

VIEUX CARRE COMMISSION

LaToya Cantrell
MAYOR

CITY OF NEW ORLEANS

Bryan Block
DIRECTOR

Minutes of Public Meeting
WEDNESDAY, MARCH 17, 2021
1:00 PM, Zoom Conference Call
(312) 626-6799, Meeting ID: 970 1447 4310
Passcode: 595181

<https://zoom.us/j/97014474310?pwd=R0JBRmRZQ25VWGEvazhRSiztZ1NsQT09>

Minutes of the Vieux Carré Commission meeting of Wednesday, March 17, 2021– 1:00 pm.

COMMISSIONERS PRESENT: Mamie Gasperecz, Chairperson
Rick Fifield
Toni DiMaggio
Stephen Bergeron
William Reeves
Keely Thibodeaux
Rodney Villarreal

COMMISSIONERS ABSENT: Angela King

STAFF PRESENT: Bryan Block, Director; Renée Bourgogne, Senior Architectural Historian;
Nicholas Albrecht, Senior Building Plans Examiner; Erin Vogt, Senior Building
Plans Examiner Anthony Whitfield, Inspector; Marguerite Roberts, Inspector;
Melissa Quigley, VCC Legal Representation

OTHERS PRESENT: William Goliwas, Jeff Siemssen, Sharon and Mark Heiman, Brook Tesler, Erin
Holmes, Nikki Szalwinski

ROLL CALL Mr. Block called roll. Ms. Gasperecz, Mr. Fifield, Ms. DiMaggio, Mr. Bergeron,
Dr. Reeves, and Ms. Thibodeaux were present. [NOTE: Due to technical
difficulties, Mr. Villarreal was not heard to respond to roll.]

REVIEW OF MINUTES Dr. Reeves moved to accept the minutes as presented. Ms. DiMaggio seconded
the motion, which passed unanimously.

CHAIRPERSON'S REPORT Ms. Gasperecz thanked the Commissioners for submitting their ethics and
preservations training, asking those who had not completed it to please do so.
She added that the Chamber of Commerce had submitted two names to the
Mayor for consideration to replace Commissioner Lawrence. She appreciated
the nominations and work done to fill the vacancy. She also thanked the VCC
staff for implementing Zoom conferencing for remote Commission meetings
and working through the difficulties that have arisen with covid-19 and City
mandated furloughs.

DIRECTOR'S REPORT Mr. Block stated that the VCC staff was in the process of being vaccinated
against covid-19 and that plans were being made to return to City Hall. He
added that the federal stimulus package was enabling the City to end
furloughs, having a direct impact on the VCC's ability to do business.

**Mr. Block explained the format for today's meeting. As noted on the agenda,
there would be no 30-minute comment period prior to motions, but the floor
would be opened for public comment. Any public comment received by email
would be added into the record.**

I. APPEALS AND VIOLATIONS

928 St Ann St: 19-07502-VCGEN; William Goliwas, applicant; Aura LLC, owner; 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]**
<https://onestopapp.nola.gov/Documents.aspx?ObjLabel=Permit&ID=796841>

Ms. Vogt presented the staff report with Mr. Goliwas present on behalf of the property. Mr. Goliwas stated that VCC inspectors spoke with subcontractors when the SWO was posted and the superintendent was not immediately made aware. He stated that he did not receive materials for the meeting until this morning, which was the first they had heard that the wall would have to be taken down. He stated that he believed the issue was resolved in October and that nothing had changed since that date, adding that staff emailed him following the meeting to say work could proceed as permitted. He explained that the wall was not completed and would be built as required by permits, and added that he had not received a response to emails or calls. Ms. Gasperecz asked if the Stop Work Order was a written notice; Mr. Block responded that he was in communication with Mr. Goliwas via email when the SWO was posted and had not received any follow up emails or proposals. He added that he had received additional information and photographs from the neighboring property owner, showing damage to the neighboring property after the previous wall collapsed. Mr. Block stated that the neighbors were present at the hearing. Ms. Gasperecz gave the neighbors the floor for comment.

Mr. Siemssen introduced himself as the lawyer representing Mr. and Mrs. Heiman. Mr. Heiman stated that he was a New Orleans native and they had owned their property since 2007. Mr. Siemssen added that they had not been notified of the meeting in October; Ms. Bourgogne explained that the VCC did not have contact information to alert the neighbors specifically due to the cyberattack. Mr. Siemssen stated that the new wall would prevent them from accessing their building to perform maintenance and could cause termite issues. He referenced the photos submitted to Mr. Block, noting how much damage was found to their building after the old wall was removed. He added that the Heiman's had a responsibility to maintain their building but could not if they could not access it, which could lead to fines. He noted that the drawings of the wall did not indicate the neighboring house. He responded to Mr. Goliwas' statement that they would complete the wall construction in accordance with the permit, arguing that it would be impossible to apply the stucco to the rear side of the wall at this point in construction. He hoped the Commission would give consideration to revoking approval of the wall, stating that civil code should have prohibited its construction.

Ms. Gasperecz noted that a letter had been submitted from Vieux Carré Property Owners, Residents and Associates, which Mr. Block read into the record:

VCPOA encourages the Commission to revoke the permit for the CMU wall along the riverbound property line of 928 St. Ann St. It was unfortunate that it was permitted originally because the applicant failed to indicate the adjacency to the nearest building. Having seen the wall in person, it appears to be about 7'- 8" from the neighboring structure. Allowing it to remain not only prohibits the maintenance of both the wall and the side of 922 St. Ann, but also creates a safety hazard for those residing in the adjacent property by eliminating at least 3 windows as a potential egress. Further, the applicant should have recognized that there would not be enough clearance to finish the CMU wall with the required stucco, therefore could not build it without deviating from the permitted plans. As inaccurate data was contained in the original report, due to its omission, the VCC is well within their authority to revoke the previously permitted wall.

Creating barriers to public safety and continued maintenance of these historic structures should be avoided at all costs.

Respectfully,

Erin Holmes

Executive Director

Vieux Carré Property Owners, Residents and Associates

Ms. Quigley stated that the Commissioners should allow for public comment, then could choose to make a motion to reconsider the approval, which would be followed by discussing the merits. Ms. Thibodeaux asked if the wall created code violations next door; Mr. Block responded that the former

Director of Safety and Permits did not find code compliance issues. Mr. Siemssen stated that his clients have a duty to maintain their exterior and that the wall would cause issues with that at some point.

Ms. Szalwinski addressed the Commission representing French Quarter Citizens. She stated that they also encouraged the Commission to revoke the permit for the wall, adding that Zach Smith indicated that the wall should be denied. She stated that the CZO dictates that fences in historic districts should not exceed 7'-0" in height and that it should not have been permitted in the first place.

Ms. Quigley reminded everyone present that the decision to reconsider the wall should be made prior to discussion of the merits and Ms. Gasperecz asked if the Commissioners had a motion. Dr. Reeves made the motion to **reconsider** the Commission's prior decision to approve the wall. Mr. Bergeron seconded the motion, which passed unanimously.

Ms. Gasperecz asked how close the wall was to the neighboring building; Mr. Block answered that it was approximately 7". Ms. Gasperecz stated that she found it unlikely that the subcontractor intended to stucco the rear side of the wall, since it was very difficult to access. Mr. Fifield asked Mr. Goliwas how he intended to stucco the wall per the permit and stamped materials; Mr. Goliwas stated that he was unsure at this point but could return with a plan after discussing with the subcontractor. Mr. Fifield noted that no plan had been made in advance with the intention of applying the stucco. Mr. Block stated that he had requested this information on 02/25 when the SWO was posted. Ms. Goliwas stated that all issues had been raised with the Committee, but the wall had not been reconsidered; Ms. Vogt clarified that the Committee had found reconsideration worth discussing and had forwarded the item to the Commission, but that the Commission had chosen not to reconsider the wall based on the information available at that time. Mr. Goliwas responded that the Commission knew the proximity to the adjacent building in October and that they had dedicated time, money, and labor into moving forward with the wall and asked who would be financially responsible. Ms. Gasperecz noted that the merits of the wall were currently under discussion. Mr. Block stated that the stucco would not be an issue if the wall were being constructed per the approved drawings, but that the neighbors had provided new information regarding the previous damage to the building and that the costs to maintain the building would be substantial as well. Mr. Goliwas stated that he was unprepared to discuss the merits of the wall or address the Commission's concerns, noting that the wall was unfinished, and the stucco application was in progress. Ms. Bourgogne responded that lath had not been installed as required.

Ms. Heiman addressed the Commission, stating that they have worked on their building several times since purchase and that they repaired extensive damage after the previous wall collapsed. She was concerned that the new wall would leave her without enough room to maintain their building and that there would be no way to stucco the side of the wall facing her property. Mr. Siemssen added that the owners if 928 purchased the building with no wall and no wall had been present in this location for over 10 years.

Ms. Gasperecz asked the Commissioners if they had any questions or concerns. Ms. DiMaggio asked the contractor to address the missing lath; Mr. Goliwas responded that the wall would be completed per the VCC approved plans. Ms. DiMaggio noted that the drawings called for lath to be installed in the scratch coat and that Mr. Goliwas' response was vague. Dr. Reeves stated that he was not sure about the legality of the wall but that he did believe the current design should be abandoned and a seven-board fence would be more suitable. Ms. DiMaggio stated that she was not comfortable with the wall due to preservation issues, noting that the wall limited air flow and light at 922 St. Ann and put the neighbors in a bad position. Ms. Gasperecz agreed. Mr. Bergeron stated that he could not support the wall as-is, but that there could be other solutions without requiring full removal. Mr. Goliwas stated that they did not intend to be bad neighbors and the wall design was completed under the guidance of the VCC and City and it would be detrimental to his clients if the wall was not allowed.

Ms. Gasperecz called for a motion. Ms. Vogt asked Ms. Quigley to clarify the motion required in this situation; Ms. Quigley stated that the motion would be to rescind or maintain prior approval. Dr. Reeves moved to **rescind** prior approval. Mr. Bergeron proposed an amendment to the motion, requiring the wall to return to the Architectural Committee for further review. Dr. Reeves accepted the amended motion, which Ms. Thibodeaux seconded. The motion passed unanimously. Ms. Gasperecz informed the applicant that approval of the wall had been rescinded and must return to the Committee

for further review. Ms. Quigley added that the Commission's decision could be appealed to City Council if written notice of intent to appeal is submitted within thirty days.

RATIFICATION of Architectural Committee and Staff actions since the Wednesday, December 16, 2020 VCC meeting.

Dr. Reeves moved to ratify the AC and staff actions as submitted in advance of the meeting. Ms. DiMaggio seconded the motion, which passed unanimously.

Mr. Bergeron made the motion for adjournment. Mr. Fifield seconded the motion, which passed unanimously. The meeting was adjourned at 2:08 pm.