

AGENDA
ST. TAMMANY PARISH BOARD OF ADJUSTMENT MEETING
TUESDAY, FEBRUARY 3, 2015 - 3:00 P.M.
ST. TAMMANY PARISH GOVERNMENT COMPLEX BUILDING
21490 KOOP DRIVE, PARISH COUNCIL CHAMBERS
MANDEVILLE, LOUISIANA

CALL TO ORDER

ROLL CALL

APPROVAL OF THE JANUARY 6, 2015 MINUTES

PUBLIC HEARINGS

BOA CASE NO. 15-01-003

Request by applicant for a variance of a rear yard setback requirement from 25' required to approximately 10' requested in an A-4 Single Family Residential zoning district. The property is located at 103 Choctaw Place in Beau Chene Subdivision, Mandeville, Louisiana.

Applicant: Chris Monaghan

(POSTPONED AT THE JANUARY 6, 2015 MEETING)

BOA CASE NO. 15-02-005

Request by applicant for a variance of Chapter 7 of the St. Tammany Parish Code of Ordinances, Drainage and Flood Control, Article I, relative to the placement of fill on property, in an A-4 Single Family Residential District. The property is located at 70082 6th Street in Tammany Hills Subdivision, Covington, Louisiana.

Applicant: Heivert M. Castaneda

BOA CASE NO. 15-02-006

Request by applicant for a variance of a rear yard setback requirement in a Planned Unit Development zoning district from 10' required to approximately 3' requested. The property is located at 80 Hummingbird Lane, in Tchefuncta Club Estates Subdivision, Covington, Louisiana.

Applicant: Harrison Custom Homes, L.L.C.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

MINUTES

ST. TAMMANY PARISH BOARD OF ADJUSTMENTS MEETING

3:00 PM - TUESDAY, JANUARY 6, 2015

**LA HIGHWAY 59/KOOP DRIVE ADMINISTRATIVE COMPLEX BUILDING
MANDEVILLE, LOUISIANA**

The January 6, 2015 meeting of the St. Tammany Parish Board of Adjustments was called to order by the Chairman, Mr. Tim Fandal.

The roll was called as follows:

PRESENT: Mr. Fandal, Mr. Brookter, Mr. Schneider, Mr. Gordon and Mr. Ballantine

ABSENT: None

STAFF PRESENT: Mr. Keller and Mr. Sevante

ELECTION OF OFFICERS

It was moved by Mr. Ballantine and seconded by Mr. Gordon to reelect the current officers, Mr. Fandal, Chairman and Mr. Brookter, Vice-Chairman, for the year 2015.

MOTION CARRIED UNANIMOUSLY

APPROVAL OF THE MINUTES

Moved by Mr. Brookter and seconded by Mr. Ballantine to accept the December 2, 2014 minutes as typed and delivered.

BOA CASE NO. 15-01-001

Request by applicant for a variances of height, setback buffers and fall radii for a cellular tower in an A-1 Suburban zoning district.

Applicant: St. of Louisiana

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

(Mr. Alex Mills, 1416 Stillwater Drive, Mandeville, LA appeared on behalf of the applicant.)

Mr. Ballantine: Regarding the fall radius, will the tower collapse upon itself?

(Mr. Kevin Goodbee, the project engineer appeared and stated that the tower would fall upon itself if a catastrophic event occurs and would not fall on any adjacent neighbors property.)

(Mr. Gordon and Mr. Schneider expressed concern as to why the applicant needed relief from the perimeter buffers?)

Mr. Mills: We only need relief where the guy wire anchors are located within the buffers.

(Mr. Carlo Hernandez appeared, 2818 Mesa Court, Mandeville, LA appeared and stated that the zoning for this case was to be held tonight and wondered why this case could be heard now?)

Mr. Keller: This variance can be approved subject to the zoning going through, and besides, the parish would not issue any building permits until the zoning was approved.

Mr. Gordon: I understand the need, but this is a matter that I think should be handled by the council... I can't support this.

It was moved by Mr. Ballantine and seconded by Mr. Brookter to grant the variances as requested subject to the rezoning being approved, perimeter planting buffers to be planted except where the anchors for the guy wires are placed, and the recommendations from the staff that the applicant receive all of the required approvals from Federal and State agencies relative to the tower height.

MOTION CARRIED 4 YEAS TO 1 NAY

BOA CASE NO. 15-01-002

Request by applicant for a variance of a rear yard setback requirement from 21.7' required to approximately 15' requested in an A-4 Single Family Residential zoning district.

Applicant: Roger Warner

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

The applicant appeared on his own behalf.

Mr. Ballantine: Do you have anything from your neighbor?

Mr. Warner: I own and live on the property to the rear.

Mr. Gordon: I'm very familiar with this area and it has a number of trailers that are in violation of setbacks.

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

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 15-01-003

Request by applicant for a variance of a rear yard setback requirement from 25' required to

approximately 10' requested in an A-4 Single Family Residential zoning district.
Applicant: Chris Monaghan

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

The applicant was not present; therefore, it was moved by Mr. Schneider and seconded by Mr. Ballantine to postpone this case until the next meeting.

MOTION CARRIED UNANIMOUSLY

BOA CASE NO. 15-01-004

Request by applicant for a variance of the parish's fill ordinance pursuant to parish code.
Applicant: Danny M. Martin

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

The applicant appeared on his own behalf.

Mr. Schneider: I don't think this should come before us; therefore, I move that the fee be refunded.

(Discussion ensued amongst the board and legal counsel regarding if the fee was refundable and if the case was being reviewed in the proper venue...)

(Mr. Sevante, legal counsel for the board, stated that in his opinion, this case was under the purview of the board to consider a variance of the fill ordinance; therefore, the fee could not be refunded.)

(Ms. Sabrina Schneik appeared representing the engineer department and stated the following:

- These lots are in the "areas of special concern" (drainage).
- There was a permit issued in error prior on an adjacent lot.
- Mr. Martin thought because he got approval for the first lot that he could do the other three lots by placing fill.
- The lots in question are on the fringe of the "areas of special concern" and would not have any adverse impact to the area so the engineering department does not have any objection to the variance request.

(Mr. Sevante reiterated that the board of adjustments is the proper venue in which to dispense of this case.)

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

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

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. 15-01-003
Initial Hearing Date:	January 6, 2015
Date of Report:	December 18, 2014

GENERAL INFORMATION

Applicant(s) Name:	Chris Monaghan
Location of Property:	103 Choctaw Place, Mandeville, Louisiana
Zoning of Property:	A-4 Single Family Residential
Variance(s) Requested:	Rear yard setback

OVERVIEW

The applicant wishes to connect a breeze way from behind his dwelling to a proposed a garage in the rear of his property.

STAFF COMMENTS

Technically, a variance is required due to the fact that the garage is “attached” to the main dwelling via a breeze way; however, if the breeze way was simply detached from the main structure by as little as an inch, the garage and breeze way would be considered as an accessory structure and would be in compliance with parish code.

Additionally, the parish has had interpretation issues in the past relative to this kind of situation and the applicant may have been advised prior that what he proposed would be permissible since the breeze way is not enclosed by walls.

Therefore, for the reasons as stated above, and the fact the Beau Chene HOA as no objections to the proposal, the staff has no objections to the variance request

BOA CASE NO. 15-01-003 (for office use only)

**ST. TAMMANY PARISH BOARD OF ADJUSTMENT
(VARIANCE/APPEAL APPLICATION FORM)**

(Please print on the following lines below. If a company, please include a contact person name also.)

APPLICANTS NAME: Chris Monaghan (2014-20039)

MAILING ADDRESS: 4848 Hwy 22 Apt 316

CITY/STATE/ZIP: Mandeville, LA 70471

PHONE NUMBER: 985-801-5272 985-276-8156
(Home Phone #) (Cell Phone #)
work

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

103 Choctaw Pl Mandeville LA Beau Chene
Address City State Subdivision (if applicable)

(Please check the applicable boxes below:)

REQUEST FOR:

- ☒ A variance of the (Unified Development Code)
☐ Appeal of an adverse decision made by a parish official(s)
☐ Appeal the interpretation by a parish official(s) of the (Unified Development Code)

VARIANCE/APPEAL REQUESTED:

- ☒ building setbacks (reduction of front, side and/or rear yard setbacks)
☐ landscape buffers (reduction of front, side and/or rear yard buffer setbacks)
☐ landscaping within buffers (reduction of the number of trees, bushes and/or shrubs)
☐ parking area requirements (reduction of parking stalls, parking greenspace islands, etc...)
☐ signage requirements (increase of sign area and/or sign height, lighting, coloring, etc...)

☐ other

(Specify other variance/appeal on line above)

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

Example: Applicant is requesting a variance for a front yard setback requirement from 25' required by the parish, to approximately 20' requested.

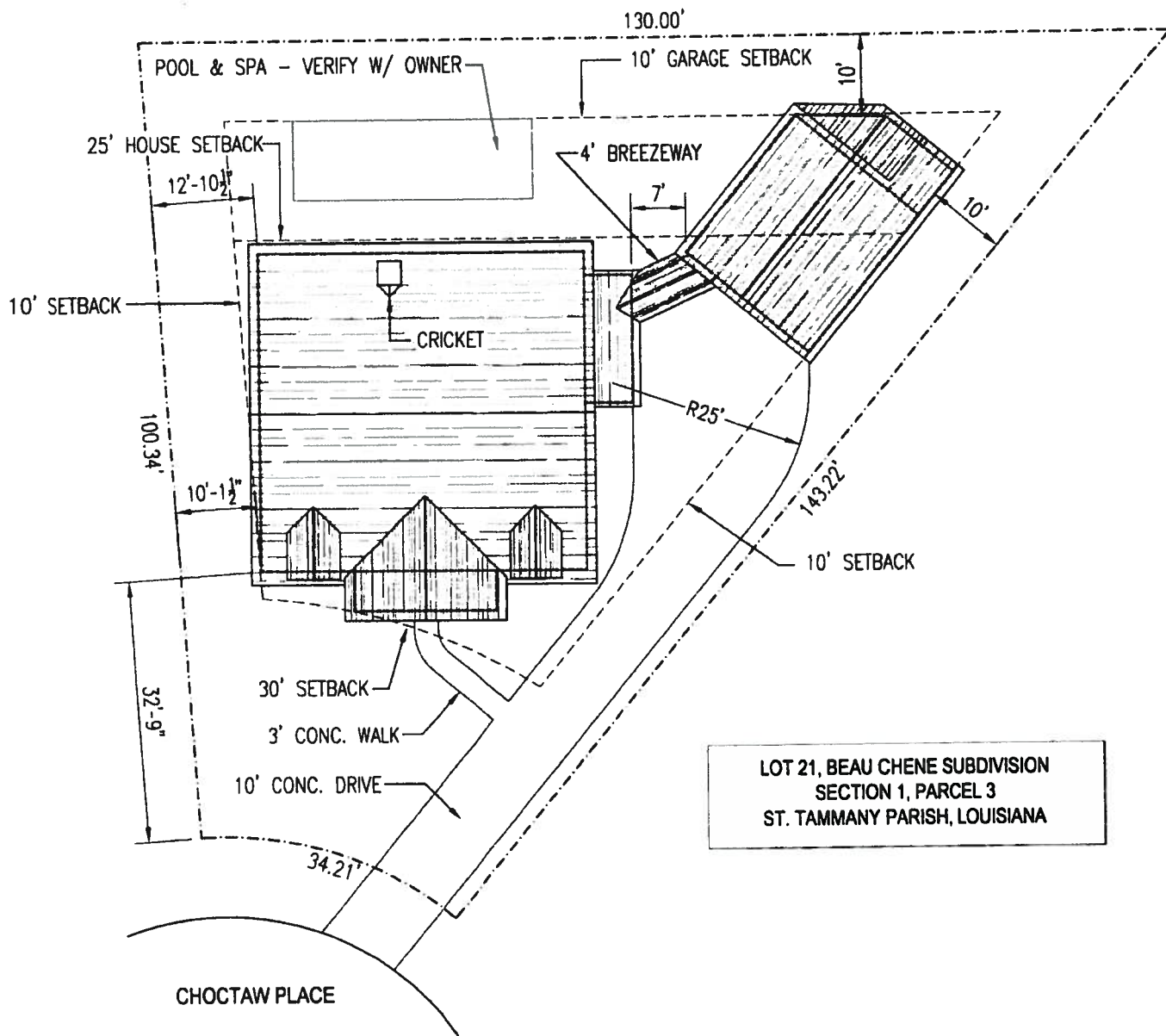
I am requesting a variance for a rear yard setback from
25' required by the parish to 10' (detached garage structure
only) connected by breezeway only.

Chris Monaghan
SIGNATURE OF APPLICANT

11/25/2014
DATE OF APPLICATION

Variance/Appeal Requested – Chris Monaghan Permit # 2014-20039

I am applying for a variance for the rear yard setback from 25' required by the parish to 10' requested by the applicant (detached garage structure only on back corner of lot). I would like to install a breezeway (roof only) to connect the house to the detached garage. This was discussed via phone on June 6, 2014 with Ron Keller and I was told that no variance was needed since the breezeway is not an enclosed structure. The house plans were approved by Beau Chene's HOA.



SITE PLAN

1" = 20'

Feb 10 11 03:12p

STOLBERG

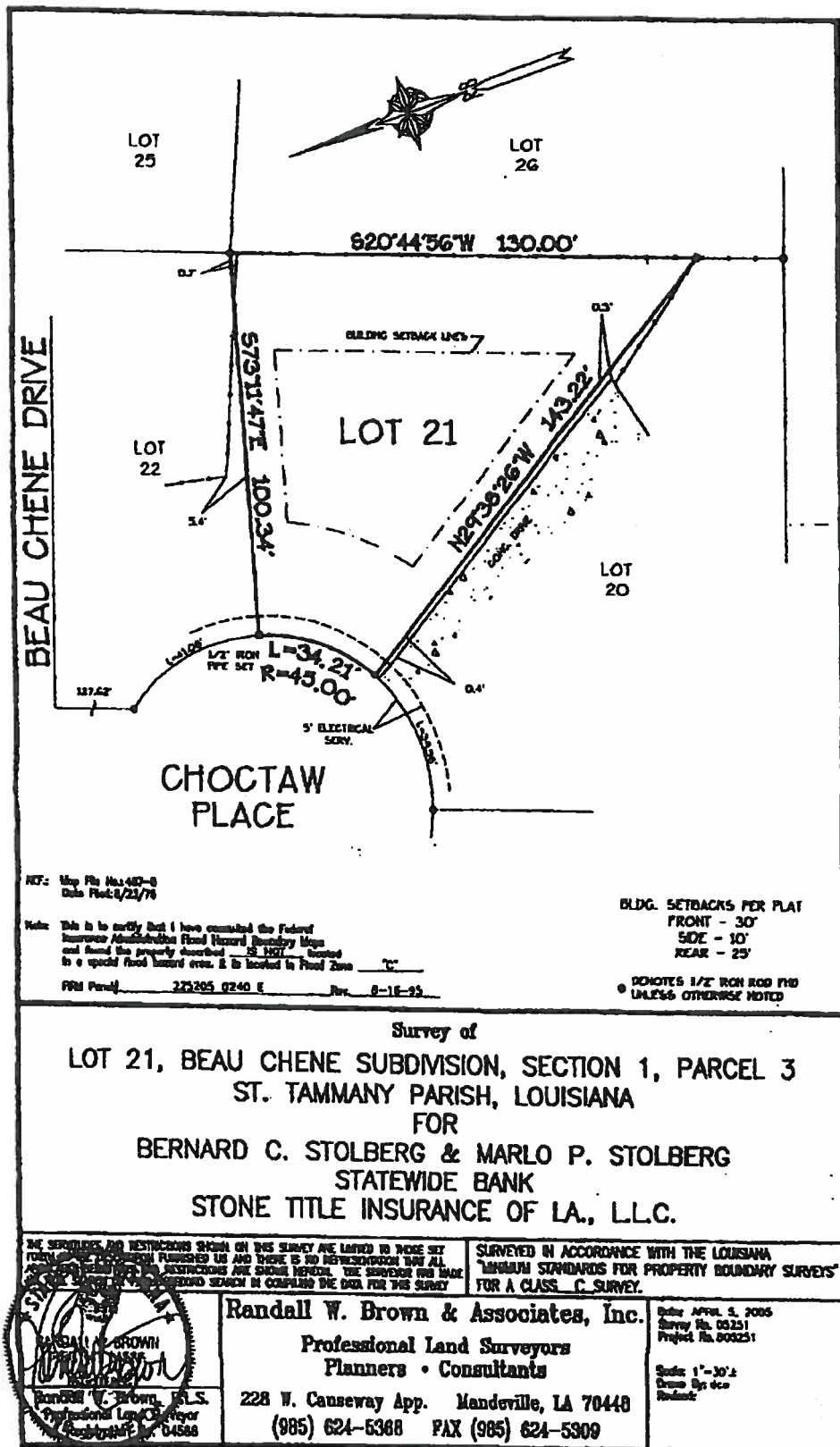
4699526471

P. 1

APR-06-05 10:38 AM RANDALL W BROWN ASSOCS

9856245309

P. 03



BEAU CHÊNE HOMEOWNERS ASSOCIATION, INC.

105 Beau Chêne Blvd., Suite 100

Mandeville, LA 70471

www.bchoa.org

(985) 231-6285

Fax (985) 231-6286

June 5, 2014

Chris and Stacey Monaghan
4840 Hwy. 22 Apt. 316
Mandeville, LA. 70471

Re: Lot 121

Dear Chris and Stacey:

The Environmental Control Committee has approved the plans and specifications submitted for the construction of a dwelling on the above site. Please note that trees may be removed to construct approved structures, but otherwise sound hardwood trees over 6 inches in diameter measured 2 feet above the ground can not be removed without permission of the Committee. And if removed, such trees must be replaced within a year with a hardwood tree at least 2 inches in caliper and at least 6 feet tall. The dwelling must be built as approved, or the Committee must approve any changes. The colors of all exterior materials (brick, paint and roof) are subject to approval by the Committee. This approval is good for six months from the date of this letter.

Please come by the Administrative Office at 105 Beau Chene Blvd., Beau Chene Community to pick up a set of approved plans, permit, minimum construction guidelines, including policies regarding builder and real estate signs.

Before excavation work begins to locate and connect to utility lines for a new residence, LA One Call should be called at 1-800-272-3020 to mark the location of existing utility lines. This will help avoid damage that may require repairs chargeable to you.

Please note that Section K of the Construction Guidelines requires you to advise your plumbing contractor that before back filling the water and sewer connection excavations, an inspection of the connections must be made by a Beau Chene Homeowners Association representative. This will be enforced and those not in compliance will have to excavate the connections again for inspection.

Contractors are reminded that construction is to begin no earlier than 7:00 A.M. on weekdays and 8:00 A.M. on weekends. Also, no construction that disturbs the peace should continue after dark. If you have any questions, please feel free to contact me at 231-6285.

Sincerely Yours,



William E. Maier
ECC Secretary

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

Case File Number:	BOA Case No. 15-02-005
Initial Hearing Date:	February 3, 2015
Date of Report:	January 20, 2015

GENERAL INFORMATION

Applicant(s) Name:	Heivert Castaneda
Location of Property:	70082 6 th Street, Covington, Louisiana
Zoning of Property:	A-4 Single Family Residential
Variance(s) Requested:	Fill ordinance requirements

OVERVIEW

The applicant is requesting a variance from the parish's "fill ordinance", specifically, Chapter 7 Drainage and Flood Control, Article I., Section 77-002.00 (see attached).

The applicant wants to eliminate the parish's special fill requirements relative to Item 8. of said ordinance. This ordinance was created in order to protect sensitive drainage areas relative to flood protection by limiting the amount of fill that could be placed on lots for development.

STAFF COMMENTS

Pursuant to the "fill ordinance", the board of adjustment is charged with the authority and responsibility to review any variances requested relative to this matter.

According to a letter from the Department of Engineering dated December 23, 2015 (see attached), they have no objections to the variance requested.

BOA CASE NO. 15-02-005 (for office use only)

**ST. TAMMANY PARISH BOARD OF ADJUSTMENT
(VARIANCE/APPEAL APPLICATION FORM)**

(Please print on the following lines below. If a company, please include a contact person name also.)

APPLICANTS NAME: Heivert Castaneda

MAILING ADDRESS: 70082 6TH ST

CITY/STATE/ZIP: Covington LA 70433

PHONE NUMBER: 985-630-9127 985-502-0830
(Home Phone #) (Cell Phone #)

PROPERTY LOCATION FOR VARIANCE REQUESTED: ZONING: A-4

70082 6TH ST Covington LA Tammany Hills
Address City State Subdivision (if applicable)

(Please check the applicable boxes below:)

REQUEST FOR:

- ☐ A variance of the (Unified Development Code)
- ☐ Appeal of an adverse decision made by a parish official(s)
- ☐ Appeal the interpretation by a parish official(s) of the (Unified Development Code)

VARIANCE/APPEAL REQUESTED:

- ☐ building setbacks (reduction of front, side and/or rear yard setbacks)
- ☐ landscape buffers (reduction of front, side and/or rear yard buffer setbacks)
- ☐ landscaping within buffers (reduction of the number of trees, bushes and/or shrubs)
- ☐ parking area requirements (reduction of parking stalls, parking greenspace islands, etc...)
- ☐ signage requirements (increase of sign area and/or sign height, lighting, coloring, etc...)

☒ other waiver of "Bill Ordinance"
(Specify other variance/appeal on line above)

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

Example: Applicant is requesting a variance for a front yard setback requirement from 25' required by the parish, to approximately 20' requested.

[Signature]
SIGNATURE OF APPLICANT

12/25/2014
DATE OF APPLICATION



St. Tammany Parish

Department of Engineering

P. O. Box 628

Covington, LA 70434

Phone: 985.898.2552

Fax: 985.867.5110

e-mail: eng@stpgov.org

Pat Brister

Parish President

12-23-14

Heivert Castaneda
70082 6th Street
Covington, LA 70433

RE: Proposed fill variance for 70082 6th Street

The St. Tammany Parish Department of Engineering has no objection to a variance being granted for the elimination of the special fill requirements placed on these lots under the "area of special concern" portion of the fill ordinance with regards to the concrete recently installed. A site visit was made to this lot by Thomas Glaser, a residential drainage inspector in the Permits Department, LiDAR was checked for land elevations in the area, and survey elevations were taken for this lot. See the attached survey.

It was determined that these special fill restrictions are not necessary for this lot with regards to the work already completed. The inspector determined that no adverse drainage impacts were created. The LiDAR showed that this lot was higher historically than the lower lots in this area.

* { For this lot, specifically related to what was done, the fill and concrete above natural grade is not allowed by ordinance. The intent was to prevent loss of storage of floodwater during storm events up to the 100 year event. In the case of this lot, the fact that it is higher than the adjacent lots and the fact that the lot is higher than 11th Street where water backs up means that no floodwater storage need is anticipated. }

Thanks

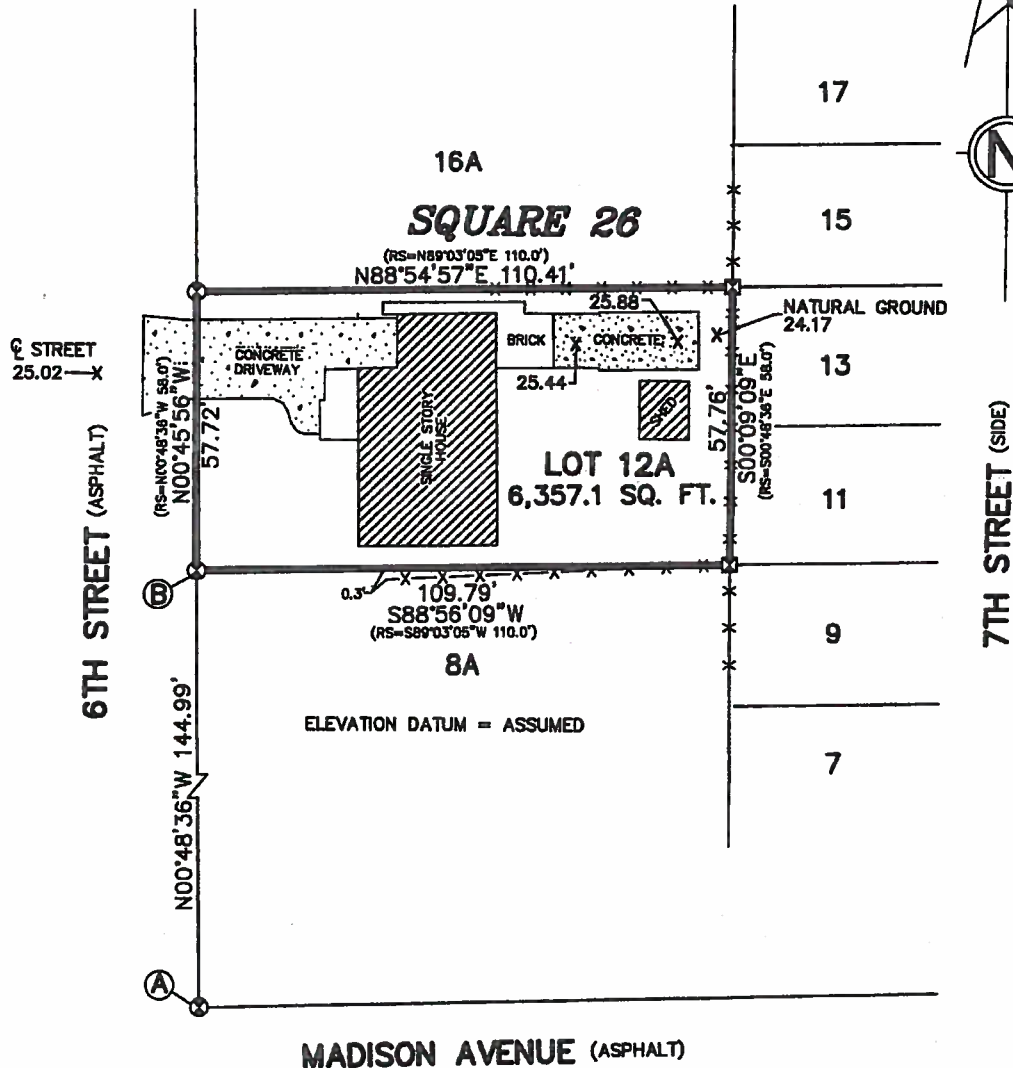
Paul Carroll, P.E.
Drainage Engineer
St. Tammany Parish, Dept. of Engineering

xc: Alycia Adams
karimecastaneda@bellsouth.net
Ron Keller

985-502-08-30

JEFFERSON AVENUE (SIDE)
(NOT CONSTRUCTED)

REFERENCE BEARING:
Iron Rod A to Iron Rod B
N00°48'36"W
(per Reference Survey)



NOTES:

1. This property is located in Flood Zone C, per F.E.M.A. Map No. 225205 0235 C, dated October 17, 1989.

2. Building Setback Lines must be verified by St. Tammany Parish Planning Department.

LEGEND

- ☒ = FENCE CORNER POST FOUND
- ⊙ = 1/2" IRON ROD FOUND
- RS = REFERENCE SURVEY
- X = ELEVATION

THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES AND/OR RESTRICTIONS HAVE BEEN SHOWN HEREON. ANY SERVITUDES AND/OR RESTRICTIONS SHOWN ON THIS PLAT ARE LIMITED TO THOSE SET FORTH IN THE DESCRIPTION AND/OR INFORMATION FURNISHED THE UNDERSIGNED. A TITLE OR PUBLIC RECORD SEARCH FOR SUCH INFORMATION WAS NOT MADE BY THE UNDERSIGNED IN COMPILING DATA FOR THIS SURVEY.

REFERENCE SURVEY:

Survey for T.C.I. Builders, Inc. by Ned R. Wilson, Surveyor, filed St. Tammany Parish Clerk of Court Map File No. 3134C.

(985) 892-1549

John G. Cummings and Associates
PROFESSIONAL LAND SURVEYORS

FAX (985) 892-9250

503 N. JEFFERSON AVENUE

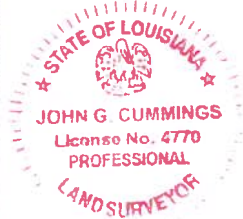
COVINGTON, LA 70433

PLAT PREPARED FOR: **Heivert Castaneda**

SHOWING A SURVEY OF: LOT 12A, SQUARE 26, TAMMANY HILLS SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 7 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA.

THIS PLAT REPRESENTS A PHYSICAL SURVEY MADE ON THE GROUND BY ME, OR THOSE UNDER MY DIRECTION, AND IS IN ACCORDANCE WITH THE APPLICABLE STANDARDS OF PRACTICE AND BEARS A CLASS C SURVEY.

PROFESSIONAL LAND SURVEYOR



SCALE: 1" = 30'

JOB NO. 14352

DATE: 12-16-2014

REVISED:

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4768AA

ORDINANCE COUNCIL SERIES NO. 12-2736

COUNCIL SPONSOR: MR. ARTIGUE

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. ARTIGUE

SECONDED BY: MR. BINDER

ON THE 5TH DAY OF APRIL, 2012

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 7 DRAINAGE AND FLOOD CONTROL, ARTICLE 1 SECTION 7-002.00 USE OF FILL MATERIALS PROHIBITED, TO PROVIDE FOR ADDITIONAL AREAS OF SPECIAL CONCERN AND REGULATIONS RELATED THERETO.

WHEREAS, Section 7-002.00B(1)(g) of the Drainage and Flood Control regulations sets forth the criteria for defining An Area of Special Concern. The area generally surrounding Lakeview Drive and Carr Drive, which is more particularly described herein below, is a coastal reclamation area that has been determined by the Department of Engineering, after careful consideration of the available data, to be an area that is particularly susceptible to adverse drainage, flooding and storm related impacts that are likely to result from continued development and fill in this coastal area; and

WHEREAS, after considering the regulations and the determination of the Department of Engineering, it is in the best interest of the public health, safety and welfare that the aforesaid area, which is more particularly described herein below, be included as An Area of Special Concern in order to address the adverse drainage, flooding and storm related impacts that are likely to result from continued development and fill within said coastal area.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Chapter 7, Article 1 Section 7-002.00 Use of Fill Materials Prohibited, is hereby amended and reenacted to include the area generally surrounding Lakeview Drive and Carr Drive as an Area of Special Concern, which area is more particularly described herein below, to provide additional criteria applicable to such area, and to provide as follows:

ARTICLE I IN GENERAL

SEC. 7-002.00 Use of Fill Materials Prohibited:

A. ADVERSE DRAINAGE IMPACT: It shall be prohibited to place fill or construct improvements on any parcel of property so as to cause adverse drainage impacts on any adjacent parcel.

B. PLACEMENT OF FILL MATERIAL:

1. Definitions:

(a) Net Fill: For purposes of this ordinance, "net fill" is defined as the placement of any fill material that results in any increase in the surface elevation of property from its natural or pre-development state.

(b) Critical Drainage Area - A critical drainage area is an area determined by the St. Tammany Parish Department of Engineering, after careful consideration of the available data, to be of critical importance for its role in the conveyance, moderation or storage of storm water. Areas within this designation include, but are not limited to, the following:

1. Areas anticipated to be inundated by a 100-year storm event, including areas adjacent to streams, upland areas, and areas of isolated or permanent flooding.

2. Areas of concentrated storm water flow, including but not limited to concentrated sheet flow, channelized flow, and natural hydrologic features or channels of all types and sizes.

3. Any area designated by FEMA as Flood Hazard Area A, V, or the equivalent, indicating inundation during a 100-year event.

4. Areas included within wetlands as defined by the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual.

5. Those areas that are designated as a Critical Drainage Area on the most current Critical Drainage Area Map that is on file in the office of the St. Tammany Parish Department of Engineering.

(c). Critical Drainage Area Map - The official Critical Drainage Area Map is generated and maintained by the Department of Engineering. The map will be periodically revised, based on information and data available at the time, in an effort to provide reasonably updated information to the public regarding the areas of the Parish considered to be Critical Drainage Areas.

(d). Approved Development Plan - An approved development plan may be a properly issued building permit, commercial drainage plan approval, subdivision preliminary work order, or a fill plan approved by the Department of Engineering.

(e). Natural Ground - Natural Ground is the natural or pre-development elevation of the property, prior to any surface alteration work being performed.

(f). Lots and Parcels Ninety (90') Feet or Less in Width - The determination of whether a lot or parcel is ninety (90') feet in width or less is to be made by averaging the measurement of the width of the property at the point of the rear roof line of an existing or proposed principal structure and the measurement of the width of the property at the front boundary line. The rear roof line is the point where the roof is closest to the rear boundary.

(g). An Area of special concern is an area that is experiencing development without an approved hydrological plan for the area and, although it may not be located within a critical drainage area, has been determined by the St. Tammany Parish Department of Engineering, after careful consideration of the available data, to be an area that is particularly susceptible to adverse drainage and flooding impacts that are likely to result from continued development and fill, necessitating the application of specific fill and building regulations to address those impacts.

2. Net fill prohibited:

(a) Net fill shall be strictly prohibited in any Critical Drainage Area and on any lot or parcel ninety (90') feet or less in width, except with an approved development plan or with the express written consent of the Department of Engineering. The procedures and guidelines outlined herein shall apply to any request to place any fill in a Critical Drainage Area or on any lot or parcel ninety (90') feet or less in width.

(b) A lot or parcel of property shall be deemed to be located in a critical drainage area when any part thereof is located within a critical drainage area. Net fill shall not be placed on any part of such property, except with an approved development plan or with the express written consent of the Department of Engineering.

3. All fill/excavation activities within jurisdictional wetlands shall secure all necessary permits from the US Army Corps of Engineers and any other relevant local, state, or federal agencies before such activities are commenced.

4. Procedures

(a). Any request for approval to place fill on a lot or parcel governed by this ordinance shall include a detailed description of the fill activity and a completed "Existing and Proposed Grade Elevation Form" prepared by a Licensed Civil Engineer or Land Surveyor. The following information shall be included:

1. volume of fill to be placed,
2. the footprint of the fill work,
3. volume and source location of any excavation work,
4. the location of the ultimate disposition of the spoil being removed
5. the direction of water flow across the site,
6. a profile through the construction footprint showing the natural and finished elevations of the site, and
7. the sediment retention measures proposed for the site.

(b). Upon receiving approval to fill by the Department of Engineering, whenever a concrete slab or any other structural foundation of a permanent nature is to be constructed, the applicant or builder shall certify, after excavation of the site and prior to pouring any concrete or installing any permanent foundation, that the foundation is ready to be installed and that all fill work complies with the relevant standards. The foundation shall not be poured or installed prior to certification and inspection.

(c). Prior to the issuance of the certificate of occupancy, the applicant or builder shall submit an official survey which confirms compliance with the provisions of this ordinance. A final drainage inspection by the Department of Engineering shall be conducted to verify compliance with these standards, and no certificate of occupancy shall be issued unless and until compliance has been verified.

5. General Residential Fill Standards:

The placement of fill material on any lot or parcel located within any Critical Drainage Area shall be permitted only after a development plan has been submitted and approved by the Department of Engineering. In the event that the Department of Engineering determines that fill work is permitted on the particular parcel, the fill work must comply with the following specific standards:

(a). In some cases, subject to the discretion of the Department of Engineering, excavation of existing soil and its replacement with fill is permissible at the site provided it can be demonstrated to have no increase in the natural ground elevation and no net impact on the function of the Critical Drainage Area.

(b). Fill shall be limited to the roof shed area of the proposed primary structure and access to the site and shall not exceed that which is necessary to prepare an adequate building footprint.

(c). Site improvements (roads, structures, fill, etc.) shall not impede natural drainage pathways or parish road or drainage easements, servitudes, or rights-of-way.

(d). Fill for driveways must not exceed 6 inches above natural ground elevation except where fill is part of the foundation for the main residence, carport, or garage. Fill may also be placed to soften the transition between elevations to a slope not less than four horizontal feet to every one vertical foot.

(e). Fill may be authorized by the Department of Engineering, in those cases where, due to the size and location of the parcel of property, on-site or off-site mitigation can be provided and the Department of Engineering also determines that there will be no loss of flood plain storage, no loss of stream flow capacity and that the applicant demonstrates that no adverse impacts will occur to adjacent properties, to other properties within the subject watershed, and to the function of the Critical Drainage Area.

6. Lots Ninety (90') Feet or Less in Width

The placement of fill material on any lot or parcel ninety (90') feet or less in width shall be permitted only when a development plan has been submitted and approved by the Department of Engineering regardless of its location or critical drainage area status. If it is located in a critical drainage area, the provisions of this section governing fill in a critical drainage area apply. If not in a critical drainage area, the fill work proposed must comply with the following standards:

- (a). Fill shall be limited to the roof-shed area of the lot or parcel's primary structure and shall not exceed the volume required to prepare an adequate building footprint.
- (b). A concrete slab shall be permitted under the primary structure provided that the finished surface or footing does not exceed an average of 24 inches above natural ground grade. Fill for a slab with a finished surface less than 24 inches above natural ground shall taper out from the slab at a slope of two horizontal feet for one vertical foot.
- (c). Construction shall be accomplished using pier or piling construction according to applicable building codes for finished elevations above 24 inches above natural ground.
- (d). Site improvements shall not impede natural drainage pathways or parish road or drainage easements, servitudes, or rights-of-way.
- (e). There shall be no net change in the average elevation of the natural grade of the lot or parcel outside of the roof-shed area of the primary structure.
- (f). Fill for driveways must not exceed 12 inches above natural ground grade except where fill is part of the transition from the foundation for the primary structure, carport, or garage. Fill may also be placed adjacent to the driveway to soften the transition between elevations to a slope not steeper than four horizontal feet for every one vertical foot.
- (g). The placement of fill may not encroach into the required side yard setbacks, except as otherwise permitted in this ordinance.
- (h). Fill for non-contiguous landscaping areas within the front and rear yards resulting in the finished ground elevation up to an average of 6 inches above natural ground for each such area is permitted, provided that an equal volume of fill is removed from the lot.

7. Non-residential Standards

In cases of commercial, industrial, or institutional development on any lot or parcel of property that has any part thereof located within a Critical Drainage Area, the placement of fill on such lot or parcel may be permitted, in the discretion of the Department of Engineering, provided that:

- (a). Soil material in a volume equal to the fill material proposed to be placed on the property is excavated and removed from the property, such that the flood storage capacity of the property is maintained for a 100-year frequency flood event; or
- (b). Off-site mitigation will be provided, and the Department of Engineering also determines that there will be no loss of flood plain storage and no loss of stream flow capacity; and
- (c). The applicant can demonstrate that no adverse impacts will occur to adjacent properties, to other properties within the subject watershed, and to the function of the Critical Drainage Area; and
- (d). The proposed development complies with all other applicable drainage regulations.

8. Areas of Special Concern:

- (a). A certain portion of Tammany Hills and Alexiusville Subdivisions, Ward 3, District 5, located inside the boundaries described immediately below, to-wit:

Beginning at the northeast corner of 9th Avenue and U.S. Highway 190, proceed in a northerly direction along the eastern edge of U. S. Highway 190 to its intersection with Harrison Avenue, then proceed in an easterly direction along Harrison Avenue to its intersection with 11th Street, then proceed in a southerly direction along 11th Street to its intersection with Madison Avenue, then proceed in a westerly direction along Madison Avenue to its intersection with 5th Street, then northerly along the 5th Street right-of-way to its intersection with Quincy Avenue, then westerly along Quincy Avenue to its intersection with K Street, then south on K Street to its intersection

with 9th Avenue, then proceed west on 9th Avenue to its intersection with U.S. Highway 190 and the point of beginning, all as shown within the highlighted portion on the attached area map.

(b). A certain portion of Cypress Park and Erindale Subdivisions, Ward 7, District 7, located inside the boundaries described immediately below, to-wit:

Beginning at the intersection of U.S. Highway 190 and Anchorage Drive, the point of beginning, proceed along the eastern edge of Anchorage Drive in a northerly direction to its intersection with Berry Todd Road, thence proceed along the southern edge of Berry Todd Road in an easterly direction to its intersection with Graci Avenue, thence follow an imaginary line due south from said intersection to the northern most point of Emerald Drive, thence proceed along the western edge of Emerald Drive south to its intersection with U.S. Highway 190, thence proceed along the northern edge of U.S. Highway 190 west northwest to its intersection with Anchorage Drive, the point of beginning. All as indicated on the map attached hereto.

(c). All that property situated within a re-subdivided portion of Tammany Forest Subdivision, Ward 7, District 7, all as more particularly described immediately below, to-wit:

Any and all squares and lots of record within the re-subdivided portion of Tammany Forest Subdivision, located within Section 43, Township 8 South, Range 13 East and as more fully described on the finalized subdivision plat dated August 7, 1985 by NRW & Associates, Inc.

(d). A certain portion of the subdivision known as Dove Park, Ward 4, District 5, Section 26, Township 7 South, Range 11 East, located within the boundaries described immediately below, to-wit:

Any lot or parcel of ground between Dove Park Road and the proposed Judge Tanner Boulevard (formerly the proposed E. Fairway Drive Extension) that abuts or has access to Swallow Street, Egret Street, Partridge Street or Sparrow Street.

(e). Any undeveloped lot or parcel of ground situated in the area generally surrounding Eola Street, Jordan Street and Elmer Street, which area is more particularly depicted on the attached aerial and described immediately below, to-wit:

A CERTAIN PIECE OR PORTION OF GROUND situated in Section 6, Township 8 South, Range 12 East, St. Tammany Parish, Louisiana, and more fully described as follows:

Parcel 1

From the Quarter Section Corner common to Section 6, Township 8 South, Range 12 East and Section 1, Township 8 South, Range 11 East, go South 89 degrees 51 minutes 30 seconds East a distance of 330.0 feet to a point; said point being the Point of Beginning.

From the Point of Beginning proceed North 89 degrees, 18 minutes, 18 seconds East a distance of 1357.15 feet to a point; Thence proceed North 01 degrees, 51 minutes, 49 seconds West a distance of 947.44 feet to a point at the intersection of the western right of way of Soult Drive and the southern right of way of Highway 1088; Thence proceed in a westerly direction along the southern right of way line of Highway 1088 a distance of 1875 feet to a point; Thence proceed South 00 degrees, 00 minutes, 00 seconds West a distance of 266.71 feet to a point Thence proceed North 89 degrees, 43 minutes, 43 seconds East a distance of 395.84 feet to a point, said point being the Point of Beginning.

Parcel 2

From the Quarter Section Corner common to Section 6, Township 8 South, Range 12 East and Section 1, Township 8 South, Range 11 East, proceed South 89 degrees 51 minutes 30 seconds East a distance of 330.0 feet to a point, Thence proceed North 89 degrees, 18 minutes, 18 seconds East a distance of 1357.15 feet to a point; Thence proceed North 01 degrees, 51 minutes, 49 seconds West a distance of 1011 feet to a point at the intersection of the western right of way of Soult Drive and the northern right of way of Highway 1088; said point being the Point of Beginning.

From the Point of Beginning proceed North 01 degrees, 51 minutes, 49 seconds West a distance of 345.28 feet to a point; Thence proceed South 89 degrees, 0 minutes, 48 seconds West a distance of 965 feet to a point; Thence proceed South 00 degrees, 52 minutes, 25 seconds West a distance of 157.57 feet to a point; Thence proceed South 88 degrees, 55 minutes, 22 seconds West a distance of 304.04 feet to a point located at the southwest corner of Lot of Lot 1, Square 26 of the Mandeville Annex Subdivision; Thence proceed North 62 degrees, 57 minutes, 19 seconds East a distance of 23.69 feet to a point located at the southeast corner of Lot 11 of the Grande Terre Subdivision; Thence go North 73 degrees, 26 minutes, 16 seconds West a distance of 159.21 feet to a point; Thence proceed in a southwesterly direction along the eastern right of way of Frenchman Drive to a point formed by the intersection of western right of way of Frenchman Drive and the northern right of way of Highway 1088; Thence proceed along the northern right of way line of Highway 1088 in a northwesterly direction distance of 1875 feet to a point, said point being the Point of Beginning.

(1) No fill shall be placed on any lot or parcel within the above described boundaries of an area of special concern prior to the submission of a development plan to the Department of Engineering detailing any proposed grade work. The development plan shall provide the elevation at the four corners of the lot, at the center of the proposed primary structure, and any other elevations deemed necessary by the Department of Engineering for review of the development plan.

(2). If any fill is placed on the property in any of the above areas of special concern, following the adoption of this the ordinance designating a particular area as one of special concern and prior to the submission of a development plan, the owner may be required to remove the fill material back down to native soils and pre-fill elevations.

(3). No fill shall be permitted on parcels within this area that would raise or increase the surface elevation of any part of the parcel above its natural or pre-development elevation. Fill required for minor grading, to level and drain the surface at the proposed site of the primary structure and driveway, may be authorized.

(4). The lowest finished floor of the primary structure shall be situated at least twenty-four (24") inches above the crown of the road surface directly adjacent to and in front of the parcel.

(5). Based on available data, the Department of Engineering may require a higher finished floor elevation on pier construction above the FEMA base flood elevation provided on the applicable FIRM Map.

(f) Any property having, or proposing to have, ingress and egress to and from Lakeview Drive and Carr Drive, Slidell, Louisiana, being more particularly depicted on attached Maps 51 and 52 (Exhibit 1 and 2) and described as follows:

Lakeview Drive: Situated in Sections 31, 32 and 33, Township 9 South, Range 14 East, St. Tammany Parish, Louisiana.

Carr Drive: Situated partially in Sections 25 and 26, Township 9 South, Range 13 East, and partially in Sections 29, 30, 31 and 32, Township 9 South, Range 14 East, St. Tammany Parish, Louisiana.

(1) On any lot situated within the area of special concern set forth in subparagraph (f) herein above, the amount of fill shall not exceed an elevation of twenty-four (24") inches above the center line of the subject road i.e., Lakeview Drive or Carr Drive.

(2) No fill shall be placed on any lot or parcel within the boundaries of the area of special concern set forth in subparagraph (f) herein above prior to the submission of a Coastal Use Permit application and plan and the submission of a development plan to the Department of Engineering that details any proposed grade work. The plan shall provide the elevation at

the four corners of the lot, at the center of the proposed primary structure, and any other elevations deemed necessary by the Department of Engineering for review of the development plan.

(3). If any fill is placed on property within the boundaries of the area of special concern set forth in subparagraph (f) herein above following the adoption of this ordinance and prior to the submission of a development plan, the owner may be required to remove the fill material back down to native soils and pre-fill elevations.

(4). If any fill is placed on property within the boundaries of the area of special concern set forth in subparagraph (f) herein above that is not in compliance with an approved development plan, fill plan and/or the plan submitted under the Coastal Use regulations, the owner may be required to remove all fill material that is not in compliance with the approved plans.

9. Sub-surface Drainage

It shall be unlawful for any owner, contractor, builder or subdivider to use, employ or apply fill in and/or on any lot situated within a subdivision located in the unincorporated limits of the Parish wherein subsurface drainage is installed unless this material is contained within the perimeter of the lot in an adequate manner to prevent run-off of the sand, fill, clay or mixture thereof onto sidewalks, streets or into culverts or onto the property of abutting property owners. (Ord. No. 80-21, adopted 08/21/80, amended by Ord. No. 04-0862, adopted 04/01/2004, amended by Ord. No. 04-0886, adopted 05/06/2004)

10. Administration

This ordinance shall be administered by the St. Tammany Parish Department of Engineering with the assistance of any other Parish personnel or agency that are deemed necessary by the Parish and/or its regulations.

11. Exemptions

a. Subdivisions approved after June 30, 2004 which establish to the satisfaction of the Parish Engineer that, at the time of preliminary approval, such subdivision development and fill associated with lot development will not result in a reduction in the 100 year flood-plain storage capacity, should be found to comply with these standards.

b. These standards shall not apply to lots in subdivisions or developments with an approved drainage plan and hydrological study. However, should the Department of Engineering determine, on the basis of current conditions, that the use of fill on any particular site within an otherwise exempt development would have an adverse impact on drainage, the Parish shall have the authority to apply this ordinance as needed to ensure the health, welfare, and safety of the public by restricting fill work.

c. Areas enclosed by levees under forced drainage shall be exempt from this ordinance.

d. Coastal areas, which are those areas that are determined by the Department of Engineering to be subject to flooding only because of tidal inundation, not including the area of Lakeview Drive and Carr Drive being governed by the provisions of this ordinance as set forth herein above.

C. CONFLICTS. If a lot or parcel of property may be governed by more than one provision or subsection of this ordinance, or in the event of a conflict in the applicability of any provision, the more restrictive or specific provision shall apply.

D. REVIEW OF DECISIONS. Any person or persons jointly or severally aggrieved by any decision of the Department of Engineering relative to the placement of fill on property governed by the provisions of this ordinance may appeal to the Board of Adjustment. Such appeal shall be taken within thirty (30) days of the decision of the Department of Engineering, by filing with the Department and with the Board of

Adjustment a notice of appeal specifying the grounds thereof. The Department shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

E. PENALTIES: A violation of this Section shall constitute a misdemeanor punishable by a fine of not less than ONE HUNDRED (\$100.00) DOLLARS nor more than FIVE HUNDRED (\$500.00) DOLLARS, or by imprisonment for not more than thirty (30) days, or both such fines and imprisonment. Each day that a violation continues shall constitute a separate offense. In lieu of, or in addition to, the issuance of a misdemeanor summons, violations of the provisions of this chapter may be enforced by imposition of civil penalties and injunctive relief in accordance with the following: Each day that the violation remains shall constitute a separate offense and a civil penalty of not less than ONE HUNDRED (\$100.00) DOLLARS nor more than FIVE HUNDRED (\$500.00) DOLLARS per day shall be imposed. In addition to penalties provided by the Code, any violation hereof shall also be subject to an action for abatement and removal of any offending fill work and/or ground surface alteration. Further, whenever the Department of Engineering has approved any application or drainage plan that contains materially false or erroneous information, the applicant shall be responsible for all costs and expenses associated with the correction of said application and plan, and the correction of any adverse consequences resulting therefrom, including the fees of an engineering consultant to review and revise said plan.

BE IT FURTHER ORDAINED that this Ordinance shall be effective immediately upon final adoption.

REPEAL: This ordinance is intended to supercede any ordinance or regulation that may govern the placement of fill on any property that is intended to be governed by the provisions of this ordinance, including the provisions of Subdivision Regulatory Ordinance 499, Sections 40-037.04 and 40-037.05. Furthermore, in any event there must be an application and approved drainage plan.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

MOVED FOR ADOPTION BY: MR. STEFANCIK, SECONDED BY: MR. ARTIGUE

YEAS: DEAN, SHARP, THOMPSON, FALCONER, GOULD, TANNER, GROBY, CANULETTE, BELLISARIO, O'BRIEN, STEFANCIK, BINDER, ARTIGUE, SMITH
(14)

NAYS: (0)

ABSTAIN: (0)

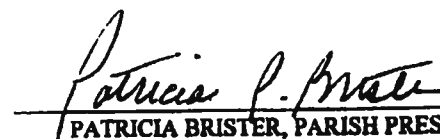
ABSENT: (0)

THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3RD DAY OF MAY 2012 AND BECOMES ORDINANCE COUNCIL SERIES NO. 12-2736.

ATTEST:


THERESA FORD, COUNCIL CLERK


MARTIN W. GOULD, JR., COUNCIL CHAIRMAN


PATRICIA BRISTER, PARISH PRESIDENT

Published introduction: APRIL 26, 2012
Published adoption on: MAY 31, 2012
Delivered to Parish President: MAY 11, 2012 @ 11:10 am
Returned to Council Clerk: MAY 14, 2012 @ 4:12 pm

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

Case File Number: BOA Case No. 15-02-006
Initial Hearing Date: February 3, 2015
Date of Report: January 20, 2015

GENERAL INFORMATION

Applicant(s) Name: Harrison Custom Homes, L.L.C.
Location of Property: 80 Hummingbird Road, Covington, Louisiana
Zoning of Property: Planned Unit Development (P.U.D.)
Variance(s) Requested: Rear yard setback

OVERVIEW

The applicant has not stated a specific hardship that exists to support a variance other than making reference in his documentation to the facts that another or other variances have been granted within the subdivision for setbacks, and that the architectural control committee has no objection to the variance request.

STAFF COMMENTS

First of all relative to the applicant's comments regarding the fact that the parish has granted setback variances in the past within the subdivision, it is true; however, the staff could only find one instance where a variance was granted, and that variance was quite different from this one since that one was for a front yard setback for a "diamond-shaped" lot where the front yard converged at a corner which made it almost impossible to build a standardized home on the lot.

Secondly, the proposed home to be constructed is approximately 3,200 to 3,400 square feet which is a rather large residence for this size lot, and given that the lot is "rectangular" in shape, does not appear to lend any support for a hardship in order to build on the property.

Therefore, for the reasons as stated above, the staff does not support the variance request and suggests that the applicant try to redress his building plans by reducing the building envelope to comply with parish code.

However, it should be noted that only a portion and not all of the building is encroaching within the rear yard setback (see site plan attached).

BOA CASE NO. 15-02-006 (for office use only)

**ST. TAMMANY PARISH BOARD OF ADJUSTMENT
(VARIANCE/APEAL APPLICATION FORM)**

(Please print on the following lines below. If a company, please include a contact person name also.)

APPLICANTS NAME: Harrison Custom Homes, LLC

MAILING ADDRESS: 33 Riverdale

CITY/STATE/ZIP: Covington LA 70433

PHONE NUMBER: 985-630-5367
(Home Phone #) (Cell Phone #)

PROPERTY LOCATION FOR VARIANCE REQUESTED: ZONING: P40

80 Humminbird Rd - (Lot 549) Covington 70433 Tenebris Club Estates
Address City State Subdivision (if applicable) Phase II

(Please check the applicable boxes below:)

REQUEST FOR:

- ☒ A variance of the (Unified Development Code)
☐ Appeal of an adverse decision made by a parish official(s)
☐ Appeal the interpretation by a parish official(s) of the (Unified Development Code)

VARIANCE/APEAL REQUESTED:

- ☒ building setbacks (reduction of front, side and/or rear yard setbacks)
☐ landscape buffers (reduction of front, side and/or rear yard buffer setbacks)
☐ landscaping within buffers (reduction of the number of trees, bushes and/or shrubs)
☐ parking area requirements (reduction of parking stalls, parking greenspace islands, etc...)
☐ signage requirements (increase of sign area and/or sign height, lighting, coloring, etc...)

☐ other

(Specify other variance/appeal on line above)

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

Example: Applicant is requesting a variance for a front yard setback requirement from 25' required by the parish, to approximately 20' requested.

Applicant is requesting a variance for a rear yard
setback requirement from 10' to 3'

I own the adjacent lot to the west.

[Signature] 11/2/15
SIGNATURE OF APPLICANT DATE OF APPLICATION

HARRISON CUSTOM HOMES, LLC

33 Riverdale Covington, LA 70433 Phone: 985-630-5367

January 12, 2015

St. Tammany Parish Government
Department of Planning
P O Box 628
Covington, LA 70434

Re: Board of Adjustment Variance / Appeal Request
Lot 549 Tchefuncta Club Estates Phase II

Dear Sirs:

I am applying for a rear yard setback reduction of 7'. My intention is to transfer the variance, if granted, to Colleen D. Hawley who is purchasing the lot and intends on building the home whose new home footprint site plan is attached to this application. Also attached is a copy of the purchase agreement for the lot.

The lot backs up to a 50' no cut buffer. A precedent has been set by variances having already been granted to other property owners whose lots are along the same perimeter. The TCE Home Owners Association has no objection to the request.

Very Truly Yours,



Blake Harrison
Harrison Custom Homes, LLC



TCHEFUNCTA CLUB ESTATES, INC.

Founded in 1956

Office Phone 985-892-4739

Fax 985-892-1760

January 12, 2015

Re: Lot 549, Tchefuncta Club Estates, Phase II

TO WHOM IT MAY CONCERN:

The Architectural Control Committee has been working with Ms. Colleen Hawley and her design team over the last few months and we have received and reviewed the plan for her to build a home on Lot 549. Our review of the submittal indicates that the front 20' setback and 5' side setbacks are still applicable and the owner will be building her house within those setbacks. We have also been asked to approve a variance regarding a 7' rear setback and based on the fact that this property does not impede on any of the other adjacent property owners, we have given her our approval to request and obtain this variance from the Parish. We have actually had a similar situation with another lot several lots away and also provided a variance on this lot as well. This particular rear setback of 10' backs up to some "no cut buffer" and approximately 60 acres of undeveloped land that is currently owned by Christwood.

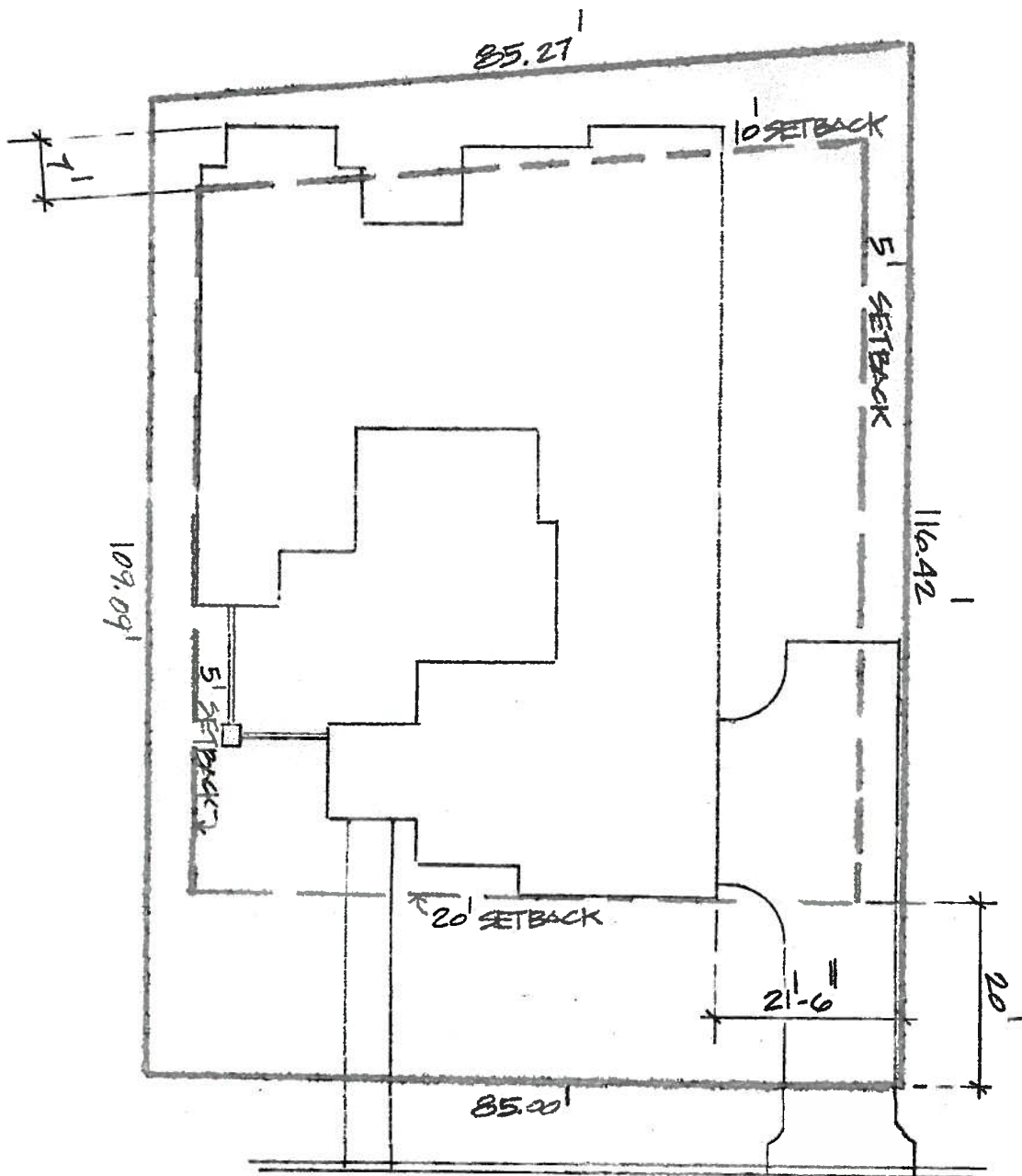
If you have any questions or comments, please give me a call at (985) 264-5684.

Respectfully submitted,

Charles Barnett

Architectural Control Committee Chairperson
Tchefuncta Club Estates

CB/jw



HUMMINGBIRD ROAD

TAFFELUTA CLUB ESTATES #549A
SCALE: 1" = 20'