

**OLD METAIRIE COMMISSION (OMC) MINUTES
PUBLIC HEARING
April 8, 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
Carrie MacKay, Planner II
Shakeeb Shariff, 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, April 8, 2021 at 9:04 A.M. in compliance with La. R.S. 42:17.1.

OM-7-21 505 Northline St., A request to amend OM-12-17 to install a fence in the required front yard on Lot 1-A, Square C, Metairie Club Gardens Subdivision, Jefferson Parish, LA; bounded by Iona St., Avenue E, and Hector Ave.; zoned R-1C Rural Residential District/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Mr. Hebert reported the findings of the case.

The Planning Department recommends denial for the following reasons:

- Only two properties within 500 linear feet have fences in the front yard, which lends to the existing open space character of Northline St.
- The proposed fence in the front yard is not consistent with the purpose of the OMNCD which is intended to preserve and maintain the neighborhood character of the district.

The Planning Department received several e-mails expressing opposition and support.

1. Barry Kern, 611 Hector Ave, notice of support
2. John Cummings, 619 Iona St, notice of support
3. Andrew & Robin Schwarz, 606 Hector Ave, notice of opposition
4. Rayne & William Lykes, 604 Hector Ave, notice of opposition
5. Mr. & Mrs. Scott Wilson, 520 Iona St & 410 Northline, notice of opposition
6. Cindy Howson Weinmann, 414 Iona St, notice of opposition
7. Rachel Kirschman, notice of opposition

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

Mr. Stephen Schott, introduced himself as the representative for the owners of the property. The owners had previously requested a variance for a front yard fence approximately four years ago. Since then, things have changed for the worse such as the increase in crimes that have been committed in this area, specifically, the owner of this property and some of the workers whom were recently victims of crime here at the residence in the middle of the day, when two or three people stole some things from some vehicles and attempted to gain access to the property while the owner and some of the workers were present. There has been a heightened concern about safety and security in that area and in particular at his client's property. There was thinking at the time his client's submitted the original application that it might not be necessary, but their feelings have changed since then, not only because of the general increase in crime, but with their own personal experience that they have had. As far as the open feel, the style of the fence is not going to diminish the open feel. It's a wrought iron picket fence that will have columns at least five feet apart and the wrought iron pickets will be approximately five inches from center to center. The style of the fence is very similar to the style of fences that are found in abundance in the Garden District of Uptown New Orleans. It's almost identical to many of those fences we've seen over the years. He does not think that this style of fencing will diminish the open feel of the area, of the property, or the street, or the thoroughfare. It's not as though he is building a wall. He is building a very aesthetic appealing open air fence that complies with the requirements of a front yard fence. They're other front yard fences in the area as noted in the report; 401 Northline, 417 Northline and one under construction on Nassau at Northline. So there is precedent for a front yard fence. It's not all in the area in general, but even much closer to this property. Two within close distance and a third a bit farther away. Mr. Schott could not stress enough the concern that his clients have for the safety and security for themselves, their property and others visiting their home. This is the most compelling reason that his clients feel so strongly and see the need for this fence. That enough should provide enough support for granting this variance. It will not diminish the look of the area. This fence complies with the setback requirements unlike the property on Friedrichs & Northline that was built on public property. He asked that the commission not put so much weight on the concern about the fence diminishing the open air feel because it will not.

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.

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Dr. Monica asked Mr. Hebert if the fence built at 417 Northline was built without a permit. Mr. Hebert replied that there was no permit history for the fence located at 414 Northline. Dr. Monica replied that if that fence had come before the OMC, the OMC would have recommended denial. Second, she asked if Mr. Schott's clients filed a police report. Mr. Schott indicated that he thinks they did. Dr. Monica also disagreed with Mr. Schott comment that they're a lot of front yard fences in the neighborhood because she drove the area. Dr. Monica further stated that she understands the look of Uptown New Orleans but the look of Old Metairie is different. She understands the concerns about security, as everyone else also has the same concerns, but Dr. Monica did not think that after 2017 when this variance was rejected, that it's appropriate and will not vote for approval on this fence.

Ms. Steward stated that she thinks the zoning was very clear and having already asked at least once to get a waiver on this. She did not think there was any surprise that sticking to the rules was going to be the standard position.

Mr. McAlister was not inclined to approve the requested variance. Mr. Schott knows the standards that are applicable or whether this particular property has any unique characteristics that would create a hardship that would justify a variance and it does not. Every homeowner in the neighborhood is subjected to the same amount of crime or lack thereof. There is nothing unique about this property. This is the second time around by the applicant and I'm not sure why in 2017 the retaining wall that they are placing the fence on was approved because the last time he looked the slope of that property was zero, so there was nothing to retain. The retaining wall was intended to be footing for the fence as originally planned. The two other fences on Northline, 414 is grandfathered in. It preceded all OMNCD ordinances, and the other fence on Vincent & Northline was over 20 years ago. Certainly that's not a precedent setting condition for the Commission.

Mr. Webber stated that the property at Friedrichs & Northline does not have a front yard fence but does has corner a side yard fence.

Mr. Brown stated the proposed fence is open and pretty, but it doesn't follow the rules of the neighborhood. Regarding the crime in the neighborhood, everyone is concerned about it just like everyone else is, but does not think that that is a hardship. And statistically speaking this is the safest neighborhood in Jefferson Parish. So when you look at the numbers, by and large they are the safest neighborhood in Jefferson Parish. The fence just does not conform to the neighborhood norm.

Mr. Schott stated that the prior request in 2017, the variance request was not denied, it was withdrawn for other reasons that were not present then but are now. He doesn't think this is a "second bite at the apple". It's more of a re-submission of the request that wasn't voted on before. He also apologized for the misspeaking earlier regarding the front yard fence at the corner of Friedrichs & Northline, he wasn't aware that it was a side yard fence. That fence included a variance granted to allow construction in the public right of way. As far as the crime goes, he recognizes that the crime is lower than other areas, but that may not always remain that way and as for as the need to have to show a hardship, he can't think of anything that's more important to someone as to their personal safety and security of their place of residence. Northline is somewhat of a convenient gateway to other part of the area. So living on Northline is a little bit riskier than living on some of the other streets in the neighborhood. The fence will enhance the neighborhood and doesn't think the fence will diminish the open air feel. It wouldn't be a bad thing to have an

Uptown looking fence. He confirmed that there is already a side yard fence and that this front yard fence would tie into the side yard fence to enclose the property and make it more secure. This is an in-offensive request for something that will provide peace of mind and safety and security for his clients.

Dr. Monica made a motion to recommend denial of OM-7-21. Seconded by Ms. Steward.

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 5 to 0. Motion approved.

EZ-3-21 Rezoning of certain lots in the area currently zoned C-1 Neighborhood Commercial District and consisting of properties fronting Hector Avenue and Iona Street between Frisco Avenue and Avenue A; from C-1 Neighborhood Commercial to R-1C Rural Residential and R-2 Two-Family Residential districts with OMNCD Old Metairie Neighborhood Conservation District overlay over a portion; in accordance with a zoning and land use study; as authorized by Council Resolution No. 134813 adopted December 18, 2019 and extended via Council Resolution 136706 adopted December 9, 2020 (Council District 5)

Ms. MacKay reported the facts of the case.

Base Zoning District

- The Planning Department recommends rezoning parcels in Square 3 owned by Metairie Park Country Day School to R-1C to align with the remainder of the campus. The rezoning to R-1C would also make the parcels in Square 3 subject to the same Special Permitted Use regulations that the main campus must meet.
- The Planning Department also recommends rezoning the remaining lots in the study area from C-1 to R-2 to bring the existing single- and two-family residential into conformity and to create uniformity with the remaining residential zoning on the blocks. Despite the current commercial zoning, the area is entirely residential. The proposed rezoning to R-2 would also make the properties subject to the regulations of the OMNCD overlay zoning district.

Future Land Use

Because the existing development pattern and the proposed zoning align with the future land use designations assigned to Squares 3 and 4 during the 2019 parish-wide assessment, no change to the future land use map is recommended.

The Planning Department recommends the following:

- Rezone the parcels under Metairie Park Country Day School ownership to R-1C
- Rezone remaining parcels in study area to R-2/OMNCD

- No changes to the Future Land Use

CONSISTENCY WITH COMPREHENSIVE PLAN

This recommendation supports the following *Envision Jefferson 2040* goals and objectives:

- Land Use Element Goal 2, Objective 4: "Support uses or facilities that promote healthy communities."
- Land Use Element Goal 2, Objective 6: "Protect residential neighborhoods from incompatible development or redevelopment."
- Land Use Element Goal 3, Objective 6: "Minimize negative impacts of new development or redevelopment through up-to-date regulations and standards based on best practices."

AMENDED OFFICIAL ZONING MAP

The Planning Department recommends the following amendments to the zoning maps:

- Rezone the following lots from C-1 Neighborhood Commercial to R-1C Rural Residential:
 - Lots 1, 2, 3A, 16-18, 20A, 22A, and 24A, Square 3, Metairie Suburb Subdivision
 - Rezone the following lots from C-1 Neighborhood Commercial to R-2 Two-Family Residential/OMNCD Old Metairie Neighborhood Conservation District:
 - Lots 7A, 9A, and 11, Square 3, Metairie Suburb Subdivision
 - Lots 6-15, Square 4, Metairie Suburb Subdivision

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.

Dr. Monica asked if this ties in with a former applicant Ms. French whose property is at the end of Hector she said she was being denied her Commercial Zoning.

Ms. Tolbert stated that this property is included in the study area. This study came about as a part of an area study back in 2018 that looked at the larger Metairie Rd and the zoning of those areas. The Planning Department identified that there was conflict between the zoning and existing land uses, with the current zoning we can't build any new residential and additionally if any of these residences were destroyed beyond 75% they cannot be rebuilt.

Ms. Steward thanked the staff and loves the report.

Mr. McAlister said he thought this case with Ms. French came up a while ago.

Ms. Tolbert stated that after that case went to Old Metairie, it went to PAB and was withdrawn by the staff so this particular issue was never resolved and after the study was cancelled we called this study to address this zoning issue.

Mr. McAlister asked why R-2 for residential zoning? One of the permitted uses of R-2 is condominiums.

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Ms. Tolbert stated that the remainder of the block along Avenue A is zoned R-2. She referenced a property on the slide that was split zoned between commercial and R-2 zoning. Also, in the study area there is a mixture of uses: there's single-family and then there is two-family and then there are two properties that are developed with three-family. This would allow the two-family residential that are currently existing to be conforming. Additionally, the R-2 allows both the single-family and two-family residential and the lot sizes are smaller. The R-2 district is more appropriate also because these lot sizes are smaller and the R1-C properties are owned by Country Day.

Mr. McAlister asked if there is a cap on the number of units of the condominiums?

Ms. Mackay stated that this is still R-2, so we can't build three, four or five family residential and then separate into condos; it's still a limit of two.

Mr. Webber asked why not make it R1?

Ms. Tolbert stated that lot is split zoned.

Dr. Monica made a recommendation of approval for EZ-3-21. Seconded by Mr. Webber.

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 5 to 0. Motion approved.

Minutes

Dr. Monica made a motion to adopt the minutes from March 4, 2021. Seconded by Mr. McAlister.

Administrative Approvals & Follow-up of previous cases.

There were none.

Mr. Brown asked about the status of OM-5-21 that was supposed to be heard. Mr. Hebert stated he would check into that and let them know what's going on with that case.

Dr. Monica made a motion to adjourn. Seconded by Mr. McAlister. Meeting adjourned at 10:11.