

1231 Bourbon

ADDRESS: 1231 Bourbon (**Lot F-1**)
 OWNER: Lauricella Bourbon Prop., LLC,
 Floyd Jay H Jr, Ray Gilliam
 ZONING: VCR-1
 USE: Residential

APPLICANT: Robert Cangelosi, Jr.
 SQUARE: 79
 LOT SIZE: 3080 sq. ft.

DENSITY		OPEN SPACE	
Allowed:	5 units	Required:	924 sq. ft. (approx.)
Existing:	2 units	Existing:	Unknown
Proposed:	No change	Proposed:	No change

ARCHITECTURAL / HISTORICAL DESCRIPTION OF PROPERTY

Rating: **Green**, of local architectural or historic importance

This address features a pair of c. 1830-36 2-story masonry townhouses with an off-center carriageway and a pair of 2-story service buildings facing each other in the courtyard. During the late 19th c., this complex housed a bakery. The property was purchased by La Societe des Dames Hospitalieres in 1942. The rear bake house was demolished sometime between 1940 and 1979, when the property was subdivided and the front portion of the lot was sold in its current configuration. The rear portion of the lot is now associated with 1227-29 Bourbon.

Vieux Carré Commission Meeting of **08/19/2020**

DESCRIPTION OF APPLICATION: 08/19/2020
Permit #20-33107-VCGEN **Lead Staff: Erin Vogt**

Proposal to construct dormers on rear roof slope of main building, per application & materials received 07/02/2020.

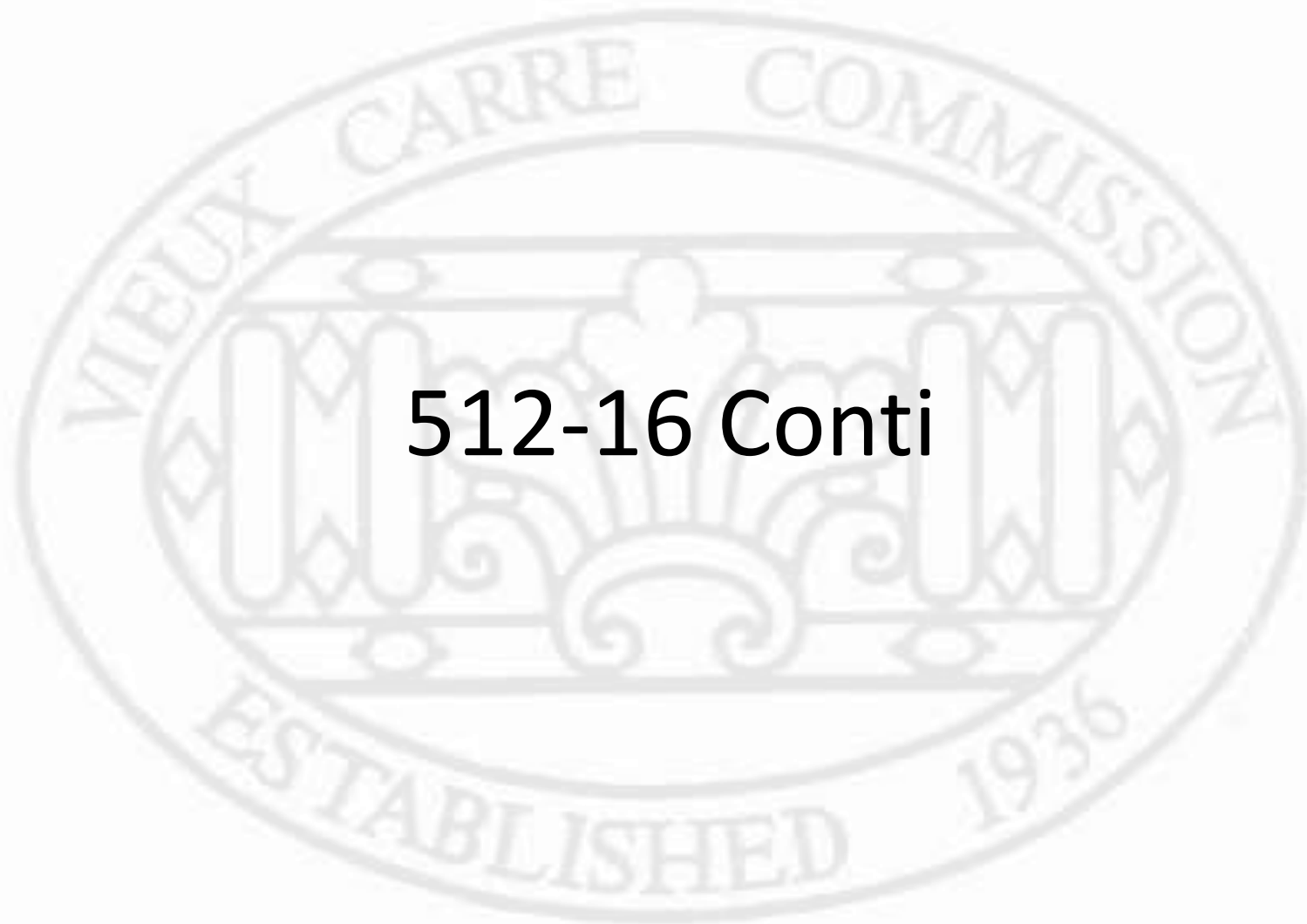
STAFF ANALYSIS & RECOMMENDATION: 08/19/2020

The applicant proposes to remove the existing skylight and install two new dormers with six-over-six double-hung windows on the rear roof slope of the main building. The size and millwork details will match the existing historic dormers on the front slope.

The rear dormers of the sister building next door – historically part of the same property but not a true “twin” – were approved for installation by the VCC in 1979 and are not original to the building. The addition of dormers at 1231 will enable the applicant to remove the existing skylight, which is poorly located near the parapet between the two buildings. The Committee expressed concern that the skylight, if allowed to remain long-term, will cause water intrusion issues and deterioration of the building.

The Committee found the proposal met the VCC Design Guidelines for new dormers, and recommended **approval** of the proposed dormers and removal of the skylight, with construction documents to return to the Committee for final review and approval prior to permit.

VIEUX CARRÉ COMMISSION ACTION: 08/19/2020



512-16 Conti

ADDRESS:	512 & 516 Conti	APPLICANT:	Scott Welty
OWNER:	512 Conti, LLC	SQUARE:	29
ZONING:	VCC-2	LOT SIZE:	4473 sq. ft.
USE:	Mixed	OPEN SPACE:	***APPROX***
DENSITY		Required:	1341.9 sq. ft.
Allowed:		Existing:	1189 sq. ft.
Existing:		Proposed:	No change
Proposed:			

ARCHITECTURAL/HISTORICAL DESCRIPTION OF PROPERTY:

Main buildings & rear building: **Green**, of local architectural and/or historic significance.

The buildings facing Conti Street are part of a row of brick warehouse buildings designed by the noted firm of Gurlie and Guillot in 1830 for the Baron de Pontalba. Plan book drawings show the original design which included arched openings with bars and bi-folding shutters in the warehouse tradition on the ground floor, and casement windows on the upper floors. The rear four-story brick building, which is also rated green, was constructed for industrial use, as part of a rice mill.

Vieux Carré Commission Meeting of **08/19/2020**

DESCRIPTION OF APPLICATION: 08/19/2020
Permit # 20-34872-VCGEN **Lead Staff: Erin Vogt**

Proposal to install kitchen hood vent and mechanical equipment in conjunction with a **change of use** from *vacant* to *restaurant* on the first floor, per application & materials received 07/17/2020.

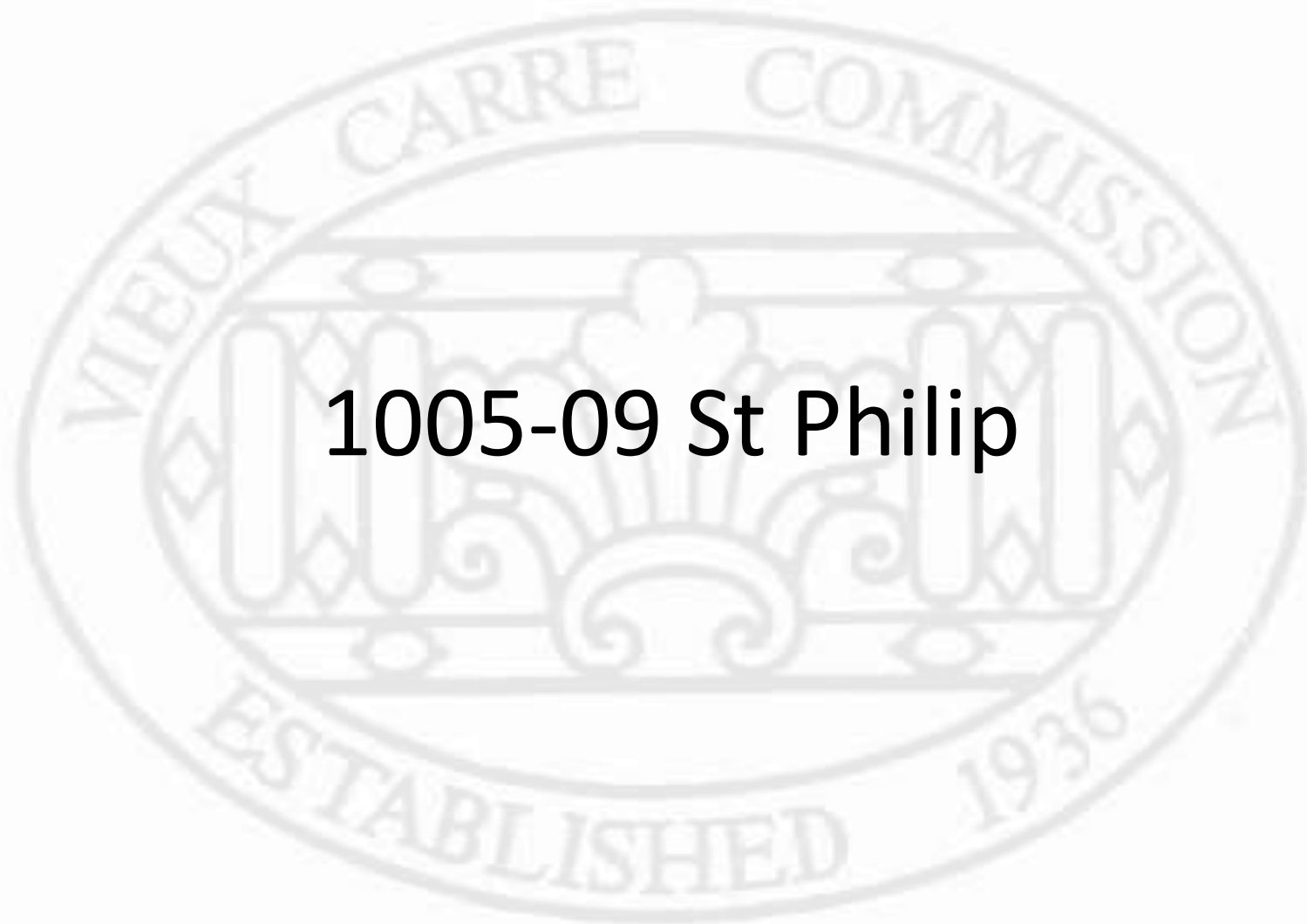
STAFF ANALYSIS & RECOMMENDATION: 08/19/2020

The property underwent a massive renovation in 2019 and 2020, returning the buildings to commerce and adding residential units in the upper floors of all three buildings. The first floors of all three buildings were left with a white box interior in expectation of a future occupant.

The applicant is proposing to install a kitchen hood vent and HVAC condensers in conjunction with a **change of use** from *vacant* to *restaurant* on the first floor. The kitchen will be limited to the rear building, with restaurant seating in the courtyard and main buildings fronting Conti. The hood vent is shown up against the Bienville side parapet with no setback, with notes for a 42" tall mechanical guardrail spanning 10" past each side of the unit. Two (2) 7-ton condensers will added to the mechanical equipment area on the rear roof of 512 Conti. The applicant has agreed to add screening to the Bienville-side rail to obscure the visibility of the hood vent from the upper floors of buildings on Bienville and Iberville; revisions will be submitted to include this detail, to be reviewed and approved at staff level prior to permit.

The Committee found the proposed modifications needed to accommodate restaurant use to be approvable and appropriate and forwarded a **positive recommendation** for the **change of use** from *vacant* to *restaurant* on the first floor.

VIEUX CARRÉ COMMISSION ACTION: 08/19/2020



1005-09 St Philip

ADDRESS: 1005-09 St. Philip Street
 OWNER: Balentine Carbondale Holdings LLC
 ZONING: VCR-1
 USE: Residential

APPLICANT: John C. Williams
 SQUARE: 105
 LOT SIZE: 2792.4 sq. ft. (approx.)

DENSITY

Allowed: 3 units (approx.)
 Existing: 1 Unit
 Proposed: No Change

OPEN SPACE

Required: 837.7 sq. ft. (approx.)
 Existing: Unknown
 Proposed: No Change

ARCHITECTURAL / HISTORICAL DESCRIPTION OF PROPERTY

This address actually consists of two historic lots of record, upon which separate buildings stand. At 1005, there is a circa 1895 2-bay shotgun cottage. At 1009-11, however, a c. 1830 frame Creole cottage was demolished in the 1940's. The historic service building at the rear property line was rebuilt, probably using the original materials. The small shed at the front property line has no significance.

Rating: 1005 St. Philip -- Green - of local architectural and/or historical importance.
1007-09 St. Philip -- Rear "kitchen"-- orange - unrated 20th century construction;
shed at front property line -- brown of no architectural significance.

Vieux Carré Commission Meeting of**08/19/2020****DESCRIPTION OF APPLICATION:**
Permit #18-01001-VCGEN

08/19/2020

Lead Staff: Erin Vogt

Appeal of Architectural Committee approval to renovate courtyard, per application & materials received 01/28/18 & 05/13/2020, respectively. **[Written notice of appeal received 06/17/2020.]**

STAFF ANALYSIS & RECOMMENDATION:

08/19/2020

On 05/20/2020, the Committee approved a proposal to modify the courtyard pavers and to install two small arbors and a fountain along the N. Rampart-side wall. The neighboring property owner at 1011 St. Philip is appealing the Committee's decision, which found the proposed work to be appropriate and within VCC Design Guidelines.

The proposed work is as follows:

- Two arbors, measuring 7'-10" tall, will be installed along the N. Rampart side wall in the courtyard. Since the arbors will be below 8'-0" in height there are no issues with building code compliance. The arbors are shown tied down at grade with Simpson clips and are set back 11" away from the masonry wall to prevent vegetation from attaching and climbing the brick. This work is easily reversible, does not damage or alter historic materials, and fits the *tout ensemble*, the arbors were found to meet VCC Design Guidelines.
- The rear arbor will frame a fountain comprised of a salvaged sugar kettle, wall-mounted fountainhead and the pump will be embedded in the brick base below the kettle. The Committee asked the applicant to increase the height of the waterproofing against the brick wall to avoid any potential issues with deterioration due to moisture from splashing. The applicant agreed to extend the waterproofing; the Committee was satisfied and approved the fountain with final details to be reviewed and approved at staff level prior to permit. The materials, size, location, proportion and style are typical and commonplace in the Quarter and approvable within the VCC Design Guidelines.
- The existing flagstone pavers will be brought down to grade at the walkway between the side gallery and the St. Philip-side gate, eliminating the small step down. New pavers will be installed to extended behind the utility shed, adjacent to the HVAC cabinet. Sand-set flagstone steppingstones will be installed between the parking area and the rear kitchen building, around the existing sweet olive tree and proposed fountain. The new flagstone will match the existing pavers, and no drainage alterations will be necessary since most of the new work is permeable. Staff found the proposed alterations minimal and appropriate within the VCC Design Guidelines.

During the Committee meetings, several concerns were raised by the appellant regarding the approvability of the proposed landscaping work. Most of these concerns were related to the distance between the fountain and property line rather than being directly related to the VCC's scope of concern. Since the VCC will not approve work that deviates from the CZO, the Committee deferred the first proposal to allow the applicant to consult with Zoning, and return with confirmation that they would not be required to set the fountain at least 3'-0" from the property line, and that the paving plan allowed for

enough permeable open space. Zoning Administrator Nicholas Kindel reviewed the preliminary drawings and found them to be approvable within the CZO (with some slight revisions to the pavers, increasing the permeable square footage). VCC staff returned to the Committee with Mr. Kindel's assessment, and the Committee approved the work (with provisos for minor revisions), with the understanding that the codes and regulations for all other governing agencies must be met or permits will not be issued.

Staff does not find a basis for overturning the Committee's decision on the basis of compatibility with the Design Guidelines and recommends **denial** of the appeal.

In response to the appeal, Mr. Kindel provided the following statement:

With regards to the VCC appeal for 1005-1009 St Phillip Streets, the Zoning Division of Safety and Permits found the proposed water feature to be compliant with the CZO. In Section 21.6 and Section 21.7 of the CZO, there are a number of setback requirements to the property line for accessory structures. In general, these restrictions apply to accessory structures in a required yard area. In the French Quarter, there are not required yards, so these setback requirements for accessory structures would not apply. Section 21.6.GG.4 states that a water features shall be located a minimum of 3 feet from the property; however, this setback does not apply because the proposed water feature is not located in a required yard setback. Therefore, the proposed water feature is compliant with zoning.

If the appellant does not believe that this is the correct interpretation of the zoning ordinance, then an appeal should be made to the Board of Zoning Adjustments which has jurisdiction over zoning interpretation appeals.

VIEUX CARRÉ COMMISSION ACTION:

08/19/2020

Architecture Committee Meeting of**05/20/2020****DESCRIPTION OF APPLICATION:**
Permit #18-01001-VCGEN

05/20/2020

Lead Staff: Erin Vogt

Proposal to renovate courtyard including modifying flagstone pavers and installation of new arbors and fountain, per application & materials received 01/28/18 & 05/13/2020, respectively.

STAFF ANALYSIS & RECOMMENDATION:

05/20/2020

Following the 04/29/2020 Committee review where the placement of the proposed fountain and modifications to paving were called into question as relates to Zoning regulations, VCC staff followed up with the Zoning Department for an interpretation of the CZO on these items. The Zoning Administrator, Nick Kindel, stated the following:

“In Section 21.6 and Section 21.7 of the CZO, there are a number of setback requirements to the property line for accessory structures. In general, these restrictions apply to accessory structures in a required yard area. In the French Quarter, there are not required yards, so these setback requirements for accessory structures would not apply. So water features and mechanical equipment would not have a setback requirement if they are not located in a required yard. The exception to this would be when the setback requirement is based on a safety concern, for example, swimming pool shall be 4 feet from all property lines and outdoor fireplaces shall be 10 feet from all property lines.”

Mr. Kindel also stated that the permeable open space requirement is calculated based on the size of the lot and the ground floor area of all structures on the lot. Based on calculations of existing and proposed conditions provided by the applicant, staff estimates that 545 sq. ft. are required to be permeable. The revised paving plan will leave 570 sq. ft. of permeable area.

The revised paving plan no longer adds any impermeable paving in front of the kitchen building. A small area will be extended behind the utility shed, adjacent to the HVAC cabinet. Sand set flagstone stepping stones will be installed between the parking area and the rear kitchen building, around the existing sweet olive tree and proposed fountain. Staff finds the proposed paving plan compliant with VCC Design Guidelines and recommends **approval**, with the proviso that Zoning confirm the calculations for required permeable open space at this particular site prior to permit issuance.

The fountain design is unchanged from the review on 04/29/2020 and can be permitted for this location according to Zoning’s ruling on required yards and setbacks. Staff recommends **approval** of the fountain as proposed.

ARCHITECTURAL COMMITTEE ACTION:

05/20/2020

Ms. Vogt read the staff report with Mr. and Mrs. Balentine, Mr. Williams and Ms. Bardwell present on behalf of the application. Ms. Bardwell stated that they planned to waterproof the fountain and that the wall was recently repointed, so they intend to protect it. Mr. Fifield asked the Committee if they had any other questions for the applicant. Ms. DiMaggio stated that she was satisfied with the proposal regarding compliance with the Design Guidelines. She asked staff to please pay attention to the mounted fountain head and splashing water from the kettle, and stated that the waterproofing may need to extend higher than indicated in the submitted drawings. Mr. Bergeron asked staff if these types of fountain posed any risk to adjacent walls. Mr. Block stated that staff did not anticipate any deterioration due to moisture and that the proposal was standard and historically commonplace. With nothing else to discuss, Mr. Fifield moved on to the next agenda item.

Public Comment:**Terrance Jacobs, 1011 St Philip**

I am writing to oppose the fountain at 1005 St. Philip. The CZO is quite clear. Section 21.6.GG line 4 reads “A water feature **shall** be located a minimum of three (3) feet from all lot lines.” This language is quite clear and specific. The reference is to the property line, not to any sort of yard or required yard. At any time in the CZO there is a variance for the French Quarter, there is an accompanying statement such as “except in historic districts”. There is no such caveat or exemption in this case. While the zoning administrator is free to make any sort of statement he chooses, he is not free to grant a variance. Variances are the purview of the BZA and the CZO is under the control of City Council. Once again, I am not opposed to the Balentines adding a fountain to the property but, am opposed to the location. This project has pushed every boundary thus far. If Mr. Williams wants another variance to the CZO, he should have to appeal to the BZA. The language in the CZO is quite clear. The attempt to side step this

clear and concise wording through the idea of a required yard is inventive but, incorrect. The allowed location of a water feature references only the distance from a property line.

Nikki Szalwinski, French Quarter Citizens

The CZO clearly states that:

4. A water feature shall be located a minimum of three (3) feet from all lot lines.

It says SHALL, not may. There is no exception for historic core districts. The language is clear. French Quarter Citizens questions Mr. Kindel’s interpretation for a variety of reasons.

Applying the logic of accessory buildings to the yard is false logic. Even twith Accessory structures the CZO states caveat in the FQ.

"Detached accessory structures shall be located a minimum of three (3) feet from any lot line, unless otherwise permitted or limited by this Ordinance. However, in the Historic Core and Historic Urban Neighborhood Districts, a detached accessory structure may be built on the interior side or rear lot line provided there is no existing structure on the adjoining lot located on or within three (3) feet of the common interior side or rear lot lines. The wall of the accessory structure built on a property line shall meet all standards of the fire code and shall include gutters to drain water away from the adjoining lot.” The CZO specifies setbacks and limitations pertaining to the historic core and Vieux Carre throughout. In fact 21.7 cites required yard multiple times. Allowing this interpretation renders mute whole sections of the czo, especially 21.7.

This particualr proposal for a fountain only a few feet from a histic green-rated structure endangers this historic assetwith moisture intrusion that could affect its foundation and invitre rote and termites.

Granting approval on this water feature opens the door to allowing neighbors to attach not just fountains but mechanical equipment, awnings etc to common fences and walls, i.e. buildings. One of the purposes of the CZO is preservation, which at times means disallowing that which had not previously been regulated. All sorts of things were done in the past that have proven to cause damage to buildings and foundations. Water intrusion from a fountain or vibration from mechanical equipement can undermine the integrity of foundatins, fences, walls, fireplaces and entire buildings. At a minimum Mr. Kindel’s interpretation side steps the BZA and city council and removes the public from the public process. FQC asks that you deny this water feature in this location as explictly disallowed in CZO. The precedent t will set has implications far beyond this particular fountain.

John Williams, Williams Architects

My client at 1009 St Philip Street would be fine moving the salvaged sugar kettle a few additional inches away from the fence to reduce slash back to address the staff concern. We’d be happy to work out an exact dimension with the staff.

Motion:

Mr. Block noted that the VCC does not approve proposals that deviate from the CZO, and that the comments in the staff report were in response to the Zoning Administrator and their interpretation of the ordinance. He stated that if there was disagreement regarding the Zoning Administrator’s interpretation, it could be appealed to the Board of Zoning Adjustments. Ms. DiMaggio added that she was fine with the distance between the wall and sugar kettle being decided at staff level.

Ms. DiMaggio made the motion for **approval** of both the proposed paving – including the provisos indicated in the staff report – and the fountain, with the understanding that the codes and regulations for all other governing agencies must be met, with details to be worked out at staff level. Mr. Bergeron seconded the motion and the motion passed unanimously.

Architecture Committee Meeting of 04/29/2020

DESCRIPTION OF APPLICATION: 04/29/2020
Permit #18-01001-VCGEN **Lead Staff: Erin Vogt**

Proposal to renovate courtyard including modifying flagstone pavers and installation of new arbors and fountain, per application & materials received 01/28/18 & 04/07/2020, respectively.

STAFF ANALYSIS & RECOMMENDATION: 04/29/2020

The applicant is proposing the following landscaping work in conjunction with the renovation and kitchen building addition, as follows:

Pavers will be brought down to grade at the walkway between the side gallery and the St. Philip side gate, eliminating the small step down. The flagstone will be extended past the utility shed and HVAC cabinet, and new flagstone will be added in front of the rear kitchen building. Staff finds the proposed paving plan **approvable**.

Two salvaged arbors will be installed along the N. Rampart side wall in the courtyard. Since the arbors will be below 8'-0" in height there will be no issue with building code. The arbors are shown tied down with Simpson clips and will not be attached to the masonry wall. The rear arbor will frame a fountain comprised of a salvaged sugar kettle, unspecified fountain head (shown as a lion) and the pump will be embedded in the brick base below the kettle. Staff finds the proposed work **approvable**.

ARCHITECTURAL COMMITTEE ACTION:

04/29/2020

Ms. Vogt read the staff report with Mr. Williams and Ms. Bardwell present on behalf of the application. The owners of 1005-09 St Philip, Bridget and Rick Balentine, were also on the call. Mr. Fifield asked the applicant if he had any response to the staff report. Mr. Williams stated that he appreciated staff and the Committee having this meeting under the current circumstances, and that he concurred with the staff report.

Mr. Block stated that the proposal must comply with the current CZO and that no permits would be issued until compliance was shown. Any paving proposed must comply with the pervious pavement requirements in the CZO. He further stated that staff had already contacted Zoning Administration regarding the paving and fountain but that he had not yet heard back by the time the meeting took place. Mr. Williams and Ms. Balentine stated that they would comply with whatever the CZO requires. Ms. DiMaggio stated that she did not think the French Quarter had the same pervious paving requirements as the rest of the city. Mr. Block stated that, while that had been true previously, the VCC had worked with City Planning Commission to modify the CZO within the last year to include the French Quarter in the pervious pavement requirements in an effort to improve the resilience of the District. The VCC will be sure the proposal complies with the new regulations.

Ms. DiMaggio asked for clarification from the applicant that the arbors were not attached to the wall; Ms. Bardwell confirmed that they were not. Ms. DiMaggio stated that the lack of attachment made her much more comfortable with the proposal. With no further discussion, Mr. Fifield moved on to the next agenda item.

Public Comment:

Nikki Szalwinski, French Quarter Citizens

LOCATION of TREE: This location is much too small at only 4' 2" in width from brick division fence to new second floor balcony on kitchen building. The fence is attached to the neighboring historic rear building and the root structure will compromise both rear buildings and fence if planted in this location. Arborists recommend planting fruit trees 10-12 feet from buildings and driveways which is far more than this proposal. The current owners uprooted a Persian lime located about 9 feet from their rear building and closer to the first column (not a pilaster) of division fence. The lime overhung the property line and grew into the neighboring balcony. The proposed location of this new tree is significantly closer to both buildings and will allow almost no space for tree canopy or rootball to spread. Locating the tree 10-12 feet from their rear building and adjacent historic building will allow space for the tree to grow and thrive, as well as replace screening previously provided by the lime. Further the chosen location is over their newly buried utilities.

EXTENDING PAVING: Drainage and permeability is an increasing concern in the FQ and city as a whole as flooding becomes more frequent. Increased heat and noise is inevitable with the additional paving. Further eliminating the step-down from the side entrance walkway to the parking pad hints at intent to increase parking area. The previous homeowner said the step-down was required so that the area didn't read as a parking lot as a caveat to get the driveway/curb cut.

FOUNTAIN: The proposal includes a fountain with the head attached directly to the division fence with a planter/rock bed around. This will contribute to the ongoing issues of mosquitoes at this address. CZO art. 21.2.GG.4 states: *A water feature shall be located a minimum of three (3) feet from all lot lines.*

This is NOT the only proposal Williams Architecture is currently putting forth that directly violates CZO. Another proposal is adding a swimming area to an existing fountain which CZO explicitly denies. Approving today's agenda item as is only sets precedent for additional non-compliant proposals...similar to how altering building heights resulted in the current IZD limiting height changes.

TRELLISES: Proposed location will allow vines to hold moisture onto brick fence and crawl onto adjacent building. Locating trellises closer to Burgundy will mitigate vines spilling over common fence causing damage to it and adjacent home. Placing between the columns that support the fence will cause damage to its main support. This fence is NOT entirely on the Balentine property. They have provided a survey that is NOT to any previous title in history nor was it attached to their act of sale. This fence is a division fence located between and crossing over the adjacent properties. To be clear we applaud replanting the lot after what was supposed to be a 3 month renovation enters its third year. We are thrilled they wish to plant a tree and add a fountain but ask they abide by CZO and design guidelines. Once the VCC approves proposals like this Mr. Williams has the opportunity to go to the BZA and says "but the VCC approved..." Variances should be the exception and VCC approval shouldn't be an excuse to

obtain.

Erin Holmes, VCPORA

The proposed water fountain is located less than 3' from the lot line, which is not allowed per [21.6.GG](#) of the CZO.

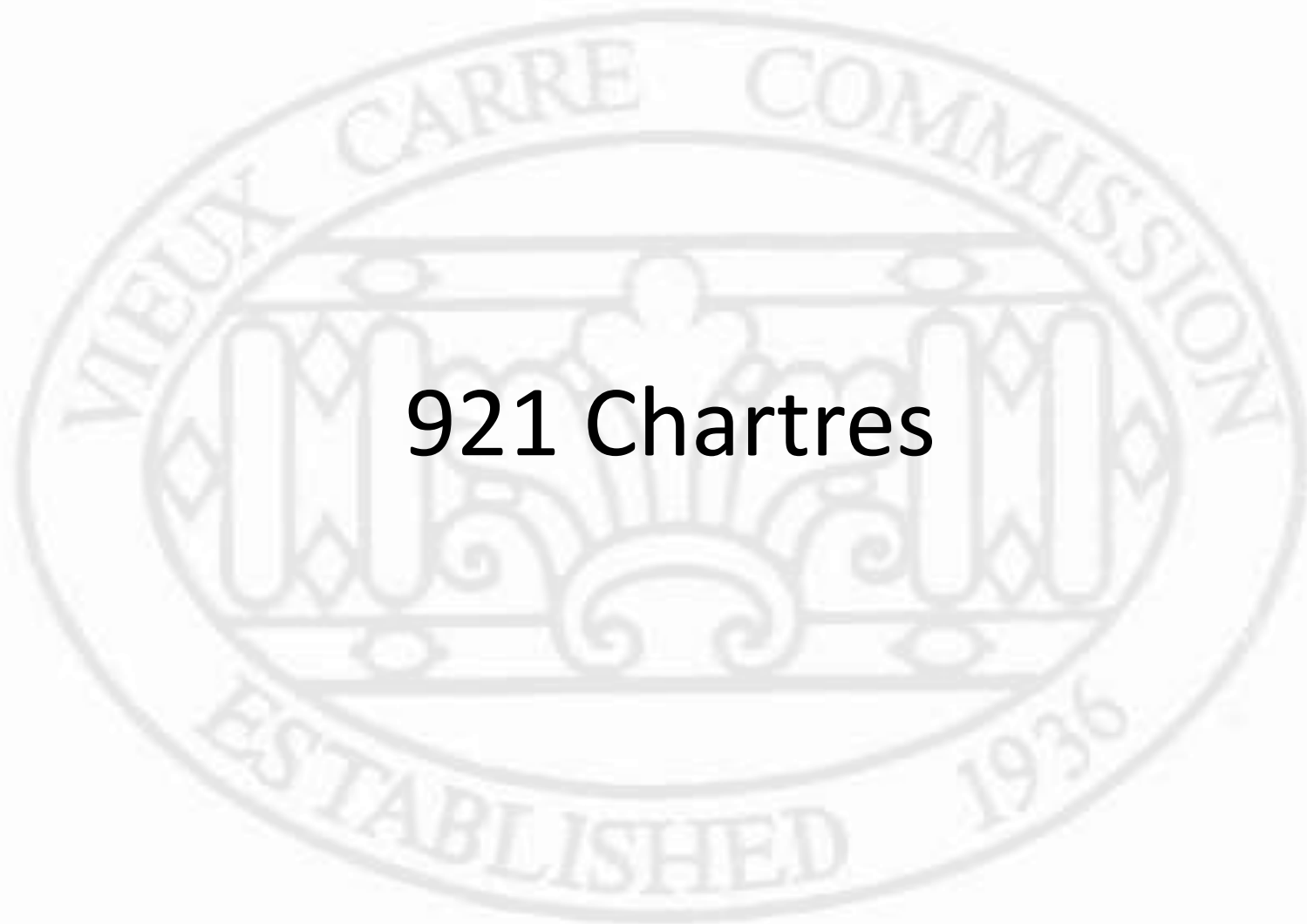
Terrance Jacobs, 1011 St Philip

I am writing to oppose the fountain proposal for the Balentine property. The design calls for the fountain to be built against the common wall between our two properties. This will lead to moisture problems and noise intrusion. In addition, an untended water feature will inevitably lead to mosquitoes. As I sure you are aware, the design is in blatant violation of the zoning law, which requires a three foot set back from any boundary line for a water feature. This rule exists in large part for the reasons stated above. I am sure Mr. Williams must be aware of this basic fact. How many zoning variances will the VCC tolerate on this property? It is quite clear his strategy is to float one proposal at a time rather than revealing his true plan or intention for the project. When this process started, there was no indication the Balentines intended to demolish the historic shed facade in violation of their permit. Once they got away with that, there was no indication they intended to demolish the oldest structure on the property in order to build a banal and poorly constructed two story fake rear building, a structure which would not be allowed under the interim zoning district rules which you put forward. Mr. Williams has already requested a permit to expand a non conforming fountain, adjoining a property line, on another property on Saint Philip into a pool. I have no opposition to the Balentines landscaping their property as they see fit, it should simply be done in accordance with the CZO. This situation is clear cut, the fountain is not allowed within three feet of a property line by the zoning rules. The landscape plan shows a large increase in the amount of paving on the property. This will result in greater heat retention and radiation. It also reduces the permeable surface area of the property. I know the VCC shares my concerns about these issues as I have noted the prominent and informative displays outside your office. I must also strongly object to the drawings submitted by Mr. Williams in support of this project. It appears that he is attempting to fake documentation as to the boundary line between our two properties into the VCC records. This can not stand unopposed He has included an elevation drawing showing the side wall of our rear building to be common. This is not the case. The Sanborn maps show our rear building to be on our property as do numerous surveys. Mr. Williams has made a concerted effort to steal our property. The one survey he has used to justify his entire project was commissioned by him after purchase at the start of this project. It is provably and grossly inaccurate. This matter is under litigation, as I am sure you are aware. Mr. Williams continued antics have cost me considerable time and expense. I will note that the Balentines lost their last hearing in the State appellate court. They have no legal standing or basis for their claim that the fence is not common. In addition, Mr. Williams' claim that the side wall of my rear house is common is specious at best. The boundary line the Balentines claim is not on their legal title, Mr. Williams' fanciful drawings not withstanding. The side wall to my rear property is mine and mine alone. I will not tolerate John Williams attempts to enter false documentation into any sort of public record.

I have sat through numerous VCC meetings and have heard the staff repeatedly say they only are there to consider the design and have heard the staff feign ignorance of local zoning ordinances and Louisiana law. The VCC is a city agency. For a city organization to issue an approval or permit for work that violates city and state code is unconscionable. It forces citizens into expensive litigation simply to enforce the law and is used by developers such as the Balentines and architects such as Mr. Williams as precedent for future action and to bolster their claims in the courts. This fountain proposal is in clear violation of the zoning regulations, it should be denied.

Motion:

Ms. DiMaggio made the motion to **defer** the application, noting that any future approval would be contingent on the applicant showing that they comply with the current CZO, the Zoning Department, Safety and Permits, and any other local governing codes and regulations, particularly with regards to the proposed fountain along a party wall and the proposed paving, and in light of the public comment, the verification of the accurate property division with the neighbor. Mr. Bergeron seconded the motion and the motion passed unanimously.



921 Chartres

ADDRESS:	921 Chartres Street	APPLICANT:	Paradigm Investments
OWNER:	Multiple Owners	SQUARE:	48
ZONING:	VCR-2	LOT SIZE:	12,172 sq. ft.
USE:	Residential	OPEN SPACE-	
DENSITY-		REQUIRED:	3,651 sq. ft.
ALLOWED:	20 Units	EXISTING:	2,397 sq. ft.
EXISTING:	24 Units	PROPOSED:	No Change
PROPOSED:	No Change		

ARCHITECTURAL/HISTORICAL DESCRIPTION:

Rating: Green - Of Local Architectural or Historical Importance
 Orange - Extreme rear building - Unrated 20th Century Construction

From the early 1800's, there was a complex at this address that also housed a bakery, and later a livery. Since there was a two-story store on the property as early as the 1820's and since there is an 1841 contract to remodel the roof by the addition of an "a la Francaise roof" and two dormers, it is possible that the existing large 2-story brick double building, divided by a large carriageway, is an earlier building that was remodeled in the 1840's. It today has a Greek Revival appearance, including pilasters on the ground floor and granite lintels on the upper floors. There are still attached stable wings which create the large inner court but the historic rear stable (at the extreme rear of the property) has been replaced by 20th c. construction.

Vieux Carré Commission Meeting of

08/19/20

DESCRIPTION OF APPLICATION:

08/19/20

Permit # 20-21350-VCGEN

Lead Staff: Nick Albrecht

Violation Case #19-08651-VCCNOP

Inspector: Marguerite Roberts

Appeal of Architecture Committee denial of proposed retention of gutters and downspouts, Z style shutters, balcony balustrades and glass mechanical door, per application & materials received 06/09/2020 & 07/20/2020, respectively.

STAFF ANALYSIS & RECOMMENDATION:

08/19/20

Staff inspected this property in August 2019 and observed several issues of concern including the balcony railings, gutters, shutters, and a glass door used to access mechanical equipment. The applicant sought to retain these items at the 06/23/2020 Architecture Committee meeting and were ultimately denied. Staff notes the following details for each item.

Railings

Earlier photographs (1998-1999) show that the balcony railings previously had a closer spacing of balusters, that the connections at the top and bottom of the balusters were different, and that the top railing was smaller and simpler. The previously existing railings were similar to the "Square Post Balustrade" shown in the guidelines as an approvable railing design. Staff is concerned that the current railing is similar to the "deck" balustrade which is specifically noted in the guidelines as being not approvable. (VCC DG: 08-7)

The Architecture Committee did not find the design of the railings to be acceptable and noted that it appeared that some areas of the railings were in need of repair. The applicant previously noted that given the amount of railings in question, replacing them would be quite expensive.

Gutters

The gutters are currently rectangular style with an incorporated leaf guard and with rectangular downspouts, but photographs show that these were previously half round gutters with round downspouts. Neither staff nor the Architecture Committee found the change approvable. The Committee also noted the unusual arrangement of some of the downspouts.

The applicant previously noted the cost to replace the gutters and downspouts and is asking for an exception to retain these elements.

Shutters

The shutters on the extreme rear orange-rated buildings were observed to be inappropriate "z" style shutters. This shutter type is specifically noted in the guidelines as being inappropriate for the French Quarter. Staff notes that the property report from that meeting suggested that the "Z" style shutters could be resolved simply by removing the diagonal piece of wood from each shutter. The Architecture

Committee voted to deny the retention of the “Z” style shutters but agreed that the shutters would be acceptable by removing the diagonal piece.

The applicant stated during that meeting that they would be willing to correct the shutters so staff seeks clarification if the applicant is seeking to retain these “Z” style shutters as-is.

Mechanical Access Door

The access door is located in the gable ends of one of the two extreme rear orange-rated buildings. The door is only accessible from the roof of the lower structure between the rear wing of the green-rated building and the orange-rated building. Staff has no objection to an access door in this location but finds the existing door, which is nearly entirely glass, atypical and unnecessary for this location. Staff recommends the use of a simple solid door, or a removable panel, in this location rather than the existing glass door.

Again, the applicant stated during that meeting that they would be willing to correct this element so staff seeks clarification if the applicant is seeking to retain the existing mechanical door.

Summary

A representative for the application provided an estimate to replace the railings, gutters, and downspouts to staff on 08/18. The estimate to replace these elements was extremely high at \$118,360. However, staff is skeptical about the accuracy of the estimate as the LLC that provided the estimate is owned by one of the condo owners in this complex. Given this conflict of interest, staff does not feel the estimate is necessarily a good representation of the actual cost of replacement. The Commission may be inclined to defer this application to allow the applicant to provide two additional estimates from contractors that do not have a vested interest in this property.

VIEUX CARRÉ COMMISSION ACTION:

08/19/20

Architecture Committee Meeting of

06/23/2020

DESCRIPTION OF APPLICATION: **Permit # 20-21350-VCGEN**

06/23/2020

Lead Staff: Nick Albrecht

Proposal to retain work completed in the courtyard without benefit of VCC review or approval, including railings, gutters, shutters, and an A/C access door, per application & materials received 06/09/2020.

STAFF ANALYSIS & RECOMMENDATION:

06/23/2020

Staff posted a Stop Work Order on this property last August when work was observed taking place on a rear balcony without benefit of VCC review or approval. That decking has been addressed and permitted separately but during the site visit VCC staff observed several other issues of concern including the balcony railings, gutters, shutters, and a glass door used to access mechanical equipment.

Earlier photographs (1998-1999) show that the balcony railings previously had a closer spacing of balusters, that the connections at the top and bottom of the balusters was different, and that the top railing was smaller and simpler. The previously existing railings were similar to the “Square Post Balustrade” shown in the guidelines as an approvable railing design. Staff is concerned that the current railing is similar to the “deck” balustrade which is specifically noted in the guidelines as being not approvable. (VCC DG: 08-7) Although similar, the existing balustrade is slightly more refined as the balusters are notched at the top and bottom rails rather than being simply applied. Staff finds the existing balustrade falls somewhere in between the “deck balustrade” and the “square post balustrade.”

The gutters are currently rectangular style with an incorporated leaf guard and with rectangular downspouts, but photographs show that these were previously half round gutters with round downspouts. Staff does not find the change approvable.

The shutters on the extreme rear orange-rated buildings were observed to be inappropriate “z” style shutters. This shutter type is specifically noted in the guidelines as being inappropriate for the French Quarter. Staff suggests that the diagonal board could possibly be removed from these shutters leaving more appropriate board and batten shutters. Staff also recommends that these be painted an approvable

shutter color.

The access door is located in the gable ends of one of the two extreme rear orange-rated buildings. The door is only accessible from the roof of the lower structure between the rear wing of the green-rated building and the orange-rated building. Staff has no objection to an access door in this location but finds the existing door, which is nearly entirely glass, atypical and unnecessary for this location. Staff recommends the use of a simple solid door, or a removable panel, in this location rather than the existing glass door.

Staff:

- requests commentary from the Architecture Committee regarding the existing balcony balustrades
- recommends denial of the retention of the existing gutters and downspouts
- recommends denial of the retention of the “z” style shutters but suggests they could be easily modified to an approvable shutter style
- recommends denial of the retention of the glass mechanical door but suggests a solid door or panel would be approvable.

ARCHITECTURAL COMMITTEE ACTION:

06/23/2020

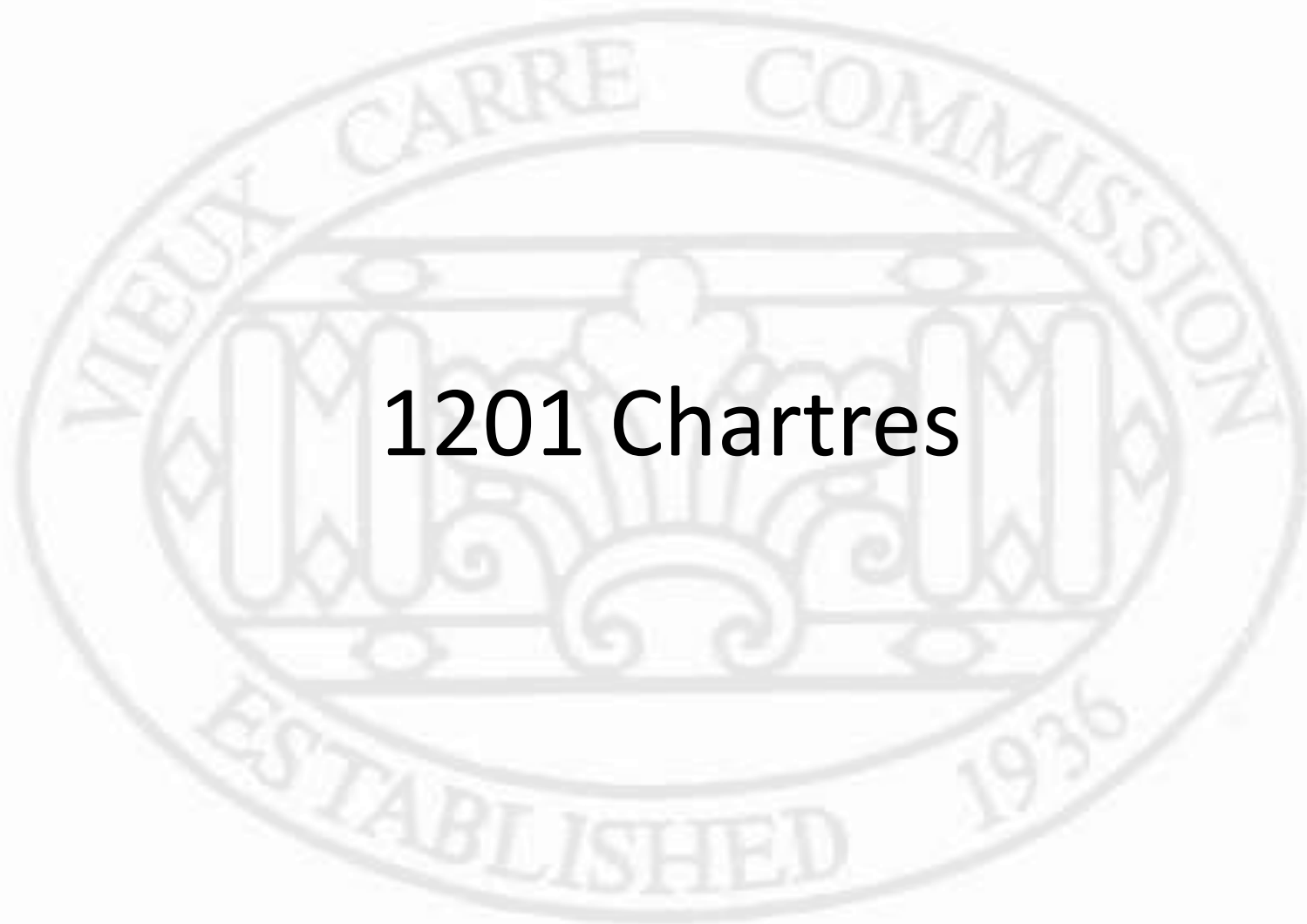
Mr. Albrecht read the staff report with Mr. Kropoq, a representative of the condo association, present on behalf of the application. Mr. Kropoq stated that most of the work had been done some 10-15 years ago. He then asked the Committee and staff what would be recommended for the downspouts. Mr. Albrecht responded, round downspouts. Mr. Kropoq stated that they would like an exception to the downspout, but they were willing to fix the door and Z shutters. Mr. Fifield asked about the balustrade. Mr. Kropoq stated that it was replaced after Katrina and that they were not square. He went on to ask for an exception to this item as well due to the age of the rail. Mr. Fifield stated that it looked like the rail need to be repaired. Mr. Kropoq responded that the covered section was in ok shape, but the uncovered section needed repair often. He went on to ask for an exception again due to the fact that there are numerous rails on the property, and this would be very expensive. Ms. DiMaggio asked what the life expectancy was of a typical downspout. Mr. Kropoq stated that he could not answer that question but that the existing downspouts were in good shape however, when replaced they would be happy to do so correctly. Mr. Fifield ended the conversation stating that not only were the downspouts wrong, but the arrangement and drainage pattern were simply “crazy” in design. Mr. Kropoq stated that they were appealing because the violations were old, and everything still worked. He went on to reiterate that it would be very expensive to fix.

No public comment

Motion and discussion

The applicant again asked the Committee to please make an exception to the removal of the downspouts and railings as it would be a considerable hardship due to the price. Mr. Bergeron responded to the applicant by explaining that the Committee only looked at architectural design, not hardship. Mr. Fifield further explained that the applicant could appeal to the full Commission within 30 days at which time the hardship could be explained in the proper forum. The applicant acknowledged that he understood the process.

Mr. Bergeron made the motion to **deny** the retention of the gutters, Z style shutters, downspouts, balustrades and door. Ms. DiMaggio asked if Mr. Bergeron would consider the potential modification of the Z-style shutters to an approvable style. Mr. Bergeron replied that he would. Ms. DiMaggio seconded the motion and the motion passed unanimously.



1201 Chartres

ADDRESS:	1201-23 Chartres/609 Gov. Nicholls		
OWNER:	Chris White et. al.	APPLICANT:	Stella Maris David Trautenberg (08/19/2020 appellant)
ZONING:	VCR-2	SQUARE:	51
USE:	Residential	LOT SIZE:	19,263 sq. ft.
DENSITY-		OPEN SPACE-	
ALLOWED:	32 Units	REQUIRED:	3,852 sq. ft.
EXISTING:	20 Units	EXISTING:	Unknown
PROPOSED:	No Change	PROPOSED:	No Change

ARCHITECTURAL / HISTORICAL DESCRIPTION:

Stella Maris Maritime Center or St. Mary's Community Center, housed in a c. 1948 version of a neo-classical institutional structure, designed by architects Herbert Benson and George Riehl.

Main building – Orange

Vieux Carré Commission Meeting of **08/19/20**

DESCRIPTION OF APPLICATION: 08/19/20
Permit # 20-31834-VCGEN **Lead Staff: Nick Albrecht**

Appeal of Architecture Committee approval to retain corrugated metal awning installed above the second-floor doors of units 7 and 8 without benefit of VCC review or approval, per application & materials received 06/19/2020 & 07/22/2020, respectively.

STAFF ANALYSIS & RECOMMENDATION: 08/19/20

At the 07/18/2020 Architecture Committee meeting, the Committee voted to approve the retention of this awning which was installed without benefit of VCC review or approval. That decision has been appealed by the owner of unit 7 in this complex, which is located directly below this new awning. The appellant is requesting that the Commission return this application to the Committee to revise the design of the awning. A representative for the appellant provided materials that have been included in the presentation arguing the following points:

Other existing awnings in the complex incorporate gutters and downspouts that control rainfall into drainage systems. The awning as installed drains water uncontrolled off of the awning and into the middle of the private patio area.

The awnings that match this awning are installed above projecting balconies, directing rainwater out and over the sides of the balconies and patios. These matching awnings are in an all together different arrangement compared to the one in dispute.

Staff finds that the appellant makes some valid points regarding the installation location and function of this awning. Although other designs may be approvable and serve the same function of protecting this wall from rainfall, staff feels this design is the best match for this part of the complex. Staff again notes that the awning in question was installed without prior benefit of VCC review or approval. Staff requests commentary from the Commission regarding this appeal.

VIEUX CARRÉ COMMISSION ACTION: 08/19/20

Architecture Committee Meeting of **07/14/2020**

DESCRIPTION OF APPLICATION: 07/14/2020
Permit # 20-31834-VCGEN **Lead Staff: Nick Albrecht**

Proposal to retain corrugated metal awning installed above the second floor doors of units 7 and 8, per application & materials received 06/19/2020.

STAFF ANALYSIS & RECOMMENDATION: 07/14/2020

The applicants note and photographs show that the awning proposed for retention matches existing awnings that dates back to the 1995 renovation of this property. The applicant stated that the new awning was installed to help protect the wall from water damage. The wall recently needed extensive work to repair rot and water damage and the awning was installed following the completion of this work with the

intention of the awning providing additional weather protection to this wall.

Both the previously existing and the new awning feature simple brackets, unpainted 2x4 purlins, and a corrugated metal roof. The submitted site plan shows that the new awning is located across a courtyard area from one of the existing awnings. None of these awnings are visible from the street and it is unlikely that they are visible from any neighboring properties given the arrangement of this property.

Although the awnings are somewhat atypical in their detailing, they are in keeping with the other details inside this renovated complex. Staff questions if the purlins of both the new and the previously existing awnings should be painted but otherwise has no objections to the proposed retention of this new awning. Staff recommends approval of the application.

ARCHITECTURAL COMMITTEE ACTION:

07/14/2020

Mr. Albrecht read the staff report with Mr. Wilson present on behalf of the application. Mr. Fifield asked the applicant if he had any questions regarding the staff report. Mr. Wilson stated that he was unsure as to why staff would recommend painting the purlins as they were not painted on the original approved overhang. Mr. Fifield redirected the question to staff. Mr. Albrecht stated that he put this in the staff report because guidelines typically require all wood to be painted. Ms. DiMaggio stated that if the original was approved unpainted, she would be ok with the new purlins remaining unpainted as well, as long as the wood used was treated. With nothing left to discuss, Mr. Fifield moved on to the next agenda item.

Public Comment

David Trautenberg, owner of unit 7

Retroactive Permit over Units 7 & 8 for a Steel Corrugated Awning

Re: Reference Code JGB2HM

My name is David Trautenberg and I am the property owner of Unit 7, 1201 Chartres Street. Pertaining to the application before the VCC and AC, I do have legitimate concerns regarding the design and construction of the now in-place awning that the applicant is seeking to retro-permit.

First, I would like to note that the application description suggests this permit request is to correct an oversight by the HOA. This design (and construction) was not reviewed nor approved by property owners, particularly those most impacted by its design and placement, owners of Unit 7 and 8. Second, this awning is a NEW addition and was not part of the original Stella Maris design plans. The other original-designed corrugated steel awnings referenced in the description are approximately 1/2 the span of the recently constructed awning and are only over common areas. The current “vol au vent” construction has a condor-like wingspan of at least six feet and now displaces rain in a waterfall-like fashion directly onto the middle of the private brick patios of both Units 7 and 8. A structural engineering review for wind shear was not done.

I do believe that having an appropriately designed and structurally sound awning that thoughtfully redirects water away from the back-stucco walls of Units 7 and 8 would be beneficial. For that reason, I would like to propose that VCC/AC staff examine the second-floor awning located in the interior parking courtyard of the Stella Maris complex. This steel awning has the added design elements of copper rain gutters and vertical copper drain/down spouts. Prior to this construction, Unit 7 and 8 each had diminutive copper awnings that were removed. By incorporating copper rain gutters and drain spouts into the current design, a less intrusive wingspan perhaps could be utilized that is less subject to wind shear, etc. and which is more aesthetically acceptable to me as the owners of unit 7. Lastly, a vertical copper privacy screen between unit 7 and 8 could also be included in this revised design aesthetic—one that matches Unit 8’s remaining single diminutive copper awning over its ground floor doors.

I think one of the more important points to clarify is that all of the awnings originally designed and built are ONLY OVER COMMON AREAS and direct water down onto common areas. This awning has been put over two interior units where previously NO Awnings have been constructing, depriving the Unit Owners of natural sunlight etc. In addition the span of these awnings is double what were originally constructed over the common areas.

Jesse Paige, owner of unit 8

You can see the additional copper elements and rain spouts on this photo attached, which are the design modifications I would request so that the original diminutive copper awnings and the remaining copper downspouts on the back wall opposite units 7 & 8 are kept. Again by incorporating gutters and downspouts water is more effectively diverted and perhaps the awning overhang can be reduced from 6 feet to say 4 feet.:



Thank you for your staff recommendation. I am writing to confirm that architecturally this awning is an exact match in materials and depth as confirmed by Jamie Sexton of Morphy, Makofsky Inc. I have attached his drawing and report below to confirm this if necessary.

Discussion and motion

Ms. DiMaggio made the motion to approve the retention of the awning installed without benefit of VCC review or approval. Mr. Bergeron seconded the motion and the motion passed unanimously.