

ADDRESS: 928 St. Ann
 OWNER: Aura, LLC
 SQUARE: 87
 USE: Residential
 DENSITY-
 ALLOWED: 2 units
 EXISTING: 6 units
 PROPOSED: 1 unit

APPLICANT: Gunner Guidry (Architect)
 William Goliwas (Contractor)
 LOT SIZE: 2675.5 sq. ft.
 OPEN SPACE-
 REQUIRED: 802.7 sq. ft.
 EXISTING: Unknown
 PROPOSED: Unknown

ARCHITECTURAL / HISTORICAL DESCRIPTION:

Main building and attached service ell – **Green**, or of local architectural and/or historic importance.

Narrow, 3-bay, 3-story brick townhouse and attached service ell, constructed in 1842 in the Greek Revival style by L. Cordier, builder, for Gabriel Montemart. Its main entrance has an entablature and pilasters, and there once was at its river side a carriageway that led back to the courtyard and the stable.

Vieux Carré Commission Meeting of

03/17/2021

DESCRIPTION OF APPLICATION:
Permit #18-28545-VCGEN

03/17/2021

Lead Staff: Erin Vogt

Review of Staff and Committee recommendation to revoke approval of CMU property line wall under Section XII of the VCC bylaws, per materials stamped VCC approved 09/05/2020. [**STOP WORK ORDER posted 02/25/2021**]

STAFF ANALYSIS & RECOMMENDATION:

03/17/2021

The 11'-0" tall stuccoed CMU wall was approved and permitted by the VCC and the Department of Safety and Permits in September 2019 as part of a proposal to renovate the entire property. After permits were issued, staff was made aware that the wall, if built as approved, would only be inches away from the neighboring wood-frame 20th century yellow-rated shotgun cottage at 922 St. Ann. The drawing set provided by the architect at 928 did not show the adjacent building in relation to the wall, and staff was unaware of this conflict prior to permit issuance. Staff became very concerned that the Burgundy side of 922 St. Ann would become inaccessible and difficult, if not impossible, to maintain once the 11'-0" tall wall was constructed. Additionally, the wall was raised as a potential life safety issue since multiple windows on this side of the building would be blocked entirely [see *Staff Analysis and Recommendation from 10/21/2020 for additional information regarding these concerns*]. On 10/21/2020, staff presented the wall to the Commission, asking for reconsideration under the Section XII (B) and Section XII (C) of the VCC bylaws; the Commission chose not to reconsider approval at that time, and work was allowed to continue.

As construction on the wall began, the neighboring property owner contacted VCC staff with concerns that the wall would prevent maintenance of their building and they would be left with a view of unstuccoed CMU. Staff notes that the approved drawings call for both sides of the wall to be fully covered with stucco and lath, as exposed CMU is prohibited by the VCC Design Guidelines. Installation of metal lath is also required over CMU to prevent the joints from telegraphing, since stucco alone does not adequately obscure the underlying contemporary material. On 02/25/2021, staff inspected the site and noted that the Dauphine-side face of the CMU had been left exposed, and no lath was being applied to either side of the wall as required by permitted materials. Staff placed a STOP WORK ORDER to halt work on the wall, which remains in place.

In addition to photos taken before the recent construction of the wall, the neighboring property owner at 922 St. Ann has submitted photos from 2008, following the collapse of the previously existing CMU wall. The exact height of the previous wall cannot be confirmed, but photos from 2007 show that the windows at 922 were not entirely obscured. The post-collapse photos show significant deterioration present at the siding, sill, and windows, as well as vegetation growth. Staff also notes that at least one downspout at 922 drains between the building and CMU wall, making drainage an ongoing concern as well.

Section XII of the Bylaws of the Vieux Carré Commission of the City of New Orleans states that:

“Any Commission member or the Director may place a matter which has previously been voted on by the Commission on the agenda of a duly called meeting of the Commission for reconsideration if:

- a) Circumstances and conditions have substantially changed since its original consideration, or*
- b) Inaccurate data was contained in the report on the matter, or*
- c) Additional information has been presented since its original consideration.*

The Commission shall, by motion determine whether or not the matter is eligible for reconsideration in accordance with the above. If the Commission determines, by an affirmative vote, the reconsideration is warranted, the Commission may then reconsider its prior action.

Based on concerns that construction of the wall will impede the maintenance and preservation of 922 St. Ann, that both sides of the wall cannot be stuccoed per the approved drawings and Design Guidelines requirements, and the drawings submitted for approval did not indicate the proximity of the wall to the neighboring building, staff recommends the Commission **reconsider** prior approval of the wall under Section XII (B) and Section XII (C).

Considering the substantial risk to the neighboring building if the wall is built, staff recommends the Commission **revoke** prior VCC approval and **deny** construction of the Dauphine-side CMU wall. Staff has suggested installation of a seven-board fence as an alternative, since the fence boards could be easily removed to allow for maintenance of windows or weatherboards as needed.

VIEUX CARRÉ COMMISSION ACTION:

03/17/2021

Vieux Carré Commission Meeting of 10/21/2020

DESCRIPTION OF APPLICATION: 10/21/2020
Permit #18-28545-VCGEN **Lead Staff: Erin Vogt**

Review of Staff and Committee recommendation to revoke approval of CMU property line wall under Section XII of the VCC bylaws, per materials stamped VCC approved 09/05/2020.

STAFF ANALYSIS & RECOMMENDATION: 10/21/2020

The 11'-0" tall stuccoed CMU wall was approved and permitted by the VCC and the Department of Safety and Permits in September 2019 as part of a proposal to renovate the entire property. Work has been progressing on the site, but the Burgundy-side CMU wall has not yet been constructed. After permits were issued, staff was made aware that the wall, if built as approved, would only be inches away from the neighboring wood-frame 20th century yellow-rated shotgun cottage at 922 St. Ann, which appears to be less than a foot from the remaining foundation of the previously existing fence. The drawing set provided by the architect did not show the adjacent building in relation to the wall, and staff was unaware of this conflict prior to permit issuance. Additionally, the wall was raised as a potential life safety concern by the neighbor since multiple windows on this side of the building would be blocked entirely.

Section XII of the Bylaws of the Vieux Carré Commission of the City of New Orleans states that:

“Any Commission member or the Director may place a matter which has previously been voted on by the Commission on the agenda of a duly called meeting of the Commission for reconsideration if:

- d) Circumstances and conditions have substantially changed since its original consideration, or*
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- f) Additional information has been presented since its original consideration.*

The Commission shall, by motion determine whether or not the matter is eligible for reconsideration in accordance with the above. If the Commission determines, by an affirmative vote, the reconsideration is warranted, the Commission may then reconsider its prior action.

Staff presented the wall to the Committee on 10/13/2020; the Committee moved to forward the wall to the Commission for Section XII review. Staff recommends the Commission **reconsider** prior approval of the wall under Section XII (B) and Section XII (C).

VCC staff reached out to the project architect and the Department of Safety and Permits regarding the safety concerns raised by the wall and received the following response from former director Zachary Smith:

Overall, there is nothing specific...related to building/zoning code that would clearly tell us we can't approve it. We definitely don't like it nor do we support it, based on this:

SECTION 101 - GENERAL

101.3 Intent. The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety to protect the public health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide reasonable level of safety to fire fighters and emergency responders during emergency operations.

We have permitted wooden fences in the past without much to-do as they are more easily breakable. If a concrete wall limits the passage of a firefighter more than already limited to less than 2', I would say that my official position would say no based on the presence of the intent. We would reasonably argue that this wall would prevent firefighters from responding to a fire. The Quarter, especially from St Peter to Canal is in a heightened risk of fire spread and you might be aware that all fire calls in the FQ are 2-alarm by practice as it is reasonably expected that travel times may be further delayed due to hard-to-navigate streets.

With this said, my official recommendation would be to DENY.

In support of installing the wall as approved in 2019, the applicant has submitted the following documentation:

- The 1842 building contract calls for “an 11-foot enclosing wall around the courtyard.” The brick wall was replaced with a CMU wall in the mid- to late-twentieth century.
- The original brick wall was replaced with a CMU wall, which collapsed in 2008. The neighboring property received a VCC permit in 2009 to build a 16’-0 long seven board fence at the rear of the property [Staff note: the fence was built substantially taller and does not meet building code or VCC Design Guidelines and will be cited as a violation.]
- Surveys of both properties show approximately 6” between 922 St. Ann and the property line wall.
- The original wall was built before the current building at 922 St. Ann (dated to early 20th century). [Staff notes that the 1896 Sanborn maps suggest that the original 922 St. Ann building was in the same location, at the property line, and predated the CMU wall that collapsed in 2008.] The wall foundation is still intact and is being used by the neighbor for their property line fence.
- The applicant stated “the wall had historically made it difficult for the neighbor to use the three windows in question for egress. None of the three windows are secondary means of egress for the house. The First and Second windows are in the same room as the house's front three street facing windows and the house also has left side entry doors and windows. The third window affected is a bathroom window and does not meet the required size to be considered an egress window.”

VCC staff is primarily concerned that the installation of the CMU wall will have a devastating effect on the Burgundy elevation of 922 St. Ann, since access for routine maintenance and repairs will be impossible. The VCC is tasked with safekeeping the architectural fabric of the Quarter and must consider the impact the wall will have on the preservation of the neighboring building, as routine maintenance is the first and best method of preserving historic structures. An 11’-0” tall CMU wall will prevent access and repairs for decades, which could lead to significant loss. Staff has suggested installation of a seven-board fence as an alternative, since the fence boards could be easily removed to allow for maintenance of windows or weatherboards as needed.

Considering the substantial risk to the neighboring building if the wall is built, staff recommends the Commission **revoke** prior VCC approval and **deny** construction of the Burgundy-side CMU wall.

VIEUX CARRÉ COMMISSION ACTION:

10/21/2020

Ms. Vogt read the staff report with Mr. Goliwas present on behalf of the application. Ms. Gasperecz asked if there were any questions for staff or the applicant. Ms. DiMaggio asked the applicant if he could briefly tell the Commission why they were hesitant to install a seven-board fence despite concerns raised by staff. Mr. Goliwas stated that they were trying to keep the design historically correct and part of that was the 11’ masonry wall that was there previously. He went on to say the wall was there before the neighboring house was built and that in fact the house was built up against it. Mr. Goliwas explained that the front wall was also 11’ and that they were trying to maintain the character and incorporate the driveway gates. Ms. DiMaggio thanked the applicant.

Ms. Gasperecz stated that her main concern was the fire risk, adding that fire suppression was particularly important in the French Quarter. Mr. Goliwas stated that a masonry wall would reduce fire spread even more, especially when compartmented to a wood fence. He went on to say that the means of egress for the neighboring house was not relevant because they had numerous exits on the Burgundy side elevation. Mr. Fifield asked if the adjacent owner had been contacted and if they were concerned. Ms. Vogt explained that it was the neighbors that alerted staff to the situation by phone spoken months ago, but that staff did not have contact information for that owner. Mr. Fifield stated that he thought it was interesting that they had before them an owner that wanted to restore a property and an owner that was absent. Mr. Goliwas noted that the neighbor had not attended the Committee meeting either. Mr. Fifield then stated that while difficult, it was not impossible to work in such a small space. Mr. Goliwas stated that Mr. Smith’s statement was only an opinion, not code. With nothing else to discuss the Committee moved on to the next agenda item.

No Public Comment

Discussion and Motion:

Ms. Vogt stated that two motions would be needed: one to reconsider the item and open discussion, and one to vote on the merits of the design. Mr. Block stated that if they did not wish to reconsider, then the item would die.

Ms. DiMaggio made the motion to reconsider. Mr. Bergeron seconded the motion. Ms. Gasperecz, Mr. Fifield, Dr. Reeves and Ms. King opposed the motion to reconsider. The motion failed. The merits of design would not be reconsidered and the wall remains approved per the permitted materials.