

**OLD METAIRIE COMMISSION (OMC) MINUTES  
PUBLIC HEARING  
August 1, 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  
Shakeeb Shariff, Planner II  
Carrie MacKay, Planner II  
Liane Trick, Planner II

**Others**

Bess Renfrow, Assistant Parish Attorney  
Tramone Chetta, Dept. Inspection and Code Enforcement  
Bernie Wisnowski, Parish Arborist

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

The Old Metairie Commission (OMC) conducted the August 1, 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-10-19 620 Northline St**

A request to construct an outdoor pavilion on Lot 9, Sq. F, Metairie Club Gardens Subdivision, Jefferson Parish, LA, bounded by Nassau Dr. and Pelham Ave., zoned R-1D Rural Residential District/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Ms. Trick reported the findings of the case.

Planning Department Recommendation: Approval for the following reason:

- The proposed development meets all applicable R-1D/OMNCD requirements.

Ms. Eastman opened the floor for applicant/owner to speak. Not present.

Ms. Eastman opened the floor for any proponents to speak. There were none.

Ms. Eastman opened the floor for any opponents to speak. There were none.

Ms. Steward asked if there were any regulations stating how close a chimney can be.

Ms. Chetta stated that there is a policy that excludes a person from having to provide a fire rating on that underside because it's completely open, the chimney itself would just have to meet the building code requirements.

Mr. McAlister asked if the outdoor kitchen area, which is freestanding and has a roof, is considered an ancillary structure and does code permit one or two ancillary structures.

Ms. Cassagne stated that code permits as many ancillary structures as a person would like to build as long as the base requirement and percentage a rear yard covers and accumulatively they can't cover more than 40% of the required rear yard.

Mr. Brown suggest that a gutter be placed on the back side so that it's not dumping water on the Blake's property.

Ms. Cassagne stated that she believes based on the site plan they have an existing courtyard wall that's located between the property lines in the rear of the yard.

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

Ms. Eastman called the roll on the motion:

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

The ayes have it by a vote of 5 to 0. Motion approved.

**OM-12-19 204 Stella Ave**

An appeal to a denied tree removal request, on Lots R and 29, Square 2A , Vincent Subdivision, Jefferson Parish, LA, bounded by Avenue E, Vincent Ave., and Geranium St., zoned R-1B/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Ms. MacKay reported the findings of the case.

- On March 22, 2019 the Parish Arborist provided comment by email that the Bald Cypress is in fair condition and considered a significant tree species by ordinance. He denied the request for removal.

- Planning Department: Defers recommendation to the Parish Arborist regarding requests for tree removal.

Ms. Eastman opened the floor for applicant/owner to speak.

Elizabeth Reiss, 204 Stella Ave states they have lived in the house since 1996. The tree has been there since they moved there. They have lots of trees and greenery in the rear yard. Even though a neighbor behind them had offered to cut the tree down for them because eventually it's going to be a problem. They didn't do anything about it at the time. It was only when the next door neighbor, Dr. Bethea asked if we thought about doing something with the tree and we said yes but we understood that we couldn't get it taken down because of the tree preservation. Dr. Bethea then said he wanted us to try and do something about it because it's affecting his flagstone patio and his drainage system for the sprinkler system in the yard. Last March was when Ms. Reiss started trying to figure out what they could do about this because several tree arborist including the Parish Arborist have come out to tell us what they thought. The only person that has thought it should not be removed is the Parish Arborist who came out and said that it was a healthy tree. She also stated that she doesn't want to see a healthy tree be cut down but they have to do something about the swimming pool, the sprinkler systems and the flagstone patio if we don't have this tree removed. They were told that they could replace them with Parish trees that would cost about a thousand dollars apiece. They are more than happy to do something like that. They love the tree but it's effecting the property next door. They feel that it would better serve them and the neighbors if they had a different kind of tree.

Ms. Eastman opened the floor for any proponents to speak.

M.O. Miller, 499 Woodvine Ave, around the corner stated that based upon what he has heard and what Ms. Reiss has told him, the tree is impacting the irrigation system negatively, and they have no objection to this. He also submitted a letter stating he has no objection to the tree removal.

Ms. Eastman indicated that Mr. Miller sent a letter of support for the tree removal as well as Dr. Bethea.

Ms. Eastman opened the floor for any opponents to speak. There were none.

Dr. Monica states that she has one issue, on Vincent there is a Bald Cypress and the leaves are in her yard and they have impacted the patio and some of the neighbors, she understands how difficult this is but feels like once we remove this one, then someone else is going to want to remove another one and it becomes a precedent.

Ms. Reiss stated that she thinks this particular tree should be exempt from the Old Metairie Preservation District and that Bald Cypress trees are meant to be in the swamps. Also stated that several people in the neighborhood are having this same issue but just never bothered to do anything about it because they understood that nothing could be done.

Ms. Eastman asked Mr. Wisnowski, Parish Arborist, if the Bald Cypress tree comes down what would be another significant tree that could be planted without the problems of the root systems?



Mr. Brown	<u>√</u>	<u>—</u>
Dr. Monica	<u>—</u>	<u>√</u>
Mr. McAlister	<u>√</u>	<u>—</u>
Ms. Steward	<u>—</u>	<u>√</u>

The ayes have it by a vote of 3 to 2. Motion approved with stipulation that they replace the trees on site and work with the Parish Arborist to determine location.

**OM-13-19 10 Nassau Dr**

A request to construct a single-family dwelling and swimming pool with a variance to the area regulations of the R-1D Rural Residential District on Lot 10-B, Square F, Metairie Club Gardens Subdivision, Jefferson Parish, LA, bounded by Northline St., Pelham Dr., and Englewood Pkwy., zoned R-1D Rural Residential District/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Mr. McAlister stated that he is agent and attorney for the adjoining property owner at 12 Nassau Dr and has recused himself from any discussion or any voting on this case.

Ms. Trick reported the findings of the case.

Approval of the single-family dwelling and pool, but Denial of the fence variance:

- The proposed dwelling and pool meet the requirements of the R-1D/OMNCD.

Denial of the fence variance:

- The petitioned property exceeds the area requirements of the R-1D district, therefore there is sufficient area available for the fence to comply with front yard setback requirements.
- Adjacent and nearby properties, with the exception of 16 Nassau Dr., have unfenced front yards. The proposed fence creates a visual block to the existing open character of the streetscape.

Ms. Cassagne indicated that this case will require two separate votes; one will be a vote on the proposed residence and pool, and a second vote on the variance.

Ms. Eastman opened the floor for applicant/owner to speak.

Michael Blake stated he and his wife have owned this property since 2014, the original plans for this house were enormous and they have gotten older and want to downsize. Fully intend to comply with all the regulations and are happy to answer any questions and stated the square ft. of the property is 9,300.

Ms. Eastman opened the floor for any proponents to speak. There were none.

Ms. Eastman opened the floor for any opponents to speak.

Mickey Weiser stated that he lives at the property directly behind this and has no objections to their proposal, but ever since they filled the lot his house floods every time they get a heavy rain storm. He and his wife are vacuuming it up with shop vacs. He is requesting they get adequate drainage or make the lot slope properly in the street. The lot now is high in the middle and low in the back and

low in the front so he is getting half of the water on that lot draining on to the back of his house and it's a nightmare every time they have a rain storm.

Mr. Blake stated that they will use subsurface drainage to help keep the water off of the Weiser property.

Ms. Eastman asked Ms. Chetta what is the best way to avoid water draining off onto the neighbor's property?

Ms. Chetta stated the best way is to make sure that you drain to the public right-of-way. The depth of that lot is 202 on one side and 273 on the long side. When a lot is 200 feet deep it needs to drain towards the front and back but a design professional like a Civil Engineer would be the person to draw that drainage plan and it would be submitted at the permitting phase. It's an ongoing issue they constantly see. One option is to ask the owner to provide a concrete retainer wall.

Dr. Monica asked if it would be plausible to ask for a chain wall. Ms. Chetta stated that sometimes they do ask for that; it is a request. It was stated and agreed upon that sometimes it may require multiple barriers like a chain wall and sub-surface drainage.

Mr. Weiser stated that they have sub-surface drainage but as soon as the lot fills up it has nowhere to go, so a lot of it has to be the slope of the lot to get it to the street.

A discussion took place between some Commission members, Ms. Cassagne and other present regarding the height of the chimney and it was stated that the accessory building and a required yard can't exceed 13 feet in height but the chimney requirements state that there is a building code standard and distance where it can't exceed a minimum height but you have to allow for safety.

Ms. Cassagne stated that the side yard set-back is 15 ft.

A discussion took place between the commission members and others present regarding adequate area to construct a fence in the front yard and whether or not they want to construct a wider driveway verses a circular driveway.

Dr. Monica made a motion to recommend approval of the house with the stipulation that there be a chain wall, sub-surface drainage and the correct sloping that is necessary to not impact negatively on the drainage of the neighbor. Ms. Steward seconded.

Ms. Eastman called the roll on the motion:

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

The ayes have it by a vote of 4-0 with Mr. McAlister abstaining. Motioned approved.

Ms. Steward made a motion to recommend denial of the fence. Dr. Monica seconded.

Ms. Eastman called the roll on the motion:

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

The ayes have it by a vote of 3-1 with Mr. McAlister abstaining. Motioned approved for denial of the fence.

**OM-14-19 422 Hector Ave**

A request to construct two additions to the existing residence totaling 371 sq. ft., and to relocate an existing swimming pool on Lot 13-A, Sq. 9, Metairie Suburb Subdivision, Jefferson Parish, LA, bounded by Geranium St., Iona St., and Duplessis St., zoned R-1B Suburban Residential District/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Mr. Shariff reported the findings of the case.  
Planning Department: Approval for the following reason:

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

Ms. Eastman opened the floor for applicant/owner to speak. Present but no additional comments were made.

Ms. Eastman opened the floor for any proponents to speak. There were none.

Ms. Eastman opened the floor for any opponents to speak. There were none.

Commissioners all agreed that the proposal was great.

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

Ms. Eastman called the roll on the motion:

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

The ayes have it by a vote of 5-0. Motion approved.

**Minutes**

Ms. Steward made a motion to adopt the minutes from May 2, 2019. Seconded by Mr. Brown.

Dr. Monica recused herself because she was not present for that meeting.

On the adoption of minutes from June 6, 2019, Ms. Eastman stated there was no record of the final vote on OM-8-19 and OM-9-19. Minutes will be revised to reflect the final vote on both cases.

Mr. McAlister made a motion to adopt the minutes from June 6, 2019. Seconded by Mr. Brown. Dr. Monica recused herself because she was not present at that meeting.

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

- No administrative approvals since the June 6<sup>th</sup> meeting.
- The Carrubba Garage -105 Northline did go to the BZA hearing; had two variances that came before OMC, one was for the physical structure of the garage and one was for parking space in the Clear Vision area. They only applied to the BZA for the garage. The BZA granted the variance with a stipulation that they build according to the plans that was sent to the BZA which included the parking space. After the Planning department spoke to all parties involved they had to remove the parking space in the front from the plans that would be approved and they would have to seek a separate variance to the BZA to put the parking space back.

### **Other Business**

- Update regarding the OMNCD Zoning Text Study

Tree removals in the OMNCD presently come before the Commission before they go to the BZA. In the study, Planning is recommending amendments to the tree regulations. Regarding tree removals in the MRTPD, if it's in a buildable area of the property they can remove the tree. Planning is recommending similar provision in OMNCD.

Discussion also occurred on whether or not the Commission still wants the applicants who are appealing the decision of the Parish Arborist to have to come before the Commission before they go to the BZA; whether or not the Commission finds it beneficial in holding an interim public hearing rather than them going through the BZA process. The neighbors still get notified the same way.

The Commission members agreed to still have the applicants who are appealing the decision of the Parish Arborist to have to come before the Commission before they go to the BZA.

Ms. Cassagne stated that if the Commission still wants to keep the review of demolitions under their authority the criteria or standards need to be modified/beefed up; Ms. Steward is working on preparing written documentation as such.

Mr. McAlister stated he feels the Commission does not need to see demolition unless we are going to start taking into account what the replacement use is going to be. If we do that it's a significant change to both the zoning ordinance and the regulations under which we work.

Ms. Eastman said it gives the neighbors a chance to come.

A discussion took place between the Commissioners and Ms. Cassagne regarding demolition permits.

Ms. Cassagne reminded the Commissioners that the Planning Department will make a recommendation and the Commission will make a recommendation and we also may disagree in

some instances but ultimately the Parish Council makes the decision on any changes to the Code of Ordinances.

Ms. Renfrow stated that she is not in favor of the demolition continuing to come before this Commission.

Dr. Monica disagrees and feels that the Commission should still review the demolitions and stated that the Old Metairie Mission statement talks about the green space, the architecture, the neighborhood and the feel of it which is why people live in Old Metairie.

A discussion took place between the Commission members, Ms. Renfrow and Ms. Cassagne regarding reviewing demolitions, recommendations and historic preservation.

Ms. Cassagne stated if the demolitions didn't go through the commission either it would be processed the way every other house gets demolished in the Parish; just gets a building permit, all utilities get cut off and it gets demolished or a possible middle ground would be demolitions in the OMNCD get administratively reviewed by the Planning Department and Planning would report back to the Commission.

Dr. Monica moved for adjournment, Mr. Brown seconded. All were in favor. (5-0).