

**OLD METAIRIE COMMISSION (OMC) MINUTES
PUBLIC HEARING
August 6, 2020 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

Jay Hébert, Senior Planner
Nedra McKinney, Typist Clerk 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 August 6, 2020 public hearing at the Joseph S. Yenni Building in in the Council Chambers, 2nd Floor, 1221 Elmwood Park Blvd., Jefferson, LA. 70123. Mr. Brown proceeded to the agenda and opened the meeting at 9:01 a.m.

ES-89-20 500 Iona St.

Subdivision of Part of Lot 11, and Lots 12, 13, & 14; Sq. K; Metairie Club Gardens Subdivision into Lots 12-A and 13-A, Sq. K, Metairie Club Gardens Subdivision, Jefferson Parish, LA, with a waiver to the R-1D depth requirement for Proposed Lot 12-A, and with waivers to the R-1D width, depth, and area requirements for proposed Lot 13-A; bounded by Northline St., Woodvine Ave., and Geranium St.; zoned R-1D Rural Residential District. (Council District 5)

Mr. Hebert reported the findings of the case.

The Planning Department recommends denial for the following reasons:

- The proposal is not consistent with the area requirements and purpose of the R-1D district.
- Due to the considerable deficiencies in the R-1D width, depth, and area of proposed Lot 13-A, new construction will incur hardships with development and likely require significant variances.

Mr. Hebert reported that the Planning Department received a total of ten e-mails expressing opposition to the proposed subdivision.

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

Mr. James Dunn, 411 Adams St, New Orleans, LA 70118 representative for Barbara Reynolds, stated they are surprised at the opposition from a few of the outspoken neighbors because they were led to believe and were under the impression that the neighbors were supportive. His client owns 4 separate lots of record and stated that JP Planning Department confirmed that all three of the current vacant lots of record could be sold independently and developed into three separate residences with only minor site work and zero Planning approval. It would also be the most valued use of his client's property. Instead, the current application would ensure that two instead of four houses be built on the subject property. It represents a significant economic sacrifice and a shared desire with the neighbors to protect the character of the neighborhood that she loves and has resided there for many years.

Mr. Dunn distributed a few notes addressing some of the concerns that have been raised by the Planning Commission staff and some of the misconceptions voiced by a few misinformed neighbors. Mr. Dunn confirmed that the orientation of the two proposed lots would remain fronting on Iona St. and Woodvine Ave. respectively. Next, in order to address lot size and depth in that 15 of the 20 lots located in the highlighted area do not meet the R1-D requirement of 20,000 square feet; 19 of the 20 lots located in the highlighted area do not meet the R1-D requirement of the 200-foot depth. The average lot size on the subject block is approximately 10,500 square feet, the proposed lot 12-A would be 27,200 square feet, making this the second largest lot on the block out of sixteen residences. Proposed lot 13-A would be 12,750 square feet, making this the sixth largest lot out of sixteen residences located on the lot. Both of the proposed lots would be tied for the second widest lot on the block.

As for as setbacks are concerned, Mr. Dunn indicated that they would be requesting a 6-foot waiver for this proposed front setback which would a 29-foot setback. Four of the six lots located on the subject block that front on Woodvine, do not meet the 35-foot front setback requirement; 529 Woodvine which is adjacent to lot 13-A has a front setback of 29-feet, which is why we are requesting this waiver to match the setback of the adjacent property. Additionally, 500 Woodvine which is located directly across the street from 13-A has a front setback of 25 feet. Five of the sixteen lots, do not appear to meet the required rear setback of 25-feet. Proposed lot of 13-A rear setback of would still appear to be larger than the rear setback of at least four of the lots on the block. Therefore even the smaller of the two proposed lots would be significantly larger than the average lot on the block. It would match the front setback of the lot next door, and exceed the front setback of the lot directly across the street. He respectfully asks the Commission to see this application for what it is; a significant compromise by his client of her property rights; the best possible outcome for the neighborhood; ensuring the preservation of the existing look and feel of the Woodvine Avenue streetscape, and the character of the neighborhood in general. If this compromise is not approved, then his client will retain her existing rights in respect to the three buildable lots in her possession and may have to reconsider the future redevelopment of those three lots.

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

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

Martin Miller, 499 Woodvine Ave, also submitted letters of opposition from some neighbors, which brings the total number of letters of opposition to 12. The OMNCD was to maintain the neighborhood character of the integrity. Had a concern regarding the structures that are not attached to the house. Mr. Miller asked what was the requirement setback from the back line. It was stated that it wasn't far, about three feet, and further stated there is no configuration to where this can be a perfect R1-D lot. Mr. Miller stated that there was no configuration you could make a perfect R-1D lot, but to more equitable, you could make it 20,000 square feet or close to it. And that's what "she" (the owner) intended. As far as financial disadvantage making it that way, Ray Brandt just put his house up for sale for sale around the corner for six million dollars and the one on the corner is for sale for 3.4 at the corner of Woodvine and Falcon. They were originally sell the house, and it would be one lot. But the contractor said I'd like to build two houses so I can make more money. So forget the "integrity" of the neighborhood, they are there to make more money. We live there. We have to be there. The setback requirements, they were trying to set the setback along Geranium Street, but according to the regulations, it shall face Woodvine Ave. For assessment purposes, there are two lots. If they lose the fight for the variance then they depreciate the value of the home.

Bill Coleman, 530 Woodvine, and lives across the street. When the Old Metairie Commission was put together, it was done for this very purpose; to not cut up lots. There were numerous properties in the neighborhood that had the same problem. He stated if we were to grant a variance from this plan it sets a precedent which defeats the purpose. As for as set-backs at 500 Woodvine Ave, Woodvine was supposed to be a wider street when it was developed but that never came to fruition. So the front yard property line is already 10-15 feet from the street. So if you look at the lot, it doesn't look like it's set back as far, but these houses are all pretty much in a straight line. Mr. Coleman also states that everyone he has talked to is opposed to this project. He has not found anyone who is in support of it. This type of development would affect his property value and everybody else's. They have been here three times trying to slice and dice it.

Ninette Eastman, stated that this case goes to the Planning Advisory Board next and seeing what the Planning Advisory Board has approved in areas just outside of the Old Metairie Neighborhood Conservation District, are very concerning. So, since no one on the Planning Advisory Board is a resident of the Old Metairie Conservation District and doesn't have the same sympathy for the area, Ms. Eastman hopes this Commission would take this information into consideration to protect this area. She also states that she has forward letters of opposition to Mr. Hebert as well and further states that if the swimming pool seems to be the issue then why can't a swimming pool be built on the side lot.

Mr. Hebert stated that because this is a major subdivision with waivers it does require a recommendation from the Planning Advisory Board; we are advertising this subdivision case for the August 20, 2020 Public Advisory Board Hearing.

Rachel Kirschman, 620 Iona St, stated that Ms. Eastman sent out a communication letter and had not been informed otherwise and was upset because she would not have known about this if it wasn't for the letter she received from Ms. Eastman. She further stated that she concurs that if the issue is the size of the lot and the builder wants this property so badly then they should build them a pool on their side of the lot or have a negotiation amongst themselves. Ms. Kirschman stated that she personally bought their house because it is on a huge lot. They specifically bought the house because of its character, and would be extremely disappointed. There are many other neighbors

who would have liked to have considered tearing down their house and putting up two lots but they have not done it and don't think we should start making the exceptions to these rules since they are specific. She bought into the district because of these rules.

In rebuttal, Mr. Dunn again addressed the concerns over property values and lot sizes and re-iterated that this lot would be the 6th largest out of 16 located on the block and it wouldn't be some out of character small lot. It is larger than the average size lot. As far as setbacks, they are requesting to match the adjacent property which would be more than the property across the street but match the adjacent property next door to maintain the look and feel of the streetscape. Regarding comments that we all would like to divide our property', stated that is not what the application is for. They are seeking to combine four lots into two. As they sit there are four lots of record. They would not need to seek permission from this body to sell off three of the lots. That is not what they are seeking to do, in fact they are doing the opposite. They are trying to ensure that only two houses are built by having the lots resubdivided, to ensure and protect the very nature and character of the neighborhood. Regarding the notice, they are not responsible for that and apologize for them not receiving the notice.

Dr. Monica stated that she doesn't recall 529 and 100 Woodvine coming before this commission in terms of new construction since she's been on this committee and her concern is that the owner/applicant is comparing this project to houses that have already there and lots that have already been there. Her concern is that the integrity of this neighborhood is such that the people who have bought into this neighborhood have done so because of these lots and if this were to be approved, this would set a precedent which is a dangerous slippery slope for this neighborhood. While she appreciate all the work they have done in comparing it to other lots in the area, she finds that we would be opening the door. If there were new construction all around and this had happened over and again, she would understand his reason to compare, but that is not the case here.

Mr. Dunn respectfully disagreed that the comparison was not fair and that it would not be setting a precedent in the neighborhood.

Mr. Brown stated beliefs that it doesn't set a precedent because each lot is different so we have to take each case by case differently, every lot is different. 150 X 85 doesn't work because of a buildable are; if this 85 on the front and 150 on the back then yes that works but the problem is that anyone who builds a house on this is going to have a ton of variances because the front setback whether it matches or not, their going to have to be variances to the back and so forth. Mr. Brown further stated he has an issue with the pool and wants to understand why does the applicant have to have this pool instead of just subdividing the lots.

Mr. Dunn stated they believed the issue with the pool was the compromise that was reached with the neighbors. The applicant does not want two houses built. Even though currently there are two lots of record there, the applicant will ensure that two houses will not be built. Also stated that a very significantly sized house can still be built in this buildable area they are requesting. They are not changing the character of the neighborhood just trying to match the character.

Mr. Brown stated that if the lot was 120X150 it would be a better lot and more marketable and would spend more money to buy a lot that big.

Mr. Webber stated the property is still requesting a variance and the only way he would consider this is if there was no variance or if this was proposed at the time a building plan was put in. Also stated that he is confused as to why the swimming pool is such an impediment when we are talking about getting rid of it, put it on this vacant side lot and get a brand new one, the builder would clearly do that and it also seems like the owner thought they had an agreeable lot size but they really didn't. The pool is the stumbling block. He does not agree with what they are asking for, but echoing the fact that it's going to require variances and if it was built to the required setbacks you would get a house that is 30' deep.

Mr. Dunn stated that as the Planning Department shows in their report, there is no way to create two lots that would not require a variance of some sort.

Dr. Monica made a motion to recommend denial of the **variance for the 181.55 ft. lot depth for Lot 12-A**. 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>	___
Ms. Steward	<u>√</u>	___

The ayes have it by a vote of 4 to 0. (With 1 absent). Motion of denial approved.

Dr. Monica made a motion to recommend denial of the **variance for the 85 ft. lot width for Lot 13-A**. 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>	___
Ms. Steward	<u>√</u>	___

The ayes have it by a vote of 4 to 0. (With 1 absent). Motion of denial approved.

Dr. Monica made a motion to recommend denial of the **variance for the 150.75 ft. lot depth for lot 13-A**. **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>	___
Ms. Steward	<u>√</u>	___

The ayes have it by a vote of 4 to 0. (With 1 absent). Motion of denial approved

Dr. Monica made a motion to recommend denial of the **variance for 12,750 square feet of lot area for Lot 13-A. 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>	—
Ms. Steward	<u>√</u>	—

The ayes have it by a vote of 4 to 0. (With 1 absent). Motion of denial approved

Minutes

Mr. Webber made a motion to adopt the minutes from June 4, 2020. Seconded by Dr. Monica.

Administrative Approvals & Follow-up of previous cases.

Mr. Hebert reported on the following administrative approvals since the last public hearing:

- OM-9-20, 1010 Falcon Rd, an addition to the rear of an existing residence, total size is 733 square feet, which was approximately 10% of the gross floor area of the existing primary use. As per the OMNCD regulations, if it does not exceed the 10% of the gross floor area of the primary use it may be approved administratively. Based upon our review, it met all of the zoning regulations and therefore the Planning Department approved administratively.

There were no follow-ups on previous cases.

Dr. Monica made a motion to adjourn. Seconded by Ms. Steward. Meeting adjourned at 9:41 a.m.