

**OLD METAIRIE COMMISSION (OMC) MINUTES
PUBLIC HEARING
February 7, 2019 9:00 a.m., Suite 604, Yenni Building**

In Attendance

Old Metairie Commission Members

	<u>Present</u>	<u>Absent</u>
Ninette Eastman, Chairman	√	
Clifford Brown	√	
Dr. Monica	√	
Thomas McAlister	√	

Planning Department

Juliette Cassagne, Assistant Director
Jay Hébert, Senior Planner
Nedra McKinney, Typist Clerk III
Erin Cook, Planner II
Shakeeb Shariff, Planner II

Others

Ken Krobert, Senior Parish Attorney
Liza Caluda, Assistant Parish Attorney
Tramone Chetta, Inspection and Code Enforcement
Toni Hurley, Parish Attorney Office

Ms. Eastman, Chairman, introduced herself, other members of the Commission, and the Parish staff.

The Old Metairie Commission (OMC) conducted the February 7, 2019 public hearing at the Joseph S. Yenni Building in Suite 604, 1221 Elmwood Park Blvd., Jefferson, LA 70123. Ms. Eastman proceeded to the agenda and opened the meeting at 9:00 a.m.

OM-1-19 105 Northline St

Ms. Eastman asked Ms. McKinney to read the notice of public hearing for Docket No. OM-1-19.

A request to construct a new one-story garage addition with a variance to the R-1B front-yard setback requirements and a variance to the clear vision area regulations at 105 Northline St. on Lot B, Square 10, Friedrichsruhe Subdivision, Jefferson Parish, LA, bounded by Friedrichs Ave., Avenue E, and Orpheum Ave.; zoned R-1B Suburban Residential District/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Ms. Cook reported the findings of the case.

Planning Department: Mixed recommendation:

- Variance to the clear vision area: The Planning Department recommends approval of this request. While the location of the proposed parking space does fall within the required 15-foot access way sight triangle, it begins 21-feet, six-inches from the curb and allows a motorist full visibility before exiting the existing drive. This request will not interfere with public safety or the intention of the required clear vision areas.
- Variance to the front-yard setback: The Planning Department recommends denial of this request. The location of the proposed garage addition into the existing deficient front-yard setback along Northline St. would provide a new setback of only 13.5 ft. that would negatively impact the adjacent properties and the open character of the Northline St. streetscape.

Ms. Eastman opened the floor for applicant/owner to speak.

Mr. Roy Carubba, applicant, reminded everyone that this is his second attempt, the last time he came he was asking for something that was much larger. This time he cut it down and cut it to one story making this 6.6 feet instead of 13 feet. Also, what may not be depicted there to the extent to what he would like it to be is, the extra landscaping that he will be putting in is going to mitigate, or allow for a trade-off, for the commission for allowing him to add on to the garage. He is spending a lot more for the landscaping than the garage.

Ms. Eastman opened the floor for any proponents to speak.

Mr. Michael Melito, 611 Northline St, in favor of this because he states that it would add function and value to his home and the curb appeal that it'll offer Northline, not only will it be aesthetically pleasing but will be a great addition to the neighborhood.

Mr. John Lambertson, 3400 Hessmer Ave., prepared a walkthrough animation on the proposed addition which is on a USB drive for the commissioners and other staff present to review, which was later transferred over to a disk and submitted for the record.

Ms. Eastman opened the floor for any opponents to speak. There were none.

Dr. Monica thinks the house is beautiful but is concerned about the open access. Her personal problem is the precedent of the front yard setback variance on Northline. Even though Mr. Carubba has cut down his idea and has come back before the commission again, she is not going to vote positive on this project.

Mr. McAlister asked Mr. Carubba why was he expanding his garage and adding a parking space? What was the purpose behind that? Mr. Carubba stated he tried to sell his house several times and that's been one of the leading complaints is that he doesn't have a two-car garage for a house that size. He has two (2) cars and would like to put both of them in the garage, just for security reasons. He's lived in the house for fifteen (15) years and only a couple of times has someone tried to fool with his cars. The way the home is located, his home is open and he lives right by the canal. Also, an expanded garage from one and a half cars to two, for the volume of his house it actually makes it more pleasing aesthetically, from a massing stand point. He changed the architecture of the front and did something different so that is would be tasteful and stand out.

Mr. McAlister also asked what are the proposed class A trees. Mr. Carubba stated they are Chinese Pistachios and mentions that if the commission grants this he can change the trees to whatever suits the commission. He only put the Chinese Pistachios there because he likes the way they look. He is very open to other ideas and that the landscaping would cost more than the addition. Mr. McAlister doesn't have an issue with the parking space and the side line variance because the setback from the curbing for Northline is epic particularly since they are working on an encroachment agreement with the Parish. On the addition, the open nature of Northline, Northline doesn't start until you hit Friedrichs. The proposal would require a variance even if going with the original set-back requirements back from 2002 when it was R-1A. You're taking what's currently a non-conforming condition and exacerbating the non-conformity of it and from a legal stand point Mr. McAlister has legal issues with that, giving the fact that the requirements for a variance is such that there has to be some kind of hardship that is a function of the peculiar nature of the real estate and in this case he thinks that the setback from the curbing of Northline is a peculiar nature that permits the parking space but doesn't think it's a peculiar nature to the real estate itself based upon that it will justify that big of a variance being granted.

Mr. Brown appreciates that Mr. Carubba came back before the commission but is concerned about the precedent that it sets, allowing the setback to be 13 ft. 6 in. He thinks it's a beautiful house and doesn't have a problem with the site triangle. Mr. McAlister stated that he is not concerned about the precedent and said it doesn't qualify based upon the law.

Ms. Eastman said what she is noticing is people are planning and thinking bigger and not thinking about the incidentals like parking and asked Mr. Carubba if he was actually using his garage to park his car because a lot of people use their garage for other things. Mr. Carubba stated that he is using his garage for his car. Ms. Eastman also asked why the trees haven't been replaced, since 2002 the trees haven't been replaced and wants a follow up. Mr. Carubba stated whatever the outcome is he will be happy to replace the trees with whatever trees should be there and do the landscaping. Mr. Krobert said it would have to be researched. Ms. Cassagne said that in 2002 she does not know who would have been responsible for enforcing it at that time.

Ms. Eastman thinks that precedent is a big issue as well as the sidewalk relocation. Ms. Cassagne mentioned that in this case the sidewalk relocation is a request from the Engineering Department who is asking that part of this application that the sidewalk be relocated. The applicant's proposal to relocate the sidewalk is in line with the Parish's request. The sidewalk would be moved one foot off the property line.

Ms. Eastman still has a problem with this proposal and doesn't think it's a good move, but using the additional space for a second parking space where the 2nd garage bay would be.

Dr. Monica made a motion to recommend denial of the variance to the front-yard setback for the new garage addition. Seconded by Mr. Brown.

Ms. Eastman called the roll on the motion:

	Aye	Nay
Ms. Eastman	<u> √ </u>	___
Mr. Brown	<u> √ </u>	___

Dr. Monica	<u>√</u>	—
Mr. McAlister	<u>√</u>	—

The nays have it by a vote of 4 to 0.

Mr. McAlister made a motion to recommend approval of the variance to locate a parking space within the required clear vision area. Seconded by Mr. Brown.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Ms. Eastman	<u>√</u>	—
Mr. Brown	<u>√</u>	—
Dr. Monica	—	<u>√</u>
Mr. McAlister	<u>√</u>	—

The ayes have it by a vote of 3 to 1.

Dr. Monica made a motion with the approval of the proposed additional parking space in the front that the tree issue be settled as previously requested. Seconded by Mr. Brown.

Ms. Eastman called the roll on the motion:

	Aye	Nay
Ms. Eastman	<u>√</u>	—
Mr. Brown	<u>√</u>	—
Dr. Monica	<u>√</u>	—
Mr. McAlister	<u>√</u>	—

The ayes have it by a vote of 4 to 0.

OM-2-19 49 Pelham Ave

Ms. Eastman asked Ms. McKinney to read the notice of public hearing for Docket No. OM-2-19.

A request to construct a new residence with variances to the R-1C front-yard and side-yard setback requirements at 49 Pelham Ave., on Lot B, Square E, Metairie Club Gardens Subdivision, Jefferson Parish, LA, bounded by Pelham Ave. and Northline St.; zoned R-1C Rural Residential District/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Mr. Shariff reported the findings of the case.

The Planning Department recommends approval for the following reasons:

- The front-yard setback variance for the residence is acceptable due to the constraints placed on the site by the 20.81-foot deficiency in required lot depth for R-1C.
- The side-yard setback variance for the residence is acceptable, as only a corner of the house is set back five feet, and the residence maintains an average side-yard setback from the affected property line of 9.5 ft.

- The side yard setback variances for the mechanical equipment is acceptable due to the proposed eight-ft. stucco-covered CMU wall serving as an adequate buffer.

Ms. Eastman opened the floor for applicant/owner to speak.

Mr. Greg Rittiner, applicant, stated that the lot is abnormal and they are trying to make it as nice as possible and are present to answer any questions.

Ms. Eastman opened the floor for proponents to speak.

Ms. Mary Melito, 611 Northline, built two houses in the area, one on Bella and one on Northline at 611. One needed a variance and the other did not, so she is familiar with the process and is a friend and agent to the Rittiners. Ms. Melito stated that the Rittiners could have asked for a few variances but only asked for one and that there is no house on the right. It's not going to impact anyone. It's just a fence so she is a proponent of this project.

Ms. Cassagne stated for the record two letters of support regarding the variances that the Planning Department received, first one says:

To Whom It May Concern,
We don't have any problems with the Rittiners getting a variance to be 20 feet from the street on Pelham.
Many Thanks,
Barbara & Andrew Rosenberg
47 Pelham Dr
(504) 236-0913

Second letter:

To Whom It May Concern
Ref: Mr. Gregory Rittiner
Mr. Greg Rittiner's plans for his new home to be built at 49 Pelham Ave is acceptable to me. I would urge you to approve, so he can begin construction as soon as possible.
If you need to contact me, Mr. Joseph Canizaro who is the property owner on the left side of Northline who would be the one affected by the side yard variance.

Ms. Cassagne also stated for the record that the Planning Department noticed that on the BZA advertisement the variances were advertised as a front yard required 30 has 20, side yard on the left side is required 10 has 5 feet and the side yard on the right is required 10 has 5 feet. This last variance the right side yard deficiency on the plans that the Planning Department received there is no side yard variance on the right side. It is on the BZA advertisement but for the record it is a 10 foot side yard.

Ms. Eastman opened the floor for any opponents to speak. There were none.

Dr. Monica stated it's a beautiful house and is a hardship lot. Was there any planning to decrease the square footage of the house so that the setback requirements could be met? The Rittiners stated that they paid so much for the lot that they wanted to build everything they could.

Mr. McAlister is not a big fan of variances, however the previous residence was nonconforming too in every aspect, so he is not too concerned with the building line variance as far as the building is concerned. He is concerned about the variance with respect to the equipment and is more sympathetic to someone who is requesting a variance for a generator when they are adding on to a house that they have had for about 20 years because it's a safety and quality of life issue. But when designing from the ground up, could the equipment not be located at the rear of the building thus not requiring any kind of a variance. When designing from the ground up you want to minimize variances as much as possible and other areas should be considered regarding the placement of the equipment. The equipment could be moved around.

Ms. Caluda stated that there is an Entergy servitude in the back yard so that may have some conflict with the swimming pool and cabana.

Ms. Chetta stated that they may have to hold back 10 feet anyway if Entergy doesn't allow them to move that pool and cabana.

Mr. Brown stated he doesn't have a problem with the AC. Even if you place it on the roof you could still hear it. The house before was nonconforming with almost the same setback. The back corner of the house being so close is his concerned.

Ms. Eastman said the back corner on the right side where the tree is concerns her as well because there is not enough room to get in the backyard.

Ms. Cassagne pointed out on the rear elevations that there is a garage door that opens to the rear where they can go through the garage to access the rear.

Mr. Brown made a motion to recommend approval of the ten foot variance to the front-yard setback. Seconded by Mr. McAlister.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Ms. Eastman	<u>√</u>	—
Mr. Brown	<u>√</u>	—
Dr. Monica	—	<u>√</u>
Mr. McAlister	<u>√</u>	—

The ayes have it by a vote of 3 to 1.

Mr. McAlister made a motion to recommend approval the 5' foot rear portion building variance. Seconded by none. Motion died.

Dr. Monica made a motion to recommend denial of the 5 foot side yard inclusive variance for the building and mechanical equipment. Seconded by none.
Motion died.

The Commission discussed various options involving the equipment items in the side yard setback including generators and if they needed individual variances.

Mr. Brown made a motion to recommend approval of the side yard setback for mechanical equipment, the generator and the A/C units. Seconded by none.
Motion died.

Ms. Eastman made a motion to recommend approval with variances to the side yard setback to locate 5 ft. of the rear portion of the building along with the generator 5.5 ft., pool equipment 6.58 ft., and A/C units 7.5 ft. from the west side lot line w/stipulation that the 8 foot CMU wall be constructed. Equipment will have ample space from wall for access according to plans presented.

Seconded by Mr. McAlister.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Ms. Eastman	<u>√</u>	—
Mr. Brown	<u>√</u>	—
Dr. Monica	—	<u>√</u>
Mr. McAlister	<u>√</u>	—

The ayes have it by a vote of 3 to 1.

OM-3-19 338 Hector Ave

The Planning Department has indicated that it received a request from the applicant to defer the case to the March 7th meeting to allow them sufficient time to submit the necessary documents and information.

Dr. Monica made a motion to recommend deferral to the March 7th meeting. Seconded by Mr. Brown.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Ms. Eastman	<u>√</u>	—
Mr. Brown	<u>√</u>	—
Dr. Monica	<u>√</u>	—
Mr. McAlister	<u>√</u>	—

The ayes have it by a vote of 4 to 0.

Dr. Monica made a motion to approve the minutes from November 29, 2018. Seconded by Mr. Brown.

Mr. McAlister made a motion to approve the minutes from January 3, 2019. Seconded by Dr. Monica.

Administrative Approvals & Follow-up of previous cases

They are two cases that we anticipate approving in the next couple of weeks. Information will be provided on March 7th. 419 Hector, they are doing some work regarding their patio and 1004 Falcon is a generator which is going to meet requirements.

A follow up of previous cases, we have not received any revised drawings and no application has been made to the BZA as of today regarding the fence at 226 Friedrichs Ave regarding the fence. We did meet with the Parish Attorney's office and they will send a notification letter to the applicant that we will cancel this application within 30 business days if they do not proceed with making their application to the BZA so that we can close out this case.

OM-3-19 will be corrected on the Agenda for March. It is a demolition of the existing residence.

Other Business

Mr. Krobert engaged in a discussion on precedents and verbally gave some informative points to the commission members and others present that may assist them in handling questions and situations. He also stated that he will e-mail Ms. Eastman this information and also information on a hardship lot.

Dr. Monica moved for adjournment, Mr. Brown seconded. All were in favor. (4-0)