

**OLD METAIRIE COMMISSION (OMC) MINUTES
PUBLIC HEARING
July 1, 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	√	

Planning Department

Brooke P. Tolbert, Assistant Director
Jay Hébert, Senior Planner
Shakeeb Shariff, Planner II
Nedra McKinney, Typist Clerk III
Katina Webb, Data Entry III

Others

Bess Renfrow, Parish Attorney
Tramone Chetta, Inspection and Code Enforcement

Mr. Brown, Chairman, introduced himself, other members of the Commission, and the Parish staff.

The Old Metairie Commission (OMC) conducted the July 1, 2021 public hearing at the Joseph S. Yenni Building in the Council Chambers, 2nd floor, 1221 Elmwood Park Blvd., Jefferson, LA 70123. Mr. Brown proceeded to the agenda and opened the meeting at 9:00a.m.

OM-18-21 425 Northline St.; A request to amend the locations of a residence, porte-cochere, parking turn table, garage & cabana approved under OM-25-21, with a waiver to the front yard setback requirement and a variance for the height of an accessory building, on Lot 10, Square B, Metairie Club Gardens Subdivision, Jefferson Parish, LA, bounded by Hector Ave., Ave. E and Vincent Ave, 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 the following:

- Denial for the five-ft. front yard setback variance for the columned entryway with open balcony for the following reason:
 - 1.) The residence or the entryway can be redesigned so as to not encroach into the required front yard.

- 2.) Approval of the variance could set a precedent that may negatively affect the open character of the streetscape in the OMNCD.
- Approval for the four-ft. height variance for the parapet wall on the garage, with the stipulation that the cut-out opening for access be relocated so as to not face either neighboring property, for the following reason:
 - 1.) The parapet wall will function to sound-proof the generator and A/C units on the roof.

Ms. Tolbert stated that after this report was published, the Planning Department was made aware that the cabana in the rear yard, which was previously thought to be open air, is conditioned space. Planning has informed the applicant, that in order to keep this enclosed and conditioned as livable space, it will require a variance for the side and rear yards, as that was not advertised for this meeting's agenda, those variances cannot be acted upon and will need to be deferred. The applicant has been made aware of this and they wish to proceed with the front yard variance.

Mr. Brown asked if the commission can vote on what is being proposed, but that the applicant will not be able to build the cabana unless they come back?

Ms. Tolbert answered Mr. Brown, that is correct. The Planning Department advises that the applicant defer it a month so the commission can hear everything at once. The applicant will speak on what their preference is.

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

Charles Silbernagel, Architect, 3129 Edenborn Ave., Metairie, LA. Mr. Silbernagel asked that the commissioners look at Figure 3 and what is missing on Figure 3 are the servitudes on the property. On the right side of the property is a 10 ft. drainage servitude that the owner granted to Jefferson Parish to provide drainage from the rear street to drain to Northline St. In the last two months they discovered that there's no rear servitude to this property by Entergy. Entergy is now requesting a rear servitude on this property. The servitude is not for 425 Northline because the pole ends at the left-hand corner of the property. The servitude would be used for 419 Northline. There is a light pole in the median of the street behind them that is fed from that pole that is in the left-hand corner of 419. Being that there is an existing fence and chain wall on the property behind them in the rear yard, and there is also a large tree that goes from the front property line almost all the way to the rear of the property, Entergy cannot get close. Entergy will bury the line. They can't put it close to the rear property line because of the existing fence and trees. They are looking to put it closer to the five feet.

What I'm (Mr. Silbernagel) is asking for that these two servitudes make this property unique to Northline. There is no other property that has two servitudes on it. So we are asking for a front yard variance to allow the covered porch, which is one (1) story, open on three sides, and 21'-5" wide. It's 36'-10" from the right side of the property. It's 41'-8" from the left side of the property, which is putting the covered patio approximately in the middle of the lot. So it's not going to encumbrance on our right and left side neighbors. The two-story main body of the house, will be set at the 30 ft. rear yard setback and will conform with all massing angles. They are not messing with any of the massing angles by moving the patio forward.

The parapet on the garage is a request from the Board in order to screen the equipment. The Planning dept. has asked that he move the rear access door from the rear of the garage to the side facing the pool. Being that the rear owner has a standard tree which runs all the way to the front of the property line; that rear access is not going to be open from the back street because of the trees. And he would propose some sort of screen or door, but they need that rear access from the property.

As far as the cabana, he's researching the cabana. He trying to find out where it says in the code that a cabana cannot be conditioned. He has not found that yet. If anybody has that section he would like them to send it to him. In his 40 years of designing cabanas to houses, he does not see why they are changing the rules of cabanas now. If this is some matter of interpretation, there should be some type of warning or discussion about this on how a cabana attaches to the side. He does not understand the need to have the cabana open and unconditioned.

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

William Nelson, 223 Vincent. Mr. Nelson stated that he is for this project. Mr. Nelson stated that he thinks it is reasonable to ask for the front 5ft. considering all of the servitudes and that he is very interested in the commission's decision in regards to the cabana.

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

Mr. Brown opened the floor for comments from the Commissioners.

Dr. Monica stated, in terms of the cabana, Mr. Silbernagel had alluded to other examples of garages that were conditioned, she would have to know if there were variances involved when those garages were conditioned and what year were the variances granted. Dr. Monica stated that she understood the concern, but we've taken a cabana that was thought to be an accessory structure, has now been conditioned. So in relation to Mr. Silbernagel's question, that would play some role in her mind on those other structures.

Ms. Renfrow stated that the interpretation that came from the Parish Attorney's office, came from her, and was not based solely on the fact that it was air conditioned. It was based on the definition of accessory structure which says that it cannot be used as a place of habitation. So, if you're enclosed, if you have air conditioning, if you have furniture, a television and a wine bar, it is very hard for the parish to say, that it is not a place of habitation. The interpretation that was made was not based solely on the fact that it was air conditioned. Ms. Renfrow stated that she understands that there are garages that are air conditioned, but the concern is where do you draw the line for habitation.

Dr. Monica stated that based on what Ms. Renfrow said, the code is explicit on the point of when you have a structure that is not an accessory, meaning for habitation, that it does fall within the preference provided by the code in limiting how that structure and the variances of that structure are built into the plans.

Mr. Silbernagel discussed his points on the use of the cabana. In his 40 years, they have always associated a cabana with an accessory structure. They have never said that a cabana was a main part of the residence. And as far as assuming that his client is going to use the cabana for habitation,

we can also “assume” that he (Owner) is going to rent four bedrooms on the second floor as an Airbnb. Mr. Silbernagel further discussed his points on the use of the cabana.

Mr. McAlister stated that Mr. Silbernagel assigned the name cabana to the site plan, and just because you call it a cabana does not necessarily make it a cabana. Mr. Silbernagel labelled it as a cabana, but it’s fully enclosed with an entrance to the other bedroom. It’s got a half bath attached to it. It’s closed. It’s sealed up, and it’s fully plumbed and electrified. That’s living space. It’s not a question of what you label it. It’s a question of what it may be used for. And that’s habitable space. That’s the issue that will have to be addressed when it comes before the commission.

Mr. Silbernagel asked if it’s the connection from the house that’s the problem.

Ms. Renfrow stated that there is a future meeting scheduled with Mr. Silbernagel to discuss this issue and that the commission should now move on from this topic.

Dr. Monica stated that the plans are beautiful, but that she has an issue with the 5ft. variance on the front. The residents of Northline have stayed within the building code for the setbacks and that she cannot vote positively on that variance. She understands the issue with the servitudes, but that is not compliant with what Northline looks like.

Mr. Brown made a motion to recommend **deferral**. Seconded by Dr. Monica.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Mr. Brown	√	—
Dr. Monica	√	—
Mr. McAlister	√	—
Mr. Webber	√	—

The ayes have it by a vote of 4 to 0. With 0 absent. Motion of deferral approved.

Minutes

Dr. Monica made a motion to adopt the minutes from June 3, 2021. Seconded by Mr. McAlister.

Administrative Approvals & Follow-up of previous cases.

Mr. Hebert stated there was one administrative approval, **OM-3-21 at 305 Hector Ave.**, which included the insulation of a generator in the side yard, property is zoned R-1A, single family residential. It met the setback requirements and it was approved by the Planning Department on June 9, 2021.

Mr. Hebert stated there was on follow up to a previous case, **OM-5-21 at 510 Iona St.**, it went before the board on May 6, 2021. It included the new construction of a residence with a pool. At the time there were two variances to require the side yard and the rear yard. Since then, the applicant submitted a revised plan to the Planning Department. The issue was the wing, located in the top left corner that included the combination of a bedroom and entertainment area. They revised their plans

following the OMC meeting. They shrunk the building footprint of that wing by going vertical. By doing so, it fell within the buildable area. Based on that, it was approved.

Mr. Brown asked if there were any additional business to come before the commission. There were none.

The commission thanked Ms. McKinney for all of her hard work and that she will be greatly missed.

Mr. Webber made a motion to adjourn. Seconded by Dr. Monica. Meeting adjourned at 9:28.