REVISED

July 7, 2022 Meeting Postponed
Re-Hearing on August 4, 2022

City of Slidell, Louisiana

Board of Zoning Adjustment

Agenda

July 7, 2022 at 7:00pm
Council Chambers, 2045 2nd St, Slidell, LA
Agenda packet available at **myslidell.com/planning/boards/bza**
For questions or to provide public comment before the meeting,
email BZA1@cityofslidell.org or call (985) 646-4320 (M-F 8am to 4:30pm)

SCAN ME
for the
BZA website

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**. Review and approve minutes from June 2, 2022
4. **Public Hearings**
   a. **V22-19:** A request for a variance from area regulations in the C-4 Highway Commercial district; for property located at 3154 Pontchartrain Drive; identified as Lot 3-A-1-B, Tammany Mall Subdivision, by Christian Legrand
5. **Other Business**
6. **General and Public Comments**
7. **Adjournment**

The next Board of Zoning Adjustment meeting will be August 4, 2022.

City of Slidell, Louisiana

Board of Zoning Adjustment

Minutes

June 2, 2022 at 7:00 p.m.
Council Chambers, 2045 2nd St, Slidell, LA

1. **Call to Order and Roll Call.** Meeting called to order by Vice Chairperson West at 7:12 p.m.

Commissioners Present	Commissioners Not Present	Staff Present
Shane Jordan, Chair (7:26pm)	Megan Haggerty	Theresa Alexander, Planner
Christy West, Vice Chair	Jim Timmons	Angelique Levy, Admin. Secretary
Daniel Laurant		
René LeBreton		

2. **Pledge of Allegiance**

MEETING ORDER CHANGED DUE TO LACK OF QUORUM FOR VOTES. Ms. West as acting Chair requested a change in the agenda order to allow time for Mr. Jordan to arrive. No objection from Board members in attendance.

5. **Other Business**

   a. Ms. Alexander introduced Eric Lundin of Desire-Line that will be assisting the City with Planning Department responsibilities. Mr. Lundin thanked the Commission for having him and explained that he previously worked for the City of Slidell for 6 years as not only a City Planner but also as Planning Director. Mr. Lundin informed the Commission that the Mayor has contracted Desire-Line to provide support for the Planning Department after recently suffering staffing shortages. Desire-Line will be handling an array of duties such as researching and producing staff reports along with site plan reviews for Permit support. Although Ms. Alexander will still maintain the City's responsibility of signing off and being the authority on permits, Desire-Line will be doing a lot of the background work and research.
   Mr. Lundin continued that Desire-Line will provide support for the Commission meetings each month and that he will be running the Commission meetings with the support of Ms. Levy, the Planning Department's secretary. Although Ms. Alexander and Ms. Levy will continue to produce the Public Notices, Agendas and Agenda packets for Commission meetings, Desire-Line will be doing the meeting minutes as well as tasks outlined in the Slidell 2040 Comprehensive Plan. These tasks will be handled through the end of the year with the option of continuing as long as the Planning Department is in need or until the City hires a Planning Director. Mr. Lundin stated that City Planners are scarce across many parishes as many have left municipalities for private consulting.

   b. Mr. LeBreton asked Ms. Alexander how the Amazon project was coming along. Ms. Alexander stated that construction was complete and the Certificate of Occupancy has been awarded. However, Amazon won't occupy the building until they complete construction on another support building at an unspecified location that is not in the City of Slidell. The other facility will

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house merchandise that will be sent to the Slidell location for distribution. Ms. Alexander reassured the Commission that although Amazon has been delayed, they are still planning on being a viable asset to our community.
Ms. Alexander mentioned several new developments heading to Slidell and there are properties along the East I-10 Service Road that are interested in annexation into the city after hearing that the City's water will be going under the interstate to the East side.

6. **General and Public Comments**. Mr. LeBreton asked about the old Pizza Hut building @ 1532 Gause Blvd. Ms Alexander stated that it was going to be a Banfield Pet Hospital.

   Mr. Laurant had a complaint about Heritage Park Parking area during an event for Memorial Day. Mr. Laurant stated that he spoke with the City of Slidell Police Department to no avail.

CHAIR SHANE JORDAN ARRIVED 7:26 pm.

3. **Minutes.** Motion by Ms. West to approve minutes of June 2, 2022 as written; Mr. Jordan seconded. A vote of 4 YAYS, 0 NAYS, 0 ABSTAIN approved the minutes.

4. **Public Hearings**

   a. **V22-13**: A request for a variance from area regulations in the A-6 Single-Family Urban district; for property located at 3254 William Tell St; identified as Lot 13, Sq B of Salmen Addition, by Tracey Perry
   Chairman Jordan opened the Public Hearing and asked if anyone would like to speak. Ms. Perry stated that she was present and available to answer any questions that the Commission may have of her. Mr. Jordan asked the petitioner if the Variance was strictly regarding the carport now encroaching since being lifted. The petitioner responded affirmatively stating that the carport is being elevated and will not further encroach into the setback. Parking will not be possible under the pre-existing carport which primarily will provide cover for the new access stairs along that side. Mr. Jordan asked the petitioner if she had received any negative comments or issues from neighbors regarding the Variance and she stated that she has not received any negative input from anyone.
   Motion by Mr. Laurant to approve V22-13; Ms. West seconded. A vote of 4 YAYS, 0 NAYS, 0 ABSTAIN approved V22-13.

   b. **V22-16**: A request for a variance from area regulations in the A-6 Single-Family Urban district for property located approx. 170 ft east of Front St (Hwy 11) on Indiana Ave, identified as Lot 14, Alan Park Subdivision, by Kayla Fayard
   Chairman Jordan opened the Public Hearing and asked if anyone would like to speak. Mr. Jack Fayard introduced himself as assisting his son and daughter-in-law in building their new house and have requested the Variance in order to better use the lot. Petitioner stated that they are requesting 2' on the back corner of the house. Petitioner went on to state that this Variance wouldn't affect any others since there is a detention pond to the rear of the property and a retention pond on the left of the property. The Commission asked if there was any opposition to this Variance. Ms. Alexander stated that once the property was posted, the Planning Department received a few phone calls with concerns this would have any effect on drainage which it does not.

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Motion by Ms. West to approve V22-16; Mr. Laurant seconded. A vote of 4 YAYS, 0 NAYS, 0 ABSTAIN approved V22-16.

7. **Adjournment.** Meeting adjourned at 7:49 p.m. on motion by Mr. Jordan, second by Ms. West, and a vote of 4 YAYS, 0 NAYS, 0 ABSTAIN.

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Planning Department

STAFF REPORT

Case No. V22-19

Variance to
Front Yard Setback for Canopy

985.646.4320 | 250 Bouscaren St, Ste 203, Slidell, LA 70458 | planningdept@cityofslidell.org | myslidell.com

Location: 3154 Pontchartrain Dr (Figure 1)

Owner: Southside Café

Applicant: Christian Legrande

Zoning: C-4 Highway Commercial District

Request: 14' outdoor canopy, including a proposed encroachment of 3' 10" into the required front yard setback.

BZA Meeting: 7/7/2022

1. Current Conditions

A. 13154 Pontchartrain Dr. is located in a C-4 Highway Commercial zoning district (*Source: City of Slidell Zoning map*).

B. The current land use located at 3154 Pontchartrain Dr. is a restaurant called the Southside Café (Figure 1).

C. The front yard (FY) setback requirement in the C-4 Highway Commercial District is 25 feet (City of Slidell Code of Ordinances, Section 2.1804) (Figure 2).

D. Roof eaves may encroach up to two (2) feet into a required yard setback (City of Slidell Code of Ordinances, Section 10.603).

E. The front wall of the Southside Café is currently setback 31 feet, six (6) inches from the property line, leaving six (6) feet, six (6) inches of buildable area in the front yard for additions to the front of the building (Figure 2).

F. *Block Building line*. The building line for the 3100 block of Pontchartrain Dr. is consistent and does not have any other encroachments into the required front yard setback (Figure 3).

Figure 1: Southside Cafe front and left side yard.

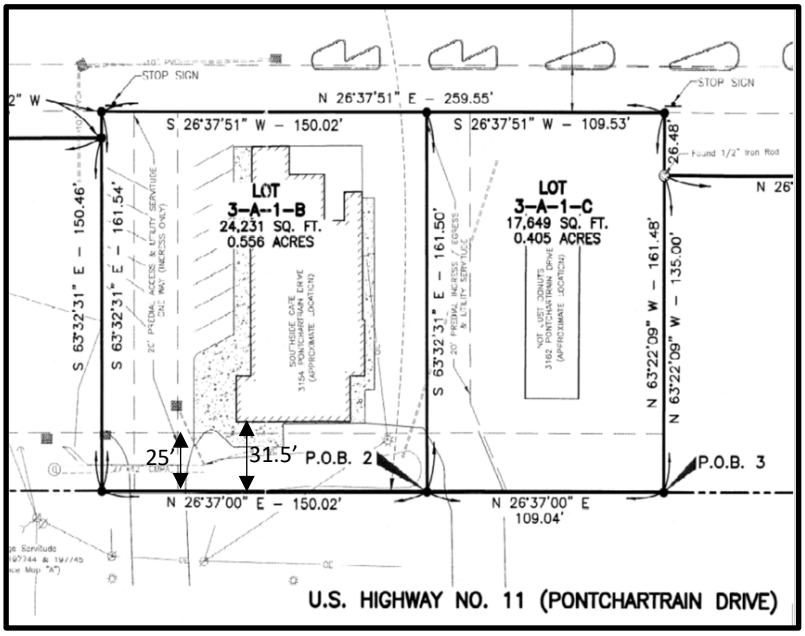
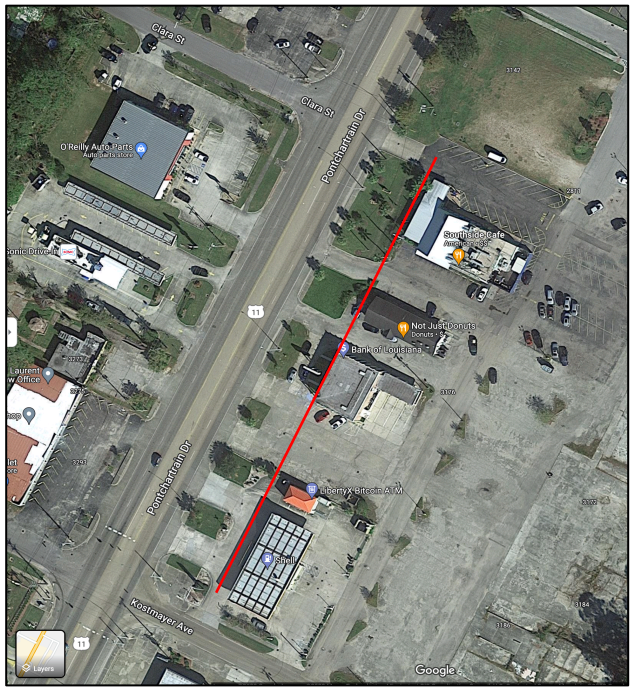


Figure 2: Subdivision Plat of Southside.

G. The property has an existing covered outdoor waiting area and is in the process of expanding this area by additional 678 square feet (Figure 4).

Figure 3. 3100 Block Pontchartrain Dr. Building Line.



2. Descriptive Information Provided by the Applicant

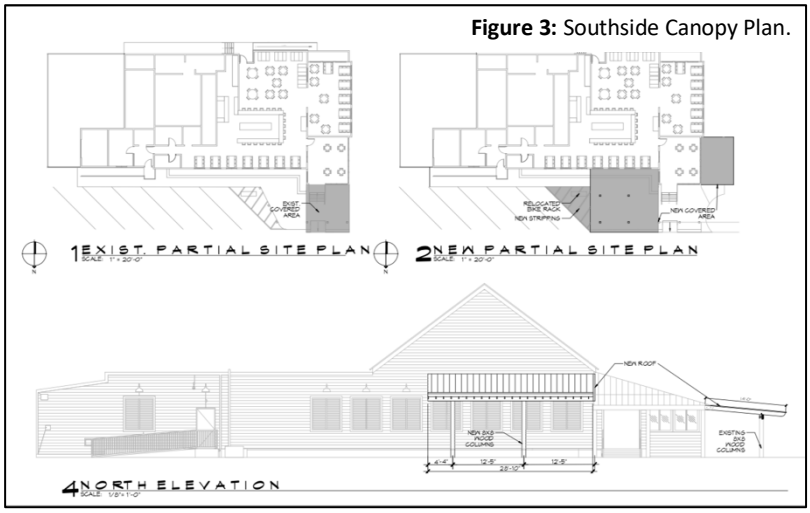
Owner/Applicant is requesting to build an addition to the front of the building consisting of a fourteen (14) foot canopy extending into the front yard in order to create an additional covered waiting area for patrons (Figure 4).

Southside's canopy plan includes:

A. *Canopy Support Post.* The forward edge of the canopy support post is located 10' 4" from the front of the building, which includes a proposed encroachment of 3' 10" into the required front yard setback.

B. *Canopy Roof*. The forward edge of the canopy roof is planned to extend 14' 0" from front of the building, an encroachment of 5' 6" into the required front yard setback.

Figure 3: Southside Canopy Plan.



3. Standards for Variances

The Board of Adjustment has the power to "hear and decide upon…appeals for variances where exceptional and peculiar hardship would be caused by enforcement of the regulations in this ordinance and where such variance would not substantially deviate from the intent of this ordinance but not otherwise." The board is not authorized to grant a variance in the use of land or to take any other action resulting in the change of a district boundary (Appendix A - Zoning, Part 7, Sec. 7.2 – Powers of the board).

The Board of Adjustment shall not vary the regulations of the ordinance unless it makes findings based on the evidence presented that each of the following standards are met (Appendix A, Part 7, Sec. 7.202(B)):

A. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were not carried out.

Applicant's response: *Inability to secure a variance will work a hardship on the owner of the property. About 6' of the existing slab encroaches over the 25' setback line. The slab is used as an outside waiting area for customers desiring a table to dine in. That waiting area has been part of the restaurant facility since 2014, when the slab was constructed. Strict enforcement of applicable regulations would disrupt the business and loss of critical waiting area.*

B. The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

Applicant's response: *The slab in question serves as an outdoor waiting area abutting the restaurant. It does not serve any other function and is located entirely within the owner's property lines. As such it provides a unique function to only this owner's business operations and the variance sought would only affect the owner's property and no others.*

C. The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.

Applicant's response: *The property affected by the setback line is a relatively small commercial lot located on Pontchartrain Drive. Immediately abutting the roadway is a drainage ditch located on the owner's property. That ditch provides surface drainage for the owner's property and other properties fronting the east side of the roadway. The ditch further restricts the size of the front yard of the property and the operation of the business. The property is further restricted by driveways and parking areas on each of its side yards, and access road to the rear, so the restaurant size cannot be easily expanded and seating areas for customers is limited. These circumstances are inherent in the size and configuration of the property and by the setback lines and not due to any person.*

D. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Applicant's response: *The granting of the variance will not be detrimental to the public welfare or injure another property. It will only affect the owner's property and will benefit customers of the restaurant and the neighborhood by giving a comfortable area outside of the restaurant for customers to wait for seating.*

E. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.

Applicant's response: *The variance will not affect any adjacent property, or increase the congestion of traffic, nor will it create a risk of fire or danger to the public or affect any property value in the neighborhood.*

F. *The variation will not* serve as a precedent which, in effect, will rewrite a provision of this ordinance.

Applicant's response: *Granting the variance will not affect the zoning ordinance or set any precedent. The slab at issue has been in existence for over 8 years and has been used as a customer waiting area. The applicant desires to put a new roof covering over the slab in order to give the customers protection from inclement weather.*

It is within the Board's authority to impose conditions and restrictions upon the premises subject to this variance request as necessary to comply with the standards established, to reduce or minimize the effect of variations upon other property within the neighborhood, and to better carry out the general intent of the ordinance (City of Slidell Code of Ordinances, Appendix A, Part 7, Sec. 7.202(C)).

4. Conclusions

A. Canopy plans, if approved as requested, would require a variance to permit a five (5) foot, six (6) inch encroachment into the required front yard setback (Table 1).
B. If the canopy were approved to extend only to the proposed forward edge of the canopy support post, a variance to permit a three (3) foot, 10-inch encroachment into the required front yard setback would be required (Table 1).
C. No variance would be required, if plans were amended to limit the extent of the proposed canopy to six (6) feet, six (6) inches to the support post and eight (8) feet, six (6) inches to the roof eave (Table 1).

Table 1: Conditions related to variance request.

Decision-Making Considerations	Post Support	Roof Eave	Variance Required
Approve Variance As Requested	10' 4"	14' 0"	5' 6"
Approve Canopy out to Support Post	10' 4"	10' 4 "	3' 10"
No Variance Required	6' 6"	8' 6"	None

D. The request does not constitute an undue hardship. There are no health and safety issues or restrictions due to the unique configuration of the lot that necessitate the proposed encroachment into the front yard setback area. There is space available in the front yard to add an 8' 6" wide covered area without encroaching in the front yard setback.