

VIEUX CARRE ARCHITECTURAL REVIEW COMMITTEE

LaToya Cantrell  
MAYOR

CITY OF NEW ORLEANS

Bryan Block  
DIRECTOR

**NOTE: The below minutes are a summary of actions taken. They are not a verbatim transcription of the meeting.**

**Minutes of the VCC Architectural Committee meeting of Tuesday, November 22, 2022– 1:00 pm.**

**Committee Members Present:** Stephen Bergeron, Rick Fifield, Toni DiMaggio

**Staff Present:** Bryan Block, Director; Renee Bourgogne, Deputy Director; Nicholas Albrecht, Senior Plans Examiner; Erin Vogt, Senior Plans Examiner

**Staff Absent:** Marguerite Roberts, Inspector

**Others Present:** Zach Smith, Erin Holmes, Erika Gates, John Williams, Lacey Wotring, Myles Martin

## AGENDA

### Old Business

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**528 Wilkinson St: 22-32145-VCGEN;** Zach Smith Consulting & Design, applicant; C 4 Holding LLC, owner; Proposal to install new HVAC equipment on roof, per application & materials received 10/24/2022 & 11/07/2022, respectively.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=949750>

Ms. Vogt read the staff report with Mr. Smith present on behalf of the application. There was no public comment. With no discussion needed, Ms. DiMaggio moved for **approval** at staff level. Mr. Bergeron seconded the motion, which passed unanimously.

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### New Business

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**229 Royal St: 22-32379-VCGEN;** John C Williams, applicant; 229 Royal Street LLC, owner; Proposal to modify millwork and construct new rooftop deck and pool, in conjunction with a **change of use** from *vacant* to *hotel accessory*, per application & materials received 10/26/2022.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=949987>

Ms. Vogt read the staff report with Mr. Williams present on behalf of the application. Mr. Williams stated that they wanted to move forward as soon as possible. Ms. Holmes stated that she appreciated the applicant's desire to put the building back into commerce, but noted that the BZA waiver had expired and required renewal. She asked about the use on the third and fourth floors, stating that it was unclear if it was an expansion of the hotel, and requested a deferral.

Mr. Williams responded that the first floor would be a restaurant, the upper floor a spa, and the mid floors office space. Mr. Fifield asked if it had been through a change of use before? Ms. Vogt responded yes, and permits had been issued. Ms. DiMaggio asked how long hotels had been restricted; Ms. Bourgogne responded since the 80s. Mr. Bergeron asked staff's recommendation regarding the change; Mr. Block responded conceptual approval contingent on approvals from other departments, as that would help other departments understand that we could approve it. He explained that CPC found it helpful so it was not a chicken and the egg issue. Mr. Williams stated that he wanted to go to BZA with conceptual approval.

Mr. Bergeron moved for **conceptual approval** of the work, forwarding the **change of use** to the Commission after waivers or variances with other departments are completed. Ms. DiMaggio seconded the motion, which passed unanimously.

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**730 Bienville St: 22-32385-VCGEN;** John C Williams, applicant; 730 Rue Bienville LLC, owner; Proposal to install

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retractable glass canopy over courtyard, per application & materials received 10/26/2022.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=949993>

Ms. Vogt read the property report with Mr. Williams present on behalf of the application. Mr. Williams stated that the Design Guidelines were the same in regards to open space and that he wanted the previous approval renewed. He stated there was a retractable cloth canopy now, and that it had been approved by the BZA and SFM. He stated it would not remain closed, only when there was bad weather or events in the courtyard, but that they wanted to maintain fresh air.

Ms. Holmes addressed the Committee on behalf of VCPORA, stating that this review was premature and that the BZA ruling needed to be revisited. She explained that in 2018, the canopy was found not to be legal, non-conforming, and that BZA would not accept an application at that time. She was concerned the cover would remain closed, and asked that BZA review go first.

Ms. Szalwinski reiterated Ms. Holmes' comments, adding that it also affects runoff. She voiced concerns that the VCC continually struggles with applicants bringing incomplete applications that fly in the face of residents, who she thought were held to a higher standard.

Ms. DiMaggio stated that it was hard to evaluate the proposal without knowing BZA's stance. She argued that the Design Guidelines now recommend temporary, movable coverings and not permanent coverings, even retractable. She stated she needed to know where BZA fell on this item. Mr. Bergeron agreed and asked if the canopy was prescribed; Ms. Bourgogne stated that she thought it had been cited. Ms. Vogt repeated a request for inspection as noted in the staff report, saying staff needed to see if the conditions had changed or if anything had been modified. Mr. Fifield stated that the drawings were bare and did not sufficiently show the canopy relative to the existing building. He noted that the building is not historic but is designed to appear so, and that the enclosure was antithetical to the French Quarter. He added that he did not see how the Committee could approve the proposal.

Mr. Fifield asked the applicant if they would be altering the HVAC to heat and cool the space? Mr. Williams responded that they did not anticipate doing that. Mr. Block was concerned that this might create a greenhouse effect in the courtyard, which could damage the building. He stated it was important the proposal be addressed holistically while considering the concept. Mr. Williams responded that the canopy would be left open on one end, arguing that we have a harsh climate and it would make the courtyard a more viable space. He repeated that he wanted the previous approval to be reinstated. Ms. Bourgogne reiterated that the previous approval was from 2014.

Mr. Bergeron noted grilles shown under the balconies in the courtyard. Mr. Williams responded that he believed they were existing, as they were not planning on changing that. Ms. Vogt stated that it was important to schedule an inspection to photograph the courtyard before further reviews. Mr. Williams agreed. He stated that the canopy would improve current conditions and would be wide open when weather allowed. He repeated that the Guidelines have not changed in regard to open space. Ms. DiMaggio stated that it was not an open space issue, but an architectural feature issue. She stated that the Committee could not adequately review the merits of the proposal without proper detail and development. She also stated that the time lapse between proposals was significant, as the Guidelines had been updated and the BZA ruling had expired. Mr. Fifield added that the canopy would not disappear when retracted, and that the Committee needed drawings that were more illustrative to the impact it would have, both from inside the courtyard and outside the building. He stated that the canopy would always be visible whether it was closed or not. He agreed with Ms. DiMaggio's points and thought a deferral would be appropriate rather than denial. Ms. Bourgogne asked if the canopy manufacturer was still in business; Mr. Williams responded that he was unsure but would confirm.

Ms. DiMaggio moved for a **deferral** to allow for inspection of the property and for the applicant to update an develop drawings for further Committee review, and with the applicant to work with the BZA and SFM to see if it would be considered approvable with their organizations. Mr. Bergeron seconded the motion, which passed unanimously.

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**327 Bourbon St: 22-34992-VCGEN**; Gates Erika, applicant; Karno 327 Bourbon Real Estate LLC, owner;

Proposal to renovate building including the reconstruction of previously existing rear enclosed gallery and the installation of new mechanical equipment, per application & materials received 10/13/2022.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=954630>

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Mr. Albrecht read the staff report with Ms. Gates and Mr. Martin present on behalf of the application. Ms. Gates

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noted that the biggest issue with the air conditioning are the tax credit requirements for the interior space. Ms. Gates continued that the main spaces are open and SHPO wants to maintain the floor plans. Regarding the number of trash cans, Ms. Gates noted that adjacent buildings use this property to store trash.

Regarding the proposed rear reconstruction, Mr. Block asked if SHPO had weighed in with a recommendation. Ms. Gates stated that SHPO wanted a more modern interjection. Mr. Block asked if SHPO accepted the enclosed condition. Ms. Gates responded that given the length of time they did accept the enclosed condition.

Mr. Fifield asked if the AC units would cover the dormer windows. Mr. Martin explained that they had created a widows walk situation and had attempted to lower the mechanical equipment. Mr. Fifield asked how this mechanical area would be accessed. Mr. Martin stated that the dormer windows are operable. Mr. Fifield recommended considering reducing the 3<sup>rd</sup> floor level so as not to block the eave.

Nikki Szalwinski, representing French Quarter Citizens, stated that this was a missed opportunity and that the HVAC would be visible to others.

Commissioner Bergeron asked if there was truly a need for 18 trash cans. Ms. Gates stated this was the consolidated trash area for this business as well as two adjacent businesses. Mr. Fifield asked if they had considered locating the HVAC on the rebuilt gallery. Ms. Gates stated that that area was designated for bathrooms in order to maintain the open interior rooms.

Commissioner Bergeron moved to **defer** the application to allow the applicant to further develop the proposal based on today's discussion. Commissioner DiMaggio seconded the motion, which passed unanimously.

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## Appeals and Violations

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**327 Bourbon St: 22-30938-VCGEN**; Bob Ellis, applicant; Karno 327 Bourbon Real Estate LLC, owner;

Proposal to retain wood fence at end of the carriageway constructed without benefit of VCC review or approval, per application & materials received 10/12/2022.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=948665>

Mr. Albrecht read the staff report with Ms. Gates and Mr. Martin present on behalf of the application. Ms. Gates stated that she had spoken with the contractor about the need for a construction fence. The contractor thought that the wood fence that was constructed would be better. Ms. Gates stated that they had issues with people going into the courtyard. Mr. Fifield noted that the fence could be painted and capped.

Commissioner DiMaggio moved to approve the temporary retention of the fence provided that the height was reduced to 7', that the fence was capped with a wood cap, that the fence and cap be painted, and that the fence remains in place concurrently with the VCC renovation permit for the building. Commissioner Bergeron seconded the motion, which passed unanimously.

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**700-08 Orleans Ave, 717-19 Royal Street: 22-20369-VCGEN**; Archetype LLC, applicant; Sahuque Realty Co, owner; Appeal to retain metal expanded mesh installed on alcove gate, per application & materials received 07/07/2022 & 11/04/2022. **[Notices of Violation sent 08/12/2019 and 02/18/2022]**

Ms. Vogt read the staff report with Ms. Wotring present on behalf of the application. Ms. Wotring stated that she was happy to work with staff if denied. Mr. Block asked if the Committee would accept something that used the motif of the grill on the windows adjacent, which Ms. Wotring thought was a great idea. Noting the applicant's willingness to work with staff, Mr. Bergeron moved to deny retention with the applicant to work with staff. Ms. DiMaggio seconded the motion, which passed unanimously.

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**529 Bienville St: 22-33217-VCGEN**; Kirk Fabacher, applicant; Chateau Bienville LLC, owner; Appeal to retain pergola constructed in deviation from VCC permit, per application & materials received 11/02/2022.

<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=952831>

Ms. Vogt read the staff report with Mr. Fabacher present on behalf of the application. He stated that they were

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willing to do a matte clear finish and modify the concrete bases. He stated he would revise and resubmit. He added that the reinforcing bars run the length of the rafters at 12" o.c., and that the vegetation was growing from the other side of the wall and kept coming back. He added that it needed to be a group effort between the properties in the square. Mr. Fifield stated that efforts to remove it needed to continue. Mr. Fabacher responded that it comes back. Mr. Block stated that the VCC encourages owners to work together to address these types of issues. Mr. Fabacher noted that new items had been added to the violation case; Ms. Vogt responded that further work without permit violations had been discovered when staff visited the site to inspect the pergola in November, and that they had not been cited earlier because this was our first time seeing them.

Mr. Fifield asked about the glass; Mr. Fabacher stated that it was added after "due to covid," and that they wanted to retain. Mr. Block stated that the VCC was open throughout covid and was reviewing proposals and issuing permits the whole time.

Ms. Szalwinski addressed the Committee on behalf of French Quarter Citizens, stating that she got permits during covid and the work without permit set bad precedent.

Ms. DiMaggio asked about the painting requirement; Ms. Vogt stated that it had been required as a proviso of approval and had been noted in the permit and drawings. Mr. Bergeron noted that the relationship between the openings and pergola differed from the drawings, and that it was detailed poorly at the openings. Ms. DiMaggio asked where the application was in the DSP process; Mr. Fabacher responded that they were waiting on VCC approval and had to provide a signed construction contract, which they did not have.

Ms. DiMaggio moved to defer the proposal, with further submittals within 30 days to document all deviations from approved materials, and a complete scope of work proposing resolutions for all violations, with flags to remain until resolution. Mr. Bergeron seconded the motion, which passed unanimously.

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With no business left to discuss, Commissioner Bergeron moved to adjourn the meeting. Commissioner DiMaggio seconded the motion, which passed unanimously. The meeting was adjourned at approximately 2:32pm.