

**OLD METAIRIE COMMISSION (OMC) MINUTES
PUBLIC HEARING
October 31, 2019 9:00 a.m., Suite 604, Yenni Building**

In Attendance

Old Metairie Commission Members

	<u>Present</u>	<u>Absent</u>
Ninette Eastman, Chair	√	
Clifford Brown, Vice-Chair	√	
Dr. Monica Monica	√	
Thomas McAlister	√	
Cynthia J. Steward	√	

Planning Department

Juliette Cassagne, Assistant Director
Jay Hébert, Senior Planner
Nedra McKinney, Typist Clerk III

Others

Ken Krobert, Senior Parish Attorney
Tramone Chetta, Dept. Inspection and Code Enforcement

Ms. Eastman, Chairman, introduced herself, other members of the Commission, and the Parish staff.

The Old Metairie Commission (OMC) conducted the October 31, 2019 public hearing at the Joseph S. Yenni Building in Suite 604, 1221 Elmwood Park Blvd., Jefferson, LA 70123. Ms. Eastman proceeded to the agenda and opened the meeting at 9:00 a.m.

OM-18-19 419 Northline St.

Ms. Eastman recused herself from this case.

Mr. McAlister recused himself from this case because the applicant is a client of his law firm.

A request to construct an addition and driveway in the Wavertree Court front yard side with variances to the area regulations of the R-1C Rural Residential District and with an OMC exception to the design guidelines for the front yard massing angle, on Lot 11, Square B, Metairie Club Gardens Subdivision, Jefferson Parish, LA, bounded by Hector Ave., Wavertree Court, and Vincent Ave., zoned R-1C/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:

- Although the petitioned property already contains a pool and fence located within the required front yard along Wavertree Ct., the proposed addition would create further deficiencies, and have a greater negative impact on the residences along Wavertree Ct. by allowing an addition to extend high enough to penetrate the front façade massing angle.

- Properties located on Wavertree Ct. are single frontage lots containing dwellings that are set back greater than 3 ft. from the front property line. The proposed addition would be out of character with the symmetry of building setbacks in the Wavertree Ct. neighborhood.
- The proposed addition also does not meet the required side-yard setback on the west side, which could potentially result in a negative impact on the abutting property owner.

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

Charles Silbernagel, located at 3129 Edenborn Ave., Metairie, the Architect of the project presented the Commissioners with handouts from JP Geo Portal map and spoke about the hardship of the property by stating that because this property is classified as a through lot it has reduced the buildable area of this lot. He also stated that he sent in for a Public Records Request asking for the through lots in the Metairie Club Gardens Area and was told by the attorneys that this request was too broad of a scope and they couldn't provide him with that information. So, he began to look for through lots in this area on the Geo Portal map. He stated that the only other through lots in Metairie Club Estates would be the Park Ave and Woodvine area where they have the little Island area and there are some through lots located on Metairie Rd. and Avenue B. However those are commercial through lots. The only residential through lots are Park Island, other than through lots that were created by the owners. There are also through lots on the corner of Woodvine and Iona but these are four lots that were combined into one, so this is not a consistent scenario that happens with thru lots.

Mr. Silbernagel discussed the first handout given to the Commissioners showing Northline St. and the subject property at #419. The property to the left of them at #425, actually had a house on it before it was torn down. That buildable area of the accessory structure could get as close as three (3) feet to the rear and five (5) feet to the side. The same criteria works for the lot to the right of them, so they (owner/applicant) can build into that corner which overlaps the adjacent property on the rear street. So, what they are asking for is the proposed structure at 419 Northline to be consistent to the two properties left and right of them.

Being that there was a small amount of through lots that were discovered in Metairie Club Estates, Mr. Silbernagel identified five (5) through lots in the area. There's approximately 500 homes in the area, so they (applicant/owner) are less than .01% of properties that this request would be granted to.

As for as the setbacks, looking at the accessory building, less than 1000 square feet can be 5 feet from the side and from the rear of the property, referring to Section 40 identified in the handout, 40-743, it is allowed to go 3 feet from the rear of the property with the accessory building according to the regulations of the accessory building structures and uses.

The rear streetscape, by placing the proposed garage three (3) feet from the rear property line, this would put the garage approximately 17.75 feet away from the curb at its closest point and being that this cul-de-sac has a radius, the average would be 19 feet away from the face of the garage.

Referring back to the last handouts as for as the average setbacks of the property, there's one house that's 19 feet off the curb, another 19 feet off the curb, and ours (applicant/owner) at 17 feet off the curb and the house to the left at 25 feet off the curb. In Mr. Silbernagel's opinion, he feels that the

placement of this garage being that the two adjacent properties could do the same thing, would conform to the existing streetscapes.

In terms of the storage room that's attached to the carport, Section 40-714B, states that if a garage and utility room are attached then the storage or utility room can be at 3 feet from the side property line, and that is an attachment.

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

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

Ms. Cassagne stated that for the record the Jefferson Parish Planning Department has received and provided to the commissioners 7 letters of opposition prior to the October 3rd hearing which this case was originally scheduled from the following:

- The Koppel's
- Ms. Christie Perdigo
- Michael & Jessica Eastman #5 Wavertree Court
- Jointly submitted from the Property owners on Wavertree Court
 1. Dr. & Mrs. Gunther Perdigo at #1
 2. Captain Mitchel Gibbs at #2
 3. Captain & Mrs. Allen A .J. Gibbs at #3
 4. Dr. & Mrs. Rene Koppel at #4 & # 6
 5. Mr. & Mrs. Michael Eastman at #5
- The department also received additional letters that were provided to the commissioners today (10/31/19) from Mr. David Webber at 223 Northline St, former OMC Chairman; Mr. Kenneth Kuebel and Mr. John Lyle.

Mr. A. J. Gibbs at #3 Wavertree Court addressed the commission and stated he believed his comments represent all five (5) property owners on Wavertree Ct., even though several are here today and may want to speak for themselves. He reiterated the opposition letter that he submitted. He stated that the proposed project is substantial in scope and size, if approved as proposed it will tend to degrade the prosperity and general welfare of property owners on Wavertree. In addition, this project may over-burden the existing drainage system that currently is inadequate to prevent standing water and threat of flooding on Wavertree during heavy rains. Mr. Gibbs stated that he believes that there is 7 other thru lot properties in the Metairie Club Gardens area and that Mr. Eastman he thinks did a drive around and identified those and doesn't think any of them have been granted a variance to the setback requirements. He doesn't see any hardship that exists for this project where the variances should be approved. Would like the commission to oppose the request for variances. Wavertree is not a service alley to Northline. And if this project is approved in any form, he suggest construction vehicles would enter the property or use the adjacent lot on Northline Street to do this project because there is some low hanging Oak trees on Wavertree that are occasionally hit by garbage and delivery trucks from time to time and that it would create upheaval.

Christie Perdigo, located at #1 Wavertree Court asked how much room is there between the fence and the back of the garage. Is there room for a car to park inside of the fence? Ms. Perdigo states

that this an alarming problem for her because Wavertree already has parking problems. And it also has a navigation problem. Garbage trucks and water trucks can't even make a circle. They back in and if the garage is going to house automobiles the cars won't be able to park anywhere except inside the garage and we all know how convenient it is not have to park in it every time, so this is one big red flag. The other is drainage. They've lived on Wavertree since 1994, A house was built next to them on the corner of Avenue E and...The architect who built the house said at the time they had adequate subsurface drainage. However, every time there was a rain storm her garage always flooded. A.J was clear on the quality of life on Wavertree Ct. and the parking of trucks. There's no room for them on Wavertree Ct.

Michael Eastman, #5 Wavertree Court, stated that he agrees with everything his neighbors have said and made mention that the impact and magnitude of this project could set a precedence with their decision. In regards to drainage, it would have a negative effect on the beautification of this neighborhood.

Ruth Dascomb, located at #208 Northline St, stated that when she moved in the neighborhood she was told by Ms. Hammett that this is country living near the city, and that it's been that way for quite a while. Now things are changing and people are filling up their entire lots, she understands that things change but at some point you have to draw the line. Her lot is 135' X 145' and if she filled up her entire lot, it would change the entire ambiance of the whole neighborhood and she thinks this project is filling up the entire lot.

Mr. Brown opened the floor to the proponents for a rebuttal.

Mr. Silbernagel stated that the intent for the garage is to put two cars off-street and into the garage and use the garage.

- Drainage – His client (owner) had owned the property adjacent to him on the left at 425 and was granted a servitude on that lot. He took a drainage servitude on Waverly and brought it out to Northline. So his client (owner) has addressed the drainage issues with all of the neighbors and has done his best to help relieve the drainage issues there. When he designs the subsurface drainage, it will not run to the rear of the lot but to where it's supposed to run, which is to Northline.
- Construction Workers - The lot to the left is still open and they're looking at negotiating with the owner in order to use that lot for staging and have things on that lot and not to burden the back street.
- View – Doesn't think the 13 or 17 feet away from the curb is going to be any more massing than the existing street façade has right now. The neighbors to the left and right can also put the same mass as an accessory building in the same location because their lots are not classified as through, and both of those lots especially the one on the left would have street presence on the rear property.
- Filling the lot - They're not asking if they have the same buildable area as the lot to the left. They are not exceeding any of the buildable area that Jefferson Parish would allow them to do if it wasn't a through lot.

Marc Jeansonne, owner at #419 Northline St, stated he has met and spoken with the neighbors and wants to do something that works for everyone.

- He stated they will be improving this property significantly and that this house sits further back than most of the other houses. The hardship is that if you take this through lot concept to fruition that he can only build on 52% of this lot and feels that any of the neighbors sitting in the room have less than 52% of their lot to build on.
- The request for a variance, this property is pushed back 17 feet. The variance ordinance is very specific; special conditions and circumstances, which are particular to the land, structure or building involved which are not applicable of the land. I (owner) has that case. This is the only lot on Northline that has access to the rear.
- Special conditions and circumstances exist that did not result from what he did. This is how he bought the property. He's building a new pool where the existing one is, so that's a "grandfathering" issue and wants to know if he is grandfathered in.
- Drainage issues; it will drain to the front. Hardship issues; can't build on the entire lot. Parking: the owner didn't create this issue and does not parks on Wavertree.
- Aesthetics: No visual impacts.

Dr. Monica thanked both sides for all the work they have done. She appreciates the efforts from all parties involved. As a Commission member she is very sensitive to what has happened to Old Metairie and sits on the Commission with a due diligence to protect the neighborhood. Her problem is that this is too many variances and too much impact on the neighborhood and cannot go along with these plans, and wishes they could find a way to build within the rules.

Ms. Steward agrees with Dr. Monica and feels that looking at the plans there are ways to move the garage further away from the back property line. She believes there are ways around this where he can still get his garage, but agrees that it's just too much for the neighborhood to bear.

Mr. Brown appreciates all the work done but agrees and thinks it's too many variances and said that it was a through lot when it was purchased regardless of how many through lots are in the neighborhood. Legally it's still a through lot. Everyone needs to follow the rules. Presumably, you moved into the neighborhood because you liked the neighborhood. It's too much. If you want to go based on the lots next door then make it not a through lot. Close off the driveway and build your structure. You can't have it both ways. He understands that people want to do what they want to do with their lots but there has to be some kind of rules. It's too many variances and too big for the lot.

Dr. Monica made a motion to recommend denial of the variance for the 3 ft. Wavertree Ct. front yard setback for the garage addition. Seconded by Ms. Steward.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Mr. Brown	√	—
Dr. Monica	√	—
Ms. Steward	√	—

The ayes have it by a vote of 3 to 0. Ms. Eastman and Mr. McAlister recused. Motion approved.

Dr. Monica made a motion to recommend denial of the variance for the 5 ft. Wavertree Ct. front yard setback for the pool. Seconded by Mr. Brown.

Ms. McKinney called the roll on the motion:

	Aye	Nay
Mr. Brown	√	—

Other Matters

- In accordance with the Rules of Procedure, Planning Department submitted a draft 2020 calendar to the Commissioners for consideration and adoption at the December OMC hearing, where the Commission will also do elections for the Chair and Vice Chair in 2020.

Dr. Monica moved for adjournment, Seconded by Ms. Eastman. All were in favor. (5-0).