# AGENDA MEETING

# ST. TAMMANY PARISH BOARD OF ADJUSTMENT MEETING FEBRUARY 7, 2023 – 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 JANUARY 3, 2023 MINUTES

# 1- 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: Paul J. Mayronne

# 2- BOA CASE NO. 2023-3208-BOA

Request by applicant in an A-6 Multiple Family Residential Zoning District to reduce the required rear yard pool setback from 5 feet to 2 feet.

The property is located: 449 Marina Front Drive, Mandeville, Louisiana Applicant & Representative: FKC Investments LLC – Franklin Kyle

# 3- BOA CASE NO. 2023-3210-BOA

Request by applicant in an A-1 Suburban Zoning District for an after the fact request for a reduction of a portion of the required 50 foot no cut buffer to 5 feet.

The property is located: 289 Shenandoah Lane, Covington, Louisiana

Applicant & Representative: Angelina Burst

# 4- BOA CASE NO. 2023-3211-BOA

Request by applicant in a NC-6 Public, Cultural & Recreational Zoning District for a reduction of the required 30 foot buffer on portions of the eastern buffer and a portion of the southern buffer.

The property is located: US Highway 190, Slidell, Louisiana

Applicant: Jubilee RV, LLC

Representative: Jeffrey Schoen and Sean Burkes

# 5- **BOA CASE NO. 2023-3213-BOA**

Request by applicant in a HC-3 Highway Commercial Zoning District for a waiver of the required 10 foot side yard buffers and a waiver of the required number of Class A & Class B trees.

The property is located: 61025 US Highway 11, Slidell, Louisiana

Applicant: Brown's Village Plaza, LLC

Representative: Vincent Wynne

# 6- BOA CASE NO. 2023-3214-BOA

Request by applicant in a HC-2 Highway Commercial Zoning District for the removal of 24" live oak tree.

The property is located: 67809 LA Highway 41, Pearl River, Louisiana Applicant & Representative: Executive Holdings, LLC – Corey Smith

# **OLD BUSINESS**

# **NEW BUSINESS**

**ADJOURNMENT** 

# **MINUTES**

# ST. TAMMANY PARISH BOARD OF ADJUSTMENT MEETING JANUARY 3, 2023 ST. TAMMANY PARISH GOVERNMENT COMPLEX BUILDING A 21490 KOOP DRIVE, PARISH COUNCIL CHAMBERS MANDEVILLE, LOUISIANA

The January 3, 2023 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. Swindell (voting member), Mr. Daly.

ABSENT: Mr. Sanders, Mrs. Thomas.

STAFF PRESENT: Mrs. Lambert, Mrs. Couvillion, Mr. Liner, Mr. Manton

# APPROVAL OF THE MINUTES

Moved by Mr. Spies and seconded by Mr. Daly to accept the December 6, 2022 minutes.

MOTION CARRIES UNANIMOUSLY

# **ELECTION OF OFFICERS:**

Motion by Mr. Blache and seconded by Mr. Daly to nominate Mr. Tom Ballantine as Chairman MOTION CARRIES UNANIMOUSLY

Motion by Mr. Blache and seconded by Mr. Daly to nominate Mrs. Kristie Thomas as Vice-Chairman

MOTION CARRIES UNANIMOUSLY

# 1. BOA CASE NO. 2022-3164-BOA

Request by applicant in an A-4 Single Family Residential Zoning District to increase the maximum allowable square footage of an accessory building by adding a carport to an existing garage.

The property is located: 351 Forest Loop, Mandeville, Louisiana

Applicant & Representative: Jerry Schaefer

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

Jerry Schaefer: Described subdivision. Purchased multiple lots and combined into one lot. Explained the previously requested variance approved by the Board of Adjustment in 2014. Describe property and that the proposed addition/carport will be located on an existing slab where the travel trailer is currently parked. Submitted no objection letter from abutting property owners and neighbors from the subdivision.

Mr. Spies: The variance request is well presented, no objection.

Motion by Mr. Spies seconded by Mr. Blache to approve the variance as requested.

# **MOTION CARRIES UNANIMOUSY**

# 2. BOA CASE NO. 2022-3167-BOA

Request by applicant in a PUD Planned Unit Development to appeal the decision of a Parish Official regarding the Parish Standby Generator Installation Guidelines concerning the after the fact placement of a generator within the required residential side yard setback.

The property is located: 209 Rue Chantilly Covington, Louisiana

Applicant & Representative: Nancy Hughes

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

Jeffrey Hugues: Live in gated community, surveyed the neighborhood to determine where others installed generators. Contractor was recommended to us to install generator. Later on informed of the requirements for safety and concern with safety. Generator is positioned in a similar way as others in the neighborhood., between other houses. The generator is approximately 17" to 18" away from firewall, more than 5 feet from a window. Neighbor would like to install generator. No objection from neighbor and from property owner to allow trespassing over the property line to allow for maintenance of the generators. Spoke to out of State contractors, more particularly in State of Florida and also from Generac and got confirmation that it is possible to service the generator from either end, instead of the front of the generator. Contacted neighbors and provided no objection letter. Homeowners Association will not allow the placement of generator in the backyard. After Gas inspection, found out that the generator was not secured to the wall, but corrected the matter and installed meter and meet requirement of 5 pounds per square inch. Would like to request to keep generator within breezeway. Neighbor is planning on applying for the same variance. No fence will be installed between the 2 properties.

Ronald Manton: Generator is to be installed 3 feet from the property line in case a fence is installed. There is a need for a 3 foot clearance for the generator to function properly.

Mr. Blache: Question regarding safety issue. If a fence is constructed, could it create a safety issue?

Ronald Manton: Need a 3 foot clearance around the generator to draw air to function properly or it could potentially start a fire.

Mr. Swindell: In regards to the window, is the generator currently located more than 5 feet from the window?

Ronald Manton: Generator has to be located a minimum of 5 feet from a window.

Mr. Ballantine: Concrete base of the generator is 5 feet from the window.

Mr. Swindell: As an Engineering, I respect the safety issues presented in the codes and it is the reason why the permitting process is in place to make sure mistake do not happen. It is unfortunate that the generator was installed without a permit. Asking me as a Board Member to overlook a safety issue is a problem. From an aesthetic perspective, I do not have a problem, just like the previous case, as long as the neighbors agree. When it comes to life & safety, it is where I draw the line. If the variance request is not approved, you should push the HOA to confirm what the aesthetic desire is from the rear view to try to resolve it in that fashion.

Mr. Spies: if a wooden fence is installed, is a permit required?

Ronald Manton: No permit for a 6 foot high fence or lower.

Mr. Daly: This is in perpetuity, if homeowners change, fence could be constructed, it becomes a long term safety issue.

Mr. Hugues: property is abutting small lake, confirm that HOA would not allow for a solid fence to be constructed. In regards to the fence and safety issue, the danger is the fumes coming out of each end of the generator, which is the exhaust which is nowhere near a fence could be. There is 2 foot clearance and a contractor could service the generator from either end. According to Generac it is not a safety issue. No trees or bushes will be installed at either end of the generator, where it could trap the exhaust. Finally, I would never do anything that would endanger my safety.

Motion by Mr. Swindell seconded by Mr. Spies to approve the variance as requested

1 YEA

4 NAYS

# MOTION FAILED

### **OLD BUSINESS**

Mr. Ballantine: Would like to discuss affirmative vote at the next meeting when all the members are present at the next meeting.

Mr. Daly: Is it possible to move the question to a vote, as presented, instead of making motion to approve?

Mrs. Couvillion: Torn with the language in the past, even when Staff make recommendation Could make a motion to concur with Staff recommendation, in order not to get in the same predicament as to when you make a negative motion. But it is not always clear and it does not always work.

Mr. Ballantine: In regards to previous case I was thinking of recommending that would concur with staff comments, which would be a way to do it?

Mrs. Couvillion: Correct.

Mr. Swindell: As long as everybody understands that a motion to approve will not always be positive. I informed the owner and the Board that I would not be in favor of the request.

# **NEW BUSINESS**

Mr. Ballantine: Would like to get a report on mandatory trainings for the Board members.

Mrs. Lambert: Completed.

Mr. Swindell: Did you receive the information regarding the variance request for the tower coming back up on the February Agenda?

Mrs. Lambert: No I did not receive the information.

Mr. Daly: Has the code been updated regarding towers, in regards to the update to the new code?

Mr. Liner: As of right now all tower must come in front of the Board to request a setback variance an if it cannot meet the fall radius.

Mrs. Lambert: The tower in question was installed in 2001, before Hurricane Katrina, no information available regarding the fall radius and that the tower would collapse on itself. Some towers installed before Hurricane Katrina, fell full length.

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. 2022-3095-BOA	
3 <sup>rd</sup> Hearing Date:	02/07/23	
2 <sup>nd</sup> Hearing Date:	12/06/22	
Initial Hearing Date:	11/02/22	
Date of Report:	01/30/23	

# **GENERAL INFORMATION**

Applicant: Moore 59, LLC – Paul Damian Rees

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 for cellular tower.

# **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 meeting the setback requirements on all sides (approved as a conditional use permit in 2001/CP01-07-071). The objective of the request is to allow for the surrounding property to be developed as a 10 parcel commercial subdivision. A revised subdivision plan has been submitted showing the location of the cell tower on proposed Parcel 9 and illustrating the requested setback variance only on the south side of the property.

The reconfiguration of the proposed subdivision and the addition of a 0.52 acre greenspace eliminates the possibility for the tower to fall on any of the proposed commercial structures. However, concern remains regarding the potential for the tower to fall on 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/collapse. 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.

Should the Board be in favor of the variance request, it should be subject to the approval of the proposed subdivision plan and that the proposed 0.52 acre portion of the property identified as G-1 will remain as an undeveloped greenspace area.



# J.V. Burkes & Associates, Inc.

1805 Shortcut Highway Slidell, Louisiana 70458

> 985.649.0075 office 985.649.0154 fax <u>www.jvburkes.com</u>



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

- 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

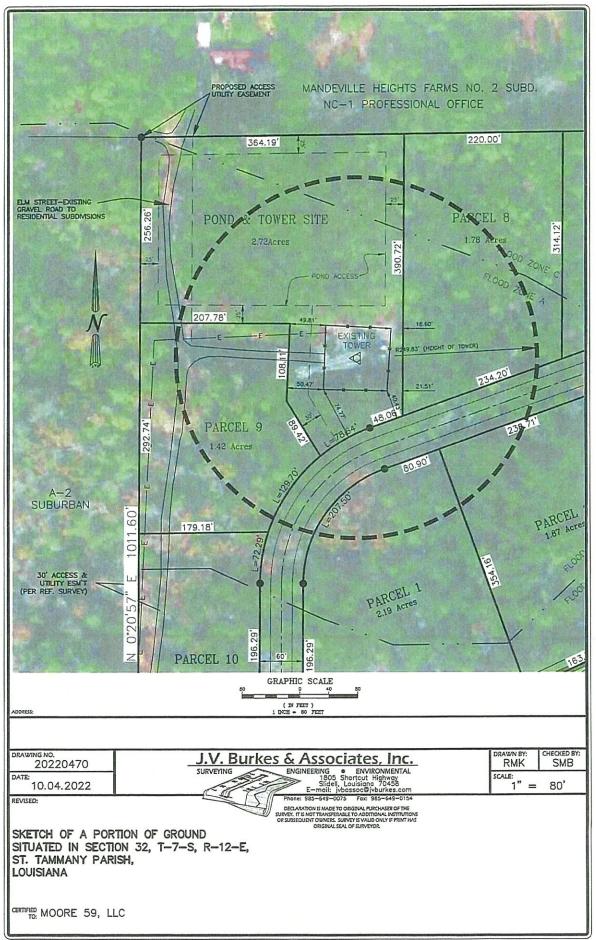
### **Comments**

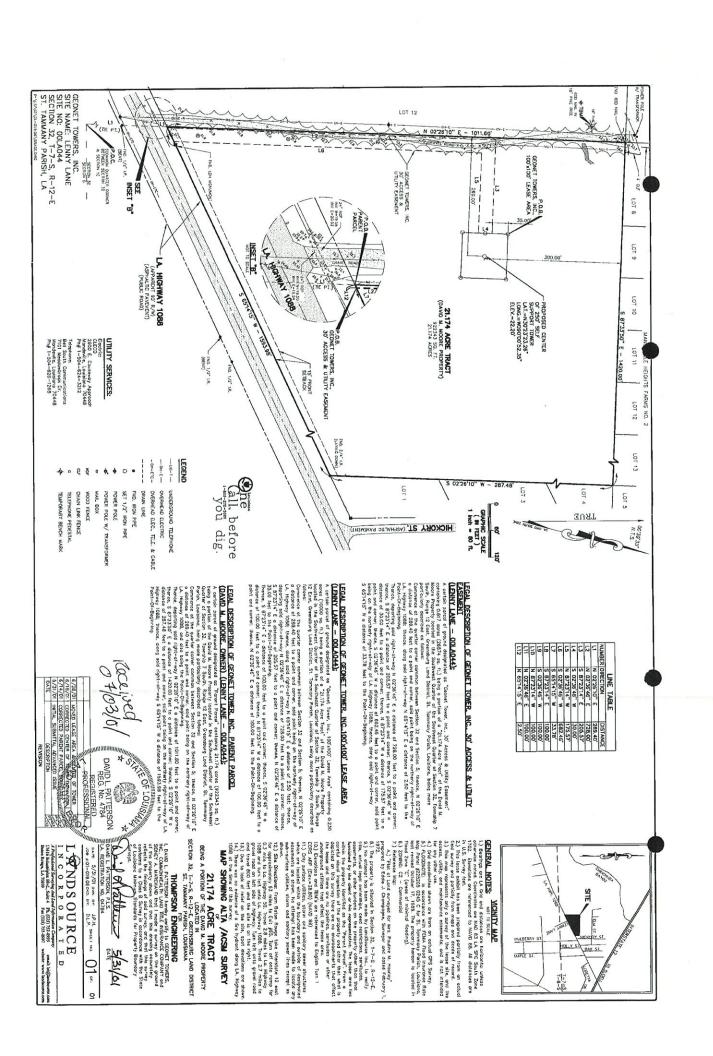
Owner requests a variance to the above two issues. The variance is not self imposed, however it will constitute an unnecessary hardship to the viability of the land. These variances will not have an adverse effect on neighbor's property and this will not constitute a precedent.

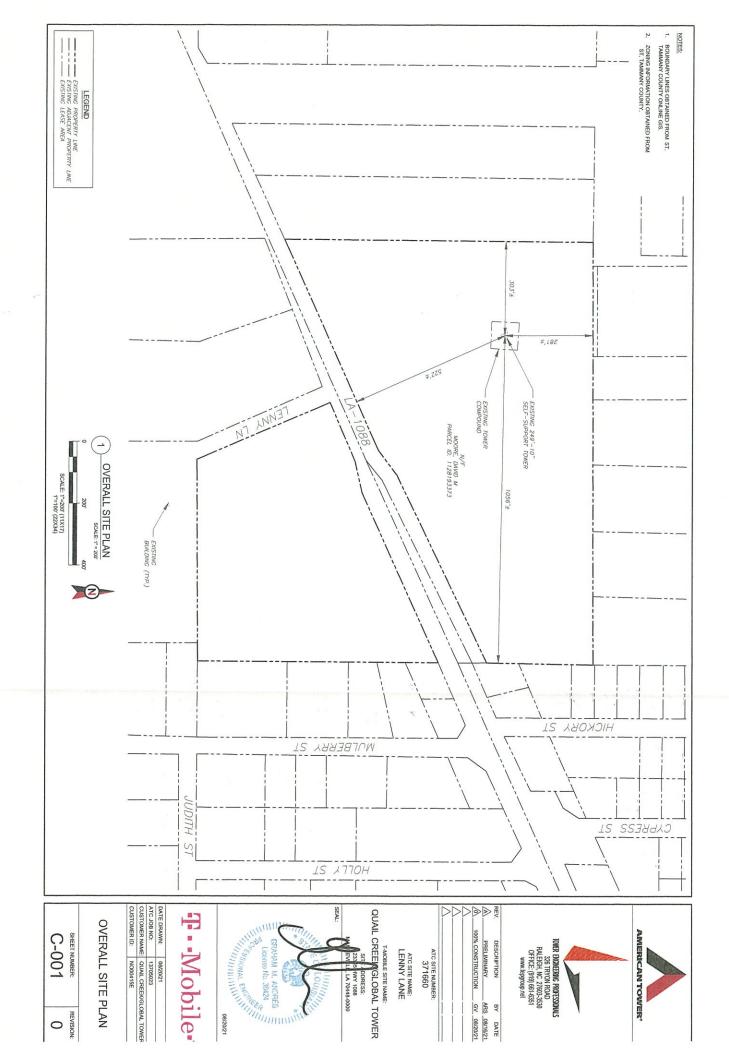
Respectfully,

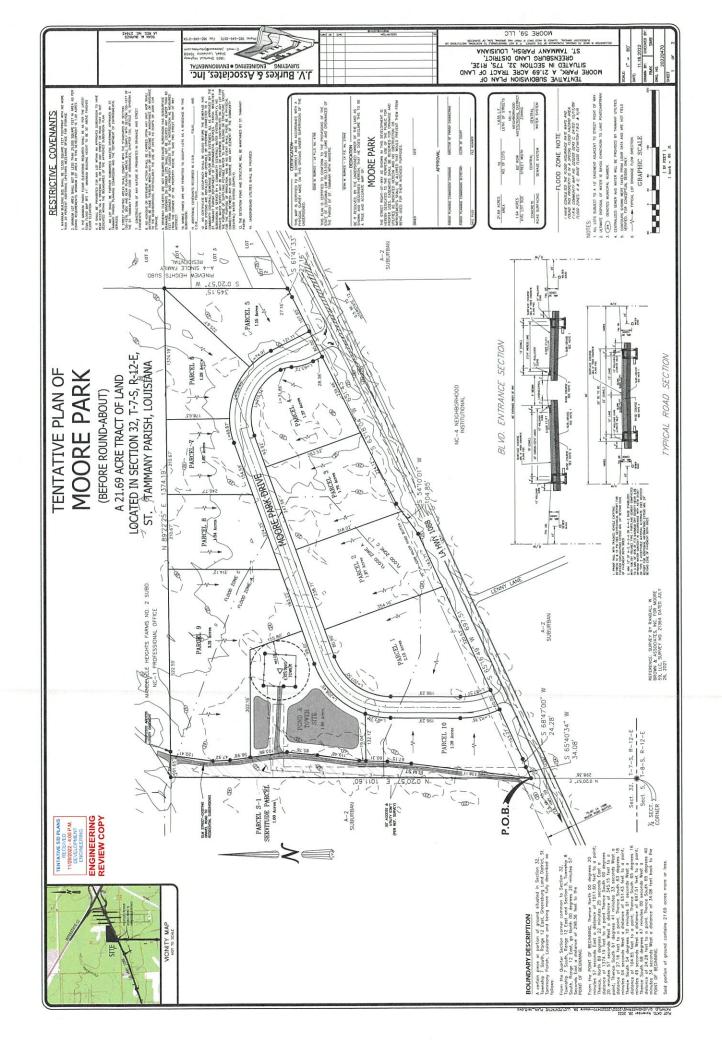
Sean M. Burkes, PE, PLS

J.V. Burkes & Associates, Inc.

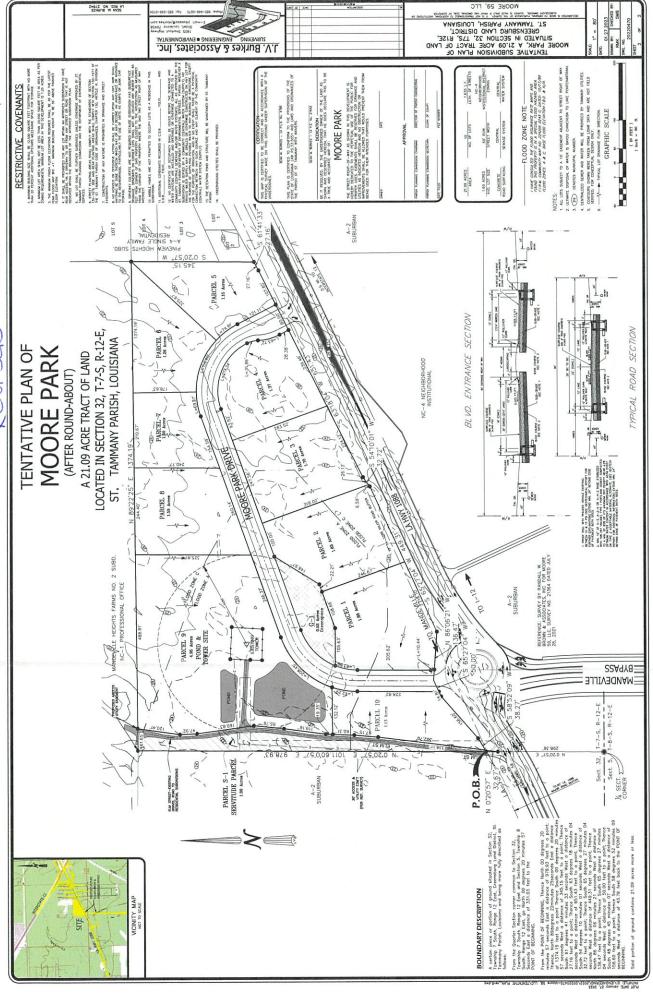








# Revised Surphision Plan



# ST. TAMMANY PARISH BOARD OF ADJUSTMENT STAFF ANALYSIS REPORT

Case File Number:

BOA Case No. 2023-3208-BOA

Initial Hearing Date:

02/07/23 01/30/23

Date of Report:

GENERAL INFORMATION

Applicant & Representative: FKC Investments LLC-Franklin Kyle

Location of Property:

449 Marina Front Dr, Mandeville, Louisiana A-6 Multiple Family Residential District

Zoning of Property: Variance(s) Requested:

Reduce required rear setback pool setback

# **OVERVIEW**

Request by applicant in an A-6 Multiple Family Residential Zoning District to reduce the required rear yard pool setback from 5 feet to 2 feet

# STAFF COMMENTS

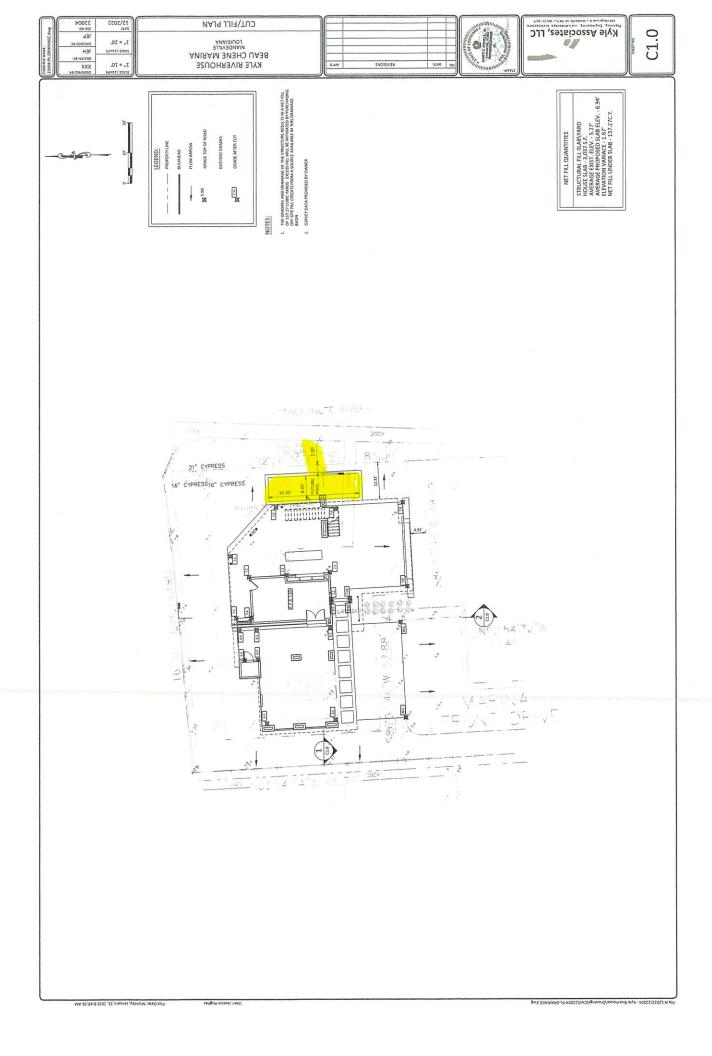
As per the Unified Development Code Section 130-2213. - Minimum standards. (35) Swimming pools. e. In-ground swimming pools (less than 12 inches above grade) can only be located on the property in either a side or rear yard area. The inside edge, lip or structure of each swimming pool shall be set back at least five feet from the side property line and five feet from the rear property line.

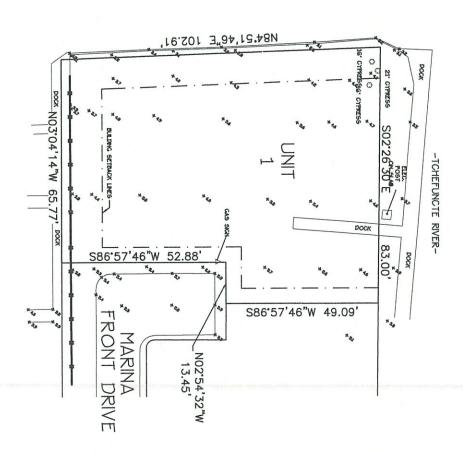
The objective of the request is to allow for the construction of an approximately 240 square foot (8' X 30') swimming pool in the rear yard located:

- 10 feet from the existing bulkhead.
- 15 feet from the outer edge of the dock.

While the pool would meet the required rear yard setback from the bulkhead, it would not meet the required setback from the property line and be located only 2 feet from the rear property line. The requested variance is a personal preference rather than a property hardship.







# BEAU CHENE MARINA HOME OWNER'S ASSOCIATION MARINA FRON DRIVE CONDOMINIUM PROJECT

January 23, 2023

St. Tammany Parish Government Department of Planning & Development Board of Adjustments

Application for Pool setback variance; BOA Case No. 2023-3208-BOA Applicant: Franklin Kyle for FKC Investments, LLC Unit 1, Beau Chene Marina Condominium project 449 Marina Front Drive, Mandeville, LA 70471

To whom it may concern:

The Home Owner's Association of the aforementioned project, as represented by Jared C. Riecke, has no objections to the variance request being made by Franklin Kyle/FKC Investments, LLC. This site is unique and this request will only enhance the project as a whole.

With regards,

Yared C. Riecke, President

# ST. TAMMANY PARISH BOARD OF ADJUSTMENT STAFF ANALYSIS REPORT

Case File Number:

BOA Case No. 2023-3210-BOA

Initial Hearing Date: Date of Report:

02/07/23 01/30/23

GENERAL INFORMATION

Applicant & Representative: Angelina Burst

Location of Property:

289 Shenandoah Lane (Parcel 4A5), Covington, Louisiana

Zoning of Property:

A-1 Suburban Zoning District

Variance(s) Requested:

After the fact reduction of the required 50 foot no cut buffer

# **OVERVIEW**

Request by applicant in an A-1 Suburban Zoning District for an after the fact request for a reduction of a portion of the required 50 foot no cut buffer to 5 feet.

# STAFF COMMENTS

As per the Unified Development Code Sec. 130-2250. (b) (2) A minimum uncut buffer of 50 feet in depth shall be required adjacent to residential zoning district.

The objective of the request is to allow:

- for the 12 foot wide driveway to remain in it current location, approximately 20 feet from the property.
- to maintain a 5 foot no cut buffer/row of existing pine trees planted 6 feet apart.

The buffer is proposed to be replanted with clumping bamboo, 6 foot apart to create a vegetative screen. As stated in the attached narrative/drawing, the cleared area will also reseed itself from the existing remaining pine trees and native shrubs. The 50 foot no cut buffer will not be cleared in the future allowing trees and shrubs to grow.

While an attempt is being made to plant some bamboo and allow for the 20 foot buffer to grow and be maintained in the future, the requested variance to reduce a portion of the required 50-foot buffer on the west side is a personal preference rather than a property hardship. Considering the size of the property, being 12 acres, the driveway could be relocated towards the east side to allow for the replanting of the required 50 foot no cut buffer.

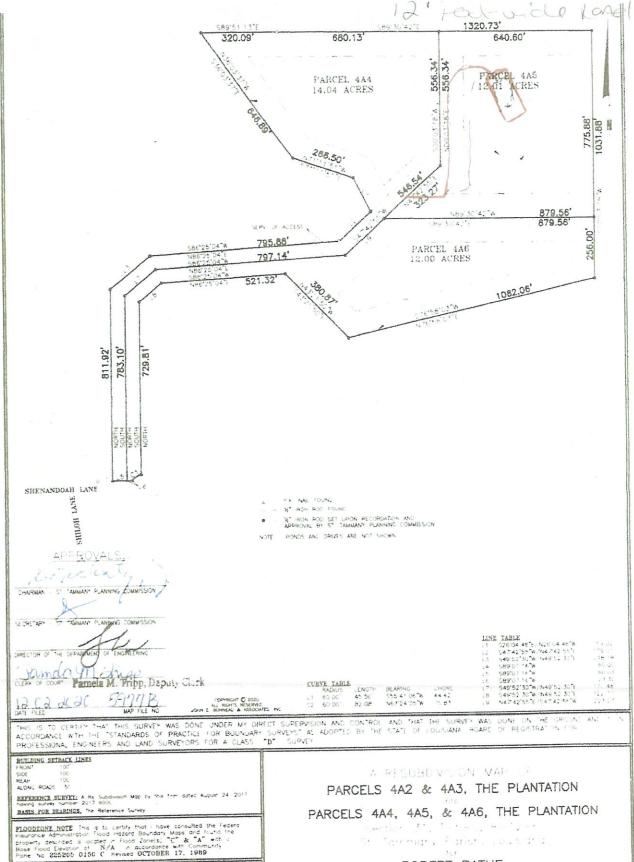
Should the Board be in favor of the request, it should be subject to the following:

• Provide a timeline to complete the replanting with clumping bamboo and apply for an after the fact land clearing permit.

Should the Board not be in favor of the request, it should be subject to the following:

- Move the driveway a minimum of 50 feet from the property line.
- Submit a replanting plan which will allow to replant the 50 foot no cut buffer with a variety of native trees and shrubs and a timeline to complete the replanting.





Survey No 2020 1296 Drawn by SPH/JWS Scale 17 - 250

Date SEPTEMBER 08 2020 Revised 10/05/20, 1/1/20(0FDCE

ROBERT RATHE

JOHN E. BONNEAU & ASSOCIATES, INC.

A LOWE COMPANY Processional Land Surveyors Planners and Consultants NORTH CAUSEWAY B.VD. SUIT 34 MANDEVILLE, LA 70471 OFFICE NO (985)845 101. VAX NO 985)845-1115 9851845 1011

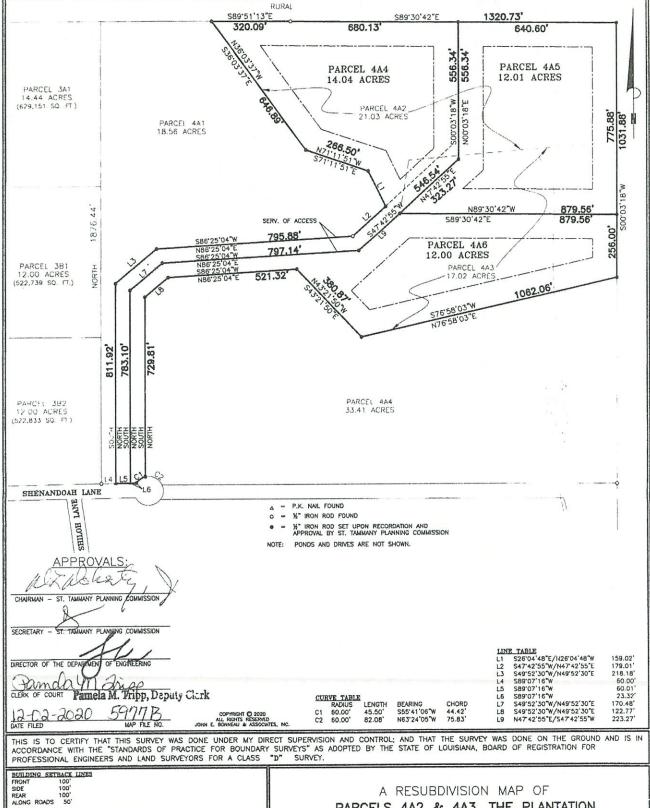
e-mail afoGjebcosurvey.com

NOTE. This is to certify that have done on actual ground survey and found that no encroschments await either way across any property thes sweet as shown

HOTE: Selboux lines shall be verified by white and/or contractor prior to any construction, as an abstract has not been performed to the undersigned.

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REFERENCE SUBJECT: A Re-Subdivisor Map by this firm dated August 24, 2017, having survey number 2013 600C.

BASIS FOR BRARINGS: The Reference Survey.

PTODIZONE NOTE: This is to certify that I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found the property described is located in Flood Zane(s) "C" & "A" with a Base Flood Elevation of N/A in accordance with Community Panel No. 225205 0150 C; Revised: OCTOBER 17, 1989

Survey No. 2020 1296 Drawn by: SPH/JWS Scale: 1" = 250"

Date: SEPTEMBER 08, 2020 Revised: 10/05/20; 11/17/20(OFFICE)

PARCELS 4A2 & 4A3, THE PLANTATION into

PARCELS 4A4, 4A5, & 4A6, THE PLANTATION

Section 31, T-5-S, R-12-E St. Tammany Parish, Louisiana for

ROBERT RATHE

### INC ASSOCIATES, BONNEAU

A LOWE COMPANY Professional Land Surveyors Planners and Consultants 1011 NORTH CAUSEWAY BLVD., SUITE 34 MANDEVILLE, LA 70471 OFFICE NO. (985)845-1012 FAX NO. (985)845-1778 www.JEBCOLandSurveying.com e-mail: info@iebcosurvey.com

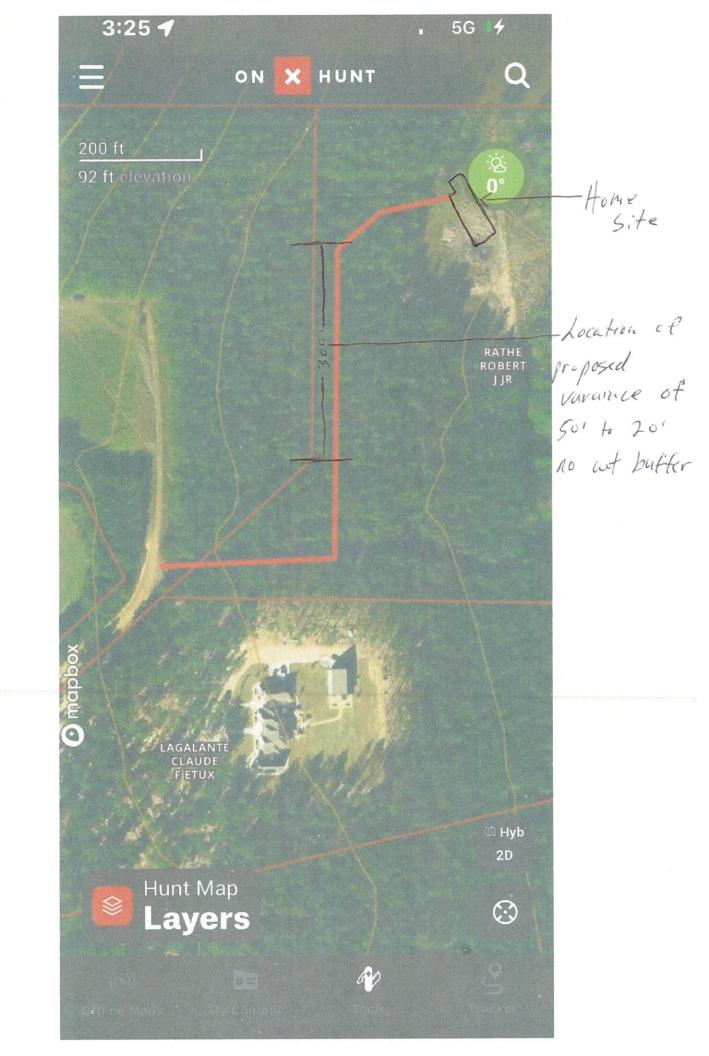
NOTE: This is to certify that I have done an actual groun-survey and found that no encroachments exist either way across any property lines except as shown.

NOTE: Setback lines shall be verified by owner and/or contractor prior to any construction, as an abstract has not been performed by the undersigned.

Servitudes shown hereon are not necessarily exclusive. Servitudes of record as shown on title opinion or title policy will be added hereto upon request, as surveyor ha not performed any title search or abstract.

This Survey is Certified True and Correct By

du c John E. Bonneau Professional Land Surveyor Registration No. 4423



Lavers

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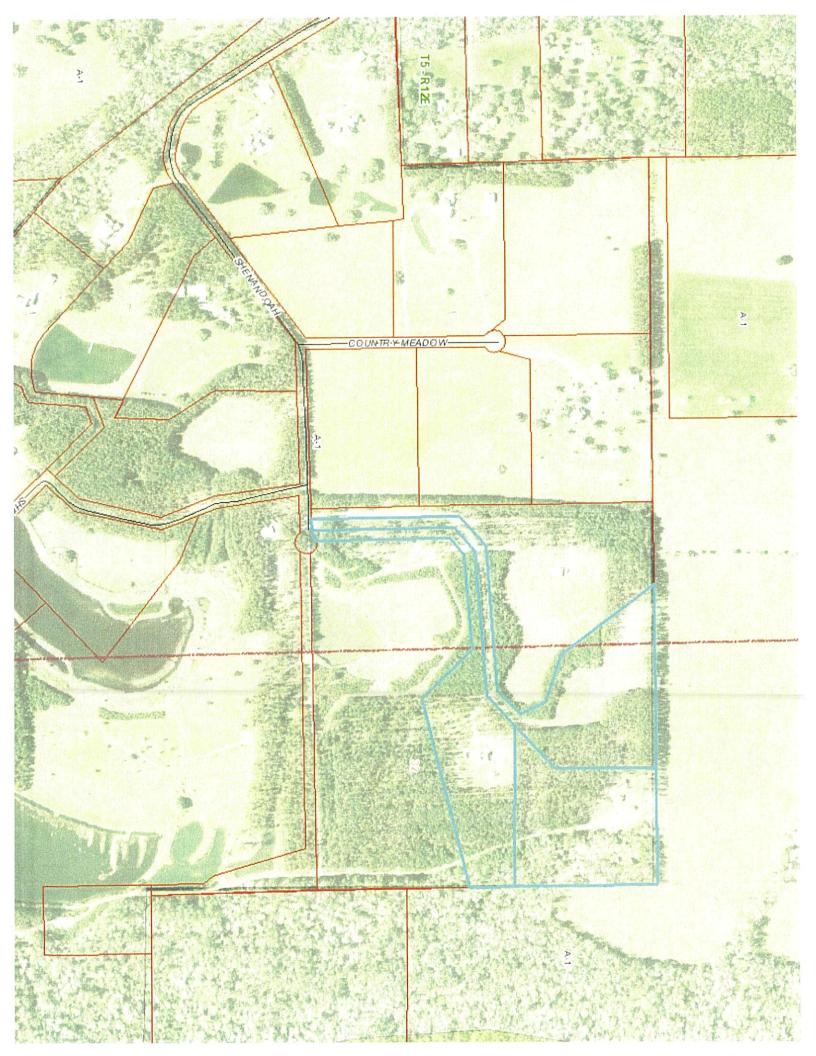
very 10'.

- New Drieway - Homeowner wants to plant clamping bambos running north and south on 6' gracing to create a thick regetation screen. Area hetneen property line and driveway w.11 also se-seed itself from existing pine trees and native Shrubs. this area will not be under

brushed et in the

future.





# ST. TAMMANY PARISH BOARD OF ADJUSTMENT STAFF ANALYSIS REPORT

Case File Number:

BOA Case No. 2023-3211-BOA

Initial Hearing Date:

02/07/23 01/30/23

Date of Report:

GENERAL INFORMATION

Applicant:

Jubilee RV, LLC

Representative:

Jeffrey Schoen and Sean Burkes US Highway 190, Slidell, Louisiana

Location of Property: Zoning of Property:

NC-6 Public, Cultural & Recreational Zoning District

Variance(s) Requested:

Reduction of the required 30 foot buffer.

# **OVERVIEW**

Request by applicant in a NC-6 Public, Cultural & Recreational Zoning District for a reduction of the required 30 foot buffer on portions of the eastern buffer and a portion of the southern buffer.

# STAFF COMMENTS

As per the Unified Development Code Section 130-2213 - Minimum standards. (33) RVP recreational vehicle park. h. Development standards. 6. Buffering and landscaping. A minimum buffer area of 30 feet shall be imposed around the perimeter of the RV park and shall be landscaped in such a fashion as to achieve a 70 percent visual screen of living plant material at time of planting.

The objective of the request is to allow for the reduction of the required 30 foot buffer (see attached drawing) on the:

- East side, along the existing pond to approximately 5 feet.
- East side, where there is an existing roadway, to approximately 15 feet. Note that there is an existing ditch located within the 15 foot greenspace.
- South side, to approximately 15 feet, where there is an existing utility area.

Staff is not opposed to the requests considering that the site is proposed to be developed with a Recreational Vehicle Park on a property that was previously developed with a mobile home/RV park, destroyed by Hurricane Katrina. The pond, roadways and utility area are currently existing on the site and are mainly the only infrastructure remaining on the site.



# J.V. Burkes & Associates, Inc.

1805 Shortcut Highway Slidell, Louisiana 70458



985.649.0154 fax www.jvburkes.com

January 5, 2023

Ms. Erin D. Cook, AICP St. Tammany Parish Department of Development P.O. Box 628 Covington, LA 70434

Jubilee RV & Camping Park RE: **BOA - Requested Variance for Landscape Buffer** 

Dear Ms. Cook,

Upon initial review by St. Tammany Parish Planning Department, we respectfully request a Variance to Chapter 130 – minimum standards – 30ft buffer requirements in three separate areas for Jubilee RV & Camping Park.

Jubilee RV & Camping Park is a redevelopment of Northshore Mobile Home Park located in Southeastern St. Tammany Parish off of Hwy 190. The mobile home park was constructed in the 1980's which included the roadways, and utility infrastructure. We proposed to keep the existing roadway and utility infrastructure, to minimize disturbance to the land and to keep as many existing trees as possible on the site. However when the original mobile home park was built there was no requirement for a 30ft buffer around the perimeter of the site, and this causes issues at three locations; 1) The existing pond; and 2) The existing roadway near south and east corner of property; and 3) Near the utility parcel.

Since the infrastructure and trees are already mature in these areas, any moving of infrastructure would cause unnecessary filling, adding concrete, cutting trees in order to meet the current ordinance under Chapter 130. This will not create an adverse effect to the neighbors and will not constitute a precedent.

Sincerely,

Mr. Sean M. Burkes, PE, PLS I.V. Burkes & Associates, Inc.



# ST. TAMMANY PARISH BOARD OF ADJUSTMENT STAFF ANALYSIS REPORT

Case File Number:

BOA Case No. 2023-3213-BOA

Initial Hearing Date: Date of Report:

02/07/23 01/30/23

GENERAL INFORMATION

Applicant:

Brown's Village Plaza, LLC

Representative:

Vincent Wynne

Location of Property:

61025 US Highway 11, Slidell, LA

Zoning of Property:

HC-3 Highway Commercial Zoning District

Variance(s) Requested:

Waiver of the required buffers and required trees and shrubs.

# **OVERVIEW**

Request by applicant in a HC-3 Highway Commercial Zoning District for a waiver of the required 10 foot side yard buffers and a waiver of the required number of Class A & Class B trees.

# STAFF COMMENTS

As per the Unified Development Code Sec. 130-1977. - Side and rear buffer planting area requirements.

- (a) Definition. A buffer planting area is defined as an area of land located along the side and rear property lines, common to adjacent properties, designated for the preservation of trees and landscaping. Buffer planting areas terminate at, and do not include any area within, street planting areas. Buffer planting areas shall be designed to provide a horizontal distance and landscaped open space between properties.
- (b) Buffer planting area width. Buffer planting area width shall be a minimum of ten feet, except that buffer planting area width for an industrial use abutting a non-industrial use shall be a minimum of 25 feet.
- (e) Planting requirements in buffer planting areas.
  - (1) Trees required if unencumbered by utility servitude. Subject to the reduction and credit for existing trees as set forth in section 130-1975, the following minimum number of trees shall be planted in the buffer planting areas which are not encumbered by a servitude or easement:

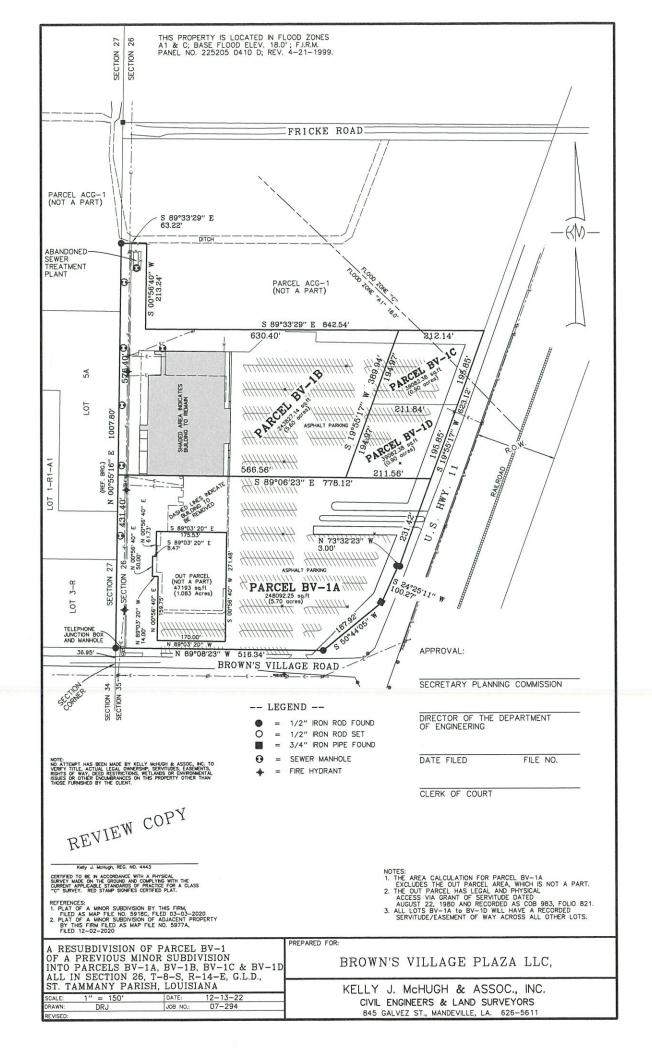
Category Class A trees	Number  One for each 30 linear feet of the buffer planting area	

The objective of the request is to allow for the creation of 4 separate parcels to be developed with commercial uses. Staff has no objection to the request considering that the site is developed with some existing buildings and a pave parking lot. While the objective of the request is also to allow cross access from one parcel to another and to allow to share the existing parking spaces among the different businesses, required number of Class A, Class B & shrubs should be provided as the development of the site takes place. Note that the site was developed more than 30 years ago and there are no existing trees on the site.

Should the Board be in favor of the request, it should be subject to providing a landscape plan, before applying for the building permit for new commercial building, meeting the following requirements:

- Provide the required number of Class A & Class B trees and shrubs within the existing Hwy 11 planting area.
- Provide the required number of Class A & Class B trees within the north side planting area.
- Creation of a buffer along Brown's Village road and provide the required number of Class A & Class B trees and shrubs.
- Add landscape islands within the parking lot with required Class A tree.





### Brown's Village Plaza, LLC 5119 Magazine Street New Orleans, LA 70115-1843

Office: 504 830-0128

Fax: 504 830-2813

Rents: ruth\_morrisongrp@yahoo.com

Lease & Maintenance: PM\_morrison@yahoo.com

January 12, 2023

By Hand

St. Tammany Board of Adjustments Department of Planning & Development Covington, LA

Re Brown's Village Plaza, LLC Variance Appeal

Members of the Board:

James J. Morrison, Jr. is the Manager of Brown's Village Plaza LLC as shown by the attached printout of the listing of the company information from the Louisiana Secretary of State's web site, and he is fully authorized to make this application for a variance on behalf of the company and to act and speak on its behalf.

As shown by the attached Cash Sale Brown's Village Plaza LLC is the sole owner of the property shown as "BV-1 13.088 Acres" on the attached drawing marked Survey 1, and this variance request only applies to that property owned by Brown's Village Plaza, LLC.

The drawing marked Survey 1 reflects the current Lot designations as per the last re-subdivision of the property and as shown BV-1 surrounds an Out Parcel building mot owned by Brown's Village Plaza, LLC, which out parcel is owned by Felicity Center, LLC of which James J. Morrison, Jr. is also the Manager and is authorized to act and speak on its behalf as per the attached letter of Felicity Center, LLC.

The variance requested is to reduce the side yard requirements to 2 feet that would be required on the Southern side of the building shown in the attached drawing Survey 2 which building is shown cross hatched and marked "Cross Hatch Indicates Building to Remain".

The variance request is prospective in that Brown's Village Plaza, LLC as owner of current Parcel BV-1 and Felicity Center, LLC as owner of the building marked "Out Parcel" on the drawing Survey 1 will be applying for the properties to be re-subdivided into the lots shown on Survey 2.

The future lot shown as BV-1A, on Survey 2 will include the Out Parcel building and future lot BV-1A is to then be sold to a third party with all buildings on future lot BV-1A to be demolished.

 $2^{\circ}$  along the Southern side of the building marked Building to Remain and all of future lots BV-1B and BV 1C and BV-1D will be retained by Brown's Village Plaza, LLC.

The act of sale to the third party will include a servitude/building restriction prohibiting any building in the area on the whole South side of the cross hatched "Building to Remain" for a depth of 15' towards Brown's Village Road and limiting that area to landscaping, parking and or walkways only which 15' with the 2' along the same line which is not being included in the sale to effectively allow a 17' no build area which will more than exceed the required side yard for the "Building to Remain".

This variance is required (See submission requirement A) because Brown's Village Plaza, LLC has been advised by the Department of Planning & Development, Helen Lambert that a violation of land use zoning law would occur if the building labeled Building to Remain did not have the required side yard under its ownership, whereas the purchaser of the Parcel BV-1A requires the land subject to the building restriction for parking and drives for its use.

This variance request does not impose an adverse effect on the neighboring property in that it is to benefit what will be the neighboring property by allowing the prospective owner of future lot BV-1Asufficient land to accommodate its use a large scale truck an automobile service station. Additionally the current "out parcel which is the nearest current lot to the requested area of the variance is owned by the same group and consents to the variance.

The granting of the variance will not constitute a precedent in that it is a highly unusual one-of-a-kind situation.

Sincerely,

Brown's Village Plaza, J.L.

James J. Morrison, .

Manager Member

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

Case File Number:

BOA Case No. 2023-3214-BOA

Initial Hearing Date: Date of Report:

02/07/23 01/30/23

GENERAL INFORMATION

Applicant & Representative: Executive Holdings, LLC-Corey Smith

Location of Property:

67809 LA Highway 41, Pearl River, Louisiana

Zoning of Property:

HC-2 Highway Commercial Zoning District

Variance(s) Requested:

Removal of 24" live oak tree

### **OVERVIEW**

Request by applicant in a HC-2 Highway Commercial Zoning District for the removal of 24" live oak tree.

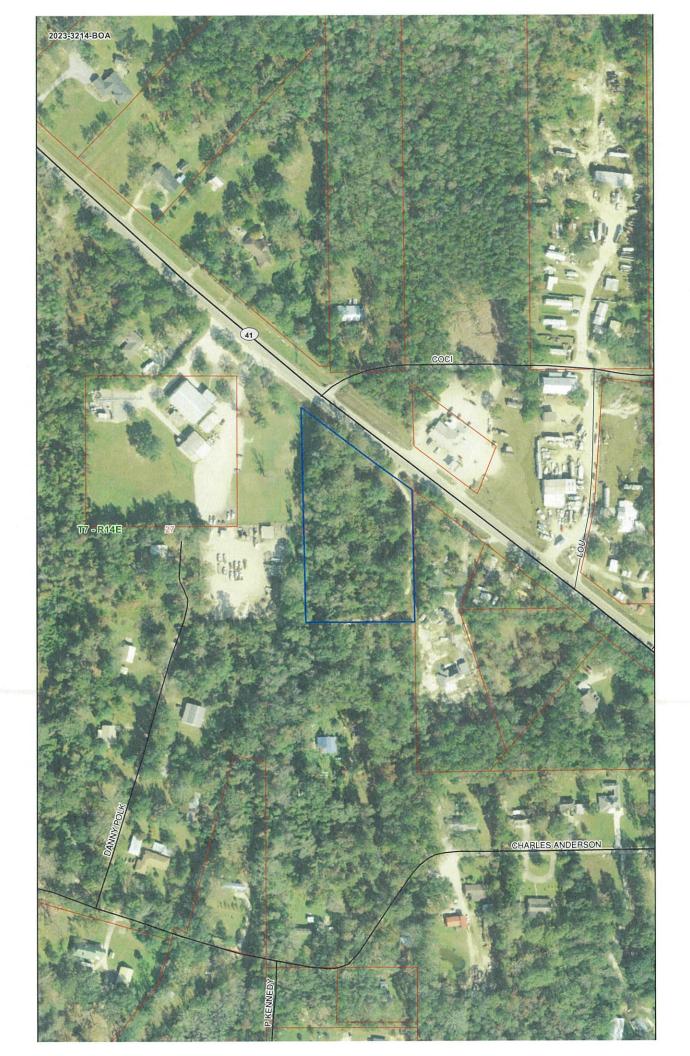
### STAFF COMMENTS

As per the Unified Development Code Sec. 130-1975. - Tree preservation (b) Preservation of trees, inspections. (1) Preservation of live oak trees. All live oak trees over six inches DBH shall be preserved wherever they may be located on the property and even if they are located between the property line and the roadway surface.

The objective of the request is to allow for the construction of a 10,571 square foot retail store and parking lot. While the 2.849 acre site is irregular in shape and incombered by several natural elements, the site could be redesigned to preserve the existing 24 inches live oak tree. After a site visit/inspection, it was determined that the 24" live oak tree is a Grade A tree/healthy tree and if remove it would require 100 percent replacement on site and/or payment to the tree bank. Allowing the removal of a Grade A live oak tree would be contrary to the objective of the landscaping ordinance which is to encourage the preservation of live oak trees not only within the buffers but wherever they may be situated on the property.

Should the Board be in favor of the requested variance to remove the 24" live oak tree, it should be subject to replanting the required of number of trees onsite, with cypress trees instead of live oak trees.

Should the Board not be in favor of the request, staff suggest that variance request be postponed to allow for a revised site and landscape plan to be submitted, showing the preservation of live oak tree and reconfiguration of the site.





To:

St. Tammany Parish Board of Adjustment

From:

Corey Smith, Managing Member

Date:

January 6, 2023

Re:

Narrative for Variance Application

We are seeking variance approval to remove one 24" diameter live oak tree from an approximately 2.8+/- acre parcel for purposes of retail store development.

The lot is currently heavily wooded and irregularly shaped, and bordered by LA Highway 41 to the north, a stream and buffer to the west, and a private driveway to the east.

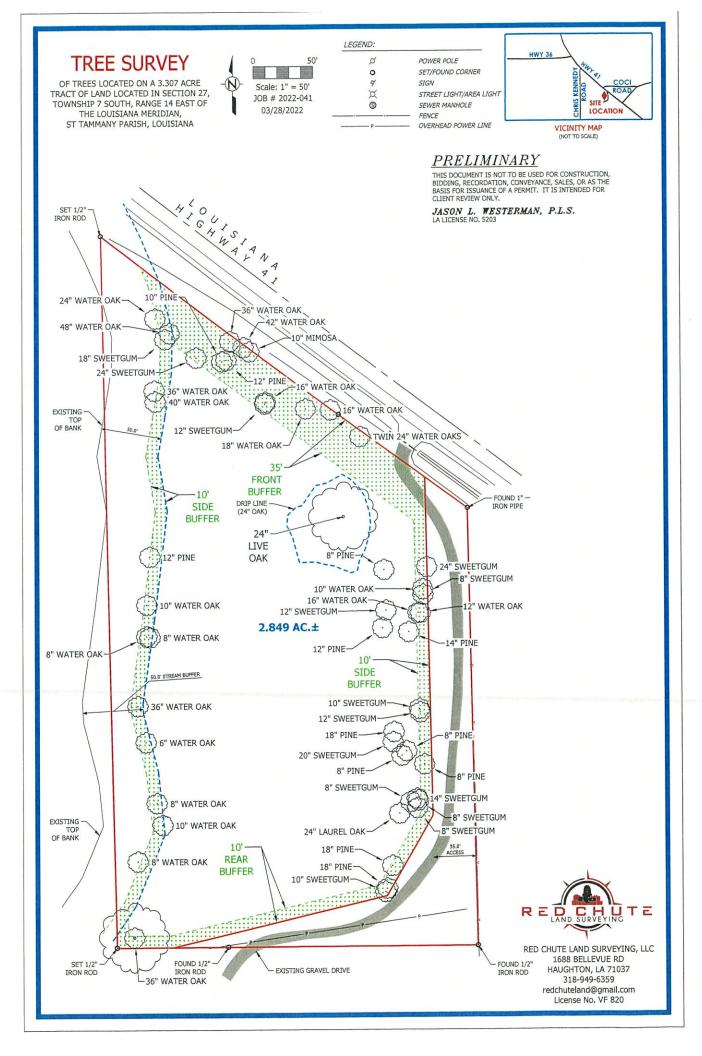
Numerous attempts have been made to reconfigure the retail development layout to mitigate the subject 24" oak tree, however there is no alternate workable site configuration that meets all other zoning requirements, buffers, setbacks, parking etc. while meeting the reasonable needs of our client.

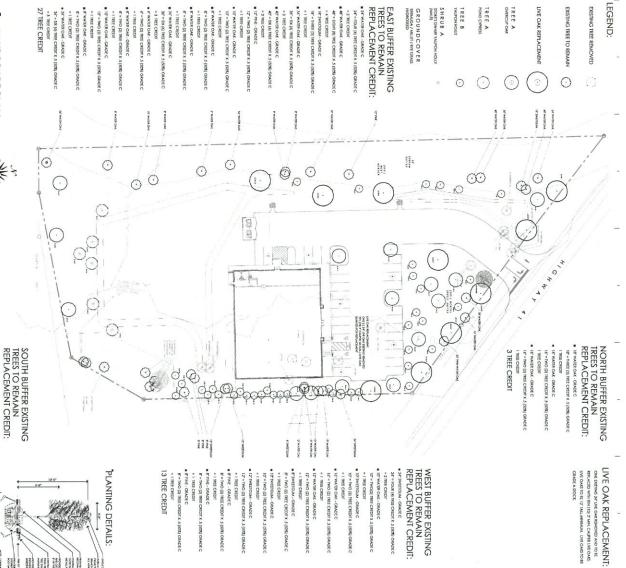
Notable factors affecting the site layout:

- The 50' stream buffer along the west property line removes the development possibility for a very large portion of the lot.
- There is no public water system available on the site. A private water well must be drilled and the Health Department requires generous spacing buffers between the well head and the sewer treatment system spray head radiuses.
- There is no public sewer utility available to the site, so a treatment plant and spray system is required, which require considerable designated square footage buffered from property lines, detention ponds, water wells and stream buffers.
- Site topography limits our options to arrange the site.
- Stormwater detention requirements limit our options to arrange the site
- Per the request of Parish officials, the site and finished floor elevations were designed to conform with proposed FEMA flood maps.

### Proposed mitigation measures:

• In addition to all regular landscaping planting requirements, we propose to to plant 10 each 3" diameter live oak trees (30" total diameter) on the site to exceed the total caliper diameter of the lost oak.





GENERAL NOTES:

upon anormation provided to Landscape site conditions, elevations, utility commencement of work. Notify Landscap

340' NORTH / STREET BUFFERONE (1) CLASS A TREE FECTO FEB THERY LINEAUX REEF (DOLE)
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340 LF. / 30 LF. = 12 CLASS B TREES REQ'D

ONE (1) CLASS A SHRUB REQ'D PER TEN LINEAR

### 391' EAST BUFFER:

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. Soo shall be cut theck (approx, 17), kept most, lad within 36 hours of being harvested. Lay sold with staggered joints, and brigation set to sufficiently water during establishment.

6. PLANTING SHALL RECEIVE 5" LAYER OF ARCHITECT APPROVED MULCH AT TIME OF AND AT THE BND OF THE 1 YEAR WARRANTY. A. STAKE TREES WITH TREE FROG SYSTEM": SIZE PER MFGTR RECOMMENDATIONS.

5. PLANTINGS SHALL BE FERTILIZED WITH OSMOCOTE PLUS PER MFGTS RECOMMENDATION.

## LAND CLEARING NOTE:

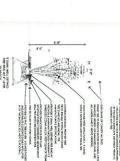
NO LAND CLEARING OR SITE IMPROVEMENTS SHALL COMMENCE WITHOUT HAVING SECURED ALL REQUIRED PERMITTING FROM ST. TAMMANY PARISH.

# PARKING CALCULATIONS:

RETAIL = 1 SPACE FOR/350 GROSS 1 10,532 S.F. = 30 SPACES REQUIRED 30 SPACES PROVIDED

## LANDSCAPE SCHEDULE:

			_	_		_		_	_	_	_	_	_	_	_
8" Bed Prep	Cynodon dactylon	TURF	Elex vomboria "Stoke's Dwarf" "Schillings"	SHRUBA	llex vomitoria	TREE B - BUFFER	Magnolia virginiana	TREE B - STREETSCAPE	Taxodium ascendens	TREE A. BUFFER	Quercus lyrata	TREE A - STREETFRONT & PARKING	Querous virginiana	TINSMEDIAR REPLACEMENT	DESCRIPTION / BOTANICAL NAME
			Stoke's Dwarf Yaupon Holly		<b>Уаирел Нобу</b>		Sweetbay Magnolia		Pond Cypress		Overcup Oak		Uwe Oak		COMMON NAME
	Ī		2'00												SPACING
							2"		3"		2.5"		3"	5000	CALIFER SPREAD
			12"						3"		*	4	s.		SPREAD
			12"		6"		*		101		10'		12'		HEIGHT ROOT
			3 gal.		30 gal.		30 gal.		30 gal.		1000		65 gal.		ROOT
			3		2		2		2		2		2	-	DETAIL
					Multi Trunk; 3 Even Canes		Standard ( Single Straight Trunk)						SNGU STRAIGHT TRUNK		NOTES



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LANDSCAPE PLAN

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DETAIL 2

DETAIL 3

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PROJECT INFO

LANDSCAPE PLAN
FAMILY DOLLAR
PEARL RIVER, LOUIS IANA 70431

Witness Con

D. CONTRACTOR SHALL THOROUGHLY TILL LANDSCAPE BED IN (3) PHASES. THE FRST PHASE SHALL CONSST OF TILLING THE EXSTING SOIL TO A DEPTH OF A ENSURING EXSTING SOIL IS WELL TILED AND HAS INTERNAL DRAINAGE. THE SECOND PHASE

AND MIXED INTO THE TOP HALF OF THE LANDSCAPE BED.

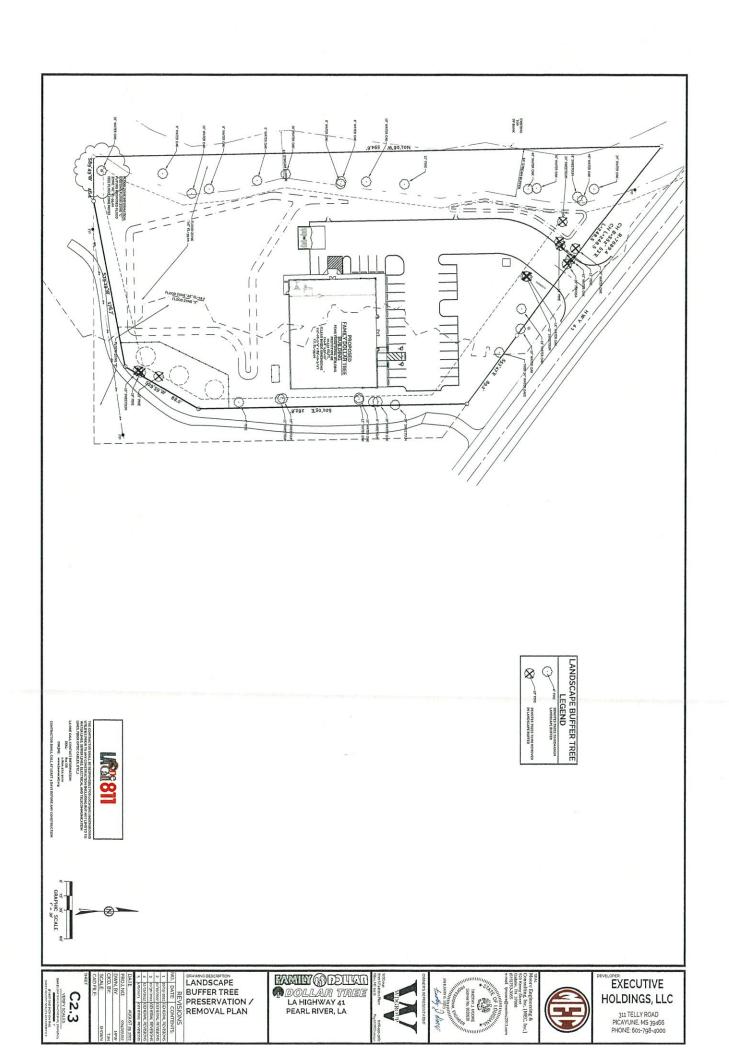
DSCAPE MIX AND TILLING WITH FRESHLY SHALL ADD ANOTHER 4" LIGHTLY TILLED

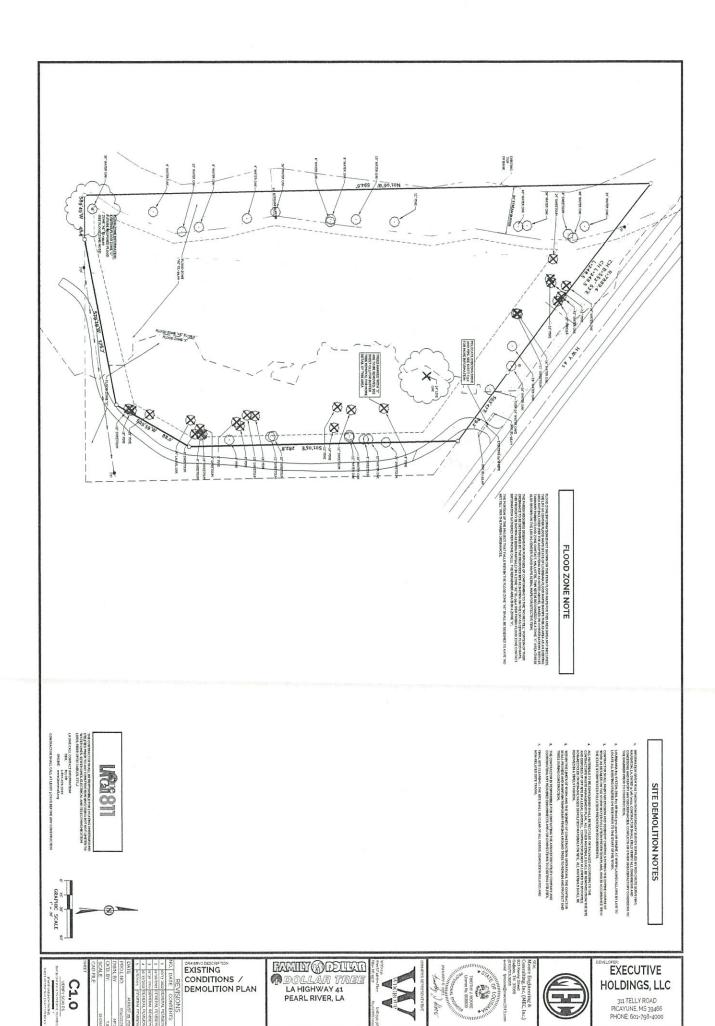


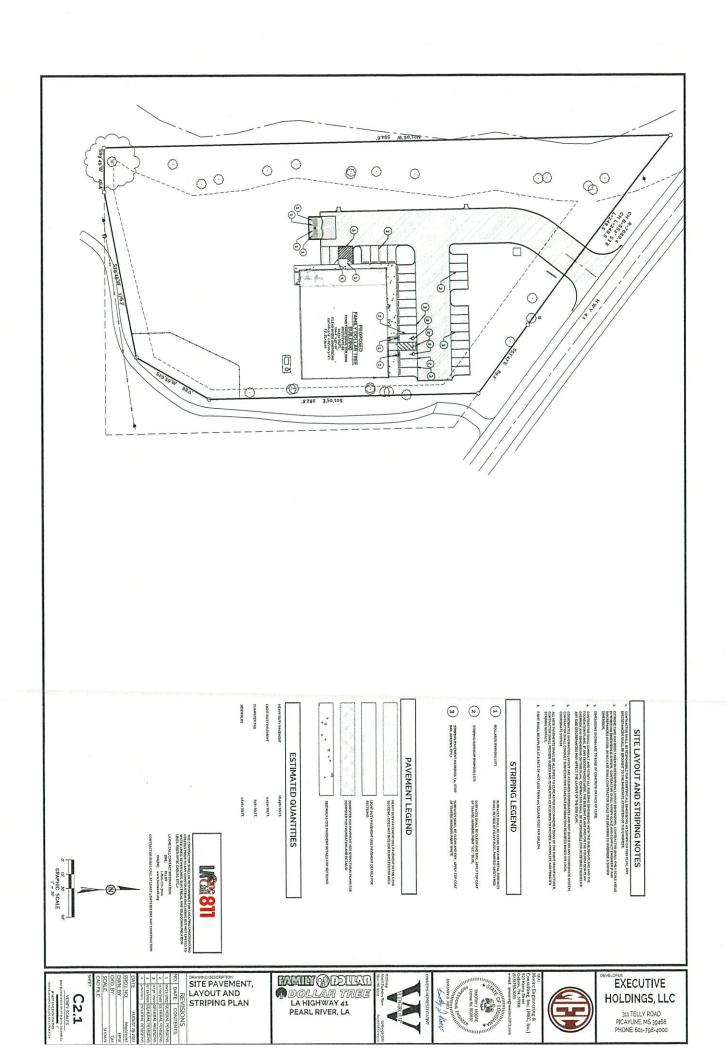
PLANTING NOTES:

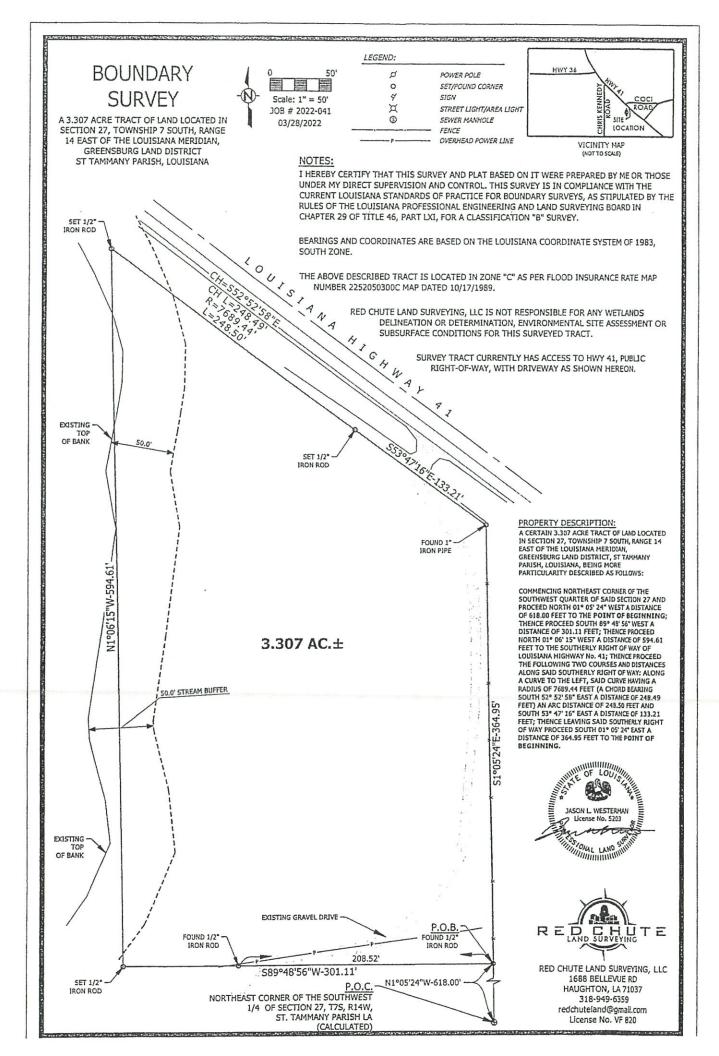
THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERI TO COMPLETE THE PLANTING SHOWN ON ALL DRAW











### 67809 HIGHWAY 41 TREE PHOTO

