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Hans Liljeberg Council District 5

Bessie L. Renfrow Planning Director

STAFF REPORT

Old Metairie Neighborhood Conservation District

Docket No. OM-28-23



Thomas McAlister, Chairman Peter A. Waring, Vice-Chair Holly Guidry Dr. Monica L. Monica Remy Donnelly, MCGA

06/06/2024

504-736-6320 | Yenni Building, 1221 Elmwood Park Blvd, Ste 601, Jefferson, LA 70123 | jpplanning@jeffparish.net

OMC Hearing:

Address: 17 Englewood Pkwy (Figure 1)

Legal Description: Lot A-16, Square F, Metairie Club Gardens Subdivision; bounded by Northline

St. and Pelham Dr.

Owner: Englewood Parkway LLC

Applicant: Patrick Melancon

Zoning: R-1D Rural Residential District/OMNCD Old Metairie Neighborhood Conservation District

(Figure 2)

Future Land Use: SUB Suburban Residential

REQUEST

Amend OM-23-21 with variances to the sideyard setback requirement for a raised terrace and to the fence height requirements.



RECOMMENDATIONS

Planning Department:

Denial for the following reasons:

- The request does not meet the criteria required for the granting of variances in the OMNCD
- No conditions exist that warrant the requested variances, as the variance requests were triggered by unauthorized changes to the approved site plan and elevation drawings in direct conflict with the purpose of the OMNCD and the Comprehensive Zoning Ordinance

Old Metairie Commission: To be determined

SUMMARY OF OMC PUBLIC HEARING: To be determined.

FINDINGS

1. The petitioned property has 172 ft. of primary frontage on Englewood Pkwy., 288.81 ft. of secondary frontage on Nassau Dr., 186.06 ft. of average width, 279.08 ft. of average depth, and approximately 49,055.33 sq. ft. of area. The site exceeds the R-1D width, depth, and area requirements. Lot A-16 was created via the minor subdivision process under Planning Department Docket No. ES-186-21.

- 2. The following is a case history for 17 Englewood Pkwy:
 - In June 1999, Resolution No. 98427 (Planning Docket No. OM-9-99) approved the demolition of a residence at 17 Englewood Pkwy.
 - In September 2002, Resolution No. 96823 (Planning Docket No. OM-15-02) approved the construction of a new residence and tree removal.
 - In May 2003, Resolution No. 98347 (Planning Docket No. OM-5-03) approved the construction of a new residence with a variance to allow a fence in the front yard.
 - Neither of the residences approved under OM-15-02 or OM-5-03 were ever constructed. Though a permit was issued for new construction in October 2003 (Project No. RE-00145503), it was ultimately inactivated.
 - In May 2021, Resolution No. 137607 (Planning Docket No. OM-4-21) approved the
 construction of a single-family dwelling, detached garage/pool house, and swimming
 pool, as well as tree removal. At their 04/26/2021 public hearing, the Board of
 Zoning Adjustments (BZA) approved the tree removal as requested under case
 number E-5591, with the stipulation that the applicant coordinate with the parish
 arborist regarding the replacement tree(s).
 - In January 2022, Resolution No. 138882 (Planning Docket No. OM-23-21) amended the drawings approved under OM-4-21. The changes included the addition of the former 20 Nassau Dr. to the development site, increasing the size of the residence, increasing the size of the detached garage/pool house, adding a detached yoga pavilion, amending the swimming pool, and adding gates to the circular drive.
- 3. In September 2023, two violations were issued during construction—Complaint No. 23-922885 for a possible building code violation for building a new structure too close to the north side property line, and Complaint No. 23-923198 for not building per the approved OMNCD plans. In order to clear these violations, the applicant is pursuing OMNCD site plan approval under this current application.
- 4. The applicant proposes a 3.5-ft.-tall uncovered raised terrace in the required side yard on the north side of the property. The 3.5 ft. represents the elevation of the lowest floor. Per Sec. 40-741.c, an open terrace not greater in elevation than the lowest floor may project into a required side yard to a point not closer than five (5) feet to any side lot line. This raised terrace is built to the property line, resulting in a setback of zero ft. This necessitates a five-ft. side-yard setback variance that must be approved by the Board of Zoning Adjustments (BZA).
- 5. It must be noted that this raised terrace was not previously approved under OM-23-21, as the previous drawings did not provide sufficient detail in order to do a full review in compliance with Sec. 33-2.25. Site plan. Specifically, the drawings referred to it as a "Courtyard" only and did not denote that it was raised. Additionally, no elevations were provided to show that the raised terrace was extended to the property line. (Figure 7). Planning requested elevations showing the raised terrace and the support structure, but was only given a site plan showing a straight line as shown in Figure 6.
- 6. This variance is not acceptable, as the raised terrace does not conform to the purpose or the architectural principles as set forth in Sec. 33-3.65.5.1. - Building design, specifically (b)(4), which states that "development shall be visually compatible and, in general, conform with the proportions and mass of surrounding structures, including properties located on the same block, on both sides of the street and subject property, and excluding those properties located in a different zoning district."

- 7. Due to the location of the property on Englewood and the zoning of the other properties along Englewood, the only other property that can be considered is 18 Englewood. The property at 18 Englewood has a raised terrace which is not raised to a height of 3.5 feet and is set back 45 feet from the property. (Figures 10 & 11)
- 8. The applicant proposes a privacy fence across the raised terrace along the north side property line, including a 34-ft.-long section at 11 ft. in height measured from the lowest adjacent grade, which in on the neighboring property to the north (15 Englewood Pkwy.). Per Sec. 40-743.5.2, a fence not to exceed a height of eight (8) feet may be erected along side lot lines. As such, the proposed 11-ft.-tall fence requires a fence height variance that must be granted by the BZA. This variance is not acceptable, as the proposed privacy fence also does not conform to the purpose or the architectural principles as set forth in Sec. 33-3.65.5.1. For comparison, 18 Englewood added a fence in 2016 with a height of 6',3".
- 9. In order to grant variances to the OMNCD, the OMC must find the following criteria are met:
 - The legislative exception or variance is consistent with the general provisions, intent, and purpose of the zoning district
 - The variance request is not consistent with the following purposes of the OMNCD:
 - Preserve the open character of the existing streetscape set by the spacing between houses and by spacing between structures and the street;
 - Set standards for the maintenance of the eclectic architectural quality of the neighborhood by guiding new construction on residential parcels to be compatible with existing density and architectural styles;
 - The legislative exception or variance is harmonious and compatible with adjacent land uses
 - i. The requested variances are not harmonious or compatible with adjacent land uses as the 11' fence and 3.5' raised terrace built to the property line creates an imposition onto the neighbor's property by blocking light and is out of scale with the adjacent property.
 - The legislative exception or variance is the minimum amount needed to relieve a hardship that is unique to the property
 - i. The petitioned property is approximately 49,000 sq. ft. so there is sufficient room to accommodate a raised terrace which would comply with the required 5-foot setback (Figure 12). Furthermore, no hardship has been stated by the applicant for why they cannot comply with the regulations.
- 10. Other changes to the drawings approved under OM-23-21 that do not trigger variance requests include the following:
 - New eight-ft.-tall CMU privacy wall on the east side of the raised terrace.
 - Enlarged, reconfigured driveway along Nassau Dr. Per Sec. 33-6.27.7.c.2, any
 paving within the root protection zone (RPZ) shall be permeable. As such, the
 applicant proposes two-in. bluestone paving over eight in. of crushed limestone, all
 compacted over filter fabric. The Engineering Department has approved the
 proposed driveway materials.
 - Additional landscaping shown in the front yard. Per the Slab Elevation Diagram Plan submitted by the applicant, there is no fill added to the site where this landscaping is located.

- Terracing in the rear yard.
- Minor design changes to residence, including to windows and chimneys, and minor changes to the garage/pool house and yoga studio.
- Relocating mechanical equipment and the addition of a new generator.
- 11. Engineering Site Plan Review is opposed and has submitted the following comment in LURTC:

Due to changes passed to Federal guidelines (PROWAG) now being adopted by the Engineering Department, sidewalks must be provided for all new construction properties. District 5 also requires that all sidewalks be mandatory for new construction properties per Chapter 29, Article V, Sec. 29-146, which states:

- (d) For all properties located within Council District 5, sidewalks shall be installed:
 - (1) For new construction of a principal building or structure as defined in section 40-3; or
 - (2) When repair, renovation, addition, or other improvement of a building (including service systems) or structure costs equal or exceed fifty (50) percent of the assessed value of the building or structure, before the start of repair, renovation, addition, or other improvement.

The applicant has stated in their LURTC response letter that this provision is "to be further discussed."

12. The proposed development does not meet all applicable R-1D/OMNCD requirements (Table 2).

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposal supports the following goals and objectives of the Land Use element:

Goal 2, Objective 1: "Enhance the attractiveness of residential neighborhoods for existing and new residents."

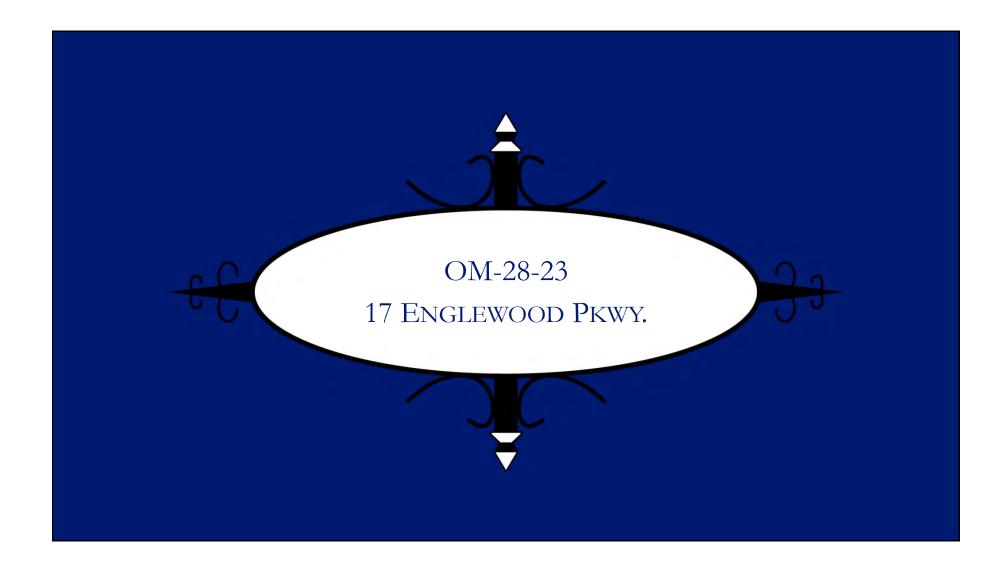
DEPARTMENT COMMENTS (LURTC)

Table 1: Land Use Review Technical Committee (LURTC) Comments					
Department	Position	Comment/Stipulation			
Public Works	Not Opposed	OM-28-23 Public Works Department on (05/29/24) requires the installation of sidewalks 5ft in width and 1ft. from the property lines (within the Right-Of-Ways) on both Englewood Pkwy and Nassau Dr. A revised plan will be required before the occupancy permit is issued. As per my conversation with the Architect Mr. Melancon. Current landscape plan is accepted. Not opposed			
Environmental	Not Opposed	Make sure no sediment, concrete or other materials are tracked into the street or storm drains.			
Parish Attorney	Not Opposed	We will defer to the other departments for comments.			
Fire	Not Opposed				
Building Permits	Not Opposed				

Table 1: Land Use Review Technical Committee (LURTC) Comments						
Department	Position	Comment/Stipulation				
ENG-Site Plan	Opposed	 Due to changes passed to Federal guidelines (PROWAG) now being adopted by the Engineering Department, sidewalks must be provided for all new construction properties. District 5 also requires that all sidewalks be mandatory for new construction properties per Chapter 29, Article V, Sec.29-146, which states: (d) For all properties located within Council District 5, sidewalks shall be installed: (1) For new construction of a principal building or structure as defined in section 40-3; or (2) When repair, renovation, addition, or other improvement of a building (including service systems) or structure costs equal or exceed fifty (50) percent of the assessed value of the building or structure, before the start of repair, renovation, addition, or other improvement. 				

TABLE 2: R-1D/OMNCD SITE INFORMATION						
Criteria	Required/Permitted	Proposed	Compliant?			
Setback, side yard, min., raised terrace, north side	5 ft.	0 ft.	N			
Building height, garage/pool house, max.	35 ft.	23 ft.	Υ			
Building height, yoga pavilion, max.	35 ft. (portion in buildable area) 13 ft. (portion in side yard)	13.5 ft. (portion in buildable area) 12 ft. (portion in side yard)	Y			
Fence height, privacy fence, max., north side	8 ft.	11 ft.	N			
Setback, side yard, min., garage/pool house, south side	15 ft.	35 ft.	Y			
Setback, side yard, min., yoga pavilion, north side	7.5 ft.	7.5 ft.	Υ			
Setback, rear yard, min., garage/pool house, west side	7.5 ft.	>100 ft.	Y			
Setback, rear yard, min., yoga pavilion, west side	7.5 ft.	>100 ft.	Υ			
Greenspace	20% of the required front or corner side yard shall be comprised of living planted materials	86.67% (front) 23% (side)	Y			

TABLE 2: R-1D/OMNCD SITE INFORMATION							
Criteria	Required/Permitted	Proposed	Compliant?				
Lot Coverage	No more than 40% of the front yard and corner side yard, calculated separately, shall consist of impervious paving or other impervious surfaces.	11.44% impervious (front) 5.32% impervious (side)	Y				
Exterior materials, general	Comply with Sec. 40-46 Vinyl siding prohibited Synthetic stucco only as accent	Complies with Sec. 40-46	Y				





Aerial

17 Englewood Pkwy.

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FIGURE 1





Aerial 2

17 Englewood Pkwy.

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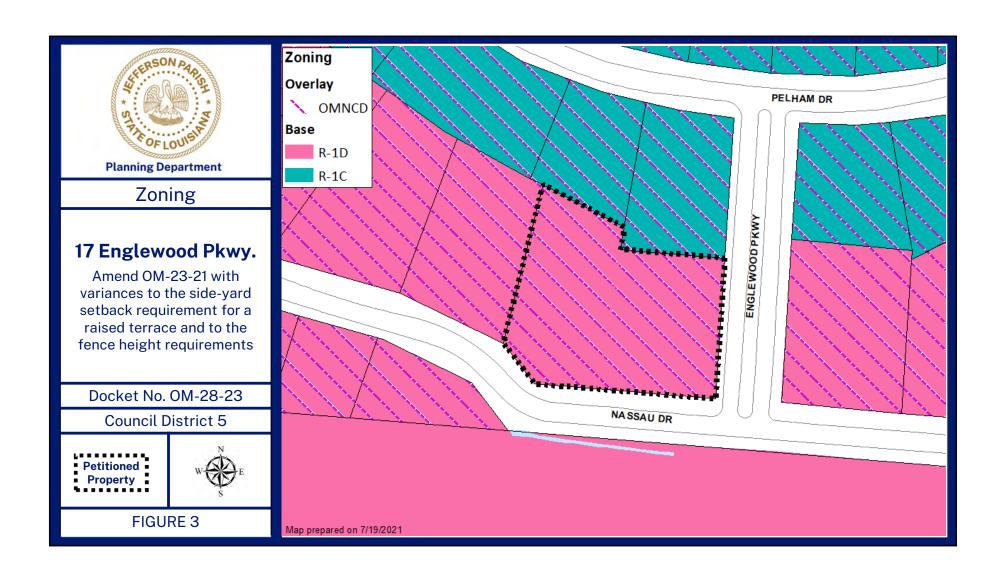
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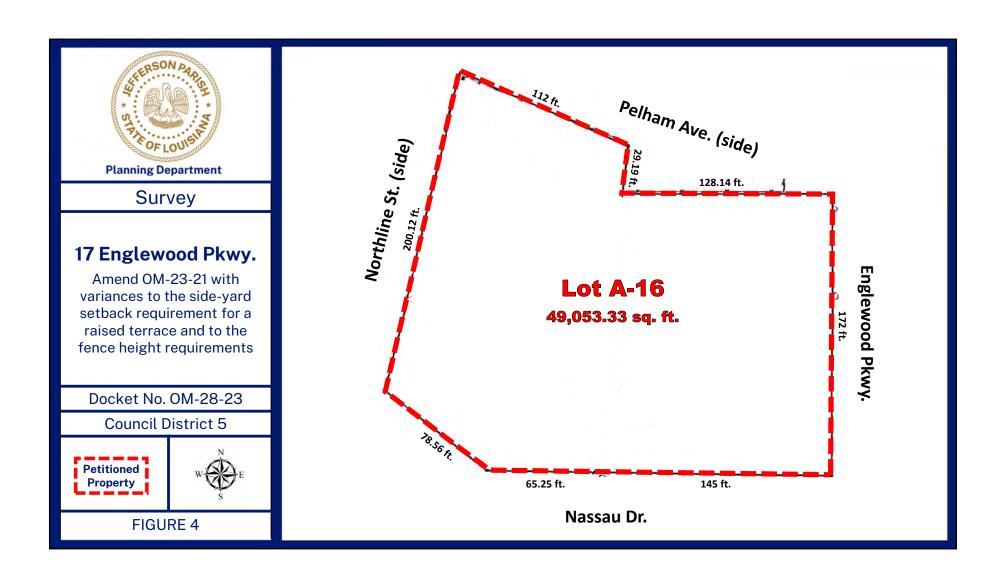


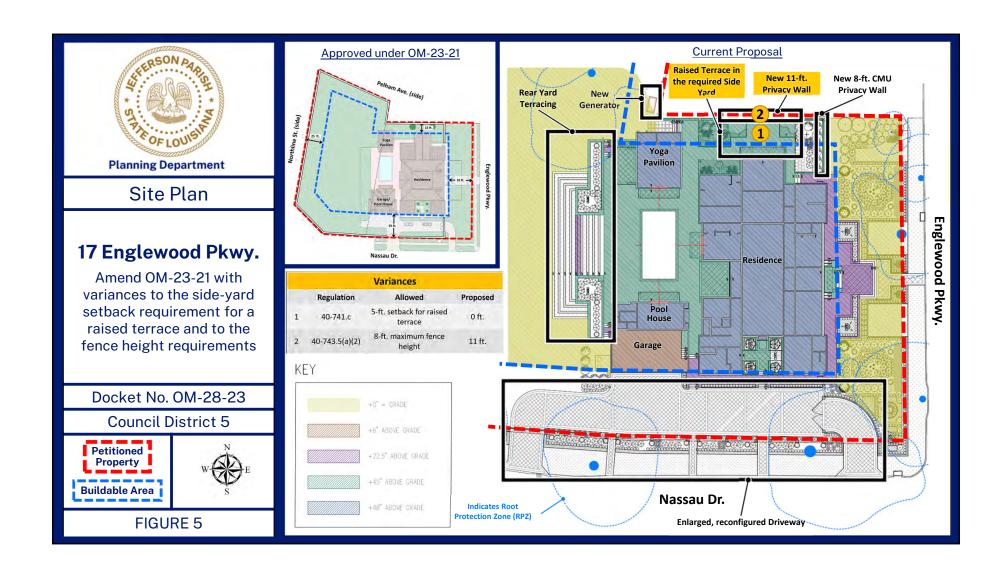


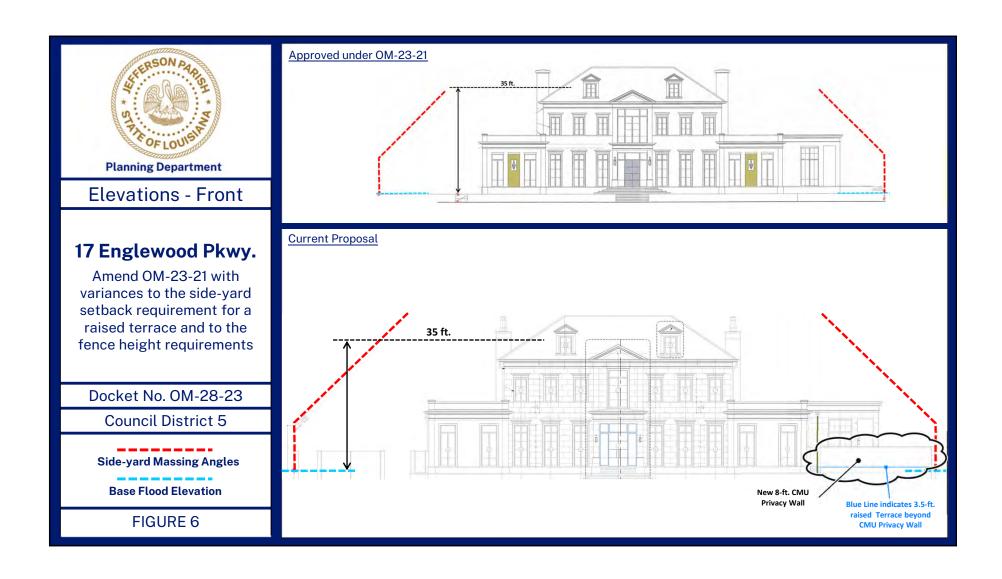
FIGURE 2













17 Englewood Pkwy.

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Elevation for OM-23-21

FIGURE 7





17 Englewood Pkwy.

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Picture of raised terrace and CMU wall in construction

FIGURE 8





17 Englewood Pkwy.

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Picture of raised terrace and CMU wall in construction

FIGURE 9





Elevations - Front

17 Englewood Pkwy.

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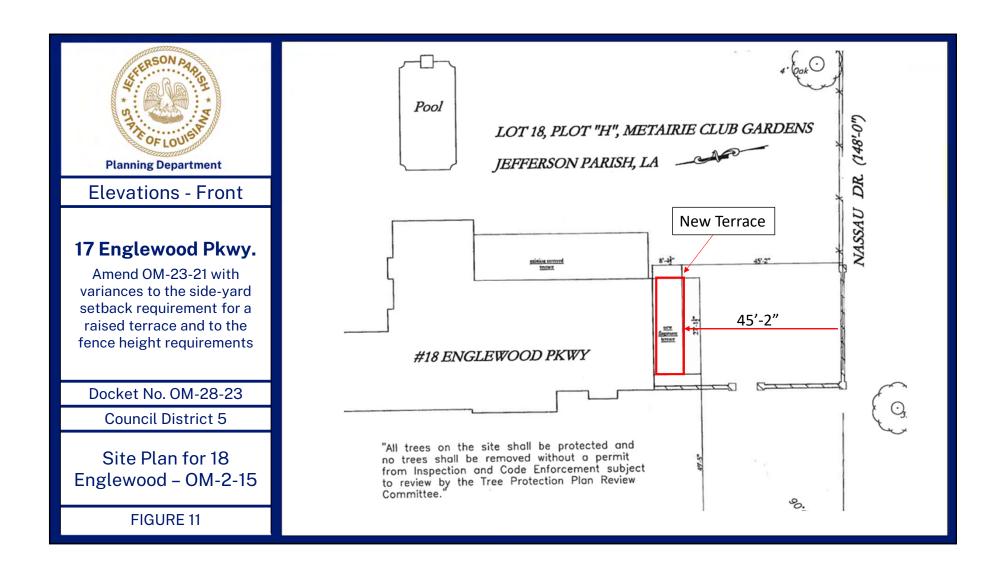
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Elevations for Raised Terrace 18 Englewood OM-2-15

FIGURE 10







Elevations - Front

17 Englewood Pkwy.

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Survey Comparison for 17& 18 Englewood

FIGURE 12

