AGENDA
ST. TAMMANY PARISH BOARD OF ADJUSTMENT MEETING
WEDNESDAY JANUARY 7th, 2020 - 3:00 P.M.
ST. TAMMANY PARISH GOVERNMENT COMPLEX BUILDING “A”
21490 KOOP DRIVE, PARISH COUNCIL CHAMBERS
MANDEVILLE, LOUISIANA

CALL TO ORDER

ROLL CALL

APPROVAL OF THE DECEMBER 3rd, 2019 MINUTES

PUBLIC HEARINGS

BOA CASE NO. 2019-1669-BOA (postponed from 11/12/19 & 12/02/19 meetings)
Request by applicant in a HC-2 Highway Commercial Zoning District, to allow for the removal of all existing trees within the front, sides and rear buffers, to allow for the construction of a commercial building.
The property is located at 69424 Highway 59, Mandeville, Louisiana.
Applicant: Pamela Rosas Barbee
Representative: Matthew Crain

BOA CASE NO. 2019-1698-BOA (postponed from 12/02/19 meeting)
Request by applicant in a PUD Planned Unit Development Overlay to reduce the required rear yard setback from 25 feet to 20 feet to allow for a patio addition.
The property is located: 801 Green Leaf Circle, Madisonville, Louisiana.
Applicant & Representative: Jonathan Loris

BOA CASE NO. 2019-1702-BOA (postponed from 12/02/19 meeting)
Request by applicant in an A-1 Suburban Zoning District for an after the fact waiver of the required front, sides & rear no cut buffers.
The property is located at 28132 Pine Cone Road, Abita Springs, Louisiana.
Applicant & Representative: Loretta Jarrell

BOA CASE NO. 2019-1731-BOA
Request by applicant in a HC-2 Highway Commercial Zoning District to remove a live oak tree without replacement in kind on site and/or payment to the tree bank.
The property is located: 801 Asbury Drive, Mandeville, Louisiana.
Applicant: Lindsay Properties – Kim Lindsay
Representative: Ted Lindsay
BOA CASE NO. 2019-1733-BOA
Request by applicant in an A-4 Single Family Residential Zoning District to reduce the required side yard setback from 10 feet to 6 feet, 4 & 1/8 inches for an accessory structure.
The property is located: 816 Fawn Road, Mandeville, Louisiana.
Applicant & Representative: Kirk J. Frosch

BOA CASE NO. 2019-1734-BOA
Request by applicant in an A-3 Suburban Zoning District for an after the fact variance to waive the required 10 foot side yard setback for an accessory structure.
The property is located: 147 Bertel Drive, Covington, Louisiana.
Applicant & Representative: Jacob & Angelina Van Wynen

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT
The December 3rd, 2019 meeting of the St. Tammany Parish Board of Adjustment was called to order by the Chairman, Mr. Fandal.

The roll was called as follows:

PRESENT: Mr. Fandal, Mr. Schneider, Mr. Brookter & Mrs. Thomas

ABSENT: Mr. Gordon, Mr. Ballantine & Mr. Guidry

STAFF PRESENT: Mrs. Lambert, Mrs. Contois, Mr. Cloutet & Mrs. Riles

**APPROVAL OF THE MINUTES**

Moved by Mr. Brookter and seconded by Mr. Schneider to accept the November 12th, 2019 minutes.

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC HEARINGS**

**BOA CASE NO. 2019-1669-BOA (postponed from 11/12/19 meeting)**

Request by applicant in a HC-2 Highway Commercial Zoning District, to allow for the removal of all existing trees within the front, sides and rear buffers, to allow for the construction of a commercial building.

The property is located at 69424 Highway 59, Mandeville, Louisiana.

Applicant & Representative: Pamela Rosas Barbee

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

Matthew Crain: Representing Mrs. Barbee, request to postpone case until the January 2020 meeting. Indicated that his client is moving forward with the land clearing and will be able to provide additional requested information at the January meeting.

Mr. Ballantine: I object to the request. Isn’t it the 2nd time they are requesting to postpone?

Mr. Fandal: It is the first time they are requesting to postpone. The property has not been cleared yet.

Matthew Crain: Correct. We are moving forward and hope to start clearing next week.
Mr. Ballantine: How can they proceed with clearing the land without the variance?

Mrs. Lambert: They are requesting a land clearing permit to clear the interior of the lot, which is allowed. After clearing, staff will go visit the site and evaluate the status of the exiting trees and determine if more trees could be removed from the site.

Moved by Mr. Gordon and seconded by Mr. Brookter to postpone the request until the January 7th, 2020 meeting.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 2019-1672-BOA (postponed from 11/12/19 meeting)
Request by applicant in an A-4 Single Family Residential Zoning District for a reduction of the required rear yard setback from 25 feet to 10.92 feet to allow for the addition of an awning to a single family residence.
The property is located at 1005 Palmetto Court, Slidell, Louisiana.
Applicant & Representative: Ronald Luebbe

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

Ronald Luebbe: Applicant & Representative. Requested documents/Affidavit from abutting property owner in the rear and approval from Belair HOA & copy of the restrictive covenants ready to be provided to the Board members.

Board members review the documents submitted.

Mr. Fandal: Explain the board members that at the previous meeting, request was made to bring no objection letter from abutting neighbor in the rear and from the HOA.

Mr. Gordon: It appears that according to the pictures you submitted other neighbors have awnings inside the setback? Correct?

Mr. Luebbe: Correct.

Moved by Mr. Brookter and seconded by Mr. Schneider to approve as requested.

MOTION CARRIED UNANIMOUSLY
BOA CASE NO. 2019-1698-BOA
Request by applicant in a PUD Planned Unit Development Overlay to reduce the required rear yard setback from 25 feet to 20 feet to allow for a patio addition.
The property is located: 801 Green Leaf Circle, Madisonville, Louisiana.
Applicant & Representative: Jonathan Loris
(Mrs. Lambert read the staff report into the record...)

Jonathan Loris: Owner and representative, in regards to the hardship, when building a house on this particular lot, the way the line of the property are, most of the house sit on the rear part of the my property, my front yard is 3 times the depth of the rear. The setback of 25 feet is limiting the way I had to position the house on the property and it is difficult to meet the setbacks and allow for an addition to a patio.

Mr. Ballantine: Do you have a letter from the HOA?

Jonathan Loris: The HOA asked that I present the request to the BOA before they grant the approval of the variance. I submitted email from the HOA.

Mr. Ballantine: What is on top of the patio? Is the roofline within the setback or the posts are within the setback? I will not be in favor without HOA approval.

Owner: The patio is covered by a roof, which is an extension of the house roof line. The slab will not extend in the 25 foot setback only the overhang. Refers to the copy of the email from HOA that he submitted with his application stating that if the BOA grant approval, the HOA will be in favor of the request.

Mr. Ballantine: I am not going to be in favor without HOA approval.

Jonathan Loris: If I bring an approval letter on HOA letterhead, will I be granted approval?

Board Members: Review the email sent by the HOA.

Mr. Ballantine: Confirms that the email states that the HOA would be in favor of the request if the Parish grants approval. The HOA does not state they are granting approval.

Mrs. Lambert: Confirms the same.

Jonathan Loris: Can you explain me the vote? Does it have to be a majority?

Mr. Fandal: Explained the vote.

Jonathan Loris: If I ask you to vote today and it is not approved, can I always refile next month?

Mrs. Lambert: Correct.
Mr. Gordon: I will not in favor without HOA approval.

Jonathan Loris: I would like to postpone my request.

Moved by Mr. Ballantine and seconded by Mr. Brookter to postpone the request until the January 7th, 2020 meeting.

MOTION CARRIED UNANIMOUSLY

Mr. Fandal: Request to move up CASE NO. 2019-1704-BOA. I need a motion to move the case up.

Moved by Mr. Ballantine and seconded by Mr. Brookter to move the case up.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 2019-1704-BOA
Request by applicant in an ED-1 Primary Education Zoning District to relocate some of the existing/required number of Class A & Class B trees within the school campus and to allow for payment into the tree bank in lieu of onsite mitigation, due to the relocation of a CLECO right of way.

The property is located at 317 Highway 1077, Covington, Louisiana.
Applicant: Madisonville Elementary School – W. L. Trey Folse III & Cameron P. Tipton
Representative: Jeffrey Shoen

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

Jeffrey Shoen: Representative for the School Board, describe construction currently taking place on the campus, on the north and south sides of C. S. Owens Road. Due to the relocation of the CLECO powerline, as shown on the attached drawing, some of the existing trees have to be removed. Trees cannot remain under the powerline due to maintenance requirements & it could interfere with the power. The revised plan shows the configuration of the trees to be relocated on the property, which will not interfere with the proposed route of the CLECO right of way. Staff indicated in the report that additional inches should be planted within the campus. We hope that we can get variance to allow the planting of trees on the playground or elsewhere on the site, working with staff, and also allowing for different species. Ask to resubmit plan and have the ability to pay into the tree bank only if necessary.

Mr. Ballantine: Is CLECO paying for the trees and planting?

Mr. Shoen: Arrangement with CLECO who will share some of the cost.

Mr. Schneider: Is the playground use for softball-team sports?
Mr. Shoen: Not formally use for team sports. It is an elementary school. There are some playground equipment. Some space is available for some trees. The future improvements that will be taking place on the campus may not allow for the planting of all trees to be mitigated.

Moved by Mr. Schneider and seconded by Mr. Gordon to approve the request with stipulation that the school board work with staff regarding the location and species of the trees to be planted.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 2019-1702-BOA

Request by applicant in an A-1 Suburban Zoning District for an after the fact waiver of the required front, sides & rear no cut buffers.

The property is located at 28132 Pine Cone Road, Abita Springs, Louisiana.

Applicant & Representative: Loretta Jarrell

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

William & Loretta Jarrell: Applicants & Representatives. We would like to have horses on the property.

Sean Manix: Adjacent property owner. Two concerns. First: erosion seen in area. Report states that staff is aware of the situation, requesting replanting & specific species to be replanted. Stilt & erosion clogging the drainage ditches & the natural waterways behind our property and the one in question. They have created a significant amount of flooding. It changes where the water lies when it floods. Water rising up getting closer and closer to the existing dwelling. Second concern: speed of the water over the land. Without the trees, it appears that the water leaves the land very quickly and spend more time on the adjacent properties. We want the situation to be taken into consideration in regards to the impact that the water flowing will have in the area.

Keith Brown: President of the HOA. The main concern is that effects of clearing and drainage on the surrounding neighbors are mitigated.

Lisa Sigsworth: The property in question is causing a lot of silt on my property. When she moved there 3 years ago, no problem with flooding. Now the water is almost coming to the very back corner of my house. Driveway is impassable during rainstorm. Proper amount of buffer trees need to be replanted to suck up the water & grow fast. Flooding on our property, caused an excavator to sink on our property.

Jack Hopper: Impact of what was done extends north, crossing Peg Keller Road. Many times, the road has flooded. If it impacts the property in the back it will impact the road and area to the north. Whatever was disrupted on the property, need to be put back because it will impact us later. We hope that there is no major reduction in the required number of trees to be replanted within the setbacks.
Mr. Ballantine: I cannot grant the variance until a plan is presented and approved by staff, addressing the flooding and the replanting of the trees.

Mr. Schneider: I would like to hear from Engineering, regarding the flooding aspect & flood zone.

Mr. Cloutet: Currently reviewing plans that have been submitted for drainage. It is in a critical drainage area. Not been able to approve the plans yet, not all the issues have been addressed.

Mr. Schneider: Since no drainage plan completed, I would like to ask the applicant to postpone.

Loretta Jarrell: We spoke to the Army Corp of Engineers. They explained the facts regarding the wetlands that are on the property and that the flooding/drainage comes from all the properties, including Mrs. Sigsworth property and that the issue has been the same/create since 1998. Water drains downhill.

Mr. Gordon: When was the property cleared? Who cleared the property and how did you clear without a permit?


William Jarrell: Contractor from Franklinton, LA We are not from the area not aware that we needed a permit.

Mr. Gordon: Did you fill the property? Added dirt? Did you fill a ditch or a natural waterway? Did you damage the wetlands?

William Jarrell: Placed dirt on the property to allow for the placement of a barn & driveway. We only damaged the wetlands and we have mitigated according to the directions from the Corp of Engineers.

Mr. Fandal: How many trees removed from the property? What type of trees?

William Jarrell: 8 loads taken out with 18 wheelers. Mostly pine trees were removed from the property.

Mr. Fandal: The drawing submitted shows a ditch.

William Jarrell: If you look at the overall map of the property, it sits down below the adjacent properties. There is a branch creek coming through the neighborhood. The digging of the pipeline in the area caused all lot of water damage.

Loretta Jarrell: We do not flood other properties. The other properties are flooding our property. The Corp confirmed that statement. We have wetlands due to the property to the right, which has
been draining on our property.

Mr. Brookter. How many acres are in question?

Loretta Jarrell: 11 acres

Mr. Brookter: Since review of the plans have not been completed, it would be better to postpone. It would be difficult to vote on the request without any plan being presented.

Mr. Fandal: Statements regarding the land and flood elevation.

William Jarrell: Mr. Cloutet can confirm the flow of drainage of the property.

Mr. Gordon: Ask Engineering if they are reviewing plans?

Mr. Cloutet: J.V. Burkes to present revised plan to accommodate all drainage issues and confirm that there are no impact on adjacent property.

Board members: Revised plan shall resolve drainage issues and replanting.

Moved by Mr. Gordon and seconded by Mr. Schneider to postpone the request until the January 7th, 2020 meeting.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 2019-1703-BOA
Request by applicant in an A-1 Suburban Zoning District for an after the fact waiver of a portion of the required side yard 50 foot no cut buffer.
The property is located at 77228 Roubion Road, Folsom, Louisiana.
Applicant & Representative: Robert Punch

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

Robert Punch: Applicant & Representative. Not aware of the regulation/requirements regarding buffers

Moved by Mr. Ballantine and seconded by Mr. Gordon to approve as requested.

MOTION CARRIED UNANIMOUSLY
BOA CASE NO. 2019-1706-BOA
Request by applicant in an I-2 Industrial Zoning District for a reduction of the required 30’ street planting area along Ben Thomas Road, and for the removal of some of the live oak trees to allow for the construction of a test track.
The property is located on the north side of Ben Thomas Road, Slidell, Louisiana
Applicant: Textron Marine & Land Systems
Representative: Evan-Graves Engineers, Inc.

Representative: Stephen Lungren, Evan-Graves Engineers, Inc. consultant for Textron. The project was previously approved by the BOA. The job was never constructed. Textron is planning on moving forward with construction very soon. We would like to reapply.

Moved by Mr. Gordon and seconded by Mr. Schneider to approve as requested and according to staff comments.

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

Mr. Ballantine: Stated that he is concerned by the number of after the fact requests submitted to the Board.

Mr. Schneider: When an after the fact request is submitted, could the fee be $500 instead of $200.

Mrs. Lambert: The fee is $500 for an after the fact request.

Mr. Schneider: Maybe the fees should be increased.

Mr. Fandal: Ordinance would have to be voted on by the Council to change the fees.

NEW BUSINESS

ADJOURNMENT: Moved by Mr. Fandal

MOTION CARRIED UNANIMOUSLY

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

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

Case File Number: BOA Case No. 2019-1669-BOA (postponed from 12/03/19 meeting)
Initial Hearing Date: 11/12/19
2nd Hearing Date: 12/03/19
3rd Hearing Date: 01/07/20
Date of Report: 12/27/19

GENERAL INFORMATION
Applicant(s) Name & Representative: Pamela Rosas Barbee
Location of Property: 69424 Highway 59, Mandeville, Louisiana.
Zoning of Property: HC-2 Highway Commercial Zoning District
Variance(s) Requested: Removal of all existing trees within the front, sides and rear buffers.

OVERVIEW
The applicant is requesting to allow for the removal of all existing trees within the front, sides and rear buffers, to allow for the construction of a commercial building.

STAFF COMMENTS
As stated in the attached narrative, all existing trees (mostly pines trees) located on the property are requested to be removed to allow for the construction of a commercial building. As per the Unified Development, Division 2. Landscaping and Tree Preservation Regulations requires that all existing trees over 6” inches in caliper be preserved within the required buffers on commercially zoned properties. Moreover, landscape requirements and preservation of the trees are intended to reduce harmful impacts of wind, heat and noise, to preserve underground water reservoirs, to permit the return of precipitation to the groundwater strata and to act as natural drainage system to minimize drainage problems, prevent storm erosion, to provide shade and to enhance the blighted appearance of parking lots.

Staff sees no compelling reason to recommend approval, considering that no hardship has been demonstrated.

Note that land clearing permit has been issued and staff visited the site allowing applicant to remove existing damage trees within the buffers.
NOTE: SETBACK LINES SHOWN WERE GIVEN TO ME BY CLIENT. THESE SETBACK LINES MUST BE VERIFIED BY ST. TAMMANY PARISH PLANNING DEPARTMENT.

Due to Utility Servitude, provide 10ft No Cut Buffer per Sec. 130-1976(d)(1)

Required 20ft street buffer

20ft no cut buffer

10ft no cut buffer

24ft Temporary Construction Entrance

NOTE: SETBACK LINES SHOWN WERE GIVEN TO ME BY CLIENT. THESE SETBACK LINES MUST BE VERIFIED BY ST. TAMMANY PARISH PLANNING DEPARTMENT.
NOTE: BUILDING SETBACK LINES WERE GIVEN TO ME BY CLIENT; THESE SETBACK LINES MUST BE VERIFIED BY ST. TAMMANY PARISH PLANNING DEPARTMENT.
September 22, 2019

St. Tammany Parish Government
Department of Development
Board of Adjustments
21454 Koop Drive, Bldg. B, Ste. 1B
Mandeville, LA 70471

Re: 69424 Hwy 59, Mandeville, LA 70471

Dear Board Members,

I would like to request a variance to cut all the trees in the lot within the required setbacks around the property for the following reasons:

a.) Considering the small size of the lot, the proposed building and concrete driveway (please see attached site plan and tree survey), Buster's Tree Removal's recommendation is to remove all trees before construction as trees within the set backs will be damaged by construction and more likely not live. Once the building is in place, there will be no way for dead trees to come down.

b.) The lot has a narrow width/frontage of 75' and it has 2 existing power poles on the South side of it. The trees situated in the setbacks being too close to the the power pole pose a safety/ fire hazards to public or individuals as it branches, trunks and leaves touch the electric line.

c.) The trees situated in the setbacks are potentially dangerous being high (approximately between 30'-40') and close to the proposed building and that if natural and catastrophic disaster come such as hurricanes (in which Louisiana is known for), tree falls may cause accidents, fatal injuries or even lost of lives and destruction of property.

d.) The roots of the trees within the setbacks around the proposed building had expanded and could expand 2-3 times it's crown width and are potentially destructive and can cause damages to the proposed concrete driveway, slab foundation of the building and even pipes as they can spread horizontally underground . It's overhanging branches which can easily break and snap off on high winds can also cause damages to the roof and block the gutters.

Thank you for your kind consideration and understanding.

Sincerely,

Pamela R. Barbee
We hereby propose to furnish the materials and perform the labor necessary for the completion of

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<th>Taking into Consideration Size of Lot &amp; Building Parameters Trees need to</th>
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<td>Be removed before construction. Trees will be damaged by construction.</td>
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<tr>
<td>More than likely not live once building in place. There will be no way for dead trees to come down.</td>
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All materials are guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for the above work and completed in a substantial workmanlike manner for the sum of

Dollars ($__________ ) with payments to be made as follows.

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Signature

Acceptance of Proposal

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date 9/20/19

Signature

Note — this proposal may be withdrawn by us if not accepted within ____ days.
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". No, trees within the setbacks pose a safety hazard, property damage and threat to power lines.

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. No, it does not constitute 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. No, it does not present a practical difficulty or unnecessary hardship. Please see attached arborist recommendation and permit.

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 affects 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. No, granting the variance/appeal will not constitute establishing a precedent.
ST. TAMMANY PARISH BOARD OF ADJUSTMENT
STAFF ANALYSIS REPORT

Case File Number: BOA Case No. 2019-1698-BOA (postponed from 12/03/19 meeting)
Initial Hearing Date: 12/03/19
2nd Hearing Date: 01/07/20
Date of Report: 12/27/19

GENERAL INFORMATION
Applicant & Representative: Jonathan Loris
Location of Property: 801 Green Leaf Circle, Madisonville, Louisiana.
Zoning of Property: PUD Planned Unit Development Overlay
Variance(s) Requested: Reduction of the required rear yard setback

OVERVIEW
Request by applicant to reduce the required rear yard setback from 25 feet to 20 feet to allow for a patio addition.

STAFF COMMENTS
The variance is being requested to allow for the construction of a patio addition, which would allow to approximately double the size of the existing patio and extend 5 feet into the rear setback. Staff is not in support of the requested variance considering that no evidence of hardship or practical difficulty have been demonstrated to warrant support the encroachment within the required rear yard setback. Moreover, it does not appear that the property has unique physical characteristics or conditions making it impossible to meet the setback requirements.
Neighbors,

I’m contemplating adding on to my back patio as well as installing a pool. The patio addition would require me to build beyond the standard setback restrictions that are currently in place. I’m asking the Parish for a 5’ variance. HOA initially said they would approve if the parish was OK with it. In order for the Parish to approve, I have to provide written consent from my neighbors. The pool design is preliminary, and subject to change the layout – I will not be going with the gravel/service area. At this point, it’s just an overall concept that I’m using to seek approval, and if it’s a go, I’ll be finalizing the particulars.

I’m asking you to review the documents included in this packet, and return to my mailbox at 801 Green Leaf Circle. Any questions, contact me at 985-259-5048.

Thanks,

Jon Lorio
Date: 9/21/19

Name: Jacob Rochelle
Address: 804 Green Leaf Cir

I, neighbor of Jon Lorio, at 801 Green Leaf Circle, Madisonville, LA 70447, have reviewed the proposed setback variance request (accompanied by rear yard proposed drawing), and I

X accept

___ deny

the setback variance of 20' at the rear in lieu of the parish requirement of 25'.

Signature:
Date: 9/10/19

Name: Jeremy James

Address: 805 Green Leaf

I, neighbor of Jon Lorio, at 801 Green Leaf Circle, Madisonville, LA 70447, have reviewed the proposed setback variance request (accompanied by rear yard proposed drawing), and I

X accept

_ deny

the setback variance of 20' at the rear in lieu of the parish requirement of 25'.

Signature: [Signature]
ST. TAMMANY PARISH BOARD OF ADJUSTMENT
STAFF ANALYSIS REPORT

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GENERAL INFORMATION

Applicant & Representative: Loretta Jarrell
Location of Property: 28132 Pine Cone Road, Abita Springs, Louisiana.
Zoning of Property: A-1 Suburban Zoning District
Variance(s) Request: After the fact variance to waive the required front, sides and rear no cut buffers.

OVERVIEW

Request by applicant for an after the fact variance, to waive the required 25 foot no cut buffer along the front and the 50 foot no cut buffers on the sides and rear of the property.

STAFF COMMENTS

The after the fact variance is requested to allow for the site to be developed/maintained as a pasture for horses. The owner is requesting to replant the site with certain species of trees that will not be harmful to the horses. Staff is not completely opposed to the request; however, a replanting plan shall be provided showing the proposed species & the location of trees to be planted, the proposed depth of the buffers and the timeline to complete the replanting.
Dear Helen,

I understand that tomorrow at 3pm there is a hearing regarding a variance on the land next to my land, which is located at 28088 Pine Cone Road.

I've attached an image here - it's not to scale, it's just to give some reference.

Regarding the replanting of timber, my wife and I strongly advise against permitting a variance. We own the property at 28088 Pine Cone, and my mother in law, Lisa Sigsworth, owns 28070 Pine Cone.

Since the clearing of the trees, we've run into essentially two main issues:
1. **Silt/Erosion**

There's no ground cover sufficient to prevent erosion. This area sees significant water flow across Pine Cone Road onto the cleared property, and that water can often times travel at a decent velocity and gets fairly deep (20 inches or so is not uncommon).

With the clearing and the trucking in of additional fill, the land is eroding rapidly and silt is infiltrating into the drainage ditch on the road frontage. It often fills the ditch completely, and I have on several occasions rented equipment to clear the ditch myself. The ditch being full causes water further towards 28070 to be unable to exit the property efficiently and causes more widespread flooding of the area vs. flowing through the ditch and the natural waterways.

The silt also crosses our land, building up silt piles on our land (28088) and ultimately winding up in the natural creek in the back of the property. This creek typically floods in a heavy rain, but now it is unable to handle the typical volume of water and backs up significantly more onto 28088 and 28070 pine cone road. This poses a few problems because now the water starts to rise getting much closer to the dwellings on both properties.

We would suggest to the property owner that some trees with dense root systems and a proclivity to requiring a lot of water. This will help slow the erosion and the flow of water over the land.

In our view, it would be simple enough to plant around the borders of the land and around the natural water flows on the property, while adding a settling pond, allowing a good portion of clear pasture land without impacting the neighboring plots.

I have had a conversation with the landowner and asked if he would like some help, tree plugs (we have many), and how we can work together to ensure both of our properties are usable and undamaged.

2. **Water flow**

The trees provided a significant consumption of water; In addition to the erosion issues, what's happening now is that water does not stay on the property very long, it flows right off into everybody else's land. While this may be an engineering issue, simply having plants that can consume a significant amount of water slows this flow and leads to less flooding on the property in question and surrounding properties.

I would like to re-iterate that we offered assistance to the land owner, Jeff, and tried to ensure we collaborated to make sure that he could use the land as he saw fit and we could avoid major impact to our land and the neighborhood. We offered trees and pine plugs, we offered to work with him and the parish to come up with a drainage plan that avoided the significant flooding of existing houses, we even offered to purchase the property and restore it to its' natural state. At some point, we requested a shared financial responsibility for bringing the property back up to the standards required by St. Tammany parish, at which point Jeff's attitude changed, and he pretty much refused to work with us in any capacity.

We do not wish to prevent his use of the land, only to ensure that the water and silt don't create constant problems that diminish property values and ruin the natural beauty of the land. We feel that the trees are an integral part of this, and could have been cleared much more prudently. We will offer the landowner whatever we can in terms of pine plugs, as we have hundreds of them at a perfect age to transplant.

--

Sean R. Maddox
210 721 1082
srmaddox@gmail.com
Ms Lambert,

Regarding the Variance request for Lot76 Oak Knoll Subdivision, the Golden Oaks/Oak Knoll Property Owners Association would like to oppose the granting of such a variance. The lot was cleared property line to property line, including along the creek that back of the property which has, and continues to caused issues for the surrounding neighbors. With the amount of fill brought in, of which the STP Planning and Zoning Engineers have deemed in violation as well, and without the tree buffers to control erosion neighboring properties are experiencing sediment running on their land hampering their drainage causing standing water. Sediment is also hampering the flow of creek at the back of the property, which also causes water to back up onto neighboring properties. The filling of Wet Lands, which is being investigated by the Army Corps of Engineers, as well as STP Watershed is also another concern affecting the flooding of the surrounding areas.

Further more, the filling of a creek that runs across the property from under Pine Cone has caused the road to become impassible due to flood waters for the first time in anyone's memory.

Several Pine Cone Rd residents have voiced their concerns to the property owners and felt those concerns were not taken into consideration.

As a neighborhood, and Association, we are welcoming of all new neighbors, we just need to insure that other neighbors are not negatively affected by their actions.

Respectfully,
Keith Brown, President
Regina Bourgeois, Vice President
Good Afternoon,
My name is Lisa Sigsworth and I live at 27080 Pine Cone Road. We have lived here for 3 years. When we bought the property from Kathryn Chaisson, our disclosure and FEMA paperwork ensured us that the property had never flooded. The most water they had seen would only come up to the very back of the property. Since the new neighbor clear cut the property and removed and clogged the seasonal waterways, the silt has caused our property to flood in the back almost to our home and also made the driveway impassable with any rainstorms. The trees prevented the silt runoff by soaking up the excess water and by keeping the dirt contained within the property boundaries. The sand and dirt he hauled in for his pad were not contained and they repeatedly floated out to further hinder the proper flow of the property. Our property has been adversely affected by the trees being clear cut and the waterways removed and blocked by the tree logging, barn/house pad dirt flow and the water no longer being contained, drained and soaked up by the trees and the natural waterways and wetlands. The natural wetlands have also been damaged in the back preventing the natural habitat to soak up the excess water and with the trees gone, the natural wetlands habitat has no protection. The trees need to be replaced to help with land management, waterway management and wetlands management. The natural streams need to be replaced along with the wetlands. Thank you for your consideration to the needs of our properties and homes.
Lisa Sigsworth
ST. TAMMANY PARISH BOARD OF ADJUSTMENT
STAFF ANALYSIS REPORT

Case File Number: BOA Case No. 2019-1731-BOA
Initial Hearing Date: 01/07/20
Date of Report: 12/27/19

GENERAL INFORMATION
Applicant: Lindsay Properties – Kim Lindsay
Representative: Ted Lindsay
Location of Property: 801 Asbury Drive, Mandeville, Louisiana.
Zoning of Property: HC-2 Highway Commercial Zoning District
Variance(s) Requested: Remove a live oak without mitigation.

OVERVIEW
The applicant is requesting to remove a live oak tree without in kind on site replacement of the trees and/or payment to the tree bank.

STAFF COMMENTS
The request consist of the removal of one live oak tree located within the southern buffer. The removal of the live oak is necessary due to the fact that the roots of the tree are growing into the septic system. After recent inspection, DEQ determined that the system has to be upgraded, resulting in the need to remove the live oak tree in question. Staff agrees that in kind replanting of live oak trees or other species of trees on the site is questionable, since there are a large number of existing trees within all the buffers. However, staff recommends payment to the tree bank.
Note: This is to certify that I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found the property described is not located in a special flood hazard area. It is located in Flood Zone "C."

FIRM Panel# 225205 0240E Rev. A Co. 975

Surveys of

LOTS 21, 22 AND 23, SQUARE 17,
CHINCHUBA SUBDIVISION, ST. TAMMANY PARISH, LOUISIANA

HENNING CONTRACTORS, INC.;
FIRST NATIONAL BANK OF COMMERCE;
LANDMARK TITLE

The servitudes and restrictions shown on this survey are limited to those set forth in the description furnished us and there is no representation that all applicable governmental restrictions are shown herein. The surveyor has made no title search or flatland search in compiling the data for this survey.

Surveyed in accordance with the Louisiana "Minimum Standards for Property Boundary Surveys" for a Class C Survey.

Date: 12-7-05
Survey No. 05557
Scale: 1" = 20'
Drawn By: JMM
Revised: 3/05

Professional Land Surveyors
Planners • Consultants
228 W. Causeway App. • Mandeville, LA 70448
(504) 624-5368 • FAX (504) 624-5309
Lindsay Properties LLC

Request for Variance

We are requesting to remove one live oak tree without mitigation due to the following: upgrade and repair septic system is required due to the more stringent DEQ parish requirements and septic system tree root damage. Removal of one live oak is necessary as it is growing into the septic system and must be removed to repair and upgrade the septic system. (The DMR septic system testing limits were changed after the septic system was already in place.) For these reasons, an updated septic system is required to comply with the more stringent testing limits for the septic system and repair root damage to the septic system which is located on the south side of the property (which is next to the street). The property/lot currently has ten full size oak trees. Because of the number of trees and the footprint of the building and paved parking area, there is limited replanting space. Successful replanting is questionable due to the number of existing trees and limited available light because of the size of the trees. Due to these mitigating circumstances and the financial hardship of these costs, we are requesting a variance without mitigation. Thank you for your consideration of this matter.

Kim Lindsay
ST. TAMMANY PARISH BOARD OF ADJUSTMENT
STAFF ANALYSIS REPORT

Case File Number: BOA Case No. 2019-1733-BOA
Initial Hearing Date: 01/07/20
Date of Report: 12/27/19

GENERAL INFORMATION
Applicant & Representative: Kirk J. Frosch
Location of Property: 816 Fawn Road, Mandeville, Louisiana
Zoning of Property: A-4 Single Family Residential Zoning District
Variance(s) Requested: Reduce the required side yard setback.

OVERVIEW
The applicant is requesting to reduce the required side yard setback from 10 feet to 6 feet, 4 & 1/8 inches for an accessory structure.

STAFF COMMENTS
The request is to allow for the construction of an accessory structure consisting of a garage, activity room & outdoor kitchen. As stated in the attached narrative, the proposed accessory building has to be elevated to meet the required flood elevation resulting in the need to provide landings and set-ups to the new structure and causing an encroachment into the 10’ required side yard setback. Staff is not in favor of the request considering that the size of the building could be reduced to meet the minimum side yard setback requirement.
Frosch Pool House and Garage
816 Fawn Street, Deerfield S/D. St.
Tammany Parish, LA
This letter is to request a variance to the required 10 foot sideline setback of the ordinances of St. Tammany Parish. The following facts and circumstances are presented for your consideration and support the granting of our request.

My wife and I planned improvements to our property consisting of two buildings. One was a garage and activity room and a second structure being an outdoor kitchen next to our pool. Our first set of plans were approved by the Deerfield Architectural Control Committee ("DACC") and had one structure 5 feet from the sideline. The plans were submitted to the St. Tammany Parish Department of Planning & Development to obtain a permit.

We were informed that the Parish began using the "proposed flood maps" for permitting purposes and it would require us to build the accessory buildings higher than originally proposed. A second set of plans were ordered and required landings and step-ups to the new structures. The landing between the pool deck and outdoor kitchen moved the building toward the 10 foot setback. The two buildings were combined into one structure to reduce the width associated with the step-up landings. The proposed building was also 5 feet from the sideline.

The second set of plans were then approved by the DACC and submitted to the Parish. The Parish informed us that the footprint of the structure exceeded the square footage limit allowed and went over the 10 foot setback. The person we hired to draw up the plans failed to inform us of these limitations and two sets of drawings and engineering plans had been completed and paid for.

We hired a new architect, with knowledge of the ordinance limitations, who worked the floor plans a number of ways to produce a footprint that complied with the square footage limit. However, the corner of the building extended over the 10 foot side setback.

The shape of our lot presents a hardship in that the rear is 150 wide and narrows to 58 feet front on Fawn. The road frontage is further reduced when taking out the curve of the cul-de-sac which reduces the frontage to 53 feet. The three angles of the "pie shaped" configuration of our lot has the left rear angle of 71 degrees (proposed location of improvement), right rear angle is 83 degrees and finishes with an angle of 25 degrees on the street side. The steep angle of the left sideline requires the structure to be placed further toward the rear of the lot and would require removal of mature trees.

Secondly, the brick used for the construction of the current home is no longer available. Therefore the brick will not match and the distance between the existing home and the improvements needs to be increased to make the difference less noticeable.

Finally, drainage of the property goes in 2 directions. The rear portion of the lot drains to the rear, which is a drainage branch running north/south along the rear boundary. The front portion drains to the street. The existing home has subsurface drainage from the rear downspouts that pass between the proposed outdoor kitchen and the pool decking. The placement of these drain lines were made by the installer who used the first set of the DACC approved plans. Subsequent plans have to consider the location of these drain lines which move the rain water to the rear of the lot and drainage branch.

The third set of plans have been approved by the DACC and our adjoining neighbors have no objection to the portion of the structure that goes beyond the 10 foot side setback line.

We believe that our request for a variance should be granted.
December 2, 2019

St. Tammany Parish
Board of Adjustment
Department of Planning & Development
P.O. Box 628
Covington, LA 70434

RE: Appeal Request of Kirk and Nicole Frosch
816 Fawn Rd. – Lot 7 Deerfield Subdivision Phase 2

To whom it may concern:

We are the owners of Lot 8 of Deerfield Subdivision Phase 2. Our lot is adjacent to the Frosch’s home. They have provided me with plans of their intended improvements.

The proposed structure would be located between our home and the Frosch’s home.

This letter will confirm that I have reviewed the Frosch’s planned improvements which encroaches into the 10 foot setback line from the boundary line between our properties. Our home is thirty-six feet from the property line and over forty-two feet from the nearest corner of the proposed building.

This letter will confirm that we do not object to said encroachment and ask that you approve the setback variance request to allow the Froschs to obtain a building permit.

With best regards we are,

Jeffery J. Roach

Jamie C. Roach
12/1/2019

Kirk Frosch
Nicole Frosch
816 Fawn Drive
Mandeville, LA 70448

Dear Kirk Frosch & Nicole Frosch:

The DACC members, have reviewed your most recent application for a structural addition and modifications for your home at 816 Fawn Road in the Deerfield Property Owner's Association. The DACC has approved these plans and have no objection to the proposed structure being 6 feet 4 1/8 inches from the sideline.

Please keep a copy of this approval letter for your personal records.

Your cooperation regarding this project has been appreciated.

Sincerely,

Leigh Ann Wilson, Manager
GNO Property Management
504 528-7028
GENERAL INFORMATION

Applicant & Representative: Jacob & Angelina Van Wynen.
Location of Property: 147 Bertel Drive, Covington, Louisiana.
Zoning of Property: A-3 Suburban Zoning District
Variance(s) Requested: After the fact variance to waive the required 10 foot side yard setback

OVERVIEW

The applicant is requesting an after the fact variance to waive the required 10 foot side yard setback for an accessory structure.

STAFF COMMENTS

After locating the property corners, the applicant determined that the accessory structure is currently located 7 feet from the side property line. The variance is requested to be amended, to reduce the side yard setback from 10 feet to 7 feet. Although the size of the setback variance request has been reduced, staff is not in favor of the request considering that no evidence of hardship or practical difficulty have been demonstrated to warrant support the encroachment within the required rear yard setback. Moreover, it does not appear that the property has unique physical characteristics or conditions making it impossible to meet the setback requirements.
Note: According to F.E.C. Flood Insurance Rate Map, this property is located in Flood Zone "C".

Building Setback Lines:
Front: 50'
Side: 20'
Rear: 25'


This Survey is Certified True and Correct by:

[Signature]
Professional Land Surveyor
Registration No. 6423

Survey No. 86487
Date: September 28, 1988

St. Tammany Parish Clerk of Court Inst #70048

Lot 9

Lot 10 "P"

Lot 11

PINE DRIVE

Hilton

190.15'

346.5'

Fnd Iron Pipe

151.5'

147 Bertel Drive

Fnd Iron Pipe

32.9'

23.8'

44'

44'

15.9'

22'

Concrete Drive

Residence

Wood Deck

Screened Porch

Building Setback Lines

LOT 4

LOT 3

LOT 2

LOT 1

LOT 12.5' Servc.

LOT 6.9'

LOT 5'~

LOT 5'

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LOT 1.
The shed in question sits in the south west corner of our property. It lays on a foundation which was built as part of its installation. To build the foundation, they leveled out the area and installed large cinderblocks to support the structure and ensure its permanence on the site. Additionally, we have large bushes and trees in the surrounding area, making it unreasonably difficult and expensive to move it.

When we purchased this shed, we wanted to make sure that it was installed to withstand all of the many possible weather disasters common in this area. Subsequently, these added methods of security make it all the more difficult to change the location.
December 2, 2019

To Whom It May Concern:

My name is Karen Daigle and I live at 149 Bertel Drive in Covington, Louisiana. I have lived adjacent to Mr. and Mrs. Jacob and Angelina Van Wynen and their family for 3 years. I have been aware of the shed since it was constructed. I approve of its location and size in our neighborhood.

If you have any questions or concerns, please feel free to contact me at (985) 898-0028.

Sincerely,

Karen Daigle
December 2, 2019

To Whom It May Concern:

We are Kim and Roger Kocken. We reside in the Country Club Estates at 144 Fairway Drive in Covington, Louisiana. Our property is directly behind Jacob and Angelina Van Wynen's property. When they purchased their new shed, we watched with the Van Wynen family as they constructed it. We were then and we continue to be in favor of its presence and its size. We find no issue with its presence on the property.

Sincerely,

Kim Kocken

Roger Kocken
December 2, 2019

Dear Committee Members:

My name is Tom Schoen and I at 145 Bertel Drive in Covington, Louisiana in the Country Club Estates. I have been the eastern neighbor to Jacob and Angelina Van Wynen for 3 years (since they moved into the neighborhood).

I approve of the shed being in its current location. The Van Wynens purchased the shed new and take great care of its appearance. Its presence adds to our neighborhood.

I gladly write this letter as evidence of my approval and would be happy to answer any further questions or statements you may need to make your decision.

Sincerely,

Tom Schoen