

**OLD METAIRIE COMMISSION (OMC) MINUTES
PUBLIC HEARING
March 4, 2021 9:00 a.m.**

In Attendance

Old Metairie Commission Members

	<u>Present</u>	<u>Absent</u>
Clifford Brown, Chair	√	
David Webber, Vice-Chair	√	
Dr. Monica Monica	√	
Thomas McAlister	√	
Cynthia J. Steward	√	

Planning Department

Brooke P. Tolbert, Assistant Director
Jay Hébert, Senior Planner
Nedra McKinney, Typist Clerk III
Juliette Cassagne, Director
Alena Gesser, Planner II

Others

Bess Renfrow, Parish Attorney
Rick Hollier, Inspection and Code Enforcement

Mr. Brown, Chairman, introduced himself, other members of the Commission, and the Parish staff. In light of the spread of COVID-19 and the on-going State of Emergency in Louisiana, the Jefferson Parish Planning Department held the Old Metairie Commission Public Hearing via teleconference on Thursday, March 4, 2021 at 9:01 A.M. in compliance with La. R.S. 42:17.1.

OM-30-20 425 Iona St., A request to install a swimming pool on Lot 55-A-1, Square 9, Metairie Suburb Subdivision, Jefferson Parish, LA, bounded by Duplessis St., Hector Ave., and Geranium St.; zoned R-1B Suburban Residential District/OMNCD Old Metairie Neighborhood Conservation District (Council District 5)

Mr. Hebert reported the findings of the case.

The Planning Department recommends approval for the following reason:

- The proposed swimming pool meets all of the minimum requirements of the R-1B/OMNCD.

Mr. Brown opened the floor for the applicant/representative to speak.

Ms. Menszer, the owner, was present and received clarity to what the permit process is and was available to answer any questions.

Mr. Brown opened the floor for any proponents to speak. There were none.

Mr. Brown opened the floor for any opponents to speak. There were none.

Mr. Brown opened the floor for comments from the Commissioners. There were none.

Dr. Monica made a motion to recommend approval of OM-30-20. Seconded by Mr. Webber.

Ms. McKinney called the roll on the motion:

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

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

OM-4-21 17 Englewood Pkwy., A request to construct a single-family dwelling, detached garage/pool house, and swimming pool, and for tree removal on Lot A, Square F, Metairie Club Gardens Subdivision, Jefferson Parish, LA, bounded by Nassau Dr., Northline St. and Pelham Dr.; zoned R-1D Rural Residential District/OMNCD Old Metairie Neighborhood Conservation District (Council District 5)

Mr. Hebert reported the findings of the case.

The Planning Department recommends approval of the construction of the single-family dwelling, for the following reasons:

- The proposal meets all requirements of the R-1D/OMNCD

Approval of the detached garage/pool house, and swimming pool contingent on BZA approval of the tree removal. If denied the applicant will need to submit revised plans.

The Planning Department defers recommendation to the Parish Arborist regarding requests for tree removal.

Mr. Brown opened the floor for the applicant/representative to speak.

Mr. Patrick Melancon, Architect, stated that two parts of the report was modified and that he had spoken with Mr. Wisnowski; the 20-inch Live Oak that is in rear yard setback which is actually the Water Oak, would be allowed to be removed and that it's only the Cypress Tree that is in question. Mr. Melancon confirmed that the plans were incorrect and should have labeled a Water Oak rather than a Live Oak, and they are just appealing the Cypress Tree.

Mr. Brown opened the floor for any proponents to speak.

Mr. Frank Levy, 40 Pelham Dr, expressed his support and stated that this is a beautiful home that would enhance the neighborhood, it's a lot that needs a beautiful home like this on it and that one tree that's in question should not be a problem.

Mr. Brown opened the floor for any opponents to speak. There were none.

Mr. Webber stated that this is a very elegant house and asked if there was any attempt to work the garage over and keep the tree? Mr. Melancon stated that both Nassau and Englewood are considered front yards and because of that they couldn't place an accessory structure anywhere but in the rear yard past the 35-foot setback of Nassau.

Dr. Monica asked if the Bald Cypress can be saved? Mr. Melancon stated that after meeting with Mr. Wisnowski and the tree protection company, Bayou Tree, Mr. Wisnowski said according to the ordinances, he has to oppose the removal of it; but in talking to the tree protection company they said that the tree is located so close to the 25 foot rear yard set back that when you legally build your house close to it, not only will they not be able to protect the tree adequately because the tree is so close to what's allowable but the Cypress nodes would cause a lot of problems with plumbing and flats.

Dr. Monica also asked can this be done at all without removing this tree. Mr. Melancon stated in order to build the garage and the house they would not be able to keep the tree.

A discussion took place between Mr. Melancon, Ms. Tolbert and some of the Commission members regarding possible options to save the tree and separating the recommendations for the house and the garage.

Dr. Monica made a motion to recommend approval on the house/dwelling and subdivide the approval for the garage accessory structure at another time. This was not seconded and was later rescinded by Dr. Monica.

Mr. McAlister asked if we bifurcated like this, and the Commission recommended approval, would this tie the architect/applicant's hands making them locked in to this design because there are other ways to redesign this house. Would it require that they have to go back to the drawing board in order to relocate the garage/pool house to some other area that works for them and that requires a redesign of a principle building itself are they going to have to go back to the drawing board completely and re-file?

Ms. Tolbert stated that it would be up to the applicant on how they would want to proceed; if they had a certain timeline they were really looking to get the house built in a certain amount of time. They could proceed with the house and drawings that don't include the garage, and they can come in at a later date. If they don't want that option, they can get together with the Architect on that and determine what they want to take.

Also, Englewood is the front yard for purposes of the setback because the other property along Nassau across Englewood also maintains a 35 ft setback, this house is being placed back there to maintain that setback. So, while it is a big lot it has that constraint. They are providing more than what is required on Nassau Dr.

Mr. McAlister stated it's a corner lot and under old guidelines Nassau would be the front yard because it's narrower on Nassau and deeper on Englewood Pkwy. And in theory, it could be re-designed in

maintaining the current building area that's there and relocate the front door on Nassau, but that would be going back to the drawing board.

Mr. Webber agrees with Mr. McAlister and thinks it's best to not approve the residence and try to redesign everything all at one time because at that point it's locked in if you don't want to make changes. Approving the house doesn't make sense to approve, if the garage is not going to be approved at this point in time.

Ms. Cassagne stated for clarity regarding Dr. Monica's motion (which had not received a second) that if you were to bifurcated the request, or to keep it as is, that the Planning Department's recommendation is contingent upon the BZA's approval of the removal of the tree. If the BZA grants the removal of the tree then the Planning Department is recommending and supporting the location of the garage and the pool house. Ms. Cassagne also stated it's best to make sure from the applicant and ask if the commission will be moving forward on making a recommendation today to the BZA regarding the removal of the Cypress tree because the way Dr. Monica had initially phrased it was a later decision and the applicant would want a recommendation today so that they can proceed to the BZA.

Dr. Monica removed her motion.

Mr. Melancon stated that on behalf of the homeowners, since everyone was in agreement with what the Planning Department had recommended and advise before the meeting, they would like to move forward without separating the house and the garage and contingent upon the BZA accepting their request to build the garage where requested.

Mr. Webber stated that the large 40 inch Oak tree on Nassau will be severely hampering the driveway and he hates to see 2 large limbs wacked off of that tree to make a driveway to the garage and he is opposed to removing the Cypress Tree or approving the plan like this and suggested that the applicant/architect better design it to keep the tree or consider a garage on the other corner, also the adjacent lot on the West side is compromised by pushing all of that this way.

Dr. Monica agrees with Mr. Webber.

Mr. Webber made a recommendation of denial for the removal of the 45-inch Bald Cypress. Seconded by Dr. Monica.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Mr. Brown	_____	_____✓
Dr. Monica	_____✓	_____
Mr. Webber	_____✓	_____
Mr. McAlister	_____	_____✓
Ms. Steward	_____✓	_____

The ayes have it by a vote of 3 to 2. Motion approved.

Mr. McAlister made a recommendation of approval of the removal of the 20-inch Water Oak. Seconded by Mr. Brown.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Mr. Brown	✓	_____
Dr. Monica	_____	✓
Mr. Webber	_____	✓
Mr. McAlister	✓	_____
Ms. Steward	✓	_____

The ayes have it by a vote of 3 to 2. Motion approved.

Mr. Webber made a motion to recommend denial of the construction of the single-family dwelling, detached garage, pool house and swimming pool. Seconded by Dr. Monica.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Mr. Brown	_____	✓
Dr. Monica	✓	_____
Mr. Webber	✓	_____
Mr. McAlister	_____	✓
Ms. Steward	_____	✓

The Nays have it by a vote of 3 to 2. Motion of denial not approved.

Mr. McAlister made a motion to recommend approval of the construction of the single-family dwelling, detached garage, pool house and swimming pool. Seconded by Mr. Brown.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Mr. Brown	✓	_____
Dr. Monica	_____	✓
Mr. Webber	_____	✓
Mr. McAlister	✓	_____
Ms. Steward	✓	_____

The Ayes have it by a vote of 3 to 2. Motion approved.

Minutes

Dr. Monica made a motion to adopt the minutes from February 4, 2021. Seconded by Ms. Steward.

Administrative Approvals & Follow-up of previous cases.

There were none.

Discussion of Pools in OMNCD

Ms. Gesser discussed through a presentation the setbacks for swimming pools in the OMNCD.

- Currently setbacks for swimming pools are not addressed in the Code. In practice, certain setback exceptions have been applied to accommodate swimming pools. Swimming pools may be located in the required side or rear yard, as close as 3 ft. to the rear or side property line and 60 ft. from the front property line. For swimming pools, the setback is measured from the water's edge. The area of swimming pools are not factored into the max. 40% rear yard coverage limit applied to accessory buildings and structures.
- Planning recommends maintaining existing practices, but clarifying code language specific to swimming pools.
- Planning recommends specifying the swimming pools be located in the side or rear yard, as close as three feet from the rear or side property line and no less than 60 feet from the front property line.
- As a related amendment, Planning recommends clarifying how swimming pools should be categorized in the MRTPD construction activity definitions.
- New or an addition to an existing swimming pool are considered major construction activities.
- An alteration to an existing swimming pool is considered a minor construction activity.

Issues:

- New or change to an existing swimming pool in the OMNCD currently requires PD site plan review. There are no criteria for evaluation of swimming pools in the OMNCD. PD/OMC review lengthens process and increases cost for the applicant/owner. Code Enforcement reviews and issues permits for swimming pools.
- They review swimming pool setbacks and safety features (barriers, alarms, gates, etc.).
- The Parish arborist reviews tree protection associated with swimming pool and other construction related activities in the MRTPD/OMNCD.
- Thus, Planning is recommending to allow the ICE Director to approve swimming pools that meet all requirements. Swimming pools that do not meet requirements are subject to OMC review and BZA approval.

The Commission members were all in agreement with the Planning Department's approach.

Virtual Meetings

Ms. Tolbert stated that last year the State Legislature passed a law that essentially allows public hearings to be held via tele-conference as long as there is a Governor declared emergency. Stated that as long as there is a proclamation we will have the ability to meet virtually and asked the Commissioners for their feedback on virtual meetings vs in-person meetings.

The Commissioners stated as long as the public doesn't have a problem with it then its fine with them to continue virtually.

Dr. Monica made a motion to adjourn. Seconded by Mr. McAlister. Meeting adjourned at 9:55.