

**OLD METAIRIE COMMISSION (OMC) MINUTES
PUBLIC HEARING
March 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	√	
Cynthia J. Steward	√	

Planning Department

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

Others

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

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

The Old Metairie Commission (OMC) conducted the March 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-3-19 338 Hector Ave.

Ms. Eastman asked Ms. McKinney to read the notice of public hearing for Docket No. OM-3-19.

A request to demolish an existing residence and to construct a new residence with a variance to the R-1A front-yard, rear-yard, and side-yard setback requirement at 338 Hector Ave., on Lot W1, Square 8, Metairie Suburb Subdivision, Jefferson Parish, LA, bounded by Duplessis St., Iona St., and Avenue B; zoned R-1A Single-Family 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 demolition and construction of a new single-family dwelling would be a positive contribution to the OMNCD, and the proposed dwelling maintains the character of the streetscape as it shares many design elements with the existing dwelling.

- The rear-yard setback variance for the residence is acceptable due to the constraints placed on the site by the 20-ft. deficiency in required lot depth for the R-1A district, and due to the fact that only an approximately 62-sq.-ft. portion of the residence encroaches.

Ms. Cassagne stated for the record, Ms. McKinney read that there were front-yard and side-yard variances but since the time this case was advertised the applicant did make revisions that eliminated those variances and only the 62-sq.-ft. rear yard variance remains. There are no other variances.

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

Mr. Charles Oliver, Architect, 7054 Boise Dr. Baton Rouge, La. added that it's a tight lot that was created by a resubdivision and they are trying to stay within the boundaries but wanted to have a small protrusion in the rear yard. They are not asking for a variance along the entire rear yard. It's only for the small breakfast area. The pavilion is a detached pavilion and meets the height requirement.

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

Ms. Steward stated that the drawings that she received has two different mullion patterns one is one over one and one is two over two windows. Mr. Oliver clarified that there were some revisions submitted and that the final drawings were two over two.

Dr. Monica inquired about the incidental penetration patterns on the massing angle and why it's necessary and also wanted to know what the pavilion was for.

Mr. Oliver explained that the pavilion is simply an outdoor space. If it would have been attached to the house it would have been a porch. It would have also intruded into the rear yard, but by detaching it, this would be a covered porch area. Due to the limitation of the buildable area on the lot they felt it was best to use the buildable area for living space, so the pavilion was a way to create the porch. If it were attached to the house, it would require a further variance and would not be able to occupy the rear yard with it.

Dr. Monica wanted to know if there are any structural problems or mold with this house. Mr. Oliver stated he was not aware of any structural problems. If so, it would have been disclosed in the purchase agreement. The fence shown on Duplessis St. is an existing fence. They proposed to keep it and clean it up.

Mr. McAlister explained that while looking at the footprint with the buildable area, obviously there are minor encroachments beyond the blue building area, which lists no variances required. Is this just a function where the lines are placed there for purposes where we can see where everything is, or is there an approximately six (6) inch to one (1) foot encroachment outside of the building areas?

Mr. Oliver explained that those are roof overhangs and not the actual overhangs of the building.

Mr. McAlister asked if the encroachment into the rear setback that bumps out is a sunroom or breakfast room. Mr. Oliver confirmed that it is a breakfast room that would be heavily glazed with

quite a bit of glass on it. Purposely one-story and located towards the street not to be inward and intrusive to the neighbors. Mr. McAlister asked how bad would it be for his clients to lose it?

Mr. McAlister has an issue with the variance because the rear setbacks that are established are proportionate, it's 20% of the rear yard, and it's not a fixed line like 10 feet or 15 feet where it's understandable you would want some relief from a non-conforming lot because you are jammed in there. At 20% if there was a 200 ft. deep lot you can go all the way back there. The reason it's proportioned like that is to keep the houses on the lots in proportion to the size of the lots. The hardship is not there and this is why he has an issue with granting this variance.

Mr. Oliver explained that it is subject to a greater setback on Duplessis than if it were an interior lot because it is a corner. With the limited amount of buildable area, the challenge was to get the master suite down. It becomes a footprint issue. Mr. McAlister indicated that it's not an irregular shaped lot, it's a perfect rectangular. They're hamstring by the size of the lot, but that's what everyone bought into.

Mr. Brown agreed with Mr. McAlister and also stated the lot may have been purchased knowing the restrictions. The pavilion is already there that's within code and if you add another bump out there it may be too much.

Ms. Steward stated she couldn't find anything about floor area ratios or open space requirements.

Ms. Cassagne explained that Jefferson Parish doesn't have floor area ratio requirements and that the open space requirement is addressed by the percentage of the rear yard coverage which was addressed in Finding #5 in the zoning report where it talks about the pavilion covers 19.7', the limit is 40% of the required rear yard. It gets to Mr. McAlister's point as to what's a required rear yard vs a rear yard that's provided by the location of the building. So the rear yard setback being 16 feet from the property line, you're allowed to put up an accessory structure up to 40% of that. The pavilion is at 19.7, which does not include the 5-foot encroachment.

Mr. Oliver stated that they gave up some of the buildable area on the right side in order to get a second off street parking space that was beyond the setback; not a covered area. They took a little bit of the buildable area away in order to accomplish that. It's not a "deal breaker" but they are here to ask for it because it's an important little part of the plan. To have a separate little area, a small bump-out area like this that overlooks the back yard is ideal.

Ms. Eastman stated that the size of the room is a nice size for the house, but recommends not doing the bump out because it will take up too much yard space. Mr. Oliver stated that they could go back and draw up a floating dining area.

Dr. Monica made a motion to recommend denial of the variance to the rear-yard setback.
Seconded by Mr. McAlister.

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>	___
Ms. Steward	<u>√</u>	___

The ayes have it by a vote of 5 to 0.

Ms. Cassagne explained that since the Board has made a motion of denial for the variance to the rear yard setback, there were two option for the applicant. They could go before the BZA with their recommendation of denial from the Commission, or they could redesign their plans, eliminate the variance and go back before the Commission.

The property owner indicated that he would like to redesign the plans and go back before the Commission.

Dr. Monica therefore made a motion to recommend deferral on approval of the new construction plans, 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>	___
Ms. Steward	<u>√</u>	___

The ayes have it by a vote of 5 to 0.

Mr. McAlister then made a motion to approve the demolition. 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>	___
Ms. Steward	<u>√</u>	___

The ayes have it by a vote of 5 to 0.

Dr. Monica made a motion to approve the minutes, with the notations of corrections by Ms. Eastman, from February 7, 2019. Seconded by Mr. Brown.

Dr. Monica made a motion to amend the minutes of January 3, 2019 to reflect that Mr. Stubbs was not absent and that he had resigned from the commission. Seconded by Mr. Brown.

Administrative Approvals & Follow-up of previous cases

- OM-5-19 was approved by the Planning Director. It was a generator at the Brandt residence at 1004 Falcon.
- 419 Hector – patio and shed is almost done, the Planning Department is just waiting on the subdivision to be recorded.
- 226 Friedrichs, the Holiday fence. A cancellation letter was sent out notifying them that the case will be cancelled on April 15th if the Planning Department doesn't hear anything from them.
- Carubba garage also still had not scheduled anything for BZA.

Other Business

- 2019 Eliminating Sexual Harassment Training video was shown

Dr. Monica moved for adjournment, Mr. McAlister seconded. All were in favor. (5-0)