

**OLD METAIRIE COMMISSION (OMC) MINUTES PUBLIC HEARING**  
**August 5, 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  
Alena Gesser, Senior Planner

**Others**

Hanlon deVerges, Parish Attorney  
Rick Hollier, 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 August 5, 2021 public hearing at the Joseph S. Yenni Building in the Council Chambers, 2<sup>nd</sup> 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. (Deferred from July 1 meeting)** ; 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. Brown asked if the Planning Department had any additional information or comments to present since the last meeting.

Mr. Hebert reported that on July 27, 2021, the applicant submitted revised drawings showing that the site had been “flipped” so that the garage is now on the left (west) side set back five ft. from that side property line and the pool house is now on the right (east) side set back 10 ft. from that side property line. The porte-cochere is now on the left (west) side maintaining the required 10-ft. setback.

Also, direct access from the primary residence to the pool house has been removed, confirming the accessory nature of the pool house. The request for the variance to the front yard setback requirement and a variance for the height of an accessory building carry forward. The proposed development still meets all other applicable R-1C/OMNCD requirements, and that the Planning Department's recommendation is unchanged.

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

Charles Silbernagel, CLS Architects, 3129 Edenborn Ave., Metairie, LA. Mr. Silbernagel stated that he was at the hearing to represent the owner as the architect in asking for the variance for 5ft to move the house forward because of the issues that are still going on with Entergy in the rear yard. Mr. Silbernagel stated that he and owner have been meeting with Entergy to determine how the power lines are going to be relocated, which are in the rear of the house. As it exists right now, the power pole is on the rear neighbor's property line and extends across the owner's rear property line into the pole that is on the right neighbor's, left corner. They're looking to bury those lines, however, there are no servitudes on the owner's property. They are working with Entergy to determine how the pole is going to get relocated and the power over to the existing pole that feeds the neighbor and the cul-de-sac. They are still in communication with Entergy. Entergy is asking for a 5 ft. servitude, but are asking that this property stay 8 ft. back from the poles because of the number of trees that are on the rear neighbor's property line. Mr. Silbernagel stated that they are asking to move the main body of the house to the 30 ft. required setback leaving only the front entry way, which is a single story, open aired entry.

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.

Dr. Monica asked that Mr. Silbernagel to explain why the front entrance needs the 5 ft. variance on the front yard.

Mr. Silbernagel responded because they're pulling the house forward due to the Entergy servitude.

Dr. Monica and Mr. Silbernagel discussed, the Entergy servitude.

Mr. McAlister asked if Planning had a survey to pull up on the screen in the regards the servitude in the rear. The survey was displayed on the screen. A discussion in regards to the survey took place with Mr. McAlister, Mr. Silbernagel Mr. Hebert and Ms. Tolbert.

Dr. Monica asked what type of trees are on the property behind theirs that will have to be cut down if the servitude stayed on the neighbor's side. It was stated that they are Holly trees.

Mr. Brown commented that this plan seems a lot less detailed than the previous one given to the Commission, when there was an issue with the cabana. Mr. Brown stated, this is essentially the same thing except there is no door. They took out the door and made it compliant. For the record, in the back, a door is what is separating these variances. In Mr. Brown's opinion, the Parish should look into defining the rules for accessory structures a little better.

Ms. Tolbert stated in response to Mr. Brown's comment that the variance before the Commission is not in regards to the pool house. It is for the front yard setback and the height. Later on, in the agenda there is a discussion about the Old Metairie study, which Planning is hoping to bring through the public hearing process this fall that will address accessory structures, along with several other updates to the OMC regulations.

Mr. McAlister and Ms. Tolbert discussed accessory structures, more specifically the number of accessory structures allowed.

Mr. McAlister and Mr. Silbernagel discussed the height variance of the parapet on the garage.

Mr. McAlister and Mr. Silbernagel discussed the 5 ft. front yard variance and granting of a servitude to Entergy at the rear of the property.

Mr. Brown asked for a motion of recommendation on the 5 ft. variance to the R-1C setback regulations to allow 25 ft. front yard setback instead of the 30ft. There was none.

Mr. Brown then recommended approval of the 5 ft. variance to the R-1C regulations to allow a 25 ft. front yard. There was no second. The motion fails.

Dr. Monica made a motion of denial of the 5 ft. variance to the R-1C regulations to allow a 25 ft. front yard. Mr. McAlister seconded the motion.

Ms. Tolbert called the roll on the motion:

	<b>Aye</b>	<b>Nay</b>
Mr. Brown	<u>      </u>	<u>  √  </u>
Dr. Monica	<u>  √  </u>	<u>      </u>
Mr. McAlister	<u>  √  </u>	<u>      </u>

The motion for denial fails. A quorum of three (3) was needed in order to pass the motion.

Mr. Silbernagel stated that he would prefer that his case be denied instead of a deferral.

Dr. Monica made a second motion of denial for the 5 ft. variance to the R-1C regulations to allow a 25 ft. front yard. Mr. McAlister seconded the motion.

Mr. Hebert called the roll on the motion:

	<b>Aye</b>	<b>Nay</b>
Mr. Brown	<u>  √  </u>	<u>      </u>
Dr. Monica	<u>  √  </u>	<u>      </u>
Mr. McAlister	<u>  √  </u>	<u>      </u>

The ayes have it by a vote of 3 to 0. With 1 absent. Motion of denial approved.

Mr. Brown asked for a motion on the requested 4 ft. variance of the maximum height for the accessory structure that will allow 17 ft. tall garage with a parapet wall instead of the permitted 13ft.

Mr. McAlister made a motion of denial. Dr. Monica seconded the motion.

Mr. Hebert called the roll on the motion:

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

The ayes have it by a vote of 3 to 0. With 1 absent. Motion of denial approved.

**OM-23-21 17 Englewood Pkwy. / 20 Nassau Dr.;** A request to amend OM-4-21, to construct a single-family dwelling, detached garage/pool house, detached pavilion/exercise room, and swimming pool, and for tree removal on Lot A & Lot 16, Square F, Metairie Club Gardens Subdivision, Jefferson Parish, LA, bounded by 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 the following:

**Approval** of the construction of the single-family dwelling, for the following reasons:

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

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

Mr. Patrick Melancon, 7700 Maple St., New Orleans, LA. Mr. Melancon stated that he didn't have anything to add. He also stated that the Planning Department did a great job.

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.

Mr. McAlister had questions in regards to the garage and pool house, Mr. McAlister wanted to know if it was considered an accessory structure since it exceeds 13 ft. in height. Mr. Hebert agreed that it is because it's setback within the requirements and is considered part of the main structure.

Dr. Monica made a motion of approval. Mr. McAlister seconded the motion.

Mr. Hebert called the roll on the motion:

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

The ayes have it by a vote of 3 to 0. With 1 absent. Motion of denial approved.

### **Minutes**

Dr. Monica made a motion to adopt the minutes from July 1, 2021. Seconded by Mr. McAlister.

### **Discussion of OMNCD Text Study.**

Ms. Gesser narrated the presentation of the OMNCD study. A discussion with Ms. Gesser, Ms. Tolbert, and members of the commission took place in regards to the study.

### **Administrative Approvals & Follow-up of previous cases.**

Mr. Hebert stated there was one administrative approval, **OM-13-21** at **215 Avenue E.**, which included 103.20 sq. ft. of additional conditioned space to the house, finish off the front porch/gallery, replace an existing wood deck and ramp with a covered rear porch/gallery, add open brick steps to the front, add a rear deck, and replace the side entry deck. The proposed changes were determined to be “minor alterations” in accordance with Sec. 40-170(2)a2i and were approved ministerially by the Assistant Planning Director 7/29/21.

Mr. Hebert reported no follow-up of previous cases.

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

Dr. Monica made a motion to adjourn. Seconded by Mr. McAlister. Meeting adjourned at 9:56 am.