residence forward 5 feet to allow for a longer driveway from the alleyway. Submitted letter of no objection from the Money Hill Homeowners Association.

Ramsey Skipper: House is proposed to be constructed directly behind his residence. There is an existing alleyway behind his home, which is adjacent to the home to be constructed by Mr. Peace. Not opposed to the requested variance as long as the footprint of the residence is not expanded, only shift the buildable space. Could have been an error in the past when the alleyway was put in but the setback line was not adjusted. Difficult to navigate out of the driveway in the alleyway without doing series of back and forth motions or rolling on neighbor's grass. Concerned with shifting to the front property line to 15 feet, unless if both the front and the rear of the residence is shifted 5 feet.

Mr. Spies: Have other requests been submitted for the same variance?

Mr. Ballantine: Only one request submitted.

Mr. Spies: Mrs. Lambert, are you aware of the issue referred regarding backout of the driveway?

Mrs. Lambert: I never travelled on the alleyway. No issues reported to Planning Office.

Greg Peace: The square footage of the house will not be increased. Only the footprint of the house will be moved forward. No issue with providing document in writing to confirm. Would like to build 6 houses and please the neighbors.

Mr. Ballantine: Explains that if variance is granted the house will stand forward 5 feet.

Greg Peace: It will not be noticeable driving down the street because additional landscaping will be provided in front of the house.

Mr. Swindell: Question to Legal Counsel. Can the Board add a stipulation regarding the maximum footprint of the residence?

Mrs. Couvillion: The Board can add stipulations/conditions as part of granting the variance.

Mr. Swindell: HOA is in favor of the request. Will the owner have to request for each lot? If the variance is granted and the residence is built 5 feet forward, will it affect the construction of residence on the other lots?

Ramsey Skipper: It would definitely be better if variances would be granted for the other lots. It is a concern for the other lots as well.

Mr. Blache: HOA agrees with the requested variance. Need to add stipulation that the house would be move up 5 feet and that the square footage of the house will not be increased. Other houses on the street should have the same setback and square footage.

Greg Peace: Will more than likely design the other house differently. Would like to ask a question if residence only needs to be granted to move the residence 3 feet?

Mrs. Couvillion: I have never heard of a shifting variance?

Ramsey Skipper: If variance is granted it will be more in line with the existing houses built on the other side of the street.

Mr. Daly: As part of the motion there should be a stipulation.

Ramsey Skipper: Appears that there is an error when this part of the subdivision was designed in regards to the houses accessed from the alleyway.

Further discussion/explanation regarding the design/location of existing residences, new residences and setbacks.

Mr. Ballantine: Questioned GNO property management versus HOA. When I visited the site, neighbors voice concerns regarding drainage issues in the area.

Ramsey Skipper: GNO property management is the agency that enforce the regulation and allow communication with the HOA. Explains the drainage issues in the neighborhood.

Motion by Mr. Daly seconded Mr. Blache to approve the variance as requested with stipulation that the rear yard setback be increased from 10 feet to 15 feet.

MOTION CARRIES UNANIMOUSLY

2- BOA CASE NO. 2022-3052-BOA

Request by applicant in an A-2 Suburban & CBF-1 Community Based Facilities Districts to reduce the required side yard no cut buffer from 50 feet to 20 feet to allow for the construction of a single family residence.

The property is located: 75290 River Road, Covington, Louisiana

Applicants & Representatives: Murray Cleveland, Jr.

(Mrs. Lambert read the staff report into the record...)

Murray & Jeanne Claire Cleveland, Jr.: Request to remove 2 medium magnolia trees located within the 50 foot no cut buffer, on a 6.6 acre parcel of land. Daughter & family will live in the main residence. Would like to build a cottage. Limited space in that particular area of the property due to the Parish drainage ditch crossing the property. The driveway to the garage will be located where the trees will be removed.

James Ellis: In the past Board approved similar variances. Refers and provides information to previous case heard by the Board.

Mr. Blache: Similar variances granted in the past for constructions with side loading garage. Board is not in charge to enforce the rules. Will not make decisions based on comments previously stated.

Mr. Daly: Can you provide the length of the buffer you would like to clear?

Murray Cleveland Jr.: Requesting to have a total length of 65 feet of the 50 foot no cut buffer to be cleared.

Motion by the Mr. Blache seconded by Mr. Spies to approve the variance as requested for a total length of 65 feet of the 50 foot no cut buffer and apply for a land clearing permit.

MOTION CARRIES UNANIMOUSLY

3- BOA CASE NO. 2022-3053-BOA -WITHDRAWN

Request by applicant in a PF-1 Public Facilities District to remove 4 live oak trees to allow for the construction of a Fire Station.

The property is located: 92 Judge Tanner Blvd, Covington, Louisiana

Applicants & Representatives: St. Tammany Parish Fire Protection District #4 – Kenneth Moore

4- BOA CASE NO. 2022-3059-BOA

Request by applicant in an A-2 Suburban District for after the fact variance to increase the maximum allowable length of an accessory building from 50 feet to 72.5 feet and to reduce the required side yard setback from 10 feet to 8.5 feet.

The property is located: 123 Setter Lane, Pearl River, Louisiana

Applicants & Representatives: Lester Ralph Jr.

(Mrs. Lambert read the staff report into the record...)

Lester Ralph Jr.: Owner of the property, would like to request variance length of the building and side yard setback.

Joseph Soniat: Large metal accessory building, almost bigger than some of the houses in the neighborhood, also very close to residence located on the property. Required to bring the accessory building up to the standards AS stated in the subdivision covenants. It has not been completed yet.

Earl Roberts: Accessory building constructed without a permit. I was required to get a permit to build accessory structure on my property and it had to meet the standards of the subdivision covenants. At this time, the accessory structure has not been brought into compliance with subdivision covenants. Eyesore in the neighborhood.

Lester Ralph Jr.: I spoke to my adjacent neighbors and obtained letters of no objection. Did not speak to neighbors Joseph Soniat and Earl Roberts. Will modify the building to meet the subdivision covenants, will add stucco to the building to match the house and add windows, door will be painted to a darker color, as requested by president of homeowner association, Chris Jean. The property is deep and the accessory building is approximately 100 feet from the front property line, behind the fence, far back in the backyard. The building is 52 feet deep, which is needed to park boat and truck. The middle is a 20 feet overhang with a basketball goal to provide covered play area.

Joseph Soniat: No information was provided to the Homeowner's Association before construction took place. Accessory building is larger and clearly visible compared to other accessory buildings in the neighborhood. Would like to have the building modified to meet the subdivision covenants.

Mr. Blache: Was a permit applied for before? Is it an after the fact variance request?

Lester Ralph: Applied for variance and permit. Hired a contractor to bring the building up to subdivision covenants standards. Refers to pictures submitted and indicate that the building is located 140 feet from the road.

David Luparello: Residence is 54 feet from the road and the accessory building is 141 feet from the road. The owner is aware that he needs to bring the building up to subdivision standards. Since the property was posted by Code Enforcement, will apply for the permit. President of Homeowner's Association imposed criteria to bring the building up to the required standards, as per the letter submitted.

Mr. Blache: Can you provide information regarding the architectural criteria imposed by the Homeowner's Association?

David Luparello: Aware that the building encroaches into the side yard setback and that the building exceeds the maximum allowable length. Also need to bring the building into compliance with the required exterior finish/stucco and add some windows to make it look more like a dwelling.

Mr. Blache: Similar request submitted, which didn't meet the setback and also was going to require the homeowner to spend additional money to bring the building into compliance. Board did not approve the requested variances.

Mr. Ballantine: Can you provide reason for not applying for permit before construction took place?

Lester Ralph Jr.: Builder stated that it would take much longer to get a building constructed, potentially 2 years, if not building installed immediately. Agree that he should have applied for permit. Ready to bring the building up to required subdivision covenants criteria.

Mr. Daly: Lots of information provided regarding subdivision covenant restrictions. The Board is only going to address the variance requests regarding the side yard setback and the length of the building.

Mr. Swindell: Can the building be moved to meet the setback requirement? Difficult to find a reason support.

Lester Ralph Jr.: 3 adjacent neighbors submitted letter of no objection. Immediately adjacent neighbor requested that the building be brought up to subdivision covenants standards. I could cut the overhang off the building, but will have to leave door open to back in boat and trailer. Would require a lot of work to move the building to meet the setback requirements.

Mr. Spies: Did you discuss your project with Earl Roberts and Joseph Soniat, present in the room today?

Lester Ralph Jr.: No I only contacted immediate adjacent neighbors. Agree to bring the building into compliance with the subdivision covenant restrictions.

Mr. Spies: Can I request to postpone the variance and ask that the owner meet with the opposition?

Lester Ralph Jr.: Would like to have the Board vote on the request today.

Mr. Swindell: If request would have been submitted before the building was constructed, I would have considered requests. Board cannot take into consideration the additional cost that you will incur to bring the site into compliance.

Motion by Mr. Blache and seconded by Mr. Swindell to deny the requested variance.

Nays: Mr. Ballantine and Mr. Daly

Yeas: Mr. Blache and Mr. Swindell

Abstain: Mr. Spies

Motion Failed

Mrs. Couvillion: Explains the needed votes for a motion to pass.

Motion by Mr. Swindell and seconded by Mr. Ballantine to approved the variances as requested.

Nays: Mr. Swindell, Mr. Blache and Mr. Daly

Yeas: Mr. Ballantine

Abstain: Mr. Spies

MOTION FAILED

5- BOA CASE NO. 2022-3062-BOA

Request by applicant in a HC-2 Highway Commercial District to remove all pine trees and sweet gum trees located within the street, sides and rear buffers.

The property is located: 21485 Mire Drive, Abita Springs, Louisiana

Applicants & Representatives: CHC II Properties, LLC – Chad Roig

(Mrs. Lambert read the staff report into the record...)

Chad Roig: Would like to build storage facility with 8 foot fence and shrubs for privacy. Refers to the layout submitted to the Board. Request removal of the trees on the east and west sides of the property, as stated on the report and supported by staff. Submitted letters of no objection from adjacent property owners on the east side of the property. Many of the pine trees located within the east buffer are leaning over the adjacent commercial building.

In the front, understand that staff would like to preserve the buffer. Most of the front buffer is developed with pine trees and would like to remove pine trees. Does not want to have storage yard surrounded by pine trees, which could affect the boats or RV stored. Will meet all drainage requirements, and will drain towards Mire Drive. Canopy of the existing pine trees is at 100 foot high, will provide additional shrubs and trees to make sure that the storage is not visible from Mire Drive. Will preserve all the live oak trees and other trees, will plant more trees beyond what the Parish is requiring. If there are more than 5 pine trees within striking distance, difficult to obtain

insurance coverage. Will be difficult to meet the required elevation and preserve the approximately 40 existing pine trees, if front and rear buffers area are not cleared.

Charles Clark: Opposition, his property sits along rear of the property in question. 8 foot fence will not provide privacy from lighting. Pine trees provide noise and lighting buffers from adjacent residential properties, dust and also help with drainage. It appears that the proposed fence will not be a solid fence. The property is located within critical drainage area, trees help with the drainage. Would like to have the fence installed inside the property to allow to maintain the existing trees and also plant additional trees. When HC-2 property developed along existing residentially zoned property, it is important that the proposed development be secluded.

Jack Vincent: Most of the parcels in the area are a minimum of 1 acre or larger. When I developed my property, cleared the area only where my house is constructed. The property in question is located upstream from critical drainage area and known flood zone recognized by the Parish. Run off will flow directly down Mire Drive and in the Pontchatolawa Creek, which already has drainage issue. Cutting the trees will create some drainage issues in the area. Preserving the trees will solve some of the problem of drainage, light and other issues with the property.

Mike Chateaufneuf: Lives next to the VFW Hall. Would like to have information regarding where the access is going to be located, which more than likely will be off of Mire Drive. Mire Drive is narrow road. Had to replace mailbox 8 to 10 times, because of traffic on Mire Drive. Already affected by noise and traffic on Highway 59, stacking of car on Mire drive. Would like to know how many trees are going to be taken down? Opposed to the total clear cutting of the property.

Glen Lassus: Concerned with noise and potential drainage issues if the property is cleared. Live on the same side as the property in question. More water will overflow into the ditch. There are already some drainage issues on some of the properties located on the Mire Drive.

Chad Roig: Refers to some of the pictures taken on the east and west sides of the property. On the west side of the property, there is an existing blighted house and on the east side of the property, there are some existing commercial buildings. I have similar concerns as the abutting neighbors, in regards to the drainage and would like to make sure that the facility is not seen from Mire Drive. Would like to cut pine trees to be able to replant with smaller trees that will provide canopy from 10 feet to 30 feet. Would only like to remove pine trees. Some of the trees are located below power line and will be cut by the Power company.

Mr. Ballantine: Was a landscape plan submitted?

Ms. Contois: I am not aware that a complete landscape plan has been submitted.

Mrs. Lambert: A trees survey was submitted, showing the existing trees. Additional drawing submitted, showing the trees to be preserved, trees to be removed and number of Class A & Class B trees and shrubs to be planted to meet the minimum requirements.

Mr. Blache: What size of trees are proposed to be planted?

Ms. Contois: One to one mitigation required if Live Oak or Cypress trees are removed. Will have to meet the minimum buffer requirements/provide required number of Class A & Class B trees and shrubs according to the required size per the ordinance.

Mr. Swindell: Recognize concerns from abutting neighbors. As part of the decision, the Board will not take into consideration potential lighting or drainage issues. In favor of request.

Mr. Blache: Can we request to have larger trees planted as part of the motion?

Mrs. Couvillion: It is possible to add some conditions. Need to make clear statements, as part of the motion to make sure it is possible for staff to enforce.

Mr. Blache: Difficult for the Board to make decision when there is a request to remove trees because it takes away from the existing canopy of trees which is difficult to replace.

Mrs. Lambert: Would like to request some comments from Ms. Contois regarding the planting of larger trees, since larger trees may be difficult to find.

Mr. Blache: Would like to have more trees planted instead of larger trees.

Mr. Ballantine: Would like to have landscape plan submitted.

Mr. Spies: Existing pine trees have been in place for a long time and sustained many hurricanes.

Ms. Contois: Pine trees are more prone to fall over if they are less than 5 in a group. Reason why we recommend that the pine trees be preserved within the front and rear buffers but not within the side buffers. There are few pines together within the side buffers, reason for staff to be in favor of cutting pine trees and replacing with required number of trees. All other issues mentioned regarding drainage, lighting and fill have to be located outside of the buffers. Cannot fill or cut within the buffers. Recommendation that trees of no more than 2.5" caliper trees at 8 foot to 10 foot tall have a better chance of survival.

Mrs. Lambert: Originally misunderstood statement from Mr. Blache, where he was recommending to plan more trees not larger trees. Do you have any recommendation regarding increasing the required number of Class A or Class B trees?

Mr. Blache: Suggest that a revised landscape plan be submitted for the Board to review.

Mr. Daly: There are not many pine trees within the east and west sides of the property. Most of the pine trees are located within the front buffer.

Mr. Ballantine: Suggest that case be postpone and revised landscape plan be submitted.

Mrs. Lambert: Owner submitted a landscape plan showing the trees to be preserved and the required number of Class A & Class B trees and shrubs to be planted. What would the Board like to see on the revised landscape plan? Would it be the species of trees to be planted?

Mr. Ballantine: Would like to have the landscape plan reviewed and approved by Ms. Contois.

Mrs. Lambert: What type of landscape plan would the Board like to review at the next meeting? Explains the request from the owner and recommendation from staff.

Charles Clark: Planted trees will not grow to provide the existing buffers or canopy. There are not a lot of trees on the west side of the property. Concerns regarding RV and boats to be parked on the site filled with diesel, gas and propane. Trees will also provide safety margin for the potential leaks and explosions. Many of the existing pine trees survived many previous hurricanes.

Jack Vincent: Existing canopy will not be replaced with new trees.

Mr. Ballantine: Would you be in favor to postpone case and submit revised landscape plan?

Chad Roig: Landscape plan submitted. Staff is in support of the removal of all pine trees within the east and west buffers. Would like to amend requested variance and only request to have pine trees removed within the eastern and western buffers. Will have to spend additional money to get drainage plan done not knowing if variance will be approved. Additional shrubs will be planted on all sides of the property.

Motion by Mr. Swindell and seconded by Blache to approved the amended variance request to remove pine trees within the east and west buffers, subject to the preservation of the trees within the north and street buffers, and submitting a revised landscape plan, showing the existing trees, caliper and species of trees to be preserved, a site and landscape plan showing the location of the buildings and the species of trees and shrubs to be planted, before application for building permit is submitted.

MOTION CARRIES UNANIMOUSLY

OLD BUSINESS

Mr. Ballantine: Ask for an update regarding proposed compensation for the Board members.

Mrs. Couvillion: Resolution to be placed on the November 3rd, 2022 Council Agenda.

Mr. Ballantine: Ask for an update regarding the vote by the Board, requiring a minimum of 3 votes for a motion to pass.

Mrs. Couvillion: It is only a Parish requirements. Not required by the revised Statute. If the Board would like to recommend change from 4 votes to 3 votes, it is possible for the Board to pass a resolution.

Mr. Ballantine: Explains that 4 votes are currently required for a motion to be approved. Would like to suggest to pass a resolution to allow for 3 votes be required instead of 4 votes for a motion to be approved.

Mr. Blache: In favor of keeping 4 votes for a motion to be approved. Provides additional comments.

Mr. Swindell: In favor of keeping 4 votes for a motion to be approved.

Mr. Sanders: In favor of keeping 4 votes for a motion to be approved.

Mr. Ballantine: Stated that Mrs. Thomas is in favor of changing it to 3 votes required instead of 4 votes for a motion to be approved.

Mr. Spies: In favor of changing it to 3 votes required instead of 4 votes for a motion to be approved.

Mr. Swindell: In favor of changing it to 3 votes required instead of 4 votes for a motion to be approved only if there are only 4 members present at the meeting. But when there are 5 members present remain with 4 votes for a motion to be approved.

Mr. Blache: Board has to make difficult decisions and should keep 4 votes for a motion to be approved.

Mr. Ballantine: Suggest that 4 votes be required for a motion to be approved if 5 members are present and 3 votes required if only 4 members are present.

Mrs. Couvillion: Does not suggest to vote on resolution that 4 votes be required for a motion to be approved if 5 members are present and 3 votes required if only 4 members are present.

Mrs. Lambert: Could it be mentioned at the beginning of the meeting that when 4 members are present, 4 votes are required for a motion to be approved.

Mr. Daly: Statement should be made at the beginning of each meeting regarding the required vote for a meeting to pass.

All members agree.

NEW BUSINESS

Mr. Blache: Received notice from APA. Would like to request if there is a possibility to attend continuing education. Provide additional comments regarding the need and benefits of having training.

Mr. Daly: This year the State Conference is in New Orleans and there is a training session for Planning & Zoning Commissioners and Board members. I will forward the information to the Board members.

Mrs. Lambert: Can have presentation from Landscape Architect Regan Contois, regarding landscaping requirements.

Mr. Swindell: Request information regarding statements/comments made by the Mr. Ellis during variance request **2022-3052-BOA**.

Mrs. Couvillion: Director of the Department of Planning and Development is the interpreter of the Code. Only the decisions of the Director of Department of Planning & Development would come to the BOA if there is a challenge of the interpretation of the code.

Mr. Swindell: Isn't the decision of the Board final?

Mrs. Couvillion: Decisions of the Board are final. Refers to the Code and the authority of the Director of the Department of Planning & Development.

ADJOURNMENT: Mr. Ballantine, CHAIRMAN

MOTION CARRIED UNANIMOUSLY

MR. TOM BALLANTINE, 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. 2022-3088-BOA
Initial Hearing Date:	10/25/2022
Date of Report:	11/02/2022

GENERAL INFORMATION

Applicant & Representative:	Rayford Campbell
Location of Property:	329 Moonraker Drive, Slidell, Louisiana
Zoning of Property:	A-4 Single Family Residential District
Variance(s) Requested:	After the fact variance to reduce required side yard setback.

OVERVIEW

Request by applicant in an A-4 Single Family Residential District for an after the fact variance to reduce the required side yard setback from 7.5 feet to 0.3 feet & 1.3 feet.

STAFF COMMENTS

As per St. Tammany Parish Unified Development Code Section 130-2191 Lot of record. (3) Side yard setbacks. Seven and one-half feet on each side of lots with widths greater than 50 feet, except that side yard setbacks of five feet may be authorized when the department of engineering has determined that drainage impacts have been adequately addressed, based on review and approval of a drainage plan for developments with lots of record that have widths greater than 50 feet, or the proposed installation of subsurface drainage, in lieu of drainage swales, on an individual lot that would otherwise be required to have 7½-foot setbacks.

The after the fact variance request is to allow for the completion of the construction of an attached carport 0.3 feet & 1.3 feet from the side property line, as shown on the attached drawing. While the objective of the request is to allow for the replacement of a carport destroyed by Hurricane Ida, the requested variance is a personal preference rather than a property hardship.



Requesting a Side yard Setback for ~~edge~~ of an existing Slab to rebuild
a damaged Carport in Hurricane Ida. from 10 ft to 1.3' x 0.3'

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

The official is stating that my carport is over the setback on the
right side (while facing) the home from the street. We have
owned the home for years. That carport slab has been on the ground
for years before we purchased the home. The family on the side is
aware and the previous home owners were realtors of the existing neighbor
or

SIGNATURE OF OWNER/APPLICANT

DATE OF APPLICATION

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.
4. *Does the variance/appeal request impose an adverse effect on the adjacent neighbor's 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 effect 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.

SURVEYED IN ACCORDANCE WITH THE LOUISIANA STANDARDS OF PRACTICE FOR PROPERTY BOUNDARY SURVEYS FOR A CLASS C SURVEY.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THE SERVITUDES AND RESTRICTIONS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE SET FORTH IN THE DESCRIPTION FURNISHED ME AND THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES AND RESTRICTIONS ARE SHOWN HEREON. THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING THE DATA FOR THIS SURVEY.

REFERENCE BEARING:

THIS SURVEY IS BASED ON THE S/D PLAN LISTED FOR REFERENCE.

THE PRELIMINARY DFIRM SHOWS THIS PROPERTY IN ZONE AE, EL. 12 NAVD88. THE ABFE MAP SHOWS THIS PROPERTY IN ZONE AE, EL. 14 NAVD88.

REFERENCE:

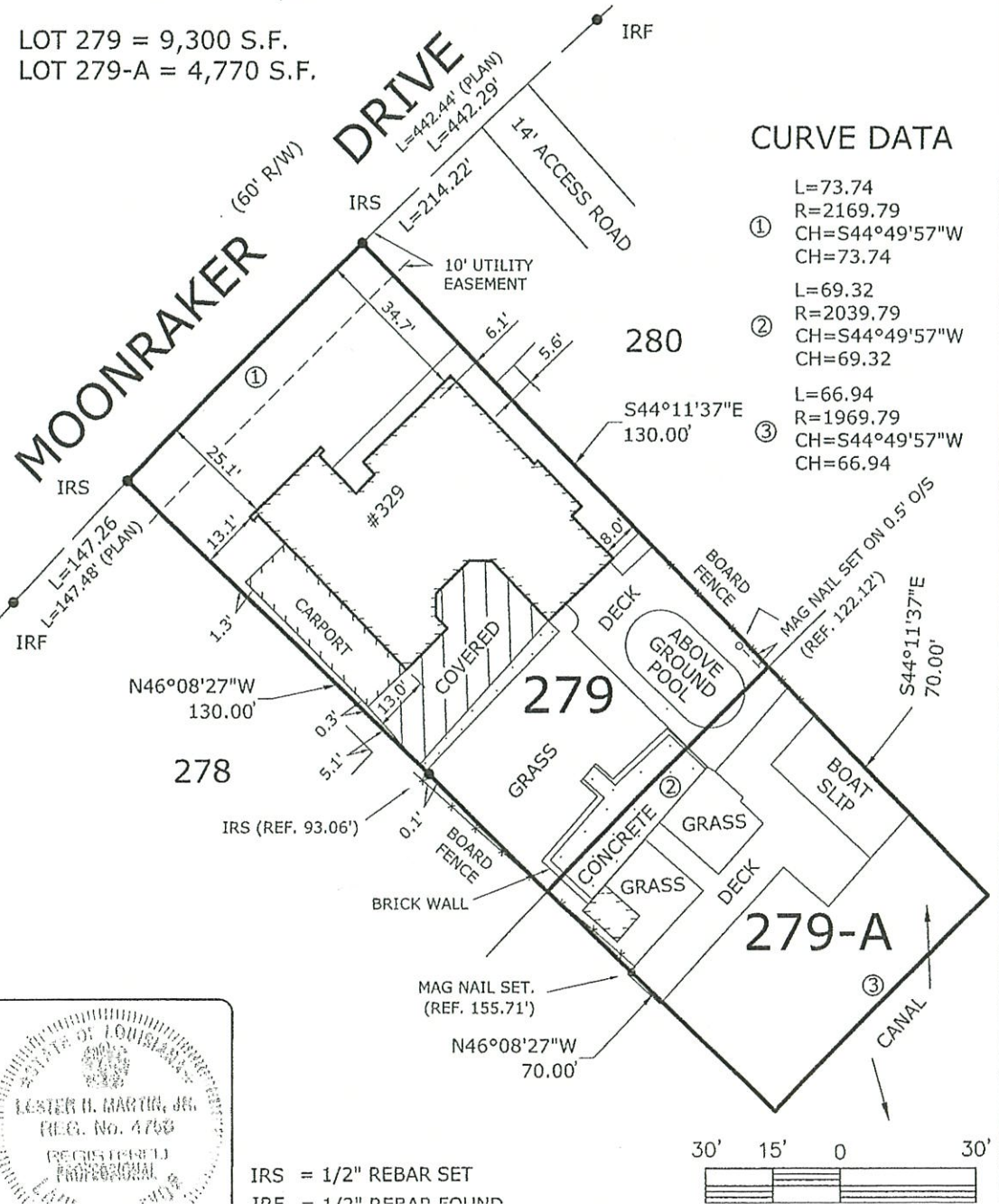
PLAN OF MOONRAKER ISLAND, PH. 3A BY BORDEN ENGINEERING DATED 09-02-1980 FILED AS MAP FILE# 659 B. PLAN OF MOONRAKER ISLAND, PH. 3A-A BY WILSON-POPE DATED 06-19-1998 FILED AS MAP FILE# 1658. SURVEY OF LOT 275, MOONRAKER ISLAND, PH. 3A BY JOHN E. BONNEAU & ASSOC. INC. DATED 06-28-1993. SURVEY OF LOT 282, MOONRAKER ISLAND, PH. 3A BY H.C. SANDERS & ASSOC. INC. DATED 08-23-1984.

PER FIRM: UNINCORPORATED ST. TAMMANY PARISH, 225205 0530 C, DATED 04-02-1991, THIS PROPERTY IS IN ZONE A10, EL. 13 NGVD29.

BEFORE HOUSE PLANS OR CONSTRUCTION, CONSULT LOCAL GOVERNING BODY TO SEE WHAT FLOOD ZONE, BFE, IF ANY FREEBOARD IS REQUIRED AND SETBACK REQUIREMENTS THEY WILL ENFORCE.



LOT 279 = 9,300 S.F.
LOT 279-A = 4,770 S.F.

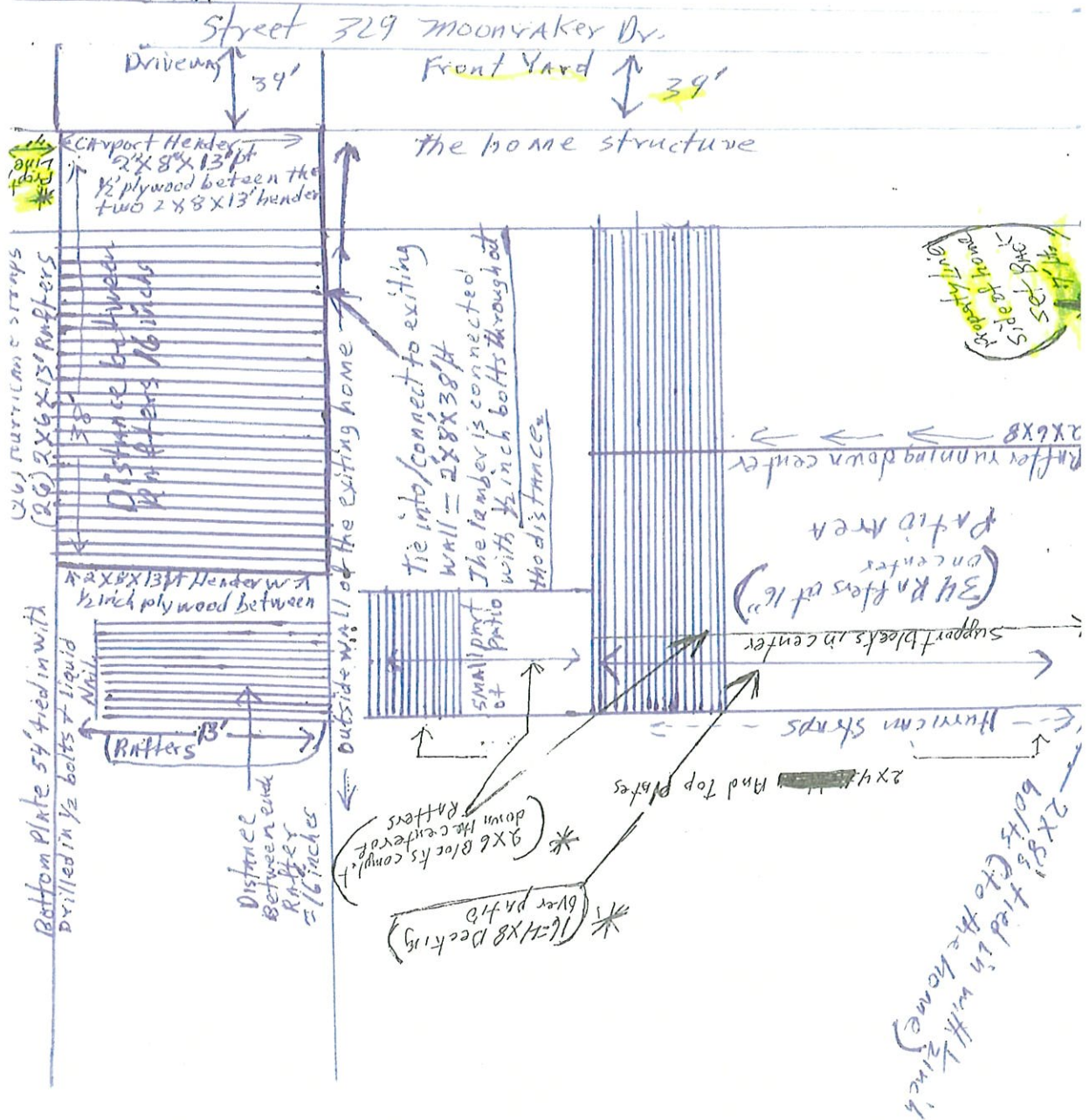


- * 6 = 4x1' windows across top of wall of Carport
- * 13 Sheets of 4x8 OSB Decking over carport
- * 39 = Stud: 16 on Center of outside wall of Carport

329 Moonraker Dr.
Slide 11, LA. 70458

Top View of Rafters

Site Plan/Set Backs





ST. TAMMANY PARISH BOARD OF ADJUSTMENT
STAFF ANALYSIS REPORT

Case File Number:	BOA Case No. 2022-3095-BOA
Initial Hearing Date:	10/25/2022
Date of Report:	11/02/2022

GENERAL INFORMATION

Applicant:	Moore 59, LLC – Paul Damian Reese
Representative:	Shelby Lasalle Jr.
Location of Property:	23305 LA Highway 1088, Mandeville, Louisiana
Zoning of Property:	NC-4 Neighborhood Commercial District
Variance(s) Requested:	Reduce required setbacks.

OVERVIEW

Request by applicant in a NC-4 Neighborhood Commercial District to reduce the required setbacks for an existing cellular tower to 40.43 feet & 74.77 feet on the south side, 50.47 feet on the west side and to 15 feet on the east side.

STAFF COMMENTS

As per St. Tammany Parish Unified Development Code Section 130-2213. (41) *Towers*. A. 2. (iii) Height/setbacks and related location requirements shall be as follows: B. Towers, not located on parish owned property, shall be set back from the property line a distance equal to the height of the tower or shall conform with the setbacks established from the underlying zoning district, whichever is greater. Tower setbacks are required to ensure that the fall radius, measured from the base of a tower, is free from any existing structures or residences that could come into contact with potential hazards.

The site is currently developed with a 250 foot high cellular tower, approved as a conditional use permit in 2001 as CP01-07-071, meeting the setback requirements on all sides. The objective of the setback variance request is to allow for the surrounding property to be developed as a 10 lot commercial subdivision, as shown on the attached subdivision plan. The associated subdivision plan shows the location of the cell tower and illustrates the requested setback variances to the south, east, and west sides of the property.

The main concern in regards to the setback variance request is that in the event of a tower collapse, the tower could fall on any of the of proposed commercial structures and on a public right of way. The radius of the collapse area also creates health and safety concerns for any occupants of the commercial buildings or anyone traveling along Moore Park Drive.

Note that no structural analysis has been provided by the applicant confirming that should one or more of the tower's elements fail, the tower is designed to fold over onto the portion of the tower. Since that information has not been provided, it is not possible to confirm if the fall radius of the facility is less than 250 feet and if the tower could fall within the proposed setbacks. The requested variances are self-imposed and personal preferences rather than a property hardship.



J.V. Burkes & Associates, Inc.

1805 Shortcut Highway
Slidell, Louisiana 70458

985.649.0075 office
985.649.0154 fax
www.jvburkes.com



October 4, 2022

Ms. Erin D. Cook, AICP
Planning Department
St. Tammany Parish Government
21490 Koop Drive
Mandeville, LA 70471

RE: Moore Park – Cell Tower building setbacks

Dear Ms. Cook:

In accordance with the above referenced subdivision application, it was identified that the proposed Tentative Plan has two issues that will need to be brought to the Board of Adjustments on November 2, 2022

Issues that necessitate a variance from the BOA from the existing cell tower

- 1) Section 130-2213(41)(a)(2)(iii)(B) "towers shall be set back from the property line a distance equal to the height of the tower or shall conform with the setbacks established from the underlying zoning district, whichever is greater" – we wish it to comply with the attached map – minimum setbacks of front 40ft, rear 40ft, side 15ft
- 2) In addition, Section 130-2213(41)(a)(2)(iii)(D) "all buildings and other structures to be located on the same property as a tower shall conform with the setbacks established for the underlying zoning district". we wish it to comply with the attached map – minimum setbacks of front 40ft, rear 40ft, side 15ft

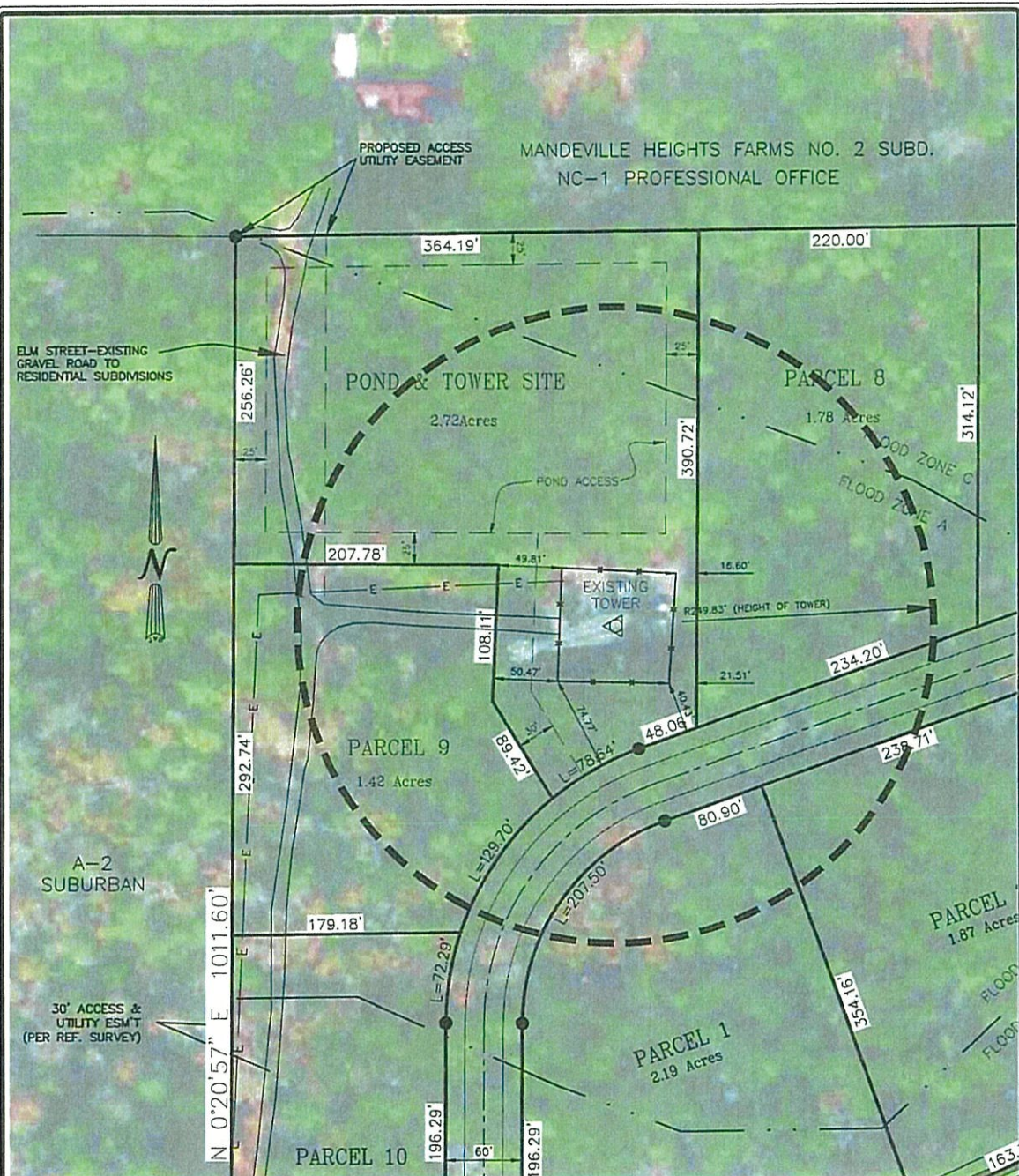
Comments

Owner requests a variance to the above two issues. The variance is not self imposed, however it will constitute an unnecessary hardship to the viability of the land. These variances will not have an adverse effect on neighbor's property and this will not constitute a precedent.

Respectfully,

A handwritten signature in blue ink, which appears to read "Sean M. Burkes".

Sean M. Burkes, PE, PLS
J.V. Burkes & Associates, Inc.



ADDRESS:

DRAWING NO.
20220470

DATE:
10.04.2022

REVISED:

J.V. Burkes & Associates, Inc.
SURVEYING



ENGINEERING • ENVIRONMENTAL
1805 Shortcut Highway
Slidell, Louisiana 70458
E-mail: jvbassoc@jvburkes.com
Phone: 985-649-0075 Fax: 985-649-0154

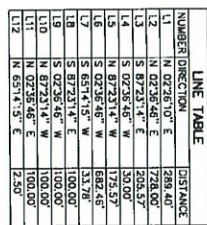
DRAWN BY: RMK
CHECKED BY: SMB

SCALE:
1" = 80'

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.

SKETCH OF A PORTION OF GROUND
SITUATED IN SECTION 32, T-7-S, R-12-E,
ST. TAMMANY PARISH,
LOUISIANA

CERTIFIED
TO: MOORE 59, LLC



LINE TABLE		DISTANCE
NUMBER	DIRECTION	
L1	N 02°26.10' E	289.40'
L2	N 02°36.46' E	1728.00'
L3	E 07°23.14' E	2053.57'
L4	S 02°36.46' W	503.00'
L5	N 07°23.14' W	1753.57'
L6	S 02°36.46' W	1662.46'
L7	S 65°14.50' W	33.76'
L8	S 07°23.14' E	100.00'
L9	S 02°36.46' W	100.00'
L10	N 07°23.14' W	100.00'
L11	N 02°36.46' E	100.00'
L12	N 65°14.50' E	2.50'

LEGAL DESCRIPTION OF GEONET TOWER, INC., 30' ACCESS & UTILITY EASEMENT
(LENNY LANE - 001A044):

[illegible]

LEGAL DESCRIPTION OF GEONET TOWER, INC., 100'x100' LEASE AREA (LENNY LANE - 001A044):

[illegible]

LEGAL DESCRIPTION OF GEONET TOWER, INC., PARENT PARCEL
(DAVID M. MOORE OWNER) (ENEMY 1 ANE = 001 A044):

[illegible]

GENERAL NOTES

- 1.) Background: Co. and distances are horizontal zones otherwise noted. Coordinates are NAD 83 LA State Zone 1702. Elevations are referenced to NAVD 80. All distances are in U.S. Survey feet.
- 2.) This lease exhibit has been prepared partially from an oldfield field survey and partially from maps and deeds of record.
- 3.) This map represents only a survey of the lease itself, and thus does not include any other survey data, such as well logs, access, utility, and maintenance easements, and is not intended for any other use.
- 4.) Odd coordinates shown are from an actual GPS survey.

5) FLOODNOTE: In accordance with FEMA Flood Insurance Rate Map Panel #225505 0245 C for St. Tammany Parish, Louisiana, lot revised October 17, 1958. The property hereon is located in Flood Zone "C" (areas of minimal flooding).

6) ZONING: C2 - Commercial

7) Reference Map:

8.) The property is situated in Section 32, T-7-S, R-12-E, S-1, and is zoned R-12-E. The property is currently owned by Mr. and Mrs. Edna J. Thompson, who are the parents of the Applicant. The property is currently being used as a residence. The property is currently being used as a residence. The property is currently being used as a residence.

essentials, or other burdens on the property other than that furnished by the client or his representatives. The lease area lies within the property identified as the "Parent Parcel". From a careful visual inspection of the property and other data, which is depicted on this survey there are no encroachments that affect

11.) Only surface utilities, storm and sanitary sewer structures

12.) **Site Directions:** From Balton Rouge take Interstate 12 east for approximately 6.5 miles to Exit #55. Turn off onto ramp for sub-surface utilities, storm and sanitary sewer lines except as shown.

0.3 mile to La. Highway 59. Travel 2.8 miles to La. Highway 1089 and turn left onto La. Highway 1088. Travel 2.7 miles to gravel road on left side of highway. Turn left onto gravel road and travel 800 feet and the site is on the right.

14.) There was no evidence of a fire hydrant along La. Highway 1098 at the time of this survey.

MAP SHOWING ALTA /ACSM SURVEY
21.174 ACRES ^{Of} **TRACT**

BEING A PORTION OF THE DAVID M. MOORE PROPERTY
LOCATED IN
SECTION 32, T-7-S, R-12-E, GREENSBURG LAND DISTRICT
ST. TAMMANY PARISH, LOUISIANA
FOR

THOMPSON ENGINEERING
I, DAVID L. PATTERSON hereby certify to GEONET TOWERS, INC., COMMONWEALTH LAND TITLE INSURANCE COMPANY and SONEY A. MARCHAND that I made a survey on the ground of the property shown and that this drawing accurately

reflects the findings of said survey, and that this survey conforms to a Class B Survey in accordance with the State of Louisiana Minimum Standards for Property Boundary Surveys.

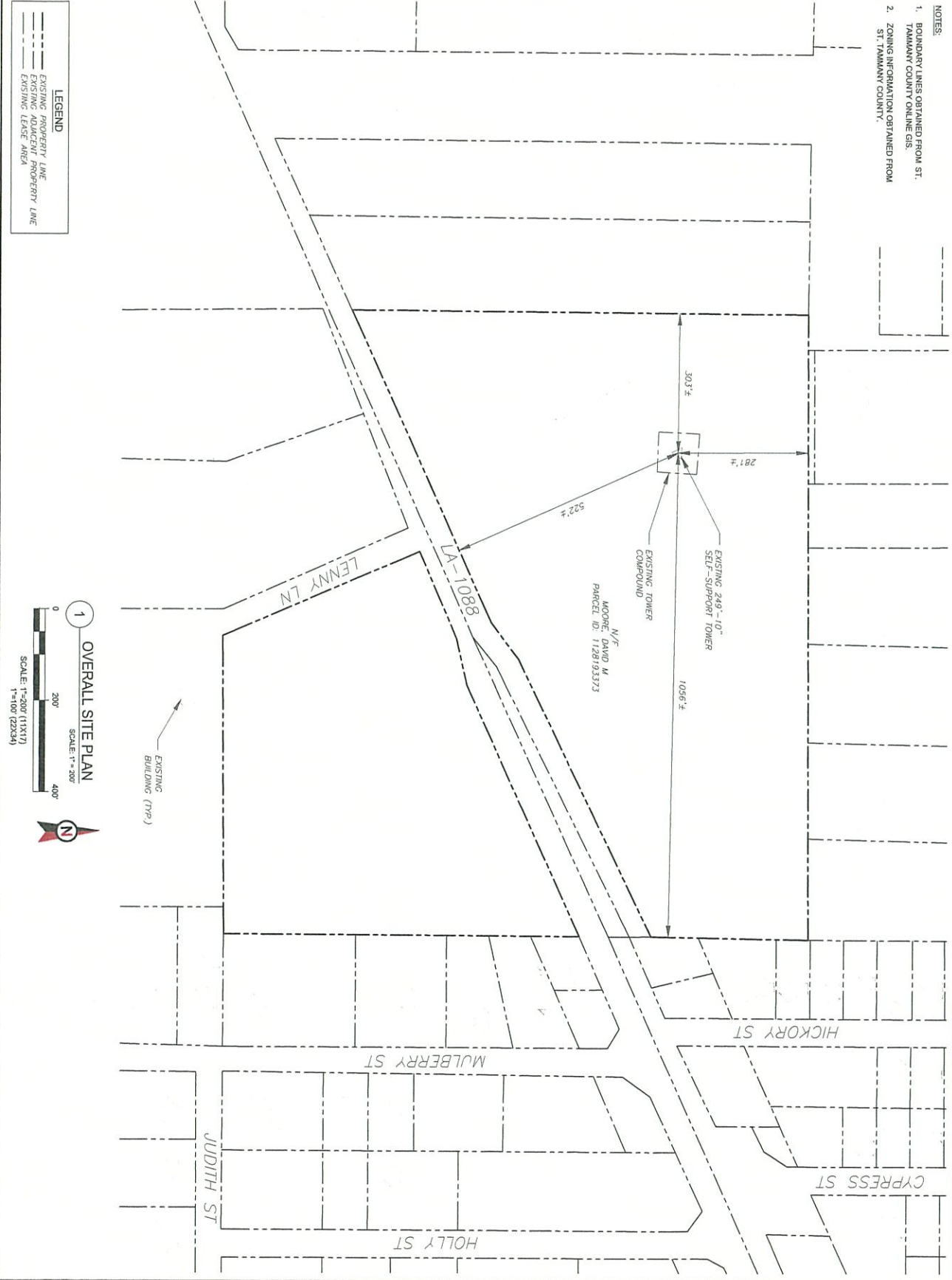
E. J. [Signature] E/3/10/1

DAVID L. PATTERSON, P.L.S.
LA. REGISTRATION NO. 04784
DATE 5/31/01
J.P.H. SHEET NO. 01 OF 0

LANDSOURCE
INCORPORATED

A Professional Surveying And Land Information Company
11616 Lakeshores Blvd., Suite 4 P.O. (212) 752-0995 email: info@lakeshores.ca
Baton Rouge, LA 70809 Fax: (225) 752-0997 website: www.lakeshores.ca

- NOTES:
1. BOUNDARY LINES OBTAINED FROM ST. TAMMANY COUNTY ONLINE GIS.
 2. ZONING INFORMATION OBTAINED FROM ST. TAMMANY COUNTY.



TOWER ENGINEERING PROFESSIONALS
 126 TYPON ROAD
 RALEIGH, NC 27603-3530
 OFFICE: (919) 861-6351
 www.towereng.net

REV.	DESCRIPTION	BY	DATE
1	PRELIMINARY	ABS	08/16/21
2	100% CONSTRUCTION	GV	08/20/21
3			
4			

ATC SITE NUMBER
 371660

ATC SITE NAME
 LENNY LANE

T-MOBILE SITE NAME

QUAIL CREEK GLOBAL TOWER

SITE ADDRESS:
 2325 HWY 1088
 EDULAC, LA 70448-0000

SEAL:



08/20/21

T-Mobile

DATE DRAWN:	08/20/21
ATC JOB NO:	13705023
CUSTOMER NAME:	QUAIL CREEK GLOBAL TOWER
CUSTOMER ID:	MO0415E

OVERALL SITE PLAN

SHEET NUMBER:	REVISION:
C-001	0

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

Case File Number:	BOA Case No. 2022-3097-BOA
Initial Hearing Date:	10/25/2022
Date of Report:	11/02/2022

GENERAL INFORMATION

Applicant & Representative:	Shane Cambre
Location of Property:	North side of LA Highway 16, Louisiana
Zoning of Property:	NC-4 Neighborhood Commercial District
Variance(s) Requested:	Reduce required setbacks from the nearest waterway.

OVERVIEW

Request by applicant in a I-1 Industrial District to reduce the required 500 foot setback from the nearest bank of the waterway to 50 feet.

STAFF COMMENTS

As per St. Tammany Parish Unified Development Code Section 130-2213. (49) *Commercial excavation*. b. *Criteria*. 3. On sites which are traversed by a waterway or the Tammany Trace, the excavation shall also be set back a minimum of 500 feet from the nearest bank of the waterway or the centerline of the Tammany Trace.

The objective of the request is to allow for the construction of a road to access a future commercial excavation to be located in the rear of the property. As shown on the attached survey the width of the property varies, being approximately 300 feet at its narrowest point, definitely creating a hardship to provide the required 500 foot setback from the nearest bank of the waterway. Additional factors to consider in regards to the requested variance:

- Additional buffers are required but not shown on the site plan. As per the Unified Development Code Section 130-2213. (49) *Commercial excavation* b. *Criteria*. 1. requires that all commercial excavations shall be set back a minimum of 100 feet from the front, sides and rear property lines of the site.
- The size and location of the driveway to access the commercial excavation has not been provided. As per the Unified Development Code Section 130-1976 (a) (2) (c) a two-way driveway shall have a minimum of 24 feet in width and a maximum of 35 feet in width.

Staff recommends that the variance request be postponed to allow the applicant to submit a revised site plan showing the:

- Location of the proposed excavation
- Required 100 foot no cut buffer on all sides.
- Location and size of the proposed access road.



The subject tract is a 41 acre irregularly shaped tract located near Sun, LA in St. Tammany Parish. It is bordered by wooded land on the east, north, and a portion of the west side. On the southwestern side is a large tract residential where two separate residences exist. The southern boundary is LA Highway 16. The property is zoned Industrial, and the owner's intention is to mine sand/gravel off the site. Currently, the no cut buffer on the perimeter is 10', but on the southeastern side of the tract is a seasonal drainage swale that is considered by some parish documents as a "waterway". With this designation, the land adjacent to this "waterway" has a required 500 foot buffer, which disables approximately half of the tract as un-useable. The request is to reduce the 500' "waterway" buffer to 50', and to also stay out of any jurisdictional wetlands that may exist along the "waterway", which at a few locations would increase the buffer being requested.

It should be noted that Stream Management Zones for timber harvest and other land activities are generally 25' to 50', hence the quantitative nature of the request. Additionally, mining operations of this type are common in this area. Lastly, it is the intention of the land owner to redistribute un-useable material to reclaim a portion of the site for environmental sustenance and potentially later development as recreation and/or residential land use.

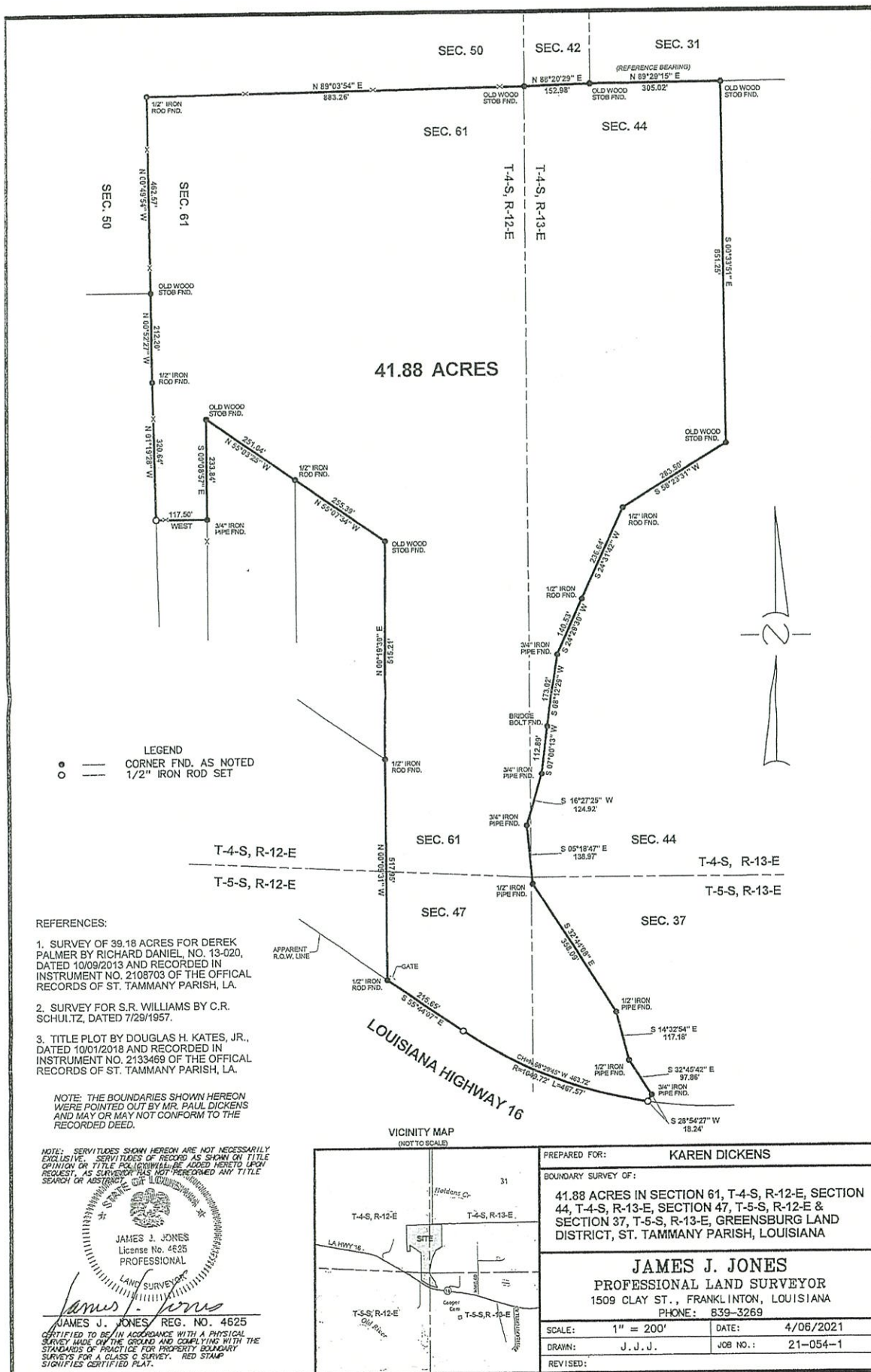
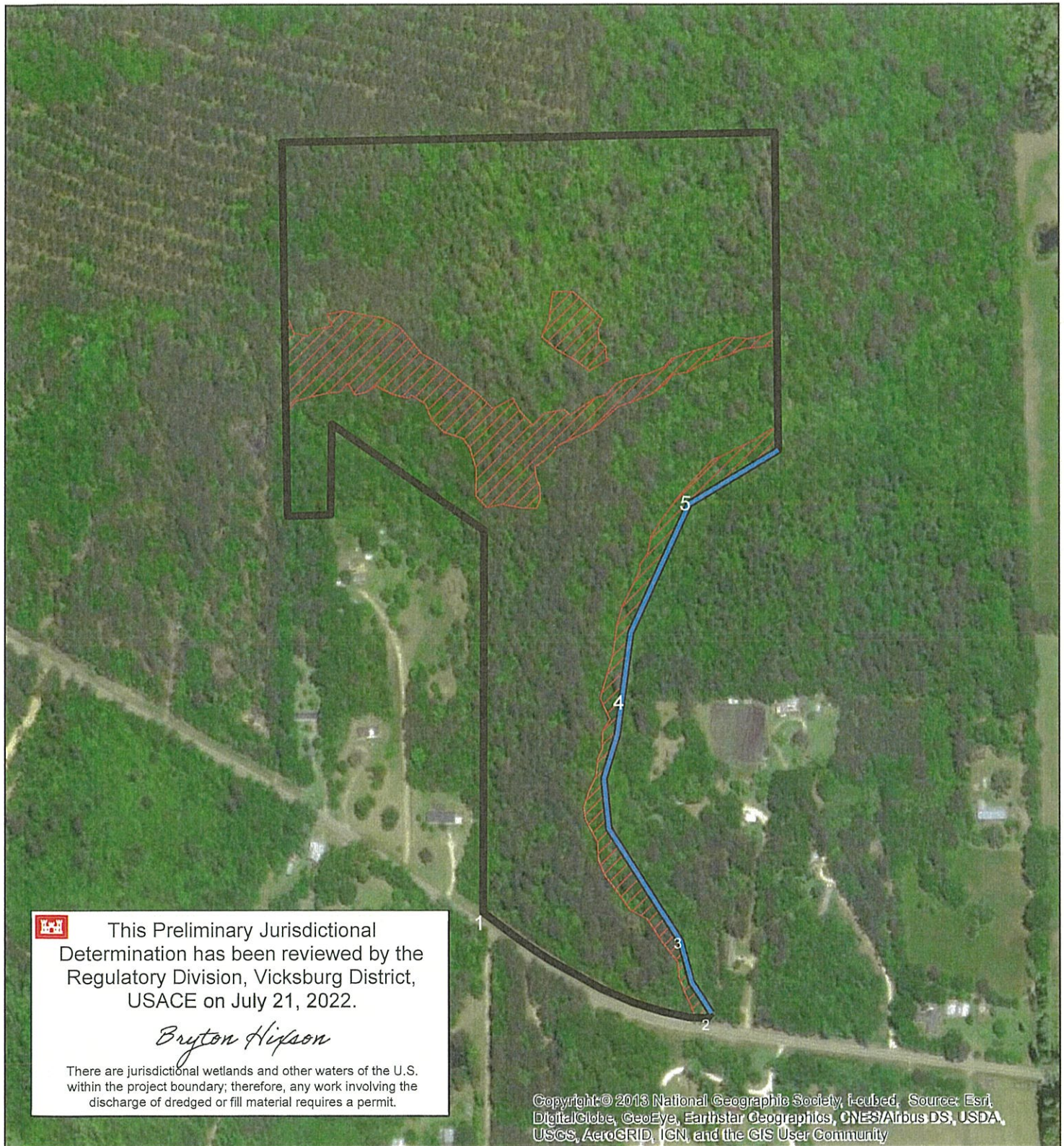


Figure 7. Aquatic Resources Map: ±42 Acres on LA Hwy. 16
Mr. Shane Cambre



Biological Surveys, Inc.
P.O. Box 94
Covington, LA 70434
Date: July 12, 2022

Legend

-  Review Area
-  Wetland ±6.7 Acres
-  Non-Wetland Waters ±1780 Linear Ft.

0 187.5 375 750 Feet



**Note this is NOT a boundary survey
and should not be utilized as one.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

July 22, 2022

Regulatory Division

SUBJECT: Jurisdictional Determination – JD Request, 42-Acre Tract, Sun, St. Tammany Parish, Louisiana, MVK-2022-542

Mr. Thomas K. Brown
Biological Surveys, Inc.
Post Office Box 94
Covington, Louisiana 70433

Dear Mr. Mixon:

I refer to your letter requesting a jurisdictional determination for approximately 42-acre tract located along Highway 16 in Section 61, T4S-R12E, Section 44, T4S-R13E, Section 47, T5S-R12E, and Section 37, T5S-R13E, St. Tammany Parish, Louisiana.

Based upon the information provided, it appears that there are jurisdictional wetlands and other waters of the United States located within the boundary of the proposed projects subject to regulation pursuant to Section 404 of the Clean Water Act. The approximate extent of jurisdictional waters of the United States is depicted on the enclosed maps (enclosure 1). Any work involving the discharge of dredged or fill material (land clearing, ditching, filling, leveeing, dredging, culvert crossings, etc.) within the identified jurisdictional waters will require a Department of the Army Section 404 permit prior to beginning work. For your information, I have enclosed an appeals form for this preliminary determination (enclosure 2).

For your convenience, I am enclosing a Department of the Army permit application with instructions (enclosure 3). Your application for any proposed work in wetlands or other waters of the United States should be submitted at least 120 days in advance of the proposed starting date. To expedite the evaluation process, please refer to Identification No. MVK-2022-542 when submitting the application or requesting project updates.

If you have any questions, please contact Mr. Bryton Hixson, of this office, telephone 601-631-5591 or e-mail address: Bryton.K.Hixson@usace.army.mil.

Sincerely,

Jeremy Stokes

Digitally signed by Jeremy
Stokes
Date: 2022.07.22 09:48:34
-05'00'

Jeremy Stokes
Team Lead, Enforcement and Compliance Branch
Regulatory Division

Enclosures



Picture 1: Southwestern corner of property at Hwy 16



Picture 2: Southernmost point, drains under bridge to Hwy 40



Picture 3: Center of waterway near property line



Picture 4: Center of waterway, eastern property line



Picture 5: Center of waterway at center of property